

**City Council Meeting**

**Date:** Monday, September 28, 2020

**Time:** 12:00 o'clock noon

**Location:** Council Chambers, 1<sup>st</sup> 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

- | <b>Item #</b> | <b>Item Description</b>                                                                                                                                                                |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.            | <b>ORDER OF BUSINESS</b>                                                                                                                                                               |
| 1.1.          | In the event of the absence of the Mayor, Councillor Francis has been Appointed Acting Mayor for the month of September, 2020 in accordance with By-law 176-2018, as amended.          |
| 2.            | <b>CALL TO ORDER</b>                                                                                                                                                                   |
| 3.            | <b>DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF</b>                                                                                                                 |
| 4.            | <b>ADOPTION OF THE MINUTES</b>                                                                                                                                                         |
| 5.            | <b>NOTICE OF PROCLAMATIONS</b>                                                                                                                                                         |
| 6.            | <b>COMMITTEE OF THE WHOLE</b>                                                                                                                                                          |
| 7.            | <b>COMMUNICATIONS INFORMATION PACKAGE</b> (This includes both Correspondence and Communication Reports)                                                                                |
| 7.2.          | Response to CQ22-2020 Regarding Clothing Donation Bins - City Wide ( <b>C 173/2020</b> )                                                                                               |
| 8.            | <b>CONSENT AGENDA</b>                                                                                                                                                                  |
| 8.1.          | Declaration of Improved Property Municipally Known as 1683 College Avenue Surplus and Authority to Offer for Sale-Ward 2 ( <b>C 183/2020</b> )                                         |
| 8.2.          | Applications for Tax Reductions under Sections 357/358 of the Ontario Municipal Act, 2001 - City Wide ( <b>C 184/2020</b> )                                                            |
| 8.3.          | Relief from Property Taxation 2019 - Extreme Poverty and/or Sickness - City Wide ( <b>C 175/2020</b> )<br><b>Clerk's Note:</b> Administration providing P & C memo to Mayor & Council. |

- 8.4. Approval to Execute an Agreement Under Section 27 of the Development Charge Act - 1600 Lauzon Rd. (**C 165/2020**)
- 8.5. Proposed Disposition of Real Estate Property by the Greater Essex County District School Board - City Wide (**C 185/2020**)

#### CONSENT COMMITTEE REPORTS

- 8.6. Minutes of the Housing & Homelessness Advisory Committee of its meeting held June 23, 2020 (**SCM 266/2020**) (**SCM 227/2020**)
- 8.7. Minutes of the Diversity Committee of its meeting held July 7, 2020 (**SCM 267/2020**) (**SCM 239/2020**)
- 8.8. Report No. 5 of the Diversity Committee - Request for the Diversity Committee to be included in future panel discussions regarding "racism has no place in our society" (**SCM 268/2020**) (**SCM 240/2020**)
- 8.9. Report No. 6 of the Diversity Committee - Request to review the hiring practices of the City of Windsor (**SCM 269/2020**) (**SCM 241/2020**)

#### 9. **REQUEST FOR DEFERRALS, REFERRALS AND/OR WITHDRAWALS**

#### 10. **PRESENTATIONS AND DELEGATIONS**

**PRESENTATION:** (5 minute maximum)

Maestro Robert Franz, Windsor Symphony Orchestra to provide Mayor & Council with an overview of the WSO's response to COVID-19: a new Digital Concert Series, a new Education Series, and a new Kid's Concert Series.

#### 11. **REGULAR BUSINESS ITEMS** (Non-Consent Items)

- 11.1 Ojibway Sewer Rehabilitation (**C 186/2020**)

#### 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**

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.

International Relations Committee  
Thursday September 24, 2020  
10:00 a.m.

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

Regular Council Meeting  
Monday October 5, 2020 **CANCELLED DUE TO WARD 7 BY-ELECTION**

Community Services and Parks Standing Committee  
Wednesday October 7, 2020  
9:00 a.m.

Development & Heritage Standing Committee  
Tuesday, October 13, 2020  
4:30 p.m.

21. **ADJOURNMENT**



**Council Report: C 173/2020**

**Subject: Response to CQ22-2020 Regarding Clothing Donation Bins - City Wide**

**Reference:**

Date to Council: September 28, 2020  
Author: Katherine Donaldson  
Corporate Policy Coordinator  
519-255-6100 ext. 6533  
kdonaldson@citywindsor.ca  
Policy, Gaming, Licensing & By-Law Enforcement  
Report Date: August 27, 2020  
Clerk's File #: APM2020

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

**Recommendation:**

That Council **RECEIVE** this response to CQ 22-2020 for information.

**Executive Summary:**

N/A

**Background:**

At the Council meeting of August 4, 2020, Councillor Bortolin asked the following question:

**CQ 22-2020**

*Ask administration to report back on options to deal with issues tied to donation drop boxes and the organizations/businesses that house them. The issues are, but not limited to, blight, squatting, lighting, security, after hours access, and crime attraction. Would also ask that administration consider licensing, by-law, and even zoning options while comparing what other municipalities do as well.*

On September 19, 2016, Council received **Report CM 26/2016, Clothing Donation Bin By-law City Wide**. Administration returned this report at the direction of Council in response to correspondence received by Council from the CEO of Goodwill Industries – Essex, Kent, and Lambton and the President of the Society of Saint Vincent de Paul – Windsor Essex Central Council regarding the challenges faced by local charities operating clothing donation bins, including:

- the use of misleading wording on clothing donation bins by for-profit businesses harming the credibility of the charitable sector,
- the profits generated by these businesses from the sale of donated clothing rarely benefiting local charities
- the placement of clothing donation bins on private property without obtaining permission from the property owners, and
- the steady increase in the depositing of litter at donation bin locations and costs associated with removal

Representatives from local Goodwill Industries and St. Vincent de Paul organizations appeared before council to speak about their concerns and advise Council that regulation of clothing donation bin usage is needed.

Report CM 26/2016 outlined general options for the regulation and enforcement of clothing donation bins to address these concerns. It advised the clothing donation bin by-laws passed by many of the municipalities surveyed were in response to health and safety, consumer protection and nuisance control purposes. The report stated that between 2005 and 2015, the City received five (5) complaints through 311 regarding litter around donation bins and one (1) complaint regarding a donation bin on private property without the permission of the property owner. It advised these complaints were addressed by By-law Officers under the authority of existing anti-littering by-laws, and that Administration was not aware of any legislation that would authorize private property owners to recoup their expenses for property clean-up from unknown third parties. The report identified the limited number and frequency of complaints regarding clothing donation bins as presenting a low risk in not passing additional by-laws to regulate them, but also noted that the City should continue to monitor issues related to clothing donation bins as they arise in the future.

Council considered a motion to direct Administration to prepare a by-law to regulate donation bins based on the Ottawa model presented in Report 26/2016, which was put and lost. Instead, Report 26/2016 was received by Council for information through **CR590/2016**.

In March 2020, orders under the Emergency Management and Civil Protection Act required donation bin collection operations to cease due to COVID-19 concerns. On March 23, 2020, the majority of operators of clothing donation bins posted notices advising this and most have not been serviced since that date. From March 20 through May 18, 2020, the Public Drop Off located at 3540 North Service Road East also stopped accepting donation or waste materials.

Towards the end of March 2020, complaints regarding clothing donation bins spiked. While one (1) complaint was received by 311 in 2019, twenty six (26) complaints regarding clothing donation bins have been received in 2020 so far.

### **Discussion:**

Clothing donation bins are found on private and public property within the City of Windsor. Most bins within Windsor are operated by The Canadian Diabetes Society, the Society of St. Vincent de Paul and other charitable organizations, although no

comprehensive list currently exists. Clothing donation bins create financial and environmental benefits for a variety of businesses, including charitable organizations, by collecting clothing and household goods for resale and by diverting useable goods and materials from landfills. While providing these positive services, issues with clothing donation bins remain, particularly blight and illegal dumping, timing of access, lack of security and safety.

The recent increase in reported complaints about clothing donation bins correlates with new and increased pressures associated with the COVID-19 pandemic. While spring is often a time when many people undertake cleaning and home projects, residents staying home to comply with emergency orders have more opportunity to do so and fewer opportunities to undertake other activities outside the home. Using this time to clean and reorganize has created a surplus of clothing and household goods for donation and refuse for disposal. The temporary closure of the Public Drop Off and cessation of donation collection activities limits the opportunities available to residents with surplus goods and refuse to donate or dispose of their unwanted items appropriately. Some residents have disregarded the notices posted on many donation bins by their operators and continue to leave items in the vicinity of clothing donation bins, exacerbating existing issues.

At this time, no specific by-law related to clothing donation bins exists. When issues are reported, the By-law Enforcement Division addresses these complaints through the authority of Yard Waste, Exterior Property Maintenance & Littering By-law 3-2006. Section 7 of By-law 3-2006 prohibits depositing any refuse on public or private property. Pursuing enforcement against individuals leaving items inappropriately near clothing donation bins is not likely to be successful unless:

- the individual is caught in the act by a By-law Officer, or
- the Officer is provided proof of an identifiable individual committing the act and the person providing the proof agrees to testify in court.

Individuals leaving items inappropriately at clothing donation bin locations, especially those depositing larger items, often do so after hours when traffic is low, adding another layer of challenge to enforcement actions. Ultimately, issues can be addressed by directing property owners to keep the areas around clothing donation bins clean of refuse. However, clothing donation bins often do not reside on property owned by the entities that operate them. In most cases, an agreement is made between the operating agency and the land owner in regards to maintenance.

Windsor does not currently regulate clothing bin donation or maintenance, but a number of other municipalities in Ontario do. A review of seven (7) comparable municipalities was undertaken and the results presented in the following table.



## Ontario Municipal Clothing Donation Bin Regulation Review

Municipality	Legislation	License/Permit Requirements	Fees
Toronto	Toronto Municipal Code  Chapter 395, Clothing Drop Boxes	<ul style="list-style-type: none"> <li>Bin owner and operator contact information</li> <li>Organization ownership and contact information</li> <li>Address and site plan image of bin location</li> <li>Written permission from property owner</li> <li>Proof of charitable status, if appropriate</li> <li>Declaration stating owner has not been charged and/or convicted more than three (3) times under the by-law</li> <li>Proof of insurance (\$2,000,000)</li> <li>Engineer's statement that bin appropriately mitigates potential injury</li> <li>Zoning: no restrictions identified</li> </ul>	\$549.99 License Fee  \$232.23 Renewal Fee  \$113.12 Permit Fee per bin
Ottawa	Clothing Donation Box By-law No. 2013-98	<ul style="list-style-type: none"> <li>No license or permit required</li> <li>Bin signage including:               <ul style="list-style-type: none"> <li>Owner name and address, including business name if applicable</li> <li>CRA charitable registration number or type of organization (if not a charity)</li> <li>Operator name, address and phone number</li> <li>Schedule of pick-up times</li> <li>Location of alternate donation boxes of the same operator</li> </ul> </li> <li>Zoning: commercial or institutional zones only</li> </ul>	None
Newmarket	Clothing Donation Bin By-law 2016-33	<ul style="list-style-type: none"> <li>Bin owner and operator contact information</li> <li>Organization ownership and contact information</li> <li>Address and site plan image of bin location</li> <li>Letter of Understanding from property owner</li> <li>Letter of Understanding from bin owner</li> <li>Proof of charitable status, if appropriate</li> <li>List of all bins operated by the organization</li> <li>Zoning: prohibited in residential zones</li> </ul>	\$200.00 Annual Fee per bin  \$75.00 Annual Fee per bin (charities)

Municipality	Legislation	License/Permit Requirements	Fees
London	Business Licensing By-law L.-131-16	<ul style="list-style-type: none"> <li>• Bin owner and operator contact information</li> <li>• Articles of Incorporation or Master Business License</li> <li>• Address and site plan image of bin location</li> <li>• Written permission from property owner</li> <li>• Proof of charitable status, if appropriate</li> <li>• Signage must display:               <ul style="list-style-type: none"> <li>○ Operator name</li> <li>○ Organization name</li> </ul> </li> <li>• Zoning: prohibited in low-density residential or industrial zones</li> </ul>	\$70.00 Annual Fee \$25.00 Annual Sticker Fee per bin
Waterloo	Business Licensing By-law 2014-085  Zoning By-law 2018-050	<ul style="list-style-type: none"> <li>• Bin owner and operator contact information</li> <li>• Organization ownership and contact information</li> <li>• Address and site plan image of bin location</li> <li>• Written permission from property owner</li> <li>• Proof of charitable status, if appropriate</li> <li>• Signage must display:               <ul style="list-style-type: none"> <li>○ CRA Charitable Registration Number, and</li> <li>○ Percentage of revenues dedicated to charities/organization, OR</li> <li>○ “NOT a Registered Charity” on the bin</li> </ul> </li> <li>• Zoning: prohibited in residential zones</li> </ul>	\$140.00 Annual Fee \$84.00 Annual Permit Fee per bin

Municipality	Legislation	License/Permit Requirements	Fees
Brantford	Brantford Municipal Code Chapter 326	<ul style="list-style-type: none"> <li>Bin owner and operator contact information</li> <li>Organization ownership and contact information</li> <li>Address and site plan image of bin location</li> <li>Written permission from property owner</li> <li>Proof of charitable status, if appropriate</li> <li>Signage must display: <ul style="list-style-type: none"> <li>Licensee and operator contact information</li> <li>Type of organization, if applicable</li> <li>CRA charitable registration number, if applicable</li> <li>Schedule of pick-up times</li> <li>Location of alternate donation boxes of the same operator</li> </ul> </li> <li>List of all bins operated by the organization</li> <li>Maximum of 15 bins per operator license</li> <li>Zoning: prohibited in residential zones</li> </ul>	<p>\$457.00 For-profit Operator Initial Fee</p> <p>\$208.00 For-profit Operator Annual Renewal Fee</p> <p>\$100.00 For-profit Initial Fee per bin</p> <p>\$50.00 For-profit Annual Renewal Fee per bin</p> <p>\$100.00 One-time Charitable or Non-profit Operator Fee</p> <p>\$25.00 One-time Charitable or Non-profit Fee per bin</p>
Markham	Business Licensing By-law 2018-90	<ul style="list-style-type: none"> <li>Bin owner and operator contact information</li> <li>Organization ownership and contact information</li> <li>Address and site plan image of bin location</li> <li>Written permission from property owner</li> <li>Proof of charitable status <ul style="list-style-type: none"> <li>Most recent CRA return required for renewal</li> </ul> </li> <li>Signage must display: <ul style="list-style-type: none"> <li>Owner name</li> <li>CRA Charitable Registration Number</li> </ul> </li> <li>List of all bins operated by the owner</li> <li>Proof of insurance (\$2,000,000)</li> <li>Zoning: prohibited in residential or industrial zones</li> <li>Prohibited on City streets and property</li> </ul>	\$260 Annual License Fee per bin

Based on the results of this survey, many Ontario municipalities are applying regulations to clothing donation bins and their operators to address common issues. Most municipalities choosing to regulate clothing donation bins are doing so through licensing. Licensing conditions usually include signage requirements that clearly identify the operator and their charitable status to mitigate misleading wording and

encouraging the reporting of poor site conditions to operators who can remedy them quickest. Owner/operator contact information is often required, which allows residents to identify bins supporting local organizations. Nearly every municipality surveyed required written permission from the property owner as part of license applications, ensuring property owner consent when bins are located on their properties. Only Toronto's regulations required any certification of the safety of bin construction, and no regulations were found requiring specific donation bin security or after-hours monitoring.

## **Options for regulating clothing donation bins in Windsor**

### ***Option A – Adding a Schedule to the Licensing Bylaw***

By adding a schedule to Business Licensing By-law 395-2004, the City can require clothing donation bin operators to meet location, signage and zoning requirements in order to address concerns about misleading language. Servicing and security requirements for clothing donation bins could be noted and specifically composed to deal with the issues commonly cited. In this case, administration would advocate for a minimal licensing charge as well as a permit/sticker requirement for each bin. Similar to other municipalities, the fees would be nominal and could differ based on whether or not the organization operating the bin was a registered charitable organization or for-profit. If desired, licenses could also be restricted to charitable operators only, as in Markham.

Opting for an additional schedule under Business License By-law 395-2004 also allows for the creation and maintenance of a comprehensive list of donation bins in the City. Charges and fines could be issued based on non-compliance to the schedule's requirements and repeated non-compliance could result in the licensee having the status of their licence reviewed by the Windsor Licensing Commission, possibly leading to suspension or revocation.

### ***Option B – Creating a Standalone Bylaw***

A standalone by-law would allow the regulation of clothing donation bins without requiring a licensing or permitting fee, as is done in Ottawa. In this scenario, a standalone by-law would include regulations relating to location, signage, zoning, ownership, servicing and security and any organization not in adherence with these regulations would be subject to enforcement. This option also allows for the creation and maintenance of a comprehensive list of donation bins in the City. Various compliance enforcement mechanisms could be included in a standalone bylaw including fines and repeat offender provisions levied on the licensee.

### ***Option C – Amending Zoning By-law 8600***

Zoning By-law 8600 contains some specific regulations for the placement of refuse bins, defined as "a refuse receptacle designed so as to be emptied mechanically by a commercial refuse collection vehicle," commonly described as a "dumpster." Zoning By-law 8600 prohibits refuse bins:

- in any zoning district if within a required yard, unless incidental to construction or waste removal activities undertaken on the same lot; and
- in a parking area if placed:

- Within 6.0m of the point of intersection of any two streets or any street and a street access area; or
- Within a required parking, accessible parking, or visitor parking space; or
- In a location that hampers the movement or prevents the safe operation of motor vehicles in the parking area.

By-law 8600 also prescribes that refuse bins located within a parking area or transport storage area be fully screened by a fence with a minimum height of 1.80m.

