



CITY OF WINDSOR AGENDA 9/14/2020

City Council Meeting

Date: Monday, September 14, 2020

Time: 11:00 o'clock a.m.

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

Clerk's Note: Members may participate either "in person" by attendance in Council Chambers OR electronically and all members, participating in either format, will be counted towards quorum in accordance with Procedure By-law 98-2011, as amended, which allows for hybrid meetings. The minutes will reflect this accordingly.

MEMBERS:

Mayor Drew Dilkens

Ward 1 – Councillor Fred Francis

Ward 2 – Councillor Fabio Costante

Ward 3 – Councillor Rino Bortolin

Ward 4 – Councillor Chris Holt

Ward 5 – Councillor Ed Sleiman

Ward 6 – Councillor Jo-Anne Gignac

Ward 7 – *vacant*

Ward 8 – Councillor Gary Kaschak

Ward 9 – Councillor Kieran McKenzie

Ward 10 - Councillor Jim Morrison

ORDER OF BUSINESS

Item #	Item Description
1.	ORDER OF BUSINESS
1.1.	In the event of the absence of the Mayor, Councillor Francis has been Appointed Acting Mayor for the month of September, 2020 in accordance with By-law 176-2018, as amended.
2.	CALL TO ORDER
3.	DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF
4.	ADOPTION OF THE MINUTES
5.	NOTICE OF PROCLAMATIONS “Canada United Weekend” – August 28-30, 2020 Flag Raising Ceremony “Windsor-Essex Pride Fest” – September 11-24, 2020 “Canadian Cancer Society CIBC Run for the Cure” – October 1-5, 2020 “Dreamer Day – International Day of the Girl” – October 9, 2020 Illuminations “Franco-Ontarian Day” – September 25, 2020 “Canadian Cancer Society CIBC Run for the Cure” – October 1, 2020
6.	COMMITTEE OF THE WHOLE
7.	COMMUNICATIONS INFORMATION PACKAGE (This includes both Correspondence and Communication Reports)
7.2.	Follow Up on the Financial Implications of Red Light Cameras and Automated Speed Enforcement Programs in the Windsor Essex Provincial Offences Act Agreement - City Wide (C 172/2020)

8. CONSENT AGENDA

- 8.1. Application to demolish residential dwelling located at 1044-1054 Howard Avenue, which is subject to Demolition Control By-law 131-2017 (Ward 4) (**C 171/2020**)
- 8.2. Proposed Concrete Curb and Gutter, Storm Sewer, and Boulevard Restoration on Curry Ave. from Norfolk St. to Richardie Blvd. (Ward 1) (**C 179/2020**)
- 8.3. Flu Vaccination Clinics 2020 - City Wide (**C 159/2020**)
- 8.4. Cancellation of October 5, 2020 City Council Meeting due to Ward 7 By-Election-City Wide (**C 181/2020**)

CONSENT COMMITTEE REPORTS

- 8.5. Zoning By-law Amendment Application for north part of 1847 Meldrum Road and south part of 3121 Milloy Street; Applicant: The Corporation of the City of Windsor; File No. Z-005/20, ZNG/6052; Ward 5 (**SCM 245/2020**) (**S 96/2020**)
- 8.6. Zoning By-Law and Official Plan Amendment Z-008-20 [ZNG-6087] and OPA 32 [OPA-6059] for 5787, 5791, and 5795 Tecumseh Road East, 2705285 Ontario Inc., Ward 8 (**SCM 246/2020**) (**S 89/2020**)
- 8.7. Rezoning - Green Smart Apartments Inc. - 1198 California - Z-013/20 ZNG/6084 - Ward 2 (**SCM 247/2020**) (**S 94/2020**)
- 8.8. To Close and Convey a Portion of the East/West Alley, South of Fazio Dr, East of Emilia Rd, Abutting 3180 Fazio Dr and 3156 Fazio Dr, To Close and Convey a Portion of the Emilia Rd Right-of-Way, Abutting 3180 Fazio Dr and To Convey a Portion of the 0.3m Reserve across Emilia Rd – Applicants: L. Baggio and G. Hinchliffe – SAA/5679 – Ward 1 (**SCM 248/2020**) (**S 98/2020**)
- 8.9. Brownfield Redevelopment Community Improvement Plan application submitted by 1762643 Ontario Inc. for 1534 Howard Avenue (Ward 4) (**SCM 249/2020**) (**S 97/2020**)
- 8.10. University Avenue West and Wyandotte Street West Community Improvement Plan – Background Report, Ward 2 and Ward 3 (**SCM 250/2020**) (**S 101/2020**)
- 8.11. Downtown CIP Grant Application under the Building/Property Improvement Tax Increment Grant Program made by Sarah Cipkar for 524 Bruce Avenue, Ward 3 (**SCM 251/2020**) (**S 93/2020**)
- 8.12. Close and Convey the East/West Alley Between Fifth Street and Sixth Street, North of Amy Lynn Park Drive and South of Lambton Street, and Close and Convey a portion of the Sixth Street Right-of-Way, North of Amy Lynn Park Drive and South of Lambton Street - SAA/5928 - Applicant: Gregory Zimmer - 2158 Amy Lynn Park Drive – Ward 1 (**SCM 252/2020**) (**S 99/2020**)
- 8.13. EWSWA Regular Board Meeting Minutes - May 5, 2020 (**SCM 255/2020**) (**SCM 206/2020**)

- 8.14. Waiver of School Neighbourhood Policy - New James L. Dunn Public School - Ward 3 (**SCM 256/2020**) (**S 56/2020**)
- 8.15. Wyandotte Street East Road Narrowing - Environmental Assessment Requirements - Ward 6 (**SCM 257/2020**) (**S 95/2020**)
- 8.16. Windsor Deep Energy Efficiency Retrofit Program Grant Opportunity (**SCM 258/2020**) (**S 107/2020**)
- 8.17. Response to Council Directive Requesting Administration to Report Back to Council with Gap-Filling Opportunities in Community Gardens on Municipal Property Policy- City-Wide (**SCM 259/2020**) (**C 158/2020**)
- 8.18. CQ 5-2020 Additional Metered Parking Spaces in the Wyandotte Street West Business Area - Ward: 2 (**SCM 260/2020**) (**S 106/2020**)
- 8.19. CQ 6-2020 New Residential Permit Areas - City Wide (**SCM 261/2020**) (**S 108/2020**)
- 8.20. The Contributory Pension Plan for Employees of Transit Windsor - Actuarial Valuation as at December 31, 2019 - City Wide (**SCM 262/2020**) (**S 103/2020**)
- 8.21. The Contributory Pension Plan for Employees of Transit Windsor - Audited Financial Statements for the year ended December 31, 2019 - City Wide (**SCM 263/2020**) (**S 104/2020**)

9. REQUEST FOR DEFERRALS, REFERRALS AND/OR WITHDRAWALS

10. PRESENTATIONS AND DELEGATIONS

11. REGULAR BUSINESS ITEMS (Non-Consent Items)

- 11.1. Declaration of Vacant Lands Municipally Known as 601 Chatham Street East, 623 Chatham Street East and 641 Chatham Street East Surplus and Authority to Offer for Sale-Ward 4 (**C 174/2020**)
- 11.2. Proposed Expropriation of lands on Provincial and Division Roads for the Cabana/Division Corridor Improvements Project, Phase 2 to 4 - Ward 4 (**C 177/2020**)
- 11.3. City of Windsor Requested to Support the Agri-sector Isolation & Recovery Centre - City Wide (**C 180/2020**)
- 11.4. Purchase of Twelve (12) SUV - Mid Size Crossover Vehicles for the By-Law Enforcement Division - City Wide (**C 157/2020**)
AND

Additional Information to C157/2020 Purchase of Twelve (12) SUV - Mid Size Crossover Vehicles for By-Law Enforcement Division - City Wide (**C 176/2020**)

Clerk's Note: COUNCIL DIRECTION REQUIRED

12. CONSIDERATION OF COMMITTEE REPORTS

12.1. (i) Report of the Special In-Camera meeting or other Committee as may be held prior to Council (if scheduled)

13. BY-LAWS (First and Second Reading)

14. MOVE BACK INTO FORMAL SESSION

15. NOTICES OF MOTION

16. THIRD AND FINAL READING OF THE BY-LAWS

17. PETITIONS

18. QUESTION PERIOD

19. STATEMENTS BY MEMBERS

20. UPCOMING MEETINGS

Windsor Accessibility Advisory Committee

Tuesday September 15, 2020

10:00 a.m.

Committee of Management for Huron Lodge

Thursday September 17, 2020

10:00 a.m.

Development & Heritage Standing Committee
Monday September 21, 2020
4:30 p.m.

Housing and Homelessness Advisory Committee
Wednesday September 23, 2020
9:30 a.m.

Environment, Transportation & Public Safety Standing Committee
Wednesday September 23, 2020
4:30 p.m.

Regular City Council
Monday September 28, 2020
Time TBD

Diversity Committee
Tuesday September 29, 2020
10:00 a.m.

21. ADJOURNMENT



Subject: Follow Up on the Financial Implications of Red Light Cameras and Automated Speed Enforcement Programs in the Windsor Essex Provincial Offences Act Agreement - City Wide

Reference:

Date to Council: September 14, 2020

Author: Shawna Boakes

Senior Manager, Traffic Operations & Parking Services

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sboakes@citywindsor.ca

Public Works - Operations

Report Date: August 27, 2020

Clerk's File #: ST/13765

To: Mayor and Members of City Council

Recommendation:

THAT the report on Follow Up on Financial Implications of Red Light Camera and Automated Speed Enforcement Programs in the Windsor Essex Provincial Offences Act Agreement **BE RECEIVED** for information.

Executive Summary:

N/A

Background:

Related to the Red Light Camera Program, on May 25th, Council Decision CR259/2020:

That Administration **PROCEED** to engage the Ontario government in discussion regarding the implementation of red light cameras in the City of Windsor and utilize the Joint Municipal Processing Centre operated by the City of Toronto; and,

That Administration **BE REQUESTED** to issue a letter of intent to the Ministry and to report back with recommended funding options related to the potential one-time implementation costs and other related matters; and,

That Administration **APPLY** to the Ministry of Transportation to obtain an amendment to Ontario Regulation 277/99 and be added to the list of designated Municipalities under this program; and,

That Administration **ENTER INTO AN AGREEMENT** with both the City of Toronto to use the Joint Municipal Processing Centre and with the vendor approved by the City of Toronto for installation and maintenance of the equipment; and,

That Administration **BE REQUESTED** to begin discussions with Local 543 regarding installation and maintenance work and the County to amend the Inter-Municipal Court Services Agreement.

And, related to the Automated Speed Enforcement program, on May 25th, Council Decision CR258/2020:

That Administration **BE REQUESTED** to update the School Neighbourhood Policy to allow for School Zones to be posted without the requirement of the reduced speed limit; and,

That Administration **BE REQUESTED** to develop a Policy on how Community Safety Zones are selected and implemented; and,

That Administration **BE REQUESTED** to provide an additional report as part of 2021 budget process highlighting the progress of the Automated Speed Enforcement program in other Municipalities, provide budget estimates for Windsor based on preferred locations to implement ASE; and request approval to enter into discussions with the Ministry of Transportation Ontario, the ASE program vendor and the City of Toronto if so directed; and,

That Administration **BE REQUESTED** to work with the Provincial Offenses Division regarding potential necessary changes to the current Provincial Offences Agreement, and that this information **BE PROVIDED** to City Council as part of the additional report during the 2021 budget deliberations.

Discussion:

This report serves as an update to Council on Administrations progress with regards to the Red Light Camera program.

As per previous Council Directives, Administration was instructed to work with the Provincial Offenses Division regarding potential changes to the current Provincial Offences Agreement as it relates to a new Red Light Camera (RLC) and Automated Speed Enforcement (ASE) program. Administration has met with the other Municipalities and based on discussions, POA has recommended that the existing agreement not be modified. Should the City of Windsor wish to proceed with the RLC or ASE programs, the existing agreement shall remain in effect.

Due to this recommendation by the POA and the City's legal team, the financial impact of the programs will change from previous reports.

As previously mentioned, the existing POA agreement stipulates that the City of Windsor and surrounding Municipalities share in both expenses and revenue of POA related programs. The distribution is based on the annual regional weighted assessment rates for the year the fine revenue is collected. Revenue distribution is not based on the geographical area that the ticket was issued. 2020 numbers are not available at this time. 2019 numbers show that the City of Windsor accounts for a weighted average of 50.261%, the County municipalities account for 49.471% and Pelee accounts for 0.268%. Details on how this will affect the RLC program surplus are shown in the Financial Matters section below.

Further discussion with the City of Toronto's Joint Processing Centre and Traffipax (the new red light camera vendor) have not provided any more detailed information regarding the expenses. The City of Toronto is in the process of signing new agreements with Traffipax and other Municipalities. The monthly cost for the City of Toronto's JPC is shared between all participating Municipalities based on the number of cameras. If the City of Windsor has 10 cameras and there are 500 cameras in use, Windsor would be charged 2% of the cost of running the facility, plus there is a fee per ticket processed. Due to Municipalities coming into the program and changing their number of cameras on an on-going basis, an exact number cannot be provided until an agreement is formed. Due to the current agreement with Traffipax and the City of Toronto not being signed yet, Traffipax was unable to give a cost per camera, their response was that it would be less than the current cost per location. In past reports a number of \$52,000/site annually was used because this is an average expense cost as reported by multiple municipalities in Ontario.

Administration has initiated discussions with the Union, at this time we are waiting for the Union to consult with their legal council.

Administration is in the process of reviewing 2019 collision data, the final list of 10 location will be determined based upon this review.

Risk Analysis:

N/A

Financial Matters:

Previous financial data presented assumed that an amendment may be possible with regards to the existing POA structure and allow the RLC and ASE programs to operate separate from the agreement. Based on feedback from the other Municipalities, they do not support an amendment and instead prefer to follow the current structure, whereby POA program expenses are deducted from the overall POA revenue received, and the surplus revenue gets divided amongst member municipalities. Based on 2019 numbers, the City of Windsor accounts for a weighted average of 50.261%, the County municipalities account for 49.471% and Pelee accounts for 0.268%. To simplify, the numbers presented below are rounded to 50% for the City of Windsor and 50% others.

All municipalities would share in the expenses of the program and they would also share in the revenue generated. This would create less risk for the City of Windsor, should the program slow or stop generating revenue within the 5 years of the new agreement. However, the City of Windsor would also generate less revenue.

Table 2 – 5 Year Program Financial Projections

	Total	City of Windsor Portion (50%)	County / Pelee Shared Portion (50%)
*Program Expenses (10 locations)	(\$520,000)	(\$260,000)	(\$260,000)
**Revenue	\$900,000	\$450,000	\$450,000
Education Cost Year 1	(\$20,000)	(\$10,000)	(\$10,000)
Education Costs Years 2-5	(\$2,000)	(\$1,000)	(\$1,000)
Potential Surplus Year 1	\$360,000	\$180,000	\$180,000
***Potential Surplus Years 2-5	\$378,000	\$189,000	\$189,000

*Program expenses shown are estimates based on input from other Ontario Municipalities. 10 RLC/ASE locations are expected in Windsor. By comparison, London also uses 10 locations and is the preferred minimum number of sites by the Toronto Joint Processing Centre.

**Based on 2018 published revenue from the City of London. Other Municipal data for 2019 is not available at this time.

***Assuming revenue remains the same as year 1

There are no up front capital costs to start the program with the vendor or the City of Toronto. Only the on-going monthly costs. The upfront costs for the City would include the educational campaign. POA feels that initially, existing staffing levels are adequate to handle the efforts of the program, however the need for POA staffing increases may

change depending on the success of the program. Efforts with regards to POA staff include court administration processing tickets into the local POA system, collections staff following up on unpaid tickets, prosecutors, court services and court clerk report time as it related to ticket disputes, and program administration. It should be noted, further cost adjustments may be realized once POA has established some experience administering the program.

The vendor (Traffipax LLC) that signed the new contract with the City of Toronto has provided initial pricing for the vendor portion of the program costs. If the City of Windsor was to enter into a contract with Traffipax prior to the end of October 2020, the equipment cost would be \$45.75 per site, per day (plus HST). Therefore, 10 sites would be \$457.50 per day, or \$166,987.50 per year for the duration of the contract. After October 2020, the cost increase to \$67.28 per day per site, therefore for 10 sites the yearly total would increase to \$245,572.00 per year. These costs are only the equipment / vendor fees and do not include the portion of the expenses related to the City of Toronto Joint Processing Centre. These fees are dependent on the number of other Municipalities involved in the program and the number of tickets issued on a yearly basis. According to data and feedback from municipalities and as already noted from London's 2018 data, approximately \$52,000 were the costs for 1 site in a year with the processing fees being similar on a yearly basis to the vendor costs. Any budget adjustments will be brought forward as part of the annual budget process.

Consultations:

Cindy Becker, Financial Planning Administrator – Public Works - Operations

Melissa Ryan, Manager Provincial Offences

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

Conclusion:

As per Council's previous direction, Administration shall proceed with issuing a letter of intent to the Ontario Ministry of Transportation for 10 red light camera locations, and negotiate and sign agreements with the City of Toronto and their red light camera vendor.

Planning Act Matters:

N/A

Approvals:

Name	Title
Cindy Becker	Financial Planning Administrator – Public Works - Operations
Dwayne Dawson	Executive Director of Operations
Mark Winterton	City Engineer
Shelby Askin Hager	City Solicitor

Name	Title
Dan Seguin	On behalf of City Treasurer
Onorio Colucci	Chief Administrative Officer

Notifications:

Name	Address	Email

Appendices:

- 1 Appendix A - S45/2020 Photo Radar
- 2 Appendix B - S47/2020 Red Light Cameras

Subject: Additional Information - CQ 5/2019 - Implementing Photo Radar - City Wide**Reference:**

Date to Council: April 29, 2020

Author: Shawna Boakes

Senior Manager, Traffic Operations & Parking Services

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Public Works - Operations

Report Date: March 3, 2020

Clerk's File #: ST/13765

To: Mayor and Members of City Council

Recommendation:

THAT the additional information report in response to CQ5-2019 – Implementing Red Light Cameras and Photo Radar **BE RECEIVED** by Council for information.

Executive Summary:

N/A

Background:

At the meeting of City Council on February 25, 2019, Councillor Costante asked CQ5-2019 as follows:

“Asks that administration report back on implementing red light cameras and photo radars, including what other municipalities have these installed, pros and cons of implementation and costs of implementation. ST: 2019 February 25, 2019.”

An initial report SCM 401/2019 S 165/2019 was presented at Council on November 18, 2019. At the meeting, Council directed administration to prepare additional information, CR574/2019 ETPS 720:

“That administration BE REQUESTED to provide a report related to reviewing the potential locations for the use of red light cameras, and automated speed enforcement including location and quantity recommendations and that this information, when it is available BE BROUGHT FORWARD for Council’s consideration.”

Discussion:

This report deals with Automated Speed Enforcement (ASE) only. A separate report will be brought to Council for consideration (S47/2020) dealing with Red Light Cameras (RLC).

Photo radar, also referred to as automated speed enforcement (ASE) combines the use of radar speed detection technology and cameras to detect the speed of passing vehicles and capture a photograph of the vehicle/license plate.

A working group was developed by the Ontario Traffic Council (OTC), Ministry of Transportation Ontario (MTO), and the Ministry of the Attorney General to discuss the need for ASE technology. Through the working group a number of concerns were discussed and addressed such as the concern of overloading Municipal Provincial Offence Act courts with violations resulting from the installation of these systems. The working group has proposed that violations be handled through a Province-wide system, similar to the Red Light Camera program.

Installations may be permanent or semi-fixed. Permanent installations would be used in locations where on-going issues are experienced and a high quantity of infractions are expected even with the operation of the ASE equipment. Semi-fixed installations would be equipment that can be relocated throughout the year to a variety of installations. Vendor costs for temporary installations would be higher as the vendor would be required to redeploy multiple times through the year.

There are some visibility limitations of the equipment, such as parking. In locations where ASE is proposed, it is best to limit parking to allow for proper views of the roadway and all lanes.

Ontario Regulation 398/19 was approved and published in December of 2019 allowing Municipalities to utilize photo radar technology to issue tickets for speeding. This regulation outlines where the technology is allowed to be installed and operating, the requirements for the photo evidence, how the tickets will be issued and to whom, and signage required at the radar locations.

Summary:

- ASE may only be used in areas designated as Community Safety or School Zones. These zones must be in the Municipal By-Laws.
- Equipment may be permanent or temporary installations.
- Offence notices shall be issued to the owner of the vehicle, no demerit points are to be deducted.
- Signage must be in place notifying drivers/public of the active ASE zone.
- ASE signage may not be installed in areas where equipment is not in use.

Additional information provided in the MTO Guidelines and Agreement that must be adhered to by all Municipalities who use ASE:

- The Province will be conducting a 180 day review process of the program.
- The Province has requested that each Municipality issue a warning letter to all residents 90 days prior to initiating the program. This is in the guidelines so

some Municipalities are not completing this as they believe it is a guideline and not a mandatory requirement.

- The Province has mandated that a 90 day 'advisory' period be implemented by Municipalities, this includes posting of signage in the locations where ASE will be used identifying that it is 'coming soon'. This must be placed at each location the unit is moved to, no tickets may be issued until this is met. The regulation does not specifically speak to whether this warning period must be repeated at each location prior to subsequent use.
- Drivers photographed going more than 50km/h over the legal speed limit shall not be charged through the ASE system with road racing, local police will be provided with data of these offenses however because this is a criminal charge to the driver and not the vehicle, offenses will not be ticketed. Fines can still be administered by the system.

In the spring of 2019, the City of Toronto issued the RFP for suppliers who were interested in supplying, installing, implementing and maintaining equipment for ASE installations for various Municipalities in Ontario. The RFP closed in June of 2019, Redflex Traffic Systems (Canada) Inc. was the successful proponent. Any Municipality wishing to make use of the City of Toronto's Joint Processing Centre must use Redflex, even though the Regulation does not limit the equipment to a specific vendor.

Some Municipalities involved in the initial discussions have begun to enter into contracts with both the City of Toronto (Joint Processing Centre) and Redflex (ASE provider) to begin installations. It is expected that with the number of installations, some Municipalities may be required to wait over a year before their installations are able to be installed.

A number of Municipalities who were originally interested in the program have decided, after reading the wording of the new Regulation, to hold off installation until they have seen how the program operates in the larger areas. The City of Toronto has begun installations and based on the 90 day delay, are expecting to be able to start issuing tickets starting in April of 2020.

The Municipalities implementing ASE in 2020 are:

1. City of Ottawa
2. City of Toronto
3. The Corporation of the City of Brampton
4. The Region of Niagara

Twelve other Municipalities have expressed interest in the program but are currently waiting to implement until after the 180 review of the program. The Province has indicated that there is no intent to cancel the program, however there is uncertainty because the agreements with the City of Toronto and Redflex are 5 year terms. Therefore, there is a risk entering into those agreements not fully understanding what changes may occur in the Regulation.

Similar to the red light camera program, fines and processing of automated speed enforcement charges would be done at a processing centre in the City of Toronto. Fines will be processed through the Provincial Offence Act.

Fines will be based on the rate of travelled speed the offender was determined to be driving. There will be a processing fee along with fees remitted to the province, with the Municipality retaining a portion of the fine.

Out-of-town or out-of-country offenders will be difficult to collect from, similar to the existing red light camera program. Currently, the processing centre has agreements to bill out of Province however the only province that tickets are being sent to is Quebec.

Table 1 shows the current School Zone / Community Safety Zones as per Windsor's Traffic By-Law 9148, Schedule "Q" and Schedule "R":

Table 1 – List of School / Community Safety Zones (Windsor)

Highway / Street	From / To	Type of Zone	Speed Limit	Effective Time
Labelle Street	50 m west of Youngstown Street TO 20 m west of Sierra Drive	School Zone	50 km/h Reduction to 40 km/h During Specified Times	7 am – 9:30 am 2 pm – 5 pm School Days
Huron Church Road	45 m south of College Ave TO south City limits	Community Safety Zone	60 km/h	At all times
Tecumseh Road East	10 m west of Windermere Road TO 35 m east of Kildare Road	Community Safety Zone	50 km/h	8 am – 4:30 pm Monday - Friday
Wyandotte Street East	7 m east of Church Street TO 20 m east of Victoria Ave	Community Safety Zone	50 km/h	8 am – 4:30 pm Monday - Friday

There are a number of other locations that have been reviewed as part of the School Neighbourhood Policy program. There were 16 locations identified as possible school zones, and a number of other locations meeting the criteria for school zone or area requiring further review and re-calculation. The School Neighbourhood Policy recommends that other options be reviewed to reduce the street's score, as much as practical before designating a school zone or area.

The ASE equipment has the ability to be programmed to issue tickets during certain times of the day. In zones such as the Tecumseh Road East from the table above, tickets would only be issued during the times the Community zone is effective, i.e. Monday to Friday 8 am to 4:30 pm.

In school zones, where there are reduced school zone speed limits, tickets may be issued for the reduced speeds however they may not be enforceable. This is due to visual proof that the flashing units may not have been operational at the time of the ticket. Prosecutors consulted stated that without visual proof, there would be no way to prove that the lowered limit was in effect. OTC is working with the Province to come up with a solution to this but nothing is in place at this time.

Placement of school zones is governed by the School Neighbourhood Policy. Under the policy, a school approach street may have one of three classifications:

- School zone (with “40 km/h when flashing” signage)
- School area (with warning signs only)
- Nothing (i.e. no special signs)

When the School Neighbourhood Policy was approved by Council in 2016, there was no advantage in identifying a school zone by by-law except to allow a reduced school zone speed limit; because of this, the Policy recommended school zones only in cases where a reduced speed limit was recommended. The 2019 ASE regulations to the Highway Traffic Act allow a new option that had not been previously considered: implementing school zones – even without speed limit reductions – specifically in order to allow automated speed enforcement.

Additionally, because of the issues raised by OTC regarding enforceability of ASE tickets in “40 km/h when flashing” reduced speed school zones, it may be desirable to delay implementation of new “40 km/h when flashing” signs until these enforceability issues are resolved.

In recognition of these issues, if Council directs that implementation of ASE be referred to the 2021 budget, Administration will provide recommended updates to the School Neighbourhood Policy to support ASE implementation, along with a cost estimate for the associated signage and an updated total cost to fully implement the School Neighbourhood Policy, taking into account the recommended policy updates.

Fines issued in Community Safety Zones may be doubled in the ASE program, similar to typical enforcement. Currently the City does not have a policy outlining the criteria for a Community Safety Zone. It is recommended that a Policy be developed and new locations be placed into the by-laws prior to the selection of ASE locations and that budget be assigned to allow for the installation of signage. The Province raised concerns that Municipalities may overuse the Community Safety Zones to effectively allow the operation of ASE in many locations. It is anticipated that they will be monitoring how Municipalities implement these policies.

Risk Analysis:

The City of Windsor is a border city therefore a large number of drivers on our roads are out of province and out of Country. As such there is a higher risk that a portion of the surplus revenue may not be collectable.

If the additional volume of tickets generated by the ASE program is significant, there could be a significant impact on the service levels of the local municipal Provincial Offences Office (POA). Once the additional tickets are filed at the POA office, the POA

staff will action all court administration activities related to these fines. There may also be additional prosecutor's time to deal with those individuals that choose to meet with the prosecutor in an early resolution meeting and potential court time for those individuals that choose to go to trial. POA collections staff will also be tasked with following up on those offenders who have unpaid fines after their due date has passed. Specific numbers are not available at this time as no program has been initiated.

Financial Matters:

ASE Program – There are two (2) costs related to the program, the vendor's cost and the cost to use the City of Toronto's Joint Processing Centre. The vendor's cost for the portable units is approximately \$80 per day assuming they are in use for 365 days per year, based on entering into a 5 year agreement with the vendor. The City of Toronto has indicated that for a 5 year contract, they are estimating monthly costs in a similar range as the Red Light Camera program. Costs related to the Joint Processing Centre are difficult to determine at this time with the program not having officially started yet. From each ticket, the Province will retain a Victim Fine Surcharge which will be based on the value of the fine similar to the red light camera program, this charge will be in addition to the value of the fine and not part of it. The fee for the use of the Processing Centre will be based on the number of tickets processed.

The program will be similar to the red light camera program where it will be a 5 year program. Municipalities will be allowed to enter into the program mid-stream, but the costs will be higher each year. It is anticipated that the second, 5 year program will begin in 2025, however it will depend on the quantity of additional Municipalities interested in joining throughout the life of the contract.

The City of Windsor Provincial Offences Office (POA) - Pursuing the ASE program may result in additional costs for POA staff (court administration, prosecutors and/or collections). Maintaining adequate staffing will ensure the department upholds its current service levels for processing fines and the court administration of these fines. The request for additional staffing would be dependent on the expected number of tickets generated from ASE. If the volume is low, the impact could potentially be absorbed with current staffing levels.

The Provincial Offences Court in Windsor processes offences that occur not only in the City of Windsor but also in the eight surrounding municipalities. All of the participating municipalities contribute to the costs associated with operating the Provincial Offences Court and are entitled to share in the net revenue from the fines collected. The distribution is based on the annual regional weighted assessment rates for the year the fine revenue is collected. Revenue distribution is not based on the geographical area that the ticket was issued. In order to implement an Automated Speed Enforcement program the City of Windsor would incur significant costs and would be required to share the revenue with the other municipalities unless an amendment to the Inter-Municipal Court Services agreement was obtained. Alternatively, the City may wish to review the possibility of modifying the agreement to process ASE related fines and revenue separately if the other Municipalities are not participating in the program. The above is also applicable for the Red Light Camera program, therefore if Council wishes to proceed with a revised agreement, both programs should be included in the wording.

The high-level financial details contained within this report are based on estimates and assumptions obtained from other municipalities and the information is included to provide City Council with an order of magnitude. As noted previously, the current ASE program is in its pilot phase and therefore limited financial information is available at this time. Should Council decide to proceed with the ASE program, a more detailed analysis, with updated costs and revenues, will be included in a future Council Report.

Consultations:

Transportation Planning

Provincial Offences Office

Conclusion:

Should Council wish to pursue ASE further, the following recommendations could be considered:

It is REQUESTED that Administration update the School Neighbourhood Policy to allow for School Zones to be posted without the requirement of the reduced speed limit.

It is REQUESTED that Administration develop a Policy on how Community Safety Zones are selected and implemented.

It is REQUESTED that Administration provide an additional report as part of 2021 budget highlighting the progress of the Automated Speed Enforcement program in other Municipalities, provide budget estimates for Windsor based on preferred locations to implement ASE and request approval to enter into discussions with the Ministry of Transportation Ontario, the ASE program vendor and the City of Toronto if so directed.

Any funding required to implement both the School Neighbourhood Policy and the Community Safety Policy shall be noted in the budget request for 2021. This includes the cost for the installation of new signage in the areas recommended by the Policy and entered into the by-laws.

Planning Act Matters:

N/A

Approvals:

Name	Title
Natasha Couvillon	Manager of Performance Measurement & Financial Administration
Dwayne Dawson	Executive Director of Operations
Mark Winterton	City Engineer
Vincenza Mihalo	Executive Director, Human Resources

Name	Title
Shelby Askin Hager	City Solicitor
Joe Mancina	Chief Financial Officer/City Treasurer
Onorio Colucci	Chief Administrative Officer

Notifications:

Name	Address	Email

Appendices:

Subject: Additional Information - CQ 5/2019 - Implementing Red Light Cameras - City Wide**Reference:**

Date to Council: April 29, 2020

Author: Shawna Boakes

Senior Manager Traffic Operations & Parking Services

255-6247 x6791

sboakes@citywindsor.ca

Public Works - Operations

Report Date: March 4, 2020

Clerk's File #: ST/13765

To: Mayor and Members of City Council

Recommendation:

THAT the additional information report in response to CQ5-2019 – Implementing Red Light Cameras and Photo Radar **BE RECEIVED** by Council for information.

Executive Summary:

N/A

Background:

At the meeting of City Council on February 25, 2019, Councillor Costante asked CQ5-2019 as follows:

“Asks that administration report back on implementing red light cameras and photo radars, including what other municipalities have these installed, pros and cons of implementation and costs of implementation. ST: 2019 February 25, 2019.”

An initial report SCM 401/2019 S 165/2019 was presented at Council on November 18, 2019. At the meeting, Council directed administration to prepare additional information, CR574/2019 ETPS 720:

“That administration BE REQUESTED to provide a report related to reviewing the potential locations for the use of red light cameras, and automated speed enforcement including location and quantity recommendations and that this information, when it is available BE BROUGHT FORWARD for Council’s consideration.”

Discussion:

This report discusses Red Light Cameras (RLC). A separate report (S 45/2020) related to Automated Speed Enforcement (ASE) is also being brought forward for Council consideration.

A red light running camera is a type of traffic enforcement camera that captures an image of a vehicle that enters an intersection in spite of the traffic signal indicating red (during red phase). The camera automatically takes two photos of the vehicle; one entering and one proceeding through the intersection. The photo is evidence that assists authorities in enforcing traffic laws. Generally, the camera is triggered by movement of a vehicle as it passes the stop bar after the associated signal has turned red.

The key reasons why municipalities have installed cameras are to change driving behaviour, reduce angled collisions, and increase safety. However, it has been reported that rear-end collisions increase.

Currently, the Highway Traffic Act requires Municipalities to be authorized to use red light cameras by amending Regulation 277/99. Changes to the Regulation as recent as December of 2019, still indicate this requirement. The process includes a submission letter to the Minister of Transportation, requesting permission to enforce this type of infraction. With this letter, documented approval from Council stating that support and intention to enter into the program must be provided.

The following are points of clarification regarding the issuance of tickets:

- Motorists already in an intersection when the signal changes to red will not be ticketed. This includes those drivers who pass the stop bar while the green or amber signal is illuminated. Only those who cross the stop bar while the red signal is illuminated will be ticketed.
- Red light cameras do not replace police officers. The red light cameras are used to complement police efforts in preventing motorists from running a red light.
- The registered license plate holder of the vehicle will receive the ticket, regardless of who is driving the vehicle. No demerit points are lost by the owner.
- Red light cameras are only capable of detecting one direction of travel at an intersection. If all 4 directions of approaches at an intersection are required to be implemented, 4 separate systems must be installed.
- Red light cameras are able to ticket right turning vehicles that do not come to a complete stop on a red light. However, this application is currently being used in a limited capacity in other Municipalities. In general, this is being utilized where there is a dedicated right turn lane only.
- Photograph images of the vehicles are taken from the rear of the vehicle and therefore no persons are identified in the photos. The Office of the Information and Privacy Commissioner was consulted during the pilot development to ensure privacy concerns were minimized.

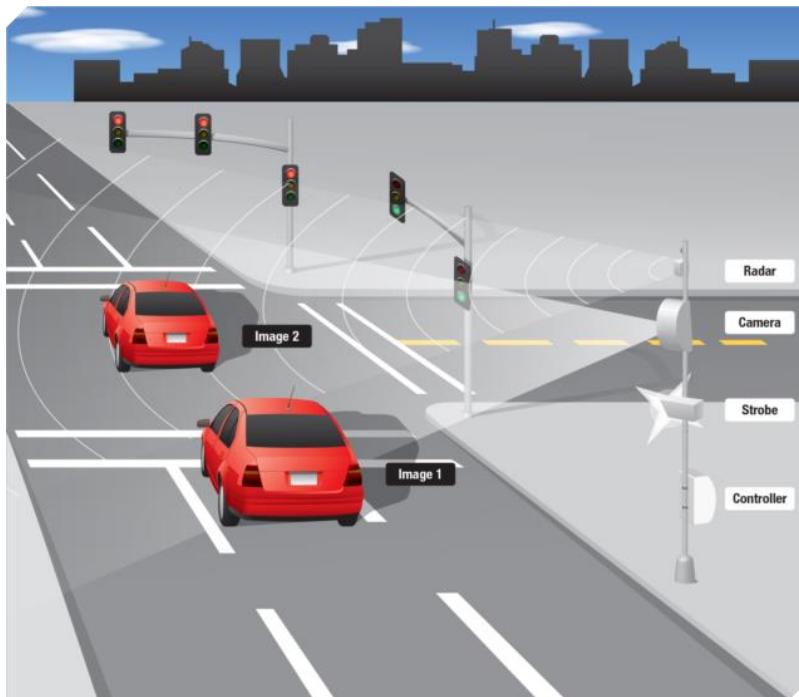


Image #1 The 1st Image records the vehicle behind the violation point while the light is red

Image #2 The 2nd Image records the vehicle proceeding through the intersection while the light is red

Figure 1 – Operation of Red Light Cameras

The Red Light Camera program is intended to reduce instances of motorists running red lights and hence reduce the instances of angled type collisions. Right-angled collisions typically result in more serious injuries including personal injury or death. Based on the data for the City of Windsor, from 2013 – 2017 there were a total of 7,335 collisions at signalized intersections, 0.54 collisions per million vehicles entering these intersections. During that time 873 (12%) were angle collisions, 3700 (50%) were rear end collisions, the remainder being single car collisions with pedestrians, bicycles or other infrastructure. Only 562 (64%) of angled collisions were noted by police as having disobeyed traffic control.

Should the City of Windsor wish to implement a Red Light Camera program and utilize the Joint Municipal Processing Centre operated by the City of Toronto, the City would first be required to apply to the Ministry of Transportation to obtain an amendment to the Ontario Regulation 277/99 and be added to the list of designated Municipalities. The City of Windsor would then be required to enter into an agreement with both the City of Toronto to use the Joint Municipal Processing Centre and with the vendor approved by the City of Toronto for installation and maintenance of the equipment. Contracts are done in 5-year terms, however Municipalities may enter during an existing 5 year term. The cost is pro-rated based on the number of years left in the contract, which increases the yearly cost for the balance of the 5-year term.

The current program will expire in 2022, however the City of Toronto intends to complete an expansion program in 2020. The City of Toronto intends to begin procurement of a vendor for the expansion program in early 2020 with the expectation that a number of technology changes will be made. The changes include:

- The use of wireless upload and download of data from the units.
- Microwave sensors above ground, no loops installed in the pavement.

The changes are expected to reduce maintenance requirements, costs, and to optimize the program as a whole.

Staffing requirements for Traffic Operations are minimal for the implementation of the RLC program. It is anticipated that it would take a small portion of the Manager of Traffic Operations' time to administer the program, answer public inquiries and provide reports to Council. However, additional staff may be required for the local Provincial Offences Office to process challenges and track payment of tickets. Additionally, discussions with CUPE 543 would be required prior to entering into an agreement with the vendor for installation of camera equipment.

Should Council wish to move forward with a Red Light Camera program in the City of Windsor, Administration recommends submitting the 10 locations listed in Table 1 below to the Ministry of Transportation Ontario. It is recommended that the City purchase ten (10) camera units. Cameras should be in place at each intersection for a minimum of two (2) years, however if significant improvements are measured for a consistent four month (4) time-period, the cameras may be moved earlier. It is not mandatory to relocate the cameras, however it has proven beneficial in other Municipalities.

Table 1 shows the top fifteen (15) intersections where the net collision total indicates a potential reduction in collisions with the use of red light cameras. They are listed in order of priority, therefore the first 10 would be recommended at this time for the use of red light cameras. The column entitled Total Collisions represents the total reduction in collisions expected based on the implementation of red light cameras. This result includes the rate of decrease expected for side impact collisions and the rate of increase expected for rear end collisions. The associated reduction in collisions with injuries or loss of life may be higher than the overall total due to the majority of rear end collisions only representing property damage.

Table 1 – Potential Red Light Camera Locations

Rank - Overall	Location	Projected Net Safety Benefit - Red Light Cameras (Collisions over 5 years)	
		Total Collisions	Injury & Fatal Collisions
Recommended Locations for Initial Installation of Red Light Cameras			
1	WYANDOTTE ST W @ PELISSIER ST	-5.3	-2.4
2	WYANDOTTE ST E @ MCDougall ST	-1.7	-1.92
3	WYANDOTTE ST E @ GOYEAU ST	-4.15	-1.92
4	WYANDOTTE ST E @ DROUILLARD RD	-2.9	-1.52
5	UNIVERSITY AVE W @ CAMPBELL AVE	-2.95	-1.44

6	WYANDOTTE ST E @ WINDSOR AVE	-2.05	-1.36
7	WYANDOTTE ST W @ JANETTE AVE	-3.05	-1.28
8	HURON CHURCH RD @ WYANDOTTE ST W	-1	-1.28
9	RIVERSIDE DR E @ PARENT AVE	-1.8	-1.04
10	EUGENIE ST E @ MCDOUGALL ST	-2.55	-0.88
Potential Future Locations for Red Light Cameras			
11	UNIVERSITY AVE W @ CRAWFORD AVE	-2.55	-0.8
12	UNIVERSITY AVE E @ MCDOUGALL ST	-1.8	-0.8
13	WYANDOTTE ST W @ VICTORIA AVE	-1.75	-0.8
14	ERIE ST W @ OUELLETTE AVE & ERIE ST E	-1.4	-0.48
15	ERIE ST E @ GOYEAU ST	-1.75	-0.48

The intersections above were selected based on total number of collisions, including right angle collisions, severity of injuries, geometric features of the intersection, and previous efforts to make the intersections safer.

Risk Analysis:

Increases in the number of rear end collisions may require additional time for Windsor Police Services. Additional time and effort would be required to respond to and process the increase in collisions.

Installations currently include the installation of loops in the roadway surface, which reduces the life of the asset. The City expects to use the above ground microwave sensors if we proceed with RLC implementation.

City of Windsor signal related infrastructure is installed and maintained by CUPE 543 staff. The installation and maintenance done by contractors for this program may be considered contracting out of work and require discussions with the union or alternatively an MOA and approval by the Union. Specifically the connections from the RLC device to the traffic signal controller.

The City of Windsor is a border city therefore a large number of drivers on our roads are out of province and out of Country. As such, there is a higher risk that a portion of the surplus revenue seen by other Municipalities may not be collectable in Windsor.

If the additional volume of tickets generated by the red light cameras is significant, there could be a significant impact on the service levels of the local municipal Provincial Offences Office (POA). Once the additional tickets are filed at the POA office, the POA staff will action all court administration activities related to these fines. There will also be additional prosecutor's time to deal with those individuals that choose to meet with the

prosecutor in an early resolution meeting and potential court time for those individuals that choose to go to trial. POA collections staff will also be tasked with following up on those offenders who have unpaid fines after their due date has passed. Specific numbers have not been released by other Municipalities but initial discussions indicate that there are a significant number of challenges to red light camera violations that are being submitted.

Financial Matters:

If the City was able to obtain amendments to add the City of Windsor as a designated municipality to Regulation 277/99 (Red Light Cameras) and to the future regulation pertaining to automated speed enforcement the following costs are anticipated:

RLC Program – The City would be required to enter into an agreement with the City of Toronto and the approved vendor. Payment to the program and vendor are done through one payment through the City of Toronto.

The Vendor installs, operates, and maintains the cameras and the system and then charges a monthly fee based on a minimum 5-year contract. Other Municipalities have estimated a yearly cost of \$52,000 per camera when the contract is entered during year one. The current contract is currently in year 3 and therefore prorated yearly costs are estimated to be in the range of \$80,000 to \$90,000, per camera until the end of the current contract. At the end of the 5 year contract, each Municipality may renew or leave the program.

Costs for the use of the Joint Processing Centre are based on the number of locations registered and the number of cameras in use. The value is based on the total number of cameras the processing center issues tickets from.

Costs would be offset by the revenue retained per violation by the Municipality.

Table 2, uses data from the City of London and provides estimated cost and revenue data, per intersection where red light cameras are used. In 2018, the City of London reported total revenue of \$923,000, which was generated from infractions from 10 cameras.

Table 2 – Potential Costs / Revenue Estimates / Camera

Yearly Estimates	
*based on 1 intersection	
Expenses*	(\$52,000)
Revenue**	\$92,300
Potential Surplus	\$40,300

**Assumes the City enters into year 1 of the new expansion program*

***Values are based average City of London reported revenues*

The City of London has indicated that the initial surplus is expected to reduce yearly as driver behaviour begins to change, to the point that they are preparing for the potential of a deficit to operate the RLC program in future years. Surplus revenue is being put into a reserve fund that can be used to address these potential deficits in future years and for other road safety initiatives such as education and engineering. Should Council move ahead with a RLC program, Administration recommends a similar approach in Windsor whereby a portion of the revenue generated be used for yearly educational costs (~\$2,000) and the remainder be put into a reserve. The reserve would be used to fund any POA staffing increases and Traffic Operation program expenses, if determined that the RLC program has become a burden on existing staff, and it would be available to cover the operational costs of the agreement in months where the revenue does not exceed the expenses.

Each Municipality that has implemented RLC and is intending to implement ASE has done so along side a public information and communications campaign. It is anticipated that for each program, the initial campaign may cost \$20,000 with ongoing yearly educational costs of \$2,000.

The costs above are estimates. Should Council decide to move forward with the program, Administration will begin negotiations with the vendor and the City of Toronto. Final costs will be based on these discussions. It should be noted however, that Administration does not recommend entering into the current contract. Rather, if the City of Toronto does successfully procure a vendor for the expansion program, it is recommended that the City begin with ten (10) camera units as part of the expansion program.

The City of Windsor Provincial Offences Office (POA) - Pursuing the RLC or the ASE program may result in additional costs for POA staff (court administration, prosecutors and/or collections). Maintaining adequate staffing will ensure the department upholds its current service levels for processing fines and the court administration of these fines. The request for additional staffing would be dependent on the expected number of tickets generated from RLC and/or ASE. If the volume is low, the impact could potentially be absorbed with current staffing levels.

The Provincial Offences Court in Windsor processes offences that occur not only in the City of Windsor but also in the eight surrounding municipalities. All of the participating municipalities contribute to the costs associated with operating the Provincial Offences Court and are entitled to share in the net revenue from the fines collected. The distribution is based on the annual regional weighted assessment rates for the year the fine revenue is collected. Revenue distribution is not based on the geographical area that the ticket was issued. In order to implement a Red Light Camera program or an Automated Speed Enforcement program the City of Windsor would incur significant costs but would be required to share the revenue with the other municipalities unless an amendment to the Inter-Municipal Court Services agreement was obtained. Alternatively, if the other Municipalities choose in the future to enter into the RLC program, this will also impact the POA office as the City court system would process these additional tickets. The above is also applicable for the Automated Speed Enforcement program, therefore if Council wishes to proceed with a revised agreement, both programs should be included in the wording.

In summary, should Council wish to proceed with a RLC program, one-time seed funding of up to \$520,000 for the first year implementation and operating costs for ten (10) red-light camera units, along with \$20,000 for initial public education related to the program could be required. However, this amount is subject to negotiations with the City of Toronto and the red light camera vendor. The City is unable to negotiate costs until Council approves moving forward with a letter of intent to the Minister of Transportation. No funding is currently budgeted in the operating or capital budgets for this program.

Consultations:

Transportation Planning

Provincial Offences Office

Windsor Police Services

Conclusion:

Should Council wish to proceed with the implementation of red light cameras in the City of Windsor and utilize the Joint Municipal Processing Centre operated by the City of Toronto, the City would first be required to apply to the Ministry of Transportation to obtain an amendment to Ontario Regulation 277/99 and be added to the list of designated Municipalities under this program. The City of Windsor would then be required to enter into an agreement with both the City of Toronto to use the Joint Municipal Processing Centre and with the vendor approved by the City of Toronto for installation and maintenance of the equipment. Administration would also need to begin discussions with Local 543 regarding installation and maintenance work and the County to amend the Inter-Municipal Court Services Agreement. The City is unable to negotiate costs until Council approval to move forward with a letter of intent is given. No funding is currently budgeted in the operating or capital budgets for this work. Should Council wish to proceed, direction is required for Administration to issue a letter of intent to the Ministry and to report back with recommended funding options related to the potential one-time implementation costs and other related matters.

Planning Act Matters:

N/A

Approvals:

Name	Title
Natasha Couvillon	Manager of Performance Measurement & Financial Administration
Dwayne Dawson	Executive Director of Operations
Mark Winterton	City Engineer

Name	Title
Vincenza Mihalo	Executive Director, Human Resources
Shelby Askin Hager	City Solicitor
Joe Mancina	Chief Financial Officer/City Treasurer
Onorio Colucci	Chief Administrative Officer

Notifications:

Name	Address	Email
Greg Wrigglesworth		gdw@kirwinpartners.com

Appendices:



Council Report: C 171/2020

Subject: Application to demolish residential dwelling located at 1044-1054 Howard Avenue, which is subject to Demolition Control By-law 131-2017 (Ward 4)

Reference:

Date to Council: September 14, 2020
Author: Greg Atkinson, Senior Planner
519-255-6543 ext. 6582
gatkinson@citywindsor.ca
Planning & Building Services
Report Date: August 24, 2020
Clerk's File #: SB2020

To: Mayor and Members of City Council

Recommendation:

- I. THAT the Chief Building Official **BE AUTHORIZED** to issue a demolition permit for the residential dwelling located at 1044-1054 Howard Avenue to facilitate redevelopment of the property; and,
- II. THAT the Chief Building Official **BE DIRECTED** to require, as a condition of the demolition permit, that:
 - a. Redevelopment be substantially complete within two years of demolition permit issuance; and,
 - b. If redevelopment, including construction of a new building, is not substantially complete within two years of the commencement of demolition the maximum penalty (\$20,000) shall be entered on the collectors roll of the property; and,
- III. THAT the City Solicitor **BE DIRECTED** to register a notice of condition detailed in Recommendation II (b) in the land registry office against the property, if the redevelopment is not substantially complete within two years of the commencement of demolition.

Executive Summary:

N/A

Background:

Following a two-year interim control by-law study, a suite of new policies and regulations were approved by Council on August 28, 2017 that aims to prevent

demolition of buildings along the City's traditional commercial streets for use as surface parking.

The new Official Plan policies and zoning by-law regulations apply within the City's Business Improvement Areas and other mainstreet areas such as Ouellette Avenue between Wyandotte Street and Tecumseh Road. The policies apply to new or expanded parking areas (i.e. creation of 5 or more parking spaces) and generally:

- Prohibit new and expanded off-street parking areas abutting traditional commercial streets;
- Require new and expanded off-street parking areas to be located behind buildings;
- Permit rezoning of residential properties within 75 metres of traditional commercial streets for off-street parking use subject to criteria
- Prohibit new vehicle access from traditional commercial streets where access from a side street or alley exists; and
- Require screening and landscaping of parking areas.

Demolition Control By-law 131-2017 was also approved by Council to encourage orderly development and prevent speculative demolition of residential dwellings in the vicinity of traditional commercial streets. The subject property falls within the area covered by By-law 131-2017. The property is designated for Residential use in the City's Official Plan and zoned Residential District 2.2 (RD2.2), which permits a range of low density dwelling types—up to four units.

Discussion:

The City has received plans to redevelop the property located at 1044-1054 Howard Avenue (see Appendix 1). The owner (Evanz Minas, President of Roseland Homes Ltd.) proposes to demolish the existing detached dwelling and commercial building and replace it with a four unit multiple dwelling (See Appendix 2).

Demolition Control By-law 131-2017 applies to properties containing a residential dwelling unit located within 100 metres (328 feet) of traditional commercial streets, which includes properties north and south of Erie Street East (See Appendix 3). The By-law prohibits demolition of any residential property in the demolition control area unless a permit is issued by Council.

The By-law allows Council to attach a condition to a demolition permit requiring redevelopment to be substantially completed within a specified timeframe (i.e. must be at least two years from demolition permit issuance). If the condition is not met the City may impose a fee of up to \$20,000 for each dwelling unit that is demolished, may put the fee on the tax roll of the subject property, and register notice of this condition on title to the property.

The subject property contains a one-storey, 74 square metre (800 square foot), detached dwelling constructed in approximately 1917. The property also contains a 93 square metre (1,000 square foot) former commercial building constructed in approximately 1924 that was used to manufacture gravestones (See Appendix 4).

The property is 733 square metres in size (i.e. 18 metres by 40 metres). The property is not listed on the Municipal Heritage Register. The proposed drawings shows a four unit multiple dwelling that conforms to the Official Plan and Zoning By-law.

Risk Analysis:

There is little risk associated with approval of the requested demolition. The owner has demonstrated there is a redevelopment plan for the property and is expected to construct a new dwelling within the two-year time frame set out in the recommendations section.

If the new dwelling is not substantially complete within two years of demolition permit issuance a penalty in the amount of \$20,000 will be added to the tax roll of the property and notice of the condition on title to the property.

Financial Matters:

The current assessed value of the property is \$93,000 and annual municipal tax levy is \$1,509. The assessment is anticipated to increase once the new multiple dwelling is constructed.

Consultations:

Staff from the Planning, Building and Legal Department has been consulted in the preparation of this report.

Conclusion:

The demolition of the existing residential dwelling and commercial building located at 1044-1054 Howard Avenue will facilitate the construction of a four unit multiple dwelling, which is a more efficient use of the property. The proposed redevelopment conforms with the Zoning By-law, constitutes orderly development, and the requested demolition is not considered speculative.

It is recommended that Council authorize the Chief Building Official to issue a demolition permit and that a condition be imposed requiring the redevelopment to be substantially complete within two years of demolition permit issuance.

Planning Act Matters:

N/A

Approvals:

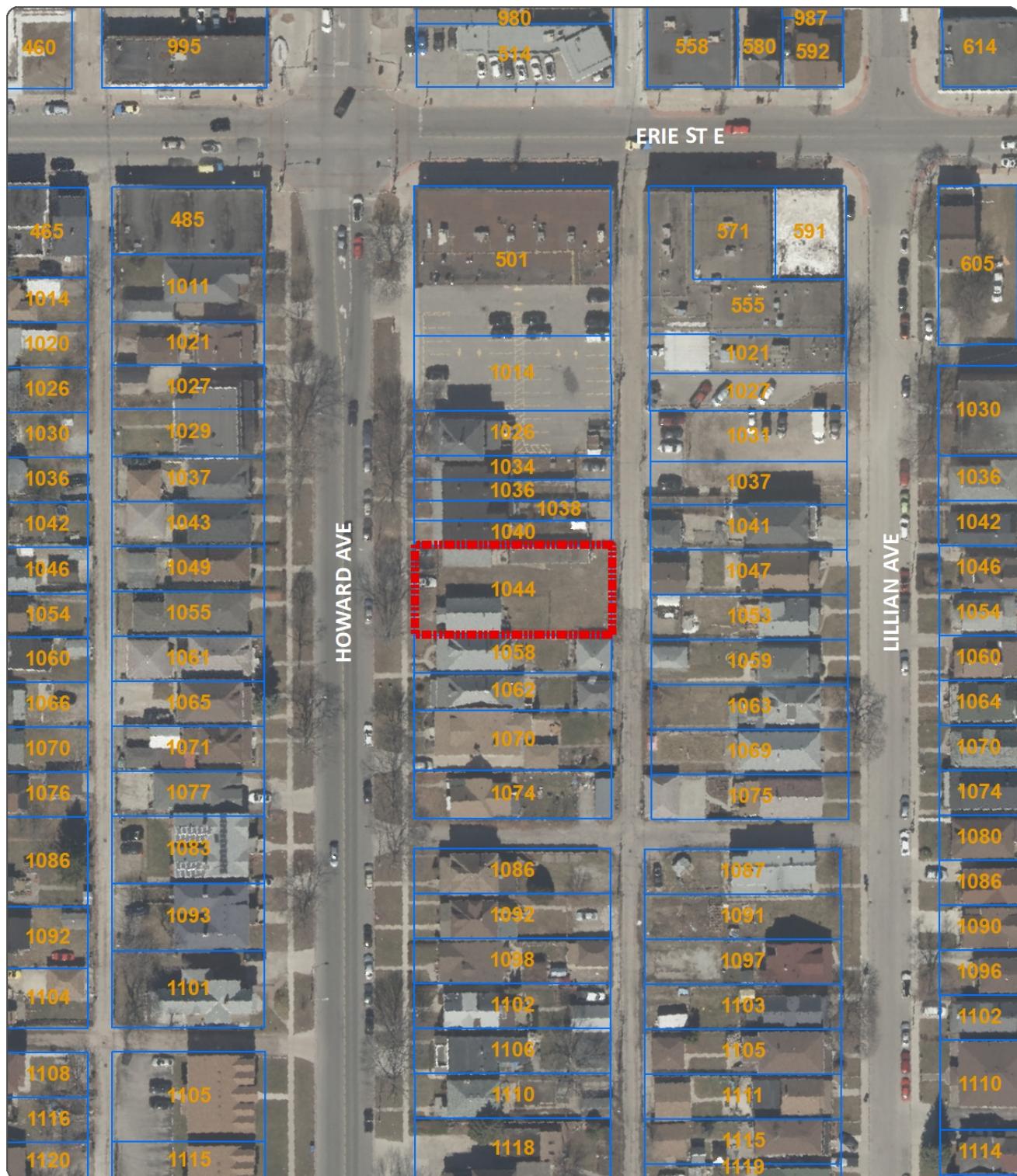
Name	Title
Michael Cooke	Manager of Planning Policy/Deputy City Planner
Thom Hunt	City Planner
Joe Baker	Manager of Permits / Deputy CBO
John Revell	Chief Building Official
Wira Vendrasco	Deputy City Solicitor
Shelby Askin Hager	City Solicitor
Onorio Colucci	CAO

Notifications:

Name	Address	Email
		evanz@roselandhomesltd.com

Appendices:

1. Location Map
2. Redevelopment Plan
3. Demolition Control By-law Map
4. Site Photos



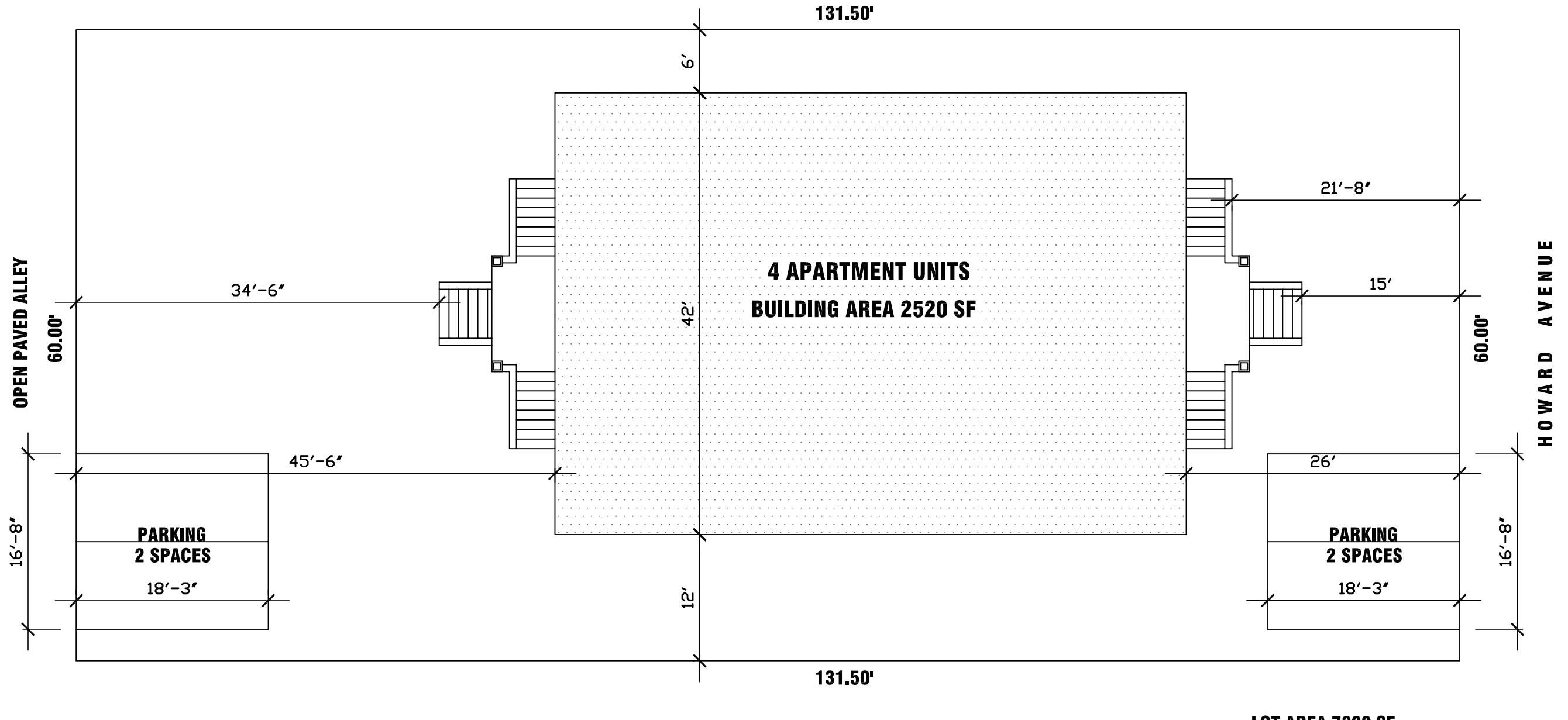
LOCATION MAP: 1044-1054 HOWARD AVENUE



SUBJECT PROPERTY

0 5 10 20 30 Meters





SITE PLAN

ROBERT
UNIS
BCIN #
21161

SCALE: 3 / 32" = 1'-0"

AUGUST 4, 2020

ROSELAND HOMES



SCHEDULE G : DEMOLITION CONTROL BY-LAW
ERIE STREET EAST



DEMOLITION CONTROL BY-LAW BOUNDARY AREA

PROPERTIES INCLUDED IN DEMOLITION CONTROL BY-LAW

1:7,500
AUGUST 2017

Appendix 4: Site Photos



Figure 1: Looking east from Howard Avenue



Figure 2: Looking west from rear of subject property (Photo from Phase 1 ESA Report by Dragun Corporation)



Council Report: C 179/2020

Subject: Proposed Concrete Curb and Gutter, Storm Sewer, and Boulevard Restoration on Curry Ave. from Norfolk St. to Richardie Blvd. (Ward 1)

Reference:

Date to Council: 9/14/2020

Author: Amandeep Bains

Engineer II

519-255-6100 ext. 6472

abains@citywindsor.ca

Design and Development

Design and Development

Report Date: 8/31/2020

Clerk's File #: ST2020

To: Mayor and Members of City Council

Recommendation:

- I. That Council **APPROVE** the construction of curb and gutter, storm sewer and boulevard restoration on Curry Avenue between Norfolk St. and Richardie Blvd., as shown on **attached** Drawing C-3571 and the **attached** memo from the City Engineer to address the requirements of Local Improvement Program under the provisions of the Ontario Regulation 586/06; and,
- II. That the requirements regarding the notices to the public and owners of the lots liable to be specially charged with respect to the work, as required by Section 6 of Ontario Regulation 586/06, **BE UNDERTAKEN**, said notices to be in content as per the report of the City Engineer and that this Local Improvement be made subject to the Local Improvement Policy; and,
- III. That the net City costs of approximately \$1,438,000 **BE FUNDED** from Project ID # 7171002- Local Improvement - Infrastructure.

Executive Summary:

N/A

Background

City Council received a request by residents to begin a Local Improvement for the 3200 and 3300 blocks of Curry Ave. from Norfolk St. to Richardie Blvd.

According to the City's Road Condition Rating System, Curry Ave. from Norfolk St. to Richardie Blvd. is rated as "54" (deficient). This road has a rural cross section with the pavement width of approximately 7.3 meters. Based on review of the existing conditions, the current storm sewer installed in 1930s, are in poor condition and also requires replacement.

Council Resolution 179/2005 approved a local improvement policy to address the rehabilitation or reconstruction of certain deteriorated roads where curbs and gutters do not exist. This policy is applicable, given that this road has no curbs and gutters, insufficient pavement width, and a deficient pavement rating. Council Resolution 292/2003 approved a local improvement policy to provide storm water drainage. A new storm sewer would be constructed in conjunction with the curb and road work to provide drainage currently provided by the roadside ditches.

Due to the deteriorated roads conditions and having no curb and gutter on this street, the placement of curb and gutter would qualify as a Local Improvement Work. It should be noted that since signed petition for this Local Improvement was received prior to the development of the Local Improvement Policy (approved on November 18, 2019 CR 554/2019), the work on Curry Ave. between Norfolk St. to Richardie Blvd., therefore will be grandfathered under the previous policies.

Discussion

A petition for this Local Improvement was successfully received in 2010. It is being proposed that the work required for this project area be funded through the Local Improvement Program (Questica Project ENG-006-20) - Local Improvement Program (Project ID 7171002).

The work for this Local Improvement includes placement of curb and gutter, storm sewer replacement, pavement rehabilitation, and boulevard restoration.

As per the approved 2020 capital budget five year plan, the work required for this particular area has not been identified and listed as a priority. As such there is no funding available within the 5 year capital budget to complete the works. The Local Improvement Program - Infrastructure (Project ID # 7171002) was created to provide funding for the infrastructure Local Improvement Program. These works will be funded from this project.

Financial Matters

The City's Local Improvement Policy Consolidation states that abutting property owners will be assessed for the full cost, per metre, for the placement of curb and gutter along the property frontage including restoration. The City will pay for the remainder of the cost of curb and gutter and restoration at intersections and city owned properties and for road drainage. The cost of all private drain connections, from the main sewer to the property line will be estimated and charged to the benefitting property in accordance with the provisions of the O. Reg 586/06.

The estimated costs to the City and the abutting lots for the **local improvement portion of the work only** (placement of curb and gutter and boulevard restoration) are outlined in attached Schedule 'A'. The abutting lots will be assessed for the costs of the

construction based on a rate per meter of frontage and a fixed rate per private drain connection.

The total estimated cost of the works on Curry Ave. is estimated to be \$1,589,000 of which \$151,000 will be recovered by the City from the homeowners. The remaining net cost to the City is \$1,438,000 as is detailed in the table below. The following table outlines the proposed project budget:

Description	Amount
EXPENSES	
Construction (replacement of existing storm sewers, private drain connections, placement of curb and gutter, pavement and boulevard restoration and contingency)	\$1,250,000
Engineering and Project Administration (15%)	\$222,000
Miscellaneous (geotechnical, field survey, and inspection)	\$93,000
<i>Subtotal</i>	\$1,565,000
Non-Recoverable HST	\$24,000
<i>Total Expenses</i>	\$1,589,000
REVENUES	
Property Assessment – Local Improvement Roll	\$151,000
<i>Total Revenue</i>	\$151,000
<i>TOTAL CITY COST</i>	\$1,438,000

Local Improvement Program - Infrastructure (Project ID# 7171002) is currently in a surplus position with funds available to undertake this work. Sufficient funds exist to pay for the city portion of the work.

Risk Analysis

Local improvement work is consistent with the requirements set forth by O. Reg. 586/06 under the Municipal Act. As such, associated risks to the Corporation are considered minimal.

There is an associated risk to the City in undertaking any construction work. Through the procurement process and as part of the contracts with the successful bidders, there are sufficient insurances in place to cover the Corporation for the potential damage and claims that might arise from their work. As with any procurement, failure to follow the process prescribed in the Purchasing By-law could lead to liability for the Municipality. These risks are managed by ensuring the Purchasing By-law is followed and that the prescribed insurances are in place to cover the Corporation.

Consultations

Engineering Department – Adam Mourad

Legal Department – Wira Vendrasco

Finance Department –Carrie McCrindle

Conclusion

Administration recommends the initiation of the above referenced work as a local improvement under the provisions of O. Reg. 586/06.

Approvals:

Name	Title
Fahd Mikhael	Manager of Design & Development
France Isabelle-Tunks	Senior Manager of Engineering and Deputy City Engineer
Mark Winterton	City Engineer
Shelby Askin Hager	City Solicitor and CLT member, Public Safety and Economic Development
Dan Seguin	On behalf of Chief Financial Officer and City Treasurer
Onorio Colucci	Chief Administrative Officer

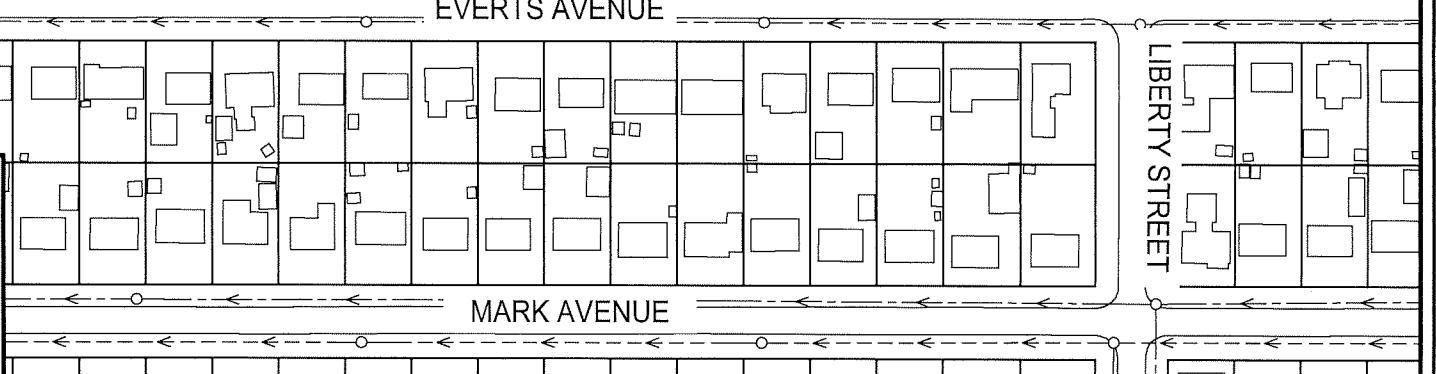
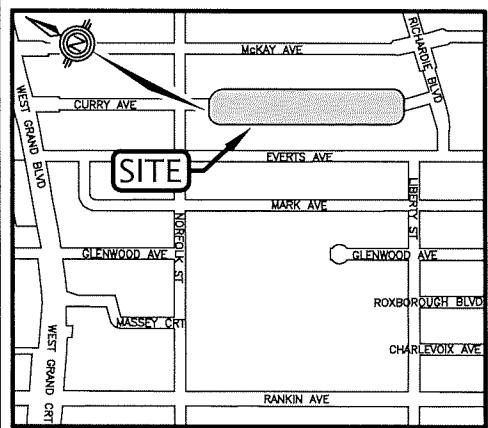
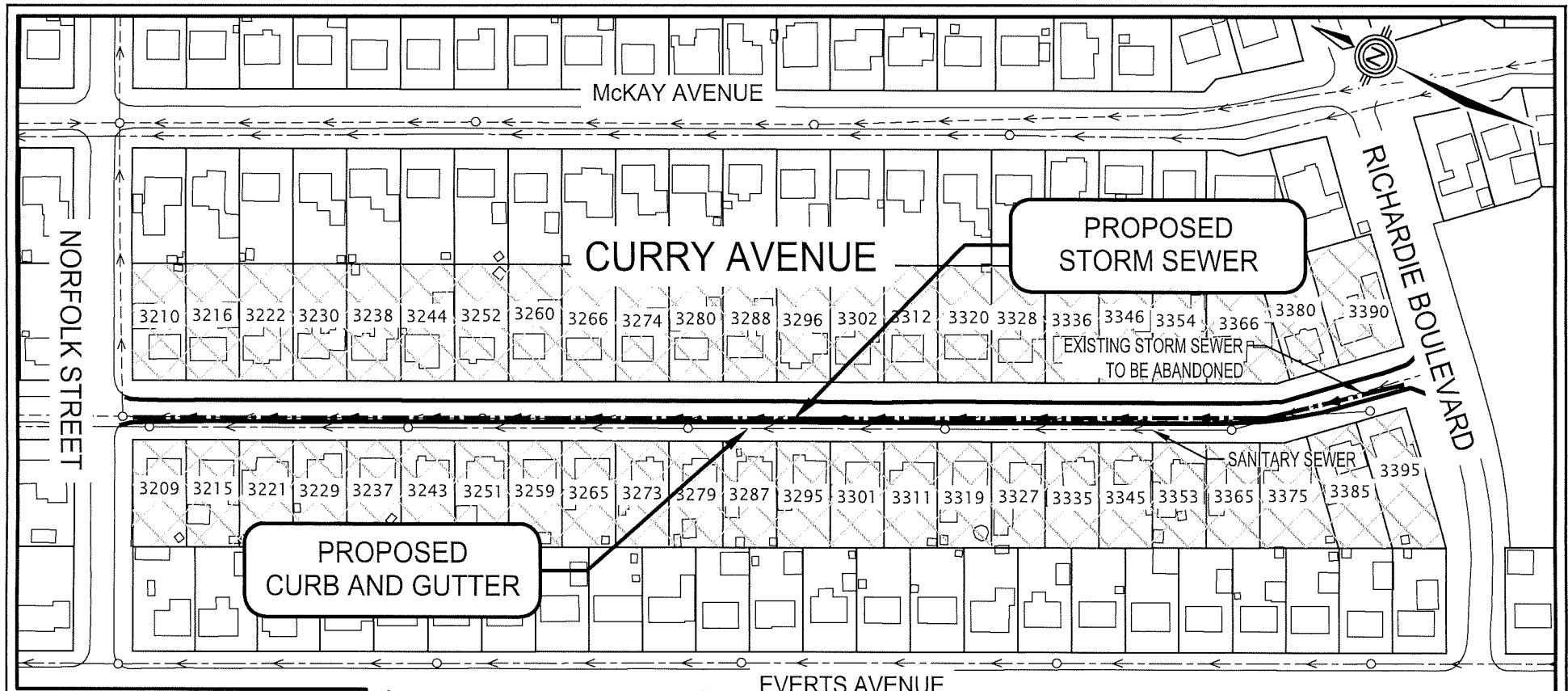
Notifications:

Name	Email

Name	Email
Fred Francis – Ward 1	ffrancis@citywindsor.ca
Dana Paladino Manager of Risk and Insurance Legal Services, Real Estate & Risk Management	dpaladino@citywindsor.ca
Mark Spizzirri Financial Administrator – Capital Assets	mspizzirri@citywindsor.ca
Dana Straus Insurance and Risk Analyst	dstraus@city.windsor.on.ca

Appendices:

- 1 Drawing C-3571
- 2 Report of City Engineer
- 3 Schedule A



THE CORPORATION OF THE CITY OF WINDSOR - ENGINEERING DEPARTMENT

Local Improvement Petition on Curry Avenue from
Ricahrdie Blvd to Norfolk St - Proposed Curb and Gutter

Kirk Tamm, Manager of Operations

September 14, 2020

SCALE: 1:2000

DATE: APR 2020

REVISED:

DWG. NO.

C-3571

DWN BY: NB

CHKD BY: PJU / AB

REVISION NO.:

DATE: August 28, 2020
TO: Chief Administrative Officer
FROM: City Engineer
SUBJECT: Proposed Concrete Curb and Gutter, Storm Sewer and Boulevard Restoration on Curry Avenue
from Richardie Blvd. to Norfolk St.

The following is a report for the construction of concrete curb and gutters, storm sewer, and Boulevard Restoration on Curry Avenue from Richardie Blvd. to Norfolk St. It is proposed to carry out this work under the provision of Ontario Regulation 586/06 made under Municipal Act 2001.

It is not intended to apply to the Ontario Municipal Board to undertake the proposed work as a local improvement.

Administration has expressed intent to complete the works under the Local Improvement Program, Project # ECP-007-07. The estimated cost of local improvement portion of the work is \$155,100 HST excluded, for the curb and gutters, storm sewers, and boulevard restoration. The total estimated cost for the Curry Avenue work is \$1,565,000 excluding HST.

The majority of the local improvement cost thereof will be assessed against the abutting properties detailed as follows:

<u>REGISTERED PLAN</u>	<u>LOTS</u>
1343	761-811 & 990-995

The properties to be assessed are registered under Assessment Roll Numbers:

**080-330-13000-0000
080-330-13100-0000
080-330-13200-0000
080-330-13300-0000
080-330-13400-0000
080-330-13500-0000
080-330-13600-0000
080-330-13700-0000
080-330-13800-0000
080-330-13900-0000
080-330-14000-0000
080-330-14100-0000
080-330-14200-0000
080-330-14300-0000
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080-330-14600-0000
080-330-14700-0000**

**080-330-14800-0000
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080-330-15600-0000
080-330-15700-0000
080-330-15800-0000
080-330-15900-0000
080-330-16000-0000
080-330-16100-0000
080-330-16200-0000
080-330-16200-0001
080-330-16200-0002
080-330-16300-0000
080-330-16400-0000
080-330-16500-0000
080-330-16600-0000
080-330-16700-0000
080-330-16800-0000
080-330-16900-0000
080-330-17000-0000
080-330-17100-0000
080-330-17200-0000
080-330-17300-0000
080-330-17400-0000
080-330-17500-0000
080-330-17600-0000
080-330-17700-0000**

ASSESSMENT INFORMATION

The total frontage is 896 meters, from which 26 meters are being deducted for the cross street right of way frontage, leaving a total abutting frontage of 870 metres, which is equal to the assessable frontage.

The estimated cost for the local improvement portion of this work is \$769,000, with \$151,000 of this amount to be recovered from the abutting landowners. The estimated single payment rate per meter of frontage is \$173, while the estimated annual special charges rate per metre of frontage for ten years at 1.99% interest is \$19.25. The property owners have the right to select either a single payment or the annual special charge over the period of ten years.

The estimated total cost to the Corporation is \$618,000.



INTER-OFFICE MEMO

The estimated lifetime of the complete work is not less than ten years.

Mark Winterton, P.Eng.

City Engineer

AB/XX

SCHEDULE 'A'

**Construction of Curb and Gutter, Storm Sewer, and Boulevard Restoration
On Curry Avenue
From Norfolk St. to Richardie Blvd.
Ontario Regulation 586/06 Local Improvement Special Charges- Cost Breakdown
(HST Excluded)**

Description	Total Estimated Cost	Owners Cost	City's Cost	Commuted Cost per metre of assessable frontage	Annual Cost per metre for 10 years**
Construction of Curb and Gutter, storm sewers and Boulevard Restoration	\$769,000*	\$151,000	\$618,000	\$173/L.M frontage	\$19.25/L.M frontage

*Local Improvement component only, excludes HST. Total cost of the work is \$1,565,000 (excluding HST), which includes construction of storm sewers, curb and gutter, road work, road drainage, and boulevard restoration. The cost above includes construction, engineering, and field survey. The balance of the cost for the above-noted reconstruction will be charged to Project ID #7171002.

**1.99% interest rate is applied over a ten (10) year annual payment period.



Council Report: C 159/2020

Subject: Flu Vaccination Clinics 2020 - City Wide

Reference:

Date to Council: September 14, 2020

Author: Vincenza Mihalo, Executive Director of Human Resources
519-255-6515, ext. 6259; vmihalo@citywindsor.ca

Sarah Fox,
519-255-6515, ext. 6539; sfox@citywindsor.ca

Human Resources

Report Date: August 7, 2020

Clerk's File #: AS/13907

To: Mayor and Members of City Council

Recommendation:

That City Council **RECEIVE FOR INFORMATION** the report from the Executive Director of Human Resources on Flu Vaccination Clinics to be made available for City Employees; and,

That the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to execute contracts for the provision of Flu Vaccination Clinics, satisfactory in legal form to the City Solicitor, in technical content to the Executive Director of Human Resources, and in financial content to the Chief Financial Officer & City Treasurer, if applicable.

Executive Summary:

N/A

Background:

Influenza is a contagious respiratory disease that spreads easily in workplaces. The best protection against this disease is immunization, otherwise known as the flu shot. In addition, the flu vaccination can be a key measure for the upcoming 2020-2021 season because of the potential second wave of the COVID-19 pandemic. Flu vaccines will not prevent COVID-19, but they can have an impact on the spread of the influenza virus, protect vulnerable populations, reduce the overall burden on the healthcare system and could reduce the need for medical resources potentially required for the care of people with COVID-19.

Workplaces can assist their employees in protecting themselves against influenza through offering workplace influenza immunization clinics each fall in the months leading up to the *flu season*. The flu season in Ontario is generally identified as the time period from November through April. In order to provide protection from an infected

individual, a two-week time frame must elapse from the time when we receive our flu shots through to exposure.

Influenza, or *the flu*, is a common and highly contagious infectious respiratory disease that affects the nose, throat and lungs. The flu may be passed from one person to another through the coughing or sneezing of an infected person. Additional means of transferring this disease are touching the hands of someone who is infected, or surfaces or objects they have touched, then touching one's eyes, nose or mouth, the latter known as routes of entry for exposure to disease.

The most effective ways of protecting oneself against the flu are to get the flu shot early in the season, depending upon its availability, and establish and maintain effective hand washing practices.

Since approximately 2005 the City of Windsor has organized annual flu vaccination clinics for our employees conveniently located at various City facilities. Again in 2020 the Corporate Wellness Committee is recommending participation in offering flu vaccination clinics.

This year the Grand Marais Pharmacy has agreed to provide flu clinics at different corporate worksites. Locations are still to be determined.

Having a high vaccination rate in our community is beneficial to all of us. With 3500 employees, the vaccination rate of our workforce can have a positive effect on the larger community. Making the flu shot readily available to our employees in our worksites will foster the importance of getting the shot and increase the likelihood they will choose to get one.

Through our promotion efforts of the flu clinics visible in our workplaces, we have an opportunity to enhance the work of the Windsor Essex County Health Unit, local physicians and pharmacists in providing timely and accurate information to our employees, to support the importance of proactive, preventative health practices such as the flu shot.

Promoting the value and importance of getting a flu shot as well as offering on-site flu clinics to our employees, allows us to mitigate this risk.

Discussion:

A Request for Proposal (RFP) or Request for Quote (RFQ) is not required as medical services are exempt from the Purchasing Bylaw 93-2012 Schedule "A" Section 9. Historically the financial costs incurred by the Corporation to offer these clinics have been minimal in contemplation of potential cost of unimmunized, absent employees during the months of flu season. As previously noted, this year the flu vaccination clinics will be held in the fall, depending upon the availability of the flu shot from the government and possibly in conjunction with our Health Screening Week for our employees.

A contract is required between Grand Marais Pharmacy and the Corporation. The contract with Grand Marais Pharmacy must be satisfactory in form to the City Solicitor

and in technical content to the Executive Director of Human Resources. The contract will be signed by the City Clerk and the Chief Administrative Officer. With the signing of this contract, a licence is granted to operate a flu vaccination clinic on city property. During the clinics, Registered Nurses, employed by the contracted organization administer the flu vaccines. In order to be eligible to receive a flu vaccination, employees attending a clinic must have a valid Ontario health card, and under these conditions there is no cost to a recipient to receive a flu shot. The contracted organization is responsible for the medical supplies and set-up and removal of medical equipment associated with this service. The Corporation is responsible for providing a suitable room at a site where each clinic is being held as well as the cost of the chairs and tables used during the clinics, as well as their set up and take down at the time of each clinic.

In previous years, the approval to proceed with the execution of a contract for the administration of flu vaccinations was given through a Delegation of Authority reports to the Chief Administrative Officer. For the years of 2012 through 2019, requests directly to City Council have been made in order to provide greater transparency and in an effort to raise awareness of this significant program. Traditionally this program has enjoyed high participation rates by City employees as well as aged members of the public. This year we hope to raise more awareness for our retirees to attend our Health Screening Week and to also receive the flu vaccine. Approval of this report will enable the Chief Administrative Officer to execute contract(s) with the selected service provider, expediting the overall process.

Risk Analysis:

Resource Risks: Increased absenteeism caused by higher rates of illness related to the flu poses a moderate risk to the Corporation. High absenteeism has many impacts, including: increased overtime costs, the cost of replacement staff, decreased operational efficiency and increased employee stress for those experiencing increased workloads. Offering on-site flu clinics helps the Corporation mitigate this risk by making it easier for employees to receive a flu shot and encouraging them to get their shot early in the flu season.

Timing Risks: It is understood that the best way to prevent the flu is to get a flu shot early in the flu season. Choosing not to offer employer sponsored flu clinics in the fall at the outset of the flu season at convenient corporate worksites may reduce the likelihood that staff will get a flu shot. If our employees choose not to get a flu shot or wait until later in flu season, because their personal schedules make it more challenging to get to their own physician or a local flu clinic may result in higher absenteeism due to employee illness related to the flu.

Offering on-site flu clinics to our employees at the outset of the flu season allows us to mitigate this risk. Not offering flu clinics at the beginning of the flu season is POSSIBLE, and considered a MODERATE risk.

Cross-Corporation Risks: No risks assessed in relation to Cross-Corporation.

Other Risks: No other risks are assessed.

Financial Matters:

The exact cost of providing flu vaccination clinics for 2020 is currently unknown. There will be a cost of approximately \$70.00, plus HST, for each and every hour worked by a Registered nurse to administer the flu vaccinations. Although actual dates and times are still to be determined for this year's vaccination clinic, it is estimated that it will be similar to last year. In 2019, the flu vaccination clinic was a total of 16.5 hours. Therefore an estimated cost of \$1,155.00, plus HST is expected. There are sufficient funds in the Wellness budget to cover this cost. And as previously stated there is an additional cost to the corporation from staff time to set up and take down each of the clinics. It is unlikely that any additional costs to the City of Windsor will be incurred as a result of this year's clinics, however, any costs that may occur would be absorbed through the Corporate Wellness budget within the Human Resources Department.

Consultations:

Julie Ryckman, Manager, Occupational Health & Safety and Wellness

Sarah Fox, Ergonomics & Wellness Specialist

Alexandra Taylor, Financial Planning Administrator

Conclusion:

Providing flu vaccination clinics in corporate workplaces during our employees' hours of work is one tool in our toolbox to promote healthy workplaces and potentially reduce employee absenteeism due to illness.

Planning Act Matters:

N/A

Approvals:

Name	Title
Julie Ryckman	Manager, Occupational Health & Safety and Wellness
Vincenza Mihalo	Executive Director, Human Resources
Shelby Askin Hager	City Solicitor – Corporate Leader of Economic Development & Public Safety
Valerie Critchley	City Clerk & Licence Commissioner - Corporate Leader of Public Engagement & Human Services
Onorio Colucci	Chief Administrative Officer

Notifications:

Name	Address	Email

Appendices:



Council Report: C 181/2020

Subject: Cancellation of October 5, 2020 City Council Meeting due to Ward 7 By-Election-City Wide

Reference:

Date to Council: September 14, 2020

Author: Anna Ciacelli
Supervisor of Council Services
(519) 255-6100 ext 1837
aciacelli@citywindsor.ca
Council Services
Report Date: 9/1/2020
Clerk's File #: ACO2020

To: Mayor and Members of City Council

Recommendation:

That the regular meeting of Council scheduled for Monday October 5, 2020 **BE CANCELLED** as the By-Election to fill the Vacant Ward 7 Seat is scheduled for that date.

Executive Summary:

N/A.

Background:

City Council at its meeting held November 18, 2019 adopted CR551/2019 which outlines the "Schedule of Council Meetings for 2020", and includes Monday, October 5, 2020 as a regular meeting date.

Monday, October 5, 2020 has been set as the by-election date to fill the vacant Ward 7 Seat and is also the date for a regular Council meeting.

Discussion:

Administration from The City Clerk's Office are responsible for carrying out the by-election and to avoid any potential conflicts for members of administration, members of Council, delegations, the public, and news media coverage, it is recommended that the Council meeting for that week be cancelled. The next meeting of Council would take place on Monday, October 19, 2020.

Risk Analysis:

If the Council meeting scheduled for Monday, October 5, 2020 is not cancelled, potential conflicts for members of administration, Council, delegations, the public, and news media coverage may arise.

Financial Matters:

N/A

Consultations:

N/A

Conclusion:

It is being proposed that the City Council Meeting scheduled for Monday October 5, 2020 be cancelled, since the By-Election Date to fill the Vacant Ward 7 Seat is also set for that date.

Planning Act Matters:

N/A

Approvals:

Name	Title
Steve Vlachodimos	Deputy City Clerk and Senior Manager of Council Services
Valerie Critchley	City Clerk/Licence Commissioner and Corporate Leader Public Engagement and Human Services
Onorio Colucci	Chief Administrative Officer

Notifications:

Name	Address	Email
YourTV Windsor, Attn: Cliff Danby		cliff.danby@cogeco.com
Closed Captioning Services		contact@natcapcan.ca

Appendices:

N/A



Committee Matters: SCM 245/2020

Subject: Zoning By-law Amendment Application for north part of 1847 Meldrum Road and south part of 3121 Milloy Street; Applicant: The Corporation of the City of Windsor; File No. Z-005/20, ZNG/6052; Ward 5

Moved by: Councillor Sleiman
Seconded by: Councillor Holt

Decision Number: **DHSC 187**

- I. THAT an amendment to the Zoning By-law 8600 **BE APPROVED** to change the zoning of the lands located on the south side of Milloy Street, between Meldrum Road and Chandler Road as follows:
 - a) Lots 99 to 109; Lots 142 to 152 & Pt closed Alley, RP 1098, designated as PARTS 1 to 3 12R25458, and Lots 16 to 18, 220 to 222, Pt lot 219 and Pt closed Alley, RP 1098, from Residential District 1.1 (RD1.1) to Residential District 1.2 (RD1.2) with holding prefix, for the purpose of developing 28 single unit dwelling lots; and
 - b) Lots 19, 20, 223 & 224 and Part closed Alley on RP 1098, from Residential District 1.1 (RD1.1) to Green District 1.5 (GD1.5), to accommodate required storm water management facility.
- II. THAT the holding (H) symbol **BE REMOVED** when the applicant/owner submits an application to remove the holding symbol and the following conditions are satisfied:
 1. **General Provisions** – The applicant shall conform to the General Provisions of Council Resolutions 233/98 and any other specific requirements. Applicant shall submit proof of the said conformity, to the satisfaction of the City Engineer.
 2. **Servicing Study** – Prior to the issuance of a Street opening permit, the applicant shall review the existing and proposed sewer system for this development to determine its effect on the municipal sewer system. The study shall be done to the satisfaction of the City Engineer and the Chief Building Official. The applicant is required to demonstrate that no negative impacts will be realized by the existing surrounding community, before the proposed development will be allowed to proceed.
 3. **Stormwater Management Analysis** – The applicant shall complete storm water management analysis to the satisfaction of the City Engineer. Stormwater quality and stormwater quantity shall be addressed up to and

including 1:100 year storm event and be in accordance with the guidance provided by the Stormwater Management Planning and Guidance Manual, prepared by the Ministry of the Environment (MOE, 2003) and the "Windsor-Essex Region Stormwater Management Standards Manual".

4. **Street Opening Permit** – The applicant shall obtain street opening permits for sewer taps, drain taps, road construction, sidewalks, street lights, etc. from the City Engineer, prior to commencement of any construction on the public highway.
5. **Sidewalks** – The applicant shall construct, at its entire expense, according to City of Windsor Standard Specifications and in a manner satisfactory to the City Engineer, a concrete sidewalk along the east side of Meighen Road from Milloy Street to the southerly limit of the Meighen Road extension.
6. **Meighen Road Cul-De-Sac** – The applicant shall construct a cul-de-sac with a minimum radius of 9.5m at the southerly limit of the Meighen Road extension.
7. **Reserve** – The applicant shall ensure that dead-ended highways terminate in 0.3 metre reserve block.
8. **Street Lighting** – The applicant shall construct and install street lighting including all poles, wiring, fixtures, and conduits with design, location and specifications satisfactory to the City Engineer and EnWin Utilities Ltd. Should decorative poles be requested, the applicant shall provide extra poles and/or funds in accordance with Council Resolution 743/2000.
9. **Traffic and On-street Parking Restrictions** – The applicant shall ensure that "No Parking" sign is installed on one side of Meighen Road including the cul-de-sac, and a "Stop" sign is installed at Milloy Street.
10. **Municipal Address Plan** – The applicant shall, prior to issuance of a Building Permit, submit a Municipal address plan for the subject lands.

III. THAT part of the closed Meighen Road on the south side of Milloy Street be established as a public highway.

Carried.

Report Number: S 96/2020
Clerk's File: ZB/13789

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

Subject: Zoning By-law Amendment Application for north part of 1847 Meldrum Road and south part of 3121 Milloy Street; Applicant: The Corporation of the City of Windsor; File No. Z-005/20, ZNG/6052; Ward 5.

Reference:

Date to Council: August 10, 2020
Author: Justina Nwaesei, MCIP, RPP
Planner III - Subdivisions
519-255-6543, ext. 6165
jnwaesei@citywindsor.ca

Planning & Building Services
Report Date: July 16, 2020
Clerk's File #: ZB/13789

To: Mayor and Members of City Council

Recommendation:

- I. That an amendment to the Zoning By-law 8600 **BE APPROVED** to change the zoning of the lands located on the south side of Milloy Street, between Meldrum Road and Chandler Road as follows:
 - a) Lots 99 to 109; Lots 142 to 152 & Pt closed Alley, RP 1098, designated as PARTS 1 to 3 12R25458, and Lots 16 to 18, 220 to 222, Pt lot 219 and Pt closed Alley, RP 1098, from Residential District 1.1 (RD1.1) to Residential District 1.2 (RD1.2) with holding prefix, for the purpose of developing 28 single unit dwelling lots; and
 - b) Lots 19, 20, 223 & 224 and Part closed Alley on RP 1098, from Residential District 1.1 (RD1.1) to Green District 1.5 (GD1.5), to accommodate required storm water management facility.
- II. That the holding (H) symbol **BE REMOVED** when the applicant/owner submits an application to remove the holding symbol and the following conditions are satisfied:
 1. **General Provisions** – The applicant shall conform to the General Provisions of Council Resolutions 233/98 and any other specific requirements. Applicant shall submit proof of the said conformity, to the satisfaction of the City Engineer.
 2. **Servicing Study** – Prior to the issuance of a Street opening permit, the applicant shall review the existing and proposed sewer system for this development to determine its effect on the municipal sewer system. The study shall be done to the satisfaction of the City Engineer and the Chief Building Official. The applicant is required to demonstrate that no negative impacts will be realized by the existing surrounding community, before the proposed development will be allowed to proceed.

3. **Stormwater Management Analysis** – The applicant shall complete storm water management analysis to the satisfaction of the City Engineer. Stormwater quality and stormwater quantity shall be addressed up to and including 1:100 year storm event and be in accordance with the guidance provided by the Stormwater Management Planning and Guidance Manual, prepared by the Ministry of the Environment (MOE, 2003) and the “Windsor-Essex Region Stormwater Management Standards Manual”.
4. **Street Opening Permit** – The applicant shall obtain street opening permits for sewer taps, drain taps, road construction, sidewalks, street lights, etc. from the City Engineer, prior to commencement of any construction on the public highway.
5. **Sidewalks** – The applicant shall construct, at its entire expense, according to City of Windsor Standard Specifications and in a manner satisfactory to the City Engineer, a concrete sidewalk along the east side of Meighen Road from Milloy Street to the southerly limit of the Meighen Road extension.
6. **Meighen Road Cul-De-Sac** – The applicant shall construct a cul-de-sac with a minimum radius of 9.5m at the southerly limit of the Meighen Road extension.
7. **Reserve** – The applicant shall ensure that dead-ended highways terminate in 0.3 metre reserve block.
8. **Street Lighting** – The applicant shall construct and install street lighting including all poles, wiring, fixtures, and conduits with design, location and specifications satisfactory to the City Engineer and EnWin Utilities Ltd. Should decorative poles be requested, the applicant shall provide extra poles and/or funds in accordance with Council Resolution 743/2000.
9. **Traffic and On-street Parking Restrictions** – The applicant shall ensure that “No Parking” sign is installed on one side of Meighen Road including the cul-de-sac, and a “Stop” sign is installed at Milloy Street.
10. **Municipal Address Plan** – The applicant shall, prior to issuance of a Building Permit, submit a Municipal address plan for the subject lands.

III. That part of the closed Meighen Road on the south side of Milloy Street be established as a public highway.

Executive Summary:

N/A

Background:

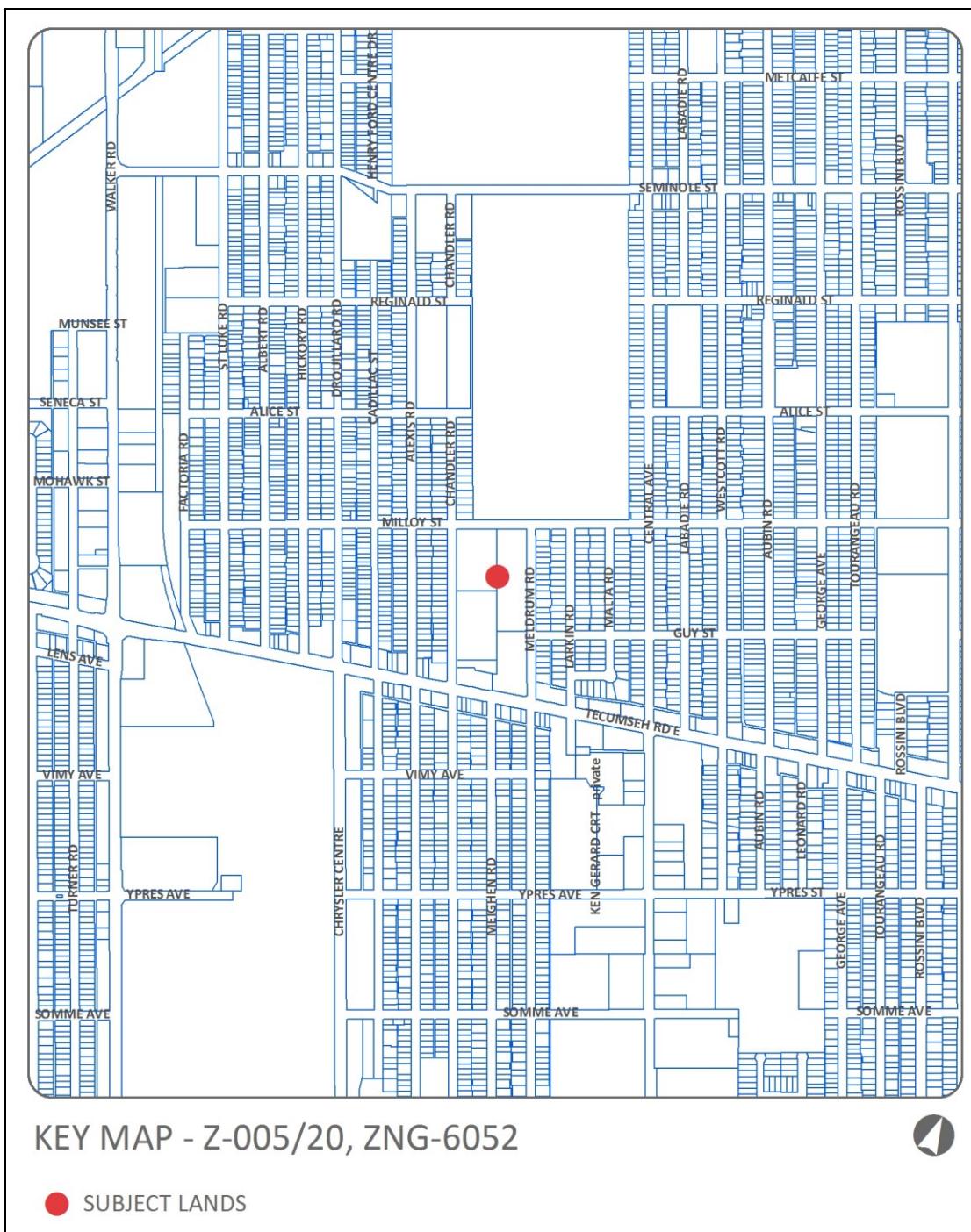
On April 8, 2013, Council adopted a motion (M135-2013) to approve the rezoning of lands located on the south side of Milloy Street between Meldrum and Chandler Roads, described as Parts 1 to 24 (inclusive) 12R-25458 from GD1.1 and ID1.1 to RD1.1 for development of single unit dwellings, and GD1.1 to ID1.1 for development of a school.

The lands that are the subject of this 2020 rezoning application, were rezoned in 2013 to RD1.1. A Fire Station was, subsequently, built at the southeast corner of Chandler and Milloy on the north part of the parcel municipally known as 3121 Milloy Street.

In order to facilitate the proposed redevelopment of single unit dwellings on the south side of Milloy Street between Meldrum and Chandler, part of the closed Meighen Road R.O.W. will be re-opened and terminated with a cul-de-sac.

On July 9, 2018, a demolition permit was issued for the existing school building on the lands municipally known as 1847 Meldrum Road; the demolition was completed on March 29, 2019.

1. KEY MAP



2. APPLICATION INFORMATION

LOCATION: 1847 Meldrum Road and 3121 Milloy Street

APPLICANT: THE CORPORATION OF THE CITY OF WINDSOR (C/O CHRIS CARPENTER)

AGENT: N/A

REGISTERED OWNER: SAME AS APPLICANT

PROPOSAL: The applicant is requesting an amendment to Zoning By-law 8600 for the lands located on the south side of Milloy Street, between Meldrum Road and Chandler Road, described as Lots 99 to 109; Lots 142 to 152 & Pt closed Alley, Registered Plan 1098, and further described as PARTS 1 to 3 on Reference Plan 12R25458; including Lots 16 to 20, 220 to 224, Pt lot 219, Pt closed Alley and Pt Meighen Road closed, Registered Plan 1098. The subject lands are part of lands municipally known as 1847 Meldrum Road and 3121 Milloy Street. The subject lands are designated Residential in the Land Use Schedule D, Official Plan Volume 1 and zoned Residential District 1.1 (RD1.1) in Zoning By-law 8600.

The applicant proposes to change the zoning of the subject lands from Residential District 1.1 (RD1.1) to Residential District 1.2 (RD1.2) and Green District 1.5 (GD1.5) as shown on the attached development concept plan.

The applicant advises that the closed portion of Meighen Road abutting the subject lands will be re-opened.

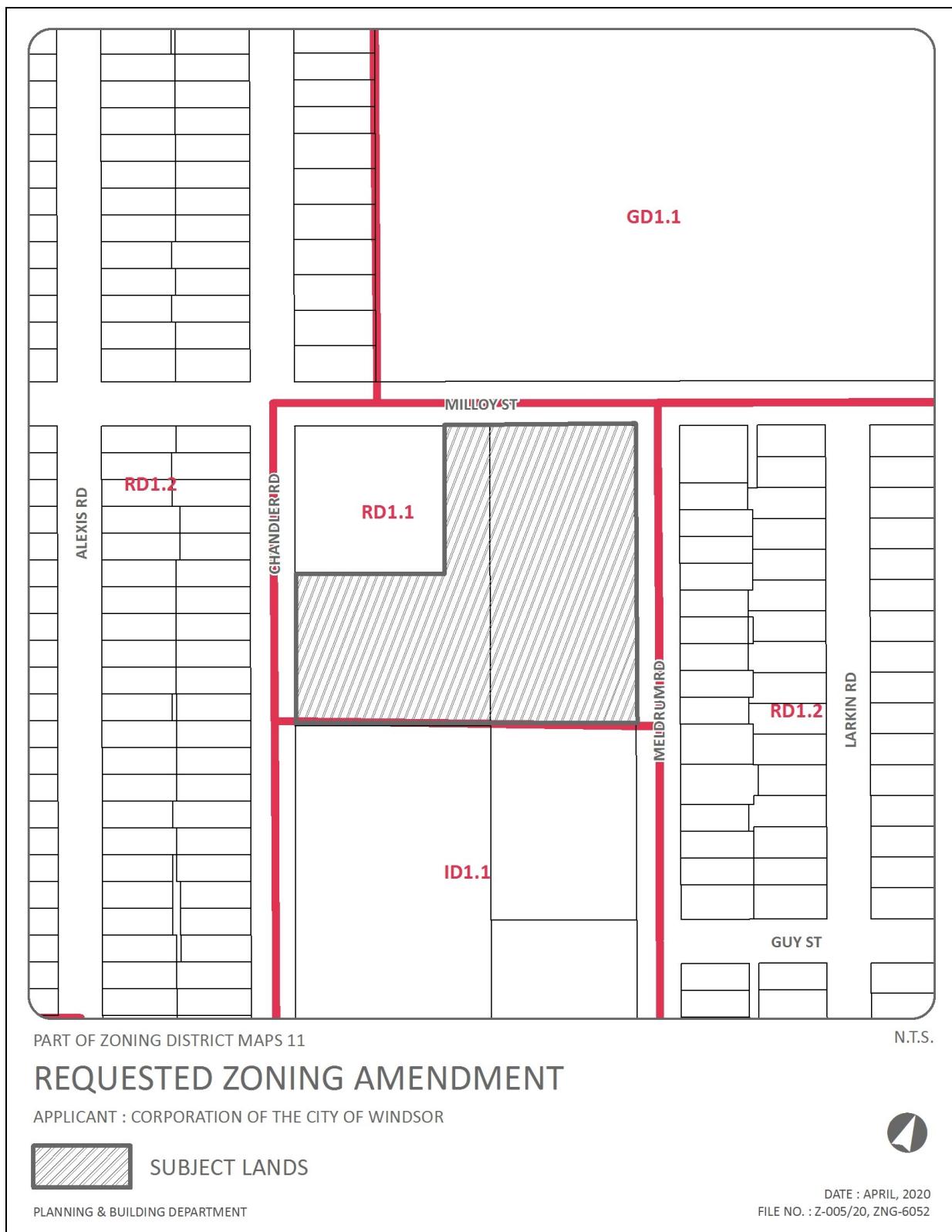
SUBMISSIONS BY APPLICANT:

- Zoning By-law Amendment Application form
- Development Concept

3. SITE INFORMATION

OFFICIAL PLAN	ZONING & ZDM	CURRENT USE(S)	PREVIOUS USE(S)
RESIDENTIAL [Land Use]	RESIDENTIAL DISTRICT 1.1 (RD1.1); ZDM11	<u>1847 Meldrum Road:</u> vacant land <u>3121 Milloy Street:</u> Fire Station; and Long Park	<u>1847 Meldrum Road:</u> previously occupied by St. Bernard Catholic Elementary School (demolished in 2018; <u>3121 Milloy Street:</u> previously Park
FRONTAGE	DEPTH	AREA	SHAPE
136m along Meldrum 60m along Chandler	66m 68.4m	9,048 sq. m. 4,104 sq. m.	irregular
Note: All measurements are approximate			

4. REZONING MAP



5. NEIGHBOURHOOD CHARACTERISTICS



The surrounding area is an established residential neighbourhood with small scale low profile residential uses (mostly single detached dwellings) serviced by schools, churches, fire station, large scale Provincial Park, and commercial uses within the nearby commercial corridor along Tecumseh Road.

SURROUNDING LAND USE

North

Fire Station; Ford Test Track (Municipal Park)

East

Existing residential developments (mostly single detached dwellings).

South

Most Precious Blood Catholic Church; St. Teresa of Calcutta Catholic Elementary School and Grace Baptist Church of Windsor.

