

**City Council Meeting**

**Date:** Monday, October 19, 2020

**Time:** 10:00 o'clock a.m.

**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 – Councillor Jeewen Gill

Ward 8 – Councillor Gary Kaschak

Ward 9 – Councillor Kieran McKenzie

Ward 10 - Councillor Jim Morrison

## ORDER OF BUSINESS

Item #	Item Description
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1.	<b>ORDER OF BUSINESS</b>
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| 1.1. | In the event of the absence of the Mayor, Councillor Bortolin has been Appointed Acting Mayor for the month of October, 2020 in accordance with By-law 176-2018, as amended. |
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2.	<b>CALL TO ORDER</b>
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3.	<b>DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF</b>
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4.	<b>ADOPTION OF THE MINUTES</b>
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5.	<b>NOTICE OF PROCLAMATIONS</b>
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**Illumination**

“Community Living Windsor – National Disability Employment Awareness Day” – October 22, 2020

“Ontario Rett Syndrome Association – Rett Syndrome Awareness Month” – October 29, 2020

6.	<b>COMMITTEE OF THE WHOLE</b>
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7.	<b>COMMUNICATIONS INFORMATION PACKAGE</b> (This includes both Correspondence and Communication Reports)
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| 7.2. | Response to CQ#29-2020 - Options to Install a Curling Rink in an Arena ( <b>C 197/2020</b> ) |
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8.	<b>CONSENT AGENDA</b>
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| 8.1. | A Provisional By-Law for the Repair and Improvement to the Marentette-Mangin Drain - Ward 1 ( <b>C 189/2020</b> ) |
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- 8.2. Award of RFP Number 132-20 - Organics and Biosolids Waste Management and Processing Consultant - City Wide (**C 194/2020**)
- 8.3. Revised Appointment of Drainage Engineer - Talsma and Janisse Drains - Ward 10 (**C 198/2020**)
- 8.4. Provincial/Division Corridor Improvements Phase 2 Noise Bylaw Exemption - Ward 9 (**C 200/2020**)

#### CONSENT COMMITTEE REPORTS

- 8.5. Interim Control By-law Exemption 2020-10 - Titanium Trucking Services Inc. - 0 Devon Drive - Ward 9 (**SCM 280/2020**) (**S 110/2020**)
- 8.6. Official Plan Amendment and Zoning By-law Amendment - 7887 Edgar Street - Suburban Construction and Management Ltd. - Z012-20 [ZNG-6081] and OPA 133 [OPA-6082] - Ward 6 (**SCM 281/2020**) (**S 90/2020**)
- 8.7. 166 Tecumseh Rd W, St. Peter's Maronite Catholic Church (former Ste. Clare of Assisi Catholic Church) - Heritage Alteration Permit and Built Heritage Fund Request (Ward 3) (**SCM 282/2020**) (**S 113/2020**)
- 8.8. 3203 Peter Street, Mason-Girardot Manor -Community Heritage Fund Request (Ward 2) (**SCM 283/2020**) (**S 115/2020**)
- 8.9. Close and Convey Part of Daytona Avenue, West of 2640 Sorrento Court, South of Grand Marais Road West - Applicants: Namir Chahine and Racha Younes - SAA/5916 - Ward 1 (**SCM 284/2020**) (**S 119/2020**)
- 8.10. Close and Convey the North/South Alley between Northwood Street and EC Row Expressway, East of Rankin Avenue and West of Partington Avenue - SAA/6065 - Applicant: South Windsor Development Co. - Ward 10 (**SCM 285/2020**) (**S 122/2020**)
- 8.11. Close and Convey the North/South Alley between Northwood Street and EC Row Expressway, East of Partington Avenue and West of Roxborough Boulevard - SAA/6066 - Applicant: South Windsor Development Co. - Ward 10 (**SCM 286/2020**) (**S 123/2020**)
- 8.12. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by 2236278 Ontario Ltd for 6160 Tecumseh Road East (Ward 8) (**SCM 287/2020**) (**S 114/2020**)

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

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

11. **REGULAR BUSINESS ITEMS** (Non-Consent Items)
  - 11.1. Integrity Commissioner Report to Council regarding activities from January 1, 2018 to December 31, 2019 (**SCM 275/2020**)
  - 11.2. Regulation of Short Term Rental Housing - City Wide (**C 182/2020**)
  - 11.3. Repurposing Septic Tanks - City Wide (**C 196/2020**)
  - 11.4. Connecting Links Program Intake 6 (2021-2022) Grant Funding - Huron Church Road (**C 193/2020**)
  - 11.5. 2021 Capital Budget Pre-Approval – City Wide (**C 199/2020**)
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 and Heritage Standing Committee  
Tuesday October 13, 2020  
4:30 p.m.

Regular City Council Meeting  
Monday October 19, 2020  
10:00 a.m.

Diversity Committee  
Tuesday October 20, 2020  
10:00 a.m., Zoom Video Conference

Environment, Transportation & Public Safety Standing Committee  
Wednesday October 21, 2020  
4:30 p.m.

Corporate Services Standing Committee  
Monday October 26, 2020  
Time TBD

Community Services and Parks Standing Committee  
Wednesday November 4, 2020  
9:00 a.m.

Housing & Homelessness Advisory Committee  
Wednesday November 25, 2020  
9:30 a.m., Zoom Video Conference

21. **ADJOURNMENT**



**Council Report: C 197/2020**

**Subject: Response to CQ#29-2020 - Options to Install a Curling Rink in an Arena**

**Reference:**

Date to Council: 10/19/2020

Author: Samantha Magalas and Cory Elliott

Executive Initiatives Coordinator and Manager of Arena's (A)

Parks, Recreation & Culture and Facilities

smagalas@citywindsor.ca/celliott@citywindsor.ca

Recreation and Culture

Report Date: 10/2/2020

Clerk's File #: SR2020

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

**Recommendation:**

THAT the response to CQ 29-2020 **BE RECEIVED** for information.

**Executive Summary:**

N/A.

**Background:**

The Roseland Golf and Curling Club has six (6) curling sheets. Curling registration normally opens at the end of September, and the season regularly runs from mid-October to late March, however on September 24, 2020, Roseland announced that due to COVID-19 and the necessity to social distance and limit indoor gatherings, the 2020/2021 winter curling season would be cancelled.

On Monday September 28, 2020, Councillor Kaschak asked the following question:

"That Administration prepare a report on an option to move the only City curling operation to one of the indoor City rinks/arenas. As the City is the provider of all other ice facilities in the community, an amalgamation/consolidation would make sense for the City to be the keeper curling as well. We have already seen this work efficiently when Curling Canada hosted the National Curling Event at the WFCU Arena a number of years ago. I ask that due to time constraints and a potentially abbreviated upcoming curling season, that Council be provided this report by the October 19, 2020 Council Meeting please."

This report is in response to that question.

## **Discussion:**

The City of Windsor operates nine (9) indoor ice rinks. There are four (4) located at the WFCU Centre, two (2) located at Capri Pizzeria Recreation Complex (CPRC), two (2) located at Forest Glade Arena and one (1) located at Adie Knox Herman Arena.

Presently, due to COVID-19 and current demand the City is operating three ice pads at the WFCU Centre and both ice pads at CPRC. The City is preparing to install ice at the WFCU Centre main bowl in the month of November in preparation for a potential OHL season as well as a potential increase in ice demand from adult users.

City Administration worked with local groups and organizations in the late summer to determine who would be requiring ice rentals for the 2020/2021 winter season. After this initial consultation, City Council approved opening and operating ice at both CPRC and the WFCU Centre with the option to open more should demand exceed capacity. Presently, the two ice pads at CPRC and the three community rinks at the WFCU Centre are being utilized at 89% capacity of Prime Ice and 53% capacity of Non-Prime Ice. The main bowl ice at the WFCU Centre will become operational once the Ontario Hockey League announces an official schedule.

With ice at CPRC and the WFCU Centre being utilized for hockey and figure skating rentals, it would not be able to house curling in those venues. Due to the set up of a curling rink and the type of ice required, it is not possible to share an ice pad between hockey/figure skating and curling. In addition, Forest Glade Arena is currently under agreement for COVID-related purposes. Furthermore, Adie Knox Arena is being used to house the Unemployed Help Centre food shelter. Food hampers are being prepared at this location and food is being distributed daily to those in need. If City Council wishes to proceed with installing ice and offering any ice sport (including curling) at Adie Knox, this group would need to be notified and all the food collected would need to be displaced. The Unemployed Help Centre originally began operating at the WFCU Centre shortly after the pandemic began but was relocated to Adie Knox in late August when the City began making ice at the WFCU Centre to accommodate the returning ice users.

Due to a lack of available space at City arenas as described above, there is currently no capacity to provide a curling rink in the short term (i.e. for the 2020/21 season).

In 2019, City Council approved the new Recreation Master Plan. During the creation of this plan, the consultants examined the overall ice inventory within the City. It was determined that the current (pre-pandemic) demand for ice rentals results in one surplus ice pad within the City of Windsor. Long-term replacement and conversion of one surplus ice pad into a City-owned and operated curling facility could be considered as part of a long-term service delivery review, in consultation with Roseland, as well as other sport organizations. Administration would recommend preparing a detailed report outlining the costs associated with this option.

## **Risk Analysis:**

There is a high risk that, should an arena ice rink be used for curling, then the Unemployed Help Centre will be displaced from Adie Knox and that the remaining donations would be able to be removed expeditiously. Associated with displacing the Unemployment Help Centre from Adie Knox will be reputational risk for the City of

Windsor, for evicting a social service / charity in favour of a recreational activity that could be accommodated at Roseland's facility.

There is a moderate risk that, should an arena ice rink be used for curling in the 2020/21 season, the City of Windsor would not meet the expectations of regular curlers, as the City staff do not have experience in preparing the curling ice surface, which is different from arena ice pads.

Presently, the City of Windsor has been permitted to operate under the Stage 3 Provincial Reopening Framework implemented by the Province. Council has approved a gradual reopening with limited activities and facilities being opened which has resulted in some venues remaining closed. In addition, with schools being re-opened to students, there is a moderate risk that there could be an increase of COVID-19 cases in Windsor-Essex.

To mitigate these risks, Administration will continue to follow all guidelines put in place by the Windsor Essex County Health Unit, the Province of Ontario and the Canadian Government. In the event that Windsor-Essex is required to implement new restrictions, recreation programming and rentals would be re-assessed at that time in order to determine if programs can continue.

Opening facilities and allowing for additional rentals and/or programming at our centres, will result in more public interactions with City employees. This interaction can lead to more opportunity to spread COVID-19 should an infected person enter a facility. This can be mitigated by ensuring physical distancing rules are in place and being followed, enhanced cleaning measures are continued and a limited amount of people are in a facility at any one time. In addition, staff should continue to be provided with appropriate personal protective equipment (PPE) and appropriate facility alterations (e.g. plexiglass dividers) should be completed to assist in keeping staff and the public safe.

Appropriate Health & Safety training and screening specific to COVID-19 will continue to be mandatory for employees either online or by a manual form with their Supervisor noting their symptoms before they come to work each day.

There is a moderate risk that even with these measures in place, the public might fail to adhere to the guidelines resulting in a greater risk to those using and working in the facilities. New wording has been included on City permits that outlines the regulations that must be followed as mandated by the Province.

COVID-19 can now be considered a WSIB claim and employees can file Work Refusals with the Ministry of Labour, resulting in many hours to research and review concerns.

## **Liability Risks**

If someone can establish that COVID-19 was likely contracted by using a City facility, there is a risk of liability to the City. While precedents for these types of claims have not made their way through the courts, it is anticipated that establishing where COVID-19 was contracted will generally be a challenge in making a successful claim. However, this is circumstance dependant. The risk of liability on the City is mitigated by ensuring compliance with the regulations, local health unit guidelines, and tracking measures put in place to screen users and limit the risk of spreading the virus.

## **Financial Risks**

Should Council wish to proceed with offering curling at a City owned Arena, there will be additional costs associated with opening. These costs can come from requiring additional staff onsite, equipment, facility alterations, Personal Protective Equipment and enhanced cleaning.

There is a significant cost to setting up and operating a community Arena. It is unclear how much of these costs will be recovered as we do not have a clear indication of how many people would utilize the venue and how much revenue will be generated.

Under the current Provincial Stage 3 regulations, there is a limit of how many people can be in the facility and on the ice pad at any one time. Should the Ministry implement further restrictions, these numbers could decrease at any given time, which would significantly alter the potential revenues. Additionally, further restrictions could result in the complete closure of the facility. While having some form of rentals and/or programming at facilities will bring in revenue, the building will not be operating at full capacity or even normal rates for this time of year. For this reason, Council has consistently approved a gradual reopening at a limited number of facilities to try and mitigate the operating costs. Council should note that the cost to operate an Arena along with the additional COVID-19 related costs would far exceed the revenue generated from a reduced number of curling sheets.

## **Financial Matters:**

There would be significant costs to set up and operate a curling rink within a City owned Arena. In addition, the difference in revenues between operating Roseland Curling Club and an Arena would be drastically reduced in 2020 due to the number of sheets of ice that can be operated (due to the size of the ice pad and requirement for physical distancing) as well as the length of a curling season. It is estimated that three sheets of ice would operate for approximately 18 weeks in an Arena for 2020 versus a regular 27-week season at Roseland operating six sheets of ice.

## **Consultations:**

Valerie Clifford – Financial Planning Administrator, Recreation & Culture  
Curling Ontario  
Roseland Golf and Curling Club

## **Conclusion:**

This report is in response to CQ 29-2020 which asked that Administration explore options for providing curling at a City of Windsor facility, and that this response be provided for the October 19, 2020 meeting of City Council.

## **Planning Act Matters:**

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
Ray Mensour	Executive Director, Recreation & Culture
Jan Wilson	Commissioner – Parks, Recreation, Culture and Corporate Facilities
Joe Mancina	Chief Financial Officer
Valerie Critchley for Onorio Colucci	Chief Administrative Officer

**Notifications:**

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

**Appendices:**





**Council Report: C 189/2020**

**Subject: A Provisional By-Law for the Repair and Improvement to the Marentette-Mangin Drain - Ward 1**

**Reference:**

Date to Council: October 19, 2020

Author: Paul Mourad

Project Administrator

519-255-6100 ext 6119

pmourad@citywindsor.ca

Engineering - Projects

Report Date: September 23, 2020

Clerk's File #: SW2020

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

**Recommendation:**

- I That Council **ADOPT** the drainage report entitled, "*Drainage Report for the Marentette-Mangin Drain in the City of Windsor, County of Essex*", dated May 1, 2020, as prepared by Landmark Engineers Inc., by Provisional By-law \_\_\_\_/2020 in accordance with Section 45 of the Drainage Act; and
- II That Council **APPROVE** the estimated cost of \$113,438.66 to proceed with the recommended repairs and improvements outlined in this report to be charged to project # 007-2950-9998-02942-7086004 (Drain Maintenance).

**Executive Summary: NA**

**Background:**

The Marentette-Mangin Drain originates just north of Lambton Street and west of the Herb Gray Parkway and ultimately outlets to the Grand Marais Drain to the south. The drain, as well as the watershed that it lies within, have changed substantially over the past few decades. As development progresses, open drains become enclosed as formerly undeveloped parts of the city are urbanized. Urbanization began in the late 1980s and additional changes were caused by construction of the Rt. Hon. Herb Gray Parkway completed in 2015. The present day watershed contains a mixture of residential lands, open wooded areas and portions of the Parkway corridor.

Construction of the Parkway eliminated the upstream end of the drain to the north. The remaining open drain acts as an outlet to one of the Parkway's storm detention ponds. The middle section of the drain was previously replaced with storm sewers as part of the Huron Estates Subdivision, and ultimately outlets to the Grand Marais Drain.

In 2013, following substantial completion of the Parkway construction, the Ministry of Transportation of Ontario (MTO) filed petitions with the City for Council to appoint an engineer to examine and report on the Municipal Drains that provide a drainage outlet for the Parkway. Landmark Engineers Inc. was appointed as the Drainage Engineer by CR511/2016 in accordance with Section 8 of the Drainage Act. Landmark was retained to make an examination of the drain and prepare a drainage report to make recommendations for any repairs and improvements to the drain. The Ministry of Transportation has also committed to pay all costs associated with the engineering and preparation of the drainage report.

The City of Windsor does not assess property owners for drain maintenance, as directed by Council Resolution 388/2007, passed on October 1, 2007, which confirmed the use of the general tax levy for drain maintenance costs in accordance with the City of Windsor Act of 1968. However, a portion of the costs inherent with rebuilding private access structures are still to be assessed to the benefiting landowners.

## **Discussion:**

The recommended repairs as outlined in the drainage report, include removing all dead woody material such as trees and brush that have blown over and lying in and across the drain channel and to remove all brush in the lower half of the drain channel that could cause a flow blockage. In addition, replacement of the ditch inlet bar screen is proposed at the downstream end of the open drain section which is prone to clogging. A brick bulkhead in the storm sewer outlet chamber to the Grand Marais Drain is also proposed to be removed.

Copies of the drainage report and notices of the Council meeting to consider the report for adoption by by-law, were sent to the affected landowners in accordance with section 41 of the Drainage Act.

In accordance with Section 45 of the Drainage Act, at the Council meeting in which the drainage report is considered, the drainage report may be adopted by by-law when such a by-law is given 1<sup>st</sup> and 2<sup>nd</sup> readings by Council. The report shall then be deemed to be adopted and the by-law shall be known as a Provisional By-law. Council shall then, within 30 days of adoption of the drainage report, send a copy of the Provisional By-law and Notice of a Court of Revision meeting to all affected landowners listed in the assessment schedule and/or allowance and compensation schedule. The notice shall inform each landowner that the landowner may appeal the owner's assessment and/or allowances to a Court of Revision by giving notice to the Clerk not later than 10 days prior to the first sitting of the Court of Revision. Following the Court of Revision and the expiration of the appeal period, the by-law may be passed by giving a 3<sup>rd</sup> and final reading of the by-law by Council.

A copy of the drainage report entitled, "*Drainage Report for the Marentette-Mangin Drain in the City of Windsor, County of Essex*", dated May 1, 2020, is attached in the appendices.

## **Risk Analysis:**

Associated risks to the Corporation resulting from carrying out the recommendations in the report include risks typical of any construction project, such as bodily injury, property damage, and matters arising from violations of the Occupational Health and Safety Act. These risks will be transferred to the successful contractor, through the agreement entered into. As part of the agreement with the successful contractor, the contractor 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.

## **Financial Matters:**

The Ministry of Transportation has previously committed to pay all costs associated with the engineering and preparation of the Drainage Report as identified in CR511/2016. There are no costs to the City related to the drainage report, except for staff time to oversee the consultant's work. These costs will be charged to and managed within the department's Operating Budget.

All expenses associated with any repair and improvements (construction phase) to the Marentette-Mangin Drain, as identified in the report, will be assessed to the City of Windsor. The estimated cost to undertake the recommended repairs and improvements for construction and construction related engineering services in this report is estimated at \$113,438.66 in 2020 dollars. Any recommended repairs that are carried out as outlined in this report will be charged to project # 007-2950-9998-02942-7086004 (Drain Maintenance) where sufficient budget funding is available to undertake this work.

## **Consultations:**

Victor Ferranti, Manager of Capital Budget & Reserves  
Carrie McCrindle, Financial Planning Administrator  
Andrew Dowie, Engineer III/Drainage Superintendent  
Fahd Mikhael, Manager Design and Development

## **Conclusion:**

This Department recommends that City Council pass the Provisional By-law to adopt the drainage report entitled, "*Drainage Report for the Marentette-Mangin Drain in the City of Windsor, County of Essex*", May 1, 2020, in accordance with Section 45 of the Drainage Act, and approve the estimated construction cost and construction related services for the recommended repairs and improvements.

**Approvals:**

<b>Name</b>	<b>Title</b>
France Isabelle-Tunks	Senior Manager, Engineering / Deputy City Engineer
Mark Winterton	City Engineer and Corporate Leader Environmental Protection and Infrastructure Services
Shelby Askin Hager	City Solicitor and Corporate Leader Public Safety and Economic Development
Joe Mancina	Chief Financial Officer/City Treasurer and Corporate Leader Finance and Technology
Valerie Critchley for Onorio Colucci	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Fred Francis, Ward 1 Councillor	c/o 350 City Hall Square West, Suite 220 Windsor, ON N9A 6S1	<a href="mailto:ffrancis@citywindsor.ca">ffrancis@citywindsor.ca</a>
Tim Byrne, Director, Watershed Management Services, Essex Region Conservation Authority	360 Fairview Ave W, Suite 311, Essex, ON N8M 1Y6	<a href="mailto:tbyrne@erca.org">tbyrne@erca.org</a>
Daniel Krutsch, P.Eng.	Landmark Engineers Inc. 2280 Ambassador Drive, Windsor, ON, N9C 4E4	<a href="mailto:dkrutsch@landmark.ca">dkrutsch@landmark.ca</a>

**Appendices:**

1. Drainage Report for the Marentette-Mangin Drain in the City of Windsor, County of Essex, dated May 1, 2020



**Council Report: C 194/2020**

**Subject: Award of RFP Number 132-20 - Organics and Biosolids Waste Management and Processing Consultant - City Wide**

**Reference:**

Date to Council: October 19, 2020

Author: Stacey McGuire

Project Administrator

519-255-6100 ext. 1734

smcguire@citywindsor.ca

Projects & Right-of-Way

Report Date: September 28, 2020

Clerk's File #: SW/13940

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

**Recommendation:**

- I. That **APPROVAL BE GIVEN** to enter into an agreement with GHD Limited for the provisions of consulting services related to Organics and Biosolids waste management and processing in the amount of \$132,500 plus applicable taxes and that the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to sign the agreement with GHD Limited, satisfactory in form to the City Solicitor, in technical content to the City Engineer and in financial content to the City Treasurer; and,
- II. That Council **APPROVE** the funding for preliminary consulting services and internal project management with the balance being applied to additional future study costs from the following funding sources:
  - a) That \$100,000 in 2021 funding, previously approved in principle in the 2020 8-year Capital Plan, be **PRECOMMITTED** to project 7184005 (Food and Organic Waste Study) from project OPS-006-19 (Food and Organic Waste Collection and Treatment); and,
  - b) That \$100,000 **BE TRANSFERRED** from the Landfill #3 Perpetual Care Reserve (account #1790) to project 7184005 (OPS-006-19); and,
  - c) That the balance in project 7161018 (Bio-Solids Disposal Strategies) **BE TRANSFERRED** to project 7184005 (OPS-006-19) and project 7161018 **BE CLOSED**; and,
- III. That Council **DIRECT** Administration to pursue funding from the Essex Windsor Solid Waste Authority to partially offset the costs of the consulting services related to Organics and Biosolids waste management and processing.

## **Executive Summary:**

N/A

## **Background:**

At its meeting of January 15, 2018, Council received a report from the City Engineer regarding an update on the Waste Free Ontario Act as it relates to food and organic waste. The Act will require the City of Windsor to provide curbside collection of source separated food and organic waste to single-family dwellings by 2025. This collection program will target 70% waste diversion from landfill. Neighbouring municipalities in Essex County will have responsibilities varying from no collection and no targets for diversion to some type of collection (curbside, depot or subsidized home-composters) in urban areas and 50% waste diversion.

Under an existing service contract, dewatered biosolids produced at the Lou Romano Water Reclamation Plant (LRWRP) and the Little River Pollution Control Plant (LRPCP) are heat dried and pelletized at the Windsor Biosolids Processing Facility (WBPF). The pellets are used as a Class A fertilizer. The current contract will expire in 2029. By 2030 the City anticipates upgrades will be required to the WBPF to increase capacity.

In July, 2020, the City issued an Expression of Interest (EO#114-20) to determine options that exist for partnerships within the public sector to meet the City's goal of processing organic waste resulting from future curbside food and organic waste collection. This EOI further requested submissions to consider the processing of biosolids from wastewater treatment operations to explore synergies between existing City operations.

## **Discussion:**

### **Collection and Treatment of Source Separated Organics**

As mentioned above, the City of Windsor is required to provide curbside collection of organic waste by 2025. The EOI was issued to determine options that exist for partnerships within the public sector to meet the City's goal of processing organics with an option to include biosolids.

The results of the EOI provided a range of technologies including; trucking of organics to communities outside Windsor/Essex, traditional composting operations, advanced composting technologies and Anaerobic Digestion.

### **Treatment and Processing of Sewage Sludge (Biosolids)**

Sewage biosolids from the LRWRP and the LRPCP are dewatered on-site and transported to the WBPF site. WBPF heat dries and pelletizes the biosolids to produce a Class A fertilizer bio-product. This Class A fertilizer is then marketed by the Operator to agricultural operations.

The WBPF is operated under an existing service contract that will expire in 2029 with options to extend the contract life. Based on population growth, the City anticipates that the WBPF will reach its design capacity by 2030.

Opportunities to increase capacity for biosolids processing include either WBPF plant expansion or the implementation of anaerobic digestion. Through the anaerobic digestion process, biosolids volume is reduced which may allow the WBPF to operate beyond 2030 without capacity increase.

The anaerobic digestion of biosolids may eliminate the need for the WBPF in the future depending on the quality and marketability of the product leaving the digesters.

### **Co-mingling of Organics and Sewage Sludge**

As per the EOI submissions, treatment options for co-mingled organics and sewage sludge are limited to advanced composting technologies and anaerobic digestion. The design of either of these technologies must include consideration of both streams from the start of the project to maximize community benefit and reduce duplication of efforts.

The results of EO#114-20 included a wide range of available technologies for processing of various types of waste, including food and organic household waste, biosolids from the wastewater treatment plants, commercial, industrial and institutional sector waste and leaf and yard waste. Based on the EOI submissions, the City has various processing and treatment options to consider that range from transporting the waste streams to existing processing facilities outside the region to construction of a new facility to manage the waste. Alternative service delivery models could be considered from a standard design-bid-build project to a more complex private-public-partnership arrangement.

The City must identify its goals and priorities related to overall management of organic waste in order to identify next steps. While the main objective of this project is to comply with legislation, there are opportunities to address other municipal priorities including management of wastewater biosolids, energy and greenhouse gas (GHG) emission targets. This project provides an opportunity to evaluate available options through both Life Cycle Costing (Capital and Operating Costs) and through Triple Bottom Line considerations (Economic, Social and Environmental). Some examples of additional considerations are identified below.

#### **Capital and Operating costs**

Capital and operating costs associated with a new facility will depend on a number of factors, including technology, feedstock, site selection, revenue from end products and service delivery model.

#### **Community and Environmental Impacts**

For a new build, selection of a site within the City's limits would reduce collection costs and mitigate GHG emissions. However, consideration will have to be given to the elimination of odour, noise, traffic and other nuisance to the surrounding community. Some modern processes claim zero odour impacts through the use of closed systems, negative pressure, scrubbers and/or biofilters to reduce odour. Other considerations include air quality, impact on vegetation and wildlife, groundwater and drainage.

Depending on the site selected there may be additional environmental and planning requirements such as environmental assessments, species at risk permit, archeological assessment, planning applications and servicing studies.

## **Essex Windsor Solid Waste Authority (EWSWA) and Neighbouring Municipalities**

As was noted above, and in accordance with the legislation, neighbouring Essex County municipalities have to provide some form of organics collection (not mandated to be curbside) with lower target levels or may have no requirements to do any form of food and organic waste diversion. The legislation imposes different requirements for different sized municipalities. Furthermore, Ontario's 2018 Environment Plan proposes a ban on food waste from landfill, although there is no reference to the year in which the ban would be implemented or phased in. This proposed ban may place further pressure on area municipalities to adopt some form of food and organic waste collection.

In carrying out its obligations under the legislation, the municipality's actions must be consistent with Ontario's Food and Organic Waste Policy Statement (OFOWPS). The OFOWPS encourages municipalities and other planning authorities to pursue regional approaches to address food and organic waste resource recovery capacity needs. It further encourages municipalities to plan for the management and beneficial use of biosolids, including considering new and enhanced biosolids processing technologies and co-management practices that support volume minimization and nutrient recovery.

At its meeting October 6, 2020, EWSWA's Board approved the development and implementation of a regional food and organic waste management plan and creation of a working group consisting of EWSWA, City of Windsor and County of Essex representation. The City would be responsible for all technical aspects of the plan development. Details of the structure of the working group will be reported to the EWSWA board at its next meeting.

The Essex Region Conservation Authority (ERCA) is currently working with Windsor's neighbouring municipalities to complete a Community Energy Plan. Energy and GHG reduction targets are expected to be greater than the City of Windsor's targets. Comprehensive discussion is ongoing on the role of biofuels as a strategy within the County's Community Energy Plan. It is recommended that extensive collaboration with neighbouring municipalities occurs with conversations including organics collections and biosolids management. As mentioned above, the legislation does not require all municipalities to provide curbside collection but they may be interested in matching the level of service of the City of Windsor. A number of municipalities also operate wastewater treatment plants (e.g. Amherstburg) who may also be looking for alternatives for managing their biosolids.

### **By-products and Marketability**

Should the City choose to build and own a new facility it may be possible to realize revenue from end products produced by the various processing facilities:

- **Trucking** - No by-products available to the City
- **Traditional Composting** – Compost produced and sold for application in the agricultural and horticultural sectors
- **Advanced Composting Technologies** – Biofuel produced and used to generate electricity



- **Anaerobic Digestion** – Compost Produced and sold for application in the agricultural and horticultural sectors and biogas (Combined Heat & Power to generate electricity and heat or scrubbed for injection into pipelines as renewable natural gas or to be used as a fuel source for heavy duty vehicles)

## **Greenhouse Gas Emissions Considerations**

### **Removal of Organics from Landfill**

Disposal of organic (food) waste into a landfill leads to the decomposition of the organics under anaerobic conditions, resulting in the production of methane gas. Methane gas is 25 times more potent a GHG gas than Carbon Dioxide (CO<sub>2</sub>). The Regional Landfill currently has infrastructure to capture methane gas, which is flared reducing the methane gas to the less potent CO<sub>2</sub>. The current process of disposing of organics (food waste) in landfill contributes approximately 14,675 tonnes of CO<sub>2</sub> through the decomposition of organic waste. The City currently disposes of approximately 10,000 tonnes of food waste every year.

Additional GHG emissions can be attributed to the transportation of wastes. A successful program that diverts food waste from landfill has the opportunity to reduce these emissions.

### **Trucking of Organics outside the municipality**

The City will consider the option of transporting waste to an existing third party processing facility to avoid the capital costs associated with construction of a new facility. Location of the receiving facility, type of waste transported and quantity of waste will impact costs. Additional processing facilities such as a transfer station or sorting facility may be required in this scenario. In addition, transporting of waste outside Windsor/Essex would have negligible Community Benefits (i.e. additional GHG emissions due to trucking, in ability to realize the GHG reductions noted above and no bi-product benefit).

### **Composting**

Composting organic matter under aerobic conditions, results in the creation of a stable organic material (compost) through microbial action. However, even well managed compost operations will have pockets of anaerobic activity which will emit GHG emissions of methane (CH<sub>4</sub>) and nitrous oxide (N<sub>2</sub>O).

Traditional composting of organic waste (e.g. windrows) will not lead to further reduction of greenhouse gas emissions beyond those mentioned due to the removal of organics from landfill.

### **Advanced Composting Technologies**

New advanced composting technologies include processes where organics are dried creating a bio-fuel. This bio-fuel can be combusted to create renewable electricity. The GHG reduction potential will be tied to carbon intensity of the Ontario Electricity system.

## Anaerobic Digestion

Anaerobic Digestion is a series of biological processes in which microorganisms break down biodegradable material in the absence of oxygen generating a biogas in a closed system. The biogas that is generated is made mostly of methane and can be scrubbed to create a renewable natural gas, which can either be injected into natural gas pipelines, used as a fuel source for heavy duty vehicles or used in a CHP system to generate electricity.

In January 2020, the City completed an Integrated Site Energy Master Plan (ISEP) which identified strategies to move the LRWRP and LRPCP towards net zero energy and reduce greenhouse gas emissions. The ISEP estimated that anaerobically digesting sewage sludge could reduce GHG emissions at the LRPCP by 390-740 tonnes CO<sub>2</sub>/year and 1,390-2,640 tonnes CO<sub>2</sub>/year at the LRWRP. However, co-digesting sludge from both plants along with source separated organics would reduce GHG emissions further to 3,200 - 5,700 tonnes CO<sub>2</sub>/year. These are significant GHG emissions reductions that could result in 15 to 60% reduction in the treatment plant's carbon footprint (see Table 2 below).

**Table 2: GHG Reduction Potential**

	Existing GHG Emissions from Waste Water Treatment Plants	GHG Reduction Potential (Tonnes CO <sub>2</sub> /year)			
		Sewage Sludge Only		Co-digested Sludge and Organics	
		Biogas -> Electricity (CHP unit)	Biogas -> Renewable Natural Gas (displacing fossil fuel heating)	Biogas -> Electricity (CHP unit)	Biogas -> Renewable Natural Gas (displacing fossil fuel heating)
Total GHG Emissions from Waste water treatment plants	9,200	1,390	3,380	3,300	5700
Future estimated GHG from wastewater		7,810	5,820	5,950	3,510
Percent reduction in GHG emissions from wastewater		15%	37%	35%	60%

Regional contributions in either biosolids or organics has the potential to significantly reduce GHG emissions further.

Due to the considerable GHG potential from the anaerobic digestion for biosolids and organics, anaerobic digestion was identified as a priority action in the Acceleration of Climate Change Actions in response to the Climate Change Emergency Declaration (CR187/2020). The City's current path for reaching GHG reduction targets is based on anaerobic digestion of biosolids and organics.

### **Synergies with existing processes (garbage, yard waste and biosolids from the wastewater treatment plants)**

Site selection must consider proximity to existing facilities if co-processing of waste streams is deemed desirable. Other considerations include impacts on and integration of existing facilities and processes, use of shared facilities where possible and existing service contracts.

### **NEXT STEPS:**

Administration recommends hiring of a consultant with specific experience to evaluate options related to organics and biosolids management and processing. The proposed scope of work generally includes, but is not limited to:

- Assess and prioritize the overall project goals through consultation with City administration and stakeholders
- Review and assess the viability of responses to EO# 114-20 as they relate to the City's prioritized goals
- Research what other municipalities are doing to comply with legislation
- Evaluate and report on technology alternatives including high level budget estimates
- Advise on site specific spatial and servicing requirements
- Evaluate end market revenues and renewable energy options through cost-benefit analysis
- Recommend a preferred service delivery model
- Prepare the terms for a request for qualifications for the preferred service delivery model to be issued by the City

Using the scope as identified above, request for Proposals (RFP#132-20) for the provision of consulting services were received September 28, 2020. Submissions were received from Dillon Consulting Limited, GHD Limited and Tetra Tech Canada.

Two proponents passed the technical phase and their cost envelopes were opened on October 5, 2020. The successful Proponent was identified as GHD Limited based on the evaluation scoring matrix outlined in the RFP which assessed experience, qualifications, staffing, schedule and cost.

All cost proposals were checked for mathematical errors and none were found. The RFP was conducted in compliance with the City's Purchasing By-law 93-2012.

### **Risk Analysis:**

**Risks Associated with Failure to Act:** There is a significant timing and compliance risk associated with failure to proceed expeditiously with this project. Legislation mandates that the City provide curbside collection of food and organic waste by 2025. Site selection and possible land acquisition, procurement and environmental studies and planning applications

have the potential to delay the project. Hiring of the consultant will assist the City in identifying barriers, shortlisting available options based on prioritization of goals, and moving forward toward adherence to the legislative requirements in a timely manner.

**Financial Risk:** This report proposes use of existing unused funding sources for this project, because, as noted above, it is not practical to wait until the 2021 Capital budget is approved to proceed with the award of this RFP. One existing funding source (Project 7161018) was intended to allow the Pollution Control department to develop bio-solids disposal strategies. Since co-processing of biosolids with food and organic waste is being considered as part of this project it is logical to use the funds available under project 7161018 (Bio-Solids Disposal Strategies), however, there is a risk that the preferred solution as a result of the scope of this RFP may not include biosolids processing. If this happens, further funding will be required to replenish this project.

**Climate Change Mitigation Risk:** Developing a biosolids and organics strategy has been outlined as a Priority Action in the Acceleration of Climate Change Actions in response to the Climate Change Emergency Declaration. Depending on the technology selected, significant emissions reduction is possible.

**Climate Change Adaptation Risk:** The review of any technology or site selection shall include an assessment of possible climate change impacts that may affect ongoing operations of such a facility (e.g. flooding risk).

#### **Financial Matters:**

As per RFP# 132-20 and in accordance with the Purchasing by-law, GHD Limited was the successful Proponent. Therefore, it is recommended that GHD Limited be awarded contract in the amount of \$132,500 plus HST.

The proposed budget for this **Phase 1** of the project is as follows:

<b>Expense</b>	<b>Budget Amount</b>
Consulting Services (RFP# 132-20)	\$132,500
Internal Project Management	\$50,000
Contingency	\$20,000
Non Recoverable HST	\$2,333
<b>TOTAL Expenses Phase 1</b>	<b>\$204,833</b>

As part of the 2020 Capital Budget, funding was approved in principle in project OPS-006-19 (Food and Organic Waste Collection and Treatment). Funding of \$100,000 in 2021 was approved in principle for these consulting services. These funds are not sufficient to complete the initial phase of the project as above. As such Administration is recommending additional funding sources for this project.

Administration is recommending that the balance in project 7161018 (Bio-Solids Disposal Strategies) be transferred to project 7184005 (OPS-006-19 - Food and Organic Waste Study) and project 7161018 be closed. Currently, project 7161018 (Bio-Solids Disposal Strategies) has a surplus of approximately \$296,800. As noted in the risk section, if the preferred solution as a result of the scope of this RFP does not include bio-solids processing, further funding will be required to replenish this project to enable further study on future biosolids management.

Additionally, Administration is recommending that \$100,000 be transferred from the Landfill #3 Perpetual Care Reserve (account #1790) to project 7184005 (OPS-006-09 - Food and Organic Waste Study). As of August 31, 2020 the reserve account is in a surplus of \$195,649.

Given the current funding levels of the three funding sources, the total amount being transferred to project 7184005 (OPS-006-19 - Food and Organic Waste Study) is approximately \$497,000. Administration is recommending that all of these funds be transferred to the project as future funding requirements are anticipated to be high.

<b>Funding Source</b>	<b>Amount</b>
From OPS-006-16 in 2021	\$100,000
Landfill #3 Perpetual Care Reserve (account #1790)	\$100,000
From Project 7161018	\$296,893
<b>Approximate Amount of Funding to 7184005</b>	<b>\$496,893</b>

At the October 6, 2020 EWSWA Board meeting, the Board approved that funding for the Regional Food and Organics Waste Management Plan form part of the EWSWA budget consistent with the landfill funding model. In keeping with this direction, City Administration recommends pursuing funding from EWSWA to further fund all or part of the cost of the consultant under RFP# 132-20.

Following completion of Phase 1, the City will be in a position to issue a Request for Proposals related to the management and processing of organic and biosolids waste. The results of the RFP would support a business case which would be presented to the EWSWA Board and Windsor City Council to finalize capital and operating costs as well as funding responsibility related to the proposed approach.

### **Consultations:**

Anne-Marie Albidone, Manager of Environmental Services

Alex Vucinic, Purchasing Manager

Carrie McCrindle, Financial Planning Administrator

Melissa Osborne (Urban), Senior Manager of Asset Planning

Natasha Couvillon, Manager of Performance Measurements and Financial Administration

Jake Renaud, Senior Manager Pollution Control / Deputy City Engineer

Karina Richters, Supervisor of Environmental Sustainability & Climate change

Ed Valdez, Manager of Process Engineering & Maintenance

Wira Vendrasco, Manager of Legal and Real Estate / Deputy City Solicitor

**Conclusion:**

Of the proposals submitted for RFP# 132-20 and in accordance with the City of Windsor's Purchasing By-law, Administration recommends award to the highest scoring proposal submitted by GHD Limited to provide consulting services related to an organics and biosolids processing strategy.

**Planning Act Matters:**

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
France Isabelle-Tunks	Senior Manager of Engineering / Deputy City Engineer
Dwayne Dawson	Executive Director of Operations/Deputy City Engineer
Mark Winterton	City Engineer
Shelby Askin Hager	City Solicitor
Joe Mancina	Chief Financial Officer/City Treasurer
Valerie Critchley for Onorio Colucci	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Dillon Consulting	3200 Deziel Drive, Suite 608 Windsor, ON N8W 5K8	wormshaw@dillon.ca
GHD Limited	1880 Assumption Street, Unit 200 Windsor, ON N8Y 1C4	mike.muffels@ghd.com
Tetra Tech Canada Inc.	Suite 203 – 111 Farquhar Street Guelph, ON N1H 2N4	Rob.hegedus@tetrattech.com

**Appendices:**



**Council Report: C 198/2020**

**Subject: Revised Appointment of Drainage Engineer - Talsma and Janisse Drains - Ward 10**

**Reference:**

Date to Council: October 19, 2020  
Author: Andrew Dowie  
Engineer III  
(519) 255-6257 ext. 6490  
Design and Development  
Report Date: October 5, 2020  
Clerk's File #: AS2020

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

**Recommendation:**

That CR340/2020 **BE RESCINDED**; and,

That the firm of BairdAE Inc. **BE APPOINTED** as the engineer of record under the Drainage Act to prepare a report to inform Council of the drainage works project, if any, that is required to address the ongoing use of the Talsma and Janisse Drains and their designations as Municipal Drains.

**Executive Summary:**

N/A

**Background:**

At the Meeting of Council of Monday, July 13, 2020, CR340/2020 was adopted as follows:

*"That the firm of BairdAE Inc. BE APPOINTED as the engineer of record to prepare a report under Section 78 of the Drainage Act to inform Council on the drainage works project, if any, that is required to address the ongoing use of the Talsma Drain and designation as a Municipal Drain."*

**Discussion:**

Section 78 of the *Drainage Act* speaks to the appointment of an engineer of record for improvements to drains in which a By-law has been previously adopted.

To date, the original By-law that would have been adopted by the Township of Sandwich West has not been located.

Section 4c) of the *Drainage Act* allows the City Engineer to petition for the creation of a new drain. In the absence of a previous By-law, use of Section 8 of the Act for the designation of BairdAE Inc. as engineer of record will allow the work to continue to be carried out in accordance with the Act. In addition, the revised recommendation will give flexibility to the engineer of record to recommend any necessary downstream changes to the Janisse Drain, when required, to which several sections of the Talsma Drain currently outlet.

### **Risk Analysis:**

There are no identified risks inherent with amending the resolution as proposed. Not proceeding with the change increases the risk of the project being appealed for procedural shortcomings.

### **Climate Change Risks**

#### **Climate Change Mitigation:**

N/A

#### **Climate Change Adaptation:**

N/A

### **Financial Matters:**

There are no costs inherent with the recommendation.

### **Consultations:**

Halliday Pearson, BairdAE Inc.

Wira Vendrasco, Legal Department

### **Conclusion:**

Changing the appointment of BairdAE Inc. as engineer of record under the *Drainage Act* for the study of the Talsma and Janisse Drains is a housekeeping measure intended to ensure compliance under the Act.

### **Planning Act Matters:**

N/A

### **Approvals:**

<b>Name</b>	<b>Title</b>
Fahd Mikhael	Manager of Design and Development
France Isabelle Tunks	Senior Manager of Engineering



<b>Name</b>	<b>Title</b>
Mark Winterton	City Engineer
Valerie Critchley for Onorio Colucci	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Hailliday Pearson, P.Eng., BairdAE Inc.	102-27 Princess Street, Leamington, ON N8H 2X8	hpearson@bairdae.ca

**Appendices:**

Petition for Drainage Works by Road Authority – Form 2

**Petition for Drainage Works by Road  
Authority – Form 2**

*Drainage Act, R.S.O. 1990, c. D.17, subs. 4(1)(c)*

To: The Council of the Corporation of the City of Windsor

Re: Road name and road location (provide description of road or section of road that requires drainage)  
Charl Avenue and Janette Avenue, located south of Tecumseh Road West, currently outletting to the unregulated drain known as the Talsma Drain.

I, Mark Winterton, as an individual having jurisdiction over  
(Last, first name)

the above road system for the City of Windsor

declare that the road described above requires drainage and hereby petition under subsection 4(1)(c) of the *Drainage Act* that this area be drained by means of a drainage works.

Organization

Corporation of the City of Windsor

Position Title

City Engineer

Signature

Date (yyyy/mm/dd)

2020/10/05

**Petitioners become financially responsible as soon as they sign a petition:**

- Once the petition is accepted by council, an engineer is appointed to respond to the petition. *Drainage Act, R.S.O. 1990, c. D. 17 subs. 8(1).*
- After the meeting to consider the preliminary report, if the petition does not comply with section 4, the project is terminated and the road authority is responsible for the costs. *Drainage Act, R.S.O. 1990, c. D. 17 subs. 10(4).*
- After the meeting to consider the final report, if the petition does not comply with section 4, the project is terminated and the road authority is responsible for the costs. *Drainage Act, R.S.O. 1990, c. D. 17 s. 43.*
- If the project proceeds to completion, a share of the cost of the project will be assessed to the involved properties in relation to the assessment schedule in the engineer's report, as amended on appeal. *Drainage Act, R.S.O. 1990, c. D. 17 s. 61.*



**Council Report: C 200/2020**

**Subject: Provincial/Division Corridor Improvements Phase 2 Noise  
Bylaw Exemption - Ward 9**

**Reference:**

Date to Council: October 19, 2020

Author: Jane Z. He

Engineer III

519 255-6257 ext. 6358

jhe@citywindsor.ca

Design & Development

Design and Development

Report Date: 10/7/2020

Clerk's File #: SW/13934

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

**Recommendation:**

- I. That the following exemption requests to the provisions of the Noise By-law 6716 (as amended), **BE GRANTED** to permit for the operation of construction equipment required to complete the trunk storm sewer tunneling through CN Railway:

**a. Specific exemption request:**

Construction activities during the hours of 8pm through to 6 am, to complete construction of a trunk storm sewer by tunneling through the CN Railway along west side of Provincial Road at Sixth Concession Drain.

**b. Scope of Exemption:**

The installation of the 2.1-metre in diameter and 70 metres in length trunk storm sewer through CN Railway for the connection of the storm sewer on Provincial Road to the North Roseland Pump Station.

**c. Duration of Exemption:**

The request is for a period of 30 days with the option for renewal to be approved by the CAO through delegation of authority report.

**Executive Summary:**

N/A

**Background:**

Tender 14-20 Provincial Corridor Improvements Phase 2 closed on September 15, 2020. J & J Lepera Infrastructures Inc. is the Contractor as per CAOP 128/2020 approval of the award of tender. The Phase 2 work includes the construction of North Roseland Pump Station, underground storm water management facilities and trunk storm sewer installation through CN Railway right-of-way. The trunk storm sewer through CN railway will be installed by jacking & boring method. CN Railway construction permit requires that "Once work has begun, boring or jacking works within 3 meters of a railway track must be continued without interruption (24hrs /24hrs)"

**Discussion:**

Based on the preliminary work plan discussion with the Contractor, it will take approximately 15 continuous 12-hour shift to tunnel through CN railway tracks in a smooth operation condition. It will take approximately 30 days to complete the overall tunneling work including the preparation and setup period.

Provincial Road is a commercial corridor and the work location has a reasonable distance away from residential area. The adverse impact caused by the requested noise bylaw exemption is not significant. To allow 24-hour continuous work for the tunneling work will also accelerate the completion of the project and minimize the construction impact to the local business.

**Risk Analysis:**

Any delay in the approval could result in delays in implementation of the Provincial/Division Corridor Improvements project. Not permitting 24-hour continuous work would not receive CN railway work permit for the work on the CN railway right-of-way.

**Financial Matters:**

The requirement of the continuous operating through CN railway right-of-way has been included in the contract. Therefore, there won't be additional costs for the 24-hour continuous work schedule.

**Consultations:**

Dillon Consulting Limited

J & J Lepera Infrastructures Inc.

**Conclusion:**

If approved, the Contractor will commence work on this project immediately.

**Planning Act Matters:**

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
Fahd Mikhael	Manager, Design & Development
France Isabelle-Tunks	Senior Manager of Engineering / Deputy City Engineer
Mark Winterton	City Engineer
Valerie Critchley for Onorio Colucci	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Dillon Consulting Limited	3200 Deziel Drive, Suite 608	<a href="mailto:Rmolliconi@dillon.ca">Rmolliconi@dillon.ca</a>
J & J Lepera Infrastructures Inc.	4405 Seventh Concession Road Windsor ON N9A 6J3	<a href="mailto:joe@jilepera.com">joe@jilepera.com</a>

**Appendices:**



**Committee Matters: SCM 280/2020**

**Subject: Interim Control By-law Exemption 2020-10 - Titanium Trucking Services Inc. - 0 Devon Drive - Ward 9**

Moved by: Councillor Holt  
Seconded by: Councillor Sleiman

Decision Number: **DHSC 195**

- 1) THAT the request of Titanium Trucking Services Inc. for an exemption from the provisions of Interim Control By-law 78-2019 for the property at 0 Devon Drive (east side of Devon Drive at Foster Avenue) **BE APPROVED.**
- 2) THAT Council **AMEND** By-law 78-2019 by adding to Section 6 the following:
  - j) 0 Devon Drive - East side of Devon Drive at Foster Avenue  
Lots 26 to 28, Registered Plan 1629; PIN 01561-2468; Roll No. 070-080-01200

Carried.

Report Number: S 110/2020  
Clerk's File: SPL2020

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

**Subject: Interim Control By-law Exemption 2020-10 - Titanium Trucking Services Inc. - 0 Devon Drive - Ward 9**

**Reference:**

Date to Council: September 21, 2020  
Author: Adam Szymczak, MCIP, RPP  
Senior Planner  
519-255-6543 x6250  
aszymczak@citywindsor.ca

Planning & Building Services  
Report Date: August 12, 2020  
Clerk's File #: SPL2020

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

**Recommendation:**

To Council **FOR DECISION.**

**Executive Summary:**

N/A

**Neighbourhood Map:**



## **Background:**

### **Timeline**

2018 November 19	Council approves Housekeeping Amendment 2017-3 which adds Transport Terminal definition and provisions to Zoning By-laws
2019 March 15	Building Division issues an Order to Comply (File 19-192522)
2019 March 27	Building Division conducts city wide Transport Terminal enforcement blitz
2019 April 17	Planning Division receives a Pre-Submission Application (PS-020/19) from Titanium Trucking Services Inc regarding proposed rezoning to permit a Transport Terminal.
2019 May 14	Planning Division sends Pre-Submission Letter to Titanium Trucking Services Inc.
2019 June 3	Council approves Interim Control By-law 78-2019 (ICBL)
2019 June	Titanium Trucking Services Inc. applies to amend Zoning By-law 8600 to permit a Transport Terminal. This application is on hold pending the outcome of the request for an exemption
2020 July 2	Titanium Trucking Services Inc. submits a request for an exemption from the ICBL

### **Enforcement**

An Order to Comply was issued on March 15, 2019. The order is in abeyance pending Council's consideration of this exemption request, and rezoning and site plan approval. The Building Division conducted a citywide enforcement blitz on March 27, 2019 that identified 26 parcels, including the subject parcel, with Transport Terminals that violated the Zoning By-law or lacked site plan approval pursuant to the Site Plan Control By-law.

### **Interim Control By-law 78-2019**

Section 38(1) of the *Planning Act* permits a municipality to pass an interim control by-law (ICBL) that prohibits the use of land, buildings or structures for such purposes as set out in the by-law. This in effect "freezes" development on the lands (as described by the by-law) for a period not to exceed one year. An ICBL is an important planning tool that allows the municipality to rethink its current land use policies by suspending development that may end up conflicting with any new policy that may be developed.

On June 3, 2019, Council approved Interim Control By-law 78-2019 (see Appendix A) that prohibits the creation of a new Transport Terminal in any MD1. or MD2. zoning districts and M1 zones in the City of Windsor. This will allow Administration to study the extent of the challenges, propose possible solutions and provide revised policies and provisions that aim to balance the needs of Transport Terminal and shipping business owners, truck operators, and surrounding businesses and residents. That study is currently underway.



Council Resolution 291/2019, which approved Interim Control By-law 78-2019, states:

*That Council **MAY REVIEW**, on a case-by-case basis, any requested amendments to the Interim Control By-law where there is a determination that the creation of a new Transport Terminal would not conflict with the general purpose and intent of the Interim Control By-law;*

Amending By-law 55-2020, approved by Council on April 27, 2020, extended Interim Control By-law 78-2019 by one additional year. ICBL 78-2019 will expire on June 2, 2021 or earlier if repealed by Council.

### **Request for Exemption from ICBL**

Titanium Trucking Services Inc. (Jeff Libby) indicates that they have been leasing the parcel since mid-2019 and have been parking trailers on the paved portion of the parcel. All other operations, including the parking of tractors (trucks) occur across the street to the west at the main terminal at 3315 Devon Drive.

The applicant is requested to exempt the property at 0 Devon Drive from Interim Control By-law 78-2019 to allow the applicant to apply for an amendment to Zoning By-law 8600 to permit a Transport Terminal as an additional permitted main use on the subject parcel. The applicant has provided further details and rationale in their request attached as Appendix B.

### **Discussion:**

All exemption requests will be evaluated against the following criteria:

**Consistency with the Official Plan and Zoning By-law** - The underlying Official Plan designation and zoning district will be considered. Specifically, whether the Transport Terminal is consistent with the Official Plan designation and is permitted as a main use by the zoning district;

**Impact on surrounding infrastructure** - What the impact may be on surrounding infrastructure, mainly roads, including potential wear and tear, as well as how the impact on the safety and functionality of the surrounding road network;

**Proximity to sensitive land uses** - The distance to the closest sensitive use will be considered; and,

**Likelihood of additional mitigation measures** - This criterion considers compatibility with surrounding uses. The Transport Terminal Study may recommend that additional mitigation measures be undertaken to permit a Transport Terminal on the property. Approval of the exemption request may prejudice the Study.

### **Analysis of Evaluation Criteria**

The subject parcel is designated Industrial on Schedule D: Land Use in the City of Windsor Official Plan. A Transport Terminal is consistent with the general policy direction, including permitted uses, locational criteria, evaluation criteria, and design guidelines, of the Industrial land use designation.

Excerpts from Zoning By-law 8600 are attached as Appendix C. The parcel is zoned Manufacturing District 1.1 (MD1.1) which permits a range of light industrial uses and a limited range of commercial uses. MD1.1 does not permit a Transport Terminal as a main use. It is only permitted as an accessory use to a permitted main use. This distinction between main use and accessory use is an issue that the study will examine.

A rezoning application is required to permit a Transport Terminal as an additional permitted main use. If a rezoning is approved by Council, a Transport Terminal on the parcel is subject to site plan control.

**The exemption is consistent with the direction of the Official Plan. However, Transport Terminal is NOT permitted as a main use in the MD1.1 zoning.**

The parcel has access to Howard Avenue and Provincial Road, both Class I Arterial Roads. Howard Avenue and Provincial Road are designated Truck Routes and provide access to the EC Row Expressway, approximately 2 km driving distance to the northwest and to Highway 401, approximately 4.4 km driving distance to the southeast.

**The proposed Transport Terminal will have minimal impact on surrounding infrastructure.**

The parcel is adjacent to residential uses to the east located on Woodlawn Avenue and Parkwood Avenue. A newer residential subdivision is located on Kamloops Street and Hallee Crescent to the southeast. The residential uses are a sensitive land use.

Vacant industrial land is located to the south. To the southwest is Tilbury Concrete. To the west, northwest and north are a mix of industrial uses, including the main facility of Titanium Trucking Services Inc. at 3315 Devon Drive. Devonshire Mall is located 600 m to the northwest.

**The proposed Transport Terminal IS proximate to a sensitive land use.**

The proximity of sensitive land uses is a concern. The potential conflict between the Transport Terminal use and the sensitive land uses is an issue that the Transport Terminal Study will examine. Staff report C 102/19 that recommended implementation of the Interim Control By-law stated that:

*“The main purposes of doing the study is to ensure that Transport Terminal is appropriately permitted or prohibited, that the provisions for a Transport Terminal are consistent with the policy direction of the Official Plan, and that a Transport Terminal is not detrimental to surrounding existing and potential land uses.”*

While the applicant intends to primarily store trailers on that part of the parcel that is currently paved, additional mitigation measures may be required to permit a Transport Terminal on the property. This is an issue that the study will examine.

**There is a likelihood that additional mitigation measures may be necessary to permit a Transport Terminal.**

## **Risk Analysis:**

N/A

## **Financial Matters:**

N/A

## **Consultations:**

Jason Campigotto, Site Plan Approval Officer; Wira Vendrasco, Deputy City Solicitor; Rob Vani, Manager of Inspections (BBO) / Deputy Chief Building Official

## **Conclusion:**

Approval of the exemption does not permit a Transport Terminal on the subject parcel. It only allows the applicant to apply to amend Zoning By-law 8600, a process that is subject to public notification and input, review by the Development & Heritage Standing Committee (DHSC), and final decision by Council. Site plan approval is a requirement.

Possible options are provided below.

**Option A** – If Council chooses to **APPROVE** the exemption, the motion shall read as:

- 1) That the request of Titanium Trucking Services Inc. for an exemption from the provisions of Interim Control By-law 78-2019 for the property at 0 Devon Drive (east side of Devon Drive at Foster Avenue) **BE APPROVED**.
- 2) That Council **AMEND** By-law 78-2019 by adding to Section 6 the following:
  - j) 0 Devon Drive - East side of Devon Drive at Foster Avenue  
Lots 26 to 28, Registered Plan 1629; PIN 01561-2468; Roll No. 070-080-01200

**Option B** – If Council chooses to **DENY** the exemption, the motion shall read as:

That the request of Titanium Trucking Services Inc. for an exemption from the provisions of Interim Control By-law 78-2019 for the property at 0 Devon Drive (east side of Devon Drive at Foster Avenue) **BE DENIED**.

## **Planning Act Matters:**

Thom Hunt, MCIP, RPP

City Planner

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

SAH            OC

**Approvals:**

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

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Jeff Libby Titanium Trucking Services Inc.	3315 Devon Dr Windsor ON N8X 4L5	jeff.libby@ttgi.com
Central-McKinlay International Limited	12225 Stephens Road Warren MI 48089 USA	
Councillor McKenzie		
Property Owners within 120 m of subject parcel		

**Appendices:**

- 1 Appendix A Interim Control By-law 78-2019
- 2 Appendix B Exemption Request from Applicant
- 3 Appendix C Excerpts from Zoning By-law 8600

## BY-LAW NUMBER 78-2019

### A BY-LAW TO IMPOSE INTERIM CONTROL ON TRANSPORT TERMINALS WITHIN CERTAIN ZONING DISTRICTS AND ZONES OF THE CITY OF WINDSOR

Passed the 3<sup>rd</sup> day of June, 2019.

**WHEREAS** Section 38 of the Planning Act, R.S.O. 1990, Chapter p. 13, provides that the Council of a local municipality had by resolution, directed that a study be undertaken in respect of land use planning policies in the municipality or in a defined area thereof, the Council of the municipality may pass a by-law to be in effect for a period of time specified in the by-law, which period shall not exceed one year from the date of the passing thereof, prohibiting the use of lands, buildings, or structures within the municipality or within the defined area or areas thereof, for such purposes as may be set out in the by-law;

**AND WHEREAS** the Council of the Corporation of the City of Windsor has by resolution directed that a study and review of Zoning By-laws 85-18 and 8600 be undertaken in respect of land use planning policies related to a Transport Terminal within the areas designated as Manufacturing Districts 1. and Manufacturing Districts 2. in Zoning By-law 8600 and Industrial Zone (M1) in Zoning By-law 85-18 of the City of Windsor;

**AND WHEREAS** the Council of the Corporation of the City of Windsor deems it expedient and in the public interest to prohibit the use on all lands, buildings, and structures for a Transport Terminal other than those lawfully being carried out on the day of passage of this Interim Control By-law, in order to allow the municipality to review and, if deemed appropriate, implement the findings of the said study.

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

1. In this By-law,

**ACCESSORY USE** means a use which is customarily incidental, subordinate and exclusively devoted to the main use and is carried on with such main use on the same lot.

**BUILDING** means a structure, consisting of a wall, roof and floor, or any one or more of them, or a structural system serving the function thereof, including all the works, fixtures and service systems appurtenant thereto, but does not include the following: access area, collector aisle, driveway, parking aisle or parking space not in a parking garage; fence; patio; sign as defined by the Windsor Sign By-law.

**LOT** means a contiguous parcel of land under one ownership, the boundaries of which are on record in the Land Registry Office of the County of Essex (No. 12) in the Registry or Land Titles Division.

**MAIN USE** means the principal use or uses of a building, lot, premises or structure.

**MOTOR VEHICLE** means vehicle propelled, driven or pulled by other than muscular power. It does not include a power-assisted bicycle as defined in the Highway Traffic Act, R.S.O. 1990, c. H.8. or a train.

**PREMISES** means a lot, building, structure or any combination thereof where a use is carried on.

**STRUCTURE** means anything, including any component part, that is erected, built or constructed and affixed to or supported by the ground.

**TRANSPORT TERMINAL** means premises used to dispatch, park, repair, service, or store freight-carrying trucks and trailers including a transport truck and a transport trailer, and may include as an accessory use, the loading or unloading of goods or freight to or from, or transferring of goods or freight between, said trucks and trailers. A truck transportation facility or truck terminal is a transport terminal. A loading compound, motor vehicle dealership, outdoor storage yard, parking area, or towing facility is not a transport terminal.

**TRANSPORT TRAILER** means a trailer or a semi-trailer as defined in the Highway Traffic Act, R.S.O. 1990, c. H.8. A tractor trailer or truck trailer is a transport trailer. A cabin trailer, camping trailer, house trailer, mobile home, recreational vehicle, tent trailer or travel trailer is not a transport trailer.

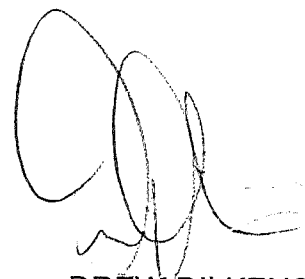
**TRANSPORT TRUCK** means a motor vehicle used to pull a transport trailer and includes the tractor unit of a tractor-trailer combination or a semi-trailer truck or semi-tractor unit of semi-trailer combination. A truck tractor is a transport truck.

**TRANSPORT STORAGE AREA** means that portion of a transport terminal located outdoors used to load, manoeuvre, park, repair, service, store, or unload a transport truck or transport trailer. A loading compound, loading space, motor vehicle dealership, outdoor storage yard, parking area, or towing facility is not a transport storage area.

## **USE**

1. when used as a noun means the purpose for which a building, lot, premises or structure is designed, maintained or occupied.
  2. when used as a verb means anything done by any person or permitted, either directly or indirectly by any person, for the purpose of making use of a building, lot, premises or structure.
2. Notwithstanding the permitted uses, prohibited uses, and provisions of Zoning By-law 8600 as amended, within any Manufacturing Districts 1. (MD1.) or any Manufacturing Districts 2. (MD2.) no land, building, or structure shall be used for a Transport Terminal except,
    - (1) The continued use of land, or building, or structure lawfully existing on the day of passage of this By-law provided such use is permitted on that land, or in that building or structure, by By-law 8600; and
    - (2) The repair of a building or structure lawfully existing on the day of passing of this By-law in order to comply with an order issued pursuant to the Property Standards By-law No. 147-2011.
  3. Notwithstanding the permitted uses, permitted buildings and other structures, regulations, special regulations, and provisions of Zoning By-law 85-18 as amended, within any Industrial Zone (M1) including Defined Area M1-11 and Defined Area M1-15, no land, building, or structure shall be used for a Transport Terminal except,
    - (1) The continued use of land, or building, or structure lawfully existing on the day of passage of this By-law provided such use is permitted on that land, or in that building or structure, by By-law 85-18; and

- (2) The repair of a building or structure lawfully existing on the day of passing of this By-law in order to comply with an order issued pursuant to the Property Standards By-law No. 147-2011.
4. That were any conflict exists between the provisions of this By-law and any other By-law of the Corporation of the City of Windsor, this By-law shall prevail.
5. This by-law shall come into force and take effect on the day of the final passing thereof.



DREW DILKENS, MAYOR



CITY CLERK

First Reading - June 3, 2019  
Second Reading- June 3, 2019  
Third Reading - June 3, 2019

## APPENDIX B - Exemption Request from Applicant

**From:** Jeff Libby

**Sent:** July 2, 2020 4:28 PM

**To:** Szymczak, Adam <aszymczak@citywindsor.ca>

**Cc:** Robertson, Neil <nrobertson@citywindsor.ca>; Hunt, Thom <thunt@citywindsor.ca>

**Subject:** RE: Titanium Trucking - 0 Devon Drive - Rezoning

Thanks Adam,

Thom, as per the email below I will put this request in a email format and include the below chain as far back as January of this year.

To catch you up a bit: Titanium Trucking Services Inc. has been leasing the subject property since mid 2017, we have been parking our trailers there from this time without issue. We park our tractors and conduct all operations across the street at our main terminal at 3315 Devon Dr.

In mid 2019 we were made aware of the new bylaw that controls the operation or creation of new transport terminals within the city. We were also made aware that the subject property has the incorrect zoning for a trucking terminal or trailer parking. It has always been our position that this property was constructed as and has always been a transportation terminal and is not a "new" trucking terminal.

In April of 2019 I started the process to rezone the subject property, I have submitted a Development Application Pre-Submission Form in April and received no objections from Enwin Utilities, Windsor Fire and Windsor Police.

I have submitted a Zoning By-Law Amendment Application in June of 2019, I had a meeting with Adam in September of 2019 regarding the zoning application, we discussed that the By-law will need to be amended for this property before the zoning application can be processed.

I continued to work on this into the new year with the last correspondence in January (see below), needless to say with the Covid situation everything on this has been stalled from moving forward.

The bigger picture or plan at play here is our interest in possibly buying the vacant warehouse and property at 3324 Marentette. As we are all aware this property has been a sore spot for the City of Windsor and the surrounding neighbourhood for decades. Our intent is to bring this property back to a functional warehouse terminal, as the property borders our current property this will be a natural extension to our current terminal. I have been in talks with the current owner over the last year and they are as interested in getting this problem off their books as we are in acquiring it.

The first step in the whole plan is to deal with the By-law and zoning issue. With the trailer parking lot being part of the overall property package one cannot be sold without the other. As I explained in my email last month (see below) I have developed a bit of relationship with a few of the home owners on Woodlawn Ave. we have had ongoing discussions regarding any concerns with the property and there are currently no known concerns from any of the property owners that are directly behind the lot.

I have made it clear to both the City of Windsor and to the property owners that it our intent to be the best neighbours possible and any concerns now or in the future will be addressed to everyone's satisfaction.

Thom, please advise if this email has provided enough information to formally request an exemption from the current By-law to help move this process forward. Thank you for your attention in this matter.



**From:** Szymczak, Adam <[aszymczak@citywindsor.ca](mailto:aszymczak@citywindsor.ca)>  
**Sent:** July 2, 2020 8:34 AM  
**To:** Jeff Libby <[jeff.libby@ttgi.com](mailto:jeff.libby@ttgi.com)>  
**Cc:** Robertson, Neil <[nrobertson@citywindsor.ca](mailto:nrobertson@citywindsor.ca)>; Hunt, Thom <[thunt@citywindsor.ca](mailto:thunt@citywindsor.ca)>  
**Subject:** Re: Titanium Trucking - 0 Devon Drive - Rezoning

Good Morning Jeff,

The Interim Control By-law (ICBL) prohibiting Transport Terminals is still in effect. The ICBL prevents staff from processing any application to rezone the parcel. However, property owners can request that there property be exempt from the ICBL which requires that staff prepare a short report with options that is reviewed by the Development & Heritage Standing Committee (DHSC) and then considered by Council.

There is no formal application and no fees to request an exemption from the ICBL. A letter or email requesting, and your reasons for, the exemption addressed/sent to Thom Hunt, City Planner, will suffice. Your email dated June 25, 2020 contains information that should probably be included in the letter.

If the exemption is approved, you may move forward with rezoning application for the subject parcel.

I am out of the office and will return on Monday, July 6th.

Sincerely,

Adam Szymczak, MCIP, RPP

Senior Planner

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**From:** Jeff Libby <[jeff.libby@ttgi.com](mailto:jeff.libby@ttgi.com)>  
**Sent:** Thursday, June 25, 2020 11:11 AM  
**To:** Szymczak, Adam  
**Cc:** Lapico, Dante  
**Subject:** RE: Titanium Trucking - 0 Devon Drive - Rezoning

Good morning Adam, it has been a bit since we have talked, hope all is well.

We last discussed this in January and I was waiting for some guidance on my request below, I understand due the world being on hold for last while this has not progressed very far.

The current property owner received a bylaw notice so I am assuming the city is getting back to normal staffing levels so we can pick this up again. ( see attached )

I am including Dante in this email so we are all on the same page.

Recent updates: We were fortunate enough to be able to operate at near full capacity throughout the pandemic as we haul a high percentage of household goods. We continue to have no issues with this property with regards to the houses directly behind the lot. I actually have developed a bit of back and forth with one of the home owners, he seems to be the spokesman for a few his neighbours.

He approached me about our plans for cutting some weeds and brush, we had discussion about where they would like weeds and brush knocked down and where they would like left alone, the trees and brush have filled in along the fence that borders the homes and the yard and is providing a nice natural barrier between the properties. We recently had a contractor in to take care of the weeds and brush as the homeowners requested.

Our end goal has not changed, the intent is to first get this property rezoned and then explore the opportunity to purchase and develop the adjacent abandon warehouse and corner property.

Adam; please advise on the next step to move this process forward.

Dante; knowing we are actively attempting to rezone this property and there are no current issues what is the process to extend the date of the bylaw notice.

Thanks for all your help in this matter and I look forward to your response.

**Jeff Libby - Manager, Windsor Operations**

**Titanium Trucking Services Inc.**

P: 519-967-3503 | M: 519-796-9168 | [jeff.libby@ttgi.com](mailto:jeff.libby@ttgi.com) |

***"Strength Beyond Borders"***

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**From:** Jeff Libby <[jeff.libby@ttgi.com](mailto:jeff.libby@ttgi.com)>

**Sent:** January 16, 2020 3:59 PM

**To:** Szymczak, Adam <[aszymczak@citywindsor.ca](mailto:aszymczak@citywindsor.ca)>

**Subject:** RE: Titanium Trucking - 0 Devon Drive - Rezoning

Adam, now that the holiday's are behind us I am picking this up again. Quick refresher: the rezoning of the trailer parking yard on Devon Dr. that we have been parking in since 2017.

After going through the emails something caught my eye that I would like to discuss further. In the attached mail it mentions "it may be to our advantage to hold a public meeting to gauge support for the rezoning", with regards to trucking no one is going to support a trucking terminal in their back yard, this goes without saying. I get the concept of the new bylaw that came into effect last June to control the popping up of new trucking terminals without public input but our position has always been that this property has always been a trucking yard from the day it was constructed and as such is not a "new trucking terminal. We have been parking our trailers here for three years now without issue.

All this being said I would like to discuss our options to proceed forward without a public meeting. There are nine homes that back up to the yard in question and at the end of the day these are the only homes impacted. I was curious if it would be more productive to approach these specific homes and get input on any concerns they may have and then could be specifically addressed. As I have stated it's our intention to be the best neighbour possible and minimize any impact to adjacent homes.

Please give me your thoughts and if needed I can be available at any time to discuss further either by phone or I can come to your office if that's a better option.

Thanks for your time Adam

**Jeff Libby - Manager, Windsor Operations**

**Titanium Trucking Services Inc.**

P: 519-967-3503 | M: 519-796-9168 | [jeff.libby@ttgi.com](mailto:jeff.libby@ttgi.com) |

***"Strength Beyond Borders"***

## APPENDIX C

### EXCERPTS FROM ZONING BY-LAW 8600

#### SECTION 3 – DEFINITIONS

##### 3.10 DEFINITIONS

**MOTOR VEHICLE** means vehicle propelled, driven or pulled by other than muscular power. It does not include a power-assisted bicycle as defined in the Highway Traffic Act, R.S.O. 1990, c. H.8. or a train.

**AUTOMOBILE** means a *motor vehicle* having a maximum gross weight of 3,000.0 kg. It does not include a bus, combination truck or vehicle of the tractor trailer or semi-trailer type, construction equipment, or farm tractor, or any other motorized farm implement.

**TRANSPORT TRAILER** means a trailer or a semi-trailer as defined in the Highway Traffic Act, R.S.O. 1990, c. H.8. A tractor trailer or truck trailer is a *transport trailer*. A cabin trailer, camping trailer, house trailer, mobile home, recreational vehicle, tent trailer or travel trailer is not a *transport trailer*.

**TRANSPORT TRUCK** means a *motor vehicle* used to pull a *transport trailer* and includes the tractor unit of a tractor-trailer combination or a semi-trailer truck or semi-tractor unit of semi-trailer combination. A truck tractor is a *transport truck*.

**REPAIR SHOP - HEAVY** means a *building* used for any maintenance, repair, or servicing activity, including an *automobile collision shop*, *automobile detailing service*, or *automobile repair garage*, and, as an *accessory use*, the fabrication of parts necessary for the maintenance, repair, or servicing activity offered. All activities must be conducted entirely within an enclosed *building*. A heavy repair shop is a *repair shop - heavy*.

##### USE

1. when used as a noun means the purpose for which a *building*, *lot*, *premises* or *structure* is designed, maintained or occupied.
2. when used as a verb means anything done by any person or permitted, either directly or indirectly by any person, for the purpose of making use of a *building*, *lot*, *premises* or *structure*.

**ACCESSORY USE** means a *use* which is customarily incidental, subordinate and exclusively devoted to the *main use* and is carried on with such *main use* on the same *lot*.

**INDUSTRIAL USE** means, unless specifically prohibited, one or any combination of the following:

1. One or more *main use* identified as an industrial activity in Section 3.10
2. One or more of the following *main uses*:
 

<i>Automobile Collision Shop</i>	<i>Medical Appliance Facility</i>
<i>Automobile Detailing Service</i>	<i>Repair Shop – Heavy</i>
<i>Automobile Repair Garage</i>	<i>Research and Development Facility</i>
<i>Bakery</i>	<i>Warehouse</i>
<i>Confectionary</i>	<i>Welding Shop</i>
<i>Contractor’s Office</i>	<i>Wholesale Store</i>
3. One or more of the following activities as a *main use*:
 

Assembling	Processing
Constructing	Producing
Manufacturing	Shipping
Packaging	

**TRANSPORT TERMINAL** is an industrial activity and means *premises* used to dispatch, park, repair, service, or store freight-carrying trucks and trailers including a *transport truck* and a *transport trailer*, and may include as an *accessory use*, the loading or unloading of goods or freight to or from, or transferring of goods or freight between, said trucks and trailers. A truck transportation facility or truck terminal is a *transport terminal*. A *loading compound*, *motor vehicle dealership*, *outdoor storage yard*, *parking area*, or *towing facility* is not a *transport terminal*.

**TRANSPORT STORAGE AREA** means that portion of a *transport terminal* located outdoors used to load, manoeuvre, park, repair, service, store, or unload a *transport truck* or *transport trailer*. A *loading compound*, *loading space*, *motor vehicle dealership*, *outdoor storage yard*, *parking area*, or *towing facility* is not a *transport storage area*.

**MAIN USE** means the principal *use* or *uses* of a *building*, *lot*, *premises* or *structure*.

## SECTION 18 - MANUFACTURING DISTRICTS 1. (MD1.)

### 18.1 MANUFACTURING DISTRICT 1.1 (MD1.1)

#### 18.1.1 PERMITTED USES

<i>Ambulance Service</i>	<i>Micro-Brewery</i>
<i>Building Materials Recycling Store</i>	<i>Public Parking Area</i>
<i>Bulk Storage Facility</i>	<i>Repair Shop - Heavy</i>
<i>Contractor's Office</i>	<i>Repair Shop - Light</i>
<i>Equipment Rental Shop</i>	<i>Self-Storage Facility</i>
<i>Food Catering Service</i>	<i>Towing Service</i>
<i>Food Processing Facility</i>	<i>Warehouse</i>
<i>Laundry Plant</i>	<i>Water Transportation Facility</i>
<i>Manufacturing Facility</i>	<i>Welding Shop</i>
<i>Medical Appliance Facility</i>	
Any of the following <i>Ancillary Uses</i> :	
<i>Automobile Sales Lot</i>	<i>Gas Bar</i>
<i>Car Wash Automatic</i>	<i>Retail Store – Equipment &amp; Supplies</i>
<i>Car Wash Coin Operated</i>	<i>Veterinary Office</i>
<i>Club (Existing)</i>	<i>Wholesale Store</i>
<i>Food Outlet - Take-Out</i>	
Any use accessory to any of the above uses, including a <i>Caretaker's Residence</i> or <i>Transport Terminal</i> .	

#### 18.1.3 PROHIBITED USES

Outdoor storage of *aggregate*  
*Transport Terminal* as a *main use*

#### 18.1.5 PROVISIONS

.4	Building Height – maximum	14.0 m
.5	Front Yard Depth – minimum	6.0 m
.7	Side Yard Width – minimum	
	a) From a <i>side lot line</i> that abuts a <i>lot</i> on which a <i>dwelling</i> or <i>dwelling unit</i> is located	6.0 m
	b) From an <i>exterior lot line</i>	3.0 m
.8	Landscaped Open Space Yard – minimum	15% of <i>lot area</i>

## SECTION 5 – GENERAL PROVISIONS

### 5.99 ADDITIONAL USE PROVISIONS

#### 5.99.97 TRANSPORT TERMINAL

For a *transport terminal*, the following additional provisions shall apply:

- .1 A *transport storage area* shall be:
  - a) Setback from an *exterior lot line* a minimum of 11.30 m, said setback shall consist of a berm with a minimum width of 11.30 m and a minimum height of 1.80 m, and shall be maintained exclusively as a *landscaped open space yard*;
  - b) Setback from an *interior lot line* a minimum of 0.90 m, and the setback shall be maintained exclusively as a *landscaped open space yard*;
  - c) Graded and drained into a municipal sewer system to prevent the runoff of surface water onto a *street, alley, or abutting property*; and
  - d) Paved with asphalt, concrete or any combination thereof, for that portion of the *transport storage area* used to load, manoeuvre, repair, service or unload a *motor vehicle, transport truck or transport trailer*. The remainder of the *transport storage area* shall be paved with asphalt or concrete, or covered in gravel or similar aggregate, or any combination thereof; and
  - e) Maintained in good condition.
- .3 The parking, repairing, servicing, or storing of a *motor vehicle, transport truck or transport trailer* within a *required yard* or a *landscaped open space yard* is prohibited.
- .5 A curb shall bound the perimeter of the paved portion of the *transport storage area*. Any curb shall be constructed of poured in place concrete, shall be continuous and shall have a minimum width and height of 15.0 cm. Precast concrete, rubber, plastic or other curbing or a parking stop that is not continuous is prohibited. A curb cut or ramp for pedestrian or vehicular access, a curb cut for drainage, or a curb with a height of less than 15.0 cm as a transition between the paved and unpaved portions of a *transport storage area*, is permitted.
- .10 Vehicular access shall be to/from a *street* by way of an *access area*. Sections 25.5.30.2, 25.5.30.3, 25.5.30.5 and 25.5.30.6 shall apply to such *access area* and any reference to a *loading space* or *building* shall include a *transport storage area*.
- .15 A *parking area* may be located within a *transport storage area* and the provisions of Section 25.5 shall apply, with necessary modifications for the safe and efficient operation of the *transport storage area* and *parking area*.
- .20 A *refuse bin* may be located within a *transport storage area* and shall be fully screened by a *screening fence* having a minimum height of 1.80 m.
- .25 Where an abutting lot is zoned *Development Reserve District, Green District, Residential District* or *Institutional District*, or occupied by a *dwelling or dwelling unit* a *screening fence* with a minimum height of 1.80 m shall be provided along that part of the *lot line* for the lot on which the *transport terminal* is located.
- .30 Any lighting used to illuminate the *transport terminal* shall be full cut-off lighting.

[ZNG/5364]

(ADDED B/L 169-2018 Dec 19/2018)



**Committee Matters: SCM 281/2020**

**Subject: Official Plan Amendment and Zoning By-law Amendment - 7887 Edgar Street - Suburban Construction and Management Ltd. - Z012-20 [ZNG-6081] and OPA 133 [OPA-6082] - Ward 6**

Moved by: Member Gyemi  
Seconded by: Member Moore

Decision Number: **DHSC 196**

1. THAT Schedule D: Land Use of the City of Windsor Official Plan, Volume I **BE AMENDED** by designating the property described as Lots 21 & 22, Part Lots 20, 23 & 24 Plan 980; Part Closed Alley; Part Lot 127 Concession 1 Sandwich East, now designated as Parts 1, 7 and 8 on Reference Plan 12R24215, located on the south side of Edgar Street, west of Lauzon Road (shown as the subject lands on Appendix D to Report S90/2020) as Residential.
2. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lots 21 & 22, Part Lots 20, 23 & 24 Plan 980; Part Closed Alley; Part Lot 127 Concession 1 Sandwich East, now designated as Parts 1, 7 and 8 on Reference Plan 12R24215, located on the south side of Edgar Street, west of Lauzon Road (shown as the subject lands on Appendix D to Report S90/2020), from CD2.1 to RD 3.1 and by adding a site specific provision to Section 20(1) as follows:

**“395 SOUTH SIDE OF EDGAR STREET, WEST OF LAUZON ROAD**

For the lands comprising Lots 21 & 22, Part Lots 20, 23 & 24 Plan 980; Part Closed Alley; Part Lot 127 Concession 1 Sandwich East, now designated as Parts 1, 7 and 8 on Reference Plan 12R24215, the following additional provisions shall also apply:

- a) Building Setback - minimum - 3.0 m from the northerly *lot line*;
- b) Building Height – maximum – 16 m
- c) Landscaped Open Space Yard – minimum – 29% of *lot area*;
- d) *Screening fence* minimum 1.8 metres in height and landscaping shall be installed along the westerly *lot line*.

[ZDM 14; ZNG/6081]”

3. THAT the following items **BE REFERRED** to the Site Plan Review Committee, for inclusion in a Site Plan Control Agreement:
- i) Mitigation measures as identified in noise report by JJ Acoustic Engineering Ltd. dated April 9<sup>th</sup> 2020.
  - ii) A gratuitous land conveyance for a 6.1m x 6.1m corner cut-off at the intersection of Lauzon Road and Edgar Street.
  - iii) The owner is to provide a minimum total of thirty (30) 70mm caliper trees on the site as a condition of Site Plan Approval. If the owner's landscape plan cannot support the minimum requirement of trees, then any deficiency to that requirement is to be compensated with Cash-in-lieu to the Parks Department (for trees to be planted elsewhere in the city) at a rate of \$450 per tree that is not able to be planted on the site.

Carried.

Report Number: S 90/2020  
Clerk's File: ZO/13912

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



**Subject: Official Plan Amendment and Zoning By-law Amendment -  
7887 Edgar Street - Suburban Construction and Management Ltd. - Z012-  
20 [ZNG-6081] and OPA 133 [OPA-6082] - Ward 6**

**Reference:**

Date to Council: September 21, 2020  
Author: George Robinson, MCIP, RPP  
Planner II - Revitalization & Policy Initiatives  
519 255-6543 x6531  
grobinson@citywindsor.ca

Planning & Building Services  
Report Date: September 2, 2020  
Clerk's File #: ZO/13912

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

**Recommendation:**

1. THAT Schedule D: Land Use of the City of Windsor Official Plan, Volume I **BE AMENDED** by designating the property described as Lots 21 & 22, Part Lots 20, 23 & 24 Plan 980; Part Closed Alley; Part Lot 127 Concession 1 Sandwich East, now designated as Parts 1, 7 and 8 on Reference Plan 12R24215, located on the south side of Edgar Street, west of Lauzon Road (shown as the subject lands on Appendix D to Report S90/2020) as Residential.
2. That Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lots 21 & 22, Part Lots 20, 23 & 24 Plan 980; Part Closed Alley; Part Lot 127 Concession 1 Sandwich East, now designated as Parts 1, 7 and 8 on Reference Plan 12R24215, located on the south side of Edgar Street, west of Lauzon Road (shown as the subject lands on Appendix D to Report S90/2020), from CD2.1 to RD 3.1 and by adding a site specific provision to Section 20(1) as follows:

**"395 SOUTH SIDE OF EDGAR STREET, WEST OF LAUZON ROAD**

For the lands comprising Lots 21 & 22, Part Lots 20, 23 & 24 Plan 980; Part Closed Alley; Part Lot 127 Concession 1 Sandwich East, now designated as Parts 1, 7 and 8 on Reference Plan 12R24215, the following additional provisions shall also apply:

- a) Building Setback - minimum - 3.0 m from the northerly *lot line*;
- b) Building Height – maximum – 16 m
- c) Landscaped Open Space Yard – minimum – 29% of *lot area*;

d) *Screening fence* minimum 1.8 metres in height and landscaping shall be installed along the westerly *lot line*.

[ZDM 14; ZNG/6081]"

3. That the following items **BE REFERRED** to the Site Plan Review Committee, for inclusion in a Site Plan Control Agreement:

i) Mitigation measures as identified in noise report by JJ Acoustic Engineering Ltd. dated April 9<sup>th</sup> 2020.

ii) A gratuitous land conveyance for a 6.1m x 6.1m corner cut-off at the intersection of Lauzon Road and Edgar Street.

iii) The owner is to provide a minimum total of thirty (30) 70mm caliper trees on the site as a condition of Site Plan Approval. If the owner's landscape plan cannot support the minimum requirement of trees, then any deficiency to that requirement is to be compensated with Cash-in-lieu to the Parks Department (for trees to be planted elsewhere in the city) at a rate of \$450 per tree that is not able to be planted on the site.

### **Executive Summary:**

N/A

### **Background:**

**Location:** 7887 Edgar Street  
(corner of Edgar Street and Lauzon Road)

**Ward:** 6

**Planning District:** Riverside

**Zoning District Map:** 14

**Applicant:** Christian LeFave of Suburban Construction and Management Ltd.

### **Proposal:**

An application has been received for a Zoning By-law Amendment and Official Plan Amendment on the lands located at 7887 Edgar Street, legally described as CON. 1; PT LOT 127; PLAN 980; PT LOTS 20 TO 24; PT CLOSED ALLEY; RP 12R24215; PARTS 1; 7 & 8. The site area is 0.46 ha with 61 m of frontage on Edgar Street. The site is located within the "Commercial Corridor" Land Use Designation within the City of Windsor Official Plan and is zoned Commercial District 2.1(CD2.1).