Amendments to Zoning By-law 8600 could be proposed to create regulations for clothing donation bins like those currently in place for refuse bins, but similar regulations could also be included in a licensing regime or standalone by-law without undertaking the considerably more complex process of a zoning by-law amendment. Additionally, unlike Options A and B, a zoning by-law amendment would not provide a mechanism to produce a comprehensive list of donation bins or their operators. Once amended, enforcement of Zoning By-law 8600 would be accomplished by issuing an Order to Comply. Failure to comply with the order would result in charges under the Provincial Offences Act and prosecution through the courts to enforce the Order.

#### ***Option D – Status Quo***

Complaints related to donation bins in what can be deemed ‘normal’ years have been low. Enforcement mechanisms currently exist and, while it is difficult to act against those who may be leaving items unlawfully, it is possible to ensure the property is cleared of these items by approaching the property owners. Should Council decide on this option, issues with littering around clothing donation bins would continue to be addressed on a complaint-driven basis using existing powers through By-law 3-2006. In this case the property owner, as opposed to the donation box owner, would continue to be subject to repeat offender fees and clean up charges added to taxes.

Zoning By-law 8600 does not currently include restrictions to be enforced on clothing bin donation locations or activities.

#### **Risk Analysis:**

There are no risks associated with receiving this report for information.

As there has not been a significant number of complaints in recent years, there is a low level of risk if Council directs Administration to maintain the status quo. However, creating a regulatory system for donation boxes does mitigate the probability of any future risks and allows the City to ensure that standards are being upheld. Creating a regulatory system also follows the trend in other municipalities in Ontario, negating the possible risk of falling behind in legislative trends.

#### **Financial Matters:**

There are no financial impacts associated with receiving this report for information.

Should Council wish to take further action, the financial impacts of returning a report with regulatory options for clothing donation bins are typical of those associated with

returning such reports. Detailed financial breakdowns for regulatory options, including costs associated with administrative, inspection or enforcement processes, would be included in the report should Council request it.

### **Consultations:**

Bill Tetler, Manager of By-law Enforcement

Anne Marie Albidone, Manager of Environmental Services

Rob Vani, Manager of Inspections

Adam Szymczak, Senior Planner - Zoning

Jude Malott, Executive Initiatives Coordinator

### **Conclusion:**

The recent increase in complaints related to clothing donation bins correlates to the current pandemic climate as complaints have been negligible in previous years. A review of comparable municipalities indicates a trend in Ontario towards regulating clothing donation bins through licencing regimes sharing similar qualities across jurisdictions. If Council wishes to regulate clothing donation bins, a stand-alone by-law or an additional schedule to the Licensing by-law could be created to address some issues related to blight, safety, misleading signage, bin locations and zones of operation. Zoning By-law 8600 could also be amended to define and regulate clothing donation bins, but similar results could be achieved with more efficient enforcement options through licensing.

### **Planning Act Matters:**

N/A

### **Approvals:**

<b>Name</b>	<b>Title</b>
Gary Cian	Deputy License Commissioner/Senior Manager of Policy, Gaming, Licensing and By-law Enforcement
Thom Hunt	City Planner
Shelby Askin Hager	City Solicitor, Corporate Leader for Economic Development and Public Safety
Valerie Critchley	City Clerk/License Commissioner, Corporate Leader for Public Engagement and Human Services
Onorio Colucci	Chief Administrative Officer

**Notifications:**

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

**Appendices:**

- 1 Appendix A - Communication, Goodwill Industries Inc.
- 2 Appendix B - Communication, St. Vincent de Paul



Gm 2014

January 10, 2014

Ms. Helga Reidel  
Chief Administrative Officer  
350 City Hall Square West  
Room 201 - City Hall  
P.O. Box 1607  
Windsor, ON  
N9A 6S1

Dear Ms. Reidel

I'm writing to you today to introduce a serious situation that has affected the safety of individuals and businesses in our municipality.

Before I do so, I would like to highlight the positive impact that Goodwill EKL makes in the communities it serves. Our chief economic engine relies on donations of gently used goods obtained via attended donation centres in Essex, Kent and Lambton counties, which are then sold in our Goodwill retail stores. The revenue generated through retail stores funds employment programs and resources - when individuals receive the assistance they need, job placement is something more achievable.

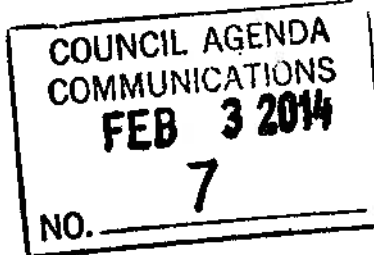
This system has proven so successful that Goodwill EKL placed more than 1,000 individuals into employment last year! This year alone we have placed 940 individuals into jobs and we still have four months remaining until our fiscal year end. We want to continue this momentum.

Unfortunately, for-profit businesses are harming this process for our organization and many others. They are illegally placing donation bins on private property, and shipping goods overseas, negatively affecting the missions of St. Vincent de Paul, The Salvation Army, Bibles for Missions and our own.

JAN 27 2014 *to clerk*

REQUEST APPROVED:	RECEIVED <i>City Clerk</i>	COPIES FORWARDED ONE
APPROVED FOR AGENDA:	JAN 16 2014	
FILE <i>copy</i>	CHIEF ADMINISTRATIVE OFFICE	COPY TO:

*To C Council for direction*



CITY OF WINDSOR  
COUNCIL SERVICES

JAN 28 2014

RECEIVED



YOU DONATE. SOMEONE WORKS.

Charitable Registration Number: 119139426RR0001

Printed on 100% Recycled Paper.



These donation bins are easy to spot with their brightly coloured exterior often with the big, bold words "USED CLOTHING DONATION" on every side. But appearances can be deceiving. They are owned by private salvage companies to deceive residents into thinking that their generous clothing donations will stay local or help local charities. In fact, all clothing from these boxes is removed from communities, with the businesses that operate them raking in huge sums of money. According to a CBC report in 2012, "A man who owns one of the bin companies said in court that one of his route supervisors made \$12,000 a week, while a driver can make \$12,000 a month."

Of the millions of dollars profited by these businesses, only a small percentage of revenue generated from the sale of clothing actually benefits a charity – and very rarely is this charity in the community the products originated.

Unfortunately, this isn't the biggest problem with these donation bins.

Since they are often placed without permission, there are very serious liability issues that most property owners don't even consider. Some of these concerns include liability for the contents of the box, compliance with owner insurance policies, compliance with municipality zoning, and liability for injury involving persons, including children.

Damage doesn't stop with physical damage. There's also harm to the charitable sector's credibility, as these bins have misleading wording and rarely help local groups.

To combat this safety and economic hazard, I'm requesting that your municipality create a bylaw limiting donation bin usage. Many cities and towns throughout Ontario have created such bylaws to combat the tide of for-profit donation bin businesses, and include wording similar to these simple yet effective regulations:

- No operator shall place a clothing donation box on private property without the written consent of the owner;
- Operators must place information on boxes, including name/address of owner, CRA number, contact information and schedule of pick-up times;
- The owner shall ensure that the donation box is maintained, in accordance with municipal property standards;
- The charity will provide proof of liability insurance to the owner of the property.

A bylaw, even one as simple as that of Ottawa's, which I have attached to this letter, will help to ensure the safety of residents/business owners, help to keep donor dollars in your community, and to also end this deceptive business practice.

//

Please also encourage charities in your municipality to receive Better Business Bureau accreditation and uphold the BBB's Standards. In doing so, donors will no longer be misinformed and deceived, having higher confidence in your community groups, which will ideally lead to further support.

Along with key municipality managers throughout Southwestern Ontario, I'm also in contact with chambers of commerce, encouraging them to help protect businesses by addressing this troublesome situation.

I hope that you will partner with our local Chatham-Kent Chamber of Commerce to work together to support and ensure the safety of local businesses.

Sincerely,



Kevin Smith  
Chief Executive Officer

c.c.: Mr. Matt Marchand, President & CEO  
Chamber Essex Regional

**Attachments:**

- City of Ottawa's Clothing Donation box By-law (2013-98)
- Gratuitous Placement of Donation Bins – List of liability concerns from Samia-Lambton Chamber of Commerce
- Appendix A – List of municipalities' links to their bylaws

12

Mydocuments\donation bins\illegal donation bins letter Shropshire

## **Clothing Donation Box By-law**

BY-LAW NO. 2013 – 98

A by-law of the City of Ottawa to regulate the location and use of clothing donation boxes on private property.

WHEREAS section 8 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended (the *Municipal Act*) provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to govern its affairs as it considers appropriate and to enhance its ability to respond to municipal issues;

AND WHEREAS subsection 10(2) of the *Municipal Act* provides that the municipality may pass by-laws regarding the health, safety and well being of persons;

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

AND WHEREAS the City of Ottawa deems it necessary to regulate clothing donation boxes to prevent public nuisances caused by the accumulation of debris in the vicinity of the clothing donation bins;

THEREFORE the Council of the City of Ottawa enacts as follows:

### **DEFINITIONS**

1. "charity" means a registered charity as defined in subsection 248(1) of the *Income Tax Act*, R.S.C. 1985 (5<sup>th</sup> Supp) or successor legislation that has a registration number issued by the Canada Revenue Agency or successor agency.

"clothing donation box" means any receptacle used for the purpose of collecting clothing donations from the public;

"Chief" means the Chief, By-law and Regulatory Services or a designate;

"City" means the municipal corporation of the City of Ottawa;

"operator" means the operator of the clothing donation box;

"owner" means the owner or occupant of the private property on which the clothing donation box is located;

"private property" means any property not owned by the municipality;

13

## **REGULATIONS**

2. No operator shall place a clothing donation box on private property without the consent of the owner.
3. No operator shall fail to place the following information in a conspicuous place on the clothing donation box in lettering no smaller than Arial 150 font or other fonts of similar dimensions and in a contrasting colour:
  - (a) name and address of the owner;
  - (b) business name of the owner and operator, if applicable;
  - (c) type of organization if the operator not a charity;
  - (d) the Canada Revenue Agency registration number if the operator is a charity;
  - (e) the name, address and telephone number of the operator;
  - (f) schedule of times for pick up of donated clothing; and
  - (g) location of any alternative clothing donation boxes of the same operator.
4. The operator shall ensure that the information contained in Section 3 is maintained current at all times.
5. No owner shall fail to ensure that,
  - (a) the information required pursuant to Section 3 is provided on the clothing donation box; and
  - (b) the information required by Section 3 is kept current.
6. No operator shall place a clothing donation box on property zoned residential.
7. No owner shall permit a clothing donation box to be located on the property if the property is zoned residential.
8. No owner shall permit a clothing donation box to be placed on the property in a location that creates a visual obstruction for vehicular traffic or pedestrians.
9. No owner shall permit a clothing donation box to be placed on the property in a location that is within three metres of an access or egress to any property.
10. The owner shall ensure that all areas immediately adjacent to the clothing donation box are maintained in accordance with the Property Standards By-law and the Property Maintenance By-law of the City.

## **NOTICE**

11. (1) When any clothing donation box and the area immediately adjacent to the clothing donation box are not maintained pursuant to the requirements of this by-law, the Chief shall send a Notice, by registered mail or direct delivery of the Notice by hand to the owner or occupant's last known address, requiring the owner or occupant as the case may be to make the clothing donation box and the surrounding land conform to the requirements of this by-law and the Notice shall specify the time allowed for compliance.
- (2) The Notice contained in subsection (1) shall be deemed to have been given on the fifth day after it was mailed if it is sent by registered mail.
- (3) No person shall fail to comply with a Notice sent pursuant to subsection (1).

#### DEFAULT

12. (1) Where a notice has been sent by the Chief pursuant to Section 11, and the requirements of the notice have not been complied with, the City may remove the clothing donation box or undertake work to bring the clothing donation box and the surrounding area into compliance with the by-law at the expense of the owner.
- (2) The costs of the work or the removal pursuant to subsection (1) may be recovered from the owner by action or by adding the costs to the tax roll and collecting them in the same manner as taxes.
13. Every person who contravenes any provision of this by-law is guilty of an offence as provided for in subsection 429(1) of the Municipal Act, 2001.
14. A person who is convicted of an offence under Section 13 of this by-law is liable to a minimum fine of \$500.00 and a maximum fine of \$100,000.00 as provided for in subsection 429(3)1. of the Municipal Act, 2001.

#### EFFECTIVE DATE

15. This by-law shall be deemed to come into force and take effect on June 3, 2013.

ENACTED AND PASSED this 10<sup>th</sup> day of April, 2013.

CITY CLERK

MAYOR

15

**A by-law of the City of Ottawa to regulate the location and use of clothing donation boxes on private property.**

**Enacted by City Council at its meeting of  
April 10, 2013.**

**LEGAL SERVICES  
AMP**

**COUNCIL AUTHORITY:**  
City Council March 27, 2013  
Bulk Consent Agenda Item B  
(CPSC Report No. 21)

## **Gratuitous Placement of Donation Bins**

I understand that businesses in the community are receiving unsolicited placements of "Charitable Donation Boxes" located gratuitously and without consultation or consent of the landlord or owner of the property.

This intrusion is a trespass pure and simple and should be treated accordingly.

The Owner or Occupants concern with such a Donation Box located in the parking lot or on the premises includes:

- 1- liability in the event of an accident involving persons making deliveries and customers;
- 2- liability for the condition of the Donation Box;
- 3- compliance with Municipal zoning and regulations;
- 4- compliance with Owner or Occupant Insurance policies;
- 5- attraction of unsolicited parties or undesirable persons;
- 6- danger of poorly maintained Donation Box, or vandalism and fire;
- 7- liability for injury involving persons or children using Donation Box properly or improperly;
- 8- supervision of the ingress and egress for deliveries and removal of donated items by third parties;
- 9 - liability for the contents of the Donation Box;
- 10 - ongoing maintenance and appearance of the Donation Box when not maintained or "overfilled".

**Recommended course of action if such a Donation Box appears on your owned or leased premises without consultation or consent:**

- 1- notify party verbally and in writing of trespass and required removal;
- 2- retain lawyer to communicate with party and demand removal in timely fashion;
- 3- take appropriate action as directed by your lawyer to arrange for removal at cost of the party if they fail to remove in timely fashion.

I recommend that any business owner who is the owner or tenant of premises in these circumstances seek legal advice before taking any "self help" remedies or actions.

17

**Some of the many municipalities in Ontario which have bylaws limiting the placement of donation bins:**

**Ottawa**

<http://ottawa.ca/en/residents/laws-licenses-and-permits/laws/clothing-donation-box-law>

**Newmarket**

<http://www.newmarket.ca/en/townhall/resourcelibrary/2013-22-ClothingDonationBinsBy-law.pdf>

**Cobourg**

<http://www.northumberlandtoday.com/2013/07/11/donation-bins>

**Markham**

<http://www2.markham.ca/markham/ccbs/indexfile/Agendas/2012/General/qc120523/Clothing%20Donation%20Bin%20By-law.pdf>

**New Tecumseh**

<http://newtecumseh.ca/wp-content/uploads/2013/09/2012-142-Donation-Collection-Bins-By-Law.pdf>

**Simcoe**

<http://www.simcoe.com/news-story/2072323-donation-boxes-discussed/>

**Township of Scugog**

<http://www.scugog.ca/uploads/1299162144-135-05%20-%20Business%20Licensing%20By-Law%20-%20R%20Mar%203%2011.pdf>

18



**Please learn more about the 'donation bin' situation in Ontario:**

<http://www.brantfordexpositor.ca/2012/08/01/the-business-behind-those-used-clothing-donation-bins>

<http://bayobserver.ca/maria-pearson-declares-war-on-rogue-charity-clothing-boxes/>

<http://www.cbc.ca/news/canada/windsor/story/2012/01/26/charity-clothing-bins-millions.html>

<http://www.canada.com/windsorstar/news/story.html?id=01db99f5-e568-4f38-acb9-4a9d48494f58&k=86577>

For a CBC investigation, please watch: <http://www.youtube.com/watch?v=QwnP-9OBhLQ>

19



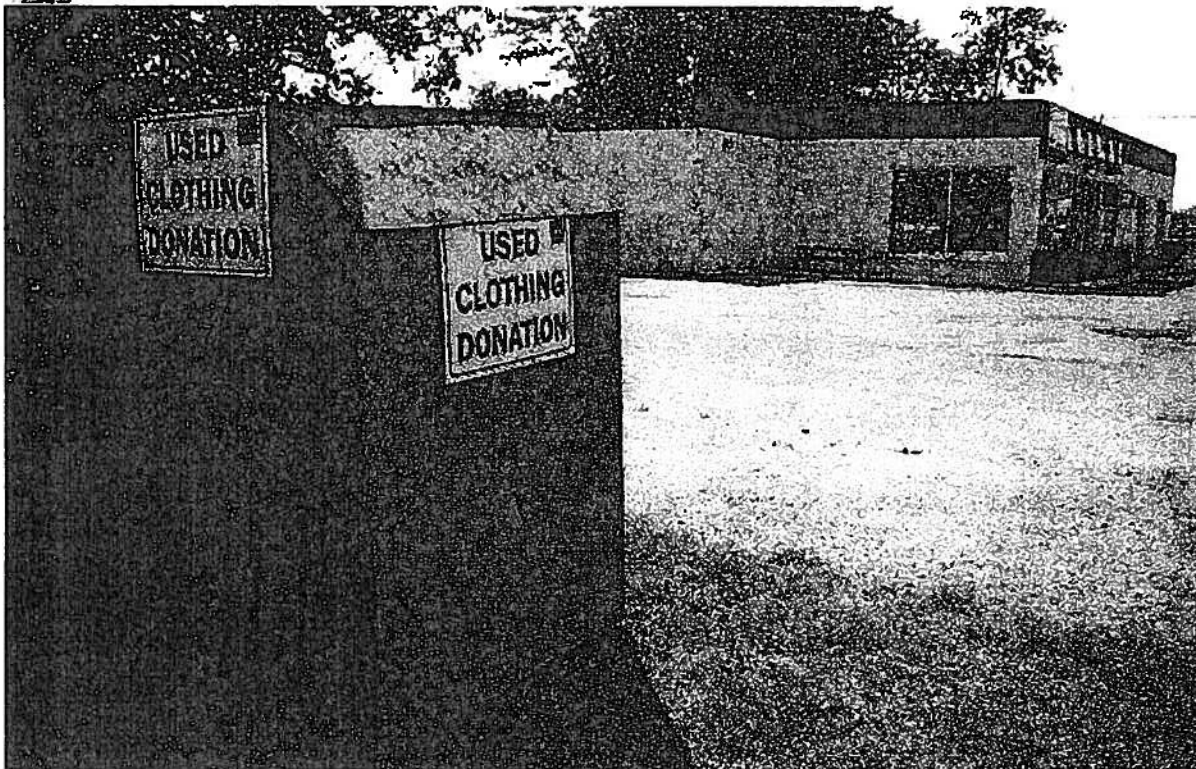
## NEWS LOCAL

### CHARITY

Sarnia Lambton Chamber of Commerce says unapproved bins are trespassing

By Paul Morden, Sarnia Observer

Friday, November 29, 2013 4:44:58 EST PM



This donation bin, located outside the Beanstock store on London Road in Sarnia, caused a headache for owner Movreen Collins when it was dropped off without permission in September. TARA JEFFREY/THE OBSERVER/QMI AGENCY

The Sarnia Lambton Chamber of Commerce is urging businesses to treat charitable clothing donation boxes that show up on their property without consent as trespassers.

