



TOWN OF AMHERSTBURG REGULAR COUNCIL MEETING

AGENDA

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Monday, April 25, 2022

6:00 PM

Council Chambers

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

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Pages

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

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. | Special In-Camera Council Meeting Minutes - Public - April 11, 2022 | 11 |
| 6.2. | Regular Council Meeting Minutes - April 11, 2022 | 14 |

7. RECOGNITIONS

- 7.1. Appoint Deputy Fire Chief - Ron Meloche
- 7.2. Appoint Assistant Deputy Fire Chief - Dan Monk

8. DELEGATIONS

- 8.1. Request for Expansion of Pickleball Facilities - Richard White, Amherstburg Pickleball Association 30

That the delegation **BE RECEIVED**.

- 8.2. Investment in Electric Vehicle Chargers - Ken Morrison, Felicia Cristofaro, and Eric Freeze, Thrive Amherstburg 35

That the delegation **BE RECEIVED**.

- 8.3. Zoning By-law Amendment for Brunner Avenue and Sandwich Street - Rob Piroli, Piroli Group 60

That the delegation **BE RECEIVED**.

9. REPORTS – CORPORATE SERVICES

There are no reports.

10. REPORTS - PARKS, FACILITIES, RECREATION & CULTURE

- 10.1. Dog Park in Amherstburg 64

It is recommended that:

1. The Dog Park in Amherstburg report dated April 11, 2022 **BE RECEIVED**;
2. Council **APPROVE** the installation of a Dog park at the Libro Centre located at 3295 Meloche Road in the expansion lands south of the Libro Complex; and,
3. Council **DIRECT** Administration to proceed with the installation of a Dog Park at the above noted location as approved in the Capital Budget in the amount of \$166,000.

10.2. State of Tennis Courts at Malden Park

91

It is recommended that:

1. The report on the state of tennis courts at Malden Park **BE RECEIVED**.
2. Council **APPROVE** Centennial Park or the Libro Complex as the new central location in Amherstburg for the replacement of tennis courts currently located at Malden Park as per Recommendation #45 of the Parks Master Plan.
3. Funding **BE DEFERRED** to the 2023 Capital Budget for the replacement of 2 tennis/pickle ball courts in central Amherstburg in the amount of \$550,000.

11. REPORTS - ENGINEERING & INFRASTRUCTURE SERVICES

11.1. 2022 Mill and Pave Program – Tender Results

98

It is recommended that:

1. The 2022 Mill and Pave Program Tender **BE AWARDED** to Armstrong Paving and Materials Group Ltd. for an amount not to exceed \$661,258.62 plus H.S.T to complete rehabilitation works for Wilkinson Court, Hamilton Drive, Victoria Street South (Pickering to Simcoe), Victoria Street South (Alma to Hamilton) and Point West Drive (east side);
2. An over-expenditure not to exceed \$75,030 for the 2022 Mill and Pave Program for a total cost not to exceed \$675,030 including net HST **BE APPROVED** to be funded as outlined in the report from the Manager of Engineering dated April 7, 2022; and,
3. The Mayor and Clerk **BE AUTHORIZED** to execute an agreement with Armstrong Paving and Materials Group Ltd. for the 2022 Mill and Pave program.

12. REPORTS - DEVELOPMENT SERVICES

12.1. 24 Sandwich Street South - Notice of Intent to Designate 102

It is recommended that:

1. Notice of Intent to Designate 24 Sandwich Street South **BE GIVEN** to designate the property by municipal bylaw in accordance with the *Ontario Heritage Act* and;
2. The Notice of Intent to Designate 24 Sandwich Street South **CONTAIN** the Statement of Cultural Heritage Value or Interest and the list of Heritage Attributes as recommended by the Heritage Committee.

12.2. Addition to the Heritage Register 133

It is recommended that:

1. The property at 355 Dalhousie Street **BE LISTED** on The Town of Amherstburg's Heritage Register as a non-designated property of cultural heritage value or interest in accordance with section 27(3) of the *Ontario Heritage Act*.