The applicant requests a Zoning By-law Amendment and Official Plan Amendment to permit a residential use building, proposing a four storey, 36 unit residential apartment building with associated parking as shown on Appendix A. Specifically, the applicant requests the following amendments to permit the proposed residential use building:

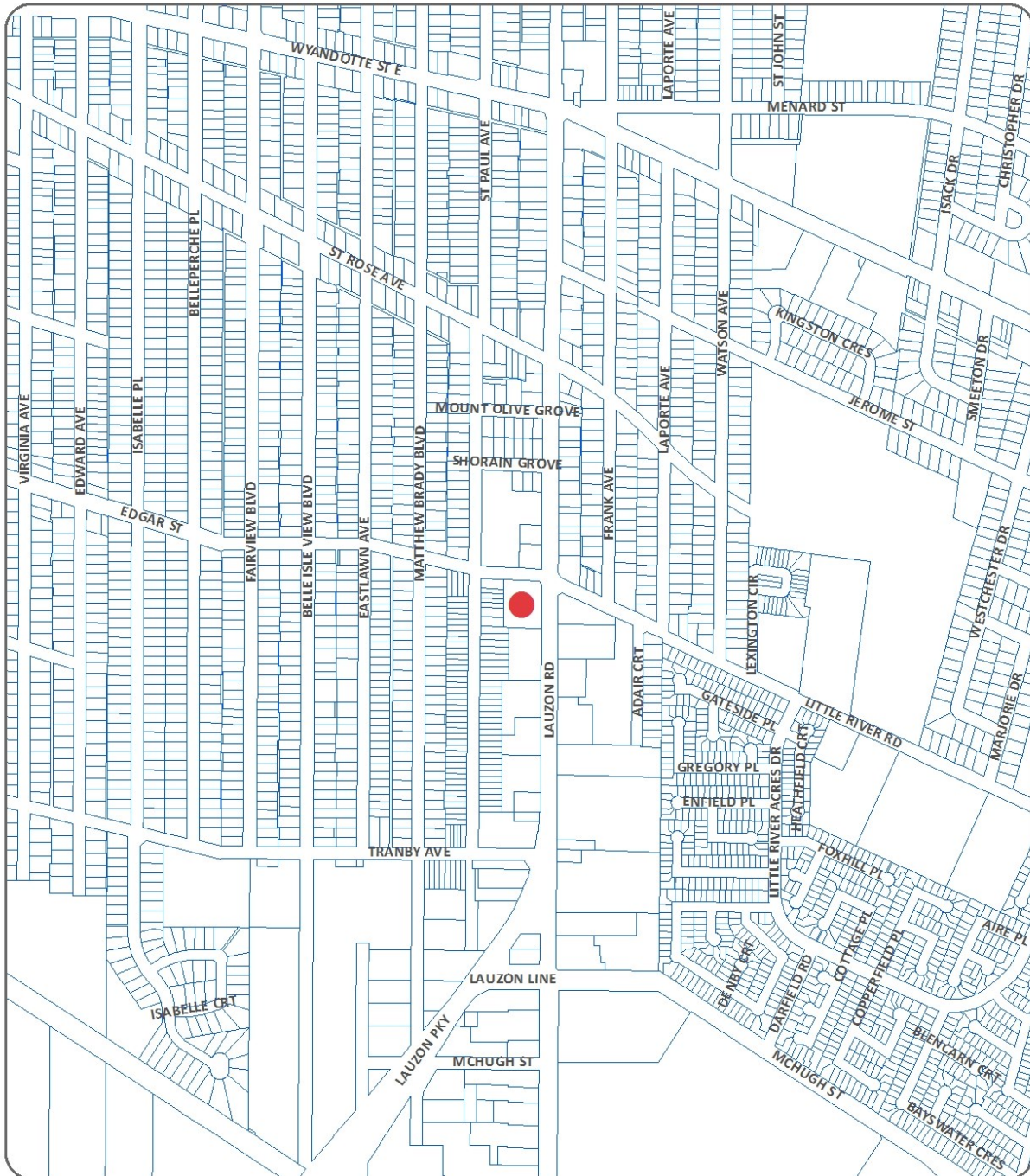
Official Plan Amendment: The current land use designation on the subject properties is “Commercial Corridor” in the City of Windsor Official Plan. The applicant is requesting that land use to be changed to “Residential”.

Zoning By-law Amendment: The subject properties are located within “Commercial District 2.1” (CD2.1) zones within Zoning By-law 8600, as amended. The applicant is requesting that Zoning By-law 8600 be amended to a site specific “Residential District 3.1 (RD3.1)” with the following site specific special provisions:

- Maximum Building Height of 16 m whereas Zoning By-law 8600 permits a Maximum Building Height of 14 m;
- Minimum Front Yard Depth (Edgar Street) of 3 m whereas Zoning By-law 8600 requires a Minimum Front Yard Depth of 6 m; and,
- Minimum Landscape Open Space of 29% whereas Zoning By-law 8600 requires a Minimum Landscape Open Space of 35%.
- A Screening fence minimum 1.8 metres in height and landscaping shall be installed along the westerly lot line.

The report recommends that the items included in Recommendation 3 be referred to the site plan approval process.

## Location Maps:

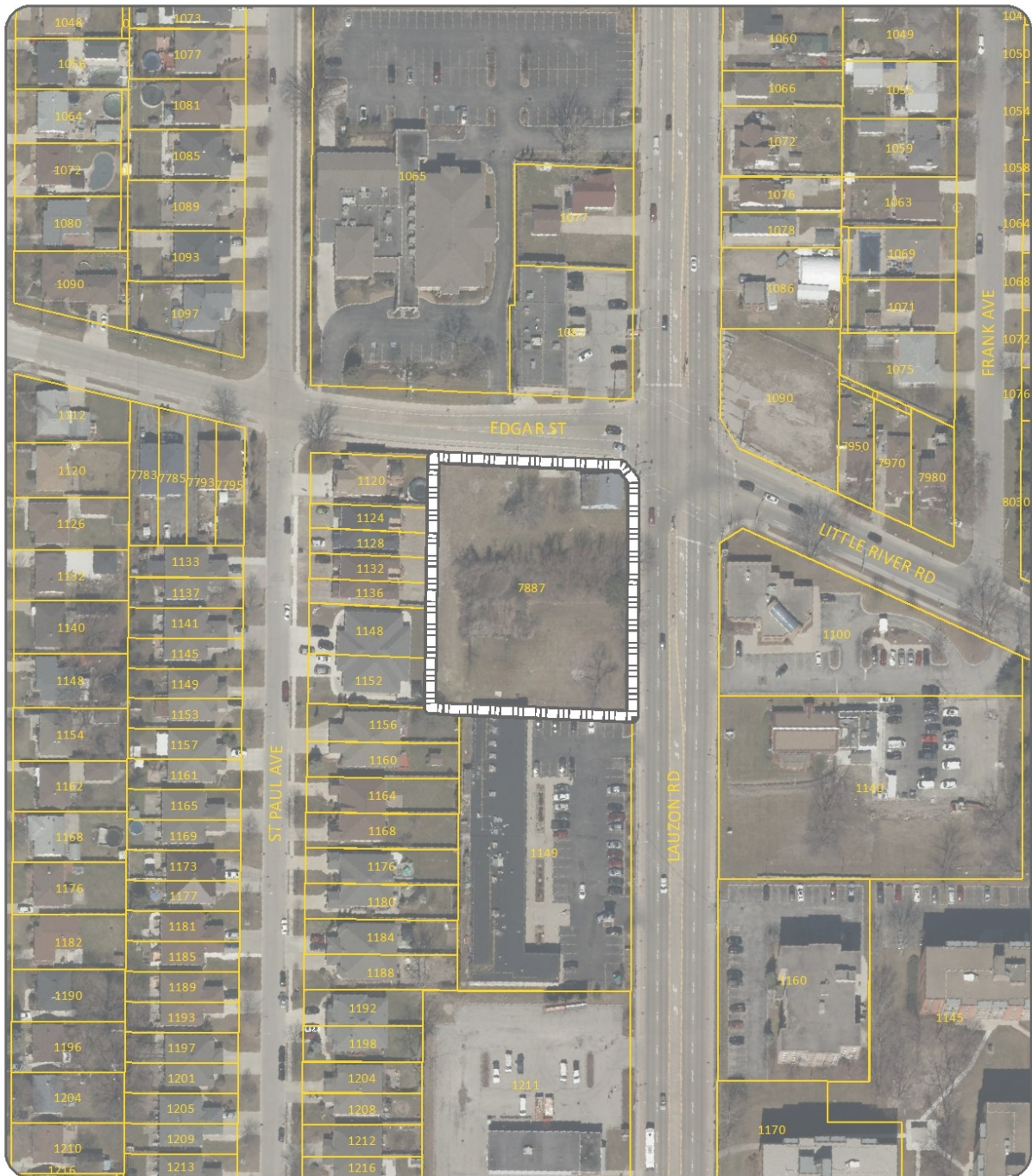


KEY MAP - Z-012/20, ZNG-6081



● SUBJECT LANDS





## NEIGHBOURHOOD MAP - Z-012/20, ZNG/6081



SUBJECT LANDS

**Site Information:****7887 Edgar Street**

<b>OFFICIAL PLAN</b>	<b>ZONING</b>	<b>CURRENT USE</b>	<b><i>PREVIOUS USE</i></b>
Commercial Corridor	CD2.1	Residential (Single Detached Dwelling) and vacant	Two Single Detached Dwellings until 2009.
<b>FRONTAGE</b>	<b>AVERAGE DEPTH</b>	<b>AREA</b>	<b><i>SHAPE</i></b>
61 m	Approx. 75 m	0.46ha	Irregular rectangle

**Neighbourhood Characteristics:**

The site is located in a residential neighbourhood to the east and west, mainly occupied by single detached and semi-detached residential dwellings with apartments to the east of Lauzon Road, Commercial uses to the north and south along Lauzon Road, and manufacturing districts further south in proximity to the CN Rail line. Specifically, the following land uses are present:

**North**

Commercial plaza on the northwest corner of the intersection of Edgar Street and Lauzon Road which contains a convenience store, a restaurant barbershop and funeral home.

**East**

Credit Union on the southeast corner of the intersection of Edgar Street and Lauzon Road. Also in the area is a restaurant and detached and multiple dwellings.

**South**

Commercial plaza abutting the subject site to the immediate south containing a variety of restaurants, personal service shops, retail, and office uses.

**West**

Single and Semi Detached Dwellings

## Municipal Infrastructure

- The City's records show that storm and sanitary sewers along Lauzon Road and Edgar Street.
- There are municipal watermain, fire hydrants and streetlights along Lauzon Road and Edgar Street.
- There are curbs and gutter along both sides of Lauzon Road and Edgar Street.
- There are sidewalks on both sides of Lauzon Road and Edgar Street.
- There are overhead pole lines along Lauzon Road and Edgar Street.
- Transit Windsor Buses, Crosstown 2 runs north/south along Lauzon Road and turns east at Little River Road. Lauzon 10 runs south along Lauzon Road towards the Tecumseh Mall Transit Terminal.
- Lauzon Road is classified as a Class 2 Arterial Road. Edgar Street is classified as a Class 2 Collector road.

## Discussion:

### Provincial Policy Statement, 2020

The Provincial Policy Statement, 2020 (PPS) provides direction on matters of provincial interest related to planning. The *Planning Act* requires that all land use decisions be consistent with the PPS. The following is an overview of the applicable PPS policies and how the recommendations in this report are consistent with the PPS.

#### *1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns*

##### *1.1.1 Healthy, liveable and safe communities are sustained by:*

*a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*

*b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*

*c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*

*d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*

*e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-*

*effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*

*f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;*

*g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;*

*h) promoting development and land use patterns that conserve biodiversity; and*

*i) preparing for the regional and local impacts of a changing climate.*

The proposed amendment would permit a higher density of residential units and remove commercial uses. This will make more efficient use of land within the existing built up area. The residential dwellings proposed will be a different form that was is currently available in the majority of the surrounding area and therefore will contribute to providing a range and mix of housing types.

The proposed amendments are consistent with Section 1.1.1. of the PPS.

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

The proposed amendments are within a settlement area therefore will contribute to the vitality and regeneration of existing the settlement areas.

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

*a) efficiently use land and resources;*

*b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*

*c) minimize negative impacts to air quality and climate change, and promote energy efficiency;*

*d) prepare for the impacts of a changing climate;*

*e) support active transportation;*

*f) are transit-supportive, where transit is planned, exists or may be developed; and*

*g) are freight-supportive.*

The amendments would allow higher density of residential units on the subject lands, and a mix of land uses in the immediate neighbourhood. This would make more efficient use of the land and the existing resources. The subject site is at the corner of a collector street and an arterial street, with access proposed to the collector street (Edgar Street). Additionally, the proposed development will be required to accommodate storm water onsite to predevelopment conditions. Therefore, the proposed development makes more efficient use of existing municipal infrastructure. Increased residential units within



the area will increase the demand for and use of the existing transit routes in proximity to the site.

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

The City of Windsor Official Plan contains an Urban Structure Plan showing a Regional Commercial Centre at the intersection of Tecumseh Road and Lauzon Parkway, to the south of the subject site. Additionally, Lauzon Road is identified as a “Civic Way” in the Civic Image in Schedule G. The policies that correspond to these identifications provide for higher density and a mix of uses.

The applicant’s provided Planning Justification Report prepared by Zelinka Priamo Ltd. speaks to the project’s compliance with the PPS 2020 in Section 3.1 (page 5) of their report (see Appendix B).

### **City of Windsor Official Plan**

The subject properties are located within the Riverside Planning District as identified on Schedule A: Planning Districts & Policy Areas. The subject site is identified as “Commercial Corridor” land use designation as shown on Schedule D: Land Use Plan to Volume I of the City of Windsor Official Plan. The proposal is to change the Land Use designation to “Residential” which does not require any changes to the planning district or an additional special policy area.

The Official Plan contains a Schedule J: Urban Structure Plan which identifies the key structural elements within the municipality. Schedule J: Urban Structure Plan identifies the intersection of Tecumseh Road and Lauzon Parkway as a Regional Commercial Centre. Schedule G: Civic Image identifies Lauzon Road as a Civic Way. These elements provide the following:

**Regional Commercial Centre:** the subject site is north of a Regional Commercial Centre, which are classified as a Major Activity Centre in Chapter 3 of the Official Plan (policy 3.3.1.2).

*Regional Commercial Centres are a type of Major Activity Centre where commercial services are provided to residents across the city and region. This type of node also provides the location for serving the daily and weekly shopping needs of residents living within or near the node. Regional Commercial Centres may also function as employment centres providing population serving offices, retail, personal services and local institutions.*

Allowing residential intensification in proximity to Major Activity Centres supports the vibrancy of these nodes.

**Civic Way:** refers to designated roads within Windsor that are intended to be designed to:

- (a) promote and present an attractive and unifying image of Windsor;
- (b) maintain a sense of welcome and arrival for travelers;
- (c) create a memorable impression of Windsor; and
- (d) complement and enhance the Municipality's capital investment in major infrastructure.

Civic Way policies (policy 8.11.2.12 and policy 8.11.2.13) denotes the significance of roads designated as Civic Ways on Schedule G: Civic Image, and directs policies for public infrastructure development.

An amendment to the Official Plan is required because the commercial corridor land use designation only permits retail, wholesale store and service oriented uses and, to a lesser extent, office uses.

The Commercial Corridor policies (policy 6.5.3.4 and 6.5.3.5) stipulate that Council shall promote the infilling and consolidating of existing Commercial Corridors and discourage the development of new Commercial Corridors or the extension of existing Commercial Corridors. This application is infilling of existing vacant commercial properties that were never developed for commercial uses.

The Residential policies (policy 6.3.2.4 and 6.3.2.5) stipulates location and evaluation criteria for Residential development. The proposed development meets the locational criteria which includes access to a collector road, full services, adequate open spaces and community services, and public transportation service.

The subject property is not adjacent to any identified development constraints, a site of known contamination, and traffic generation and distribution is not a provincial or municipal concern. The proposed development is adjacent to residential uses which is considered a sensitive land use, however the change from commercial to residential would be less impactful on the existing residential than a new commercial development. A detached garage structure is proposed along the west side of the site, with a 1.5 metre setback with fencing and landscaping from the existing residential. The main building containing the proposed dwelling units is proposed with a setback of 30m from the existing residential abutting the site.

The land use policies associated with the Residential Land Use designation support a complementary range of housing forms and tenures in all neighbourhoods, promote compact neighbourhoods which encourage a balanced transportation system, promote selective residential redevelopment, infill and intensification initiatives. The proposed development is a compatible residential housing type that will contribute to the types of housing forms in the neighbourhood.

#### SECTION 11.6.3 OF OP VOL. 1 – ZONING BY-LAW AMENDMENT POLICIES

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

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

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

The recommended Zoning By-law Amendment maintains conformity with the Official Plan and, based on the analysis provided in this report in response to the respective policies in the land use designation chapters, the Zoning By-law Amendment meets the criteria set out above in section 11.6.3.3 of the Official Plan.

The applicant's provided Planning Justification Report prepared by Zelinka Priamo Ltd. speaks to the project's compliance with the Official Plan in Section 3.2 (page 6) of their report (see Appendix B).

## **Zoning By-law**

The subject property is located within "Commercial District 2.1" (CD2.1) zone (see Appendix D and F) within Zoning By-law 8600, as amended. The applicant is requesting that Zoning By-law 8600 be amended to a site specific "Residential District 3.1 (RD3.1)" with site specific special provisions. This is consistent with the conceptual site plan shown by the applicant in Appendix A.

The proposed Zoning By-law Amendment would permit higher density residential than what the currently residential zoning permits. As reviewed above, the Residential Land Use designation permits selective residential redevelopment, infill and intensification and given the location of the site at along a Civic Way, the proposed Zoning By-law Amendment is consistent with the Official Plan.

The proposed Zoning By-law Amendment is consistent with the City of Windsor Official Plan, the proposed Official Plan Amendment and Provincial Policy Statement, 2020.

The applicant's provided Planning Justification Report prepared by Zelinka Priamo Ltd. speaks to the project's compliance with the Zoning Bylaw and the required amendment in Section 3.3 (page 15) of their report (see Appendix B).

### **Issues to be resolved:**

The site is subject to site plan control. If this application is approved, many of the requirements raised by municipal departments and agencies, including site-servicing issues and storm water management, will be resolved through that process. Noise mitigation measures, a land conveyance for a required corner cut at the intersection of Edgar Street and Lauzon Road, and a minimum number of trees are included in the Recommendation section of this report for inclusion in a Site Plan Control Agreement.

### **Risk Analysis:**

N/A

### **Financial Matters:**

N/A

### **Consultations:**

Appendix C contains comments from departments and agencies. The applicant will be required to submit additional information at the time of Site Plan Control to address comments from Transportation Planning and Landscaping. Noise mitigation, land conveyance, and landscaping provisions are to be included in the site plan agreement. Furthermore, additional comments provided by Administrative Departments that pertain directly to the development of the site will be provided to the Site Plan process should this application be approved.

### **Public Notice:**

The statutory notice was advertised in the Windsor Star Newspaper and all properties within 120m (400 feet) of the subject parcel received courtesy notice by mail prior to the Development and Heritage Standing Committee (DHSC) meeting.

### **Conclusion:**

The Planning Justification Report (see Appendix B) submitted by the applicant's planning consultant provides sufficient information and supporting reasons why the Official Plan Amendment and Zoning By-law Amendment should be approved. Additionally, staff have reviewed proposal and evaluated its consistency with the PPS, City of Windsor Official Plan, and comments from municipal staff and outside agencies.

In my professional opinion, both the Official Plan Amendment and Zoning By-law Amendment as proposed in the recommendations of this report are consistent with the Policies of the Provincial Policy Statement, 2020 and maintain conformity with the City of Windsor Official Plan.

The proposed residential building within a residential land use designation, along a Civic Way is appropriate and will contribute to a mix of housing types, densities and uses. The applicant will be required to proceed through site plan control where items identified in the 'Issues to be Resolved' section of this report will be addressed.

### **Planning Act Matters:**

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

*Michael Cooke, MCIP, RPP*

*Manager of Planning Policy / Deputy City Planner*

*Thom Hunt, MCIP, RPP*

*City Planner*

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

SAH

OC

### **Approvals:**

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

**Notifications:**

Name	Address	Email
Christian LeFave of Suburban Construction and Management Ltd.		<a href="mailto:clefave@lefaveonline.com">clefave@lefaveonline.com</a>
Harry Froussios of Zelinka Priamo Ltd.		<a href="mailto:harry.f@zpplan.com">harry.f@zpplan.com</a>
Residents within 120 metres.		
Councillor Jo-Ann Gignac		<a href="mailto:joagignac@citywindsor.ca">joagignac@citywindsor.ca</a>

**Appendices:**

- 1 Appendix A - Concept Development Plan
- 2 Appendix B - Planning Justification Report
- 3 Appendix C - Comments
- 4 Appendix D - Zoning Map
- 5 Appendix E - Official Plan Policies
- 6 Appendix F - Zoning By-law 8600 Sections
- 7 Appendix G - Noise Impact Study
- 8 Appendix H - Draft Amending Zoning By-law

REGULATION	RD3.1 ZONE (PROPOSED)	CONCEPT SITE PLAN
PERMITTED USE	MULTIPLE DWELLING	MULTIPLE DWELLING
MIN. LOT FRONTAGE (EDGAR STREET)	18 m	57.7 m
MIN. LOT AREA	2,617 m <sup>2</sup>	4,574.3 m <sup>2</sup>
MAX. LOT COVERAGE	35%	22.8%
BUILDING HEIGHT	14 m	16 m
MIN. FRONT YARD DEPTH (EDGAR STREET)	6 m	3 m
MIN. REAR YARD DEPTH (SOUTH)	7.5 m	14.1 m
MIN. SIDE YARD WIDTH (WEST)	6 m	23.47 m
MIN. SIDE YARD WIDTH (LAUZON ROAD)	3 m	6.18 m
MIN. LANDSCAPE OPEN SPACE	35%	29.44%

SURFACE PARKING = 34 SPACES  
COVERED PARKING = 16 SPACES  
TOTAL PARKING = 50 SPACES

LOT 13

ALLEY

LOT 14

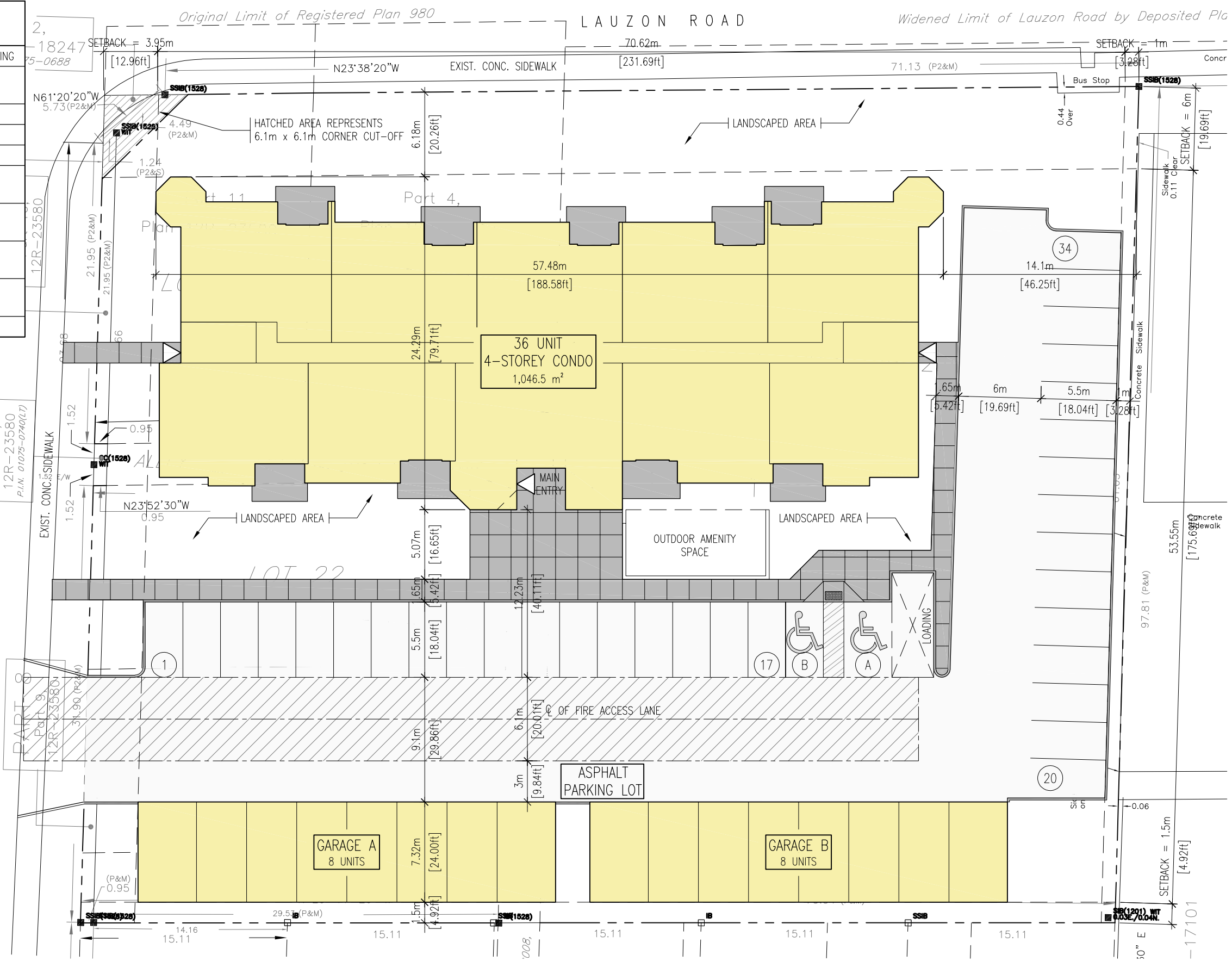
LOT 15

PLAN

ROVE - 20.12m wide per Registered Plan 980

R STREET

01074-0421(LT)



SITE PLAN

SCALE : 1 : 300

date: FEBRUARY 2020		comm. no.: 2020-043		dwg. no.: A1.1	
title: CONCEPT SITE PLAN		drawn by: ID		checked by: SMB	
project: PROPOSED MULTI-UNIT RESIDENTIAL DEVELOPMENT 1135 LAUZON ROAD		client: BROTTTO INVESTMENTS INC.			
1670 mercer street windor ontario canada n8x 3p7 ph 519.254.3430 fax 519.254.3642 email: info@aaa-architect.ca www.aaa-architect.ca					
inc. architect design associates					

**PLANNING JUSTIFICATION REPORT  
1135 Lauzon Road  
Windsor ON**

**PREPARED FOR:  
SUBURBAN CONSTRUCTION & MANAGEMENT LTD.  
MAY 2020**

**PREPARED BY:**



**ZELINKA PRIAMO LTD**  
*A Professional Planning Practice*



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## **1.0 INTRODUCTION**

### **1.1 BACKGROUND**

This Planning Justification Report (PJR) has been prepared in support of Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) applications by Suburban Construction & Management Ltd. ("SCML") to permit the development of a four storey, 36 unit residential apartment building with associated parking at 1135 Lauzon Road, Windsor ON (the "subject lands").

A Pre-Submission application was made on February 27, 2020 and the City of Windsor provided correspondence dated March 18, 2020 summarizing the required supporting studies. A pre-consultation meeting was not held; however, discussions were held between SCML and the City on the nature of the proposal. A concept site plan ("site plan") has been prepared and submitted in support of the applications depicting the location of the proposed apartment building, parking area and general site characteristics.

### **1.2 DISCRIPTION OF LAND USE**

The subject lands consist of a single, irregular shaped parcel of land located at the southwest corner of Lauzon Road and Edgar Street. The lands have frontage of approximately 57.7 m along Edgar Street, depth of approximately 75 m along Lauzon Road, and an area of approximately 4,575 m<sup>2</sup>. An unoccupied dwelling is located at the northeast corner of the subject lands; the remainder of the lands are vacant (Figure 1). Site Plan application SPC 034/08 was approved for the land permitting the development of a 1,113 m<sup>2</sup> pharmacy and associated surface parking, however it was never developed.

The subject lands have frontage along Lauzon Road, a *Class I Arterial Road*, are on full municipal services, and are located approximately 650 m from Little River Park. Vehicular access is provided via Edgar Street, a *Class II Collector Road*, to a concrete driveway connected to the unoccupied dwelling. Public sidewalks border the subject lands along Lauzon Road and Edgar Street. Access to public transit is available along Lauzon Road and Little River Boulevard (Crosstown 2, Lauzon 10), providing connections to the downtown and nearby residential areas.



FIGURE 1: SUBJECT LANDS

### 1.3 SURROUNDING LAND USE

The subject lands are surrounded by a mix of commercial, residential, and institutional uses (Figure 2). Single-storey, multi-tenanted commercial plazas are located immediately to the north and south of the subject lands along Lauzon Road, with institutional uses located further to the south. A financial institution and a restaurant are located across Lauzon Road to the east. Low density residential land uses are located to the west, with single and semi-detached units adjacent to the subject lands along St. Paul Avenue.

There are numerous examples of low, medium, and high-density apartment buildings along Lauzon Road with some adjacent to low density residential areas. This includes 1170 Lauzon Road; 1145 & 1175 Adair Court; 1350 Lauzon Road; and, 7890 St. Rose Avenue. The interface between higher density residential uses along a *Class I Arterial Road* set adjacent to lower density residential neighbourhoods in behind are common in the area.

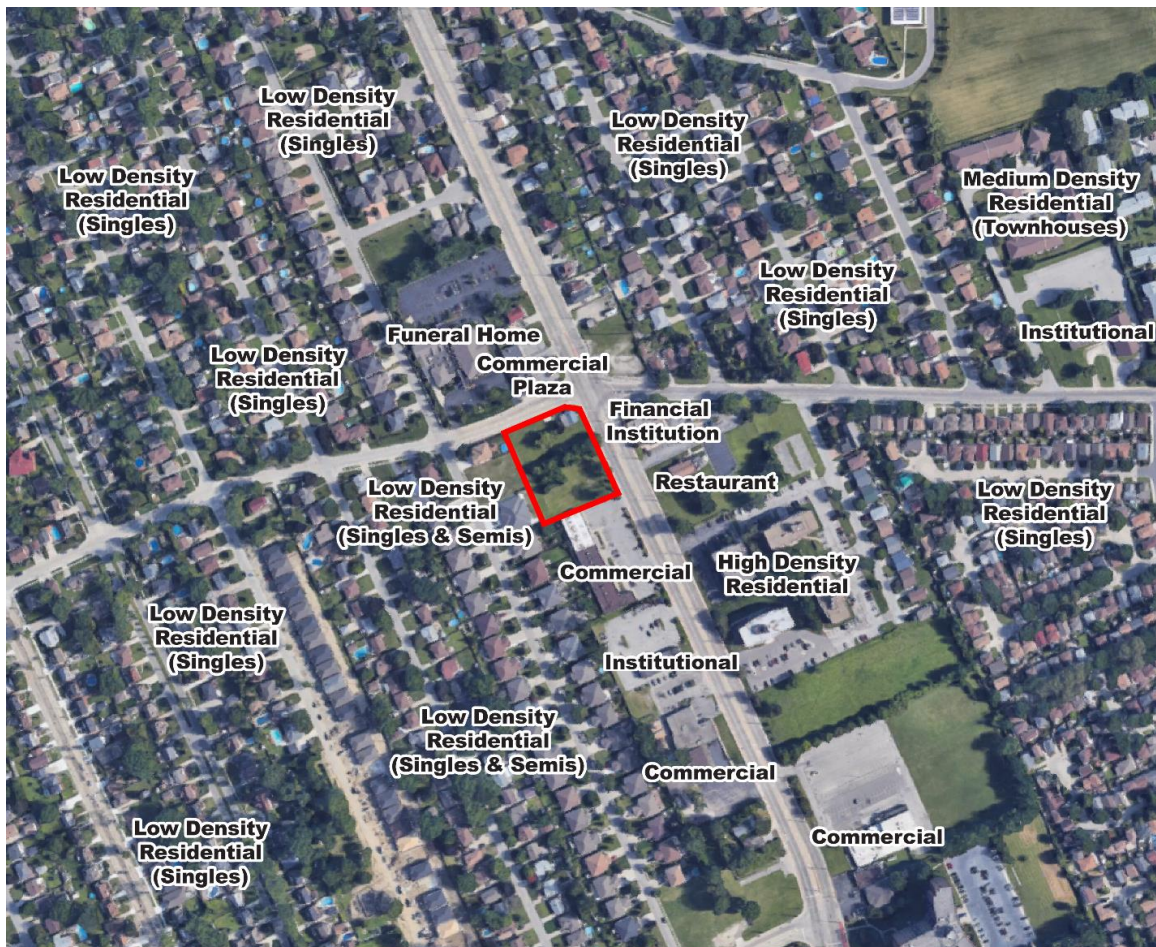


FIGURE 2: SURROUNDING LAND USE

## 1.4 THE PROPOSAL

SCML is proposing to develop a four storey, 36 unit residential apartment building with associated parking as depicted in the concept site plan included with this submission (Figure 3). The apartment building is proposed to be setback 6.18 m from Lauzon Road, 3 m from Edgar Street and positioned to toward the intersection.

50 parking spaces are proposed along the west and south side of the building, with vehicular access provided via a driveway from Edgar Street. 34 parking spaces will be surface parking including accessible spaces, and 16 spaces adjacent to the low-density residential dwellings along St. Paul Avenue will be covered in two separate garages. The garages are intended to provide a buffer between the proposed apartment building and adjacent low-density residential dwellings along St. Paul Avenue. A sidewalk connection to Edgar Street is proposed, with the main building entrance provided off the parking area to the west. Loading is proposed near the southwest corner of the building.





An OPA to re-designate the subject lands from *Commercial Corridor* to *Residential* on Schedule D – Land Use in the City of Windsor Official Plan (OP) is proposed to implement the development. No site-specific policies are proposed or required. As demonstrated further below in this report, the proposed development conforms to the *Residential – Medium Profile* land use policies in the OP.

- Maximum Building Height of 16 m whereas Zoning By-law 8600 requires a Maximum Building Height of 14 m;
- Minimum Front Yard Depth (Edgar Street) of 3 m whereas Zoning By-law 8600 requires a Minimum Front Yard Depth of 6 m; and,
- Minimum Landscape Open Space of 31% whereas Zoning By-law 8600 requires a Minimum Landscape Open Space of 35%.

*Zelinka Priamo Ltd.*

### 3.0 PLANNING ANALYSIS

The following demonstrates that the applications are consistent with the Provincial Policy Statement (PPS) and conform to the City of Windsor Official Plan (OP). The applications represent good planning and are in the public interest.

#### 3.1 PROVINCIAL POLICY STATEMENT, 2020

The Provincial Policy Statement (PPS) is issued under Section 3 of the *Planning Act* and “provides policy direction on matters of provincial interest related to land use planning and development”. The Province released the 2020 PPS in February 2020, which will come into effect on May 1, 2020. In accordance with section 3 of the *Planning Act*, all decisions affecting land use planning matters made after May 1, 2020, shall be consistent with the PPS, 2020. As such, the OPA and ZBA applications have been reviewed against the PPS, 2020 as the decision on this matter will most likely come after May 1, 2020.

The proposed development is consistent with the PPS, including the following applicable policies:

- The proposed applications are to permit a medium density residential apartment building, which is a compact, cost effective, and an efficient land use pattern that minimizes land consumption and servicing costs (Policy 1.1.1 a) and 1.1.1 e)).
- The proposed development provides a mix of residential types and affordable market-based housing options to the City of Windsor (Policy 1.1.1 b)).
- The proposed development avoids land use patterns which may cause environmental safety concerns (Policy 1.1.1 c)).
- The proposed development is an appropriate location for residential intensification as the lands front onto a *Class I Arterial Road* with transit services and are surrounded by residential and commercial uses. The subject lands are an efficient use of land have access to existing municipal water, sanitary and stormwater services (Policy 1.1.1 e) & g)).
- The proposed development will comply with all regulations of the *Accessibility for Ontarians with Disabilities Act* (AODA) (Policy 1.1.1 f)).
- The proposed development will assist in conserving biodiversity and reducing the impacts of climate change as it will assist in reducing development pressure on greenfield locations outside of the urban boundary (Policy 1.1.1 h) & i)).
- The proposed development will help the City accommodate an appropriate range and mix of land uses to meet projected needs for a 25 year time horizon (Policy 1.1.2).
- The subject lands are located within the City of Windsor, which is identified as an existing settlement area where growth and development is to be focused (Policy 1.1.3.1).
- The proposed development is an efficient use of infrastructure and avoids the need for unjustified and uneconomical infrastructure expansion. The lands are along a *Class I Arterial Road* with transit services and are an ideal location for medium density residential intensification. There are numerous examples of similar development interfaces in the immediate area. Such developments

- minimize impacts to air quality and climate change and promote energy efficiency (Policy 1.1.3.2 a), b) & c)).
- The proposed development by its nature is transit supportive and supports active transportation. Lauzon Road has transit service and Edgar Street is identified as a *Bikeway* in the Windsor OP (Policy 1.1.3.2. e) & f)).
  - The proposed development is an appropriate location for medium density residential intensification. The lands front onto a *Class I Arterial Road* with transit services, and there are existing medium and high-density residential developments in the area. The subject lands are vacant and back onto single and semi-detached residential uses. The proposed concept site plan and parking structures provide appropriate buffering measures between the existing single and semi-detached dwellings and the proposed building, the details of which are to be confirmed at Site Plan. The subject lands are on full municipal services (Policy 1.1.3.3).
  - The proposed development will assist the City of Windsor in achieving their intensification targets (Policy 1.1.3.5).
  - The proposed development is adjacent to existing residential and commercial development, has a compact built form and provides for a mix of uses and densities (Policy 1.1.3.6).
  - The proposed development will assist the City in providing for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents through suitably zoned lands (Policy 1.4.1).
  - The proposed development will assist the City in meeting the social, health, economic and well-being requirements of current and future residents. The subject lands have appropriate levels of infrastructure and public service facilities (Policy 1.4.3 b) & c)).
  - The proposed medium density residential development has densities which efficiently use land, resources, infrastructure and public service facilities (Policy 1.4.3 d)).
  - The applications propose appropriate development standards for new residential development which minimize the cost of housing and facilitate a compact built form, while maintaining appropriate levels of public health and safety (Policy 1.4.3 e)).
  - The proposed development is on full municipal sewage services and municipal water services (Policy 1.6.6.2).
  - The subject lands are identified within a "*Low Potential*" archaeological area. A Stage I & II Archeological Assessment was not required by the City in support of the applications (Policy 2.6.2).

Based on the above, the proposed development is consistent with the applicable policies of the PPS.

### **3.2 CITY OF WINDSOR OFFICIAL PLAN**

The subject lands are designated *Commercial Corridor* on Schedule D – Land Use of the City of Windsor OP (Figure 4). This land use designation is intended for areas which are designed for vehicle-oriented commercial uses. An OPA to re-designate the subject lands from *Commercial Corridor* to *Residential* on Schedule D – Land Use in the City of

Windsor OP is proposed to implement the development. No site-specific policies are proposed or required. The proposed development is considered *Residential – Medium Profile*.

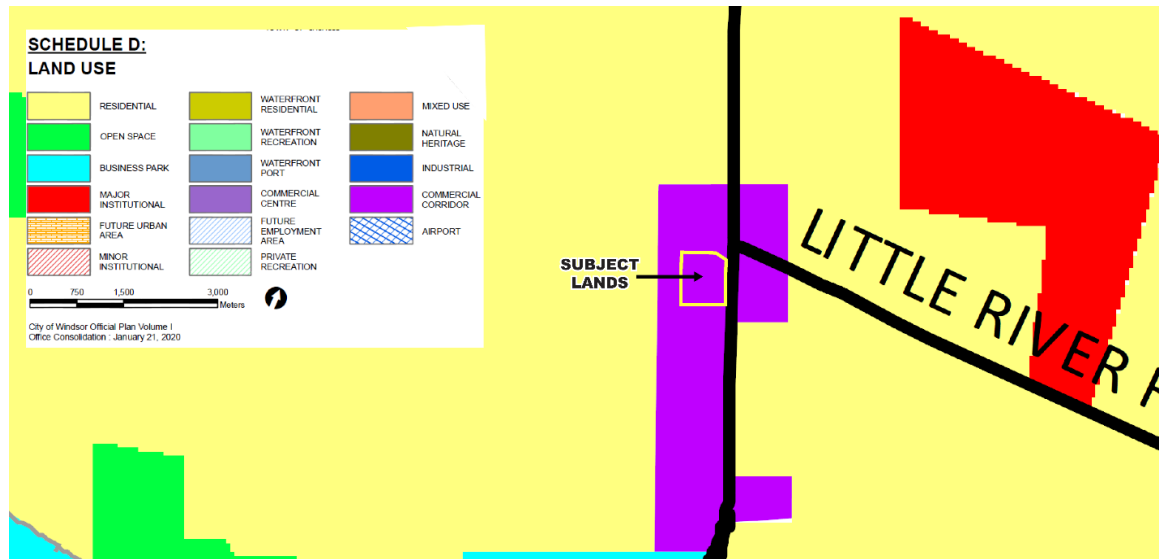


FIGURE 4: OFFICIAL PLAN SCHEDULE D – LAND USE

Lauzon Road is identified as a *Class I Arterial Road* and Edgar Street is identified as a *Class II Collector Road* and *Bikeway* on Schedule F – Roads and Bikeways. The lands are not subject to any Special Policy Areas on Schedule A-1 Special Policy Areas or any overlays on Schedule B – Greenway Systems. Lauzon Road is identified as a *City Corridor* on Schedule J – Urban Structure Plan.

The proposed development conforms to the City of Windsor OP, including the following applicable policies:

#### Policy 3.3.2.1

***City Corridors serve to connect the City Centre Growth Centre and Regional Commercial Centres. City corridors radiate from these Centres following numerous high frequency transit corridors. City corridors connect to Regional Commercial Centres along selected arterial roads but do not extend as far outward or as numerous as corridors connected to the City Centre. These corridors are intended to provide services for those living in close proximity to the area but also those who may arrive by transit, bicycle and by car. There are higher density employment and residential opportunities, with a significant amount of retail to support both every day needs, but also needs beyond the day such as furniture and appliance stores, home improvement stores, and stores that carry specialty items...Residential development may include high profile (26 to 58 metres in height), medium profile (14 to 26 metres in height) and residential over retail at street, as well as row housing and lofts.***



The subject lands are vacant and located along a *City Corridor* on Schedule J. *City Corridors* provide opportunities for *Medium Profile* residential development up to 26 m in height. The proposed development is a *Medium Profile* development with a height of 16 m, in accordance with the *City Corridors* policies.

#### **Policy 4.2.3.1**

***To encourage a mix of uses.***

The proposed development will add medium density residential land uses to the immediate area, which is made up of primarily low density residential and commercial uses. The proposed development will provide a mix of land uses and densities to the area and assist the City in achieving this policy.

#### **Policy 4.2.3.2**

***To encourage the location of basic goods and services to where people live and work.***

The addition of medium density residential land uses will provide support for the existing and future commercial uses along the Lauzon Road corridor.

#### **Policy 4.2.3.3**

***To recognize the needs of the community in terms of shelter, support services, accessibility and mobility.***

The proposed intensification of the subject lands with medium density residential land uses will assist the local community by providing more affordable forms of shelter and accessibility to transit services.

#### **Policy 4.2.3.4**

***To accommodate the appropriate range and mix of housing.***

The subject lands are an appropriate location for residential intensification given the surrounding land uses and access to transit services along Lauzon Road. The proposed applications will assist the City of Windsor in achieving an appropriate range and mix of housing.

#### **Policy 5.3.6.3**

***Council will encourage the planting of trees on public and private property, in particular those species most tolerant of Windsor's climatic conditions and those less susceptible to disease.***

A Natural Site Features Inventory & Preservation Study has been completed in support of the proposed applications in accordance with this policy. Detailed landscape plans will be required through the Site Plan application.

#### **Policy 5.3.6.7**

***Council may require proponents of development and infrastructure undertakings to submit an inventory of trees on site and prepare and implement a tree conservation and replacement plan.***

A Natural Site Features Inventory & Preservation Study has been completed in support of the proposed applications in accordance with this policy. Detailed landscape plans will be required through the Site Plan application.

#### **Policy 5.4.5.1**

***Council shall require the proponent of development in proximity to existing or proposed sources of noise and vibration, or the proponent of development that may be a source of noise or vibration, to evaluate the potential negative impacts of such noise and vibration on the proposed future land use. In determining the exact distances for the application of this policy, the Municipality shall have regard to provincial legislation, policies and appropriate guidelines.***

A Noise Study has been completed in support of the proposed applications in accordance with this policy. The Noise Study provided various recommendations that will be included as a condition of Site Plan approval.

#### **Policy 5.4.5.2**

***If a proposed development is expected to be subject to noise or vibration, or to cause noise or vibration, the proponent shall be required to complete a noise and/or vibration study to the satisfaction of the Municipality to support the feasibility of the proposal in accordance with the Procedures chapter of this Plan.***

A Noise Study has been completed in support of the proposed applications in accordance with this policy. The Noise Study provided various recommendations that will be included as a condition of Site Plan approval.

#### **Policy 5.4.5.4**

***Council shall require that appropriate noise and/or vibration abatement measures be implemented by the proponent as a condition of development approval.***

A Noise Study has been completed in support of the proposed applications in accordance with this policy. The Noise Study provided various recommendations that will be included as a condition of Site Plan approval.

#### **Policy 5.4.8.3**

***The City will require applicants to document previous uses of a property or properties that are subject of a planning application and/or properties that may adversely impact a property or properties that are subject of a planning application in order to assist in the determination of the potential for site contamination.***

A Record of Site Condition ("RSC") will be completed through the Site Plan process in accordance with Ontario Regulations.

#### **Policy 5.4.8.5**

***Where a change to a more sensitive property use (as defined in Ontario Regulation 153/04) is proposed, a mandatory filing of a Record of Site Condition is triggered in accordance with provincial legislation. The Record of Site Condition must be filed prior to the issuance of a building permit.***

A Record of Site Condition ("RSC") will be completed through the Site Plan process in accordance with Ontario Regulations.

#### **Policy 6.2.1.2**

***For the purpose of this Plan, Development Profile refers to the height of a building or structure. Accordingly, the following Development Profiles apply to all land use designations on Schedule D: Land Use unless specifically provided elsewhere in this Plan:***

***(b) Medium Profile developments are buildings or structures generally no greater than six (6) storeys in height.***

The proposed development is four storeys in height and conforms to the *Medium Profile* requirements of policy 6.2.1.2.

#### **Policy 6.3.2.4**

***Residential development shall be located where:***

***(a) there is access to a collector or arterial road;***

The subject lands are bounded by a *Class II Collector Road* and *Class I Arterial Road*.

***(b) full municipal physical services can be provided;***

Full municipal services can be provided to the subject lands.

***(c) adequate community services and open spaces are available or are planned; and,***

The subject lands are within a built-up area of Windsor with adequate community services and open spaces in the immediate area.

***(d) public transportation service can be provided.***

The subject lands are along Lauzon Road, which has existing public transit routes.

**Policy 6.3.2.5**

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

***(a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:***

***(i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;***

The subject lands are not within or adjacent to any features identified on Schedule C.

***(ii) adjacent to sources of nuisance, such as noise, odour, vibration and dust;***

The subject lands are not adjacent to sources of odour, vibration and dust. A Noise Study has been completed with respect to noise sources along Lauzon Road and the recommendations will be implemented via Site Plan conditions of approval.

***(iii) within a site of potential or known contamination;***

The subject lands are not a potential or known location of contamination. A RSC will be completed in accordance with Ontario Regulations at Site Plan.

***(iv) where traffic generation and distribution is a provincial or municipal concern; and***

Traffic generation and distribution has not been identified through the Pre-Submission process as a concern. As such, a Traffic Impact Statement ("TIS") has not been required in support of the applications.

***(v) adjacent to heritage resources.***

The subject lands are not adjacent to or contain any heritage resources.

***(b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;***

The lands are not subject to any secondary plan.

***(c) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas;***

The subject lands are an appropriate location for residential intensification. The lands are sufficiently sized and located at the corner of a *Class II Collector Road* and *Class I Arterial Road* with transit services. The proposed 4 storey apartment building will have sufficient density to achieve the policy objectives of the OP, and be at a scale and massing that will provide an appropriate transition to the adjacent low density single and semi-detached units. The apartment building is proposed to be oriented towards the intersection and away from the adjacent residential uses, with the parking area, parking garage, outdoor amenity area and future fence providing an adequate buffer between the two densities. The parking lot will further provide a buffer to the adjacent commercial uses to the south.

The proposed development is for a four storey apartment building whereas the *Medium Profile* policies permit development up to 6 stories. The proposed development is compatible with the surrounding residential and commercial land uses.

***(d) provided with adequate off street parking;***

Off-street parking is provided in accordance with Zoning By-law 8600.

***(e) capable of being provided with full municipal physical services and emergency services; and***

The subject lands are on full municipal and emergency services.

***(f) facilitating a gradual transition from Low Profile residential development to Medium and/or High profile development and vice versa, where appropriate.***

The proposed apartment building is positioned towards the intersection away from the adjacent *Low Profile* residential development. The proposed apartment building is 4 stories in height and is an appropriate transition.

#### **Policy 6.3.2.13**

***Council shall encourage the provision of affordable and social assisted housing.***

Although the final sale price of the units are unknown at this time, wood framed medium density residential apartments are typically a more affordable housing option than single and semi-detached units. The proposed development will add additional affordable housing options to the City of Windsor.

**Policy 6.3.2.20**

***Council shall endeavor to maintain at least a three year supply of draft approved and registered residential lots and blocks in order to meet anticipated short term housing demands.***

The proposed applications will assist Council in achieving this policy.

**Policy 6.3.2.21**

***Council shall maintain at least a ten year supply of land designated for residential development to meet anticipated long term housing demands.***

The proposed applications will assist Council in achieving this policy.

**Policy 7.2.2.5**

***Council shall promote development patterns that support an increase in walking, cycling and public transportation in accordance with the Land Use and Urban Design chapters of this Plan.***

The proposed development has access to two transit lines, two public sidewalks and a *Bikeway* along Edgar Street. The subject lands are an appropriate location for *Medium Profile Residential* land uses that will encourage alternative forms of transportation. Positioning the building towards the intersection will help frame Edgar Street and Lauzon Road.

**Policy 7.2.2.18**

***Council shall recognize the link between land use and transportation systems by:***

***(a) Focusing office development and high-density employment and high density residential in areas which have access to transit and pedestrian amenities;***

The subject lands are an appropriate location for higher density residential land uses. The subject lands have access to two transit lines, and pedestrian sidewalks along Edgar Street and Lauzon Road. The surrounding area is made up of various commercial, institutional and parkland provide convenient access to future residents.

#### **Policy 7.2.2.20**

***Council shall support transit by planning for compact mixed-use, higher density residential, commercial and employment development within concentrated nodes and corridors that are adjacent to higher order transit corridors.***

The subject lands are along a *City Corridor* with transit services. Furthermore, the lands are located at the intersection of a *Class I Arterial Road* and *Class II Collector Road*, and along a *Bikeway*. The subject lands are an appropriate location for higher density residential land uses.

#### **Policy 7.3.1.3**

***To maximize and optimize the use of existing infrastructure and corridors prior to the extension and creation of new ones.***

The subject lands are within the urban area of Windsor with full access to municipal services without the need for extension. The proposed development will alleviate development pressure on new greenfield locations.

#### **Policy 7.3.2.3**

***Council shall require all new developments to have full municipal infrastructure available, or agreements in place to provide such infrastructure, as a condition of approving a development proposal.***

The subject lands have access to full municipal services. A Site Plan Agreement will be entered into through the Site Plan approval process.

#### **Policy 7.3.4.6**

***Council, in consultation with appropriate public agencies may require a proponent of development to submit studies of stormwater runoff and its impact on the water quality and quantity of receiving watercourse based on the Ministry of Environment's current provincial guideline manual for stormwater management design.***

A Stormwater Retention Brief (the "Brief") has been submitted in support of the proposed applications as required by staff. The Brief addresses the requirements of this policy.

#### **Policy 7.3.4.7**

***Council shall require proponents of development that require stormwater management systems to:***

- (a) Use stormwater management measures to manage the storage and controlled flow of water to receiving watercourses;***

**(b) Use stormwater management measures which prevent siltation and erosion and do not negatively impact the water quality of receiving watercourses;**

**(c) Consider, where appropriate, enhancing the vegetation, wildlife habitats and corridors in and along the stormwater management system and the receiving watercourse; and**

**(d) Consider, where appropriate, providing public access to and along the stormwater management system and receiving watercourses for recreation.**

A Stormwater Retention Brief (the "Brief") has been submitted in support of the proposed applications as required by staff. The Brief addresses the requirements of this policy.

The proposed applications conform to the policies of the City of Windsor OP. The application to re-designate from *Commercial Corridor* to *Residential* on Schedule D – Land Use is appropriate. The proposed development is compatible with the adjacent *Residential – Low Profile* lands to the west and *Commercial Corridor* lands to the north and south from a density and land use perspective. The proposed development is compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking, and amenity areas.

### 3.3 ZONING BY-LAW 8600

The subject lands are zoned *Commercial District* (CD2.1) in Zoning By-law 8600 (Figure 5). A ZBA to re-zone the subject lands from *Commercial District* (CD2.1) to *Residential District 3.1 Special Provision* (RD3.1(X)) in Zoning By-law 8600 is proposed. A summary of the RD3.1 regulations and the concept site plan is noted below:

Regulation	RD3.1 Zone	Concept Site Plan
Permitted Use	<i>Multiple Dwelling</i>	<i>Multiple Dwelling</i>
Min Lot Frontage (Edgar)	18 m	57.7 m
Min Lot Area	2,617 m <sup>2</sup>	4,574 m <sup>2</sup>
Max Lot Coverage	35%	22.80%
Building Height	14 m	16 m
Min Front Yard Depth (Edgar)	6 m	3 m
Min Rear Yard Depth	7.5 m	14.1 m
Min Side Yard Width (West)	6 m	23.47 m
Min Side Yard Width (Lauzon)	3 m	6.18 m
Min Landscape Open Space	35%	31.40%

The following Special Provisions for the RD3.1 zone are requested:



- **Maximum Building Height of 16 m whereas Zoning By-law 8600 requires a Maximum Building Height of 14 m**

As demonstrated above, the subject lands are an appropriate location for *Residential – Medium Profile* development. The proposed development is for a 4 storey apartment building whereas the *Medium Profile* policies of the OP permit development up to 6 stories. The existing CD2.1 zone permits heights up to 14 m.

The proposed increase in height is appropriate and below the permissions in the OP. The apartment building is proposed to be located towards the intersection of Edgar Street and Lauzon Road, to maximize the distance to the single and semi-detached dwellings to the west.

- **Minimum Front Yard Depth (Edgar Street) of 3 m whereas Zoning By-law 8600 requires a Minimum Front Yard Depth of 6 m**

Edgar Street is considered the Front Yard for the purpose of the By-law. Reducing the setback from 6 m to 3 m is appropriate in order to facilitate orienting the apartment building closer to the intersection. There are no reasonable negative impacts from this reduction on the lands to the north designated *Commercial Corridor*.

- **Minimum Landscape Open Space of 31% whereas Zoning By-law 8600 requires a Minimum Landscape Open Space of 35%**

There are nearby open space opportunities at Little River Park, rendering the proposed reduction in Landscape Open Space reasonable and supportable. A reduction of 4% is modest and will facilitate the proposed development, which is a desirable land use and built form for the subject lands and surrounding area.

The RD3.1(X) zone will facilitate the development of the concept site plan. A Site Plan application will be required to implement the proposed development after the OPA & ZBA applications.

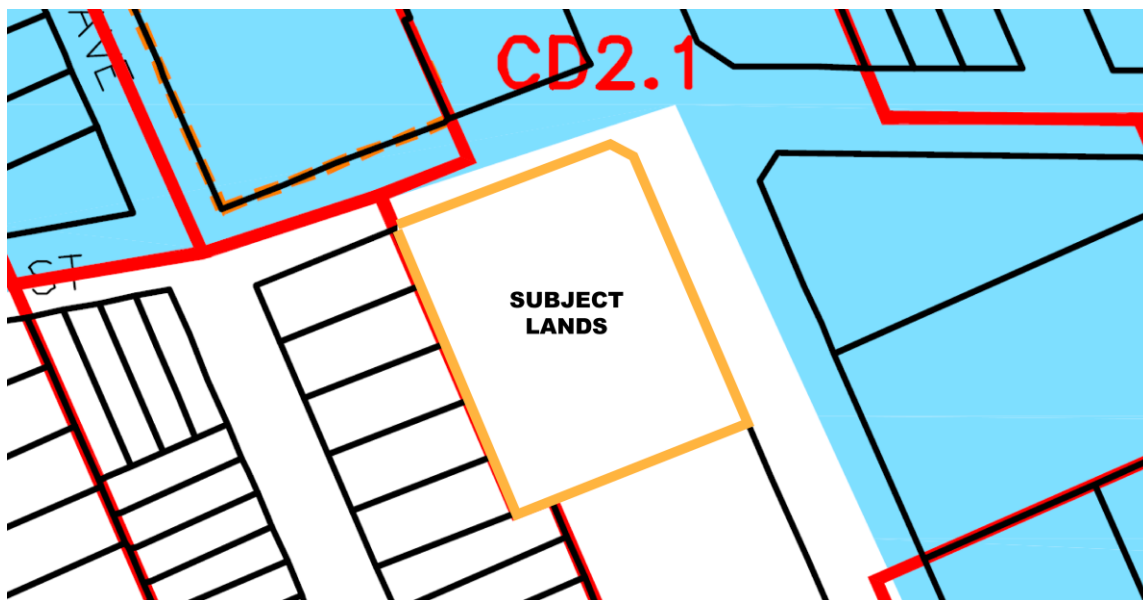


FIGURE 5: ZONING BY-LAW 8600

#### 4.0 ADDITIONAL CONSIDERATIONS

##### Existing Tree Inventory & Protection Plan

An Existing Tree Inventory & Protection Plan (the “ETI&PP”) has been prepared by Bezaire Partners and submitted in support of the OPA and ZBA applications. The ETI&PP does not recommend any of the existing trees on the subject lands be protected. Detailed landscape plans will be required through the future Site Plan approval process with respect to future plantings.

##### Stormwater Management Report

A Stormwater Management Report (the “Report”) has been prepared by Aleo Associates Inc. and submitted in support of the OPA and ZBA applications. The Report details stormwater quality and quantity control at a functional level through the development of a four-storey residential apartment building and surface parking. Detailed engineering drawings will be submitted in support of a future Site Plan application.

##### Road Traffic and Stationary Noise Impact Study – Acoustic Engineering Ltd.

A Road Traffic and Stationary Noise Impact Study (the “Noise Study”) has been completed and submitted in support of the proposed OPA and ZBA applications in accordance with the Ontario Ministry of the Environment and Climate Change (MOECC) NPC 300. The Noise Study has determined the proposed development will have a requirement for central air-conditioning, noise warning clauses and special building components. Road traffic noise control requirements for the subject lands were determined based on road traffic volumes for 2013 provided by the City of Windsor (City) and forecasted to 2030. The Noise Study conclusions can be included as Site Plan conditions of approval.

## 5.0 COMPATIBILITY

The subject lands are an appropriate location for residential intensification. The lands are sufficiently sized and located at the corner of a *Class II Collector Road* and *Class I Arterial Road* with transit services.

The proposed 4 storey apartment building will have sufficient density to achieve the policy objectives of the OP, and be at a scale and massing that will provide an appropriate transition to the adjacent low density residential uses. The apartment building is proposed to be oriented towards the intersection and away from the adjacent residential uses, with the parking area, parking garage, outdoor amenity area and future fence providing an adequate buffer between the two residential densities. Furthermore, the proposed development is for a four storey apartment building whereas the *Medium Profile* policies permit development up to 6 stories. The existing CD2.1 zone permits heights up to 14 m.

The proposed development is compatible with adjacent *Commercial Corridor* lands to the south and north as the policies support a mix of residential and commercial land uses providing vibrancy to the Lauzon Road corridor. The land uses are buffered by a future fence and parking lot to the south and Edgar Street to the north. Adding residential land uses along Lauzon Road will provide a mix of land uses to the area and encourage future residents to use local commercial amenities as per the policies of the OP.

The proposed development is compatible with the surrounding residential and commercial land uses.

## 6.0 SUMMARY & CONCLUSIONS

The proposed OPA and ZBA application to permit the development of four storey, 36 unit residential apartment building with associated parking at 1135 Lauzon Road, Windsor ON is appropriate. The proposed development conforms to the *Residential – Medium Profile* policies of the OP and regulations proposed in the *Residential District 3.1 Special Provision (RD3.1(X))* zone. The proposed OPA and ZBA applications are consistent with the applicable policies of the PPS and conform to the policies of the City of Windsor OP. The proposed intensification of the subject lands with a *Residential – Medium Profile* land use is appropriate given the surrounding land uses and public infrastructure, and will have no reasonable negative impacts on surrounding properties.

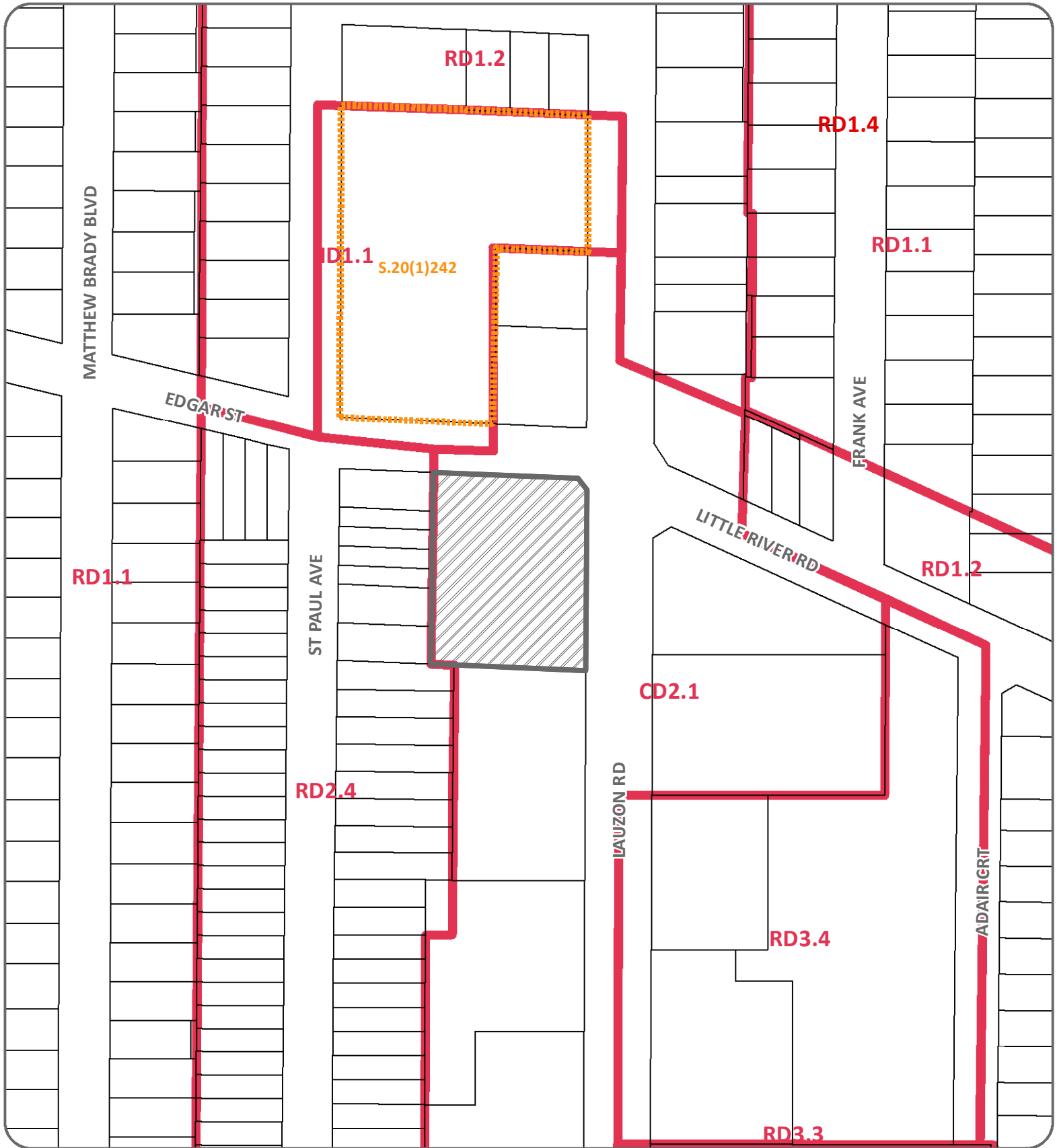
The OPA and ZBA applications are consistent with the PPS and conforms to the City of Windsor OP. The applications represent good planning and are in the public interest.

Agency/Department	Comment
Chief Fire Prevention Officer	WFRS has no concerns with rezoning on this application.
Heritage Planner	<p>There is no apparent built heritage concern with this property and it is located on an area of low archaeological potential.</p> <p>Nevertheless, the Applicant should be notified of the following archaeological precaution.</p> <ol style="list-style-type: none"> <li>1. Should archaeological resources be found during grading, construction or soil removal activities, all work in the area must stop immediately and the City's Planning &amp; Building Department, the City's Manager of Cultural Affairs, and the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries must be notified and confirm satisfaction of any archaeological requirements before work can recommence.</li> <li>2. In the event that human remains are encountered during grading, construction or soil removal activities, all work in that area must be stopped immediately and the site secured. The local police or coroner must be contacted to determine whether or not the skeletal remains are human, and whether the remains constitute a part of a crime scene. The Local police or coroner will then notify the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries and the Registrar at the Ministry of Government and Consumer Services if needed, and notification and satisfactory confirmation be given by the Ministry of Heritage, Sport, Tourism and Culture Industries.</li> </ol> <p>Contacts:  Windsor Planning &amp; Building Department:  519-255-6543 x6179, <a href="mailto:planningdept@citywindsor.ca">planningdept@citywindsor.ca</a>  Windsor Manager of Cultural Affairs:  Cathy Masterson, 519-253-2300x2724, <a href="mailto:cmasterson@citywindsor.ca">cmasterson@citywindsor.ca</a>  Ontario Ministry of Heritage, Sport, Tourism and Culture Industries  Archaeology Programs Unit, 1-416-212-8886, <a href="mailto:Archaeology@ontario.ca">Archaeology@ontario.ca</a>  Windsor Police: 911  Ontario Ministry of Government &amp; Consumer Services  Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures, 1-416-212-7499, <a href="mailto:nancy.watkins@ontario.ca">nancy.watkins@ontario.ca</a></p>
Landscape Architect	<p>Pursuant to the application for a zoning amendment (Z 012/20) to rezone to RD3.1 to permit a four storey (16m), 36 unit residential apartment building on the subject, please note no objections. Please also note the following comments:</p> <p><u>Tree Preservation and Climate Change considerations:</u>  The applicant has provided a tree survey prepared by Bezaire Partners Landscape Architects, which indicates that there are no SARs on the property and only three of the existing trees in Fair to Good health. They are not considered trees of choice but they are healthy trees and will need to be removed to accommodate the development. It is REQUESTED as a condition of a pending Site Plan Approval process, their total caliper of 105cm dbh be required to be replaced in addition to the minimum landscape trees requirements of Site Plan Control. If the total number of trees cannot be accommodated on the site, then compensation in the form of Cash in Lieu at a rate of \$500 per 70mm caliper tree be made to the</p>

	<p>Parks Department for the City Forester to provide trees elsewhere in the city to compensate for the urban canopy loss.</p> <p><u>Parkland Dedication:</u> The usual requirement of cash-in-lieu for 5% parkland dedication for residential development as per By-law 12780 and the Planning Act is required.</p> <p>Detailed landscape requirements to be provided at the time of site plan review.</p> <p>Based on the Proposed Site Plan provided in the package along with the information found in the Tree Survey and Preservation Plan prepared by Bezaire Partners, as well as the Requirements for trees outlined in the current Landscape Manual for Development (4th edition) <i>which states: One 75mm tree for every 10m of street frontage, <u>or</u> one 75mm tree for every 250sm of hard or soft landscaped area <u>(whichever is greater), plus equal size diameter for any trees greater than 100mm (4inch) caliper.</u> removed from site, the following information is provided:</i></p> <p>The total required trees for Site Plan Approval would be 30 trees (or a total of 2148 mm caliper at breast height). Given the proposed reduced landscape area it estimated that between 17-20 trees would be able to be supported on the site. Without a landscape concept plan, it would be fair to determine that there would need to be compensation for at least ten to thirteen trees at 70mm (3 inch) caliper at a rate pf \$450.00 per tree.</p> <p>The requirement for the Zoning Application may be best written as follows: <b><i>The owner is to provide a minimum total of thirty (30) 70mm caliper trees on the developed as a condition of Site Plan Approval. If the owner's landscape plan cannot support the minimum requirement of trees, then any deficiency to that requirement is to be compensated with Cash-in-lieu to the Parks Department (for trees to be planted elsewhere in the city) at a rate of \$450 per tree that is not able to be planted on the site."</i></b></p>
Enbridge Gas	<p>Enbridge Gas has no concerns with the proposed development. We have existing mains on both Lauzon and Edgar. Please call for locates prior to construction commencing.</p>

<p>Engineering – Development Projects &amp; ROW</p>	<p>The subject lands are located at 7887 Edgar Street, designated Commercial on Schedule D by the City of Windsor Official Plan and zoned Commercial District 2.1 (CD2.1) by Zoning By-Law 8600. The applicant is requesting an amendment to Zoning By-law 8600 for rezoning to RD3.1 to allow a four storey (16m), 36 unit residential apartment building with 50 parking spots, 16 of which would be in 2 separate 8 car garages. Requesting building be positioned closer to the intersection than would normally be permitted by the RD3.1 zone category, and 31% of the parcel be provided as landscape open space instead of the 35% required under RD3.1.</p> <p>The site may be serviced by a 600mm concrete pipe sanitary sewer and a 1200mm RCP storm sewer within Lauzon Road right-of-way. If possible existing connections should be utilized. Any redundant connections shall be abandoned in accordance with the City of Windsor Engineering Best Practice B.P 1.3.3. The applicant will be required to submit grading plan, site servicing drawings and storm detention calculations restricting storm water runoff to pre-development levels.</p> <p>Edgar Street is classified as a Class 2 Collector road requiring a 20.1m ROW width according to Schedule X. The current ROW width is 20.1m. Therefore a land conveyance is not required. Lauzon Road is classified as a Class 2 Arterial road requiring a 30m ROW width according to Schedule X. The current ROW width is 26.3, however, Lauzon Parkway-Lauzon Road Corridor Class EA Figure 5.3C negates the need for a conveyance. In addition, a 6m by 6m corner cut-off is required to be conveyed at the corner of Edgar Street and Lauzon Road.</p> <p>Driveways are to be constructed as per AS-221 or AS-222, complete with straight flares and no raised curbs within the right-of-way. Redundant curb cuts shall be removed and restored in accordance with City Standards to the satisfaction of the City Engineer.</p> <p>In summary we have no objection to the proposed redevelopment, subject to the following requirements (Requirements can be enforced during site plan control):</p> <p><b>Site Plan Control Agreement</b> – The applicant enters into an agreement with the City of Windsor for all requirements under the General Provisions of the Site Plan Control Agreement for the Engineering Department.</p> <p><b>Corner Cut-Off</b> – The owner(s) agrees, prior to the issuance of a construction permit, to gratuitously convey a 6m x 6m (20' x 20') corner cut-off at the intersection of Edgar Street and Lauzon Road in accordance with City of Windsor Standard Drawing AS-230.</p> <p><b>Redundant Curb Cuts</b> – The owner agrees to remove and replace the redundant curb cut on Edgar Street with full height curb to the satisfaction of the City Engineer.</p> <p><b>Existing Sewers and Connections</b> - The owner further agrees, at its entire expense and to the satisfaction of the City Engineer:</p>
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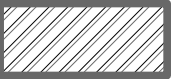
	<p>a) To undertake a video inspection of the mainline sewers that will be used by the subject property and all connections to the mainline sewers that service the subject property.</p> <p>b) Any redundant connections will be abandoned according to the City of Windsor Engineering Best Practice B.P.1.3.3.</p> <p>c) Any new connections to combined sewers will follow City of Windsor Engineering Best Practice B.P.1.1.1.</p>
Transportation Planning	<p>Overall, Transportation Planning supports the subject Official Plan and Zoning By-law amendment. The following requirements are expected to be satisfied through Site Plan Control:</p> <ul style="list-style-type: none"> <li>• Schedule X of the Official Plan classifies Edgar Street as a Class 2 Collector road with a required right-of-way width of 20 meters. The current right-of-way width is sufficient and therefore, a land conveyance is not required.</li> <li>• The approved Lauzon Road Environmental Assessment does not identify any additional land requirements along the Lauzon Road frontage of the subject property for future roadway improvements.</li> <li>• A gratuitous land conveyance for a 6.1m x 6.1m corner cut-off at the intersection of Lauzon Road and Edgar Street is required, as per Section 7.2.6.23 of the Official Plan.</li> <li>• All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings.</li> <li>• All exterior paths of travel must meet the requirements of the <i>Accessibility for Ontarians with Disabilities Act (AODA)</i>.</li> <li>• The minimum required number of bicycle parking spaces should be provided on the subject site.</li> </ul>



PART OF ZONING DISTRICT MAP 14

# REQUESTED ZONING AMENDMENT

Applicant: Suburban Construction & Management Ltd.



SUBJECT LANDS





- (e) To accommodate a minimum density of 200 residents and 200 jobs per net hectare;

The minimum density for new residential-only development is 80 units per net hectare.

*MAJOR  
ACTIVITY  
CENTRES*

3.3.1.2 Major Activity Centres are second in the hierarchy of nodes in Windsor. The following comprise Windsor's Major Activity Centres:

- (a) Regional Commercial Centres;
- (b) Regional Institutional Centres;
- (c) Regional Employment Centres; and
- (d) Regional Open Space System.

These types of nodes are considered to be sub-regional in the context of Windsor and were originally planned as single-use facilities that have evolved into multi-use urban areas with a variety of densities. Typically, these nodes are currently or have the potential to be important destinations within the regional public transit network. Future residential development and redevelopment at Major Activity Centres should be medium (30 units per net hectare) to high-density (80+ units per net hectare). Residential intensification is desired at or near Major Activity Centres. Development surrounding these locations will be subject to the preparation of a Secondary Plan or plan of subdivision.

(a) Regional Commercial Centres

Regional Commercial Centres are a type of Major Activity Centre where commercial services are provided to residents across the city and region. This type of node also provides the location for serving the daily and weekly shopping needs of residents living within or near the node. Regional Commercial Centres may also function as employment centres providing population serving offices, retail, personal services and local institutions.

In the future these nodes should function as vibrant mixed-use commercial-residential neighbourhoods serving a higher density of population. Ideally, the predominant form of new or redeveloped housing should be medium and high-density residential buildings with ground floor and possibly second floor commercial uses and upper floor residential dwellings.

(b) Regional Institutional Centres

Regional Institutional Centres are a type of Major Activity Centre where institutional services are provided to residents across the

- (b) encourage pedestrian activity and movement along the streetscape; and
- (c) provide and/or enhance the unique character of the surrounding neighbourhood.

*MAINSTREETS*      8.11.2.11      Council will recognize the significance of the roads designated as Mainstreets on Schedule G: Civic Image by:

- (a) enhancing the public rights-of-way consistent with the established character of the neighbourhood, using streetscaping elements such as special lighting, landscaping, paving stones, street furniture, public art and other complementary features and fixtures;
- (b) protecting and enhancing significant views and vistas along public rights-of-way;
- (c) protecting and enhancing heritage resources;
- (d) encouraging the provision of building and streetscaping elements that provide shelter from inclement weather, where appropriate; and
- (e) encouraging signage which enhances the character of the Mainstreet.

*CIVIC WAY  
DEFINED*      8.11.2.12      Council will promote the development of Civic Ways at the locations identified on Schedule G: Civic Image. Such Civic Ways will be designed to :

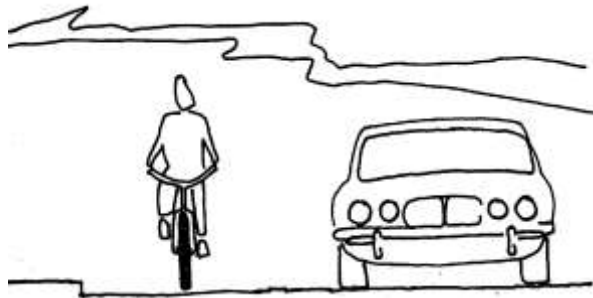
- (a) promote and present an attractive and unifying image of Windsor;
- (b) maintain a sense of welcome and arrival for travelers;
- (c) create a memorable impression of Windsor; and
- (d) complement and enhance the Municipality's capital investment in major infrastructure.

*CIVIC WAY*      8.11.2.13      Council will recognize the significance of roads designated as Civic Ways on Schedule G: Civic Image by:

- (a) enhancing the public rights-of-way along major entry points into Windsor consistent with a highly attractive and distinctive image using unifying elements such as landscaping, fixtures and boulevard and median treatments; and
- (b) protecting and enhancing significant views and vistas, public space and heritage resources along the Civic Way.

*CYCLING  
NETWORK*

- 8.11.2.14 Council will promote the designation of cycling routes and segregation of movement by design features such as distinctive surface treatments, painted lines and symbols subject to appropriate design and engineering guidelines.



*ORIENTATION*

- 8.11.2.15 Council will ensure the ease of orientation along the pedestrian and cycle networks through the provision of signs, route maps and key views.

*ENTRANCE  
FEATURES*

- 8.11.2.16 Council will consider the use of gateways, signs, decorative sidewalks, sculpture and other features at points along roads and/or routes where it is appropriate to emphasize the entrances to the city or its neighbourhoods.

*SEATING  
PROVISION*

- 8.11.2.17 Council will ensure that seating along roads is provided as required and is designed to:
- (a) provide comfort for pedestrians at waiting areas, bus stops and near public facilities and institutions;
  - (b) support activities along the road in commercial or mixed use areas;
  - (c) support conversation and social interaction through the appropriate location and orientation of seating;

- (o) Future Employment Area (added by OPA #60-05/07/07-B/L85-2007-OMB Decision/Order No.2667, 10/05/2007)

*TYPES OF  
DEVELOPMENT  
PROFILE*

**6.2.1.2**

For the purpose of this Plan, Development Profile refers to the height of a building or structure. Accordingly, the following Development Profiles apply to all land use designations on Schedule D: Land Use unless specifically provided elsewhere in this Plan:

- (a) Low Profile developments are buildings or structures generally no greater than three (3) storeys in height;
- (b) Medium Profile developments are buildings or structures generally no greater than six (6) storeys in height; and
- (c) High Profile developments are buildings or structures generally no greater than fourteen (14) storeys in height.

*TYPES OF  
DEVELOPMENT  
PATTERN*

**6.2.1.3**

For the purpose of this Plan, Development Pattern refers to an area bounded by the nearest Collector and/or Arterial roads and/or other major linear physical features. Accordingly, two categories of Development Pattern are provided for:

- (a) a Neighbourhood which exhibits a characteristic lotting and/or development profile; and
- (b) an Undeveloped Area which does not have characteristic lotting or development profile.

## **6.3 Residential**

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

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

### **6.3.1 Objectives**

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

## 6.3.2 Policies

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

<i>PERMITTED USES</i>	6.3.2.1	Uses permitted in the Residential land use designation identified on Schedule D: Land Use include Low, Medium and High Profile dwelling units.
<i>ANCILLARY USES</i>	6.3.2.2	<p>In addition to the uses permitted above, Council will encourage the achievement of diverse and self-sufficient neighbourhoods by permitting the following ancillary uses in areas designated Residential on Schedule D: Land Use without requiring an amendment to this Plan:</p> <p>(a) <del>community services including libraries, emergency services, community centres and similar public agency uses;</del> (Deleted by OPA #82 – June 20, 2011, B/L 117-2011)</p>

- (a) ~~community services including libraries, emergency services, community centres and similar public agency uses, but does not include a Methadone Clinic;~~  
(Deleted by OPA #106 – November 6, 2015, B/L 143-2015)
- (a) community services including libraries, emergency services, community centres and similar public agency uses;  
(Amended by OPA #106 – November 6, 2015, B/L 143-2015)
- (b) home based occupations subject to the provisions of policy 6.3.2.7;
- (c) Neighbourhood Commercial uses subject to the provisions of policy 6.3.2.9;
- (d) Open Space uses subject to the provisions of section 6.7; and
- (e) Minor Institutional uses subject to the provisions of section 6.6.

*TYPES OF  
LOW PROFILE  
HOUSING*

**6.3.2.3**

For the purposes of this Plan, Low Profile housing development is further classified as follows:

- (a) small scale forms: single detached, semi-detached, duplex and row and multiplexes with up to 8 units; and
- (b) large scale forms: buildings with more than 8 units.

*LOCATIONAL  
CRITERIA*

**6.3.2.4**

Residential development shall be located where:

- (a) there is access to a collector or arterial road;
- (b) full municipal physical services can be provided;
- (c) adequate community services and open spaces are available or are planned; and
- (d) public transportation service can be provided.

*EVALUATION  
CRITERIA FOR A  
NEIGHBOURHOOD  
DEVELOPMENT  
PATTERN*

**6.3.2.5**

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

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

*EVALUATION  
CRITERIA FOR AN  
UNDEVELOPED  
AREA  
DEVELOPMENT  
PATTERN*

**6.3.2.6**

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

- (a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:

### 6.5.3 Commercial Corridor Policies

The Commercial Corridor land use designation is intended for areas which are designed for vehicle oriented commercial uses. Commercial Corridors take the form of commercial strips along Arterial and Collector roads within Windsor. The intent of the following policies is to strengthen identified Commercial Corridors for retail and service uses.

<i>PERMITTED USES</i>	6.5.3.1	Uses permitted in the Commercial Corridor land use designation are primarily retail, wholesale store (added by OPA 58, 24 07 2006) and service oriented uses and, to a lesser extent, office uses.
<i>ANCILLARY USES</i>	6.5.3.2	<p>In addition to the uses permitted above, Council may permit the following ancillary uses in areas designated as Commercial Corridor on Schedule D: Land Use without requiring an amendment to this Plan:</p> <p>(a) adult entertainment parlours provided that:</p> <p>(i) such uses are a minimum of 150 metres from lands used or zoned for residential, institutional or open space purposes; and</p> <p>(ii) policy 6.5.3.7 is satisfied, with the exception that the proponent demonstrate that the proposal's market impact is acceptable; and</p> <p>(b) Open Space uses subject to the policies of section 6.7.</p>
<i>STREET PRESENCE</i>	6.5.3.3	<p>Council will encourage Commercial Corridor development to provide a continuous street frontage and presence. Accordingly, development along a Commercial Corridor shall be:</p> <p>(a) no more than two storeys in height, except on lands immediately adjacent to an intersection with a Class I or Class II Arterial Road or Class I or Class II Collector Road where the height of the building(s) may be no more than six storeys in height; and</p> <p>(b) encouraged to locate the buildings at the street frontage lot line with parking accommodated at the rear of the site.</p>
<i>INFILL &amp; CONSOLIDATION</i>	6.5.3.4	Council shall promote the infilling and consolidation of existing Commercial Corridors.



*NEW OR  
EXTENDED  
CORRIDORS*

6.5.3.5

Council shall discourage the development of new Commercial Corridors or the extension of existing Commercial Corridors and may only designate or extend a Commercial Corridor when the Municipality is satisfied that the market impact of the proposal on other commercial areas is acceptable (see Procedures chapter).

*LOCATIONAL  
CRITERIA*

6.5.3.6

Commercial Corridor development shall be located where:

- (a) there is access to Class I or Class II Arterial Roads or Class I Collector Roads;
- (b) full municipal physical services can be provided; and
- (c) commercial related traffic can be directed away from residential areas.

*EVALUATION  
CRITERIA*

6.5.3.7

At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed commercial development is:

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

SECTION 15 - COMMERCIAL DISTRICTS 2. (CD2.)

(B/L 8614 Jun 23/1986; B/L 11358 Mar 1/1993; B/L 11614 Nov1/1993; B/L 11922 Sep 23/1994; B/L 12602 Jun 17/1996; B/L 39-1998 Mar 10/1998; B/L 162-1998 Jun 24/1998; B/L 33-2001 Oct 23/2001, OMB Decision/Order No. 1716 Case No. PL010233; B/L 370-2001 Nov 15/2001; B/L 363-2002 Dec 31/2002; B/L 375-2004 Dec 21/2004; B/L 46-2005 Mar 23/2005; B/L 232-2006 Jan 18/2007; B/L 164-2010 Nov 17/2010; B/L 7-2018 Feb. 23/2018 )  
[ZNG/5271]

15.1 COMMERCIAL DISTRICT 2.1 (CD2.1)

15.1.1 PERMITTED USES

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

Any use accessory to any of the preceding uses. An *Outdoor Storage Yard* is prohibited, save and except, in combination with the following main uses:  
*Garden Centre, Temporary Outdoor Vendor’s Site, Existing Automobile Repair Garage.*

15.1.5 PROVISIONS

- .4 Building Height – maximum 14.0 m
- .10 Gross Floor Area – maximum
  - Bakery or Confectionary 550.0 m²
- .26 A *Temporary Outdoor Vendor’s Site* is prohibited in a *Business Improvement Area*.

SECTION 12 - RESIDENTIAL DISTRICTS 3. (RD3.)

(B/L 9057, Jul 7/1987; B/L 9100, Aug 17/1987; B/L 9545, OMB. Order R880673, Apr 20/1990 Amended Jan 8/1991; B/L 11093, Jul 20/1992; OMB Order R940355 Oct 3/1995; B/L 11876, OMB Order R940356 Sep 11/1995; B/L 13079, Oct 3/1997; B/L 162-1998, Jun 24/1998; B/L 211-1999, Aug 31/1999; B/L 33-2001, Oct 23/2001, OMB Decision/Order No. 1716 Case No. PL010233;B/L 443-2001, Jan 2/2002; B/L 363-2002, Dec 31/2002; B/L 23-2004, Feb 19/2004; B/L 401-2004, Jan 7/2005; B/L 90-2009, Jul 27/2009; B/L 113-2009, Aug 11/2009; B/L 129-2012, Oct 2/2012; B/L 31-2013, Mar 28/2013) [ZNG/2930; ZNG/5270] B/L 164-2017, Dec. 7/2017; B/L 95-2019, Sept. 27/2019

12.1 RESIDENTIAL DISTRICT 3.1 (RD3.1)

12.1.1 PERMITTED USES

- Double Duplex Dwelling

Duplex Dwelling

Lodging House

Multiple Dwelling

Religious Residence

Any use accessory to any of the preceding uses
- Residential Care Facility

Semi-Detached Dwelling

Single Unit Dwelling (Existing)

Townhome Dwelling

12.1.5 PROVISIONS

- .1

Lot Frontage – minimum

18.0 m
- .2

Lot Area – minimum

For a *corner lot* having a minimum frontage of 30.0 m on each of the *exterior lot lines*:

a)

For the first 5 *dwelling units*

540.0 m<sup>2</sup>

b)

For each additional *dwelling unit*

67.0 m<sup>2</sup> per unit

For any other *lot*:

c)

For the first 4 *dwelling units*

540.0 m<sup>2</sup>

d)

For each additional *dwelling unit*

85.0 m<sup>2</sup> per unit
- .3

Lot Coverage – maximum

35.0%
- .4

Main Building Height – maximum

Corner Lot

14.0 m

Interior Lot

10.0 m
- .5

Front Yard Depth – minimum

6.0 m
- .6

Rear Yard Depth – minimum

7.50 m
- .7

Side Yard Width – minimum

a)

Where a *habitable room window* of any *dwelling unit* faces a *side lot line*

6.0 m

b)

Any other side yard

3.0 m
- .8

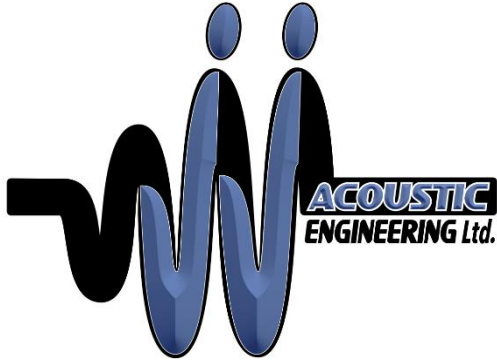
Landscaped Open Space Yard – minimum

35.0% of *lot area*
- .50

A *Lodging House* for the accommodation of 10 persons or less, and any use accessory thereto, shall comply with the *Single Unit Dwelling* provisions of Section 10.1.5 and further, the whole of the *building* shall be used for a *Lodging House*, including any *accessory use*.