20

It became an issue just this year in Sarnia when several bins began showing up on properties around the city, to the surprise of several business owners.

The concern doesn't extend to the donation boxes of well-known local charities that do get permission from property owners, said Chamber CEO Rory Ring.

"The unsolicited placement of these donation boxes, which are really placed there gratuitously without any consultation or consent of the landowner, really poses a great deal of risk to the property owner," he said.

"These things are just showing up in the middle of the night, and being placed on people's properties."

Ring said the Chamber sought a legal opinion on the issue to find out what dangers and risks are associated with bins being placed without permission, but he added business or property owners should seek out their own legal advice before acting.

"There is significant risk, if these boxes are placed on the property without written consultation, nor with proof of appropriate liability insurance," he said.

Concerns include what could happen if there was an accident while someone is dropping off donations, if a child or someone else is injured while using the box improperly, or if a fire breaks out in one and spreads to nearby vehicles or buildings, he said.

Business and property owners could also find themselves facing issues with donation boxes that aren't being maintained, according to the Chamber.

Ring said business owners could also discover that their existing insurance doesn't cover an incident involving a donation box that shows up without permission, or its own liability coverage.

"We want to communicate that there is a course of action that property owners can take," he said.

That includes contacting the organization that owns the donation box and informing it verbally and in writing that it is trespassing and that the box must be removed, Ring said.

Property owners could also hire a lawyer to communicate with the donation box organization, he said.

"Despite these things looking like they might have a very charitable cause, they do pose a risk to the property owner," Ring said.

But, he added, that's not the case with charities that are well-known in the community and operate properly by seeking permission, and providing liability insurance coverage.

"We want to maintain that outlet of charity giving for them," he said.

Last month, Sarnia city council directed its staff to prepare a report on the issue of donation bins being located illegally on commercial properties.

paul.morden@sunmedia.ca

## Reader's comments »

By adding a comment on the site, you accept our terms and conditions and our netiquette rules.

## Featured Businesses

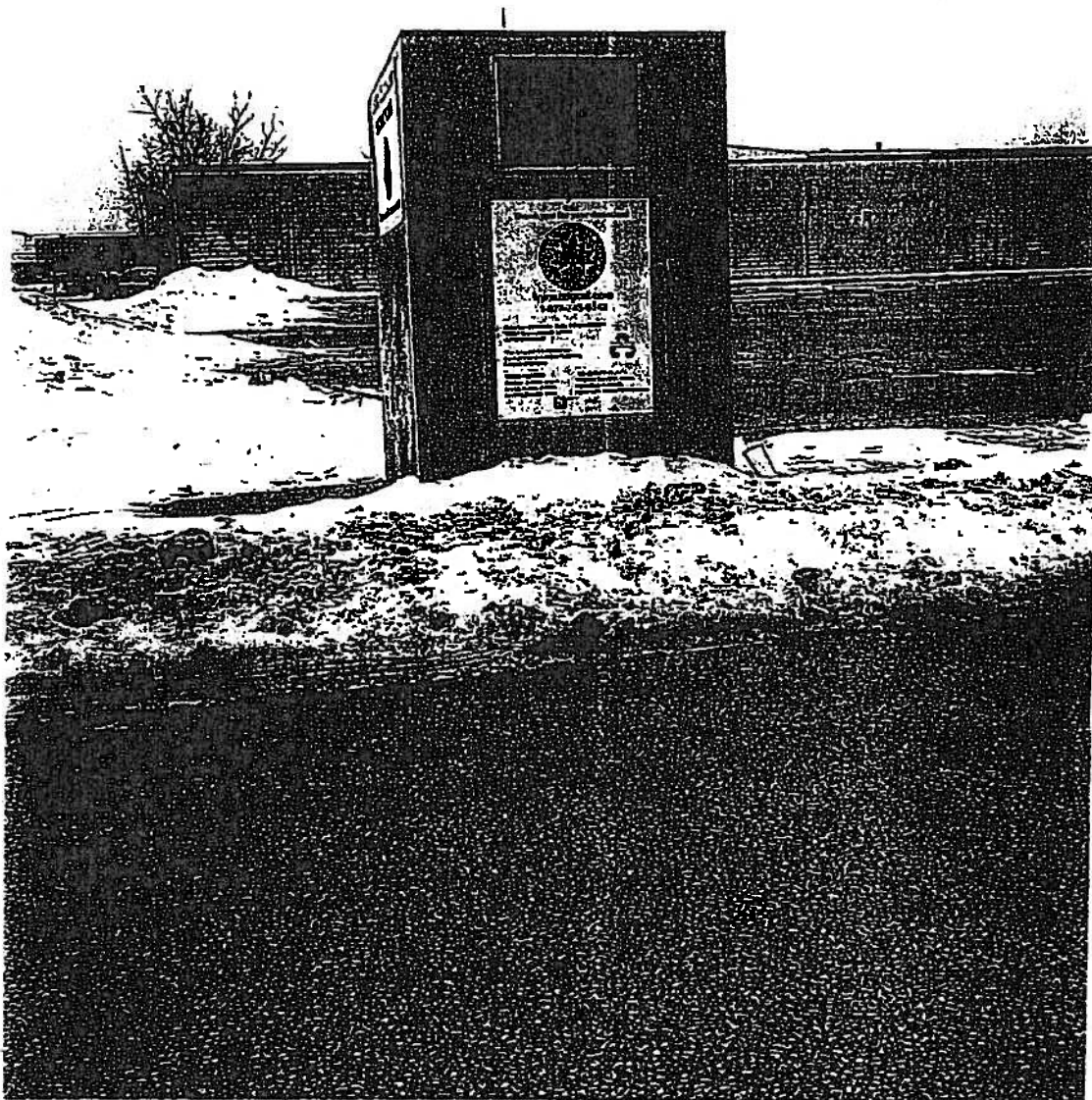
Contact us to Advertise »



Restaurants

21





22



# A COMMUNITY AT WORK: THE GOODWILL® LIFECYCLE

**GOODWILL EKL IS COMMITTED TO PROVIDING QUALITY SERVICES THAT HELP PEOPLE FIND JOBS - BECAUSE WORK CAN HELP TO MAKE EVERYTHING ELSE POSSIBLE.**

There are many reasons to support Goodwill EKL, but whether you donate, shop or both you are making the remarkable success stories of the people we serve possible.

**"THE ROLE I PLAY MAY BE SMALL, BUT WHEN COMBINED WITH OTHER DONORS, WE CAN MAKE A BIG DIFFERENCE IN OUR COMMUNITY"**  
DARREN HARKER

**"I HAVE THE OPPORTUNITY TO CHANGE THE OUTLOOK ON LIFE OF PEOPLE WHO HAVE CHALLENGES TO EMPLOYMENT AND TO CHANGE THE WAY OTHERS LOOK AT PEOPLE WITH DISABILITIES"**  
KIRS JACQUES



## THE DO'S OF DONATING

THERE'S A GOODWILL LOCATION NEAR YOU FOR INFORMATION AND EASY DIRECTIONS. PLEASE VISIT [GOODWILLEKL.COM](http://GOODWILLEKL.COM).

**SPORTING GOODS GAME CLOTHING VIDEO GAMES SHOES ANTIQUES & COLLECTIBLES TV'S TOOLS AR ELECTRONIC JEWELLERY & OTHER ACCESSORIES FURNITURE BOOKS VIDEOS HOUSEWARES & LINENS STEREO AREA RUGS LUGGAGE COMPUTER SMALL APPLIANCE ARTIFICIAL PLANT**

## MORE THAN JUST DONATE YOUR DONATIONS

To find your nearest Goodwill location, visit [GOODWILLEKL.COM](http://GOODWILLEKL.COM)

**IT'S HARD TO SAY, "NO, THANK YOU"**  
Unfortunately, though, Goodwill cannot accept items for reasons which include safety hazard, inability to repair items, and garbage disposal. Please visit our website for a detailed list.

## NO ITEMS TO DONATE?

Our success is not only dependent on donations of gently used clothing and household items; **cash donations** can also help change lives through the power of work. Every cash donation – small or large – will help great people get great jobs, right here in your community!

**Thank you for your support.**

NAME: \_\_\_\_\_  
STREET ADDRESS: \_\_\_\_\_  
CITY: \_\_\_\_\_  
PROVINCE: \_\_\_\_\_ POSTAL CODE: \_\_\_\_\_  
TELEPHONE: \_\_\_\_\_  
EMAIL: \_\_\_\_\_

I would like to donate the following:

☐ \$25 ☐ \$50 ☐ \$100 ☐ Other: \_\_\_\_\_

☐ I have enclosed a cheque. Payable to: Goodwill Inc.

Please charge my credit card:

☐ VISA ☐ M.C. ☐ AMEX ☐ DISC ☐ OTHER

CARD # \_\_\_\_\_  
CARD HOLDER NAME \_\_\_\_\_

SIGNATURE \_\_\_\_\_

**Goodwill**  
Industries - Essex - Kent - Lambton

PLEASE MAIL YOUR DONATION TO:

GOODWILL EXL  
1121 Wellington Street, Sarnia, ON N7S 6J7

## Over 80 Years in The Works...

Since 1933, Goodwill Industries – Essex Kent Lambton has grown throughout Sarnia, Wallaceburg, Chatham, and Windsor to five Goodwill Retail Stores, nine Attended Donation Centres, two Career Centres, one Employment and Training Centre and one centrally located recycling facility. While we provide affordable clothing and household items to our communities, we alleviate the environmental impact of over two million pounds of unwanted clothing and apparel from local landfills each year.



## The Power of Work

Each year, we help almost 5,000 individuals with skills development, training programs and job placement. When our first thrift store opened in 1959 we knew we could make life-changing impacts. Today, thousands of people overcome barriers, gain confidence, and develop the skills and independence that help them find work because of Goodwill.

## YOU DONATE. SOMEONE WORKS.

### MISSION

To change lives through the power of work.

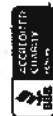
### VISION

To be the recognized leader in helping people develop work and life skills to find employment.

**Goodwill**  
Industries - Essex - Kent - Lambton

**GOODWILLEKL.COM**

1121 Wellington Street Sarnia, ON N7S 6J7  
**Sarnia Wallaceburg Chatham Windsor**



Charitable Registration #19796260000

## DONATE. SHOP. CHANGE LIVES.

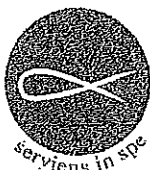


**Goodwill**  
Industries - Essex - Kent - Lambton

**GOODWILLEKL.COM**

24

*add this to report*



## Society of Saint Vincent de Paul

Windsor Essex Central Council

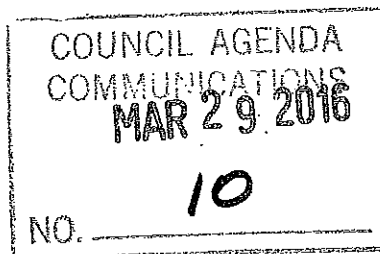
3707 Queen St. Windsor, ON N9C 1P2

Tel: 519-253-7481 Fax: 519-253-1185

*APR 2016*

March 16, 2016

Office of the City Clerk  
350 City Hall Square Room 203  
Windsor, On N9A 6S1  
Attention Anna Ciacelli



CITY OF WINDSOR  
COUNCIL SERVICES

MAR 21 2016

**RECEIVED**

Dear Mayor Dilken and City Council Members.

Society of Saint Vincent de Paul is a worldwide organization that serves those in need regardless of creed, ethnic or social background, health, gender or political opinions. We strive to seek out and find those in need, the forgotten and the victims of exclusion or adversity. Society of Saint Vincent de Paul has personal contact with the poor. . The Society has been serving Windsor Essex for 120 years and no act of charity is foreign to the Society.

Our mission statement is

"To live the Gospel message by serving Christ in the poor with love, respect, justice and joy."

We would like to make a written submission to be put on the communication agenda in hopes that we can have a matter of great importance to us and the people we serve put on an upcoming City Council agenda.

We would like to be a registered delegation that could address the city council on the matter of the ever increasing cost to charities due to amount of dumping in the Windsor area. We have over the past 3 years seen a steady increase in dumping at our bins and at our locations. The large cost to dispose of this garbage compromises our ability to serve the poor as it takes from the funds we use to feed people.

Our delegation would consist of representatives from both Society of Saint Vincent de Paul and Salvation Army.

We look forward to hearing from you with the date that our delegation can address the council.

Regards

Ib Fynbo, President





**Council Report: C 183/2020**

**Subject: Declaration of Improved Property Municipally Known as 1683 College Avenue Surplus and Authority to Offer for Sale-Ward 2**

**Reference:**

Date to Council: September 28, 2020  
Author: Chris Carpenter  
Lease Administrator (A)  
ccarpenter@citywindsor.ca  
519-255-6100 x6420  
Legal Services, Real Estate & Risk Management  
Report Date: September 10, 2020  
Clerk's File #: APM2020

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

**Recommendation:**

- I. THAT the following City of Windsor (the “**City**”) improved property **BE DECLARED** surplus:
  - Municipal address: **1683 College Avenue** – improved property situate on the southeast corner of College Avenue and Campbell Avenue
  - Legal Description: Lots 43 and 44, Part of Lot 42, Registered Plan 691 designated as Part 2 on plan 12R-28285
  - Approximate Lot size: Irregular
  - Approximate Lot area: 10,181 sq ft (945.9 m<sup>2</sup>)
  - Improvements: Mixed Use Commercial Building (herein the “**Subject Property**”); and,
- II. THAT the Manager of Real Estate Services **BE AUTHORIZED** to offer the vacant parcels of land identified in Recommendation I for sale on the Multiple Listing Service (“**MLS**”) at a price to be determined by the Manager of Real Estate Services commensurate with an independent appraisal; and,
- III. THAT the City Solicitor or designate **BE DIRECTED** to prepare a by-law to dedicate Part 1 on Plan 12R-28285 as part of the Campbell Avenue right-of-way.

**Executive Summary:**

N/A



**Background:**

The City owns an improved two storey combined use property located at the southeast corner of College Avenue and Campbell Avenue, legally described as Lots 43 and 44, Part of Lot 42, Registered Plan 691 designated as Part 2 on plan 12R-28285, as shown on the aerial diagram attached as Appendix A.

The Subject Property was vested through CR378/2018 following an unsuccessful public sale for tax arrears.

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 Property was circulated to determine whether there is a municipal use for same. Transportation Planning has identified the need for the retention of a corner cut off at the south-east corner of College Avenue and Campbell Avenue. As a result, a 5.82m x 5.82m corner cut off will be retained by the City prior to the conveyance of the Subject Property. The corner cut off is identified as Part 1 on Plan 12R-28285, which is attached as Appendix B. Should Recommendation III be approved a by-law will be prepared for Council's consideration designating Part 1 on Plan 12R-28285 part of the public highway known as Campbell Avenue.

Should Recommendations I and II be approved, the Real Estate staff will list the property for sale on MLS at a price determined by the Manager of Real Estate Services, commensurate with an independent appraisal. Should Administration successfully negotiate an acceptable Offer, a report will be brought to Council or under Delegation of Authority, as appropriate, seeking authority to sell the Subject Property.

**Risk Analysis:**

As a City-owned property, there are potential liability issues should someone be injured on the Subject Property. Additionally, maintenance of the property drains scarce municipal resources. Failure to retain the intersection corner cut off as identified in the Official Plan may hinder future road improvement projects for the intersection. Selling the Subject Property and retaining the corner cut off will remove any associated liability issues and maintenance costs for the City.

**Financial Matters:**

A survey has been charged to the vesting properties project 007-2950-9998-10545-7171059. Any future expense and/or proceeds related to the selling of the Subject Property will also be charged to this project.

**Consultations:**

Fire Department: John Lee

Windsor Police Services: Barry Horrobin

Public Works: responses consolidated by Juan Paramo

Parks: Mike Clement (now retired)  
 Facilities: Tom Graziano  
 Planning Department: Laura Diotte  
 Housing and Children Services: Tina Moore  
 Janice Guthrie, Deputy Treasurer, Taxation & Financial Projects  
 Finance: Mark DiPasquale  
 Engineering: Adam Pillon

### **Conclusion:**

Declaring the improved property identified in Recommendation I surplus, and authorizing the Manager of Real Estate Services to offer the property for sale on MLS will allow for the orderly sale of the improved property that is not required for any municipal purpose.

