



**TOWN OF AMHERSTBURG
REGULAR COUNCIL MEETING**

AGENDA

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Monday, June 27, 2022

6:00 PM

Council Chambers

271 Sandwich Street South, Amherstburg, ON, N9V 2A5

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Pages

- 1. CALL TO ORDER**

- 2. ROLL CALL**

- 3. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF**

4. LAND ACKNOWLEDGEMENT

We will begin by acknowledging that the land on which we gather is the traditional territory of the Three Fires Confederacy of First Nations (comprising the Ojibway, the Odawa, and the Potawatomie Peoples), and of the Huron-Wendat and Wyandot Peoples. We recognize the land as an expression of gratitude to those whose traditional territory we reside on, and a way of honouring the Indigenous people who have been living and thriving on the land since time immemorial. We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original Peoples of Turtle Island.

5. MINUTES OF PREVIOUS MEETING

That the minutes **BE ADOPTED** and that those confidential minutes of the closed sessions of Council remain confidential and restricted from public disclosure in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act:

5.1.	Special In-Camera Council Meeting Minutes (Public) - June 8, 2022	9
5.2.	Special In-Camera Council Meeting Minutes (Public) - June 13, 2022	12
5.3.	Special Council Meeting Minutes - Planning - June 13, 2022	15
5.4.	Regular Council Meeting Minutes - June 13, 2022	18

6. DELEGATIONS

- 6.1. Request to Place a Memorial Stone near the Town Clock - Joan Donaldson, Rotary Club of Amherstburg 32

That the delegation **BE RECEIVED**.

7. PRESENTATIONS

- 7.1. Report to Amherstburg Town Council - January 2020 - December 2021 - Bruce Elman, Amherstburg Integrity Commissioner 36

That the presentation **BE RECEIVED**.

8. REPORTS – CORPORATE SERVICES

- 8.1. Investing in Canada Infrastructure Program (ICIP) Green Stream - Transfer Payment Agreement 50

It is recommended that:

1. Administration **BE AUTHORIZED** to enter into a Transfer Payment Agreement with the Ministry of Infrastructure– Green Stream (ICIP) for total funding of up to \$3,662,833.50 toward replacement of the Reservoir at Amherstburg Water Treatment Plant;
2. A capital expenditure not to exceed \$9,600,000 including net HST **BE APPROVED** as a first charge to the 2022 Water Budget estimated \$1,032,500 for engineering, and the remaining from 2023-2026 capital budget for construction of the replacement of the Reservoir based on the 2022 Capital Budget estimations. To be funded from the ICIP grant and long-term debenture as required; and,
3. Administration **BE AUTHORIZED** to sign long-term (up to 30yr) debenture not to exceed \$5,937,166 to fund the construction and replacement of the Reservoir at Amherstburg Water Treatment Plant.

8.2. Municipal Modernization Grant Intake III

55

It is recommended that:

1. Administration **BE AUTHORIZED** to enter into a Transfer Payment Agreement with the Ministry of Municipal Affairs & Housing for total funding of up to \$127,200 toward Town of Amherstburg Staff Utilization and Organizational Review;
2. Administration **BE AUTHORIZED** to incur additional professional fees to maximize the additional grant dollars;
3. Administration **BE AUTHORIZED** to enter into contracts based on appropriate signing authority as per purchasing policy to maximize grant dollars within the Municipal Modernization Grant guidelines.

9. REPORTS - PARKS, FACILITIES, RECREATION & CULTURE

9.1. Amherstburg's Gone Car Crazy Show

60

It is recommended that:

1. The report from the Director of Parks Facilities, Recreation and Culture and the Manager of Tourism and Culture dated June 14, 2022 regarding Amherstburg's Gone Car Crazy Show (AGCC) **BE RECEIVED**; and,
2. Council **APPROVE** closing the Open Air program and footprint for one day only Sunday, July 24, 2022 from 6:00 a.m. to 10:00 p.m. in order to accommodate the AGCC's show, proposed footprint and car placement on the streets of downtown Amherstburg.

10. REPORTS - ENGINEERING & INFRASTRUCTURE SERVICES

10.1. 3rd Concession North Watermain – Funding Model and Agreement 65

It is recommended that:

1. The CAO **BE AUTHORIZED** to sign the reimbursement agreement with 1473490 Ontario Limited for associated costs related to the upgrade of the watermain on the 3rd Concession North; and,
2. The Treasurer **BE DIRECTED** to fund \$40,000, being the Town's portion of the upgrade, from the water reserve.

11. REPORTS - DEVELOPMENT SERVICES

11.1. Heritage Designation of 24 Sandwich Street South 75

It is recommended that:

1. Council **DESIGNATE** the "Dr. Manning Residence" at 24 Sandwich Street South by municipal by-law under Part IV the *Ontario Heritage Act*.

11.2. Provincial Legislative Changes Impacting Planning and Building 84

It is recommended that:

1. **By-law 2022- 073** being a by-law to Designate a Site Plan Control Area for the Town of Amherstburg be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same;
2. The Town's practice of offering 18-month non-interest-bearing Development Charges Deferral Agreements under Section 27 of the Act **BE RESCINDED**, and;
3. The Town's prescribed maximum interest rate **BE DEFINED** as prime plus 3% and included in the User Fee and Charges By-law 2022-001.

11.3. Repeal and Replace Zoning By-law Amendment – 247 Brock Street

113

It is recommended that:

1. **By-law 2022-057** being a by-law to Amend Zoning By-law No. 1999-52, **BE REPEALED**;
2. **By-law 2022-074** being a by-law to Amend the Zoning for the Lands shown as “Lot A” on Appendix “A” be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same; and,
3. **By-law 2022-075** being a by-law to Amend the Zoning for the Lands shown as “Lot B” on Appendix “A” be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

11.4. Site Plan and Development Agreement for 106 Gore Street

257

It is recommended that:

1. The site plan and development agreement for 106 Gore Street **BE APPROVED**; and,
2. **By-law 2022-048** being a by-law to authorize the signing of a Development Agreement for the development of a semi-detached dwelling within Part of Lot 24, Plan 1, municipally known as 106 Gore Street, Amherstburg be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

12. REPORTS - CAO's OFFICE

12.1. 2022 Appointment of Proxy Holder for Essex Power Corporation's Annual Shareholder's Meeting

271

It is recommended that:

1. Mayor Aldo DiCarlo **BE APPOINTED** proxy holder for the Town of Amherstburg for Essex Power Corporation's Annual Shareholder's Meeting;
2. Bill Wark **BE APPOINTED** as the alternate proxy holder for the Town of Amherstburg for Essex Power Corporation's Annual Shareholder's Meeting; and,
3. The Clerk **BE AUTHORIZED** to sign all necessary proxy forms to implement this resolution and forward them to Essex Power Corporation as required.

12.2. Amendments to the Code of Conduct of Council, Committees and Local Boards 274

It is recommended that:

1. The Code of Conduct – Council, Committees and Local Boards **BE AMENDED** in accordance with the administrative report of June 15, 2022.

13. INFORMATION REPORTS

That the following information report **BE RECEIVED**:

13.1. Resignation from the Mayor’s Youth Advisory Committee 299

14. CONSENT CORRESPONDENCE

That the following consent correspondence **BE RECEIVED**:

14.1. Value Influence Peers Program (VIP) - Town of Essex Resolution 302

14.2. 2021 Annual Report - Windsor Police Service 306

14.3. The Retention of Professional Engineers at Ontario Municipalities 334

14.4. Request for Ontario Government to Repeal Bill 124 - Ontario Nurses' Association 336

15. OTHER MINUTES

15.1. Heritage Committee Meeting Minutes - June 16, 2022 339

It is recommended that:

1. The Heritage Committee Meeting Minutes of June 16, 2022 **BE RECEIVED**;
2. The application for demolition of 295 George Street **BE APPROVED**; and,
3. 295 George Street **BE REMOVED** from the Heritage Register as a listed property of cultural heritage value or interest.

16. UNFINISHED BUSINESS

16.1. Unfinished Business List as at June 27, 2022 345

17. NEW BUSINESS

18. NOTICE OF MOTION

There are no Notices of Motion.

19. BY-LAWS

19.1. By-law 2022-066 - Zoning By-law Amendment for E-S Concession 7 350

That **By-law 2022-066** being a by-law to Amend Zoning By-law 1999-52 for E-S Concession 7 be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

19.2. By-law 2022-078 - Confirmatory By-law 352

That **By-law 2022-078** being a by-law to Confirm all Resolutions of the Municipal Council Meetings held on June 8th and 27th, 2022 be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

20. ADJOURNMENT

That Council rise and adjourn at p.m.



**TOWN OF AMHERSTBURG
SPECIAL IN-CAMERA COUNCIL MEETING
PUBLIC MINUTES**

**Wednesday, June 8, 2022
6:00 PM**

Council Chambers, 271 Sandwich Street South, Amherstburg, ON, N9V 2A5

MINUTES

PRESENT

Mayor Aldo DiCarlo
Deputy Mayor Leo Meloche
Councillor Peter Courtney
Councillor Donald McArthur
Councillor Michael Prue
Councillor Marc Renaud
Councillor Patricia Simone

Valerie Critchley, Director, Legislative Services/Clerk
Kevin Fox, Deputy Clerk

CALL TO ORDER

The Mayor called the meeting to order at 6:00 pm.

ROLL CALL

SPECIAL IN-CAMERA COUNCIL MEETING

Resolution # IC 20220608-01

Moved By Councillor Simone

Seconded By Deputy Mayor Meloche

That Council move into an In-Camera Meeting of Council at 6:01 p.m. pursuant to Section 239 of the *Municipal Act, 2001*, as amended, for the following reasons:

Item A – Labour Matters about Identifiable Individuals

- **Section 239(2)(b)** personal matters about an identifiable individual, including municipal or local board employees;
- **Section 239(2)(f)** advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

The Mayor put the Motion.

Motion Carried

DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

There were no disclosures of pecuniary interest noted.

Discussion on In-Camera Item A.

(At 8:00 p.m. Valerie Critchley enters the meeting and Kevin Fox leaves the meeting)

Moved By Councillor Simone

Seconded By Councillor Renaud

That Council rise from closed session and move into open session at 8:41 p.m.

The Mayor put the Motion.

Motion Carried

ADJOURNMENT

Moved By Councillor Courtney

Seconded By Councillor Renaud

That Council rise and adjourn at 8:43 p.m.

The Mayor put the Motion.

Motion Carried

MAYOR – ALDO DICARLO

CLERK – VALERIE CRITCHLEY



TOWN OF AMHERSTBURG
SPECIAL IN-CAMERA COUNCIL MEETING
PUBLIC MINUTES

Monday, June 13, 2022
Immediately Following Special Council Meeting (Planning)

Council Chambers, 271 Sandwich Street South, Amherstburg, ON, N9V 2A5

MINUTES

PRESENT

Mayor Aldo DiCarlo
Deputy Mayor Leo Meloche
Councillor Peter Courtney
Councillor Donald McArthur
Councillor Michael Prue
Councillor Marc Renaud
Councillor Patricia Simone

Valerie Critchley, Director, Legislative Services/Clerk
Kevin Fox, Deputy Clerk

CALL TO ORDER

The Mayor called the meeting to order at 5:02 pm.

ROLL CALL

SPECIAL IN-CAMERA COUNCIL MEETING

Resolution # IC 20220613-01

Moved By Councillor Prue

Seconded By Councillor Simone

That Council move into an In-Camera Meeting of Council at 5:07 p.m. pursuant to Section 239 of the *Municipal Act, 2001*, as amended, for the following reasons:

Item A – Litigation Matter about an Identifiable Individual

- **Section 239(2)(b)** personal matters about an identifiable individual, including municipal or local board employees;
- **Section 239(2)(e)** litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and,
- **Section 239(2)(f)** advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Item B – Employment Matter about an Identifiable Individual

- **Section 239(2)(b)** personal matters about an identifiable individual, including municipal or local board employees.

The Mayor put the Motion.

Motion Carried

DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

There were no disclosures of pecuniary interest noted.

Discussion on In-Camera Items A and B.

(At 5:40 p.m. Kevin Fox enters the meeting and Valerie Critchley leaves the meeting)

Moved By Councillor Renaud
Seconded By Councillor Courtney

That Council rise from closed session and move into open session at 6:05 p.m.

The Mayor put the Motion.

Motion Carried

ADJOURNMENT

Moved By Councillor McArthur
Seconded By Councillor Renaud

That Council rise and adjourn at 6:06 p.m.

The Mayor put the Motion.

Motion Carried

MAYOR – ALDO DICARLO

CLERK – VALERIE CRITCHLEY



TOWN OF AMHERSTBURG
SPECIAL COUNCIL MEETING - PLANNING

Monday, June 13, 2022
4:00 PM

Council Chambers, 271 Sandwich Street South, Amherstburg, ON, N9V 2A5

MINUTES

PRESENT

Mayor Aldo DiCarlo
Deputy Mayor Leo Meloche
Councillor Peter Courtney
Councillor Donald McArthur
Councillor Michael Prue
Councillor Marc Renaud
Councillor Patricia Simone

Valerie Critchley, Director, Legislative Services/Clerk
Kevin Fox, Acting Deputy Clerk

CALL TO ORDER

The Mayor called the meeting to order at 4:05 p.m.

ROLL CALL

DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

There were no disclosures of pecuniary interest noted.

SPECIAL PLANNING REPORTS

4.1 Statutory Public Meeting to Consider a Zoning By-law Amendment for N/W Corner of North Sideroad and Concession 8

Jackie Lassaline, Planner for the Applicant, provided Council with a presentation with respect to the Zoning By-law Amendment for the N/W Corner of North Sideroad and Concession 8 and answered Council questions.

Daryl Rocheleau, Shearock, answered questions with respect to soil being transported to the site.

- Donato DiGiovanni – submitted correspondence and read aloud by the Acting Deputy Clerk

The Mayor invited the public to speak. There were no public comments brought forward.

Resolution # 20220613-01

Moved By Councillor Courtney
Seconded By Deputy Mayor Meloche

That comments from the public, municipal departments, agencies and Council with respect to Zoning By-law Amendment for lands located on the north side of North Sideroad and west of Concession Road 8 (File ZBA-08-22), owned by the estate of Teresa Costa and represented by 701289 Ontario Inc. (Daryl Rocheleau), BE RECEIVED and SUMMARIZED in a future report to Council.

The Mayor put the Motion.

Motion Carried

4.2 Statutory Public Meeting to Consider an Official Plan Amendment and Zoning By-law Amendment for 131-135 Sandwich St S

The Mayor invited the public to speak. There were no public comments brought forward.

Resolution # 20220613-02

Moved By Deputy Mayor Meloche
Seconded By Councillor Renaud

That comments from the public, municipal departments, agencies, and Council with respect to Zoning By-law Amendment for lands located on the east side of Sandwich Street and municipally known as 131 and 135 Sandwich Street, owned by Daei Foods Inc., BE RECEIVED and SUMMARIZED in a future report to Council.

The Mayor put the Motion.

Motion Carried

ADJOURNMENT

Moved By Councillor Courtney

Seconded By Councillor McArthur

That Council rise and adjourn at 5:00 p.m.

The Mayor put the Motion.

Motion Carried

MAYOR – ALDO DICARLO

CLERK – VALERIE CRITCHLEY



**TOWN OF AMHERSTBURG
REGULAR COUNCIL MEETING**

**Monday, June 13, 2022
6:00 PM**

Council Chambers, 271 Sandwich Street South, Amherstburg, ON, N9V 2A5

MINUTES

PRESENT

Mayor Aldo DiCarlo
Deputy Mayor Leo Meloche
Councillor Peter Courtney
Councillor Donald McArthur
Councillor Michael Prue
Councillor Marc Renaud
Councillor Patricia Simone

Valerie Critchley, Director, Legislative Services/Clerk
Kevin Fox, Acting Deputy Clerk

CALL TO ORDER

The Mayor called the meeting to order at 6:15 p.m.

NATIONAL ANTHEM

ROLL CALL

DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

There were no disclosures of pecuniary interest noted.

LAND ACKNOWLEDGEMENT

We will begin by acknowledging that the land on which we gather is the traditional territory of the Three Fires Confederacy of First Nations (comprising the Ojibway, the Odawa, and the Potawatomie Peoples), and of the Huron-Wendat and Wyandot Peoples. We recognize the land as an expression of gratitude to those whose traditional territory we reside on, and a way of honouring the Indigenous people who have been living and thriving on the land since time immemorial. We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original Peoples of Turtle Island.

MINUTES OF PREVIOUS MEETING

Resolution # 20220613-03

Moved By Councillor Simone

Seconded By Councillor McArthur

That the minutes BE ADOPTED and that those confidential minutes of the closed sessions of Council remain confidential and restricted from public disclosure in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act:

- 6.1 Regular & Special In-Camera Council Meeting (Public) Minutes - May 9, 2022**
- 6.2 Regular Council Meeting Minutes - May 24, 2022**
- 6.3 Special In-Camera Council Meeting Minutes (Public) - May 24, 2022**

The Mayor put the Motion.

Motion Carried

REPORT OUT FROM SPECIAL IN-CAMERA COUNCIL MEETING

- 7.1 Special In-Camera Council Meeting June 8th, 2022**

Council met on June 8th, 2022 for a Special In-Camera Meeting at 6:01p.m. and discussed the following item as provided for under Section 239 of the Municipal Act:

Item A – was heard under Section 239(2)(b)&(f) of the Act. **As a result of that discussion, the Mayor advised that he and external Legal Counsel will proceed on the verbal direction of Council.**

7.2 Special In-Camera Council Meeting June 13th, 2022

Council met on June 13th, 2022 for a Special In-Camera Meeting at 5:07 p.m. and discussed the following (2) items as provided for under Section 239 of the Municipal Act:

Item A – was heard under Section 239(2)(b)(e)&(f) of the Act. **As a result of that discussion, the Mayor advised that external Legal Counsel will proceed on the verbal direction of Council.**

Agenda item # 20.2 was brought forward – Appointment of CAO

Item B – was heard under Section 239(2)(b) of the Act. **As a result of that discussion, the following was before Council for consideration:**

Resolution # 20220613-04

Moved By Councillor Simone

Seconded By Deputy Mayor Meloche

That:

1. **Valerie Critchley BE APPOINTED as Chief Administrative Officer for the Town of Amherstburg; and,**
2. **Item # 20.2 - That By-law 2022-065 being a by-law to Appoint a Chief Administrative Officer for the Town of Amherstburg be taken as having been read three times and finally passed and the Mayor and Deputy Clerk BE AUTHORIZED to sign same.**

The Mayor put the Motion.

Motion Carried

DELEGATIONS

Agenda item # 8.4 was moved forward.

8.4 Request for Noise Exemption for Open Air and Future Parade Route - Laurie Cavanaugh, Royal Canadian Legion

Resolution # 20220613-05

Moved By Councillor Prue

Seconded By Councillor Courtney

That:

1. **The delegation BE RECEIVED;**
2. **An exemption BE GRANTED, until October 2, 2022, from Noise By-law # 2001-43, table 3-1(2) with respect to the operation of any electronic device or group of connected electronic devices incorporating one or more loudspeaker to allow for music on Fridays from 1500 hours until 2100 hours, on Saturdays from 1800 hours until 2200 hours, and on Sundays from 1400 hours until 1800 hours at the Royal Canadian Legion Branch # 157;**
3. **Fees associated with the noise exemption policy BE WAIVED until October 2, 2022 for the Legion;**
4. **Administration BE DIRECTED to work with the Legion on approvals for the Legion Parade in future years; and,**
5. **Administration BE DIRECTED to consult with the Legion on incorporating the Open Air Pipe Band and the Legion Honour Guard.**

The Mayor put the Motion.

Motion Carried

8.1 Request for Public Boat Ramp at Ranta Park - Rodney Ferris, AMA Sportsmens' Association

Resolution # 20220613-06

Moved By Councillor McArthur

Seconded By Councillor Courtney

That:

1. **The delegation BE RECEIVED; and,**

2. **Administration BE DIRECTED to plan for a boat ramp and water access at Ranta Memorial Park inclusive of considerations for Provincial and Federal funding opportunities.**

The Mayor put the Motion.

Motion Carried

8.2 Request for Financial Audit - Nancy Atkinson, Amherstburg Taxpayers Association

Resolution # 20220613-07

Moved By Councillor Simone
Seconded By Councillor Renaud

That the delegation BE RECEIVED.

The Mayor put the Motion.

Motion Carried

8.3 Request for the Town's Global Credit Rating - Diane Pouget

Resolution # 20220613-08

Moved By Deputy Mayor Meloche
Seconded By Councillor Courtney

That the delegation BE RECEIVED.

The Mayor put the Motion.

Motion Carried

8.4 Request for Noise Exemption for Open Air and Future Parade Route - Laurie Cavanaugh, Royal Canadian Legion

As dealt with above

REPORTS – CORPORATE SERVICES

There were no reports.

REPORTS - PARKS, FACILITIES, RECREATION & CULTURE

There were no reports.

REPORTS - ENGINEERING & INFRASTRUCTURE SERVICES

There were no reports.

REPORTS - DEVELOPMENT SERVICES

12.1 Heritage Register Additions

Resolution # 20220613-09

Moved By Councillor Simone
Seconded By Councillor Prue

That each of the following properties BE LISTED on The Town of Amherstburg's Heritage Register as a non-designated property of cultural heritage value or interest in accordance with section 27(3) of the *Ontario Heritage Act*: 263 Brock St.; 269 Brock St.; 228 George St.; 235 George St.; 166 Gore St.; 258 King St.; 289 King St.; 149 Richmond St.; 272 Sandwich St.; 166 Simcoe St.

The Mayor put the Motion.

Motion Carried

12.2 Zoning By-law Amendment- 247 Brock Street

Resolution # 20220613-10

Moved By Deputy Mayor Meloche
Seconded By Councillor Simone

That By-law 2022-057 being a by-law to amend Zoning By-law No. 1999-52, to amend the zoning for the subject lands known as 247 Brock Street be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.

The Mayor put the Motion.

Motion Carried

12.3 Official Plan Amendment No. 15 and Zoning By-law Amendment for 219 Brock Street

Councillor Prue offered an amendment noted as recommendation # 3.

Moved By Councillor Prue
Seconded By Councillor Courtney

That:

1. **Official Plan Amendment No. 15, attached to this report as Appendix “D”, BE ADOPTED by Council and forwarded to the County of Essex; and,**
2. **By-law 2022-063 being a by-law to amend Zoning By-law No. 1999-52, to amend the zoning for the subject lands known as 219 Brock Street as the corresponding implementing Zoning By-law Amendment, be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.**
3. **The County of Essex CONSIDER during the approval process the requirement for additional archeological testing on the southern portion of the property to verify there are no additional burials on the site.**

The Mayor put the Motion.

Motion Failed

Resolution # 20220613-11

Original Administrative recommendation

Moved By Deputy Mayor Meloche
Seconded By Councillor Simone

That:

1. **Official Plan Amendment No. 15, attached to this report as Appendix “D”, BE ADOPTED by Council and forwarded to the County of Essex; and,**
2. **By-law 2022-063 being a by-law to amend Zoning By-law No. 1999-52, to amend the zoning for the subject lands known as 219 Brock Street as the corresponding implementing Zoning By-law Amendment, be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.**

The Mayor put the Motion.

Motion Carried

12.4 Removal of Part Lot Control- Kingsbridge Phases 5 and 10

Resolution # 20220613-12

Moved By Deputy Mayor Meloche
Seconded By Councillor Renaud

That:

1. **The application for Removal of Part Lot Control for Part of Lots 11, 12, 13 and 14, Concession 1, being Block 33 on Plan 12M-669 and being Blocks 213 to 234 inclusive on Plan 12M-674 and being Blocks 1 and 2, 4 to 9 inclusive, 11 to 26 inclusive, 28 and 29 on Plan 12M-679, known locally as Kingsbridge Subdivision, BE APPROVED; and,**
2. **By-law 2022-061 being a by-law to remove certain lands from Part Lot Control be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.**

The Mayor put the Motion.

Motion Carried

12.5 Update and Potential Options for 320 Richmond Street

Resolution # 20220613-13

Moved By Councillor Simone

Seconded By Councillor Renaud

That:

1. **Council APPROVE funding from the Parkland Reserve fund in order to address the shortfall of \$8,573 in capital expenditures for the finished space and the estimated \$26,605 shortfall in building maintenance costs for 2022 and;**
2. **Council DIRECT Administration to proceed with Option 2 as noted in this report.**

The Mayor put the Motion.

Motion Carried

12.6 Site Plan and Development Agreement for 106 Gore Street

Resolution # 20220613-14

Moved By Councillor Prue

Seconded By Councillor Simone

That the Site Plan and Development Agreement for 106 Gore Street BE REFERRED to Heritage Committee and BE BROUGHT BACK to Council for the next Regular Council Meeting.

The Mayor put the Motion.

REPORTS - CAO's OFFICE

13.1 2022 Amherstburg Chamber of Commerce Business Excellence Awards Sponsorship

Withdrawn

13.2 RE/ACT Drive to Thrive Golf Tournament Donation

Withdrawn

13.3 2022 Special Events Approval – Part IV

Resolution # 20220613-15

Moved By Councillor Simone

Seconded By Deputy Mayor Meloche

That:

1. The following events BE APPROVED:

- Police & Fire Games 2022: July 27, 2022 & July 28, 2022

2. An exemption from table number 3-1(2) of Noise By-law #2001-43 with respect to the operation of any electronic device or group of connected electronic devices incorporating one or more loudspeakers to allow for music BE GRANTED for the following events:

- Police & Fire Games 2022 – July 27, 2022 (9:00am – 12:00pm)

- Police & Fire Games 2022 – July 28, 2022 (9:00am – 2:00pm)

3. The following events BE EXEMPT and PERMITTED for road closures to begin prior to 5pm:

- Police & Fire Games 2022

4. The Public Events Committee BE DIRECTED to confirm that the requirements identified by the Committee are met prior to issuing an event permit.

The Mayor put the Motion.

Motion Carried

13.4 Amherstburg Emergency Response Plan 2022 Update

Resolution # 20220613-16

Moved By Deputy Mayor Meloche

Seconded By Councillor Prue

That:

1. **The updated Emergency Response Plan attached (Appendix “A”) which includes the updated Annex N Amherstburg Nuclear Emergency Response Plan (Appendix “B”) BE APPROVED, as presented; and,**
2. **By-law 2022-039 attached (Appendix “D”) being a by-law to adopt an Emergency Response Plan governing the provisions of necessary services during such emergencies be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.**

The Mayor put the Motion.

Motion Carried

INFORMATION REPORTS

Resolution # 20220613-17

Moved By Deputy Mayor Meloche

Seconded By Councillor Simone

That the following information reports BE RECEIVED:

- 14.1 **Resignation from the Amherstburg Environmental Advisory Committee**
- 14.2 **Annual Treasurer’s Report – 2021 Council and Appointee Statement on Remuneration and Expenses**
- 14.3 **2021 Year End (Q4) Budget to Actual Projections**

The Mayor put the Motion.

Motion Carried

CONSENT CORRESPONDENCE

Resolution # 20220613-18

Moved By Deputy Mayor Meloche
Seconded By Councillor Prue

That the following consent correspondence BE RECEIVED:

- 15.1 2022-2026 Windsor-Essex Regional Community Safety and Well-Being Plan - Sylvia Jones, Solicitor General**
- 15.2 Voter's List Information to Candidates - Town of The Blue Mountains Resolution**
- 15.3 Voluntary Russian Sanction Request - Niagara Region Resolution**
- 15.4 Bidding War on Apartment Rentals - Town of Fort Erie Resolution**
- 15.5 Community Schools Alliance Action Plan - Municipality of Shuniah Resolution**
- 15.6 Federal and Provincial Documents Related to the Former Mohawk Institute Residential School - City of Brantford Resolution**
- 15.7 Energy Performance Tiers - City of Kitchener Resolution**
- 15.8 Annual Emergency Exercise Exemption - District of Muskoka Resolution**
- 15.9 Plan to Tax Vacant Foreign Owned Properties - Town of Fort Erie Resolution**

The Mayor put the Motion.

Motion Carried

Resolution # 20220613-19

Moved By Councillor Prue
Seconded By Councillor Renaud

Item # 15.7 – That Administration BE DICTED to send correspondence in support of the City of Kitchener’s resolution regarding energy performance tiers.

The Mayor put the Motion.

Motion Carried

OTHER MINUTES

16.1 Drainage Board Meeting Minutes - June 7, 2022

Resolution # 20220613-20

Moved By Deputy Mayor Meloche
Seconded By Councillor Prue

That:

1. **The Drainage Board Meeting Minutes of June 7, 2022 BE RECEIVED;**
2. **The engineer's report for the Jeths Drain Improvements BE CONSIDERED; and,**
3. **By-law 2022-059 being a by-law to provide for the Jeths Drain Improvements based on the Drainage Report by M. Gerrits Consulting Inc. BE PROVISIONALLY ADOPTED by giving first and second reading and the Mayor and Clerk BE AUTHORIZED to sign same.**

The Mayor put the Motion.

Motion Carried

UNFINISHED BUSINESS

There was no Unfinished Business brought forward.

NEW BUSINESS

1. Councillor Courtney had some questions with respect to agenda preparation.
2. Councillor Courtney asked how the Town could partake in the pilot project for recreational vehicles on roadways similar to Pelee Island.

The Manager of Licencing and Enforcement advised that there is a pilot project that has started for 2 municipalities in Ontario, Pelee Island being one municipality, and he would have to contact reach out to the municipalities to determine how they were selection for the pilot project. He further advised that he will provide an update to Council on his findings.

3. Councillor Prue asked about reports of a landfill site and was inquiring whether the site was on Hearn property or the old Allied Chemical property.

The Director of Development Services advised that the Chief Building Officer has reached out to ERCA and Administration is awaiting a response from them

4. Deputy Mayor Meloche congratulated Councillor McArthur on running 103.6 miles in 40 hours.

NOTICE OF MOTION

There were no Notices of Motion.

BY-LAWS

20.1 By-law 2022-064 - Confirmatory By-law

Resolution # 20220613-21

Moved By Deputy Mayor Meloche

Seconded By Councillor McArthur

That By-law 2022-064 being a by-law to Confirm all Resolutions of the Municipal Council Meetings held on June 13, 2022, be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.

The Mayor put the Motion.

Motion Carried

20.2 By-law 2022-065 - CAO Appointment By-law

As dealt with above

ADJOURNMENT

Moved By Councillor Courtney
Seconded By Councillor Renaud

That Council rise and adjourn at 8:13 p.m.

The Mayor put Motion.

Motion Carried

MAYOR – ALDO DICARLO

CLERK – VALERIE CRITCHLEY



Delegation Request Form

I wish to appear before *

Council

Advisory Committee of Council

Date of Meeting *

6/27/2022



Name of Delegate(s) *

Joan Donaldson

Address *

[Redacted]

Phone *

[Redacted]

Email *

[Redacted]

Capacity in which you will be attending *

Attending as an Individual

Representing a Group / Organization

Name of Group / Organization / Business *

Rotary Club of Amherstburg

Have you contacted Administration regarding this matter? *

Yes

No

Who from Town Administration have you contacted? *

Maintenance Dept

Reason(s) for Delegation Request (subject matter to be discussed). If the request is in response to an item on the agenda, please specify the item's agenda # *

Place à Memorial Stone in the grassy area where the Town Clock is

If your request is in response to an agenda item, are you in favour of the recommendation? If not, please provide your reasoning below


Will a powerpoint presentation be made? *

Yes

No

Note: An electronic copy of the PowerPoint presentation is required to be submitted to delegations@amherstburg.ca no later than 12:00 noon on the Friday before the meeting.

Please upload speaking notes and/or presentation materials - 4 Attachments Max (10MB Each) (pdf, docx, xlsx, jpg, jpeg, gif, png, tif) *

File Name
 B0757F77-8470-4364-956F-A960ED445971.jpeg 141.1 KB
 854F843C-673D-44E0-AA24-A29AFF8B22E1.jpeg 137.5 KB

Personal information contained on this form is authorized under Section 5 of the Town of Amherstburg's Procedure By-law, for the purpose of contacting individuals and/or organizations requesting an opportunity to appear as a delegation before Council or an Advisory Committee of Council. The Delegation Request Form may be published in its entirety with the public agenda which is also posted on the Town's website. The Procedure By-law is a requirement of Section 238(2) of the Municipal Act, 2001.

Please note that all meetings are open to the public except where permitted to be closed to the public under legislated authority. Questions regarding collection of the information on this form or additional accessibility requirements may be directed to the Municipal Clerk, 271 Sandwich Street South, Amherstburg, ON N9V 2A5, 519.736.0012.





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REPORT ON ACTIVITIES: 1 JANUARY 2020 TO DECEMBER 31ST, 2021

Bruce P. Elman LL.D.
Integrity Commissioner
31 March 2022

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 2001*, effective January 1st, 2007. Pursuant to the amendments to the *Act*, the Town of Amherstburg created the Office of the Integrity Commissioner on March 29th, 2016 and established a **Code of Conduct** (hereinafter referred to as the **Code of Conduct (2016)**), for Members of Council, including the Mayor and Deputy Mayor, and the members of certain Local Boards. On January 21st, 2015, Town Council passed a new *Procedural By-law 2014-91* for Town Council and its Committees and the Conduct of its Members.

In July of 2017, I was retained by the Town to serve as the Acting Integrity Commissioner on an emergency basis. Effective January 1st, 2018, under a unique arrangement between the City of Windsor and the Town of Amherstburg, I was jointly appointed to serve as the Integrity Commissioner for both the Town and the City for a two-year term. In January of 2020, the Municipality of Lakeshore joined Windsor and Amherstburg in this arrangement. I am pleased and honoured to have been the first individual to serve as the Integrity Commissioner for all three Municipalities under this joint sharing agreement. This Agreement extended to December 31st, 2021.

Due, in part, to changes to the Province's *Municipal Act 2001*, *Municipal Conflict of Interest Act (MCIA)*, and *Municipal Elections Act*, an amended **Code of Conduct**, entitled **Code of Conduct --**

Council, Committees and Local Boards (hereinafter referred to as **Code of Conduct (2020)**), was passed by Council on November 9th, 2020. I will say more about this further on in this Report.

Primary Functions of The Integrity Commissioner:

Section 1.2 of the **Code of Conduct (2020)**, under the heading “Policy Statement” notes: “The Town has appointed an Integrity Commissioner to investigate complaints against Members of Council pursuant to the **Code of Conduct – Council, Committees and Local Boards** and any procedures, rules and policies of the Town and local boards governing the ethical behaviour of Members of Council, Committees or Local Boards. In addition, it is expected that the Integrity Commissioner will provide advice on ethical issues to individual Members and Council as a whole and will engage in education and training with all of those subject to the Code of Conduct policy.” For your reference, the role of the Integrity Commissioner is, further, delineated in section 6.2 of the **Code of Conduct (2020)**.

Generally, the Integrity Commissioner has four primary functions:

- (1) Education;
- (2) Advice for Council and Individual Council Members;
- (3) Complaint Investigation; and
- (4) Complaint Adjudication and Resolution.

In addition, the Integrity Commissioner, in some instances, has a role to play in the development of Town policies or when the Town responds to legislative or policy initiatives from the Province of Ontario. Indeed, the newly enacted **Code of Conduct – Council, Committees and Local Boards** represents an example of the Integrity Commissioner’s involvement in the Town’s response to Provincial legislative initiatives.

PART II – DEVELOPMENT OF THE NEW CODE OF CONDUCT -- COUNCIL, COMMITTEES AND LOCAL BOARDS

Revision of the Code of Conduct:

As Integrity Commissioner, I worked closely with Ms. Paula Parker, then Municipal Clerk, and Mr. Kevin Fox, Policy and Committee Co-ordinator, to develop a revised Code of Conduct for the Municipality. This revision was prompted, in part, by recent amendments to the *Municipal Act 2001*, the *Municipal Conflict of Interest Act (MCIA)*, and the *Municipal Election Act*.

The new Code, entitled the **Code of Conduct -- Council, Committees and Local Boards**, applies to all Members of Council, including the Mayor and Deputy Mayor, and to Council appointees to Local Boards, Agencies, and Committees.

This new **Code of Conduct (2020)** is based upon the following Key Principles set out in section 6.1: Members shall:

- 6.1.1. Serve and be seen to serve their constituents in a conscientious and diligent manner.
- 6.1.2. Be committed to performing their functions with integrity and to avoid the improper use of the influence of the office, and conflicts of interest, both real and apparent.
- 6.1.3. Uphold a high standard of ethical behaviour to ensure that their decision making is impartial, transparent and free from undue influence.
- 6.1.4. Seek to serve the public interest by upholding both the letter and the spirit of the laws of the Parliament of Canada and Legislature of Ontario, the by-laws and policies adopted by Town Council.
- 6.1.5. Refrain from engaging in activities, financial or otherwise that are inconsistent with the Town's vision, mission and values.
- 6.1.6. Refrain from engaging in conduct that would bring the Town or Council into disrepute or compromise the integrity of the Municipality or Council.
- 6.1.7. Exercise their authority only for the purpose for which they were intended.
- 6.1.8. Comply with the Canadian Human Rights Act and the Ontario Human Rights Code and ensure the equitable treatment of citizens, employees and other Members of Council, committees and local boards.
- 6.1.9. Remain professional and be cognizant of their position when representing the Town in an official capacity at functions where alcohol is present.

The **Code of Conduct -- Council, Committees and Local Boards** is clear and comprehensive. It supplements the Provincial legislative regime and the Town's *Procedural By-law*. The **Code of Conduct (2020)** begins with a "Policy Statement", a Statement of "Purpose", and a section on the "Scope" followed by a "Definitions" section. Substantive provisions – the "Code of Conduct Rules" -- include: provisions regarding Gifts and Benefits, Member Conduct in Council and Committees, Member conduct with Staff and with the general public, Conflict of Interest, Confidentiality, Use of Town Property, and Improper Use of Influence. There are unique provisions setting out Media and Communications Protocols and a provision on Electronic Communication and Social Media. Section 8 deals with "Non-Compliance with the Code of Conduct". Section 8.1.1 sets out the Penalties that may be imposed for a breach of the **Code of Conduct (2020)** while Section 8.1.2 provides other actions that may be taken for remedial purposes.

Appendix A to the **Code of Conduct (2020)** sets out Procedural provisions for both Formal and Informal Complaints. Appendix B is the **Complaint Form/Affidavit** which must be completed by the Complainant to commence an Investigation.

Ms. Parker and Mr. Fox and Members of Council are to be congratulated for their work on the amended **Code of Conduct (2020)**. This is an important step in the Town's commitment to the Municipal Integrity Regime.

Similar to any comprehensive Code, experience creates the impetus for amendments and modifications. The next step in this development, in my opinion, is for Council to consider the following: (1) A provision prohibiting "Obstruction" of a **Code of Conduct** Investigation; (2) A provision prohibiting "Reprisals" or the "Threat of Reprisals"; (3) A specific provision absolving a Member who has sought out, and followed, the advice of the Integrity Commissioner (This is noted further in Part IV); and (4) A provision that sets out Time Limitations on the filing of Complaints.

PART III – THE EDUCATION FUNCTION

Education and Training:

Following the Municipal Elections held in October of 2018, a robust Program of Education and Training was instituted under the leadership of the Municipal Clerk, Ms. Paula Parker. This involved a lengthy Educational session with Members of Council during their Orientation. The purpose of this session was to educate the Members of Council regarding the main provisions of the Town's **Code of Conduct (2016)** and to answer any questions raised by Members in this context. Senior staff were also in attendance. Prior to this session, I prepared materials in conjunction with the Municipal Clerk's Office to orient Members of Council to the Office of the Integrity Commissioner, to the provisions of the **Code of Conduct (2016)**, 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 approximately an hour and a half. In my view, it was a very productive meeting. Subsequently, 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 with Members of Local Boards, Agencies, and Committees all of whom were subject to the provisions of the **Code of Conduct (2016)**. Materials were developed for these training sessions with some adaptations, recognizing the nature of the group attending the particular session. Attendance was mandatory and those in attendance were asked to sign a similar **Statement of Commitment** that they had read the **Code of Conduct**, that they understood it, and that they were committed to abiding by its terms. Not all attendees signed the **Statement of Commitment to the Code of Conduct**. Those individuals who did not sign were removed from their assigned Committees. These were, in my opinion, very effective sessions primarily

because they brought home to those in attendance the centrality of integrity in the exercise of their duties as public office holders.

After the initial series of Educational and Training Seminars following the Municipal Election, other sessions were held, as required, with newly constituted Committees or newly appointed Committee Members.

As a general comment, I would say that the Educational role of the Integrity Commissioner is very important, especially in the period following a Municipal Election. Not only might there be newly elected Members of Council who are unfamiliar with the Integrity regime, but this, traditionally, is also the time when we replenish the membership of our Agencies, Boards, Commissions, and Committees. Education and Training is, effectively, the first line of prevention against potential violations of the **Code of Conduct (2020)** and, now, the *Municipal Conflict of Interest Act*.

The next Municipal Election will be held in October of this year. As noted above, the Town has a new **Code of Conduct (2020)** with which re-elected Members of Council will, no doubt, be familiar. Newly elected Members of Council as well as Members of Committees and Local Boards, however, may not be as conversant with it. I believe that the Town should re-commit to a vibrant and enhanced program of Education and Training, for both elected Members of Council and those who volunteer their time on behalf of the community by serving on Agencies, Boards, and Committees. Further, Integrity Commissioners now have an important role to play in providing advice on, and investigating Complaints regarding, conflicts of interest under both the *Municipal Conflict of Interest Act (MCIA)* and the **Code of Conduct (2020)**. Education and Training on both the *MCIA* and the **Code of Conduct (2020)** should be provided to Members of Council, Local Boards, and Committees as soon as feasible after the Municipal Election and the appointment of Members to Committees and Local Boards.

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 2019, 2020, and 2021. These presentations are somewhat lengthier than the Training sessions noted above as they provide a thorough (academic) examination of the Municipal integrity regime for students.

PART IV -- 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 (2020)**. Providing advice, on both the **Code of Conduct (2020)** and the *Municipal Conflict of Interest Act (MCIA)*, is a key function of the Integrity Commissioner and can often head-off **Code** violations. Indeed, in many municipalities, the **Code of Conduct** recognizes the importance of the Advice function and incentivizes its use.

For example, the **Code of Conduct** of the City of Windsor, explicitly protects a Member who has sought out, and followed, the advice of the Integrity Commissioner. The Member is protected from any potential Complaints regarding the same matter on which the Integrity Commissioner's advice has been sought out in advance and, subsequently, followed. This is a very rational and productive policy.

Our **Code of Conduct – Council, Committees, and Local Boards (2020)** is not quite so explicit but it does provide a Member, who has sought out and followed the advice of the Integrity Commissioner, with a very strong defence to any allegation that the Member violated the **Code** in regard to the same matter. Section 7 of the **Formal Complaint Procedure (Appendix A –**

Complaint Protocol), in my opinion, provides the Integrity Commissioner with the discretion, where the Member has followed the Advice of the Integrity Commissioner, to determine that no penalty should be imposed on the Member. Section 7 states: “If the Integrity Commissioner determines that there has been no contravention of the **Code of Conduct** or that a **contravention occurred although the Member took all reasonable measures to prevent it**, or that a contravention occurred that was trivial **or committed through inadvertence or an error of judgement made in good faith**, the Integrity Commissioner shall so state in the report and shall recommend that no penalty be imposed.” (Emphasis Added.) To be clear, in my view, following the Formal Advice of the Integrity Commissioner, would satisfy the stipulation that “the member took all reasonable measures to prevent it” as well as the specification that it was “committed through inadvertence or an error of judgement made in good faith” and would, consequently, allow the Integrity Commissioner to decide not to impose a penalty on the Member. Nonetheless, as I noted in Part II above, it would be preferable to have a specific provision in the **Code of Conduct (2020)** which makes this clear.

Formal Letters of Advice:

During the previous Reporting period, there were no requests for a Formal Letter of Advice. A “Request for a Formal Letter of Advice” occurs when a Member requests a formal letter confirming the advice from the Integrity Commissioner. As noted above, where a Member follows the advice in a Formal Letter, in all likelihood, there will be a finding that the Member was not blameworthy, and no penalty will be recommended or imposed.

During the current Reporting period (January 1st, 2020 to December 31st, 2021), I issued fourteen (14) Formal Letters of Advice. Of these, thirteen (13) were issued to Members of Council and one was issued to a member of the Senior Administration. Half of the letters (7) concerned issues involving Conflict of Pecuniary Interests. Two of the Letters concerned issues of Confidentiality. Other Letters concerned a variety of issues: Undue Influence, Bias, Third Party Fundraising, Open Meetings, and so forth.

The dramatic increase in requests for Formal Letters of Advice reveals the importance that Members of Council place on matters of integrity generally and their desire, individually and collectively, to adhere to the Rules found in the **Code of Conduct (2020)**. I am very pleased with this development; it is always preferable to provide Advice rather than investigate Complaints. Further, in my opinion, the marked increase in requests for Letters of Advice, demonstrates that the relationship between Members of Council and the Integrity Commissioner is one based upon mutual respect and trust.

Advisory Bulletins:

During the previous Reporting period, I issued four 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** applies so that they can avoid violations of the **Code**. Advisory Bulletins, generally, concern matters of importance that Members of Council or Senior Members of Administration have identified or matters that members of the public have raised with me. In some instances, they concern issues that have been identified by other Municipal Integrity Commissioners.

During the current Reporting period, two new Advisory Bulletins were created and one older Bulletin was revised. The new Advisory Bulletins are as follows:

1. *Advisory Bulletin Regarding Meetings* (January 1st, 2021);
2. *Advisory Bulletin Regarding Social Media (Revised)* (January 15th, 2021); and
3. *Advisory Bulletin on Conflicts of Interest* (March 15th, 2021).

Advisory Bulletins are placed on the Integrity Commissioner's webpage and are, therefore, available to Members of Council, Local Boards, Agencies, and Committees and the public at large. The link to the Advisory Reports is found at: <https://www.amherstburg.ca/en/town-hall/advisory-bulletins.aspx>.

Brief Advice:

In the previous Reporting period, there were twenty-four (24) 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 needed to be opened. These are instances where, once again in my opinion, neither extensive research nor lengthy consideration is necessary. Formal Letters of Advice are generally 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 a Formal Letter of Advice is made.

In this Reporting Period, there were twenty-one (21) instances of Brief Advice. Nine (9) involved Members of Council; Nine (9) involved Members of the Senior Administration and three (3) concerned volunteer Members of Committees. The issues raised in these instances of Brief Advice include: Conflict of Pecuniary Interest, Confidentiality, Undue Influence, Bias, Gifts and Benefits, Open Meetings, Conduct of Members, and so forth.

PART V – INQUIRIES AND COMPLAINTS

Complaint Files:

Ten (10) Complaint files were opened between July 1st, 2017 and December 31st, 2019 (the last Reporting Period). Eight were closed during that Reporting period. Of these ten Files, all involved Members of Council. Two Reports were issued to Council; three were dismissed; one File resulted in a letter of admonition to the Councillor; and two were discontinued in the public interest. As noted, two were still in progress at the end of the previous Reporting period. In regard to the two Reports issued to Council, Council made no findings that the Respondents contravened the **Code of Conduct (2016)** nor did Council impose the sanctions recommended by the Integrity Commissioner. Council merely chose to accept both Reports.

In addition to the two Files from the previous Reporting period which remained open after January 1st, 2020, a further six (6) Complaint Files were opened after January 1st, 2020. These Files concerned Confidentiality, Conflict of Interest, and Member Conduct. During the current Reporting period, six (6) Files were closed. Three Files resulted in a Letter of Admonition being sent to the Member; One File was resolved by the Informal Complaint Procedure; one File was dismissed because, on its face, it did not disclose a violation of the **Code**; and one File was dismissed in the public interest. The remaining two Files were closed early in January of 2022. Both resulted in a Letter of Caution being issued.

Brief Service:

Aside from instances of “Brief Advice” provided to Members of Council, Members of Committees, and Senior Staff, there only two instances of “Brief Service”. (This is consistent with the previous Reporting period.) “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.

Part VI – Policy Developments

During this Reporting period, I was consulted regarding three Policy initiatives involving ethical issues and the Office of the Integrity Commissioner:

1. The Development of the new and revised **Code of Conduct -- Council, Committees and Local Boards**;
2. The Provincial Consultation to Strengthen Municipal Codes of Conduct. News Release at this link: <https://news.ontario.ca/en/release/60589/ontario-launches-consultation-to-strengthen-municipal-codes-of-conduct>. Consultation (now closed) at this link: <https://www.ontario.ca/page/consultation-strengthening-accountability-municipal-council-members>;
3. Policy Initiatives to amend the **Code of Conduct (2020)** to deal with “Obstruction”, “Reprisals and the Threat of Reprisals”, and Time Limitations among other issues.

PART VII – CONCLUSION

FIRST, the next Municipal Election will be held in October of this year. I believe that the Town should re-commit to a vibrant and enhanced program of Education and Training, for both elected Members of Council and those who volunteer their time on behalf of the community by serving on Agencies, Boards, and Committees. Education and Training on both the *MCIA* and the **Code of Conduct (2020)** should be provided to Members of Council, Local Boards, and Committees as soon as feasible following the Municipal Election and the appointment of Members to Committees and Local Boards.;

SECOND, regarding the Integrity Commissioner’s Advisory function, I would conclude that there has been a marked increase in the number of Requests for formal Letters of Advice and Brief Advice over the past two years. In my view, this is a very positive development and should be more broadly encouraged by including a specific provision in the **Code of Conduct (2020)** which

absolves the Member of any liability on a matter if the Member has sought out, and followed, the Advice of the Integrity Commissioner on that matter;

THIRD, regarding the Integrity Commission's Complaint Investigation and Adjudication function, the following conclusions can be drawn: (1) There were fewer Complaints during the current Reporting period than during the previous one; (2) All of the Complaints during this Reporting period involved a Member of Council; (3) A significant percentage of the Complaints (50%) concern Conflicts of Pecuniary Interest; (4) Of the six Complaints, two were denied, one was decided by the Informal Complaint Procedure, one resulted in a Letter of Admonition, and two resulted in a Letter of Caution; (5) The Informal Complaint process remains an underused but important option for some Complainants; and (6) All Complaint Files carried over from the previous Reporting period and all new Complaint Files during the current Reporting period have now been closed;

FOURTH, the revised **Code of Conduct (2020)** is comprehensive and clear. However, the next step in this development is for Council, in my opinion, is for Council to consider the following: (1) A provision prohibiting "Obstruction" of a **Code of Conduct** Investigation; (2) A provision prohibiting "Reprisals" or the "Threat of Reprisal"; (3) A specific provision absolving a Member, who has sought out, and followed, the advice of the Integrity Commissioner, of liability; and (4) A provision that sets out Time Limitations on the filing of Complaints.

Fifth, my conclusion remains the same as in 2020 -- Members of Council and members of Local Boards, Agencies and Committees appointed by Council after the 2018 Municipal Election have conducted themselves in a highly professional manner and have lived up to their commitments under the **Code of Conduct (2020)** to "protect and maintain the Town of Amherstburg's reputation and integrity".

It is an honour to serve as the Integrity Commissioner for the Town of Amherstburg.

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 the most prominent.

Bruce P. Elman LL.D.
Integrity Commissioner

FURTHER INFORMATION

If you have any questions or wish to seek written advice on this matter, please contact:

Office of the Integrity Commissioner
271 Sandwich Street South
Amherstburg, Ontario N9V 2A5
Tel: (519)-736-0012
Email: integrity@amherstburg.ca



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF CORPORATE SERVICES

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Table with 2 columns: Author's Name, Report Date, Author's Phone, Date to Council, Author's E-mail, Resolution #.

To: Mayor and Members of Town Council

Subject: Investing in Canada Infrastructure Program (ICIP) Green Stream - Transfer Payment Agreement

1. RECOMMENDATION:

It is recommended that:

- 1. Administration BE AUTHORIZED to enter into a Transfer Payment Agreement with the Ministry of Infrastructure...
2. A capital expenditure not to exceed \$9,600,000 including net HST BE APPROVED as a first charge to the 2022 Water Budget...
3. Administration BE AUTHORIZED to sign long-term (up to 30yr) debenture not to exceed \$5,937,166 to fund the construction and replacement of the Reservoir at Amherstburg Water Treatment Plant.

2. BACKGROUND:

The Investing in Canada Infrastructure Program (ICIP) is a Federal program designed to create long-term economic growth, build inclusive, sustainable and resilient communities and support a low-carbon economy.

Through the ICIP, the Federal government is providing \$11.8 billion dollars in infrastructure funding to cost-share projects under the following four streams:

- Public Transit
- **Green Infrastructure**
- Community, Culture and Recreation
- Rural and Northern Communities

The Town of Amherstburg submitted a grant application in August 2021 for funding of the replacement of the reservoir at the Amherstburg Water Treatment Plant. The Town has been notified of the federal funding decision and approval of \$3,662,833.50 total Provincial and Federal Funding (based on the original grant application amount of \$4,995,000) towards the Reservoir at Amherstburg Water Treatment Plant.

As per program guidelines:

- Projects must start work (which could include design/engineering) by September 30, 2022 at the latest.
- Projects must be completed by **October 31, 2026**

The maximum total eligible cost per project for a single applicant is **\$5 million**. The Town has been granted \$3,662,833.50 based on the original grant application ask of \$4,995,000.00.

The following breakdown defines the maximum cost share percentages of the total eligible cost:

Recipient Type	Federal	Provincial	Recipient
Municipalities or Local Services Boards	40%	33.33%	26.67%
First Nation communities	75%	18.33%	6.67%

3. **DISCUSSION:**

The replacement of **The Reservoir at Amherstburg Water Treatment Plant** is a priority project that best fits within the scope of this grant application. The Amherstburg Water Treatment Plant currently has only one water storage in-ground reservoir. Water storage reservoirs are required to ensure that adequate supply of water is maintained to meet peak water demands or emergencies such as fires, water main breaks, power outages and pump failures. The existing reservoir is old and showing extensive deterioration. The Town has had to perform emergency reservoir repairs due to excessive leaking of treated water from the reservoir. Further failures and repairs are anticipated as the structure ages. The construction of the new reservoirs would occur in two phases. Phase 1 would involve the construction of a new 14,800 cubic metre reservoir. Phase 2 of the project will involve the construction of two 7,400 cubic metre cells built within the existing reservoir footprint.

In 2016, Council approved a grant application for this project under the CWWF grant and was awarded the funds. However, the cost overages of the Edgewater forcemain called for those grant funds to be reallocated to that project.

The Asset Management Plan and the Water Rates Study both support the replacement of the aging infrastructure.

4. RISK ANALYSIS:

There is financial risk that the municipality may have to fund the replacement of the sewers fully from water rates should Council not approve the TPA and forego senior government funding contributions.

Administration recommends the Amherstburg Water Treatment Plant Reservoir Upgrade and Redundancy Protection Project to mitigate a number of risks which include public safety and financial benefits. Should Council decide to not pursue the Investing in Canada Infrastructure Program – Green Infrastructure Stream 2021 Grant, the Town may risk having to complete the future replacement and upgrade of this key plant component without government funding.

Programs, such as the Investing in Canada Infrastructure Program, are effective tools used by municipalities to address key infrastructure challenges due to financial constraints. The Investing in Canada Infrastructure Program is a key program offered by the Provincial and Federal government that will assist the Town in its long-term financial plan.

Municipal Councillors are generally protected from personal liability, for any decisions they make in good faith in the course of their duties, however this is not the case with respect to drinking water. Section 19 of the Safe Drinking Water Act imposes a personal duty on *“every person who, on behalf of the municipality, oversees the accredited operating authority of the [drinking water] system or exercises decision-making authority over the system.”* personal risk will be mitigated by improving the Town’s current operations.

5. FINANCIAL MATTERS:

Programs, such as the ICIP Green Infrastructure Stream, are effective tools used by municipalities to address key challenges due to financial constraints. A successful application under the ICIP Green Infrastructure Stream grant program, offered by the Federal and Provincial governments, will assist the Town in long-term financial stability and enhanced community safety through replacement of critical infrastructure. It would also help control the financial pressure on future water rates.

The following chart shows the estimated Budget as presented September 2021 and the proposed project and the approved Provincial and Federal Grant funding sources:

	Total Proposed Budget
Expense	
Engineering	\$1,032,500
Construction	8,567,500
Total	\$9,600,000
Funding	
Debenture (Long Term Debt) (26.67%)	\$5,937,166
Federal Cost Share Funding (40%) (4,995,000)	1,998,000
Provincial Cost Share Funding (33.33%)(4,995,000)	1,664,834
Total	\$9,600,000

Other financial risks are associated with the increasing interest rates on debt, and increasing construction costs.

6. CONSULTATIONS:

The Director of Engineering and Public Works was consulted on this report.

7. CONCLUSION:

Administration is recommending the approval of the recommendations outlined in this report.



Tracy Prince
Director Corporate Services/CFO
Treasurer

Report Approval Details

Document Title:	2022 04 22 -ICIP Green Transfer Payment Agreement.docx
Attachments:	
Final Approval Date:	Jun 21, 2022

This report and all of its attachments were approved and signed as outlined below:



Valerie Critchley



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF CORPORATE SERVICES

MISSION STATEMENT: *Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.*

Author's Name: Tracy Prince	Report Date: May 24, 2022
Author's Phone: 519 736-0012 ext. 2254	Date to Council: June 27, 2022
Author's E-mail: tprince@amherstburg.ca	Resolution #: NA

To: Mayor and Members of Town Council

Subject: Municipal Modernization Grant Intake III

1. RECOMMENDATION:

It is recommended that:

1. Administration **BE AUTHORIZED** to enter into a Transfer Payment Agreement with the Ministry of Municipal Affairs & Housing for total funding of up to \$127,200 toward Town of Amherstburg Staff Utilization and Organizational Review;
2. Administration **BE AUTHORIZED** to incur additional professional fees to maximize the additional grant dollars;
3. Administration **BE AUTHORIZED** to enter into contracts based on appropriate signing authority as per purchasing policy to maximize grant dollars within the Municipal Modernization Grant guidelines.

2. BACKGROUND:

Ontario is helping municipalities become more efficient and modernize service delivery. Ontario's 405 small and rural municipalities could apply to Intake 3 of the Municipal Modernization Program for funding under two streams in 2021.

The **implementation stream** will provide provincial cost-sharing for municipalities to undertake projects that increase municipal efficiency and effectiveness. Municipalities can apply under this stream for projects that implement the findings of previous reviews or other evidence-based reports.

The **review stream** will provide funding for municipalities to undertake expenditure reviews with the goal of finding efficiencies and lowering costs in the longer term.

Under both streams, municipalities can apply individually or jointly with other eligible municipalities.

The application submission deadline for the Municipal Modernization Fund Intake 3 was October 19, 2021 (4:59PM EDT). Program eligibility criteria were considered when making the application prior to the deadline.

The Town was successful in receiving approval for the third intake of the Municipal Modernization Program for more than the application amounts presented to Council:

Third-party review stream: \$127,200 towards Staff Utilization and Organizational Review (awarded \$45,950 more than application)

Implementation project stream: \$36,379 towards Electronic Plans Modernization.

These grants will require additional matching dollars in the amount of \$25,082. from the municipality in order to maximize the grant funding provided by the Province.

3. **DISCUSSION:**

Implementation Project Stream

Recommended Projects: Administration recommends software which will help move the Town forward in our digital transformation efforts. The Sept. 27,2021 report recommended Bluebeam Revu. This software was not pursued by Administration as it was determined to not meet our needs. After internal discussions Administration is recommending multiple software acquisitions and implementations, including a new Human Resources Information System software (HRIS) to improve performance evaluation, implementation of additional licenses of Laserfiche software to improve records management in legislative services and workflows for accounts payable invoice approvals.

Third-Party Review Stream

Recommended Projects: A comprehensive salary review is underway as per the Council Report dated September 27, 2021 and this stream of funds will be used to fund this work. In addition, the 3rd Party Review Stream funding will be utilized to implement new software, training, and to expand current software capabilities including Vadium, Laserfiche and Cityview. These projects increase digital modernization, improve reporting, customer service levels, service integration, efficiencies and staff utilization. The intent is to consolidate and integrate current software systems to improve efficiencies and reporting.

An additional 35% matching of eligible costs will be required from the Town in order to maximize the total funding provided by the province.

4. RISK ANALYSIS:

There is little to no risk related to the recommendation of this report.

5. FINANCIAL MATTERS:

Programs, such as the Municipal Modernization Program, are effective tools used by municipalities to address key challenges due to financial constraints. A successful application under the Municipal Modernization grant program, offered by the Provincial governments, assists the Town in long-term financial stability and enhanced operational effectiveness in our service delivery model.

The following chart shows the estimated 2021 Budget approved by Council for these projects as of September 23, 2021 and the Provincial Funding announced January 25, 2022:

Implementation Stream	Proposed Budget 2021	Approved Funding 2022
Expense		
Computer Software Expense	\$55,000	\$55,970
Total		
Funding		
Town Share (35%)	\$19,250	\$19,590
Provincial Cost Share Funding (65%)	<u>35,750</u>	<u>36,379</u>
Total	\$55,000	\$55,970

Review Stream	Proposed Budget 2021	Approved Funding 2022
Expense		
Professional Fees/3 rd Party Review	\$125,000	\$195,692
Total		
Funding		
Town Share (35%)	\$ 43,750	\$ 68,492
Provincial Cost Share Funding (65%)	<u>81,250</u>	<u>127,200</u>
Total	\$125,000	\$195,692

The total contribution from the Town will be \$68,492. Funded by 2022 approved Information Technology operating budget in the amount of \$43,410, the additional matching funds of \$25,082 will be funded by 2022 in year surplus/savings.

6. CONSULTATIONS:

The Manager of Information Technology, Director of Legislative Services, and Manager of Human Resources was consulted on this report.

7. **CONCLUSION:**

It is recommended that Council approve the recommendation outlined above for the municipal modernization grant.



Tracy Prince
Director Corporate Services/CFO
Treasurer

Report Approval Details

Document Title:	2022 05 31 Municipal Modernization Grant Intake 3 - V3.docx
Attachments:	
Final Approval Date:	Jun 16, 2022

This report and all of its attachments were approved and signed as outlined below:



Valerie Critchley



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF PARKS, FACILITIES, RECREATION & CULTURE

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Author's Name: Anne Ussolletti Rota and Heidi Baillargeon	Report Date: June 14, 2022
Author's Phone: 519 736-0012 ext. 2128 or 519 730-1309	Date to Council: June 27, 2022
Author's E-mail: hbaillargeon@amherstburg.ca and arota@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council
Subject: Amherstburg's Gone Car Crazy Show

1. **RECOMMENDATION:**

It is recommended that:

1. That the report from the Director of Parks Facilities, Recreation and Culture and the Manager of Tourism and Culture dated June 14, 2022 regarding Amherstburg's Gone Car Crazy Show (AGCC) **BE RECEIVED**; and,
2. That Council **APPROVE** closing the Open Air program and footprint for one day only Sunday, July 24, 2022 from 6:00 a.m. to 10:00 p.m. in order to accommodate the AGCC's show, proposed footprint and car placement on the streets of downtown Amherstburg.

EXECUTIVE SUMMARY:

N/A

A. BACKGROUND:

The Amherstburg's Gone Car Crazy event started in 2006 under the auspices of the Amherstburg Entertainment Committee.

The Entertainment Committee then transformed into a Committee of Council named the Municipal Events Committee, with two Council representatives named to the committee. The committee was responsible for events such as the Car Show and The Amherstburg Tree Lighting Ceremony, Easter Egg Hunt and Canada Day.

In 2008, the committee was re-named as the Community Spirit Committee in which a Council member and town staff member also sat on the committee.

In January 2016 the following motion was moved;

“10.2 Amherstburg’s Gone Car Crazy

Councillor Fryer moved the motion with an amendment to continue classifying the Amherstburg’s Gone Car Crazy event as a Town event.

Councillor Fryer moved, Councillor Pouget seconded:

That:

- 1. The delegation and report from the Manager of Recreation Services dated December 14, 2015 regarding Amherstburg’s Gone Car Crazy BE RECEIVED; and,*
- 2. That Council direct Administration to continue classifying the event as a Town event and to meet with the organizers to open the books to the Town and that any incidentals that were given previously to the event be included and further that Council allow the gallery to speak.*

The Mayor put the Motion.”

1. DISCUSSION:

As per Council direction in 2016 the Amherstburg Gone Car Crazy is classified as a Town event that draws approximately 5000 residents and visitors to the downtown core in a single day which has a positive economic impact on the community. The event is unique in that it is completely run and organized by the AGCC committee with input, review and financial sponsorship from the Town. The AGCC event has grown dramatically since it first began in 2006 and every year has proven to be more successful creating interest from participants far and wide. The AGCC committee provides the knowledge and expertise in running the event but is reliant on the Town to provide sponsorship via, insurance, policing, supplying barricades in addition to financial sponsorship.