West

Existing residential developments (mostly the single detached dwellings).

MUNICIPAL INFRASTRUCTURE

- The City's records show that there are municipal storm and sanitary sewers within the abutting roadways, available to service the subject lands. There is a
 - 900mm diameter reinforced concrete pipe storm sewer along Milloy Street;
 - 250mm diameter polyvinylchloride sanitary sewer along Chandler Road and Meldrum Road.
 - 525mm diameter reinforced concrete pipe storm sewer on Chandler Road; and
 - 600mm diameter reinforced concrete pipe storm sewer along Meldrum Road.
- Municipal watermains, fire hydrants and streetlights are available along Milloy Street, Meldrum Road and Chandler Road.
- ENWIN has overhead and underground power distribution wires in the subject area.
- There are curbs and gutter along Milloy Street, Meldrum and Chandler Roads.
- Concrete sidewalks are available on both sides of Milloy St. and one side of Meldrum Rd.
- Transit Windsor Bus routes are available within walking distance of the subject lands. Central 3 east and west bound transit Windsor buses run along Drouillard Road and Tecumseh Road East, within 400m of the subject lands. In addition, Central 3 east and west bound transit Windsor buses are available on Tecumseh Road West within 350m of the subject lands. There are bus stops located on Tecumseh at Meldrum, approximately within 350 metres of this development.
- Milloy, Chandler and Meldrum rights-of-way are classified as local roads.
- Drouillard Road right-of-way is a nearby collector road accessible from the subject lands through Milloy Street; while Tecumseh Road East is a nearby arterial road accessible from the subject lands through Chandler Road and Meldrum Road.

Discussion:

PLANNING ANALYSIS:

1. PLANNING ACT

“The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest...” (section 2 of the Planning Act.)

The Planning Act, in subsection 3(5), mandates that a decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or

agency of the government, including the Municipal Board (now the Local Planning Appeals Tribunal), in respect of the exercise of any authority that affects a planning matter, "shall be consistent with" Provincial Policy Statement.

According to subsection 3(6) of the Planning Act, comments, submissions or advice that affect a planning matter that are provided by the council of a municipality, a local board, a planning board, a minister or ministry, board, commission or agency of the government "shall be consistent with" Provincial Policy Statement.

2. PROVINCIAL POLICY STATEMENT (PPS) 2020

Provincial Policy Statement 2020 was issued under section 3 of the Planning Act and came into effect May 1, 2020. It replaces the Provincial Policy Statement issued April 30, 2014.

The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development and sets the policy foundation for regulating the development and use of land in Ontario.

In analysing the subject zoning amendment, it is important to note that the impact of the amendment is solely on the lot size, not the use. The requested amendment is a redevelopment of the subject lands to permit the same single unit dwellings allowed already on the lands. In addition, a storm water facility is being accommodated to address climate change and potential environmental concerns. The amendment promotes residential intensification that helps minimize land consumption. Therefore, the following policies of the PPS 2020 are deemed relevant for this analysis, and have been considered:

1.1.1 Healthy, liveable and safe communities are sustained by:

- a) *promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) *accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- c) *avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- d) *avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*
- e) *promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*
- f) *improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;*
- g) *ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;*
- i) *preparing for the regional and local impacts of a changing climate.*

With respect to 1.1.1(a) & (b) – This zoning by-law amendment facilitates the redevelopment of the subject land for low density infill residential development on lots that are already on a registered plan. The amendment promotes efficient development on the subject land and accommodates single detached dwellings. The lands within the immediate area accommodate a range and mix of residential, commercial, institutional, recreation, park and open space uses.

With respect to 1.1.1(c) & (d) – There are no known environmental or public health and safety concerns resulting from the proposed change of the use of the subject land to accommodate residential low density, low profile housing in the subject area. The subject amendment would facilitate the redevelopment of a vacant institutional land for an infill residential development within an established residential neighbourhood in the inner part of the City of Windsor

settlement area. The subject land is surrounded by existing developments and does NOT prevent the efficient expansion of the settlement area.

With respect to 1.1.1(e) & (f) – The amendment will achieve a cost-effective development pattern and minimize land consumption and servicing costs. Sidewalks improve *accessibility for persons with disabilities and older persons*. As noted already in this report, there are existing concrete sidewalks along Milloy Street and Meldrum Road. Recommendation II(5) of this report also requires concrete sidewalk to be constructed on the east side of Meighen Road extension.

With respect to 1.1.1(g) – The subject lands are within an established residential neighbourhood with existing municipal infrastructure, existing Regional and Municipal Parks, and existing school. The land is in an area of the City that is serviced by necessary infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities.

With respect to 1.1.1(h) – Regional and local impacts of climate change have been considered and mitigation measures include lot-grading provisions, stormwater management measures, tree planting requirements, landscaping requirements and more. Tree planting requirements and lot-grading requirements will be fulfilled through the building permit process. Storm water management facility will be provided.

The subject zoning by-law amendment will facilitate an efficient development and sustain the financial well-being of the City of Windsor. The amendment minimizes land consumption, and servicing costs, and will not cause any environmental or public health and safety concerns. The zoning by-law amendment is consistent with policy 1.1.1 of the PPS.

1.1.3.1 *Settlement areas shall be the focus of growth and development.*

1.1.3.2 *Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*

- a) efficiently use land and resources;*
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- d) prepare for the impacts of a changing climate;*
- e) support active transportation;*
- f) are transit-supportive, where transit is planned, exists or may be developed;*

The subject lands are located within a settlement area and this amendment creates opportunity for growth and development within the City of Windsor settlement area; thereby, promoting the vitality of the settlement area. This amendment will allow for low profile residential infill developments that efficiently use land, resources, and existing infrastructure, including existing and planned active transportation options such as sidewalks. The subject amendment is consistent with policies 1.1.3.1 and 1.1.3.2 of the PPS.

1.2.2 *Planning authorities shall engage with Indigenous communities and coordinate on land use planning matters.*

The indigenous communities have been contacted by the Planning Department to initiate discussions on this zoning amendment. No comments have been received at the time this report was written. The Planning Authority (The Corporation of The City of Windsor) has, in principle, satisfied the requirement to engage and coordinate; therefore, this amendment can be deemed consistent with policy 1.2.2 of the PPS.

1.4.3 *Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:*

- b) permitting and facilitating;*

1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, ...; and
2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;

c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;

This amendment would permit and facilitate development of single unit dwellings (single detached dwellings) on the subject lands. The amendment would also permit and facilitate residential intensification on lands previously occupied by a school and a park. As shown already in this report, under “Municipal Infrastructure”, there is appropriate level of infrastructure and public service facilities in the area where the proposed new housing development would be located. This amendment is consistent with policy 1.4.3 of the PPS.

1.6.6.2 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. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.

The subject lands are within an area that is serviced by municipal sewage services and municipal water services. The requested zoning by-law amendment is consistent with policy 1.6.6.2 of the PPS.

1.6.6.7 Planning for stormwater management shall:
f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.

This amendment includes consideration for stormwater management facility. We note that the Essex Region Conservation Authority (ERCA) has concerns regarding the potential impact of the quality and quantity of runoff in the downstream watercourse due to the proposed development on the subject lands. We also note that Recommendation II (3) of this report contains ERCA's recommendation regarding stormwater quality and stormwater quantity for the subject lands. This amendment is consistent with policy 1.6.6.7 (f) of the PPS.

1.7.1 Long-term economic prosperity should be supported by:
b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce.

The housing market has been very good in the Windsor and Essex County in recent months and years. This amendment encourages residential intensification, which helps to provide the badly needed housing supply in Windsor. The amendment is consistent with policy 1.7.1 of the PPS.

Regarding policy 2.6.5 of the PPS, “*there is no apparent cultural heritage resource on this property and it is located in an area of low archaeological potential*” as noted in the comment received from the City’s Heritage Planner.

In summary, the above planning analysis demonstrates that the subject zoning by-law amendment is consistent with the relevant Policies of PPS 2020.

3. OFFICIAL PLAN (OP)

The site is designated “Residential” in the Land Use Schedule D of City of Windsor Official Plan. The objectives and policies of the Residential land use designation establish the framework for development decisions in Residential areas within the City of Windsor.

As shown in the attached Appendix A to this report, the Official Plan's objectives are to support a complementary range of housing forms, promote compact residential form for new developments and promote selective residential infill and intensification initiative in the City of Windsor. See sections 6.3.1.1, 6.3.1.2 and 6.3.1.3 of OP Vol.1. These objectives of the OP are satisfied by the proposed development on the subject land. The amendment supports a complementary range of housing forms in the subject neighbourhood. The amendment also provides opportunity for residential redevelopment, infill and intensification; thereby, promoting a compact neighbourhood.

As shown in the attached Appendix A to this report, under policies of the Residential land use designation, s. 6.3.2, "*Uses permitted in the Residential land use designation identified on Schedule D: Land Use include Low, Medium and High Profile dwelling units.*"

The subject amendment is for the creation of two new zoning categories (RD1.2 and GD1.5) on the subject lands. The RD1.2 is a zoning category that permits the development of single detached dwellings, which is deemed small scale form of low profile housing development under the classification of "*types of low profile housing*" s. 6.3.2.3 of the OP.

The locational criteria, s.6.3.2.4 of OP Vol. 1, are satisfied. The subject lands provide opportunity for residential infilling within an established residential neighbourhood with access to nearby collector and arterial roads as noted already in this report under "Municipal Infrastructure". The development can be serviced by full municipal physical services. Existing community services, open spaces and public transportation are already in the neighbourhood and can service a future small scale low profile housing development on the subject land.

The residential zoning category (RD1.2) resulting from this amendment is already in existence in the immediate area. Therefore, the proposed infill residential development consisting of single detached dwellings will most likely be designed to function as an integral and complementary part of the existing residential development pattern. This amendment will facilitate a future infill development in keeping with the Official Plan built form policy for infill developments as in section 8.7.2.3, OP Vol. 1.

"All amendments to the Zoning By-law(s) shall conform with this Plan," stated in s.11.6.3.1 of the OP. Based on the analysis provided in this report, this zoning by-law amendment maintains conformity with the Official Plan.

This amendment meets the evaluation criteria set out in s.11.6.3.3 of the OP. The subject zoning by-law amendment is consistent with the relevant policies of the PPS and conforms with the applicable objectives and policies of OP Vol. 1. No support study was required as part of this application. However, the requirements, comments and recommendations from municipal departments and circularized agencies have been considered, as noted in the CONSULTATION section of this report. This amendment promotes opportunity for residential intensification, redevelopment and infill, which creates a compact form of neighbourhood and ensures continuation of an orderly development pattern in the subject area. The zoning by-law amendment will provide additional housing opportunities in the area with no negative impact on the adjacent properties.

4. ZONING

The subject land is zoned Residential District 1.1 (RD1.1) in the City of Windsor Zoning By-law 8600. The proposed new zoning is Residential District 1.2 (RD1.2) in the City of Windsor Zoning By-law 8600. **Appendix B**, attached to this report, contains relevant excerpts from Zoning By-law 8600. Permitted uses under the RD1.1 and RD1.2 zoning districts are exactly the same.

Both zoning categories permit: (a) Existing Duplex Dwelling; (b) Existing Semi-Detached Dwelling; (c) One Single Unit Dwelling; and (d) Any use accessory to the preceding uses.

RD1.1 and RD1.2 zoning categories have different minimum lot width and lot area provisions for a Single Unit dwelling, as shown below:

	<u>RD1.2</u>	<u>RD1.1</u>
Lot Width – minimum	12m	15m
Lot Area – minimum	360m ²	450m ²

The subject lands are mostly described on a registered plan of subdivision RP 1098 as 40ft (12m) lots. The applicant is requesting a new zoning category (RD1.2) that allows for 40ft (12m) minimum lot widths for single unit residential developments. The lot area for each 40ft lot on RP 1098 is greater than 360m². Parking requirement in by-law 8600 is one (1) motor vehicle parking space, minimum, required for a single unit dwelling.

A holding provision will be applied to the subject amendment in order to ensure that outstanding site development requirements (found in the CONSULTATION and the RECOMMENDATION sections of this report) are satisfied prior to any development on the subject lands. A draft by-law is attached as **Appendix E**.

5. SITE PLAN

The proposed amendment does NOT meet the definition of a “development” as in section 41(1) of the Planning Act. Therefore, the applicant is NOT required to submit an application for Site Plan Approval.

Risk Analysis:

The requested zoning amendment will require reopening of the closed Meighen Road right-of-way and installing sidewalk on one side of the re-opened right-of-way. The Corporation of the City of Windsor should expect the usual risk factors associated with opened right-of-ways.

Financial Matters:

N/A

Consultations:

1. DEPARTMENT AND AGENCIES

Appendix C to this report, contains comments from the municipal departments and external agencies. There are no objections to the proposed amendment. However, some municipal departments and external agencies have recommended conditions for approval of the zoning amendment. Below is a snapshot of those conditions of approval. The full information can be found in Appendix C and Recommendation II of this report.

Engineering & Geomatics Division recommend the following conditions:

Street Opening Permit – The applicant agrees to obtain street opening permits for sewer taps, drain taps, road construction, sidewalks, street lights, etc. from the City Engineer, prior to ...

Development Agreement – The applicant agrees to conform to the General Provisions of Council Resolutions 233/98 and any other specific requirements.

Municipal Address Plan – The applicant shall agree prior to issuance of a Building Permit, to submit a Municipal address plan for the subject lands.

Servicing Study – Prior to the issuance of a Street opening permit, the applicant shall agree to review the existing and proposed sewer system for this development to determine its affect on the municipal sewer system. The study shall ... The applicant is required to demonstrate that no negative impacts will be realized by the existing surrounding community, before the proposed ...

Sidewalks – The applicant agrees to construct, at its entire expense, according to City of Windsor Standard Specifications and in a manner satisfactory to the City Engineer, a concrete sidewalk on one side of Meighen Road.

Meighen Road Cul-De-Sac – The applicant(s) agree to construct a cul-de-sac with a minimum radius of 9.5m at the southerly limit of the Meighen Road extension.

Reserve – The applicant shall agree that dead-ended highways shall terminate in 0.3 metre reserve block.

Street Lighting – The owner agrees to construct and install street lighting including all poles, wiring, fixtures, and conduits with design, location and specifications satisfactory to the City Engineer and EnWin Utilities Ltd. Should the decorative poles be requested, the owner shall provide extra poles and/or funds in accordance with Council Resolution 743/2000.

Transportation Planning recommends the following condition:

A sidewalk will be required along the east side of Meighen Road from Milloy Street to the southerly limit of Meighen Road.

Essex Region Conservation Authority (ERCA) recommends the following condition:

That stormwater quality and storm water quantity will need to be addressed up to and including the 1:100 year storm event and be in accordance with the guidance provided by the Stormwater Management Planning and Guidance Manual, prepared by the Ministry of Environment (MOE, March 2003) and the "Windsor-Essex Region Stormwater Management Standards Manual"

2. PUBLIC NOTICE

The City will advertise the official notice in the Windsor Star Newspaper as mandated by the Planning Act.

The City will also mail courtesy notice to all properties within 120m (400 feet) of the subject parcel, prior to the Development & Heritage Standing Committee (DHSC) meeting.

Conclusion:

The applicant's request to amend zoning by-law 8600 by changing the zoning of the subject land from RD1.1 to RD1.2 & GD1.5 will facilitate development of single unit dwellings on lots with 12m (40-ft) minimum width, plus storm water facility. The proposed GD1.5 zoning will accommodate storm water management facility to service the proposed residential developments on the subject lands.

Upon reviewing comments received from municipal department and external agencies, the relevant policies of the Provincial Policy Statement (PPS) 2020 and the Official Plan, it is my opinion that this zoning by-law amendment is consistent with the PPS 2020 and maintains conformity with the Official Plan. This amendment is good planning.

In my opinion, a decision to approve this zoning by-law amendment is consistent with the PPS 2020.

The recommendation is for approval of the applicant's request with a holding prefix, which shall be removed when the conditions in Recommendation II of this report are satisfied and an application is submitted to remove the holding symbol.

Planning Act Matters:

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

Michael Cooke, MCIP, RPP
Manager, Planning Policy

Thom Hunt, MCIP, RPP
City Planner

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

SAH, City Solicitor

OC, Chief Administrative Officer

Approvals:

Name	Title
Michael Cooke, MCIP, RPP	Manager of Planning Policy / Deputy City Planner
Thom Hunt, MCIP, RPP	City Planner
Wira Vendrasco	Deputy City Solicitor
Shelby Askin Hager	City Solicitor
Onorio Colucci	Chief Administrative Officer

Notifications:

Name	Address	Email
Abutting property owners, tenants/occupants within 120 meter (400 feet) radius of the subject land		
Applicant / Registered Owner: The Corporation of The City of Windsor; c/o Chris Carpenter	400 City Hall Square East, Suite 201, Windsor ON N9A7K0	ccarpenter@citywindsor.ca
Councillor Ed Sleiman	350 City Hall Square West, Suite 220, Windsor, ON N9A6S1	esleiman@citywindsor.ca

Appendices:

- 1 Appendix A - Excerpts from the Official Plan
- 2 Appendix B - Excerpts from Zoning By-law 8600
- 3 Appendix C - Consultations Table
- 4 Appendix D - Development Concept
- 5 Appendix E - Draft By-law for Z-005-20

APPENDIX A – EXCERPTS FROM THE OFFICIAL PLAN

OP Volume 1 – Primary Plan

6. Land Use

6.3 Residential

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

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

6.3.1 Objectives

<i>RANGE OF FORMS & TENURES</i>	6.3.1.1	To support a complementary range of housing forms and tenures in all neighbourhoods.
<i>NEIGHBOURHOODS</i>	6.3.1.2	To promote compact neighbourhoods which encourage a balanced transportation system.
<i>INTENSIFICATION, INFILL & REDEVELOPMENT</i>	6.3.1.3	To promote selective residential redevelopment, infill and intensification initiatives.
<i>MAINTENANCE & REHABILITATION</i>	6.3.1.4	To ensure that the existing housing stock is maintained and rehabilitated.
<i>SERVICE & AMENITIES</i>	6.3.1.5	To provide for complementary services and amenities which enhance the quality of residential areas.
<i>HOME BASED OCCUPATIONS</i>	6.3.1.6	To accommodate home based occupations.
<i>SUFFICIENT LAND SUPPLY</i>	6.3.1.7	To ensure that a sufficient land supply for residential and ancillary land uses is available to accommodate market demands over the 20 year period of this Plan.

6.3.2 Policies

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

<i>PERMITTED USES</i>	6.3.2.1	Uses permitted in the Residential land use designation identified on Schedule D: Land Use include Low, Medium and High Profile dwelling units.
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<i>ANCILLARY USES</i>	6.3.2.2	<p>In addition to the uses permitted above, Council will encourage the achievement of diverse and self-sufficient neighbourhoods by permitting the following ancillary uses in areas designated Residential on Schedule D: Land Use without requiring an amendment to this Plan:</p> <ul style="list-style-type: none"> (a) community services including libraries, emergency services, community centres and similar public agency uses; (b) home based occupations subject to the provisions of policy 6.3.2.7; (c) Neighbourhood Commercial uses subject to the provisions of policy 6.3.2.9; (d) Open Space uses subject to the provisions of section 6.7; and (e) Minor Institutional uses subject to the provisions of section 6.6.
<i>TYPES OF LOW PROFILE HOUSING</i>	6.3.2.3	<p>For the purposes of this Plan, Low Profile housing development is further classified as follows:</p> <ul style="list-style-type: none"> (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	<p>Residential development shall be located where:</p> <ul style="list-style-type: none"> (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.
<i>EVALUATION CRITERIA FOR A NEIGHBOURHOOD DEVELOPMENT PATTERN</i>	6.3.2.5	<p>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:</p> <ul style="list-style-type: none"> (a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses: <ul style="list-style-type: none"> (i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan; (ii) adjacent to sources of nuisance, such as noise, odour, vibration and dust;

- (iii) within a site of potential or known contamination;
- (iv) where traffic generation and distribution is a provincial or municipal concern; and
- (v) adjacent to heritage resources.

- (b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;
- (c) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas;
- (d) provided with adequate off street parking;
- (e) capable of being provided with full municipal physical services and emergency services; and
- (f) facilitating a gradual transition from Low Profile residential development to Medium and/or High profile development and vice versa, where appropriate.

<i>HOUSING PROGRAMS</i>	6.3.2.12	Council may assist the federal and provincial governments in the administration of housing programs and initiatives.
<i>AFFORDABLE HOUSING</i>	6.3.2.13	Council shall encourage the provision of affordable and social assisted housing.
<i>SPECIAL NEEDS</i>	6.3.2.14	Council shall encourage the provision of housing to meet the needs of special segments of Windsor's population such as the physically challenged.
<i>TENURE VARIETY</i>	6.3.2.15	Council shall encourage the provision of a variety of housing tenures which recognize the diverse needs of Windsor's residents.
<i>PROTECT RENTAL HOUSING</i>	6.3.2.16	Council shall protect the existing supply of rental housing from conversion in keeping with the Rental Housing Conversion to Condominium policies detailed in Section 11.5.4 of this Plan.
<i>HERITAGE CONSERVATION</i>	6.3.2.17	Council shall encourage the retention, restoration and sensitive renovation of historic and/or architecturally significant residential buildings in accordance with the Heritage Conservation chapter of this Plan.
<i>MAINTENANCE & REHABILITATION STANDARDS</i>	6.3.2.18	Council shall promote the maintenance of Windsor's housing stock at a standard sufficient to provide acceptable conditions of health, safety and appearance in accordance with the Community Improvement section of this Plan.
<i>MONITOR HOUSING</i>	6.3.2.19	The Municipality will continue to monitor residential development activity and the supply and affordability of existing housing.

<i>SHORT TERM LAND SUPPLY</i>	6.3.2.20	Council shall endeavor to maintain at least a three year supply of draft approved and registered residential lots and blocks in order to meet anticipated short term housing demands.
<i>LONG TERM LAND SUPPLY</i>	6.3.2.21	Council shall maintain at least a ten year supply of land designated for residential development to meet anticipated long term housing demands.
11.6.3 Zoning By-law Amendment Policies		
<i>AMENDMENTS MUST CONFORM</i>	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.
<i>REVIEW PROCEDURE</i>	11.6.3.2	All applications for Zoning By-law amendments shall be processed in accordance with the provisions of the <i>Planning Act</i> , 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: <ul style="list-style-type: none"> (a) Be circulated to appropriate agencies and those agencies be provided with sufficient time to respond; (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 <i>Planning Act</i>; and (c) Be given due and thorough consideration by Council.
<i>EVALUATION CRITERIA</i>	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: <ul style="list-style-type: none"> (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 B – EXCERPTS FROM ZONING BY-LAW 8600

9.5 GREEN DISTRICT 1.5 (GD1.5)

9.5.1 PERMITTED USES

Stormwater Management Facility

Any use accessory to the *Stormwater Management Facility*

9.5.5 PROVISIONS

.50 A *Stormwater Management Facility* shall be built in accordance with the terms of an agreement entered into with the Corporation of the City of Windsor

10.1 RESIDENTIAL DISTRICT 1.1 (RD1.1)

10.1.1 PERMITTED USES

Existing Duplex Dwelling

Existing Semi-Detached Dwelling

One Single Unit Dwelling

Any use accessory to the preceding uses

10.1.5 PROVISIONS

	Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.1 Lot Width – minimum	9.0 m	15.0 m	15.0 m
.2 Lot Area – minimum	360.0 m ²	450.0 m ²	450.0 m ²
.3 Lot Coverage – maximum	45.0%	45.0%	45.0%
.4 Main Building Height – maximum	10.0 m	10.0 m	10.0 m
.5 Front Yard Depth – minimum	6.0 m	6.0 m	6.0 m
.6 Rear Yard Depth – minimum	7.50 m	7.50 m	7.50 m
.7 Side Yard Width – minimum	1.20 m	1.20 m	1.50 m

10.2 RESIDENTIAL DISTRICT 1.2 (RD1.2)

10.2.1 PERMITTED USES

Existing Duplex Dwelling

Existing Semi-Detached Dwelling

One Single Unit Dwelling

Any use accessory to the preceding uses

10.2.5 PROVISIONS

	Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.1 Lot Width – minimum	9.0 m	15.0 m	12.0 m
.2 Lot Area – minimum	360.0 m ²	450.0 m ²	360.0 m ²
.3 Lot Coverage – maximum	45.0%	45.0%	45.0%
.4 Main Building Height – maximum	10.0 m	10.0 m	10.0 m
.5 Front Yard Depth – minimum	6.0 m	6.0 m	6.0 m
.6 Rear Yard Depth – minimum	7.50 m	7.50 m	7.50 m
.7 Side Yard Width – minimum	1.20 m	1.20 m	1.20 m

APPENDIX C: CONSULTATIONS TABLE

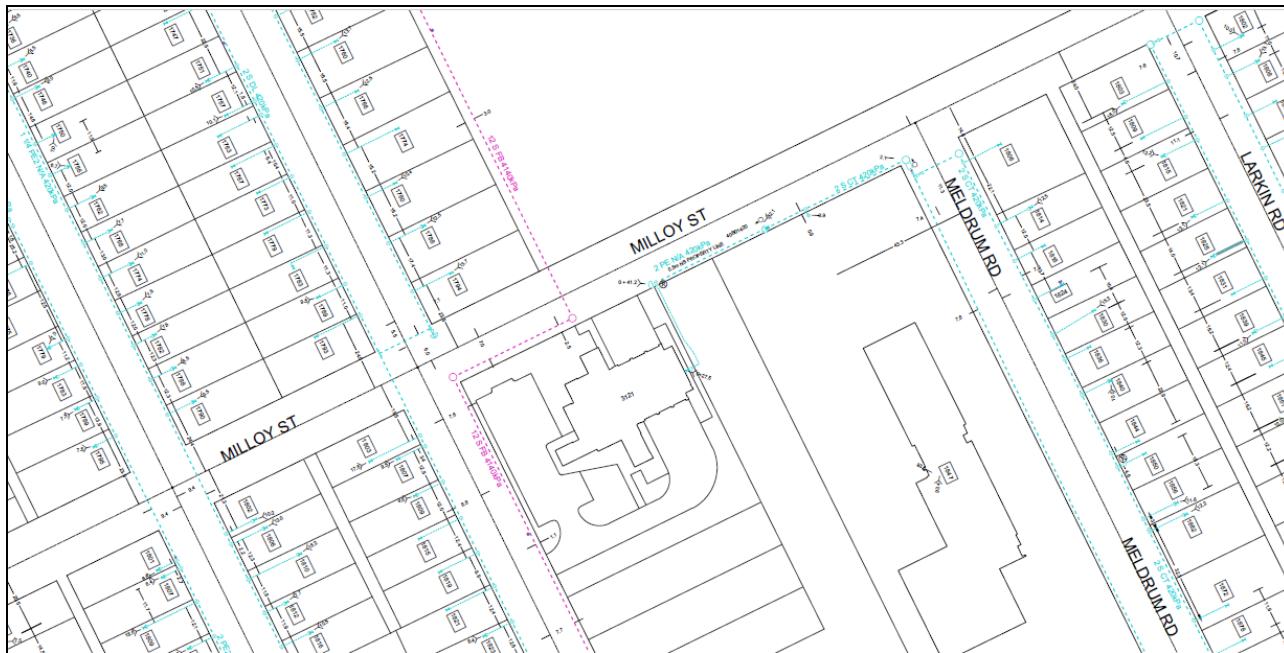
Comments from Municipal Departments & External Agencies

CANADA POST - Bruno DeSando, April 21, 2020

Canada Post comments are found on pages, 7, 8 & 9 of this document.

ENBRIDGE GAS (Operating as UNION GAS) – Corey Urban, April 22, 2020

Enbridge Gas has no concerns with the street opening. We have an existing 2" PE main in the area, please call for locates prior to any construction.



ENGINEERING - DEVELOPMENT, PROJECTS & ROW – Adam Pillon, May 14, 2020

The applicant is requesting a zoning amendment from Residential District 1.1 (RD1.1) to Residential District 1.2 (RD1.2) and Green District 1.5 (GD1.5) in order to facilitate twenty-nine (29) 40' frontage single unit dwelling building lots and a stormwater management facility. We have reviewed the servicing requirements of the subject lands pertinent to this application, and offer the following comments:

Roads and rights-of-way:

Milloy Street, Chandler Road and Meldrum Road are classified as local roads requiring a right-of-way width of 20.0m; no conveyance is required. The proposed Meighen Road extension will require a 20.0m right-of-way. The road cross-section shall be constructed as per AS-206D and AS-214 and the cul-de-sac requires a minimum radius of 9.5m. In accordance with the Official Plan, sidewalks are required on one side of the Meighen Road extension and a one foot reserve will be required at the southern end, between the cul-de-sac and the school property.

Sewers:

There are municipal storm and sanitary sewers within the abutting road ways, available to service the subject property as follows:

Milloy Street

Storm Sewer: 900mm Reinforced Concrete Pipe

Chandler Road

Sanitary Sewer: 250mm PVC

Storm Sewer: 525mm Reinforced Concrete Pipe

Meldrum Road

Sanitary Sewer: 250mm PVC

Storm Sewer: 600mm Reinforced Concrete Pipe

A servicing study is required for this development in order to confirm capacity exists in the proposed sewer outlets from this site. The City completed a sewer rehabilitation project on Meldrum in 2007, existing services should be reused if possible as per Engineering Best Practice BP1.3.3.

Storm water management completed in accordance with the Windsor/Essex Region Stormwater Management Standards Manual and a site grading plan will be required. As per the revised stormwater analysis, the stormwater management pond will be expanded into Lot 23 due to storage requirements. This will result in the loss of Lot 23 as a possible building lot.

In summary, we have no objections to this application. Given there will be no formal agreement for the proposed City development the Right-of-Way Division will issue a Street Opening Permit for the proposed development. The Engineering Department recommends the following conditions are included as requirements of the rezoning approval:

Street Opening Permit – The applicant agrees to obtain street opening permits for sewer taps, drain taps, road construction, sidewalks, street lights, etc. from the City Engineer, prior to commencement of any construction on the public highway.

Development Agreement – The applicant agrees to conform to the General Provisions of Council Resolutions 233/98 and any other specific requirements.

Municipal Address Plan – The applicant shall agree prior to issuance of a Building Permit, to submit a Municipal address plan for the subject lands.

Servicing Study – Prior to the issuance of a Street opening permit, the applicant shall agree to review the existing and proposed sewer system for this development to determine its affect on the municipal sewer system. The study shall be done to the satisfaction of the City Engineer and the Chief Building Official. The applicant is required to demonstrate that no negative impacts will be realized by the existing surrounding community, before the proposed development will be allowed to proceed.

Sidewalks – The applicant agrees to construct, at its entire expense, according to City of Windsor Standard Specifications and in a manner satisfactory to the City Engineer, a concrete sidewalk on one side of Meighen Road.

Meighen Road Cul-De-Sac – The applicant(s) agree to construct a cul-de-sac with a minimum radius of 9.5m at the southerly limit of the Meighen Road extension.

Reserve – The applicant shall agree that dead-ended highways shall terminate in 0.3 metre reserve block.

Street Lighting – The owner agrees to construct and install street lighting including all poles, wiring, fixtures, and conduits with design, location and specifications satisfactory to the City Engineer and EnWin Utilities Ltd. Should the decorative poles be requested, the owner shall provide extra poles and/or funds in accordance with Council Resolution 743/2000.

If you have any questions or concerns, please contact Adam Pillon at 519-255-6257, ext. 6612.

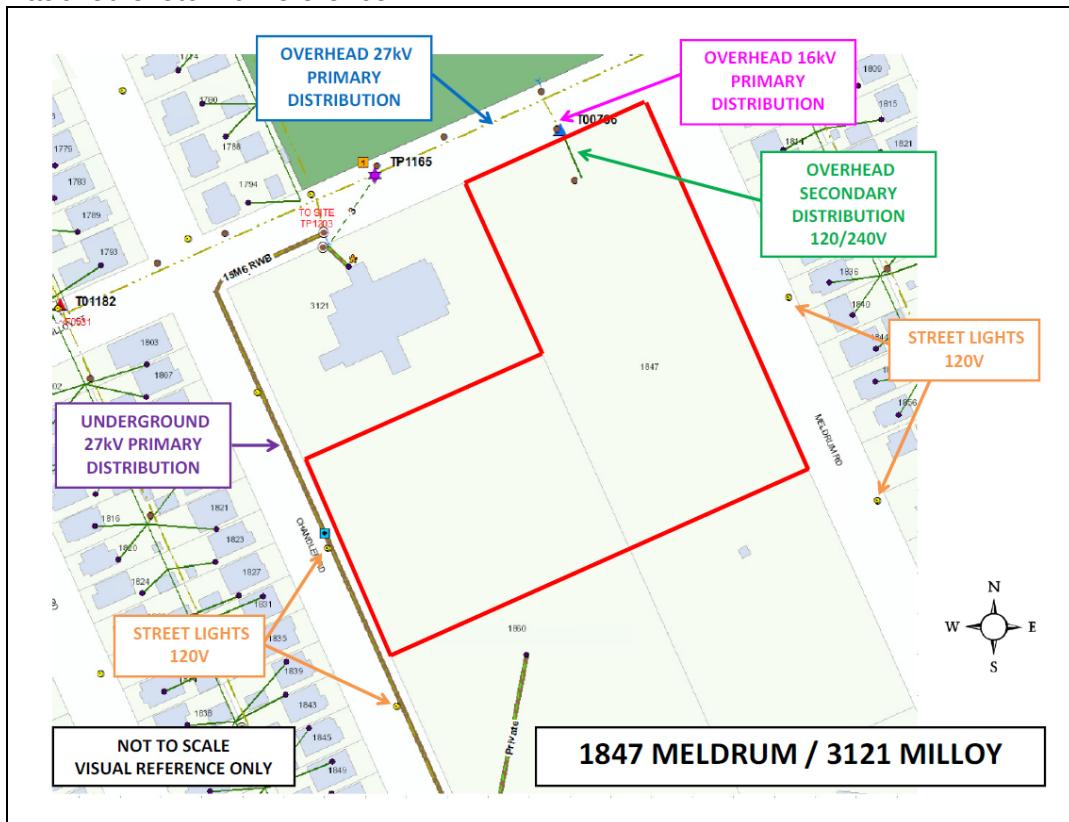
ENVIRONMENTAL SERVICES – Anne Marie Albidone, April 21, 2020
No concerns from Environmental Services.

ENWIN UTILITIES (Hydro Engineering) – Cecile Dalgleish, April 24, 2020
Hydro Engineering: No Objection

Please note that ENWIN has the following plant near the property in question:

- 27.6 kV overhead primary distribution on the north side of Milloy.
- 16 kV overhead primary distribution crossing Milloy to the north property boundary of 1847 Meldrum.
- 120/240V secondary at the north property boundary of 1847 Meldrum
- 27.6 kV underground primary distribution along the east side of Chandler at the west property line of 3121 Milloy
- streetlight distribution along Meldrum and Chandler

Attached sketch for reference.



Please note that this sketch does not replace the need to obtain utility locates prior to construction. We recommend referring to the Occupational Health & Safety Act (Ministry of Labour) and Building

code to ensure that a safe limit of approach and minimum clearance requirements are met. Adequate clearance must be maintained both during and after construction.

ENWIN UTILITIES (Water Engineering) – Cecile Dalgleish, April 24, 2020
Water Engineering has no objections.

ESSEX REGION CONSERVATION AUTHORITY (ERCA) – Fernando Cirino, May 5, 2020:
See comment on pages 10 & 11 of this Appendix C.

HERITAGE PLANNER– Kristina Tang, May 12, 2020

There is no apparent cultural heritage resource on this property and it is located in an area of low archaeological potential. Nevertheless, the Applicant should be notified of the following archaeological precaution.

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

Contacts:

Windsor Planning & Building Department:

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

Windsor Manager of Cultural Affairs:

Cathy Masterson, 519-253-2300x2724, cmasterson@citywindsor.ca

Ontario Ministry of Heritage, Sport, Tourism and Culture Industries

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

Windsor Police: 911

Ontario Ministry of Government & Consumer Services

Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures, 1-416-212-7499, nancy.watkins@ontario.ca

LANDSCAPE ARCHITECT – Stefan Fediuk, April 28, 2020

No objections. Please also note the following comments:

Parkland Dedication:

Ford Test Track Park is a Regional Open Space with Neighbourhood Park amenities situated 50 metres from the subject site. In addition, the subject site proposes a parcel of land smaller the 2 hectares in size as GD 1.5. Aside from this parcel being undersized to serve as a Neighbourhood Park as per REDISCOVER OUR PARKS, the City of Windsor's Parks and Outdoor Recreation

Masterplan, zoned as GD1.5 in the Zoning Bylaw 86000, this parcel land would be restricted to the following Permitted Uses:

- (i) A permanent stormwater management facility.
- (ii) Any use accessory to the foregoing use.

Therefore, the land designated GD1.5 is not to be included as Parkland Dedication contribution. The City of Windsor Parks Department will require cash-in-lieu of parkland dedication, in addition to all other parks levies at the time of development permit.

PARKS & FACILITIES OPERATIONS – Heidi Baillargeon, April 22, 2020

We have no comments or objections to the application.

PROPERTY ASSESSMENT OFFICER – Mejalli, April 21, 2020

No objection to the applicants proposal to change the zoning from RD1.1 to RD1.2 and GD1.5 as shown on the referenced site plan.

TRAFFIC – Shari Gabriele, May 12, 2020

We would require no parking on one side of Meighen Rd including the cul-de-sac also a stop sign at Milloy. As for Chandler and Meldrum changes were made to those a couple of years ago for the new school and won't require any changes. The only other thing I could see is there could be changes required on the south side of Milloy if sightlines cause an issue.

TRANSIT WINDSOR – Jason Scott, April 21, 2020

Transit Windsor has no objections to this development. We currently have our existing Transway 1C and Central 3 routes along Tecumseh Rd E servicing this area. There are bus stops located on Tecumseh at Meldrum falling approximately within 350 metres of this development, which meets our 400 metre walking distance. Our Council approved transit master plan enhances this service with 4 routes being on Tecumseh Rd E for this area with 2 primary lines and 2 secondary lines.

TRANSPORTATION PLANNING ENGINEER – Juan Paramo, May 12, 2020

Overall, Transportation Planning supports the subject Zoning By-law amendment.

- The Official Plan classifies Chandler Road, Meldrum Road and Milloy Street as Local Roads with a required right-of-way width of 20 metres. The current right-of-way width for all adjacent streets is sufficient and therefore, a land conveyance is not required.
- All new exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).
 - A sidewalk will be required along the east side of Meighen Road from Milloy Street to the southerly limit of Meighen Road.
- All new accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings.

WINDSOR ACCESSIBILITY ADVISORY COMMITTEE (WAAC) – Gayle Jones, April 21, 2020

I have reviewed the above noted application and accompanying documents and I have no concerns to note from an accessibility perspective

WINDSOR FIRE & RESCUE SERVICES – John Lee, April 21, 2020

No concerns.

WINDSOR POLICE SERVICE - Barry Horrobin, April 24, 2020

The Windsor Police Service has no objections to the proposed rezoning to permit the development of 29 new single unit dwelling lots and a storm water management area for the site. Such a redevelopment is consistent in its proposed use with the surrounding neighbourhood and is therefore not anticipated to create any concerns therein. Furthermore, the re-opening of Meighen Road from Milloy Street to the south extent of the property will facilitate proper emergency vehicle response capability once the site becomes developed. Overall sight lines and physical accessibility are excellent for this site, both of which are positive for promoting public safety.



April 21, 2020

JUSTINA NWAESEI
PLANNER
CITY OF WINDSOR
350 CITY HALL SQUARE WEST, SUITE 210
WINDSOR ON N9A 6S1

Reference: **Z-005/20**

Dear Justina,

Thank you for contacting Canada Post regarding plans for a new development in the City of Windsor. Please see Canada Post's feedback regarding the proposal, below.

Service type and location

1. Canada Post will provide mail delivery service to the subdivision through centralized Community Mail Boxes (CMBs).
2. If the development includes plans for (a) multi-unit building(s) with a common indoor entrance, the developer must supply, install and maintain the mail delivery equipment within these buildings to Canada Post's specifications.

Municipal requirements

1. Please update our office if the project description changes so that we may determine the impact (if any).
2. Should this subdivision application be approved, please provide notification of the new civic addresses as soon as possible.

Developer timeline and installation

1. Please provide Canada Post with the excavation date for the first foundation/first phase as well as the date development work is scheduled to begin. Finally, please provide the expected installation date(s) for the CMB(s).

Please see Appendix A for any additional requirements for this developer.

Regards,

Bruno DeSando
CANADA POST CORPORATION
Delivery Planning
955 Highbury Avenue
LONDON ON N5Y 1A3
tel: 519-494-1596
fax: 519-457-5412
e-mail: bruno.desando@canadapost.ca

Appendix A

Additional Developer Requirements:

- The developer will consult with Canada Post to determine suitable permanent locations for the Community Mail Boxes. The developer will then indicate these locations on the appropriate servicing plans.
- The developer agrees, prior to offering any units for sale, to display a map on the wall of the sales office in a place readily accessible to potential homeowners that indicates the location of all Community Mail Boxes within the development, as approved by Canada Post.
- The developer agrees to include in all offers of purchase and sale a statement which advises the purchaser that mail will be delivered via Community Mail Box. The developer also agrees to note the locations of all Community Mail Boxes within the development, and to notify affected homeowners of any established easements granted to Canada Post to permit access to the Community Mail Box.
- The developer will provide a suitable and safe temporary site for a Community Mail Box until curbs, sidewalks and final grading are completed at the permanent Community Mail Box locations. Canada Post will provide mail delivery to new residents as soon as the homes are occupied.
- The developer agrees to provide the following for each Community Mail Box site and to include these requirements on the appropriate servicing plans:
 - Any required walkway across the boulevard, per municipal standards
 - Any required curb depressions for wheelchair access, with an opening of at least two metres (consult Canada Post for detailed specifications)
 - A Community Mailbox concrete base pad per Canada Post specifications.

Essex Region Conservation

the place for life



May 05, 2020

Ms. Justina Nwaesei, Planner II – Development Review
City of Windsor, Development Services
350 City Hall Square West
Windsor, Ontario, N9A 6S1

planning@erca.org
P.519.776.5209
F.519.776.8688
360 Fairview Avenue West
Suite 311, Essex, ON N8M 1Y6

Dear Ms. Nwaesei:

RE: Zoning By-Law Amendment Z-005-20 1847 MELDRUM RD & 3121 MILLOY ST
ARN 373901035010900, 373901035008906; PIN: 011230943, 011230938
Applicant: The Corporation of the City of Windsor

The following is provided as a result of our review of Zoning By-Law Amendment Z-005-20 to rezone site area from R1.1 to R1.2 and G1.5 for purpose of developing new subdivision and stormwater management facility.

DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS AND REGULATORY RESPONSIBILITIES ASSOCIATED WITH THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the *Planning Act* as well as our regulatory role as defined by Section 28 of the *Conservation Authorities Act*.

We have reviewed our floodline mapping for this area and it has been determined this site is **not** located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the *Conservation Authorities Act*). As a result, a permit is not required from ERCA for issues related to Section 28 of the *Conservation Authorities Act*, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act*, (Ontario Regulation No. 158/06).

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 Stormwater Management (PPS, 2014)

ERCA has concerns with the potential impact of the quality and quantity of runoff in the downstream watercourse due to the proposed development on this site. ERCA recommends that stormwater quality and stormwater quantity will need to be addressed up to and including the 1:100 year storm event and be in accordance with the guidance provided by the Stormwater Management Planning and



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Amherstburg / Essex / Kingsville / Lakeshore / LaSalle / Leamington / Pelee Island / Tecumseh / Windsor

Ms. Nwaesei
May 05, 2020

Guidance Manual, prepared by the Ministry of the Environment (MOE, March 2003) and the "Windsor-Essex Region Stormwater Management Standards Manual".

We further recommend that the stormwater management analysis be completed to the satisfaction of the Municipality. We do not require further consultation on this file with respect to stormwater management.

PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS

The following comments are provided from our perspective as a service provider to the Municipality on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the PPS. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Municipality as the planning authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the Provincial Policy Statement (PPS). Based on our review, we have no objection to the application with respect to natural heritage policies.

FINAL RECOMMENDATION

If you have any questions or require any additional information, please contact the undersigned.

Sincerely,



Fernando Cirino, MUD
Resource Planner
/fc

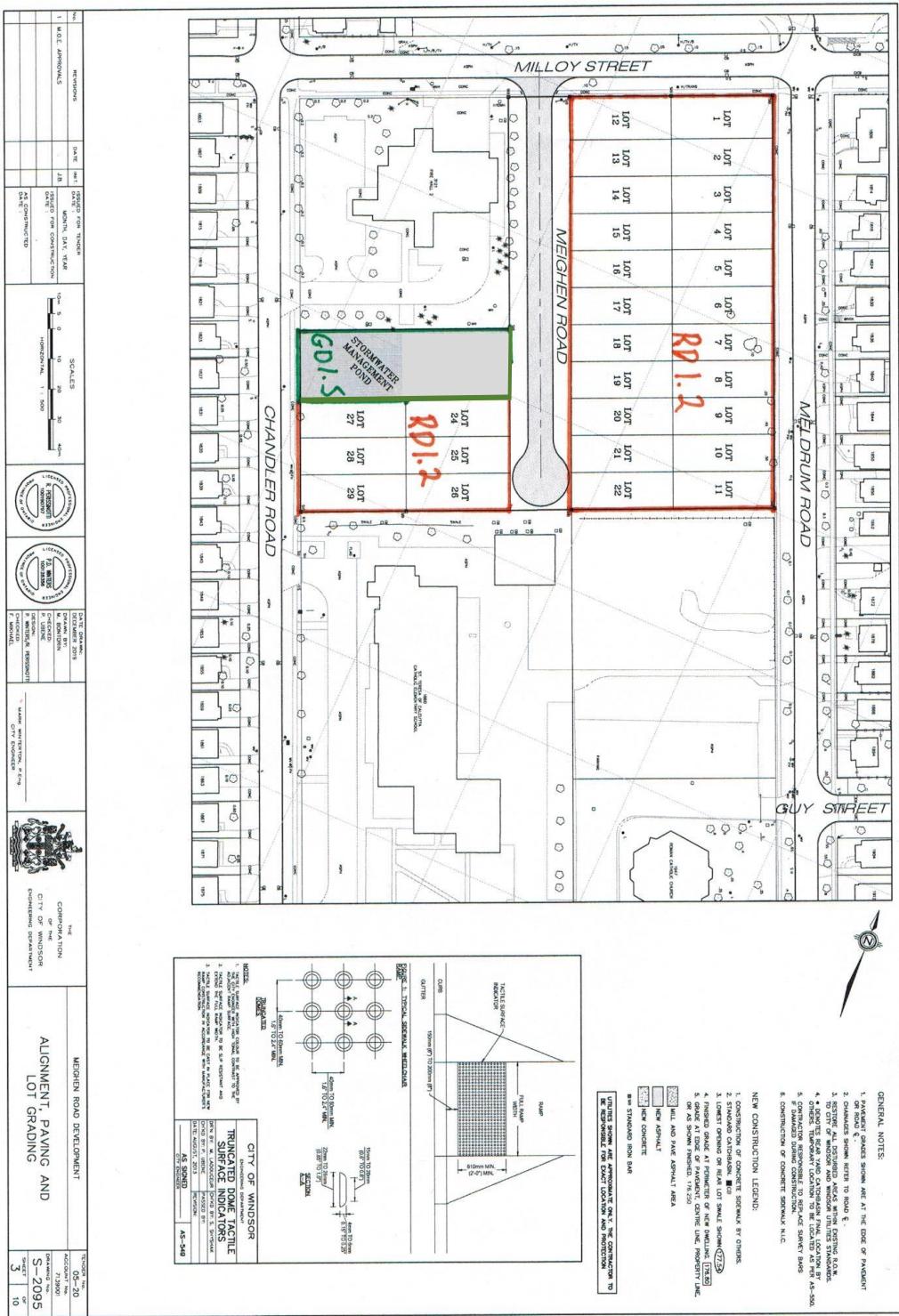
Page 2 of 2

Amherstburg / Essex / Kingsville / Lakeshore / LaSalle / Leamington / Pelee Island / Tecumseh / Windsor



No Comment was received from the following:

- BELL CANADA (WSP)
- CANADA MORTGAGE & HOUSING CORPORATION (CMHC)
- COGECO CONNEXION
- ENVIRONMENT & SUSTAINABILITY COORDINATOR
- GREATER ESSEX COUNTY DISTRICT SCHOOL BOARD (GECDSB)
- MINISTRY OF MUNICIPAL AFFAIRS & HOUSING (MMAH)
- WALPOLE ISLAND
- WINDSOR-ESSEX CATHOLIC DISTRICT SCHOOL BOARD (WECDSB)
- WINDSOR ESSEX COUNTY HEALTH UNIT



APPENDIX D – Development Concept

(REVISED TO INCREASE GD1.5 LANDS PER ENGINEERING COMMENT)

APPENDIX E – Draft By-law

BY-LAW NUMBER -2020

A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600
CITED AS THE "CITY OF WINDSOR ZONING BY-LAW"

Passed the _____ day of _____, 2020.

WHEREAS it is deemed expedient to further amend By-law Number 8600 of the Council of The Corporation of the City of Windsor, cited as the "City of Windsor Zoning By-law" passed the 31st day of March, 1986, as heretofore amended:

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

1. That By-law Number 8600 is further amended by changing the Zoning District Maps or parts thereof referred to in Section 1, of the by-law and made part thereof, so that the zoning district symbol of the lands described in Column 3 shall be changed from that shown in Column 5 to that shown in Column 6:

1. Item Number	2. Zoning District Map Part	3. Lands Affected	4. Official Plan Amendment Number	5. Zoning Symbol	6. New Zoning Symbol
1	11	Lots 99 to 109; Lots 142 to 152 & Pt closed Alley, RP 1098, designated as PARTS 1 to 3 12R25458, and Lots 16 to 18, 220 to 222, Pt lot 219, Pt closed Alley, RP 1098 (located on the south side of Milloy St, between Meldrum Rd and Chandler Rd)	n/a	RD1.1	HRD1.2

2. That the holding (H) symbol **BE REMOVED** when the applicant/owner submits an application to remove the H symbol and the following conditions are satisfied:

- 1) **General Provisions** – The applicant shall conform to the General Provisions of Council Resolutions 233/98 and any other specific requirements. Applicant shall submit proof of the said conformity, to the satisfaction of the City Engineer.
- 2) **Servicing Study** – Prior to the issuance of a Street opening permit, the applicant shall review the existing and proposed sewer system for this development to determine its effect on the municipal sewer system. The study shall be done to the satisfaction of the City Engineer and the Chief Building Official. The applicant is required to demonstrate that no negative impacts will be realized by the existing surrounding community, before the proposed development will be allowed to proceed.
- 3) **Stormwater Management Analysis** – The applicant shall complete storm water management analysis to the satisfaction of the City Engineer. Stormwater quality and stormwater quantity shall be addressed up to and including 1:100 year storm event and be in accordance with the guidance provided by the Stormwater Management Planning and Guidance Manual, prepared by the Ministry of the Environment (MOE, 2003) and the “Windsor-Essex Region Stormwater Management Standards Manual”.
- 4) **Street Opening Permit** – The applicant shall obtain street opening permits for sewer taps, drain taps, road construction, sidewalks, street lights, etc. from the City Engineer, prior to commencement of any construction on the public highway.
- 5) **Sidewalks** – The applicant shall construct, at its entire expense, according to City of Windsor Standard Specifications and in a manner satisfactory to the City Engineer, a concrete sidewalk along the east side of Meighen Road from Milloy Street to the southerly limit of the Meighen Road extension.
- 6) **Meighen Road Cul-De-Sac** – The applicant shall construct a cul-de-sac with a minimum radius of 9.5m at the southerly limit of the Meighen Road extension.

7) **Reserve** – The applicant shall ensure that dead-ended highways terminate in 0.3 metre reserve block.

8) **Street Lighting** – The applicant shall construct and install street lighting including all poles, wiring, fixtures, and conduits with design, location and specifications satisfactory to the City Engineer and EnWin Utilities Ltd. Should decorative poles be requested, the applicant shall provide extra poles and/or funds in accordance with Council Resolution 743/2000.

9) **Traffic and On-street Parking Restrictions** – The applicant shall ensure that “No Parking” sign is installed on one side of Meighen Road including the cul-de-sac, and a “Stop” sign is installed at Milloy Street.

10) **Municipal Address Plan** – The applicant shall, prior to issuance of a Building Permit, submit a Municipal address plan for the subject lands.

3. That By-law Number 8600 is further amended by changing the Zoning District Maps or parts thereof referred to in Section 1, of the by-law and made part thereof, so that the zoning district symbol of the lands described in Column 3 shall be changed from that shown in Column 5 to that shown in Column 6:

1. Item Number	2. Zoning District Map Part	3. Lands Affected	4. Official Plan Amendment Number	5. Zoning Symbol	6. New Zoning Symbol
2	11	Lots 19, 20, 223 & 224 and Part closed Alley, RP 1098 (located south of Milloy St., east side of Chandler Rd)	n/a	RD1.1	GD1.5

DREW DILKENS, MAYOR

CLERK

First Reading	-	, 2020
Second Reading	-	, 2020
Third Reading	-	, 2020

SCHEDULE 2

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

To amend the zoning of the lands located on the south side of Milloy Street, between Meldrum Road and Chandler Road, described as Lots 99 to 109; Lots 142 to 152 & Pt closed Alley, RP 1098, designated as PARTS 1 to 3 12R25458, and Lots 16 to 18, 220 to 222, Pt lot 219, Pt closed Alley, RP 1098, by changing the zoning from Residential District 1.1 to Residential District 1.2 with holding symbol, to allow for the development of 28 single unit dwellings on 28 existing building lots within a Registered Plan of survey, each lot having a minimum width of 40ft (12m) and complying with the lot size (lot width and area) requirements of RD1.2 zoning.

To also amend the zoning of the lands located on the south side of Milloy Street, east side of Chandler Road, described as Lots 19, 20, 223 & 224 and Part closed Alley, RP 1098, by changing the zoning from Residential District 1.1 to Green District 1.5 in order to accommodate a storm management facility that will service the subject development and mitigate potential adverse impact of the proposed development on existing storm sewers in the subject area.

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





Committee Matters: SCM 246/2020

Subject: Zoning By-Law and Official Plan Amendment Z-008-20 [ZNG-6087] and OPA 32 [OPA-6059] for 5787, 5791, and 5795 Tecumseh Road East, 2705285 Ontario Inc., Ward 8

Moved by: Councillor Holt

Seconded by: Councillor Morrison

Decision Number: **DHSC 188**

THAT an amendment to the City of Windsor Official Plan **BE APPROVED**, by applying a Special Policy Area to Part Lot 4, Plan 867 Sandwich East as in R1238383; (PIN 01367-0237), known municipally as 5787, 5791, and 5795 Tecumseh Road East situated on the south side of Tecumseh Road East on the block between Jos St. Louis Avenue and Clemenceau Boulevard to permit a Commercial/Multi-unit dwelling; and,

THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning on Part Lot 4, Plan 867 Sandwich East as in R1238383; known municipally as 5787, 5791, and 5795 Tecumseh Road East situated on the south side of Tecumseh Road East on the block between Jos St. Louis Avenue and Clemenceau Boulevard, from Commercial District 2.1 (CD2.1) to Commercial District 2.2 (CD2.2) and by adding the following site specific provision to Section 20(1):

394. SOUTH SIDE OF TECUMSEH ROAD EAST BETWEEN JOS ST. LOUIS AVE. AND CLEMENCEAU BOULEVARD

For the lands comprising Part Lot 4, Plan 867 Sandwich East as in R1238383; Windsor (PIN 01367-0237), known municipally as 5787, 5791, and 5795 Tecumseh Road East:

- a) A *multiple dwelling* shall be an additional permitted use.
- b) Section 15.2.5.15 shall not apply.
- c) The maximum number of *dwelling units* shall be 7.
- d) Section 15.2.5; Provisions .9, Amenity Area shall not apply

[ZDM 11; ZNG/6058]

and,

THAT the owner of the property located at 5787, 5791, and 5795 Tecumseh Road East **BE REQUIRED** to provide elevation drawings as part of the Site Plan Review process to ensure that alterations will not be irreversible to the commercial storefront facing Tecumseh Road East when converting the existing commercial units to residential.

Carried.

Report Number: S 89/2020
Clerk's File: ZO/13836

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

Subject: Zoning By-Law and Official Plan Amendment, Z-008-20 [ZNG-6087] and OPA 32 [OPA-6059] for 5787, 5791, and 5795 Tecumseh Road East, 2705285 Ontario Inc., Ward 8

Reference:

Date to Council: August 10, 2020
Author: Kevin Alexander, MCIP RPP
Senior Planner-Special Projects
kalexander@citywindsor.ca
519-255-6543 x6732
Planning & Building Services
Report Date: June 22, 2020
Clerk's File #: ZO/13836

To: Mayor and Members of City Council

Recommendation:

THAT an amendment to the City of Windsor Official Plan **BE APPROVED**, by applying a Special Policy Area to Part Lot 4, Plan 867 Sandwich East as in R1238383; (PIN 01367-0237), known municipally as 5787, 5791, and 5795 Tecumseh Road East situated on the south side of Tecumseh Road East on the block between Jos St. Louis Avenue and Clemenceau Boulevard to permit a Commercial/Multi-unit dwelling; and,

THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning on Part Lot 4, Plan 867 Sandwich East as in R1238383; known municipally as 5787, 5791, and 5795 Tecumseh Road East situated on the south side of Tecumseh Road East on the block between Jos St. Louis Avenue and Clemenceau Boulevard, from Commercial District 2.1 (CD2.1) to Commercial District 2.2 (CD2.2) and by adding the following site specific provision to Section 20(1):

394. SOUTH SIDE OF TECUMSEH ROAD EAST BETWEEN JOS ST. LOUIS AVE. AND CLEMENCEAU BOULEVARD

For the lands comprising Part Lot 4, Plan 867 Sandwich East as in R1238383; Windsor (PIN 01367-0237), known municipally as 5787, 5791, and 5795 Tecumseh Road East:

- a) A *multiple dwelling* shall be an additional permitted use.
- b) Section 15.2.5.15 shall not apply.
- c) The maximum number of *dwelling units* shall be 7.

d) Section 15.2.5; Provisions .9, Amenity Area shall not apply
[ZDM 11; ZNG/6058]

and,

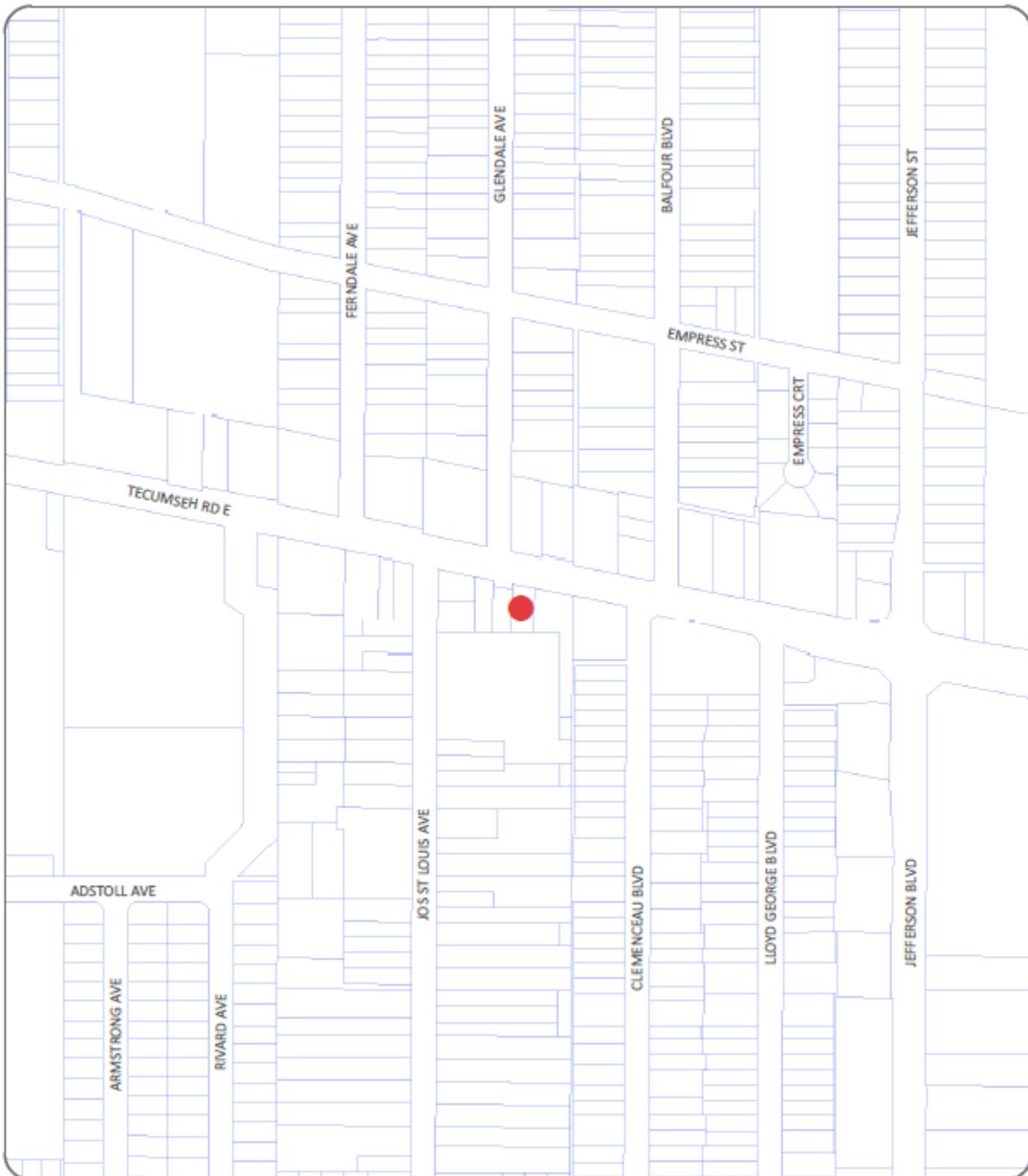
THAT the owner of the property located at 5787, 5791, and 5795 Tecumseh Road East **BE REQUIRED** to provide elevation drawings as part of the Site Plan Review process to ensure that alterations will not be irreversible to the commercial storefront facing Tecumseh Road East when converting the existing commercial units to residential.

Executive Summary:

N/A

Background:

KEY MAP



KEY MAP - PS-006/20



● SUBJECT LANDS

APPLICATION INFORMATION

Location: The subject parcel is located on the south side of Tecumseh Road on the block between Jos St. Louis Avenue and Clemenceau Boulevard. Glendale Avenue is located to the North of the Site. The property is municipally known as 5787, 5791, and 5795 Tecumseh Road East and legally described as Part Lot 4 Plan 867 Sandwich East as in R1238383; Windsor (PIN 01367-0237).

Applicant: Zeshan Choudhry

Agent: Payne Municipal Consulting, C/O Hilary Payne, and Pillon Abbs Inc., C/O Tracey Pillon-Abbs, RPP has been retained to undertake a planning justification report.

Registered Owner: 2705285 Ontario Limited

Proposal: The applicant requests a site specific amendment to Zoning By-law 8600 to permit the conversion of the two (2) existing commercial units to two (2) residential units, as identified on the conceptual drawing. The subject property is zoned Commercial District 2.1 (CD2.1) in Zoning By-law 8600, with four residential units on the second floor and two commercial units and one (1) residential unit on the ground floor.

The subject property is designated 'Commercial Corridor' in the City of Windsor Official Plan permitting primarily retail, wholesale stores, services oriented uses and to a lesser extent office uses. The applicant also requests an Official Plan Amendment to permit ground floor residential as a Special Policy area in the City's Official Plan.

The subject property is occupied by a two (2) storey commercial building with four (4) residential units on the second floor and two (2) commercial units and one (1) residential unit on the ground floor. All commercial units will be converted to residential for a total number of seven (7) residential units.

The applicant proposes a site specific amendment to Zoning By-law 8600 to permit a multiple dwelling unit by changing the zoning from a Commercial District 2.1 (CD2.1) to Commercial District 2.2 (CD2.2). As part of this request the applicant also requires an Official Plan Amendment to permit ground floor residential as a Special Policy Area in the City's Official Plan. Section 24.20 of Zoning By-law 8600 requires eight (8) Parking spaces for the number of residential units being proposed. Section 24.22 requires one (1) parking space to be marked as visitor parking spaces. Eleven (11) parking spaces currently exist on the site. Therefore, there is sufficient parking on site to accommodate the new residential units. Section 15.2.5.9 requires an Amenity Area per unit. As suggested in the Planning Rational Report, no amenity space has been proposed because the site is in close proximity to nearby parks.

SUBMISSIONS BY APPLICANT: Applications (ZBA), Planning Justification Report, proposed concept plan for first floor.

SITE INFORMATION

OFFICIAL PLAN	ZONING	CURRENT USES	PREVIOUS USE
Residential	Commercial District (CD2.1)	Main floor vacant, second floor residential	Commercial
FRONTAGE	DEPTH	AREA	SHAPE
18.52 metres	40.0 M	711.45 SQ M	regular
Note: All measurements are approximate. This property was developed for use as commercial on the main level and residential on the second level.			

REZONING MAP



PART OF ZONING DISTRICT MAP 11

N.T.S.



REQUESTED ZONING AMENDMENT

Applicant: 2705285 Ontario Inc.



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT

DATE : JUNE, 2020
FILE NO. : Z-008/20, ZNG/6058

NEIGHBOUROOD MAP



NEIGHBOURHOOD MAP - Z-008/20, ZNG/6058



SUBJECT LANDS

SURROUNDING LAND USES

Overall, the Site is located within an area with a mix of commercial and residential uses. The commercial uses are predominately along Tecumseh Road East, with residential uses to the rear and along nearby side streets, such as Glendale Ave, Clemenceau Blvd and Joe St. Louis Blvd.

North of subject lands: A mix of commercial and low density Dwelling units exist. Across the street along Tecumseh Road East a Mr. Lube auto service centre and motel exist within a 'Commercial District 2.1' (CD2.1) zoning category. Single family residential dwellings flank both sides of Glendale Avenue within a 'Residential District 1.2' (RD1.2) zoning category.

East of the subject lands: commercial and low density residential exist in a 'Commercial District 2.1' (CD2.1) zoning category.

South side of the subject lands: a ninety-eight (98) unit, six (6) storey apartment building exists in a 'Residential District 3.4' (RD3.4) zoning category.

West side of the subject lands: the lands west of the Site are primarily used for commercial, however there is a single detached dwelling neighboring the Site in a 'Commercial District 2.1' (CD2.1) zoning category.

Site photos (Google Street View, September 2017 and from the March 31st, *Planning Justification Report*) were attached to this report as **Appendix A** to identify the surrounding land uses and the context of the subject neighbourhood.

MUNICIPAL INFRASTRUCTURE

Sanitary sewer/Storm sewer: Separated Sanitary and Storm sewers exist along the Tecumseh Road East right-of-way.

Water Fire hydrants: Fire Hydrant on the north-east corner within the public right-of-way at the corner of Glendale Avenue. Fire Hydrant on the northeast corner within the public right of way of the property located at 5837 Tecumseh Road East. Fire Hydrant on the northwest corner in the public right-Of-way of 5709-5799 Tecumseh Road East.

Tecumseh Road East: Class II Arterial

Transit Windsor Bus: The Site has access to transit, with multiple bus stops west of the site along Tecumseh Road East and Rivard Ave. The Transway 1C & Ottawa 4 routes services the area with the closest bus stops being located on Rivard Avenue at Tecumseh Road East. They are approximately 300 metres in distance from this property falling within our 400 metre walking distance average to a bus stop.

Discussion:

PLANNING ACT

The comments, submissions or advice affecting planning matters provided to the council of a municipality, as well as the decision of the council of a municipality shall be consistent with the Provincial Policy Statement 2020 (PPS) and shall conform to the Official Plan (OP).

PROVINCIAL POLICY STATEMENT (PPS) 2020

The recommended amendments to the Official Plan and Zoning By-law 8600 represent sound planning and are consistent with the PPS. The recommended amendments will result in the placement of dwelling units on the main floor of the building and amend the requirement for additional amenity areas on the subject site being consistent with PPS policies identified below.

Applicable PPS Sections can be found in detail in the **Appendix B** of this report.

PPS provides policy direction for appropriate development taking into consideration efficient use of land and resources, accommodating an appropriate mix of residential uses and supporting active transportation and public transit. The PPS recognizes that land use must be managed to meet the full range of current and future needs, while protecting public safety and the natural environment.

The proposed additional dwelling units on the ground floor contribute to the building of a strong healthy community as per policy 1.1.1 (a, b, c, d, e, f, g, and h) of PPS. The proposed amendments are consistent with the PPS as follows:

- The subject building is fully connected to municipal services.
- The inclusion of two additional residential units represents an effective re-use of the existing building that has experienced vacancies on the first floor. The addition of two dwelling units will provide rental apartments in a low vacancy rate environment.
- The amendment will allow for a type of flexible zoning where the first floor dwelling units are permitted as an additional permitted use. This amendment will provide the flexibility to convert the ground floor commercial use to residential at a point in time where traditional retail struggling. However, the proposed zoning permits the owner the ability to convert the first floor residential units back to a commercial use if demand for neighbourhood retail changes in the future.
- There are no impacts on the natural environment. There are no known negative impacts on climate change.

The proposed dwelling units focus growth and development within a settlement area and existing building stock and supports active transportation, as per policy 1.1.3.1, 1.1.3.2, and 1.1.3.3. The proposed amendments are consistent with the PPS as follows:

- The subject lands are within the urban area of the settlement for the City of Windsor. The additional units are contained within the building minimizing land consumption and promoting intensification.

- The subject development will be supportive of active transportation. The new units are located on a street with bus service. The Transway 1C & Ottawa 4 routes service the area with the closest bus stops being located on Rivard Avenue at Tecumseh Road East. They are approximately 300 metres in distance from this property falling within our 400 metre walking distance average to a bus stop.

The applicable PPS sections promote the vitality of the existing settlements recognizing the importance of long-term prosperity of these communities while minimizing the unnecessary public expenditures.

The requested amendments will facilitate the proposed re-use of an existing building and promotes a healthy, liveable and safe community. The recommended amendments are consistent with the PPS as referenced above.

OFFICIAL PLAN (OP)

Applicable Official Plan sections can be found in detail in the **Appendix C** of this report.

The Official Plan, Schedule D: Land Use designates the subject land as “Commercial Corridor” intended for areas which are designed for vehicle oriented commercial uses. When considering the “Commercial Corridor” policies in the Official Plan, the proposed removal of the commercial use will not impact the supply of commercial space as the units provide limited opportunity for employment generated through this type of more traditional retail storefront. There are also other commercial uses in the area that provide for more appropriate employment opportunities. As suggested in the *Planning Justification Report* (see **Appendix H**), the ‘Commercial Corridor’ land use designation is intended for areas which are designed for vehicle oriented commercial uses and typically take the form as a commercial strip where the building is set back and designed with parking in front adjacent the arterial or collector road. The design of this particular building lends itself to more of a traditional main street typology where buildings are sited adjacent to the street and designed to be more compatible with pedestrian traffic. The *Planning Justification Report* suggest that the existing retail units are better suited for a residential use.

The addition of the proposed first floor units is consistent with the goals of the Official Plan concerning supporting a range of housing forms in all neighbourhoods, promoting selective residential redevelopment, infill and intensification initiatives, and promoting compact neighbourhoods.

As per the *Planning Justification Report* (see **Appendix H**) submitted with the application, the building is built to the lot line on an established frontage along Tecumseh Road East. The proposed changes within the existing building as shown in the **Appendix F: Proposed Floor Plans** will accommodate seven (7) residential units. The building has been in place for many years with existing residential on the second floor and commercial uses on the main floor. The applicant is requesting the conversion of 2 commercial units on the first floor to two (2) residential units on the first floor to create a total of seven (7) residential units.

When considering the Development Strategy, the Official Plan encourages a variety of housing types located within the urban settlement area and in proximity of existing infrastructure such as an arterial road (Tecumseh Road East) existing sanitary/storm sewers, public transit and other amenities. The subject property is located in close proximity to the following amenities:

- schools including Herman Academy, Coronation Public School, Windsor Islamic Academy and William G. Davis Public School.
- parks and recreational opportunities in close proximity of the Site including Pykes Park and Ypres Park.
- commercial uses in the form of commercial services uses such as Mr. Lube, a motel and medical clinic is located across the street. Factory Auto Sound is located to the east of the Site. FreshCo and Dollarama is located nearby.
- employment lands, churches and local/regional amenities.

The adaptive re-use of the existing building stock facilitates the use of existing infrastructure through intensification. In addition the availability of various housing types such as this would prevent urban sprawl and allow people to live in the same community at any stage of their life.

ZONING

The property is zoned Commercial District 2.1 (CD 2.1) in Zoning Bylaw 8600. As per Section 15.2.1 Permitted Uses, dwelling units are permitted in a combined use building with other uses such as offices, retail, restaurant, etc.

The requested amendment will provide a type of flexible zoning where the ground residential units are permitted as an additional permitted use. If demand for retail changes in the future the owner can still convert the first floor residential units back to a commercial use.

The applicant proposes a site specific amendment to Zoning By-law 8600 to permit a multiple dwelling unit by changing the zoning from a Commercial District 2.1 (CD2.1) to Commercial District 2.2 (CD2.2). As part of this request the applicant also requires an Official Plan Amendment to permit ground floor residential as a Special Policy Area in the City's Official Plan. Section 24.20 of Table 24.20.5.1 (Multiple Dwellings containing a minimum of five units) of Zoning By-law 8600 requires eight (8) Parking spaces for the number of residential units being proposed. Section 24.22 requires one (1) parking space to be marked as visitor parking spaces. Eleven (11) parking spaces currently exist on the site. Therefore, there is sufficient parking on site to accommodate the new residential units. Section 15.2.5.9 requires an Amenity Area per unit. As suggested in the Planning Rational Report, no amenity space has been proposed because the site is in close proximity to nearby parks.

When considering the challenges traditional retail faces today, when competing with "big box" retail, online shopping, and increasing mobility options and the need for additional rental housing units, it is my professional opinion that permitting dwelling units on the first floor are an appropriate re-use of this commercial space.

SITE PLAN

Given that there is a change of use, Site Plan review is required to ensure that the first floor storefronts can not only accommodate dwelling units but also be able to be converted back if the applicant wishes to convert the units to retail storefronts in the future. Through Site Plan Review staff will request that large storefront windows and glazing are retained or replaced with new similar windows.

Risk Analysis:

N/A

Financial Matters:

N/A

Consultations:

City Departments and Agencies

Comments from municipal departments and external agencies are attached as **Appendix E** Consultation to this report. There are no objections to the proposed amendments.

Public Notice

The official notice will be advertised in the Windsor Star newspaper as mandated by the Planning Act. A courtesy notice will be mailed to all properties within 120 meters (400 feet) of the subject site, prior to the Planning and Heritage Standing Committee (PHEDSC) meeting.

Conclusion:

The recommended Official Plan and Zoning By-law amendments provides an appropriate adaptive re-use of the existing building. Sufficient parking exists to service the seven (7) unit multiple dwelling building.

The amendment to the City of Windsor Official Plan will apply a Special Policy Area to the subject property permitting a commercial/Multi-unit dwelling. This Official Plan Amendment will provide the Official Plan designation to allow the Planning and Building Department to recommend amending Zoning By-law 8600 while maintaining conformity with the Official Plan and consistency with the PPS.

The subject Official Plan and Zoning By-law amendments constitutes good planning when considering the challenges traditional retail faces when competing against “big box” retail, online shopping, and increasing mobility options and the need for additional rental housing units in the City. The zoning amendment provides a type of flexible zoning where the first floor residential units are permitted as an additional permitted use, giving the property owner another financial option to the existing vacant storefronts. If demand for neighbourhood retail changes in the future the owner can still convert the first floor residential units back to a commercial use.

Planning Act Matters:

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

Neil Robertson, MCIP RPP

Manager of Urban Design/Deputy City Planner

Thom Hunt, MCIP RPP

City Planner

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

SAH

OC

Approvals:

Name	Title
Neil Robertson	Manager of Urban Design
Thom Hunt	City Planner
Wira Vendrasco	Deputy City Solicitor
Shelby Askin Hager	City Solicitor
Onorio Colucci	Chief Administrative Officer

Notifications:

Name	Address	Email
Abutting property owners, tenants/occupants within 120m (400ft) radius of the subject land		
Registered Owner/Applicant	2705285 Ontario Inc. C/O: Zeshan Choudhry, 50 Nessie Street, Markham, ON L3S 4H8	zeshanchoudhry03@gmail.com
Agent: Hilary Payne	Payne Municipal Consulting, 4640 Tournament Crt, Windsor, ON N8G 2P8	soldbyhilary@gmail.com
Agent: Tracey Pillon-Abbs,	Pillon Abbs Inc. Land Use Planning	tpillonabbs@gmail.com

Name	Address	Email
RPP	Consultants, 23669 Prince Albert Road, Chatham, ON N7M 5J7	

Appendices:

- 1 Appendix 'A' Existing and Surrounding Land Uses
- 2 Appendix 'B' Excerpts from the PPS
- 3 Appendix 'C' Excerpts from the Official Plan
- 4 Appendix 'D' Excerpts from Zoning By-law 8600
- 5 Appendix 'E' Consultation
- 6 Appendix 'F' Proposed Floor Plan
- 7 Appendix 'G' Draft By-law Amendment
- 9 Appendix 'H' Planning Justification Report

APPENDIX 'A'
SUBJECT PROPERTY AND SURROUNDING LAND USES



Existing Mixed-Use Building with two (2) commercial units and one (1) residential unit on the first floor with four (4) residential units on the second floor.



Commercial and low density residential north of the site



Apartment building and low density residential south of the site



Commercial and low density residential east of the site



Commercial and a single detached residential west of the site

Appendix B

Excerpts from the

Provincial Policy Statement (PPS) 2020

Applicable PPS Sections:

1.1.1 Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;
- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;
- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;
- h) promoting development and land use patterns that conserve biodiversity.

1.1.3.2 Settlement areas shall be the focus of growth and development.

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the *infrastructure and public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;
- d) prepare for the *impacts of a changing climate*
- e) support *active transportation*;
- f) are *transit-supportive*, where transit is planned, exists or may be developed; and
- g) are *freight-supportive*; and

Appendix B

Excerpts from the

Provincial Policy Statement (PPS) 2020

Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for *transit-supportive* development, accommodating a significant supply and range of *housing options* through *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs.

Appendix C
Excerpts from the
City of Windsor Official Plan (OP) 2012

Applicable Official Plan Sections:

6.5 Commercial

Commercial lands provide the main locations for the purchase and sale of goods and services. In order to strengthen Windsor's economy, ensure convenient access and address compatibility concerns, Commercial land uses are provided under two designations on Schedule D: Commercial Centre and Commercial Corridor.

- 6.5.1.1 To encourage the orderly development and distribution of commercial uses across the City.
- 6.5.1.2 To ensure that a sufficient land supply for commercial purposes is maintained over the 20 year period of this Plan.
- 6.5.1.4 To locate commercial activities in areas which have sufficient and convenient access by all modes of transportation.

Appendix D **Excerpts from the** **Zoning By-Law 8600**

The City of Windsor Zoning Bylaw 8600 designates the zoning for the subject property as ‘Commercial District 2.1 (CD 2.1)’/ ‘Residential District 3.1’ (RD3.1)

15.1.1 PERMITTED USES --‘Commercial District 2.1 (CD 2.1)

Bakery, Business Office, Child Care Centre, Commercial School, Confectionery, Food Outlet - Drive-Through, Food Outlet - Take-Out, Funeral Establishment, Garden Centre, Gas Bar, Medical Office, Micro-Brewery, Parking Garage, Personal Service Shop, Place of Entertainment and Recreation, Place of Worship, Professional Studio, Public Hall, Public Parking Area, Repair Shop – Light, Restaurant, Restaurant with Drive-Through, Retail Store, Temporary Outdoor Vendor’s Site, Tourist Home, Veterinary Office, Wholesale Store, Existing Automobile Repair Garage, Existing Service Station

Any use accessory to any of the preceding uses. An *Outdoor Storage Yard* is prohibited, save and except, in combination with the following main uses:

Garden Centre, Temporary Outdoor Vendor’s Site, Existing Automobile Repair Garage.

Report S 89/2020 proposes amending the Zoning By-law 8600 to a site specific ‘Commercial District 2.2 (CD 2.2) zoning category for the subject property. The City of Windsor Zoning By-law 8600 permits the following uses under the ‘Commercial District 2.2 (CD 2.2) zoning category.

15.2.1 PERMITTED USES

Bakery, Business Office, Child Care Centre, Commercial School, Confectionery, Food Outlet - Take-Out, Funeral Establishment, Medical Office, Micro-Brewery, Personal Service Shop Place of Entertainment and Recreation, Place of Worship, Professional Studio, Public Hall, Repair Shop – Light, Restaurant, Retail Store, Veterinary Office, Wholesale Store

Dwelling Units in a Combined Use Building with any one or more of the above uses.

15.2.5 PROVISIONS

.4 Building Height – maximum 14.0 m

.9 Amenity Area – Per Dwelling Unit – minimum 12.0 m² per unit

.10 Gross Floor Area – maximum

Bakery or Confectionery 550.0 m²

.15 For a *Combined Use Building*, all dwelling units, not including entrances thereto, shall be located above the non-residential uses.

.24 An *Outdoor Market* is permitted within a Business Improvement Area. An Outdoor Market is prohibited elsewhere.

Appendix D
Excerpts from the
Zoning By-Law 8600

24.10.15 DEFICIENCY IN SPACES – EXISTING BUILDINGS

- .1 If, on the date this Section comes into force, an existing building has insufficient parking spaces, visitor parking spaces, accessible parking spaces, bicycle parking spaces or loading spaces to conform with Sections 24.20.1, 24.20.3, 24.20.5, 24.22.1, 24.24.1, 24.30.1, 24.40.1, the deficiency is not required to be made up prior to the construction of any addition or any change in use. Any additional parking spaces, visitor parking spaces, accessible parking spaces, bicycle parking spaces or loading spaces required as a result of any such addition to the existing building or a change in use shall be provided in accordance with Sections 24.20.1, 24.20.3, 24.20.5, 24.22.1, 24.24.1, 24.30.1, 24.40.1

TABLE 24.20.5.1 - REQUIRED PARKING SPACES

USE	PARKING RATE - MINIMUM
Multiple Dwelling containing a minimum of 5 Dwelling units	1.25 for each dwelling unit

24.30.20 LOCATION OF BICYCLE PARKING SPACE

- .1 All bicycle parking spaces shall be located on the same lot as the use they are intended to serve.
- .2 Each bicycle parking space shall be paved and maintained with a hard surface consisting of paving brick or block, asphalt, concrete or any combination thereof and having thereon a corrosion resistant metal bicycle storage rack capable of accommodating a bicycle in a secure manner.
- .3 Each bicycle parking space shall be located in a manner which will not hamper the movement of persons or vehicles. The following provisions apply:
 - .1 When located on a walkway or sidewalk, each bicycle parking space shall be located a minimum of 2 metres from a building entrance or an accessible parking space;
 - .2 A bicycle parking space is prohibited within a daylight corner or a required yard.
- .4 Required bicycle parking spaces provided inside a building or located so as not to be visible from the major access area to the lot shall be identified by an Information and Operational Sign as set out in the City of Windsor Sign By-law.

Appendix D
Excerpts from the
Zoning By-Law 8600

Appendix E Consultation

Heritage Planning Comments

There is no apparent built heritage concern with this property and it is located on an area of low archaeological potential.

There does not appear to be any ground disturbance proposed. However, should this application result in ground disturbances, the Applicant should be notified of the following archaeological precaution:

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

Contacts:

Windsor Planning & Building Department:

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

Windsor Manager of Cultural Affairs:

Cathy Masterson, 519-253-2300x2724, cmasterson@citywindsor.ca

Ontario Ministry of Ministry of Heritage, Sport, Tourism and Culture Industries

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

Windsor Police: 911

Ontario Ministry of Government & Consumer Services

Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures, 1-416-212-7499, nancy.watkins@ontario.ca

KRISTINA TANG, MCIP, RPP

Heritage Planner

Planning & Building Services

350 City Hall Square West

3rd Floor (For Deliveries, Suite 210)

Windsor, ON N9A 6S1

Phone: 519-255-6543, ext. 6179

Email: ktang@citywindsor.ca

Appendix E Consultation

Transit Windsor Comments

Transit Windsor has no objections to this development. We currently have our Transway 1C & Ottawa 4 routes servicing the area with the closest bus stops being located on Rivard at Tecumseh. They are approximately 300 metres in distance from this property falling within our 400 metre walking distance average to a bus stop. Our Council approved Transit Master Plan has direct service on Tecumseh in front of this property with 3 different routes servicing this section, which would dramatically decrease the walking distance to a new bus stop. As part of the transit master plan, the existing Transway 1C route will be changed to stay along Tecumseh between Rivard and Roseville Garden. This change was expected to take place in September of 2020, but has been delayed to early 2021 due to the COVID-19 situation.

Jason Scott

Supv, Planning
Transit Windsor

3700 North Service Road East, Windsor, ON, N8W 5X2

Phone: (519) 944-4141x2230

ENWIN Comments

Hydro Engineering: No Objection.

Please note that ENWIN has the following hydro distribution around the property.

1. Pole line on the south side of Tecumseh in the right of way that includes: overhead primary 27.6kV distribution, overhead secondary distribution both 120/240V and 120/208V, transformer, underground 120/208V secondary conductors
2. Service to the building is a 120/208V conductor that runs along the western property limit to the pole at the rear and then into the building.

See attached sketch (below) for reference.

We recommend referring to the Occupational Health and Safety (Ministry of Labour) and Building code to ensure that safe limits of approach and minimum clearance requirements are achieved during and after construction / renovations

Water Engineering: Water Engineering has no objections to the rezoning

Cecile Dalgleish

Technical Services Dispatch
ENWIN Utilities Ltd.

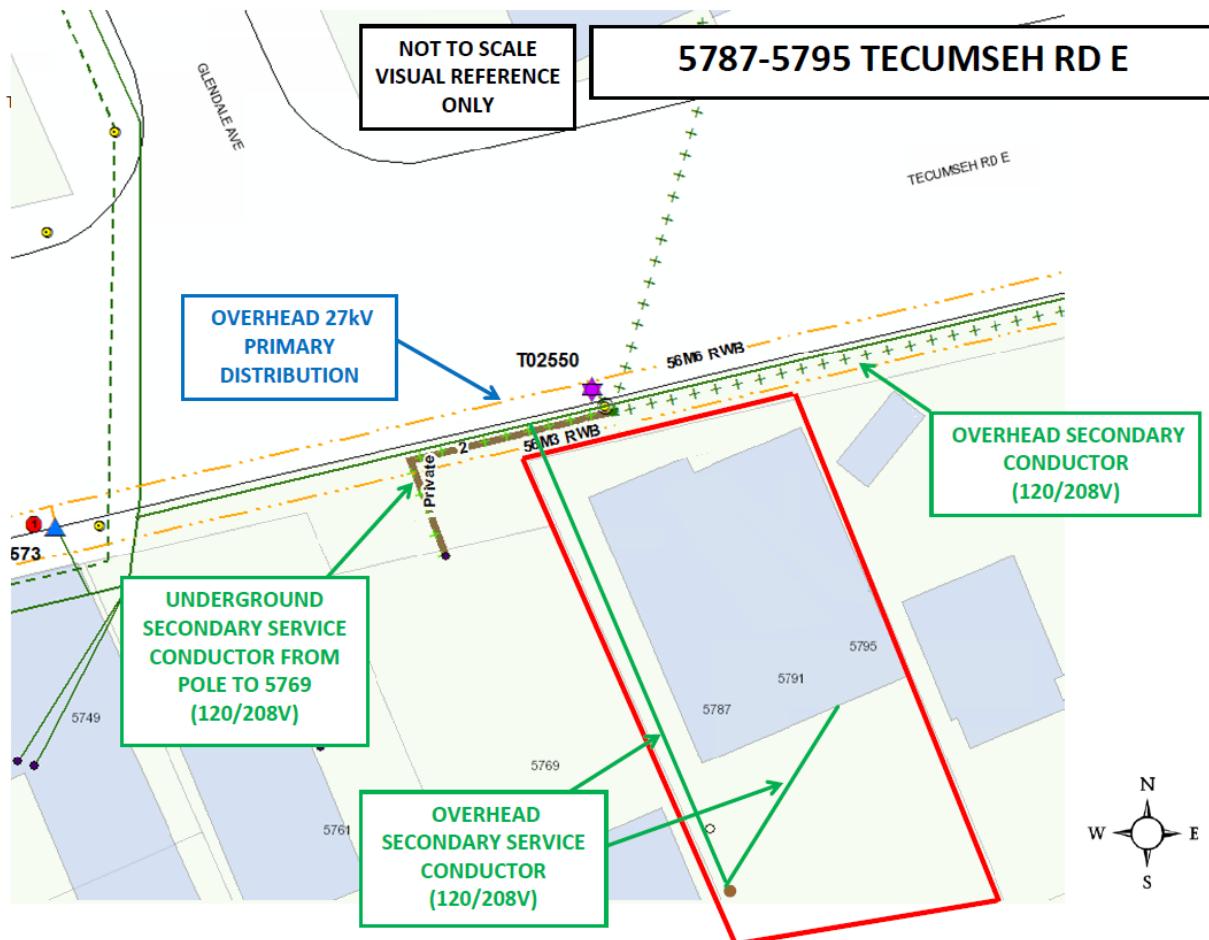
tsd@enwin.com

Appendix E Consultation

P. (519) 251-7303

F. (519) 251-7309

4545 Rhodes Drive | P.O. Box 1625 Station A | Windsor, Ontario | N8W
5T1



Public Works-Engineering

The subject lands are located at 5787 to 5795 Tecumseh Road East. The subject property is zoned Commercial District 2.1 (CD2.1), with four residential units on the second floor and two commercial units on the ground floor. The residential units are considered legal non-conforming uses. The applicant is requesting a site-specific amendment to Zoning By-law 8600 to permit the conversion of the right ground floor commercial unit to a residential unit.

The City of Windsor's Official Plan classifies Tecumseh Road East as a Class II Arterial Road requiring 33m of public right-of-way. The current right-of-way width at the subject property is 24.5m. Typically, a 4.25m would be required however; the proximity of the building to the property line prevents any such conveyance.

Appendix E Consultation

The sewers fronting the subject property are a 1200mm concrete storm sewer in the eastbound lane of Tecumseh Road and a 675mm concrete sanitary sewer in the westbound lane of Tecumseh Road. The applicant will be required to obtain a Street Opening Permit for any work within the right-of-way.

In summary, we have no objections to the proposed rezoning and Official Plan amendment.

If you have any further questions or concerns, please contact Shannon Mills, of this department at smills@citywindsor.ca

Patrick Winters,
Development Engineer

Transportation Planning

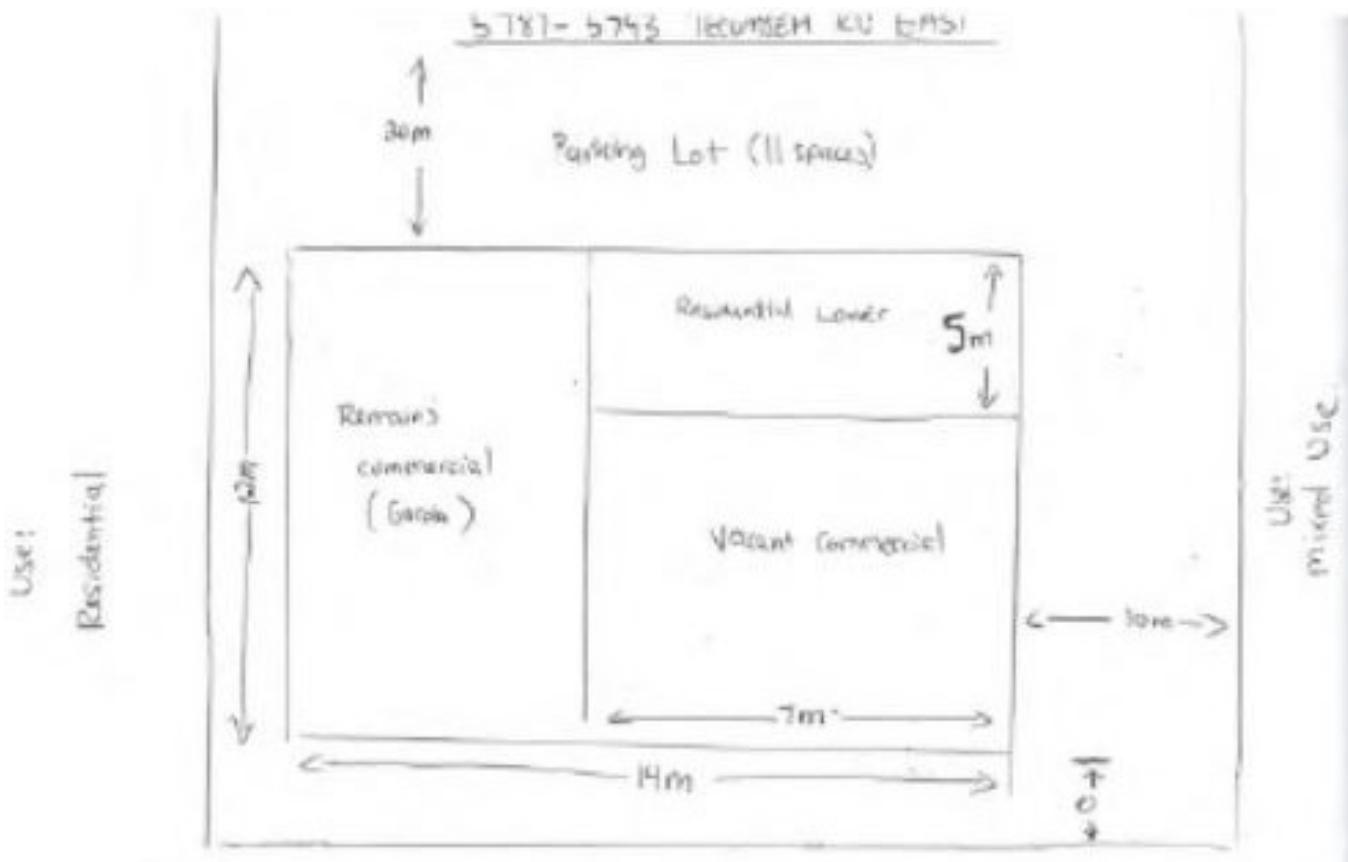
Overall, Transportation Planning supports the subject Official Plan and Zoning By-law amendment.

- Schedule X of the Official Plan classifies Tecumseh Road East as a Class 2 Arterial road with a required right-of-way width of 33 meters. The current right-of-way width is 24.5 metres and therefore, a land conveyance of 4.25 metres would be required along the entire frontage of the subject lot. Based on the proximity of the existing building to the property line, a land conveyance will not be requested at this time.
- All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings.
- All exterior paths of travel must meet the requirements of the *Accessibility for Ontarians with Disabilities Act* (AODA).

Juan Paramo, P.Eng., Transportation Planning Engineer
Planning and Building Department - Transportation Division
519.255.6267 ext. 6826

APPENDIX 'F'

PROPOSED FLOOR PLAN



APPENDIX G - Draft By-law Amendment

BY-LAW NUMBER -2020

A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600
CITED AS THE "CITY OF WINDSOR ZONING BY-LAW"

Passed the _____ day of _____, 2020.

WHEREAS it is deemed expedient to further amend By-law Number 8600 of the Council of The Corporation of the City of Windsor, cited as the "City of Windsor Zoning By-law" passed the 31st day of March, 1986, as heretofore amended:

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

1. By-law Number 8600 is further amended by changing the Zoning District Maps or parts thereof referred to in Section 1, of the by-law and made part thereof, so that the zoning district symbol of the lands described in Column 3 shall be changed from that shown in Column 5 to that shown in Column 6:

1. Item Number	2. Zoning District Map Part	3. Lands Affected	4. Official Plan Amendment Number	5. Zoning Symbol	6. New Zoning Symbol
1	11	Part Lot 4, Plan 867 (PIN 01367-0237), (5787, 5791, and 5795 Tecumseh Road East, situated on the south side of Tecumseh Road on the block between Jos St. Louis Avenue and Clemenceau Boulevard.)	132	CD2.1	CD2.2

2. That subsection 1 of Section 20, of said by-law, is amended by adding the following paragraph:

394. SOUTH SIDE OF TECUMSEH ROAD EAST BETWEEN JOS ST. LOUIS AVE. AND CLEMENCEAU BOULEVARD

For the lands comprising Part Lot 4, Plan 867 Sandwich East as in R1238383; Windsor (PIN 01367-0237), known municipally as 5787, 5791, and 5795 Tecumseh Road East, a *multiple dwelling* shall be an additional permitted use and the following additional provisions shall apply to a *multiple dwelling*:

- a) The maximum number of *dwelling units* shall be 7.
- b) Section 15.2.5.9 shall not apply.
- c) Section 15.2.5.15 shall not apply.

[ZDM 11; ZNG/6058]

3. The said by-law is further amended by changing the Zoning District Maps or parts thereof referred to in Section 1, of said by-law and made part thereof, so that the lands described in Column 3 are delineated by a broken line and further identified by the zoning symbol shown in Column 5:

1. Item Number	2. Zoning District Map Part	3. Lands Affected	4. Official Plan Amendment Number	5. Zoning Symbol
2	11	Part Lot 4, Plan 867 (PIN 01367-0237), (5787, 5791, and 5795 Tecumseh Road East, situated on the south side of Tecumseh Road on the block between Jos St. Louis Avenue and Clemenceau Boulevard.)	132	S.20(1)394

DREW DILKENS, MAYOR

CLERK

First Reading	-	, 2020
Second Reading	-	, 2020
Third Reading	-	, 2020

SCHEDULE 2

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

To amend the zoning of Part Lot 4, Plan 867 (PIN 01367-0237), known municipally as 5787, 5791, and 5795 Tecumseh Road East, situated on the south side of Tecumseh Road on the block between Jos St. Louis Avenue and Clemenceau Boulevard, from Commercial District 2.1 (CD2.1) to Commercial District 2.2 (CD2.2) and by adding a site specific exception to allow a multiple dwelling as an additional permitted use subject to additional provisions.

2. Key map showing the location of the lands to which By-law _____ applies.
(See map following page.)



SCHEDULE 2

Applicant: 2705285 Ontario Inc.



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT

DATE : JUNE, 2020
FILE NO. : Z-008/20, ZNG/6058



PLANNING RATIONALE REPORT

OFFICIAL PLAN AMENDMENT & ZONING BY-LAW AMENDMENT

RESIDENTIAL DEVELOPMENT

5787 to 5795 Tecumseh Road East

City of Windsor, Ontario

March 31, 2020

Prepared by:



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1.0 INTRODUCTION

I have been retained by 2705285 Ontario Inc., Zeshan Choudhry the applicant, to provide a land use Planning Rationale Report (PRR) in support of a proposed building conversion from a commercial use to residential use for property located at 5787 to 5795 Tecumseh Road East (herein the “Site”) in the City of Windsor, Ontario.

The purpose of this report is to review the relevant land use documents including Provincial Policy Statement (PPS) 2020, the City of Windsor Official Plan (OP) and the City of Windsor Zoning By-law (ZBL).

The existing building on the Site currently has two (2) commercial units on the main floor, one (1) residential unit behind the commercial uses and four (4) residential units above, on the second floor.

It is proposed to convert the two (2) commercial units on the main floor to two (2) residential units. The total number of residential units in the existing building on the Site will be seven (7).

A site specific Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) is required in support of the proposed development.

Pre-submission was completed by a representative of the applicant (City File #PS 006/20). Comments dated March 2, 2020 were received and have been incorporated into the proposed application.

It is appropriate for the City of Windsor to approve the OPA and ZBA to permit residential development on the Site as it is in close proximity to other residential uses and is appropriate for infilling. The proposed Site is located close to amenities, such as schools, churches, transportation routes and shopping.

The existing building is deemed to be underutilized. The removal of the commercial use will not impact the area as the space provided limited opportunities for employment.

The proposal represents good planning as it addresses the need for the City to provide residential infilling development in the form of a multiple dwelling, which contributes to affordability and intensification requirements.

This PRR will show that the proposed development is suitable intensification of residential use, is consistent with the PPS, conforms with the intent and purpose of the City of Windsor OP and represents good planning.

2.0 SITE AND SURROUNDING LAND USES

2.1 Legal Description and Ownership

The Site is made up of one (1) parcel located on the south side of Tecumseh Road East and is legally described as Pt Lt 4, Pl 867 Sandwich East as in R1238383; Windsor, as amended Feb 28, 2003-AMB (ARN 070-580-09400-0000) which is currently owned by 2705285 Ontario Inc. (Zeshan Choudhry).

The Site is locally known as 5787 to 5795 Tecumseh Road East, Windsor, ON and is located on the south side of Tecumseh Road East between Jos St Louis Ave. and Clemenceau Blvd. Glendale Ave is located to the north of the Site.

The Site currently has an existing mixed-use building which includes commercial and residential uses. The commercial use was the location of a service shop (see Figure 1a – Air Photo and Figure 1b – Street View).

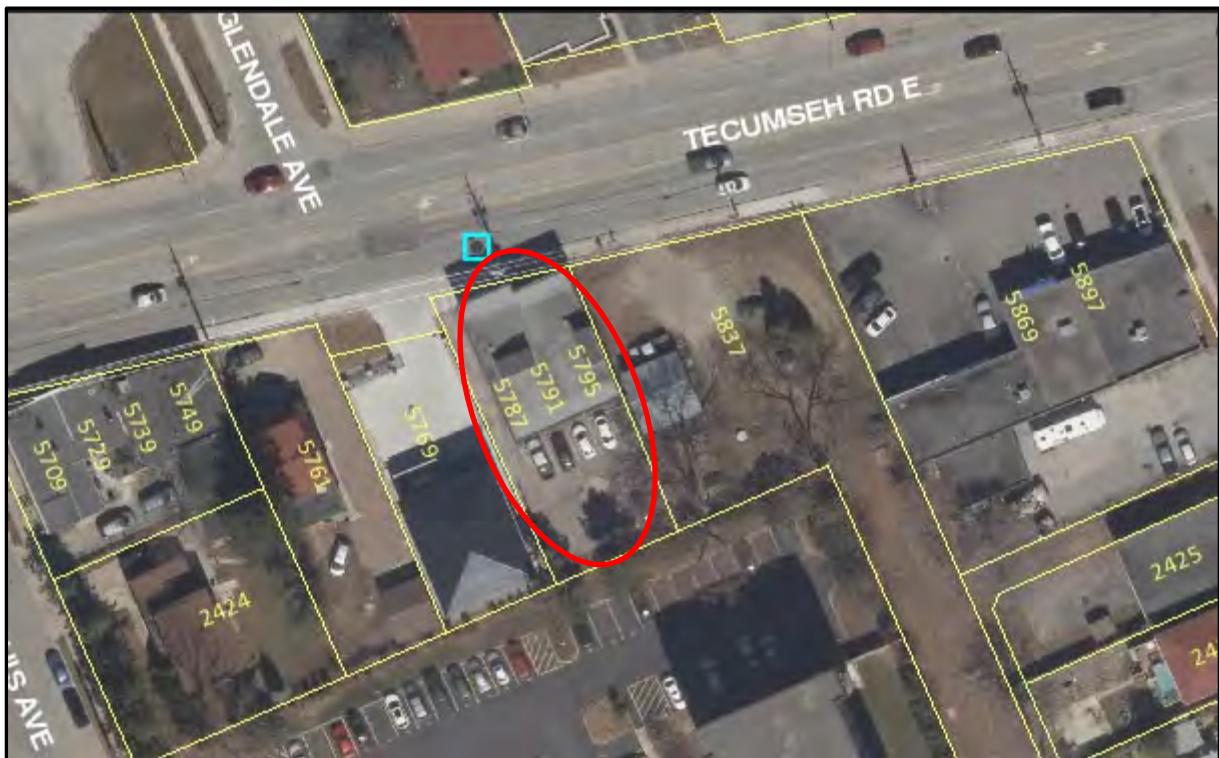


Figure 1a – Air Photo



Figure 1b – Street View

2.2 Physical Features of the Site

2.2.1 Size and Site Dimension

The Site consists of a total area of approximately 0.07 ha (0.17 acres). It has approximately 18.43 m (60.46 ft) of frontage on Tecumseh Road East with an irregular lot depth.

There is an existing two (2) storey 168 sq m (1,808.33 sq ft) building located on the Site.

The existing building on the Site currently has two (2) commercial units on the main floor, one (1) residential unit behind the commercial uses and four (4) residential units above, on the second floor.

2.2.3 Vegetation

There is no existing vegetation on site.

2.2.4 Topography

The Site is flat and is outside the regulated area of the Essex Region Conservation Authority (ERCA).

2.2.5 Other Physical Features

The property currently has a laneway to the rear of the building to access the parking area, and a sidewalk along the front of the building.

There is a chain link fence along the rear of the Site.

2.2.6 Municipal Services

The property has access to municipal water, storm and sanitary services.

Tecumseh Road East has sidewalks on both sides of the street. The nearest hydrant is located on the south side of Tecumseh Road East at the intersection of Glendale Ave.

The subject property is in close proximity to major roadways including Jefferson Blvd located one block to the east.

2.2.7 Nearby Amenities

There are several schools nearby including Herman Academy, Coronation Public School, Windsor Islamic Academy and William G. Davis Public School.

There are many parks and recreation opportunities in close proximity of the Site including Pykes Park, John Atkinson Memorial Park and Ypres Park, as well as other East Windsor Parks green space.

There are nearby commercial uses in the form of plazas and malls. Mr. Lube, a motel and medical clinic is located across the street. Factory Auto Sound is located to the east of the Site. FreshCo and Dollarama is located nearby.

The is also nearby employment lands, churches and local/regional amenities.

The Site has access to transit, with multiple bus stops west of the site long Tecumseh Road East and Rivard Ave (Transway 1C).

2.3 Surrounding Land Uses

Overall, the Site is located within an area with a mix of commercial and residential uses. The commercial uses are predominately along Tecumseh Road East, with residential uses to the rear and along nearby side streets, such as Glendale Ave, Clemenceau Blvd and Joe St. Louis Blvd.