### **Planning Act Matters:**

N/A

### **Approvals:**

<b>Name</b>	<b>Title</b>
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 Winterton	City Engineer and Corporate Leader Environmental Protection and Transportation
Mark DiPasquale	Financial Planning Administrator
Joe Mancina	Chief Financial Officer/City Treasurer and Corporate Leader Finance and Technology
Onorio Colucci	Chief Administrative Officer

### **Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
James Scott, Manager of Parks Operations		jascott@citywindsor.ca
Mark Friel, Financial Planning Administrator		mfriel@citywindsor.ca

### **Appendices:**

- 1 Aerial Image of Subject Property
- 2 Plan 12R-28285

## Appendix A



## Appendix B

[illegible]



**Council Report: C 184/2020**

**Subject: Applications for Tax Reductions under Sections 357/358 of the Ontario Municipal Act, 2001 - City Wide**

**Reference:**

Date to Council: September 28, 2020  
Author: Carolyn Nelson  
Manager Property Valuation & Administration  
519-255-6100 ext 6170  
cnelson@citywindsor.ca

Taxation & Financial Projects  
Report Date: September 11, 2020  
Clerk's File #: AF2020

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

**Recommendation:**

THAT City Council **ACCEPT** Administration's recommendations with regards to approval of property tax relief for those applications for Tax Reduction, Cancellation and Refunds as outlined and included in Appendices A through D; and,

THAT City Council **SUPPORT** Administration's recommendation to deny applications for Tax Reduction, Cancellation and Refund for the following properties:

- 444 Park W – Roll Number 37 39 040 080 05500 0000 for taxation year 2019;
- 5484 Riverside Dr. E – Roll Number 37 39 060 050 00200 for taxation years 2017 & 2018;

and,

THAT the CFO/City Treasurer (or designate) **BE AUTHORIZED** to amend the City's Tax Master Collector's Roll for the 2017 through 2019 taxation years in the amount of \$145,775.32 (including the education portion).

**Executive Summary:**

N/A

## Background:

An application under Section 357(1) of the Ontario Municipal Act, 2001 (the Act) to City Council may be made by any person and may be made at any time during the year in respect of which the application is made and until the last day of February in the following year for the cancellation, reduction or refund of taxes. Reasons for making application include but are not limited to:

- a change event wherein the property is eligible to be reclassified in a different class which has a lower tax ratio and no supplementary assessment is made in respect to the changed event;
- property that has become exempt from taxation during the year or during the preceding year after the return of the assessment roll;
- building(s) that during the year or during the preceding year after the return of the assessment roll;
  1. was razed by fire, demolition or otherwise, or
  2. was damaged by fire, demolition or otherwise so as to render it substantially unusable for the purposes for which it was used immediately prior to the damage;
- an overcharge by reason of any gross or MPAC error that is a clerical error, the transposition of figures, a typographical error or similar type of error, but not an error in making the assessment upon which the taxes have been levied; or
- for reason of repairs or renovations the property could not be used for its normal use for a period of at least three months during the year.

An application may also be made to the City Treasurer under Section 358(1) of the Act for the cancellation, reduction or refund of taxes levied by any person who was overcharged by reason of any gross or manifest error in the preparation of the assessment roll that is clerical or factual in nature but **not an error in judgment in assessing the property**. Applications must be made between March 1 and December 31 of the year and may apply to taxes levied in one or both of the two preceeding taxation years.

The Act indicates that City Council may cancel, reduce or refund **all or part of taxes** levied on land in the year in respect of which the application is made. The decision as to the amount of tax relief to be provided (i.e. full or partial rebate) is based upon the each particular application and the degree to which each individual property is impacted by a changed event.

City Council is required to render a decision in respect of all applications by September 30 of the year following the year in respect of which the application is made. However, upon receipt of an application, Administration undertakes a review to determine both the validity and completeness of each application including verification of effective dates as

well as state and condition of buildings which may have been damaged or demolished. Administrations review also seeks confirmation where there is a tax class change that the change is reflected on the returned roll for subsequent years. This process may preclude Administration from being able to present all applications within the prescribed deadline. If no decision is made or the applicant disagrees with the decision rendered, the applicant has the right to appeal to the Assessment Review Board.

## **Discussion:**

### **Approval of Applications**

The applications which have been finalized and included for approval are presented in the attached Appendices A through D for cancellation, reduction or refund of property taxes for the years 2017 to 2019.

General details are outlined in the attached Appendices. Various applications presented within this report relate to properties affected by fire damage, demolition of structures as well as tax class changes from taxable to exempt. They represent properties within various autonomous neighbourhoods throughout the City, some of which have subsequently are in the midst of being redeveloped. As the redevelopment is completed, Administration ensures that the Municipal Property Assessment Corporation (MPAC) is made aware of the progress and completion in order that the timely return of new assessment values are provided for purposes of additional tax billings to the property owners.

Further detailed information as to reasons for approval of those applications with significant tax reductions (i.e. greater than \$10,000) are described below.

### **Tax Class Changes**

- In January 2019, a property in the 1300 block of Assumption St was purchased by an agency that has received an exempt status from MPAC. The exempt status for the property was confirmed as part of the returned assessment for 2020.
- In April 2019, a property in the 1200 block of Lauzon Rd was purchased by an agency that is considered to be a non-profit service organization. A change in tax class was confirmed as part of the returned assessment for 2020. As such a change in tax class from commercial to residential was requested to be applied to 2019 through an application.

### **Demolition**

- The report includes tax adjustments for 2017 and 2018 for the decrease in assessment value resulting from the demolition of the old Via Rail train station located at 298 Walker Rd. The old station was located on the lot adjacent to the property where the new train station was built. Taxes have been assessed on the new train station for 2017 and subsequent taxation years.

## **City Owed Properties**

Tax applications can also be used to return City owned property to exempt status from taxable, in this case as a result of the property no longer being leased to a third party.

## **Denial of Application**

Administration is recommending the denial of applications for two properties. Reasons for the denial are discussion below

### **5484 Riverside Dr. E – Roll number 37 39 050 050 00200 0000**

An application under Section 358(1) was received by a tax agent acting on behalf of the property owner. The application was dated January 13, 2020 and sought a property tax reductions for the taxation years 2017 & 2018 as a result of damage to the basement area of the residential home caused by excessive flooding. As indicated above, applications under this section are to be made between March 1 and December 31 of a year and are to be considered where there has been any overcharge caused by a gross or manifest error in the preparation of the assessment roll that is clerical or factual in nature but not an error in judgement in assessing the property. The application does not meet the criteria for tax relief and is therefore being recommended for denial.

### **444 Park St. W – Roll Number 37 39 040 080 05500 0000**

An application for the 2019 taxation year was submitted under Section 357(1)(d) (g) repairs and renovations that prevented the normal use of the land for a period of at least three months during the year. The property owners purchased the property on October 29, 2019 and were successful in having the property assessment reduced for the 2020 taxation year as a result of the building condition. To date there are no building permits which would indicate or support renovations or repairs being undertaken. As such, Administration is recommending denial of the application.

## **Risk Analysis:**

As indicated above, applications for the cancellation, reduction or refund of taxes is legislated under the Municipal Act and City Council is required to render a decision by September 30 of the year following the year in respect of which the application is made.

However upon receipt of the said applications, Administration undertakes the due diligence necessary to confirm the information contained in the application is accurate. To assist property owners who are awaiting refunds, those that are readily verified are brought forward in this report. In certain cases the presentation of certain applications may be required to wait to be dealt with subsequent to the prescribed deadline.

There is a minimal risk in holding applications in that an applicant may appeal the decision of City Council to the Assessment Review Board (ARB) by filing a notice of appeal with the registrar of the Board. It is likely that before a hearing is set by the Board, a decision will have been made by City Council.



### **Financial Matters:**

As outlined in Appendix D – Summary Distribution of Tax, the total amount of taxes to be cancelled herein is \$145,775.32 with the municipal share being \$106,099.27 and the education share being \$39,676.05. The municipal portion will be charged to the current year's provision for tax write-offs. There are sufficient funds available for this purpose. The education share will be recovered by way of a charge back to the Province.

### **Consultations:**

The Municipal Property Assessment Corporation (MPAC) provides the City with the assessed values relating to the applications for tax adjustments and confirms that tax class change requests are indeed appropriate.

### **Conclusion:**

Administration is generally in support of the applications brought forward by ratepayers for the requested tax relief. Where a denial is being recommended, the reasons for the denial have been provided.

### **Planning Act Matters:**

N/A

### **Approvals:**

<b>Name</b>	<b>Title</b>
Carolyn Nelson	Manager Property Valuation & Administration
Janice Guthrie	Deputy Treasurer Taxation & Financial Projects
Joe Manicina	Chief Financial Officer / City Treasurer and Corporate Leader Finance and Technology
Onorio Colucci	Chief Administrative Officer

### **Notifications:**

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

### **Appendices:**

**APPENDIX "A"**  
**Residential Property Class**

2017						
Roll Number	Property Address	Amount of Assessment	Tax Class	Number of days in 2017 Affected by Application	Tax Reduction	Reason for Application
040 200 01100	385 CAMERON	\$ 21,300.00	RT	365	\$ 391.74	EXEMPT
TOTAL					\$ 391.74	

2018						
Roll Number	Property Address	Amount of Assessment	Tax Class	Number of days in 2018 Affected by Application	Tax Reduction	Reason for Application
020 230 02600	1266 ARGYLE	\$ 84,991.00	RT	52	\$ 219.58	FIRE
040 200 01100	385 CAMERON	\$ 21,300.00	RT	365	\$ 386.28	EXEMPT
070 410 11400	2397 PILLETTE	\$ 18,000.00	RT	365	\$ 331.05	MPAC ERROR
080 090 04900	4126 ROSELAND E	\$ 58,938.00	RT	365	\$ 1,068.84	MPAC ERROR
TOTAL					\$ 2,005.75	

2019						
Roll Number	Property Address	Amount of Assessment	Tax Class	Number of days in 2019 Affected by Application	Tax Reduction	Reason for Application
010 110 04400	1017 HENRY FORD CTR	\$ 31,452	RT	313	\$ 482.62	FIRE
020 150 00200	906 MOY	\$ 2,962	RT	365	\$ 53.00	FIRE
020 230 02600	1266 ARGYLE	\$ 87,746	RT	365	\$ 1,570.12	FIRE
020 330 01300	2268 PARKWOOD	\$ 73,653	RT	186	\$ 671.61	FIRE
030 370 04200	1279-1281 LANGLOIS	\$ 96,500	RT	155	\$ 733.28	FULL DEMOLITION
030 370 04300	1283-85 LANGLOIS	\$ 78,562	RT	155	\$ 596.98	FULL DEMOLITION
030 530 07300	423 LOGAN	\$ 67,231	RT	58	\$ 191.17	FIRE
040 200 01100	385 CAMERON	\$ 21,300	RT	365	\$ 381.14	EXEMPT
040 250 02800	658 CARON	\$ 82,552	RT	47	\$ 190.21	FIRE
040 360 06200	1093-1099 PELISSIER	\$ 115,296	RT	182	\$ 1,028.72	FIRE
050 230 06500	3165 DONNELLY	\$ 40,000	RT	245	\$ 478.23	FIRE
060 030 05202	1094 BUCKINGHAM	\$ 473,479	RT	243	\$ 5,640.53	EXEMPT
070 130 08800	524 SCOFIELD	\$ 63,647	RT	365	\$ 1,138.90	FULL DEMOLITION
070 550 10200	2003-20105 BALFOUR	\$ 58,150	RT	243	\$ 692.74	FULL DEMOLITION
080 090 04900	4126 ROSELAND E.	\$ 9,722	RT	365	\$ 173.96	MPAC ERROR
080 100 13000	950 KENNEDY W	\$ 59,227	RT	28	\$ 81.08	FIRE
080 140 03000	4343 MITCHELL	\$ 15,622	RT	365	\$ 279.54	MPAC ERROR
080 200 09400	3110 RANKIN	\$ 105,284	RT	168	\$ 891.24	FULL DEMOLITION
080 500 12500	2362 ST PATRICK'S	\$ 14,529	RT	111	\$ 80.04	FULL DEMOLITION
080 580 08100	2074 LONGFELLOW	\$ 52,775	RT	99	\$ 255.92	FULL DEMOLITION
090 040 00100	V/L COUNTY RD 42	\$ 361,672	RT	365	\$ 4,864.12	TAX CLASS CHANGE
TOTAL					\$ 20,475.15	

**APPENDIX "B"**  
**Business Class - Commercial / Industrial / Multi-Residential**

2017						
Roll Number	Property Address	Amount of Assessment	Tax Class	Number of days in 2017 Affected by Application	Tax Reduction	Reason for Application
020 010 00800	298 WALKER RD	\$ 345,000	CT/CU	365	\$ 14,239.77	FULL DEMOLITION
TOTAL					\$ 14,239.77	

2018						
Roll Number	Property Address	Amount of Assessment	Tax Class	Number of days in 2018 Affected by Application	Tax Reduction	Reason for Application
020 010 00800	298 WALKER RD	\$ 392,001	CT/CU	365	\$ 13,987.18	FULL DEMOLITION
020 350 03500	1525-1545 TECUMSEH E.	\$ 219,000	CT	25	\$ 698.66	FIRE
TOTAL					\$ 14,685.84	

2019						
Roll Number	Property Address	Amount of Assessment	Tax Class	Number of days in 2019 Affected by Application	Tax Reduction	Reason for Application
010 160 01100	1409 DROUILLARD	\$ 52,805	RT/CT	365	\$ 1,560.00	FIRE
020 040 06800	1361-1381 ASSUMPTION	\$ 522,750	MT	348	\$ 17,034.35	EXEMPT
020 230 11202	1275 WALKER	\$ 191,350	ST	194	\$ 4,655.23	EXEMPT
020 230 11202	1275 WALKER	\$ 155,403	CT	194	\$ 3,780.70	EXEMPT
030 510 01600	695 TECUMSEH E	\$ 229,800	IT	334	\$ 1,025.82	TAX CLASS CHANGE
040 020 00100	245 WINDSOR	\$ 49,331	CP/DP	365	\$ 637.00	TAX CLASS CHANGE
040 020 02800	110 PARK W.	\$ 52,575	CP	365	\$ 678.22	TAX CLASS CHANGE
040 540 04800	1568 OUELLETTE	\$ 230,030	CT	365	\$ 2,128.28	FULL DEMOLITION
050 240 03100	700 BROCK	\$ 58,475	CT	202	\$ 902.04	TAX CLASS CHANGE
060 300 21300	1245 LAUZON	\$ 618,750	CT/CU	264	\$ 12,377.28	TAX CLASS CHANGE
060 300 23700	1621-1665 LAUZON	\$ -	CT/CU	74	\$ -	FULL DEMOLITION
070 301 03500	3403 ST ETIENNE	\$ 552,750	CT	61	\$ 4,228.33	EXEMPT
070 310 00301	2695 BERNARD	\$ 609,750	CT	152	\$ 8,391.48	TAX CLASS CHANGE
070 350 01100	0 CADILLAC	\$ 92,500	CT	365	\$ 3,485.87	TAX CLASS CHANGE
TOTAL					\$ 60,884.60	

**APPENDIX "C"**  
City of Windsor Owned

2019						
Roll Number	Property Address	Amount of Assessment	Tax Class	Number of days in 2019 Affected by Application	Tax Reduction	Reason for Application
050 170 06300	4365 SANDWICH	\$ 44,857	IT	216	\$ 5,923.19	TAX CLASS CHANGE
070 100 00200	3803 HOLBURN	\$ 163,000.00	RT	333	\$ 2,735.49	EXEMPT
080 840 32500	0 G N BOOTH DR	\$ 104,650	IT	216	\$ 3,138.53	EXEMPT
090 040 03402	0 EC ROW E	\$ 609,000	CT	184	\$ 14,052.24	EXEMPT
090 040 03502	0 EC ROW E	\$ 313,900	CT	184	\$ 7,243.02	EXEMPT
TOTAL					\$ 33,092.47	

**APPENDIX "D"**  
**Summary Tax Distribution**

**CANCELLATION, REDUCTION OR REFUND**

<b>Tax Class</b>	<b>Cancellation</b>	<b>Municipal</b>	<b>Education/Hospital</b>
	<b>Amount</b>	<b>Share</b>	<b>Share</b>
2017 Residential - Appendix "A"	\$ 391.74	\$ 348.65	\$ 43.09
2018 Residential - Appendix "A"	\$ 2,005.75	\$ 1,785.12	\$ 220.63
2019 Residential - Appendix "A"	\$ 20,475.15	\$ 18,222.88	\$ 2,252.27
<b>Residential Tax Cancellation</b>	<b>\$ 22,872.64</b>	<b>\$ 20,356.65</b>	<b>\$ 2,515.99</b>
2017 Commercial, Industrial & Multi-Res. - Appendix "B"	\$ 14,239.77	\$ 9,825.44	\$ 4,414.33
2018 Commercial, Industrial & Multi-Res. - Appendix "B"	\$ 14,685.84	\$ 10,133.23	\$ 4,552.61
2019 Commercial, Industrial & Multi-Res. - Appendix "B"	\$ 60,884.60	\$ 42,619.22	\$ 18,265.38
2019 City of Windsor - Commercial, Industrial & Multi-Res. - Appendix "C"	\$ 33,092.47	\$ 23,164.73	\$ 9,927.74
<b>Commercial, Industrial &amp; Multi-Res. Tax Cancellation</b>	<b>\$ 122,902.68</b>	<b>\$ 85,742.62</b>	<b>\$ 37,160.06</b>
<b>Total Cancellation</b>	<b>\$ 145,775.32</b>	<b>\$ 106,099.27</b>	<b>\$ 39,676.05</b>



**Council Report: C 175/2020**

**Subject: Relief from Property Taxation 2019 - Extreme Poverty and/or Sickness - City Wide**

**Reference:**

Date to Council: September 28, 2020  
Author: Carolyn Nelson  
Manager Property Valuation & Financial Projects  
(519) 255-6100 ext 6170  
cnelson@citywindsor.ca  
Taxation & Financial Projects  
Report Date: August 28, 2020  
Clerk's File #: AF2020

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

**Recommendation:**

THAT City Council **ACCEPT** Administration's recommendation with regards to approval of fourteen (14) applications for a total tax relief of \$25,360.71 (inclusive of education portion); and,

THAT City Council **SUPPORT** Administration's recommendation with regards to the denial of eight (8) applications for tax relief.