[ZNG/5630]
- (AMENDED by B/L 95-2019, Sept. 27/2019)
- .55

A *Double Duplex Dwelling*, *Duplex Dwelling*, *Multiple Dwelling* having a maximum of 4 *dwelling units*, *Semi-Detached Dwelling* or *Townhome Dwelling*, or an addition to an *existing Single Unit Dwelling*, and any use accessory thereto, shall comply with the provisions of Section 11.2.5.



April 9, 2020

Reference No. JJ-00223-R1

Christian LeFave  
President  
Suburban Construction & Management Ltd.  
Email: clefave@lefaveonline.com  
1133 Lesperance Road, Tecumseh, Ontario N8N 1X3

Dear Mr. LeFave:

**Re: Road Traffic and Stationary Noise Impact Study  
1135 Lauzon Road, Windsor, Ontario**

## **1. Introduction**

JJ Acoustic Engineering Ltd. (JJAE) was retained to complete a Road Traffic and Stationary Noise Impact Study (Study) for the Condominium development located at 1135 Lauzon Road, Windsor, Ontario (Site).

The Site will be developed into a 4-storey condominium building. The Site Plan is provided as Attachment A. Stationary noise impact predictions were evaluated for on-site and off-site mechanical equipment located at the adjacent surrounding commercial and/or industrial facilities.

The Study was prepared consistent with Ontario Ministry of the Environment and Climate Change (MOECC) NPC 300, "Environmental Noise Guideline, Stationary and Transportation Sources—Approval and Planning", August 2013. This Study has determined that the potential environmental noise impact from road traffic noise is significant. The proposed development will require a requirement for central air-conditioning, noise warning clauses and special building components. Road traffic noise control requirements for the Site were determined based on road traffic volumes for 2013 provided by the City of Windsor (City) and forecasted to 2030.

The following attachments were included with this Study:

- Attachment A – Site Plan with Road Traffic Noise Impact

JJ Acoustic Engineering Ltd.  
[joey@jjae.ca](mailto:joey@jjae.ca)  
226-346-6473

- Attachment B – Traffic Data Summary Table & Sample Stamson Traffic Model Outputs
- Attachment C – Stationary Noise Impact Figures
- Attachment D – Stationary Noise Impact Source Table

## 2. Land Development and Site Conditions

The Site has one significant roadway in the vicinity of the development: Lauzon Road approximately 15 meters to the East. There are several intervening and off-site structures that provide line-of-sight obstruction to the roads; a line-of-sight obstruction was not included in our analysis of the elevated and most critical residential dwellings' noise impact exposure to road traffic noise as the worst-case.

The noise impact from off-site stationary noise sources located at adjacent commercial / industrial facilities was evaluated at the Site. Self-contamination noise impact was also evaluated from rooftop mechanical equipment and discussed separately.

## 3. Road Traffic Analysis

### 3.1 Road Traffic Noise Modeling Methodology

The road traffic noise impact was conducted using STAMSON, the MOE's computerized model of ORNAMENT. The Application of the model for the site was consistent with the ORNAMENT technical documents. The computer model input parameters include, among other data, the number of road segments, number of house rows, the positional relationship of the receptor to a noise source or barrier in terms of distance, elevation and angle of exposure to the source, the basic site topography, the ground surface type, traffic volumes, traffic composition and speed limit.

The predicted sound level is based on the 1-hour equivalent sound level, designated as Leq, and is adjusted by the STAMSON program to the 16-hour daytime and the 8-hour nighttime equivalent sound level. The applicable noise criteria for noise sensitive spaces are specified in terms of the 16-hour daytime period (7:00 a.m. to 11:00 p.m.) and 8-hour nighttime period (11:00 p.m. to 7:00 a.m.) enabling a direct comparison between the STAMSON model output and the noise limits.

### 3.2 Road Traffic Model Input Parameters

This section describes the STAMSON model input parameters used to predict road traffic noise impact for the Site.

#### 3.2.1 Road Traffic Parameters

The traffic data provided by the City of Windsor has been summarized below:

##### *Lauzon Street:*

- Provided AADT (2013): 18,687
- Annual Growth Rate (Assumed): 2.5%

- Forecast AADT (2030): 28,434
- Assumed Commercial Vehicle Rates: 3% medium trucks and 2% heavy trucks
- Posted Speed Limit: 50 km/h
- Day Night Splits: 90% day and 10% night

Note that AADT's provided by the City of Windsor are from 2013 and with assumptions made by JJAEE a forecasted AADT was generated. JJAEE has used a 2.5% annual growth over 17 years to provide the future (2030) AADT. The traffic data is the foundation of this analysis and the Study will be updated if the values change. Traffic data was supplied by the City of Windsor. The City of Windsor AADT for Noise Studies reports have been supplied in Attachment B.

### **3.3 Road Traffic Noise Modeling Results**

JJAEE calculated the Plane of Window (POW) noise exposure for each floor of the residential building for the separate daytime and nighttime periods.

The STAMSON road traffic model outputs are provided in Attachment B.

### **3.4 Road Traffic Modeling Discussion**

Noise control requirements will be defined based on NPC 300.

#### ***Daytime Outdoor Living Area Assessment (NPC 300, Section C7.1.1)***

NPC 300 section A5 (pages 13-14) defines an Outdoor Living Area (OLA). As part of this definition, a balcony or terrace is considered an OLA if it has a minimum depth of 4 meters. All balconies are less than 4 m in depth and therefore will not be considered as OLAs.

A ground level OLA "Amenity Landscape area has been located on the Site Plan and has been ideally positioned around mostly enclosed by the building itself. This location has a partially blocked line-of-sight to select roadways. The noise impact has been summarized in Table B.1. The following warning clause is required:

**Warning Clause A:** "Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment and Climate Change."

#### ***Plane of a Window – Ventilation Requirements (NPC 300, Section C7.1.2)***

The predicted daytime and nighttime Plane of Window (POW) noise impact assumes a worst-case and direct line of sight noise exposure to both roads, unless the condominium itself blocks line-of-sight (full or partial).

The following summarizes NPC 300 POW noise impact requirements:

Daytime Level (dBA)	Nighttime Level (dBA)	Ventilation Requirements and Warning Clauses	Special Building Components
55	50	Not Required	Not Required
55 – 65	50 – 60	Yes, with Type C Warning Clause	Not Required
66 or more	60 or more	Yes, with Type D Warning Clause	Yes

Table B.1 summarizes the predicted worst-case sound levels and the requirements for the units.

The following warning clause is required:

**Warning Clause C:** "This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment and Climate Change."

**Warning Clause D:** "This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment and Climate Change."

***Indoor Living Areas – Building Components (NPC 300, Section C7.1.3)***

The building must be constructed to standard Ontario Building Code requirements. Improved building components are required as summarized in Table B.1. JJAЕ has assumed 20% window to floor area coverage and that windows are thick and operable.

## 4. Stationary Noise Impact Analysis

### 4.1 Stationary Noise Impact Sound Level Criteria

The general criteria for stationary noise sources are defined by NPC 300. The criteria defined in Table C-5 and C-6, "Exclusion Limit Values of One-Hour Equivalent Sound Level (Leq, dBA) Outdoor Points of Reception" and "Exclusion Limit Values of One-Hour Equivalent Sound Level (Leq, dBA) Plane of Window of Noise Sensitive Spaces" are used to evaluate the noise impact at the proposed development.

The criteria for a Class 1 area have been summarized below:

Receiver Category	Time Period	Stationary Noise Criteria
Outdoor Living Area (OLA)	Day = 7:00 to 23:00	Leq = 50 dBA
Plane of Window (POW)	Day = 7:00 to 23:00	Leq = 50 dBA
	Night = 23:00 to 7:00	Leq = 45 dBA

The area has elevated traffic noise levels as seen in Section 3 of this report. To account for this JJAЕ has used site-specific stationary noise criteria which match the lowest traffic noise levels on any façade.

Receiver Category	Time Period	Site-Specific Stationary Noise Criteria
Outdoor Living Area (OLA)	Day = 7:00 to 23:00	Leq = 50 dBA
Plane of Window (POW)	Day = 7:00 to 23:00	Leq = 58 dBA
	Night = 23:00 to 7:00	Leq = 52 dBA

### 4.2 Modelling Methodology

The stationary noise impact was evaluated using the CADNA A acoustic modelling software that is based on the ISO 9613-2 standard. The data for all potential stationary noise sources was summarized in Attachment D.

## 5. Noise Impact Summary – From Site

The noise from the Site to the neighboring buildings could not be accounted for because the site has not undergone mechanical design yet. However, with the elevated traffic noise levels and the minimal noise impacts from the surrounding buildings, JJAЕ believes that the noise impacts from the Site will not be environmentally significant. JJAЕ strongly recommends having an addendum to this report completed once a mechanical design is done to account for noise from the Site to the neighboring building.



## 6. Noise Impact Summary – From Environment to Site

There are several commercial and apartment buildings near the site. JJAЕ has identified several potential stationary noise sources including:

- Make-Up Air Units
- Air Handling Units

A summary of the noise sources used in our modelling is provided in Attachment D.

JJAЕ modelled the noise impact from all significant noise sources to the Site. The results are summarized in the table below and illustrated on Figure 1.

<b>Facade</b>	<b>Worst Case Daytime Sound Level (dBA)</b>	<b>Daytime Site-Specific Noise Limit (dBA)</b>	<b>Worst Case Nighttime Sound Level (dBA)</b>	<b>Nighttime Site-Specific Noise Limit (dBA)</b>	<b>Limits met</b>
North	49	58	49	52	Yes
East	<40	58	<40	52	Yes
South	48	58	48	52	Yes
West	49	58	49	52	Yes
Ground OLA	48	58	48	52	Yes

The on-site noise impact predictions are below the site-specific noise limits.

## 7. Recommendations

The road traffic noise impacts were above the NPC 300 requirements. Noise mitigation measures including requirements for air conditioning, noise warning clauses and special building components. These have been summarized in Attachment B under Table B1.

The stationary noise impacts from the site were evaluated and the sound level predictions were determined to be below the site-specific noise limits.

The stationary noise impact from the site to the neighboring buildings was not evaluated as no information was available at the time of this report. JJAЕ recommends that once a mechanical design is available a review of the mechanical systems must be evaluated with an addendum to this report.

## 8. Conclusions

The results of this Study indicate that the potential environmental impact from road traffic and stationary noise sources are significant. Mitigation measures will be required including ventilation requirements, special building components and noise warning clauses for each unit.

Should you have any questions on the above, please do not hesitate to contact us.

Yours truly,



Joey Jraige, P.Eng., B.A.Sc.

# ATTACHMENT A

REGULATION	RD3.1 ZONE (PROPOSED)	CONCEPT SITE PLAN
PERMITTED USE	MULTIPLE DWELLING	MULTIPLE DWELLING
MIN. LOT FRONTAGE (EDGAR STREET)	18 m	57.7 m
MIN. LOT AREA	2,617 m <sup>2</sup>	4,574.3 m <sup>2</sup>
MAX. LOT COVERAGE	35%	22.8%
BUILDING HEIGHT	14 m	16 m
MIN. FRONT YARD DEPTH (EDGAR STREET)	6 m	3 m
MIN. REAR YARD DEPTH (SOUTH)	7.5 m	14.1 m
MIN. SIDE YARD WIDTH (WEST)	6 m	23.47 m
MIN. SIDE YARD WIDTH (LAUZON ROAD)	3 m	6.18 m
MIN. LANDSCAPE OPEN SPACE	35%	31.4%

SURFACE PARKING = 34 SPACES  
COVERED PARKING = 16 SPACES  
TOTAL PARKING = 50 SPACES

LOT 13

ALLEY

LOT 14

LOT 15

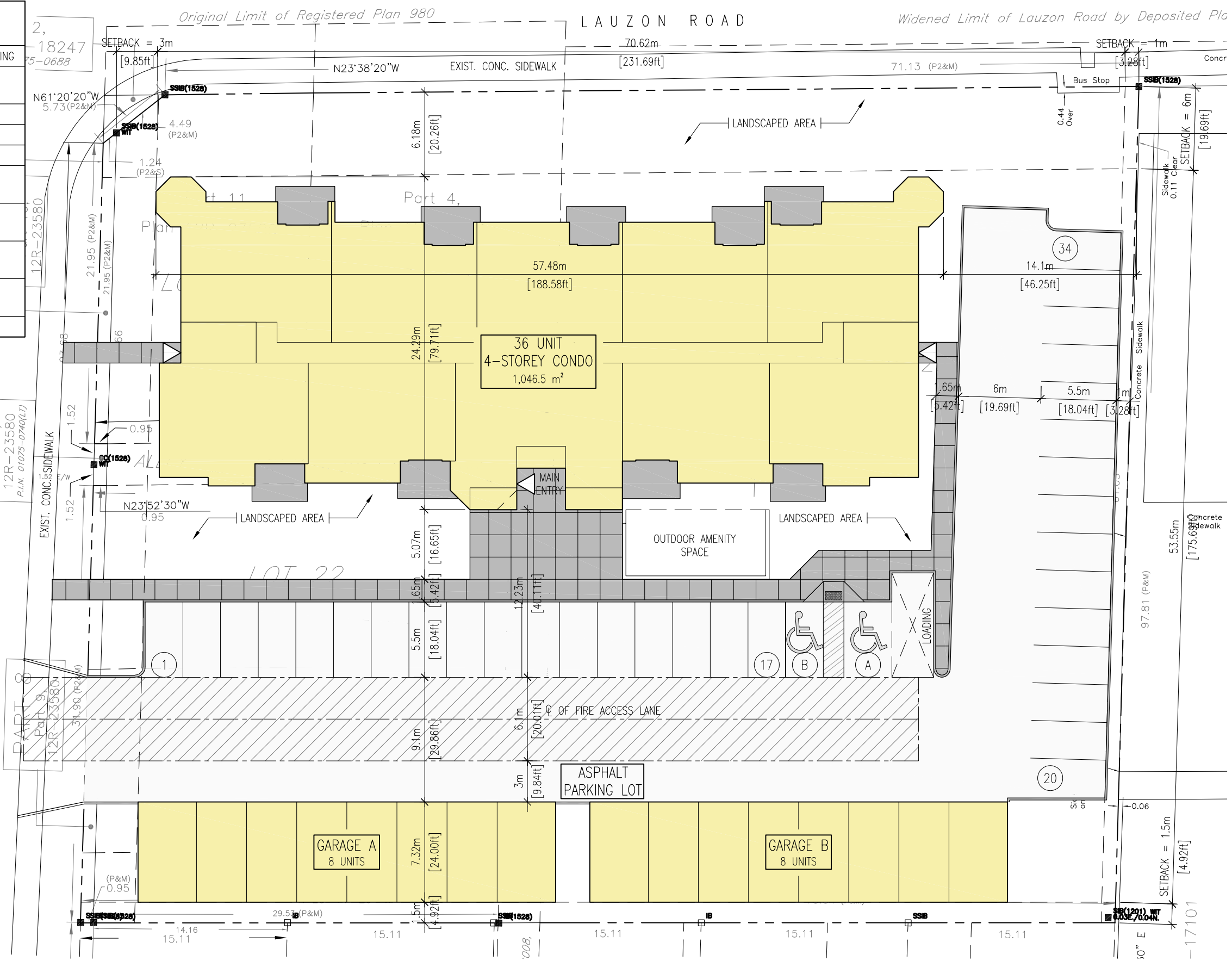
PLAN

ROVE - 20.12m wide per Registered Plan 980)

EDGAR STREET

R STREET

01074-0421(LT)



SITE PLAN

SCALE : 1 : 300

architectural design associates	1670 mercer street windsor ontario canada n8x 3p7 ph 519.254.3430 fax 519.254.3642 email: info@aaa-architect.ca www.aaa-architect.ca	project:	PROPOSED MULTI-UNIT RESIDENTIAL DEVELOPMENT 1135 LAUZON ROAD
		client:	BROTTO INVESTMENTS INC.
title:		CONCEPT SITE PLAN	
date:		FEBRUARY 2020	
comm. no.:		2020-043	
dwg. no.:		A1.1	
drawn by:		ID	
checked by:		SMB	

## ATTACHMENT B

	A	B	C	D	E	F	G	H	I	J	K	L
1				Station Name:Lauzon S of Wyandotte NB								
2				Site ID:0000NBLAR020								
3				Station Num:000000000003								
4				Description:								
5				City:								
6				County:								
7				Start Date/Time:09/22/13 00:00								
8				End Date/Time:09/28/13 23:59								
9												
10		29- Sun	30- Mon	1- Tue	25- Wed	26- Thu	27- Fri	28- Sat	Total	Daily- Avg	Wkday- A	Wkend- A
11	00:00 Lane 1	277	91	99	116	103	131	234	1051	150	108	256
12	01:00 Lane 1	198	51	58	62	60	66	186	681	97	59	192
13	02:00 Lane 1	143	29	41	39	48	55	111	466	67	42	127
14	03:00 Lane 1	100	33	40	35	44	47	74	373	53	40	87
15	04:00 Lane 1	48	46	49	35	41	52	46	317	45	45	47
16	05:00 Lane 1	73	125	122	118	132	124	89	783	112	124	81
17	06:00 Lane 1	134	472	437	442	443	448	218	2594	371	448	176
18	07:00 Lane 1	200	718	737	746	742	674	338	4155	594	723	269
19	08:00 Lane 1	416	963	974	980	983	967	600	5883	840	973	508
20	09:00 Lane 1	650	905	863	869	891	972	921	6071	867	900	786
21	10:00 Lane 1	950	947	1044	969	1072	1119	1121	7222	1032	1030	1036
22	11:00 Lane 1	1102	1043	1061	1086	1094	1253	1266	7905	1129	1107	1184
23	12:00 Lane 1	1216	1095	1133	1156	1187	1295	1417	8499	1214	1173	1317
24	13:00 Lane 1	1210	1152	1113	1137	1142	1197	1347	8298	1185	1148	1279
25	14:00 Lane 1	1044	1257	1203	1179	1226	1367	1241	8517	1217	1246	1143
26	15:00 Lane 1	1019	1320	1285	1277	1359	1398	1264	8922	1275	1328	1142
27	16:00 Lane 1	983	1305	1342	1329	1370	1515	1179	9023	1289	1372	1081
28	17:00 Lane 1	902	1359	1388	1309	1473	1481	1168	9080	1297	1402	1035
29	18:00 Lane 1	701	1058	1198	1165	1317	1155	1135	7729	1104	1179	918
30	19:00 Lane 1	588	952	943	932	1030	1118	832	6395	914	995	710
31	20:00 Lane 1	506	603	611	695	808	794	628	4645	664	702	567
32	21:00 Lane 1	451	459	532	516	745	660	753	4116	588	582	602
33	22:00 Lane 1	334	356	381	380	422	492	448	2813	402	406	391
34	23:00 Lane 1	202	261	255	214	274	428	401	2035	291	286	302
35												
36	Total	6724	8300	8455	8393	9003	9404	8509	58787	8398	8711	7616
37	Percentages	11.44%	14.12%	14.38%	14.28%	15.31%	16.00%	14.47%	100.00%	14.29%	14.82%	12.96%

	A	B	C	D	E	F	G	H	I	J	K	L	M
1				Station Name:Lauzon S of Little River NB									
2				Site ID:0000NBLAR030									
3				Station Num:000000000015									
4				Description:									
5				City:									
6				County:									
7				Start Date/Time:09/22/13 00:00									
8				End Date/Time:09/28/13 23:59									
9													
10		29- Sun	30- Mon	1- Tue	2- Wed	3- Thu	27- Fri	28- Sat	Total	Daily- Avg	Wkday- Avg	Wkend- Avg.	
11	00:00 Lane 1	310	89	114	150	159	162	279	1263	180	135	295	
12	01:00 Lane 1	230	57	63	54	71	80	176	731	104	65	203	
13	02:00 Lane 1	162	29	48	37	54	62	119	511	73	46	141	
14	03:00 Lane 1	96	30	42	37	34	46	79	364	52	38	88	
15	04:00 Lane 1	48	59	61	61	59	57	38	383	55	59	43	
16	05:00 Lane 1	83	158	151	155	164	149	100	960	137	155	92	
17	06:00 Lane 1	145	579	549	559	578	582	280	3272	467	569	213	
18	07:00 Lane 1	245	959	983	999	988	914	401	5489	784	969	323	
19	08:00 Lane 1	516	1268	1320	1310	1333	1293	742	7782	1112	1305	629	
20	09:00 Lane 1	759	1057	1028	1065	1051	1114	1084	7158	1023	1063	922	
21	10:00 Lane 1	1081	1137	1263	1184	1267	1349	1318	8599	1228	1240	1200	
22	11:00 Lane 1	1271	1235	1268	1345	1360	1488	1482	9449	1350	1339	1377	
23	12:00 Lane 1	1508	1324	1372	1419	1427	1527	1737	10314	1473	1414	1623	
24	13:00 Lane 1	1384	1335	1329	1461	1428	1478	1641	10056	1437	1406	1513	
25	14:00 Lane 1	1256	1580	1489	1582	1586	1696	1530	10719	1531	1587	1393	
26	15:00 Lane 1	1256	1653	1616	1700	1745	1781	1556	11307	1615	1699	1406	
27	16:00 Lane 1	1192	1660	1664	1696	1786	1861	1445	11304	1615	1733	1319	
28	17:00 Lane 1	1012	1681	1680	1675	1825	1818	1388	11079	1583	1736	1200	
29	18:00 Lane 1	796	1354	1483	1454	1582	1457	1328	9454	1351	1466	1062	
30	19:00 Lane 1	704	1116	1217	1272	1256	1278	988	7831	1119	1228	846	
31	20:00 Lane 1	610	800	783	849	816	931	768	5557	794	836	689	
32	21:00 Lane 1	499	575	675	676	813	748	870	4856	694	697	685	
33	22:00 Lane 1	376	402	427	417	479	566	515	3182	455	458	446	
34	23:00 Lane 1	218	303	305	324	329	489	458	2426	347	350	338	
35													
36	Total	7879	10220	10465	10741	11095	11463	10161	72023	10289	10797	9020	
37	Percentages	10.94%	14.19%	14.53%	14.91%	15.40%	15.92%	14.11%	100.00%	14.29%	14.99%	12.52%	

**Table B1**

**Road Traffic Noise Levels and Mitigation Measures Summary  
1135 Lauzon Road, Windsor, Ontario**

<i>Point-of-Reception ID</i>	<i>Road Sound Level at Point-of-Reception (Day) (Average Leq)</i>	<i>Road Sound Level at Point-of-Reception (Night) (Average Leq)</i>	<i>Ventilation Requirements NPC 300</i>	<i>Warning Clause NPC 300</i>	<i>Special Building Components</i>
<b><u>North Façade</u></b>					
POW1	65 (dBA)	59 (dBA)	Provisions for Air Conditioning	Type C	Compliance with Ontario Building Code
POW2	65 (dBA)	59 (dBA)	Provisions for Air Conditioning	Type C	Compliance with Ontario Building Code
POW3	65 (dBA)	58 (dBA)	Provisions for Air Conditioning	Type C	Compliance with Ontario Building Code
POW4	64 (dBA)	58 (dBA)	Provisions for Air Conditioning	Type C	Compliance with Ontario Building Code
<b><u>South Façade</u></b>					
POW1	65 (dBA)	59 (dBA)	Provisions for Air Conditioning	Type C	Compliance with Ontario Building Code
POW2	65 (dBA)	59 (dBA)	Provisions for Air Conditioning	Type C	Compliance with Ontario Building Code
POW3	65 (dBA)	58 (dBA)	Provisions for Air Conditioning	Type C	Compliance with Ontario Building Code
POW4	64 (dBA)	58 (dBA)	Provisions for Air Conditioning	Type C	Compliance with Ontario Building Code
<b><u>East Façade</u></b>					
POW1	68 (dBA)	62 (dBA)	Provisions for Air Conditioning	Type D	Minimum Window STC Rating of 28
POW2	68 (dBA)	62 (dBA)	Provisions for Air Conditioning	Type D	Minimum Window STC Rating of 28
POW3	68 (dBA)	61 (dBA)	Provisions for Air Conditioning	Type D	Minimum Window STC Rating of 28
POW4	67 (dBA)	61 (dBA)	Provisions for Air Conditioning	Type D	Minimum Window STC Rating of 27
<b><u>West Façade</u></b>					
POW1	58 (dBA)	52 (dBA)	Provisions for Air Conditioning	Type C	Compliance with Ontario Building Code
POW2	58 (dBA)	52 (dBA)	Provisions for Air Conditioning	Type C	Compliance with Ontario Building Code
POW3	58 (dBA)	51 (dBA)	Provisions for Air Conditioning	Type C	Compliance with Ontario Building Code
POW4	57 (dBA)	51 (dBA)	Provisions for Air Conditioning	Type C	Compliance with Ontario Building Code



**Outdoor Amenity**

OLA1

58.4 (dBA)

N/A

Not Required

Type A

N/A

**Table B2**  
**Road Traffic Noise Level Summary Table**  
**1135 Lauzon Road, Windsor, Ontario**

**Road Parameter Summary**

Road	Annual Average Daily Traffic	Medium Trucks (%)	Heavy Trucks (%)	Daytime Traffic Split (%)	Road Gradient (%)	Pavement Type	Speed (km/h)
Lauzon Road	28434		3	2	90	1	50
North Facade				East Facade			
Storey	Leq Day	Leq Night		Storey	Leq Day	Leq Night	
1	65.35	58.82		1	68.36	61.83	
2	65.12	58.59		2	68.13	61.60	
3	64.81	58.28		3	67.82	61.29	
4	64.42	57.89		4	67.43	60.90	
South Facade				West Façade -(1)			
Storey	Leq Day	Leq Night		Storey	Leq Day	Leq Night	
1	65.35	58.82		1	58.36	51.83	
2	65.12	58.59		2	58.13	51.60	
3	64.81	58.28		3	57.82	51.29	
4	64.42	57.89		4	57.43	50.90	

\*(1) JJAEE has used a reduction effect of 10 dBA from the values of the East Facade for Lauzon Road to calculate the west façade. This is due to the shielding effect caused by the building Line of Sight to the roadway

Filename: northf1.te                      Time Period: Day/Night 16/8 hours  
 Description: North Facade 1st Floor

Road data, segment # 1: Lauzon Road (day/night)

-----  
 Car traffic volume : 24311/2701 veh/TimePeriod \*  
 Medium truck volume : 768/85 veh/TimePeriod \*  
 Heavy truck volume : 512/57 veh/TimePeriod \*  
 Posted speed limit : 50 km/h  
 Road gradient : 0 %  
 Road pavement : 1 (Typical asphalt or concrete)

\* Refers to calculated road volumes based on the following input:

24 hr Traffic Volume (AADT or SADT): 18687  
 Percentage of Annual Growth : 2.50  
 Number of Years of Growth : 17.00  
 Medium Truck % of Total Volume : 3.00  
 Heavy Truck % of Total Volume : 2.00  
 Day (16 hrs) % of Total Volume : 90.00

Data for Segment # 1: Lauzon Road (day/night)

-----  
 Angle1 Angle2 : 0.00 deg 90.00 deg  
 Wood depth : 0 (No woods.)  
 No of house rows : 0 / 0  
 Surface : 2 (Reflective ground surface)  
 Receiver source distance : 15.00 / 15.00 m  
 Receiver height : 2.00 / 2.00 m  
 Topography : 1 (Flat/gentle slope; no barrier)  
 Reference angle : 0.00

↑  
 Results segment # 1: Lauzon Road (day)

-----  
 Source height = 1.19 m

ROAD (0.00 + 65.35 + 0.00) = 65.35 dBA

Angle1	Angle2	Alpha	RefLeq	P. Adj	D. Adj	F. Adj	W. Adj	H. Adj	B. Adj	SubLeq
0	90	0.00	68.36	0.00	0.00	-3.01	0.00	0.00	0.00	65.35

-----  
 Segment Leq : 65.35 dBA

Total Leq All Segments: 65.35 dBA

↑  
 Results segment # 1: Lauzon Road (night)

Source height = 1.19 m

ROAD (0.00 + 58.82 + 0.00) = 58.82 dBA

Angle1	Angle2	Alpha	RefLeq	P. Adj	D. Adj	F. Adj	W. Adj	H. Adj	B. Adj	SubLeq
0	90	0.00	61.83	0.00	0.00	-3.01	0.00	0.00	0.00	58.82

Segment Leq : 58.82 dBA

Total Leq All Segments: 58.82 dBA

⬆

TOTAL Leq FROM ALL SOURCES (DAY): 65.35  
(NIGHT): 58.82

⬆

⬆

Filename: eastf1.te                      Time Period: Day/Night 16/8 hours  
 Description: East Facade 1st Floor

Road data, segment # 1: Lauzon Road (day/night)

-----  
 Car traffic volume : 24311/2701 veh/TimePeriod \*  
 Medium truck volume : 768/85 veh/TimePeriod \*  
 Heavy truck volume : 512/57 veh/TimePeriod \*  
 Posted speed limit : 50 km/h  
 Road gradient : 0 %  
 Road pavement : 1 (Typical asphalt or concrete)

\* Refers to calculated road volumes based on the following input:

24 hr Traffic Volume (AADT or SADT): 18687  
 Percentage of Annual Growth : 2.50  
 Number of Years of Growth : 17.00  
 Medium Truck % of Total Volume : 3.00  
 Heavy Truck % of Total Volume : 2.00  
 Day (16 hrs) % of Total Volume : 90.00

Data for Segment # 1: Lauzon Road (day/night)

-----  
 Angle1 Angle2 : -90.00 deg 90.00 deg  
 Wood depth : 0 (No woods.)  
 No of house rows : 0 / 0  
 Surface : 2 (Reflective ground surface)  
 Receiver source distance : 15.00 / 15.00 m  
 Receiver height : 2.00 / 2.00 m  
 Topography : 1 (Flat/gentle slope; no barrier)  
 Reference angle : 0.00

↑  
 Results segment # 1: Lauzon Road (day)

-----  
 Source height = 1.19 m

ROAD (0.00 + 68.36 + 0.00) = 68.36 dBA

Angle1	Angle2	Alpha	RefLeq	P. Adj	D. Adj	F. Adj	W. Adj	H. Adj	B. Adj	SubLeq
-90	90	0.00	68.36	0.00	0.00	0.00	0.00	0.00	0.00	68.36

-----

Segment Leq : 68.36 dBA

Total Leq All Segments: 68.36 dBA



Results segment # 1: Lauzon Road (night)

-----

Source height = 1.19 m

ROAD (0.00 + 61.83 + 0.00) = 61.83 dBA

Angle1	Angle2	Alpha	RefLeq	P. Adj	D. Adj	F. Adj	W. Adj	H. Adj	B. Adj	SubLeq
-90	90	0.00	61.83	0.00	0.00	0.00	0.00	0.00	0.00	61.83

-----

Segment Leq : 61.83 dBA

Total Leq All Segments: 61.83 dBA



TOTAL Leq FROM ALL SOURCES (DAY): 68.36  
(NIGHT): 61.83



Filename: SouthF1.te                      Time Period: Day/Night 16/8 hours  
 Description: South Facade 1st Floor

Road data, segment # 1: Lauzon Road (day/night)

-----  
 Car traffic volume : 24311/2701 veh/TimePeriod \*  
 Medium truck volume : 768/85 veh/TimePeriod \*  
 Heavy truck volume : 512/57 veh/TimePeriod \*  
 Posted speed limit : 50 km/h  
 Road gradient : 0 %  
 Road pavement : 1 (Typical asphalt or concrete)

\* Refers to calculated road volumes based on the following input:

24 hr Traffic Volume (AADT or SADT): 18687  
 Percentage of Annual Growth : 2.50  
 Number of Years of Growth : 17.00  
 Medium Truck % of Total Volume : 3.00  
 Heavy Truck % of Total Volume : 2.00  
 Day (16 hrs) % of Total Volume : 90.00

Data for Segment # 1: Lauzon Road (day/night)

-----  
 Angle1 Angle2 : -90.00 deg 0.00 deg  
 Wood depth : 0 (No woods.)  
 No of house rows : 0 / 0  
 Surface : 2 (Reflective ground surface)  
 Receiver source distance : 15.00 / 15.00 m  
 Receiver height : 2.00 / 2.00 m  
 Topography : 1 (Flat/gentle slope; no barrier)  
 Reference angle : 0.00

↑  
 Results segment # 1: Lauzon Road (day)

-----  
 Source height = 1.19 m

ROAD (0.00 + 65.35 + 0.00) = 65.35 dBA

Angle1	Angle2	Alpha	RefLeq	P. Adj	D. Adj	F. Adj	W. Adj	H. Adj	B. Adj	SubLeq
-90	0	0.00	68.36	0.00	0.00	-3.01	0.00	0.00	0.00	65.35

-----  
 Segment Leq : 65.35 dBA

Total Leq All Segments: 65.35 dBA

↑  
 Results segment # 1: Lauzon Road (night)

Source height = 1.19 m

ROAD (0.00 + 58.82 + 0.00) = 58.82 dBA

Angle1	Angle2	Alpha	RefLeq	P. Adj	D. Adj	F. Adj	W. Adj	H. Adj	B. Adj	SubLeq
-90	0	0.00	61.83	0.00	0.00	-3.01	0.00	0.00	0.00	58.82

Segment Leq : 58.82 dBA

Total Leq All Segments: 58.82 dBA

↑

TOTAL Leq FROM ALL SOURCES (DAY): 65.35  
(NIGHT): 58.82

↑

↑



## ATTACHMENT C







## ATTACHMENT D

Table D.1

**Stationary Noise Impact Source Data  
1135 Luazon Road, Windsor, Ontario**

Noise Source Description	Cadna ID	Total PWL (dBA)	Source	Height Absolute (m)	Above Roof (m)		
						x	y
Representative HVAC	OS_REP_HVAC	78.6	F1_and_F2	4.5	1.5	17340136	4687837
Representative HVAC	OS_REP_HVAC	78.6	F1_and_F2	4.5	1.5	17340138	4687834
Representative HVAC	OS_REP_HVAC	78.6	F1_and_F2	4.5	1.5	17340140	4687830
Representative HVAC	OS_REP_HVAC	78.6	F1_and_F2	4.5	1.5	17340141	4687826
Representative HVAC	OS_REP_HVAC	78.6	F1_and_F2	4.5	1.5	17340142	4687823
Representative HVAC	OS_REP_HVAC	78.6	F1_and_F2	4.5	1.5	17340146	4687816
Representative HVAC	OS_REP_HVAC	78.6	F1_and_F2	4.5	1.5	17340150	4687810
Representative HVAC	OS_REP_HVAC	78.6	F1_and_F2	4.5	1.5	17340152	4687806
Representative HVAC	OS_REP_HVAC	78.6	F1_and_F2	4.5	1.5	17340153	4687803
Representative HVAC	OS_REP_HVAC	78.6	F1_and_F2	4.5	1.5	17340157	4687793
Representative HVAC	OS_REP_HVAC	78.6	F1_and_F2	4.5	1.5	17340162	4687783
Representative HVAC	OS_REP_HVAC	78.6	F1_and_F2	4.5	1.5	17340164	4687779
Representative HVAC	OS_REP_HVAC	86	Rep_MUA	4.5	1.5	17340156	4687799
Representative HVAC	OS_REP_HVAC	86	Rep_MUA	16.5	1.5	17340263	4687797
Representative HVAC	OS_REP_HVAC	86	Rep_MUA	19.5	1.5	17340301	4687823
Representative HVAC	OS_REP_HVAC	86	Rep_MUA	19.5	1.5	17340331	4687780
Representative HVAC	OS_REP_HVAC	86	Rep_MUA	4.5	1.5	17340108	4687947
Representative HVAC	OS_REP_HVAC	86	Rep_MUA	4.5	1.5	17340100	4687943
Representative HVAC	OS_REP_HVAC	86	Rep_MUA	4.5	1.5	17340102	4687946
Representative HVAC	OS_REP_HVAC	86	Rep_MUA	4.5	1.5	17340094	4687958
Representative HVAC	OS_REP_HVAC	86	Rep_MUA	4.5	1.5	17340094	4687966

APPENDIX H – DRAFT AMENDING BY-LAW

B Y - L A W   N U M B E R                      -2020

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

Passed the                      day of                      , 2020.

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

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

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

1. Item Number	2. Zoning District Map	3. Lands Affected	4. Official Plan Amendment Number	5. Current Zoning District	6. New Zoning District
1	14	Lots 21 & 22, Part Lots 20, 23 & 24 Plan 980; Part Closed Alley; Part Lot 127 Concession 1 Sandwich East  (7887 Edgar; Roll No. 060-300-20211-0000; PIN 01075-0750; west side of Lauzon Road, south of Edgar Street)	--	CD2.1	RD3.1

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

**395.        SOUTH SIDE OF EDGAR STREET, WEST OF LAUZON ROAD**

For the lands comprising Lots 21 & 22, Part Lots 20, 23 & 24 Plan 980; Part Closed Alley; Part Lot 127 Concession 1 Sandwich East more particularly described as Parts 1, 7 & 8 RP 12R-24215, the following additional provisions shall apply:

- a)

Building Setback – minimum

3.0 m from the northerly  
*lot line*
- b)

Building Height – maximum

16.0 m
- c)

Landscaped Open Space Yard – minimum

29 % of *lot area*
- d)

*Screening fence* minimum 1.8 metres in height and landscaping shall be installed along the westerly *lot line*.

[ZDM 14; ZNG/6081]

3. The said by-law is further amended by amending the Zoning District Map identified in Column 2 so that the Lands Affected described in Column 3 are delineated by a broken line and further identified by the specific zoning exception symbol shown in Column 5:

1. Item Number	2. Zoning District Map	3. Lands Affected	4. Official Plan Amendment Number	5. Specific Zoning Exception Symbol
1	14	Lots 21 & 22, Part Lots 20, 23 & 24 Plan 980; Part Closed Alley; Part Lot 127 Concession 1 Sandwich East  (7887 Edgar; Roll No. 060-300-20211-0000; PIN 01075-0750; west side of Lauzon Road, south of Edgar Street)	--	S.20(1)395

DREW DILKENS, MAYOR

CLERK

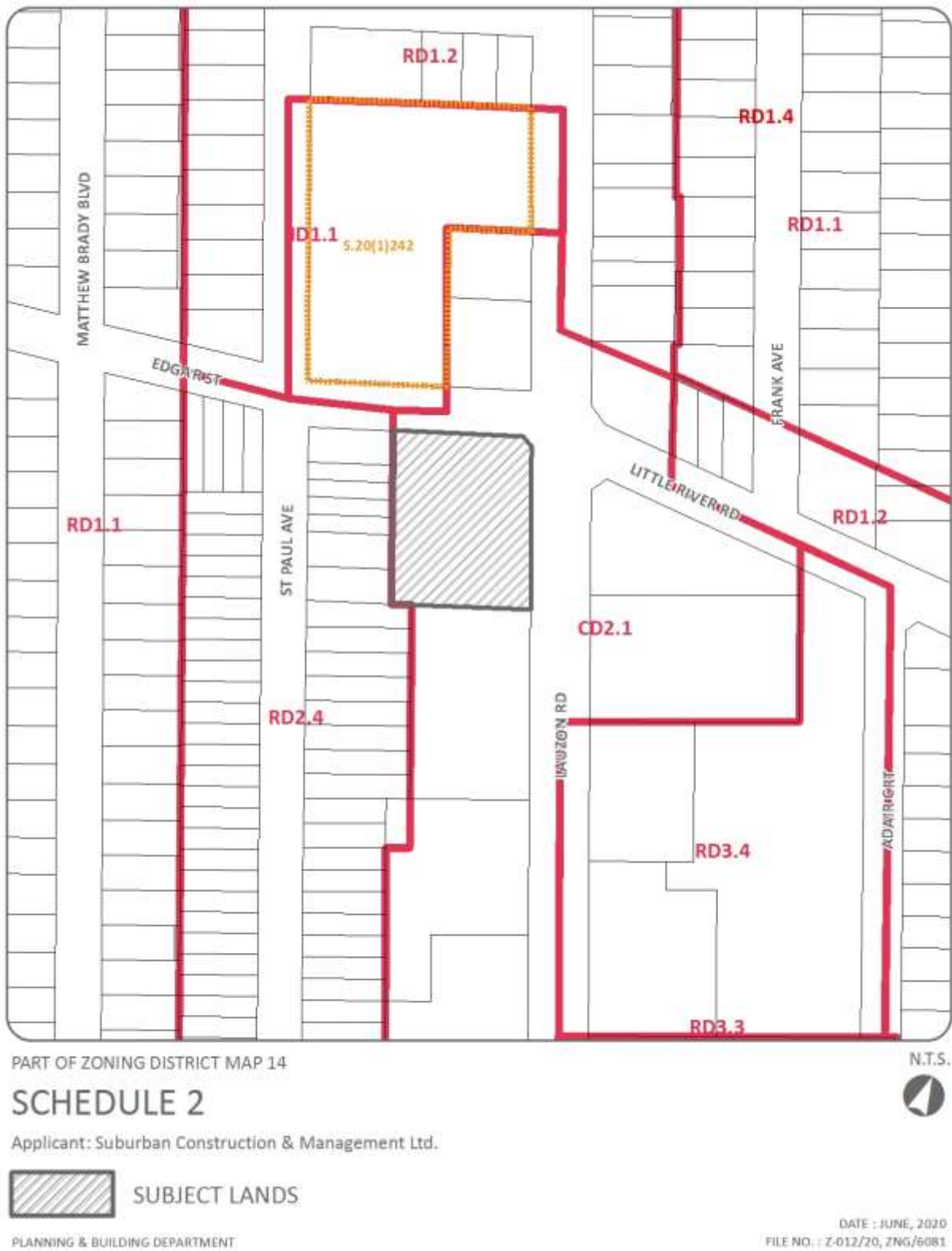
First Reading - , 2020  
Second Reading - , 2020  
Third Reading - , 2020

SCHEDULE 2

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

To amend the zoning of Lots 21 & 22, Part Lots 20, 23 & 24 Plan 980; Part Closed Alley; Part Lot 127 Concession 1 Sandwich East (known municipally as 7887 Edgar; Roll No. 060-300-20211-0000; PIN 01075-0750), situated on the west side of Lauzon Road, south of Edgar Street, from Commercial District 2.1 (CD2.1) to Residential District 3.1 (RD3.1) and by adding a site specific exception to Section 20(1) to allow a multiple dwelling building on the subject parcel.

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





**Committee Matters: SCM 282/2020**

**Subject: 166 Tecumseh Rd W, St. Peter's Maronite Catholic Church (former Ste. Clare of Assisi Catholic Church)- Heritage Alteration Permit and Built Heritage Fund Request (Ward 3)**

Moved by: Councillor Holt  
Seconded by: Member Foot

Decision Number: **DHSC 197**

- I. THAT a total grant of an upset amount of \$78,535 from the Built Heritage Fund (Reserve Fund 155), **BE GRANTED** to St. Peter's Maronite Catholic Church, for conservation work for the roofing, flashing, windows, masonry and concrete, at 166 Tecumseh Road West, subject to:
  - a. Submission of satisfactory product details
  - b. Determination by the City Planner that the work is completed to heritage conservation standards and the City Building Official for building code compliance (if required);
  - c. Owner's submission of paid receipts for work completed;
  - d. That the Built Heritage Fund (Reserve Fund 155), grants approved shall lapse if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date;
  - e. Any further minor changes to the scope of work be delegated to the City Planner; and,
- II. THAT a Heritage Alteration Permit for the, 166 Tecumseh Rd W, **BE GRANTED**, for the following:
  - a. Installation of flashing over the original windows to control water damage at the Church
  - b. Alterations to the Victoria Avenue and Tecumseh Road West concrete entrances subject to further restoration of the entrances to be confirmed with the City Planner or designate.
- III. THAT the City Planner or designate **BE DELEGATED** the authority to approve alteration details to the concrete entrances that are still to be determined, with the intent of restoration of the entrances, and approve minor changes to the heritage alterations associated with this phase and scope of conservation work as described for the property.

Carried.



Report Number: S 113/2020  
Clerk's File: MBA/4897

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

**Subject: 166 Tecumseh Rd W, St. Peter's Maronite Catholic Church  
(former Ste. Clare of Assisi Catholic Church)- Heritage Alteration Permit  
and Built Heritage Fund Request (Ward 3)**

**Reference:**

Date to Council: September 21, 2020

Author: Kristina Tang

Heritage Planner

ktang@citywindsor.ca

Planning & Building Services

Planning & Building Services

Report Date: September 8, 2020

Clerk's File #: MBA/4897

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

**Recommendation:**

I. THAT a total grant of an upset amount of \$78,535 from the Built Heritage Fund (Reserve Fund 155), **BE GRANTED** to St. Peter's Maronite Catholic Church, for conservation work for the roofing, flashing, windows, masonry and concrete, at 166 Tecumseh Road West, subject to:

- a. Submission of satisfactory product details
- b. Determination by the City Planner that the work is completed to heritage conservation standards and the City Building Official for building code compliance (if required);
- c. Owner's submission of paid receipts for work completed;
- d. That the Built Heritage Fund (Reserve Fund 155), grants approved shall lapse if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date;
- e. Any further minor changes to the scope of work **BE DELEGATED** to the City Planner; and

II. THAT a Heritage Alteration Permit for the, 166 Tecumseh Rd W, **BE GRANTED**, for the following:

- a. Installation of flashing over the original windows to control water damage at the Church

- b. Alterations to the Victoria Avenue and Tecumseh Road West concrete entrances subject to further restoration of the entrances to be confirmed with the City Planner or designate.

III. THAT the City Planner or designate **BE DELEGATED** the authority to approve alteration details to the concrete entrances that are still to be determined, with the intent of restoration of the entrances, and approve minor changes to the heritage alterations associated with this phase and scope of conservation work as described for the property.

### Executive Summary:

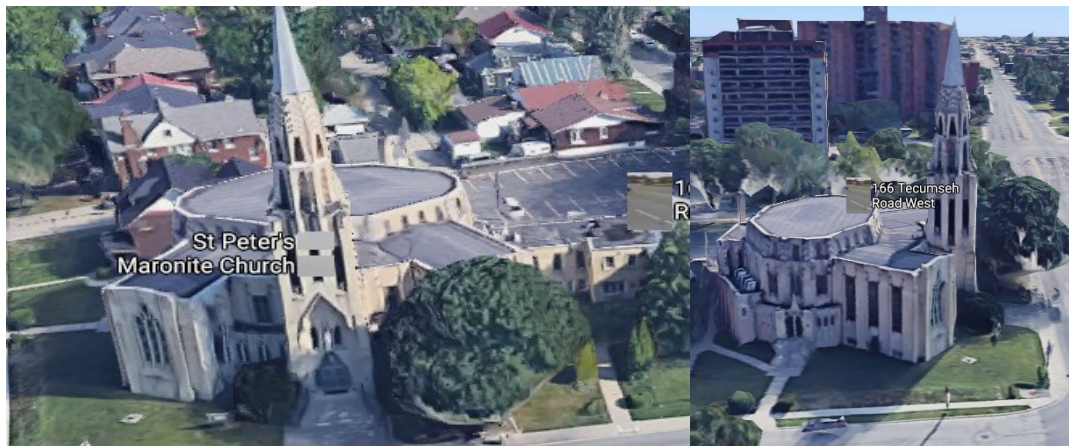
N/A

### Background:

The property at 166 Tecumseh Road West was the former Ste. Clare of Assisi Catholic Church and Rectory property. It was threatened with demolition in the late 1990's due to declining members but was purchased by the current owners, the St. Peter's Maronite Catholic Church in 2000 and was designated by City of Windsor Council through By-law No. 99-2001 on March 19, 2001. (The Reasons for Designation from the Designation by-law is included as Appendix 'A'.)



Tecumseh Rd W view of Property (left) and Google's Bird's eye view of property from the Pelissier street side, showing the connecting rectory building on right



Google's Bird's eye view of the property from Tecumseh Rd W (left) and Victoria Avenue (right)

Since mid-July of 2020, there has been discussion with the Church representative Father Chadi Khattan (who has a background in architecture and is managing the work needed), about the condition, repairs and alterations needed at the property. The Heritage Planner and Planner III- Sr. Urban Designer (Adam Coates) attended the site to observe the situation and discuss options with Father Chadi. Unfortunately, the church structures have experienced significant water penetration issues through the roof and windows. The church concrete entrances have also deteriorated. The water leaks required urgent attention as it was also causing damage to interior designated features, therefore some the roofing and metal flashing work were conducted prior to consultation with the City. The masonry work and window painting were discussed with City staff (conservation notes provided and mock-up) prior to start.

During the writing of this report in late August/early September, Father Chadi informed the window painting, caulking work, and some of the storm window installation to be in progress to be followed by brick repairs. The owner was advised that a Heritage Alteration Approval was required for the flashings proposed over the windows before that work could begin. Subsequently on August 31, 2020, City Staff was made aware that the Victoria Avenue concrete entrance had been altered after a site visit. It was later explained by the Church that the repairs to the Victoria concrete entrance had evolved into a complete replacement of the stairs and the plans are to reconstruct the steps to original design (details discussed in later sections). Nevertheless, this work is considered a Heritage Alteration. The Owner submitted the Built Heritage Fund request (Appendix B) and Heritage Alteration Permit application (Appendix C) and to the City on September 3, 2020.

The Church plans to also request separately for further alterations to accommodate accessibility needs at a later date. Due to the large number of building condition issues to address on this property, the Father Chadi has indicated plans for a structural engineer to conduct a comprehensive building condition assessment of the property to determine further short-term, medium and long-term plans. City staff would encourage the Church to engage in a qualified professional with heritage expertise to conduct the assessment.

### **Legal Provisions:**

The *Ontario Heritage Act (OHA)* requires the owner of a heritage designated property to apply to Council to alter the property. The designation by-law includes reasons for designation (see Appendix 'A'). In accordance with the *OHA*, changes to designated property that affect reasons for designation must be considered by City Council after consulting with the municipal Heritage Committee. Council has the option of granting consent with or without terms and conditions, or refusing the application within 90 days of the application.

Part IV, 39 (1) of the *OHA* provides that "The council of a municipality may pass by-laws providing for the making of a grant or loan to the owner of a property designated under this Part for the purpose of paying for the whole or any part of the cost of alteration of such designated property on such terms and conditions as the council may prescribe."

The City's Built Heritage Fund (Reserve Fund 155) exists to provide grants to special projects on designated heritage properties.

**Discussion:**

**Property Description:**

The church building and rectory is located on Tecumseh Road West, on the northeast corner of Victoria Avenue with both exterior and interior designated features. It was built in 1930-31, designed by renowned local architect Albert H. Lothian in an exotic Art Deco style with buff brick, aluminum spire and coping, faceted oval-shaped main room, and angular projected windows.

The exterior and interior of the building has experienced deterioration with water penetration issues. Photographs of the property are compiled in Appendix D.

**Proposal:**

The intent of the conservation work proposed is to address the immediate and urgent issues of water/moisture penetration into the building through the roof, walls, and windows, and provide stabilization of the building against further deterioration.

The proposal involves the following work:

- Cleaning, removal and reapplication of new silicone on roof metal/edges (flashing)
- Cleaning, re-priming, torching and flashing of roof wall (2 ½ feet)
- Recaulking and replacement of storm windows (20 windows)
- Painting of 150 wood windows
- Installation of flashing over windows
- Repointing and replacement of any damaged brick units in the main church building and rectory
- Repair/Reconstruction of the concrete stair entrances (Victoria Avenue alteration addressed in later section)

Appendix D shows some of the condition of the property and some of the work already conducted. Unfortunately, the full restoration to rectify all of the issues properly would cost a substantially large amount that the Church is not able to afford. The current solutions are stabilization methods, mostly to stop water penetration into the building envelope, and considered viable and reasonable attempts to address the immediate conservation issues. Interior restoration work and repairs are not part of the scope of the current work due to cost reasons. The condition of the tower and repairs needed there have also not been assessed by a structural engineer and is not part of the scope of this Heritage Fund Request. The Church will be advised to engage in a qualified heritage professional to consider the condition assessment comprehensively.

Relevant reference has been made to the *Standards & Guidelines for Conservation of Historic Places* (S&G in Appendix E) for the proposed work scope, and City staff have

also advised Father Chadi with Conservation Notes for some of the repairs. Staff also visited the site to review mock-up conducted by Father Chadi for the repointing masonry work. Father Chadi was also able to source matching brick for replacements from London, Ontario.

### **Installation of flashing over windows**

The installation of flashing over the windows would result in a change in appearance and requires a Heritage Alteration Permit approval from Council. The Church has a range of windows. Some are stained glass leaded windows of tall heights that extend to match with the high nave ceiling. Almost all if not all of the windows appear to have storm windows in place. Father Chadi has observed that the windows are the primary cause of water penetration into the interior of the building, and expressed that recaulking and painting alone would not be sufficient to stop the water damage for more than a few years. Although not strictly promoted as a long-term conservation method, the installation of flashing at this time is considered as an acceptable method of preventing water from entering into the interior. It would mostly be a reversible installation held in place by caulking and nails. The flashing has also been a “tried-and-tested” method on the church building as observed by a few flashing that had been installed at a few of the windows a few decades before. Father Chadi confirmed that those flashings were effective in stopping water penetration in those windows, and are good examples of what is being proposed. The proposed flashing will be of matching colour to the window frames.



Example of window flashing installed a few decades ago.

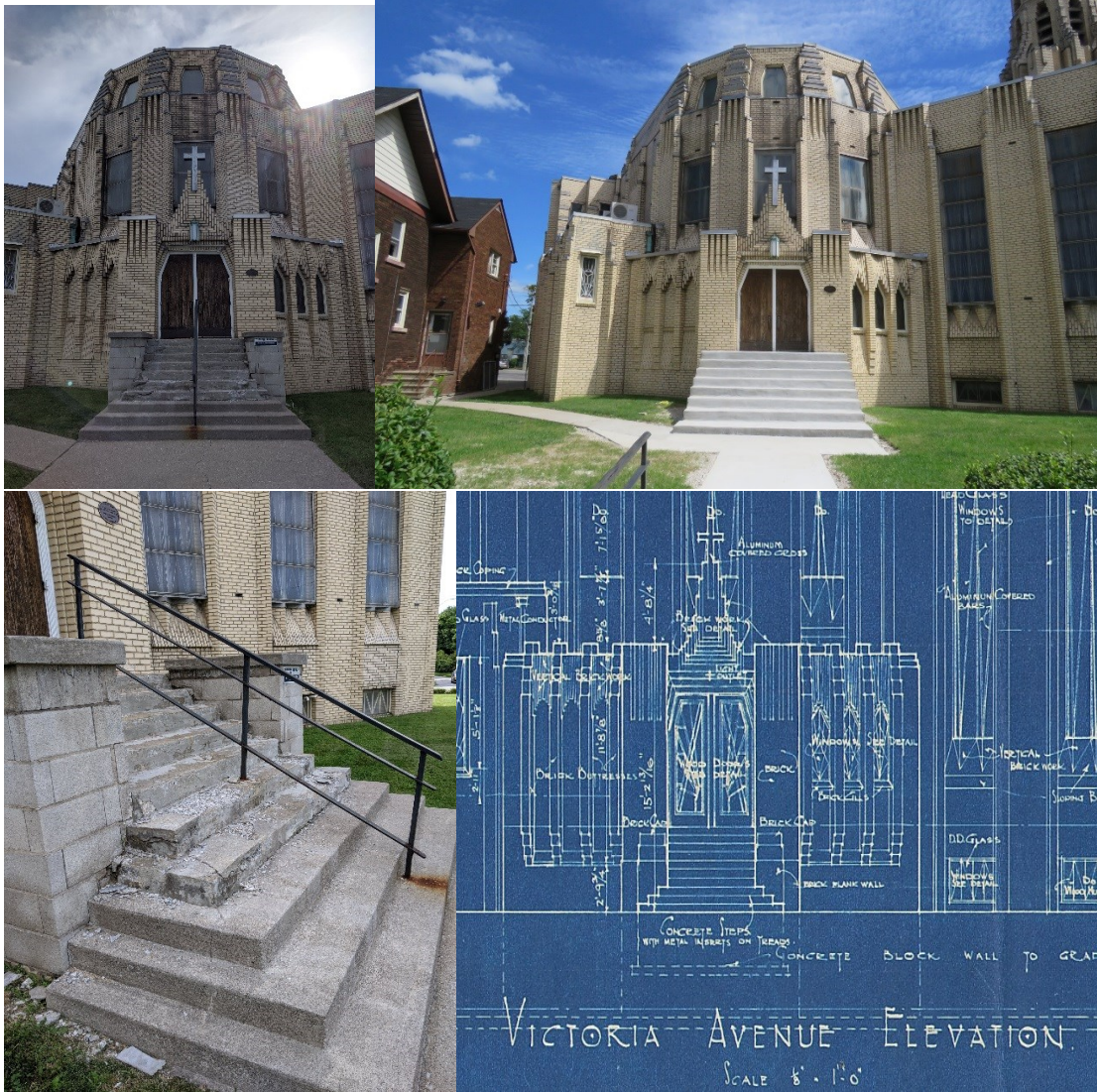




Example window without the flashing

### **Concrete Entrance Alterations**

The original design of the concrete entrances exhibit the Art deco style with Aztec design elements that are consistent throughout the design of the Church. It is noted that design of the pillars have been changed since the original, however, the design of the steps were original. For Victoria entrance, there were larger base steps concentrically smaller towards the top up till about midway of the flight of steps. The Tecumseh entrance also has a similar design with larger steps at base then concentrically smaller towards the landing.



Victoria Avenue entrance in the recent past before recent interim work (top right) and compared to the original architectural drawings

At the writing of the report, some changes observed at the Victoria Avenue Entrance include changes to the step count from the original 10 steps to 8 steps. The concrete steps are straight-cut and the concrete is monolithic now without aggregate types visible on the previous concrete.





Apperance of concrete entrance at Victoria Avenue taken on August 31, 2020.

The Victoria entrance is still a work-in-progress. Father Chadi provided the following explanation:

- "We have brought in multiple concrete companies but all refused to fill or just repair the cracks as those cracks were unfit and dangerous to use and could not be just repaired. (Parishioners have hurt themselves using them in the past). In addition, the stair/steps themselves didn't pass the present code. The steps were the wrong height and they were illegal. Therefore; they needed to be replaced. And considering the safety of our aging community members first and last; we found it best and fit to replace all concrete steps/stairs with brand new material.
- The railing was all chipped and damaged due to the age of the construction/building which has never being maintained. Therefore; I am restoring it to its original and making it fit to place it back in its original structure
- As for the pillars; they will be put back but I have had some issues with the concrete company and now I am in process of finding a different company to finish the work and re-instate the pillars as well."

S&G (Appendix E), particularly Sections on Entrance and Concrete were used to evaluate the proposal. Standard 13 notes:

**13.** Repair rather than replace *character-defining elements* from the *restoration period*. Where character-defining elements are too severely deteriorated to repair and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements.

The concrete steps at Victoria Avenue have experience serious deterioration over the years which led to the choice to replace it instead of repairing it only to have to fix it constantly.

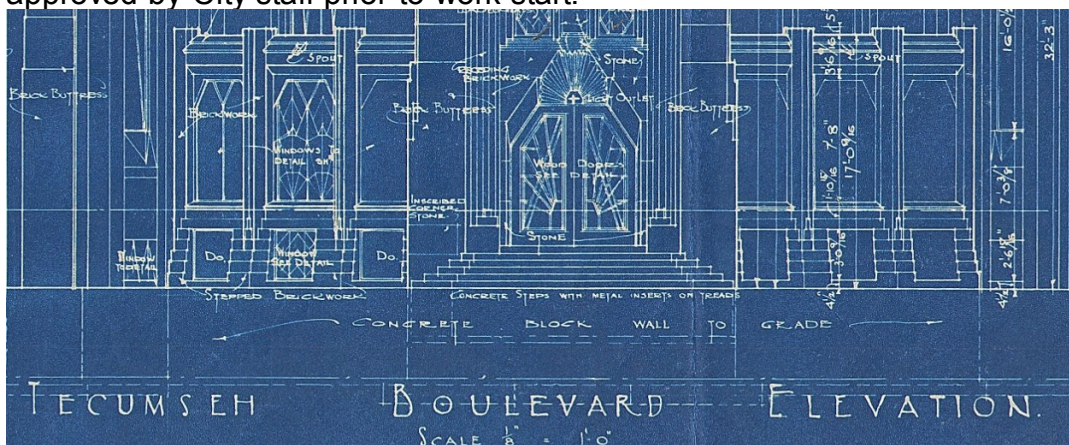
	Recommended	Not Recommended
15	<b>Replacing</b> in kind an irreparable entrance, porch or balcony based on physical and documentary evidence. If using the same materials and design details is not technically or economically feasible, then compatible substitute materials or details may be considered.	Removing an irreparable entrance, porch or balcony and not replacing it, or replacing it with a new one that does not convey the same appearance or serve the same function.
16	<b>Replacing</b> missing historic features by designing and constructing a new entrance, porch or balcony, based on physical and documentary evidence, or one that is compatible in size, scale, material, style or colour.	Creating a false historical appearance because the new entrance, porch or balcony is incompatible, or based on insufficient physical and documentary evidence.

Guidelines on entrances from S&G



Appearance of Tecumseh Street Entrance

Father Chadi has expressed that the steps will be cut and brought back to convey the original concentric design pattern, and the pillars rebuilt. Since the pillar design have been changed from the original over the years, the Church would be encouraged (though not required) to consider a reconstruction based on the original architectural drawings. The original design show the pillars stacked with slightly concentrically smaller tops, emphasizing the vertically of Art Deco designs. While there are provisions in the Ontario Building Code for designated heritage properties to be exempted from the regular Building Code requirements (after qualification), the change to the step heights can be accepted. The condition of the concrete at the Tecumseh Road West is not as severe as Victoria Avenue and has been determined to be repairable. The Church has expressed that cracks will be sealed and handrail reinstalled at the Tecumseh Road West entrance. The conditions of the alteration application include delegation of authority to City staff to ensure the restoration of the concrete entrances. The expectation is that the essential shape and form of the concrete steps at Victoria Avenue entrance would revert to original design style despite the change in step height which can remain. Type of handrail and the pillar design are also to be confirmed and approved by City staff prior to work start.



Tecumseh Road entrance

The Church also has plans to consider accessibility accommodations at one (or more) of the property's entrances. It has not been determined if the Victoria Entrance would be made accessible but that change would need to be reviewed by Heritage Committee/Council as a separate Heritage Alteration Permit application.

**Official Plan Policy:**

The Windsor Official Plan states “Council will recognize Windsor’s heritage resources by: Designating individual buildings, structures, sites and landscapes as heritage properties under the Ontario Heritage Act.” (9.3.3.1(a))

The Plan includes protection (9.3.4.1). “Council will protect heritage resources by: (c) Requiring that, prior to approval of any alteration, partial demolition, removal or change in use of a designated heritage property, the applicant demonstrate that the proposal will not adversely impact the heritage significance of the property ...”

The Windsor Official Plan includes (9.3.6.1.), “Council will manage heritage resources by: (e) providing support and encouragement to organizations and individuals who undertake the conservation of heritage resources by private means”.

**Risk Analysis:**

The risk of taking no action for this property is the potential loss of the heritage attributes due to age and water intrusion.

For the Built Heritage Fund, no City funds will be expended until the project is determined by the Chief Building Official if checks on building code compliance is required, and by Planning Services Staff to be completed according to good heritage practices. Conditions of this determination may include provision of detailed technical information, such as specifications of the material and conservation techniques employed, to ensure that the conservation work is heritage appropriate, prior to disbursement of the funds.

**Financial Matters:**

The Community Heritage Fund is usually used for heritage fund requests. However, the balance of that fund is too low to accommodate the funds requested. The applicant was therefore asked to apply for heritage funding from the Built Heritage Fund, which is generally reserved for special projects on designated heritage properties. The Built Heritage Fund has no specific guideline except that the Ontario Heritage Act allows grants to be provided only to designated properties.

The Church received quotes from other companies and provided two of them to the City from NB Property Restorations and TCI Titan Group. The quote received from the former was substantially lower (half of amount of other quote(s)). Although NB Property Restorations appears to be based in Moncton, New Brunswick, Father Chadi has informed City staff that “Our diocese (St Maron Diocese) is familiar with this company as they provided services to churches prior to St. Peter’s. They use contractors and sub contractors all over Ontario. Their prices are extremely competitive and they give us a break on so many costs because we are a charitable organization. Yes we received other quotes and the prices were extremely high and above budget. Like I mentioned before, NB Property Restorations is a company that donates a lot of the labour because we are a charitable organization and their quotes are extremely low compared to others.” In addition, the Church representative, Father Chadi, has an architecture and construction background and experience and has informed staff that since he is

managing and sub-contracting the work, substantial savings are being achieved for. This component would be another reason for the lower than expected cost for the scope of work in the NB Property Restorations Quote.

It does not appear that the Church has ever received any heritage funding support from the City since its designation in 2001. The Church provided additional supporting reasons for their request in the BHF application (Appendix B). Given the Church is a registered Canadian charity, it also does not have ability to tap into the Heritage Property Tax Reduction Program. Without having conducted a comprehensive condition assessment, the Church has current estimates of exterior and interior work cost to be approximately \$450,000, and the Church may return to request for additional heritage funding in the future. However, the focus now is on this first phase of stabilization efforts. The grant desired by the Church is the full amount for the repair to the roofing, flashing, windows, masonry and concrete. The quote is \$139,000 and with HST would total to \$157,070.

The repair costs are significant for a small non-profit organization. Administration recommends that amounts at 50% of the NB Property Restorations Quote be granted to support continual stabilization of this heritage building. The 50% cost of work recommendation has been approved by City Council on some other heritage properties. This building is very outstanding and rare in architectural value and is to be considered as a building with very significant heritage value in Windsor. It is believed to be the only church building in the Art-Deco Style of its kind in Canada, with many exterior and interior heritage features. Administration also supports a high grant amount given that the NB Property Restorations Quote in itself is actually a reduced amount of the actual cost given the donated labour considered in the quote, as described by Father Chadi.

Therefore, the total recommended grant (including HST) is 50% of the total cost at \$78,535.

As of August 27, 2020, the available balance of the Built Heritage Fund (Reserve Fund 155) above obligations is \$283,610.

### **Consultations:**

The Heritage Planner and Adam Coates, Planner III- Senior Urban Designer have been consulting with Owner's representative since mid July of 2020. Don Nantais, Financial Planning Administrator, assisted with confirmation of fund balance.

### **Conclusion:**

A total grant amount of \$78, 535 from the Built Heritage Fund (Reserve Fund 155), for conservation work for the roofing, flashing, windows, masonry and concrete at 166 Tecumseh Road West should be approved, subject to conditions. The heritage alteration for the installation of flashing over the original windows is recommended for approval to control water damage at the Church. Alteration permission is requested for the Concrete Entrances, as well as delegated authority to the City Planner or designate to approve further restoration work that is in progress.

**Approvals:**

<b>Name</b>	<b>Title</b>
Michael Cooke	Deputy City Planner/ Manager, Planning Policy
Thom Hunt	City Planner / Executive Director Planning & Building
Wira Vendrasco	Deputy City Solicitor
Shelby Askin Hager	City Solicitor / CLT
Joe Mancina	Chief Financial Officer/ City Treasurer
Onorio Colucci	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
St Peter Maronite Catholic Church		stpeterparish@hotmail.com
Father Chadi Khattan		chadikattan@hotmail.com
John Revell- Chief Building Official		jrevell@citywindsor.cca

**Appendices:**

- 1 Appendix A- Reasons for Designation from Heritage Designation by-law 99-2001
- 2 Appendix B- Built Heritage Fund Application
- 3 Appendix C- Heritage Alteration Permit Application
- 4 Appendix D- Photos of property
- 5 Appendix E- Extracts from Standards & Guidelines for Conservation of Historic Places

## **Appendix A-Reasons for Designation from Heritage Designation by-law 99-2001**

From By-law No. 99-2001, March 19, 2001: [Legal description amended with By-law No. 305-2001, on September 4, 2001]

### ***REASONS FOR DESIGNATION***

#### ***166 Tecumseh Road West, Windsor, Ontario St. Peter's Maronite Church and Rectory***

#### **Historical**

- Third home of the St. Clare Parish - the sixth Catholic parish established in Windsor on June 26, 1924
- Construction began on November 10, 1930 and on June 13, 1931 the building was blessed and dedicated for divine worship. The first mass was held for the 315 families of the parish on June 14, 1931
- Was threatened with demolition in the late 1990's due to declining members but was purchased in 2000 by St. Peter's Maronite Catholic Church which had outgrown its' building at 879 Parent Avenue, Windsor, Ontario

#### **Architectural**

- Designed by renowned local architect Albert H. Lothian - who designed the Church, Rectory and everything found within from the light sconces to the painted Station of the Cross and pews
- Windsor's most outstanding Art Deco style building - believed to be the only Art Deco church of its kind in Canada
- Exterior of buff coloured brick cladding with intricate jagged patterns, coped with aluminum, and broken with angular projections and pale stained glass windows
- Aluminum clad spire topped with cross of the same material
- Interior layout focuses on the high altar, with clusters of pews radiating on three axes from the altar; unusual interior features include stained glass leaded windows, non-figural cruciform clerestory windows, decorative iron grille in a Calvary Cross pattern which separates the Winter Chapel from the nave, pillars with segmental columns that taper from top to bottom
- Adjacent two storey rectory of same design and materials as church has gable roof and three-sided brick portico on east façade; upper windows are double hung 6/6 with intricate brick surrounds; sets of three narrow windows flank the east portico



CITY OF WINDSOR  
BUILT HERITAGE FUND

APPLICATION FOR GRANT

APPLICANT/AGENT/OWNER INFORMATION

1. APPLICANT(S): Father Chadi Kattan  
Address, City: 166 Tecumseh RD WEST Postal Code: N8X 1E9  
Email: STPETERPARISH@hotmail.com Telephone: 519-973-7240
2. AGENT/ARCHITECT/ENGINEER: Father Chadi Kattan  
Address, City: SAME AS ABOVE Postal Code: N8X 1E9  
Email: \_\_\_\_\_ Telephone: \_\_\_\_\_
3. REGISTERED OWNER(S): ST PETER MARONITE CATHOLIC CHURCH  
Address, City: AS ABOVE Postal Code: N8X 1E9  
Email: \_\_\_\_\_ Telephone: \_\_\_\_\_

PROPERTY FOR WHICH HERITAGE FUND ASSISTANCE IS REQUESTED

4. HERITAGE NAME OF PROPERTY ST PETER MARONITE CATHOLIC CHURCH
5. MUNICIPAL ADDRESS 166 TECUMSEH RD WEST
6. LEGAL DESCRIPTION (Lot and Plan) CHURCH 166 Tecumseh Rd. West.
7. ASSESSMENT ROLL NUMBER(S) 040550072000000
8. EXISTING USE CATHOLIC CHURCH
9. THIS PROPERTY IS DESIGNATED UNDER THE ONTARIO HERITAGE ACT  
YES ☒ By-law No. \_\_\_\_\_ Date \_\_\_\_\_

REQUESTED HERITAGE FUND ASSISTANCE

10. COST OF PROJECT:  
TOTAL \$ 139,000.00 + TAX
11. AMOUNT OF FINANCIAL ASSISTANCE REQUESTED:  
TOTAL \$ 139,000.00 + TAX
12. Have you previously received assistance from the City for the property named above?  
☒ NO ☐ YES Amount: \_\_\_\_\_ Date: \_\_\_\_\_  
Source of funds: \_\_\_\_\_

REASONS FOR REQUESTING HERITAGE FUND ASSISTANCE

*Conservation of designated property:*

13. Describe fully here (or on attached sheets) the proposed work to be undertaken:  
The Church is unable to collect enough funds to help repair the damage during COVID-19. The church requires a lot of repairs and maintenance due to the severe water leaks.

14. The applicant is responsible for providing at least two written estimates from qualified contractors and/or qualified design consultants for the proposed restoration work. The estimates should contain sufficient detail to permit a review of individual components of the proposed work. Attach estimates to this form when filing.
15. Describe any new uses of the property, if different from the existing use.  
Restoration.
16. The application shall include recent, dated photographs of the property, to clearly illustrate the areas of the property that are the subject of the proposed work. Any available architectural drawings should be included as well.
17. Early photographs or drawings showing the property's original appearance should be submitted, if available, to assist in the review of the application.
18. Provide other necessary technical information about materials and conservation methods proposed, such as specification details to the proposed work, product data/sheet, shop drawings, etc., as requested by the Heritage Planner.

**SIGNATURES**

APPLICANT OR AGENT \_\_\_\_\_ Date \_\_\_\_\_  
REGISTERED OWNER(S) \_\_\_\_\_ Date \_\_\_\_\_  
CHECKED/RECEIVED BY \_\_\_\_\_ Date SEP 31 2020  
HERITAGE PLANNER \_\_\_\_\_

**NOTICE WITH RESPECT TO COLLECTION OF PERSONAL INFORMATION:**

I/We also acknowledge that the information requested on this form is required in order to process the application to the Development & Heritage Standing Committee. Please be advised that the information in this application form may be released to the public in an electronic form, i.e. web site and/or paper format, i.e. agenda or minutes.

Dated: SEP 3, 2020

Signed: \_\_\_\_\_  
Signature of Applicant

Planning and Building Department ♦ Planning Division  
Suite 320 - 350 City Hall Square West ♦ Windsor, Ontario N9A 6S1  
Tel: 519-255-6543 X 6179 ♦ Fax: 519-255-6544  
planningdept@citywindsor.ca



15- Describe full the proposed work to be undertaken

Restoration to its original; and repair the major issue which is the leak in the inside walls of the church with consideration of the safety of parishioners. It is as follow:

- Masonry work—brick repointing and grout replacement
- Roof repair—clean and seal edges with metal flashing
- Victoria's staircase concrete entrance. All steps are cracked, metal railing chipped which have deteriorated through the years. They are dangerous for the safety of the parishioners
- Window flashing and installation of plexi-glass on over 150 windows on church and rectory
- Inside walls are filled with damp and pieces are falling in multiple area around the inside church. It is an unsafe and dangerous matter for the parishioners which could lead to negative outcomes if not repaired.

Hope the committee will take consideration of the emergency repair of the major leak which has been in place for continuous years to date and which is making the safety of the parishioners unbearable and the repairs extremely costly

Proposed work as described in the estimates:

The Church had severe water leakage from the roof, window, cracked bricks. This leak caused a lot of damaged to the inside of the church. The church also had unsafe stairs that are cracked and broken.

The intended work is:

Repairs on the windows by adding aluminium flashing the stop the water leak.

The repointing of cracked bricks to avoid additional damage

Repairs of stairs and concrete

Repair to the roof

This work must be done immediately to avoid further damage to the church on the outside and inside.

We have been getting a lot of rain lately and the windows are bringing a lot of water to the inside of the church. If this work is not done immediately, we feel that we can loose the church.

The church is facing a financial hardship during this pandemic and we rely on donations, therefore we are urging you to consider assisting us with some funds to cover some the costs. For details: please refer to the estimates provided.

Fr. Chadi Kattan



SEP 3, 2020

# INVOICE

Church Restoration

## NB Property Restorations

Moncton, New Brunswick  
Canada

nbpropertyrestorations@gmail.com

### BILL TO

#### ST. Peter Maronite Catholic Church

St. Peter Parish  
166 Tecumseh Rd. W.  
Windsor, Ontario N8X1E9  
Canada

519-973-7240  
stpeterparsh@hotmail.com

**Invoice Number:** 308

**Invoice Date:** June 23, 2020

**Payment Due:** September 30, 2020

**Amount Due (CAD): \$157,070.00**

Items	Quantity	Price	Amount
<b>Roof Metal Edges</b> - Cleaning edges, removal and peeling of old Silicone. - Applying of new silicone on all roof metal edging.	1	\$4,500.00	\$4,500.00
<b>Cleaning &amp; Roofing</b> - Roof Cleaning from all accumulated debris and dirt. - Tower: Blowing of dust from the area and applying a primer. Torch 1 ply ( Cap) the colour charcoal grey. Flashing of the walls 2 1/2' high all the way around.	1	\$17,500.00	\$17,500.00
<b>Upper &amp; Top High Windows</b> - Replacement of 20 plexi -glass windows. applying caulking around each window. - Large windows (plexi glass will remain as is) re-caulking and drilling new holes to create flow of water.	20	\$1,050.00	\$21,000.00
<b>Painting of Windows</b> All wood windows will be sanded and repainted the same colour as the heritage designation.	150	\$50.00	\$7,500.00
<b>Brick</b> - re-grouting of brick: re-grouting of all damaged bricks for the church and the rectory.	1	\$49,000.00	\$49,000.00
<b>Stairs</b> - Fixing the stairs including the landing and the sidewalk around the church.	1	\$10,500.00	\$10,500.00
<b>Windows Flashing</b> - Flashing for over then 150 windows - Rent Lefts equipment	1	\$29,000.00	\$29,000.00

# INVOICE

Church Restoration

## NB Property Restorations

Moncton, New Brunswick  
Canada

nbpropertyrestorations@gmail.com

<b>Subtotal:</b>	\$139,000.00
ON 13% (784253114 RT 0001):	\$18,070.00
<hr/>	
<b>Total:</b>	\$157,070.00
<hr/>	
<b>Amount Due (CAD):</b>	<b>\$157,070.00</b>

### Notes / Terms

Current roof is expected to last for another 4 to 5 years.

Large Windows will not be replaced but will do the caulking around all windows.

Telehandler lifter machine will be provided by NB Property Restorations.

All products and materials to be provided by NB Property Restorations.

First: 50% payment to be paid before initiating the project.

Second: 30% after the completion of wall sealer.

final: 20% before the completion of windows.

Please make payment:

699325 NB LIMITED

20% interest daily charge for any late payment.

2489 SEMINOLE STREET | WINDSOR | ON | N8Y 1X2

# Estimate

2020-07-16

## Job Location

St Peters Church

We are pleased to submit the following Estimation for the work which is described below.

### Powerwashing and Brick Cleaning

- Power washing of entire building with special detergents to clean bricks and other surfaces

### Masonry

- Allowance of \$15,000 included in price to make repairs to brick as outlined in our site meeting

### Window Sealants

- Remove existing sealants and apply new sealants as discussed to areas of concern where water is penetrating the building.

### Metal roof flashing

- Removal and supply of new roof flashings and replacement of damaged eavestroughs.

### Painting

- Painting of wooden windowsills on 1<sup>st</sup> and 2<sup>nd</sup> floor on north and east elevations of buildings as discussed.

### Not Including

- Building Permits
- Engineered Drawings
- Indemnity Fees
- Shop Drawings

Our Price as per details above:

**\$109,000.00 Plus HST**

Thank you for allowing us to submit our price:

Separate price to provide brick restoration services to building excluding the main tower is

**Jonathan Kuhlmann**

Project Estimator

TCI Titan Contracting Incorporated

phone: [1-519-977-1125](tel:1-519-977-1125)

fax: [1-519-977-0352](tel:1-519-977-0352)

visit our web site @ [www.tciwindsor.com](http://www.tciwindsor.com)

**\$295,000.00 Plus HST**





# CORPORATION OF THE CITY OF WINDSOR

## HERITAGE ALTERATION PERMIT APPLICATION 05/2019

Planning Dept., Suite 320-350 City Hall Sq W, Windsor ON N9A 6S1  
519-255-6543 / 519-255-6544 fax / planningdept@citywindsor.ca

Address of Work 166 Tecumseh Rd west  
Windsor, ON, N8X 1E9

### 1. Applicant, Agent and Registered Owner Information

Provide in full the name of the applicant, registered owner and agent, the name of the contact person, and address, postal code, phone number, fax number and email address. If the applicant or registered owner is a numbered company, provide the name of the principals of the company. If there is more than one applicant or registered owner, copy this page, complete in full and submit with this application.

#### APPLICANT

Contact Name(s) Father Chadi Kattan  
Company or Organization Saint Peter Maronite Catholic church  
Mailing Address 166 Tecumseh Rd west  
Windsor, ON, N8X 1E9  
Postal Code N8X 1E9  
Email stpeterparish@hotmail.com Phone(s) 519-973-7240

#### REGISTERED OWNER IF NOT APPLICANT

Contact Name(s) Same as above  
Company or Organization \_\_\_\_\_  
Mailing Address \_\_\_\_\_  
Postal Code \_\_\_\_\_  
Email \_\_\_\_\_ Phone(s) \_\_\_\_\_

#### AGENT AUTHORIZED BY REGISTERED OWNER TO FILE THE APPLICATION

Contact Name(s) Father Chadi Kattan  
Company or Organization Saint Peter Maronite Catholic church  
Mailing Address 166 Tecumseh Rd. W  
Windsor, ON, N8X 1E9  
Postal Code N8X 1E9  
Email stpeterparish@hotmail.com Phone(s) 519-973-7240

Who is the primary contact?

☒ Applicant

☐ Registered Owner

☐ Agent



HERITAGE ALTERATION PERMIT APPLICATION – page 2 of 4

Address of Work 166 Teumseh Rd W. Windsor, ON  
N8X 1E9

Designation By-Law No. or District Windsor

**2. TYPE OF APPLICATION** Check all that apply:

- ☒ Alteration    ☐ Addition    ☐ Demolition    ☐ Construction  
☐ Erection    ☒ Maintenance    ☐ Removal    ☒ Repair

**3. HERITAGE DESCRIPTION OF BUILDING** (☐ attachments, if necessary) Describe the current design or appearance of locations on the building where work is requested. Include site plan, photographs, history, architectural description, number of storeys, style, features, etc.

We are requesting windows aluminium flashing  
to be added around windows to stop the  
water leak and damage. We are also  
in the process of repairing the Victoria Stairs. NEARLY DONE.

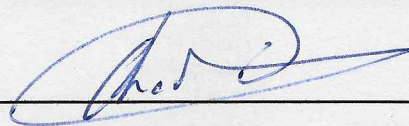
**4. DESCRIPTION OF WORK** (☐ attachments, if necessary) The description should be more detailed and extensive depending on the project. Include a written summary of work to be done along with any elevations, drawings, measurements, paint samples, information on building materials, window sizes and configurations, decorative details proposed.

Aluminium flashing to be installed  
around the windows and applying  
caulking.

**5. NOTES FOR DECLARATION** The applicant agrees that the proposed work shall be done in accordance with this application, including attachments, and understands that the issuance of the Heritage Alteration Permit under the Ontario Heritage Act shall not be a waiver of any of the provisions of any By-Law of the Corporation of the City of Windsor, or the requirements of the Building Code Act, RSO 1980, c51.

The applicant acknowledges that in the event a permit is issued, any departure from the conditions imposed by the Council of the Corporation of the City of Windsor, or plans and specifications approved is prohibited and could result in the permit being revoked. The applicant further agrees that if the Heritage Alteration Permit is revoked for any cause of irregularity, in the relation to non-conformance with the said agreements, By-Laws, acts or regulations that, in consideration of the issuance of the permit, all claims against the City for any resultant loss or damage are hereby expressly waived.

**APPLICANT** Signature(s) \_\_\_\_\_



Date SEP 2, 2020  
Date \_\_\_\_\_



HERITAGE ALTERATION PERMIT APPLICATION – page 3 of 4  
**SCHEDULE A**

**A. Authorization of Registered Owner for Agent to Make the Application**

If the applicant is not the registered owner of the land that is the subject of this application, the written authorization of the registered owner that the applicant is authorized to make the application must be included with this application form or the authorization below must be completed.

I, Chadi Kattan, am the registered owner of the land that is  
name of registered owner  
subject of this application for a Heritage Alteration Permit and I authorize  
Chadi Kattan to make this application on my behalf.  
name of agent

\_\_\_\_\_  
Signature of Registered Owner  
If Corporation – I have authority to bind the corporation.

Sep 2, 2020  
Date

**B. Consent to Enter Upon the Subject Lands and Premises**

I, Chadi Kattan, hereby authorize the members of the Windsor Heritage Committee, Planning Standing Committee and City Council and staff of the Corporation of the City of Windsor to enter upon the subject lands and premises described in Section 3 of the application form for the purpose of evaluating the merits of this application and subsequently to conduct any inspections on the subject lands that may be required as condition of approval. This is their authority for doing so.

\_\_\_\_\_  
Signature of Registered Owner  
If Corporation – I have authority to bind the corporation.

Sep 2, 2020  
Date

**C. Acknowledgement of Applicant**

I understand that receipt of this application by the City of Windsor Planning Department does not guarantee it to be a complete application. Further review of the application will occur and I may be contacted to provide additional information and/or resolve any discrepancies or issues with the application as submitted.

I further understand that pursuant to the provisions of the Ontario Heritage Act and the Municipal Freedom of Information and Protection of Privacy Act, this application and all material and information provided with this application are made available to the public.

\_\_\_\_\_  
Signature of Applicant

Sep 2, 2020  
Date



**DO NOT COMPLETE BELOW – STAFF USE ONLY**

**Approval Record**

Date Received by Heritage Planner: \_\_\_\_\_

Building Permit Application Date, if needed: \_\_\_\_\_

☐ Approval requiring City Council:

Windsor Heritage Committee: \_\_\_\_\_

Planning & Economic Development Standing Committee: \_\_\_\_\_

City Council: \_\_\_\_\_

☐ Approval requiring City Planner:

Heritage Planner: \_\_\_\_\_

Staff Decision Appealed to City Council: \_\_\_\_\_

If so, Date to City Council: \_\_\_\_\_

Council Decision Appealed: \_\_\_\_\_

Additional Notes: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**DECISION**

Heritage Permit No.: \_\_\_\_\_ Date: \_\_\_\_\_

Council Motion or City Planner's Signature: \_\_\_\_\_

**CONTACT INFORMATION**

Planning Department - Planning Policy

Corporation of the City of Windsor

Suite 320 - 350 City Hall Square West

Windsor ON N9A 6S1

planningdept@citywindsor.ca

519-255-6543 x 6179

519-255-6544 (fax)

http://www.citywindsor.ca

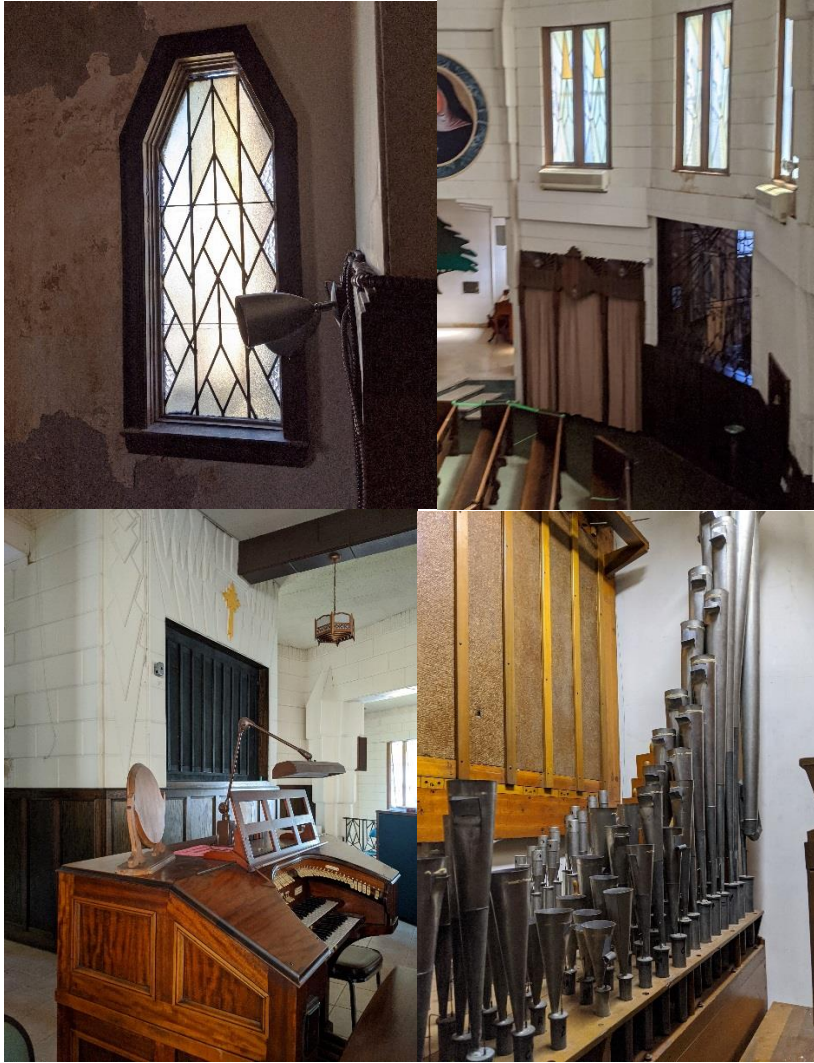


**Appendix D- Photos of 166 Tecumseh Road West**



Art Deco design integrated in all interior elements





Other interior elements and rare Wurlitzer Organ in the City/Region.