North – The lands directly north of the Site are a mix of commercial and low density residential (see Photo 1a – North and Photo 1b - North).



Photo 1a - North



Photo 1b - North

South – The lands directly south of the Site are used for low density residential, as well as an apartment building directly behind the Site (see Photo 2a – South and 2b - South).



Photo 2a - South



Photo 2b - South

East – The lands east of the Site are used for commercial along Tecumseh Road East and low density residential (see Photo 3 - East).



Photo 3 - East

West – The lands west of the Site are primarily used for commercial, however there is a single detached dwelling neighboring the Site. (see Photo 4a - West and 4b - West).



Photo 4a – West



Photo 4b - West

3.0 DEVELOPMENT PROPOSAL

3.1 Proposal

The applicant proposes a conversion of an existing building on the Site from commercial use to residential use.

The existing structure is a two (2) storey, 168 sq m (1,808.33 sq ft) building.

It is proposed to convert the two (2) commercial units on the main floor to two (2) residential units. The units will be rentals.

The one (1) existing residential unit on the main floor will remain as well as the four (4) residential units above, on the second floor (see Figure 2 - Floor Plan).

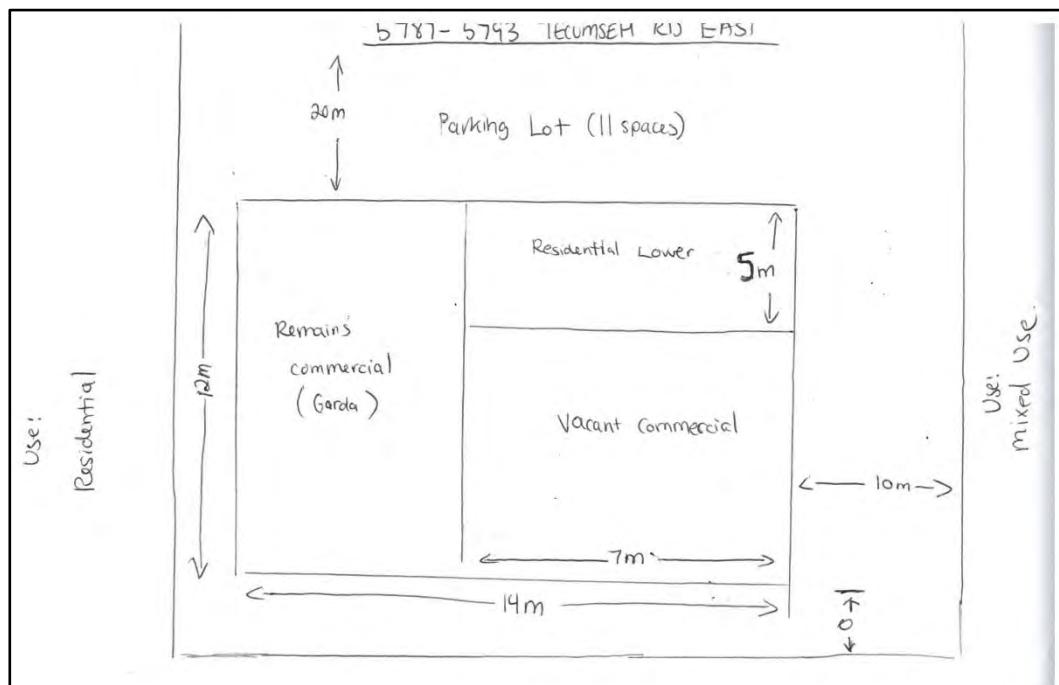


Figure 2 – Floor Plan

The total number of residential units in the existing building on the Site will be seven (7). All commercial uses will be converted to residential uses. The proposed building conversion will result in a total residential density of 0.5 unit per ha.

There is a total of eleven (11) existing parking spaces on the Site. No building exterior or site alterations are proposed.

There is no amenity space proposed as the Site is in close proximity to nearby parks.

3.2 Public Consultation Strategy

The Planning Act requires that the applicant submit a proposed strategy for public consultation with respect to an application, as part of the complete application requirements.

As part of a public consultation strategy, the applicant proposes that the required public meeting will be sufficient as the size of development is small scale.

At this time, no informal public open house is proposed to be held by the applicant.

4.0 PROPOSED APPLICATION & AMENDMENT

The proposed building conversion requires a site specific application for Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA). The following explains the amendments.

4.1 Official Plan Amendment (OPA)

A site specific Official Plan Amendment (OPA) is required in order to permit the proposed residential development.

It is proposed to amend the existing “Commercial Corridor” designation with the addition of residential as a permitted use.

Further analysis is provided in Section 5 of this PRR.

4.2 Zoning By-Law Amendment (ZBA)

A Zoning By-law Amendment (ZBA) is required in order to permit the proposed residential development.

A site specific zoning exception is required as the proposed residential use is not permitted in the CD2.1 zone category.

It is proposed to change the zoning of the Site from the existing “Commercial District 2.1 (CD2.1)” zoning to a site specific “Commercial District 2.1 (CD2.1 - XX)” with the addition of residential as a permitted use in the form of a Multiple Dwelling with seven (7) units.

Further analysis is provided in Section 5 of this PRR.

4.3 Supporting Studies

No additional studies are required to be submitted in support of the applications.

5.0 PLANNING ANALYSIS

5.1 Policy and Regulatory Overview

5.1.1 Provincial Policy Statement (PPS), 2020

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development providing for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environments.

The PPS is issued under Section 3 of the Planning Act and came into effect on May 1, 2020. It applies to all land use planning matters considered after this date.

The PPS supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The following provides a summary of the key policy considerations of the PPS as it relates to the proposed development.

PPS Policy #	Policy	Response
1.0Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns.....	The City has directed growth where the Site is located which will contribute positively to promoting efficient land use and development patterns.
1.1.1	Healthy, liveable and safe communities are sustained by: a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term; b) accommodating an appropriate affordable and market-based range and mix of residential types, employment, institutional, recreation, park and open space, and other uses to meet long-term needs;	<p>The proposed development is consistent with the policy to build strong healthy and livable communities as it provides for a range and mix of residential in the form of low profile affordable development.</p> <p>There are no environmental or public health and safety concerns as the area is well established.</p> <p>The development pattern does not require expansion</p>

PPS Policy #	Policy	Response
	<p>c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;</p> <p>d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;</p> <p>e) promoting.....cost-effective development patterns and standards to minimize land consumption and servicing costs;</p> <p>f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;</p> <p>h) promoting development and land use patterns that conserve biodiversity.</p>	<p>of the settlement area as it is infilling.</p> <p>The Site has access to full municipal services and is close to existing local parks, churches, trails and schools.</p> <p>Accessibility of units will be addressed at the time of building permit.</p> <p>Public service facilities are available, such as local schools.</p> <p>The development pattern is proposed to be an efficient re-use of the Site.</p>
1.1.2	<p>Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years.</p> <p>Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.</p>	<p>The proposed development will help the City meet the full range of current and future residential needs through intensification.</p> <p>The Site will provide for residential infilling within an existing settlement area in the form of a 7 unit multiple dwelling.</p>
1.1.3.1	<p>Settlement areas shall be the focus of growth and development.</p>	<p>The proposal enhances the vitality of the municipality, as the proposal is within the City's settlement area.</p>
1.1.3.2	<p>Land use patterns within settlement areas shall be</p>	<p>The total density of the proposed development is</p>

PPS Policy #	Policy	Response
	<p>based on densities and a mix of land uses which:</p> <ul style="list-style-type: none"> a) efficiently use land and resources; b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; c) minimize negative impacts to air quality and climate change, and promote energy efficiency; d) prepare for the impacts of a changing climate; e) support active transportation; f) are transit-supportive, where transit is planned, exists or may be developed; and g) are freight-supportive. 	<p>considered appropriate as most of the existing area is a mix of low to high profile residential in the form of single unit dwellings and apartments.</p> <p>The Site offers an opportunity for intensification by creating 2 new residential units using the existing building which will limit the impacts on the area.</p> <p>The removal of the commercial use will not impact the area.</p> <p>The design and style of building will remain the same and will be considered a low profile development which will blend well with the scale and massing of the existing surrounding area.</p> <p>Residents will have immediate access to shopping, employment, trails, transit, active transportation, recreational areas and institutional uses.</p> <p>Transit is available for the area.</p>
1.1.3.3	<p>Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into</p>	<p>The intensification can be accommodated for the proposed residential development as it is an appropriate re-use of an existing mixed-use building.</p>

PPS Policy #	Policy	Response
	account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.	
1.1.3.4	Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.	The proposed conversion from commercial to residential will be built with a high standard of construction allowing a seamless integration with the existing area, including the re-use of sidewalks and parking. There will be no risks to the public.
1.1.3.5	Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions.	The City has established targets for intensification and redevelopment. The proposed development will assist in meeting those targets as the Site is located in an existing built-up area and will add two (2) new residential units without any impact from the removal of the commercial uses.
1.1.3.6	New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.	The proposed development does have a compact form with the use of the existing building design. The low profile density will allow for the efficient use of land, infrastructure and public services
1.4.1	To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional	The proposed development will provide for a mix of housing options and density in the existing built-up area.

PPS Policy #	Policy	Response
	<p>market area, planning authorities shall:</p> <p>a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and</p> <p>b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.</p>	<p>Municipal services are available, as set out in the storm and sanitary studies.</p>
1.4.3	<p>Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area.</p>	<p>The proposed density is compatible with the surrounding area and will provide affordable intensification and infilling through the efficient use of an existing building that has been deemed to be underutilized.</p> <p>The existing building height will be unchanged.</p> <p>The proposed density will have a positive impact on the area as it will blend well with the existing built form.</p> <p>The Site is close to amenities.</p>

PPS Policy #	Policy	Response
		There is suitable existing infrastructure.
1.6.1	<p>Infrastructure and public service facilities shall be provided in an efficient manner that prepares for the impacts of a changing climate while accommodating projected needs.</p>	<p>The development can proceed on full municipal services.</p> <p>Electrical distribution will be determined through detailed design.</p> <p>Access to public transit is available.</p>
1.6.6.2	<p>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. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.</p>	<p>The proposed development will be serviced by municipal sewer, water and storm, which is the preferred form of serving for settlement areas.</p> <p>There will be no negative impacts on the municipal system and will not add to the capacity in a significant way.</p>
1.6.6.7	<p>Planning for stormwater management shall:</p> <ul style="list-style-type: none"> a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term; b) minimize, or, where possible, prevent increases in contaminant loads; c) minimize erosion and changes in water balance, and prepare for the impacts 	<p>There will be no risk to health and safety.</p> <p>Existing hard surfaces will be used.</p>

PPS Policy #	Policy	Response
	<p>of a changing climate through the effective management of stormwater, including the use of green infrastructure;</p> <p>d) mitigate risks to human health, safety, property and the environment;</p> <p>e) maximize the extent and function of vegetative and pervious surfaces; and</p> <p>f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.</p>	
1.6.7.1	<p>Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.</p>	<p>The subject property is in close proximity to major roadways.</p>
1.6.7.2	<p>Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.</p>	<p>The proposed development contributes to the City's requirements for development within a built-up area.</p> <p>The area is serviced by transit.</p>
1.6.7.4	<p>A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.</p>	<p>The proposed development contributes to the City's requirement for infilling within a built-up area.</p> <p>The proposed density, scale and building height will blend with the existing land use pattern.</p>
1.8	<p>Planning authorities shall support energy conservation and efficiency, improved air</p>	<p>The proposed development supports compact form within</p>

PPS Policy #	Policy	Response
	quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns.	an existing built-up area of the City. The Site has access to transit and local amenities.
2.1.1	Natural features and areas shall be protected for the long term.	There is no negative impact on the existing natural features.
2.2.1	Planning authorities shall protect, improve or restore the quality and quantity of water.	Existing services will be utilized.
2.6.1	Significant built heritage resources and significant cultural heritage landscapes shall be conserved.	There are no heritage resources that apply to this Site.
3.0	Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.	There are no natural or human-made hazards.

Therefore, the proposed development is consistent with the PPS and the Province's vision for long-term prosperity and social well-being.

5.1.2 Official Plan (OP)

The City of Windsor Official Plan (OP) was adopted by Council on October 25, 1999, approved in part by the Ministry of Municipal Affairs and Housing (MMAH) on March 28, 2000 and the remainder approved by the Ontario Municipal Board (OMB) on November 1, 2002. Office consolidation version is dated September 7, 2012.

The OP implements the PPS and establishes a policy framework to guide land use planning decisions related to development and the provision of infrastructure and community services throughout the City.

The lands are designated "Low Potential" according to Schedule "C.1", Development Constraint Areas, Archaeological Potential.

The lands are designated "Commercial Corridor" according to Schedule "D" Land Use attached to the OP for the City of Windsor (see Figure 3 – City of Windsor OP, Schedule "D").

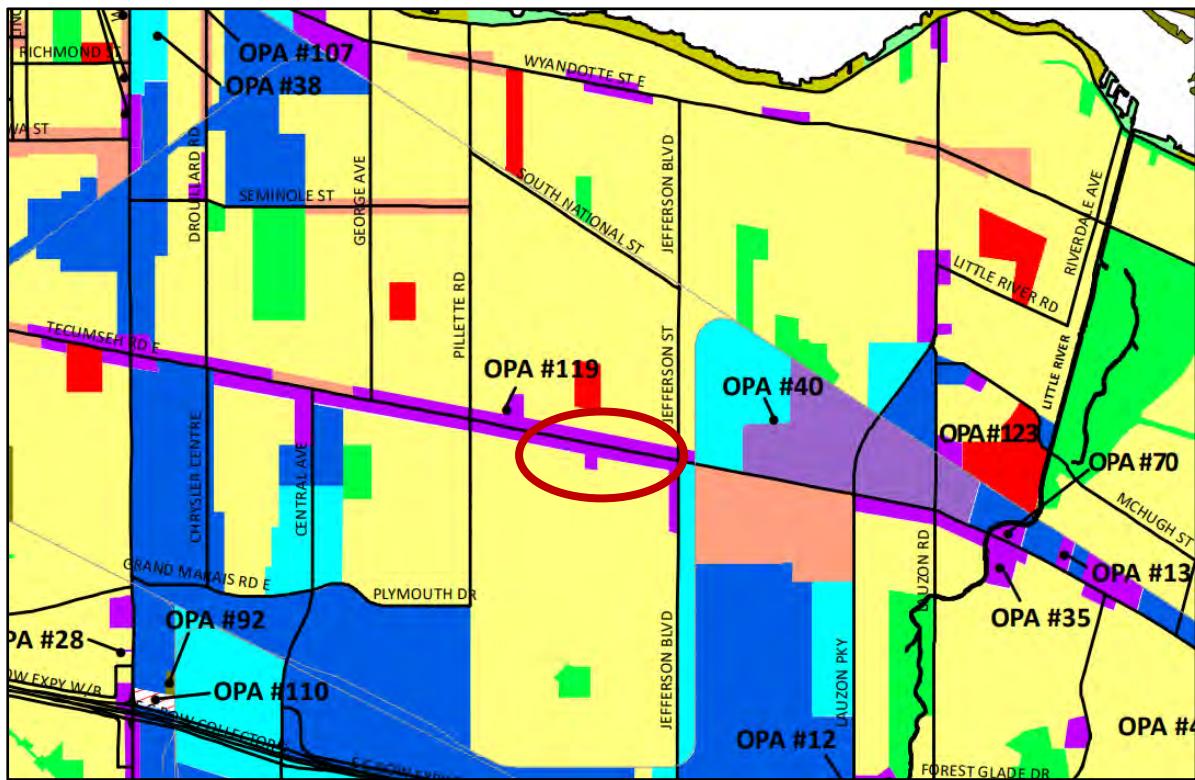


Figure 3 – City of Windsor OP, Schedule "D"

The lands are located on the southside of Tecumseh Road East which is considered a "Mainstreet" according to Schedule "G", Civic Image.

The Site is outside the nearby Regional Commercial Centre according to Schedule "J", Urban Structure Plan.

It is proposed to amend the land use designation for the Site to allow residential uses.

The following provides a summary of the key policy considerations of the OP as it relates to the proposed development.

OP Policy #	Policy	Response
3.2.1.2	Encouraging a range of housing types will ensure that people have an opportunity to live in their neighbourhoods as they pass through the various stages of their lives.	The proposed residential development supports one of the City's overall development strategies of providing for a range of housing types.

OP Policy #	Policy	Response
		<p>It is proposed to convert the two (2) commercial units on the main floor to two (2) residential units. The total number of residential units in the existing building on the Site will be seven (7).</p> <p>The units will be affordable rentals, close to transit and local amenities.</p> <p>The existing building is deemed to be underutilized.</p> <p>The removal of the commercial use will not impact the area as the space provided limited opportunities for employment.</p> <p>The Site is outside the nearby Regional Commercial Centre.</p>
3.3.3	<p>Neighbourhoods are the most basic component of Windsor's urban structure and occupy the greatest proportion of the City. Neighbourhoods are stable, low-to-medium-density residential areas and are comprised of local streets, parks, open spaces, schools, minor institutions and neighbourhood and convenience scale retail services.</p> <p>The three dominant types of dwellings in Windsor's neighbourhoods are single detached, semi-detached and townhouses.</p> <p>The density range for Windsor's neighbourhoods is</p>	<p>The proposed residential is in an existing built-up area.</p> <p>The height will be limited to no greater than 2 storeys which will allow the structure to continue to blend with the area.</p> <p>The style of the building will be limited to low profile development which will blend well with the scale and massing of the existing surrounding area.</p> <p>There is no amenity space proposed as the Site is in close proximity to nearby parks.</p>

OP Policy #	Policy	Response
	<p>between 20 to 35 units per net hectare.</p> <p>This density range provides for low and some medium-density intensification to occur in existing neighbourhoods. Multiple dwelling buildings with medium and high-densities are encouraged at nodes identified in the Urban Structure Plan.</p>	<p>There is adequate buffering from abutting land uses through the use of existing setbacks.</p>
4.0	<p>The implementing healthy community policies are interwoven throughout the remainder of the Plan, particularly within the Environment, Land Use, Infrastructure and Urban Design chapters, to ensure their consideration and application as a part of the planning process.</p>	<p>The proposed development will support the City's goal of promoting a healthy community (live, work and play).</p> <p>The proposed development is close to nearby transit, employment, shopping, local/regional amenities and parks/trails.</p>
5.0	<p>A healthy and sustainable environment represents a balance between human activities and natural features and functions. In order to attain this balance, Council will enhance the quality of Windsor's natural environment and manage development in a manner that recognizes the environment as the basis of a safe, caring and diverse community and a vibrant economy.</p>	<p>The proposed development will support the City's goal of a healthy and sustainable environment.</p> <p>The Site is pedestrian friendly as there are sidewalks which link to the surrounding amenities.</p> <p>The Site is level which is conducive to easy vehicular movements.</p> <p>There are no anticipated traffic concerns, no environmental concerns, and no expected hazards.</p>
6.0 - Preamble	<p>A healthy and livable city is one in which people can enjoy</p>	<p>The proposed development supports the policy set out in</p>

OP Policy #	Policy	Response
	<p>a vibrant economy and a sustainable healthy environment in safe, caring and diverse neighbourhoods. In order to ensure that Windsor is such a city, Council will manage development through an approach which balances environmental, social and economic considerations.</p>	<p>the OP as it is suited for the residential needs of the City.</p>
6.1 - Goals	<p>In keeping with the Strategic Directions, Council's land use goals are to achieve:</p> <p>6.1.1 Safe, caring and diverse neighbourhoods.</p> <p>6.1.3 Housing suited to the needs of Windsor's residents.</p> <p>6.1.10 Pedestrian oriented clusters of residential, commercial, employment and institutional uses.</p>	<p>The proposed development supports the goals set out in the OP as it provides for infilling in an existing built-up area.</p>
6.2.1.2 – General Policies	<p>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:</p> <p>(a) Low Profile developments are buildings or structures generally no greater than three (3) storeys in height;</p> <p>(b) Medium Profile developments are buildings or structures generally no greater</p>	<p>The proposed development is considered a low-profile building as it is an existing 2 storey building.</p>

OP Policy #	Policy	Response
	<p>than six (6) storeys in height; and</p> <p>(c) High Profile developments are buildings or structures generally no greater than fourteen (14) storeys in height.</p>	
6.5.1 – Commercial Corridor	<p>To encourage the orderly development and distribution of commercial uses across the City.</p> <p>To ensure that a sufficient land supply for commercial purposes is maintained over the 20 year period of this Plan.</p> <p>To locate commercial activities in areas which have sufficient and convenient access by all modes of transportation.</p>	<p>The removal of the commercial use will not impact the supply in the area as the space provided limited opportunities for employment.</p> <p>There are several commercial uses in the area which provide for more appropriate employment opportunities.</p>
6.5.3 – Commercial Corridor Policies	<p>The Commercial Corridor land use designation is intended for areas which are designed for vehicle oriented commercial uses. Commercial Corridors take the form of commercial strips along Arterial and Collector roads within Windsor.</p>	<p>The existing building is deemed to be underutilized and is better used for residential.</p>
7.0 - Infrastructure	<p>The provision of proper infrastructure provides a safe, healthy and efficient living environment. In order to accommodate transportation and physical service needs in Windsor, Council is committed to ensuring that infrastructure is provided in a sustainable, orderly and coordinated fashion.</p>	<p>The proposed development is close to nearby transit, off a major roadway and has access to full municipal services.</p> <p>There will be no negative impacts on the municipal system as the residential development is limited to low profile and will not add to the capacity in a significant way.</p>

OP Policy #	Policy	Response
8 – Urban Design	<p>A memorable, attractive and liveable city is one where people feel comfortable and are inspired by their surroundings. The physical systems and built form of the city are also designed to protect, maintain and improve the quality of life for present and future generations by integrating the principles of sustainability and place making. In order for Windsor to be such a city, Council is committed to urban design principles that enhance the enjoyment and image of Windsor and its people</p>	<p>The existing building design blends with the surrounding area. It is limited to 2 storeys, is pedestrian friendly, has an attractive façade and is a safe place for people to live.</p> <p>The proposed re-development provides efficient ease of access into the existing parking areas.</p> <p>The Site is compatible with the surrounding area in terms of scale, massing, height and siting and the re-use of the existing building will integrate well with the area, as it was a mixed-use Site previously.</p>
8.11.2.10 - Mainstreet	<p>Council will promote the development of Mainstreets at the locations identified on Schedule G: Civic Image. Such Mainstreets will be designed to:</p> <ul style="list-style-type: none"> (a) promote a diverse mixture of commercial, residential and other appropriate land uses along the road; (b) encourage pedestrian activity and movement along the streetscape; and (c) provide and/or enhance the unique character of the surrounding neighbourhood. 	<p>The Site supports the policy of promoting a mix of residential and commercial uses along Tecumseh Road East.</p>
8.11.2.11	<p>Council will recognize the significance of the roads designated as Mainstreets on Schedule G: Civic Image by:</p> <ul style="list-style-type: none"> (a) enhancing the public rights-of-way consistent with 	<p>The proposed conversion of an existing building on the Site from commercial use to residential use does not have any negative impact on civic image policies.</p>

OP Policy #	Policy	Response
	<p>the established character of the neighbourhood, using streetscaping elements such as special lighting, landscaping, paving stones, street furniture, public art and other complementary features and fixtures;</p> <p>(b) protecting and enhancing significant views and vistas along public rights-of-way;</p> <p>(c) protecting and enhancing heritage resources;</p> <p>(d) encouraging the provision of building and streetscaping elements that provide shelter from inclement weather, where appropriate; and</p> <p>(e) encouraging signage which enhances the character of the Mainstreet.</p>	<p>There is appropriate parking, sidewalks and lighting.</p> <p>There are no building design changes, therefore there is no character change to the Mainstreet.</p>
9.3.1.1	<p>For the purpose of this Plan, heritage resources include built heritage resources and cultural heritage landscapes that Council has identified as being important to the community.</p>	<p>Archaeological assessment is not required for this Site.</p>

Therefore, the proposed development conforms to the City of Windsor OP, subject to an amendment to the OP to facilitate the proposed development.

5.1.3 Zoning By-law (ZBL)

The City of Windsor Zoning By-Law (ZBL) #8600 was passed by Council on July 8, 2002 and then a further Ontario Municipal Board (OMB) decision issued on January 14, 2003.

A ZBL implements the PPS and the City OP by regulating the specific use of property and provide for its day-to-day administration.

According to Map 11 attached to the ZBL the Site is currently zoned Commercial District 2.1 (CD2.1) category (see Figures 4 – City of Windsor Zoning Map 11).

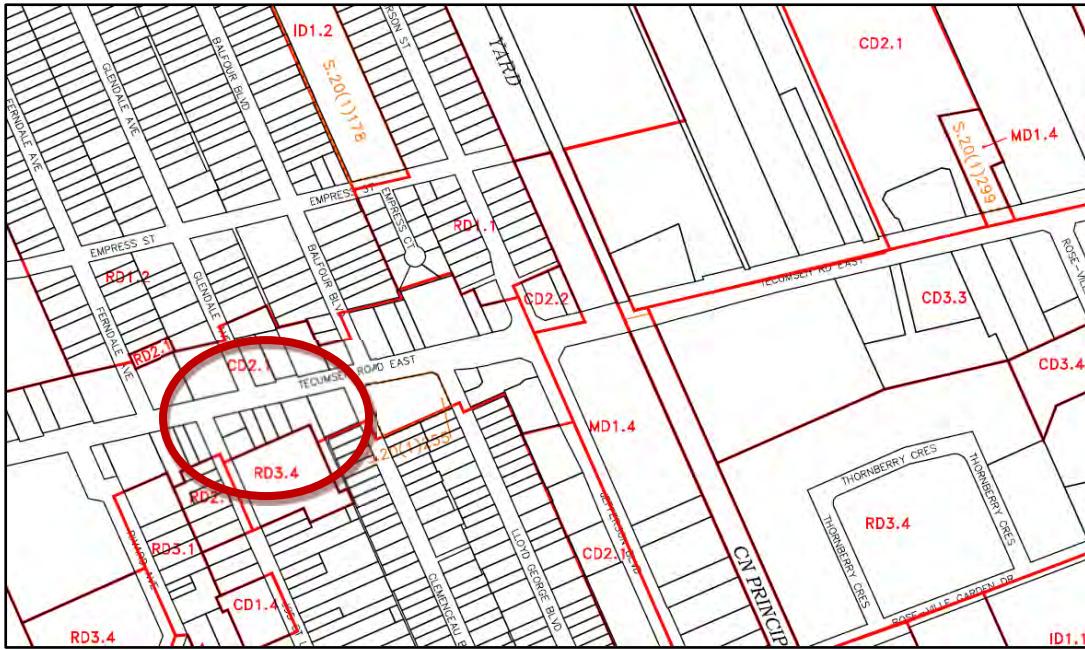


Figure 4 – City of Windsor Zoning Map 11

A site specific zoning exception is required for the Site as the proposed residential use is not permitted in the CD2.1 zone category.

It is proposed to change the zoning of the Site from the existing “Commercial District 2.1 (CD2.1)” zoning to a site specific “Commercial District 2.1 (CD2.1 - XX)” with the addition of residential as a permitted use in the form of a Multiple Dwelling with seven (7) units.

A review of the CD2.1 zone provisions, as set out in Section 15.1 of the ZBL are as follows:

Zone Regulations Proposed CD2.1 (Section 15.1)	Required	Proposed	Compliance
Permitted Uses	See 15.1.1 for full list	See 15.1.1 for full list, and Multiple Dwelling - 7 units	To be included in the site specific zoning amendment
Building Height Maximum	14m	Existing	Existing
Gross Floor Area	N/A	N/A	N/A

Maximum			
Combined Use Building	N/A	N/A	N/A
Outdoor Vendor Site	N/A	N/A	N/A
Parking-Multiple Dwelling: Minimum 5 units	1.25 per unit (8.75 based on 7 units)	11 spaces provided	Complies

Therefore, the proposed development will comply with all zone provisions set out in the CD2.1 Zone, including parking.

6.0 SUMMARY AND CONCLUSION

6.1 Context and Site Suitability Summary

6.1.1 Site Suitability

The Site is ideally suited for residential development for the following reasons:

- The land area is sufficient to accommodate the proposed development with adequate buffering from abutting land uses,
- The Site is generally level which is conducive to easy vehicular movements,
- The Site will be able to accommodate municipal water, storm and sewer systems,
- There are no anticipated traffic concerns,
- There are no environmental concerns,
- There are no hazards, and
- The location of the proposed development is appropriate in that it will blend well with the residential and commercial uses in the surrounding area.

6.1.2 Compatibility of Design

The proposed re-development provides efficient ease of access into the existing parking areas.

The proposed development will be limited to a 2 storey, low profile area development, which is a compatible density with the surrounding area.

The Site is compatible with the surrounding area in terms of scale, massing, 2 storey height and siting and the re-use of the existing building will integrate well with the area, as it was a mixed-use Site previously.

6.1.3 Good Planning

The proposal represents good planning as it addresses the need for the City to provide residential infilling development in the form of a seven (7) unit multiple dwelling, which contributes to affordability and intensification requirements.

Residential use on the Site represent an efficient development pattern that optimizes the re-use of land in an existing built-up area which has a mix of commercial and residential uses.

The Site currently has an existing building and is underutilized. The removal of the commercial use will not impact the area as the space provided limited opportunities for employment. The Site is outside the nearby Regional Commercial Centre.

The fact that the proposal is supported by provincial and municipal planning policy, and the Site is suitable for the intended use on a number of criteria attests that the proposal represents good planning.

6.1.4 Natural Environment Impacts

The proposal does not have any negative natural environment impacts, as there are no natural heritage features on the Site.

6.1.5 Municipal Services Impacts

There will be no negative impacts on the municipal system as the residential development is limited to low profile and will not add to the capacity in a significant way.

6.1.6 Social and/or Economic Conditions

The proposed development does not negatively affect the social environment as the Site is in close proximity to major transportation corridors, transit, open space and community amenities.

Infilling in an existing mixed use area contributes toward the goal of 'live, work and play' where citizens share a strong sense of belonging and a collective pride of place.

The proposed re-development promotes efficient development and land use pattern which sustains the financial well-being of the municipality.

The proposal does not cause any public health and safety concerns. The proposal represents a cost effective development pattern that minimizes land consumption and servicing costs.

Based on the Site area the proposed development will result in a total net density, which is appropriate for the area.

There will be no urban sprawl as the proposed development is within the existing settlement area and is an ideal infilling opportunity.

6.2 Conclusion

The proposal to convert the existing building on the Site from commercial use to residential use is appropriate and should be approved by the City of Windsor.

This PRR has shown that the proposed development is suitable intensification of affordable residential use, is consistent with the PPS, conforms with the intent and purpose of the City of Windsor OP and represents good planning.

The report components for this PRR have set out the following, as required under the City of Windsor OP:

10.2.13.2 Where a *Planning Rationale Report* is required, such a study should:

- (a) *Include a description of the proposal and the approvals required;*
- (b) *Describe the site's previous development approval history;*
- (c) *Describe major physical features or attributes of the site including current land uses(s) and surrounding land uses, built form and contextual considerations;*
- (d) *Describe whether the proposal is consistent with the provincial policy statements issued under the Planning Act;*
- (e) *Describe the way in which relevant Official Plan policies will be addressed, including both general policies and site-specific land use designations and policies;*
- (f) *Describe whether the proposal addresses the Community Strategic Plan;*
- (g) *Describe the suitability of the site and indicate reasons why the proposal is appropriate for this site and will function well to meet the needs of the intended future users;*
- (h) *Provide an analysis of the compatibility of the design and massing of the proposed developments and land use designations;*
- (i) *Provide an analysis and opinion as to why the proposal represents good planning, including the details of any methods that are used to mitigate potential negative impacts;*
- (j) *Describe the impact on the natural environment;*
- (k) *Describe the impact on municipal services;*
- (l) *Describe how the proposal will affect the social and/or economic conditions using demographic information and current trends; and,*
- (m) *Describe areas of compliance and non-compliance with the Zoning By-law.*

Planner's Certificate:

I hereby certify that this report was prepared by Tracey Pillon-Abbs, a Registered Professional Planner, within the meaning of the Ontario Professional Planners Institute Act, 1994.

Tracey Pillon-Abbs, RPP
Principal Planner





Committee Matters: SCM 247/2020

**Subject: Rezoning - Green Smart Apartments Inc. - 1198 California - Z-013/20
ZNG/6084 - Ward 2**

Moved by: Councillor Holt
Seconded by: Councillor Sleiman

Decision Number: **DHSC 189**

THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Part of Lots 11 & 12 & Part of Alley, Registered Plan 1120, and Part of Lot 66, Concession 1, Sandwich West (known municipally as 1198 California Avenue; Roll No. 050-370-05100; PIN 01215-0533), situated on the east side of California Avenue, south of Girardot Street, from Residential District 1.3 (RD1.3) to Residential District 2.1 (RD2.1) and by adding a site specific exception to Section 20(1) as follows:

393. EAST SIDE OF CALIFORNIA AVENUE, SOUTH OF GIRARDOT STREET

For the lands comprising of Part of Lots 11 & 12 & Part of Alley, Registered Plan 1120, and Part of Lot 66, Concession 1, Sandwich West, for a *Semi-Detached Dwelling*, the following additional provisions shall apply:

a)	Lot Width – minimum	As Existing
b)	Lot Area – minimum	As Existing
c)	Lot Coverage – maximum	47.0 %

[ZDM 4; ZNG/6084]

Carried.
Member Moore voting nay.

Report Number: S 94/2020
Clerk's File: ZB/13864

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

Subject: Rezoning - Green Smart Apartments Inc. - 1198 California - Z-013/20 ZNG/6084 - Ward 2**Reference:**

Date to Council: August 10, 2020
Author: Adam Szymczak, MCIP, RPP
Senior Planner
519-255-6543 x6250
aszymczak@citywindsor.ca

Planning & Building Services
Report Date: July 15, 2020
Clerk's File #: ZB/13864

To: Mayor and Members of City Council

Recommendation:

THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Part of Lots 11 & 12 & Part of Alley, Registered Plan 1120, and Part of Lot 66, Concession 1, Sandwich West (known municipally as 1198 California Avenue; Roll No. 050-370-05100; PIN 01215-0533), situated on the east side of California Avenue, south of Girardot Street, from Residential District 1.3 (RD1.3) to Residential District 2.1 (RD2.1) and by adding a site specific exception to Section 20(1) as follows:

393. EAST SIDE OF CALIFORNIA AVENUE, SOUTH OF GIRARDOT STREET

For the lands comprising of Part of Lots 11 & 12 & Part of Alley, Registered Plan 1120, and Part of Lot 66, Concession 1, Sandwich West, for a *Semi-Detached Dwelling*, the following additional provisions shall apply:

a)	Lot Width – minimum	As Existing
b)	Lot Area – minimum	As Existing
c)	Lot Coverage – maximum	47.0 %

[ZDM 4; ZNG/6084]

Executive Summary:

N/A

Background:**Application Information:**

Location: 1198 California Avenue; Roll No. 050-370-05100
Part of Lots 11 & 12 & Part of Alley, Registered Plan 1120, and Part of Lot 66, Concession 1, Sandwich West

Ward: 2 **Planning District:** 16 – University **Zoning District Map:** 4

Applicant: Green Smart Apartments Inc. (Andi Shallvari, Principal)

Owner: Andi Shallvari

Agent: Pillon Abbs Inc., Tracey Pillon-Abbs

Proposal:

The applicant is requesting an amendment to Zoning By-law 8600 to change the zoning of the subject to permit the construction of a semi-detached dwelling and to allow a reduction in minimum lot width from 15.0 m to 12.22 m and an increase in maximum lot coverage from 45% to 46.94%.

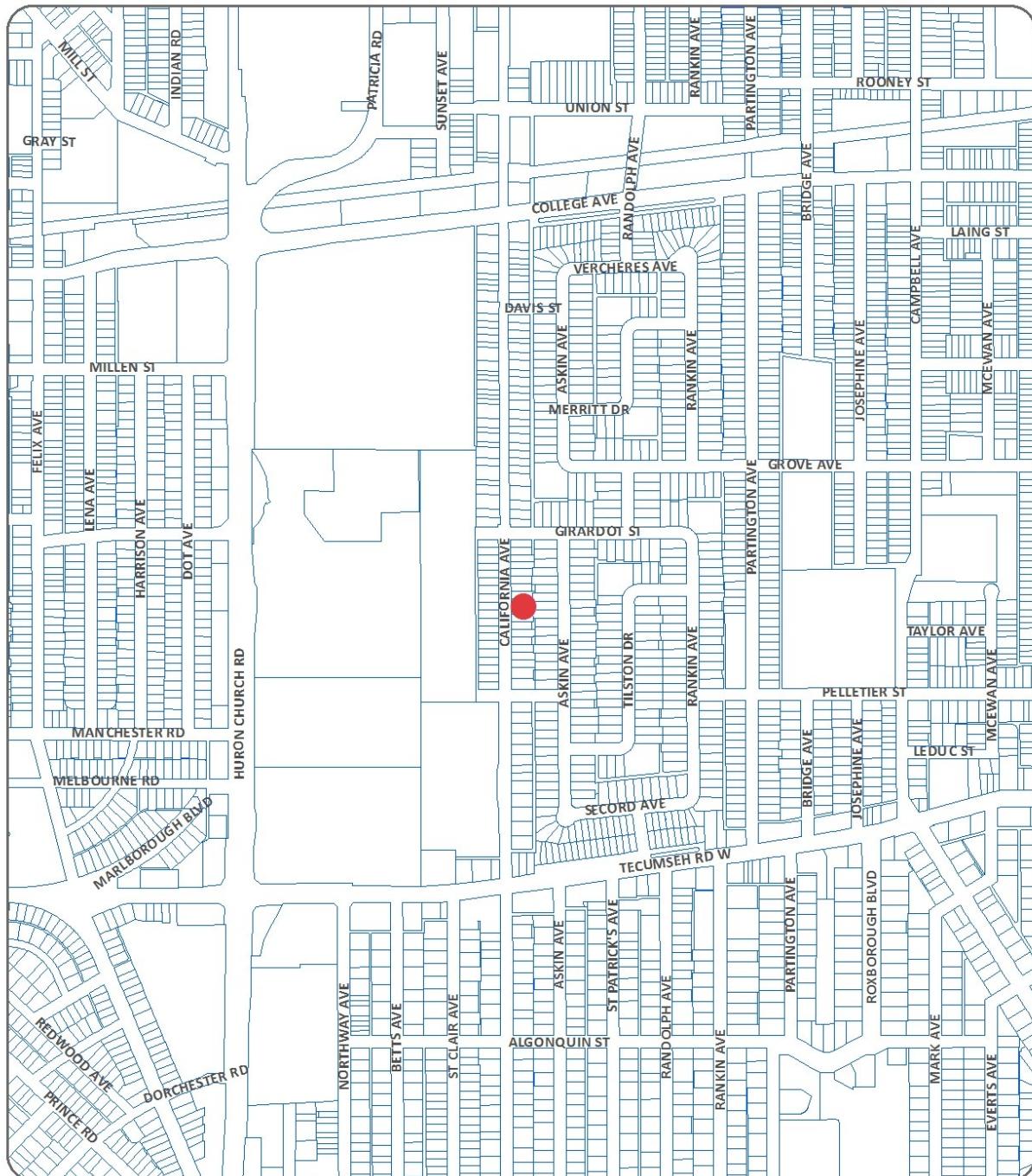
A single unit dwelling currently occupies the lot.

The applicant intends to demolish the single unit dwelling. The applicant has submitted a “In Fill Grade Plan” that shows a conceptual building envelope (Extract attached as Appendix A).

Site Information:

OFFICIAL PLAN	ZONING	CURRENT USE	PREVIOUS USE
Residential	Residential District 1.3 (RD1.3)	Single Unit Dwelling	N/A
LOT WIDTH	LOT DEPTH (AVERAGE)	LOT AREA	LOT SHAPE
12.22 m	36.8 m	449.7 sq. m	Irregular
40.08 ft	120.6 ft	4,840 sq. ft	
<i>All measurements are taken from documents supplied by the applicant, are approximate, and are for information purposes only.</i>			

Figure 1: Key Map

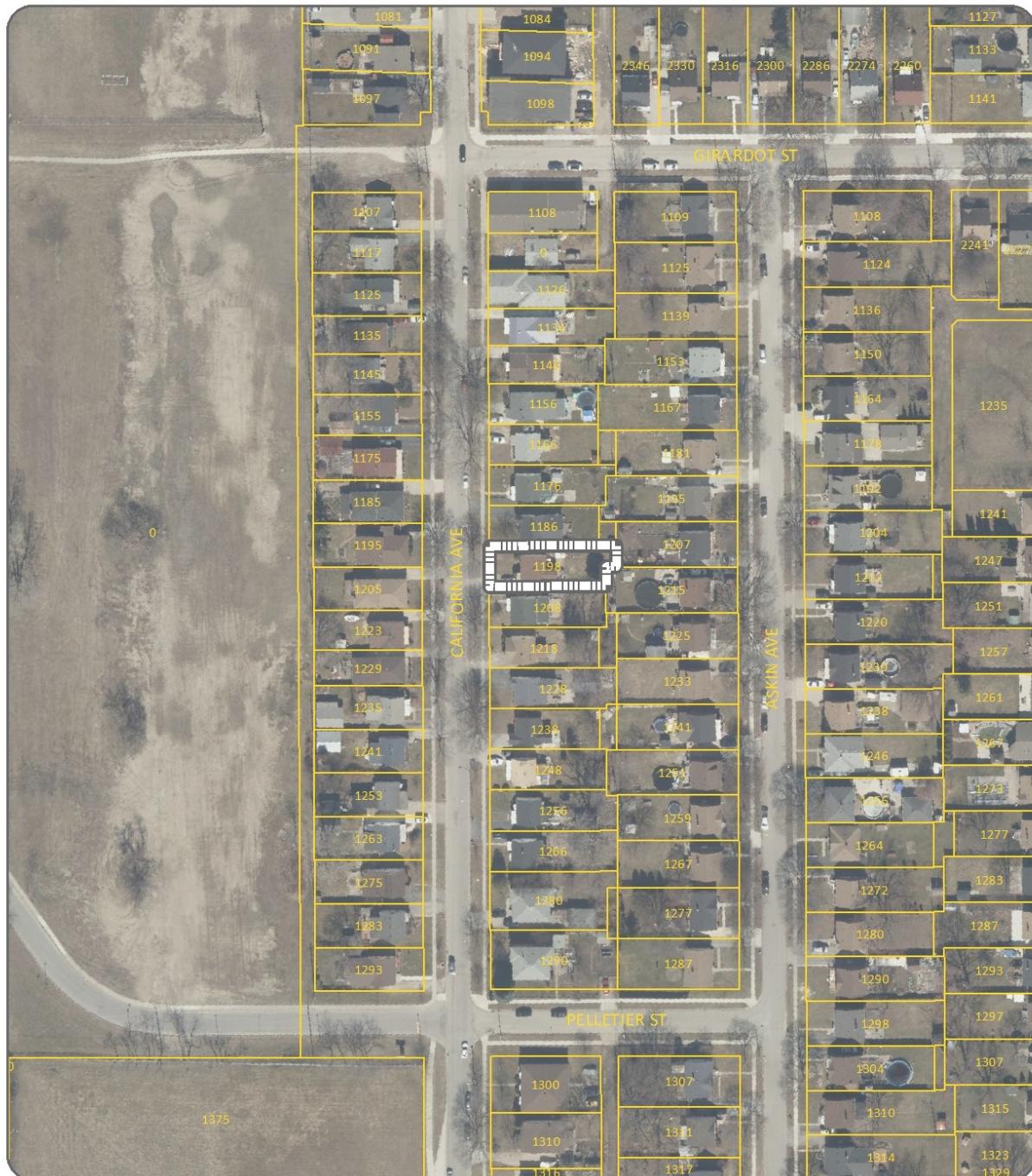


KEY MAP - Z-013/20, ZNG-6084



● SUBJECT LANDS

Figure 2: Subject Parcel - Rezoning

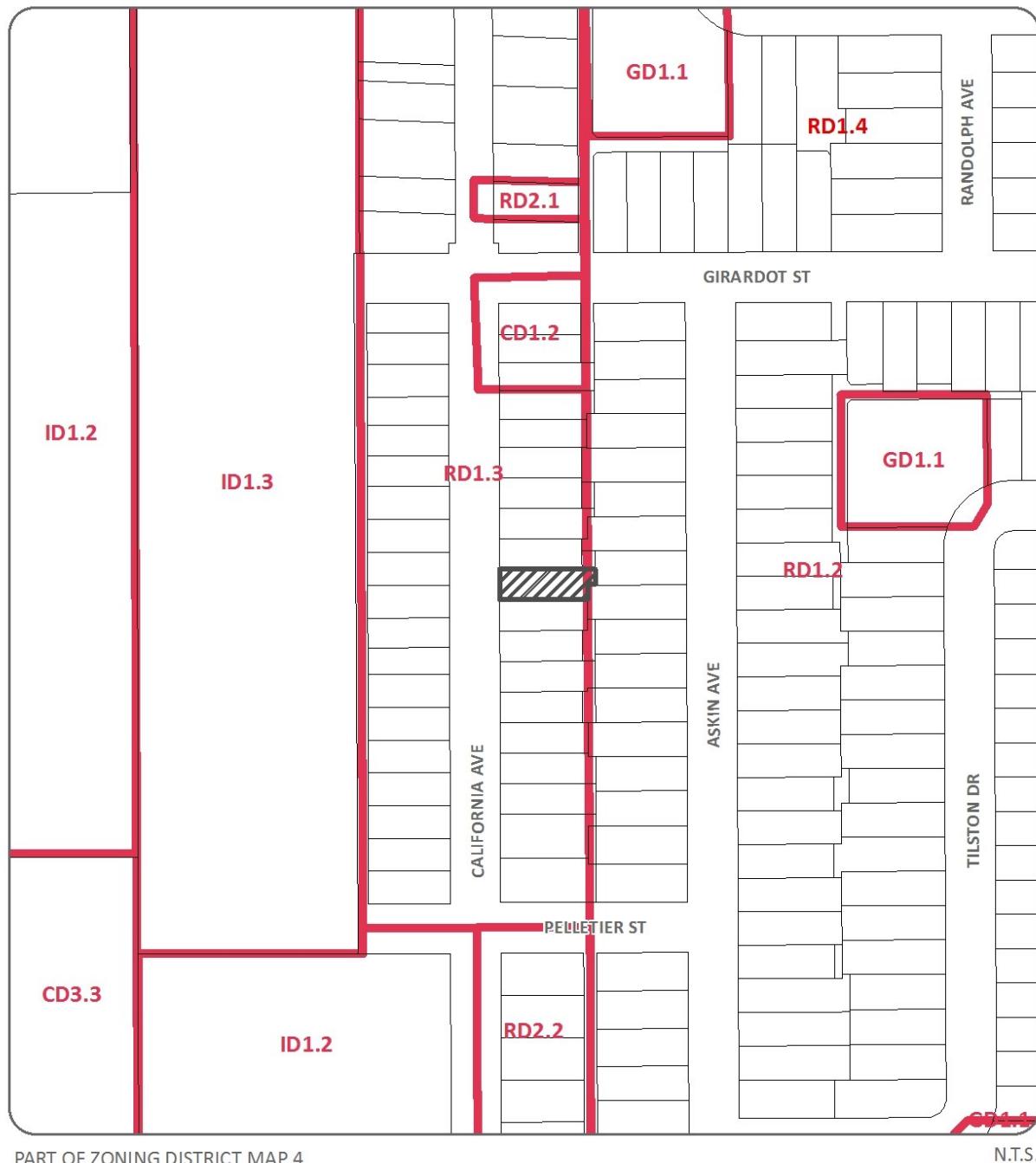


NEIGHBOURHOOD MAP - Z-013/20, ZNG/6084



SUBJECT LANDS

Figure 3: Neighborhood Map



REQUESTED ZONING AMENDMENT

Applicant: Andi Shallvari & Green Smart Apartments Inc.



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : JUNE, 2020
FILE NO. : Z-013/20, ZNG/6084

Neighbourhood Characteristics:

The subject parcel is located on the western edge of a residential area consisting of low to medium density dwellings. See Appendix B for site and area images.

North of Girardot, on both sides of California, is a mix of low to medium density residential uses including a multiple dwelling with 8 dwelling units (1098 California), a semi-detached dwelling (1094 California), a dwelling with four dwelling units (1081 California), a multiple dwelling with six dwelling units (1065 California), a fourplex dwelling (1042 California), a semi-detached dwelling (951 California), another fourplex (929 California), a semi-detached dwelling (923 California), and a townhome dwelling with five dwelling units at 909-917 California.

To the east, east of California Avenue, is a residential area consisting of single unit dwellings on lots with a minimum width of 13.4 m interspersed with parkettes.

At the southeast corner of California and Girardot is a two-storey building with a convenience store and two dwelling units. South of Girardot, on both sides of California Avenue, is a mix of mostly low density residential uses. Further south, the east side of California, between Pelletier and Tecumseh Road East, consists of dwellings with four to six dwelling units. On the west side of California, approximately 250 m southwest from the subject parcel, is Westview Freedom Academy, a public secondary school.

To the west, are lands owned and used by the University of Windsor. Further to the west, are Assumption College Catholic Middle School, Assumption College Catholic Secondary School, and the offices of the Windsor-Essex Catholic District School Board. To the northwest is the University of Windsor St. Denis Centre and more recreational facilities.

Windsor Fire Station Number 4 is located on the north side of College Avenue, west of California, approximately 820 m to the northwest.

California Avenue is classified as a Local Road, has sidewalks on both sides of the street and has alternating side on-street parking. College Avenue is classified a Class I Collector Road and a Proposed Bikeway on Schedule F: Roads and Bikeways. Tecumseh Road East is classified a Class II Arterial Road. Girardot west of California provides pedestrian access to Assumption College and the University of Windsor.

Transit Windsor operates the Dominion 5 bus on Campbell Avenue, almost 880 m to the east at Grove and Campbell, and the Central 3 West bus on Tecumseh Road West, 440 metres to the south. The recently approved Transit Master Plan maintains public transit on Tecumseh Road East with an additional bus route on College Avenue (640 m to the north).

Storm and sanitary sewers are available in the California Avenue right-of-way.

Discussion:

Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) provides direction on matters of provincial interest related to land use planning and development and sets the policy foundation for regulating the development and use of land in Ontario.

Policy 1.1.1 of the PPS states:

“Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;”*

The semi-detached dwelling represents an efficient development that will have no adverse impact on the financial well-being of the City, land consumption, and servicing costs, accommodates an appropriate range of residential uses, and optimizes investments in transit. The zoning amendment is consistent with Policy 1.1.1.,

Policy 1.1.3.1 of the PPS states:

“Settlement areas shall be the focus of growth and development.”

Policy 1.1.3.2 of the PPS states:

“Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;*
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- e) support active transportation;*
- f) are transit-supportive, where transit is planned, exists or may be developed;”*

The parcel is located within the settlement area. The zoning amendment promotes a land use that makes efficient use of land and existing infrastructure. Active transportation options and transit services are located near the parcel. The zoning amendment is consistent with PPS Policies 1.1.3.1 and 1.1.3.2.

The proposed amendment to Zoning By-law 8600 is consistent with the PPS.

Official Plan:

Relevant excerpts from the Official Plan are attached as Appendix C. The subject property is located within the University Planning District and is designated Residential on Schedule D: Land Use of the City of Windsor Official Plan.

Objective 6.3.1.1 supports a complementary range of housing forms and tenures in all neighbourhoods. Objective 6.3.1.2 seeks to promote compact neighbourhoods and balanced transportation systems. Objective 6.3.1.3 seeks to promote selective residential redevelopment, infill and intensification initiatives. The semi-detached dwelling represents a complementary and compact form of housing, redevelopment, and intensification that is near sources of transportation and that supports. The zoning amendment satisfies the objectives set out in Section 6.5.1 of the Official Plan.

The proposed semi-detached dwelling is classified as a small-scale Low Profile housing development under Section 6.3.2.3 (a), a permitted use in the Residential land use designation (Section 6.3.2.1). The proposed development is compatible with the surrounding land uses (Section 6.3.2.5 (c)) and no deficiencies in municipal physical services and emergency services have been identified (Section 6.3.2.5 (e)). The zoning amendment conforms to the policies in Sections 6.3.2.1 and 6.3.2.5 of the Official Plan.

The zoning amendment conforms to the Zoning Amendment Policies, Section 11.6.3.1 and 11.6.3.3, of the Official Plan.

The proposed change to Zoning By-law 8600 conforms to the general policy direction of the Official Plan.

Zoning By-Law:

Relevant excerpts from Zoning By-law 8600 are attached as Appendix D.

The applicant is requesting a change from Residential District 1.3 (RD1.3) to a zoning district that permits a semi-detached dwelling. The Residential District 2.1 (RD2.1) zoning district is an appropriate zoning category and is compatible with the existing uses in the neighbourhood. RD2.1 permits one semi-detached dwelling on a lot with a minimum width of 15.0 m and a minimum area of 450.0 m², with a minimum front yard depth of 6.0, a minimum rear yard depth of 7.50 m, and a minimum side yard width of 1.80 m. The minimum building height is 10.0 m with a maximum lot coverage of 45%.

The applicant is also requesting a reduction in minimum lot width and an increase in maximum lot coverage. The reduction in the minimum lot width is required to accommodate the proposed semi-detached dwelling on a narrower lot of approximately 12.2 m versus the required 15.0 m. The reduction in lot width will have no adverse impact on the proposed development or on surrounding uses. The lot is irregular in shape as it incorporates the closed alley. To avoid issues at the building permit stage, Staff recommend that the minimum lot width be as existing.

The agent indicates that the increase in maximum lot coverage is because the lot is irregularly shaped with a portion of the parcel incorporating half of the closed alley. The agent states the increase in lot coverage is modest, and that the proposed semi-detached dwelling will comply with all other setback regulations (front yard depth, rear yard depth, and side yard width), will not have any impact on abutting properties in terms of privacy, sunlight, or parking), and that it will be compatible with the neighbourhood in terms of scale, massing, height, siting, orientation, setbacks and parking. Staff concur with this position.

Regarding the minimum lot area, the “In Fill Grade Plan” submitted by the applicant indicates the lot area is 4,840 sq. ft. This converts into 449.65 m² and rounds to 449.7 m², which is just under the required minimum lot area of 450.0 m². Given the negligible difference, Staff recommend that the maximum lot area be as existing.

The proposed semi-detached dwelling must comply with all other zoning provisions and is NOT subject to site plan control.

Risk Analysis:

N/A

Financial Matters:

N/a

Consultations:

Comments received from municipal departments and external agencies are attached as Appendix E.

Public Notice: Statutory notice was advertised in the Windsor Star, a local daily newspaper. A courtesy notice was mailed to property owners and residents within 120m of the subject parcel.

Planner’s Opinion:

The *Planning Act* requires that a decision of Council in respect of the exercise of any authority that affects a planning matter, “*shall be consistent with*” Provincial Policy Statement 2020. The requested zoning amendment has been evaluated for consistency with the Provincial Policy Statement 2020 and conformity with the policies of the City of Windsor Official Plan.

Based on the information presented in this report, it is my opinion that an amendment to Zoning By-law 8600 to rezone the subject parcel from Residential District 1.3 (RD1.3) to Residential District 2.1 (RD2.1) and adding a site specific exception to allow the proposed semi-detached dwelling is consistent with the PPS 2020, is in conformity with the City of Windsor Official Plan, and constitutes good planning.

Conclusion:

Staff recommend that Zoning By-law 8600 be amended to permit a rezoning of the subject parcel from Residential District 1.3 (RD1.3) to Residential District 2.1 (RD2.1) and a site specific exception to permit a semi-detached dwelling.

Planning Act Matters:

Adam Szymczak, MCIP, RPP
Senior Planner

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

Neil Robertson, MCIP, RPP
Manager of Urban Design *Thom Hunt, MCIP, RPP*
City Planner

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

SAH OC

Approvals:

Name	Title
Neil Robertson	Manager, Urban Design
Thom Hunt	City Planner
Wira Vendrasco	Deputy City Solicitor
Shelby Askin Hager	City Solicitor
Onorio Colucci	Chief Administrative Officer

Notifications:

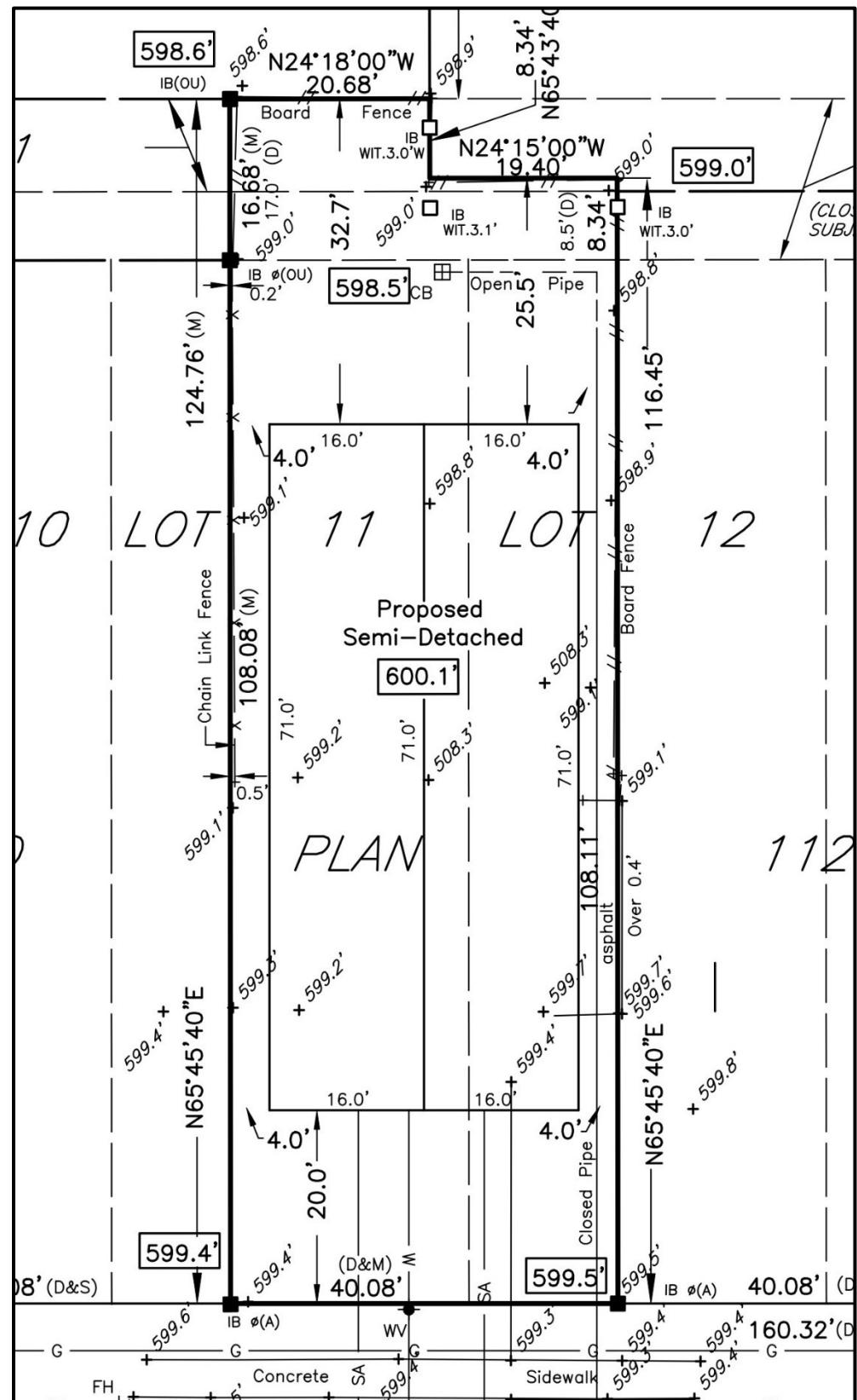
Name	Address	Email
Green Smart Apartments Inc. Andi Shallvari	3504 Klondike Ave Windsor ON N8W 5V5	andi.shallvari@gmail.com
Pillon Abbs Inc. Tracey Pillon-Abbs	23699 Prince Albert Road Chatham, ON N7M 5J7	tpillonabbs@gmail.com
Councillor Costante		

Property owners and tenants within 120 m of the subject parcel

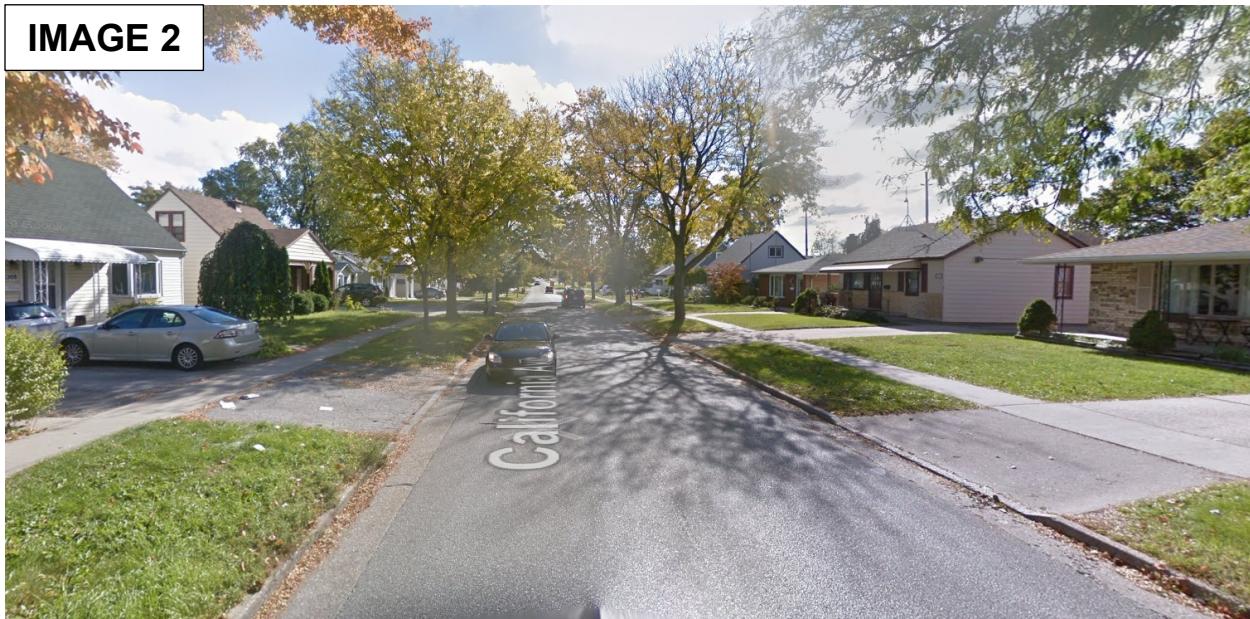
Appendices:

- 1 Appendix A - Conceptual Site Plan
- 2 Appendix B - Site Images
- 3 Appendix C - Extracts from Official Plan
- 4 Appendix D - Extracts from Zoning By-law 8600
- 5 Appendix E - Consultations
- 6 Appendix F - Draft Amending By-law

APPENDIX A - Conceptial Site Plan

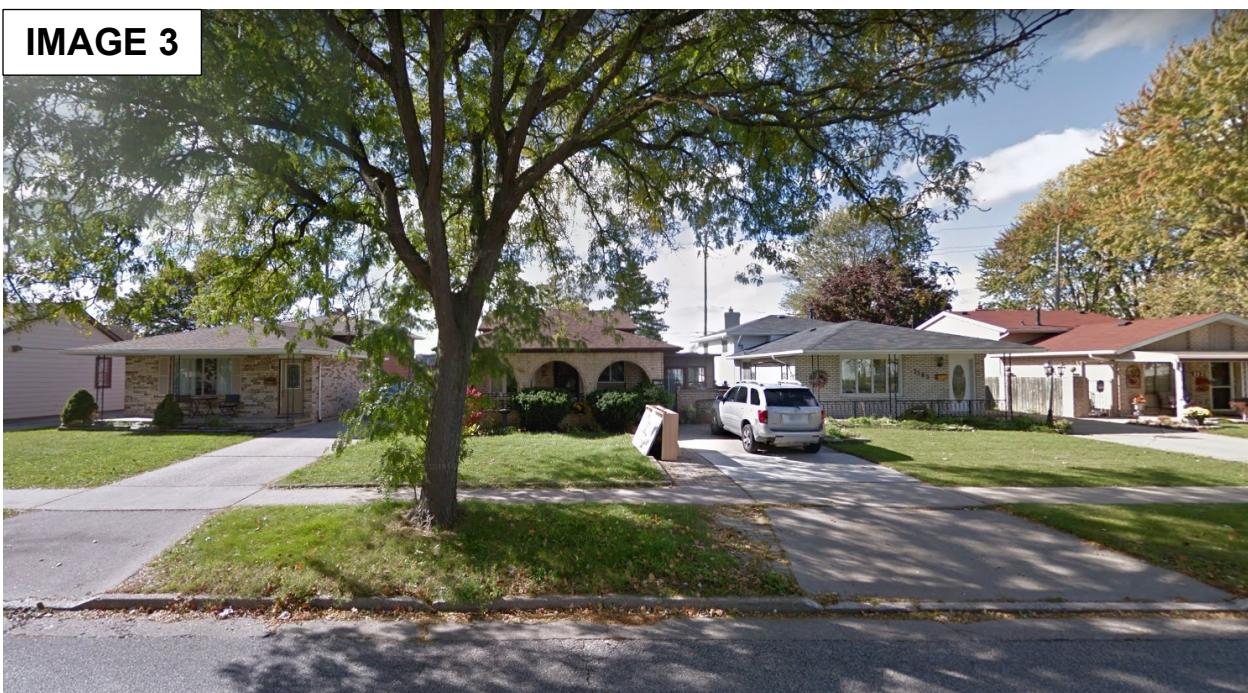


APPENDIX B - SITE IMAGES

IMAGE 1**Subject Parcel – 1198 California Avenue - Looking East****IMAGE 2**

**Looking south on California Avenue
Subject parcel is to the left of the image**

IMAGE 3



**Looking west on California Avenue
Across from subject parcel**

IMAGE 4



**Looking north on California Avenue towards Girardot
Subject parcel is to the right of the image**

APPENDIX C - Extracts from City of Windsor Official Plan

VOLUME I – LAND USE

6.3 Residential

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

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

6.3.1 Objectives

<i>RANGE OF FORMS & TENURES</i>	6.3.1.1	To support a complementary range of housing forms and tenures in all neighbourhoods.
<i>NEIGHBOURHOODS</i>	6.3.1.2	To promote compact neighbourhoods which encourage a balanced transportation system.
<i>INTENSIFICATION, INFILL & REDEVELOPMENT</i>	6.3.1.3	To promote selective residential redevelopment, infill and intensification initiatives.

6.3.2 Policies

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

<i>PERMITTED USES</i>	6.3.2.1	Uses permitted in the Residential land use designation identified on Schedule D: Land Use include Low, Medium and High Profile dwelling units.
<i>TYPES OF LOW PROFILE HOUSING</i>	6.3.2.3	<p>For the purposes of this Plan, Low Profile housing development is further classified as follows:</p> <ul style="list-style-type: none"> (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.

*EVALUATION
CRITERIA FOR A
NEIGHBOURHOOD DEVELOPMENT
PATTERN*

6.3.2.5

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

- (a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:
 - (i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;
 - (ii) adjacent to sources of nuisance, such as noise, odour, vibration and dust;
 - (iii) within a site of potential or known contamination;
 - (iv) where traffic generation and distribution is a provincial or municipal concern; and
 - (v) adjacent to heritage resources.
- (b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;
- (c) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas;
- (d) provided with adequate off street parking;
- (e) capable of being provided with full municipal physical services and emergency services; and
- (f) facilitating a gradual transition from Low Profile residential development to Medium and/or High profile development and vice versa, where appropriate.

VOLUME I – TOOLS

11.6.3 Zoning By-law Amendment Policies

<i>AMENDMENTS MUST CONFORM</i>	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.
<i>EVALUATION CRITERIA</i>	11.6.3.3	<p>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:</p> <ul style="list-style-type: none">(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 D - Extracts from Zoning By-law 8600

SECTION 3 – DEFINITIONS

3.10 DEFINITIONS

DWELLING means a *building or structure* that is occupied for the purpose of human habitation. A *correctional institution, hotel, motor home, recreational vehicle, tent, tent trailer, or travel trailer* is not a *dwelling*.

SEMI-DETACHED DWELLING means one *dwelling* divided vertically into two *dwelling units* by a common interior wall having a *minimum area above grade* of 10.0 sq. m., and may include, where permitted by Section 5.99.80, up to two additional *dwelling units*.

DWELLING UNIT means a unit that consists of a self-contained set of rooms located in a *building or structure*, that is used or intended for use as residential premises, and that contains kitchen and bathroom facilities that are intended for the use of the unit only.

SEMI-DETACHED DWELLING UNIT means one *dwelling unit* in a *semi-detached dwelling*, and may include, if permitted by Section 5.99.80, one additional *dwelling unit*.

SECTION 10 - RESIDENTIAL DISTRICTS 1. (RD1.)

10.3 RESIDENTIAL DISTRICT 1.3 (RD1.3)

10.3.1 PERMITTED USES

Existing Duplex Dwelling

Existing Semi-Detached Dwelling

One Single Unit Dwelling

Any use accessory to the preceding uses

10.3.5 PROVISIONS

	Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.1 Lot Width – minimum	9.0 m	15.0 m	9.0 m
.2 Lot Area – minimum	360.0 m ²	450.0 m ²	270.0 m ²
.3 Lot Coverage – maximum	45.0%	45.0%	45.0%
.4 Main Building Height – maximum	10.0 m	10.0 m	10.0 m
.5 Front Yard Depth – minimum	6.0 m	6.0 m	6.0 m
.6 Rear Yard Depth – minimum	7.50 m	7.50 m	7.50 m
.7 Side Yard Width – minimum	1.20 m	1.20 m	1.20 m

SECTION 11 - RESIDENTIAL DISTRICTS 2. (RD2.)

11.1 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	10.0 m	10.0 m	10.0 m
.5 Front Yard Depth – minimum	6.0 m	6.0 m	6.0 m
.6 Rear Yard Depth – minimum	7.50 m	7.50 m	7.50 m
.7 Side Yard Width – minimum	1.20 m	1.20 m	1.20 m

APPENDIX E - Consultations

CITY OF WINDSOR – ENGINEERING DEPARTMENT – RIGHT-OF-WAY DIVISION – Patrick Winters, July 16, 2020 (Revised)

The subject lands are located at 1198 California Avenue, designated Residential on Schedule D by the City of Windsor Official Plan and zoned Residential District 1.3 (RD1.3) by Zoning By-Law 8600. The applicant is requesting an amendment to Zoning By-law 8600 changing the zoning from Residential District 1.3 (RD1.3) to Residential District 2.1 (RD2.1) and a site specific provision to allow for a reduction in minimum lot width for a Semi-detached Dwelling from 15.0 m to 12.22 m and an increase in maximum lot coverage from 45.0 % to 46.94% to allow for the construction of a Semi-detached Dwelling on the subject parcel.

The site may be serviced by a 250mm vitrified clay sanitary sewer and a 450mm vitrified clay storm sewer within 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. If the applicant intends to sever the parcel then individual sanitary and storm connections are required for each unit.

The Official Plan classifies California Avenue as a Local Road, requiring a right-of-way width of 20.m. The current right-of-way is 15.2m; therefore, a land conveyance for 2.4m is required, but is not being requested. Driveways are to be constructed as per AS-221 or AS-222, complete with straight flares and no raised curbs within the right-of-way.

In summary we have no objection to the proposed redevelopment, subject to the following requirements (Requirements can be enforced during Building and Right of Way permitting):

Existing Sewers and Connections - The owner further agrees, at its entire expense and to the satisfaction of the City Engineer:

- a) To undertake a video inspection of the mainline sewers that will be used by the subject property and all connections to the mainline sewers that service the subject property.
- b) Any redundant connections will be abandoned according to the City of Windsor Engineering Best Practice B.P.1.3.3.
- c) Any new connections to combined sewers will follow City of Windsor Engineering Best Practice B.P.1.1.1.

If you have any further questions or concerns, please contact Sandy Mio, of this department at smio@citywindsor.ca

CITY OF WINDSOR – HERITAGE PLANNER – Kristina Tang, June 25, 2020

There is no apparent built heritage concern with this property and it is located on an area of low archaeological potential.

Nevertheless, the Applicant should be notified of the following archaeological precaution.

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

Contacts:

Windsor Planning & Building Department: 519-255-6543 x6179, planningdept@citywindsor.ca

Windsor Manager of Cultural Affairs:

Cathy Masterson, 519-253-2300x2724, cmasterson@citywindsor.ca

Ontario Ministry of Ministry of Heritage, Sport, Tourism and Culture Industries

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

Windsor Police: 911

Ontario Ministry of Government & Consumer Services

Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures,
1-416-212-7499, nancy.watkins@ontario.ca

CITY OF WINDSOR - TRANSPORTATION PLANNING - Juan Paramo, June 16, 2020

Overall, Transportation Planning supports the subject Zoning By-law amendment.

- The Official Plan classifies California Avenue as a Local Road with a required right-of-way width of 20 metres. A land conveyance of 2.4 metres would be required; however, not requested at this time.
- The minimum required parking spaces under the Zoning By-law 8600 shall be accommodated within private property and shown on the conceptual plan
- All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings.
- All exterior paths of travel must meet the requirements of the *Accessibility for Ontarians with Disabilities Act* (AODA).

ENWIN UTILITIES (Hydro Engineering) – Cecile Dalgleish, June 17, 2020

No Objection, provided adequate clearances are achieved and maintained. ENWIN has existing overhead pole lines along the east limits of the site with 16,000 volt primary and 120/240 volt secondary hydro distribution. ENWIN has existing overhead pole lines along the west limits of the site with 120/240 volt streetlight distribution.

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.

ENWIN UTILITIES (Water Engineering) – Cecile Dalgleish, June 17, 2020

Water Engineering has no objections to the rezoning.

WINDSOR FIRE & RESCUE SERVICES – John Lee, June 15, 2020

No Concerns

NO COMMENT RECEIVED FROM:

CITY OF WINDSOR

CHIEF BUILDING OFFICIAL

ENGINEER/PLAN EXAMINER

LANDSCAPE ARCHITECT

PARKS DEVELOPMENT

PERMIT SERVICES

REAL ESTATE SERVICES

SITE PLAN APPROVAL OFFICER

ZONING CO-ORDINATOR

BELL CANADA

CANADA MORTGAGE & HOUSING CORPORATION

COGECO CABLE

ENBRIDGE GAS

GREATER ESSEX COUNTY DISTRICT SCHOOL BOARD

TRANSIT WINDSOR

WALPOLE ISLAND FIRST NATIONS

WINDSOR-ESSEX CATHOLIC DISTRICT SCHOOL BOARD

WINDSOR-ESSEX COUNTY HEALTH UNIT

APPENDIX F – DRAFT AMENDING BY-LAW

A BY-LAW TO FURTHER AMEND BY-LAW NUMBER
8600 CITED AS THE "CITY OF WINDSOR ZONING BY-
LAW"

Passed the day of , 2020.

WHEREAS it is deemed expedient to further amend By-law Number 8600 of the Council of The Corporation of the City of Windsor, cited as the "City of Windsor Zoning By-law" passed the 31st day of March, 1986, as heretofore amended:

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

1. By-law Number 8600 is further amended by amending the Zoning District Map identified in Column 2 so that the zoning district of the Lands Affected described in Column 3 shall be changed from that shown in Column 5 to that shown in Column 6:

1. Item Number	2. Zoning District Map	3. Lands Affected	4. Official Plan Amendment Number	5. Current Zoning District	6. New Zoning District
1	4	Part of Lots 11 & 12 & Part of Alley, Registered Plan 1120, and Part of Lot 66, Concession 1, Sandwich West (1198 California; Roll No. 050-370-05100; PIN 01215-0533; east side of California Avenue, south of Girardot Street)	--	RD1.3	RD2.1

2. That subsection 1 of Section 20 is amended by adding the following paragraph:

393. EAST SIDE OF CALIFORNIA AVENUE, SOUTH OF GIRARDOT STREET

For the lands comprising of Part of Lots 11 & 12 & Part of Alley, Registered Plan 1120, and Part of Lot 66, Concession 1, Sandwich West, for a *Semi-Detached Dwelling*, the following additional provisions shall apply:

- a) Lot Width – minimum As Existing
- b) Lot Area – minimum As Existing
- c) Lot Coverage – maximum 47.0 %

[ZDM 4; ZNG/6084]

3. The said by-law is further amended by amending the Zoning District Map identified in Column 2 so that the Lands Affected described in Column 3 are delineated by a broken line and further identified by the specific zoning exception symbol shown in Column 5:

1. Item Number	2. Zoning District Map	3. Lands Affected	4. Official Plan Amendment Number	5. Specific Zoning Exception Symbol
1	4	Part of Lots 11 & 12 & Part of Alley, Registered Plan 1120, and Part of Lot 66, Concession 1, Sandwich West (1198 California; Roll No. 050-370-05100; PIN 01215-0533; east side of California Avenue, south of Girardot Street)	--	S.20(1)393

DREW DILKENS, MAYOR

CLERK

First Reading - , 2020
 Second Reading - , 2020
 Third Reading - , 2020

SCHEDULE 2

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

To amend the zoning of Part of Lots 11 & 12 & Part of Alley, Registered Plan 1120, and Part of Lot 66, Concession 1, Sandwich West (known municipally as 1198 California Avenue; Roll No. 050-370-05100; PIN 01215-0533), situated on the east side of California Avenue, south of Girardot Street, from Residential District 1.3 (RD1.3) to Residential District 2.1 (RD2.1) and by adding a site specific exception to Section 20(1) to allow a semi-detached dwelling on the subject parcel.

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



SCHEDULE 2

Applicant: Andi Shallvari & Green Smart Apartments Inc.



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : JUNE, 2020
FILE NO. : Z-013/20, ZNG/6084



Committee Matters: SCM 248/2020

Subject: To Close and Convey a Portion of the East/West Alley, south of Fazio Dr., east of Emilia Rd, abutting 3180 Fazio Dr. and 3156 Fazio Dr., to Close and Convey a Portion of the Emilia Rd. Right-of-Way, Abutting 3180 Fazio Dr. and To Convey a Portion of the 0.3m Reserve across Emilia Rd. – Applicants: L. Baggio and G. Hinchliffe – SAA/5679 – Ward 1

Moved by: Councillor Morrison

Seconded by: Councillor Holt

Decision Number: **DHSC 192**

- I. THAT the 5.64m wide portion of the Emilia Road Right-of-Way, abutting 3180 Fazio Drive, as shown as "Part 1" on Drawing No. CC-1741 *attached* as Appendix "A", **BE CLOSED AND CONVEYED** to the abutting owner, and adjusted as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
 - a) Easement subject to their being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
 - a. Windsor Utilities;
- II. THAT Conveyance Cost for "Part 1" as shown on Drawing No. CC-1741 attached **BE SET** as follows:
 - a) For land within the Emilia Road Right-of-Way, \$129 per m² without easements and \$64 per m² with easements;
- III. THAT the 4.57m wide east-west alley located south of Fazio Drive, east of Emilia Road, as shown as "Part 2" on Drawing No. CC-1741 *attached* as Appendix "A", **BE ASSUMED** for subsequent closure;
- IV. THAT the 4.57m wide east-west alley located south of Fazio Drive, east of Emilia Road, as shown as "Part 2" on Drawing No. CC-1741 *attached* as Appendix "A", **BE CLOSED AND CONVEYED** to the applicant, and adjusted as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
 - b) Easement subject to their being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
 - a. Bell Canada;
- V. THAT Conveyance Cost for "Part 2" as shown on Drawing No. CC-1741 attached **BE SET** as follows:

- a) For land abutting properties zoned Residential RD1.1, \$1.00 plus deed preparation fee and proportionate share of the survey cost as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor;
- VI. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing Number. CC-1741, *attached* as Appendix "A";
- VII. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s);
- VIII. THAT, upon the registration of the necessary by-laws, the easterly portion of the 0.3m by 29.62m wide reserve shown as "Block 104" on Drawing No. CC-1741 *attached* as Appendix "A", **BE DECLARED** surplus;
- IX. 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;
- X. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003; and
- XI. THAT the Manager of Real Estate Services **BE AUTHORIZED** to offer the vacant parcel land legally described as the easterly portion of Block 104, Plan 12M-254 shown as "Block 104" on Drawing No. CC-1741 *attached* as Appendix "A", all to be further described on a new reference plan of survey, for sale to the owner of 3180 Fazio Drive at a price of \$129 per m² without easements and \$64 per m² with easements, subject to the following:
 - a) Easement subject to their being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
 - a. Windsor Utilities.

Carried.

Report Number: S 98/2020
Clerk's File: SAA2020

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

Subject: To Close and Convey a Portion of the East/West Alley, South of Fazio Dr, East of Emilia Rd, Abutting 3180 Fazio Dr and 3156 Fazio Dr, To Close and Convey a Portion of the Emilia Rd Right-of-Way, Abutting 3180 Fazio Dr and To Convey a Portion of the 0.3m Reserve across Emilia Rd – Applicants: L. Baggio and G. Hinchliffe – SAA/5679 – Ward 1

Reference:

Date to Council: August 10, 2020
Author: Christopher Aspila MCIP, RPP
Senior Planner - Policy & Special Studies
Phone: 519-255-6543 x6446

Planning & Building Services
Report Date: July 23, 2020
Clerk's File #: SAA2020

To: Mayor and Members of City Council

Recommendation:

- I. THAT the 5.64m wide portion of the Emilia Road Right-of-Way, abutting 3180 Fazio Drive, as shown as "Part 1" on Drawing No. CC-1741 *attached as Appendix "A"*, **BE CLOSED AND CONVEYED** to the abutting owner, and adjusted as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
 - a) Easement subject to their being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
 - a. Windsor Utilities;
- II. THAT Conveyance Cost for "Part 1" as shown on Drawing No. CC-1741 *attached as follows:*
 - a) For land within the Emilia Road Right-of-Way, \$129 per m² without easements and \$64 per m² with easements;
- III. THAT the 4.57m wide east-west alley located south of Fazio Drive, east of Emilia Road, as shown as "Part 2" on Drawing No. CC-1741 *attached as Appendix "A"*, **BE ASSUMED** for subsequent closure;

IV. THAT the 4.57m wide east-west alley located south of Fazio Drive, east of Emilia Road, as shown as "Part 2" on Drawing No. CC-1741 *attached* as Appendix "A", **BE CLOSED AND CONVEYED** to the applicant, and adjusted as necessary, in a manner deemed appropriate by the City Planner, subject to the following:

b) Easement subject to their being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:

a. Bell Canada;

V. THAT Conveyance Cost for "Part 2" as shown on Drawing No. CC-1741 attached **BE SET** as follows:

a) For land abutting properties zoned Residential RD1.1, \$1.00 plus deed preparation fee and proportionate share of the survey cost as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor;

VI. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing Number. CC-1741, *attached* as Appendix "A";

VII. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s);

VIII. THAT, upon the registration of the necessary by-laws, the easterly portion of the 0.3m by 29.62m wide reserve shown as "Block 104" on Drawing No. CC-1741 *attached* as Appendix "A", **BE DECLARED** surplus;

IX. 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;

X. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003; and

XI. THAT the Manager of Real Estate Services **BE AUTHORIZED** to offer the vacant parcel land legally described as the easterly portion of Block 104, Plan 12M-254 shown as "Block 104" on Drawing No. CC-1741 *attached* as Appendix "A", all to be further described on a new reference plan of survey, for sale to the owner of 3180 Fazio Drive at a price of \$129 per m² without easements and \$64 per m² with easements, subject to the following:

a) Easement subject to their being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:

a. Windsor Utilities.

Executive Summary:

N/A

Background:

An application for an alley closure was submitted on October 16, 2018 by Dante Gatti acting as agent on behalf of Lisa Baggio, owner of the property known as 3180 Fazio Drive to close the east-west alley located on the south side of Fazio Drive, east of Emilia Road.

In January 2020, Administration met with Dante Gatti (agent), Lisa Baggio (applicant) owner of 3180 Fazio Drive and Giuliana Hinchliffe (additional co-applicant) owner of 3156 Fazio Drive. The applicants submitted a written amendment to their application as follows to close:

- i) "That portion of the approximate fifteen-foot alley that abuts the southerly limits of their respective lands, and"
- ii) "A portion of Emilia Road and the one-foot reserve thereto, which abuts the westerly limit of 3180 Fazio Drive."

The Planning Division deems the January 2020 application to be substantially different from the original application and is treating it as a new application.

The area included in the amended application is shown on Drawing No. CC-1741 *attached* as Appendix "A", and also shown on the aerial photo *attached* as Appendix "B".

The subject alley and right-of-way appears untraveled. The subject alley is comprised of grass and the portion of the Emilia Road right-of-way is comprised of landscaping. There are no municipal sewers or manholes in the alley. The portion of Emilia Road right-of-way is approximately 125 m² in area and contains a 200mm Windsor Utilities watermain located 3m from the 3180 Fazio Drive property line. There are existing encroachments in the subject alley and right-of-way. The exact location of the encroachments will be determined through a survey of the subject alley as prepared by an Ontario Land Surveyor.

Discussion:

Planning Division's analysis of the requested alley closures:

The first test is to determine whether the subject alley is dispensable. To make such determination the guideline attached herein as Appendix "E" would be relevant as shown below:

- a. *Does the subject alley serve commercial properties?*

The answer is **NO**.

b. *Does the subject alley serve properties fronting on heavily traveled streets i.e. major arterial routes?*

The answer is **NO**.

c. *Does the subject alley contain sewers, and must the alley remain accessible for servicing?*

The answer is **YES**. The Emilia Road right-of-way contains a 200mm water main that could be accessed using an easement. Therefore, the right-of-way can remain accessible for servicing.

d. *Does the subject alley serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive?*

The answer is **NO**.

e. *Does the subject alley contain Fire Department connections that are deemed to be necessary for firefighting access?*

The answer is **NO**.

Based on the above, the Planning Division deems the subject east-west alley “dispensable” and supports the requested closure.

A 0.3m reserve is located along the southern edge of the alley shown as “Block 104” on Drawing No. CC-1741 *attached* as Appendix ‘A’. The reserve is included on Plan No. 12M-254 dated July 18, 1989 and was created to limit development southerly of Emilia Road where it becomes Seventh Street.

It is noted that the lands abutting the alley to the south known as Spring Garden Park are identified by the Province as natural heritage features. Discussions with the Parks Department confirmed that the southern half of the alley is not required for parkland. As no development or site alteration is proposed by the owners of 3156 Fazio Drive and 3180 Fazio Drive the presence of natural heritage features in Spring Garden Park will not impact this alley closure application.

It is important to note that upon closure, alleys within the City of Windsor are typically divided into parcels along the centreline of the closed alley in order to equitably convey the alley to each abutting property owner. However, where there are existing encroachments or other obstructions, the alley may be divided partially or in other ways to address such situations in a manner deemed appropriate by the City Planner. A topographic survey would be a necessary tool to use in determining the appropriate manner of conveyance. The goal is to provide each abutting property owner the opportunity to acquire a portion of the closed alley. In the case of this portion of alley, the abutting property owner is the City of Windsor.

Risk Analysis:

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

Financial Matters:

For land abutting properties zoned Residential RD1.1, \$1.00 plus deed preparation fee and proportionate share of the survey cost as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

For land that is either part of the Emilia Road Right-of-Way or in Block 104, the cost will be \$129 per m² without easements and \$64 per m² with easements.

Consultations:

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

There were no objections from the municipal departments and utility companies for the requested alley closure.

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.

Conclusion:

The Planning Division recommends closure of the Emilia Road right-of-way and east-west alley as shown on attached Appendix "A", subject to easements as noted in Recommendation I and IV of this report. Additionally, the Planning Division recommends the sale of the 0.3m reserve as noted in recommendation XI of this report.

Planning Act Matters:

N/A

APPROVALS:

Name	Title
Michael Cooke	Manager of Planning Policy / Deputy City Planner
Thom Hunt	City Planner / Executive Director
Wira Vendrasco	Deputy City Solicitor – Legal and Real Estate
Shelby Askin Hager	City Solicitor and Corporate Leader Economic Development and Public Safety
Onorio Colucci	Chief Administrative Officer

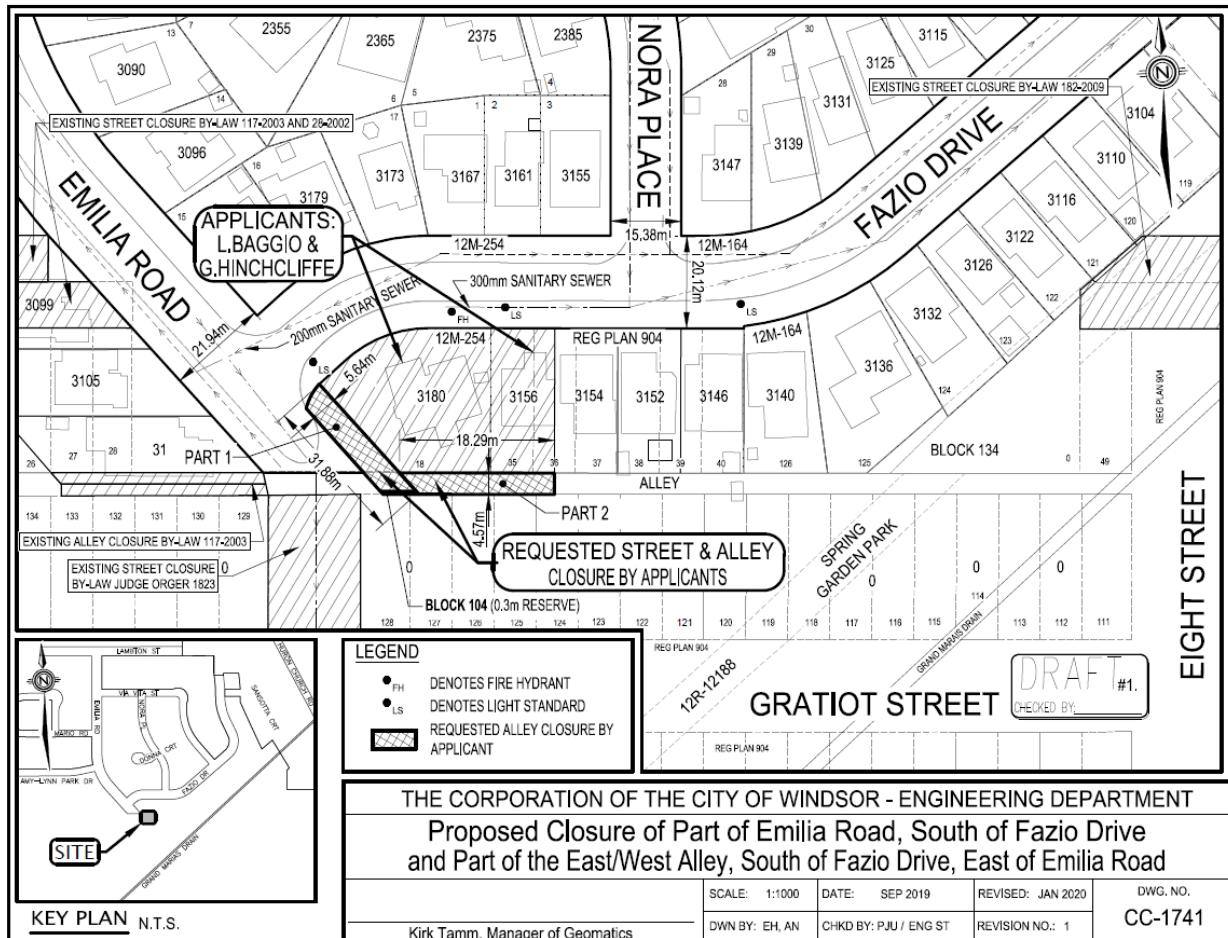
NOTIFICATIONS:

Name	Address	Email
Councillor Francis	City Hall Square W., Suite 220, Windsor Ontario N9A 6S1	ffrancis@citywindsor.ca
Dante D. Gatti [Agent for Applicants]	423 Pelissier Street, Windsor, Ontario N9A 4L2	dgatti@kirwinpartners.com
Lisa Baggio [Co-Applicant]	3180 Fazio Drive, Windsor Ontario N9E 4G6	
Phillip Hinchliffe and Giuliana Hinchliffe [Co-Applicant]	3156 Fazio Drive, Windsor Ontario N9E 4G6	
City of Windsor	Facility Management City Hall Windsor Ontario N9A 6S1	

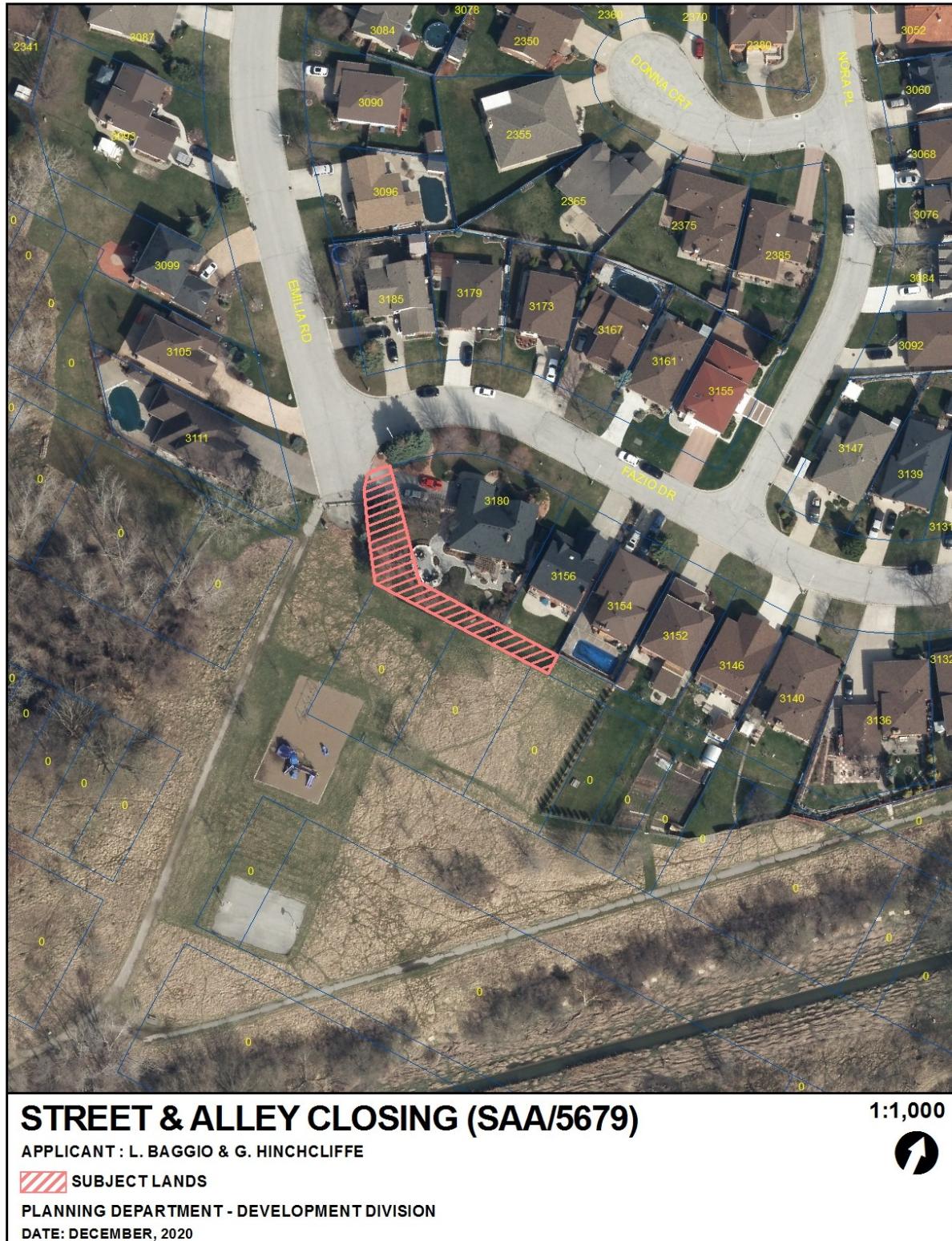
Appendices:

- 1 Appendix "A" - Drawing No. CC-1741
- 2 Appendix "B" - Aerial Photo
- 3 Appendix "C" – Consultations Table
- 4 Appendix "D" – Site Visit Photos
- 5 Appendix "E" – Classification of Alleys

Appendix "A" – Drawing No. CC-1741



Appendix "B" – Aerial Photo



Appendix "C" – Consultations Table

Agency	Comments
Fire and Rescue Services	No concerns from WFRS.
Windsor Police Services	The Windsor Police Service has no objections to the requested closure as the outcome from it will not impair the ability of the police to patrol or respond to incidents in the area.
Planning – Landscape Architect	Planning Department Landscape Architect defers to Parks Department as this issue has been reviewed extensively by the City Naturalist with respect to the encroachment into the Natural Parkland of the Spring Garden Natural Area. The landscape architect supports any provisions required by Parks to ensure that the natural area is maintained and preserved.
Parks & Facilities	<p>I have consulted with Mike Clement and we would ask that a condition be added that the residents fence off their new property lines.</p> <p>This particular area of Spring Garden Natural Area is home to many species of risk, in particular the Butler's Gartersnake. Last year the Parks department moved play equipment out of this area in order to provide better protection for this and other rare species.</p> <p>We have conducted door-to-door as well as in person outreach and education efforts to the area residents but continue to experience persistent encroachment, including extensive mowing and tree planting, which are harmful to the habitat we are trying to protect. We would feel more comfortable if fences were required to be in place. –Karen Cedar</p>

Public Works – Engineering	<p>The alley is approximately 4.6m (15ft) wide, and appears to be composed of mainly grass and bush. There are no sewers conveying through the alley, although storm sewers are available just west of the subject alley at the end of Emilia Road. It appears that properties 3180 and 3156 Fazio have fences encroaching into the subject alley. As a result, a portion of these property's backyards are encroaching as well. The Northwest portion of the subject lands appears to have been developed by the surrounding homeowner 3180 Fazio. There are no maintenance concerns with the potential closure of this alley. This alley serves no useful purpose by CR146/2005; therefore we have no objections to the closure of this alley.</p>
Public Works – Environmental	No concerns from Environmental Services.
Public Works – Transportation	<p>A 20.1 m right of way is required for Emilia Road to support any future development south of Fazio. It will be required for road, sidewalk & utilities as well as maintaining adequate sightlines.</p> <p>Support closing the area along the south alleyway, but not on the west side of 3180 Fazio (Emilia Road)</p> <p>Also, closing the alley will affect access to 2 privately owned parcels east of the closure (fronting Gratiot Street)</p> <p><u>Mike Spagnuolo – Traffic Operations</u></p>
Transit Windsor	No response received.
Bell Canada	Bell Canada requests an easement over the entire alley, or 3m wide, 1.5m on either side of the buried facilities. A cable locate may be necessary to find precise location.
Cogeco Connexion	No easement required for Cogeco Connexion.
Canada Post	No concerns.
Rogers Communications	No response received.

Telus Communications	TELUS has no infrastructure in the area of your proposed work. Permit expires six(6) months from approval date.
MNSi	MNSi does not require an easement through the subject properties.
EnWin Utilities – Hydro	Has No Objections
Windsor Utilities – Water	There is an existing 200mm watermain approximately 3 meters west of the west property line of 3180 Fazio If this watermain is inside the closure an easement will be required.
Union Gas	Enbridge Gas Inc. has no concerns with this.
Legal Department	For the portion of the subject alley abutting 3180 Fazio (zoned RD 1.1), the full width should be conveyed to the abutting owners at a cost of \$1.00 plus deed preparation fee and proportionate share of the survey as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
OTHER:	
RoW & Field Services Operations – Andy Lewis	It should be closed to the rear of 3136 Fazio, why close only a small part of it that creates a land locked parcel?

Appendix "D" – Site Visit Photos



1. Looking south along the Emilia Road right-of-way towards the west end of the alley from in front of 3180 Fazio Drive.

Appendix "D" – Site Visit Photos



2. Looking east from the west end of the alley.

Appendix "D" – Site Visit Photos



3. Looking north towards the subject alley from the south.

Classification of Public Rights-of-Ways:

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

(1) Alleys that are **indispensable**. These would be alleys serving commercial properties and properties fronting on heavily traveled streets i.e. major arterial routes and alleys which contain sewers and must remain accessible for servicing; alleys or streets which serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive; and, alleys which contain Fire Department connections that are deemed to be necessary for firefighting access.

(2) Alleys that, **have some usefulness**, are nevertheless dispensable and may or may not be a complete liability.

(3) Alleys that appear to serve **no useful purpose**, either now, or anticipated. Such alleys are in residential areas and locations where generally the lots are wide enough for side drives, or those alleys abutting parks and other parcels of land that do not require any servicing from the alley. Remnant or stub-end streets which are dead-ended and do not serve as access to other streets.

(4) Alleys lying in Holding zones and other similar undeveloped areas where the alley system is **clearly obsolete** and has never been developed, but where the City needs to keep its options open until new area plans are prepared and development is imminent.

Suitability for Closing:

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

- Indispensable alleys should **not be closed**, conveyed, reduced or otherwise jeopardized through minority interests unless a suitable substitute alley is opened

in lieu thereof. They are essential from the viewpoint of fire protection, police protection, emergency services (i.e. ambulance) and loading or unloading of goods, refuse collection, servicing of blocked sewers and utility services. Without such alleys, the above noted services would at least be more costly if not impossible to complete or adequately access; and would noticeably interfere with street traffic, thereby reducing the access capacity of the adjacent arterial, collector, or street for business.

- Alleys having some usefulness should **be considered for closing** only upon request of abutting owners rather than by encouragement of the City.
- Alleys that serve no useful purpose should **be closed** if at all possible, and in fact the owners abutting thereon should be encouraged to accept conveyance.
- Alleys that are clearly obsolete should **not be closed** unless there is a municipal need or specific development proposals acceptable to the City are submitted.



Committee Matters: SCM 249/2020

Subject: Brownfield Redevelopment Community Improvement Plan application submitted by 1762643 Ontario Inc. for 1534 Howard Avenue (Ward 4)

Moved by: Councillor Holt

Seconded by: Councillor Sleiman

Decision Number: **DHSC 194**

- I. THAT the request made by 1762643 Ontario Inc. (Dior Investments) to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study and Remedial Work Plan for property located at 1534 Howard Avenue pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and,
- II. THAT the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$13,750 based upon the completion and submission of a Phase II Environmental Site Assessment completed in a form acceptable to the City Planner and City Solicitor.

Carried.

Report Number: S 97/2020
Clerk's File: Z/8955

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

Subject: Brownfield Redevelopment Community Improvement Plan application submitted by 1762643 Ontario Inc. for 1534 Howard Avenue (Ward 4)

Reference:

Date to Council: August 10, 2020
Author: Greg Atkinson, Senior Planner
519-255-6543 ext. 6582
gatkinson@citywindsor.ca
Planning & Building Services
Report Date: July 17, 2020
Clerk's File #: Z/8955

To: Mayor and Members of City Council

Recommendation:

- I. THAT the request made by 1762643 Ontario Inc. (Dior Investments) to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study and Remedial Work Plan for property located at 1534 Howard Avenue pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and,
- II. THAT the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$13,750 based upon the completion and submission of a Phase II Environmental Site Assessment completed in a form acceptable to the City Planner and City Solicitor.

Executive Summary:

N/A

Background:

Brownfield Redevelopment Community Improvement Plan (CIP)

Brownfield sites are properties that may be contaminated due to previous industrial or commercial uses such as a manufacturing facility or gas station. City Council approved a Brownfield Redevelopment CIP at its April 19, 2010 meeting for the purpose of encouraging the study, clean-up, and redevelopment of contaminated properties. The approval of the CIP was the result of nearly five years of study and consultation, which began in October 2005.

Importance of Brownfield Redevelopment

In 2009 the City's Planning Department identified 137 brownfield properties (i.e. 226 hectares or 559 acres) that are candidates for redevelopment. While the inventory is not exhaustive, it illustrates the significance of Windsor's brownfield stock and the need to work with land owners to put these properties back into productive use.

Historically, there has been little interest in redeveloping brownfield sites due to the uncertainty surrounding the extent of contamination and the potential cost of clean-up. The Brownfield Redevelopment CIP provides financial incentives to undertake the necessary studies and remedial work necessary to redevelop brownfield sites and reduce the potential negative impacts to the City's environment and neighbourhoods.

The benefits associated with brownfield redevelopment go far beyond the boundaries of the property. For example, they are often strategically located within existing built up areas of the City where services and other infrastructure, such as roads, schools, community facilities and public transit are already available, therefore additional infrastructure costs are not incurred to service these areas. The redevelopment of these sites also remove the negative stigma often associated with brownfield properties, which increases the value of the subject property and adjacent properties.

Brownfield sites also represent a significant underutilization of the land base. According to the National Round Table on the Environment and the Economy (2003), every hectare redeveloped through a brownfield project saves up to an estimated 4.5 hectares of greenfield land from being developed (i.e. agricultural land on the edge of the City); and for every dollar invested in a brownfield redevelopment, it is estimated that \$3.80 is invested in the economy.

Site Background

The vacant site is located at 1534 Howard Avenue between Shepherd Street East and Hanna Street East south of Ottawa Street (see Location Map). The property is approximately 0.8 hectare in size and is currently vacant. The property was first developed in 1922 as the Howard Avenue Hospital and subsequently used as a rooming house, hotel, and bar up. The former building was demolished in 2001. Historical surrounding uses include manufacturing, auto repair, fuel service station, and scrap yard.

The subject property is designated 'Residential' on Official Plan Schedule D: Land Use and it is zoned Residential District (RD) 3.1, which permits a range of residential uses. The owner of 1762643 Ontario Inc. is Dior Investments.

Discussion:

Environmental Site Assessment Grant Program

The Environmental Site Assessment (ESA) Grant Program offers a matching grant to property owners of brownfield sites to conduct environmental studies that provide information on the type and extent of contamination and potential remediation costs. The program offers 50% of the cost of an eligible study up to a maximum grant of \$15,000.

The owner proposes to redevelop the site for residential use which requires the filing of a Record of Site Condition (RSC) with the Ministry of the Environment, Conservation and Parks. The owner has completed a Phase 1 Environmental Site Assessment (ESA) study to support the redevelopment plan. The Phase I ESA study identified areas of potential environmental concern and recommends a Phase II ESA study be completed to assess the soil and groundwater quality and delineate the extent of any contamination. The Phase II ESA study is required to support the filing of a RSC.