**Executive Summary:**

N/A

**Background:**

Property taxation provides municipalities with the necessary revenue required to fund annual operating and capital expenditures. The administration of property taxes is governed through Parts VIII (municipal taxation) through to Part XI (sale of land for tax arrears) under the Ontario Municipal Act, 2001. Once property taxes are levied, there is the expectation that property owners will remit payments when due. There is limited availability for municipalities to provide tax relief to property owners namely:

- Section 319: Tax deferrals, Relief of Financial Hardship which provides for a full or partial tax deferral on increases in property taxes as a result of increases in property assessment valuation for 1998 and subsequent years. To qualify, an

eligible property must be included in the residential property class and the assessed owner (or spouse) must be a low income senior or low income person with disabilities.

- Section 357: Cancellation, Reduction or Refund of property taxes in the year following the year in respect of which the application is made to the City Treasurer. This section requires Council's approval on an annual basis for tax relief to property owners as a result of occurrences such as building demolitions, destruction of property caused by fire, changes to property tax class and/or the **inability to pay taxes because of sickness or extreme poverty**.
- Section 365: Cancellation, Reduction or Refund of property taxes which provides for tax relief on eligible properties where the taxes are considered to be unduly burdensome. Eligible properties are those that are within the residential, farm or managed forest classifications as determined by MPAC.

After a thorough review and public consultation process in 2010 Council approved the guidelines for the tax relief program under Section 357 (1) (d.1) of the Municipal Act to provide assistance to residential property owners who are unable to pay taxes because of sickness or extreme poverty (CR 356/2010). The guidelines were further refined in 2011 after the results of the first pilot year was reported on (EC 31/2011). Tax relief under Section 357 (1) (d.1) provides assistance to those identified as most in need based upon best practices and community consultation.

### **Discussion:**

As stated above, a reduction or refund of property taxes can be provided for in the year following the year in respect of which the application is made to the City Treasurer. In other words, the applications being brought forward to Council are in regards to request for relief from 2019 property taxes. A total of twenty-two (22) applications were received.

Applications and supporting documentation are first thoroughly reviewed by Finance Administration in accordance with established criteria. Initial recommendations of fourteen (14) approvals and eight (8) denials are made based on results of the review and information submitted. Applicants were then notified of Finance Administration's recommendation.

Those applicants which were recommended for denial are then afforded the opportunity to submit a request to the Property Tax Relief Internal Review Panel (PTRIRP), and internal review panel comprise of staff from the Social and Health Services Department, for a second review and independent recommendation. One appeal was forwarded to the PTRIRP, and the recommendation for denial was upheld.

### **Impact of Reassessment on the 2017 – 2020 Tax Relief program administration**

As Council will recall, 2017 was the 1st year of the current four-year reassessment cycle and Administration advised Council in the previous year's Tax Relief Report that assessment values were projected to increase by 12% (approximately 3% per year) over the four year cycle. As a result of same, Administration recommended increasing

the historical home assessment value threshold of \$150,000 for the respective taxation years to the following:

<b>Tax Year</b>	<b>Threshold</b>
2017	\$154,500
2018	\$159,000
2019	\$163,500
2020	\$168,000

### **Risk Analysis:**

Applications for tax relief due to sickness and/or extreme poverty are allowed under Section 357 of the Ontario Municipal Act and therefore municipalities must have a mechanism in place to address these types of requests. The program currently offered by the City is specifically designed to provide temporary relief (maximum two years) to those property owners who qualify based upon the approved criteria. The program is voluntary however once application has been made, the required documents to support the application must be submitted for review or the application will be noted as incomplete.

It should be noted that Council must make the final decision in regards to these applications. Should applicants not be satisfied by recommendations of Administration or the PTRIRP they have the right to appeal to City Council for further consideration in conjunction with this report. Should City Council uphold the denial an appeal to the Assessment Review Board (ARB) can be made by the applicant.

Aside from the financial impact there is very little risk associated with this program as applications are screened by Administration and supporting documentation is required prior to receiving approval. Applicants who are denied tax relief are allowed to make an appeal to the ARB.

### **Financial Matters:**

The results of the 2020 program have been summarized in the chart below. Fourteen (14) applicants are being recommended for approval. Of those approved, one (1) had been approved for tax relief in a prior year, making this their second and final year of tax relief under this program. Due to privacy concerns only general reasons for denial have been stated. Additional information has been provided by way of confidential memo.



<b>Total Recommended for Approval 14</b>	<b>Total</b>	<b>City Share</b>	<b>Education Share</b>
	\$25,360.71	\$23,364.94	\$1,995.77
<b>Total Recommended for Denial 8</b>	<b>Reason for Denial</b>		
	Income over Threshold		4
	Incomplete Information		2
	CVA over \$163,500		2

Based upon Administration's recommendation, total tax relief of \$25,360.71 will be granted. The municipal portion is \$23,364.94. The education portion of \$1,995.77 will be recorded as a charge back to the Province. As the tax relief relates to taxes levied in 2019, \$25,000 was accrued as part of the 2019 year-end allowance for doubtful accounts as a direct charge to the property tax write-off provision so there will be no impact on the current year operating budget. The difference between the allowance and the actual charge of \$1,635.06 will be used to offset other tax related property tax adjustments which are approved during the year as the write-off provision is not specifically allocated by type of adjustment.

### **Consultations:**

Property Tax Relief Internal Review Panel (PTRIRP) – Employment and Social Services

### **Conclusion:**

The property tax relief program's main objective continues to be a means of giving taxpayers temporary financial assistance for the established maximum period of two year, (consecutive or otherwise) during which they can consider their situation and make changes accordingly.

Application is voluntary and approval is subject to meeting the conditions of the program eligibility. Based upon the number of applications received and recommended for approval, this program, while resource intensive, reaches a small segment of ratepayers most in need and is therefore a much needed program within our community. Over the course of time in which the program has been available, approximately 191 residents have received either full or partial tax relief.

**Planning Act Matters:**

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
Carolyn Nelson	Manager Property Valuation & Administration
Janice Guthrie	Deputy Treasurer Taxation & Financial Projects
Joe Mancina	CFO & City Treasurer, Corporate Leader Finance & Technology
Onorio Colucci	Chief Administrative Officer

**Notifications:**

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

**Appendices:**

- 1 P&C Memo for Mayor and Council Only



**Council Report: C 165/2020**

**Subject: Approval to Execute an Agreement Under Section 27 of the Development Charge Act - 1600 Lauzon Rd.**

**Reference:**

Date to Council: September 28, 2020  
Author: Janice Guthrie  
Deputy Treasurer, Taxation & Financial Projects  
519-255-6100 Ext 6271  
jguthrie@citywindsor.ca

Greg Atkinson  
Planner III  
519-255-6543 Ext 6582  
gatkinton@citywindsor.ca  
Taxation & Financial Projects  
Report Date: August 17, 2020  
Clerk's File #: AF/13915

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

**Recommendation:**

THAT Administration **BE DIRECTED** to prepare an agreement(s) with Farhi Holdings Corporation pursuant to Section 27 of the Development Charge Act with regards to the payment of development charges (DCs) for the multiple dwelling buildings to be constructed on the site located at 1600 Lauzon Road; and,

THAT the agreement(s) contain the following specific terms and conditions:

- The agreement(s) will relate to the proposed seven (7) multiple dwelling residential buildings only;
- Amount of DCs payable for each building will be calculated as of the date of issuance of a building permit for each building;
- Payment of the DCs will be due in full on the date which is the earlier of:
  - When each building occupancy has reached 85% or
  - Delivery of the MPAC Notice of Assessment to the owner which includes new assessment for each residential rental building;
- Should there be a sale of the units or of the property or advanced offering of rental of the units prior to the DCs becoming due and payable, the DCs will immediately become due and payable;
- Agreement(s) cannot be assigned by the owner;
- Payment deferral will be secured by an irrevocable Letter of Credit issued to the City in an amount sufficient to cover both the DCs and estimated applicable interest;

- The Letter of Credit will also include an annual auto renewal clause;
- The City will charge interest annually on the outstanding DCs which is calculated based upon the greater of:
  - Statistics Canada Building Construction Price Index Non-Residential (annual change as at 2<sup>nd</sup> Quarter ) + 1% premium or
  - Bank of Canada Rate as at June 30<sup>th</sup> of each year plus one percent (1%);
- In the event that a Letter of Credit is not provided, the interest rate on the outstanding DCs will be the greater of:
  - Statistics Canada Building Construction Price Index Non-Residential (annual change as at 2<sup>nd</sup> Quarter ) + 5% premium or
  - Bank of Canada Rate as at June 30<sup>th</sup> of each year plus five percent (5%);
- In the event of default in payment of the DCs, the outstanding amount can be added to the property taxes and collected in the same manner as property taxes;

and,

THAT City Council **AUTHORIZE** the Chief Administrative Officer and City Clerk to execute said agreement, acceptable in form to the City Solicitor, in technical content to the Chief Building Official, and in financial content to the Chief Financial Officer and City Treasurer.

### **Executive Summary:**

N/A

### **Background:**

On March 25, 2019, City Council accepted the recommendations of the Development and Heritage Standing Committee which approved Official Plan and Zoning By-law amendments required to proceed with the proposed redevelopment of the lands located at 1600 Lauzon Rd. (formerly Lear Corporation lands) by Farhi Holding Corporation (FHC) (C119/2019).

On April 15, 2019 City Council approved the application made by FHC for participation in the Brownfield Tax Assistance and Rehabilitation Grant Programs which provide various financial incentives as allowed under the Brownfield Community Improvement Plan (Brownfield CIP) (CR187/2019).

As part of the approved financial incentives, FHC would be eligible to receive:

- A 60% reduction in development charges (DCs)
- A tax cancellation equivalent to 100% of the increase in total property tax for up to 3 years
- A grant equivalent to 70% of the increase in municipal property taxes for up to 10 years or until 100% of the eligible costs are repaid. It should be noted that a

grant equivalent to 100% of the increase in municipal property tax would be available on those aspects of the project that are certified under the Leadership in Energy and Environmental Design program (LEED).

- The proposed development would be constructed in phases beginning with the residential component and concluding with the hotel and commercial components. As a result of the phased approach, the grants and incentives approved as part of the program would commence with the completion of the first phase increasing in amount throughout the development in an incremental manner and continue for a maximum of 13 years.

On March 20, 2020, City Council approved recommendations in order to address the impacts of Bill 108 Development Charges Act (DCA) changes that came into effect on January 1, 2020 (CR 109/2020). Bill 138, the Plan to Build Ontario Together Act, received royal assent on December 10, 2019, amended a section of Bill 108 related to the collection of DCs for commercial and industrial developments. Parts of Bill 138, including the part that amended Bill 108, the More Homes More Choice Act, were proclaimed on December 16, 2019 and became effective on January 1, 2020. These changes required the City to immediately consider new administrative processes to ensure an orderly transition and to preserve revenue neutrality.

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

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

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

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

Collection of DCs for rental housing developments (excluding non-profit) and institutional uses will be deferred from first building permit issuance until first occupancy and collected in six equal annual installment payments over the course of five years. Interest can be charged on the installment payments for these developments in accordance with s.26.1(7) of the DCA.

The final site design proposal for 1600 Lauzon has identified a mixed-use development that included:

- 101 detached residential lots;
- 7 mid-rise multiple dwellings buildings (total of 442 units);
- hotel; and

- commercial uses

In total the existing 41.8 acres of former industrial land will be fully remediated and redeveloped over a period of 10 to 12 years

Over recent months, Administration has been engaged in discussions with FHC with regards to the details as to the timing and application of the approved financial incentives. The proposed overall development is expected to cost millions and cash flow considerations are an important aspect of the development process. The financial incentives available under the Brownfield CIP are structured in a manner that is a cost recovery basis. That is, the developer is expected to fully fund the cost of rehabilitation, site servicing and development in advance of and as a condition to receiving financial grants from the City.

In addition, program changes as it relates to the charging and collection of DCs, in particular the new requirement for a mandatory deferral of DCs, will apply to the multiple dwelling residential rental housing component of the development. This mandatory deferral will prolong the timeframe in which the City would otherwise receive payment of the DCs. An exception to the mandatory deferral is provided pursuant to s27 of the DCA which allows for an agreement that would establish an alternative payment arrangement. FHC has requested that an alternative payment arrangement be approved as it relates to this development.

### **Discussion:**

As indicated above, as part of the financial incentives provided through the Brownfield CIP, FHC will be eligible to receive a rebate of up to 60% of the DCs. In other words FHC will be responsible, at time of building permit issuance, for 40% of the DCs owing. Payment of the DCs will be associated with the type of development. In other words, payment of the DCs on the detached residential lots will be required at time of building permit issue. Payment of the DCs on the residential rental housing (multiple dwelling buildings), pursuant to the amended legislation in effect as of January 1, 2020, will be required to be deferred from building permit issuance until first occupancy and collected in six equal annual installment payments over the course of five years. While this deferral was intended to assist smaller developers with cash flow requirements, municipalities are able to set an interest charge during the period of deferral. The rate of interest is dependant upon whether the deferral is secured, usually through Letter of Credit which is provided at a cost to the developer. Therefore over the span of deferral, developers will incur more costs associated with the DC. That additional cost must be weighed against the benefit of the delayed cash flow impacts. From a municipal cash flow perspective, the mandatory deferral will delay the timeframe in which the City is in receipt of funds which will be used support future growth related projects and initiatives.

An alternative to the mandatory deferral is provided pursuant to s27 of the DCA which allows a municipality to enter into an agreement that would provide for payment of any part or all of the DC prior to or after the required date. Terms may be flexible and reflect the unique structure of each development. Interest, similar to what was allowed and approved in accordance with the provisions of the deferral or other appropriate rate,

may also be applied during the period for which the agreement is in place until such time as payment in full is made.

Administration is in support of FHC's request for an alternative DC payment arrangement and is recommending that the City enter into an agreement(s) with FHC subject to the following specific terms and conditions:

- The agreement(s) will relate to the proposed seven (7) multiple dwelling residential buildings only;
- Amount of DC payable for each building will be calculated as of the date of issuance of a building permit for each building;
- Payment of the DCs will be due in full on the date which is the earlier of:
  - When each building occupancy has reached 85% or
  - Delivery of the MPAC Notice of Assessment to the owner which includes new assessment for each residential rental building;
- Should there be a sale of the units or the property or advanced offering of rental of the units prior to the DCs becoming due and payable, the DC will immediately become due and payable;
- Agreement(s) cannot be assigned by the owner;
- Payment deferral will be secured by an irrevocable Letter of Credit issued to the City in an amount sufficient to cover both the DC and estimated applicable interest ;
- The Letter of Credit will also include an annual auto renewal clause
- The City will charge interest annually on the outstanding DC which is calculated based upon the greater of:
  - Statistics Canada Building Construction Price Index Non-Residential (annual change as at 2<sup>nd</sup> Quarter ) + 1% premium or
  - Bank of Canada Rate as at June 30<sup>th</sup> of each year plus one percent (1%);
- In the event that a Letter of Credit is not provided, the interest rate on the outstanding DC will be the greater of:
  - Statistics Canada Building Construction Price Index Non-Residential (annual change as at 2<sup>nd</sup> Quarter ) + 5% premium or
  - Bank of Canada Rate as at June 30<sup>th</sup> of each year plus five percent (5%);
- In the event of default in payment of the DC, the outstanding amount can be added to the property taxes and collected in the same manner as property taxes;

Further discussion with regards to the specific terms is included in Financial Matters.

### **Risk Analysis:**

As with any development, cash flow considerations are a high risk factor. An agreement which allows for the payment of DC's based upon alternative agreed upon dates assists both FHC and the City. Security for payment, by way of a Letter of Credit, mitigates the risk to the City of non-payment. Additionally, the DCA allows outstanding DCs to be added to property taxes and collected in the same manner as property tax. Interest, at the stated rates, will provide compensation to the City for during the period of time that the revenue would have otherwise been received and available to fund other projects and initiatives.

Administrative responses will be required to manage and monitor the agreement throughout the period of development however this will be done in connection with the administration of the financial incentives. An additional amount of 1% is also received as interest which is considered to be compensation for this additional administrative work for monitoring compliance of the agreement.

### **Financial Matters:**

As previously indicated, this development is eligible to receive a reduction of up to 60% of the DCs payable to offset eligible remediation and servicing costs. This reduction is available as part of the Brownfield CIP and was approved as part of the overall financial incentive program. Total DCs as it relates to the development is estimated to be \$10,482,610 which would be reduced by 60% or \$6,289,566 and provided at time of building permit issuance for each phase of the development. The actual amount of the rebate is subject to confirmation of actual site remediation costs incurred. The remaining 40% or \$4,193,044 will be required to be paid to the City.

### **Alternative Payment Date**

The DCs, included in the above total of \$4,193,044, which relate to the residential rental development, and otherwise subject to the mandatory deferral are estimated to be \$2,468,128. By authorizing an agreement under s 27 of the DCA the payment of these DCs, either in full or in part can be accelerated. In other words, rather than the DCs being paid over a period of 5 years beginning after the date of occupancy for each multiple dwelling building (the current mandatory requirement), the DCs would be paid, in full, on the date that has been agreed to by the parties as being either the date upon which occupancy levels reach 85% or the date that MPAC provides FHC with a Notice of Assessment for the building. Typically the trigger for MPAC to know that development is complete and that an assessment value is required is the completion of the building permit. It can be several months and up to two years following building permit completion before an assessment notice is provided to a property owner. Given the current need for residential rental units in the City it is anticipated that a minimum occupancy level of 85% will be achieved following building completion and that this will likely be the date upon which the DC would become due and payable. Should there be a need for the pre-rental or pre-sale of units as a result of market demand for housing units or sale of the property, the DCs related to that residential rental development would become due in full at the time that the units are offered for sale.