Rear view from the parking lot towards the rectory and nave





Exterior views from Tecumseh Road West of Tower

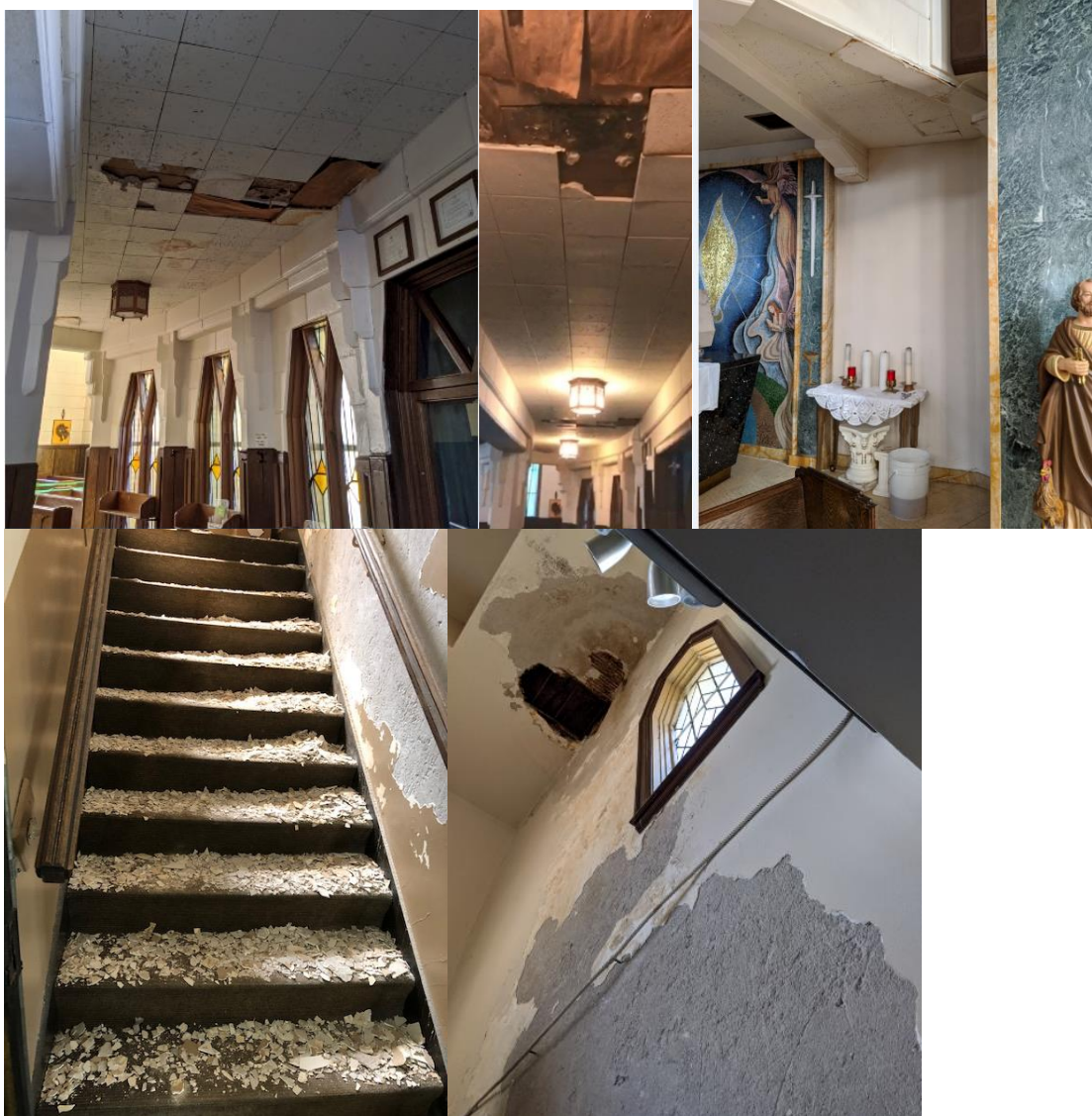


Damages to the interior of the building below the windows and concentrated near flat roof portions.



Damage to interior acoustical panels





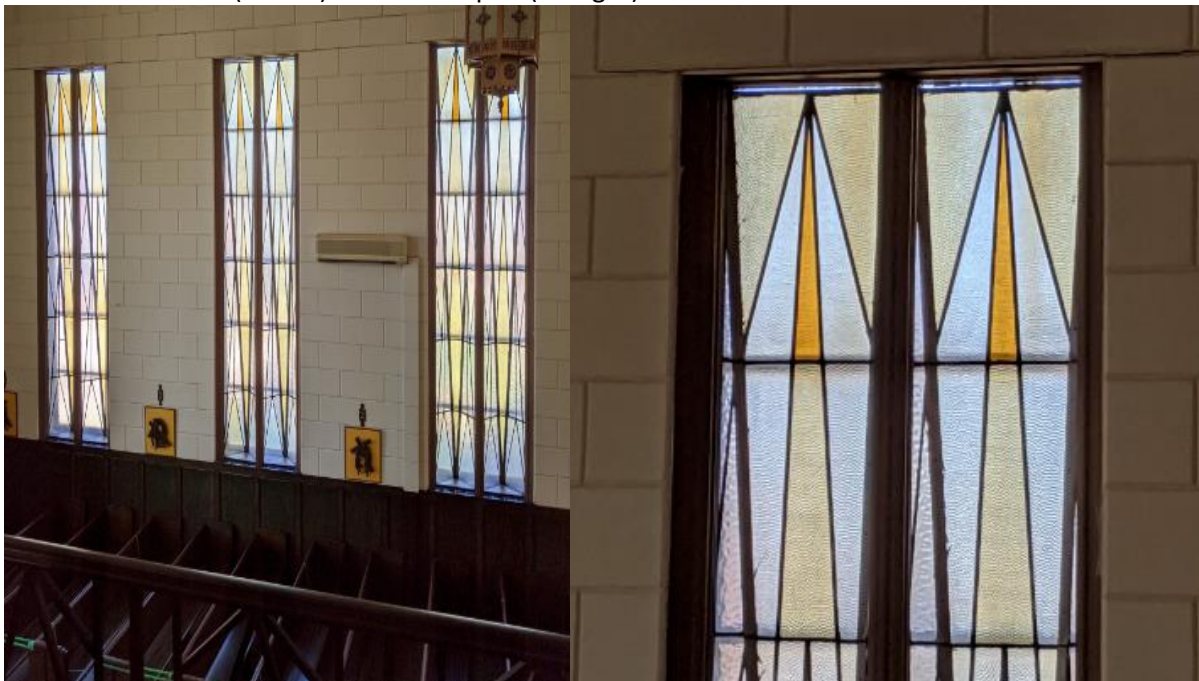
Debris from damage to plaster



Typical window needing repainting



Roof debris before (on left) and after repair (on right)

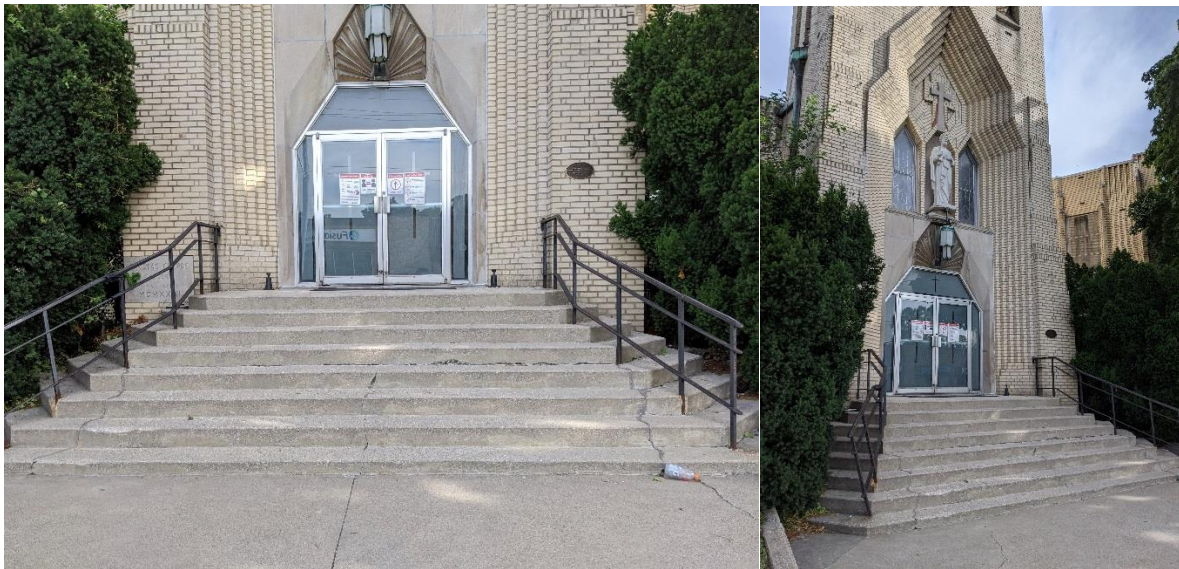


Large windows with significant gaps



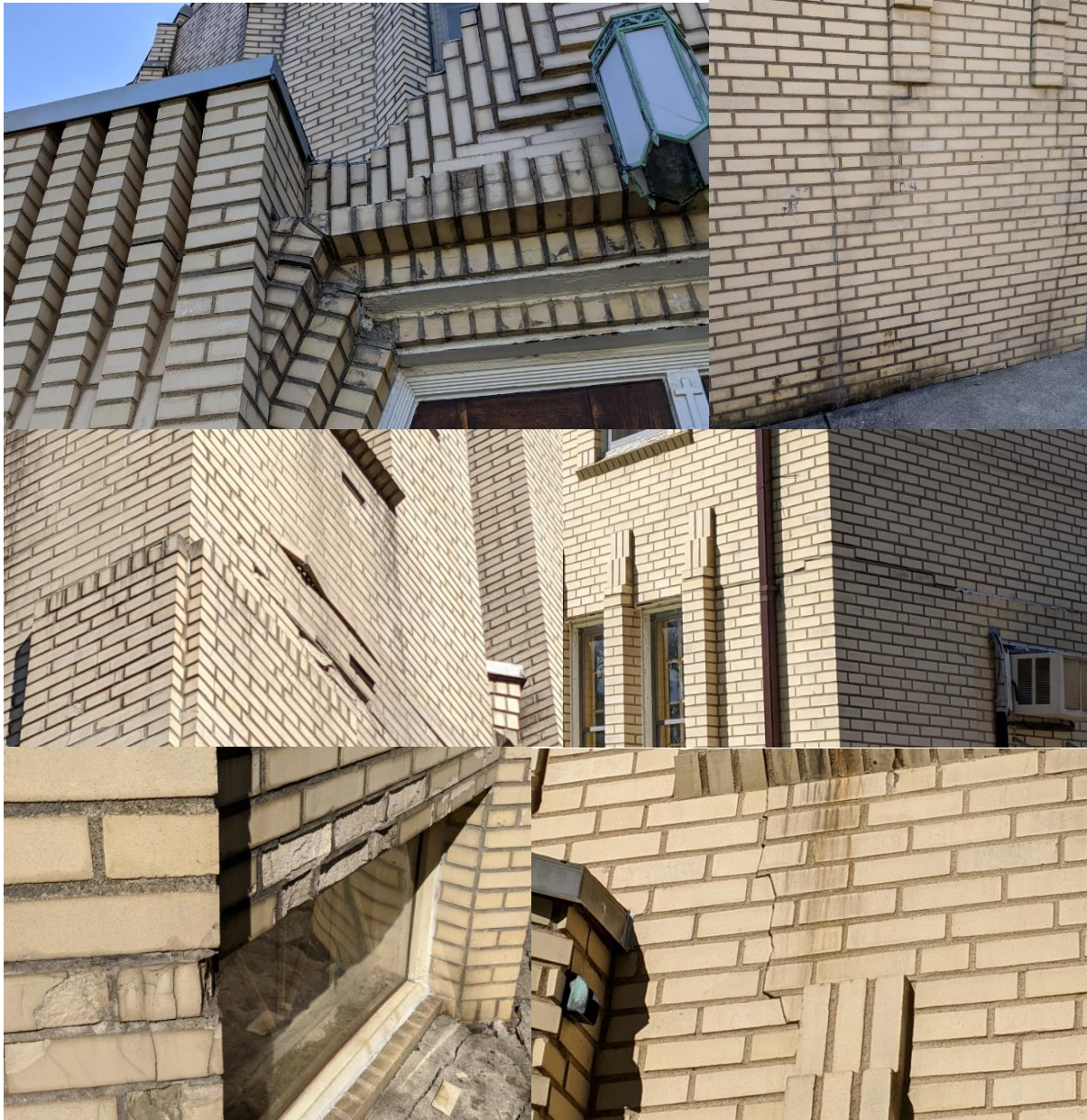


Previous appearance of deteriorated concrete condition at the Victoria Avenue Entrance



Concrete Repairs needed at the Tecumseh Rd W Entrance





Exterior Masonry repairs needed



Roof flashing (some completed)





Condition and deterioration of Tower which shows visible cracking around the perimeter (not yet assessed by a structural engineer).

## Appendix E- Extracts from the Standards & Guidelines for Conservation of Historic Places (S&G)

### The Standards

6. Protect and, if necessary, stabilize an *historic place* until any subsequent *intervention* is undertaken. Protect and preserve archaeological resources in place. Where there is potential for disturbing archaeological resources, take mitigation measures to limit damage and loss of information.
7. Evaluate the existing condition of *character-defining elements* to determine the appropriate *intervention* needed. Use the gentlest means possible for any intervention. Respect *heritage value* when undertaking an intervention.
8. Maintain *character-defining elements* on an ongoing basis. Repair character-defining elements by reinforcing their materials using recognized conservation methods. Replace in kind any extensively deteriorated or missing parts of character-defining elements, where there are surviving *prototypes*.
9. Make any *intervention* needed to preserve *character-defining elements* physically and visually compatible with the *historic place* and identifiable on close inspection. Document any intervention for future reference.

### Additional Standards Relating to Restoration

13. Repair rather than replace *character-defining elements* from the *restoration* period. Where character-defining elements are too severely deteriorated to repair and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements.
14. Replace missing features from the *restoration* period with new features whose forms, materials and detailing are based on sufficient physical, documentary and/or oral evidence.

## Guidelines for Specific Elements

	Recommended	Not Recommended
--	-------------	-----------------

### Roofs

6	<b>Protecting</b> and maintaining a roof by cleaning and maintaining the gutters, downspouts and flat roof drains, and replacing deteriorated flashing in kind. Roof sheathing should also be checked for proper venting to prevent moisture condensation and water penetration, and to ensure that materials are free from insect infestation.	Failing to maintain roofs on a cyclical basis.  Failing to replace deteriorated flashing, or to clean and properly maintain gutters and downspouts and flat roof drains so that water and debris collect and damage roof fasteners, sheathing and the underlying structure.
8	<b>Stabilizing</b> deteriorated roofs by structural reinforcement, weather protection or correcting unsafe conditions, as required, until repair work is undertaken.	Removing deteriorated roof elements that could be stabilized or repaired.
12	<b>Testing</b> proposed interventions to establish appropriate replacement materials, quality of workmanship and methodology. This can include reviewing samples, testing products, methods or assemblies, or creating a mock-up. Testing should be carried out under the same conditions as the proposed intervention.	
13	<b>Documenting</b> all interventions that affect the building's roof, and ensuring that the documentation is available to those responsible for future interventions	

### Windows

4	<b>Assessing</b> the condition of windows, doors and storefronts, including hardware, early in the planning process so that the scope of work is based on current conditions.	
6	<b>Protecting</b> and maintaining windows, doors and storefronts by using appropriate surface treatments, such as cleaning, rust removal, limited paint removal, and reapplying protective coating systems in kind.	Failing to adequately maintain windows, doors and storefronts on a regular basis.
9	<b>Stabilizing</b> deteriorated windows, doors and storefronts by using structural reinforcement, and weather protection, or correcting unsafe conditions, as required, until repair work is undertaken.	Adding protective glazing or exterior storms to stained glass elements, without the involvement of a specialist conservator.
14	<b>Documenting</b> all interventions that affect the building's windows, doors and storefronts, and ensuring that the documentation is available to those responsible for future interventions.	



28	<b>Complying</b> with energy efficiency objectives in upgrades to character-defining doors, windows and storefronts by installing weather-stripping, storm windows, interior shades and, if historically appropriate, blinds and awnings. The energy efficiency of the building envelope and systems as a whole should be considered.	Replacing character-defining, multi-paned sashes with new thermal sashes with false <i>muntings</i> .
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## Entrance

4	<b>Assessing</b> the condition of entrances, porches and balconies early in the planning process so that the scope of work is based on current conditions.	
8	<b>Stabilizing</b> deteriorated entrances, porches and balconies by structural reinforcement and weather protection, or correcting unsafe conditions, as required, until repair work is undertaken.	Removing deteriorated entrances, porches or balconies that could be stabilized or repaired.
9	<b>Repairing</b> parts of entrances, porches or balconies by patching, piecing-in, consolidating, or otherwise reinforcing, using recognized conservation methods. Repair might also include the limited replacement in kind, or with a compatible substitute material, of those extensively deteriorated or missing parts of entrances, porches and balconies. Repairs should match the existing work as closely as possible, both physically and visually.	
11	<b>Replacing</b> in kind extensively deteriorated or missing parts of entrances, porches or balconies where there are surviving prototypes.	Replacing an entire functional or decorative element when limited replacement of deteriorated and missing parts is possible.  Using a substitute material for the replacement part that neither conveys the same appearance as the surviving element, nor is physically or visually compatible.
12	<b>Testing</b> proposed interventions to establish appropriate replacement materials, quality of workmanship and methodology. This can include, reviewing samples, testing products, methods or assemblies, or creating a mock-up. Testing should be carried out under the same conditions as the proposed intervention.	
13	<b>Documenting</b> all interventions that affect the building's entrances, porches and balconies, and ensuring the documentation is available to those responsible for future interventions.	

15	<b>Replacing</b> in kind an irreparable entrance, porch or balcony based on physical and documentary evidence. If using the same materials and design details is not technically or economically feasible, then compatible substitute materials or details may be considered.	Removing an irreparable entrance, porch or balcony and not replacing it, or replacing it with a new one that does not convey the same appearance or serve the same function.
16	<b>Replacing</b> missing historic features by designing and constructing a new entrance, porch or balcony, based on physical and documentary evidence, or one that is compatible in size, scale, material, style or colour.	Creating a false historical appearance because the new entrance, porch or balcony is incompatible, or based on insufficient physical and documentary evidence.
17	<b>Modifying</b> , replacing or designing a new entrance, porch or balcony required by a new use or applicable codes and regulations, in a manner that is compatible with the building's style, era and character.	<p>Altering a secondary entrance to give it the appearance of a main entrance.</p> <p>Enclosing a porch or balcony in a manner that has a negative impact on the building's heritage value.</p> <p>Removing character-defining entrances, porches or balconies that are no longer needed for the new use.</p> <p>Constructing an addition that requires the loss of a character-defining entrance, porch, or balcony.</p>
18	<b>Adding</b> new features to meet health, safety and security requirements, such as a new handrail, in a manner that conserves the heritage value of the entrance, porch or balcony and minimizes impact on its character-defining elements.	Damaging or destroying an entrance, porch or balcony while making modifications to comply with health, safety and security requirements.
19	<b>Working</b> with code specialists to determine the most appropriate solution to health, safety and security requirements with the least impact on the character-defining elements and overall heritage value of the historic building.	Making changes to entrances, porches or balconies without first exploring equivalent systems, methods or devices that may be less damaging to the character-defining elements of the historic building.
20	<b>Exploring</b> all options for modifications to existing entrances, porches and balconies to meet code and regulation requirements, prior to considering removal or replacement.	Removing an entrance, porch or balcony that does not comply with codes or regulations, and not replacing it with a compatible new assembly.

#### ACCESSIBILITY CONSIDERATIONS

23	<b>Respecting</b> the location of existing entrances, and porches when providing new accessibility-related features, such as ramps and lifts. For example, providing new functions for the public on the ground floor, or in areas already served by exits.	Relocating a main entrance when undertaking interventions to accommodate accessibility-related features.
24	<b>Exploring</b> all options for modifications to existing entrances, porches and balconies to meet accessibility requirements prior to considering removal or replacement.	Removing an entrance, porch or balcony that does not meet accessibility requirements, and not replacing it with a compatible new assembly.
25	<b>Working</b> with accessibility and conservation specialists and users to determine the most appropriate solution to accessibility issues with the least impact on the character-defining elements and overall heritage value of the historic building.	Altering character-defining entrances, porches and balconies without consulting the appropriate specialists and users.



30	<b>Replacing</b> in kind an entire entrance, porch or balcony from the restoration period that is too deteriorated to repair, using the physical evidence as a model to reproduce the assembly. The new work should be well documented and unobtrusively dated to guide future research and treatment.	Removing an irreparable entrance, porch or balcony from the restoration period and not replacing it, or replacing it with an inappropriate entrance, porch or balcony.  Reinstating an entrance, porch or balcony detail that is damaging to character-defining elements.
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#### REMOVING EXISTING FEATURES FROM OTHER PERIODS

31	<b>Removing</b> or altering a non character-defining entrance, porch or balcony from a period other than the restoration period.	Failing to remove a non character-defining entrance, porch or balcony from another period that confuses the depiction of the building's chosen restoration period.
32	<b>Retaining</b> alterations to entrances, porches or balconies that address problems with the original design, if those alterations do not have a negative impact on the building's heritage value.	Removing alterations to an entrance, porch or balcony that serve an important function in the building's ongoing use, such as a ramp or handrail.

#### RECREATING MISSING FEATURES FROM THE RESTORATION PERIOD

33	<b>Recreating</b> a missing entrance, porch or balcony, or one of its features, from the restoration period, based on physical or documentary evidence; for example, duplicating a fanlight or porch column.	Constructing an entrance, porch or balcony that was part of the building's original design but was never actually built, or a feature thought to have existed during the restoration period but for which there is insufficient documentation.
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### Wood

10	<b>Ensuring</b> that new coatings are physically and visually compatible with the surface to which they are applied in durability, chemical composition, colour and texture.	
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### Masonry

13	<b>Repairing</b> masonry by repointing the mortar joints where there is evidence of deterioration, such as disintegrating or cracked mortar, loose bricks, or damp walls.	Removing sound mortar.
14	<b>Removing</b> deteriorated or inappropriate mortar by carefully raking the joints, using hand tools or appropriate mechanical means to avoid damaging the masonry.	Using rotary grinders or electric saws to fully remove mortar from joints before repointing. In some instances it may be acceptable to make a single pass with a cutting disk to release tension in the mortar before raking the joint. Extreme caution must be used to prevent accidental damage.

15	<b>Using</b> mortars that ensure the long-term preservation of the masonry assembly, and are compatible in strength, porosity, absorption and vapour permeability with the existing masonry units. Pointing mortars should be weaker than the masonry units; bedding mortars should meet structural requirements; and the joint profile should be visually compatible with the masonry in colour, texture and width.	Repointing with mortar of a higher Portland cement content than in the original mortar. This can create a bond stronger than the historic material (brick or stone) and cause damage as a result of the differing expansion coefficients and porosity of the materials.  Repointing with a synthetic caulking compound.  Using a 'scrub' coating technique to repoint instead of using traditional repointing methods.
16	<b>Duplicating</b> original mortar joints in colour, texture, width and joint profile.	
17	<b>Replacing</b> in kind extensively deteriorated or missing parts of masonry elements, based on documentary and physical evidence	Using a substitute material for the replacement part that neither conveys the same appearance as the masonry element, nor is physically or chemically compatible.

## Concrete

2	<b>Documenting</b> the form, composition, strength, colour, texture, details and condition of the concrete before undertaking an intervention. For example, identifying the particular characteristics and source of the type of aggregate used.	Undertaking an intervention that affects concrete, without first documenting its existing character and condition.
3	<b>Protecting</b> and maintaining concrete by preventing moisture penetration; maintaining proper drainage; improving water shedding; and by preventing damage due to the overuse of ice-clearing chemicals.	Failing to identify, evaluate and treat the various causes of concrete deterioration.  Applying water-repellent coatings to above-grade concrete to stop moisture penetration, when the problem could be solved by repairing failed flashings or other mechanical defects.
11	<b>Stabilizing</b> deteriorated concrete elements by structural reinforcement and weather protection, or correcting unsafe conditions, as required, until repair work is undertaken.	
12	<b>Repairing</b> deteriorated concrete by patching or consolidating, using appropriate conservation methods.	Repairing concrete without treating the cause of deterioration.  Replacing an entire concrete element when selective repair or replacement is possible.  Using coatings or finishes to cover and hide surface repairs.
13	<b>Minimizing</b> damage to early concrete by limiting the size of the chipping equipment to better control the degree of removal, remembering that the compressive strength of early concrete may be much lower than modern concrete.	

15	<b>Sealing</b> inactive cracks in concrete by pointing with a cementitious mortar, or injecting epoxies to prevent moisture from entering the concrete mass.	Sealing active cracks with hard mortars or other hard materials that could prevent seasonal movements.  Repairing cracks in concrete elements, without first determining the cause or significance of the crack.
16	<b>Replacing</b> in kind extensively deteriorated or missing parts of concrete elements, based on documentary and physical evidence.	Using replacement material that is incompatible with adjacent concrete work  Recreating formwork finishes, such as form lines, wood grain, or knots, using grinders or trowels.
22	<b>Replacing</b> in kind a concrete element from the restoration period that is too deteriorated to repair, based on documentary and physical evidence. The new work should be well documented and unobtrusively dated to guide future research and treatment.	Removing an irreparable concrete element from the restoration period and not replacing it, or replacing it with an inappropriate new element.



**Committee Matters: SCM 283/2020**

**Subject: 3203 Peter Street, Mason-Girardot Manor -Community Heritage Fund Request (Ward 2)**

Moved by: Councillor Sleiman

Seconded by: Member Baker

Decision Number: **DHSC 198**

THAT the request by Aléthinios Properties Ltd, the owners of 3203 Peter Street, Mason-Girardot Manor, for a grant of an upset amount of \$23,943.54 from the Community Heritage Fund (Reserve Fund 157), for the repair and replacement of windows, **BE APPROVED**, subject to:

- a. Determination by the Chief Building Official (if part of building permit) and the City Planner that the work is completed to applicable codes and heritage conservation standards;
- b. Owner's submission of paid receipts for work completed;
- c. That the Community Heritage Fund (Reserve Fund 157) grants approved shall lapse if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date.

Carried.

Report Number: S 115/2020

Clerk's File: MBA2020

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

**Subject: 3203 Peter Street, Mason-Girardot Manor -Community Heritage Fund Request (Ward 2)**

**Reference:**

Date to Council: September 21, 2020

Author: Kristina Tang

Heritage Planner

ktang@citywindsor.ca

Planning & Building Services

Planning & Building Services

Report Date: September 2, 2020

Clerk's File #: MBA2020

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

**Recommendation:**

THAT the request by Aléthinos Properties Ltd, the owners of 3203 Peter Street, Mason-Girardot Manor, for a grant of an upset amount of \$23,943.54 from the Community Heritage Fund (Reserve Fund 157), for the repair and replacement of windows, **BE APPROVED**, subject to:

- a. Determination by the Chief Building Official (if part of building permit) and the City Planner that the work is completed to applicable codes and heritage conservation standards;
- b. Owner's submission of paid receipts for work completed;
- c. That the Community Heritage Fund (Reserve Fund 157) grants approved shall lapse if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date.

**Executive Summary:**

**N/A**

**Background:**

The Manor is located on a corner intersection of Peter Street and Mill Street, just outside of the boundary of the Sandwich Heritage Conservation District. It is one of the first individually heritage designated properties in the City. This 1878 construction of Italianate/Victorian style was designated by Bylaw 5896 on February 6, 1978. Appendix A contains the reasons for designation and expanded heritage description (not part of the Bylaw).

The property has undergone restoration/repair through the past centuries including in the 1980s and 1990s, restoration of the front porch, and roof replacements. The City of Windsor has provided heritage funding for these projects in the past, therefore there are two conservation easements on the property.

The current property owners (Aléthinos Properties Ltd with Aloha and Reid Johnson being the registered Owners) acquired the property in the past few years to redevelop the property into a four unit dwelling. Heritage Committee and City Council reviewed the Heritage Alteration Permit to allow for partial demolition and a new enclosed stairwell addition in fall 2019 (CR501/2019):

- I. That the Heritage Alteration Permit for the enclosed stairway addition proposed at the Mason-Girardot Manor, 3203 Peter Street, BE APPROVED for Option 2 of Appendix C; and
- II. That all approvals BE SUBJECT to the following prior to issuance of building permits, as determined by the City Planner or his designee:
  - a. Provision of an Implementation and Monitoring Plan as detailed within this report;
  - b. That a Conservation Plan be provided, including detailed conservation notes and specifications, to the satisfaction of the City Planner or his designate;
  - c. The owner shall enter into an amended Heritage Conservation Easement with the City which indicates that the alteration of paint colour is to be approved by the Heritage Planner, or if necessary, be reviewed by Heritage Committee and approved by Council;
  - d. Provision and approval of building material samples and colour samples by the City Planner or his designate to be confirmed on site;
  - e. Final approval of Rezoning and Site Plan Control applications.
- III. That the City Planner or his designate BE DELEGATED the authority to approve minor changes to the heritage alterations for this property.

The applicant has since been working on fulfilling the conditions of the Heritage Alteration Permit approval. The agent for the proponent (ADA) has worked closely with City staff on a number of the conservation items. Windows were a large part of the discussion and the recommendation is a result of discussions. The Community Heritage Fund Application can be found in Appendix B.

### **Legal Provisions:**

The *Ontario Heritage Act (OHA)* requires the owner of a heritage designated property to apply to Council to alter the property. The designation by-law includes reasons for designation (see Appendix 'A'). In accordance with the *OHA*, changes to designated



property that affect reasons for designation must be considered by City Council after consulting with the municipal Heritage Committee. Council has the option of granting consent with or without terms and conditions, or refusing the application within 90 days of the application. The authority to approve minor alterations for this property has been delegated to the City Planner or designate through CR501/2019.

Part IV, 39 (1) of the *OHA* provides that “The council of a municipality may pass by-laws providing for the making of a grant or loan to the owner of a property designated under this Part for the purpose of paying for the whole or any part of the cost of alteration of such designated property on such terms and conditions as the council may prescribe.” The City’s Community Heritage Fund (Reserve Fund 157) exists to encourage the conservation of the built heritage through the provision of financial assistance to owners wishing to acquire and/or conserve designated heritage properties.

## **Discussion:**

### **Architectural Style:**

This designated property contains a Victorian Italianate building with pitched roof, wide overhanging eaves supported by decorative brackets, tall and narrow arched windows with elaborate crowns, and includes typical areas of elaborations at the windows, cornice, porch and doorways.<sup>1</sup> Italianate style also features cast-iron elements, and windows with pediments, brackets, agraffes, pilasters, ornamental mouldings.<sup>2</sup> Although this property has an older designation bylaw with little detail in the reasons for designation, many heritage features had been identified on a 1976 Building Structure Inventory. This includes the cast iron fence mentioned in the designation bylaw, and exterior features such as typical Italianate style in the hipped roof shape, widely overhanging eaves supported by decorative brackets, and elaborately ornamented windows. The designation in the interior extends to include for example, the marble fireplace and walnut stairway. Some of this expanded heritage description has been included in Appendix A. All of the features described are to be conserved as part of the redevelopment.

### **Heritage Conservation Considerations:**

*Standards & Guidelines for the Conservation of Historic Places in Canada* (S&G) explain that “Windows [...] are among the most conspicuous of any building’s features. They punctuate the façade [...] their arrangement and design is fundamental to the building’s appearance and heritage value. Each window [...] is, in itself, a complex assembly whose function and operation must be considered as part of its conservation.”

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<sup>1</sup> McAlester, V. & L. *A Field Guide to American Houses*. New York, Alfred A. Knopf: 2009.

<sup>2</sup> Ricketts, S., Maitland, L. & Hucker, J. *A Guide to Canadian Architectural Styles-Second Edition*. University of Toronto Press: 2011.

Standard 10 is to “Repair rather than replace *character-defining elements*. Where character-defining elements are too severely deteriorated to repair, and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements. Where there is insufficient physical evidence, make the form, material and detailing of the new elements compatible with the character of the *historic place*.”

S&G also provides these additional guidelines for Windows:

	Recommended	Not Recommended
3	<b>Documenting</b> the form, materials and condition of windows, doors and storefronts, and their elements, before undertaking an intervention. This includes the configuration, style, method of operation and materials.	Undertaking an intervention that affects windows, doors and storefronts without first documenting their existing character and condition.
4	<b>Assessing</b> the condition of windows, doors and storefronts, including hardware, early in the planning process so that the scope of work is based on current conditions.	
6	<b>Protecting</b> and maintaining windows, doors and storefronts by using appropriate surface treatments, such as cleaning, rust removal, limited paint removal, and reapplying protective coating systems in kind.	Failing to adequately maintain windows, doors and storefronts on a regular basis.
7	<b>Making</b> windows, doors and storefronts weather tight and energy efficient by re-puttying and replacing or installing weatherstripping, adjusting hardware, and sealing openings and joints.	
8	<b>Retaining</b> sound and repairable windows, doors and storefronts, including their functional and decorative elements, such as hardware, signs and awnings.	Removing or replacing windows, doors and storefronts that can be repaired. Peeling paint, broken glass, stuck sashes, loose hinges or high air infiltration are not, in themselves, indications that these assemblies are beyond repair.
10	<b>Repairing</b> parts of windows, doors, or storefronts, by patching, piecing-in, consolidating, or otherwise reinforcing, using recognized conservation methods. Repair may also include the limited replacement in kind, or with a compatible substitute material, of those extensively deteriorated or missing parts of windows, doors and storefronts. Repairs should match the existing work as closely as possible, both physically and visually.	
14	<b>Documenting</b> all interventions that affect the building's windows, doors and storefronts, and ensuring that the documentation is available to those responsible for future interventions.	

17	<b>Replacing</b> missing historic features by designing and installing new windows, doors and storefronts based on physical and documentary evidence, or one that is compatible in size, scale, material, style and colour.	Creating a false historical appearance because the new window, door or storefront is incompatible, or based on insufficient physical and documentary evidence.
18	<b>Designing</b> and constructing a new window, door or storefront when it is completely missing, with a new design that is compatible with the style, era and character of the historic place, or a replica based on documentary evidence.	Changing the number, location, size, or configuration of windows, doors and storefronts, by cutting new openings, blocking in existing openings, or installing replacement units that do not fit the opening.
34	<b>Removing</b> or altering non character-defining windows, doors or storefronts, or their associated functional or decorative elements, from a period other than the restoration period.	Failing to remove a non character-defining window, door or storefront from another period that confuses the depiction of the building's chosen restoration period.

The proponent originally wanted the replacement of most of the windows due to cost concerns. Through encouragement by city staff, the proponent sought assessment of the condition of the original windows and quotes for their repairs, as well as quotes for replacement windows from Pella's. Repair of original windows generally outweighs the cost of ordering new windows due to significant skilled labour costs. As a result of the proponent concerns, city staff conducted further review of the windows, quotes, and additional documentation of the windows (Appendix C). It was identified that some of the windows were not original, so it would be acceptable to replace the non-original and more secondary/altered windows with historical/traditional-looking wood windows.

Each of the 16 original and decorative windows are to be repaired and quote has been provided by Rawlings Studio, who have good experience in heritage windows (having done the reconstruction of historically accurate windows using historical materials at the Sandwich Fire Hall Rehabilitation Project). The quote identifies use of conservation techniques and traditional materials aligned with Heritage Standards and practices.

The four windows located at the Mill Street porch although original, have been altered in the 1980s through replacement of glass and removal of the vertical muntins. City Staff thus requested for wood windows that would appear historically accurate, since the existing are originals (although altered), and are located on a prominent face of the building. ADA proposed the Pella's Reserve Series windows for the replacements. In particular, the four windows at the Mill Street Porch area would include a putty glaze exterior with Ogee Interior simulated divided lites (using Pella's Integral Light technology system) to mimic the look of divided lites with a foam spacer. Although not the most authentic, this option is acceptable for this situation and will bring back the original appearance. The current 3<sup>rd</sup> floor dormer casement windows are not matching with the Victorian Italianate style. In light of lack of historical documentation of original appearance, city staff have advised ADA to propose hung-style window as replacement. The single-hung windows proposed for the dormers would be compatible with the style of the building.

The windows will be painted to match the Heritage Alteration Permit approved Point Grey, Vancouver Green, and Lancaster Whitewash Colour Scheme (CR 501/2019). The cost of painting on the new windows is not part of the quotes provided.

## **Official Plan Policy:**

The Windsor Official Plan states (9.3.4.1). "Council will protect heritage resources by: (c) Requiring that, prior to approval of any alteration, partial demolition, removal or change in use of a designated heritage property, the applicant demonstrate that the proposal will not adversely impact the heritage significance of the property ...". Also, (9.3.6.1.), "Council will manage heritage resources by: (e) providing support and encouragement to organizations and individuals who undertake the conservation of heritage resources by private means".

## **Risk Analysis:**

The windows are an important component of the conservation of this designated property and so are original and authentic heritage elements. The proposed window repair and replacements are a result of research, evaluations, and discussions with the owner. If not supported through financial incentives, the proposal would be additional costs that the Owner is not willing to bear and there would be a loss to the heritage value of the property if the original windows are disposed and replaced with lower quality windows. The owner would likely request for Heritage Alteration Permit to remove and replace all of the windows if their request is not granted.

For the Community Heritage Fund, no City funds will be expended until the project is determined by the Planning and Building Services Department to be complete, meeting the Ontario Building Code and according to good heritage practices. The applicant will be required as part of the condition of approval to include detailed specifications such as the technical information about the material and techniques employed through information from the contractor and from the provision of window shop drawings, to ensure that the repair project is heritage appropriate, prior to disbursement of the funds.

## **Financial Matters:**

Community Heritage Fund guidelines include "As a general principle, awards will be limited to a maximum of \$50,000 unless the DHSC (Development & Heritage Standing Committee) so recommends and Council approves." The award from the Community Heritage Fund will generally be given according to the following formula: Grant: 15 percent of the award in the form of a grant & Low Cost Loan: 85 percent of the award". "A minimum of two cost estimates, based on specifications approved by the DHSC and the Commissioner of Building & Development Services, shall be obtained by the owner for all restoration work to be done." The estimates will be reviewed to ensure that all work specified is covered. The lower bid will usually be recommended for funding."

The Owner has obtained two quotes for repairs for all of the windows, and those quotes amounted to \$100,000 or more. Whereas the costs to replace all of the windows with regular wood windows (not specifically heritage types) were estimated by City Staff to be in the range of the \$30,000s. While it would not be acceptable for a designated heritage property to allow for replacement of windows to vinyl or just regular wood windows, the costs for heritage appropriate solutions are evidently significantly higher. The proposal for this mixed approach of retention and repair of the original windows (Rawlings Studio Quote of \$62,150) with acceptable heritage replacements (Pella's Quote of \$17,661.80) would cost \$79,811.80.

The heritage financial incentive through the Community Heritage Fund would provide support to the continued retention of most of the original windows in this valuable heritage property, and allow compatible replacements. Administration recommends that the amounts above the general 15% at 30% of the cost, to an upset amount of \$23,943.54, be approved. The Owner cost for the windows would amount to \$55,868.26.

The Owner is investing significantly in the building, including costs to repoint and clean the masonry, repair the porch, wrought-iron fence, etc. In April 2019, ADA estimated a total of \$380,000 for both interior and exterior work, of which \$105,000 was to be the cost of exterior work, and \$57,600 the budget for the windows and exterior rehabilitation. Currently, ADA estimates that amount to be inflated by at least 40% due adjustments to material and pricing for services, and potential COVID impacts to the construction industry. The choice for window approach had been discussed and directed by City staff. The solution presented to Heritage Committee is acceptable to both the Owner and City staff from a heritage conservation lens, conditional on the Owner receiving funding support for the windows (as the approach is almost the full cost of the Owner's original budget for heritage work). The Owner intends to apply for the Heritage Property Tax Reduction Program for other heritage conservation items separately, which is anticipated to be go through standard processing of administrative approvals. Given the large investment to reuse and conserve this important heritage property, city staff is of the opinion that the proposal and request for funding is reasonable.

As of September 2, 2020, the available balance of the Community Heritage Fund (Reserve Fund 157) above obligations (including minimum required balance of \$50,000) is \$59,069.

### **Consultations:**

Senior Urban Designer Adam Coates were actively involved in discussions about the windows. Financial Planning Administrator, Don Nantais, assisted with confirmation of Fund balances.

### **Conclusion:**

Aléthinis Properties Ltd, the owners of 3203 Peter Street, Mason-Girardot Manor, is proposing repair of the majority of the original windows and heritage acceptable replacement windows at the Mason-Girardot Manor, in adherence to City staff advice and heritage standards. The request for a grant of an upset amount of \$23,943.54 from the Community Heritage Fund (Reserve Fund 157), for the repair and replacement of windows, is recommended for approval, subject to conditions.

### **Planning Act Matters:**

**N/A**

**Approvals:**

<b>Name</b>	<b>Title</b>
Michael Cooke	Manager, Planning Policy
Thom Hunt	City Planner
Wira Vendrasco	Deputy City Solicitor
Shelby Askin Hager	City Solicitor CLT
Onorio Colucci	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Aloha Johnson		aloha_j@telus.net
Reid Johnson		reidjohnson56@gmail.com
Architectural Design Associates Inc., Architect  Jerry Kavanaugh  Damian Kacprzak		jkavanaugh@ada-architect.ca  <a href="mailto:dkacprzak@ada-architect.ca">dkacprzak@ada-architect.ca</a>
John Revell- Chief Building Official		jrevell@citywindsor.ca

**Appendices:**

- 1 Appendix A- Reason for Designation and Heritage Description
- 2 Appendix B- Community Heritage Fund Application
- 3 Appendix C- Documentation of Windows



## **Appendix A**

(from By-law No. 5896, February 6, 1978)

### **REASONS FOR DESIGNATION (GIRARDOT HOUSE, 3203 PETER STREET)**

#### **Reasons for Designation**

A good example of Victorian Architecture with many remaining late 19th Century interior and exterior architectural features including an iron fence along Mill and Peter Streets. The structure is in an unusually good state of preservation forming an important part of the street scape.

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Expanded Heritage Description (not written in the Heritage Designation Bylaw 5896)

Exterior Heritage Elements include:

- Placement and setback of the historic structure and street composed of open greenspace yard
- Scale, form and massing of the two and half storey brick building with irregular plan with historic wings at the rear (new addition to the south side)
- Variety of brick Bond Patterns, with wood trim and cut stone foundation
- Variety of roof (shingled) with truncated hipped roof at west, hipped roofs at original/historic north and south wings, and gable roof at rear east wing
- Brick Chimneys at north and east sides (south side chimney approved for removal)
- Arched top dormers with decorative moulding and mock keystone on north and west sides
- Wooden boxed cornice with deeply projecting eaves and decorative frieze including double sets of brackets
- Double-hung windows with decorative wood surrounds and sills (second floor windows hooded with mock keystone while ground floor windows with triangular pediment)
- Windows and openings including those with brick voussoirs and stone accents

- Special windows: slightly projecting bay window at front west, and triple rounded window on northwest corner with decorated wood keystone and surround
- Elaborate wooden open porch at front west entrance with balustrade and side porch at north section
- Original black walnut doors, with the principal front entrance being a double-leaf door
- Decorative Wrought Iron fencing

Interior Heritage Elements:

- Three types of cornice work in foyer entrance, living room/room facing Peter Street, and room facing Mill Street (most northwest section of building)
- Original chandelier plasterwork in living room/room facing Peter Street, and room facing Mill Street (most northwest section of building)
- Original fireplaces in living room/room facing Peter Street of grey and white marble, and another fireplace surrounded by carved wood room located in the room facing Mill Street (most northwest section of building)
- Three round stairwell lights with decorative moulding
- Original black walnut stairway and doors

**CITY OF WINDSOR  
COMMUNITY HERITAGE FUND**

**APPLICATION FOR LOAN AND/OR GRANT**  
(To be completed in full)

**APPLICANT/AGENT/OWNER INFORMATION**

1. APPLICANT(S): ALÉTHINOS PROPERTIES LTD.  
Address, City: 4208 WEST KING EDWARD AVE. / VANCOUVER, BC Postal Code: V6S 1N3  
Email: reidjohnson56@gmail.com / aloha\_j@telus.net Telephone: 604-828-7848
2. AGENT/ARCHITECT/ENGINEER/SOLICITOR: ARCHITECTURAL DESIGN ASSOCIATES INC., ARCHITECT  
Address, City: 1670 MERCER STREET WINDSOR, ON Postal Code: N8X 3P7  
Email: jkavanaugh@ada-architect.ca Telephone: 519-254-3430
3. REGISTERED OWNER(S): ALOHA & REID JOHNSON  
Address, City: 4208 WEST KING EDWV6S 1N3ARD AVENUE Postal Code: V6S 1N3  
Email: reidjohnson56@gmail.com / aloha\_j@telus.net Telephone: 604-828-7848

**PROPERTY FOR WHICH HERITAGE FUND ASSISTANCE IS REQUESTED**

4. HERITAGE NAME OF PROPERTY MASON GIRARDOT MANOR
5. MUNICIPAL ADDRESS 3203 PETER STREET
6. LEGAL DESCRIPTION (Lot and Plan) PLAN 43 LOT 5; AND 411 MILL ST; 6600.00SF 66.00FR 100.00D
7. ASSESSMENT ROLL NUMBER(S) 3739-050-220-13200-0000
8. EXISTING USE VACANT COMMERCIAL (CD1.6) REZONED TO RESIDENTIAL DISTRICT RD2.2
9. THIS PROPERTY IS DESIGNATED UNDER THE ONTARIO HERITAGE ACT  
YES ☒ By-law No. 5896 Date 2/6/1978

**REQUESTED HERITAGE FUND ASSISTANCE**

10. AMOUNT AND TYPE OF FINANCIAL ASSISTANCE REQUESTED:

Loan \$ \_\_\_\_\_

Grant \$ 23,943.54 TOTAL \$ 23,943.54

NOTE: Details for loan/grant are set out in the attached pamphlet "Windsor's Community Heritage Fund".

11. If a loan is requested, please indicate your term of repayment: N/A years.
12. Are there any outstanding mortgages or liens against this property?  
NO ☒  
YES ☐ Amount: \_\_\_\_\_ Institution: \_\_\_\_\_
13. If your application for a loan, grant or loan/grant combination is in an amount not to exceed \$15,000, you may be required to obtain a property appraisal from a real estate agent or certified appraiser. If your application is in an amount in excess of \$15,000, you may be required to obtain an appraisal from a certified appraiser.
14. Have you previously received assistance from the City for the property named above?  
NO ☐

YES



Amount: \$36,510

Date: MARCH 9, 2020

Source of funds: GRANT - SANDWICH CIP PROGRAM

## REASONS FOR REQUESTING HERITAGE FUND ASSISTANCE

### A. *Rehabilitation of Owner's designated property:*

15. Describe fully here (or on attached sheets) the proposed work to be undertaken:

REMOVAL AND RESTORATION OR REBUILT OF EXISTING HISTORIC WINDOWS

HISTORICALLY ACCURATE REPLACEMENT OF WINDOWS THAT ARE UNSALVAGEABLE

16. The applicant is responsible for providing at least two written estimates from qualified contractors and/or qualified design consultants for the proposed restoration work. The estimates should contain sufficient detail to permit a review of individual components of the proposed work. Attach estimates to this form when filing. (Some specifications are available from the Heritage Planner – see contact information at the bottom of this page.)

17. Describe any new uses of the property, if different from the existing use.

MULTIPLE UNIT DWELLING - FOUR DWELLING UNITS

18. The application shall include recent, dated photographs of the property, to clearly illustrate the areas of the property that are the subject of the proposed work. Any available architectural drawings should be included as well.

19. Early photographs or drawings showing the property's original appearance should be submitted, if available, to assist in the review of the application.

### B. *Purchase of designated property:*

20. Indicate the full price of the property you wish to purchase: \$\_\_\_\_\_ and include a copy of the "offer to purchase."

21. Indicate your other sources of funding, the amount you will receive, and any subsequent liens/mortgages.

### C. *Architectural/engineering study of Owner's designated property:*

22. Indicate the full price of the architectural/engineering study by a restoration specialist: \$\_\_\_\_\_ and include a copy of the estimate or invoice from the study.

## SIGNATURES

APPLICANT OR AGENT  Date AUGUST 26, 2020

REGISTERED OWNER(S)  Date AUGUST 26, 2020

CHECKED/RECEIVED BY  
HERITAGE PLANNER \_\_\_\_\_ Date AUGUST 26, 2020

### **This application should be completed and filed with the:**

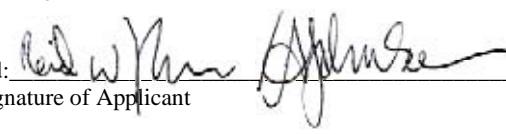
Planning Department  
Suite 320 - 350 City Hall Square West  
Windsor ON, N9A 6S1

**For assistance** and/or information on filing, please contact the Planning Department:  
Telephone 519-255-6543 x 6179 Fax 519-255-6544

### **NOTICE WITH RESPECT TO COLLECTION OF PERSONAL INFORMATION:**

I/We also acknowledge that the information requested on this form is required in order to process the application to the Development & Heritage Standing Committee. Please be advised that the information in this application form may be released to the public in an electronic form, i.e. web site and/or paper format, i.e. agenda or minutes.

Dated: AUGUST 26, 2020

Signed:   
Signature of Applicant

RAWLINGS STUDIO

Date: August 27, 2020  
 Invoice #: 2020-05  
 Customer ID: QUOTE-05

To: **ADA**  
 1670 MERCER STREET  
 WINDSOR ONTARIO  
 519 254 3430

**hst 76084 2690 RT0001**

Salesperson	Job	Payment Terms	Due Date
William Rawlings	MASON GIRADOT	cash or check	30 day

Qty	Description	Unit Price	Line Total
9.00	(W3,W16,2 x W18, 2 x W14, 2 x W18 , 2 x W13)	\$ 3,500.00	31,500.00
1.00	N15	4,100.00	4,100.00
1.00	N16	3,100.00	3,100.00
1.00	N4	3,500.00	3,500.00
1.00	S12	3,500.00	3,500.00
1.00	S9	3,100.00	3,100.00
2.00	S17, S18- SECOND FLOOR SASH	3,100.00	6,200.00
	pricing to include		0.00
	removal and temp hording for window openings		0.00
	dutchman repair and replacement to cracked or rotted wood		
	complete steam clean and removal of paint to wood on all windows		
	complete putty replacement, cracked or scratched glass		0.00
	complete historic linseed oil finish as per guidelines		
	complete replacement of chord for all operable		
	fix and or replace damaged pullies		
	fix and replace zinc guides		0.00
	scrape clean and repair all window frames on location		0.00
	remove damaged frames needed to be completely rebuilt		0.00
	repair and clean all pockets		0.00
	masonry by others		0.00
	replace parting beads		0.00
	paint exterior frame w/ historic linseed oil with approved color		0.00
	seal frames with approved historical sealant		
Subtotal			\$ 55,000.00
Sales Tax 13%			7,150.00
TOTAL			\$ <b>62,150.00</b>

PRICING INCLUDES INSTALLATION, FABRICATION, AND DESIGN SERVICE

**Make all checks payable to William Rawlings**  
 Thank you for your business!

874 ST.MARY'S , Windsor, Ont. 519 562 2936 bill@rawlingsstudio.com



## Contract - Detailed

Pella Window and Door Showroom of London  
1398 Wellington Road South  
London, ON N6E 1M5  
**Phone:** (519) 681-3222 **Fax:** (519) 681-5598

**Sales Rep Name:** Henrich, Bob  
**Sales Rep Phone:** 519-965-9658  
**Sales Rep Fax:** 519-681-5598  
**Sales Rep E-Mail:** henrichb@pella.com

Customer Information	Project/Delivery Address	Order Information
<b>Architectural Design Associates</b> 1670 Mercer St.  Windsor, ON <b>Primary Phone:</b> (519) 254 3430 <b>Mobile Phone:</b> <b>Fax Number:</b> <b>E-Mail:</b> <b>Contact Name:</b>  <b>Great Plains #:</b> 1005624260 <b>Customer Number:</b> 1009487400 <b>Customer Account:</b> 1005624260	<b>79ADA GIRADOT RES</b> 3203 PETER ST  <b>Lot #</b> WINDSOR, ON <b>County:</b> <b>Owner Name:</b>  <b>Owner Phone:</b>	<b>Quote Name:</b> 79ADA GIRADOT RES REVISED  <b>Order Number:</b> 425 <b>Quote Number:</b> <b>13046196</b> <b>Order Type:</b> Non-Installed Sales <b>Wall Depth:</b> <b>Payment Terms:</b> <b>Tax Code:</b> HST <b>Cust Delivery Date:</b> None <b>Quoted Date:</b> 8/27/2020 <b>Contracted Date:</b> <b>Booked Date:</b> <b>Customer PO #:</b>

Customer Notes: ARCHITECT RESERVE WOOD DOUBLE HUNGS (EXCEPT TYPE 21 IS ARCH SINGLE HUNG)

QTY 10 SUPPLY ONLY

NOTE 5/8 IN VERTICAL ILTS HAVE BEEN ADDEED TO QTY 2 TYPE 6 AND QTY 2 TYPE 17

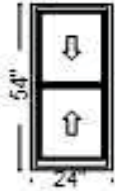
EXTERIOR WOOD PRIMED /INTERIOR UNFINISHED

NOTE EXTERIOR SASH PROFILE PUTTY GLAZED

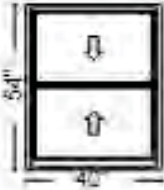
JAMB DEPTH TBD

JAMB DEPTH TBD




Line #	Location:	Attributes				
1	EAST T9	<div></div> <div>Viewed From Exterior</div>	<div><div>Pella® Reserve, Traditional, Double Hung, 24 X 54</div><div><div>1: Traditional, Non-Standard SizeNon-Standard Size Double Hung, Equal</div><div>Frame Size: 24 X 54</div><div>General Information: Standard, Luxury, Wood, Pine, 4 3/8", 4 3/16"</div><div>Exterior Color / Finish: Primed, Primed Wood</div><div>Interior Color / Finish: Unfinished Interior</div><div>Sash / Panel: Putty Glaze, Ogee, Standard, No Sash Lugs</div><div>Glass: Insulated Dual Low-E SunDefense™ Low-E Insulating Glass Argon Non High Altitude</div><div>Hardware Options: Cam-Action Lock, Champagne, No Window Opening Control Device, No Limited Opening Hardware, Order Sash Lift, No Integrated Sensor</div><div>Screen: Full Screen, Standard EnduraClad, White, Standard, InView™</div><div>Performance Information: U-Factor 0.28, SHGC 0.21, VLT 0.49, CPD PEL-N-234-00301-00001, ER 17, Performance Class CW, PG 45, Calculated Positive DP Rating 45, Calculated Negative DP Rating 45, Year Rated 08 11, Egress Does not meet typical United States egress, but may comply with local code requirements</div><div>Grille: No Grille,</div><div>Wrapping Information: Wood Brickmould, 1 7/8", Factory Applied, 1 1/8" Wood Subsill, Factory Applied, No Exterior Trim, 6 9/16", 6 3/4", Standard Four Sided Jamb Extension, Factory Applied, Pella Recommended Clearance, Perimeter Length = 156".</div></div></div>	<div><div>Item Price</div><div>\$1,019.35</div></div>	<div><div>Qty</div><div>2</div></div>	<div><div>Ext'd Price</div><div>\$2,038.70</div></div>

Rough Opening: 24 - 3/4" X 55 - 7/8"

Line #	Location:	Attributes		
3	EAST T8	<div><div></div><div>Viewed From Exterior</div></div> <div><div>PK #</div><div>2067</div></div> <div><div><b>Pella® Reserve, Traditional, Double Hung, 40 X 54</b></div><div><div><b>1: Traditional, Non-Standard SizeNon-Standard Size Double Hung, Equal</b></div><div><b>Frame Size:</b> 40 X 54</div><div><b>General Information:</b> Standard, Luxury, Wood, Pine, 4 3/8", 4 3/16"</div><div><b>Exterior Color / Finish:</b> Primed, Primed Wood</div><div><b>Interior Color / Finish:</b> Unfinished Interior</div><div><b>Sash / Panel:</b> Putty Glaze, Ogee, Standard, No Sash Lugs</div><div><b>Glass:</b> Insulated Dual Low-E SunDefense™ Low-E Insulating Glass Argon Non High Altitude</div><div><b>Hardware Options:</b> Cam-Action Lock, Champagne, No Window Opening Control Device, No Limited Opening Hardware, Order Sash Lift, No Integrated Sensor</div><div><b>Screen:</b> Full Screen, Standard EnduraClad, White, Standard, InView™</div><div><b>Performance Information:</b> U-Factor 0.28, SHGC 0.21, VLT 0.49, CPD PEL-N-234-00301-00001, ER 17, Performance Class CW, PG 45, Calculated Positive DP Rating 45, Calculated Negative DP Rating 45, Year Rated 08 11, Egress Does not meet typical United States egress, but may comply with local code requirements</div><div><b>Grille:</b> No Grille,</div><div><b>Wrapping Information:</b> Wood Brickmould, 1 7/8", Factory Applied, 1 1/8" Wood Subsill, Factory Applied, No Exterior Trim, 6 9/16", 6 3/4", Standard Four Sided Jamb Extension, Factory Applied, Pella Recommended Clearance, Perimeter Length = 188".</div></div></div> <div><div><div><b>Item Price</b></div><div>\$1,205.65</div></div><div><div><b>Qty</b></div><div>1</div></div><div><div><b>Ext'd Price</b></div><div>\$1,205.65</div></div></div>		

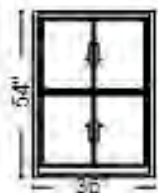
Rough Opening: 40 - 3/4" X 55 - 7/8"



Line #	Location:	Attributes				
9	NORTH 6	<div></div> <div>PK # 2067</div> <div>Viewed From Exterior</div>	<b>Pella® Reserve, Traditional, Double Hung, 36 X 84</b>	<div>Item Price</div> \$1,621.89	<div>Qty</div> 2	<div>Ext'd Price</div> \$3,243.78
<div><b>1: Traditional, Non-Standard SizeNon-Standard Size Double Hung, Equal</b></div> <div><b>Frame Size:</b> 36 X 84</div> <div><b>General Information:</b> Standard, Luxury, Wood, Pine, 4 3/8", 4 3/16"</div> <div><b>Exterior Color / Finish:</b> Primed, Primed Wood</div> <div><b>Interior Color / Finish:</b> Unfinished Interior</div> <div><b>Sash / Panel:</b> Putty Glaze, Ogee, Standard, No Sash Lugs</div> <div><b>Glass:</b> Insulated Dual Low-E SunDefense™ Low-E Insulating Glass Argon Non High Altitude</div> <div><b>Hardware Options:</b> Cam-Action Lock, Champagne, No Window Opening Control Device, No Limited Opening Hardware, Order Sash Lift, No Integrated Sensor</div> <div><b>Screen:</b> Full Screen, Standard EnduraClad, White, Standard, InView™</div> <div><b>Performance Information:</b> U-Factor 0.28, SHGC 0.19, VLT 0.44, CPD PEL-N-234-00303-00001, ER 16, Performance Class CW, PG 40, Calculated Positive DP Rating 40, Calculated Negative DP Rating 40, Year Rated 08 11, Egress Meets Typical 5.7 sqft (E) (United States Only)</div> <div><b>Grille:</b> ILT, No Custom Grille, 5/8", Traditional (2W1H / 2W1H), Putty Glaze, Ogee</div> <div><b>Wrapping Information:</b> Wood Brickmould, 1 7/8", Factory Applied, 1 1/8" Wood Subsill, Factory Applied, No Exterior Trim, 6 9/16", 6 3/4", Standard Four Sided Jamb Extension, Factory Applied, Pella Recommended Clearance, Perimeter Length = 240".</div>						

**Rough Opening:** 36 - 3/4" X 85 - 7/8"

Customer Notes: 5/8 ILT PUTTY DETAIL L EXTERIOR/ OGEE INTERIOR 2W 1H  
2 WIDE 1 WIDE = 1 VERTICAL GRILL EACH SASH

Line #	Location:	Attributes						
11	NORTH 17	<div><div></div><div><p>PK # 2067</p></div></div> <div><p><b>Pella® Reserve, Traditional, Double Hung, 36 X 54</b></p><p><b>1: Traditional, Non-Standard SizeNon-Standard Size Double Hung, Equal</b> <b>Frame Size:</b> 36 X 54 <b>General Information:</b> Standard, Luxury, Wood, Pine, 4 3/8", 4 3/16" <b>Exterior Color / Finish:</b> Primed, Primed Wood <b>Interior Color / Finish:</b> Unfinished Interior <b>Sash / Panel:</b> Putty Glaze, Ogee, Standard, No Sash Lugs <b>Glass:</b> Insulated Dual Low-E SunDefense™ Low-E Insulating Glass Argon Non High Altitude <b>Hardware Options:</b> Cam-Action Lock, Champagne, No Window Opening Control Device, No Limited Opening Hardware, Order Sash Lift, No Integrated Sensor <b>Screen:</b> Full Screen, Standard EnduraClad, White, Standard, InView™ <b>Performance Information:</b> U-Factor 0.28, SHGC 0.19, VLT 0.44, CPD PEL-N-234-00303-00001, ER 16, Performance Class CW, PG 45, Calculated Positive DP Rating 45, Calculated Negative DP Rating 45, Year Rated 08 11, Egress Does not meet typical United States egress, but may comply with local code requirements <b>Grille:</b> ILT, No Custom Grille, 5/8", Traditional (2W1H / 2W1H), Putty Glaze, Ogee <b>Wrapping Information:</b> Wood Brickmould, 1 7/8", Factory Applied, 1 1/8" Wood Subsill, Factory Applied, No Exterior Trim, 6 9/16", 6 3/4", Standard Four Sided Jamb Extension, Factory Applied, Pella Recommended Clearance, Perimeter Length = 180".</p></div> <table><tr><th>Item Price</th><th>Qty</th><th>Ext'd Price</th></tr><tr><td>\$1,313.97</td><td>2</td><td>\$2,627.94</td></tr></table>	Item Price	Qty	Ext'd Price	\$1,313.97	2	\$2,627.94
Item Price	Qty	Ext'd Price						
\$1,313.97	2	\$2,627.94						

Viewed From Exterior

**Rough Opening:** 36 - 3/4" X 55 - 7/8"

Customer Notes: 5/8 ILTD PUTTY DETAIL EXTERIOR/OGEE INTERIOR 2W 1H 2WIDE 1 HIGH = 1 VERTICAL GRILL PER SASH

Line #	Location:	Attributes			
15	None Assigned	ADDPRTTORM010002 - Delivery (Zone B)	Item Price	Qty	Ext'd Price
			\$89.36	1	\$89.36

## Thank You For Purchasing Pella® Products

### PELLA WARRANTY:

Pella products are covered by Pella's limited warranties in effect at the time of sale. All applicable product warranties are incorporated into and become a part of this contract. Please see the warranties for complete details, taking special note of the two important notice sections regarding installation of Pella products and proper management of moisture within the wall system. Neither Pella Corporation nor the Seller will be bound by any other warranty unless specifically set out in this contract. However, Pella Corporation will not be liable for branch warranties which create obligations in addition to or obligations which are inconsistent with Pella written warranties.

Clear opening (egress) information does not take into consideration the addition of a Rolscreen [or any other accessory] to the product. You should consult your local building code to ensure your Pella products meet local egress requirements.

Per the manufacturer's limited warranty, unfinished mahogany exterior windows and doors must be finished upon receipt prior to installing and refinished annually, thereafter. Variations in wood grain, color, texture or natural characteristics are not covered under the limited warranty.

**INSYNCTIVE PRODUCTS:** In addition, Pella Insynctive Products are covered by the Pella Insynctive Products Software License Agreement and Pella Insynctive Products Privacy Policy in effect at the time of sale, which can be found at [Insynctive.pella.com](https://www.pella.com/insynctive). By installing or using Your Insynctive Products you are acknowledging the Insynctive Software Agreement and Privacy Policy are part of the terms of sale.

**Notice of Collection of Personal Information:** We may collect your personal information when you interact with us. Under the California Consumer Privacy Act (CCPA), California residents have specific rights to request this information, request to delete this information, and opt out of the sharing or sale of this information to third parties. To learn more about our collection practices and your rights under the CCPA please visit our link <https://www.pella.com/california-rights-policy/> at [pella.com](https://www.pella.com).

### ARBITRATION AND CLASS ACTION WAIVER ("ARBITRATION AGREEMENT")

**YOU and Pella and its subsidiaries and the Pella Branded Distributor AGREE TO ARBITRATE DISPUTES ARISING OUT OF OR RELATING TO YOUR PELLA PRODUCTS (INCLUDES PELLA GOODS AND PELLA SERVICES) AND WAIVE THE RIGHT TO HAVE A COURT OR JURY DECIDE DISPUTES. YOU WAIVE ALL RIGHTS TO PROCEED AS A MEMBER OR REPRESENTATIVE OF A CLASS ACTION, INCLUDING CLASS ARBITRATION, REGARDING DISPUTES ARISING OUT OF OR RELATING TO YOUR PELLA PRODUCTS.** You may opt out of this Arbitration Agreement by providing notice to Pella no later than ninety (90) calendar days from the date You purchased or otherwise took ownership of Your Pella Goods. To opt out, You must send notice by e-mail to [pellawebsupport@pella.com](mailto:pellawebsupport@pella.com), with the subject line: "Arbitration Opt Out" or by calling (877) 473-5527. Opting out of the Arbitration Agreement will not affect the coverage provided by any applicable limited warranty pertaining to Your Pella Products. For complete information, including the full terms and conditions of this Arbitration Agreement, which are incorporated herein by reference, please visit [www.pella.com/arbitration](http://www.pella.com/arbitration) or e-mail to [pellawebsupport@pella.com](mailto:pellawebsupport@pella.com), with the subject line: "Arbitration Details" or call (877) 473-5527. D'ARBITRAGE ET RENONCIATION AU RECOURS COLLECTIF ("convention d'arbitrage") EN FRANÇAIS SEE [PELLA.COM/ARBITRATION](http://PELLA.COM/ARBITRATION). DE ARBITRAJE Y RENUNCIA COLECTIVA ("acuerdo de arbitraje") EN ESPAÑOL VER [PELLA.COM/ARBITRATION](http://PELLA.COM/ARBITRATION).

Seller shall not be held liable for failure or delay in the performance of its obligations under this Agreement, if such performance is hindered or delayed by the occurrence of an act or event beyond the Seller's reasonable control (force majeure event), including but not limited to earthquakes, unusually severe weather and other Acts of God, fire, strikes and labor unrest, epidemics, riots, war, civil unrest, and government interventions. Seller shall give timely notice of a force majeure event and take such reasonable action to mitigate the impacts of such an event.

### Product Performance Information:

U-Factor, Solar Heat Gain Coefficient (SHGC), and Visible Light Transmittance (VLT) are certified by the National Fenestration Rating Council (NFRC).

For more information regarding the finishing, maintenance and warranty of all Pella® products, visit the Pella® website at [www.pella.com](http://www.pella.com)

Manufacturer stipulates that these ratings conform to applicable NFRC procedures for determining whole product performance. NFRC ratings are determined for a fixed set of environmental conditions and a specific product size. NFRC does not recommend any products and does not warrant the suitability of any product for any specific use.

Design Pressure (DP), Performance Class, and Performance Grade (PG) are certified by a third party organization, in many cases the Window and Door Manufacturers Association (WDMA). The certification requires the performance of at least one product of the product line to be tested in accordance with the applicable performance standards and verified by an independent party. The certification indicates that the product(s) of the product line passed the applicable tests. The certification does not apply to mulled and/or product combinations unless noted. Actual product results will vary and change over the products life.

For more performance information along with information on Florida Product Approval System (FPAS) Number and Texas Dept. of Insurance (TDI) number go to [www.pella.com/performance](http://www.pella.com/performance).

**DEFECT AND SHORTAGE CLAIMS:** Customer shall be responsible to inspect the product purchased pursuant to this Proposal and the delivery ticket for each delivery within two business days of receipt. In the event Customer claims that any of the products is defective or the quantities are not consistent with the delivery ticket, Customer shall give written notice to Seller within 3 business days of receipt of the product of all claims that product is defective or of quantities differing than recited in the delivery ticket. If Customer fails to provide said written notice, Customer shall be deemed to accept the product as to any latent or obvious defects (but not latent defects which cannot be discovered by a reasonable inspection) and the quantities described in the delivery ticket.

**ACCEPTANCE OF WORKS AND MATERIALS:** The Customer shall inspect all material immediately upon delivery. All work performed and materials supplied under this Proposal shall be deemed to comply with all terms of the Proposal unless Seller is notified in writing to the contrary within five (5) days following delivery.

**PHOTO / VIDEO RELEASE:** I hereby authorize Pella Corporation, its affiliates and/or subsidiaries to use, reproduce, and/or publish photographs and/or video that may pertain to me and my project, including materials described below, without compensation. I understand that this material may be used in various communications (e.g. Website, e-newsletters, promotional materials, etc).

Consequently, the Corporation may publish materials, photographs, and/or make reference to the project in a manner that the Corporation or project sponsor deems appropriate

### **Project Checklist**

**Delivery date required:**\_\_\_\_\_ **Customer initial:**\_\_\_\_\_

**Please note: If you are not able to receive your Pella Windows and Doors within 2 weeks of your agreed delivery date, you will be required to provide an alternative delivery address.**

Site Supervisor name and telephone number:\_\_\_\_\_

Customer email:\_\_\_\_\_

Jobsite Directions (include the major crossroads):\_\_\_\_\_

Jobsite access special notes:\_\_\_\_\_



Installation expectations reviewed ☐ (if applicable)

CSR Discussed

☐

Warranty Discussed

Credit Policy Discussed

☐

20 Years IG Units - 10 Years Decorative Glass

☐

COD Amount Discussed

☐

10 Years Material / Parts / Workmanship

☐

Need Date calendar reviewed

☐

2 Years Labour

☐

Recommended Maintenance Discussed

☐Product specifications on order reviewed ☐

Series

Contract Amount

Exterior Colour

Deposit Amount

Interior Finish

Jamb Depth

Glazing

Balance Due

Window Hardware

Door Hardware

Payment Method

☐ Cheque ☐ Terms

Grilles

Screen Mesh

Screen Frame

Blind/Shade Colour

Blind/Shade Orientation

☐

Top stacking

Bottom stacking

☐Hinge/Slide Discussed (Note: hinge/slide is as viewed from exterior) ☐

☐ **Project Checklist has been reviewed**\_\_\_\_\_  
Customer Name (Please print)\_\_\_\_\_  
Pella Sales Rep Name (Please print)\_\_\_\_\_  
Customer Signature\_\_\_\_\_  
Pella Sales Rep Signature\_\_\_\_\_  
Date\_\_\_\_\_  
Date\_\_\_\_\_  
Credit Card Approval Signature**Order Totals**

Taxable Subtotal \$15,629.91

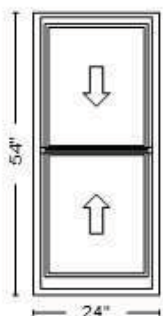
Sales Tax @ 13% \$2,031.89

Non-taxable Subtotal \$0.00

**Total** \$17,661.80**Deposit Received** \$0.00**Amount Due** **\$17,661.80**

# Customer Approval Form:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



Viewed from the Exterior

Quote Number: 13046196

Line Number: 1

Quote Qty: 2

Scaling: 1/2" = 1'

Description: Pella® Reserve, Traditional, Double Hung, 24 X 54

Rough Opening: 24.75" X 55.875"

These drawings are based on our interpretation of the information provided to us. They are submitted for final approval of the individual\*\* responsible for the project and are not intended to create any warranty or other liability. The user\*\* is responsible for compliance with applicable building codes or other regulations and determining the suitability of the suggestions for the particular application, including the final design of reinforcement, flashing, and sealant systems for all window and door installations.

\*\* building owner, architect, contractor, installer and/or consumer



Quote Name: 79ADA GIRADOT RES REVISEI Project Name: 79ADA GIRADOT RES

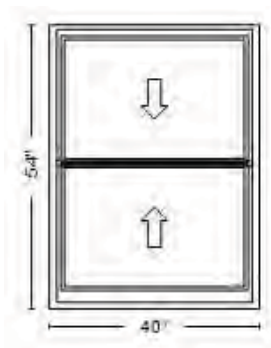
Jobsite Location: WINDSOR, ON

Room Location: EAST T9

Sales Branch Location: 42500 Pella Windows & Doors of Ontario, Corp.

# Customer Approval Form:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



Viewed from the Exterior

Quote Number: 13046196

Line Number: 3

Quote Qty: 1

Scaling: 1/2" = 1'

Description: Pella® Reserve, Traditional, Double Hung, 40 X 54

Rough Opening: 40.75" X 55.875"

These drawings are based on our interpretation of the information provided to us. They are submitted for final approval of the individual\*\* responsible for the project and are not intended to create any warranty or other liability. The user\*\* is responsible for compliance with applicable building codes or other regulations and determining the suitability of the suggestions for the particular application, including the final design of reinforcement, flashing, and sealant systems for all window and door installations.

\*\* building owner, architect, contractor, installer and/or consumer



Quote Name: 79ADA GIRADOT RES REVISEI Project Name: 79ADA GIRADOT RES

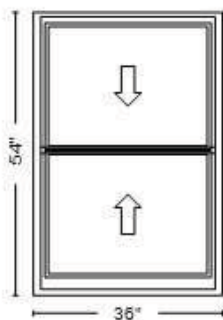
Jobsite Location: WINDSOR, ON

Room Location: EAST T8

Sales Branch Location: 42500 Pella Windows & Doors of Ontario, Corp.

# Customer Approval Form:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



Viewed from the Exterior

Quote Number: 13046196

Line Number: 5

Quote Qty: 1

Scaling: 1/2" = 1'

Description: Pella® Reserve, Traditional, Double Hung, 36 X 54

Rough Opening: 36.75" X 55.875"

These drawings are based on our interpretation of the information provided to us. They are submitted for final approval of the individual\*\* responsible for the project and are not intended to create any warranty or other liability. The user\*\* is responsible for compliance with applicable building codes or other regulations and determining the suitability of the suggestions for the particular application, including the final design of reinforcement, flashing, and sealant systems for all window and door installations.

\*\* building owner, architect, contractor, installer and/or consumer



Quote Name: 79ADA GIRADOT RES REVISEI Project Name: 79ADA GIRADOT RES

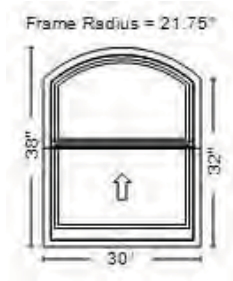
Jobsite Location: WINDSOR, ON

Room Location: EAST 7

Sales Branch Location: 42500 Pella Windows & Doors of Ontario, Corp.

# Customer Approval Form:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



Viewed from the Exterior

Quote Number: 13046196

Line Number: 7

Quote Qty: 2

Scaling: 1/2" = 1'

Description: Pella® Reserve, Traditional, Single Hung, 30 X 38

Rough Opening: 30.75" X 39.875"

These drawings are based on our interpretation of the information provided to us. They are submitted for final approval of the individual\*\* responsible for the project and are not intended to create any warranty or other liability. The user\*\* is responsible for compliance with applicable building codes or other regulations and determining the suitability of the suggestions for the particular application, including the final design of reinforcement, flashing, and sealant systems for all window and door installations.

\*\* building owner, architect, contractor, installer and/or consumer



Quote Name: 79ADA GIRADOT RES REVISEI Project Name: 79ADA GIRADOT RES

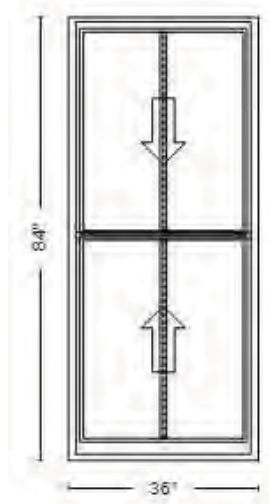
Jobsite Location: WINDSOR, ON

Room Location: NORTH/WEST T21

Sales Branch Location: 42500 Pella Windows & Doors of Ontario, Corp.

# Customer Approval Form:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



Viewed from the Exterior

Quote Number: 13046196

Line Number: 9

Quote Qty: 2

Scaling: 1/2" = 1'

Description: Pella® Reserve, Traditional, Double Hung, 36 X 84

Rough Opening: 36.75" X 85.875"

These drawings are based on our interpretation of the information provided to us. They are submitted for final approval of the individual\*\* responsible for the project and are not intended to create any warranty or other liability. The user\*\* is responsible for compliance with applicable building codes or other regulations and determining the suitability of the suggestions for the particular application, including the final design of reinforcement, flashing, and sealant systems for all window and door installations.

\*\* building owner, architect, contractor, installer and/or consumer



Quote Name: 79ADA GIRADOT RES REVISEI Project Name: 79ADA GIRADOT RES

Jobsite Location: WINDSOR, ON

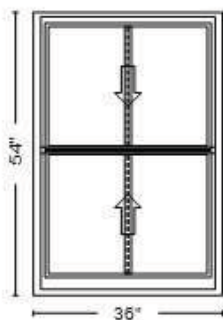
Room Location: NORTH 6

Sales Branch Location: 42500 Pella Windows & Doors of Ontario, Corp.



# Customer Approval Form:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



Viewed from the Exterior

Quote Number: 13046196

Line Number: 11

Quote Qty: 2

Scaling: 1/2" = 1'

Description: Pella® Reserve, Traditional, Double Hung, 36 X 54

Rough Opening: 36.75" X 55.875"

These drawings are based on our interpretation of the information provided to us. They are submitted for final approval of the individual\*\* responsible for the project and are not intended to create any warranty or other liability. The user\*\* is responsible for compliance with applicable building codes or other regulations and determining the suitability of the suggestions for the particular application, including the final design of reinforcement, flashing, and sealant systems for all window and door installations.

\*\* building owner, architect, contractor, installer and/or consumer



Quote Name: 79ADA GIRADOT RES REVISEI Project Name: 79ADA GIRADOT RES

Jobsite Location: WINDSOR, ON

Room Location: NORTH 17

Sales Branch Location: 42500 Pella Windows & Doors of Ontario, Corp.



## Traditional Wood & Clad/Wood

Exquisitely designed windows and doors with unparalleled historical detailing.

Double-Hung Interior



Double-Hung Exterior



- **Historical details**

Our most historically authentic line of wood windows and patio doors. Featuring through-stile construction, deliberate proportions and intricate profiles. Pella Reserve products are the ideal choice for historical renovations and traditional building projects.

- **Authentic hardware**

Complement your project with historically authentic spoon-lock window hardware. Our Antiek casement window hardware is inspired by period furniture to deliver authentic traditional style.

- **Architectural interest**

Featuring the industry's only foam spacer solution, Pella's Integral Light Technology® grille helps capture the look of true-divided-light without sacrificing energy performance. Further your aesthetic with the putty profile, recreated with historically accurate angles – providing meaningful depth and a realistic shadow. Pella Reserve products offer the industry's deepest sash dimension.

- **Virtually unlimited customization**

If you can dream it, we can build it with our most customizable product line. From extra tall to extra wide, Pella can craft unique windows that complement your aesthetic. Custom sizes, grille patterns and designs, finishes, wood types and glass options are available.

- **Tailor-made solutions**

From preliminary drawings to installation, Pella's expert team of architects, engineers, drafters and consultants can work to deliver custom window and door solutions for your project. Partner with Pella to achieve your unique vision without concessions.

- **Intentional innovation**

Winner of the 2019 Most Innovative Window from Window and Door Magazine, the Integrated Rolscreen® retractable screen preserves aesthetic view. It is a double- and single-hung screen that appears when you open the window, and rolls away, out of sight, when you close it.

- **Durable interiors and extruded aluminum exteriors**

Create a custom exterior color to meet your design needs or choose from 27 standard color options. Interior finish options are available in four paints, eleven stains and primed and ready-to-paint.

- **ENERGY STAR® certified¹**

Pella wood products offer energy-efficient options that will meet or exceed ENERGY STAR guidelines in all 50 states. Pella Reserve products with triple-pane glass have been awarded the ENERGY STAR Most Efficient Mark in 2020.¹

- **Testing beyond requirements**

At Pella, our products are tested beyond requirements to help ensure they have long-lasting performance and reduce call-backs for you.

- **Best limited lifetime warranty²**

Pella Reserve products are covered by the best limited lifetime warranty in the business for wood windows and patio doors.²

Available in these window and patio door styles:



Special shape windows also available.

¹² See back cover for disclosures.

## Product Specifications

Window & Patio Door Styles	Min. Width	Min. Height	Max. Width	Max. Height	Performance Class & Grade	Performance Values			Frame / Install
						U-Factor	SHGC	STC	
<b>Awning</b>	13-3/4"	13-3/4"	53"	29"	LC40-CW50	0.25-0.29	0.18-0.47	27-33	Fold-out Fin, Block Frame, EnduraClad Exterior Trim / Brickmould
<b>Precision Fit Awning</b>	17"	17"	53"	29"	R50-CW50	0.28-0.32	0.18-0.47	27-33	Pocket Replacement
<b>Casement</b>	13-3/4"	13-3/4"	41"	96"	R35-CW50	0.25-0.29	0.18-0.47	27-35	Fold-out Fin, Block Frame, EnduraClad Exterior Trim / Brickmould
<b>Precision Fit Casement</b>	17"	17"	35"	73"	R45-CW50	0.28-0.33	0.18-0.47	27-30	Pocket Replacement
<b>Fixed Casement</b>	10"	10"	144"	144"	R35-CW50	0.25-0.29	0.18-0.47	27-35	Fold-out Fin, Block Frame, EnduraClad Exterior Trim / Brickmould
<b>Precision Fit Fixed Casement</b>	17"	17"	59"	73"	R45-CW50	0.28-0.33	0.18-0.47	27-30	Pocket Replacement
<b>Double-Hung</b>	14"	24-3/8"	48"	96"	CW40-CW50	0.25-0.30	0.19-0.53	26-34	Fold-out Fin, Block Frame, EnduraClad Exterior Trim / Brickmould
<b>Precision Fit Double-Hung</b>	13-1/2"	23-3/4"	48"	84"	CW40-CW50	0.25-0.31	0.19-0.53	26-30	Pocket Replacement
<b>Monumental Hung</b>	13-3/4"	24"	72"	144"	LC25-CW50	0.25-0.30	0.17-0.47	29-34	Fold-out Fin, Block Frame, EnduraClad Exterior Trim / Brickmould
<b>In-Swing Hinged Patio Door (Single)</b>	18"	36"	48"	199-1/2"	LC40-LC55	0.25-0.29	0.14-0.40	31-32	
<b>In-Swing Hinged Patio Door (Double)</b>	36"	36"	96"	119-1/2"	LC40-LC55	0.25-0.29	0.14-0.40	31-32	
<b>Out-Swing Hinged Patio Door (Single)</b>	18"	36"	48"	119-1/2"	R50-LC70	0.25-0.30	0.14-0.39	30-32	
<b>Out-Swing Hinged Patio Door (Double)</b>	36"	36"	96"	119-1/2"	R50-LC70	0.25-0.30	0.14-0.39	30-32	
<b>Sliding Patio Door (O)</b>	30-3/4"	74"	60-3/4"	119-1/2"	LC25-LC70	0.29-0.32	0.15-0.42	—	
<b>Sliding Patio Door (OX, XO)</b>	59-1/4"	74"	119-1/2"	119-1/2"	LC25-LC70	0.29-0.32	0.15-0.42	29-35	
<b>Sliding Patio Door (OXO)</b>	90"	74"	180"	119-1/2"	LC25-LC70	0.29-0.32	0.15-0.42	—	
<b>Sliding Patio Door (OXXO)</b>	116-1/8"	74"	236-1/8"	119-1/2"	LC25-LC70	0.29-0.32	0.15-0.42	—	For more info visit PellaADM.com
<b>Multi-Slide Patio Door</b>	40-1/4"	50-1/2"	701-5/8"	119-1/2"	R15-LC25 <sup>3</sup>	0.30 - 0.36	0.15 - 0.46	—	
<b>Bifold Patio Door</b>	31-3/4"	55-1/2"	312"	119-1/2"	R15-R25 <sup>3</sup>	0.26-0.44	0.13-0.45	—	

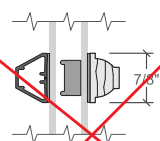
Window sizes available in 1/8" increments

Special sizes available. For more information regarding performance, visit [installpella.com/performance](http://installpella.com/performance). For more information regarding frame and installation types, visit [PellaADM.com](http://PellaADM.com).

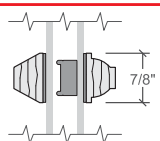
## Grilles

### Integral Light Technology®

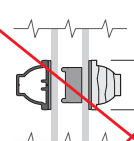
Choose the look of true divided light featuring the industry's only foam spacer.