Clearly identifying the type and delineating the extent of any contamination is an essential step in moving forward with redevelopment plans. Upon completion the City would retain a copy of the final study report.

CIP Goals

City staff is supportive of the application as it meets all of the eligibility requirements specified within the Brownfield Redevelopment CIP. The proposed study of the subject site also supports the following CIP goals:

- To promote the remediation, rehabilitation, adaptive re-use and redevelopment of brownfield sites throughout the City of Windsor in a fiscally responsible and sustainable manner over the long term;
- Improve the physical and visual quality of brownfield sites;
- Improve environmental health and public safety;
- Provide opportunities for new housing, employment uses, and commercial uses;
- Increase tax assessment and property tax revenues;
- Promote Smart Growth, including the reduction of urban sprawl and its related costs;
- Increase community awareness of the economic, environmental and social benefits of brownfield redevelopment; and
- Utilize public sector investment to leverage significant private sector investment in brownfield remediation, rehabilitation, adaptive re-use, and redevelopment.

Policy Support

The study of brownfield sites to support clean up and redevelopment is supported by policies within the 2020 Provincial Policy Statement, the City's Official Plan and the City's Environmental Master Plan.

Risk Analysis:

As with all brownfield sites, there is a degree of risk associated related to the potential presence of contamination. In this case there is also a risk of the property remaining in a derelict state, which negatively affects the surrounding properties. The proposed study will assist in mitigating these risks. The City would retain a copy of the study for future reference.

Financial Matters:

The cost estimate (excluding HST) for completing the proposed Phase 2 ESA study is \$27,500. If approved, the maximum grant would total \$13,750. Should the actual costs

of the study be less than what has been estimated the grant payments would be based on the lower amount. The grants would be paid out of the Brownfield Strategy/Remediation Account (project # 7069003), which has a current uncommitted balance of \$621,611.

Consultations:

The development and approval of the Brownfield Redevelopment CIP was subject to extensive stakeholder and public consultation, which sought input from a wide range of stakeholders and internal City departments.

Planning staff have consulted with the applicant prior to accepting the application for the Environmental Study Grant program. Staff from the Planning, Finance, and Legal Departments were consulted in the preparation of this report.

Conclusion:

City Staff recommend Council approve the request from 1762643 Ontario Inc. (Dior Investments) to participate in the Environmental Site Assessment Grant Program. In the opinion of planning staff, the proposed study conforms to the Brownfield Redevelopment CIP, assists the City in the achievement of a number of the CIP goals, and exemplifies the purpose of the Environmental Study Grant Program.

Planning Act Matters:

N/A

Approvals:

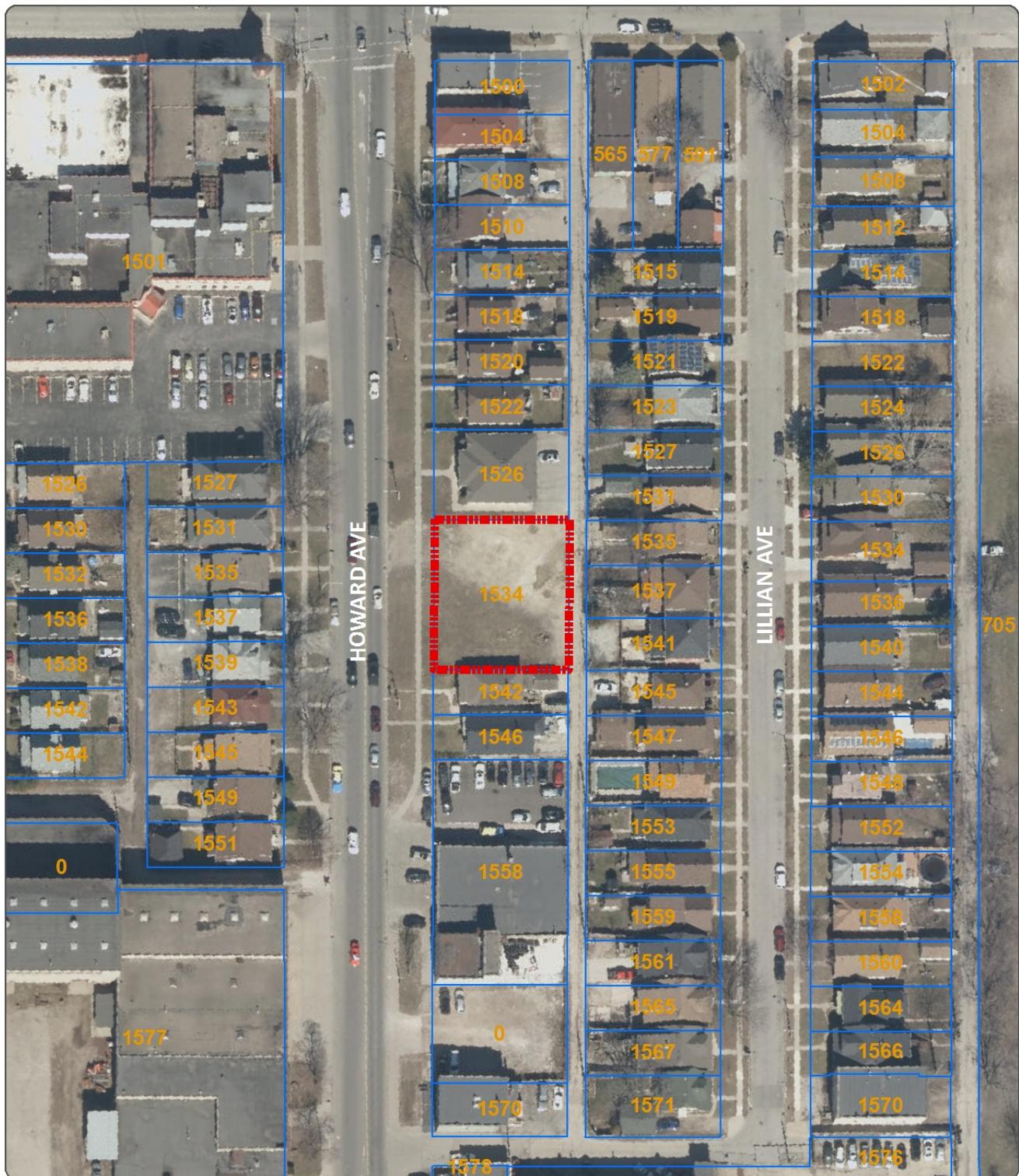
Name	Title
Don Nantais	Financial Planning Administrator
Michael Cooke	Manager Planning Policy/Deputy City Planner
Thom Hunt	City Planner
Wira Vendrasco	Deputy City Solicitor
Shelby Askin Hager	City Solicitor
Onorio Colucci	Chief Administrative Officer

Notifications:

Name	Address	Email
Dior Investments		build@diorhomes.ca
J.P. Baillargeon		jpbaillargeon@dillon.ca

Appendices:

- 1 Location Map



LOCATION MAP: 1534 HOWARD AVENUE



SUBJECT PROPERTY

0 5 10 20 30 Meters





Committee Matters: SCM 250/2020

Subject: University Avenue West and Wyandotte Street West Community Improvement Plan – Background Report, Ward 2 and Ward 3

Moved by: Councillor Sleiman

Seconded by: Councillor Holt

Decision Number: **DHSC 190**

THAT the University Avenue West and Wyandotte Street West Community Improvement Plan – Background Report attached as Appendix A **BE RECEIVED** for information; and,

THAT City Council **REFER** the matter of funding for financial incentives for the University Avenue West and Wyandotte Street West Community Improvement Plan to the 2021 Budget process.

Carried.

Report Number: S 101/2020
Clerk's File: SPL/10759

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

**Subject: University Avenue West and Wyandotte Street West
Community Improvement Plan – Background Report, Ward 2 and Ward 3****Reference:**

Date to Council: 8/10/2020
Author: Laura Diotte, MCIP, RPP
Planner III - Special Projects
519-255-6543 ext. 6396
lbdiotte@citywindsor.ca

Planning & Building Services
Report Date: 7/23/2020
Clerk's File #: SPL/10759

To: Mayor and Members of City Council

Recommendation:

THAT the University Avenue West and Wyandotte Street West Community Improvement Plan – Background Report attached as Appendix A **BE RECEIVED** for information; and,

THAT City Council **REFER** the matter of funding for financial incentives for the University Avenue West and Wyandotte Street West Community Improvement Plan to the 2021 Budget process.

Executive Summary:

N/A

Background:

On November 18, 2019 Council approved staff to undertake the University Avenue West and Wyandotte Street West Community Improvement Plan (CR561/2019). The Community Improvement Plan requires background review to determine the existing conditions and community needs for the area. A background report has been prepared that includes demographic information, current policy structure, current zoning, current conditions, built form and transportation status and is attached as Appendix A to this report.

The purpose of this Council report is to provide the background information collected and to provide direction for the final CIP that will be presented to Council in November 2020.

Legislative Framework

The preparation of a Community Improvement Plan is required to allow the City to offer financial incentives, amongst other activities. Section 106 (1) of the *Municipal Act, 2001* prohibits municipalities from assisting directly or indirectly any manufacturing business or other industrial or commercial enterprise through the granting of bonuses for that purpose. A municipality may not grant assistance by:

- Giving or lending any property of the municipality, including money;
- Guaranteeing borrowing;
- Leasing or selling any property of the municipality at below fair market value; or
- giving a total or partial exemption from any levy, charge or fee.

However, the *Municipal Act, 2001* provides an exception to the restrictions noted above, where Council has exercised its authority under Section 28 of the *Planning Act*.

Section 28 of the Planning Act stipulates that where an official Plan contains provision relating to community improvement, council may, by by-law, designate all or any part of an area covered by such an official plan as a community improvement project area. According to Section 28(1) of the Planning Act, a “community improvement project area” is defined as “a municipality or an area within a municipality, the community improvement of which in the opinion of the council is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason”.

Under the *Planning Act*, a municipality may engage in the following for the purpose of carrying out a community improvement plan:

- acquire, hold, clear, grade or otherwise prepare land for community improvement;
- construct, repair, rehabilitate or improve buildings on land acquired or held by it in conformity with the community improvement plan;
- sell, lease, or otherwise dispose of any land and buildings acquired or held by it in conformity with the community improvement plan; and
- make grants or loans in conformity with the community improvement plan to the registered owners, assessed owners or assignees to pay for eligible costs.

Discussion:

The Background Report attached as Appendix A to this report contains the background information collected as part of the University Avenue West and Wyandotte Street West Community Improvement Plan. The background information is important to understand

the current conditions in the study area, and understand the needs and opportunities along the two corridors.

The two corridors are along arterial roads that both connect the University of Windsor main campus to Downtown Windsor. The two corridors are approximately 2km in length and stretch from Huron Church Road to Crawford Avenue. The study area ends at Crawford because this is the common boundary line shared with the Downtown Windsor Enhancement Strategy and Community Improvement Plan (Downtown CIP), which covers the downtown area. Huron Church Road is a physical boundary that has a clear delineation between the east and west of Huron Church Road. However, the University Avenue West and Wyandotte Street West CIP and Downtown CIP should be coordinated to ensure a consistent approach. If there is an incentive program proposed for this CIP that would make sense to extend into the downtown, then the Downtown CIP will be amended.

Mainly the background report reviews the properties that are directly abutting the two corridors. The final CIP will make specific recommendations in targeted areas along the corridor. However, the data collected for the demographic section of the Background Report includes a larger study area to understand the characteristics of the residents and conditions of buildings that are within the vicinity of the two corridors as these are the people that are most likely to travel along the corridor and visit the businesses along the two corridors. Additionally, Statistics Canada collects data within Census Tracts which have predetermined boundaries. The Census Tracts that include the two corridors along Wyandotte Street and University Avenue are larger than the corridors, but as mentioned above include the neighbourhoods that are adjacent to the corridors.

Community Improvement Project Area

The *Planning Act* requires the Community Improvement Project Area be approved by By-law before the Community Improvement Plan is adopted by By-law. Part or all of the Municipality can be included in a CIP Project Area. Only within the boundaries of the Project Area can the incentives of the CIP be offered. The areas that are being reviewed for the purposes of the CIP are along the two corridors, however targeted incentives may be applied only to areas specified by a more defined boundary.

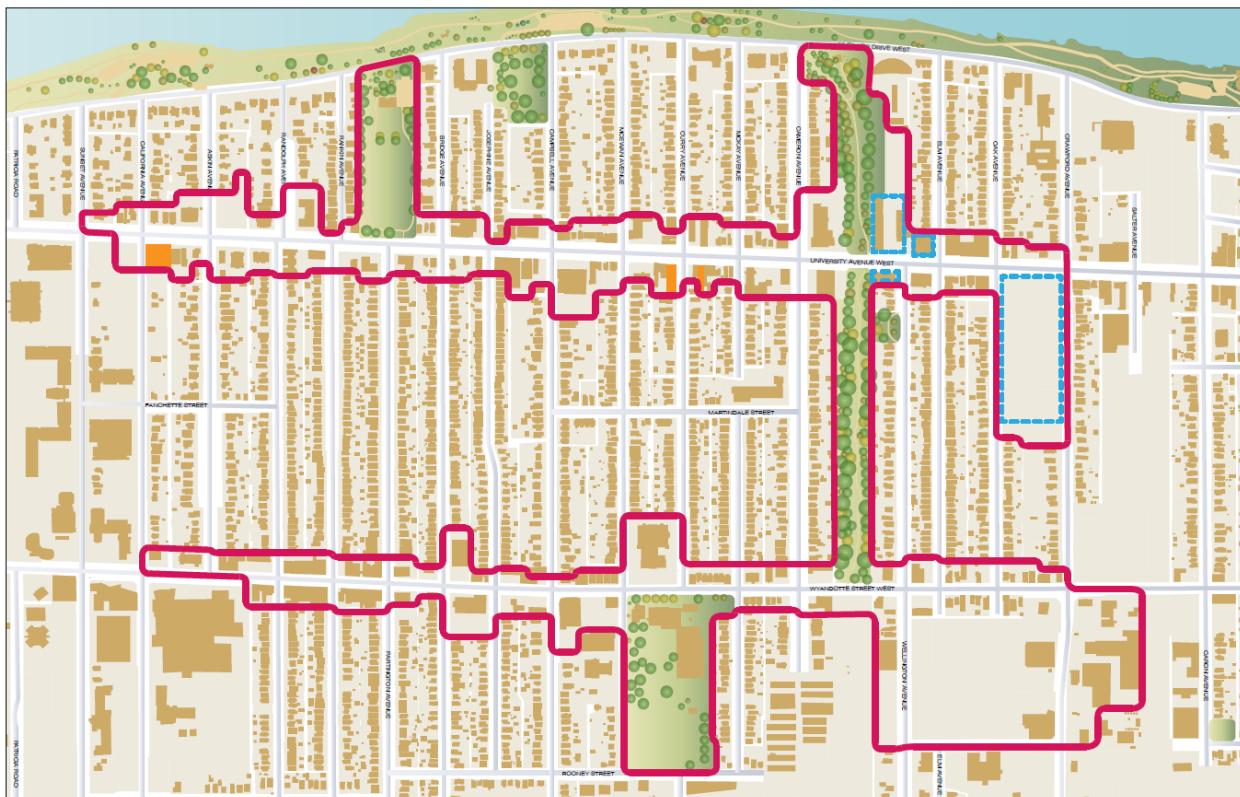
CIP Direction

The final CIP document that is anticipated in November will make recommendations for incentive programs and policy changes to address the issues in the CIP document. The public will be consulted prior to returning to Council with the final CIP. The purpose of the public consultation will be to ensure that the public agrees with the issues identified along the corridors, agrees with the recommendations, and that the public is able to offer comments.

The Background Report provides data on the corridors to offer a snapshot of the existing conditions. From this data we can gather information that provides direction for the preparation of the CIP. The following is a summary of the major findings from the Background Report that will be addressed in the CIP:

Redevelopment Areas and Vacant Land – A collection of properties along University Avenue West are either vacant or underutilized, and they provide major opportunities for

coordinated redevelopment. The segment of University Avenue West from Crawford Avenue to Cameron Avenue contains a cluster of properties with redevelopment potential that together can create a new vibrant hub along the corridor.



The collection of properties includes the former Grace Hospital Site. The site has been vacant since the hospital was demolished in 2013 and is currently City owned. The vacant site is 1.76 hectares (4.35 acres) with 94 frontage along University Ave West and is situated at along University Avenue West between Oak Street and Crawford Avenue. Council recently approved Fairmount Properties as the successful developer to proceed to the next stage of planning and design activity on the site of the former Grace Hospital.



At the other end of the area is the former SW&A Car Barns (1200-1220 University Avenue) property which contains important built heritage on the property. The buildings are currently vacant. In between these two properties are a mix of commercial/office buildings with some vacant units. The property at 1201 University (southwest corner of University Avenue West and Wellington Avenue) went through a recent *Planning Act* application to permit ground floor residential on the building. The building adjacent to the west is similar in that it was built in traditional commercial built form, and the ground floor units have been vacant for some time.

In addition to the cluster of vacant properties described above, there are also two smaller vacant properties along the University Avenue West corridor at Curry Avenue, as shown below.



Placemaking and Improving the Public Realm - University Avenue West offers a wide right-of-way with opportunity for placemaking. The opportunity along the University Avenue West is important at this time due to the University Avenue West and Victoria Avenue Environmental Assessment being undertaken at the same time. The EA will provide opportunity for a new cross sections of roadway providing more opportunity for active transportation and more boulevard space to create enhanced streetscaping. The enhanced streetscaping will create a sense of place, especially in the redevelopment areas identified above.

Transitioning Areas - As mentioned above, there are vacant commercial buildings along both corridors. As seen in the example above, owners may want to transition these buildings to other uses. The overall character of the buildings should be retained. This may require urban design policies to ensure the character of these buildings is retained and that they can remain flexible for future uses.

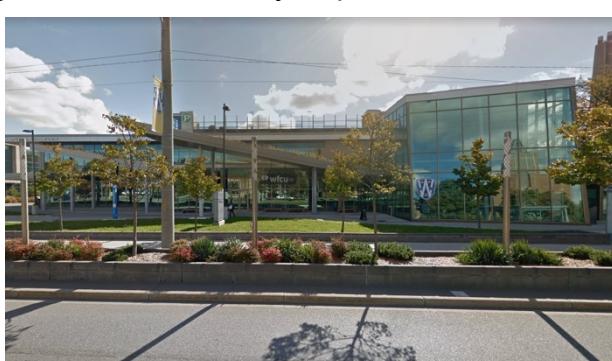
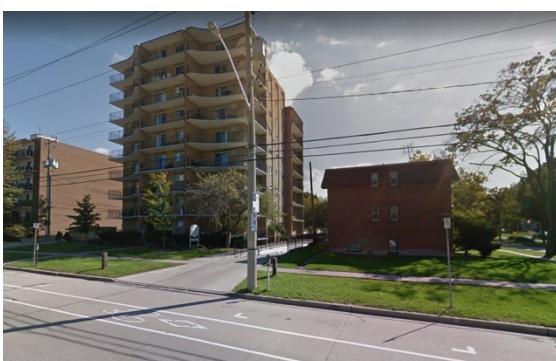


Vibrant Commercial Cluster – A cluster of commercial businesses exists along Wyandotte Street West from Sunset Avenue to Bridge Avenue. This strip has a very low vacancy rate and contains mainly privately owned small businesses, restaurants and bars that cater to the surrounding University of Windsor students.

Small businesses are likely finding it difficult to adapt to the COVID-19 Pandemic. The CIP may be an opportunity for the small businesses to share their ideas and business needs with the City.

Stable Institutional and Residential Uses - The University of Windsor has a large presence along the western portion of both corridors. The properties and buildings are well maintained and established along these corridors, therefore those properties will not be targeted in the CIP.

Additionally, there are sections of the corridor that contain well established multi residential. These areas will not be the target of the Community Improvement Plan.



Next Steps

Due to the COVID-19 pandemic the public consultation was held off on this project as it would be difficult to introduce a new project and gather public feedback through virtual methods. As the pandemic evolves we are seeing the public adapt more to online methods and will move forward with public consultation to validate the background report, establish clear objectives and gather public comments. After public consultation staff will then prepare a draft CIP and proposed Official Plan Amendment and Zoning By-law Amendment and return to Council in November 2020.

Risk Analysis:

There is low risk associated with the approval of the subject report is low as it is for information purposes.

Financial Matters:

Any financial incentive programs attached to this CIP will require funding. If approved, this will be the sixth CIP administered by City staff. Council will recall that there are primarily two funding sources for the existing CIPs; capital projects/reserves and future property tax increments. As part of the 2020 budget approval process, City Council was provided with an update as to the number of applications and balances available within each of the funds to support ongoing applications within the five approved CIPs (Report C5/2020). As part of the financial incentive programs for this new CIP, Administration will review any existing funds which remain available with consideration to applications that have since been approved. Any redistribution of funding or requests for additional will need to be brought forward to City Council for approval as part of the 2021 budget process.

Any grants that are funded through the property tax increment is essentially foregone revenue to the City for a period of time. This currently can range from 5 years to up to 10 years. The time frames for receiving the grant is dependant upon the nature of redevelopment that is planned or proposed to meet the CIP objectives. This must be balanced against the need for the additional tax revenue to offset other important projects and initiatives.

Consultations:

Kristina Tang, Heritage Planner, Planning and Building Department

Jeff Hagan, Transportation Planning Senior Engineer, Transportation Planning

Anna Godo, Engineer III, Engineering Department

Conclusion:

Staff recommend that Council receive the Background Report for information. The Background Information will be used to develop the Community Improvement Plan incentive programs and policy recommendations.

Planning Act Matters:

N/A

Approvals:

Name	Title
Don Nantais	Financial Planning Admin.
Neil Robertson	Manager of Urban Design
Thom Hunt	City Planner/Executive Director of Planning and Building Services
Wira Vendrasco	Deputy City Solicitor
Shelby Askin Hager	City Solicitor
Janice Guthrie	Deputy Treasurer Taxation and Financial Planning
Joe Mancina	Chief Financial Officer/City Treasurer
Onorio Colucci	Chief Administrative Officer

Notifications:

Name	Address	Email
Councillor Costante		
Councillor Bortolin		

Appendices:

- 1 Appendix A Background Report - University Ave and Wyandotte Ave CIP



UNIVERSITY AVENUE AND WYANDOTTE STREET WEST

COMMUNITY IMPROVEMENT PLAN BACKGROUND REPORT



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Section A LEGISLATIVE FRAMEWORK

The following legislation provides authority for the preparation of a Community Improvement Plan:

A.1 Municipal Act, 2001

Section 106 (1) of the Municipal Act, 2001 prohibits municipalities from assisting directly or indirectly any manufacturing business or other industrial or commercial enterprise through the granting of bonuses for that purpose. A municipality may not grant assistance by:

- Giving or lending any property of the municipality, including money;
- Guaranteeing borrowing;
- Leasing or selling any property of the municipality at below fair market value; or
- Giving a total or partial exemption from any levy, charge or fee.

However, the Municipal Act, 2001 provides an exception to the restrictions noted above, where council has exercised its authority under Section 28 of the Planning Act.

A.2 Planning Act

Section 28 of the Planning Act stipulates that where an Official Plan contains provision relating to community improvement, council may, by by-law, designate all or any part of an area covered by such an official plan as a community improvement project area. The community improvement is where council deems desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or any other environmental, social or community economic development reason.

Under the Planning Act, a municipality may engage in the following for the purpose of carrying out a community improvement plan:

- Acquire, hold, clear, grade or otherwise prepare land for community improvement;
- Construct, repair, rehabilitate or improve buildings on land acquired or held by it in conformity with the community improvement plan;
- Sell, lease, or otherwise dispose of any land and buildings acquired or held by it in conformity with the community improvement plan; and
- Make grants or loans in conformity with the community improvement plan to the registered owners, assessed owners or assignees to pay for eligible costs.

Section B POLICY REVIEW

The community improvement plan aligns with the following provincial and municipal policy direction:

B.1 Planning Act - Provincial Interest

Section 2 of the Planning Act outlines the specific areas that are deemed to be of Provincial interest in planning matters. It is these area that inform the Provincial Policy Statement, and that municipalities must “have regard to” when making planning decisions, including adopting a community improvement plan. This CIP will have regard to the following matters of Provincial interest:

- The conversion of features of significant architecture, cultural, historical, archaeological or scientific interest (Section 2(h));
- The orderly development of safe and healthy communities (Section 2(h));
- The adequate provision and distribution of educational, health, social, cultural and recreational facilities (Section 2(i));
- The adequate provision of a full range of housing, including affordable housing (Section 2(j));
- The adequate provision of employment opportunities (Section 2(k));
- The protection of public health and safety (Section 2(l));
- The appropriate location of growth and development (Section 2(p));
- The promotion of development that is designed to

be sustainable, to support public transit and to be oriented to pedestrians (Section 2(q)); and,

- The promotion of built form that is well-designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant (Section 2(r)).

B.2 Provincial Policy Statement

Part 2 of the Planning Act requires that, “decisions affecting planning matters shall be consistent with policy statements issued under the Act”. These policy statements are consolidated in most recent version of the Provincial Policy Statement, 2020, which came into effect May 1, 2020.

The policy direction that aligns with the direction of this CIP include:

- Supporting the long-term economic prosperity by maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets (Section 1.7.1 (d)).
- Encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes (1.7.1(e));
- Promoting the redevelopment of brownfield sites (1.7.1(f));
- Providing an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area (Section 1.4.1);
- Promoting healthy, active communities by planning public streets, spaces and facilities to be safe, meet

- the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity (Section 1.5.1(a));
- Promoting land use patterns, density and mix of uses that minimize the length and number of vehicle trips and support current and future use of transit and active transportation (Section 1.6.7.4).
- Encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4 (Section 1.3.1(d));
- Conserving significant built heritage resources and significant cultural heritage landscapes (Section 2.6.1).

B.3 City of Windsor Official Plan

The Official Plan provides guidance for the physical development of the municipality while taking into consideration important social, economic and environmental matters and goals. Additionally, the Official Plan provides a significant amount of policy direction on matters addressed by this CIP. Specifics regarding the land use designations within the area are contained within later sections of this report.

In conformity with the Planning Act, the Official Plan also includes provision relating to community improvement.

The Official Plan includes Community Improvement provisions that identify areas and situations where the preparation of a CIP is desirable, as well as specific objectives to be achieved as a result of applying these provisions. According to the Official Plan:

Community improvement initiatives will be used to revitalize existing planning districts, neighbourhoods,

corridors or any other identified area in decline or in transition from one land use to another.

Council may designate by by-law a Community Improvement Project Area in accordance with the Planning Act to revitalize planning districts, neighbourhoods, corridors or any other identified area in decline or in transition from one land use to another.

The Community Improvement Objectives include:

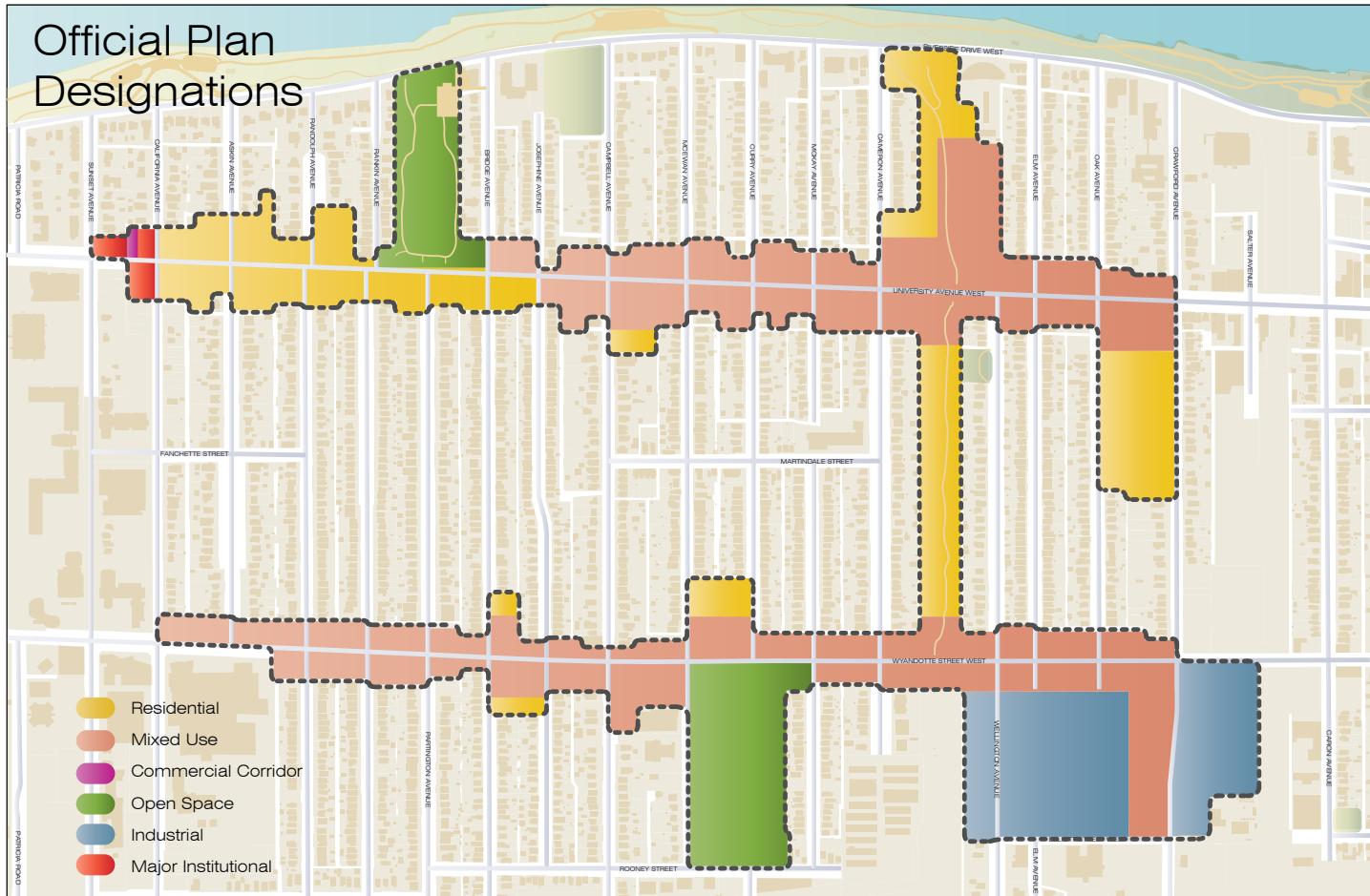
- To revitalize areas in decline or in transition from one land use to another through the use of Community Improvement Plans;
- To provide standards for building and property maintenance and occupancy;
- To establish partnerships with business associations to strengthen employment, commercial and mixed use areas; and,
- To direct municipal actions to revitalize and strengthen neighbourhoods.

Furthermore, a Community Improvement Project Area may include any planning district, neighbourhood, corridor or any other identified area of the city and shall be encouraged for:

- Residential areas where the housing stock is in-need of maintenance, rehabilitation and/or repair;
- Declining commercial or mixed use areas where there are a number of vacant or underutilized properties;
- Areas in which there are land use conflicts as a result of incompatible uses; and,
- Areas that have the potential to be new employment areas.

Section C LAND USE & BUILT FORM

C.1 Current Official Plan Designations and Corresponding Policies Review

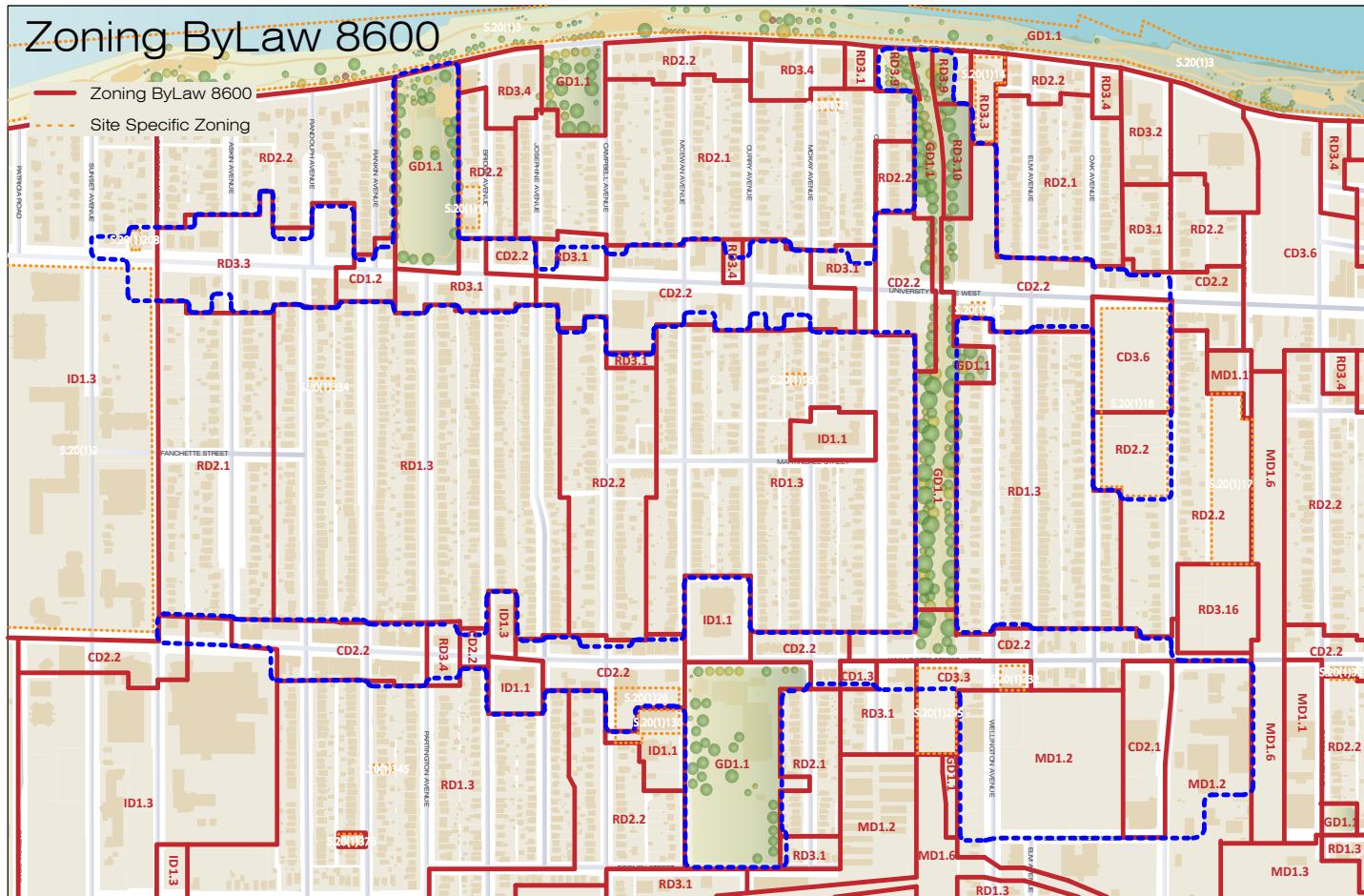


The current Official Plan designations along the University Avenue West and Wyandotte Street West corridors are shown on the map above. The Official Plan designations within the study area include Residential, Mixed Use, Commercial Corridor, Open Space, Industrial, and Major Institutional. Along both corridors, most of the properties are identified as Mixed Use. Uses permitted in the Mixed Use land use designation include retail and service commercial establishments, offices, cultural, recreation and entertainment uses, and institutional, open space and residential uses, exclusive of small scale Low Profile residential development. Some sections of the two corridors are occupied by properties designated as Residential. As indicated in the corresponding policies for

Residential land use designation, Low, Medium and High Profile dwelling units are allowed in such designation.

Both Ernest Atkinson Park and Wilson Park are identified as Open Space by the Official Plan. On University Avenue West, there is a cluster of properties designated as Major Institutional between Sunset Avenue and California Avenue. On Wyandotte Street West, a large area of land designated as Industrial can be found between Wellington Avenue and Crawford Avenue.

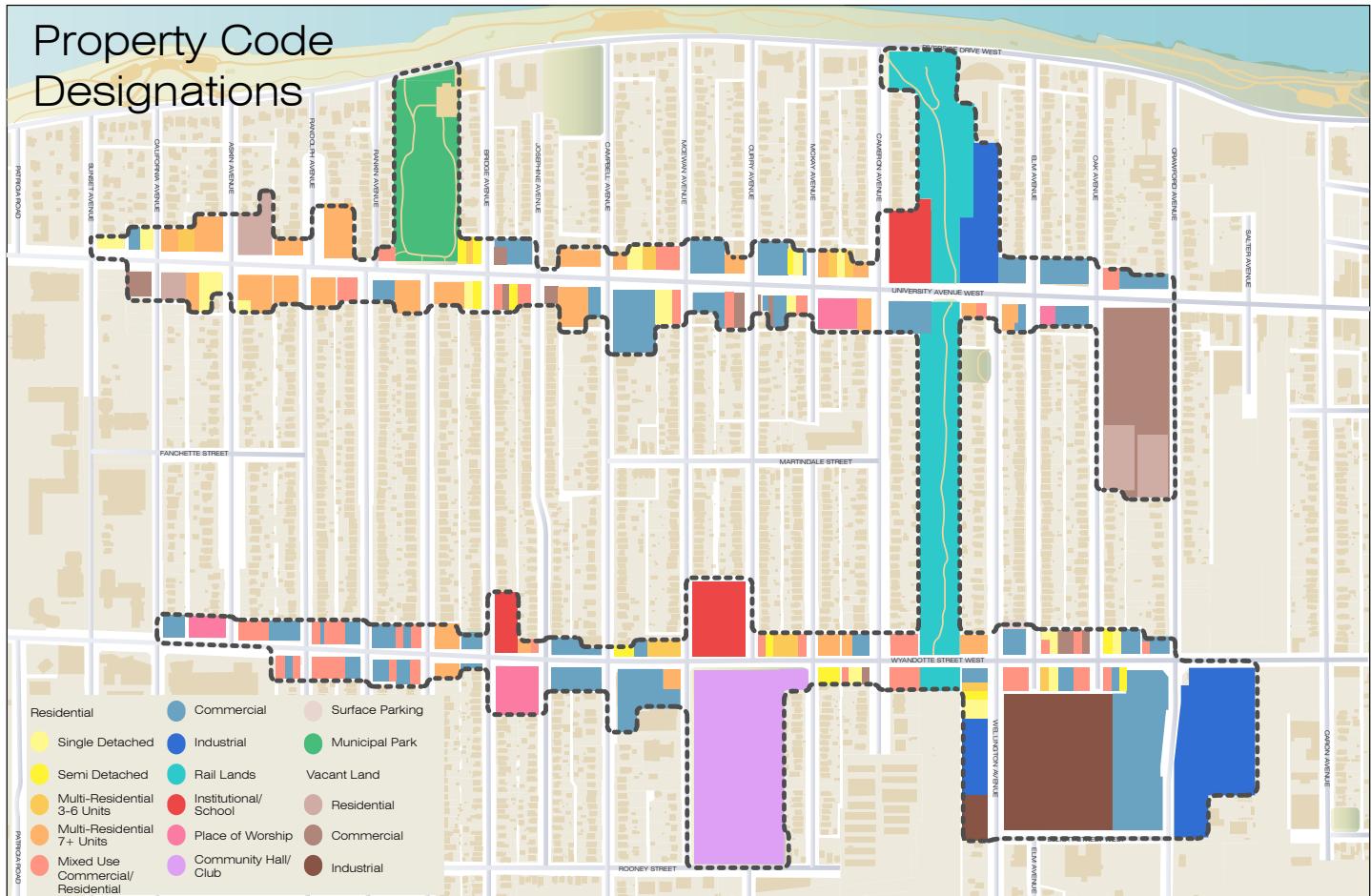
C.2 Current Zoning Review



The map above delineates the current zoning categories along University Avenue West and Wyandotte Street West. As suggested by the map, there is a variety of zoning categories in the study area. Residential Districts, Commercial Districts, Green Districts, Manufacturing Districts, and Institutional Districts are all present along the two corridors. In the study area, the most frequently appearing zoning category is CD 2.2 (Commercial District 2.2). According to Zoning By-law 8600, some of the permitted uses for properties zoned as CD 2.2 include Bakery, Business Office, Child Care Centre, Commercial School, Confectionery, Food Outlet- Take-Out, Funeral Establishment, Medical Office, Micro-Brewery, Personal Service Shop, Place of Entertainment and Recreation,

Place of Worship, Professional Studio, Public Hall, Repair Shop – Light, Restaurant, Retail Store, Veterinary Office, and Wholesale Store.

C.3 Current Land Use



The current land uses along the University Avenue West and Wyandotte Street West corridors are shown on the map above. The uses vary between commercial, residential (single detached, semi-detached and multi-residential), institutional uses and vacant land. The uses vary along the two corridors vary greatly property by property, however the uses surrounding the corridors on the north/south streets are primarily residential. The uses along University Avenue West and Wyandotte Street West will be discussed in more detail below.

University Avenue West:

Starting at Huron Church Road, the uses are institutional uses to Sunset Avenue. The institutional uses include Our Lady of Assumption Church; the University of Windsor Leddy Library, University of Windsor Faculty of Law Buildings; and, Canterbury College. From Sunset Avenue to Campbell Avenue the uses vary, however they are primarily multi-family residential buildings built in the 1960's and 1970's of varying heights and forms. After Campbell Avenue the uses still vary property by property between commercial, mixed use and various forms of residential, however commercial uses are more common.

In addition to the uses discussed above, University Avenue West also includes greenspace that contributes to the land use. A municipal park (Ernest Atkinson Park) is located between Bridge Avenue and Rankin Avenue, and University Avenue West and Riverside Drive West. A trail runs from the Riverfront to Wyandotte Street between Cameron Avenue and Wellington Avenue on Detroit River Tunnel Company lands.



Wyandotte Street West:

Starting at Huron Church Road, institutional land uses associated with the University of Windsor are present on the north side of Wyandotte Street West until California Avenue, and on the south side of Wyandotte Street West from California Avenue to Randolph Avenue. Assumption Cemetery is located on the south side of Wyandotte Street West between Huron Church Road and Patricia Avenue. Commercial uses are present intermittently until California Avenue where they are continuous until McEwan Avenue.

After McEwan Avenue the uses vary with institutional, commercial and residential.





Commercial Activity

Based on a commercial survey conducted by the Planning Department in 2018, the following commercial data was collected:

University Avenue West (Huron Church Road to Crawford Avenue)

24% Vacant

21% Business Services

19% Restaurant/Fast Food/Cafes

There are 80 commercial units along University Avenue from Huron Church Road to Crawford Avenue. As shown in the chart above, 24% of those units are vacant. The highest occupied category of commercial activity is the category of business services (accountants, tax services, marketing, engineering, financial planning, etc.) which occupies 21% of the commercial units, followed by restaurants/fast food/cafes at 19%. A unique commercial activity cluster on University Avenue West is under the education – driving category which occupies 5% of the commercial units.

Wyandotte Street West (Huron Church Road to Crawford Avenue)

34% Restaurant/Fast Food/Cafes

23% Vacant

There are 101 commercial units along Wyandotte Street West from Huron Church Road to Crawford Avenue. 34% of the commercial units are occupied by restaurant/fast food uses. Most of these uses are clustered near the University of Windsor between Sunset Avenue and Bridge Avenue. 23% of the commercial units along Wyandotte Street West are vacant. The other uses are small in percentage and include a bank, photocopy service, child care and a bingo hall.

C.4 Built Form



The built form along both corridors vary. The following are the common forms found along University Avenue West:

The University area consists of typical institutional buildings setback from the road with landscaping.

The built form from California Avenue to Campbell Avenue is varied. However, the dominate style is multi family residential built in the late 1960s. They are typically three to seven storeys in height and set back from all property lines. Many of the buildings do not front onto University Avenue West, and instead front onto local residential streets.

Within the same block there may be low rise multi unit or even single detached dwellings that front onto University Avenue West.

At Rankin Avenue and University Avenue West, two mixed use buildings create a neighbourhood node of unique characteristics, as shown to the left. The two storey buildings are made up of ground floor commercial and upper storey residential. The buildings are built to the lot line and the ground floor commercial is a traditional store front with large amounts of glazing.

After Josephine Avenue, the commercial buildings built to the lot line created a more contained feeling on the street. The commercial buildings are generally one storey. Some low density residential still exists along the corridor. Some sections also create a continuous street wall where buildings are built close to one another.

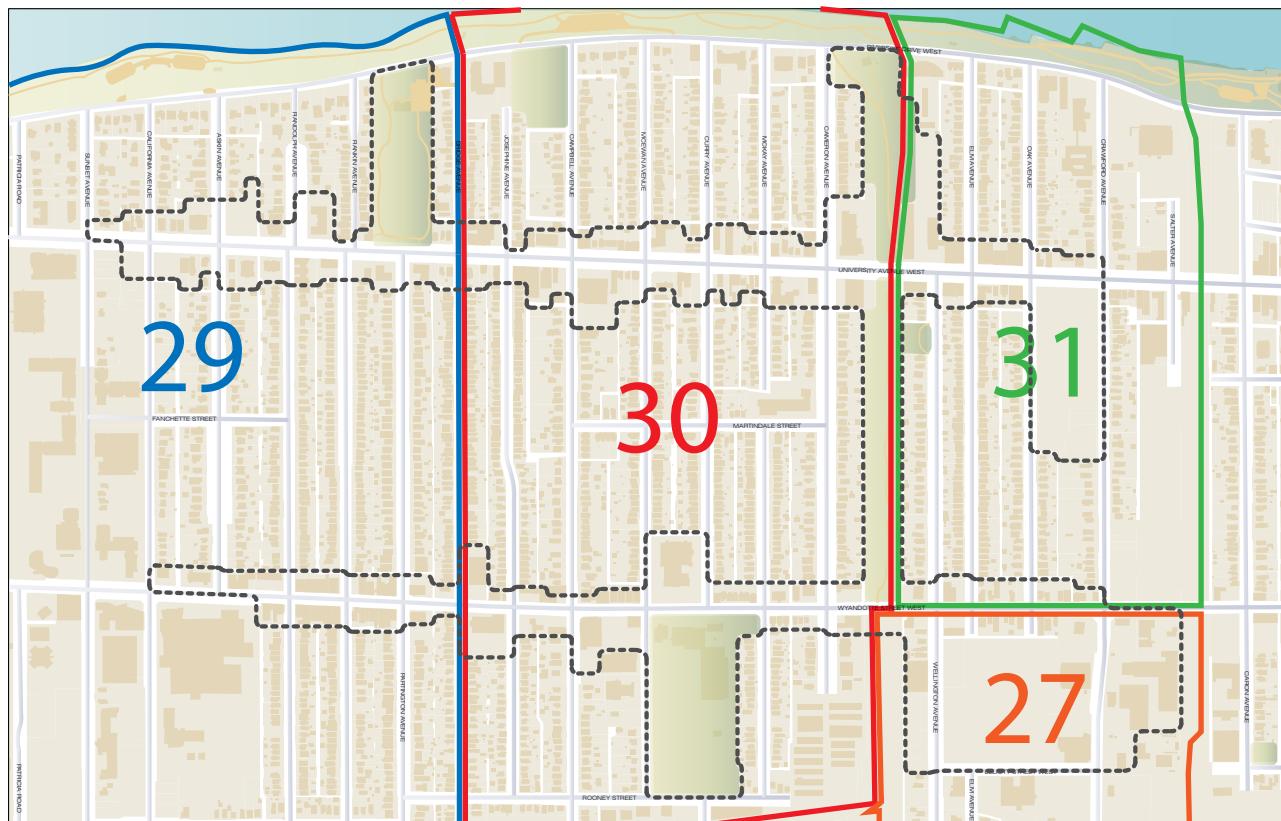
The following are the common forms found along Wyandotte Street West:

The same institutional uses associated with the University of Windsor are present along Wyandotte Street West from Huron Church to California Avenue. After California Avenue, Wyandotte Street turns into a traditional commercial mainstreet with a continuous street wall, with one to two storeys buildings built to the lot line. After McEwan Avenue, the built form is not consistent, made up of single family dwellings and commercial built forms that contain parking lots and drive-through restaurants.

Section D DEMOGRAPHIC OVERVIEW

D.1 Data Collection and Accuracy

The demographic data used for the purposes of the Phase I Deliverables report are extracted from Statistics Canada's 2016 Canadian Census of Population and the 2011 National Household Survey. The 2016 data and 2011 data had different collection methods, therefore in most cases it is not accurate to compare year to year data. However, the population numbers reported can be compared between the 2011 and 2016 census years as the collection methods for population counts was the same. The most notable adjustment to the 2016 Census was the reinstatement of the mandatory long-form census questionnaire. A sample of 25% of Canadian households received a long-form questionnaire, which also consists of short-form questions. Furthermore, income-related questions were eliminated as Statistics Canada retrieved the relevant information from personal income tax and benefits. Therefore, the data is not comparable to previous years due to discrepancies in questions and collection methods. The Census Tracts that had boundaries that intersect the University Avenue West or Wyandotte Street West corridors that are subject of this study were included in the demographic review. This resulted in four census tracts (0029.00, 0030.00, 0031.00, 0027.00) being reviewed for the purposes of this study, shown below:



Census Tract Map Overview

D.2.1 Total Population

Census Tract 27 has the smallest population, containing a sum of 1070 residents. Within Census Tract 29, there is a total population of 2345 people. Census Tract 30 has a population of 3360, making it the most populated area out of the four. Lastly, Census Tract 31 is home to 1505 individuals.

D.2.2 Population Growth

The total population of the study area as of 2016 is 8280, which is a 6.8% increase in the number of residents since 2011. The population growth experienced by the study area is more than double that of the City of Windsor, which has an increase of only 3.1%. The rapid population growth within the study area is particularly visible in Census Tract 31 as this CT experienced the most prominent growth, as its population has increased by 11.4%. An increase in senior residents has contributed to the substantial population growth of Census Tract 31.

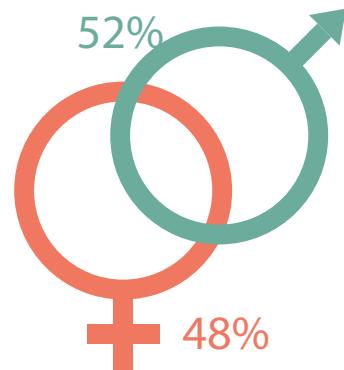
Section D DEMOGRAPHIC OVERVIEW

D.3 Population Characteristics

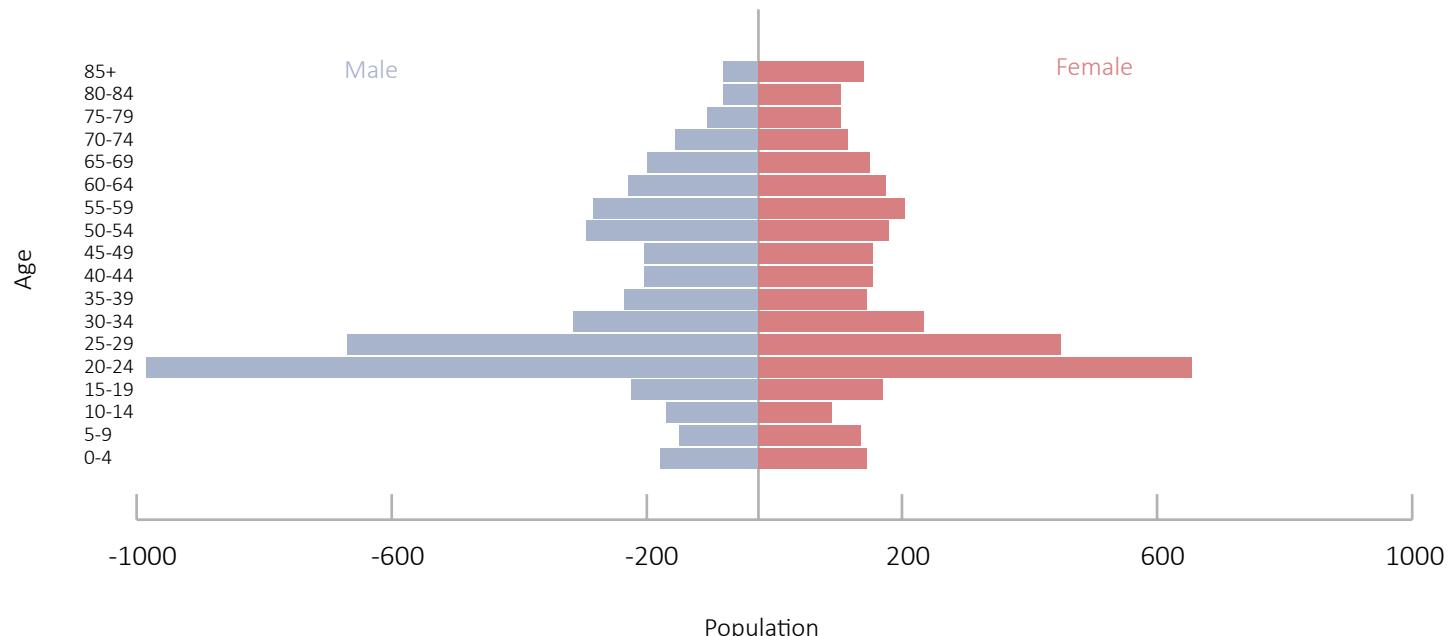
Age and Gender Distribution

The number of male and female residents of the study area is almost equal, with 52% of the population being male and the other 48% being female. The City of Windsor as a whole has a similar distribution as 49% of the City's population is male and 51% is female.

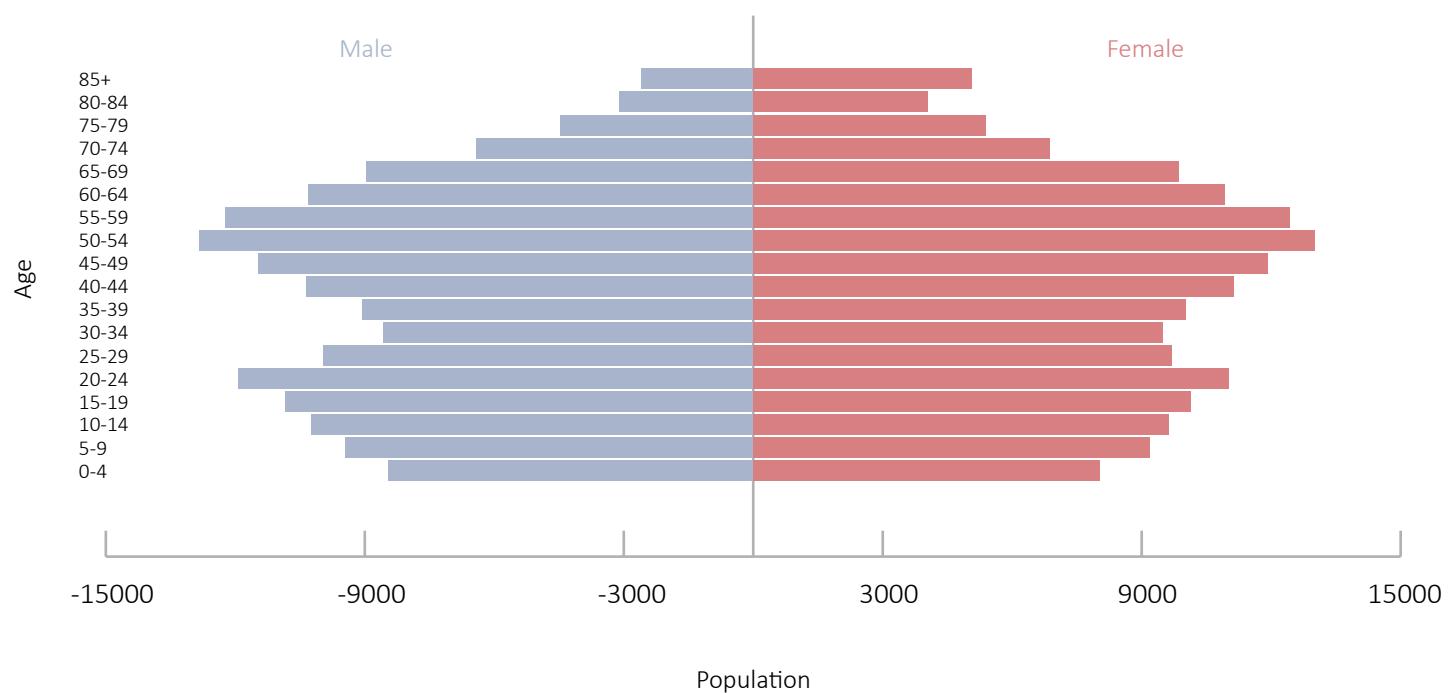
The population distribution of the study area is vastly different from the overall population distribution of Windsor. The most populous age groups in the study area are the 20-24 and 25-29 cohorts, taking up 20% and 14% of the total population, respectively. Although the 20-24 cohort is one of the greatest age groups of the City as well, this group only makes up 7% of the entire population of Windsor. There is a substantially larger proportion of young adults occupying these sections of University Avenue West and Wyandotte Street West in comparison to the rest of the population because the subject lands are in close proximity to several post-secondary institutes, such as the University of Windsor. Moreover, the central location of the study area tends to attract more young professionals than other regions of the City. On the other hand, the dominant age groups of the City of Windsor are the 50-54 and 55-59 cohorts, and they take up 8% and 7% of the total population, respectively. Consequently, while the average age of residents in the study area is 37.5, the City's average population age is slightly older at 41.2.



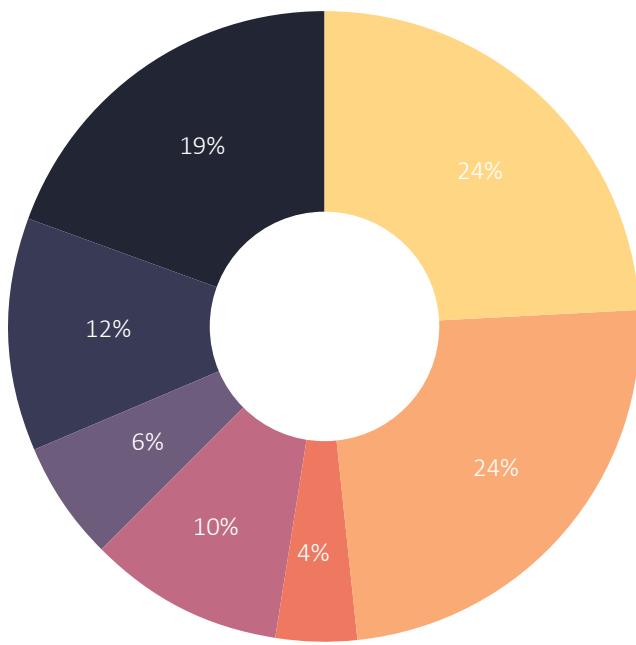
2016 Population Distribution in the Study Area



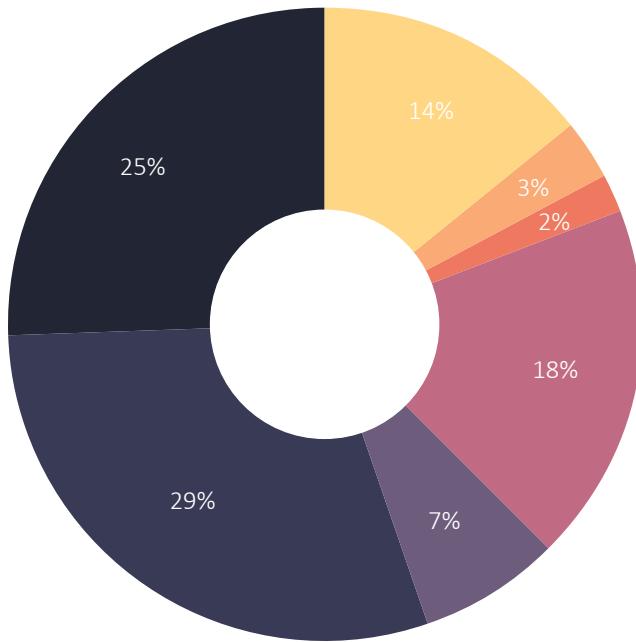
2016 Population Distribution in Windsor



Family Characteristics of Population Aged 15 Years and Over in the Study Area



Family Characteristics of Population Aged 15 Years and Over in Windsor



- Married Spouses and Common-law Partners without Children
- Married Spouses and Common-law Partners with Children
- Lone Parents
- Children in Families
- Living with Other Relatives
- Living with Non-relatives Only
- Living Alone

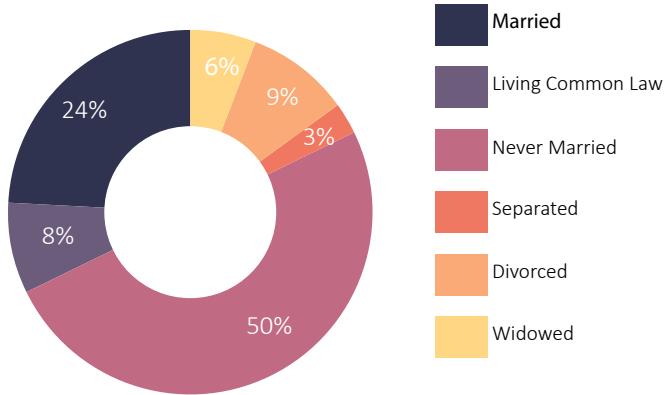
Family Structure

The most common family structure in the study area is people living alone, taking up 24.5% of all living arrangements. People living with non-relatives only is a close second, making up 24.4% of living arrangements. Almost half of the population residing in the study area belongs to these top two categories. The third and fourth most common family structures are married spouses and common-law partners with children and married spouses and common-law partners without children as 19% and 12% of the population are part of these living arrangements, respectively. In contrast, over 55% of individuals in Windsor are made up of married spouses and common-law partners with children and married spouses and common-law partners without children. Additionally, as opposed to the family characteristics for the entire City, which has only 14% of people living alone, the study area contains almost twice as many people living alone. As a result, the average household size is substantially lower at 1.7 people in the study area compared to 2.1 people on average for Windsor.

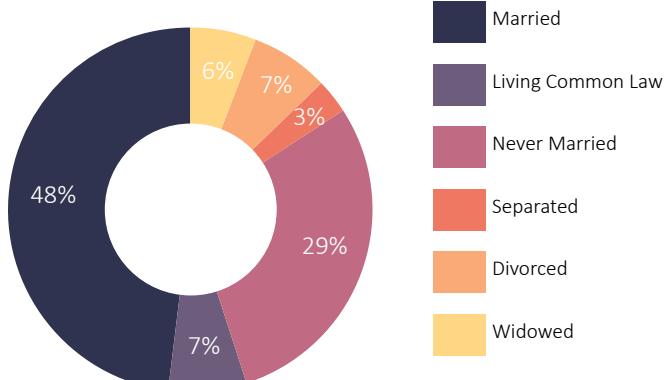
Martial Status

The largest proportion of study area residents are those who have 'never married', followed by those who have 'married', 'divorced', 'living common law', 'widowed', and 'separated' in that order. When compared to the rest of the City, the study area has a significantly higher percentage of 'single' population (never married). While half of the population aged 15 years and over living in the study area declare that they have never been married, only 29% of all residents of Windsor remain single. On the other hand, the City as a whole consists of far more married couples than the study area. Only 24% of study area residents are married, but the married individuals of Windsor make up 48% of the entire population aged 15 years and above. The high concentration of young adults perusing post-secondary education living in the study area may be one of the factors that have led to the great difference in the proportion of 'married' and 'never married' individuals between the study area and the City as a whole.

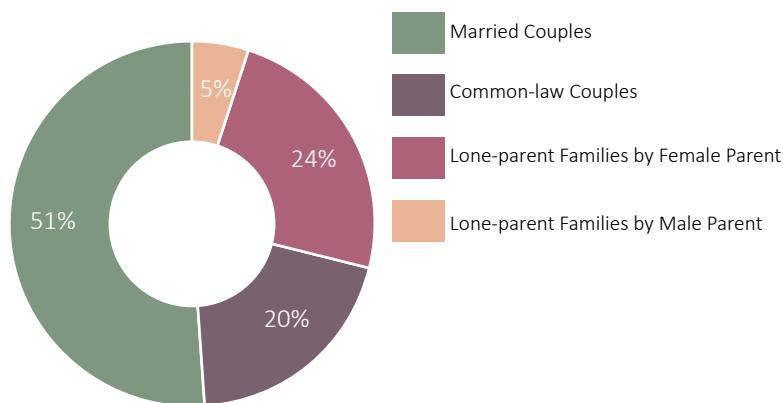
Marital Status in the Study Area



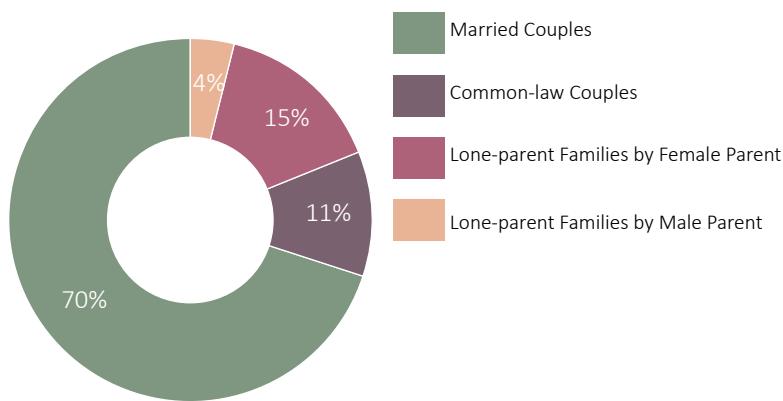
Marital Status in Windsor



Family Structure with Children in the Study Area



Family Structure with Children in Windsor

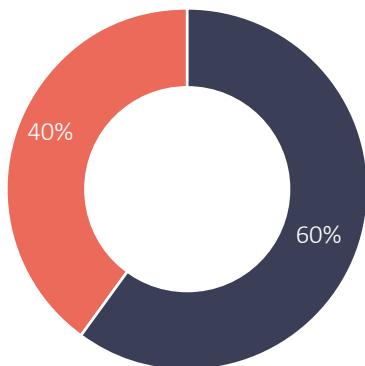


Children within Families

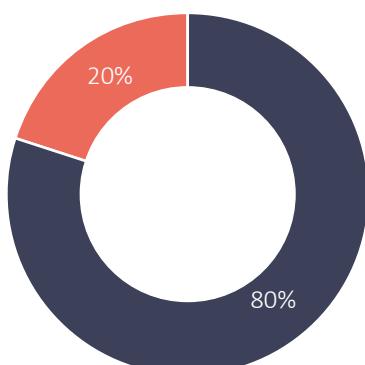
Most children within the study area live with married couples, taking up just over half of all living arrangements for children. The second most common living arrangement is living with single mothers, which makes up 24% of children's homes. There are also small percentages of children living with common-law couples and single fathers.

In comparison to the rest of the City, the study area has a much higher proportion of lone parents. Single-parent families make up 29% of households in the study area while there are only 20% of households in Windsor characterized as lone parent households. A higher number of single parents may choose to reside in the study area over other regions in the City since there are more affordable housing options and better transit access.

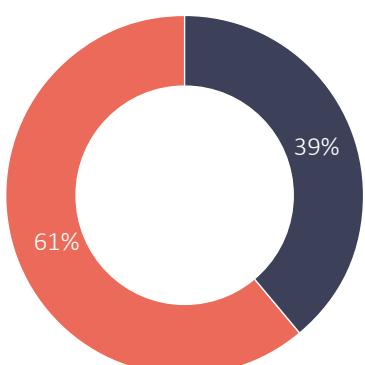
Visible Minority Population in the Study Area



Visible Minority Population in Windsor



Visible Minority Population in CT 29

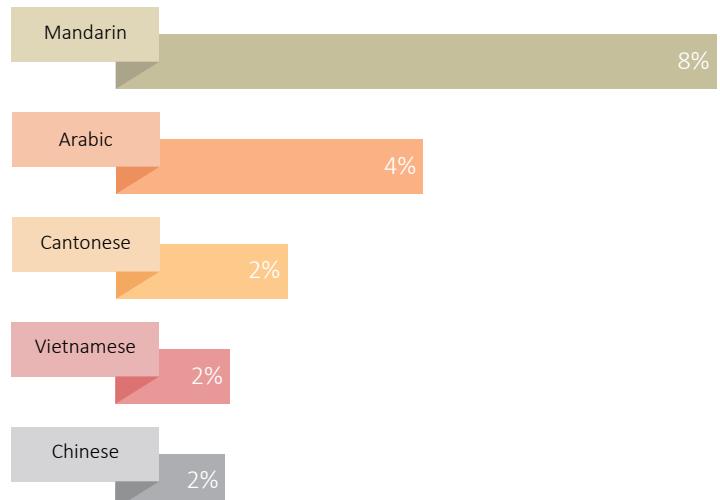


Visible Minority

Visible minorities are “persons other than Aboriginal peoples who are non-Caucasian in race or non-white in colour”. In the study area, there is a large proportion of people who are of visible minority status. While around 40% of the residents in the study area are of visible minority status, only 20% of the entire City’s population are visible minorities. Notably, 61% of residents living in Census Tract 29 have identified themselves as visible minorities, meaning that the majority of people residing in this area are of visible minority status.

Within the visible minority population living in the study area, Chinese people make up the biggest proportion, taking up 29% of all visible minority populations in the region. South Asian, black, Arab, and Southeast Asian people also represent significant populations in the four Census Tracts. Similarly, the top five visible minorities of the City of Windsor are Arab, Black, South Asian, Chinese, and Filipino. There is no majority-minority within both the study area and the City as a whole, which means that there is not a large portion of any single group that dominates by making up over 50 % of the visible minority population. The composition of the visible minorities strongly suggests that both the study area and the City are highly diverse.

Top 5 Non-official Mother Languages in the Study Area



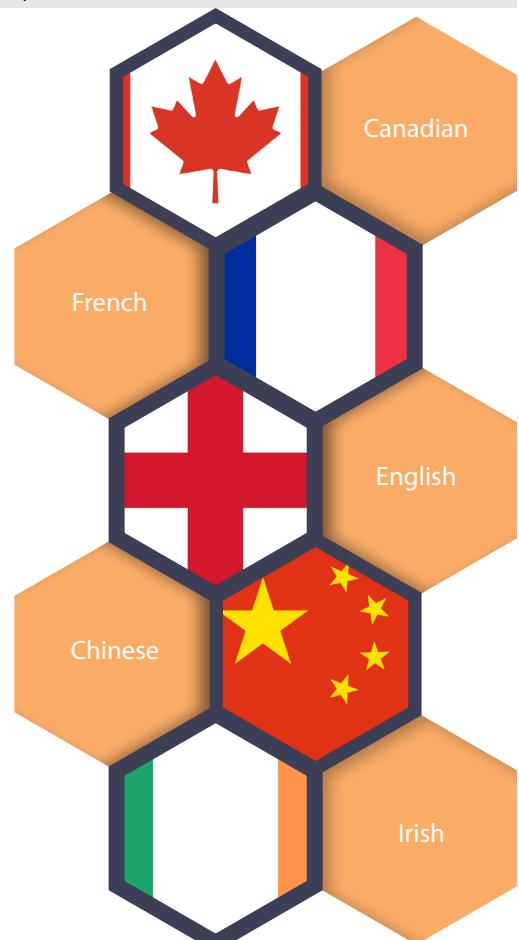
Ethnic origin

The largest percentage of study area residents are those who are of Canadian ethnic origins, followed by those who are French, English, Chinese, and Irish in that order. This is fairly similar to the City as a whole, with the exception of a higher percentage of people of Chinese ancestry.

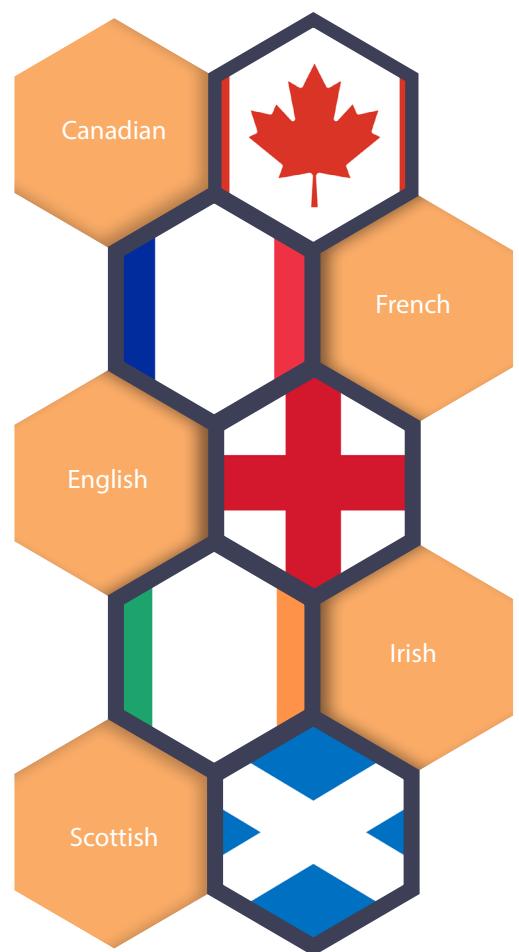
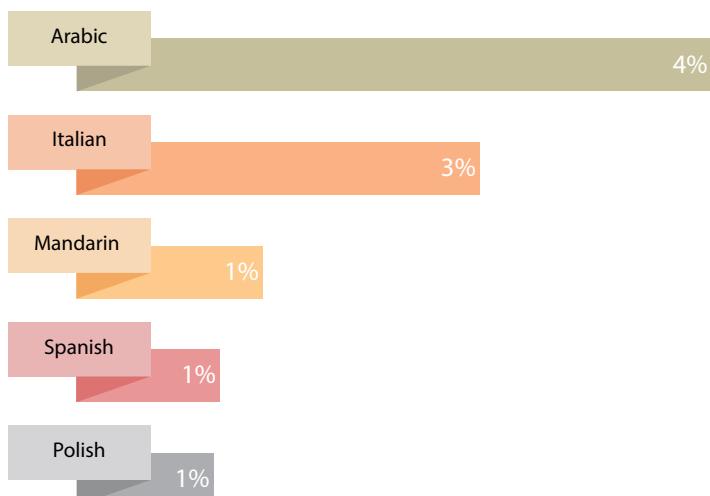
Mother Tongue

The diverse population of the area is also reflected in the various non-official mother tongues spoken by the study area residents. A smaller proportion of individuals living in the study area speak an official language as their mother languages when compared to the figures of the City as a whole. For example, while 72% of the population in the entire City indicate that English is their mother tongue, there are only 63% of study area residents who speak English as their mother language.

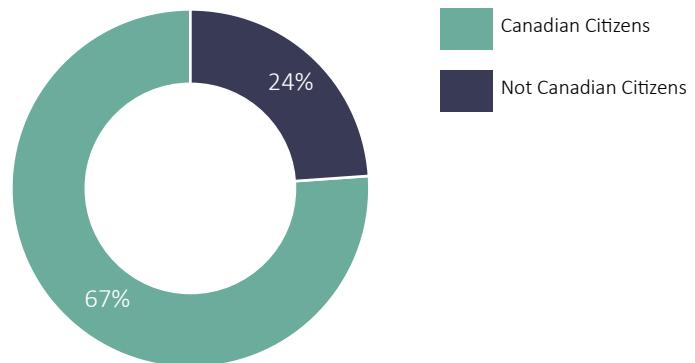
In the study area, Mandarin is the most common non-official mother language, making up 8% of all mother tongues spoken. Arabic, Cantonese, Vietnamese, and Chinese (n.o.s.) are among some other common mother languages spoken in the study area. In comparison to the City of Windsor, the most common non-official mother tongue is Arabic, which takes up 4% of all spoken mother languages. Some other common mother languages include Italian, Mandarin, Spanish, and Polish.



Top 5 Non-official Mother Languages in Windsor



Citizenship for the Population of the Study Area



Citizenship

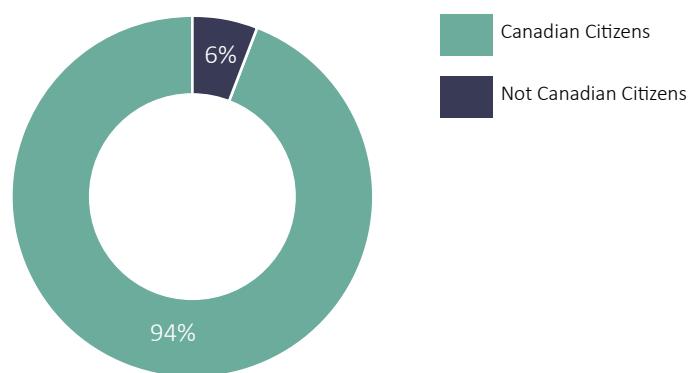
Compared to the City as a whole, the study area contains a considerably larger percentage of individuals who are not Canadian citizens. Twenty-four percent of the people residing in the study area are not Canadian citizens, which is four times as much as that of the entire City. The high volume of international students attending post-secondary institutes in the area accounts for a large proportion of the local non-Canadian citizen residents. According to the University of Windsor, 23% of the total 16321 students are international students, meaning that there are approximately 3753 international students.

Immigrant Status

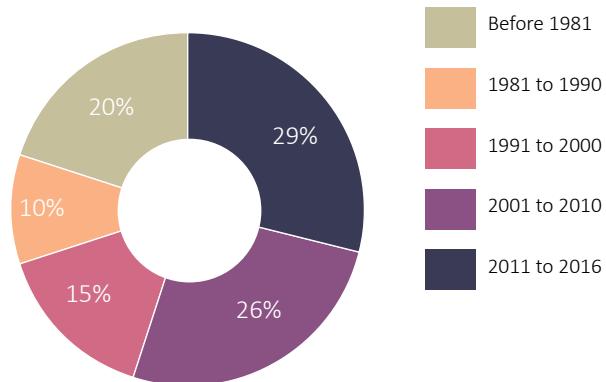
An immigrant is defined as an individual who has moved to Windsor from a country outside of Canada and has successfully become a citizen or permanent resident. Non-permanent residents are individuals who have temporary work, student, or tourist visas, or Temporary Resident Permits, which permit them to remain in Canada. Non-immigrant residents refer to persons who are Canadian citizens by birth.

The study area and the City as a whole have similar percentages of immigrants. However, non-permanent residents have a far bigger presence in the designated areas along University Avenue West and Wyandotte Street West. The non-permanent resident population takes up 15% of the total population in the study area, but only 1% of Windsor people have declared themselves to have such status. Moreover, the proportion of non-permanent residents varies among the different Census Tracts. Census Tract 27 and Census Tract 31 have very few non-permanent residents, as this group only takes up 1% and 3% of the total Census Tract population, respectively. Eleven percent of the population in Census Tract 30 are non-permanent residents. Census Tract 29 has an astonishingly high figure, as 35% of the population is made up of non-permanent residents.

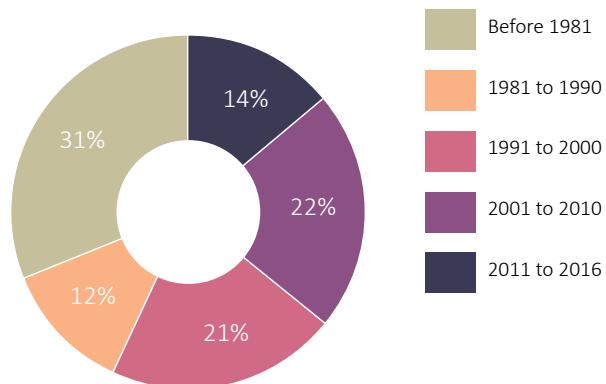
Citizenship for the Population of the Windsor



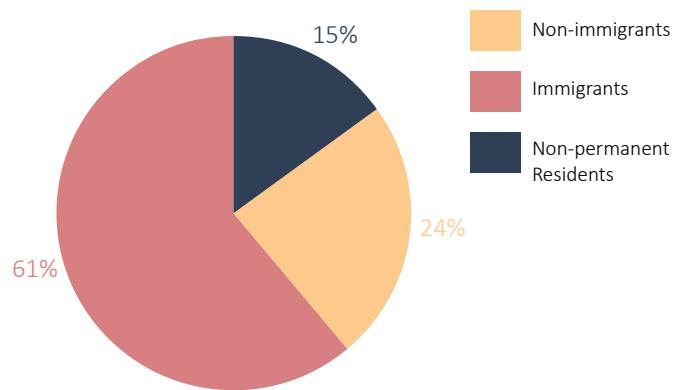
Immigrant Population by Period of Immigration in the Study Area



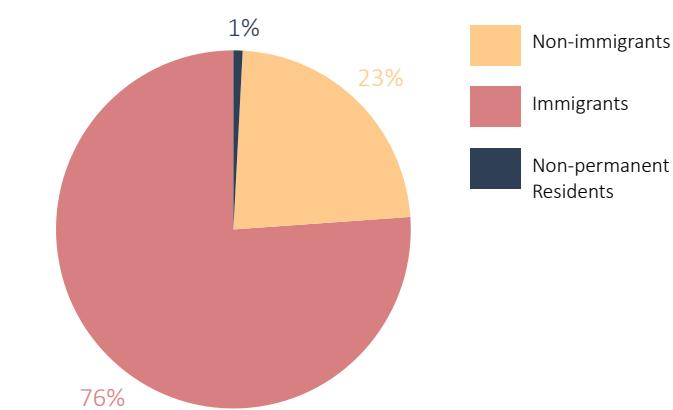
Immigrant Population by Period of Immigration in Windsor



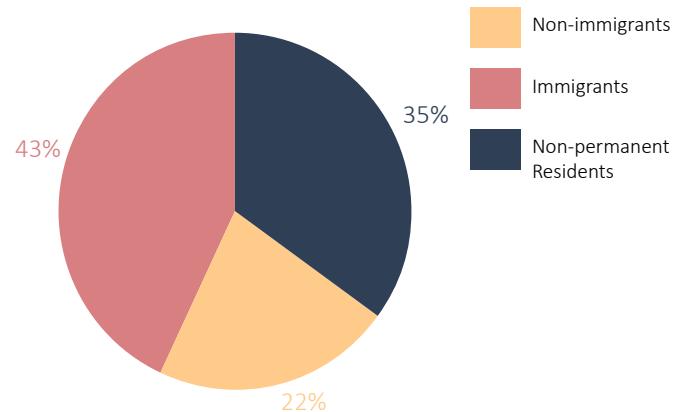
Immigration Status for the Population in the Study Area



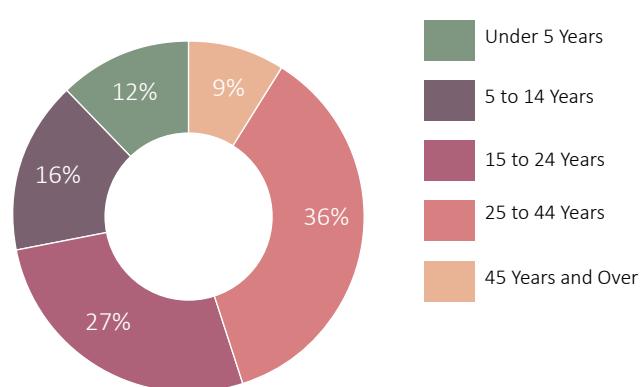
Immigration Status for the Population in Windsor



Immigration Status for the Population in CT 29



Age at Immigration for Immigrant Population in the Study Area



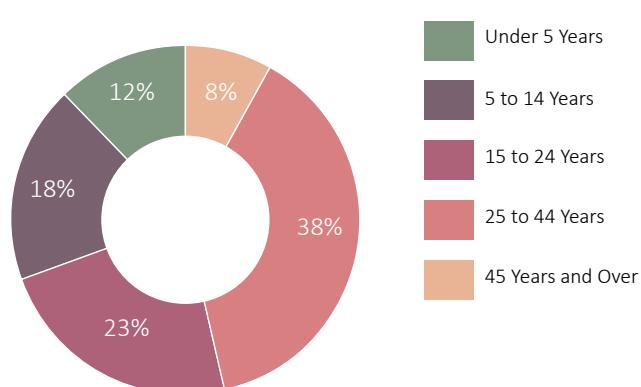
Period of Immigration

The period of immigration is fairly evenly split among the five given periods. In the study area, the largest proportion of immigrants arrived between 2011 and 2016, making up 29% of all immigrants. In contrast, Windsor received the biggest group of immigrants before 1981, as 31% of the city-wide immigrant population landed prior to 1981. Both the study area and the City as a whole reached their lowest points from 1981 to 1990, having only 10% and 12% of all immigrants arrive in this period, respectively. Discrepancies exist between the different Census Tracts. Almost half of the immigrants residing in Census Tract 27 landed from 2001 to 2011. Census Tract 27 experienced the lowest volume of incoming immigrants between 1991 and 2000 since only 9% of total immigrants landed during this period. Census Tract 29 and Census Tract 30 have similar period-of-immigration patterns as the general pattern for the entire study area. In Census Tract 31, the period of immigration is almost equally divided between the five time periods.

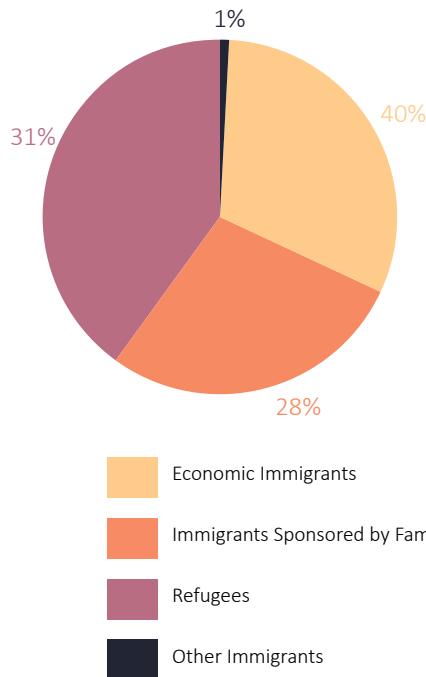
Age of Immigration

The largest group of immigrants in the study area are those aged between 25 to 44 years, making up 36% of the total immigrant population. Immigrants aged between 15 to 24 years are the second largest group as they take up 27% of the entire immigrant population in the study area. It is the least common for the immigrants to be aged 45 and over as only 9% of the total immigrant population belong to this group. The study area's age at immigration distribution is almost identical to that of the City as a whole.

Age at Immigration for Immigrant Population in Windsor



Admission Category for the Immigrant Population of the Study Area



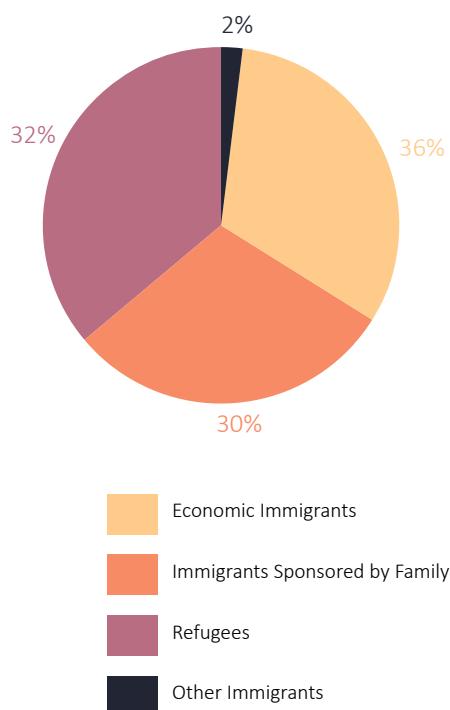
Immigrants by selected place of birth

Presently, immigrants are mainly arriving from Asia as opposed to Europe, which was the most common continent of origin in previous decades. China is the most common place of birth for immigrants living in the study area since 13% of the local immigrant population were born in China. The second most common place of birth is India, taking up 9% of the total immigrant population in the study area. The United States, other places in Asia, and Viet Nam are some other common places of birth. In comparison, the top three most common immigrants' places of birth in the City of Windsor are Iraq, the United States, and Italy, with each country taking up 8% of the entire immigrant population. Some other common places of birth include the United Kingdom and Lebanon.

Admission Category and Applicant type

In the study area, the largest proportion of immigrants are admitted as economic immigrants since this category takes up 40% of the entire immigrant population. Refugees make up the second-largest group as 31% of the study area immigrant residents have been admitted as refugees. The last significant admission category is comprised of immigrants sponsored by families, and this category makes up 28% of the immigrant population of the study area. With the exception of other immigrants, the immigration admission categories for Windsor is nearly evenly split between economic immigrants, refugees, and immigrants sponsored by families.

Admission Category for the Immigrant Population of Windsor



D.4 Financial Characteristics

Annual Income

The average household size in the study area is 2.05 people, making families of two the best representation of the average family in the area. In 2015, the Low Income Cut-Off (LICO) before tax was set as \$23,983 for a family of two. The median and average income for each Census Tract are above the LICO for families of two. However, it is also shown by the graphs that there are many households in all Census Tracts that are earning less than \$20,000 per year, indicating that there is a strong presence of low-income residents in the area. Notably, Census Tract 29 has an overwhelmingly high number of households earning lower than \$5,000 annually. Nineteen percent of the households in Census Tract 29 have below \$5,000 yearly incomes. The strong presence of low-income earners is presumably related to the fact that the University of Windsor is located within the boundary of Census Tract 29, and university students tend to have little to no income. On the other hand, there are some high-income households living in the study area as well, with all but Census Tract 27 having residents reporting household income being over \$200,000 and above.

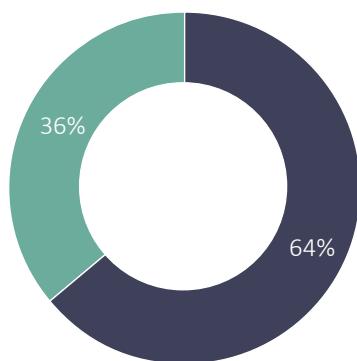
Unemployment Rate

Other than Census Tract 27, each Census Tract in the study area consists of an unemployment rate higher than that of the City as a whole. The unemployment rate of the City of Windsor has been determined to be 7.7%. In comparison, Census Tract 27 has a slightly lower rate of 7.4%. About 24.8% of the population aged 15 years and above living in Census Tract 29 is unemployed, and the unemployment rate for this Census Tract is over three times as high as the entire City's figure. Census Tract 30 and Census Tract 31's unemployment rates are 13.7% and 10.9%, respectively.

Work Activity

Sixty-four percent of the study area residents aged 15 years and over worked part-time, which is higher than the entire City's 49%. Every Census Tract in the study area has a higher proportion of when being compared to the City. Particularly, 76% of the population residing in Census Tract 29 have part-time positions. It is very likely that the uniqueness of Census Tract 29 is again connected to its large student population.

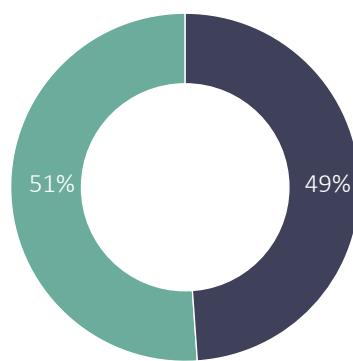
Work Activity in the Study Area



Worked Full Year; Full Time

Worked Part Year and/or Part Time

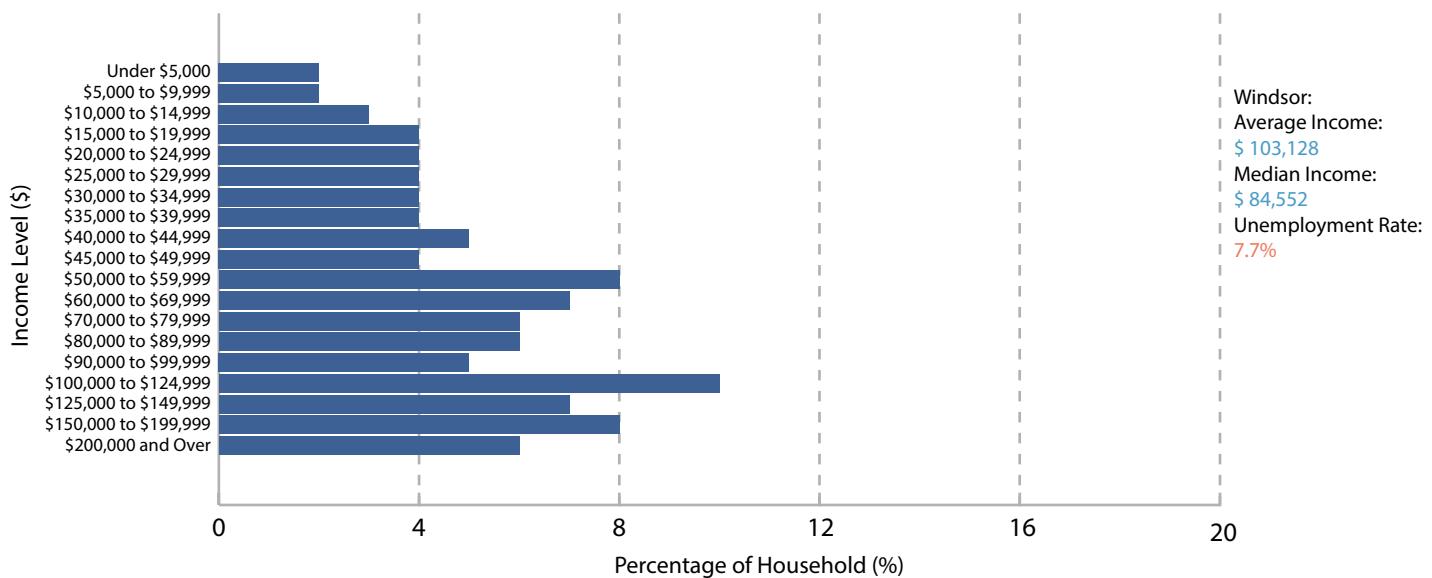
Work Activity in Windsor



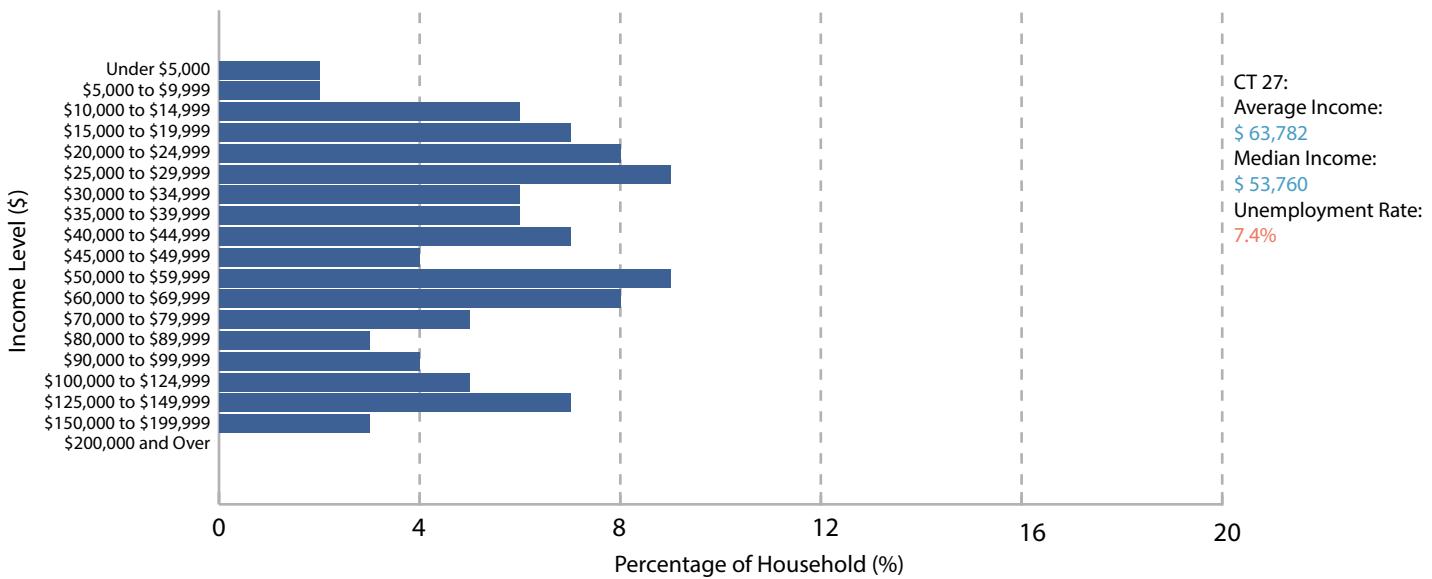
Worked Full Year; Full Time

Worked Part Year and/or Part Time

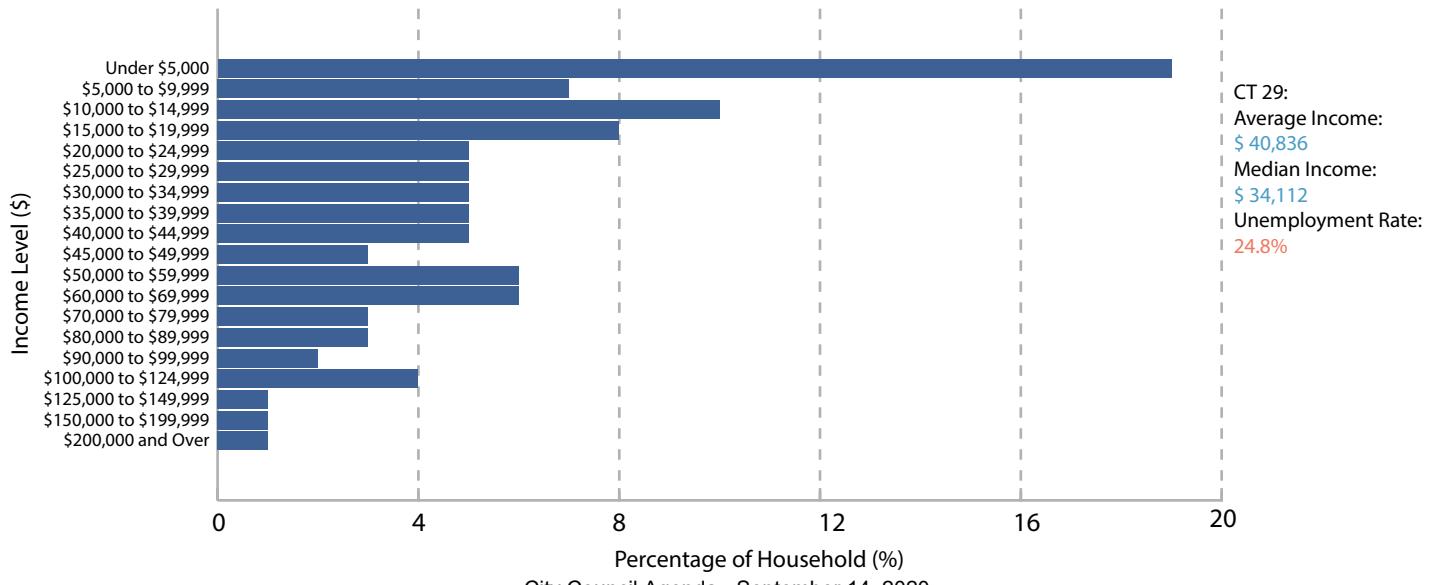
Windsor Private Household Income in 2015

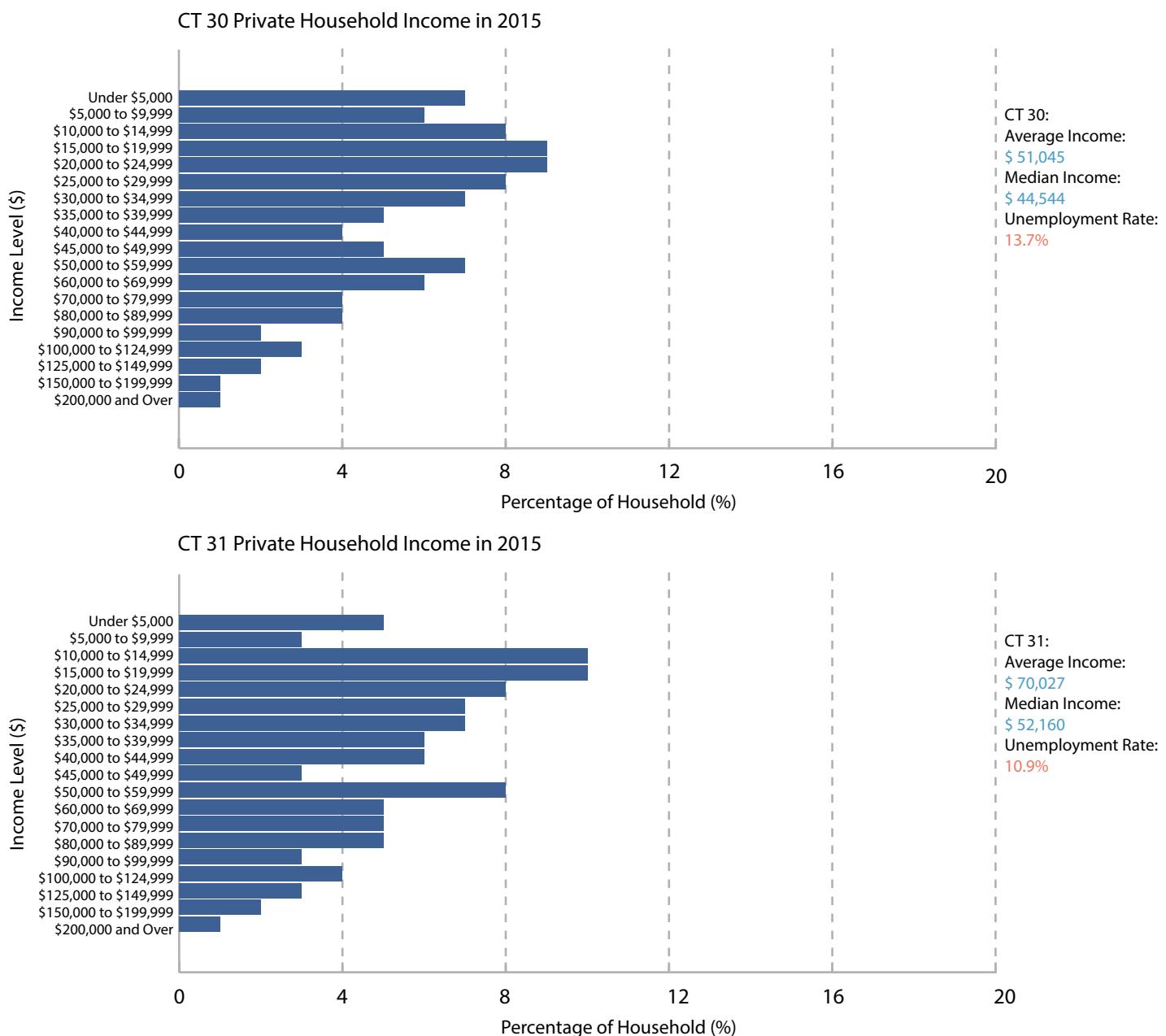


CT 27 Private Household Income in 2015



CT 29 Private Household Income in 2015





Occupation

Residents of the study area are employed in a variety of professions. No occupation, in particular, dominates with over 50% of workers employed in that field; however, sales and services is consistently the most common profession across all Census Tracts. The figure is also consistent with that of the City since the largest percentage of Windsor residents work as sales and services representatives.

The fields of education, law, social, community and government services, business, finance and administration, trade, transport, equipment operating and related fields, and manufacturing and utilities are also significant employers, as each field takes up 11% of the population living in the study area. Specifically, trades, transport and equipment operators, and related occupations and occupations in manufacturing and utilities each make up 15% of all residents aged 15 years and over in Census Tract 27. Census Tract 29 contains a high proportion of people with occupations in education, law and social, and community and government services as 17% of the local population are employed in this occupational classification. In Census Tract 30, the fields of business, finance and administration and education, law and social, community and government services each employ 12% of the residents. While 14% of the individuals residing in Census Tract 31 are employed in the business, finance and administration occupations, there are 13% of the people that have trades, transport and equipment operating, and related occupations. The fields of natural and applied sciences and related fields, management, and health consists of different levels of employment, ranging from 1% to 12% across the Census Tracts.

Lastly, 6% of study area residents have reported having occupations that do not fall within one of the other ten categories. Unfortunately, there is no other source of information that indicates what professions these residents are employed.

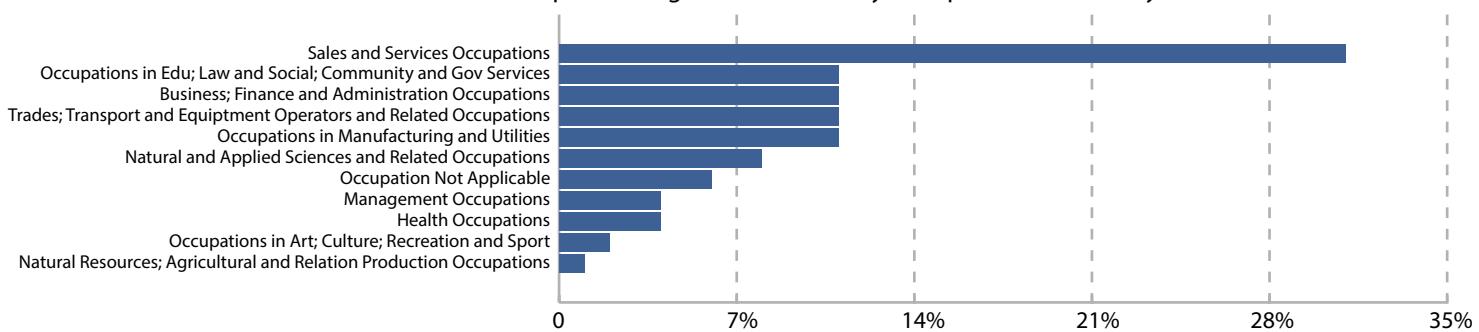
Industry

Residents of the study area also work in a variety of industries. Similar to the occupations, no sector, in particular, dominates with over 50% of workers employed in that industry; on the other hand, manufacturing is the largest industry across three Census Tracts. The figure is also consistent with that of the City as a whole as the largest percentage of residents work in the manufacturing sector. As a result of the presence of the University of Windsor, the largest proportion of the population aged 15 years and above are employed by the education services sector in Census Tract 29.