### **Interest Charges**

S.27 of the DCA provides that interest may be charged on any part of the DC that is paid after it is required to be paid as set out in the agreement. As part of the report presented to City Council with regards to the changes in DC administration (C11/2020) it was recommended that, with the provision of Letter of Credit, the interest rate be equal to the greater of the Statistics Canada Building Construction Price Index Non-Residential (annual change as at 2<sup>nd</sup> Quarter) + 1% premium or the Bank of Canada Rate as at June 30<sup>th</sup> of each year plus one percent (1%) to cover the additional administrative oversight required to manage the programs. If in the event an Letter of



Credit is not provided, the interest rate would be equal to the greater of the Statistics Canada Building Construction Price Index Non-Residential (annual change as at 2<sup>nd</sup> Quarter) + 5% premium or the Bank of Canada Rate as at June 30<sup>th</sup> of each year plus five percent (5%).

The Statistics Canada Non-residential Construction Price index being recommended is the same methodology used to apply the annual increase to the calculated DC charges to keep up with the cost of inflation and will maintain consistency and enhance the understanding of the process. The Bank of Canada Prime Rate as at June 30<sup>th</sup> of each year is also included to offset any significant fluctuation in the Statistics Canada Building Construction Price Index Non-Residential change. By basing deferred DC carrying costs on this methodology, the City is mitigating the risk that the cost of growth exceeds the revenue ultimately received over time thus minimizing the financial impact to existing ratepayers.

For illustrative purposes, using information available for 2020 and assuming that a Letter of Credit will be provided, the rate of interest that would be applicable at this time would be 3.6%. This rate would be applied to any portion of the DC that was due at time of building permit issuance until such time as payment is made. Based upon financial models provided by FHC and assuming that for each phase of the development, FHC would be provided with a deferral of two years, total interest earned would be approximately \$177,705.

## **Security for Payment**

One of the significant risks to municipalities is the collectability of deferred DC payments that remain uncollectible and fall into arrears. These outstanding payments currently do not have priority lien status or the requirement to register agreements on title to land. In order to mitigate this risk, it is being recommended a Letter of Credit be provided as security for the deferred DC payments. As indicated above, the City would require an irrevocable and auto renewable Letter of Credit issued to the City by FHC's lending institution. Additionally, the DCA allows outstanding DCs to be added to property taxes and collected in the same manner as property taxes.

## **Revised Estimate of Financial Incentives**

Based upon information provided by FHC, total estimated site remediation and servicing costs will reach \$12.5 million. As part of the report previously provided to City Council with regards to the total financial incentives being provided by the City (S52/2019), an estimated build out and phase in grant calculation was completed. Based upon updated information obtained from FHC, the following revised schedule provides an estimate of how the grant value would change relative to the timing of development:

- Year 1: completion of first multiple dwelling residential building (58 units)
- Year 2: completion of 2<sup>nd</sup> multiple dwelling residential building (58 units) and 21 single family residential homes

- Year 3: completion of 3<sup>rd</sup> multiple dwelling residential building (58 units) and 40 single family residential homes
- Year 4: completion of 4<sup>th</sup> multiple dwelling residential building (58 units) and 40 single family residential homes
- Years 5 to 7: completion of 5<sup>th</sup> , 6<sup>th</sup> and 7<sup>th</sup> multiple dwelling residential building (70 units each)
- Year 9: completion of hotel
- Year 10: completion of commercial buildings

As noted in the Background, this development has received approval for a tax increment grant of 70% of the increase in municipal property taxes. FHC has advised that six of the seven multiple dwelling buildings will be constructed using LEED design. Subject to confirmation the eligible tax increment grant for those buildings can now be increased to 100%. While this will increase the municipal tax grant for this portion of development, the total overall grant will not exceed total eligible costs.

Based upon the revised build out schedule the following estimates have been made in regards to the financial incentives which could be made available to assist with the development:

Reduction of Development Charges	\$5,462,016
Tax Assistance Program/BFTIP (Years 1-3)	\$2,022,891
Brownfield Rehabilitation Grants (standard construction) (Years 4-8)	\$5,034,486
<b>Total</b>	<b>\$12,519,393</b>

In total the anticipated site remediation and servicing costs of \$12.5 million will be fully recovered through the approved financial incentives. Under the revised development schedule Administration estimates that the total DC reduction will likely be closer to 52% or \$5.4 million as opposed to the 60% which is available and anticipates there would be no further property tax increase grants or incentives provided following Year 8 of the development. The City would then be entitled to retain DCs applicable on future phases and 100% of increased municipal property tax on an annual basis. The annual municipal increase in property tax is amount is estimated to be \$2,139,902 once all development is complete.

## Consultations:

Wira Vendrasco, Deputy City Solicitor

John Revel, Chief Building Officer

Joe Baker, Deputy CBO/Manager of Permit

Tony Ardovini, Deputy Treasurer Financial Planning

## Conclusion:

The proposed development of the lands located at 1600 Lauzon Rd. is significant and will result in the remediation and redevelopment of 41.8 acres of vacant industrial land, creation of 101 single family residential homes, 442 residential rental units, a proposed hotel and commercial space. The redevelopment of these lands would remove approximately 11% of the land from the city's 226 hectare Redevelopment Opportunities Inventory. Approval is required to be able to enter into an agreement in regards to payment of DCs related to the residential rental development. This agreement will benefit both the City and FHC.

## Planning Act Matters:

### Approvals:

Name	Title
Thom Hunt	City Planner
Shelby Askin-Hager	City Solicitor
Joe Mancina	CFO & City Treasurer
Onorio Colucci	CAO

### Notifications:

Name	Address	Email
Jim Bujouves, President Farhi Developments	620 Richmond Street, Suite 201 London, Ontario N6A 5J9	<a href="mailto:jimb@fhc.ca">jimb@fhc.ca</a>

## Appendices:



**Council Report: C 185/2020**

**Subject: Proposed Disposition of Real Estate Property by the Greater Essex County District School Board - City Wide**

**Reference:**

Date to Council: September 28, 2020

Author: Sandra Bradt

Executive Initiatives Coordinator

Ph: 519-255-5200 x 5354

sbradt@citywindsor.on.ca

Administration

Report Date: September 15, 2020

Clerk's File #: ME2020

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

**Recommendation:**

THAT City Council **AUTHORIZE** the Executive Director of Housing and Children's Services to decline the offer to purchase the former Harrow District High School as communicated by the Greater Essex County District School Board; and further,

THAT the Commissioner of Community Development and Health Services **BE AUTHORIZED** to decline any offers of real estate property in Essex County made by any school board as required under Regulation 444/98 of the Education Act; and further,

THAT City Council **AUTHORIZE** that any offers of real estate property within City of Windsor boundaries **BE DIRECTED** to the Real Estate Division for disposition according to the established process; and further,

THAT, should the Commissioner of Community Development and Health Services wish to consider the offer of any properties offered by any school boards in accordance with the Education Act, that such offers **BE BROUGHT TO COUNCIL** for consideration and direction.

**Executive Summary:**

N/A

**Background:**

The City of Windsor is the Consolidated Municipal Service Manager (CMSM) for Windsor and Essex County, delivering housing and homelessness programs and children's services regionally on behalf of the Province through the *Child Care and Early Years Act, 2014*, and *Housing Services Act, 2011*.

The sale of real estate property by a school board is governed by Regulation 444/98 under the *Education Act* (Ontario). The regulation reads in part that “*a board that has adopted a resolution under clause 194 (3) (a) of the Act that real property is not required for the purposes of the board may sell, lease or otherwise dispose of the property....*”.

The Greater Essex County District School Board, in accordance with Section 13 of the Regulation, has provided the Executive Director of Housing and Children's Services with notice of its continued desire to sell the former Harrow District High School property in Harrow, Ontario.

### **Discussion:**

As the Consolidated Municipal Service Manager (CMSM) for both Windsor and Essex County, funded in part by the Ministry of Education, Community Development and Health Services (CDHS) periodically receives offers of surplus properties as required by school boards' property disposal policies.

Approximately three years ago, the Greater Essex County District School Board declared its Harrow District High School, located in the Town of Essex, as surplus to its needs and attempted to sell it. A sale has not occurred. On September 11, 2020, as required under the Regulations, the Superintendent of Business & Treasurer of the Greater Essex County District School Board sent a letter to the Executive Director of Housing and Children's Services once again offering the property to the City of Windsor. Although CDHS has no interest in acquiring the property, the Ministry of Education requires that the school board confirm this information with them in writing.

Typically such requests would be circulated to municipal departments by the City's Real Estate division to determine if any department would be interested in the property. As the former Harrow High School is located outside of the municipal boundaries, the Legal department has advised that the issue should be brought to City Council.

Administration is requesting that the Commissioner of Community Development and Health Services be authorized by City Council to decline such offers of property in Essex County from school boards that are received as per Regulation 444/98. Should any property be located within the municipal boundaries of the City of Windsor, such offers would be handled by the City's Real Estate division as per the established process. Further, should any property be considered for the City's use, such a purchase would be presented to Council as per the established process.

### **Risk Analysis:**

There is no risk to the City of Windsor by declining this offer to purchase Harrow High School.

### **Financial Matters:**

There are no financial implications to declining the offer to purchase Harrow High School.

**Consultations:**

Frank Scarfone – Manager, Real Estate Services

**Conclusion:**

Although the former Harrow District High School property has been offered to the City of Windsor as the Consolidated Municipal Service Manager for Windsor and Essex County, the CMSM has no interest in the property. Administration is seeking authorization to convey that information in writing to the Greater Essex County District School Board to satisfy the requirements of the Education Act. In order to expedite any responses to similar inquiries in the future, the Commissioner of Community Development and Health Services is seeking authorization to decline any such future offers for Essex County school properties made per the regulations.

**Planning Act Matters:****Approvals:**

Name	Title
Sandra Bradt	Executive Initiatives Coordinator
Debbie Cercone	Executive Director of Housing and Children's Services
Jelena Payne	Community Development and Health Commissioner, Corporate Leader – Social Development and Health
Shelby Askin Hager	City Solicitor and Corporate Leader - Economic Development and Public Safety
Onorio Colucci	Chief Administrative Officer

**Notifications:**

Name	Address	Email

**Appendices:**



**Committee Matters: SCM 266/2020**

**Subject: Minutes of the Housing & Homelessness Advisory Committee of its meeting held June 23, 2020**

Moved by: Councillor McKenzie  
Seconded by: Councillor Bortolin

Decision Number: **CSPS 114**

THAT the minutes of the Housing & Homelessness Advisory Committee of its meeting held June 23, 2020 **BE RECEIVED**.

Carried.

Report Number: SCM 227/2020  
Clerk's File: MB2020

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





## **Committee Matters: SCM 227/2020**

**Subject: Minutes of the Housing & Homelessness Advisory Committee of its meeting held June 23, 2020**

## **Housing & Homelessness Advisory Committee**

Meeting held June 23, 2020 via Zoom Video Conference

A meeting of the Housing & Homelessness Advisory Committee is held this day at 9:30 a.m. via Zoom video conference there being present the following members:

Marina Clemens, Chair  
Councillor Kieran McKenzie  
Jessica Brunet  
Fiona Coughlin (arrives at 9:50 a.m.)  
Phil Dorner  
Kathy Hay  
Eric Hill  
Jim Steele  
Leigh Vachon (arrives at 9:50 a.m.)  
Joyce Zuk

### ***Regrets received from:***

Anna Angelidis

### ***Also present are the following resource personnel:***

Jelena Payne, Commissioner Development & Health  
Debbie Cercone, Executive Director of Housing & Children's Services  
Chris Aspila, Planner III  
Judith Binder, CMHC  
Jeannie Diamond Francis, County of Essex  
Kelly Goz, Coordinator, Housing Administration & Development  
Tina Moore, Coordinator, Housing Administration & Development  
George Robinson, Planner II  
Jolayne Susko, Coordinator, Housing Administration & Policy  
Jennifer Tanner, Manager Homelessness & Housing Support  
Karen Kadour, Committee Coordinator

## **1. Call to Order**

The Chair calls the meeting to order at 9:40 o'clock a.m. and the Committee considers the Agenda being Schedule A attached hereto, matters which are dealt with as follows:

## 2. Disclosure of Interest

None disclosed.

## 3. Adoption of the Minutes

Moved by E. Hill, seconded by Councillor McKenzie,  
That the minutes of the Housing & Homelessness Advisory Committee of its meeting held February 11, 2020 **BE ADOPTED** as presented.  
Carried.

## 4. Business Items

### 4.1 COVID-19 Updates from the Housing Department & HHAC Members

D. Cercone provides the following updates relating to COVID-19 and the Housing Department, City of Windsor:

Soon after the pandemic began, the provincial and federal government provided additional funding to assist the Housing Department in supporting its funded agencies and vulnerable populations.

The table below provides an overview of the initial funding streams and allocations.

Funding Stream	Funding Ministry	Amount	Date of Allocation	Purpose / Guidelines
Social Services Relief Fund (SSRF)	Ministry of Municipal Affairs & Housing (MMAH)	\$3.7 million	Apr 1, 2020	To help social service providers such as emergency shelters, food bank, supportive housing to deliver their critical services, hire additional staff and find ways to promote social distancing and self-isolation. Falls under the Community Homelessness Prevention Initiative (CHPI) guidelines.
Canada's COVID Economic Response Plan	Employment & Social Development Canada (ESDC)	\$1.47 million	Apr 1, 2020	To provide assistance to organizations attending to the needs of people experiencing or at risk of homelessness during the pandemic.
Federation of Canadian Municipalities (FCM)	n/a	\$34,000	Jun 3, 2020	To provide COVID-19 related supports to vulnerable populations.
COVID 19: Temporary Pandemic Pay	MMAH	\$307,235	Jun 12, 2020	To provide pandemic pay increase of \$4 / hour and lump sum payments (\$250 / month) for eligible employers and employees for the period

		(initial allocation, additional funding is expected)		of Apr 24 to Aug 13, 2020. Specific guidelines issued for this program. The City of Windsor, as Service Manager, will have to determine eligibility and administer this program.
--	--	------------------------------------------------------	--	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

J. Tanner provides highlights of the programs that have been or are being supported by these COVID-specific funding allocations are listed below.

- Increased funding for **three emergency shelters** (Welcome Centre, Salvation Army and Downtown Mission) and **22 Housing with Supports Homes** in Windsor and Essex County to allow them to purchase PPE, ensure social distancing, hire additional staff, enhance cleaning protocols, adjust to meal services, increase security and transportation for staff during the Transit Windsor service suspension.
- Funding for **two daytime programs**, one at the Downtown Mission and the other at Windsor Water World, operated by the City, using redeployed City staff.
- Implementation of **COVID Isolation & Recovery Centres (IRCs)** to provide a safe place for people who need to self-isolate while they await COVID test results or recover from the virus. Initially, the IRCs were set up to support people experiencing homelessness, but this is currently being expanded to residents of Housing with Supports Homes, if they cannot safely isolate in place and agri-sector workers (i.e. migrant workers)
  - The first IRC was set up at a small motel with 29 rooms and operated from Apr 1 to May 20, 2020. The City leased the entire motel and provided management oversight, the Welcome Centre provided onsite service delivery, the Windsor Essex County Health Unit (WECHU) conducted on-site COVID testing and monitoring of symptoms, and the Windsor Essex Community Health Centre (weCHC) provided virtual medical assessments and monitoring.
  - The second IRC is set up in a larger hotel with 42 rooms, which began operations on May 1 and will continue operations until July 31, 2020. The City has leased the entire hotel and it operates much like the first IRC, but with the addition of on-site 24/7 nursing support from Hotel Dieu Grace Healthcare (HDGH).
  - Depending on the needs of the community, we may move to a smaller IRC with 10 – 15 rooms after July 31. Various locations are being explored and advocacy is being done to ensure the health sector continues to partner in the service delivery.
- Contribution to the **Families to Families gift card / food bank program**.

Despite the substantial levels of funding provided by upper levels of government, if the need continues and the above-mentioned programs remain in place as is, a deficit of \$1.2 million is projected by the end of 2020.

The Housing department has applied for additional funding through the federal government's Reaching Home program in an effort to switch from emergency response investments to permanent solutions including permanent supportive housing. We have not yet received a response on this funding request.

The provincial government has indicated that a second wave of funding may be provided under the SSRF program, but no details are known at this point.

J. Binder states there has been discussion regarding funding for rapid response due to COVID-19. CMHC is delivering on the commercial component for retail facilities that are suffering from rent loss. The best way to deliver to people that need it most whether it is for a short term or potentially longer, is to accelerate the construction of new housing units.

J. Zuk advises the homeless outreach workers funded by the City of Windsor have continued to operate during COVID-19 and there have been no disruptions in service. The MOST (Mobile Outreach and Support Team) van, a partnership between Hotel Dieu Grace Healthcare, Canadian Mental Health Association, Family Services Windsor-Essex, Assisted Living Southwestern Ontario and the City of Windsor was suspended at the beginning of the pandemic. The suspension of the program at the beginning was due to it being uncertain how to have four staff members in and prevent a large number of people from congregating around the van. The partners have been working to bring the van back, but in lieu of working from the van, the outreach workers have been on the street and at the day program at Windsor Waterworld to assist. She commends the City of Windsor as at the beginning of the pandemic, when the restaurants were closed and there were no plans for the homeless individuals to get food, to use a washroom or to wash their hands, the City acted quickly not only to get the day programs running, but also to bring in port-a-potties.

E. Hill indicates his organization was able to maintain contact with their tenants through the telephone and to complete some applications by phone for the Keep the Heat Program. They were a contact for the University of Windsor as they had phone service and were able to continue to affect many emergency repairs.