12.3. Amending By-law to Update the Site Plan Control Area By-law 149

It is recommended that:

1. **By-law 2022-045** being a by-law to Designate a Site Plan Control Area for the Town of Amherstburg be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

It is recommended that:

1) That the proposed Zoning By-law Amendment for lands located on the northeast corner of Brunner Avenue and Sandwich Street (File ZBA-05-22), owned by 1603941 Ontario Inc. **BE APPROVED IN PRINCIPLE** subject to:

- Confirmation in writing from the applicant's soil consultant that all clauses in the Official Plan (sections 2.3, 2.8.2 and 4.4.3) relating to soil conditions have been complied with;
- That the applicant provides an updated site plan demonstrating that both phases of the development meet a minimum requirement of 1.25 parking spaces per apartment unit. and;

2) That all the above conditions **BE MET** prior to the passing of the amending zoning by-law. When the above noted conditions are met, the amending site specific zoning by-law will be placed on a future Council agenda for adoption. and;

3) That prior to final site plan control approval being granted for the Phase 1 building the following items will need to **BE INCORPORATED** as part of the required site plan agreement:

- That the applicant complies with the recommendations of the acoustical report.
- That the applicant complies with the recommendations of the Heritage Committee.
- That the applicant complies with the recommendations of the Essex Region Conservation Authority and obtain all necessary permits and/or approvals
- That the applicant complies with all other agency comments received by the Town.
- That the applicant complies with the requirements of all municipal departments.
- That the applicant has their biologist confirm in writing the

mitigation measures that are required to ensure compliance with the Endangered Species Act.

- Install perimeter fencing adjacent to the industrial lands, the height and type to be determined as part of the site plan agreement.
- That the applicant complies with the traffic study to the satisfaction of the Town Engineer.
- That the applicant complies with all other applicable by-law/policies of the Town.

13. REPORTS - CAO's OFFICE

13.1. Electronic Meeting Participation for Members 221

It is recommended that:

1. **By-law 2022-047**, being a By-law to Amend By-law 2014-91 to Permit Electronic Participation be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

13.2. Next Generation 911 Authority Agreement 226

It is recommended that:

1. The Report - Next Generation 911 Authority Agreement dated April 8, 2022 **BE RECEIVED**; and,
2. The Mayor and Clerk **BE AUTHORIZED** to execute the Next Generation Authority Agreement with Bell Canada.

13.3. Multiple Fire Services By-law Updates 250

It is recommended that:

1. The following amended by-laws **BE APPROVED**:
 - Fire Department Establishing and Regulating Bylaw
 - By-law to Impose Fees for False Fire Alarms
 - By-law to Regulate Open Air Burning within the Town of Amherstburg
 - By-law Respecting the Sale and Setting Off of Fireworks in the

Town of Amherstburg

14. INFORMATION REPORTS

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

| | | | |
|-------|---|---|-----|
| 14.1. | Building Activity Report for January to March 2022 | | 293 |
| 14.2. | 1st Quarter Fire Department Activity Report January, February & March 2022 | - | 299 |

15. CONSENT CORRESPONDENCE

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

| | | | |
|-------|---|--|-----|
| 15.1. | County Participation in the Regional Food and Organics Waste Program - County of Essex | | 305 |
| 15.2. | Comprehensive Zoning By-law Review - Municipality of Clarington Resolution | | 327 |
| 15.3. | HST Rebate for New Homes in Ontario - Municipality of Grey Highlands Resolution | | 329 |
| 15.4. | Russian Sanctions - Town of Gravenhurst Resolution | | 331 |

16. CORRESPONDENCE

| | | | |
|-------|---|--|-----|
| 16.1. | Fibromyalgia Awareness Day - May 12, 2022 | | 333 |
|-------|---|--|-----|

It is recommended that:

1. The correspondence dated April 13, 2022 from Fibromyalgia Association Canada regarding Fibromyalgia Awareness Day **BE RECEIVED**;
2. May 12, 2022 **BE PROCLAIMED** as Fibromyalgia Awareness Day in the Town of Amherstburg; and,
3. The Amherstburg sign in the Kings Navy Yard Park **BE ILLUMINATED** in purple on May 12, 2022.

17. CONSENT OTHER MINUTES

That the following minutes BE RECEIVED:

- 17.1. Committee of Adjustment Meeting Minutes- March 1, 2022 335

18. UNFINISHED BUSINESS

- 18.1. Unfinished Business List as at April 25, 2022 349

19. NEW BUSINESS

20. NOTICE OF MOTION

There are no Notices of Motion.

21. BY-LAWS

- 21.1. By-law 2022-049 - To Appoint a Deputy Chief for the Amherstburg Fire Department 355

That **By-law 2022-049** being a by-law to Appoint a Deputy Fire Chief for the Amherstburg Fire Department be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

- 21.2. By-law 2022-050 - To Appoint An Assistant Deputy Chief for the Amherstburg Fire Department 356

That **By-law 2022-050** being a by-law to Appoint an Assistant Deputy Fire Chief for the Amherstburg Fire Department be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

- 21.3. By-law 2022-051 - Confirmatory By-law 357

That **By-law 2022-051** being a by-law to Confirm the Proceedings of the Council of the Corporation of 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.

22. ADJOURNMENT

That Council rise and adjourn at p.m.