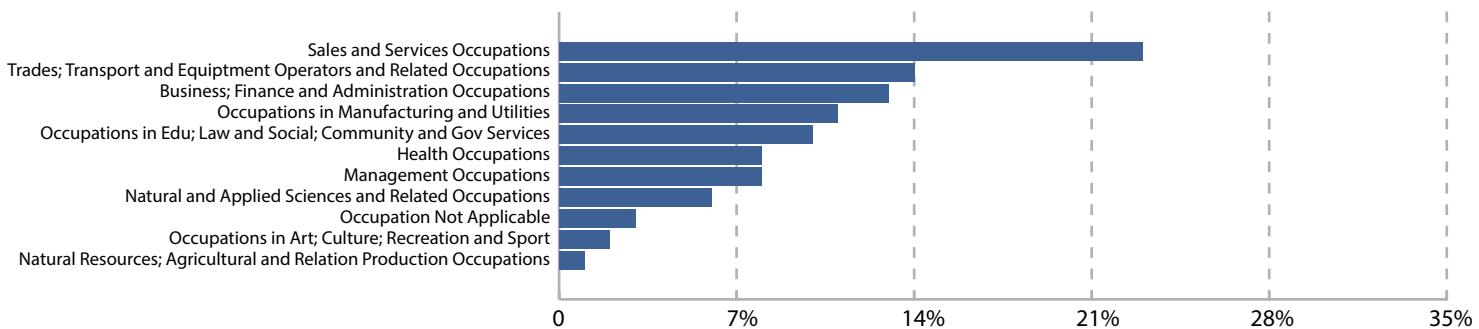
The administrative and support, waste management, and remediation services industry, accommodation and food services sector, retail trade industry, and health care and social assistance sector are some other common industries in the study area. In particular, the retail trade industry makes up 12% of Census Tract 27's employment base. Fourteen percent of the local population work in the administrative and support, waste management and remediation services sector in Census Tract 29. Census Tract 30 contains high percentages of residents working in the administrative and support, waste management, and remediation services sector and accommodation and food industry, as each sector takes up 11% of the total Census Tract population. The health care and social assistance sector is the second biggest industry in Census Tract 31, as 14% of residents work in that sector.

Finally, 6% of the study area residents have reported to be working in sectors other than the listed twenty industry classifications. Unfortunately, there is no other data available to suggest what sectors these residents are employed.

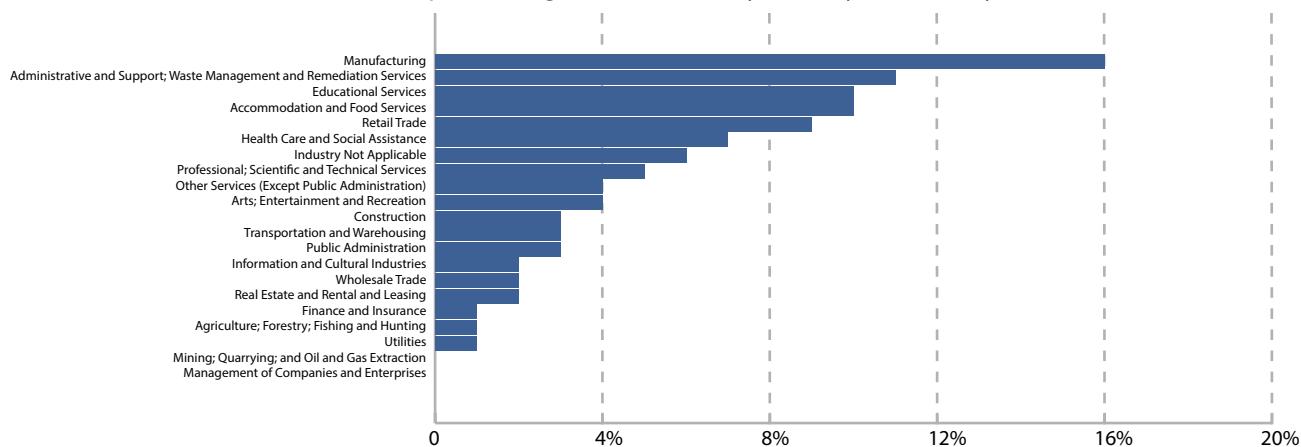
Total Labour Force Population Aged 15 and Over by Occupation in the Study Area



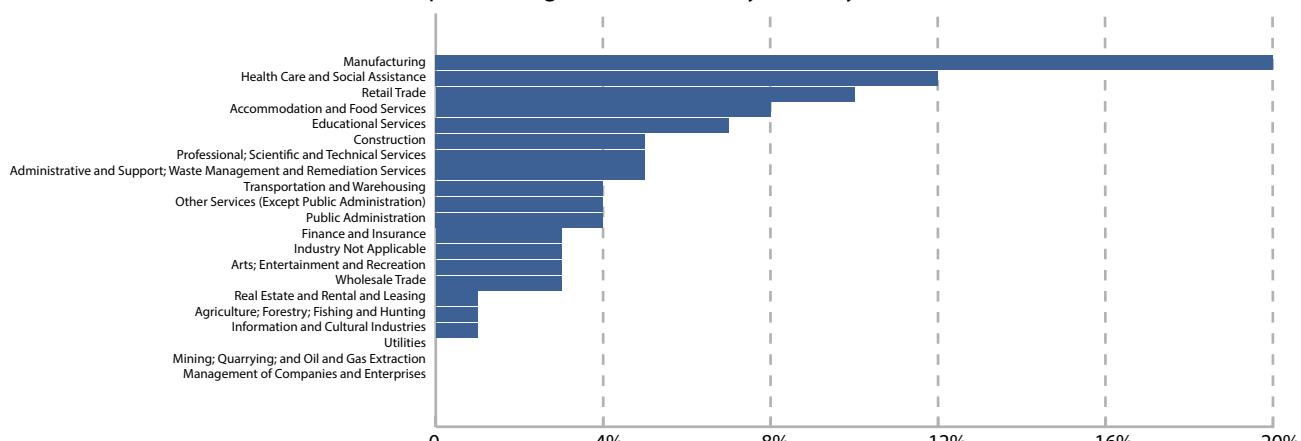
Total Labour Force Population Aged 15 and Over by Occupation in Windsor



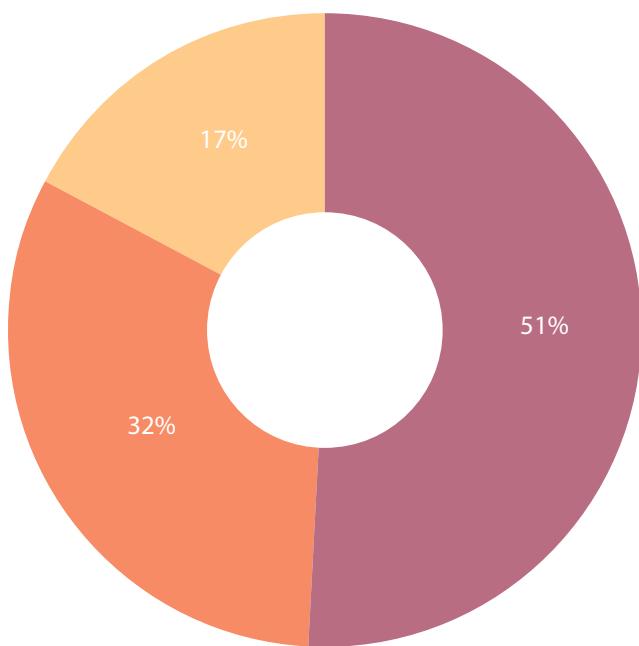
Total Labour Force Population Aged 15 and Over by Industry in the Study Area



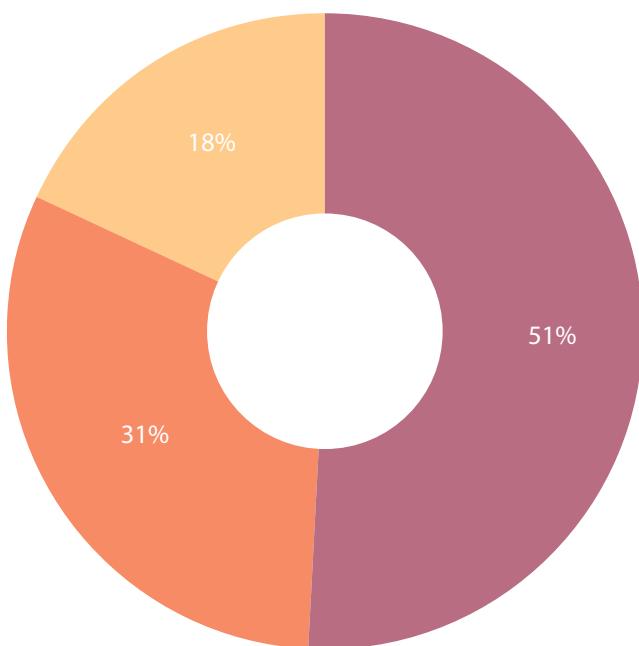
Total Labour Force Population Aged 15 and Over by Industry in Windsor



Highest Level of Education Completed by Residents Aged 15 Years and Over in the Study Area



Highest Level of Education Completed by Residents Aged 15 Years and Over Windsor



No Certificate; Diploma or Degree



Secondary (High) School Diploma or Equivalency Certificate



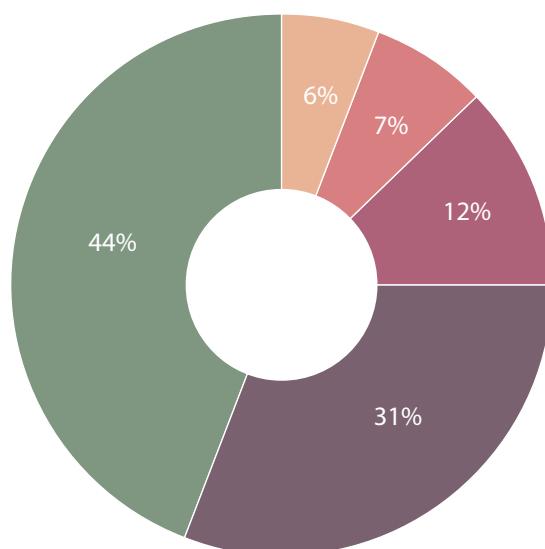
Postsecondary Certificate; Diploma or Degree

D.5 Education

In the study area, 51% of the population aged 15 years and over have some form of completed post-secondary education, which could be an apprenticeship, trade, college, or university certificate, diploma, or degree. This figure is identical to that of the City as a whole. Thirty-two percent of the study area residents have at least a secondary school diploma or certificate, which is slightly above Windsor's 31%. While the study area contains 17% of individuals without any form of certificate, diploma, or degree, 18% of people residing in the City of Windsor do not have a certificate, diploma, or degree.

Upon closer examination, education levels in Census Tract 27 and Census Tract 29 are drastically different from that of the entire City. Twenty-five percent of the population living in Census Tract 27 are without any certificate, diploma or degree, so the number is significantly higher than the City's 18%; Census Tract 29 only has 7% of people with such education level, which is less than half of Windsor's figure. There are 63% of Census Tract 29 residents who are post-secondary graduates, and this figure is substantially higher than Windsor's 51%; on the other hand, only 38% of the people living in Census Tract 27 have obtained post-secondary education, which is considerably lower than the City's average.

Private Households by Household Size in the Study Area



D.6 Housing Characteristics

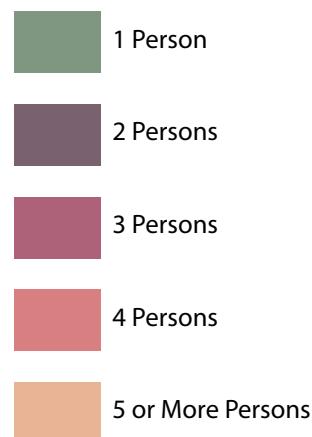
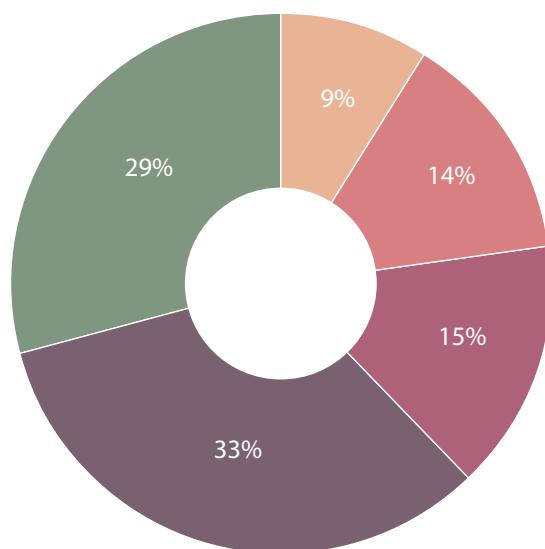
Dwelling Types

Apartments represent the largest group of housing type within the study area. Apartments in buildings that have five storeys or more make up 17% of all dwellings, apartments in buildings under five storeys represent 26% of all homes, and apartments in duplexes take up 10% of all dwellings, and together they represent 53% of all housing stock. The second most common dwellings are single-detached homes, making up 41% of all homes in the study area. In comparison to the City as a whole, where single-detached homes represent 68% of all dwellings.

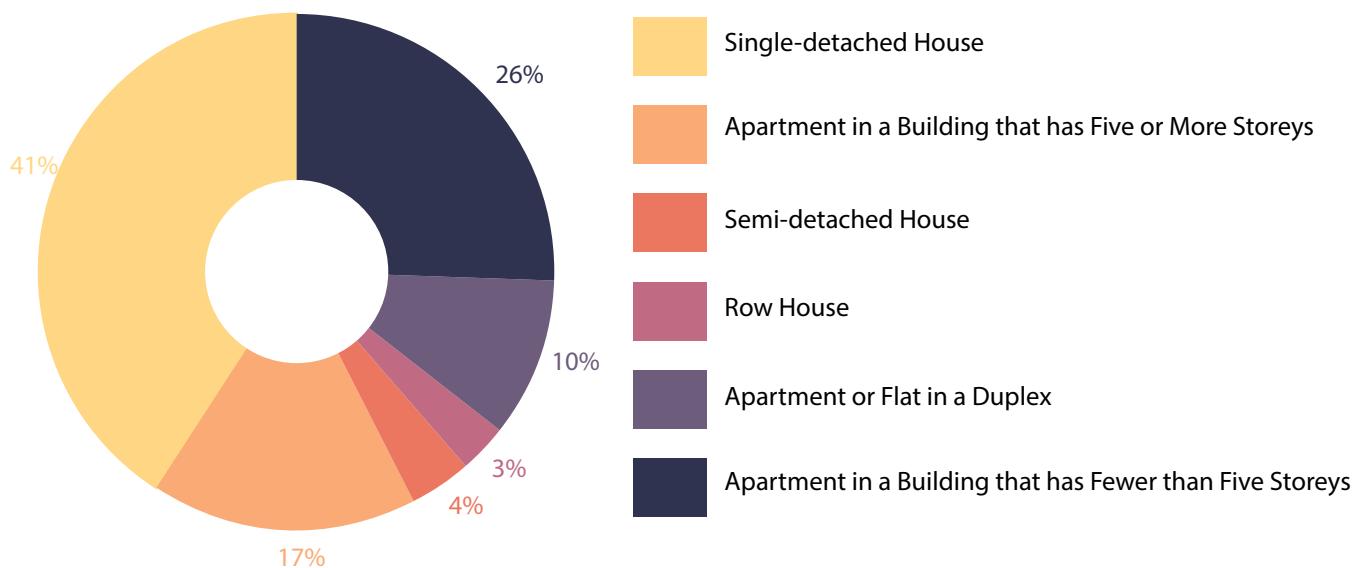
Notably, Census Tract 27 is the only area in which the percentage of single-detached housing exceeds the proportion of apartments. Seventy-nine percent of homes in Census Tract 27 are made up of single-detached homes, surpassing the City's figure of 68%. As a result of the overwhelmingly strong presence of single-detached homes, only 19% of the occupied dwellings are apartments in Census Tract 27. Another distinctive area is Census Tract 31. Seventy percent of the housing stock are made up of apartments in Census Tract 31, which is significantly larger than that of the study area.

Most people in the study area live alone or live with only one other person, as these two groups represent 75% of private households. While these two groups also represent the two most common groups in the City as well, taking up 62% of all households, the study area still has a far higher proportion of people living either alone or with only one other person.

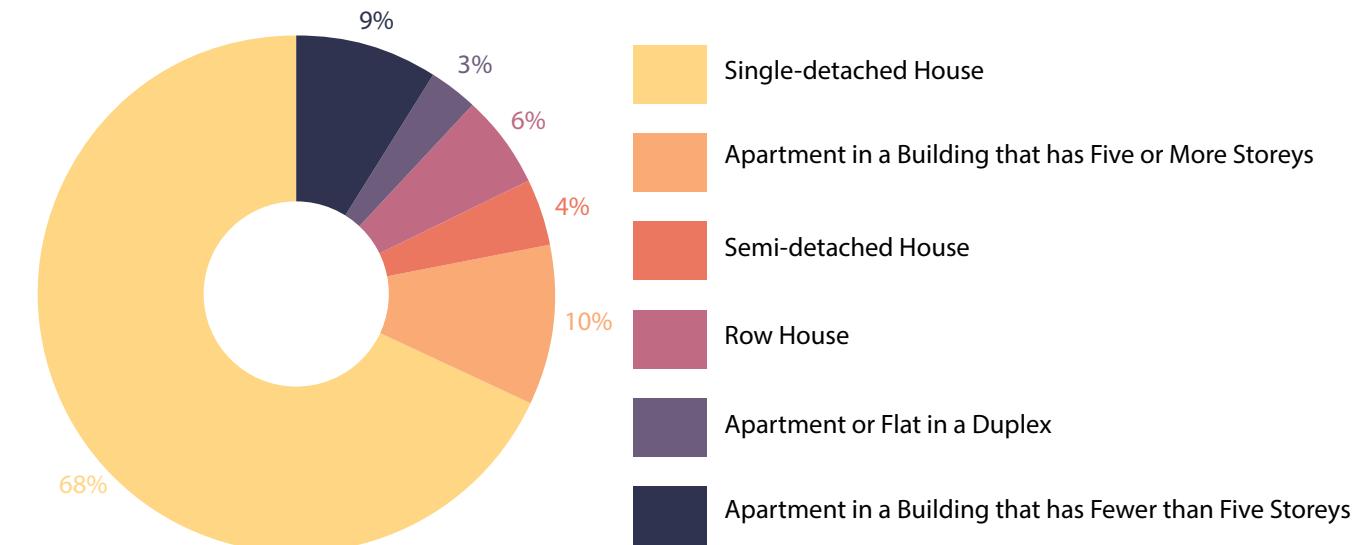
Private Households by Household Size in Windsor



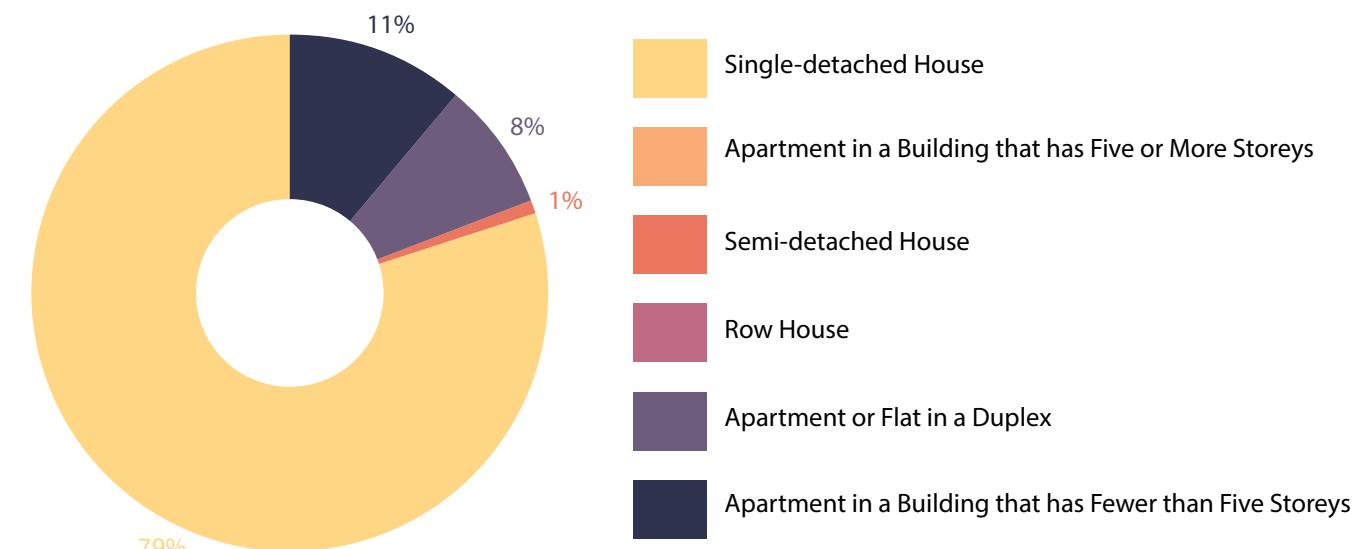
Occupied Private Dwelling by Structure Type in the Study Area



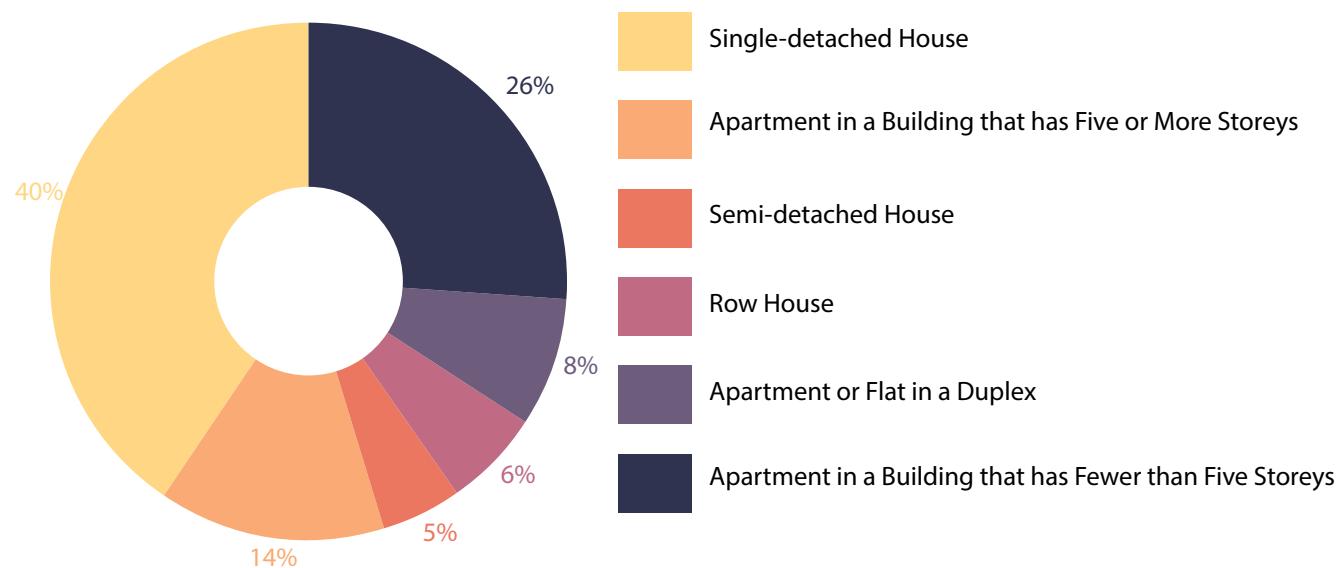
Occupied Private Dwelling by Structure Type in Windsor



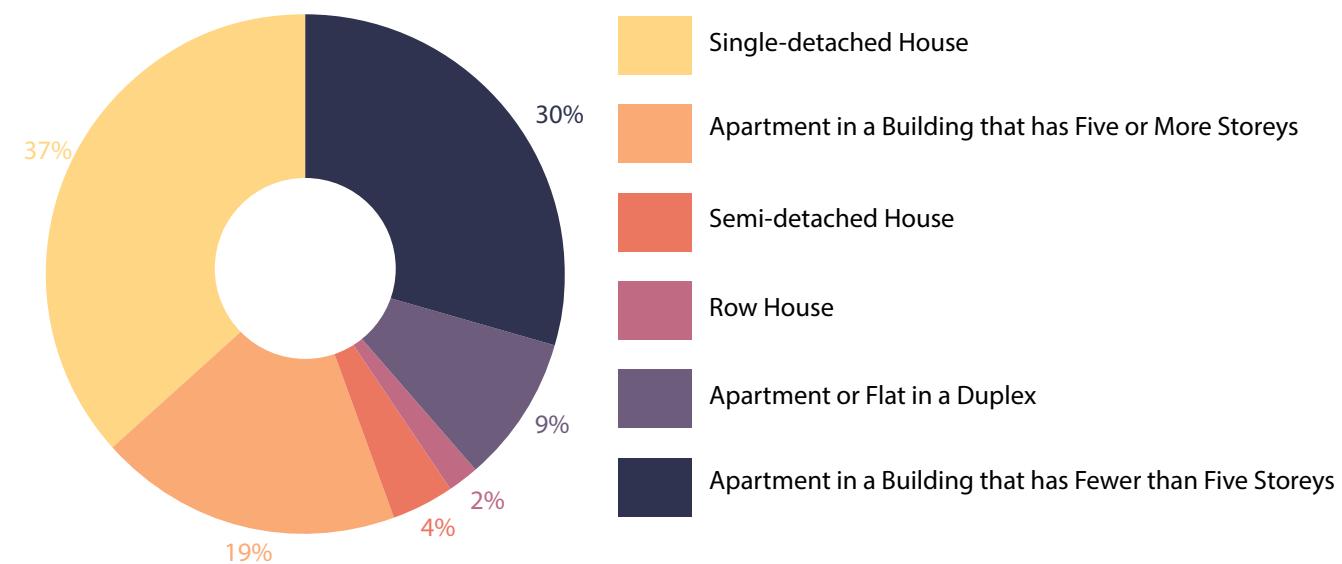
Occupied Private Dwelling by Structure Type in CT 27



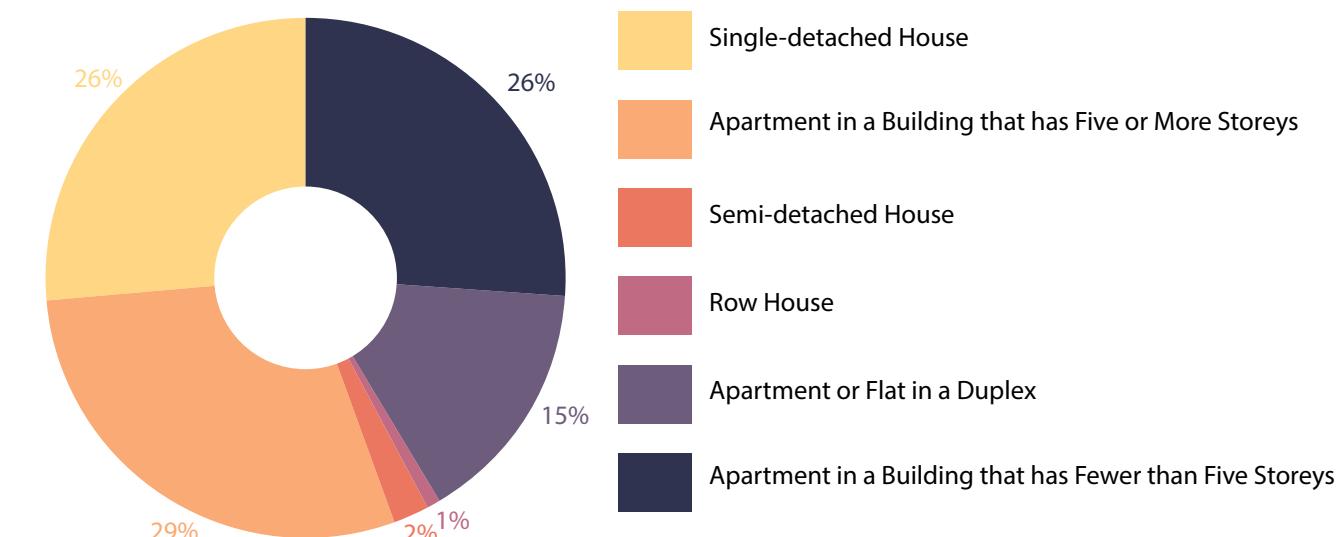
Occupied Private Dwelling by Structure Type in CT 29

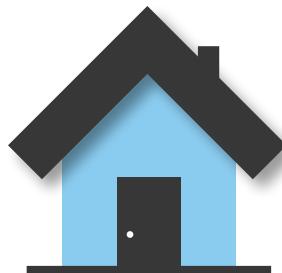


Occupied Private Dwelling by Structure Type in CT 30

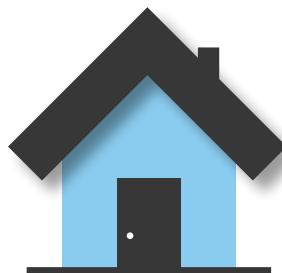


Occupied Private Dwelling by Structure Type in CT 31



**Study Area:**

Average Value of Dwelling:
\$ 146,598
Average Cost of Monthly Rent:
\$ 772

**Windsor:**

Average Value of Dwelling:
\$ 246,465
Average Cost of Monthly Rent:
\$ 816

**CT 27:**

Average Value of Dwelling:
\$ 95,674
Average Cost of Monthly Rent:
\$ 764

**CT 29:**

Average Value of Dwelling:
\$ 195,128
Average Cost of Monthly Rent:
\$ 827

**CT 30:**

Average Value of Dwelling:
\$ 122,802
Average Cost of Monthly Rent:
\$ 772

**CT 31:**

Average Value of Dwelling:
\$ 172,786
Average Cost of Monthly Rent:
\$ 725

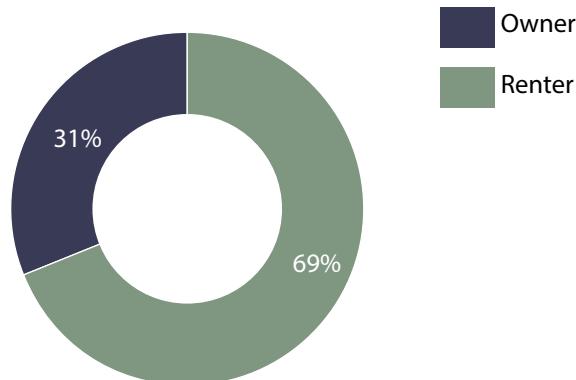
Home Ownership

The study area has a relatively high proportion of renters, as 69% of households rent their places of residence. Across the four Census Tracts, the percentage of households renting their homes range from 42% to 77%. Three of the Census Tracts have percentages of renters around 70%, but Census Tract 27 is an outlier with only 42% of residents renting their homes. The City as a whole has approximately 28% of the population renting, making the proportion of renters in the study area considerably higher than the rest of the City.

Housing Cost

The average value of dwellings within the study area is \$146,598, while the average cost of monthly rent is \$772. Across the four Census Tract, the average value of shelters range from \$95,674 to \$195,128, and the average costs of monthly rent range from \$725 to \$827. The highest cost for monthly rent appears in the same Census Tract as the highest value of homes. However, the correlation does not hold for the lowest values. While Census Tract 27 has the lowest average value of shelters of \$95,674, the lowest average cost of monthly rent belongs to Census Tract 31, with a value of \$725. Compared to the City as a whole, where the average value of homes is \$246,465 and the average monthly rent is \$816, the costs of dwellings within the study area are lower.

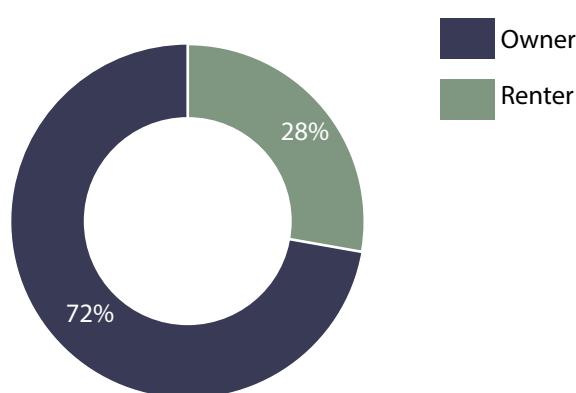
Private Households by Tenure in the Study Area



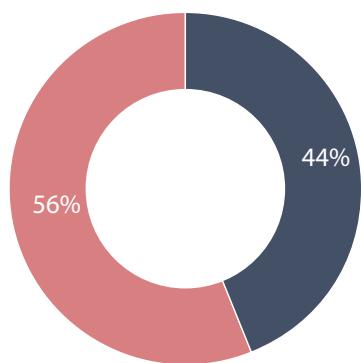
Affordable Housing

Housing is considered affordable if less than 30% of total household income is devoted to paying for the cost of housing. The term is not limited to renters, as it can apply to homeowners who are paying for mortgages or other fees. Affordable housing does not necessarily mean that the residents are living in social or subsided housing, rather that they can afford the cost of housing without putting an unreasonable strain on their private finances. In the study area, 44% of total households are spending 30% or more of income on shelter costs. Of the residents in each Census Tract, two-thirds to over half are living in conditions that are deemed unaffordable. As a whole, 22% of Windsor residents live in homes that are not affordable, meaning that each Census Tract has a higher percentage of residents living in unaffordable housings.

Private Households by Tenure in Windsor

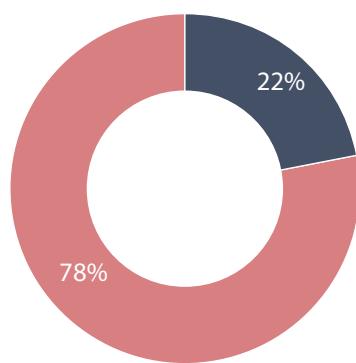


Affordable Housing in the Study Area



- Spending Less than 30% of Income on Shelter Costs
- Spending 30% or More of Income on Shelter Costs

Affordable Housing in Windsor



- Spending Less than 30% of Income on Shelter Costs
- Spending 30% or More of Income on Shelter Costs

D.7 Transportation Characteristics

A Note on Data Collection

Data regarding transportation modes are collected based on the modes of transportation individuals use to get to and from work. While this method does provide more consistency with the data, it assumes that individuals are likely to use their preferred mode of travel more often and does not present a complete picture of the study area. In particular, preferred travel modes of non-working populations such as selected students, unemployed individuals, or the elderly are not included within the data. Given that the students especially are a significant population within the study area, the information on transportation modes may not be entirely reflective of the entire population.

Popular Modes of Transportation

The most common mode of commuting is by car, as a total of 66% of study area residents travel to their places of work by car either as the driver or passenger. Census Tract 29 is the only area in the study area, where the proportion of car travellers does not reach 50% of the total population. In comparison, 92% of Windsor's population use cars to commute to their places of employment.

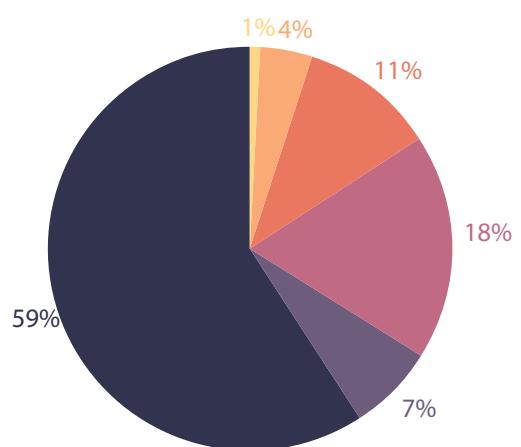
Active and Alternative Transportation

Active Transportation refers to any mode of travel that involves physical movement, such as walking or biking, and it is often promoted as a way to increase physical activities and encourage more active lifestyles. In the study area, while 11% of people walk to work regularly, there are only 4% of residents that cycle to their workplaces. When examined independently, these figures may seem small. However, when compared to the entire City, where only 3% of people go to work on foot and 1% of the population bike to work, the figures of the study area would no longer be considered small.

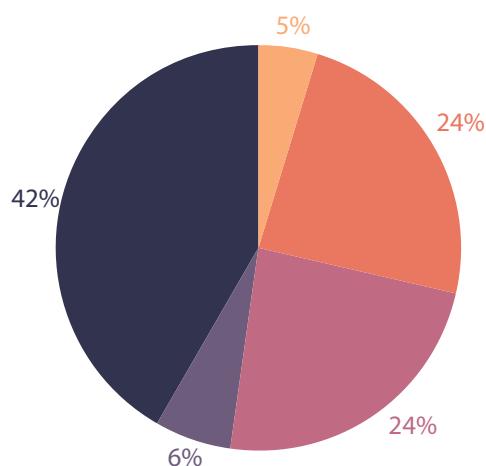
Similarly, alternative transportation is any mode of transportation that does not involve a single car being operated by one person, thus producing less greenhouse gas per trip. In addition to the walking and cycling mentioned above, alternative transportation also includes other modes such as carpooling and taking public transportation. With higher percentages of people using alternative transportation as their primary method to get to work, the study area is more likely to have a more active population than the less walkable or transit-supportive regions in the rest of the City. Furthermore, since the residents in the study area tend to have lower incomes, alternative modes may be their only option. For example, riding public transits and walking make up almost half of all travel methods for residents travelling to and from work in Census Tract 29, an area that is dominated by students.

- Car; Truck; Van - As a Driver
- Car; Truck; Van - As a Passenger
- Public Transit
- Walked
- Bicycle
- Other Mode

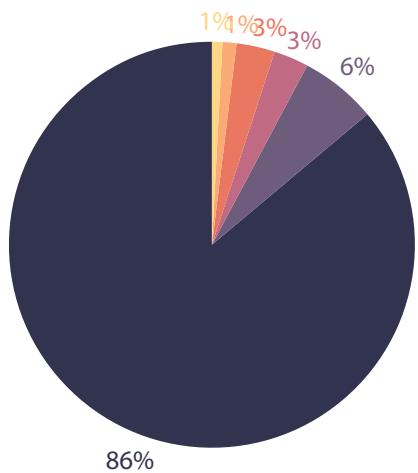
Main Transportation Mode to Access Employment in the Study Area



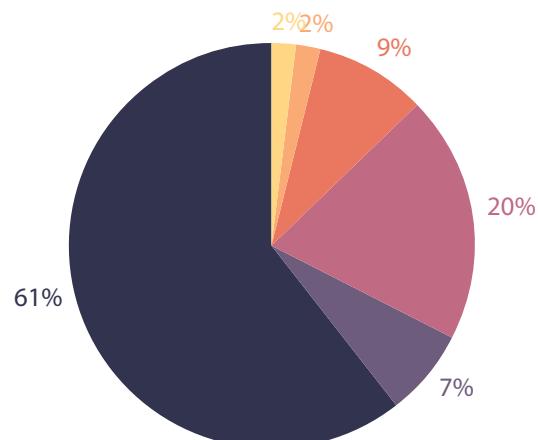
Main Transportation Mode to Access Employment in CT 29



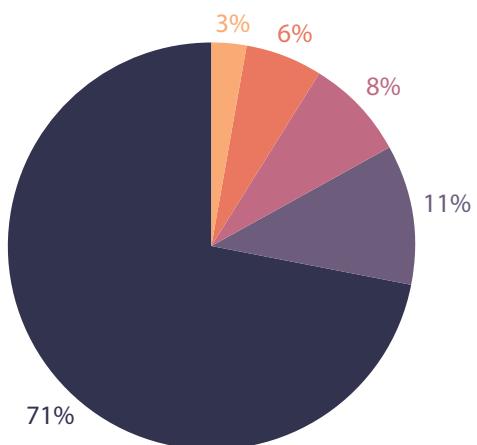
Main Transportation Mode to Access Employment in Windsor



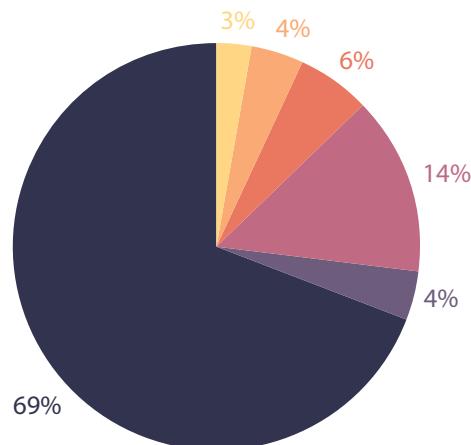
Main Transportation Mode to Access Employment in CT 30



Main Transportation Mode to Access Employment in CT 27



Main Transportation Mode to Access Employment in CT 31



Section E AREA HISTORY & BUILT HERITAGE

E.1 Area History

The study area is the location of significant history within the Windsor-Essex region, as its location along the Detroit River made it an ideal location for early inhabitants. The City of Windsor Archeological Master Plan stipulates “The shoreline comprises the earliest continuous European settlement in Ontario. The European influx began in the early 18th century with French settlement that grew up around Fort Ponchartrain (later Fort Detroit) on the north side of the river. The south shore, now Windsor, was settled later in the 18th century by French families from the St. Lawrence River settlements.” It was the influence of Fort Detroit that established the Our Lady of Assumption Parish, which built Assumption Church, Rosary Chapel and Sacristy, and Assumption College. In addition to the buildings associated with the parish, a cemetery is also located at Huron Church Road and Wyandotte Street, and Assumption Park is at Huron Church Road and University Avenue/Riverside Drive West.



University Avenue was formerly called London Street until the 1960's. (Source: <http://swoda.uwindsor.ca/content/224>)

The area consists of neighbourhoods from two different former municipalities (Sandwich and Windsor), as shown above. The municipalities amalgamated in 1935.

Source: Fire Insurance Map, dated 1920, revised 1924

E.2 Built Heritage

Ten properties along University Avenue West and three properties along Wyandotte Street West are on the Municipal Heritage Register as designated or listed properties. The are the following:

Assumption Church

350 Huron Church Rd / University Ave W
Heritage Register: Designated



Rosary Chapel & Sacristy

2735 University Ave W / Huron Church Rd
Heritage Register: Designated



Victoria Manor Apartments

308 Randolph Ave
Heritage Register: Listed



London Apartments

1766 University Ave W.
Heritage Register: Listed



Church of the Ascension

1385 University Ave W
Heritage Register: Listed

**Francis Apartments**

1314 University Ave W.
Heritage Register: Listed

**S.W.&A. Car Barns**

1200-20 University Ave W
Heritage Register: Listed

**Clavary United Church/London Street Methodist**

1099 University Ave W
Heritage Register: Listed



Government of Canada Bldg.

1100 University Ave
Heritage Register: Listed

**Major John Richardson Library**

1495 Wyandotte St W
Heritage Register: Designated

**J.E. Benson School**

1556 Wyandotte St W
Heritage Register: Listed



Other Heritage Sites:

Assumption Cemetery

Huron Church Rd / Wyandotte St W
Heritage Register: Listed

Assumption Park

Riverside Dr W / Huron Church Rd / University Ave W
Heritage Register: Designated



Section F SWOT Analysis

F.1 Land Use

Strengths

- The study area is a relatively complete area containing retail and service commercial, residential, recreational, open space, and institutional uses
- It contains a range of retail and commercial uses that provide the goods and services needed by residents on a day-to-day basis
- It has anchor destinations that draw residents to the study area, including the University of Windsor, a recreational complex, an out-door swimming pool, and a number of churches

Weaknesses

- The study area is dominated by businesses that provide services; consequently, there is a relatively smaller percentage of shops that sell retail goods

Opportunities

- There is an opportunity for medium and higher density residential infilling which may help to provide a population base for increased commercial diversity

Threats

- N/A

F.3 Built Form

Strengths

- Most buildings appear to be in relatively good physical condition

Weaknesses

- The overall aesthetic quality and visual impression of buildings in the study area is poor
- The façades of buildings are generally worn and dated; they would benefit from façade improvements

Opportunities

- Some buildings may be suitable for redevelopment
- A façade improvement program would promote aesthetic enhancement

Threats

- The presence of a large number of unappealing structures may negatively affect the City's overall image

F.3 Heritage

Strengths

- Twelve properties designated under the Ontario Heritage Act
- There are several buildings with heritage features and façades that reflect the historic identity of the area

Weaknesses

- Many properties of historic interest have not been well-maintained, or have been modified with non-historic materials
- Signage for a large majority of buildings is contemporary in style and materials

Opportunities

- There are opportunities to restore some properties of interest, and ensure continued maintenance and adaptive reuse of designated properties

Threats

- Lack of appropriate maintenance and restoration threatens viability of reusing historical properties

F.4 Streetscape

Strengths

- Wide right-of-way along University Avenue.
- High quality streetscaping along Wyandotte Street West around the University of Windsor and adjacent commercial cluster.

Weaknesses

- Streets are solely functional in nature, generally lacking the consistent pattern of streetscape amenities that help make streets great public spaces (amenities such as benches, bike racks, garbage receptacles, pedestrian lighting, and public art)

Opportunities

- Additional streetscape amenities that facilitate the engagement of various activities among people should be introduced

Threats

- N/A

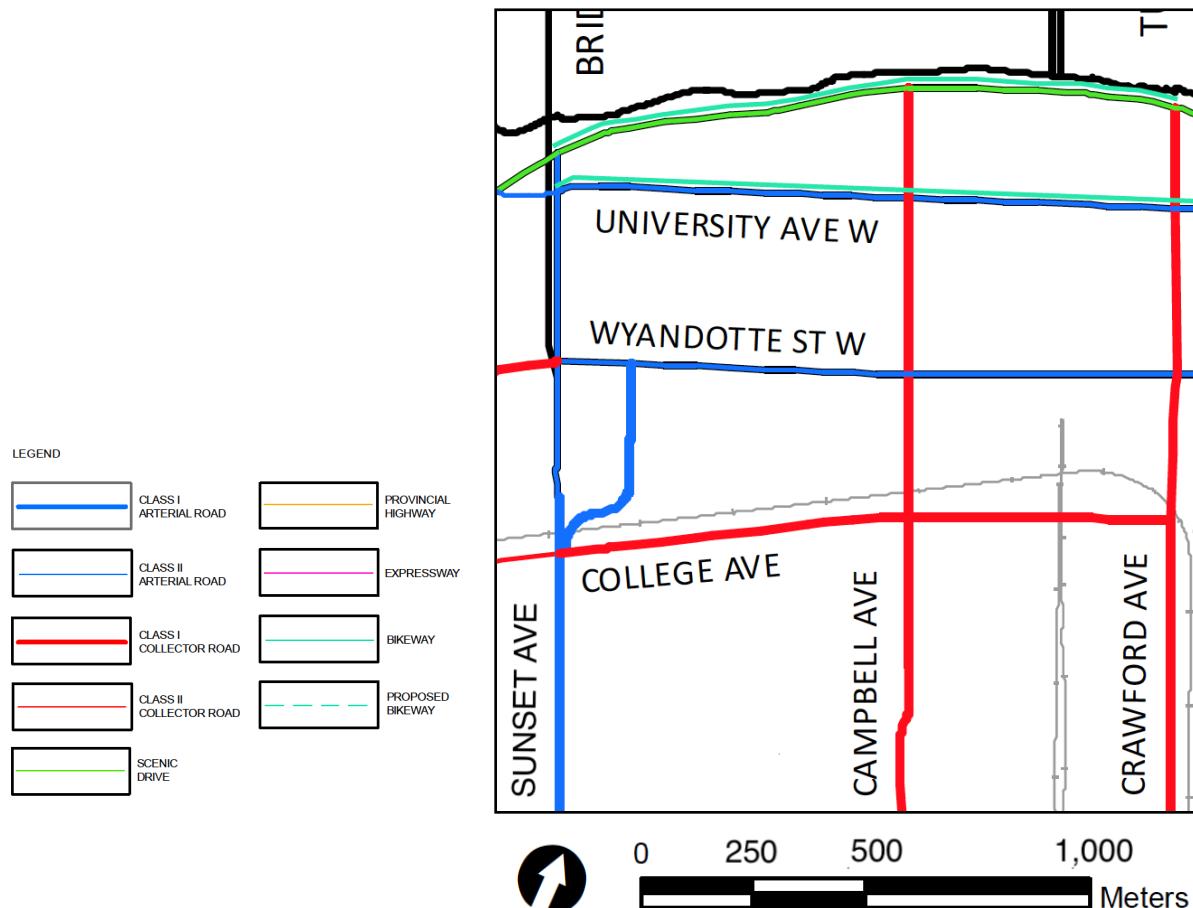
Section G Transportation & Connectivity

G.1 Road Configuration

Schedule F of the Windsor Official Plan designates the different classes of roads and bikeways.

Within the study area, University Avenue West, Wyandotte Street West and Sunset Avenue are classified as Class II Arterial Road. Whereas, Campbell Avenue and Crawford Avenue are classified as Class I Collector Roads.

Street hierarchy states that traffic is amassed through collector roads, channelled to high-capacity arterial roads, then delivered to expressways and provincial highways.



Road Configuration Map

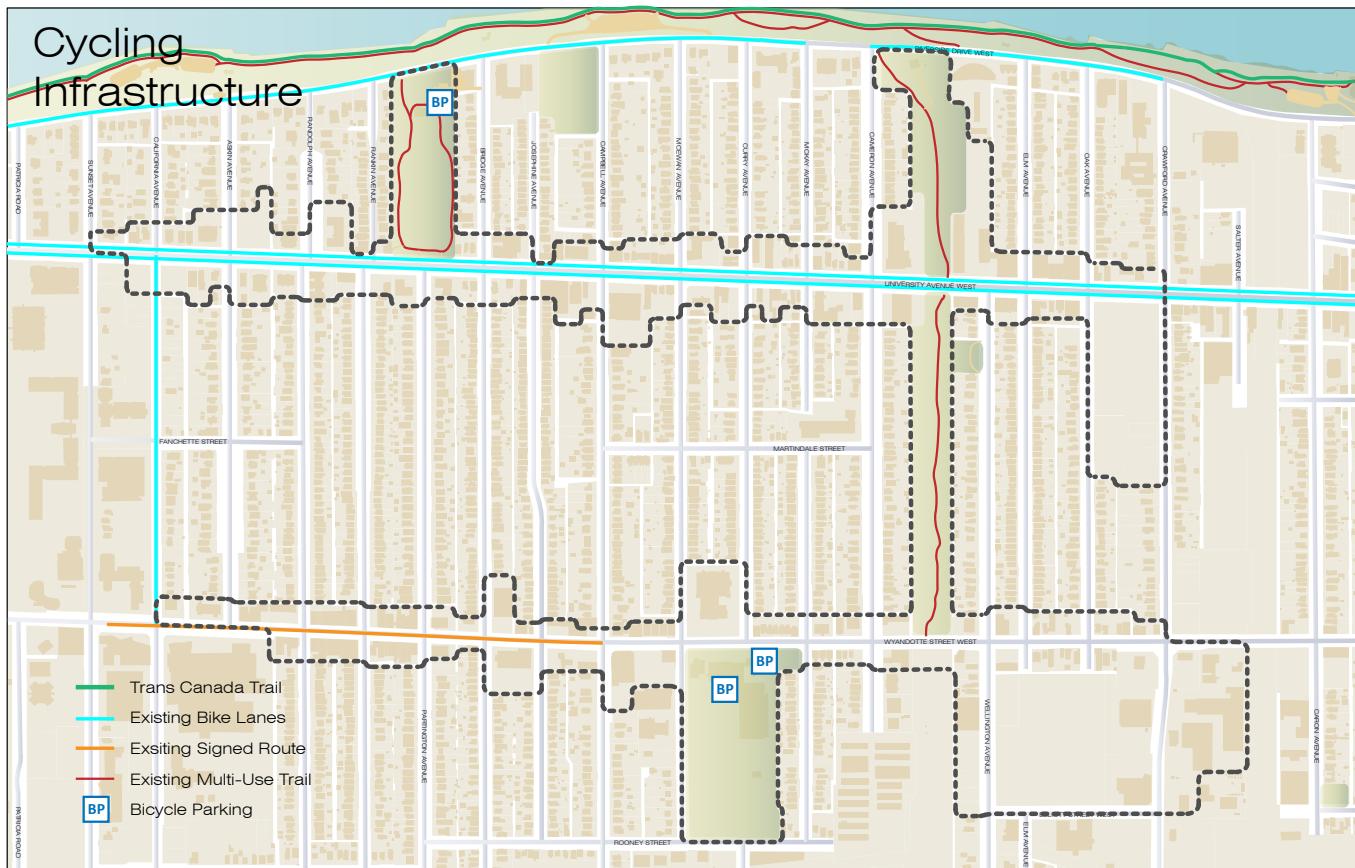
G.2 Cycling Infrastructure



There are a few areas with available bikeways for the public access. University Avenue West and California Avenue both have painted bike lanes, bounded by a solid white line and the bike symbol. The establishment of bikeways are essential to promote sustainability and active transportation.

Wyandotte Street West from Sunset Avenue to Campbell Avenue is designated as a signed route. Signs are established throughout the route, informing drivers about the presence of cyclists on a shared road.

There are two multi-use trails shared amongst pedestrians, in-line skaters and non-motorized vehicles. One is named Wellington Rail, which runs between Cameron Avenue and Wellington Avenue. The other is in Atkinson Park, located between Rankin Avenue and Bridge Avenue. There are two main bike parking areas near the study area. One is in Atkinson Park. The other is in Wilson Park between McEwan Avenue and McKay Avenue on Wyandotte Street West.



Section H Water & Sewer Infrastructure

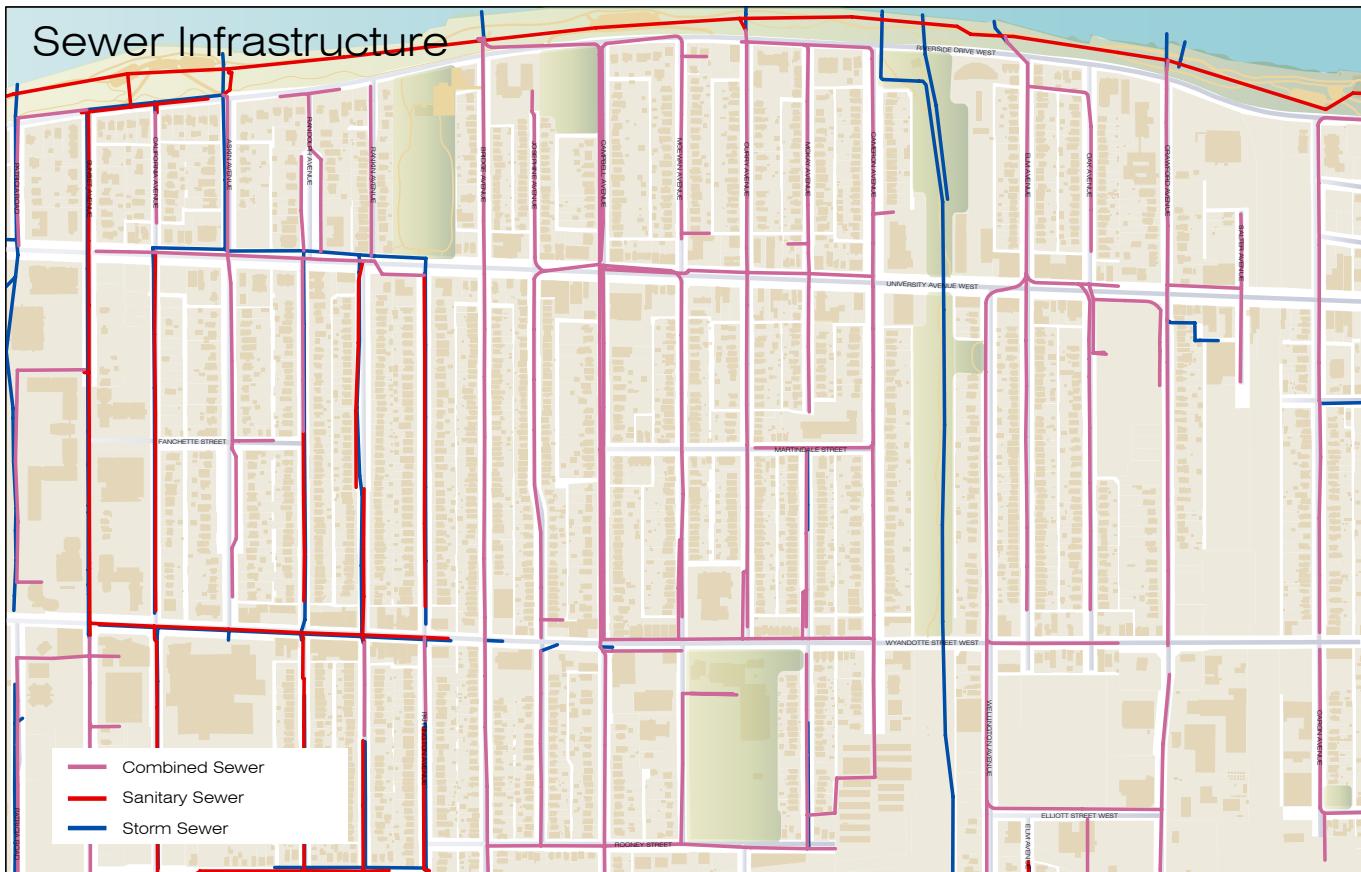
The study area is fully served by water and sewer service.

Combined sewers, that collect surface runoff and sewage together, exist within the study area, however some blocks have been upgraded with separate storm and sanitary lines (as shown on the map below).

The Campbell/University Combined Sewer Separation and Stormwater Management Strategy Report was recently completed. The main objective of the Campbell/University Report was to develop an overall combined sewer separation strategy to achieve a 5 year design level of service. More information is needed to determine the impacts of future development/redevelopment on stormwater and sanitary systems.

Any future redevelopment will require a servicing study, a functional design, and capital improvements to accommodate redevelopment and mitigate any impacts to the existing development. Therefore, in order to consider the infrastructure needs for future development, a servicing study will be required following the Sewer Master Plan.

A functional servicing study could be completed Spring 2021. Phase II and Phase III will be coordinated with the functional servicing study. The City's 2020's 8-year capital budget identifies annual funding. Funding for a servicing study, a functional design, and capital improvements required for future redevelopment is not within the approved 8-year capital budget.





Committee Matters: SCM 251/2020

Subject: Downtown CIP Grant Application under the Building/Property Improvement Tax Increment Grant Program made by Sarah Cipkar for 524 Bruce Avenue, Ward 3

Moved by: Councillor Morrison
Seconded by: Councillor Holt

Decision Number: **DHSC 191**

- I. THAT the request made by Sarah Cipkar (Owner) for the proposed development at 524 Bruce Avenue to participate in the Building/Property Improvement Tax Increment Grant Program **BE APPROVED** for 100% of the municipal portion of the tax increment resulting from the proposed development of a second residential unit in an accessory structure for five (5) years in accordance with the Downtown Windsor Enhancement Strategy and Community Improvement Plan.
- II. THAT Administration **BE DIRECTED** to prepare an agreement between the City and Sarah Cipkar (Owner) to implement the Building/Property Improvement Tax Increment Grant Program in accordance with all applicable policies, requirements, and provisions contained within the Downtown Windsor Enhancement Strategy and Community Improvement Plan to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications.
- III. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Grant Agreements.
- IV. THAT should the proposed development not be completed in one (1) year, City Council **AUTHORIZE** that the funds be uncommitted and made available for other applications.

Carried.

Report Number: S 93/2020
Clerk's File: SPL/13877

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

Subject: Downtown CIP Grant Application under the Building/Property Improvement Tax Increment Grant Program made by Sarah Cipkar for 524 Bruce Avenue, Ward 3

Reference:

Date to Council: August 10, 2020
Author: Laura Diotte, MCIP, RPP
Planner III - Special Projects
519-255-6543 ext. 6396
lbdiotte@citywindsor.ca

Petrina Cheung
Policy Planning Assistant
pcheung@citywindsor.ca

Planning & Building Services
Report Date: July 13, 2020
Clerk's File #: SPL/13877

To: Mayor and Members of City Council

Recommendation:

- I. THAT the request made by Sarah Cipkar (Owner) for the proposed development at 524 Bruce Avenue to participate in the Building/Property Improvement Tax Increment Grant Program **BE APPROVED** for 100% of the municipal portion of the tax increment resulting from the proposed development of a second residential unit in an accessory structure for five (5) years in accordance with the Downtown Windsor Enhancement Strategy and Community Improvement Plan; and,
- II. THAT Administration **BE DIRECTED** to prepare an agreement between the City and Sarah Cipkar (Owner) to implement the Building/Property Improvement Tax Increment Grant Program in accordance with all applicable policies, requirements, and provisions contained within the Downtown Windsor Enhancement Strategy and Community Improvement Plan to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications.
- III. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Grant Agreements.

IV. THAT should the proposed development not be completed in one (1) year, City Council **AUTHORIZE** that the funds be uncommitted and made available for other applications.

Executive Summary:

N/A

Background:

The Downtown Windsor Enhancement Strategy and Community Improvement Plan (Downtown CIP) was adopted by City Council on September 29, 2017 and an adopting by-law was passed by City Council on October 16, 2017.

The Downtown CIP provides financial incentives to encourage new residential development, retail investment, facade improvements, and building/property improvements.

Sarah Cipkar has applied for the Building/Property Improvement Tax Increment Grant Program under the Downtown CIP for the property located at 524 Bruce Avenue (as shown on Appendix A).

A single family dwelling currently exists on the subject property and the applicant proposes a second detached residential unit. The second residential unit will be a one bedroom, 40 square metre. The proposed site plan and elevations are attached as Appendix B.

Discussion:

Building/Property Improvement Tax Increment Grant Program

This program is intended to provide economic incentive for the development, rehabilitation and redevelopment of properties in Downtown Windsor. The program provides an annual grant equal to 100% of the increase in municipal property taxes for five years, with the possibility of an extension up to a total of ten (10) years, after the project is completed and reassessed to help offset the costs of rehabilitating and redeveloping properties, as long as such development results in an increase in assessment and therefore an increase in property taxes.

The proposed improvements to the building are anticipated to increase the assessed value and therefore increase municipal taxes. This project qualifies for the five year Building/Property Improvement Tax Increment Grant and the Financial Matters section of this report discusses the estimated grant amount. The project does not qualify for the additional five year extension as it does not meet the definition of a catalyst project.

Risk Analysis:

There is low risk associated with the approval of the subject Downtown CIP grant applications. An agreement between the City and owner will be prepared to ensure the Building/Property Improvement Tax Increment Grant Program requirements and provisions of the Downtown Windsor Enhancement Strategy and Community

Improvement are met, and the grant payments will not start until after construction is completed.

Financial Matters:

Building/Property Improvement Tax Increment Grant Program

The program provides an annual grant equal to 100% of the increase in municipal property taxes for five (5) years.

The base rate from which the grant is calculated is the total amount of municipal taxes payable in the calendar year that City Council approves the financial incentives for the eligible works.

The estimated value of the grant represents 100% of the estimated increase in the municipal portion of property taxes for a period of 5 years. The Downtown CIP stipulates that the grant cannot be more than the eligible costs. The estimated total tax increment grant is \$3,650 over 5 years. The applicant estimates \$115,000 in investment to build the accessory dwelling unit containing a second residential unit. The grant represents approximately 3.2% of the estimated investment for this development.

Estimate Property/Building Improvement Tax Increment Grant Calculation 524 Bruce			
Year of Grant	Pre Development Municipal Taxes	Post Development Municipal Taxes	Estimate Value of Grant
1	\$ 1,249	\$ 1,979	\$ 730
2	\$ 1,249	\$ 1,979	\$ 730
3	\$ 1,249	\$ 1,979	\$ 730
4	\$ 1,249	\$ 1,979	\$ 730
5	\$ 1,249	\$ 1,979	\$ 730
		Total Grant Estimate	\$ 3,650

Assumptions

Current Property Value Assessment (2020 - Residential)	\$ 77,000
Current Municipal Tax Levy (2020)	\$ 1,249
Estimate Post Development Property Assessment (Residential)	\$ 122,000
Municipal Residential Tax Rate (2020)	0.01622679
Estimate Post Development Tax Levy	\$ 1,979
Total Estimate Eligible Costs	\$ 115,000

Because the Grant Program does not cancel taxes, the owner must pay the full amount of property taxes annually and will subsequently receive a grant for the difference between the pre and post-development municipal taxes. The City will retain the amount of pre-development (base) municipal taxes throughout the lifespan of the grant program; however will be foregoing any incremental property taxes which could otherwise be used to offset future budget pressures.

Consultations:

The Downtown CIP was subject to stakeholder and public consultation as part of the approval process, including public meetings, a statutory public meeting and circulation among internal City staff and the Province.

Planning staff have consulted with the owner prior to accepting the application. Staff from the Planning and Building Division were consulted in the preparation of this report. Additionally, the following staff were consulted in the preparation of this report:

Don Nantais, Financial Planning Admin.

Carolyn Nelson, Manager of Property Valuations and Admin.

Jose Mejalli, Assessment Management Officer

Conclusion:

Staff recommends that the application for the Building/Property Improvement Tax Increment Grant be approved.

Planning Act Matters:

N/A

Approvals:

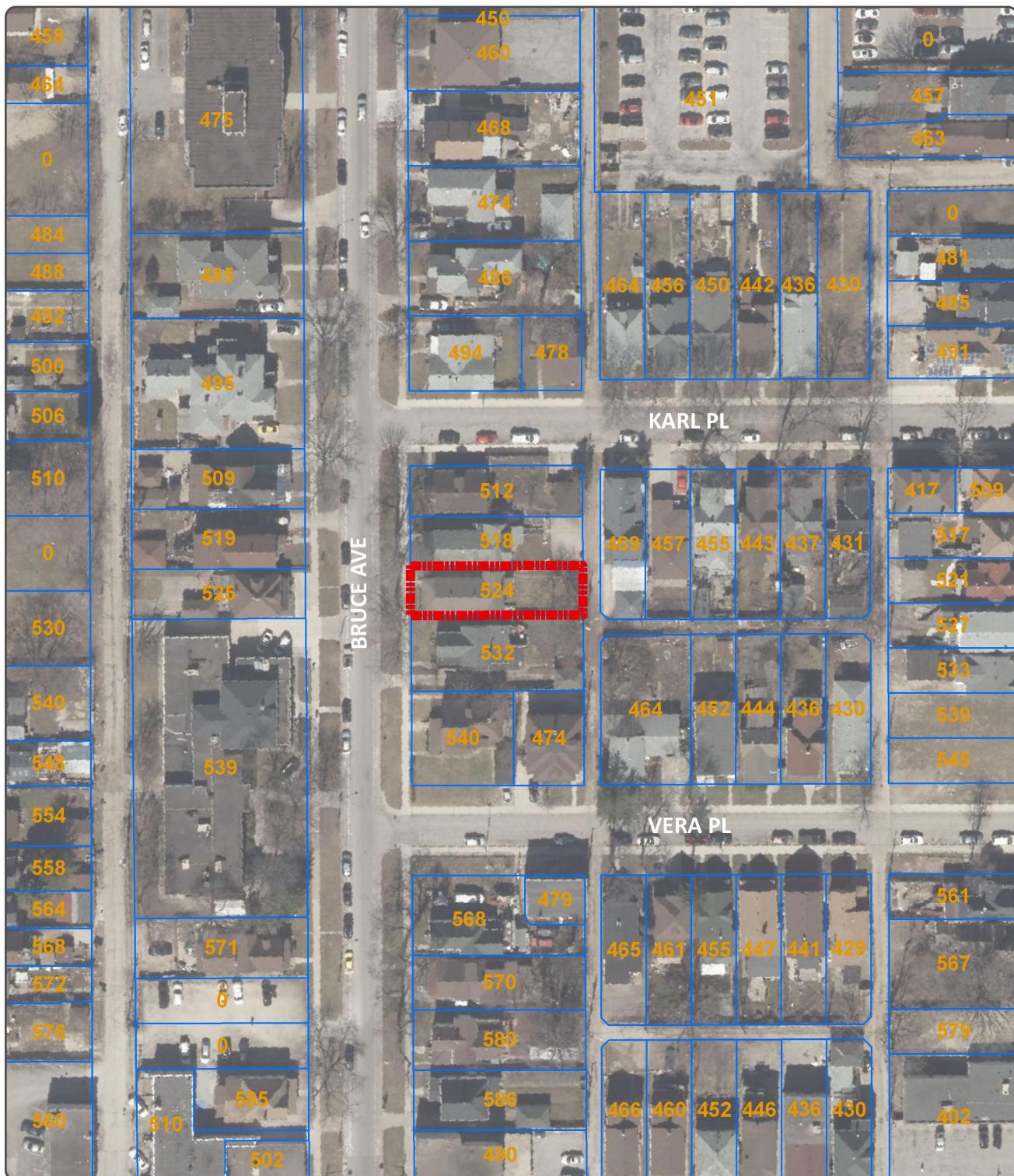
Name	Title
Don Nantais	Financial Planning Admin
Neil Robertson	Manager of Urban Design
Thom Hunt	City Planner/Executive Director of Planning and Building Services
Wira Vendrasco	Deputy City Solicitor
Shelby Askin Hager	City Solicitor
Janice Guthrie	Deputy Treasurer Taxation and Financial Planning
Joe Mancina	Chief Financial Officer/City Treasurer
Onorio Colucci	Chief Administrative Officer

Notifications:

Name	Address	Email
Sarah Cipkar		scipkar@gmail.com

Appendices:

- 1 Appendix A - Location Map
- 2 Appendix B - Permit Drawings



LOCATION MAP: 524 BRUCE AVENUE



SUBJECT PROPERTY

0 5 10 20 30 Meters



ZONING:

EXISTING LOT COVERAGE:

MAIN DWELLING= 1,330 SQ.FT

NEW LOT COVERAGE:

MAIN DWELLING= 0 SQ.FT

DETACHED SECONDARY UNIT= 430 SQ.FT

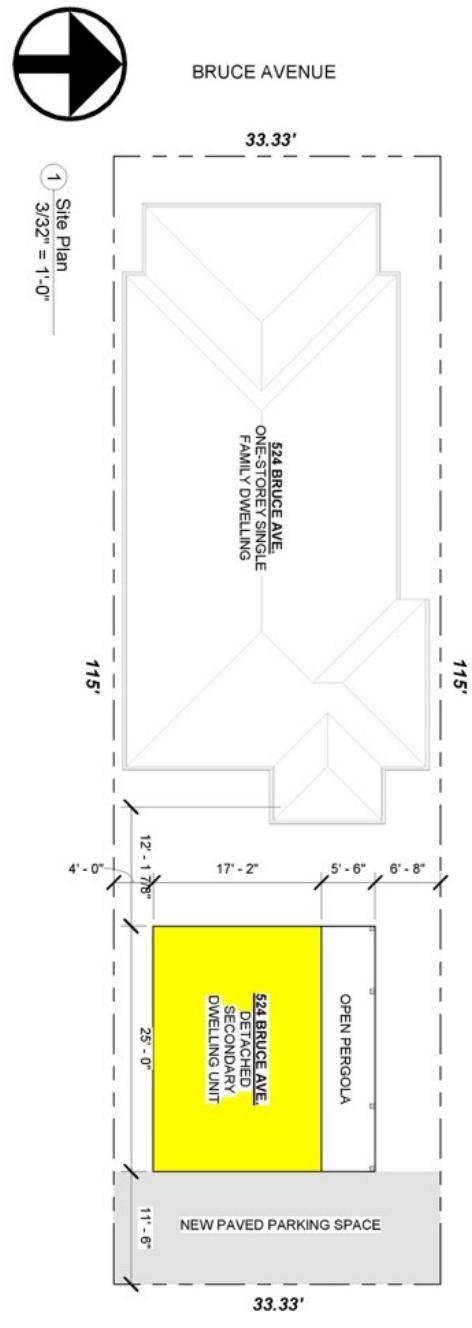
LOT AREA= 3,833 SQ.FT

TOTAL LOT COVERAGE= 45 %

ENERGY REQUIREMENTS (EXTENTION OF EXISTING):

CEILING WITH ATTIC SPACE (R80)
CEILING WITHOUT ATTIC SPACE (R31)
EXPOSED FLOOR (R31)
WALLS ABOVE GRADE (R22)
FLOOR SLAB (R10)

② Rendering Looking West
12" = 1'-0"



OPEN ALLEY

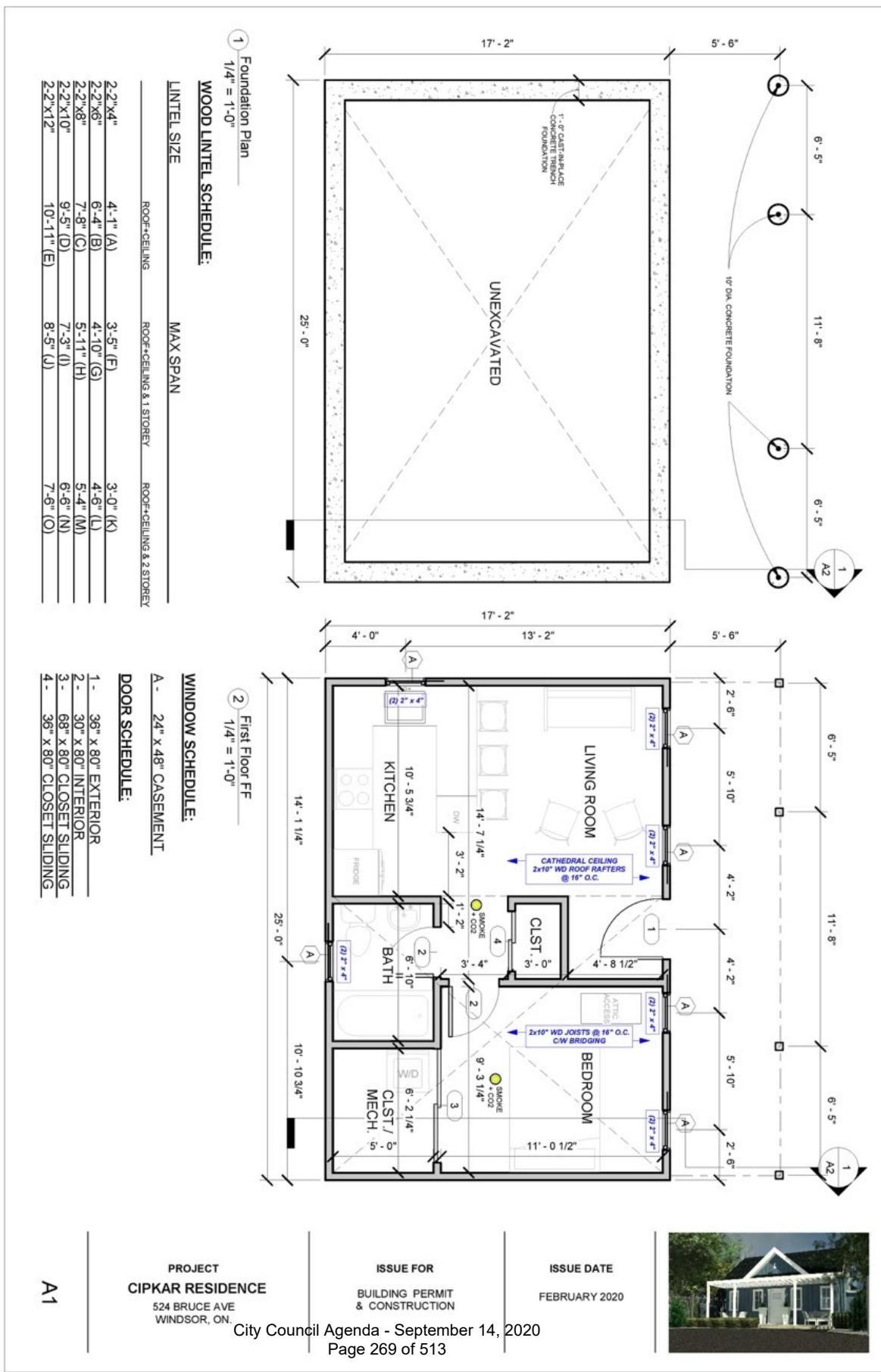


C1

PROJECT
CIPKAR RESIDENCE
524 BRUCE AVE
WINDSOR, ON.

ISSUE FOR
BUILDING PERMIT
& CONSTRUCTION

ISSUE DATE
FEBRUARY 2020

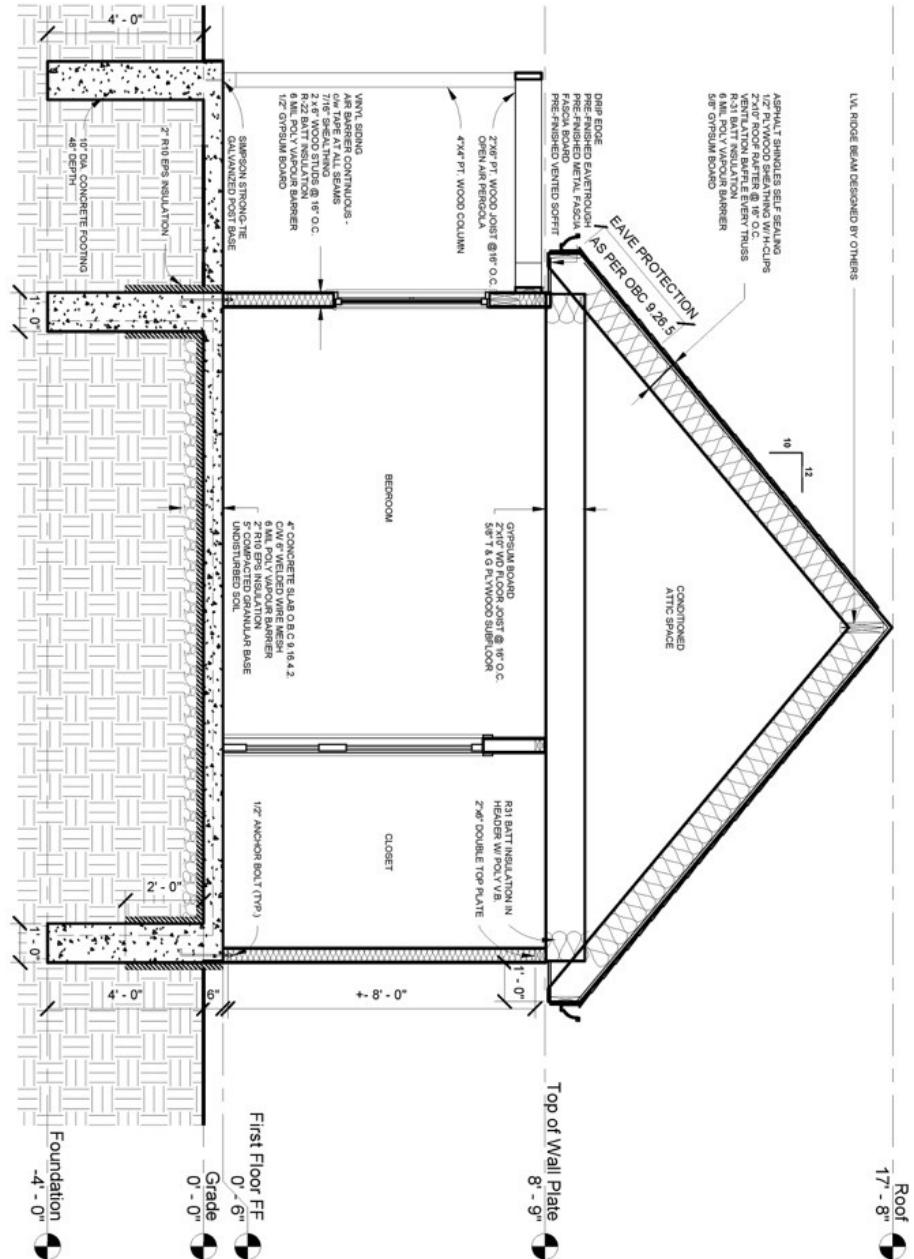


**PROJECT
CIPKAR RESIDENCE
524 BRUCE AVE
WINDSOR, ON**

ISSUE FOR
BUILDING PERMIT
& CONSTRUCTION

ISSUE DATE
FEBRUARY 2020





1 Building Sections
3/8" = 1'-0"

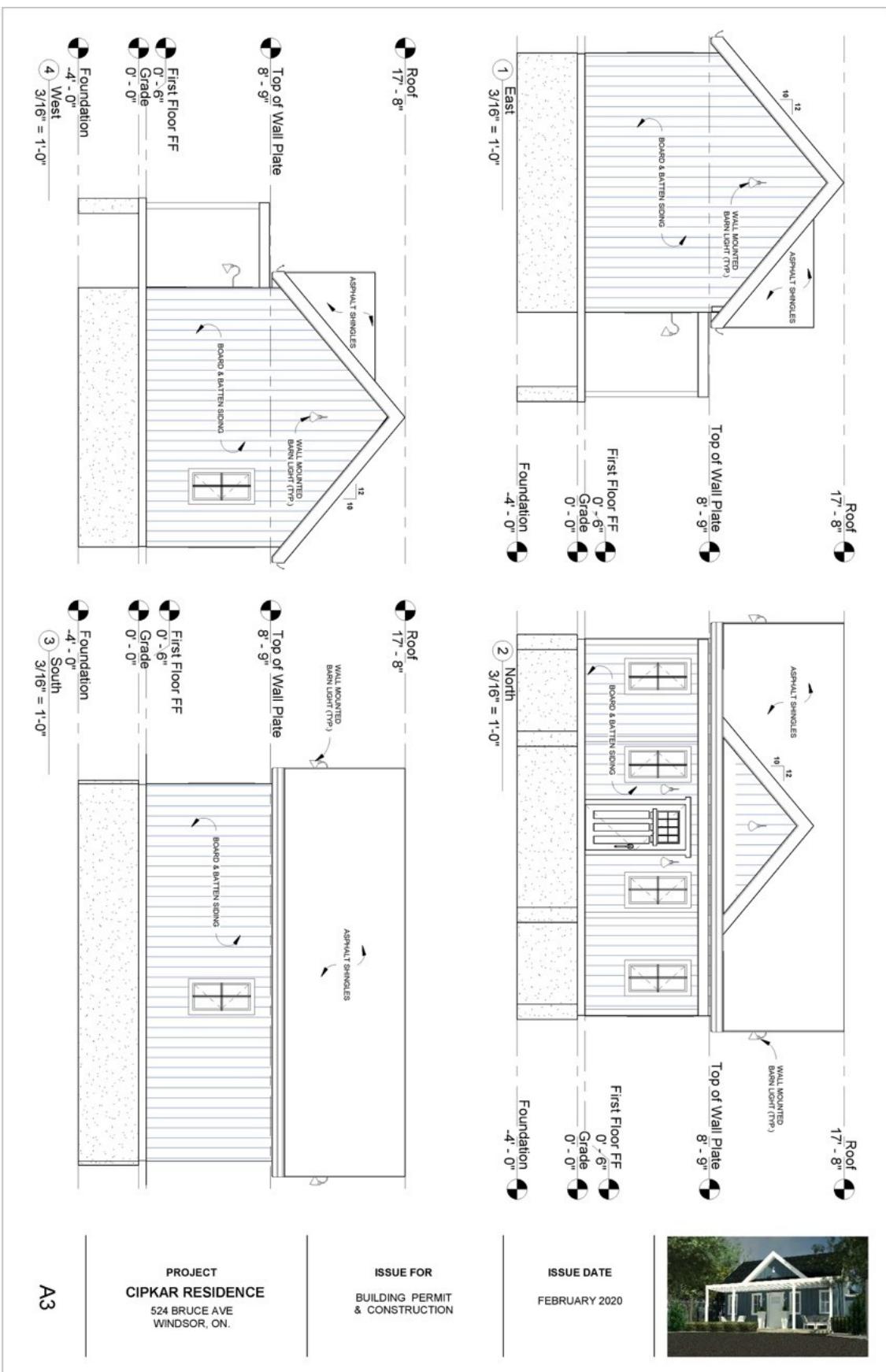
A2

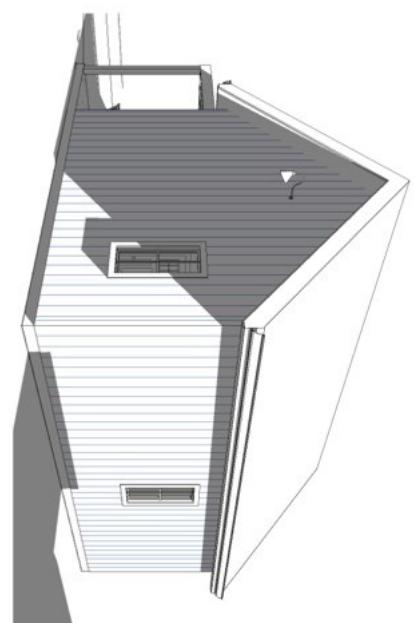
PROJECT
CIPKAR RESIDENCE
524 BRUCE AVE
WINDSOR, ON.

ISSUE FOR
BUILDING PERMIT
& CONSTRUCTION

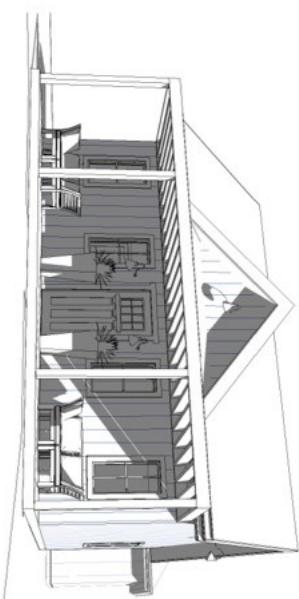
ISSUE DATE
FEBRUARY 2020







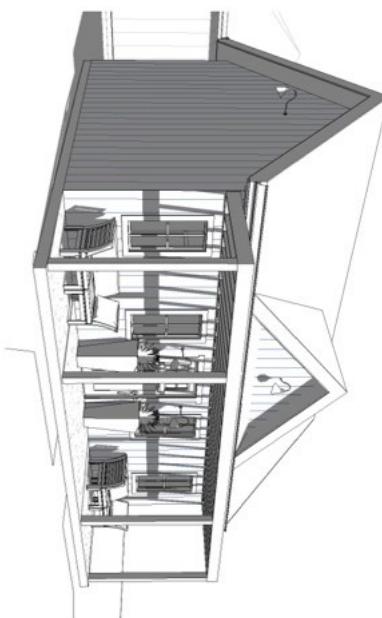
3 South-East View



1 South-West View



4 North-East View



2 North-West View

PROJECT
CIPKAR RESIDENCE
524 BRUCE AVE
WINDSOR, ON.

ISSUE FOR
BUILDING PERMIT
& CONSTRUCTION

ISSUE DATE
FEBRUARY 2020





Committee Matters: SCM 252/2020

Subject: Close and Convey the East/West Alley between Fifth Street and Sixth Street, North of Amy Lynn Park Drive and South of Lambton Street, and Close and Convey a portion of the Sixth Street Right-of-Way, North of Amy Lynn Park Drive and South of Lambton Street - SAA/5928 - Applicant: Gregory Zimmer - 2158 Amy Lynn Park Drive – Ward 1

Moved by: Councillor Holt

Seconded by: Councillor Morrison

Decision Number: **DHSC 193**

- I. THAT the portion of the 4.57 metre wide east/west alley located between Fifth Street and Sixth Street, North of Amy Lynn Park Drive and South of Lambton Street, and shown as "Part 1" on Drawing No. CC-1766 *attached* as Appendix "A", **BE ASSUMED** for subsequent closure.
- II. THAT the portion of the 4.57 metre wide east/west alley located between Fifth Street and Sixth Street, North of Amy Lynn Park Drive and South of Lambton Street, and shown as "Part 1" on Drawing No. CC-1766 *attached* as Appendix "A", **BE CLOSED AND CONVEYED** to the owners of 2158 Amy Lynn Park Drive, 2164 Amy Lynn Park Drive and 2170 Amy Lynn Park Drive, and adjusted as necessary, in a manner deemed appropriate by the City Planner.
- III. THAT Conveyance Cost **BE SET** as follows:
 - a. For alley abutting lands zoned Residential RD1.1 and Green District GD1.4: \$1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
- IV. THAT the 5.82 metre wide by 4.50 metre long portion of the Sixth Street right-of-way North of Amy Lynn Park Drive and South of Lambton Street, and shown as "Part 2" on Drawing No. CC-1766 *attached* as Appendix "A", **BE ASSUMED** for subsequent closure.
- V. THAT the 5.82 metre wide by 4.50 metre long portion of the Sixth Street right-of-way North of Amy Lynn Park Drive and South of Lambton Street, and shown as "Part 2" on Drawing No. CC-1766 *attached* as Appendix "A", **BE CLOSED AND CONVEYED** to the owner of 2158 Amy Lynn Park Drive, and adjusted as necessary, in a manner deemed appropriate by the City Planner.

- VI. THAT Conveyance Cost **BE SET** at \$1.00 plus deed preparation fee and proportionate share of survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
- VII. THAT the 4.24 metre wide by 2.25 metre long portion of the Sixth Street right-of-way North of Amy Lynn Park Drive and South of Lambton Street, and shown as "Part 3" on Drawing No. CC-1766 *attached* as Appendix "A", **BE CLOSED AND RETAINED** and adjusted as necessary, in a manner deemed appropriate by the City Planner.
- VIII. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing Number. CC-1766, *attached* as Appendix "A".
- IX. THAT the owners of 2158, 2164 and 2170 Amy Lynn Park Drive **BE REQUIRED** to install non-permeable fences where no fence exists between their properties and the Spring Garden Natural Area.
- X. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
- XI. 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.
- XII. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.

Carried.

Report Number: S 99/2020
Clerk's File: SAA2020

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

Subject: Close and Convey the East/West Alley Between Fifth Street and Sixth Street, North of Amy Lynn Park Drive and South of Lambton Street, and Close and Convey a portion of the Sixth Street Right-of-Way, North of Amy Lynn Park Drive and South of Lambton Street - SAA/5928 -
Applicant: Gregory Zimmer - 2158 Amy Lynn Park Drive – Ward 1

Reference:

Date to Council: August 10, 2020
Author: Christopher Aspila MCIP, RPP
Planner III - Policy & Special Studies
Phone: 519-255-6543 x6446
caspila@citywindsor.ca

Planning & Building Services
Report Date: July 23, 2020
Clerk's File #: SAA2020

To: Mayor and Members of City Council

Recommendation:

- I. THAT the portion of the 4.57 metre wide east/west alley located between Fifth Street and Sixth Street, North of Amy Lynn Park Drive and South of Lambton Street, and shown as "Part 1" on Drawing No. CC-1766 *attached* as Appendix "A", **BE ASSUMED** for subsequent closure;
- II. THAT the portion of the 4.57 metre wide east/west alley located between Fifth Street and Sixth Street, North of Amy Lynn Park Drive and South of Lambton Street, and shown as "Part 1" on Drawing No. CC-1766 *attached* as Appendix "A", **BE CLOSED AND CONVEYED** to the owners of 2158 Amy Lynn Park Drive, 2164 Amy Lynn Park Drive and 2170 Amy Lynn Park Drive, and adjusted as necessary, in a manner deemed appropriate by the City Planner;
- III. THAT Conveyance Cost **BE SET** as follows:
 - a. For alley abutting lands zoned Residential RD1.1 and Green District GD1.4: \$1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor;
- IV. THAT the 5.82 metre wide by 4.50 metre long portion of the Sixth Street right-of-way North of Amy Lynn Park Drive and South of Lambton Street, and shown as

“Part 2” on Drawing No. CC-1766 *attached* as Appendix “A”, **BE ASSUMED** for subsequent closure;

- V. THAT the 5.82 metre wide by 4.50 metre long portion of the Sixth Street right-of-way North of Amy Lynn Park Drive and South of Lambton Street, and shown as “Part 2” on Drawing No. CC-1766 *attached* as Appendix “A”, **BE CLOSED AND CONVEYED** to the owner of 2158 Amy Lynn Park Drive, and adjusted as necessary, in a manner deemed appropriate by the City Planner;
- VI. THAT Conveyance Cost **BE SET** at \$1.00 plus deed preparation fee and proportionate share of survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor;
- VII. THAT the 4.24 metre wide by 2.25 metre long portion of the Sixth Street right-of-way North of Amy Lynn Park Drive and South of Lambton Street, and shown as “Part 3” on Drawing No. CC-1766 *attached* as Appendix “A”, **BE CLOSED AND RETAINED** and adjusted as necessary, in a manner deemed appropriate by the City Planner
- VIII. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing Number. CC-1766, *attached* as Appendix “A”;
- IX. THAT the owners of 2158, 2164 and 2170 Amy Lynn Park Drive **BE REQUIRED** to install non-permeable fences where no fence exists between their properties and the Spring Garden Natural Area;
- X. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s);
- XI. 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; and,
- XII. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.

Executive Summary:

N/A

Background:

Gregory Zimmer, owner of the property known as 2158 Amy Lynn Park Drive, applied with co-applicants Daniel Curtis, owner of the property known as 2164 Amy Park Drive and Richard Routley, owner of the property known as 2170 Amy Lynn Park Drive to close a portion of the 4.57 metre wide east/west alley located between Fifth Street and Emelia Road, North of Amy Lynn Park Drive and South of Lambton Street, and shown on Drawing No. CC-1766, *attached* as Appendix “A. A portion of the subject lands

proposed for closure has been identified by Administration as an open portion of the Sixth Street right-of-way.

The east/west alley and the portion of the Sixth Street right-of-way appears to be untraveled and is comprised of grass. There are no utilities nor municipal infrastructure located in the alley. There appear to be encroachments from 2158, 2164 and 2170 Amy Lynn Park Drive within the proposed closure.

The applicants want the alley and right-of-way closed to increase their lot sizes and are requesting the full width of the alley and right-of-way.

The properties on the north side of the proposed alley closure are part of the City of Windsor's Spring Garden Natural Area / Park.

Discussion:

Planning Department's analysis of the requested alley closures:

The first test is to determine whether the subject alley and right-of-way is dispensable. To make such determination the guideline attached herein as Appendix "E" would be relevant as shown below:

- a. Does the subject alley serve commercial properties?*

The answer is **NO**.

- b. Does the subject alley serve properties fronting on heavily traveled streets i.e. major arterial routes?*

The answer is **NO**.

- c. Does the subject alley contain sewers, and must the alley remain accessible for servicing?*

The answer is **NO**.

- d. Does the subject alley serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive?*

The answer is **NO**.

- e. Does the subject alley contain Fire Department connections that are deemed to be necessary for firefighting access?*

The answer is **NO**.

Based on the above, the Planning Division deems the subject east/west alley and the portion of the "dispensable" and supports the requested closure.

A site visit on June 16, 2020 identified that the alley and right-of-way is difficult to access from the closest trail in Spring Garden Park due to dense vegetation. It appears

that the alley can only be accessed from the abutting properties on Amy Lynn Park Drive and the right-of-way can only be accessed from 2158 Amy Lynn Park Drive. Photos from the site visit are included in Appendix 'D'.

The Parks Department has confirmed that it does not require the northern half of the alley nor right-of-way abutting Spring Garden Park which means that this portion of the alley and right-of-way could be conveyed to the applicants. Additionally, the Parks Department requests as a condition of conveyance that the applicants install non-permeable fences where no fence already exists to deter further encroachment into the City-owned Spring Garden Natural Area.

There is a 4.24 metre by 2.25 metre portion of the Sixth Street right-of-way shown as "Part 3" on Drawing No. CC-1766. This portion of land is zoned Green District GD1.4, abuts 2152 Amy Lynn Park Drive to the south and east and is separated by a chain link fence as described in Plan 12R-26154. The Sixth Street right-of-way north of the aforementioned "Part 3" was closed by By-law 11209 and remains in City of Windsor ownership. In the Spring Garden Natural Area to the north of the Sixth Street right-of-way there are Provincially Significant Wetlands and throughout the Spring Garden Natural Area there are Species at Risk at undisclosed locations. It will be difficult and costly to rezone and develop these lands based on the natural heritage features and small size of "Part 3" and previously closed portion of the Sixth Street right-of-way.

It is important to note that upon closure, alleys within the City of Windsor are typically divided into parcels along the centreline of the closed alley in order to equitably convey the alley to each abutting property owner. However, where there are existing encroachments or other obstructions, the alley may be divided partially or in other ways to address such situations in a manner deemed appropriate by the City Planner. A topographic survey would be a necessary tool to use in determining the appropriate manner of conveyance. The goal is to provide each abutting property owner the opportunity to acquire a portion of the closed alley. In the case of this portion of alley, the abutting property owner is the City of Windsor.

The recommendations are to close and convey the full width of the alley "Part 1" to the applicants, to close and convey the open portion of the Sixth Street right-of-way "Part 2" to the owner of 2158 Amy Lynn Park Drive and to close the remnant 4.24 metre by 2.25 metre portion of the Sixth Street right-of-way "Part 3" and retain ownership by the City of Windsor.

Risk Analysis:

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

Financial Matters:

For alleys abutting lands zoned Residential RD1.1 and Green District GD1.4, \$1.00, plus deed preparation, plus proportionate survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

For the Sixth Street right-of-way abutting Residential RD1.1 and Green District GD1.4, \$1.00, plus deed preparation, plus proportionate survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

Consultations:

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

There were no objections from the municipal departments and utility companies for the requested alley closure. The Parks Department requested that fences made of non-permeable material be installed where fences do not exist at 2158, 2164 and 2170 Amy Lynn Park Drive.

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

Conclusion:

The Planning Division recommends closure of the portion of the east/west alley shown on attached Appendix "A".

The closed portion is to be conveyed to the applicants as in Recommendation II of this report.

Planning Act Matters:

N/A

Approvals:

Name	Title
Michael Cooke	Manager of Planning Policy/Deputy City Planner
Thom Hunt	City Planner / Executive Director Planning & Building
Wira Vendrasco	Deputy City Solicitor
Shelby Askin Hager	City Solicitor and Corporate Leader Economic Development and Public Safety
Onorio Colucci	Chief Administrative Officer

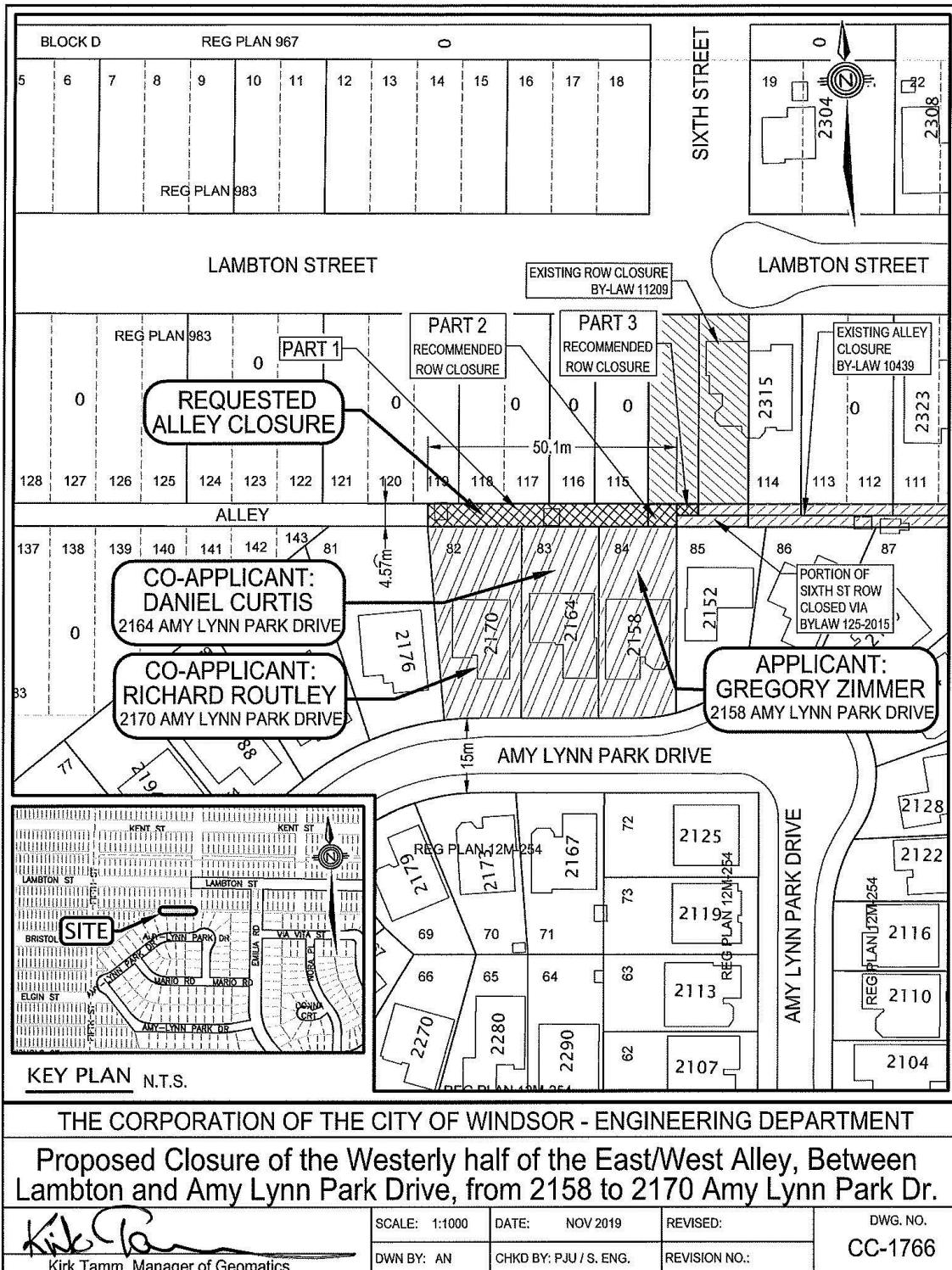
Notifications:

Name	Address	Email
Councillor Fred Francis	City Hall Square W., Suite 220, Windsor Ontario N9A 6S1	ffrancis@citywindsor.ca
Gregory Zimmer (applicant)	2158 Amy Lynn Park Dr, Windsor Ontario N9E 4N1	Myers2158@icloud.com
Daniel Curtis (co-applicant)	2164 Amy Lynn Park Dr, Windsor Ontario N9E 4N1	Dads_fix@yahoo.com
Richard Routley (co-applicant)	2170 Amy Lynn Park Dr, Windsor Ontario N9E 4N1	Ritch.Routley@gmail.com
Numanul Subhani	2152 Amy Lynn Park Dr, Windsor Ontario N9E 4N1	
City of Windsor	Facility Management City Hall Windsor Ontario N9A 6S1	

Appendices:

- 1 Appendix "A" - Drawing No. CC-1766
- 2 Appendix "B" - Aerial Photo
- 3 Appendix "C" - Consultations Table
- 4 Appendix "D" - Site Visit Photos
- 5 Appendix "E" - Classification of Alleys and Suitability for Closure

Appendix "A" – Drawing No. CC-1766



Appendix "B" – Aerial Photo



Appendix "C" – Consultations Table

Agency	Comments
Fire and Rescue Services	No concerns
Windsor Police Services	The Windsor Police Service has no concerns or objections with this application. The proposed closure will not negatively impact police response or service delivery to the affected area.
Planning – Landscape Architect	No comments received.
Parks & Facilities	No concerns.
Public Works – Engineering	The subject alley closure is approximately 4.55m (15ft) wide, and is composed of grass. There are no hydro poles, guy-wires, or overhead wires located in the alley. There are no sewers, manholes, or catchbasins located in the alley closure. There appears to be multiple encroachments from 2158, 2164, and 2170 Amy Lynn Park Drive within the closure. This alley appears to serve no useful purpose by CR146/2005; therefore, we have no objections to the closure of this alley.
Public Works – Environmental	No concerns from Environmental Services
Public Works – Transportation	No objections
Transit Windsor	No comments received.
Bell Canada	Bell Canada has no concerns with SAA/5928 regarding the west half of alley between Lambton and Amy Lynn Park.
Cogeco Cable Systems Inc.	Please be advised that Cogeco does NOT require an easement.
Canada Post	Canada Post has no comments
Rogers Communications	No comments received.
Telus Communications	TELUS has no infrastructure in the area of your proposed work. Permit expires six(6) months from approval date.
MNSi	No comments received.
EnWin Utilities – Hydro	Hydro Engineering: No objections
Windsor Utilities – Water	Water Engineering: No objections
Endridge Gas	We have no issues with this.
Legal Department	The proposed alley closure is not part of Sixth Avenue that has been closed. I see no other issues with the proposed closure.

	EIS identifies the alley as within the Spring Garden Natural Area however the applicants have clearly been using the property. Like wise splitting the alley down the middle with half being retained by the City is not practical as the applicants are occupying it. Assuming there has not been a change in policy regarding an existing encroachment affecting the conveyance price than the lands would be \$1 plus deed prep and proportionate share of survey costs.
OTHER:	

Appendix 'D' – Site Visit Photos



1. Looking south / southwest towards alley from trail extending from Lambton Street in Spring Garden Park.

Appendix 'D' – Site Visit Photos



2. Looking south / southeast towards alley from trail extending from Lambton Street in Spring Garden Park.

Classification of Public Rights-of-Ways:

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

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

Suitability for Closing:

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

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



Committee Matters: SCM 255/2020

Subject: EWSWA Regular Board Meeting Minutes - May 5, 2020

Moved by: Councillor McKenzie

Seconded by: Councillor Kaschak

Decision Number: **ETPS 776**

THAT the minutes of the Essex-Windsor Solid Waste Authority (EWSWA) of its Regular Board meeting held May 5, 2020 **BE RECEIVED**.

Carried.

Report Number: SCM 206/2020

Clerk's File: MB2020



Committee Matters: SCM 206/2020

Subject: EWSWA Regular Board Meeting Minutes - May 5, 2020



Essex-Windsor Solid Waste Authority

Regular Board Meeting

MINUTES

Meeting Date: May 5, 2020

Time: Regular Session - 4:00 PM

Location and Meeting Instructions: Meeting to take place via teleconference (no video)
Board Members and Staff will receive e-mail notification which will include telephone dialing instructions

Anyone from the public or media wishing to be able to listen to the meeting is required to send an e-mail request to the Authority's General Manager Eli Maodus at emaodus@ewswa.org by noon of the meeting date. Telephone dialing instructions will be provided. The public and media will be able to listen to the meeting but will not be allowed to participate in the discussions.

Attendance

Board Members:	Fabio Costante Gary Kaschak - Chair Kieran McKenzie Jim Morrison Ed Sleiman Marc Bondy Aldo DiCarlo – Vice Chair Hilda MacDonald Gary McNamara	City of Windsor City of Windsor City of Windsor City of Windsor City of Windsor County of Essex County of Essex County of Essex County of Essex (Ex-Officio)
EWSWA Staff:	Eli Maodus Michelle Bishop Tom Marentette Cathy Copot-Nepszy Teresa Policella Natasha Couvillion	General Manager Manager of Finance & Administration Manager of Waste Disposal Manager of Waste Diversion Executive Secretary Manager of Performance Measurement & Financial Administration
City of Windsor Staff:	Anne Marie Albidone Dwayne Dawson Tony Ardonini	Manager of Environmental Services Executive Director of Operations Deputy Treasurer Financial Planning
County of Essex Staff:	Mary Birch Sandra Zwiers Drew Dilkens Cindy Becker	Director of Council & Community Services/Clark Director of Financial Services/Treasurer City of Windsor (Ex-Officio) Financial Planning Administrator
Absent:		

1. Call to Order

The Chair called the meeting to order at 4:01 PM.