L. Vachon reports they are grateful for the grant they received to assist with staff and for the security that dealt with the mental health population to keep people restricted from where they were going and monitoring to ensure they had hand sanitizers and practiced social distancing. She adds they have struggled where other organizations could look to directives, i.e. retirement homes of the long-term care act or with developmental services. Other than the municipality, they do not have a regulatory body that says at this unprecedented time this is what you should be doing. She notes there has not been a positive COVID-19 case in their facility with the staff or residents.

J. Steele indicates his organization has been in emergency mode only and some staff have been redeployed to assist in cleaning. New protocols have been developed and the wellness checks have been well received.

J. Zuk indicates one of the challenges they are working through is that a number of individuals they support applied for the Canada Emergency Response Benefit (CERB) but do not meet the eligibility criteria. She notes they are assisting these individuals to return or repay the funds.

F. Coughlin reports volunteers from Habitat for Humanity along with Assisted Living Southwestern Ontario have been redeployed to sew masks (they have distributed several thousand masks in the community). They have been doing wellness checks on the homeowners and providing grocery delivery.

Councillor McKenzie notes that reference was made to a \$1.2M deficit within the housing sphere and asks for the primary driver. D. Cercone responds that the primary driver is the additional support put in place in the shelters and the housing with support homes. They have to contemplate the current service levels and make some adjustments. The \$1.2M is a projection based on current expenditures so, if no adjustment is made to their current service expenditures that is their deficit. If the Provincial and Federal Government provides additional funding, that would mitigate the difference.

Councillor McKenzie reports City Council decided to house the agricultural workers, to provide a service that no one else was willing to do. He adds that we are looking at the operators that were required to make the city whole by providing service and we are currently working on the framework and its parameters. He expresses concern that the operators will pass on the cost to the workers themselves and asks what tools do we have as a municipality to protect those workers from not having those costs passed onto them because the workplace is essentially unsafe.

J. Payne states the question posed by Councillor McKenzie can be raised at the IMS table. The sublease agreement to support agricultural workers at the Isolation and Recovery Centre has not been finalized. Once again, not to just ensure the protocols are followed, but there is a contract and the operators know legally they are responsible for covering any and all funds. She adds she will contact the City Solicitor to determine if a line with some additional language can be added to the agreement.

#### **4.2 Housing & Homelessness Master Plan 2019 Annual Report**

K. Goz provides the following overview relating to the Housing & Homelessness Master Plan 2019 Annual Report:

- Housing Services staff is currently drafting and working to obtain the data for the report and will work with Geomatics on the final layout

- HHAC members will receive copies of the draft version for feedback
- The 2019 Annual Report will include progress attained under the goals and strategies, as well as data on the identified targets. In addition, participant testimonials on how the programs and initiatives being delivered under the HHMP are having a positive impact on residents in Windsor Essex will be highlighted
- A number of strategies have been in progress or were enhanced / ongoing throughout 2019. Table 1 below details the progress made under the HHMP in 2019

Table 1: Progress under the HHMP (January 1, 2019 – December 31, 2019)

	Goal 1	Goal 2	Goal 3	Goal 4	Goal 5	Goal 6	Goal 7	Total
Number of Strategies Not Started	3	0	1	3	3	0	5	15
Number of Strategies In Progress	6	0	7	2	2	3	2	22
Number of Strategies Completed	0	0	0	0	0	0	0	0
Number of Strategies Enhanced / Ongoing	2	4	2	0	1	1	3	13
Total Strategies for HHMP	11	4	10	5	6	4	10	50

Councillor McKenzie advises although the Housing & Homelessness Master Plan calls for 10,000 units in ten years as at this year's end will have 150 units. He questions if the city is on track to meet 10,000 units in 10 years. K. Goz responds the city is looking for additional funding sources and she adds the goal of 10,000 units is not the sole responsibility of the municipality but is a "community plan".

In response to a question asked by Councillor McKenzie, regarding if there are sufficient funds to reach the goal of 10,000 units, D. Cercone responds there is insufficient funding at this time.

J. Binder indicates there are leveraged opportunities for incentives, i.e. waiving development charges and she adds the COVID impact is a double-edged sword.

#### 4.3 Housing & Homelessness Master Plan

##### **Goal 1: Sustain and expand social and affordable housing supply Canada Ontario Housing Benefit (COHB)/Windsor Essex Housing Benefit (WEHB)**

T. Moore provides a synopsis of the Canada Ontario Housing Benefit (COHB and the Windsor Essex Housing Benefit (WEHB) as follows:

- COHB and WEHB Council Report presented for information purposes and approved by council June 1, 2020
- News release issued, communication emails to social housing providers, rent supplement administrators, community partners such as domestic violence shelters, legal assistance Windsor, Windsor Essex Alliance to End Homelessness.



The launching of this program was communicated through various Windsor Essex news channels.

- COHB launched in Windsor Essex County May 11, 2020
  - COHB funding
    - 2020-21 - \$755,473
    - 2021-22 – \$234,421 (incremental funding for new households)

Canada Benefit	Ontario	Housing	2020-21	\$755,473
Canada Benefit	Ontario	Housing	2021-22	\$989,894
<i>Note: The annual planning allocation will be the incremental funding available for new households approved in the Windsor Essex service area each fiscal year (i.e. \$755,473 in 2020-21, \$234,421 in 2021-22).</i>				

CHC is the designated administrator of this program - managing inquiries, applications and submission of applications to the Ministry of Finance through their ONT-TAXs system

- It is estimated this benefit may assist up to 160 households in the Windsor-Essex area
- The benefit is based on 30% of the applicant's adjusted family net income (AFNI)
- The average market rents for this program are program specific and defined by MMAH
- As of June 22<sup>nd</sup> CHC has received approx. 600 incoming calls and close to 2000 emails (some enquiries are related to the WEHB)
- CHC has submitted 28 COHB applications to the Ministry of Finance
- WEHB launched in Windsor Essex County on June 1, 2020
- Municipally funded benefit
- \$250,000 for 2020-21
- CHC is the designated administrator of this program - managing inquiries, eligibility, applications, on-going eligibility and annual reviews
- It is estimated this benefit may assist up to 60 households in the Windsor-Essex area
- Benefits are offered in priority order in order of application date on our social housing wait list. This allows us to count these units towards our legislated service level standards.
- The benefit is based on 30% of the applicant's adjusted family net income (AFNI)
- Average market rents are 90% of the MMAH CMHC AMRs for Windsor and Essex County

On June 8<sup>th</sup> CHC mailed out 89 letters with a response, deadline of June 29, 2020. So far, three people have responded to the letter, one application is ready to be processed and the other two have pending documentation.

We are monitoring the take up of both these programs closely to see if we need to request the use of our Alternate Average Market Rents for these programs, as we want to make every effort to take up the full funding allocation for these programs.

## **Regulatory Changes**

J. Susko succinctly provides the following comments relating to regulatory changes:

In September 2019, the province of Ontario filed new regulations that will improve waiting lists, create safer communities and simplify RGI rules and calculations. The amended regulations:

- Effective September 23, 2019 , gives community housing providers the authority to refuse to house a household based on previous eviction by the Landlord Tenant Board for a serious criminal offence i.e., N6 issued for illegal activity, for a period of five years from the eviction order
- Require applicants to prioritize their housing selection preference(s) and accept the first unit offered. Change came into effect on January 1, 2020 and must be implemented by January 1, 2021. Housing Services is working with the CHR to implement this change. All current waitlist applicants and new applicants must be notified of this change. Target date for implementation is November 1, 2020.
- Give Service Managers and housing providers more flexibility to efficiently manage tenant transfers. Consultation with social housing providers and CHR staff identified an interest in prioritizing the transfer of over housed RGI tenants. The process of transferring RGI tenants between social housing providers in Windsor Essex will begin by offering priority transfers to RGI households that are over housed. Prioritizing this group for transfers between housing providers will ensure tenants in social housing units in Windsor Essex are in the right size unit and housing resources are being utilized appropriately. Housing Services is working with the CHR to implement this change. Target date for implementation is November 1, 2020; and
- Change the rules that govern the calculation of RGI to make it more fair, easier for tenants to understand and simpler for staff to administer. RGI calculations will move to a simplified annual calculation of rent based on 30 percent of adjusted family net income (AFNI) as determined (where

possible) by the tenant's most recent income tax return. Extends the length of time that RGI households will be able to pay market rent before losing eligibility for RGI assistance from 12 to 24 months. In-year reviews will only be completed under certain circumstances such as, permanent decrease in income of 20% or more in household income, change to household composition, and tenants will no longer be required to report an increase in income between annual reviews. All tenants in full-time studies will now have their income exempt from the RGI rent calculation. The RGI changes come into effect on July 1, 2020 with the flexibility of to implement the change on July 1, 2021. The target date for implementation in Windsor Essex is scheduled for July 1, 2021.

Actions since the last HHAC meeting:

- Issued directive addressing the change to minimum rent was issued to Social Housing Providers and applicable rent supplement program administrators in April 2020. Increase in minimum rent from \$85 to \$129 on July 1, 2020 and indexing RGI minimum rent annually thereafter by the RTA's rent increase guideline, subject to a multi-year phase in (\$8/year) for RGI tenants paying less than the new minimum as of June 30, 2020.
- Developed a work plan with CHC and CHR to map out and assign action items, target completion dates and implementation dates.
- Housing Services staff worked with our legal services department to prepare revised Local Rules and RGI Verification Guidelines integrating the legislative changes noted above. These revised resources have been provided to CHC and the CHR for the purposes of working on next steps such as, creation of an RGI transfer list for current RGI tenants in Windsor Essex who are currently over housed, preparing to notify all households on the centralized waitlist of the reduction from three offers to one.
- Provided an update on the our progress and timelines for implementing the HSA Regulatory changes to our Social Housing Providers on May 20, 2020 at our Housing Provider Meeting held by teleconference

### **Administrative Goal 1 Subcommittee**

D. Cercone states the subcommittee was struck that included representatives from Planning, Housing Services and Finance. The subcommittee met in January 2020 and February 2020. Recommendations from the subcommittee were included in the Annual Plan.

### **Ontario Renovates – Social, Housing Repairs/Second Unit Program Update**

J. Susko advises the Ontario Renovates Social Housing Repair Program (OR-SHRP) is funded under Ontario's Community Housing Renewal Strategy and is intended to assist Windsor and Essex County social housing provider(s) to rehabilitate units that require essential repairs, which preserve and extend the functional lifespan of the social housing supply and/or modify units to increase accessibility.

- The 2019-20 funding amount of \$2.3 M was distributed to 21 Windsor and Essex County social housing providers to address urgent and necessary repairs representing 1,100 social units to be repaired by December 31, 2020.
- We are pleased to announce the Ontario Renovates – Social Housing Repair Program (OR-SHRP) was released to eligible social housing providers on Monday, June 15, 2020. The funding allocations for eligible Windsor and Essex County social housing provider(s) is up to approximately \$2.7 M for 2020-21.

### **Ontario Renovates Second Unit Program Update**

- Launch was planned for release on March 30, 2020 but has been placed on hold as a result of the COVID-19 pandemic. The application and the building of a second unit/additional dwelling unit require the involvement of the applicant's municipal building department for approval to build a second unit/additional dwelling units in accordance with their municipal by laws
- \$200,000 was being allocated from our Ontario Renovates Revolving Loan Fund to offer this program
- Maximum funding through this funding is \$25,000 per second unit/additional dwelling unit

### **Goal 2: Sustain and expand social housing that is linked with supports**

#### **Reaching Home**

K. Goz provides an overview of the Reaching Home program as follows:

- As previously reported at the last HHAC meeting, a Request for Proposal was issued in late 2019 to allocate funding for 2020-2024 (program years 2-5) through the Government of Canada's Reaching Home: Canada's Homelessness Strategy.
  - Total award of the contract is: \$2,497,679.95
    - Year 2 - \$526,527.40
    - Year 3 - \$657,050.85
    - Year 4 - \$657,050.85
    - Year 5 - \$657,050.85

- Housing Information Services was awarded the contract as the successful proponent in collaboration with Family Services Windsor-Essex, South Essex Community Council and Habitat for Humanity to continue to deliver the Windsor Essex Housing Connections (WEHC), housing first program in Windsor Essex.
- As part of the renewed WEHC program, service enhancements and realignment of the positions within the various agencies were proposed in order to better respond to the needs of persons experiencing homelessness and to assist in achieving the goals and strategies of Home Together: Windsor Essex Housing & Homelessness Master Plan and the Reaching Home Community Plan.

### **OPHI Rental Housing Update**

#### **OPHI Rental Housing Updates – Meadowbrook Development**

J. Susko provides the following comments relating to the OPHI Rental Housing updates:

- SIF, IAH-E and OPHI funding of \$5,009,679
- Windsor Essex Community Housing Corporation is reporting this project has achieved the following milestones:
  - obtained the required site specific zoning amendment
  - necessary permits and approval from the Essex Region Conversation Authority
  - clearance from the Ministry of Natural Resources and Forestry
  - concluded the complete design of the Passive House building and parking area
  - obtained the applicable building permit
  - procured the Construction Manager to engage and oversee the construction of the project

Construction of the parking area and the underground storm & sanitary work commenced early in 2020. CHC and the Construction Manager are in the process of concluding the selection of the subcontractors for the construction, which is anticipated to be completed in the next 8-10 weeks. Subsequently, completion of the construction is expected to take approximately 24 months.

### **Youth Supportive Project**

- Investment in Affordable Housing - 2014 Extension (IAH-E) funding of \$840,000
- The Family Services Windsor Essex Youth Supportive Housing Demonstration Project introduces innovation into the affordable housing market by building the first modular container housing in the Windsor area with accessible and universal

design components. This project will create a six unit, three-storey apartment complex to house 10 youth between the ages of 16-24 and will employ many of the principles of a Housing First for Youth program. The units will be technologically advanced, equipped with access to the internet with computer controlled and monitored thermostats. All unit doors will be keyless and accessible by an electronic card swipe eliminating the need for keys. Project completion is anticipated for the Fall of 2020.

### **Goal 3 – Ending Homelessness Emergency Shelter Review**

The Emergency Shelter Review was received by Housing Services at the beginning of 2020. Housing Services re-engaged with Vink Consulting to ensure recommendations included best practices as they related to the changes required as a result of COVID-19

### **Goal 7: Monitor, Report & Evaluate**

#### **Canadian Alliance to End Homelessness: Recovery for All**

K. Goz provides the following relating to the Canadian Alliance to End Homelessness Campaign– Recovery for All”

- The Canadian Alliance to End Homelessness released a campaign titled “Recovery for All”
- Recovery for All is a national advocacy campaign led by the Canadian Alliance to End Homelessness, asking Canadians to encourage the federal government to make bold investments in housing, homelessness and income support to end homelessness in Canada, once and for all.
- The campaign includes a 6-point plan to end homelessness in Canada.
- For more information on the campaign please go to: [www.recoveryforall.ca](http://www.recoveryforall.ca)

### **Point in Time Count**

Originally the Point in time Count was required to be completed by end of April 2020; however due to COVID-19. The Government of Canada has postponed /deferred this to April 2021.

#### **4.4 Amendments to the Zoning Bylaw & Official Plan Permitting Additional Units**

Councillor McKenzie reports that City Council enthusiastically supported the amendments to the Zoning Bylaw and Official Plan permitting additional units.

G. Robinson states that the regulations will go into effect on June 26, 2020. He adds the Planning Department is in the early stages of drafting brochures for interested parties that will outline information related to additional units.

#### **4.5 Establish a Housing & Homelessness Advisory Committee 10 Year Housing & Homelessness Plan Subcommittee**

The Chair asks for three to five members of HHAC to sit on the Subcommittee.

J. Brunet provides the following examples from other communities that are using housing as a response to the pandemic:

From a national perspective, Windsor-Essex is facing similar challenges in the housing and homelessness sector to other communities. Communities are shifting their pandemic response to long-term housing solutions for people experiencing homelessness. Here are examples from other communities that are using housing as a response to the pandemic:

- *Kawartha Lakes-Haliburton* had a media release and a call for landlords that you can [find here](#). This is the call that mentions three months of pre-paid rent as one of their solutions.
- *Peterborough* has changed their approach to congregate housing by providing landlords with first/last then finding people to move into rooms and sign leases individually. They found that they were able to house people faster this way.
- *Sudbury* changed their rapid rehousing approach from just people experiencing chronic homelessness to anyone experiencing homelessness and has resulted in housing additional households.
- *Stratford-Perth-St. Marys* has a whatever-it-takes fund to support housing people. They use the funds to have conversations around diversion (i.e. where have you been staying these past few weeks, is it safe to go back there, what would it take to keep you housed there); landlord mitigation; housing visits (i.e. gave laptops to people they housed to support them with maintenance checks and home visits).

#### **Meeting Dates**

As HHAC meets quarterly, the following meeting dates are proposed:

- Wednesday, September 23, 2020
- Tuesday, November 24, 2020

### **Adjournment**

There being no further business, the meeting is adjourned at 11:34 o'clock a.m.

---

**CHAIR**

---

**COMMITTEE COORDINATOR**





**Committee Matters: SCM 267/2020**

**Subject: Minutes of the Diversity Committee of its meeting held July 7, 2020**

Moved by: Councillor Gignac  
Seconded by: Councillor Bortolin

Decision Number: **CSPS 115**

THAT the minutes of the Diversity Committee of its meeting held July 7, 2020 **BE RECEIVED.**

Carried.

Report Number: SCM 239/2020  
Clerk's File: MB2020

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



## **Committee Matters: SCM 239/2020**

**Subject: Minutes of the Diversity Committee of its meeting held July 7, 2020**

## **Diversity Committee**

Meeting held July 7, 2020 via Teleconference

A meeting of the Diversity Committee is held this day commencing at 9:30 o'clock a.m. via teleconference, there being present the following members:

Peter Ijeh, Chair  
Councillor Ed Sleiman  
Riham Al-Saadi  
Saiful Bhuiyan  
Yo Son Dah Nost Huff  
Sungee John  
Khagendra Gautam

***Absent:***

Lina Chaker  
Sherrilyn Colley-Vegh  
Shelley Evans  
Jamie Bell  
Lacy Carty  
Christopher Fletcher

***Also present are the following resource personnel:***

Gayle Jones, Diversity/Accessibility Officer  
Katie Arquette, Coordinator Community Development  
Mary Ellen Bernard, Manager Social Policy & Planning  
Neil MacEachrane, Diversity & Recruitment Officer, Windsor Police Services  
Karen Kadour, Committee Coordinator

**1. Call to Order**

The Chair calls the meeting to order at 9:34 o'clock a.m. and the Committee considers the Agenda being Schedule A attached hereto, matters which are dealt with as follows:

**2. Declaration of Conflict**

None disclosed.