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

**Monday, April 11, 2022
5:00 PM**

PRESENT

Deputy Mayor Leo Meloche
Councillor Peter Courtney (*participated electronically*)
Councillor Donald McArthur
Councillor Michael Prue (*participated electronically*)
Councillor Marc Renaud
Councillor Patricia Simone

REGRETS

Mayor Also DiCarlo

Peter Simmons, CAO
Valerie Critchley, Director of Legislative Services/Clerk
Bruce Montone, Fire Chief

1. CALL TO ORDER

The Deputy Mayor called the meeting to order at 5:10 p.m.

2. ROLL CALL

All members of Council were present.

3. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

None disclosed.

4. LAND ACKNOWLEDGEMENT

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

5. SPECIAL IN-CAMERA MEETING

Moved By Councillor Courtney
Seconded By Councillor Renaud

That Council move into an In-Camera Meeting of Council at 5:10p.m. pursuant to Section 239 of the Municipal Act, 2001, as amended for the following reasons:

Item A - Section 239(2)(b) - Personal matters about an identifiable individual, including municipal or local board employees; and Section 239(2)(d) - Labour relations or employee negotiations

The Deputy Mayor put the Motion.

Motion Carried

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

None disclosed.

Moved into In-Camera session

Discussion on the items of business: Items A

Moved By Councillor McArthur

Seconded By Councillor Renaud

That Council rise from the special in-Camera session at 5:48 pm and move back in to open session.

The Deputy Mayor put the motion.

Motion Carried

Item A –

Moved By Councillor Simone

Seconded By Councillor Renaud

That the verbal report of the Fire Chief BE RECEIVED for information.

The Deputy Mayor put the motion.

Motion Carried

ADJOURNMENT

Moved By Councillor McArthur

Seconded By Councillor Renaud

That Council rise and adjourn at 5:50 pm.

The Deputy Mayor put the Motion.

Motion Carried

DEPUTY MAYOR – LEO MELOCHE

CLERK – VALERIE CRITCHLEY



**TOWN OF AMHERSTBURG
REGULAR COUNCIL MEETING**

**Monday, April 11, 2022
6:00 PM**

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

MINUTES

PRESENT

Deputy Mayor Leo Meloche
Councillor Peter Courtney – *participated electronically*
Councillor Donald McArthur
Councillor Michael Prue – *participated electronically*
Councillor Marc Renaud
Councillor Patricia Simone

Peter Simmons, CAO
Valerie Critchley, Director, Legislative Services/Clerk
Kevin Fox, Deputy Clerk

ABSENT

Mayor Aldo DiCarlo

CALL TO ORDER

The Mayor called the meeting to order at 6:03 p.m.

ROLL CALL

DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

There were no disclosures of pecuniary interest noted.

LAND ACKNOWLEDGEMENT

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

The Deputy Mayor removed Agenda Items # 9.5 and # 11.1

MINUTES OF PREVIOUS MEETING

Resolution # 20220411-01

Moved By Councillor Renaud

Seconded By Councillor McArthur

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

- 5.1 Special Council Meeting Minutes of March 28, 2022**
- 5.2 Regular Council Meeting Minutes of March 28, 2022, as amended**

The Deputy Mayor put the Motion.

Motion Carried

DELEGATIONS

6.1 **AMA Sportsman Bob Meloche Kids Fishing Derby - Rod Ferris and Chris Drew of AMA Sportsman Association**

Resolution # 20220411-02

Moved By Councillor McArthur
Seconded By Councillor Renaud

That:

1. **The delegation BE RECEIVED;**
2. **The request to waive fees for the use of the Kings Navy Yard Park BE APPROVED; and,**
3. **Fees for the use of the Kings Navy Yard Park BE WAIVED in subsequent years for the Kids Fishing Derby.**

The Deputy Mayor put the Motion.

Motion Carried

REPORTS – CORPORATE SERVICES

7.1 **Final Tax Rate By-Law 2022-044**

Resolution # 20220411-03

Moved By Councillor Prue
Seconded By Councillor Simone

That By-law 2022-044 being a by-law to set and levy the rates of taxation for the year 2022, be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.

The Deputy Mayor put the Motion.

Motion Carried

REPORTS - COMMUNITY AND PROTECTIVE SERVICES

8.1 2022 Special Events Approval - Part II

Resolution # 20220411-04

Moved By Councillor Simone

Seconded By Councillor Courtney

That:

1. The following events BE APPROVED:

- **Park House Museum-Music off the Back Porch: May 20, 2022-September 30, 2022 (1 Friday per month)**
- **Amherstburg Freedom Museum-Ribs & Ragtime: June 11, 2022**
- **Woofa-Roo Pet Fest: June 25-26, 2022**

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

- **Park House Museum-Music off the Back Porch**
- **Amherstburg Freedom Museum-Ribs & Ragtime**
- **Woofa-Roo Pet Fest**

3. An exemption BE GRANTED to Section 3 of the Kings Navy Yard Park By-law #2004-89 to allow for the following public event in the Kings Navy Yard Park:

- **Park House Museum-Music off the Back Porch**

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

- **Amherstburg Freedom Museum-Ribs & Ragtime**

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

The Deputy Mayor put the Motion.