2. Roll Call of Board Members Present

Marc Bondy - Present

Fabio Costante - Present

Aldo DiCarlo - Present

Gary Kaschak - Present

Hilda MacDonald - Present

Kieran McKenzie - Present

Gary McNamara - Present

Jim Morrison - Present

Ed Sleiman - Present

3. Amendment to Order and Proceedings Policy EW-001 re: Electronic Meetings during a Declaration of Emergency

The General Manager referred to the report on pages 1 and 2 of the agenda package. He stated that an amendment to the Order and Proceedings Policy EW-001 would have to be considered before the meeting could proceed via teleconference.

The General Manager stated the Province of Ontario, the City of Windsor and the County of Essex have all made a Declaration of Emergency due to the COVID-19 pandemic.

The General Manager also noted that Municipal Act, 2001 was amended to allow for electronic participation by members of council, a local board or of a committee when an emergency has been declared to exist in all or part of the municipality.

The General Manager stated that Section 2.1, 2.4 and 8.7 of EWSWA Policy EW-001 will have to be revised to allow the proceedings of Board meetings and/or committees to be held electronically.

The General Manager stated that Section 2.1 has to be revised to add the following sentences:

In the event that the City of Windsor or the County of Essex or the Province of Ontario make a Declaration of Emergency, the EWSWA Board may choose to conduct a meeting of the Board, or any of its committees, via video-conference or tele-conference. If possible, the Board Chair, General Manager and the Executive Secretary shall be physically present at the same location in order to conduct the meeting and to administer the video-conference or tele-conference.

The General Manager stated that the following sentence be added to Section 2.4 as follows:

In the event that a Board meeting is conducted via video-conference or tele-conference due to a Declaration of Emergency, instructions will be posted on the Authority's website and on the agenda cover page so as to advise the public and the media as to how they may view and/or listen to the meeting via a video-conference link and/or tele-conference.

The General Manager also stated that following sentence be added to Section 8.7 as follows:

Delegates shall not be permitted to participate in the event that a Board meeting is conducted via video-conference or tele-conference. Under this circumstance, a delegate can choose to present a written submission in advance of the meeting for the Board to consider.

Moved by Gary McNamara

Seconded by Ed Sleiman

THAT the following sentences be added to **Section 2.1** of Policy No. EW-001 as follows:

In the event that the City of Windsor or the County of Essex or the Province of Ontario make a Declaration of Emergency, the EWSWA Board may choose to conduct a meeting of the Board, or any of its committees, via video-conference or tele-conference. If possible, the Board Chair, General Manager and Executive Secretary shall be physically present at the same location in order to conduct the meeting and to administer the video-conference or tele-conference the minutes from the Essex-Windsor Solid Waste Authority Regular Meeting, dated November 5, 2019, be approved and adopted.

THAT the following sentences be added to **Section 2.4** of Policy No. EW-001 as follows:

In the event a Board meeting is conducted via video-conference or tele-conference due to a Declaration of Emergency, instructions will be posted on the Authority's website and on the agenda cover page so as to advise the public and the media as to how they may view and/or listen to the meeting via video-conference link and/or tele-conference.

THAT the following sentences be added to **Section 8.7** of Policy No. EW-001 as follows:

Delegates shall not be permitted to participate in the event that a Board meeting is conducted via video-conference or tele-conference. Under this circumstance, a delegate can choose to present a written submission in advance of the meeting for the Board to consider.

15-2020

Carried Unanimously

4. Declaration of Pecuniary Interest

The Chair called for any declarations of pecuniary interest and none were noted. He further expressed that should a conflict of a pecuniary nature or other arise at any time during the course of the meeting that it would be noted at that time.

5. Approval of the Minutes

A. February 4, 2020 Regular Meeting Minutes

The General Manager noted that the header was missing on the meeting minutes in the agenda package.

Moved by Hilda MacDonald

Seconded by Jim Morrison

THAT the minutes from the Essex-Windsor Solid Waste Authority Regular Meeting, dated February 4, 2020, be approved and adopted.

16-2020

Carried Unanimously

6. Business Arising from the Minutes

No items were raised for discussion.

7. Correspondence

There were no correspondence items for consideration.

8. Delegations

There were no delegations present.

9. Waste Disposal

A. Impact of COVID-19 on EWSWA Operations

The General Manager referred to page 14 of the agenda package.

The General Manager stated that there have been no adverse health issues among EWSWA staff. All staff have continued to report to their work location and those staff who are able to work from home have been assigned to do so.

The General Manager stated that beginning Friday, March 20, 2020, the Windsor Public Drop-Off Depot was closed to all residential and industrial/commercial/institutional (ICI) customers. The Transfer Station located at this site remains open and staffed by City of Windsor employees in order to receive refuse collected curbside from residents by municipally contracted collectors and to transfer the refuse to the Regional Landfill. The

site is also open to receive organic yard waste collected curbside from residents by municipally contracted collectors.

The General Manager also stated that the Fibre and Container MRF's located at this site have continued to operate as usual. Contracted staff continue to receive, segregate and prepare for sale blue box recyclables.

The General Manager stated that the Household Chemical Waste operations is being supported part-time by the contractor to process only motor oil which is collected curbside as part of the blue box program.

The General Manager stated that beginning on Saturday, March 28, 2020, the Public Drop-Off Depot at the Kingsville Transfer Station was closed to residential customers. The site remains open for ICI customers and municipal collectors who deliver waste, organic yard waste and recyclables.

The General Manager stated that the Regional Landfill has remained open, fully staffed and with no interruptions in operations.

The General Manager stated that the EWSWA Administration office located at the Civic Centre continues to remain staffed and operational. The Civic Centre has been closed to the public. Staff who are able to work from home have been assigned to do so.

The General Manager stated that curbside recycling collection in the City of Windsor and the 7 County municipalities has continued uninterrupted and staff has remained well and healthy.

The General Manager stated that only bulk compost for delivery is available at this time due to the Windsor and Kingsville Public Drop-Off Depots being closed to the public. This satisfies a partial need by residents. Residents cannot purchase bagged or bag your own compost at this time. Large landscaping companies are still able to purchase compost in large volumes at the Regional Landfill.

The General Manager stated that tipping fees associated with residential and ICI customers who would attend the Windsor Public Drop-Off Depot and residential customers who would normally attend the Kingsville Public Drop-Off Depot has been curtailed since March 20 and March 28, respectively, to April 30, 2020. During the same time period last year, the Windsor site totaled \$152,000 in revenue and \$32,000 for the Kingsville site. The General Manager stated that there have not been any material expenditure increases due to COVID-19. He also noted that there will be some savings due to the decrease in bin shuttling at the Windsor Public Drop-Off Depot. Administration will provide a more detailed accounting breakdown in the coming months.

The General Manager stated that the Authority is receiving many calls from residents asking if the depots are open and when will they will reopen.

Chair Kaschak stated that many residents are inquiring when the depots will reopen. He noted that questions on this matter will be discussed with Agenda item number 12 – Other Items.

Moved by Marc Bondy

Seconded by Ed Sleiman

THAT the Board receive the EWSWA Operations and COVID-19 report as information.

17-2020

Carried Unanimously

B. Utility Tractor Tender Award

The Manager of Waste Disposal referred to page 17 of the agenda package. He explained that the purpose of the report is to recommend the award of the tender for one new Kioti, model PX1153 PC Utility Tractor to E.R. Vollans Ltd. This utility tractor will be used to cut grass at the Regional Landfill, closed Landfill No. 2 and closed Landfill No. 3.

In March 2020, the Authority issued a tender for the supply of one (1) 4 Wheel Drive Utility Tractor. The tender specified that the tractor be new or used, a 2015-2020 model year with 90-110 PTO HP and with a maximum of 800 engine hours to attract a lower cost. This Utility Tractor will provide increased horsepower for pulling a triple deck bush hog mower deck for grass cutting and will also accommodate the existing ditch cutting mower and have an enclosed cab for safety. This Utility Tractor will replace the existing 10 year old tractor which has reached the end of its useful life.

The tender was emailed directly to 9 equipment suppliers, posted on Biddingo.com, MERX.com, the EWSWA website and was advertised in the Windsor Star and County newspapers. The tender closed on April 16, 2020 at 12:00 pm.

Due to the restrictions in place for COVID-19, tenders were couriered to the Civic Centre and opened by the Manager of Waste Disposal following the closing time. Four (4) tender submissions were received. One tender was received after the closing deadline and was not opened and was returned to the supplier.

The tender package submitted by Delta Power Equipment included 2 bids, McGrail's Farm Equipment submitted 1 bid and E.R. Vollans Ltd. submitted 1 bid. All bids were reviewed for compliance with the tender specifications.

E.R. Vollans Ltd. submitted the lowest bid of \$72,666.87 (excluding taxes).

Authority Administration is recommending the acquisition of the Kioti Tractor, model PX1153 PC as supplied by E.R. Vollans Ltd. at a cost of \$72,666.87 plus applicable taxes. This unit will replace an existing tractor which was purchased new in 2010. The old unit will be sold through a competitive sales process such as GovDeals. The new unit will be financed from the Equipment Replacement Reserve. The cost of the Utility Tractor is below the 2020 budget estimate of \$133,000.

Moved by Gary McNamara

Seconded by Also DiCarlo

THAT the Board approve the acquisition of a Kioti Tractor, model PX1153 PC as supplied by E.R. Vollans Ltd. at a cost of \$72,666.87 plus applicable taxes.

18-2020

Carried Unanimously

C. Extension of Contract with 1869096 Ontario Ltd. (doing business as Canadian Transfer) re: Specialized Equipment Operators at the Regional Landfill and Transfer Station #2

The Manager of Waste Disposal referred to page 19 of the agenda package. The purpose of the report is to recommend that the Board approve a 3 year contract extension with Canadian Transfer for the supply of specialized equipment operators at Transfer Station #2 and the Regional Landfill for the period January 1, 2021 – December 31, 2023 with an extension option for any period or periods up to two (2) additional years upon the mutual agreement of both parties.

The Manager of Waste Disposal stated that the Authority owns the heavy equipment used at the Regional Landfill and Transfer Station #2. The Authority contracts out for specialized equipment operators to operate the heavy equipment. The contract expired on December 31, 2018 and was extended by the Board for an additional 2 year term. The current contract extension started on January 1, 2019 and will expire on December 31, 2020 with no further extension options.

The Manager of Waste Disposal noted that the Authority has a good working relationship with Canadian Transfer. The Authority and Canadian Transfer have worked well as a team focusing on safety, communication and quality service to support Authority operations. Their dedication has been further highlighted during the COVID-19 pandemic situation.

In October 2015, the Authority issued a tender for a 3 year contract. Two bids were received. The bid received from Canadian Transfer was \$51.80 hourly rate per operator. The other bid was received from Windsor Disposal Services Ltd. at \$62.40 hourly rate per operator. On September 12, 2018 the board approved a 2 year extension to utilize the prices received in 2015.

The Manager of Waste Disposal noted that only a few bidders are interested in providing this type of service. The current rate being paid to Canadian Transfer is \$55.64 per hour.

The Manager of Waste Disposal stated that Authority Administration contacted Canadian Transfer to inquire as to their desire for an extension. Canadian Transfer responded that they were agreeable to an extension but that they would require a \$2 per hour increase to the current rate of \$55.64.

The effective rate at January 1, 2021 would be the 2020 rate of \$55.64 per hour plus \$2.00 per hour plus a CPI adjustment on the 2020 rate of \$55.64 to a maximum CPI increase of \$1. Therefore, the maximum rate in effect at January 1, 2021 will be \$58.64 per hour which is still lower than the second bidder from 2015 at \$62.40.

The Manager of Waste Disposal stated that there would be no financial impact on the 2020 budget as the new rate will not be effective until January 1, 2021.

Mr. Sleiman asked if Canadian Transfer is a local company. The Manager of Waste Disposal replied that they are a local company located in Essex on Highway 3.

Moved by Ed Sleiman

Seconded by Hilda MacDonald

THAT the Board approve the recommendation from Administration to extend the contract with 1869096 Ontario Limited (doing business as Canadian Transfer) for the provision of Specialized Equipment Operators at the Regional Landfill and at Transfer Station #2 for the 3-year period January 1, 2021 – December 31, 2023 with an extension option for any period or periods up to 2 additional years upon the mutual agreement of both parties. The effective rate at January 1, 2021 would be the 2020 rate of \$55.64 per hour plus \$2.00 per hour plus a CPI adjustment on the 2020 rate of \$55.64 to a maximum CPI increase of \$1. Therefore, the maximum rate in effect at January 1, 2021 is \$58.64 per hour. And further, that the Chairman and General Manager be authorized to execute an extension agreement.

19-2020

Carried Unanimously

10. Waste Diversion

A. Plastic Bags and Blue Box Collection Update

The Manager of Waste Diversion referred to page 22 of the agenda package.

The Manager of Waste Diversion provided an update on the upcoming June 1, 2020 “No Plastic Bags...Period!” recycling campaign.

The Manager of Waste Diversion stated that the campaign was first introduced to the Board members at the February 2020 Board meeting. She explained that this campaign is a collaborative between the Environmental Services Department of the City of Windsor and EWSWA’s Waste Diversion Department. At the February Board meeting it was noted that this information would be promoted to the public in late March.

The Manager of Waste Diversion explained that the collaborative between EWSWA and the City of Windsor decided to continue work on the proposed campaign during the COVID-19 pandemic. She noted that through the upcoming month through to June there will be media ads and information to residents will be made through 311,

newsletters, social media, interviews, print ads, etc. She also stated that the collector trucks will have display boards as well.

The Manager of Waste Diversion stated that there are no foreseen financial implications. She also noted that on pages 24-27 of the agenda package are examples of the resources the collaborative has worked on. She also stated a media release came out this week.

Mr. McKenzie stated that he appreciates all the work that went into a communication like this. In terms of social media, Mr. McKenzie asked if the City of Windsor and the County municipalities will also be communicating this information on their own websites and social media.

The Manager of Waste Diversion stated that the City of Windsor has been “pushing out” this information and EWSWA has been “tagging” the City of Windsor and the municipalities through social media.

Mr. McKenzie asked if the community is understanding all of this information and are we seeing less plastic bags since this launch.

The Manager of Waste Diversion stated that there have not been any checks done yet.

The Manager of Waste Diversion stated that plastic bags were never accepted in the blue box program but collectors picked them up anyway. If they do use a plastic bag it should go in the garbage and not in the blue box.

Mr. Kaschak commented on how plastic bags have come in to play due to the COVID-19 pandemic.

Moved by Kieran McKenzie

Seconded by Gary McNamara

THAT the Board receive the Update on “No Plastic Bags...Period!” Campaign report as information.

20-2020

Carried Unanimously

B. Update on EWSWA Outreach Activities

The Manager of Waste Diversion referred to page 28 of the agenda package.

The Manager of Waste Diversion stated that each year the Authority participates with various collaboratives. Some of the events have been cancelled due to the COVID-19 pandemic. She stated that once restrictions have been lifted the annual Truckload Sale which is normally held the first week of May will be rescheduled. The Authority will be reaching out with this information through social media and the Recycle Coach app. She also stated that the annual Envirotips newsletter will be mailed out in the next few weeks. The campaign on the plastic bags ban will be emphasized in the newsletter.

She also stated that there is a potential for a fall open house, however, it is dependent on COVID-19.

Moved by Marc Bondy
Seconded by Ed Sleiman

THAT the Board receive the Update on Annual EWSWA Outreach Activities report as information.

21-2020

Carried Unanimously

C. Organics Grind and Haul month-to-month extension with Windsor Disposal Services post May 31, 2020 until a tender issue later this year

The Manager of Waste Diversion referred to page 34 of the agenda package. She stated that the report was to recommend a month-to-month extension with Windsor Disposal Services (WDS) for the Processing/Grinding and Hauling contract. She noted that the Authority requires the services of a contractor to grind and haul yard waste organics generated by residents.

The Manager of Waste Diversion stated that the contract was awarded to WDS in May 2014 for the period of May 12, 2014 to June 2, 2018 and was extended through an extension clause until May 31, 2020.

The Manager of Waste Diversion stated that the Authority proposed to WDS a month-to-month extension on this contract. She stated that WDS was supportive of the extension but with a 20% increase due to the need for repairs and upgrades to their equipment.

The Manager of Waste Diversion stated that the 2020 budget includes \$536,000 for grinding and hauling of organic waste. She stated that approximately \$386,000 is budgeted for the period June to December 2020. The maximum additional cost due to a 20% increase would be \$77,000. She also stated that it is a priority for Administration to issue a tender for this contract as soon as practical.

The Manager of Waste Diversion stated that the recommendation is to approve a month-to-month on this contract with a 20% increase to the current contract effective June 1, 2020 until a time where alternate arrangements are made or until January 31, 2021 at the latest.

Mr. Costante asked what is the challenge of renewing a contract and why would the Authority be in a position of renewing a contract on a month-to-month basis. The Manager of Waste Diversion stated that the Authority is looking at different options and looking at ways of changing how the Authority would manage grinding and hauling going forward.

Mr. Sleiman stated he doesn't see any reason why the Authority should not renew this contract on a month-to-month basis.

Mr. Kaschak asked if WDS is the only company that can do this type of work. The Manager of Waste Diversion stated that they are the only company that has available top loading trailers to do this type of work. She also noted that Orbit Excavating did at one time in the past perform this work.

Moved by Gary McNamara

Seconded by Fabio Costante

THAT the Board approve a month-to-month extension for the Processing/Grinding and Hauling of Organic Waste contract with Windsor Disposal Services Ltd. at a twenty percent increase to the current contract price effective June 1, 2020 until such time as alternate arrangements are made or until January 31, 2021 at the latest.

22-2020

Carried Unanimously

D. 2019 Waste Diversion Report

The Manager of Waste Diversion referred to page 36 of the agenda package.

The Manager of Waste Diversion explained that the purpose of the Waste Diversion report is to fulfill Condition 5.2 of the Environmental Assessment Approval for the Regional Landfill.

The Manager of Waste Diversion stated the waste diversion rate is still around 35%. The actual rate achieved in 2019 was 34.4%. She stated that the decrease from the 2018 rate of 36.3% is the result of a slight decrease in recycling tonnes.

The Manager of Waste Diversion stated that there was a decrease of 3,000 tonnes in marketed goods. She also stated that there was a decrease in fibre commodity pricing which had a negative impact on revenue. She also noted that although the numbers were lower than 2018, the Authority generated higher revenue prices than other Ontario municipalities. She also stated that the Authority was still able to sell their material compared to other municipalities who had to pay buyers to take their recyclables.

The Manager of Waste Diversion stated that residential organics that were delivered remained the same as 2019.

The Manager of Waste Diversion stated that there was an increase on Garden Gold compost sales of \$28,000 for 2019 compared to 2018.

The Manager of Waste Diversion also stated that through an effective promotion and education standpoint, there was a significant increase in subscribers of the Recycle Coach app compared to 2018. There was also a significant increase in residential interactions on the app.

The Manager of Waste Diversion stated that the Gold Star Recycler Program continues to grow. She noted as of last year, the Authority has issued 1,500 boxes and the program continues to grow since 2017.

The Manager of Waste Diversion stated that Authority continues to service special events. In 2019 the Authority supported 65 events.

The Manager of Waste Diversion stated that curbside motor oil collection has remained constant since 2017.

Mr. McKenzie stated that he likes the report and noted that the volatility of the market is interesting. He noted that the tonnage for the newspaper tonnage has dropped. He asked if there were opportunities for the Authority to generate a greater revenue.

The Manager of Waste Diversion noted that the volume of newspaper was overstated because the Authority was allowed to sell the newspaper even though it also contained cardboard, boxboard and other contaminants. She also stated that cardboard produces more revenue than newspaper. She noted that the Authority has seen significant increases in revenue with cardboard due to the installation of the Fibre Optic Sorting System (FOSS). The overall sorting system in the Fibre MRF is resulting in more cardboard being separated and thereby producing pure newspaper bales.

The Manager of Waste Diversion stated that the Authority is always looking at continuous improvement, for example in the container facility. This continuous improvement will produce greater efficiencies.

Moved by Kieran McKenzie
Seconded by Marc Bondy

THAT the Board receive the 2019 Residential Waste Diversion Report as information.

23-2020

Carried Unanimously

E. Board Resolution for AMO re: Date Preference for Blue Box Transition

The General Manager referred to page 38 of the agenda package.

The General Manager stated that the report is to recommend that the Board support a resolution related to the Authority's blue box program that will be sent to the Association of Municipalities of Ontario (AMO). The resolution will advise AMO of the preferred dates on which the Authority wishes to transition the blue box recycling program to Producers.

The General Manager stated that if agreeable to Producers, that an entire municipal blue box program does not need to be transitioned at one time then it would be the preference of the Authority to be transitioned as follows:

On January 1, 2023 – County of Essex blue box collection in 7 County municipalities be transitioned to Producers.

On January 1, 2023 – Processing of all recyclables delivered from the 7 County municipalities and the City of Windsor be transitioned to Producers.

On August 28, 2024 – City of Windsor blue box collection be transitioned to Producers.

The General Manager also stated that if Producers wish for an entire municipal blue box program to be transitioned at one time then it is the preference that Essex-Windsor's blue box recycling program be transitioned as follows:

On August 28, 2024 – County of Essex blue box collection in 7 County municipalities, City of Windsor blue box collection and the processing of all recyclables delivered, be transitioned to Producers.

The General Manager stated that Administration is recommending the dates and timelines above and that it is not a binding resolution but information to be provided to AMO.

The General Manager stated that some of the producers have expressed their inclination for municipalities to continue to provide administration and management over curbside blue box collection.

The General Manager stated that AMO is asking municipalities if they are interested in continuing administering and managing the collection of blue boxes post-transition.

The General Manager also stated the City of Windsor is undertaking the same and will submit a similar resolution to AMO. He stated that one resolution will come from the City of Windsor and one from the Authority.

Mr. McNamara stated that as an AMO Board member, he is aware of the process. Mr. McNamara stated that when he receives more information he will bring it forward to the EWSWA Board.

Moved by Gary McNamara

Seconded by Jim Morrison

THAT the Board endorse the following resolution:

WHEREAS Essex-Windsor is supportive of a timely, seamless and successful transition of Blue Box programs to full financial and operational responsibility by producers of packaging, paper and paper products;

AND WHEREAS the Association of Municipalities of Ontario has requested municipal governments with Blue Box programs to provide an indication of the best date to transition our Blue Box program to full producer responsibility;

THEREFORE BE IT RESOLVED:

THAT **Essex-Windsor** would like to transition their Blue Box program to full producer responsibility as follows:

1. (A) THAT if agreeable to Producers, that if an entire municipal blue box program does not need to be transitioned at one time but that components of it can be transitioned at different dates, then it is the preference that Essex-Windsor's blue box recycling program be transitioned as follows:

On **January 1, 2023** – County of Essex blue box collection in 7 County municipalities be transitioned to Producers

On **January 1, 2023** – Processing of all recyclables delivered from the 7 County municipalities and the City of Windsor be transitioned to Producers

On **August 28, 2024** – City of Windsor blue box collection be transitioned to Producers

1. (B) THAT if Producers wish for an entire municipal blue box program to be transitioned at one time then it is the preference that Essex-Windsor's blue box recycling program be transitioned as follows:

On **August 28, 2024** – County of Essex blue box Collection in 7 County municipalities, City of Windsor blue box Collection and the Processing of all recyclables delivered, be transitioned to Producers

2. **AND THAT** this decision is based on the following rationale:

The contract for County of Essex blue box collection and processing of all recyclables delivered from the County of Essex and the City of Windsor expires on December 31, 2022.

The contract for City of Windsor blue box collection expires on August 27, 2024.

If Producers will not transition Essex-Windsor's program in two segments, then the contract for County collection and processing of all recyclables will be extended beyond December 31, 2022 to August 27, 2024 to coincide with Windsor's collection contract.

3. **AND THAT** **Essex-Windsor** may be interested in providing collection services to Producers should we be able to arrive at mutually agreeable commercial terms.

4. **AND FURTHER THAT** any questions regarding this resolution can be directed to Eli Maodus, General Manager, Essex-Windsor Solid Waste Authority at 519-776-6441 x1226 or at emaodus@ewswa.org

5. **AND FURTHER THAT** the resolution be forwarded to the Association of Municipalities of Ontario and the Ontario Ministry of the Environment, Conservation and Parks.

24-2020

Carried Unanimously

11. Finance and Administration

A. 2019 Audited Financial Statements

The Manager of Finance referred to page 42 of agenda package. She noted that the auditor's report and financial reports are attached to the agenda.

The Manager of Finance stated that KPMG has issued an "unmodified" audit position meaning that the 2019 financial statements present fairly the financial position of the Authority at December 31, 2019.

The Manager of Finance noted at the bottom of page 42 regarding the City of Windsor owing the Authority money from strip bonds. The strip bonds mature in 2024 and they will be used for the development of cell 5 at the Regional Landfill.

The Manager of Finance stated that the line item regarding the Regional Landfill post closure is strictly a financial statement disclosure. She noted that this is a liability that must be included on the Authority's financial statements. The actual post closure funding will begin in 2031 once the Regional Landfill debenture is paid.

The Manager of Finance stated that the balance of \$60 million is a debenture to Sun Life for construction of the Regional Landfill. The last payment will be in 2031.

The Manager of Finance noted that on the top of page 44 of the agenda package is a summary of the Authority's reserves and a brief description of what the reserves are used for. She also noted the net book value balance of tangible assets is \$33 million.

The Manager of Finance noted on page 45 of the agenda package is the 2019 accumulated deficit. She noted that the material difference between 2018 and 2019 is the Regional Landfill post closure cost and stated there is a plan to fund this once the Regional Landfill debenture is paid in 2031.

The Manager of Finance stated that for 2019 there was a \$323,000 operating surplus. She stated that this amount has been moved to the Rate Stabilization Reserve.

The Manager of Finance stated that the Authority utilizes their reserves for acquisition of capital items instead of external borrowing resulting in lower borrowing costs. The table on page 44 of the agenda package details the outstanding loan balances due to Authority reserves.

Moved by Gary McNamara

Seconded by Ed Sleiman

THAT the Board approve 2019 Financial Statements and Auditors' Report.

25-2020

Carried Unanimously

B. January – March 2020 Financial Report

The Manager of Finance referred to page 65 of the agenda package regarding the three month operations financial review.

The Manager of Finance stated that municipally delivered material is approximately 1,000 tonnes higher than the same period the previous year.

The Manager of Finance stated that additional contaminated soil has continued to come in due to construction projects. She advised the Board that the Authority has exceeded their episodic waste budget figure.

The Manager of Finance referred to the table on page 66 of the agenda package that details the tonnage for industrial/commercial/institutional (ICI) waste. She stated there were no significant variances with greenhouse vines and ICI waste material delivered for disposal.

The Manager of Finance stated that recyclable material commodity prices have stabilized at this time.

She stated that no significant variances have been identified for the first three months of 2020.

Mr. Morrison noted that the information provided for current newspaper and cardboard pricing looks like they are very high. The Manager of Finance stated that for newsprint this was partially due to the U.S. exchange rate and that the Authority is paid in U.S. for this material.

The Manager of Waste Diversion stated that the numbers for cardboard are higher due to the COVID-19 pandemic and will be short-lived. She also noted that there has been a drop in aluminum and plastics due to the plants being closed during the pandemic.

Moved by Marc Bondy

Seconded by Fabio Costante

THAT the Board receive the January to March 2020 – Three Month Operations Financial Review as information.

26-2020

Carried Unanimously

C. KPMG Appointment as Auditor

The Manager of Finance referred to page 68 of the agenda package. She stated that Authority Administration is recommending the appointment of KPMG LLP Chartered Accountants as the Authority's auditor for the five year period 2020-2024.

The Manager of Finance stated that KPMG's term as auditor ended after the audit of the Authority's 2019 financial statements in 2020. She noted that KPMG is also the auditor for the County of Essex and the City of Windsor. The County of Essex will also be recommending that KPMG be reappointed for another five year term. She noted that the fee proposal made by KPMG to the County of Essex includes the fee that would be charged to the Authority.

The Manager of Finance explained that the Authority has taken advantage of the County's reasonable audit fees. The Authority's current rate is \$12,050 for 2019 with modest increases over the next 5 years.

Moved by Gary McNamara

Seconded by Aldo DiCarlo

THAT the KPMG LLP Chartered Accountants be appointed the Authority's auditor for a five year period commencing with the fiscal year ending December 31, 2020.

27-2020

Carried Unanimously

D. Legal Invoice(s)

The General Manager stated that this invoice was for a drainage matter.

Moved by Hilda MacDonald

Seconded by Kieran McKenzie

THAT the Board authorize the payment of the legal account as summarized.

28-2020

Carried Unanimously

12. Other Items

WINDSOR AND KINGSVILLE PUBLIC DROP-OFF DEPOTS HAVING BEEN CLOSED SINCE LATE MARCH 2020

Mr. Bondy stated that the Town of LaSalle is receiving many calls from residents stating that are seeing people drop off garbage illegally around the municipality due to the Windsor Public Drop-off being closed due to the pandemic.

Anne Marie Albidone, City of Windsor Manager of Environmental Services, stated that at the start of the pandemic the decision to close the Windsor Public Drop-off Depot was due to the direction by the Province related to social distancing and people staying home as much as possible. She stated that the City of Windsor wanted to support the

idea that residents should only leave their house if it was necessary. She also stated that the City did not think it was necessary for residents to bring their items to the depot at this time. She stated that to maintain social distancing, they would have had to limit the amount of people at the Depot facility. This would cause a lineup of cars and create a traffic concern. The City did allow residents to set out an extra 2 bags of garbage due to the Depot being closed. She stated that residents have up until May 15th to do this and a hard-sided container is not necessary for the extra 2 bags of garbage. She stated that bulk items are still being collected curbside. She noted that unfortunately, people are dumping illegally. She stated that she has been working with the Manager of Waste Diversion on how to open the Depot with social distancing restrictions. She stated that they hope to open relatively soon but a date has not yet been determined.

The Manager of Waste Diversion stated that while the Depot was closed to the public, the overall site was still an active workplace because garbage, recycling and yard waste was still being collected curbside. She stated that there are good on-site operational protocols in place now but we have to figure out how to open the Depot safely to residents.

Ms. Albidone stated that the site is still fully operational with City of Windsor employees working there. She also noted that contractors and employees are still going in and out of the site.

The Manager of Waste Diversion stated that residents have inappropriately dropped off garbage through the gates at the site. She stated that the Authority is dealing with a small number of residents doing this.

Mr. Bondy stated that garbage is an essential service.

Ms. Albidone stated that garbage collection is an essential service. She noted that renovation material is not collected through regular garbage collection. She stated that there are private depots that residents can attend like Windsor Disposal. Ms. Albidone stated that she is communicating with other municipalities on how they are dealing with the pandemic.

The Manager of Waste Diversion stated that we are trying to keep our workforce healthy and working.

Mr. Kaschak asked if Windsor Disposal was open to the public. Ms. Albidone stated that residents can attend their site but she is not aware of their fees.

Mr. McNamara stated that a lot more of the ditches in the Town of Tecumseh have garbage in them. He stated that Chatham-Kent is reopening to the general public. He stated that a plan has to be established to reopen the Public Drop-Off Depots. He stated that he understands the social distancing. Mr. McNamara stated that Mayor Santos from the Town of Kingsville has stated that his municipality has had issues also. Mr. McNamara stated that residents do not like to keep hazardous materials at their

home. Mr. McNamara stated that the Town of Tecumseh has also passed a by-law to allow residents to place an extra 2 bags of garbage with their curbside collection. He stated that we should really look at a gradual reopening.

Mr. Kaschak asked Ms. Albidone if employees have been laid off or reassigned.

Ms. Albidone stated that all Environmental Services employees are all currently working in the department. She stated that at the beginning of the pandemic they were redeployed to other areas. She also stated that when the Drop-off reopens schedules will have to be changed. She confirmed once again that they are working on a plan to reopen the site.

Mr. McKenzie asked what information or communication has been provided to employees with respect to the handling of material as the COVID-19 virus can live on surfaces for a while.

The Manager of Waste Diversion stated that there are protocols in place to protect workers such as PPE, designated workspace, increased sanitization of work surfaces and increased access of sanitizer/disinfectant fill stations. She also stated that a memo was also issued to staff. She also noted that contractors on site have reported their protocols to the Authority to ensure safety and daily self-screening is required for all staff coming to work onsite.

13. By-Laws

A. 4-2020

Being a By-Law to Authorize the Amendment to Order and Proceedings Policy EW-001 re: Electronic Meetings during a Declaration of Emergency

Moved by Kieran McKenzie

Seconded by Ed Sleiman

THAT By-Law 4-2020, Being a by-law to Authorize the Amendment to Order and Proceedings Policy EW-001 re: Electronic Meetings during a Declaration of Emergency.

29-2020

Carried Unanimously

B. 5-2020

Being a By-Law to Authorize the Execution of an Agreement between the Essex-Windsor Solid Waste Authority and E.R. Vollans for the Supply of a Four Wheel Drive Utility Tractor to be used at the Essex-Windsor Regional Landfill, closed Landfill No. 2 and Landfill No. 3

Moved by Kieran McKenzie

Seconded by Ed Sleiman

THAT By-Law 5-2020, Being a By-Law to Authorize the Execution of an Agreement between the Essex-Windsor Solid Waste Authority and E.R. Vollans for the Supply of a Four Wheel Drive Utility Tractor to be used at the Essex-Windsor Regional Landfill, closed Landfill No. 2 and Landfill No. 3

30-2020
Carried Unanimously

C. 6-2020

Being a By-Law to Authorize the Extension of an Agreement between the Essex-Windsor Solid Waste Authority and 1869096 Ontario Limited, Operating as Canadian Transfer for the Supply of Specialized Equipment Operators at Transfer Station #2 and the Essex-Windsor Regional Landfill.

Moved by Kieran McKenzie
Seconded by Ed Sleiman

THAT By-Law 6-2020, Being a By-Law to Authorize the Extension of an Agreement between the Essex-Windsor Solid Waste Authority and 1869096 Ontario Limited, Operating as Canadian Transfer for the Supply of Specialized Equipment Operators at Transfer Station #2 and the Essex-Windsor Regional Landfill.

31-2020
Carried Unanimously

D. 7-2020

Being a By-Law to Authorize the Extension of an Agreement between the Essex-Windsor Solid Waste Authority and Windsor Disposal Services Ltd. for Processing/Grinding and Hauling of Organic Waste.

Moved by Kieran McKenzie
Seconded by Ed Sleiman

THAT By-Law 7-2020, Being a By-Law to Authorize the Extension of an Agreement between the Essex-Windsor Solid Waste Authority and Windsor Disposal Services Ltd. for Processing/Grinding and Hauling of Organic Waste.

32-2020
Carried Unanimously

E. 8-2020

Being a By-Law to Appoint KPMG LLP Chartered Accountants as the Authority's Auditor for the Five Year Period 2020-2024

Moved by Kieran McKenzie
Seconded by Ed Sleiman

THAT By-Law 8-2020, Being a By-Law to Appoint KPMG LLP Chartered Accountants as the Authority's Auditor for the Five Year Period 2020-2024.

33-2020**Carried Unanimously****F. 9-2020**

Being a By-Law to Endorse Resolution to AMO re: Blue Box Transition Date to Producers

Moved by Kieran McKenzie

Seconded by Ed Sleiman

THAT By-Law 9-2020, Being a By-Law to Endorse Resolution to AMO re: Blue Box Transition Date to Producers

34-2020**Carried Unanimously****G. 10-2020**

Being a By-Law to Confirm the Proceedings of the Meeting of Board of the Essex-Windsor Solid Waste Authority

Moved by Kieran McKenzie

Seconded by Ed Sleiman

THAT By-Law 10-2020, Being a By-Law to Confirm the Proceedings of the Meeting of the Board of the Essex-Windsor Solid Waste Authority

35-2020**Carried Unanimously****14. Future Meeting Dates**

The General Manager stated that most likely a June meeting would not be held.

Tuesday, June 2, 2020

Tuesday, July 7, 2020

Wednesday, August 12, 2020

Tuesday, September 1, 2020

Tuesday, October 6, 2020

Tuesday, November 3, 2020

Tuesday, December 1, 2020

15. Adjournment

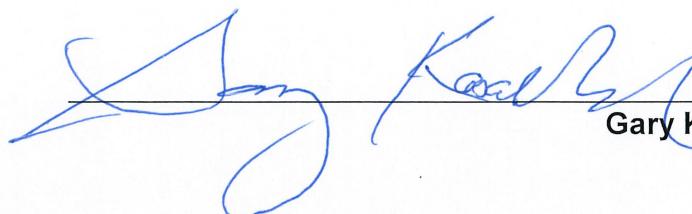
Moved by Marc Bondy

Seconded by Ed Sleiman

THAT the Board stand adjourned at 6:00 pm.

36-2020**Carried Unanimously**

All of which is respectfully submitted.



Gary Kaschak
Chair



Ilija Maodus
General Manager



Committee Matters: SCM 256/2020

Subject: Waiver of School Neighbourhood Policy - New James L. Dunn Public School - Ward 3

Moved by: Councillor Kaschak

Seconded by: Councillor McKenzie

Decision Number: **ETPS 777**

1. THAT the School Neighbourhood Policy **BE WAIVED** to allow a time-limited accessible parking zone on McDougall Street at the Windsor Residence (1101 McDougall Street); and,
2. THAT Parking By law 9023 **BE AMENDED** as listed and attached in Appendix 1 of this report; and,
3. THAT Traffic By-law 9148 **BE AMENDED** as listed and attached in Appendix 2 of this report; and,
4. THAT the City Solicitor **BE DIRECTED** to prepare the necessary documents to amend the by law; and,
5. THAT a pre-commitment of \$7,003 against 2022 for the School Neighbourhood Policy program (project OPS-001-18) **BE APPROVED**; and,
6. THAT Administration **BE REQUESTED** to provide the active transportation analysis for this area when this report proceeds to Council for their consideration.

Carried.

Report Number: S 56/2020
Clerk's File: ST2020

Clerk's Note: The recommendation of the Standing Committee and Administration are **not** the same.

Subject: Waiver of School Neighbourhood Policy - New James L. Dunn Public School - Ward 3**Reference:**

Date to Council: August 26, 2020
Author: Jeff Hagan
Transportation Planning Senior Engineer
519-255-6267 ext 6003
jhagan@citywindsor.ca
Planning & Building Services
Report Date: July 23, 2020
Clerk's File #: ST2020

To: Mayor and Members of City Council

Recommendation:

1. That the School Neighbourhood Policy **BE WAIVED** to allow a time-limited accessible parking zone on McDougall Street at the Windsor Residence (1101 McDougall Street),
2. That Parking By law 9023 **BE AMENDED** as listed and attached in Appendix 1 of this report,
3. That Traffic By-law 9148 **BE AMENDED** as listed and attached in Appendix 2 of this report,
4. That the City Solicitor **BE DIRECTED** to prepare the necessary documents to amend the by law, and
5. That a pre-commitment of \$7,003 against 2022 for the School Neighbourhood Policy program (project OPS-001-18) **BE APPROVED**.

Executive Summary:

N/A

Background:**James L. Dunn Public School**

The Greater Essex County District School Board (GECDSB) received site plan approval in November 2019 for a new elementary school at 1123 Mercer Street. Since this time, the GECDSB has announced that the school will be named the James L. Dunn Public School. The approved site plan for the school is attached as Appendix 3.

As of the date of this report, the school is under construction and the GECDSB has indicated that the school will open in winter 2021.

The school will have accesses on Mercer Street and McDougall Street:

- McDougall Street:
 - School bus entrance
 - Pedestrian access
- Mercer Street:
 - School bus exit
 - Kiss & ride entrance and exit
 - Parking lot access
 - Pedestrian access

The school will also have frontage on Giles Boulevard, though no pedestrian accesses or driveways will be provided on Giles Boulevard.

School Neighbourhood Policy

The School Neighbourhood Policy was adopted by Council in October 2016 (Council Resolution CR645/2016). This policy provides overall guidance on the City's approach for schools, including measures aimed at:

- Encouraging students to walk or bike to school,
- Managing parking regulations and speed limits on school approach streets, and
- Identifying appropriate and inappropriate locations for school bus loading zones and pick-up and drop-off of students.

For existing schools, Administration's approach has been to bring streets around schools into compliance with the School Neighbourhood Policy as resources allow.

For new schools, Administration's approach has been to bring streets around the new school into compliance with the School Neighbourhood Policy for the school's opening day.

Windsor Residence

The Windsor Residence, located at 1101 McDougall Street, provides social housing services, including a number of assisted living units. Because the Windsor Residence is home to a significant number of people with disabilities, there are frequent pick-ups and drop-offs by Handi-Transit and patient transfer services. These pick-ups and drop-offs

are carried out on street, since the parking lot for the Windsor Residence is not large enough to allow larger vehicles to turn around.

A map showing the location of the Windsor Residence and the James L. Dunn Public School is provided as Figure 1.

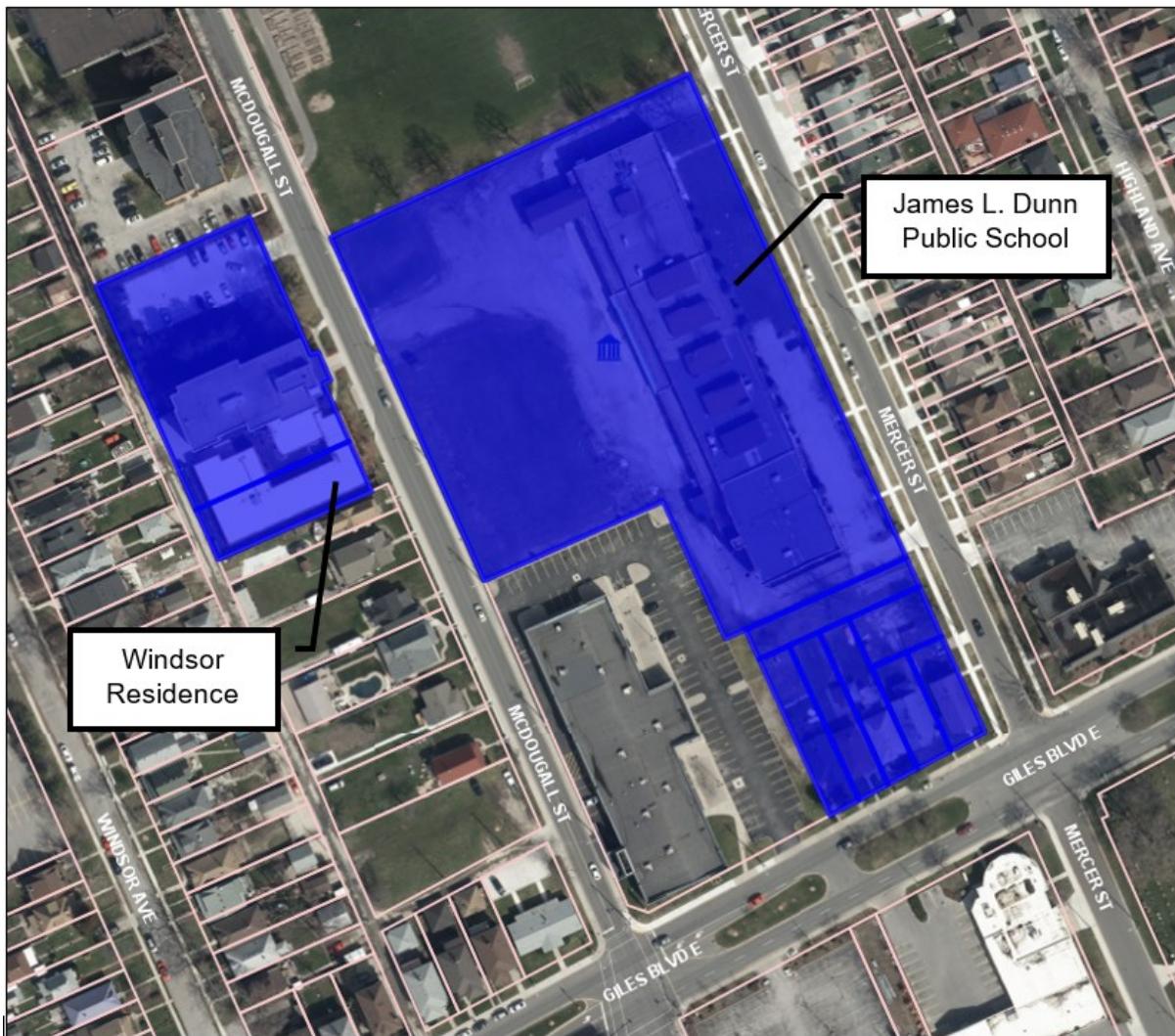


Figure 1: Location of Windsor Residence and James L. Dunn Public School

Discussion:

The School Neighbourhood Policy provides a standard approach for parking restrictions on school approach streets:

- School side:
 - School bus loading zone (if required)
 - No parking – school days (where a school bus loading zone is not provided)

- Opposite side:
 - No stopping – school days

These parking restrictions are intended to facilitate parent pick-up and drop-off on the school side of the street (since no parking zones allow loading and unloading) while also deterring students from crossing mid-block (since no stopping zones do not allow loading or unloading).

The Policy allows parking regulations to be stricter than those listed, but not more permissive. The existing no parking zone on the east side of McDougall Street is not proposed to be changed.

Recommended parking regulations for each school approach street are provided below. An overall diagram of existing and proposed parking restrictions is provided as Appendix 4.

McDougall Street

The Policy identifies certain cases that are exempt from the normal on-street parking requirements:

- Locations with residential properties opposite the school that have no off-street parking, and
- Locations where commercial properties opposite the school are served by on-street metered parking spaces.

Neither of these cases apply for the section of McDougall at the future James L. Dunn Public School; because of this, the policy would normally require a no stopping zone along the west side of McDougall Street (i.e. also along the frontage of the Windsor Residence).

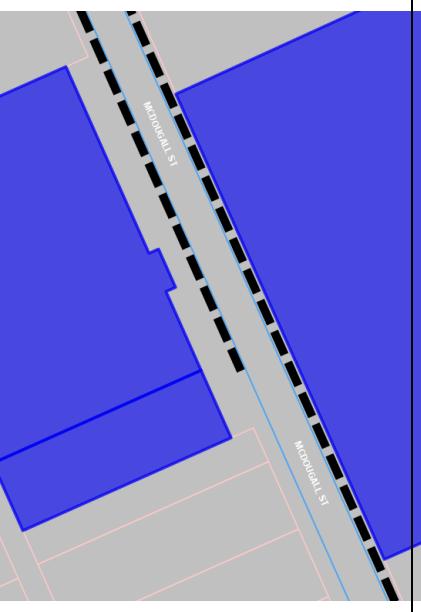
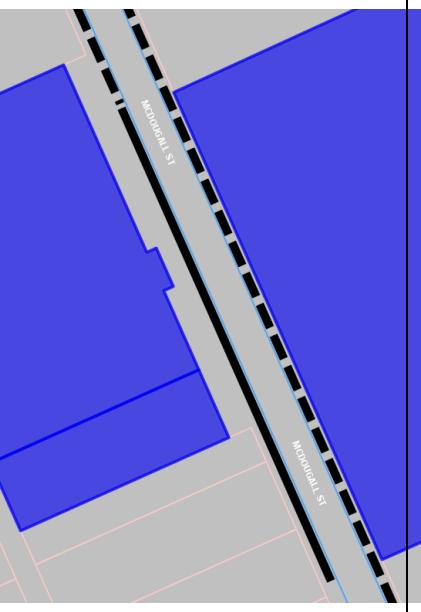
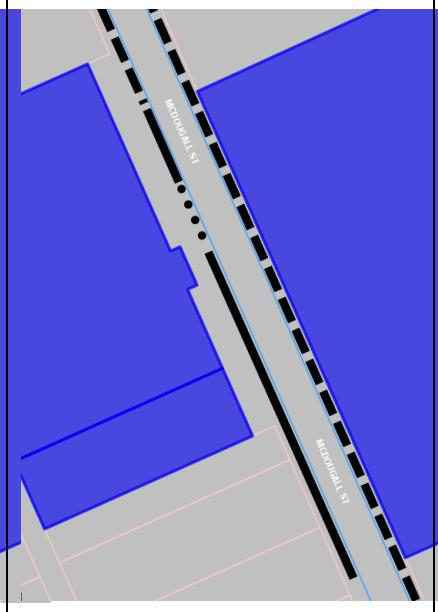
A no stopping zone along the frontage of the Windsor Residence would prohibit curbside pick-up and drop-off by Handi-Transit and others. This is a unique circumstance that was not anticipated when the School Neighbourhood Policy was prepared.

Administration proposes that a length of time-limited accessible parking be provided to allow the Windsor Residence to continue Handi-Transit pick-ups and drop-offs on street at their existing curb cut.

The overall intent of the School Neighbourhood Policy will be maintained even with this waiver of the policy: because stopping by vehicles without accessible parking permits will still be prohibited in the accessible parking area, the accessible parking zone will still be effective at deterring student pick-up and drop-off on the opposite side of the street from the new school.

Table 1 shows the existing parking restrictions, the parking restrictions that the School Neighbourhood Policy would normally require, and the parking restrictions recommended by this report.

Table 1: Parking Restrictions by Scenario – McDougall Street

Existing Parking Restrictions	Standard Parking Restrictions as per the School Neighbourhood Policy	RECOMMENDED Proposed Parking Restrictions (with waiver of School Neighbourhood Policy)
		
<p>Legend</p> <ul style="list-style-type: none"> — — — — No Parking — — — — — No Stopping (School Days) ● ● ● ● ● ● ● ● Accessible Parking (15 minute time limited) 		

Mercer Street

In the vicinity of the new school, some properties on Mercer Street do not have off-street parking. Because of this, the School Neighbourhood Policy does not identify specific requirements for off-street parking on Mercer Street.

Recommendations for parking regulations on Mercer Street are proposed for Council's consideration, as detailed in Appendix 1 and shown graphically in Appendix 4. These

recommendations are aimed at achieving the goals of the School Neighbourhood Policy while minimizing the loss of on-street parking spaces:

- West side:
 - Near Giles Boulevard, a short section of parking is removed to allow school buses to proceed past oncoming traffic.
 - North of the new no parking zone, existing on-street parking is retained.
- East side: along the school frontage, the existing no parking zone is converted into a no stopping zone.

Giles Boulevard East

The only recommended change to on-street parking regulations on Giles Boulevard is to convert the existing no parking zone along the south side to a no stopping zone, as shown in Appendix 4.

School Warning Signage and Speed Limits

In recognition of the school and park in close proximity, Administration recommends reducing the speed limit on Mercer Street between Erie Street East and Giles Boulevard East to 40 km/h.

With this speed limit reduction, Mercer Street, McDougall Street and Giles Boulevard East would all be classified as school areas under the School Neighbourhood Policy. School warning signs are included in the cost estimate below.

Turn Restrictions

To assist with orderly operation of the on-site pick-up/drop-off area, it is recommended that left turns be prohibited at the pick-up/drop-off driveways on Mercer Street. This recommendation is reflected in the proposed amendments to Traffic By-law 9148 provided in Appendix 2.

Risk Analysis:

No critical or significant risks have been identified associated with the report recommendations.

There are moderate timing risks associated with the report recommendations: if the recommended parking restrictions on McDougall Street are not in place before James L. Dunn Public School is open, then undesirable traffic conditions may occur on McDougall Street (e.g. mid-block crossing associated with parent pick-up and drop-off). Administration recommends that this risk be tolerated, since the length of time until the school is open is significantly longer than the time typically required to process amendments to Parking By-law 9023.

Financial Matters:

The estimated cost to install traffic and parking regulation signs for the new James L. Dunn Public School, including the cost to install the accessible parking zone on McDougall Street, is \$6,800. The current Capital Budget does not provide a funding placeholder for the School Neighbourhood Policy program (project OPS-001-18) until 2022. Administration recommends that funds be brought forward to the current year as a pre-commitment against 2022 in order to carry out this work. Bringing forward these funds will incur a financing charge of approximately \$203, for a total cost of \$7,003.

Consultations:

Neil Robertson and Melissa Gasic, Planning

Shawna Boakes, Roberto Peticca and Shari Gabriele, Traffic Operations

Conclusion:

Parking and traffic by-law amendments to accommodate the new James L. Dunn Public School on Mercer Street are recommended. The current capital budget does not provide a placeholder for School Neighbourhood Policy implementation until 2022; funding this work will require a pre-commitment against the 2022 budget.

Administration recommends that the School Neighbourhood Policy be waived to allow a time-limited on-street accessible parking space on McDougall Street. This deviation from the normal requirements of the School Neighbourhood Policy will allow pick-up and drop-off of people with disabilities at the Windsor Residence to continue.

The recommended waiver of the policy in keeping with the spirit and intent of the School Neighbourhood Policy, since the proposed parking restrictions will still deter mid-block crossings on McDougall Street for parent pick-up and drop-off at the new school.

Planning Act Matters:

N/A

Approvals:

Name	Title
Don Nantais	Financial Planning Administrator
John Revell	Chief Building Official
Shelby Askin-Hager	City Solicitor
Mark Winterton	City Engineer
Joe Mancina	City Treasurer
Onorio Colucci	Chief Administrative Officer

Notifications:

Name	Address	Email
Peter Coupe Residence Director Windsor Residence Inc.	1101 McDougall St Windsor ON N9A 1M2	pcoupe@windsorresidenceinc.com
Jayson Mandap Residence Manager Windsor Residence Inc.	1101 McDougall St Windsor ON N9A 1M2	jmandap@windsorresidenceinc.com
Todd Awender Superintendent of Education - School Development and Design Greater Essex County District School Board	451 Park St W P.O. Box 210 Windsor ON N9A 6K1	todd.awender@publicboard.ca
Lori Colenutt General Manager Handi-Transit	3737 Walker Rd Windsor, ON N8W 3S9	handittransitwindsor@gmail.com
Area residents (List provided to Clerks)		

Appendices:

- 1 Parking By-law Amendments
- 2 Traffic By-law Amendments
- 3 Approved Site Plan
- 4 Existing and Proposed On-Street Parking

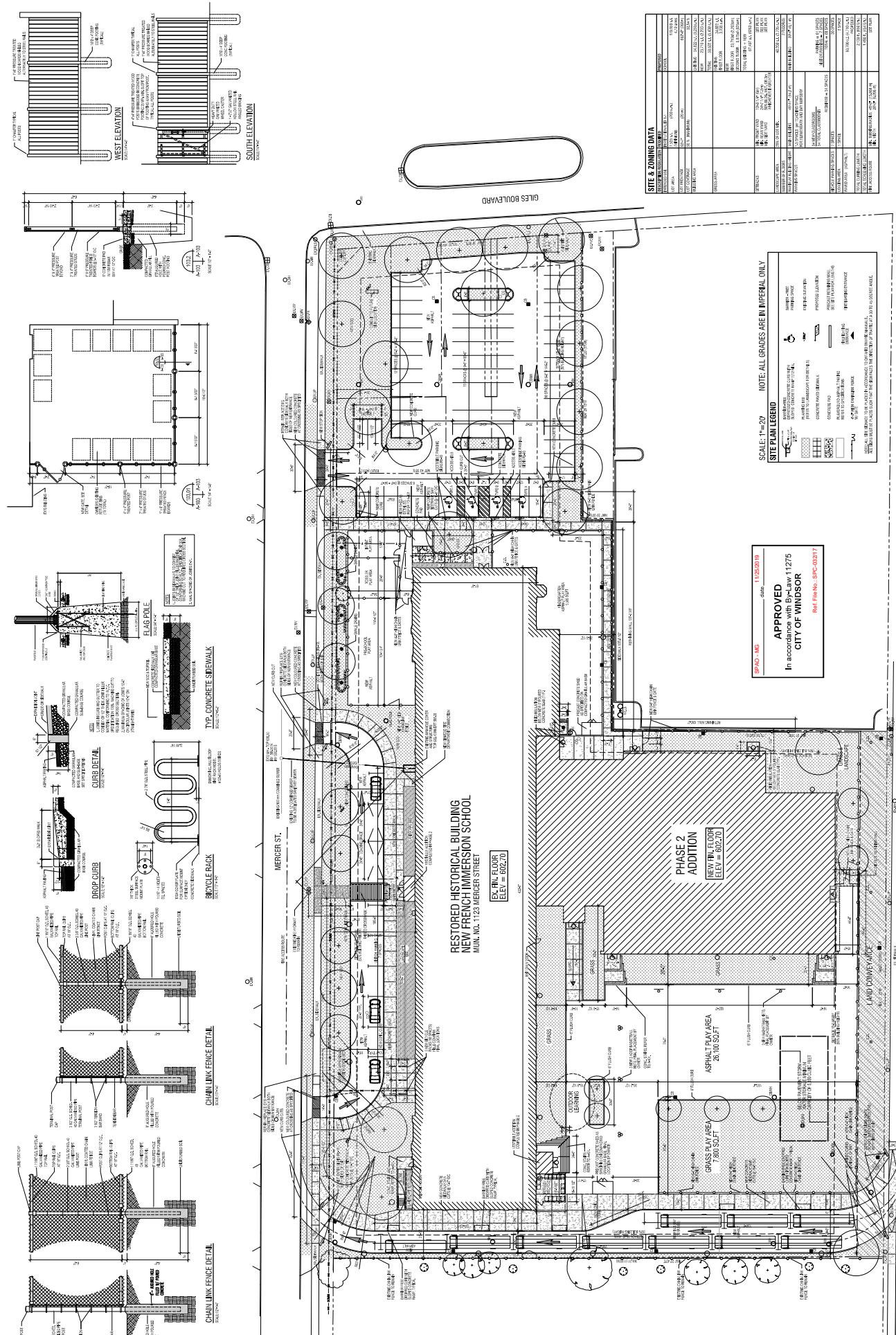
AMENDMENTS TO PARKING BY-LAW 9023							
ITE M	REGULATION	STREET	SIDE	FROM	TO	ADDITIONAL RESTRICTIONS	REASON
1	Schedule "H" On-Street Designated Accessible Parking ADD	McDougall St	West	A Point 204 Metres North of Giles Blvd E	A Point 185 Metres North of Giles Blvd E	15 minute limit	Allow accessible pick-up and drop-off
2	Schedule "C" No Parking DELETE	McDougall St	West	Erie St E	A Point 255 Metres South of Erie St E		School Neighbourhood Policy
3	Schedule "C" No Parking ADD	McDougall St	West	Erie St E	A Point 199 Metres South of Erie St E		School Neighbourhood Policy
4	Schedule "F" No Stopping or Parking ADD	McDougall St	West	A Point 199 Metres South of Erie St E	A Point 109 Metres North of Giles Blvd E	School Days	School Neighbourhood Policy
5	Schedule "F" No Stopping or Parking ADD	Giles Blvd E	South	McDougall St	Mercer St	School Days	School Neighbourhood Policy
6	Schedule "F" No Stopping or Parking ADD	Mercer St	East	Giles Blvd E	A Point 225 m North of Giles Blvd E	School Days	School Neighbourhood Policy
7	Schedule "C" No Parking ADD	Mercer St	West	Giles Blvd E	A Point 70 m North of Giles Blvd E	School Days	School Neighbourhood Policy

AMENDMENTS TO TRAFFIC BY-LAW 9148

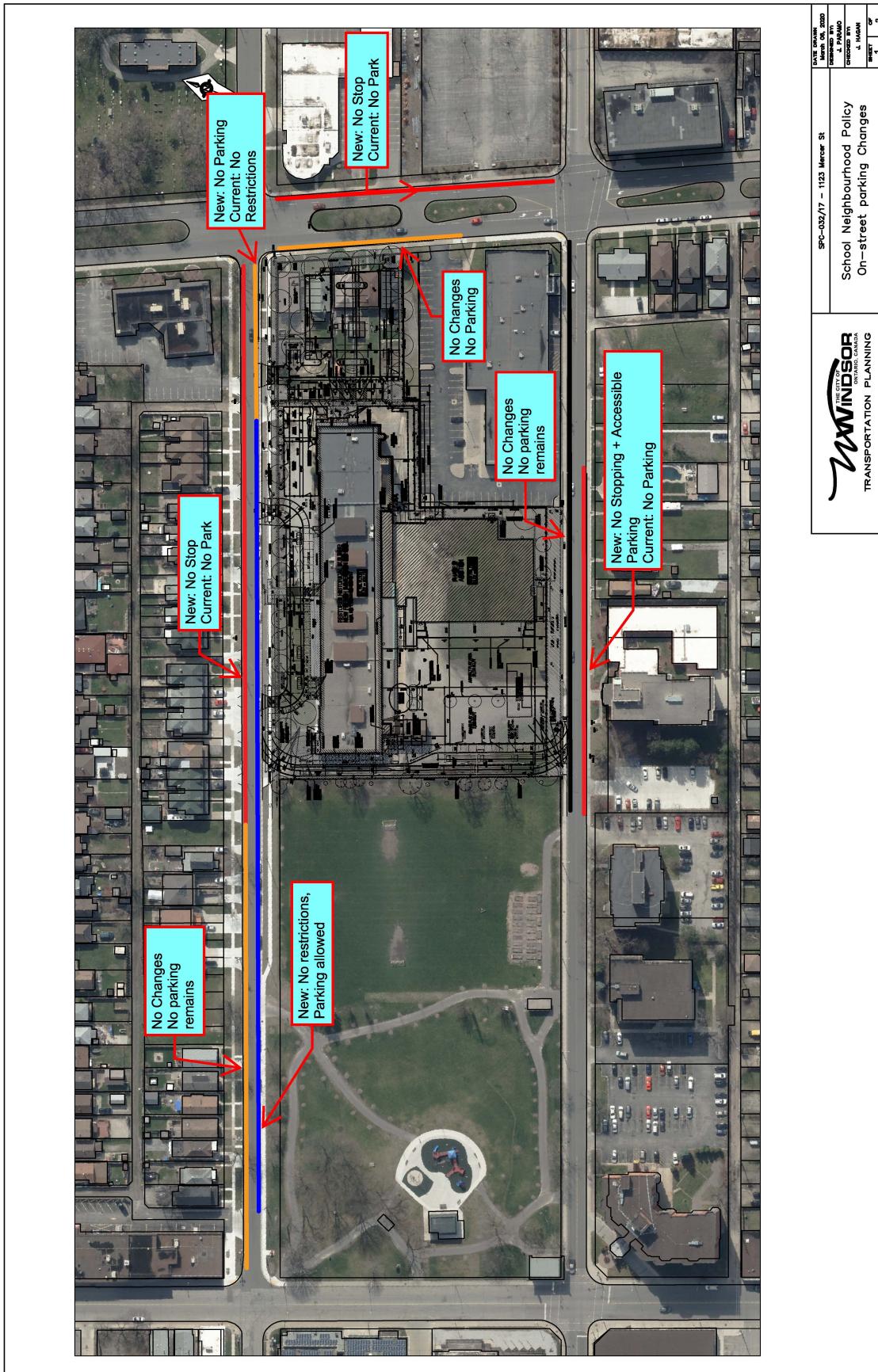
ITEM	REGULATION	STREET	FROM	TO	REASON
1	Schedule "J" Forty (40) Kilometers Per Hour Speed Limit ADD	Mercer St	Erie St E	Giles Blvd E	New school and park

AMENDMENTS TO TRAFFIC BY-LAW 9148

ITEM	REGULATION	STREET	DIRECTION	INTERSECTING STREET	TYPE OF RESTRICTION	PERIOD OF PROHIBITION	REASON
2	Schedule "F" Prohibited Turns ADD	Mercer St	Northbound	#1123 Mercer Pick-up/Drop-off Entrance	Left turns	At all times	New school
3	Schedule "F" Prohibited Turns ADD	Mercer St	Eastbound	#1123 Mercer Pick-up/Drop-off Exit	Left turns	At all times	New school



City Council Agenda - September 14, 2023





Committee Matters: SCM 257/2020

Subject: Wyandotte Street East Road Narrowing - Environmental Assessment Requirements - Ward 6

Moved by: Councillor Francis
Seconded by: Councillor Kaschak

Decision Number: **ETPS 778**

THAT the report of the Transportation Planning Senior Engineer dated July 15, 2020 entitled "Wyandotte Street East Road Narrowing - Environmental Assessment Requirements – Ward 6" **BE RECEIVED** for information.

Carried.

Report Number: S 95/2020
Clerk's File: ST2020

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

Subject: Wyandotte Street East Road Narrowing - Environmental Assessment Requirements - Ward 6**Reference:**

Date to Council: August 26, 2020

Author: Jeff Hagan

Transportation Planning Senior Engineer

519-255-6267 ext 6003

jhagan@citywindsor.ca

Planning & Building Services

Report Date: July 15, 2020

Clerk's File #: ST2020

To: Mayor and Members of City Council

Recommendation:

That report S 95/2020, "Wyandotte Street East Road Narrowing - Environmental Assessment Requirements," **BE RECEIVED** for information.

Executive Summary:

N/A

Background:

At its May 25, 2020 meeting, Council passed the following resolution in response to report C 87/2020, "Lane Closures for Physical Distancing - Wyandotte BIAs:"

CR264/2020

1. *That Administration BE DIRECTED to refer requests from Business Improvement Areas for Temporary Parking Pick-up Zones and Curb Lane Pedestrian Zones to the Special Events Resource Team (SERT); and,*
2. *That, in cases where these zones are supported by SERT, that the requests BE REFERRED to the Chief of Police to approve appropriate temporary parking restrictions as necessary to be in effect for the duration of the declared COVID-19 emergency; and,*
3. *That, where the requested zones are supported by SERT and the appropriate temporary parking restrictions have been approved by the Chief of Police, Administration BE DIRECTED to implement*

these zones through appropriate signage and temporary traffic controls; and further,

4. *That the City Engineer BE DIRECTED to clarify whether, going forward, in regard to the community's desire to see the subject section of Wyandotte Street East narrowed, if there's a need for an environmental assessment.*

This report responds to item 4 of the resolution.

The subject section of Wyandotte Street East noted in the resolution is the portion of the street within the Pillette Village and Riverside BIAs. A map is provided as Figure 1.



Figure 1: Subject Section of Wyandotte Street East

Related Council Direction

At its November 18, 2019 meeting, Council passed the following resolution:

CR563/2019 DHSC 103

That Report No. 20 of the Windsor BIA Advisory Committee - Lane reduction on Wyandotte indicating:

That Administration BE REQUESTED to report back on the feasibility of lane reduction on Wyandotte Street East from St. Luke to Lauzon Road in light of the passing of the Active Transportation Master Plan by City Council.

BE APPROVED.

Municipal Class Environmental Assessment

Most construction and maintenance activities undertaken by municipalities in Ontario are governed by the Municipal Class Environmental Assessment (“the Municipal Class EA”) under the Environmental Assessment Act.

The Municipal Class EA groups projects into four schedules. In general, routine and low-impact activities are exempt from environmental assessment requirements, while a higher level of consultation, review, and approval is required for activities and projects that have greater potential for negative impacts. The four schedules are as follows:

- **Schedule A:** exempt from environmental assessment requirements
- **Schedule A+:** exempt from environmental assessment requirements, but it is recommended that the public be advised before implementation
- **Schedule B:** limited public consultation and environmental screening document required
- **Schedule C:** full 5-phase review process, including:
 - Several points of mandatory consultation with public and stakeholders
 - Preparation of an environmental study report
 - Project approval from the Ministry of the Environment, Conservation and Parks

For Schedule A+ projects, the Municipal Class EA encourages municipalities to consider the scale and impact of the project when determining the appropriate level of consultation with the public and stakeholders.

On July 8, 2020, the Ministry of the Environment and Parks released a proposed update to the Municipal Class EA. The 45-day comment period will end on August 22, 2020. At some point after this date, it is expected that the Ministry will announce whether the proposed update has been approved (or approved with modifications).

Walk Wheel Windsor (Active Transportation Master Plan)

The Active Transportation Master Plan, *Walk Wheel Windsor*, identifies Wyandotte Street East as a Regional Spine in the cycling network. Wyandotte Street East is identified as low priority for cycling infrastructure through the Riverside BIA and medium priority for cycling infrastructure through the Pillette Village BIA, as shown in Figure 2.

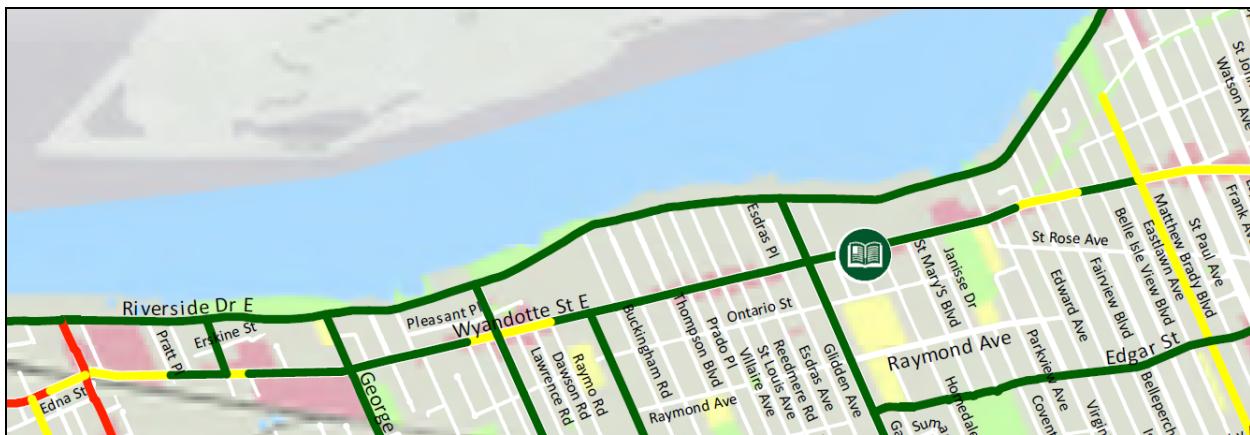


Figure 2: Bicycle Priority Network Map Excerpt (Red: High Priority, Yellow: Medium Priority, Green: Low Priority)

Through both BIAs, Wyandotte Street East is identified as a multi-modal corridor, i.e. a route where, because of competing demands and priorities, in-depth analysis is required to determine how best to accommodate all travel modes as well as other uses of the right-of-way. The *Walk Wheel Windsor* final report describes these multi-modal corridors as follows:

The proposed bicycle network includes several multi-modal corridors, which are major streets that need further review to consider how they will accommodate active transportation given other competing priorities. [...] Along these corridors there is a need to have an established process to consider the mobility of all modes and competing needs when implementing bicycle facilities. These streets are some of Windsor's main travel corridors, serving a variety of vehicle types and modes while playing an important role in the City's transportation system.

These multi-modal corridors will require more in-depth analysis through specific corridor studies or Environmental Assessments. Recognizing that these corridors serve desire lines within the bicycle network, these studies can determine whether bicycle facilities can be accommodated on the corridors or adjacent streets.

It is important to note that as part of a complete and connected bicycle network that meets the needs of all users, there is still a place for complementary, non-AAA [“all ages and abilities”] facilities such as painted bicycle lanes.

Discussion:

The requirements under the current Municipal Class EA for a road narrowing project vary depending on how the road narrowing is carried out. The following alternative approaches were considered for a road narrowing (i.e. reducing the number of general purpose lanes on a street):

1. Using pavement markings to reallocate the existing pavement width (e.g. by converting general purpose lanes to parking lanes, bicycle lanes, or continuous left turn lanes). This approach can also include physical construction at specific locations, such as curb “bump-outs.”
2. Reconstructing the roadway to reduce the number of general purpose lanes.

The requirements of each of these alternatives under both the current Municipal Class EA and the proposed amendment to the Municipal Class EA are summarized in Table 1. Additional details are provided in Appendix 1.

Table 1: Required Class EA Schedule for a Road Narrowing Project

Alternative	Municipal Class EA Schedule	
	Current Version	Proposed Update
1. Reduction in lanes using pavement markings and localized physical construction	A+	A+
2. Reduction in lanes by road reconstruction	B or C (depending on project cost)	A+

Notes:

- Schedule A+: exempt from EA requirements, public notification recommended
- Schedule B: limited public consultation and an environmental screening document required
- Schedule C: full 5-phase process, environmental study report & MECP approval required

The summary in Table 1 is based on roadway-related project elements only. If a road narrowing project were coordinated with other work (e.g. sewer or watermain work), it is possible that this other work would dictate a higher schedule for the entire project.

The proposed update to the Municipal Class EA takes a significantly different approach to road narrowing than is taken by the current version of the Class EA. The update, if approved, will exempt road reconstruction projects that reduce the number of general purpose lanes from the more stringent public consultation and approval requirements that apply to roadway widening projects.

Other Considerations

The Municipal Class EA provides minimum requirements only; municipalities have the option to exceed the requirements of the Class EA by carrying out additional reviews or consultation.

In the case of Schedule A and A+ projects (i.e. projects that are exempt from EA requirements), the Class EA recommends considering the magnitude and impacts of the project when choosing the appropriate consultation strategy and level of review. The Class EA further notes that some roadway changes that are classified as Schedule A+ because of their low cost may have the potential for significant impacts on traffic patterns and area residents and businesses, and may warrant a higher level of public consultation because of this.

The Active Transportation Master Plan, *Walk Wheel Windsor*, recommended further in-depth review for the streets identified as multi-modal corridors before active transportation facilities are added. As one of the multi-modal corridors identified in the ATMP, this recommendation would apply to Wyandotte Street East in the Pillette Village and Riverside BIAs.

Council resolution CR563/2019 directed Administration to carry out a feasibility study for a lane reduction on Wyandotte Street East between St. Luke Road and Lauzon Road. This study would satisfy the need for a corridor study for the Pillette Village and Riverside BIAs.

Risk Analysis:

No critical or significant risks are associated with this informational report.

Financial Matters:

No financial expenditures are associated with the report recommendations.

Consultations:

Dwayne Dawson, Operations

Shawna Boakes, Traffic Operations

Conclusion:

Under the current Municipal Class Environmental Assessment (EA), a road narrowing on Wyandotte Street East in the Pillette Village and Riverside BIAs would require an EA (either a full 5-phase EA or a limited process) or may be exempt from EA requirements, depending on how the road narrowing is carried out.

Under proposed changes to the Municipal Class EA, a road narrowing would be a Schedule A+ project (exempt from EA requirements, public notification recommended) regardless of how it is carried out.

In either case, Council has the option to require public consultation or additional reviews; this would be in keeping with the recommendations of the *Walk Wheel Windsor* final report, which recommends a corridor review for this portion of Wyandotte Street East. The upcoming study to review the feasibility of lane reductions on Wyandotte Street East previously directed by Council (CR563/2019) would satisfy the need for a corridor review in the two BIAs.

Planning Act Matters:

N/A

Approvals:

Name	Title
John Revell	Chief Building Official
Shelby Askin Hager	City Solicitor
Mark Winterton	City Engineer
Onorio Colucci	Chief Administrative Officer

Notifications:

Name	Address	Email
Bridget Scheuerman, Executive Director Pillette Village BIA Riverside BIA Ford City BIA		bscheuerman@cogeco.ca
Windsor BIA Advisory Committee		
Windsor Bicycling Committee		

Appendices:

- 1 Municipal Class Environmental Assessment – Items Related to Road Diets/Road Narrowings

Municipal Class Environmental Assessment – Items Related to Road Diets/Road Narrowings

Summaries of items from the current Municipal Class EA and the proposed major update to the Municipal Class EA that relate to road diets and road narrowings are provided below.

In both cases:

- For projects involving several types of work, the entire project must meet the highest schedule required for any component.
- Only elements of the project related to the roadway are noted below. If a project includes other work (e.g. sewer or watermain work), this may affect that schedule applies to the project.

Current Municipal Class EA

Description of the Project	Cost Limit for Project	Schedule
		<i>A: exempt from EA requirements</i> <i>A+: exempt, public notice recommended</i> <i>B: limited public consultation and screening document required</i> <i>C: full 5-phase process</i>
3. Construction or removal of sidewalks or multi-purpose paths or cycling facilities within existing or protected rights-of-way	No limit	A
12. a) Construction of localized operational improvements at specific locations	No limit	A+
	<\$9.5 million	A+
13. Installation, construction or reconstruction of traffic control devices (e.g. signing, signalization)	>\$9.5 million	B
19. Reconstruction where the reconstructed road or other linear paved facilities (e.g. HOV lanes) will be for the same purpose, use, capacity and at the same location (e.g. addition or reduction of cycling lanes/facilities or parking lanes, provided no change in the number of motor vehicle lanes)	No limit	A+

Description of the Project	Cost Limit for Project	Schedule
20. Reconstruction or widening where the reconstructed road or other linear paved facilities (e.g. HOV lanes will not be for the same purpose, use, capacity or at the same location (e.g. additional motor vehicle lanes, continuous centre turn lane)	<\$2.4 million	B
	>\$2.4 million	C
<p>22. Redesignation of a Linear Paved Facility through signage or pavement marking modifications (i.e. not requiring physical construction beyond localized operational improvements described in activity No.12 above):</p> <ul style="list-style-type: none"> • addition or removal of parking or turning lane markings on an existing roadway • conversion of one-way or two-way streets • redesignation of existing General Purpose Lane (GPL) or on-street parking to High Occupancy Vehicle (HOV) or cycling lanes/facilities; vice versa • addition or removal of cycling lanes/facilities • New construction or removal of sidewalks, multi-purpose paths or cycling facilities including water crossings outside existing right-of-way 	No limit	A+

Draft Municipal Class EA Update

Notes:

- The table below is based on the draft Municipal Class EA major update recently released by the Ministry of the Environment, Conservation and Parks and is not yet approved.
- Item numbering has changed between the current version and the draft major update. The ordering in the table below matches the table for the current Municipal Class EA to assist with comparing between the two tables.
- Revisions from the text in the current version are shown as follows:
 - Deleted text: ~~strikethough~~
 - Changed or added text: underline

Description of the Project	Cost Limit for Project	Schedule
		<i>A: exempt from EA requirements</i> <i>A+: exempt, public notice recommended</i> <i>B: limited public consultation and screening document required</i> <i>C: full 5-phase process</i>
23a Construction or removal of sidewalks or multi-purpose paths or cycling facilities within existing or protected rights-of-way and/or utility/rail corridors	No limit	<u>A+</u>
17 a) Construction of localized operational improvements at specific locations <u>including roundabouts</u>	No limit	A+
26 Installation, construction or reconstruction of traffic control devices (e.g. signing, signalization).	<u>No limit</u>	<u>A+</u>

Description of the Project	Cost Limit for Project	Schedule
<p>19 Reconstruction where the reconstructed road or other linear paved facilities (e.g. HOV lanes) will be for the same purpose, use, capacity and at the same location (e.g. addition or reduction of cycling lanes/facilities or parking lanes – no change to motor vehicle lanes <u>may decrease but not increase</u>)</p>	No limit	A+
<p>31 Reconstruction or widening where the reconstructed road or other linear paved facilities (e.g. HOV lanes) will not be for the same purpose, use, capacity or include additional lanes for vehicle travel but will remain at the same location</p>	<u>No limit</u>	<u>B</u>
<p>20 Redesignation of a Linear Paved Facility through signage or pavement marking modifications (i.e. not requiring physical construction beyond localized operational improvements described in activity No.17 above):</p> <ul style="list-style-type: none"> • addition or removal of parking or turning lane markings on an existing roadway • conversion of one-way or two-way streets • redesignation of existing General Purpose Lane (GPL) or on- street parking to High Occupancy Vehicle (HOV) or cycling lanes/facilities; vice versa: • addition or removal of cycling lanes/facilities <u>or continuous turn lanes</u> 	No limit	A+



Committee Matters: SCM 258/2020

Subject: Windsor Deep Energy Efficiency Retrofit Program Grant Opportunity

Moved by: Councillor McKenzie

Seconded by: Councillor Costante

Decision Number: **ETPS 779**

1. THAT the report of the Community Energy Plan Administrator dated August 6, 2020 entitled Windsor Deep Energy Efficiency Retrofit Program Grant Opportunity **BE RECEIVED** for information.
2. THAT City Council **DIRECT** Administration to submit an application to the Federation of Canadian Municipalities' Community Efficiency Financing program (the "FCM CEF Program") for grant funding ("the Grant") in order to complete a Program Design Study, along with the following recommendations:
 - a. That the Chief Administrative Officer **BE AUTHORIZED** to execute any agreements, declarations or approvals required to submit the application for the Grant;
 - b. That the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to take any such action and sign any such documentation as may be required to effect the recommendations and funding for the Grant, subject to all documentation being satisfactory in legal form to the City Solicitor, in technical content to the City Engineer, and in financial content to the City Treasurer;
 - c. That in the event the City receives written confirmation of the Grant being awarded to the City, implementation of the DEER Project does not result in a need for additional City funding not already approved by City Council and where the Grant provider confirms that expenditures as of that date are eligible, then City Council **APPROVES** the following recommendations:
 - i. The Chief Administrative Officer **BE AUTHORIZED** to delegate signing of all claims and applicable schedules and other such documents required as part of the request for payment to the Supervisor, Environmental Sustainability & Climate Change or designate, subject to financial content approval from the area's Financial Planning Administrator or their manager; and,
 - ii. The Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign agreements or contracts with successful vendors / proponent / bidders satisfactory in technical content for all projects to the City

Engineer, in financial content to the City Treasurer, and in legal form to the City Solicitor; and,

iii. The Purchasing Manager **BE AUTHORIZED** to issue Purchase Orders or RFPs as may be required to effect the recommendations noted above, subject to all specification being satisfactory in technical content to the City Engineer and in financial content to the City Treasurer.

3. THAT City Council **APPROVE** the transfer of surplus funds of \$72,722 from the Corporate and Community Climate Change Mitigation (Project ID #7159001) to a new project ID for the development of the Deep Energy Efficiency Retrofit ("DEER") Business Plan.

Carried.

Report Number: S 107/2020
Clerk's File: MU/8327

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

Subject: Windsor Deep Energy Efficiency Retrofit Program Grant Opportunity**Reference:**

Date to Council: August 26, 2020

Author: Kyle Bassett

Community Energy Plan Administrator

kbassett@citywindsor.ca

519-253-7111 x 3224

Report Date: August 7, 2020

Clerk's File #: MU/8327

To: Mayor and Members of City Council

Recommendation:

1. That the report of the Community Energy Plan Administrator dated August 6, 2020 entitled Windsor Deep Energy Efficiency Retrofit Program Grant Opportunity **BE RECEIVED** for information.
2. That City Council **DIRECT** Administration to submit an application to the Federation of Canadian Municipalities' Community Efficiency Financing program (the "FCM CEF Program") for grant funding ("the Grant") in order to complete a Program Design Study, along with the following recommendations:
 - a. That the Chief Administrative Officer **BE AUTHORIZED** to execute any agreements, declarations or approvals required to submit the application for the Grant;
 - b. That the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to take any such action and sign any such documentation as may be required to effect the recommendations and funding for the Grant, subject to all documentation being satisfactory in legal form to the City Solicitor, in technical content to the City Engineer, and in financial content to the City Treasurer;
 - c. That in the event the City receives written confirmation of the Grant being awarded to the City, implementation of the DEER Project does not result in a need for additional City funding not already approved by City Council and where the Grant provider confirms that expenditures as of that date are eligible, then City Council **APPROVES** the following recommendations:
 - i. The Chief Administrative Officer **BE AUTHORIZED** to delegate signing of all claims and applicable schedules and other such documents required as part of the request for payment to the Supervisor, Environmental Sustainability & Climate Change or

designate, subject to financial content approval from the area's Financial Planning Administrator or their manager; and,

- ii. The Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign agreements or contracts with successful vendors / proponent / bidders satisfactory in technical content for all projects to the City Engineer, in financial content to the City Treasurer, and in legal form to the City Solicitor; and,
- iii. The Purchasing Manager **BE AUTHORIZED** to issue Purchase Orders or RFPs as may be required to effect the recommendations noted above, subject to all specification being satisfactory in technical content to the City Engineer and in financial content to the City Treasurer.

3. That City Council **APPROVE** the transfer of surplus funds of \$72,722 from the Corporate and Community Climate Change Mitigation (Project ID #7159001) to a new project ID for the development of the Deep Energy Efficiency Retrofit ("DEER") Business Plan.

Executive Summary: N/A

Background:

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

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

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

Throughout 2018 and 2019 consultants were engaged to develop a business case for a deep energy efficiency retrofit program. The final business case was presented to Council in February 2020 (C1/2020).

Decision Number: CR112/2020 ETPS 737

1. *That the report of the Community Energy Plan Administrator dated January 3, 2020 entitled Windsor Residential Deep Energy Efficiency Retrofit Program **BE RECEIVED** for information.*

2. *That City Council **RECEIVE** the attached Final Report of the Project Working Team led by Garforth International LLC: City of Windsor Residential Deep Energy Efficiency Retrofit Program.*

3. *That Administration **REPORT BACK** with a detailed review of corporate risks, benefits, grant opportunities and other relevant program details for Council's consideration prior to the development of Windsor's Residential Deep Energy Efficiency Retrofit (R-DEER) Business Plan.*

Carried.

Windsor's Deep Energy Efficiency Retrofit ("DEER") Program was also included in the Acceleration of Climate Change Actions in response to the Climate Change Emergency Declaration as a Priority 1 mitigation action (S18/2020)

Discussion:

The purpose of this report is to obtain authorization to apply to the FCM CEF Program for funding to complete a program design study. This program design study will work to address the areas of interest outlined in item 3 of council resolution *CR112/2020*.

FCM Community Efficiency Financing

The Federation of Canadian Municipalities has recently earmarked \$300 million for the delivery of the FCM CEF Program. The focus of this funding is to provide support for municipalities to create and implement innovative financing mechanisms geared towards accelerating investments in energy efficiency and renewable energy generation. The FCM CEF Program also allows for up to 30% of any grant funding to be used to support Climate Change Adaptation (ex. basement flooding subsidy program) and home safety measures (ex. actions to age in place).

This program includes three options available to municipalities as shown in this table.

Initiatives	Description	Funding Type
Studies (grants)	Support municipalities to develop or refine a concept to the point where it is ready to apply for capitalization	Up to 80% of the eligible costs to a maximum of \$175k
Program Capitalization	Capital to support the launch or growth of initiatives	A loan of up to \$10M, with an accompanying grant of up to 50% of the loan amount. The GMF can cover up to 80% of the total eligible costs
Credit Enhancement	A partial loan guarantees to be used to help leverage	A partial loan guarantee of

	third party capital	up to \$2M
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This FCM CEF Program represents an excellent opportunity for the City to leverage funds to complete the study and progress towards a recommendation for a building retrofit program. It is recommended that the City proceed with an application for funding for resources to complete a detailed business plan/program design study. This would fall under the “Studies” funding category of the FCM CEF Program. The deadline for the first round of Studies grants is October 31, 2020.

In order for an applicant to apply for loans, loan guarantees and grants under the “Program Capitalization” and “Credit Enhancement” funding categories of the FCM CEF Program, a program design study is a prerequisite. However, completing the program design study does not require the city to proceed with any particular plan.

Several other Ontario municipalities are also developing building retrofit programs and administration will coordinate and engage with them on an ongoing basis.

Next Steps

Administration is recommending to proceed with the completion of a program design study and Business Plan development based on the findings of the DEER business case (feasibility study). The program design study and business plan will encompass the same document and are referred to interchangeably throughout this report.

To support this action, administration would apply for funding under the FCM CEF Program to complete the program design study. Program design studies funded by the FCM CEF Program will generally build upon market intelligence and research, including feasibility studies, by advancing a program design that meets local community needs and municipal priorities. They lay the foundation for a financing program for home energy upgrades by documenting the details needed to obtain approval by a municipal government. Program design studies address the following design considerations:

- Target audience
 - Participant eligibility criteria
 - Eligible measures list
- Funding sources and budgets
 - Sources of capital funding and administration funding (both start-up and operations)
 - Capital and operating budgets
 - Financial viability of program based on various participation rates
- Recommended financing model (PACE, utility on-bill or third-party lender)

- Financing terms and conditions
- De-risking strategies (e.g. credit assessment, municipal loan loss reserve and partial loan guarantee for third party lender)
- Program activities
 - Program delivery model(s) to be employed
 - A program theory logic model (PTLM) outlining how the program will intervene to address local barriers, generate energy savings, and support market transformation
 - Application of the EnerGuide Rating System (ERS) and relevant requirements for program participants
 - Integration with other relevant incentive programs
 - Marketing and communications strategies
 - Measurement and verification plan
 - Workforce training needs
- Program setup and administration
 - Program implementation plan
 - Stakeholder roles and responsibilities
 - Client journey and application process
 - Program process flow diagrams
- Legal and risk issues
 - Risk identification and management strategies
 - Contracting and procurement

The completion of the program design study will allow the City to challenge the conditions in the business case and identify opportunities for improvement. The development of the business plan will be completed internally through a Corporate Project team with external supports as needed.

Throughout this process, Administration will continue to engage with Ontario municipalities pursuing energy retrofit programs. Based on conversations with other municipalities there is a common acknowledgement that by working closely together we will be able to find efficiencies. The county of Essex is currently developing a Community Energy Plan, and as with all municipalities will also need to address the residential building stock. The County of Essex will be included as a key stakeholder in program design development.

Once the business plan is complete it will be presented to City Council to obtain future direction from City Council.

Risk Analysis:

There are no significant risks associated with applying for grant funding for completing the program design study. Using the grant funding does not commit the City to continue with implementation of any program.

Climate Change Mitigation

There are no climate change related risks associated with applying for the FCM funding. The DEER program overall will greatly aid climate change mitigation through greenhouse gas reduction. Based on the goals of the DEER project, GHG reduction can be estimated as 235,000 tonnes per year by 2041.

Climate Change Adaptation

There are no climate change adaptation risks associated with applying for FCM funding. As part of this DEER program, Administration will be looking at opportunities to enhance the service delivery of the existing basement flood reduction measures (i.e. Sump pumps, backwater valves). This will improve resiliency of Windsor's residences.

Financial Matters:

To support the development of the business plan, administration is recommending an application to FCM Community Efficiency Financing (CEF) program to support the program design study. If successful, CEF funding can support program design study costs up to \$175,000 or 80% of eligible costs whichever is less.

Project ID 7159001 Corporate and Community Climate Change Mitigation account was created in 2015 to support the development of the Community Energy Plan (CEP) and Corporate Climate Change Action Plan (CCAP). Due to successful applications to both FCM's Green Municipal Fund and the Ministry of Energy's Community Energy Plan funding to support the development of the CEP, surplus funds remained in this Project ID upon completion of the project. These funds were then allotted to the development of the DEER business case (feasibility study), which was supported through FCM's Municipal Climate Innovation Program (MCIP). Upon completion of the DEER business case, there remains a surplus of \$72,722 in this Project ID. At this time, Administration is requesting that these surplus funds be used to leverage the funding from the FCM CEF program.

Currently, Administration is investigating completing the business plan internally as much as possible, through the development of a Corporate Project Team and Charter.

The CEF funding allows for cost recovering of internal staff time for time dedicated to the project. However, there are a number of items that may benefit from external consultants expertise. Below outlines estimated expenses, however, these expenses are expected to change as the working team is developed and internal expertise is realized.

The following table outlines the proposed project budget

Description	Amount
Internal Costs	
Project Management – Community Energy Plan Administrator (up to 75% FTE, inclusive of fringe)	\$68,610
Possible External Support Costs	
Business Case Stress Test and Capital expenditure breakdown	\$18,000
Market Study	\$45,000
Business Plan Consultants	\$116,112
Total Eligible Expenses	\$247,722
Revenues	
FCM Community Efficiency Fund (80% of eligible expenditures, to a maximum of \$175,000)	(\$175,000)
Surplus Funds from Project ID 7159001 (Corporate and Community Climate Change Mitigation)	(\$72,722)
Total Funding Available	(\$247,722)

Consultations:

Federation of Canadian Municipalities

Enbridge Gas

Clean Air Partnership

Municipalities – Oakville, Newmarket, Burlington, Vaughan

Asset Planning

Finance

Legal

Planning Act Matters: N/A

Approvals:

Name	Title
Karina Richters	Supervisor, Environmental Sustainability and Climate Change
Carrie McCrindle	Financial Planning Administrator
Natasha Couvillon	Manager, Performance Measurement & Financial Administration
Jake Renaud	Senior Manager of Pollution Control
Mark Winterton	City Engineer
Shelby Askin-Hager	City Solicitor
Joe Mancina	Chief Financial Officer
Onorio Colucci	Chief Administrative Officer

Notifications:

Name	Address	Email
Enbridge Gas Inc. (Brian Lennie)	50 Keil Drive North, Chatham, ON N7M5M1	brian.lennie@enbridge.com

Appendices:



Committee Matters: SCM 259/2020

Subject: Response to Council Directive Requesting Administration to Report Back to Council with Gap-Filling Opportunities in Community Gardens on Municipal Property Policy- City-Wide

Moved by: Councillor McKenzie

Seconded by: Councillor Costante

Decision Number: **ETPS 780**

- I. THAT the report of the Environment & Sustainability Coordinator dated August 6, 2020, entitled "Response to Council Directive Requesting Administration to Report Back to Council with Gap-Filling Opportunities in Community Gardens on Municipal Property Policy" **BE RECEIVED**.
- II. THAT Option 2: City Led Community Gardens **BE APPROVED**.
- III. THAT Administration **BE DIRECTED** to update the Community Gardens on Municipal Property Policy.
Carried.

Councillor Francis voting nay.

Report Number: C 158/2020

Clerk's File: SR2020

Clerk's Note: The recommendation of the Standing Committee and Administration are **not** the same.

Subject: Response to Council Directive Requesting Administration to Report Back to Council with Gap-Filling Opportunities in Community Gardens on Municipal Property Policy - City-Wide**Reference:**

Date to Council: August 26, 2020
Author: Meraal Yared
Environment & Sustainability Coordinator
519-253-7111 ext 3290
myared@citywindsor.ca
Pollution Control
Report Date: August 6, 2020
Clerk's File #: SR2020

To: Mayor and Members of City Council

Recommendation:

- I. THAT City Council **RECEIVE** the Response to Council Directive Requesting Administration to Report Back to Council with Gap-Filling Opportunities in Community Gardens on Municipal Property Policy report; and
- II. THAT City Council **PROVIDE DIRECTION** to Administration on proceeding with Option 1: Status Quo or Option 2: City Led Community Gardens; and
- III. THAT should City Council choose Option 2: City Led Community Gardens, that Administration **BE DIRECTED** to update the Community Gardens on Municipal Property Policy.

Executive Summary:

N/A

Background:

The Community Gardens on Municipal Property Policy (the “Policy”) was initially approved by Council on August 24th, 2014 (M337-2014). At that time there were three community gardens operating on City property. The Policy was created to streamline an application process for community groups as well as outline internal department roles and responsibilities for supporting community gardens on public property.

The update to the Policy was approved by Council on May 4th, 2020 (CR188/2020). At the same meeting, Council directed administration to prepare a report for Council’s consideration outlining potential opportunities for gap-filling where United Way funding had dropped off in certain neighbourhoods, where the gardens were relying on that funding and those groups to keep them going.

At this time, there are 6 community gardens on municipal property, several of which used to rely on United Way funding for staff resources, as well as to cover the cost of the liability insurance required by the Policy. In 2020, the United Way decided to take a different direction with their strategy and several community groups in Windsor were no longer eligible for funding.

The loss of United Way funding on March 31, 2020 has already affected 4 of the 6 community gardens on municipal property. The Downtown Windsor Community Collaborative had to eliminate their staff member dedicated to their community gardens due to lost funding, but continues to run the gardens at Wigle Park, Mitchell Park, and Caron Ave Park. Drouillard Place could no longer afford the liability insurance required in the Policy and the Ford City BIA applied to take over the Ford City Community Garden. This required Administration to undertake the process of obtaining a new license agreement under Ford City BIA.

Community gardens provide healthy, fresh food for the community, enhance habitat for bees, birds and other animals, create a thriving neighbourhood gathering space and increase the absorption of stormwater.

Discussion:

The Policy was up for review in August 2019. Meetings were held internally to go over the Policy and proposed changes were discussed. Informal discussion was also held with the community groups operating the community gardens on municipal property to offer an opportunity for them to provide feedback on the Policy. These changes to the Policy were approved by Council on May 4th, 2020 (CR188/2020). At the same meeting, Council directed administration to prepare a report for Council's consideration outlining potential opportunities for gap-filling where United Way funding had dropped off in certain neighbourhoods, where the gardens were relying on that funding and those groups to keep them going.

To identify potential opportunities for gap-filling, administration began with research into the practices and policies of different municipalities in Ontario to identify service delivery models that can support the sustainability of community gardens in Windsor. This review included consideration of the following: the annual cost to the gardener, the type of garden (whether communal or individual), the number of garden plots, the individual or organization responsible for the garden, the insurance requirements, the waiver requirements, plot assignments, the duration of the agreements, etc.

Also taken into consideration was the number of parties within the City who have expressed an interest in starting a community garden in their area. These individuals are not tied to an organization but have an informal neighbour group of interested individuals. The current policy creates limitations for such neighbourhood groups. With a different model of service delivery, including some small changes to Policy requirements, the City can increase the accessibility to community gardens.

Administration is presenting two options for Council consideration.

Option 1: Status Quo

This option would include no change to the existing Policy, as detailed in Appendix A. In accordance with the Policy, the community gardens license is entered into between the City and a licensee (the “Licensee”). The Licensee is responsible for the operation of the entire community garden, and no other individuals unrelated to the Licensee are permitted to use any portion of the garden.

In consultation with existing Licensees, they believe the gardens are a vehicle for leadership development and would like the opportunity to continue with the type of partnership they've had with the City over the years. At this time, there is no annual cost for use of the garden charged by the City. The individual Licensees are free to determine how they run their gardens, the cost to the gardener, the plot assignments, the types of gardens, etc. The development and upkeep of a community garden is also the responsibility of the Licensee. The City continues to provide assistance with procurement of mulch and water for the gardens. This year with the heightened challenges of COVID, the Parks department has also provided support with plowing and tilling of 2 community gardens: Derwent Park (City supported Community Garden); and Unemployed Help Centre's garden.

Pros:

This option has been proven to work in our community, on a small scale. With 6 community gardens under this model currently in place, we have had no major issues. The Environment and Sustainability Coordinator does not have extensive work to do with established gardens, beyond monitoring and communicating any important messages to the contact person for the Licensee.

Cons:

This current option only allows for a single Licensee to use each community garden, and leaves other individuals without the ability to use a smaller portion of a garden. Potential Licensees may also be unable to pay for the cost of insurance under the current Policy.

Generally, the costs associated with the building of a community garden also falls on the Licensee, with exception of gardens that have been enhanced due to parks redevelopment projects (ex. moving the community garden at Bruce Ave to Caron Ave.). The start-ups can be significant for non-profit groups working to develop a community garden.

Option 2: City Led Community Gardens

This option would include changes that would require the Environment & Sustainability Coordinator taking the lead on the gardens, with an entity or an individual acting as the community garden coordinator (the “Community Garden Coordinator”) at each respective garden. Any existing Licensees could continue to operate the gardens they are currently managing as Community Garden Coordinators, if they desired.

In the late 1980s, and early 1990s, the City of Windsor had a City Led Community Garden program. Under this program, the City coordinated with the individual gardeners. This program was very labour intensive for Administration. However, to reduce this risk, it is recommended under Option 2 that a Community Garden Coordinator be required for each community garden.

While plots remained available, any entity or individual could also request to use a plot at an existing garden, or submit a request for a new garden to be developed. The application process for development of a new community garden would remain the same. Development of new community gardens would be considered on an annual basis, depending on interest. New community gardens may also be built as parks are being redeveloped, if public engagement suggests there is need and interest. The cost to develop a community garden would be the responsibility of the City. Relaxed requirements for the Community Garden Coordinator would allow the opportunity for more residents to participate. Insurance would be recommended, but no longer required, creating less of a financial burden to the Community Garden Coordinator. A proposed gardener fee would help to cover in part the costs associated with the operation of existing community gardens. Specific changes to Policy which would support the City-led community gardens are listed below.

Changes to Conditions of Use:

- In comparing the policies in place in several municipalities in Ontario, we found that it is more common not to require a Licensee to be responsible for operating an entire community garden, but rather, allowing individuals or a smaller group to be authorized to use a portion of an existing community garden. The proposed model would require an agreement to be signed by the Community Garden Coordinator on an annual basis.
- The City would establish a code of conduct (the “Code of Conduct”) and each individual gardener at the community garden would be required to sign a waiver assuming all risks associated with their use of the community garden, and releasing and indemnifying the City from any claims or actions resulting from their use of the community garden (the “Gardener Waiver”).
- Each individual garden would be required to pay an annual cost associated with the operation of the community garden. An initial cost of \$40 per plot is proposed, which will be reviewed during policy development, if Option 2 is chosen by Council.
- At this time, our licence agreements require \$2,000,000 in comprehensive general liability insurance, satisfactory in form and content to the City. This liability insurance was required by the City to protect the Licensee in the event that an individual was injured while using the garden. If the City took a more active role in managing these gardens, insurance would no longer be required from the Community Garden Coordinator. However, it would be recommended in order for the Community Garden Coordinator to protect itself from liability should a claim or action be brought against the Community Garden Coordinator as a result of their use of the community garden. The Community Garden Coordinator may be willing to take that risk, and elect to not provide the City with liability insurance.
- Plot assignment would be on a first come, first serve basis, with the gardener having the right of first refusal for the next gardening season (Running April 1-March 31).

Changes to Responsibility:

Environment and Sustainability Coordinator:

- Would remain the primary contact internally for the Community Garden Committee and would be the primary contact for the Community Garden Coordinator at each garden;

- Collect signed agreements and all signed Gardener Waivers from Community Garden Coordinators;
- Communicates regularly with Community Garden Coordinators;
- Review and approve (where appropriate), in consultation with Parks, all site plans and structure requests from Community Garden Coordinators;
- Assist the Community Garden Coordinator(s) with enforcement issues arising from the Community Gardens Guidelines, and will work with the Community Gardener Coordinator(s) and the gardeners, whenever possible, to assist them in resolving the issue; and
- Provide support to gardeners regarding advertising and promotion opportunities for community garden events and projects.

Community Garden Coordinator:

- Read and sign the Garden Coordinator Agreement;
- Collect gardener fees and pay the City;
- Responsible for communication with all gardeners in their respective community garden;
- Would ensure that all gardeners have signed Gardener Waivers and remain in compliance with Code of Conduct;
- Contact Environment and Sustainability Coordinator for assistance and support if concerns, questions or complaints arise;
- Consult with Environment and Sustainability Coordinator before erecting permanent or semi-permanent structures within the garden, including fences, sheds, and additional signage;
- Take responsibility for the collective management of the community garden, including sourcing garden materials for the garden after the initial setup and maintaining all paths within the garden;
- Make sure the community garden is well maintained;
- Encourage gardeners in the community garden to obey the Community Garden Guidelines;
- Oversee compliance of the Code of Conduct by gardeners within the community gardens; and
- If any violation of the above Code of Conduct is found, discuss the matter with the gardener. If necessary, discuss the issue with Environment and Sustainability Coordinator who may issue a written notice to the gardener.

Gardeners:

- Read and adhere to the Community Garden Guidelines;
- Sign Gardener Waiver;
- Follow the direction of the Community Garden Coordinator regarding the guidelines;
- Contact the Community Garden Coordinator with any concerns and questions;
- Contact Environment and Sustainability Coordinator only for unresolved issues with the Community Garden Coordinator;
- Dispose of gardener litter (i.e. wrappers, uneaten food, cups, etc.); and
- If there are no compost bins, leave garden waste materials (i.e. plant and tree trimmings as well as brush, leaves, stumps, etc.) at the roadside for pickup by City of Windsor based on the Yard Materials Collection schedule for each Garden.

Pros:

With this option, all existing gardeners would have the opportunity to continue gardening as individuals. The Policy states that one of the goals is to “facilitate equal opportunity for all residents to apply for a community garden”, with that in mind, this option would also allow a broader group of people to garden, without having to be affiliated with a Licensee or satisfying the insurance requirements. The City would still be covered by the existing insurance at the Parks. Administration would expect an uptick in the number of community gardens requests on municipal property.

Cons:

Increased annual responsibility and work for Environment & Sustainability Coordinator. As more community gardens are created, the time needed to prepare will increase as well. Even established gardens will need time dedicated to planning and ensuring that all is in place for the growing season and oversight throughout. Gardener fee of \$40 may be prohibitive to some. Cost to develop a new community garden would become the responsibility of the City.

	Option 1: Status Quo	Option 2: City Led Community Garden
Oversight of community gardens	Licensee that enters into a 2 years Licence Agreement with the City	Environment & Sustainability Coordinator
Coordination of community garden	Licensee	Any entity or individual gardener who wishes to take on the responsibility of the Community Garden Coordinator and signs the Community Garden Coordinator Agreement annually.
Insurance	\$2,000,000 in comprehensive general liability insurance, satisfactory in form and content to the City's Manager of Risk and Insurance. Insurance certificates are reviewed, approved and maintained by Risk Management.	Recommended, but not required.
Gardener fee	Not required by the City.	A proposed annual gardener fee of \$40.
Community Garden Waiver	Not required by the City	Each individual gardener is required to sign.
Cost of developing new community garden	Responsibility of the Licensee	Responsibility of the City at an approximate cost of \$500 per garden plot.
Site Plan Approval	Environment & Sustainability Coordinator in consultation with Parks	Environment & Sustainability Coordinator in consultation with Parks

Risk Analysis:

No significant or critical risks exist from the current model, Option #1 for operating the Community Gardens on Municipal Property, nor would it exist in updating the Policy to reflect what is outlined as Option #2. There are six community gardens operating on City property in good standing with the City of Windsor.

With Option #1, the Licensee will provide comprehensive general liability insurance satisfactory in form and content to the City as required in the licence agreements.

With Option #2, the City would establish Community Garden Guidelines, the Code of Conduct and a Gardener Waiver to be signed by each gardener assuming all risks associated with their use of the community garden, and releasing and indemnifying the City from any claims or actions resulting from their use of the community garden. If a group so chooses to acquire their own insurance, they are free to do so but it would no longer be a requirement.

There is a resource risk to the City, in the event that the volunteer Community Garden Coordinator decides to leave the garden. To minimize this risk, the City would require a "back-up" Community Garden Coordinator or an established network of interested individuals for each community garden.

Climate Change Risks:

Climate change mitigation

Both proposed options in the report would result in an initial increase in greenhouse gas emissions when a new community garden is being developed, due to the procurement of materials and creation of garden plots. Any emissions increased due to the creation of the gardens would be quickly offset through the production of local food.