In 2019 the Town of Amherstburg updated its policies and procedures regarding Public Special Events which has resulted in some grey areas and cross over between Town Run events and privately run events. In order to grandfather in Amherstburg Gone Car Crazy event Administration requests that the AGCC follow the process as outlined in the Public Events Application and guide.

4. RISK ANALYSIS:

The Town of Amherstburg's Public Events Committee met on June 14, 2022 and after careful review and analysis of both the AGCC event and Open Air programming, Administration is advising Council that due to the anticipated volume and mix of pedestrians and number of registered cars it is not advisable to run both events on the same day. Running both events simultaneously will create a high-risk liability scenario due to overcrowding the space both on the streets and the sidewalks. In order to mitigate this risk Administration is recommending Open Air be closed for one day only Sunday, July 24, 2022 from 6:00 a.m. to 10:00 p.m. in order to accommodate the AGCC's show, proposed footprint and car placement on the streets of downtown Amherstburg.

5. FINANCIAL MATTERS:

A budget of \$2500 was approved as a sponsorship expense in the Tourism and Culture 2022 operating budget under community events and programming. Current costs associated with running the show have escalated and are anticipated to be over and above this amount which will be covered under the department's general operational budget. Administration will review the cost from this year's event and bring to council any adjustments required in the 2023 operational budget.

6. CONSULTATIONS:

The Amherstburg Gone Car Crazy Show organizer was notified and a meeting was held on 20-Jun-22.

Public Events Committee

7. CONCLUSION:

The Amherstburg Gone Car Crazy Show is a much anticipated successful and revered show in our region and for the Town of Amherstburg. The management of the show has always been facilitated by the AGCC committee as they do an outstanding job. Administration is supportive of the AGCC's show and will continue to work with the current hybrid model to clearly define the financial responsibilities of both parties.



Anne Ussolletti Rota
Manager of Tourism and Culture



Heidi Baillargeon
Director of Parks, Facilities, Recreation and Culture

AR

DEPARTMENTS/OTHERS CONSULTED:

Name: Director of Parks and Recreation

Phone #: 519 736-0012 ext. 2128

Name: Manager of Parks and Naturalized Areas

Phone # 519 736-0012 ext. 23317

Name: CAO's office

Phone # 519 736-0012 ext. 2238

Name: Manager of By-law & Enforcement

Phone# 519 736-0012 ext. 2251

NOTIFICATION :

Name	Address	Email Address	Telephone	FAX

Report Approval Details

Document Title:	Amherstburg Car Gone Crazy Show.docx
Attachments:	
Final Approval Date:	Jun 21, 2022

This report and all of its attachments were approved and signed as outlined below:



Heidi Baillargeon



Tracy Prince



Valerie Critchley



THE CORPORATION OF THE TOWN OF AMHERSTBURG
OFFICE OF ENGINEERING & INFRASTRUCTURE SERVICES

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Author’s Name: Todd Hewitt	Report Date: June 9, 2022
Author’s Phone: 519 736-3664 ext. 2313	Date to Council: June 27, 2022
Author’s E-mail: thewitt@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: 3rd Concession North Watermain – Funding Model and Agreement

1. RECOMMENDATION:

It is recommended that:

1. The CAO **BE AUTHORIZED** to sign the reimbursement agreement with 1473490 Ontario Limited for associated costs related to the upgrade of the watermain on the 3rd Concession North; and,
2. The Treasurer **BE DIRECTED** to fund \$40,000, being the Town’s portion of the upgrade, from the water reserve.

2. BACKGROUND:

1473490 Ontario Limited is the owner of the vacant lot on the north-west corner of Alma and the 3rd Concession North. In April 2021 the owner applied to the Committee of Adjustment to sever the vacant land into 3 parcels. A condition of the severances was - *“That the Concession 3 North water main be upgraded to the satisfaction of the Engineering and Public Works Department prior to the stamping of the deeds, at the applicants’ expense. The applicant must demonstrate that the water main has been upgraded prior to the stamping of the deeds.”*. This upgrade is required to ensure that these lots (zoned industrial) have appropriate water capacity and fire protection.

3. DISCUSSION:

After the developer received the conditions from the Committee of Adjustment the owner of the vacant lands contracted RC Spencer Associates Inc. to design the watermain upgrade. All costs associated with installing the watermain along the front of the property

to be severed are the responsibility of the owner. Upon review on the project drawing, Administration is recommending that the watermain be extended an additional 55m to include the home directly north of the vacant lands. The cost of this portion of the watermain would be borne by the Town.

Agreement to Fund

Typically, the Town would allow the developer to tender and complete these projects directly after providing the appropriate securities. As the Town would now be paying for a portion of the project, we are required to meet the requirements of the procurement policy, including the tendering of the project. A funding agreement was required between the Town and 1473490 Ontario Limited to ensure the Town is reimbursed for all funds attributed to the landowner. The Department of Legislative Services created an agreement that has been agreed to with the owner.

Once the work has been completed, the Town will invoice the owner its cost of the works and the town portion will be funded from the water reserve.

4. RISK ANALYSIS:

If Council does not agree to the funding agreement or the additional funding the landowner will be responsible to complete the work himself and the additional 55m recommended by the Town will not be completed. The additional 55m would then need to be completed when the Town connects the two sections of watermain on this portion of the 3rd Concession.

5. FINANCIAL MATTERS:

It is estimated that the total project cost will be \$165,000 excluding HST with \$40,000 to be funded by the Town to extend the watermain an additional 55m. The developer's cost will be invoiced immediately after conclusion of the works.

A future report will be brought to Council to award the tender. At that time, final numbers will be provided.

6. CONSULTATIONS:

Director of Legislative Services

7. **CONCLUSION:**

The approval of the funding agreement will allow the developer to complete the conditions of his severance and allow the development to proceed.



Todd Hewitt
Manager of Engineering

Report Approval Details

Document Title:	2022 06 27 - 3rd Concession Watermain Agreement.docx
Attachments:	- Shaw Agreement - Concession 3 N Water Main.pdf - Shaw Property - Aerial.pdf
Final Approval Date:	Jun 21, 2022

This report and all of its attachments were approved and signed as outlined below:



Antonietta Giofu



Tracy Prince



Valerie Critchley

AND WHEREAS in addition to the “Developer’s Works”, the Town of Amherstburg desires to extend the water main a further 54 meters to the north of the Developer’s property line and to install one additional fire hydrant fronting Municipal No.48, Concession 3 North, Town of Amherstburg, (the “Town of Amherstburg’s Works”);

AND WHEREAS the combination of the Developer’s Works and the Town of Amherstburg Works shall be referred to in the Agreement as the “Total Project”;

AND WHEREAS, the Developer and the Town of Amherstburg have agreed that the Total Project should be tendered and managed by the Town of the Amherstburg, with each of the Developer and the Town of Amherstburg bearing the costs for its’ respective portion of the Total Project;

IN CONSIDERATION of all covenants, premises, representations, terms and provisions described below, and the payment of the sum of One Dollar (\$1.00) by each Party to the others, the receipt and sufficiency of which is hereby acknowledged, each of the Parties hereto agrees with each of the other Parties hereto as follows:

1. Expenses and Allocation

1.1 The Town of Amherstburg shall enter into a contract for the Total Project in accordance with the Town of Amherstburg Purchasing Policy as soon as practicable after the execution of this Agreement and shall initially be responsible for payment of the total costs and expenses associated with the Total Project.

1.2 The Developer shall reimburse Town of Amherstburg, and save it harmless, for all costs and expenses incurred by the Town of Amherstburg in association with the Developer’s Works.

1.3 The Developer covenants and agrees that failure to reimburse the Town of Amherstburg or make payment as required for any costs and expenses as required under Section 1 herein shall constitute a default under this Agreement and the costs and expenses owing to the Town of Amherstburg shall become immediately due and payable. In the event of non-payment arising from default the Developer hereby authorizes the Town of Amherstburg to add any such outstanding payments to the real property taxes of the Property as a local improvement charge under the *Municipal Act* and any regulations associated therewith. The Developer acknowledges that any such charges shall form a priority lien against the subject Property.

3. Confidentiality

3.1 Subject to the requirements of the *Municipal Freedom of Information & Protection of Privacy Act*, the Parties shall not publicly disclose the contents of this Agreement or discussions between the Parties relating to the subject-matter of this Agreement unless all Parties mutually agree in writing and in advance upon such disclosure. These provisions shall survive the termination or expiration of this Agreement.

4. General Provisions

4.1 **Amendments.** Any changes, modifications, revisions or amendments to this Agreement that are mutually agreed upon by the Parties to this Agreement shall be incorporated by written instrument and shall be effective only when executed and signed by all Parties to this Agreement.

4.2 **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the Province of Ontario, without regard to the conflict-of laws rules or statutes of any jurisdiction. The courts of the Province of Ontario shall have exclusive jurisdiction over all claims relating to this Agreement.

4.3 **Entire Agreement.** This Agreement, including any and all Schedules, constitutes the entire agreement between the Parties with respect to its subject-matter and merges all prior and contemporaneous communications, both written and oral, by and between all Parties.

4.4 **Severability.** Should any portion of this Agreement be judicially determined to be illegal or unenforceable, the remainder of the Agreement shall continue in full force and effect, and the Parties may renegotiate the terms affected by the severance.

4.5 **Notice.**

(1) Any notice, designation, communication, request, demand or other document, required or permitted to be given or sent or delivered hereunder to any party hereto shall be in writing and shall be sufficiently given or sent or delivered if it is: (a) delivered personally to an officer or director of such party; (b) sent to the party entitled to receive it by registered mail, postage prepaid, mailed in Canada, or (c) sent by electronic means.

(2) Notices shall be sent to the following addresses:

(a) in the case of the Town of Amherstburg:

The Corporation of the Town of Amherstburg
271 Sandwich Street South
Amherstburg, ON, N9V 2A5

Attention: Peter Simmons, CAO

(b) in the case of 1473490 Ontario Limited:

1473490 Ontario Limited
582 Dalhousie Street
Amherstburg ON, N9V 2M3
Attn: Hal /Joe Shaw

or to such other address or telecopier number as the party entitled to or receiving such notice, designation, communication, request, demand or other document shall, by a notice given in accordance with this section, have communicated to the party giving or sending or delivering such notice, designation, communication, request, demand or other document.

(3) Any notice, designation, communication, request, demand or other document given or sent or delivered as aforesaid shall: (a) if delivered as aforesaid, be deemed to have been given, sent, delivered and received on the date of delivery; (b) if sent by mail as aforesaid, be deemed to have been given, sent, delivered and received (but not actually received) on the fourth business day following the date of mailing, unless at any time between the date of mailing and the fourth business day thereafter there is a discontinuance or interruption of regular postal service, whether due to strike or lockout or work slowdown, affecting postal service at the point of dispatch or delivery or any intermediate point, in which case the same shall be deemed to have been given, sent, delivered and received in the ordinary course of the mails, allowing for such discontinuance or interruption of regular postal service; and, (c) if sent by electronic means, be deemed to have been given, sent, delivered and received on the date the sender receives confirmation of receipt by the recipient.

4.6 **Successors and Assigns.** This Agreement shall be binding upon and enure to the benefit of the Parties hereto and their respective successors and permitted assigns. Nothing herein, express or implied, is intended to confer upon any person, other than the Parties hereto and their respective successors and assigns, any rights, remedies, obligations or liabilities under or by reason of this Agreement.

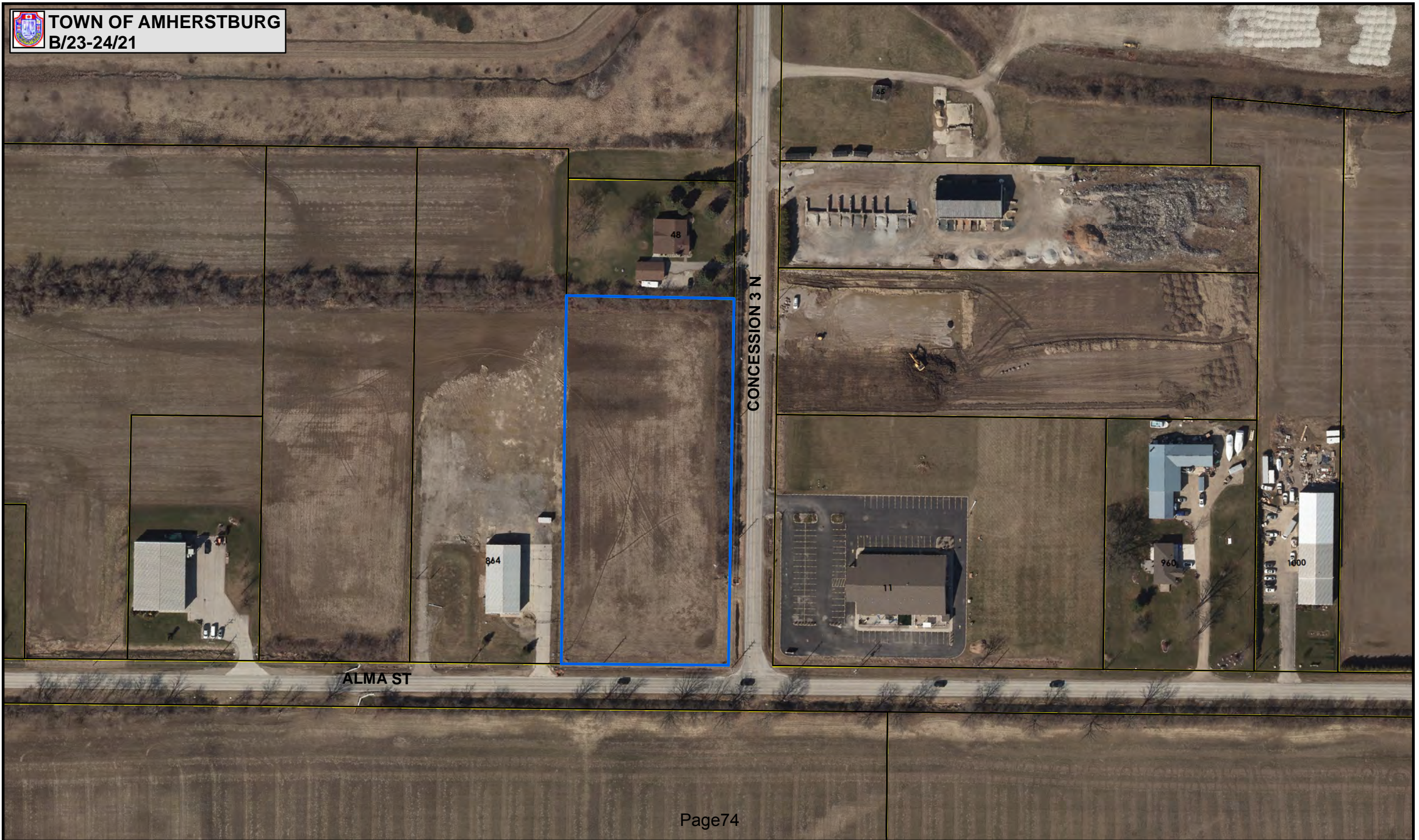
4.7 **Assignment.** The rights of the Parties hereunder shall not be assignable without the written consent of each of the other Parties hereto.

4.8 **Further Assurances.** Each Party hereby covenants and agrees that at any time and from time to time it will, upon the request of the others, do, execute, acknowledge and deliver or cause to be done, executed, acknowledged and delivered all such further acts, deeds, assignments, transfers, conveyances and assurances as may be required for the better carrying out and performance of all the terms of this Agreement.

4.9 **Term.** This Agreement is effective upon the day and date last signed and executed by the duly authorized representatives of the Parties and shall remain in full force and effect until such time as the Town of Amherstburg has been fully reimbursed by the Developer for any expenditures made by the Town of Amherstburg associated with the Total Project, and as more specifically set out in this Agreement.

IN WITNESS WHEREOF, the Parties to this Agreement, through their duly authorized representatives, have caused this Agreement to be executed and in effect on the last date set forth below.

) **THE CORPORATION OF THE TOWN**
) **OF AMHERSTBURG**
)
)
) _____
) Peter Simmons, CAO
) I have authority to bind the Corporation.
) Date:
)
)
) **1473490 ONTARIO LIMITED**
)
) _____
) per:
) Authorized Signing Officer
) I have authority to bind the Corporation.
) Date:
)
)
)



ALMA ST

CONCESSION 3 N



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF DEVELOPMENT SERVICES

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Table with 2 columns: Author's Name, Report Date, Author's Phone, Date to Council, Author's E-mail, Resolution #.

To: Mayor and Members of Town Council

Subject: Heritage Designation of 24 Sandwich Street South

1. RECOMMENDATION:

It is recommended that:

Council DESIGNATE the "Dr. Manning Residence" at 24 Sandwich Street South by municipal by-law under Part IV the Ontario Heritage Act.

2. BACKGROUND:

On May 31, 2021 the owner of 24 Sandwich Street South was a delegate to the Heritage Committee meeting and requested to the Heritage Committee that the subject property be designated as per Part IV of the Ontario Heritage Act.

On April 14, 2022 the Heritage Committee moved that:

- 1. The Statement of Cultural Heritage Value or Interest and the list of Heritage Attributes for 24 Sandwich Street South BE ENDORSED; and,
2. The Statement of Cultural Heritage Value or Interest and the list of Heritage Attributes for 24 Sandwich Street South BE PROVIDED to Council with the Heritage Committee's recommendation to publish a Notice of Intention to designate the property.

On April 25, 2022, Council moved that:

- 1. Notice of Intent to Designate 24 Sandwich Street South BE GIVEN to designate the property by municipal bylaw in accordance with the Ontario Heritage Act and;

2. The Notice of Intent to Designate 24 Sandwich Street South **CONTAIN** the Statement of Cultural Heritage Value or Interest and the list of Heritage Attributes as recommended by the Heritage Committee.

The Town of Amherstburg *Official Plan* strongly supports the conservation of heritage. The following policies in Section 6.4.6 of the *Official Plan* support designation of heritage properties:

(1) It shall be the policy of Council to encourage the preservation of buildings and sites having historical and/or architectural value.

(3) Council will designate and regulate heritage under appropriate legislation, including the *Ontario Heritage Act*, the *Planning Act*, and the *Municipal Act*, whenever deemed feasible.

Notice to the Owner was issued on April 26, 2022 and Public Notice was published on May 4, 2022. Designation of the property must occur within 120 days of the published notice.

3. DISCUSSION:

The owner of the property wishes to see the property protected to ensure its future conservation and protection.

The draft bylaw (attached) outlines the heritage value of the property and how it will be conserved in the future. The attached photographs are provided for reference convenience.

4. RISK ANALYSIS:

There are no significant risks involved in endorsing the recommendations of this report given that the Owner of the subject property has requested the designation. However, any member of the public may oppose the designation of the property and appeals could be pursued.

5. FINANCIAL MATTERS:

The only direct financial implication of endorsing the recommendations of the report is the cost associated with registering the designation on title. However, should appeals to oppose the designation be filed, the Town may incur expenses related to defending its assertion of the cultural heritage value or interest of the property.

6. CONSULTATIONS:

Melissa Osborne, Director of Development Services
Heritage Committee

7. CONCLUSION:

This report is provided by the Town of Amherstburg Heritage Planner to assist Council in designating the property under the *Ontario Heritage Act*. The Heritage Planner supports the designation of the property.



Clint Robertson
Heritage Planner

CR

Report Approval Details

Document Title:	Heritage Designation of 24 Sandwich Street South.docx
Attachments:	- ATTACHMENT 1 - draft designation bylaw.docx
Final Approval Date:	Jun 16, 2022

This report and all of its attachments were approved and signed as outlined below:



Melissa Osborne



Tracy Prince



Valerie Critchley

THE CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NUMBER 2022-072

A By-law to designate the property known as the “Dr. Manning Residence” as being of cultural heritage value or interest.

WHEREAS the *Ontario Heritage Act* authorizes the Council of a municipality to enact By-laws to designate real property, including all the buildings and structures thereon, to be of cultural heritage value or interest;

AND WHEREAS authority was granted by Council to designate the property located municipally at 24 Sandwich Street South and known as the “Dr. Manning Residence”, as being of cultural heritage value or interest;

AND WHEREAS the Dr. Manning Residence is legally described as:

PLAN 7 PT LOT 11 PT LOT 12

AND WHEREAS the Council of the Town of Amherstburg has caused to be served upon the owners of the land and premises known as the Dr. Manning Residence and upon the Ontario Heritage Trust, Notice of Intent to designate the property and has caused the Notice of Intent to be published in a newspaper having general circulation in the municipality as required by the Ontario Heritage Act;

AND WHEREAS the property’s cultural heritage value or interest, its important physical heritage attributes, and therefore its reasons for designation are summarized and set out in Schedule “A” to this bylaw;

AND WHEREAS any future interventions or changes to the property shall follow commonly used heritage-conservation best practices, as set out in Schedule “B”;

NOW THEREFORE the Council of the Corporation of the Town of Amherstburg hereby enacts as follows:

1. The property at 24 Sandwich Street South, known as the Dr. Manning Residence and more particularly described in Schedule “A” is hereby designated as being of cultural heritage value or interest, for the reasons set out in Schedules “A”.
2. Any future interventions or changes to the property shall follow commonly used heritage-conservation best practices, as set out in Schedule “B”.
3. The Town Solicitor is authorized to cause a copy of this by-law to be registered in the proper Land Registry Office against the property located at 24 Sandwich Street South and legally described as:

PLAN 7 PT LOT 11 PT LOT 12

4. The Town clerk is authorized to cause a copy of this bylaw to be served upon the owner of the property located at 24 Sandwich Street South, and upon the Ontario Heritage Trust and to

cause notice of this bylaw to be published in a newspaper having general circulation in the Town of Amherstburg as required by the *Ontario Heritage Act*.

Read a first, second, and third time and finally passed the xx day of xxxxx, 2022.

MAYOR – ALDO DICARLO

CLERK – VALERIE CRITCHLEY

SCHEDULE “A” - STATEMENT OF CULTURAL HERITAGE VALUE OR INTEREST AND HERITAGE ATTRIBUTES

Statement of Cultural Heritage Value of Interest

Design / Physical Value:

Built in 1944, the house is an excellent, representative example of Cape Cod-style design which was popular in the 1930s and 1940s. Reflecting the simplification of design in the 1930s and 1940's eras, the house is characterized by minimal ornamentation and is instead distinguished by its contrasting stone and brick cladding. The compound plan under an extended-slope roof adds to the visual interest of the design. The plain character of traditional Cape Cod architecture lent itself well to the Depression and Wartime eras when material shortages and restraint were common, which is exemplified in this property. Notably, the stone cladding is flint or chert quarried in the area. A compatible sunroom was added to the rear in 1948.

Historical / Associative Value:

The house is valued for its association with Dr. Frederick William Manning (1881-1966), one of Amherstburg's foremost doctors, practicing medicine in the Town for 36 years (1930-66). During that period Manning attended to the needs to generations of Amherstburg patients, twenty years of which were from a front office in the house. Manning was also life member of the local Legion, having served as a field doctor in Europe in the First World War, and a Board member of Amherstburg's Christ Church.

Heritage Attributes

Each of the following heritage attributes of the Dr. Manning Residence contributes to the design value (Cape Cod style) and the physical value of the property:

- Existing compound form; one-and one-half-storey height; rear, rectangular, one-storey, gable-roof sunroom addition (1948);
- Gable roof with extended front slope; gable roof dormers; wood cornices; interior brick chimney;
- Fenestration with wooden hung-sash and casement sash windows containing multi lights; some glass block foundation windows; panelled, wood front door; French rear and sunroom doors
- Red-brick and stone cladding; cast concrete window sills; concrete block foundation; - Sunroom door hood with triangular support brackets
- Coal chute door in foundation; delivery cabinet with door; - Interior fireplace with stone surround and tiled hearth;
- Hard wood flooring;
- Complimentary garage of one-storey height with gable roof; red-brick cladding; fenestration with (one) wood-sash multi-pane windows; wood, glazed and panelled side door; and
- soft landscaping of the front and rear yards.

SCHEDULE “B” – “THE STANDARDS”

(Standards and Guidelines for the Conservation of Historic Places in Canada, Parks Canada, 2010)

General Standards for Preservation, Rehabilitation and Restoration

1. Conserve the heritage value of an historic place. Do not remove, replace or substantially alter its intact or repairable character-defining elements. Do not move a part of an historic place if its current location is a character-defining element.
2. Conserve changes to an historic place that, over time, have become character-defining elements in their own right.
3. Conserve heritage value by adopting an approach calling for minimal intervention.
4. Recognize each historic place as a physical record of its time, place and use. Do not create a false sense of historical development by adding elements from other historic places or other properties, or by combining features of the same property that never coexisted.
5. Find a use for an historic place that requires minimal or no change to its character-defining elements.
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 Rehabilitation

10. 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.

11. Conserve the heritage value and character-defining elements when creating any new additions to an historic place or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place.

12. Create any new additions or related new construction so that the essential form and integrity of an historic place will not be impaired if the new work is removed in the future.

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.



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF DEVELOPMENT SERVICES

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Author's Name: Melissa Osborne	Report Date: June 17, 2022
Author's Phone: 519 736-5408 ext. 2137	Date to Council: June 27, 2022
Author's E-mail: mosborne@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Provincial Legislative Changes Impacting Planning and Building

1. RECOMMENDATION:

It is recommended that:

1. **By-law 2022- 073** being a by-law to designate a site plan control area for the Town of Amherstburg be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same;
2. The Town's practice of offering 18-month non-interest-bearing Development Charges Deferral Agreements under Section 27 of the Act **BE RESCINDED**, and;
3. The Town's prescribed maximum interest rate **BE DEFINED** as prime plus 3% and included in the User Fee and Charges By-law 2022-001.

EXECUTIVE SUMMARY:

N/A

2. BACKGROUND:

Bill 109 - Mores Homes for Everyone Act

As a result of the growing needs and challenges around housing in Ontario, the Provincial Government has put measures in place to understand the needs and potential solutions. They created a Housing Affordability Task Force, which on February 8, 2022 released their report on the matter. The report included 55 recommended actions group under five main areas.

Those five main areas are:

- Require greater density
- Reduce and streamline urban design rules
- Depoliticize the process and cut red tape
- Fix the Ontario Land Tribunal
- Support municipalities that commit to transforming the system

At the February 14, 2022 Council meeting a letter from AMO was brought forward as a correspondence item on the matter. Council adopted the following resolutions at that meeting:

It is recommended that:

1. The correspondence dated February 8, 2022 regarding Housing Affordability Task Force Report and Call to Re-examine Hospital Capital Funding - AMO Policy Update BE RECEIVED; and,
2. The position of AMO with respect to the Housing Affordability Task Force report recommendations BE SUPPORTED

On April 14, 2022 Bill 109, Mores Homes for Everyone Act, was passed by the Legislature and received Royal Assent. On April 20, 2022 various members of Administration were invited by the Ministry of Municipal Affairs and Housing (MMAH) to attend an information session on the new requirements.

This report is to address one of the changes approved on April 14, 2022 which comes into effect on July 1, 2022. In order to be in line with this change an amendment to the approvals contained in the Town's Site Plan Control Area By-law 2022-045 is required. Administration is reviewing the balance of the remaining requirements which have yet to go into effect, and will bring forward additional reports and recommendations as required to address these legislated changes.

Bill 108 - More Homes More Choice

On June 6, 2019 the More Homes More Choice Act, 2019, Bill 108 received Royal Assent. The Act amends the Development Charges Act, 1997, to include section 26.1, and 26.2, which allows for the deferral of development charges. A report was brought to Council February 10, 2020, attached as Appendix A, to obtain approvals to address these changes. The recommendations approved as amended #20200210-052 are attached as Appendix B.

Administration has considered the Town's current practice of offering Development Charges Deferral Agreements (DCDA) in concert with the changes needed in the User Fee By-law 2022-01 and Imposition of Development Charges By-Law 2019-083 (DC Bylaw). This report serves to recommend to Council the necessary amendments to ensure there is a means in which to effectively execute the requests made under Section 26.1 and 26.2 and eliminate any contradicting practices.

3. DISCUSSION:

Bill 109 – Site Plan Control Agreement Changes

The Town of Amherstburg currently has By-Law 2022-045 in place which provides for situations in which Administration has the authority to decide and approve Site Plan Control Agreements (SPC). This delegated authority is limited to agreements under \$1,000,000 and not located adjacent to or within a residential zone. Agreements over \$1,000,000 or located adjacent to or within a residential zone require Council approval.

Bill 109 sets forth changes to Site Plan Control agreements by assigning all decisions and approvals to Administration. Section 7 (3) of Schedule 5 to Bill 109 amends Section 41 of the Planning Act by adding clause 41.4.0.1 which says

“A council that passes a by-law under subsection (2) shall appoint an officer, employee or agent of the municipality as an authorized person for the purposes of subsection (4).”

The Town’s approval restrictions for Administration in the current by-law conflicts with this mandatory change. In order to comply with the legislation and be in a position to have the necessary delegated authorities in place for July 1, 2022 a change to the by-law specific to Council’s authority is required.

Administration has reviewed Section 5 of the current by-law and recommends the following authority be used:

“All new Development, including parking lots, not excluded by Section 4, shall be subject to approval by the Chief Administrative Officer or designate, with approval to technical content by appropriate Senior Management Team members, or designates.”

This change will allow for these agreements to have decision and approval as required by Bill 109 and provide for comprehensive Administrative oversight on the larger and more sensitive agreements. The amended By-Law is attached as Appendix C.

Administration has also identified the following language in the Town’s Official Plan which states:

Amherstburg Official Plan - Special policy Area 4.4.3 (below) re Sandwich St:

(2) In order to ensure an aesthetically pleasing approach to the historic portion of Amherstburg and to protect the historic character, and as this area represents the Gateway to Amherstburg and a portion of this area is within the Town’s Downtown Tourist District, additional policies will apply to commercial development established along Sandwich Street between Texas Road and Fort Street and for the area along Sandwich Street South to Lowes Side Road. This policy will allow for, within this area, additional landscaping requirements at the time of site plan approval and special attention will be given to lighting, fencing, and location of garbage disposal. This policy will also allow Council to establish both minimum and maximum height regulations and setback regulations in the Zoning By-law. *Council will seek the advice of Amherstburg’s Heritage Committee when dealing with development in this area on such matters as roof line, height, building material, and window placement in order to maintain the historic small town appearance.*

Site Plans associated with any Zoning By-law amendments to a General Commercial Zone shall be subject to public consultation.

Given the SPC reports will no longer be brought to Council advice from the Amherstburg Heritage Committee will be provided to Administration to ensure the intent in the Official Plan (OP) is sustained. Changes to the wording in the Official Plan will be done through the OP review process. A separate Official Plan amendment is not required at this time.

There are additional legislative changes in Bill 109 which come into effect January 1, 2023 and impose financial penalties for the municipality. Delays in both decisions on zoning by-law amendments and approvals of site plan controls, will result in graduated refunds of those respective fees, starting at 50% through to 100% depending on the time delay associated with each file. Administration is reviewing these respective processes for potential risks and streamlining. At this time the frequency with which both the Heritage Committee and Accessibility Committee meet, according to their Terms of Reference, create a risk which will need to be mitigated.

There will be additional reports before Council on this matter once Administration has determined necessary mitigating strategies to address the various requirements to comply with all Bill 109 changes. Administration has started to identify some opportunities to improve our processes and we are also collaborating with peers across Windsor Essex County to share processes and approaches to these changes.

Bill 108 - More Homes More Choice Act, 2019, Bill 108

The report to Council on February 10, 2020 included recommendations related to Section 26.1 and 26.2 of the Act as well as interim interest rates to be applied until the DC by law is reviewed and updated or amended. Further that the higher of the rates prescribed by the province or the rates approved in the report be used. In reviewing the history, reports and agreements associated with DC deferrals, Administration reviewed Section 26.1 as well as the Town's practice of offering Development Charges Deferral Agreements (DCDA). There is redundancy and the potential for confusion, internally and externally, in having both DC deferral options in place.

The Town's DCDA does not require any interest charges to be applied, and allows for an 18 month deferral on residential builds. This was done to encourage development at a time in which there was slow growth in the area. The changes resulting from Section 26.1 allows several types of development to qualify for DC deferrals. The following development types are permitted a 6-year deferral on development charges: rental housing (not non-profit); institutional; industrial; commercial and non-profit housing development is allowed DC deferral for up to 20 years. While the Town's DCDA provided value at the time, the new legislation creates redundancy and or potential risk that both programs could be leveraged for rental and non-profit residential development. It is therefore recommended that the Town's offering of Development Charge Deferrals be rescinded at this time.

Based on additional information and research, the reference to a 'prescribed maximum interest rate' in Section 26.1, is to be set by the municipality not the province. Each municipality provides for their own prescribed maximum interest rate. Administration has reviewed other municipal approaches to this rate and found that the approaches vary.

The Town of LaSalle and Whitby have set their rate at 5%. The City of Windsor has set a rate of 7.60% for deferrals without a Letter of Credit, and 3.60% for deferrals with a Letter of Credit. Given the current fluctuations in interest rates municipalities may be revisiting their defined rates, however this is the current information on their websites.

Administration recommends the Town define their prescribed maximum interest rate at prime plus 3%. This will allow for the rate to be adjusted as prime changes, rather than having to report back to Council for recommendations to change a fixed rate as interest rates increase or decrease. In addition, it is recommended that the prescribed maximum interest rate be defined in the Town's User Fee and Charges By-law allowing for consistency in what the rate is defined as, should it be needed in other situations as well.

The DC By-law will be amended in 2022 to reflect the changes associated with 26.1 and 26.2, as well as referencing the prescribed maximum interest rate. Agreements for DC deferrals under Section 26.1 of the Act, site the use of the Town's prescribed maximum interest rate for calculation of installment payments. As such, approval of the recommendations in this report will establish the Town's prescribed maximum interest rate, providing Administration the ability to calculate and collect any DC installments as they become eligible for collection.

4. RISK ANALYSIS:

There is a risk that should the recommendations related to the Site Plan Control By Law not be adopted the Town will be unable to execute any Site Plan Control Agreements over \$1,000,000 and or adjacent to or within residential zones, significantly impacting development in the area and being in conflict with Provincial legislation.

There is a risk that if the existing non-interest bearing 18 month DC Deferral program remains in place that developments for rental and non-profit housing could qualify for both programs.

5. FINANCIAL MATTERS:

There is no financial impact to approving this report.

6. CONSULTATIONS:

Chris Aspila - Manager of Planning

7. CONCLUSION:

It is recommended that Council approve the recommendations as presented to proceed with compliance by July 1, 2022 for Bill 109 changes and to further refine the Town's process around DC deferrals, as defined in Section 26.1 of the More Homes More Choice Act, 2019, Bill 108.



Melissa Osborne
Director, Development Services

(MO)

DEPARTMENTS/OTHERS CONSULTED: Name: Phone #: 519 ext.

NOTIFICATION :				
Name	Address	Email Address	Telephone	FAX

Report Approval Details

Document Title:	Provincial Legislative Changes Impacting Planning and Building.docx
Attachments:	- Appendix A - DC Act Changes Effective January 1, 2020 – Instalments, Rate Freezing and Interest Charges.pdf - Appendix B - Minutes from February 10, 2022.pdf - Appendix C - 2022-073- Site Plan Control Area By-law Amendment.docx
Final Approval Date:	Jun 21, 2022

This report and all of its attachments were approved and signed as outlined below:



Tracy Prince



Valerie Critchley



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF CORPORATE SERVICES

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Author's Name: Cheryl Horrobin	Report Date: January 24, 2020
Author's Phone: 519 736-0012 ext. 2254	Date to Council: February 10, 2020
Author's E-mail: chorrobin@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Development Charges Act Changes Effective January 1, 2020 – Instalments, Rate Freezing and Interest Charges

1. **RECOMMENDATION:**

It is recommended that:

1. For any development charges which become payable on or after January 1, 2020, and are payable in instalments in accordance with s. 26.1 of the Development Charges Act, 1997 (as amended), an annual interest rate equal to the greater of;
 - i) the second quarter Non-Residential Construction Index plus 0.5% **OR**
 - ii) the average annual rate at which the Town would issue debentures to fund development charge projects plus 0.5%,

SHALL APPLY to the principal amount of the deferred payment;

2. For any development charges which, pursuant to s. 26.2 of the Development Charges Act, 1997 (as amended) (the Act), are calculated as of the date on which either a site plan approval application is deemed complete or a Zoning By-law Amendment application in respect of the development is deemed complete, an annual interest rate equal to the greater of;
 - i) the second quarter Non-Residential Construction Index plus 0.5% **OR**
 - ii) the average annual rate at which the Town would issue debentures to fund development charge projects plus 0.5%

SHALL APPLY to the amount of the development charge from the date of the complete application to the date the development charge is payable, as permitted by subsection 26.2(3) of the Act; and,

3. The annual interest rates as set out in 1 and 2 **BE EFFECTIVE** as interim rates until such time as the Town's Development Charges By-law is next reviewed and updated or amended, including establishment of interest rates under said By-law.

2. **BACKGROUND:**

Bill 138, the Plan to Build Ontario Together Act, received royal assent on December 10, 2019 and amended a component of Bill 108 related to the collection timing of DCs for Commercial and Industrial developments. Parts of Bill 138, including the part that amended Bill 108, the More Homes More Choice Act, were proclaimed December 16, 2019 and became effective January 1, 2020.

Along with the proclamation of parts of Bill 138, Sections 8 (1), 9, 12, 13 (6) of Schedule 3 of Bill 108 were also proclaimed on December 16, 2019 and came into force on January 01, 2020.

Schedule 3 of Bill 108 covers the changes to the Development Charges Act, 1997 (DCA). The changes that came into force January 1, 2020 are highlighted below.

Development Charges Payment Instalments (Deferrals)

DCA section 26.1 permits deferred payment of development charges as follows:

- For development of “rental housing” (excluding non-profit) and “institutional development” DCs shall be paid over **six (6) equal instalments** beginning on the earlier of the date of issuance of an occupancy permit or occupancy of the building and continuing on the five anniversaries of that date; and
- For development of “non-profit” housing DCs shall be paid over **twenty-one (21) equal instalments** beginning on the earlier of the date of issuance of an occupancy permit or occupancy of the building and continuing on the twenty anniversaries of that date.

Section 26.1 does not apply where there is an agreement under DCA section 27.

Development Charges Rate “Freezing”

DCA section 26.2 changes when the amount of development charge is determined. Currently development charges are calculated at the time they become payable, usually upon issuance of a building permit.

Under section 26.2 DC charges after January 1, 2020 will be calculated:

- (a) on the date of an application for a site plan approval for the development, or,
- (b) if there is no such application, on the date of an application for zoning by-law amendment related to the development, or
- (c) if neither of these applications have been made, the amount continues to be determined at the issuance of a building permit.

As several years can elapse from the application dates in (a) or (b) above and the date of building permit issuance, this change may permit some applicants to “lock in” a development charge rate that is lower than the development charge rate that would have been applicable at the time of building permit issuance. Recently adopted regulation (O.Reg. 82/98) limits this effect by adopting a two-year limit during which the development charge calculation can be “frozen”, after which it is calculated as of the date of permit issuance. It is noted that the DC rate is “locked in” at the date of site plan

or zoning amendment **application** date however, the “two-year clock” starts at the date of **approval** of the site plan application or zoning amendment application.

Note: per DCA subsection 26.2(6), the conditions in (a) and (b) (above) do not apply in the case of an application made before January 1, 2020. For those applications, timing of DC payments remains as of the date of building permit issuance.

Interest Payable

Under DCA sections 26.1(7) and (8) and 32(1), where DCs are payable in instalments, the municipality may charge interest on the DC, at a rate not exceeding the prescribed maximum interest rate, from the date the development charge would have been payable under section 26 to the date the DC instalment is paid. The interest payable can be added to the roll and collected like taxes. As of December 18, 2019, the Minister had not prescribed a maximum interest rate.

Under DCA subsection 26.2(3) municipalities may charge interest on the development charge amount during the “frozen” period, which is between the date of application for i) development approval or ii) zoning by-law amendment or iii) site plan agreement application and the charge becoming payable.

The Ministry of Municipal Affairs and Housing published a regulation (O. Reg. 454/19, amending O. Reg. 82/98) which implements the deferral of Development Charges provided under new section 26.1. The regulation does not set a maximum or a minimum interest rate. Additionally, the regulation does not prescribe an interest rate applicable to the “frozen” period created by section 26.2.

3. DISCUSSION:

Implementation of the DC instalment (deferrals) and DC rate freezes, as required effective January 1, 2020, will be applied under the Town’s business processes to ensure legislative compliance. This will require a coordinated effort between the Building, Planning and Finance divisions to ensure that the correct DC rates and timing for collection of DC charges are applied.

In order to mitigate the financial impact of those changes, it is recommended that the Town include the collection of interest on deferred DC payments. If the Town wishes to collect interest on deferred development charge payments it is necessary that Council enact a resolution to that effect.

Amending regulation O. Reg. 454/19 (published online on December 20, 2019 by Ontario, amending O. Reg 82/98) addresses definitions of terms in amended s. 26.1, but the “maximum” interest rate is not prescribed, nor is any “default” interest rate prescribed. The transition provision (new section 26.1(10)) merely states that the deferral provisions in s. 26.1 apply to development charges payable once the corresponding section of Bill 108 comes into force. Therefore, the new deferral provisions are not retroactive, but will apply immediately to any development charges payable on January 1, 2020 and thereafter.

Without an interest rate prescribed in the regulations to the Development Charges Act and without action by Council to impose such a rate, the interest rate is effectively 0%. As such, Administration recommends that Council adopt an appropriate interest rate as an interim measure until such time as the interest rate can be considered and included as part of the next update/amendment to the Town's Development Charges By-law. An update/amendment to the DC By-law is anticipated to effect changes following proclamation of legislation to affect Community Benefit Charges.

The change from collection of DCs at building permit issuance to an applicable deferral payment plan under the new legislation will impact the Town's cash flow. Even with the two-year limitation noted above, the Town will potentially carry the costs of development for over two years using funding from current ratepayers.

In addition, the change to the timing of determining the DC calculation and collection of the DC charge will result in additional financial challenges if the rates being collected as identified in the Development Charges background study and DC By-law are less than the actual costs of construction. In order to mitigate these financial risks, Administration recommends that applicable interest rates be established as follows:

26.1 (7) Rate – Applicable for DCs paid in Instalments

:

This interest rate would be applied between the date of building permit issuance and the date of instalment payment through full payment of the DC.

26.2 (3) Rate – Applicable during period DC is “frozen”:

This interest rate would be applied between the date of application for development site plan approval or by-law amendment and the date the DC becomes payable. The new 26.2 rules have the potential to result in short-term lost revenue as applicants will not be subject to development charge increases after they have “locked in” their development charge rate at the time of development approval application. Enacting an interest rate would permit the City to off-set such lost revenue.

It is recommended that the interest rates for each of the above be equal to the greater of (a) the second quarter Non-Residential Construction Index plus 0.5% OR (b) the average annual rate at which the Town would issue debentures to fund development charge projects plus 0.5%.

The first option (a) is used for indexing the various development charge rates on an annual basis. The second option (b) represents the actual interest rate that would be applied to the debt used as a source of financing eligible growth-related capital projects. By basing the carrying costs on either of these interest rate options, the Town is ensuring that the fiscal framework requirement to offset the cost of growth to the full extent permitted by legislation is met, thereby minimizing the financial impact on existing residents.

At the time of writing, Ontario has not yet set out in proclamation authority for transition to the Community Benefits Charge. However, the DC Act changes in 2019 have effectively established the deadline to transition to the Community Benefits Charge as January 1, 2021, after which date municipalities would no longer be able to collect DCs for discounted (soft) services under the DC Act. Based on the current legislation, the

Town would need to have a Community Benefit Charge in place prior to January 1, 2021 in order to collect for soft services. Administration is continuing to monitor the status of this impending legislative change.

4. RISK ANALYSIS:

The DC payment deferral and freeze elements recently enacted under Ontario legislation impose a higher financial risk on the Town where costs for growth-related services may be in place awaiting development, but the payments required to fund the infrastructure will occur over a longer timeframe and may be recovered at rates lower than anticipated in the DC background study and By-law.

5. FINANCIAL MATTERS:

The recommended interest rates would be applied to DC payment obligations as outlined in this report in an effort to mitigate the financial impact of deferred and or frozen DCs that would otherwise have to be funded by current ratepayers of the Town. Application of such interest charges would be consistent with a 'growth pays for growth' approach to development in the Town.

6. CONSULTATIONS:

Nancy Neale, Watson & Associates Economists Ltd., was consulted on this report.

7. CONCLUSION:

It is recommended that Council adopt interest rates as outlined in this report to mitigate the financial impact of legislative changes on collection timing and rate calculation for Development Charges. The interim interest rates would then considered for review and inclusion when the Town's DC By-law is next updated.



Cheryl Horrobin
Director of Corporate Services

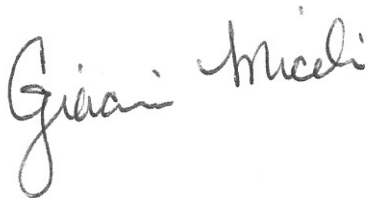
Report Approval Details

Document Title:	DC Act Changes Effective January 1, 2020 – Instalments, Rate Freezing and Interest Charges.docx
Attachments:	
Final Approval Date:	Feb 3, 2020

This report and all of its attachments were approved and signed as outlined below:



Cheryl Horrobin



John Miceli



Paula Parker



**TOWN OF AMHERSTBURG
REGULAR COUNCIL MEETING**

**Monday, February 10, 2020
6:00 PM**

Council Chambers, 271 Sandwich Street South, Amherstburg, ON, N9V 2A5

MINUTES

PRESENT

Mayor Aldo DiCarlo
Deputy Mayor Leo Meloche
Councillor Donald McArthur
Councillor Michael Prue
Councillor Marc Renaud
Councillor Patricia Simone

Giovanni (John) Miceli, CAO
Paula Parker, Clerk
Nicole Rubli, Deputy Clerk

ABSENT

Councillor Peter Courtney

CALL TO ORDER

The Mayor called the meeting to order at 6:00 p.m.

NATIONAL ANTHEM

DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF
(Public Council Meeting Agenda Items)

There were no disclosures of pecuniary interest noted.

MINUTES OF PREVIOUS MEETING

Deputy Mayor Meloche moved the minutes with an amendment to item # 4.4. The November 12, 2019 minutes, New Business item # 1 was amended to note that the Secret Santa charity event was hosted by the Mickle Family, owners of Mealtime Express, with the proceeds going to families in need.

Resolution # 20200210-051

Moved By Deputy Mayor Meloche
Seconded By Councillor McArthur

That the minutes BE ADOPTED and that those confidential minutes of the closed sessions of Council remain confidential and restricted from public disclosure in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act:

- 4.1 Special In-Camera Council Meeting Minutes - October 28, 2019
- 4.2 Special In-Camera Council Meeting Minutes - November 12, 2019
- 4.3 Special Council Meeting Minutes - Planning - November 12, 2019
- 4.4 Regular Council Meeting Minutes - November 12, 2019, *as amended*
- 4.5 Special In-Camera Council Meeting Minutes - November 25, 2019
- 4.6 Regular Council Meeting Minutes - November 25, 2019
- 4.7 Special Council Meeting Minutes - Planning - December 9, 2019

The Mayor put the Motion.

Motion Carried

DELEGATIONS

There were no delegations.

REPORTS – CORPORATE SERVICES

6.1 Development Charges Act Changes Effective January 1, 2020 – Instalments, Rate Freezing and Interest Charges

Resolution # 20200210-052

Moved By Deputy Mayor Meloche
Seconded By Councillor Renaud

Deputy Mayor Meloche moved the motion with additional direction to Administration send correspondence to the Regional Housing Corporation and to apply the higher rate prescribed the province or the rates included in the report.

That:

1. **For any development charges which become payable on or after January 1, 2020, and are payable in instalments in accordance with s. 26.1 of the Development Charges Act, 1997 (as amended), an annual interest rate equal to the greater of;**
 - i. **the second quarter Non-Residential Construction Index plus 0.5%;**
2. **For any development charges which, pursuant to s. 26.2 of the Development Charges Act, 1997 (as amended) (the Act), are calculated as of the date on which either a site plan approval application is deemed complete or a Zoning By-law Amendment application in respect of the development is deemed complete, an annual interest rate equal to the greater of;**
 - i. **the second quarter Non-Residential Construction Index plus 0.5%;**
3. **The annual interest rates as set out in 1 and 2 BE EFFECTIVE as interim rates until such time as the Town's Development Charges By-law is next reviewed and updated or amended, including establishment of interest rates under said By-law;**
4. **Administration BE DIRECTED to send correspondence to the Regional Housing Corporation Manager to express concern over the shortage of affordable housing in the Town of Amherstburg; and,**
5. **Administration BE DIRECTED to apply the higher of the rates prescribed by the province or the rates included in the report.**

The Mayor put the Motion.

Motion Carried

REPORTS – PARKS, FACILITIES, RECREATION AND CULTURE

There were no reports.

REPORTS – ENGINEERING AND PUBLIC WORKS

There were no reports.

REPORTS – PLANNING, DEVELOPMENT AND LEGISLATIVE SERVICES

There were no reports.

REPORTS - CAO's OFFICE

There were no reports.

INFORMATION REPORTS

Resolution # 20200210-053

Moved By Councillor Simone

Seconded By Councillor McArthur

That the following information reports BE RECEIVED:

- 11.1 2019 Yearly Building Activity**
- 11.2 Annual Committee Report 2019 - Audit and Finance Advisory Committee**
- 11.3 Windsor Essex County Economic Development Corporation (WEEDC) Job Site Challenge Submission**

Resolution # 20200210-054

Moved By Councillor Prue

Seconded By Councillor Simone

That: *(Item # 11.3)*

1. Administration **BE DIRECTED** to include the parcel of land to the east of Thomas Road and the parcel of land at the Bru Mon property;
2. Administration **BE DIRECTED** to author a report regarding the highest and best use of lands 1 & 2;
3. The CAO meet with Honeywell and the owners of the Bru Mon property;
4. The CAO **BE DIRECTED** to include the outcome of the meeting in the report and to report back to Council before the March 31, 2020 deadline; and,
5. Participation in pre-consultations **BE APPROVED** as allowed by the Province.

The Mayor put the Motion.

Motion Carried

CONSENT CORRESPONDENCE

Resolution # 20200210-055

Moved By Councillor McArthur

Seconded By Councillor Simone

That the following consent correspondence BE RECEIVED:

12.1 Deep Geologic Repository Project - City of Sarnia Resolution

The Mayor put the Motion.

Motion Carried

The Chief Administrative Officer advised Council that the entire recommendation including both (i) & (ii) were to be considered in item # 6.1 rather than (i) **OR** (ii).

Resolution # 20200210-056

Moved By Deputy Mayor Meloche
Seconded By Councillor Prue

That item # 6.1 BE RECONSIDERED.

The Mayor put the Motion.

Motion Carried

Resolution # 20200210-057

Moved By Deputy Mayor Meloche
Seconded By Councillor Prue

That:

1. For any development charges which become payable on or after January 1, 2020, and are payable in instalments in accordance with s. 26.1 of the Development Charges Act, 1997 (as amended), an annual interest rate equal to the greater of;

- i. the second quarter Non-Residential Construction Index plus 0.5%; OR,**
- ii) the average annual rate at which the Town would issue debentures to fund development charge projects plus 0.5%;**

SHALL APPLY to the principal amount of the deferred payment;

2. For any development charges which, pursuant to s. 26.2 of the Development Charges Act, 1997 (as amended) (the Act), are calculated as of the date on which either a site plan approval application is deemed complete or a Zoning By-law Amendment application in respect of the development is deemed complete, an annual interest rate equal to the greater of;

- i. the second quarter Non-Residential Construction Index plus 0.5%; OR,**
- ii) the average annual rate at which the Town would issue debentures to fund development charge projects plus 0.5%;**

SHALL APPLY to the amount of the development charge from the date of the complete application to the date the development charge is payable, as permitted by subsection 26.2(3) of the Act; and,

3. The annual interest rates as set out in 1 and 2 BE EFFECTIVE as interim rates until such time as the Town's Development Charges By-law is next reviewed and updated or amended, including establishment of interest rates under said By-law;
4. Administration BE DIRECTED to send correspondence to the Regional Housing Corporation Manager to express concern over the shortage of affordable housing in the Town of Amherstburg; and,
5. Administration BE DIRECTED to apply the higher of the rates prescribed by the province or the rates included in the report.

The Mayor put the Motion.

Motion Carried

CORRESPONDENCE

13.1 March 2020 - Easter Seals Month - Easter Seals Ontario (Windsor-Essex)

Resolution # 20200210-058

Moved By Councillor McArthur
Seconded By Councillor Renaud

That:

1. The correspondence dated January 31, 2020, from Easter Seals Ontario (Windsor-Essex) regarding March is Easter Seals Month BE RECEIVED; and,
2. March BE PROCLAIMED as Easter Seals Month in the Town of Amherstburg.

The Mayor put the Motion.

Motion Carried

CONSENT OTHER MINUTES

Resolution # 20200210-059

Moved By Councillor Renaud
Seconded By Councillor Simone

That the following minutes BE RECEIVED:

14.1 Committee of Adjustment Meeting Minutes - October 29, 2019

The Mayor put the Motion.

Motion Carried

OTHER MINUTES

15.1 Amherstburg Accessibility Advisory Committee Meeting Minutes - January 23, 2020

Resolution # 20200210-060

Moved By Councillor Renaud

Seconded By Deputy Mayor Meloche

That:

- 1. The Amherstburg Accessibility Advisory Committee Meeting Minutes of January 23, 2020 BE RECEIVED; and,**
- 2. A representative from the Essex County District School Board BE INVITED to attend a meeting to discuss accessibility features planned for the new General Amherst High School.**

The Mayor put the Motion.

Motion Carried

UNFINISHED BUSINESS

1. Councillor Simone asked for Council discussion with respect to items on and to be added to the Unfinished Business List.

The Clerk advised that Administration reviewed the list and if there was any items that Council feels should be added or omitted to let her know.

Councillor Prue provided a list of items, in the form of resolution numbers, that may have been removed from the Unfinished Business List and that he would like looked into.

2. Deputy Mayor Meloche asked for an update with respect to the Bell Fibre installation.

The Mayor advised that the installation timelines are on track and Bell has not asked for any extensions to the contract at this point.

3. Councillor Prue asked for an update with respect to light pollution on Boblo Island where street lighting is shining into some condominiums. He advised that the cap that was placed on the lights to filter light down has not worked for those affected.

The Manager of Roads and Fleet advised that this concern is still being assessed and will ensure that an update will be brought back to Council.

4. Deputy Mayor Meloche asked for an update with respect to the erection of the wildlife awareness signage.

The Manager of Roads and Fleets advised that a sign permit was submitted to the County and the Town is waiting for the permit to be finalized. He further advised that the Town has the materials and that the County has agreed to install the signs.

NEW BUSINESS

1. Councillor Prue advised that he attended the Boblo Island Homeowners meeting where many residents were asking the developer to stop their trucks from idling while on the ferry and while waiting for the ferry. He advised that the developer stated he can't do anything about that since the Town does not have an idling by-law but would apply.

The Manager of Licencing and Enforcement advised that the Noise By-law has an idling provision in it which indicates that idling is prohibited after 5 minutes unless there is extreme cold weather or if there is a manufacturers requirement for it to idle longer.

Councillor Prue asked for a report to be brought back to Council as to whether the Noise By-law can be enforced with respect to idling.

2. Resolution # 20200210-061

Moved By Councillor Simone
Seconded By Councillor McArthur

That Administration BE DIRECTED to look into prohibiting on-street parking during heavy snowfalls to assist snowploughs when clearing snow.

The Mayor put the Motion.

Motion Carried

3. Deputy Mayor Meloche advised that Co-An Park was vandalized last week

4. Resolution # 20200210-062

Moved By Deputy Mayor Meloche

Seconded By Councillor Simone

That Administration BE DIRECTED to send correspondence to the Ministry of Municipal Affairs and Housing asking for an update with respect to the Town's grant submission in the Municipal Modernization Program.

The Mayor put the Motion.

Motion Carried

5. Resolution # 20200210-063

Moved By Councillor McArthur

Seconded By Deputy Mayor Meloche

That Administration BE DIRECTED to contact the Association of Municipalities Ontario (AMO) to seek their position on cannabis consumption venues and that a report BE BROUGHT by the March 9, 2020, Regular Council Meeting so that the Town can take an official position on cannabis consumption venues within the Town of Amherstburg.

The Mayor put the Motion.

Motion Carried

6. Resolution # 20200210-064

Moved By Councillor McArthur

Seconded By Councillor Prue

That an exemption BE GRANTED to Section 12.1 of the Town's Sign By-law to allow for an off-site portable sign and that relief from the moratorium BE GRANTED on portable signs to Amherstburg Public School to allow them to advertise their kindergarten registration on a portable sign at 300 Victoria Street South until February 28, 2020.

The Mayor put the Motion.

Motion Carried

7. Councillor McArthur advised that Viking Cruises is setting up in Windsor and inquired as to docking capabilities in Amherstburg.

The Chief Administrative Officer advised that there are currently no appropriate docking capabilities for Viking Cruise Lines in Town but the concept at the Duffy's site has made that provision.

NOTICE OF MOTION

There were no Notices of Motion.

BY-LAWS

Resolution # 20200210-065

Moved By Deputy Mayor Meloche

Seconded By Councillor Prue

19.1 By-law 2019-092 - Road Allowance Transfer for 26 Whelan Drive

That By-law 2019-092 being a by-law to stop up, close and sell a portion of the unimproved road allowance in front of 26 Whelan Drive be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.

19.2 By-law 2020-013 - Appointment of Building Officials and Inspectors

Resolution # 20200210-066

That By-law 2020-013 being a by-law to appoint Building Officials and Inspectors, be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.

19.3 By-law 2020-016 - Confirmatory By-law

Resolution # 20200210-067

That By-law 2020-016 being a by-law to Confirm all Resolutions of the Municipal Council Meeting held February 10th, 2020, be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.

The Mayor put the Motion.

Motion Carried

SPECIAL IN-CAMERA COUNCIL MEETING

Resolution # 20200210-068

Moved By Deputy Mayor Meloche
Seconded By Councillor Simone

That Council move into an In-Camera meeting of Council at 6:57 p.m. pursuant to Section 239 of the Municipal Act, 2001, as amended for the following reason:

ITEM A - Section 239(2)(d) - Labour relations or employee negotiations.
The Mayor put the Motion.

Motion Carried

DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF
(In-Camera Council Meeting Agenda Items)

There were no disclosures of pecuniary interest noted.

ADJOURNMENT OF IN-CAMERA COUNCIL MEETING @ 7:35 P.M.

Council adjourned in Special In-Camera session.



MAYOR – ALDO DICARLO



CLERK – PAULA PARKER

**CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2022-073**

**Amending By-law to update the requirements for Site Plan Control in the
Town of Amherstburg**

WHEREAS Section 41(2) of The Planning Act, R.S.O. 1990, c. P. 13 as amended authorizes the council of a municipality by by-law to designate the whole or any part of the area covered by the Official Plan as a site plan control area;

AND WHEREAS it is deemed expedient to designate the entire municipality as a “site plan control area”;

AND WHEREAS Council deems it necessary and advisable, as hereinafter provided, that the Owner of land enter into a site plan agreement with the Town with respect to any or all of the items contained within Section 41 of the Planning Act, R.S.O. 1990, as amended (the “Act”);

AND WHEREAS Section 41(13)(a) of the Act authorizes municipalities to define any classes of development that may be undertaken without site plan approval.

AND WHEREAS Section 41(7) and 42 of the Act provide for conditions of approval that the municipality may require.

NOW THEREFORE the Council of The Corporation of the Town of Amherstburg enacts as follows:

DEFINITIONS

1. In this by-law,

“Development” means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot or of sites for the location of three or more trailers as defined in subsection 164(4) of the Municipal Act, 2001 or of sites for the location of three or more mobile homes as defined in subsection 46(1) of the Planning Act or of sites for the construction, erection or location of three or more land lease community homes as defined in subsection 46(1) of the Planning Act;

“Facilities and Works” may include but not necessarily be limited to the following: parking, fencing, driveways, signage, sidewalks, lighting, landscaping, all municipal, public and/or private services, storm water management ponds, rate of flow monitor(s), access, truck and fire routes, loading areas, open storage area and surface treatment.

“Minor” in regard to site plan approval or site plan amendment shall mean a change which does not result in an increase in floor area of a main building in excess of 10% and does not result in a need to undertake changes to the approved storm water management system, infrastructure extension(s), service connection upgrades (other than replacement of existing) or other Planning Act approval(s).

“Town” means The Corporation of the Town of Amherstburg.

“Town of Amherstburg” means the geographical area of the municipality.

“Zoning By-law” means the Zoning By-law as amended of the Town, which may be amended from time to time.

DESIGNATION

2. All lands lying within the Town of Amherstburg are designated as a "Site Plan Control Area".

APPROVAL OF PLANS OR DRAWINGS

3. Subject to the provisions of Section 4 herein, no person shall undertake any development in the Town of Amherstburg unless the Chief Administrative Officer or designate, or, where a referral has been made under subsection 12 of Section 41 of the Act, the Local Planning Appeal Tribunal has approved both of the following:
 - i. Plans showing the location of all buildings and structures, both existing and proposed, and showing the location of all Facilities and Works in conjunction therewith and of all Facilities and Works required under Section 41(7)(a) of the Act, and
 - ii. Drawings showing all plan views, and at the discretion of the Chief Administrative Officer or designate, elevation and cross-section views for each building to be erected, which drawings are sufficient to display,
 - a) the size and conceptual design of the proposed building,
 - b) the relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access,
 - c) the provision of interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings, and
 - d) matters relating to exterior design, including without limitation, the character, scale, appearance and design features of buildings, and their sustainable design, but only to the extent that it is a matter of exterior design

but which exclude the layout of interior areas, (other than the interior walkways, stairs, elevators and escalators referred to in clause c)) and interior design.

4. Notwithstanding the provisions of Section 3 of this by-law, the following class or classes of Development may be undertaken without the approval of plans and drawings otherwise required under said Section 3:
 - i. single detached dwellings, semi-detached dwellings and duplex dwellings except those within a Heritage Zone;
 - ii. semi-detached dwellings, duplex dwellings and multiple dwellings which are developed within an approved plan of subdivision, (not applicable to infill development in an existing built area);
 - iii. an agricultural use as defined in the Zoning By-law, (excluding abattoirs, greenhouses, wineries, kennels, breweries and cideries and mushroom farms);
 - iv. an addition to enclose a stairway;
 - v. an addition to enclose a loading area or open storage area not exceeding 100 square metres in area;
 - vi. a permanent sign including any alteration to an existing permanent sign on lands with no approved site plan;
 - vii. a portable sign located and licensed in accordance with the Town's Portable

Sign By-law;

- viii. building features or mechanical elements including but not necessarily limited to a spire, belfry, skylight, cupola, scenery loft, chimney, smokestack, water storage tank, air-conditioning and/or heating equipment, ventilator, mechanical penthouse, fencing for protective or screening purposes, communications equipment, pedestrian bridge, fire escape, building entrance/exit and canopy or awning, provided further that the said building feature or mechanical element is to be constructed separate and apart from any other Development as defined in this by-law which previously obtained site plan approval.

CLASSES OF SITE PLAN APPROVAL

5. All new Development, including parking lots, not excluded by Section 4, shall be subject to approval by the Chief Administrative Officer or designate, with approval to technical content by appropriate Senior Management Team members, or designates.

All amendments to any Development that has existing site plan approval shall be subject to the approval of the Chief Administrative Officer or designate

GENERAL

6. Notwithstanding Section 4 of this by-law site plan approval may be required if, at the discretion of the Chief Administrative Officer or designate, a proposed Development regardless of location, type or dollar value should be subject to site plan control.
7. Notwithstanding any other provisions of this by-law to the contrary, any change made to approved plans or drawings, including applicable items under Section 4 herein, must be reviewed and approved by the Chief Administrative Officer or designate, and said changes must be attached to the existing approved agreement. In the event the Chief Administrative Officer or designate, determines in his or her sole discretion that an amending development agreement is required, the cost of the preparation and register of the amending site plan development agreement will be the sole responsibility of the owner(s), which costs shall be paid to the Town prior to the issuance of any building permit(s).