Motion Carried

REPORTS - INFRASTRUCTURE SERVICES

9.1 Fryer Street Reconstruction Phase 2 – Richmond Street to Simcoe Street - Tender Results

Resolution # 20220411-05

Moved By Councillor Courtney
Seconded By Councillor Renaud

That:

1. **A 2022 over-expenditure not to exceed \$139,515 for the Fryer Street Reconstruction Phase 2 (Richmond to Simcoe) project for a total cost not to exceed \$1,989,515 including net HST BE APPROVED to be funded as outlined in the report from the Manager of Engineering dated March 31, 2022;**
2. **The Tender for Fryer Street Reconstruction Phase 2– Richmond Street to Simcoe Street BE AWARDED to Sherway Contracting (Windsor) Limited. for an amount not to exceed \$1,865,514.50 plus HST and the Mayor and Clerk BE AUTHORIZED to execute an agreement with Sherway Contracting (Windsor) Limited for the Fryer Street Reconstruction Phase 2– Richmond Street to Simcoe Street; and,**
3. **The proposal from Dillon Consulting Limited for Fryer Street Reconstruction Phase 2 – Contract Administration and On-Site Services BE ACCEPTED and the Mayor and Clerk BE AUTHORIZED to execute an agreement with Dillon Consulting Limited for Fryer Street Reconstruction Phase 2 – Contract Administration and On-Site Services for a total amount not to exceed \$124,000.00 plus HST.**

The Deputy Mayor put the Motion.

Motion Carried

9.2 2022 Amherstburg Inflow and Infiltration Program

Resolution # 20220411-06

Moved By Councillor Prue
Seconded By Councillor Simone

That Council ENDORSE the 2022 Amherstburg Inflow and Infiltration Program to systematically reduce the treatment of storm water at the Town’s sewage treatment facilities.

The Deputy Mayor put the Motion.

Motion Carried

9.3 2022 Road Repairs Program – Award of Tender

Resolution # 20220411-07

Moved By Councillor Prue
Seconded By Councillor Courtney

That:

- 1. The 2022 Road Repairs Program Tender BE AWARDED to Nasci Construction Services Ltd. in an amount of \$149,400 plus applicable taxes; and,**
- 2. The Mayor and Clerk BE AUTHORIZED to execute an agreement with Nasci Construction Services Ltd. for the completion of the 2022 Road Repairs Program.**

The Deputy Mayor put the Motion.

Motion Carried

9.4 2022 Tar and Chip Program – Tender Award

Resolution # 22020411-08

Moved By Councillor Simone
Seconded By Councillor Renaud

That:

1. **An over-expenditure not to exceed \$7,000 for the 2022 Road Maintenance (Tar and Chip) Program capital project, to be funded from current taxation, BE APPROVED;**
2. **The 2022 Road Maintenance (Tar and Chip) Program Tender BE AWARDED to Shepley Road Maintenance Limited in an amount of \$252,550 plus applicable taxes;**
3. **The Mayor and Clerk BE AUTHORIZED to execute an agreement with Shepley Road Maintenance Limited for completion of the 2022 Tar and Chip Program; and,**
4. **The Mayor and Clerk BE AUTHORIZED to execute an agreement with Shepley Road Maintenance Limited for completion of the 2022 Tar and Chip Program.**

The Deputy Mayor put the Motion.

Motion Carried

9.5 2021 Building Division Fleet Vehicle Purchase

Removed – to be brought back at a later date.

REPORTS - PLANNING AND DEVELOPMENT SERVICES

10.1 Additions to the Heritage Register

The Deputy Clerk read correspondence received by Sami Salem and Touria Sadouk, Owners of 349 Dalhousie Street, with respect to their opposition to list their property as a property of interest on the Town's Heritage Register.

Resolution # 20220411-09

Moved By Councillor Prue

Seconded By Councillor Simone

That:

1. **The following properties BE LISTED on The Town of Amherstburg's Heritage Register, as a non-designated property of cultural heritage value or interest in accordance with section 27(3) of the Heritage Act**
 - a. **159 Gore Street;**

- b. 274 Seymour Street;
- c. 349 Dalhousie Street; and,
- d. 359 Dalhousie Street.