Climate change adaptation

Community gardens, as green infrastructure, can reduce urban heat islands, increase stormwater retention, and create food security, increasing resilience to climate change. Depending on what is being grown, they can provide ecosystem services to endangered species such as native bees and butterflies.

Financial Matters:

There is currently \$5,000 dedicated to community gardens as part of the Environmental Master Plan Operating Budget. Currently these funds are intended to be used for education and to purchase and install standard City of Windsor signage at the gardens.

Option 1:

Once approved, the development of new community gardens is the responsibility of the applicant.

Option 2:

With the addition of a gardening fee, those funds can be used to help offset the cost that is absorbed by Parks (to turn on and off water, to deliver mulch and soil, etc.) for existing gardens.

Under Option 2, it is recommended that the \$5,000 dedicated to community gardens in the Environmental Master Plan Operating Budget for signage also be used towards the building and maintenance of garden plots. For any applications to develop a new garden, the application will need to be received by November 30th for the following gardening season. The applications received would be taken into consideration by the Community Garden Committee, and if approved, would be developed using funds previously mentioned, if available. Any financial need beyond the current funding of \$5,000 would be presented to City Council at the time of the garden approvals to determine funding.

Consultations:

Dana Paladino, Deputy City Solicitor, Purchasing, Risk Management & POA

Kate Tracey, Legal Counsel

Heidi Baillargeon, Manager of Parks Development

Downtown Windsor Community Collaborative

Drouillard Place

Conclusion:

In conclusion, the suggested options for changes to the Policy were made in consultation with appropriate internal City of Windsor departments as well as community garden operators. The current Policy is working well to provide support for community gardens in Windsor, however, some changes may allow the City to provide support where United Way funding is no longer available and increase access to individuals not tied to an organization.

Planning Act Matters:

N/A

Approvals:

Name	Title
Carrie McCrindle	Financial Planning Administrator
Jake Renaud	Senior Manager, Pollution Control
Mark Winterton	City Engineer and Corporate Leader Environmental Protection and Infrastructure Services
Jan Wilson	Corporate Leader, Parks, Recreation and Culture and Facilities
Shelby Askin Hager	City Solicitor
Joe Mancina	City Treasurer
Onorio Colucci	Chief Administrative Officer

Notifications:

Name	Address	Email

Name	Address	Email
Bob Cameron, DWCC	395 Wyandotte St W, Windsor ON N9A 5X3	bob@dwcc.ca
Kate Gibb, Drouillard Place	1102 Drouillard Rd, Windsor ON N8Y 2R1	kgibb@fcnr.org
Gillian Benoit, Ford City BIA	1168 Drouillard Rd, #20 Windsor ON N8Y 2R1	Fordcityresidents1234@gmail.com
Masiya Jerry Bulaki, Place du Partage	225 Wyandotte St W, #104, Windsor ON N9A 5X1	masiya@placedupartage.com
Keely Murdock, OPIRG	Dillon Hall Rm 252 401 Sunset Ave. Windsor ON N9B 3P4	kmurdock@opirgwindsor.org

Appendices:

1 Appendix A - Community Gardens on Municipal Property Policy

THE CORPORATION OF THE CITY OF WINDSOR POLICY

Service Area:	Office of the City Engineer	Policy No.:	
Department:	Operations	Approval Date:	May 4, 2020
Division:	Pollution Control	Approved By:	CR188/2020
		Effective Date:	May 4, 2020
Subject:	Community Gardens on Municipal Property	Procedure Ref.:	
Review Date:	August 2024	Pages:	5 Replaces: M337-2014 (August 25, 2014)
Prepared By:	Environment & Sustainability Coordinator		Date: May 4, 2020

1. **POLICY**

Community gardens are an important tool for the development of healthy communities and quality of life improvements for residents. People can grow healthy and nutritious food while having a positive impact on the environment. The City of Windsor supports and encourages the development of community gardens on municipally owned lands.

2. **PURPOSE**

2.1 The goals of this policy are to:

- Establish guidelines for the development and operation of community gardens on municipally owned lands;
- Establish site selection criteria;
- Facilitate equal opportunity for all residents to apply for a community garden.

3. **SCOPE**

3.1 This policy is applied to all City-owned land and to all community gardens located on City-owned land. It provides organizations, individuals, and neighbourhood groups the opportunity to operate a community garden on city-owned land.

3.2 Applicability of other policies:

- The policy basis for this program is strengthened by recent Federal documents including the *Food Policy for Canada* (2019) and the creation of a Canadian Food Policy Advisory Council.
- Other Provincial policies supporting Community Gardens include the *Ontario Food and Nutrition Strategy* (2012) developed by the Ontario Collaborative Group of Healthy Eating and Physical Activity, as well as the *Local Food Act* (2013).
- Windsor's Community Strategic Plan, which was adopted in February 2007, provides a vision of a durable economy and a healthy environment. Community Gardens support this vision.
- Objective C10 in the City's Environmental Master Plan (2017) aims to support education, engagement and local food production through actively

promoting the use of underutilized or vacant City of Windsor property for the use of community gardens.

- And finally, the City's current Official Plan supports the development of community Gardens through Healthy Community (Section 4), Environment (Section 5) and Land Use (section 6) policies.

4. DEFINITIONS:

The definitions of terms used in this policy are:

- Community Garden: Lands used for the growing of fruits, vegetables or flowers collectively by a group of people for non-commercial purposes. It may consist of a single or common plot of land or it may be subdivided into individual plots of land.
- City: defined as The Corporation of the City of Windsor, or its representatives.
- Community Garden Committee: A City staff committee consisting of City of Windsor administrative staff from Pollution Control (Environmental Sustainability and Climate Change Office), Planning, Parks, Risk Management and Real Estate Services who oversee the Community Garden Application process.
- Parks: The City of Windsor Parks, Recreation & Culture and Facilities department.
- Properties: A parcel of land.
- Site: A specific location within a parcel of land where a community garden will be located.

5. RESPONSIBILITY

5.1 Community Garden Committee

- Review Community Garden Applications.
- Consist of representatives from Parks, Planning, Risk Management, Real Estate Services as well as the Environment and Sustainability Coordinator.

5.2 Environment and Sustainability Coordinator

- Be the primary contact both internally for the Community Garden Committee and for the community.
- Aid community groups in filling out applications.
- Accept applications and review them with the Community Garden Committee.
- In consultation with the Parks department, define and review community garden design guidelines.
- In consultation with the Parks department, work with the applicant to finalize site plan.
- Complete and document semi-annual inspections of all Community Gardens on municipal property.
- Provide potential updates to the policy as well as keep track of outstanding applications.
- Bring any licensing agreements forward for Council approval.

5.3 Legal Department

- Assist in the development and maintenance of a Community Garden License Template, and in determining the proper legal name to be used as the Licensee in such Template.

5.4 Parks Department

- Create and maintain a list of parks that are recommended by administration for Community Gardens.
- Meet on site with applicants to go over site logistics.
- Provide mulch, water and garbage facilities at their discretion and as resources permit to the Community Gardens when needed as well as install Community Garden signage.
- If there are any issues with maintenance or compliance, Parks staff will notify the Environment and Sustainability Coordinator.
- Assist the Applicants to conduct public consultation requirements for potential Community Gardens in parks as determined by the Community Garden Committee.

5.5 Real Estate Services

- Provide input on applications received requesting the use of vacant city-owned property for a community garden.
- Create and maintain a list of vacant municipal properties that are recommended by administration for Community Gardens.

5.6 Planning Department

- Assist the Applicants to conduct public consultation requirements for potential Community Gardens on vacant lots as determined by the Community Garden Committee.

5.7 Risk Management Department

- Review, approve, and maintain insurance certificates received from Applicants.

5.8 Chief Administrative Officer

- Approve amendments to the Community Garden License Template.

6. GOVERNING RULES AND REGULATIONS

All requests for Community Gardens on City property must follow the application and site selection processes, and meet the criteria as outlined below. These criteria must be met for Community Garden approval.

6.1 Application Process

- It is recommended that Applicants consult a list of pre-approved parks and vacant lots recommended to host Community Gardens. Applications for a Community Garden in a park or vacant lot not pre-approved must be approved by Council.

- Applicants will contact the Environment and Sustainability Coordinator in writing through the Application form to express interest in developing a Community Garden on City property.
- Applications for Community Gardens can be submitted at any time throughout the year however new applications should be received by a deadline determined by the committee to begin the site selection process for the growing season of the following year.
- The City will work with the Applicant to meet all requirements for approval of a Community Garden.
- Licencee's who are in good standing under their existing agreements will have first opportunity for their Community Garden location.

6.2 Site Selection Process

- Through consultation with administration a garden site plan will be prepared (as part of the Application process) and submitted.
- The garden site plan will include plot layouts and other features. Soil amendments and materials for pathways must also be defined.
- Minimum setbacks of 5 meters from the edges of the Community Garden to surrounding amenities, property lines, hedgerows and trees may be required to allow for regular maintenance in a park setting.

The City will work with the Applicant to identify and assess viable sites that meet the criteria in order to choose an appropriate site.

Site considerations include but are not limited to:

- An area that receives 6 or more hours of sunlight daily
- Availability of water (via existing water connection or ability to harvest and store in rain barrels or cisterns from the roof of an existing building.)
- In an area that will not interfere with other uses (ie. recreational)
- In an area that will not interfere with water drainage and site maintenance
- Walkable to the gardening community and accessible to parking and/or busing
- Any other criteria as the City may from time to time deem necessary

6.3 Public Consultation

- The Applicant may be required to conduct public consultation with residents in close proximity to the proposed Community Garden. Administration will assist community groups to conduct public consultation

6.4 Conditions of Use

- The Applicant must be a legal entity in its own right, and not an unincorporated association or other form of informal organization.
- The Applicant will execute the approved License Agreement in its Template form, which will include but is not limited to the applicable rules for use:
 - Produce cannot be sold;
 - Care and maintenance of the site;
 - Restrictions on use of chemicals;
 - Restrictions on use of equipment;

- Restrictions on construction, use and maintenance of any structure, including raised beds and storage shed;
- Upon termination of the licence, return the site to its original condition;
- The Applicant must carry insurance in an amount(s) and type(s) satisfactory to the City's Risk Management Department; and
- The Applicant agrees to indemnify and hold harmless The Corporation of the City of Windsor from and against any losses.
- Community Garden boxes must conform to administrative design standards.
- Applicant identifies a Community Garden Coordinator and a designate who will be the main contact with the City. The name and contact information of the Applicant's Coordinator and the designate will be provided to the City at the beginning of each season.
- Educational activities surrounding local food are encouraged at the Community Garden site.
- Native Plants are encouraged at the Community Garden site to promote pollinator habitat. Invasive plants are prohibited.
- Impervious area should be limited encouraging the infiltration of storm water except where warranted for minimum accessibility considerations.

7. RECORDS, FORMS AND ATTACHMENTS

- 7.1** Community Garden Agreements will be filed and retained by the Clerks Department. Community Garden Applications will be filed and retained by the Environment and Sustainability Coordinator.
- 7.2** Community Garden Design Guidelines will be maintained by the Environment & Sustainability Coordinator and the Parks Department.
- 7.3** Community Garden Inspection form will be maintained by the Environment & Sustainability Coordinator.



Committee Matters: SCM 260/2020

Subject: CQ 5-2020 Additional Metered Parking Spaces in the Wyandotte Street West Business Area - Ward: 2

Moved by: Councillor Costante
Seconded by: Councillor Kaschak

Decision Number: **ETPS 781**

THAT the report of the Coordinator, Parking Services dated August 7, 2020 entitled "CQ5-2020 Additional Metered Parking Spaces in the Wyandotte Street West Business Area - Ward: 2" **BE RECEIVED** for information; and further,

THAT Option A, which includes the addition of the following locations of thirteen (13) new metered spaces with normal operating hours from 9:00 a.m. to 6:00 p.m. **BE APPROVED:**

BRIDGE AVE.

North of Wyandotte

- Potential number of new meter spaces: 2

South of Wyandotte

- Potential number of new meter spaces: 2

PARTINGTON AVE.

North of Wyandotte

- Potential number of new meter spaces: 1

South of Wyandotte

- Potential number of new meter spaces: 2

RANKIN AVE.

North of Wyandotte

- Potential number of new meter spaces: 2

South of Wyandotte

- Potential number of new meter spaces: 2

RANDOLPH AVE.

North of Wyandotte

- Potential number of new meter spaces: 2

South of Wyandotte

- Potential number of new meter spaces: 0

ASKIN BLVD.

North of Wyandotte

- Potential number of new meter spaces: 0

Carried.

Report Number: S 106/2020
Clerk's File: ST2020

Clerk's Note: The recommendation of the Standing Committee and Administration are **not** the same.

Subject: CQ 5-2020 Additional Metered Parking Spaces in the Wyandotte Street West Business Area - Ward: 2**Reference:**

Date to Council: August 26, 2020

Author: Bill Kralovensky

Coordinator, Parking Services

519-255-6247 x6103

bkralovensky@citywindsor.ca

Public Works - Operations

Report Date: August 7, 2020

Clerk's File #: ST2020

To: Mayor and Members of City Council

Recommendation:

THAT the report addressing CQ5-2020 additional metered parking spaces in the Wyandotte Street West business area **BE RECEIVED** for information.

Executive Summary:

N/A

Background:

CQ 5-2020 Asks that administration investigate and report back on the possibility of increasing the number of on-street Paid for Parking spots in the Wyandotte West business area, particularly in the first areas north and south of Wyandotte in place of residential permitted locations. The report shall include an analysis on projected revenues and the effects of lost residential permitted parking spots. Clerk's File: ST2020 March 2, 2020

Discussion:

A number of Wyandotte West business owners have approached the ward Councillor with questions and suggestions in regards to gaining a few extra parking spots to enhance their businesses. The area is mostly bound by residential parking permitted areas, areas 2 thru 6 inclusively. The boundaries for this area include Bridge Ave. to the east and California Ave to the west.

Generally this area has a high volume of on-street parking during the school year, removing spaces to accommodate businesses and meters, will create even more of an issue for residents. This area was developed as a residential parking area because of

the influx of students and staff at the University taking up spaces throughout the neighbourhoods.

Should Council wish to proceed with adding new metered spaces, to accommodate businesses, a number of options can be looked at, listed below in their option format. These meters should be set for a 2 hour time limit which historically has shown us the best rate of turnover for use. This time frame has deterred students from using street meters, as the time for parking their vehicle, walking to and from class, and the actual class time usually takes longer than the 2 hour mark suggested for these meters, and parking penalties are issued for expired meters. The proposed new meter locations would only affect one side of the street, each street has an existing by-law restricting parking to one side only.

The map attached in Appendix A highlights the proposed locations of new meters that could be utilized for access to businesses. The discussion below identifies the parking status of each of the streets. Administration has indicated how many parking permits were issued during the 2019/2020 school year, this does not represent the maximum allowable number of permits available.

BRIDGE AVE.

North of Wyandotte

- Number of on-street parking spaces: 64
- Percentage of lots with driveways: 37%
- Number of issued parking permits (during school year): 72
- Existing meters: 0
- Potential number of new meter spaces: 2
- Directly affected addresses: 567 & 573

South of Wyandotte

- Number of on-street parking spaces: 30
- Percentage of lots with driveways: 69%
- Number of issued parking permits (during school year): N/A (not a permit area)
- Existing meters: 0
- Potential number of new meter spaces: 2
- Directly affected addresses: 603 & 605

PARTINGTON AVE.

North of Wyandotte

- Number of on-street parking spaces: 43
- Percentage of lots with driveways: 89%
- Number of issued parking permits (during school year): 82
- Existing meters: 2
- Potential number of new meter spaces: 1

- Directly affected addresses: 558

South of Wyandotte

- Number of on-street parking spaces: 29
- Percentage of lots with driveways: 78%
- Number of issued parking permits (during school year): 34
- Existing meters: 2
- Potential number of new meter spaces: 2
- Directly affected addresses: 629 & 637

RANKIN AVE.

North of Wyandotte

- Number of on-street parking spaces: 72
- Percentage of lots with driveways: 88%
- Number of issued parking permits (during school year): 71
- Existing meters: 0
- Potential number of new meter spaces: 2
- Directly affected addresses: 551

South of Wyandotte

- Number of on-street parking spaces: 43
- Percentage of lots with driveways: 63%
- Number of issued parking permits (during school year): 52
- Existing meters: 2
- Potential number of new meter spaces: 2
- Directly affected addresses: 625 & 631

RANDOLPH AVE.

North of Wyandotte

- Number of on-street parking spaces: 46
- Percentage of lots with driveways: 97%
- Number of issued parking permits (during school year): 93
- Existing meters: 0
- Potential number of new meter spaces: 2
- Directly affected addresses: 556 & 564

South of Wyandotte

- Number of on-street parking spaces: 41
- Percentage of lots with driveways: 88%
- Number of issued parking permits (during school year): 56
- Existing meters: 10 (located in City Lot #28)
- Potential number of new meter spaces: 0
- Directly affected addresses: N/A

ASKIN BLVD.

North of Wyandotte

- Number of on-street parking spaces: 78
- Percentage of lots with driveways: 39%
- Number of issued parking permits (during school year): 77
- Existing meters: 6
- Potential number of new meter spaces: 0
- Directly affected addresses: N/A

Based on the above, a total of 13 new metered spaces could be considered.

OPTION A:

The addition of the 13 new metered spaces listed above with normal operating hours, 9am through 6 pm. This option does add a number of potential new transient spots to the area, however create 13 unrestricted spots from 6 pm until 9 am the next day. Alternatively, these new metered spaces could be restricted using signage, to residential permit use between 6 pm and 9 am.

OPTION B:

No new metered spots added and all residential permitted spots remain the way they are to date. This option adds no benefit to local business, but does not upset residential parking practices.

Risk Analysis:

Option A – While this option has a potential benefit to the businesses, the risk to adding metered spots is that there would be less spaces for residents in an already crowded area. This risk could be mitigated a little by restricting the metered spaces to residential permit use during the hours of 6 pm and 9 am. However, residents would be required to move their vehicles during the hours the meters are active.

Option B – No additional risk, no benefits to the area businesses.

Financial Matters:

For new metered locations, with a 2 meter head configuration, the cost for this infrastructure to be put in is approximately \$1,500.00. This includes the installation of a meter pole, done by an outside contractor, new meter heads with coin operated mechanisms for timing procedures, as well as City forces labour time for installation of these. If so granted, there are 6 of these locations for a total of 12 meters. The cost for a single head configuration is approximately \$1,050. There is one single head location. The total installation cost for 13 meters (6 double meter and 1 single meter) is approximately \$10,050.00.

OPTION A:

13 new metered locations, with an enforcement time of the standard 9 am until 6 pm

	Year 1	Future Years
Estimated Annual Revenue	\$56,050	\$56,050
Estimated Annual Cost to Install / Maintain	\$10,050	\$500
Estimated Annual Net Revenue	\$46,000	\$55,550

OPTION B:

No costs incurred, and no new revenues gained.

Consultations:

N/A

Conclusion:

Should Council choose to proceed with a change in this area, Administration recommends OPTION A.

Planning Act Matters:

N/A

Approvals:

Name	Title
Cindy Becker	Financial Planning Administrator – Public Works Operations
Shawna Boakes	Senior Manager of Traffic Operations & Parking
Dwayne Dawson	Executive Director of Operations
Mark Winterton	City Engineer

Name	Title
Joe Mancina	Chief Financial Officer/City Treasurer
Onorio Colucci	Chief Administrative Officer

Notifications:

Name	Address	Email

Appendices:

- 1 Appendix A - Proposed New Meter Locations



Prepared by Engineering - Parking and IMS
August 6, 2020
Scale - N.T.S

Legend

- Existing Meters (Green line)
- No Parking Meters (Red line)
- New Requested Meters (Orange line)



Committee Matters: SCM 261/2020

Subject: CQ 6-2020 New Residential Permit Areas - City Wide

Moved by: Councillor Costante

Seconded by: Councillor McKenzie

Decision Number: **ETPS 782**

THAT should Council wish to make changes to the existing Residential Parking Permit process or area restrictions, that Administration **BE REQUESTED** to recommend updating the Parking Control Changes Policy to include the residential permit program.

Carried.

Councillor Francis voting nay.

Report Number: S 108/2020

Clerk's File: ST2020

Clerk's Note: The recommendation of the Standing Committee and Administration are **not** the same.

Subject: CQ 6-2020 New Residential Permit Areas - City Wide**Reference:**

Date to Council: August 26, 2020

Author: Shawna Boakes

Senior Manager, Traffic Operations & Parking Services

519-255-6247 x6791

sboakes@citywindsor.ca

Public Works - Operations

Report Date: August 10, 2020

Clerk's File #: ST2020

To: Mayor and Members of City Council

Recommendation:

THAT this report in response to CQ 6-2020 – New Residential Permit Areas **BE RECEIVED** by Council for information.

Executive Summary:

N/A

Background:

At the meeting of City Council on March 2, 2020, Councillor Holt asked CQ 6-2020 as follows:

“Asks that administration report back to Council on the merits of allowing new residential parking permits areas within the City and what the process should be with regards to requesting new locations and conditions to be met for approval. ST2020”

Residential Permit Parking was implemented in neighborhoods impacted by various institutions in the early 1990's. The residential permit parking program began in 1992 as per CR1421/92. The fee structure for residential parking permits was established by CR585/96 and continues in its present form as amended from time to time. The fees from the sale of the residential permits are intended to cover the maintenance and administration costs for the program, such as the staff time in preparing and issuing permits, installation and maintenance of signs, etc.

Summary of previous Council Resolutions;

CR1442/94 That APPROVAL BE GIVEN to the following actions respecting permit parking:

- i) placement of a one year moratorium on new areas;
- ii) review of the permit parking policy in the overall context of transportation services and the strategic planning process;
- iii) review existing areas of permit parking as they come up for annual renewal exempting the University of Windsor (Bridge-Mill) Area 2-6 and those other areas having sunset clauses,

AND a further report BE SUBMITTED by the Commissioner of Traffic and Engineering

CR1377/95 That the existing permit parking policy approved by Council Resolution 1442/94 on December 12, 1994 BE AMENDED as follows:

- Permit parking be restricted to areas adjacent to the University of Windsor and the Central Business District, as determined by the Commissioner of Traffic Engineering;
- Annual permit fees be increased to \$50.00 for the first, \$20.00 for the second and \$50.00 for additional or replacement permits, effective January 1, 1996;
- New areas to be considered for permit parking will be required to demonstrate a 95% community approval rating for permit parking.

CR585/96 That APPROVAL BE GIVEN to charge the following fees for permit parking:

- i) for existing permit parking areas: \$25.00 for the first permit, \$10.00 for the second and \$25.00 for additional or replacement permits;
- ii) for new permit parking areas: \$50.00 for the first permit, \$20.00 for the second and \$50.00 for additional or replacement permits (as per Council Resolution 1377/95) for the first year only, with renewals as per (i) above;

AND further, Council Resolution 1442/94, adopted December 12, 1994 (as amended by Council Resolution 1377/95) which originally established the fee structure, and the Parking By-law BE AMENDED accordingly.

CR93/2013 That the report of the City Engineer dated March 1, 2013 entitled "Residential Permit Parking - St Clair College Area" BE RECEIVED for information; and further, that residential permit parking BE ALLOWED in the area bound between Cousineau Road and Cabana and Mount Royal to the eastern boundary of St. Clair College, subject to the standard fees and provided that 95% of the residents in that area agree to the terms of the Permit Program.

Discussion:

The intention for residential permit parking is to provide parking to residents in proximity to their home in areas where on-street parking is in high demand and regularly congested. These areas are generally characterized by narrow residential lots with a high percentage that do not have private driveways. Under the current Council Resolution regarding the Residential Permit Parking Policy, these areas have been defined as areas adjacent to the University of Windsor, the Central Business District and the areas adjacent to St. Clair College. Beyond restricting the areas eligible for residential permit parking in the current Residential Permit Parking Policy, Council further acknowledged the need for increased community support (95%) due to the associated restrictions, not the least of which are annual permit renewals, fees and quantity limitations.

Throughout the City of Windsor there are currently 12 areas designated as residential permit parking areas. The homeowners and tenants in these areas pay for up to three (3) permits to park on the street in the direct vicinity of their residence. Two permits being directly linked to vehicles through licence plate registration, and one Visitor permit, linked through residential address, for occasional use.

Based on CR1377/95, requests for new areas have been denied, with the exception of the St. Clair area being added in 2013. New streets within or adjacent to existing approved areas have been added using the petition process with the 95% approval requirement. While the St. Clair College area was approved as an area in 2013, no streets currently have residential permit parking implemented.

Below is a summary of similar Municipality's permit requirements:

Municipality	Type of Area Considered	How Areas Are Selected
City of Toronto	Zones and Streets	Residents (Petition)
City of Burlington	Zone	Municipality (Administration / Council)
City of Milton	Street	Residents (Petition)
City of Hamilton	Street	Residents (Petition)
City of Markham	Zone	Municipality (Administration / Council)
City of Vaughan	Street	Residents (Petition)
Town of Oakville	Zone	Municipality (Administration / Council)

Typical areas in these Municipalities that have been approved for residential permits include areas such as those adjacent to Universities, hospitals, and downtown business districts.

Due to the cost and restrictions to the residents that are associated with residential permitting, Administration recommends that alternatives be attempted before designating an area as a permit only area. Alternatives may include;

- Limited number of hours for parking during the day, for example between 8 am and 5 pm when residents are at work, parking is only allowed for 1 to 2 hours, or
- Work with by-laws to allow ease of restrictions to allow for driveways in the front or rear of the units.

Where alternatives cannot be implemented or are determined not to be successful, the following process (or similar) could be applied to requests for new residential permit areas:

- Upon receipt of a request for a new residential parking street or area, Administration shall review the area and complete an analysis and provide Council a report outlining the recommended area that should be considered for the new area.
- Council shall provide Administration with a decision as to whether a petition for the recommended area should be allowed.
- The resident may initiate a Petition, supplied by the City. Approval rate of the petition shall be required to be 95% of the area as specified.
- Requests will only be assessed once every 5 years within a specific area.

Risk Analysis:

Implementing residential permit parking on individual streets only shifts the problems of that street onto another street in the area. Therefore, individual street requests outside of existing approved areas should not be approved. Areas surrounding the perceived generator should be evaluated as a whole.

The process outlined for new applications will require time and effort for Administration to complete the parking studies and reports to Council. Due to the significant effort expected to be involved, these studies should be limited based on past reviews. Should an area be disapproved by Council and/or a petition unsuccessful, a 5 year waiting period should be instated before a resident be allowed to re-initialize the process for the same area.

Financial Matters:

Permit Parking does not generate sufficient funds to offset annual operational costs which include sign installation and maintenance, issuing permits and enforcement including responding to complaints of permit abuse. Therefore, the addition of new areas may impact the operating budget as areas are added.

Consultations:

Adam Szymczak – Planning Department

Jeff Hagan – Transportation Planning

Conclusion:

Should Council wish to make changes to the existing Residential Parking Permit process or area restrictions, Administration would recommend updating the Parking Control Changes Policy to include the residential permit program.

Planning Act Matters:

N/A

Approvals:

Name	Title
Dwayne Dawson	Executive Director of Operations
Mark Winterton	City Engineer
Onorio Colucci	Chief Administrative Officer

Notifications:

Name	Address	Email

Appendices:



Committee Matters: SCM 262/2020

Subject: The Contributory Pension Plan for Employees of Transit Windsor - Actuarial Valuation as at December 31, 2019 - City Wide

Moved by: Councillor McKenzie

Seconded by: Councillor Francis

Decision Number: **ETPS 783**

THAT the Environment, Transportation & Public Safety Standing Committee sitting as the Transit Windsor Board of Directors:

- I. **APPROVE** the Actuarial Valuation of the Contributory Pension Plan for Employees of Transit Windsor as at December 31, 2019; and,
- II. **DIRECT** the Executive Director of Transit Windsor, as the Plan Administrator, to forward the Actuarial Valuation as at December 31, 2019, to the Office of the Superintendent of Financial Institutions and to the Canada Revenue Agency; and,
- III. **APPROVE** the reduction of the established Letter of Credit by \$153,931.

Carried.

Report Number: S 103/2020

Clerk's File: MT/13708

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

Subject: The Contributory Pension Plan for Employees of Transit Windsor - Actuarial Valuation as at December 31, 2019 - City Wide**Reference:**

Date to Council: August 26, 2020

Author: Patrick Delmore

Executive Director, Transit Windsor

519-944-4141 ext 2232

pdelmore@citywindsor.ca

Transit Windsor

Report Date: July 31, 2020

Clerk's File #: MT/13708

To: Mayor and Members of City Council

Recommendation:

THAT the Environment, Transportation & Public Safety Standing Committee sitting as the Transit Windsor Board of Directors:

- I. **APPROVE** the Actuarial Valuation of the Contributory Pension Plan for Employees of Transit Windsor as at December 31, 2019; and,
- II. **DIRECT** the Executive Director of Transit Windsor, as the Plan Administrator, to forward the Actuarial Valuation as at December 31, 2019, to the Office of the Superintendent of Financial Institutions and to the Canada Revenue Agency.
- III. **APPROVE** the reduction of the established Letter of Credit by \$153,931.

Executive Summary:

N/A.

Background:

This report provides the information required for approval of the Actuarial Valuation of the Transit Windsor Contribution Pension Plan for Employees as at December 31, 2019.

Pension benefits for employees of Transit Windsor are accrued under two separate and distinct pension plans: the frozen Transit Windsor Pension Plan and OMERS. Benefits for service up to December 31, 1999, are frozen under the Transit Windsor Pension Plan, while benefits for service from January 1, 2000, are provided under OMERS.

The frozen Transit Windsor Pension Plan is a defined benefit plan, based on career earnings, and was originally regulated by the Province of Ontario. On January 1, 1996, the frozen plan was transferred to the federal jurisdiction under the authority of the Office of the Superintendent of Financial Institutions Canada (OSFI). The transfer was a direct result of a Labour Board decision that deemed Transit Windsor to be a federal employer. The transfer to federal jurisdiction triggered a requirement to provide OSFI with a valuation report and the first report was filed effective January 1, 1996. The initial valuation did not reflect any funding deficits.

The market value of Transit Windsor's Pension Plan assets is currently valued at approximately \$34.78 million compared to \$32.96 million one year ago. This value is based on the audited financial statements for 2019. (Note: the market value of the assets as presented in the actuarial valuation for 2018 is \$32.901 million. The difference is due to more up to date information being available at the time when the financial statements are audited. This difference does not impact the required service level contributions and was corrected during the 2019 valuation). Legislated changes to the actuarial valuation assumptions (i.e. improved mortality tables, asset smoothing, etc.) created the need for additional special payments into the Plan. Over the last two years, based upon the most recent valuations, plan contributions have decreased due to increased interest rates, which increases the Plan's assets, resulting in lower payment contributions required.

In 2011, the federal government recognized the burden that funding solvency deficits were creating for employers. In an effort to reduce funding volatility for plan sponsors, the federal government introduced the use of properly structured Letters of Credit (LOC) to satisfy solvency payments up to a limit of 15% of the Plan assets. On June 27, 2017, OSFI provided information indicating new regulations had passed into legislation effective June 29, 2017. With the amendments now in force, the limits on letters of credit and solvency payment reductions have changed from 15% of plan assets to 15% of plan liabilities. The impact of this change allows for more flexibility in terms of meeting annual solvency deficit requirements.

LOCs provide an alternative means for plan sponsors to satisfy their funding obligations in a secure fashion that does not compromise benefit security. The value of the LOC is never put into the Plan; rather it is held by the trustee for instances such as bankruptcy, wind-up, or other extenuating circumstances, at which time the LOC would be called and deposited into the Plan to discharge the Plan's liabilities. Since the LOC is held by the City, the bank would look to the City for reimbursement of the amount of the LOC. All LOC funding must be renewed by December 31 (the fiscal year-end of the Pension Plan) with the documents in place by December 15.

Since 2011, and prior to December 31st of each year, the Transit Windsor Board of Directors and Windsor City Council had approved the update and renewal of the LOC in accordance with the requirements of the Pension Benefits Standards Act, 1985, satisfactory in content to the City Treasurer and in form to the City Solicitor. As part of the LOC increase presented to City Council on March 25, 2018, authority was delegated to the CAO to approve future adjustments to the Letter of Credit, which may be required, in order to fund the Transit Windsor pension deficit up to the maximum allowable amount of 15% of plan liabilities as determined by the annual Actuarial

Valuation, and in consultation with the Executive Director of Transit Windsor and the City Treasurer. Where such approval is given, City Council would be advised as part of the next annual pension report.

The current amount of the LOC based on City Council's prior approval is \$5,043,936 (see Financial Matters). From this amount, a total of \$4,890,005 has been applied in respect of a portion of the minimum required solvency special payments, which are due over the period beginning January 1, 2011 to December 31, 2019. The amount is considered a notional draw upon the City's overall Line of Credit limit of \$100 million. The historical increases to the LOC, as approved by the Transit Windsor Board and City Council, have automatic annual renewals unless the City of Windsor advises not to renew.

Discussion:

The Office of the Superintendent of Financial Institutions (OSFI) requires that the attached Actuarial Valuation of Transit Windsor's Pension Plan be filed with OSFI no later than six months after the Plan's year-end. This valuation establishes the monthly special payments that have to be made into the Plan to fund the solvency deficit. The Plan is subject to annual valuations until such time that the funding deficit is erased, after which valuations will be required every three years.

Transit Windsor's actuaries, Mercer Canada, have now finalized the 2020 funding obligations arising from the 2019 valuation of Transit Windsor's Pension Plan. Based on this valuation, the special payments required in 2020 to cover the Plan's funding deficit are summarized below.

	2020 Actual Funding Requirements	2020 Preliminary Funding Requirements (based upon 2019 funding requirements)	2019 Funding Requirements (based on the final 2018 valuation)
Employer Current Service Costs	\$0 (contribution holiday)	\$100,000	\$100,000
Special Payments			
- Going Concern	\$0	\$0	\$0
- Solvency	\$0	\$76,000	\$76,000
Total Special Payments*	\$0	\$76,000	\$76,000

Estimated minimum employer contribution	\$0 (contribution holiday)	\$176,000	\$176,000
Estimated maximum employer contribution (only if the plan were to be wound up)	\$2,888,000 (contribution holiday)	\$4,274,000	\$4,274,000

*Although the valuation report identified preliminary special payment requirements of \$76,000, it was determined these payments may not be required and therefore were not paid during the first half of 2020. This assumption was confirmed when the 2019 valuation was completed.

As indicated above, the asset value of the Plan has increased to \$34,774,000 (\$34.78 million). The Plan liabilities have increased due to a number of factors, such as life expectancy as well as expected future benefit costs. With the increase in the Plan's assets, the minimum employer contribution, based on a solvency valuation, has declined to zero for 2020 (previously projected \$176,000) with no additional payment required to cover the solvency deficit. With the plan performing well, the solvency ratio is now over 105% which allows for a contribution holiday, meaning no service costs are required to be paid in cash for 2020. With the valuation completed mid year, the contribution holiday will take effect from July 2020 to June 2021. Due to experienced gains within the Plan, there is no longer a going concern deficit and as such, the special payments related to this have also been eliminated.

The above chart also indicates the estimated maximum employer contribution of \$2,888,000, which excludes the face value of the Letter of Credit and represents the theoretical amount that would need to be paid if the Plan were to be wound up. As the Plan is ongoing in nature, there is no requirement to fund this amount; however, Council should be aware that if the Plan were to be wound-up, transferred, or should legislation change, this full amount may be callable and require funding at some point in the future.

Risk Analysis:

The Office of the Superintendent of Financial Institutions (OSFI) requires that the attached Actuarial Valuation of the Transit Windsor's Pension Plan be filed with OSFI no later than six months (June 30th) after the Plan's year-end. The Executive Director, as the Plan Administrator, has filed the report to meet this deadline; however, still requires approval of the report. Failure to file the report in a timely manner would result in an audit by OSFI and any further action they deem appropriate.

Since 2011, a decision to fund the solvency deficit by way of draws upon the LOC has been recommended. While use of the LOC is the preferred methodology, should the market value fall, Transit Windsor would be required to fully fund the amount that was previously covered by the Letter of Credit. Of further note, should the Plan be wound up or transferred to another pension, the amount secured by way of the LOC would need to be fully funded to The Plan and would require an actual cash outlay to be completed by the City.

Financial Matters:

Plan Position as at December 31, 2019

As noted in the audited Financial Statements of the Pension, the market value of the Plan's solvency assets as at December 31, 2019, is \$34,774,000. As the actuarial report was completed based on unaudited financial statements, the market value referenced in this report is taken from the audited financial statements, which represent a more accurate value. This will be adjusted through the 2020 actuarial valuation. The following chart highlights the balances for the most recent 3-year period:

	December 31, 2019	December 31, 2018	December 31, 2017
Market Value of Assets	\$34,774,000	\$32,956,000	\$33,892,000
Face Value of letter of credit	\$4,890,000	\$4,814,000	\$4,534,000
Solvency Liabilities	\$37,466,000	\$36,875,000	\$38,668,000
Adjusted Solvency Ratio	105.3%	101.7%	100.12%

The Asset Value increased from December 2018 to December 2019 due to slightly higher investment earnings. At December 31, 2019, plan liabilities were \$37,466,000. These amounts also fluctuate annually based on a number of factors, which can include interest rates, expected future benefit costs, and changes in life expectancy calculations.

Plan Contributions

As outlined in the discussion section, as a result of the improved solvency position for the Plan, the required minimum contribution into the Transit Windsor Pension Plan in 2020 is zero.

2020 Planned Contributions			
	Current Service Cost	Solvency Special Payment	Total
Monthly Amount	\$0	\$0	\$0
Annual Payment	\$0	\$0	\$0

As of August 2020, Transit Windsor has funded the monthly current service cost of \$8,333 (total amount of \$66,664 for the eight months) based on the estimated payment requirements from the 2018 valuation. Due to the 2019 valuation results which identified that the solvency ratio is over 105%, a contribution holiday can be taken which allows for no service cost payments. This holiday takes effect July 2020 until June 2021 where the 2020 valuation will provide details on payment requirements for 2021. Since the July and August \$8,333 payments have already been paid, these cash payments will be included in the 2020 valuation.

In 2018, the Letter of Credit was established for \$229,931 more than the Plan required. In 2019, \$76,000 of this excess LOC was added to the face value of the LOC for the pension plan to meet the required special payments. The 2019 Actuarial Valuation has resulted in a \$0 special payment requirement for 2019 and therefore no allocation of the LOC is required, leaving a surplus established LOC of \$153,931. Since this excess is not allocated to the face value of the LOC for the pension, administration is recommending to reduce the LOC by this excess amount in order to save in interest costs and bank fees charged on the total value of the established LOC.

Transit Windsor's operating budget has been established with \$155,956 to fund plan payments as well as other LOC administrative costs. The surplus in this account due to the contribution holiday will be reported in the year end variance report to City Council.

Planned contributions for 2020 will be based upon the 2019 funding requirements until such time as the valuation report for December 31, 2020 is completed. Consistent with previous years, a preliminary valuation will be received in early 2021 and later confirmed in June 2021. Transit Windsor will continue to take the contribution holiday until June 2021 when the 2020 valuation is presented.

No draws on the LOC is required at this time. Administration is recommending a reduction in the LOC for the surplus amount not included in the face value of the LOC for the pension.

Year LOC Established	Established LOC Amount	LOC drawn on and included in Face Value of Pension Plan to fund Solvency Deficit
2011	\$728,796	\$728,796
2012	\$1,025,232	\$1,025,232
2013	\$1,323,612	\$1,323,612
2014	\$772,360	\$772,360

2015	\$335,450	\$335,450
2016	\$193,950	\$193,950
2017	\$154,536	\$154,536
2018	\$510,000	\$280,069
2019	\$0	\$76,000
2020	(\$153,931)	\$0.00
Total as of December 31, 2020	\$4,890,005	\$4,890,005
2021 LOC Projection	\$0.00	\$0
Total Projected LOC for December 2021	\$4,890,005	\$0
Maximum Allowable (15% of plan liabilities at December 31, 2020)	\$5,619,900	

Fees

There are fees associated with issuing the Letter of Credit, which cannot be paid from the fund and are included in the Transit Windsor operating budget as follows:

- BMO (Plan Trustee) – Annual administration fee of \$5,000 and approximately \$500 for annual tax preparation fees.
- Bank of Nova Scotia (Issuer) – 1% fees would be applied on all outstanding balances.

It should be noted that the estimates of the surplus funds as noted above exclude the impacts of any fees associated with the LOC. Any such fees would serve to reduce the final surplus amount.

Consultations:

Rachel Chesterfield, Financial Planning Administrator, Transit Windsor

Vince Grillo, Manager Treasury & Cash Management Taxation & Financial Projects, City of Windsor

Dan Seguin, Deputy Treasurer of Financial Accounting, City of Windsor

Mercer (Canada) Limited

Conclusion:

It is not uncommon for federally regulated plans, such as Transit Windsor's Pension Plan, to experience funding deficits. This report transmits the actuarial valuation of the frozen Transit Windsor Pension Plan as at December 31, 2019, and provides information that no additional funding is required as the Letter of Credit already established will cover the required employer contribution.

Planning Act Matters:

N/A.

Approvals:

Name	Title
Patrick Delmore	Executive Director, Transit Windsor
Mark Winterton	City Engineer - Corporate Leader Environmental Protection and Infrastructure Services
Joe Mancina	Chief Financial Officer – City Treasurer
Onorio Colucci	Chief Administrative Officer

Notifications:

Name	Address	Email

Appendices:

- 1 Report on the Actuarial Valuation for Funding Purposes as at December 31, 2019

CONTRIBUTORY PENSION PLAN FOR EMPLOYEES OF TRANSIT WINDSOR

Report on the Actuarial Valuation for Funding Purposes as at December 31, 2019

JUNE 2020

Office of the Superintendent of Financial Institutions Registration Number: 57108

Canada Revenue Agency Registration Number: 0353821

Note to reader regarding actuarial valuations:

This valuation report may not be relied upon for any purpose other than those explicitly noted in the Introduction, nor may it be relied upon by any party other than the parties noted in the Introduction. Mercer is not responsible for the consequences of any other use. A valuation report is a snapshot of a plan's estimated financial condition at a particular point in time; it does not predict a pension plan's future financial condition or its ability to pay benefits in the future. If maintained indefinitely, a plan's total cost will depend on a number of factors, including the amount of benefits the plan pays, the number of people paid benefits, the amount of plan expenses, and the amount earned on any assets invested to pay the benefits. These amounts and other variables are uncertain and unknowable at the valuation date. The content of the report may not be modified, incorporated into or used in other material, sold or otherwise provided, in whole or in part, to any other person or entity, without Mercer's permission. All parts of this report, including any documents incorporated by reference, are integral to understanding and explaining its contents; no part may be taken out of context, used, or relied upon without reference to the report as a whole.

To prepare the results in this report, actuarial assumptions are used to model a single scenario from a range of possibilities for each valuation basis. The results based on that single scenario are included in this report. However, the future is uncertain and the Plan's actual experience will differ from those assumptions; these differences may be significant or material. Different assumptions or scenarios within the range of possibilities may also be reasonable, and results based on those assumptions would be different. Furthermore, actuarial assumptions may be changed from one valuation to the next because of changes in regulatory and professional requirements, developments in case law, plan experience, changes in expectations about the future, and other factors.

The valuation results shown in this report also illustrate the sensitivity to one of the three key actuarial assumptions, including the discount rate, and the sensitivity to three adverse scenarios. We note that the results presented herein rely on many assumptions, all of which are subject to uncertainty, with a broad range of possible outcomes, and the results are sensitive to all the assumptions used in the valuation.

Should the Plan be wound up, the going concern funded status and solvency financial position, if different from the wind-up financial position, become irrelevant. The hypothetical wind-up financial position estimates the financial position of the Plan assuming it is wound up on the valuation date. Emerging experience will affect the wind-up financial position of the Plan assuming it is wound up in the future. In fact, even if the Plan were wound up on the valuation date, the financial position would continue to fluctuate until the benefits are fully settled.

Decisions about benefit changes, granting new benefits, investment policy, funding policy, benefit security, and/or benefit-related issues should not be made solely on the basis of this valuation, but only after careful consideration of alternative economic, financial, demographic, and societal factors, including financial scenarios that assume future sustained investment losses. Funding calculations reflect our understanding of the requirements of Pension Benefits Standards Act, the Income Tax Act, and related regulations that are effective as of the valuation date. Mercer is not a law firm, and the analysis presented in this report is not intended to be a legal opinion. You should consider securing the advice of legal counsel with respect to any legal matters related to this report.

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Summary of Results

	31.12.2019	31.12.2018
Going Concern Financial Status		
Market value of assets	\$34,778,000	\$32,901,000
Going concern funding target	\$26,686,000	\$27,378,000
Funding excess (shortfall)	\$8,092,000	\$5,523,000
Funded ratio	130%	120%
Hypothetical Wind-up Financial Position		
Wind-up assets	\$39,468,000	\$37,515,000
Wind-up liability	\$37,466,000	\$36,875,000
Wind-up excess (shortfall)	\$2,002,000	\$640,000
Wind-up ratio	105%	102%
Funding Requirements in the Year Following the Valuation ¹		
Total current service cost	\$0	\$0
Expense allowance	\$100,000	\$100,000
Total	\$100,000	\$100,000

¹ Provided for reference purposes only. Contributions must be remitted to the Plan in accordance with the Minimum Funding Requirements and Maximum Eligible Contributions sections of this report.

	31.12.2019	31.12.2018
Minimum special payments	\$0	\$76,000
Estimated minimum employer contribution (before allowable contribution holiday)	\$100,000	\$176,000
Estimated minimum employer contribution (if contribution holiday taken)	\$0	\$176,000
Estimated maximum eligible employer contribution	\$2,988,000	\$4,274,000
Next required valuation date	31.12.2020	31.12.2019

2

Introduction

To Transit Windsor:

At the request of Transit Windsor, we have conducted an actuarial valuation of the Contributory Pension Plan for Employees of Transit Windsor (the “Plan”), sponsored by Transit Windsor (the “Company”), as at the valuation date, December 31, 2019. We are pleased to present the results of the valuation.

Purpose

The purpose of this valuation is to determine:

- The funded status of the Plan as at December 31, 2019 on going concern, hypothetical wind-up, and solvency bases;
- The minimum required funding contributions from 2020, in accordance with the Pension Benefits Standards Act (the “Act”); and
- The maximum permissible funding contributions from 2020, in accordance with the *Income Tax Act*.

The information contained in this report was prepared for the internal use of the Company, and for filing with the Office of the Superintendent of Financial Institutions and with the Canada Revenue Agency, in connection with our actuarial valuation of the Plan. This report will be filed with the Office of the Superintendent of Financial Institutions and with the Canada Revenue Agency. This report is not intended or suitable for any other purpose.

In accordance with pension benefits legislation, the next actuarial valuation of the Plan will be required as at a date not later than December 31, 2020, or as at the date of an earlier amendment to the Plan depending on any funding implications.

Terms of Engagement

In accordance with our terms of engagement with the Company, our actuarial valuation of the Plan is based on the following material terms:

- It has been prepared in accordance with applicable pension legislation and actuarial standards of practice in Canada.
- As instructed by the Company, the going concern discount rate reflects a margin for adverse deviations of 0.90% per year.
- We have reflected the Company's decisions for determining the solvency funding requirements, summarized as follows:
 - The same plan wind-up scenario was hypothesized for both hypothetical wind-up and solvency valuations.
 - Although permissible, no benefits were excluded from the solvency liabilities.
 - The solvency financial position was determined on a market value basis, adjusted in accordance with the regulations to the Pension Benefits Standards Act.

See the Valuation Results – Solvency section of the report for more information.

Funding Policy

Events Since the Last Valuation at December 31, 2019

Pension Plan

There have been no special events since the last valuation date.

This valuation reflects the provisions of the Plan as at December 31, 2019. The Plan has been amended since the date of the previous valuation to reflect certain legislative requirements and modify the allowable composition of the Pension Review Committee. We are not aware of any pending definitive or virtually definitive amendments coming into effect during the period covered by this report. The Plan provisions are summarized in Appendix F.

Assumptions

We have used the same going concern valuation assumptions and methods as were used for the previous valuation.

A summary of the going concern methods and assumptions is provided in Appendix C.

The hypothetical wind-up and solvency assumptions have been updated to reflect market conditions at the valuation date. A summary of the hypothetical wind-up and solvency methods and assumptions is provided in Appendix D.

Regulatory Environment and Actuarial Standards

There have been no changes to the Act or the relevant regulations that impact the funding of the Plan.

OSFI has published a draft *Instruction Guide for the Preparation of Actuarial Reports for Defined Benefit Pension Plans* in December 2019. The proposed revisions detailed in the draft Guide do not apply to actuarial valuations as at December 31, 2019. They will apply to actuarial reports with a valuation date to be specified in the final version of the revised Guide. These changes will be reflected in a subsequent valuation report, once they are finalized.

In the context of the current COVID-19 crisis, Finance Minister Bill Morneau has announced on April 15, 2020 that the government will provide immediate, temporary relief to sponsors of federally regulated, defined benefit pension plans. This relief will be in the form of a moratorium, through the remainder of 2020, on solvency payment requirements for defined benefit plans. This measure will require regulatory amendments, the details of which have not yet been specified. This announcement has no impact on this Plan.

Subsequent Events

After checking with representatives of the Company, to the best of our knowledge there have been no events subsequent to the valuation date that, in our opinion, would have a material impact on the results of the valuation as at December 31, 2019. However, since the valuation date, there have been significant fluctuations in the financial markets, which may have led to a deterioration of the funded position of the Plan after the valuation date. Our valuation reflects the financial position of the Plan as of the valuation date and does not take into account any experience after the valuation date.

Impact of Case Law

This report has been prepared on the assumption that all claims on the Plan after the valuation date will be in respect of benefits payable to members of the Plan determined in accordance with the Plan terms and that all Plan assets are available to provide for these benefits. It is possible that court and regulatory decisions and changes in legislation could give rise to additional entitlements to benefits under the Plan and cause the results in this report to change. By way of example, we bring your attention to the following decisions:

- The Ontario Court of Appeal's 2003 decision in *Aegon Canada Inc. and Transamerica Life Canada versus ING Canada Inc.* restricted the use of original plan surplus where two or more pension plans were merged.
- The Supreme Court of Canada's 2004 decision in *Monsanto Canada Inc. versus Superintendent of Financial Services* upheld the requirement, with retroactive effect, to distribute surplus on partial plan wind-up under the *Pension Benefits Act (Ontario)*.

We are not in a position to assess the impact that such decisions or changes could have on the assumption that all plan assets on the valuation date are available to provide for benefits determined in accordance with the Plan terms. If such a claim arises subsequent to the date of this report, the consequences will be dealt with in a subsequent report. We are making no representation as to likelihood of such a claim.

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Valuation Results – Going Concern

Financial Status

A going concern valuation compares the relationship between the value of Plan assets and the present value of expected future benefit cash flows in respect of accrued service, assuming the Plan will be maintained indefinitely.

The results of the current valuation, compared with those from the previous valuation, are summarized as follows:

	31.12.2019	31.12.2018
Assets		
Market value of assets	\$34,778,000	\$32,901,000
Going concern funding target		
Active members	\$2,913,000	\$4,434,000
Pensioners and survivors	\$23,533,000	\$22,715,000
Deferred pensioners	\$240,000	\$229,000
Total	\$26,686,000	\$27,378,000
Funding excess (shortfall)	\$8,092,000	\$5,523,000

The going concern funding target includes a provision for adverse deviations.

Reconciliation of Financial Status

Funding excess (shortfall) as at previous valuation		\$5,523,000
Interest on funding excess (shortfall) at 4.90% per year		\$271,000
Expected funding excess (shortfall)		\$5,794,000
Net experience gains (losses)		
• Net investment return	\$2,334,000	
• Indexation	(\$28,000)	
• Mortality	(\$25,000)	
• Retirement	(\$2,000)	
Total experience gains (losses)		\$2,279,000
Net impact of other elements of gains and losses		\$19,000
Funding excess (shortfall) as at current valuation		\$8,092,000

Current Service Cost

The current service cost is an estimate of the present value of the additional expected future benefit cash flows in respect of pensionable service that will accrue after the valuation date, assuming the Plan will be maintained indefinitely.

The Plan was frozen December 31, 1999 and effective January 1, 2000, pension benefits are earned under OMERS. Since additional benefits do not accrue under the Plan after that date, there is no current service cost for future benefits.

The current service cost during the year following the valuation date, compared with the corresponding value determined in the previous valuation, is as follows:

	2020	2019
Total current service cost excluding expense allowance	\$0	\$0
Expense allowance	\$100,000	\$100,000
Total estimated employer's current service cost	\$100,000	\$100,000

Discount Rate Sensitivity

The following table summarizes the effect on the going concern liabilities and current service cost shown in this report of using a discount rate that is 1% lower than that used in the valuation.

Scenario	Valuation Basis	Reduce Discount Rate by 1%
Going concern funding liabilities	\$26,686,000	\$29,512,000
Current service cost	\$100,000	\$100,000

Plausible Adverse Scenarios

The financial impact on the going concern results of plausible adverse scenarios that would pose threats to the Plan's future financial condition is presented in Appendix G.

4

Valuation Results – Hypothetical Wind-up

Financial Position

When conducting a hypothetical wind-up valuation, we determine the relationship between the respective values of the Plan's assets and its liabilities assuming the Plan is wound up and settled on the valuation date, assuming benefits are settled in accordance with the Act and under circumstances consistent with the hypothesized scenario on the valuation date. More details on such a scenario are provided in Appendix D.

The hypothetical wind-up financial position as of the valuation date, compared with that at the previous valuation, is as follows:

	31.12.2019	31.12.2018
Assets		
Market value of assets	\$34,778,000	\$32,901,000
Face value of the letter of credit	\$4,890,000	\$4,814,000
Termination expense provision	(\$200,000)	(\$200,000)
Wind-up assets	\$39,468,000	\$37,515,000

Present value of accrued benefits for:		
• Active members	\$5,269,000	\$7,006,000
• Pensioners and survivors	\$31,847,000	\$29,544,000
• Deferred pensioners	\$350,000	\$325,000
Total wind-up liability	\$37,466,000	\$36,875,000
Wind-up excess (shortfall)- including letter of credit	\$2,002,000	\$640,000
Wind-up excess (shortfall)- excluding letter of credit	(\$2,888,000)	(\$4,174,000)

Wind-up Incremental Cost

The wind-up incremental cost is an estimate of the present value of the projected change in the hypothetical wind-up liabilities from the valuation date until the next scheduled valuation date, adjusted for the benefit payments expected to be made in that period.

The hypothetical wind-up incremental cost determined in this valuation, compared with the corresponding value determined in the previous valuation, is as follows:

	31.12.2019	31.12.2018
Number of years covered by report	1 year	1 year
Total hypothetical wind-up liabilities at the valuation date (A)	\$37,466,000	\$36,875,000
Present value at the valuation date of projected hypothetical wind-up liability at the next required valuation (including expected new entrants) plus expected benefit payments until the next required valuation (B)	\$37,302,000	\$36,931,000
Hypothetical wind-up incremental cost (B - A)	(\$164,000)	\$56,000

The incremental cost is not an appropriate measure of the contributions that would be required to maintain the windup position of the Plan even if actual experience is exactly in accordance with the going concern valuation assumptions. For example, the expected return on plan assets (based on the going concern assumptions) is greater than the discount rate used to determine the hypothetical wind-up liabilities.

Discount Rate Sensitivity

The following table summarizes the effect on the hypothetical wind-up liabilities shown in this report of using a discount rate that is 1% lower than that used in the valuation:

Scenario	Valuation Basis	Reduce Discount Rate by 1%
Total hypothetical wind-up liability	\$37,466,000	\$42,437,000

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Valuation Results – Solvency

Overview

The Act also requires the financial position of the Plan to be determined on a solvency basis. The financial position on a solvency basis is determined in a similar manner to the Hypothetical Wind-up Basis, except for the following:

Exceptions	Reflected in Valuation Based on the Terms of Engagement
The circumstance under which the Plan is assumed to be wound up could differ for the solvency and hypothetical wind-up valuations.	The same circumstances were assumed for the solvency valuation as were assumed for the hypothetical wind-up valuation
The benefit rate increases coming into effect after the valuation date can be reflected in the solvency valuation.	Not applicable.

Under the Federal pension legislation, the minimum funding requirements on a solvency basis are based on an alternative solvency basis under which the solvency deficiency and the resulting solvency special payments are based on an average solvency ratio determined over three years (current year plus the previous two) subject to prescribed adjustments. The determination of the solvency deficiency on that basis is detailed in Appendix A.

Financial Position

The financial position on a solvency basis is the same as the financial position on the Hypothetical Wind-up basis shown in the previous section. The solvency ratio is 105.3%, compared to 101.7% at the previous valuation.

6

Minimum Funding Requirements

The Act prescribes the minimum contributions that Transit Windsor must make to the Plan. The minimum contributions in respect of a defined benefit component of a pension plan are comprised of going concern current service cost and special payments to fund any going concern or solvency shortfalls.

There is a going concern excess and the solvency assets exceed 105% of the solvency liabilities. Under these circumstances, the Act does not require the employer to contribute to the Plan until after the lesser of the going concern excess, and the amount by which the solvency assets exceeds 105% of the solvency liabilities, has been applied towards the employer's current service cost. The determination of the amounts described above is shown in Appendix A.

Once such amount has been so applied, monthly employer contributions must resume. On the basis of the assumptions and methods described in this report, the rule for determining the minimum required employer monthly contributions, as well as an estimate of the employer contributions, from the valuation date until the next required valuation are as follows:

Period beginning	Employer's contribution rule		Estimated employer's contributions		
	Explicit monthly expense allowance	Minimum monthly special payments	Monthly expense allowance	Amount which can be used to reduce current service contribution ²	Minimum monthly contributions
January 1, 2020	\$8,333	\$0	\$8,333	\$8,333	\$0

The development of the minimum special payments is summarized in Appendix A.

² Notwithstanding the funding excess in the Plan, the terms of the Plan or collective agreement may require the Company to make current service cost contributions.

Other Considerations

Differences between Valuation Bases

There is no provision in the minimum funding requirements to fund the difference between the hypothetical wind-up and solvency shortfalls, if any.

In addition, although minimum funding requirements do include a requirement to fund the going concern current service cost, there is no requirement to fund the expected growth in the hypothetical wind-up or solvency liability after the valuation date, which could be greater than the going concern current service cost.

Timing of Contributions

Required contributions must be remitted monthly, not later than 30 days after the end of the period to which they apply. Outstanding contributions will accrue with interest.

Retroactive Contributions

The Company must contribute the excess, if any, of the minimum contribution recommended in this report over contributions actually made in respect of the period following the valuation date. This contribution, along with an allowance for interest, is due immediately following the date this report is filed.

Any over contributions made prior to filing this report may be used to reduce the otherwise required contributions to be made following the filing of this report.

Payment of Benefits

The Act imposes certain restrictions on the payment of lump sums from the Plan when the solvency ratio revealed in an actuarial valuation is less than one. If the solvency ratio shown in this report is less than one, the plan administrator should ensure that the monthly special payments are sufficient to meet the requirements of the Act to allow for the full payment of benefits, and otherwise should take the prescribed actions.

Specifically, based on the Directives of the Superintendent of Financial Institutions pursuant to the Act, transfers out of the Plan may be made in full provided an amount equal to the transfer deficiency has been remitted to the pension fund in addition to the minimum special payments.

However, OSFI has amended its Directives to implement a full freeze on portability transfers and annuity purchases relating to defined benefit provisions of pension plans effective March 27, 2020. Although this measure is temporary, there is no set date for the lift of the freeze. During the period of the freeze, transfers and annuity purchases are still possible if Superintendent's approval is obtained.

As such, the administrator must comply the prescribed requirements applicable to the payment of lump sums from the Plan, including the applicable Directives of the Superintendent in relation to portability transfers and annuity purchases.

Letters of Credit

Minimum funding requirements in respect of solvency deficiencies that otherwise require monthly contributions to the pension fund may be met, in the alternative, by establishing an irrevocable letter of credit subject to the conditions established by the Act. Required solvency special payments in excess of those met by a letter of credit must be met by monthly contributions to the pension fund.

7

Maximum Eligible Contributions

The *Income Tax Act* (the “ITA”) limits the amount of employer contributions that can be remitted to the defined benefit component of a registered pension plan.

In accordance with Section 147.2 of the ITA and *Income Tax Regulation 8516*, for a plan that is underfunded on either a going concern or on a hypothetical wind-up basis, the maximum permitted contributions are equal to the employer’s current service cost, including the explicit expense allowance if applicable, plus the greater of the going concern funding shortfall and hypothetical wind-up shortfall.

For a plan that is fully funded on both going concern and hypothetical wind-up bases, the employer can remit a contribution equal to the employer’s current service cost, including the explicit expense allowance if applicable, as long as the surplus in the plan does not exceed a prescribed threshold. Specifically, in accordance with Section 147.2 of the ITA, for a plan that is fully funded on both going concern and hypothetical wind-up bases, the plan may not retain its registered status if the employer makes a contribution while the going concern funding excess exceeds 25% of the going concern funding target.

Notwithstanding the above, any contributions that are required to be made in accordance with pension benefits legislation are eligible contributions in accordance with Section 147.2 of the ITA and can be remitted.

Schedule of Maximum Contributions

The Company is permitted to fully fund the greater of the going concern and hypothetical wind-up shortfalls determined without the letter of credit (\$2,888,000), as well as make current service cost contributions. The portion of this contribution representing the payment of the hypothetical wind-up shortfall can be increased with interest at 2.95% per year from the valuation date to the date the payment is made, and must be reduced by the amount of any deficit funding made from the valuation date to the date the payment is made.

Assuming the Company contributes the greater of the going concern and the hypothetical wind-up shortfall determined without the letter of credit of \$2,888,000 as of the valuation date, the rule for determining the estimated maximum eligible annual contributions, as well as an estimate of the maximum eligible contributions until the next valuation, are as follows:

Year beginning	Employer's contribution rule		Estimated employer's contributions	
	Monthly current service cost	Monthly expense allowance	Deficit Funding	Monthly current service cost including expense allowance
2020	\$0	\$8,333	N/A	\$8,333

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Actuarial Opinion

In my opinion, for the purposes of the valuations,

- The membership data on which the valuation is based are sufficient and reliable.
- The assumptions are appropriate.
- The methods employed in the valuation are appropriate.

This report has been prepared, and my opinion given, in accordance with accepted actuarial practice in Canada. It has also been prepared in accordance with the funding and solvency standards set by the Pensions Benefits Standard Act



Chad Spence

Fellow of the Canadian Institute of Actuaries
Fellow of the Society of Actuaries

June 22, 2020

Date

Appendix A

Prescribed Disclosure

Definitions

The Act defines a number of terms as follows:

Defined Term	Description	Result
Going concern excess (deficit)	Amount by which the going concern assets exceed (are below) the going concern liabilities	\$8,092,000
Unfunded liability	The amount by which the going concern deficit of a plan determined at the valuation date exceeds the present value of going concern special payments of the plan established in respect of periods after the valuation date	\$0
Going concern provision for expenses	Present value of expected future passive investment management expenses <ul style="list-style-type: none">Included in funding target (liabilities)Included in current service cost Present value of expected future administration expenses <ul style="list-style-type: none">Included in funding target (liabilities)Included in current service cost	\$221,000 \$0 \$0 \$100,000
Going concern margin for adverse deviations	Present value of margin for adverse deviations <ul style="list-style-type: none">Included in funding target (liabilities)Included in current service cost	\$2,159,000 \$0
Going concern special payment	A special payment made in respect of an unfunded liability	\$0

Defined Term	Description	Result
Solvency Liabilities	Liabilities that relate to defined benefit provisions and which are determined on the basis that the plan is terminated	\$37,466,000
Solvency Assets	Market value of the assets that relate to the defined benefit provisions of a plan minus the estimated expense of the winding-up of the plan	\$39,468,000
Solvency Ratio	Ratio of the solvency assets to the solvency liabilities, excluding those solvency assets and solvency liabilities that are attributable to benefits that are paid by means of an annuity, other than a revocable annuity, or an insurance contract	105.3%
Average Solvency Ratio	Arithmetic average of the solvency ratios at the valuation date, the prior valuation date and the prior second valuation date adjusted as prescribed for special payments, contribution holidays, amendments and transfer of assets	102.5%
Adjusted Solvency Asset Amount	Amount determined by multiplying the average solvency ratio by the amount of the solvency liabilities	\$38,418,000
Solvency excess (deficiency)	Amount by which the adjusted solvency asset amount exceeds (is below) the solvency liabilities	\$952,000
Solvency special payment	A special payment made in respect of a solvency deficiency	\$0

Timing of Next Required Valuation

In accordance with the Act and the Superintendent's Directives, an actuarial report must be prepared annually except where the solvency ratio disclosed in the most recent actuarial report filed under subsection 12(3) of the Act was 1.20 or greater.

Accordingly, the next valuation of the Plan will be required as of December 31, 2020.

Special Payments

Going Concern Basis

No special payments are required.

Solvency Basis

In accordance with the Act and regulations, the solvency excess (deficiency) is defined as the amount by which the adjusted solvency asset amount exceeds (is below) the solvency liabilities. For this purpose, the adjusted solvency asset amount is determined by multiplying the average solvency ratio by the amount of the solvency liabilities. The average solvency ratio, adjusted solvency asset amount and solvency excess (deficiency) are determined as follows:

Determination of Average Solvency Ratio

	31.12.2017	31.12.2018	31.12.2019
Solvency assets			
Market value of assets	\$33,892,000	\$32,901,000	\$34,778,000
Termination expense provision	(\$200,000)	(\$200,000)	(\$200,000)
Solvency assets (A)	\$33,692,000	\$32,701,000	\$34,578,000
Present value of special payments made (contribution holiday) (B)	\$210,000	\$0	\$0
Letter of credit (C)	\$4,890,000	\$4,890,000	\$4,890,000
Solvency assets adjusted for special payments (contribution holiday) and letter of credit (D = A + B + C)	\$38,792,000	\$37,591,000	\$39,468,000
Solvency liabilities (E)	\$38,668,000	\$36,875,000	\$37,466,000
Adjusted solvency ratio (D / E)	100.32%	101.94%	105.34%
Average solvency ratio (F)			102.5%

Calculation of adjusted solvency asset amount and solvency excess (deficiency)

	31.12.2019	31.12.2018
Average solvency ratio (F)	102.5%	98.97%
Solvency liabilities (E)	\$37,466,000	\$36,875,000
Adjusted solvency asset amount (E x F)	\$38,418,000	\$36,495,000
Solvency excess (deficiency)	\$952,000	(\$380,000)

Since there is a solvency excess at December 31, 2019, no solvency special payment is required.

Determination of Amount which Can Be Used to Reduce Current Service Contribution

The Act does not require the employer to contribute to the Plan until after the lesser of the going concern excess, and the amount by which the solvency assets exceed 105% of the solvency liabilities, has been applied towards the employer's current service cost. The determination of such amounts is as follows:

	31.12.2019
Going concern excess (A)	\$8,092,000
Solvency assets (B)	\$39,468,000
Solvency liabilities $\times 1.05$ (C)	\$39,339,300
Maximum amount which can be used to reduce Current Service Contribution = Min (A, B - C) not less than \$0	\$128,700

Notwithstanding this calculation, the terms of the Plan or collective agreement may require the Company to make current service cost contributions.

Letter of Credit

The Company has secured letters of credit in the amount of \$5,043,936 as at December 31, 2019. From this amount, a cumulative total of \$4,890,005 has been applied in respect of a portion of the minimum required solvency special payments due over the period beginning January 1, 2011 and ending December 31, 2019. As such, there is a remaining face amount of \$153,931 which can be applied in respect of future years' special payments.

In accordance with the Act, a plan sponsor may use a letter of credit to fund solvency special payments, up to 15% of solvency liabilities. Accordingly, the maximum face value of the aggregate of all letters of credit secured in lieu of making solvency deficiency payments to the Plan may not exceed \$5,619,900 (15% x \$37,466,000) as at December 31, 2019.

Appendix B Plan Assets

The assets of the plan, except for a small cash flow account, are invested as part of the OMERS pension fund under a master trust arrangement. The cash flow account is maintained by Sun Life Financial. In preparing this report, we have relied upon fund statements prepared by Sun Life Financial and audited financial statements prepared by OMERS. Customarily, this information would not be verified by a plan's actuary. We have reviewed the information for internal consistency and we have no reason to doubt its substantial accuracy.

Reconciliation of Market Value of Plan Assets

The pension fund transactions since the last valuation are summarized in the following table:

	2019
December 31	\$32,901,000
PLUS	
Company's contributions	\$100,000
Investment income	\$4,086,000
	<hr/>
	\$4,186,000
LESS	
Pensions paid	\$2,039,000
Investment fees	\$189,000
Administration fees	\$81,000
	<hr/>
	\$2,309,000
December 31	\$34,778,000
Gross rate of return ³	12.85%
Rate of return net of expenses ³	12.58%

³ Assuming mid-period cash flows.

We have tested the pensions paid, the lump-sums paid, and the contributions for consistency with the membership data for the Plan members who have received benefits or made contributions. The results of these tests were satisfactory.

Investment Policy

The plan administrator has adopted a statement of investment policy and procedures. This policy is intended to provide guidelines for the manager(s) as to the level of risk that is consistent with the Plan's investment objectives. A significant component of this investment policy is the asset mix.

The plan administrator is solely responsible for selecting the Plan's investment policies, asset allocations, and individual investments.

The constraints on the asset mix and the actual asset mix at the valuation date are provided for information purposes:

	Investment Policy Target	Actual Asset Mix as at December 31, 2019
Public equity	22.0%	18.8%
Bonds	46.0%	13.8%
Private equity	14.0%	20.1%
Infrastructure	23.0%	22.5%
Real Estate	18.0%	18.3%
Cash and economic leverage	(23.0%)	6.5%
	100%	100.0%

Because the Plan's assets (which are invested in accordance with the above investment policy) are not matched to the Plan's liabilities (which tend to behave like long bonds), the Plan's financial position will fluctuate over time. These fluctuations could be significant and could cause the Plan to become underfunded or overfunded even if the Company contributes to the Plan based on the funding requirements presented in this report.

Appendix C

Methods and Assumptions – Going Concern

Valuation of Assets

For this valuation, we have used the market value of assets adjusted for in-transit amounts.

Going Concern Funding Target

Over time, the real cost to the employer of a pension plan is the excess of benefits and expenses over member contributions and investment earnings. The actuarial cost method allocates this cost to annual time periods.

For purposes of the going concern valuation, we have continued to use the unit credit actuarial cost method. Under this method, we determine the present value of benefit cash flows expected to be paid in respect of service accrued prior to the valuation date. This is referred to as the funding target. For each individual plan member, accumulated contributions with interest are established as a minimum actuarial liability.

The funding excess or funding shortfall, as the case may be, is the difference between the market or smoothed value of assets and the funding target. A funding excess on a market value basis indicates that the current market value of assets and expected investment earnings are expected to be sufficient to meet the cash flows in respect of benefits accrued to the valuation date as well as expected expenses – assuming the plan is maintained indefinitely. A funding shortfall on a market value basis indicates the opposite – that the current market value of the assets is not expected to be sufficient to meet the plan's cash flow requirements in respect of accrued benefits, absent additional contributions.

As required under the Act, a funding shortfall must be amortized over no more than 15 years through special payments. A funding excess may, from an actuarial standpoint, be applied immediately to reduce required employer current service contributions unless precluded by the terms of the plan or by legislation.

The actuarial cost method used for the purposes of this valuation produces a reasonable matching of contributions with accruing benefits. Because benefits are recognized as they accrue, the actuarial cost method provides an effective funding target for a plan that is maintained indefinitely.

Current Service Cost

No employer current service cost is required, as effective December 31, 1999 the plan was frozen. Pension benefits for service after January 1, 2000 are provided under OMERS.

Actuarial Assumptions – Going Concern Basis

The present value of future benefit payment cash flows is based on economic and demographic assumptions. At each valuation we determine whether, in our opinion, the actuarial assumptions are still appropriate for the purposes of the valuation, and we revise them, if necessary. Emerging experience will result in gains or losses that will be revealed and considered in future actuarial valuations.

The table below shows the various assumptions used in the current valuation in comparison with those used in the previous valuation.

Assumption	Current valuation	Previous valuation
Discount rate:	4.90%	4.90%
Explicit expenses:	\$100,000	\$100,000
Inflation:	2.00%	2.00%
ITA limit / YMPE increases:	3.00%	3.00%
Pensionable earnings increases:	N/A	N/A
Post-retirement pension increases (for benefits indexed at 75% x CPI less 1%):	0.50%	0.50%
Post-retirement pension increases (for benefits indexed at 75% x CPI less 2%):	0.00%	0.00%
Retirement rates:	Age-related table	Age-related table
Mortality rates:	100% of the rates of the 2014 Private Sector Canadian Pensioners Mortality Table (CPM2014Priv)	100% of the rates of the 2014 Private Sector Canadian Pensioners Mortality Table (CPM2014Priv)

Assumption	Current valuation	Previous valuation
Mortality improvements:	Fully generational using CPM Improvement Scale B	Fully generational using CPM Improvement Scale B
Termination rates:	None	None
Disability rates:	None	None
Eligible spouse at retirement:	80%	80%
Spousal age difference:	Male 3 years older	Male 3 years older

The assumptions are best-estimate with the exception that the discount rate includes a margin for adverse deviations, as shown below.

Age and Service Related Tables

Members are assumed to retire in accordance with the following rates:

- 50% of members retire at the later of age 55 and 30 years of continuous service
- 10% of remaining members retire each year thereafter
- 100% of remaining members retire at age 65

Rationale for Assumptions

A rationale for each of the assumptions used in the current valuation is provided below.

Discount Rate

We have discounted the expected benefit payment cash flows using the expected investment return on the market value of the fund net of fees and less a margin for adverse deviations.

The discount rate is comprised of the following:

- An **assumed investment return** based on estimated return for each major asset class that are consistent with market conditions on the valuation date modified to include a provision for increases in market interest rates to a level higher than current historically low levels, on the expected time horizon over which benefits are expected to be paid, and on the target asset mix specified in the Plan's investment policy, subject to the 6.00% limit established in OSFI guidance. Consistent with market observable and available data, the assumed investment return is a gross return for all asset.
- An **active investment management expense provision** of 28 bps. We have assumed that these fees would be offset by an equivalent **additional return resulting from active management**.
- An **assumed passive investment management expense provision** which represents the hypothetical fees for passive investment management of assets based on estimated fees charged by index managers for balanced mandates.
- A **margin for adverse deviations** of 0.90% as per the terms of engagement

The discount rate was developed as follows:

Assumed investment return	6.00%
Additional returns for active investment management	0.28%
Active investment management expense provision	(0.28%)
Assumed passive investment management expense provision	(0.17%)
Margin for adverse deviations	(0.90%)
Adjustment for rounding	(0.03%)
Net discount rate	4.90%

Expenses

The assumption is based on the average amount of non-investment expenses over the last 3 years.

Inflation

The inflation assumption is based on the mid-point of the Bank of Canada's inflation target range of between 1% and 3%.

Income Tax Act Pension Limit and Year's Maximum Pensionable Earnings

The assumption is based on historical real economic growth and the underlying inflation assumption.

Post- Retirement Pension Earnings

The assumption is based on the Plan formula and inflation assumption above.

Retirement Rates

Due to the size of the Plan, there is no meaningful retirement experience. The assumption is based on the Plan provisions and our experience with similar plans and employee groups.

Termination Rates

Use of a different assumption would not have a material impact on the valuation.

Mortality Rates

The assumption for the mortality rates is based on the Canadian Pensioners' Mortality (CPM) study published by the Canadian Institute of Actuaries in February 2014.

Due to the size of the Plan, specific data on plan mortality experience is insufficient to determine the mortality rates. It was determined to use the CPM mortality rates from the private sector without adjustment after considering plan-specific characteristics, such as the type of employment, the industry experience, the pension and employment income for the plan members, and data in the CPM study.

There is broad consensus among actuaries and other longevity experts that mortality

improvement will continue in the future, but the degree of future mortality improvement is uncertain. Two mortality improvement scales were recently published by the Canadian Institute of Actuaries (CIA) and may apply to Canadian pension valuations:

- The Canadian Pensioners Mortality (CPM) study published in February 2014 included CPM Improvement Scale B (CPM-B).
- A report released by the Task Force on Mortality Improvement on September 20, 2017 includes an analysis of the rate of mortality improvement for the Canadian population and provides for mortality improvement scale MI-2017 to be considered for the purpose of reflecting future mortality improvement in Canadian actuarial work, while acknowledging that it might be appropriate to use alternative mortality improvement assumptions to reflect the nature of the work.

The CIA Committee on Pension Plan Financial Reporting published a revised version of the Educational Note on the Selection of Mortality Assumptions for Pension Plan Valuations on December 21, 2017. The Educational Note indicates that given the recent publication of the CPM-B and MI-2017 improvement scales and the similar data sets used in their development, it may be appropriate to use either scale in the absence of credible information to the contrary, such as the publication of a successor scale by the CIA.

For the present valuation, we have continued to use the CPM-B scale, which is a reasonable outlook for future mortality improvement

Based on the assumption used, the life expectancy of a member age 65 at the valuation date is 21.8 years for males and 24.2 years for females.

Disability Rates

Use of a different assumption would not have a material impact on the valuation.

Eligible Spouse

The assumption is based on an industry standard for non-retired members (actual status used for retirees).

Spousal Age Difference

The assumption is based on an industry standard showing males are typically 3 years older than their spouse.

Appendix D

Methods and Assumptions – Hypothetical Wind-Up and Solvency

Hypothetical Wind-up Basis

The Canadian Institute of Actuaries requires actuaries to report the financial position of a pension plan on the assumption that the plan is wound up on the effective date of the valuation, with benefits determined on the assumption that the pension plan has neither a surplus nor a deficit.

To determine the actuarial liability on the hypothetical wind-up basis, we have valued those benefits that would have been paid had the Plan been wound up on the valuation date, with all members fully vested in their accrued benefits.

The Standards of Practice of the Canadian Institute of Actuaries require that the scenario upon which the hypothetical wind-up valuation is based be postulated. The circumstances in which the Plan wind-up is assumed to have taken place are as follows:

- The employer's business is discontinued on the valuation date
- The employer's business continues its operation.

It should be noted however that there are no benefits under the plan contingent upon the circumstances of the plan wind-up or contingent upon other factors. The postulated scenario has no impact on the benefits payable. No benefits payable on plan wind-up were excluded from our calculations. The plan wind-up is assumed to occur in circumstances that maximize the actuarial liability.

Upon plan wind-up, members are given options for the method of settling their benefit entitlements. The options vary by eligibility and by province of employment, but in general, involve either a lump sum transfer or an immediate or deferred pension.

The value of benefits assumed to be settled through a lump sum transfer is based on the assumptions described in Section 3500 – *Pension Commuted Values* of the Canadian Institute of Actuaries’ Standards of Practice applicable for December 31, 2019.

Benefits provided as an immediate or deferred pension are assumed to be settled through the purchase of annuities based on an estimate of the cost of purchasing annuities.

However, there is limited data available to provide credible guidance on the cost of a purchase of indexed annuities in Canada. In accordance with the *Canadian Institute of Actuaries Educational Note: Assumptions for Hypothetical Wind-up and Solvency Valuations with Effective Dates Between December 31, 2019 and December 30, 2020* (the “Educational Note”), we have assumed that an appropriate proxy for estimating the cost of such fully-indexed annuities is using the yield on the long-term Government of Canada Real Return bonds, reduced by 0.7%.

The Educational Note provides guidance on estimating the cost of annuity purchases assuming a typical group of annuitants. That is, no adjustments for sub- or super-standard mortality are considered. However, it is expected that insurers will consider plan experience and certain plan-specific characteristics when determining the mortality basis for a particular group. The Educational Note states that the actuary would be expected to make an adjustment to the regular annuity purchase assumptions where there is demonstrated substandard or super-standard mortality or where an insurer might be expected to assume so. In such cases, the actuary would be expected to make an adjustment to the mortality assumption in a manner consistent with the underlying annuity purchase basis. Given the uncertainty surrounding the actual mortality basis that would be typical of a group annuity purchase, it is reasonable to assume that there is a range of bases that can be expected not to be materially different from the actual mortality basis. Therefore, an adjustment to the regular annuity purchase assumptions would be warranted when the plan’s assumed basis falls outside that range.

In this context, we have determined that no adjustment to the mortality rates used in the regular annuity purchase assumptions is required.

We have not included a margin for adverse deviations in the solvency and hypothetical wind-up valuations.

The assumptions are as follows:

Form of Benefit Settlement Elected by Member

Lump sum:	70% of non-pensioners under age 55 and with less than 30 years of service.
Annuity purchase:	All remaining members are assumed to elect to receive their benefit entitlement in the form of a deferred or immediate pension.

Basis for Benefits Assumed to be Settled through a Lump Sum

Mortality rates:	100% of the rates of the 2014 Canadian Pensioners Mortality Table (CPM2014) with fully generational improvements using CPM Scale B
Interest rate:	2.40% per year for 10 years, 2.50% per year thereafter
Indexation rate for benefits indexed at 75% of CPI less 2%:	0.00%
Indexation rate for benefits indexed at 75% of CPI less 1%:	0.00%

Basis for Benefits Assumed to be Settled through the Purchase of an Annuity

Mortality rates:	100% of the rates of the 2014 Canadian Pensioners Mortality Table (CPM2014) with fully generational improvements using CPM Scale B
Adjustment to mortality rates:	No adjustment
Interest rate:	2.95% per year based on a duration of 10.81 years determined for the liabilities assumed to be settled through the purchase of an annuity.
Indexation rate for benefits indexed at 75% of CPI less 2%:	0.44% per year

Indexation rate for
benefits indexed at 75%
of CPI less 1%: 1.44% per year

Retirement Age

Maximum value: Members are assumed to retire at the age that maximizes the value of their entitlement from the Plan, based on the eligibility requirements that have been met at the valuation date

Other Assumptions

Final average earnings: N/A

Family composition: Same as for going concern valuation

Termination expenses: \$200,000

To determine the hypothetical wind-up position of the Plan, a provision has been made for estimated termination expenses payable from the Plan's assets in respect of actuarial and administration expenses that may reasonably be expected to be incurred in terminating the Plan and to be charged to the Plan.

In addition, termination expenses also include a provision for transaction fees related to the liquidation of the Plan's assets and for expenses that may reasonably be expected to be paid by the pension fund under the postulated scenario between the wind-up date and the settlement date. It was assumed for this purpose that the termination process would extend over a two-year period.

Expenses associated with the distribution of any surplus assets that might arise on an actual wind-up are also not included in the estimated termination expense provisions.

In determining the provision for termination expenses payable from the Plan's assets, we have assumed that the plan sponsor would be solvent on the wind-up date. We have also assumed, without analysis, that the Plan's terms as well as applicable legislation and court decisions would permit the relevant expenses to be paid from the Plan.

Although the termination expense assumption is a best estimate, actual fees incurred on an actual plan wind-up may differ materially from the estimates disclosed in this report.

Incremental Cost

In order to determine the incremental cost, we estimate the hypothetical wind-up liabilities at the next valuation date. We have assumed that the cost of settling benefits by way of a lump sum or purchasing annuities remains consistent with the assumptions described above. Since the projected hypothetical wind-up liabilities will depend on the membership in the Plan at the next valuation date, we must make assumptions about how the Plan membership will evolve over the period until the next valuation.

We have assumed that the Plan membership will evolve in a manner consistent with the going concern assumptions as follows:

- Members terminate, retire, and die consistent with the termination, retirement, and mortality rates used for the going concern valuation.
- The Income Tax Act pension limit and the Year's Maximum Pensionable Earnings increase in accordance with the related going concern assumptions.

Solvency Basis

In determining the financial position of the Plan on the solvency basis, we have used the same assumptions and methodology as were used for determining the financial position of the Plan on the hypothetical wind-up basis.

The solvency position is determined in accordance with the requirements of the Act.

Appendix E

Membership Data

Analysis of Membership Data

The actuarial valuation is based on membership data as at December 31, 2019, provided by Transit Windsor.

We have applied tests for internal consistency, as well as for consistency with the data used for the previous valuation. These tests were applied to membership reconciliation, basic information (date of birth, date of hire, date of membership, gender, etc.), pensionable earnings, credited service, contributions accumulated with interest, and pensions to retirees and other members entitled to a deferred pension. Contributions, lump sum payments, and pensions to retirees were compared with corresponding amounts reported in financial statements. The results of these tests were satisfactory.

If the data supplied are not sufficient and reliable for its intended purpose, the results of our calculation may differ significantly from the results that would be obtained with such data. Although Mercer has reviewed the suitability of the data for its intended use in accordance with accepted actuarial practice in Canada, Mercer has not verified or audited any of the data or information provided.

Plan membership data are summarized below. For comparison, we have also summarized corresponding data from the previous valuation.

	31.12.2019	31.12.2018
Active Members		
Number	43	57
Total annual accrued frozen pension	\$207,051	\$308,718
Average annual accrued frozen pension	\$4,815	\$5,416
Average years of continuous service	27.3	27.3
Average age	56.6	57.0
Accumulated contributions with interest	\$724,228	\$1,109,271
Deferred Pensioners		

	31.12.2019	31.12.2018
Number	3	3
Total annual pension	\$16,904	\$16,793
Average annual pension	\$5,635	\$5,598
Average age	62.8	61.8
Pensioners and Survivors		
Lifetime Pension		
Number	195	185
Total annual pension	\$1,865,741	\$1,793,787
Average annual pension	\$9,568	\$9,696
Average age	72.0	72.2
Supplemental Pension		
Number	53	48
Total annual pension	\$192,837	\$181,563
Average annual pension	\$3,638	\$3,783
Average age	62.1	61.6
Special Additional Supplemental Pension		
Number	10	9
Total annual pension	\$19,152	\$17,208
Average annual pension	\$1,915	\$1,912
Average age	58.2	58.0

The membership movement for all categories of membership since the previous actuarial valuation is as follows:

	Actives	Deferred Pensioners	Pensioners and survivors	Total
Total at 31.12.2018	57	3	185	245
Deaths				
• Without beneficiary			(4)	(4)
• With beneficiary	(1)		(1)	(2)
Retirements				
• Transfers/lump sums				
• Commenced pension	(13)		13	0
Beneficiaries				
Total at 31.12.2019	43	3	195	241

The distribution of the active members by age and pensionable service as at the valuation date is summarized as follows:

Age	Years of Pensionable Service					
	0-19	20-24	25-29	30-34	35+	Total
Under 35						
35 to 39						
40 to 44		1 N/A				1 N/A
45 to 49		3 \$996	1 N/A			4 \$1,554
50 to 54		4 \$1,264	1 N/A	1 N/A		6 \$2,987
55 to 59		8 \$1,097	4 \$5,611	14 \$7,647	1 N/A	27 \$5,521
60 to 64		1 N/A	1 N/A	3 N/A		5 \$6,458
65+						
Total	17 \$1,177	7 \$5,075	18 \$7,819	1 N/A	43 \$4,815	

Headcount and average accrued pension are showed for each cell. Cells containing N/A above have been suppressed for purposes of confidentiality.

The distribution of the inactive members by age as at the valuation date is summarized as follows:

Age	Lifetime Pension			Supplemental Pension		Special Additional Supplemental Pension	
	Number	Average Pension	Number	Average Pension	Number	Average Pension	
< 50							
50 – 54							
55 – 59	12	\$8,914	10	\$3,319	10	\$1,915	
60 – 64	43	\$9,571	43	\$3,713			
65 – 69	38	\$10,086					
70 – 74	33	\$9,828					
75 – 79	31	\$10,763					
80 – 84	18	\$10,463					
85 – 89	12	\$6,267					
90 – 94	5	\$5,928					
95 – 99	3	\$4,260					
100 +							
Total	195	\$9,568	53	\$3,638	10	\$1,915	

Appendix F

Summary of Plan Provisions

Mercer has used and relied on the plan documents, including amendments and interpretations of plan provisions, supplied by Transit Windsor. If any plan provisions supplied are not accurate and complete, the results of any calculation may differ significantly from the results that would be obtained with accurate and complete information. Moreover, plan documents may be susceptible to different interpretations, each of which could be reasonable, and the results of estimates under each of the different interpretations could vary.

This valuation is based on the plan provisions in effect on December 31, 2019. Since the previous valuation, the Plan has been amended to reflect certain legislative requirements and to modify the allowable composition of the Pension Review Committee.

The following is a summary of the main provisions of the Plan in effect on December 31, 2019. This summary is not intended as a complete description of the Plan.

Background	<p>The Plan became effective December 4, 1964.</p> <p>Benefits are based on a set formula and are entirely paid for by the Company.</p> <p>The Plan was frozen for future service accruals effective December 31, 1999.</p> <p>Pension benefits for service after January 1, 2000 are earned under the OMERS pension plan.</p>
Eligibility for Membership	<p>Participation in the plan was automatic for all employees who were members of Division 616 of the Amalgamated Transit Union and all employees in a clerical, secretarial or supervisory position within the Company. Full time employees became members on the first day of work at a probationary rate of pay. Part time employees became members when they satisfied the minimum legislated requirements for eligibility.</p> <p>No new members are permitted to join the plan on and after January 1, 2000.</p>

**Employee
Contributions**

Prior to July 1, 1995:

- 5.0% of Annual Plan Compensation less 1.8% or the applicable CPP contribution percentage of the portion of such Annual Plan Compensation on which CPP contributions are determined

July 1, 1995 to January 1, 1998

- 5.0% of Annual Plan Compensation less the required CPP contributions (determined on the basis CPP contributions rules in 1995)

January 1, 1998 to January 1, 2000

- 4.0% of Annual Plan Compensation

On and after January 1, 2000

- No member contributions to the Plan are required or permitted

Member contributions are subject to limits imposed by the Income Tax Act (Canada). Interest on employee contributions is credited based on rates of return declared by the Company up to December 31, 1987 and for each Plan year commencing January 1, 1988, using a rate equal to the average of the month end yields reported for CANSIM Series V122515 for the immediately preceding plan year.

Voluntary member contributions are not permitted.

Retirement Dates

Normal Retirement Date

- The normal retirement date is the first day of the month coincident with or next following the member's 65th birthday.

Early Retirement Date

- If a member has been in the Plan for at least two years, the member may choose to retire as early as age 55. If a member has 30 years of continuous service, the member may retire immediately.

Normal Retirement Pension	<p>a. In respect of service prior to May 3, 1971, the amount shown opposite the member's name in Schedule A of the Plan</p> <p>PLUS</p> <p>b. In respect of service from May 3, 1971 to June 30, 1995, 50% of aggregate member contributions made during the period</p> <p>PLUS</p> <p>c. In respect of service from January 1, 1987 to June 30, 1995, 50% of additional member contributions that are deemed to have been made during that period if the CPP offset applicable to the member's contribution formula remained at 1.8%</p> <p>PLUS</p> <p>d. In respect of service from July 1, 1995 to February 28, 1997, for each year 1.25% of the first \$10,000 of Annual Plan Compensation plus 1.50% of the next \$25,000 plus 2.00% of any excess</p> <p>PLUS</p> <p>e. In respect of service from March 1, 1997 to December 31, 1997, for each year 1.20% of the first \$35,000 of Annual Plan Compensation plus 2.00% of any excess</p> <p>PLUS</p> <p>f. In respect of service from January 1, 1988 to December 31, 1999, for each year 2.00% of Annual Plan Compensation</p> <p>Effective January 1, 1998 the plan was amended to upgrade benefits earned in the period from January 1, 1992 to December 31, 1997 under paragraphs b, c, d and e above using 1997 Annual Plan Compensation.</p>
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Early Retirement Pension

If a member retires early, the member will be entitled to a pension that is calculated the same way as for a normal retirement. The basic pension payable, however, will be reduced depending on the particular early retirement provision of the Plan under which the member retired.

“30 and Out”

A member who has completed at least 30 years of continuous service on his early retirement date will receive the following benefits, unreduced:

- Basic Pension: a monthly pension commencing on his early retirement date equal to the member's accrued monthly lifetime pension
- Supplemental Pension: a monthly pension commencing on his early retirement date equal to \$20 multiplied by his credited service (maximum of 30 years of credited service). The supplemental pension is payable until the earlier of the member's death or normal retirement date.
- Special Additional Supplemental Pension: a monthly pension commencing on his early retirement date equal to \$40 multiplied by his credited service earned after January 1, 1996. The special additional supplemental pension is payable until the earlier of the member's death or age 60.
- Only the basic pension is subject to the indexing increases described below.

“55 and 10”

- A member who has attained age 55 and completed at least 10 years of continuous service on his early retirement date will receive the following benefits, reduced in accordance with the following table:

Age at Pension Commencement	Early Retirement Factor
65	1.00
64	0.94
63	0.88
62	0.82
61	0.76
60	0.70
59	0.66
58	0.62
57	0.58
56	0.54
55	0.50

**Early Retirement
Pension Continued**

- Basic Pension: a monthly pension commencing on his early retirement date equal to the member's accrued monthly lifetime pension, multiplied by the applicable early retirement factor.
- Supplemental Pension: a monthly pension commencing on his early retirement date equal to \$20 multiplied by his credited service (maximum of 30 years of credited service), multiplied by the applicable early retirement factor. The supplemental pension is payable until the earlier of the member's death or normal retirement date.
- Special Additional Supplemental Pension: a monthly pension commencing on his early retirement date equal to \$40 multiplied by his credited service earned after January 1, 1996, multiplied by the applicable early retirement factor.
The special additional supplemental pension is payable until the earlier of the member's death or age 60.
- Only the basic pension is subject to the indexing increases described below.

"55 and 2"

A member who has attained age 55 and completed at least 2 years of continuous service on his early retirement date will receive a basic pension commencing his early retirement date equal to the member's accrued monthly lifetime pension, actuarially reduced.

The basic pension is subject to the indexing increases described below.

Indexation of Pension Benefits	<p>Pension benefits payable under the Plan are indexed to increases in the CPI as follows:</p> <p>For employees who retired prior to January 1, 1989:</p> <ul style="list-style-type: none">• pension benefits indexed annually at 75%xCPI – 2% <p>For employees who retire on or after January 1, 1989</p> <ul style="list-style-type: none">• pension benefits accrued for service prior to January 1, 1987 are indexed annually at 75%xCPI – 2%• pension benefits accrued for service on or after January 1, 1987 are indexed annually at 75%xCPI – 1%• Benefits are indexed starting from the date of vested termination or from the date of retirement. Any indexation increases are implemented as of April 1 of each year.
Disability Benefits and Retirement	<p>If a member became totally and permanently disabled as defined in the Plan before December 31, 1999 and is in receipt of disability income benefits under the Disability Income Plan of the Company, he will continue to accrue benefits under this Plan up to December 31, 1999 using the earnings related formula in effect at the date the member became disabled, with the level of earnings at that time.</p> <p>If a member became totally and permanently disabled before March 31, 1998 (or, if the member has 10 or more years of continuous service and became totally and permanently disabled on or after March 31, 1998 and prior to December 31, 1999) and subsequently recovers from his disability to the extent that he no longer qualifies for benefits under the Disability Income Plan, but is still unable to return to work with the Company, he may retire early under the Plan. If the member has not attained age 55, the applicable early retirement reduction factor will be the tabular factor in the Plan assuming the member is age 55. No supplemental benefit is payable where early disability retirement occurs prior to the earlier of age 55 or 30 years of continuous service.</p>

Maximum Pension	<p>The total annual pension payable from the Plan upon retirement, death or termination of employment cannot exceed the lesser of:</p> <ul style="list-style-type: none">• 2% of the average of the best three consecutive years of total compensation paid to the member by the Company, multiplied by total credited service; and• \$3,092.22 or such other maximum permitted under the Income Tax Act, multiplied by the member's total credited service. <p>The maximum pension is determined at the date of pension commencement.</p>
Death Benefits	<p>Pre-retirement:</p> <ul style="list-style-type: none">• If a member dies prior to retirement, the death benefit payable will be equal to the Commuted Value of his accrued pension plus a refund of any Excess Contributions. A subsidized death benefit may be available to the member's surviving spouse. <p>Post retirement:</p> <ul style="list-style-type: none">• The normal form of payment for a member who does not have a spouse at retirement is a lifetime pension guaranteed 5 years. The normal form of payment for a member who does have a spouse at retirement is a joint and 60% survivor pension guaranteed 5 years. However, the member may elect to receive an optional form of pension on an actuarial equivalent basis.
Termination Benefits	<p>A deferred lifetime pension equal to the accrued pension, adjusted to reflect any excess contributions.</p> <p>Deferred pensions are payable commencing at age 65, however; a member may elect to receive an actuarially reduced pension as early as age 55.</p> <p>In lieu of a deferred pension, a member may transfer the commuted value of the pension into another retirement vehicle in accordance with the applicable provincial legislation.</p>

Appendix G

Plausible Adverse Scenarios

In this Appendix, the financial impact on the Plan's going concern results (i.e., going concern financial position at the valuation date and current service cost from the valuation date to the next valuation date) of plausible adverse scenarios that would pose threats to the Plan's future financial condition is illustrated for the following risks:

- Interest rate risk, the potential that interest rates will be lower than expected;
- Deterioration of asset values; and
- Longevity risk, the potential that pension plan members will live longer than expected.

The following table summarizes the going concern results, where we assumed for:

- Interest rate risk, an immediate parallel decrease in market interest rates of 100 basis points
- Deterioration of asset values, an immediate decrease of 10% in the market value of non-fixed income assets; and
- Longevity risk, that life expectancy from the valuation date at age 65 for a male and a female would increase by 1.5 years.

	GOING CONCERN VALUATION RESULTS AS AT 31.12.2019	PLAUSIBLE ADVERSE SCENARIO RESULTS AS AT 31.12.2019		
		INTEREST RATE RISK	DETERIO- RATION OF ASSET VALUES	LONGEVITY RISK
Going Concern Financial Status				
Market value of assets	\$34,778,000	\$35,900,000	\$31,648,000	\$34,778,000
Going concern funding target	\$26,686,000	\$29,512,000	\$26,686,000	\$27,484,000
Funding excess (shortfall)	\$8,092,000	\$6,388,000	\$4,962,000	\$7,294,000
Estimated Employer's Current Service Cost including expense allowance				
2020	\$100,000	\$100,000	\$100,000	\$100,000

The balance of this Appendix provides details of the plausible adverse scenarios selected and the determination of the impact on the going concern results.

Interest Rate Risk

The purpose of this scenario is to illustrate the sensitivity of the Plan's going concern results to the potential that interest rates will be lower than expected. For this purpose, we have assumed an immediate parallel decrease in market interest rates underlying fixed income investments, where fixed income investments include the following categories as shown in the investment policy summarized in Appendix B.

Using a methodology consistent with the one used to determine the going concern discount rate, we have determined that a parallel decrease in market interest rates of 100 basis points would have a non-trivial probability (between 1 in 10 and 1 in 20) of occurring within the year following the valuation date. For purpose of this scenario, we have assumed that such a decrease in market interest rates would occur immediately on the valuation date and would have the following impact on the value of assets and going concern assumptions:

Defined Term	Description
Market value of assets	The decrease in market interest rates has been assumed to affect only the market value of the fixed income investments. The decrease is assumed to have occurred immediately on the valuation date.
Discount rate assumption	It was assumed that the decrease in market interest rates affects only the expected return on assets for the fixed income portion of assets. The same margin for adverse deviations was used The discount rate assumption was therefore decreased from 4.90% to 4.80%.
Other assumptions	Except as mentioned above, all assumptions used were the same as those used for this valuation. In particular, the discount rate used to value benefits assumed to be settled through a lump sum was not changed.

Deterioration of Asset Values

The purpose of this scenario is to illustrate the sensitivity of the Plan's going concern results to a deterioration of asset values. For this purpose, we assumed an immediate reduction in the market value of the Plan's non-fixed income assets, where non-fixed income investments include the following categories as shown in the investment policy summarized in Appendix B.

Using a methodology consistent with the one used to determine the going concern discount rate, we have determined that a decrease of 10% in the market value of value of non-fixed income assets would have a non-trivial probability (between 1 in 10 and 1 in 20) of occurring within the year following the valuation date. For purpose of this scenario, we have assumed that such a decrease would occur immediately on the valuation date and would have the following impact on the value of assets and going concern assumptions:

Market value of assets	The decrease in the market value of the non-fixed income portion of assets is assumed to have occurred immediately on the valuation date.
Going concern assumptions	This scenario is assumed to have no impact on the assumptions used for this valuation.

Longevity Risk

The purpose of this scenario is to illustrate the sensitivity of the Plan's going concern results to the potential that pension plan members will live longer than expected. For this purpose, we have determined that a plausible adverse scenario would be to assume that future mortality improvements⁴ will be in line with the average improvements experienced by the Canadian population over the most recent 15-year period available, with uniform improvement rates for all future years but varying by age⁵ and gender.

The table below summarizes the improvement rates under the plausible adverse scenario compared to those currently assumed under the CPM-B scale and is based on Canadian population experience from the Human Mortality Database (HMD) from 2002 to 2016.

Age	Males			Females				Adverse Scenario	
	CPM-B			Adverse Scenario	CPM-B				
	2020	2025	2030+		2020	2025	2030+		
20	1.59%	1.20%	0.80%	1.68%	0.98%	0.89%	0.80%	1.47%	
30	1.88%	1.34%	0.80%	1.68%	0.98%	0.89%	0.80%	1.47%	
40	1.80%	1.30%	0.80%	1.68%	1.17%	0.98%	0.80%	1.47%	
50	1.17%	0.98%	0.80%	1.76%	0.98%	0.89%	0.80%	1.34%	
55	1.47%	1.13%	0.80%	1.67%	1.11%	0.96%	0.80%	1.14%	
60	1.77%	1.28%	0.80%	1.75%	1.24%	1.02%	0.80%	1.34%	
65	2.06%	1.43%	0.80%	2.11%	1.36%	1.08%	0.80%	1.65%	
70	2.06%	1.43%	0.80%	2.48%	1.36%	1.08%	0.80%	1.77%	
75	2.01%	1.41%	0.80%	2.66%	1.36%	1.08%	0.80%	1.93%	
80	1.96%	1.38%	0.80%	2.63%	1.36%	1.08%	0.80%	2.03%	

⁴ i.e. starting one year after the valuation in this context

⁵ improvement rates below age 45 are set to those at age 45

Age	Males				Females			
	CPM-B			Adverse Scenario	CPM-B			Adverse Scenario
	2020	2025	2030+		2020	2025	2030+	
85	1.38%	1.03%	0.68%	2.32%	1.31%	0.99%	0.68%	1.98%
90	0.75%	0.62%	0.48%	1.68%	0.75%	0.62%	0.48%	1.60%
95	0.16%	0.25%	0.34%	1.04%	0.16%	0.25%	0.34%	1.12%
100	0.14%	0.22%	0.30%	0.64%	0.14%	0.22%	0.30%	0.80%
105	0.14%	0.22%	0.30%	0.38%	0.14%	0.22%	0.30%	0.55%

Appendix H

Employer Certification

With respect to the Report on the Actuarial Valuation for Funding Purposes as at December 31, 2019 of the Contributory Pension Plan for Employees of Transit Windsor, I hereby certify that, to the best of my knowledge and belief:

- The valuation reflects the terms of the Company's engagement with the actuary described in Section 2 of this report, particularly the requirement to include a margin of 0.90% in the discount rate used to perform the going concern valuation.
- A copy of the official plan documents and of all amendments made up to December 31, 2019 was provided to the actuary and is reflected appropriately in the summary of plan provisions contained herein.
- The Company has secured a letter of credit in the amount of \$5,043,936 as at December 31, 2019, in respect of a portion of the minimum required solvency special payments due over the period beginning January 1, 2011 and ending December 31, 2019. The asset information summarized in Appendix B is reflective of the Plan's assets.
- The asset information summarized in Appendix B is reflective of the Plan's assets.
- The membership data provided to the actuary included a complete and accurate description of every person who is entitled to benefits under the terms of the Plan for service up to December 31, 2019.
- All events subsequent to December 31, 2019 that may have an impact on the Plan have been communicated to the actuary.

Jan 15, 2020

Date



Signed

PATRICK DELMORE
Name

Mercer (Canada) Limited

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Legal copy goes here.





Committee Matters: SCM 263/2020

Subject: The Contributory Pension Plan for Employees of Transit Windsor - Audited Financial Statements for the year ended December 31, 2019 - City Wide

Moved by: Councillor Costante

Seconded by: Councillor Francis

Decision Number: **ETPS 784**

THAT the Environment, Transportation & Public Safety Standing Committee sitting as the Transit Windsor Board of Directors:

APPROVE the Audited Financial Statements as at December 31, 2019, of the Contributory Pension Plan Fund for Employees of Transit Windsor; and,

DIRECT the Executive Director of Transit Windsor, as the Plan Administrator, to file the financial statements with the Office of the Superintendent of Financial Institutions Canada (OSFI).

Carried.

Report Number: S 104/2020

Clerk's File: MT/13708

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

Subject: The Contributory Pension Plan for Employees of Transit Windsor - Audited Financial Statements for the year ended December 31, 2019 - City Wide

Reference:

Date to Council: August 26, 2020
Author: Patrick Delmore
Executive Director, Transit Windsor
519-944-4141 ext 2232
pdelmore@citywindsor.ca
Transit Windsor
Report Date: July 31, 2020
Clerk's File #: MT/13708

To: Mayor and Members of City Council

Recommendation:

THAT the Environmental, Transportation & Public Safety Standing Committee sitting as the Transit Windsor Board of Directors:

APPROVE the Audited Financial Statements as at December 31, 2019, of the Contributory Pension Plan Fund for Employees of Transit Windsor; and,

DIRECT the Executive Director of Transit Windsor, as the Plan Administrator, to file the financial statements with the Office of the Superintendent of Financial Institutions Canada (OSFI).

Executive Summary:

N/A.

Background:

The Contributory Pension Plan for the Employees of Transit Windsor is a defined benefit plan established to provide pension benefits to all employees of Transit Windsor who meet the eligibility requirements as specified in the plan document. The Plan is registered with the Canada Revenue Agency (CRA) under the Federal Pension Benefits Standards Act (PBSA). The Plan is also a registered pension trust as defined in the Income Tax Act and as such is not subject to income taxes. The Plan was frozen as at December 31, 1999.

Although Federal legislation does not require an independent audit of pension plans, the Board's resolution, T.W. 2702/97, adopted on April 10, 1997, directed:

That a separate, independent audit of the plan be conducted, and that the audited statements be submitted annually to the Board for acceptance.