PENALTY

8.
 - i) Every person who contravenes any provision of this By-law and, if the person is a corporation, every director or officer of the corporation who knowingly concurs in the contravention, is guilty of an offence and on conviction is liable,
 - a) on a first conviction to a fine of not more than \$25,000; and
 - b) on a subsequent conviction to a fine of not more than \$10,000 for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted.
 - ii) Where a corporation is convicted under subsection i), the maximum penalty that may be imposed is,
 - a) on a first conviction a fine of not more than \$50,000; and

- b) on a subsequent conviction a fine of not more than \$25,000 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted, and not as provided in subsection i).
- iii) Where a conviction is entered under subsection i), in addition to any other remedy or any penalty provided by law, the court in which the conviction has been entered, and any court or competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

REPEAL OF BY-LAW 2022-045

- 9. By-law 2022-045 of The Corporation of the Town of Amherstburg, and all amendments thereto are hereby repealed.
- 10. This by-law shall come into force and take effect on the final passing thereof.

Read a first, second and third time and finally passed this 27th day of June, 2022.

MAYOR- ALDO DICARLO

CAO/CLERK - VALERIE CRITCHLEY



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF DEVELOPMENT SERVICES

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Table with 2 columns: Author's Name, Report Date, Author's Phone, Date to Council, Author's E-mail, Resolution #.

To: Mayor and Members of Town Council

Subject: Repeal and Replace Zoning By-law Amendment – 247 Brock Street

1. RECOMMENDATION:

It is recommended that:

- 1. By-law 2022-057 being a by-law to amend Zoning By-law No. 1999-52, BE REPEALED;
2. By-law 2022-074 being a by-law to amend the zoning for the lands shown as "Lot A" on Appendix "A" be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same; and,
3. By-law 2022-075 being a by-law to amend the zoning for the lands shown as "Lot B" on Appendix "A" be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.

EXECUTIVE SUMMARY:

N/A

2. BACKGROUND:

A request to amend the application for 247 Brock Street was communicated to the Town on Friday June 17, 2022. The basis for the proposed amendment to the application is to change the development from a two-phased condominium to two individual condominiums as described in the updated drawings and planning rationale report attached to this report as Appendices "A" and "B". A copy of the original report to Council on Monday June 13, 2022 is attached as Appendix "C".

The application received from Jones Realty Inc. is to amend both the Official Plan and Zoning by-law for lands known as 247 Brock St (refer to Appendix "A"). These amendments will change the existing official plan designation on this property from an "Institutional" to a "Medium Density Residential" designation, and will change the zoning from an "Institutional" zone to a new site-specific Residential Multiple Second Density (RM2-8) zone. This will allow an existing institutional building to be converted and used for 16 new residential condominium style dwelling units and will permit a new 4 storey 34-unit residential condominium style apartment building to be built.

3. DISCUSSION:

At its meeting of May 24th, 2022 Council adopted Official Plan Amendment (OPA) Number 14 to provide for the development of the lands described in section 2 above. At the time the OPA was adopted the final details of the corresponding implementing zoning by-law amendment (ZBA) had not been finalized. At its meeting of June 13th, 2022 Council adopted By-law 2022-057 to amend Zoning By-law 1999-52.

Since that time the applicant's consultants communicated to administration on Friday June 17, 2022 of their request to change the development from a two-phased condominium comprised of two buildings to two separate condominiums comprised of one building each. From a technical perspective, when the first or the two condominiums is created, the lot at 247 Brock Street will be severed into two lots as shown in Appendix "A" as "Lot A" and "Lot B". Lot "A" will have the municipal address of 247 Brock Street and Lot "B" will have a to be assigned street number with a Wolfe Street address.

It is recommended to repeal By-law 2022-057 and replace it with a two new By-laws that include the necessary technical updates for the two condominiums. The contents of the amending by-laws take into account all of the required regulations to allow the lands to be developed in accordance with the proposed site plan (refer to Appendix "A").

4. RISK ANALYSIS:

The recommendation presents little to no risk to the municipality.

5. FINANCIAL MATTERS:

The Town will incur legal costs and resource costs should this application be appealed to the Ontario Land Tribunal.

All other costs associated with the application and planning processes are the responsibility of the developer.

6. CONSULTATIONS:

The Zoning By-law Amendment has been reviewed with the agents for the applicant.

7. **CONCLUSION:**

It is the opinion of administration that the zoning by-law amendment allows for the appropriate development of the subject lands, conforms with the policies of the Official Plan, and is in accordance with the attached site plan. Therefore, it is recommended that Council repeal Zoning By-law Amendment Number 2022-057 and adopt Zoning By-law Amendment Numbers 2022-074 and 2022-075.



Christopher Aspila
Manager, Planning Services

CA

Report Approval Details

Document Title:	Repeal and Replace Zoning By-law Amendment - 247 Brock Street.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Site Plan.pdf- Appendix B - Planning Rationale Report.pdf- Appendix C - Report to Council 2022 06 13.pdf- By-law 2022-074.pdf- By-law 2022-075.pdf
Final Approval Date:	Jun 21, 2022

This report and all of its attachments were approved and signed as outlined below:



Melissa Osborne



Tracy Prince



Valerie Critchley

PROPOSED BLDG. CONVERSION

CURRENT LOT ZONING =	I - INSTITUTIONAL
*** RE-ZONING TO RM2 IN-PROGRESS ***	
TOTAL EX. LOT AREA =	80,910 SQ.FT. (1.87 ACRES)

LOT "A" - BUILDING 'A'
 BUILDING CLASSIFICATION
 OBC 3.2.2.47, GROUP C Up To 3 STORIES

LOT AREA "A" =	39,040 SQ.FT. (0.90 ACRES)
GROSS FLOOR AREA:	
BASEMENT	6,502 ft ²
FIRST FLOOR	7,158 ft ²
SECOND FLOOR	6,515 ft ²
THIRD FLOOR	5,555 ft ² (USABLE)
TOTAL GFA	25,730 ft ²
10 CAR GARAGE (BLDG. "B") =	3,120 SQ.FT.
LOT COVERAGE =	10,256 SQ.FT. (26.27%)
PARKING REQUIRED BLDG. 'A' (1 SPACE/UNIT) =	16 + 2 Barrier Free
EXISTING PARKING (TO BE REMOVED) =	15 SPACES
NEW PARKING PROVIDED =	30 SPACES + 2 B.F
LANDSCAPE AREA PROVIDED =	13,190 sq.ft. (33.79%)

LOT "B" - BUILDING 'C'

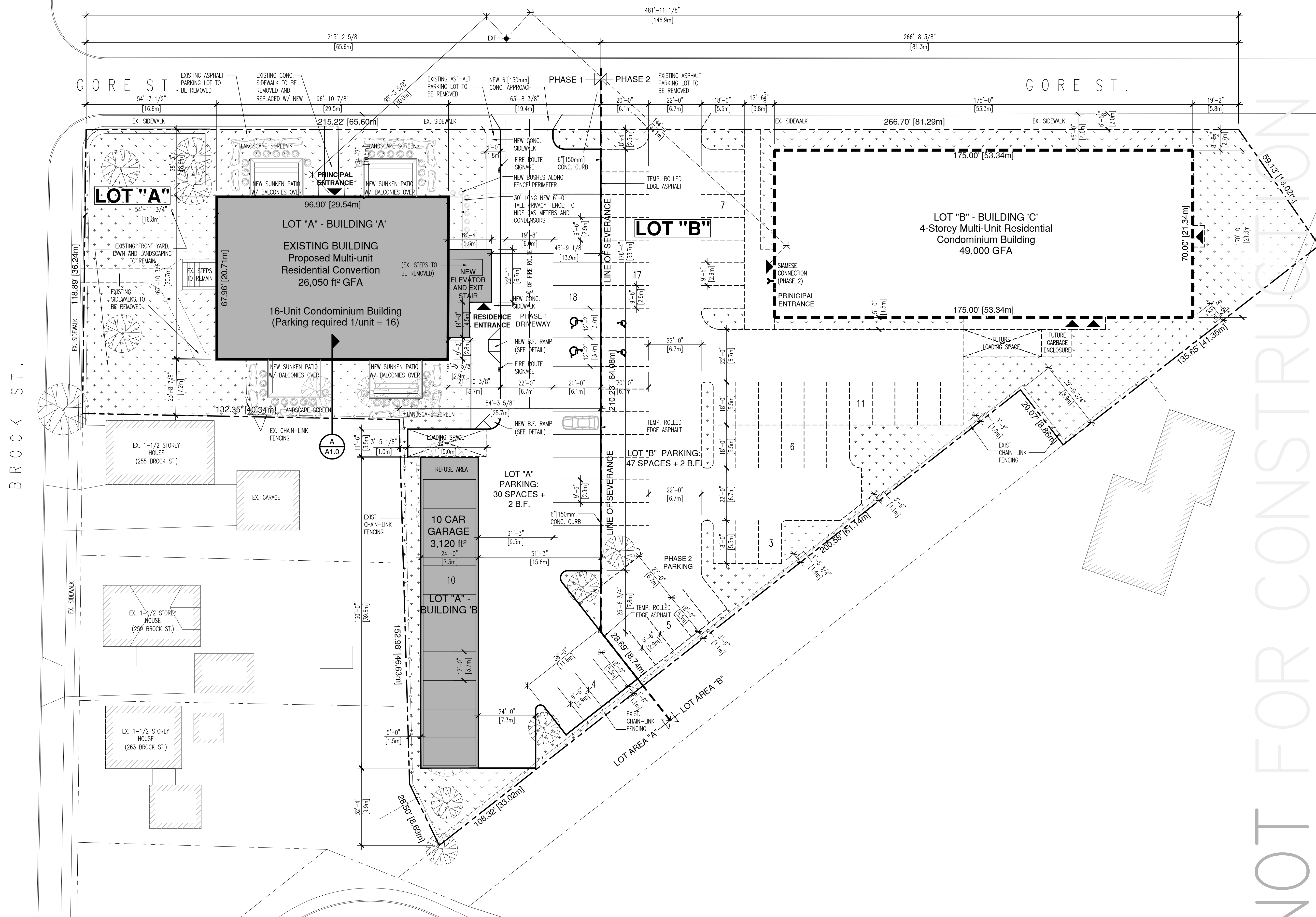
LOT AREA "B" =	41,870 SQ.FT. (0.97 ACRES)
GROSS FLOOR AREA:	
FIRST FLOOR	12,250 ft ²
SECOND FLOOR	12,250 ft ²
THIRD FLOOR	12,250 ft ²
FOURTH FLOOR	12,250 ft ²
TOTAL GFA	49,000 ft ²
LOT COVERAGE =	12,250 SQ.FT. (29.26%)
PARKING REQUIRED LOT "B" (1 SPACE/UNIT) =	36 incl. + Barrier Free
NEW PARKING PROVIDED =	47 SPACES + 2 B.F
LANDSCAPE AREA PROVIDED =	11,580 sq.ft. (27.66%)



FFA = FIRE FIGHTER ACCESS

ALL "NO PARKING - FIRE ROUTE" SIGNS SHOULD BE DESIGNED IN ACCORDANCE TO THE TOWN OF AMHERSTBURG

NOT FOR CONSTRUCTION



OVERALL SITE PLAN
 SCALE: 1" = 20'-0"

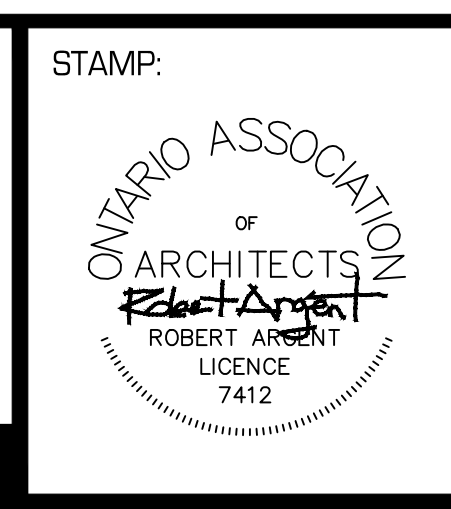
6555 MALDEN ROAD, WINDSOR, ONTARIO, N9H 1T5
 PH: 519.734.6511

DRAWING TITLE:	OVERALL SITE PLAN
PROJECT/CLIENT:	BROCK ST. CONVERSION 247 BROCK ST., AMHERSTBURG, ON

DATE	ISSUED FOR:	DATE	ISSUED FOR:
03.07.22	SITE PLAN CONTROL		
03.24.22	BUILDING PERMIT		
03.24.22	TENDER		
04.27.22	ADDENDUM #3		

PROJECT No.:	2021009
SCALE:	1" = 20'-0"
DRAWN BY:	AM
CHECKED BY:	DI

GENERAL NOTES:
 ALL DIMENSIONS TO BE CALCULATED AND VERIFIED ON THE JOB SITE. ANY AND ALL DISCREPANCIES ARE TO BE REPORTED TO THE ARCHITECT OR ENGINEER. ALL DRAWINGS REMAIN THE PROPERTY OF ROSATI GROUP INC.
DO NOT SCALE DRAWINGS
 © ROSATI CONSTRUCTION INC. ALL RIGHTS RESERVED



STAMP:

NOTES:

DRAWING No.:
A1.0



LASSALINE
PLANNING CONSULTANTS INC.

REPORT: **PLANNING RATIONALE REPORT (PRR)**
MUNICIPALITY: TOWN OF AMHERSTBURG
MUNICIPAL ADDRESS: 247 BROCK STREET AT KEMPT ST
DEVELOPMENT: OPA, ZBA, CONDO
DATE: June 18 , 2022 (Revised)

1632 County Road 31
St. Joachim, ON · NOR 1S0
C 519-563-8814 · E jackie@lassalineplan.ca

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APPENDIX B	RESIDENTIAL MULTIPLE SECOND DENSITY (RM2) ZONE
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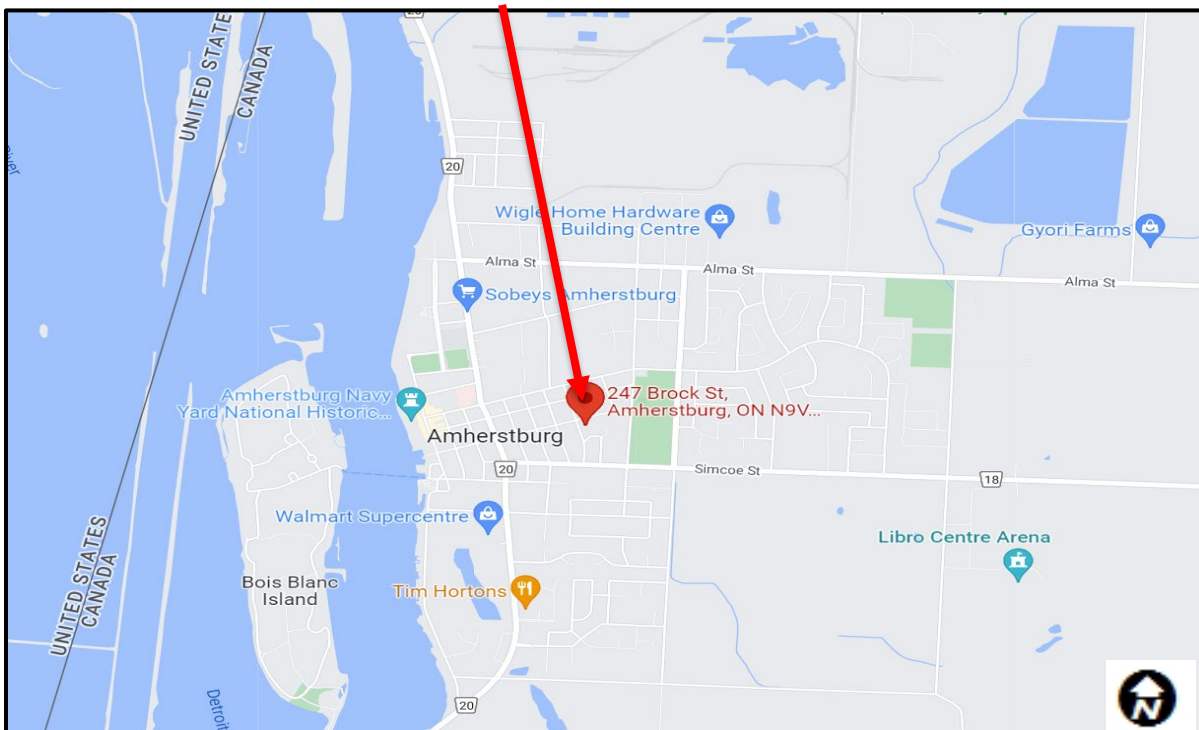
1.0 INTRODUCTION

Lassaline Planning Consultants (LPC) has been retained to undertake a planning rationale report regarding the feasibility of an Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) to support the adaptive re-use of an existing building and the development of the vacant portion of subject site.

Part 1 is proposed to be the conversion of an existing 3.5 storey vacant building (former House of Shalom) to a 16 unit residential condominium building with 30 parking spaces, comprised of 20 regular parking spaces, 10 garage spaces, and 2 Barrier Free spaces for a total of 32 parking on an individual parcel. Part 2 is proposed with a new, 4 storey building containing 34 unit residential condominiums with 42 parking spaces and 2 Barrier Free (BF) spaces. The two parcels are proposed to be developed with a total of 50 residential condominiums and 76 parking spaces.

A pre-consultation was held with the Manager of Planning at the Town of Amherstburg, Jackie Lassaline, BA MCIP RPP, LPC, and Rosati Group. A second pre-consultation was also held with the Manager of Planning at the Town of Amherstburg, Jackie Lassaline, BA MCIP RPP, LPC, and Rosati Group. Jackie Lassaline, BA MCIP RPP, Lassaline Planning Consultants has prepared this planning rationale report to support, explain and justify the requested Official Plan Amendment (OPA) and Zoning Bylaw Amendment (ZBA) application.

FIGURE 1 LOCATIONAL MAP 247 BROCK STREET



1.1 APPLICATION INFORMATION

The landowner, Jones Realty Inc. (c/o Terry Jones), has applied for:

- 1) an Official Plan Amendment (OPA) to have the entire property (both Part 1 and Part 2 on Plan 12R28876) redesignated from the present 'Institutional' designation to a 'Residential' designation. The OPA will establish the 'Residential: Medium Density' policy framework on the parcel;
- 2) a Zoning Bylaw Amendment (ZBA) to have the entire property (both Part 1 and Part 2 on Plan 12R28876) rezoned from the present 'Institutional (I)' to a site specific 'Residential Multiple Second Density (RM2)' zone. The ZBA will provide for a site specific regulatory framework for each Part 1 and Part 2 on Plan 12R28876 developments as two separate independent parcels;
- 3) a Plan of Condominium has been requested at the County of Essex in anticipation of the condominium progressing through Condominium Act review;
- 4) Site Plan Control will be applied for Part 1 after the adoption of OPA and passing of the ZBA.

1.2 PURPOSE OF THE REPORT

The subject property is presently designated 'Institutional' on Schedule B-2, Land Use in the Town of Amherstburg Official Plan and zoned 'Institutional (I)' in Comprehensive Zoning By-law (CZB) 1999-52 for the Town of Amherstburg.

The existing building was constructed in 1910 as the St. Anthony's Roman Catholic School, prior to the passing of the Town of Amherstburg Comprehensive Zoning Bylaw 1999-52. The building and property can be considered legal non-complying since the building and site were existing prior to the passing of the modern CZB 1999-52.

The owner is proposing to adapt the existing vacant building to 16 residential condos and to add a second building on a separate lot with 34 residential condos to create 50 residential condos within the urban area of the Town of Amherstburg. The two parcels are proposed to be developed with a total of 50 residential condominiums and 74 parking spaces.

The proposed development will be placed in context of the Provincial Policy Statement 2020 (PPS) provincial policies. The proposed development will be evaluated and examined through the provincial policy framework for consistency with provincial policy direction.

The subject lands are designated 'Institutional (I)' in the Official Plan (OP) of the Town of Amherstburg. An Official Plan Amendment (OPA) is being requested to change the policy framework applied to the subject property from 'Institutional' to 'Residential' to support the proposed residential development. This rationale report will evaluate the requested amendment in context of the PPS, the County of Essex policy framework and in the Town of Amherstburg Official Plan policy direction for residential land use.

With the request for the change of land use from the previous institutional use to residential use, a Zoning Bylaw Amendment (ZBA) is required to recognize the existing lot configuration, site characteristics, and proposed residential development. This rationale report also examines the requested ZBA in context of the PPS, the County of Essex Official Plan, the Town of Amherstburg OP, and specifically in context of the CZB for the Town. The resultant ZBA will change of the applicable regulatory framework from 'Institutional (I)' to a new site specific 'Residential Multiple Second Density (RM2-#)' zone.

This planning rationale report will demonstrate the consistency of the proposal with the Provincial Policy Statement (PPS) 2020 and how the development is consistent with provincial housing policies, provides for healthy community initiatives, provides for healthy, walkable community policies of the province. Examining both Part 1 and Part 2 on Plan 12R28876 within the policy framework of the County of Essex and the Town of Amherstburg's Official Plan and establishing conformity of the OPA with the Official Plans. Analysing the site and development characteristics in context of the Comprehensive Zoning Bylaw (CZB) for the Town and determining compliance of the ZBA with the CZB regulatory framework.

This report provides the rationale and support for the requested Official Plan Amendment (OPA) that will change the applicable OP policy framework applied to the property from 'Institutional' to 'Residential: Medium Density' and a site specific Zoning Bylaw Amendment (ZBA) that will rezone the lands from 'Institutional (I)' to 'Residential Multiple Second Density (RM2-#)' zone.

1.3 247 BROCK STREET SITE INFO

The subject lands have a legal description of: Lot 1 E/S Kempt St, 3 E/S Brock Street, 18 W/S, 18 W/S Kempt St, 19 W/S Kempt St, Plan 1 Amherstburg; Pt Kempt St PI 1 Amherstburg closed by R1109842; Pt E Pt 2 Con 1 Malden as in R1143624 Amherstburg.

The subject lands are owned by Terry Jones Realty Inc. c/o Terry Jones. The subject site has a municipal address of 247 Brock Street and is located at the corner of Brock Street and Wolfe Street.

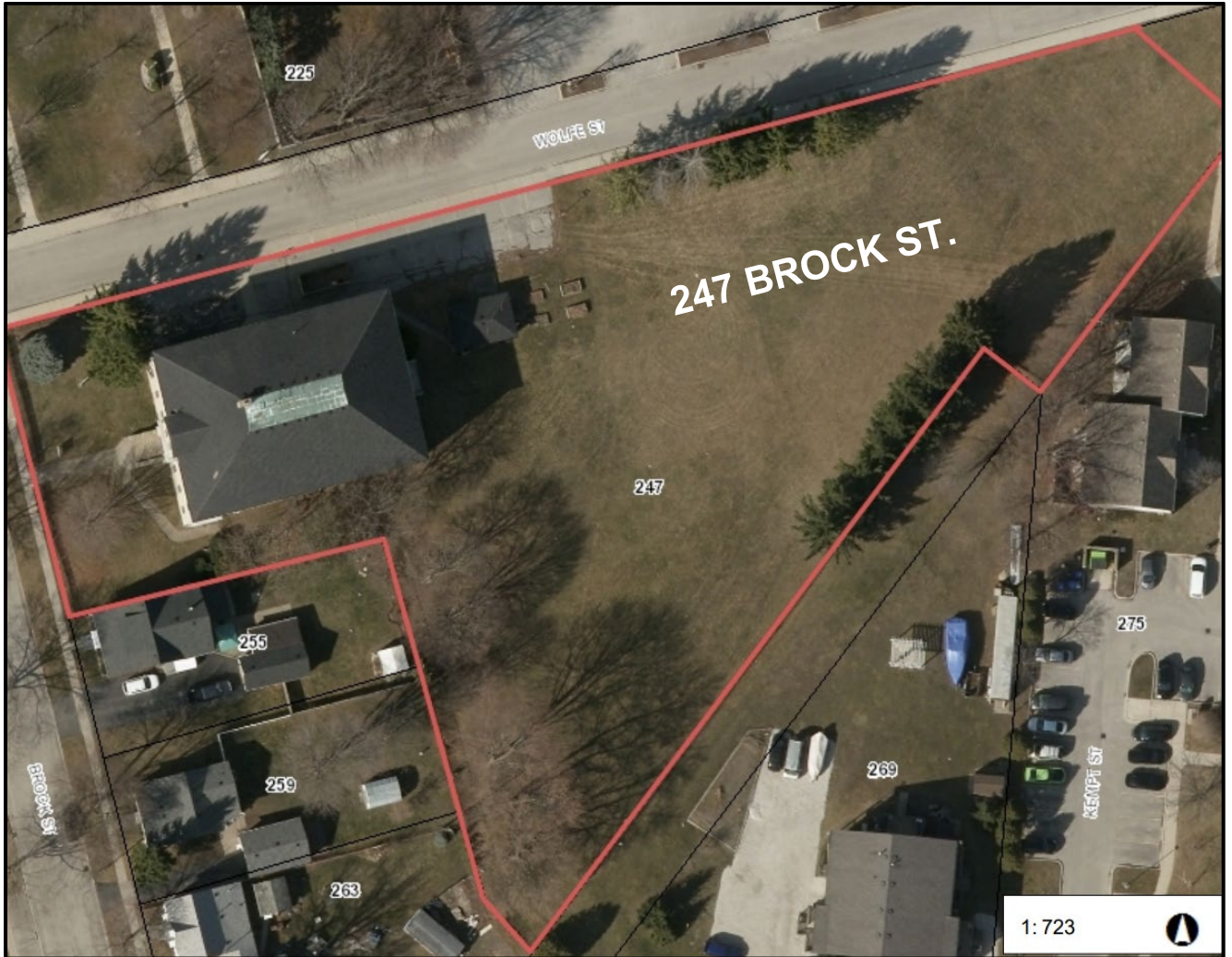
The existing building was built in 1910-1911 and expanded in 1929. The building was constructed originally as the St. Anthony School associated with the St. John the Baptist Roman Catholic Church across the street. The majority of the life of the building was St. Anthony's School from 1912-1972 when it was converted to a youth centre around 1972-1973. The House of Shalom Youth Center continued until approximately 2010-2011 when the center shut down. The building has sat vacant now for over 10 years.

The existing building and site existed prior to the passing of the Official Plan and the Comprehensive Zoning Bylaw and the establishment of the 'Institutional' policy and regulations applied to the land use.

FIGURE 2 – IMAGES OF EXISTING BUILDING:



FIGURE 3: SITE AERIAL VIEW



1.4 SITE CONFIGURATION

The subject site is a large, triangular shaped lot with two road frontages at the corner of Brock Street and Gore Street. The heritage building is located in the corner configuration of the property with the majority of the lands behind the building are vacant. Under the CZB for the definition of frontage for a corner lot being the lesser of the two frontages, Brock Street will remain as frontage for Part 1, the Loft's of St. Anthony.

Part 1 and Part 2 have been established on a registered Reference Plan 12R28876 with Part 1 identified for the adaptive re-use of the existing established heritage building and Part 2 as presently vacant lands proposed for a new residential building.

Part 1 of Plan 12R28876 is used as the legal description under the recently passed Heritage Bylaw passed for the preservation of the heritage building.

1.5 TOPOGRAPHY

The property is flat and has little to no variation in elevation or grade change. There are no swales or ditches on the property. Refer to Figure 3 above showing site aerial. There are no natural features or natural hazards associated with this property.

1.6 VEGETATION

The subject lands are manicured lawn. With the proposed development of both Part 1 and Part 2, the Loft's of St. Anthony will be landscaped professionally to create a welcoming amenity space associated with the two residential buildings.

As shown on the above Figure 3: Aerial site plan there are a few existing deciduous trees on the front lawn of the heritage building on Part 1 property that will be retained. There are 3 maple trees that are not significant trees located in the centre of the property in the location of the garage and parking areas that will need to be removed. There is one mature tree at the rear of the proposed parking area that will be retained.

On Part 2 lands, there are 4 mature deciduous trees at the rear of the property that will be retained. All other vegetation is scrub bushes/trees that are not of a high quality warranting preservation.

In my professional opinion, the few trees that are existing on site are not identified as significant species at risk. Additional trees will be planted to replace the trees removed and new landscaping will be provided to ensure a development that is aesthetically appealing.

1.7 NEIGHBOURHOOD LAND USES:

The new residential development is proposed within a residential neighbourhood that is supported by municipal transit, active transportation walking and biking trails, and is within close walking distance to supportive commercial and institutional amenities.

- a) **North** - St Anthony's Roman Catholic Church;
- b) **East** - medium density residential – townhouse development;
- c) **South** – single detached, two unit, medium density townhouses, low rise apartment;
- d) **West** - single detached residences.

The mixed density neighbourhood is comprised of existing low and medium density residences with 1 to 3.5 storey buildings. The proposed development is compatible in height and massing with the existing neighbourhood. There are other comparable buildings in massing and height on Kempt St behind the subject property. In addition, the proposed new buildings will be distance separated from the existing development providing for visual minimization of the difference in height and massing between the new development and the existing residential development. The medium density proposal will provide for a transition of density between the medium density and the single detached residential.

FIGURE 5 NEIGHBOURHOOD AERIAL



2.0 HERITAGE INFORMATION

The existing iconic Amherstburg limestone brick façade of St. Anthony's was originally constructed c 1911 as a four room schoolhouse operated as St. Anthony's Catholic School. The school was active from 1911 until 1971 when it closed as a school and was purchased for use as a youth center operating under the name of 'House of Shalom'. The House of Shalom Center was operated as a youth center from 1971 until 2020 when it was closed and sold.

The beautiful, iconic to Amherstburg building was constructed in 1910-1911 with limestone from the local quarry. The building was constructed in a modified Romanesque revival style architecture.

The Heritage Committee crafted a Heritage Bylaw and subsequently the Town of Amherstburg Council passed the Heritage Designating Bylaw 2021-079 for the existing building as a heritage building under Part IV of the Heritage Act. The Bylaw defines the heritage attributes that are to be protected.

The contractor, Rosati Group, has prepared extensive design plans and work plans that will see the conservation and preservation of the defined heritage attributes considered significant for the building. Please refer below to Section 2.2 Heritage Measures for Part 1 and Section 2.3 Heritage Evaluation of Part 2.

2.1 HERITAGE BYLAW

Refer to Appendix D – Heritage Bylaw

The existing building was evaluated, and features identified as significant with the cumulative features defining the structure as significant heritage worthy of conservation and preservation. The building known as 'St. Anthony's' has been designated under Part IV of the Heritage Act with the following exterior and interior features identified in the Designating Bylaw for preservation:

Exterior:

- Original location and placement on Brock Street, adjacent to St. John the Baptist Roman Catholic church;
- Rectangular, two-storey form on a raised basement;
- Hipped primary roof; gabled (pedimented) frontispiece; metal roofline cornices; secondary metal cornices atop doorways; exterior stone chimney;

- Masonry construction and limestone facades with sandstone detailing; the limestone main exterior stairs;
- Fenestration, symmetrical in arrangement; wooden sash windows; single and double doorways and assemblies with transom lights above.

Interior:

- two staircases with wood balustrades;
- interior spatial configuration;
- wood finishes comprising door and window casings, baseboards, and doors throughout.

2.2 HERITAGE MEASURES PART 1

The above noted heritage features, as identified in the designating bylaw, will be conserved, preserved, and without jeopardizing the heritage features, enhance to form integral parts of the inclusion of the condominium units. In order to preserve the significant heritage structure, it is critical that some deteriorating features and aspects of the building are removed and replaced. These features have been evaluated, vetted, and supported by the Heritage Committee for the Town of Amherstburg.

TABLE 1: EXTERIOR FEATURES UNDER BYLAW:

EXTERIOR FEATURES IN BYLAW	PROPOSED MODIFICATIONS
<p>1. Original location and placement on Brock Street, adjacent to St. John the Baptist Roman Catholic Church.</p>	<ul style="list-style-type: none"> • No change to location, building to remain in existing location – refer to attached site plan below; • Landscaping to be provided that will enhance heritage characteristics of the icon limestone façade.
<p>2. Rectangular, two-storey form on a raised basement;</p>	<ul style="list-style-type: none"> • No additional storeys – the building will remain at two storey height; • No major additions to change the rectangular shape; • Exterior addition of an elevator to provide for accessibility compliance and unit functionality; • Elevator materials approved by Heritage Committee to be used include: height of 46.5’ (lower than 54.5’ bldg. height), architectural metal siding, windows tinted charcoal grey, standing seam vertical metal siding on stairwell, and smooth faced architectural stone.

<p>3. Hipped primary roof; gabled (pedimented) frontispiece; metal roofline cornices; secondary metal cornices atop doorways; exterior stone chimney;</p>	<ul style="list-style-type: none"> • New black metal shingled roof to match the roof on St. John's Church; • Roof to be amended with dormers to accommodate lofts – roofline will be continuous; • Gabled (pedimented) frontispiece; secondary metal cornices atop doorways; exterior stone chimney to remain and will have minor cleaning and repairs for the purposes of restoration and preservation; • Metal roofline cornices – deteriorated condition - to be replaced with black metal roofline cornice to compliment the roof and maintain historical roofline.
<p>4. Masonry construction and limestone facades with sandstone detailing; the limestone main exterior stairs;</p>	<ul style="list-style-type: none"> • Minor cleaning and repairs of all façade's, sandstone detailing and main exterior stairs for the purposes of restoration and preservation; • Iconic to Amherstburg limestone facades, sandstone detailing, and limestone main exterior stairs to remain. • Black railings (wrought iron look) to be included to showcase balconies and provide for compliance with the OBC; • Balconies will be built as stand alone structures and fastened in a way that can be easily removed and will not permanently affect the integrity of the stone façade.

FIGURE 6: EXTERIOR: WINDOW AND EXTERIOR DOOR MODIFICATIONS

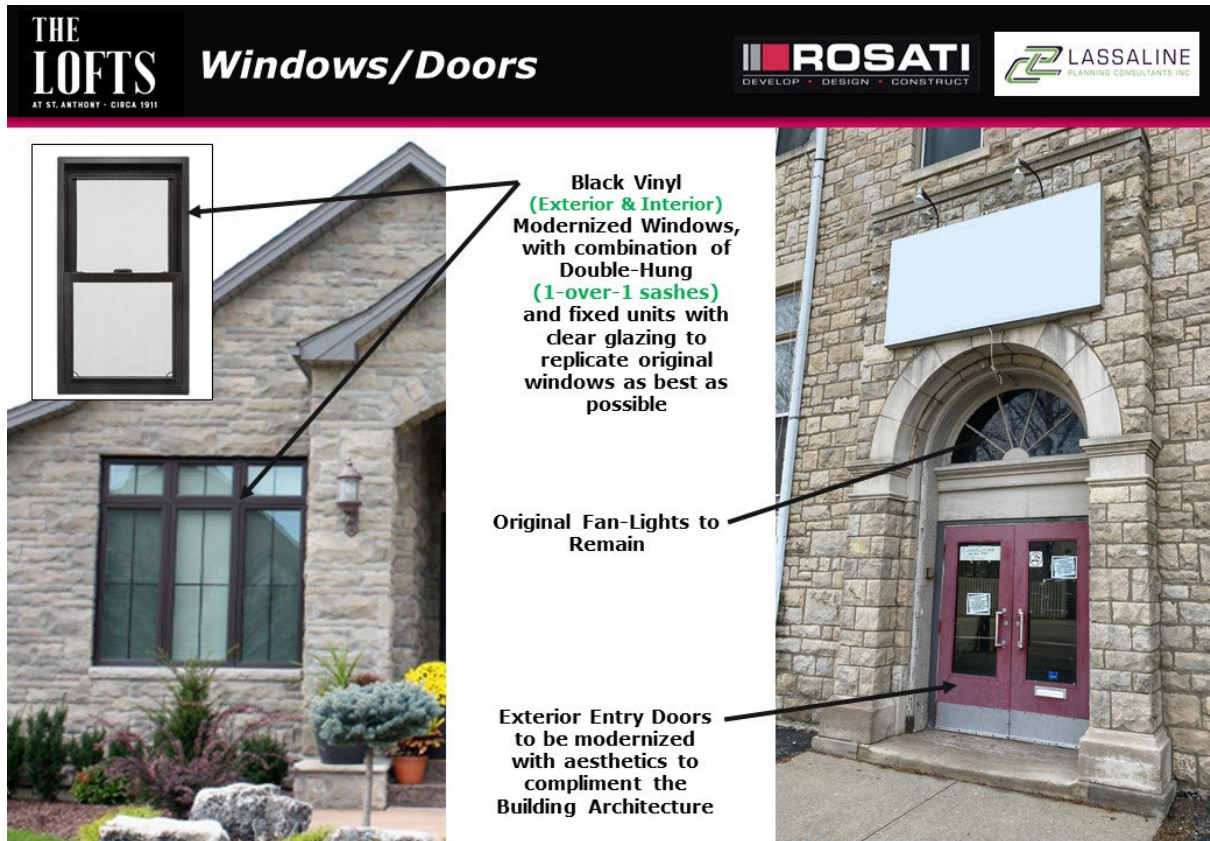
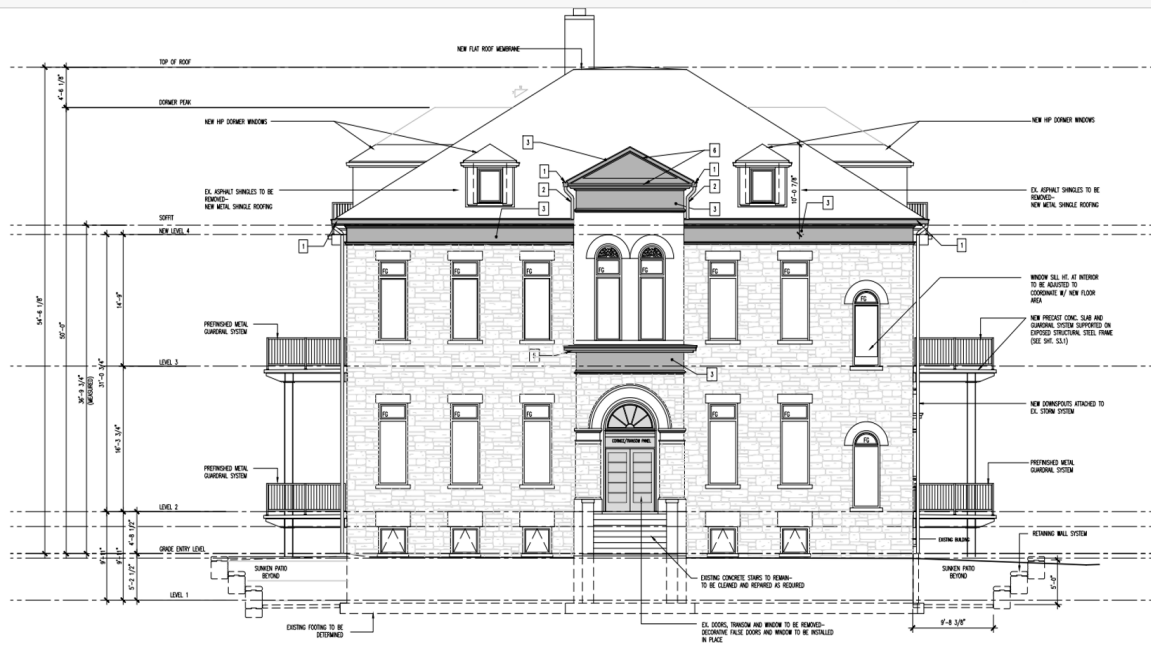


FIGURE 7: PROPOSED FACADES





WEST ELEVATION
SCALE: 3/16"=1'-0"

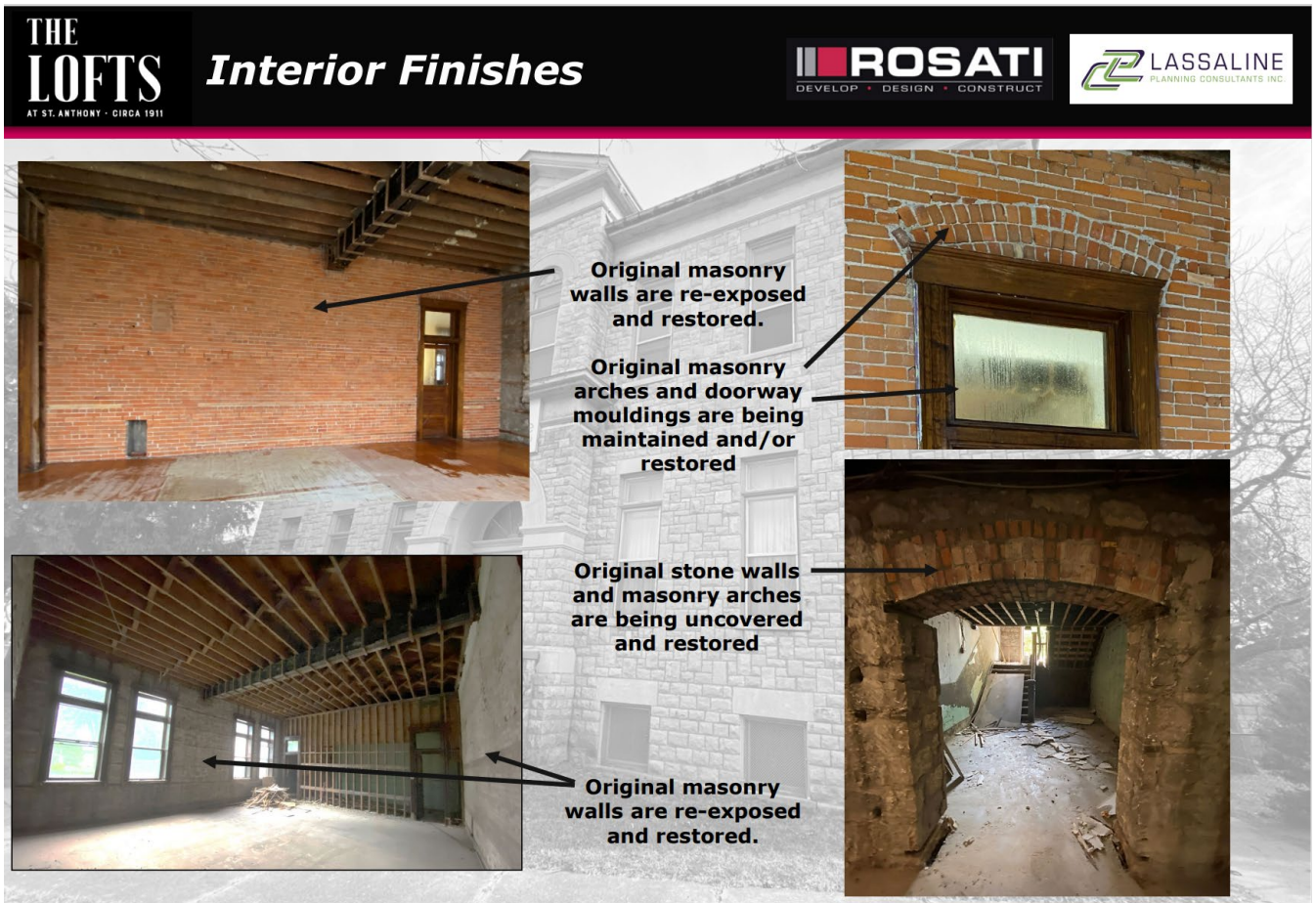


TABLE 2: INTERIOR MODIFICATIONS

INTERIOR FEATURES IN BYLAW	PROPOSED MODIFICATIONS, IF ANY
<p>1. Entrance staircases with wood balustrades;</p>	<ul style="list-style-type: none"> • Minor cleaning and repairs for purposes of preserving and conserving the original grand main entrance stairwell; • Minor cleaning and repairs for purposes of preserving and conserving the original decorative railings and balustrades of the grand main entrance and staircase; • Secondary entrance on east side of building to be closed and interior space incorporated into the residential unit. Interior stairwell to be removed. Exterior entrance, and stairs to be maintained.
<p>2. Interior spatial configuration;</p>	<ul style="list-style-type: none"> • Corridors to be maintained supporting the continuation of the interior spatial configuration.

<p>3. Wood finishes comprising door and window casings, baseboards, and doors throughout</p>	<ul style="list-style-type: none"> • Original stone walls to be re-exposed with minor cleaning and repairs for the purposes of restoration; • Original masonry arches over doorways and doorway mouldings to undergo minor cleaning for the purposes of preserving and conserving the significant interior attributes; • Original hardwood floor to be cleaned, minor repairs for the purposes of restoring and conserving; • New black vinyl windows with combination of double-hung (1 over 1 sashes) and additional header fixed units to replicate original windows; • All window glass to be clear glass (no tint) and energy efficient; • New double hung doors with replicated fan shaped glass transom with view to improving entrance, creating welcoming entrance, and creating safe access; <p>All existing trimwork is to undergo minor cleaning and repair and restored where possible for re-establishing in the residential units.</p>
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FIGURE 8: INTERIOR MODIFICATIONS





The adaptive re-use of the existing building will provide for the preservation and conservation of a 110 year heritage building within the historic Town of Amherstburg. The minor modifications identified are required to ensure the energy efficiency, safety for the inhabitants, and compliance of the adaptive new use of residential with OBC regulations, and for the conservation of the building and features.

It is my professional opinion that the minor modifications identified above will compliment the existing heritage attributes that comprise the historical building while preserving and conserving the heritage characteristics of the building known as the Lofts of St Anthony.

2.3 HERITAGE EVALUATION PART 2

As shown on the site plan below for the subject lands, Part 2 is the future stage of development with a building that has not been designed at this juncture. What is considered is the approximately Ground Floor Area (GFA) of approximately 12,005 ft² to accommodate approximately 34 residential condominium units. With the proposed GFA at 12,005 ft² and a lot area of 41,870 ft², the proposed lot coverage will be at approximately 28.6%.

The building for Part 2 has been distance separated from the existing heritage building to lessen the impact visually of the new structure on the existing St. Anthony's. Within this distance separation will be landscaping, parking, driveway and other visually softening features. The proposed building is also to be brought forward on the lot to be consistent with the existing the Loft's of St. Anthony for setback from Gore Street to respect the established setback line and streetscape view.

The building proposed for Part 2 has not yet been designed so it is not possible to state the visual impact on the existing heritage on the adjacent parcel at this juncture. However, as the Part 2 building is being designed, the impact of the new building on the existing heritage will be a key consideration on the look and massing of the building. As an example, it is the intent of the new, Part 2 building to have a height of 45 ft, approximately 10 ft below the existing the Loft's of St. Anthony heritage building minimizing the massing effect of the new building on the existing heritage building.

It is the intent of the designer of the new building to continue to showcase the Loft's of St. Anthony and minimize any visual impact on the viewscape and streetscape by the new building. It is also the intent of the owner's representatives to consult with the Heritage Committee for the Town of Amherstburg when addressing the look and details of the elevations for the building.

In my professional opinion, all aspects of the Loft's of St. Anthony's heritage building has been regarded in the conceptualization of Part 2 development for the site. The new building will be sympathetic and complimentary to the existing heritage of the Loft's of St. Anthony. Respect and regard for the heritage of the Loft's of St. Anthony will continue during the design and subsequent development of the Part 2 building.

3.0 PROPOSED DEVELOPMENT

The present owner of the property, Terry Jones Realty Inc, is proposing two separate condominium developments for the subject lands: Part 1 is the adaptive re-use of the existing 110 year old building and converting the institutional building from institutional use into a 16 unit residential condominium building referred to as The Lofts at St. Anthony; Part 2 will be the development of the remainder of the property at a future date with a residential condominium building containing 34 residential condo units.

With the adaptive re-use of the existing 110 year old heritage building to residential condominiums with ownership tenure will require a change in policy framework that will be used to support the residential land use. Part 2 is proposed for development of an condominium building that is intended as a medium density residential building with ownership tenure. As a condominium development, the residential units will provide for a diversity of accommodation that is needed in the Town.

The existing building is established, and Part 2 building is proposed within a mixed density residential neighbourhood. The proposed adaptive re-use of the building and the new condominium building as a low rise building with medium density would appear to be compatible to the existing residential neighbourhood in height and massing and would result in a low impact use on the long established residential neighbourhood.

As an adaptive re-use of the existing 3.5 storey building, the interior will be completely re-organized and retrofitted to provide for the 16 residential condominium units and will be sold as condo units called St Anthony's Lofts. The residential units will be sold as condo units as ownership tenure providing for an alternative housing style while supporting a diversification of housing style and tenure.

To provide for an efficient and effective use of the subject lands, Part 2 is comprised of a second building on a vacant lot to the east of the existing building. The second building will be developed with 34 residential condominium units for a total of 50 new residential units in the project. The condominium units will provide for residential accommodation, an alternative housing tenure and style to the standard single detached residences typically found in Amherstburg.

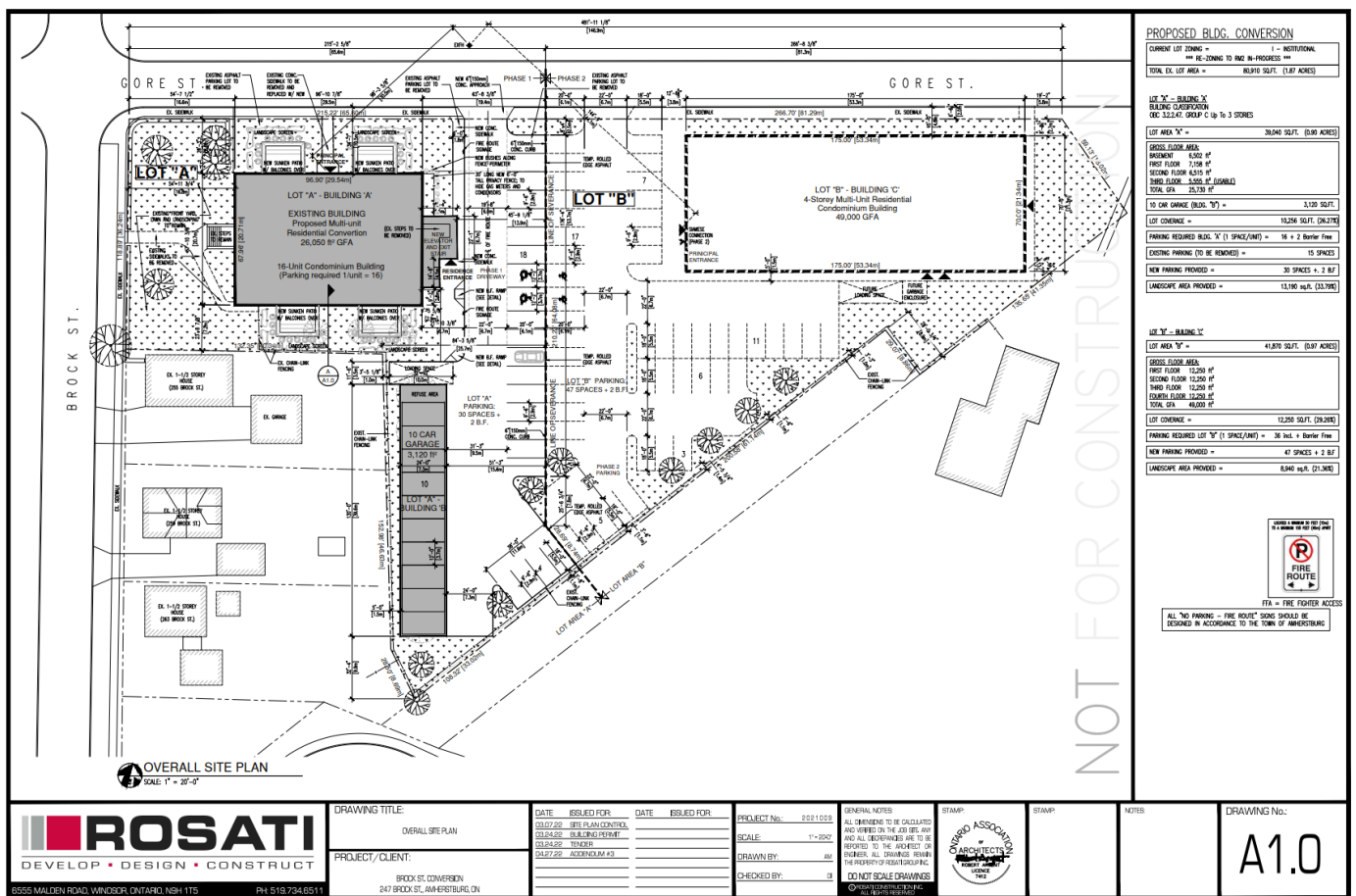
Referring to pictures above, the present 3.5 storey height of the Lofts of St. Anthony's will not be modified. There are exterior modifications discussed above including an addition of an elevator to the side of the building but has been designed to have a lower profile than the existing building. There will be some exterior improvements to clean and repair the façade and replace any features identified requiring replacement. The Part 2 building has been designed to be compatible and comparable with the existing building.

In conclusion, it is my professional opinion that the residential condominiums will provide for an alternative housing style while supporting a diversification of housing style and tenures within the Town. The low rise profile and medium density can be considered compatible with the existing neighbourhood. The proposed landscaping and amenity areas will provide for a welcoming and friendly environment for the new residential buildings.

3.1 PART 1 PROPOSAL:

Refer to attached Site Plan package attached as separate document

FIGURE 9 – SITE PLAN – PART 1 (ST. ANTHONY’S LOFTS):



Part 1 proposed development is the conversion of the existing building from the previous youth center institutional use to a residential condominium building. The interior will be completely re-organized and retrofitted to support the proposed 16 residential condominium units. It is the intent of the owner to preserve the historical building and conserve and preserve the heritage features under the heritage designating bylaw both inside and outside of the building as the 110 year old building is adapted to a new use of residential condominiums.

3.2 PART 2 PROPOSAL:

Refer to attached Site Plan package attached as separate document

Part 2 will see the construction of a 4 storey building with 34 residential condominiums on the site. The additional building will result in a total of 50 residential condominium units on site. The building will be designed in such a way to compliment and be respectful to the heritage building preserved in Part 1. The existing building in Part 1 has a height of 54.5 ft from grade to top of roof peak while the Part 2 proposed building is being designed and is presently proposed with a height that will be lower than the heritage building in Part 1 with a height proposed under 45 ft.

3.3 OFFICIAL PLAN AMENDMENT AND ZBA:

The subject property is presently designated 'Institutional' in the Official Plan (OP) for the Town of Amherstburg and is zoned 'Institutional (I)' in the Comprehensive Zoning Bylaw (CZB) for the Town of Amherstburg.

Official Plan policies for the 'Institutional' designation allows for institutional uses such as schools, community centre uses, churches, etc. An Official Plan Amendment (OPA) is required to apply general residential policies to the proposed development. An OPA has been requested to redesignate the lands from 'Institutional' to 'Residential' designation to support the adaptive re-use of the existing building to a residential condominium building with 16 condo units and Part 2 Future development of a residential condominium building with 34 residential condo units. The OPA will be a redesignation to residential land use with the general residential policy framework applying to the proposed land use: a site specific policy is not required as the proposed land use will conform with the general residential designation policies.

With the requested proposed adaptive re-use of the existing building to a new use of residential and the new condominium building, the site will require a site specific by-law to apply site specific regulations to the unique shaped parcel as well as the proposed adaptive re-use of an existing heritage building and the inclusion of a new condominium building.

It is recommended that the following be considered as site specific provisions:

- 1) Front Yard Setback (Brock St): 16 m;
- 2) Front Yard Setback (Gore St): 4.5 m
- 3) Exterior Side Yard Setback (Gore St): 5.0 m;
- 4) Height of building: 50 m

Both the existing Official Plan policies and Zoning regulations recognize the present land use of institutional on site. An Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) has been requested to recognize the proposed residential land use and site specific characteristics of both the existing and the proposed building and site. With the proposed change of use of the existing building to a condominium and the addition of a new condominium building, the new site specific (RM2-#) zone is also required to recognize the existing unique site provisions.

3.4 SITE SERVICING: CIVIL AND SWM REPORT

D.C. McCloskey Engineering Ltd., Project M21-148, 5745 Wyandotte St East, Suite 200, Windsor ON N8S 1M6, is a qualified civil engineering firm that undertook a Functional Servicing Report for 247 Brock Street proposed development.

“D. CONCLUSIONS & RECOMMENDATIONS

The results of the analysis conclude the following:

1. The site has the capacity to detain the runoff from the minor and major storm events while not exceeding a maximum total release rate for Part 1 and 2 of 19 Us.
2. Water quality is achieved by installing P-traps in all catchbasins (Part 1 and 2) and installing a Stormtech system in Part 2. This treatment of the runoff in Part 2 will achieve the TSS removal efficiency for normal protection as defined in the MECP design guidelines.

3. Municipal sanitary sewer has adequate capacity for the estimated peak flow of 1.8 Us.
4. Municipal water service has adequate capacity for this development.”

Based on the findings of the Functional Servicing Report the proposed development can be considered to not cause negative impacts to the municipal infrastructure and municipal services (water and sewer) have adequate capacity to accommodate the proposed development. Further, storm water can be managed from the site in both quantity and quality without negative impact on the neighbourhood. No modifications to municipal infrastructure are required to facilitate the proposed development.

3.5 TRAFFIC MEMO CONCLUSIONS

Paradigm Transportation Solutions Limited, 5A-150 Pinebush Rd, Cambridge ON N1R 8J8, is a qualified transportation engineering firm that undertook a traffic study relating to the proposed development.

EXECUTIVE SUMMARY AND RECOMMENDATIONS:

“This impact assessment includes an analysis of existing traffic conditions, describes the proposed development, traffic forecasts for five years from the assumed completion of the developments (2030), and recommendations to improve future traffic conditions.

Development Description:

This TIS considers the development of 247 Brock Street and consists of:

- 247 Brock Street: an existing building converted into a 16 unit mid-rise condominium building and a new 34 unit mid-rise condominium building;
- Access to the proposed development is provided via:
 - an all-moves access to Brock Street; and
 - two all-moves access to Gore Street.

Conclusions:

Based on the investigations carried out, it is concluded that:

- **Existing Traffic Conditions:** All study area intersections are currently operating within acceptable levels of service;
- **Proposed Development:**

- 247 Brock Street: The full build-out of the site is forecast to generate 10 and 20 trips during weekday AM and PM peak hours, respectively.
- **2030 Background Traffic Conditions:** All study area intersections are forecast to operate at acceptable levels of service;
- **2030 Total Traffic Conditions:** The total traffic conditions are forecast to operate similarly to the background conditions;
- **Remedial Measures:**
 - Left-Turn Lane Warrants: It was found that **no left-turn** lanes are forecast to be warranted.

Recommendations:

Based on the findings of this study, it is recommended that the proposed development at 219 Brock Street and 247 Brock Street be constructed with no further roadway or intersection improvements.”

Based on the findings of the TIS, the proposed development can be considered to not cause negative impacts to the municipal infrastructure and will not have a negative impact on the traffic of the neighbourhood. No modifications to municipal infrastructure are required to facilitate the proposed development.

3.6 PART 4 ARCHEAOLOGICAL REPORT CONCLUSIONS

TMHC Inc., 1108 Dundas Street, Unit 105, London ON NSW 3A7, is a qualified, licensed archaeological firm with extensive experience and local knowledge, undertook a Stage 1-4 Archaeological Assessment of the subject property. File AaHs-138 dated August 27, 2021 has been registered with the Ministry of Heritag, Sport, Tourism and Culture.

SECTION 5, SUMMARY (page 31):

“A Stage I and 2 archaeological assessment was conducted for the roughly 0.75 ha (1.85 ac) property at 247 Brock Street in the Town of Amherstburg, Essex County, Ontario. The Stage I assessment revealed that the property had potential for the discovery of archaeological resources and a Stage 2 survey was recommended and carried out. The Stage 2 assessment (test pit assessment at a 5 m interval) resulted in the documentation of archaeological resources at Location I (AaHs-138). The site was found to have further cultural heritage value or interest (CHVI) and Stage 3 testing was recommended.

A Stage 3 archaeological assessment was conducted for Location I (AaHs-138). The Stage 3 work consisted of the excavation of 16 1 m² units across the site area, resulting in the collection of 2,236 19th and 20th-century artifacts. Based on the artifacts recovered and their distribution, Location I (AaHs-138) is a domestic site dating to the period between c.1880 and 1917. The site assemblage is likely the product of an accumulation of material variably deposited during the occupations of William Caldwell (1894-1899), Alice Primeau (1899-1907), the Conway family and their tenants (1907-1912) and/or Manley Cahoon (1912-1915). Given the age of the site and the lack of integrity, Location I (AaHs-138) is considered sufficiently documented. The site does not meet provincial criteria for Stage 4 assessment and no further work is recommended. **As such, the subject property should be considered free of archaeological concern.”**

In conclusion, the findings of the archaeological report do not warrant any further study of the property. There should be statements provided within the site plan agreement to provide direction should artifacts or remains be discovered during construction.

4.0 PROVINCIAL POLICY STATEMENT (PPS 2020)

When reviewing a planning application to determine if the requested Official Plan Amendment (OPA) and Zoning Bylaw Amendment (ZBA) makes sound planning, it is imperative that the proposed development is consistent with the Provincial Policy Statements (PPS): "The Provincial Policy Statement provides policy direction for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. It (PPS) recognizes that the wise management of development may involve directing, promoting or sustaining growth. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns."

"Section 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;

COMMENT:

In my professional opinion, the proposed OPA and ZBA allowing for the adaptive reuse of the presently existing heritage building and the proposed new building will create an efficient and effective use suited and compatible with the existing neighbourhood.

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;

COMMENT:

The condominium buildings will provide for an alternative style and tenure of housing than the standard housing in Amherstburg. The OPA and ZBA will facilitate the provision of a variety and diversity of housing needed within a community to support a healthy community. The residential buildings will be developed as condo ownership providing for an alternative housing style and tenure while supporting a diversification of housing styles and tenures within Amherstburg.

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

COMMENT:

The existing St Anthony's Lofts were built in 1910 as a school with the remainder of the property vacant lands for play area associated with the previous school and subsequent youth center. Considering the previous historical uses, there are no known contaminants on site. There are no environmental or health issues associated with the adaptive re-use of the existing building.

- 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;*

COMMENT:

The subject lands are located within the urban area of the settlement area within the Town of Amherstburg. The adaptive re-use of the existing building and the additional building creates an infilling residential development within an established residential neighbourhood; the buildings are distance separated, provide a neighbourhood buffer between existing low and medium density residential, low profile, medium density residences that in my opinion, provide a housing tenure and style diversification that is compatible with the neighbourhood. The property is located within a residential area peripheral to the downtown core and will not result in the unnecessary expansion of the urban settlement area.

- 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;*

COMMENT:

The subject development is proposed as an adaptive reuse of an existing heritage building converted to condos and an additional condo building within a mixed density residential neighbourhood.

The re-development of the existing building with an adaptive re-use of the presently vacant institutional building to condominiums and an additional condominium building with a total of 50 units to create a medium density development is best suited as an unobtrusive infill in the existing mixed density residential neighbourhood. The proposal supports the establishment of alternative housing tenure and style while being neighbourhood compatible.

COMMENT:

The utilization of the vacant building for the inclusion of 16 residential condominium units and the development of an condo building with 34 residential condominium units will result in with an appropriate intensification of use.

Site services are available to the site. The location will allow for an efficient and effective development while providing for a cost effective utilization of existing municipal infra-structure. As noted in the Engineering report, there is municipal capacity to accommodate the proposed land use and the development will not result in an expansion of municipal infrastructure.

The adaptive re-use of the existing building for condominiums and the new condominium building combined with the location in the periphery to the downtown area of the municipality will result in the support and cost effective utilization of municipal services such as the transit system, walking trail and bike trail infrastructure.

Proposed OPA will provide for residential policies and ZBA will recognize the site specific regulations and support the establishment of the residential development.

COMMENT:

In my professional opinion, the proposed residential adaptive re-use of the heritage building, and the re-development of the property is consistent with and supports the cost-effective re-use of the property while minimizing land consumption and supports the efficient and effective utilization of municipal infrastructure.

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

COMMENT:

Building accessibility will be established in compliance with the OBC for all the residential units.

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

COMMENT:

The existing building is connected to municipal services and the proposed new condominium building will be connected to municipal infrastructure. As noted in the Civil Works report there is capacity available in the municipal infrastructure to accommodate the proposed 50 unit condos. The proposed adaptive re-use and the new condo building is considered an efficient and effective utilization of municipal infrastructure.

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

COMMENT:

The requested development is for an adaptive re-use of an existing building and the additional building is located on vacant lands. The proposed development assists with the conservation and preservation of biodiversity by providing for wise intensification with redevelopment of existing lands as infilling in an urban centre.

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

COMMENT:

The building is located within a neighbourhood providing services and commodities within walking distance. There are employment opportunities within walking distance to the site, supporting the work/live initiative. In my professional opinion the proposal considers the changing climate by reducing the dependence on the vehicle while supporting walking, biking and healthy community initiatives of the Municipality and Province.