**Putty Glaze Exterior with Ogee Interior<sup>4</sup>**  
5/8", 7/8", 1-1/4" or 2"



**Putty Glaze Exterior with Ogee Interior<sup>4</sup>**  
5/8", 7/8", 1-1/4" or 2"

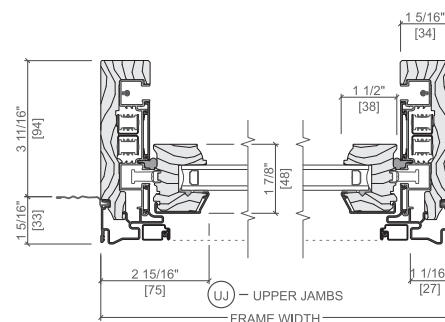


**Ogee Exterior with Ogee Interior<sup>4</sup>**  
5/8", 7/8", 1-1/4" or 2"

## Cross Sections

### Cross Sections

The double-hung cross sections provide visual reference to the historic putty exterior profile and traditional, beveled Ogee interior that add architectural interest to your project.



**Optional Fold-out Installation Fin**

<sup>3,4</sup> See back cover for disclosures.

## Window Hardware

### Classic Collection

Get a timeless look with authentic styles in classic finishes.



**Fold-away Crank**  
Antiek



**Spoon-Style Lock**

#### Finishes:



**Champagne**



**White**



**Brown**



**Matte Black**



**Oil-Rubbed Bronze**



**Satin Nickel**



**Bright Brass**



**Antique Brass**

### Rustic Collection

Create a distinct and charming look with distressed finishes.



**Fold-away Crank**  
Antiek



**Spoon-Style Lock**

#### Finishes:



**Distressed Bronze**



**Distressed Nickel**

### Essential Collection

Select from popular designs and finishes to suit every style.



**Fold-away Crank**

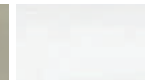


**Cam-Action Lock**

#### Finishes:



**Champagne**



**White**



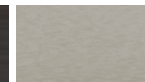
**Brown**



**Matte Black**



**Oil-Rubbed Bronze**



**Satin Nickel**



**Bright Brass**

## Patio Door Hardware

### Classic Collection

Choose timeless pieces, created in collaboration with Baldwin® Hardware, for a look that will never go out of style.

BALDWIN



**Hinged & Bifold Patio Door Handle**  
Locus | Virago



**Sliding & Multi-Slide Patio Door Handle**  
Ambrose



**Multi-Slide Patio Door Handle<sup>5,6</sup>**

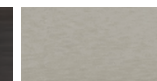
#### Finishes:



**Matte Black**



**Oil-Rubbed Bronze**



**Satin Nickel**



**Bright Brass**



**Antique Brass**

### Essential Collection

Elevate your style and transform a home with elegant selections.



**Hinged & Bifold Patio Door Handle**

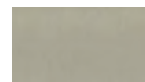


**Sliding Patio Door Handle**

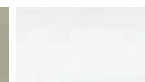


**Multi-Slide Patio Door Handle<sup>5,6</sup>**

#### Finishes:



**Champagne**



**White**



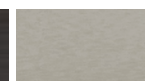
**Brown**



**Matte Black**



**Oil-Rubbed Bronze**



**Satin Nickel**



**Bright Brass**

<sup>5,6</sup> See back cover for disclosures.

## Colors

### Wood Types

Choose the wood species that best complements your project's interior.

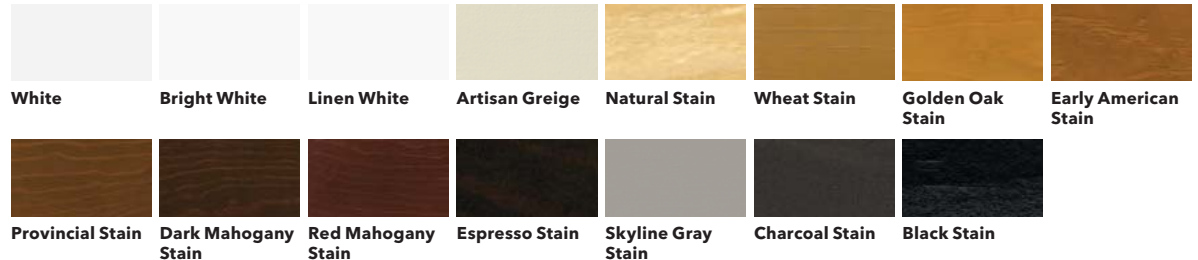


#### Custom solutions:



### Prefinished Pine Interior Colors

Custom interior finishes, unfinished or primed and ready-to-paint are also available.



### Extruded Aluminum Clad Exterior Colors

Our low-maintenance EnduraClad® exterior finish resists fading. Take durability one step further with EnduraClad Plus which also resists chalking and corrosion.<sup>7</sup>



Custom colors are also available.

## Added Peace of Mind

### Integrated Security Sensors

Integrated wireless security sensors maintain aesthetics, streamline security installation and ensure no warranty loss is caused by post-installation drilling. Sensors can be monitored via the free Pella® Insynctive® App and are compatible with major security panel systems.<sup>8</sup> For more information, go to [connectpella.com](http://connectpella.com).



### The confidence of Pella's warranty.

Pella® Reserve™ products are covered by the best limited lifetime warranty for wood windows and patio doors.<sup>2</sup>

<sup>1</sup> Some Pella products may not meet ENERGY STAR® guidelines in Canada. For more information, contact your local Pella sales representative or go to [energystar.gc.ca](http://energystar.gc.ca).

<sup>2</sup> Based on comparing written limited warranties of leading national wood window and wood patio door brands. See written limited warranty for details, including exceptions and limitations, at [installpella.com/warranties](http://installpella.com/warranties) or contact Pella Customer Service.

<sup>3</sup> Ratings are contingent on product configurations.

<sup>4</sup> Color-matched to your product's interior and exterior color.

<sup>5</sup> Flush multi-slide handle is a Pella exclusive design.

<sup>6</sup> Flush multi-slide handle is not available in Antique Brass, Champagne or Polished Nickel.

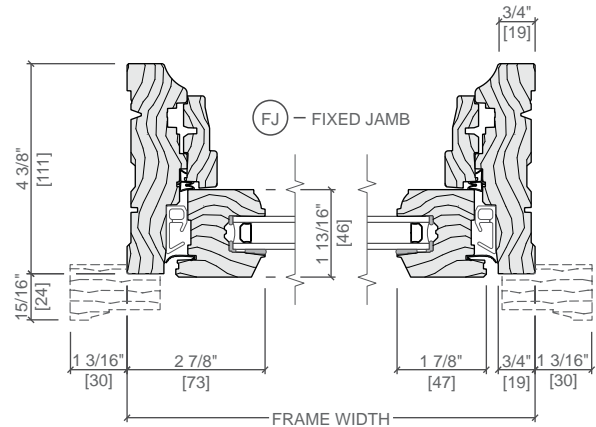
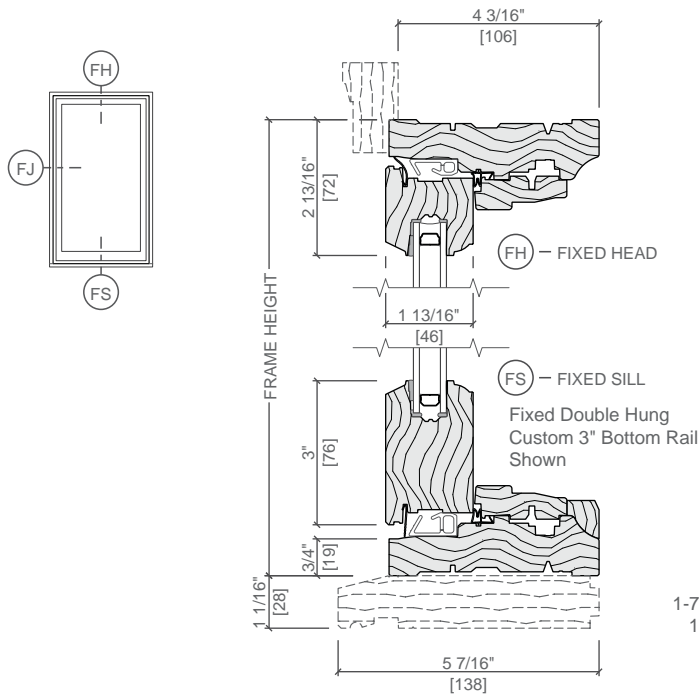
<sup>7</sup> EnduraClad Plus protective finish is not available with all colors. See your local Pella sales representative for availability.

<sup>8</sup> Requires the Insynctive App on a smart device, an Insynctive Bridge and a wireless home router with internet connection.

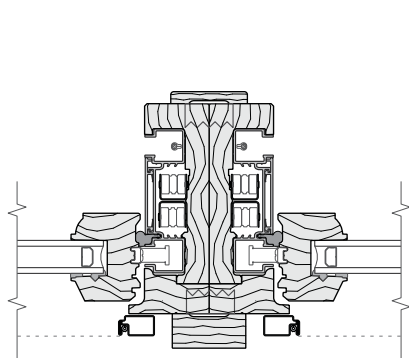
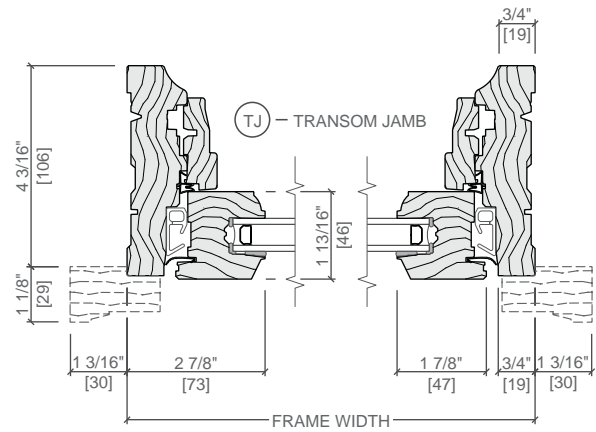
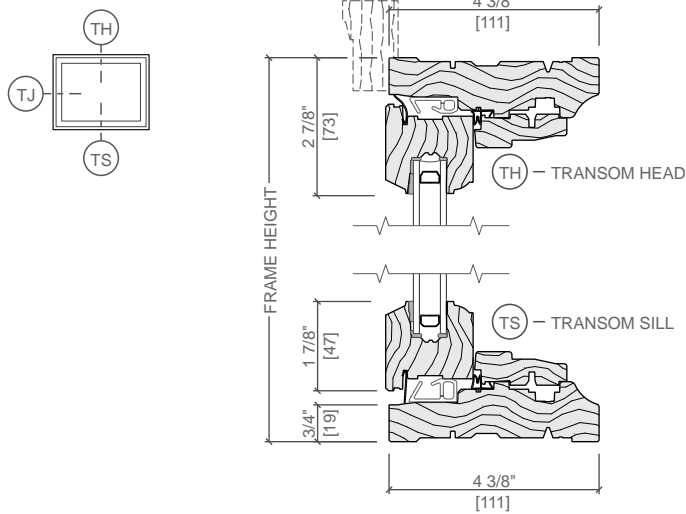


# Pella® Reserve™ Traditional Hung Window

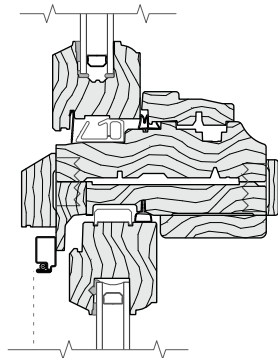
## Unit Sections - Wood Exterior Putty Glaze Exterior Profile



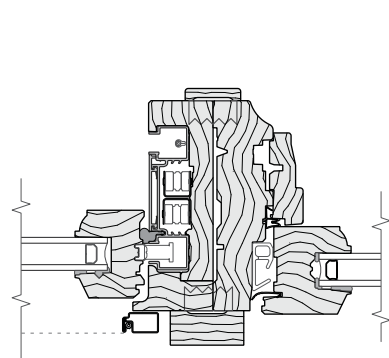
1-78" Brickmould #3443  
1-1/8" Subsill #3544  
Shown



VERTICAL JOINING MULLION  
LX VENT / LX VENT



HORIZONTAL JOINING MULLION  
TRANSOM / VENT



VERTICAL JOINING MULLION  
LX VENT / FIXED

Scale 3" = 1' 0"

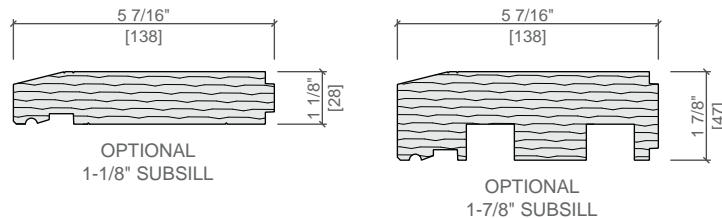
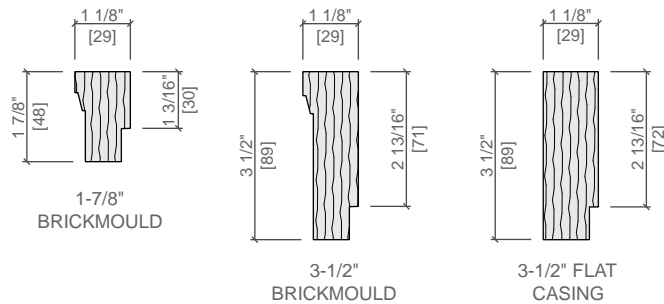
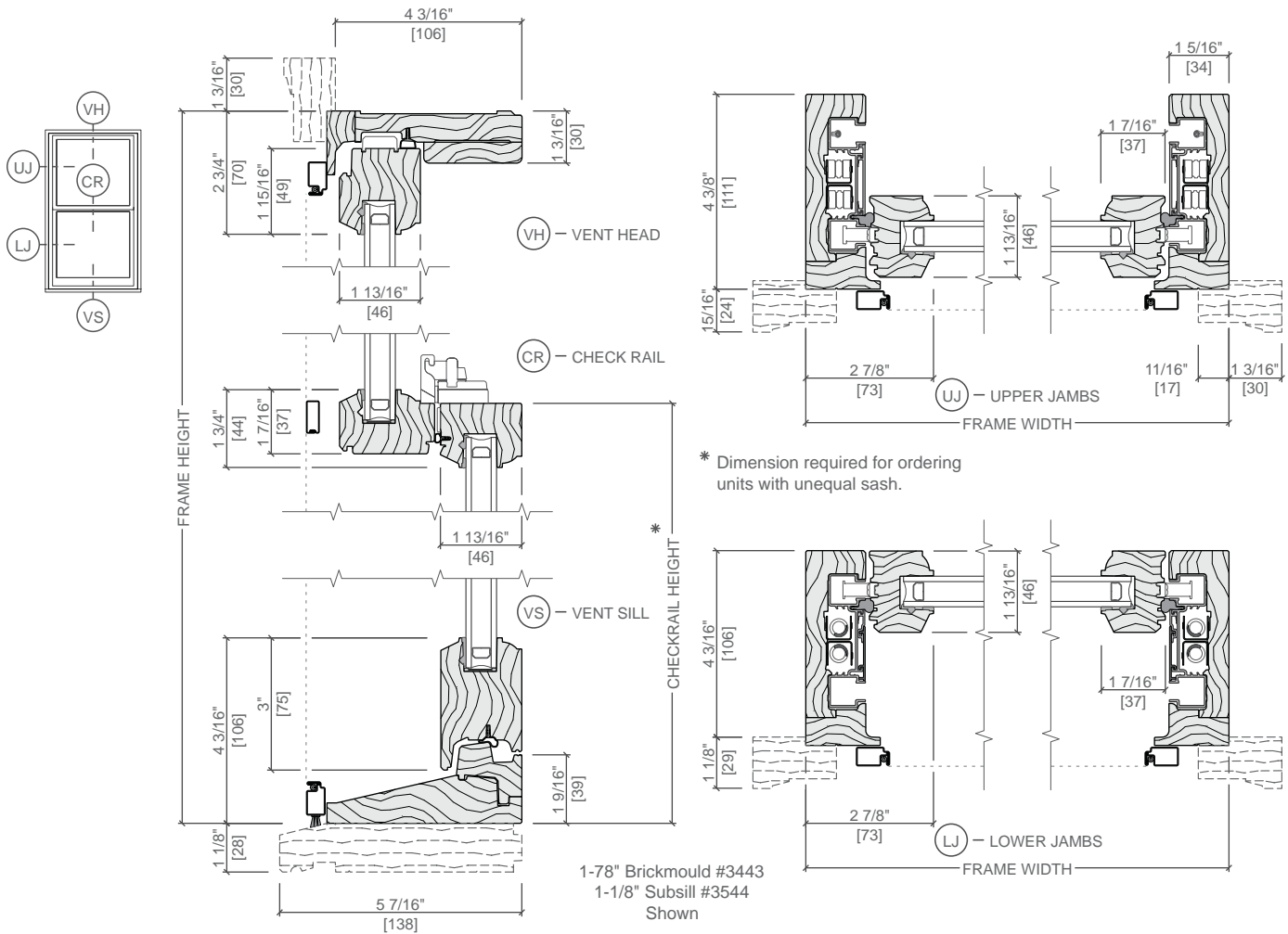
All dimensions are approximate.

See [www.Pella.com](http://www.Pella.com) for mullion limitation and reinforcing requirements.



# Pella® Reserve™ Traditional Hung Window

## Unit Sections - Wood Exterior Putty Glaze Exterior Profile



Scale 3" = 1' 0"

All dimensions are approximate.



## Appendix C- Documentation of Windows at Mason-Girardot Manor

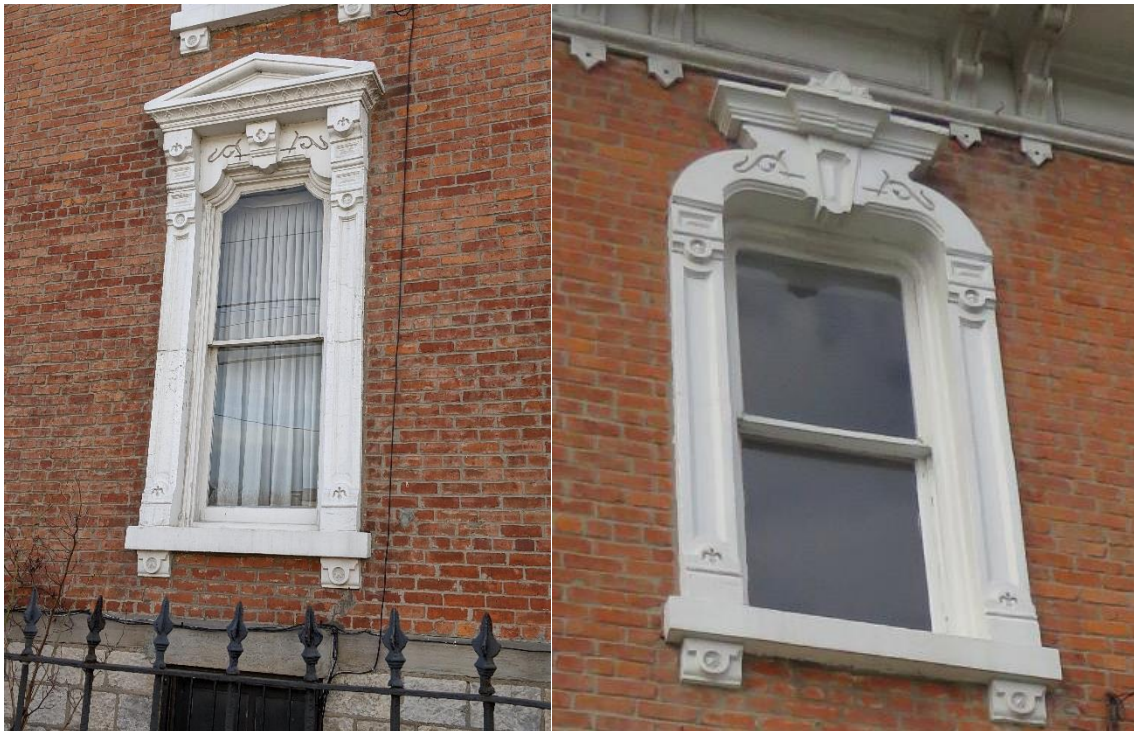


View from Peter Street taken in March 2020 (porch and other items temporarily removed to be restored)





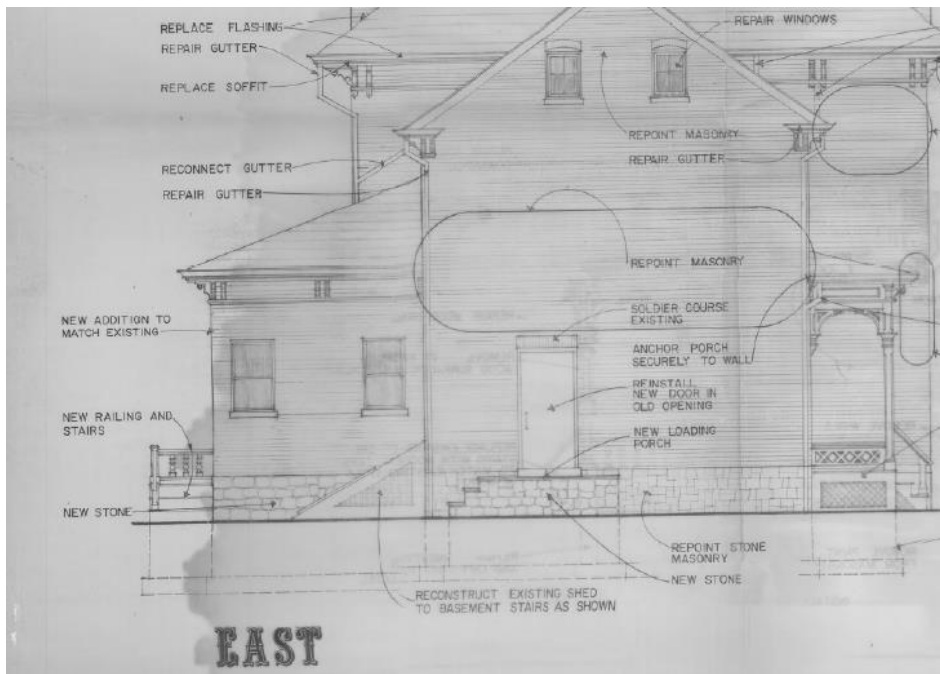
Bay window (on left) and specialty triple rounded window at northwest portion of building (right)



Other original windows



Original windows on the south elevation (on left), and addition on right is not original.

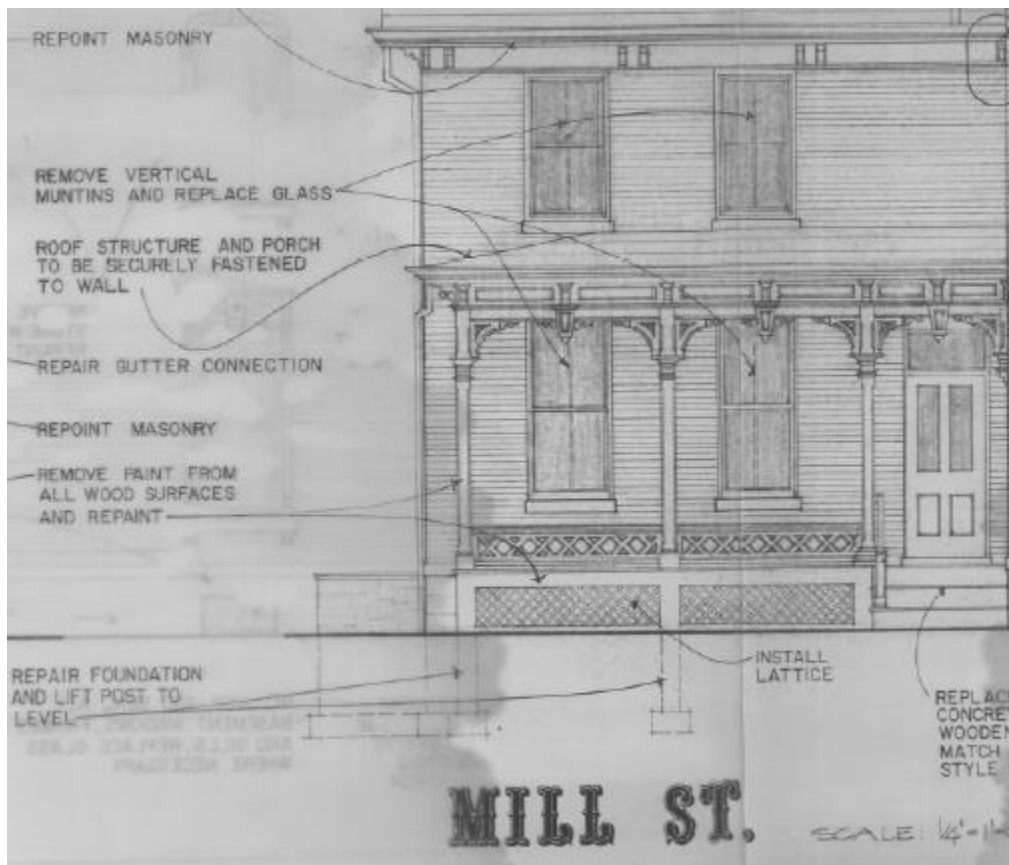


1980s Drawing showing changes through construction of new addition at the rear of the property (and therefore unoriginal windows).





New windows proposed in previous openings on the East Elevation will match traditional styles (on left). Current appearance of unoriginal windows in the 3<sup>rd</sup> floor dormers on right (decorative moulding and mock keystone will be restored).



1980s Drawing showing previous changes to windows (removal of vertical muntins and replacement of glass) on the Mill Street/North Elevation



Photo from the 1950s taken from the northeast corner of the property, showing the double hung windows at Mill street Porch side with vertical muntins (Source: Windsor Public Library)



Current view of windows at the Mill Street Porch side/part of the North Elevation



**Committee Matters: SCM 284/2020**

**Subject: Close and Convey Part of Daytona Avenue, West of 2640 Sorrento Court, South of Grand Marais Road West - Applicants: Namir Chahine and Racha Younes - SAA/5916 - Ward 1**

Moved by: Councillor Holt

Seconded by: Councillor Sleiman

Decision Number: **DHSC 199**

- I. THAT the portion of the 7.01 metre wide north/south portion of Daytona Avenue located west of 2640 Sorrento Court and, south of Grand Marais Road West and shown as "Part 1" on Drawing No. CC-1763 *attached* as Appendix 'A', **BE ASSUMED** for subsequent closure.
- II. THAT the portion of the 7.01 metre wide north/south portion of Daytona Avenue located west of 2640 Sorrento Court and, south of Grand Marais Road West and shown as "Part 1" on Drawing No. CC-1763 *attached* as Appendix 'A', **BE CLOSED AND CONVEYED** to the applicant, and adjusted as necessary, in a manner deemed appropriate by the City Planner.
- III. THAT Conveyance Cost **BE SET** at \$217.55 per square metre.
- IV. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing Number CC-1763, *attached* as Appendix "A".
- V. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
- VI. THAT The Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.
- VII. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.

Carried.

Report Number: S 119/2020

Clerk's File: SAA2020

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

**Subject: Close and Convey Part of Daytona Avenue, West of 2640 Sorrento Court, South of Grand Marais Road West - Applicants: Namir Chahine and Racha Younes - SAA/5916 - Ward 1**

**Reference:**

Date to Council: September 21, 2020  
Author: Christopher Aspila MCIP, RPP  
Senior Planner - Policy & Special Studies  
Phone: 519-255-6543 x6446  
Email: caspila@citywindsor.ca  
Planning & Building Services  
Report Date: September 1, 2020  
Clerk's File #: SAA2020

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

**Recommendations:**

- I. That the portion of the 7.01 metre wide north/south portion of Daytona Avenue located west of 2640 Sorrento Court and, south of Grand Marais Road West and shown as "Part 1" on Drawing No. CC-1763 *attached* as Appendix 'A', **BE ASSUMED** for subsequent closure.
- II. That the portion of the 7.01 metre wide north/south portion of Daytona Avenue located west of 2640 Sorrento Court and, south of Grand Marais Road West and shown as "Part 1" on Drawing No. CC-1763 *attached* as Appendix 'A', **BE CLOSED AND CONVEYED** to the applicant, and adjusted as necessary, in a manner deemed appropriate by the City Planner.
- III. THAT Conveyance Cost **BE SET** at \$217.55 per square metre.
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- VI. THAT The Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.
- VII. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.



## Executive Summary:

N/A

## Background:

Namir Chahine and Racha Younes, owners of the property known as 2640 Sorrento Court, applied to close the portion of the 7.01 metre wide north/south right-of-way known as Daytona Avenue abutting the western property line of 2640 Sorrento Court, as shown as “Part 1” and “Part 2” on Drawing No. CC-1763, *attached* as Appendix ‘A’.

The north/south right-of-way is comprised of grass and an MTO owned concrete wall is located at south of “Part 1” and north of “Part 2” on Drawing No. CC-1763, attached as Appendix ‘A’.

The portion of the Daytona Avenue right-of-way shown as “Part 2” on Drawing CC-1763 is located on the west and south side of a concrete wall, and the lands are owned by the province as part of the Rt. Hon. Herb Grey Parkway. Therefore, the City has no jurisdiction over these lands.

A swing set and trampoline are encroaching on the subject right-of-way. Review of historical aerial photographs indicates that encroachments have been present since at least 2004.

The applicant wants the alley closed for safety, provision of a playground for their children, and to maintain a landscaped area.

## Discussion:

Planning Department’s analysis of the requested alley closures:

The first test is to determine whether the subject alley is dispensable. To make such determination the guideline attached herein as Appendix ‘E’ would be relevant as shown below:

- a. *Does the subject alley serve commercial properties?*

The answer is **NO**.

- b. *Does the subject alley serve properties fronting on heavily traveled streets i.e. major arterial routes?*

The answer is **NO**.

- c. *Does the subject alley contain sewers, and must the alley remain accessible for servicing?*

The answer is **NO**.

- d. *Does the subject alley serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive?*

The answer is **NO**.

- e. *Does the subject alley contain Fire Department connections that are deemed to be necessary for firefighting access?*

The answer is **NO**.

Based on the above, the Planning Division deems the portion of the north/south Daytona Avenue right-of-way, west of 2640 Sorrento Court, south of Grand Marais Road West as shown as "Part 1" on Drawing CC-1763 as "Dispensable".

It is noted that the MTO acquired a 0.3m wide property located between the MTO fence and the fence encroaching along the westerly boundary of "Part 1" as shown on Drawing CC-1763. This MTO property was formerly within the Daytona Avenue right-of-way. This property was acquired by the province by expropriation plan CE422508.

The recommendation is to close and convey "Part 1" of the Daytona Avenue right-of-way as shown on Drawing CC-1763 of the right-of-way to the applicant.

### **Risk Analysis:**

The recommended closure will divest the City of associated liability risks and maintenance costs.

### **Financial Matters:**

The conveyance cost for this right-of-way be set at \$217.55 per square metre.

### **Consultations:**

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

Public Works – Engineering requested that the subject closure be amended to exclude "Part 2" of the Daytona Avenue right-of-way as shown on Drawing CC-1763.

There were no objections from the municipal departments and utility companies for the requested alley closure.

No easements were requested by utility companies.

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

## Conclusion:

The Planning Division recommends closure of the portion of the north/south alley shown on attached Appendix 'A'.

The closed portion is to be conveyed to the applicant as in Recommendation II of this report.

## Planning Act Matters:

N/A

## Approvals:

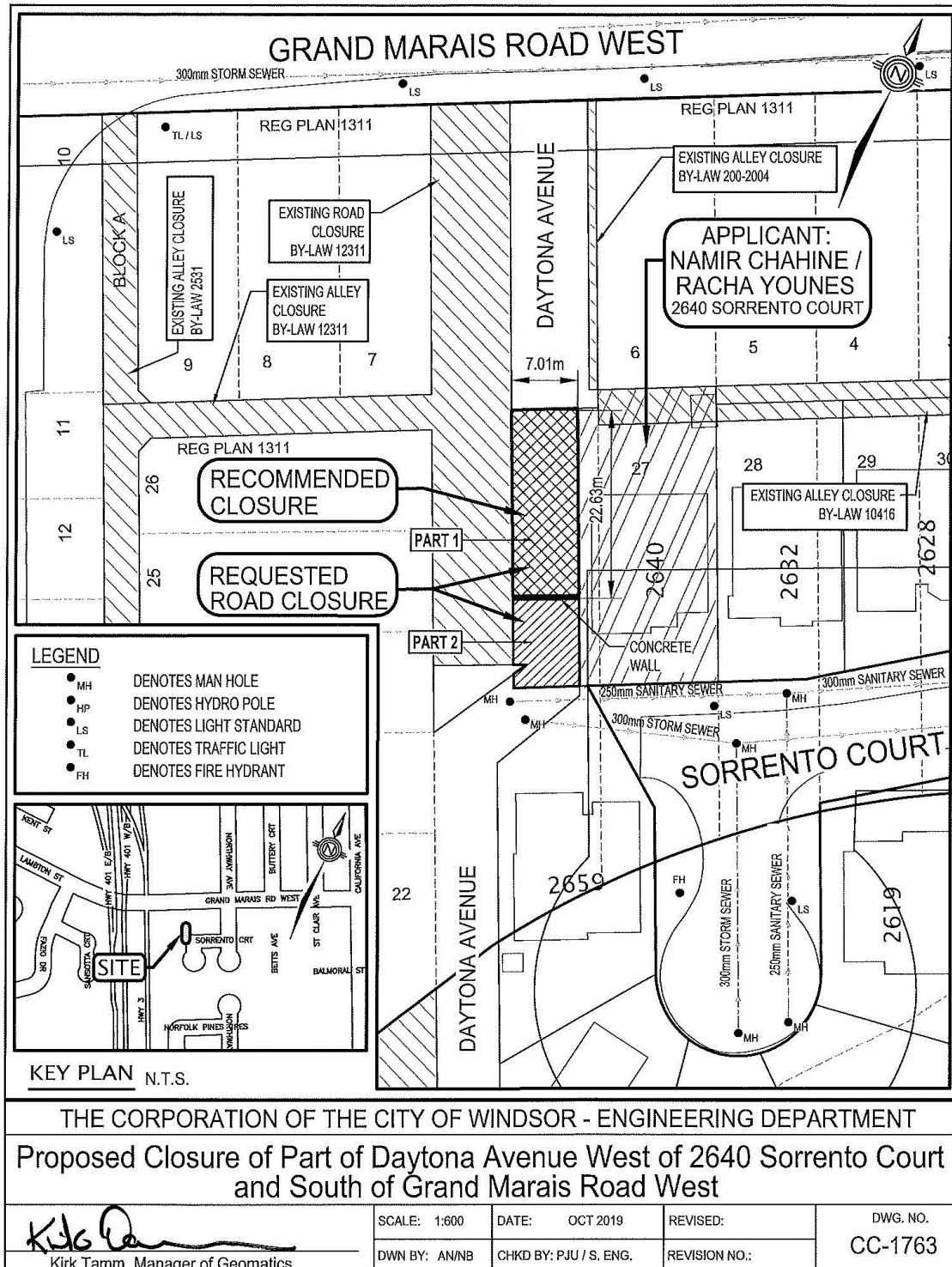
Name	Title
Michael Cooke	Manager of Planning Policy/Deputy City Planner
Thom Hunt	City Planner / Executive Director Planning & Building
Wira Vendrasco	Deputy City Solicitor
Shelby Askin Hager	City Solicitor and Corporate Leader Economic Development and Public Safety
Onorio Colucci	Chief Administrative Officer

## Notifications:

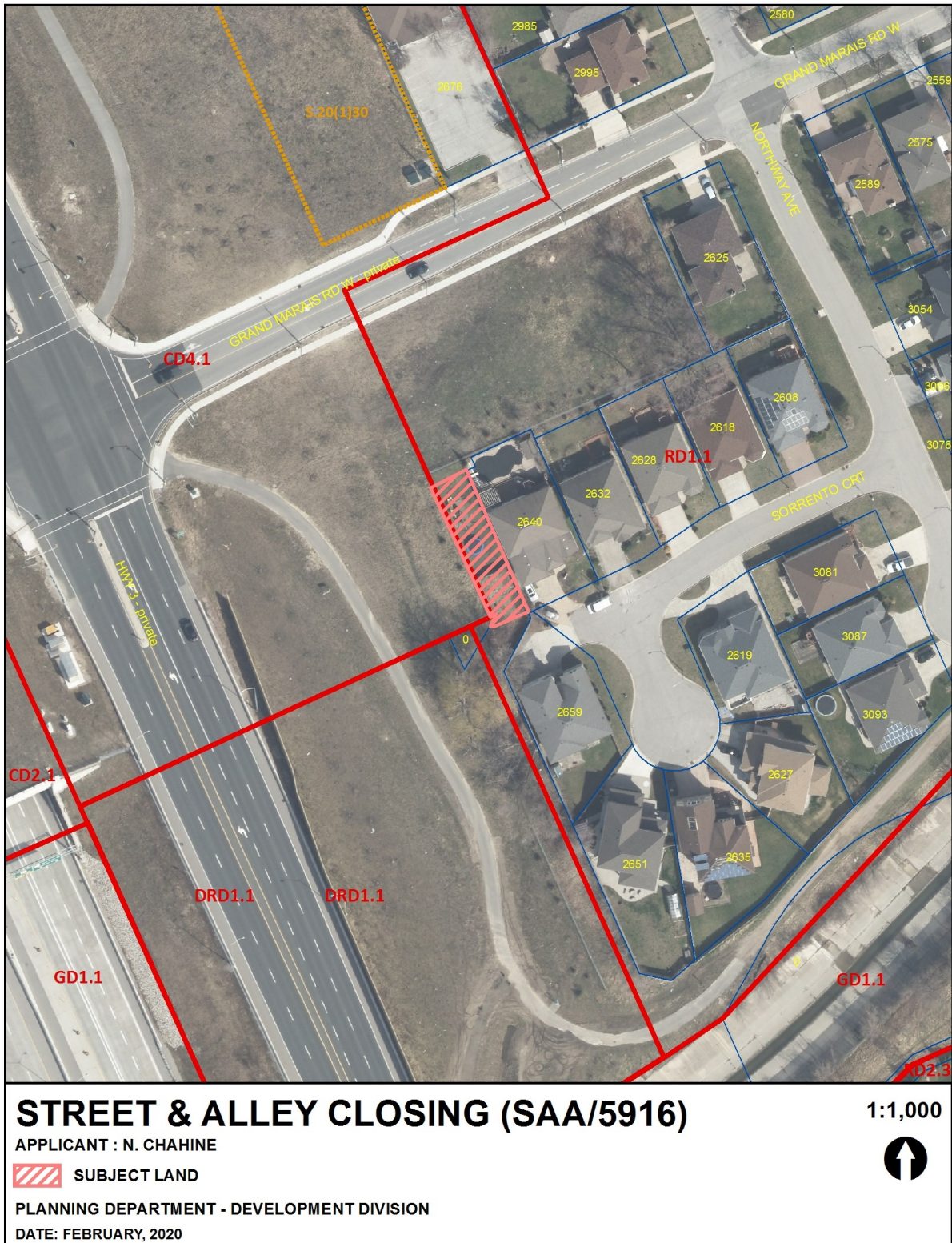
Name	Address	Email
Councillor Fred Francis	350 City Hall Square W., Suite 220, Windsor Ontario N9A 6S1	fFrancis@citywindsor.ca
Namir Chahine and Racha Younes	2640 Sorrento Court, Windsor Ontario N9E 4V6	namirchahine@hotmail.com
MTO – Bonnie Baker		Bonnie.L.Baker@ontario.ca

## Appendices:

- 1 Appendix 'A' - Drawing CC-1763
- 2 Appendix 'B' - Aerial Photo
- 3 Appendix 'C' - Consultations Table
- 4 Appendix 'D' – Site Visit Photos
- 5 Appendix 'E' - Classification of Alleys and Suitability for Closure



## Appendix 'B' – Aerial Photo





Agency	Comments
Fire and Rescue Services	No comments received.
Windsor Police Services	The Windsor Police Service has no concerns or objections with the requested closure of this alley. This alley is not required for police patrol or incident response purposes and the outcome from the closure will therefore not negatively affect our service delivery in any way.
Planning – Landscape Architect	No comments received.
Parks & Facilities	No comments received.
Public Works – Engineering	The subject alley closure is approximately 6.37m (20.9ft) wide, and is composed of grass. There are no hydro poles, guy wires, or overhead wires located in the alley. There are no sewers, manholes, or catchbasins located in the alley closure. An MTO owned concrete wall is located within the subject closure, it is requested that the subject closure area be amended to avoid the wall. There appears to be trampoline and swing set encroachments from 2640 Sorrento Crt within the closure. This alley appears to serve no useful purpose by CR146/2005; therefore, we have no objections to the closure of this alley.
Public Works – Environmental	No comments received.
Public Works – Transportation	Closing the area shown will have no effect on pedestrians or vehicles. No concerns. Mike Spagnuolo – Traffic Operations
Transit Windsor	No comments received.
Bell Canada	Bell Canada has no concerns with the proposed closure of north/south alley west of 2650 Sorrento Crt, SAA/5916
Cogeco Cable Systems Inc.	Cogeco does not require an easement for this location.
Canada Post	Canada Post has no comments for the attached application
Rogers Communications	No comments received.
Telus Communications	TELUS has no infrastructure in the area of your proposed work. Permit expires six (6) months from approval date
MNSi	MNSi has no concerns nor do we require an easement through this area.
EnWin Utilities – Hydro	No Objections
Windsor Utilities – Water	No Objections
Endridge Gas	I can confirm that Enbridge Gas Inc. (formerly Union Gas Limited) does not have any facility located within the subject property.
Legal Department	The proposed area of closure is part of Daytona Avenue. The conveyance price is set at \$217.55 per square metre.
OTHER:	



## Appendix 'D' Site Visit Photos



1. Looking northwest towards the Daytona Ave. Right-of-Way from Sorrento Court.



2. Looking east towards the Daytona Ave. Right-of-Way from the pathway adjacent to the Rt. Hon Herb Gray Parkway.





3. Looking south towards the Daytona Ave. Right-of-Way from Grand Marais Rd W.

**Classification of Public Rights-of-Ways:**

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

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

**Suitability for Closing:**

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

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



**Committee Matters: SCM 285/2020**

**Subject: Close and Convey the North/South Alley Between Northwood Street and EC Row Expressway, East of Rankin Avenue and West of Partington Avenue - SAA/6065 - Applicant: South Windsor Development Co. - Ward 10**

Moved by: Councillor Morrison  
Seconded by: Councillor Holt

Decision Number: **DHSC 200**

- I. THAT the portion of the 4.27 metre wide north/south alley located between Northwood Street and EC Row Expressway, east of Rankin Avenue and West of Partington Avenue, and shown on Drawing No. CC-1772 attached as Appendix "A", **BE ASSUMED** for subsequent closure.
- II. THAT the portion of the 4.27 metre wide north/south alley located between Northwood Street and EC Row Expressway, east of Rankin Avenue and West of Partington Avenue, and shown on Drawing No. CC-1772 attached as Appendix "A", **BE CLOSED AND CONVEYED** in two equal halves, along the centre of the subject alley, to the abutting property owners, subject to the following:
  - a) Easement, subject to their being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
    - Bell Canada, MNSi and Enwin Utilities Ltd.
- III. THAT Conveyance Cost **BE SET** as follows:
  - a. For alley abutting lands zoned Residential RD1.1 or Holding Residential HRD1.2: \$1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
- IV. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing Number CC-1772, *attached* as Appendix "A".
- V. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
- VI. THAT The Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.

VII. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.  
Carried.

Report Number: S 122/2020  
Clerk's File: SAA2020

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



**Subject: Close and Convey the North/South Alley Between Northwood Street and EC Row Expressway, East of Rankin Avenue and West of Partington Avenue - SAA/6065 - Applicant: South Windsor Development Co. - Ward 10**

**Reference:**

Date to Council: September 21, 2020  
Author: Christopher Aspila MCIP, RPP  
Senior Planner - Policy & Special Studies  
Phone: 519-255-6543 x6446  
Email: caspila@citywindsor.ca  
Planning & Building Services  
Report Date: September 1, 2020  
Clerk's File #: SAA2020

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

**Recommendation:**

- I. That the portion of the 4.27 metre wide north/south alley located between Northwood Street and EC Row Expressway, east of Rankin Avenue and West of Partington Avenue, and shown on Drawing No. CC-1772 attached as Appendix "A", **BE ASSUMED** for subsequent closure.
- II. That the portion of the 4.27 metre wide north/south alley located between Northwood Street and EC Row Expressway, east of Rankin Avenue and West of Partington Avenue, and shown on Drawing No. CC-1772 attached as Appendix "A", **BE CLOSED AND CONVEYED** in two equal halves, along the centre of the subject alley, to the abutting property owners, subject to the following:
  - a) Easement, subject to their being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
    - Bell Canada, MNSi and Enwin Utilities Ltd.
- III. THAT Conveyance Cost **BE SET** as follows:
  - a. For alley abutting lands zoned Residential RD1.1 or Holding Residential HRD1.2: \$1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

- IV. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing Number. CC-1772, *attached* as Appendix "A".
- V. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
- VI. THAT The Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.
- VII. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.

### **Executive Summary:**

N/A

### **Background:**

South Windsor Development Co. owns three properties on the west side of Partington Avenue, south of Northwood Street. Agent Karl Tanner on behalf South Windsor applied to close the 4.27 metres wide north/south alley between Northwood Street and EC Row Expressway, east of Rankin Avenue and West of Partington Avenue, and shown on Drawing No. CC-1772 attached as Appendix "A".

The surface of the alley is composed of grass and does not appear to be travelled by vehicles. There are existing encroachments on the subject alley.

The applicant is requesting to close the alley to increase lot sizes on the properties that they own.

### **Discussion:**

Planning Department's analysis of the requested alley closures:

The first test is to determine whether the subject alley is dispensable. To make such determination the guideline *attached* herein as Appendix "E" would be relevant as shown below:

a. *Does the subject alley serve commercial properties?*

The answer is **NO**.

b. *Does the subject alley serve properties fronting on heavily traveled streets i.e. major arterial routes?*

The answer is **NO**.

c. *Does the subject alley contain sewers, and must the alley remain accessible for servicing?*

The answer is **NO**.

- d. *Does the subject alley serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive?*

The answer is **NO**.

- e. *Does the subject alley contain Fire Department connections that are deemed to be necessary for firefighting access?*

The answer is **NO**.

Based on the above, the Planning Division deems the subject north/south alley “dispensable”, and supports the requested closure.

The Planning Division notes that alleys are typically conveyed in equal halves to abutting property owners.

### **Risk Analysis:**

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

### **Financial Matters:**

For alleys abutting lands zoned Residential RD1.1 or Holding Residential HRD1.2, \$1.00, plus deed preparation, plus proportionate survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

### **Consultations:**

Consultations were held with Municipal Departments and Utility Companies, which resulted in the information found in *attached* Appendix “C”.

There were no objections from the municipal departments and utility companies for the requested alley closure.

Bell Canada, MNSi and EnWin Utilities Ltd. have requested easements in the subject area of closure.

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

## Conclusion:

The Planning Division recommends closure of the portion of the north/south alley shown on attached Appendix "A", subject to easements as in Recommendation II of this report, in favour of Bell Canada, MNSi and EnWin Utilities Ltd.

The closed portion is to be conveyed to the abutting property owners in equal halves as stated in Recommendation II of this report.

## Planning Act Matters:

N/A

## Approvals:

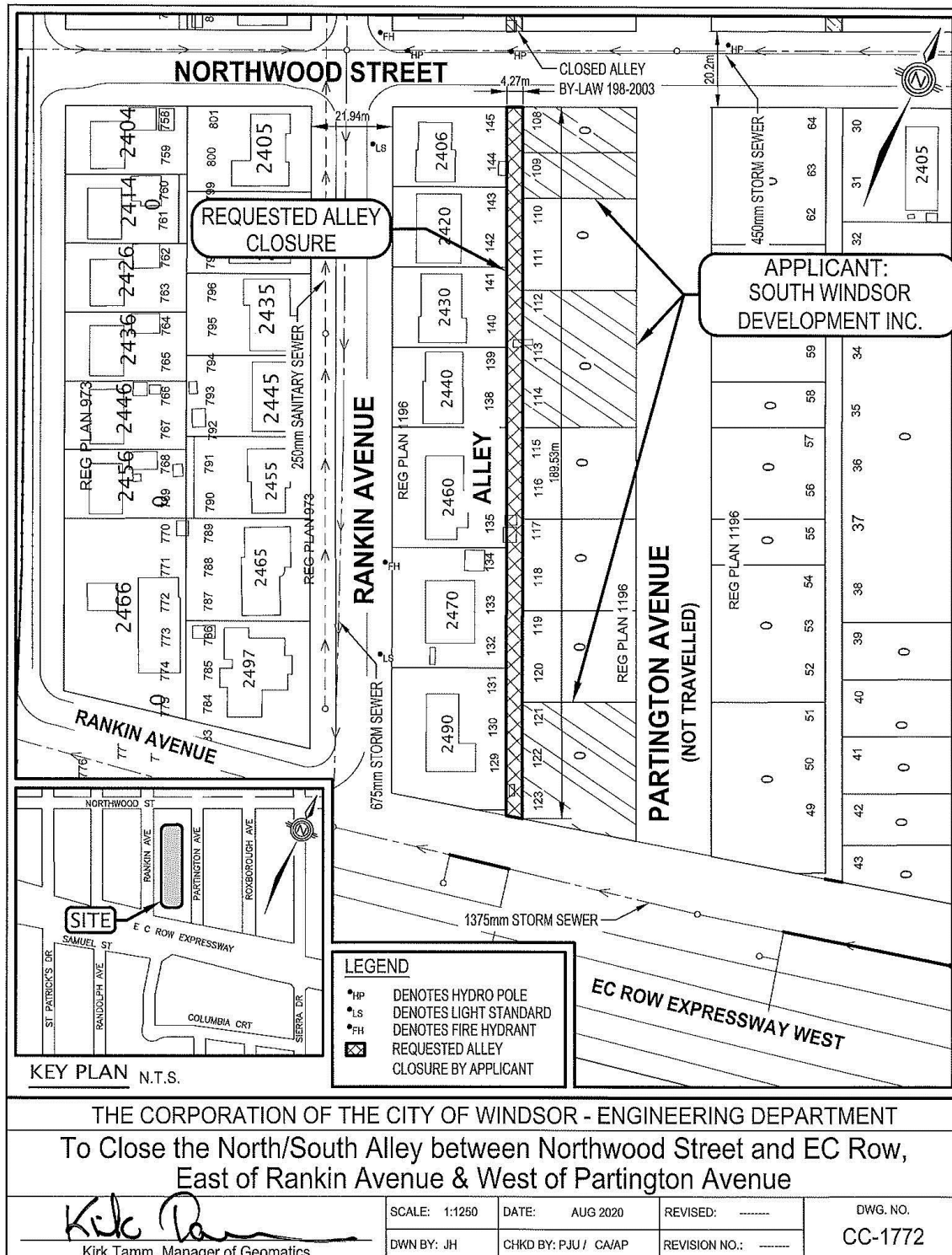
Name	Title
Michael Cooke	Manager of Planning Policy / Deputy City Planner
Thom Hunt	City Planner / Executive Director Planning & Building
Wira Vendrasco	Deputy City Solicitor
Shelby Askin Hager	City Solicitor and Corporate Leader Economic Development and Public Safety
Onorio Colucci	Chief Administrative Officer

## Notifications:

Name	Address	Email
Councillor Jim Morrison	City Hall Square W., Suite 220, Windsor Ontario N9A 6S1	jmorrisson@citywindsor.ca
Mailing List		

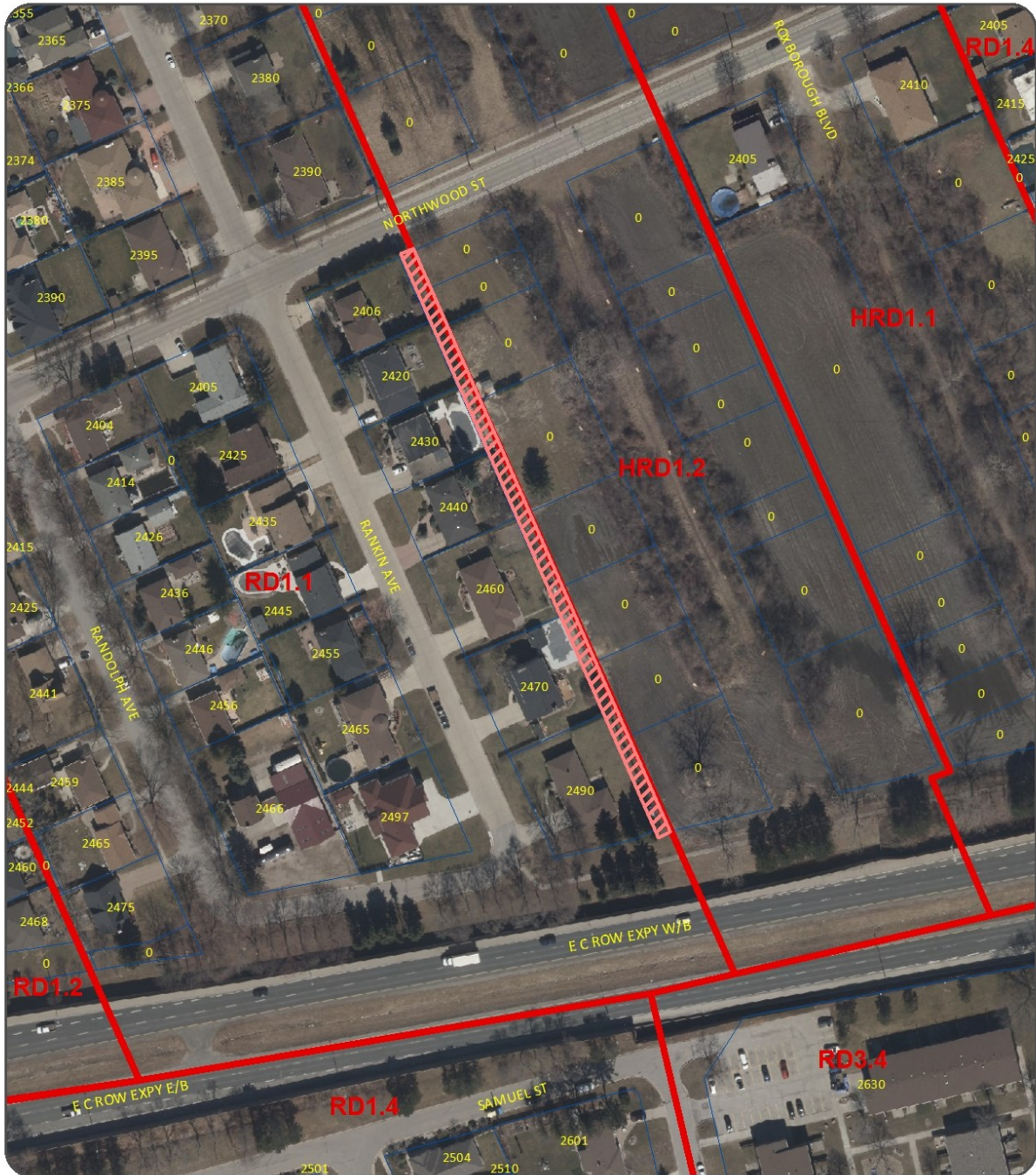
## Appendices:

- 1 Appendix A - Drawing No. CC-1772
- 2 Appendix B - Aerial Photo
- 3 Appendix C - Consultations
- 4 Appendix D - Site Photos
- 5 Appendix E - Classification of Alleys





## Appendix 'B' – Aerial Photo



### STREET & ALLEY CLOSING (SAA/6065)

APPLICANT : SOUTH WINDSOR DEVELOPMENT

 SUBJECT LAND

PLANNING DEPARTMENT - DEVELOPMENT DIVISION

DATE: JULY, 2020

1:1,500





## Appendix 'C' – Consultations Table

Agency	Comments
Fire and Rescue Services	No concerns on closure from WFRS. John Lee – Chief Fire Prevention Officer
Windsor Police Services	The Windsor Police Service has no concerns or objections with the closure being requested. Specifically, the outcome from the closure of this particular alley will not inhibit or diminish proper police emergency response capability or general patrol activities to the area in any way.
Planning – Landscape Architect	There is a significant number of trees on the properties immediately to the east of the closure that will be impacted by any development by the application. There does not appear to be any significant to impact to trees or future bikeways by the requested alley closure. Therefore, there are no objections to the application from a Landscape Architectural perspective.
Parks & Facilities	No objections or comments.
Public Works – Engineering	The subject alley closure is approximately 4.27m (14ft) wide, and is composed of grass. There are no sewers, manholes, or catchbasins located in the alley closure. There are wooden hydro poles, guy-wires, or overhead wires located in the alley. An easement will be required for utilities. This alley appears to serve no useful purpose by CR146/2005; therefore, we have no objections to the closure of this alley.
Public Works – Environmental	No concerns from Environmental Services
Public Works – Transportation	Alley is not currently used for pedestrian or vehicular access. No concerns with closing the alley as proposed. Mike Spagnuolo – Traffic Operations.
Transit Windsor	No response received.
Bell Canada	Bell Canada requests an easement over the entire alley, or a 3.0m wide strip, 1.5m on either side of the aerial facilities for the length of the alley.
Cogeco Cable Systems Inc.	No response received.
Canada Post	No response received.
Rogers Communications	No response received.
Telus Communications	TELUS has no infrastructure in the area of your proposed work. Permit expires six(6) months from approval date.
MNSi	MNSi will require and aerial easement through this entire alley closing
EnWin Utilities – Hydro	No objection, however, an easement named to ENWIN Utilities Ltd. is required for the entire north/south alley upon closing to accommodate existing overhead 120/240 volt hydro distribution, poles and down guy wires.
Windsor Utilities – Water	Water Engineering has no objections.
Union Gas	Our records indicate we have no active infrastructure in the area identified in the document. Therefore we have no concerns.

Legal Department	For alley abutting lands zoned RD1.1 or HRD1.2: \$1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
OTHER:	

## Appendix 'D' – Site Photos



1. Looking south towards the alley from Northwood Street.

**Classification of Public Rights-of-Ways:**

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

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

**Suitability for Closing:**

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

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



**Committee Matters: SCM 286/2020**

**Subject: Close and Convey the North/South Alley between Northwood Street and EC Row Expressway, East of Partington Avenue and West of Roxborough Boulevard - SAA/6066 - Applicant: South Windsor Development Co. - Ward 10**

Moved by: Councillor Morrison  
Seconded by: Councillor Sleiman

Decision Number: **DHSC 201**

- I. THAT the portion of the 4.27 metre wide north/south alley located between Northwood Street and EC Row Expressway, east of Partington Avenue and West of Roxborough Boulevard, and shown on Drawing No. CC-1773 attached as Appendix "A", **BE ASSUMED** for subsequent closure.
- II. THAT the portion of the 4.27 metre wide north/south alley located between Northwood Street and EC Row Expressway, east of Partington Avenue and West of Roxborough Boulevard, and shown on Drawing No. CC-1773 attached as Appendix "A", **BE CLOSED AND CONVEYED** in two equal halves, along the centre of the subject alley, to the abutting property owners, subject to the following:
  - a) Easement, subject to their being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
    - Enwin Utilities Ltd.
- III. THAT Conveyance Cost **BE SET** as follows:
  - a. For alley abutting lands zoned Holding Residential HRD1.1 or Holding Residential HRD1.2: \$1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
- IV. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing Number. CC-1773, *attached* as Appendix "A".
- V. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).

- VI. THAT The Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.
- VII. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.  
Carried.

Report Number: S 123/2020  
Clerk's File: SAA2020

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



**Subject: Close and Convey the North/South Alley Between Northwood Street and EC Row Expressway, East of Partington Avenue and West of Roxborough Boulevard - SAA/6066 - Applicant: South Windsor Development Co. - Ward 10**

**Reference:**

Date to Council: September 21, 2020  
Author: Christopher Aspila MCIP, RPP  
Senior Planner - Policy & Special Studies  
Phone: 519-255-6543 x6446  
Email: caspila@citywindsor.ca  
Planning & Building Services  
Report Date: September 1, 2020  
Clerk's File #: SAA2020

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

**Recommendation:**

- I. That the portion of the 4.27 metre wide north/south alley located between Northwood Street and EC Row Expressway, east of Partington Avenue and West of Roxborough Boulevard, and shown on Drawing No. CC-1773 attached as Appendix "A", **BE ASSUMED** for subsequent closure.
- II. That the portion of the 4.27 metre wide north/south alley located between Northwood Street and EC Row Expressway, east of Partington Avenue and West of Roxborough Boulevard, and shown on Drawing No. CC-1773 attached as Appendix "A", **BE CLOSED AND CONVEYED** in two equal halves, along the centre of the subject alley, to the abutting property owners, subject to the following:
  - a) Easement, subject to their being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
    - Enwin Utilities Ltd.
- III. THAT Conveyance Cost **BE SET** as follows:
  - a. For alley abutting lands zoned Holding Residential HRD1.1 or Holding Residential HRD1.2: \$1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

- IV. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing Number. CC-1773, *attached* as Appendix “A”.
- V. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
- VI. THAT The Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.
- VII. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.

### **Executive Summary:**

N/A

### **Background:**

South Windsor Development Co. owns 3 properties on the east side of Partington Avenue, south of Northwood Street and 5 properties on the west side of Roxborough Boulevard, south of Northwood Street. Agent Karl Tanner on behalf South Windsor applied to close the 4.27 metres wide north/south alley between Northwood Street and EC Row Expressway, east of Partington Avenue and west of Roxborough Boulevard, and shown on Drawing No. CC-1773 attached as Appendix “A”.

The surface of the alley is composed of grass and does not appear to be travelled by vehicles. There is a wooden hydro pole with overhead wires located at the north end of the alley. The applicant is requesting to close the alley to increase lot sizes on their properties.

### **Discussion:**

Planning Department’s analysis of the requested alley closures:

The first test is to determine whether the subject alley is dispensable. To make such determination the guideline *attached* herein as Appendix “E” would be relevant as shown below:

a. *Does the subject alley serve commercial properties?*

The answer is **NO**.

b. *Does the subject alley serve properties fronting on heavily traveled streets i.e. major arterial routes?*

The answer is **NO**.

c. *Does the subject alley contain sewers, and must the alley remain accessible for servicing?*

The answer is **NO**.

- d. *Does the subject alley serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive?*

The answer is **NO**.

- e. *Does the subject alley contain Fire Department connections that are deemed to be necessary for firefighting access?*

The answer is **NO**.

Based on the above, the Planning Division deems the subject north/south alley “dispensable”, and supports the requested closure.

The Planning Division notes that alleys are typically conveyed in equal halves to abutting property owners.

### **Risk Analysis:**

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

### **Financial Matters:**

For alleys abutting lands zoned Holding Residential HRD1.1 or Holding Residential HRD1.2, \$1.00, plus deed preparation, plus proportionate survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

### **Consultations:**

Consultations were held with Municipal Departments and Utility Companies, which resulted in the information found in *attached* Appendix “C”.

There were no objections from the municipal departments and utility companies for the requested alley closure.

EnWin Utilities Ltd. has requested easements in the subject area of closure.

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

### **Conclusion:**

The Planning Division recommends closure of the portion of the north/south alley shown on attached Appendix “A”, subject to easements as in Recommendation II of this report, in favour of EnWin Utilities Ltd.

The closed portion is to be conveyed to the abutting property owners in equal halves as stated in Recommendation II of this report.

**Planning Act Matters:**

N/A

**Approvals:**

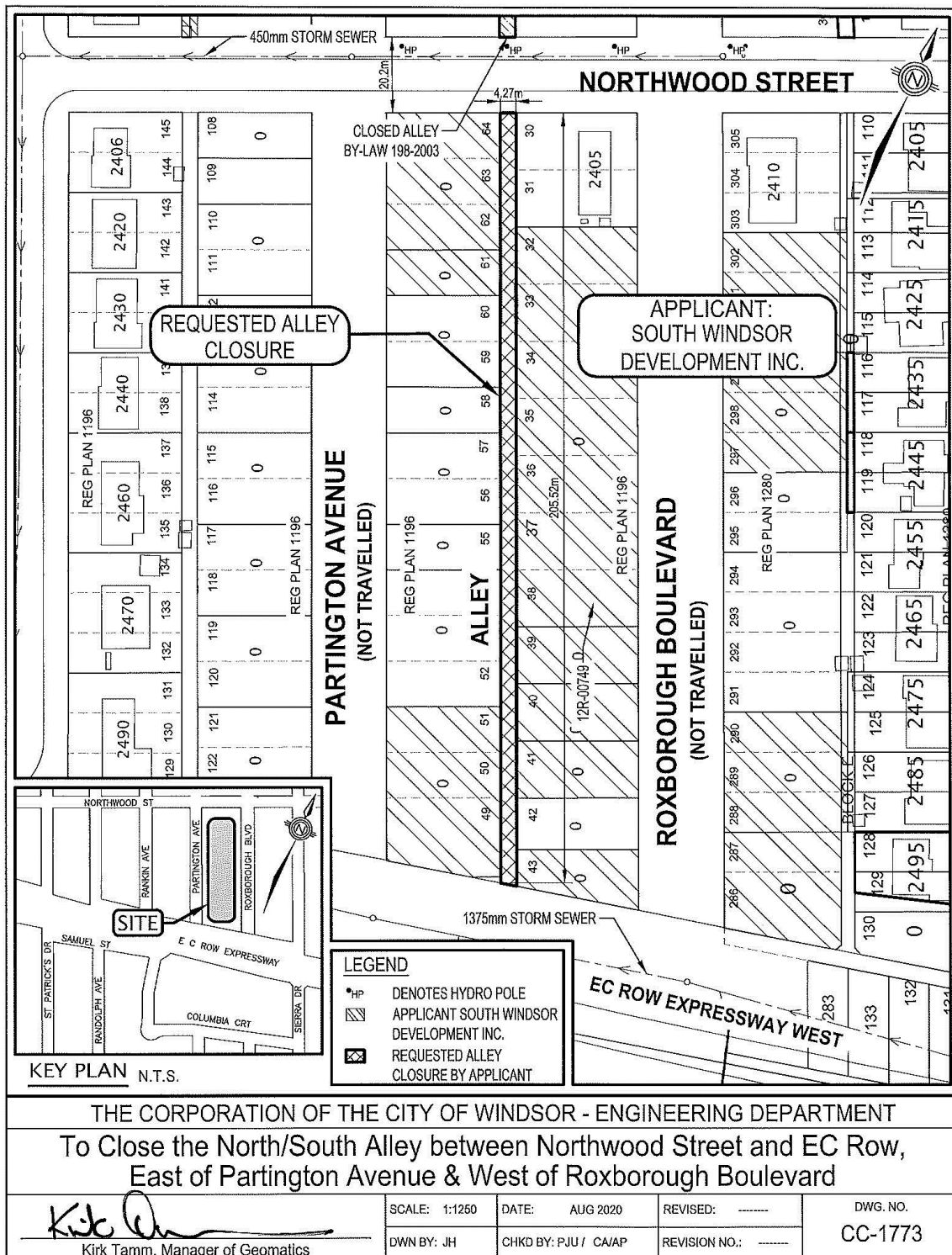
<b>Name</b>	<b>Title</b>
Michael Cooke	Manager of Planning Policy / Deputy City Planner
Thom Hunt	City Planner / Executive Director Planning & Building
Wira Vendrasco	Deputy City Solicitor
Shelby Askin Hager	City Solicitor and Corporate Leader Economic Development and Public Safety
Onorio Colucci	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Councillor Jim Morrison	City Hall Square W., Suite 220, Windsor Ontario N9A 6S1	jmorrisson@citywindsor.ca
Mailing List		

**Appendices:**

- 1 Appendix A - Drawing No. CC-1773
- 2 Appendix B - Aerial Photo
- 3 Appendix C - Consultations
- 4 Appendix D - Site Photos
- 5 Appendix E - Classification of Alleys





## Appendix 'B' – Aerial Photo



### STREET & ALLEY CLOSING (SAA/6066)

APPLICANT : SOUTH WINDSOR DEVELOPMENT

 SUBJECT LAND

PLANNING DEPARTMENT - DEVELOPMENT DIVISION

DATE: JULY, 2020

1:1,500





# Appendix 'C' – Consultations Table SAA/6066

Agency	Comments
Fire and Rescue Services	No concerns on closure from WFRS John Lee – Chief Fire Prevention Officer
Windsor Police Services	The Windsor Police Service has no concerns or objections with the closure being requested. Specifically, the outcome from the closure of this particular alley will not inhibit or diminish proper police emergency response capability or general patrol activities to the area in any way.
Planning – Landscape Architect	There is a significant number of trees on the abutting properties immediately to the east and west of the closure, that will be impacted by any development by the application. There does not appear to be any significant impact to trees or future bikeways by the requested alley closure. Therefore, there are no objections to the application from a Landscape Architectural perspective.
Parks & Facilities	No objections or comments
Public Works – Engineering	The subject alley closure is approximately 4.27m (14ft) wide, and is composed of grass. There are no sewers, manholes, or catchbasins located in the alley closure. There are wooden hydro poles, guy wires, or overhead wires located in the alley. An easement will be required for utilities. There is a variety of fences encroaching the subject alley. This alley appears to serve no useful purpose by CR146/2005; therefore, we have no objections to the closure of this alley.
Public Works – Environmental	No concerns from Environmental Services.
Public Works – Transportation	No concerns with closing the alley as proposed. Mike Spagnuolo – Traffic Operations.
Transit Windsor	No comments received.
Bell Canada	Bell Canada has no concerns with the proposed alley closure.
Cogeco Cable Systems Inc.	No comments received.
Canada Post	No comments received.
Rogers Communications	No comments received.
Telus Communications	TELUS has no infrastructure in the area of your proposed work. Permit expires six (6) months from approval date.
MNSi	MNSi does NOT require any consideration for this alley closing
EnWin Utilities – Hydro	Hydro Engineering: No Objection, However, ENWIN is to maintain an easement to service an ENWIN service pole with anchors at the north end of the alley
Windsor Utilities – Water	Water Engineering has no objections
Union Gas	No comments received.
Legal Department	For alley abutting lands zoned HRD1.1 or HRD1.2: \$1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
OTHER:	

## Appendix 'D' – Site Photos



1. Looking south towards the alley from Northwood Street.

**Classification of Public Rights-of-Ways:**

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

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

**Suitability for Closing:**

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

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



**Committee Matters: SCM 287/2020**

**Subject: Brownfield Redevelopment Community Improvement Plan (CIP)  
application submitted by 2236278 Ontario Ltd for 6160 Tecumseh Road East  
(Ward 8)**

Moved by: Councillor Holt  
Seconded by: Councillor Sleiman

Decision Number: **DHSC 202**

- I. THAT the request made by 2236278 Ontario Ltd. to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study for property located at 6160 Tecumseh Road East pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and,
- II. THAT the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$15,000 based upon the completion and submission of a Phase II Environmental Site Assessment Study completed in a form acceptable to the City Planner and City Solicitor to be funded from the Brownfield Strategy / Remediation Account (project # 7069003).

Carried.

Report Number: S 114/2020  
Clerk's File: Z/8955

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

**Subject: Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by 2236278 Ontario Ltd for 6160 Tecumseh Road East (Ward 8)**

**Reference:**

Date to Council: September 21, 2020  
Author: Greg Atkinson, Senior Planner  
519-255-6543 ext. 6582  
gatkenson@citywindsor.ca  
Planning & Building Services  
Report Date: August 31, 2020  
Clerk's File #: Z/8955

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

**Recommendation:**

- I. THAT the request made by 2236278 Ontario Ltd. to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study for property located at 6160 Tecumseh Road East pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and,
- II. THAT the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$15,000 based upon the completion and submission of a Phase II Environmental Site Assessment Study completed in a form acceptable to the City Planner and City Solicitor to be funded from the Brownfield Strategy / Remediation Account (project # 7069003).

**Executive Summary:**

N/A

**Background:**

*Brownfield Redevelopment Community Improvement Plan (CIP)*

Brownfield sites are properties that may be contaminated due to previous industrial or commercial uses such as a manufacturing facility or gas station. City Council approved a Brownfield Redevelopment CIP at its April 19, 2010 meeting for the purpose of encouraging the study, clean-up, and redevelopment of contaminated properties. The approval of the CIP was the result of nearly five years of study and consultation, which

began in October 2005.

### *Importance of Brownfield Redevelopment*

In 2009 the City's Planning Department identified 137 brownfield properties (i.e. 226 hectares or 559 acres) that are candidates for redevelopment. While the inventory is not exhaustive, it illustrates the significance of Windsor's brownfield stock and the need to work with land owners to put these properties back into productive use.

Historically, there has been little interest in redeveloping brownfield sites due to the uncertainty surrounding the extent of contamination and the potential cost of clean-up. The Brownfield Redevelopment CIP provides financial incentives to undertake the necessary studies and remedial work necessary to redevelop brownfield sites and reduce the potential negative impacts to the City's environment and neighbourhoods.

The benefits associated with brownfield redevelopment go far beyond the boundaries of the property. For example, they are often strategically located within existing built up areas of the City where services and other infrastructure, such as roads, schools, community facilities and public transit are already available, therefore additional infrastructure costs are not incurred to service these areas. The redevelopment of these sites also remove the negative stigma often associated with brownfield properties, which increases the value of the subject property and adjacent properties.

Brownfield sites also represent a significant underutilization of the land base. According to the National Round Table on the Environment and the Economy (2003), every hectare redeveloped through a brownfield project saves up to an estimated 4.5 hectares of greenfield land from being developed (i.e. agricultural land on the edge of the City); and for every dollar invested in a brownfield redevelopment, it is estimated that \$3.80 is invested in the economy.

### *Site Background*

The vacant site is located at 6160 Tecumseh Road East—just east of Jefferson Boulevard (see Location Map). The property is approximately 0.8 hectare (2 acres) in size and is currently vacant. The property was first developed in 1947 and used by Ajax Building Supplies until approximately 2010. All of the former buildings have been demolished. Historical surrounding uses include manufacturing, railway, fuel service station, and lumber supply.

The subject property is zoned Manufacturing District (MD) 1.4, which permits a range of light industrial, office, and service commercial uses. The principal owners of 2236278 Ontario Inc. are Richard J. Farrow and Brad Vollmer.

## **Discussion:**

### *Environmental Site Assessment Grant Program*

The Environmental Site Assessment (ESA) Grant Program offers a matching grant to property owners of brownfield sites to conduct environmental studies that provide information on the type and extent of contamination and potential remediation costs.



The program offers 50% of the cost of an eligible study up to a maximum grant of \$15,000.

The owner proposes to redevelop the site for office use, which does not require the filing of a Record of Site Condition (RSC) with the Ministry of the Environment, Conservation and Parks. The owner has completed a Phase 1 Environmental Site Assessment (ESA) study, which identifies areas of potential environmental concern and recommends a Phase II ESA study be completed to assess the soil and groundwater quality and delineate the extent of any contamination. The Phase II ESA study is being completed as due diligence prior the redevelopment of the property.

Clearly identifying the type and delineating the extent of any contamination is an essential step in moving forward with redevelopment plans. Upon completion the City would retain a copy of the final study report.

### *CIP Goals*

City staff is supportive of the application as it meets all of the eligibility requirements specified within the Brownfield Redevelopment CIP. The proposed study of the subject site also supports the following CIP goals:

- To promote the remediation, rehabilitation, adaptive re-use and redevelopment of brownfield sites throughout the City of Windsor in a fiscally responsible and sustainable manner over the long term;
- Improve the physical and visual quality of brownfield sites;
- Improve environmental health and public safety;
- Provide opportunities for new housing, employment uses, and commercial uses;
- Increase tax assessment and property tax revenues;
- Promote Smart Growth, including the reduction of urban sprawl and its related costs;
- Increase community awareness of the economic, environmental and social benefits of brownfield redevelopment; and
- Utilize public sector investment to leverage significant private sector investment in brownfield remediation, rehabilitation, adaptive re-use, and redevelopment.

### *Policy Support*

The study of brownfield sites to support clean up and redevelopment is supported by policies within the 2020 Provincial Policy Statement, the City's Official Plan and the City's Environmental Master Plan.

### **Risk Analysis:**

As with all brownfield sites, there is a degree of risk associated related to the potential presence of contamination. In this case there is also a risk of the property remaining in a derelict state, which negatively affects the surrounding properties. The proposed study will assist in mitigating these risks. The City would retain a copy of the study for future reference.

## **Financial Matters:**

The cost estimate (excluding HST) for completing the proposed Phase 2 ESA study is \$31,175. If approved, the maximum grant would total \$15,000. Should the actual costs of the study be less than what has been estimated the grant payments would be based on the lower amount. The grants would be paid out of the Brownfield Strategy / Remediation Account (project # 7069003), which has a current uncommitted balance of \$621,611.

## **Consultations:**

The development and approval of the Brownfield Redevelopment CIP was subject to extensive stakeholder and public consultation, which sought input from a wide range of stakeholders and internal City departments.

Planning staff have consulted with the applicant prior to accepting the application for the Environmental Study Grant program. Staff from the Planning, Finance, and Legal Departments were consulted in the preparation of this report.

## **Conclusion:**

City Staff recommend Council approve the request from 2236278 Ontario Ltd. to participate in the Environmental Site Assessment Grant Program. In the opinion of planning staff, the proposed study conforms to the Brownfield Redevelopment CIP and assists the City in the achievement of a number of the CIP goals.

## **Planning Act Matters:**

N/A

## **Approvals:**

<b>Name</b>	<b>Title</b>
Don Nantais	Financial Planning Administrator
Michael Cooke	Manager Planning Policy/Deputy City Planner
Thom Hunt	City Planner
Wira Vendrasco	Deputy City Solicitor
Shelby Askin Hager	City Solicitor
Dan Seguin	On behalf of City Treasurer
Onorio Colucci	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
		rick.farrow@farrow.com
		sberrill@ada-architect.ca
		dkacprzak@ada-architect.ca
		ctsoil@ctsoil.com

**Appendices:**

- 1 Location Map



## LOCATION MAP: 6160 TECUMSEH ROAD EAST



SUBJECT PROPERTY

0 10 20 40 60 Meters





**Integrity Commissioner: SCM 275/2020**

**Subject: Integrity Commissioner Report to Council regarding activities from  
January 1, 2018 to December 31, 2019**

## COUNCIL SERVICES DEPARTMENT

15 September 2020.

City of Windsor,  
350 City Hall Square West  
Windsor, Ontario  
N9A 6S1 Canada

**Sent by Email Attachment to [sgebauer@citywindsor.ca](mailto:sgebauer@citywindsor.ca);  
Hard Copy Available Upon Request**

**Attention: Ms. Valerie Critchley, City Clerk**

Dear Valerie:

**Re: Report to Council: 1 January 2018 – 31 December 2019**

Please find attached my **Report to Council Regarding Activities From 1 January 2018 -- 31 December 2019**. Please advise me when you would like to place this on the Council Agenda.

As I have said previously, it continues to be an honour to serve as the Integrity Commissioner for the City of Windsor.

Thank you for your kind attention to this matter.

I remain,

Yours truly,



Bruce P. Elman LL.D.  
Integrity Commissioner

**Attachment**



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# REPORT TO COUNCIL REGARDING ACTIVITIES FROM 1 JANUARY 2018 – 31 DECEMBER 2019

Bruce P. Elman  
Integrity Commissioner  
30 June 2020

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## PART I – INTRODUCTION

### **History of The Office of Municipal Integrity Commissioner:**

The Office of Municipal Integrity Commissioner came into existence in the Province of Ontario with amendments to the *Municipal Act*, effective January 1<sup>st</sup>, 2007. Pursuant to the amendments to the *Municipal Act*, the City of Windsor created the Office of the Integrity Commissioner in 2007 and, in 2008, established a **Code of Conduct** for Members of Council, including the Mayor, and the members of certain Local Boards. On June 7<sup>th</sup>, 2011, City Council passed a new *Procedural By-law* for City Council and its Committees and the Conduct of its Members. Part 14.1(a) provides that Members of Council as well as City committees, agencies, boards and commissions shall act in accordance with the **Code of Conduct** which is set out in Appendix B to the *Procedural By-law*. The **Code of Conduct** notes that the purpose is to improve the quality of public administration and governance by encouraging high standards of conduct on the part of government officials and, thereby, protect and maintain the reputation and integrity of the City of Windsor.

Effective August 1<sup>st</sup>, 2011, I assumed the Office of Integrity Commissioner for the City of Windsor. One of my first tasks was to develop a set of procedures for the handling of Complaints under the **Code of Conduct**. Consequently, the **Complaint Protocol for Members of Council and Others Governed by the Code of Conduct** was presented to Council and adopted

on May 8<sup>th</sup>, 2012. This **Protocol** provides a regime under which **Code of Conduct** Complaints will be investigated and adjudicated.

My initial appointment as Integrity Commissioner was renewed effective October 15<sup>th</sup>, 2012. A further two-year renewal took effect on October 15<sup>th</sup>, 2013. My appointment has been renewed for varying lengths of time since 2013. Because of various developments on the provincial level, it was thought to be important to revise the original **Code of Conduct**. That revision was completed, and an amended **Code of Conduct** was passed by Council on July 17<sup>th</sup>, 2017. I was re-appointed for a two-year term effective January 1<sup>st</sup>, 2018. As of March 1<sup>st</sup>, 2019, however, all municipalities in Ontario were required to either employ an Integrity Commissioner, share one with another municipality, or have access to “Integrity services”. Consequently, the City of Windsor and the Town of Amherstburg agreed to share my services as Integrity Commissioner for both Municipalities. Subsequently, the Town of Lakeshore joined with Windsor and Amherstburg in this arrangement. I am pleased to be the first individual to serve as the Integrity Commissioner for all three Municipalities. This agreement will extend to December 31<sup>st</sup>, 2021.

#### **Previous Reports:**

This will be my ***Sixth Report to Council*** on my Activities as Integrity Commissioner. My ***First Report to Council*** covered the period from August 1<sup>st</sup>, 2011 to September 30<sup>th</sup>, 2012. The ***First Report*** is posted on the Integrity Commissioner website at <http://www.citywindsor.ca/cityhall/Municipal-Accountability-and-Transparency/Integrity-Commissioner/Documents/Annual%20Report%202011-12.pdf>. The ***Second Report to Council*** covered a 12 month period from October 1<sup>st</sup>, 2012 to September 30<sup>th</sup>, 2013 and can be found at <http://www.citywindsor.ca/cityhall/Municipal-Accountability-and-Transparency/Integrity-Commissioner/Documents/Integrity%20Commissioner%20Annual%20Report%202012-13.pdf>. The ***Third Report to Council*** covered activities from October 1<sup>st</sup>, 2013 to September 30<sup>th</sup>, 2014. It can be found at [http://www.citywindsor.ca/cityhall/Municipal-Accountability-and-](http://www.citywindsor.ca/cityhall/Municipal-Accountability-and-Transparency/Integrity-)

[Commissioner/Documents/Integrity%20Commissioner%20Annual%20Report%202013-14.pdf](#).

The **Fourth Report to Council** covered the period from October 1<sup>st</sup>, 2014 to September 30<sup>th</sup>, 2015. The 4<sup>th</sup> Report can be found at [https://www.citywindsor.ca/cityhall/Municipal-Accountability-and-Transparency/Integrity-](https://www.citywindsor.ca/cityhall/Municipal-Accountability-and-Transparency/Integrity-Commissioner/Documents/Integrity%20Commissioner%20Annual%20Report%202014-15.pdf)

[Commissioner/Documents/Integrity%20Commissioner%20Annual%20Report%202014-15.pdf](#).

The **Fifth Report to Council** covered the period from October 1<sup>st</sup>, 2015 to December 31<sup>st</sup>, 2017. It can be found at <https://www.citywindsor.ca/cityhall/Municipal-Accountability-and-Transparency/Integrity-Commissioner/Documents/Report%20to%20Council%20-%20October%202015%20through%20December%202017.pdf>.

This **Sixth Report to Council** covers the term from January 1<sup>st</sup>, 2018 to December 31<sup>st</sup>, 2019.

This two-year period included the last Municipal Election on October 22<sup>nd</sup>, 2018. Effectively, no activity takes place from June 30<sup>th</sup> in the year of an Election until after the initial Meeting of the new Council. Among other matters, no Complaints are investigated, and no Reports are made to Council. The prime reason for this “blackout” period, in my opinion, is to ensure that the “Integrity Regime” is not used as a “weapon” during an election campaign. Of course, individuals may seek the advice of the Integrity Commissioner and Brief Service or Advice may be provided.

Please note: Where relevant, I have included various “Updates” on what has transpired between January 1 – June 30, 2020.

### **Primary Functions of The Integrity Commissioner:**

The Integrity Commissioner has four primary functions: (1) Education; (2) Advisory; (3) Complaint Investigation; and (4) Complaint Resolution and Adjudication. In addition, the Integrity Commissioner, in some instances, has a role to play as the City develops its policies or as it responds to legislative initiatives or policy development by the Province of Ontario.

## PART II – THE EDUCATION FUNCTION

### Education and Training:

Following the Municipal Elections held in October of 2014, I met with every Member of Council, including the Mayor. The purpose of these meetings was to educate the Members of Council regarding the main provisions of the City's **Code of Conduct** and to answer any questions raised by Members in this context. Following the Municipal Elections in October 2018, it was decided to adopt a different approach to the education and training of Members of Council and to expand the scope of the training to include all Members of Local Boards and Agencies, Commissions and Committees similarly subject to the City of Windsor's **Code of Conduct**.

The initial session was held in mid-January 2019 with Members of Council. Senior staff were also in attendance. Prior to this session, I prepared materials in conjunction with the Council Services Office to orient Members of Council to the Office of the Integrity Commissioner, to the provisions of the **Code of Conduct**, and the procedures outlined in the **Complaints Protocol**. Some information was provided on the *Municipal Conflict of Interest Act (MCIA)* as well. The Council session lasted in excess of an hour and a half. In my view, it was a very productive session. During Orientation, Members of Council were asked to sign a statement that they had read the **Code of Conduct**, that they understood it, and that they were committed to abiding by its terms. All Members signed the **Statement of Commitment to the Code of Conduct**.

The Council training was replicated in a slightly condensed fashion in three other educational meetings – two with members of Agencies, Boards, and Committees (so called ABCs) and one with members of the boards of the City's nine Business Improvement Areas (BIAs), all of whom are subject to the provisions of the **Code of Conduct**. Materials were developed for these training sessions with some adaptations, depending upon the nature of the group attending the particular session. Attendance was mandatory and those in attendance were asked to sign a similar statement that they had read the **Code of Conduct**, that they understood it, and that

they were committed to abiding by its terms. It is my understanding that all attendees signed the **Statement of Commitment to the Code of Conduct**. These were, in my opinion, very effective sessions because they brought home to those in attendance the centrality of integrity in the exercise of their duties as public office holders. I believe that this new program of Education and Training, developed by the Council Service Office, should continue to be a central piece in the education and training of both elected Members of Council and those who volunteer their time on behalf of the community.

An Education and Training session was also held for the Boards of Directors of the Enwin Companies. Once again, a new set of materials was developed with some adaptation for the context of a municipally owned utility which, in the case of Enwin, also manages services for the Windsor Utilities Commission. Once again, members of the Boards were provided with information on the Office of the Integrity Commissioner and training on the **Code of Conduct** and the **Complaints Protocol**. From my perspective, this was a useful meeting as well.

As a general comment, I would say that the Educational aspect of the duties of the Integrity Commissioner is extremely important, especially in the period following a municipal election. Not only might there be newly elected Members of Council, but this is also the time when we replenish the membership of our Agencies, Boards, Commissions, and Committees. It is, effectively, the first line of defense against potential violations of the **Code of Conduct** and, now, the *Municipal Conflict of Interest Act*. I have often said – perhaps too often – if we get to the point where I am compelled to issue a Report to Council concerning a breach of the **Code of Conduct**, then we have failed. The first line of prevention is Education and Training.