The Deputy Mayor put the Motion.

| | Yes/Concur | No/Not Concur |
|----------------------|------------|---------------|
| Councillor Courtney | X | |
| Councillor McArthur | X | |
| Deputy Mayor Meloche | X | |
| Councillor Prue | X | |
| Councillor Renaud | X | |
| Councillor Simone | X | |
| Mayor DiCarlo | Absent | Absent |

Motion Carried

10.2 Zoning By-law Amendment for 111 St. Arnaud

Resolution # 20220411-10

Moved By Councillor Courtney
Seconded By Councillor Prue

That:

1. **The application for a site-specific rezoning BE APPROVED in principle and the final passing of the zoning by-law be subject to:**
 - i. **The completion of a noise study by the applicant by a qualified acoustical engineer, demonstrating that appropriate sound levels are maintained both inside and outside this facility – to meet all applicable health, safety and firearm regulations, and to maintain outdoor sound levels that do not exceed levels that currently exist at this location, and**
 - ii. **Execution of a Site Plan Agreement to the satisfaction of the Town.**

2. **Following the completion of the above conditions, a by-law to rezone the lands and a by-law to authorize the execution of the Site Plan Agreement BE PRESENTED at a future Council meeting.**

The Deputy Mayor put the Motion.

Motion Carried

REPORTS - CAO's OFFICE

- 11.1 **Proposed regulatory changes to the Fire Protection and Prevention Act. R.S.O. – Firefighter Certification**

Removed – as dealt with at the March 28, 2022, Regular Meeting of Council

INFORMATION REPORTS

Resolution # 20220411-11

Moved By Councillor Simone

Seconded By Councillor Renaud

That the following information reports BE RECEIVED:

- 12.1 **Amherstburg Detachment of the Windsor Police Service Quarter 1 Policing Activities Report**

The Deputy Mayor put the Motion.

Motion Carried

CONSENT CORRESPONDENCE

Resolution # 20220411-12

Moved By Councillor Renaud

Seconded By Councillor McArthur

That the following consent correspondence BE RECEIVED:

- 13.1 **AMO Policy Update - Ontario and Canada Sign Agreement for Early Years Child Care**

- 13.2 **AMO Policy Update - More Homes for Everyone Plan, Non-Resident Speculation Tax, Fee Elimination for Volunteer Police Background Checks**
- 13.3 **City of Waterloo Resolution re. Changes to the Ontario Building Code**
- 13.4 **Halton Hills Resolution re. New Gravel Extraction**
- 13.5 **Fort Erie Resolution re. Climate Change Action Plan**
- 13.6 **Municipality of Shuniah Resolution re. Support for Chapple Township NOMA Resolution**

The Deputy Mayor put the Motion.

Motion Carried

Resolution # 20220411-13

Moved By Councillor Prue
Seconded By Councillor Courtney

Item # 13.5 - That Administration BE DIRECTED to review Fort Erie's resolution and determine whether the Town's Climate Action Plan could be strengthened by adding Fort Erie's recommendations.

The Deputy Mayor put the Motion.

Motion Carried

CORRESPONDENCE

- 14.1 **Falun Dafa Association Proclamation and Flag Raising Request**

Resolution # 20220411-14

Moved By Councillor Renaud
Seconded By Councillor Prue

That:

- 1. **The Town of Amherstburg PROCLAIM that the month of May to be observed as "Falun Dafa Month" in the Town of Amherstburg.**

2. **May 13, 2022 BE RECOGNIZED as 'Falun Dafa Day' in the Town of Amherstburg; and,**
3. **The Falun Dafa flag BE RAISED in accordance with the request of the Falun Dafa Association.**

The Deputy Mayor put the Motion.

Motion Carried

14.2 Brain Tumour Awareness Month Proclamation Request

Resolution # 20220411-15

Moved By Councillor Simone
Seconded By Councillor McArthur

That the Town of Amherstburg PROCLAIM the Month of May to be Brain Tumour Awareness month.

The Deputy Mayor put the Motion.

Motion Carried

CONSENT OTHER MINUTES

Resolution # 20220411-16

Moved By Councillor Simone
Seconded By Councillor McArthur

That the following Minutes BE RECEIVED:

15.1 Co-An Park Committee Meeting Minutes of February 9, 2022

The Deputy Mayor put the Motion.

Motion Carried

OTHER MINUTES

16.1 Seniors Advisory Committee Meeting Minutes of February 7, 2022

Resolution # 20220411-17

Moved By Councillor McArthur
Seconded By Councillor Renaud

That:

1. **The Seniors Advisory Committee Meeting Minutes of February 7, 2022 BE RECEIVED;**
2. **An information center space BE LOCATED at the front of 320 Richmond Community Hub for sharing public information on events, festivals, activities and programming; and,**
3. **A costing report BE PREPARED for Council so that funding can be secured.**

The Deputy Mayor put the Motion.