“Section 1.1.3.2 Land use patterns within settlement areas shall be based on:

- a) densities and a mix of land uses which:
 - 1. efficiently use land and resources;*
 - 2. 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;*
 - 3. minimize negative impacts to air quality and climate change, and promote energy efficiency;*
 - 4. prepare for the impacts of a changing climate;*
 - 5. support active transportation;*
 - 6. are transit-supportive, where transit is planned, exists or may be developed; and*
 - 7. are freight-supportive; and**

- b) a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3. where this can be accommodated.”*

COMMENT:

The proposed adaptive re-use of an existing, under utilized building and the further development of vacant lands as infilling development as noted above, is an efficient use of the land.

The proposed development is an efficient use of the existing municipal services and can be considered an appropriate use of the subject lands. There is no need to expand municipal services to accommodate the proposed development.

In my professional opinion, the proposed residential development is an efficient, effective development for the site and supportive of the PPS policies ensuring compatible new development with the existing neighbourhood.

“Section 1.1.3.3 Settlement Areas

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.”

COMMENT:

The subject lands are within a short walking distance to the downtown and within a neighbourhood where municipal transit is available. The OPA/ZBA will support the evolution of an under utilized vacant building for a residential condominium and vacant lands for a residential condominium building to provide needed residential accommodation within a residential neighbourhood in the periphery to the downtown.

“Section 1.1.3.4 Settlement Areas

Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.”

COMMENT:

The development of the subject lands supports, promotes and facilitates an appropriate land use for the neighbourhood while allowing for an intensification of land use and providing needed residential condominium units as alternative tenure and style of housing. As an adaptive re-use of an existing, under utilized building and the managed intensification by development of vacant lands can be considered an appropriate re-development. There are no public health issues or risks associated with the proposed development.

COMMENT:

In my professional opinion, the requested OPA and ZBA is consistent with the 2020 PPS by supporting the sound and efficient adaptive re-use of an existing heritage building and for the managed intensification and growth associated with the inclusion of residential land use for the subject site. Providing for a site specific ZBA regulation that support the redevelopment of these lands for residential condominiums, in my professional opinion supports the Healthy Community initiatives and is therefore consistent with the Provincial Policy Statements.

5.0 COUNTY OF ESSEX OFFICIAL PLAN:

The County of Essex Official Plan provides policies directing land use within the entirety of the County of Essex. The policies are consistent with the Provincial Policy Statements and provides additional policy direction for development within the County of Essex.

“3.2.1 General Directive Schedule “A1” of this Plan identifies the location and precise boundaries of the “Settlement Areas” within the County. Schedule “A2” details the structure of the “Settlement Areas”, by differentiating between Primary and Secondary.

It is the vision and purpose of this Plan to direct the majority of future growth and development into the Primary Settlement Areas in order to strengthen the County’s settlement structure, focus public and private investment in fewer areas and to preserve the lands designated “Agricultural” and “Natural Environment” for the purposes outlined in the policies of this Plan.”

COMMENT:

The subject lands are located within the Principal Settlement Area of the Town of Amherstburg.

In my professional opinion, the proposed OPA/ZBA conforms with S.3.2.1 of the County Official Plan.

“3.2.2 Goals

The following goals are established for those lands designated as “Settlement Areas” on Schedule “A1”:

- a) Support and promote public and private re-investment in the Primary Settlement Areas.*
- b) To support and promote healthy, diverse and vibrant settlement areas within each of the seven Essex County municipalities where all county residents, including special interest and needs groups can live, work and enjoy recreational opportunities*
- c) To promote development within Primary Settlement Areas that is compact, mixed-use, pedestrian oriented, with a broad range of housing types, services and amenities available for residents from all cultural, social and economic backgrounds.”*

COMMENT:

The investment to re-develop the subject lands is focused within the settlement area of the Town of Amherstburg.

The proposed development will provide for alternative housing and tenure by supporting diversification of the housing market by providing condominium accommodation and ownership.

The proposed development is for a medium density development in a mixed density neighbourhood. The development will support managed appropriate intensification of residential land use.

In my professional opinion, the proposed OPA/ZBA conforms with S.3.2.2 Goals of the County Official Plan.

“3.2.4.1 Policies apply to Primary Settlement Areas:

- b) Primary Settlement Areas shall have full municipal sewage services and municipal water services and stormwater management services, a range of land uses and densities, a healthy mixture of housing types including affordable housing options and alternative housing forms for special needs groups and be designed to be walkable communities with public transit options (or long-term plans for same).”*

COMMENT:

The OPA/ZBA will support the repurposing of the existing heritage building and adapting it to a new use from the original school to a residential condominium. The property will be further developed with an additional condominium building. Both buildings will provide alternative housing style and tenure within an area that is walkable to the downtown for commercial amenities.

In my professional opinion, the proposed OPA/ZBA conforms with S.3.2.4.1 of the County Official Plan.

COMMENT:

The proposed development will provide for needed alternative residential housing within the Primary Settlement area of Town of Amherstburg. In my professional opinion, the proposed OPA/ZBA conforms with the County Official Plan.

6.0 TOWN OF AMHERSTBURG OFFICIAL PLAN:

The subject lands are presently designated 'Institutional' in the Town of Amherstburg Official Plan. The following policies relate to the permitted uses within the 'Institutional' designation:

"4.6 INSTITUTIONAL LAND USE DESIGNATION

The Institutional classification of land shall mean that the predominant use of the land so designated shall be for uses which exist for the benefit of the residents of Amherstburg and which are operated by the municipality or other public organization for this purpose. The general principles to be considered in the development and control of the use of such land are as follows: The uses permitted shall include educational facilities including public, separate, and private schools, places of worship, other civic and institutional uses such as fire halls, police stations, libraries and similar uses, public and private open space areas, active and passive recreation facilities, and community facilities are also included within the Institutional designation. In addition, municipal and private utility works such as water towers, sewage treatment facilities, telephone and gas utility operating facilities, and similar uses are also permitted uses.

COMMENT:

The proposed adaptive re-use of the existing building from a youth centre to a residential condominium use and the inclusion of a new residential condominium use does not conform with the permitted uses under the existing 'Institutional' designation permitted under S. 4.6 of the OP. An OPA is required to change the OP designation to 'Residential' to allow for the proposed development.

An Official Plan Amendment (OPA) has been requested to redesignate the subject lands 'Residential' to apply the following policies to the proposed residential land use. The 'Residential' designation of the Official Plan permits low, medium or high profile residential buildings in the Mixed Use designation. The owner proposes to adapt the existing structure from the previously under utilized and unoccupied institutional use to residential condominiums while also providing for an additional residential condominium on adjacent lands.

“4.2 RESIDENTIAL USES 4.2.1

It is the intention of this Plan to ensure that sufficient lands have been placed in various Residential designations to accommodate the anticipated population in a suitable variety of locations, densities, and unit types. This Plan also intends to ensure that new development or redevelopment is appropriately located, is compatible with surrounding land uses, and incorporates energy efficient aspects in its design. The Plan also intends to encourage the development of economical housing in a suitable environment. Existing housing and existing residential areas shall be preserved and improved.”

COMMENT:

The requested OPA will support the redevelopment of the site for residential development that will provide for alternative housing style and tenure. The provision of 16 new condominiums provides for alternative housing tenure and style to the present single detached residences that are typically available for sale in Amherstburg. The addition of a new condominium building will provide for alternative tenure and accommodation that is greatly needed within the Town.

The adaptive re-use of the existing building and the additional building creates an infilling residential development within an established mixed density residential neighbourhood; the buildings are distance separated, provide a neighbourhood buffer between existing low and medium density residential, low profile, medium density residences that in my opinion, provide a housing tenure and style diversification that is compatible with the neighbourhood. The buildings will also provide for transitioning from the existing medium density housing to the single detached housing located with distance separation.

The adaptive re-use of the existing building to new residential condominium will also support the preservation of significant heritage for the Town of Amherstburg.

The proposed development will provide for alternative housing tenure and style that is compatible in density and form to the existing mixed density neighbourhood.

In my professional opinion, the proposed OPA/ZBA conforms with S.4.2.1 of the Town of Amherstburg Official Plan.

“Section 1.7.5 Identified Areas for Residential Development

The main areas identified for residential development are:

- (1) the old Town of Amherstburg;*
- (2) lands immediately to the south of the old Town (up to the Big Creek fill regulation which is now known as the Limit of the Regulated Area);*
- (3) lands to the north of Texas Road (up to the Edgewater sewage treatment facility);*
- (4) McGregor;*
- (5) Bois Blanc Island; and,*
- (6) Amherst Point.*

These areas are where the greatest concentration of development has already occurred, or has been planned for, and are areas located within sanitary sewer service areas. The old Town of Amherstburg has the greatest concentration of support services such as parks, open space, schools, churches, social services, medical services, commercial facilities and employment opportunities.”

COMMENT:

The proposed OPA/ZBA will be applied to the subject lands located within the periphery to the downtown core of the ‘old Town of Amherstburg’.

In my professional opinion, the proposed OPA/ZBA conforms with S.1.7.5 of the Town of Amherstburg Official Plan.

“4.3 RESIDENTIAL LAND USE DESIGNATIONS

The Residential classification of land shall mean that the predominant use of land so designated shall be for varying densities and types of residential land uses. Under the Residential classification, there are six Residential designations:

- (1) Low Density Residential*
- (2) Medium Density Residential*
- (3) High Density Residential*
- (4) Office Residential*
- (5) Heritage Residential*
- (6) Modular Home Residential.”*

COMMENT:

The Official Plan Amendment (OPA) will redesignate the subject lands from the present 'Institutional' designation to an appropriate 'Residential' designation. This will support the adaptive reuse and subsequent heritage preservation of the proposed heritage building.

In my professional opinion, the proposed OPA/ZBA conforms with S.4.3 of the Town of Amherstburg Official Plan.

“Section 4.3.2 Medium Density Residential Areas

*The uses permitted in areas designated Medium Density Residential shall be limited to single, duplex, triplex, conversions, and horizontal multiples, home occupation uses and public uses. In addition to these permitted uses, **low-rise apartment buildings with a maximum height of five stories are permitted.***

The maximum density shall not exceed 70 units per gross hectare.”

COMMENT:

Phase 1 building is an existing heritage building with 54.5 ft and 3.5 storey height. Proposed Phase 2 building will be slightly shorter with 45 ft height (top of parapet) to ensure the Phase 2 building is shorter than the existing heritage building out of respect to the heritage of the existing structure. Phase 2 building will be 4 storeys in height.

The redesignation will allow for the development of the Phase 2 subject lands with a new residential land use. The two phases at 50 units for the 0.7516 ha lands will result in a Medium Density Residential development at 66 units/ha for the subject lands.

In my professional opinion, the proposed OPA/ZBA conforms with S.4.3.2 of the Town of Amherstburg Official Plan.

“Section 4.3.2 Medium Density Residential Areas

The general location shall be in conformity with Schedules “A” and “B”.

The Medium Density Residential area may have separate zoning categories in the implementing Zoning By-Law.

Where a large dwelling would be converted to contain a number of additional dwelling units, this activity would be permissible provided that:

- (1) Required parking spaces can be provided on the site, other than within the required front yard;*
- (2) There is no change in the exterior character of the dwelling;*
- (3) Adequate buffering and transition can be provided to surrounding lower density development; and,*
- (4) There is no change in the character of existing development, using the criteria outlined above to determine the effect of the proposal. If the proposed development will result in a change in the character, an Official Plan amendment will be required, with a study being required and a public hearing being held to determine if the Official Plan amendment should be undertaken.”*

COMMENT:

The existing heritage building has historically been used as a school and then a youth centre, not a residence. With the adaptive re-use of this institutional building, the above criteria was considered for the conversion of the large building to a residential use.

(1) Parking has been calculated for Phase 1 and Phase 2 in compliance with Parking Standards established in the CZB. The provision of parking exceeds the bylaw requirements and will be provided as follows:

Part 1 - 16 residential units; required 1/unit = 16 spaces; provided = 30 reg, 2 BF

Part 2 - 34 residential units; required 1/unit = 34 spaces; provided = 42 reg, 2 BF

(2) The building is designated under Part IV of the Heritage Act. The exterior of the building requires some minor modifications to accommodate deteriorated items such as windows however these will be replaced with replicas of the existing feature. There will be minor modifications to the exterior to modernize the building with items such as elevator shafts to accommodate accessibility. The minor modifications have been approved by the Heritage Committee. The minor modifications have been minimized to reduce visual impact and in my professional opinion, do not change the character of the building.

(3) The lot configuration and size support buffering and distance separation from existing residential uses creating a compatible development within the neighbourhood;

(4) An OPA has been requested to support the adaptive re-use of the heritage building from institutional to residential. The OPA will support the heritage preservation, provide for needed alternative residential uses, and will establish a land use appropriate for the site and the neighbourhood.

In my professional opinion, the proposed OPA/ZBA conforms with S.4.3.2 of the Town of Amherstburg Official Plan.

COMMENT:

In my professional opinion, the requested OPA/ZBA conforms with the relevant policies of the Official Plan for the justification noted above.

7.0 ZONING BY-LAW REGULATIONS

The subject lands are zoned 'Institutional (I)' in the Comprehensive Zoning By-law for the Town of Amherstburg.

The land use of residential is not a permitted use in the 'Institutional (I)' zone presently applied to the subject lands. The change of use from a school to a residential use doesn't comply with the existing regulatory framework applied to the property.

A Zoning Bylaw Amendment (ZBA) has been requested to rezone the subject lands to 'Residential Multiple Second Density (RM2)' zone under the Comprehensive Zoning Bylaw 1999-52 for the Town of Amherstburg.

In addition to recognizing the proposed residential land use outlined for Part 1 and 2, it is critical to place site specific regulations on the site to recognize the existing heritage aspects of the building setbacks and site context for Part 1 and the proposed new building for Part 2.

Establishing site specific regulations for Part 1 to maintain the heritage situation of the building will support the conservation and preservation of the heritage building. As well, providing for site specific regulations for Part 2 is critical to reflect the uniqueness of the regulations for the vacant parcel to protect heritage aspects of the existing structure such as established front yard setback for Part 1.

Part 1 and Part 2 will be developed as two separate parcels through two separate condominium corporations. Each parcel has driveway access to Gore Street. In recognition of safety issues, a second access to each parcel is proposed through a reciprocal access between Part 1 and Part 2. The reciprocal access is to be provided between Part 1 and Part 2 at the south of the parking line between the two parcels. Parking will be provided on both Part 1 and Part 2 adjacent the mutual shared property line, separated by concrete curbing for the length of the mutual lot line with the exception of the reciprocal access. A site specific provision has been included to recognize the 0 m parking setback to allow for the parking only for the mutual shared property line.

TABLE 3: ZONING BYLAW REVIEW:

PROVISION	'RESIDENTIAL (RM2)' REGS	PART 1	PART 2
LOT AREA	840 m2	3,626 m2	3,889 m2
LOT FRONTAGE	30 m	36.5 m	81.3 m
REAR YD SETBACK	7.5 m	13 m	2.5 m
FRONT YD SETBACK	7.5 m	16 m	2.5 m
INTERIOR SIDE YD	6 m	2.5 m	2.5 m
EXTERIOR SIDE YD	6 m	2.5 m	N/A
LANDSCAPED OPEN SPACE	30%	33 %	21 %
HEIGHT (MAX)	22 m	16.7 m	13.7 m
LOT COVERAGE	40%	26.2%	29.2 %
PARKING	1 sp/unit	16 spaces req'd 30 reg + 2 BF	34 spaces req'd 42 reg + 2 BF

COMMENT:

In my professional opinion, the requested ZBA complies with the intent of the CZB to recognize site specific regulations for the existing building and provide for site specific provisions for the Part 2 building to recognize the heritage aspects of the property and site characteristics. After passing of the ZBA, the proposed development will comply with the regulatory framework under the CZB for the Town of Amherstburg.

8.0 CONCLUSIONS

In my professional opinion, the requested Official Plan Amendment (OPA) and Zoning Bylaw Amendment (ZBA) purports to apply 'Residential' Official Plan policy framework and will provide a new site specific regulatory framework to allow for an appropriate land use for the subject site. As an adaptive re-use of the existing under utilized building, the residential condominium uses are compatible with the neighbourhood and appropriate utilization of the existing building and proposed future building with the existing neighbourhood.

The OPA/ZBA will support the preservation of significant heritage building in the Old Town of Amherstburg. As well, the ZBA will support the preservation of the viewscape of the heritage building by providing for site specific bylaw regulations to ensure the respect and sympathy the new building will provide to the existing heritage while allowing for new infilling development.

The existing building and proposed building height and massing will provide for a buffering with the existing mixed density housing from the single detached residences in this older established neighbourhood of the Old Town of Amherstburg. The proposed development of both Part 1 and Part 2 will provide for needed alternative housing supporting diversity in housing in the Town. The OPA/ZBA will support the Town's residential policy initiatives to supply alternative housing through the adaptive re-use of the existing infrastructure and the new building being proposed. The initiative also supports the municipality's initiative to provide for a healthy, walkable community.

8.1 GOOD PLANNING

With the adaptive re-use of the existing 110 year old heritage building to residential condominiums with ownership tenure will require a change in policy framework that will be used to support the residential land use. Part 2 is proposed for infilling development of a condominium building that will be designed to be supportive and respectful of the existing heritage building on the adjacent lands.

The OPA will establish 'Residential' policies for the subject lands to direct and support the proposed residential land use. The new development is intended as a medium density residential condominium development providing alternative housing tenure and style to the typical single detached residences found in the town.

The existing building is established while the Part 2 building is proposed as infilling resulting in a medium density development within a mixed density residential neighbourhood. The proposed condominium development provides a diverse housing option as an alternative to the single detached residence.

The proposed adaptive re-use of the building to 16 condominiums and the new 34 unit condominium building, in my professional opinion, is compatible with the existing residential neighbourhood and would result in a low impact use on the long established residential neighbourhood.

Part 1 is proposed as an adaptive re-use of the existing 3.5 storey building with the interior re-organized and retrofitted from the institutional use to provide for the 16 residential condominium units and will be sold as condominiums providing for alternative tenure and housing style.

To provide for an efficient and effective use of the subject lands, Part 2 is comprised of a second building on a vacant lot to the east of the existing building. The second building will be developed with 34 residential condominium units for a total of 50 new residential units in the project on the subject lands. The additional 34 condominium units will provide for an alternative housing tenure and style while supporting a diversification in housing in Amherstburg.

Referring to pictures above, the present 3.5 storey height of the Lofts of St. Anthony's will not be modified. There are exterior modifications discussed above including an addition of an elevator to the side of the building but has been designed to have a lower profile than the existing building. There will be some exterior improvements to clean and repair the façade of the existing heritage building and replace any features identified requiring replacement. The new building has been designed to be compatible with the existing heritage building.

The proposed modifications and adaptive re-use of the building from the present vacant institutional building to needed residential condo use will support the rejuvenation of the existing building, will support the preservation of a heritage building, will provide for a compatible development as an adaptive re-use and infilling residential use in an existing residential neighbourhood, will provide an aesthetically pleasing development, will assist with rejuvenating the neighbourhood, and will provide for needed alternative residential housing tenure supporting the diversification of housing accommodation in the Town of Amherstburg.

In my professional opinion, the requested OPA and ZBA makes sound planning and the necessary amendments are supportable.

8.3 CONCLUSIONS

Given the foregoing assessment and our evaluation of the proposal in relation to the PPS 2020, the County of Essex Official Plan, The Town of Amherstburg Official Plan and the Comprehensive Zoning By-law, in my professional opinion the proposed Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) is consistent with polices of the PPS, OP, and regulations found in the Zoning By-law.

In addition, it is our opinion that the proposed Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) is appropriate and desirable within this policy framework as it will facilitate development of site while also implementing the proposals included in this Planning Justification Report dated March 7, 2022.

In summation, the proposal conforms with the proposed Official Plan Amendment (OPA) that will see the subject lands re-designated to 'Residential' and the proposal complies with the Zoning Bylaw Amendment (ZBA) that will appropriately establish a site specific regulatory framework under the 'Residential Multiple Second Density (RM2)' zone. The OPA and ZBA provides a good solution for the preservation of the heritage of the designated property while providing for needed residential accommodation and supporting a diversity of housing tenures and styles within the municipality.

In my professional opinion the requested OPA and ZBA:

- 1) is consistent with the policies of the 2020 Provincial Policy Statements;
- 2) maintains the intent of the relevant policies of the Town of Amherstburg Official Plan and when the OPA is adopted, it will conform with the established policy framework of the OP;
- 3) maintains the intent of Town of Amherstburg CZB and when the ZBA is passed, it will establish the regulatory framework required for the development to comply with the CZB;
- 4) makes sound planning.

I hereby certify that this report was prepared by Jackie Lassaline RPP MCIP, a Registered Professional Planner within the meaning of the Ontario Professional Planners Institute Act, 1994.

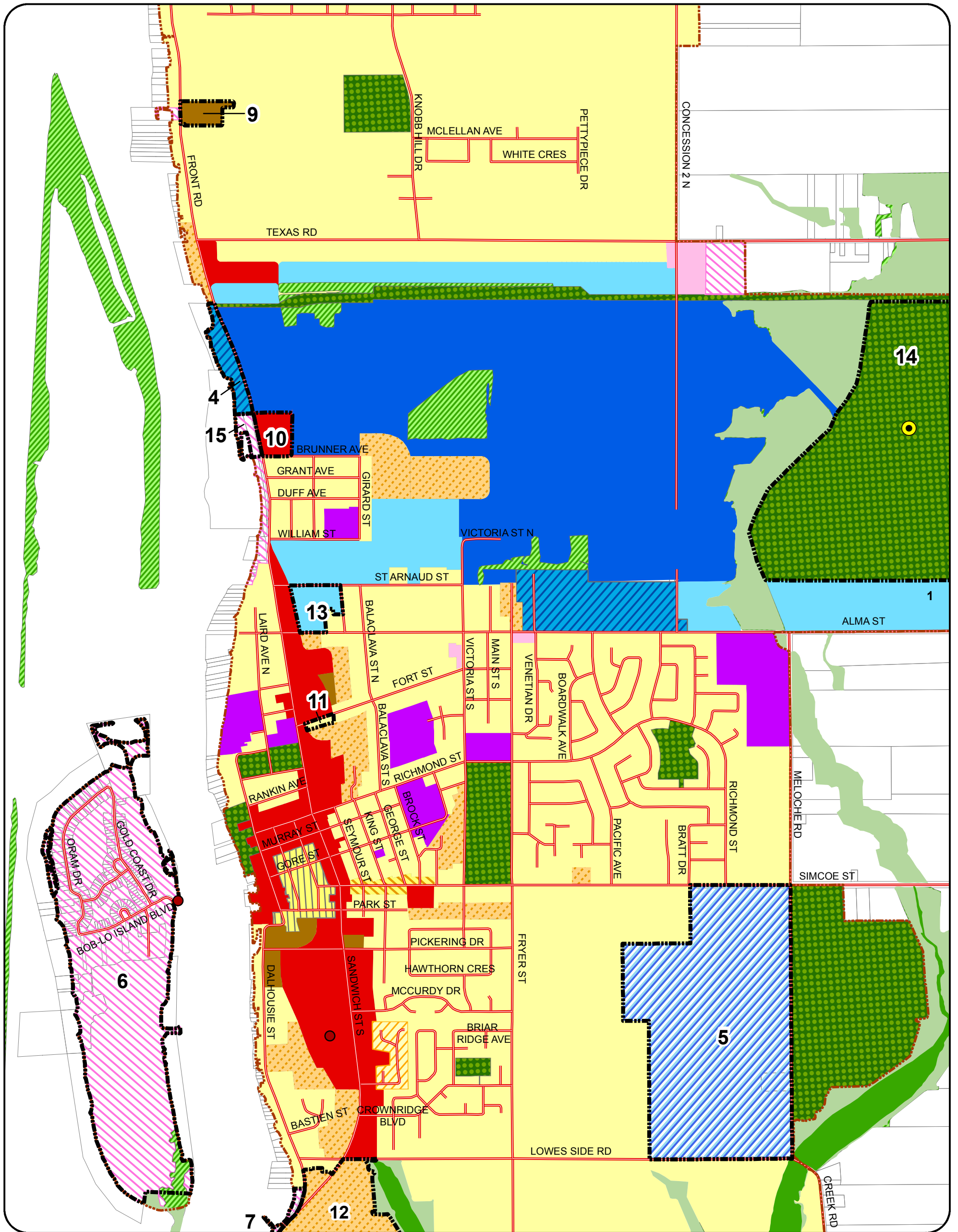
Lassaline Planning Consultants Inc.

J M Lassaline

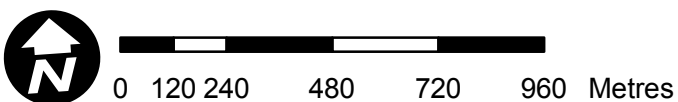
Jackie Lassaline BA MCIP RPP

Principal Planner

APPENDIX A – OFFICIAL PLAN SCHEDULE A



**TOWN OF AMHERSTBURG
OFFICIAL PLAN**
SCHEDULE "B-2"
LAND USE PLAN



Legend

- | | | |
|-----------------------------------|--------------------------|---------------------------|
| Agricultural | Heritage Residential | Recreational Development |
| Settlement Area Boundary | Modular Home Residential | Open Space |
| Provincially Significant Wetlands | Neighbourhood Commercial | Special Policy |
| Natural Environment | General Commercial | Closed Landfill Site |
| Woodlots | Special Industrial | Open Landfill Site |
| Low Density Residential | Light Industrial | Sewage Treatment Facility |
| High Density Residential | Heavy Industrial | |
| Medium Density Residential | Extractive Industrial | |
| Office Residential | Institutional | |

APPENDIX B – ‘RESIDENTIAL MULTIPLE SECOND DENSITY (RM2)’

SECTION 11 RESIDENTIAL MULTIPLE SECOND DENSITY (RM2) ZONE

(1) SCOPE

The provisions of this Section shall apply in all Residential Multiple Second Density (RM2) Zones except as otherwise provided in the Special Provisions Subsection of this Section.

(2) USES PERMITTED

No person shall within any RM2 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following RM2 uses, namely:

- (i) multiple dwelling;
- (ii) continuum-of-care facility;
- (iii) home occupation;
- (iv) accessory uses;
- (v) public use.

(3) ZONE REQUIREMENTS

No person shall within any RM2 Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions.

(a)	Lot Area (Minimum)	840 m ²
(b)	Lot Frontage (Minimum)	30 m
(c)	Front Yard Depth (Minimum)	7.5 m
(d)	Interior Side Yard Width (Minimum) or half the height of the building, whichever is greater.	6 m
(e)	Exterior Side Yard Width (Minimum) or half the height of the building, whichever is greater.	6 m
(f)	Rear Yard Depth (Minimum)	7.5 m
(g)	Lot Coverage (Maximum) including parking structures	40%
(h)	Landscaped Open Space (Minimum)	30%
(i)	Dwelling Unit Area (Minimum)	
(i)	Bachelor dwelling unit	35 m ²
(ii)	Dwelling unit containing one bedroom	50 m ²

- | | | |
|-------|---|-------------------|
| (iii) | Dwelling unit containing two bedrooms | 65 m ² |
| (iv) | Dwelling unit containing three bedrooms | 80 m ² |
| (v) | Dwelling unit containing more than three bedrooms
- 80 m ² plus 10 m ² for each bedroom in excess of 3 | |
| (j) | Height (Maximum) | 22 m |
| (k) | Privacy Yards (Minimum) | 7 m |
| | A privacy yard shall be provided adjoining each exterior wall of every dwelling unit that contains habitable room window. | |
| (l) | Building Separation (Minimum) | |
| (i) | between two primary windows | 15 m |
| (ii) | between a primary window and a secondary window | 12 m |
| (iii) | between a primary window and an ancillary window | 9 m |
| (iv) | between a primary window and a blank wall | 7.5 m |
| (v) | between two secondary windows | 9 m |
| (vi) | between a secondary window and an ancillary window | 6 m |
| (vii) | between a secondary window and a blank wall | 4 m |
| (m) | Accessory Uses, Parking, Home Occupation, etc. in accordance with the provisions of Section 3 hereof. | |

(4) SPECIAL PROVISIONS

(a) RM2-1 (UNION HALL)

Notwithstanding any provisions of this By-law to the contrary, within any area designated RM2-1 on Schedule "A" hereto, the following special provisions shall apply:

- (i) Uses Permitted
1. an assembly hall;
 2. offices accessory to a permitted use;

APPENDIX C – HERITAGE BYLAW 2021-079

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NUMBER 2021-079

A By-law to designate the property known as the “St. Anthony School” as being of cultural heritage value or interest.

WHEREAS the *Ontario Heritage Act* authorizes the Council of a municipality to enact By-laws to designate real property, including all the buildings and structures thereon, to be of cultural heritage value or interest;

AND WHEREAS authority was granted by Council to designate the property located municipally at 247 Brock Street and known as the “St. Anthony School”, as being of cultural heritage value or interest;

AND WHEREAS the St. Anthony School is legally described as:

LT 1 E/S KEMPT ST, 3 E/S BROCK ST, 18 W/S KEMPT ST, 19 W/S KEMPT ST PL 1
AMHERSTBURG; PT KEMPT ST PL 1 AMHERSTBURG CLOSED BY R1109842; PT EPT LT 2
CON 1 MALDEN AS IN R1143624; AMHERSTBURG

AND WHEREAS the Council of the Town of Amherstburg has caused to be served upon the owners of the land and premises known as the St. Anthony School and upon the Ontario Heritage Trust, Notice of Intent to designate the property and has caused the Notice of Intent to be published in a newspaper having general circulation in the municipality as required by the Ontario Heritage Act;

AND WHEREAS the property's cultural heritage value or interest, its important physical heritage attributes, and therefore its reasons for designation are summarized and set out in Schedule “A” to this bylaw;

AND WHEREAS a more fulsome description of the history and cultural heritage value of the St. Anthony School is set out in Schedule “B”;

AND WHEREAS the St. Anthony School is visually represented in Schedule “C”;

AND WHEREAS any future interventions or changes to the property shall follow commonly used heritage-conservation best practices, as set out in Schedule “D”;

NOW THEREFORE the Council of the Corporation of the Town of Amherstburg hereby enacts as follows:

1. The property at 247 Brock Street, known as the St. Anthony School and more particularly described in Schedule “A” is hereby designated as being of cultural heritage value or interest, for the reasons set out in Schedules “A” and “B”.


2. Any future interventions or changes to the property shall follow commonly used heritage-conservation best practices, as set out in Schedule “D”.

3. The Town Solicitor is authorized to cause a copy of this by-law to be registered in the proper Land Registry Office against the property located at 247 Brock Street and legally described as:

LT 1 E/S KEMPT ST, 3 E/S BROCK ST, 18 W/S KEMPT ST, 19 W/S KEMPT ST PL 1
AMHERSTBURG; PT KEMPT ST PL 1 AMHERSTBURG CLOSED BY R1109842; PT EPT LT 2
CON 1 MALDEN AS IN R1143624; AMHERSTBURG

4. The Town clerk is authorized to cause a copy of this bylaw to be served upon the owner of the property located at 247 Brock Street, and upon the Ontario Heritage Trust and to cause notice of this bylaw to be published in a newspaper having general circulation in the Town of Amherstburg as required by the *Ontario Heritage Act*.

Read a first, second, and third time and finally passed the 13 day of December, 2021.



MAYOR – ALDO DICARLO



CLERK – VALERIE CRITCHLEY

SCHEDULE "A" - STATEMENT OF CULTURAL HERITAGE VALUE OR INTEREST AND HERITAGE ATTRIBUTES

Description of Property

247 Brock Street, Amherstburg, Ontario

LT 1 E/S KEMPT ST, 3 E/S BROCK ST, 18 W/S KEMPT ST, 19 W/S KEMPT ST PL 1 AMHERSTBURG; PT KEMPT ST PL 1 AMHERSTBURG CLOSED BY R1109842; PT EPT LT 2 CON 1 MALDEN AS IN R1143624; AMHERSTBURG

known as the "St. Anthony School"

Statement of Cultural Heritage Value of Interest

Built 1910-11, and expanded in 1929, the building has design value unique as a substantial and important example of Romanesque Revival-style architecture in the Town of Amherstburg; Classical Revival-style elements also distinguish the building.

The building also has physical value being unique for its extensive use of local limestone, which was not a commonly used building material in the Town despite being a local material. It is one of only a small number of limestone buildings in the town, and among the most substantial.

Originally St. Anthony School, the property has historical value in the community as an important and integral educational institution. From 1912 to 1972 the building was a hub of educational activity, serving as a Roman Catholic Separate School, initially to serve lower grades.

The property has contextual value being historically and visually linked to its surroundings adjacent to St. John the Baptist Roman Catholic church. With the church building, the property recalls the significant historical presence of the Roman Catholic church in the town.

With the school building's prominent and distinctive physical presence on a corner lot visually linked to the adjacent church, the building stands out in an otherwise residential neighbourhood.

Heritage Attributes

The primary exterior heritage attributes (character-defining elements) of the property are its:

Exterior:

- Original location and placement on Brock Street, adjacent to St. John the Baptist Roman Catholic church;
- Rectangular, two-storey form on a raised basement;
- Hipped primary roof; gabled (pedimented) frontispiece; metal roofline cornices; secondary metal cornices atop doorways; exterior stone chimney;
- Masonry construction and limestone facades with sandstone detailing; the limestone main exterior stairs;
- Fenestration, symmetrical in arrangement; wooden sash windows; single and double doorways and assemblies with transom lights above.

Interior:

- two staircases with wood balustrades;
- interior spatial configuration;
- wood finishes comprising door and window casings, baseboards, and doors throughout.

SCHEDULE “B” – STATEMENT OF SIGNIFICANCE

Description

Built 1910-11, with a 1929 extension, St. Anthony School is two-storey, limestone-clad building designed in the Romanesque Revival style, with Classical Revival style influences. The property is in a historic residential area adjacent to St. John the Baptist Roman Catholic Church.

Heritage Value

St. Anthony School has design value unique as a substantial and important example of Romanesque Revival-style architecture in the Town of Amherstburg; Classical Revival-style elements also distinguish the building. Aligning the building with the Romanesque Revival style are elements such as its rough-faced stone finish and rounded-arch windows, while classical-style cornices, the pedimented frontispiece, and doorway fanlights further contribute to the composition.

The original building is the work of a renowned Detroit architect, Peter Dederichs. Dederichs designed numerous buildings for the Roman Catholic Dioceses of Detroit, including the impressive 1885 St. Mary's Roman Catholic Church. In Canada Dederichs also designed many buildings for the Roman Catholic Church, most notably the 1907-08 Gothic Revival-style chapel at Assumption Roman Catholic College in Windsor. The 1929 addition was designed by the prolific Windsor firm of Pennington & Boyde, who were favoured architects of the Roman Catholic church in the region, and who designed a broad spectrum of residential, institutional, ecclesiastical and commercial buildings in the southwestern Ontario.

The building also has physical value being unique for its extensive use of Amherstburg limestone, which was not a commonly used building material in the Town despite being a local material. Berea sandstone was used for the detailing and smooth finishes. It is one of only a small number of limestone buildings in the town, and among the most substantial.

Originally known as St. Anthony School, the property has historical value in the community as an important and integral educational institution. From 1912 to 1972 the building was a hub of educational activity, serving as a Roman Catholic Separate School, initially to serve lower grades. When the addition was completed in 1929, the school was able to serve children up to Grade Eight. From 1974 – 2020 the building became the House of Shalom, a non-denominational youth centre.

The property has contextual value being historically and visually linked to its surroundings adjacent to St. John the Baptist Roman Catholic church. With the church building, the property recalls the significant historical presence of the Roman Catholic church in the town.

With the school building's prominent and distinctive physical presence on a corner lot visually linked to the adjacent church, the building stands out as a landmark in an otherwise residential neighbourhood.

SCHEDULE "C" – IMAGES OF THE ST. ANTHONY SCHOOL
247 BROCK STREET PHOTOGRAPHS



Historic view of West (main) and North Facades, no date, Marsh Collection Society PC100.14



West (Main) façade of 247 Brock Street (August 9, 2021)



North façade of 247 Brock Street (August 9, 2021)



South façade of 247 Brock Street (September 2, 2021)



East facades of 247 Brock Street (August 9, 2021)



An example of one of the two staircases of 247 Brock Street (August 9, 2021)

SCHEDULE “D” – “THE STANDARDS”

(Standards and Guidelines for the Conservation of Historic Places in Canada, Parks Canada, 2010)

General Standards for Preservation, Rehabilitation and Restoration

1. Conserve the heritage value of an historic place. Do not remove, replace or substantially alter its intact or repairable character-defining elements. Do not move a part of an historic place if its current location is a character-defining element.
2. Conserve changes to an historic place that, over time, have become character-defining elements in their own right.
3. Conserve heritage value by adopting an approach calling for minimal intervention.
4. Recognize each historic place as a physical record of its time, place and use. Do not create a false sense of historical development by adding elements from other historic places or other properties, or by combining features of the same property that never coexisted.
5. Find a use for an historic place that requires minimal or no change to its character-defining elements.
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 Rehabilitation

10. 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.
11. Conserve the heritage value and character-defining elements when creating any new additions to an historic place or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place.
12. Create any new additions or related new construction so that the essential form and integrity of an historic place will not be impaired if the new work is removed in the future.

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.



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF DEVELOPMENT SERVICES

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Table with 2 columns: Author's Name, Author's Phone, Author's E-mail, Report Date, Date to Council, Resolution #.

To: Mayor and Members of Town Council

Subject: Zoning By-law Amendment- 247 Brock Street

1. RECOMMENDATION:

It is recommended that:

- 1. By-law 2022-057 being a by-law to amend Zoning By-law No. 1999-52, to amend the zoning for the subject lands known as 247 Brock Street be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.

EXECUTIVE SUMMARY:

N/A

2. BACKGROUND:

An application has been received from Jones Realty Inc. to amend both the Official Plan and Zoning by-law for lands known as 247 Brock St (refer to Figure 1). This Official Plan and Rezoning, will amend the existing official plan designation on this property from an "Institutional" to a "Medium Density Residential" designation, and will change the zoning from an "Institutional" zone to a new site-specific Residential Multiple Second Density (RM2-8) zone. This will allow an existing institutional building to be converted and used for 16 new residential condominium style dwelling units and will permit a new 4 storey 34-unit residential condominium style apartment building to be built. The applicant has indicated that the development will proceed in 2 phases. The first phase will include the conversion of the existing institutional building. Phase 2 will include the construction of the new 4 storey 34-unit building.

3. DISCUSSION:

At its meeting of May 24th, 2022 Council adopted Official Plan Amendment (OPA) Number 14 to provide for the development of the lands described in section 2 above. At the time the OPA was adopted the final details of the corresponding implementing zoning by-law amendment (ZBA) had not been finalized. Since that time administration, in consultation with the applicant's consultant has completed the ZBA for the subject lands. The contents of the amending by-law take into account all of the required regulations to allow the lands to be developed in accordance with the proposed site plan (refer to figure 2).

4. RISK ANALYSIS:

The recommendation presents little to no risk to the municipality.

5. FINANCIAL MATTERS:

All other costs associated with the application and planning processes are the responsibility of the developer.

6. CONSULTATIONS:

The Zoning By-law Amendment has been reviewed with the applicant.

7. CONCLUSION:

It is the opinion of administration that the zoning by-law amendment allows for the appropriate development of the subject lands, conforms with the policies of the Official Plan, and is in accordance with the attached site plan. Therefore, it is recommended that Council adopt Zoning By-law Amendment Number 2022-057.



Melissa Osborne
Director, Development Services

JM

Report Approval Details

Document Title:	Zoning By-law Amendment- 247 Brock.docx
Attachments:	- 2022 06 13- Zoning By-law Amendment at 247 Brock Street- ATTACHMENTS.pdf
Final Approval Date:	Jun 7, 2022

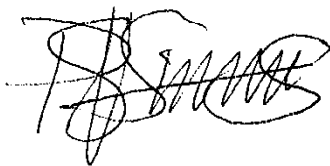
This report and all of its attachments were approved and signed as outlined below:



Melissa Osborne



Tracy Prince



Peter Simmons

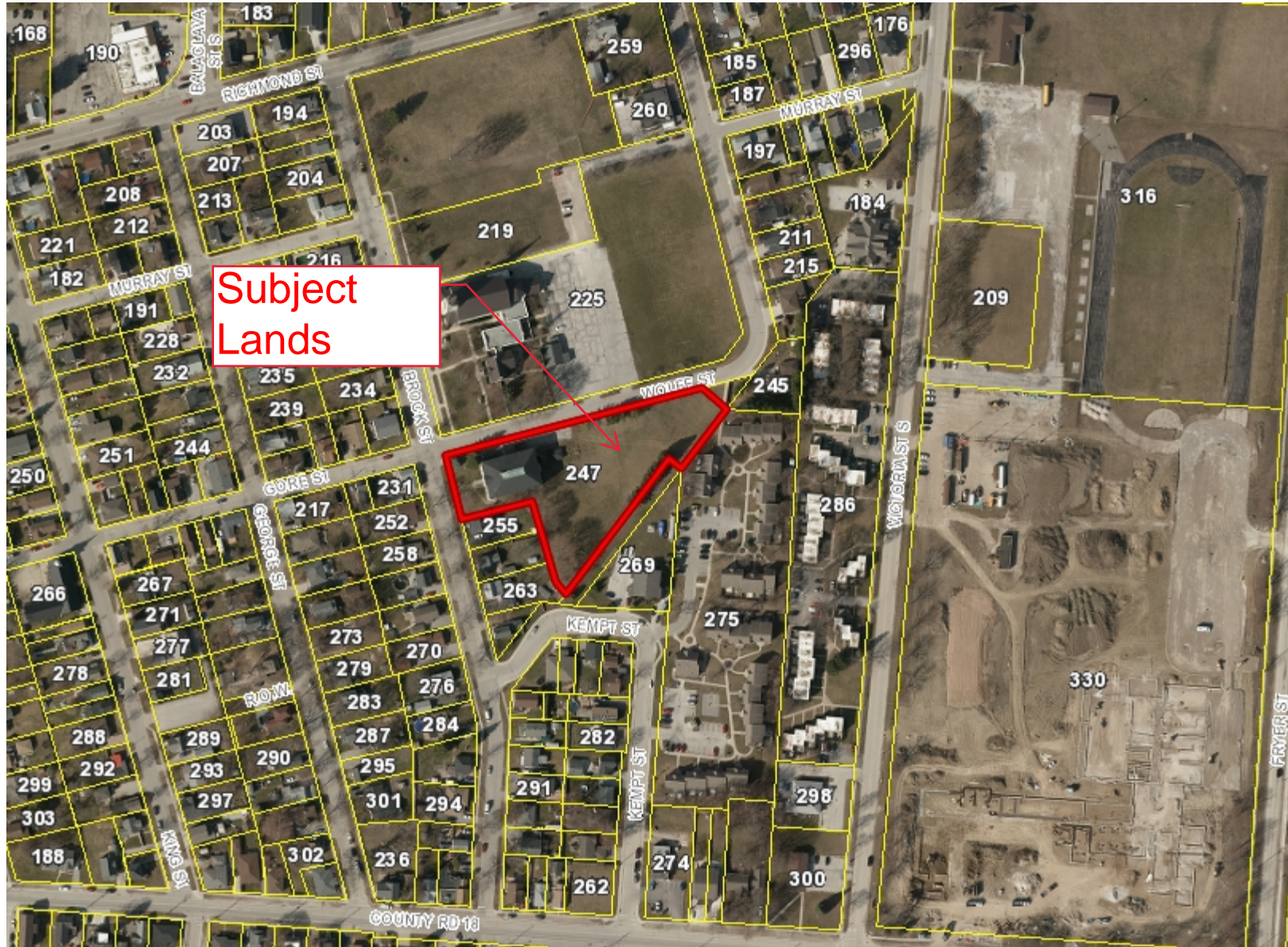
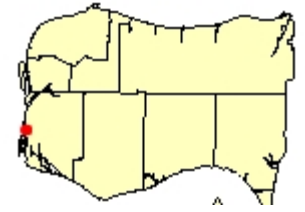


Valerie Critchley



247 Brock St

Figure 1



Legend

- Roads
- Parcels
- Streams and Creeks
- Essex

0.2 0 Distance / 0.2 Kilometers

Notes

This is where you enter your notes about the map.

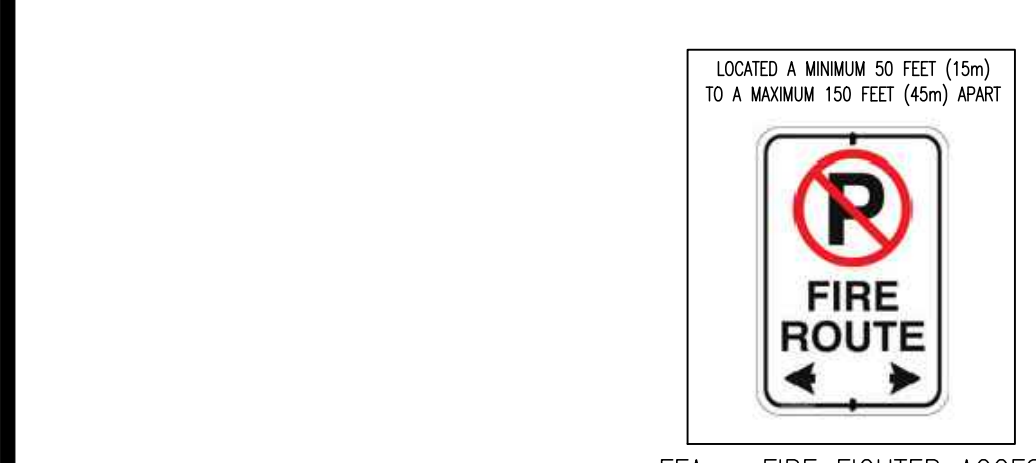


PROPOSED BLDG. CONVERSION

CURRENT LOT ZONING =	I - INSTITUTIONAL
*** RE-ZONING TO RM2 IN-PROGRESS ***	
TOTAL EX. LOT AREA =	80,910 SQ.FT. (1.87 ACRES)

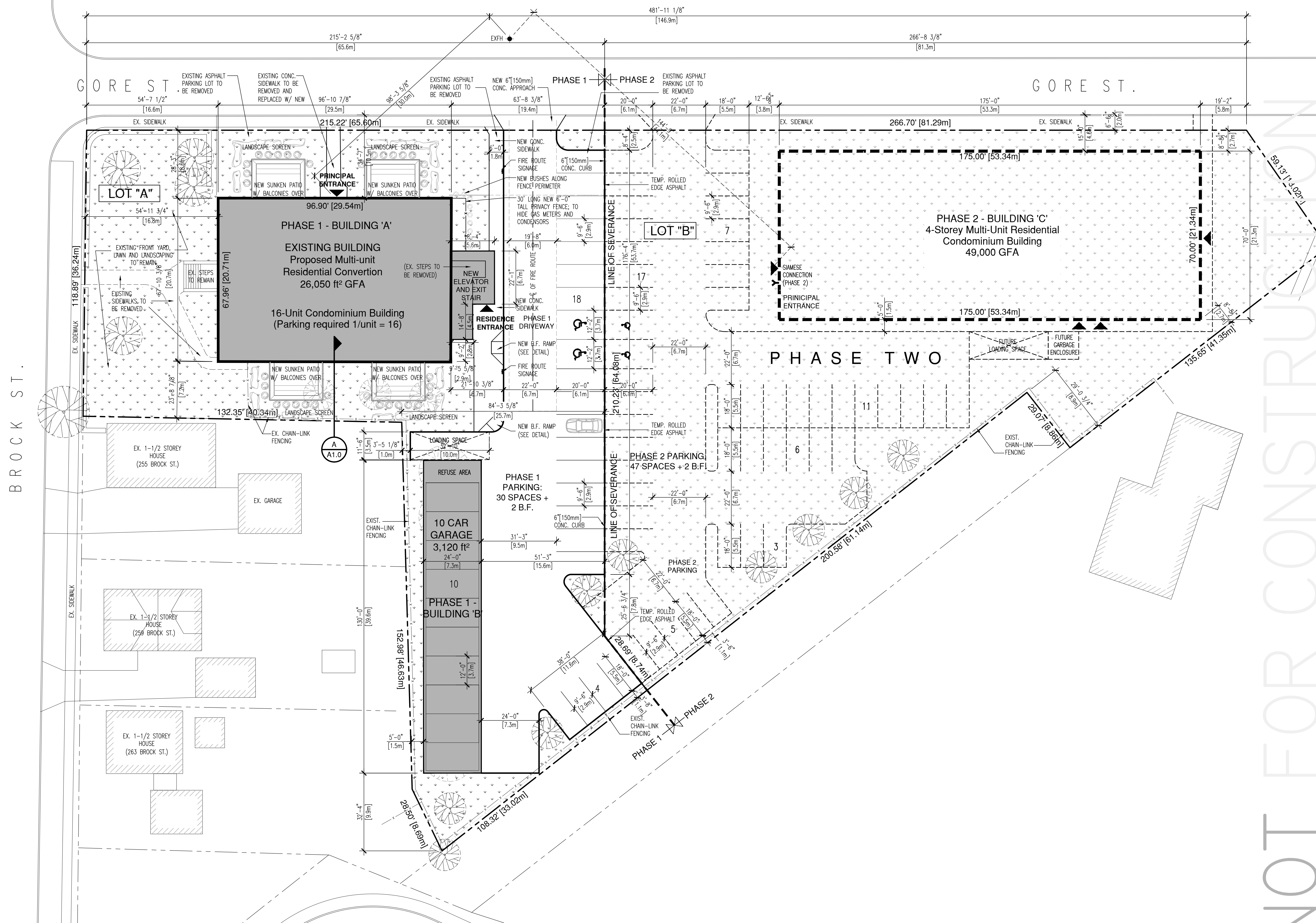
PHASE ONE - BUILDING 'A'
 BUILDING CLASSIFICATION
 OBC 3.2.2.47. GROUP C Up To 3 STORIES

LOT AREA "A" =	39,040 SQ.FT. (0.90 ACRES)
GROSS FLOOR AREA:	
BASEMENT	6,502 ft ²
FIRST FLOOR	7,158 ft ²
SECOND FLOOR	6,515 ft ²
THIRD FLOOR	5,555 ft ² (USABLE)
TOTAL GFA	25,730 ft ²
10 CAR GARAGE =	3,120 SQ.FT.
LOT COVERAGE =	10,256 SQ.FT. (26.27%)
PARKING REQUIRED BLDG. 'A' (1 SPACE/UNIT) =	16 + 2 Barrier Free
EXISTING PARKING (TO BE REMOVED) =	15 SPACES
NEW PARKING PROVIDED =	30 SPACES + 2 B.F.
LANDSCAPE AREA PROVIDED =	12,578 sq.ft. (33.69%)



ALL "NO PARKING - FIRE ROUTE" SIGNS SHOULD BE DESIGNED IN ACCORDANCE TO THE TOWN OF AMHERSTBURG

NOT FOR CONSTRUCTION



OVERALL SITE PLAN
 SCALE: 1" = 20'-0"

6555 MALDEN ROAD, WINDSOR, ONTARIO, N9H 1T5 PH: 519.734.6511

DRAWING TITLE:	OVERALL SITE PLAN
PROJECT/CLIENT:	BROCK ST. CONVERSION 247 BROCK ST., AMHERSTBURG, ON

DATE	ISSUED FOR:	DATE	ISSUED FOR:
03.07.22	SITE PLAN CONTROL		
03.24.22	BUILDING PERMIT		
03.24.22	TENDER		
04.27.22	ADDENDUM #3		

PROJECT No.:	2021009
SCALE:	1" = 20'-0"
DRAWN BY:	AM
CHECKED BY:	DI

GENERAL NOTES:
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STAMP:

NOTES:

DRAWING No.: **A1.0**

**CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2022-057**

**By-law to amend Zoning By-law No. 1999-52
247 Brock Street, Amherstburg**

WHEREAS By-law 1999-52, as amended, is a land use control by-law regulating the use of lands and the character, location and use of buildings and structures within the Town of Amherstburg;

AND WHEREAS the Council of the Town of Amherstburg deems it appropriate and in the best interest of proper planning to amend By-law 1999-52, as herein provided;

AND WHEREAS this By-law conforms to the Official Plan for the Town of Amherstburg;

NOW THEREFORE the Council of the Corporation of the Town of Amherstburg enacts as follows:

1. Schedule "A", Map 38 of By-law 1999-52, as amended, is hereby amended by changing the zone symbol on those lands shown as "Zone Change from I to RM2-8" on Schedule "A" attached hereto and forming part of this By-law from "Institutional (I) Zone" to "Special Provision Residential Multiple Second Density (RM2-8) Zone".
2. THAT Section 3(3)(d)(iii) of By-law 1999-52, as amended, being the General Provisions Dwelling Unit Area (Minima) for other dwelling units, does not apply to those lands shown on Schedule "A".
3. THAT Section 3(23)(g) of By-law 1999-52, as amended, being the General Provisions Parking Regulations for yards where parking is permitted for a multiple residential dwelling, does not apply to those lands shown on Schedule "A".
4. THAT Section 3(23)(j)(i) of By-law 1999-52, as amended, being the General Provisions Special Parking Provisions for Residential Zones, does not apply to those lands shown on Schedule "A".
5. THAT Section 11(4) of By-law 1999-52, as amended, is hereby amended by adding a new subsection (g) as follows;

"(g) RM2-8 (247 Brock Street)

Notwithstanding any other provisions of this By-law to the contrary, within any area zoned RM2-8 on Schedule "A" hereto, the zone requirements of Section 11 of the By-law shall apply with the addition of the following special provisions:

(i) Uses Permitted:

- (a) multiple dwelling;
- (b) home occupation;
- (c) accessory uses.

(ii) Exterior Side Yard Width (Minimum) 2.5 m

(iii) Interior Side Yard Width (Minimum) 2.5 m

(iv) Rear Yard Depth (Minimum) 2.5 m

(v) Landscaped Open Space (Minimum) 25 %

- (vi) Dwelling Unit Area (Minimum) 0 m²
- (vii) Height (Maximum) 16.7 m
- (viii) Privacy Yards (Minimum) 0 m
- (ix) Building Separation (Minimum) 0 m
- (x) Accessory Parking Structure Lot Coverage (Maximum) 290 m²
- (i) Accessory uses and structures in addition to (x) above will be in accordance with the provisions of Section 3 hereof;
- (ii) Required Parking Spaces (Minimum) 1.25 spaces/unit
- (iii) Special Parking Provisions for (RM2-8) Residential Zones:
 - a) all parking spaces shall be located in a garage, or carport or in a side yard, rear yard, or exterior side yard but shall not be located within the required front yard or on a driveway in the front yard;
 - b) all parking spaces located in an exterior side yard shall have a 2.5 m setback to any street line
 - c) all parking spaces shall have a 1 m setback to any interior side lot line or rear lot line."

6. THAT all other regulations for the use of land and the character, location and use of buildings and structures conforms to the regulations of the Residential Multiple Second Density (RM2) Zone, as applicable and all other general provisions or regulations of By-law 1999-52, as amended from time to time.
7. THIS By-law shall take effect from the date of passage by Council and shall come into force on the date of approval of the Official Plan Amendment by the approval authority in accordance with Sections 26 & 34 of the Planning Act, R.S.O. 1990, c.P. 13.

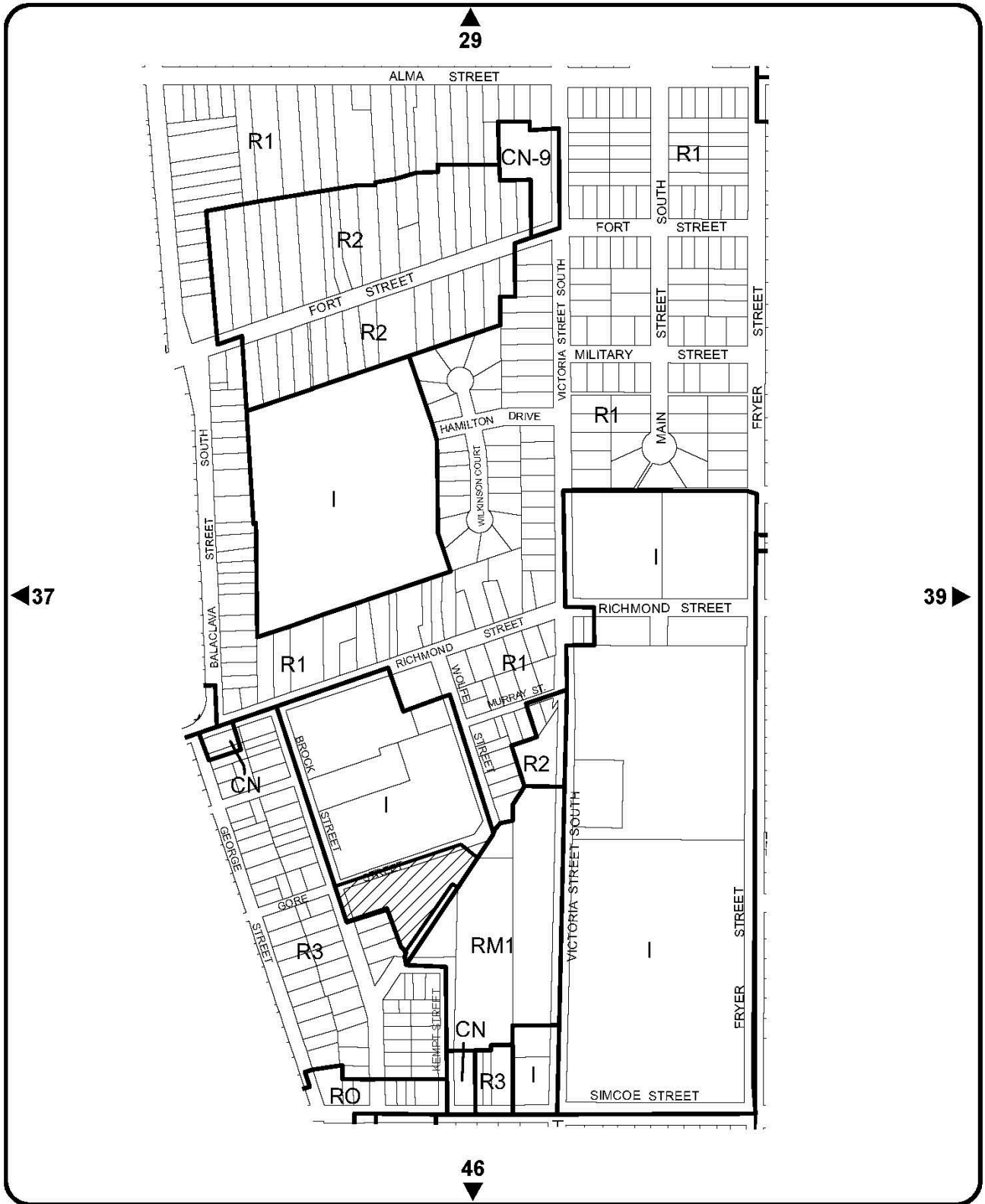
Read a first, second and third time and finally passed this 13th day of June, 2022.

MAYOR- ALDO DICARLO

CLERK- VALERIE CRITCHLEY

TOWN OF AMHERSTBURG

SCHEDULE "A" TO BY-LAW No. 2022-057
 A BY-LAW TO AMEND BY-LAW No. 1999-52



SCHEDULE 'A'
MAP 38
 ZONING BY-LAW NO. 1999-52

I to RM2-8 

MAYOR- ALDO DICARLO

CLERK- VALERIE CRITCHLEY

PROPOSED BLDG. CONVERSION

CURRENT LOT ZONING =	I - INSTITUTIONAL
*** RE-ZONING TO RM2 IN-PROGRESS ***	
TOTAL EX. LOT AREA =	80,910 SQ.FT. (1.87 ACRES)

LOT "A" - BUILDING 'A'
 BUILDING CLASSIFICATION
 OBC 3.2.2.47, GROUP C Up To 3 STORIES

LOT AREA "A" = 39,040 SQ.FT. (0.90 ACRES)

GROSS FLOOR AREA:	
BASEMENT	6,502 ft ²
FIRST FLOOR	7,158 ft ²
SECOND FLOOR	6,515 ft ²
THIRD FLOOR	5,555 ft ² (USABLE)
TOTAL GFA	25,730 ft²

10 CAR GARAGE (BLDG. "B") = 3,120 SQ.FT.

LOT COVERAGE = 10,256 SQ.FT. (26.27%)

PARKING REQUIRED BLDG. 'A' (1 SPACE/UNIT) = 16 + 2 Barrier Free

EXISTING PARKING (TO BE REMOVED) = 15 SPACES

NEW PARKING PROVIDED = 30 SPACES + 2 B.F

LANDSCAPE AREA PROVIDED = 13,190 sq.ft. (33.79%)

LOT "B" - BUILDING 'C'

LOT AREA "B" = 41,870 SQ.FT. (0.97 ACRES)

GROSS FLOOR AREA:	
FIRST FLOOR	12,250 ft ²
SECOND FLOOR	12,250 ft ²
THIRD FLOOR	12,250 ft ²
FOURTH FLOOR	12,250 ft ²
TOTAL GFA	49,000 ft²

LOT COVERAGE = 12,250 SQ.FT. (29.26%)

PARKING REQUIRED LOT "B" (1 SPACE/UNIT) = 36 incl. + Barrier Free

NEW PARKING PROVIDED = 47 SPACES + 2 B.F

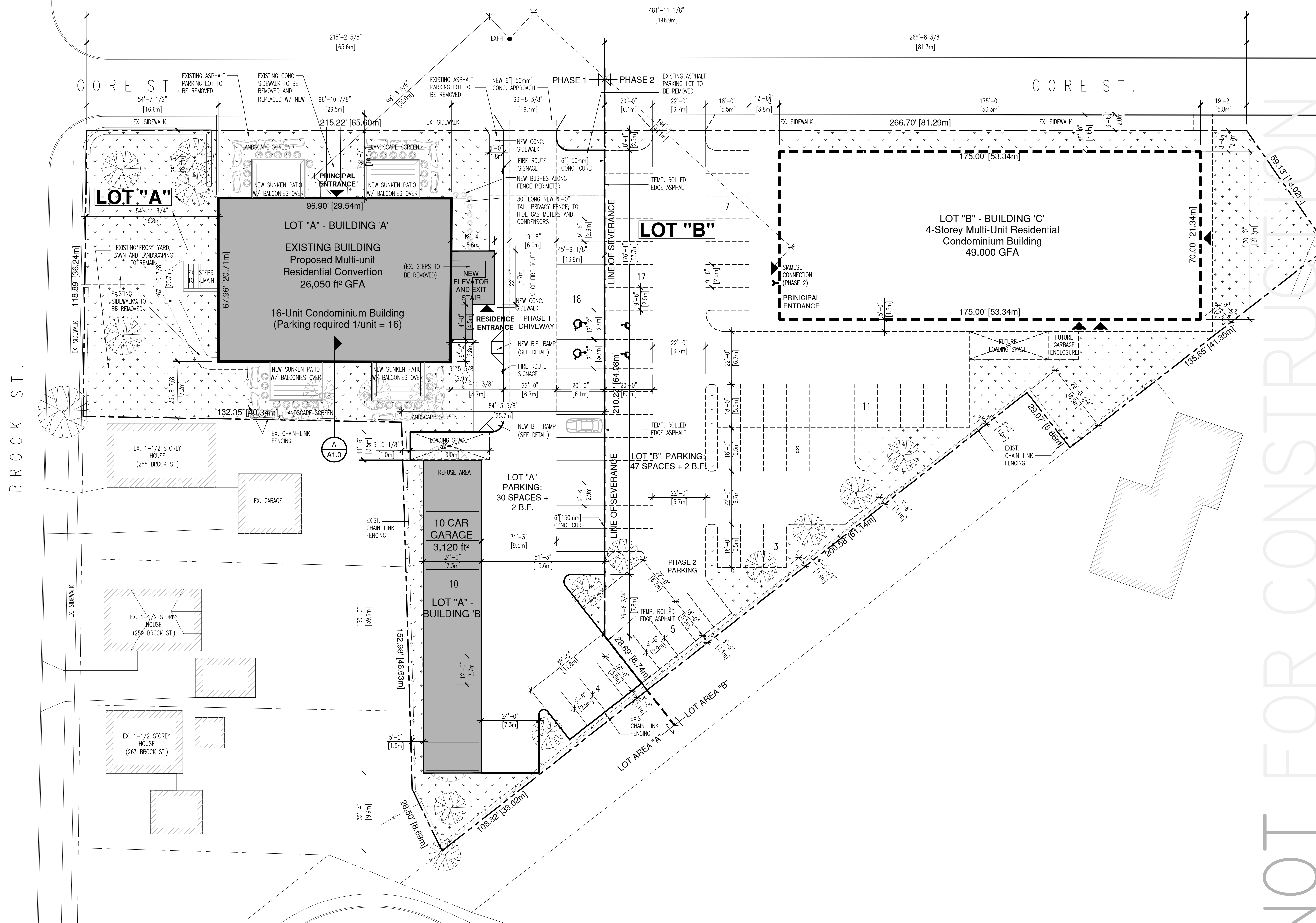
LANDSCAPE AREA PROVIDED = 8,940 sq.ft. (21.36%)



FFA = FIRE FIGHTER ACCESS

ALL "NO PARKING - FIRE ROUTE" SIGNS SHOULD BE DESIGNED IN ACCORDANCE TO THE TOWN OF AMHERSTBURG

NOT FOR CONSTRUCTION



OVERALL SITE PLAN
 SCALE: 1" = 20'-0"

6555 MALDEN ROAD, WINDSOR, ONTARIO, N9H 1T5 PH: 519.734.6511

DRAWING TITLE:	OVERALL SITE PLAN
PROJECT/CLIENT:	BROCK ST. CONVERSION 247 BROCK ST., AMHERSTBURG, ON

DATE ISSUED FOR:	DATE ISSUED FOR:
03.07.22 SITE PLAN CONTROL	
03.24.22 BUILDING PERMIT	
03.24.22 TENDER	
04.27.22 ADDENDUM #3	

PROJECT No.:	2021009
SCALE:	1" = 20'-0"
DRAWN BY:	AM
CHECKED BY:	DI

GENERAL NOTES:
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STAMP:

STAMP:

NOTES:

DRAWING No.:
A1.0



LASSALINE
PLANNING CONSULTANTS INC.

REPORT: **PLANNING RATIONALE REPORT (PRR)**
MUNICIPALITY: TOWN OF AMHERSTBURG
MUNICIPAL ADDRESS: 247 BROCK STREET AT KEMPT ST
DEVELOPMENT: OPA, ZBA, CONDO
DATE: June 18 , 2022 (Revised)

1632 County Road 31
St. Joachim, ON · NOR 1S0
C 519-563-8814 · E jackie@lassalineplan.ca

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APPENDIX B	RESIDENTIAL MULTIPLE SECOND DENSITY (RM2) ZONE
APPENDIX C	HERITAGE BYLAW

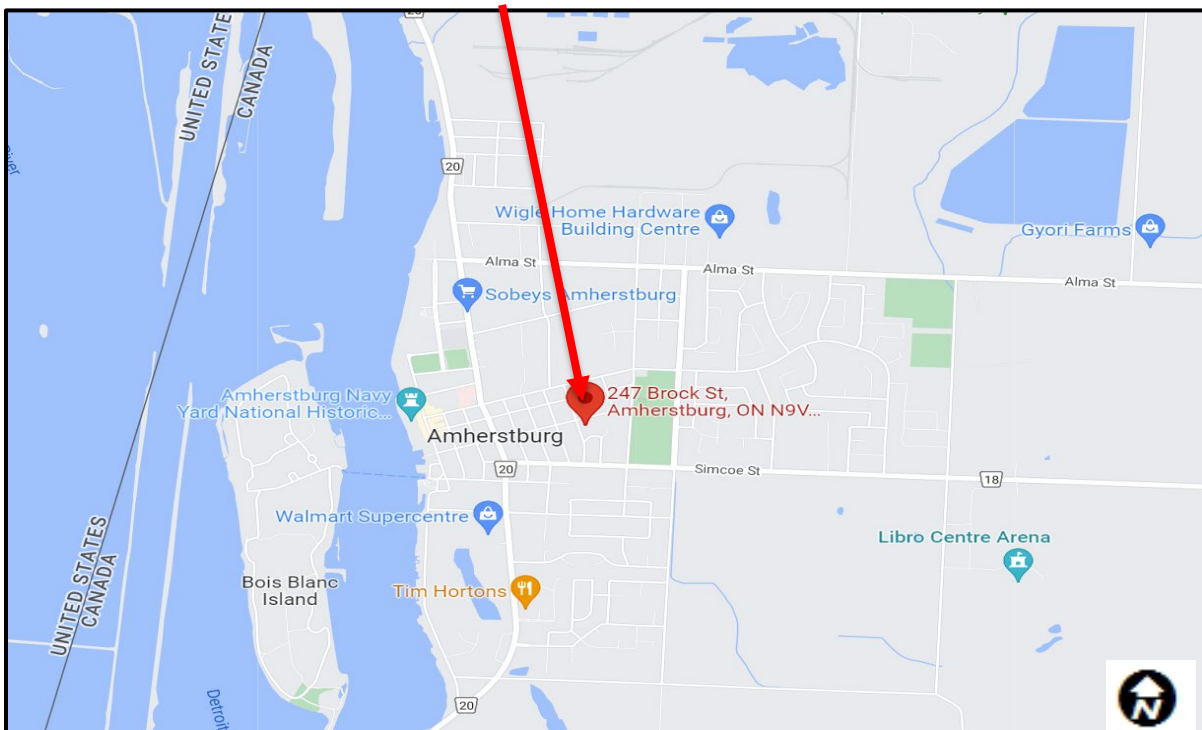
1.0 INTRODUCTION

Lassaline Planning Consultants (LPC) has been retained to undertake a planning rationale report regarding the feasibility of an Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) to support the adaptive re-use of an existing building and the development of the vacant portion of subject site.

Part 1 is proposed to be the conversion of an existing 3.5 storey vacant building (former House of Shalom) to a 16 unit residential condominium building with 30 parking spaces, comprised of 20 regular parking spaces, 10 garage spaces, and 2 Barrier Free spaces for a total of 32 parking on an individual parcel. Part 2 is proposed with a new, 4 storey building containing 34 unit residential condominiums with 42 parking spaces and 2 Barrier Free (BF) spaces. The two parcels are proposed to be developed with a total of 50 residential condominiums and 76 parking spaces.

A pre-consultation was held with the Manager of Planning at the Town of Amherstburg, Jackie Lassaline, BA MCIP RPP, LPC, and Rosati Group. A second pre-consultation was also held with the Manager of Planning at the Town of Amherstburg, Jackie Lassaline, BA MCIP RPP, LPC, and Rosati Group. Jackie Lassaline, BA MCIP RPP, Lassaline Planning Consultants has prepared this planning rationale report to support, explain and justify the requested Official Plan Amendment (OPA) and Zoning Bylaw Amendment (ZBA) application.

FIGURE 1 LOCATIONAL MAP 247 BROCK STREET



1.1 APPLICATION INFORMATION

The landowner, Jones Realty Inc. (c/o Terry Jones), has applied for:

- 1) an Official Plan Amendment (OPA) to have the entire property (both Part 1 and Part 2 on Plan 12R28876) redesignated from the present 'Institutional' designation to a 'Residential' designation. The OPA will establish the 'Residential: Medium Density' policy framework on the parcel;
- 2) a Zoning Bylaw Amendment (ZBA) to have the entire property (both Part 1 and Part 2 on Plan 12R28876) rezoned from the present 'Institutional (I)' to a site specific 'Residential Multiple Second Density (RM2)' zone. The ZBA will provide for a site specific regulatory framework for each Part 1 and Part 2 on Plan 12R28876 developments as two separate independent parcels;
- 3) a Plan of Condominium has been requested at the County of Essex in anticipation of the condominium progressing through Condominium Act review;
- 4) Site Plan Control will be applied for Part 1 after the adoption of OPA and passing of the ZBA.

1.2 PURPOSE OF THE REPORT

The subject property is presently designated 'Institutional' on Schedule B-2, Land Use in the Town of Amherstburg Official Plan and zoned 'Institutional (I)' in Comprehensive Zoning By-law (CZB) 1999-52 for the Town of Amherstburg.

The existing building was constructed in 1910 as the St. Anthony's Roman Catholic School, prior to the passing of the Town of Amherstburg Comprehensive Zoning Bylaw 1999-52. The building and property can be considered legal non-complying since the building and site were existing prior to the passing of the modern CZB 1999-52.

The owner is proposing to adapt the existing vacant building to 16 residential condos and to add a second building on a separate lot with 34 residential condos to create 50 residential condos within the urban area of the Town of Amherstburg. The two parcels are proposed to be developed with a total of 50 residential condominiums and 74 parking spaces.

The proposed development will be placed in context of the Provincial Policy Statement 2020 (PPS) provincial policies. The proposed development will be evaluated and examined through the provincial policy framework for consistency with provincial policy direction.

The subject lands are designated 'Institutional (I)' in the Official Plan (OP) of the Town of Amherstburg. An Official Plan Amendment (OPA) is being requested to change the policy framework applied to the subject property from 'Institutional' to 'Residential' to support the proposed residential development. This rationale report will evaluate the requested amendment in context of the PPS, the County of Essex policy framework and in the Town of Amherstburg Official Plan policy direction for residential land use.

With the request for the change of land use from the previous institutional use to residential use, a Zoning Bylaw Amendment (ZBA) is required to recognize the existing lot configuration, site characteristics, and proposed residential development. This rationale report also examines the requested ZBA in context of the PPS, the County of Essex Official Plan, the Town of Amherstburg OP, and specifically in context of the CZB for the Town. The resultant ZBA will change of the applicable regulatory framework from 'Institutional (I)' to a new site specific 'Residential Multiple Second Density (RM2-#)' zone.

This planning rationale report will demonstrate the consistency of the proposal with the Provincial Policy Statement (PPS) 2020 and how the development is consistent with provincial housing policies, provides for healthy community initiatives, provides for healthy, walkable community policies of the province. Examining both Part 1 and Part 2 on Plan 12R28876 within the policy framework of the County of Essex and the Town of Amherstburg's Official Plan and establishing conformity of the OPA with the Official Plans. Analysing the site and development characteristics in context of the Comprehensive Zoning Bylaw (CZB) for the Town and determining compliance of the ZBA with the CZB regulatory framework.

This report provides the rationale and support for the requested Official Plan Amendment (OPA) that will change the applicable OP policy framework applied to the property from 'Institutional' to 'Residential: Medium Density' and a site specific Zoning Bylaw Amendment (ZBA) that will rezone the lands from 'Institutional (I)' to 'Residential Multiple Second Density (RM2-#)' zone.

1.3 247 BROCK STREET SITE INFO

The subject lands have a legal description of: Lot 1 E/S Kempt St, 3 E/S Brock Street, 18 W/S, 18 W/S Kempt St, 19 W/S Kempt St, Plan 1 Amherstburg; Pt Kempt St PI 1 Amherstburg closed by R1109842; Pt E Pt 2 Con 1 Malden as in R1143624 Amherstburg.

The subject lands are owned by Terry Jones Realty Inc. c/o Terry Jones. The subject site has a municipal address of 247 Brock Street and is located at the corner of Brock Street and Wolfe Street.

The existing building was built in 1910-1911 and expanded in 1929. The building was constructed originally as the St. Anthony School associated with the St. John the Baptist Roman Catholic Church across the street. The majority of the life of the building was St. Anthony's School from 1912-1972 when it was converted to a youth centre around 1972-1973. The House of Shalom Youth Center continued until approximately 2010-2011 when the center shut down. The building has sat vacant now for over 10 years.

The existing building and site existed prior to the passing of the Official Plan and the Comprehensive Zoning Bylaw and the establishment of the 'Institutional' policy and regulations applied to the land use.

FIGURE 2 – IMAGES OF EXISTING BUILDING:



FIGURE 3: SITE AERIAL VIEW



1.4 SITE CONFIGURATION

The subject site is a large, triangular shaped lot with two road frontages at the corner of Brock Street and Gore Street. The heritage building is located in the corner configuration of the property with the majority of the lands behind the building are vacant. Under the CZB for the definition of frontage for a corner lot being the lesser of the two frontages, Brock Street will remain as frontage for Part 1, the Loft's of St. Anthony.

Part 1 and Part 2 have been established on a registered Reference Plan 12R28876 with Part 1 identified for the adaptive re-use of the existing established heritage building and Part 2 as presently vacant lands proposed for a new residential building.

Part 1 of Plan 12R28876 is used as the legal description under the recently passed Heritage Bylaw passed for the preservation of the heritage building.

1.5 TOPOGRAPHY

The property is flat and has little to no variation in elevation or grade change. There are no swales or ditches on the property. Refer to Figure 3 above showing site aerial. There are no natural features or natural hazards associated with this property.

1.6 VEGETATION

The subject lands are manicured lawn. With the proposed development of both Part 1 and Part 2, the Loft's of St. Anthony will be landscaped professionally to create a welcoming amenity space associated with the two residential buildings.

As shown on the above Figure 3: Aerial site plan there are a few existing deciduous trees on the front lawn of the heritage building on Part 1 property that will be retained. There are 3 maple trees that are not significant trees located in the centre of the property in the location of the garage and parking areas that will need to be removed. There is one mature tree at the rear of the proposed parking area that will be retained.

On Part 2 lands, there are 4 mature deciduous trees at the rear of the property that will be retained. All other vegetation is scrub bushes/trees that are not of a high quality warranting preservation.

In my professional opinion, the few trees that are existing on site are not identified as significant species at risk. Additional trees will be planted to replace the trees removed and new landscaping will be provided to ensure a development that is aesthetically appealing.

1.7 NEIGHBOURHOOD LAND USES:

The new residential development is proposed within a residential neighbourhood that is supported by municipal transit, active transportation walking and biking trails, and is within close walking distance to supportive commercial and institutional amenities.

- a) **North** - St Anthony's Roman Catholic Church;
- b) **East** - medium density residential – townhouse development;
- c) **South** – single detached, two unit, medium density townhouses, low rise apartment;
- d) **West** - single detached residences.

The mixed density neighbourhood is comprised of existing low and medium density residences with 1 to 3.5 storey buildings. The proposed development is compatible in height and massing with the existing neighbourhood. There are other comparable buildings in massing and height on Kempt St behind the subject property. In addition, the proposed new buildings will be distance separated from the existing development providing for visual minimization of the difference in height and massing between the new development and the existing residential development. The medium density proposal will provide for a transition of density between the medium density and the single detached residential.

FIGURE 5 NEIGHBOURHOOD AERIAL



2.0 HERITAGE INFORMATION

The existing iconic Amherstburg limestone brick façade of St. Anthony's was originally constructed c 1911 as a four room schoolhouse operated as St. Anthony's Catholic School. The school was active from 1911 until 1971 when it closed as a school and was purchased for use as a youth center operating under the name of 'House of Shalom'. The House of Shalom Center was operated as a youth center from 1971 until 2020 when it was closed and sold.

The beautiful, iconic to Amherstburg building was constructed in 1910-1911 with limestone from the local quarry. The building was constructed in a modified Romanesque revival style architecture.

The Heritage Committee crafted a Heritage Bylaw and subsequently the Town of Amherstburg Council passed the Heritage Designating Bylaw 2021-079 for the existing building as a heritage building under Part IV of the Heritage Act. The Bylaw defines the heritage attributes that are to be protected.

The contractor, Rosati Group, has prepared extensive design plans and work plans that will see the conservation and preservation of the defined heritage attributes considered significant for the building. Please refer below to Section 2.2 Heritage Measures for Part 1 and Section 2.3 Heritage Evaluation of Part 2.

2.1 HERITAGE BYLAW

Refer to Appendix D – Heritage Bylaw

The existing building was evaluated, and features identified as significant with the cumulative features defining the structure as significant heritage worthy of conservation and preservation. The building known as 'St. Anthony's' has been designated under Part IV of the Heritage Act with the following exterior and interior features identified in the Designating Bylaw for preservation:

Exterior:

- Original location and placement on Brock Street, adjacent to St. John the Baptist Roman Catholic church;
- Rectangular, two-storey form on a raised basement;
- Hipped primary roof; gabled (pedimented) frontispiece; metal roofline cornices; secondary metal cornices atop doorways; exterior stone chimney;

- Masonry construction and limestone facades with sandstone detailing; the limestone main exterior stairs;
- Fenestration, symmetrical in arrangement; wooden sash windows; single and double doorways and assemblies with transom lights above.

Interior:

- two staircases with wood balustrades;
- interior spatial configuration;
- wood finishes comprising door and window casings, baseboards, and doors throughout.

2.2 HERITAGE MEASURES PART 1

The above noted heritage features, as identified in the designating bylaw, will be conserved, preserved, and without jeopardizing the heritage features, enhance to form integral parts of the inclusion of the condominium units. In order to preserve the significant heritage structure, it is critical that some deteriorating features and aspects of the building are removed and replaced. These features have been evaluated, vetted, and supported by the Heritage Committee for the Town of Amherstburg.

TABLE 1: EXTERIOR FEATURES UNDER BYLAW:

EXTERIOR FEATURES IN BYLAW	PROPOSED MODIFICATIONS
<p>1. Original location and placement on Brock Street, adjacent to St. John the Baptist Roman Catholic Church.</p>	<ul style="list-style-type: none"> • No change to location, building to remain in existing location – refer to attached site plan below; • Landscaping to be provided that will enhance heritage characteristics of the icon limestone façade.
<p>2. Rectangular, two-storey form on a raised basement;</p>	<ul style="list-style-type: none"> • No additional storeys – the building will remain at two storey height; • No major additions to change the rectangular shape; • Exterior addition of an elevator to provide for accessibility compliance and unit functionality; • Elevator materials approved by Heritage Committee to be used include: height of 46.5’ (lower than 54.5’ bldg. height), architectural metal siding, windows tinted charcoal grey, standing seam vertical metal siding on stairwell, and smooth faced architectural stone.

<p>3. Hipped primary roof; gabled (pedimented) frontispiece; metal roofline cornices; secondary metal cornices atop doorways; exterior stone chimney;</p>	<ul style="list-style-type: none"> • New black metal shingled roof to match the roof on St. John's Church; • Roof to be amended with dormers to accommodate lofts – roofline will be continuous; • Gabled (pedimented) frontispiece; secondary metal cornices atop doorways; exterior stone chimney to remain and will have minor cleaning and repairs for the purposes of restoration and preservation; • Metal roofline cornices – deteriorated condition - to be replaced with black metal roofline cornice to compliment the roof and maintain historical roofline.
<p>4. Masonry construction and limestone facades with sandstone detailing; the limestone main exterior stairs;</p>	<ul style="list-style-type: none"> • Minor cleaning and repairs of all façade's, sandstone detailing and main exterior stairs for the purposes of restoration and preservation; • Iconic to Amherstburg limestone facades, sandstone detailing, and limestone main exterior stairs to remain. • Black railings (wrought iron look) to be included to showcase balconies and provide for compliance with the OBC; • Balconies will be built as stand alone structures and fastened in a way that can be easily removed and will not permanently affect the integrity of the stone façade.

FIGURE 6: EXTERIOR: WINDOW AND EXTERIOR DOOR MODIFICATIONS

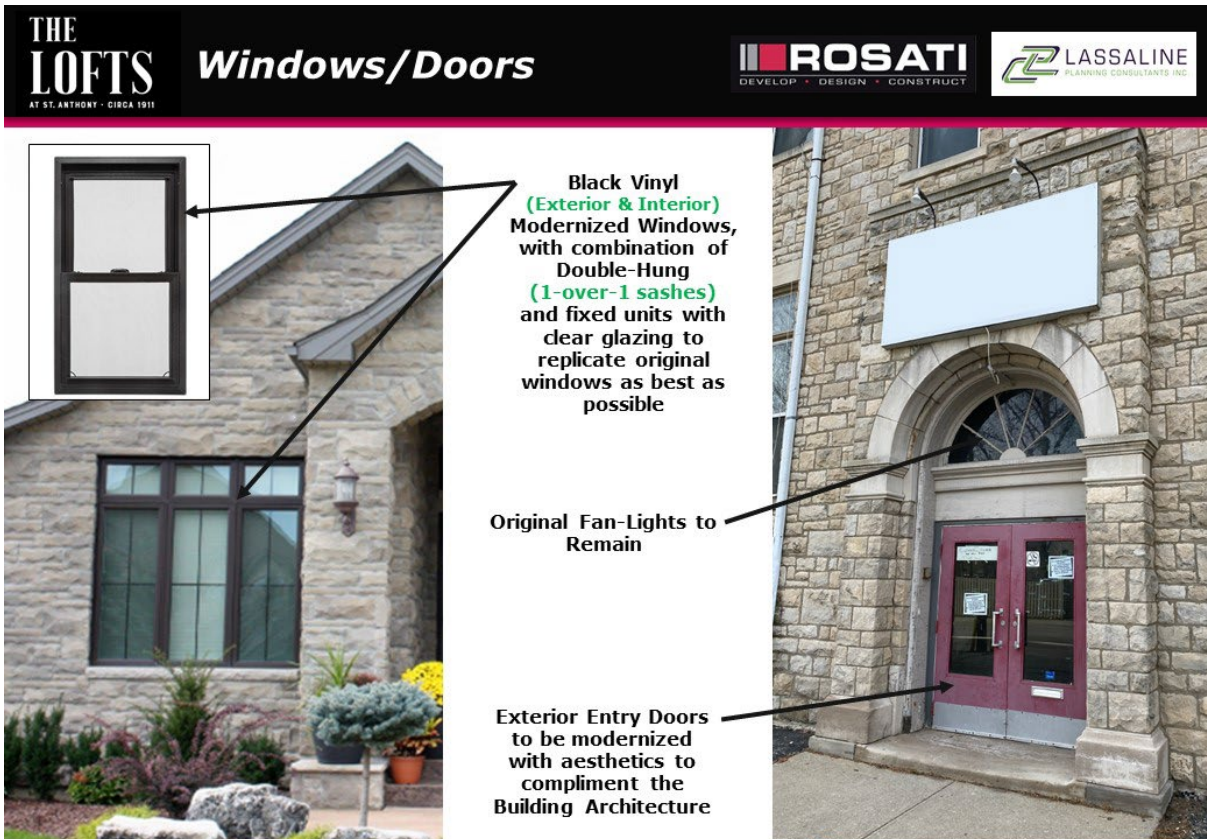


FIGURE 7: PROPOSED FACADES



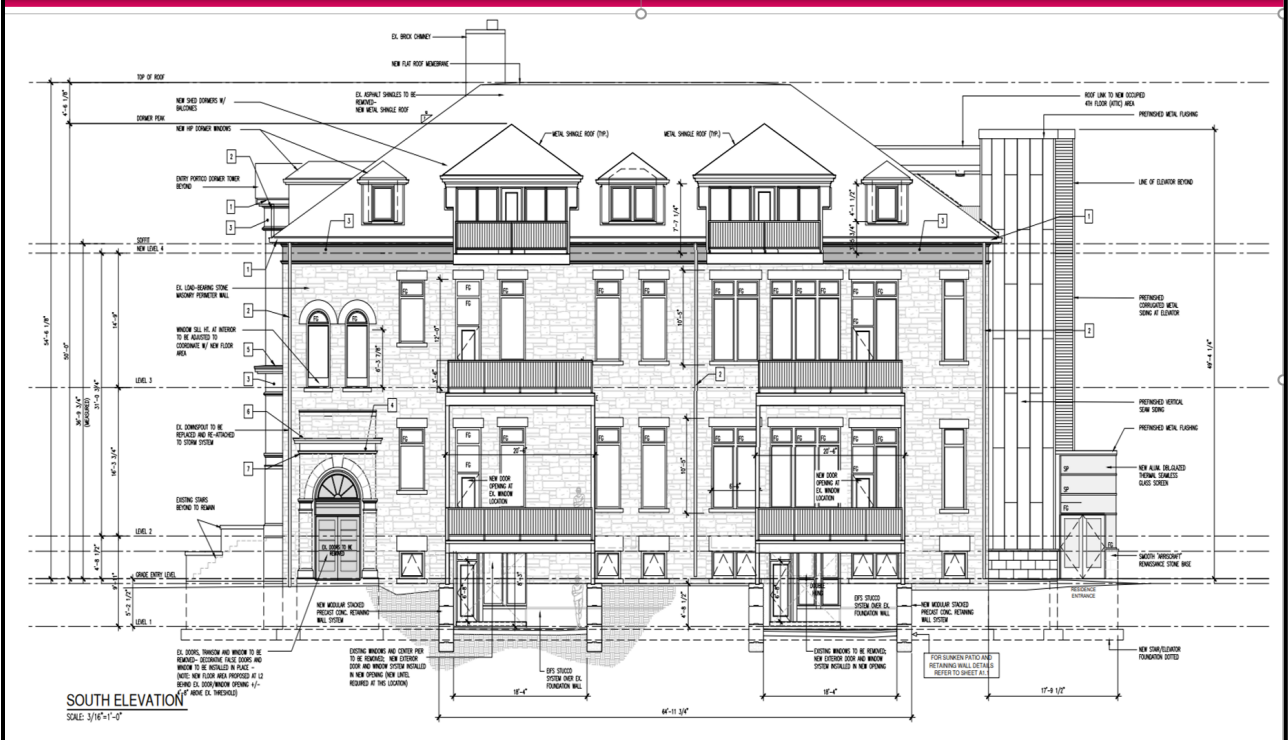


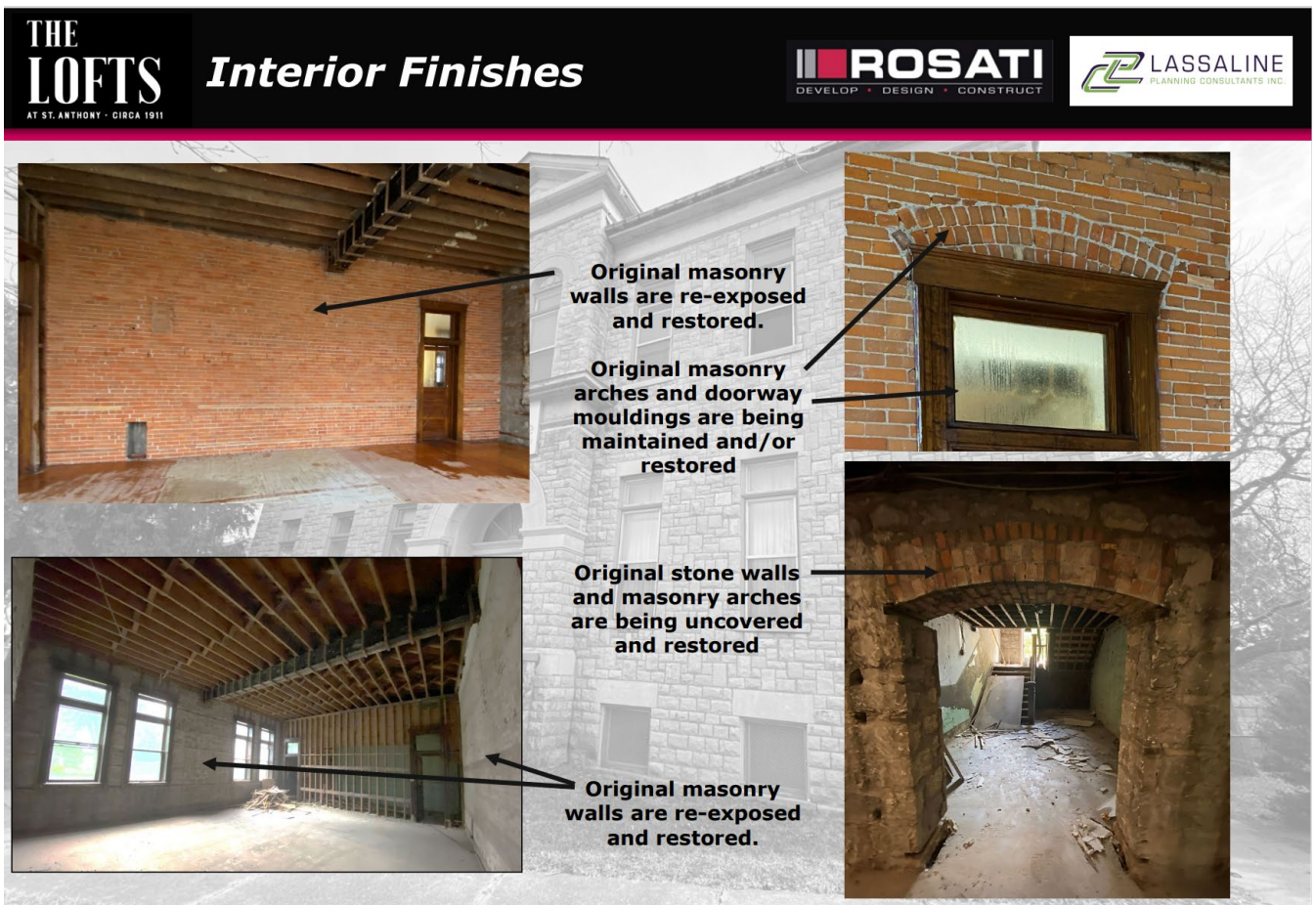


TABLE 2: INTERIOR MODIFICATIONS

INTERIOR FEATURES IN BYLAW	PROPOSED MODIFICATIONS, IF ANY
<p>1. Entrance staircases with wood balustrades;</p>	<ul style="list-style-type: none"> • Minor cleaning and repairs for purposes of preserving and conserving the original grand main entrance stairwell; • Minor cleaning and repairs for purposes of preserving and conserving the original decorative railings and balustrades of the grand main entrance and staircase; • Secondary entrance on east side of building to be closed and interior space incorporated into the residential unit. Interior stairwell to be removed. Exterior entrance, and stairs to be maintained.
<p>2. Interior spatial configuration;</p>	<ul style="list-style-type: none"> • Corridors to be maintained supporting the continuation of the interior spatial configuration.

<p>3. Wood finishes comprising door and window casings, baseboards, and doors throughout</p>	<ul style="list-style-type: none"> • Original stone walls to be re-exposed with minor cleaning and repairs for the purposes of restoration; • Original masonry arches over doorways and doorway mouldings to undergo minor cleaning for the purposes of preserving and conserving the significant interior attributes; • Original hardwood floor to be cleaned, minor repairs for the purposes of restoring and conserving; • New black vinyl windows with combination of double-hung (1 over 1 sashes) and additional header fixed units to replicate original windows; • All window glass to be clear glass (no tint) and energy efficient; • New double hung doors with replicated fan shaped glass transom with view to improving entrance, creating welcoming entrance, and creating safe access; <p>All existing trimwork is to undergo minor cleaning and repair and restored where possible for re-establishing in the residential units.</p>
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FIGURE 8: INTERIOR MODIFICATIONS





The adaptive re-use of the existing building will provide for the preservation and conservation of a 110 year heritage building within the historic Town of Amherstburg. The minor modifications identified are required to ensure the energy efficiency, safety for the inhabitants, and compliance of the adaptive new use of residential with OBC regulations, and for the conservation of the building and features.

It is my professional opinion that the minor modifications identified above will compliment the existing heritage attributes that comprise the historical building while preserving and conserving the heritage characteristics of the building known as the Lofts of St Anthony.

2.3 HERITAGE EVALUATION PART 2

As shown on the site plan below for the subject lands, Part 2 is the future stage of development with a building that has not been designed at this juncture. What is considered is the approximately Ground Floor Area (GFA) of approximately 12,005 ft² to accommodate approximately 34 residential condominium units. With the proposed GFA at 12,005 ft² and a lot area of 41,870 ft², the proposed lot coverage will be at approximately 28.6%.

The building for Part 2 has been distance separated from the existing heritage building to lessen the impact visually of the new structure on the existing St. Anthony's. Within this distance separation will be landscaping, parking, driveway and other visually softening features. The proposed building is also to be brought forward on the lot to be consistent with the existing the Loft's of St. Anthony for setback from Gore Street to respect the established setback line and streetscape view.

The building proposed for Part 2 has not yet been designed so it is not possible to state the visual impact on the existing heritage on the adjacent parcel at this juncture. However, as the Part 2 building is being designed, the impact of the new building on the existing heritage will be a key consideration on the look and massing of the building. As an example, it is the intent of the new, Part 2 building to have a height of 45 ft, approximately 10 ft below the existing the Loft's of St. Anthony heritage building minimizing the massing effect of the new building on the existing heritage building.

It is the intent of the designer of the new building to continue to showcase the Loft's of St. Anthony and minimize any visual impact on the viewscape and streetscape by the new building. It is also the intent of the owner's representatives to consult with the Heritage Committee for the Town of Amherstburg when addressing the look and details of the elevations for the building.

In my professional opinion, all aspects of the Loft's of St. Anthony's heritage building has been regarded in the conceptualization of Part 2 development for the site. The new building will be sympathetic and complimentary to the existing heritage of the Loft's of St. Anthony. Respect and regard for the heritage of the Loft's of St. Anthony will continue during the design and subsequent development of the Part 2 building.

3.0 PROPOSED DEVELOPMENT

The present owner of the property, Terry Jones Realty Inc, is proposing two separate condominium developments for the subject lands: Part 1 is the adaptive re-use of the existing 110 year old building and converting the institutional building from institutional use into a 16 unit residential condominium building referred to as The Lofts at St. Anthony; Part 2 will be the development of the remainder of the property at a future date with a residential condominium building containing 34 residential condo units.

With the adaptive re-use of the existing 110 year old heritage building to residential condominiums with ownership tenure will require a change in policy framework that will be used to support the residential land use. Part 2 is proposed for development of an condominium building that is intended as a medium density residential building with ownership tenure. As a condominium development, the residential units will provide for a diversity of accommodation that is needed in the Town.

The existing building is established, and Part 2 building is proposed within a mixed density residential neighbourhood. The proposed adaptive re-use of the building and the new condominium building as a low rise building with medium density would appear to be compatible to the existing residential neighbourhood in height and massing and would result in a low impact use on the long established residential neighbourhood.

As an adaptive re-use of the existing 3.5 storey building, the interior will be completely re-organized and retrofitted to provide for the 16 residential condominium units and will be sold as condo units called St Anthony's Lofts. The residential units will be sold as condo units as ownership tenure providing for an alternative housing style while supporting a diversification of housing style and tenure.

To provide for an efficient and effective use of the subject lands, Part 2 is comprised of a second building on a vacant lot to the east of the existing building. The second building will be developed with 34 residential condominium units for a total of 50 new residential units in the project. The condominium units will provide for residential accommodation, an alternative housing tenure and style to the standard single detached residences typically found in Amherstburg.

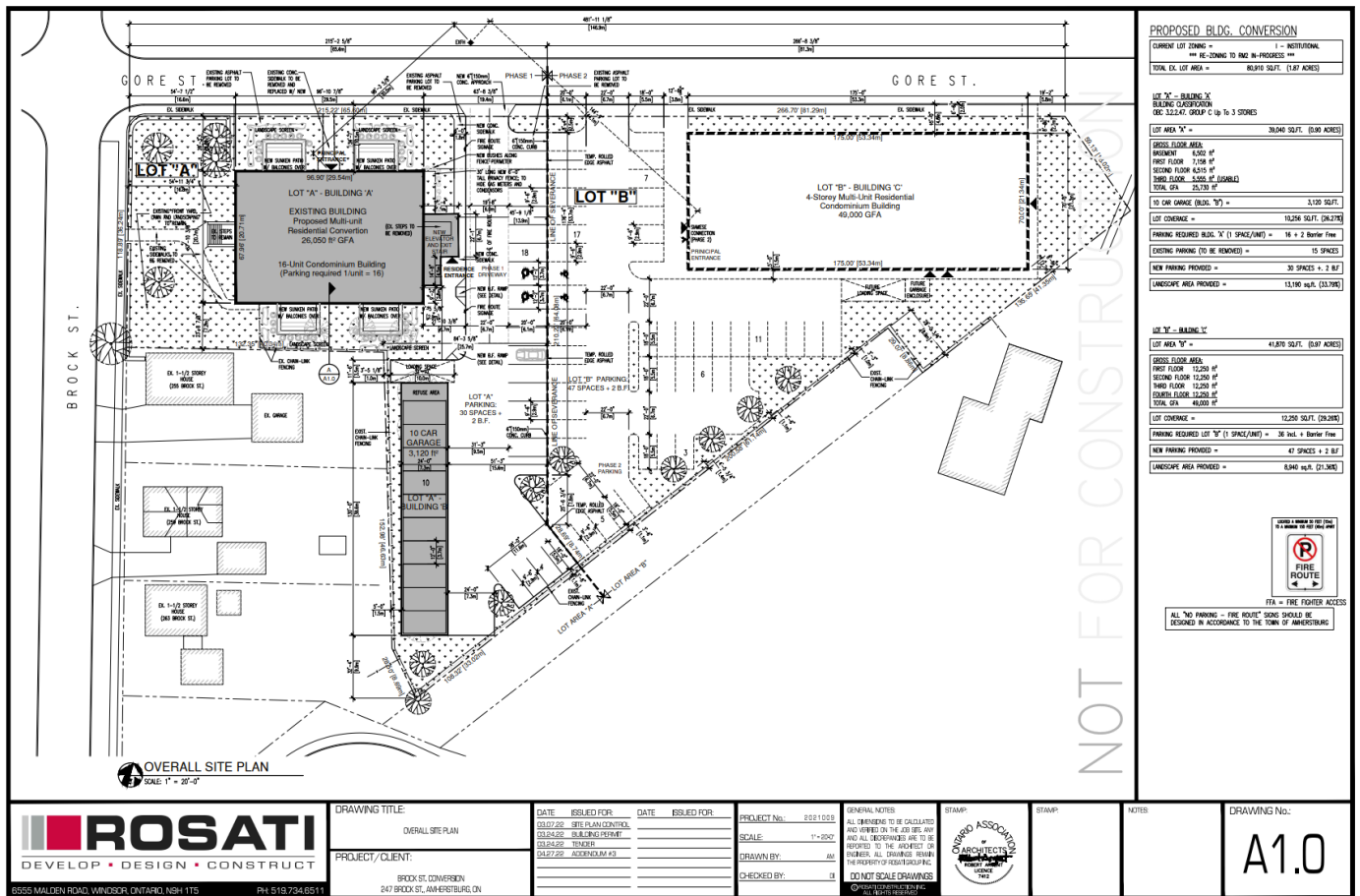
Referring to pictures above, the present 3.5 storey height of the Lofts of St. Anthony's will not be modified. There are exterior modifications discussed above including an addition of an elevator to the side of the building but has been designed to have a lower profile than the existing building. There will be some exterior improvements to clean and repair the façade and replace any features identified requiring replacement. The Part 2 building has been designed to be compatible and comparable with the existing building.

In conclusion, it is my professional opinion that the residential condominiums will provide for an alternative housing style while supporting a diversification of housing style and tenures within the Town. The low rise profile and medium density can be considered compatible with the existing neighbourhood. The proposed landscaping and amenity areas will provide for a welcoming and friendly environment for the new residential buildings.

3.1 PART 1 PROPOSAL:

Refer to attached Site Plan package attached as separate document

FIGURE 9 – SITE PLAN – PART 1 (ST. ANTHONY’S LOFTS):



Part 1 proposed development is the conversion of the existing building from the previous youth center institutional use to a residential condominium building. The interior will be completely re-organized and retrofitted to support the proposed 16 residential condominium units. It is the intent of the owner to preserve the historical building and conserve and preserve the heritage features under the heritage designating bylaw both inside and outside of the building as the 110 year old building is adapted to a new use of residential condominiums.

3.2 PART 2 PROPOSAL:

Refer to attached Site Plan package attached as separate document

Part 2 will see the construction of a 4 storey building with 34 residential condominiums on the site. The additional building will result in a total of 50 residential condominium units on site. The building will be designed in such a way to compliment and be respectful to the heritage building preserved in Part 1. The existing building in Part 1 has a height of 54.5 ft from grade to top of roof peak while the Part 2 proposed building is being designed and is presently proposed with a height that will be lower than the heritage building in Part 1 with a height proposed under 45 ft.

3.3 OFFICIAL PLAN AMENDMENT AND ZBA:

The subject property is presently designated 'Institutional' in the Official Plan (OP) for the Town of Amherstburg and is zoned 'Institutional (I)' in the Comprehensive Zoning Bylaw (CZB) for the Town of Amherstburg.

Official Plan policies for the 'Institutional' designation allows for institutional uses such as schools, community centre uses, churches, etc. An Official Plan Amendment (OPA) is required to apply general residential policies to the proposed development. An OPA has been requested to redesignate the lands from 'Institutional' to 'Residential' designation to support the adaptive re-use of the existing building to a residential condominium building with 16 condo units and Part 2 Future development of a residential condominium building with 34 residential condo units. The OPA will be a redesignation to residential land use with the general residential policy framework applying to the proposed land use: a site specific policy is not required as the proposed land use will conform with the general residential designation policies.

With the requested proposed adaptive re-use of the existing building to a new use of residential and the new condominium building, the site will require a site specific by-law to apply site specific regulations to the unique shaped parcel as well as the proposed adaptive re-use of an existing heritage building and the inclusion of a new condominium building.

It is recommended that the following be considered as site specific provisions:

- 1) Front Yard Setback (Brock St): 16 m;
- 2) Front Yard Setback (Gore St): 4.5 m
- 3) Exterior Side Yard Setback (Gore St): 5.0 m;
- 4) Height of building: 50 m

Both the existing Official Plan policies and Zoning regulations recognize the present land use of institutional on site. An Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) has been requested to recognize the proposed residential land use and site specific characteristics of both the existing and the proposed building and site. With the proposed change of use of the existing building to a condominium and the addition of a new condominium building, the new site specific (RM2-#) zone is also required to recognize the existing unique site provisions.

3.4 SITE SERVICING: CIVIL AND SWM REPORT

D.C. McCloskey Engineering Ltd., Project M21-148, 5745 Wyandotte St East, Suite 200, Windsor ON N8S 1M6, is a qualified civil engineering firm that undertook a Functional Servicing Report for 247 Brock Street proposed development.

“D. CONCLUSIONS & RECOMMENDATIONS

The results of the analysis conclude the following:

1. The site has the capacity to detain the runoff from the minor and major storm events while not exceeding a maximum total release rate for Part 1 and 2 of 19 Us.
2. Water quality is achieved by installing P-traps in all catchbasins (Part 1 and 2) and installing a Stormtech system in Part 2. This treatment of the runoff in Part 2 will achieve the TSS removal efficiency for normal protection as defined in the MECP design guidelines.

3. Municipal sanitary sewer has adequate capacity for the estimated peak flow of 1.8 Us.
4. Municipal water service has adequate capacity for this development.”

Based on the findings of the Functional Servicing Report the proposed development can be considered to not cause negative impacts to the municipal infrastructure and municipal services (water and sewer) have adequate capacity to accommodate the proposed development. Further, storm water can be managed from the site in both quantity and quality without negative impact on the neighbourhood. No modifications to municipal infrastructure are required to facilitate the proposed development.

3.5 TRAFFIC MEMO CONCLUSIONS

Paradigm Transportation Solutions Limited, 5A-150 Pinebush Rd, Cambridge ON N1R 8J8, is a qualified transportation engineering firm that undertook a traffic study relating to the proposed development.

EXECUTIVE SUMMARY AND RECOMMENDATIONS:

“This impact assessment includes an analysis of existing traffic conditions, describes the proposed development, traffic forecasts for five years from the assumed completion of the developments (2030), and recommendations to improve future traffic conditions.

Development Description:

This TIS considers the development of 247 Brock Street and consists of:

- 247 Brock Street: an existing building converted into a 16 unit mid-rise condominium building and a new 34 unit mid-rise condominium building;
- Access to the proposed development is provided via:
 - an all-moves access to Brock Street; and
 - two all-moves access to Gore Street.

Conclusions:

Based on the investigations carried out, it is concluded that:

- **Existing Traffic Conditions:** All study area intersections are currently operating within acceptable levels of service;
- **Proposed Development:**

- 247 Brock Street: The full build-out of the site is forecast to generate 10 and 20 trips during weekday AM and PM peak hours, respectively.
- **2030 Background Traffic Conditions:** All study area intersections are forecast to operate at acceptable levels of service;
- **2030 Total Traffic Conditions:** The total traffic conditions are forecast to operate similarly to the background conditions;
- **Remedial Measures:**
 - Left-Turn Lane Warrants: It was found that **no left-turn** lanes are forecast to be warranted.

Recommendations:

Based on the findings of this study, it is recommended that the proposed development at 219 Brock Street and 247 Brock Street be constructed with no further roadway or intersection improvements.”

Based on the findings of the TIS, the proposed development can be considered to not cause negative impacts to the municipal infrastructure and will not have a negative impact on the traffic of the neighbourhood. No modifications to municipal infrastructure are required to facilitate the proposed development.

3.6 PART 4 ARCHEAOLOGICAL REPORT CONCLUSIONS

TMHC Inc., 1108 Dundas Street, Unit 105, London ON NSW 3A7, is a qualified, licensed archaeological firm with extensive experience and local knowledge, undertook a Stage 1-4 Archaeological Assessment of the subject property. File AaHs-138 dated August 27, 2021 has been registered with the Ministry of Heritag, Sport, Tourism and Culture.

SECTION 5, SUMMARY (page 31):

“A Stage I and 2 archaeological assessment was conducted for the roughly 0.75 ha (1.85 ac) property at 247 Brock Street in the Town of Amherstburg, Essex County, Ontario. The Stage I assessment revealed that the property had potential for the discovery of archaeological resources and a Stage 2 survey was recommended and carried out. The Stage 2 assessment (test pit assessment at a 5 m interval) resulted in the documentation of archaeological resources at Location I (AaHs-138). The site was found to have further cultural heritage value or interest (CHVI) and Stage 3 testing was recommended.

A Stage 3 archaeological assessment was conducted for Location I (AaHs-138). The Stage 3 work consisted of the excavation of 16 1 m² units across the site area, resulting in the collection of 2,236 19th and 20th-century artifacts. Based on the artifacts recovered and their distribution, Location I (AaHs-138) is a domestic site dating to the period between c.1880 and 1917. The site assemblage is likely the product of an accumulation of material variably deposited during the occupations of William Caldwell (1894-1899), Alice Primeau (1899-1907), the Conway family and their tenants (1907-1912) and/or Manley Cahoon (1912-1915). Given the age of the site and the lack of integrity, Location I (AaHs-138) is considered sufficiently documented. The site does not meet provincial criteria for Stage 4 assessment and no further work is recommended. **As such, the subject property should be considered free of archaeological concern.”**

In conclusion, the findings of the archaeological report do not warrant any further study of the property. There should be statements provided within the site plan agreement to provide direction should artifacts or remains be discovered during construction.

4.0 PROVINCIAL POLICY STATEMENT (PPS 2020)

When reviewing a planning application to determine if the requested Official Plan Amendment (OPA) and Zoning Bylaw Amendment (ZBA) makes sound planning, it is imperative that the proposed development is consistent with the Provincial Policy Statements (PPS): "The Provincial Policy Statement provides policy direction for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. It (PPS) recognizes that the wise management of development may involve directing, promoting or sustaining growth. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns."

"Section 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;

COMMENT:

In my professional opinion, the proposed OPA and ZBA allowing for the adaptive reuse of the presently existing heritage building and the proposed new building will create an efficient and effective use suited and compatible with the existing neighbourhood.

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;

COMMENT:

The condominium buildings will provide for an alternative style and tenure of housing than the standard housing in Amherstburg. The OPA and ZBA will facilitate the provision of a variety and diversity of housing needed within a community to support a healthy community. The residential buildings will be developed as condo ownership providing for an alternative housing style and tenure while supporting a diversification of housing styles and tenures within Amherstburg.

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

COMMENT:

The existing St Anthony's Lofts were built in 1910 as a school with the remainder of the property vacant lands for play area associated with the previous school and subsequent youth center. Considering the previous historical uses, there are no known contaminants on site. There are no environmental or health issues associated with the adaptive re-use of the existing building.

- 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;*

COMMENT:

The subject lands are located within the urban area of the settlement area within the Town of Amherstburg. The adaptive re-use of the existing building and the additional building creates an infilling residential development within an established residential neighbourhood; the buildings are distance separated, provide a neighbourhood buffer between existing low and medium density residential, low profile, medium density residences that in my opinion, provide a housing tenure and style diversification that is compatible with the neighbourhood. The property is located within a residential area peripheral to the downtown core and will not result in the unnecessary expansion of the urban settlement area.

- 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;*

COMMENT:

The subject development is proposed as an adaptive reuse of an existing heritage building converted to condos and an additional condo building within a mixed density residential neighbourhood.

The re-development of the existing building with an adaptive re-use of the presently vacant institutional building to condominiums and an additional condominium building with a total of 50 units to create a medium density development is best suited as an unobtrusive infill in the existing mixed density residential neighbourhood. The proposal supports the establishment of alternative housing tenure and style while being neighbourhood compatible.

COMMENT:

The utilization of the vacant building for the inclusion of 16 residential condominium units and the development of an condo building with 34 residential condominium units will result in with an appropriate intensification of use.

Site services are available to the site. The location will allow for an efficient and effective development while providing for a cost effective utilization of existing municipal infra-structure. As noted in the Engineering report, there is municipal capacity to accommodate the proposed land use and the development will not result in an expansion of municipal infrastructure.

The adaptive re-use of the existing building for condominiums and the new condominium building combined with the location in the periphery to the downtown area of the municipality will result in the support and cost effective utilization of municipal services such as the transit system, walking trail and bike trail infrastructure.

Proposed OPA will provide for residential policies and ZBA will recognize the site specific regulations and support the establishment of the residential development.

COMMENT:

In my professional opinion, the proposed residential adaptive re-use of the heritage building, and the re-development of the property is consistent with and supports the cost-effective re-use of the property while minimizing land consumption and supports the efficient and effective utilization of municipal infrastructure.

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

COMMENT:

Building accessibility will be established in compliance with the OBC for all the residential units.

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

COMMENT:

The existing building is connected to municipal services and the proposed new condominium building will be connected to municipal infrastructure. As noted in the Civil Works report there is capacity available in the municipal infrastructure to accommodate the proposed 50 unit condos. The proposed adaptive re-use and the new condo building is considered an efficient and effective utilization of municipal infrastructure.

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

COMMENT:

The requested development is for an adaptive re-use of an existing building and the additional building is located on vacant lands. The proposed development assists with the conservation and preservation of biodiversity by providing for wise intensification with redevelopment of existing lands as infilling in an urban centre.

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

COMMENT:

The building is located within a neighbourhood providing services and commodities within walking distance. There are employment opportunities within walking distance to the site, supporting the work/live initiative. In my professional opinion the proposal considers the changing climate by reducing the dependence on the vehicle while supporting walking, biking and healthy community initiatives of the Municipality and Province.

“Section 1.1.3.2 Land use patterns within settlement areas shall be based on:

- a) densities and a mix of land uses which:
 - 1. efficiently use land and resources;*
 - 2. 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;*
 - 3. minimize negative impacts to air quality and climate change, and promote energy efficiency;*
 - 4. prepare for the impacts of a changing climate;*
 - 5. support active transportation;*
 - 6. are transit-supportive, where transit is planned, exists or may be developed; and*
 - 7. are freight-supportive; and**

- b) a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3. where this can be accommodated.”*

COMMENT:

The proposed adaptive re-use of an existing, under utilized building and the further development of vacant lands as infilling development as noted above, is an efficient use of the land.

The proposed development is an efficient use of the existing municipal services and can be considered an appropriate use of the subject lands. There is no need to expand municipal services to accommodate the proposed development.

In my professional opinion, the proposed residential development is an efficient, effective development for the site and supportive of the PPS policies ensuring compatible new development with the existing neighbourhood.

“Section 1.1.3.3 Settlement Areas

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.”

COMMENT:

The subject lands are within a short walking distance to the downtown and within a neighbourhood where municipal transit is available. The OPA/ZBA will support the evolution of an under utilized vacant building for a residential condominium and vacant lands for a residential condominium building to provide needed residential accommodation within a residential neighbourhood in the periphery to the downtown.

“Section 1.1.3.4 Settlement Areas

Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.”

COMMENT:

The development of the subject lands supports, promotes and facilitates an appropriate land use for the neighbourhood while allowing for an intensification of land use and providing needed residential condominium units as alternative tenure and style of housing. As an adaptive re-use of an existing, under utilized building and the managed intensification by development of vacant lands can be considered an appropriate re-development. There are no public health issues or risks associated with the proposed development.

COMMENT:

In my professional opinion, the requested OPA and ZBA is consistent with the 2020 PPS by supporting the sound and efficient adaptive re-use of an existing heritage building and for the managed intensification and growth associated with the inclusion of residential land use for the subject site. Providing for a site specific ZBA regulation that support the redevelopment of these lands for residential condominiums, in my professional opinion supports the Healthy Community initiatives and is therefore consistent with the Provincial Policy Statements.

5.0 COUNTY OF ESSEX OFFICIAL PLAN:

The County of Essex Official Plan provides policies directing land use within the entirety of the County of Essex. The policies are consistent with the Provincial Policy Statements and provides additional policy direction for development within the County of Essex.

“3.2.1 General Directive Schedule “A1” of this Plan identifies the location and precise boundaries of the “Settlement Areas” within the County. Schedule “A2” details the structure of the “Settlement Areas”, by differentiating between Primary and Secondary.

It is the vision and purpose of this Plan to direct the majority of future growth and development into the Primary Settlement Areas in order to strengthen the County’s settlement structure, focus public and private investment in fewer areas and to preserve the lands designated “Agricultural” and “Natural Environment” for the purposes outlined in the policies of this Plan.”

COMMENT:

The subject lands are located within the Principal Settlement Area of the Town of Amherstburg.

In my professional opinion, the proposed OPA/ZBA conforms with S.3.2.1 of the County Official Plan.

“3.2.2 Goals

The following goals are established for those lands designated as “Settlement Areas” on Schedule “A1”:

- a) Support and promote public and private re-investment in the Primary Settlement Areas.*
- b) To support and promote healthy, diverse and vibrant settlement areas within each of the seven Essex County municipalities where all county residents, including special interest and needs groups can live, work and enjoy recreational opportunities*
- c) To promote development within Primary Settlement Areas that is compact, mixed-use, pedestrian oriented, with a broad range of housing types, services and amenities available for residents from all cultural, social and economic backgrounds.”*

COMMENT:

The investment to re-develop the subject lands is focused within the settlement area of the Town of Amherstburg.

The proposed development will provide for alternative housing and tenure by supporting diversification of the housing market by providing condominium accommodation and ownership.

The proposed development is for a medium density development in a mixed density neighbourhood. The development will support managed appropriate intensification of residential land use.

In my professional opinion, the proposed OPA/ZBA conforms with S.3.2.2 Goals of the County Official Plan.

“3.2.4.1 Policies apply to Primary Settlement Areas:

- b) Primary Settlement Areas shall have full municipal sewage services and municipal water services and stormwater management services, a range of land uses and densities, a healthy mixture of housing types including affordable housing options and alternative housing forms for special needs groups and be designed to be walkable communities with public transit options (or long-term plans for same).”*

COMMENT:

The OPA/ZBA will support the repurposing of the existing heritage building and adapting it to a new use from the original school to a residential condominium. The property will be further developed with an additional condominium building. Both buildings will provide alternative housing style and tenure within an area that is walkable to the downtown for commercial amenities.

In my professional opinion, the proposed OPA/ZBA conforms with S.3.2.4.1 of the County Official Plan.

COMMENT:

**The proposed development will provide for needed alternative residential housing within the Primary Settlement area of Town of Amherstburg.
In my professional opinion, the proposed OPA/ZBA conforms with the County Official Plan.**

6.0 TOWN OF AMHERSTBURG OFFICIAL PLAN:

The subject lands are presently designated 'Institutional' in the Town of Amherstburg Official Plan. The following policies relate to the permitted uses within the 'Institutional' designation:

"4.6 INSTITUTIONAL LAND USE DESIGNATION

The Institutional classification of land shall mean that the predominant use of the land so designated shall be for uses which exist for the benefit of the residents of Amherstburg and which are operated by the municipality or other public organization for this purpose. The general principles to be considered in the development and control of the use of such land are as follows: The uses permitted shall include educational facilities including public, separate, and private schools, places of worship, other civic and institutional uses such as fire halls, police stations, libraries and similar uses, public and private open space areas, active and passive recreation facilities, and community facilities are also included within the Institutional designation. In addition, municipal and private utility works such as water towers, sewage treatment facilities, telephone and gas utility operating facilities, and similar uses are also permitted uses.

COMMENT:

The proposed adaptive re-use of the existing building from a youth centre to a residential condominium use and the inclusion of a new residential condominium use does not conform with the permitted uses under the existing 'Institutional' designation permitted under S. 4.6 of the OP. An OPA is required to change the OP designation to 'Residential' to allow for the proposed development.

An Official Plan Amendment (OPA) has been requested to redesignate the subject lands 'Residential' to apply the following policies to the proposed residential land use. The 'Residential' designation of the Official Plan permits low, medium or high profile residential buildings in the Mixed Use designation. The owner proposes to adapt the existing structure from the previously under utilized and unoccupied institutional use to residential condominiums while also providing for an additional residential condominium on adjacent lands.

“4.2 RESIDENTIAL USES 4.2.1

It is the intention of this Plan to ensure that sufficient lands have been placed in various Residential designations to accommodate the anticipated population in a suitable variety of locations, densities, and unit types. This Plan also intends to ensure that new development or redevelopment is appropriately located, is compatible with surrounding land uses, and incorporates energy efficient aspects in its design. The Plan also intends to encourage the development of economical housing in a suitable environment. Existing housing and existing residential areas shall be preserved and improved.”

COMMENT:

The requested OPA will support the redevelopment of the site for residential development that will provide for alternative housing style and tenure. The provision of 16 new condominiums provides for alternative housing tenure and style to the present single detached residences that are typically available for sale in Amherstburg. The addition of a new condominium building will provide for alternative tenure and accommodation that is greatly needed within the Town.

The adaptive re-use of the existing building and the additional building creates an infilling residential development within an established mixed density residential neighbourhood; the buildings are distance separated, provide a neighbourhood buffer between existing low and medium density residential, low profile, medium density residences that in my opinion, provide a housing tenure and style diversification that is compatible with the neighbourhood. The buildings will also provide for transitioning from the existing medium density housing to the single detached housing located with distance separation.

The adaptive re-use of the existing building to new residential condominium will also support the preservation of significant heritage for the Town of Amherstburg.

The proposed development will provide for alternative housing tenure and style that is compatible in density and form to the existing mixed density neighbourhood.

In my professional opinion, the proposed OPA/ZBA conforms with S.4.2.1 of the Town of Amherstburg Official Plan.

“Section 1.7.5 Identified Areas for Residential Development

The main areas identified for residential development are:

- (1) the old Town of Amherstburg;*
- (2) lands immediately to the south of the old Town (up to the Big Creek fill regulation which is now known as the Limit of the Regulated Area);*
- (3) lands to the north of Texas Road (up to the Edgewater sewage treatment facility);*
- (4) McGregor;*
- (5) Bois Blanc Island; and,*
- (6) Amherst Point.*

These areas are where the greatest concentration of development has already occurred, or has been planned for, and are areas located within sanitary sewer service areas. The old Town of Amherstburg has the greatest concentration of support services such as parks, open space, schools, churches, social services, medical services, commercial facilities and employment opportunities.”

COMMENT:

The proposed OPA/ZBA will be applied to the subject lands located within the periphery to the downtown core of the ‘old Town of Amherstburg’.

In my professional opinion, the proposed OPA/ZBA conforms with S.1.7.5 of the Town of Amherstburg Official Plan.

“4.3 RESIDENTIAL LAND USE DESIGNATIONS

The Residential classification of land shall mean that the predominant use of land so designated shall be for varying densities and types of residential land uses. Under the Residential classification, there are six Residential designations:

- (1) Low Density Residential*
- (2) Medium Density Residential*
- (3) High Density Residential*
- (4) Office Residential*
- (5) Heritage Residential*
- (6) Modular Home Residential.”*

COMMENT:

The Official Plan Amendment (OPA) will redesignate the subject lands from the present 'Institutional' designation to an appropriate 'Residential' designation. This will support the adaptive reuse and subsequent heritage preservation of the proposed heritage building.

In my professional opinion, the proposed OPA/ZBA conforms with S.4.3 of the Town of Amherstburg Official Plan.

“Section 4.3.2 Medium Density Residential Areas

*The uses permitted in areas designated Medium Density Residential shall be limited to single, duplex, triplex, conversions, and horizontal multiples, home occupation uses and public uses. In addition to these permitted uses, **low-rise apartment buildings with a maximum height of five stories are permitted.***

The maximum density shall not exceed 70 units per gross hectare.”

COMMENT:

Phase 1 building is an existing heritage building with 54.5 ft and 3.5 storey height. Proposed Phase 2 building will be slightly shorter with 45 ft height (top of parapet) to ensure the Phase 2 building is shorter than the existing heritage building out of respect to the heritage of the existing structure. Phase 2 building will be 4 storeys in height.

The redesignation will allow for the development of the Phase 2 subject lands with a new residential land use. The two phases at 50 units for the 0.7516 ha lands will result in a Medium Density Residential development at 66 units/ha for the subject lands.

In my professional opinion, the proposed OPA/ZBA conforms with S.4.3.2 of the Town of Amherstburg Official Plan.

“Section 4.3.2 Medium Density Residential Areas

The general location shall be in conformity with Schedules “A” and “B”.

The Medium Density Residential area may have separate zoning categories in the implementing Zoning By-Law.

Where a large dwelling would be converted to contain a number of additional dwelling units, this activity would be permissible provided that:

- (1) Required parking spaces can be provided on the site, other than within the required front yard;*
- (2) There is no change in the exterior character of the dwelling;*
- (3) Adequate buffering and transition can be provided to surrounding lower density development; and,*
- (4) There is no change in the character of existing development, using the criteria outlined above to determine the effect of the proposal. If the proposed development will result in a change in the character, an Official Plan amendment will be required, with a study being required and a public hearing being held to determine if the Official Plan amendment should be undertaken.”*

COMMENT:

The existing heritage building has historically been used as a school and then a youth centre, not a residence. With the adaptive re-use of this institutional building, the above criteria was considered for the conversion of the large building to a residential use.

(1) Parking has been calculated for Phase 1 and Phase 2 in compliance with Parking Standards established in the CZB. The provision of parking exceeds the bylaw requirements and will be provided as follows:

Part 1 - 16 residential units; required 1/unit = 16 spaces; provided = 30 reg, 2 BF

Part 2 - 34 residential units; required 1/unit = 34 spaces; provided = 42 reg, 2 BF

(2) The building is designated under Part IV of the Heritage Act. The exterior of the building requires some minor modifications to accommodate deteriorated items such as windows however these will be replaced with replicas of the existing feature. There will be minor modifications to the exterior to modernize the building with items such as elevator shafts to accommodate accessibility. The minor modifications have been approved by the Heritage Committee. The minor modifications have been minimized to reduce visual impact and in my professional opinion, do not change the character of the building.

(3) The lot configuration and size support buffering and distance separation from existing residential uses creating a compatible development within the neighbourhood;

(4) An OPA has been requested to support the adaptive re-use of the heritage building from institutional to residential. The OPA will support the heritage preservation, provide for needed alternative residential uses, and will establish a land use appropriate for the site and the neighbourhood.

In my professional opinion, the proposed OPA/ZBA conforms with S.4.3.2 of the Town of Amherstburg Official Plan.

COMMENT:

In my professional opinion, the requested OPA/ZBA conforms with the relevant policies of the Official Plan for the justification noted above.

7.0 ZONING BY-LAW REGULATIONS

The subject lands are zoned 'Institutional (I)' in the Comprehensive Zoning By-law for the Town of Amherstburg.

The land use of residential is not a permitted use in the 'Institutional (I)' zone presently applied to the subject lands. The change of use from a school to a residential use doesn't comply with the existing regulatory framework applied to the property.

A Zoning Bylaw Amendment (ZBA) has been requested to rezone the subject lands to 'Residential Multiple Second Density (RM2)' zone under the Comprehensive Zoning Bylaw 1999-52 for the Town of Amherstburg.

In addition to recognizing the proposed residential land use outlined for Part 1 and 2, it is critical to place site specific regulations on the site to recognize the existing heritage aspects of the building setbacks and site context for Part 1 and the proposed new building for Part 2.

Establishing site specific regulations for Part 1 to maintain the heritage situation of the building will support the conservation and preservation of the heritage building. As well, providing for site specific regulations for Part 2 is critical to reflect the uniqueness of the regulations for the vacant parcel to protect heritage aspects of the existing structure such as established front yard setback for Part 1.

Part 1 and Part 2 will be developed as two separate parcels through two separate condominium corporations. Each parcel has driveway access to Gore Street. In recognition of safety issues, a second access to each parcel is proposed through a reciprocal access between Part 1 and Part 2. The reciprocal access is to be provided between Part 1 and Part 2 at the south of the parking line between the two parcels. Parking will be provided on both Part 1 and Part 2 adjacent the mutual shared property line, separated by concrete curbing for the length of the mutual lot line with the exception of the reciprocal access. A site specific provision has been included to recognize the 0 m parking setback to allow for the parking only for the mutual shared property line.

TABLE 3: ZONING BYLAW REVIEW:

PROVISION	'RESIDENTIAL (RM2)' REGS	PART 1	PART 2
LOT AREA	840 m2	3,626 m2	3,889 m2
LOT FRONTAGE	30 m	36.5 m	81.3 m
REAR YD SETBACK	7.5 m	13 m	2.5 m
FRONT YD SETBACK	7.5 m	16 m	2.5 m
INTERIOR SIDE YD	6 m	2.5 m	2.5 m
EXTERIOR SIDE YD	6 m	2.5 m	N/A
LANDSCAPED OPEN SPACE	30%	33 %	21 %
HEIGHT (MAX)	22 m	16.7 m	13.7 m
LOT COVERAGE	40%	26.2%	29.2 %
PARKING	1 sp/unit	16 spaces req'd 30 reg + 2 BF	34 spaces req'd 42 reg + 2 BF

COMMENT:

In my professional opinion, the requested ZBA complies with the intent of the CZB to recognize site specific regulations for the existing building and provide for site specific provisions for the Part 2 building to recognize the heritage aspects of the property and site characteristics. After passing of the ZBA, the proposed development will comply with the regulatory framework under the CZB for the Town of Amherstburg.

8.0 CONCLUSIONS

In my professional opinion, the requested Official Plan Amendment (OPA) and Zoning Bylaw Amendment (ZBA) purports to apply 'Residential' Official Plan policy framework and will provide a new site specific regulatory framework to allow for an appropriate land use for the subject site. As an adaptive re-use of the existing under utilized building, the residential condominium uses are compatible with the neighbourhood and appropriate utilization of the existing building and proposed future building with the existing neighbourhood.

The OPA/ZBA will support the preservation of significant heritage building in the Old Town of Amherstburg. As well, the ZBA will support the preservation of the viewscape of the heritage building by providing for site specific bylaw regulations to ensure the respect and sympathy the new building will provide to the existing heritage while allowing for new infilling development.

The existing building and proposed building height and massing will provide for a buffering with the existing mixed density housing from the single detached residences in this older established neighbourhood of the Old Town of Amherstburg. The proposed development of both Part 1 and Part 2 will provide for needed alternative housing supporting diversity in housing in the Town. The OPA/ZBA will support the Town's residential policy initiatives to supply alternative housing through the adaptive re-use of the existing infrastructure and the new building being proposed. The initiative also supports the municipality's initiative to provide for a healthy, walkable community.

8.1 GOOD PLANNING

With the adaptive re-use of the existing 110 year old heritage building to residential condominiums with ownership tenure will require a change in policy framework that will be used to support the residential land use. Part 2 is proposed for infilling development of a condominium building that will be designed to be supportive and respectful of the existing heritage building on the adjacent lands.

The OPA will establish 'Residential' policies for the subject lands to direct and support the proposed residential land use. The new development is intended as a medium density residential condominium development providing alternative housing tenure and style to the typical single detached residences found in the town.

The existing building is established while the Part 2 building is proposed as infilling resulting in a medium density development within a mixed density residential neighbourhood. The proposed condominium development provides a diverse housing option as an alternative to the single detached residence.

The proposed adaptive re-use of the building to 16 condominiums and the new 34 unit condominium building, in my professional opinion, is compatible with the existing residential neighbourhood and would result in a low impact use on the long established residential neighbourhood.

Part 1 is proposed as an adaptive re-use of the existing 3.5 storey building with the interior re-organized and retrofitted from the institutional use to provide for the 16 residential condominium units and will be sold as condominiums providing for alternative tenure and housing style.

To provide for an efficient and effective use of the subject lands, Part 2 is comprised of a second building on a vacant lot to the east of the existing building. The second building will be developed with 34 residential condominium units for a total of 50 new residential units in the project on the subject lands. The additional 34 condominium units will provide for an alternative housing tenure and style while supporting a diversification in housing in Amherstburg.

Referring to pictures above, the present 3.5 storey height of the Lofts of St. Anthony's will not be modified. There are exterior modifications discussed above including an addition of an elevator to the side of the building but has been designed to have a lower profile than the existing building. There will be some exterior improvements to clean and repair the façade of the existing heritage building and replace any features identified requiring replacement. The new building has been designed to be compatible with the existing heritage building.

The proposed modifications and adaptive re-use of the building from the present vacant institutional building to needed residential condo use will support the rejuvenation of the existing building, will support the preservation of a heritage building, will provide for a compatible development as an adaptive re-use and infilling residential use in an existing residential neighbourhood, will provide an aesthetically pleasing development, will assist with rejuvenating the neighbourhood, and will provide for needed alternative residential housing tenure supporting the diversification of housing accommodation in the Town of Amherstburg.

In my professional opinion, the requested OPA and ZBA makes sound planning and the necessary amendments are supportable.

8.3 CONCLUSIONS

Given the foregoing assessment and our evaluation of the proposal in relation to the PPS 2020, the County of Essex Official Plan, The Town of Amherstburg Official Plan and the Comprehensive Zoning By-law, in my professional opinion the proposed Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) is consistent with polices of the PPS, OP, and regulations found in the Zoning By-law.

In addition, it is our opinion that the proposed Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) is appropriate and desirable within this policy framework as it will facilitate development of site while also implementing the proposals included in this Planning Justification Report dated March 7, 2022.

In summation, the proposal conforms with the proposed Official Plan Amendment (OPA) that will see the subject lands re-designated to 'Residential' and the proposal complies with the Zoning Bylaw Amendment (ZBA) that will appropriately establish a site specific regulatory framework under the 'Residential Multiple Second Density (RM2)' zone. The OPA and ZBA provides a good solution for the preservation of the heritage of the designated property while providing for needed residential accommodation and supporting a diversity of housing tenures and styles within the municipality.

In my professional opinion the requested OPA and ZBA:

- 1) is consistent with the policies of the 2020 Provincial Policy Statements;
- 2) maintains the intent of the relevant policies of the Town of Amherstburg Official Plan and when the OPA is adopted, it will conform with the established policy framework of the OP;
- 3) maintains the intent of Town of Amherstburg CZB and when the ZBA is passed, it will establish the regulatory framework required for the development to comply with the CZB;
- 4) makes sound planning.

I hereby certify that this report was prepared by Jackie Lassaline RPP MCIP, a Registered Professional Planner within the meaning of the Ontario Professional Planners Institute Act, 1994.

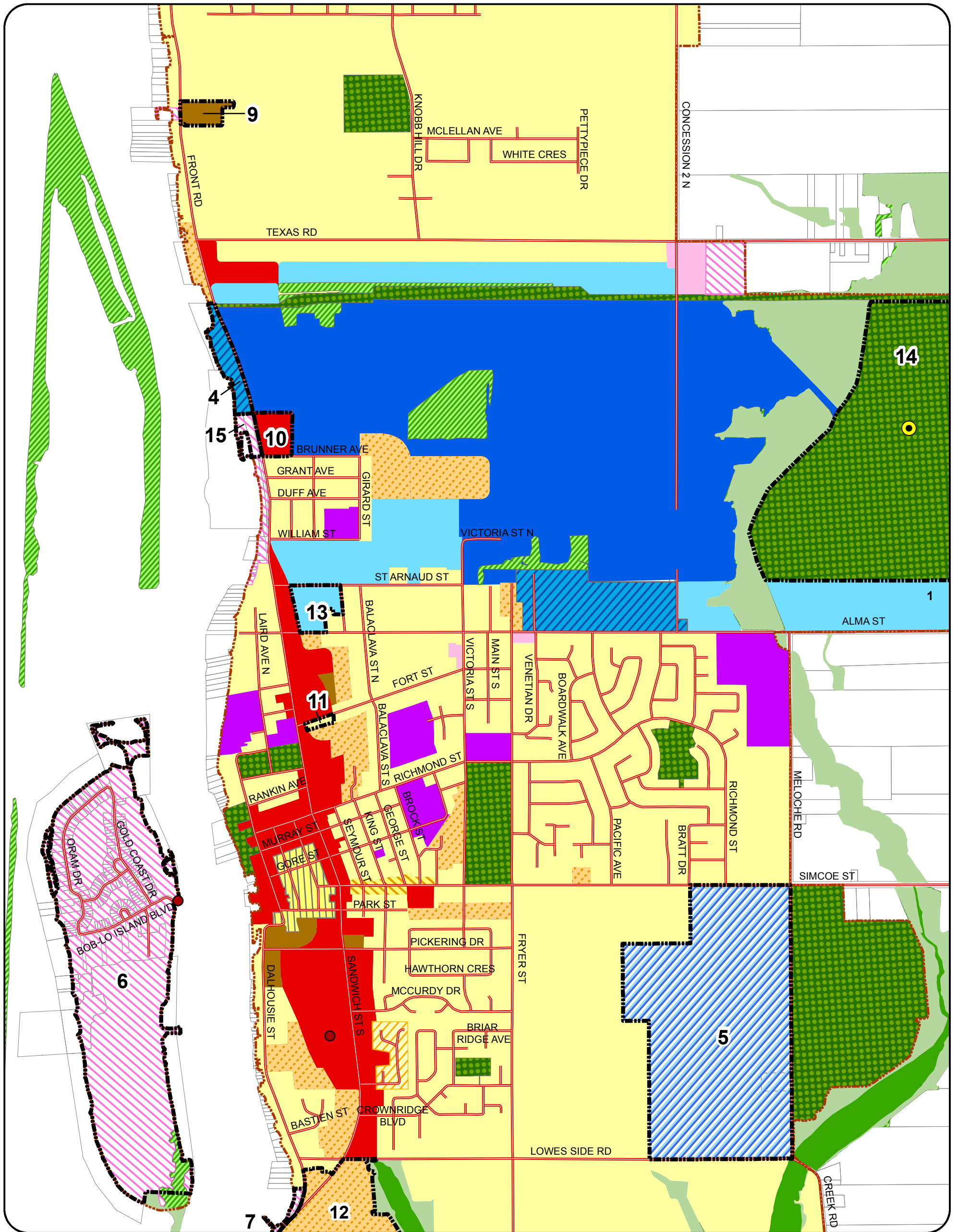
Lassaline Planning Consultants Inc.

J M Lassaline

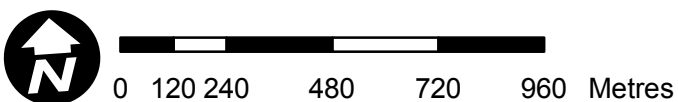
Jackie Lassaline BA MCIP RPP

Principal Planner

APPENDIX A – OFFICIAL PLAN SCHEDULE A



**TOWN OF AMHERSTBURG
OFFICIAL PLAN**
SCHEDULE "B-2"
LAND USE PLAN



Legend

- Agricultural
- Settlement Area Boundary
- Provincially Significant Wetlands
- Natural Environment
- Woodlots
- Low Density Residential
- High Density Residential
- Medium Density Residential
- Office Residential
- Heritage Residential
- Modular Home Residential
- Neighbourhood Commercial
- General Commercial
- Special Industrial
- Light Industrial
- Heavy Industrial
- Extractive Industrial
- Institutional
- Recreational Development
- Open Space
- Special Policy
- Closed Landfill Site
- Open Landfill Site
- Sewage Treatment Facility

APPENDIX B – ‘RESIDENTIAL MULTIPLE SECOND DENSITY (RM2)’

SECTION 11 RESIDENTIAL MULTIPLE SECOND DENSITY (RM2) ZONE

(1) SCOPE

The provisions of this Section shall apply in all Residential Multiple Second Density (RM2) Zones except as otherwise provided in the Special Provisions Subsection of this Section.

(2) USES PERMITTED

No person shall within any RM2 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following RM2 uses, namely:

- (i) multiple dwelling;
- (ii) continuum-of-care facility;
- (iii) home occupation;
- (iv) accessory uses;
- (v) public use.

(3) ZONE REQUIREMENTS

No person shall within any RM2 Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions.

(a)	Lot Area (Minimum)	840 m ²
(b)	Lot Frontage (Minimum)	30 m
(c)	Front Yard Depth (Minimum)	7.5 m
(d)	Interior Side Yard Width (Minimum) or half the height of the building, whichever is greater.	6 m
(e)	Exterior Side Yard Width (Minimum) or half the height of the building, whichever is greater.	6 m
(f)	Rear Yard Depth (Minimum)	7.5 m
(g)	Lot Coverage (Maximum) including parking structures	40%
(h)	Landscaped Open Space (Minimum)	30%
(i)	Dwelling Unit Area (Minimum)	
(i)	Bachelor dwelling unit	35 m ²
(ii)	Dwelling unit containing one bedroom	50 m ²

- | | | |
|-------|---|-------------------|
| (iii) | Dwelling unit containing two bedrooms | 65 m ² |
| (iv) | Dwelling unit containing three bedrooms | 80 m ² |
| (v) | Dwelling unit containing more than three bedrooms
- 80 m ² plus 10 m ² for each bedroom in excess of 3 | |
| (j) | Height (Maximum) | 22 m |
| (k) | Privacy Yards (Minimum) | 7 m |
| | A privacy yard shall be provided adjoining each exterior wall of every dwelling unit that contains habitable room window. | |
| (l) | Building Separation (Minimum) | |
| (i) | between two primary windows | 15 m |
| (ii) | between a primary window and a secondary window | 12 m |
| (iii) | between a primary window and an ancillary window | 9 m |
| (iv) | between a primary window and a blank wall | 7.5 m |
| (v) | between two secondary windows | 9 m |
| (vi) | between a secondary window and an ancillary window | 6 m |
| (vii) | between a secondary window and a blank wall | 4 m |
| (m) | Accessory Uses, Parking, Home Occupation, etc. in accordance with the provisions of Section 3 hereof. | |

(4) SPECIAL PROVISIONS

(a) RM2-1 (UNION HALL)

Notwithstanding any provisions of this By-law to the contrary, within any area designated RM2-1 on Schedule "A" hereto, the following special provisions shall apply:

- (i) Uses Permitted
1. an assembly hall;
 2. offices accessory to a permitted use;

APPENDIX C – HERITAGE BYLAW 2021-079

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NUMBER 2021-079

A By-law to designate the property known as the “St. Anthony School” as being of cultural heritage value or interest.

WHEREAS the *Ontario Heritage Act* authorizes the Council of a municipality to enact By-laws to designate real property, including all the buildings and structures thereon, to be of cultural heritage value or interest;

AND WHEREAS authority was granted by Council to designate the property located municipally at 247 Brock Street and known as the “St. Anthony School”, as being of cultural heritage value or interest;

AND WHEREAS the St. Anthony School is legally described as:

LT 1 E/S KEMPT ST, 3 E/S BROCK ST, 18 W/S KEMPT ST, 19 W/S KEMPT ST PL 1
AMHERSTBURG; PT KEMPT ST PL 1 AMHERSTBURG CLOSED BY R1109842; PT EPT LT 2
CON 1 MALDEN AS IN R1143624; AMHERSTBURG

AND WHEREAS the Council of the Town of Amherstburg has caused to be served upon the owners of the land and premises known as the St. Anthony School and upon the Ontario Heritage Trust, Notice of Intent to designate the property and has caused the Notice of Intent to be published in a newspaper having general circulation in the municipality as required by the Ontario Heritage Act;

AND WHEREAS the property's cultural heritage value or interest, its important physical heritage attributes, and therefore its reasons for designation are summarized and set out in Schedule “A” to this bylaw;

AND WHEREAS a more fulsome description of the history and cultural heritage value of the St. Anthony School is set out in Schedule “B”;

AND WHEREAS the St. Anthony School is visually represented in Schedule “C”;

AND WHEREAS any future interventions or changes to the property shall follow commonly used heritage-conservation best practices, as set out in Schedule “D”;

NOW THEREFORE the Council of the Corporation of the Town of Amherstburg hereby enacts as follows:

1. The property at 247 Brock Street, known as the St. Anthony School and more particularly described in Schedule “A” is hereby designated as being of cultural heritage value or interest, for the reasons set out in Schedules “A” and “B”.


2. Any future interventions or changes to the property shall follow commonly used heritage-conservation best practices, as set out in Schedule “D”.

3. The Town Solicitor is authorized to cause a copy of this by-law to be registered in the proper Land Registry Office against the property located at 247 Brock Street and legally described as:

LT 1 E/S KEMPT ST, 3 E/S BROCK ST, 18 W/S KEMPT ST, 19 W/S KEMPT ST PL 1
AMHERSTBURG; PT KEMPT ST PL 1 AMHERSTBURG CLOSED BY R1109842; PT EPT LT 2
CON 1 MALDEN AS IN R1143624; AMHERSTBURG

4. The Town clerk is authorized to cause a copy of this bylaw to be served upon the owner of the property located at 247 Brock Street, and upon the Ontario Heritage Trust and to cause notice of this bylaw to be published in a newspaper having general circulation in the Town of Amherstburg as required by the *Ontario Heritage Act*.

Read a first, second, and third time and finally passed the 13 day of December, 2021.



MAYOR – ALDO DICARLO



CLERK – VALERIE CRITCHLEY

SCHEDULE "A" - STATEMENT OF CULTURAL HERITAGE VALUE OR INTEREST AND HERITAGE ATTRIBUTES

Description of Property

247 Brock Street, Amherstburg, Ontario

LT 1 E/S KEMPT ST, 3 E/S BROCK ST, 18 W/S KEMPT ST, 19 W/S KEMPT ST PL 1 AMHERSTBURG; PT KEMPT ST PL 1 AMHERSTBURG CLOSED BY R1109842; PT EPT LT 2 CON 1 MALDEN AS IN R1143624; AMHERSTBURG

known as the "St. Anthony School"

Statement of Cultural Heritage Value of Interest

Built 1910-11, and expanded in 1929, the building has design value unique as a substantial and important example of Romanesque Revival-style architecture in the Town of Amherstburg; Classical Revival-style elements also distinguish the building.

The building also has physical value being unique for its extensive use of local limestone, which was not a commonly used building material in the Town despite being a local material. It is one of only a small number of limestone buildings in the town, and among the most substantial.

Originally St. Anthony School, the property has historical value in the community as an important and integral educational institution. From 1912 to 1972 the building was a hub of educational activity, serving as a Roman Catholic Separate School, initially to serve lower grades.

The property has contextual value being historically and visually linked to its surroundings adjacent to St. John the Baptist Roman Catholic church. With the church building, the property recalls the significant historical presence of the Roman Catholic church in the town.

With the school building's prominent and distinctive physical presence on a corner lot visually linked to the adjacent church, the building stands out in an otherwise residential neighbourhood.

Heritage Attributes

The primary exterior heritage attributes (character-defining elements) of the property are its:

Exterior:

- Original location and placement on Brock Street, adjacent to St. John the Baptist Roman Catholic church;
- Rectangular, two-storey form on a raised basement;
- Hipped primary roof; gabled (pedimented) frontispiece; metal roofline cornices; secondary metal cornices atop doorways; exterior stone chimney;
- Masonry construction and limestone facades with sandstone detailing; the limestone main exterior stairs;
- Fenestration, symmetrical in arrangement; wooden sash windows; single and double doorways and assemblies with transom lights above.

Interior:

- two staircases with wood balustrades;
- interior spatial configuration;
- wood finishes comprising door and window casings, baseboards, and doors throughout.

SCHEDULE “B” – STATEMENT OF SIGNIFICANCE

Description

Built 1910-11, with a 1929 extension, St. Anthony School is two-storey, limestone-clad building designed in the Romanesque Revival style, with Classical Revival style influences. The property is in a historic residential area adjacent to St. John the Baptist Roman Catholic Church.

Heritage Value

St. Anthony School has design value unique as a substantial and important example of Romanesque Revival-style architecture in the Town of Amherstburg; Classical Revival-style elements also distinguish the building. Aligning the building with the Romanesque Revival style are elements such as its rough-faced stone finish and rounded-arch windows, while classical-style cornices, the pedimented frontispiece, and doorway fanlights further contribute to the composition.

The original building is the work of a renowned Detroit architect, Peter Dederichs. Dederichs designed numerous buildings for the Roman Catholic Dioceses of Detroit, including the impressive 1885 St. Mary's Roman Catholic Church. In Canada Dederichs also designed many buildings for the Roman Catholic Church, most notably the 1907-08 Gothic Revival-style chapel at Assumption Roman Catholic College in Windsor. The 1929 addition was designed by the prolific Windsor firm of Pennington & Boyde, who were favoured architects of the Roman Catholic church in the region, and who designed a broad spectrum of residential, institutional, ecclesiastical and commercial buildings in the southwestern Ontario.

The building also has physical value being unique for its extensive use of Amherstburg limestone, which was not a commonly used building material in the Town despite being a local material. Berea sandstone was used for the detailing and smooth finishes. It is one of only a small number of limestone buildings in the town, and among the most substantial.

Originally known as St. Anthony School, the property has historical value in the community as an important and integral educational institution. From 1912 to 1972 the building was a hub of educational activity, serving as a Roman Catholic Separate School, initially to serve lower grades. When the addition was completed in 1929, the school was able to serve children up to Grade Eight. From 1974 – 2020 the building became the House of Shalom, a non-denominational youth centre.

The property has contextual value being historically and visually linked to its surroundings adjacent to St. John the Baptist Roman Catholic church. With the church building, the property recalls the significant historical presence of the Roman Catholic church in the town.

With the school building's prominent and distinctive physical presence on a corner lot visually linked to the adjacent church, the building stands out as a landmark in an otherwise residential neighbourhood.

SCHEDULE "C" – IMAGES OF THE ST. ANTHONY SCHOOL
247 BROCK STREET PHOTOGRAPHS



Historic view of West (main) and North Facades, no date, Marsh Collection Society PC100.14



West (Main) façade of 247 Brock Street (August 9, 2021)



North façade of 247 Brock Street (August 9, 2021)



South façade of 247 Brock Street (September 2, 2021)



East facades of 247 Brock Street (August 9, 2021)



An example of one of the two staircases of 247 Brock Street (August 9, 2021)

SCHEDULE “D” – “THE STANDARDS”

(Standards and Guidelines for the Conservation of Historic Places in Canada, Parks Canada, 2010)

General Standards for Preservation, Rehabilitation and Restoration

1. Conserve the heritage value of an historic place. Do not remove, replace or substantially alter its intact or repairable character-defining elements. Do not move a part of an historic place if its current location is a character-defining element.
2. Conserve changes to an historic place that, over time, have become character-defining elements in their own right.
3. Conserve heritage value by adopting an approach calling for minimal intervention.
4. Recognize each historic place as a physical record of its time, place and use. Do not create a false sense of historical development by adding elements from other historic places or other properties, or by combining features of the same property that never coexisted.
5. Find a use for an historic place that requires minimal or no change to its character-defining elements.
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 Rehabilitation

10. 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.
11. Conserve the heritage value and character-defining elements when creating any new additions to an historic place or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place.
12. Create any new additions or related new construction so that the essential form and integrity of an historic place will not be impaired if the new work is removed in the future.

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.

**CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2022-074**

**By-law to amend Zoning By-law No. 1999-52
247 Brock Street (Part 1, 12R28876) Amherstburg**

WHEREAS By-law 1999-52, as amended, is a land use control by-law regulating the use of lands and the character, location and use of buildings and structures within the Town of Amherstburg;

AND WHEREAS the Council of the Town of Amherstburg deems it appropriate and in the best interest of proper planning to amend By-law 1999-52, as herein provided;

AND WHEREAS this By-law conforms to the Official Plan for the Town of Amherstburg;

NOW THEREFORE the Council of the Corporation of the Town of Amherstburg enacts as follows:

1. THAT Zoning By-law 2022-057 is repealed.
2. Schedule "A", Map 38 of By-law 1999-52, as amended, is hereby amended by changing the zone symbol on those lands shown as "Zone Change from I to RM2-8" on Schedule "A" attached hereto and forming part of this By-law from "Institutional (I) Zone" to "Special Provision Residential Multiple Second Density (RM2-8) Zone".
3. THAT Section 3(3)(d)(iii) of By-law 1999-52, as amended, being the General Provisions Dwelling Unit Area (Minima) for other dwelling units, does not apply to those lands shown on Schedule "A".
4. THAT Section 3(23)(g) of By-law 1999-52, as amended, being the General Provisions Parking Regulations for yards where parking is permitted for a multiple residential dwelling, does not apply to those lands shown on Schedule "A".
5. THAT Section 3(23)(j)(i) of By-law 1999-52, as amended, being the General Provisions Special Parking Provisions for Residential Zones, does not apply to those lands shown on Schedule "A".
6. THAT Section 11(4) of By-law 1999-52, as amended, is hereby amended by adding a new subsection (g) as follows;

"(g) RM2-8 (Part 1, 12R28876, 247 Brock Street)

Notwithstanding any other provisions of this By-law to the contrary, within any area zoned RM2-8 on Schedule "A" hereto, the zone requirements of Section 11 of the By-law shall apply with the addition of the following special provisions:

- (i) Uses Permitted:
 - (a) multiple dwelling;
 - (b) home occupation;
 - (c) accessory uses.
- (ii) Exterior Side Yard Width (Minimum) 2.5 m
- (iii) Interior Side Yard Width (Minimum) 2.5 m

- | | |
|--|--------------------|
| (iv) Rear Yard Depth (Minimum) | 7.5 m |
| (v) Landscaped Open Space (Minimum) | 25 % |
| (vi) Dwelling Unit Area (Minimum) | 0 m ² |
| (vii) Height (Maximum) | 16.7 m |
| (viii) Privacy Yards (Minimum) | 0 m |
| (ix) Building Separation (Minimum) | 0 m |
| (x) Accessory Parking Structure Lot Coverage (Maximum) | 290 m ² |
| (xi) Accessory uses and structures in addition to (x) above will be in accordance with the provisions of Section 3 hereof; | |
| (xii) Required Parking Spaces (Minimum) | 1.25 spaces/unit |
| (xiii) Special Parking Provisions for (RM2-8) Residential Zones: | |
| a) all parking spaces shall be located in a garage, or carport or in a side yard, rear yard, or exterior side yard but shall not be located within the required front yard or on a driveway in the front yard; | |
| b) all parking spaces located in an exterior side yard shall have a 2.5 m setback to any street line; | |
| c) all parking spaces shall have a 1 m setback to any interior side lot line or rear lot line; | |
| d) notwithstanding c) above, parking spaces may have a 0 m setback for a mutual, shared lot line with Part 2 on Plan 12R28876." | |

7. THAT all other regulations for the use of land and the character, location and use of buildings and structures conforms to the regulations of the Residential Multiple Second Density (RM2) Zone, as applicable and all other general provisions or regulations of By-law 1999-52, as amended from time to time.
8. THIS By-law shall take effect from the date of passage by Council and shall come into force in accordance with Sections 34 of the Planning Act, R.S.O. 1990, c.P. 13.

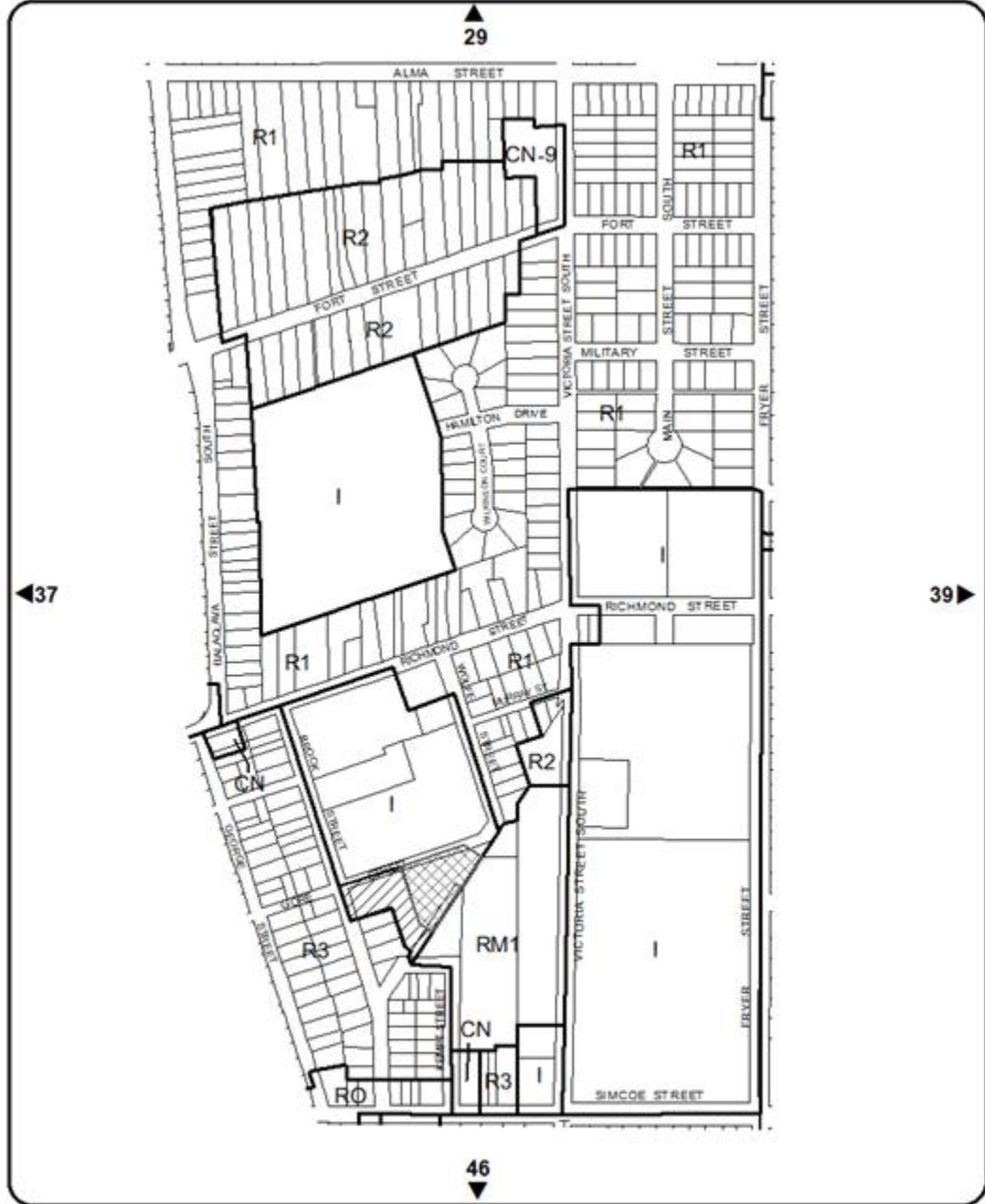
Read a first, second and third time and finally passed this 27th day of June, 2022.

MAYOR- ALDO DICARLO

CLERK- VALERIE CRITCHLEY

TOWN OF AMHERSTBURG

**SCHEDULE "A" TO BY-LAW No. 2022-074
A BY-LAW TO AMEND BY-LAW No. 1999-52**



SCHEDULE 'A'
MAP 38
ZONING BY-LAW NO. 1999-52

- I to RM2-8 
- I to RM2-10 

MAYOR- ALDO DICARLO

CLERK- VALERIE CRITCHLEY

**CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2022-075**

**By-law to amend Zoning By-law No. 1999-52
S/S Wolfe Street (Part 2, 12R28876) Amherstburg**

WHEREAS By-law 1999-52, as amended, is a land use control by-law regulating the use of lands and the character, location and use of buildings and structures within the Town of Amherstburg;

AND WHEREAS the Council of the Town of Amherstburg deems it appropriate and in the best interest of proper planning to amend By-law 1999-52, as herein provided;

AND WHEREAS this By-law conforms to the Official Plan for the Town of Amherstburg;

NOW THEREFORE the Council of the Corporation of the Town of Amherstburg enacts as follows:

1. Schedule "A", Map 38 of By-law 1999-52, as amended, is hereby amended by changing the zone symbol on those lands shown as "Zone Change from I to RM2-10" on Schedule "A" attached hereto and forming part of this By-law from "Institutional (I) Zone" to "Special Provision Residential Multiple Second Density (RM2-10) Zone".
2. THAT Section 3(3)(d)(iii) of By-law 1999-52, as amended, being the General Provisions Dwelling Unit Area (Minima) for other dwelling units, does not apply to those lands shown on Schedule "A".
3. THAT Section 3(23)(g) of By-law 1999-52, as amended, being the General Provisions Parking Regulations for yards where parking is permitted for a multiple residential dwelling, does not apply to those lands shown on Schedule "A".
4. THAT Section 3(23)(j)(i) of By-law 1999-52, as amended, being the General Provisions Special Parking Provisions for Residential Zones, does not apply to those lands shown on Schedule "A".
5. THAT Section 11(4) of By-law 1999-52, as amended, is hereby amended by adding a new subsection (g) as follows;

"(i) RM2-10 (Part 2, 12R28876, 247 Brock Street)

Notwithstanding any other provisions of this By-law to the contrary, within any area zoned RM2-10 on Schedule "A" hereto, the zone requirements of Section 11 of the By-law shall apply with the addition of the following special provisions:

(i) Uses Permitted:

- (a) multiple dwelling;
- (b) home occupation;
- (c) accessory uses.

- | | |
|--|-------|
| (ii) Front Yard Depth (Minimum) | 2.5 m |
| (iii) Interior Side Yard Width (Minimum) | 2.5 m |
| (iv) Rear Yard Depth (Minimum) | 2.5 m |
| (v) Landscaped Open Space (Minimum) | 21 % |

- (vi) Dwelling Unit Area (Minimum) 0 m²
- (vii) Height (Maximum) 16.7 m
- (viii) Privacy Yards (Minimum) 0 m
- (ix) Building Separation (Minimum) 0 m
- (x) Accessory uses and structures will be in accordance with the provisions of Section 3 hereof;
- (xi) Required Parking Spaces (Minimum) 1.25 spaces/unit
- (xii) Special Parking Provisions for (RM2-10) Residential Zones:
 - a) all parking spaces shall be located in a garage, or carport or in a side yard, rear yard, or exterior side yard but shall not be located within the required front yard or on a driveway in the front yard;
 - b) all parking spaces located in an exterior side yard shall have a 2.5 m setback to any street line;
 - c) all parking spaces shall have a 1 m setback to any interior side lot line or rear lot line;
 - d) notwithstanding c) above, parking spaces may have a 0 m setback for a mutual, shared lot line with Part 1 on Plan 12R28876."

- 6. THAT all other regulations for the use of land and the character, location and use of buildings and structures conforms to the regulations of the Residential Multiple Second Density (RM2) Zone, as applicable and all other general provisions or regulations of By-law 1999-52, as amended from time to time.
- 7. THIS By-law shall take effect from the date of passage by Council and shall come into force in accordance with Sections 34 of the Planning Act, R.S.O. 1990, c.P. 13.

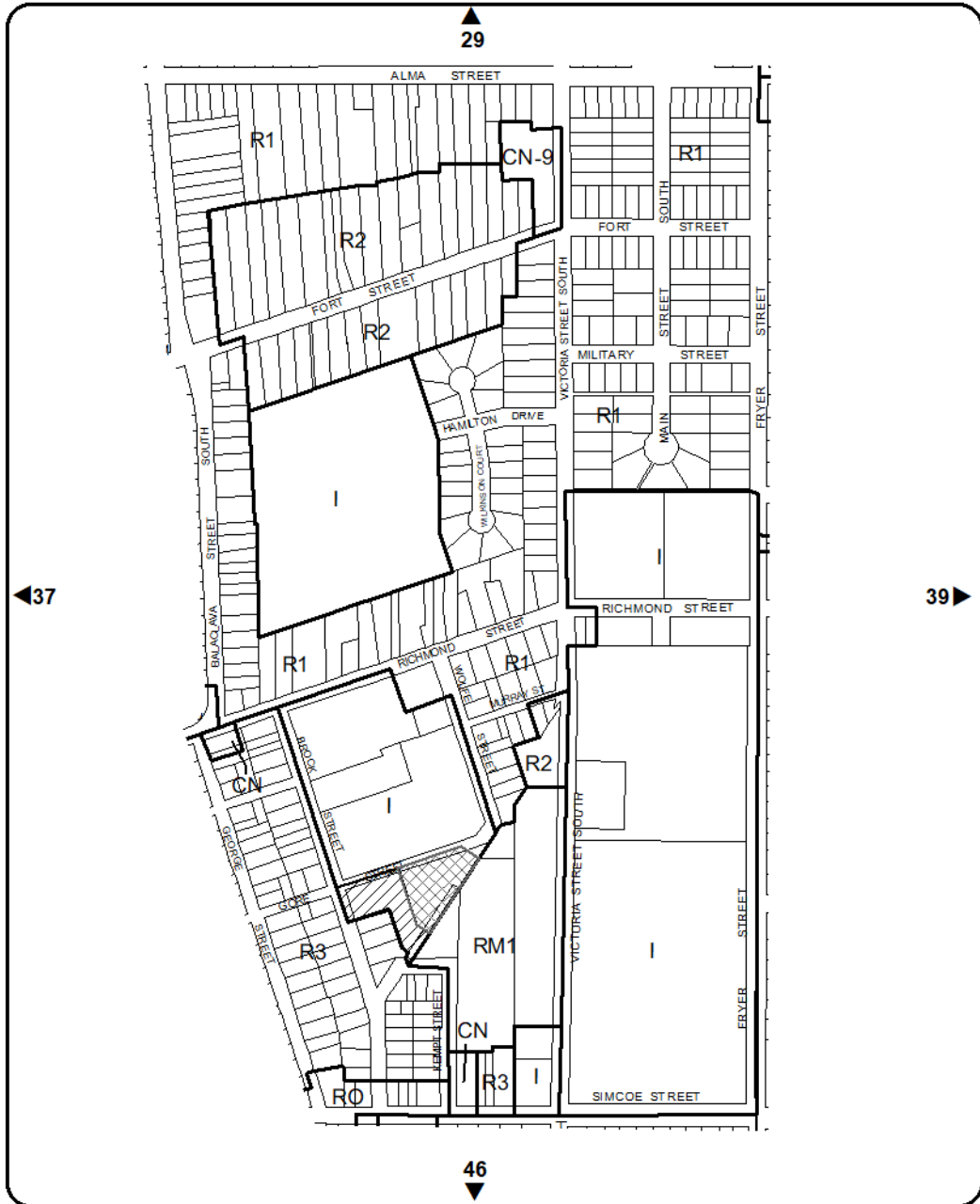
Read a first, second and third time and finally passed this 27th day of June, 2022.

MAYOR- ALDO DICARLO


CLERK- VALERIE CRITCHLEY


TOWN OF AMHERSTBURG

SCHEDULE "A" TO BY-LAW No. 2022-075
 A BY-LAW TO AMEND BY-LAW No. 1999-52



SCHEDULE 'A'
MAP 38
 ZONING BY-LAW NO. 1999-52

I to RM2-8 

I to RM2-10 

MAYOR- ALDO DICARLO

CLERK- VALERIE CRITCHLEY



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF DEVELOPMENT SERVICES

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Author's Name: Melissa Osborne	Report Date: June 2, 2022
Author's Phone: 519 736-5408 ext. 2137	Date to Council: June 27, 2022
Author's E-mail: mosborne@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Site Plan and Development Agreement for 106 Gore Street

1. RECOMMENDATION:

It is recommended that:

1. The site plan and development agreement for 106 Gore Street **BE APPROVED**; and,
2. **By-law 2022-048** being a by-law to authorize the signing of a Development Agreement for the development of a semi-detached dwelling within Part of Lot 24, Plan 1, municipally known as 106 Gore Street, Amherstburg be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

2. BACKGROUND:

A notice of intent to demolish was submitted to the Town on April 5, 2022. The heritage value and structural integrity of the existing structure was reviewed by the Heritage Committee and demolition was recommended to Council. On May 9, 2022, Council approved the demolition of the existing dwelling.

An application has been received for site plan control approval for the redevelopment of the property to construct a semi-detached dwelling.

3. DISCUSSION:

The subject lands are legally described as Part of Lot 24, Plan 1 and municipally known as 106 Gore Street. The subject property is designated Heritage Residential in the

Town's Official Plan. The subject property is zoned Residential Heritage (RH) Zone in the Town's Zoning By-law.

The Residential Heritage Official Plan policies state:

'Site Plan Control By-Law shall be enacted to require an owner of property within a heritage area as a condition of development or redevelopment to enter into an agreement with the Town of Amherstburg. This agreement establishes conditions which shall be met by the property owner with regard to site development or redevelopment, and any other matters (permitted by the Planning Act) which the Town of Amherstburg deems necessary to achieve certain objectives of this Plan.'

Site Plan Control Area By-law 2022-045 includes single detached dwellings, semi-detached dwellings and duplex dwellings within a Heritage Zone to be subject to site plan control.

The developer has had consultation with the Heritage Committee. Renderings were reviewed and comments were provided. The developer amended the proposal based on the Heritage Committee feedback and the Heritage Committee subsequently endorsed the proposal.

4. RISK ANALYSIS:

The recommendation presents no risk to the municipality.

5. FINANCIAL MATTERS:

All costs associated with the application are the responsibility of the applicant.

6. CONSULTATIONS:

Consultation occurred with the Heritage Committee, Heritage Planner and Chief Building Official.

7. CONCLUSION:

Administration is recommending that the site plan and development agreement for 106 Gore Street and By-law 2022-048 be approved by Council, given three readings and finally passed and the Mayor and Clerk be authorized to sign same.



Melissa Osborne
Director, Development Services

Report Approval Details

Document Title:	Site Plan and Development Agreement for 106 Gore Street.docx
Attachments:	- 2022-048- Development Agreement- 106 Gore St.pdf
Final Approval Date:	Jun 21, 2022

This report and all of its attachments were approved and signed as outlined below:



Melissa Osborne



Tracy Prince



Valerie Critchley

**THE CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2022-048**

**By-law to authorize the execution of a Development Agreement
between Tank Development Group Inc.
and the Corporation of the Town of Amherstburg
106 Gore Street, Amherstburg**

WHEREAS under Section 8 of the Municipal Act 2001, S.O., 2001, c. 25, as amended, a Corporation has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act.

AND WHEREAS under Section 9. (1) (a) and (b) of the Municipal Act 2001, S.O., 2001, c. 25, as amended, Section 8 shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues;

AND WHEREAS the Corporation of the Town of Amherstburg and owners of said property have agreed to the terms and conditions of a Development Agreement in the form annexed hereto;

NOW THEREFORE the Corporation of the Town of Amherstburg enacts as follows:

1. THAT the Mayor and Clerk be hereby authorized to enter into a Development Agreement between Tank Development Group Inc. and the Corporation of the Town of Amherstburg for the development of Part Lot 24 Plan 1 municipally known as 106 Gore Street for the redevelopment of the property, said agreement affixed hereto;
2. THAT this By-law shall come into force and take effect immediately upon the final passing thereof at which time all by-laws that are inconsistent with the provisions of this by-law and the same are hereby amended insofar as it is necessary to give effect to the provisions of this by-law.

Read a first, second and third time and finally passed the 27th day of June, 2022.

MAYOR – ALDO DICARLO

CLERK – VALERIE CRITCHLEY

DEVELOPMENT AGREEMENT

THIS AGREEMENT made in quadruplicate this 27th day of June, 2022.

BETWEEN:

TANK DEVELOPMENT GROUP INC.

(hereinafter collectively called "**Owner**")

OF THE FIRST PART;

- and -

THE CORPORATION OF THE TOWN OF AMHERSTBURG

(hereinafter called the "**Corporation**")

OF THE SECOND PART;

Hereinafter collectively referred to as the "**Parties**"

WHEREAS the lands affected by this Agreement are described in Schedule "A" attached hereto, and are hereinafter referred to as the "**Lands**";

AND WHEREAS the Owner warrants it is the registered owner of the Lands;

AND WHEREAS, in this Agreement, the "**Owner**" includes an individual, an association, a partnership or corporation and, wherever the singular is used therein, it shall be construed as including the plural;

AND WHEREAS, the Official Plan in effect in the Town of Amherstburg designated parts of the area covered by the Official Plan, including the Lands, as a Site Plan Control area;

AND WHEREAS the Owner intends to develop the said Lands for development in accordance with the Site Plan attached hereto as Schedules "B", and hereinafter referred to as the "Site Plan";

AND WHEREAS the Corporation, as a condition of development of the said Lands requires the Owner to enter into a Development Agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises, along with the sum of FIVE (\$5.00) DOLLARS of lawful money of Canada, now paid by each of the Parties hereto to each of the other parties hereto, the receipt and sufficiency of which are hereby acknowledged, the Owner hereby covenants and agrees with the Corporation as follows:

1. The following Schedules attached hereto, are hereby made a part of this Agreement, as fully and to all intents and purposes as though recited in full herein:
2. Schedule "A" hereto describes the lands affected by this Agreement;
3. Schedule "B", identified as A1.0, the Site Plan hereto shows:
 - (a) The location of the building.
4. Schedule "C" identified A3.0 hereto shows:
 - (a) Exterior Elevations

5. Schedule "D" identified as Conceptual Views approved by the Heritage Committee on June 16, 2022 shows:
 - (a) Conceptual Views of Exterior Design
6. The Owner shall be responsible for consulting with and obtaining any necessary approvals from Essex Power regarding any matters that relate to services for the Development Lands to be provided by Essex Power. In addition, the Owner shall be responsible for any costs associated with the reconstruction, relocation or changes to the hydro system resulting from this development.
7. The Owner shall be responsible for consulting with and obtaining any necessary approvals from Union Gas and Bell Canada regarding any matters that relate to services to be provided by Union Gas and Bell Canada. In addition, the Owner shall be responsible for any costs associated with the reconstruction, relocation or changes to these services resulting from this development.
8. If any proposed upgrades to the existing utilities within the municipal right-of-way are required, the Owner must provide copies of the plans on any utility work to the satisfaction of the Corporation.
9. The Owner further agrees to obtain the necessary access or other permits for any driveway approaches, curb cuts prior to commencement of any construction on or adjacent to the public roads.
10. All of the exterior walls of the building shall be as per the elevation drawings as shown on Schedule "C" hereto.
11. All connections to the Town's existing infrastructure must be submitted to the Infrastructure Services Department for approval. Installation shall be coordinated and inspected by the Infrastructure Services Department. This would include any watermain, water service, sanitary or storm installations as necessary.
12. The Owner shall, at its own expense, repair forthwith any damage done by their servants, agents, contractors or subcontractors to any land or property of the Corporation during the course of and arising in any way out of the construction or installation of the works required by this Agreement.
13. Notwithstanding any of the provisions of this agreement, the Owner shall be subject to all of the by-laws of the Corporation and shall construct all work in accordance with the requirements of the Town of Amherstburg, the County of Essex, and the Province of Ontario.
14. The Owner agrees that any Municipal property, including without limiting the generality of the foregoing, curbs, gutters, pavements, sidewalks, or landscaped areas on the public highway and any property belonging to a third party, which are damaged during construction or otherwise, shall be restored to the satisfaction of the Town. The Owner shall keep the subject lands in a state of good repair (including the cutting of weeds) and upon written notice from the Town shall correct deficiencies in the state of repair within ten (10) days thereof.
15. The Corporation through its servants, officers and agents including its building inspector, plumbing inspector, fire chief and Director of Infrastructure Services may from time to time and at any time enter on the Lands to inspect:
 - 1) The progress of development;
 - 2) The state of maintenance as provided for in this Agreement.
16. In the event of any servant, officer or agent of the Corporation determining upon inspection that the development is not proceeding in strict accord with the plans and specifications filed with the Corporation, such servant, officer or agent shall forthwith place a notice requiring all work to be stopped upon the Lands, and shall forward a copy by registered mail to the Owner at his last address as shown by the revised assessment rolls, and the Owner shall forthwith correct the deficiency or deviation as hereinafter provided.

17. In the event of any servant, officer or agent of the Corporation upon inspection being of the opinion that the state of maintenance is not satisfactory, such servant, officer or agent shall forthwith forward notice of such opinion to the Owner by registered mail at his last address as shown from the revised assessment rolls, and the Owner shall forthwith correct the deficiency or appeal to Council of the Corporation as hereinafter provided.
18. In the event that an Owner should disagree with the opinion of the servant, officer or agent of the Corporation as to the progress of the development or as to the state of maintenance, such Owner shall appear before Council of the Corporation, which after hearing the Owner, shall be permitted to express its position as to whether such progress or maintenance is satisfactory, following which Council of the Corporation shall make a decision, by resolution, as to whether to lift or sustain the prior decision of the Corporation's servant, officer or agent, which shall constitute a final determination of the matter.
19. In the event that an Owner should fail to obey a stop work order issued under Section 16 hereof, in addition to any other remedy, the Owner recognizes the right of the Corporation to apply to the Court for an Order granting injunctive relief, both interlocutory and permanent. The Owner acknowledges and admits that its failure to obey a stop work order constitutes irreparable harm to the Corporation and that the balance of convenience favours granting such injunctive relief without further proof thereof by the Corporation. The Owner shall be liable to the Corporation for all costs in relation to obtaining such an Order, including all legal costs. The costs shall be deemed to be municipal taxes and to be recoverable in accordance with Section 24 of this Agreement.
20. In the event that an Owner should fail to correct a deviation of deficiency after notice pursuant to Sections 17 or 18 or after notice of an opinion, which Council of the Corporation determines is correct under Section 16, the Council of the Corporation may direct the Owner to correct any default of the matter or thing being done by the Owner, lot less than two (2) weeks after notice is sent by regular mail at the last known address of the Owner pursuant to the revised assessment rolls of passage of such by-law, that such matter or thing be done by the Corporation at the expense of the Owner, which expense shall be deemed to be municipal taxes and to be recoverable in accordance with Section 24 of this Agreement.
21. In the event of an Owner wishing to change at any time any of the buildings, structures or facilities described in the plans annexed or referred to in this agreement hereof, it shall make application to Council of the Corporation for approval and shall not proceed with such change until approval is given by such Council, or in default by the Ontario Land Tribunal, under the procedure set out in Section 41 of the Planning Act, R.S.O. 1990 here before referred to.
22. This Agreement and the provisions thereof do not give to the Owner or any person acquiring any interest in the said lands any rights against the Corporation with respect to the failure of the Owner to perform or fully perform any of its obligations under this Agreement or any negligence of the Owner in its performance of the said obligations.
23. In the event that no construction on the Lands has commenced on or before the expiry of one (1) year from the date of registration of this Agreement, the Corporation may subsequently, at its option, on one month's written notice to the Owner, terminate this Agreement, whereupon the Owner acknowledges that agrees that it will not be able to undertake any development construction on the Lands (or any further development or construction) on the Lands.
24. All facilities and matters required by this Agreement shall be provided and maintained by the Owner at its sole risk and expense to the satisfaction of the Corporation and in accordance with the standards determined by the Corporation and in default thereof and without limiting other remedies available to the Corporation, the provisions of Section 446 of the Municipal Act shall apply.

25. This Agreement shall be registered against the land to which it applies, at the expense of the Owner, and the Corporation shall be entitled, subject to the provisions of the Registry Act and the Land Titles Act, to enforce its provisions against the Owner named herein and any and all subsequent owners of the lands.
26. This Agreement shall enure to the benefit of and be binding upon the Parties hereto and their respective heirs, executors, administrators, successors and permitted assigns.
27. This Agreement shall be governed by, and interpreted according to, the laws of the Province of Ontario and the laws of Canada applicable therein, and shall be treated in all respects as an Ontario Contract.
28. If any provision or part thereof of this Agreement be illegal or unenforceable, it or they shall be considered separate and severable from the Agreement, and the remaining provisions of the Agreement shall remain in force and effect and shall be binding upon the Parties hereto as though the said provision or part thereof had never been including in this Agreement.
29. If any provision or part thereof of this Agreement be illegal or unenforceable, it or they shall be considered separate and severable from the Agreement, and the remaining provisions of the Agreement shall remain in force and effect and shall be binding upon the Parties hereto as though the said provision or part thereof had never been including in this Agreement; provided that the severance of the provision or part does not fundamentally impair the rights of the Corporation in which case the Corporation may declare, without the consent of the Owner, this Agreement void, and all development and construction shall cease pending the execution of a new Agreement by the parties.
30. The division of this Agreement into Articles, sections and subsections and the insertion of headings are for convenience of reference only and shall not affect the construction or interpretation hereof.
31. This Agreement may be executed in several counterparts, each of which when so executed shall be deemed to be an original, and such counterparts together shall constitute one and the same instrument and shall be effective as of the date set out above.
32. Schedules and other documents attached or referred to in this Agreement are an integral part of this Agreement, and are hereby incorporated into this Agreement by reference.
33. The Owner shall indemnify and save harmless the Corporation, its councillors, officers, employees, contractors and agents from all actions, causes of action, suits, claims and demands which may arise during the course of or in way connected to the construction or installation of the works required by this Agreement.
34. This Agreement constitutes the entire agreement among the Parties and except as herein stated and in the instruments and documents to be executed and delivered pursuant hereto, contains all of the representations and warranties of the respective Parties. There are no oral representations or warranties among the Parties of any kind. This Agreement may not be amended or modified in any respect except by written instrument signed by both Parties.

IN WITNESS WHEREOF the Parties have executed this Agreement, as of the date set out above, under the hands and seals of their respective and duly-authorized signing officers.

OWNER: TANK DEVELOPMENT GROUP INC.

Per _____
Tyler Knight

Per _____
Antonio Neves

We have authority to bind the Corporation

**THE CORPORATION OF THE
TOWN OF AMHERSTBURG**

Per _____ Mayor
Aldo DiCarlo,

Per _____ Clerk
Valerie Critchley,

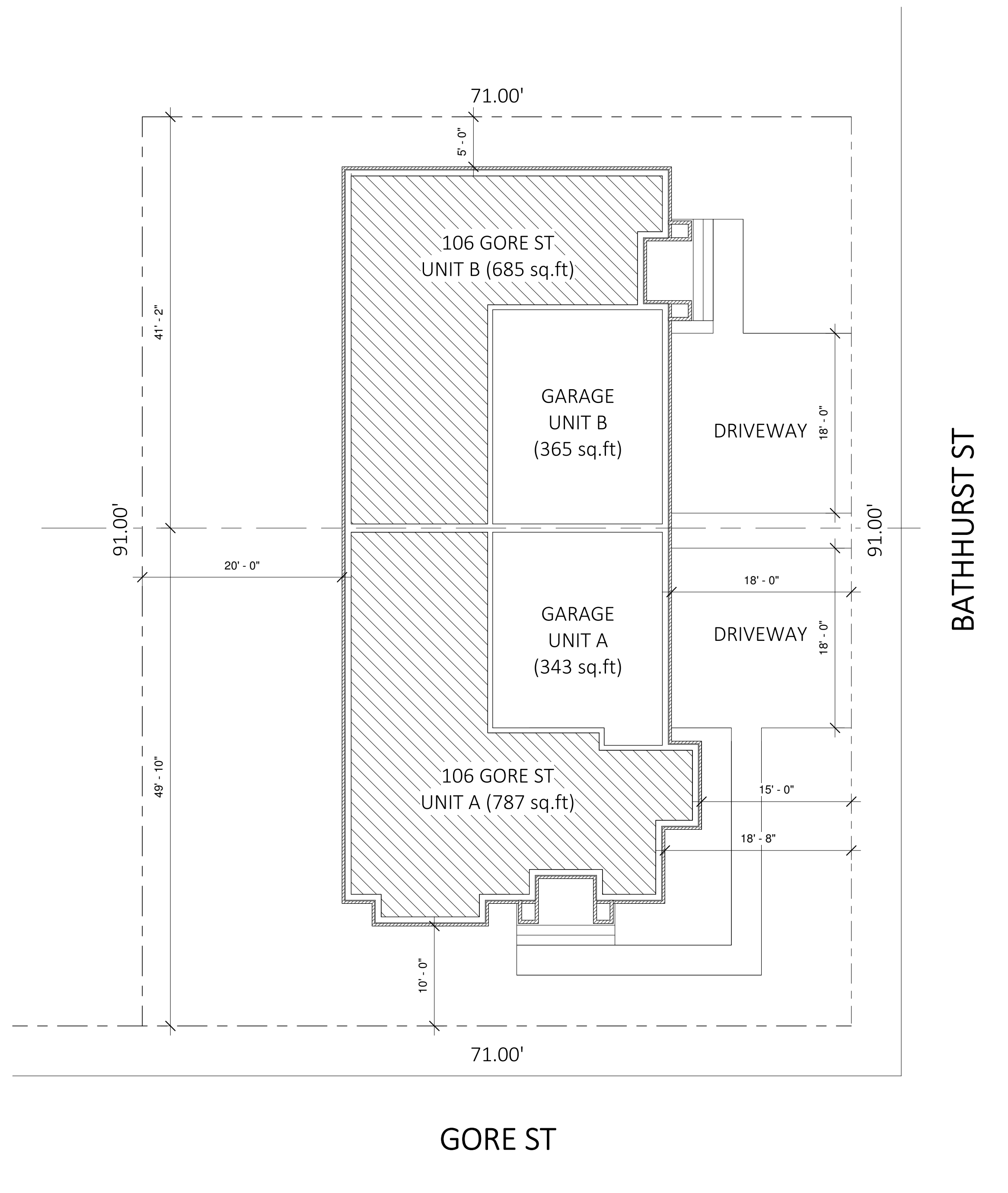
We have authority to bind the Corporation

*Authorized and approved by By-law
No. 2022-048.*

SCHEDULE "A"

The following is a description of the land to which this instrument applies. This agreement applies to the said Lands as a whole.

Pt Lt 24, Plan 1,
Town of Amherstburg,
County of Essex
and Province of Ontario



106 Gore St - SITE INFORMATION

ZONING - RESIDENTIAL HERITAGE (RH)			
	MIN. REQUIRED	PROVIDED	VARIANCE REQ'D
LOT AREA	No Minimum	600.2 m ²	CONFORMS
LOT COVERAGE	40.0% (max.)	38.68%	CONFORMS
FRONT YARD DEPTH	Average of Adjacent Properties	4.57m	N/A
REAR YARD DEPTH	6.0m (min.)	6.1m	CONFORMS
SIDE YARD WIDTH	1.5m (min.)	1.52m	CONFORMS
EXT. SIDE YARD WIDTH	Front Yard Depth of Adjacent Property	3.1m (keep existing)	N/A

1 Proposed Site Plan
1/8" = 1'-0"

Project:
106 Gore St -
Amheburg

Client:

Sheet Title:
Proposed Site Plan

Revision no.:

Scale:
1/8" = 1'-0"

Drawn by:
Imperium Design

BCIN #:

Date:
April 4, 2022

Project no.:
21-0043

Sheet no.:

A1.0



1 South Elevation
1/4" = 1'-0"



2 East Elevation
1/4" = 1'-0"



Imperium

DESIGN + BUILD

20 Fraser Rd.
Leamington, ON N8H 4E5
info@imperiumbuilds.ca
(519) 551-8390

Project:
106 Gore St.
Amherstburg ON, N9V
1K6

Client:

Sheet Title:
Proposed South/East Elevation

Revision no.:

Scale:
1/4" = 1'-0"

Drawn by:
Antonio Neves

BCIN #:
Project Status

Date:
June 20, 2022

Project no.:
Project Number

Sheet no.:

A101

Imperium Design + Build

6/21/2022 12:11:42 AM







THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF THE CAO

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Author's Name: Tammy Fowkes	Report Date: June 16, 2022
Author's Phone: 519 736-0012 ext. 2216	Date to Council: June 27, 2022
Author's E-mail: tfowkes@amherstburg.ca	Resolution #: N/A

To: Mayor and Members of Town Council

Subject: 2022 Appointment of Proxy Holder for Essex Power Corporation's Annual Shareholder's Meeting

1. RECOMMENDATION:

It is recommended that:

1. Mayor Aldo DiCarlo **BE APPOINTED** proxy holder for the Town of Amherstburg for Essex Power Corporation's Annual Shareholder's Meeting;
2. Bill Wark **BE APPOINTED** as the alternate proxy holder for the Town of Amherstburg for Essex Power Corporation's Annual Shareholder's Meeting; and,
3. The Clerk **BE AUTHORIZED** to sign all necessary proxy forms to implement this resolution and forward them to Essex Power Corporation as required.

2. BACKGROUND:

Essex Power Corporation is required to hold an annual meeting of shareholders and occasionally requires a special shareholder's meeting. Administration has been notified that the Annual Shareholder's Meeting will be held on Wednesday, June 29th, 2022, at 6:00 p.m.

As a shareholder in Essex Power Corporation, Council is required to pass a resolution to appoint a proxy holder for the upcoming meeting. Council has passed similar motions each year since 2014, for the same purpose.

3. DISCUSSION:

Since a proxy appointment is not valid for more than one year, the appointment of a proxy holder is made every year prior to the shareholder's annual meeting.

The Town has two (2) Directors appointed to the Essex Power Board, Mayor Aldo DiCarlo and Mr. Bill Wark. Administration recommends that Mayor Aldo DiCarlo be appointed as the proxy holder for the purpose of casting a vote at the Annual Shareholder's Meeting on behalf of the Town. In the absence of the Mayor, Administration recommends that Mr. Wark be appointed as the alternate proxy holder. Mr. Wark has confirmed that he is available as the alternate proxy holder.

4. RISK ANALYSIS:

As a shareholder in Essex Power Corporation, Town of Amherstburg Council is required to pass a resolution to appoint a proxy holder in order to cast a vote on behalf of the Town at the Annual Shareholder's Meeting. By not appointing a proxy holder, the Town would forfeit the right to participate in any votes held at the meeting, which could negatively affect the Town's investment in the Essex Power Corporation.

5. FINANCIAL MATTERS:

There are no financial implications as a result of this appointment.

6. CONSULTATIONS:

Janis McVittie, Executive Assistant/H.R. Coordinator/Corporate Secretary – Essex Power Corporation.

7. CONCLUSION:

The Essex Power Corporation's Annual Shareholder's Meeting will be held on June 29th, 2022, in which the Town of Amherstburg requires a proxy holder to cast a vote on behalf of the Town. Administration recommends the appointment of Mayor DiCarlo as the proxy holder, with Mr. Wark as the alternate should the Mayor be absent.



Tammy Fowkes
Deputy Clerk

TF

Report Approval Details

Document Title:	2022 Appointment of Proxy Holder for Essex Power Corporation's Annual Shareholder Meeting.docx
Attachments:	
Final Approval Date:	Jun 16, 2022

This report and all of its attachments were approved and signed as outlined below:



Tracy Prince



Valerie Critchley



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF THE CAO

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Author's Name: Kevin Fox	Report Date: June 15, 2022
Author's Phone: 519 736 0012 ext. 2272	Date to Council: June 27, 2022
Author's E-mail: kfox@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Amendments to the Code of Conduct of Council, Committees and Local Boards

1. **RECOMMENDATION:**

It is recommended that:

1. The Code of Conduct – Council, Committees and Local Boards **BE AMENDED** in accordance with the administrative report of June 15, 2022.

2. **BACKGROUND:**

Section 223.2 of the *Municipal Act, 2001*, requires that municipalities establish codes of conduct for members of the council of the municipality and of its committees and local boards.

The *Municipal Act, 2001*, also stipulates within Section 223.3 the responsibilities and functions of the Integrity Commissioner, which include the provision of educational informational to members of council, local boards and committees about Codes of Conduct.

The current *Code of Conduct – Council, Committees and Local Boards* was adopted on November 9, 2020, at which time it was revised to include legislative amendments expanding the application and enforcement of the Code to appointed Members of committees and local boards.

3. DISCUSSION:

In the 2020 revision of the Code of Conduct a section detailing reprisals and obstructions in the application and enforcement of the Code was overlooked for inclusion when the policy was rewritten. The original language has been re-introduced as these provisions are still appropriate.

Additionally, the addition of policy language supporting those Members who are acting on the advice of the Integrity Commissioner is expected to incentivize Members to seek out and act upon the advice of the Integrity Commissioner. In this way, Members are more likely to have appropriate advice to navigate through difficult situations effectively and avoid Code violations.

4. RISK ANALYSIS:

There is little risk in adoption of these amendments at this time, given that Section 223.4 (7) – (9) of the *Municipal Act, 2001*, provide restrictions with regards to Integrity Commissioner inquiries being filed or conducted between Nomination Day (August 19, 2022) and the close of voting on Election Day (October 24, 2022), and that any in progress must be terminated at that point.

The adoption of noted amendments to the Code of Conduct will ensure that no reprisal or obstruction in the application or enforcement of the Code is permissible and therefore strengthen the intended purpose of the Code of Conduct and alleviate risk. The encouragement added to the Code to seek and act upon the advice of the Integrity Commissioner promotes a proactive approach to potential conflicts and is likely to reduce the risk of Code violations.

5. FINANCIAL MATTERS:

There are no financial implications associated with the recommendations of this report.

6. CONSULTATIONS:

Bruce Elman, Integrity Commissioner
Valerie Critchley, Chief Administrative Officer

7. CONCLUSION:

It is recommended that the Code of Conduct – Council, Committees and Local Boards be amended to include provisions restricting reprisals and obstructions and encouraging Member to proactively seek and act upon the Integrity Commissioner's advice.



Kevin Fox
Policy and Committee Coordinator

Report Approval Details

Document Title:	Amendments to the Code of Conduct of Council, Committees and Local Boards.docx
Attachments:	- 2022 06 15 - Code of Conduct - Council, Committees and Local Boards.pdf
Final Approval Date:	Jun 16, 2022

This report and all of its attachments were approved and signed as outlined below:




Tracy Prince



Valerie Critchley

POLICY

	Policy:	Code of Conduct – Council, Committees and Local Boards		
	Department:	Legislative Services		
	Division:	Clerk's Division	By-law No.:	N/A
	Administered by:	Clerk	Approval Date:	DRAFT
	Replaces:	Code of Conduct – Council, Committees and Local Boards – November 9, 2020		
	Attachment(s):	1. Appendix A – Code of Conduct Complaint Protocol 2. Appendix B – Formal Complaint Form / Affidavit		

1. POLICY STATEMENT

- 1.1. The Corporation of the Town of Amherstburg is committed to providing its residents, staff, and others with the highest standards of conduct from Members elected to local government and those appointed by Council to serve as advisors on local boards and committees. Adherence to these standards will protect and maintain the reputation and integrity of the Town of Amherstburg.
- 1.2. The Town has appointed an Integrity Commissioner to investigate complaints against Members of Council pursuant to the *Code of Conduct – Council, Committees and Local Boards* and any procedures, rules and policies of the Town and local boards governing the ethical behaviour of Members of Council, Committees or Local Boards. In addition, it is expected that the Integrity Commissioner will provide advice on ethical issues to individual Members and Council as a whole and will engage in education and training with all of those subject to the Code of Conduct policy.

2. PURPOSE

- 2.1. The *Municipal Act, 2001 Section 223.2 (1)*, requires the Town of Amherstburg to establish codes of conduct for Members of Council, committees and local boards.
- 2.2. This policy ensures the integrity of municipal governance by encouraging high standards of conduct on the part of all Members.
- 2.3. This policy ensures that Members perform their duties with integrity, avoiding the improper use of influence in their office, and avoiding conflicts of interest, whether real or apparent.
- 2.4. This policy ensures that official business of the Town of Amherstburg is conducted in a professional and ethical manner, and moves the Town forward in a positive and productive manner.
- 2.5. This policy ensures the prevention of a poisoned environment.

3. SCOPE

- 3.1. This policy applies to every Council Member in the Town of Amherstburg and individuals appointed by Council to committees and local boards.

- 3.2. Complaints must be filed within six (6) months of the alleged violation or no action will be taken on the Complaint.
- 3.3. This policy shall be reviewed every five (5) years from the date it becomes effective, or sooner at the discretion of the Chief Administrator Officer or designate.

4. **DEFINITIONS**

- 4.1. **Accountability** is the manner in which Council, Staff, Committees and Local Boards are held to account for their actions.
- 4.2. **Bullying** is unwanted, aggressive behavior that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated over time. Bullying includes actions such as making threats, spreading rumors, attacking someone physically or verbally, and excluding someone from a group on purpose. This includes physical, verbal, social/relational and cyber bullying.
- 4.3. **Chief Administrative Officer (CAO)** is the Chief Administrative Officer for the Corporation of the Town of Amherstburg, which includes the roles and responsibilities as laid out in Section 229 of the *Municipal Act, 2001*.
- 4.4. **Clerk** is the Municipal Clerk for the Corporation of the Town of Amherstburg, which includes the roles and responsibilities as laid out in Section 228 of the *Municipal Act, 2001*.
- 4.5. **Confidential Information** includes any information in the possession of, received in confidence, or deemed as such by the Town of Amherstburg, that is prohibited from disclosure.
- 4.6. **Corporation** is the Corporation of the Town of Amherstburg.
- 4.7. **Council** refers to the current elected Council for the Corporation of the Town of Amherstburg. This includes, as an entirety, the Mayor, Deputy Mayor and Councillors.
- 4.8. **Director** is the person responsible for direction and operational control of a division as defined on the Town's organizational structure.
- 4.9. **Discrimination** is treating someone differently and detrimentally based on certain characteristics or differences including age, race, ethnicity, religion, sex, sexual orientation, family status, marital status and/or physical and mental disability.
- 4.10. **Employee/Staff** is a person or group of persons, who supplies services to the Corporation for wages including any union or non-union, regular or temporary, full-time, part-time, seasonal or casual staff member, including but not limited to permanent staff, temporary staff, committee members, students, recreation staff, contract employees, paid work placements, and adult crossing guards.
- 4.11. **Electronic Communications** for the purpose of this policy encompasses social media and other messaging forms that enable users to interact, create, share and communicate information online. Electronic communication includes, but is not limited to, messaging or video chat platforms, websites, apps, email, texting and blogging. It also includes social media networking platforms such as Facebook, Twitter, YouTube and similar entities.

- 4.12. **Harassment** is defined as improper conduct by an individual that is directed at and is offensive to another individual, including at any event or any location related to work, and that the individual knew, or ought reasonably to have known, would cause offence or harm. It comprises objectionable act(s), comment(s) or display(s) that demean, belittle, or cause personal humiliation or embarrassment, and any act of intimidation or threat.
- 4.13. **Integrity** refers to the consistency of actions, values, methods, measures, principles expectations and outcomes. It denotes a deep commitment to do the right thing for the right reason. The Code of Conduct policy is the embodiment of the Town's commitment to integrity in municipal governance.
- 4.14. **Integrity Commissioner** refers to the Integrity Commissioner appointed by Council with all the powers and duties prescribed by the *Municipal Act*, *Municipal Conflict of Interest Act* and any other applicable law.
- 4.15. **Intellectual Property** is a set of intangible rights held by musicians, authors, artists, inventors, scientists and other individuals who have ownership of their intellectual and creative output. Others are prohibited from using intellectual property without prior and written permission. Intellectual property may have commercial value and encompasses the area of Copyrights, Trademarks, Patents, and Design.
- 4.16. **Intimidation** means to intentionally say or do something which would cause a person of ordinary sensibilities to be fearful of bodily harm or any other reprisal whether physical, psychological, social or economic.
- 4.17. **Meeting** as is defined in subsection 238 (1) of the Act "means any regular, special or other meeting of council, of a local board or of a committee of either of them, where,
- 4.19.1 A quorum of Members is present, and
 - 4.19.2 Members discuss or otherwise deal with any matter in a way that materially advances the business or decision making of the council, local board or committee."
- 4.18. **Member** means all elected officials and/or any individual appointed by Council to serve in an advisory or legislative capacity on any local Town committee or board.
- 4.19. **Parent** means a person who has demonstrated a settled intention to treat a child as part of his or her family whether or not that person is the natural parent of the child.
- 4.20. **Pecuniary Interest** is as defined by the *Municipal Conflict of Interest Act*.
- 4.21. **Person** includes an individual, corporation, partnership, association and any other entity as the context allows.
- 4.22. **Poisoned Environment** is a workplace that is hostile or unwelcoming as a result of insulting or degrading comments or conduct that has an influence on others and how they are treated.
- 4.23. **Senior Management Team (SMT)** is comprised of the Chief Administrative Officer and the Directors. If a Director is unavailable, a delegate may be assigned.
- 4.24. **Spouse** is a life partner in a marriage, civil union or common-law marriage.

4.25. **Town** is the Corporation of the Town of Amherstburg.

4.26. **Transparency** in government implies openness, accountability and honesty.

Other common definitions, acronyms, and terms are available in the Glossary located on the Town's Policies webpage.

5. **INTERPRETATIONS**

Any reference in this Policy to any statute or any section of a statute shall, unless expressly stated, be deemed to be reference to the statute as amended, restated or re-enacted from time to time. Any references to a by-law or Town policy shall be deemed to be a reference to the most recent passed policy or by-law and any amendments thereto.

6. **PRINCIPLES OF CONDUCT**

6.1. **Key Principles**

Members must:

- 6.1.1. Serve and be seen to serve their constituents in a conscientious and diligent manner.
- 6.1.2. Be committed to performing their functions with integrity and to avoid the improper use of the influence of the office, and conflicts of interest, both real and apparent.
- 6.1.3. Uphold a high standard of ethical behaviour to ensure that their decision making is impartial, transparent and free from undue influence.
- 6.1.4. Seek to serve the public interest by upholding both the letter and the spirit of the laws of the Parliament of Canada and Legislature of Ontario, the by-laws and policies adopted by Town Council.
- 6.1.5. Refrain from engaging in activities, financial or otherwise that are inconsistent with the Town's vision, mission and values.
- 6.1.6. Refrain from engaging in conduct that would bring the Town or Council into disrepute or compromise the integrity of the Municipality or Council.
- 6.1.7. Exercise their authority only for the purpose for which they were intended.
- 6.1.8. Comply with the *Canadian Human Rights Act* and the *Ontario Human Rights Code* and ensure the equitable treatment of citizens, employees and other Members of Council, committees and local boards.
- 6.1.9. Remain professional and be cognizant of their position when representing the Town in an official capacity at functions where alcohol is present.

6.2. **Integrity Commissioner**

- 6.2.1. Section 223.3 of the *Municipal Act*, as amended, requires the appointment of an Integrity Commissioner to ensure compliance with the Code of Conduct for Members. In addition, the legislation provides that the Integrity Commissioner can be delegated any or all of the policy matters surrounding the enforcement of Codes of Conduct for the municipality.
- 6.2.2. The Integrity Commissioner shall provide advice to any Members seeking clarification of this policy as it relates to the Member.
- 6.2.3. The Integrity Commissioner shall provide advice to any Members with regards to possible conflicts of interest pursuant to the *Municipal Conflict of Interest Act*, as amended.
- 6.2.4. The Integrity Commissioner has the power to deal with requests to investigate suspected contraventions of the Code of Conduct and has the right of free access to all records of a municipality, and any Member that the Integrity Commissioner believes is necessary to investigate an inquiry.
- 6.2.5. Council can terminate the Integrity Commissioner only by a two-thirds vote of all Members.

6.3. **Policies and Procedures**

All Members are responsible to familiarize themselves with the terms of all established policies and related procedures.

All Members shall observe and comply with the terms of all established policies and related procedures.

6.4. **Discrimination and Harassment**

- 6.4.1. No form of harassment will be tolerated, whether it involves a Member, staff or the public.
- 6.4.2. All Members have a duty to treat the public, other Members and staff with respect.
- 6.4.3. Any Member confronted with, or aware of discrimination or harassment of any nature, will immediately report said behaviour to the Mayor, CAO and/or Clerk.

7. **CODE OF CONDUCT RULES**

7.1. **Gifts and Benefits**

- 7.1.1. For the purpose of this policy, a gift or benefit provided to a Member, spouse, child, or parent that is connected either directly or indirectly to the performance of the Member's duties is deemed a gift to that Member.

- 7.1.2. No Member shall accept a fee or advance, gift, gift certificate, bonus, reward, or personal benefit that is connected directly or indirectly with the performance of his or her duties.
- 7.1.3. The following are recognized as exceptions:
 - 7.1.3.1. Compensation authorized by legislation.
 - 7.1.3.2. A gift or benefit of the kind that normally accompanies the responsibilities of office and is received as an incident of protocol or social obligation.
 - 7.1.3.3. A political contribution otherwise authorized and reported as required by law, in the case of a Council Member running for office.
 - 7.1.3.4. Services provided without compensation by a person volunteering his or her time.
 - 7.1.3.5. An appropriate memento of a function honouring the Member.
 - 7.1.3.6. Food, lodging, transportation, or entertainment lawfully provided by any Provincial, regional, or local government or board or political subdivisions of any of them, by the Federal government, a foreign government, or by those organizing a conference, seminar, or event where the Member is speaking or attending in an official capacity.
 - 7.1.3.7. Food and beverages consumed at a banquet, reception, or similar event, if all of the following is applicable:
 - a. Attendance by the Member is for legitimate Town purpose;
 - b. The person extending the invitation, or a representative of the organization holding the event, is in attendance; and,
 - c. The value is considered reasonable and the invitation infrequent.
 - 7.1.3.8. Communications to the office of a Member, including subscriptions to a newspaper or periodicals.
- 7.1.4. Except in the case of 7.1.3.6, a Member may not accept a gift or benefit worth in excess of \$500.00 or gifts and benefits from one source during a calendar year worth in excess of \$500.00.
- 7.1.5. Disclosure Statement:

If the value of the gift or benefit exceeds \$300, or if the total value of the gifts or benefits received from any one source during the course of a calendar year exceeds \$300, the Member shall file a disclosure statement with the Integrity Commissioner, within 30 days of receipt of the gift or benefit, or of reaching a total value in excess of \$300.00. Every disclosure statement filed under this policy shall be made a public record.

 - 7.1.5.1. The disclosure statement must identify the following:

- a) The nature of every gift or benefit received;
- b) The source and date of receipt;
- c) The circumstances under which it was given and received;
- d) The estimated value;
- e) What the recipient intends to do with the gift; and,
- f) Whether any gift will at some point remain with the Town.

7.1.5.2. Upon receipt of a disclosure statement, the Integrity Commissioner shall examine to ascertain whether the receipt of the gift or benefit might, in his or her opinion, constitute a contravention of this policy or create a conflict between a private interest and the public duties or responsibilities of the Council Member. In the event that Integrity Commissioner makes such a determination, he or she shall call upon the Member to justify receipt of the gift or benefit.

7.2. Conduct of Members

7.2.1. At Council and Committee/Board Meetings

- 7.2.1.1. Every Member shall conduct themselves with decorum and respect at council, committee, local board and other meetings, and in accordance with the provisions of the Procedural By-law, this policy, and other applicable laws.
- 7.2.1.2. All Members shall take steps to prepare in advance of meetings and become familiar with items on the agenda.
- 7.2.1.3. Members shall demonstrate attentiveness and respect to speakers, presenters, staff and the public by turning their mobile devices to vibrate and responding only to emergencies.

7.2.2. Respecting Staff

- 7.2.2.1. Under the direction of the SMT, and in accordance with the decisions of Council, staff are required to serve the Town as a whole. Members shall be respectful of the role of staff to provide advice based on political neutrality and objectivity, and without undue influence from any Member.
- 7.2.2.2. Members shall show respect for staff, and for their professional capacities and responsibilities.
- 7.2.2.3. Members shall not maliciously or falsely injure or impugn the professional or ethical reputation of any member of staff.

- 7.2.2.4. Members shall not compel any member of staff to engage in partisan political activities, or subject any member of staff to threat or discrimination for refusing to engage in any such activity.
- 7.2.2.5. A Member shall not use or attempt to exercise his or her authority or influence by intimidating, threatening, coercing, commanding or improperly influencing any staff member or interfering with that person's duties, including the duty to disclose improper activity.

7.2.3. Respecting Others

- 7.2.3.1. Every Member has the duty and responsibility to treat members of the public, one another, and staff appropriately and without abuse, bullying, or intimidation, and to ensure that the work environment is free from discrimination and harassment.
- 7.2.3.2. Members shall not use indecent, abusive, or insulting words or expressions toward any other Member, any staff, or the public.
- 7.2.3.3. Members shall communicate in a manner that is respectful to any individual, regardless of race, ancestry, place of origin, creed, gender, sexual orientation, age, colour, marital status or mental or physical disability.

7.2.4. During Election Campaigns

- 7.2.4.1. Every Member shall comply with all applicable requirements of the *Municipal Elections Act, 1996*, as amended.
- 7.2.4.2. No Member shall use confidential information for any election campaign or campaign-related activity.
- 7.2.4.3. No Member shall use facilities, equipment, supplies, services, or other resources of the Town, including any Councillor newsletter or website linked through the Town's website, for any election campaign or campaign-related activity.
- 7.2.4.4. No Member shall undertake campaign-related activities on Town property at any time.
- 7.2.4.5. No Member shall use the services of any person for election-related purposes during hours in which that person receives any compensation from the Town.

7.3. Media and Communication Protocols

- 7.3.1. The Mayor is the official spokesperson for Council and shall be responsible for communicating the Town's position on all municipal matters including decisions of Council.

- 7.3.2. Media releases will be sent to Members of Council prior to public release.
- 7.3.3. Members of Council are welcome to speak to traditional media outlets and to use social media to engage and communicate with residents. Members of Council are free to speak their conscience and for constituents. Members of Council shall accurately communicate the decisions of Town Council, even if they disagree with the majority decision of Council, and by so doing affirm the respect for and integrity in the decision-making process of Council.
- 7.3.4. Members of Council may directly make inquiries or requests to management staff.
- 7.3.5. Any Member who makes a request or inquiry of a staff member not in accordance with this policy will be redirected to that employee's Director who will correspond with the Member on behalf of the department involved.

7.4. Electronic Communication and Social Media

- 7.4.1. Members must recognize their professional boundaries and responsibilities in the appropriate use of electronic communications and social media.
- 7.4.2. When communicating with Administration, Members must:
 - 7.4.2.1. Respect the access to information and privacy rights of citizens and employees alike, in accordance with applicable legislation.
 - 7.4.2.2. Refrain from posting or forwarding links or comments that might be considered offensive, discriminatory or inconsistent with this Code of Conduct Policy or the laws of Ontario and Canada.
- 7.4.3. Communications to Administration should be constructed with professionalism and decorum while providing information that is timely and accurate.
- 7.4.4. Email, faxes and other written correspondence used in the capacity of an appointed position may be considered documents of the Town and may be kept as an official record.

7.5. Conflict of Interest

- 7.5.1. Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter that is being considered by an officer or employee of the municipality or local board, or by a person or body to which the municipality or local board has delegated a power or duty, the member shall not use his or her office in any way to attempt to influence any decision or recommendation that results from consideration of the matter.
- 7.5.2. The *Municipal Conflict of Interest Act* endorses the following principles in relation to the duties of Members:
 - 7.5.2.1. The importance of integrity, independence and accountability in local government decision-making.

- 7.5.2.2. The importance of certainty in reconciling the public duties and pecuniary interests of Members.
- 7.5.2.3. Members are expected to perform their duties of office with integrity and impartiality in a manner that will bear the closest scrutiny.
- 7.5.3. A conflict of interest exists when an individual is, or could be, influenced, or appear to be influenced by a pecuniary (financial) interest when carrying out their public duty. Members shall take appropriate steps to avoid conflicts of interest, both real and apparent.
- 7.5.4. Members are encouraged to seek guidance from the Integrity Commissioner when becoming aware that they may have a conflict between their responsibilities to the public and any pecuniary interest as defined by the *Municipal Conflict of Interest Act*.
- 7.5.5. Members shall disclose a pecuniary interest at the public meeting where the matter will be discussed, or as soon thereafter as possible. Absence from a public meeting where the matter is discussed does not relieve a Member from disclosing the interest.
- 7.5.6. Pursuant to the *Municipal Conflict of Interest Act*, upon disclosing a pecuniary interest, the member shall:
 - 7.5.6.1. Immediately withdraw from the discussion;
 - 7.5.6.2. Refrain from participating in the debate or voting on the matter; and,
 - 7.5.6.3. Not attempt to influence Members of Council, Committees, Local Boards, staff or any other public person.
- 7.5.7. A Member shall within 30 days of disclosing an interest publicly, submit the interest in writing to the Clerk on a Pecuniary Interest Disclosure Form and the Clerk shall maintain an interest registry as a public record in the Clerk's Office.
- 7.5.8. Contravention of the *Municipal Conflict of Interest Act* is subject to the sanctions under the Act and/or the Code of Conduct.

7.6. Confidential Information

- 7.6.1. In this policy, "confidential information" includes any information in the possession of, or received in confidence by the Town that the Town is prohibited from disclosing, or has decided to refuse to disclose, under the *Municipal Freedom of Information and Protection of Privacy Act*, or any other law.
- 7.6.2. "Confidential Information" also includes:
 - 7.6.2.1. Information of a corporate, commercial, scientific, or technical nature received in confidence from third parties.

- 7.6.2.2. Personal information.
- 7.6.2.3. Information that is subject to solicitor-client privilege.
- 7.6.2.4. Information that concerns any confidential matters pertaining to:
 - a) Personnel.
 - b) Labour relations.
 - c) Litigation.
 - d) Property acquisition.
 - e) The security of property of the Town or a local board.
 - f) Any other information determined by Council to be confidential, or required to remain or be kept confidential by legislation or order.
- 7.6.3. No Member shall disclose, release, or publish by any means to any person or to the public any confidential information acquired by virtue of his or her office, in any form, except when required or authorized by Council or otherwise by law to do so.
- 7.6.4. No Member shall use confidential information for personal or private gain or benefit, or for the personal or private gain or benefit of any other person or body.
- 7.6.5. A matter, the substance of a matter, and information pertaining to a matter, that has been debated or discussed at a meeting closed to the public shall be confidential, unless authorized by the Council or legislation to be released, generally or subject to conditions, and such have been complied with. No information pertaining to such a matter, the manner in which it was dealt with at the meeting, or any part or description of the debate, shall be disclosed unless authorized by the Council or otherwise by law.
- 7.6.6. A Member may disclose the content of any matter referred to in the preceding paragraph or the subject matter of deliberations, at an in-camera (closed) meeting, only after the Council or committee lawfully and knowingly discusses the information at a meeting that is open to the public or releases the information to the public.
- 7.6.7. Without limiting the generality of the foregoing, no Member shall, without lawful authority, disclose, or make personal use of, any of the following types of confidential information:
 - 7.6.7.1. Information concerning litigation, negotiation, or personnel matters.
 - 7.6.7.2. Information which may infringe on the rights of any person (e.g. source of a complaint where the identity of the complainant is given in confidence).
 - 7.6.7.3. Price schedules in any contract, tender, or proposal document while such remains a confidential document.
 - 7.6.7.4. Information deemed to be “personal information” under the *Municipal Freedom of Information and Protection of Privacy Act*.
 - 7.6.7.5. Any information or statistical data required by law not to be released.

- 7.6.8. No Member shall obtain, access, or attempt to gain access, to confidential information in the custody of the municipality except to the extent that such access is necessary for the performance of his or her duties and such access is not prohibited by Council or otherwise by law.

7.7. Use of Town Property and/or Other Resources

- 7.7.1. No Member shall use, or permit the use of, municipal land, facilities, equipment, supplies, services, staff, or other resource, including any municipally owned information, the website, and funds allocated for expenses for any purpose or activity other than business of the Town.
- 7.7.2. No Member shall seek or acquire any personal financial gain from the use or sale of any confidential information, or of any municipally-owned intellectual property, including any invention, creative writing or drawing, computer program, technical innovation, or any other information or item capable of being patented or copyrighted, of which property remains exclusively that of the Town.

7.8. Improper Use of Influence

- 7.8.1. Members are expected and required to perform their duties with integrity, accountability and transparency.
- 7.8.2. Members shall not use the status of their position to influence the decision of another individual to the private advantage of oneself, or one's parents, children or spouse, staff members, friends, or associates, business or otherwise.
- 7.8.3. No Member shall attempt to secure preferential treatment beyond activities in which Members normally engage as part of their official duties.
- 7.8.4. No Member shall hold out the prospect or promise of future advantage through the Member's supposed influence within the municipality, in return for any action or inaction.
- 7.8.5. In this policy, "private advantage" does not include:
 - 7.8.5.1. A matter of general application.
 - 7.8.5.2. A matter that affects a Member, their parents, children, spouse, staff members, friends or associates, business or otherwise, as one of a broad class of persons.
 - 7.8.5.3. A matter that concerns the remuneration or benefits of a Member.

8. NON-COMPLIANCE WITH THIS CODE OF CONDUCT

- 8.1. A Member who has been found by the Integrity Commissioner, to have contravened any provision of this policy, is subject to one or more of the following sanctions imposed by Council, as referred to in the following two paragraphs:
 - 8.1.1. The *Municipal Act, 2001* authorizes Council, where it has received a report by the Town's Integrity Commissioner that, in his or her opinion, there has been a violation of this Code of Conduct policy, to impose upon the offending Member:
 - 8.1.1.1. A reprimand.
 - 8.1.1.2. Suspension of the remuneration paid to the Member (where applicable) in respect of his or her services as a Member for a period of up to 90 days.
 - 8.1.2. The Integrity Commissioner may, for remedial purposes, also recommend that Council take one or more of the following actions:
 - 8.1.2.1. Removal from membership on a committee or local board.
 - 8.1.2.2. Removal as chair of a committee or local board.
 - 8.1.2.3. Request an apology to Council, the complainant, and/or the community.
 - 8.1.2.4. Any other or additional action deemed by Council to be appropriate, and which is within its powers.

8.2. Acting on the Advice of the Integrity Commissioner

- 8.2.1. 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, as long as:
 - 8.2.1.1. All of the relevant facts known to the Member were disclosed to the Integrity Commissioner; and,
 - 8.2.1.2. The Member has acted in accordance with the written advice provided, as determined through the sole discretion of the Integrity Commissioner.

9. NO REPRISAL OR OBSTRUCTION IN THE APPLICATION OR ENFORCEMENT OF THIS POLICY

- 9.1. Every Member must respect the integrity of the Code of Conduct – Council, Committees and Local Boards Policy and inquiries and investigations conducted under it and shall cooperate in every way possible in securing compliance with its application and enforcement.
- 9.2. Any reprisal or threat of reprisal against a complainant or any other person for providing relevant information to the Integrity Commissioner, or any other person, is prohibited.
- 9.3. It is also a violation of this policy to obstruct the Integrity Commissioner, or any other municipal official involved in applying or furthering the objectives or requirements of this policy, in the carrying out of such responsibilities, or pursuing any such objective.

10. REFERENCES AND RELATED DOCUMENTS

- 10.1. In addition to this policy, the following Ontario legislation also governs the conduct of Members in Council:
 - 10.1.1. Code of Conduct Complaint Protocol – Informal and Formal Complaint Procedure (attached)
 - 10.1.2. *The Municipal Act, 2001* as amended.
 - 10.1.3. *The Municipal Conflict of Interest Act, R.S.O. 1990, c M.50*
 - 10.1.4. *The Municipal Elections Act, 1996.*
 - 10.1.5. *The Municipal Freedom of Information and Protection of Privacy Act.*
 - 10.1.6. *The Public Inquiries Act , 2009*
 - 10.1.7. *Ontario Human Rights Code, R.S.O. 1990*
 - 10.1.8. *Ontario Accessibility Act, 2005*
 - 10.1.9. *Criminal Code of Canada, as amended*
- 10.2. A Council Member may become disqualified and lose his or her seat by operation of law, including being convicted of an offence under the *Criminal Code of Canada* or being found to have failed to comply with the *Municipal Conflict of Interest Act*, whether or not the conduct in question involves contravention of this policy.
- 10.3. In the case of any inconsistency between this policy and Federal or Provincial statute or regulation, the statute or regulation shall prevail.

Appendix A
Code of Conduct Council, Committees and Local Boards



COMPLAINT PROTOCOL

PART A: INFORMAL COMPLAINT PROCEDURE

1. Any person or a representative of an organization who has identified or witnessed behaviour or an activity by a Member that they believe is in contravention of the Code of Conduct (the “Code”) may wish to address the prohibited behaviour or activity themselves as follows:
 - a) Advise the Member that the behaviour or activity contravenes the Code;
 - b) Encourage the Member to stop the prohibited behaviour or activity;
 - c) Keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information;
 - d) If applicable, confirm to the Member your satisfaction with the response of the Member; or, if applicable, advise the Member of your dissatisfaction with the response; and,
 - e) Consider the need to pursue the matter in accordance with the formal complaint procedure outlined in Part B, or in accordance with another applicable judicial or quasi-judicial process or complaint procedure.
2. All persons and organizations are encouraged to initially pursue this informal complaint procedure as a means of stopping and remedying a behaviour or activity that is prohibited by the Code. With the consent of the complaining individual or organization and the Member, the Integrity Commissioner may be part of any informal process. However, it is not a precondition or a prerequisite that those complaining must pursue the informal complaint procedure before pursuing the Formal Complaint Procedure in Part B.

PART B: FORMAL COMPLAINT PROCEDURE:

Integrity Commissioner Requests for Inquiries

1.
 - a. A request for an investigation of a complaint that a Member has contravened the Code of Conduct (the “complaint”) shall be filed with the Municipal Clerk. **A CODE OF CONDUCT - FORMAL COMPLAINT FORM / AFFIDAVIT** must be completed and submitted along with a \$125.00 deposit. Once received, the Clerk will send the complaint directly to the Integrity Commissioner by mail, E-mail, fax or courier in the form attached to this Protocol as Schedule “A”.
 - i. All complaints shall be signed by an identifiable individual (which includes the authorized signing officer of an organization).
 - ii. A complaint shall set out reasonable and probable grounds for the allegation that the member has contravened the Code.
 - iii. The complaint shall include:

- the name of the alleged violator,
 - the provision of the Code allegedly contravened,
 - facts constituting the alleged contravention,
 - the names and contact information of witnesses; and,
 - contact information for the complainant during normal business hours.
- b. For any Inquiry which has not been completed before nomination day for a regular election, as set out in section 31 of the Municipal Elections Act, 1996, as amended, the Commissioner shall terminate the inquiry on that day.
- c. If an Inquiry is terminated due to non-completion before the nomination day, the Commissioner shall not commence another inquiry in respect of the matter unless, within six weeks after voting day in a regular election, as set out in section 5 of the Municipal Elections Act, 1996, as amended, the person or entity who made the request or the member or former member whose conduct is concerned makes a written request to the Commissioner that the inquiry be commenced.

Initial Classification by Integrity Commissioner

2.

- a. Upon receipt of the request, the Integrity Commissioner shall make an initial classification to determine if the matter is, on its face, a complaint with respect to non-compliance with the Code and not covered by other legislation or other Council policies as described in subsection (3).
- b. If the complaint is not, on its face, a complaint with respect to non-compliance with the Code, or the complaint is covered by other legislation or a complaint procedure under another Council policy, the Integrity Commissioner shall advise the complainant in writing as follows:
- i. If the complaint, on its face, is an allegation of a criminal nature consistent with the Criminal Code of Canada, the complainant shall be advised that if they wish to pursue any such allegation, the complainant must pursue it with the appropriate police force;
 - ii. If the complaint, on its face, is with respect to non-compliance with the *Municipal Freedom of Information and Protection of Privacy Act*, the complainant shall be advised that the matter will be referred to the Municipal Clerk;
 - iii. If the complaint, on its face, is with respect to non-compliance with a more specific Council policy, with a separate complaint procedure, the complainant shall be advised to pursue the matter under that procedure; and,
 - iv. In other cases, the complainant shall be advised that the matter, or part of the matter, is not within the jurisdiction of the Integrity Commissioner, with any additional reasons and referrals as the Integrity Commissioner considers appropriate.

- c. The Integrity Commissioner shall determine whether a report to Council is warranted for a specific complaint that is not within the jurisdiction of the Integrity Commissioner.
- d. The Integrity Commissioner shall report annually to Council on complaints not within the jurisdiction of the Integrity Commissioner, but, where possible, shall not disclose information that could identify a person concerned.

Integrity Commissioner Investigation

3.

- a. The Integrity Commissioner is responsible for performing the duties set out in this Protocol independently, and shall report directly to Council in respect of all such matters. The Integrity Commissioner shall file an annual report to Town Council respecting the advice, education and investigations carried out in the previous year, and developments or recommendations of significance related to the role of the Integrity Commissioner.
- b. If the Integrity Commissioner is of the opinion that a complaint is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, the Integrity Commissioner shall not conduct an investigation, or, where that becomes apparent in the course of an investigation, terminate the investigation.
- c. Other than in exceptional circumstances, the Integrity Commissioner will not report to Council on any complaint described in subsection (b) except as part of an annual or other periodic report.

4.

- a. If a complaint has been classified as being within the Integrity Commissioner's jurisdiction and not rejected under section 3, the Commissioner shall investigate and may attempt to settle the complaint.
- b. Upon receipt of a formal complaint pursuant to the Code, and where the Integrity Commissioner determines that the complaint meets the criteria to be investigated, the Integrity Commissioner may elect to conduct an informal investigation or alternatively to exercise the powers of a Commission under Parts I and II of the *Public Inquiries Act*, as contemplated by Subsection 223.4(2) of the Act.
- c. If the Integrity Commissioner elects to conduct an inquiry under the *Public Inquiries Act*, he/she shall report to Council and seek instructions before proceeding, setting out the reasons for the investigation and providing an estimate of the expected cost and time that the investigation will require.
- d. When the *Public Inquiries Act* applies to an investigation of a complaint, the Integrity Commissioner shall comply with the procedures specified in that Act and this Complaint Protocol, but, if there is a conflict between a provision of the Complaint Protocol and a provision of the *Public Inquiries Act*, the provision of the *Public Inquiries Act* prevails.

5.

- a. The Integrity Commissioner will proceed as follows, except where otherwise required by the *Public Inquiries Act*:

- i. Serve the complaint and supporting material upon the Member whose conduct is in question with a request that a written response to the allegation by way of affidavit or otherwise be filed within ten business days; and,
 - ii. The Integrity Commissioner may serve a copy of the response provided upon the complainant with a request for a written reply within ten business days.
 - b. If necessary, after reviewing the written materials, the Integrity Commissioner may speak to anyone relevant to the complaint, access and examine any of the information described in subsections 223.4(3) and (4) of the *Municipal Act*, and may enter any Town work location relevant to the complaint for the purposes of an investigation and settlement.
 - c. The Integrity Commissioner may make interim reports to Council where necessary and as required, to address any instances of interference, obstruction or retaliation encountered during the investigation.
6.
 - a. The Integrity Commissioner shall report to the complainant and the Member generally no later than 90 days after the making of the complaint.
 - b. Where the complaint is sustained in whole or in part, the Integrity Commissioner shall also report to Council outlining the findings, the terms of any settlement, or recommended corrective action.
 - c. Where the complaint is dismissed, other than in exceptional circumstances, the Integrity Commissioner shall not report to Council except as part of an annual or other periodic report.
 - d. Any recommended corrective action must be permitted in law and shall be designed to ensure that the inappropriate behaviour or activity does not continue.
7. If the Integrity Commissioner determines that there has been no contravention of the Code of Conduct or that a contravention occurred although the Member took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error of judgement made in good faith, the Integrity Commissioner shall so state in the report and shall recommend that no penalty be imposed.
8. The Municipal Clerk shall process the report for the next meeting of Council.
9. Once the report is final and the Integrity Commissioner has determined that the complaint was not frivolous or vexatious, the Municipal Clerk shall return the \$125.00 deposit to the complainant. The deposit will be returned in cash to maintain the confidentiality of the complainant.

Council Review

10.
 - a. Council shall consider and respond to the report within 90 days after the day the report is laid before it.

- b. In responding to the report, Council may vary a recommendation that imposes a penalty, subject to Section 223.4, subsection (5) of the *Municipal Act*, but shall not refer the recommendation other than back to the Integrity Commissioner.
- c. Upon receipt of recommendations from the Integrity Commissioner, Council may, in circumstances where the Integrity Commissioner has determined there has been a violation of the Code of Conduct, impose either of two penalties:
 - i. a reprimand; or,
 - ii. suspension of the remuneration paid to the Member in respect of his/her services as a Member of Council or a local board, as the case may be, for a period of up to 90 days.
- d. The Integrity Commissioner may also recommend that Council take the following actions for remedial purposes:
 - i. removal from membership of a committee;
 - ii. removal as chair of a committee;
 - iii. repayment or reimbursement of monies received;
 - iv. return of property or reimbursement of its value;
 - v. a written and/or verbal request for an apology to Council, the complainant, or, both.

Confidentiality

11.

- a. A complaint will be processed in compliance with the confidentiality requirements in sections 223.5 and 223.6 of the *Municipal Act*, which are summarized in the following subsections.
 - i. The Integrity Commissioner and every person acting under her or his instructions shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of any investigation except as required by law in a criminal proceeding.
 - ii. All reports from the Integrity Commissioner to Council will be made available to the public.
 - iii. Any references by the Integrity Commissioner in an annual or other periodic report to a complaint or an investigation shall not disclose confidential information that could identify a person concerned.
 - iv. The Integrity Commissioner, in a report to Council on whether a Member has violated the Code of Conduct, shall only disclose such matters as in the Integrity Commissioner's opinion are necessary for the purposes of the report.

Appendix B

**Town of Amherstburg
Code of Conduct - Formal Complaint Form / Affidavit**

AFFIDAVIT OF: _____ (full name)

I, _____ (full name), of
_____ (municipality of residence) in the Province of Ontario

MAKE OATH AND SAY (or AFFIRM):

1. I have personal knowledge of the facts as set out in this Affidavit, because:

_____ (insert reasons i.e.: I work for....., I attended a meeting at which, etc.)

2. I have reasonable and probable grounds to believe that a Member, namely:

_____ (name of Member), has
contravened section(s) _____ (specify sections)
of the Code of Conduct Policy. The particulars of which are as follows:

(If more room is required, please use Schedule "A" to set out the statement of facts in consecutively numbered paragraphs, with each paragraph being confined as far as possible to a particular statement of fact. If you wish to include exhibits to support this complaint, please refer to the exhibits as Exhibit A, B, etc. and attach them to this affidavit.)

This affidavit is made for the purpose of requesting that this matter be reviewed by the Town of Amherstburg's Integrity Commissioner and for no other purpose.

I further agree that should the complaint be deemed frivolous or vexatious by the Integrity Commissioner, my \$125.00 deposit will be surrendered to the municipality:

SWORN (or AFFIRMED) before me at the **TOWN OF AMHERSTBURG**

in the Province of Ontario on this _____ day of _____, 20_____.

(Signature of Commissioner)

(Signature of Complainant)

Please note: Signing a false affidavit may expose you to prosecution under Sections 131 and 132 or 134 of the Criminal Code, R.S.C. 1985, c. C-46, and also to civil liability for defamation.

I hereby request the Integrity Commissioner to conduct an inquiry pursuant to the provisions of section 223.4 of the *Municipal Act, 2001* with respect to the above conduct.

Please submit the complaint and include copies of all documents and records relevant to the requested inquiry. Mail, fax, e-mail, or otherwise deliver this request, along with the required \$125.00 deposit to:

Town of Amherstburg
C/O Municipal Clerk
271 Sandwich Street South
Amherstburg, ON
N9V 2A5

Phone: 519 736 0012 ext. 2238
Fax: 519 736 5403
E-mail: pparker@amherstburg.ca

Name

Address

Telephone:

Cell Number:

Email:

Signature:

Date:



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF THE CAO

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Author's Name: Kevin Fox	Report Date: June 16, 2022
Author's Phone: 519 736 0012 ext. 2272	Date to Council: June 27, 2022
Author's E-mail: kfox@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Resignation from the Mayor's Youth Advisory Committee

1. RECOMMENDATION:

It is recommended that:

1. The report of June 16, 2022, entitled Resignation from the Mayor's Youth Advisory Committee **BE RECEIVED for information.**

2. BACKGROUND:

In accordance with the Boards and Committees Appointment Policy, a member shall submit a written letter of resignation to the Clerk notifying of their intention to resign their appointed position on a committee.

3. DISCUSSION:

A letter of resignation from the Mayor's Youth Advisory Committee has been received from Alessia Favrin due to changes in personal circumstances. The letter has been provided to Council under separate cover for your information.

Given the nearing end of the Committee's term, no further action is recommended to be taken at this time.

4. RISK ANALYSIS:

There are no risks associated with this report.

5. FINANCIAL MATTERS:

There are no financial implications of this report.

6. CONSULTATIONS:

N/A

7. CONCLUSION:

Given the approaching end of the Committee's term, this report has been provided for Council's information.



Kevin Fox
Policy and Committee Coordinator

(Insert Typist Initials)

DEPARTMENTS/OTHERS CONSULTED: Name: Phone #: 519 ext.

NOTIFICATION :				
Name	Address	Email Address	Telephone	FAX

Report Approval Details

Document Title:	Resignation from Mayor's Youth Advisory Committee.docx
Attachments:	
Final Approval Date:	Jun 16, 2022

This report and all of its attachments were approved and signed as outlined below:



Tracy Prince



Valerie Critchley



June 13, 2022

TO: Greater Essex County District School Board
451 Park Street West
Windsor, ON N9A 6K1
Email: communications@publicboard.ca

Windsor- Essex Catholic District School Board
1325 California Avenue
Windsor, ON N9B 3Y6
Email: director@wecdsb.on.ca

École Élémentaire L'Envolée
1799 Ottawa Street
Windsor, ON N8Y 1R4
Email: lenvolee@csviamonde.ca

Conseil Scolaire Catholique Providence
7515, promenade Forest Glade
Windsor, ON N8T 3P5
Email: communications@cscprovidence.ca

Re: Values Influence Peer Program (VIP)

At its Regular Council Meeting held on May 16, 2022, Council discussed the importance of the Values, Influences and Peers Program (VIP), a program that was designed originally for students at the Grade 6 level that was first introduced back in 1985 by police and educators and which program reinforced responsible citizenship, positive social behaviour and community values. Council discussed the effectiveness of this program in teaching youth positive lifestyle choices, positive social behaviour and becoming part of the greater community. Council further discussed the possibility of having the Ontario Provincial Police



("OPP") return back to the schools to again provide and carry out this great program in conjunction with its education partners.

As a result of that review Council passed the following resolution:

R22-05-253

Moved by: Councillor Bondy

Seconded by: Councillor Verbeek

That Council send a letter to the school boards requesting the OPP to be invited and allowed to start running the Values, Influences and Peers Program (VIP) in our grade schools and that this letter be circulated to all the municipalities in Essex County.

Carried

I trust you will find this satisfactory. If you have any questions or comments please feel free to contact the undersigned.

Yours truly,

A handwritten signature in black ink, appearing to read "R. Auger", with a long horizontal flourish extending to the right.

Robert W. Auger, L.L.B.

Town Solicitor, Legal and Legislative Services/Clerk

rauger@essex.ca

c.c. Mary Birch, Director of Council and Community Services/Clerk

County of Essex

Email: mbirch@countyofessex.ca



Valerie Critchley, Municipal Clerk
Town of Amherstburg
Email: vcritchley@amherstburg.ca

Jennifer Astrologo, Director of Council Services/Clerk
Town of LaSalle
Email: jastrologo@lasalle.ca

Paula Parker, Town Clerk
Town of Kingsville
Email: pparker@kingsville.ca

Kristen Newman, Corporate Leader, Strategic and Legal Affairs
Municipality of Lakeshore
Email: knewman@lakeshore.ca

Brenda Percy, Municipal Clerk/Manager of Legislative Services
Municipality of Leamington
Email: bpercy@leamington.ca

Laura Moy, Director of Corporate Services/Clerk
Town of Tecumseh
Email: lmoy@tecumseh.ca

Steve Vlachodimos, City Clerk and Manager of Council Services
City of Windsor
Email: svlachodimos@city.windsor.on.ca





Windsor Police Service

ANNUAL REPORT

2021



EXECUTIVE SUMMARY

Similar to 2020, 2021 was heavily defined and influenced by the COVID-19 global pandemic. The Windsor Police Service continued to adhere to safe practices established through 2020 in order to mitigate internal risk and to ensure continuity of operations throughout Windsor and Amherstburg.

Overall, the Service saw a slight increase in calls for service and overall crime stats from those reported in 2020, but generally the numbers show a slight decrease over figures from 2019. It could be expected that these trends continue to reflect the uncertainty brought with COVID-19 and the legislated public restrictions that lead to decreased community activity. Online reporting of crime nearly doubled from that reported in 2020, likely attributable to the COVID restricted access policies of Windsor Police Headquarters.

Throughout 2021 the WPS continued to provide effective and efficient policing services to the Town of Amherstburg. This partnership continues to deliver community safety benefits and other synergies to our communities.

The Service continued to make progress on the initiatives outlined in the 2020-2022 Strategic Plan. Ninety-nine distinct projects/initiatives were identified and tracked via the Strategic Plan Work Plan. Progress on each goal is outlined in this Annual Report and overall highlights include:

- Development and implementation of the Community Consultative Committee and the Youth Community Consultative Committee;
- Virtual Community Services engagement sessions (Virtual Cop, Virtual VIP, Anti-bullying, UNITE, engagement with new Canadians, recruitment outreach sessions);
- Procurement and engagement with Equity Diversity Inclusion, Communications, and Human Resources Consultants;
- Implementation of shared Multi-jurisdictional Records Management System including Computer Aided Dispatch with LaSalle Police Service ;
- Procured funding for a wide variety of initiatives, including enhanced installation of camera systems throughout the city;
- Continued development of employee wellness strategies (Wellness plan, PeerConnect App Pilot);
- Implementation and expansion of Digital Evidence Management Systems.

In August of 2020, the Ontario Civilian Police Commission (OCPC) provided 37 recommendations to the Windsor Police Service and Windsor Police Services Board following complaints from members of the WPS. The Commission directed the Service to report back within one year. The Commission's recommendations related to a broad array of issues, including organizational policies and procedures as well as how WPS leadership can improve communication both inside and outside the organization. The final report from the WPS and WPSB was submitted to OCPC in August (2021) and detailed the completion of 26 of the 37 recommendations. The remaining 11 recommendations are on track for completion in early 2022. Many of the recommendations formed the goals and objectives identified in the WPS Strategic Plan. The Windsor Police Service remains committed to furthering the progress identified in the report into the future.

COVID-19 RESPONSE

As the COVID-19 pandemic endured through 2021, Windsor Police Service continued to mitigate health and safety risks to our employees and the communities we serve. Masks, Zoom meetings, virtual presentations and temporary work-from-home opportunities were all considered.

With changing provincial and federal legislation in response to COVID-19 infection rates, our members adapted and maintained our continuity of operations, experiencing minimal disruption to public service delivery. The Windsor Police Service continued to work with Public Health and City of Windsor By-Law Enforcement Officers to educate the public and enforce the Emergency Management Civil Protection Act and the Reopening Ontario Act.

Early in the year, the widespread distribution of approved COVID-19 vaccines began. Frontline members of police services were prioritized to receive the vaccine. With the rollout of the

vaccine, safeguarding the limited supply became a concern, and our officers were tasked with providing security as it was transported throughout the City and to the mass vaccination centres. WPS officers were contracted to provide 24/7 day-to-day security at the various mass vaccination sites.

Over the course of the year, public anti-mandate protests and demonstrations occurred, impacting police resources at times. WPS publicly acknowledged the right to peacefully protest and balanced that right with the enforcement of relevant legislation at the time. The Problem Oriented Policing (POP) Unit and City Centre Patrol (CCP) Unit were both tasked with managing the fluid nature of the protests, employing a variety of tactics to allow the lawful demonstrations without negatively impacting public safety.

Members of the Windsor Police Service were almost entirely compliant with a newly implemented mandatory vaccine policy. Any staffing impacts were offset by reassignment of members from elsewhere in the organization and aimed to bolster frontline response and continuity of essential operations. Ultimately, there was effectively no adverse impact on emergency response by the Windsor Police Service.

Overall, spread of COVID-19 or outbreaks of COVID-19 remained manageable throughout the year; however, the potential of large outbreaks remained an organizational threat. Thanks to the diligence of our members adhering to the precautions and protocols that were put in place beginning in March of 2020, there was no substantial impact on service delivery. Our members and our community resolutely navigated another challenging year of the pandemic.



ENFORCEMENT ACTION	TOTAL (2020)	TOTAL (2021)
--------------------	-----------------	-----------------

PON - Windsor Police	11	79
EMCPA/ROA Warning Tickets - Windsor Police	13	30
EMCPA/ROA Verbal Warnings - Windsor Police	18	18
PON - Bylaw	55	15
EMCPA/ROA Warnings - Bylaw	269	95
EMCPA/ROA Warnings - Auxiliary	717	0
311/WPS Calls to Bylaws	1098	1028
911 Calls for Service	1341	1873

*Auxiliary Park patrol finished Sept 6, 2020
 *Reopening Ontario Act effective July 24, 2020

MISSION, VISION & CORE VALUES

Our Vision

We are dedicated to excellence in service through the commitment of our people to teamwork, integrity and our core values. Together we work to be the safest community in Canada.

Our Mission

The Mission of the Windsor Police Service is to serve our community. Working together we prevent and investigate crime and provide support to those in need. We perform our duties with professionalism, accountability and integrity to ensure the safety of all the members of our diverse community.

Our Core Values

Integrity

We are committed to fair, ethical and respectful treatment of all persons within our organization and in our community.

Respect

We show respect and compassion, through deed and word, to every person.

Professionalism

We are dedicated to professionalism in appearance and conduct, and the continuing pursuit of excellence in all we do.

Accountability

We openly identify and address problems, and willingly accept responsibility for our actions.

Innovation

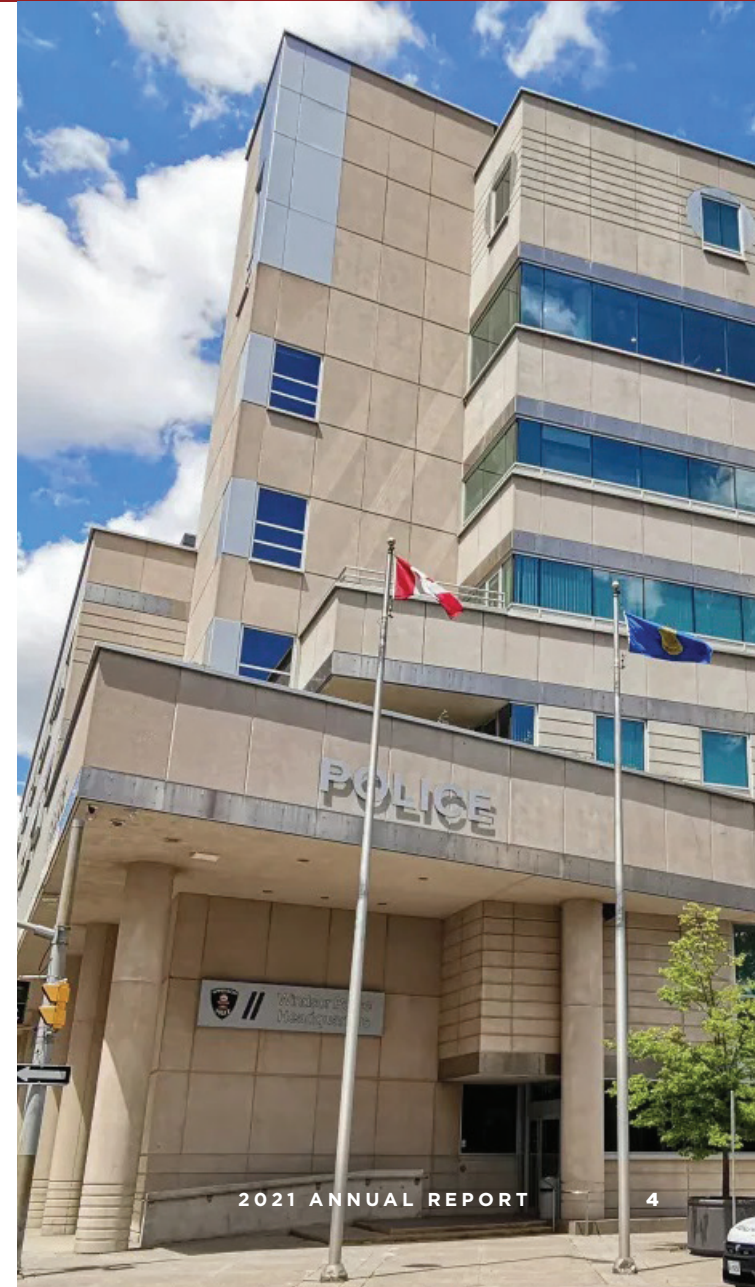
We are creative in developing effective policy and inventive practices, investing in our people and technologies to provide industry-leading service.

Teamwork

We all succeed by working together and in partnership with our diverse community.

Service

We are devoted to serving our community with honour, placing the needs of the community above those of our own.



WINDSOR POLICE SERVICES BOARD

Message from the Chair



Drew Dilkens

Windsor Police Services Board, Chair

As Chair of the Windsor Police Services Board, I am pleased to introduce the 2021 Annual Report of the Windsor Police Service.

This past year was a year like no other. It has challenged us, made us adapt to new realities and inspired us to never give up. The pandemic has been global in its scale, but personal in its impact. The past year has shown us that even in a time of great challenge that we can stand united and more committed than ever to our vision of providing adequate and effective policing to our community.

The Board will continue to push for progress alongside the Windsor Police Service as we move forward into 2022. We are very pleased with the many accomplishments made by the Service over the year, including the day-to-day work performed by the sworn and civilian members to keep our community safe. We truly appreciate the dedication and sacrifice of our police service. In spite of these uncertain times, the members of the WPS have answered the call to protect and serve our community.

As I reflect on the achievements of the past year, I know that the WPS Board is looking forward to the continued delivery of the 2020-2022 Strategic Plan with an eye to the future and work underway for the development of our next Strategic Plan. As the Board Chair, I know that the Board is committed to providing excellence in police oversight and governance and we look forward to continuing our work in this vital area.

The WPS Board is extremely proud of all members of the WPS and we will continue to work together to provide guidance for how the Service can best meet the complex needs of all those they encounter and interact with in our community.

Meet the Board



1. Aldo Dicarlo, Vice-Chair WPSB

2. Rino Bortolin

3. Robert de Verteuil

4. Denise Ghanam

MESSAGE FROM THE CHIEF OF POLICE

I am pleased to present the Windsor Police Service 2021 Annual Report. This report provides to our community an overview of our activities as well as our progress on the goals and objectives set out in our 2020-2022 Strategic Plan. I also wish to acknowledge the recent retirement of Chief Pamela Mizuno who served our community for over 30 years. We wish her all the best in this next chapter of her life.

The Windsor Police Service garnered some significant achievements and continued to mark organizational progress on a number of the ongoing priorities contained in our Strategic Plan. Some of these achievements included:

- The formation and launching of the Mobile Crisis Rapid Response Team, providing expertise to the frontline for incidents involving persons in crisis due to mental health challenges.
- The formation of the Community Consultative Committee, providing external community-based recommendations to the Windsor Police Service
- Several technology project launches that strengthened regional interoperability with external first responder partners
- Completed the implementation of a Digital Evidence Management System (DEMS) across the Windsor Police Service, providing a significant enhancement and pivotal change in how digital evidence is captured, processed, stored and shared

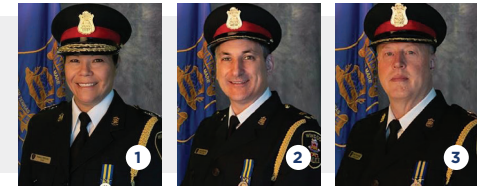
Moreover, working with the Windsor Police Services Board, the Windsor Police Service sought opportunities to improve the overall work environment for our members with the parallel intent on improving service delivery for our communities. Subsequently, new initiatives and policies emerged with the aim of positively impacting the culture at the Windsor Police Service. The Windsor Police Service remains committed to a workplace that is fair, inclusive and safe.

It should be noted that these achievements were made while navigating a global pandemic and were only possible thanks to the professionalism and commitment of our members as well as the support and collaboration with our community partners. We are committed to continuing our broad community engagement as we strive to be the safest community in Canada.

As always, we are grateful for the ongoing support of the Windsor Police Services Board, the Windsor and Amherstburg municipal councils and our communities who provide the resources and support needed to achieve our goals.

— Written by Interim Chief Jason Bellaire

The Senior Leadership Team



- 1. Pamela Mizuno**, Chief Of Police
- 2. Jason Bellaire**, Interim Chief
- 3. Frank Providenti**, Deputy Chief Operational Support

Superintendents:

Tim Berthiaume – Patrol Service
Jason Crowley – Investigations Services
Brendan Dodd – Corporate Services
Dan Potvin – Administrative Support

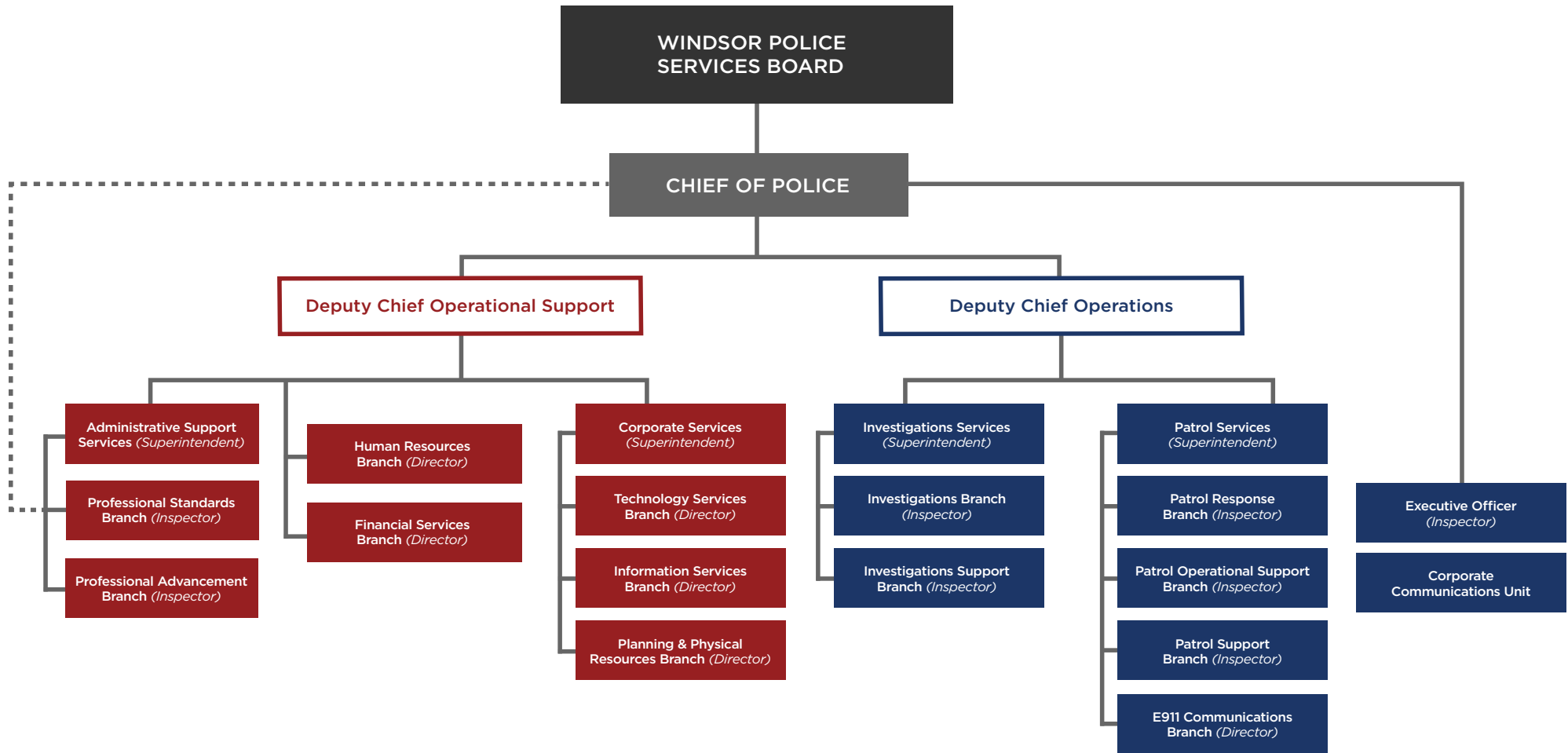
Directors:

Melissa Brindley – Financial Services
Matt Caplin – Technology Services
Bryce Chandler – Human Resources and Legal Counsel
Dawn Hill – Information Services
Barry Horrobin – Planning and Physical Resources
Laura Smith – E911 Centre

Inspectors:

Jennifer Crosby – Patrol Support
Ed Armstrong – Professional Advancement
Jill Lawrence – Executive Officer
Marc Murphy – Patrol Response
Dave Deluca – Patrol Operational Support
Andrew Randall – Investigations
Karel DeGraaf – Investigative Support
Ken Cribley – Professional Standards

2021 ORGANIZATIONAL STRUCTURE



The Windsor Police Service provides frontline response and investigative services to the residents and visitors of the City of Windsor and the Town of Amherstburg. Geographically, Windsor is the southernmost city in Canada and lies directly across from Detroit, Michigan separated by the Detroit River.



The majority of our operational and administrative functions, including patrol deployment, investigative services, E911 Communications, fleet management, prisoner detention, records management and administration are facilitated from Police Headquarters at 150 Goyeau Street in the downtown core of Windsor, Ontario, Canada. Additionally, the Windsor Police Service operates from four other facilities:

- WPS Amherstburg Detachment at 532 Sandwich Street South in Amherstburg, Ontario; WPS officers who are dedicated to policing the Town of Amherstburg are deployed from this location
- Jefferson Operational Support Services facility located at 2696 Jefferson Boulevard housing the Traffic Enforcement Unit and the Collision Reporting Centre
- Sandwich Community Station at 3312 Sandwich Street which accommodates the Community Services Branch
- Major F.A. Tilson, VC Armoury and Police Training Centre at 4007 Sandwich Street accommodating all training functions including classroom learning, firearms, tactical, physical and canine training

COMMUNICATIONS CENTRE

TOTAL CALLS RECEIVED:

403,432

1105 PER DAY

↑ 5% INCREASE
(over 2020)

Non-emergency: 519-258-6111 | Emergency: 9-1-1

911 CALLS RECEIVED:

105,363

288 PER DAY

↑ 5% INCREASE
(over 2020)

TOTAL CALLS FOR SERVICE:

124,114

340 PER DAY

↑ 7% INCREASE
(over 2020)

22,511

Emergency Response:
Life-threatening situation

PRIORITY 1

7,422

Urgent Response:
Requires immediate intervention but no threat to life or bodily harm

PRIORITY 2

Dispatched
Police Response

TOTAL Citizen Initiated
113,326

17,542

Regulatory Response
Events requiring police presence (follow-ups, traffic escort)

PRIORITY 4

63,851

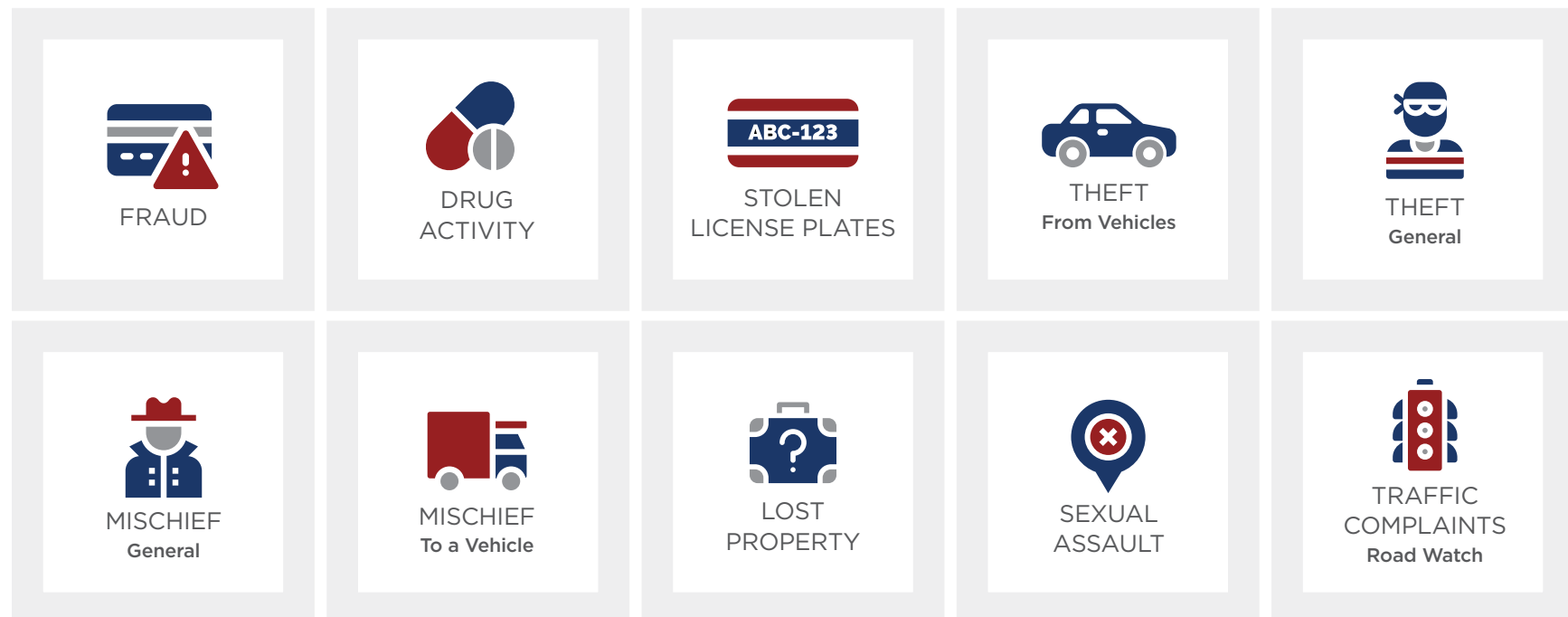
Routine Response
Urgent or emergent response not required dispatched within 1 hour

PRIORITY 3

ALTERNATIVE REPORTING OPTIONS

The Windsor Police Service offers various online reporting options from our website at www.windsorpolice.ca for a variety of offences that meet certain criteria. Our online reporting system and registries are a great tool for the public to report crimes and information in a timely and efficient manner. In addition, the data collected is also very useful for the Windsor Police Service to track and assess crime trends that can be useful in crime prevention.

Online Reporting Options



ALTERNATIVE REPORTING OPTIONS

DID YOU KNOW?

Many calls are handled through an alternative method that does not require the dispatching of a Patrol Response unit. Calls may be handled by the call-taker who provides information/referrals for an alternative response such as telephone reporting and online reporting.



NOW AVAILABLE

In response to the Pandemic several additions to our online reporting system were implemented. We believe these additions will better assist the communities we serve and enhance the reporting of designated offences that meet certain criteria.



CONVENIENCE

Our online reporting system and registries are a great tool for the public to report crimes and information in a timely and efficient manner. In addition, the data collected is also very useful for the Windsor Police Service to track and assess crime trends that can be useful in crime prevention.

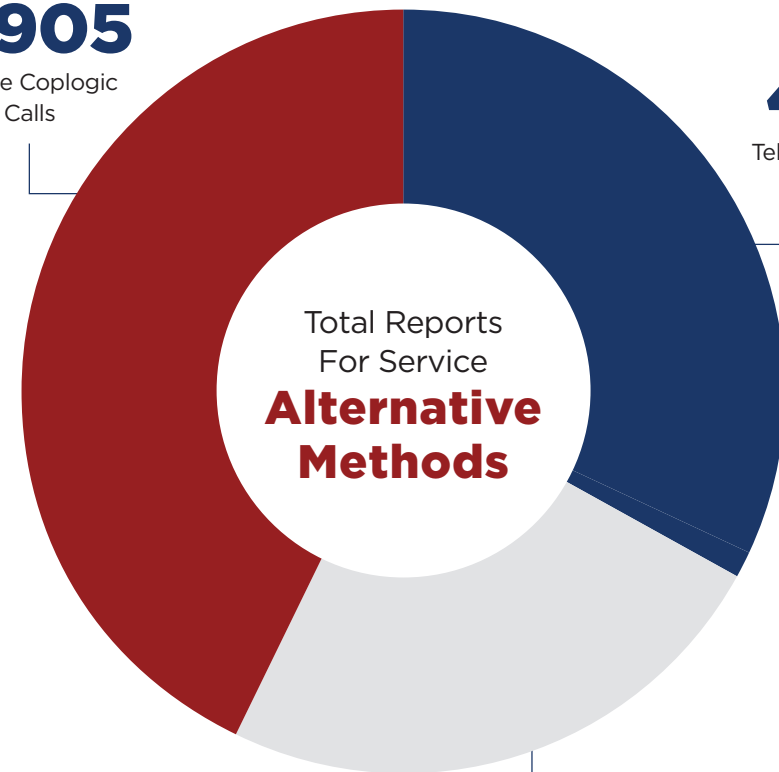


6,905

Online Coplogic
Calls

4,809

Telephone Reporting
Calls



Total Reports
For Service
**Alternative
Methods**

2,355

Collision Reporting
Calls

PATROL SERVICES

Patrol Services provides front-line policing to the citizens of Windsor and Amherstburg. Their core functions include crime prevention, law enforcement, assisting victims of crime, public order maintenance and emergency response.

TRAFFIC ENFORCEMENT UNIT

Total Motor Vehicle Accidents
 2021: **4,374** | 2020: **4,454**

Total Provincial Offences Notices
 2021 **13,371** | 2020: **11,226**

DETENTION UNIT

Provides temporary confinement of individuals involved in the judicial process

Total Prisoners Booked
 2021: **4,982** | 2020: **4,589**

CITY CENTRE PATROL UNIT (CCP)

CCP is dedicated to policing the downtown core of the City

Total Actions
 2021: **10,329** | 2020: **10,072**

PROBLEM ORIENTED POLICING UNIT (POP)

Provides a rapid response to address issues based on crime trends

Total Actions
 2021: **4,543** | 2020: **4,350**

MOBILE CRISIS RAPID RESPONSE TEAM (MCRRT)

Calls attended (Dispatched, Patrol Request, Assist Patrol)
 2021: **1093** | 2020: **NA***

Apprehensions
 2021 **42** | 2020: **NA***

*Program launched in April 2021

MARINE UNIT

Vessel Stops
 2021: **136** | 2020: **187**

Enforcement Actions (Provincial Offences and By-laws)
 2021: **136** | 2020: **170**

POLICE DOG UNIT (PDU)

Total number of PDU calls
 2021: **1,249** | 2020: **1,422**

COMMUNITY OUTREACH & SUPPORT TEAM (COAST)

Officers and crisis workers combine services to follow-up and assist with referrals for individuals affected by mental illness

Total Number of Follow-Ups
 2021: **2,163** | 2020: **2,429**

REMOTE PILOTED AIRCRAFT SYSTEM (RPAS)

Total Actions
 2021: **14** | 2020: **14**

AMHERSTBURG DETACHMENT

On January 1, 2019, the Windsor Police Service began policing the Town of Amherstburg. Amherstburg operates as a Detachment and separate statistics are maintained. Thirty officers are dedicated to the Detachment and are responsible for policing the town, additionally the community benefits from enhancements available to them via specialty units of the Windsor Police Service.

POLICING ACTIVITIES AMHERSTBURG DETACHMENT

CALLS FOR SERVICE	2020	2021	CRIME STATISTICS	2020	2021
Dispatch Generated Incidents (CAD Calls)	5,508	5,813	Homicide/Attempted Murder	0	0
Self-Generated Walk-in Incidents	216	N/A	Robbery (All)	4	2
Reports	1783	1769	Break and Enter	45	41
Arrests	125	149	Theft Over \$5000	3	5
PROVINCIAL OFFENCES			Theft Under \$5000	109	62
Traffic Offences	1,149	1,996	Possession of Stolen Property	4	6
Part III Summons	49	78	Fraud	64	70
Liquor Offences	8	4	Mischief	68	50
Other Provincial Offences	0	25	Assaults (All)	58	50
COMMUNITY OUTREACH ACTIVITIES			Drugs	3	8
Community Service Calls	80	N/A	Firearms	0	9
Persons in Crisis	236	218	Arson	3	2
COAST Follow Ups	628	534	Impaired Driving	11	21
			Federal Statutes	4	0
			Other Criminal Code	223	141
			Total Criminal Offences	599	467

Community service officers were re-assigned to patrol due to the pandemic.



WPS AUXILIARY

The Windsor Police Auxiliary continues to be a well-regarded and supported program with a complement of officers providing service to both the City of Windsor and Town of Amherstburg. Officers are utilized to provide support at special events and park patrols. In 2021, COVID protocols halted most in-person special events decreasing the number of events attended and volunteer hours. In response to the pandemic, Auxiliary Officers were called upon to provide an enhanced role in COVID-19 regulation enforcement primarily in terms of a broader education strategy.



90
MEMBERS



8374
PARK PATROL HOURS

1384
OCCURRENCES
Legislation Enforcement
(Liquor offences, disorderly behavior,
graffiti, vandalism, smoking violations)

15 
OFFICERS
Obtained full time employment
in law enforcement



568.50
VOLUNTEER HOURS



11
SPECIAL EVENTS

INVESTIGATIONS/ DRUGS AND GUNS UNIT

CRIMES AGAINST **PERSONS**:

2700 **7 PER DAY**

↓ 6% DECREASE
(over 2020)

CRIMES AGAINST **PROPERTY**:

11,052 **30 PER DAY**

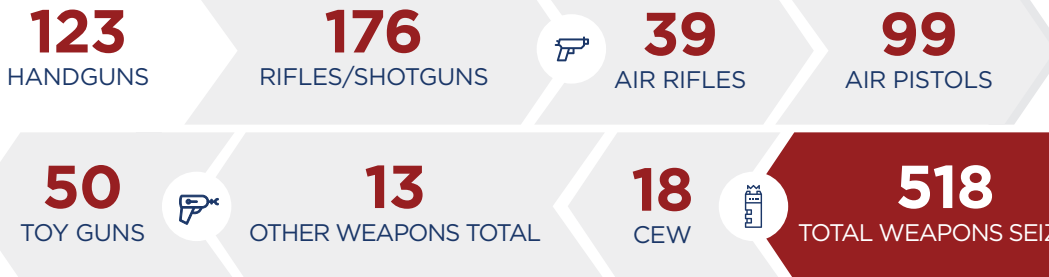
↑ 5% INCREASE
(over 2020)

YOUTH RELATED CRIMES:

227 **0.6 PER DAY**

↓ 21% DECREASE
(over 2020)

2021 Firearms Seizure by Type



DRUG AND GUN ENFORCEMENT UNIT

	2017	2018	2019	2020	2021
CDSA Charges	163	170	238	239	166
CC Charges	96	137	289	186	324
Total Charges	259	337	534	474	495
Persons Charged	74	81	84	118	91

2020: HANDGUNS 93 | RIFLES 160 | AIR RIFLES 37 | AIR PISTOLS 78 | TOY GUNS 41 | OTHER 20 | CEW (CONDUCTED ENERGY WEAPON) 17 — **TOTAL - 446**

2021 Firearm Calls for Service by Type



2020: PERSONS WITH GUN 134 | SHOTS FIRED 236 | FIREARM INVEST 31 | REPORT 111

PROMOTIONS

2021 PROMOTIONS

Sergeant

Lulic Izidor Luke Harmon
Robert Hallett Jacqueline Khoury
Paul Maziak Adriano Cipolla
Derek Nurmi

Staff Sergeant

Chris Werstein
Paolo DiCarlo
Jeff Taylor
Brian Caffarena
Joe Faddoul

Inspector

Marc Murphy
Jennifer Crosby
Norman Armstrong

Ed Armstrong was promoted to the rank of Inspector on November 7, 2021 becoming the highest ranking black officer in the Service's history



RECOGNITION AND REMEMBRANCE

2021 Retirees

John Ajersch	Shelley Gray	Christine Lucier	Gar Renaud
Sean Bender	Tim Harrington	Jeff Mailloux	Sean Rogan
Caron Braunstein	Dale Harvie	Dave McCubbin	Christine Rybinsky
Anthony Coughlin	Richard Labutte	Neil McEachrane	Shelley Shadd
Chris Dupuis	Ronald Le Clair	Robert Moore	Joyce Webster
James Farrand	Vera Little	Rocco Pelaccia	Steve Wortley
Kristine Fielding	Pam Lombardo	Itza Pinell	

Recognizing Excellence 20 Years of Service

Deanna Lamont	William (BJ) Wiley	Leslie Plant-Jimmerfield
Jeff Danby	Fred Adair	Rosanna Smith
Colin Wemyss	Karrie Koekstat	Linda Kerr
Joe Faddoul	Sandra Mackenzie	
Nathan Harris	Shelley Ross	

Recognizing Excellence 30 Years of Service

Anna May Gillis	Richard Beauchamp	Janine Willett	Carol Forbes
Jason Belanger	James Lepine	Anne Campeau	Michelle Koutros
Matthew D'Asti	James Westenberg	June Windsor-McIntosh	Pam Fitzgerald
Mathew McGhee	Chris Dupuis	Robert Moore	Shelley Lenehan
Tammy Fryer	Michelle Herz	Jack Greenway	Kristine Fielding
Todd Cox	Mary-Ann Papineau	Deborah Hurst	

Retired Service Members In Memoriam

Retired Special Constable
Keith Mitchell

Retired Staff Sergeant
Donald Sampson

Retired Sergeant
Alvin Proctor

Retired Staff Sergeant
Leo Berekoff

Retired Sergeant
Len Skinner

Retired Constable
David Doidge

Retired Sergeant
Neil Lester

Retired Sergeant
Paul Linton

Retired Constable
Leo Lepage

Retired Constable
Norm Lesperance

COST OF POLICING

2021 BUDGET AT A GLANCE

Approved Net Budget	\$93,932,409
Actual Revenues	
Grants	\$7,719,064
Permits, Fees, Charges	\$606,598
Recovery of Expenses	\$9,868,488
Other Miscellaneous Revenue	\$664,114
Total Actual Revenues	\$18,858,264
Actual Expenditures	
Minor Capitol	\$5,113,639
Operating & Maintenance	\$2,012,620
Purchased Services	\$4,009,281
Salaries & Benefits	\$95,709,343
Transfers to Reserve Funds	\$3,269,096
Utilities, Insurance, Taxes	\$1,145,982
Total Actual Expenditures	\$111,259,961
Net Surplus	\$1,530,712

GRANTS RECEIVED IN 2021

Community Safety & Policing - Local	\$1,421,654
Community Safety & Policing - Provincial	\$80,275
Internet Child Exploitation	\$275,985
Civil Remedies	\$34,076
Proceeds of Crime - Guns and Gangs	\$100,000
Proceeds of Crime - Technical Cooperative	\$88,962
Reduce Impaired Driving Enforcement	\$42,977
Federal Internet Child Exploitation	\$105,821
Ontario's Strategy to End Human Trafficking	\$17,400
Total Grants Received	\$2,167,150
Court Security and Prisoner Transportation Program	\$5,551,914
Total Grants and Uploads	\$7,719,064

2021 CAPITAL PROJECTS (BUDGET)

Police Fleet Replacement/Refurbishment	\$1,268,000
Other Capital Projects	\$2,296,000
Total Capital Budget	\$3,564,000

TOTAL ACTUAL
REVENUES
\$18,858,264

TOTAL ACTUAL
EXPENDITURES
\$111,259,961

TOTAL GRANTS
AND UPLOADS
\$7,719,064

PROFESSIONALISM IN POLICING

106

LETTERS OF APPRECIATION FOR OVER 191 OFFICERS AND 25 CIVILIANS



4

COMMENDATIONS/ INTERNAL RECOGNITIONS FOR 36 OFFICERS AND 0 CIVILIANS



A Job Well Done

2021 NEW COMPLAINTS RECEIVED

Public Complaints	110
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2021 DISPOSITION OF PUBLIC COMPLAINTS

Customer Service Resolution	5
Screened Out	57
Screened In	48

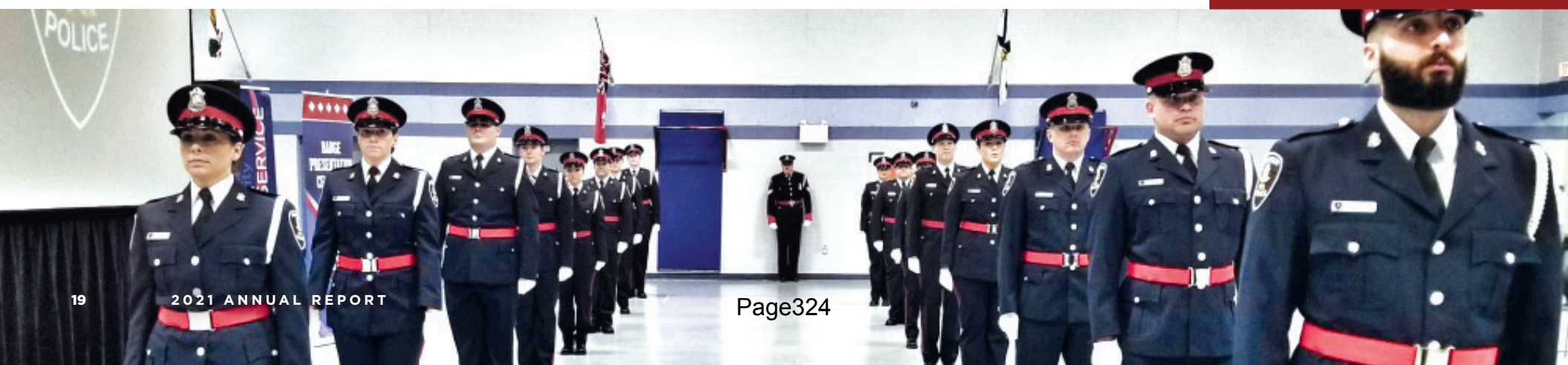
Dispositions reflect the complaints dealt with over the course of the year. May be disseminated from previous years.



I wanted to let you know that you have wonderful officers on your hands, who go above and beyond to get the job done."

"I would like to thank Windsor Police Service for their professionalism and understanding, we are very fortunate to be blessed with these officers and thanks again for your service.

- Citizens of Windsor



Ontario regulations require every Police Services Board to prepare and adopt a Strategic Plan for the provision of policing for the communities for which it is responsible. This plan must layout the objectives, priorities and core functions of the police service. The purpose of this Strategic Plan is to identify how the Windsor Police Service will continue to provide adequate and effective policing in accordance with the needs of the diverse communities we serve in the City of Windsor and the Town of Amherstburg. Further, the Plan outlines a path forward for the Service to ensure responsiveness and continuous improvement in service delivery in order to adapt to changes in the policing environment. The Plan also serves as a guide to the members of the Windsor Police Service who work diligently towards the achievement of the organizational goals identified herein.

How does the Windsor Police Service Strategic Plan relate to our Vision, Mission and Values?

The Windsor Police Service is vision inspired, mission focused and values driven.

In addition to numerous internal and external consultations, the Vision, Mission and Values of the Service were foundational to the development of the Strategic Plan as well. The priorities and organizational goals detailed in the 2020-2022 Strategic Plan are intended to guide every member of the Windsor Police Service as we work in service of our community. Each of the nine goals contained in the Strategic Plan seeks to achieve a desired outcome directly related to the achievement of the overall mission of the Windsor Police Service. Resources and efforts will be focused on achieving the outcomes being sought from each goal. Performance indicators will gauge our progress as we work to achieve our vision for community safety. To summarize, the top priorities identified in our Strategic Plan directly align with and enable our Vision, Mission and Values: We are driven by our values and our principles. Our people are inspired by our vision for the future. We are focused on performance as we work to achieve our mission.

Work will commence in 2022 to update the WPS Strategic Plan for the next planning cycle from 2023 to 2025.



STRATEGIC PLAN

OUR STRATEGIC PRIORITIES



Our Principles



Our People



Our Performance

Our Organizational Goals

GOAL 1.1

Promote Community Trust & Support



GOAL 1.2

Strive for Equity, Diversity & Inclusion in Delivery of Policing Services



GOAL 1.3

Pursue Community Partnerships & Regional Collaboration

GOAL 2.1

Recruit & Develop an Effective & Diverse Workforce



GOAL 2.2

Provide a Responsive, Fair & Inclusive Workplace



GOAL 2.3

Foster Wellness & Resilience

GOAL 3.1

Provide Responsive & Effective Service Delivery



GOAL 3.2

Enhance Safety, and Reduce Victimization & Loss



GOAL 3.3

Pursue Continuous Improvement & Innovation

STRATEGIC PLAN PROGRESS

Strategic Priority: Our Principles

GOAL 1.1	GOAL 1.2	GOAL 1.3
<p align="center">Promote Community Trust and Support</p>	<p align="center">Strive for Equity, Diversity and Inclusion in Delivery of Policing Services</p>	<p align="center">Pursue Community Partnerships and Regional Collaboration</p>
Desired Outcome:		
<p>To increase trust and satisfaction levels as experienced and reported by community stakeholders.</p>	<p>To ensure that the policing services we provide are delivered in a fair and inclusive manner and are, to the maximum extent possible, free of prejudice and bias.</p>	<p>To improve community safety and maximize the efficiency of service delivery for the WPS and the agencies and communities with whom we partner.</p>
Actions Taken & Goal Progress:		
<ul style="list-style-type: none"> • Short list of committee members submitted for Youth Community Consultative Committee selection panel • Launched community engagement initiative “Project Deedket” during Crime Prevention Week 2021; this partnership with local fast-food chains saw Community Services officers distributing meal coupons for citizens engaging in acts of community kindness • Implemented the WPS “Virtual Cop” Community Outreach Program to mitigate cancellation of in-person activities due to COVID restrictions; efforts included virtual VIP and Anti-Bullying programs for schools, recruitment events, and engagement with the Multicultural Council and New Canadian Centre of Excellence • Community outreach and youth engagement via modified annual Camp Brombal week • Formed and commenced meetings of Community Consultative Group to provide recommendations to WPS leadership for evaluation/implementation • Continued implementation of enhanced information security policies and operational/ business continuity best practices 	<ul style="list-style-type: none"> • Implemented “Project Unite” in which Community Services officers delivered presentations in the community and to WPS officers on the impact of racism and unconscious bias • Procured and engaged external Equity, Diversity and Inclusion (EDI) Consultant • WPS EDI Coordinator worked with EDI Consultant to draft the WPS EDI Strategy for action in 2022 • Continued collection and reporting of race-based data in Use of Force Reports 	<ul style="list-style-type: none"> • Conducted numerous place-based crime and disorder prevention strategies; these partnerships included neighbourhood safety walks, physical safety design audits and community meetings to outline principles of Crime Prevention Through Environmental Design (CPTED) • Implemented agreement with the LaSalle Police Service for the provision of a Shared Multi-jurisdictional Versaterm Records Management System (RMS) including Computer Aided Dispatch (CAD) and mobile policing software and equipment • Shared Backup Data Centre fully operational for WPS in partnership with Windsor Fire & Rescue Services, and Corporation of the City of Windsor • Process on-going for renewal of Windsor Radio System Sharing Agreement with Canada Border Services Agency (CBSA) • Implemented numerous ongoing Joint Forces Operations agreements, including BEST, ROPE, Cannabis Enforcement and Provincial Weapons Enforcement Unit • Achieved significant cost reductions by implementing a Shared Training Centre CCTV System with Department of National Defence and Corporation of the City of Windsor for the Major FA Tilston Armoury & Police Training Centre • Partnered with City of Windsor to win grant funding to modernize the City’s Traffic Camera Network to enhance community and traffic safety • Engaged in continued partnership with Windsor-Essex Community Opioid Substance Strategy (WECOSS)

STRATEGIC PLAN PROGRESS

Strategic Priority: Our People

GOAL 2.1

Recruit and Develop an Effective and Diverse Workforce

Our organization is comprised of employees who are reflective of the community we serve, and our members have the skills and training needed to be responsive to the diverse needs of all citizens.

- Virtual Recruitment sessions were held at the University of Windsor and St. Clair College; Recruitment video, brochures and 519 CONNECT podcast was launched to connect with community members and assist with recruitment during COVID related restrictions
- Procured and engaged external Equity, Diversity and Inclusion (EDI) Consultant
- WPS EDI Coordinator worked with EDI Consultant to draft the WPS EDI Strategy for action in 2022 regarding external EDI strategies related to recruitment
- Continued ongoing initiative to expand issued technology and communications equipment to all WPS members as required

GOAL 2.2

Provide a Responsive, Fair and Inclusive Workplace

Our organization has open lines of communication, is responsive to the diverse needs of our employees, and treats every member with fairness, integrity and respect; our members act and feel like they are part of a team, and are engaged and committed to shared organizational values and goals.

- Delivered results of 2020 WPS Employee Consultation Survey (Internal Survey, Year One Baseline)
- Conducted first “Virtual Town Hall” for WPS employees including Q & A with Chief and Senior Leadership Team
- Created Employee Engagement Committee and Patrol Working Group to enhance internal communication and recognition processes
- Procured and engaged Communications Consultant; communications work plan drafted and implementation of recommendations to follow in early 2022
- Procured and engaged Equity, Diversity and Inclusion (EDI) Consultant
- WPS EDI Coordinator worked with EDI Consultant to draft the WPS EDI Strategy for action in 2022 regarding internal EDI action plan
- Procured and engaged third-party Human Resources Consultant; the evaluation of current promotional process and competency assessments is underway
- Updated internal policies including:
 - Employee Accommodation Directive
 - Workplace Violence, Harassment, and Sexual Harassment

GOAL 2.3

Foster Wellness and Resilience

Our members trust that they will be treated with compassion and integrity, and that their employer values and supports them by working together to mitigate the physical and mental demands of their work.

- WPS Health and Wellness Coordinator developed a formalized WPS Wellness Strategy for final approval and implementation in early 2022
- Implemented PeerConnect Employee Wellness App
- Several in-person wellness programs and training deferred due to COVID restrictions
- Provided enhanced online training for officers and new employees that includes mental health self-awareness for first responders training, police ethics and accountability training, cybersecurity training, customer service in the policing environment, human rights training, respectful workplace training, and Violence/Harassment/Sexual Harassment training

STRATEGIC PLAN PROGRESS

Strategic Priority: Our Performance

GOAL 3.1

Provide Responsive and Effective Service Delivery

The WPS effectively responds to the needs and expectations of the citizens we serve; as those needs and expectations change, our organization changes and adapts service delivery as required.

GOAL 3.2

Enhance Safety, Reduce Victimization and Loss

The WPS effectively responds to the needs and expectations of the citizens we serve; as those needs and expectations change, our organization changes and adapts service delivery as required.

GOAL 3.3

Pursue Continuous Improvement and Innovation

The WPS leverages technology and information systems to inform decision-making and optimize resource allocations and measure the impact of changes; new service delivery models are explored to adapt to changing environments.

Desired Outcome:

Actions Taken & Goal Progress:

- Implemented the Mobile Crisis Rapid Response Team (MCRRT) to supplement and enhance the existing COAST Program (an alternative mental health response strategy). These initiatives work toward the goal of reduced Person In Crisis (PIC) interactions and enhanced service provision that is safer and better optimizes resource allocation, as more officers will be able to resume general law enforcement duties and proactive patrol.
- Ensured ongoing assessment of required service-delivery and staffing models (including remote work, physical distancing, PPE stock) to ensure operational continuity of policing services as demands of pandemic response changed
- Procured required call handling infrastructure (for primary and backup E911 Centres) in advance of mandated transition to Next Generation 9-1-1 (NG911) Systems

- Active Transportation School Safety Initiative: A pilot study comprised of six elementary schools located throughout the Windsor-Essex region is ongoing, with results to be finalized in the Spring of 2022. WPS is an active partner in this study. Pending study results, the program is anticipated to be expanded to all schools, commencing in the Fall of 2022.
- In person attendance for the "Update the Safety Village" initiative was impacted by COVID restrictions - virtual presentations created in collaboration with the Safety Village.
- Community Mobilization & Engagement initiative was implemented via deployment of Community Services Officers through neighbourhood patrols including discussions of crime prevention strategies with community members.
- Partnered with City of Windsor to procure grant funding to modernize the City's Traffic Camera Network to enhance community and traffic safety
- Enhanced Human Trafficking & Firearms Enforcement: Grant funding secured and funds fully expended; enforcement activities have been actively on going throughout the grant period. Expanded grant funding requests made for 2022-2023.
- Secured provincial grant funding to implement the "WPS CARES" Program (Windsor Police Service, Community Accessible Resource Education Support): This program improves efficiency and improves the assistance provided to victims of crime through the use of technology; smart television, website and videos in multi-languages that provides information to and about community partners for victims. These tools, along with enhanced interview environments minimize trauma to victims by enhancing recovery and providing resources available to support them

- Implemented a Patrol Continuous Improvement Working Group (PCIWG) to pursue a mandate to assess and implement a program of projects and initiatives designed to improve the efficiency and effectiveness of the Patrol Response services provided by the WPS. The working group engages broad group of employees from across the organization to improve the work environment and the services provided by the WPS
- Continued to develop and enhance data analytics solutions to measure response times, referrals to social service agencies, opioid/overdose incident tracking, impact of mental health calls for service (including police/hospital transition times)
- Completed implementation of the service-wide Digital Evidence Management System (DEMS) across the WPS, including Axon Capture, Axon Citizen and Axon Evidence subsystems; work pending in early 2022 for Interview Room integration with the Axon DEMS system

2021 STRATEGIC PLAN HIGHLIGHTS

The following are some of the major organizational milestones and strategic level initiatives that were implemented in 2021 in pursuit of the Organizational Goals outlined in the 2020 - 2022 WPS Strategic Plan:



Mobile Crisis Rapid Response Team (MCRRT)

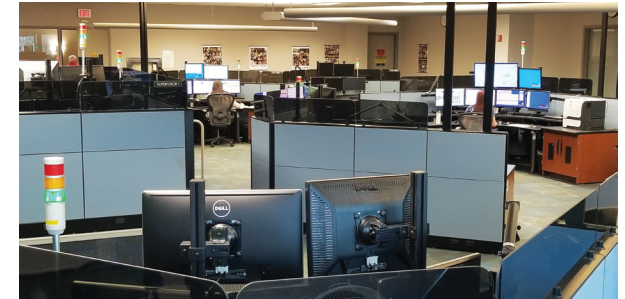
In accordance with the Service's goal to ensure responsive and effective service delivery, in April 2021, the WPS partnered with Hotel-Dieu Grace Healthcare (HDGH) to form a Mobile Crisis Rapid Response Team (MCRRT). The pairing of a mental health professional (social worker) with a WPS officer trained in Crisis Intervention Techniques (CIT), effectively allocates the available community resources to persons in crisis. The addition of a MCRRT shows the evolution of change and the adaptability of the WPS to meet the needs and expectations of our community, specifically as it relates to frontline police response to persons in crisis.



WPS CARES Program

The WPS Cares (Community Accessible Resource Education Support) is a Provincial Grant funded initiative that aligns with the Service's goal of enhancing safety, and reducing victimization & loss. Specifically, this program is aimed at expanding existing community partnerships, with the assistance of technology for victims of crimes, particularly Intimate Partner Violence. Informative videos, offered in numerous languages, are being utilized to provide resource information to victims, specific to each community agency.

This initiative not only assists some of our communities' most vulnerable victims, it strengthens our partnerships with community agencies as well. Its unique approach is an out of the box idea developed by one of our Sergeants that is engaging and innovative. A new soft interview room at WPS HQ also accompanies the videos, to ensure a comfortable atmosphere for victims



Regional Information Sharing Collaboration

In 2021, the Windsor Police Service and the LaSalle Police Service implemented several shared multi-jurisdictional information technology systems. This is a transformational regional collaboration and information sharing initiative, where police data for three municipalities - the City of Windsor, the Town of Amherstburg, and the Town of LaSalle - are now managed and shared on the same information technology systems.

2021 STRATEGIC PLAN HIGHLIGHTS



Multi-jurisdictional Homicide Investigation

This matter commenced as a Missing Person investigation. Thorough attempts to locate the Missing Person were made, without success. Approximately two months after the initial report, the Missing Person's remains were located by members of the Walpole Island community.

The Windsor Police Service and Ontario Provincial Police conducted a multi-jurisdictional Homicide investigation, which resulted in the execution of Search warrants and Production Orders in several communities across the Province. Ultimately, several parties were identified, arrested and charged for their respective roles in the Homicide.



Information Security, Technology & Business Continuity Investments

In 2021, the WPS's first geo-diverse, secondary data centre was completed and is operational. The WPS provides policing and 911 services that are vital for the community, which rely heavily on technology and electronic information. This implementation is a significant risk mitigation accomplishment that provides a level of information security and resiliency appropriate for WPS's critical operations.

Numerous other significant information and communications technology investments were made in 2021; these included radio communications hardware and infrastructure replacements as well as traffic camera and phone system upgrades. These strategic investments totaled over \$5 million dollars in procurements that were planned, budgeted and funded from a variety of sources, including provincial grant funding. These investments demonstrate the Service's commitment to information security as well as ensuring officers have access to the tools required for effective service-delivery into the future.



Digital Evidence Management System (DEMS) Implementation

The WPS, like all police services, is dealing with exponential growth in the availability of digital evidence (digital pictures, videos, audio, and related digital files). While every police service is working toward digital evidence solutions, WPS became one of the first police services in Ontario to substantially complete an implementation of an enterprise digital evidence management system (DEMS) across the entire service, including full integration with the provincial and federal crown attorneys. In addition to the core system, which provides extensive functionality and efficiencies to centrally manage the constantly increasing volume of digital evidence, all WPS officers can now capture pictures, videos and audio, in the field, directly to their smartphones and securely and immediately upload that evidence to the WPS enterprise digital evidence management system. Also, from their smartphones, officers can send a secure upload link to a member of the public, via text or email, so the witness/victim/complainant can securely upload their digital evidence directly to the WPS enterprise digital evidence management system. This project not only improves operational speed and efficiencies, it allows WPS to interact with the public in a modern and efficient manner.

FIVE YEAR SUMMARY

	2017	2018	2019	2020	2021		2017	2018	2019	2020	2021
Motor Vehicle Accidents (MVA)	5503	5246	6106	4454	4374	Crimes Against Person Violations					
MVA Non - Reportable	75	72	156	317	224	Total	2,166	2,454	2,468	2,858	2,700
MVA - Injury	1109	1264	1161	1025	1015	Crimes Against Property Violations					
MVA - Fatal	11	10	9	5	6	Total	10,433	12,930	12,641	10,480	11,052
Provincial Offence Notices Issued	16441	17824	26748	19524	16502	Total Other Criminal Code Violations					
Traffic Unit	11577	11172	15654	11226	7173	Total	2,675	3,029	3,240	2,513	2,628
Suspended Drivers	638	654	793	329	623	Total Criminal Code					
Prohibited Drivers	33	35	34	68	43	Total	15,274	18,413	18,349	15,851	16,380
Bus Watch Letters Sent	53	37	38	18	3	Youth Crime Related Stats					
Road Watch Letters Sent	140	133	26	8	23	Total Young Persons Committing Violent Crime	141	158	172	146	115
RIDE Statistics						Total Young Persons Committing Property Crime	115	131	114	76	43
Vehicles Stopped	3784	8600	7837	4847	8433	Total Young Persons Committing Other Crime	42	53	58	52	49
Suspensions Issued	14	14	44	13	12	Total Young Persons Committing Drug Crime	22	16	4	15	16
Impaired/80 mg or more	6	10	16	10	7	Total Youths in all Offence Category	320	358	348	289	223
Other Criminal Charges	7	2	0	10	8	Complement					
Roadside Tests	54	54	112	235	72	Police Officers (Sworn)	433	444	490	501	501
Liquor Licence and Control Act (LLCA)	0	0	3	1	8	Civilians	140	142	147	150	153
Workload						Cadets	21	18	21	14*	19*
Calls for Service	104,091	110,272	125,019	116,217	124,114	Total	594	604	658	665	673
Calls to 9-1-1	27,296	31,289	33,647	32,504	35,926						

*Indicates the number of new cadets hired in the year.
Authorized complement for 2020 is 5

HONOUR IN SERVICE

WINDSOR POLICE SERVICE

P.O. Box 60
150 Goyeau St.
Windsor, ON N9A 6J5
(519) 255-6700
info@windsorpolice.ca

windsorpolice.ca

WPS Facebook: @Windsor.Police.Service

WPS Twitter: @WindsorPolice

WPS Instagram: @WindsorPolice

WPS Youtube: WindsorPolice

Amherstburg Facebook: @WPS.Amherstburg

Amherstburg Twitter: @WPS_Amherstburg



Jun 13, 2022

Municipal Councils of Ontario

Subject: The Retention of Professional Engineers at Ontario Municipalities

The purpose of this letter is to stress the importance that municipal engineers play in the successful operation of cities, counties, towns, and townships across Ontario.

The Municipal Engineers Association (MEA) is a non-profit association representing the municipal engineering field in Ontario. We have a membership base of over 1,000 municipal engineers across Ontario who are employed as professional engineers at Ontario municipalities and other provincial agencies serving in the engineering/public works field.

We advocate for sustainable municipal infrastructure practices and our members provide significant input into the development of processes, standards, and specifications for use in municipal infrastructure systems such as drinking water delivery, wastewater collection and treatment, storm water management, waste management and transportation systems.

The MEA has been the proponent for the *Municipal Class Environmental Assessment* process since the mid-1980s. We are also a co-proponent of *Ontario Provincial Standards & Specifications* that many Ontario municipalities use when planning for and tendering municipal engineering projects.

There are a number of examples in various current legislation, where the use of a professional engineer is referenced. Key tasks include roles in transportation, natural resources, health and safety, consumer services, environment, tourism, agriculture, climate change, and energy. It is essential that municipalities consider the appointment of professional engineers, especially within the areas of engineering and public works, to afford municipal councils the appropriate due diligence toward public safety. Unfortunately, we are observing a concerning trend where this is no longer the case.

Professional engineers, through education and practical experience requirements, have the knowledge and foresight to not only understand the 'how' of an issue, but also understand the 'why' behind issues as well. Professional engineers are licensed to practice in Ontario through the *Professional Engineers Act* and are bound by statutory accountabilities, which includes a code of ethics. Under this code, professional engineers are required to act at all times with fidelity to public needs; professional engineers regard their duty to public welfare and safety as paramount.

Professional engineers also provide significant value to municipalities through their understanding of risk management, which assists in lowering exposure to claims against a municipality. With insurance premiums rising every year, it is prudent that municipalities appoint a professional engineer to guide these decision-making processes.

As of December 31, 2019, there were 57,134 practicing professional engineers licensed and practicing in the Province of Ontario. Of this number, only 136 professional engineers work for municipalities with a population of 50,000 or less. This represents only 0.2% of licensed and practicing Ontario Professional Engineers being employed by Ontario municipalities serving populations of less than 50,000. Many of these smaller municipalities have a Public Works/Engineering Department head and would benefit by appointing a Professional Engineer.

The vast majority of professional engineers working at Ontario municipalities are employed by larger urban centres having a population greater than 50,000.

For smaller municipalities that do not have the financial resources to employ a full-time professional engineer on their staff, the MEA recommends the appointment of a professional engineer through a licensed consulting firm so that your municipality may meet the needs only a professional engineer can provide.

We would also like to take this opportunity to promote membership in the MEA. There are Ontario municipalities that currently do not have representation in the MEA. If you have a professional engineer(s) on staff and they are not MEA members, we encourage your municipality to have them apply. The MEA offers members access to knowledge, learning and the ability to stay up to date with current industry practices. It truly is great value for a very nominal fee.

On behalf of the MEA, we thank you for taking time to review this letter. Should you have any questions, please reach out to the MEA's Executive Director, Dan Cozzi, P. Eng. at dan.cozzi@municipalengineers.on.ca.

Yours sincerely,



**Jason Cole, P. Eng.,
MEA President 2021 - 2022**

June 10, 2022

Dear Amherstburg members of council:

I am a registered nurse and I live in Harrow. I am writing because as a front-line healthcare provider I am witnessing the collapse of our health-care system as staff working and serving our local community are overworked and burning out.

Nurses and health-care professionals have been working tirelessly throughout the COVID-19 pandemic, and before, to provide the care that Ontarians need, including in our local community. We have sacrificed our own physical and mental health to continue to work through five waves of the pandemic, often in unsafe working conditions.

Despite this, we are unable to receive the compensation we deserve because of the provincial government's Bill 124. This legislation suppresses our wages to one per cent for each of three years and prevents us from using our collective bargaining rights to negotiate for our salaries to be kept in line with inflation. This Bill has translated into a wage cut as inflation is close to five per cent.

Decades of underfunding and cuts to health care have pushed nurses and health-care professionals to the brink. Now, the pandemic – combined with Bill 124– has been the breaking point for many nurses and health-care professionals. They are suffering and leaving the profession. The recent election results have exacerbated this situation. This bill needs to be repealed.

That's why I am asking you to table the attached motion at the next Council meeting and send a clear message to Premier Ford that Amherstburg respects and values nurses and health-care workers. This is a critical measure to retain experienced nurses and health-care professionals to ensure that there are enough of us to provide the care that our patients – your local constituents – require and deserve.

I would be happy to provide more information and will look forward to hearing from you detail about when Council will vote on this very important issue for your constituents.

Sincerely,

Jo-Dee Brown Reg. N.
Local 8 Political Action Lead

Cc: Susan Sommerdyk, Local Coordinator
Erica Woods, ONA



MEDIA RELEASE

Ontario Nurses' Association

Multiple Ontario Municipalities Calling on Ford Government to Repeal Bill 124

Town Councils in Malahide, Aylmer, vote to support nurses and health-care professionals

TORONTO, ON, April 21, 2022 – The Township Council of Malahide is just one of several Ontario municipalities that has called on the Ontario government to recognize the severity of the health human resources crisis in Ontario and take urgent action to recruit and retain skilled, experienced nurses and health-care professionals by repealing Bill 124.

Since its introduction by the Ford government in 2019, Bill 124 has unfairly suppressed the wages of nurses and health-care professionals at a time when their skills are needed more than ever. Chronic shortages of nurses and health-care professionals in hospitals, clinical settings, long-term care, and health care are leading to burnout and overwork as the pandemic continues to take a toll. The Bill prevents these public-sector workers from freely negotiating a collective agreement and holds their total wage and benefits increase to one per cent for each of three years.

“Nurses and health-care professionals have been working tirelessly throughout the COVID-19 pandemic, and before, to provide the care that Ontarians need, including in our local community,” says Marylee Lee, the registered nurse who raised the issue with her local Council. “It is heartening that the Malahide and Aylmer Councils are standing in solidarity with nurses and health-care professionals as we call on Premier Ford to repeal Bill 124 and treat us with respect. I hope other municipalities will follow their lead. Rural health-care organizations are also feeling the stress of the nursing shortage and repealing Bill 124 would go a long way in improving public, quality health care in our communities for the years ahead.”

Malahide Council voted to call for the repeal of Bill 124 on April 7; Aylmer Council passed a similar motion on April 20. A motion was received by the St Thomas City Council meeting on April 19. Penetanguishene Council has passed a motion to call for the repeal of the Bill.

“Our members have been on the frontlines day after day, year after year during this pandemic,” says Cathryn Hoy, RN, President of the Ontario Nurses' Association. “In passing this motion calling on the province to repeal Bill 124, the governments of Malahide and Aylmer and other municipalities are standing up for nurses and health-care professionals and saying ‘yes, these members of our community deserve to be paid fairly for their work and sacrifices.’”

ONA is the union representing more than 68,000 registered nurses and health-care professionals, as well as more than 18,000 nursing student affiliates, providing care in hospitals, long-term care facilities, public health, the community, clinics and industry.

-30-

To arrange a media interview:

Sheree Bond shereeb@ona.org; cell: 416-986-8240

Katherine Russo katheriner@ona.org; cell: 647-539-1925

Amherstburg - Council Motion on Bill 124

Whereas nurses and health-care professionals are the backbone of our public health-care system and provide essential care to all Ontarians, and more than ever nurses and health-care professionals deserve recognition and reward for their skills and dedication; and

Whereas Ontario is experiencing a health human resources crisis with chronic shortages of nurses and health-care professionals in hospitals, clinical settings, long-term care, home care, and all health care environments; and

Whereas Ontario has the lowest RN-to-population of any province in Canada, and would need to hire 22,000 new nurses to reach the average RN staffing ratio in Canada; and

Whereas burnout and overwork are exacerbating the underlying health human resources crisis and driving nurses and other health-care professionals to leave the sector at an unprecedented rate; and

Whereas Bill 124 unfairly suppresses the wages of nurses and health-care professionals and limits their ability to negotiate freely, and further contributes to the culture of disrespect that is contributing to the staffing crisis. Further, as Bill 124 limits wage increases to a maximum of 1% per year despite growing inflation nurses have effectively seen their wages cut during the COVID-19 pandemic.

Now Therefore Be It Resolved that the Town of Amherstburg calls on the Ontario government to recognize the severity of the health human resources crisis in Ontario and take urgent action to recruit and retain skilled, experienced nurses and health-care professionals; and further

That the Town of Amherstburg calls on the Ontario government to repeal Bill 124, legislation that suppresses the wages of nurses and health-care professionals and prevents collective bargaining to keep up with inflation; and further

That a copy of this Resolution be sent to:

- The Premier of Ontario, the Ontario Minister of Health, and the Ontario Minister of Long-Term Care
- The Leader of the Official Opposition, the Opposition Critic for Health, and the Opposition Critic for Long-Term Care
- All Members of Provincial Parliament representing constituencies in Amherstburg
- The Association of Municipalities of Ontario (AMO) requesting they share with all their member municipalities.



**TOWN OF AMHERSTBURG
HERITAGE COMMITTEE MEETING
ELECTRONIC PARTICIPATION
Thursday, June 16, 2022
5:30 PM**

MINUTES

PRESENT

Simon Chamely, Chair
Shirley Curson-Prue, Vice Chair
Jennie Lajoie
Stephanie Pouget-Papak

Councillor Patricia Simone

Melissa Osborne, Deputy CAO / Director of Development
Services
Angelo Avolio, Chief Building Official
Clint Robertson, Heritage Planner
Kevin Fox, Recording Secretary

ABSENT

Robert Honor (Regrets)

1.0 CALL TO ORDER

The Chair called the meeting to order at 5:40 p.m.

2.0 ROLL CALL

3.0 DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

No disclosures of pecuniary interest were noted.

4.0 LAND ACKNOWLEDGMENT

The following land acknowledgment as read, “We will begin by acknowledging that the land on which we gather is the traditional territory of the Three Fires Confederacy of First Nations (comprising the Ojibway, the Odawa, and the Potawatomie Peoples), and of the Huron-Wendat and Wyandot Peoples. We recognize the land as an expression of gratitude to those whose traditional territory we reside on, and a way of honouring the Indigenous people who have been living and thriving on the land since time immemorial. We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original Peoples of Turtle Island.”

5.0 MINUTES OF THE PREVIOUS MEETING

5.1 Heritage Committee Minutes of April 14, 2022

Moved By S. Curson-Prue

Seconded By J. Lajoie

That the Heritage Committee Meeting Minutes of April 14, 2022 BE ADOPTED as presented.

The Chair put the Motion.

Motion Carried

6.0 DELEGATIONS

6.1 295 George Street Demolition Permit – Matthew Athanasopoulos

Consideration deferred until after item 7.3.

7.0 ORDER OF BUSINESS

7.1 295 George Street Demolition Request of Property of Cultural Heritage Value or Interest

Consideration deferred until after item 7.3.

7.2 Site Plan Proposal for 106 Gore Street

Moved By Councillor Simone

Seconded By J. Lajoie

That the site plan proposal for 106 Gore Street BE ENDORSED in principle.

The Chair put the Motion.

Motion Carried

7.3 Heritage Plaque Options

Moved By S. Pouget-Papak

Seconded By S. Curson-Prue

That:

1. the following six locations BE SELECTED for the purchase of Heritage Designation Plaques:

- 1. 247 Brock Street**
- 2. 7860 County Road 20**
- 3. 483 Dalhousie Street**
- 4. 563 Dalhousie**
- 5. 61 Rankin Street**
- 6. 67 Richmond Street**
- 7. 24 Sandwich Street South**

2. A Heritage Designation Plaque BE PURCHASED for 24 Sandwich Street South in the event of designation of the property.

The Chair put the Motion.

Motion Carried

(Items 6.1 and 7.1 considered at this time)

295 George Street Demolition Request of Property of Cultural Heritage Value or Interest

Moved By J. Lajoie

Seconded By Councillor Simone

That the application for demolition of 295 George Street BE SUPPORTED in accordance with the report from the Chief Building Official dated June 10, 2022 entitled Notice of Intent to Demolish – 295 George Street.

The Chair put the Motion.

Motion Carried

7.4 Addition of Sites to the Heritage Registry

7.5 Property Tax Rebate Application for a Heritage Property

Moved By S. Pouget- Papak

Seconded By J. Lajoie

That the Property Tax Rebate Application for the Lewis Arner Homestead, 6790 County Road 50, BE ENDORSED.

The Chair put the Motion.

Motion Carried

8.0 CORRESPONDENCE

8.1 Community Heritage Ontario Newsletter – Spring 2022

8.2 Marsh Collection “Reflections” 2022 Spring Newsletter

9.0 UNFINISHED BUSINESS

There were no unfinished business items.

10.0 NEW BUSINESS

There were no new business items.

11.0 ADJOURNMENT

Moved By S. Pouget-Papak

Seconded By J. Lajoie

That the Heritage Committee ADJOURN at 6:55 p.m.

The Chair put the Motion.

Motion Carried

Committee Chair
Simon Chamely

Recording Secretary
Kevin Fox

Town of Amherstburg
271 Sandwich Street South
Amherstburg, ON, N9V 2A5
June 10, 2022

Attention: Mayor DiCarlo & Members of Council

Dear Mayor and Members of Council,

Please accept this letter as my notice of intention to demolish the dwelling at 295 George St as required.

This demolition would include the removal of the building and all structures on the lot as I intend to build a new residential building on the property. I will be submitting the design to the building department upon application for permit.

If anything is required on my end please let me know.

Matthew Athan

UNFINISHED BUSINESS LIST

Council Question #	Agenda Item	Assigned To	Description	Meeting Type	Meeting Date	Comments
CQ 20-003	Kingsbridge Subdivision Parkland Conveyance	Heidi Baillargeon, Rita Chappell	<p style="text-align: center;">Resolution # 20200127-033 McArthur/Simone - amended motion That:</p> <p>The amended method of meeting parkland dedication requirements for the full Kingsbridge Subdivision development as outlined in the report from the Manager of Planning dated January 22, 2020 BE APPROVED; The conveyance of Parts 5 and 12 on the draft 12R plan (2.67 hectares) to 1078217 Ontario Limited in exchange for cash in lieu of parkland in the amount of \$66,170 BE APPROVED and the funds BE COMMITTED for use solely at Pat Thrasher Park; Part 6 on the draft 12R Plan (2.02 hectares) BE DESIGNATED as conservation lands and Administration BE DIRECTED to bring related amendment to the Zoning By-law (1999-52 as amended); Administration BE DIRECTED to explore opportunities for future development and upgrades to Pat Thrasher Park in consultation with the Parks and Recreation Advisory Committee and via community engagement.</p>	Regular Council Meeting	1/27/2020	With Administration.
CQ 20-005	NEW BUSINESS	Valerie Critchley, Bill Tetler	<p style="text-align: center;">Resolution # 20200309-096 Prue/Courtney That:</p> <p>1. Administration BE DIRECTED to bring back a report on vacant building registries and to investigate the City of Hamiltons by-law with respect to vacant buildings for discussion; and, 2. Administration BE DIRECTED to bring back a report on an Agent of Change by-law for discussion.</p>	Regular Council Meeting	3/9/2020	Agent of Change Report Complete. See CQ 21-012. Vacant Building registries is under review.

Blue Shaded Items are completed and will be removed next meeting.

Green Shaded Items are actioned to come before council shortly.

UNFINISHED BUSINESS LIST

CQ 20-006	Water Bill Fee - Dennis Richardson	Tiffany Hong	Resolution # 20200713-194 Prue/Renaud That Administration BE DIRECTED to bring back a report with respect to the feasibility of the following: Employee discretion when adding the administrative fee to past due water bills consideration of a 14 day grace period.	Regular Council Meeting	7/13/2020	Report coming to Council in Q2 2022.
CQ 20-009	NEW BUSINESS	Valerie Critchley, Bill Tetler	Resolution #20200914-292 Courtney/Prue That Administration BE DIRECTED to bring back a report regarding regulating Air BnB's.	Regular Council Meeting	9/14/2020	Administration will bring back a report with options.
CQ 20-011	NEW BUSINESS	Melissa Osborne	Resolution # 20200928-309 Prue/Simone That Administration BE DIRECTED to bring a report back regarding the feasibility of a public art dedication fund as a provision in future development agreements.	Regular Council Meeting	9/28/2020	Administration is investigating the feasibility of a public art dedication fund.
CQ 20-014	Easement Documentation and By-law 2020-059 - Nicole Keogh and Mary Canton, Amherst Point Association	Valerie Critchley, Bill Tetler	Resolution # 20201109-358 Prue/Meloche That Administration BE DIRECTED to prepare a report to determine costs and impacts for all Town encroachments and that the report be brought back to Council for consideration.	Regular Council Meeting	11/9/2020	Options will be brought back for consideration.
CQ 21-003	Off-Road Vehicle Use on Amherstburg Roadways	Valerie Critchley, Bill Tetler	Resolution # 20210308-070 McArthur/Simone That Administration BE DIRECTED to consult with the applicants as to the feasibility and desire to allow off-road vehicles on Amherstburg roads knowing that they won't be able to access County roads.	Regular Council Meeting	3/8/2021	Will coordinate a meeting with the Essex County ATV Club

Blue Shaded Items are completed and will be removed next meeting.

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CQ 21-011	Indigenous Peoples Flag Proposal - Linden Crain, Amherstburg Resident	Heidi Baillargeon, Jennifer Ibrahim, Rita Chappell	Resolution # 20210614-190 Prue/Meloche That: The delegation BE RECEIVED; and, Administration BE DIRECTED to convene a meeting with First Nations representatives, both on and off the Reserve, to seek input on an Indigenous flag to be raised in the Town of Amherstburg with the costs to BE INCLUDED in the 2022 Budget.	Regular Council Meeting	6/14/2021	With Administration.
CQ 21-012	Agent of Change Policies	Valerie Critchley, Bill Tetler	Resolution # 20210614-203 Prue/Courtney That Administration BE DIRECTED to prepare a by-law regarding Agent of Change as soon as possible.	Regular Council Meeting	6/14/2021	In Process
CQ 21-014	Amherstburg Environmental Advisory Committee Minutes - June 9, 2021	Heidi Baillargeon, Rita Chappell	Resolution # 20210712-241 Prue/Courtney Administration BE DIRECTED to bring back a report on how the Town can best utilize the trees received by ERCA, outline the costs associated, and outline where the trees can be planted in the Towns parklands.	Regular Council Meeting	7/12/2021	In Process
CQ 21-015	NEW BUSINESS	Heidi Baillargeon, Rita Chappell	Resolution # 20210712-245 Courtney/Prue That Administration BE DIRECTED to prepare another concept of all of H. Murray Smith Park inclusive of greenspace in place of the former ACS building.	Regular Council Meeting	7/12/2021	In Process
CQ 22-04	NEW BUSINESS	Antonietta Giofu	Resolution # 20220214-25 Moved By Councillor Prue Seconded By Councillor Simone That Administration BE DIRECTED to bring a report regarding Torontos Green Standard to see if that initiative is feasible in Amherstburg.	Regular Council Meeting	2/14/2022	Administration is investigating the feasibility of bringing initiative to Amherstburg

Blue Shaded Items are completed and will be removed next meeting.

Green Shaded Items are actioned to come before council shortly.

UNFINISHED BUSINESS LIST

CQ 22-05	Libro Centre Outdoor Turf Upgrade Request - Terry Sawchuk, Jim Jariett, and Vancho Cirvoski, Amherstburg Minor Soccer Association (AMSA)	Terry Fasan, Heidi Baillargeon	Moved By Councillor Prue Seconded By Councillor Courtney That the delegation BE RECEIVED; and, Administration BE DIRECTED to bring back a report outlining the feasibility and costs to accomplish AMSA's outdoor turf upgrade requests.	Regular Council Meeting	3/14/2022	
CQ 22-09	2022 Proclamation - Year of the Garden	Annette Zahaluk, Heidi Baillargeon	Moved By Councillor Renaud Seconded By Councillor McArthur That The Town of Amherstburg PROCLAIM 2022 as the 'Year of the Garden' in celebration of the contribution of gardens and gardening to the development of our country, our municipality and the lives of our citizens in terms of health, quality of life and environmental challenges; June 18, 2022 BE RECOGNIZED as 'Garden Day' in the Town of Amherstburg as a legacy of Canada's Year of the Garden 2022; and, Administration BE DIRECTED to look into award signs for those property owners who partake in the 'Year of the Garden' celebration.	Regular Council Meeting	3/14/2022	
CQ 22-10	Fort Erie Resolution re. Climate Change Action Plan	Antonietta Giofu	Resolution # 20220411-13 Prue/Courtney That Administration BE DIRECTED to review Fort Eries resolution and determine whether the Towns Climate Action Plan could be strengthened by adding Fort Eries recommendations.	Regular Council Meeting	4/11/2022	

Blue Shaded Items are completed and will be removed next meeting.

Green Shaded Items are actioned to come before council shortly.

UNFINISHED BUSINESS LIST

CQ 22-12	Investment in Electric Vehicle Chargers - Ken Morrison, Felicia Cristofaro, and Eric Freeze, Thrive Amherstburg	Melissa Osborne	<p style="text-align: center;">McArthur/Prue Resolution # 20220425-07</p> <p>That \$120,000 BE DEDICATED and BE FUNDED from either reserves or as a pre-commitment to the 2023 Capital Budget, whichever is deemed best by Administration after performing its due diligence, to allow the Town to apply for the available Federal grant which will offset the cost of the charging stations.</p>	Regular Council Meeting	4/25/2022	Will be brought forward with the Year End August 4th
CQ 22-14	Proactive Committee Oversight	Valerie Critchley, Kevin Fox	<p style="text-align: center;">Resolution # 20210222-053 Prue/Simone</p> <p>The report regarding Proactive Committee Oversight BE RECEIVED; and, Administration BE DIRECTED to prepare a report regarding the establishment of a striking committee prior to the end of the current term of Council so that it can be considered at the first meeting of the new term of Council.</p>	Regular Council Meeting	2/22/2022	In Process
CQ 22-15	Request for Approval of Public Art in Downtown Amherstburg - Richard Peddie and Jennifer Matotek	Heidi Baillargeon, Viktorya Paller	<p style="text-align: center;">Resolution # 20220509-02 Prue/McArthur</p> <p>That the delegation BE RECEIVED; and That Administration BE DIRECTED to work with AWE in order to finalize the locations for the art installations and to have the project installed as soon as possible.</p>	Regular Council Meeting	5/9/2022	

Blue Shaded Items are completed and will be removed next meeting.

Green Shaded Items are actioned to come before council shortly.

**CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2022-066**

**By-law to amend Zoning By-law No. 1999-52
E/S Concession 7 (Conc 7, Pt Lot 81), Amherstburg**

WHEREAS By-law 1999-52, as amended, is a land use control by-law regulating the use of lands and the character, location and use of buildings and structures within the Town of Amherstburg;

AND WHEREAS the Council of the Town of Amherstburg deems it appropriate and in the best interest of proper planning to amend By-law 1999-52, as herein provided;

AND WHEREAS this By-law conforms to the Official Plan for the Town of Amherstburg;

NOW THEREFORE the Council of the Corporation of the Town of Amherstburg enacts as follows:

1. Schedule "A", Map 52 of By-law 1999-52, as amended, is hereby amended by changing the zone symbol on those lands shown as "Zone Change from A to A-36" on Schedule "A" attached hereto and forming part of this By-law from "Agricultural (A) Zone" to "Special Provision Agricultural (A-36) Zone".
2. THIS By-law shall take effect from the date of passage by Council and shall come into force in accordance with Sections 34 of the Planning Act, R.S.O. 1990, c.P. 13.

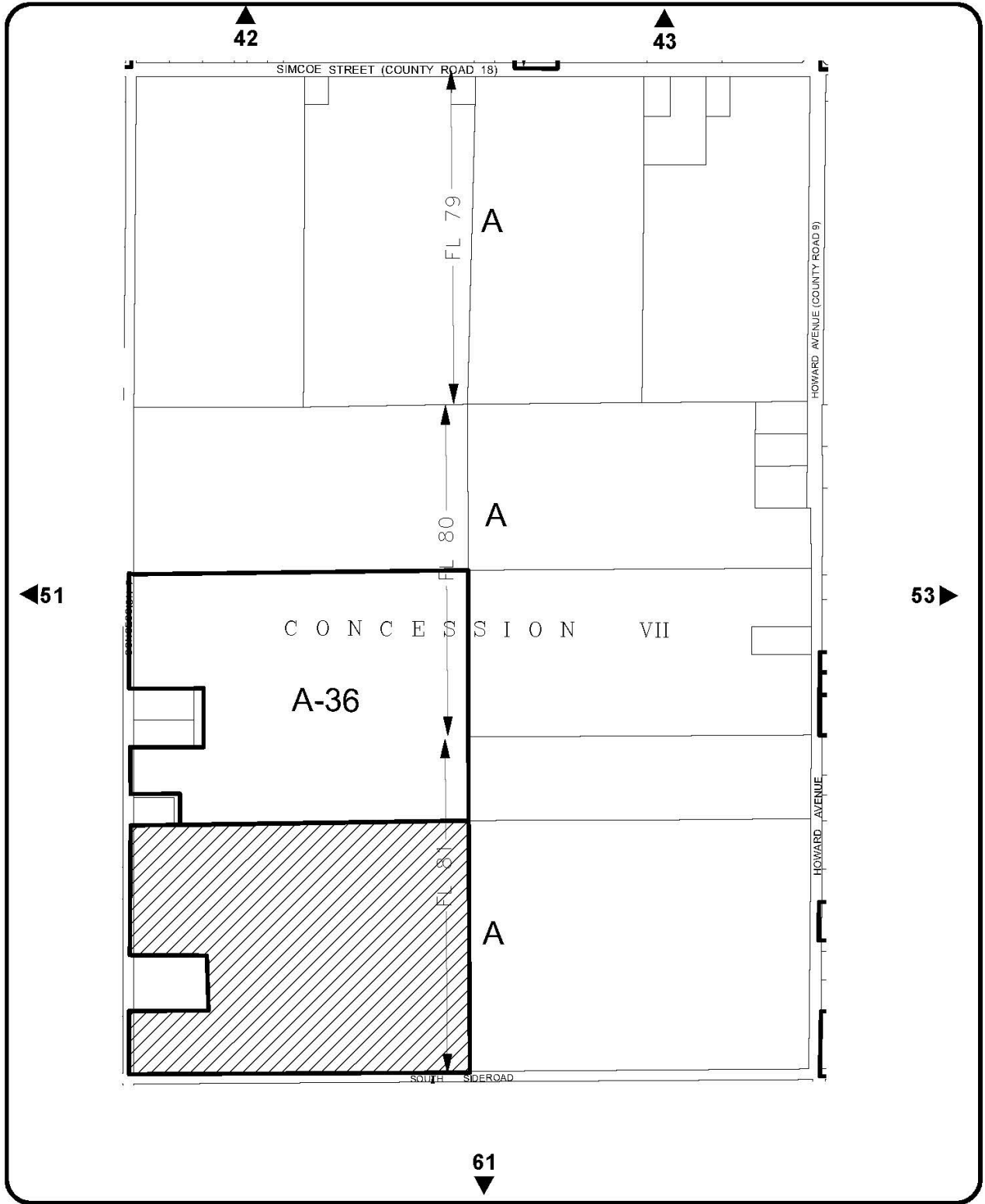
Read a first, second and third time and finally passed this 27th day of June, 2022.

MAYOR- ALDO DICARLO


CLERK- VALERIE CRITCHLEY

TOWN OF AMHERSTBURG

SCHEDULE "A" TO BY-LAW No. 2022-066
A BY-LAW TO AMEND BY-LAW No. 1999-52



SCHEDULE 'A'
MAP 52
ZONING BY-LAW NO. 1999-52

A to A-36 

MAYOR- ALDO DICARLO

CLERK- VALERIE CRITCHLEY

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2022-078

**By-law to Confirm the Proceedings of the Council
of the Corporation of the Town of Amherstburg**

WHEREAS pursuant to Section 5(1) of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, the powers of a municipality shall be exercised by its Council;

WHEREAS pursuant to Section 5(3) of the Municipal Act, 2001, S.O. 2001, c.25 as amended, a municipal power, including a municipality's capacity rights, powers and privileges under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25 as amended, shall be exercised by By-law unless the municipality is specifically authorized to do otherwise;

WHEREAS it is deemed expedient that a By-law be passed to authorize the execution of agreements and other documents and that the Proceedings of the Council of the Corporation of the Town of Amherstburg at its meeting be confirmed and adopted by By-law; and,

NOW THEREFORE the Council of the Corporation of the Town of Amherstburg hereby enacts as follows:

1. THAT the action(s) of the Council of the Corporation of the Town of Amherstburg in respect of all recommendations in reports and minutes of committees, all motions and resolutions and all actions passed and taken by the Council of the Corporation of the Town of Amherstburg, documents and transactions entered into during the June 8th and 27th, 2022, meetings of Council, are hereby adopted and confirmed, as if the same were expressly contained in this By-law;
2. THAT the Mayor and proper officials of the Corporation of the Town of Amherstburg are hereby authorized and directed to do all things necessary to give effect to the action(s) of the Council of the Corporation of the Town of Amherstburg during the said meetings referred to in paragraph 1 of this By-law;
3. THAT the Mayor and Clerk are hereby authorized and directed to execute all documents necessary to the action taken by this Council as described in Section 1 of this By-law and to affix the Corporate Seal of the Corporation of the Town of Amherstburg to all documents referred to in said paragraph 1.

Read a first, second and third time and finally passed this 27th day of June, 2022.

MAYOR – Aldo DiCarlo

CLERK – Valerie Critchley