#### **Presentations:**

There have been no community educational or informational sessions during this reporting period. It has become a regular occurrence, however, to make a presentation in the Municipal Law class at the Faculty of Law, University of Windsor. The class is held in the Fall term. I made

presentations in both 2018 and 2019. (Another such presentation will take place in October of 2020.) These presentations are somewhat lengthier than the training sessions noted above and certainly more extensive than a community presentation would be, as it provides a thorough (academic) examination of the municipal integrity regime for students.

## PART III -- ADVISORY FUNCTION

If Education and Training represent the first line of defence against unethical conduct, the Advisory function provides a second layer of protection against violations of the **Code of Conduct**. Providing advice is a key function of the Integrity Commissioner and can often head-off **Code of Conduct** violations. Indeed, the **Code of Conduct** recognizes the importance of the Advice function and incentivizes its use. In Rule 19.0, the **Code** provides: “Any written advice given by the Integrity Commissioner to a member binds the Integrity Commissioner in any subsequent consideration of the conduct of the member in the same matter as long as all the relevant facts known to the member were disclosed to the Integrity Commissioner.” In this way, the Member is protected from any future Complaints regarding the same matter on which the Integrity Commissioner’s advice has been sought out in advance and, subsequently, followed.

### Advice Files Opened:

Reporting Period	Requests for Advice	Formal Advice Letters
<b>1<sup>st</sup> Report: 1 Aug 11 to 30 Sept 12</b>	0	0
<b>2<sup>nd</sup> Report: 1 Oct 12 to 30 Sept 13</b>	4	2
<b>3<sup>rd</sup> Report: 1 Oct 13 to 30 Sept 14</b>	2	2
<b>4<sup>th</sup> Report: 1 Oct 14 to 30 Sept 15</b>	3	3
<b>5<sup>th</sup> Report: 1 Oct 15 to 31 Dec 17</b>	8	1
<b>6<sup>th</sup> Report: 1 Jan 18 to 31 Dec 19</b>	8	7



As one can observe from the chart above, there has been a steady increase over time of “Requests for Advice” as well as formal Letters of Advice under Rule 19.0. During this period, eight Requests for Advice were received – the same as in the previous reporting period even though the Municipal Election occurred during this time frame -- and seven of these Requests resulted in formal Letters of Advice being provided; only one File required no formal Letter of Advice. On one File, however, it became necessary to provide two Letters of Advice. **[Update:** January 1<sup>st</sup> and June 30<sup>th</sup>, 2020, there was one Request for Advice; no formal Letter was required.]

### **Advisory Bulletins:**

During the Reporting period, I issued two Advisory Bulletins. The purpose of the Advisory Bulletins is in part educative but also preventative. The Advisory Bulletins are intended to provide guidance to Members of Council and others to whom the **Code of Conduct** applies so that they can avoid violations of the **Code**. Advisory Bulletins, generally, concern matters of importance that Members of Council or members of the public have raised with me or they concern issues that have been identified by other Municipal Integrity Commissioners. Advisory Bulletins are placed on the Integrity Commissioner’s webpage and are, therefore, available to Members of Council and the public alike. The link to the Advisory Reports is found at:

<https://www.citywindsor.ca/cityhall/Municipal-Accountability-and-Transparency/Integrity-Commissioner/Pages/Advisory-Bulletins.aspx>. The two Advisory Bulletins issued during the

Reporting period were the following:

1. ***Advisory Bulletin Regarding 2018 Election-Related Activities*** (June 1, 2018); and
2. ***Advisory Bulletin Regarding Gifts and Benefits*** (June 15, 2018). This Bulletin includes a “Gifts and Benefits Disclosure Statement for the Use of Members.”

**[Update:** No new Advisory Bulletins were issued between January 1<sup>st</sup> and June 30<sup>th</sup> of 2020.]

**Brief Advice:**

In my previous Reports to Council, I had subsumed cases of “Brief Advice” under the rubric “Brief Service” without differentiating the types of “service” being provided. After the 2018 Municipal Election, I decided to separate these cases into distinct categories – “Brief Advice” and Brief Service”. Therefore, from November 1<sup>st</sup>, 2018 to December 31<sup>st</sup>, 2019, there were nineteen (19) instances of Brief Advice. These represent occasions where, in my opinion, advice could be provided immediately or in a very short period of time, and where no File need be opened. These are instances where, once again in my opinion, neither extensive research nor lengthy consideration is necessary. Formal Letters of Advice are not provided except where the Member requests one. So far, this seems to have worked well. It is prompt, efficient, and less expensive than where a Request for Advice is made and a formal Letter of Advice is issued. [Update: Between January 1<sup>st</sup> and June 30<sup>th</sup>, 2020, there have been two other instances of Brief Advice.]

**Observations**

In my view, there has been a general and pronounced increase in the number of occasions – formal Requests and Brief instances – where my advice is sought. This is very positive. First, it indicates that those subject to the **Code of Conduct** are generally aware of its contents, are accustomed to thinking about their conduct in the context of its provisions, and genuinely wish to comply with its terms. This bodes well for the future now that Integrity Commissioners are expected to provide advice on the provisions of the *Municipal Conflict of Interest Act (MCIA)*.

## PART IV – INQUIRIES AND COMPLAINTS

**Cases Carried Forward:**

There were two Complaints carried forward from the previous year.

**New Cases:**

Seven (7) new Complaint files were opened between January 1<sup>st</sup>, 2018 and December 31<sup>st</sup>, 2019. Of these seven cases, all but one involved Members of Council. Once again, it should be noted that this two-year reporting period included the last Municipal Election held on October 22<sup>nd</sup>, 2018 and that, effectively, no activity took place from June 30<sup>th</sup> until after the initial Meeting of the new Council, which, I believe, was held in early December. **[Update:** One new Complaint files have been opened since January 1<sup>st</sup>, 2020. This file remained open as on June 30<sup>th</sup>.]

**Cases Closed:**

Nine (9) Complaint files were closed between January 1<sup>st</sup>, 2018 and December 31<sup>st</sup>, 2019. One case resulted in a Report to Council. Council adopted the sanctions of Reprimand and Apology recommended by the Integrity Commissioner. In two cases, the matters were, to a greater or lesser extent, resolved through the Informal Complaint Process; in three other cases, jurisdiction was either refused or denied; and in three Files, the Complaint was denied with reasons provided.

**Brief Service:** There were approximately fifteen instances of “Brief Service”. “Brief Service” constitutes instances where an individual has contacted the Integrity Commissioner, but no Formal or Informal Complaint has been initiated and no File has been opened. This may occur because the concern is plainly outside the jurisdiction of the Integrity Commissioner or because the alleged complaint is clearly not a violation of the **Code of Conduct** or because the individual is simply seeking information. In some instances, the answer provided ends the matter; in other instances, a referral may be made to a more appropriate entity or individual. In some instances, the individual is advised on the procedure for making a formal Complaint although, ultimately, no formal Complaint is received. The phrase “Brief Service” does not denote the amount of

time expended in providing the service; rather it simply indicates that the Integrity Commissioner was contacted but that no File was opened as a result of my response.

[**Update:** Between January 1<sup>st</sup> and June 30<sup>th</sup>, 2020, five (5) instances of “Brief Service” have been recorded.]

## Part V – Policy Developments

### **Revised Code of Conduct:**

In the last Report to Council, I described the Revised **Code of Conduct** which was passed by Council on July 17<sup>th</sup>, 2017. The Revised **Code** was the product of considerable research as well as consultation with City Staff. Amendments to the **Code** included both format and content changes. Major amendments included, among others, the following:

1. Rather than using long, rambling paragraphs that mix proscriptive Rules and descriptive explanations, the Revised **Code** states a series of Rules accompanied by Commentary;
2. A requirement that all Members of Council sign a Declaration at the beginning of their term confirming that they have read the **Code**, that they understand their obligations under it, and that they are committed to upholding it is set out in Article III. In addition, Article III states that everyone to whom the **Code of Conduct** applies will be required to receive regular training regarding the **Code**;
3. In Rule 2.0, “Conflict of Interest” is defined. A new Rule – Rule 6 -- has been added regarding “Conflicts of Interest”.
4. Some amendments have been made to Rule 3 regarding “Gifts and Benefits”;
5. Rule 9.2 has been added. It provides: *No Member shall borrow money from any person who regularly does business with the City unless such person is an institution or company regulated under the Bank Act, SC 1991, c.46*;

6. Rule No. 16 has been added regarding transparency and openness in Council decision-making. This Rule is intended to balance democratic processes, corporate decision-making, and freedom of expression for Members of Council.

### **The Consequences of Bill 68:**

As a result of the passing of Bill 68, considerable amendments have been made to the *Municipal Act*, the *Municipal Conflict of Interest Act*, and the *Municipal Election Act*. Some of these amendments came into force on March 1<sup>st</sup>, 2019. Some of these amendments were anticipated in our 2017 **Code** Revision. However, further changes to the **Code of Conduct** and the **Complaint Protocol** may be required. The most extensive changes, in my view, concern the role of the Integrity Commissioner in Conflict of Interest issues. I am recommending that we examine our current **Code** and **Complaint Protocol** to ascertain whether further amendments are required to comply with the amended Provincial statutes.

### **Schedule “B” to the Code of Conduct -- City of Windsor Council-Staff Protocol:**

Based upon certain concerns that have been expressed to me over the past number of years, I believe it would be prudent to re-examine Schedule “B” to the **Code of Conduct**. Schedule “B” is the product of a merging of Schedules “A” and “B” in the previous **Code**. However, little attention was given to whether these provisions ought to be continued in the Revised **Code**. The objective of Schedule “B” is laudatory – it sets out the roles and responsibilities of Members of Council, both individually and as a whole, as well as City Staff. It also attempts to provide guidelines for the relationship between the Mayor and other Members of Council.

Some of these provisions seem anachronistic. For example, the Mayor is to “oversees the conduct of the subordinate officers in the government and administration and sees that all proven negligence, carelessness and violation of duty are dealt with”. This is clearly a throwback to a time when Windsor had not as yet developed the strong senior management structure and team that it currently has. Other provisions appear to be highly technical and

would be better placed -- or may already be duplicative of -- provisions in the *Procedure By-law*. For example, one provision states that the “Whole Council . . . must have a quorum in order to vote to amend or enact by-laws”.

Other provisions seem to stifle the creativity and initiative of Members of Council. See for example: The “expectations of Council, its committees, and its Members in fulfilling the above roles and responsibilities are [to] refrain from providing individual direction to the Chief Administrative Officer to initiate any action or prepare any report of a significant nature or initiate any project or study without the consent of the entire Council”. This is a very broad provision and seems to oppose any pro-active initiatives on the part of Members of Council.

Finally, there are, in fact, some thorny issues raised by the section entitled “Council Members on Agencies, Boards, and Commissions”. It is inescapable that Council Members who represent the City on Local Agencies and Boards often find themselves in difficult situations where their fiduciary duties to the Agency or Board conflict with their fiduciary duties to Council and the City. Members can also find themselves in, what I will call, confidentiality straightjackets – where, for example, a Councillor receives confidential information as a representative on a Local Agency or Board but cannot share that information with Council without violating rules of confidentiality, or *vice versa*.

My point is not that any of these provisions are necessarily “bad” – as I said, the aim of Schedule “B” is laudatory; my point is that the actual provisions either do not belong in a **Code of Conduct** or need to be properly explained and clarified. Even the question of whether the Schedule is aspirational or proscriptive should be determined. A re-examination of Schedule “B” is necessary.



My conclusion here is simply this: Even though the **Code of Conduct** was amended only three years ago, we need to revisit it to ensure that it complies with Provincial law and is working in an effective and efficient manner.

## PART VI – CONCLUSION

1. Since the last Report to Council, a great deal of effort has been expended on an enhanced program of post-Election Education and Training for Members of Council as well as members of Agencies, Boards, Committees, and Commissions (ABCs) appointed by Council and to the Boards of Business Improvement Areas;
2. Regarding the Integrity Commissioner's Advice function, I would conclude that there seems to have been an increase in the number of Requests for Advice and instances of Brief Advice. In my view, this is a positive development;
3. Regarding the Integrity Commission's Complaint Investigation and Adjudication function, the following conclusions can be drawn: (1) There has not been an increase in Complaints, although this reporting period included a Municipal Election; (2) All but one of the seven new Complaints involved a Member of Council; (3) About half of the Complaints are denied for either a lack of jurisdiction or a refusal to accept jurisdiction; (4) The Informal Complaint process remains an important option for some Complainants; and (5) All Complaint files carried over from the previous reporting period as well as new Complaints received during the reporting period have been closed. New Complaint files have been received in 2020;
4. My conclusion is that Members of Council and members of Agencies, Boards, Commissions, and Committees in our City conduct themselves in a highly professional manner and live up to their commitments under the **Code of Conduct** to "protect and maintain the City of Windsor's reputation and integrity"; and
5. Regarding the Policy function, a renewed examination of the **Code of Conduct** seems to be in order.

As I have said in previous Reports to Council, it continues to be an honour to serve as the Integrity Commissioner for the City of Windsor.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bruce P. Elman". The signature is fluid and cursive, with the first name "Bruce" being more prominent.

Bruce P. Elman LL.D.  
Integrity Commissioner

## Further Information

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**Council Report: C 182/2020**

**Subject: Regulation of Short Term Rental Housing - City Wide**

**Reference:**

Date to Council: October 19, 2020

Authors:

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Policy, Gaming, Licensing & By-Law Enforcement

Report Date: September 9, 2020

Clerk's File #: SPL2020

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

**Recommendation:**

- I. THAT Council **ENDORSE** the framework for regulating short term rental accommodations set out in Table 2 of Report # C 182/2020; and,
- II. THAT Council **PROVIDE DIRECTION** to Administration in relation to the licensing options presented in Table 3 of Report # C 182/2020; and,
- III. THAT Administration be directed to **REPORT BACK** with detailed implementation by-laws for the endorsed regulatory framework and preferred licensing option(s).

**Executive Summary:**

N/A

**Background:**

The Short Term Rental (STR) accommodations market is one of the fastest growing sectors in the worldwide travel/tourism industry. Various companies provide platforms for homeowners to advertise their STR properties to renters, including – but not limited to – airbnb, VRBO and HomeAway.

At the May 8, 2017 Meeting of Council, Councillor Gignac asked the following question of Administration (CQ19-2017):

“Asks Administration to prepare a report on how we will license and zone for Air B & B’s in the City.”

Administration brought forward a report regarding the above to the May 6<sup>th</sup>, 2019 meeting of council. At the time this report was presented, a Local Planning Appeal Tribunal (LPAT) case was being heard regarding the regulatory measures taken by the City of Toronto in relation to the STR market. Due to the pending case, Council passed the following resolution;

- I. *That Council Report No. C72/2019 responding to CQ19-2017 regarding licensing and zoning for short term rental accommodations **BE RECEIVED FOR INFORMATION**; and,*
- II. *That Council give further consideration to a regulatory regime for short term rental accommodations as follows:*
  - a. *That Administration **BE DIRECTED** to monitor the outcome of the appeal currently before the Local Planning Appeal Tribunal regarding short term rental housing in the City of Toronto; and,*
  - b. *That Administration **BE DIRECTED**:*
    - i. *to hold any necessary public consultations with stakeholders,*
    - ii. *to report back to Council with the results of the Toronto appeal and the public consultations, and*
    - iii. *Provide further recommendations for moving forward with a regulatory regime; and further,*
- III. *That Administration **BE DIRECTED** to report back on a licensing regime that would include the legal right to annually inspect Airbnb’s without the expressed consent of the homeowner, as a condition of purchasing the license.*

The appeal regarding the City of Toronto’s regulatory measures has been decided by the LPAT and Administration has undertaken public consultation related to options for regulatory measures in Windsor.

### **Discussion:**

Consumers who are looking for more choice, flexibility and often lower cost while travelling have driven the rapid growth of the STR market. Those offering properties for rent, commonly referred to as Hosts, are drawn by the prospect of earning extra income in a relatively simple manner through the renting of rooms in their homes or renting out an entire dwelling/property. In recent years, the growth of this industry has prompted municipalities to research and implement various methods of regulation and taxation of the STR industry.

## Inter-jurisdictional Research

In early 2018 Toronto City Council passed a comprehensive system of STR regulation including the following:

- rental of all or part of a dwelling unit for sleeping accommodations for any less than 28 consecutive days is considered short term,
- short-term rentals are permitted across the city in all housing types,
- people can host short-term rentals in their principal residence only – both homeowners and tenants can participate,
- people can rent up to three bedrooms or entire residence,
- people who live in secondary suites (basement or loft apartments and the like) can also participate, as long as the secondary suite is their principal residence,
- an entire home can be rented as a short-term rental if owner/tenant is away – to a maximum of 180 nights per year,
- The platform must pay a registration fee with the City and remit \$1.00 per rental per night to the City, and
- people who rent their homes short term must register with the City and pay \$50.

Shortly after the passing of the above regulations, an appeal was filed to the Local Planning Appeal Tribunal (LPAT). The appeal was brought forward by a number of individuals, as well as companies, who currently participate in the STR market as hosts. The group of appellants took issue with regulations preventing them from renting out multiple properties or self-contained suites as well as potential related changes to the zoning bylaw. The case was heard on November 18, 2019 the LPAT issued a ruling that dismissed the appeals and upheld Toronto City Council's adopted regulatory amendments for short-term rentals. While it was thought that this ruling would set precedent and would lead to most municipalities creating similar regulatory regimes, this has not been the case.

As noted, municipalities across Ontario have implemented many different types of regulatory measures in order to best serve their communities. The below offers a brief outline of what some comparator municipalities have chosen to do in regards to regulation.

Table 1: Summary of STR Regulations Within Other Municipalities	
Oakville	<ul style="list-style-type: none"><li>• Short-term accommodations are permitted in most housing types</li><li>• A short-term accommodation host must be the principal resident (does not apply to second unit located on the same lot)</li><li>• One additional parking space is required</li><li>• A short-term accommodation operator must obtain a town business licence for \$237/year</li><li>• Companies such as Airbnb must also be licensed with the town at a cost of \$44,500</li><li>• Must obtain certificate of occupancy</li></ul>

Ottawa	<ul style="list-style-type: none"> <li>• Draft by-law has proposed to licence and create a permit system for Short Term Operators (must be primary residence) as well as agents and on-line platforms such as Airbnb .</li> <li>• Secondary Dwellings, Coach Houses and investment properties to be excluded/prohibited from operating with the proposed Short Term Accommodation regulations (exemption for second units within rural areas).</li> <li>• Proposal includes initiating an on-line permit system for “Hosts” with a fee of \$100 and applicant must provide identification and proof that the rental is their primary residence. Permits will be valid for a two (2) year period.</li> </ul>
Vaughan	<ul style="list-style-type: none"> <li>• Permitted within most housing types</li> <li>• Annual licences are issued to Short Term Rental Operators (must be primary residence) and to on-line platforms such as Airbnb.</li> <li>• Short Term Rental Operators are required to obtain a Vulnerable Sector Police Record Check.</li> <li>• Owners must provide proof that the rental is their primary residence.</li> <li>• Must obtain &amp; maintain a 2 million dollar liability insurance policy.</li> <li>• Rental must comply with both the Building &amp; Fire Code (Operators confirm and sign off on licence application).</li> <li>• Must allow any inspection of the rental deemed necessary by licensing authority and designates during reasonable hours and must not hinder or obstruct said inspections.</li> </ul>
Kitchener	<ul style="list-style-type: none"> <li>• Does not regulate the STR market, zoning bylaws do apply</li> </ul>
Kingston	<ul style="list-style-type: none"> <li>• Proposed by-law recommends licensing Short Term Rental Operators for a fee of \$180.00 per year + 4% tax.</li> <li>• Rentals subject to a 4 person limit.</li> <li>• Guests able to stay up to 30 days</li> <li>• City will monitor housing market and may decide to impose 180 day (per calendar year) limit on bookings and/or restrict STRs to owner-occupied dwellings.</li> </ul>
Vancouver	<ul style="list-style-type: none"> <li>• Issues annual licences to Short Term Accommodation/Rental Operators.</li> <li>• Must be principal residence</li> <li>• Fee is \$99.00, late renewals are subject to a \$40.00 fee.</li> <li>• Fire Plans must be submitted at time of application - Proof that residence is equipped with working smoke detectors, sprinklers &amp; alarms (where applicable) and must be tested annually.</li> </ul>
Collingwood	<ul style="list-style-type: none"> <li>• Short Term Accommodations/Rentals including those offered on platforms similar to Airbnb are regulated under the same Licensing and Zoning rules as Bed &amp; Breakfast/Guest House Establishments.</li> </ul>
London	<ul style="list-style-type: none"> <li>• Currently undergoing a review of possible regulatory practices</li> </ul>
Samia	<ul style="list-style-type: none"> <li>• Permitted anywhere residential dwelling are permitted</li> <li>• Annual license (\$370 and \$325 for renewal)</li> <li>• Must be primary residence (non-primary residence STRs existing as of January 2020 are grandfathered)</li> <li>• Can rent entire primary residence for up to 180 days per year</li> <li>• Maximum of 3 guest rooms (max occupancy 4 persons per room)</li> <li>• One additional parking space required for each guest room</li> <li>• Criminal reference check required</li> <li>• Electrical and HVAC inspection report required</li> </ul>



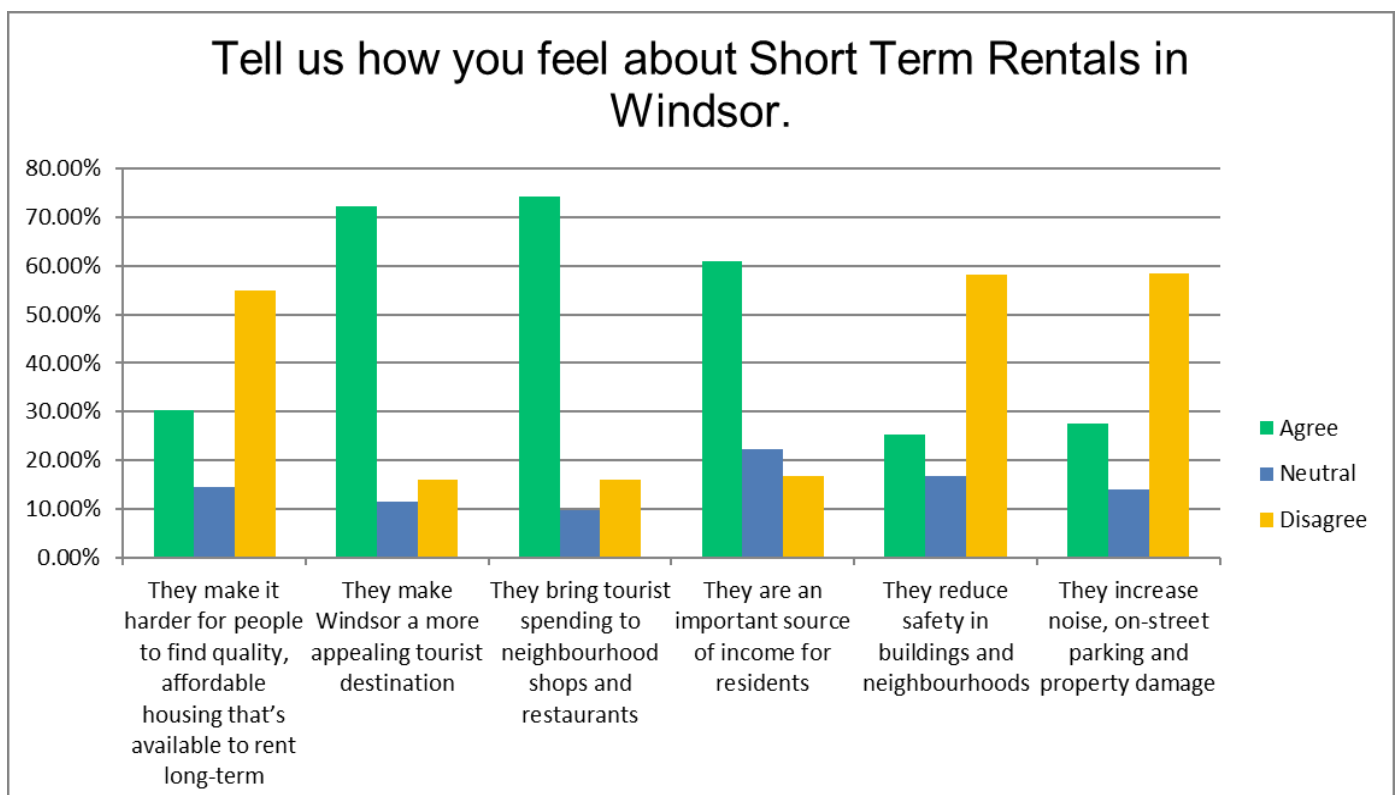
As shown in Table 1, most municipalities have proposed or adopted regulations that:

- permit STRs in residential areas;
- define STRs as residential rentals for a period of less than 30 consecutive days;
- require STRs to be the primary residence of the host; and
- allow an entire home/dwelling to be rented while the host is away for a maximum of 180 nights per year.

Beyond these matters STR regulations seem to vary widely among Ontario Municipalities. There is certainly no single agreed upon comprehensive method of regulation for STRs in Ontario. What does become evident is that each municipality has created a regulatory regime with their specific community needs in mind.

### Public Consultation

From February 11 – March 6, 2020 Administration conducted an online survey regarding STRs in Windsor and gathered responses from 418 residents. Windsor residents accounted for 90% of respondents, with 79% being homeowners. Overall, general regulation of STR's was supported by 43% of respondents while 56% opposed it. A majority of respondents are in favour of allowing rentals of several housing categories including primary residences and investment properties. There was also a high level of support for rentals in various housing types such as detached homes, townhomes, condos, apartments and 'granny suites'. The widely held opinion of respondents was in support of city-wide rentals with no limits on nights per year. In terms of specific concerns regarding STRs, the below chart summarizes the respondent's opinions:



The full survey results are attached as 'Appendix A'.

On March 4, 2020 public open house was held at the Windsor International Aquatic and Training Centre to gather additional public input. None of the written feedback from the March 4th open house opposed home sharing (short term rental of rooms with a primary residence). Residents, STR operators, and representatives from the hospitality industry were in attendance and offered comments which mostly focussed on the rental of dedicated STRs (i.e. where the host lives off-site). Most commenters agreed that some level of regulation is required to minimize impacts within residential neighbourhoods and ensure a level playing field within the hospitality industry.

Many residents oppose dedicated STRs in residential neighbourhoods, citing safety, nuisance, parking congestion, and removal of monthly rental stock as rationale. Some STR owners prefer renting on a short-term basis as it offers similar revenue compared to monthly rentals without obligations imposed under the *Residential Tenancies Act, 2006*. All written comments received at the open house are attached as 'Appendix B'.

### **Recommended STR Regulation Framework**

Based on the research conducted and feedback received, Administration has set out the main issues related to STRs and has provided recommendations for a regulatory framework in Table 2 below. The recommended framework seeks a balance between permitting STRs to operate throughout the City while limiting impacts to residential neighbourhoods. There has been much debate regarding whether STRs are a residential or commercial use. The objective of the regulations is to ensure the operation of STRs is consistent and compatible with residential uses.

The recommended framework responds to the main issues raised at the public open house by prohibiting the operation of dedicated STRs in residential neighbourhoods. The direction is consistent with most approved and proposed regulatory regimes in Ontario. The framework would ensure all residents would be able to rent up to three guest rooms within their principle residence. The recommended framework serves to set a broad direction for regulation of STRs. If endorsed, additional details will be presented to Council for consideration as part of implementation.

<b>Table 2: Recommended Framework For Regulating STRs</b>				
	<b>Issue</b>	<b>Description</b>	<b>Recommendation</b>	<b>Implementation</b>
1.	Definition	A definition is required to distinguish STRs from standard monthly rentals and traditional bed & breakfast accommodations.	Define STRs as a rental of all or part of a dwelling unit for less than 30 consecutive days.	<ul style="list-style-type: none"><li>• Zoning By-law</li><li>• Licensing By-law</li></ul>

2.	Permitted Zoning Districts	The Zoning By-law may permit and prohibit STRs geographically throughout the city.	<ul style="list-style-type: none"> <li>Permit STRs anywhere a dwelling or dwelling unit is a permitted use.</li> </ul>	<ul style="list-style-type: none"> <li>Zoning By-law</li> </ul>
3.	Principle residence	<ul style="list-style-type: none"> <li>STRs began as home sharing, which involves a host renting a portion of their principle residence on a short term basis.</li> <li>STRs have evolved to include dedicated STR accommodations where the host lives off-site and do not necessary interact with the guest in person.</li> </ul>	Limit STRs to the property where the principle residence of the host is located.	<ul style="list-style-type: none"> <li>Licensing By-law</li> <li>Zoning By-law</li> </ul>
4.	Number of nights	Limiting the number of nights an entire dwelling may be rented ensures compliance with the primary residence requirement.	Limit the renting of entire dwellings to 180 nights per year. Do not limit the number of nights guest rooms can be rented within a host's principle residence .	Licensing By-law
5.	Additional dwelling unit	Additional dwelling units (i.e. second units, in-law suites, etc.) are separate dwelling units located within a detached, semi-detached or townhome dwelling or within an accessory structure (e.g. apartment above a detached garage). They may not be the primary residence of the host but are located on the same property as the primary residence.	Allow the rental of entire additional dwelling units located on the same property as the principle residence. Owners or tenants may participate.	<ul style="list-style-type: none"> <li>Licensing By-law</li> <li>Zoning By-law</li> </ul>
6.	Number of guest rooms	Regulating the number of guest rooms that may be rented can limit the impact of STR on neighbourhoods.	Limit the number of guest rooms that may be rented within a dwelling to three.	Licensing By-law
7.	Parking	Hosts may be required to demonstrate on-street or	Recommend hosts be required to submit a	Licensing By-law

		off-street parking is available within the vicinity of the short term rental property.	parking plan identifying one on-street or off-street parking space for each guest room. The parking plan must be posted within the guest room	
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## Licensing Options

A number of recommended regulations set out above require a licensing regime for implementation. There are a number of options available for Council to consider when establishing a licensing regime for the STR market in Windsor. Administration has identified 8 generalised options that may work for Windsor, a summary of which is outlined in Table 3 below and ordered from least to most cumbersome. It is expected that any regulation will result in some cost, with the options below ranging from the tens of thousands, to hundreds of thousands of dollars. It must be noted that the below assumes an estimated 200 STR hosts operating in the City. As with the regulatory framework, Administration will bring forward an additional report outlining the detailed implementation plan(s) and detailed budgetary breakdowns for the chosen licensing option(s).

<b>Table 3: Licensing Options For Implementation of Recommended Regulatory Framework</b>			
<b>Option</b>	<b>Description</b>	<b>Explanation</b>	<b>Projected Budgetary Impact</b>
<b>1</b>	Licensing only the operating platform with the caveat that providers (or 'Hosts') on platforms meet specific requirements as outlined by the City.	Similar to the current licensing regime used with Uber	Low
<b>2</b>	Licensing the operating platform and keeping a registry of all providers. Providers pay a small fee to register.	Used in the Toronto example as well as mid-sized cities	Low
<b>3</b>	Licensing the operating platform and the platform providers at reduced rates with various requirements, generally with no inspections performed but signed declaration of safety, fire plans provided, proof of smoke alarms, etc.	Popular method in larger tourism areas	Moderate
<b>4</b>	Licensing only the platform providers at reduced rates with various requirements, generally with no inspections performed but signed declaration of safety, fire plans provided, proof of smoke alarms, etc.		Moderate

5	Licensing the operating platform and keeping two registries, the first for those listed with a provider and would pay a small fee for administration of the register. The other for those who don't operate through a provider who pay a full licence fee with normal inspections.		Moderate
6	Licensing only the platform providers at full licensing rates to cover all normal inspections		High
7	Licensing the operating platform as well as the platform providers at full licensing rates to cover all normal inspections.		High
8	Changes to the B&B Schedule of the Licensing bylaw to add a new schedule for Short Term Rentals (current cost is \$616 with \$191 annual renewal fee).	STRs would be regulated like traditional B&Bs (changes may be required to B&B regulations to harmonize requirements)	High

## Licensing Challenges

Most STR platforms operate as foreign entities within Canada which may pose a concern regarding the ease of licensing the platform itself. It is difficult to enforce municipal regulations on companies of this type and outright refusals to comply may become an issue. The enforcement and methods of recourse in these situations are difficult at best and this factor must be considered in implementing any regulatory regime. In some cases, as in the regulation of Transportation Sharing Networks (such as UBER), agreeable terms can be negotiated and platform compliance can be obtained. Some STR companies, such as airbnb, have made a commitment to work with municipalities in order to create a fair and balanced licensing regime. This is not however guaranteed and thus is an important consideration to bear in mind in any decision.

In regards to inspection requirements as a part of the licensing process, the Business Licensing By-law allows the City to inspect any licensed (or intended to be licensed) premises to carry out the functions of the Licence Commissioner, at any reasonable time. With that being said, there is the possibility that inspections could be refused by the licensee or homeowner. These types of refusals could present difficulty in ensuring compliance with any licensing regulations for operators with existing licenses. It would also result in difficulty entering a home to determine if a licence is required - in cases of homeowners operating a STR without a licence. Right of entry challenges are difficult to navigate as they are legally and constitutionally supported. In cases of those who are

already licensed, the City can use the status of their licence as a compliance resource including a possible licence hearing with the Windsor Licensing Commission. In cases of unlicensed non-compliance, charges and fines can be levied as well as refusal to license should these homeowners choose to follow the licensing requirements in the future.

## **Recent Developments**

As a result of the global CoVid-19 Pandemic, a number of STR Platforms have reported significant decreases in the use of these types of rentals. Many of the larger companies, including airbnb, have been forced to implement significant layoffs and other cost-cutting measures in hopes of avoiding more drastic measures. Travel has been greatly impacted worldwide and it is unclear when any type of travel for pleasure for tourism purposes will return to normal.

What is clear is that when travel does return, the changes it will undergo will not be temporary or short-lived. Studies done by STR platforms in recent months have shown travellers to be wary of international travel and are more likely to choose 'staycations' or stay closer to home when planning upcoming vacations. Other surveys conducted have indicated that travellers are more likely to choose hotel accommodations at this time with the belief of higher standards of cleanliness being enforced, whether that is the case or not. The instability of the industry and the amount of unknowns in regards to future travel should be taken into consideration when determining a regulatory regime.

## **Risk Analysis:**

There is risk involved in maintaining the status quo, primarily related to the rental of dedicated STRs (e.g. where the host does not live on-site). Currently unregulated within Windsor—there are a number of dedicated STRs operating. The rental of these dwellings on a short-term basis potentially removes a monthly rental unit from the housing supply. According to the Canadian Mortgage and Housing Corporation, the rental vacancy rate in October of 2019 was 2.8%. Criticism of STRs argues that the rental stock is adversely affected by those participating in the STR market as more homes or apartments are rented for short term rather than long term tenancies. This may limit the supply of available rental housing, which may increase the cost of housing.

Administration also heard from residents that STRs can exacerbate safety and nuisance concerns within residential neighbourhoods. This includes a wide range of issues such as increased traffic, parking, noise, and dirty yard concerns. Concerns were also voiced regarding 'ghost hotels', or homes in vibrant neighbourhoods being used as hotels, with no or limited presence of the property owner or monthly tenant, resulting in constant revolving occupancy. The LPAT decision from the City of Toronto reinforces this concern as it found that dedicated STRs functions more like a commercial use (e.g. hotel) than a residential use.



Maintaining the status quo (i.e. no regulation) would risk exacerbating these concerns, which could negatively impact the rental housing supply and destabilize residential neighbourhoods. Some level of regulation is also required to ensure basic safety of STR rentals. Overregulation poses a risk of stifling the STR industry, which may negatively impact tourism and income for hosts. A complicated regulatory system may also discourage compliance with STR rules.

Restricting the ability to rent dedicated STRs may jeopardize investments already made in these dwellings (Sarnia grandfathers these investments made before STRs rules came into effect). It is assumed that dedicated STRs would be added to the long-term rental housing supply if they are prohibited from renting on a short-term basis.

### **Financial Matters:**

It should be noted that in Windsor the largest STR platform, airbnb, is paying the municipal accommodation tax commensurate with the amounts paid by hotels in the city. They have been open to working with the City and prove to be generally amicable with municipal regulatory and taxation practices.

Other financial matters to consider involve the cost of licensing and enforcement resources, both staff and other, should council direct administration to create a regulatory regime using options 1-8 as outlined above. As noted, the financial impact of these options vary from the \$10,000 range to upwards of \$100,000 based on the options chosen. These costs include, but are not limited to, the hiring of new staff members required to complete regulatory requirements, existing staff time being diverted to other duties, inspections and other various administrative costs.

### **Consultations:**

Policy, Gaming, Licencing and Bylaw Enforcement

Planning

Finance

Legal

Building

Fire

### **Conclusion:**

There are many options for the creation of a STR regulatory regime. Administration recommends a framework that strikes a balance between concerns addressed through public consultation and allowing STRs to be established in all residential areas throughout the City. Should Council endorse the recommended regulatory framework and/or provides further direction regarding regulation of STRs, Administration will

prepare detailed implementation by-laws that articulate what is required of STR hosts as well as City Administration. In the interim, Administration will continue to effectively enforce and uphold the standards set forth in the Parking, Noise, Property Standards, Zoning, and Vital Services By-Laws.

### Approvals:

Name	Title
Katherine Donaldson	Corporate Policy Coordinator
Greg Atkinson	Planner III - Economic Development
Michael Cooke	Manager of Planning Policy
Gary Cian	Deputy License Commissioner/Senior Manager of Policy, Gaming, Licensing and By-Law Enforcement
Thom Hunt	City Planner
John Revell	Chief Building Official
Valerie Critchley	City Clerk
Joe Mancina	City Treasurer
Shelby Askin Hager	City Solicitor
Valerie Critchley for Onorio Colucci	Chief Administrative Officer

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Paul Mirkovic	208 MOY AVENUE, WINDSOR	<a href="mailto:Paul.mirkovic@gmail.com">Paul.mirkovic@gmail.com</a>
Brian Zampa	2237 ELSMERE AVENUE, WINDSOR N8W 2C7	<a href="mailto:Brianzampa66@gmail.com">Brianzampa66@gmail.com</a>
Viki Grado	11866 SAVANNA STREET	<a href="mailto:Vgrado100@gmail.com">Vgrado100@gmail.com</a>
Susan Serapiglia		<a href="mailto:Susan.serapiglia@gmail.com">Susan.serapiglia@gmail.com</a>
M. Revait	BLACKBURN NEWS.COM	<a href="mailto:mrevait@blackburnradio.com">mrevait@blackburnradio.com</a>
Sanjay Maru	CBC	<a href="mailto:Sanjay.maru@cbc.ca">Sanjay.maru@cbc.ca</a>
Joan Charette	23 LEVERGOOD LANE-HARROW 111 RIVERSIDE DR. E., WINDSOR	<a href="mailto:joancharette@me.com">joancharette@me.com</a>
Ray Quenneville	929 EDWARD AVE., N8S 2Z7	<a href="mailto:rayqjr@yahoo.ca">rayqjr@yahoo.ca</a>
Shannon & Dennis Dumont	282 PARENT AVE., WINDSOR N9A 2B6	<a href="mailto:Casadumont6@gmail.com">Casadumont6@gmail.com</a>
Ryan Hughes (Yqg Housing Alliance)	2621 SYCAMORE DR., UNIT 106, WINDSOR, N8T 2Y8	<a href="mailto:nycalhoutex@yahoo.com">nycalhoutex@yahoo.com</a>
George Grayson	2049 NIAGARA, WINDSOR, ONTARIO	<a href="mailto:georgrayson@aol.com">georgrayson@aol.com</a>
Terry Hermiston	114 GILES BLVD. W., WINDSOR, N9A 6G9	<a href="mailto:terry@hhsllp.com">terry@hhsllp.com</a>
Frazier Fathers	3149 MANCHESTER RD, WINDSOR N9C 1X7	<a href="mailto:Frazier.fathers@gmail.com">Frazier.fathers@gmail.com</a>
Mary Morris	455 ERIE ST. W.,	<a href="mailto:Mmorris7@bell.net">Mmorris7@bell.net</a>

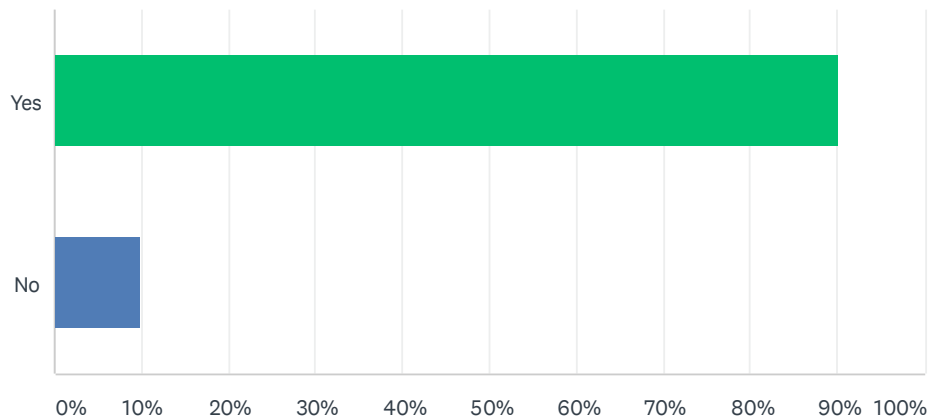
Name	Address	Email
	WINDSOR N9A 6C1	
Silvana Durocher	232 PATRICE DRIVE, WINDSOR N8S 2R6	<a href="mailto:Silvana_durocher@hotmail.com">Silvana_durocher@hotmail.com</a>
Mary Ann Cuderman	3118 SANDWICH ST., WINDSOR N9C 1A6	<a href="mailto:macuderman@hotmail.com">macuderman@hotmail.com</a>
Tammy Murray	1161 RANKIN AVENUE	<a href="mailto:murraytamaral@icloud.com">murraytamaral@icloud.com</a>
Allan Bonner	1210 ALBERT RD.	<a href="mailto:Allanbonner1@hotmail.com">Allanbonner1@hotmail.com</a>
Rita Higgins	851 CURRY AVE.	<a href="mailto:westendcrawlers@gmail.com">westendcrawlers@gmail.com</a>
Gullaume Lavoie	12094 CEDARWOOD DRIVE	<a href="mailto:g@mgmode.com">g@mgmode.com</a>
Leslie Smejkal	ONTARIO RESTAURANT HOTEL AND MOTEL ASSOCIATION	<a href="mailto:lsmejkal@orhma.com">lsmejkal@orhma.com</a>
Tony Elenis	ONTARIO RESTAURANT HOTEL AND MOTEL ASSOCIATION	<a href="mailto:telenis@orhma.com">telenis@orhma.com</a>
Elizabeth Mendes	AIRBNB PUBLIC POLICY - CANADA	<a href="mailto:elizabeth.mendes@ext.airbnb.com">elizabeth.mendes@ext.airbnb.com</a>

### Appendices:

- 1 Appendix A - Short Term Rental Survey Results
- 2 Appendix B - Written Submissions from Open House

## Q1 Are you a resident of Windsor?

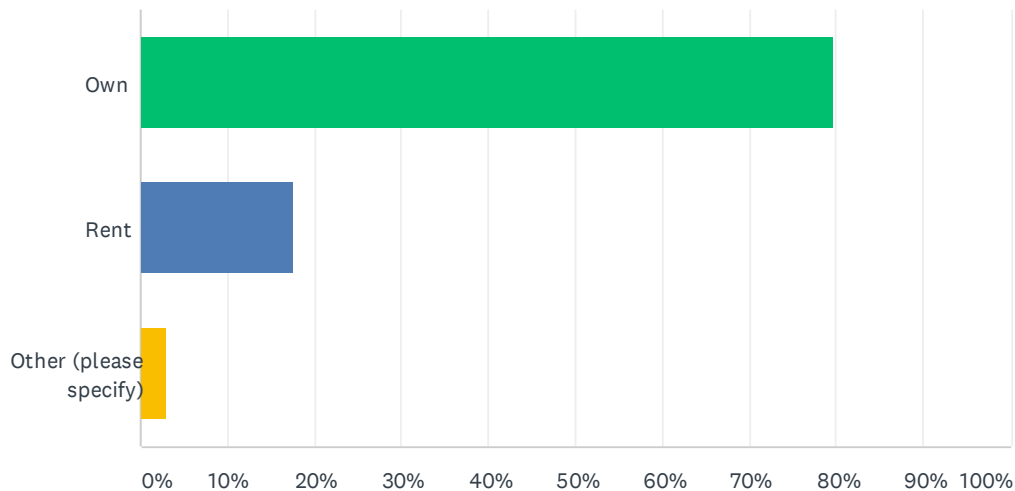
Answered: 418 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	90.19%	377
No	9.81%	41
TOTAL		418

## Q2 Do you own or rent your home?

Answered: 417 Skipped: 1



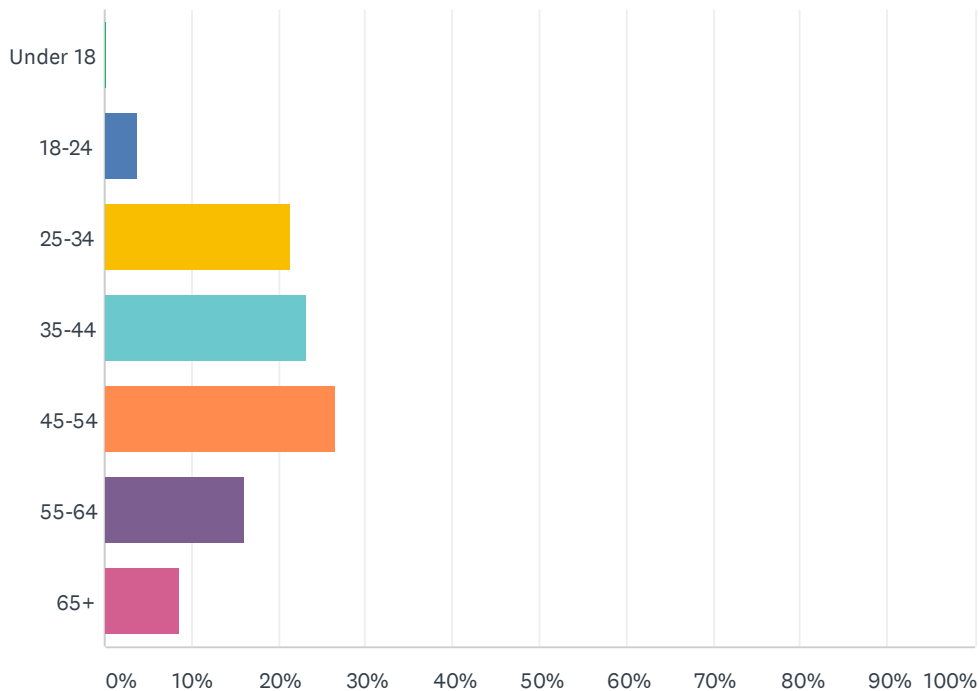
ANSWER CHOICES	RESPONSES	
Own	79.62%	332
Rent	17.51%	73
Other (please specify)	2.88%	12
TOTAL		417

#	OTHER (PLEASE SPECIFY)	DATE
1	Previously rented	3/5/2020 9:17 AM
2	We own rental properties in Windsor	3/3/2020 10:28 AM
3	Airbnb	2/26/2020 7:06 AM
4	Own and rent our 6 plex	2/24/2020 4:46 PM
5	Living with parents who own.	2/24/2020 2:58 PM
6	staying with parents	2/24/2020 11:45 AM
7	Live at home with my parents	2/24/2020 11:39 AM
8	cottage	2/24/2020 11:31 AM
9	LIVE WITH FAMILY	2/13/2020 9:57 AM
10	Live at home	2/12/2020 8:09 AM
11	Live with parents	2/11/2020 11:09 PM
12	My parents own the house I reside in.	2/11/2020 6:52 PM



### Q3 What is your age?

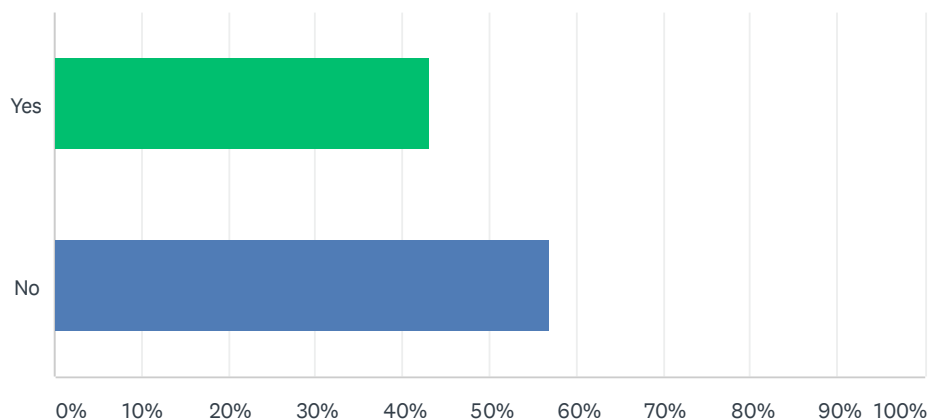
Answered: 417    Skipped: 1



ANSWER CHOICES	RESPONSES	
Under 18	0.24%	1
18-24	3.84%	16
25-34	21.34%	89
35-44	23.26%	97
45-54	26.62%	111
55-64	16.07%	67
65+	8.63%	36
TOTAL		417

## Q4 Do you think Short Term Rental properties (airbnb, VRBO, etc.) should be regulated in the City of Windsor?

Answered: 416 Skipped: 2

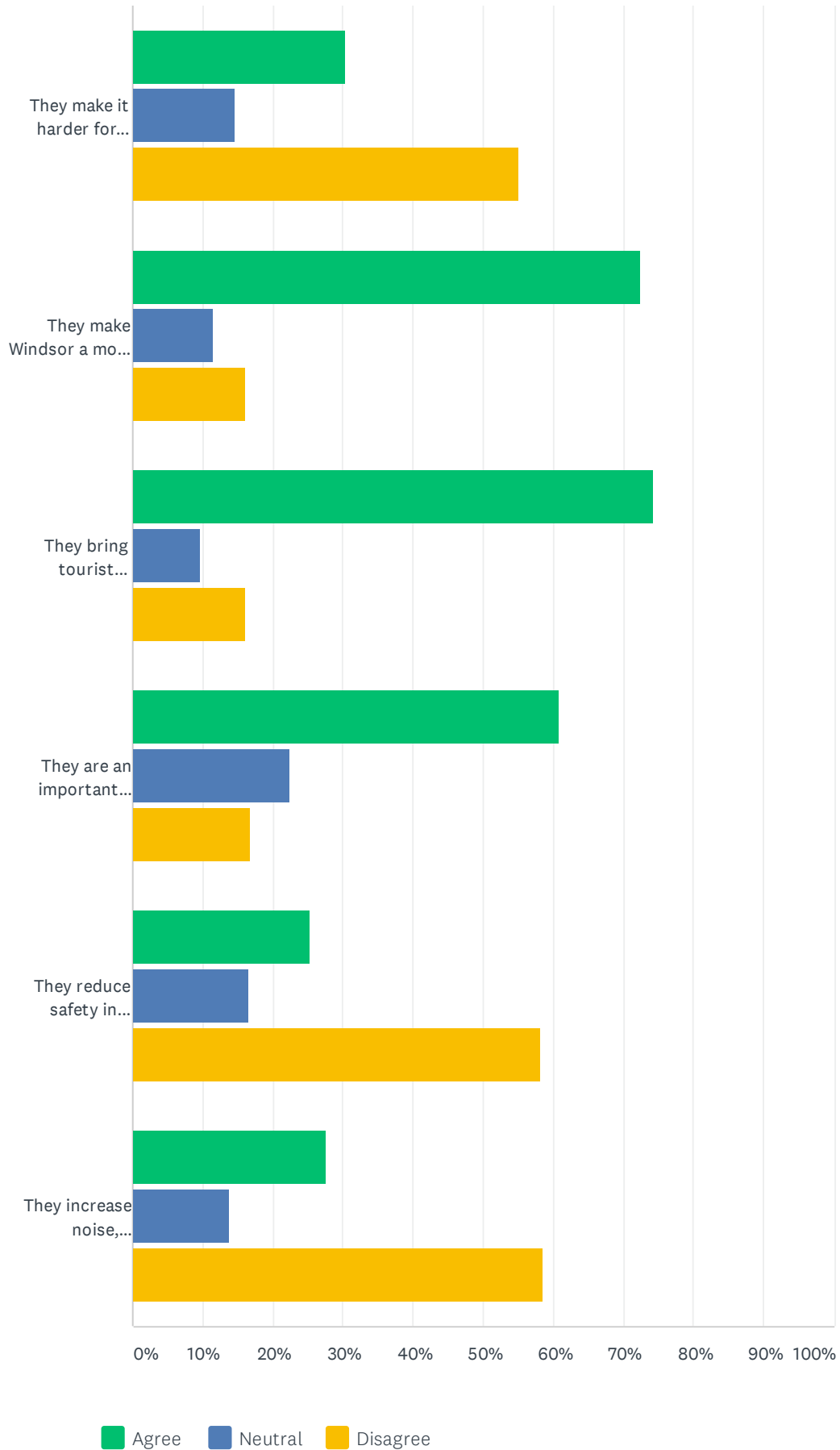


ANSWER CHOICES	RESPONSES	
Yes	43.03%	179
No	56.97%	237
TOTAL		416

**Q5 Tell us how you feel about Short Term Rentals in Windsor. Do you agree or disagree with the following statements?**

Answered: 418   Skipped: 0

## Short Term Rental Regulations

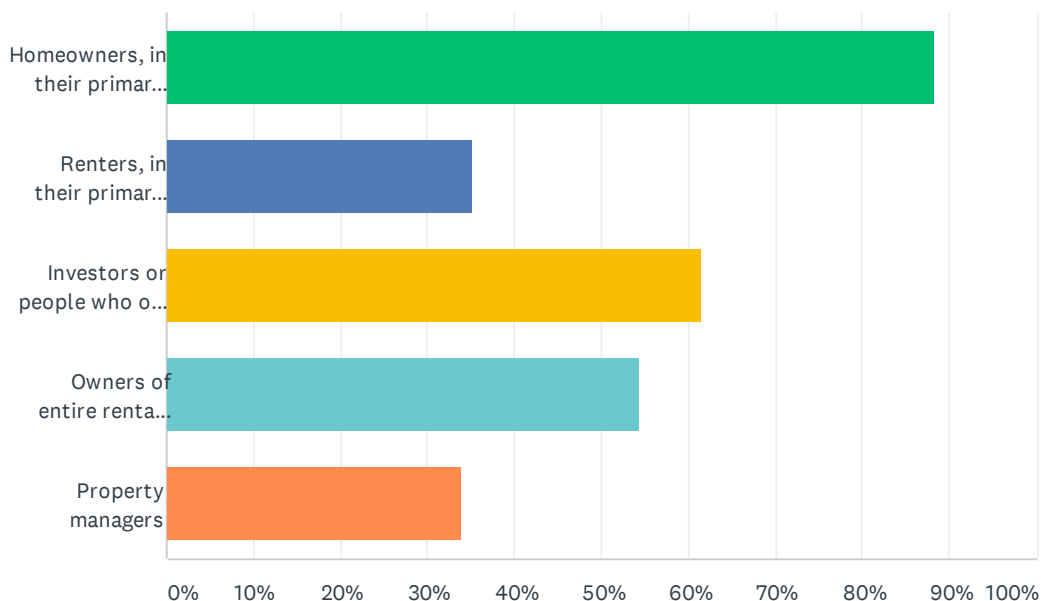


## Short Term Rental Regulations

	AGREE	NEUTRAL	DISAGREE	TOTAL
They make it harder for people to find quality, affordable housing that's available to rent long-term	30.38% 127	14.59% 61	55.02% 230	418
They make Windsor a more appealing tourist destination	72.36% 301	11.54% 48	16.11% 67	416
They bring tourist spending to neighbourhood shops and restaurants	74.28% 309	9.62% 40	16.11% 67	416
They are an important source of income for residents	60.91% 254	22.30% 93	16.79% 70	417
They reduce safety in buildings and neighbourhoods	25.30% 105	16.63% 69	58.07% 241	415
They increase noise, on-street parking and property damage	27.58% 115	13.91% 58	58.51% 244	417

## Q6 Who should be allowed to offer Short Term Rentals? Choose all that apply.

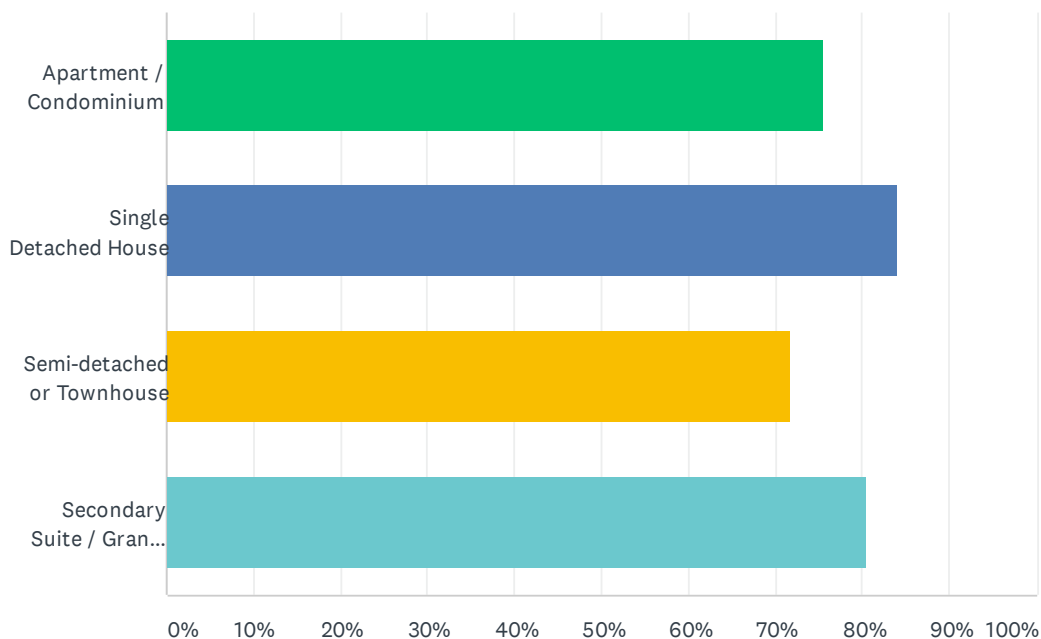
Answered: 413 Skipped: 5



ANSWER CHOICES	RESPONSES	
Homeowners, in their primary residence	88.38%	365
Renters, in their primary residence	35.11%	145
Investors or people who own property they do not live in	61.50%	254
Owners of entire rental apartment buildings	54.48%	225
Property managers	33.90%	140
Total Respondents: 413		

## Q7 In what type of dwelling should Short Term Rentals be allowed? Choose all that apply.

Answered: 411 Skipped: 7

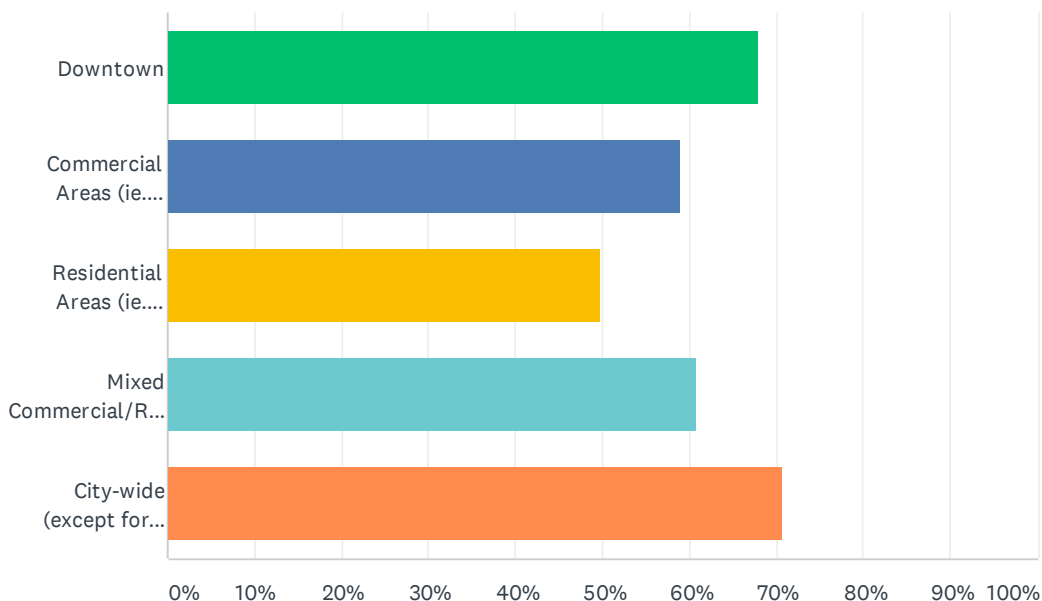


ANSWER CHOICES	RESPONSES	
Apartment / Condominium	75.43%	310
Single Detached House	84.18%	346
Semi-detached or Townhouse	71.78%	295
Secondary Suite / Granny Suite	80.54%	331
Total Respondents: 411		



## Q8 In what areas should Short Term Rentals be permitted? Choose all that apply.

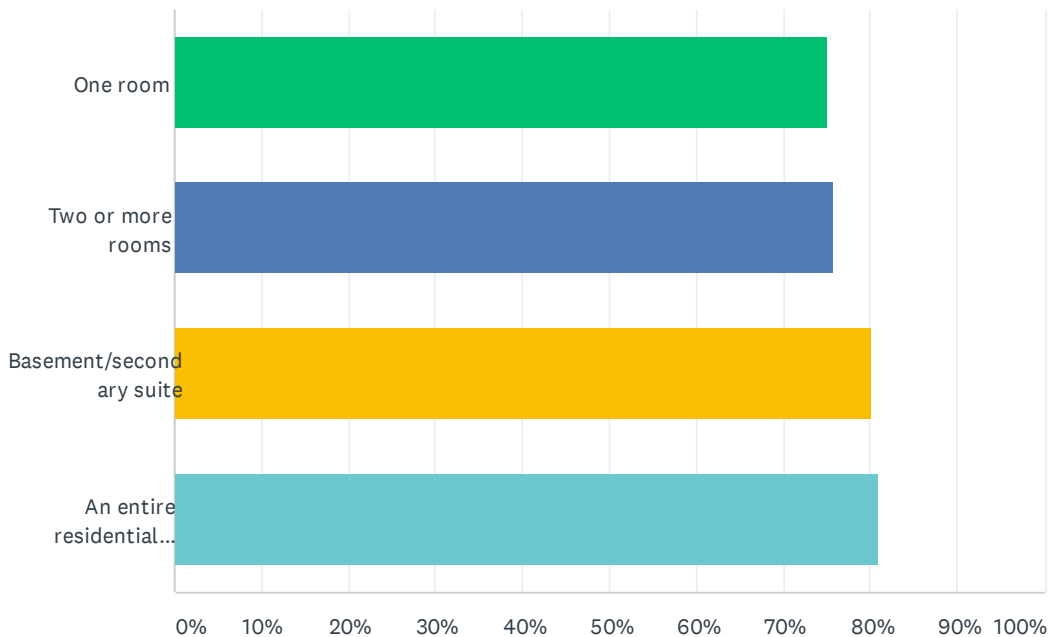
Answered: 412 Skipped: 6



ANSWER CHOICES	RESPONSES	
Downtown	67.96%	280
Commercial Areas (ie. Commercial sections of Tecumseh Road, Howard Avenue, Dougall Avenue, and Walker Road)	58.98%	243
Residential Areas (ie. Riverside, South Windsor, and Forest Glade neighbourhoods)	49.76%	205
Mixed Commercial/Residential Areas (ie. Sandwich Street in Sandwich Town, Wyandotte Street in Walkerville and near the University of Windsor, Erie Street East, Ottawa Street)	60.92%	251
City-wide (except for industrial areas)	70.63%	291
Total Respondents: 412		

## Q9 What type of space should be allowed for STR? Choose all that apply.

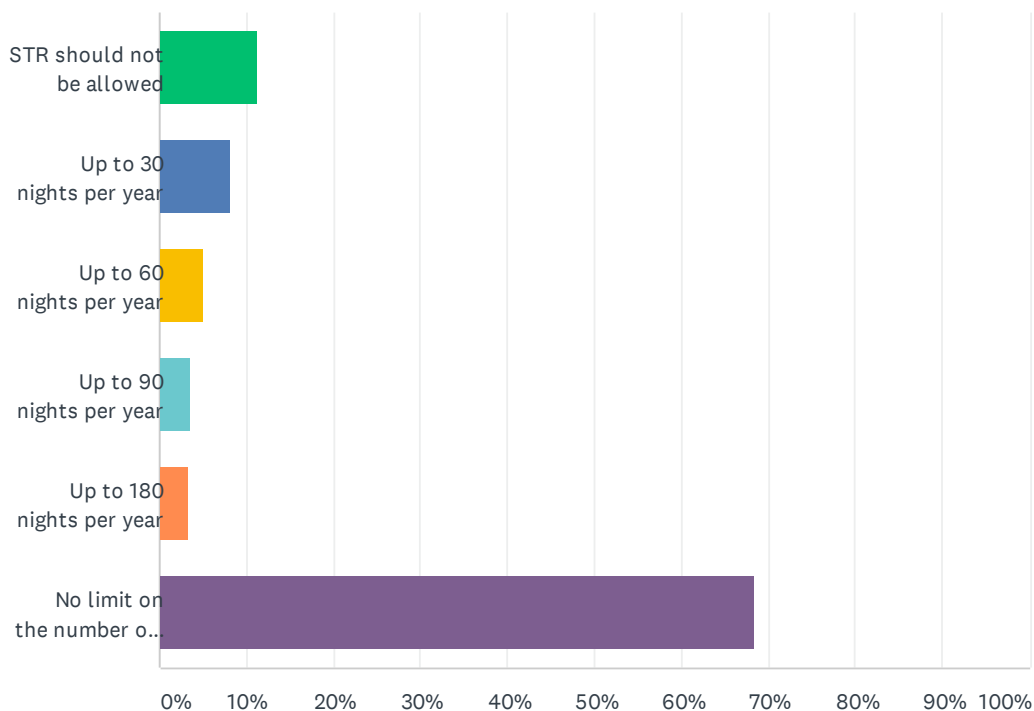
Answered: 411 Skipped: 7



ANSWER CHOICES	RESPONSES	
One room	75.18%	309
Two or more rooms	75.67%	311
Basement/secondary suite	80.05%	329
An entire residential unit	81.02%	333
Total Respondents: 411		

## Q10 Should there be a limit on the total number of nights per year? What do you think would be a fair?

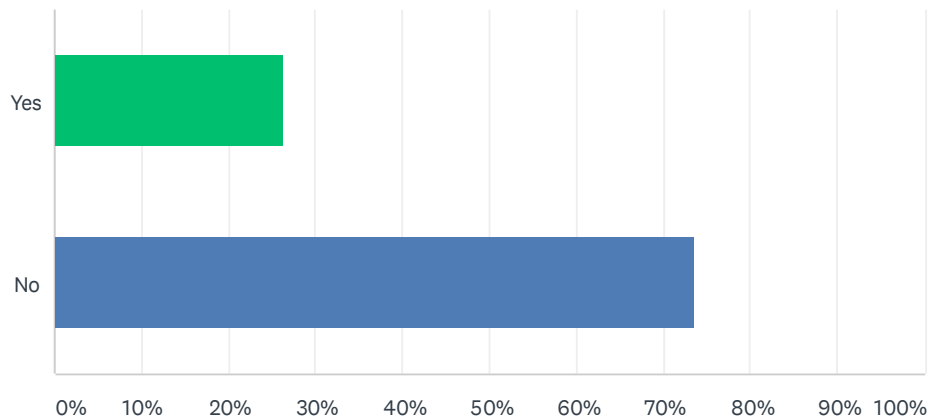
Answered: 414 Skipped: 4



ANSWER CHOICES	RESPONSES	
STR should not be allowed	11.35%	47
Up to 30 nights per year	8.21%	34
Up to 60 nights per year	5.07%	21
Up to 90 nights per year	3.62%	15
Up to 180 nights per year	3.38%	14
No limit on the number of nights per year	68.36%	283
<b>TOTAL</b>		<b>414</b>

## Q11 Are you a Short Term Rentals provider?

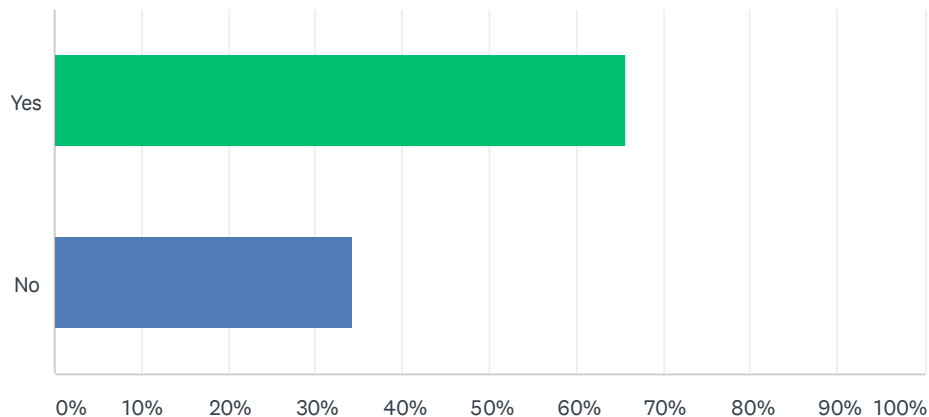
Answered: 416 Skipped: 2



ANSWER CHOICES	RESPONSES	
Yes	26.44%	110
No	73.56%	306
TOTAL		416

## Q12 Are you a Short Term Rentals user?

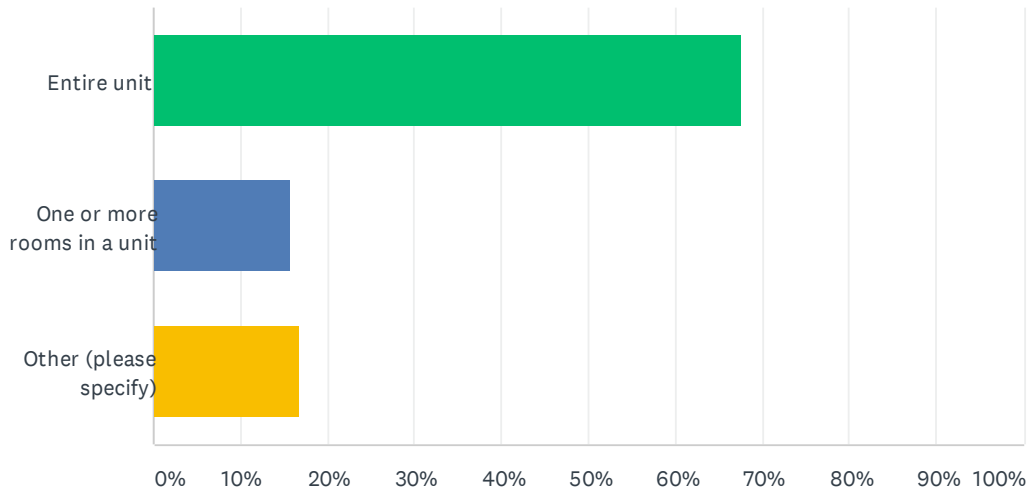
Answered: 417 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	65.71%	274
No	34.29%	143
TOTAL		417

## Q13 What type of space do you list/use?

Answered: 377 Skipped: 41



ANSWER CHOICES	RESPONSES	
Entire unit	67.64%	255
One or more rooms in a unit	15.65%	59
Other (please specify)	16.71%	63
TOTAL		377

## Short Term Rental Regulations

#	OTHER (PLEASE SPECIFY)	DATE
1	Both entire unit and single rooms	3/13/2020 8:27 AM
2	I don't?	3/11/2020 2:34 PM
3	I don't list or use short term rentals because the housing situation is already devastated.	3/8/2020 3:15 AM
4	none	3/6/2020 5:03 AM
5	I've tried it twice. Once in Collingwood (rented out a cottage for 10 people) and once in Montreal (tenting out an apartment for 5 people). However, I would not be comfortable renting one in a residential, quiet neighbourhood.	3/5/2020 11:57 PM
6	I don't	3/5/2020 11:08 PM
7	None	3/5/2020 5:29 PM
8	Rent in an apartment, hotels for trips	3/5/2020 11:16 AM
9	hotel	3/5/2020 9:10 AM
10	Granny suite	3/5/2020 8:59 AM
11	Basement	3/5/2020 8:47 AM
12	n/a	3/5/2020 7:33 AM
13	none	3/5/2020 6:29 AM
14	None	3/4/2020 6:22 PM
15	None currently	3/4/2020 4:37 PM
16	I currently do not use nor list space in Windsor	3/4/2020 4:35 PM
17	N/A	3/4/2020 1:35 PM
18	We rent multiple residential suites in each property. The guests have never been a problem and we have been doing this for several years. Out of town employers with employees coming to town on work contracts are not about to sign a one year lease for a 6 month stay. If Landlords start offering shorter term leases this will only reduce the residential rental stock. Out of town employers cannot afford to put their employees in hotels and pay their meals and still be competitive. Short term rentals allow for greater competition for local contracts. We have provided accommodation to Spanish companies working on the Parkway, contractors working at the airport and military personal training as PA's at the hospital. The City is in fact already regulating the short term rental industry by collecting the accommodation tax. The City needs to leave it at that and not try to micromanage tax paying homeowners/businesses. Windsor isn't downtown Toronto. We don't have rich gangsters and hip hop artists renting Airbnb penthouses and mansions.	3/3/2020 10:28 AM
19	Granny suite attached to residence	3/2/2020 9:55 PM
20	None	2/27/2020 7:55 PM
21	None	2/25/2020 11:31 PM
22	None	2/25/2020 7:33 AM
23	Have used both with no issues	2/25/2020 6:59 AM
24	Basement	2/25/2020 6:41 AM
25	Private Suite in a single detached home	2/25/2020 4:59 AM
26	List one room and use whole house or apartment.	2/25/2020 3:21 AM
27	basement area	2/24/2020 9:15 PM
28	hotels, no need to hurt the hotel industry and devalue neighbourhoods, no to this type of rentals!	2/24/2020 8:33 PM
29	None	2/24/2020 6:37 PM



## Short Term Rental Regulations

30	This is the only opportunity to say this, so I'll say it. City of Windsor should leave airbnb alone. I dont think municipalities should stick their nose into anyone that wants to rent their property out. If the city does not own the property they shouldnt be concerned who is renting to who. City of windsor needs to focus on more important issues like how dilkens is going to figure out how to pull his head out of his ass. Where is our pot store? Ohh right, the city of windsor interrupted that progress and could be making money off the taxes. Stay out of private business. this coming from someone not anywhere remotely involved with these issues but just feel municipality is overstepping its boundaries concerning these issues.	2/24/2020 5:47 PM
31	Student rooms at a College Residence off season	2/24/2020 5:23 PM
32	Single family dwelling	2/24/2020 4:47 PM
33	A hotel or bed and breakfast	2/24/2020 4:43 PM
34	We regularly rent through vrbo for vacation. It's a great service.	2/24/2020 4:30 PM
35	None	2/24/2020 4:15 PM
36	Both	2/24/2020 2:43 PM
37	none	2/24/2020 2:37 PM
38	N/a	2/24/2020 2:00 PM
39	Granny suite	2/24/2020 12:46 PM
40	Granny suite	2/24/2020 12:35 PM
41	Both	2/24/2020 12:15 PM
42	Cottage	2/24/2020 11:59 AM
43	none	2/24/2020 11:45 AM
44	none	2/24/2020 11:39 AM
45	Granny Suite	2/24/2020 11:19 AM
46	I dont	2/24/2020 10:53 AM
47	11 and 12 say I don't	2/20/2020 4:24 PM
48	We own our home. Use motels when we go out of town	2/18/2020 4:01 PM
49	I don't - City should be collecting the Municipal Accomodation Taxes on these rentals - By-Law Enorcement Officers are tied because these "investors" live elsewhere so they have to send order to comply notices my registered mail whereas a homeonwer that lives in windsor has 7 days to comply with the notice. Often they have to allow these negligent investors the same 7 days but allow them to sign for registered mail. You shold be charging the out of town investor \$30 just to send it registered mail....why should regular taxpayers subsidize this cost?	2/17/2020 10:45 PM
50	STR encourage more out of town owners and should be discouraged,	2/14/2020 8:11 PM
51	I do not list any property, survey is poorly developed and leading/directive	2/14/2020 7:36 PM
52	NIL Why ask such a question NO TO ALL AIRBNB IN NEIGHBOURHOODS	2/14/2020 1:38 PM
53	None	2/14/2020 8:21 AM
54	when travelling? efficiency unit, partial suite type, B+B, Inn	2/13/2020 2:28 PM
55	A 1 bedroom condo as part of a hotel in a tourist area of Canada	2/12/2020 8:20 PM
56	n/a	2/12/2020 2:35 PM
57	Don't list/use space.	2/12/2020 9:35 AM
58	Depends on the trip, I have booked whole units and just rooms.	2/11/2020 11:10 PM
59	Either when gone on trips	2/11/2020 10:52 PM
60	N/A	2/11/2020 6:10 PM

## Short Term Rental Regulations

61	List - partial space of an entire unit; Use - entire units + rooms within a unit	2/11/2020 4:06 PM
62	hotel that has security and liability protection	2/11/2020 3:28 PM
63	have used STRs in various capacities/set ups	2/11/2020 3:27 PM

\*Please note the identification information requested below is not mandatory, all comments will be included in a forthcoming report to Council.

Name: (

Address

Phone Number OR E-Mail Address:

Comments:

We do not need to regulate short term rentals. People should not have restrictions on short term rentals. This is a valuable source of income that people should have the option to utilize. These short term rentals also allow people to experience different parts of the city. Long term tenant can be way worse than short term rental guest.

- Property stays cleaner
- Owner more involved in property
- online reviews keeps people informed
- more revenue means better home value
- Short term rentals generate tax revenue for the City
- Short term rentals are not why there is no affordable units

\*Please note the identification information requested below is not mandatory, all comments will be included in a forthcoming report to Council.

Name:

Address:

Phone Number OR E-Mail Address:

Comments:

As someone who Airbnb's a room, I would prefer less regulation but recognize some is needed. I would rather see a limit on days that a unit can be rented out rather than a formal licensing for providers. I am not against a platform license,

Decision shouldn't be made based on fear mongering of "other people" in a neighbourhood.



\*Please note the identification information requested below is not mandatory, all comments will be included in a forthcoming report to Council.

Name:

Address:

Phone Number OR E-Mail Address:

Comments:

I HAVE 2 AIRBNB'S IN A MIXED USE  
RESIDENTIAL/COMMERCIAL ZONED AREA.

I KNOW THERE ARE PROBLEMS FROM TIME  
TO TIME IN MY RENTALS (RARELY)

I QUALIFY MY GUESTS WHO "MUST" HAVE  
A COMPLETED PROFILE AND CURRENTLY AT  
LEAST "1 REVIEW" QUALIFYING THEIR GUESTS  
ARE THE SURFEST METHOD OF REGULATING  
CONDUCT & PREFERABLE GUESTS!

I DON'T THINK "PRIVATE" RESIDENTIAL HOMES  
SHOULD BE INVOLVED IN AT LEAST THE  
AIRBNB PLATFORM. (HOWEVER, IF THEY DON'T  
MONITOR THEIR PROGRAM WITH "HOSTS" IT  
WOULD DEFINITELY COLLAPSE.

I HAVE ENJOYED BEING A GUEST ALL OVER  
THE WORLD ON THIS PLATFORM AND IT REALLY DOES  
BRING HIGH QUALITY TOURISM & BUSINESS DEVELOPMENT  
TO ANY CITY THAT HAS "QUALITY" AIRBNB'S.



\*Please note the identification information requested below is not mandatory, all comments will be included in a forthcoming report to Council.

Name:

Address:

Phone Number OR E-Mail Address:

Comments:

HUMAN TRAFFICKING Air BnB

1. a single apartment in a house should not be an Air BnB.
2. Cannot rent over 20 days.
3. garbage collection / parking issues.
4. City must regulate all aspects to control neighborhoods.
5. More regulatory control.
6. Need licensing & fees.
7. Need to tax & be made accountable long term mitigation.
8. Need to look at the area should be property by property (WB) in old Wexfordville Friends Drive -
9. Low cost of units are used by criminals.
10. A 2 story house is in effect can be rented as a party house  
→ This should be permitted in employment / industrial zones or commercial zones not in residential areas.
11. Regulation for short term renters that impact neighbors.
12. No unhosted properties.
13. No unhosted as a business.
14. Need accommodation tax.
15. Need a bylaw officer.
16. No commercial use in residential areas ask the neighbors if they would want one. they will answer no.
17. Accessibility codes need to be enforced.
18. Changes character of neighborhood - please do not allow this. can have issues posing risk; insurance safety security.

\*Please note the identification information requested below is not mandatory, all comments will be included in a forthcoming report to Council.

Name:

Address:

Phone Number OR E-Mail Address:

Comments:

- Need bylaw enforcement with personell
- talking to offending owners or renters does not work
- rules are needed
- operators should be present -
- ensure safety for neighbourhoods to promote quality of life.
- value of property may be reduced ✓
- No commercial property in neighbourhoods in Air BnB.
- Complaint protocol - needed + fast action on complaints
- lodgers. - must control 4 in a unit.



I AM [REDACTED]

- HOME IS [REDACTED]

- SINCE 1979 40 YEARS

- NEVER AN ISSUE

- WAS A SINGLE FAMILY DWELLING

- 2 FAMILIES THEN IT WAS ZONED FAMILY

- THAT ZONING HAS NOT CHANGED TO MY KNOWLEDGE

- IT IS NOW AN AIRBNB AGAIN WITHOUT MY KNOWLEDGE

- TO BE RENTED TO ANYONE FROM ANYWHERE – NO SECURITY

- I AM THE NEIGHBOUR TO AN ENTREPRENEURIAL ADVENTURER

- I DO NOT KNOW THIS PERSON OR HIS FAMILY YET THEY HAVE

BEEN NEIGHBOURS FOR 7 MONTHS OR MORE

- I AM A [REDACTED]

I CANNOT HAVE A COMMERCIAL ESTABLISHMENT OF A DENTAL

OFFICE IN THIS NEIGHBOURHOOD

*without application*  
*I am looking at the impact on neighbourhood*  
*not housing availability / impact on tourism or taxation*

*Page 13*  
City Council Agenda – October 19, 2020

*unit separate*  
*+ owner unaware of*  
*what's going on*

- I WAS TOLD ABOUT 6 MONTHS AGO THAT THERE WAS A POLICE PRESENCE ON A FRIDAY AFTERNOON IN THE LATE SUMMER\EARLY FALL
- ON ARRIVING AT 2:30 P.M. THERE WERE 7 POLICE VEHICLES AND A PRISONER TRANSPORT VEHICLE PRESENT ONLY TO FIND OUT THAT IT WAS A HUMAN TRAFFICKING ISSUE
- I WAS ADVISED THAT 4 MALES GOT OUT OF A VEHICLE AT 6:00 A.M. BY A NEIGHBOUR WITNESS
- THE SAFETY, SECURITY, WELFARE AND OUR HEALTH IN THIS NEIGHBOURHOOD HAS BEEN FORMALLY COMPROMISED
- DO I NEED BULLETS COMING THROUGH MY WALLS?
- THERE IS A PARK, 3 CHURCHES, 2 PUBLIC SCHOOLS AND A HIGH SCHOOL
- FERTILE GROUND FOR CRIMINALS *as park proximity to city.*
- I OPPOSE AIRBNB
- WE DON'T LIVE ON A BEACH WHERE THERE ARE RENTALS

*Zoning may be needed to to look at property by property is a specific property.*



- THIS A FAMILY NEIGHBOURHOOD THAT DOES NOT NEED  
UNKNOWN WHO ARE THERE AND ARE NOT REGULATED  
THROUGH SECURITY AS A HOTEL
- AIRBNB – WILL HAVE TO BE A LODGING IF 4 PEOPLE ARE THERE *house & hotel*
- CAN YOU REGULATE UNDER 25 *no*
- COST OF APARTMENT IS LESS WHEN YOU BOOK @ U.S.D. – LESS  
FAVOURABLE INDIVIDUALS *change in people*
- I OPPOSE AIRBNB AS DO THE MAJORITY OF MY NEIGHBOURS IN  
THE WALKERVILLE AREA
- CAN ANYONE COME IN HERE AND DO THIS IF THE CASH SEEMS  
TO BE PRESENT?
- NEED RULES ABOUT CONDUCT TO ASSURE HEALTH, WELFARE  
AND SECURITY OF THE RESIDENTS IN THE NEIGHBOURHOOD

*IS IT HOSTED OR  
UNHOSTED - owner does not  
have access to  
the unit.*

**PETITION TO FOLLOW**

*Thank you*

From: [REDACTED]

To: [REDACTED]

Subject: Re: air B&B Windsor

Date: Wed, May 15, 2019 10:08 pm

[REDACTED]

<https://www.cbc.ca/news/canada/windsor/airbnb-regulations-windsor-1.5127778>

There seem to be a few factual errors in this article.

Example. it looks like the bylaw peeps don't enforce B&Bs (!!! Wtf) , the requirements are that they are the primary residence of the owner , are licenced, and can have no more than 3 guests before they are a lodging house. Signage cannot advertise except for owner name and street number or it is a commercial sign . See 250-2004

See #395-2004 pg 46 re B&B

See BL 8600 you are in an RD1.1 residential area which

SECTION 10 - RESIDENTIAL DISTRICTS 1. (RD1.)

10.1 RESIDENTIAL DISTRICT 1.1 (RD1.1)

10.1.1 PERMITTED USES

Existing Duplex Dwelling

Existing Semi-Detached Dwelling

One Single Unit Dwelling

Any use accessory to the preceding uses

WB

appears to support **home based occupations although this is never spelled out..** I would contend that does not mean home based **businesses**, but rather a home office for an accountant, lawyer, or physician – Office is defined in 8600 as Administrative or Clerical work.

It looks like the city has been very lax and has perhaps allowed places near you to expand beyond the 3 person / no signage allowance.

See last para in this web link- re 3 guests max

<https://www.citywindsor.ca/residents/planning/Land-Development/Pages/Second-Residential-Units.aspx>

[REDACTED]

From:

To:

Subject: More on air B&Bs

Date: Thu, May 16, 2019 2:31 pm

In an effort to reconcile what you have been told and what I found as the legal bylaws I did a bit of searching.

I think your peeps are referring to new legislation.

It seems that what the new legislation is trying to do is put teeth into existing bylawss (eg. Primary Residence enforcement) and restricting things like basements etc.

That does not mean that the current bylaws are not valid or should not be enforced. *difficult to enforce*  
I guess it is just too much effort to manage it. And when is it a hotel (commercial enterprise) an not a shared home. See the second link on Toronto bylaws.

✓ Licencing in Windsor is still required and renewals and licences can be withheld by the city for infractions such as misleading applications (eg. more than 3 persons - drug house- not primary residence).