Motion Carried

16.2 Drainage Board Meeting Minutes of April 5, 2022

Councillor Prue requested that the monetary values be added to recommendation # 3.

Resolution # 20220411-18

Moved By Councillor Renaud
Seconded By Councillor Simone

That:

1. **The Drainage Board Meeting Minutes of April 5, 2022, BE RECEIVED;**
2. **The preliminary engineer's report, prepared by R. Dobbin Engineering Inc. on March 10, 2022 for the Rebidoux Drain BE RECEIVED;**
3. **Council DIRECT the Engineer to proceed with the preparation of a final engineering report in accordance with Section 78 of the Drainage Act according to Option 4 – Improvement Between Station 0+000 and Station 1+055 (Open Channel c/w Lawn Enclosures) as described in the**

preliminary engineer's report dated March 10, 2022, for the estimated cost of \$370,310.00 but to proceed with Option 3 – Improvement Between Station 0+000 and Station 1+055 (2 Stage Design), for the estimated cost of \$512,538.00, if Option 4 is found to be unfeasible, as recommended by the Drainage Board;

4. An over-expenditure not to exceed \$94,925 for the Charles Shepley Main Drain Improvements project, for a total cost not to exceed \$162,257 including net HST BE APPROVED and BE FUNDED by recoveries from benefitting property owners; as recommended by the Drainage Board;
5. An over-expenditure not to exceed \$3,459 for the Charles Shepley Main Drain Improvements project including net HST BE APPROVED and BE FUNDED from current taxation, with any surplus/deficit resulting from taxation funded operations to be addressed through recommendations in the year end (Q4) variance report; as recommended by the Drainage Board;
6. The tender for the Charles Shepley Drain Improvements BE AWARDED to Reg Clark Trucking Ltd. for an amount not to exceed \$122,387.42 plus H.S.T., as recommended by the Drainage Board;
7. The Mayor and Clerk BE AUTHORIZED to execute an agreement with Reg Clark Trucking Ltd. for completion of the Charles Shepley Drain Improvements, as recommended by the Drainage Board;
8. The request from W. Kip Stratichuk per 78 of the Drainage Act BE ACCEPTED, as recommended by the Drainage Board, and;
9. The firm N.J. Peralta Engineering Ltd. complete the necessary report for the repair and improvement to the Darrah Drain BE APPROVED, as recommended by the Drainage Board.

The Deputy Mayor put the Motion.

Motion Carried

16.3 Drainage Board Meeting Minutes of March 22, 2022

Resolution # 20220411-19

Moved By Councillor Prue

Seconded By Councillor Simone

That:

- 1. The Drainage Board Meeting Minutes of March 22, 2022 BE RECEIVED;**
- 2. By-law 2022-031 being a by-law to provide for the Pike Road Drain Improvements and Auxiliary Drain Outlet based on the Drainage Report by Rood Engineering Inc. BE PROVISIONALLY ADOPTED by giving first and second reading and the Mayor and Clerk BE AUTHORIZED to sign same; and,**
- 3. By-law 2022-30 being a by-law to provide for the 2nd Concession Road Drain South (Open Portion North of Lowes Sideroad) Repair and Improvement based on the Drainage Report by Rood Engineering Inc. BE PROVISIONALLY ADOPTED by giving first and second reading and the Mayor and Clerk BE AUTHORIZED to sign same.**

The Deputy Mayor put the Motion.

Motion Carried

UNFINISHED BUSINESS

1. Deputy Mayor Meloche asked for an update with respect to the 2nd Concession Bridge.

The Director of Infrastructure Services advised that they are awaiting the asphalt plants to be open and the estimated timeline for completion of the bridge is May 2022.

NEW BUSINESS

1. Councillor Prue advised that he received an email from Mr. Amlin with respect to vines growing on the side of the Gordon House and possibly causing damage to the siding.

The Chief Administrative Officer advised that he will have it looked at.

2. Resolution # 20220411-20

Moved By Councillor McArthur
Seconded By Councillor Prue

That the correspondence forwarded to the Federal Government in November 2021 with respect to weather alerts be forwarded to the County of Essex.

The Deputy Mayor put the Motion.

Motion Carried

NOTICE OF MOTION

There were no Notices of Motion.

BY-LAWS

20.1 Confirmatory By-law 2022-046

Resolution # 20220411-21

Moved By Councillor McArthur
Seconded By Councillor Prue

That By-law 2022-046 being a by-law to Confirm all Resolutions of the Municipal Council Meetings held on April 6 and 11, 2022, be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.

The Deputy Mayor put the Motion.

Motion Carried

ADJOURNMENT

Moved By Councillor Courtney
Seconded By Councillor Renaud

That Council rise and adjourn at 7:36 p.m.

The Deputy Mayor put the Motion.

Motion Carried

DEPUTY MAYOR – LEO MELOCHE

CLERK – VALERIE CRITCHLEY



Delegation Request Form

I wish to appear before *

Council

Advisory Committee of Council

Date of Meeting *

4/25/2022



Name of Delegate(s) *

Richard White

Address *

[REDACTED]

Phone *

[REDACTED]

Email *

[REDACTED]

Capacity in which you will be attending *

Attending as an Individual

Representing a Group / Organization

Name of Group / Organization / Business *

Amherstburg Pickleball Association

Have you contacted Administration regarding this matter? *

Yes

No

Who from Town Administration have you contacted? *

Julie Columbus

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

Expansion of pickleball facilities

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


Will a powerpoint presentation be made? *

Yes

No

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

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

| File Name |
|---|
|  Delegation Notes. Amherstburg Pickleball Association.docx 22.0 KB |

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

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

AMHERSTBURG PICKLEBALL ASSOCIATION

The Road to a Pickleball Hub in Amherstburg

1. Background

- Sept 11, 2019: Amherstburg Pickleball Association (APA) delegates presented to the Parks and Recreation Advisory Committee on the suggestion of Councilor Peter Courtney.
- "The Town's Parks and Recreation Advisory Committee is recommending Council explore the construction of a Pickleball Hub at Malden Park following an impassioned presentation by members of the newly-formed..." Wrote Councilor Donald McArthur. A link to the presentation is included in the article.

https://www.donaldmcarthur.com/amherstburg_pickleball_players_make_impassioned_presentation_to_parks_committee#addreaction

- Sept 26, 2019: Administration was directed by Council to investigate the feasibility of
 1. Restoring the two (2) out-of-repair tennis courts at Malden Centre Park for Pickleball use.
 2. Expansion lands at the Libro: pickleball opportunities both inside and outside
 3. St Bernard gym for one or two pickleball courts

Unfortunately COVID-19 got in the way of building the Pickleball Courts.

2. Exponential Growth in Pickleball

- John R. Embree, CEO of the U.S. Professional Tennis Association (USPTA), compared pickleball's growth to tsunami, calling it overwhelming and almost uncontrolled. "It's a phenomenon the likes of which we haven't seen in our industry throughout my 40 year career," he said.
- Covid lockdowns have brought in even more young people to Pickleball.

3. Pickleball Tournaments to Bring in Tourism Money

With a Pickleball Court Complex of 14 or more courts, Amherstburg will be qualified to host the annual **Pickleball Canada National Championship**. Imagine the boost in tourism and the **great return on investment for the town**

Example: Tourism Economic Impact to City

Naples, FL: Minto US Open Pickleball Championship

2016(inaugural): \$2.5 million 2018: \$4.5 million

Kingston, ON: Pickleball Canada National Championship

2019 & 2020: about \$2 million over 2 years

4. Prioritize funding and building **dedicated pickleball courts (DPB)** in Amherstburg.

Pickleball courts are an **excellent use of community resources and should be prioritized**, as the sport can be played by people of all ages with or without athletic background including those with disabilities and other health issues. In Amherstburg, many best players are 12 years old and 80 years old. The benefits are numerous: a new sport for kids (refer to Pickleball Ontario elementary school lesson plan [PickleballLessonPlan_FINAL02.pdf](#)); physical, mental and social wellbeing for seniors; active outlet to connect the community.

- Amherstburg currently has **NO dedicated pickleball** courts.
- Dedicated Pickleball courts are an efficient use of park space that requires little maintenance.
- **16 people can play on 4 pickleball courts in the same amount of space required for 1 tennis court**, which is typically used by just **2** people.
- Tennis already has 2 locations within town to play and tennis matches generally last up to hours, tying up court time for a maximum of 4 players per court for the entire period. In the same space and time, 3 or 4 pickleball courts could accommodate 12 or 16 players per game, with multiples rotating in after each game. Court usage is considerably more efficient. Dedicated courts would avoid the ongoing time conflicts which presently occur.

We appreciate the current administration's leadership in starting the Amherstburg Pickleball Hub project. This will qualify Amherstburg to host the **Pickleball National Championship**. Imagine the boost in tourism and the **great return on investment for the town**

5. Where to Build?

As indicated in our presentation in September 2019, we believe that the **Libro Centre** provides the greatest benefits and opportunities for the town and our members in promoting and developing pickleball.

However our need is for an increase in pickleball facilities as soon as possible and we will support an expansion of playing opportunities in any location if this is considered the most viable option at this time.

Malden courts have become a hazard to use and are likely not an option at this time although could likely still be used as tennis courts.