### 3. Adoption of the Minutes

Moved by S. John, seconded by Y. Huff,  
That the minutes of the Diversity Committee of its meeting held May 14, 2020 **BE ADOPTED** as presented.  
Carried.

### 4. Business Items

#### 4.1 Review of the Diversity Committee Terms of Reference and Mandate

The Diversity Committee Terms of Reference and Mandate is provided as background information.

The Chair expresses concern that the Diversity Committee was not invited to participate in the Zoom meeting held June 19, 2020, which was coordinated through the Mayor's Office and Windsor Police Services. The topic of discussion was "Racism has no Place in our Society".

N. MacEachrane reports he was asked through the Mayor's Office to invite Black leaders in the community to participate in the panel discussion and that the exclusion of the Diversity Committee was merely an oversight.

In response to a question asked by the Chair regarding the rationale for the Mayor and Windsor Police to host the panel discussion. N. MacEachrane responds the Mayor and the Chief of Police are the leaders of the city and they wanted to see what the city can do differently to move forward. He said this was only the first discussion and there will be more.

G. Jones indicates she was unaware of the panel discussion held June 19, 2020 until after it took place. She adds that the initiative appears to have commenced with the Mayor and the Police and that as a result, N. MacEachrane was the Diversity and Inclusion Officer involved in the project.

N. MacEachrane states that Windsor Police Services has embarked on an initiative to form advisory committees that represent the diverse population within the city. He adds gathering feedback from these groups will assist in creating policies for training and recruitment. This initiative will be launched in the fall 2020.

R. Al-Saadi suggests that the Diversity Committee be included in such initiatives going forward.

Moved by S. Bhuiyan, seconded by Y. Huff,

That the Office of the Mayor and Windsor Police Services **BE REQUESTED** to ensure that the Diversity Committee **BE INCLUDED** in all future panel discussions regarding “racism has no place in our society”.

Carried.

#### 4.2 Phase 2 of the Diversity & Inclusion Plan Subcommittee

R. Al-Saadi, Chair of the Diversity & Inclusion Plan Subcommittee advises the subcommittee recently met several times via teleconference. The following questions to glean the thoughts of the community regarding such topics as the Diversity & Inclusion Plan, Windsor Police Services and employment in the City of Windsor are proposed:

1. What are your thoughts surrounding the Diversity and Inclusion initiative as supported by the City of Windsor? (may have to describe the initiative in one statement.
2. With respect to any encounters/communications between both the Windsor Police Services and the City of Windsor staff with members of your community, were they treated with respect and professionalism? Did they feel treated differently because of their race, language or colour?
3. Do you believe the City should collect race-based data within all areas under its jurisdiction? Please explain your viewpoint/perspective.
4. Speaking from a personal or group perspective, what are some areas of success that you have experienced in the Windsor-Essex community? Please give some examples.
5. How can the City of Windsor help foster more of the successes and positive experiences of your group to encourage active participation in the community at large?
6. What are the three most important areas that the city may assist your community best?
7. With respect to gainful and meaningful employment within the City of Windsor managed places of employment, would your community like to see an internship program that addresses the matter of Canadian Experience as a barrier to gaining employment in their areas of specializations? Can you give examples of some parameters that should be integrated into this internship program?
8. Would you like to see the city implement Employment Equity? If yes, please share what measures the City can take to ensure Employment equity in fact exists

9. Is the idea of a community engagement in the Policing of the City of Windsor something that your community may be interested in? (Yes) (No). If yes, please share your thoughts regarding cities “auxiliary policing” and community involvement.
10. Cultural competence and diversity training is provided at some agencies to staff to support them in service delivery to a diverse client base. Please provide your insight on how to provide a more focused cultural competence and diversity training. How should the training be implemented and who should conduct it?
11. What concerns would you like the Diversity Advisory Committee for the City of Windsor to address together with you?
12. What are some steps to be taken to ensure that the Diversity Committee is included in important initiatives at the City level?

G. Jones states that in terms of Question #8, she suggests that another term rather than simply “employment equity” be used, as there is a Federal Employment Equity Act and people have different ideas on what employment equity actually is. She proposes by giving several examples of what you want input on may provide more accurate and valuable responses from the public.

M. E. Bernard alludes to the question relating to the need for sensitivity training and she adds that some city departments currently offer mandatory cultural training for all staff. She suggests one might want to use the term “heightened training or corporate-wide training”.

The Chair notes that the intent is to send out the questions to the various groups in the community, as everyone should have a voice.

G. Jones suggests that through the City’s 211 Call Centre, that a spreadsheet of the community organizations can be created to assist the Diversity Committee in this initiative.

G. Jones proposes that the subcommittee provide a finalized version of the questions to the committee for further review and additions.

#### **4.3 Hiring Policy within the City of Windsor**

S. John refers to the recent panel discussion that was held, and notes that the city staff that were present do not represent the diverse faces in the City of Windsor. It was stated previously, that the diverse representation of City of Windsor staff will take time as many people will be retiring in the near future. She adds that there are those who do question the diversity of the staff that are currently being hired.

G. Jones mentions the Workforce Census, that was completed at the end of 2018, and notes that the data is broken down to indicate the length of time an employee has worked for the city.

In terms of hiring practices, Councillor Sleiman indicates that the City does not look at the background of an individual but rather at their qualifications.

G. Jones advises that one problem is that sometimes barriers can unknowingly exist in a system and those barriers can impact certain groups, especially groups that are already disadvantaged. She adds the concept of reviewing the hiring practices is already included in the Diversity initiative.

Councillor Sleiman and R. Al-Saadi suggest that a representative from the Human Resources Department be invited to attend the next meeting to provide the hiring practices process.

Moved by S. Bhuiyan, seconded by K. Gautam,

That the Diversity Committee as part of the Diversity & Inclusion Plan, requests to review the hiring practices of the City of Windsor to ensure there are no barriers to employment.

Carried.

R. Al-Saadi voting nay.

## **5. Other Business**

The Chair requests that the Diversity Committee conduct their own independent survey relating to the workforce census.

G. Jones explains that the Diversity Committee and other groups reviewed the Workforce Census prior to distribution. She adds that she administered the Workforce Census which was done in a thorough and ethical manner and then compared to the Canadian Census by a consultant. If the Committee is seeking further information from that survey, it can be provided.

S. Bhuiyan suggests the formation of a subcommittee to discuss community related matters and the City of Windsor hiring process.

Y. Huff proposes that this matter be discussed at the next meeting to allow more members to be in attendance.

## **6. Date of Next Meeting**

The next meeting will be held in September 2020 on a date and time to be determined.

**7. Adjournment**

There being no further discussion, the meeting is adjourned at 11:27 o'clock a.m.

---

**CHAIR**

---

**COMMITTEE COORDINATOR**





**Committee Matters: SCM 268/2020**

**Subject: Report No. 5 of the Diversity Committee - Request for the Diversity Committee to be included in future panel discussions regarding "racism has no place in our society"**

Moved by: Councillor Bortolin  
Seconded by: Councillor McKenzie

Decision Number: **CSPS 116**

THAT Report No. 5 of the Diversity Committee indicating:

That the Office of the Mayor and Windsor Police Services BE REQUESTED to ensure that the Diversity Committee BE INCLUDED in all future panel discussions regarding "racism has no place in our society".

**BE APPROVED.**

Carried.

Report Number: SCM 240/2020  
Clerk's File: MB2020

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



## **Committee Matters: SCM 240/2020**

**Subject: Report No. 5 of the Diversity Committee - Request for the Diversity Committee to be included in future panel discussions regarding "racism has no place in our society"**

September 2, 2020

**REPORT NO. 5**  
of the  
**DIVERSITY COMMITTEE**  
at its meeting held July 7, 2020

---

Present: Peter Ijeh, Chair  
Councillor Ed Sleiman  
Riham Al-Saadi  
Saiful Bhuiyan  
Yo Son Dah Nost Huff  
Sungee John  
Khagendra Gautam

Your Committee submits the following recommendation:

Moved by S. Bhuiyan, seconded by Y. Huff,  
That the Office of the Mayor and Windsor Police Services **BE REQUESTED** to ensure that the Diversity Committee **BE INCLUDED** in all future panel discussions regarding “racism has no place in our society”.

Carried.

---

CHAIR

---

COMMITTEE COORDINATOR

**NOTIFY:**

Diversity Committee	On File
Pamela Mizuno, Chief of Police	



**Committee Matters: SCM 269/2020**

**Subject: Report No. 6 of the Diversity Committee - Request to review the hiring practices of the City of Windsor**

Moved by: Councillor Bortolin  
Seconded by: Councillor Morrison

Decision Number: **CSPS 117**

THAT Report No. 6 of the Diversity Committee indicating:

That the Diversity Committee as part of the Diversity & Inclusion Plan, REQUESTS to review the hiring practices of the City of Windsor to ensure there are no barriers to employment.

**BE APPROVED**; and,

THAT Administration **BE REQUESTED** to provide a presentation related to hiring practices to the Diversity Committee at an upcoming meeting; and,

THAT the presentation **BE FORWARDED** to the Community Services and Parks Standing Committee.

Carried.

Report Number: SCM 241/2020  
Clerk's File: MB2020

**Clerk's Note:** The recommendation of the Standing Committee and Advisory Committee are **not** the same.



## **Committee Matters: SCM 241/2020**

**Subject: Report No. 6 of the Diversity Committee - Request to review the hiring practices of the City of Windsor**

September 2, 2020

**REPORT NO. 6**  
of the  
**DIVERSITY COMMITTEE**  
at its meeting held July 7, 2020

---

Present: Peter Ijeh, Chair  
Councillor Ed Sleiman  
Riham Al-Saadi  
Saiful Bhuiyan  
Yo Son Dah Nost Huff  
Sungee John  
Khagendra Gautam

Your Committee submits the following recommendation:

Moved by S. Bhuiyan, seconded by K. Gautam,  
That the Diversity Committee as part of the Diversity & Inclusion Plan,  
**REQUESTS** to review the hiring practices of the City of Windsor to ensure there  
are no barriers to employment.

Carried.  
R. Al-Saadi voting nay.

---

CHAIR

---

COMMITTEE COORDINATOR

**NOTIFY:**

Diversity Committee	On File
---------------------	---------



**Council Report: C 186/2020**

**Subject: Ojibway Sewer Rehabilitation**

**Reference:**

Date to Council: September 28, 2020  
Author: Andrew Lewis  
Right of Way & Field Services Coordinator  
519-255-6560 x4229  
alewis@citywindsor.ca

Public Works - Operations  
Report Date: 9/16/2020  
Clerk's File #: SW/13887

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

**Recommendation:**

That the City Council **APPROVE** a precommitment of 2023 funding in the amount of \$3,000,000 from the Ojibway Sanitary Sewer Rehabilitation project (ECP- 036-07) for immediate use; and,

That the City Council **AUTHORIZE** the Chief Administrative Officer to approve the use of additional sewer surcharge funding, including the redirection of any other project surpluses, in order to ensure work required to sustain and/or permanently repair the Ojibway sanitary trunk sewer is able to be executed through Delegation of Authority; and,

That Council **PRE-APPROVE** and **AWARD** any procurement(s) necessary that are related to the Ojibway Sanitary Sewer Rehabilitation project (ECP- 036-07) project, 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 City Treasurer, and in technical content to the to City Engineer; and further,

That the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to take any such action required to effect the recommendations(s) noted above and sign any required documentation for the Ojibway Sanitary Sewer Rehabilitation project (ECP- 036-07) project, satisfactory in legal form to the City Solicitor, in technical content to City Engineer and in financial content to the City Treasurer.

**Executive Summary:**

N/A

**Background:**

Upon receiving a complaint of a hole in the right of way along Ojibway Parkway, it was discovered that a section of the Ojibway Sanitary Trunk Sewer had collapsed. This trunk sewer services the industrial section from Ojibway Parkway to the Detroit River from Sprucewood Avenue easterly to Black Oak Heritage Park. Immediate measures were put in place and Andrews Engineer contracted to investigate the issue and design a solution. There has since been a second area which has collapsed furthering the need to implement the recommended solution.

While there is funding identified in the 2020 8 year Capital Budget for work on the Ojibway sewer, the funding is in future years. As such, in order to expedite the awarding of the tender once it closes, and any additional unforeseen immediate repairs, Administration is bringing forward this report to request use of this funding.

**Discussion:**

Council Resolution B57/2020 approved the 2020 Capital Budget funding allocation for capital projects including Project # 7169001 Flood Abatement Measures. Andrews Engineer, who are known around the world as an international expert on trunk sewer inspection and design, were hired to undertake an immediate inspection and condition assessment into the issues surrounding the collapse. This work was procured by Sole Source and the work was undertaken under Contract Order # 5896 and CAOP 107/2020. Their Technical Memorandum submitted under Contract Order # 5896 advised the Corporation that a section of the Ojibway Trunk Sanitary Sewer, including the collapsed section, is in need of extensive rehabilitation in the immediate future and that the rehabilitation planning and execution of the rehabilitation work should be undertaken at first opportunity.

The Public Works Department – Operations Division is proceeding with the tendering of the Ojibway Trunk Sewer Rehabilitation for this construction season. Currently, the collapsed section of sewer is being bypassed with a pump system and this should not continue during the winter season without further work and expense. As noted above a second collapse has been found further escalating the need to address this repair this construction season.

To address the immediate needs and costs resulting from the collapse Administration leveraged up to \$200,000 in funding from the Small Sewer repairs funding within the Flood Abatement Program (7169001). The additional cost to implement the longer term solution is estimated at \$2,000,000, however the actual cost will not be known until the tender closes. It should be noted that there may be a need for additional temporary measures to be put in place to sustain the asset prior to the rehabilitation being completed as well.

The request to precommit \$3,000,000 in 2023 funding from the Ojibway Sanitary Sewer Rehabilitation project (ECP-036-07) should be sufficient to replenish the \$200,000 in costs to date allowing those funds to be redirected for other small sewer repairs, as well as cover the cost of construction for the recommended solution, any unanticipated additional immediate measures to sustain the asset as well as financing costs. There is however a risk that total costs come in over the \$3,000,000 and as such the ability to



award the tender, and or execute immediate temporary measures should they occur, would require a separate report to City Council seeking approval for additional funding.

*“Any contract with a value over \$150,000 MUST have Council approval except for where the CAO may approve a requisition and make an award of an RFT of any dollar value provided **the funds have been included in the Council-approved operating or capital budget, and the RFT response does not exceed that approved budget** as per Section 37b of Purchasing By-law 93-2012; and; except for where the CAO may approve a requisition and make an award of a Sole Source of any dollar value provided **the funds have been included in the Council-approved operating or capital budget, and the Sole Source response does not exceed that approved budget** as per Section 37d of Purchasing By-law 93-2012.”*

As this work is critical to complete in an expedited fashion, Administration has also included a recommendation delegating authority to the CAO, for this unique situation, to approve the redirection of other project surplus funding if that should become necessary.

### **Risk Analysis:**

Associated risks to the Corporation resulting from the undertaking of this project include risks typical of a sewer rehabilitation project, such as bodily injury, property damage, and matters arising from violations of the Occupational Health and Safety Act. These risks are to be transferred to the successful proponent through the agreement entered into. As part of the agreement with the successful proponent, the Low Bidder will be required to provide proof of insurance to the Corporation, as well as indemnify the Corporation from any claims which may arise from their work during or after construction.

There is a risk that additional sections may fail prior to completion of the permanent solution causing the total cost to maintain and rehabilitate the trunk line to exceed the requested \$3,000,000. To mitigate this risk Administration is recommending the CAO be given authority to approve the use of additional sewer surcharge funding by redirecting funding from other projects which have a surplus. Administration has also requested authority to pre-approve and award the RFT allowing the work on the solution to be executed immediately upon confirmation of the successful bidder/proponent.

### **Financial Matters:**

The 2020 8 Year Capital budget includes approved in principle sewer surcharge funding for the Ojibway Sanitary Sewer Rehabilitation (ECP-036-07). All of the funding for this project is in future years and so in order to leverage it for this immediate need Administration is requesting a precommitment of the 2023 amount of \$3,000,000 for immediate use.

As previously noted this funding should be sufficient however there is a risk that the tender comes in higher than anticipated and or additional costs associated with immediate measures to keep the asset stable may be required. As these matters will require immediate action Administration is requesting that the Chief Administrative Officer be delegated the authority to approve additional funding if necessary for the

sustainability of the Ojibway trunk sewer. Administration is anticipating surplus funding in the Sandwich Sewer Rehabilitation project (ENG-013-20), which would be one funding options available should any additional costs above the \$3,000,000 be necessary.

**Consultations:**

Alex Vucinic – Purchasing Manager

Phong Nguy – Manager of Contracts and Field Service Maintenance

**Conclusion:**

To mitigate the current risks associated with the Ojibway trunk sewer the funding and tender awarding recommendations be approved to expedite the temporary and permanent remediation efforts.

**Planning Act Matters:**

N/A

**Approvals:**

Name	Title
Melissa Osborne	Senior Manager Asset Planning
France Isabelle Tunks	Senior Manager Engineering / Deputy City Engineer
Dwayne Dawson	Executive Director Operations / Deputy City Engineer
Mark Winterton	City Engineer
Joe Mancina	Chief Financial Officer / City Treasurer
Onorio Colucci	Chief Administrative Officer

**Notifications:**

Name	Address	Email

**Appendices:**