[https://www.thestar.com/news/city\\_hall/2017/12/07/new-airbnb-rules-will-ban-toronto-owners-from-offering-up-basement-apartments.html](https://www.thestar.com/news/city_hall/2017/12/07/new-airbnb-rules-will-ban-toronto-owners-from-offering-up-basement-apartments.html)

<http://www.thecourt.ca/tipping-point-regulation-torontos-airbnb-market/>

B



## CITY HALL

# New Airbnb rules will ban Toronto owners from offering up basement apartments

By David Rider, City Hall Bureau Chief

Thu., Dec. 7, 2017 | 2 min. read

Toronto council has crafted short-term home rental rules that will ban homeowners from offering self-contained "secondary suites" on Airbnb.

Some councillors pushed Thursday to include basement apartments and other secondary suites in the lucrative nightly rental market, as originally recommended by city staff and applauded by Airbnb. But they failed in this endeavour in a 27-17 vote.

Airbnb, the San Francisco-based online rental platform, has 10,000-plus Toronto hosts, about 700 of whom rent out secondary suites that will become illegal when regulations take effect July 1. The city knows of 16 other smaller short-term rental agencies.

Toronto hopes limiting such rentals to people's "primary residence" will stamp out so-called ghost hotels, where visitors come and go but there are few actual residents.

Councillor Ana Bailao, council's housing advocate, who, with Mayor John Tory's support, led the charge to exclude secondary suites, told reporters Toronto "has acknowledged that short-term rentals have a place in this city, but we balanced that out with the housing situation that we currently have."

"I think we stayed true to our principle that any owner or renter in this city can use primary residences in short-term rental . . . The city today struck the right balance in maintaining and protecting our (housing) stock, while allowing for innovation in this home-sharing economy."

Bailao said there are only about 1,700 city-registered secondary suites, but the actual number could top 70,000 units. Under the new rules, only long-term tenants of secondary suites, not owners, could offer up space in one for nightly rental.

Alex Dagg, Airbnb's policy director for Canada, said after the vote: "This is truly a big step forward for the city of Toronto in terms . . . (of) supporting the fact that we have thousands of families in Toronto who have been home-sharing and are now going to be formally recognized and regulated. We look forward to working with the city on the next steps."

As for hosts renting secondary suites, Dagg would say only: "We're going to take a look and evaluate how this affects our host community."

Short-term rental hosts will pay the city a \$50-a-year fee and face a rental maximum of three rooms for an unlimited number of days, or a whole home for no more than 180 nights per year. Short-term booking agencies will each pay the city a \$5,000 licence fee and \$1 a night per booking, and have policies to deal with noisy, disruptive tenants.

Sean Gadon, director of the city's affordable housing office, warned council that allowing continued short-term rentals of contained suites with kitchens and bathrooms could see some long-term tenants evicted and possibly even forced into the city's system of homeless shelters.

Councillor Gary Crawford, Tory's budget chief, led an effort to revert to the staff recommendations to allow secondary suites.

"Homeowners deserve some flexibility with their investment," said the Scarborough councillor, who added that some of his residents rely on income from renting out basement suites as Airbnbs and enjoy meeting visitors from around the world.

Tory said council had a responsibility to put "reasonable" limits on property use. After a year of working to meet a target for affordable housing approvals, the mayor said he couldn't watch "housing leak out the bottom of the bucket."

The city will review the new rules in 2019.

*I am not talking about housing!*





## The Tipping Point: Regulation of Toronto's Airbnb Market

BY ZINEJDA RITA AND PATRICIA JOSEPH · MAY 22, 2017



Launched in 2008, Airbnb began as a simple platform with a few hundred users that offered alternative short-term rentals to travellers. Today, Airbnb has an estimated value of \$31 billion dollars, more than 150 million users, and is utilized in nearly 200 countries with millions of listings. Airbnb has become the leading single source of accommodation seeking with a reputation as an accessible, flexible cost-effective and user-friendly tool. The growth of Airbnb is unprecedented and has left major cities unprepared for the wider impact of this pronounced symbol of a sharing economy.

Calls to regulate the use of Airbnb and other similar platforms have proliferated across major North American cities. While several US jurisdictions have already exercised regulatory control over short-term leasing, Canada seems much more hesitant than its American counterparts to take similar action. However, the tide may be shifting as Canadian cities face mounting public pressure to regulate short-term rentals. Many groups view Airbnb as threatening long-term rental space, changing the composition of neighbourhoods and providing unfair competition to the hotel industry.

### American Regulation



American tourist hubs have led the charge in placing parameters on the ability of users to advertise short-term rentals on sites like Airbnb. In 2010, New York State amended its *Multiple Dwelling Law (MDL)* to make it illegal to rent out an entire apartment (unhosted rentals) on Airbnb for less than thirty days. This law was passed, among other reasons, to address concerns that Airbnb listings had the effect of limiting the availability of long-term rentals. It is also illegal in New York to advertise a short-term rental prohibited by the *MDL*, with violators facing penalties ranging from \$1,000 to \$7,500. In San Francisco, strict guidelines on Airbnb hosts include the requirement that hosts live in the unit for at least 275 days out of the year; unhosted units cannot be rented out for more than ninety days out of a year. Importantly, short-term rental hosts are required to obtain a permit, a business license, and pay bi-annual fees. Hosts are also required to purchase liability insurance for their hosting activities and charge renters a 14% "Transient Occupancy Tax," payable to the city.

### Canada Following Suit?

Municipal governments across Canada are feeling the pressure to address the alleged negative impact of short-term rentals via platforms like Airbnb. For example, the City of Vancouver has proposed licensing short-term rentals of less than thirty days, but only for houses declared as primary residences. Only homeowners that dwell in the home can operate a short-term rental arrangement. Plans have moved forward to bring this regulation into effect in 2017.

On April 15, 2016, the Province of Québec became the first Canadian jurisdiction to officially regulate short-term rentals. Anyone renting out a property for no more than 31 days on a regular basis must secure a license similar to a hotel and charge renters up to 3.5% in taxes. The Québec short-term rental regulation excludes from licensing requirements properties rented on an "occasional basis" but does not define what the term means. Presumably, this was done to avoid licensing for owners who, for example, rent out their cottage for a week in the summer. Violators of the law can be fined anywhere from \$500 to \$50,000.

### Toronto Regulation

Toronto, the most populous Canadian city and key tourism destination, has remained relatively silent on regulation initiatives until recently. Toronto's short-term rental operators have been thriving in a regulatory grey zone, with short-term rentals lacking a definition. The landlord-tenant relationship in the Province of Ontario is regulated by the *Residential Tenancies Act* (<https://www.ontario.ca/laws/statute/06r17>) (RTA). Traditional businesses that provide short-term rentals are also regulated by multiple provincial statutes. The City of Toronto (the City) does not regulate or register any such commercial properties. However, the kinds of uses of Toronto properties are regulated by a lengthy City of Toronto Zoning By-law, known as *Zoning By-Law 569-2013*

(<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=2a8a036318061410VgnVCM10000071d60f89RCRD>).

Although *Zoning By-Law 569-2013* does not cover short-term rentals, it defines a "tourist home" as a dwelling that a) is the principal residence of the tourist home operator; b) caters to the needs of the travelling public by the furnishing of sleeping accommodation; and c) may include the provision of meals (Chapter 800, 860). A tourist home is generally allowed in most residential areas of Toronto, provided that it is in a detached house, a semi-detached house, or a townhouse where vehicle access does not rely on a mutual driveway. Notably, the definition of a "tourist home" does not include situations where a unit owner does not live in the unit. Such kinds of short-term rentals could fall under the definition "hotel." Hotels are only permitted in employment-industrial zones



*It's a hotel*

and mixed-use commercial-residential zones. Therefore, unhosted Airbnb listings could currently fall under the definition of hotels and, as such, would only be permitted in mixed-use zones.

*Not now*  
Considering the lack of regulation, it is no surprise that Toronto has started a process of community consultations on the challenges posed by short-term rentals. A final report with recommendations on possible changes to zoning by-laws is due in June 2017. At this stage of the process, the City has identified several areas of inquiry. These areas include looking at the impact of short-term rentals on affordable housing availability, neighbourhoods, development and tourism, zoning by-laws, and taxation. In 2016, the City released a *Developing an Approach to Regulating Short-term* (<http://www.toronto.ca/legdocs/mmis/2016/ex/hgrd/backgroundfile-97235.pdf>) Rentals report, which outlined some strategies for regulation, including: a licensing system for operators, an update in zoning by-laws, and additional tax requirements.

### Rental Availability

The City's report implies that regulation of the short-term rental market is an important part of a larger strategy to address the severe shortage of housing in Toronto. Ironically, however, another pressing provincial initiative may undercut the critical goal of increasing long-term rental vacancy rates. In April of this year, Ontario's government introduced new legislation entitled the *Rental Fairness Act, 2017*

([http://www.ontla.on.ca/web/bills/bills\\_detail.do?locale=en&Intranet=&BillID=4755](http://www.ontla.on.ca/web/bills/bills_detail.do?locale=en&Intranet=&BillID=4755)) which amends the current RTA. The new amendments include requirements such as a landlord compensating a tenant one month's rent, or offering them a new unit if the landlord evicts the tenant for the landlord's own use.

Landlord associations are upset with the proposed amendments, which they perceive as further strengthening tenant rights above those of the landlord. A common refrain is that the limits on landlords' autonomy will deter them from continuing to rent out units. As a result, the amendments may lead to landlords seeking out short-term renters to avoid the regulations under the RTA. In other words, while proposed municipal regulations of the short-term rental market are partly developed with the intention of increasing long-term rental unit availability, the concurrent provincial law amendments may lead landlords to move away from long-term and toward short-term renting—driving down the already low vacancy rate of long-term rental units.

*★* The statistics used to justify short-term rental regulation draw only a tenuous link between the use of Airbnb and the multi-faceted problem of housing in Toronto. Toronto's move to regulate the Airbnb industry could be construed as an attempt to offload very real housing issues onto private home owners. This is not an adequate solution. The question then becomes whether the move to regulate the use of entities such as Airbnb is truly about long-term rental shortages, property values, broader changes to a community, or generating revenue.

### Money Talks

Another important motivation for the regulation of the short-term rental industry is Toronto's chronic cash shortfall. Toronto collects property taxes based on the predominant use of a property. Hotels and motels pay commercial taxes while bed-and-breakfasts pay residential taxes. Currently, the *City of Toronto Act* (<https://www.ontario.ca/laws/statute/06c11>) prohibits the City from levying a lodging or hotel tax. In the midst of a severe cash shortfall, the City requested the provincial government to provide it with the authority to implement a hotel tax as a means of raising revenue. This power was granted to the City through amendments in the 2017 Provincial Budget (<http://www.fin.gov.on.ca/en/budget/ontariobudgets/2017/>) which are likely to pass by summer

*JAX*



2017. Coupled with the release of a final report on short-term rentals which indicated tax implementation as one of the areas to be pursued, the City is likely to implement a sliding scale tax on hotels, bed-and-breakfasts, and short-term rentals.

It is unclear what the difference in tax rates will be. A compromise that appeases the hotel industry, which along with unionized hotel workers are vocal proponents of short-term rental regulation, could include a lower tax rate for hotels coupled with higher tax for short-term rentals. The City could also specifically target unhosted short-term rentals with an even higher tax rate. This way, a proper home-sharing short-term rental could be taxed less than an unhosted short-term rental.

### **Forward-Looking Solutions**

Toronto has reached a tipping point in tackling housing shortages, dealing with budgetary shortfalls, and managing public expectations that have converged with the emergence of the short-term rental market. Regulation is on the horizon, but a good approach would keep the following considerations in mind. First, complaints of noise and the changing composition of neighbourhoods as a result of frequent short-term renting could be managed by taxing unhosted rentals as a business. In addition, regulation should require licensing of hosts to mirror what the City is doing with long-term landlords. Second, concerns about the lack of revenue can be addressed by implementing hotel and Airbnb taxes. This new revenue source could be earmarked for injection into the Toronto Community Housing Corporation, which provides affordable rental units and for which there is a current ten-year wait list. Finally, the interplay of short-term and long-term rental unit availability is fundamentally a cash flow problem. The Province of Ontario must partner with the City to allow for proper long-term rental unit creation.

Join the conversation

 Facebook  Google+

### Developing an Approach to Regulating Short-Term Rentals

**Date:** October 11, 2016

**To:** Executive Committee

**From:** Executive Director, Municipal Licensing and Standards & Chief Planner and  
Executive Director, City Planning

**Wards:** All

#### SUMMARY

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Residents and property owners are renting out rooms or entire units for short periods in growing numbers across Toronto, facilitated by the rise of online platforms like Airbnb. For the purposes of this report, we call this type of activity a "short-term rental". According to Airbnb, 9,460 rooms or entire units in Toronto were rented on the platform in 2015; this has doubled since 2014. Residents and stakeholders have identified four key areas of concern relating to short-term rentals: impacts on neighbourhoods; impacts on housing affordability; impacts on tourism; and impacts on taxation.

This report describes the short-term rental market, the existing regulatory context, the tax requirements applicable to short-term rentals and the municipal issues that have been identified to date regarding short-term rentals. The report also outlines the planned work for staff to conduct further research into the issues, consult the public and key stakeholders regarding short-term rentals, and explore potential options for regulation. Staff will report back in 2017 on the results of the work described in this report and options for regulating short-term rentals in Toronto.

The following divisions were consulted in the preparation of this report: Social Development, Finance and Administration; Corporate Finance; Toronto Fire Services; Toronto Building; Shelter, Support and Housing Administration; Affordable Housing Office; Economic Development and Culture; Revenue Services; and Legal Services.

#### RECOMMENDATIONS

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The Executive Director, Municipal Licensing and Standards and the Chief Planner and Executive Director, City Planning, recommend that:

1. Executive Committee receive this report for information.



## FINANCIAL IMPACT

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There are no financial impacts beyond what has already been approved in the current year's budget.

The Deputy City Manager & Chief Financial Officer has reviewed this report and agrees with the financial impact information.

## DECISION HISTORY

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At its meeting of January 28, 2016, Executive Committee referred item EX11.19 Regulating Temporary Accommodation Rentals to the Executive Director, ML&S, and the Chief Planner and Executive Director, City Planning, to provide an interim report in the third quarter of 2016 and a final report in 2017 on regulating temporary accommodation rentals. The directive requested the report address:

- An analysis of the current state of the temporary accommodation rental market in the City of Toronto, including its growth over five years, the cost and geography of listings, a breakdown by service provider and unit type, and an analysis of listing landlords;
- A comparison of regulatory approaches in other jurisdictions regarding temporary accommodation rental;
- An investigation of the impacts of rentals on occurrences of sexual violence; working conditions for employees; vulnerable residents; the health and safety standards of rental buildings and renters; the total supply and cost of rental housing and property ownership; the economy;
- A review of provisions in the municipal code related to temporary accommodation rentals and options to regulate, restrict and/or prohibit temporary accommodation rentals through the zoning bylaw and/or licensing temporary accommodation rentals;
- Options to ensure payment of all applicable taxes and fees (local, provincial and federal) by temporary accommodation rental operators and platforms;
- A plan to consult with residents and industry stakeholders.

(<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.EX11.19>)

*residential  
areas  
Not in BNB*

## COMMENTS

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There has been a significant rise in the number of people around the world and in Toronto renting property or rooms in their homes for short periods. This growth has been driven by the emergence of online platforms that host listings and facilitate bookings and payments. The largest of these platforms, Airbnb, offers listings in more than 190 countries and has booked more than 60 million guests. With this rise, Toronto residents have raised questions and concerns about whether short-term rentals are permitted in the City and whether short-term rentals should be subject to further



regulation. Cities around the world are facing similar issues and are in various stages of researching and regulating short-term rentals. This report explores short-term rentals in Toronto, describes the regulatory and tax context, outlines a number of key municipal issues related to short-term rentals and outlines a plan to conduct research and consultation to guide the City's approach to short-term rentals.

## Understanding Short-term Rentals

The term "short-term rental" has been used to describe a wide range of rentals that occur over a short period that fall outside of hotel, motel, bed and breakfast, renting and subletting. Short-term rentals occur in any form of dwelling, including detached house, semi-detached house, townhouses, second suites, condominiums and rental apartment buildings. Short-term rentals are operated by both property owners and tenants.

In Toronto, residents and property owners are using a number of online platforms to facilitate short-term rentals, including Airbnb, the Homeaway, VRBO, Flip Key, Roomorama, Craigslist and kijiji. Some short-term rentals are listed on multiple platforms.

There are two primary ways to distinguish short-term rentals: i) whether or not the rental occurs in the primary residence of the operator, and ii) whether or not the operator is present during the rental.

Primary residence is not defined in provincial or municipal legislation; the lack of shared definition can make discussions regarding short-term term rentals confusing. Each category of short-term rentals has unique benefits and risks from a regulatory perspective. The following provides further details regarding these categories:

- **Primary residence and operator present:** A property owner or renter rents one or more bedrooms in their home.
  - Ex: a property owner rents a bedroom in her home that she does not use for a few weeks each year.
- **Primary residence and operator not present:** A property owner or renter rents an entire unit while away for a short period.
  - Ex: a renter rents her entire apartment for a few weeks while away on vacation.
- **Non-primary residence and operator not present:** A person purchases a property and rents it out for short periods.
  - Ex: A person purchases three condominiums and rents them out most weekends to generate income.

## Short-term rentals market in Toronto by number

It has been difficult for staff to determine the total number of short-term rental listings in Toronto as they occur on a number of online platforms and some listings may be listed on more than one site. Airbnb has shared that there were 12,260 Airbnb listings online as of September 1, 2016. An initial scan of other websites found, as of October 3 2016, approximately 700 on the Flipkey website, 640 on the VRBO website, 480 listings on

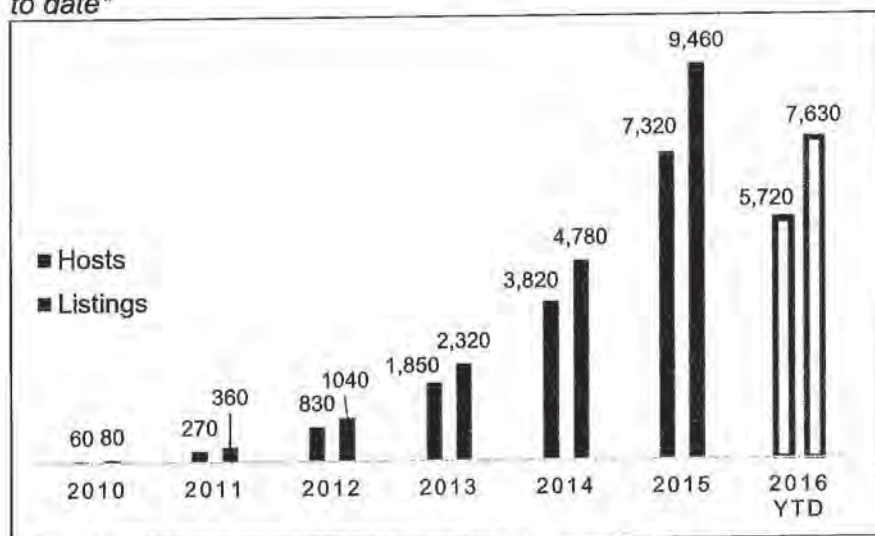


the Homeaway website and 200 listings on the Roomorama website. These websites have not yet responded to an initial request for data from the City. There were also some short-term rentals available on kijiji and craigslist. This suggests that Airbnb hosts the majority of listings on the short-term rental market. Note that these numbers reflect the number of units that are listed online and not the units rented.

Airbnb has shared further detail about the activity of users that provides insight into the short-term rental market. According to Airbnb, there were 9,460 units or rooms that were rented in 2015, run by 7,320 operators, or "hosts". 68% of those rented (approximately 6,440) were entire units, while the remaining were a room in a unit. The number of Airbnb listings rented in 2015 has approximately doubled since 2014 (see figure 1).

*Entire units  
What?  
confusing*

Figure 1: Airbnb listings in Toronto that were rented at least one time, 2010-2016 year to date\*



\*Based on data shared by Airbnb with staff on October 4, 2016.

### Short-term rentals rented for more than 90 days per year

The number of days a short-term rental is rented in a year provides insight as to whether the primary use of the unit is as a residence or as a short-term rental. According to Airbnb, 72% of entire unit listings were rented for 90 days or less in 2015. 26% (approximately 1,680) of entire unit listings were rented for more than 91 days and 9% (approximately 600) were rented for more than 181 days (see table 1). Data on listings where only a room was rented was not provided.

*for a few days or a week*

### Operators with multiple listings

Airbnb reported that in 2015, 63% of entire unit listings were the operator's only listing, while 37% (approximately 2,250) belonged to an operator with more than one listing.



9% (approximately 590) of entire unit listings were operated by someone with five or more listings (see table 1).

*Table 1: Percentage of entire unit listings per rental frequency by single and multi-listing operators, 2015\* (data shared by Airbnb with City)*

Listings per host	Number of nights rented in 2015								Total
	1 to 30	31 to 60	61 to 90	91 to 120	121 to 150	151 to 180	181 to 270	More than 271	
1	28%	12%	5%	4%	4%	3%	5%	2%	63%
2	7%	2%	2%	1%	1%	less than 1%**	less than 1%**	less than 1%**	14%
3	3%	2%	less than 1%**	less than 1%**	less than 1%**	less than 1%**	less than 1%**	less than 1%**	7%
4	3%	less than 1%**	less than 1%**	less than 1%**	less than 1%**	less than 1%**	less than 1%**	less than 1%**	5%
5 or more	4%	2%	1%	1%	less than 1%**	less than 1%**	less than 1%**	less than 1%**	9%
Total	45%	18%	9%	7%	6%	4%	6%	3%	98%***

\*Based on data shared by Airbnb with staff on October 4, 2016.

\*\*Categories that represented less than 1% of listings were assumed to represent 0.3% of listings for the purposes of this report.

\*\*\*Not equal to 100% due to the above assumption\*\*.

## Regulatory context

Short-term rental operators have different responsibilities and liabilities in relation to the use and occupancy of their properties than short-term rental platforms. For the most part, this section focuses on the regulatory context for short-term rental operators.

Businesses that provide short-term accommodation to travelling public, like hotels, motels and bed & breakfasts, are required to operate in accordance with provincial legislation. Relevant legislation includes the Innkeepers Act, the Fire Code, the Accessibility for Ontarians with Disabilities Act, the Taxation Act and the Workplace



Safety and Insurance Act. Travel agencies have different responsibilities and liabilities and are subject to different legislation, including the Ontario Travel Industry Act.

Hotels, motels, bed & breakfasts, short-term rental operators, travel agencies and short-term rental platforms are not licensed by the City of Toronto.

### Zoning by-laws

The use of any given property is regulated by the City's zoning by-laws. Toronto's zoning by-laws were not written to regulate the length of time a dwelling unit is rented. However, some short-term rentals available through sites like Airbnb may fall into existing definitions of uses. The zoning requirements surrounding short-term rentals are complex and must be considered property by property, in part because there are a number of zoning by-laws still in effect from the six former municipalities in addition to the city-wide zoning by-law. This report discusses how the city-wide zoning by-law 569-2013 addresses short-term rentals, which governs some, but not all parts of Toronto. Further study may conclude that these definitions may need to be refined or that a new term may need to be established to better distinguish short-term rentals from other defined land uses.

Under By-law 569-2013, a room or entire unit rented for a short period may fall into the definition of "tourist home" or "hotel", and would be permitted only in certain areas. Both definitions use the term "travelling public", which is considered to be a generally understood term in the tourist business and is consistently used in several pieces of Ontario legislation.

The By-law defines a **tourist home** as a dwelling that "(A) is the principal residence of the tourist home operator; (B) caters to the needs of the travelling public by the furnishing of sleeping accommodation; and (C) may include the provision of meals. This definition covers what is commonly called a bed and breakfast. A tourist home must be in a detached house, a semi-detached house or a townhouse where vehicle access does not rely on a mutual driveway. Where permitted in residential areas, a tourist home is limited to having no more than two guest rooms. A tourist home is generally permitted in most residential areas in the former City of Toronto and several mixed-use commercial-residential zones across the City. Some short-term rentals may fall into this category, including rentals where the owner or tenant of a unit rents a room and rentals where the unit is the owner's primary residence and the owner rents the unit while away from home.

If the operator of a short-term rental does not live in the unit, this may be considered a **hotel**. According to the By-law, a hotel is defined as "premises used to cater to the needs of the travelling public by providing sleeping accommodation in rooms or suites, and it may include an eating establishment that is ancillary to the hotel".

Hotels are permitted in one of the employment-industrial zones and in mixed-use commercial-residential zones. The employment-industrial area where hotels are permitted emphasizes offices and regular residential uses are not permitted; hotels in these areas are typically used by business visitors and airport users. In commercial-residential areas, the By-law has a regulation which says "no hotel room or suite may be



located in the same storey as a dwelling unit." This requirement recognizes that conflicts arise in buildings that contain both hotels and residential uses and addresses them by requiring these uses to be on separate floors.

MB

The By-law does not restrict the number of days a residence can be rented.

### Short-term rentals in condominiums and rental units

There are additional considerations regarding whether short-term rentals are permitted in condominiums and rented units. The Condominium Act authorizes condominium boards to set bylaws, rules and restrictions, and a number of condo boards in Toronto have enacted rules prohibiting units from being rented for short-periods.

The Residential Tenancies Act (RTA) states that tenants may sublet a rental unit with the consent of the landlord (part VI, 95 - 104), though subletting is not a defined term in the RTA. Owners of rental buildings do not require approval under the RTA to convert a unit from a long-term to a short-term rental.

### Tax requirements

The City of Toronto collects **property taxes** from residents and businesses, subject to certain exemptions. The tax classification of a property is established by the Municipal Property Assessment Corporation (MPAC), based on the Assessment Act and other relevant regulations. Tax classifications are based on the predominant use of a property. Generally, hotels and motels pay commercial property taxes while bed & breakfast operators pay residential property taxes. Most short-term rental operators are likely paying residential property taxes. There is no tax classification defined under regulation that applies specifically to short-term rentals.

TAX  
✓✓✓

The City of Toronto does not collect taxes beyond property taxes from hotels, bed & breakfasts and other operators of short-term rentals. The *City of Toronto Act, 2006*, prohibits the City from levying a **lodging or hotel tax**. Under an arrangement with the Great Toronto Hotel Association (GTHA), certain hotels that are members of GTHA voluntarily contribute up to 3% of room revenues to a destination marketing program, which is administered by the GTHA and remitted to Tourism Toronto. The destination marketing program is used to support regional tourism marketing. Participating hotels either include the fee on the customer's bill or make the contribution from general accounts. Short-term rental operators and platforms are not GTHA members and do not voluntarily contribute to the destination marketing program.

As part of the five-year review of the *City of Toronto Act, 2006*, and as part of the revenue strategy developed under the City's Long-Term Fiscal Plan, the City has requested the Province to provide the City with the legislative authority to implement a hotel tax. If a hotel tax were implemented, operators of short-term rentals, along with hotels, motels and bed & breakfasts, could be required to pay this tax. Staff are currently conducting further analyses on the City's revenue options, and will report on the long-term fiscal plan, including information about a potential hotel tax, to Executive Committee in December 2016.



13.000  
HST  
Hotels, bed & breakfasts and other transient accommodation must pay **harmonized sales tax** (HST, 13%) on transactions only if they collect over \$30,000 per year which is the same as transactions for other goods and services.

Anyone who collects rental income, including short-term rental operators, are required to report this income and pay the appropriate **income tax**.

In February 2016, the Ontario Ministry of Finance launched a pilot project to work with Airbnb and the Canada Revenue Agency to raise awareness about homeowners' and consumers' rights and responsibilities when operating and using short-term rentals. The three groups collaborated on a website informing short-term rental operators about tax obligations, consumer protection rights, accessibility requirements and other regulatory and safety obligations.

### **Municipal issues related to short-term rentals in Toronto**

A number of issues have been raised by Executive Committee, residents, stakeholders and the media regarding potential impacts of short-term rentals on communities. These issues are grouped into four categories. Of the three categories of short-term rentals raised above, it is likely that short-term rentals that occur in non-primary residences and when the operator is not present pose the risk of causing neighbourhood issues.

#### **Neighbourhood impacts**

Very NB  
Short-term rentals have been said to contribute to the economy of neighbourhoods that tourists do not traditionally visit. Concerns have been raised about short-term rentals changing the character of neighbourhoods or condominium communities by increasing the number of short-term guests and decreasing the number of longer-term residents. There have been concerns about nuisance issues, like noise, and safety issues for consumers and neighbours. Of the three categories of short-term rentals raised above, it is likely that short-term rentals that occur in non-primary residences and when the operator is not present pose the risk of causing neighbourhood issues.

#### **Impact on housing availability and affordability**

affects housing availability

Some argue that operating a short-term rental is a low-cost and flexible way for residents to make additional income, making it easier for them to pay their mortgage or rent.

Concerns have been raised about the impact of short-term rentals on housing availability and affordability. Some assert that units are being removed from the permanent rental market for residents and converted to short-term rentals, reducing the availability of rental housing in a market that already has a low vacancy rate (1.6% in fall of 2015) and where there has not been a significant increase in rental supply. Some also assert that short-term rentals are contributing to increases in market rent and the cost of buying homes in Toronto. A study by the Canadian Centre for Policy Alternatives from September 2016 examined the growth of Airbnb in three downtown neighbourhoods and found that there is a high concentration and growth of Airbnb listings, and operators with more than one listing, in these neighbourhoods. They



suggest that this growth in neighbourhoods with low vacancy rates should be of concern to policy makers.

Of the three categories of short-term rentals raised above, it is likely that short-term rentals that occur in non-primary residences pose the risk of impacting housing availability and affordability.

### Impact on economic development and tourism

Some assert that short-term rentals positively impact tourism by providing at times less expensive options for tourists, the opportunity for visitors to stay in neighbourhoods outside of traditional tourist areas, and an additional source of competition for hotels and bed & breakfasts.

Businesses that have traditionally provided accommodation to visitors may feel a negative effect on their bottom line. A recent study out of Boston University claimed that for every increase of 10% in supply in short-term rentals has a 0.35% decrease in hotel revenue.

*- we need more hotels not B+B*

Concerns have been raised, including by the MaRS Sharing Economy Public Design Report, about whether hotels and bed & breakfasts face unfairly burdensome regulation that does not allow them to innovate in the accommodations sectors.

### Taxation

*A tax on Air BnB*

There have been concerns raised that short-term rental operators are paying residential property tax instead of commercial, which is typically higher. Further studies are required to determine under which property class short-term rental properties should fall.

As discussed above, hotels and other tourist accommodations are not subject to any specific taxes by Toronto other than property taxes. If Toronto were to implement a hotel or tourist tax, some have suggested that major short-term rental platforms like Airbnb should pay such a tax, as they do in other cities.

### Complaints from residents regarding short-term rentals

ML&S continue to enforce existing by-laws as they relate to short-term rentals. Complaints have been made to the City via 311 regarding short-term rentals. Since 2014, more than 45 complaints have been made to ML&S, and two short-term operators were charged for violating the zoning by-law. There are 25 active investigations by ML&S into complaints related to short-term rentals. Taking enforcement actions based on current zoning by-laws is challenging and time-consuming because it relies on collecting adequate evidence of non-permitted use.

*contrary to by laws*

### Learning from other jurisdictions

Staff did an initial scan of six large cities in North America to examine how they had conducted research, developed regulations and enforced regulations relating to short-



term rentals. Cities reviewed were New York City, San Francisco, Philadelphia, Portland, Seattle, and Vancouver. The scan is included in Attachment 1.

Concerns related to short-term rentals fell into the four categories described above: impact on housing availability and affordability, impact on neighbourhoods, impact on economic development and tourism, and impact on taxation. The impact of short-term rentals on housing availability and affordability was the primary concern for most cities when developing regulations.

All cities studied had some restriction on short-term rentals by one or more of the following criteria: the number of days per year a unit can be rented, the built form of the building, whether the unit rented is the primary residence of the operator, whether the operator is present during the stay. Four cities studied require that short-term rental operators register or obtain a licence or permit from the municipality to operate.

Most cities reviewed have a formal relationship with Airbnb and some other short-term platforms. In four cities studied, Airbnb remits a lodging or hotel tax and in one case, sales tax, to the state, county or municipality. In some cases, short-term rental platforms are required to post the municipal permit or registration number on the rental ad and remove illegal listings from websites.

More thorough research of these cities and others in North America and Europe will be carried out to identify the strengths and weaknesses associated with the approaches other cities have taken to short-term rentals.

### **Background on City's work on the sharing economy**

The City's approach to short-term rentals is part of a broader consideration of the role of government as a regulator in the sharing economy. On October 29, 2015, ML&S, in partnership with MaRS Solutions Lab, hosted a forum called "The Sharing Economy: What is the role of government?". The event brought together experts to discuss opportunities and challenges for an audience of government staff and decision makers from across Ontario.

Since that event, ML&S has continued to work with the Province of Ontario and, through their contributions, worked in partnership with MaRS Solutions Lab to develop a framework. This included participating at workshop sessions that brought together key experts, government staff, and industry players to discuss regulations for short-term accommodations. As a result, MaRS Solutions Lab produced a report headed "Shifting Perspectives: Redesigning regulations for the sharing economy", which included a section on regulations related to shared accommodations, and which will shape the work described below.

### **Plan to review regulating short-term rentals in Toronto**

Staff will undertake work to develop an approach to short-term rentals in the City. The work will be led by ML&S and City Planning with support from a number of City divisions, including Social Development, Finance and Administration; Corporate Finance; Toronto Fire Services; Toronto Building; Shelter, Support and Housing



Administration; Affordable Housing Office; Economic Development and Culture; and Legal Services. This work centres around three areas:

- **Research:** Staff will conduct further research on the key issues identified in this report.
- **Consultation:** Staff will consult with the public and key stakeholders on the impacts of short-term rentals on residents and businesses in Toronto and potential approaches to short-term rentals.
- **Options for potential regulation:** Staff will examine potential options for regulating short-term rentals in Toronto. These options will be guided by the evidence gathered during research and consultation processes.
- The work will be done by staff and may involve working with external organizations or consultants. An interdivisional working group of staff from relevant divisions at the City will be developed to drive this work.

### Balancing competing goals

These areas are outlined further below. Based on the issues identified above, a review of work being done in other cities, and taking into account the City of Toronto Strategic Actions, staff have developed the following goals that will need to be balanced when approaching the work outlined above:

- Ensure safety for consumers and neighbours and promote quality of life in neighbourhoods.
- Prevent substantive decrease of availability and affordability of rental housing.
- Promote tourism by supporting innovation in the accommodations sector while ensuring tourist accommodation providers have equitable regulations and tax requirements.
- Allow residents to occasionally rent their own homes for short periods.
- Ensure the rules and regulations surrounding short-term rentals in Toronto are clear for residents, property owners and short-term rental platforms.

### Research


Staff will undertake research in the following areas:

- **Current state of the short-term rental market in Toronto:** Staff will obtain and analyze data on short-term rentals listed on key online platforms. Staff will seek data on the nature of listings (one room rented or entire unit), the geography of listings (by property address or a more general location), price of listings per night, and operator details (number of listings per operator, frequency listing is rented). The data may be obtained from Airbnb or other organizations or may be purchased from a short-term rental compliance company.
- **Housing availability and affordability in Toronto:** Staff have begun exploring the Airbnb data, with a focus on how the program impacts the Toronto housing market. Further analyses will be conducted to look at how short-term rentals impact access to housing for vulnerable residents.
- **Neighbourhood impacts:** Staff will examine complaints related to short-term rentals received by City divisions and agencies and other key stakeholders, including short-term rental platforms, neighbourhood associations and condominium associations.

Developing an approach to regulating short-term rentals

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Staff will examine whether the City has the necessary tools to address complaints, including complaints about short-term rentals in condominiums. Staff will also examine concerns raised about safety concerns in neighbourhoods.

- **Economic development and tourism:** In consultation with key tourism stakeholders, staff will examine the impact on the tourism industry and broader city economy.
- **Zoning by-laws:** Staff will analyze regulatory and compatibility issues related to short-term rentals in various zones of the city-wide zoning by-law.
- **Taxation:** Staff are currently examining a number of new revenue options as part of the long-term fiscal plan. As part of this review, staff will explore the opportunity for a hotel tax and will examine whether and how short-term rental operators would be included in the hotel tax. The report on the long-term fiscal plan will be presented to Executive Committee in December 2016.

### Consultation

A key element of the work program involves consultation with residents, business owners, and key stakeholders as outlined below to collect their perspectives on short-term rentals and their opinions about options to regulate. This process will be broad and inclusive and provide significant opportunity for all interested parties to share their opinions.

Consultation will begin in the first quarter of 2017 through community meetings, stakeholder meetings, an online survey, and may also be done via phone survey. The process will be transparent to the public and stakeholders; regular updates will be shared with interested residents, business owners and stakeholders via the project website.

Key stakeholders to be consulted include, but are not limited to:


- Short-term rental platforms, including Airbnb, Homeaway, Flipkey, Roomorama
- Fairbnb coalition
- Neighbourhood associations and condominium associations
- Tourism representatives, including Tourism Toronto, Greater Toronto Hotel Association, the Ontario Restaurant Hotel & Motel Association, and bed & breakfast associations
- Tenant advocates including the Federation of Metro Tenants' Associations, the Advocacy Centre for Tenants Ontario and the Association of Community Organizations for Reform Now
- Relevant ministries at the Province of Ontario, including the Ministry of Municipal Affairs; Ministry of Tourism, Culture and Sport; the Ministry of Finance and the Ministry of Housing
- MaRS
- Canadian Centre for Policy Alternatives

### Options for potential regulation

Staff will examine potential options for regulating short-term rentals in Toronto, including a licensing system, updated zoning by-laws, additional tax requirements and other

Developing an approach to regulating short-term rentals

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options. To develop these options, staff will examine the issues identified through research and consultation and determine whether evidence suggests further regulations are required. Staff will examine the strengths and weaknesses of approaches in other jurisdictions and provide options for regulating short-term rentals in Toronto.

The results of this work will be presented in a report to Executive Committee in 2017.

## **CONTACT**

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## **SIGNATURE**

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Jennifer Keesmaat  
Chief Planner and Executive Director  
City Planning

## **ATTACHMENTS**

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Attachment 1: Jurisdictional scan of short term rental regulations in cities



Windsor

## Airbnb regulations a 'bad idea' says consumer advocate

Regulations for Windsor likely won't take place until a decision is made in Toronto

Angelica Haggert · CBC · Posted: May 08, 2019 1:45 PM ET | Last Updated: May 8, 2019



Regulations 'make the process more burdensome' says consumer expert David Clement. (Tina Lovgreen/CBC)

7 A group of consumer advocates is warning against additional regulations for home share services after Windsor city council agreed to move forward with adding regulations.

2 David Clement, with Consumer Choice Center, said adding regulations can make home sharing services more expensive.

"When local governments go down this road, they almost always add in a licensing fee," said Clement. "That licensing fee is usually just a cash grab."

Regulations passed in Toronto last year are under appeal by Airbnb owners in the city, while the city of Vancouver is calling regulations put in place there a success.

## Redundant regulations

According to Clement, more often than not, the regulations that are passed are redundant.

East Windsor resident Kipp Baker said the home share in his neighbourhood leaves their garbage cans out all week long.

"Garbage pails blowing down the street," is Baker's main concern. "They put their garbage out on a Sunday or Monday but pickup isn't until Thursday."

*SAME.*

Baker is worried about skunks and raccoons getting into the garbage and making a mess, especially as it gets warmer outside.

- How Toronto's proposed short-term rental regulations compare to other cities
- 1 year into regulations, Vancouver considers 3,066 homes on Airbnb a success story

According to Baker, the home share near him is mostly rented on weekends, but the homeowner doesn't live on site.

"The owners live in Vancouver, but I know bylaw officers are leaving paperwork in the mailbox," said Baker, who has seen a City of Windsor bylaw vehicle out front "at least three times."

Bill Tetler, with Windsor's bylaw enforcement, said they don't cover home share services.

"We could have been there for a wide range of issues," said Tetler.

In Windsor, garbage and garbage pails can only be put out for collection after 7 p.m. the night before collection. The empty bins have to be brought back off the curb by 8 p.m. the day of collection.

## Doesn't matter if homeowner lives off-site

According to Tetler, it doesn't matter if the house is used for home share purposes, or if the homeowner lives off site — there's a set fine for leaving garbage can out when they aren't supposed to be out.

"The simple solution is applying whatever fines exist, or applying the bylaws as they are written, to whomever the homeowner is," said Clement. "There has to be a way to communicate with those folks without them being on site."



Tetler said bylaw officers, in the event of an absent homeowner, would leave warnings and tickets on the door or in the mailbox. If it got to an extreme point, bylaw enforcement could call the homeowner to appear in court. Someone would have to file a complaint for bylaw officers to go in the first place.

## Home share platforms 'regulate themselves'

When it comes to safety measures, Clement said platforms regulate themselves, and additional government regulations on top of that "just make the process more burdensome for hosts."

"There is an incentive practice built into the rating schemes for these services," said Clement. "There's a shift towards encouraging best practices. The system is set up to discourage [behaving improperly]."

Baker said there have been loud parties and crowded street parking because of the home share in his neighbourhood — but even though he wants regulations in place, he doesn't know what could be done.

Regulations for Windsor likely won't take place until a decision is made in Toronto, where Airbnb hosts are appealing regulations put in place there. 1:02

"It should be simple," said Baker, pointing to bylaw enforcement taking more initiative — something the department in Windsor doesn't have the resources to do.

Clement said one solution might be for home sharing services to add a "comments from neighbours" section — but that really people should just go knock on the front door.

ND

"I'd encourage people to talk to their neighbours," said Clement. "Have a civil discussion about what is and isn't working."

Katherine Donaldson, corporate policy coordinator for the city of Windsor said Windsor would likely not move forward with regulations until a decision was made from the Toronto appeal.

"Until we get that precedent from the Toronto case, the Toronto appeal, we aren't moving forward with any of the other considerations until we get that legal framework."

*With files from Jason Viau*



Windsor

## 'Family neighbourhood' citing safety concerns over Airbnb in East Riverside

Resident concerned about a 'revolving door of strangers' at her doorstep

Sanjay Maru · CBC News · Posted: May 02, 2019 4:00 AM ET | Last Updated: May 2, 2019



An Airbnb listing posted by the owners of this home in East Riverside has let people rent out a room there for \$30 a night at times. The neighbours say the rental raises safety concerns for children who play on the street. (Sanjay Maru/CBC)

More than 100 residents who live near a home in east Riverside have signed a petition, requesting the city prohibit its owner from operating it as an Airbnb.

- **Airbnb to collect tax on Windsor rentals**

The petition, which will be presented to Windsor city council May 6, cites concerns such as "strangers coming and going," a lack of privacy, loss of parking and the possibility of Airbnb guests being able to peer into the bedroom windows of neighbouring children.

Christine Harvie, who lives on Savanna Street directly across from the home, said she created the petition back in November 2018. It was after her neighbour informed her as to why there might

have been a sudden increase in traffic on the street.

"We started going out door-to-door and everybody was appalled and was very upset to hear what's been going," she said.



Christine Harvie says the Airbnb has made residents who live near it concerned for their safety. (Sanjay Maru/CBC)

According to Harvie, guests have come from "London, Toronto and Niagara Falls" — according to guests' license plates — to rent the Airbnb since this past fall. Prior to that, it was a street where "everyone knew everyone."

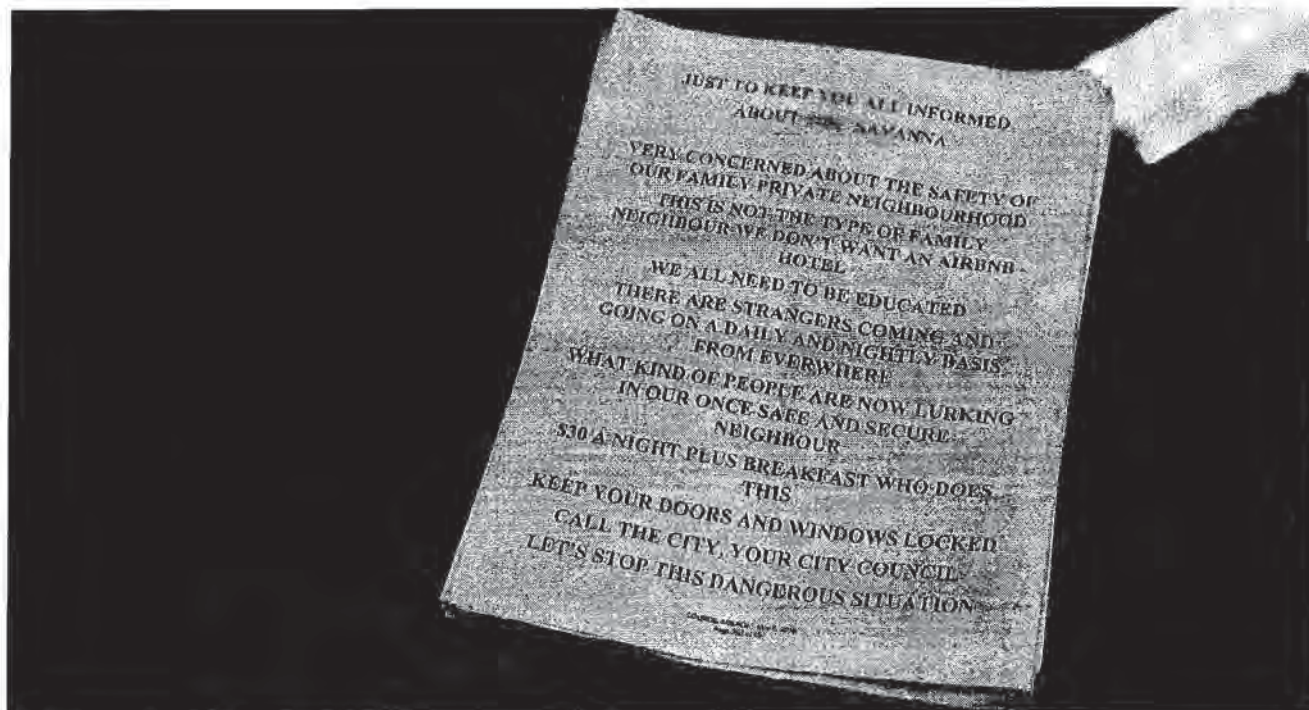
"We only have 12 houses here ... Our children have always been able to park on the street, play on the street," said Harvie.

"On a Friday and Saturday night, there's so many cars coming and going, it's really hard to keep track."

### **'Anybody can come and spend \$30'**

According to Harvie, residents near the Airbnb are also concerned about the quality of guests. The Airbnb has been listed at just \$30 per night — which gets you a private room in the home and a free breakfast.





This cautionary notice will be included with the petition when it is presented to Windsor city council on Monday. (Sanjay Maru/CBC)

For Harvie, it's a price which makes her feel uncomfortable about the guests staying there. According to the petition, the homeowners in that neighbourhood pay an average \$6,000 in property taxes.

"Anybody can come and spend \$30," she said. "With the amount of taxes we pay and the amount we paid for our homes, we don't want this here."

"If a stranger comes from out of town, what's to stop them from breaking into a car, destroying property or seeing one of the young girls walking through the neighbourhood. What if they did get attacked? You just never know."

- **Windsor woman fighting Airbnb over vacation nightmare**

While she has not attempted to contact the Airbnb operators on her own, other neighbours — like Viki Grado — have tried and failed to reach an agreement.

Grado has lived on Savanna Street for about 17 years. She said everyone who lives on the street has become a family — but this Airbnb rental belongs in a tourist area and not a family neighbourhood.

"It's very concerning to me that, all of a sudden, there's this revolving door of strangers at my doorstep," said Grado.



Viki Grado says Savanna Street is no place for an Airbnb. (Sanjay Maru/CBC)

When asked about how her conversation with the owners of the Airbnb went, Grado did not elaborate on details — but said they ultimately "agreed to disagree."

She said she's not against Airbnb units — but not when they're on a street like hers.

"By the university? Yeah. Downtown? Yeah. But not in a neighbourhood like this. It has no place here."

CBC News reached out to the Airbnb owners for comment by knocking on the door several times, and also left contact information with a person who answered the door. CBC News has yet to receive a response.

On Monday, Windsor city council will receive a full report on Airbnb usage in the City of Windsor — during 2017. Here's what the numbers show:

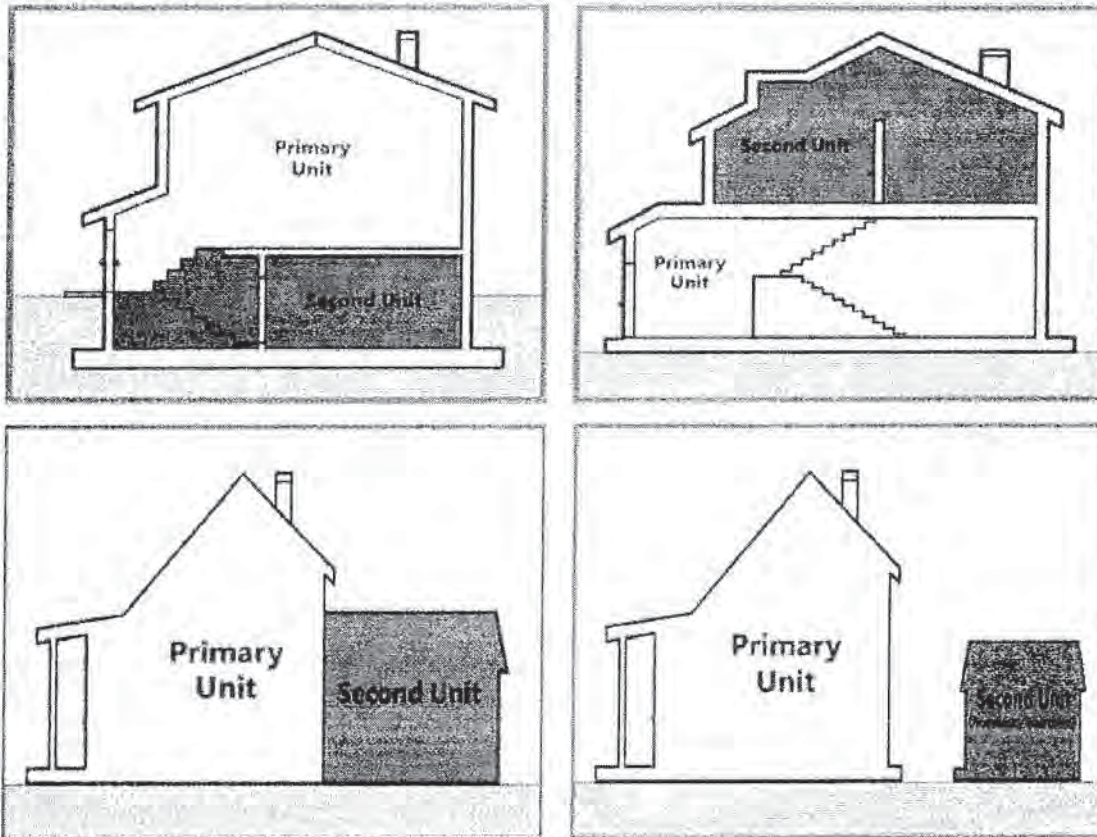
- 150 active hosts rented their spaces for an average of 56 nights each.
- Hosts earned \$5,500 in extra income on average with a near 50-50 split on those renting out entire homes, or just rooms within their primary residence.
- Overall, 11,800 guests used the service staying an average of 2.8 nights per visit.
- The top five cities that guests visited from were Toronto, London, Ottawa, Hamilton as well as renters from within Windsor.



## Second Residential Units

Second units (also known as accessory or basement apartments, secondary suites and in-law flats) are self-contained residential units with kitchen and bathroom facilities within dwellings or within accessory structures (for example, within a detached garage).

*See last paragraph looking if not*  
*have the*  
*3 people*



## Where are Second Residential Units Permitted?

1. Second units are permitted in residential areas within single detached, semi-detached, and townhome/rowhouse dwellings or within a building accessory to these dwelling types (but not within both buildings on the same property). Second units are not permitted within any other dwelling type (e.g. a duplex, double duplex, or multiple dwelling). To confirm whether a second unit is permitted, please contact the Planning Division by referring to the contact information provided below.
2. In floodplain areas, second units are not permitted within basements. See map of areas regulated by the Essex Region Conservation Authority (ERCA). For more information regarding the location of floodplain areas please contact ERCA at 519-776-5209 or [admin@erca.org](mailto:admin@erca.org)
3. Outside of floodplain areas, basement units may be permitted where downspouts have been disconnected, a sump pump has been installed, and (where possible) a backflow prevention valve has been installed. Click the following links for more information regarding:
  - Downspout (eaves trough) disconnection
  - Backflow prevention
  - Basement Flooding Protection Subsidy Program



## Land Use Policy and Zoning Regulation

Below is a summary of land use policies and zoning regulations applicable to second residential units. (Please see the Chapter 6 of the Official Plan and Section 5.99.80 of Zoning By-law 8600 for detailed requirements.)

### Size

Second units must be smaller than the primary dwelling unit. Specifically, the maximum gross floor area (GFA) of a second unit can be no larger than 40% of the GFA of the entire single detached, semi-detached, or townhome/rowhouse dwelling (i.e. including the proposed second unit) up to an absolute maximum GFA of 100 square metres or 1,076 square feet.

GFA of Entire Residential Dwelling	Maximum GFA of Second Unit
100 m2 (1,076 sq. ft.)	40 m2 (430 sq. ft.)
140 m2 (1,500 sq. ft.)	56 m2 (600 sq. ft.)
186 m2 (2,000 sq. ft.)	74 m2 (800 sq. ft.)
232 m2 (2,500 sq. ft.)	93 m2 (1,000 sq. ft.)
279 m2 (3,000 sq. ft.)	100 m2 (1,076 sq. ft.)
325 m2 (3,500 sq. ft.)	100 m2 (1,076 sq. ft.)

### Parking

One additional parking space must be provided for a second residential unit, except for properties located within older, core areas of the city that have smaller lots sizes and are well served by transit. See map of the area where an additional parking space is not required.

### Heritage Properties

Properties listed on the Municipal Heritage Register or located within a or located within a heritage area cannot alter any part of the exterior of the dwelling that is visible from the street. Please contact the Heritage Planner at 519-255-6543 ext. 6179 if you have questions about the Municipal Heritage Register.

### Accessory Buildings

Second residential units located within accessory buildings:

- Must have access to a paved public street, municipal sanitary sewer, municipal storm water outlet, electrical, and water services;
- Must have direct pedestrian access from the street or alley (i.e. tenants must not be required to access the second unit through the primary unit);
- Must have a municipal address clearly visible from the street; and
- Cannot be severed from the property containing the primary dwelling unit.
- The maximum height of accessory buildings in most residential areas is 5.5 metres (18 feet). The maximum height may be increased to 8 metres (26 feet) through minor variance to permit a second unit above a garage. See information about applying for minor variance.

For questions related to second unit policies and zoning regulations contact:

**Planning & Building Services Department**  
**Planning Division**

2nd Floor, 350 City Hall Square West



Windsor, Ontario, Canada N9A 6S1  
Phone: (519) 255-6543  
Email: [planningdept@citywindsor.ca](mailto:planningdept@citywindsor.ca)

## Building Permit Required

Each building can have a different set of circumstances that may affect the design of a second residential unit. Part 9 of the Ontario Building Code (OBC) applies to the design and creation of second units. Specifically, the sections of the OBC listed below must be addressed while designing a proposed second unit:

- 9.4 – Structural Requirements
- 9.5 – Design of Area, Spaces and Doorways
- 9.7 – Windows, Doors and Skylights
- 9.8 – Stairs Ramps, Handrails and Guards
- 9.9 – Means of Egress
- 9.10 – Fire Protection
- 9.11 – Excavation
- 9.31 – Plumbing Facilities
- 9.32 – Ventilation
- 9.33 – Heating and Air-Conditioning

When a Second Unit is created, the OBC requires a distinct physical separation between the individual dwelling units. This can be demonstrated by submitting plans to the City's Building Division that confirm existing conditions meet the OBC requirements or that proposed new construction/renovation will meet the OBC requirements. A qualified designer will be able to assess the current construction of a building and prepare the appropriate drawings to accompany a building permit application.

For more information on secondary units, please see the following link: [Add a Second Unit to Your House](#).

A building permit is required for any second unit. Units created before November 20, 2018 will not be grandfathered. See information about submitting a building permit application.

To submit a building permit application, contact:

**Planning & Building Services Department**  
**Building Division**

2nd Floor, 350 City Hall Square West  
Windsor, Ontario, Canada N9A 6S1  
Phone: (519) 255-6267  
Email: [building@citywindsor.ca](mailto:building@citywindsor.ca)

## Second Residential Units and Shared Rental Housing

The addition of a second unit does not change the total number of lodgers (i.e. persons that may be provided with lodging for hire) within the entire residential dwelling (i.e. both primary and second units). Currently, more than three lodgers requires a property to be zoned and licensed for use as a lodging house.

## Proposed Changes from Second Units to Additional Dwelling Units (ADUs)

Municipalities in Ontario were mandated to have policies permitting additional residential units (previously referred to as second units) in 2011 under Bill 140, the Strong Communities through Affordable Housing Act. In the summer of 2019, the Province of Ontario passed Bill 108, More Homes, More Choice Act, which amended parts of the Planning Act to require municipalities to establish Official Plan policies and zoning that authorize the use of additional residential units. For more information, visit [More Homes, More Choice: Ontario's Housing Supply Action Plan](#).

The City of Windsor has initiated amendments to the official plans and zoning by-laws to permit an additional residential dwelling unit within a detached house, semi-detached house, or rowhouse, and within an accessory structure on the same

property. This has the effect of potentially allowing a total of three dwelling units on the same property, subject to applicable provisions in the Ontario Fire Code, Building Code and municipal by-laws.

Proposed amendments will be presented to the Development and Heritage Standing Committee at the March 9, 2020 meeting. See summary of the proposed amendments.

For general inquiries, please contact 311.



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March 4, 2020

Greg Atkinson, Planner  
City of Windsor  
350 City Hall Square  
Windsor, ON N9A 6S1

Email: [gatkinson@cityofwindsor.ca](mailto:gatkinson@cityofwindsor.ca)

**Re: City of Windsor Short Term Rentals (STR) Consultations**

Dear Mr. Atkinson,

On behalf of the Ontario Restaurant Hotel and Motel Association (ORHMA), I am writing regarding the City of Windsor's short term rentals (STR). Unfortunately, I could not attend your open house today seeking input for STR policies. The ORHMA has been instrumental in shaping STR policies across Ontario. I encourage you to read our letter along with the attachments as you create such policies.

Short-term accommodations, also referred to as illegal hotel rooms are an ongoing concern for the hotel community in the City of Windsor. Municipalities across North America experience problems stemming from sharing unit rentals affecting housing availability, housing pricing and neighbourhood issues such as noise, parking and safety. Independent studies in the USA and most recently in Canada are showing that short term rentals are affecting hotel brand investment decisions while negatively influencing hotel demand.

The City of Windsor must level the playing field for hotels with the short-term rental accommodations. These rentals are currently not paying commercial property taxes to your town and meeting other rules and regulations that hotels are required to meet. These illegal rooms are also not paying HST which contributes to funding health care, education, transit and infrastructure and other benefits that the City of Windsor and Ontario residences expect.

**The ORHMA strongly support a regulatory framework which includes zoning by-laws which meet the same standards of developing a hotel that levels the playing field with the hotel industry.**

Competition should be encouraged. We welcome it. This is how growth occurs in every aspect of the business and how we find new opportunities. Among each other the hotel industry is highly competitive business nonetheless respects government rules. We expect all those competing to play by these rules.

The STR sector is no longer an emerging concept as governments around the world have been implementing rules and regulations. Without rules short term rentals belong to the professional underground economy.

The key concern with the short-term accommodations is that they are being commercialized with hosts operating multiple properties as a business. Even Airbnb reports support this theory by continually boosting that *"The vast majority of Airbnb's Ontario hosts share their primary residences."* Regrettably this theory is not the practice.

There's Benefit In Belonging



In 2017 the Hotel Association of Canada released a study in partnership with the Ontario Restaurant Hotel and Motel Association (ORHMA) which spotlighted 11 key markets across Canada and examined the short-term rental market in comparison to Canada's hotel sector. Specifically, the study had a key focus on Airbnb as the most widely used digital home-sharing platform in Canada. Results demonstrated that commercial operators are growing exponentially, far outpacing actual home sharing activity. Approximately 7-in-every-10 units on the Airbnb distribution platform are entire-home rentals, with guests having complete and sole access of the entire unit during their stay. Over the last two years, the commercial side of Airbnb's business – those renting multi-unit entire homes – grew by 108%. Entire home rentals as a whole, including multi-listing hosts, generated 83% of Airbnb's revenues. Multi-unit hosts account for over 30% of all revenue generated on Airbnb in Canada.

Further, a 2017 study conducted by McGill University entitled *Short-term cities: Airbnb's Impact on Canadian Housing Markets* found that Airbnb alone has removed as many as 13,700 units of housing from rental markets in Montreal, Toronto and Vancouver. In 2019, Fairbnb reported that in Toronto alone, Airbnb has taken 6,500 long-term rentals off the market. According to the Ontario Mars report *"Fundamentally, home sharing is about sharing your own home, your primary residence. If it is a secondary residence or a commercial property being rented, it is no longer considered home sharing. Related to this is the maximum number of nights per year that a space is rented out"*

#### **ORHMA OWNERSHIP RECOMMENDATIONS:**

- The rental unit must be the principal residence.
- The owners must reside in the unit.
- There must be only one listing per household.
- No host should be allowed to list multiple units.
- Define the cap on maximum number of rooms sold annually.
- Hosts cannot rent out their property for stays of less than 30 days unless they are registered as a hotel or a B&B as it is the case of a B&B where a resident must be present.

As well in order to address short-term rentals there is a need for enforcement to work effectively and easier. In order for your city to enforce such by-laws their needs to be accountability. We recommend a licence registration process to be included with penalty fees and holding the platform accountable.

#### **ORHMA ENFORCEMENT RECOMMENDATIONS:**

- Require registration for rental platform such as Airbnb at a set fee and the platform to include the rental unit's registration number on its listings.
- Hold rental platform such as Airbnb responsible for compliance of set rules and policies designed by the City of Windsor.
- Require registration of rental unit operations at a set fee with the City of Windsor and the registration number is to be posted on all advertisements including on line listing platforms.
- Require registration for rental platform such as Airbnb at a set fee and the platform to include the rental unit's registration number on its listings.
- Hold rental platform such as Airbnb responsible for compliance of set rules and policies designed by the City of Windsor.
- Develop penalty fees within the city's enforcement policies for not meeting your rules to both the rental units and the rental platform.

- Rental units to contribute to any tourism tax imposed on hotels.

ORHMA strongly supports a regulatory framework for illegal hotel rooms which includes zoning by-laws that meet the same standards of developing a hotel, and proper taxation that levels the playing field with the hotel industry. We appreciate the importance of short-term rental bylaws and recommend a municipal accommodation tax structure to follow.

#### **TAXATION RECOMMENDATIONS:**

- Municipal Accommodation Tax to be collected and paid.
- The city should review the opportunity to apply commercial property assessment.

Anyone operating in the commercial accommodations space should be subject to the same rules and regulations as other businesses doing exactly the same kind of work. The traditional lodging industry welcomes competition and is prepared to compete on quality, experience and price; but the rules of the game have to be applied evenly to all players. To be clear, we are not opposed to an individual using a home-sharing platform to rent out a room in his or her home to help make ends meet. This is about fairness - these laws and regulations should be upheld by anyone running a commercial operation.

Thank you for your time and consideration of our recommendations. It is important we work together to protect and regulate all short-term rental and commercial accommodations in the City of Windsor. Please do not hesitate to contact me to discuss further.

Yours truly,



Tony Elenis  
President & CEO  
Ontario Restaurant Hotel & Motel Association



HOTEL ASSOCIATION OF CANADA  
ASSOCIATION DES HÔTELS DU CANADA

## **DEVELOPING A MODERN APPROACH TO SHORT-TERM RENTALS IN A DIGITAL ECONOMY**

A Framework for Canadian Regulators

JULY **2018**

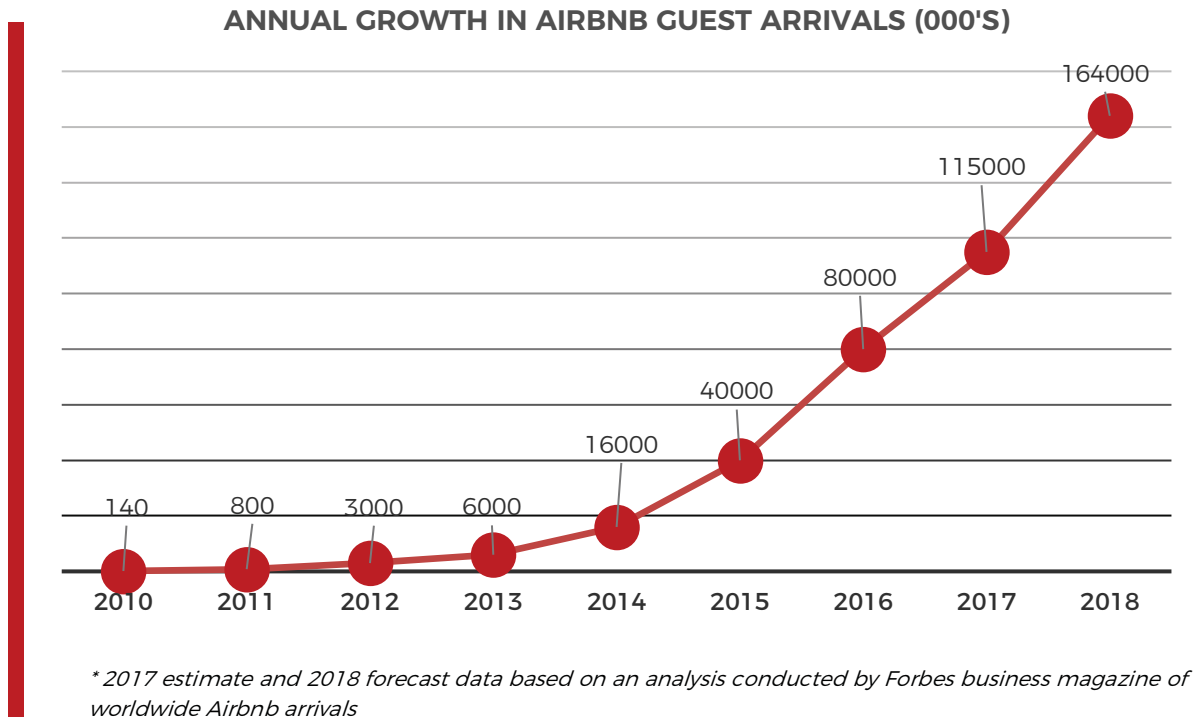
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## INTRODUCTION

This paper is intended for regulatory officials and elected representatives who are developing or updating policies for the short-term rental industry and for those with an interest in tourism, affordable housing, and safe communities.

The growth of Airbnb to more than 160 million guest arrivals tells us that the platform companies for short-term rental accommodations are here to stay<sup>12</sup>.



As with any transformational change, there are significant risks and unintended consequences that need to be managed due to the meteoric growth in short-term rental accommodations.

The experience in Canada and around the world to date is that there is no one-size-fits-all approach. For this reason, the modern policy toolkit needs to respond to national, provincial and local conditions in a way that promotes fairness, curtails exploitive practices and protects communities

<sup>1</sup> An overview of Airbnb and the hotel sector in Canada: A focus on hosts with multiple units. A report for the Hotel Association of Canada, by CBRE September 13, 2017

<sup>2</sup> <https://www.forbes.com/sites/greatspeculations/2018/05/11/as-a-rare-profitable-unicorn-airbnb-appears-to-be-worth-at-least-38-billion/-cc1ef842741e>



## A SIMPLE CONCEPT WITH COMPLEX PROBLEMS

In 2007, two 27-year-old graduates of the Rhode Island School of Design set up a website to rent three airbeds on their living-room floor for participants attending a San Francisco design conference.<sup>3</sup> They took their idea to another level and launched a website to connect hosts with guests attending conferences and festivals across the United States. The company's founders spoke about the noble concepts of "sharing" and the "collaborative consumption of resources." But this is not what the short-term rental industry has become. Today, the industry is dominated by commercial operators and industry giants that have capitalized on the popularity of home rentals.

Airbnb operates in 191 countries and generated over 80 million guest stays in 2016. The company is valued at over \$30 billion. Another platform behemoth, HomeAway Inc. (owned by Expedia), operates in 190 countries with over 2 million listed properties. It functions as a conglomerate of over 25 companies, including such well-known names as VRBO, Booking.com, which is owned by Priceline, has millions of homes listed on its site for short-term rental.

Initially, Airbnb was based on the concept of renting out a room with the owner always present and where common spaces were shared. Over time, the demand gravitated to renting out an entire home for a day or weeks at a time. In Canada, entire-home-rentals in 2017 constituted about 70 per cent of Airbnb's rental activity.

It did not take long for savvy operators to go well beyond renting out their own homes for occasional use. The trend has been to take residential units off the long-term rental market and convert them into hotel-like operations.

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**TODAY, APPROXIMATELY 7-IN-EVERY-10 UNITS ON THE AIRBNB DISTRIBUTION PLATFORM ARE ENTIRE-HOME RENTALS WITH GUESTS HAVING COMPLETE AND SOLE ACCESS TO THE ENTIRE UNIT DURING THEIR STAY.**

Today, multi-unit hosts — defined as any host renting out two or more units in a single month— represent approximately 25 per cent of the short-term rental market. More aggressive entrepreneurs figured out a way to operate shadow hotels without having to invest in real estate or having to follow established health and safety regulations. These commercial operators also avoid many of the normal costs of doing business, including paying taxes and other levies.

True home-sharing has become increasingly rare. Today, there is a short-term rental industry that operates with limited regulation, creating a host of problems for governments, communities and homeowners.

<sup>3</sup> <https://www.telegraph.co.uk/technology/news/9525267/Airbnb-The-story-behind-the-1.3bn-room-letting-website.html>



## Loss of housing stock

One of the most concerning outcomes of the high volume of homes and investment properties being placed on the short-term accommodation market is the decline in the stock of affordable housing.

While there is little impact on a community's housing stock when someone casually rents a room in their home—or even their entire home when they are out of town—the outcome is different when investors and entrepreneurs remove units from a leasing portfolio; or buy homes or condominiums for the purposes of “home-sharing.” The bottom line is that fewer properties are available for long-term accommodation.

A 2017 McGill University School of Urban Planning study revealed that Airbnb listings in Montreal, Toronto and Vancouver had caused a two or three percent displacement of the housing stock in some neighbourhoods.<sup>4</sup> The most successful “hosts” were running commercial operations with dozens or even hundreds of homes. The conclusion at the time of the study was that Airbnb had removed about 14,000 units of housing from rental markets in Canada's three largest cities. Areas close to public transit stations and where affordable housing had been concentrated were particularly vulnerable.

A 2018 McGill University study reported that New York City lost up to 13,500 housing units from the long-term rental market to Airbnb.<sup>5</sup> Some 4,700 “ghost hotels” were also discovered, which had removed 1,400

housing units from the long-term rental market.



## A Rise in Rental Rates

The loss of housing stock from the rental market has not only impacted accessibility but has also driven up rental rates. The 2018 McGill study also revealed that the housing displacement related to short-term accommodations caused rents in New York to rise by \$380 per year. In some of the more popular Manhattan neighborhoods, rent increases attributable to the conversion of housing stock amounted to more than \$700 per year. Airbnb's influence was reported to have cost New Yorkers \$616 million in additional rent in 2016.<sup>6</sup>

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**REVENUES DERIVED FROM  
MULTI-UNIT HOSTS IN CANADA  
HAVE MORE THAN DOUBLED  
FROM \$71 MILLION IN 2015/16  
TO \$167 MILLION IN 2016/17 – A  
134 PER CENT INCREASE IN  
REVENUE OVER THE PRECEDING  
12-MONTH PERIOD.**



## Commercial Operations – Not Home Sharing

The data shows that short-term rentals have morphed from home-sharing into largely commercial operations. During 2016, one out of every 3 Airbnb hosts rented out their properties for more than 90 days per year. This pool of rental units generated 71 per cent of Airbnb's total Canadian revenue. Multi-unit Airbnb hosts make up approximately 7 per cent of their listings in

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<sup>4</sup> “Short-term cities: Airbnb's impact on Canadian housing markets,” Urban Politics and Governance research group, School of Urban Planning, McGill University August 10, 2017

<sup>5</sup> “The High Cost of Short-Term Rentals in New York City,” A report from the Urban Politics and Governance research group School of Urban Planning – McGill University - January 30, 2018

<sup>6</sup> <https://www.nytimes.com/2018/05/03/nyregion/airbnb-rent-manhattan-brooklyn.html>

Canada and generate over 30 per cent of all revenue.<sup>7</sup>



## Health and Safety

The short-term rental platforms take no direct responsibility for the health and safety of their clients. Most municipalities do not require home inspections and there is no assurance with respect to fire, safety or health standards. In contrast, regulated properties such as hotels must adhere to fire, health, and safety standards and submit to regular inspections.



## The Nuisance Factor

When residential homes are converted into transient commercial operations, the character of neighborhoods is changed in ways that were never contemplated. Commercial activity in residential areas can create nuisances and hazards like excessive noise, insufficient parking, vandalism and even criminal activity.

With governments being slow to respond to the new economy, residents use whatever tools are open to them to address the hazards and nuisance factors associated with short-term rentals. Many condominium boards have reacted to homeowners' concerns by banning short-term rentals outright. But this is difficult to achieve if the original condominium "declarations" permit short-term rentals. While the platform rental companies have challenged such

restrictions, the right of condominium boards to take such actions — absent declarations — was affirmed in one court of law.<sup>8</sup> Only municipalities can override "declarations" with bylaws.



## Property Damage and Crime

Short-term renters do not always respect the home-owners property. Stories regularly surface in the media that illustrate the risks involved when opening your home to total strangers. Homes have been turned into locations for massive raves and parties causing thousands in damages.<sup>9</sup> Other hosts have suffered from the theft of personal belongings.<sup>10</sup> One Toronto host reported that thieves stole equipment and even his clothes.

Reports have appeared about homes on short-term rental platforms being used:

- As a location to shoot porn videos<sup>11</sup>;
- To operate a brothel<sup>12</sup>;
- As an outlet to sell illegal drugs<sup>13</sup>;
- As a hideout for criminals on the run<sup>14</sup>; and,
- For human trafficking<sup>15</sup>.

It is not just the short-term renters that cause problems. Reports have been made about hosts using hidden cameras to spy on guests, either for protection purposes or voyeurism.

<sup>7</sup> An overview of Airbnb and the hotel sector in Canada: Aa focus on hosts with multiple units. A report for the Hotel Association of Canada by CBRE September 13, 2017

<sup>8</sup> <http://business.financialpost.com/legal-post/ontario-court-ruling-says-condo-buildings-can-ban-sharing-services-such-as-airbnb>

<sup>9</sup> <http://www.cbc.ca/news/canada/calgary/airbnb-renters-who-trashed-calgary-house-used-fake-credit-cards-to-fuel-party-1.3065243>

<sup>10</sup> <https://www.ctvnews.ca/canada/toronto-man-s-home-trashed-belongings-stolen-after-airbnb-rental-1.3346849>

<sup>11</sup> [http://www.dailymail.co.uk/travel/travel\\_news/article-3732932/Airbnb-host-says-San-Francisco-home-used-porn-shoot.html](http://www.dailymail.co.uk/travel/travel_news/article-3732932/Airbnb-host-says-San-Francisco-home-used-porn-shoot.html)

<sup>12</sup> <https://globalnews.ca/news/3843222/ontario-family-shocked-to-discover-airbnb-renters-using-basement-to-distribute-drugs/>

<sup>13</sup> <https://www.thetimes.co.uk/edition/news/drug-lords-use-airbnb-hideouts-w5xf7xtb>

<sup>14</sup> <https://www.thestar.com/vancouver/2018/05/02/your-vancouver-airbnb-could-be-used-for-sex-work-police-say.html>

<sup>15</sup> <https://www.thestar.com/news/crime/2018/02/22/airbnb-rentals-used-for-human-trafficking-toronto-police-say.html>

## Deceptive Conversions

Some entrepreneurs pretend to rent apartments for personal use only to place them on the short-term rental market. Unsuspecting landlords hear about conversions after they receive complaints from neighbours or they see their units posted on rental platforms for nightly rental. Landlords are understandably upset about a change in use that inflicts significantly higher wear-and-tear than what would be expected from normal family activity. This can happen even when it is not an entire home that is being rented out. A tenant might rent out rooms in a unit they occupy without the permission from the landlord.<sup>16</sup>

## The Tax Gap

The hotel and accommodation industry pays business and property taxes at the commercial rate. According to the 2017 Altus Group Canadian Property Tax Rate Benchmark Report, commercial operators pay on average 2.85 times the level of property tax that is imposed on a residential ratepayer.<sup>17</sup> This gives a powerful incentive for short-term rental operators to stay in the underground economy.

The hotel industry complies with sales and income tax laws and their employees are covered under the Canada Pension Plan, Employment Insurance and workers compensation. Any mandatory tourism or destination fees are also contributed to

support regional marketing campaigns. These fees are used to attract visitors to, many of whom end up using short-term rental platforms.

The only true exemption from tax for home-renting relates to the GST/HST and only for hosts with revenues of less than \$30,000. No one is exempt from paying income tax on short-term rentals. The challenge is that there are few controls in place that ensure that tax laws and local levies are being complied with.

Airbnb states that it sends reminder notices to its hosts about tax issues. However it will only share this data with government authorities when it is compelled to do so. This makes it difficult to detect non-compliance. Some American jurisdictions (Massachusetts<sup>18</sup> and Vermont<sup>19</sup>) require rental platform companies to issue official tax information slips to any host with revenues above \$600.<sup>20</sup> Airbnb has also been required to share its data with Danish tax authorities.<sup>21</sup>

At the platform level, sales and income tax are usually avoided because companies are legally registered in tax havens and function, without “permanent establishments” in the countries where they operate. While this may have been appropriate for manufacturing entities, it makes little sense in the digital economy.

<sup>16</sup> <http://www.cbc.ca/news/canada/toronto/toronto-airbnb-regulations-1.4563929>

<sup>17</sup> <http://www.altusgroup.com/wp-content/uploads/2017/10/Canadian-Property-Tax-Rate-Benchmark-Report.pdf>

<sup>18</sup> <https://www.mass.gov/service-details/new-massachusetts-reporting-requirements-for-third-party-settlement-organizations>

<sup>19</sup> <http://tax.vermont.gov/news/1099-k-information-reporting>

<sup>20</sup> <https://www.airbnb.ca/help/article/414/should-i-expect-to-receive-a-tax-form-from-airbnb>

<sup>21</sup> <http://www.bbc.com/news/business-44166174>

## A MODERN REGULATORY FRAMEWORK

Governments at all levels are grappling with the implications of the growing short-term rental industry. There is an acute need for federal, provincial, and municipal governments to put in place a modern regulatory framework to address the stresses and unintended consequences created by short-term accommodation rentals.

Regulators to date have focussed on meeting five key objectives:

### Regulatory Objectives for Short-term Rental Accommodations

- 1 Minimize the displacement of affordable and accessible housing
- 2 Minimize community nuisance while protecting public safety and with adherence to municipal bylaws
- 3 Ensure a level competitive playing field
- 4 Collect appropriate taxes and tourism levies
- 5 Enable voluntary compliance while minimizing the administrative burden for hosts, home-renting platforms and governments



# 8

## REGULATORY TOOLS TO MODERNIZE SHORT-TERM RENTAL ACCOMMODATIONS

Following a scan of the regulatory approaches taken in communities and cities around the world, the following 8 elements have consistently been applied:

### 1. HOST REGISTRATION AND FEES

Requires that any property offered for home-renting be registered with the local government. For the benefit of hosts and municipalities, platform companies should facilitate the registration process. Along with the collection of an annual fee to recover costs, registration enables the monitoring and reporting of rental activity.

### 2. PLATFORM REGISTRATION AND FEES

Require registration of the rental platform companies along with a significant annual fee and an ongoing fee for each booking. Rental platform companies must be prohibited from listing any property that is not properly registered.

### 3. PRINCIPAL RESIDENCE REGISTRATION

Limits home-renting to a principal residence only. This prohibits the operation of ghost hotels and/or large scale commercial enterprises operating under the veil of home sharing. A significant issue remains in that short-term rentals are permitted in areas without proper zoning but with some limitations.

### 4. CAP ON USAGE

Limits the number of days that a home can be rented through a home-renting platform. This helps to moderate the decline in available housing stock and the nuisance factors associated with the conversion of ordinary residences into commercial operations. Caps typically run from 30 to 180 days per year. Some condominium boards put the cap at zero days and some regulations require explicit approval from homeowner's associations before short-term rentals can be offered.

### 5. HEALTH AND SAFETY STANDARDS

Regulations that require certain standards for safety (e.g. smoke detectors, fire extinguishers, pest control). This provides some minimal level of protection for guests.

### 6. REPORTING

A requirement at the platform and host level to report to government on all home-renting activity. This includes mandating that platform companies issue annual information slips to hosts on rental income with a copy to government authorities.

### 7. TAXATION/LEVIES

Special provisions at the platform level to conveniently collect and remit various taxes and/or levies on behalf of hosts. This creates a more level playing field with commercial operators and provides revenue to government to cover the costs of managing home sharing activity.

### 8. ENFORCEMENT/PENALTIES

Mechanisms to ensure regulations are applied and enforced (e.g. confirm principal residence with a driver's license). Effective enforcement can only be achieved with reliable and timely reporting of activity from the platform. Penalties help to ensure the system is operating as intended through voluntary compliance.

Airbnb has signed agreements with governments around the world that have insisted on the proper payment of taxes and on data sharing.<sup>22</sup> Airbnb reports that they have collected and remitted taxes and levies in more than 200 jurisdictions (national, regional, local) and that they have released data and information in 19 jurisdictions. These agreements and compliance measures are usually implemented only after governments indicated an intention to establish regulations.

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<sup>22</sup> [https://www.airnbncitizen.com/wp-content/uploads/2016/12/National\\_PublicPolicyTool-ChestReport-v3.pdf](https://www.airnbncitizen.com/wp-content/uploads/2016/12/National_PublicPolicyTool-ChestReport-v3.pdf)

## REGULATION IN PRACTICE CANADA

### FEDERAL GOVERNMENT

The principal area of jurisdiction for the federal government is in tax policy. The major issues are:

- Rental platforms that are operating in Canada without a “permanent establishment” are not paying corporate income tax on their profits. Such a limitation has not prevented other countries and jurisdictions (Australia, Japan, South Korea and the European Union) from imposing taxation on some digital service providers.
- Hosts with revenues with less than \$30,000 are not obligated to collected and remit GST/HST. This exemption does not apply universally in the digital economy. For example, GST/HST is applied on the first dollar for revenue ride-sharing (i.e. Uber and Lyft).<sup>23</sup>

The Canada Revenue Agency does not require short-term rental platform companies to issue an information slip (i.e. the equivalent of a T4 slip from employers or T5 slips from financial institutions) as is the case in other jurisdictions. This would be a key instrument in achieving voluntary tax compliance.

To date, the federal government has enacted no specific measures to address issues in their area of jurisdiction as it pertains to tax fairness in the short-term accommodation industry.

### PROVINCIAL GOVERNMENTS

To date, only Quebec and British Columbia have established laws and regulations governing short-term rentals. Like the federal government, the provinces have jurisdiction over tax policy. They also take a lead role in civil, property and commercial law.

In early 2018 the Government of Quebec reached an agreement with Airbnb that required the platform company to collect and remit a 3.5 per cent lodging tax beginning October 1, 2018.<sup>24</sup> The 3.5 per cent tourism levy is designed to promote the marketing activities of the hospitality industry. A prior regulation that required hosts to independently register and remit a lodging tax had achieved a compliance rate of less than five per cent.<sup>25</sup> The Quebec government indicated it expects other home-renting companies to become part of the new system. It is worth noting that the March 2018 Quebec budget proposed that the Quebec Sales Tax (QST) will apply to all digital services beginning January 1, 2019 regardless of whether the supplier has a permanent establishment in the province or not.<sup>26</sup>

In early 2018, Airbnb agreed to collect and remit provincial and municipal taxes in British Columbia.<sup>27</sup> The province expects to realize \$16 million annually from its eight per cent tax while municipalities would receive an estimated \$5 million from a three per cent destination tax. BC officials

<sup>23</sup> <https://www.canada.ca/en/revenue-agency/services/forms-publications/publications/gi-196-gst-hst-commercial-ride-sharing-services/gst-hst-commercial-ride-sharing-services.html>

<sup>24</sup> <http://www.cbc.ca/news/canada/british-columbia/airbnb-vancouver-bc-1.4524284>

<sup>25</sup> <http://www.cbc.ca/news/canada/montreal/quebec-airbnb-law-not-effective-2017-1.4135041>

<sup>26</sup> [http://www.budget.finances.gouv.qc.ca/budget/2018-2019/en/documents/AdditionalInfo\\_18-19.pdf#page=137](http://www.budget.finances.gouv.qc.ca/budget/2018-2019/en/documents/AdditionalInfo_18-19.pdf#page=137)

<sup>27</sup> <https://www.cbc.ca/news/canada/british-columbia/airbnb-vancouver-bc-1.4524284>

indicated that it was “enabling” the sharing economy to operate in a way that was fair and equitable. Legislation has been passed and implementation is expected in the Fall of 2018 with agreements expected to be in place with all home-rental platform companies.

In the remaining eight provinces, GST/HST is not collected by hosts except on a voluntary basis or when a host with revenues above \$30,000 complies with an obligation to register. In addition, the platform companies do not charge or remit GST/HST on the fees they charge to hosts.

No province has yet to regulate short-term rentals in the areas of health and safety, landlord and tenant relations, and commercial contracting.

pursuing similar arrangements with other listing platforms.



### **District of Tofino, British Columbia**

Despite having a population of only about 2,000, Tofino implemented a regulatory framework that restricts short-term rentals to licensed principal residences in specified mixed-use zones<sup>30</sup>. The District has taken a proactive approach to enforcement through inspections and investigations, including host compliance software that scours current and past advertisements on a variety of online platforms. Over 65 tickets were issued in 2017 for short-term rental non-compliance.



## **MUNICIPAL GOVERNMENT**



### **Vancouver, British Columbia**

The City of Vancouver<sup>28</sup> and Airbnb reached an agreement that required all short-term rentals be licensed by April 19, 2018.<sup>29</sup> Following a transition period, Airbnb has agreed to deactivate any unlicensed listings. In addition, rental platform companies must pay an annual licence fee.

Vancouver has restricted short-term rentals to principal residences (where the owner resides for more than 180 days of the year). The fine for listing without a license can be up to \$1,000 per day. The City indicated it is

### **Niagara on the Lake, Ontario**

Through By-Law 4634-13<sup>31</sup>, all short-term rentals in Niagara on the Lake are subject to licencing and enforcement and each property must meet certain standards for public safety. Among many items, the pre-inspection checklist includes:

- Floor surfaces are reasonably smooth and do not unnecessarily contribute to a potential accident ex. nails sticking up, floor boards loose, ripples in carpets, etc.
- Operable window present for ventilation/light and equipped with a suitable insect screen.