Discussion:

KPMG has finalized its audit of the Contributory Pension Plan Fund for Employees of Transit Windsor for the year ending December 31, 2019. The Transit Windsor Pension Review Committee has reviewed the audit report and approved the audited statements as submitted at their annual meeting held on June 18, 2020.

The Independent Auditors' Report (attached) states *"In our opinion, the accompanying financial statements of Transit Windsor Fund as at December 31, 2019 and December 31, 2018 and for the years then ended are prepared, in all material respects, in accordance with the basis of accounting described in note 1 (Summary of significant accounting policies).*

The Pension Plan ended the financial year with a strong position over the same period in 2018. The fund now stands with the market value of assets of \$34,774,000 in comparison to \$32,956,000 at December 31, 2018.

The Audited Financial Statements now require the approval of the Transit Windsor Board of Directors.

Risk Analysis:

Federal legislation requires that, if a plan does conduct an audit, the audited statements must be filed with OSFI by June 30th. In order to meet the required deadline, the Executive Director of Transit Windsor has filed the financial statements before the deadline with the understanding that an amendment can be made if there are any concerns or changes required by the Transit Windsor Board of Directors. Accordingly, the audited financial statements have been filed by the required deadline.

Financial Matters:

The auditing fee of \$4,200 plus HST was funded from the frozen Transit Windsor Pension plan.

The pension plan is fully funded on a going concern basis, but would have a deficit if it were to be wound up at this time. Federal pension regulations require this notional wind-up deficit to be funded. The City of Windsor has complied with these additional funding requirements through special contributions over the past several years as well as by way of provision of a Letter of Credit. Full details relative to the actuarial status of the fund will be forthcoming in a separate report.

Consultations:

Rachel Chesterfield, Financial Planning Administrator, Transit Windsor

Transit Windsor Pension Review Committee

Conclusion:

According to the auditor's report, the attached financial statements present fairly, in all material respects, the net assets available for benefits of the Fund and the changes in net assets.

Planning Act Matters:

N/A.

Approvals:

Name	Title
Patrick Delmore	Executive Director, Transit Windsor
Mark Winterton	City Engineer - Corporate Leader Environmental Protection and Infrastructure Services
Joe Mancina	Chief Financial Officer – City Treasurer
Onorio Colucci	Chief Administrative Officer

Notifications:

Name	Address	Email

Appendices:

- 1 Transit Windsor Pension - Audited Financial Statements as at December 31, 2019

Financial Statements of

**THE CONTRIBUTORY PENSION
PLAN FUND FOR EMPLOYEES OF
TRANSIT WINDSOR**

And Independent Auditors' Report thereon

Year ended December 31, 2019



KPMG LLP
618 Greenwood Centre
3200 Deziel Drive
Windsor ON N8W 5K8
Canada
Telephone (519) 251-3500
Fax (519) 251-3530

INDEPENDENT AUDITORS' REPORT

To the Administrator of the Contributory Pension Plan Fund for Employees of Transit Windsor

Opinion

We have audited the fund financial statements of the Contributory Pension Plan Fund For Employees of Transit Windsor (the Plan), which comprise:

- the statement of net assets as at December 31, 2019
- the statement of changes in net assets available for benefits for the year then ended,
- and notes to the financial statements, including a summary of significant accounting policies.

(Hereinafter referred to as the "financial statements")

In our opinion, the accompanying financial statements present fairly, in all material respects, the net assets available for benefits of the Plan as at December 31, 2019, and its changes in net assets available for benefits for the year then ended in accordance with the financial reporting provisions prescribed by the Federal Pension Benefits Standards Act.

Basis for Opinion

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the **"Auditors' Responsibilities for the Audit of the Financial Statements"** section of our auditors' report.

We are independent of the Plan in accordance with the ethical requirements that are relevant to our audit of the financial statements in Canada and we have fulfilled our other responsibilities in accordance with these requirements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Emphasis of Matter – Financial Reporting Framework

We draw attention to Note 2 in the financial statements, which describes the applicable financial reporting framework and the purpose of the financial statements.

As a result, the financial statements may not be suitable for another purpose.

KPMG LLP is a Canadian limited liability partnership and a member firm of the KPMG network of independent member firms affiliated with KPMG International Cooperative ("KPMG International"), a Swiss entity. KPMG Canada provides services to KPMG LLP.

Our opinion is not modified in respect of this matter.

Responsibilities of Management and Those Charged with Governance for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with the financial reporting provisions of the Federal Benefits Standards Act, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is responsible for assessing the Plan's ability to continue as a going concern, disclosing as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the Plan or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Plan's financial reporting process.

Auditors' Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditors' report that includes our opinion.

Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists.

Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional judgment and maintain professional skepticism throughout the audit.

We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion.

The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.

- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Plan's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.



Page 3

- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Plan's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditors' report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditors' report. However, future events or conditions may cause the Plan to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- Communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

KPMG LLP

Chartered Professional Accountants, Licensed Public Accountants

Windsor, Canada
June 18, 2020

THE CONTRIBUTORY PENSION PLAN FUND FOR EMPLOYEES OF TRANSIT WINDSOR

(Registration Number 353821)

Statement of Net Assets
(in thousands of dollars unless otherwise stated)

Year ended December 31, 2019, with comparative information for 2018

	2019	2018
Assets		
Investments (notes 4 and 9)	\$ 34,778	\$ 32,960
Total assets	34,778	32,960
Liabilities		
Accrued liabilities	4	4
Subsequent event (note 10)		
Net assets available for benefits	\$ 34,774	\$ 32,956

See accompanying notes to financial statements.

On behalf of the Pension Plan Administrator:

THE CONTRIBUTORY PENSION PLAN FUND FOR EMPLOYEES OF TRANSIT WINDSOR

(Registration Number 353821)

Statement of Changes in Net Assets Available for Benefits
(in thousands of dollars unless otherwise stated)

Year ended December 31, 2019, with comparative information for 2018

	2019	2018
Increase in net assets:		
Investment income	\$ 3,798	\$ 247
Change in fair value:		
Change in net unrealized gains	227	737
Employer contributions	100	313
Commodity tax rebates on expenditures	8	9
	4,133	1,306
Decrease in net assets:		
Benefit payments (note 5)	2,039	1,985
Administrative expenses (note 6)	276	253
	2,315	2,238
Increase (decrease) in net assets	1,818	(932)
Net assets available for benefits, beginning of year	32,956	33,888
Net assets available for benefits, end of year	\$ 34,774	\$ 32,956

See accompanying notes to financial statements.

THE CONTRIBUTORY PENSION PLAN FUND FOR EMPLOYEES OF TRANSIT WINDSOR

(Registration Number 353821)

Notes to Financial Statements (continued)
(in thousands of dollars unless otherwise stated)

Year ended December 31, 2019

1. Description of the Plan:

The Contributory Pension Plan for the Employees of Transit Windsor ("the Plan") is a defined benefit plan established to provide pension benefits to all employees of Transit Windsor ("the Sponsor") who meet the eligibility requirements as specified in the plan document. The Plan is a registered pension plan under the Federal Pension Benefits Standards Act (PBSA), registration number 57108 and is registered with Canada Revenue Agency (CRA), registration number 353821. The Plan is a registered pension trust as defined in the Income Tax Act and, accordingly, is not subject to income taxes.

The Plan was frozen as at December 31, 1999 with all pension benefits for service on or after January 1, 2000 being provided through the Ontario Municipal Employees Retirement System.

2. Basis of preparation:

(a) Basis of presentation:

The Plan has prepared these financial statements in accordance with Canadian accounting standards for pension plans excluding pension obligations and any resulting surplus or deficit.

In selecting or changing accounting policies that do not relate to its investment portfolio or pension obligations, Canadian accounting standards for pension plans require the Plan to comply (on a consistent basis) with either International Financial Reporting Standards ("IFRS") in Part I of Chartered Professional Accountants' ("CPA") Canada, Handbook - Accounting or Canadian accounting standards for private enterprises in Part II of the CPA Handbook - Accounting. The Plan has chosen to comply on a consistent basis with IFRS.

These financial statements have been prepared to assist the Administrator of the Contributory Pension Plan for the Employees of Transit Windsor in meeting the requirements of the Federal Pension Benefits Standards Act. As a result, these financial statements may not be suitable for another purpose.

These financial statements of the Plan do not purport to show the adequacy of the Plan's assets to meet its pension obligation. Such an assessment requires additional information, such as the Plan's actuarial reports and information about the Sponsor's financial health.

THE CONTRIBUTORY PENSION PLAN FUND FOR EMPLOYEES OF TRANSIT WINDSOR

(Registration Number 353821)

Notes to Financial Statements (continued)
(in thousands of dollars unless otherwise stated)

Year ended December 31, 2019

2. Basis of preparation (continued):

(b) Basis of measurement:

The financial statements have been prepared on the historical cost basis, except for investments and derivative financial instruments which are measured at fair value through the statement of changes in net assets available for benefits.

(c) Functional and presentation currency:

These financial statements are presented in Canadian dollars, which is the Plan's functional currency.

(d) Use of estimates and judgements:

The preparation of the financial statements requires management to make judgements, estimates and assumptions that affect the application of accounting policies and the reported amounts of assets and liabilities at the date of the statement of net assets and the reported amounts of changes in net assets available for benefits during the year. Actual results may differ from those estimates.

Estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognized in the period in which the estimates are revised and in any future years affected.

THE CONTRIBUTORY PENSION PLAN FUND FOR EMPLOYEES OF TRANSIT WINDSOR

(Registration Number 353821)

Notes to Financial Statements (continued)
(in thousands of dollars unless otherwise stated)

Year ended December 31, 2019

3. Significant accounting policies:

(a) Foreign currency:

Transactions in foreign currencies are translated into Canadian dollars at the exchange rate at the dates of the transactions. Monetary assets and liabilities denominated in foreign currencies at the reporting date are retranslated into Canadian dollars at the exchange rate at that date.

Foreign currency differences arising on retranslation are recognized in the statement of changes in net assets available for benefits as investment income.

(b) Income recognition:

Investment income is recorded on an accrual basis and includes interest income, dividends and changes in fair value including net realized gains (losses) on sale of investments.

(c) Financial assets and financial liabilities:

(i) Non-derivative financial assets:

Financial assets are recognized initially on the trade date, which is the date that the Plan becomes a party to the contractual provisions of the instrument. Upon initial recognition, attributable transaction costs are recognized in the statement of changes in net assets available for benefits as incurred.

The Plan measures all of its investments at fair value through the statement of changes in net assets available for benefits.

All other non-derivative financial assets including contributions receivable are measured at amortized cost.

The Plan derecognizes a financial asset when the contractual rights to the cash flows from the asset expire, or it transfers the rights to receive the contractual cash flows in a transaction in which substantially all the risks and rewards of ownership of the financial asset are transferred or in which the Plan neither transfers nor retains substantially all the risks and rewards of ownership and does not retain control of the financial asset.

THE CONTRIBUTORY PENSION PLAN FUND FOR EMPLOYEES OF TRANSIT WINDSOR

(Registration Number 353821)

Notes to Financial Statements (continued)
(in thousands of dollars unless otherwise stated)

Year ended December 31, 2019

3. Significant accounting policies (continued):

(c) Financial assets and financial liabilities (continued):

(i) Non-derivative financial assets (continued):

On derecognition of a financial asset, the difference between the carrying amount of the asset and consideration received is recognized in the statement of changes in net assets available for benefits as a net realized gain (loss) on sale of investments.

(ii) Non-derivative financial liabilities:

All financial liabilities are recognized initially on the trade date at which the Plan becomes a party to the contractual provisions of the instrument.

The Plan derecognizes a financial liability when its contractual obligations are discharged, cancelled or expired.

Financial assets and liabilities are offset and the net amount presented in the statement of net assets when, and only when, the Plan has a legal right to offset the amounts and it intends either to settle on a net basis or to realize the asset and settle the liability simultaneously.

The Plan considers its accrued liabilities to be a non-derivative financial liability.

(iii) Derivative financial instruments:

Derivative financial instruments are recognized initially at fair value and attributable transaction costs are recognized in the statement of changes in net assets available for benefits as incurred. Subsequent to initial recognition, derivatives are measured at fair value, and all changes are recognized immediately in the statement of changes in net assets available for benefits.

(d) Fair value measurement:

Fair value is the amount for which an asset could be exchanged, or a liability settled, between knowledgeable, willing parties in an arm's length transaction on the measurement date.

THE CONTRIBUTORY PENSION PLAN FUND FOR EMPLOYEES OF TRANSIT WINDSOR

(Registration Number 353821)

Notes to Financial Statements (continued)
(in thousands of dollars unless otherwise stated)

Year ended December 31, 2019

3. Significant accounting policies (continued):

(d) Fair value measurement (continued):

As allowed under IFRS 13, Fair Value Measurement ("IFRS 13"), in Part I of the CPA Handbook, if an asset or a liability measured at fair value has a bid and an ask price, the price within the bid-ask spread that is the most representative of fair value in the circumstances shall be used to measure fair value. The Plan uses closing market price as a practical expedient for fair value measurement.

When available, the Plan measures the fair value of an instrument using quoted prices in an active market for that instrument. A market is regarded as active if quoted prices are readily and regularly available and represent actual and regularly occurring market transactions on an arm's length basis.

If a market for a financial instrument is not active, then the Plan establishes fair value using a valuation technique. Valuation techniques include using recent arm's length transactions between knowledgeable, willing parties (if available), reference to the current fair value of other instruments that are substantially the same, discounted cash flow analyses and option pricing models.

The best evidence of the fair value of a financial instrument at initial recognition is the transaction price, i.e. the fair value of the consideration given or received, unless the fair value of that instrument is evidenced by comparison with other observable current market transactions in the same instrument or based on a valuation technique whose variables include only data from observable markets. When transaction price provides the best evidence of fair value at initial recognition, the financial instrument is initially measured at the transaction price and any difference between this price and the value initially obtained from a valuation model is subsequently recognized in profit or loss on an appropriate basis over the life of the instrument but not later than when the valuation is supported wholly by observable market data or the transaction is closed out.

All changes in fair value, other than interest and dividend income and expense, are recognized in the statement of changes in net assets available for benefits as part of the change in net unrealized gains or losses.

THE CONTRIBUTORY PENSION PLAN FUND FOR EMPLOYEES OF TRANSIT WINDSOR

(Registration Number 353821)

Notes to Financial Statements (continued)
(in thousands of dollars unless otherwise stated)

Year ended December 31, 2019

3. Significant accounting policies (continued):

(d) Fair value measurement (continued):

Fair values of investments are determined as follows:

Pooled funds are valued at the unit values supplied by the pooled fund administrator, which represent the Plan's proportionate share of underlying net assets at fair values determined using closing market prices.

(e) Income taxes:

The Plan is a registered pension plan, as defined by the Income Tax Act (Canada) and, accordingly, is not subject to income taxes.

4. Investments:

During 2003, the Sponsor transferred a significant portion of the Fund's investments and related investment management responsibilities to OMERS. The Plan continues to have certain investments operated by Sun Life Financial. Sun Life Financial assists the Plan in managing contributions into the Plan and the payment of benefits. The breakdown of investments at fair value and cost are as follows:

	2019		2018	
	Fair value	Cost	Fair value	Cost
Sun Life Pooled Funds:				
Cash equivalents	\$ 187	\$ 187	\$ 197	\$ 197
Investments managed by OMERS	34,591	31,763	32,763	30,162
	\$ 34,778	\$ 31,950	\$ 32,960	\$ 30,359

THE CONTRIBUTORY PENSION PLAN FUND FOR EMPLOYEES OF TRANSIT WINDSOR

(Registration Number 353821)

Notes to Financial Statements (continued)
(in thousands of dollars unless otherwise stated)

Year ended December 31, 2019

5. Benefit payments:

	2019	2018
Retirement benefit payments	\$ 2,039	\$ 1,985

6. Administrative expenses:

	2019	2018
Investment management fees	\$ 189	\$ 147
Audit fees	3	4
Consulting and actuarial fees	80	99
Administrative fee	4	3
	<hr/> \$ 276	<hr/> \$ 253

7. Related party transactions:

The Plan defines its key management personnel as the Company's Board of Directors and other members of senior executives responsible for planning, controlling and directing the activities of the Plan. The Plan has not paid for services provided by key management personnel.

THE CONTRIBUTORY PENSION PLAN FUND FOR EMPLOYEES OF TRANSIT WINDSOR

(Registration Number 353821)

Notes to Financial Statements (continued)
(in thousands of dollars unless otherwise stated)

Year ended December 31, 2019

8. Capital risk management:

The main objective of the Plan is to sustain a certain level of net assets in order to meet the pension obligations of the Sponsor, which are not presented or discussed in these specified purpose financial statements. The Plan's assets are invested primarily with the Ontario Municipal Employees Retirement Board ("OMERS"). The OMERS Fund is subject to the regulations of the Ontario Municipal Employees Retirement System Act and the Pension Benefits Act (Ontario). The OMERS Fund includes investments in a variety of different asset classes including interest bearing investments, Canadian and non-Canadian equity investments and real estate investments. Increases in net assets are a direct result of investment income generated by investments held by the Plan and contributions into the Plan by the Sponsor. Employer contributions are based on the results of actuarial valuations for the Plan filed with the Office of the Superintendent of Financial Institutions Canada and the Canada Revenue Agency. The main use of net assets is for benefit payments to eligible Plan members. The Plan is required to file financial statements with the Office of the Superintendent of Financial Institutions Canada annually.

The funding requirements of the Plan are set out in the most recently filed funding valuation report that was prepared as at December 31, 2018. That valuation revealed an excess on a going-concern basis of \$5,253 (December 31, 2017 valuation - \$5,883), resulting in a going-concern funding ratio of 120% (December 31, 2017 valuation - 121%). On a solvency basis, the valuation revealed an excess of \$640 (December 31, 2017 valuation – deficit of \$442) or a ratio of 101.7% (December 31, 2017 valuation - 98.9%). As a result of changes to federal pension regulations in 2010, solvency funding requirements are based on 3 year average solvency ratios. Further changes to federal pension regulations in 2012 expanded the ability to use letters of credit to secure solvency deficiencies as an alternative to cash contributions. The effective date of the next required actuarial valuation to be performed by Mercer (Canada) Limited, the Plan's actuary, is December 31, 2019.

9. Financial instruments:

(a) Fair values:

The fair values of investments and derivatives are as described in notes 3(d). The fair values of other financial assets and liabilities, being contributions receivable and accrued liabilities, if any, approximate their carrying values due to the short-term nature of these financial instruments.

THE CONTRIBUTORY PENSION PLAN FUND FOR EMPLOYEES OF TRANSIT WINDSOR

(Registration Number 353821)

Notes to Financial Statements (continued)
(in thousands of dollars unless otherwise stated)

Year ended December 31, 2019

9. Financial instruments (continued):

(a) Fair values (continued):

Fair value measurements recognized in the statement of net assets are categorized using a fair value hierarchy that reflects the significance of inputs used in determining the fair values.

- Level 1 - unadjusted quoted prices in active markets for identical assets or liabilities;
- Level 2 - inputs other than quoted prices included in Level 1 that are observable for the asset or liability, either directly or indirectly; and
- Level 3 - inputs for assets and liabilities that are not based on observable market data.

The following table illustrates the classification of the Plan's financial instruments using the fair value hierarchy as at December 31:

	2019 Level 2	2018 Level 2
Sun Life Pooled Funds:		
Cash equivalents	\$ 187	\$ 197
Investments managed by OMERS	34,591	32,763
	\$ 34,778	\$ 32,960

(b) Associated risks:

(i) Market price risk:

Market price risk is the risk that the value of an instrument will fluctuate as a result of changes in market prices, whether those changes are caused by factors specific to an individual investment, its issuer or all factors affecting all instruments traded in the market. As all of the Plan's financial instruments are carried at fair value with fair value changes recognized in the statement of changes in net assets available for benefits, all changes in market conditions will directly result in an increase (decrease) in net assets. Market price risk is managed by the Plan through construction of a diversified portfolio of instruments traded on various markets and across various industries.

THE CONTRIBUTORY PENSION PLAN FUND FOR EMPLOYEES OF TRANSIT WINDSOR

(Registration Number 353821)

Notes to Financial Statements (continued)
(in thousands of dollars unless otherwise stated)

Year ended December 31, 2019

9. Financial instruments (continued):

(b) Associated risks (continued):

(ii) Liquidity risk:

Liquidity risk is the risk that an entity will encounter difficulty in meeting obligations as they fall due. The Plan maintains an investment policy, as approved by the Administrator, which contains asset mix guidelines which assist to ensure that the Plan is able to liquidate investments to meet its pension benefit or other obligations.

(iii) Foreign currency risk:

Foreign currency risk is the risk that the value or future cash flows of a financial instrument will fluctuate because of changes in foreign exchange rates. The Plan primarily invests in financial instruments and enters into transactions denominated in various foreign currencies, other than its measurement currency. Consequently, the Plan is exposed to risk that the exchange rates of the various currencies may change in a manner that has an adverse effect on the value of the portion of the Plan's assets or liabilities denominated in currencies other than the Canadian dollar.

(iv) Credit risk:

Credit risk is the risk that an issuer or counterparty will be unable or unwilling to meet a commitment that it has entered into with the Plan. Credit risk is generally higher when a non-exchange traded financial instrument is involved because the counterparty for non-exchange traded financial instruments is not backed by an exchange clearing

(v) Interest rate risk:

Interest rate risk is the risk that the market value of the Plan's investments will fluctuate due to changes in market interest rates. To properly manage the Plan's interest rate risk, appropriate guidelines on the weighting and duration for the bonds and other fixed income investments are set and monitored. The Plan's investments in fixed income are sensitive to interest rate movements.

THE CONTRIBUTORY PENSION PLAN FUND FOR EMPLOYEES OF TRANSIT WINDSOR

(Registration Number 353821)

Notes to Financial Statements (continued)
(in thousands of dollars unless otherwise stated)

Year ended December 31, 2019

10. Subsequent event:

Subsequent to December 31, 2019 the COVID-19 outbreak was declared a pandemic by the World Health Organization. The situation is dynamic and the ultimate duration and magnitude of the impact on the economy and the financial effect on the pension fund and the sponsor is not known at this time. These impacts could include impairment of the investment portfolio, change in the pension obligation or potential future increases in employer special contributions, termination benefits or decreases in investment revenue.



Subject: Declaration of Vacant Lands Municipally Known as 601 Chatham Street East, 623 Chatham Street East and 641 Chatham Street East Surplus and Authority to Offer for Sale-Ward 4

Reference:

Date to Council: September 14, 2020

Author: Chris Carpenter

Lease Administrator (A)

ccarpenter@citywindsor.ca

519-255-6100 x6420

Legal Services, Real Estate & Risk Management

Report Date: August 28, 2020

Clerk's File #: APM2020

To: Mayor and Members of City Council

Recommendation:

- I. That the following City of Windsor (the “**City**”) vacant parcels of land **BE DECLARED** surplus:

PARCEL #1:

- Municipal address: **601-623 Chatham Street East** – situate on the southeast corner of Aylmer Avenue and Chatham Street East
- Legal Description: West Part Lot 8 in Block 8 on Registered Plan 126 as in R1259135
- Approximate Lot size: 77.5 feet x 35.5 feet (23.62 m x 10.82 m)
- Approximate Lot area: 2,751 sq ft (255.6 m²)

PARCEL #2:

- Municipal address: **629-639 Chatham Street East** – situate on the southeast corner of Aylmer Avenue and Chatham Street East
- Legal Description: East Part Lot 7 and East Part Lot 8 in Block 8 on Registered Plan 126 as in R608109
- Approximate Lot size: 53 feet x 43 feet (16.18 m x 13.11 m)
- Approximate Lot area: 2,279 sq ft (212 m²)

PARCEL #3:

- Municipal address: **641-643 Chatham Street East** – situate on the southeast corner of Aylmer Avenue and Chatham Street East

- Legal Description: South Part Lot 7 in Block 8 on Registered Plan 126 as in R608109
- Approximate Lot size: 53 feet x 28 feet (16.18 m x 8.53 m)
- Approximate Lot area: 1,484 sq ft (137.9 m²)
(herein the “**Subject Parcels**”); and

II. That the Manager of Real Estate Services **BE AUTHORIZED** to offer the vacant parcels of land identified in Recommendation I for sale (as one combined parcel) on the MLS at a price to be determined by the Manager of Real Estate Services commensurate with an independent appraisal.

Executive Summary:

N/A

Background:

The City owns three abutting vacant parcels of land with a combined approximate area of 6,514 sq ft (605.2 m²). The Subject Parcels are located on the east side of Aylmer Avenue south of Chatham Street East, with a combined legal description of Lot 8 and Part Lot 7 in Block 8 on Registered Plan 126 as shown on the aerial diagram attached as Appendix A.

CR193/2018 approved the vesting of Parcel #1 and authorized the demolition of the derelict structure. CR170/2012 approved the vesting of Parcels #2 & #3. Both parcels had structures that were demolished prior to the vesting.

By-Law 52-2014 establishes a policy for the disposal of Land. Section 5.1.2 of Schedule “A” attached to By-Law 52-2014 requires that City-owned lands be declared surplus and that Administration seek authority to sell the lands:

5.1.2 Notification of the intention to declare Land surplus and the authority to offer the Surplus Land for sale will be printed in the “Civic Corner” of the Windsor Star.

Discussion:

The Subject Parcels were circulated to determine whether there is a municipal use for same. A municipal use has not been identified. Due to the applicable zoning (RD3.1) all three parcels will be combined to form a viable building lot.

Should the recommendations above be approved, Real Estate staff will obtain an independent market value appraisal and list the land for sale on the MLS at a price to be determined by the Manager of Real Estate Services commensurate with an independent appraisal, as appropriate.

If Administration successfully negotiates an acceptable offer, a report will be brought to Council or under Delegation of Authority, as appropriate, seeking authority to approve the sale of the Subject Parcels.

Risk Analysis:

There are potential liability issues should someone be injured on the lands. Additionally, maintenance of the lands drains scarce municipal resources. Selling the land will remove any associated liability issues and maintenance costs for the City.

Financial Matters:

There are no financial costs associated with this request. Expenditures relating to the sale of the Subject Parcels for maintenance and any real estate and legal fees including registration and appraisal costs will be allocated proportionally between the vesting capital project #7171059 (601-623 Chatham) and Fund 001 (629-639 Chatham and 641-643 Chatham) 0125240 transitional properties. The future sale proceeds will also be allocated proportionally to project #7171059 and Fund 160 capital expenditure reserve 0229611 Unclassified Revenue.

Consultations:

Fire Department: John Lee

Windsor Police Services: Barry Horrobin

Public Works: responses consolidated by Juan Paramo

Parks: Heidi Baillargeon

Facilities: Tom Graziano

Planning Department: Laura Diotte

Housing and Children Services: Tina Moore

Finance: Mark DiPasquale

Taxation & Financial Projects: Janice Guthrie

Conclusion:

Declaring the vacant parcels of land identified in Recommendation I surplus, and authorizing the Manager of Real Estate Services to offer the land for sale on MLS, will allow for the orderly sale of these vacant parcels of land that are not required for any municipal purpose.

Planning Act Matters:

N/A

Approvals:

Name	Title
Chris Carpenter	Lease Administrator (A)
Frank Scarfone	Manager of Real Estate Services
Shelby Askin Hager	City Solicitor and Corporate Leader, Economic Development and Public Safety
Mark DiPasquale	Financial Planning Administrator
Joe Mancina	Chief Financial Officer/City Treasurer and Corporate Leader Finance and Technology
Onorio Colucci	Chief Administrative Officer

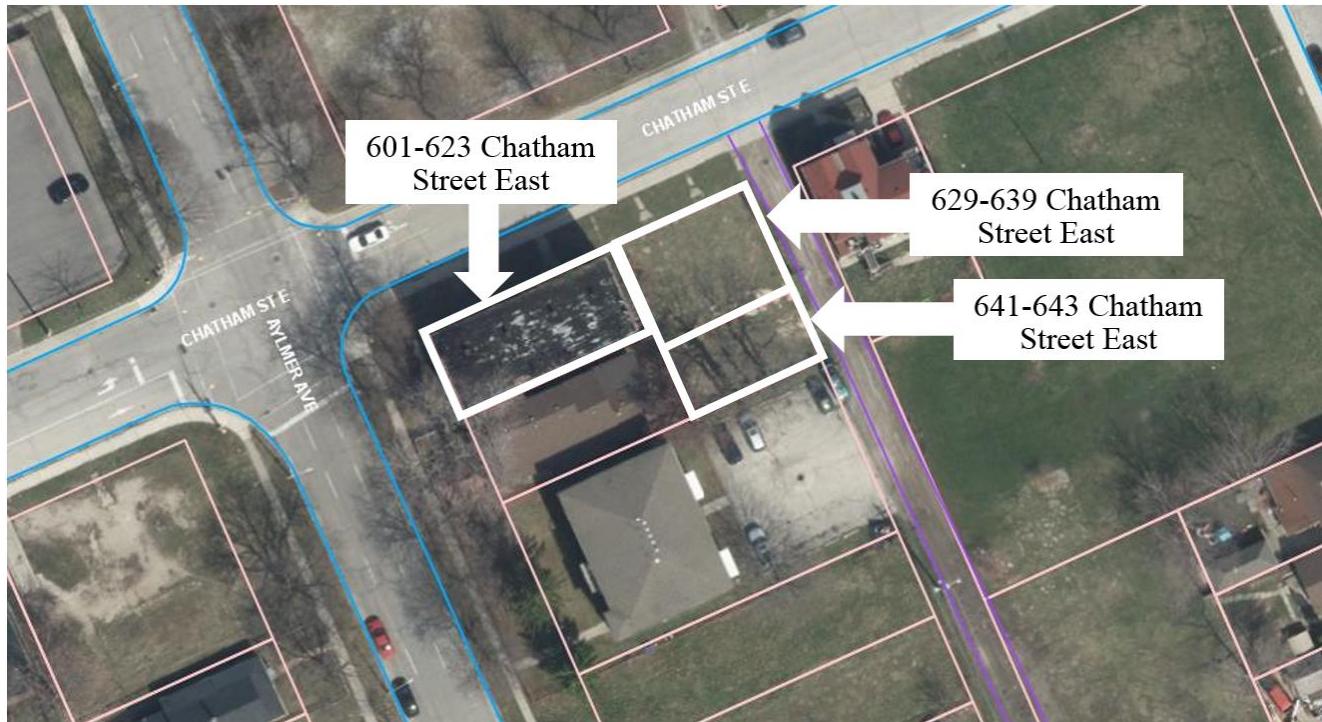
Notifications:

Name	Address	Email
James Scott, Manager of Parks Operations		jascott@citywindsor.ca
Mark Friel, Financial Planning Administrator		mfriel@citywindsor.ca

Appendices:

- 1 Aerial Diagram of Lands

Appendix A





Subject: Proposed Expropriation of lands on Provincial and Division Roads for the Cabana/Division Corridor Improvements Project, Phase 2 to 4 - Ward 4

Reference:

Date to Council: September 14, 2020

Author: Patrick Brode

Senior Legal Brode

pbrode@citywindsor.ca

519-255-6100 x6377

Legal Services, Real Estate & Risk Management

Report Date: August 28, 2020

Clerk's File #: APM2020

To: Mayor and Members of City Council

Recommendation:

That the City Council of the City of Windsor sitting as an Expropriation Authority under the Expropriations Act **APPROVE** the taking of the lands as shown on Schedule "A" (excepting No. 35), in the City of Windsor for the Cabana/Division Corridor Improvements.

Executive Summary:

N/A

Background:

On July 8, 2019, City Council instructed the City Solicitor to commence the expropriation process for the above lands. The lands required for this project are listed as Schedule "A" and include 35 property owners.

The lands taken comprise twenty road widening parcels being about three metres wide, forty guy wire easements for utility poles and ten aerial easements for above ground wires.

The City Solicitor's office has served all persons having an interest in the land with the Notice of Application for Approval to Expropriate and has published the required notice three times in the local newspaper. The time period for the owners to request a Hearing of Necessity into the taking of the lands has expired.

Discussion:

The lands proposed to be expropriated are essential to the Cabana/Division Corridor project. One owner, JBM Capital Inc. being No. 35 on the Schedule "A" has requested an inquiry. Therefore, this property will have to be dealt with separately.

Risk Analysis:

Without these lands, the Cabana/Division Corridor project will not be possible.

Financial Matters:

Council approved funding totalling \$20,630,842 for the engineering, land acquisition and construction of necessary improvements along the Provincial / Division corridor (Project I.D. # 7086003).

The project currently has a balance of approximately \$8.2 million as of August 11, 2020. There are sufficient funds available within this project to fund expected appropriation expenditures.

Consultations:

Frank Scarfone, Manager of Real Estate Services
Melissa Osborne, Senior Manager of Asset Planning
Mark DiPasquale, Financial Planning Administrator
Jane He, Engineer III

Conclusion:

That the City Council of the City of Windsor sitting as an approving authority, approves the expropriation of the above described lands in Schedule "A" with the exception of No. 35 and that the City Solicitor be authorized to proceed with a Certificate of Approval to be executed by the City Clerk and Chief Administrative Officer and the registration of a Plan of Expropriation and all other documents necessary to complete the transaction and to make the section 25 Offer of Compensation consistent with the City's appraisal of the land.

Planning Act Matters:

N/A

Approvals:

Name	Title
Patrick Brode	Senior Legal Counsel
Shelby Askin Hager	City Solicitor and Corporate Leader Economic Development and Public Safety
Mark Winterton	City Engineer

Name	Title
Dan Seguin	On behalf of Chief Financial Officer/ City Treasurer And Corporate Leader Finance and Technology
Onorio Colucci	Chief Administrative Officer

Notifications:

Name	Address	Email

Appendices:

- 1 Proposed Lands to be Expropriated

SCHEDULE "A"

Form 2

Expropriations Act

NOTICE OF APPLICATION FOR APPROVAL TO EXPROPRIATE LAND

IN THE MATTER OF an application by The Corporation of the City of Windsor for approval to expropriate land and interests in land being shown on Schedule "A" attached, all in the City of Windsor, County of Essex for the purpose of the Cabana/Division Corridor Improvements Project-Phases 2 to 4.

NOTICE IS HEREBY GIVEN that application has been made for approval to expropriate the land described as follows:

On Schedule "A" attached hereto.

Any owner of lands in respect of which notice is given who desires an inquiry into whether the taking of such land is fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority shall so notify the approving authority in writing,

- (a) in case of a registered owner, served personally or by registered mail within thirty days after the registered owner is serviced with the notice, or, when the registered owner is served by publication, within thirty days after the first publication of the notice;
- (b) in the case of an owner who is not a registered owner, within thirty days after the first publication of the notice.

The approving authority is:

The City Council of the City of Windsor
City Hall, P. O. Box 1607
350 City Hall Square West
Windsor, Ontario
N9A 6S1

Name of expropriating authority:

The Corporation of the City of Windsor
Shelby Askin Hager
City Solicitor

This Notice first published on the 23rd day of June, 2020.

Schedule "A"

1. Part Lot 15 Con 5, being Part 1 on Plan 12R28167 in fee simple
2. Part Lot 15 Con 5, being Part 2 on Plan 12R28167 in fee simple
3. Part Block 76 and Lot 75, Plan 12M328, being Part 3 & 4 on Plan 12R28167 for an aerial easement
4. Part Lot 75, PI 12M323, being Parts 5 & 6 on Plan 12R28167 for an aerial easement
5. Part Lot 74 PI 12M328, being Part 7 on Plan 12R28167 for an aerial easement
6. Part Lot 15 Con 6, being Part 8 on Plan 12R28167 in fee simple
7. Pt Lt 15 Con 6 designated as Parts 1, 2, 3 on Plan 12R25960, being Pt 9 on Plan 12R-28167 in fee simple and Pt 10 on Plan 12R-28167 for a guy wire easement
8. Part W 1/2 Lot 14 Con 6, Part 5 on 12R3125, being Part 1 on Plan 12R28188 in fee simple
9. Part W 1/2 Lot 14 Con 6, being Part 2 on Plan 12R28188 in fee simple and Part 3 on Plan 12R28188 for a guy wire easement

10. Part W 1/2 Lot 14 Con 6, being Part 4 on Plan 12R28188 in fee simple and Part 5 on Plan 12R28188 for a guy wire easement
11. Part W 1/2 Lot 14 Con 6, being Parts 6 & 7 on Plan 12R28188 in fee simple and being Part 10 on Plan 12R28188 for a guy wire easement
12. Part E 1/2 Lot 14 Con 6, being Parts 8 & 9 on Plan 12R28188 in fee simple and Part 12 on Plan 12R28188 for a guy wire easement
13. Part E 1/2 Lot 14 Con 6, being Part 2 on Plan 12R28177 in fee simple and Part 1 on Plan 12R28177 for a guy wire easement
14. Part E 1/2 Lot 14 Con 6, being Parts 3, 4 & 5 on Plan 12R28177 in fee simple and Parts 6, 7 & 8 on Plan 12R28177 for guy wire easements
15. Part E 1/2 Lot 14 Con 6, being Part 9 on Plan 12R28177 in fee simple and Part 10 on Plan 12R28177 for a guy wire easement
16. Part E 1/2 Lot 14 Con 6, being Part 11 on Plan 12R28177 in fee simple
17. Part E 1/2 Lot 14 Con 6, being Part 12 on Plan 12R28177 in fee simple and Part 13 on Plan 12R28177 for a guy wire easement
18. Part Lot 14 Con 6, being Part 9 on Plan 12R28178 for a guy wire easement
19. Part E 1/2 Lot 14 Con 6, being Part 8 on Plan 12R28178 in fee simple
20. Part Lot 15 Con 5, being Part 22 on Plan 12R28167 in fee simple and Part 25 on Plan 12R28167 for a guy wire easement
21. Part of Lot 153, PI 12M381, being Part 20 on Plan 12R28167 for an aerial easement
22. Part of Lot 154, PI 12M381, being Part 19 on Plan 12R28167 for an aerial easement
23. Part of Lot 155, PI 12M381, being Part 18 on Plan 12R28167 for an aerial easement
24. Part of Lot 156, PI 12M381, being Part 17 on Plan 12R28167 for an aerial easement
25. Part of Lot 157, PI 12M381, being Part 16 on Plan 12R28167 for an aerial easement
26. Part of Lot 158, PI 12M381, being Part 15 on Plan 12R28167 for an aerial easement
27. Part of Lot 159, PI 12M381, being Part 14 on Plan 12R28167 for an aerial easement
28. Part of Lot 160, PI 12M381, being Part 13 on Plan 12R28167 for an aerial easement
29. Part of Lot 161, PI 12M381, being Part 12 on Plan 12R28167 for an aerial easement and Part 11 on Plan 12R28167 for a guy wire easement
30. Part of Lot 164, PI 12M381, being Part 21 on Plan 12R28167 for a guy wire easement
31. Part of Lot 3, PI 12M381, being Part 23 on Plan 12R28167 for a guy wire easement
32. Part of Lot 9, PI 12M381, being Part 24 on Plan 12R28167 for a guy wire easement
33. Part Lot 14 Con 6,, being Parts 14 ,15 and 16 on Plan 12R28177 and Part 11 on 12R28188, all for guy wire easements
34. Part E1/2 Lot 14 Con 6, being Part 20 on Plan 12R-28177 in fee simple and Parts 19 & 21 on 12R-28177 for guy wire easements -and- Part E1/2 Lot 14 Con 6, being Part 17 on Plan 12R-28177 for an aerial easement and Part 18 on Plan 12R-28177 in fee simple
35. Part E1/2 Lot 14 Con 6, being Parts 1, 2, 3, 4, 5, 6 & 7 on Plan 12R-28178 and Parts 23 & 24 on Plan 12R-28177, all for guy wire easements and Part 22 on Plan 12R-28177 for an aerial easement

All in the City of Windsor, County of Essex



Subject: City of Windsor Requested to Support the Agri-sector Isolation & Recovery Centre - City Wide

Reference:

Date to Council: 9/14/2020

Author: Sandra Bradt

Executive Initiatives Coordinator

sbradt@citywindsor.ca

519-255-5200 x 5354

Administration

Report Date: 8/31/2020

Clerk's File #: MH/13786

To: Mayor and Members of City Council

Recommendation:

That the report from the Commissioner of Community Development and Health Services regarding the COVID-19 isolation and recovery centre **BE PRESENTED TO CITY COUNCIL FOR DIRECTION**, and should City Council **APPROVE** the report as presented, that the Commissioner and Fire Chief/CEMC proceed with operating the centre for agricultural sector workers and/or vulnerable population groups, subject to the following conditions:

- a) that the City of Windsor **RECEIVE CONFIRMATION** in writing from the Province of Ontario or Government of Canada that the isolation and recovery centre will be fully funded supplementary to the Social Services Relief Fund and Reaching Home funding as previously communicated, in addition to the current Provincial transfer payment agreements for delivering mandated services, and any other existing operating agreements and funding streams;
- b) that the City of Windsor **SUCCESSFULLY NEGOTIATE** an agreement with the Canadian Red Cross (CRC) on terms satisfactory to the Commissioner of Community Development and Health Services;
- c) that confirmation of continuing medical supports for the isolation and recovery centre **BE RECEIVED** in writing; and further, subject to satisfaction of the above conditions,

That City Council **AUTHORIZE** the Commissioner of Community Development and Health Services to secure the human resources (direct and supporting) required to support the operations of the isolation and recovery centre; and further,

That the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign, amend, and execute any agreements/documents/attestations/memoranda, and take any such actions as required to bring effect to these resolutions, subject to approval as to form by the City Solicitor, technical content by the Commissioner of Community Development and Health Services, and approval to financial content by the City Treasurer; and further,

That City Council **AUTHORIZE** the Commissioner of Community Development and Health Services, or the Executive Director of Housing and Children's Services, or the Fire Chief/CEMC or designates, to sign all related financial and/or operational submissions and reports, subject to approval of financial content by the City Treasurer as applicable; and further,

That City Council **AUTHORIZE** the Commissioner of Community Development and Health Services to cease operations and withdraw from the isolation and recovery centre model at such time which, in her discretion after consultation with the Fire Chief/CEMC, and/or Medical Officer of Health and/or governing tables, it is appropriate to do so.

Executive Summary:

COVID-19 has presented Windsor and Essex County with unprecedented challenges. As the region adapts to address these challenges, new methods of service delivery and partnerships have been built. Although all residents were challenged by the virus, persons experiencing homelessness and residents in congregate living facilities were most challenged to adhere to public health guidelines and take action to protect themselves. As the Consolidated Municipal Service Manager delivering services to these residents on behalf of the Province, the City responded to help.

The City is now being asked to assist with providing service to temporary foreign workers who may be required to isolate as a result of COVID-19 symptoms and/or exposure. This request falls outside of the scope of Community Development and Health Services and Windsor Fire and Rescue Services and is therefore being brought to City Council for direction.

Background:

The City of Windsor is the Consolidated Municipal Service Manager (CMSM) for Windsor and Essex County. Service delivery is governed by several different ministries and legislated primarily through the *Ontario Works Act, 1997*, *Child Care and Early Years Act, 2014*, and *Housing Services Act, 2011*. The mandate to deliver and manage programs is evolving and over the years the role as service manager has broadened considerably, however the focus remains programs related to housing, homelessness, children, employment, and income support.

This report has been difficult to write. COVID-19 is a health emergency. Although the Commissioner of Community Development and Health Services oversees Huron Lodge Long Term Care home that employs health care professionals, social services staff are not health experts. As the CMSM, the department has signed agreements to deliver the

services mentioned above on behalf of the provincial government, as we are closest to residents and understand first hand the needs of the community. The CMSM is now being asked to assume a non-traditional role by the organizations that mobilized to address the health crisis within the agricultural sector and assume responsibility for all aspects of the Isolation and Recovery Centre that is currently accommodating workers requiring isolation and/or recovering from COVID-19. Attached as Appendix A is the organizational chart for this proposal.

Responding to this situation requires input and expertise from many stakeholders at both the provincial and local levels, and the challenges in managing such an emergency are unique. To maximize the local response it is preferable that the next step be coordinated locally to ensure ongoing situational awareness that will aid in achieving a sustainable response model. The Fire Chief, as the Community Emergency Management Coordinator for the City, was asked by the Incident Commander from Ontario Health to assume the leadership and coordination role. Clinical Supports, the Isolation and Recovery Centre, Prevention and Control, and liaison with Ontario Health fall somewhat organically under this role. The Fire Chief/CEMC will be the main point of contact for this response with the Provincial Emergency Operations Centre (PEOC) and Emergency Management Ontario (EMO). Outbreak Management and Case & Contact Tracing are regulated and managed independently by the Windsor Essex County Health Unit, but nonetheless need to be understood and integrated into the overall sustainability plan in order to achieve success.

Other municipal service managers may operate in an environment where public health is a department of the municipal government. The Windsor Essex County Health Unit is an independent organization. Windsor Fire and Rescue Services and Community Development and Health Services are accountable to, and serve at the direction of City Council. Council and Administration work in the best interest of the municipality and local taxpayers.

Community Development and Health Services (CDHS) anticipated that 2020 would be a challenging year as entities delivering human services – and then the pandemic hit. Virtually all aspects of society have been impacted by COVID-19. The department, like many others, pivoted to continue to provide essential services.

Marginalized populations, such as persons experiencing homelessness, were particularly challenged to follow public health directives regarding physical distancing and enhanced hygiene practices. Furthermore, public centres where some would typically spend their days were either closed, operating with very limited hours, or providing virtual services only.

In response, CDHS assisted the City's emergency shelters and supportive housing providers to adhere to public health directives and is planning for longer term solutions that will help protect these vulnerable populations. This support is funded from the provincial Social Services Relief Fund (SSRF) and Canada's COVID-19 Economic Response Plan. The SSRF funding letters for Phase I and II are attached as Appendix B and Appendix C.

In preparation for any outbreak in this sector CDHS, with the assistance of health partners and the Welcome Centre Women's Shelter, established an isolation and

recovery centre where individuals experiencing symptoms of COVID-19 and/or who tested positive could safely isolate. As planning progressed for mass testing of this resident population, CDHS secured a second isolation and recovery site, anticipating increased need for the service. These centres were funded through the Social Services Relief Fund. Fortunately, very few cases of COVID-19 were detected in the City's vulnerable homeless population. Unfortunately, the virus was rapidly spreading through temporary foreign workers (TFW) in the County's agricultural sector, primarily in Leamington and Kingsville.

In early June, as mass testing began on some farms, members of the G5 table inquired about utilizing space at the City's isolation and recovery centre. The G5 is a table of local health care providers and support agencies providing local intelligence to Ontario Health's Regional Health System Response Table (G15). The number of COVID-19 symptomatic and positive cases was beginning to climb and some of the farms were not able to appropriately isolate workers. Hotels were becoming increasingly difficult to secure. At that time the field hospital at St. Clair College was contemplated for these workers, but an interim solution was needed quickly as some residents of long-term care homes remained in the field hospital.

The Commissioner brought the request to the Community Control Group who agreed that the request should be accommodated to ensure the health and safety of the community. Control of the outbreak was also critical to assist the Windsor Essex region to progress towards Phase 2 of reopening. Subsequently the request was brought to City Council, who authorized the Commissioner to proceed with expanding the City's isolation and recovery centre to accept agri-sector workers. Such approval was contingent upon receipt of proof of appropriate insurance and a signed agreement with the agricultural business operator specifying the terms and costs, and indemnification for the City. Although the Commissioner fielded inquiries regarding the isolation and recovery centre from County agribusinesses, no temporary foreign workers were placed at the facility.

Local health representatives continued discussions with the farm operators and industry associations. Members of the G5 table continued to strongly advocate for mandatory testing of temporary foreign workers and for all levels of government and health officials to work collaboratively to manage this initiative. The Medical Officer of Health issued an order under Section 22 of the Health Protection and Promotion Act (HPPA) requiring the owner/operator of the farm to ensure the isolation of workers and prohibited them from working until further direction. The Ontario government and other partners committed to supporting the industry during the isolation period.

As the situation escalated, the Provincial Emergency Operations Centre (PEOC) became involved in an effort to assist the local response efforts and ease the capacity challenges the local team was experiencing. The PEOC dispatched a field officer from Emergency Management Ontario to liaise with the local response group. The field officer provided a conduit for information both to and from the PEOC, and assisted with the response relative to one workplace outbreak, allowing the previously established local team to concentrate on the broader response more effectively.

Early on, coordination and monitoring of those farms proved difficult. It is our understanding that initially there were approximately eight different off-farm locations where agricultural workers were isolating. As reported in the media, many of these locations were not medically supported.

Understanding the risks associated with multiple isolation sites, the Windsor-Essex County Health Unit, the Ministry of Health, Public Health Ontario, Ministry of Labour, Trade and Skills Development, and the Ministry of Agriculture, Food, and Rural Affairs mobilized to consolidate numerous hotel properties into two locations, along with help from representatives of the Provincial Emergency Operations Centre/Emergency Management Ontario. Even with the number of isolation sites reduced to two, the number of persons in isolation still challenged the capacity of local resources. The local Incident Commander requested the province dispatch the provincial Emergency Medical Assistance Team (EMAT) to assist the local efforts, and the Red Cross to support the agricultural sector through an isolation and recovery centre model. EMAT arrived shortly after the request and remained in the area providing clinical assessments at the isolation centres until the situation stabilized. At the time of their departure (August 25, 2020), it had been the longest deployment of the EMAT team to date. Over time, the number of workers being supported at the Essex County location decreased and the IRC model was consolidated into one location in Windsor.

Community Development and Health Services continues to operate an isolation and recovery centre for persons experiencing homelessness and supportive housing clients, although is investigating alternative locations for this centre for efficiencies. The existing model serves the department's mandated client base and has received provincial relief funding, although the COVID response has resulted in a deficit. Expansion of that model was approved by City Council upon signed agreements with employers. A draft stability plan for the provincial IRC noted that the Medical Officer of Health recommended the continuation of an isolation and recovery centre and suggested "flexibility" to serve all populations, potentially merging the City's IRC with the one run by the province.

As the collective team managing the situation moves from crisis mode to stabilization, the City of Windsor is being asked to support all "vulnerable" population groups and assume responsibility for all aspects of a single isolation and recovery centre. The department has little control over who may be deemed "vulnerable" and placed at the IRC and thus far, there is no opportunity to contract directly with the agribusinesses benefitting from the service. This request falls outside of the scope of Community Development and Health Services and Windsor Fire and Rescue Services and is therefore being brought to City Council for direction.

Discussion:

The legal basis for emergency management in Ontario is the *Emergency Management & Civil Protection Act*. The Act defines an emergency as:

A situation or an impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to

property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or otherwise.

In Ontario, emergency response is provided in a phased approach, with municipalities providing a “second level” after first responders, and the Province providing support when municipal capacity is exceeded and provincial assistance is required.

The Fire Chief is also the designated Community Emergency Management Coordinator (CEMC) and serves essentially two distinct roles in the community. The CEMC role is guided by the Act and exists to ensure the municipality is prepared and ready to respond to community wide emergencies. This includes, but is not limited to, ensuring a robust Emergency Response Plan exists, providing public education to the community, and ensuring the Community Control Group is trained and understands their respective roles and responsibilities under the plan. During an emergency, the CEMC provides guidance to the Community Control Group (CCG) with respect to managing the emergency and helps coordinate the response efforts. In response to the Agri-sector situation, the Fire Chief/CEMC is being asked to provide coordination to the next phase of the response, help to ensure communication between stakeholders is occurring regularly, and to help identify risks that may arise early on so they may be addressed as quickly as possible.

Although the Commissioner of Community Development and Health Services has defined responsibilities in the Municipal Emergency Response Plan, and provincial legislation and regulations, those responsibilities are for the essential services related to the maintenance of municipal long-term care homes; the operation of homeless shelters and the provision of services to homeless persons; the provision of assistance under the *Ontario Works Act, 1997*, as the municipality is designated as a delivery agent under that Act; and the administration, operation and funding of child care programs and services under the *Child Care and Early Years Act, 2014*.

Recognizing that the current system of supports is resource intensive and meant to support a short-term emergency, Emergency Management Ontario (EMO) and the Emergency Medical Assistance Team (EMAT) have departed, and Ontario Health is transitioning from acute crisis management to ongoing operations to manage current and subsequent COVID outbreaks. The City of Windsor, through Community Development and Health Services and Fire Services, is being asked to support the new model and actively take over responsibilities from the provincial emergency response and other support teams.

Examples of some of the responsibilities proposed include:

- Daily operations, oversight, responsibility and ownership of the provincial isolation and recovery centre model
- Situational awareness and management of the site
- Operations in the Command Center established by EMAT (approximately 14 person operation)
- Manage all issues and work with Canadian Red Cross (CRC) to ensure guests are cared for during their 14-16 day stay

- Establish, refine and document all protocols, procedures, and policies related to all of the operations at the IRC (Isolation and Recovery Center)
- Provide daily reports to leadership/ Oversight Command Table that reports to the G5 (Ontario West) & G15 (OH West Region Health System Response)
- Support EMS in their medical role: setting up paperwork for rounds, assisting with donning and doffing PPE, medical transcriptions, etc.
- Possibly assume the agreement with the Canadian Red Cross from MCCSS and any other/all agreements related to the support and operations of the IRC, such as those detailing arrangements with the hotel itself and food services.
- Consolidate all vulnerable populations (individuals experiencing homelessness, individuals in congregate living settings, etc.) into one IRC

Risk Analysis:

The proposal for the City of Windsor to assume the operations of the isolation and recovery centre for agricultural sector workers comes with significant risk. At the outset of this crisis, numerous organizations collectively responded to mitigate further loss of life. Documented details of expectations and responsibilities moving forward are difficult to secure. Although specific risks are outlined below, one of the overarching risks is that where the ultimate authority and financial responsibility for this isolation and recovery model rests is unclear.

As much as Administration tried to exercise due diligence in order to present all relevant information to City Council for an informed decision to be made, the situation changes daily and at times information received from one organization may conflict with information from another. There are so many unknowns at this time, that there are likely risks and information germane to the issue that have not been considered despite our best efforts.

The Temporary Foreign Worker Program is a federal program through Employment and Social Development Canada that allows businesses to hire foreign workers to fill labour or skills shortages on a temporary basis. The employer must provide the worker with health insurance until eligible for provincial health benefits and ensure the worker has a place to live.

Additionally, for employers who provide accommodations¹, they are required to house quarantining workers in accommodations that are separate from those not subject to quarantine, and if a worker becomes symptomatic at any time, the employer is required to immediately provide accommodations that enable the worker to be isolated from others. It is the responsibility of the employer to ensure that health and wellness needs of the workers are met.

Although the Temporary Foreign Worker Program parameters and a guidance document shared by the Ontario Ministry of Agriculture, Food and Rural Affairs clearly articulate that it is the responsibility of the employer to ensure that health and wellness

¹ Guidance for Employers of Temporary Foreign Workers Regarding COVID-19

needs of the workers are met, how the Province arranged for the isolation and recovery centre to assist in managing the situation and the current role of employers is unclear.

The Chief Medical Officer of Health and the Minister of Health have statutory authority over public health resources. Ontario Health has suggested that the assignment of responsibility for a specific type of emergency and/or emergency services to a Ministry may be done through an Order in Council by the Lieutenant Governor. The minutes of the meetings lead by Ontario Health note, *“Such an order would be required in order for the City of Windsor to transition the contract and mandate for the Canadian Red Cross from MCCSS to City of Windsor. Federal/ provincial funding support to remain.”* At time of writing, Administration is not aware if such an order is required or if it has been made. City Council has not yet authorized Administration to proceed with negotiating a contract with Canadian Red Cross (CRC) for the services provided at the Provincial IRC.

Further risks to the Corporation in assuming the operations of the provincial IRC and/or merging of the currently operated IRC serving vulnerable populations are outlined below.

Health Risks

To do nothing presents a risk to the health and safety of both permanent and temporary residents. There is a significant risk to the health and safety of City staff who are being requested to work in a confirmed COVID positive environment. Although the risk to staff is being mitigated through health and safety practices, training, and appropriate use of personal protective equipment, the risk remains.

At the time of writing this report, COVID-19 has claimed the lives of 73 people in the community. The continuing presence of the virus and increases in the number of seriously ill COVID patients threatens to overwhelm area hospitals and access to timely care may be compromised. The impact is profound.

Community/Economic Risks

Left uncontrolled, the spread of COVID-19 threatens the progress made by Windsor and Essex County towards reopening. There is a risk that the region may regress back to Stage 2 or even Stage 1 lockdown measures, with a corresponding detrimental effect on the region's economy and well-being. It is imperative that the progress the community has made together not be undone.

Financial Resource Risks

At time of writing this report, the full costs of operating the provincial isolation and recovery centre are unknown. Currently the Ministry of Children, Community and Social Services (MCCSS) – MEOC holds the agreement with the Canadian Red Cross (CRC) with funding provided by Public Safety Canada. The contracts and costs for the hotel rooms, security services, cleaning, food, and CRC staff are held and managed by the CRC. The City of Windsor is being asked to assume or renegotiate the agreement with the CRC, although the current costs have not been shared, nor has there been formal confirmation of who would cover future costs should the City elect to do so.

The meeting notes of the Agri-Food Incident Management Command Meeting on August 21 relative to the four staff positions being provided by the City of Windsor state that Ontario Health has “*provincial green light commitment from Ontario Health and Ministry of Health that these can be put in place and positions will be supported*”. While verbally assured that direct staff costs will be covered, this assurance does not consider additional Administrative costs and no details have been provided to the City in writing.

As the Service Manager, the City of Windsor has been allocated \$8.2 million from the Provincial Social Services Relief Fund (SSRF). Administration is very appreciative of the \$3.7 million already received from Phase I (Appendix B) of the SSRF program. The intention of this funding was to help local communities support their vulnerable populations as mandated by the Province, including persons experiencing homelessness, low-income individuals and families, other social services clients, and to invest in long-term solutions to protect such populations (e.g. Capital investments in affordable housing). Temporary foreign workers do not fall into any of these categories.

Phase 1 funding was used to address the multitude of needs in the homelessness sector, supportive housing program and other congregate living settings, including:

- supporting Emergency Shelters to provide furnishings to ensure physical distancing, additional space for self-isolation, increased staffing, enhanced cleaning protocols and to open during the day
- establishing a City operated day program at Windsor Water World for persons experiencing homelessness
- establishing City operated Isolation and Recovery Centres for the mandated client base
- purchasing supplies and materials to reduce the risk of transmission, such as personal protective equipment for staff

On July 2, the Provincial government announced a Phase II for SSRF funding. Similar to Phase I, funding will flow to Service Managers through the Community Homelessness Prevention Initiative (CHPI). One of the goals of CHPI funding is to assist clients to obtain and retain housing. Capital expenditures to meet physical distancing and public health requirements will be a new eligible expense under this second phase of SSRF (e.g., renovation of existing shelters and supportive housing, as well as the purchase of facilities).

Prior to the announcement of the SSRF Phase II funding allocation, the City was projecting a \$1.4 million deficit by the end of March 2021 to cover known COVID-19 related costs in the emergency shelter and Housing with Supports homes systems, including the operation of the IRC for people experiencing homelessness. Phase II funding will first have to be used to off-set this deficit, leaving just over \$3 million to invest in longer-term solutions, including capital investments, that will protect those experiencing homelessness. The City's request for \$4.48 million is subject to the submission of a business case and final approval by the province.

This anticipated additional funding to mitigate the spread of COVID-19 is welcome as Windsor and Essex County have not been the beneficiary of adequate funding previously, despite submitting applications to the provincial Poverty Reduction Strategy opportunity and Home for Good fund to assist persons experiencing homelessness. The number of persons experiencing homelessness is climbing, and as identified in recent reports to City Council, no emergency shelter exists specifically to serve youth and families. Over the last decade this region, which has one of the highest poverty rates in the province, has not benefitted from such provincial investment strategies related to poverty and homelessness. Should the City be required to fund this work or elements of this work from the Social Services Relief Fund amount already communicated, which other communities may not be required to do, this will reduce the capacity to make capital and operating investments to benefit the community longer term.

It is unfair to ask Windsor and Essex County to redirect funds received to address the challenge of COVID-19 within our mandated “vulnerable” populations and intended for long term investments in the homelessness sector, to supporting an isolation and recovery centre that has historically been under the authority of the provincial and federal governments and the responsibility of the agri-sector businesses. This is why Administration is asking for assurances from the Province that the SSRF as communicated to date will not be directed to this initiative, but will remain fully intact to support much needed long term investments in Windsor and Essex County.

Although CDHS has been verbally assured that the project has been “green lit” and upper levels of government will cover costs for staff resources, it is a risk to proceed without formal documentation of any additional arrangements. The costs to operate the centre are not available within the Council approved budget and to proceed without an avenue for cost recovery over an indeterminate period would result in a negative variance.

In speaking with representatives from Haldimand-Norfolk, it is their understanding that across all of the CMSM’s being consulted the consistent message has been that isolation plans are the responsibility of the farm operator and that any costs should be borne by the farm operator. This was their experience earlier this summer. Although questions were asked about the use of Social Services Relief Funds, we have no evidence that other communities are using SSRF to support the agri-sector.

Human Resource Risks

The City’s Housing Services department staff complement is currently 23 FTE’s who are stretched to provide adequate supports to the approximately 1200 individuals experiencing homelessness each year, over 560 Housing with Support residents, 34 social housing providers, and approximately 30 other homelessness serving agencies under agreement with the City, as well as manage other Council approved and provincially directed priorities. The COVID-19 pandemic has increased workloads for Housing staff over the past six months and this added responsibility is not anticipated to decrease in the foreseeable future.

Thirty homeless individuals were accommodated in the City's Isolation and Recovery Centre from its opening in April through to September 1. The agricultural sector in Essex County employs approximately 10,000 – 12,000 temporary workers throughout the growing season. To date we are aware of over 500 mostly COVID-19 positive workers that have been accommodated off-farm in hotels.

In addition to resources from Community Development and Health Services, additional human resource supports will be required from other city departments, specifically Fire, legal, human resources and finance. Other departments are also juggling competing priorities as the Corporation moves towards gradual reopening and regular business operations.

The City's response to COVID-19 required flexibility in service delivery and many staff were redeployed to provide essential services across the Corporation and in the community. As operations resume, staff are being called back to their home positions. Continued redeployment of key staff has a cascading effect, as work to backfill positions is required. Additionally the staff required to operate the site exceeds the original estimate from Ontario Health. CDHS engaged the Health and Safety division and based on their review and recommendations regarding the facility, is recommending support from the Province to fund the appropriate number of resources required to cover a 24/7 operation and ensure Health & Safety requirements.

Risk to Merging Operations into a Single IRC to Support all Vulnerable Population Groups

CDHS established and funded an isolation and recovery centre at the outset of the pandemic to serve the populations as mandated through our governing legislation and service agreements with the Provincial and Federal governments. Much of the funding came from the Social Services Relief Fund and was distributed through the Community Homelessness Prevention Initiative. At the time the Minister of Municipal Affairs and Housing stated, "We are acting quickly to support those who are homeless or at risk of becoming homeless during this unprecedented time. This funding will go straight to communities, who know best what the immediate needs are on the ground in their local shelters."

Although the agreement has not been shared, it is our understanding that the agreement between the Red Cross and the province is specific to services provided to temporary foreign workers. For the City to assume the Red Cross agreement, there is a risk that the province will now expand our definition of "vulnerable" and direct that existing funding be directed to support the new version of the Isolation and Recovery Centre, at the expense of long term investments in the housing and homelessness sector. This also creates questions as to whom has the authority to place guests at the IRC and who those guests might be. Mass testing of agribusinesses may result in a number of guests being sent to the IRC. In contrast, without any testing, or second wave of infection, we may be expending significant resources for an empty hotel.

The definition of 'vulnerable population' and the continually changing use of that term has been implemented without consultation of OMSSA, AMO or the Consolidated Municipal Service Manager.

CDHS staff are experts in the housing and homelessness field, not health care. While the respective leads have verbally assured the CMSM that supports will be provided, as noted previously, no commitment has been made in writing. While grateful for the assistance provided by partners to support persons experiencing homelessness in their isolation, most supports have been virtual. Securing the appropriate health care supports and authority to share information regarding clients were the greatest challenges. There is a significant risk that the City will not be able to refuse service to persons that we are not equipped nor funded to handle. While recognizing the incredible support of Essex Windsor Emergency Medical Services (EMS), Administration would expect the Command & General Staff Leadership Table, and the G5 and G15, to allocate resources from the respective expert organizations and agencies to support all population groups who require use of the IRC.

Should the isolation and recovery centres be consolidated into one site and the need to support agri-farm workers slows or ends, the Province may withdraw any committed resources, leaving the City without a facility to support the vulnerable population groups we are mandated to serve.

Timing Risks

Provincial agencies who have been supporting the isolation and recovery centre are beginning to return to their regular duties. The Province has verbally communicated transfer of responsibility from August 2020 until Jan 10th, 2021, with a possible extension to March 31st, 2021.

There is an urgency to the City assuming operations of the centre. Although a return to normal business operations as soon as possible is a shared goal, with great uncertainty as to the trajectory of the virus, it is impossible to predict when the need for the City's support will conclude. The wind down of this model could span several months and a financial commitment that aligns with the continued prevalence of COVID-19 will need to be maintained.

Should populations be merged into one isolation and recovery centre and the supports to the temporary foreign workers withdraw, the City will have to immediately re-establish another IRC for our own clients. This would be the fourth IRC established and experience has proved that such an endeavour takes time.

Reputational Risks

The issue of COVID-19 in the temporary foreign worker population has played out very publicly. The media, general public, provincial ministries, local municipalities, operators, producers, workers and advocates have frequently been critical of the response. Any further issues may elicit criticisms that will be directed towards the City of Windsor.

Liability Risks

Assuming the operation of the isolation and recovery centre for agricultural sector workers increases the City's liability risks. Liability risks were prevalent when operating on an acute basis, but managing this crisis long-term and with additional responsibilities heightens this risk. Assuming responsibilities from other agencies also has the effect of

taking that risk from those agencies without necessarily having the expertise to mitigate that risk. For example, as operator of an IRC, the health and safety of the workers and limiting the spread of COVID-19 both within the facility and in the community becomes an additional source of liability risk, should the City fall below the requisite standard of care. To proceed with operation of the IRC, it is critical that the support of expert organizations, such as those providing health care, be provided. Without their support, there is potential that the City will be held to similar standards, without the expertise to maintain said standard.

Likewise, by expanding the City's scope beyond its historical mandate, the City is now taking on responsibility for the agri-farm workers, where historically that responsibility rests with employers. The extent of this risk, and where responsibilities lie between the City and the employers, and the potential exposure under the *Immigration and Refugee Protection Act* (the act regulating the hiring of Temporary Foreign Workers), requires careful consideration and needs to be addressed in any arrangement with the Province or other agencies. One way to mitigate said risks is to require a full indemnification from the province in the event of any claim, imposed fine, etc., but it is unknown at this point if the province would be willing to entertain this.

Furthermore, without being properly resourced, the severity of the litigation risk is exacerbated, because in such a liability situation, it is often the daily documentation, along with the documentation of policies and procedures, and strict adherence to them that provides the best defence. Without sufficient resources, completing documentation is typically the lowest priority leaving the City with little defence in the event of a claim.

Other Risks

Respecting that these are unprecedented times, there is a risk that a precedent is being set which may result in the City being requested to step in and manage future situations that should more appropriately be led or co-led by County municipalities.

The Temporary Foreign Worker program is federal program that specifies responsibility for the workers rests with the employers. The City would be expanding into a new line of business and assuming responsibility for a private business workforce. There is a risk of setting a precedent of support as this business model is outside of the mandated responsibilities in the areas of homelessness, children's services and income support. There may be an expectation of other businesses that the City will assist with operations to ensure sustainability, COVID-19 related or otherwise.

Financial Matters:

In response to COVID-19, CDHS assisted the City's emergency shelters and supportive housing providers to adhere to public health directives and is planning for longer term solutions that will help protect these vulnerable populations. This support was funded through allocations of approximately \$10 million from the provincial Social Services Relief Fund (\$8.2 million and Canada's COVID-19 Economic Response Plan (\$1.8 million). This funding was to help local communities support their vulnerable populations, including the homeless, low-income individuals and others who use social services, and to execute long-term solutions to protect such populations.

The Council approved 2020 Community Development and Health Services budget does not have the budget room to assume costs associated with the operations of an isolation and recovery centre for agricultural sector workers. The additional funding to assist with the COVID-19 response has very strict criteria that does not provide for this particular support. Information received at time of writing is that other municipalities are not considering use of their Social Services Relief Fund allocation to support this sector either. The consistent message across affected service system managers was that isolation plans and any associated costs were the responsibility of the farm operator.

Canadian Red Cross has been contracted through MCCSS and Public Safety Canada. The Province has articulated that they expect the City of Windsor to assume this contract with CRC, but at the time of this report there is no information regarding how this contract would be funded or by whom, or what further contracts may be required.

Consultations:

Stephen Laforet, Fire Chief and Community Emergency Management Coordinator

Mary Ellen Bernard, Manager, Social Policy and Planning/Emergency Preparedness Coordinator (A)

Kate Tracey, Legal Counsel

Dana Paladino, Deputy City Solicitor – Purchasing, Risk Management, and Provincial Offences

Wira Vendrasco, Deputy City Solicitor - Legal and Real Estate

Jennifer Tanner, Manager, Homelessness and Housing Support

Linda Higgins, Manager of Intergovernmental Subsidies and Administration

Halton Region

Haldimand Norfolk

Conclusion:

By accepting the responsibility for the isolation and recovery centre, the Corporation is contributing to the health and safety of residents within the entire region, helping to protect the operations of a significant industrial sector, and mitigating against the risk that Windsor and Essex County will not continue to progress in their recovery efforts. Administration is willing to be a part of the solution to ensure the safety of our community and its residents. Much of what is being requested is outside the scope of the respective departments; therefore, Administration is bringing this report to City Council outlining the implications of proceeding with this model for their consideration and direction.

Planning Act Matters:

N/A

Approvals:

Name	Title
Sandra Bradt	Executive Initiatives Coordinator
Stephen Laforet	Fire Chief/Community Emergency Management Coordinator
Jelena Payne	Community Development and Health Commissioner, Corporate Leader – Social Development and Health
Dana Paladino for Shelby Askin Hager	City Solicitor and Corporate Leader - Economic Development and Public Safety
Dan Seguin	On behalf of Chief Financial Officer/City Treasurer, Corporate Leader - Finance and Technology
Onorio Colucci	Chief Administrative Officer

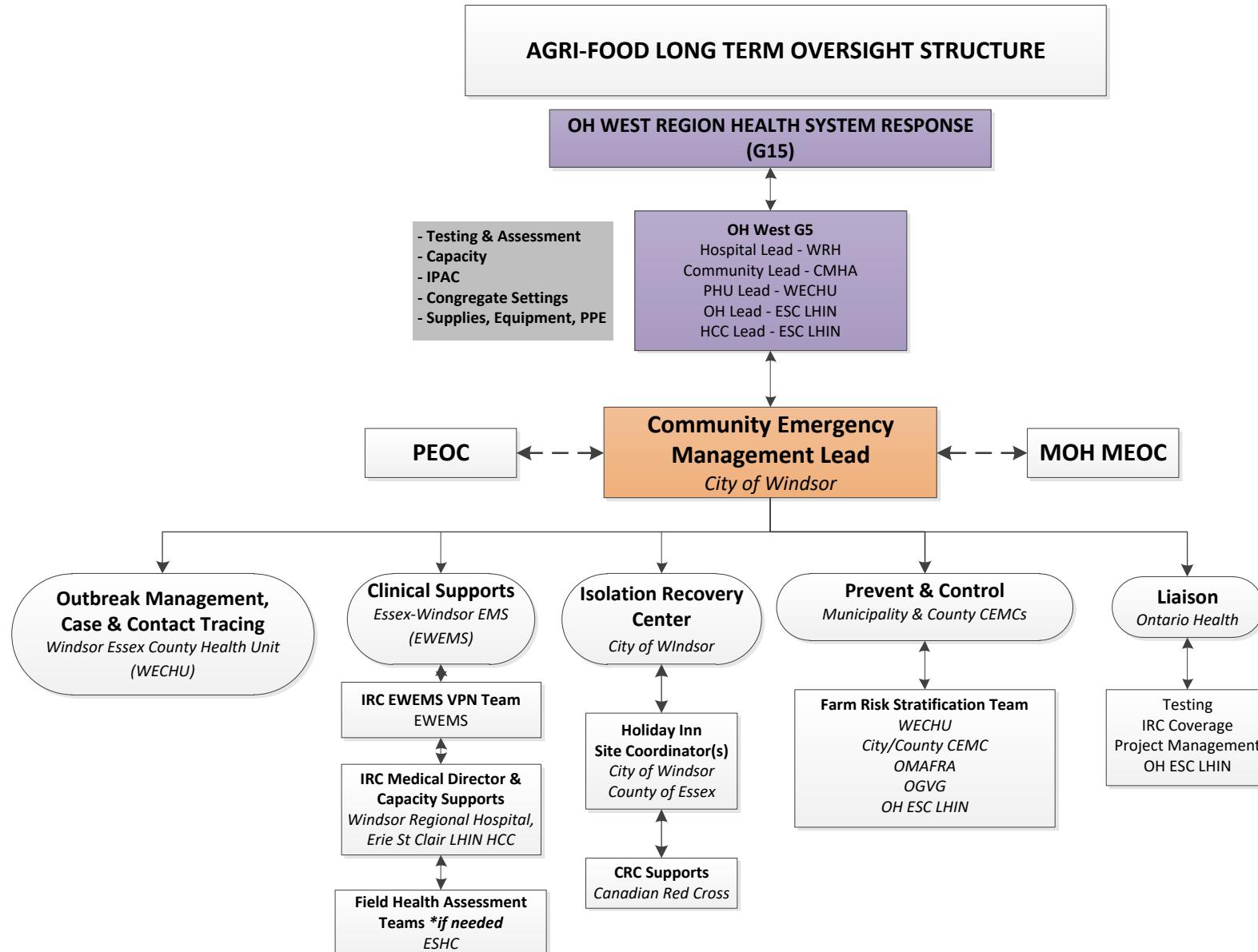
Notifications:

Name	Address	Email
Nicole Robinson		NicoleL.Robinson@lhins.on.ca
Mark Walton		mark.walton@lhins.on.ca
Rob Maisonville – CAO County of Essex		rmaisonville@countyofessex.ca
Mike Ciacelli – Deputy Chief/CEMC Leamington Fire Services		mciacelli@leamington.ca
Tanya Elliott – CRC		Tanya.Elliott@redcross.ca
Tatjana Radovanovic		Tatjana.Radovanovic@redcross.ca
Chief Bruce Krauter - Essex Windsor EMS		BKrauter@countyofessex.ca
Dan Metcalfe - CEMC Essex County		DMetcalfe@countyofessex.ca
Tamara Fernandes - OMAFRA		tamara.fernandes@ontario.ca
Sarah Thompson Senior Manager, Emergency		sthompson@redcross.ca

Management Operations Relief & Recovery, Canadian Red Cross		
Nicole Dupuis – Windsor Essex County Health Unit		ndupuis@wechu.org
Chuck Parsons – Chief/CEMC Kingsville Fire Services		cparsons@kingsville.ca

Appendices:

- 1 Appendix A - Proposed Organizational Structure
- 2 Appendix B - SSRF Phase I Funding Letter
- 3 Appendix C - SSRF Phase II Funding Letter



**Ministry of
Municipal Affairs
and Housing**

Office of the Minister
777 Bay Street, 17th Floor
Toronto ON M7A 2J3
Tel.: 416 585-7000

**Ministère des
Affaires municipales
et du Logement**

Bureau du ministre
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Toronto ON M7A 2J3
Tél. : 416 585-7000



April 1, 2020

His Worship Drew Dilkens
Mayor
City of Windsor
350 City Hall Square P.O. Box 1607
Windsor ON N9A 6S1

Dear Mayor Dilkens:

Protecting the health and well-being of all Ontarians is our government's number one priority. Last week, we announced a new, **\$200 million Social Services Relief Fund** in response to the ongoing COVID-19 crisis, a shared initiative between the Ministry of Municipal Affairs and Housing and the Ministry of Children, Community and Social Services.

During this unprecedented time, it is vital that we take decisive action to support the most vulnerable in our communities, including people who are homeless or at-risk of becoming homeless, low-income households, social assistance recipients, people without jobs, households who depend on housing supports to maintain stable housing, people whose financial situation is precarious due to the COVID-19 crisis, people who live in community and supportive housing, and people who depend on social services to meet their basic needs.

We are committed to working closely with both our federal and municipal partners to make sure appropriate financial assistance and supports are provided to those most in need due to the COVID-19 crisis. The services you provide are needed now more than ever.

Social Services Relief Fund – Funding for Service Managers

To help you and your partners respond to increased demands for services and supports, my ministry is making an immediate investment of **\$148 million for Service Managers under the Social Services Relief Fund**. The investment will allow communities to expand a wide range of services and supports for vulnerable populations, based on local need, so they can better respond to this emergency situation. This investment complements additional resources provided by the Ministry of Children, Community and Social Services to directly support individuals and families in financial crisis who are not able to access federal assistance.

I am pleased to announce, under the Social Services Relief Fund, the City of Windsor will be eligible to receive **\$3,704,000** in 2020-21. To ensure this investment is delivered as quickly as possible and to provide maximum flexibility for local needs, we will be providing funding through the Community Homelessness Prevention Initiative (CHPI).

The current target is during the week of April 6, 2020, you will receive 50 per cent of your Social Services Relief Fund allocation to enable you to immediately respond to the COVID-19 crisis. Please ensure you provide an email to electronically confirm your receipt of this allocation letter and the terms and conditions of the Social Services Relief Fund.

The first payment is not conditional on your execution of the sign back below. You may send your email confirmation to:

Jim Adams, Director of the Housing Programs Branch
Ministry of Municipal Affairs and Housing
jim.e.adams@ontario.ca

In recognition of the costs you are facing, funding provided under the Social Services Relief Fund may be used to offset eligible costs incurred on or after March 1, 2020.

I would like to stress that this expanded funding is intended to allow you to help a diverse range of vulnerable people in need in your community. This includes people living in community housing, supportive housing, people with low incomes, social assistance recipients, or others who require social services support as well as those that are experiencing homelessness.

Please note that this funding is in addition to your base 2020-21 CHPI allocation that the ministry previously communicated to you on April 17, 2019. There will be no change to the program administration or payment process for these regular payments under CHPI. Your first 2020-21 quarterly payment under CHPI will be advanced based on the amount you requested in your initial Investment Plan.

As this emergency situation evolves, my ministry will continue to evaluate local needs and respond accordingly. Where necessary, the balance of your Social Services Relief Fund allocation may be subject to reallocation or adjustment. Any changes will be communicated to you as soon as possible.

Community Homelessness Prevention Initiative (CHPI)

CHPI is a 100 per cent provincially-funded program that aims to prevent and end homelessness by improving access to adequate, suitable, and affordable housing and homelessness services for people experiencing homelessness and for people at-risk of homelessness. The 2020-21 program allocation is \$338.7 million, an increase of \$15 million over 2019-20.

Under CHPI, Service Managers are given the flexibility to design proactive programs based on local needs and priorities.

Service Managers may deliver programs under four broad service categories:

- Emergency Shelter Solutions: for people who are experiencing homelessness or in-crisis;
- Housing with Related Supports: may include long-term housing and transitional housing with supports;
- Services and Supports: services such as street outreach, case management, and transportation; and
- Homelessness Prevention: including rent and utility banks, emergency financial assistance and/or education programs to help people stay in their homes.

Social Services Relief Fund – Funding to Service Managers – Program Details

Additional funding being provided under the Social Services Relief Fund through CHPI will help municipalities and social service providers such as shelters, food banks, emergency services, community and supportive housing providers, charities and non-profits continue to deliver their critical services, hire additional staff, and find ways to promote social distancing and self-isolation to keep people safe and healthy.

Service Managers will determine local needs and distribute the funding, ensuring people are receiving the support they need. Service Managers will have the flexibility to determine how best to use this funding to respond to the need of vulnerable people during this COVID-19 crisis. For instance, we know that in the coming months, many tenants will have challenges paying rent. Service Managers could direct funding to enhance rent bank that are already in operation.

At this time, it is critical for Service Managers to ensure Indigenous peoples are supported. You are encouraged to consider Indigenous homeless shelters and Indigenous organizations through the use of your Social Services Relief Fund allocation.

In the homeless service system, funding provided under the Social Services Relief Fund through CHPI could be used towards initiatives like:

- Building homeless shelter capacity (not including capital expenditures);
- Use of motels or hotels;
- Housing allowances;
- Transportation costs;
- Food and supplies;
- Enhanced cleaning services;
- Non-medical staffing requirements (e.g., enhanced outreach services); and
- Protective equipment.

Funding may also be used in community housing and supportive housing to assist with housing costs for in-situ tenants; protective equipment; and the provision of food and supplies for households in quarantine and/or isolation.

More broadly, this funding could be used towards initiatives delivered through local service agencies like:

- Rent bank and emergency energy funds

- Food banks and grocery gift cards
- Community outreach to support seniors in self-isolation
- Transportation for low-income individuals to get to and from medical appointments

Funding will flow through the Community Homelessness Prevention Initiative Program Guidelines and reporting structures to ensure that this investment can be used for all types of social and housing services. For funding provided under the Social Services Relief Fund only, the requirements set out in the Community Homelessness Prevention Initiative Program Guidelines are modified as set out in Appendix A to this letter.

Despite section 6 of the Community Homelessness Prevention Initiative Service Manager Agreement, no Investment Plan is required for funding provided under the Social Services Relief Fund.

Due to the nature of the current public health crisis and the need to support a wide range of vulnerable individuals and families, Service Managers are encouraged to employ a broad interpretation of those populations that this funding is meant to serve not limited to those who are homeless to include those facing financially precarious situations due to COVID-19, or any individual in need of social services.

We know that service providers and other organizations across the housing, healthcare and social services sectors are experiencing very pressing challenges during this crisis. We strongly encourage Service Managers to work closely with their partners across sectors to determine how best to support vulnerable people in their community with this flexible funding.

Please see the attached Questions and Answers document for more information.

Federal Support

In addition to Ontario's investment, the federal government has announced it is doubling its homelessness funding under their Reaching Home program to respond to COVID-19 related need. This funding will be available to 22 Service Manager areas through their Designated Communities fund and to three other Service Manager areas through their Indigenous Homelessness fund.

We are working closely with the federal government to ensure these Service Managers get the funding they need quickly. For Service Managers that do not receive funding under the Reaching Home program, our provincial investment is there to assist all communities across Ontario.

Our government is also working closely with all Service Managers to implement the Canada-Ontario Housing Benefit program, which will begin in April 2020. Planning allocations were announced in December 2019 and official application forms will be provided to Service Managers shortly. I encourage all Service Managers to utilize funding under this program to the fullest extent to support vulnerable households as part of your response to the COVID-19 crisis.

As always, I am pleased that our government is able to continue to support the important work you do to improve the lives of our most vulnerable residents. In these challenging times, I look forward to continuing our work together as we serve the people of Ontario.

Yours truly,



The Honourable Steve Clark
Minister of Municipal Affairs and Housing

c. Mr. Onorio Colucci, Chief Administrative Officer, City of Windsor
Ms. Debbie Cercone, Executive Director, Housing and Children's Services, City of Windsor

Enclosure

The Parties agree to use funds from the Social Services Relief Fund as set out in the Community Homelessness Prevention Initiative Program Guidelines (April 2017), under the Service Manager Service Agreement, with the exceptions noted in Attachment A to this letter.

Service Manager: _____

Name:
Title:

Date

Name:
Title:

Date:

I/We have authority to bind the organization.

**Ministry of
Municipal Affairs
and Housing**

Office of the Minister
777 Bay Street, 17th Floor
Toronto ON M7A 2J3
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**Ministère des
Affaires municipales
et du Logement**

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Tél. : 416 585-7000



August 12, 2020

Drew Dilkens
Mayor, City of Windsor
350 City Hall Square P.O. Box 1607
Windsor ON N9A 6S1

Dear Drew Dilkens:

I am writing to provide you with details regarding the \$150 million in new provincial funding announced by Premier Ford and myself on July 2, 2020, and the additional \$212 million of funding announced on August 12, 2020 as part of the federal-provincial Safe Restart Agreement for a total of \$362 million.

These funds will be made available as part of a second phase of funding under the Social Services Relief Fund (SSRF), and increase the government's total SSRF investment for Service Managers and Indigenous Program Administrators to \$510 million.

I would like to acknowledge the Federal government in their role in this historic agreement. As Premier Ford has indicated, "by working together, we have united the country in the face of the immense challenges brought on by COVID-19 and secured a historic deal with the federal government to ensure a strong recovery for Ontario and for Canada".

Protecting the health and well-being of all Ontarians continues to be our government's number one priority. We appreciate your efforts to assist vulnerable people in your communities throughout the COVID-19 outbreak and understand that additional assistance is needed to meet ongoing needs, including for those struggling to pay rent. Long-term housing solutions is also a priority under SSRF Phase 2, and we encourage investments in this area to allow for greater resiliency for future pandemic waves and emergencies.

To ensure SSRF Phase 2 funding is targeted to where it is needed most, the Ministry will hold back a portion of the total SSRF Phase 2 funding from funding allocations and will determine how to allocate it in the coming months based on public health needs.

I am pleased to inform you that under SSRF Phase 2 City of Windsor will be eligible to receive an initial planning allocation of **\$4,475,031** in 2020-21.

In addition, and in light of the increasing pressures being experienced by Service Managers, you will receive the remainder of your initial SSRF funding, upon the Ministry receiving a full copy of this letter with the sign-back section completed and signed.

Below are additional details about the SSRF Phase 2 funding.

Business Case Process

Prior to receiving SSRF Phase 2 funds, you will be required to submit a business case to the Ministry. The business case process will provide an opportunity to outline how your initial planning allocation will be used, and will assist the Ministry in ensuring that funds are being directed to communities most in need.

Business cases will be reviewed by an inter-ministerial working group, which will make recommendations on funding decisions. Your initial planning allocation could be subject to change based on COVID-19 needs and emerging public health emergencies across the province, which may result in the re-allocation of funds between service areas. Following the review process, you will be notified of your approved SSRF Phase 2 funding allocation.

The business case template is available through the Transfer Payment Ontario (TPON) system, and must be completed and submitted to the Ministry via TPON by **September 11, 2020**.

Program Details

Similar to the initial SSRF funding provided to you in April 2020, SSRF Phase 2 funding will flow through the Community Homelessness Prevention Initiative (CHPI). For funding provided under SSRF Phase 2, amendments to the CHPI Program Guidelines are set out in the attached Addendum B (SSRF Phase 2 Program Guidelines).

Please note that this funding is in addition to your base 2020-21 CHPI allocation, which the Ministry previously communicated to you on April 17, 2019, and the initial SSRF funding. There will be no change to the program administration or payment process for payments under CHPI.

SSRF Phase 2 will include an operating component and two new capital components. Please refer to the SSRF Phase 2 Program Guidelines for details on eligible use of funding and project approval process.

The objectives of the SSRF Phase 2 funding are to:

1. Mitigate ongoing risk for vulnerable people, especially in congregate settings;
2. Encourage long-term housing-based solutions to homelessness post-COVID-19; and

3. Enhance rent assistance provided to households in rent arrears due to COVID-19.

In recognition of the costs you are facing, funding provided under SSRF Phase 2 may be used to offset eligible costs incurred on or after **July 2, 2020**. The Ministry will require Service Managers to submit an interim report in mid-December on the use of SSRF Phase 2 funds and projected spending.

Approved funding allocations may be subject to re-allocation or adjustment if funds cannot be spent this fiscal year based on the business case and reporting. Details on payment and reporting information can be found in the Program Guidelines for SSRF Phase 2, which are added as Addendum B to the CHPI Guidelines.

This amendment forms part of your Service Manager Service Agreement (“Agreement”) and any breach of any of the terms of the Guidelines shall constitute an Event of Default under the Agreement. All other provisions of the Agreement remain in full force and effect.

You are required to sign this letter and return it to the Ministry to confirm your agreement to the terms and conditions of SSRF Phase 2 and to receive the remainder of your initial SSRF funding.

You may submit your signed confirmation via e-mail to:

Jim Adams, Director of the Housing Programs Branch
Ministry of Municipal Affairs and Housing
jim.e.adams@ontario.ca

Thank you to those who participated in confidential consultation sessions, which were organized by Ontario Municipal Social Services Association (OMSSA) to inform the design of the Program Guidelines and business case. I look forward to continuing our work together as we serve the people of Ontario.

Sincerely,

A handwritten signature in blue ink that reads "Steve Clark".

Steve Clark
Minister

Enclosures

- c. Onorio Colucci, Chief Administrative Officer
- Debbie Cercone, Executive Director of Housing and Children's Services

The undersigned agrees to the above letter and to comply with the **Social Services Relief Fund Phase 2 Program Guidelines** attached as Addendum B, as the same may be amended by the Ministry from time to time. The undersigned further agrees to use funds from the Social Services Relief Fund Phase 2 as set out in the Community Homelessness Prevention Initiative Program Guidelines (April 2017), under the Service Manager Service Agreement, including Addendum B to this letter.

The undersigned further agrees to receive the remaining balance of its initial SSRF funding and to use the funding as set out in the Community Homelessness Prevention Initiative Program Guidelines (April 2017), under the Service Manager Service Agreement, including the Notice of Amendment set out in my letter to you dated April 1, 2020.

Service Manager: _____

Name: _____

Title: _____

Date:

Name: _____

Title: _____

Date:

I/We have authority to bind the organization.

Addendum B – Social Services Relief Fund Phase 2 Program Guidelines



Subject: Purchase of Twelve (12) SUV - Mid Size Crossover Vehicles for the By-Law Enforcement Division - City Wide

Reference:

Date to Council: August 24, 2020

Author: Chad Goebel

Fleet Coordinator

519-255-6560 x4235

cgoebel@citywindsor.ca

Public Works - Operations

Report Date: July 30, 2020

Clerk's File #: AL2020

To: Mayor and Members of City Council

Recommendation:

THAT City Council **APPROVE** a pre-commitment of the 2021 Fleet Replacement Capital Budget in amount of \$124,554.24 (\$122,400 for four (4) units plus non-refundable HST) for immediate use in order to take advantage of competitive bidding; and,

That Council **PRE-APPROVE** and **AWARD** any procurement(s) necessary that are related to the purchase of twelve (12) SUV – Mid Size Crossover Vehicles, provided that the procurement(s) are within approved budget amounts, pursuant to the Purchasing By-Law 93-2012 and amendments thereto; satisfactory in financial content to the Chief Financial Officer and City Treasurer, and in technical content to the City Engineer; and,

THAT the Purchasing Manager **BE AUTHORIZED** to issue a purchase order to the successful vendor in the amount not to exceed \$369,600.00 (excluding HST) for the purchase of the twelve (12) SUV type vehicles identified in the request as a result of the tendering process, subject to approval as to technical content by the City Engineer and in financial content to the Chief Financial Officer and City Treasurer.

Executive Summary:

N/A

Background:

The COVID Pandemic has created many irregularities in the automotive manufacturing sector and its processes, resulting in delays in orders and even unavailability of products in some cases. There are a total of 12 units in the existing By-Law Enforcement Division that are all at the end of their useful life. This request for approval to purchase is to replace eight (8) scheduled for replacement in 2020 as well as four (4) scheduled for replacement in 2021 in our By-Law Enforcement Division, from the City fleet.

Discussion:

To select the replacement units, a Tender will be issued by the Purchasing Department upon council approval. Submissions will be evaluated in accordance with the purchasing By-Law criteria to determine a successful, compliant vendor for the replacement of all twelve (12) units simultaneously.

Risk Analysis:

The existing units are all at the end of their useful life. Any delay in replacement may result in costly repairs to the unit and the By-Law Enforcement Division risk being able to provide the expected level of service.

Financial Matters:

The eight (8) units scheduled for replacement in 2020 have been approved by the Fleet Review Committee in consideration of forecasted fleet replacements and additions and by City Council during the 2020 capital budget process, CR B57/2020. We are now requesting pre-commitment of funds for the additional four (4) units previously scheduled for replacement in 2021 to allow for replacement of all twelve (12) vehicles simultaneously.

The total cost of the twelve (12) vehicles to be purchased under this tender is not to exceed \$369,600.00 excluding HST, or \$376,104.96 including non-refundable HST. The approved 2020 budget for the replacement of eight (8) units is \$249,108.48 including non-refundable HST and the 2021 approved in principle budget for the replacement of the additional four (4) units is \$126,996.48. The total budget allotted for replacement of all twelve (12) units is \$376,104.96.

Administration requests Council approval for a pre-commitment of 2021 Fleet Replacement capital funds in the amount of \$124,544.24 including non refundable HST for four (4) units scheduled to be replaced in the 2021 capital replacement project.

All Replacement costs and related funding will be charged to the 2020 Corporate Fleet Replacement Project 7201008 (8 units) and a new 2021 Corporate Fleet Replacement Project (4 units) that will be set up for use should Council approve this requested pre-commitment.

Consultations:

N/A

Conclusion:

Administration recommends the purchase of these twelve (12) SUV – Mid Size Crossover Vehicles for the By-Law Enforcement Division.

Planning Act Matters:

N/A

Approvals:

Name	Title
Cindy Becker	Financial Planning Administrator – Public Works Operations
Angela Marazita	Fleet Manager
Dwayne Dawson	Executive Director of Operations
Mark Winterton	City Engineer
Alex Vucinic	Purchasing Manager
Dan Seguin	On behalf of City Treasurer
Onorio Colucci	Chief Administrative Officer

Notifications:

Name	Address	Email

Appendices:

Subject: Additional Information to C157/2020 Purchase of Twelve (12) SUV - Mid Size Crossover Vehicles for By-Law Enforcement Division - City Wide**Reference:**

Date to Council: September 14, 2020

Author: Angela Marazita

Fleet Manager

519-255-6560 x4244

amarazita@citywindsor.ca

Public Works - Operations

Report Date: August 28, 2020

Clerk's File #: SW2020

To: Mayor and Members of City Council

Recommendation:

THAT the additional information report on the Purchase of Twelve (12) SUV – Mid Size Crossover Vehicles for By-Law Enforcement Division **BE RECEIVED** for information.

Executive Summary:

N/A

Background:

At the meeting of Council on August 24, 2020 Administration was directed to provide additional information to report C157/2020 Purchase of Twelve (12) SUV – Mid Size Crossover Vehicles for By-Law Enforcement Division.

Discussion:

The Fleet Review Committee's mandate (CR258/2011) is to review and make recommendations to City Council through the Chief Administrative Officer on all fleet equipment acquisitions including replacements and additions as well as the appropriate means for financing. Furthermore, the Committee ensures the ongoing financial sustainability of the Corporate Fleet Replacement Reserves, ensuring that appropriate reserve funds are available for future acquisitions. To achieve this, Fleet Operations maintains fleet replacement plans based on life cycles appropriate for each class of vehicles and equipment. Equipment is evaluated and condition is assessed annually prior to the development of the capital budget. Equipment may be extended if feasible or may be replaced earlier if deemed necessary. The replacement plans are approved

annually during the budget process and Fleet Operations expedites all purchases in compliance with the Purchasing By-Law 93-2012.

A variety of factors are considered when replacing corporate fleet and equipment including:

- age
- usage
- repair history
- expected maintenance and repairs
- departmental requirements
- availability of parts
- condition ratings
- mileage
- idle time
- technological requirements
- ergonomics
- safety
- replenishment of the pool
- operational needs.

Departmental Requirements

Bylaw Enforcement was one of the first departments to implement a mobile office. In 2011, an ergonomic assessment was completed to identify the most appropriate vehicle for their needs while preventing potential injuries. This assessment recommended a crossover style vehicle. The tendering process resulted in the acquisition of Dodge Journeys. While the type of vehicle was appropriate at the time, there were mechanical concerns with the vehicles due to the additional technological demands placed on them such as running a laptop and a GPS unit. Since then, manufacturers have improved the build of these vehicles to better accommodate the need for additional accessories.

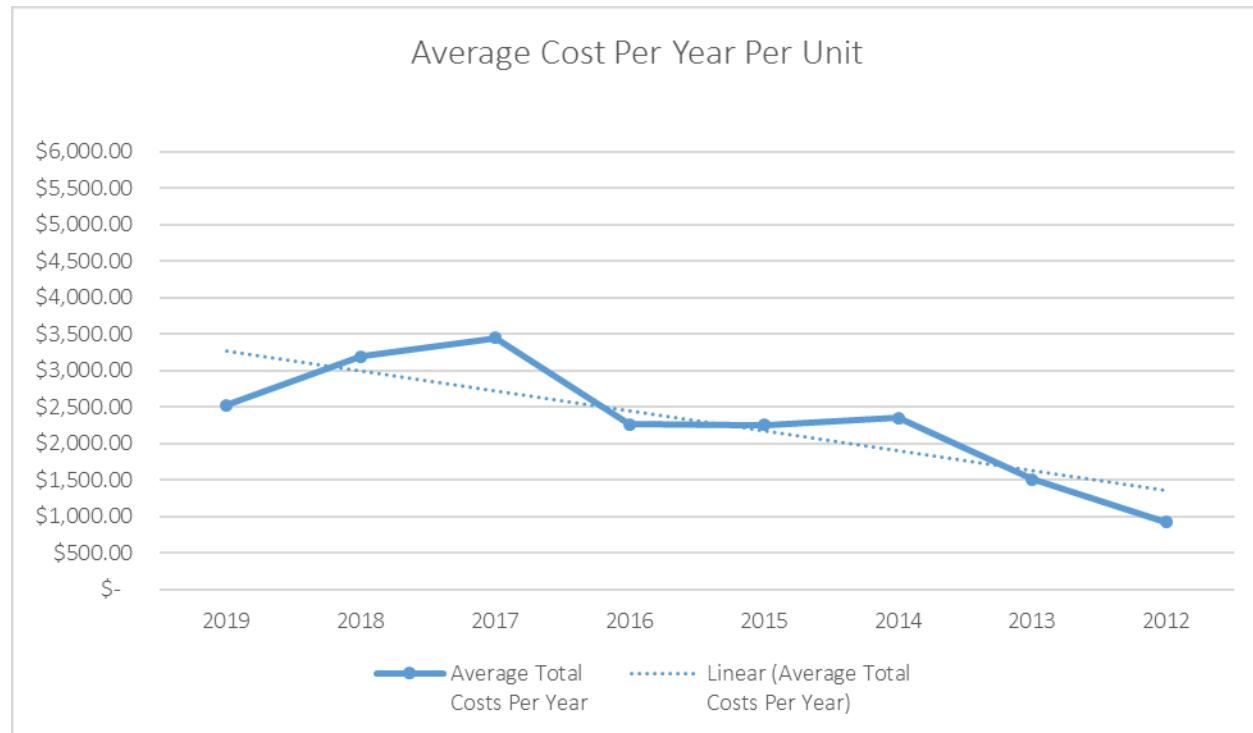
In 2014, a change in uniform required Bylaw Enforcement officers to wear a uniform very similar to that of a police officer, including a bullet proof vest. In the winter, use of a winter coat adds to the bulkiness of the officers' uniform. In 2018, radios were also added. As a result, interior space in the vehicle is required to accommodate this modernized uniform while allowing the ability to operate a laptop and carry all the necessary paperwork and equipment needed to perform their duties.

Maintenance

Below is a summary of the mileage as of August 27, 2020, mileage, condition rating and average annual repairs for the 2011 Dodge Journeys used by Bylaw Enforcement:

Unit Number	Mileage	Condition Rating	Notes
0460	92,671	Poor	
0461	100,422	Poor	
0462	105,730	Poor	
0463	67,282	Fair	
0464	87,465	Poor	Involved in a collision August 2020
0465	74,319	Poor	Involved in a collision July 2020
0466	77,355	Fair	
0467	75,365	Fair	
0468	64,588	Fair	
0469	72,499	Poor	Involved in a collision August 2020
0470	106,781	Poor	Towed in for service August 26,2020
0471	108,932	Poor	

The condition rating is based on the Canadian Infrastructure Report Card adopted by the Corporate Asset Management Plan.



There is an optimal replacement point when it becomes more costly to maintain a vehicle than to replace it. These vehicles have a life cycle of 8 years but are already approaching 9 years. The average maintenance cost per vehicle per year for maintenance is \$2,310. They are approaching a time and mileage where major repairs will be required due to wear and tear such as timing belts, fuel pumps, water pumps, coolant hoses and lines, radiator and heater cores. As a result of these vehicles being used as mobile offices, electrical issues are expected due to the constant need for higher than normal charging system output (e.g. alternators, batteries). There has also been a deterioration of seat covers and cushions. In addition to the types of repairs expected when these vehicles reach this age, parts become more challenging to acquire.

It should also be noted that three (3) of the twelve (12) vehicles have been involved in collisions over the past month. Body repairs have been limited since these vehicles are at the end of their life cycle and scheduled for replacement.

Other Operational Concerns

On average 10,000 km per year are placed on these vehicles, however, the mileage does not reflect the significant number of hours spent idling in order to operate the mobile office environment.

A limited number of units awaiting disposal are retained by Fleet Operations and provided as required for use while a vehicle is in for service or to supplement the dedicated fleet. This is also a factor considered when replacing vehicles to ensure service delivery is not impacted and that a large enough pool is available for seasonal fleet fluctuations. Prior to disposal, these twelve (12) units will be assessed to replenish the pool for continual use in the fleet.

Risk Analysis:

N/A

Financial Matters:

Following approval by City Council during the annual budget process, reports are brought forward to Council when required such as seeking approval when a purchase exceeds \$150,000 and is over budget or if fleet replacement reserve funds are required in advance of their approval.

The replacement of eight (8) of these vehicles was approved by City Council during the regular budget deliberations for 2020, B57/2020. Replacement of the additional four (4) units was included in the replacement plans submitted during the 2020 budget deliberations for 2021, approved in principle. This specific report is being brought forward to request pre-commitment of 2021 reserve funds for the four (4) 2021 units in an effort to expedite the purchase of these vehicles in a more efficient and effective manner due to the delays in 2020 as a result of the COVID-19 pandemic. The purchase will be under budget.

Consultations:

N/A

Conclusion:

Administration recommends continuing with the funds transfer in order to purchase twelve (12) units at the same time.

Planning Act Matters:

N/A

Approvals:

Name	Title
Cindy Becker	Financial Planning Administrator – Public Works - Operations
Dwayne Dawson	Executive Director of Operations
Mark Winterton	City Engineer
Dan Seguin	On behalf of City Treasurer
Onorio Colucci	Chief Administrative Officer

Notifications:

Name	Address	Email

Appendices:

- 1 Appendix A - C157/2020

Subject: Purchase of Twelve (12) SUV - Mid Size Crossover Vehicles for the By-Law Enforcement Division - City Wide**Reference:**

Date to Council: August 24, 2020

Author: Chad Goebel

Fleet Coordinator

519-255-6560 x4235

cgoebel@citywindsor.ca

Public Works - Operations

Report Date: July 30, 2020

Clerk's File #: AL2020

To: Mayor and Members of City Council

Recommendation:

THAT City Council **APPROVE** a pre-commitment of the 2021 Fleet Replacement Capital Budget in amount of \$124,554.24 (\$122,400 for four (4) units plus non-refundable HST) for immediate use in order to take advantage of competitive bidding; and,

That Council **PRE-APPROVE** and **AWARD** any procurement(s) necessary that are related to the purchase of twelve (12) SUV – Mid Size Crossover Vehicles, provided that the procurement(s) are within approved budget amounts, pursuant to the Purchasing By-Law 93-2012 and amendments thereto; satisfactory in financial content to the Chief Financial Officer and City Treasurer, and in technical content to the City Engineer; and,

THAT the Purchasing Manager **BE AUTHORIZED** to issue a purchase order to the successful vendor in the amount not to exceed \$369,600.00 (excluding HST) for the purchase of the twelve (12) SUV type vehicles identified in the request as a result of the tendering process, subject to approval as to technical content by the City Engineer and in financial content to the Chief Financial Officer and City Treasurer.

Executive Summary:

N/A

Background:

The COVID Pandemic has created many irregularities in the automotive manufacturing sector and its processes, resulting in delays in orders and even unavailability of products in some cases. There are a total of 12 units in the existing By-Law Enforcement Division that are all at the end of their useful life. This request for approval to purchase is to replace eight (8) scheduled for replacement in 2020 as well as four (4) scheduled for replacement in 2021 in our By-Law Enforcement Division, from the City fleet.

Discussion:

To select the replacement units, a Tender will be issued by the Purchasing Department upon council approval. Submissions will be evaluated in accordance with the purchasing By-Law criteria to determine a successful, compliant vendor for the replacement of all twelve (12) units simultaneously.

Risk Analysis:

The existing units are all at the end of their useful life. Any delay in replacement may result in costly repairs to the unit and the By-Law Enforcement Division risk being able to provide the expected level of service.

Financial Matters:

The eight (8) units scheduled for replacement in 2020 have been approved by the Fleet Review Committee in consideration of forecasted fleet replacements and additions and by City Council during the 2020 capital budget process, CR B57/2020. We are now requesting pre-commitment of funds for the additional four (4) units previously scheduled for replacement in 2021 to allow for replacement of all twelve (12) vehicles simultaneously.

The total cost of the twelve (12) vehicles to be purchased under this tender is not to exceed \$369,600.00 excluding HST, or \$376,104.96 including non-refundable HST. The approved 2020 budget for the replacement of eight (8) units is \$249,108.48 including non-refundable HST and the 2021 approved in principle budget for the replacement of the additional four (4) units is \$126,996.48. The total budget allotted for replacement of all twelve (12) units is \$376,104.96.

Administration requests Council approval for a pre-commitment of 2021 Fleet Replacement capital funds in the amount of \$124,544.24 including non refundable HST for four (4) units scheduled to be replaced in the 2021 capital replacement project.

All Replacement costs and related funding will be charged to the 2020 Corporate Fleet Replacement Project 7201008 (8 units) and a new 2021 Corporate Fleet Replacement Project (4 units) that will be set up for use should Council approve this requested pre-commitment.

Consultations:

N/A

Conclusion:

Administration recommends the purchase of these twelve (12) SUV – Mid Size Crossover Vehicles for the By-Law Enforcement Division.

Planning Act Matters:

N/A

Approvals:

Name	Title
Cindy Becker	Financial Planning Administrator – Public Works Operations
Angela Marazita	Fleet Manager
Dwayne Dawson	Executive Director of Operations
Mark Winterton	City Engineer
Alex Vucinic	Purchasing Manager
Dan Seguin	On behalf of City Treasurer
Onorio Colucci	Chief Administrative Officer

Notifications:

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Appendices: