



## TOWN OF AMHERSTBURG REGULAR COUNCIL MEETING

### AGENDA

View Livestream at the time of the proceedings at  
<https://www.amherstburg.ca/livestream>

Tuesday, April 11, 2023

6:00 PM

Council Chambers

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

For information pertaining to this agenda or to arrange for any additional accessibility needs please contact the Clerk's Division at [clerk@amherstburg.ca](mailto:clerk@amherstburg.ca).

Information will be gathered in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). All comments and communications received will become part of the public record unless you expressly request the Town to remove it. If you want to learn more about why and how the Town collects your information, write to the Town Clerk's Office, 271 Sandwich Street South, Amherstburg, ON N9V 2A5 or call 519-736-0012.

---

Pages

1. CALL TO ORDER
2. NATIONAL ANTHEM
3. ROLL CALL
4. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

*(Public Council Meeting Agenda Items)*

## 5. 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.

## 6. 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:

6.1 Regular Council Meeting Minutes of December 5, 2022 9

## 7. PRESENTATIONS

7.1 Essex Power Corporation Presentation - Joe Barile, Vice President of Regulatory and Corporate Affairs, Essex Power Corporation 26

That the presentation **BE RECEIVED**.

## 8. REPORTS – CORPORATE SERVICES

8.1 Final Tax Rating By-Law 2023-040 45

It is recommended that:

1. By-law 2023-040 being a by-law to set and levy the rates of taxation for the year 2023, be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

## 9. REPORTS - PARKS, RECREATION, FACILITIES AND CULTURE

### 9.1 Revision to Recreation Rental Rates for Minor Sports Organizations

53

It is recommended that:

1. In accordance with the staff recommendation in the report of April 11, 2023, Council **DIRECT** Administration to proceed with the revision of the User Fee Schedule for 2023, with the rates indicated below prior to the opening 2023/24 season for local minor sports associations:
  - a. The Prime Time ice rental rates for local minor sports associations be reduced from \$205.00/hour to \$201.96/hour (a 2% increase over 2022).
  - b. The Non-Prime Time ice rental rates for local minor sports associations be reduced from \$180.00/hour to \$110.00/hour.
  - c. The \$8 surcharge for all minor sports organizations for 2023 be reduced back to \$7/hour.
  - d. The dedicated office space fee be reduced to \$5.60/square foot rather than \$12.00/square foot; and,
2. By-law 2023-057, being a By-law to establish User Fees or Charges for Services, Activities or the Use of Property be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

## 10. REPORTS - INFRASTRUCTURE SERVICES

*There are no reports.*

## 11. REPORTS - PLANNING AND DEVELOPMENT SERVICES

### 11.1 Mulberry Court Subdivision Street Name Request

69

It is recommended that:

1. The proposed street name Mulberry Court for Street A of the Mulberry Court Subdivision **BE APPROVED**.

**11.2 Suitability for Development on a Private Septic System on Front Rd N, County Road 20 and Concession 2 N** 99

It is recommended that:

1. The development of one lot on Front Road North (severed from 2113 Front Rd N), one lot on County Road 20 (severed off a farm parcel on the west side of Concession 6 S) and one lot on Concession 2 N (severed from 580 Middle Sideroad) on a private septic system, **BE APPROVED**.

**11.3 Zoning By-law Amendment for Part of 551 McLeod Ave** 118

It is recommended that:

1. **By-law 2023-037** being a by-law to amend Zoning By-law No. 1999-52, to amend the zoning for the subject lands which are part of 551 McLeod Avenue, be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

**11.4 Zoning By-law Amendment for Lands on the West Side of Crystal Bay Drive** 148

It is recommended that:

1. **By-law 2023-036** being a by-law to amend Zoning By-law No. 1999-52, to amend the zoning for the subject lands known as the west side of Crystal Bay Drive be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same;
2. The execution of a Consent Agreement with Terry Ernie Hermiston and Michelle Margaret Rennie and Boblo Developments Inc. associated with Zoning By-law Amendment File No. ZBA/04/23 inclusive **BE APPROVED**; and,
3. **By-law 2023-052** being a By-law to authorize the signing of a Consent Agreement 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**

*There are no reports.*

### 13. INFORMATION REPORTS

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

13.1	Quarterly Fire Department Activity Report – 1st Quarter 2023	178
------	--	-----

### 14. CONSENT CORRESPONDENCE

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

14.1	2023 Business Excellence Awards Sponsorship - Amherstburg Chamber of Commerce	185
14.2	Canadian History EHX Sponsorship Request	188
14.3	Letter re. Enbridge Motion - Association of Ontario Road Supervisors (AORS)	192

### 15. CORRESPONDENCE

15.1	Falun Dafa Day Request	195
------	------------------------	-----

That:

1. May 13, 2023 **BE PROCLAIMED** as Falun Dafa Day; and,
2. The Falun Dafa Flag **BE RAISED** on May 13, 2023, in accordance with the Flag Protocol for the Town of Amherstburg.

## 16. OTHER MINUTES

### 16.1 Drainage Board Meeting Minutes - April 4, 2023

198

It is recommended that:

1. The Drainage Board Meeting Minutes of April 4, 2023, **BE RECEIVED**;
2. The engineer's report, prepared by Dillon Consulting Ltd., dated March 21, 2023 for the Parks Drain (Bridge Relocation – Evans Culvert) **BE RECEIVED**;
3. **By-law 2023-053** being a by-law to provide for the Parks Drain (Bridge Relocation – Evans Culvert) based on the Drainage Report by Dillon Consulting Ltd. **BE PROVISIONALLY ADOPTED** by giving first and second reading and the Mayor and Clerk **BE AUTHORIZED** to sign same;
4. The Petition from 1603844 Ontario Inc., 16003941 Ontario Inc., and 1000063228 Ontario Inc., for a New Municipal Drain in order to establish the legal right of drainage for the lands under development in accordance with Section 4 of the Act; **BE ACCEPTED**,
5. The firm of R. Dobbin Engineering Inc. **BE APPOINTED** to complete the necessary examination of the petition and the area requiring drainage as described in the petition and to prepare a report as described in the Act, as recommended by the Drainage Board.
6. The report from the Drainage Superintendent and Engineering Coordinator dated March 9, 2023, regarding the Subsequent Disconnection and appointment of an engineer to vary the assessments to a drainage works – Cornwall Drain (S.65(4) and S.76(1)) **BE RECEIVED**;
7. The firm of N.J. Peralta Inc. **BE APPOINTED** to prepare a report to vary the assessment schedule as required under Section 76(1) as a result of a subsequent disconnection from a drainage works, as recommended by the Drainage Board,
8. The report from the Drainage Superintendent and Engineering Coordinator dated March 24, 2023, regarding the Subsequent Connection and report of an engineer for the Ouellette Drain West (ODW) **BE RECEIVED**; and that,

9. Rood Engineering Inc., **BE INSTRUCTED** to complete an examination and report to allow the subsequent connection to the ODW under Section 65(3), as recommended by the Drainage Board.

**17. UNFINISHED BUSINESS**

244

**18. NEW BUSINESS**

**19. NOTICE OF MOTION**

**20. SPECIAL IN-CAMERA MEETING**

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

**Item A - Negotiation of Service Agreement**

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

**Section 239(2)(k)** - A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

**20.1 ADJOURNMENT OF SPECIAL IN-CAMERA COUNCIL MEETING**

**20.2 RESUMPTION OF REGULAR COUNCIL MEETING**

**21. REPORT OUT FROM IN-CAMERA SESSION**

22. **BY-LAWS**

22.1 **By-law 2023-056 - Confirmatory By-law**

246

That **By-law 2023-056** being a by-law to Confirm all Resolutions of the Municipal Council Meetings held on April 11th, 2023 be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

23. **ADJOURNMENT**

That Council rise and adjourn at     p.m.





**TOWN OF AMHERSTBURG  
REGULAR COUNCIL MEETING**

**Monday, December 5, 2022  
6:00 PM**

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

**MINUTES**

**PRESENT**

Mayor Michael Prue  
Deputy Mayor Chris Gibb  
Councillor Molly Allaire  
Councillor Peter Courtney  
Councillor Linden Crain  
Councillor Donald McArthur  
Councillor Diane Pouget

Valerie Critchley, Chief Administrative Officer  
Kevin Fox, Clerk  
Tammy Fowkes, Deputy Clerk

---

**CALL TO ORDER**

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

**NATIONAL ANTHEM**

**ROLL CALL**

## **DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF**

Councillor Pouget declared a conflict of interest regard item 12.6 – Police Services Contract Extension of Deadline due to the fact that a family member is employed by the Windsor Police Service.

Councillor McArthur declared a conflict of interest on item 16 on Council Resolution #20221005-020 due to the fact that he is employed by the County of Essex.

## **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 # 20221205-001

**Moved By** Councillor McArthur  
**Seconded By** Councillor Pouget

**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 Special Council Meeting Minutes – Planning – October 17, 2022**

The Mayor put the Motion.

**Motion Carried**

## **DELEGATIONS**

There are no delegations.

## **REPORTS – CORPORATE SERVICES**

### **8.1 2023 Budget Directions & Schedule**

Resolution # 20221205-002

**Moved By** Councillor Courtney

**Seconded By** Councillor Crain

**That:**

- 1. Council APPROVE the proposed 2023 Budget Schedule; and,**
- 2. Audit and Finance Advisory Committee MEET prior to public sessions, BE INVITED to attend public sessions and PROVIDE recommendations to Council.**

The Mayor put the Motion.

**Motion Carried**

## **REPORTS - PARKS, FACILITIES, RECREATION & CULTURE**

There were no reports.

## **REPORTS - ENGINEERING & INFRASTRUCTURE SERVICES**

There were no reports.

## REPORTS - DEVELOPMENT SERVICES

### 11.1 Howard Industrial Park District Secondary Plan Area Interim Control By-law

Resolution # 20221205-003

**Moved By** Deputy Mayor Gibb

**Seconded By** Councillor McArthur

**That:**

1. The lands shown in Appendix A of December 5<sup>th</sup> report entitled Interim Control By-law – Howard Industrial Park District Secondary Plan Area BE DESIGNATED as an Interim Control By-law Area;
2. By-law 2022-111 being an Interim Control By-law for heavy industrial, light industrial and special industrial land uses within the designated area be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same; and
3. The Clerk BE AUTHORIZED to provide the required notice of the passage of this By-law.

The Mayor put the Motion.

**Motion Carried**

## REPORTS - CAO's OFFICE

### 12.1 Amendments to By-law 2012-114, Respecting Taxi By-law – Rate Increase

Resolution # 20221205-004

**Moved By** Councillor Courtney

**Seconded By** Councillor Allaire

**That:**

1. The report from the Manager of Licensing and Enforcement dated October 17, 2022 regarding Amendment to By-law 2012-114, Respecting Taxi By-law – Rate Increase BE RECEIVED; and,
2. Administration BE DIRECTED to amend By-law 2012-114 for the taxi rate increase, as outlined in Table 1 of the report.

The Mayor put the Motion.

**Motion Carried**

**12.2 Community Based Strategic Plan Development**

Resolution # 20221205-005

**Moved By** Deputy Mayor Gibb  
**Seconded By** Councillor McArthur

**That:**

1. **Council DIRECT Administration to issue a Request for Proposal for a consultant to lead and facilitate the creation of a Community Based Strategic Plan; and,**
2. **Council APPROVE an upset limit of \$70,000.00 to fund this project, which amount shall be funded from the Contingency Reserve.**

The Mayor put the Motion.

	<b>Yes/Concur</b>	<b>No/Not Concur</b>
Councillor Allaire	X	
Councillor Courtney	X	
Councillor Crain	X	
Deputy Mayor Gibb	X	
Councillor McArthur	X	
Councillor Pouget		X
Mayor Michael Prue	X	

**Motion Carried**

**12.3 Exemption to Business Licensing – The Core**

Resolution # 20221205-006

**Moved By** Councillor Allaire  
**Seconded By** Councillor McArthur

**That:**

1. **The report from the Manager of Licensing and Enforcement dated November 28, 2022, regarding an Exemption from Business Licensing By-law 2009-044 BE RECEIVED; and,**
2. **A one-time exemption from the Business Licensing By-law 2009-044, Schedule A-58 (Trade Shows) for the Amherstburg Night Market BE GRANTED for the Amherstburg Night Market on December 10, 2022 behind 61 Richmond Street.**

The Mayor put the Motion.

**Motion Carried**

## 12.4 2023 Special Events Approval – Part 1

Resolution # 20221205-007

**Moved By** Councillor McArthur  
**Seconded By** Deputy Mayor Gibb

**That:**

1. **The following events BE APPROVED:**
  - a. **The House Youth Centre – Coldest Night of the Year Walk – February 25, 2023**
  - b. **True Fest – January 28, 2023**
2. **An exemption from table number 3-1(2) of the 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:**
  - a. **The House Youth Centre – Coldest Night of the Year Walk – February 25, 2023**
  - b. **True Fest – January 28, 2023**
3. **The following events BE EXEMPT and PERMITTED for road closures to begin prior to 5 p.m.:**
  - a. **True Fest – January 28, 2023**
4. **The Public Events Committee BE DIRECTED to confirm that the requirements identified by the Committee are met prior to the event.**

The Mayor put the Motion.

**Motion Carried**

## 12.5 Committee Structure Part One – Legislatively Mandated or Delegated Authority

**Moved By** Councillor Pouget  
**Seconded By** Councillor Crain

**That Item 12.5 BE DEFERRED to the end of the Council Meeting.**

The Mayor put the Motion.

**Motion Carried**

## **12.6 Police Services Contract – Extension of Deadline to Renew**

Resolution # 20221205-008

**Moved By** Councillor Crain  
**Seconded By** Councillor Allaire

**That:**

- 1. Council APPROVE the extension of the deadline to renew the current Police Services Contract with the Windsor Police Services to March 31, 2023; and,**
- 2. The Chief Administrative Officer BE DIRECTED to execute the required documents to effect this extension.**

The Mayor put the Motion.

**Motion Carried**

## **INFORMATION REPORTS**

Resolution # 20221205-009

**Moved By** Deputy Mayor Gibb  
**Seconded By** Councillor Allaire

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

### **13.1 Building Activity Report for July, August, September & October, 2022**

The Mayor put the Motion.

**Motion Carried**

## **CONSENT CORRESPONDENCE**

Resolution # 20221205-010

**Moved By** Councillor Courtney  
**Seconded By** Councillor Allaire

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

### **14.1 Congratulatory Letter to the New Term of Council – Co-An Park**

- 14.2 **Membership Dues – Essex County Agricultural Hall of Fame**
- 14.3 **2023-2027 ROMA Board of Directors – Call for Nominations**
- 14.4 **More Homes Built Faster – Ontario’s Housing Supply Action Plan – Ministry of Municipal Affairs and Housing**
- 14.5 **Opposition to Bill 23, More Homes Built Faster Act, 2022 – Town of Aurora Resolution**
- 14.6 **CN Railway Contribution Requirements under the Drainage Act – Township of Warwick Resolution**
- 14.7 **Funding and Support for VIA Rail Services – City of Stratford Resolution**
- 14.8 **Healthcare Connect System for Members of the Canadian Armed Forces – Municipality of Brighton Resolution**

The Mayor put the Motion.

**Motion Carried**

Resolution # 20221205-011

**Moved By** Deputy Mayor Gibb  
**Seconded By** Councillor McArthur

**That Council nominate Councillor Crain to run as a representative for the ROMA Board for the 2023-2027 term of the Board.**

The Mayor put the Motion.

**Motion Carried**

Resolution # 20221205-012

**Moved By** Councillor Pouget  
**Seconded By** Councillor McArthur

**That:**

- 1. A letter BE WRITTEN to state the municipalities concerns with Bill 23; and,**



2. **That the letter with the municipalities concerns regarding Bill 23 BE CIRCULATED to all 444 Municipalities and our local M.P.P.**

The Mayor put the Motion.

**Motion Carried**

*The Mayor passed the gavel to the Vice Chair to act as Chair for the next item.*

Resolution # 20221205-013

**Moved By** Mayor Prue  
**Seconded By** Councillor Crain

**That:**

1. **The Town of Amherstburg SUPPORT the Resolution of the Township of Warwick regarding CN Railway Contribution Requirements Under the Drainage Act; and,**
2. **A letter of support BE SENT to all 444 municipalities and our local M.P.**

The Deputy Mayor put the Motion.

**Motion Carried**

*The Mayor resumed control of the meeting as Chair.*

Resolution # 20221205-014

**Moved By** Councillor Courtney  
**Seconded By** Councillor Allaire

**That Administration BE DIRECTED to renew the Town of Amherstburg Membership in the Essex County Agricultural Hall of Fame annually.**

The Mayor put the Motion.

**Motion Carried**

## UNFINISHED BUSINESS

### 15.1 Unfinished Business List as at November 30, 2022

Resolution # 20221205-015

**Moved By** Councillor Pouget  
**Seconded By** Deputy Mayor Gibb

**That Council ADOPT the Unfinished Business List from the previous Council.**

The Mayor put the Motion.

**Motion Carried**

Resolution # 20221205-016

**Moved By** Deputy Mayor Gibb  
**Seconded By** Councillor McArthur

**That:**

- 1. The funds set aside for parkland improvements at Kingsbridge Park BE ENCUMBERED in the Parkland Reserve for future use at that Park; and,**
- 2. The Unfinished Business List item relative to Kingsbridge Parkland BE NOTED as completed and removed from the list.**

The Mayor put the Motion.

**Motion Carried**

Councillor Allaire inquired about the progress for Native Peoples and Indigenous recognition at Kings Navy Yard Park. The Director of Parks, Facilities, Recreation and Culture advised that consultation with proponents remains ongoing and that the Town is seeking their guidance on the most appropriate act, at this time that may be interpretative signage.

Councillor Allaire inquired about a boat ramp and launch for Ranta Memorial Park. The Director of Parks, Facilities, Recreation and Culture advised that a report would be brought to Council at budget for their consideration.

**NEW BUSINESS**

Resolution # 20221205-017

**Moved By** Councillor Pouget  
**Seconded By** Councillor Courtney

**That:**

- 1. Administration BE DIRECTED to reinstate the Accounts Payable entry to the Council Agenda until November of 2023, as a pilot; and,**
- 2. Administration BE DIRECTED to fund the expenses related to this from the Contingency Reserve.**

The Mayor put the Motion.

	<b>Yes/Concur</b>	<b>No/Not Concur</b>
Councillor Allaire	X	
Councillor Courtney	X	
Councillor Crain	X	
Deputy Mayor Gibb		X
Councillor McArthur	X	
Councillor Pouget	X	
Mayor Michael Prue	X	

**Motion Carried**

Resolution # 20221205-018

**Moved By** Councillor Courtney  
**Seconded By** Councillor Pouget

**That:**

- 1. Administration BE DIRECTED to investigate a policy on working with third party groups who are raising donations for Town assets.**

The Mayor put the Motion.

**Motion Carried**

Resolution # 20221205-019

**Moved By** Councillor Crain  
**Seconded By** Councillor Pouget

**That:**

- 1. Administration BE DIRECTED to work with Mr. Dunn to facilitate the Turkey Giveaway.**

The Mayor put the Motion.

**Motion Carried**

Resolution # 20221205-020

**Moved By** Councillor Pouget  
**Seconded By** Councillor Crain

**That the Mayor and Deputy Mayor ADDRESS County Council at their next meeting regarding County Council's proposed 2023 budget with a 4.76% tax increase.**

The Mayor put the Motion.

**Motion Carried**

Resolution # 20221205-021

**Moved By** Councillor Pouget  
**Seconded By** Councillor Crain

**That Administration BE REQUESTED to provide a report regarding the feasibility for our CAO to inform Council of any and all site plan approvals in compliance with Bill 109.**

The Mayor put the Motion.

**Motion Carried**

The Mayor noted the passing of Hazen Price and the contributions of Hazen to the community.

## **NOTICE OF MOTION**

There were no Notices of Motion.

## **BY-LAWS**

Resolution # 20221205-022

**Moved By** Deputy Mayor Gibb  
**Seconded By** Councillor Crain

That:

### **18.1 By-law 2022-059 – Jeths Drain Improvements – 3<sup>rd</sup> & FINAL READING**

**That By-law 2022-059 being a by-law to provide for the Jeths Drain Improvements be taken as having been read a 3<sup>rd</sup> & Final time and the Mayor and Clerk BE AUTHORIZED to sign same.**

### **18.2 By-law 2022-106 – To Appoint a Municipal Clerk and Deputy Clerks**

**That By-law 2022-106 being a by-law to Appoint a Municipal Clerk and Deputy Clerks to 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.**

### **18.3 By-law 2022-108 – To Remove a Restrictive Covenant from Title at 4091 Concession 4 North**

**That By-law 2022-108 being a by-law to Remove a Restrictive Covenant from Title at 4091 Concession 4 North 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 # 20221205-023

**Moved By** Deputy Mayor Gibb  
**Seconded By** Councillor Crain

**That Council move into an In-Camera Meeting of Council pursuant to section 239 of the Municipal Act, 2001, as amended for the following reason:**

### **Item A – Striking Committee Information**

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

The Mayor put the Motion.

**Motion Carried**

## **ADJOURNMENT OF SPECIAL IN-CAMERA COUNCIL MEETING**

*The Special In-Camera Council meeting adjourned at 7:48 p.m.*

## **RESUMPTION OF REGULAR COUNCIL MEETING**

**Moved By** Councillor Crain  
**Seconded By** Deputy Mayor Gibb

**That the Regular Meeting of Council RESUME.**

The Mayor put the Motion.

**Motion Carried**

## **REPORT OUT FROM IN-CAMERA SESSION**

**Council met in closed session on December 5<sup>th</sup>, 2022, in accordance with section 239 2(b) of the Municipal Act, namely, Personal matters about an identifiable individual, including municipal or local board employees and received information. There is nothing further to report on this matter.**

*The Mayor called forward Item 12.5 that had been deferred.*

**12.5 Committee Structure Part One – Legislatively Mandated or Delegated Authority**

Resolution # 20221205-024

**Moved By** Councillor Crain

**Seconded By** Deputy Mayor Gibb

**That:**

1. **Administration BE DIRECTED to advertise for lay member positions in the local newspaper and on the Town’s website in accordance with the Town’s Boards and Committees Appointment Policy to recruit members for the following Local Boards and Committees:**
  - a. **Amherstburg Accessibility Advisory Committee**
  - b. **Co-An Park Committee**
  - c. **Committee of Adjustment**
  - d. **Dangerous Dog Appeal Committee**
  - e. **Drainage Board**
  - f. **Fence Viewers**
  - g. **Heritage Committee**
  - h. **Livestock Evaluators**
  - i. **Property Standards**
  - j. **Audit and Finance Advisory Committee**
2. **Mayor Prue BE APPOINTED to the Essex Power Board of Directors;**
3. **Councillor Allaire and Councillor Courtney BE APPOINTED as Council Member representatives to the Essex Region Conservation Authority;**
4. **Administration BE DIRECTED to amend the Boards and Committees Appointment Policy as noted in the December 5<sup>th</sup> report entitled, Committee Structure Part One – Legislatively Mandated or Delegated Authority.**

The Mayor put the Motion.

**Motion Carried**

Resolution # 20221205-025

**Moved By** Councillor Allaire  
**Seconded By** Councillor Crain

**That:**

1. **Deputy Mayor Gibb and Patricia Jarvis BE FORWARDED to the Essex County Striking Committee for consideration as Town representatives to the Essex County Library Board.**

The Mayor put the Motion.

**Motion Carried**

#### **18.4 By-law 2022-109 – Confirmatory By-law**

Resolution # 20221205-026

**Moved By** Deputy Mayor Gibb  
**Seconded By** Councillor Allaire

**That:**

1. **By-law 2022-109 being a by-law to Confirm all Resolutions of the Municipal Council Meetings held on November 28<sup>th</sup>, 29<sup>th</sup>, 30<sup>th</sup> and December 5<sup>th</sup>, 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**



**ADJOURNMENT**

**Moved By** Councillor Courtney  
**Seconded By** Councillor Allaire

**That Council rise and adjourn at 8:00 p.m.**

The Mayor put the Motion.

**Motion Carried**

---

MAYOR – MICHAEL PRUE

---

CLERK – KEVIN FOX



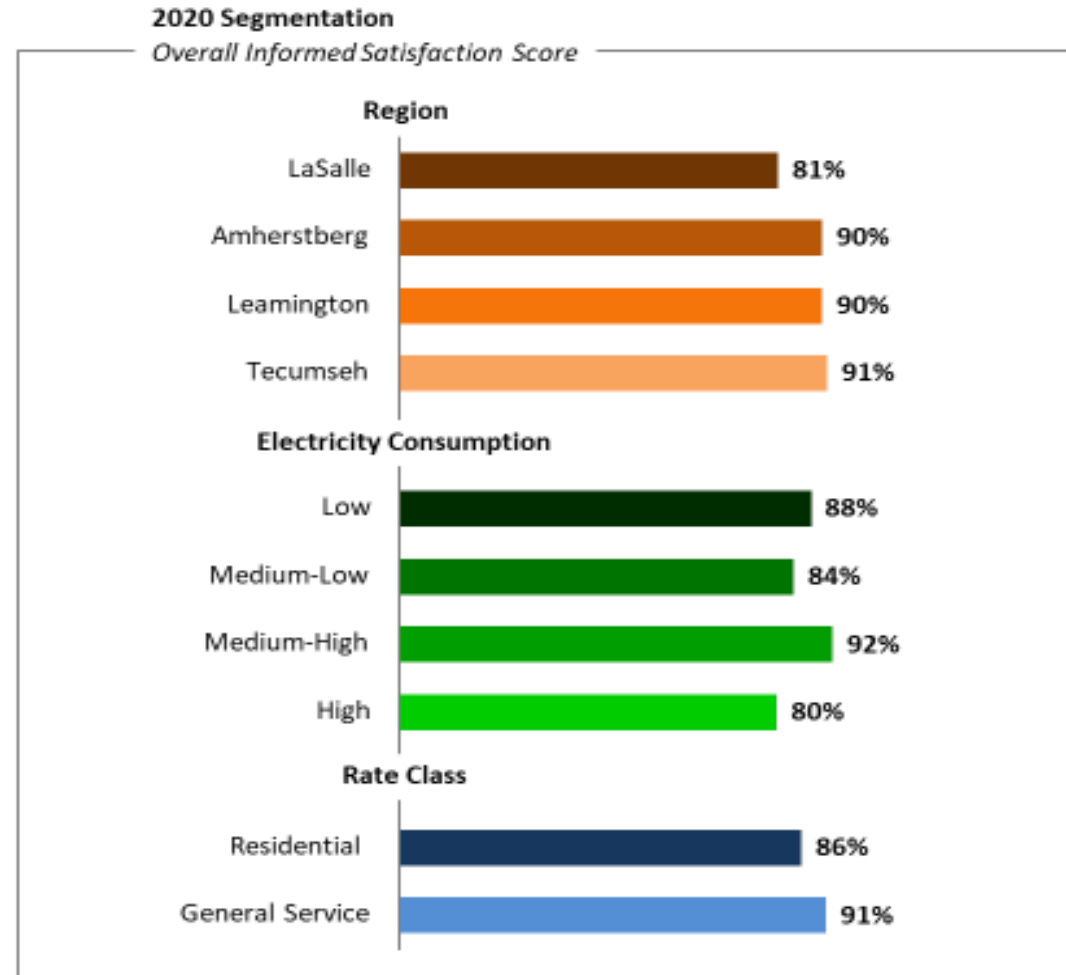
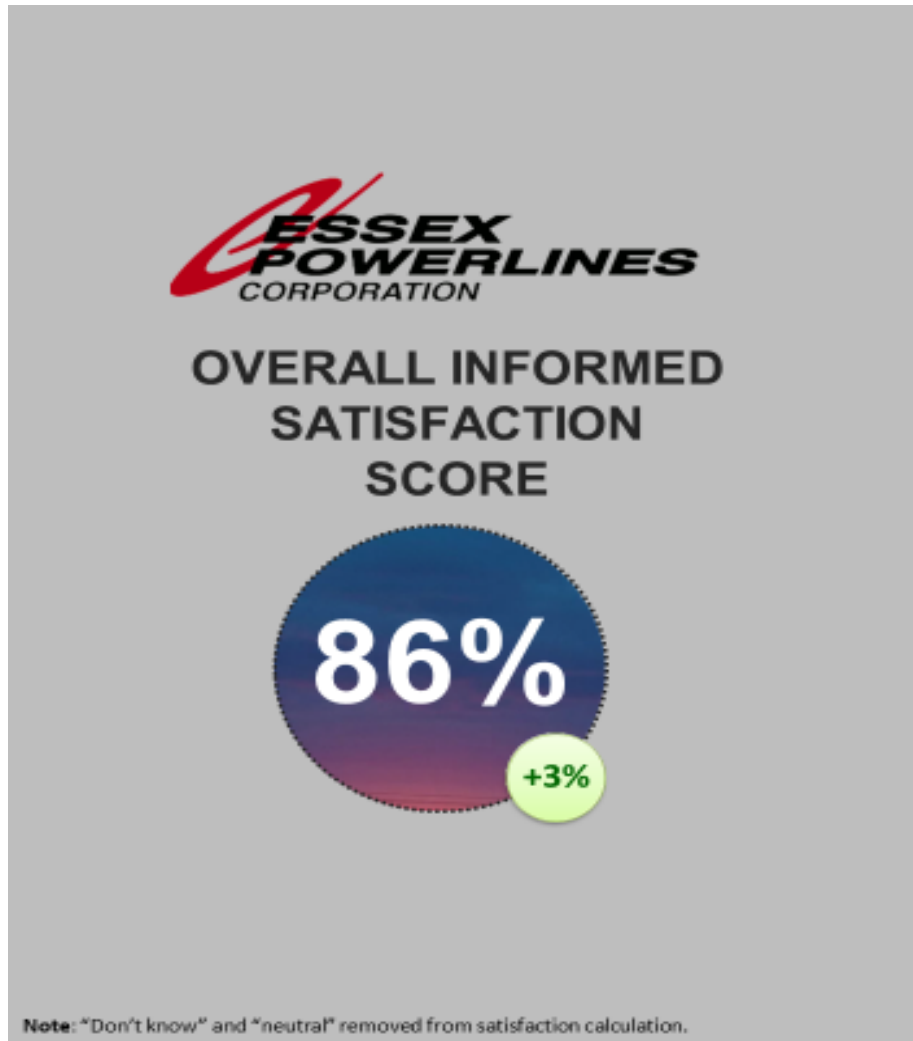
# Amherstburg Council Presentation 2023

PRESENTED BY: JOE BARILE

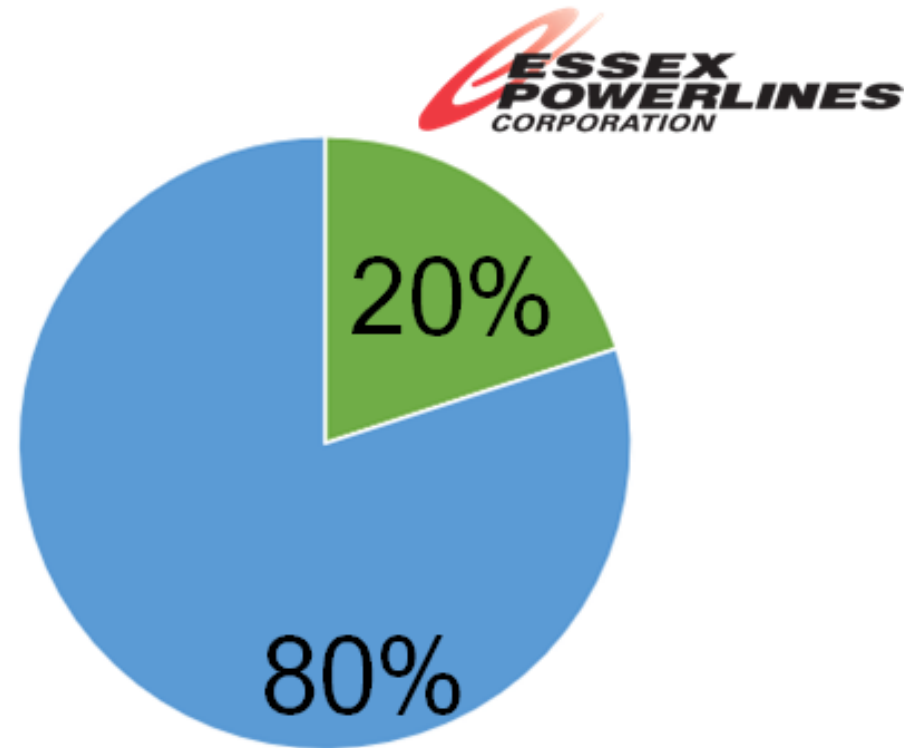
# Who We Are



# Customer Value: Perception of Overall Service

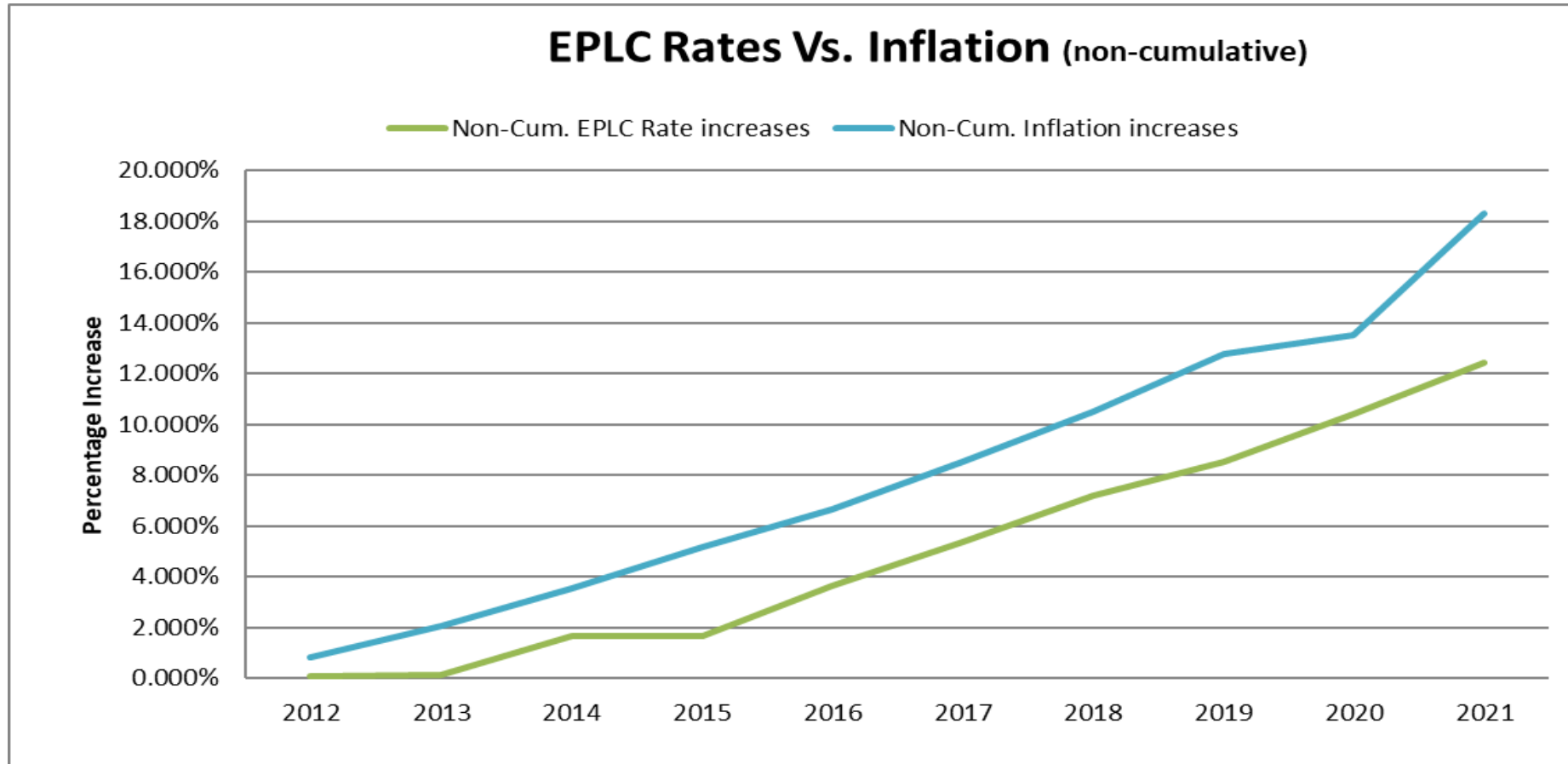


# Customer Rates - Price

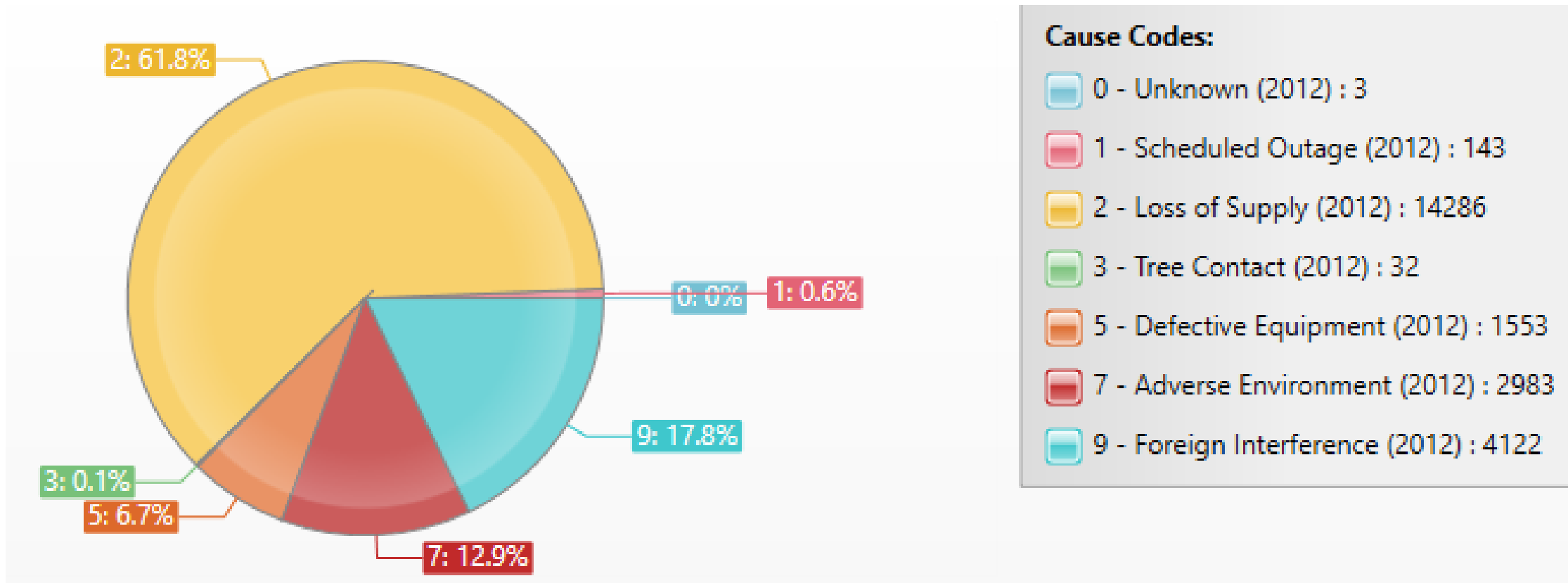


# Reasonable Rates

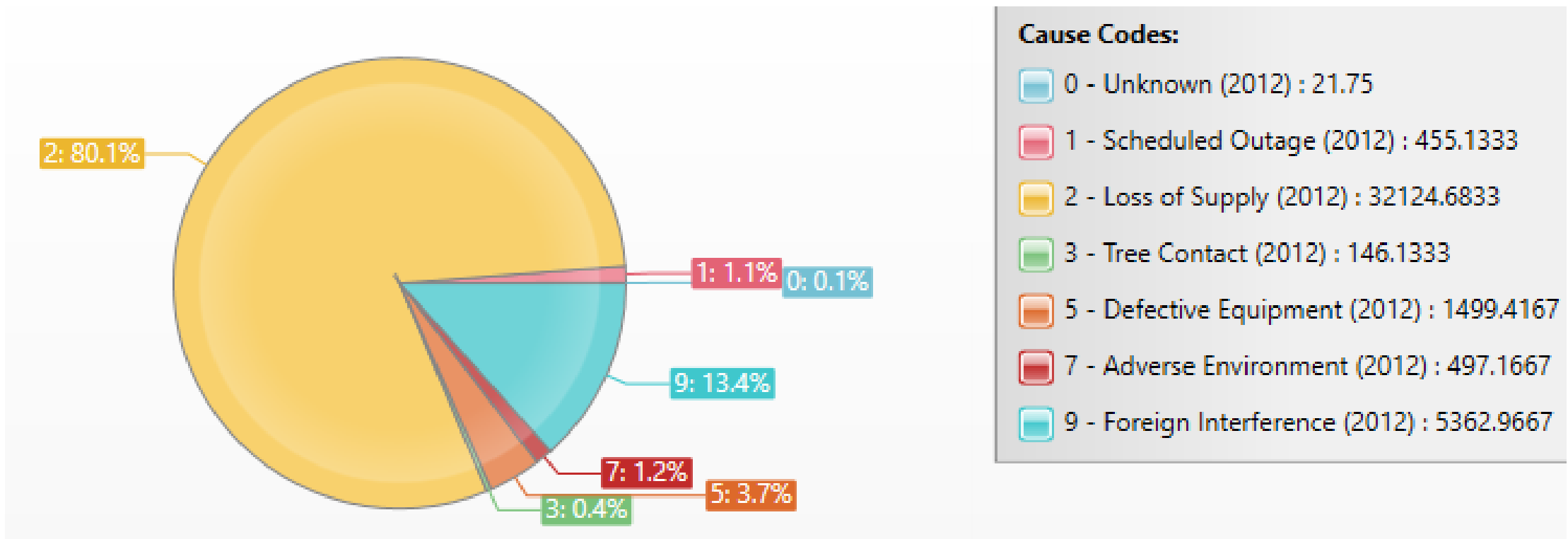
## Distribution Rate Impacts - Historical



# Town of Amherstburg 2022 Outage Summary (# of customers)



# Town of Amherstburg 2022 Outage Summary (# of customer hours)

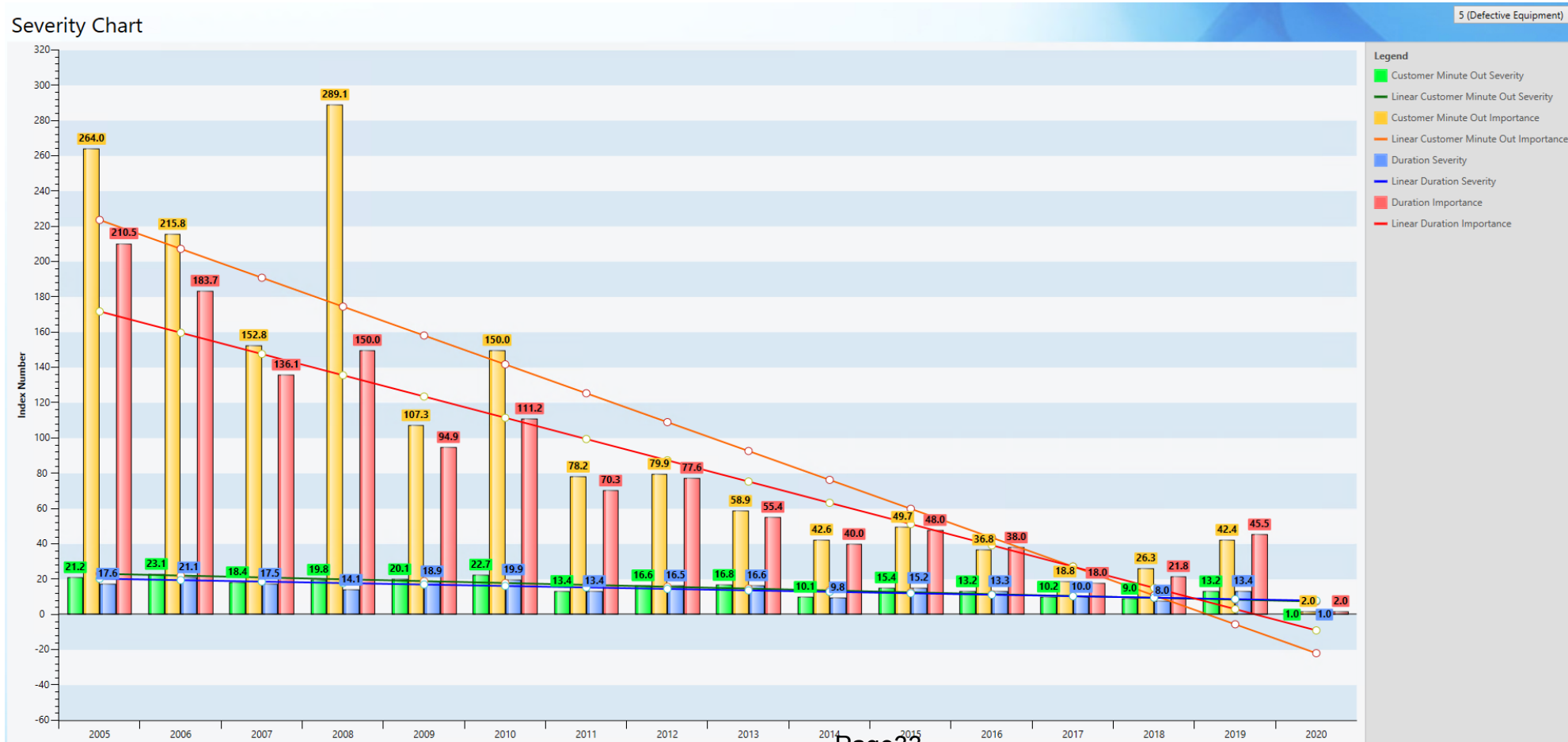




# Operational Excellence

## Defective Equipment Related Outages (All EPLC service territories)

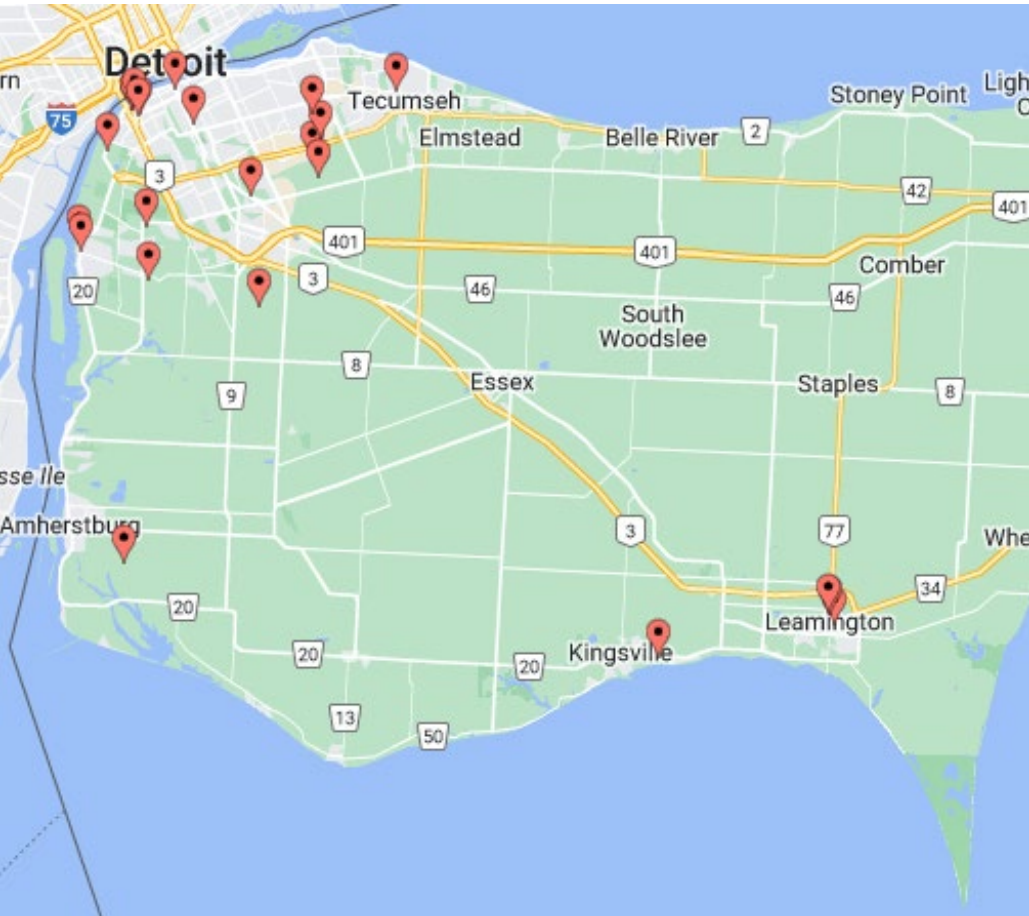
Severity Chart



# Self-Healing Grid

- The majority of EPLC outages (in terms of number of Customers and total Customer hours) are Loss of Supply related
  - This means that outage root causes are outside of EPLC control
- EPLC is installing Line Monitors, Reclosers & RTAC (Real Time Automation Controllers) to reduce the impacts of Loss of Supply events
  - These devices will allow EPLC's Smart Grid to automatically attempt to resolve outages and isolate/minimize the impact of outages

# Electric Vehicle Infrastructure



# Distribution System Operator

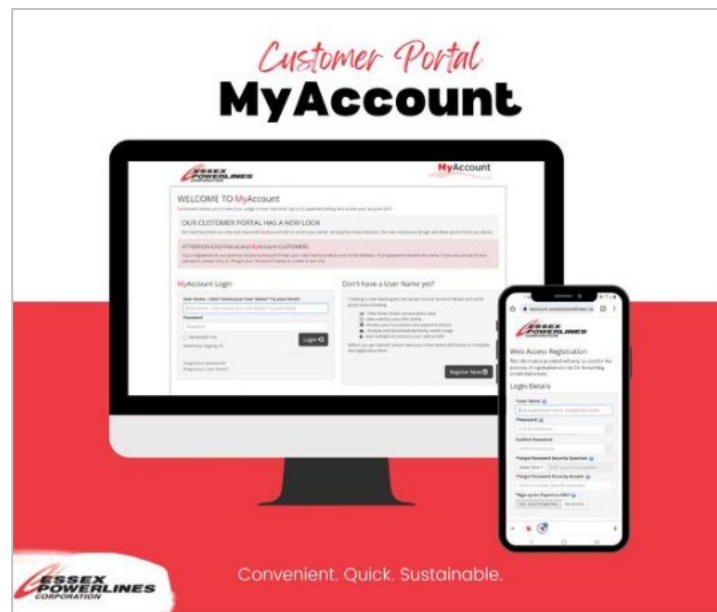


# PowerShare



# Paperless Billing

- 28.3% of hydro customers on paperless
- Significant environmental benefits
- Invest in enhanced customer facing tools and our communities

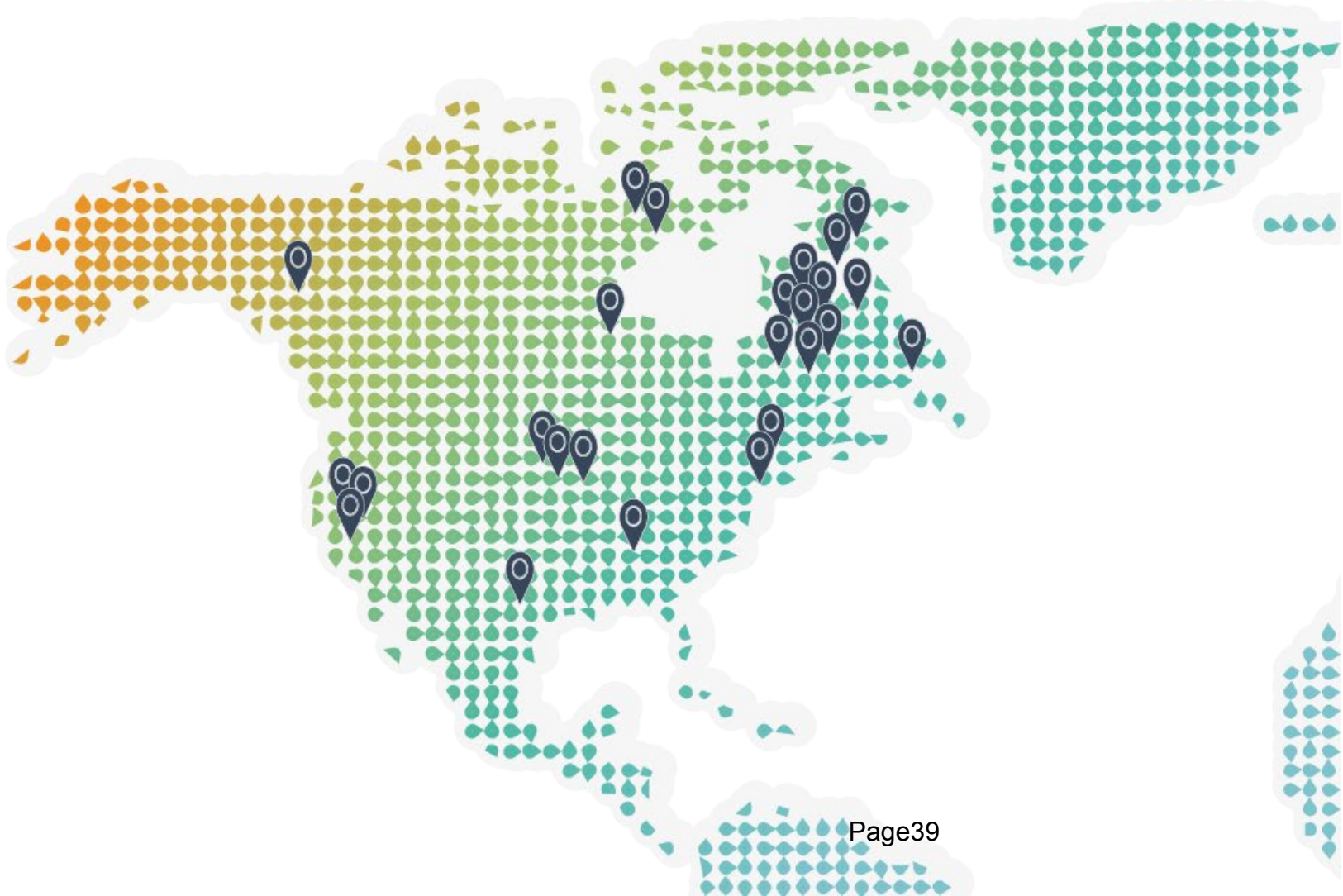


# Leaders In Renewables

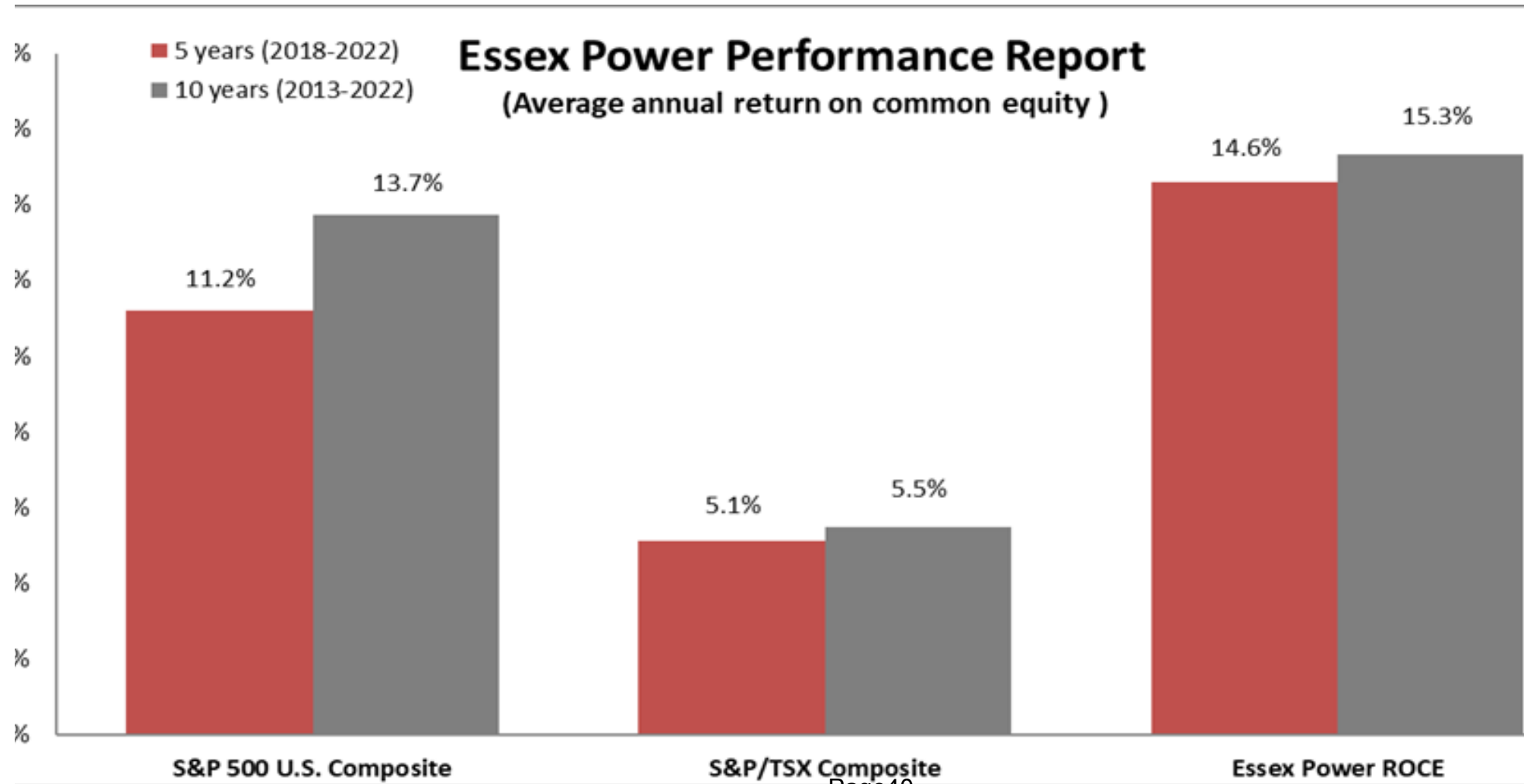


# Utilismart Corporation

utilismart<sup>™</sup>  
CORPORATION



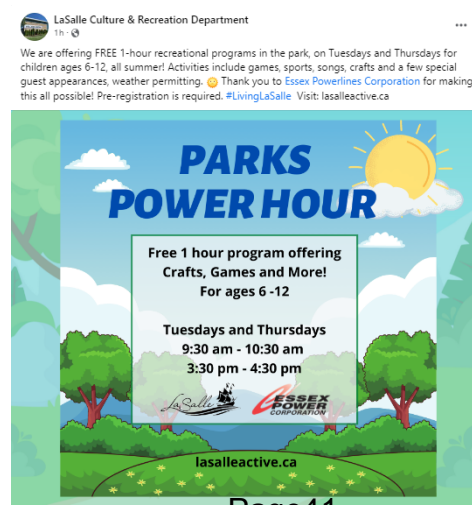
# Financial Performance





# Supporting Community Youth

- \$40,000 donated annual, divided equally amongst shareholder municipalities
- \$400,000 to date has been given to the youth initiatives throughout EPL's distribution area



Page41



# Your Community Partner

Proud sponsor of many Amherstburg community initiatives

- Drop in programs at the Libro Credit Union Centre
  - Teach youth how to golf (girls ages 10-14)
  - Nature & importance of being active outdoors
  - Youth struggling with mental health issues
- Parks & Recreation collaboration with the THRIVE Group
- Earth Day



# Customer Service Excellence Award



# Thank you! Questions





## 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.*

<b>Author's Name: Elke Leblanc</b>	<b>Report Date: March 27, 2023</b>
<b>Author's Phone: 519 736-5401 ext. 2252</b>	<b>Date to Council: April 11, 2023</b>
<b>Author's E-mail:</b>	<b>Resolution #:</b>

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

**Subject: Final Tax Rating By-Law 2023-40**

---

#### 1. **RECOMMENDATION:**

It is recommended that:

1. By-law 2023-040 being a by-law to set and levy the rates of taxation for the year 2023, be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

#### 2. **BACKGROUND:**

Essex County Council adopted the tax ratios set out in County Bylaw Number 2023-04 to establish tax policy and levy property taxes for the year 2023 for the Corporation of the County of Essex and its constituent lower tier municipalities.

The Province of Ontario established 2023 Education tax rates. The education rates were confirmed on the Online Property Tax Analysis (OPTA) website.

The Municipality collects property taxes on behalf of the School Boards and County of Essex. These taxes are included on tax bills issued to local ratepayers and remitted to the County and school boards quarterly.

On March 13, 2023 Amherstburg Council adopted the 2023 Budget and approved the 2023 total own purposes tax levy of \$28,344,973, including general levy and special capital levy.

#### 3. **DISCUSSION:**

As noted above, Council approved the 2023 Budget and related tax levy amounts required to fund municipal services for the year, including special capital levies in on

March 13, 2023. The actual returned roll for 2023 taxation purposes was received from MPAC on November 9, 2022, prior to the development of the final budget.

**4. RISK ANALYSIS:**

The tax rating By-law must be adopted in order to levy final taxes for the year and to meet the Town's financial obligations.

**5. FINANCIAL MATTERS:**

On March 13, 2023, Council adopted the 2023 Budget and approved the 2023 total own purposes tax levy of \$28,344,973. The levy to be collected through taxation is the amount of money required to fund the Town's 2023 operating and capital demands in the approved budget.

**2023 Revenue Through Taxation**

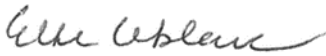
Municipal Taxes Levied - General Taxation	26,974,125
Special Capital Reserve and Replace Levy	685,424
Special Capital Replacement Levy	685,424
	<hr/>
	28,344,973

**6. CONSULTATIONS:**

MPAC provided the returned roll for 2023 taxation purposes, the County of Essex provided the tax ratios for the 2023 taxation year, and the education rates were available on the Online Property Tax Analysis (OPTA) website.

**7. CONCLUSION:**

By-law 2023-040 is before Council for adoption to set and levy taxes for the 2023 year.



---

Elke Leblanc  
**Supervisor of Revenue**

## Report Approval Details

Document Title:	2023 Final Tax Rating By-Law 2023-40.docx
Attachments:	<ul style="list-style-type: none"><li>- Final Tax Rating By-Law 2023-40.pdf</li><li>- Schedule A of By-Law 2023-40.pdf</li><li>- Schedule B of By-Law 2023-40.pdf</li><li>- Schedule C of By-Law 2023-40.pdf</li></ul>
Final Approval Date:	Apr 4, 2023

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



Tracy Prince



Valerie Critchley



Kevin Fox

# THE CORPORATION OF THE TOWN OF AMHERSTBURG

## BY-LAW 2023-040

### A By-law to Set and Levy the Rates of Taxation for the Year 2023

**WHEREAS** the Council of the Corporation of the Town of Amherstburg has, in accordance with the Municipal Act, 2001, c25, x312(2) considered the estimates of the Municipality for the year 2023;

And whereas it is necessary for the Council of the Corporation of the Town of Amherstburg (the Corporation), pursuant to the Municipal Act, to levy on the whole rateable property, according to the last revised assessment roll for the Corporation, the sums set forth for the various purposes in Schedule "A" hereto attached for the current year;

And whereas all property assessment rolls on which the 2023 taxes are to be levied have been returned and revised pursuant to the provisions of the Assessment Act, R.S.O. 1990, c.A.31 as amended (hereinafter referred to as the "Assessment Act") subject to appeals at present before the Assessment Review Board, the Ontario Municipal Board and the District Court;

And whereas Section 312 of The Municipal Act, 2001 as amended, provides the Council of a local municipality shall, after the adoption of the estimates for the year pass a By-Law to levy a separate tax rate on the assessment in each property sub class;

And whereas Section 312 of The Municipal Act, 2001 as amended, requires tax rates to be established in the same proportion to tax ratio;

And whereas the estimates for 2023 as set forth in Schedule "A" attached to this by-law have been adopted requiring the 2023 levy for general municipal purposes of \$26,974,125 and the 2023 levy for the special capital purposes of \$1,370,849 for a total levy of \$28,344,973.

**Now therefore**, The Council of the Corporation of the Town of Amherstburg hereby enacts as follows:

1. For the year 2023, the Corporation of the Town of Amherstburg shall levy upon the whole of the rateable assessment (Schedule "B") the rates of taxation, per current value assessment, (Schedule "C").
2. (a) The final taxes for each property shall be the total of all levies imposed under this By-law reduced by the amount of the interim levy for 2023.  
(b) Final taxes for the year 2023 shall be payable in two installments, the first of such installments shall become due and payable on the 31st day of July, and the second installment shall become due on the 31st of October.  
(c) The due dates for Supplementary Tax Levies, resulting from amended assessment values being received from the Municipal Property Assessment Corporation under Sections 32,33, and 34 of the Assessment Act, shall be established by the Treasurer as required.  
(d) Non-payment of the amount on the dates stated in accordance with this section shall constitute default.
3. That a penalty charge of one and one quarter percent (1¼ %) on the first day in which default occurs shall be imposed for non-payment of taxes.



4. That a late payment charge of one and one quarter percent (1 ¼%) on the first day of each calendar month thereafter on the outstanding taxes due (taxes in default) shall be imposed for non-payment.
5. That penalties and interest added on taxes in default shall become due and payable and shall be collected forthwith.
6. The Treasurer is hereby authorized to accept part payment from time to time on account of any taxes due and to give a receipt for such a part payment provided that acceptance of any such part payment shall not affect the collection of any percentage charge imposed and collectable in respect of non-payment of the taxes or any installment thereof.
7. The Treasurer is hereby authorized to accept twelve (12) monthly payments on the account of taxes due on a pre-authorized payment plan. The first six (6) monthly payments shall be calculated based on the prior year taxes divided over 6 months. The last six (6) payments shall be the actual final levy amount less the previous monthly payments received divided into six equal payments. Each of the monthly payments due is on the last business day of the month. Penalty charges shall be added if payments are in default.
8. The Treasurer will mail or cause the same to be mailed to the address of such person indicated on the last revised assessment roll, every tax notice specifying the amount of taxes payable.
9. Failure to receive notice does not relieve the ratepayer of obligation to pay or exempt the property owner from charges for interest and penalties imposed on taxes in default.
10. If any section, portion or schedule of this bylaw is found by a court of competent jurisdiction to be invalid, it is the intent of the Council of the Corporation of the Town of Amherstburg that all remaining sections, portions and schedules of this by-law continue in force and effect.
11. That this By-law takes effect January 1, 2023.

Read a first, second and third time and finally passed this 11<sup>th</sup> day of April 2023.

---

Mayor – Michael Prue

---

Clerk – Kevin Fox

Town of Amherstburg  
2023 Final Budget Summary

<b>Description</b>	<b>Total</b>
<b>Revenue Through Taxation</b>	
Municipal Taxes Levied - General Taxation	26,974,125
Special Capital Reserve and Replace Levy	685,424
Special Capital Replacement Levy	685,424
	<u>28,344,973</u>
<b>Operating Revenue</b>	
Clerk's Office	22,000
Financial Services	48,000
Non-Departmental	8,426,712
Drainage	2,463,720
Public Works	834,000
Fire	55,000
Facilities	342,779
Libro Centre	768,313
Parks	5,500
Recreation Services	202,000
Tourism and Culture	90,000
Building	965,100
Licensing and Enforcement	83,600
Planning and Legislative Services	275,966
Police	75,000
Revenue through Taxation	28,344,973
<b>Total Operating Revenue</b>	<b><u>43,002,663</u></b>
<b>Operating Expenses</b>	
CAO's Office	827,733
Clerks Office	1,474,040
Council & Committees	308,372
Financial Services	1,580,054
Human Resources	790,829
Information Technology	1,168,188
Non-Departmental	10,092,133
Drainage	2,552,609
Public Works	6,529,453
Fire	2,604,443
Facilities	1,060,759
Libro Centre	3,084,954
Parks	1,383,478
Recreation Services	668,563
Tourism and Culture	684,535
Licensing and Enforcement	478,147
Planning & Legislative Services	772,923
Building	965,100
Economic Developmet	367,541
Police Services	5,608,808
<b>Total Operating Expenses</b>	<b><u>43,002,663</u></b>
<b>Surplus (Deficit)</b>	<b><u>-</u></b>

**Town of Amherstburg  
2023 Levy on Taxable Assessment**

Property Tax Class (RTC / RTQ)	Description	RTC	RTQ	Raw Assessment
Residential	Taxable Full; English Public	R	T	1,739,721,708
Residential	Taxable Full; Public French	R	T	497,342,551
Residential	Taxable Full; English Separate	R	T	6,360,652
Residential	Taxable Full; French Separate	R	T	64,567,693
Residential	Taxable Full; Farmland Awaiting Dev Phase 1 EP	R	1	463,300
Residential	Taxable Full; Farmland Awaiting Dev Phase 1 ES	R	1	20,300
Multi-Residential	Taxable Full; English Public	M	T	20,162,359
Multi-Residential	Taxable Full; Public French	M	T	50,428
Multi-Residential	Taxable Full; English Separate	M	T	2,185,907
Multi-Residential	Taxable Full; French Separate	M	T	335,306
New Multi-Residential	Taxable Full; English Public	N	T	3,610,800
Commercial (Residual)	Taxable Full	C	T	138,947,632
Commercial	Taxable Excess Land	C	U	4,661,000
Commercial	Vacant Land	C	X	4,446,600
Commercial	Small Scale On-Farm Business OPAC Convert	C	0	31,800
Commercial	Small Scale On-Farm Business (No Support)	C	7	19,300
Shopping Centre	Taxable Full	S	T	17,824,000
Parking Lot	Taxable Full	G	T	155,000
Industrial	Taxable Full	I	T	30,869,300
Industrial	Taxable Full Shared PIL	I	H	73,600
Industrial	Taxable Excess Land	I	U	2,547,900
Industrial	Vacant Land	I	X	6,631,800
Industrial	Small Scale On-Farm Business OPAC Convert	I	0	77,300
Industrial	Small Scale On-Farm Business1	I	7	200,000
Pipeline	Taxable Full	P	T	13,123,000
Farm	Taxable Full; English Public	F	T	171,980,714
Farm	Taxable Full; English Separate	F	T	21,973,400
Farm	Taxable Full; French Separate	F	T	3,285,600
Managed Forest	Taxable Full; Public English	T	T	246,602
Managed Forest	Taxable Full; Public French	T	T	1,422
Managed Forest	Taxable Full; English Separate	T	T	226,698
Managed Forest	Taxable Full; French Separate	T	T	8,578
<b>Total Taxable Assessment</b>				<b>2,752,152,250</b>

Payments in Lieu of Taxes (PIL)	Description	RTC	RTQ	Raw Assessment
Residential	Payment In Lieu; Full EP	R	F	466,800
Residential	Payment In Lieu; General (No Education) NS	R	G	2,092,400
Commercial	Payment In Lieu; Full (Edu Retained by LT)	C	F	10,621,600
Commercial	Payment in Lieu; Full, Taxable Tenant of Province	C	P	1,900
Commercial	Payment In Lieu; General (No Education)	C	G	1,114,100
Commercial	Payment In Lieu; Full, Vacant Land (Edu Retained by LT)	C	Y	397,500
Industrial	Payment In Lieu; Full, Vacant Land (Edu Retained by LT)	I	Y	2,600
<b>Total PILs</b>				<b>14,696,900</b>

<b>Total Taxable and PILs</b>				<b>2,766,849,150</b>
-------------------------------	--	--	--	----------------------

<b>Exempt</b>	Exempt from Taxation	E		<b>104,527,359</b>
---------------	----------------------	---	--	--------------------

<b>Grand Total Taxable, PILs and Exempt</b>				<b>2,871,376,509</b>
---	--	--	--	----------------------

Property Tax Class (RTC/ RTQ)	Description	RTC	RTQ	Raw Assessment	Ratio	Weighted Assessment	Municipal Rate	Cap Res Rate	Cap Rep Rate	Municipal Levy	Cap Res Levy	Cap Rep Levy
Residential	Taxable Full; English Public	R	T	1,739,721,708	1.00000000	1,739,721,708	0.01015355	0.00025801	0.00025801	17,664,351.05	448,858.68	448,858.68
Residential	Taxable Full; Public French	R	T	497,342,551	1.00000000	497,342,551	0.01015355	0.00025801	0.00025801	5,049,792.37	128,317.37	128,317.37
Residential	Taxable Full; English Separate	R	T	6,360,652	1.00000000	6,360,652	0.01015355	0.00025801	0.00025801	64,583.20	1,641.09	1,641.09
Residential	Taxable Full; French Separate	R	T	64,567,693	1.00000000	64,567,693	0.01015355	0.00025801	0.00025801	655,591.29	16,658.85	16,658.85
Residential	Taxable Full;Farmland Awaiting Dev Phase 1 EP	R	1	463,300	0.25000000	115,825	0.00253839	0.00006450	0.00006450	1,176.03	29.88	29.88
Residential	Taxable Full;Farmland Awaiting Dev Phase 1 ES	R	1	20,300	0.25000000	5,075	0.00253839	0.00006450	0.00006450	51.53	1.31	1.31
Multi-Residential	Taxable Full; English Public	M	T	20,162,359	1.31385000	26,490,315	0.01334024	0.00033898	0.00033898	268,970.74	6,834.66	6,834.66
Multi-Residential	Taxable Full; Public French	M	T	50,428	1.31385000	66,255	0.01334024	0.00033898	0.00033898	672.72	17.09	17.09
Multi-Residential	Taxable Full; English Separate	M	T	2,185,907	1.31385000	2,871,954	0.01334024	0.00033898	0.00033898	29,160.53	740.98	740.98
Multi-Residential	Taxable Full; French Separate	M	T	335,306	1.31385000	440,542	0.01334024	0.00033898	0.00033898	4,473.06	113.66	113.66
New Multi-Res	Taxable Full; English Public	N	T	3,610,800	1.10000000	3,971,880	0.01116890	0.00028381	0.00028381	40,328.68	1,024.77	1,024.77
Commercial	Taxable Full	C	T	138,947,632	1.08204400	150,347,452	0.01098659	0.00027917	0.00027917	1,526,560.34	38,790.55	38,790.55
Commercial	Taxable Excess Land	C	U	4,661,000	0.75743080	3,530,385	0.00769061	0.00019542	0.00019542	35,845.94	910.86	910.86
Commercial	Vacant Land	C	X	4,446,600	0.58250000	2,590,145	0.00591444	0.00015029	0.00015029	26,299.16	668.27	668.27
Commercial	Small Scale On-Farm Business OPAC Convert	C	0	31,800	1.08204400	34,409	0.01098659	0.00027917	0.00027917	349.37	8.88	8.88
Commercial	Small Scale On-Farm Business (No Support)	C	7	19,300	1.08204400	20,883	0.01098659	0.00027917	0.00027917	212.04	5.39	5.39
Shopping Centre	Taxable Full	S	T	17,824,000	1.08204400	19,286,352	0.01098659	0.00027917	0.00027917	195,824.94	4,976.00	4,976.00
Parking Lot	Taxable Full	G	T	155,000	0.58250000	90,288	0.00591444	0.00015029	0.00015029	916.74	23.29	23.29
Industrial	Taxable Full	I	T	30,869,300	1.94250000	59,963,615	0.01972327	0.00050118	0.00050118	608,843.56	15,470.97	15,470.97
Industrial	Taxable Full Shared PIL	I	H	73,600	1.94250000	142,968	0.01972327	0.00050118	0.00050118	1,451.63	36.89	36.89
Industrial	Taxable Excess Land	I	U	2,547,900	1.26262500	3,217,042	0.01282013	0.00032576	0.00032576	32,664.40	830.02	830.02
Industrial	Vacant Land	I	X	6,631,800	1.26262500	8,373,476	0.01282013	0.00032576	0.00032576	85,020.51	2,160.41	2,160.41
Industrial	Small Scale On-Farm Business OPAC Convert	I	0	77,300	1.94250000	150,155	0.01972327	0.00050118	0.00050118	1,524.61	38.74	38.74
Industrial	Small Scale On-Farm Business1	I	7	200,000	1.94250000	388,500	0.01972327	0.00050118	0.00050118	3,944.65	100.24	100.24
Pipeline	Taxable Full	P	T	13,123,000	1.30300000	17,099,269	0.01323008	0.00033618	0.00033618	173,618.28	4,411.71	4,411.71
Farm	Taxable Full; English Public	F	T	171,980,714	0.25000000	42,995,179	0.00253839	0.00006450	0.00006450	436,553.69	11,093.02	11,093.02
Farm	Taxable Full; English Separate	F	T	21,973,400	0.25000000	5,493,350	0.00253839	0.00006450	0.00006450	55,777.00	1,417.32	1,417.32
Farm	Taxable Full; French Separate	F	T	3,285,600	0.25000000	821,400	0.00253839	0.00006450	0.00006450	8,340.13	211.93	211.93
Managed Forest	Taxable Full; Public English	T	T	246,602	0.25000000	61,651	0.00253839	0.00006450	0.00006450	625.97	15.91	15.91
Managed Forest	Taxable Full; Public French	T	T	1,422	0.25000000	356	0.00253839	0.00006450	0.00006450	3.61	0.09	0.09
Managed Forest	Taxable Full; English Separate	T	T	226,698	0.25000000	56,675	0.00253839	0.00006450	0.00006450	575.45	14.62	14.62
Managed Forest	Taxable Full; French Separate	T	T	8,578	0.25000000	2,145	0.00253839	0.00006450	0.00006450	21.77	0.55	0.55
<b>Total Taxable Assessment</b>				<b>2,752,152,250</b>		<b>2,656,620,143</b>				<b>26,974,124.99</b>	<b>685,424.00</b>	<b>685,424.00</b>

Payments in Lieu of Taxes (PIL)	Description	RTC	RTQ	Raw Assessment	Ratio	Weighted Assessment	Municipal Rate	Cap Res Rate	Cap Rep Rate	Municipal Levy	Cap Res Levy	Cap Rep Levy
Residential	Payment In Lieu; Full EP	R	F	466,800	1.00000000	466,800	0.01015355	0.00025801	0.00025801	4,739.68	120.44	120.44
Residential	Payment In Lieu; General (No Education) NS	R	G	2,092,400	1.00000000	2,092,400	0.01015355	0.00025801	0.00025801	21,245.29	539.85	539.85
Commercial	Payment In Lieu; Full	C	F	10,621,600	1.08204400	11,493,039	0.01098659	0.00027917	0.00027917	116,695.14	2,965.27	2,965.27
Commercial	Payment In Lieu; Full, Taxable Tenant of Prov	C	P	1,900	1.08204400	2,056	0.01098659	0.00027917	0.00027917	20.87	0.53	0.53
Commercial	Payment In Lieu; General (No Education)	C	G	1,114,100	1.08204400	1,205,505	0.01098659	0.00027917	0.00027917	12,240.16	311.03	311.03
Commercial	Payment In Lieu; Full, Vacant Land	C	Y	397,500	0.58250000	231,544	0.00591444	0.00015029	0.00015029	2,350.99	59.74	59.74
Industrial	Payment In Lieu; Full, Vacant Land	I	Y	2,600	1.26262500	3,283	0.01282013	0.00032576	0.00032576	33.33	0.85	0.85
<b>Total PILs</b>				<b>14,696,900</b>		<b>15,494,626</b>				<b>157,325.46</b>	<b>3,997.71</b>	<b>3,997.71</b>

<b>Total Taxable and PILs</b>	<b>2,766,849,150</b>	<b>2,672,114,769</b>
-------------------------------	----------------------	----------------------

<b>Exempt</b>	Exempt from Taxation	E		<b>104,527,359</b>	0.00000000	-
---------------	----------------------	---	--	--------------------	------------	---

<b>Grand Total Taxable, PILs and Exempt</b>	<b>2,871,376,509</b>	<b>2,672,114,769</b>
---	----------------------	----------------------



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.

Table with 2 columns and 3 rows containing author information (Name, Phone, E-mail) and report details (Date, Council date, Resolution #).

To: Mayor and Members of Town Council
Subject: Revision to Recreation Rental Rates for Minor Sports Organizations

1. RECOMMENDATION:

It is recommended that:

- 1. In accordance with the staff recommendation in the report of April 11, 2023, Council DIRECT Administration to proceed with the revision of the User Fee Schedule for 2023, with the rates indicated below prior to the opening 2023/24 season for local minor sports associations:
a. The Prime Time ice rental rates for local minor sports associations be reduced from \$205.00/hour to \$201.96/hour (a 2% increase over 2022).
b. The Non-Prime Time ice rental rates for local minor sports associations be reduced from \$180.00/hour to \$110.00/hour.
c. The \$8 surcharge for all minor sports organizations for 2023 be reduced back to \$7/hour.
d. The dedicated office space fee be reduced to \$5.60/square foot rather than \$12.00/square foot; and,
2. By-law 2023-057, being a By-law to establish User Fees or Charges for Services, Activities or the Use of Property be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.

## **2. BACKGROUND:**

On January 9, 2023, Administration presented Council with several recommendations and changes to By-Law 2023-010. Adoption of the By-law that was presented was carried forward on the premise of fees and user rates previously adopted by Council, including indexed rates based on the Consumer Price Index (CPI) as applicable, and approve fees and rates as recommended.

As per the User Fee Bylaw, fees and charges included in Schedules A through H (H being Recreation's schedule) which is adjusted by the CPI on January 1 annually, unless stated otherwise. This is done in accordance with the applied year over year change so that users of the related services share in the increased cost to provide those services. The proposed CPI on average for 2023 was 6.9% which is unusually high.

Also indicated in the User Fee By-Law are fees including indexing adjustments that may be rounded up as follows:

- a. Fees up to \$5 per unit rounded up to the nearest \$0.05 (five cents);
- b. Fees greater than \$5 per unit rounded up to the nearest \$1.00 (one dollar).

The rounding of figures due to the high CPI rate this year jumped user rates significantly higher than could be afforded by user groups. In hearing them voice their concerns after the user fee schedule was approved sparked further conversations and meetings that were clearly necessary.

## **3. DISCUSSION:**

The Local Minor Sports Association Prime Time ice rental rate in 2022 was \$198/hourly. Based on the User Fee Bylaw, ice rental rates should have increased by 6.9% for the upcoming 2023/24 season, increasing the hourly rate from \$198 to \$209.

Recognizing that this would be a huge increase for the Town's not-for-profit organizations, Administration recommended that the prime-time ice rental fee increase hourly by only 3.54% instead of the proposed 6.9%. This recommendation was approved and therefore, the hourly rate for the upcoming season was set at \$205.00/hour for minor sport organizations, which includes the Amherstburg Minor Hockey Association and Skate Amherstburg.

In addition, the surcharge that was set at \$7/hour in 2022 was also subject to the 6.9% increase ( $\$7/\text{hour surcharge fee} \times 6.9\% = \$7.69/\text{hour}$ ). As standard practice, any unit price over \$5 is rounded up to the nearest dollar which meant the approved surcharge rate for the 2023/24 season that was approved on January 9, 2023 was set at \$8/hour.

After concerns were brought forward to Administration from the Town's minor sport organizations, and a preliminary review of rates of neighbouring municipalities was conducted, it was determined that the Town of Amherstburg's rates, namely for minor sport organizations were higher than most other municipalities in Essex County.

It can be argued that the hourly rate, coupled with an \$8/hour surcharge, plus HST puts the Town's prime-time rate as one of the highest, if not *the* highest, in Essex County. These findings are based off a poll from The City of Windsor and surrounding municipalities of their proposed rates for 2023. At the time of the review, not all municipalities had yet received budget and/or Schedule of Fee approval from their respective Councils.

The effects of COVID and low enrollment for various sports and recreation activities is realized significantly across Ontario. Administration recognized the need for increased programming at the Libro Centre especially during weekdays or what is referred to as 'Non-Prime' time hours as the building is open expending resources staffing and utilities, with customer levels below capacity.

In an attempt to increase user capacity at the Libro, Administration recommend that some fees be reduced during 'Non-Prime' time hours. Over the past month the lower rates that were adopted for some programs significantly improved usage at the Libro especially programs like Turf Tots which has more than doubled in attendance. However, there was an oversight in the adjustment of rates with the non-prime time ice rate that was proposed and approved. Due to this oversight, Administration is recommending an additional change to the non-prime time ice rate.

The rate for non-prime time ice for the general public is set at \$118/hour and set at \$180/hour for Local Minor Sports Associations; Administration recommends that the latter rate be reduced to \$110/hour in fairness to the local minor sports associations to align with neighbouring municipalities.

In addition, Administration met with user groups to discuss spatial needs at the Libro and after consultation with local minor sport organizations and to better align with neighbouring municipalities, Administration would further recommend that the approved \$12 per square foot rate for dedicated office space be reduced to \$5.60 per square foot.

#### **4. RISK ANALYSIS:**

User fees are required to be reviewed on an annual basis and on occasion, throughout the year to ensure market comparability, transparency and fairness to user groups. Timing of the approval process can sometimes pose a risk due to the fact that current information of neighbouring municipalities may not be available making proposed rates in the schedule higher or lower than expected, thereby affecting enrollment numbers and usage of these services within the Town. In order to mitigate this risk, it is important that Administration continue to have open dialogue with users groups and bring back to Council adjustments when warranted. A failure to do so may result in the Town of Amherstburg not meeting appropriate levels, creating lost opportunities for the Town to recover costs due to a loss in business from local minor sport organizations.

#### **5. FINANCIAL MATTERS:**

User fees and charges for taxation funded service areas are designed to mitigate the costs associated with providing services to individuals. Fees are recommended with consideration to recovering direct program costs, such as program supplies but generally

do not cover the full cost of the service. Further, in some areas fees have been constrained to achieve market comparability (e.g. recreation and arena fees).

Fee revenue is included in annual budget requests and offsets the cost of programs and services that must otherwise be recovered through taxation. At times for various reasons rates need to be adjusted based on information collected that affects enrollment and attraction of users to the Town. In light of recent conversations with user groups Administration recommends the User Fee By-law for 2023, approved by Council on January 9, 2023 be revised with the rates indicated below prior to the 2023/24 season open for local minor sports associations:

- a. The Prime Time ice rental rates for local minor sports associations be reduced from \$205.00/hour to \$201.96/hour (a 2% increase over 2022).
- b. The Non-Prime Time ice rental rates for local minor sports associations be reduced from \$180.00/hour to \$110.00/hour.
- c. The \$8 surcharge for all minor sports organizations for 2023 be reduced back to \$7/hour.
- d. The dedicated office space fee be reduced to \$5.60/square foot rather than \$12.00/square foot.

## **6. CONSULTATIONS:**

Facilities Manager  
Amherstburg Minor Sports Association  
Skate Amherstburg  
The City of Windsor and neighbouring municipalities within Essex County

## **7. CONCLUSION:**

In conclusion, Administration recommends Council approve the revision of fees as outlined in this report for the 2023 User Fee Schedule and adopt the revised By-law, taking into consideration consultation with various sports groups and organizations to better align with comparable rates of other municipality's user fees within the Essex County Region.

---

Trese MacNeil  
**Manager of Recreation Services**



## Report Approval Details

Document Title:	Revision to Recreation Rental Rates for Minor Sports Organizations.docx
Attachments:	- 2023-057 - 2023 User Fee Schedule.pdf
Final Approval Date:	Apr 6, 2023

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



Tracy Prince

**No Signature - Task assigned to Valerie Critchley was completed by workflow administrator Kevin Fox**

Valerie Critchley



Kevin Fox

**The Corporation of the Town of Amherstburg**

**By-law No. 2023-057**

**To Establish User Fees or Charges for  
Services, Activities or the Use of Property**

---

**Whereas** Section 391 of the Municipal Act, 2001 S.O. 2001 as amended, allows municipalities to pass By-laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of it, for costs payable by it for services or activities provided or done by or on behalf of any other municipality or local board, and for the use of its property including property under its control;

**And Whereas** The Municipal Act, 2001 S.O. 2001 grants a municipality power to pass By-laws that impose specific fees for licensing, services, permits and other reasons;

**And Whereas** Section 7 of the The Building Code Act, 1992 S.O. 1992 authorizes the Council of a municipality to pass By-laws requiring the payment of fees on application for and the issuance of permits and prescribing the amounts thereof;

**And Whereas** Section 69 of The Planning Act, R.S.O. 1990, as amended, grants the Council of a municipality, by By-law, and a planning board, by resolution, authority to establish a tariff of fees for the processing of applications made in respect of planning matters;

**And Whereas** Section 446(1) of the Municipal Act, 2001 S.O. 2001 authorizes the municipality under this or any other Act or under By-law under this or any other Act to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense;

**And Whereas**, the Council of the Corporation of the Town of Amherstburg wishes to establish and maintain a list of services, activities and the use of property subject to fees or charges and the amount of each fee or charge;

**Now Therefore** the Council of the Corporation of the Town of Amherstburg enacts as follows:

1. This By-law may be cited as the Town of Amherstburg "User Fees By-law".
2. Schedules 'A'-'H' to this By-law are hereby adopted as prescribing the fees/charges assessed by the Corporation of the Town of Amherstburg, subject to Consumer Price Index (CPI) adjustments under item 7, and shall be in effect from January 1, 2023, except as stated otherwise.
3. Any person who makes an application to, or a request for services of, or enters into an agreement with, or obtains an approval from, the Town, in respect of things or matters set out in this By-law, shall pay to the Treasurer the applicable administrative fees and charges set out in the Schedules to this By-law unless otherwise provided for in this By-law, and such administrative fees and charges are not refundable, unless otherwise provided for in this By-law, and are payable upon the person making such application or requiring services or entering into such agreement or obtaining such approval.
4. That such services and activities will not be provided until payment of the appropriate fee or charge has been received.

5. That payment of any fee or charge in this By-law shall be in Canadian currency.
6. Any fees and charges imposed under this By-law constitute a debt of the person to the Town and may be added by the Treasurer, together with interest, to the tax roll for any real property in the municipality all of the owners of which are responsible for paying such administrative fees and charges to be collected in a like manner as municipal taxes.
7. The fees in Schedules A through H shall be adjusted annually unless prohibited by legislation, without amendment to this By-law, on the 1st of January, except as stated otherwise, in accordance with the applied year over year change in the Consumer Price Index (CPI). Fees, including indexing adjustments, may then be rounded up, as follows:
  - a. Fees up to \$5 per unit rounded up to the nearest \$0.05 (five cents);
  - b. Fees greater than \$5 per unit rounded up to the nearest \$1.00 (one dollar).
8. The user deposit amounts in various schedules and the user rates for water and wastewater (Schedule G), under this By-law are not subject to annual CPI indexing, but are as established under this By-law in accordance with actual cost demands and related strategic plans respectively.
9. All fees and charges will be charged plus applicable taxes, unless otherwise noted.
10. Should any section, subsection, clause or provision of this By-law or its Schedules be declared by a court of competent jurisdiction to be invalid, the said section, subsection, clause or provision shall not affect the validity of this By-law or its Schedules as a whole or any part thereof, other than the part so declared to be invalid.
11. All previous By-laws concerning the fees detailed in Schedules A through H passed by the Town of Amherstburg are hereby repealed.
12. This By-law shall come into force and take effect on January 1, 2023.

Read a first, second and third time this 11th day of April, 2023.

---

Mayor – Michael Prue

---

Municipal Clerk – Kevin Fox

**Town of Amherstburg User Fee Schedule  
Schedule A  
Administrative Services**

Applicable Taxes will be added to all fees (1: Applicable Taxes extra, 2: Tax exempt, 3: Taxes included)

Service	Fee Basis	Fee	Tax
Photocopies	Per Page	\$ 0.45	1
Commissioning of Documents - Residents	Per Document	\$ 21.00	1
Commissioning of Documents - Non-residents	Per Document	\$ 27.00	1
MFFIPA Application Fee	Per Application	\$ 5.00	2
MFFIPA Other Fees	Actual Cost	As per Ontario Regulation 823	2
Transfer of Electronic Documents (USB, Email)	Per Document	\$ 11.00	1
Code of Conduct Complaint (refundable on recommendation of Integrity Commissioner)	Per Filing	\$ 134.00	2
Election Nomination Fee - Mayor	Per Nomination	\$ 200.00	2
Election Nomination Fee - Deputy Mayor/Councillor	Per Nomination	\$ 100.00	2
Copies of recorded council meeting	Per Copy	\$ 11.00	1
Administrative Charge for Subrogated Loss Program	Per Claim	\$ 147.00	1

**Town of Amherstburg User Fee Schedule  
Schedule B  
Building Services**

Applicable Taxes will be added to all fees (1: Applicable Taxes extra, 2: Tax exempt, 3: Taxes included)

Service	Fee Basis	Fee	Tax
<b>General Building Fees</b>			
Minimum Building Permit Fee	per permit	\$ 150.00	2
Lawyers Letter-Legal property information requests	per letter	\$ 85.00	2
Business Licence Inspection	per inspection	\$ 85.00	2
Liquor Licence Review	per review	\$ 113.00	2
911 addressing in rural area	per Sq Ft	\$ 91.00	2
Change of Use Permit	per Sq Ft	\$ 170.00	2
Change of Address	per permit	\$ 283.00	2
Transfer of Permit	per permit	\$ 113.00	2
Inspection fee-work incomplete not ready for inspection	per inspection	\$ 79.00	2
Inspections outside normal working hours (minimum 2 hour charge)	per hour per inspection	\$ 111.00	2
Inspections for other agencies (Rent tribunal, Ontario Renovates)	per inspection	\$ 227.00	2
Additional work request (inspections, cursory plan review etc.)	per hour	\$ 79.00	2
Construction started without permit	per application	25% of permit fee	2
Construction completed without permit	per application	Double the applicable fee	2
Building permit revoked	per permit	no refund	2
Building permit withdrawn or cancelled by owner	per permit	25% of permit fee	2
Application for DC Deferral (valid up to 4 months)	Per unit per 4 month deferral	\$ 87.00	2
<b>Residential Construction Permit-Group C</b>			
Minimum Residential Permit Fee	per permit	\$ 1,200.00	2
Single Family Dwelling-above grade level	per sq. ft.	\$ 1.25	2
Semi-Detached, Duplex, Triplex, Townhomes-above grade level	per sq. ft.	\$ 1.25	2
Multi-Unit Dwelling-Condominium, Apartments	per sq. ft.	\$ 1.25	2
Basement new construction (foundation)	per sq. ft.	\$ 0.20	2
Finished basement after new construction	per sq. ft.	\$ 0.60	2
Secondary Units-within existing dwelling	per sq. ft.	\$ 1.25	2
Secondary Units-within dwelling	per sq. ft.	\$ 1.25	2
Secondary Units-with in existing accessory structure	per sq. ft.	\$ 1.15	2
Secondary Units-with in a new accessory structure	per sq. ft.	\$ 1.25	2
Accessory structure (garage, sheds)	per sq. ft.	\$ 0.50	2
Residential additions / Renovations	Per \$1,000 of Construction Value	\$ 13.00	2
Decks / Porches	per permit	\$ 200.00	2
Gazebos	per permit	\$ 170.00	2
<b>Assembly Occupancy Group 'A' and Institutional Occupancy Group 'B'</b>			
Group A and B Occupancies	per sq. ft.	\$ 1.20	2
<b>Business and Personal Service Occupancy-Group 'D'</b>			
Group D Occupancies-Building Shell Only	per sq. ft.	\$ 1.20	2
Group D-Interior fit up (submitted separately)	per sq. ft.	\$ 0.60	2
Group D-Combined (both applications submitted at the same time)	per sq. ft.	\$ 1.65	2
<b>Mercantile Occupancy-Group 'E'</b>			
Group E Occupancies-Building Shell Only	per sq. ft.	\$ 1.20	2
Group E-Interior fit up (submitted separately)	per sq. ft.	\$ 0.60	2
Group E-Combined (both applications submitted at the same time)	per sq. ft.	\$ 1.65	2

<b>Industrial Occupancy-Group 'F'</b>			
Group F- Occupancies-Building Shell Only	per sq. ft.	\$ 1.20	2
Group F- Interior fit up (submitted separately)	per sq. ft.	\$ 0.60	2
Group F-Combined (both applications submitted at the same time)	per sq. ft.	\$ 1.65	2
<b>Interior Finishing-Tenant Fit Up</b>			
Group D, E, F where permit has been issued for the building shell	per sq. ft.	\$ 0.60	2
<b>Greenhoused and Farm Buildings</b>			
Barns-new and additions	per sq. ft.	\$ 0.30	2
Greenhouse	per sq. ft.	\$ 0.05	2
For all other ancillary uses other than greenhouse or barn	Per \$1,000 of Construction Value	\$ 13.00	2
<b>Projects not listed in Schedule</b>			
Projects not listed within this schedule will be based on project construction value	Per \$1,000 of Construction Value	\$ 13.00	2
<b>Plumbing-Residential</b>			
Single Detached, Semi Detached, Townhomes	per unit	\$ 228.00	2
Multi Unit	per unit	\$ 144.00	2
Renovations, Additions, Secondary Units	per permit	\$100 + \$13.40/fixture	2
Backwater valve	per permit	\$ 80.00	2
Sump pump overflow	per permit	\$ 53.00	2
Installation of new sanitary or storm sewer for single family, Semi Detached or Townhome units	each	\$ 115.00	2
Lateral sewer connection to existing house	each	\$ 158.00	2
<b>Plumbing-Non Residential</b>			
Site servicing-storm and sanitary piping-each 50 feet	per 50 feet	\$ 13.00	2
Internal Plumbing	per application	\$125 + \$13.40/fixture	2
Backflow	per application	\$ 75.00	2
Catch basin / manholes	per application	\$ 50.00	2
Water Heater	per unit	\$ 17.00	2
Roof drain	per unit	\$ 11.00	2
Grease and oil interceptor	per unit	\$ 28.00	2
Water Distribution piping	per space	\$ 83.00	2
<b>Heating Multi Residential and Non-Residential</b>			
Heating Unit	per unit	\$ 84.00	2
Distribution ductwork	per unit space	\$ 84.00	2
<b>Sewage Septic Systems</b>			
New installation or replacement (any type)	per permit	\$ 908.00	2
Holding tank	per permit	\$ 908.00	2
Repair or alteration to existing system	per permit	\$ 267.00	2
The decommissioning of septic systems and/or installing new lateral sanitary sewers	per permit	\$ 283.00	2
<b>Demolition</b>			
Demolition of structures	per sq. ft.	\$ 0.25	2
<b>Designated Structures</b>			
Designated structures to include -Solar collectors, retaining walls, wind turbines, loading docks, towers, tanks	Per \$1,000 of Construction Value	\$ 13.00	2
Tents	per permit	\$ 113.00	2
Signs (permanent)	per sign face	\$ 113.00	2
<b>Swimming Pool Enclosures</b>			
Swimming Pool Enclosures	per permit	\$ 125.00	2
<b>Indemnity Deposits (Refundable up to 3 years from permit issuance)</b>			
Residential	deposit	\$ 1,000.00	2
Non-Residential (commercial, industrial, institutional)	deposit	\$ 1,000.00	2
Swimming Pool Enclosures (inground pools)	deposit	\$ 1,000.00	2
Swimming Pool Enclosures (above ground pools)	deposit	\$ 500.00	2
Accessory Structures-residential	deposit	\$ 500.00	2
Farm buildings	deposit	\$ 500.00	2
Decks and porches	deposit	\$ 500.00	2

**Town of Amherstburg User Fee Schedule  
Schedule C  
Corporate Services**

Applicable Taxes will be added to all fees (1: Applicable Taxes extra, 2: Tax exempt, 3: Taxes included)

Service	Fee Basis	Fee	Tax
<b>Finance and Taxation:</b>			
Adding Charges to Roll	Per Transaction	\$ 117.00	2
Financing Administrative Fee	Per Property	\$ 117.00	2
Indemnity Processing Charge	Per Occurrence	\$ 59.00	2
Misdirected Payment	Per Transaction	\$ 29.00	2
NSF/Returned Payment Charge	Per Occurrence	\$ 48.00	2
Refund Charge	Per Occurrence	\$ 29.00	2
Tax Certificates	Per Certificate	\$ 83.00	2
Tax Certificates or Statement - Required within 3 business days	Per Certificate	\$ 167.00	2
Tax Research (For Tax, Accounting or Finance)	Per hour	\$ 59.00	2
Tax Sale Registration 2nd Letter	Per letter	\$ 59.00	2
Tax Sale Registration Final Letter Before Registration	Per letter	\$ 59.00	2
Title Search - 2 years arrear	Per Search	\$ 59.00	2
Prescribed Interest Rate	Per Occurrence	3% + Bank of Canada Rate	2
Interest on trade receivables over 30 days past due per month	1.25% of arrears	as calculated	2
Penalty and interest on tax account arrears per month	1.25% of arrears	as calculated	2
<b>EV Charging Stations</b>			
Level 2 Charging	per hour	\$ 2.00	3
Level 3 Charging	per minute	\$ 0.50	3
Unattended-Fully charged vehicle left plugged in, 30 min after fully charged	Flat rate	\$ 50.00	3
EV Parking Infraction	Per occurrence	\$ 125.00	2

**Town of Amherstburg User Fee Schedule  
Schedule D  
Fire Services**

Applicable Taxes will be added to all fees (1: Applicable Taxes extra, 2: Tax exempt, 3: Taxes included)

Service	Fee Basis	Fee	Tax
File Search (Lawyer Letter)	Per Search	\$ 97.00	2
Fire Report (No Investigation)	Per Report	\$ 97.00	1
Fire Report (Investigation)	Per Report	\$ 298.00	1
Inspection with Fire Code Deficiencies	Per Hour	\$ 97.00	1
Re-Inspection after Notice of Violation	Per Hour	\$ 97.00	1
Request Inspection (letter required)	Per Hour	\$ 97.00	1
Firework Application and Review	Per Hour	\$ 97.00	2
Fire Safety Plan Review	Per Hour	\$ 97.00	2
Lockbox Program	One Time Fee	\$ 97.00	2
MVA Response to Non Resident Vehicles	Per hour/Per truck	*Current MTO rate	1
Smoke/CO Alarm Installation	Per Smoke Alarm	\$ 48.00	1
Risk & Safety Management Level 1 Propane/Natural Gas	Per Hour	\$ 97.00	1
Risk & Safety Management Level 2 Propane/Natural Gas	Per Hour	\$ 97.00	1
Open Air Permit Site Inspection Fee	Per	\$ 97.00	
Open Burn - Duty Officer Response	per Officer	\$ 268.00	1
Open Burn	Per Call (5 or less Firefighters)	\$ 534.00	1
Open Burn	Per Call (6 or more Firefighters)	\$ 1,072.00	1
Assistance for Private Standby Beyond Normal Fire Protection	Per hour/Per truck	*Current MTO rate	1
Annual Business License Inspection	Per Hour	\$ 97.00	2
False Alarm (After 3 Occurrences in 12 month period)	Per truck	*Current MTO rate	1
Emergency Response-Fire Department	per hour/per truck	*Current MTO rate	1
Emergency Response-Fire Department	personnel per hour/personnel per call	**Current rate	1
Any other costs associated with the response of each and every call		Actual Cost	1

\* Current MTO rate will be determined by the Clerk as per the Ministry of Transportation rate at the date of invoice

\*\* Current personnel per hour and per call rates will be determined based on the hourly rate of

**Town of Amherstburg User Fee Schedule  
Schedule E  
Licensing & Enforcement Services**

Applicable Taxes will be added to all fees (1: Applicable Taxes extra, 2: Tax exempt, 3: Taxes included)

Service	Fee Basis	Fee	Tax
<b>Licences:</b>			
Auctioneer	Per Licence	\$ 92.00	2
Lotteries/Bingos/Raffles	Per Licence	3% of the prize value	2
Carnivals, Fairs/Midways	Per Licence	\$ 175.00	2
Circuses	Per Licence	\$ 175.00	2
Concerts	Per Licence	\$ 175.00	2
Driving Schools	Per Licence	\$ 175.00	2
Festivals	Per Licence	\$ 175.00	2
Flea Markets	Per Licence	\$ 175.00	2
Hawkers and Peddlers	Per Licence	\$ 92.00	2
Horse Drawn Carriage Owners Drivers	Per Licence	\$ 92.00	2
Limousine Driver	Per Licence	\$ 92.00	2
Limousine Owner	Per Licence	\$ 92.00	2
Pedi cabs Owners/Drivers	Per Licence	\$ 92.00	2
Petting Zoos	Per Licence	\$ 175.00	2
Portable Sign Contractors	Per Licence	\$ 117.00	2
Produce Vendors	Per Licence	\$ 175.00	2
Refreshment Vehicles (All Classes)	Per Licence	\$ 232.00	2
Second Hand Shops	Per Licence	\$ 232.00	2
Special Event Sales	Per Licence	\$ 92.00	2
Taxicab Broker	Per Licence	\$ 87.00	2
Taxicab Driver	Per Licence	\$ 69.00	2
Taxicab Owner	Per Licence	\$ 80.00	2
Trade Shows	Per Licence	\$ 175.00	2
Amusement Arcades	Per Licence	\$ 232.00	2
Automobile Body Repair Shops	Per Licence	\$ 232.00	2
Barbershops	Per Licence	\$ 232.00	2
Beauty Salons	Per Licence	\$ 232.00	2
Bed and Breakfasts	Per Licence	\$ 232.00	2
Bingo Halls	Per Licence	\$ 232.00	2
Boarding/Lodging/Rooming Houses	Per Licence	\$ 232.00	2
Body piercing parlours	Per Licence	\$ 232.00	2
Bowling Alleys	Per Licence	\$ 232.00	2
Business Service Establishments	Per Licence	\$ 232.00	2
Campgrounds/Trailer Parks	Per Licence	\$ 232.00	2
Caterers	Per Licence	\$ 232.00	2
Dry Cleaners	Per Licence	\$ 232.00	2
Florist Shops	Per Licence	\$ 232.00	2
Food Shops	Per Licence	\$ 232.00	2
Gas Stations	Per Licence	\$ 232.00	2
Hotels/Motels	Per Licence	\$ 232.00	2
Indoor Recreational Establishments	Per Licence	\$ 232.00	2
Office (General, Business, Service)	Per Licence	\$ 232.00	2
Pet Groomers	Per Licence	\$ 232.00	2
Pet Shops	Per Licence	\$ 232.00	2
Public Halls (all classes)	Per Licence	\$ 232.00	2
Race Tracks	Per Licence	\$ 175.00	2
Restaurants	Per Licence	\$ 232.00	2
Retail Store	Per Licence	\$ 232.00	2
Snack Bars	Per Licence	\$ 232.00	2
Swimming Pools	Per Licence	\$ 232.00	2
Tattoo parlours	Per Licence	\$ 232.00	2
Theatres	Per Licence	\$ 232.00	2
Wrecking Yards	Per Licence	\$ 232.00	2
Adult Book/Magazine Sales	Per Licence	\$ 117.00	2
Adult Entertainment Attendants	Per Licence	\$ 92.00	2
Adult Entertainment Parlours	Per Licence	\$ 232.00	2
Adult Merchandise Sales	Per Licence	\$ 232.00	2
Adult Videotape Sales/Rental	Per Licence	\$ 232.00	2
Marriage Licences	Per Licence	\$ 137.00	2

Dog Licence	Per Spayed / Neutered Dog	\$ 18.00	2
Dog Licence - Senior Citizen Rate	Per Spayed / Neutered Dog	\$ 12.00	2
Dog Licence	Per Unspayed / Un-neutered Dog	\$ 29.00	2
Dog Licence - Senior Citizen Rate	Per Unspayed / Un-neutered Dog	\$ 23.00	2
Late Fee - Dog Tag -After April 30	Per Licence	\$ 12.00	2
Replacement tag for lost dog tag	Per replacement	\$ 11.00	2
Transfer of tag	Per Transfer	\$ 11.00	2
<b>Other Fees and Charges:</b>			
Civil Marriage Ceremony during regular business hours	Per Ceremony	\$ 290.00	1
Civil Marriage Ceremony Cancellation Fee	With 24 hours notice	\$ 73.00	1
During regular business hours Civil Marriage Ceremony Cancellation Fee	Without 24 hours notice	\$ 145.00	1
Civil Marriage Ceremony Rehearsal	Per Rehearsal	\$ 59.00	1
Civil Marriage Ceremony Witnesses	Per 2 witnesses	\$ 37.00	1
Liquor Licence Application Processing	Per Application	\$ 59.00	1
Application for Noise Exemption	Per Application	\$ 59.00	2
Death Registration	Per Registration	\$ 18.00	2
Application for Fence Variance	Per application	\$ 59.00	2
Fence Viewing	Per application	\$ 464.00	2
Appear before Property Standards Committee	per appeal	\$ 117.00	2
Property Standards Order, minimum 1 hour	Per Hour	\$ 150.00	2
Property Standards Order Reinspection, minimum 1 hour	Per Hour	\$ 150.00	2
Register Property Standards Order on Title (actual registration costs charged in addition to base fee)	Per Registration	\$ 59.00	2
Parking Violation	Per Violation	\$ 25.00	2
By-law Violation - Administrative Fee -Work Completed by the Town, minimum 1 hour	Per Hour	\$ 150.00	2
Sign Removal	Per Sign Greater of Base Fee and actual cost)	\$ 232.00	2
Sign Storage - size up to 4 square metres	Per Sign per day (or part thereof)	\$ 2.40	2
Sign Storage - size greater than 4 square metres	Per Sign per square metre/per day (or part thereof)	\$ 0.65	2

**Town of Amherstburg User Fee Schedule  
Schedule F  
Planning & Development Services**

Applicable Taxes will be added to all fees (1: Applicable Taxes extra, 2: Tax exempt, 3: Taxes included)

Service	Fee Basis	Minimum Deposit to Accompany Application*	Fee (Non-refundable plus actual costs)	Tax
Official Plan Amendment- Major	Per Application	\$ 1,000.00	\$ 5,355.00	2
Official Plan Amendment- Minor	Per Application	\$ 1,000.00	\$ 2,678.00	2
Zoning By-law Amendment- Major	Per Application	\$ 1,000.00	\$ 5,355.00	2
Zoning By-law Amendment- Minor	Per Application	\$ 1,000.00	\$ 2,678.00	2
Zoning By-law Amendment as a Result of an Condition of Consent	Per Application	\$ -	\$ 1,114.00	2
Zoning By-Law Amendment to Remove a Holding (h) Symbol	Per Application	\$ -	\$ 1,114.00	2
Combined Official Plan Amendment and Zoning By-law Amendment	Per Application	\$ 2,000.00	\$ 7,770.00	2
Consideration of an Application to the County of Essex for Approval of a Plan of Subdivision/Condo or Amendment to a Draft Plan or Extension of DPA	Per Application	\$ 2,000.00	\$ 9,135.00	2
Site Plan Control & Development Agreement- Major	Per Application	\$ 1,000.00	\$ 4,515.00	2
Site Plan Control & Development Agreement- Minor	Per Application		\$ 2,258.00	
Amendment of Site Plans & Development Agreement	Per Application	\$ 1,000.00	\$ 2,520.00	2
Part Lot Control Exemption By-law	Per Application	\$ 500.00	\$ 2,415.00	2
Consent to Sever Land-Initial Application	Per Application	\$ -	\$ 1,470.00	2
Consent to Sever Land-Additional Lots to Initial Application	Per Application		\$ 546.00	2
Parkland Dedication Fee (as a condition of consent application under the Planning Act S.42, 53)	Per New Lot		\$ 1,070.00	2
Minor Variance or Permission to Enlarge, Extend or Alter the Use of a Legal Non-conforming Use	Per Application		\$ 1,155.00	2
Combined Consent to Sever Land and Minor Variance			\$ 2,310.00	
Certificate of Validation	Per Application		\$ 284.00	2
Special Committee of Adjustment Hearing at Request of Applicant	Per Hearing		\$ 427.00	2
Planning Act Applications Deferral (Applicant Request)	Per Deferral		\$ 534.00	2
Official Plan or Zoning Bylaw (copy)	Per Copy		\$ 57.00	1
Planning Letter	Per Inquiry		\$ 83.00	2



**Town of Amherstburg User Fee Schedule  
Schedule G  
Engineering and Public Works Services**

Applicable Taxes will be added to all fees (1: Applicable Taxes extra, 2: Tax exempt, 3: Taxes included)

Service	Fee Basis	Fee	Tax
Lawyers Inquiries	Per Inquiry	\$ 89.00	2
<b>Roads</b>			
Street Sweeper - Cleaning Roads	per hour	\$ 241.00	1
Street Sweeper - Hydro excavation	per hour	\$ 301.00	1
Backhoe	per hour	\$ 109.00	1
Dump Truck	per hour	\$ 97.00	1
Light Duty Vehicle	per hour	\$ 37.00	1
Roads Operator	per hour	actual cost	1
Supervisor	per hour	actual cost	1
Right Of Way Permit	per permit	\$ 241.00	2
Indemnity Deposit (Refundable up to 3 years from permit issuance)	\$1,000 Deposit per permit		
Storm Connection	Per Service	Actual cost, \$2000 deposit required	1
<b>Drainage</b>			
Drainage Apportionment Fee for Consent	per service	\$ 535.00	1
Drainage Apportionment Fee for Land Severance	per service	\$ 535.00	1
<b>Water Rates to be brought forward to Council once the Rate Study is complete</b>			
Water Operator	per hour	actual cost	1
Supervisor	per hour	actual cost	1
Water Meter Fee w/transmitter	3/4" Permit/Water Meter Fee	\$ 500.00	2
Water Meter Fee w/transmitter	1" Permit/Water Meter Fee	\$ 655.00	2
Water Meter Fee w/transmitter	1.5" or greater Permit/Water Meter Fee	Actual cost, \$3500 deposit required	2
Abandonment of Water Service	Per disconnection	\$ 5,000.00	2
Water Meter Testing for Customer	Per test	\$ 325.00	2
Coin Operated Filling Stations	Per Cubic Metre	\$ 2.00	2
Hydrant Valve (Hydrant Hookup Box)	Per valve per day	\$ 150.00	2
Hydrant Water Usage Fee	per usage	Actual Cost	2
Illegal Connection Charge	Per Offense	\$ 344.00	2
Curb Box Replacement	Per Service	\$ 320.00	
After Hours Water Shut Off/Turn On	per service	\$ 220.00	2
Missed Appointment fee	per instance	\$ 65.00	2
<b>New Water Service Rates to be brought forward to Council once the Rate Study is complete</b>			
Connection - 3/4" Water Service	Per Service	\$ 3,710.00	2
3/4" Meter Pit Componenets & Installation	Per Service	\$ 1,060.00	2
Connection - 1" Water Service	Per Service	\$ 3,880.00	2
1" Meter Pit Componenets & Installation	Per Service	\$ 1,290.00	2
Connection - 2" or greater Water Service	Per Service	Actual cost, \$5000 deposit required	2
All new service connections - Monthly Service fee until meter is installed and passes inspection	Per Service,per month	\$ 125.00	2
Private Development Watermain Commisioning (4" or Larger, less than 100m in length)	Per Project	\$ 1,070.00	2
Private Development Watermain Commisioning (4" or Larger, greater than 100m in length)	Per Project	\$ 1,810.00	2
Consumption	Per Cubic Metre	\$ 1.278	2
<b>Base Monthly Charge by Meter Size:</b>			
5/8 and 3/4 inches	Per Month	\$ 24.28	2
1 inch	Per Month	\$ 32.30	2
1 1/4 and 1 1/2 inches	Per Month	\$ 40.40	2
2 inches	Per Month	\$ 60.64	2
3 inches	Per Month	\$ 79.44	2
4 inches	Per Month	\$ 151.62	2
6 inches	Per Month	\$ 483.44	2
8 and 10 inches	Per Month	\$ 606.47	2
<b>Wastewater Rates to be brought forward to Council once the Rate Study is complete</b>			
Sanitary Connection	Per Service	Actual cost, \$3000 deposit required	1
Processed Organic Waste	per Litre	\$ 0.13	1
Imported Sewage	per Litre	\$ 0.10	1
Imported Pre-treated Sewage	per Litre	\$ 0.008	
Consumption	Per Cubic Metre	\$ 2.36	1
<b>Base Monthly Charge by Meter Size:</b>			
5/8 and 3/4 inches	Per Month	\$ 34.89	1
1 inch	Per Month	\$ 46.55	1
1 1/4 and 1 1/2 inches	Per Month	\$ 58.17	1
2 inches	Per Month	\$ 87.24	1
3 inches	Per Month	\$ 121.17	1
4 inches	Per Month	\$ 218.11	1
6 inches	Per Month	\$ 581.63	1
8 and 10 inches	Per Month	\$ 872.45	1

**Town of Amherstburg User Fee Schedule**  
**Schedule H**  
**Parks, Facilities, Recreation and Culture Services**

Applicable Taxes will be added to all fees (1: Applicable Taxes extra, 2: Tax exempt, 3: Taxes included)

Service	Fee Basis	Fee	Tax
<b>Administration Fees</b>			
Security Deposit (refundable net of costs incurred)	per rental	\$ 268.00	2
Refund Admin Fee - programs and rentals	per transaction	\$ 30.00	1
Set-up / Take Down Fee	per rental	\$ 30.00	1
Equipment Rental - Multimedia Station	per rental	\$ 24.00	1
Equipment Rental - Recreation Equipment	per rental	\$ 19.00	1
Equipment Rental - Sound System	per rental	\$ 24.00	1
Banner Fee	per banner	\$ 550.00	1
<b>Kantech Access Cards</b>			
New or replacement	Per Card	\$ 25.00	1
Reprogramming of card	Per Card	\$ 15.00	1
Card cancellations	Per Card	No Charge	
<b>Keys</b>			
Additional per key	Per Key	\$ 7.50	1
Lost/rekeying lock required	Per Lock	\$ 75.00	1
Cancellation Fees	Once permits are created, cancellations will not be permitted		

<b>Advertising Fees</b>			
Rink Board Advertising (High Visibility) per year	34" x 120"	\$ 933.00	1
Rink Board Advertising (Low Visibility) per year	34" x 120"	\$ 700.00	1
Mezzanine Ads per year	36" x 72"	\$ 583.00	1
Backlit Signs per year	48" x 96"	\$ 1,747.00	1
Ice Logo per year	72 sq feet (6' x 12')	\$ 2,910.00	1
Goal Rink Advertising per year	34" x 120"	\$ 350.00	1
Zamboni Advertising per year	1 machine	\$ 5,236.00	1
Municipal Guide - Back Cover	per edition	\$ 467.00	1
Municipal Guide - Back Cover	2 editions	\$ 816.00	1
Municipal Guide - Inside Front or Inside Back	per edition	\$ 409.00	1
Municipal Guide - Inside Front or Inside Back	2 editions	\$ 757.00	1
Municipal Guide - Full Page	per edition	\$ 322.00	1
Municipal Guide - Full Page	2 editions	\$ 583.00	1
Municipal Guide - Half Page	per edition	\$ 234.00	1
Municipal Guide - Half Page	2 editions	\$ 409.00	1
Municipal Guide - Quarter Page	per edition	\$ 176.00	1
Municipal Guide - Quarter Page	2 editions	\$ 322.00	1
Municipal Guide - Business Card Size	per edition	\$ 117.00	1
Municipal Guide - Business Card Size	2 editions	\$ 206.00	1
Electronic Advertising - Libro Credit Union Centre (1 month)	1 month	\$ 48.00	1
Electronic Advertising - Libro Credit Union Centre (3 months)	per month	\$ 39.00	1
Electronic Advertising - Libro Credit Union Centre (6 months)	per month	\$ 38.00	1
Electronic Advertising - Libro Credit Union Centre (12 months)	per month	\$ 37.00	1
Electronic Advertising - Town Hall (1 month)	1 month	\$ 26.00	1
Electronic Advertising - Town Hall (3 months)	per month	\$ 21.00	1
Electronic Advertising - Town Hall (6 months)	per month	\$ 20.00	1
Electronic Advertising - Town Hall (1 months)	per month	\$ 20.00	1
Electronic Advertising - Libro Centre & Town Hall (1 month)	1 month	\$ 59.00	1
Electronic Advertising - Libro Centre & Town Hall (3 months)	per month	\$ 45.00	1
Electronic Advertising - Libro Centre & Town Hall (6 months)	per month	\$ 42.00	1
Electronic Advertising - Libro Centre & Town Hall (12 months)	per month	\$ 40.00	1
Gateway Digital Sign - Non-Profit Messages	per month	\$ 107.00	1
Gateway Digital Sign - Commercial Advertisement or Promotion	per month	\$ 214.00	1
<b>** Administration has ability to negotiate price for multiple advertising opportunities</b>			

<b>Community Programming Fees</b>				
<b>Seasonal Activities and Programs</b>				
Parent & Tot (ages 4 & under)	per class	\$	9.00	2
Pre-School (ages 3-5)	per class	\$	9.00	2
Youth (ages 6-14)	per class	\$	12.00	2
Teen (ages 15-17)	per class	\$	13.00	2
Adult (ages 18-59)	per class	\$	14.00	3
Senior (ages 60+)	per class	\$	8.00	3
<b>Drop-Ins (unsupervised, unstructured, max 2.5 hours)</b>				
Parent & Tot (ages 4 & under)	per drop-in	\$	2.00	2
Pre-School (ages 3-5)	per drop-in	\$	2.00	2
Youth (ages 6-14)	per drop-in	\$	3.00	2
Teen (ages 15-17)	per drop-in	\$	3.00	1
Adult (ages 18-59)	per drop-in	\$	5.00	1
Senior (ages 60+)	per drop-in	\$	4.00	1
<b>Day Camp</b>				
Daily (Maximum 9 hrs/day)	per day	\$	37.00	2
Weekly	per week	\$	148.00	2
Specialty Camp	per week	\$	175.00	2
Hot Lunch fee	per lunch	\$	9.00	2
Late Pick up Fee (when staff is required to stay beyond scheduled time)	per occurrence	100% Full cost recovery		1
Field Trip Fee	per trip	\$	18.00	2
<b>*Family will include 5 members max. / Youth under 14 years are exempt from HST</b>				
<b>Indoor Recreation Facilities Fees</b>				
<b>Ice Time Effective April 1st</b>				
Capital Surcharge	per hour	\$	7.00	2
Prime Time Rental	per hour	\$	201.96	1
Non-Prime Time Rental	per hour	\$	110.00	1
Non-Prime Time Senior & School Rate	per hour	\$	74.00	1
Local Minor Sports Association Prime Time Rental	per hour	\$	205.00	1
Local Minor Sports Association Non-Prime Time Rental	per hour	\$	180.00	1
Goalie Pad	per hour	\$	46.00	1
Public Skating - General (per person)	per person	\$	4.00	2
Public Skating - General (per family from same household)	Max of 5	\$	12.00	2
<b>Indoor Soccer Field Effective April 1st</b>				
Capital Surcharge	per hour	\$	7.00	2
Prime Time Rental - Full Turf (includes local minor sports)	per hour	\$	90.00	1
Non-Prime Time Rental Full Turf (includes local minor sports)	per hour	\$	50.00	1
Prime Time Rental Half-Turf (includes local minor sports)	per hour	\$	45.00	1
Non-Prime Time Rental Half-Turf (includes local minor sports)	per hour	\$	25.00	1
<b>Dry Floor Time</b>				
Capital Surcharge	per hour	\$	7.00	2
Arena Floor Rental Prime Time	per hour	\$	90.00	1
Arena Floor Rental Non-Prime	per hour	\$	50.00	1
**Show/Sale (in advance)	per day	\$	606.00	1
<b>Multi Purpose Room Upstairs in Arena (Small room)/Libro Lobby</b>				
Capital Surcharge	per hour	\$	3.70	2
Prime Time Rental	per hour	\$	44.00	1
Non -Prime Time Rental	per hour	\$	34.00	1
Local Minor Sports Association Prime Time Rental	per hour	\$	29.00	1
Local Minor Sports Association Non-Prime Time Rental	per hour	\$	24.00	1
Weekend - Daily Alcohol & Non-Alcohol - Half Day ( 4 hours)	per event	\$	280.00	1
Weekend - Daily Alcohol & Non-Alcohol - Full Day ( 8 hours)	per event	\$	503.00	1
<b>Board Room In Arena (Office Area)</b>				
All Hours	Non-Profit Group		No Charge	
<b>Ground Floor Multipurpose Room/Essex Power Energy Zone</b>				
Capital Surcharge	per hour	\$	3.70	2
Prime Time Rental	per hour	\$	45.00	1
Non -Prime Time Rental	per hour	\$	35.00	1
<b>Community Room</b>				
Capital Surcharge	per hour	\$	3.70	2
Prime Time Rental	per hour	\$	57.00	1
Non -Prime Time Rental	per hour	\$	45.00	1
Kitchen - Prime or Non-Prime Half Day (4 hours)	per half day	\$	100.00	1
Kitchen - Prime or Non-Prime Full Day (8 hours)	per full day	\$	175.00	1
Weekend - Daily Alcohol & Non-Alcohol - Half Day ( 4 hours)	per event	\$	280.00	1
Weekend - Daily Alcohol & Non-Alcohol - full Day ( 8 hours)	per event	\$	503.00	1

<b>Outdoor Recreation Facilities Fees</b>			
<b>Pavilion Rentals</b>			
Capital Surcharge	per 2 hours	\$	7.00 2
Wedding / Special Event	per 2 hours	\$	86.00 1
<b>** There is no alcohol allowed in KNYP Please refer to KNYP passive By-Law</b>			
<b>Full Park Rentals, Special Events &amp; Equipment</b>			
Capital Surcharge (rentals)	per hour	\$	7.00 2
Family Reunion/Picnic, etc. (no alcohol)	per rental	\$	102.00 1
Special Event and/or Park Rental	per rental	\$	273.00 1
Special Event Road Rental	per rental	\$	273.00 1
<b>Baseball Diamonds</b>			
<b>Effective April 1st</b>			
Capital Surcharge	per game	\$	7.00 2
Ball Diamond	per game	\$	11.00 1
Baseball Diamond - Libro Credit Union Centre - Un-Lit	per game	\$	40.00 1
Baseball Diamond - Libro Credit Union Centre - Lit	per game	\$	65.00 1
Local Minor Sports Association - Libro (Un-lit)	per game	\$	39.00 1
Local Minor Sports Association - Libro (Lit)	per game	\$	62.00 1
Baseball Diamond - Half Day ( 4 hours)	per day	\$	35.00 1
Baseball Diamond - Per Day ( 8 hours) (Un-lit)	per day	\$	70.00 1
Local Minor Baseball Association (T-Ball) ( per season)	per player	\$	10.00 1
Local Minor Baseball Association ( per season)	per player	\$	19.00 1
<b>Soccer/Football Field</b>			
<b>Effective April 1st</b>			
Capital Surcharge	per game	\$	7.00 2
Grass Field	per game	\$	11.00 1
Premier Turf Field - Un-Lit	per game	\$	40.00 1
Premier Turf Field - Lit	per game	\$	65.00 1
Local Minor Sports Association - Premier Turf (Un-lit)	per game	\$	39.00 1
Local Minor Sports Association - Premier Turf (Lit)	per game	\$	62.00 1
Football Field Grass - Half Day ( 4 hours)	per day	\$	35.00 1
Football Field Grass- Per Day ( 8 hours)	per day	\$	70.00 1
Minor Soccer Association ( per season)	per player	\$	19.00 1
<b>Tennis Courts</b>			
Single Court	per hour	\$	4.60 1
All Courts at location	per day	\$	13.00 1
All courts - Half Day ( 4 hours)	4 hours	\$	35.00 1
All Courts - Per Day ( 8 hours)	per evening	\$	68.00 1
<b>Field and Track Area</b>			
Evening (with alcohol)	per evening	\$	216.00 1
All day( with alcohol)	per day	\$	431.00 1
Private Rental (no alcohol)	per day	\$	108.00 1
<b>(**LCBO Special Occasion Permit is Mandatory along with Insurance Certificate covering days booked**)</b>			

<b>Sport &amp; Facility Services</b>			
Electrician	per event	100% Full cost recovery	1
Forklift	per event	100% Full cost recovery	1
Set up/Tear down (Libro) (0-50 Chairs)	per event	Included in Room Rental	1
Set up/Tear down (Libro) (51-100 Chairs)	per event	\$	50.00 1
Transient Office for user groups/tournament organizers, etc.	per hour	\$	12.00 1
	per day	\$	75.00 1
Staff Overtime (groups staying beyond allocated time)		100% Full cost recovery	1
Dedicated Storage Space	per square foot/annually	\$	2.60 1
Dedicated Office Space	per square foot/annually	\$	5.60 1
Extra Cleaning Fee (rooms)	per cleaning	100% Full cost recovery	1
Extra Cleaning Fee (dressing rooms)	per cleaning	\$	20.00 1



## 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.*

<b>Author's Name: Sarah French</b>	<b>Report Date: March 24, 2023</b>
<b>Author's Phone: 519 736-5408 ext. 2145</b>	<b>Date to Council: April 11, 2023</b>
<b>Author's E-mail: sfrench@amherstburg.ca</b>	<b>Resolution #:</b>

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

**Subject: Mulberry Court Subdivision Street Name Request**

---

#### 1. **RECOMMENDATION:**

It is recommended that:

1. The proposed street name Mulberry Court for Street A of the Mulberry Court Subdivision **BE APPROVED.**

#### 2. **BACKGROUND:**

The Town of Amherstburg is committed to honouring and promoting the heritage and identity of the Town and therefore a street naming policy (Municipal Street Naming Policy) was brought forward to Council for approval on September 25, 2017. The Municipal Street Naming Policy included the creation of a Historical Street Name Inventory List for developers to choose from when naming new streets.

Street naming is an important municipal function that enables people to locate properties quickly and effectively. Street naming should be simple, easy for the public to understand and enable the effective management of municipal street networks and the delivery of municipal services, including emergency response.

The Municipal Street Naming Policy approved through By-law 2017-90 allows a developer to utilize names that are not on the Historical Street Name Inventory List as long as the proposed names are approved by Council. The developer of Mulberry Court Subdivision, 2047909 Ontario Limited. c/o Joe Shaw, has requested the street name Mulberry Court for the subdivision. The name Mulberry Court is not on the Historical Street Name List, however the developer began planning the subdivision long before the Municipal Street Naming Policy was enacted. The Planning Department has draft plans from the developer

dating back to 2005 and the subdivision has historically been called the Mulberry Court subdivision.

### **3. DISCUSSION:**

The Municipal Street Naming Policy sets out the criteria and approval process to assign a legal municipal street name to a street on a draft plan of subdivision.

A municipality's authority to name streets is as follows:

1. The Municipal Act, 2001 – Section 24-68 delegates the responsibility to pass bylaws for the purpose of naming streets to local municipalities.

#### **Historical Street Name Inventory**

The Historical Street Name Inventory List was last updated in January, 2022, and contains 48 potential street names. The updated Historical Street Name Inventory has been attached to this report. The list of street names includes prominent figures associated with the founding of Amherstburg, figures who were associated with the War of 1812, past mayors of Amherstburg (from 1878 to 1899), and past Reeves of Amherstburg (from 1924 to 1954).

#### **Mulberry Court Subdivision Name Request**

Section 7.1 and 7.1.1 of the Municipal Street Naming Policy authorizes Council to approve additional street names not in the inventory and Section 6.6.3 states “street names that represent specific themes are encouraged”.

The Municipal Street Naming Policy permits developers to request alternative street names that are not on the list through a request to Council. The Municipal Street Naming Policy states:

6.3. All requests for street names must be made in writing and have a completed Street Name Request Form attached. The requests shall include background information concerning the rationale for the request, geographical association (if applicable), biographical information and documentation providing support for the request. The applicant must assume responsibility for obtaining the support for the request where applicable.

6.6.2. Street names shall be chosen, whenever possible, to recognize the historical significance of figures, groups, neighbourhoods, places, landmarks and events within the Town of Amherstburg that denote:

6.6.2.1. The community's evolution and progress;

6.6.2.2. The unique aspects related to the community's geographical locations or other distinct characteristics;

6.6.2.3. Figures, events, milestones, and achievements that the community may wish to acknowledge; OR

6.6.2.4. Any name not covered under Section 6.6 which has been endorsed by resolution of Council.

It is appropriate to consider alternative street names for some developments within the Town of Amherstburg. The developer has provided the following rationale for the street names:

*To Whom It May Concern,*

*Our family has owned the subject property for almost 25 years. Back in 2002 we initially wanted to use the name Shaw as the street name but then our family name was used in Malden as Shaw Drive. At that time, it was attributed to our cousin Crimmons Shaw who served in the Canadian Airforce and sacrificed his life when he was shot down over Britain in 1940. Our family has been in Amherstburg since the mid 1800's. Many of us have served in various capacities including the Legion 157, Knights of Columbus, Kinsman Clubs and more.*

*Shortly after that time, upon inspection of our property on Simcoe St., our mother and father noticed two mulberry trees on the subject property. These type of trees are very rare. In 2004 we decided to call our project/street name Mulberry Court. The name was of particular interest to our mother at that time because of the distinction of that type of tree on the property.*

*We have used that name for almost 20 years now when referring to the project. Any correspondence with the Town, Engineers, Mayor and Council has always been Mulberry Crt.*

*We are requesting 'in honour of our mother who has since passed in 2011' the street name selection of 'Mulberry Crt' in regards to the ongoing project on Simcoe St.*

*We appreciate your time and attention to this matter and hope that you kindly consider our request.*

*The Harold Shaw Family*

Administration is supportive of developers choosing street names off of the Historical Street Name List for the majority of subdivisions within the Town of Amherstburg. However, there are examples of subdivisions within the Town that have been planned for many years and have utilized names during the planning process that are not on the Historical Street Name List. In the case of Mulberry Court Subdivision, the Shaw family has been utilizing the name Mulberry Court during the lengthy planning process that was required to get the subdivision to the point where it could be finalized.

The Municipal Street Naming Policy permits Council to approve names that are not on the Historical Street Name List. The policy does not require the Heritage Committee's approval for names added to the Historical Street Name List, nor street names proposed by developers that are not on the list. However, it is Council's right to request the opinion of the Heritage Committee, if desired. In the case of Mulberry Court, the name does not have a historical value, and Administration is of the opinion that the Heritage Committee would not have a strong opinion for or against the name from a heritage standpoint. Due to the long planning history behind the use of the name Mulberry Court during the planning process, marketing and engineering of the subdivision, Administration is of the opinion that this subdivision is a good candidate for an exemption from the requirement for developers to choose names off the Heritage Street Name List.

At this time, the Municipal Street Naming Policy provides developers with the option to request street names that are not on the Heritage Street Name List. Administration strongly recommends that developers choose names from the list, however, if requested, Administration is required to bring proposed street names to Council for a decision.

Should Council desired to have all requests for proposed street names which are not on the current list referred to the Heritage Committee, regardless if they are of historically significant or not, Council can direct Administration to bring forward an amendment to the policy. Council can also elect to retain the existing policy as is, and where Council deems it appropriate request the Heritage Committee's recommendation. There is a risk of deferring such matters to the Heritage Committee is that it only meets every two months, and as a result could slow down some developments.

**4. RISK ANALYSIS:**

There is little to no risk to the municipality associated with this report. Standardizing the naming and renaming of streets allows the Town to have more control over what names are chosen for new developments and the effectiveness of emergency services.

**5. FINANCIAL MATTERS:**

There are no financial impacts associated with this report.

**6. CONSULTATIONS:**

Fire Services, the Building Division, and the Infrastructure Services Department were consulted with the proposed street name for Mulberry Court Subdivision.

**7. CONCLUSION:**

Administration recommends that Council approve the addition of street name Mulberry Court and allocate the street name to the Mulberry Court Subdivision.



\_\_\_\_\_  
Sarah French  
Planner

**DEPARTMENTS/OTHERS CONSULTED:**

**Name: Fire Department**  
**Phone #: 519 736-6500 ext. 2230**

**Name: Infrastructure Services Department**  
**Phone #: 519 736-3664 ext. 2313**

**Name: Building Department**  
**Phone #: 519-736-5408 ext. 2136**





## Report Approval Details

Document Title:	Mulberry Court Subdivision Street Name Request.docx
Attachments:	- Street Name Request Form - Mulberry.pdf - Aerial.pdf - Draft Plan without Islands Mar 2023.pdf - Municipal Street Naming Policy 2017.pdf - Street Name Inventory_Updated at Council Jan 24 2022.pdf
Final Approval Date:	Mar 30, 2023

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

### No Signature found

Chris Aspila



Melissa Osborne



Tracy Prince



Valerie Critchley



Kevin Fox



## STREET NAME REQUEST FORM

### TOWN OF AMHERSTBURG

Economic and Community Development Department  
Planning Services Division  
3295 Meloche Road  
Amherstburg, Ontario, N9V 2Y8  
519-736-5408

#### Contact Information

Full Name(s): JOE SHAW / HAROLD SHAW  
Daytime Telephone: 519-259-2105  
Alternative Telephone: 519-736-2617  
Email: shawz444@sympatico.ca.  
Mailing Address: 583 DALHOUSIE ST.  
AMHERSTBURG, ON. N9V 2M2  
Date Submitted: MARCH 16TH 2023

#### Street Name Information

Street Name or Theme Requested	<u>MULBERRY CRT.</u>
Background Support	<u>SEE ATTACHED LETTER.</u>
Geographical Association (Description of Location)	<u>514 + 528 SIMCOE ST + V/LAND.</u>

Further documentation supporting this request can be attached. If the requested street name is for an individual, a letter of support from the family must be attached.

Note: All proposed street names must follow the Street Naming Policy.

To Whom It May Concern,

Our family has owned the subject property for almost 25 years. Back in 2002 we initially wanted to use the name Shaw as the street name but then our family name was used in Malden as Shaw Drive. At that time, it was attributed to our cousin Crimmons Shaw who served in the Canadian Airforce and sacrificed his life when he was shot down over Britain in 1940. Our family has been in Amherstburg since the mid 1800's. Many of us have served in various capacities including the Legion 157, Knights of Columbus, Kinsman Clubs and more.

Shortly after that time, upon inspection of our property on Simcoe St., our mother and father noticed two mulberry trees on the subject property. These type of trees are very rare. In 2004 we decided to call our project/street name Mulberry Court. The name was of particular interest to our mother at that time because of the distinction of that type of tree on the property.

We have used that name for almost 20 years now when referring to the project. Any correspondence with the Town, Engineers, Mayor and Council has always been Mulberry Crt.

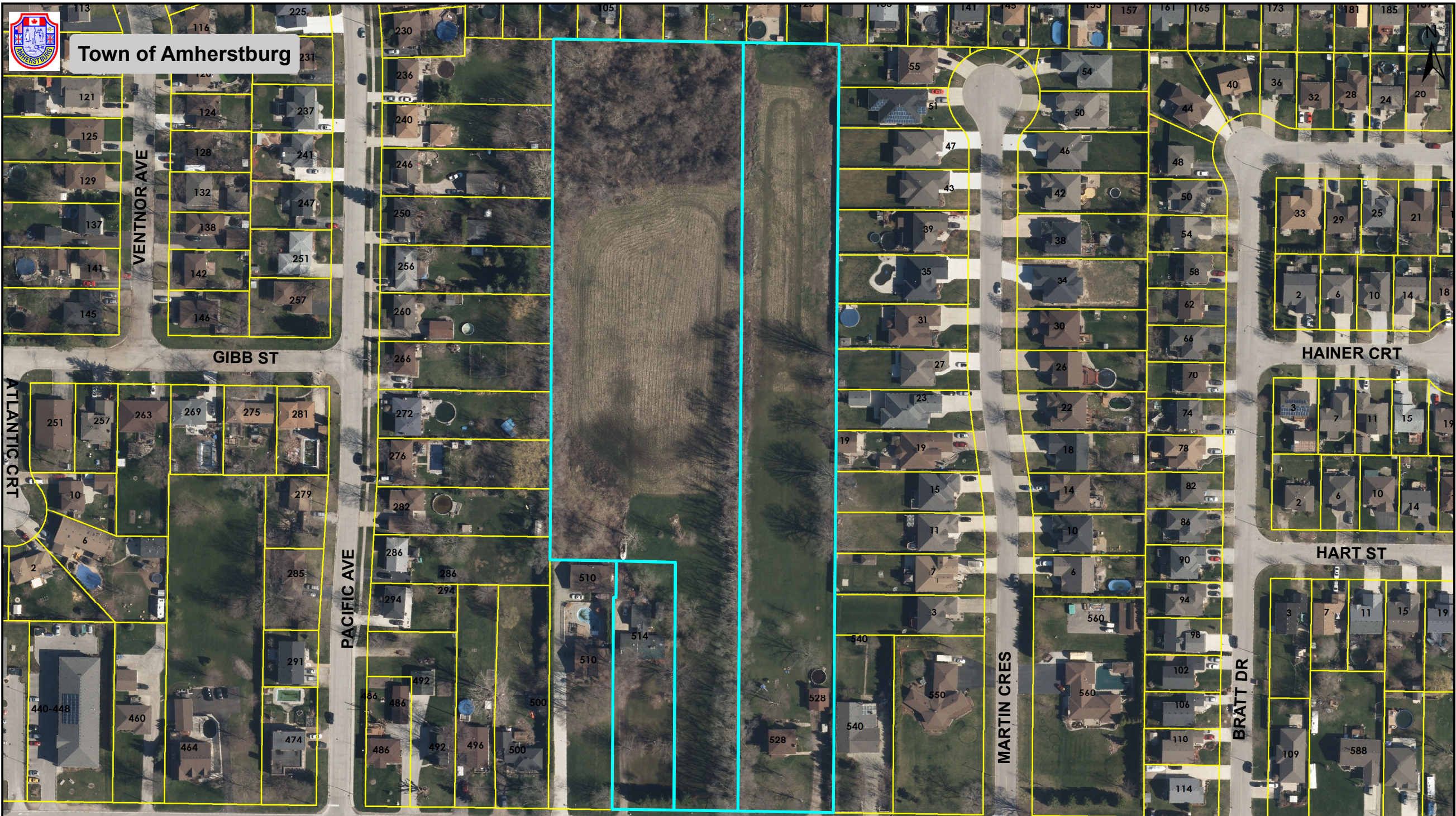
We are requesting 'in honour of our mother who has since passed in 2011' the street name selection of 'Mulberry Crt' in regards to the ongoing project on Simcoe St.

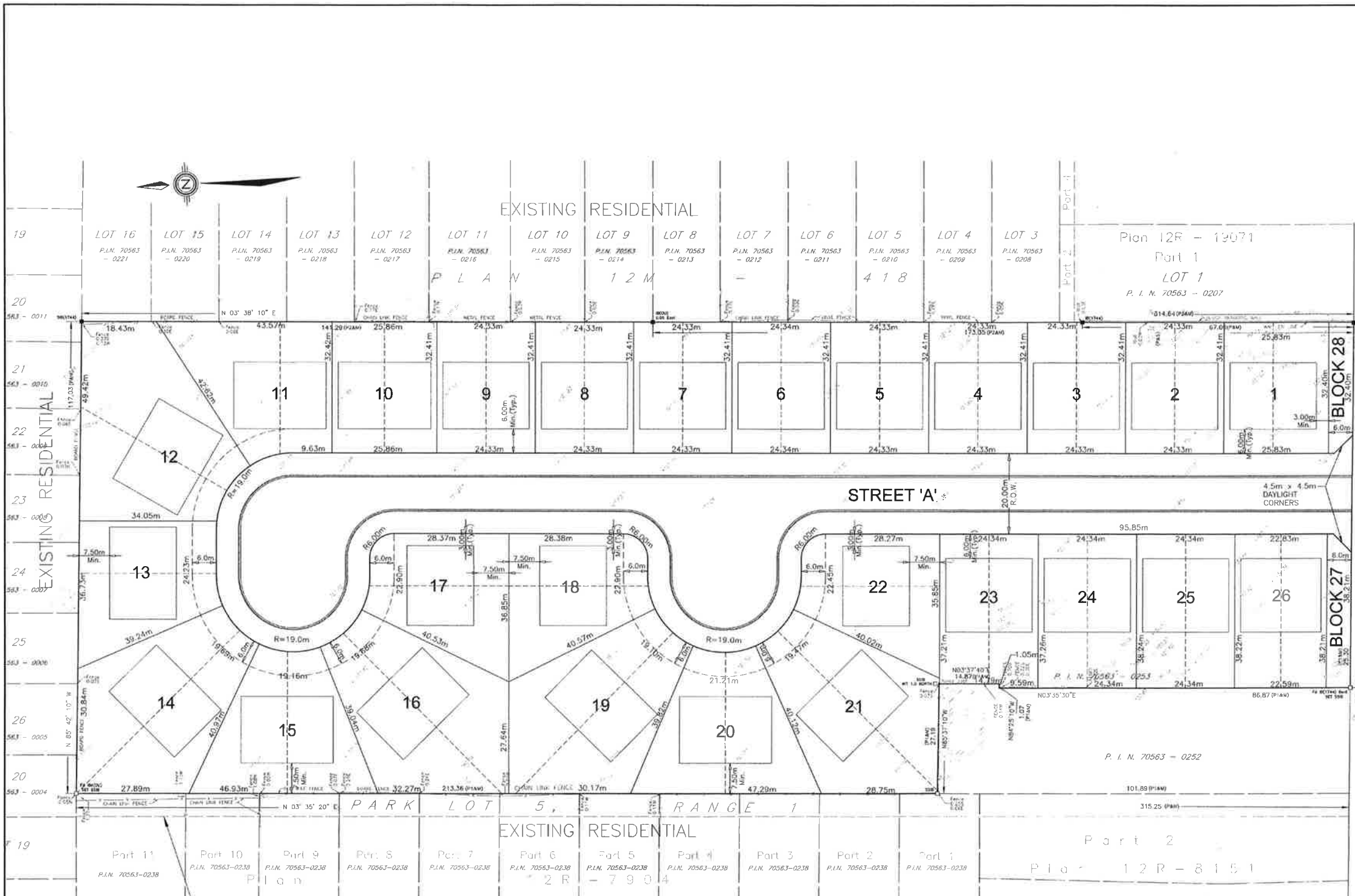
We appreciate your time and attention to this matter and hope that you kindly consider our request.

The Harold Shaw Family



# Town of Amherstburg



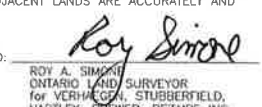


**KEY PLAN**  
N.T.S.

PLAN OF SUBDIVISION  
OF  
PART OF LOT 23,  
CONCESSION 2  
GEOGRAPHIC TOWNSHIP OF MALDEN  
NOW IN THE  
TOWN OF AMHERSTBURG  
COUNTY OF ESSEX, ONTARIO  
VERHAEGEN • STUBBERFIELD • HARTLEY • BREWER • BEZAIRE INC.  
SCALE = 1:500

ESSEX COUNTY ROAD 18  
(SIMCOE STREET)  
(ORIGINAL ROAD ALLOWANCE BETWEEN LOTS 22 & 23, CONCESSION 2)  
P. I. N. 70563 - 0264

**OWNER'S CERTIFICATE**  
WE HEREBY CONSENT TO THE FILING OF THIS PLAN FOR APPROVAL  
DATE June 19, 2022 SIGNED:   
2047909 ONTARIO LIMITED

**SURVEYOR'S CERTIFICATE**  
I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN ON THIS PLAN.  
DATE June 10, 2022 SIGNED:   
ROY A. SIMORE  
ONTARIO LAND SURVEYOR  
FOR VERHAEGEN, STUBBERFIELD,  
HARTLEY, BREWER, BEZAIRE INC.

**ADDITIONAL INFORMATION**

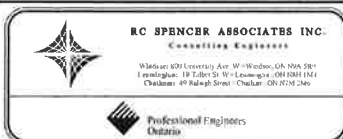
Required Under Section 51 (17) of the Planning Act

- a) Boundaries Of Land To Be Subdivided Are Shown On Draft Plan.
- b) Street Names Are Shown On The Draft Plan.
- c) A Key Plan Is Shown On The Draft Plan.
- d) Semi-Detached Housing.
- e) Existing Land Uses Shown On Plan
- f) Lot Layout And Dimensions Are Shown On The Draft Plan.
- g) Natural And Artificial Topographical Features Are Shown On The Draft Plan.
- h) Piped Water to be installed by developer
- i) City
- j) Existing Spot Elevations Are Shown On The Draft Plan.
- k) Paved Roadway, Piped Municipal Water, Hydro, Storm & Sanitary Sewers To Be Installed By Developer. Gas Main And Communication Cable To Be Installed By Others.
- l) There Are No Restrictive Covenants Affecting The Land To Be Subdivided.


**LAND USE SCHEDULE**

USE	LOTS/ BLOCKS	RESIDENTIAL UNITS	AREA(Ha)
RESIDENTIAL (SEMI-DETACHED)	26	52	2.62
GREEN SPACE (BLOCK 27 & 28)	2		0.04
R.O.W.	1		0.75
<b>TOTAL</b>	<b>29</b>	<b>52</b>	<b>3.41</b>

"METRIC" DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

		<p>5. REVISED LOT LAYOUT (REMOVE S.W.M. BLOCK)</p>		09 SEP, 2019	M.M.H.	R.C.S.	DESIGN	S.M.L.	<p>MULBERRY COURT TOWNHOMES</p> <p>AMHERSTBURG ONTARIO</p> <p><b>DRAFT PLAN</b></p>	<p>PROJECT NO 21-1111</p> <p>SHEET NO 1 OF 1</p>
		<p>6. RESUBMIT FOR DRAFT PLAN APPROVAL TO COUNTY</p>		10 JUL, 2019	S.M.L.	R.C.S.	CHECKED	R.C.S.		
		<p>7. SUBMIT FOR DRAFT PLAN APPROVAL TO COUNTY</p>		04 MAR, 2019	S.M.R.	R.C.S.	DRAWN	W.J.D.		
		<p>8. UPDATED FOR DRAFT PLAN APPROVAL TO COUNTY</p>		08 JUNE 2022	S.M.L.	R.C.S.	CHECKED	S.M.L.		
		<p>9. RESUBMIT FOR DRAFT PLAN APPROVAL TO COUNTY</p>		15 DEC, 2020	S.M.L.	R.C.S.	DATE	JULY 2018		
		<p>10. SUBMIT TO OWNER</p>		18 JUL, 2018	W.J.D.	R.C.S.	SCALE	1:500		
No	DATE	BY	No	REVISION	DATE	BY				

# POLICY

	Policy:	<b>MUNICIPAL STREET NAMING POLICY</b>	Policy No.:	<b>POLICY NO.</b>
	Department:	Planning Development and Legislative Services	By-Law No.:	N/A
	Division:	Planning Services	Draft Completed:	Date
	Prepared For:	Appointed Employee or Dept.	Approval Date:	Draft
	Pages:	8	Effective Date:	Draft
	Replaces:	Name of Policy that is being updated or N/A if Non-Applicable		

## INDEX

1. POLICY STATEMENT	PAGE 1
2. PURPOSE	PAGE 1
3. SCOPE	PAGE 1
4. DEFINITIONS	PAGE 2 to PAGE 3
5. INTERPRETATIONS	PAGE 3
6. GENERAL CONDITIONS	PAGE 3 to PAGE 7
7. RESPONSIBILITIES	PAGE 7
8. REFERENCES AND RELATED DOCUMENTS	PAGE 7

APPENDIX A – Historical Street Name Inventory

APPENDIX B – Street Name Request Form

## 1. POLICY STATEMENT

1.1. The Corporation of the Town of Amherstburg is committed to honouring and promoting the heritage and identity of the Town and therefore, the purpose of this Municipal Street Naming Policy is to provide guidelines and a consistent process for the naming of streets. This policy further protects the reputation and integrity of the Town of Amherstburg and its assets, and ensures a format for uniform development.

## 2. PURPOSE

2.1. This policy is established to provide guidelines on the naming of streets and roadways in the Town of Amherstburg.

2.2. This policy provides a street naming policy that promotes the Town's positive image and identity through the use of street names that are indicative of Amherstburg's unique historical, geographical and cultural characteristics, and that assists in accurately pinpointing the location of properties, and Council's desire to protect the health and welfare of the public, by enabling emergency services to quickly attend to urgent situations.

2.3. This policy's intent is to promote the selection of street names that will avoid duplications and promote emergency safety considerations.

- 2.4. This policy establishes a Historical Street Name Inventory list that may be used in the future by Developers and administration in the naming of streets.

### 3. **SCOPE**

- 3.1. This policy applies to the assignment of names for all new streets within the Corporation of the Town of Amherstburg, in consultation with the adjacent municipalities of the Town of LaSalle and the Town of Essex.
- 3.2. The policy does not apply to County Roads and Highways. The Town of Amherstburg will work with the County of Essex and neighbouring municipalities on the naming of streets.
- 3.3. This policy shall be reviewed every 5 years from the date it becomes effective, or sooner at the discretion of the CAO.

### 4. **DEFINITIONS**

- 4.1. **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*.
- 4.2. **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*.
- 4.3. **Council** refers to the current elected Council for the Corporation of the Town of Amherstburg. This includes, in its entirety, the Mayor, Deputy Mayor and five (5) Councillors.
- 4.4. **Developer** in this policy refers to any person or corporation initiating a project where the implementation of new streets is included.
- 4.5. **Essential Services** include, but is not limited to, 911 Emergency Service (Police, Fire, and Ambulance) and Canada Post/federal mail delivery.
- 4.6. **Highway** means a designated or declared provincial highway, and/or street allowances and streets dedicated to the public use of highways under the *Municipal Act, 2001*.
- 4.7. **Senior Management Team (SMT)** is comprised of the Chief Administrative Officer and the Directors. If a Director is unavailable, a delegate may be assigned.
- 4.8. **Street** means all public and private right-of-ways within the boundaries of the Town, and when referenced in this policy refers to all vehicular paths of travel that may be noted as the following:
- a. Abbey;
  - b. Access;
  - c. Alley;
  - d. Avenue;



- e. Bend;
- f. Block;
- g. Boulevard;
- h. Centre;
- i. Circle;
- j. Circus;
- k. Court;
- l. Crescent;
- m. Cul-de-Sac;
- n. Drive;
- o. Extension;
- p. Highway;
- q. Lane;
- r. Laneway;
- s. Line
- t. Link;
- u. Loop;
- v. Mall;
- w. Park;
- x. Parkway;
- y. Place;
- z. Plaza;
- aa. Road;
- bb. Route;
- cc. Row;
- dd. Square;
- ee. Street;
- ff. Terrace;
- gg. Thoroughfare;
- hh. Any other street type as noted by Statistics Canada.

**4.9. Subdivision** means a division of a single parcel of land into smaller parcels or lots by submitting a plan describing the division and obtaining the final approval from Planning Services department and subsequent approval from the Town of Amherstburg Council and the County of Essex.

**4.10. Town** is the Corporation of the Town of Amherstburg.

## **5. INTERPRETATIONS**

**5.1.** 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 replacements thereto.

## **6. GENERAL CONDITIONS**

**6.1** In accordance with Sec. 24-68 of the Municipal Act, 2001, Town Council may pass by-laws for assigning street names to municipal streets within the jurisdiction of the Town.

- 6.2** In addition to such names being established in a by-law, a municipal street within the limits of the Town may be named in a Plan of Subdivision.
- 6.3** All requests for street names must be made in writing and have a completed Street Name Request Form attached. The requests shall include background information concerning the rationale for the request, geographical association (if applicable), biographical information and documentation providing support for the request. The applicant must assume responsibility for obtaining the support for the request where applicable.
- 6.4** The Planning Services department shall compile and process all proposed street names for suitability appropriateness and conformity to the street naming policy of the Town. No street name shall be used unless approved by Council. The Planning Services department may refuse a name if it is known to conflict with existing street names at either the local or regional (Essex County) scale.
- 6.5** The Planning Services department shall maintain a Historical Street Name Inventory and the list of existing street names and all records related thereto. Names that are approved by Council shall be placed on the Historical Street Name Inventory and shall remain on the list for future use. Council may at any time direct that a specific name be used for a specific street.

#### **6.6 Guidelines to Street Naming**

- 6.6.1** All streets accessible to vehicles shall be named including a roadway within a mobile home park.
- 6.6.2** Street names shall be chosen, whenever possible, to recognize the historical significance of figures, groups, neighbourhoods, places, landmarks and events within the Town of Amherstburg that denote:
- 6.6.2.1** The community's evolution and progress;
  - 6.6.2.2** The unique aspects related to the community's geographical locations or other distinct characteristics;
  - 6.6.2.3** Figures, events, milestones, and achievements that the community may wish to acknowledge; OR
  - 6.6.2.4** Any name not covered under Section 6.6 which has been endorsed by resolution of Council.
- 6.6.3** Street names that represent specific themes are encouraged as they are recognizable for Emergency Services and provide consistency in large developments.
- 6.6.4** Street names should not have more than 20 characters.
- 6.6.5** Names shall assist with emergency response situations by being consistent with street names and geographical locations.
- 6.6.6** Street names should continue across intersections.

- 6.6.7** Street extensions should continue with existing street names.
- 6.6.8** North, South, East and West may be used when a newly created street is an extension of an existing street which cannot be renumbered or for which no municipal numbers are available.
- 6.6.9** Names with spelling that leaves proper pronunciation in question shall be avoided.
- 6.6.10** Two word names shall be avoided.
- 6.6.11** Street names that are hyphenated or use quotes will not be permitted.
- 6.6.12** Street names must not be identical or similar sounding to any existing street name, both within the Town and within adjacent municipalities.
- 6.6.13** Homonyms, or names that are very close in pronunciation to existing street names, both within the Town and within adjacent municipalities, are not permitted.
- 6.6.14** Redundant street type designations are to be avoided (for example, Hall Line Drive).
- 6.6.15** Substantiation is required for proposed street names, such as historical or cultural significance, if there is any.
- 6.6.16** Street names shall not be given in recognition of any living person or used by companies for the purpose of advertising.
- 6.6.17** There shall be no use of awkward, corrupt, discriminatory or derogatory names in regard to race, sex, colour, creed, political affiliation or any other social factors.
- 6.6.18** The Developer/applicant for a new street name shall give special consideration to the names in the Town's Historical Street Name Inventory, unless permission is otherwise granted by Council.

### **6.3 Street Type Designations**

- 6.3.1** Only accepted street type designations may be used (see **Street** definition, Section 4.8).
- 6.3.2** Wherever possible the following street type designations are to be followed:
- 6.3.2.1** Streets running in an East/West direction are to be designated as **Streets**.
  - 6.3.2.2** Streets running in a North/South direction are to be designated as **Avenues** or **Roads**.
  - 6.3.2.3** Narrow secondary streets having less than a 15.2 metre / 50 foot right of way, are to be designated as **Lanes**.

- 6.3.2.4 Wider collector streets, when separated by a planted median, may be designated as **Boulevards** or **Drives**.
- 6.3.2.5 Dead-end streets less than 305 meters / 1000 feet in length are to be designated as **Courts**.
- 6.3.2.6 Streets having two (2) entrances in the form of a loop or an 'L' are to be designated as **Crescent**, **Circle**, or **Way**.

6.3.3 All street type designations are to be approved by the Planning Services department in consultation with the Fire Department.

6.3.4 While exceptions to the street type designations guidelines have occurred as a result of the 1999 amalgamation, these guidelines are intended to reduce or eliminate exceptions especially where they may cause difficulty in navigation within the Town.

#### **6.4 New Street Naming**

6.4.1 The assignment of names for all new streets within the Town requires the submission of a Street Name Request Form to the Planning Services department, for approval.

6.4.2 The application must include a list of possible street names, with substantiation and appropriate mapping, illustrating the location of the new streets and their proposed names.

6.4.3 All applicants must utilize the Town's Historical Street Name Inventory when naming new streets unless permission is otherwise granted by Council.

6.4.4 Council approval and adoption of a by-law is required for the creation of any new street (name) not created through the registration of a plan of subdivision or condominium within the Town.

#### **6.5 Street Name Signs**

6.5.1.1 Street name signs shall be of such size and shape and constructed of such materials as required by the Engineering and Public Works Department, in compliance the Manual of Uniform Traffic Control Devices and the Ontario Traffic manuals.

6.5.1.2 A street name sign may also include an address range to the street address numbers that are located within a street or any portion of a street.

#### **6.6 Notification**

6.6.1 The Town shall notify all internal departments, emergency services, agencies/bodies (i.e.) Canada Post) and adjacent municipalities of the assignment of a new street name.

## **6.7 Procedures**

**6.7.1** Administration has the authority to establish procedures for implementing this policy and to amend those procedures as required in the best interests of the Town with the concurrence of the CAO and Town Solicitor (if required).

## **7 RESPONSIBILITIES**

**7.3 Council** has the authority and responsibility to:

**7.3.1** Approve street names for new and existing streets.

**7.3.2** Adopt by-laws that are required for the creation of any new street (name) not created through the registration of a plan of subdivision or condominium within the Town.

**7.4 The Planning Services Department** has the authority and responsibility to:

**7.4.1** Coordinate and assign new street names within the Town of Amherstburg.

**7.4.2** Ensure that all proposed street naming are conducted in accordance with this policy.

**7.4.3** Duly examine and process subdivision and condominium applications and ensure that proposed street names are selected in accordance with this policy, prior to presentation to Council.

**7.4.4** Present Council with recommendations regarding the naming of new streets through Council reports and supporting by-laws.

## **8 REFERENCES AND RELATED DOCUMENTS**

**8.3** FINAN-PR-POL01 – Procurement Policy

**APPENDIX A – HISTORICAL STREET NAME INVENTORY**  
**APPENDIX B – STREET NAME REQUEST FORM**

DRAFT

## STREET NAME INVENTORY (UPDATED AT JAN. 24, 2022 REGULAR MEETING OF COUNCIL)

1. Becker
2. Bell
3. Berczy
4. Bernachi
5. Bezaire
6. Burkhart
7. Cozens
8. Dewson
9. Fisher
10. Fox\*
11. Gagnier
12. Gibson
13. Girty
14. Gordon
15. Grondin
16. Hall
17. Hertel
18. Hobley
19. Horsman
20. Hough
21. Inch
22. Johnson OR Johnston (use one but not both due to similar sounding)
23. Kennedy
24. Kolfage
25. LaLiberty
26. Leggatt
27. Lukes
28. Mailloux
29. McGee OR McKee (use one but not both due to similar sounding)
30. McEvoy
31. McNally
32. Menzies
33. Milligan
34. Mullen
35. Nattress
36. Proudfoot
37. Rambout
38. Simpson
39. Sinasac
40. Sparkman
41. Spearing
42. Stone
43. Sutherland
44. Teeter
45. Twomey
46. Ware
47. Wilson
48. Windell

\*For priority use, as appropriate

## STREET NAME INVENTORY (UPDATED AT JAN. 24, 2022 REGULAR MEETING OF COUNCIL)

### Street Name Inventory – Associated Information for Each Name

The following are names and associated historical information for each name which was presented to Council, and approved by Council September 25, 2017, and which remain unused. (Except cenotaph name)

Name	Time Period in Amherstburg	Importance in Amherstburg
Berczy – William and Charles	1830s	<ul style="list-style-type: none"> <li>• William: Amherstburg merchant, came to Amherstburg in 1819, member of Legislative Assembly, artist with paintings depicting Amherstburg, paintings can be found in the National Gallery of Canada</li> <li>• Charles: 1831 appointed Postmaster of Amherstburg</li> </ul>
Girty - Simon	1741-1818	<ul style="list-style-type: none"> <li>• Worked at the Indian Department at Detroit</li> <li>• With British help he tried to defend Native Lands in the American Revolutionary War</li> <li>• Agent serving under Colonel McKee</li> <li>• He was not able to fight in the War of 1812 due to sickness, but his two sons fought. Thomas Girty was killed in the war</li> <li>• Veteran of the American Revolutionary War</li> </ul>
Gordon – Lewis Grant and James	1812, 1833-1853	<ul style="list-style-type: none"> <li>• James: arrived in Canada in 1805, Lieutenant in the 1<sup>st</sup> regiment of the Essex Militia in the War of 1812, acquired Gordon House from John Milns</li> <li>• Lewis Grant: Amherstburg Merchant, brother of Honourable James Gordon, was conveyed the Gordon House from James Gordon</li> </ul>
Horsman - William	1867-1990	<ul style="list-style-type: none"> <li>• Innkeeper and owner of the White Horse Hotel on Murray Street</li> <li>• Owner of a liquor store in 1877</li> <li>• Owned the hotel until his death in 1900</li> <li>• He helped build the steam propeller the Earl Cathcart and shipped on her as a fireman</li> <li>• He sailed on the Mohawk and the Manhattan in the Lake Superior Trade and was employed as the second engineer on the first railway passenger ferry boat between Detroit and Windsor</li> </ul>
Hough - Franklin	1903 (died 1946)	<ul style="list-style-type: none"> <li>• Original owner of 258-264 Dalhousie Street</li> <li>• Practiced law for over 50 years in Amherstburg</li> <li>• Mayor of Amherstburg from 1907-1909</li> </ul>
Johnston - William	1856-1888	<ul style="list-style-type: none"> <li>• Druggist</li> <li>• Came to Amherstburg in 1856 to apprentice in the drug business, had stores in Detroit, first</li> </ul>



## STREET NAME INVENTORY (UPDATED AT JAN. 24, 2022 REGULAR MEETING OF COUNCIL)

		<p>began opening stores in Amherstburg in 1877 (likely inventor/owner of Johnston's Extract of Sasparilla and Johnston's Electric Oil)</p> <ul style="list-style-type: none"> <li>• He purchased Belle Vue from Reynolds in the 1860s</li> </ul>
LaLiberty – Jean Babtiste	1824-1856	<ul style="list-style-type: none"> <li>• Amherstburg business man who started out as a carpenter and lumber and stave merchant</li> <li>• Proprietor of the Liberty Hotel for many decades</li> <li>• He was one of the elected trustees of the Grammar School Board</li> <li>• Died in 1856</li> </ul>
Leggatt – John H.C.	1860-1911	<ul style="list-style-type: none"> <li>• Became heir to the LaLiberty estate at 7 years old in 1860</li> <li>• Became Clerk of the Second Division Court in 1880, became Town Clerk in 1889, resigned in 1911 to take employment in Windsor</li> </ul>
McKee - Alexander	1735-1799	<ul style="list-style-type: none"> <li>• Deputy agent in the Indian Depart (Fort Malden was the headquarters for the British Indian Department)</li> <li>• Lieutenant-colonel of the local militia in the 1780s</li> <li>• Justice of the Peace of the Court of Common Pleas for the District of Hesse 1788</li> <li>• Member of the District Land Board 1789</li> <li>• Lieutenant for the County of Essex 1792</li> <li>• Owned land in Malden Township</li> <li>• Veteran of the American Revolutionary War</li> </ul>
McNally - Arthur	After WWI	<ul style="list-style-type: none"> <li>• Formed the Amherstburg Historic Sites and Monuments Association</li> </ul>
Menzies – Peter	1850s	<ul style="list-style-type: none"> <li>• Worked at the Dry Goods store corner of Murray and Dalhousie</li> <li>• Councillor for the Town of Amherstburg on the Essex County Council (1854)</li> </ul>
Sparkman - John	1799	<ul style="list-style-type: none"> <li>• Barrack Master of the Garrison</li> <li>• Served in the military from 1776, 1784 appointed Barrack Master at the garrison at Detroit, continued in this capacity at Amherstburg</li> </ul>
Wilson - George	1837-1883	<ul style="list-style-type: none"> <li>• Arrived in Amherstburg in 1837</li> <li>• Found employment with the commissariat department</li> <li>• Managed the shipyard that built the Cuthbert</li> <li>• One of the major advocates of bringing the Canada Southern Railway to Amherstburg</li> </ul>

**STREET NAME INVENTORY (UPDATED AT JAN. 24, 2022 REGULAR MEETING OF COUNCIL)**

**Past Mayors of Amherstburg**

Name	Years Mayor	Comments
William H. McEvoy	1889, 1890, 1891, 1892, 1897	Born in Belleville in 1853, W.H. McEvoy came to Amherstburg in 1876 to take over Robert Kay's jewellery business and quickly became involved in the business life of his adopted community. McEvoy sold his jewellery line from the old post office store on the east side of Dalhousie Street, in the building which became known as Goldsmith's Hall. As well as being the agent for the telegraph, ferry and railway companies that serviced Amherstburg, McEvoy awarded the franchise to install the first incandescent lighting system in Amherstburg in 1894.
John Gerhard Kolfage	1878, 1881	In a close race against Michael Twomey, J.G. Kolfage was elected Amherstburg's first mayor when the town was incorporated in 1878. Kolfage had been an active participant in municipal affairs since 1851 when Amherstburg first attained a separate municipal status. An immigrant from Germany, Kolfage settled in Amherstburg in 1837 at the age of 18. By trade a shoemaker, he eventually became the owner of a large tannery and a general store and hardware business. Kolfage also owned property on the south side of Murray street, west of Ramsay street, then in the heart of Amherstburg's business district. The devastating fire of 1875 destroyed these properties and in 1877 Kolfage erected the brick building on the southwest corner of Ramsay and Murray streets known as 'Kolfage Block'
Samual McGee	1883, 1884, 1885	S. McGee was born in 1834 in Malden Township. He operated a general store in Amherstburg from 1857-1926, having taken over the business established by his father in 1828. Until his retirement at the age of 88 McGee participated actively in the community as a town councillor, reeve, justice of the peace, member of the fire department and director of the library board.
John Gallagher Mullen	1893, 1894, 1896	Born in Ireland in 1848, John G. Mullen moved from Cleveland, Ohio in 1873 to manage the docks of the McDowell, Caul and Brett Company in Amherstburg. During this period a coal supplied earned substantial profits because all the steamships on the Great Lakes burned coal for fuel. Mullen proved to be a very able manager. In 1875 he bought the Amherstburg coal docks from his employers. Over the years, coal docks owned by Mullen were also established at Cleveland and Sandwich. John Mullen, a well-known philanthropist, remained involved in the coal business until his death in

## STREET NAME INVENTORY (UPDATED AT JAN. 24, 2022 REGULAR MEETING OF COUNCIL)

		Amherstburg in 1930 deprived the community of a highly respected and well-liked citizen.
William Nattress	1950, 1951, 1952, 1953	William Nattress lived in Amherstburg all his life. He was the son of Reverend Thomas Nattress who was the minister of St. Andrew's Presbyterian Church for many years. Nattress served in the Royal Flying Corps in World War I. He was employed as a stationary engineer at Brunner Mond where he formed a union for the engineers and was also active in union affairs when he later worked for Seagram's. Nattress had a long career in municipal government service. He was elected as town councillor four times, as deputy reeve twice and served on the Public Utilities Commission.
Michael Twomey	1879, 1882, 1886, 1887	Born in Kingston in 1825, Michael Twomey came to Amherstburg in 1865. After working briefly for distiller John McLeod, Twomey established himself as a general merchant, acquiring considerable real estate and dock property in town as his business prospered. After serving his last term as Amherstburg's mayor in 1887 Twomey moved to Windsor where he was elected mayor in 1889. He died in that city in 1911.

### Town of Amherstburg Reeves

1924, 1925 – W.C. Inch

1927, 1928 – Leo Grondin

1933, 1934, 1935, 1936 – A.B. Lukes

1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954 – F.E. Sinasac (deputy reeve in 1934, 1935, 1936, 1937, 1938)

### Early Doctors of Amherstburg

- Dr. Windell – 1818
- Dr. Andrew Fisher – 1859 First medical superintendent of the Asylum
- Dr. Milligan – 1872 Medical superintendent of the Asylum
- Dr. Rambout – 1851 – examined pensioners
- Dr. Alfred K. Dewson – 1837, helped set up a public school system in Amherstburg, practiced in Amherstburg 1843-1853
- Dr. Proudfoot – practiced in Amherstburg starting in 1885, had an office on Gore Street, he sold his practice to Dr. William Park
- Dr. Forest F. Bell – 1870s, practiced until 1897

**STREET NAME INVENTORY (UPDATED AT JAN. 24, 2022 REGULAR MEETING OF COUNCIL)**

- Dr. Oscar Teeter – purchased the practice off of Dr. Bell in 1897, was mayor for one term in Amhersburg
- Dr. Thomas Hoblely – born 1849 in Amherstburg, had an office on Sandwich Street
- Dr. R.H. Abbott – born near Kingston, first came to Amherstburg around 1910, served as a medical examiner for WW1 recruits, also held the rank of Colonel

**Cenotaph Names**

The name “Fox” was missed for inclusion in the 2017 update of the Street Name Inventory, and will be promoted for use as soon as possible. Until 2005 there was a “Fox Road” which then changed to concession Road 3. At the time, Council made a resolution to add the name of “Fox” to the Street Name Inventory for priority use.

<p>Fox</p>	<p>Private Orville L. Fox (1893-1917)</p> <ul style="list-style-type: none"> <li>• son of Esrias and Hattie Fox of Amherstburg</li> <li>• Grew up and resided in Amherstburg and worked as a machinist</li> <li>• served in World War I as a Private with the 87<sup>th</sup> Battalion</li> <li>• died at the battle of Vimy Ridge (April 9, 1917)</li> <li>• Private Fox is listed on a special memorial section at the Givenchy-en Gohelle Canadian Cemetery in Calais, France as his body was never recovered.</li> </ul> <p>•</p> <p>Corporal Russell Fox (1893-1917)</p> <ul style="list-style-type: none"> <li>• Son of William and Isabelle Fox of Amherstburg</li> <li>• Grew up and resided in Amherstburg and worked as a dredge and drill work</li> <li>• served in World War I as a Corporal with the 87<sup>th</sup> Battalion</li> <li>• died from injuries at the battle of Vimy Ridge (d. April 22, 1917)</li> <li>• Corporal Fox is buried at the Wimereux Communal Cemetery in Calais, France</li> </ul>
------------	---

## STREET NAME INVENTORY (UPDATED AT JAN. 24, 2022 REGULAR MEETING OF COUNCIL)

The following are names and associated historical information for each name which was presented to Council, and approved by Council January 24, 2022:

Name	Details
Becker	<p>Dr. Norbert (Norm) Becker (1944-2021)</p> <ul style="list-style-type: none"> <li>• An engineer, well-known for his volunteer contribution to Amherstburg projects by donating his time, expertise and materials to assist churches, non-profit organizations and community groups</li> <li>• Donated his service and championed the restoration in 1999-2000 of the Nazrey African Methodist Episcopal Church, now part of the Amherstburg Freedom Museum. “Without him, the church would not be standing” - Amherstburg Freedom Museum</li> <li>• Was instrumental in the 2011-12 rebuilding of the Boblo Island Blockhouse (Bois Blanc National Historic Site), donating his time and reconstruction materials. Also donated service on work to Boblo Island Stone Circle and Sailors Monument</li> <li>• Donated services to rehabilitate other Amherstburg historic sites including First Baptist Church National Historic Site (2013); St. John the Baptist Church; and Navy Yard Park</li> </ul>
Bernachi	<p>Harold (1930-2011)</p> <ul style="list-style-type: none"> <li>• Charter Member of the Fr. Louis Boue Assembly of the Knights of Columbus; Honorary Life member of the Knights of Columbus Amherstburg Council</li> <li>• Amherstburg Lions Club member since 1969 and President 1994-95</li> <li>• Member of the Amherstburg Chamber of Commerce since 1963, and President 1982-84</li> <li>• Honourary member of the AAM Volunteer Ambulance Service since 1970 having converted two hearses into ambulances in his body shop</li> <li>• Trustee of General Amherst High School</li> <li>• Member of the Anderdon planning Board for 8 years</li> <li>• Vice-Chairman of the HMS Detroit Committee</li> <li>• Certificate of Merit for Community Service – Government of Canada 1988 – for helping to raise \$40,000 to purchase the first Care-A-Van for Amherstburg</li> <li>• Guest columnist Amherstburg Echo</li> <li>• Amherstburg Citizen of the Year in 1988</li> </ul>
Bezair	Elizabeth Bezair (1926-2007)

**STREET NAME INVENTORY (UPDATED AT JAN. 24, 2022 REGULAR MEETING OF COUNCIL)**

Name	Details
	<ul style="list-style-type: none"> <li>• Taught school in the Amherstburg area for many years and was an active member at St. John The Baptist Church</li> <li>• Charter member of the IOTA Chapter of Alpha Delta Kappa honorary sorority for female educators</li> <li>• Was a dedicated member of the R.C.L. Br. 157, being active with the Poppy Fund and Colour Party</li> <li>• Was the 1st female president elected at Branch 157 (1997-1998)</li> </ul>
Burkhart	<p>Rev. John Burkhart (1937-2021)</p> <ul style="list-style-type: none"> <li>• Minister of St. Andrew’s Presbyterian Church 1964-2001</li> <li>• Chaplain of the Royal Canadian Legion Branch 157</li> <li>• A committed champion of local history, he was a founding board member of the Amherstburg Historic Sites Association (1973), and a later president; member of Amherstburg’s Local Architectural Conservation Advisory Committee</li> <li>• A founding board member of the AAM Social Planning Council (1973)</li> <li>• Served as first Chairman of Essex County Housing Authority</li> <li>• Amherstburg Citizen of the Year in 1993, jointly with wife Shirley Burkhart</li> </ul> <p>Shirley Burkhart (1940-2018)</p> <ul style="list-style-type: none"> <li>• Community Information Officer with AAM Community Services (Social Planning Council) for at least 13 years</li> <li>• Active in St. Andrew’s Presbyterian church for decades helping with nursery and Sunday school among other service</li> <li>• Weekly “Edenburg” columnist in the Echo newspaper</li> <li>• Amherstburg Citizen of the Year in 1993, jointly with husband Rev. John Burkhart</li> </ul>
Cozens	<p>Reginal Cozens (1912-2005)</p> <ul style="list-style-type: none"> <li>• Principal of General Amherst School 1962-69; Superintendent of Essex secondary Schools 1972-74; county school Superintendent 1974-78; School Board member for Essex County</li> <li>• President of Ontario Teachers Federation and Ontario Secondary Schools Teachers Federation</li> <li>• Amherstburg Town Councillor (10 years)</li> <li>• active member/ volunteer in the following organizations: Masons (55 years); Amherstburg Rotary Club (President); Royal Canadian Legion branch 157, Canadian Cancer Society first President Wessex Unit, 1973), AAM Food Bank, Fort Malden Horticultural Society</li> <li>• Anglican Church lay reader</li> <li>• Amherstburg Citizen of the Year in 1992, jointly with wife Mary</li> </ul>

**STREET NAME INVENTORY (UPDATED AT JAN. 24, 2022 REGULAR MEETING OF COUNCIL)**

Name	Details
	<p>Mary Cozens (1917 – 2001)</p> <ul style="list-style-type: none"> <li>• Long-time volunteer of the Red Cross starting in World War II, and with the Canadian Cancer Society (25 years)</li> <li>• Helped to found and develop the AAM Food Bank in 1987</li> <li>• Volunteered with Meals-on-Wheels program and the “Thursday Club” weekly meal service at the United Church</li> <li>• Amherstburg Citizen of the Year in 1992, jointly with husband Reginald</li> </ul>
Gagnier	<p>Sister Marie Celine (Elodia Julie) Gagnier (1906-2004)</p> <ul style="list-style-type: none"> <li>• Served the Ursuline Community, starting as a homemaker in the McGregor and Amherstburg areas in 1926; spent countless hours visiting and caring for ailing tri-community senior citizens</li> <li>• Spiritual Advisor, Executive Council Columbian Ladies Auxiliary (1995-96)</li> <li>• Amherstburg Citizen of the Year 1996</li> </ul>
Gibson	<p>Florence Gibson (1902-83)</p> <ul style="list-style-type: none"> <li>• Purchased the former Michigan Central Railways station in 1969 and donated it to the Fort Malden Guild of Arts and Crafts for use as a gallery and cultural centre</li> <li>• Amherstburg Citizen of the Year 1979</li> </ul>
Hall	<p>Mary Hall (1913-2009)</p> <ul style="list-style-type: none"> <li>• Volunteered throughout her life</li> <li>• Served during World War II as a registered nurse caring for soldiers on troop trains</li> <li>• Was heavily involved with the Canadian Cancer Society - Windsor Essex Chapter as President (1960-65); Supervisor (1965-78; 1984-99); Chairperson (1978-85)</li> <li>• Was a member of the first Board of Directors for the Amherstburg Historic Sites Association in 1973</li> <li>• Oversaw restoration of Christ Church (1982-85)</li> <li>• Awards and honours include: Amherstburg Bi-centennial Citizen of the Year (1996); Year-of-Volunteer Medal, United Nations (2001); the Queens Golden Jubilee medal (2002); and Eli Golden humanitarian award from Rotary International (2005)</li> </ul>
Hertel	<p>Paul Hertel (1945-2020)</p> <ul style="list-style-type: none"> <li>- History and Social Sciences teacher and department head at General Amherst School for 32 years</li> <li>- supported fellow teachers as branch president of Ontario Secondary School Teachers Federation leader (OSSTD), multiple terms with the OSSTD</li> </ul>

**STREET NAME INVENTORY (UPDATED AT JAN. 24, 2022 REGULAR MEETING OF COUNCIL)**

Name	Details
	<p>Political Action Committee and working with Windsor &amp; District Labour Council. Also helped develop local history curriculum and led student council activities</p> <ul style="list-style-type: none"> <li>- Amherstburg Town councillor in 1977-84, and as Deputy Reeve in 1979-82. On Council, championed urban renewal, sustainable development and heritage conservation, and specifically the Kings Navy Yard Park redevelopment</li> <li>- Founding member of the North American Black Historical Museum (Amherstburg Freedom Museum). Also a leading member and director of the Amherstburg Performing Arts Society (President &amp; Founding member), The Gibson House Gallery, Art in the Park, Amherstburg Family Health Team (President), Essex County Citizens Against Fermi II.</li> <li>- Member of the Amherstburg Heritage Committee</li> <li>- President Belle Vue Cultural Foundation; active member of Friends of Belle Vue, and Belle Vue Conservancy</li> </ul>
Johnson	<ul style="list-style-type: none"> <li>• Jennie Johnson (1871-1962)</li> <li>• Grew up in Amherstburg and by 1905 was a registered nurse working in Detroit</li> <li>• In 1917, at the age of 46, she was accepted for overseas service in British hospitals</li> <li>• Was the only local woman to serve at the front during WWI</li> <li>• In 1919 Jennie Johnson received a gold medal along with fifty Amherstburg servicemen for having “seen active service in France or at the front”</li> </ul>
Kennedy	<p>Murray Kennedy (1918-2015)</p> <ul style="list-style-type: none"> <li>• Local businessman – owner of Kennedy Motors for 30 years</li> <li>• Served in World War II with the Royal Canadian Air Force</li> <li>• Helped to start the Amherstburg Kinsmen in 1956</li> <li>• Until 1997, Chairman and key supporter of Project HMS Detroit, an initiative to built a replica of the HMS Detroit battleship to be built as ab attraction to celebrate Amherstburg’s rich maritime history</li> <li>• Soloist and choir member of the Amherstburg United Church for 74 years</li> <li>• Named Amherstburg Citizen of the Year in 1991</li> </ul>
Mailloux	<p>Melvin Mailloux (1920- 2002)</p> <ul style="list-style-type: none"> <li>• Amherstburg fire chief, 1968-1990</li> </ul>
Spearing	<p>Harry Spearing Jr. (1913-89)</p> <ul style="list-style-type: none"> <li>• Supervisor at Allied Chemical; Former Ferry Boat Captain to Boblo Island</li> <li>• In 1931 he rescued a person from the Detroit River near the Amherstburg marine docks</li> <li>• Became president of the Horticultural Society in 1937</li> <li>• In 1938 he joined the fire department rescue squad and in 1945 became chief of the Amherstburg Fire Department Rescue Squad</li> </ul>



**STREET NAME INVENTORY (UPDATED AT JAN. 24, 2022 REGULAR MEETING OF COUNCIL)**

Name	Details
	<ul style="list-style-type: none"> <li>• Charter Member and first Chief of the A.A.M. Volunteer Ambulance Service in 1962. Donated financially to run and maintain the vehicles.</li> <li>• Chairman of Malden Public Utilities Commission</li> </ul>
Stone	<p>Frances Stone (1924-1999)</p> <ul style="list-style-type: none"> <li>• Veteran of WWII, having served in the R.C.A.F. Women’s Division</li> <li>• Director of the Amherstburg, Anderdon and Malden Social Planning Council (A.A.M. Community Services) in the mid 1970s – 1989. The organization brought local access to social services. Frances helped the organization through its formative years and numerous expansions including Meals on Wheels and Care-A-Van service for senior and special needs citizens.</li> <li>• Was a member of the Amherstburg Historic Sites Association for many years</li> </ul>
Simpson	<p>Melvin Simpson (1917-1982) and Betty Simpson (1925 -2014)</p> <ul style="list-style-type: none"> <li>• The North American Black Historical Museum and Cultural Centre (now Amherstburg Freedom Museum) is the legacy of founders, Melvin and Betty Simpson</li> <li>• In the early 1960s the Simpsons developed a vision for a museum to “uncover and preserve the record of the rich heritage Black people have, making it available for the positive development of the Black Community and for the general educational benefit of all”</li> <li>• In 1966 the Simpsons and others developed plans to construct a Centennial museum adjacent to the Nazery African Methodist Church. The museum was incorporated in 1975 and opened in 1981</li> <li>• In 1982 the Town of Amherstburg recognized the Simpson’s work to promote Black history with the presentation of a plaque</li> <li>• Melvin was also on the Board of Directors for the House of Shalom</li> <li>• Betty served on the museum’s board of directors for many years</li> <li>• Betty received the Government of Canada’s “Canada 125” medal in 1993</li> <li>• The Simpsons were jointly named Citizen(s) of the Year in 1982</li> </ul>
Sutherland	<p>Charles (Bob) Sutherland (1920-2005)</p> <ul style="list-style-type: none"> <li>• Long-time executive at Uniroyal Canada</li> <li>• President of the Amherstburg Chamber of Commerce</li> <li>• Initiated the Amherstburg Garden Tour (1985) and the A.A.M Rhododendron committee. He became known as “Rhodo Bob” with a plaque recognizing his contributions in King Navy Yard Park</li> </ul>

**STREET NAME INVENTORY (UPDATED AT JAN. 24, 2022 REGULAR MEETING OF COUNCIL)**

Name	Details
	<ul style="list-style-type: none"><li>• Helped develop the Kings Navy Yard Park and received recognition by Council resolution of his service in 2003</li><li>• Director and member of the Executive Committee of Project H.M.S. Detroit</li><li>• Named Amherstburg Citizen of the Year in 1989</li></ul>
Ware	Rev. John Francis Ware, C.B.S. (1925-1995) <ul style="list-style-type: none"><li>• Served St. John the Baptist Parish 1969-1987</li><li>• Founder of the House of Shalom Youth Centre 1971</li><li>• Amherstburg Citizen of the Year 1986</li></ul>



## 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: Janine Mastronardi	Report Date: March 24, 2023
Author's Phone: 519 736-5408 ext. 2134	Date to Council: April 11, 2023
Author's E-mail: jmastronardi@amherstburg.ca	Resolution #:

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

**Subject: Suitability for Development on a Private Septic System on Front Rd N, County Road 20 and Concession 2 N**

#### 1. **RECOMMENDATION:**

It is recommended that:

1. The development of one lot on Front Road North (severed from 2113 Front Rd N), one lot on County Road 20 (severed off a farm parcel on the west side of Concession 6 S) and one lot on Concession 2 N (severed from 580 Middle Sideroad) on a private septic system, **BE APPROVED**.

#### 2. **BACKGROUND:**

Council's approval is required to develop a new lot on a private septic system. The Town of Amherstburg Official Plan requires that development of 5 or less lots/units, may take place on private individual on-site septic systems and in areas where public systems are not intended or are not readily available, only after Council approval has been granted.

Matthew Pawluk obtained approval from the Committee of Adjustment on December 14, 2021, File No. B/64/21, to sever a parcel of land for a new residential building lot, the retained parcel contains a single detached dwelling and accessory structures.

The applicant has severed a parcel of land being 25.1 m frontage ± by 92.3 m depth with an area of 2000 sq m for the purpose of creating a new residential building lot with access from and frontage on County Road 20. The subject lands are designated Low Density Residential in the Town's Official Plan and zoned Residential Type 1A (R1A) in the Zoning By-law 1999-52, as amended.

Condition (8) of the Consent Approval requires that the developer obtain permission of Council for the development of the lot on a private individual septic system, as follows:

8. That Council approve the development of the newly created lot on private individual septic systems after the soil analysis and septic design for the proposed lot is completed. This requirement shall be fulfilled prior to the stamping of deeds.

Jon and Kathy Parks obtained approval from the Committee of Adjustment on July 5, 2022, File No. B/23/22, to sever a parcel of land for a new residential building lot, the retained parcel being farmland.

The applicant has severed a parcel of land being 34.27 m frontage by 78.51 m depth with an area of 2690.54 sq m for the purpose of creating a new residential building lot with access from and frontage on County Road 20. The subject lands are designated Low Density Residential in the Town's Official Plan and zoned Residential Type 1A (R1A) in the Zoning By-law 1999-52 as amended.

Condition (9) of the Consent Approval requires that the developer obtain permission of Council for the development of the lot on a private individual septic system, as follows:

9. That Council approve the development of the newly created lot on a private individual septic system after the soil analysis and septic design for the proposed lot is completed, as required. This requirement shall be fulfilled prior to the stamping of the deed.

Pacitti Contracting Company Inc. obtained approval from the Committee of Adjustment on January 11, 2023, File No. B/32/22, for the creation of a new lot together with an easement for reciprocal access, parking and servicing between the severed and retained lands. The retained parcel contains two commercial buildings with associated parking, private onsite sewage system and stormwater management pond.

The applicant has severed a parcel of land being 47.9 m frontage by 101.8 m in depth with an area of 4861 sq m for purposes of creating a new lot. The remaining parcel being 138.24 m frontage on Middle Sideroad by an irregular depth with an area of 9825.2 sq m will continue to contain two commercial buildings with associated parking and a stormwater management pond. The subject lands are designated Neighbourhood Commercial in the Town's Official Plan and zoned Special Provision Commercial Neighbourhood (CN-14) in the Zoning By-law 1999-52 as amended.

A condition of the consent approval was not included requiring Council approval however the developer still must obtain permission of Council for the development of the lot on a private individual septic system on the severed lot as per the Official Plan policies.

### **3. DISCUSSION:**

The subject lands affected by the requested approval are severed off a parcel on the west side of Concession 6 S, north side of County Rd 20 and west side of Concession 2 N.

Section 2.6.3 of the Official Plan states the following:

“[D]evelopment of 5 or less lots/units, if permitted by the Land Use Policies of this Plan, may take place on private individual on-site sewage disposal systems and/or private wells in areas where public and private communal systems are not intended or are not readily available.

Within a Settlement Area, Council approval will be required before any development is permitted on private individual sewage disposal and/or water systems. Approval may be conditional on proof of a potable water supply and soil suitable for septic tanks for the long term. Connection to public systems, should they become available, will be mandatory. Information that Council may need will include the potable groundwater quality, groundwater yield, groundwater interference, soil suitability and the lot area for effluent treatment.”

Although it is preferable to have all development connected to the municipal sanitary sewers, in this case it would not be feasible. Further, for Council’s reference;

- all existing lots on Front Rd N from just south of Ranta Marina area northerly to Malden Road are serviced by private septic systems;
- all existing lots in Malden Centre with new or existing homes are serviced by private septic systems; and,
- all existing lots on Concession 2 N in the area and Middle Sideroad east of Pointe West Subdivision are serviced by private septic systems.

A building permit will be required for all private septic systems. The design of the septic system will have to be satisfactory to all approval authorities, and approved by the applicable municipal department(s).

#### **4. RISK ANALYSIS:**

The recommendation in this report presents little to no risk to the municipality. The subject lots were created through the consent process.

#### **5. FINANCIAL MATTERS:**

All costs associated with the consent applications are the responsibility of the applicants.

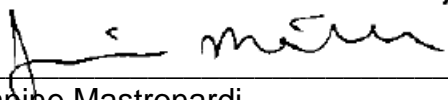
#### **6. CONSULTATIONS:**

The Essex Region Conservation Authority (ERCA) and the Town of Amherstburg Drainage Superintendent/Engineering Coordinator were consulted during the consent process to provide feedback and comments regarding these properties.

The Building Services Division identified no concerns with the proposed lot sizes, soil conditions or the ability for structures and private septic systems to be constructed.

7. **CONCLUSION:**

Administration recommends the approval for the development of one lot on Front Rd N, one lot on County Road 20 and one lot on Concession 2 N on a private septic system.



---

Janine Mastronardi  
**Planner**

JM

## Report Approval Details

Document Title:	Suitability for Development on Private Septic System on Front Rd N, County Road 20 and Concession 2 N.docx
Attachments:	- Appendix A- 2113 Front Rd- Aerial, Sketch, Minutes.pdf - Appendix B- County Rd 20- Aerial, Sketch, Minutes.pdf - Appendix C- 580 Middle Sdrd- Sketch, Minutes.pdf
Final Approval Date:	Apr 5, 2023

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

### No Signature found

Chris Aspila



Melissa Osborne



Tracy Prince



Valerie Critchley



Kevin Fox







**2113 FRONT ROAD,  
AMHERSTBURG, ON**

**PROPOSED LAND SEVERANCE  
FIGURE 1.0**

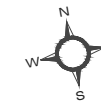
  PARCEL OWNED BY APPLICANT (±2.90 ha / ±6.67 ac)
   LAND TO BE RETAINED (±2.70 ha / ±6.67 ac)
   LAND TO BE SEVERED (±0.20 ha / ±0.49 ac)

File Location:  
c:\users\10amc\documents\projects\2021\severance - 2113 front rd, county rd  
20\severance - amhurstburg.dwg  
October, 26, 2021 12:56 PM

SOURCE: COUNTY OF ESSEX AERIAL (2019)

MAP/DRAWING INFORMATION  
THIS DRAWING IS FOR INFORMATION PURPOSES ONLY. ALL  
DIMENSIONS AND BOUNDARY INFORMATION SHOULD BE  
VERIFIED BY AN O.L.S PRIOR TO CONSTRUCTION.  
CREATED BY: AMC  
CHECKED BY: CPW  
DESIGNED BY: AMC

SCALE : NTS



PROJECT: 2X-XXXX  
STATUS: DRAFT  
DATE: 10/26/2021

- for registration in order that consent may be attached to the original and duplicate and a copy be provided to the municipality.
3. That all property taxes be paid in full.
  4. That the applicant must install a curb cut and driveway access to the severed and retained parcels to the satisfaction of the Engineering and Public Works department prior to the stamping of deeds.
  5. That the applicant be required to obtain a Right-of-Way Permit from Infrastructure Services according to Town policy for any work required within the limits of the Town right-of-way. All permitting costs will be borne entirely by the applicant.
  6. That the applicant install separate water services and sanitary and storm sewer connections to the severed and retained lots in accordance with and under the supervision of the municipality at the applicant's expense, prior to the stamping of deeds.
  7. That the applicant submit to the municipality lot grading plans and drainage design for the severed lot to the satisfaction of the Municipality.
  8. That an assessment apportionment for any and all drains affected by the severance be completed in accordance with the provisions of the Drainage Act and that all costs associated with said apportionment be paid by the applicant, if necessary.
  9. That a parkland fee be paid to the Town of Amherstburg prior to the stamping of the deeds in an amount of \$300 per lot.
  10. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within one year from the date of this notice.

Moved by: Anthony Campigotto  
 Seconded by: Donald Shaw

-carried-

	Yes/Concur	No/Not Concur
Donald Shaw (VC)	X	
Terris Buchanan	X	
Anthony Campigotto	X	
David Cozens (CH)	X	
Josh Mailloux	Absent	

Reasons of Committee- The request is in conformity with Section 6.1.2 of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement.

**7.3 Application B/64/21 – Matthew Pawluk, c/o Dillon Consulting, Agent – 2113 Front Rd N (3729-500-000-44110)**

**Public in Attendance:** Connor Wilks, Agent for the application

**Purpose of Application B/64/21:** The applicant is proposing to sever a parcel of land being 25.1 m (82.35 ft) frontage by 92.3 m (302.82 ft) depth with an area of 2000 sq m (21,528 sq ft) for purposes of creating a new residential building lot. The remaining parcel being 24.8 m (81.36 ft) frontage by an irregular depth with an area of 2.7 ha (6.67 acres) contains a single detached dwelling and five small sheds. The subject lands are zoned Residential Type 1A (R1A) Zone, Agricultural (A) Zone and Wetland (W) Zone in the Zoning By-law 1999-52 and designated Low Density Residential, Agricultural and Provincially Significant Wetland in the Town of Amherstburg Official Plan. The proposed severance is located wholly within the R1A Zone.

The following correspondence was received from the various agencies and residents circulated:

- i) Letter dated December 6, 2021 from the Essex Region Conservation Authority with the following comments:  
 The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation

Authorities Act (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Canard River. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.

It should also be noted that any proposed future development on this parcel would be subject to any required setbacks from the nearby Municipal Drain (Bondy-Bastien Drain Lower Portion).

Our office has reviewed the proposal and has no concerns relating to stormwater management.

The property is located within a Significant Groundwater Recharge Area (SGRA). There are no associated Significant Drinking Water Threats (SDWTS) or policies with these areas because the municipal water treatment plant does not use groundwater as its supply. However, the proponent should consider the sensitive nature of this natural feature. These areas are at a greater risk for contamination from land use activities. Any future proposed activity on these properties at minimum should not result in increased risk of contamination of the recharge area. The subject property is within, and/or is adjacent to (within 120 metres of), a natural heritage feature that is identified as a significant wetland (Canard River Marshes (ER 2) under the Provincial Policy Statement (PPS). Section 2.1.4 of the PPS, 2020 states - "Development and site alteration shall not be permitted in "significant wetlands..." and "significant coastal wetlands."

We note that the subject property is adjacent to (within 120 m of) a natural heritage feature that may meet the criteria for significance under the PPS. Section 2.1.8 of the PPS, 2020 states – "Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5 and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions."

Our information indicates that the subject property may support habitat of endangered species and threatened species. As per Section 2.1.7 of the PPS, 2020 – "Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements". All species listed as endangered or threatened (aquatic species, plants, mammals, birds, reptiles, amphibians, etc.) as well as their related habitats, are protected under the Ontario Endangered Species Act. Prior to initiating any proposed works on this property, it is the proponent's responsibility to contact the Species at Risk Branch of the Ontario Ministry of Environment, Conservation & Parks (MECP) to ensure all issues related to the Endangered Species Act are addressed. All inquiries regarding the Endangered Species Act should be made with Permissions and Compliance Section of the MECP (e-mail address: SAROntario@ontario.ca).

Notwithstanding the above noted references to the PPS policies, we note that the proposed development is either adequately setback and/or physically separated from the natural heritage feature by existing development or infrastructure. Therefore, we do not anticipate any negative impacts associated with the proposal. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.

**FINAL RECOMMENDATION** The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.

- ii) Letter dated December 2, 2021 from the County of Essex with comments from the engineering perspective as follows:

The minimum setback for any proposed structures on this property must be 85 feet from the center of the original ROW of County Road No. 20 for a proposed residential building or 105 feet from the centre of the right of way for a proposed commercial structure. Permits are necessary for any changes to existing entrances and structures, of the construction of new structures.

- iii) Email dated November 30, 2021 from the Infrastructure Services Department with the following comments:
  - Individual water service connection will be required for the new lot. Coordination with IS for servicing will be necessary.
  - The cost of all servicing requirements will be at the expense of the applicant.
  - At this stage, a drainage apportionment for the Bondy Bastien Drain may not be needed as there is presently an ongoing drainage project taking place under the Drainage Act. The applicant should be made aware that an engineering project is ongoing and that drainage assessments to both the retained and severed lots may be forthcoming in the future. Contact Drainage Superintendent for additional details
  - No Sanitary sewers, septic field required for new lot. Additionally, the applicant should be aware that, in the future, should a sanitary sewer collection system be constructed along Front Road North, each of the lots described under this application will be required to connect and be serviced by said sanitary sewer.
  - Based on the proposal, the new severed lot will require a separate driveway accesses from County Road 20. This will require necessary review and approvals from the County of Essex.
- iv) Email dated December 13, 2021 from Windsor Police Service commenting that they have no objections with the application.
- v) Email dated December 1, 2021 from the Fire prevention and Inspection Officer stating they have no objection to the proposed severance.
- vi) Planning Report dated December 8, 2021 from Frank Garardo, Manager of Planning Services.

**Committee Discussion:** The Chair introduced the application and asked if there were any members of the public present for this application. Connor Wilks, Agent for the application was present. Frank Garardo read the purpose of the application. The agent acknowledged that will need permission from ERCA and the applicant has been appraised about the potential constraints by the consultants/agent. Todd Hewitt reiterated the condition that if in the future, should a sanitary sewer collection system be constructed along Front Road North, each of the lots described under this application will be required to connect and be serviced by said sanitary sewer.

The following resolution was put forth:

**That application B/64/21 be approved** subject to following conditions:

1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; a copy to be provided to the municipality.
2. The applicant to submit to the municipality the deed, in triplicate, acceptable for registration in order that consent may be attached to the original and duplicate and a copy be provided to the municipality.
3. That all property taxes be paid in full.
4. That access to the proposed severed lot be provided prior to the stamping of the deeds. That an access permit be obtained for the newly created lot from the County of Essex and any other requirements to their satisfaction, prior to the stamping of the deeds. The access shall be provided to the satisfaction of the municipality.
5. That the severed lot be serviced with municipal water in accordance with and under the supervision of the municipality at the applicant's expense, prior to the stamping of deeds.
6. That the applicant be required to undertake lot grading plans for the severed and retained lots to the satisfaction of the Building division.

7. That the applicant acknowledges satisfactory to the Corporation of the Town of Amherstburg requiring that the subject property be required to hook into a sanitary sewer system should it become available.
8. That Council approve the development of the newly created lot on a private individual septic system after the soil analysis and septic design for the proposed lot is completed as required. This requirement shall be fulfilled prior to the stamping of the deeds.
9. That the applicant obtain a report from an independent qualified person that the existing private septic system serving the retained parcel does not cross the property lines, that the system is in working order and that its operation will not be affected by the severance, to the satisfaction of the Building division.
10. That a parkland fee be paid to the Town of Amherstburg prior to the stamping of the deeds in an amount of \$300 per lot.
11. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within one year from the date of this notice.

Moved by: Terris Buchanan  
 Seconded by: Anthony Campigotto

-carried-

	Yes/Concur	No/Not Concur
Donald Shaw (VC)	X	
Terris Buchanan	X	
Anthony Campigotto	X	
David Cozens (CH)	X	
Josh Mailloux	Absent	

Reasons of Committee- The request is in conformity with Section 6.1.2 of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement. The proposed lot provides for infill development that meets the provisions of the Zoning By-law 1999-52, as amended.

**7.4 Application A/45/21 – Elisabetta D’Alimonte, c/o Tracey Pillon-Abbs, Agent – 144 Fort Street (Roll Nos. 3729-260-000-02400 & 02500)**

**Public in Attendance:** Tracey Pillon-Abbs, Agent for the application.

**Purpose of Minor Variance Application A/45/21:** The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 8(3)(b) which requires a minimum lot frontage of 12 m in a Residential Second Density (R2) Zone for lots created in the zone. Subsequent to a severance the severed parcel will have a lot frontage of 10.64 m. Therefore, the amount of relief requested is 1.36 m.

The applicant is also requesting relief from Zoning By-law 1999-52, as amended, Section 3(23)(i)(i) which states access to parking areas shall be provided from an improved street by means of one or more unobstructed driveways at least 3 metres and not more than fifty percent (50%) of the lot frontage.

The applicant is proposing a 6 m driveway on a 10.64 m lot resulting in a driveway width of 56.4% of the lot frontage, an increase from the permitted 5.32 m of 0.68 m. Therefore, the amount of relief requested is 6.4% (0.68 m). The applicant is proposing the construction of a two-unit dwelling with an attached garage on the parcel with an interior side yard setback of 1 m from the west property line. Zoning By-law 1999-52, as amended, Section 8(3)(d) requires a minimum interior side yard width of 1.5 m in a Residential Second Density (R2) Zone. Therefore, the amount of relief requested is 0.5 m in interior side yard setback.

The following correspondence was received from the various agencies and residents circulated:

- i) Letter dated December 6, 2021 from the Essex Region Conservation Authority with the following comments:  
 We have reviewed our floodline mapping for this area and it has been determined



APPLICATION

PARKS FARMS  
PARKS FARMS

6720

6721

R1A

6723

6730

← ACCESS

RE

5460  
TOWN

5720

5721

R1A

5731

5741

5751

6744  
TOWN

6744

CN-10

5620  
SCHOOL BOARD

A

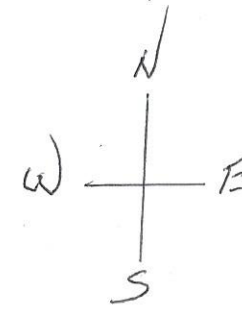
5750

5810

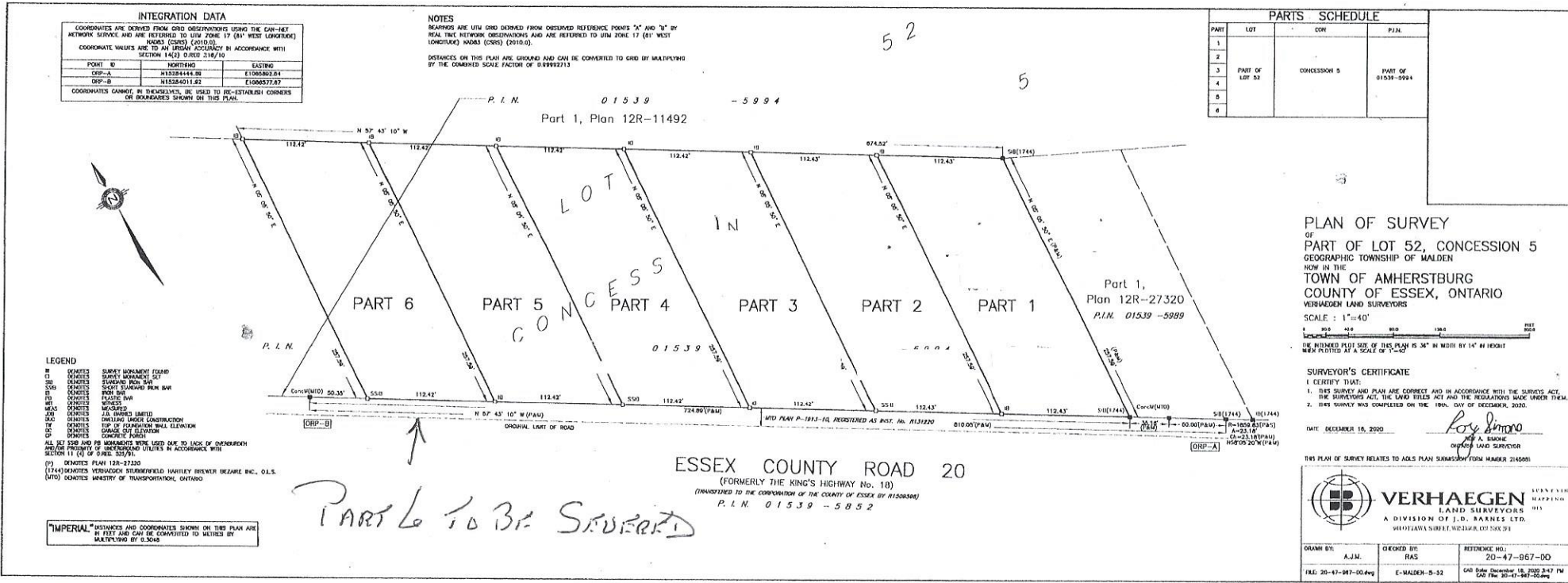
CN-8

J.M. PARKS

BUILDING LOT  
112' FRONTAGE  
247' DEEP  
.59A



52  
5



112' FRONTAGE  
247' DEEP

**Reasons of the Committee:** The request is in conformity with Section 6.1.2 of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement.

**6.5 Application B/23/22 – Jon & Kathy Parks- N/S County Rd 20 (Roll No. 3729-580-000-03400)**

**Public in Attendance:** Jon Parks, Applicant and Tim Robinson, 6679 Concession 6 S

**Location of Property:** N/S County Road 20, west of Concession 6 S  
(Roll No. 3729-580-000-03400)

**Purpose of Consent Application:** The applicant is proposing to sever a parcel of land being 34.27 m (112.42 ft) frontage by 78.51 m (257.59 ft depth) with an area of 2690.54 sq m (0.59 acres) for purpose of creating a new residential building lot with access from and frontage on County Road 20. The remaining parcel being 239.27 m (785 ft) frontage by an irregular depth with an area of 6151.22 sq m (55 acres) ± is vacant agricultural land. The subject lands are designated Low Density Residential in the Town's Official Plan and zoned Residential Type 1A (R1A) Zone in the Zoning By-law 1999-52.

The following correspondence was received from the various agencies and residents circulated:

- i) Letter dated June 29, 2022, from Essex Region Conservation Authority
- ii) Email dated June 27, 2022 from Infrastructure Services Department
- iii) Planning Report dated June 30, 2022 from Janine Mastronardi, Acting Secretary Treasurer

**Committee Discussion:** The Chair introduced the application and asked if there were any members of the public present for this application. Tim Robinson, 6679 Concession 6 S, was present. Janine Mastronardi read the purpose of the application. Jon Parks explained the concept of the application stating the proposed severance meets the requirements of the Provincial Policy Statement, County and Town Official Plans and Town Zoning By-law for lot size and lot frontage. Tim Robinson expressed concern in a possible overdevelopment of residential lots in a rural area. Discussion ensued.

The following resolution was put forth:

**That application B/23/22 be approved** subject to the following conditions:

1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; a copy to be provided to the municipality.
2. The applicant to submit to the municipality the deed acceptable for registration in order that consent may be attached to the original and duplicate and a copy be provided to the municipality.
3. That all property taxes be paid in full.
4. That a parkland fee be paid to the Town of Amherstburg prior to the stamping of the deed in an amount of \$1000 for the newly created lot.
5. That the developer be required to undertake a lot grading plan for the severed lot to the satisfaction of the municipality, prior to the stamping of deed.
6. That access to the proposed severed lot be provided prior to the stamping of the deeds. That an access permit be obtained for severed the lot from the County of Essex and any other requirements to their satisfaction, prior to the stamping of deed. If the bridge is to be located within the existing municipal drain, then an engineering report for the Parks Drain under Section 78 of the Drainage Act will be



required. The cost and assessment of this report will be determined by the appointed engineer and be at the applicant's expense. The access shall be provided to the lot to the satisfaction of the municipality.

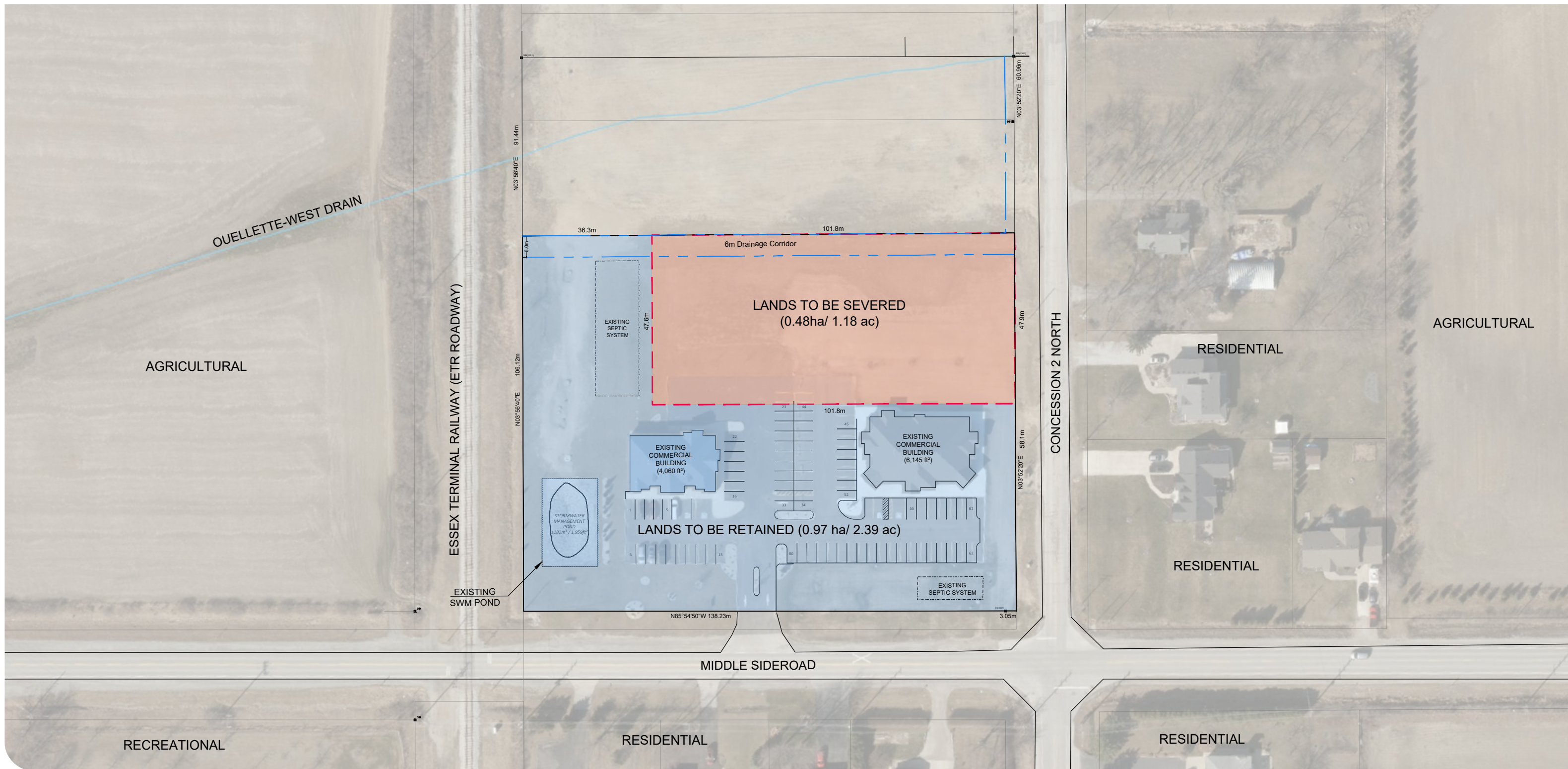
7. That the severed lot be serviced with municipal water in accordance with and under the supervision of the municipality.
8. That an assessment apportionment for any and all drains affected by the severance be completed in accordance with the provisions of the Drainage Act and that all costs associated with said apportionment be paid by the applicant.
9. That Council approve the development of the newly created lot on a private individual septic system after the soil analysis and septic design for the proposed lot is completed, as required. This requirement shall be fulfilled prior to the stamping of the deed.
10. That the applicant execute a Consent Agreement in a form satisfactory to the Town of Amherstburg which will include and require the provision of securities in amounts and forms satisfactory to the Town and which will satisfactorily address the relevant concerns of all government ministries, departments and agencies. The Consent Agreement will contain the following provisions:
  - a. Discharge into the municipal drain (Parks Drain) via storm piping or tiling must be protected by installing gabion stone erosion protection stone, laid over filter cloth, at the point of discharge into the drain. This will be done at the cost of the builder and must be to the full satisfaction of the Drainage Superintendent. Any damage to the municipal drain occurring during construction activities shall be repaired by the builder at his cost, and to the satisfaction of the Drainage Superintendent. Discharge into the County Road 20 roadside ditch must be approved by the County of Essex. Infrastructure Services does not recommend discharge of stormwater into any other private drainage system (ditch, drain or tile) without provisions for securities that will protect the drainage system in the future. This may either be through mutual and private agreements, title registration, or through the provisions of the Drainage Act, as per the Drainage Superintendent.
  - b. The lot be developed on private individual septic system after the soil analysis and confirmation that the lot can accommodate a septic system for the proposed lot be completed.
  - c. The applicant enters into an agreement satisfactory to the Corporation of the Town of Amherstburg requiring that the subject property be required to hook into a sanitary sewer system should it become available. The subject agreement to be registered on title.
11. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within two years from the date of this notice.

Moved by: Terris Buchanan  
 Seconded by: Josh Mailloux

-carried-

	Yes/Concur	No/Not Concur
Anthony Campigotto	X	
Josh Mailloux	X	
Terris Buchanan	X	
Donald Shaw (VC)	X	
David Cozens (CH)	X	

**Reasons of the Committee:** The request is in conformity with Section 6.1.2 of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement.



**580 MIDDLE SIDEROAD**  
Pacitti Commercial Development Inc.

**PROPOSED LOT CREATION**  
FIGURE 1.0

- SUBJECT SITE**  
(±1.45ha / 3.58ac)
- LOT TO BE RETAINED**  
(±0.97ha / 2.39ac)
- LOT TO BE SEVERED**  
(±0.48ha / 1.18ac)
- DRAINAGE CORRIDOR**

File Location:  
c:\pw working directory\projects 2021\dillon\_10amc\dms23015\211768 - land  
severance figure.dwg  
January, 31, 2022 1:55 PM

SOURCE: TOWN OF AMHERSTBURG INTERACTIVE MAPPING (2021)

MAP/DRAWING INFORMATION  
THIS DRAWING IS FOR INFORMATION PURPOSES ONLY. ALL  
DIMENSIONS AND BOUNDARY INFORMATION SHOULD BE  
VERIFIED BY AN O.L.S PRIOR TO CONSTRUCTION.  
CREATED BY: AMC  
CHECKED BY: MAM  
DESIGNED BY: AMC

SCALE: N.T.S.



PROJECT: 21-1768  
STATUS: DRAFT  
DATE: 01/31/2022

## 6. Order of Business

### 6.1 Bill 23 Update

The Committee was provided an update on Bill 23. Bill 23 enacted several changes to the Planning Act. The process for consents and minor variances changed in that there are no longer third party appeal rights for decisions made on these types of applications. Consent and minor variance decisions can only be appealed by the applicant, the municipality or the Minister.

### 6.2 Application B/32/22– Pacitti Contracting Company Inc., c/o Dillion Consulting Limited, Agent– 580 Middle Sideroad (Roll No. 3729-460-000-01100)

**Public in Attendance:** Melanie Muir, Agent on the application

**Purpose of Consent Application B/32/22:** The applicant is proposing to sever a parcel of land being 47.9 m frontage on Concession 2 North by 101.8 m depth with an area of 0.48 ha for purposes of creating a new lot together with an easement for reciprocal access, parking and servicing between the severed and retained lands. The remaining parcel being 58.1 m frontage on Concession 2 N by an irregular depth with an area of 0.97 ha contains two commercial buildings with associated parking and stormwater management pond. The subject lands are designated Neighbourhood Commercial in the Town's Official Plan and zoned Special Provision Commercial Neighbourhood/Residential Type 1A (CN-12/R1A) Zone in the Zoning By-law 1999-52.

The applicant has concurrently applied for a zoning by-law amendment to address site-specific zoning requirements for the severed parcel. Together in this application, a reduced interior side yard setback is being requested for the proposed retained parcel.

The following correspondence was received from the various agencies and residents circulated:

- i) Letter dated November 29, 2022, from Essex Region Conservation Authority
- ii) Email dated November 30, 2022 from Infrastructure Services
- iii) Email dated December 4, 2022 from Essex Terminal Railways
- iv) Email dated November 28, 2022 from John & Tracy Valaris
- v) Email dated November 30, 2022 from Domenic Varacalli
- vi) Planning Report dated January 4, 2023, from Janine Mastronardi, Acting Secretary-Treasurer

**Committee Discussion:** The Chair introduced the application and asked if there were any members of the public present for this application. Melanie Muir, Agent on the application was present to represent the applicant. No members of the public were in attendance. Janine Mastronardi read the purpose of the application. Melanie Muir explained the concept of the application. The proposed lot creation is intended to facilitate the construction of three additional mixed use buildings containing a total of six (6) commercial units and six (6) residential units above. A new access is to be constructed on Concession 2 N. A reciprocal access, parking and servicing agreement will be entered into between the severed and retained parcel through site plan control process. The agreement would be registered on title. A concurrent zoning by-law amendment is currently being processed. The proposed new lot will be subject to site plan control for any new development. The applicant confirmed they will coordinate with Essex Terminal Railway (ETR) to address ETR's requirements. The conceptual site plan was share.

The proposed conditions of consent were read aloud. Discussion ensued regarding the conditions and clarifying the wording used. C. Aspila explained the comments received from ETR along with the requested condition wording was standard practice for any development adjacent to a railway. The Chair confirmed with the applicant that the proposed conditions of consent were understood, M. Muir confirmed understanding.

The Chair acknowledged receipt of the written correspondence received and noted the concerns expressed. Clarification was provided to the Committee on the history of the Official Plan Designation and the Zoning of the subject lands noting the current land uses permitted have been the same since the Town underwent the Official plan review process in 2007 with the final document being approved in 2009.

The following resolution was put forth:

**That application B/32/22 be approved** subject to the following conditions:

1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; a copy to be provided to the municipality.
2. The applicant to submit to the municipality the deed acceptable for registration in order that consent may be attached and a copy be provided to the municipality.
3. That all property taxes be paid in full.
4. That the parkland fee be paid to the Town of Amherstburg prior to the stamping of the deeds for the severed parcel.
5. That the applicant install a separate water service connection to the severed lot in accordance with and under the supervision of the municipality at the applicant's expense, prior to the stamping of deeds.
6. That the applicant must install a new driveway access to the severed parcel at the applicant's expense, to the satisfaction of the municipality, prior to the stamping of deeds.
7. That the applicant be required to obtain a Right-of-Way Permit from Infrastructure Services according to Town policy for any work required within the limits of the Town right-of-way. All permitting costs will be borne entirely by the applicant.
8. Subject to site plan control agreement with the municipality, all downspouts from any new structure must not be connected into lot subdrains; downspouts must be constructed to splash onto the adjacent ground.
9. That an assessment apportionment for any and all drains affected by the severance be completed in accordance with the provisions of the Drainage Act and that all costs associated with said apportionment be paid by the applicant.
10. That a zoning by-law amendment be approved from the provisions of Bylaw 1999-52, as amended, Section 17(3)(d) which require a minimum interior side yard width of 7 m in a Commercial Neighbourhood (CN) Zone to permit a 1.5 m interior side yard setback on the retained parcel prior to the stamping of the deeds.
11. That the existing development agreement dated September 26, 2016 be amended to reflect changes to the site plan subsequent to the consent to the satisfaction of the municipality.
12. That the property owner complete and implement a storm water management design for the severed and retained lands at the property owner's expense and to the satisfaction of the municipality.

13. That the property owner enter into reciprocal agreements registered on the title of the property regarding access, parking and servicing with terms and conditions satisfactory to the municipality.
14. That specific site conditions/restrictions/specifications be determined through discussions with Essex Terminal Railway to the satisfaction of the municipality.
15. That all agreements of purchase and sale, building contract or lease of the severed lands must be entered into with a warning clause inserted into said agreements as follows:
  - i. Sound levels from increasing rail traffic may interfere with activities of dwelling occupants and the sound level may exceed the noise guidelines of the Municipality and the Ministry of the Environment, Conservation and Parks. An environmental easement in favour of abutting rail line lands is registered on title to the Pacitti lands.
  - ii. The Essex Terminal Railway Company (or its successors and assigns) ("ETR") has a right-of-way abutting the Pacitti lands. There may be alterations or expansions of rail facilities and uses on the right-of-way in the future, which may result in increased noise, dust, vibration and odour, among other effects. ETR will not be responsible for any complaints, claims, damages or costs of adjoining owners arising from its facilities and operations on the abutting right-of-way.
  - iii. The dwelling units on the lands have been supplied with central air conditioning and air exchange equipment which will allow windows and exterior doors to remain closed, intended to reduce, but not eliminate, the effects described above.
16. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within two years from the date of this notice.

Moved by: Terris Buchanan  
 Seconded by: Anthony Campigotto

-carried-

	Yes/Concur	No/Not Concur
Anthony Campigotto	X	
Josh Mailloux	Absent	Absent
Terris Buchanan	X	
Donald Shaw (VC)	X	
David Cozens (CH)	X	

Reasons of Committee- The request is in conformity with Section 6.1.2 of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement.

Vice Chair Donald Shaw temporarily stepped down from the Committee at this time for the discussion and vote on Item 6.3.

**6.3 Application B/01/23 & A/01/23– 806574 Ontario Inc., c/o James Shaw, Agent- 6436 Concession 6 N- (Roll No. 3729-390-000-03900)**

**Public in Attendance:** James Shaw, Applicant

**Purpose of Consent Application B/01/23:** The applicant is proposing to sever a parcel of land being 60.96 m ± frontage by 76.2 m ± depth with an area of 0.46 ha ± which includes a single detached dwelling and two accessory structures which are surplus to the needs of the farming operation. The remaining parcel being 242.93 m ± frontage by a 670.56 m ± depth with an area of 20.04 ha ± is vacant agricultural land. The subject property is designated and zoned Agricultural in the Town's Official Plan and Zoning By-law.



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: Zoning By-law Amendment for Part of 551 McLeod Ave

1. RECOMMENDATION:

It is recommended that:

- 1. By-law 2023-037 being a by-law to amend Zoning By-law No. 1999-52, to amend the zoning for the subject lands which are part of 551 McLeod Avenue, be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.

2. BACKGROUND:

The Town is in receipt of an application for a Zoning By-law amendment to By-law 1999-52 from Coulson Design-Build Inc. The rezoning application affects approximately 1000 sq m of land on the back portion of 551 McLeod Avenue. The rezoning, if approved, will change the zoning from Residential Type 1A (R1A) Zone to Special Provision Residential Second Density (R2-9) Zone. The lands are designated Low Density Residential in the Town's Official Plan.

The Statutory Public Meeting was held at 5:00 p.m., March 13, 2023 to hear public comments on an application for a Zoning By-law Amendment for lands described as Plan 12, Part Park Lots 13 and 14, municipally known as part of 551 McLeod Avenue. The Zoning By-law Amendment (ZBA) will change the zoning for the subject lands from Residential Type 1A (R1A) to Special Provision Residential Second Density (R2-9) Zone.

**3. DISCUSSION:**

***Statutory Public Meeting Follow-up***

Administration has addressed the questions and concerns raised at the Statutory Public Meeting through a table located below.

**Table 1:** Comments from the Statutory Public Meeting regarding the Zoning By-law Amendment proposed for Lands on.

Comment	Administration's Response
<p>Concern was expressed by members of Council along with Resident Tim Benekritis, 539 McLeod, regarding the density of the zone change requested for the proposal for two single detached dwelling unit lots. Will the proposed lot sizes fit into the neighbourhood?</p>	<ul style="list-style-type: none"> <li>- The land <u>use</u> pattern will be consistent with the surrounding single detached dwelling neighbourhood with the proposed use on the subject lands being single detached dwellings.</li> <li>- The character of the neighbourhood will be maintained by the proposed rezoning. The proposed use is for one single detached dwelling per lot is consistent with the housing types in the existing neighbourhood.</li> <li>- The proposed permitted lot coverage will allow for a maximum foot print of all structures on the property of 1892 sq ft. This is consistent with the average of footprint of dwellings in the area. There is a variety of home sizes in the area ranging from approximately 1300 sq ft to 3000 sq ft.</li> <li>- The maximum height proposed in the rezoning is less than the surrounding lands (proposed 8.5 compared to 10.5 m existing).</li> <li>- The interior side yard setbacks and the rear yard setbacks proposed in the rezoning is the same as the surrounding lands.</li> <li>- The front yard setback is proposed to be less than what is currently required (6 m compared to 7.5 m) however the neighbouring properties along Lake Erie Drive appear to be setback approximately 6-7 m from the front property lines.</li> <li>- The proposed lot sizes are able to accommodate the intensity of the proposed use. The lot sizes in the area vary greatly. There are nine lots on the southern end of Lake Erie Drive which are similar or smaller than the proposed lot sizes on the same street.</li> </ul>

## ***Planning Analysis***

The submitted application seeks to change the existing Residential Type 1A (R1A) Zone to a site-specific Special Provisions Residential Second Density (R2-9) Zone to allow for the severance of two residential building lots for single detached dwellings.

### Planning Act (R.S.O. 1990)

The purposes of the Planning Act are;

- “ (a) to promote sustainable economic development in a healthy natural environment within the policy and by the means provided under this Act;
- (b) to provide for a land use planning system led by provincial policy;
- (c) to integrate matters of provincial interest in provincial and municipal planning decisions;
- (d) to provide for planning processes that are fair by making them open, accessible, timely and efficient;
- (e) to encourage co-operation and co-ordination among various interests;
- (f) to recognize the decision-making authority and accountability of municipal councils in planning. 1994, c. 23, s”

The proposal is consistent with Section 2 of the Planning Act which requires that the Council have regard to matters of provincial interest including (the following are excerpts from Section 2 of the Planning Act that apply to this development):

- the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- the orderly development of safe and healthy communities;
- the adequate provision of a full range of housing, including affordable housing;
- the appropriate location of growth and development;
- the promotion of built form that,
  - o is well-designed,
  - o encourages a sense of place, and
  - o provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;

The development is located within the secondary settlement area and can be considered infill development. The proposed development is more than 120 m from any natural heritage feature. It is providing for intensification of under-utilized land within the existing serviced area. There is adequate municipal water and municipal sanitary sewer capacity to service the subject property for two additional lots each containing a single detached dwelling and accessory structures/uses.



## Provincial Policy Statement 2020

The Provincial Policy Statement was issued under Section 3 of the Planning Act and came into effect on May 1, 2020. The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the Provincial Policy Statement sets the policy foundation for regulating the development and use of land. It also supports the provincial goal to enhance the quality of life for all Ontarians.

The Provincial Policy Statement provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. The Provincial Policy Statement supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

When reviewing a planning application to determine if the requested Zoning By-law Amendment (ZBA) makes sound planning, it is imperative that the proposed development is consistent with the Provincial Policy Statement (PPS).

The PPS provides policy direction for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The 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.

The following policy excerpts from the PPS are particularly applicable to the subject application:

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

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

- a) Promoting efficient development and land use patterns which sustain the financial well-being of the province and municipalities over the long term.
- b) Accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing, and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries, and long-term care homes), recreation, park and open space, and other uses to meet long-term needs.
- c) Avoiding development and land use patterns which may cause environmental or public health and safety concerns.
- d) Avoiding development and land use patterns that would prevent the efficient expansion of *settlement areas* in those areas which are adjacent or close to *settlement areas*.
- e) Promoting the integration of land use planning, growth management, *transit-supportive* development, *intensification*, and *infrastructure* planning to achieve cost-effective development patterns, optimization of transit

investments, and standards to minimize land consumption and servicing costs.

- f) Improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society.
- g) Ensuring that necessary *infrastructure* and *public service facilities* are or will be available to meet current and project needs.
- h) Promoting development and land use patterns that conserve biodiversity; and
- i) Preparing for the regional and local impacts of a changing climate.

1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years, informed by provincial guidelines. However, where an alternate time period has been established for specific areas of the province as a result of a provincial planning exercise or a *provincial plan*, that time frame may be used for municipalities within the area. Within *settlement areas*, sufficient land shall be made available through *intensification* and *redevelopment* and, if necessary, *designated growth areas*. Nothing in policy 1.1.2 limits the planning for *infrastructure*, *public service facilities* and *employment areas* beyond a 25-year time horizon.

### 1.1.3 Settlement Areas

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.

The vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.

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

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

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

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

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

1.1.3.5 Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions. However, where provincial targets are established through provincial plans, the provincial target shall represent the minimum target for affected areas.

1.1.3.6 New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

### 3.1 Natural Hazards

3.1.7 Further to policy 3.1.6, and except as prohibited in policies 3.1.2 and 3.1.5, *development* and *site alteration* may be permitted in those portions of *hazardous lands* and *hazardous sites* where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:

- a) *development* and *site alteration* is carried out in accordance with *floodproofing standards*, *protection works standards*, and *access standards*;
- b) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
- c) new hazards are not created and existing hazards are not aggravated; and
- d) no adverse environmental impacts will result.

The Essex Region Conservation Authority has reviewed the proposed zoning by-law amendment and provide the following final recommendation in their letter dated March 8, 2023;

As noted above, the low lying nature of the roadway may result in excess water over the road during a 1:100 year flood event. The Municipality must confirm, through applicable emergency services (i.e. fire, police, etc.), that they have the ability to safely access this area during a 1:100 year flood event, in order to fulfill the municipality's responsibilities under Section 3.1.7 of the Provincial Policy Statement (2020). Additionally, the applicant must obtain a Section 28 Permit from ERCA prior to undertaking any future development on the site.

The Fire department has reviewed ERCA's correspondence and has provided the following response;

"Based on a review of our records the Road Level Height at 551 McLeod Ave. is approximately 176.097m at the property and along the path of travel to the property the lowest point is approximately 175.526m.

The Fire Service of the Municipality (Town of Amherstburg) confirms that we have the ability to safely access this area during a 1:100 year flood event.

This information fulfills the municipality's responsibilities under Section 3.1.7 of the Provincial Policy Statement (2020)."

Therefore Section 3.1.7 of the PPS has been satisfied.

The subject lands are located within a developed, fully serviced settlement area. The land is currently being used as a manicured lawn. The proposed use of the lands as residential building lots is a more efficient use of land through a decrease in lot area. The land use pattern will be consistent with the surrounding single detached dwelling neighbourhood with the proposed use on the subject lands being single detached dwellings. Intensification and a more compact form is achieved with the proposal while permitting only single detached dwellings and a maximum lot coverage of 35% for all structures on the property which is compatible with the surrounding single detached dwellings with a permitted 30% lot coverage in the R1A Zone.

The proposed Zoning By-law Amendment appears to be consistent with the Provincial Policy Statement 2020 (PPS).

#### County of Essex Official Plan

The County of Essex Official Plan was adopted on February 19, 2014 and was approved by the province on April 28, 2015. All lower tier Official Plans or amendments must comply with the policies of the upper tier Official Plan (County). The applicable County policies that should be considered when assessing the merits of the subject Zoning By-law Amendment include:

Section 1.5 Goals for a Healthy County outline the following:

- To direct the majority of growth (including *intensification* and *affordable housing*), and investment (*infrastructure* and community services and facilities) to the County's *Primary Settlement Areas*. These *Primary Settlement Areas* will serve as focal points for civic, commercial, entertainment and cultural activities.
- To encourage reduced greenhouse gas emissions and energy consumption in the County by promoting built forms and *transportation systems* that create more *sustainable*, efficient, healthy, and liveable communities.
- To create more mixed use, compact, pedestrian-oriented *development* within designated and fully serviced urban *settlement areas*.
- To provide a broad range of housing choices, employment and leisure opportunities for a growing and aging population.
- To prohibit urban forms of *development* outside of designated "*Settlement Areas*" and discourage urban *development* in areas with partial municipal services.

## Section 2.2 Growth Management note the following:

The health of the County requires that long-range land use planning and *infrastructure* investment are properly managed in a way that will:

- Direct non-resource related growth and *development* to settlements where it can be serviced, with a particular emphasis on *Primary Settlement Areas*.
- Protect and enhance the County's *natural heritage system*, cultural features and heritage resources (including resources in and under water), and *minerals, petroleum, and mineral aggregate resources*.

It is the fundamental policy of this Plan to promote healthy and diverse communities where County residents can live, work and enjoy recreational opportunities. In this regard, every attempt should be made to optimize and make efficient use of existing *infrastructure*.

## 2.4 FLOODING AND EROSION (NATURAL HAZARDS)

### 2.4.1 Lake St. Clair, Detroit River and Lake Erie

a) It is a policy of this Plan to identify the Lake St. Clair, Detroit River and Lake Erie floodprone areas as being susceptible to *flooding* and *erosion hazards*. The regulatory flood standard for *flood plains* will be the one in one hundred year (1:100) or maximum observed flood condition for the Essex Region *watersheds* and the one in one hundred year (1:100) or maximum observed flood condition which is the two hundred and fifty year (1:250) flood condition affecting the Thames River and its tributaries for the Lower Thames Valley *watersheds*.

c) *Development* and *site alteration* shall only be permitted in areas identified as being susceptible to flooding and/or erosion if:

i. The hazard can be safely addressed.

ii. New hazards are not created and existing hazards are not aggravated.

iii. No adverse environmental impacts will result (preparation of an Environmental Impact Assessment may be required).

iv. Vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion or other emergencies.

v. The *development* does not include institutional uses or essential emergency services or the disposal, manufacture, treatment or storage of *hazardous substances*.

## Section 3.2 Settlement Areas

### 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.
- d) To promote the creation of public places within all neighbourhoods that foster a sense of community pride and well-being and create a sense of place.
- e) To require the efficient use of land, resources, water and sanitary sewage treatment facilities, other *infrastructure* and *public service facilities* including schools as provided for in the growth management policies contained within this Plan.
- f) To increase the opportunity for job creation within each *local municipality* by attracting and maintaining industries and businesses closer to where County residents live.
- g) To support long term economic prosperity by providing *infrastructure* and *public service facilities* to accommodate projected growth.
- h) To provide locations where natural habitat restoration can be accommodated to ensure an increase in the amount of core natural area and linkages amongst natural areas.
- i) Promote *residential intensification* within *Primary Settlement Areas*, and to a lesser extent, within full serviced *Secondary Settlement Areas*.
- j) Promote *affordable housing* within *Primary Settlement Areas*, and to a lesser extent, within full serviced *Secondary Settlement Areas*.
- k) Encourage each *local municipality* to undertake a Local Comprehensive Review of their "*Settlement Areas*" with the goal of re-allocating growth to the most appropriate locations that meet the intent of this Plan. The County encourages the Local Comprehensive Review to be undertaken at the time of the five-year review of the local Official Plan; however, *local municipalities* may initiate a Local Comprehensive Review at any time.
- l) Encourage employment opportunities on lands within "*Settlement Areas*" that are in proximity to rail corridors.

### 3.2.5 Secondary Settlement Areas

The County recognizes the diversity among the many different *Secondary Settlement Areas* and accordingly has established the following policy framework that recognizes this diversity:

a) New *development* will be permitted to the boundaries of the *Secondary Settlement Areas* as shown on Schedule “A2” provided such *development* is consistent with the Provincial Policy Statement, the intent of this Plan, and the policies of the local Official Plan.

c) New *development* is encouraged on full municipal services unless there are interim servicing policies in the local Official Plan that are in effect at the time of approval of this Plan.

e) All types of land uses are permitted within the *Secondary Settlement Areas* designation subject to the specific land use policies of the local Official Plans.

g) *Secondary Settlement Areas*, or portions thereof, that generally contain or are planned for non-employment uses, are subject to the following additional policies:

i) They shall not be the focus of growth or public or private investment in a municipality, and they should, at most, retain their existing historic development patterns. In the interest of clarity, the County Official Plan permits growth and investment in these *Secondary Settlement Areas*, provided the *Primary Settlement Area(s)* in the municipality remains the focus of growth.

ii) New *development* will generally be limited to infilling, *redevelopment* on existing lots of records, and limited *residential intensification*.

iii) *Residential intensification*, outside of infilling, shall only occur on full municipal sewage services and municipal water services.

i) Cost effective development patterns and those which reduce servicing costs are encouraged. Land use patterns which may cause environmental, heritage preservation or public health and safety concerns shall be avoided

### 3.2.7 Intensification & Redevelopment

The County encourages well-planned *intensification development* projects in the “*Settlement Areas*” to encourage more efficient use of land and municipal *infrastructure*, renew urban areas and to facilitate economic and social benefits for the community.

The County also specifically encourages *residential intensification* and *redevelopment* within *Primary Settlement Areas* in order to increase their vitality, offer a range of housing choices, efficiently use land and optimize the use of *infrastructure* and *public service facilities*.

The County requires that 15 percent of all new residential *development* within each *local municipality* occur by way of *residential intensification* and *redevelopment*. Implementation and annual reporting to the County on meeting this target will be the responsibility of the *local municipalities*.

The County will permit *intensification* and *redevelopment* within *Secondary Settlement Areas* to assist in meeting the target provided it occurs on full municipal sewage services and municipal water services.

The Essex Region Conservation Authority comments and municipal Fire department response discussed above under the PPS section conforms with the County of Essex Flooding and Erosion Official Plan policies.

The proposed Zoning By-law Amendment appears to conform to the County of Essex Official Plan as the subject lands are located within the secondary settlement area, are fully serviced with municipal water and municipal sanitary sewers and the development can be considered infill and intensification of the lands.

### Town of Amherstburg Official Plan

The Official Plan currently designates the subject lands Low Density Residential. The proposed single detached dwellings are a permitted use within the existing designation and the proposal makes efficient use of residential land and municipal infrastructure in accordance with the applicable Official Plan policies.

## SECTION 4 SETTLEMENT AREAS - LAND USE POLICIES

### 4.1 GENERAL

Section 4 of this Plan deals with the Settlement Areas of the Town of Amherstburg. The land use designations and policies are intended to accommodate the anticipated population increases in a variety of locations, densities, and housing types as well as provide for employment opportunities, economic growth, recreational needs and institutional needs. The Residential Subsections deal with a variety of settlement areas as shown on Schedules "A" and "B". In addition, there are areas designated for specific land uses such as industrial, commercial and recreational that are single purpose land use areas that are also Settlement Areas for the purpose of the Provincial Policy Statement and this Official Plan. Changes within any Settlement Area from one designation to another will be dealt with as an amendment to the Official Plan. Changes to the boundary of any Settlement Area or an attempt to create a new Settlement Area will be dealt with as required under Section 22(7.1) and Section 22(7.2) of the Planning Act.

*The Town will work with the County of Essex to identify targets for intensification, infill and redevelopment and the Plan will be amended to incorporate such targets. (Modification #32)*

### 4.2 RESIDENTIAL USES

#### 4.2.1 General

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.

#### 4.2.2 Goals

The following goals are established for the various Residential areas:

- (1) To ensure that new development occurs in a manner in keeping with the capacity of the services available and the financial capability of the municipality;
- (4) To provide the opportunity to increase the housing supply through residential intensification in appropriate and selected Residential designations. Residential intensification may include infilling, accessory apartments, conversions and redevelopment;
- (5) To encourage an adequate supply of new building lots to meet the anticipated demand for additional housing units over the next 20-year planning period as the capacity of the Town's services permit.

#### 4.2.3 Policies – Applicable to All Residential Designations

1. Residential Lot Creation  
The creation of new lots for residential purposes will primarily occur by plan of subdivision. However, consents for residential lots will be permitted in accordance with the policies contained in Section 6.1 of this Plan, and in accordance with the requirements and guidelines of the Town and/or its designated agent under the Building code or Ministry of Environment under the Ontario Water Resources Act.
2. Supply  
It shall be a policy of this Plan that residential proposals be evaluated with the intent being to achieve a housing mix. The provision of a ten (10) year supply or at least 1700 residential dwelling units or individual lots through a combination of draft approved and/or registered lots and blocks on plans of subdivision and/or registered lots which have been created in accordance with Section 5.1 of this Plan shall be maintained and developed as permitted by the capacity of the Town's services.
3. Established Low Density Residential Areas  
In established low-density residential areas, the indiscriminate mixing of different housing types shall not be permitted, in the interest of protecting the stability of existing neighbourhoods. Redevelopment proposals will, to the satisfaction of Council, ensure that the residential character of the area will be maintained or enhanced and not present a burden to existing facilities and services.

- 4.3 Residential Development on Lots with Less Than the Minimum Frontage and/or Area In those cases where development is proposed on existing lots with less than the minimum frontage and/or area required, the development shall be regulated by either the Committee of Adjustment or by site specific zoning by-law amendment if the proposed development is compatible with existing surrounding development in terms of site coverage, housing size, and character, as well as lot size and building setback.

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.

Within areas under the various Residential designations, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted. Elementary educational facilities, religious facilities, parks, recreational facilities, day care, and home occupations and uses pertaining to municipal services and utilities are also permitted uses within Residential designations subject, however, to specified location and design criteria. Such uses may also require selective use specific zoning. The establishment of new schools, churches, and similar institutional uses must be in accordance with the provisions for Institutional Uses set out in Subsection 2.22.1.

#### 4.3.1 Low Density Residential Areas

Areas designated as Low Density Residential shall be limited to single detached, semi-detached, duplex, or converted dwelling units, home occupation uses and public uses.

Notwithstanding the above policy, vacant tracts of land greater than 5 hectares in size and designated Low Density Residential may be developed for Medium or High-Density Residential uses if they can meet the criteria outlined in Subsection 4.3.1(3).

- (1) Maximum Density  
Although the existing densities within areas designated Low Density Residential are in the order of 6 to 12 units per hectare, smart growth encourages a more cost-effective development pattern to better utilize services and the land base. In a desire to promote more efficient use of the land, the maximum density for single detached developments shall be 15 units per hectare and the maximum density for semi-detached development and conversions shall be 22 units per hectare. The overall maximum density shall not exceed 19 units

per gross hectare. In keeping with the Provincial Policy Statement regarding intensification, in the older established portions of Amherstburg, a reduced lot frontage may be considered in the Zoning By-law where sufficient lot depth is available to accommodate new low-density residential units/lots.

Low Density Residential may be placed in separate zoning categories in the implementing Zoning By-Law.

The character of the neighbourhood will be maintained by the proposed rezoning. The proposed use is for one single detached dwelling per lot is consistent with the housing types in the existing neighbourhood. The permitted lot coverage will allow for a maximum foot print of all structures on the property of 1892 sq ft. This is consistent with the average of footprint of dwellings in the area. There is a variety of home sizes in the area ranging from approximately 1300 sq ft to 3000 sq ft.

The proposed rezoning, which will facilitate the creation of two infill lots, will result in a density for the block of 9 units per gross hectare. This ratio is far less than the maximum of 15 units per gross hectare found in the Low Density Residential OP policies.

Section 6.7 of the Town of Amherstburg Official Plan – Planning Impact Analysis sets out several areas that must be considered as part of an Official Plan Amendment or Zoning By-law amendment. These include:

## 6.7 PLANNING IMPACT ANALYSIS

It is a policy of the Official Plan that a Planning Impact Analysis will be used to evaluate applications for an Official Plan Amendment and, depending on the magnitude of the development, a Zoning By-law Amendment, to determine the appropriateness of the proposed change and to identify what measures are needed to reduce any adverse impacts on surrounding land uses. The Planning Impact Analysis will supplement the consideration of compliance with the permitted use, location, scale of development, and other criteria applicable to the relevant land use designation. Proposals for changes in the use of land which require the application of a Planning Impact Analysis will be evaluated based on:

- Compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area on the character and stability of the surrounding neighbourhood.
- The height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses.
- The size and shape of the parcel of land on which a proposed development is to be located, and the ability of the site to accommodate the intensity of the proposed use.
- The location of vehicular access points and the likely impact of traffic generated by the proposal on streets, on pedestrian and vehicular safety, including impact on the primary to secondary evacuation routes identified in the Amherstburg Emergency Plan, and on surrounding properties.
- The exterior design and layout of buildings and the integration of these uses with present and future land uses in the area.

- The location of lighting and screening, and the adequacy of parking areas.
- The provisions for landscaping and fencing.
- The location of outside storage, garbage and loading facilities.

Reviewing the evaluation points that apply to low density residential development found in Section 6.7 of the Official Plan it has been determined the proposed uses are identical to the surrounding lands. The maximum height proposed in the rezoning is less than the surrounding lands. The interior side yard setbacks and the rear yard setbacks proposed in the rezoning is the same as the surrounding lands. The front yard setback is proposed to be less than what is currently required (6 m compared to 7.5 m) however the neighbouring properties along Lake Erie Drive appear to be setback approximately 6-7 m from the front property lines. The proposed lot sizes are able to accommodate the intensity of the proposed use.

With respect to items noted above the proposed development subject to the proposed zoning by-law amendment is located in the middle of a residential subdivision with single detached dwellings on the surrounding properties. The site is located as infill development on an existing property. The land is within the settlement area with full municipal services. Access to the parcel is Lake Erie Drive.

The proposed Zoning By-law amendment appears to conform to the policies of the Official Plan.

Town of Amherstburg Zoning By-law 1999-52

The proposed Special Provision Residential Second Density (R2-9) Zone provides for the following:

“R2-9

Notwithstanding any provisions of this By-law to the contrary, within any area designated R2-9 on Schedule “A” hereto, the zone requirements of Section 8 of this By-law shall apply with the exception of the following special provision:

- (i) Uses Permitted
  1. single detached dwelling;
  2. home occupation;
  3. accessory uses.”

The Residential Second Density (R2) Zone provides for the following Zone Requirements;

Lot Area for a Single Detached Dwelling Unit (Minimum)	460 sq m
Lot Frontage (Minimum)	12 m
Front yard Depth (Minimum)	6 m
Interior Side Yard Width (Minimum)	1.5 m
Provided that on a lot where there is no attached private garage or attached carport the minimum interior	

side yard width shall be 2.5 m on one side and 1.5 m on the other side

Rear Yard Depth (Minimum)	7.5 m
Lot Coverage (Maximum)	35%
Landscaped Open Space (Minimum)	30%
Dwelling Unit Area for a Single Detached Dwelling Unit (Minimum)	75 sq m
Height (Maximum)	8.5 m

Accessory Uses, Parking, Home Occupation, etc. in accordance with the provisions of Section 3 of the Zoning By-law.

The submitted ZBA application proposes to change in the zoning of the subject property from Residential Type 1A (R1A) Zone to Special Provision Residential Second Density (R2) Zone. The proposed zone will consist of the standard R2 provisions but limit the permitted uses on the lands to single detached dwelling, home occupation and accessory uses to ensure consistency with the uses in the surrounding neighbourhood. The proposed permitted uses are the same as those permitted under the current R1A Zone. Appendix C attached provides the proposed lot layout, building envelope and zoning matrix for the proposed lots.

The proposed Zoning By-law Amendment is considered to be consistent with the 2020 PPS, in conformity with the County Official Plan and in conformity with the policy direction as set out in the Town's Official Plan. The requested amendment does not facilitate any negative impacts on surrounding properties. The application is considered to conform to good planning principles.

#### **4. RISK ANALYSIS:**

The recommendation presents little to no risk to the municipality.

It is important to provide Council with clarity on next steps and how changes due to Bill 109 and Bill 23 relate. Specifically, the changes provide for the applicant to appeal to the Ontario Land Tribunal (OLT) on the grounds of failure to make a decision as per s. 34 (11) of the Planning Act. Council has 90 days after the Zoning By-law Amendment application has been deemed complete in which to make a decision on the application. In addition, the Town would need to refund the zoning application fee.

These risks are mitigated by the following measures:

- Our OP was amended in 2022, section 7.20, stating in part "deemed complete when a letter is issued to the applicant indicating that the application is complete". This was put in place to ensure submission date of an application was not the date it was deemed complete, due to previous lack of clarity on this matter;
- Holding the SPM as soon as possible after deeming an application complete. This allows for appropriate time to summarize and consider the feedback for

the recommendation report, which is the report for Council to make a decision on the application.

For this particular zoning amendment application, it was deemed complete on February 10, 2023, setting the 90-day timeframe by which a decision of Council must be made at May 11<sup>th</sup>, 2023.

**5. FINANCIAL MATTERS:**

All costs associated with the application are the responsibility of the applicant. Should Council's decision be appealed to the Ontario Land Tribunal then the Town will incur costs.

Should Council fail to make a decision on Administration's recommendations in the follow-up report by May 11, 2023, 90 days following the deeming of the application complete, the Town will be required to refund 50% (\$1,339) of the applicant's Minor Zoning By-law Amendment application fee of \$2,678 per s. 34 (10.12) of the Planning Act.

**6. CONSULTATIONS:**

The Notice of Public Meeting was published in the local newspaper and on the Town website and circulated to the required agencies, property owners and municipal departments in accordance with the requirements of the Planning Act, R.S.O. 1990, c.P. 13 and associated regulations. The circulation list property addresses and a circulation map showing the 120 m radius is attached as Appendix E.

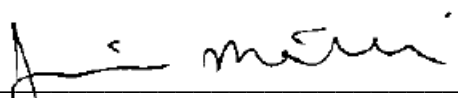
A summary of correspondence received is attached for Council consideration. The Fire department was further consulted and has provided a response to ERCA's comments. The comments are included above in Section 3 under the PPS subsection.

No further consultation on the ZBA is required.

**7. CONCLUSION:**

It is the opinion of administration that the Zoning By-law Amendment allows for the appropriate development of the subject lands, is consistent with the policies of the Provincial Policy Statement, 2020, and conforms with the policies of the County of Essex Official Plan and the Town of Amherstburg Official Plan.

Administration recommends that Zoning By-law 2023-037 be approved by Council, given three readings and finally passed and the Mayor and Clerk be authorized to sign same.

  
\_\_\_\_\_  
Janine Mastronardi  
Planner

  
\_\_\_\_\_  
Christopher Aspila  
Manager, Planning Services

**DEPARTMENTS/OTHERS CONSULTED:**

**Name: Office of Infrastructure Services**  
**Phone #: 519 736-3664 ext. 2313**

**Name: Building Services**  
**Phone #: 519 736-5408 ext. 2136**

**Name: Fire Services**  
**Phone #: 519 736-6500**

**Name: Windsor Police**

**Name: Union Gas**  
**Email: ONTUGLandsINQ@uniongas.com**

**Name: Ontario Power Generation**  
**Email: Executivevp.lawanddevelopment@opg.com**

**Name: Essex Region Conservation Authority**  
**Phone #: 519 776-5209**

**Name: Windsor Essex Catholic District School Board**  
**Phone #: 519 253-2481**

**Name: Greater Essex County District School Board**  
**Phone #: 519-255-3200**

## Report Approval Details

Document Title:	Zoning By-law Amendment for part of 551 McLeod Ave.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A- ZBA-05-23- Aerial.pdf</li><li>- Appendix B- Site Photos.pdf</li><li>- Appendix C- Site Compliance.pdf</li><li>- Appendix D- Summary of Correspondence Received on ZBA-05-23 as of March 27, 2023.pdf</li><li>- Appendix E- ZBA-05-23- Circulation List and Map.pdf</li><li>- Appendix F- 2023-037- ZBA- 551 McLeod- DRAFT.pdf</li></ul>
Final Approval Date:	Apr 4, 2023

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



Melissa Osborne



Tracy Prince



Valerie Critchley



Kevin Fox





**551 McLeod Avenue- Site Photos**



View of Property from McLeod Avenue



View of Property from Lake Erie Drive

# MCLEOD AVENUE

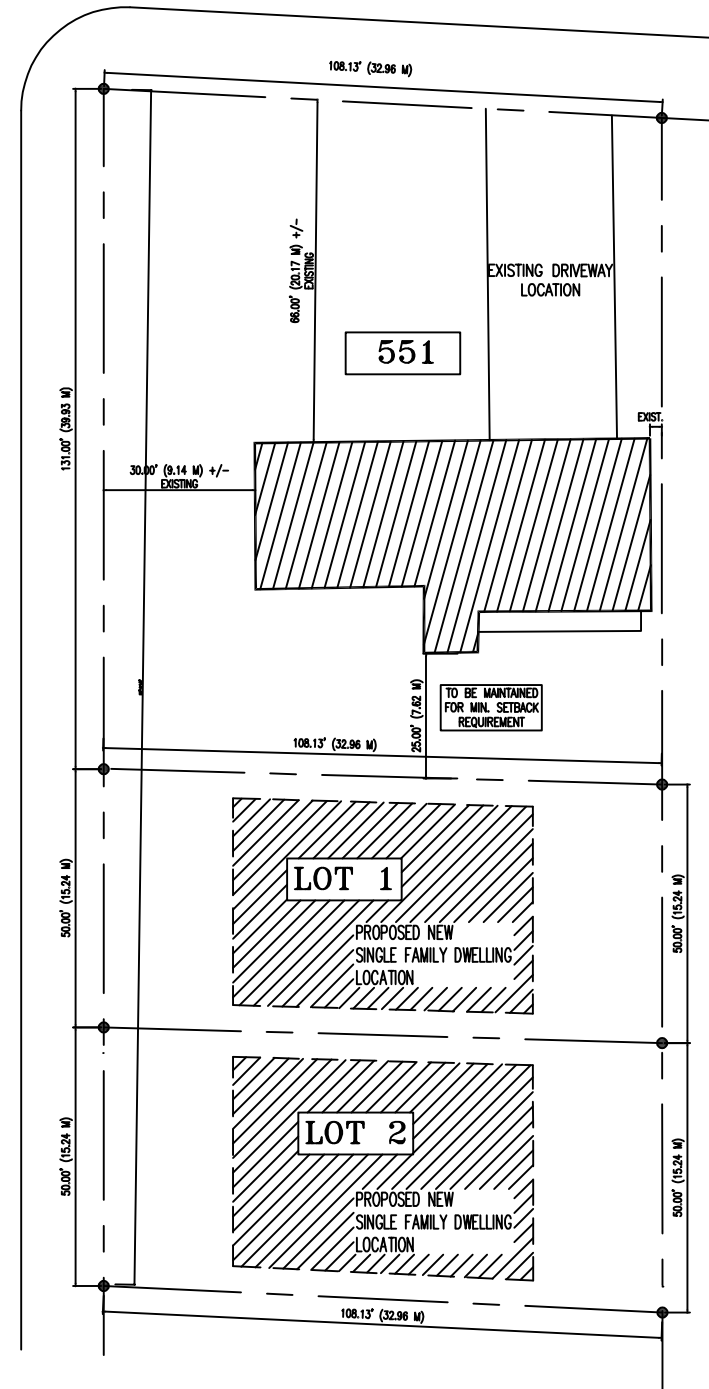
## ZONING BY-LAW COMPLIANCE EXISTING RESIDENCE TO BE RETAINED – 551 MCLEOD

	REQUIRED	PROVIDED
ZONING DESIGNATION	R1A	R1A
MINIMUM LOT AREA	900 SQ. METERS	1300 SQ. METERS
MINIMUM LOT FRONTAGE	20M	32.96 M
MAXIMUM LOT COVERAGE	30%	18%
MINIMUM LANDSCAPED AREA	30%	82% (INCLUDING DRIVEWAY)
FRONT YARD SETBACK	7.5M	20.17M
REAR YARD SETBACK	7.5M	7.62M
INTERIOR SIDEYARD SETBACK	1.5M	EXISTING 1.5M (+/-)
EXTERIOR SIDEYARD SETBACK	7.5M	EXISTING 9.14M
MAXIMUM BUILDING HEIGHT	10.5M	EXISTING

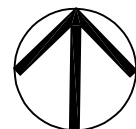
## ZONING BY-LAW COMPLIANCE PROPOSED NEW LOTS NO.1,2

	REQUIRED – ZBA	PROVIDED
ZONING DESIGNATION	R2	R2
MINIMUM LOT AREA	460 SQ. METERS	500 + SQ. METERS
MINIMUM LOT FRONTAGE	12M	15.24M
MAXIMUM LOT COVERAGE	35%	35%
MINIMUM LANDSCAPED AREA	30%	30% +
FRONT YARD SETBACK	6M	6M MINIMUM
REAR YARD SETBACK	7.5M	7.5M MINIMUM
INTERIOR SIDEYARD SETBACK	1.5M	1.5M MINIMUM
EXTERIOR SIDEYARD SETBACK	6M	NOT APPLICABLE
MAXIMUM BUILDING HEIGHT	8.5M	8.5M

LAKE ERIE DRIVE



# SITE PLAN





## Summary of Correspondence Received on Proposed ZBA for Housekeeping Amendment

Below is a summary of the comments received by the Planning Services Division on ZBA/05/23.

### Windsor Police:

Please be advised the Windsor Police Service has no concerns or objections with this application. The proposed Zoning By-law amendment for this property to allow a studio use will not have any negative impact on public safety or police service delivery capability in any way.

### Building Department:

No concerns.

### Fire Department:

No issues.

### Infrastructure Services:

No concerns.

### Tom Benekritis, 539 McLeod:

I am against the rezoning of land at 551 McLeod Ave from R1A to R2. This type of overbuilding does not fit in with the current existing neighbourhood. This out of place and is just greed and unnecessary. Please deny this application.

### Joe Carty, 161 Claremont Lane:

I am writing to you today regarding the application for rezoning and potential severance of the property South of 551 McLeod. I would like to express my support for this rezoning and severance as I feel it will be beneficial for my neighbourhood. Many have expressed an interest in living in this area. While a larger subdivision, which has already been proposed to be developing in the farm land directly across from 551 McLeod, sounds like a less-than-desirable project, one more home in an area that is already well established, makes perfect sense. I hope this property mentioned in the subject area will get approval.

Thank you for your attention to this matter.

**Shannon Coulson, 123 Tilford Lane:**

I am writing to you about the rezoning and severance of the property related to 551 McLeod. As a member of the neighbourhood, I would like you to know that I am in support of this development.

Thank you.

**Jay Garner, 128 Victoria Lane:**

In regards to the variance at 551 McLeod. It's would be a great opportunity to have a new home built there. This is a great family area and would provide a great environment to raise a family or relocate here. I have grown up in this neighborhood and have chosen to raise my family here. Would love to see others be able to do the same.

Regards.

**Shannon Lucier, 128 Victoria Lane:**

I wanted to write to you this morning as I read the application for re-zoning and possible severance of 551 McLeod.

I believe this to be a good thing for our community and neighbourhood as this area is family friendly and community driven.

I don't see any possible issue with the said proposal as there is more than enough land and we are in need of housing in Amherstburg.

Thank you for your time.

**Mike Rose, 515 McLeod Ave:**

In response for the application for rezoning of 551 McLeod Ave, I would like to say that I think it's fantastic to have a local contractor who is willing to provide affordable housing in our town, while ensuring the design and architecture of the homes he builds fit our community and enhance our neighborhoods at the same time.

Cheers .



planning@erca.org

P.519.776.5209

F.519.776.8688

360 Fairview Avenue West  
Suite 311, Essex, ON N8M 1Y6

March 08, 2023

**Mr. Chris Aspila**

Manager, Planning Services  
3295 Meloche Road  
Amherstburg, ON  
N9V 2Y8

Dear Mr. Chris Aspila:

RE: Zoning By-Law Amendment ZBA/05/23 551 MCLEOD AVE  
ARN 372954000021600; PIN: 705720289  
Applicant: BUCHNER DEREK LEIGH

The Town of Amherstburg has received an Application for Zoning By-Law Amendment for the subject property. This rezoning, if approved, will change the zoning of the subject lands noted above from the "Residential Type 1A (R1A) Zone" to "Residential Second Density (R2) Zone". The lands are designated Low Density Residential in the Town's Official Plan. The effect of the amendment will be to allow for general residential uses on the subject properties with a minimum lot area of 460 sq m, a minimum lot frontage of 12 m and a maximum lot coverage of 35% for single detached dwellings, whereas the current zoning permits 30% lot coverage and requires 900 sq m minimum lot area and 20 m minimum lot frontage for single detached dwellings. The following is provided as a result of our review of Zoning By-Law Amendment ZBA/05/23.

**DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT**

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

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 158/06). The parcel falls within the regulated area of Lake Erie. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

We note that the low lying nature of the roadway may result in excess water over the road during a 1:100 year flood event. The Municipality must confirm, through applicable emergency services (i.e. fire, police, etc.), that they have the ability to safely access this area during a 1:100 year flood event,



Mr. Chris Aspila  
March 08, 2023

in order to fulfill the municipality's responsibilities under Section 3.1.7 of the Provincial Policy Statement (2020).

**FINAL RECOMMENDATION**

As noted above, the low lying nature of the roadway may result in excess water over the road during a 1:100 year flood event. The Municipality must confirm, through applicable emergency services (i.e. fire, police, etc.), that they have the ability to safely access this area during a 1:100 year flood event, in order to fulfill the municipality's responsibilities under Section 3.1.7 of the Provincial Policy Statement (2020). Additionally, the applicant must obtain a Section 28 Permit from ERCA prior to undertaking any future development on the site.

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

Sincerely,



Kathleen Schnekenburger  
Resource Planner  
/ks



## ZBA/05/23 - 551 McLeod- 120 m Circulation List

ARN	ADD1	STREETNAME
372955000004330	3956	CONCESSION 3 S
372955000004340	3952	CONCESSION 3 S
372955000004310	3964	CONCESSION 3 S
372955000009551	3938	CONCESSION 3 S
372955000004350	529	MC LEOD AVE
372955000004320	3960	CONCESSION 3 S
372955000009550	3942	CONCESSION 3 S
372954000022201	110	CLAREMONT LANE
372954000023600	103	TILFORD LANE
372954000021700	545	MCLEOD AVE
372954000022000	110	LAKE ERIE DR
372954000022400	126	TILFORD LANE
372954000021450	107	CLAREMONT LANE
372954000023100	123	TILFORD LANE
372954000000805	3939	CONCESSION 3 S
372954000021500	557	MCLEOD AVE
372954000022301	111	CLAREMONT LANE
372954000000900	542	MCLEOD AVE
372954000021300	569	MCLEOD AVE
372954000023000	127	TILFORD LANE
372954000021600	551	MCLEOD AVE
372954000021502	104	CLAREMONT LANE
372954000023200	124	CLAREMONT LANE
372954000025400	128	LAKE ERIE DR
372954000021900	3957	CONCESSION 3 S
372954000000901		MCLEOD AVE
372954000000804	3937	CONCESSION 3 S
372954000025500	127	LAKE ERIE DR
372954000021400	561	MCLEOD AVE
372954000021901	3959	CONCESSION 3 S
372954000023300	115	TILFORD LANE
372954000023500		LAKE ERIE DR
372954000022300	122	TILFORD LANE
372954000021950	116	LAKE ERIE DR
372954000022101	111	LAKE ERIE DR
372954000022001	104	LAKE ERIE DR
372954000022100	117	LAKE ERIE DR
372954000001000	554	MCLEOD AVE
372954000021800	539	MCLEOD AVE
372954000022200	116	TILFORD LANE





**CORPORATION OF THE TOWN OF AMHERSTBURG  
BY-LAW NO. 2023-037**

**By-law to amend Zoning By-law No. 1999-52  
551 McLeod Avenue, 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 76 of By-law 1999-52, as amended, is hereby amended by changing the zone symbol on those lands shown as "Zone Change from R1A to R2-9" on Schedule "A" attached hereto and forming part of this By-law from "Residential Type 1A (R1A) Zone" to "Special Provision Residential Second Density (R2-9) Zone".

2. THAT Section 8(4)(l) of By-law 1999-52, as amended, is hereby added with the following;

"R2-9

Notwithstanding any provisions of this By-law to the contrary, within any area designated R2-9 on Schedule "A" hereto, the zone requirements of Section 8 of this By-law shall apply with the exception of the following special provision:

- (i) Uses Permitted
1. single detached dwelling;
  2. home occupation;
  3. accessory uses."

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 11<sup>th</sup> day of April, 2023.

---

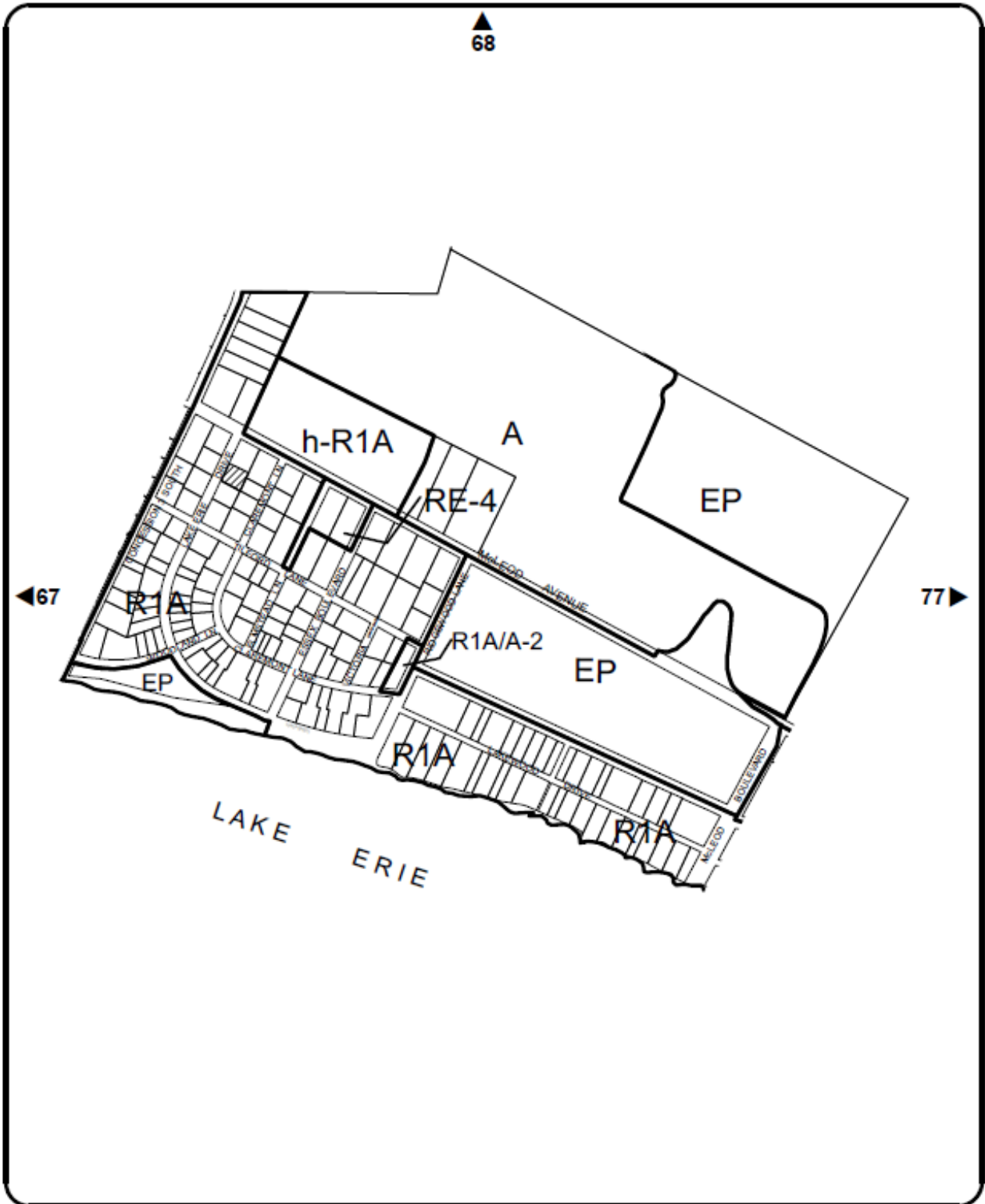
MAYOR- MICHAEL PRUE

---

CLERK- KEVIN FOX


**TOWN OF AMHERSTBURG**

SCHEDULE "A" TO BY-LAW No. 2023-037  
A BY-LAW TO AMEND BY-LAW No. 1999-52



**SCHEDULE 'A'**  
**MAP 76**

ZONING BY-LAW NO. 1999-52

R1A to R2-9 



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: Zoning By-law Amendment for Lands on the West Side of Crystal Bay Drive

1. RECOMMENDATION:

It is recommended that:

- 1. By-law 2023-036 being a by-law to amend Zoning By-law No. 1999-52, to amend the zoning for the subject lands known as the west side of Crystal Bay Drive be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same;
2. The execution of a Consent Agreement with Terry Ernie Hermiston and Michelle Margaret Rennie and Boblo Developments Inc. associated with Zoning By-law Amendment File No. ZBA/04/23 inclusive BE APPROVED; and,
3. By-law 2023-052 being a By-law to authorize the signing of a Consent Agreement be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.

2. BACKGROUND:

The Town is in receipt of an application for a Zoning By-law Amendment to By-Law 1999-52 from Terry Hermiston and Michelle Rennie. The rezoning application affects approximately 3542.95 sq m of land on the west side of Crystal Bay Drive (refer to Appendix 1). The rezoning, if approved, will change the zoning from Recreation (RE) Zone to a Special Provision Residential Type 1A (R1A-11) Zone. The lands are designated Recreational Development Special Policy Area 6 in the Town's Official Plan.

A Statutory Public Meeting under the Planning Act was held on March 13, 2023, at which comments were received from the applicant and Council. Following the March 13, 2023 meeting, Administration worked with the applicants to address comments and bring forward this report for Council’s consideration.

The Island was rezoned by Mr. Oram to Resort Recreational/ Resort Commercial (RR/RC) at the time that his development concept was approved by Council and the Province. Those lands that were not owned by Mr. Oram as they were developed including 448 and 460 Gold Coast were zoned R1A such that setbacks and depths could be incorporated for the dwelling construction. The majority of lots on the Island are subject to extensive restrictive covenants and part of a homeowners association however the subject lands are not subject to these.

Recent discussions regarding access to Boblo Island, the ferry service and emergency service response time have prompted Administration to propose a Consent Agreement be entered into with the owner of the subject property and the developer of the Island. The Consent Agreement will be required to be registered on the title of the property subject to the ZBA/04/23 application to ensure the current and subsequent land owners are aware of the requirements for the provisions of standard development issues, the provision of access to Boblo Island and emergency service to Boblo Island.

**3. DISCUSSION:**

***Statutory Public Meeting Follow-up***

Administration has addressed the questions and concerns raised at the Statutory Public Meeting through a table located below.

**Table 1:** Comments from the Statutory Public Meeting regarding the Zoning By-law Amendment proposed for Lands on the West Side of Crystal Bay Drive.

Comment	Administration’s Response
Clarification on Ownership of Subject Lands	The property was originally owned and was purchased from the Guffey and Macy families.
Question on the intent for the current Recreation (RE) Zone on the subject lands	The subject property existed prior to the amusement park. The entire island was zoned Recreation (RE) with the potential to develop the land as a marina or golf course etc.
Concern was expressed regarding the ability to provide services to the subject property.	When the Island was developed for the current residential development Oram owned a three-foot strip of land that ran parallel along the right-of-way. This strip of land was required to be purchased by the abutting property owner to provide legal access from the right-of-way to their property for vehicles, pedestrians and services.

	<p>This strip of land along the frontage of the subject property has been purchased and consolidated by the applicants from Boblo Developments Inc. and forms part of the lands which are the subject of the ZBA application.</p>
<p>Clarification was requested on the statement provided in the Statutory Public Meeting Report stating, “The lands identified as Recreational Development Special Policy may also be subject to an Environmental Impact Assessment in accordance with Section 6.9 as determined by Council in consultation with the Essex Region Conservation Authority.”</p>	<p>The subject lands area adjacent to a natural area and are subject to section 6.9 of the Official Plan. The rezoning application and the development of the lands have been discussed with the Ministry of the Environment, Conservation and Parks (MECP) prior to processing the application to confirm that Section 2.1 of the Provincial Policy Statement would be appropriately addressed including 2.1.7 Endangered Species issues along with Official Plan policies in 6.9.</p> <p>Since the writing of the Official Plan, the Conservation Act has been amended by Bill 23. ERCA is no longer a governing body over natural heritage features. MECP and the municipality must ensure all PPS requirements regarding natural heritage and species at risk are addressed.</p> <p>These issues have been sufficiently resolved to the satisfaction of MECP and a MECP clearance has been provided to administration for the subject property.</p>
<p>Inquiry on the ownership and use of the water lot</p>	<p>The water lot forms part of the legal description of the subject property. The intent of the use of the water lot is to accommodate a dock for the property owner. A permit was issued for the construction of a dock by ERCA and the dock has been constructed.</p>
<p>Rationale for Choice of Zone Category</p>	<p>The Residential Type 1A (R1A) Zone is the most restrictive residential zone in the Town’s Zoning By-law 1999-52, providing for the greatest setbacks and lowest permitted lot coverage of 30% in a residential zone. The abutting property at 248 Crystal Bay Drive received approval of a Zoning By-law Amendment in 2017 to change the zone of the lands from RE to an R1A zone. Two parcels on the northeast side of the Island at 448 and 460 Gold Coast Drive are also zoned R1A. The remaining developable land on the Island, exclusive of along the shoreline and the internal environmentally significant lands which are zoned EP, is zoned RR/RC.</p>

	The Oram/Boblo Developments Inc. lands are zoned Resort Residential/Resort Commercial (RR/RC). This zone does not include any specific setbacks or lot coverages with the building envelope being regulated by Boblo Developments Inc. and the Home Owner Association.
--	--

***Planning Analysis***

The submitted application seeks to change the existing Recreation (RE) Zone to a site-specific Special Provisions Residential Type 1A (R1A-11) Zone to allow for a single detached dwelling and accessory structure with a height of 7.62 m to the peak of the roof on the subject property.

Planning Act (R.S.O. 1990)

The purposes of the Planning Act are;

- “ (a) to promote sustainable economic development in a healthy natural environment within the policy and by the means provided under this Act;
- (b) to provide for a land use planning system led by provincial policy;
- (c) to integrate matters of provincial interest in provincial and municipal planning decisions;
- (d) to provide for planning processes that are fair by making them open, accessible, timely and efficient;
- (e) to encourage co-operation and co-ordination among various interests;
- (f) to recognize the decision-making authority and accountability of municipal councils in planning. 1994, c. 23, s”

The proposal is consistent with Section 2 of the Planning Act which requires that the Council have regard to matters of provincial interest including (the following are excerpts from Section 2 of the Planning Act that apply to this development):

- the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- the orderly development of safe and healthy communities;
- the adequate provision of a full range of housing, including affordable housing;
- the appropriate location of growth and development;
- the promotion of built form that,
  - o is well-designed,
  - o encourages a sense of place, and
  - o provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;

The development is located within the primary settlement area and can be considered infill development. The natural heritage features and species at risk have been considered and MECP clearance has been provided. It is providing for intensification of under-utilized land within the existing serviced area. There is adequate municipal water and municipal sanitary sewer capacity to service the subject parcel for a single detached dwelling and accessory structures/uses.

### Provincial Policy Statement 2020

The Provincial Policy Statement was issued under Section 3 of the Planning Act and came into effect on May 1, 2020. The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the Provincial Policy Statement sets the policy foundation for regulating the development and use of land. It also supports the provincial goal to enhance the quality of life for all Ontarians.

The Provincial Policy Statement provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. The Provincial Policy Statement supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

When reviewing a planning application to determine if the requested Zoning By-law Amendment (ZBA) makes sound planning, it is imperative that the proposed development is consistent with the Provincial Policy Statement (PPS).

The PPS provides policy direction for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The 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.

The following policy excerpts from the PPS are particularly applicable to the subject application:

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

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

- a) Promoting efficient development and land use patterns which sustain the financial well-being of the province and municipalities over the long term.
- b) Accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing, and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries, and long-term care homes), recreation, park and open space, and other uses to meet long-term needs.



- c) Avoiding development and land use patterns which may cause environmental or public health and safety concerns.
- d) Avoiding development and land use patterns that would prevent the efficient expansion of *settlement areas* in those areas which are adjacent or close to *settlement areas*.
- e) Promoting the integration of land use planning, growth management, *transit-supportive* development, *intensification*, and *infrastructure* planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.
- f) Improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society.
- g) Ensuring that necessary *infrastructure* and *public service facilities* are or will be available to meet current and project needs.
- h) Promoting development and land use patterns that conserve biodiversity; and
- i) Preparing for the regional and local impacts of a changing climate.

1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years, informed by provincial guidelines. However, where an alternate time period has been established for specific areas of the province as a result of a provincial planning exercise or a *provincial plan*, that time frame may be used for municipalities within the area. Within *settlement areas*, sufficient land shall be made available through *intensification* and *redevelopment* and, if necessary, *designated growth areas*. Nothing in policy 1.1.2 limits the planning for *infrastructure*, *public service facilities* and *employment areas* beyond a 25-year time horizon.

### 1.1.3 Settlement Areas

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.

The vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.

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

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

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

- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;
- d) prepare for the impacts of a changing climate;
- e) support active transportation;
- f) are transit-supportive, where transit is planned, exists or may be developed; and
- g) are freight-supportive.

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

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

1.1.3.5 Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions. However, where provincial targets are established through provincial plans, the provincial target shall represent the minimum target for affected areas.

1.1.3.6 New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

2.1.1 Natural features and areas shall be protected for the long term.

2.1.2 The diversity and connectivity of natural features in an area, and the long-term *ecological function* and biodiversity of *natural heritage systems*, should be maintained, restored or, where possible, improved, recognizing linkages between and among *natural heritage features and areas*, *surface water features* and *ground water features*.

2.1.3 *Natural heritage systems* shall be identified in Ecoregions 6E & 7E1, recognizing that *natural heritage systems* will vary in size and form in *settlement areas*, *rural areas*, and *prime agricultural areas*.

2.1.5 *Development* and *site alteration* shall not be permitted in:

d) *significant wildlife habitat*;

e) *significant areas of natural and scientific interest*;

unless it has been demonstrated that there will be no *negative impacts* on the natural features or their *ecological functions*.

2.1.7 *Development* and *site alteration* shall not be permitted in *habitat of endangered species and threatened species*, except in accordance with *provincial and federal requirements*.

2.1.8 *Development* and *site alteration* shall not be permitted on *adjacent lands* to the *natural heritage features and areas* identified in policies 2.1.4, 2.1.5, and 2.1.6 unless

the *ecological function* of the *adjacent lands* has been evaluated and it has been demonstrated that there will be no *negative impacts* on the natural features or on their *ecological functions*.

The proposed Zoning By-law Amendment appears to be consistent with the Provincial Policy Statement 2020 (PPS). The subject lands are located within a developed, fully serviced settlement area. An Environmental Impact Assessment and Endangered Species Assessment have been completed as part of the assessment for the whole island. The Ministry of Environment Conservation and Parks (MECP) has issued a clearance for the subject lands to proceed with the proposed development as no negative impacts will occur on the natural features or on their ecological functions.

### County of Essex Official Plan

The County of Essex Official Plan was adopted on February 19, 2014 and was approved by the province on April 28, 2015. All lower tier Official Plans or amendments must comply with the policies of the upper tier Official Plan (County). The applicable County policies that should be considered when assessing the merits of the subject Zoning By-law Amendment include:

Section 1.5 Goals for a Healthy County outline the following:

- To direct the majority of growth (including *intensification* and *affordable housing*), and investment (*infrastructure* and community services and facilities) to the County's *Primary Settlement Areas*. These *Primary Settlement Areas* will serve as focal points for civic, commercial, entertainment and cultural activities.
- To encourage reduced greenhouse gas emissions and energy consumption in the County by promoting built forms and *transportation systems* that create more *sustainable*, efficient, healthy, and liveable communities.
- To create more mixed use, compact, pedestrian-oriented *development* within designated and fully serviced urban *settlement areas*.
- To provide a broad range of housing choices, employment and leisure opportunities for a growing and aging population.
- To prohibit urban forms of *development* outside of designated “*Settlement Areas*” and discourage urban *development* in areas with partial municipal services.

Section 2.2 Growth Management note the following:

The health of the County requires that long-range land use planning and *infrastructure* investment are properly managed in a way that will:

- Direct non-resource related growth and *development* to settlements where it can be serviced, with a particular emphasis on *Primary Settlement Areas*.

- Protect and enhance the County's *natural heritage system*, cultural features and heritage resources (including resources in and under water), and *minerals, petroleum, and mineral aggregate resources*.

It is the fundamental policy of this Plan to promote healthy and diverse communities where County residents can live, work and enjoy recreational opportunities. In this regard, every attempt should be made to optimize and make efficient use of existing *infrastructure*.

Although located in the Detroit River, Boblo Island is not identified as an area susceptible to flood and/or erosion along areas of Lake St. Clair, Detroit River and Lake Erie on County Official Plan Schedule C1.

## Section 3.2 Settlement Areas

### 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.
- d) To promote the creation of public places within all neighbourhoods that foster a sense of community pride and well-being and create a sense of place.
- e) To require the efficient use of land, resources, water and sanitary sewage treatment facilities, other *infrastructure* and *public service facilities* including schools as provided for in the growth management policies contained within this Plan.
- f) To increase the opportunity for job creation within each *local municipality* by attracting and maintaining industries and businesses closer to where County residents live.
- g) To support long term economic prosperity by providing *infrastructure* and *public service facilities* to accommodate projected growth.
- h) To provide locations where natural habitat restoration can be accommodated to ensure an increase in the amount of core natural area and linkages amongst natural areas.
- i) Promote *residential intensification* within *Primary Settlement Areas*, and to a lesser extent, within full serviced *Secondary Settlement Areas*.
- j) Promote *affordable housing* within *Primary Settlement Areas*, and to a lesser extent, within full serviced *Secondary Settlement Areas*.

k) Encourage each *local municipality* to undertake a Local Comprehensive Review of their “*Settlement Areas*” with the goal of re-allocating growth to the most appropriate locations that meet the intent of this Plan. The County encourages the Local Comprehensive Review to be undertaken at the time of the five-year review of the local Official Plan; however, *local municipalities* may initiate a Local Comprehensive Review at any time.

l) Encourage employment opportunities on lands within “*Settlement Areas*” that are in proximity to rail corridors.

The proposed Zoning By-law Amendment appears to conform to the County of Essex Official Plan as the subject lands are located within the primary settlement area, are fully serviced and the development can be considered infill and intensification of the lands.

### Town of Amherstburg Official Plan

The Official Plan currently designates the subject lands Recreational Development Special Policy Area 6. The proposed single detached dwelling is a permitted use within the existing designation and the proposal makes efficient use of residential land and municipal infrastructure in accordance with the applicable Official Plan policies.

Section 4.7 of the Plan sets out the following policies:

#### **4.7 RECREATIONAL DEVELOPMENT DESIGNATION**

The predominant use of land in areas designated Recreational Development shall be recreational facilities including parks, marinas, golf courses, residences and offices associated with the recreational uses, and other public or private commercial recreational facilities including restaurants, snack bars, parking areas and auxiliary buildings and uses.

Uses permitted on Bois Blanc Island, known locally as Boblo Island and designated Recreational Development, shall be for a combination of residential, commercial recreational and entertainment establishments such as, but not limited to, restaurants, hotels, motels, taverns and marinas. Residential development on the island shall be at a range of densities and dwelling types in accordance with the policies of this Plan and the standards, regulations, policies and guidelines of the Ministry of Environment. Marina development and shoreline work will be subject to the standards, regulations, policies and guidelines of the federal government.

##### **4.7.1 Goals**

The following goals are adopted for recreational development:

- (4) To utilize Bois Blanc/Boblo Island to its fullest potential as both a recreational attraction and as a desirable residential development and provide appropriate flexibility to permit uses in order to ensure creative redevelopment.

##### **4.7.2 Policies**

Recreational development will be permitted in accordance with the following policies/criteria:

- (2) All uses should have adequate access roads and be situated on a County Road or on Boblo Island;
- (3) Water supply and septic or sewage disposal facilities must satisfy the requirements of the Town or its designated agent under the Building Code or the Ministry of Environment under the Ontario Water Resources Act whichever is applicable;

#### **4.7.3 Recreational Special Policies**

Certain Recreational Development areas exist or may develop that do not fit the standard classifications or designations and will be covered with Special Policies as follows:

(1) Boblo Island has been designated Recreational on Schedules A and B and has been noted as Special Policy Area 6. This is a unique parcel of land located in the Detroit River between Canada and the United States and was the former site of a major amusement park that brought its patrons to the park by paddle wheel boats. The redevelopment of this area in accordance with the permitted uses established in this subsection will be permitted provided the development can be adequately serviced to the satisfaction of the Town and the Ministry of Environment and subject to site plan control. It is anticipated that the residential component of development will take the form of a combination of dwelling types ranging from single detached dwellings to multi-family dwellings. Subject to servicing capabilities, approximately 1800 units are anticipated as part of the development as well as commercial and recreational uses to serve the residents of the island. Development will be subject to the following conditions:

- a) Recreational resort accommodation and residential units shall be of an appropriate density and height. Development within 150 metres of the eastern shoreline of the island will be limited in height to 6 stories. Multi-family development elsewhere on the island shall be limited to 10 stories until such time as a suitable firefighting solution has been resolved to the satisfaction of the Town. Development will proceed in phases;
- b) The owner will undertake archaeological assessment, where required, of those lands that will be altered by development to the satisfaction of the Town and the appropriate Ministry;
- c) The implementing Zoning By-Law and Site Plan Control agreement shall address, but not be limited to the location of buildings, including accessory residences and structures; the location of water, sanitary sewage, and stormwater works and solid waste storage facilities; the location and standards of access (ingress/egress) facilities both on the island and the mainland, including ferry docks, landings and mooring boats, as well as roads, walkways and parking areas; grading, erosion and sedimentation control; landscaping, planting, buffering and fencing; the protection and enhancement of natural areas, including woodlots and shorelines; road maintenance, snow clearance, garbage collection and general maintenance of the island;

- d) Marina development will be permitted subject to the requirements of the federal government; and,
- e) The owner will prepare, to the satisfaction of the municipality, the Ministry of Environment and/or the Essex Region Conservation Authority, a comprehensive stormwater management plan for all phases of construction and the completed development, in accordance with the best management practices prescribed in provincially sanctioned guidelines and interim guidelines.

The lands identified as Recreational Development Special Policy may also be subject to an Environmental Impact Assessment in accordance with Section 6.9 as determined by Council in consultation with the Essex Region Conservation Authority.

The rezoning application and the development of the lands have been discussed with the Ministry of the Environment, Conservation and Parks (MECP) prior to processing the application to confirm that Section 2.1 of the Provincial Policy Statement would be appropriately addressed including 2.1.7 Endangered Species issues along with Official Plan policies listed above. These issues have been sufficiently resolved and a MECP clearance has been provided.

Section 6.7 of the Town of Amherstburg Official Plan – Planning Impact Analysis set out several areas that must be considered as part of an Official Plan Amendment or Zoning By-law amendment. These include:

## **6.7 PLANNING IMPACT ANALYSIS**

It is a policy of the Official Plan that a Planning Impact Analysis will be used to evaluate applications for an Official Plan Amendment and, depending on the magnitude of the development, a Zoning By-law Amendment, to determine the appropriateness of the proposed change and to identify what measures are needed to reduce any adverse impacts on surrounding land uses. The Planning Impact Analysis will supplement the consideration of compliance with the permitted use, location, scale of development, and other criteria applicable to the relevant land use designation. Proposals for changes in the use of land which require the application of a Planning Impact Analysis will be evaluated based on:

- Compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area on the character and stability of the surrounding neighbourhood.
- The height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses.
- The size and shape of the parcel of land on which a proposed development is to be located, and the ability of the site to accommodate the intensity of the proposed use.
- The location of vehicular access points and the likely impact of traffic generated by the proposal on streets, on pedestrian and vehicular safety, including impact on the primary to secondary evacuation routes identified in the Amherstburg Emergency Plan, and on surrounding properties.

- The exterior design and layout of buildings and the integration of these uses with present and future land uses in the area.
- The location of lighting and screening, and the adequacy of parking areas.
- The provisions for landscaping and fencing.
- The location of outside storage, garbage and loading facilities.

With respect to items noted above the proposed development subject to the proposed zoning by-law amendment is located in the middle of a residential subdivision on Boblo Island with single detached dwellings and semi-detached dwellings on the surrounding properties. The site is located as infill development on an existing property. Boblo Island is within the settlement area with new residential development proposed for the remainder of the Island. The site provides for adequate lot frontage and lot area to be consistent with the range of property sizes on the Island. Access to the parcel is from Crystal Bay Drive. The proposed Zoning By-law amendment appears to conform to the policies of the Official Plan.

#### Town of Amherstburg Zoning By-law 1999-52

The proposed Special Provision Residential Type 1A (R1A-11) Zone provides for the following:

##### “R1A-11

- (i) Uses Permitted
  - 1. single unit residential uses;
  - 2. home occupation;
  - 3. accessory uses.
- (ii) Front Yard Depth (Minimum) 7.5 m
- (iii) Interior Side Yard Width (Minimum)
  - With attached garage or carport 1.5 m
  - Without attached garage or carport 2.5 m on one side and 1.5 m on the other side
- (iv) Rear Yard Depth (Minimum) 7.5 m
- (v) Lot Coverage (Maximum) 30 %
- (vi) Landscaped Open Space (Minimum) 30 %
- (vii) Height (Maximum) 10.5 m
- (viii) Notwithstanding Section 3(1)(c) no accessory building or structure shall exceed 7.62 metres in height measured to the peak of the roof for any accessory structure in the R1A-11 Zone.
- (ix) Accessory Uses, Parking, Home Occupation, etc. in accordance with the provisions of Section 3 thereof save and except Section 3(1)(c).



THAT all other appropriate regulations for the use of land and the character, location and use of buildings and structures conforms to the regulations of the Residential Type 1A Zone, as applicable and all other general provisions or regulations of By-law 1999-52, as amended from time to time.”

The submitted ZBA application proposes to change in the zoning of the subject property from Recreation (RE) Zone to Special Provision Residential Type 1A (R1A-11) Zone. The proposed zone will consist of the standard R1A provisions with one addition of an increase in the permitted height of an accessory structure of 7.52 m to the peak of the roof.

The purposed use of the second storey of the detached accessory structure is a hobby room/gathering space. Currently Section 3(3)(f)(d) of Zoning By-law 1999-52, as amended, restricts a secondary dwelling unit in the front yard. If the proposed accessory structure were to be converted to contain a secondary dwelling unit under the current Zoning By-law then further Planning Act approvals and a change of use building permit would be required.

The proposed Zoning By-law Amendment is considered to be consistent with the 2020 PPS, in conformity with the County Official Plan and in conformity with the policy direction as set out in the Town’s Official Plan. The requested amendment does not facilitate any negative impacts on surrounding properties. The application is considered to conform to good planning principles.

If Council recommends approval of the proposed zoning by-law amendment Administration proposes that a Consent Agreement be entered into with the owner of the subject property and the developer of the Island. The Consent Agreement will be required to be registered on the title of the property subject to the ZBA/04/23 application to ensure the current and subsequent land owners are aware of the requirements for the provisions of standard development issues, the provision of access to Boblo Island and emergency service to Boblo Island.

**4. RISK ANALYSIS:**

The recommendation presents little to no risk to the municipality.

**5. FINANCIAL MATTERS:**

All costs associated with the application are the responsibility of the applicant. Should the decision be appealed to the Ontario Land Tribunal, then the Town will incur costs.

**6. CONSULTATIONS:**

The Notice of Public Meeting was published in the local newspaper and on the Town website and circulated to the required agencies, property owners and municipal departments in accordance with the requirements of the Planning Act, R.S.O. 1990, c.P. 13 and associated regulations. No further consultation on the ZBA is required.

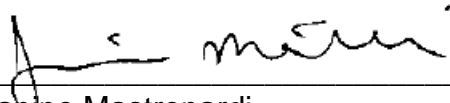
The CAO and Director, Development Services/Deputy CAO were consulted on the consent agreement.

**7. CONCLUSION:**

It is the opinion of administration that the Zoning By-law Amendment allows for the appropriate development of the subject lands, is consistent with the policies of the Provincial Policy Statement, 2020, and conforms with the policies of the County of Essex Official Plan and the Town of Amherstburg Official Plan.

Administration recommends that Zoning By-law 2023-036 be approved by Council, given three readings and finally passed and the Mayor and Clerk be authorized to sign same.

Administration also recommends that the attached consent agreement be approved and By-law 2023-052 being a by-law to authorize the execution of a consent agreement be approved by Council, given three readings and finally passed and the Mayor and Clerk be authorized to sign same.



---

Janine Mastronardi  
Planner



---

Christopher Aspila  
Manager, Planning Services

JM/CA

**DEPARTMENTS/OTHERS CONSULTED:**

**Name: Office of Infrastructure Services**  
**Phone #: 519 736-3664 ext. 2313**

**Name: Building Services**  
**Phone #: 519 736-5408 ext. 2136**

**Name: Fire Services**  
**Phone #: 519 736-6500**

**Name: Windsor Police**

**Name: Union Gas**  
**Email: [ONTUGLandsINQ@uniongas.com](mailto:ONTUGLandsINQ@uniongas.com)**

**Name: Ontario Power Generation**  
**Email: [Executivevp.lawanddevelopment@opg.com](mailto:Executivevp.lawanddevelopment@opg.com)**

**Name: Essex Region Conservation Authority**  
**Phone #: 519 776-5209**

**Name: Windsor Essex Catholic District School Board**  
**Phone #: 519 253-2481**

**Name: Greater Essex County District School Board**  
**Phone #: 519-255-3200**

## Report Approval Details

Document Title:	Zoning By-law Amendment for lands on the West Side of Crystal Bay Drive.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A- ZBA-04-23- Aerial.pdf</li><li>- Appendix B- Summary of Correspondence Received on ZBA-04-23.pdf</li><li>- Appendix C- ZBA-04-23- Circulation List and Map.pdf</li><li>- Appendix D- 2023-036- ZBA- W-S Crystal Bay Drive- DRAFT.pdf</li><li>- Appendix E- DRAFT CONSENT AGREEMENT w. BY-LAW- Hermiston.pdf</li></ul>
Final Approval Date:	Apr 5, 2023

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



Melissa Osborne



Tracy Prince



Valerie Critchley



Kevin Fox



284

277

280

271

261

257

861

855

845

843

837

822

832

838

844

846

850

852

856

858

243-245

237-239

233-235

227-231

209-217

212-214

208-10

204-206

59

61

63

67

69

71-73

85

91

93

99

101



## Summary of Correspondence Received on Proposed ZBA for Housekeeping Amendment

Below is a summary of the comments received by the Planning Services Division on ZBA/04/23.

### Windsor Police:

I have reviewed these two applications for amendments to the Zoning By-law, both of which relate to allowing residential redevelopment of the lands in question, and would advise the Windsor Police Service has no concerns or objections with either of them. If site plan control ends up being a requirement of either application once the lands are physically developed, we will provide more detailed comments that specifically address issues of public safety and security.

### Fire:

No issue.

### Building Department:

No Issue.

### Infrastructure Services:

Owner will be required to ensure / install services and obtain ROW permits for access.

**ZBA/04/23 - 248 Crystal Bay Dr.**

ARN	ADD1	ADD2	STREETNAME
372964000030300	87		BOBLO ISLAND BLVD
372964000013501			DETROIT RIVER
372964000030400	91		BOBLO ISLAND BLVD
372964000030500	93		BOB-LO ISLAN BLVD
372964000022650			GOLD COAST DR
372964000031500			WHITEWOOD RI BLVD
372964000031600			WHITEWOOD RI BLVD
372964000019710	261		CRYSTAL BAY DR
372964000031400			WHITEWOOD RI BLVD
372964000019750	271		CRYSTAL BAY DR
372964000019800	277		CRYSTAL BAY DR
372964000013900			CRYSTAL BAY DR
372964000019610	290		CRYSTAL BAY DR
372964000019600	284	290	CRYSTAL BAY DR
372964000026200	245		CRYSTAL BAY DR
372964000019705	257		CRYSTAL BAY DR
372964000030600	99		BOBLO ISLAND BLVD
372964000031000	210		CRYSTAL BAY DR
372964000030800	214		CRYSTAL BAY DR
372964000025300	209		CRYSTAL BAY DR
372964000030705	103		BOBLO ISLAND BLVD
372964000026000	239		CRYSTAL BAY DR
372964000031300	204		CRYSTAL BAY DR
372964000025400	217		CRYSTAL BAY DR
372964000030900	212		CRYSTAL BAY DR
372964000030700	101		BOBLO ISLAND BLVD
372964000031200	206		CRYSTAL BAY DR
372964000025900	237		CRYSTAL BAY DR
372964000020000	289		CRYSTAL BAY DR
372964000031100	208		CRYSTAL BAY DR
372964000014000			CRYSTAL BAY DR
372964000019900	281		CRYSTAL BAY DR
372964000026100	243		CRYSTAL BAY DR
372964000014100	248		CRYSTAL BAY DR
372964000013802			CRYSTAL BAY DR
372964000013803			CRYSTAL BAY DR
372964000013800			CRYSTAL BAY DR
372964000014204			CRYSTAL BAY DR
372964000019700	280		CRYSTAL BAY DR
372964000025700	233		CRYSTAL BAY DR
372964000025800	235		CRYSTAL BAY DR
372964000025600	231		CRYSTAL BAY DR
372964000025500	227		CRYSTAL BAY DR
372964000014200			CRYSTAL BAY DR
372964000014203			CRYSTAL BAY DR





**CORPORATION OF THE TOWN OF AMHERSTBURG  
BY-LAW NO. 2023-036**

**By-law to amend Zoning By-law No. 1999-52  
W/S Crystal Bay Drive, 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 83 of By-law 1999-52, as amended, is hereby amended by changing the zone symbol on those lands shown as "Zone Change from RE to R1A-11" on Schedule "A" attached hereto and forming part of this By-law from "Recreation (RE) Zone" to "Special Provision Residential Type 1A (R1A-11) Zone"
2. THAT Section 6(4)(k) of By-law 1999-52, as amended, is hereby added with the following;

"R1A-11

- (i) Uses Permitted
  1. single unit residential uses;
  2. home occupation;
  3. accessory uses.
- (ii) Front Yard Depth (Minimum) 7.5 m
- (iii) Interior Side Yard Width (Minimum)
  - With attached garage or carport 1.5 m
  - Without attached garage or carport 2.5 m on one side and 1.5 m on the other side
- (iv) Rear Yard Depth (Minimum) 7.5 m
- (v) Lot Coverage (Maximum) 30 %
- (vi) Landscaped Open Space (Minimum) 30 %
- (vii) Height (Maximum) 10.5 m
- (viii) Notwithstanding Section 3(1)(c) no accessory building or structure shall exceed 7.62 metres in height measured to the peak of the roof for any accessory structure in the R1A-11 Zone.
- (ix) Accessory Uses, Parking, Home Occupation, etc. in accordance with the provisions of Section 3 thereof save and except Section 3(1)(c).

3. THAT all other appropriate regulations for the use of land and the character, location and use of buildings and structures conforms to the regulations of the Residential Type 1A Zone, as applicable and all other general provisions or regulations of By-law 1999-52, as amended from time to time.

THIS By-law shall take effect from the date of passage by Council and shall come into force in accordance with Section 34 of the Planning Act, R.S.O. 1990.

Read a first, second and third time and finally passed this 11<sup>th</sup> day of April, 2023.

---

MAYOR- MICHAEL PRUE

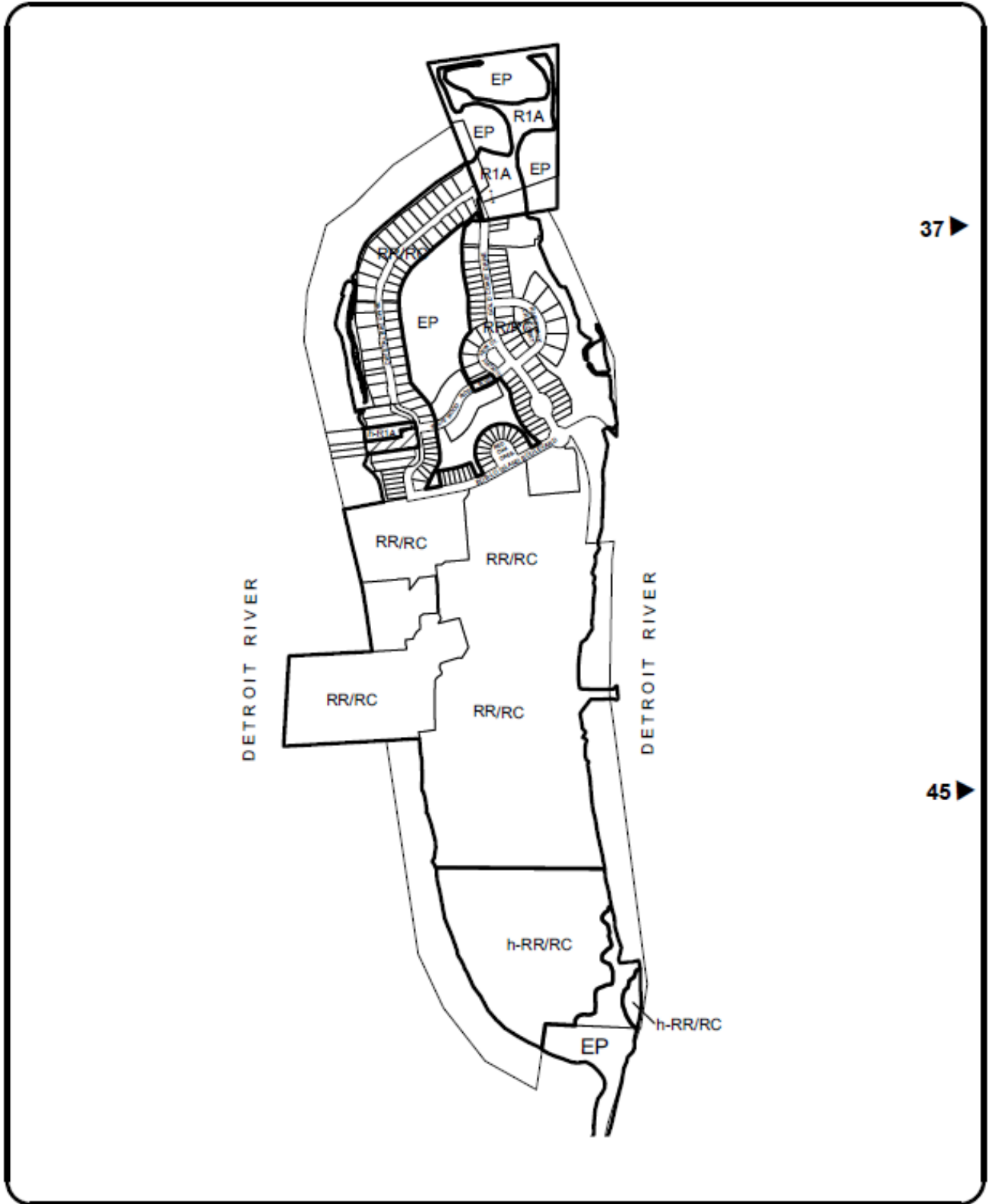
---

CLERK- KEVIN FOX

DRAFT

**TOWN OF AMHERSTBURG**


SCHEDULE "A" TO BY-LAW No. 2023-036  
A BY-LAW TO AMEND BY-LAW No. 1999-52



**SCHEDULE 'A'**

**MAP 83**

ZONING BY-LAW NO. 1999-52

RE to R1A-11 

**THE CORPORATION OF THE TOWN OF AMHERSTBURG  
BY-LAW NO. 2023-052**

**By-law to authorize the execution of a Consent Agreement  
between Terry Ernie Hermiston, Michelle Margaret Rennie  
and Boblo Developments Inc.  
and the Corporation of the Town of Amherstburg**

---

**WHEREAS** Terry Ernie Hermiston and Michelle Margaret Rennie have proposed the development of lands owned by them within Part of Bois Blanc Island, Part Water Lot Adjoining Bois Blanc Island (formerly Township of Malden) now Town of Amherstburg;

**AND WHEREAS** Boblo Developments Inc. is the Developer of Bois Blanc Island (Boblo Island) and is obligated to provide ferry service to the Island.

**AND WHEREAS** the Corporation of the Town of Amherstburg has settled with Terry Ernie Hermiston and Michelle Margaret Rennie the requirements for the provisions of standard development issues, access and emergency service to the Lands, which requirements are set out in the agreement hereto annexed, and which agreement is ratified and adopted by Terry Ernie Hermiston and Michelle Margaret Rennie;

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

1. That the Corporation of the Town of Amherstburg enter into a Consent Agreement with Terry Ernie Hermiston and Michelle Margaret Rennie and Boblo Developments Inc. in the form annexed hereto, and the Mayor and Clerk be and they are hereby authorized to sign the original and copies thereof and affix the Corporate Seal thereto.
2. This By-law shall come into force and effect on the date of final passage hereof.

Read a first, second and third time and finally passed this 11<sup>th</sup> day of April, 2023.

\_\_\_\_\_  
MAYOR – MICHAEL PRUE

\_\_\_\_\_  
CLERK – KEVIN FOX

**CONSENT AGREEMENT**

**THIS AGREEMENT** made in quadruplicate this 11<sup>th</sup> day of April, 2023.

BETWEEN:

**TERRY ERNIE HERMISTON**  
(hereinafter called the "**Owner**")

OF THE FIRST PART;

-and-

**MICHELLE MARGARET RENNIE**  
(hereinafter called the "**Owner**")

OF THE SECOND PART;

-and-

**THE CORPORATION OF THE TOWN OF AMHERSTBURG**  
(hereinafter called the "**Town**")

OF THE THIRD PART;

-and-

**BOBLO DEVELOPMENTS INC.**  
(hereinafter called the "**Developer**")

OF THE FOURTH PART;

**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 they are the registered owner of the Development Lands outlined in Schedule "A";

**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**, in this Agreement, the "**Developer**" 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 Council of the Town of Amherstburg approved a zoning by-law amendment to allow for residential development of the Lands subject to the Owner entering into a Consent Agreement with the Town to address standard development issues, access and emergency service to the Lands;

**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. **Landscaping Requirements**

The front lawn and exterior side yard of each lot shall be sodded, seeded or otherwise landscaped within six months of the construction of a house thereon, and such sodding, seeding or landscaping shall be continued over the unpaved portion of the road allowance, including any lands between a sidewalk and the road, to the back of the curb and gutter in front of such lot. Such sodding, seeding or landscaping shall be maintained in perpetuity.

2. **Sump Pump Overflow**

The home must be designed to include a sump pump overflow.

3. **Development Charges**

The Owner acknowledges that the Lands are subject to Development Charges as established by the Town in its Development Charges By-law which may include community benefit charges. Once established, the said development charge shall be paid prior to the issuance of a building permit subject to Subsection 59(4) of the Development Charges Act including development charges for school purposes relating to any such lot pursuant to 59(4) of the Development Charges Act, 1997.

4. **Access To and From the Island**

Access to and from Bois Blanc Island (Boblo Island) for all residents and/or property owners on Bois Blanc Island (Boblo Island) is the sole responsibility of the Developer and any subsequent Transferees, other than Transferees which are government entities. The Developer, and any subsequent Transferees (other than government entities) shall provide a ferry service to and from Bois Blanc Island (Boblo Island) that meets the requirements of the Ministry of Transportation and the safety standards of Transport Canada, and if the dimension or weight of any vehicle or load exceeds the limits set out in the Highway Traffic Act, then the vehicle operator shall obtain the appropriate oversize/overweight permit.

The Town is not responsible in any way for access to or from Bois Blanc Island (Boblo Island), and the Developer and any subsequent Transferee acknowledge that the Corporation of the Town of Amherstburg will not provide access to Bois Blanc Island (Boblo Island), and the Developer and any subsequent Transferee shall not request or demand that the Town of Amherstburg provide such access.

The Developer and any subsequent Transferees (other than government entities) agree to make a motor vehicle ferry and operator available to the Town, at no cost to the Town, for administrative purposes, maintenance, emergency, police and fire personnel and their equipment, whenever required by the Town. The Developer and any subsequent Transferees (other than government entities) shall provide access to the ferry landing on the Mainland and back for all school children on Bois Blanc Island (Boblo Island).

A provision outlining the above specification shall be contained in every agreement of purchase and sale of any one or more of the lots in the development. The Developer shall provide access to and from Bois Blanc Island (Boblo Island) from and to a municipal roadway or right of way to the Island and Mainland. The Developer shall provide an easement/right-of-way for access and egress in favour of the Owner from and to a municipal roadway or right-of-way, both on Bois Blanc Island (Boblo Island) and on the Mainland.

All of the above requirements for access to and from the Island shall apply for the Owner upon such terms and conditions as are agreeable between the Developer and the Owner.

5. **Emergency Response Plan & Fire Protection**

The Lands are subject to the Boblo Island Emergency Management Plan to address matters related to police and fire protection, Emergency Medical Services (EMS), and potential impacts due the proximity of the Fermi II nuclear facility, in all climatic conditions.

The Owner is required, to the satisfaction of the Town, to notify purchasers in future agreements of purchase and sale to be aware that the residential dwelling may be equipped with an automatic fire suppression system to the satisfaction of the Town's Fire and Building Departments, along with any other fire monitoring and response requirements deemed necessary by the Town.

6. **Emergency Management Plan**

It is noted that the Town of Amherstburg has an approved Emergency Management Plan that pertains to Boblo Island. The Amherstburg Fire Department strongly recommends that all dwellings be equipped with a residential sprinkler system. If a wet fire sprinkler is not available within the dwelling, at a minimum a dry system or fire extinguishers should be available at appropriate locations within the dwelling or increased setbacks as approved by the Chief Building Official. All smoke alarms should be interconnected and monitored by an independent answering service.

7. **Sewage Ejector Pumps**

The home on the Lands may be designed to include a sewage ejector pump if gravity flow from the home is not available.

8. **Agreement Binding on Parties**

This agreement shall enure to the benefit of, and be binding upon the parties hereto, and their respective heirs, executors, administrators, successors and assigns.

This agreement may be assigned by either party, subject to the written consent of the other party, which shall not be unreasonably withheld.

**IN WITNESS WHEREOF** the Town has hereunto affixed its seal attested by the signatures of its proper signing officers and the Developers have hereunto affixed their seals attested by the signature of their proper signing officers in that regard.

**TERRY ERNIE HERMISTON**

\_\_\_\_\_  
Owner

**MICHELLE MARGARET RENNIE**

\_\_\_\_\_  
Owner

**BOBLO DEVELOPMENTS INC.**

Per: \_\_\_\_\_  
Dominic Amicone

*I have authority to bind the Corporation*

**THE CORPORATION OF THE TOWN OF  
AMHERSTBURG**

Per: \_\_\_\_\_  
Michael Prue, Mayor

Per: \_\_\_\_\_  
Kevin Fox, Clerk

*We have authority to bind the Corporation*

Authorized and approved by By-law  
No. 2023-052 enacted the 11<sup>th</sup> day of  
April, 2023.



**SCHEDULE "A"**

PART OF BOIS BLANC ISLAND MALDEN;  
PT WATER LOT ADJOINING BOIS BLANC ISLAND MALDEN;  
AMHERSTBURG AS IN R1067686  
TOWN OF AMHERSTBURG  
COUNTY OF ESSEX

PIN 01569-0268

DRAFT



## 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: B. Montone	Report Date: April 3, 2023
Author's Phone: 519 736-6500 ext. 2241	Date to Council: April 11, 2023
Author's E-mail: bmontone@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Quarterly Fire Department Activity Report – 1st Quarter 2023

---

#### 1. RECOMMENDATION:

It is recommended that:

1. The first quarter activity report (January, February and March 2023) for Fire Services from the Fire Chief **BE RECEIVED for information.**

#### 2. BACKGROUND:

On November 8, 2021, Council Resolution # 20211108-353 directed the following:

1. Council Resolution # 20160411-145 **BE RESCINDED;**

Administration **BE DIRECTED** to provide future Building Activity Reports, Fire Activity Reports and Police Activity Reports on a quarterly basis,

#### 3. DISCUSSION:

The goal of the Amherstburg Fire Department is to provide fire protection services through a range of programs designed to protect the lives and property of the inhabitants from the adverse effects of fire, sudden medical emergencies or exposure to dangerous conditions created by man or nature.

To achieve this goal, the Amherstburg Fire Department utilizes fire suppression and rescue activities, fire inspections, fire investigation, public fire safety education and other fire protection programs as defined by the Fire Protection and Prevention Act, R.S.O.1997. and the Town of Amherstburg, Establishing and Regulating

By-Law # 2022-035.

In addition to the attached Dashboard which represents activities and program information for the 1st quarter of 2023.

The Ice Storm occurring February 22-23, 2023 we received a record number of calls over the 24 hour period involving all stations and 45 FF who worked tirelessly through the night and early morning hours. We implemented an in-house "Storm Protocol" wherein Station 2 became a dispatch center during the height of the storm to streamline our response to the community and relieve an over-taxed Windsor Fire Dispatch centre.

Included was the continuation of the Captain's Classes for those staff (11) interested in qualifying for the rank of captain for future opportunities.

Three staff were promoted to Captain at Station 2 to replaced retirements and fortify our Span of Control and Supervision of fire fighter activities.

Fire Fighters Mario Fiorito, Chris Capaldi and Mike Haggarty received promotions to the rank of Captain.

1<sup>st</sup> quarter focus on Public Education and Community Activities including;

Date	Location	Number of Participants
March 9, 2023	Fire Station Tour – Station 2	40 Grade 1 Children
March 20, 2023	Bagpipes in 'Burg	

FF testing	
FO1practical testing	10
FF1, FF2, FO1 written testing	13
Incident Safety Officer written	10

**4. RISK ANALYSIS:**

N/A

**5. FINANCIAL MATTERS:**

N/A

6. **CONSULTATIONS:**

N/A

7. **CONCLUSION:**

As directed by Council, the Amherstburg Fire Department will continue to provide quarterly activity reports.

A handwritten signature in cursive script, reading "Bruce Montone". The signature is written in black ink and is positioned above a horizontal line.

---

Bruce Montone  
**Fire Chief**

Attachments: 1st Quarter 2023 Dashboard

## Report Approval Details

Document Title:	Quarterly Fire Department Activity Report - 1st Quarter 2023.docx
Attachments:	- Q1 2023 AFD ACTIVITY REPORT TO COUNCIL - FINAL.pdf
Final Approval Date:	Apr 5, 2023

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



Tracy Prince



Valerie Critchley

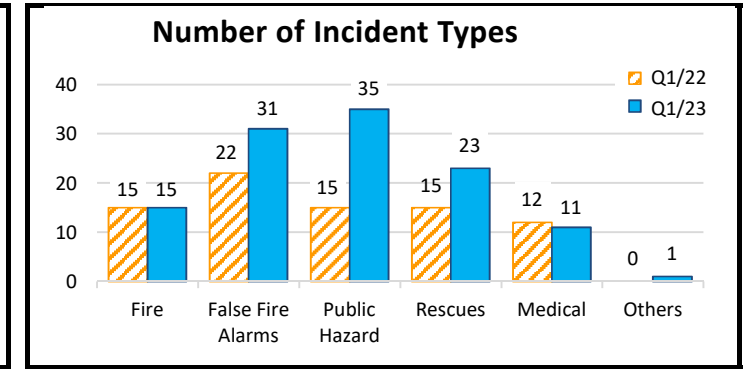
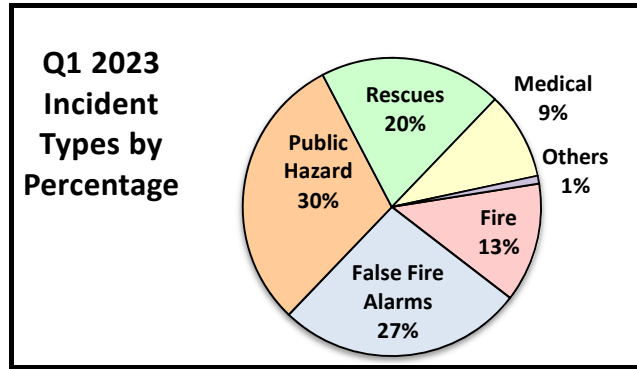


Kevin Fox

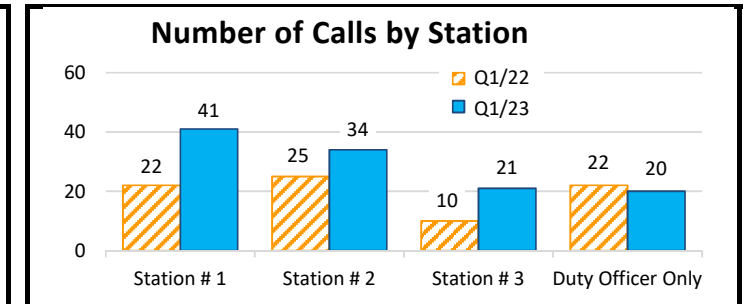
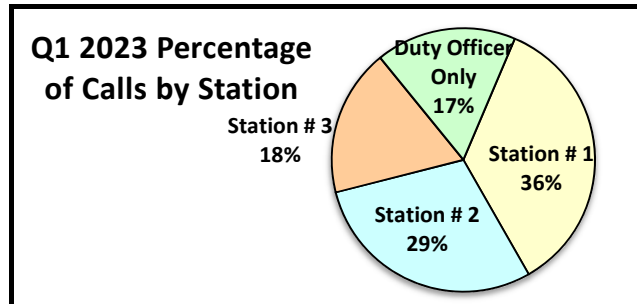


## Amherstburg Fire Department Activity Report to Council - Q1 2023

SERVICE LEVEL DELIVERY	2022	YTD 2023	Q1 2022	Q1 2023
<b>INCIDENTS - Totals</b>	<b>362</b>	<b>116</b>	<b>79</b>	<b>116</b>
<b>Incident Types</b>				
Fire	53	15	15	15
False Fire Alarms	121	31	22	31
Public Hazard	60	35	15	35
Rescues	65	23	15	23
Medical	54	11	12	11
Others	9	1	0	1



NUMBER OF CALLS BY STATION	2022	YTD 2023	Q1 2022	Q1 2023
Station # 1	116	41	22	41
Station # 2	100	34	25	34
Station # 3	47	21	10	21
Duty Officer Only	101	20	22	20



RESPONSE TARGETS - 90th Percentile	2022	YTD 2023	Q1 2022	Q1 2023
Alarm Processing Time	0:02:38	<b>0:03:09</b>	0:02:33	<b>0:03:09</b>
Turnout Time	0:05:55	<b>0:05:44</b>	0:05:33	<b>0:05:44</b>
Travel Time	0:07:53	<b>0:08:59</b>	0:08:05	<b>0:08:59</b>
<b>Total Average Response Time*</b>	<b>0:07:37</b>	<b>0:08:20</b>	0:07:25	<b>0:08:20</b>

\* From time call comes in to on scene time

AFD's response times are well within the NFPA response time requirements. A secondary NFPA response requirement is tied to the number of Firefighters arriving within the timeframe. As a small Volunteer Firefighter department stretched among 3 Stations, there are times when staff on scene does not equate to the NFPA personnel requirement. However, with the new deployment, once implemented, this shortcoming will be corrected.

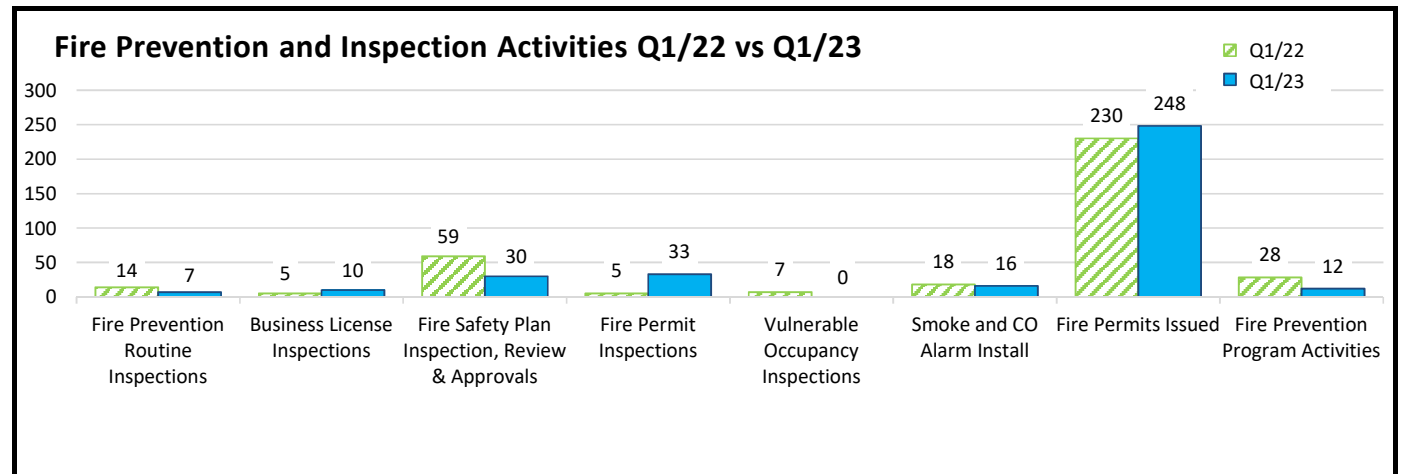
Demand Zone Area	Demographics	Staffing & Response Time	Meets Objectives
Urban	>1000 population /mi2	15 FF/9 min.	90%
Suburban	500-1000 people/mi2	10FF/10 min.	80%
Rural Risk	<500 people/mi2	6FF/14 min.	80%
Special Risk	AHJ	AHJ	90%

Reference: National Fire Protection Association Standard 1720 Table 4.3.2.



## Amherstburg Fire Department Activity Report to Council - Q1 2023

FIRE PREVENTION/INSPECTIONS	2022	YTD 2023	Q1 2022	Q1 2023
Fire Prevention Routine Inspections	137	7	14	7
Business License Inspections	33	10	5	10
Fire Safety Plan Inspection, Review & Approvals	259	30	59	30
Fire Permit Inspections	70	33	5	33
Vulnerable Occupancy Inspections	33	0	7	0
Smoke and CO Alarm Install (during responses)	73	16	18	16
Fire Permits Issued	489	248	230	248
Fire Prevention Program Activities	147	12	28	12

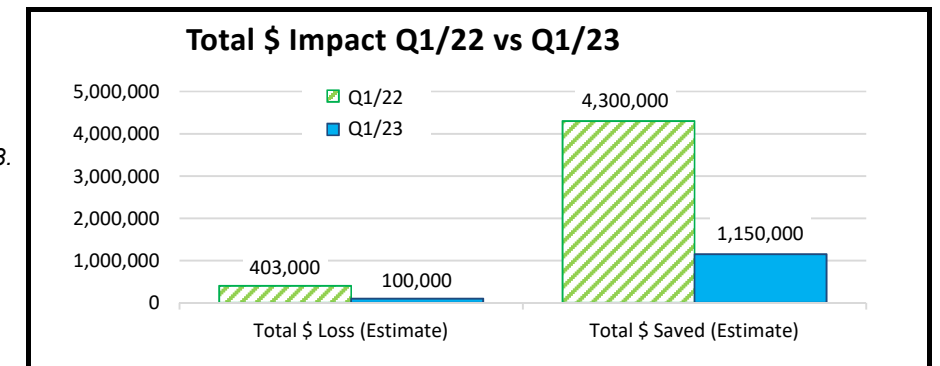


COMMUNITY IMPACT	2022	YTD 2023	Q1 2022	Q1 2023
Total \$ Loss (Estimate)	1,108,500	100,000	403,000	100,000
Total \$ Saved (Estimate)	5,525,000	1,150,000	4,300,000	1,150,000
Residential Fire Related Injuries (Entire)	0	0	0	0
Fire Fighter	0	0	0	0
Public	0	0	0	0
Residential Fire Related Fatalities (Entire)	0	0	0	0
Fire Fighter	0	0	0	0
Public	0	0	0	0



AFD saved approximately \$1 Million in property value through responses in Q1/23.

Although Q1 2023 saw no major fires, zero firefighter and civilian fire related injuries were reported.





## Amherstburg Fire Department Activity Report to Council - Q1 2023

TRAINING AND MAINTENANCE	2022	YTD 2023	Q1 2022	Q1 2023
<b>Total Training Sessions</b>	232	<b>70</b>	60	<b>70</b>
Training Station 1	59	<b>13</b>	18	<b>13</b>
Training Station 2	59	<b>12</b>	17	<b>12</b>
Training Station 3	56	<b>12</b>	14	<b>12</b>
Training Extra	58	<b>33</b>	11	<b>33</b>
Station Maintenance/Inspection	190	<b>39</b>	46	<b>39</b>

In Q1, AFD members participated in 70 training sessions. This quarter training continued for new recruits as well as a Blue Card. A course for Incident Safety Officer was also completed.



AFD conducts regular inspections and maintains the department fleet of 4 Engines, 2 Tankers, 1 Aerial Ladder, 4 Support units, all hand tools and power operated equipment.







## 2023 Business Excellence Awards

### Award Sponsorship

The Amherstburg Chamber of Commerce will be holding its 18<sup>th</sup> Annual Business Excellence Awards on Thursday May 11<sup>th</sup> at Pointe West Golf Club and are seeking sponsorship for the 15 award categories, descriptions attached.

**Sponsorship cost \$500 =HST**

#### **Benefits:**

- Company name & logo featured in program materials, event day advertising
- Company logo on framed award certificate presented to winner by company representative and award certificates for finalists
- One complimentary ticket to the event

Large Business of the Year (over 20 employees). Awarded to the business over 20 employees that has demonstrated outstanding performance, innovation, effective leadership, responsive management, and quality service over the years but particularly in the past year. This business has achieved tangible performance improvements in efficiency, productivity, competitiveness and market share with their products or services, they have also developed excellent employee-employer relationships and customer service.

Small Business of the Year (under 20 employees). Awarded to the business under 20 employees that has demonstrated outstanding performance, innovation, effective leadership, responsive management, and quality service over the years but particularly in the past year. This business has achieved tangible performance improvements in efficiency, productivity, competitiveness and market share with their products or services, they have also developed excellent employee-employer relationships and customer service.

Business Legacy. Awarded to a business that has been in operation for ten years or longer and has demonstrated long term leadership, innovation, and commitment to the community.

New Business of the Year. Awarded to a business that has been in operation less than 2 years (ie. Started in 2020) and has experienced success in company growth, sales and service, profitability, and the creation of employment.

Employer of the Year. Awarded to a business that exemplifies excellence in its employee focus, which could include job creation, diversity of hiring, training & support programs, morale initiatives,

recognition & reward programs, workplace wellness, and a commitment to professional and personal development, as well as community involvement.

Professional of the Year. Awarded to a business that exemplifies professionalism and integrity. This category includes, but is not limited to, law, accounting, financial, insurance, real estate, and other professional service providers. Recognized for outstanding achievements in some or all the following: Company Growth, Customer Service, Market Development, Sales & Marketing, Community Services.

Health Care Professional of the Year. Awarded to a business that exemplifies professionalism and integrity. This category includes dental, vision, medical and paramedical services (eg. chiropractic, naturopathic, physio, massage therapy, etc.) professional service providers. Recognized for outstanding achievements in some or all the following: Company Growth, Customer Service, Market Development, Sales & Marketing, Community Services.

Entrepreneur of the Year. Awarded to an individual, in business for 1-4 years, who has investigated the opportunities, weighed the risks, and has demonstrated significant business achievement and sustainable financial performance.

Tourism & Hospitality Award. Awarded to an accommodation and/or food business that has improved the appeal of the community by demonstrating commitment to excellence in hospitality/customer service, staff knowledge, quality and consistency of product, and community involvement, eg restaurants, cafes, hotels, B&Bs, Inns, street vendors, etc.

Environmental Excellence Award. Awarded to the organization that has shown a commitment to the environment. Green initiatives are a daily priority and this is clearly demonstrated through ongoing business activities and specific projects. The business strives to provide a positive influence on the use of our natural resources.

Most Attractive Improvement. Awarded to the organization that has improved the interior or exterior of their business and/or property for the betterment of neighborhood safety and curb appeal.

Welcoming Accessibility. Awarded to a business or organization that has reduced employment barriers and/or assisted employees with physical, communication or developmental challenges.

Community Service/Involvement. Awarded to the person, business or organization that consistently plays an active role in making our community a better place to live by their involvement with charitable organizations, community benefits, sponsorships, and committees.

Non-Profit/Charitable Award. Awarded to the not-for-profit business that has significantly contributed to the quality of life within the community and its citizens through its community service and leadership: Broadened Education of their Service, Innovative Services, Community Involvement, Promotes Volunteerism, Positive Contribution to Society, Social & Community Advancements.

Youth Engagement/Leadership. Awarded to a youth 13-20 years old for their outstanding community engagement. This award was established to recognize and encourage exceptional

activities such as, but not limited to, volunteerism, community-based learning or research, outreach, partnerships, and curricular engagement.



# CANADIAN HISTORY EHX

*Bringing Canada's History To Thousands*



## ABOUT THE SHOW

Since 2019, Canadian History Ehx was launched as a podcast and website.

The podcast has been featured on CBC Radio, 630 CHED, the Prairie Post, Reader's Digest and the Edmonton Journal.

Today, it ranks as one of the top Canadian history podcasts on Apple Podcasts Canada.

## THE PODCAST

**1.5 MILLION**

DOWNLOADS

As of March 1, 2023

**THREE**

FEATURED ON APPLE  
PODCASTS MAIN PAGE

**FAMOUS GUESTS**

INCLUDE:

Dr. Roberta Bondar, Peter Mansbridge, Colin Mochrie, Prime Minister Kim Campbell, Fred Penner, Kim Mitchell

## THE WEBSITE

**400,000**

VISITS

As of March 1, 2023

**1,000**

DAILY  
VISITORS

POSTS RANK  
VERY HIGH ON  
GOOGLE  
RANKINGS

# REACH ACROSS CANADA

Of the listeners on the show, 95% come from Canada, with an even mix across the country.

With the sponsorship of an episode or post on Canadian History Ehx, you can reach thousands of Canadians every single week.

Whether someone is planning a road trip, or looking for new products, Canadian History Ehx can get the word out about you.



## STRONG SOCIAL MEDIA REACH

Along with being featured on Canadian History Ehx and its spin-off podcasts, you would also be featured on all of the social media of the show.

With 3,000+ fans on Facebook, 16000 followers on TikTok and 5000 on Twitter, I can ensure you are promoted beyond the listeners of the show.

All the podcasts stay up for good and never change, so people can discover you long after the podcast goes live on the Internet.



[fb.com/canadianhistoryehx](https://fb.com/canadianhistoryehx)



[@craigbaird](https://twitter.com/craigbaird)



[@cdnhistoryehx](https://www.instagram.com/cdnhistoryehx)

Canadian History Ehx is an independent podcast network.

[WWW.CANADAEHX.COM](http://WWW.CANADAEHX.COM)

## THE GOAL OF MY SHOWS

I want to show listeners how amazing Canadian history is. From the man who tried to jump the St. Lawrence River in a rocket car, to the margarine bootleggers of Newfoundland. There is so much to discover, and I want to spread my passion for it to my listeners.

I also want to show the dark sides of Canadian history, in the hopes that we can learn from them and ensure such things never happen again.



## Town/County Sponsorship Podcast/Website Episode

My name is Craig Baird and I run the podcast and website Canadian History Ehx. My podcast centres on all aspects of Canadian history, from the stories of the regular settlers to the tales of important Canadians and momentous events.

My podcast is currently one of the top history shows on Apple Podcasts and one of the top podcasts overall. Currently, my podcast has one million downloads per year and averages 100,000 downloads per month.

As for my website, it receives 1,000 visits per day.

On my podcast and website, I have featured dozens of small towns. Towns in Canada have amazing histories that go back a century or more in many cases. From the people who founded the community to the people to the notable names and events in that community's history, there is a story to tell.

Each sponsored episode or post would focus on the community's history from its founding to today, as well as items about the interesting places to see and the things to do there today.

Each episode would include:

- The community's history
- Things to do in the area
- Why someone should visit

The charge for this a one-time fee of:

- \$250 - Website post about the town's history, with keywords so that it ranks high in Google Rankings. This drives traffic to the post, which showcases the things people can visit in your area. It also features a link to your website.
- \$1,000 - A sponsored episode that goes out on the podcast, reaching tens of thousands of people. This episode remains up for good, and I provide you with a streaming link you can use anywhere you like.

The episode stays up forever on the podcast feed so it can be discovered months and even years after it airs, helping more people find out about the community long after the podcast episode airs.

As for my background, I have been doing this podcast and website since 2019 and prior to that I spent over a decade working as a journalist in British Columbia, Alberta and Saskatchewan. I work from home currently with this podcast on an acreage outside Edmonton. I also write weekly and monthly local history columns for newspapers in B.C., Alberta, Saskatchewan and Manitoba.

I am available to talk over phone or Zoom to discuss this further or if there are any questions.

SINCERELY,

CRAIG BAIRD  
CANADIAN HISTORY EHX



March 27, 2023

Dear Heads of Councils and Councillors,

We, the Association of Ontario Road Supervisors (AORS), are writing you on behalf of all our municipal members to raise awareness and solicit your support by objecting to a new fee proposed by Enbridge Gas. Enbridge has announced their intention to implement a new charge to third-party contractors and other utilities for utility locates. Third-party contractors will include Ontario municipalities and contractors working on their behalf. Enbridge Gas will apply a charge of \$200 CAD (plus applicable taxes) per locate request where a field locate is required. The need for municipalities and their contractors to request these locates when doing road construction and maintenance is due to utilities being present in municipal right of ways, which municipalities across the province have allowed at no cost to the utility.

Enbridge has stated that the *Getting Ontario Connected Act* passed into law in April 2022 has resulted in changes to the *Ontario Underground Infrastructure Notification System Act* and has caused Enbridge to make significant investments in associated operational investments. The concern being raised by our members, your public works staff, is that Enbridge will be just the beginning of these additional fees, with other utility companies implementing similar charges. These new charges will have significant impacts on municipal budgets.

As examples of what impacts this announcement might have on municipalities, based on 2022 municipal locate requests alone, it is estimated that this new fee would directly cost the Municipality of Central Huron approximately \$35,000 annually, the City of Belleville approximately \$90,000 annually and the Town of Espanola approximately \$7,300 annually. It is important to note that these are direct costs alone. Any subcontractors working on behalf the municipality requesting locates will be charged this same cost, and these costs will have to be borne by someone – meaning the subcontractors will put this cost back to the municipality. Then there will be the added administrative costs at both ends of the transaction. It is difficult to determine this quickly the true fulsome costs to your budget. This will also add an extra item into tendering projects, as it will create concerns on both sides on who is responsible for these costs.

By Enbridge Gas passing on these locate costs to municipalities, these costs are borne by all ratepayers across the municipality, and not only those who use this utility.

We would like to request your Council consider passing the following resolution:

*WHEREAS, Enbridge recently made an announcement of their intention to begin charging third-party contractors and other utilities \$200 CAD (plus applicable taxes) for utility locates where a field locate is required;*



*AND WHEREAS, third-party contractors include Ontario municipalities;*

*AND WHEREAS, these locate requests are only required as Ontario municipalities have allowed utilities to use municipal right of ways at no charge to the utilities;*

*AND WHEREAS, this announcement of new downloaded costs will negatively impact the budgets of Ontario municipalities which are already burdened;*

*AND WHEREAS, if Enbridge is successful in implementing this new charge, a precedence is set for other utility companies to also begin charging for locates;*

*THEREFORE IT BE RESOLVED, that the <insert your municipality name> strongly opposes these utility locate costs being downloaded to Ontario municipalities by Enbridge Gas or other utilities;*

*AND THAT, the Province of Ontario's Ministry of Public and Business Service Delivery make it clear that these costs must be borne by the utilities themselves;*

*AND THAT, this decision be forwarded to Minister of Public and Business Service Delivery Kaleed Rasheed, Minister of Infrastructure Kinga Surma, Minister of Energy Todd Smith, Premier Doug Ford, <insert your municipality name>'s MPP, the Association of Ontario Road Supervisors and the Association of Municipalities of Ontario.*

Furthermore, AORS will be sending your public works senior managers and directors a survey to further investigate the true costs of this proposed fee on your budgets. We ask you to encourage your staff to complete this survey so we can better advocate on your behalf.

If you require additional information, please do not hesitate to contact us.

Sincerely,



John Maheu  
Executive Director  
[johnmaheu@aors.on.ca](mailto:johnmaheu@aors.on.ca)



Kelly Elliott  
Marketing and Communications Specialist  
[kellyelliott@aors.on.ca](mailto:kellyelliott@aors.on.ca)

## ENBRIDGE MOTION

*WHEREAS, Enbridge recently made an announcement of their intention to begin charging third-party contractors and other utilities \$200 CAD (plus applicable taxes) for utility locates where a field locate is required;*

*AND WHEREAS, third-party contractors include Ontario municipalities;*

*AND WHEREAS, these locate requests are only required as Ontario municipalities have allowed utilities to use municipal right of ways at no charge to the utilities;*

*AND WHEREAS, this announcement of new downloaded costs will negatively impact the budgets of Ontario municipalities which are already burdened;*

*AND WHEREAS, if Enbridge is successful in implementing this new charge, a precedence is set for other utility companies to also begin charging for locates;*

*THEREFORE IT BE RESOLVED, that the <insert your municipality name> strongly opposes these utility locate costs being downloaded to Ontario municipalities by Enbridge Gas or other utilities;*

*AND THAT, the Province of Ontario's Ministry of Public and Business Service Delivery make it clear that these costs must be borne by the utilities themselves;*

*AND THAT, this decision be forwarded to Minister of Public and Business Service Delivery Kaleed Rasheed, Minister of Infrastructure Kinga Surma, Minister of Energy Todd Smith, Premier Doug Ford, <insert your municipality name>'s MPP, the Association of Ontario Road Supervisors and the Association of Municipalities of Ontario.*



## **Celebrating the 31<sup>st</sup>-Falun Dafa Day** **Request for Flag Raising and Greeting/Proclamation**

Dear Mayor Michael Prue

In commemoration of the 31<sup>st</sup> Falun Dafa Day celebration on May 13<sup>th</sup>, 2023, we respectfully request again a recognition in the form of a flag raising and a greeting/proclamation. This annual occasion pays tribute to the contributions of the Falun Dafa members in Canada—many of whom arrived here as refugees fleeing the persecution in China, and celebrates the values of Truthfulness, Compassion, and Forbearance.

We particularly appreciate that last year, our town raised the flag for our monumental 30 years celebrations hosted by our Mayor and four Councillors in person

In 2022, we were thrilled to have had 23 Canadian cities do flags-raising or lighting-up the landmarks to celebrate our Falun Dafa Day. We also received over 110 supporting letters and/or proclamations from Canadian MPs, MPPs, Mayors, and City Councillors.

Originated from the tightly controlled communist China 31 years ago, along with 24 years' unimaginable persecution even with the horrific organ harvesting, the Falun Dafa community has endured, preserved and flourished peacefully. At the same time, Canadian Falun Dafa practitioners are proud to build our communities across the country and call Canada home.

The fight for freedom and integrity continues, as community members courageously fend off intimidation, threat, and mis-information campaign by the long-arm operation of China's communist regime that has infiltrated many aspects of Canadian politics and social life.

Here in Canada, Falun Gong volunteers have taught [free meditation exercises](#) that has helped thousands of Canadians improve their mental, moral and physical wellbeing, contributing to a more healthy and harmonious society.

We are genuinely grateful for the freedom, diversity and compassionate support received across the society. Year to year, the Falun Dafa communities have garnered worldwide recognition, including greetings and proclamations.

By sending a greeting/proclamation and hosting a flag raising event to mark the 31<sup>st</sup> Falun Dafa Day, you help affirm Canada's commitment to the values of Truthfulness, Compassion, and Forbearance, and to the upholding of human rights and freedom of conscience.

For the greeting/proclamation messages, it will be greatly appreciated if you could send it to us by May 10<sup>th</sup>, 2023. Should you have questions, please don't hesitate to contact the undersigned.

Sincerely,

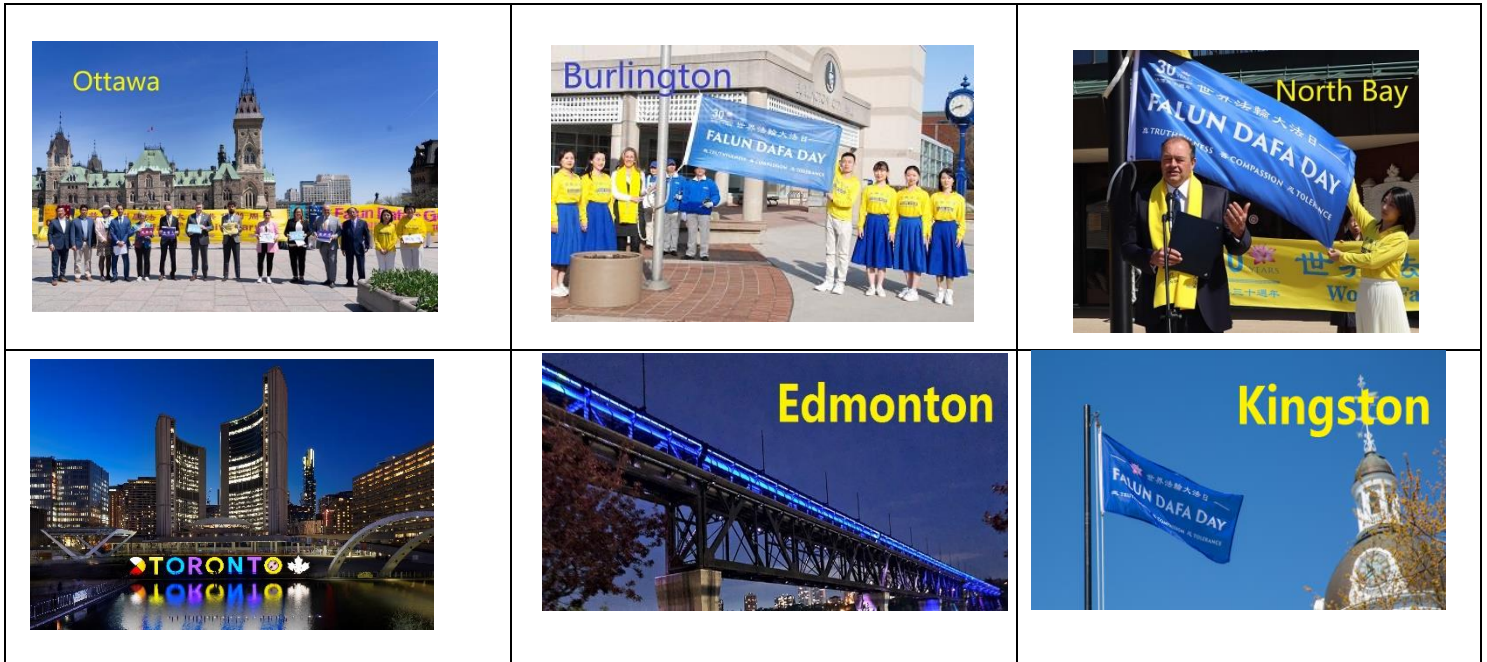
Pixing Zhang on behalf of Falun Dafa Association of Canada

Tel: 4168358337 email: [pixingzhang@gmail.com](mailto:pixingzhang@gmail.com)

**23 Flag Raising and Light-up Ceremony Hosting Cities in 2022:**

ON : Toronto; Kingston; Burlington; Milton; Cornwall; North Bay; Amherstburg; Orangeville; St. Catharine; Orillia; Brighton, Brock, Quinte West, Scugog, Belleville more

AB: Edmonton; Red Deer; SK: Regina; Saskatoon; BC: Port Moody; Nanaimo; New Westminster;



**Greetings for Falun Dafa Month Celebration 2022(excerpt from 110 greetings issued by representatives of three levels of government):**

“Falun Dafa traditions encourage practitioners to improve their mental and physical well-being, while being rooted in the honourable values of truthfulness, compassion and tolerance; I would like to thank the many Falun Dafa practitioners who took these values to heart during the pandemic. I am grateful for the efforts you made within your communities to encourage and uplift your neighbors during these hard times. ” –*Hon. Candice Bergen, Leader of the Conservative Party, greetings 2022*

“Falun Dafa is the spiritual discipline based on truthfulness, compassion, and forbearance. This week on Parliament Hill I had the pleasure of joining a special group of individuals who celebrated the 30th year Anniversary of Falun Dafa.” - *MP Judy Sgro, co-chair of the Falun Gong Parliamentary Friendship Group, tweet and Rally speech 2022*

“I would like to thank the Falun Dafa communities for your work to preserving the traditional Chinese culture which continues to enrich Canada’s Multicultural landscape, Falun Dafa communities have been integral in bringing Communist party’s atrocities to light, practitioners are on the front lines of holding the government to account ”  
- *MP Garnett Genuis, , co-chair of the Falun Gong Parliamentary Friendship Group, Video Greeting 2022*

“The universal values of Truthfulness, Compassion and Tolerance, which are at the heart of Falun Dafa, are also ideals for Canada. I appreciate your contribution to bring these values to life in Canada for a more healthy, peaceful, tolerance and compassionate society.” –*Hon. Pierre Poilievre , MP, Greeting Letter 2022 Falun Dafa Day*



“Communities rooted in spirituality have played an important role in building the social fabric of our province. Many of the values that we cherish today —compassion, generosity, and justice— are anchored in spiritual traditions. Inherent among those who practice is the courage to continuously seek positive transformation in one’s own life and society.”-**Ontario Lieutenant Governor Elizabeth Dowdeswell, Letter of Greetings, 2022 Falun Dafa Day**

“We live in a time of much division and conflict, and the values of truthfulness, compassion and tolerance that are espoused by Falun Dafa are timely, indeed. New Canadians who have fled persecution due to their practice of Falun Gong have demonstrated exceptional resilience in the face of great hardship.”-**Lieutenant Governor Russ Mirasty of the Province of Saskatchewan, Letter of Greetings, 2022 Falun Dafa Day**

“I would like to extend a big thank you to the Falun Dafa community in Fredericton, for their dedication to promoting a more harmonious and healthy society. Thank you for your continuous efforts to encouraging tolerance and compassion and building a better world for all of us.” – **Her Worship Kate Rogers, Fredericton, Letter of Greetings, 2022 Falun Dafa Day**

**2022 a few other major Municipal Proclamation/Greetings of Falun Dafa Day for your information.**

**Ottawa, Calgary, Fredericton, Winnipeg, Victoria, Hamilton, Oshawa, Vaughan, London, etc;**

#### **About Falun Dafa:**

[Falun Dafa](#) (also known as Falun Gong) is a spiritual practice rooted in the ancient schools of cultivation in China. It consists of meditative exercises, and a moral philosophy aimed at the promotion of virtue. At the core of Falun Dafa’s teachings are the tenets of “Truthfulness, Compassion, and Forbearance.” Practitioners of Falun Dafa aim to live in accord with these principles, taking them as a guide for daily life and practice.

Since Falun Dafa’s public introduction in 1992, hundreds of millions of people from diverse cultural backgrounds in over 100 countries, including Canada, benefit from practicing Falun Gong, where the [free teachings](#) help people improve their mental, moral, and physical wellbeing and contribute to a more healthy and peaceful society.

On 20 July, 1999, the Chinese Communist Party (CCP) launched a campaign to eradicate Falun Gong. For the past 21 years, major human rights organizations, the United Nations, the U.S. government, and NGOs, etc. have extensively documented the nation-wide campaign of hatred, mass imprisonment, forced slave labours, torture, and killings of people who practice Falun Gong in China.

Millions of Falun Gong practitioners and their families have been torn apart. Countless practitioners have been killed for their vital organs that are being sold by the state. International legal experts say that crimes against humanity, and possibly genocide, have occurred. Practitioners and supporters in Canada continue to experience various kinds of intimidation and harassment and vilification by the CCP.

The Falun Dafa community, both within China and abroad, have endured these two decades of unimaginable adversity with resolute non-violence and persistence to uphold freedom and the universal values. This has garnered worldwide recognition, including thousands of greetings and proclamations from governments and officials.



**TOWN OF AMHERSTBURG  
DRAINAGE BOARD  
Tuesday, April 4, 2023  
6:00 PM**

**MINUTES**

---

**PRESENT**

Allan Major  
Anthony Campigotto  
Brad Laramie  
Murray Sellars  
Brian Renaud  
Sam Paglia, Drainage Superintendent/Engineering  
Coordinator  
Nicole Humber, Recording Secretary  
Kevin Fox, Municipal Clerk

**ABSENT**

**1. CALL TO ORDER**

The Chair called the meeting to order at 6:02 p.m.

**2. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF**

There were none.

3. The Chair read the following 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.”

4. **MINUTES OF PREVIOUS MEETING**

Allan Major moved, Murray Sellars seconded;

**That:**

**The minutes of the previous meeting BE ADOPTED:**

1. **Drainage Board Meeting Minutes – March 7, 2023**

**Motion Carried**

5. **CONSIDERATION OF FINAL DRAINAGE REPORT**

5.1 **Parks Drain – Bridge Relocation - Evans Culvert**

Tim Oliver, P.Eng from Dillon Consulting Ltd. provided an overview on the purpose of his report. Mr. Oliver advised that the report was to address minor works for a landowner who was constructing a new home and would like to move the driveway to the other side of the building lot, which required the access culvert over the Parks Drain to accommodate the move. As such, Mr. Oliver noted that the Drainage Act requires a report for the relocation of the culvert from the east side of the driveway to the west side of the driveway, and that the Minor Improvement process under S. 78(5) of the Drainage Act approved in June of 2021 is ideal for these types of minor improvements where only one landowner is affected. Mr. Oliver stated that the Contractor will be required to salvage the pipe and materials, as the culvert was just installed

approximately 2 years ago, and will be responsible for the replacement of material if any portion of material that is required for the proposed culvert installation is damaged or unusable during the removal of the culvert.

Mr. Oliver explained that the Drainage Act does not speak to future maintenance on minor reports as the change to upstream landowners is not affected financially.

Mr. Oliver informed the Board that this was the third engineer's report on the Parks Drain in three years, the first two being for the 10 building lots, and the last one to address the relocation of the access culvert.

Mr. Oliver advised that with Section 78 (5) reports, there is no Court of Revision and the report goes from Provisional By-Law to third and final reading once the Clerk notifies the prescribed persons of the process to appeal to the drainage referee, and appeals are heard, or in the case of no appeals, once the period for appeals passes 10 day minimum.

Board Chair Anthony Campigotto asked if there were any Board members that had any questions.

The Board heard from:

Board member Brad Laramie stated that he understood the relocation of the culvert, however he noticed in the drawings in the report that there was a ditch at the rear of the building lots, along with an existing ditch in the field. Mr. Laramie asked if the ditch in question was a Municipal Drain and if it would have any adverse affects on the homes.

Mr. Oliver stated that the existing ditch in the field Mr. Laramie is referring to is a private ditch that only takes on water from the field. Mr. Oliver further stated that the private drains in the back of the building lots go to the Municipal Drain along County Road 20.

Board Chair Anthony Campigotto noted that the culvert had been part of the Committee of Adjustment, and Essex County Highways had concerns regarding culvert locations in the past.

Mr. Paglia indicated he was not aware of any issues that Essex County Highways may have.

Mr. Oliver advised that when the developer originally went to the County of Essex for permits on the culverts, the County informed Mr. Parks that he would have to go through the Drainage Act and petition for a new drain. At that time,



the County advised that the driveways should be in the same location on each building lot unless there was a conflict. Mr. Oliver stated that the relocation of this culvert will actually make the culvert opposite to the one next to it as it was moved during the S. 78 process due to a conflict with a hydro pole and fire hydrant.

Board Chair Anthony Campigotto asked if there were further questions from the Board.

There were none.

Brad Laramie moved, Allan Major seconded;

**That:**

- 1. The engineer's report, prepared by Dillon Consulting Ltd. dated March 21, 2023 for the Parks Drain (Bridge Relocation – Evans Culvert) BE RECEIVED;**
- 2. The engineer's report for the Parks Drain (Bridge Relocation – Evans Culvert) BE CONSIDERED;**
- 3. The PROVISIONAL ADOPTION of By-law 2023-053 which appends the engineer's report for the Parks Drain (Bridge Relocation – Evans Culvert) BE BROUGHT to the next Regular Council meeting for Council's consideration; and,**
- 4. Administration BE DIRECTED to proceed with notification of the provisional by-law and the process to appeal to the Drainage Referee to OMAFRA and the initiating landowner for the Parks Drain (Bridge Relocation – Evans Culvert).**

**Motion Carried**

## **6. NEW BUSINESS**

### **6.1 New Municipal Drain – Section 4 Petition**

Sam Paglia, P.Eng provided the Board with an overview of his report. Mr. Paglia explained that the purpose of his report was to appoint an engineer to complete the necessary examination of the Section 4 petition the Town

received. Mr. Paglia informed the Board that the petition was to provide a legal outlet for a development in the area of County Road 20 and Brunner Avenue. Mr. Paglia stated that Phase one of the development used Brunner Avenue to outlet their storm water, but cannot use Phase 2 in the same manner because the sewer on Brunner Avenue was not designed for the capacity of stormwater from Phase 2. Currently, the Town has been working with the developer to establish a Mutual Drain under Section 2 of the Drainage Act to allow the development to proceed at the same time, requiring that development to establish a valid Petition under Section 4 of the Act to provide the legal outlet necessary for the development.

Mr. Paglia explained the process of the petition drain, and advised that R. Dobbin Engineering Inc. be appointed to complete the necessary examination.

Board Chair Anthony Campigotto asked if there were any Board members that had any questions.

Board Member Brad Laramie inquired why things cannot be left as they are now, and mentioned that upstream landowners may be upset if they end up paying for the in Municipal Drain.

Mr. Paglia explained that in December the developer proposed developing the lands on the premise of a Mutual Drain Agreement, but Infrastructure Services explained to the developer that a Legal Outlet for stormwater must be obtained in order to facilitate the development. A Mutual Drain (although legal in perpetuity), still remains a private drain and falls under the Common Law aspects of Stormwater. In order to provide the stormwater with the undisputable right to flow, one must obtain a legal outlet by Statute Law (Drainage Act). Mr. Paglia indicated that upstream landowners will be given an opportunity at the onsite meeting to sign the petition as well, giving the appointed Engineer the ability to establish a Municipal Drain further upstream to service those lands, but for now, only the developer has signed the Petition and the Engineer will only perform works downstream of the development. The upstream landowners will not pay for any improvements or the cost of the report for the works needed by the developer, but will have a future stake in the drain because the Engineer will establish a watershed boundary for the Municipal Drain.

Board Chair Anthony Campigotto mentioned that the area in question is prone to mosquitos and asked if the new Municipal Drain will protect the area.

Mr. Paglia indicated that to his knowledge, there is a program ongoing for mosquito control, but does not have details. From a drainage perspective though, when the drain is constructed and water flows, there should be less mosquitos in the drain as water should not be stagnant.

Board Member Brian Renaud inquired if the new municipal drain would drain lands north of the current development should they become developed.

Mr. Paglia advised that the drain will have to account for the volume of water artificially expected to flow from the area within the watershed boundary, and advised that upstream landowners will continue to drain under common law until it hits the Municipal Drain where they will have a liability to future maintenance or repairs. If the scope of work changes and the Engineer establishes a Municipal Drain in the upstream reaches, upstream landowners may be assessed a prorated amount for the works to establish the current drain to the condition of the designed drain if required. All of this is established during the process and the community of landowners are involved through that process.

Board Chair Anthony Campigotto asked if there were any further questions.

There were none.

Brian Renaud moved, Murray Sellars seconded;

**That:**

- 1. The report from the Drainage Superintendent and Engineering Coordinator dated March 20, 2023, for a NEW Municipal Drain under Section 4(1)(b) of the Drainage Act (Act), R.S.O. 1990, c. D.17, Petition BE RECEIVED;**
- 2. The Drainage Board recommend that Council ACCEPT the Petition from 1603844 Ontario Inc., 16003941 Ontario Inc., and 1000063228 Ontario Inc., for a New Municipal Drain in order to establish the legal right of drainage for the lands under development in accordance with Section 4 of the Act; and,**
- 3. The Drainage Board recommend that the appointment of the firm of R. Dobbin Engineering Inc., to complete the necessary examination of the petition and the area requiring drainage as described in the petition and to prepare a report as described in the Act, BE APPROVED by Council;**

**Motion Carried**

## **6.2 Engineering Appointment - Subsequent Disconnection from the Cornwall Drain**

Mr. Paglia provided an over view of his report to the Board. Mr. Paglia advised that a property cannot subsequently connect or disconnect from a Municipal Drain without Council's approval. Mr. Paglia stated that the developer of Golfview Park Estates would like the stormwater from the area of a parcel of land removed from the Cornwall Drain and that the same parcel area be connected to the Ouellette Drain West. Mr. Paglia explained that an assessment schedule now changes when lands are removed from a Municipal Drain. Mr. Paglia indicated that his report recommends appointing N.J. Peralta Engineering to create a new schedule of assessment and updated schedule of assessment per Sections 65 (4) and 76 (1) of the Drainage Act respectively.

Board Chair Anthony Campigotto asked if there were any Board members that had any questions.

Board Member Brad Laramie inquired about the reason behind the request.

Mr. Paglia stated that the infrastructure in phases 1-4 of Golfview Estates cannot handle the flows if phase 5 is developed, and that the re-routing of the Ouellette Drain West will provide the area necessary for the development to include a storm water management pond.

Board Chair Anthony Campigotto asked if there were any further questions from the Board members.

There were none.

Murray Sellars moved, Brad Laramie seconded;

**That:**

- 1. The report from the Drainage Superintendent and Engineering Coordinator dated March 9, 2023, regarding the Subsequent Disconnection and appointment of an engineer to vary the assessments to a drainage works – Cornwall Drain (S.65(4) and S.76(1)) BE RECEIVED;**
- 2. N.J. Peralta Inc. BE APPOINTED to prepare a report to vary the assessment schedule as required under Section 76(1) as a result of a subsequent disconnection from a drainage works.**
- 3. Administration BRING FORWARD the Drainage Board’s recommendation to appoint N. J. Peralta at a future Regular Council Meeting.**

**Motion Carried**

### **6.3 Subsequent Connection to the Ouellette Drain West**

Mr. Paglia provided an overview of the purpose of the request to subsequently connect to the Ouellette Drain West. Mr. Paglia advised that the request is to prepare a Section 65 (3) report and examine if the Ouellette Drain West can handle the extra flows from the area of land being added to the watershed, as well as ensure there are no adverse effects to landowners if the property is connected to the drain. Mr. Paglia noted that Rood Engineering is not on the Town’s engineering roster, however since the firm is currently appointed to examine the Ouellette Drain West, he would be instructed to prepare an additional Section 65 (3) report.

Board Chair Anthony Campigotto asked if there were any Board members that had any questions.

There were none.

Allan Major moved, Murray Sellars seconded;

**That:**

1. **The report from the Drainage Superintendent and Engineering Coordinator dated March 24, 2023, regarding the Subsequent Connection and report of an engineer for the Ouellette Drain West (ODW) BE RECEIVED; and that,**
2. **Rood Engineering Inc., BE INSTRUCTED to complete an examination and report to allow the subsequent connection to the ODW under Section 65(3).**
3. **Administration BRING FORWARD the Drainage Board's recommendation to instruct Rood Engineering Inc. at a future Regular Council Meeting.**

**Motion Carried**

**8. NEXT MEETING DATE**

Tuesday, May 2, 2023 @ 6:00 p.m.

**9. ADJOURNMENT**

Brian Renaud moved, Allan Major seconded;

**That:**

**The Board rise and adjourn at 6:41 p.m.**

**Motion Carried**

\_\_\_\_\_  
Chair – Anthony Campigotto

\_\_\_\_\_  
Staff Liaison – Sam Paglia

**DRAINAGE REPORT  
FOR THE**

**PARKS DRAIN  
(BRIDGE RELOCATION  
EVANS CULVERT)**

**TOWN OF AMHERSTBURG  
COUNTY OF ESSEX**



21 MARCH 2023  
TIM R. OLIVER, P.ENG.  
FILE No. 19-9396-50

File No. 19-9396-5000

Drainage Board  
Town of Amherstburg  
271 Sandwich St. South  
Amherstburg, Ontario  
N9V 2A5



**Drainage Report for the  
PARKS DRAIN – BRIDGE RELOCATION - EVANS CULVERT  
Town of Amherstburg  
County of Essex**

Drainage Board:

**Instructions**

The Town of Amherstburg received a request from the owners of property Roll No. 580-03415 (Lee O. & Amber A. Evans) for the relocation of their existing access bridge over the Parks Drain serving a residential lot along County Road No. 20 within Pt. Lot 52, Concession 5, former Malden Township that was filed at the Municipal Office on the 31<sup>st</sup> day of January 2023. Council accepted the request under Section 78(5) of the Drainage Act and on the 13<sup>th</sup> day of March 2023 appointed Dillon Consulting Limited to prepare a report.

**Ontario Regulation 500/21**

We have assessed the applicability of Section 78(5) of the Drainage Act and find the proposed works satisfy the requirements for minor improvement work as described in Subsection 7(1) of O. Reg 500/21.

**Watershed Description**

The upstream watershed area for the Evans culvert (denoted as Bridge No. 12) encompasses mostly the private lands fronting the north side of County Road No. 20 including the road allowance north of the pavement surface and situated west of the said culvert. The area measuring approximately 1.05 hectares (2.6 acres).

There is little topographic relief and the soil type is Brookston Clay Loam, however no improvement to the drain channel or its capacity is required to serve the relocated Bridge No. 12 for the existing residential lot.

**On-Site Meeting**

There is no on-site meeting requirement for a minor drain improvement in accordance with Section 78(5) of the Drainage Act.

**ERCA Review and Permit Fee**

The drain improvements, as recommended herein, have been previously reviewed by the Essex Region Conservation Authority (ERCA) and have been accepted. The applicable ERCA permit fee (\$500.00) has been included as part of the costs of the drainage works. A copy of the review and approval correspondence dated 21 March 2023 has been included in Schedule 'A' herein.

10 Fifth Street South  
Chatham, Ontario  
Canada  
N7M 4V4  
Telephone  
519.354.7802  
Fax  
519.354.2050



## **Drain History**

- **21 June 2022, Tim R. Oliver, P. Eng.:** The report recommended the construction of four (4) new access bridges over the Parks Drain.
- **16 May 2019, Tim R. Oliver, P. Eng.:** The report recommended the construction of the Parks Drain and included eight (8) new access bridges.

## **Design Considerations**

A Guide for Engineers working under the Drainage Act in Ontario, OMAFRA Publication 852 (2018) is the current reference document used by engineers carrying out work on municipal drains under the Act. The 2 year return period design storm is the recommended design standard applied to municipal drains within rural Ontario specific to open drain channels and low hazard agricultural field access crossings. For residential properties where flooding could wash out an access culvert, a higher 5 to 10 year return period design storm is the recommended design criteria. We have applied this criterion for the Parks Drain.

Design storm peak flows were determined. Since the Parks Drain runs parallel along County Road No. 20, we sized the culvert such that the 10 year return period design storm flows could freely pass through the culvert without overtopping the driveway. For this existing residential lot, a minimum 450 mm diameter culvert size is required. We would recommend that a minimum of 3 m (10') of open drain exist between the westerly end of the culvert pipe and the property lot line.

## **Recommendations**

We recommend the existing access bridge (denoted as Bridge No. 12) serving the east side of the existing residential property be relocated to the west side of the said lot. The work entails carefully removing and salvaging the existing bridge materials and culvert pipe for re-use and construction to the same specifications as outlined herein.

The access bridge to be required is numbered and described as per below:

### **Bridge No. 12 – (Roll No. 580-03415)**

We recommend a 12.0 m long, 450 mm diameter high density polyethylene (HDPE) pipe be installed, complete with sloping stone end walls, providing a minimum 6.1 m drivable gravel top width. The driveway alignment shall be constructed in the same direction as the residential lot lines. The bridge work shall conform to the specifications and drawings provided herein for this report.

## **Allowances**

No allowances have been provided for land used or for damages since the drainage works involving the new access bridge shall be confined to the specified working corridors outlined herein and were previously established within the original May 2019 Parks Drain report. All disturbed areas shall be fully returned to original conditions. Since no allowances are provided, Schedule 'B' has been omitted from report.

## **Cost Estimate**

Based on our review of the history, the information obtained during the site meeting and our examination and analysis of the survey data, we recommend that the Parks Drain be improved as described below:

Item	Description	Amount
	<b><u>PARKS DRAIN (EVANS CULVERT)</u></b>	
1.	Bridge works, as follows:	
	a) <u>Bridge No. 12 - (Roll No. 580-03415)</u> – Removal of existing bridge salvaging existing materials and culvert pipe and restoration of existing drain banks including fine grading and seeding.	\$1,000.00
	b) <u>Bridge No. 12 - (Roll No. 580-03415)</u> – Supply and installation of a 12.0 m long, 450 mm diameter high density polyethylene (HDPE) pipe. Clear stone bedding material beneath pipe, minimum 150 mm thickness (approximately 10 tonnes). Granular 'B' backfill to the underside of Granular 'A' driveway material (approximately 50 tonnes). Granular 'A' (crushed limestone) compacted driveway surface, minimum 200 mm thickness (approximately 30 tonnes). Native material backfill beyond the edges of driveway to construct the 0.5 m wide native buffer strips (approximately 5 m <sup>3</sup> ) and sloping stone end walls (approximately 15 m <sup>2</sup> ). Where construction materials and culvert pipe are not salvaged or become damaged, the contractor shall replace at their own expense.	\$4,500.00
	<b>SUB-TOTAL</b>	<b>\$5,500.00</b>
2.	Report and Final Inspection	\$4,000.00
3.	Incidentals for the non-rebated portion of the HST	\$167.00
4.	ERCA permit application fee	<u>\$500.00</u>
	<b>TOTAL ESTIMATE – PARKS DRAIN (BRIDGE NO. 12 RELOCATION)</b>	<b>\$10,167.00</b>

The estimate provided in this report was prepared according to current materials and installation prices as of the date of this report. In the event of delays from the time of filing of the report by the Engineer to the time of tendering the work, it is understood that the estimate of cost is subject to inflation. The rate of inflation shall be calculated using the Consumer Price Index applied to the cost of construction from the date of the report to the date of tendering.

#### **Assessment of Costs**

The individual assessments are comprised of three (3) assessment components:

- i. Benefit (*advantages relating to the betterment of lands, roads, buildings, or other structures resulting from the improvement to the drain*).
- ii. Outlet Liability (*part of cost required to provide outlet for lands and roads*).
- iii. Special Benefit (*additional work or feature that may not affect function of the drain*).

We have assessed the estimated costs against the affected lands as listed in Schedule 'C' under "Special Benefit", "Benefit" and "Outlet". Details of the Special Benefit listed in Schedule 'C' are provided in Schedule 'D.'

### **Assessment Rationale**

For the drainage works associated with the relocation of the access bridge, it has been assessed 100% against the bridge owner as a Special Benefit assessment.

### **Future Maintenance**

After completion, Bridge No. 12 shall be maintained by the Town of Amherstburg at the expense of the lands and road in the same relative proportions as set out in the previous 2022 Parks Drain report. This includes 50% of the future repair or replacement costs being assessed as a Special Benefit assessment against the bridge owner, and the remaining 50% of the costs assessed as an Outlet assessment shared with the lands and road located upstream of Bridge No 12, subject of course, to any variations that may be made under the authority of the Drainage Act.

### **Drawings and Specifications**

Attached to this report is Schedule 'F', which are Specifications setting out the details of the recommended works, and Schedule 'G', which represents the following drawings that are also attached to this report:

**Page 1 of 2: Overall Plan**  
**Page 2 of 2: Bridge Details**

### **Approvals**

The construction and/or improvement to a drainage works, including repair and maintenance activities, and all operations connected therewith are subject to the approval, inspection, by-laws and regulations of all Municipal, Provincial, Federal and other authorities having jurisdiction in respect to any matters embraced by the proposed works. Prior to any construction or maintenance works, the Town or proponent designated on the Town's behalf shall obtain all required approvals/permits and confirm any construction limitations including timing windows, mitigation/off-setting measures, standard practices or any other limitations related to in-stream works. The report had also been sent to the County of Essex Roads Department and the Essex Region Conservation Authority for review and comments.

Respectfully submitted,

**DILLON CONSULTING LIMITED**

Tim R. Oliver, P. Eng.  
TRO:wlb



**SCHEDULE 'A'**

**RE: E09 2023-008- S. 78(5) - Request for Minor Improvement - Evans**

Ashley Gyori <AGyori@erca.org>  
To: "Oliver, Tim" <toliver@dillon.ca>, Sam Paglia <spaglia@amherstburg.ca>

Tue, Mar 21, 2023 at 1:04 PM

Good afternoon Tim and Sam,

Thank you for sending the information related to the culvert relocation over the Parks Drain. I've had an opportunity to review the draft report and the available information and I can confirm that this proposal, as presented, satisfies this office's concerns with respect to Section 28 of the *Conservation Authorities Act*. For this project to proceed, we will require the Final Drainage Report and Drawings and for the municipality to sign the attached Application for Permit form.

If you have any questions, please do not hesitate to contact me.

Kind regards,



ASHLEY GYORI  
Regulations Analyst  
Essex Region Conservation Authority  
360 Fairview Avenue West, Suite 311 • Essex, Ontario • N8M 1Y6  
agyori@erca.org • essexregionconservation.ca

Please consider the environment before printing this email

**"SCHEDULE C"**  
**SCHEDULE OF ASSESSMENT**  
**PARKS DRAIN (BRIDGE RELOCATION-EVANS CULVERT)**  
**TOWN OF AMHERSTBURG**

**PRIVATELY-OWNED - NON-AGRICULTURAL LANDS:**

Roll No.	Con.	Description	Area Affected		Owner	Special Benefit	Benefit	Outlet	Total Assessment
			(Acres)	(Ha.)					
580-03415	5	Pt. Lot 52	0.59	0.24	Lee O. & Amber A. Evans	\$10,167.00	\$0.00	\$0.00	\$10,167.00
Total on Privately-Owned - Non-Agricultural Lands.....						\$10,167.00	\$0.00	\$0.00	\$10,167.00
<b>TOTAL ASSESSMENT</b> .....						<b>\$10,167.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$10,167.00</b>
			(Acres)	(Ha.)					
<b>Total Area:</b>			<b>0.59</b>	<b>0.24</b>					

"SCHEDULE D"  
 DETAILS OF SPECIAL BENEFIT  
 PARKS DRAIN (BRIDGE RELOCATION-EVANS CULVERT)  
TOWN OF AMHERSTBURG

**SPECIAL BENEFIT ASSESSMENT**  
**(NON - AGRICULTURAL LANDS)**

Roll No.	Owner	Item Description	Estimated Cost	Cost of Report	Special Benefit
580-03415	Lee O. & Amber A. Evans	<u>Bridge No. 12</u> - Supply and install a 12.0 m long, 450 mm diameter HDPE and restoration of existing drain banks (100%).	\$5,500.00	\$4,667.00	\$10,167.00
<b>Total Special Benefit Assessment (Non - Agricultural Lands).....</b>			<b>\$5,500.00</b>	<b>\$4,667.00</b>	<b>\$10,167.00</b>
<b>OVERALL TOTAL SPECIAL BENEFIT ASSESSMENT .....</b>					<b>\$10,167.00</b>

SCHEDULE 'F'  
DRAINAGE REPORT FOR THE  
**PARKS DRAIN**  
**BRIDGE RELOCATION – EVANS CULVERT**  
TOWN OF AMHERSTBURG  
COUNTY OF ESSEX

**SPECIAL PROVISIONS - GENERAL**

**1.0 GENERAL SPECIFICATIONS**

The General Specifications attached hereto is part of “Schedule F.” It also forms part of this specification and is to be read with it, but where there is a difference between the requirements of the General Specifications and those of the Special Provisions which follow, the Special Provisions will take precedence.

**2.0 DESCRIPTION OF WORK**

The work to be carried out under this Contract includes, but is not limited to, the supply of all **labour, equipment and materials** to complete the following items:

Access Bridge Work

➤ Bridge works, as follows:

- Bridge No. 12 - (Roll No. 580-03415) – Removal of existing bridge salvaging existing materials and culvert pipe and restoration of existing drain banks including fine grading and seeding.
- Bridge No. 12 - (Roll No. 580-03415) – Supply and installation of a 12.0 m long, 450 mm diameter high density polyethylene (HDPE) pipe. Clear stone bedding material beneath pipe, minimum 150 mm thickness (approximately 10 tonnes). Granular 'B' backfill to the underside of Granular 'A' driveway material (approximately 50 tonnes). Granular 'A' (crushed limestone) compacted driveway surface, minimum 200 mm thickness (approximately 30 tonnes). Native material backfill beyond the edges of driveway to construct the 0.5 m wide native buffer strips (approximately 5 m<sup>3</sup>) and sloping stone end walls (approximately 15 m<sup>2</sup>). Where construction materials and culvert pipe are not salvaged or become damaged, the contractor shall replace at their own expense.

**3.0 ACCESS TO THE WORK**

Access to the drain shall be from County Road No. 20 using existing residential bridge to property Roll No. 580-03415 denoted herein as Bridge No. 12. The Contractor shall make his/her own arrangements for any additional access for his/her convenience. All road areas and grass lawn areas disturbed shall be restored to original conditions at the Contractor's expense.

**4.0 WORKING CORRIDOR**

For the construction of the Parks Drain access bridge, the primary working corridor shall be 9 m wide along the north side of the drain in front of the existing residential lot.

## SPECIAL PROVISIONS – OPEN DRAIN

### 5.0 ACCESS BRIDGE WORK

#### 5.1 Location of Culvert

The culvert shall be installed as shown on the drawings attached hereto. The centerline of the culvert shall be located to align itself with the proposed drain centerline. For the residential access, the west end of the culvert pipe shall be a minimum 3 metres from the westerly lot line.

#### 5.2 Materials for Relocated Bridge

Materials shall be as follows:

<i>Culvert Pipe</i>	<b>Bridge No. 12 – Roll No. 580-03415:</b> 12.0 m long, 450 mm diameter solid (non-perforated) corrugated High Density Polyethylene (H.D.P.E.) smooth wall interior (Armtex Boss 2000 or approved equivalent) unless otherwise specified conforming to the following specifications: ASTM @3350, CSA B182.8-02 and OPSS 1840. The pipe is to provide a minimum pipe stiffness of 320 kPa.  <i>Culvert pipes shall be joined using (soil tight) “split” coupler joining system (split couplers manufactured by Armtex Limited or approved equal), supplied by the pipe manufacturer and conforming to ASTM D3350, CSA 182.8-02 and OPSS 1840. Joints wrapped in “Non-Woven” geotextile filter fabric with a minimum strength equal to or greater than Terrafix 270R, Amoco 446, Mirafi 140NC or approved equivalent.</i>
<i>Pipe Bedding Below Pipe</i>	20-25 mm clear stone conforming to OPSS Division 10.
<i>Backfill up to Underside of Driveway Surface Materials</i>	Granular 'B' conforming to OPSS Division 10. Alternatively, Granular 'A' conforming to OPSS Division 10 may be used at the Contractor's expense.
<i>Driveway Surface</i>	Granular 'A' made from crushed limestone conforming to OPSS Division 10. Minimum 200 mm thickness.
<i>Erosion Stone</i>	All stone to be used for erosion protection shall be 125 - 250 mm clear quarried rock or OPSS 1004, minimum 300 mm thickness.
<i>Buffer Strips</i>	Dry native material free of topsoil, organic matter, broken concrete, steel, wood and deleterious substances.
<i>Filter Fabric</i>	"Non-Woven" geotextile filter fabric with a minimum strength equal to or greater than Terrafix 270R, Amoco 4546, Mirafi 140NC or approved equivalent.



### **5.3 Culvert Installation**

Suitable dykes shall be constructed in the drain so that the installation of the pipe can be accomplished in the dry. The drain bottom shall be cleaned, prepared, shaped and compacted to suit the culvert configuration, as shown on the drawings. Granular materials shall be compacted to 100% of their maximum dry density; imported clean native materials shall be supplied, placed and compacted to 95% of their maximum dry density.

### **5.4 Sloping Stone End Walls**

End walls shall be constructed of quarry stone rip-rap, as specified herein. Each end wall shall extend from the invert of the culvert to the top of the proposed lane. Unless specified otherwise, the end walls shall be sloped 1 vertical to 1.5 horizontal with a filter fabric underlay surrounding the pipe and spanning across the entire width of the drain and wrapping around the drain banks to align with the ends of the pipe culvert. The minimum thickness requirement of the erosion stone layer is 300 mm with no portion of the filter fabric to be exposed to sunlight.

### **5.5 Granular 'A' Driveway**

The Contractor shall construct the driveway with a maximum 3% longitudinal grade approach over the culvert providing a minimum 300 mm cover. This work includes the installation of a minimum 200 mm thickness of compacted Granular 'A' (crushed limestone) surface. The minimum top width of the driveway shall be as shown on the drawings.

### **5.6 Native Materials**

Native materials suitable for use as the native backfill buffer strip, as defined under Section 5.2, shall be salvaged from the existing bridge site, as required to complete the work as shown on the drawings, (**Native Backfill Zone only**). Where there is an insufficient amount of native fill materials for backfilling the culvert for the buffer strip, the Contractor may elect to import additional dry native materials at his/her own expense.

### **5.7 Lateral Tile Drains**

Should the Contractor encounter any lateral tiles within the proposed culvert limits not shown on attached drawings, the Contractor shall re-route the outlet tile drain(s) in consultation with the Drainage Superintendent, as required, to accommodate the culvert. **Tile drain outlets through the wall of the culvert pipe will not be permitted.** All costs associated with re-routing lateral tile drains (if any) shall be at the Contractor's expense.

Care must be taken in handling plastic drain pipe in cold weather to avoid causing damage.

Plastic drain pipe shall be held in position on planned grade immediately after installation by careful placement of backfill material.

### **5.8 Site Cleanup and Restoration**

As part of the work and upon completion, the Contractor shall remove and dispose of, off-site any loose timber, logs, stumps, large stones, rubber tires, cinder blocks or other debris from the drain bottom and from the side slopes. Where the construction works cross a lawn, the Contractor shall take extreme care to avoid damaging the lawn, shrubs and trees encountered. Upon completion of the work, the Contractor shall completely restore the area by the placement and fine grading of topsoil and seeding or sodding the area as specified by the Engineer or Drainage Superintendent.

## **GENERAL SPECIFICATIONS**

### **1.0 AGREEMENT AND GENERAL CONDITIONS**

The part of the Specifications headed "Special Provisions" which is attached hereto forms part of this Specification and is to be read with it. Where there is any difference between the requirements of this General Specification and those of the Special Provisions, the Special Provisions shall govern. Where the word "Drainage Superintendent" is used in this specification, it shall mean the person or persons appointed by the Council of the Municipality having jurisdiction to superintend the work. Tenders will be received and contracts awarded only in the form of a lump sum contract for the completion of the whole work or of specified sections thereof. The Tenderer agrees to enter into a formal contract with the Municipality upon acceptance of the tender. The General Conditions of the contract and Form of Agreement shall be those of the Stipulated Price Contract CCDC2-Engineers, 1994 or the most recent revision of this document.

### **2.0 EXAMINATION OF SITE, PLANS AND SPECIFICATIONS**

Each tenderer must visit the site and review the plans and specifications before submitting his/her tender and must satisfy himself/herself as to the extent of the work and local conditions to be met during the construction. Claims made at any time after submission of his/her tender that there was any misunderstanding of the terms and conditions of the contract relating to site conditions, will not be allowed. The Contractor will be at liberty, before bidding to examine any data in the possession of the Municipality or of the Engineer.

The quantities shown or indicated on the drawings or in the report are estimates only and are for the sole purpose of indicating to the tenderers the general magnitude of the work. The tenderer is responsible for checking the quantities for accuracy prior to submitting his/her tender.

### **3.0 MAINTENANCE PERIOD**

The successful Tenderer shall guarantee the work for a period of one (1) year from the date of acceptance thereof from deficiencies that, in the opinion of the Engineer, were caused by faulty workmanship or materials. The successful Tenderer shall, at his/her own expense, make good and repair deficiencies and every part thereof, all to the satisfaction of the Engineer. Should the successful Tenderer for any cause, fail to do so, then the Municipality may do so and employ such other person or persons as the Engineer may deem proper to make such repairs or do such work, and the whole costs, charges and expense so incurred may be deducted from any amount due to the Tenderer or may be collected otherwise by the Municipality from the Tenderer.

### **4.0 GENERAL CO-ORDINATION**

The Contractor shall be responsible for the coordination between the working forces of other organizations and utility companies in connection with this work. The Contractor shall have no cause of action against the Municipality or the Engineer for delays based on the allegation that the site of the work was not made available to him by the Municipality or the Engineer by reason of the acts, omissions, misfeasance or non-feasance of other organizations or utility companies engaged in other work.

### **5.0 RESPONSIBILITY FOR DAMAGES TO UTILITIES**

The Contractor shall note that overhead and underground utilities such as hydro, gas, telephone and water are not necessarily shown on the drawings. It is the Contractor's responsibility to contact utility companies for information regarding utilities, to exercise the necessary care in construction operations and to take other precautions to safeguard the utilities from damage. All work on or adjacent to any utility, pipeline, railway, etc., is to be carried out in accordance with the requirements of the utility, pipeline, railway, or other, as the case may be, and its specifications for such work are to be followed as if they were part of this specification. The Contractor will be liable for any damage to utilities.

## **6.0 CONTRACTOR'S LIABILITY**

The Contractor, his/her agents and all workmen or persons under his/her control including sub-contractors, shall use due care that no person or property is injured and that no rights are infringed in the prosecution of the work. The Contractor shall be solely responsible for all damages, by whomsoever claimable, in respect to any injury to persons or property of whatever description and in respect of any infringement of any right, privilege or easement whatever, occasioned in the carrying on of the work, or by any neglect on the Contractor's part.

The Contractor, shall indemnify and hold harmless the Municipality and the Engineer, their agents and employees from and against claims, demands, losses, costs, damages, actions, suits, or proceedings arising out of or attributable to the Contractor's performance of the contract.

## **7.0 PROPERTY BARS AND SURVEY MONUMENTS**

The Contractor shall be responsible for marking and protecting all property bars and survey monuments during construction. All missing, disturbed or damaged property bars and survey monuments shall be replaced at the Contractor's expense, by an Ontario Land Surveyor.

## **8.0 MAINTENANCE OF FLOW**

The Contractor shall, at his/her own cost and expense, permanently provide for and maintain the flow of all drains, ditches and water courses that may be encountered during the progress of the work.

## **9.0 ONTARIO PROVINCIAL STANDARDS**

Ontario Provincial Standard Specifications (OPSS) and Ontario Provincial Standard Drawings (OPSD) shall apply and govern at all times unless otherwise amended or extended in these Specifications or on the Drawing. Access to the electronic version of the Ontario Provincial Standards is available online through the MTO website, free of charge to all users. To access the electronic standards on the Web go to <http://www.mto.gov.on.ca/english/transrd/>. Under the title Technical Manuals is a link to the Ontario Provincial Standards. Users require Adobe Acrobat to view all pdf files.

## **10.0 APPROVALS, PERMITS AND NOTICES**

The construction of the works and all operations connected therewith are subject to the approval, inspection, by-laws and regulations of all Municipal, Provincial, Federal and other authorities having jurisdiction in respect to any matters embraced in this Contract. The Contractor shall obtain all approvals and permits and notify the affected authorities when carrying out work in the vicinity of any public utility, power, underground cables, railways, etc.

## **11.0 SUBLETTING**

The Contractor shall keep the work under his/her personal control, and shall not assign, transfer, or sublet any portion without first obtaining the written consent of the Municipality.

## **12.0 TIME OF COMPLETION**

The Contractor shall complete all work on or before the date fixed at the time of tendering. The Contractor will be held liable for any damages or expenses occasioned by his/her failure to complete the work on time and for any expenses of inspection, superintending, re-tendering or re-surveying, due to their neglect or failure to carry out the work in a timely manner.

## **13.0 TRAFFIC CONTROL**

The Contractor will be required to control vehicular and pedestrian traffic along roads at all times and shall, at his/her own expense, provide for placing and maintaining such barricades, signs, flags, lights and flag persons as may be required to ensure public safety. The Contractor will be solely responsible for controlling traffic and shall appoint a representative to maintain the signs and warning lights at night, on weekends and holidays and at all other times that work is not in progress.

All traffic control during construction shall be strictly in accordance with the **Occupational Health and Safety Act** and the current version of the **Ontario Traffic Manuals**. Access to the electronic version of the **Ontario Traffic Manual** is available online through the MTO website, free of charge to all users. To access the electronic standards on the Web go to <http://www.mto.gov.on.ca/english/transrd/>, click on "Library Catalogue," under the "Title," enter "Ontario Traffic Manual" as the search. Open the applicable "Manual(s)" by choosing the "Access Key," once open look for the "Attachment," click the pdf file. Users require Adobe Acrobat to view all pdf files.

**Contractors are reminded of the requirements of the Occupational Health and Safety Act pertaining to Traffic Protection Plans for workers and Traffic Control Plan for Public Safety.**

#### **14.0 SITE CLEANUP AND RESTORATION**

As part of the work and upon completion, the Contractor shall remove and dispose of, off-site any loose timber, logs, stumps, large stones, rubber tires, cinder blocks or other debris from the drain bottom and from the side slopes. Where the construction works cross a lawn, the Contractor shall take extreme care to avoid damaging the lawn, shrubs and trees encountered. Upon completion of the work, the Contractor shall completely restore the area by the placement and fine grading of topsoil and seeding or sodding the area as specified by the Engineer or Drainage Superintendent.

#### **15.0 UTILITY RELOCATION WORKS**

In accordance with Section 26 of the Drainage Act, if utilities are encountered during the installation of the drainage works that conflict with the placement of the culvert, the operating utility company shall relocate the utility at their own costs. The Contractor however will be responsible to co-ordinate these required relocations (if any) and their co-ordination work shall be considered incidental to the drainage works.

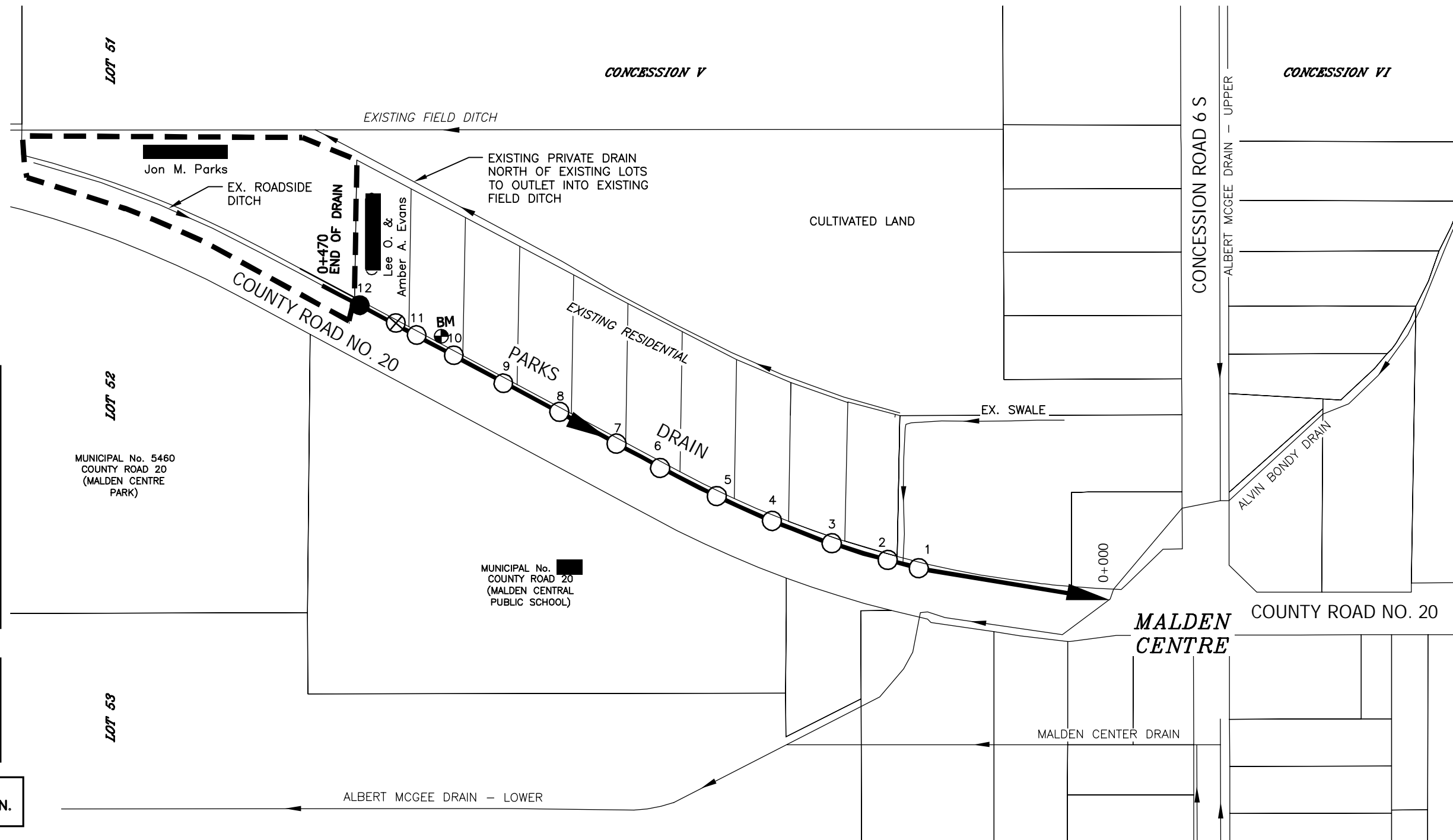
#### **16.0 FINAL INSPECTION**

All work shall be carried out to the satisfaction of the Drainage Superintendent for the Municipality, in compliance with the specifications, drawings and the Drainage Act. Upon completion of the project, the work will be inspected by the Engineer and the Drainage Superintendent. Any deficiencies noted during the final inspection shall be immediately rectified by the Contractor.

Final inspection will be made by the Engineer within 20 days after the Drainage Superintendent has received notice in writing from the Contractor that the work is completed, or as soon thereafter as weather conditions permit.

#### **17.0 FISHERIES CONCERNS**

Standard practices to be followed to minimize disruption to fish habitat include embedment of the culvert a minimum 10% below grade, constructing the work 'in the dry' and cutting only trees necessary to do the work (no clear-cutting). No in-water work is to occur during the timing window unless otherwise approved by the appropriate authorities.



**LEGEND**

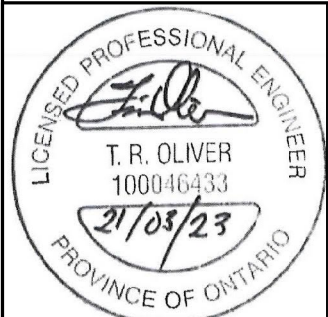
- PARKS DRAIN DRAINAGE AREA
- PARKS DRAIN
- OTHER DRAINS
- EXISTING BRIDGE
- BRIDGE REMOVAL
- NEW BRIDGE
- LOCAL BENCHMARK

**SITE BENCHMARK**  
 BM-TOP OF FIRE HYDRANT AT BRIDGE NO. 10.  
 ELEVATION=181.56m

**NOTE: CONTRACTOR TO VERIFY BENCHMARK PRIOR TO CONSTRUCTION.**

**OVERALL PLAN**  
 SCALE = 1:2,500

Mar 22, 2023 - 9:15am C:\pwworking\directory\projects\2019\33\wlb\dms08362\199396-5000-03-DRN-CON.dwg



**Conditions of Use**  
 Verify elevations and/or dimensions on drawing prior to use. Report any discrepancies to Dillon Consulting Limited.  
 Do not scale dimensions from drawing.  
 Do not modify drawing, re-use it, or use it for purposes other than those intended at the time of its preparation without prior written permission from Dillon Consulting Limited.

No.	ISSUED	DATE	BY
2	FINAL REPORT SUBMISSION	MAR. 22/23	TRO
1	CLIENT REVIEW	MAR. 21/23	TRO

DESIGN	TRO	REVIEWED BY	MDH
DRAWN	WLB	CHECKED BY	OEM
DATE	March 21, 2023		
SCALE	AS SHOWN		

PROJECT NO. 19-9396-5000  
 DRAWING SCALES BASED ON A 11" X 17" SHEET

'SCHEDULE G'	
Drainage Report for the <b>PARKS DRAIN</b> (BRIDGE RELOCATION EVANS CULVERT) Town of Amherstburg (Former Township of Malden)	
SHEET TITLE	<b>OVERALL PLAN</b>
PAGE NO.	1 of 2

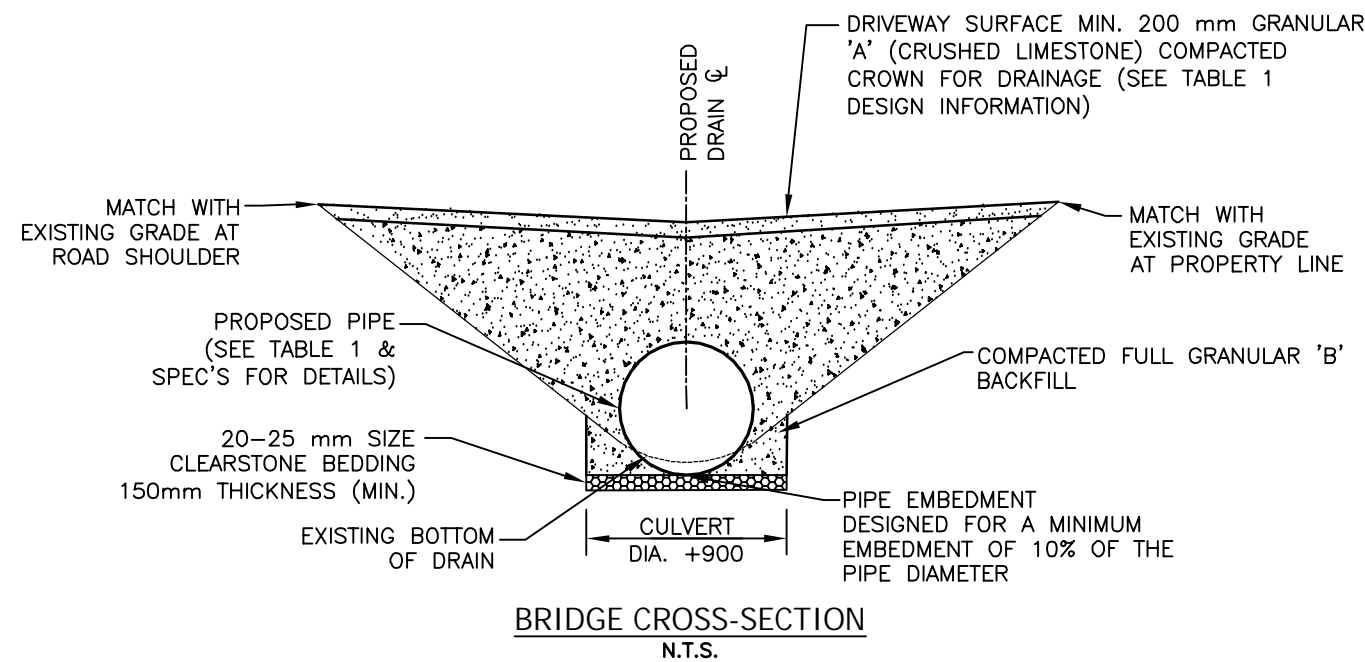
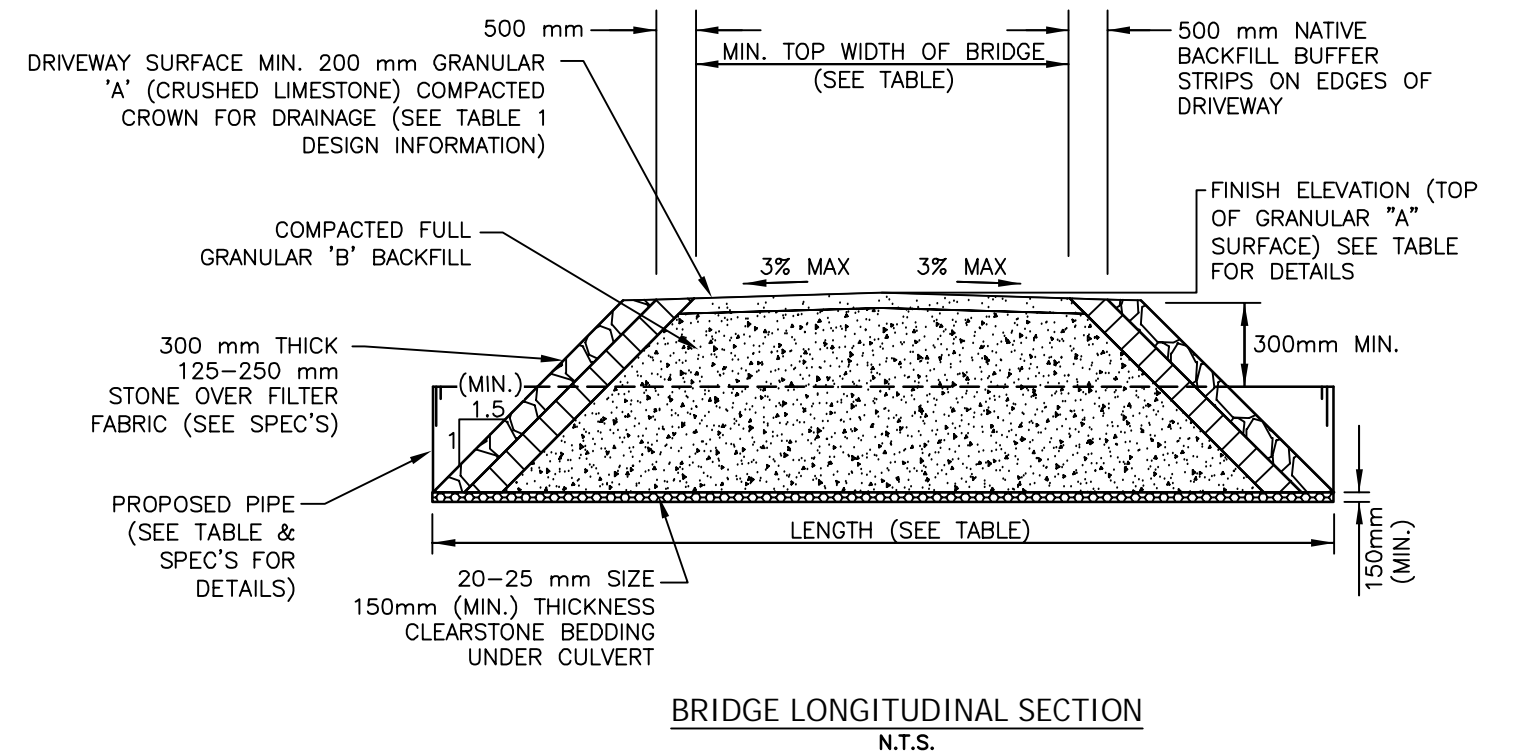
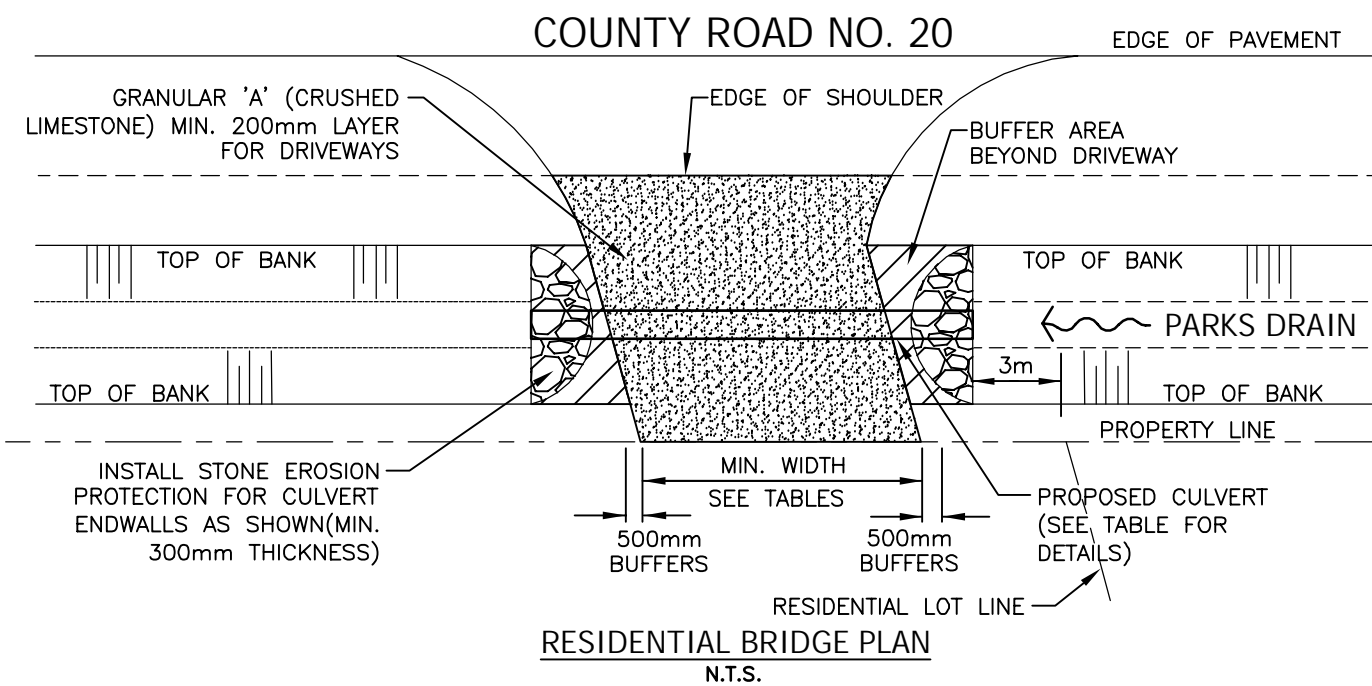
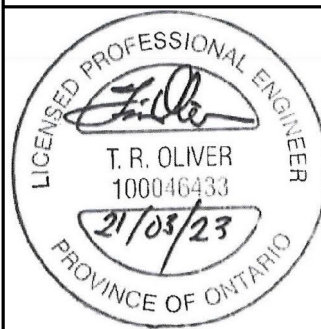


TABLE 1 - ACCESS BRIDGE DESIGN INFORMATION	
DESCRIPTION	BRIDGE No. 12
PIPE INVERT ELEV. U/S SIDE(m)	179.54
PIPE INVERT ELEV. D/S SIDE(m)	179.53
TOP OF $\phi$ DRIVEWAY SURFACE ELEV. (m)	180.50
DRAIN BOTTOM (m) (DESIGN) (AT CENTRELINE OF CULVERT)	179.58
MIN. TOP WIDTH OF DRIVEWAY (m)	6.1
MIN. CULVERT GRADE (%)	0.10
CULVERT MATERIAL	H.D.P.E.
CULVERT LENGTH (m)	12.0
PIPE SIZE (mm)	450
CULVERT ENDWALL TYPE	SLOPING STONE

Mar 22, 2023 - 9:15am C:\pwworking\directory\projects\2019\33\wlb\dms08362\199396-5000-03-DRN-CON.dwg



**Conditions of Use**  
 Verify elevations and/or dimensions on drawing prior to use. Report any discrepancies to Dillon Consulting Limited.  
 Do not scale dimensions from drawing.  
 Do not modify drawing, re-use it, or use it for purposes other than those intended at the time of its preparation without prior written permission from Dillon Consulting Limited.

No.	ISSUED FOR	DATE	BY
2	FINAL REPORT SUBMISSION	MAR. 22/23	TRO
1	CLIENT REVIEW	MAR. 21/23	TRO

DESIGN	REVIEWED BY
TRO	MDH
DRAWN	CHECKED BY
WLB	OEM
DATE	March 21, 2023
SCALE	AS SHOWN

**DILLON CONSULTING**  
 PROJECT NO. 19-9396-5000  
 DRAWING SCALES BASED ON A 11" X 17" SHEET

'SCHEDULE G'  
 Drainage Report for the  
**PARKS DRAIN**  
 (BRIDGE RELOCATION EVANS CULVERT)  
 Town of Amherstburg  
 (Former Township of Malden)  
 SHEET TITLE **BRIDGE DETAILS**  
 PAGE NO. **2 of 2**

**THE CORPORATION OF THE TOWN OF AMHERSTBURG**

**BY-LAW NO. 2023-053**

**By-law to provide for the Parks Drain – Bridge relocation for Evans based on the Minor Improvement report of Tim Oliver of Dillon Consulting Ltd.**

---

**WHEREAS** a request for Minor improvement of the Parks Drain was received under section 78(5) of the Drainage Act;

**WHEREAS** Council of the Corporation of the Town of Amherstburg appointed an engineer for the purpose of preparation of an engineer's report for the Minor Improvements of the Parks Drain under section 78(5) of the Drainage Act;

**WHEREAS** Council of the Corporation of the Town of Amherstburg has authorized Tim Oliver, P.Eng., of Dillon Consulting Ltd., to prepare a report and said engineer's report dated March 21, 2023 can be referenced as Schedule A, as attached hereto;

**WHEREAS** \$10,167.00 is the estimated cost provided for improving the drainage works;

**AND WHEREAS** the report was considered by the Amherstburg Drainage Board at the meeting held on April 4, 2023.

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

**1. AUTHORIZATION**

The attached report is adopted and the drainage works is authorized and shall be completed as specified in the report.

**2. BORROWING**

The Corporation of the Town of Amherstburg may borrow on the credit of the Corporation the amount of \$10,167.00 being the amount necessary for the minor improvements of the drainage works.

**3. DEBENTURE(S)**

The Corporation may issue debenture(s) for the amount borrowed less the total amount of:

- (a) Grants received under section 85 of the Drainage Act;
- (b) Monies paid as allowances;
- (c) Commuted payments made in respect of lands and roads assessed with the municipality;
- (d) Money paid under subsection 61(3) of the Drainage Act; and
- (e) Money assessed in and payable by another municipality.

**4. PAYMENT**

Such debenture(s) shall be made payable within 5 years from the date of the debenture(s) and shall bear interest at a rate not higher than 1% more than the municipal lending rates as posted by The Town of Amherstburg's Bank's Prime Lending Rate on the date of sale of such debenture(s).

- (1) A special equal annual rate sufficient to redeem the principal and interest on the debenture(s) shall be levied upon the lands and roads and shall be collected in the same manner and at the same as other taxes are collected in each year for 5 years after the passing of this by-law.
- (2) All assessments of \$1000.00 or less are payable in the first year in which the assessments are imposed.

Read a first and second time and provisionally adopted this 11<sup>th</sup> day of April, 2023.

---

MAYOR – MICHAEL PRUE

---

CLERK – KEVIN FOX

Read a third time and finally passed this \_\_\_ day of \_\_\_\_\_, 2023.

---

MAYOR – MICHAEL PRUE

---

CLERK – KEVIN FOX





THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF ENVIRONMENTAL 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 Drainage Board, Author's E-mail, Resolution #.

To: Members of the Drainage Board

Subject: NEW Municipal Drain under Section 4 Petition
Accept Request and Appoint Engineer

1. RECOMMENDATION:

It is recommended that:

- 1. The report from the Drainage Superintendent and Engineering Coordinator dated March 20, 2023, for a NEW Municipal Drain under Section 4(1)(b) of the Drainage Act (Act), R.S.O. 1990, c. D.17, Petition BE RECEIVED;
2. The Drainage Board recommend that Council ACCEPT the Petition from 1603844 Ontario Inc., 16003941 Ontario Inc., and 1000063228 Ontario Inc., for a New Municipal Drain in order to establish the legal right of drainage for the lands under development in accordance with Section 4 of the Act; and,
3. The Drainage Board recommend that the appointment of the firm of R. Dobbin Engineering Inc., to complete the necessary examination of the petition and the area requiring drainage as described in the petition and to prepare a report as described in the Act, BE APPROVED by Council;

2. BACKGROUND:

On March 17, the Town received a Form 1 Petition for Drainage Works under clause 4(1)(a)(b), of the Act, dated March 14, 2023 by the owners of land known as Roll(s) 372935000000302, 372935000000300 and 372935000000303 to create a legal outlet for their lands.

These lands are located north of Brunner Street and east of County Rd 20 (CR20). There currently exists a watercourse that allows for surface and collected water from the lands described in the petition and the surrounding lands to be conveyed westerly to the Detroit River. This drainage system is considered a private drain and falls under the Common Law aspects as it relates to stormwater and surface water. In order to allow the stormwater (both collected and non-collected) the unobstructed right to flow, landowners can petition under the Act to provide a legal outlet that is governed by Statute Law and administered by the Town of Amherstburg.

Under Section 5(1) of the Act, where a petition in accordance with Section 4 of the Act has been filed; Council shall forthwith consider the petition and shall, within thirty days after the filing of the petition, notify any prescribed person(s) of the petition so that under Section 6(1), any prescribed person(s) may within 30 days of receiving the notice, request an Environmental Appraisal at their own expense. The Essex Region Conservation Authority (ERCA) and the Ministry of Natural Resources and Forestry (MNRF) are prescribed persons under the regulation and shall be notified accordingly. If no request for appraisal is required, administration can procure the services of a Drainage Practitioner to commence the procedures under the Act for the examination and preparation of the required report.

Administration has sent the required notification to ERCA and MNRF on March 17, 2023 and March 23, 2023, respectively. Typically, responses are received well before the required 30 day allowable period for either agency to request an environmental appraisal but nevertheless, the effective date to procure services provided by the engineer can only occur after April 23, 2023. Approval of the recommendations within this report falls within the regulation of the provisions of 5(1) of the Act provided no services rendered by the appointed engineer on or before April 23, 2023.

In order to effectively and efficiently provide the community of landowners with the most relevant drainage practitioner, the Town conducts a desk top review of the area requiring drainage. Engineering Consultants are selected not only based on the Town's Roster, the appropriate engineer is selected based on their ability to take on work, and if they have conducted work in the same area and have the relevant watershed information to more efficiently produce the required report effectively for the benefit of the community of landowners involved.

### **3. DISCUSSION:**

Administration believes that the petition is valid according to S.4 of the Act. However, it is the obligation of the appointed engineer to verify the validity of the petition as part of their duties. The verification of the petition's validity will be completed by the engineer as first order of work on this project. If the engineer feels that the criteria outlined under Section 4(1) are not met, then he or she may establish the requirements for the petition to comply or recommend that the project not carry forward.

A motion was passed at the February 13, 2023 RCM to authorize administration to utilize a roster for drainage services under the Act. Among others, R. Dobbin Engineering Inc. was selected to be included as part of this roster and is thereby eligible to examine and

prepare a drainage report pursuant to Section 4 of the Act for the creation of a new Municipal Drain.

Administration has recommended that the development obtain the right of drainage by way of a legal outlet under the Act to allow the developments stormwater the right to flow under Statute Law rather than the potentially challenged right to under Common Law. The developer is currently acquiring the signatures of affected landowners for a temporary solution to establish the current watercourse as a Mutual Agreement Drain under Section 2 of the Act. This will allow the developer to facilitate a temporary solution until the petition for a drain under Section 4 is deemed valid by the appointed engineer.

#### 4. **RISK ANALYSIS:**

There is more risk for the Town in not accepting a petition for drainage works than there is in accepting one. Not only does Council have the responsibility to repair and maintain drainage works under the Act, it is obligated to provide the Finance department with the funds necessary for all works related to drainage under the Act. One of the appointed Engineers first requirements under Section 4 is to determine the validity of the petition.

If Council chooses not to accept the petition, the petitioner may file an appeal to the Tribunal.

#### 5. **FINANCIAL MATTERS:**

If, upon review, the appointed engineer is of the opinion that a valid petition has not been filed, the engineer is required to file a report to Council according to Section 9(4) of the Act which states:

##### *Report of engineer*

*9(4) Where the engineer is of opinion that the petition does not comply with section 4, the engineer shall so report to the council of the initiating municipality stating wherein the petition is deficient, the amount of the engineer's fees and by whom they shall be paid, and the council shall forthwith send a copy of such opinion to each petitioner. R.S.O. 1990, c. D.17, s. 9 (4).*

Based on Section 9(4), the payment of any engineering costs that may be incurred relating to work performed for a petition that is found to be invalid is determined by the engineer. In most cases, these costs are paid for by the petitioner(s). Since this project was not initiated by Town, it is likely that any accumulated costs would be charged to the petitioner. Conversely, where the appointed engineer is of the opinion that the petition complies with Section 4, the financial implications and assessments will be determined by the engineer and will be provided in the schedule of assessment within the final engineering drainage report. The Town owns land in the watershed at the time the petition was filed. At this time, the final drainage solution has yet to be determined and assessments to the Town and private landowners will not be known until final submission of the drainage report is received and progresses to the prescribed meetings of Consideration and the Court of Revision under the Act.

An allowance is included in the annual Budget under the Public Works budget centre for the Town's share of costs for maintenance or construction works under the Act. Should there be any assessments against the Town of Amherstburg relating to this project, they will be included under future Public Works budget centre as a Municipal Drain Expense.

6. **CONSULTATIONS:**

N/A

7. **CONCLUSION:**

Administration is recommending that the appointment of R. Dobbin Engineering Ltd., to examine the area requiring drainage and to prepare a report under Section 4 of the Act, for the creation of a NEW Municipal Drain. And that;

The decision and minutes of the Drainage Board be approved by Council at their next Regular Council Meeting.



Sam Paglia,  
**Drainage Superintendent and  
Engineering Coordinator**

**Attachment(s):**

- Petition for Drainage Works (Form 1)
- Map of the area requiring drainage

This form is to be used to petition municipal council for a new drainage works under the *Drainage Act*. It is not to be used to request the improvement or modification of an existing drainage works under the *Drainage Act*.

To: The Council of the Corporation of the Town \_\_\_\_\_ of Amherstburg \_\_\_\_\_

The area of land described below requires drainage (provide a description of the properties or the portions of properties that require drainage improvements)

See Schedule Attached

In accordance with section 9(2) of the *Drainage Act*, the description of the area requiring drainage will be confirmed or modified by an engineer at the on-site meeting.

As owners of land within the above described area requiring drainage, we hereby petition council under subsection 4(1) of the *Drainage Act* for a drainage works. In accordance with sections 10(4), 43 and 59(1) of the *Drainage Act*, if names are withdrawn from the petition to the point that it is no longer a valid petition, we acknowledge responsibility for costs.

**Purpose of the Petition (To be completed by one of the petitioners. Please type/print)**

Contact Person (Last Name) Piroli	(First Name) Robert	Telephone Number [REDACTED] ext.
--------------------------------------	------------------------	-------------------------------------

Address	
Road/Street Number 11	Road/Street Name Iroquois Road Leamington Ontario

Location of Project			
Lot See Schedule	Concession	Municipality Amherstburg	Former Municipality (if applicable) Anderdon

- What work do you require? (Check all appropriate boxes)
- Construction of new open channel
  - Construction of new tile drain
  - Deepening or widening of existing watercourse (not currently a municipal drain)
  - Enclosure of existing watercourse (not currently a municipal drain)
  - Other (provide description ▼)

Assuming existing watercourse  
Name of watercourse (if known)

Estimated length of project  
1.8km

General description of soils in the area  
brookston clay

- What is the purpose of the proposed work? (Check appropriate box)
- Tile drainage only
  - Surface water drainage only
  - Both

Petition filed this 14th day of March, 2023

Name of Clerk (Last, first name) Giofu, Antonietta	Signature per 
---	---

**Property Owners Signing The Petition**

Page of

- Your municipal property tax bill will provide the property description and parcel roll number.
- In rural areas, the property description should be in the form of (part) lot and concession and civic address.
- In urban areas, the property description should be in the form of street address and lot and plan number if available.
- If you have more than two properties, please take copy(ies) of this page and continue to list them all.

Number	Property Description
1	Part Lot 5 Conc1

Ward or Geographic Township	Parcel Roll Number
Anderdon	

I hereby petition for drainage for the land described and acknowledge my financial obligations.

**Ownership**

Sole Ownership

Owner Name (Last, First Name) (Type/Print)	Signature	Date (yyyy/mm/dd)
--	-----------	-------------------

Partnership (Each partner in the ownership of the property must sign the petition form)

Owner Name (Last, First Name) (Type/Print)	Signature	Date (yyyy/mm/dd)
--	-----------	-------------------

Corporation (The individual with authority to bind the corporation must sign the petition)

Name of Signing Officer (Last, First Name) (Type/Print)

Robert Piroli

Signature



Name of Corporation  
1603844 Ontario Inc.

I have the authority to bind the Corporation.

Position Title  
President

Date (yyyy/mm/dd)  
2023/03/14

Number	Property Description
2	Part Lots 286-291 ( inclusive) and Part Lot 5 Conc 1

Ward or Geographic Township	Parcel Roll Number
Andderdon	

I hereby petition for drainage for the land described and acknowledge my financial obligations.

**Ownership**

Sole Ownership

Owner Name (Last, First Name) (Type/Print)	Signature	Date (yyyy/mm/dd)
--	-----------	-------------------

Partnership (Each partner in the ownership of the property must sign the petition form)

Owner Name (Last, First Name) (Type/Print)	Signature	Date (yyyy/mm/dd)
--	-----------	-------------------

Corporation (The individual with authority to bind the corporation must sign the petition)

Name of Signing Officer (Last, First Name) (Type/Print)

Robert Piroli

Signature



Name of Corporation  
1603941 Ontario Inc.

I have the authority to bind the Corporation.

Position Title  
President

Date (yyyy/mm/dd)  
2023/03/14

Check here if additional sheets are attached

Clerk initial

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

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

**Notice of Collection of Personal Information**

Any personal information collected on this form is collected under the authority of the *Drainage Act*, R.S.O. 1990, c. D.17 and will be used for the purposes of administering the Act. Questions concerning the collection of personal information should be directed to: where the form is addressed to a municipality (municipality to complete)

and where the form is addressed to a territory without municipal organization, the Drainage Coordinator, Ministry of Agriculture, Food and Rural Affairs, 1 Stone Rd W, Guelph ON N1G 4Y2, 519 826-3552.

**Property Owners Signing The Petition**

Page of

- Your municipal property tax bill will provide the property description and parcel roll number.
- In rural areas, the property description should be in the form of (part) lot and concession and civic address.
- In urban areas, the property description should be in the form of street address and lot and plan number if available.
- If you have more than two properties, please take copy(ies) of this page and continue to list them all.

Number	Property Description
3	See legal description attached for 1000083228 Ontario Inc.
Ward or Geographic Township	Parcel Roll Number

I hereby petition for drainage for the land described and acknowledge my financial obligations.

**Ownership**


Sole Ownership

Owner Name (Last, First Name) (Type/Print)	Signature	Date (yyyy/mm/dd)

Partnership (Each partner in the ownership of the property must sign the petition form)

Owner Name (Last, First Name) (Type/Print)	Signature	Date (yyyy/mm/dd)

Corporation (The individual with authority to bind the corporation must sign the petition)

Name of Signing Officer (Last, First Name) (Type/Print)	Signature
Robert Piroli	
Name of Corporation	I have the authority to bind the Corporation.
1000083228 Ontario Inc.	Date (yyyy/mm/dd)
Position Title	2023/03/14
President	

Number	Property Description
Ward or Geographic Township	Parcel Roll Number

I hereby petition for drainage for the land described and acknowledge my financial obligations.

**Ownership**

Sole Ownership

Owner Name (Last, First Name) (Type/Print)	Signature	Date (yyyy/mm/dd)

Partnership (Each partner in the ownership of the property must sign the petition form)

Owner Name (Last, First Name) (Type/Print)	Signature	Date (yyyy/mm/dd)

Corporation (The individual with authority to bind the corporation must sign the petition)

Name of Signing Officer (Last, First Name) (Type/Print)	Signature
Name of Corporation	I have the authority to bind the Corporation.
	Date (yyyy/mm/dd)
Position Title	

Check here if additional sheets are attached Clerk initial

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

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

**Notice of Collection of Personal Information**

Any personal information collected on this form is collected under the authority of the *Drainage Act*, R.S.O. 1990, c. D.17 and will be used for the purposes of administering the Act. Questions concerning the collection of personal information should be directed to: where the form is addressed to a municipality (municipality to complete)

and where the form is addressed to a territory without municipal organization, the Drainage Coordinator, Ministry of Agriculture, Food and Rural Affairs, 1 Stone Rd W, Guelph ON N1G 4Y2, 519 826-3552.

TEXAS RD

COUNTY RD 20

Rivers Edge Phase 2

Existing and proposed takeover of common law watercourse to Municipal I

Rivers Edge Phase 1

Rivers Edge Phase 3

SANDWICH ST N

GRANT AVE

DUFF AVE

QUEEN ST

GIRARD ST

WILLIAM ST

ST ARNAUD ST

VICTORIA ST N

V ST N





THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF ENGINEERING AND PUBLIC WORKS

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 Drainage Board, Author's E-mail, Resolution #.

To: Members of the Drainage Board

Subject: Subsequent Disconnection and appointment of an engineer for the variation of assessment on the Cornwall Drain (Section 65(4)) and Section 76(1) of the Drainage Act (Act).

1. RECOMMENDATION:

It is recommended that:

- 1. The report from the Drainage Superintendent and Engineering Coordinator dated March 9, 2023, regarding the Subsequent Disconnection and appointment of an engineer to vary the assessments to a drainage works – Cornwall Drain (S.65(4)and S.76(1)) BE RECEIVED;
2. N.J. Peralta Inc. BE APPOINTED to prepare a report to vary the assessment schedule as required under Section 76(1) as a result of a subsequent disconnection from a drainage works.
3. Administration BRING FORWARD the Drainage Board's recommendation to appoint N. J. Peralta at a future Regular Council Meeting.

2. BACKGROUND:

Under Section 65(4) of the Drainage Act (Act), if an owner of land that is assessed for a drainage works subsequently disconnects the land or wishes to disconnect the lands from the drainage works, the municipal clerk of the municipality must instruct and engineer to inspect the lands and determine the amount by which the assessment of the lands should change.

Section 65(5) of the Act, indicates that No person shall connect to or disconnect from a drainage works without the approval of Council of the Municipality.

When lands that are assessed for drainage wish to subsequently disconnect those lands from a drain, the Town must take steps to examine such changes and remove the lands from the affected drainage assessment schedules in a just proportion. This is accomplished under S. 76(1) where an engineer is appointed to vary the assessments.

Since a land parcel is being disconnected from a drainage works, it is likely, that the same lands are being subsequently connected to another drainage works. The Town is responsible for maintaining bylaws of both affected drainage works, so to account for the adjustment in land for the drain that is being connected to. An Engineer is procured to prepare a report for the subsequent connection under S. 65(3) to ensure there is capacity in the drain to accept the artificial water expected to flow from the added lands (Ouellette Drain West). ***Please note that the appointment for a subsequent connection to a drainage works will be covered in a subsequent report to the Board.***

Under S.65(3) for a new connection to a drainage works, an engineer will conduct a study to ensure that a connection can be allowed. The cost to prepare the report is charged to the requesting landowner(s), along with any portion of costs determine just in the report to apportion those lands to the new drain. Any amount collected under S.65(3) shall be credited to the account of the drainage works and shall be used only for the improvement, maintenance or repairs of the whole or any part of that drain (S.65(12)).

In this case, a small portion of land know in the original subdivision agreement as Phase 5 of the Golfview Park Estates is located northeast of Middle Side Road (County Road No.10) at Golfview, having Roll No.372946000041143 (3.82 Acres) and having Roll No. 372946000041226 (6.28 Acres). These lands are requesting a disconnection (S. 65(4)) from the Cornwall Drain and a connection (S. 65(3)) to the Ouellette Drain West that traverses their parcel along its southern limits. They are also proposing to move a portion of the Ouellette Drain West off of their potentially developable lands.

Having requested the subsequent disconnection, subsequent connection and rerouting of the Drain, the requesting landowner will be required under Section 65(10) to cover the cost to do the following; but not limited to;

1. Preparation of a Section 65(3) report on the Ouellette Drain West Drain.
2. Preparation of a Section 76 report to vary the assessments on the Cornwall Drain.
3. Preparation of a Section 78(1) report on the Ouellette Drain West
4. Any costs associated with construction and all costs associated with the engineering reports required to satisfy S. 65(3), S. 65(4) & S.76 and to revise the Section 78(1) are to be bourn by the requesting landowner.

### **3. DISCUSSION:**

Section 65 of the Drainage Act discusses the obligation of a Municipality to manage changes in assessments due to sub-divisions of land, subsequent connections and/or disconnections of lands from any drainage works, and the altering of the nature or extent of land usage for the purpose of drainage.

#### **4. RISK ANALYSIS:**

Under the Drainage Act, when lands that are not assessed for drainage wish to subsequently connect to or disconnect from a drain for the purposes of drainage, or if the nature or usage of lands is subsequently altered, it is the Municipality's obligation to take the proper steps to examine and complete the necessary assessments to reflect the changes. Failing to do so could lead to unfair assessments of drain maintenance costs that do not accurately reflect the prevalent drainage conditions within the watershed. This could lead to conflicts between the Municipality and landowners over drainage assessments and the possible denial of agricultural grants from the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA).

Section 79(1) of the Act compels the municipality to perform the duties conferred or imposed upon it by the Act for the maintenance and repair of such works. It is the Town's responsibility to maintain and repair all Municipal Drains and the By-Laws that govern them.

#### **5. FINANCIAL MATTERS:**

##### **Costs**

*65 (10) The costs of the assessment, including the fees of the engineer, shall be paid by the owners of the lands in the proportion fixed by the engineer or, on appeal, by the Tribunal, and subsection 61 (4) applies to these costs. 2010, c. 16, Sched. 1, s. 2 (26).*

##### ***Use of amount collected***

*65(12) Any amount collected under subsection (3) shall be credited to the account of the drainage works and shall be used only for the improvement, maintenance or repair of the whole or any part of the drainage works. 2010, c. 16, Sched. 1, s. 2 (26).*

Accordingly, all costs associated with the preparation of the engineering report will be paid for by the owner of the lands owned by the parcels owned by Golfview Park Estates and any credit to a drain will be applied to the respective drain GL account.

#### **6. CONSULTATIONS: N/A**

#### **7. CONCLUSION:**

Administration is recommending that the assessment adjustments provided and appended to the current bylaw for the Cornwall Drain under report prepared by N.J. Peralta, dated November 11, 2019, be updated under a new report for the variation of

assessments under S. 76 of the Act as a result of the Subsequent Disconnection from the Cornwall Drain (Section 65(4)), and that N.J. Peralta be appointed to prepare said report.

A handwritten signature in blue ink, appearing to read 'S. Paglia', is positioned above the typed name.

Sam Paglia, P.Eng.  
**Drainage Superintendent and  
Engineering Coordinator**  
**Attachment(s): None**



# The Corporation of The Town of Amherstburg

## REPAIR/IMPROVEMENT of a MUNICIPAL DRAIN (Section 65, 76 and 78 Drainage Act)

**FROM:** Golfview Park Estates Inc.

**DRAIN:** Cornwall Drain (Subsequent Disconnection) – Ouellette Drain West (Subsequent Connection)

I/We are the owner of the following land(s): PLAN 12M517 BLK 66, 12R22160 Part 41

Roll Number(s): [REDACTED]

And I/We request the following work on the above drain:

- a)  Subsequent Connections (Section 65(3)) – (Ouellette Drain West)
- b)  New Schedule of Assessment (Section 76) (Cornwall Drain)
- c)  Improvements upon Examination and Report of Engineer (Section 78) (Ouellette Drain West)
- d)  New Access Bridge (Section 78)
  - Residential Bridge
  - Agricultural Bridge

Provide an outlet within the Ouellette Drain West Drain for the proposed Golfview Phase 5 subdivision (Currently assessed to the Cornwall Drain).

I request that if necessary, an Engineer be appointed and that he will determine a time and place at which he will attend an on-site meeting and examine the drainage area with all assessed ratepayers to be invited.

In signing this form, the owner is advised that they may be charged for work performed by the appointed Engineer should the works not proceed as requested.

Dated this 9<sup>th</sup> day of March, 2023.

Cindy Prince  
Name of Owner or Director/signing officer

[Signature]  
Signature of Owner or Director/signing officer

[REDACTED]  
Telephone Number

[Signature]  
Signature of Municipal Clerk

Dated this, 20<sup>th</sup> day of March, 2023.



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF ENGINEERING AND PUBLIC WORKS

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 Drainage Board, Author's E-mail, Resolution #.

To: Members of the Drainage Board

Subject: Subsequent Connection and report of an engineer for the Ouellette Drain West.

1. RECOMMENDATION:

It is recommended that:

- 1. The report from the Drainage Superintendent and Engineering Coordinator dated March 24, 2023, regarding the Subsequent Connection and report of an engineer for the Ouellette Drain West (ODW) BE RECEIVED; and that,
2. Rood Engineering Inc., BE INSTRUCTED to complete an examination and report to allow the subsequent connection to the ODW under Section 65(3).
3. Administration BRING FORWARD the Drainage Board's recommendation to appoint Rood Engineering Inc. at a future Regular Council Meeting.

2. BACKGROUND:

A motion was passed at the November 9, 2015 Council Meeting to authorize the firm of Rood Engineering Inc. to prepare a drainage report pursuant to Section 78 of the Drainage Act for repair and improvement to the ODW. This report is ongoing and the Town has not received a final copy of this report to bring to Council.

The requesting lands, know as Phase 5 of the Golfview Park Estates are located northeast of Middle Side Road (County Road No.10) at Golfview, having Roll No.'s 372946000041143 (3.82 Acres) and 372946000041226 (6.28 Acres) have requested that the lands be disconnected from the Cornwall Drain and subsequently connected to the ODW.

Having requested the subsequent disconnection, subsequent connection and the rerouting of the Drain, the requesting landowner will be required under Section 65(10) to cover the cost to do the following; but not limited to;

1. Preparation of a Section 65(3) report on the ODW Drain.
2. Preparation of a Section 65(4) and S. 76 (1) report on the Cornwall Drain.  
*Please note that a report to the members of the Drainage Board for the subsequent disconnection from the Cornwall Drain, dated March 9, 2023 is on the agenda for today's meeting of the Board.*
3. Preparation of a Section 78(1) report on the ODW.
4. Any costs associated with construction and all costs associated with the engineering reports required to satisfy S. 65(3), S. 65(4) & S.76 (1) and to revise the Section 78(1) are to be bourn by the requesting landowner.

### **3. DISCUSSION:**

The Town is responsible for maintaining bylaws of all affected municipal drainage works, so to account for the adjustment in land to the drain that is being connected to. An Engineer is procured to prepare a report for the subsequent connection under S. 65(3) to ensure there is capacity in the drain to accept the artificial water expected to flow from the added lands (ODW).

Section 65 of the Drainage Act discusses the obligation of a Municipality to manage changes in assessments due to sub-divisions of land, subsequent connections and/or disconnections of lands from any drainage works, and the altering of the nature or extent of land usage for the purpose of drainage. Under Section 65(5) of the Act, No person shall connect to or disconnect from a drainage works without the approval of Council of the Municipality.

Under S. 65(3) of the Drainage Act (Act), if an owner of land that is assessed for a drainage works subsequently connects the land or wishes to connect the lands to a drainage works, the municipal clerk shall instruct an engineer to inspect the lands and assess it for a just proportion of the drainage works. An engineer will conduct a study to ensure that a connection can be allowed. The cost to prepare the report is charged to the requesting landowner(s), along with any portion of costs determine just in the report to apportion those lands to the new drain.

### **4. RISK ANALYSIS:**

Under the Drainage Act, when lands that are not assessed for drainage wish to subsequently connect to or disconnect from a drain for the purposes of drainage, or if the nature or usage of lands is subsequently altered, it is the Municipality's obligation to take the proper steps to examine and complete the necessary assessments to reflect the changes. Failing to do so could lead to unfair assessments of drain maintenance costs that do not accurately reflect the prevalent drainage conditions within the watershed. This could lead to conflicts between the Municipality and landowners over drainage assessments and the possible denial of agricultural grants from the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA).

Section 79(1) of the Act compels the municipality to perform the duties conferred or imposed upon it by the Act for the maintenance and repair of such works. It is the Towns responsibility to maintain and repair all Municipal Drains and the By-Laws that govern them.

**5. FINANCIAL MATTERS:**

**Costs**

*65 (10) The costs of the assessment, including the fees of the engineer, shall be paid by the owners of the lands in the proportion fixed by the engineer or, on appeal, by the Tribunal, and subsection 61 (4) applies to these costs. 2010, c. 16, Sched. 1, s. 2 (26).*

***Use of amount collected***

Any amount collected under S.65(3) shall be credited to the account of the drainage works and shall be used only for the improvement, maintenance or repairs of the whole or any part of that drain (S.65(12)).

*65(12) Any amount collected under subsection (3) shall be credited to the account of the drainage works and shall be used only for the improvement, maintenance or repair of the whole or any part of the drainage works. 2010, c. 16, Sched. 1, s. 2 (26).*

Accordingly, all costs associated with the preparation of the engineering report will be paid for by the owner of the lands owned by the parcels owned by Golfview Park Estates and any credit to a drain will be applied to the respective drain GL account.

**6. CONSULTATIONS: N/A**

**7. CONCLUSION:**

Administration is recommending that the Firm of Rood Engineering Inc. currently appointed to examine the ODW, prepare an additional report under S. 65(3) for the subsequent connection of lands into the ODW and assess it for a just proportion of the drainage works until such time as a final report it submitted and adopted.



Sam Paglia, P.Eng.  
**Drainage Superintendent and  
Engineering Coordinator**

**Attachment(s): None**





Telephone Number  
Signature of Municipal Clerk

519-736-0012.  
Telephone Number

To: The Council of the Corporation of the Town of Amherstburg

Re: Ouelette Drain  
(Name of Drain)

In accordance with section 78 (1.1) of the *Drainage Act*, take notice that I, as owner of land affected, request that the above mentioned drain be improved.

The Major Improvement Project work being requested is (check all appropriate boxes):

- Changing the course of the drainage works;
- Making a new outlet for the whole or any part of the drainage works;
- Constructing a tile drain under the bed of the whole or any part of the drainage works;
- Constructing, reconstructing or extending bridges or culverts;
- Extending the drainage works to an outlet;
- Improving or altering the drainage works if the drainage works is located on more than one property;
- Covering all or part of the drainage works;
- Consolidating two or more drainage works; and/or
- Any other activity to improve the drainage works, other than an activity prescribed by the Minister as a minor improvement.

Provide a more specific description of the proposed drain major improvement you are requesting:

Provide an outlet for the proposed Golfview Phase 5 subdivision (previously assessed to Cornwall Drain)

**Property Owners**

- Your municipal property tax bill will provide the property description and parcel roll number.
- In rural areas, the property description should be in the form of (part) lot and concession and civic address.
- In urban areas, the property description should be in the form of street address and lot and plan number, if available.

Property Description

North Side of Middle Side Road, East of Golfview Drive, west of Clubview Drive

Ward or Geographic Township  
Town of Amherstburg

Parcel Roll Number  
Block 66, Part of Block 63 and Nicklaus. Plan 12M-517

If property is owned in partnership, all partners must be listed. If property is owned by a corporation, list the corporation's name and the name and corporate position of the authorized officer. Only the owner of the property may request a drain improvement.

**Ownership**

Corporation

If you need to provide additional information, please attach along with this form.

**Corporation (The individual with authority to bind the corporation must sign the form)**

Name of Signing Officer (Last, First Name) (Type/Print)

Prince, Cindy

Position Title

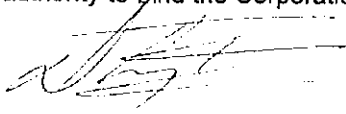
Vice President

Name of Corporation

Golfview Park Estates Inc.

I have the authority to bind the Corporation.

Signature



Date (yyyy/mm/dd)

2023/03/08

**Enter the mailing address and primary contact information of property owner below:**

Last Name

Prince

First Name

Cindy

Middle Initial

**Mailing Address**

Unit Number

100

Street/Road Number

2199

Street/Road Name

Blackacre Drive

PO Box

City/Town

Oldcastle

Province

Ontario

Postal Code

N0R 1L0

Telephone Number

[Redacted]

Cell Phone Number (Optional)

[Redacted]

Email Address (Optional)

[Redacted]

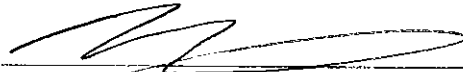
To be completed by recipient municipality:

Notice filed this 20<sup>th</sup> day of March 20 22.

Name of Clerk (Last, First Name)

Fox, Kevin

Signature of Clerk



## UNFINISHED BUSINESS LIST

Council Question #	Agenda Item	Assigned To	Description	Meeting Type	Meeting Date	Comments
CQ 20-005	NEW BUSINESS	Valerie Critchley, Bill Tetler	Resolution # 20200309-096 Prue/Courtney That: 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.	Regular Council Meeting	3/9/2020	Agent of Change Report Complete. See CQ 21-012. Vacant Building registries is under review.
CQ 20-006	Water Bill Fee - Dennis Richardson	Tracy Prince	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 Q3 2023.
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.

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 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 Progress
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 - Q3
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	Resolution # 20220314-03 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	Pending Approval of Operating Budget Resources
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	Administration is investigating the feasibility of bringing initiative to Amherstburg - Q3
CQ 22-17	Request for Public Boat Ramp at Ranta Park - Rodney Ferris, AMA Sportsmens' Association	Heidi Baillargeon, Viktorya Paller	Resolution # 20220613-06 McArthur/Courtney That The delegation BE RECEIVED; and, 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.	Regular Council Meeting	6/13/2022	In Progress

Blue Shaded Items are completed and will be removed next meeting.

Green Shaded Items are actioned to come before council shortly.

**THE CORPORATION OF THE TOWN OF AMHERSTBURG**

**BY-LAW NO. 2023-056**

**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 April 11<sup>th</sup> 2023, 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 11<sup>th</sup> day of April, 2023.

---

MAYOR – MICHAEL PRUE

---

CLERK – KEVIN FOX