<sup>28</sup> <https://vancouver.ca/doing-business/short-term-rentals.aspx>

<sup>29</sup> <http://vancouver.ca/news-calendar/city-signs-first-mou-in-canada-with-airbnb-for-short-term-rentals.aspx>

<sup>30</sup> <http://www.tofino.ca/Short-term-rentals>

<sup>31</sup> <https://notl.civicweb.net/document/4068>

- Access door provides privacy and operates freely without the use of a key to exit.
- All smoke alarms, either battery operated or interconnected, on every floor level and in every bedroom, if applicable, shall be in working order.
- Carbon monoxide detectors shall be in working order.
- All escape routes are clear of obstructions and easily accessible.
- The furnace has been inspected and the filter replaced in the past year.
- The fire place chimney has been inspected and cleaned in the past year.
- All portable fire extinguishers with a minimum 2A-10BC rating shall be made available, visibly mounted on each floor area, shall be inspected and tagged annually.
- All exit signs shall be illuminated while the building is occupied with guests.
- Sprinkler systems and fire alarm systems shall be inspected annually.
- A copy of the Town approved floor plan with all exits marked on it posted in a conspicuous area. (The plan is not to be posted in a binder or folder).
- Daily register/guest form is current.
- Pool gates are self-closing and have locks. The pool area is fenced in.
- All steps, handrails, guards, and landings are in reasonable good repair and will not likely create a hazard. Interior stairs with two or more risers have a handrail. Exterior

stairs with three or more risers have a handrail.

- Separate washroom for guests with a water closet, basin and tub or shower is provided and are reasonably clean and in good condition with an operable window



### Toronto, Ontario

On December 7, 2017, Toronto City Council approved short-term rental regulations. Subject to an appeal at the Ontario Municipal Board, the regulations were set to come into force on June 1, 2018. The regulations would permit short-term rentals across the city, but the practice would be limited to a host renting a principal residence. An entire home could be rented to a maximum of 180 nights per year. Homeowners would be banned from listing secondary suites such as basement apartments. Those who offer their homes for short-term rentals would have to register with the City and pay a \$50 annual fee<sup>32</sup>.

Platform companies -- such as Airbnb -- would have to become licensed and pay the city a fee of \$5,000, plus \$1 per property per night booked through the platform. These companies would be required to delist unlicensed properties. The Ontario Municipal Board is expected to review the matter in August 2018.<sup>33</sup>

<sup>32</sup> <https://www.toronto.ca/city-government/public-notices-bylaws/bylaw-enforcement/short-term-rentals/>

<sup>33</sup> <http://www.cbc.ca/news/canada/toronto/toronto-s-short-term-rental-bylaws-could-be-delayed-months-over-omb-appeals-1.4604901>



## REGULATION IN PRACTICE

### SELECTED INTERNATIONAL CITIES



#### San Francisco

Officials in San Francisco's Office of Short-Term Rentals addressed what they determined to be a housing crisis through "common sense regulations." After San Francisco established a registration system to keep track of home-renting, the number of listings on Airbnb dropped almost in half virtually overnight (from 10,000 to 5,500).<sup>34</sup> Under the regulations, Airbnb was required to delist all homeowners who did not register with the city. The registration requirement was part of a broader package of regulations that limited home-renting to permanent residences, with a 90-day rental cap for whole homes<sup>35</sup>.

The regulations apply to all home-renting platforms. Prior to the regulations coming into force, Airbnb and HomeAway had jointly sued San Francisco to vacate the law. A U.S. district judge ruled that the city was within its rights to regulate the industry.



#### New York City/State

The New York State Multiple Dwelling Law makes it illegal to offer short-term accommodation in any building that has three or more units unless the owner is present during the guest's stay.<sup>36</sup> New York

State imposes a penalty of \$1,000 for the advertising of illegal listings that is in violation of the multiple dwelling law.

Airbnb notes that it collects and remits county bed taxes on behalf of hosts in 20 counties across New York State. Airbnb also indicates that it has voluntarily implemented a "One Host, One Home" program for entire-home listings in New York City. As a result, hosts cannot act as commercial operators with multiple units.

New York City's Office of Special Enforcement tracks down violations of the law based on general inspections and in response to complaints.<sup>37</sup> The enforcement team numbered 48 by the end of 2017.<sup>38</sup> An organization named Share Better (comprising hotel and affordable housing advocates) have hired private investigators to expose illegal short-term accommodation offerings and report their findings to the city for follow up.



#### New Orleans

Starting April 1, 2017 New Orleans<sup>39</sup> required that hosts register with the City. Airbnb facilitated a process where a separate registration with an annual fee is required for each property. Rental platforms must delist properties that are not in the city's database.

<sup>34</sup> <https://www.digitaltrends.com/business/san-francisco-airbnb-listings/>

<sup>35</sup> <https://shorttermrentals.sfgov.org/about>

<sup>36</sup> <http://www1.nyc.gov/assets/buildings/pdf/MultipleDwellingLaw.pdf>

<sup>37</sup> <http://www1.nyc.gov/nyc-resources/service/6744/space-used-as-hotel-vacation-rental-or-short-stay>

<sup>38</sup> <https://qz.com/1084108/1084108/>

<sup>39</sup> <https://www.nola.gov/short-term-rentals/>

The city issues three types of licenses: temporary, accessory and commercial. Temporary and commercial allow owners to rent entire houses or apartments. These categories represent about three-quarters of the properties registered in the system. The number of days a property can be rented is limited to 90. There are districts in the city where short-term rentals are not permitted (e.g. French Quarter). Permits will also be denied if property taxes are in arrears.

Airbnb collects and remits the applicable hotel taxes on behalf of hosts. Hosts that rent on other platforms must independently collect and remit the requisite taxes.



## Amsterdam

For an entire home rental, every transaction must be reported to the City

and a tourist tax must be paid. The number of days that a property can be rented cannot exceed 30.<sup>40</sup> If a property is covered by a homeowner's association then permission from that group is explicitly required. No more than four people can occupy a short-term rental residence and specific nuisance provisions are attached to all arrangements. Every unit must meet appropriate fire safety standards.

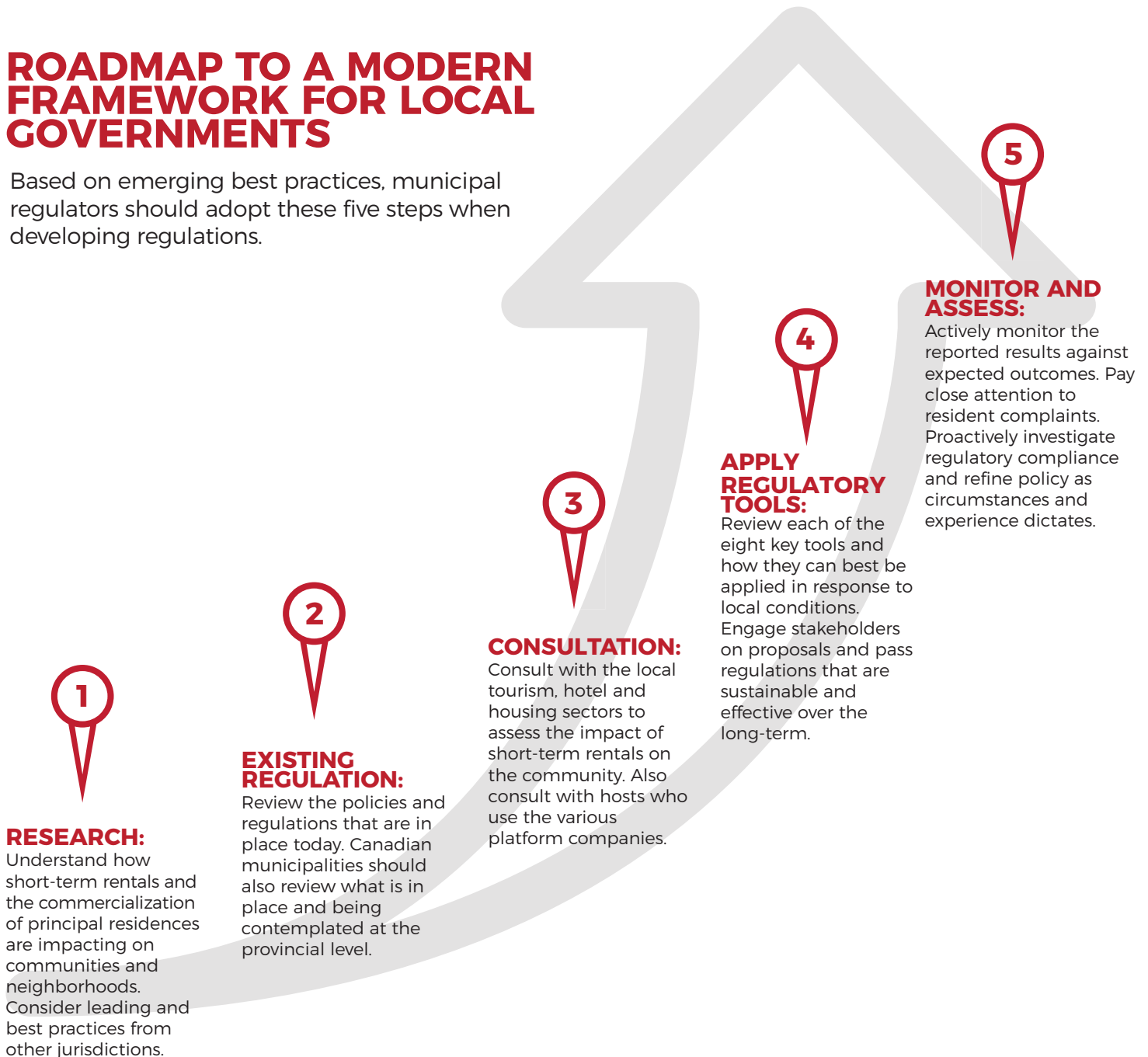
Similar regulations apply when renting out only a portion of an owner-occupied home. Only 40 per cent of a home can be made available for rent. Owners must keep a register of the guests, including the type of identification that was used to verify the identity of the renter.

One weakness of the regulation in Amsterdam is that the reporting obligation is largely with the host and not the platform company. This makes enforcement more difficult and costly.

<sup>40</sup> <https://www.engadget.com/2018/01/10/amsterdam-airbnb-rental-30-day-limit/>

## ROADMAP TO A MODERN FRAMEWORK FOR LOCAL GOVERNMENTS

Based on emerging best practices, municipal regulators should adopt these five steps when developing regulations.



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613.237.7149



## DEVELOPING A MODERN APPROACH TO SHORT-TERM RENTALS IN A DIGITAL ECONOMY

### A Framework for Canadian Regulators

Governments at all levels are grappling with the implications of the growing short-term rental industry. There is an acute need for federal, provincial, and municipal governments to put in place a modern regulatory framework to address the stresses and unintended consequences created by short-term accommodation rentals.

#### OBJECTIVES:

- Minimize the displacement of affordable and accessible housing
- Minimize community nuisance while protecting public safety and with adherence to municipal bylaws
- Ensure a level competitive playing field
- Collect appropriate taxes and tourism levies
- Enable voluntary compliance while minimizing the administrative burden for hosts, home-renting platforms and governments.

## ROADMAP TO A MODERN FRAMEWORK FOR LOCAL GOVERNMENTS

Based on emerging best practices, municipal regulators should adopt these five steps when developing regulations.

**1**  
**RESEARCH:**  
Understand how short-term rentals and the commercialization of principal residences are impacting on communities and neighborhoods. Consider leading and best practices from other jurisdictions.

**2**  
**EXISTING REGULATION:**  
Review the policies and regulations that are in place today. Canadian municipalities should also review what is in place and being contemplated at the provincial level.

**3**  
**CONSULTATION:**  
Consult with the local tourism, hotel and housing sectors to assess the impact of short-term rentals on the community. Also consult with hosts who use the various platform companies.

**4**  
**APPLY REGULATORY TOOLS:**  
Review each of the eight key tools and how they can best be applied in response to local conditions. Engage stakeholders on proposals and pass regulations that are sustainable and effective over the long-term.

**5**  
**MONITOR AND ASSESS:**  
Actively monitor the reported results against expected outcomes. Pay close attention to resident complaints. Proactively investigate regulatory compliance and refine policy as circumstances and experience dictates.



# 8

## REGULATORY TOOLS TO MODERNIZE SHORT-TERM RENTAL ACCOMMODATIONS

Following a scan of the regulatory approaches taken in communities and cities around the world, the following 8 elements have consistently been applied:

### 1. HOST REGISTRATION AND FEES

Requires that any property offered for home-renting be registered with the local government. For the benefit of hosts and municipalities, platform companies should facilitate the registration process. Along with the collection of an annual fee to recover costs, registration enables the monitoring and reporting of rental activity.

### 2. PLATFORM REGISTRATION AND FEES

Require registration of the rental platform companies along with a significant annual fee and an ongoing fee for each booking. Rental platform companies must be prohibited from listing any property that is not properly registered.

### 3. PRINCIPAL RESIDENCE REGISTRATION

Limits home-renting to a principal residence only. This prohibits the operation of ghost hotels and/or large scale commercial enterprises operating under the veil of home sharing. A significant issue remains in that short-term rentals are permitted in areas without proper zoning but with some limitations.

### 4. CAP ON USAGE

Limits the number of days that a home can be rented through a home-renting platform. This helps to moderate the decline in available housing stock and the nuisance factors associated with the conversion of ordinary residences into commercial operations. Caps typically run from 30 to 180 days per year. Some condominium boards put the cap at zero days and some regulations require explicit approval from homeowner's associations before short-term rentals can be offered.

### 5. HEALTH AND SAFETY STANDARDS

Regulations that require certain standards for safety (e.g. smoke detectors, fire extinguishers, pest control). This provides some minimal level of protection for guests.

### 6. REPORTING

A requirement at the platform and host level to report to government on all home-renting activity. This includes mandating that platform companies issue annual information slips to hosts on rental income with a copy to government authorities.

### 7. TAXATION/LEVIES

Special provisions at the platform level to conveniently collect and remit various taxes and/or levies on behalf of hosts. This creates a more level playing field with commercial operators and provides revenue to government to cover the costs of managing home sharing activity.

### 8. ENFORCEMENT/PENALTIES

Mechanisms to ensure regulations are applied and enforced (e.g. confirm principal residence with a driver's license). Effective enforcement can only be achieved with reliable and timely reporting of activity from the platform. Penalties help to ensure the system is operating as intended through voluntary compliance.

Short Term Rental Housing Open House – March 4, 2020  
Windsor International Aquatic and Training Centre, 401 Pitt St. West

The City of Windsor wants to hear what residents think about short term rentals (STR's), whether regulation is needed, and if so, how best to do it. Windsor does not currently regulate STR's, but with growth in the industry through such well known names as Airbnb, Vrbo and HomeAway, there may be a new need for licensing and zoning.

Please circle the appropriate response(s).

1. Are you a resident of Windsor?  
☒ Yes      ☐ No
2. Do you own or rent your home?  
☐ Own      ☒ Rent
3. What is your age?  
Under 18      18-24      25-34      35-44      ☒ 45-54      55-64      65+
4. Do you think Short Term Rental properties (airbnb, VRBO, etc.) should be regulated in the City of Windsor?  
☒ Yes      ☐ No
5. Who should be allowed to offer Short Term Rentals? (Choose all that apply)  
☐ Homeowners, in their primary residence  
☐ Renters, in their primary residence  
☐ Investors or people who own property they do not live in  
☒ Owners of entire rental apartment buildings  
☐ Property managers
6. In what type of dwelling should Short Term Rentals be allowed? (Choose all that apply)  
☒ Apartment / Condominium  
☐ Single Detached House  
☐ Semi-detached or Townhouse  
☐ Secondary Suite / Granny Suite

7. In what areas should Short Term Rentals be permitted? (Choose all that apply)

Downtown

☒ Commercial Areas (ie. Commercial sections of Tecumseh Road, Howard Avenue, Dougall Avenue, and Walker Road)

Residential Areas (ie. Riverside, South Windsor, and Forest Glade neighbourhoods)

Mixed Commercial/Residential Areas (ie. Sandwich Street in Sandwich Town, Wyandotte Street in Walkerville and near the University of Windsor, Erie Street East, Ottawa Street)

City-wide (except for industrial areas)

8. What type of space should be allowed for STR? (Choose all that apply)

☒ One room

☒ Two or more rooms

} IN Designated areas / NON-RESIDENTIAL Neighbourhoods

Basement/secondary suite → SAFETY CONCERNS!

An entire residential unit

9. Should there be a limit on the total number of nights per year? What do you think would be a fair? (Please choose only one)

STR should not be allowed

Up to 30 nights per year

☒ Up to 60 nights per year

☒ Up to 90 nights per year

Up to 80 nights per year

No limit on the number of nights per year

in NON-Residential neighbourhoods



10. Tell us how you feel about Short Term Rentals in Windsor. Do you agree or disagree with the following statements?

They make it harder for people to find quality, affordable housing that's available to rent long-term	<input checked="" type="radio"/> Agree	<input type="radio"/> Neutral	<input type="radio"/> Disagree
They make Windsor a more appealing tourist destination	<input type="radio"/> Agree	<input type="radio"/> Neutral	<input checked="" type="radio"/> Disagree
They bring tourist spending to neighbourhood shops and restaurants	<input type="radio"/> Agree	<input type="radio"/> Neutral	<input checked="" type="radio"/> Disagree
They are an important source of income for residents	<input type="radio"/> Agree	<input type="radio"/> Neutral	<input checked="" type="radio"/> Disagree
They reduce safety in buildings and neighbourhoods	<input checked="" type="radio"/> Agree	<input type="radio"/> Neutral	<input type="radio"/> Disagree
They increase noise, on-street parking and property damage	<input checked="" type="radio"/> Agree	<input type="radio"/> Neutral	<input type="radio"/> Disagree

11. Are you a Short Term Rentals provider?

Yes

☒ No

12. Are you a Short Term Rentals user?

Yes

☒ No

13. What type of space do you list/use? **N/A**

Entire unit

One or more rooms in a unit

Other (please specify)

**Thank you for completing the survey, all comments will be brought to Council with the forthcoming report. Please use the next page to provide any other comments you wish to add.**



**Additional Comments**

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Name:

Address:

Phone Number OR E-Mail Address:

Comments:

Concerns: impact on Residential neighbourhoods: noise, upkeep, stability of resident population, potential crime risk, \*lack of long term rental housing units for long term residents, safety considerations/emergencies

- STR's have the same impact on neighbourhoods as semester and/or annual leases in neighbourhoods bordering the University and College, to regulate STR's without regulating the rentals that are longer term in the city is a policy gap. The density of the number of residents in the so called "single family dwellings" with, for example, 10 bedrooms is a significant problem in many neighbourhoods with impact on the community with higher need for parking, and increased safety concerns → i.e. Fire, community policing and inappropriate housing is more than the original number of bedrooms in the home i.e. 'single family dwelling' where landlords convert an entire basement into an additional 2-4 bedrooms, a dining room additionally converted to 2 more bedrooms, converted attics, crawl spaces, and garages used for "room rentals". It is irresponsible to regulate STR's and not neighbourhood rentals that are annual leases, when many young people do not understand our living standards, bylaws and laws.



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Please circle the appropriate response(s).

1. Are you a resident of Windsor?

Yes

No

2. Do you own or rent your home?

Own

Rent

3. What is your age?

Under 18

18-24

25-34

35-44

45-54

55-64

65+

4. Do you think Short Term Rental properties (airbnb, VRBO, etc.) should be regulated in the City of Windsor?

Yes

No

5. Who should be allowed to offer Short Term Rentals? (Choose all that apply)

Homeowners, in their primary residence

Renters, in their primary residence

Investors or people who own property they do not live in

Owners of entire rental apartment buildings

Property managers

6. In what type of dwelling should Short Term Rentals be allowed? (Choose all that apply)

Apartment / Condominium

Single Detached House

Semi-detached or Townhouse

Secondary Suite / Granny Suite

7. In what areas should Short Term Rentals be permitted? (Choose all that apply)

☒ Downtown

☒ Commercial Areas (ie. Commercial sections of Tecumseh Road, Howard Avenue, Dougall Avenue, and Walker Road)

☐ Residential Areas (ie. Riverside, South Windsor, and Forest Glade neighbourhoods)

☒ Mixed Commercial/Residential Areas (ie. Sandwich Street in Sandwich Town, Wyandotte Street in Walkerville and near the University of Windsor, Erie Street East, Ottawa Street)

☐ City-wide (except for industrial areas)

8. What type of space should be allowed for STR? (Choose all that apply)

☐ One room

☒ Two or more rooms

☐ Basement/secondary suite

☐ An entire residential unit

9. Should there be a limit on the total number of nights per year? What do you think would be a fair? (Please choose only one)

☒ STR should not be allowed

☐ Up to 30 nights per year

☐ Up to 60 nights per year

☐ Up to 90 nights per year

☐ Up to 80 nights per year

☐ No limit on the number of nights per year



10. Tell us how you feel about Short Term Rentals in Windsor. Do you agree or disagree with the following statements?

They make it harder for people to find quality, affordable housing that's available to rent long-term	<input checked="" type="radio"/> Agree	<input type="radio"/> Neutral	<input type="radio"/> Disagree
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They bring tourist spending to neighbourhood shops and restaurants	<input type="radio"/> Agree	<input type="radio"/> Neutral	<input checked="" type="radio"/> Disagree
They are an important source of income for residents	<input type="radio"/> Agree	<input type="radio"/> Neutral	<input checked="" type="radio"/> Disagree
They reduce safety in buildings and neighbourhoods	<input checked="" type="radio"/> Agree	<input type="radio"/> Neutral	<input type="radio"/> Disagree
They increase noise, on-street parking and property damage	<input checked="" type="radio"/> Agree	<input type="radio"/> Neutral	<input type="radio"/> Disagree

11. Are you a Short Term Rentals provider?

Yes

☒ No

12. Are you a Short Term Rentals user?

Yes

☒ No

13. What type of space do you list/use?

Entire unit

One or more rooms in a unit

Other (please specify)

**Thank you for completing the survey, all comments will be brought to Council with the forthcoming report. Please use the next page to provide any other comments you wish to add.**

### Additional Comments

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Name:

Address:

Phone Number **OR** E-Mail Address:

Comments:

- STR DO NOT belong in residential neighborhoods

- we basically have a hotel across the street from our house. People smoking on curbs where kids once played street hockey

- we pay \$6000/yr in property taxes. We deserve better

- STR in our city are destructive to neighborhoods

- ~~WINDSOR IS A CITY OF STR~~

- Everyone thinks they are fine - try ~~it~~ having it on your street. Guaranteed, you will change your mind

- Something must be done.



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Please circle the appropriate response(s).

1. Are you a resident of Windsor?

Yes

No

2. Do you own or rent your home?

Own

Rent

3. What is your age? N/A

Under 18

18-24

25-34

35-44

45-54

55-64

65+

4. Do you think Short Term Rental properties (airbnb, VRBO, etc.) should be regulated in the City of Windsor?

Yes

No

5. Who should be allowed to offer Short Term Rentals? (Choose all that apply)

Homeowners, in their primary residence Yes

Renters, in their primary residence No

Investors or people who own property they do not live in

No

Owners of entire rental apartment buildings

No

Property managers

No

6. In what type of dwelling should Short Term Rentals be allowed? (Choose all that apply)

~~Apartment / Condominium~~

~~Single Detached House~~

~~Semi-detached or Townhouse~~

~~Secondary Suite / Granny Suite~~

*To be honest, no Industrial management entity, should be allowed in Canada — to deliberately destroy neighbourhoods.*



7. In what areas should Short Term Rentals be permitted? (Choose all that apply)

Downtown

Commercial Areas (ie. Commercial sections of Tecumseh Road, Howard Avenue, Dougall Avenue, and Walker Road)

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City-wide (except for industrial areas)

*It should not be permitted in the City — because the intent of these industrial managers is to remove all policies + any regulations.*  
*Exploitation of ANY Neighbourhood by Slum Lords, Absentee Landlord, and Land-speculation, is illegal. Enforcement is required Now!!!*

8. What type of space should be allowed for STR? (Choose all that ~~apply~~)

One room

Two or more rooms

Basement/secondary suite

An entire residential unit

*No one wants to live in Sweat-Shop Conditions. Real Estate Fraud, bureaucratic interference — has to be stopped, before it gets a foothold.*

9. Should there be a limit on the total number of nights per year? What do you think would be a fair? (Please choose only one)

☒ STR should not be allowed

☐ Up to 30 nights per year

☐ Up to 60 nights per year

☐ Up to 90 nights per year

☐ Up to 80 nights per year

☐ No limit on the number of nights per year

10. Tell us how you feel about Short Term Rentals in Windsor. Do you agree or disagree with the following statements?

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They bring tourist spending to neighbourhood shops and restaurants	<input type="radio"/> Agree	<input type="radio"/> Neutral	<input checked="" type="radio"/> Disagree
They are an important source of income for residents	<input checked="" type="radio"/> Agree	AT WHAT COST?	<input type="radio"/> Disagree
They reduce safety in buildings and neighbourhoods	<input checked="" type="radio"/> Agree	<input type="radio"/> Neutral	<input type="radio"/> Disagree
They increase noise, on-street parking and property damage	<input checked="" type="radio"/> Agree	It's already happening	<input type="radio"/> Disagree

11. Are you a Short Term Rentals provider?

Yes

☒ No

12. Are you a Short Term Rentals user?

Yes

☒ No

13. What type of space do you list/use?

Entire unit

One or more rooms in a unit

Other (please specify)

**Thank you for completing the survey, all comments will be brought to Council with the forthcoming report. Please use the next page to provide any other comments you wish to add.**



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Name:

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Phone Number OR E-Mail Address:

Comments:

This survey tells me, City Hall has very little understanding of the issue of Homelessness, Air BandB Operations, Land-management speculators, and Real Estate Re-Zoning Policies. For over 20 years now — regulations for Boarding Houses, licensing initiatives, and any enforcement of property standards have been a joke in the City of Windsor.

I hear people say (Landlords) "My neighbours don't have to be in my business."

(I believe) There is no balance, to destroying people's lives.

Air-BandB and other entities, should be banned from <sup>the</sup> City of Windsor.

This survey, is nothing more than pure manipulation. It's a staged sand-bagging, of creeping blight — and I've heard "We should Welcome Air b-and-b's "With" No RULES ?!!!"

We're already being Bullied! Threatened! Intimidated at Public Meetings, "At City Hall." [SANDWICH Towne Should be EXEMPT.]

In the coming days (Re-zoning Regulations) are going to be removed from granny houses, single detached, semi-detached, row-houses, and basement dwellings — in order to accommodate greedy/immoral absentee landlords — leaving longtime permanent residents — only one option. Move out, or be taxed-out.

[Out-right ban in my Neighbourhood]

[dismantling neighbourhoods, one rental at a time.)



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Please circle the appropriate response(s).

1. Are you a resident of Windsor?  
☒ Yes      ☐ No
2. Do you own or rent your home?  
Own      ☒ Rent
3. What is your age?  
Under 18      18-24      25-34      ☒ 35-44      45-54      55-64      65+
4. Do you think Short Term Rental properties (airbnb, VRBO, etc.) should be regulated in the City of Windsor?  
☒ Yes      ☐ No
5. Who should be allowed to offer Short Term Rentals? (Choose all that apply)
  - ☒ Homeowners, in their primary residence
  - ☒ Renters, in their primary residence
  - ☐ Investors or people who own property they do not live in
  - ☐ Owners of entire rental apartment buildings
  - ☐ Property managers
6. In what type of dwelling should Short Term Rentals be allowed? (Choose all that apply)
  - ☒ Apartment / Condominium
  - ☒ Single Detached House
  - ☒ Semi-detached or Townhouse
  - ☒ Secondary Suite / Granny Suite

7. In what areas should Short Term Rentals be permitted? (Choose all that apply)

- ☒ Downtown
- ☒ Commercial Areas (ie. Commercial sections of Tecumseh Road, Howard Avenue, Dougall Avenue, and Walker Road)
- ☒ Residential Areas (ie. Riverside, South Windsor, and Forest Glade neighbourhoods)
- ☒ Mixed Commercial/Residential Areas (ie. Sandwich Street in Sandwich Town, Wyandotte Street in Walkerville and near the University of Windsor, Erie Street East, Ottawa Street)
- ☒ City-wide (except for industrial areas)

8. What type of space should be allowed for STR? (Choose all that apply)

- ☒ One room
- ☐ Two or more rooms
- ☒ Basement/secondary suite
- ☒ An entire residential unit

9. Should there be a limit on the total number of nights per year? What do you think would be a fair? (Please choose only one)

- ☐ STR should not be allowed
- ☒ Up to 30 nights per year
- ☐ Up to 60 nights per year
- ☐ Up to 90 nights per year
- ☐ Up to 80 nights per year
- ☐ No limit on the number of nights per year



10. Tell us how you feel about Short Term Rentals in Windsor. Do you agree or disagree with the following statements?

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They increase noise, on-street parking and property damage	<input checked="" type="radio"/> Agree	<input type="radio"/> Neutral	<input type="radio"/> Disagree

11. Are you a Short Term Rentals provider?

Yes

☒ No

12. Are you a Short Term Rentals user?

☒ Yes

☐ No

13. What type of space do you list/use?

☒ Entire unit

☒ One or more rooms in a unit

☒ Other (please specify) *COMMERCIAL*

**Thank you for completing the survey, all comments will be brought to Council with the forthcoming report. Please use the next page to provide any other comments you wish to add.**

### Additional Comments

\*Please note the identification information requested below is not mandatory, all comments will be included in a forthcoming report to Council.

Name:

[REDACTED]

Address:

[REDACTED]

Phone Number OR E-Mail Address:

[REDACTED]

Comments:

STR'S ARE ONE OF THE LEADING CAUSES OF OUR LOCAL HOUSING CRISIS. TOO MANY SFU'S (SINGLE FAMILY UNITS) ARE BEING BOUGHT UP TO BE RENTED FOR PROFIT. OUR CITY IS LEGALLY OBLIGATED TO PREVENT THESE THINGS FROM RUNNING OUT OF CONTROL. IF STR'S ARE TO BE MADE LEGAL, THEY NEED TO BE HEAVILY REGULATED, TAXED AND ALL REGULATIONS NEED TO BE ENFORCED PROPERLY. WINDSOR IS NOT, NOR SHOULD IT BE, THE RENTAL CAPITAL OF CANADA. STR'S ADD TO INCREASED PROPERTY DAMAGE, THEY CAUSE ADDITIONAL PARKING ISSUES, THEY TAKE AWAY FROM COMMUNITIES, THEY EAT UP HOUSING STOCK THAT COULD OTHERWISE BE USED BY LOCAL FAMILIES AND RESIDENTS.
PLEASE CONSIDER EITHER BANNING STR'S OR HEAVILY REGULATING THEM AND DO YOUR PART TO HELP WITH OUR LOCAL HOUSING CRISIS.



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Please circle the appropriate response(s).

1. Are you a resident of Windsor?

Yes

No

2. Do you own or rent your home?

Own

Rent

3. What is your age?

Under 18

18-24

25-34

35-44

45-54

55-64

65+

4. Do you think Short Term Rental properties (airbnb, VRBO, etc.) should be regulated in the City of Windsor?

Yes

No

5. Who should be allowed to offer Short Term Rentals? (Choose all that apply)

Homeowners, in their primary residence

Renters, in their primary residence

Investors or people who own property they do not live in

Owners of entire rental apartment buildings

Property managers

6. In what type of dwelling should Short Term Rentals be allowed? (Choose all that apply)

Apartment / Condominium

Single Detached House

Semi-detached or Townhouse

Secondary Suite / Granny Suite

*There should not be  
any short term rentals*

7. In what areas should Short Term Rentals be permitted? (Choose all that apply)

Downtown

Commercial Areas (ie. Commercial sections of Tecumseh Road, Howard Avenue, Dougall Avenue, and Walker Road)

Residential Areas (ie. Riverside, South Windsor, and Forest Glade neighbourhoods)

Mixed Commercial/Residential Areas (ie. Sandwich Street in Sandwich Town, Wyandotte Street in Walkerville and near the University of Windsor, Erie Street East, Ottawa Street)

City-wide (except for industrial areas)

8. What type of space should be allowed for STR? (Choose all that apply)

One room

Two or more rooms

Basement/secondary suite

An entire residential unit

9. Should there be a limit on the total number of nights per year? What do you think would be a fair? (Please choose only one)

STR should not be allowed

Up to 30 nights per year

Up to 60 nights per year

Up to 90 nights per year

Up to 80 nights per year

No limit on the number of nights per year



10. Tell us how you feel about Short Term Rentals in Windsor. Do you agree or disagree with the following statements?

They make it harder for people to find quality, affordable housing that's available to rent long-term	<input checked="" type="radio"/> Agree	<input type="radio"/> Neutral	<input type="radio"/> Disagree
They make Windsor a more appealing tourist destination	<input type="radio"/> Agree	<input type="radio"/> Neutral	<input checked="" type="radio"/> Disagree
They bring tourist spending to neighbourhood shops and restaurants	<input type="radio"/> Agree	<input checked="" type="radio"/> Neutral	<input type="radio"/> Disagree
They are an important source of income for residents	<input type="radio"/> Agree	<input checked="" type="radio"/> Neutral	<input type="radio"/> Disagree
They reduce safety in buildings and neighbourhoods	<input checked="" type="radio"/> Agree	<input type="radio"/> Neutral	<input type="radio"/> Disagree
They increase noise, on-street parking and property damage	<input checked="" type="radio"/> Agree	<input type="radio"/> Neutral	<input type="radio"/> Disagree

11. Are you a Short Term Rentals provider?

Yes

☒ No

12. Are you a Short Term Rentals user?

Yes

☒ No

13. What type of space do you list/use?

Entire unit

One or more rooms in a unit

Other (please specify)

**Thank you for completing the survey, all comments will be brought to Council with the forthcoming report. Please use the next page to provide any other comments you wish to add.**



### Additional Comments

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Address:

Phone Number OR E-Mail Address:

Comments:

STR's are mainly owned by foreign investment. Foreign investment is exploiting real estate globally. Foreign investment in real estate is causing seller's market causing unaffordable housing + homelessness. Foreign investment is decimating neighbourhoods. People are leaving core neighbourhoods because the idea of neighbourhood where you know your neighbor is no longer feasible. STR's are called ghost hotels with faceless landlords.

STR's are ruining society in many ways.

Do STR's require business licences?

Do LTR require business licences?

Short Term Rental Housing Open House – March 4, 2020  
Windsor International Aquatic and Training Centre, 401 Pitt St. West

The City of Windsor wants to hear what residents think about short term rentals (STR's), whether regulation is needed, and if so, how best to do it. Windsor does not currently regulate STR's, but with growth in the industry through such well known names as Airbnb, Vrbo and HomeAway, there may be a new need for licensing and zoning.

Please circle the appropriate response(s).

1. Are you a resident of Windsor?

☒ Yes ☐ No

2. Do you own or rent your home?

☒ Own ☐ Rent

3. What is your age?

Under 18    18-24    25-34    35-44    45-54    55-64    ☒ 65+

4. Do you think Short Term Rental properties (airbnb, VRBO, etc.) should be regulated in the City of Windsor?

☒ Yes ☐ No

5. Who should be allowed to offer Short Term Rentals? (Choose all that apply)

Homeowners, in their primary residence

Renters, in their primary residence

Investors or people who own property they do not live in

☒ Owners of entire rental apartment buildings

Property managers

6. In what type of dwelling should Short Term Rentals be allowed? (Choose all that apply)

☒ Apartment / Condominium

Single Detached House

Semi-detached or Townhouse

Secondary Suite / Granny Suite



7. In what areas should Short Term Rentals be permitted? (Choose all that apply)

Downtown

Commercial Areas (ie. Commercial sections of Tecumseh Road, Howard Avenue, Dougall Avenue, and Walker Road)

Residential Areas (ie. Riverside, South Windsor, and Forest Glade neighbourhoods)

Mixed Commercial/Residential Areas (ie. Sandwich Street in Sandwich Town, Wyandotte Street in Walkerville and near the University of Windsor, Erie Street East, Ottawa Street)

City-wide (except for industrial areas)

8. What type of space should be allowed for STR? (Choose all that apply)

One room

Two or more rooms

*if an apartment building or condominium*

Basement/secondary suite

An entire residential unit

9. Should there be a limit on the total number of nights per year? What do you think would be a fair? (Please choose only one)

STR should not be allowed

Up to 30 nights per year

Up to 60 nights per year

Up to 90 nights per year

Up to 80 nights per year

No limit on the number of nights per year

*number of nights is redundant  
if only in apartment building  
or condominium*

10. Tell us how you feel about Short Term Rentals in Windsor. Do you agree or disagree with the following statements?

They make it harder for people to find quality, affordable housing that's available to rent long-term	<input checked="" type="radio"/> Agree	<input type="radio"/> Neutral	<input type="radio"/> Disagree
They make Windsor a more appealing tourist destination	<input type="radio"/> Agree	<input type="radio"/> Neutral	<input checked="" type="radio"/> Disagree
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11. Are you a Short Term Rentals provider?

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12. Are you a Short Term Rentals user?

Yes

☒ No

13. What type of space do you list/use?

Entire unit

One or more rooms in a unit

Other (please specify)

None

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Name: [REDACTED]

Address: [REDACTED]

Phone Number OR E-Mail Address:  
[REDACTED]

Comments:

In addition to regulations to govern STR there needs to be regulation on semester rentals for students.

The impacts of student rentals are the same as STR - health, safety for the students and noise and safety of neighbourhoods.

Also it is harder for people to find quality, affordable housing that is available to rent long term.

Other colleges/university towns have found ways to develop regulation and enforce them for both STR's and student rentals. Why does Windsor lack this initiative? How many students have to risk safety until something is done?



Short Term Rental Housing Open House – March 4, 2020  
Windsor International Aquatic and Training Centre, 401 Pitt St. West

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Please circle the appropriate response(s).

1. Are you a resident of Windsor?

☒ Yes

☐ No

2. Do you own or rent your home?

☒ Own

☐ Rent

3. What is your age?

☐ Under 18

☐ 18-24

☐ 25-34

☐ 35-44

☒ 45-54

☐ 55-64

☐ 65+

4. Do you think Short Term Rental properties (airbnb, VRBO, etc.) should be regulated in the City of Windsor?

☒ Yes

☐ No

5. Who should be allowed to offer Short Term Rentals? (Choose all that apply)

☐ Homeowners, in their primary residence

☐ Renters, in their primary residence

☐ Investors or people who own property they do not live in

☐ Owners of entire rental apartment buildings

☐ Property managers

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☐ Secondary Suite / Granny Suite

7. In what areas should Short Term Rentals be permitted? (Choose all that apply)

Downtown

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City-wide (except for industrial areas)

8. What type of space should be allowed for STR? (Choose all that apply)

One room

Two or more rooms

Basement/secondary suite

An entire residential unit

9. Should there be a limit on the total number of nights per year? What do you think would be a fair? (Please choose only one)

STR should not be allowed

Up to 30 nights per year

Up to 60 nights per year

Up to 90 nights per year

Up to 80 nights per year

No limit on the number of nights per year

~~up to 14 nights p~~



10. Tell us how you feel about Short Term Rentals in Windsor. Do you agree or disagree with the following statements?

They make it harder for people to find quality, affordable housing that's available to rent long-term	Agree	<u>Neutral</u>	Disagree
They make Windsor a more appealing tourist destination	Agree	Neutral	<u>Disagree</u> <i>all cities have it. There's no advantage.</i>
They bring tourist spending to neighbourhood shops and restaurants	Agree	Neutral	<u>Disagree</u> <i>Less money for hotels &amp; restaurants</i>
They are an important source of income for residents	Agree	Neutral	<u>Disagree</u>
They reduce safety in buildings and neighbourhoods	<u>Agree</u>	Neutral	Disagree
They increase noise, on-street parking and property damage	<u>Agree</u>	Neutral	Disagree

11. Are you a Short Term Rentals provider?

Yes

No

12. Are you a Short Term Rentals user?

Yes

No

13. What type of space do you list/use?

Entire unit

One or more rooms in a unit

Other (please specify)

*Cottage*

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Comments:

[illegible]



Short Term Rental Housing Open House – March 4, 2020  
Windsor International Aquatic and Training Centre, 401 Pitt St. West

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Please circle the appropriate response(s).

1. Are you a resident of Windsor?

Yes No

2. Do you own or rent your home?

Own Rent

3. What is your age?

Under 18

18-24

25-34

35-44

45-54

55-64

65+

4. Do you think Short Term Rental properties (airbnb, VRBO, etc.) should be regulated in the City of Windsor?

Yes No

*absolutely.*

5. Who should be allowed to offer Short Term Rentals? (Choose all that apply)

Homeowners, in their primary residence

Renters, in their primary residence

Investors or people who own property they do not live in

Owners of entire rental apartment buildings

Property managers

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City-wide (except for industrial areas)

8. What type of space should be allowed for STR? (Choose all that apply)

One room

Two or more rooms

Basement/secondary suite

An entire residential unit

9. Should there be a limit on the total number of nights per year? What do you think would be a fair? (Please choose only one)

STR should not be allowed

Up to 30 nights per year

Up to 60 nights per year

Up to 90 nights per year

Up to 80 nights per year

No limit on the number of nights per year

10. Tell us how you feel about Short Term Rentals in Windsor. Do you agree or disagree with the following statements?

They make it harder for people to find quality, affordable housing that's available to rent long-term	<u>Agree</u>	Neutral	Disagree
They make Windsor a more appealing tourist destination	Agree	Neutral	<u>Disagree</u>
They bring tourist spending to neighbourhood shops and restaurants	Agree	Neutral	<u>Disagree</u>
They are an important source of income for residents	Agree	<u>Neutral</u>	Disagree
They reduce safety in buildings and neighbourhoods	<u>Agree</u> + + +	Neutral	Disagree
They increase noise, on-street parking and property damage	<u>Agree</u> + + +	Neutral	Disagree

11. Are you a Short Term Rentals provider?

Yes

No

12. Are you a Short Term Rentals user?

Yes

No

13. What type of space do you list/use?

Entire unit

One or more rooms in a unit

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Phone Number OR E-Mail Address:

Comments:

STR - If parking is already an issue for Residents who do not have driveways these STR people may have up to 4 cars + take over premium places.

- The partying is horrible til "wee" hrs in the morning

- Prostitutes are brought in - leave then you see them walking the neighbourhood after the fact. Never had this problem before

- We have children who are exposed to the language, drinking, lewd behavior.

- We are a border town, this poses its own problems - now add STR to the mix + US culture - a disaster.

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Please circle the appropriate response(s).

1. Are you a resident of Windsor?

☒ Yes

☐ No

2. Do you own or rent your home?

☒ Own

☐ Rent

3. What is your age?

☐ Under 18

☐ 18-24

☐ 25-34

☐ 35-44

☒ 45-54

☐ 55-64

☐ 65+

4. Do you think Short Term Rental properties (airbnb, VRBO, etc.) should be regulated in the City of Windsor?

☒ Yes

☐ No

5. Who should be allowed to offer Short Term Rentals? (Choose all that apply)

☐ Homeowners, in their primary residence

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☐ Property managers

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STR should not be allowed

Up to 30 nights per year

Up to 60 nights per year

Up to 90 nights per year

Up to 80 nights per year

No limit on the number of nights per year



10. Tell us how you feel about Short Term Rentals in Windsor. Do you agree or disagree with the following statements?

They make it harder for people to find quality, affordable housing that's available to rent long-term	<input checked="" type="radio"/> Agree	<input type="radio"/> Neutral	<input type="radio"/> Disagree
They make Windsor a more appealing tourist destination	<input type="radio"/> Agree	<input checked="" type="radio"/> Neutral	<input type="radio"/> Disagree
They bring tourist spending to neighbourhood shops and restaurants	<input type="radio"/> Agree	<input checked="" type="radio"/> Neutral	<input type="radio"/> Disagree
They are an important source of income for residents	<input type="radio"/> Agree	<input type="radio"/> Neutral	<input checked="" type="radio"/> Disagree
They reduce safety in buildings and neighbourhoods	<input checked="" type="radio"/> Agree	<input type="radio"/> Neutral	<input type="radio"/> Disagree
They increase noise, on-street parking and property damage	<input checked="" type="radio"/> Agree	<input type="radio"/> Neutral	<input type="radio"/> Disagree

11. Are you a Short Term Rentals provider?

Yes

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One or more rooms in a unit

Other (please specify)

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**Additional Comments**

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Name: [REDACTED]

Address: [REDACTED]

Phone Number OR E-Mail Address:

Comments:

I have one next store to me [REDACTED] Ducharme.  
I do not like having complete strangers  
coming from Detroit, Ohio etc. It makes  
our family feel unsafe in our own  
home. I believe it should be kept  
downtown or commercial area's.



Short Term Rental Housing Open House – March 4, 2020  
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Please circle the appropriate response(s).

1. Are you a resident of Windsor?

Yes

No

2. Do you own or rent your home?

Own

Rent

3. What is your age?

Under 18

18-24

25-34

35-44

45-54

55-64

65+

4. Do you think Short Term Rental properties (airbnb, VRBO, etc.) should be regulated in the City of Windsor?

Yes

No

5. Who should be allowed to offer Short Term Rentals? (Choose all that apply)

☒ Homeowners, in their primary residence

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8. What type of space should be allowed for STR? (Choose all that apply)

- ☐ One room
- ☒ Two or more rooms
- ☒ Basement/secondary suite
- ☒ An entire residential unit

9. Should there be a limit on the total number of nights per year? What do you think would be a fair? (Please choose only one)

- ☐ STR should not be allowed
- ☐ Up to 30 nights per year
- ☐ Up to 60 nights per year
- ☐ Up to 90 nights per year
- ☐ Up to 80 nights per year
- ☐ No limit on the number of nights per year

?? DO BED?  
BREAKFASTS  
THAT ARE REGULATED  
HAVE LIMITS?



10. Tell us how you feel about Short Term Rentals in Windsor. Do you agree or disagree with the following statements?

They make it harder for people to find quality, affordable housing that's available to rent long-term.	Agree	Neutral	Disagree
They make Windsor a more appealing tourist destination	Agree	Neutral	Disagree
They bring tourist spending to neighbourhood shops and restaurants	Agree	Neutral	Disagree
They are an important source of income for residents	Agree	Neutral	Disagree
They reduce safety in buildings and neighbourhoods	Agree	Neutral	Disagree
They increase noise, on-street parking and property damage	Agree	Neutral	Disagree

11. Are you a Short Term Rentals provider?

Yes

No

12. Are you a Short Term Rentals user?

Yes

No

13. What type of space do you list/use?

Entire unit

One or more rooms in a unit

Other (please specify)

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Comments:

[illegible]

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Please circle the appropriate response(s).

1. Are you a resident of Windsor?

Yes

No

2. Do you own or rent your home?

Own

Rent

3. What is your age?

Under 18

18-24

25-34

35-44

45-54

55-64

65+

4. Do you think Short Term Rental properties (airbnb, VRBO, etc.) should be regulated in the City of Windsor?

Yes

No

5. Who should be allowed to offer Short Term Rentals? (Choose all that apply)

Homeowners, in their primary residence

Renters, in their primary residence

Investors or people who own property they do not live in

Owners of entire rental apartment buildings

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City-wide (except for industrial areas)

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Two or more rooms

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An entire residential unit

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STR should not be allowed

Up to 30 nights per year

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Up to 90 nights per year

Up to 80 nights per year

No limit on the number of nights per year



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They make it harder for people to find quality, affordable housing that's available to rent long-term	Agree	<u>Neutral</u>	Disagree
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They are an important source of income for residents	<u>Agree</u>	Neutral	Disagree
They reduce safety in buildings and neighbourhoods	Agree	<u>Neutral</u>	Disagree
They increase noise, on-street parking and property damage	Agree	<u>Neutral</u>	Disagree

11. Are you a Short Term Rentals provider?

Yes No

12. Are you a Short Term Rentals user?

Yes No

13. What type of space do you list/use?

Entire unit

One or more rooms in a unit

Other (please specify)

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### Additional Comments

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Name:

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Phone Number **OR** E-Mail Address:

Comments:

[illegible]



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Please circle the appropriate response(s).

1. Are you a resident of Windsor?

☒ Yes

☐ No

2. Do you own or rent your home?

☒ Own

☐ Rent

3. What is your age?

☐ Under 18

☐ 18-24

☐ 25-34

☐ 35-44

☐ 45-54

☒ 55-64

☐ 65+

4. Do you think Short Term Rental properties (airbnb, VRBO, etc.) should be regulated in the City of Windsor?

☐ Yes

☒ No

5. Who should be allowed to offer Short Term Rentals? (Choose all that apply)

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- ☐ City-wide (except for industrial areas)

8. What type of space should be allowed for STR? (Choose all that apply)

- ☒ One room
- ☒ Two or more rooms
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- ☒ An entire residential unit

9. Should there be a limit on the total number of nights per year? What do you think would be a fair? (Please choose only one)

STR should not be allowed

Up to 30 nights per year

Up to 60 nights per year

Up to 90 nights per year

Up to 80 nights per year

☒ No limit on the number of nights per year



10. Tell us how you feel about Short Term Rentals in Windsor. Do you agree or disagree with the following statements?

They make it harder for people to find quality, affordable housing that's available to rent long-term	Agree	Neutral	<input checked="" type="checkbox"/> Disagree
They make Windsor a more appealing tourist destination	<input checked="" type="checkbox"/> Agree	Neutral	Disagree
They bring tourist spending to neighbourhood shops and restaurants	<input checked="" type="checkbox"/> Agree	Neutral	Disagree
They are an important source of income for residents	<input checked="" type="checkbox"/> Agree	Neutral	Disagree
They reduce safety in buildings and neighbourhoods	Agree	Neutral	<input checked="" type="checkbox"/> Disagree
They increase noise, on-street parking and property damage	Agree	Neutral	<input checked="" type="checkbox"/> Disagree

11. Are you a Short Term Rentals provider?

☒ Yes      No

12. Are you a Short Term Rentals user?

☒ Yes      No

13. What type of space do you list/use?

☒ Entire unit

☒ One or more rooms in a unit

Other (please specify)

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Name:

Address:

Phone Number **OR** E-Mail Address:~~See above~~

Comments:

[illegible]



Short Term Rental Housing Open House – March 4, 2020  
Windsor International Aquatic and Training Centre, 401 Pitt St. West

The City of Windsor wants to hear what residents think about short term rentals (STR's), whether regulation is needed, and if so, how best to do it. Windsor does not currently regulate STR's, but with growth in the industry through such well known names as Airbnb, Vrbo and HomeAway, there may be a new need for licensing and zoning.

Please circle the appropriate response(s).

1. Are you a resident of Windsor?

Yes

No

2. Do you own or rent your home?

Own

Rent

3. What is your age?

Under 18

18-24

25-34

35-44

45-54

55-64

65+

4. Do you think Short Term Rental properties (airbnb, VRBO, etc.) should be regulated in the City of Windsor?

Yes

No

5. Who should be allowed to offer Short Term Rentals? (Choose all that apply)

Homeowners, in their primary residence

Renters, in their primary residence

Investors or people who own property they do not live in

Owners of entire rental apartment buildings

Property managers

6. In what type of dwelling should Short Term Rentals be allowed? (Choose all that apply)

Apartment / Condominium

Single Detached House

Semi-detached or Townhouse

Secondary Suite / Granny Suite

7. In what areas should Short Term Rentals be permitted? (Choose all that apply)

☒ Downtown

☒ Commercial Areas (ie. Commercial sections of Tecumseh Road, Howard Avenue, Dougall Avenue, and Walker Road)

☒ Residential Areas (ie. Riverside, South Windsor, and Forest Glade neighbourhoods)

☒ Mixed Commercial/Residential Areas (ie. Sandwich Street in Sandwich Town, Wyandotte Street in Walkerville and near the University of Windsor, Erie Street East, Ottawa Street)

☒ City-wide (except for industrial areas)

8. What type of space should be allowed for STR? (Choose all that apply)

☐ One room

☐ Two or more rooms

☐ Basement/secondary suite

☐ An entire residential unit

9. Should there be a limit on the total number of nights per year? What do you think would be a fair? (Please choose only one)

☐ STR should not be allowed

☐ Up to 30 nights per year

☐ Up to 60 nights per year

☐ Up to 90 nights per year

☐ Up to 80 nights per year

☒ No limit on the number of nights per year



10. Tell us how you feel about Short Term Rentals in Windsor. Do you agree or disagree with the following statements?

They make it harder for people to find quality, affordable housing that's available to rent long-term	Agree	<u>Neutral</u>	Disagree
They make Windsor a more appealing tourist destination	<u>Agree</u>	Neutral	Disagree
They bring tourist spending to neighbourhood shops and restaurants	<u>Agree</u>	Neutral	Disagree
They are an important source of income for residents	<u>Agree</u>	Neutral	Disagree
They reduce safety in buildings and neighbourhoods	Agree	Neutral	<u>Disagree</u>
They increase noise, on-street parking and property damage	Agree	Neutral	<u>Disagree</u>

11. Are you a Short Term Rentals provider?

Yes No

12. Are you a Short Term Rentals user?

Yes No

13. What type of space do you list/use?

Entire unit

One or more rooms in a unit

Other (please specify)

**Thank you for completing the survey, all comments will be brought to Council with the forthcoming report. Please use the next page to provide any other comments you wish to add.**

### Additional Comments

\*Please note the identification information requested below is not mandatory, all comments will be included in a forthcoming report to Council.

Name:

Address

Phone Number **OR** E-Mail Address:

Comments:

[illegible]



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Please circle the appropriate response(s).

1. Are you a resident of Windsor?

Yes

No

2. Do you own or rent your home?

Own

Rent

3. What is your age?

Under 18

18-24

25-34

35-44

45-54

55-64

65+

4. Do you think Short Term Rental properties (airbnb, VRBO, etc.) should be regulated in the City of Windsor?

Yes

No

5. Who should be allowed to offer Short Term Rentals? (Choose all that apply)

☒ Homeowners, in their primary residence

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Investors or people who own property they do not live in

Owners of entire rental apartment buildings

Property managers

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Commercial Areas (ie. Commercial sections of Tecumseh Road, Howard Avenue, Dougall Avenue, and Walker Road)

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☒ STR should not be allowed

Up to 30 nights per year

Up to 60 nights per year

Up to 90 nights per year

Up to 80 nights per year

No limit on the number of nights per year

} AND IF THEY ARE IT  
SHOULD BE A MINIMUM



10. Tell us how you feel about Short Term Rentals in Windsor. Do you agree or disagree with the following statements?

They make it harder for people to find quality, affordable housing that's available to rent long-term	<input checked="" type="radio"/> Agree	<input type="radio"/> Neutral	<input type="radio"/> Disagree
They make Windsor a more appealing tourist destination	<input type="radio"/> Agree	<input type="radio"/> Neutral	<input checked="" type="radio"/> Disagree
They bring tourist spending to neighbourhood shops and restaurants	<input type="radio"/> Agree	<input checked="" type="radio"/> Neutral	<input type="radio"/> Disagree
They are an important source of income for residents	<input type="radio"/> Agree	<input type="radio"/> Neutral	<input checked="" type="radio"/> Disagree
They reduce safety in buildings and neighbourhoods	<input checked="" type="radio"/> Agree	<input type="radio"/> Neutral	<input type="radio"/> Disagree
They increase noise, on-street parking and property damage	<input type="radio"/> Agree	<input checked="" type="radio"/> Neutral	<input type="radio"/> Disagree

11. Are you a Short Term Rentals provider?

Yes

☒ No

*I AM A LANDLORD*

12. Are you a Short Term Rentals user?

☒ Yes

☐ No

13. What type of space do you list/use?

Entire unit

One or more rooms in a unit

Other (please specify)

**Thank you for completing the survey, all comments will be brought to Council with the forthcoming report. Please use the next page to provide any other comments you wish to add.**

### Additional Comments

\*Please note the identification information requested below is not mandatory, all comments will be included in a forthcoming report to Council.

Name:

Address:

Phone Number OR E-Mail Address:

Comments:

STR REDUCE THE VACANCY RATE, DRIVING UP RENT FOR EXISTING TENANTS. MY NEIGHBOUR WHICH I NEVER SEE HAS BOUGHT 12-15 PROPERTIES IN WINDSOR. THE PLACE NEXT TO ME HAS BEEN EMPTY FOR 2 YEAR WHILE BEING RENOVATED. STR'S DO NOT GIVE A SENSE OF COMMUNITY YOU WILL NEVER HAVE STEADY NEIGHBOURS. NO ONE TO RELY ON. IT DECREASES THE QUALITY OF THE NEIGHBOURHOOD. THERE IS ENOUGH HOTEL ROOMS AND MOTEL ROOMS FOR PEOPLE.

IF IT IS ALLOWED IT SHOULD BE TAXED & REGULATED TO THE POINT THAT IT DISCOURAGES STR.





**Council Report: C 196/2020**

**Subject: Repurposing Septic Tanks**

**Reference:**

Date to Council: October 19, 2020

Author: John Revell

Chief Building Official

(519) 255-6267 ext. 6444

jrevell@citywindsor.ca

Planning & Building Services

Report Date: October 2, 2020

Clerk's File #: SW/13663

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

**Recommendation:**

To Council **FOR DIRECTION.**

**Executive Summary:**

N/A

**Background:**

On August 24, 2020, City Council received report SCM 237/2020, Recommendation of a Revised Local Improvement Policy and Initiation of Construction of a Sanitary Sewer and Private Drain Connections on Baseline Road from 7th Concession Road to 8th Concession Road as a Local Improvement under this new policy and decided as follows:

**CR433/2020**

*That the property owners **BE GIVEN** the opportunity to work with administration to repurpose their septic systems rather than de-commissioning, and that Administration **DEVELOP** appropriate regulations for such conversions, and that the residents be afforded the opportunity to leverage the Local Improvement Policy option as described in the report of administration dated March 27, 2020 entitled "Recommendation of a revised Local Improvement Policy and Initiation of Construction of a Sanitary Sewer and Private Drain connections on Baseline Road from 7th*

*Concession Road to 8th Concession Road as a Local Improvement under this new policy”.*

The resolution was not part of the recommendations proposed by Administration and resulted from requests from residents about repurposing septic tanks for rainwater storage for irrigation or stormwater management purposes. As directed, Administration undertook research to prepare a policy that would allow for this reuse. In doing so, however, it became evident that the challenges and requirements that would accompany such a policy would be significant, and it became necessary to return to Council for direction.

**Discussion:**

Rainwater harvesting is the practice of collecting rainwater to reuse and/or as a storm water management strategy for an individual property. The practice of rainwater harvesting and distribution is regulated in the Province of Ontario by legislation, including the Ontario Building Code (OBC) and Ontario Electrical Safety Code (ESA), as well as technical standards maintained by the Canada Safety Association (CSA) and National Sanitation Foundation (NSF). In some locations where rainwater harvesting is being used for storm water management, local conservation authorities such as the Essex Region Conservation Authority (ERCA) may also have regulatory jurisdiction.

In the Province of Ontario, rainwater can be collected and used for grey water recycling (to flush toilets or urinals) and sub-surface irrigation (O.Reg 350/06, Articles 7.1.5.3.(2) & 7.7.1.1.& 7.7.3.2, CSA Standard B128.1 and NSF Protocol P151). Stored rainwater cannot be used in sprinkler applications due to the possibility of bacteria or algae in an airborne mist that could be inhaled by people or animals. All rainwater collection systems must be designed by a licensed professional engineer to address the unique technical and site requirements associated with designing and installing a rainwater collection system for an individual property per the Ontario Building Code Act Chapter 23, Article 15.9 (3). Rainwater collection systems must include a pre-filter and a post-filter mechanism, as well as an overflow system, which typically rely on an electric pump inside of the reservoir tank. In Ontario, rainwater management systems must be designed to be cold resistant (insulation and/or a heating system) or be decommissioned in the winter to prevent the damage associated with freeze-thaw cycles.

***Challenges with Using Repurposed Septic Tanks for Rainwater Storage:***

Septic tanks are designed to contain and manage household wastewater, including human waste. Usually constructed from reinforced concrete or polycarbonate plastic, septic tanks consist of one or more chambers that collect wastewater and hold it so that solids can settle and separate from liquid components. Inside the tank, anaerobic bacteria decompose solids to slow the rate of buildup. Decomposition alone is often not enough to keep a tank adequately free of solids to work properly; therefore, a periodic cleanout maintenance is required. As a result of the hazards associated with the contents of a septic tank, periodic maintenance and inspection of residential tanks is

accomplished from the outside of the tank, typically through one or more access points no more than 12 inches across.

As municipal sewers have become available to properties, septic tank systems were typically decommissioned by pumping out and entirely removing the tank from the property. If not completely removed, a tank left in the ground would have been filled completely with native fill or granular material to eliminate the risk of the tank collapsing or entry by a person. Due to the hazards associated with septic tanks, it would be very unusual to have an empty decommissioned septic tank located on properties in Windsor.

The design of most septic tanks makes them challenging to repurpose for rainwater collection. Residential septic tanks are not intended for human access, as their contents are toxic. In order to comply with requirements, semi-annual inspections are recommended and a Municipal Inspection is required every 5 years (OBC, Article 1.10.2.3. Division C). Further, all tanks would be required to have a minimum opening of 18" in order to allow inspectors inside (O. Reg 632/05), whereas Septic Tanks have 12" openings. Rainwater collection regulations also have particular concerns for bacterial contamination of the water they hold; therefore, any tank would have to be completely cleaned in order to meet required standards (NSF/ANSI Standard 61). Furthermore, all cleaning and modifications need to be certified by a licensed professional engineer in order to comply with regulatory and technical standards (BCA, S.O. 1992, Chapter 23, Article 15.9 (3)). The costs for cleaning, modifying and certifying an existing septic tank can easily run in the thousands of dollars; meanwhile, a new rainwater system would cost less than half the cost of repurposing an old septic tank.

### **Risk Analysis:**

Risks associated with repurposing septic tanks relate to citizen health and well-being. Storing untreated water carries the potential for bacteria or algae to develop, presenting an opportunity for infection and disease if contaminated water is used. Existing provincial guidelines address this risk by recommending twice-yearly internal inspection of rainwater holding tanks and limiting how they are used. Further, Ontario requires a Phase 1 inspection by a qualified individual every 5 years (OBC, Article 1.10.2.3. Division C) be submitted to the Municipality.

Most septic tanks are designed to prevent a person from entering them, which makes complying with the regulations (O. Reg 350/06 & O. Reg 632/05) that address this risk challenging without significant modification. Any modification of the tank would require certification by a professional engineer to ensure the structure is still sound per O. Reg 350/06. Further, The Ontario Building Code deems rainwater catchment as a 'greywater system'. This designation limits the uses of the water after collection to recycling (flushing toilets) and subsurface irrigation due to health concerns. Controlling for modifications or errant use of the stored water after initial construction could require a policy for requiring periodic inspections by the Municipality.

Septic tanks also carry a falling risk if they collapse or trapping someone inside. The underground chambers are subject to deterioration over time and can present a hazard.

To help mitigate risk to the City, a policy for repurposing septic tanks would need to include provisions for review by a qualified individual and records retention until the repurposed septic tank was removed or filled with native material (decommissioned) under a Building Permit. Such a program would require a registry with a fee recovery system as deemed appropriate by Council.

Should Council direct that administration proceed with CR 433/2020, the circumstances in which a Building Permit would be issued would be extremely rare, and would still pose residual risk to public health and well-being. Should such a risk materialize, there is a risk of liability on the City, ranging from allegations that Council approved an unreasonable policy, to allegations that Administration was negligent in carrying out the requirements of the policy at an operational level. Likewise, there are environmental risks and potential consequences should any party violate governing environmental legislation.

## **Climate Change Risks**

### **Climate Change Mitigation:**

N/A

### **Climate Change Adaptation:**

N/A

### **Financial Matters:**

N/A

### **Consultations:**

Dana Paladino, Deputy City Solicitor – Purchasing, Risk Management, and Provincial Offences.

### **Conclusion:**

Based on the stringent requirements for rainwater storage systems in Ontario and the additional costs of overcoming the challenges of cleaning, modifying and certifying an existing septic tank for rainwater storage, modifying an existing septic tank to handle rainwater would be an uneconomical approach for homeowners. Further consideration needs to be given to the potential health and safety risks to the homeowners and the municipality when allowing older septic tanks to be re-purposed. Based on this, Administration recommends that CR433/2020 be rescinded.



**Planning Act Matters:**

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
John Revell	Chief Building Official
Shelby Askin Hager	City Solicitor
Valerie Critchley for Onorio Colucci	Chief Administrative Officer

**Notifications:**

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

**Appendices:**



**Council Report: C 193/2020**

**Subject: Connecting Links Program Intake 6 (2021-2022) Grant Funding  
- Huron Church Road**

**Reference:**

Date to Council: October 19, 2020

Author: Luigi Congi

Asset Coordinator

519-255-6100 ext. 6136

lcongi@citywindsor.ca

Asset Planning

Report Date: September 28, 2020

Clerk's File #: SW/12414

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

**Recommendation:**

- 1) THAT City Council **AUTHORIZE** the Chief Administrative Officer to submit an application for the project outlined in this report, to the Connecting Links Program 2021-22 subject to the documents being satisfactory in technical content to the City Engineer and in financial content to the City Treasurer; and,
- 2) THAT City Council **APPROVE** the recommended funding sources as identified in the Financial Matters section of this report for the City portion of the eligible project costs and any ineligible costs and funding be moved to the Connecting Links Intake 6 project (OPS-002-21) and all funding **BE DEEMED** as placeholder funding; and,
- 3) THAT in the event the City receives written confirmation of the Grant funding being awarded to the City, that City Council **APPROVES** the following:
  - a) THAT City Council **PRECOMMIT** the funding for the Connecting Links Intake 6 capital project (OPS-002-21) so that these funds are available for immediate use:
    - i) 2022 Funding: \$825,000
    - ii) 2023 Funding: \$1,500,000
    - iii) 2024 Funding: \$2,500,000
    - iv) 2025 Funding: \$500,000
  - b) THAT the funding identified in 2026 **BE DEEMED** precommitted and available for immediate use once funding falls within the 5 years, which would be 2022:
    - i) 2026 Funding \$310,255

- c) THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to execute any agreements, declarations or approvals required resulting from receiving grant funding approval for the Connecting Links Program 2021-22 program subject to such documents being satisfactory in technical content to the City Engineer, in financial content to the City Treasurer, and in Legal form to the City Solicitor; and,
  - d) THAT the Chief Administrative Officer **BE AUTHORIZED** to delegate signing of all claims, progress reports and applicable schedules and other such documents as may be required as part of the request for payment to the City Engineer or designate, subject to financial content approval from the area's Financial Planning Administrator or their manager; and,
  - e) Administration **BE AUTHORIZED** to make any expenditures that are related to the Connecting Links Intake 6 project, provided such expenditures are within previously-approved budget amounts and that they are required to be made prior to the formal public announcements or agreement execution, due to project timelines; and further,
  - f) THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign agreements or contracts with successful vendors/proponents/bidders satisfactory in technical content to the City Engineer, in financial content to the City Treasurer, and in form to the City Solicitor; and,
  - g) The Purchasing Manager **BE AUTHORIZED** to issue Purchase Orders as may be required to effect the recommendation noted above, subject to all specifications being satisfactory in technical content to the City Engineer and in financial content to the City Treasurer.
- 4) THAT City Council **DIRECT** that should the City not be successful in their application that all funding be returned to the original funding sources.

### **Executive Summary:**

N/A

### **Background:**

Through the Connecting Links program, Ontario is helping municipalities repair their connecting links. The City of Windsor has one road, Huron Church, which is formally designated as a connecting link under section 21 of the Public Transportation and Highway Improvement Act, R.S.O. 1900, c. P. 50 as amended. "Connecting links are municipal roads that connect two ends of a provincial highway through a community or to an international or interprovincial border crossing. These are critical roadways that serve provincial and municipal interests, as they carry long-distance provincial highway traffic moving through communities, as well as local traffic within the community." Source: MTO Connecting Links Program Guide.

Historically, the City of Windsor has been the successful recipient of funding under Intake #3 (2018-19), Intake #4 (2019-20) and most recently Intake #5 (2020-21) resulting in \$9M in grant funding. The construction related to Intake #4 is completed and the project related to Intake #5 is expected to be completed in 2021.

In August 2020, Administration received notification the MTO was accepting applications for Connecting Links funding for new projects (Intake #6). Administration is recommending in this report that an application for Intake # 6, due by the November 6, 2020 at 5 pm EST, be submitted.

### **Discussion:**

Connecting Links 2021-22 (Intake #6) applications are required to be submitted by November 6, 2020 and notification of decisions should be Spring 2021. Municipalities with one connecting link road, such as Windsor, are allowed to submit one project per year. The program will fund up to 90% of total eligible project costs, to a maximum of \$3M. A one-stage application process will be used. The MTO will prioritize projects that best meet the objectives of the Connecting Links Program, addressing critical and urgent connecting link needs first. Funding decisions will take into consideration the ministry's prioritization of the submitted projects, regional connecting links needs and available budget in any year.

Funding will be provided on a milestone payment approach with these deadlines:

- Milestone 1 - Award of First Contact: 50% before June 30, 2021
- Milestone 2 - Substantial Completion: 35% of awarded funding by Dec 31, 2022
- Milestone 3 – Final Report: 15% of awarded funding by March 8, 2023

The project submission is for reconstruction of Huron Church from Girardot to Dorchester. This work involves removing 32" of the current concrete and base material, and replacing with 16" granular A base, a 4" drainage layer topped by 12" of concrete. Administration is proposing to proceed with the conventional 12" heavy duty concrete road cross-section, the same design used to reconstruct the phase of Huron Church Road from Malden Road to Pool Avenue funded by Connecting Links Intake 4. Also included are the reconstruction of traffic signals at the Girardot and Huron Church intersection, new median concrete walls and landscaping.

The project will span two fiscal years with engineering and design work occurring in 2021, while the reconstruction work is expected to begin in the Spring of 2022 and be completed in the Fall of 2022.

This section of road is constantly impacted by the volume of heavy commercial truck traffic which has adversely impacted the road and expedited the deterioration. The total cost for this project is expected to be \$8.6M (including non-recoverable HST). Should the City be successful in obtaining Connecting Link funding of \$3M for the Girardot to Dorchester section, the City would be required to commit approximately \$5.6M (65% of total costs) to complete the City's work.

This application has a requirement to supply confirmation of various asset management practices and information. This is becoming a common requirement for recent senior



levels of government funding. The City of Windsor continues to be in a strong position to meet this requirement.

### **Risk Analysis:**

There is the potential risk that the application is not selected for funding. If so, this would further delay having this necessary work completed, resulting in the road deteriorating further. A decision would have to be made on whether to wait to apply for Connecting Link funding again in 2022-23 if made available or to rehabilitate the section of road in question, despite the current shortfall in funding, with the City having to fund the full cost of the construction.

Notwithstanding that the recommended funding for this project was approved in principle within the 2020 8-year capital budget, there is a risk some of the originally planned projects for these years may need to be altered and the commitment of this funding will reduce City Council's flexibility relative to funding the various capital investments that will be presented in the 2021 10-year capital budget.

Climate Change Mitigation Risk: There is no impact to the City's GHG emissions inventory as a result of this grant application. Construction will result in GHG emissions that are accounted for within the Community GHG emissions inventory. Construction emissions in general will be offset by improved drivability and functionality of the infrastructure.

Climate Change Adaptation Risk: There is no climate change adaptation risk associated with this grant application. The life and service levels of road infrastructure may be impacted by a number of climate variables including temperature extremes and precipitation. Maintaining roads in good/excellent increases the resiliency of the infrastructure and the road user.

### **Financial Matters:**

The financial information provided below has been calculated based on the City receiving \$3,000,000, the maximum funding available from the Connecting Link Program 2021-22. \$3,000,000 represents approximately 37% of the total eligible project costs. The City will be responsible for funding the remaining approximate 63% of the eligible costs estimated at \$5,165,255, and 100% of the ineligible costs estimated at \$470,000. The City's total funding responsibility is estimated to be \$5,635,255. The engineering and design work will be complete in 2021/2022 with the reconstruction beginning in the spring of 2022 and project completion planned for the fall of 2022.

Summary of Project Estimates, Timing, and Funding:

Activities (HST Included)	Estimated Eligible Cost				INTERNAL			Estimated Total Ineligible Cost	Estimated Total All Costs
	Apr 1/21 - Mar 31/22	Apr 1/22 - Mar 31/23	Apr 1/23 - Mar 31/24	Estimated T total Eligible Costs	HST	Non-Ref	Rebate		
Engineering / Design	-	-	-	-	-	-	-	260,000	260,000
Engineering - Internal Labour - \$230,000									
Survey Work - Internal Labour - \$30,000									
Project Management / Contract Administration	-	310,000	-	310,000	-	-	-	-	310,000
Contracts Internal Labour - \$230,000									
Survey Work / Field Inspection - Internal Labour - \$80,000									
Construction	-	8,362,000	-	8,362,000	962,000	130,255	831,745		8,362,000
Reconstruct Dorchester to Girardot \$7,400,000 + HST									
Traffic Signals	-	325,000	-	325,000	-	-	-	-	325,000
Interest and Miscellaneous	-	-	-	-	-	-	-	210,000	210,000
				Totals (including HST)	962,000	130,255	831,745	470,000	9,467,000
				Estimated HST Rebate				-	831,745
				Total Net Costs (Excluding HST Rebate)				470,000	8,635,255
				Maximum Connecting Links Funding (90% of Eligible Costs or \$3M)					3,000,000
				City Funding (Unfunded Eligible Costs and 100% of Ineligible Costs)					5,635,255
				Total Net Costs (Excluding HST Rebate)					8,635,255

Administration recommends funding the City's portion of this project, \$5,635,255, from previously approved in principle funding in the Road Rehabilitation program OPS-001-07 and Traffic Signal Upgrade and Replacement program OPS-008-20) as outlined below:

<u>City Funding Sources:</u>					
Traffic Signal Upgrades and Replacements OPS-008-20		Fund 221	SSI	2022	\$325,000
Road Rehabilitation OPS-001-07		Fund 221	SSI	2022	\$500,000
		Fund 221	SSI	2023	\$1,500,000
		Fund 221	SSI	2024	\$2,500,000
		Fund 221	SSI	2025	\$500,000
		Fund 221	SSI	2026	\$310,255
Total City Funding (Unfunded Eligible Costs and 100% of Ineligible Costs)					\$5,635,255

The funding was previously approved in principle in the 2020 8-Year Capital Budget, however the list of projects originally identified for this funding may need to be altered as a result of leveraging these funds for this grant opportunity. As the grant will not be awarded until 2021, the only funding which is not able to be confirmed as precommitted for immediate use is the 2026 funding. This is not a concern because construction will not take place until 2022, at which point the 2026 funding will fall within the required 5-year window to be precommitted for immediate use.

All capital programs are reassessed on an ongoing annual basis and where necessary, funding and or projects are realigned based on new information and/or opportunities, which may affect priority. Administration has reviewed and determined the opportunity to potentially leverage \$3M in grant funding to complete the projects outlined in this report is a priority and as such recommend the use of a portion funding from these projects for the City's matching portion.

### **Consultations:**

Michael Cappucci – Contracts Coordinator Operations

Shawna Boakes- Senior Manager Traffic Operations and Parking

Cindy Becker – Financial Planning Administrator – PW Operations

### **Conclusion:**

Huron Church Road is a vital corridor in the City of Windsor. If the City is successful with this application for the available Connecting Link funding it would provide the necessary funds needed to upgrade this section of roadway. Administration recommends that City Council approve the submission of this project for the current Connecting Links Program.

### **Planning Act Matters:**

N/A

### **Approvals:**

<b>Name</b>	<b>Title</b>
Melissa Osborne	Senior Manager Asset Planning
Natasha Couvillon	Manager of Performance Measurement & Financial Administration
Dwayne Dawson	Executive Director Operations, Deputy City Engineer
Mark Winterton	City Engineer and Corporate Leader Environmental Protection and Transportation
Joe Mancina	Chief Financial Officer, City Treasurer and Corporate Leader Finance and Technology
Valerie Critchley for Onorio Colucci	Chief Administrative Officer

**Notifications:**

Name	Address	Email

**Appendices:**





**Council Report: C 199/2020**

**Subject: 2021 Capital Budget Pre-Approval – City Wide**

**Reference:**

Date to Council: 10/19/2020

Author: Fahd Mikhael

Manager of Design and Development

(519) 255-6257 ext. 6734

fmikhael@citywindsor.ca

Engineering Department

Design and Development

Report Date: 10/5/2020

Clerk's File #: AFB/13698

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

**Recommendation:**

- I. That City Council **PRE-COMMIT** an amount of \$15,530,000 in 2021 funding previously approved in principle in the 2020 8-Year Capital Budget, as well as an additional \$116,476 in 2021 funding from the Parks Equipment Replacement Reserve (Fund 197) for the Parks Equipment Replacement, for immediate use in order to take advantage of competitive bidding, and as detailed in Appendix A.

**Executive Summary:**

N/A

**Background:**

In the fall of each year Administration brings forward a report requesting pre-approval of capital budget funding for specific projects which have approved in principle funding for the next year. Early approval of capital projects allows three important things:

- (i) Maximize the number of competitive bids, thus reducing the cost to the City, and
- (ii) Allows for construction to be completed during the best weather, reducing construction time costs, City exposure to claims and ensuring completion in the construction season. This also allows for engineering and Ministry of Environment Approvals to be completed earlier.

- (iii) Obtain current model year build dates from dealers in order to submit their bids and allow for equipment to be available when required to meet corporate service delivery requirements.

In order to allow early tendering of construction projects, Council has in the past number of years, pre-approved a number of capital projects.

## **Discussion:**

Administration is submitting this pre-approval report in order to allow tendering of projects in a timely manner.

For 2021, the recommended projects include both construction and fleet equipment replacement and are set out in Appendix “A” and identify a pre-approval requirement of \$15,646,476.

The various sewer, road and parks projects identified are planned for construction in 2021. In order to start this work as soon as possible in 2021 tendering in the fall will allow for work to commence in Spring 2021. Postponing the tendering will result in the work being pushed out and creates a risk of the cost being higher. Administration also seeks to balance all sewer and road work planned each year considering the impacts of detours. As such certain projects need to proceed in the spring so as to balance out and allow other planned projects to start in the summer and fall.

A selected number of vehicles from the Parks Equipment replacement plan are being recommended for pre-approval. The selected units are utilized by the Parks department to provide grass cutting services across the city as well as maintenance of sports fields and recreation areas. Equipment is evaluated and condition is assessed annually prior to the development of the capital budget. Factors include age, usage, repair history, expected maintenance and repairs, departmental requirements, availability of parts, condition ratings, mileage, idle time, technological requirements, ergonomics, safety, and replenishment of the pool and resale value. These units are all at the end of their useful life and in poor condition. If the equipment fails, the department risks being able to maintain the level of service required and expected, and will likely result in an increased number of complaint calls to the City. It should also be noted that COVID has particularly delayed the availability of equipment as manufacturers have adjusted their production schedules during 2020 which could also impact orders into 2021.

Purchasing By-law 93-2012 provides the following approval authority:

### ***“Administrative Approval***

*37. The CAO may:*

*(a) approve a requisition and make an Award of up to \$150,000, provided the funds have been included in the Council-approved operating or capital budget.*

*(b) approve a requisition and make an award of and 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;*

*(c) delegate his or her authority in this section to any employee. **(Deleted and Replaced B/L 145-2014 August 25, 2014)***"

In accordance with normal practice, the above noted delegation of authority, and the pre-approval of the budget amount as noted herein, the tenders will be awarded to the low bidder and reported within the semi-annual Delegation of Authority report by the CAO.

### **Risk Analysis:**

Pre approval allows for strategic timely issuance of tenders to take advantage of better pricing and allows construction to proceed in a timely manner. If pre-approval is not granted, 2021 Capital Works will not be tendered until after the Capital Budget is approved.

### **Resource Risk**

Tendering projects early allows Administration to maximize the number of competitive bids received. Tenders prices tend to be lower earlier in the season as contractors are looking to secure the early contracts. Construction can proceed in a timely manner and dealers can obtain 2021 model year build dates, vehicles and equipment.

If pre-approval is not granted, 2021 fleet replacements will not be tendered until after the Capital Budget is approved which will affect the ability to obtain 2021 model year vehicles and equipment.

### **Timing Risks**

Timing is key to securing the best bids from the most contractors possible. The later projects are tendered, the fewer the contractors that bid, and generally the higher the tender prices are.

Waiting until the entire Capital Budget is approved may affect these projects scheduled to be tendered in November, December, January and February. This schedule is prime time to solicit bids for work to start early as weather allows.

Waiting for 2021 budget approval jeopardizes the availability of equipment to be in service prior to the appropriate season for Parks to meet their grass cutting service delivery needs.

### **Community Impact Risk**

It is essential that tenders get out earlier in the season in order to ensure that a project can be completed within the construction season. If a tender cannot be awarded early enough, final restoration of grassed areas may be delayed until the following season.

## **Climate Risk**

Climate Change Mitigation Risk: Construction will result in GHG emissions that are accounted for within the Community GHG emissions inventory. Construction emissions in general will be offset by improved drivability and functionality of the infrastructure. Upgrading various park fleet assets will result in more current technology which generally should result in lower GHG emissions.

Climate Change Adaptation Risk: The life and service levels of roads, sewer and park infrastructure may be impacted by a number of climate variables including temperature extremes and precipitation. Sewer and drainage work should assist in maintaining these assets in good working condition during significant precipitation. Maintaining these assets in good/excellent condition increases the resiliency of the infrastructure.

## **Financial Matters:**

The recommended projects noted in Appendix "A" total \$15,646,476 in 2021 funding. The majority of the funding \$15,530,000 was previously approved in principle in the 2020 8 year capital budget. An additional amount of \$116,478 from the Parks Equipment Reserve (Fund 197) is being requested to address all of the units identified in Appendix A as priority for replacement.

It should be noted that the majority of the funding sources for the \$15,646,476, in particular sewer surcharge, development charges and federal gas tax, have limited flexibility in the types of projects which they can be used for. Appendix A provides details on the specific funding sources for each project. The pre-approval of this funding is consistent with the current capital budget guidelines in that these assets require replacement, and in some cases if they fail will reduce current service levels expected. In addition, tendering during the Fall of 2020 will ensure better pricing than what we usually see for tenders in Spring / Summer.

## **Consultations:**

Chris Manzon – ENWIN Utilities

Melissa Osborne – Senior Manager of Asset Planning

Alex Vucinic – Purchasing Manager

Dwayne Dawson – Executive Director of Operations/Deputy City Engineer

Heidi Baillargeon – Manager of Parks Development

Derek Thachuk – Manager, Parks and Facilities Assets and Projects

Angela Marazita – Manager, Fleet Operations

## **Conclusion:**

In order to take advantage of competitive pricing for early 2021, it is recommended that Council approve the pre-commitment of \$15,646,476.00. The recommended projects



are the result of an extensive review of the best projects for pre-approval balanced with the goal of approving the bulk of capital projects as part of the annual budget deliberations.

### **Planning Act Matters:**

N/A

### **Approvals:**

<b>Name</b>	<b>Title</b>
France Isabelle-Tunks	Senior Manager, Engineering /Deputy City Engineer
Mark Winterton	City Engineer and Corporate Leader Environmental Protection and Infrastructure Services
Jan Wilson	Corporate Leader of Parks, Recreation, Culture and Facilities
Shelby Askin Hager	City Solicitor and Corporate Leader Economic Development and Public Safety
Joe Mancina	Chief Financial Officer/City Treasurer and Corporate Leader Finance and Technology
Valerie Critchley for Onorio Colucci	Chief Administrative Officer

### **Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Chris Manzon EnWin Utilities - Water	3665 Wyandotte St E, Windsor, ON N8Y 1G4	<a href="mailto:cmanzon@enwin.com">cmanzon@enwin.com</a>

### **Appendices:**

- 1 Appendix 'A' 2021 Capital Budget Pre-Approval Report

## APPENDIX “A”

### Priority Tender Capital Budget Submission (2021)

#### 2021 Capital Budget Pre-Approval – Engineering

##### Sewer Related Recommended 2021 Pre-Approval \$11,200,000

STREET	FROM	TO	BUDGET	FUNDING SOURCE	
Bernard	Guy	Tecumseh Road East	\$1,450,000	Sewer Surcharge	ECP-035-07
Olive*	Milloy	Tecumseh Road East	\$2,550,000	Sewer Surcharge	ECP-035-07
Rankin	Wyandotte	Union	\$1,500,000	Sewer Surcharge	ECP-035-07
Wellesley	Terminal	Ypres	\$3,700,000	Sewer Surcharge	ECP-035-07
Provincial / Division Corridor Phase 2			\$2,000,000	Development Charges	ECP-002-08

##### Watermain Component

*The projects identified above may have a Watermain component, and the funding commitment of EnWin Utilities is required in order to proceed.*

\*Within the 2020 Approved Capital Budget, Jos St. Louis Ave from Tecumseh Rd to Rose Ave was approved in principle for funding in 2021 and Olive from Milloy to Tecumseh Rd E was approved in principle for funding in 2022. In this report Administration has requested to swap the years in which these projects are to be completed which will allow for a better alignment of projects.

#### 2021 Capital Budget Pre-Approval – Operations

##### Road Rehab (OPS-001-07) recommended 2021 Pre-Approvals \$3,311,000

STREET	FROM	TO	BUDGET	FUNDING SOURCE
Cameron	Riverside	Cul-de-sac	\$440,000	Federal Gas Tax (Fund 176)
Tecumseh Road East	Walker	Drouillard	\$1,734,000	Federal Gas Tax (Fund 176)
Labelle	Rockwell	Alexandra	\$625,000	Federal Gas Tax (Fund 176)
Matchette	EC Row	Chappell	\$512,000	Federal Gas Tax (Fund 176)

## APPENDIX "A"

### Priority Tender Capital Budget Submission (2021)

#### Fleet Replacements recommended 2021 Pre-Approvals \$ 685,476

Unit	Description	Fleet Area	Budget	FUNDING SOURCE	
5104	2011 Toro 10' Mower	Parks	\$95,528	Parks Equipment Reserve (Fund 197)	OPS-001-15
5105	2011 Toro 10' Mower	Parks	\$95,528	Parks Equipment Reserve (Fund 197)	OPS-001-15
5106	2011 Toro 10' Mower	Parks	\$95,528	Parks Equipment Reserve (Fund 197)	OPS-001-15
5107	2011 Toro 10' Mower	Parks	\$95,528	Parks Equipment Reserve (Fund 197)	OPS-001-15
5271	2013 Bobcat Toolcat	Parks	\$81,600	Parks Equipment Reserve (Fund 197)	OPS-001-15
5272	2013 Bobcat Toolcat	Parks	\$81,600	Parks Equipment Reserve (Fund 197)	OPS-001-15
5274	2013 Bobcat Toolcat	Parks	\$81,600	Parks Equipment Reserve (Fund 197)	OPS-001-15
5308	2011 Kubota Tractor	Parks	\$46,708	Parks Equipment Reserve (Fund 197)	OPS-001-15

*Fleet total budget of \$685,476 includes \$11,856 unrecoverable HST*

### 2021 Capital Budget Pre-Approval – Parks

#### Parks Related Recommended 2021 Pre-Approval \$450,000

PROJECT	BUDGET	FUNDING SOURCE	
Park Lighting Replacement	\$100,000	Service Sustainability Investment (Fund 221)	PFO-003-19
Park Bench Replacement	\$50,000	Service Sustainability Investment (Fund 221)	PFO-010-20
Malden Park Drainage	\$100,000	Service Sustainability Investment (Fund 221)	PFO-004-19
Park Trails Capital Rehabilitation Program	\$200,000	Service Sustainability Investment (Fund 221)	PFO-012-12