6. Comparison to other towns

Kingsville: Pickleball Complex 8 Courts (2021), + 8 new shared courts

Tecumseh: Pickleball Complex 10 courts (2022), + 4 Pickleball courts at Shawanoe Park, +year round courts at the Legion

Lasalle: 5 Pickleball courts, +2 year round courts at Heritage Park Church

LakeShore: 4 multi use year round courts, +another community centre location

Windsor: 10 Pickleball courts (2022 under construction) , + many year round indoor courts at Riverside, WFCU, Central Park, Fogolar

<https://www.citywindsor.ca/residents/parksandforestry/Parks-Development/park-improvement-open-houses/Pages/Forest-Glade-Optimist-Pickleball-and-Tennis-Court-Improvements.aspx>



Town of Amherstburg Delegation Request Form

I wish to appear before:

Council

Advisory Committee of Council Specify: _____

Date of Meeting: April 25, 2022

Name of Delegate(s): Ken Morrison, Felicia Cristofaro, Eric Freeze

Address: _____

Phone: _____

Email: _____

Attending as an Individual

Representing a Group/Organization Thrive Amherstburg
(Name of Group/Organization/Business)

Have you contacted Administration regarding this matter? Yes No

If yes, who? Kevin Fox

Reason(s) for Delegation Request (subject matter to be discussed):

If the request is in response to an item on the agenda, please specify the item by agenda item #.

Investment in Electric vehicle chargers
utilizing the ChargeUP Windsor Essex
program

(Use a separate page if more space is required or attach additional documentation.)

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

****Speaking notes and presentation materials must accompany this request.**

Additional documentation attached? Yes No

Will a PowerPoint presentation be made? Yes No

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

The completed Delegation Request Form is to be submitted to the Town Clerk, Town of Amherstburg, 271 Sandwich Street South, Amherstburg, ON N9V 2A5
Phone: 519.736.0012 Fax: 519.736.5403 or email clerk@amherstburg.ca.

For office use only:

Date request received: _____ Request Received by (initials): _____

Request relates to: _____

Staff Report: _____ Staff Name: _____

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

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CLIMATE ACTION PLAN – PHASE 2

Electric Vehicle Charging Stations In Downtown Amherstburg



Climate Action Plan

- Amherstburg has committed to a Climate Action Plan
- Successful tree planting April 23rd sponsored by Essex Powerlines
- Transportation accounts for 28% of GHG emissions
- EV sales mandate announced March 29th, 2022:
 - 20% by 2026
 - 60% by 2030
 - 100% by 2035

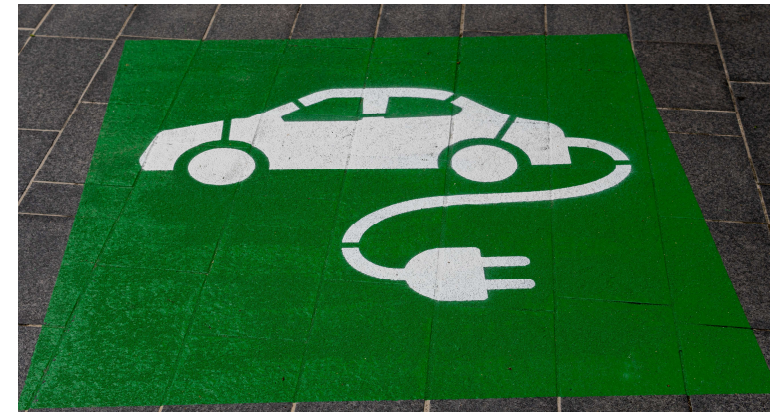


Range Anxiety

- **Range Anxiety:** “Is the driver’s fear that a vehicle has insufficient energy storage to cover the distance to the destination (and return).”

63% Would visit Amherstburg more often

91% Want Council to take advantage of EPC incentive



EV Charger Recommendations

| Type of Infrastructure | Estimated Unit Cost (\$000) | Approximate Charging Time (Empty Battery) | Average Cost to Driver |
|------------------------|-----------------------------|---|------------------------|
| Level 2 | \$10 - 18 | 200km: +/- 5 hours 400km: +/- 11 hours | \$1/hour |
| Level 3 (Fast Charger) | \$42 - 83 | 200km: +/- 40 min 400km: +/- 65 min | \$15/hour |

- Recommending only Level 3 charging stations (at least stations)



ChargeUP Windsor Essex



Types of qualified infrastructure & available funding

| Type of Infrastructure | Output | Maximum Funding | Program Limitations |
|------------------------|--------------|--|--|
| Fast charger | 20kW to 49kW | Up to 50% of total project costs, to a maximum of \$15,000 per charger | Total cost can't exceed \$30,000 per charger. |
| Fast charger | 50kW plus | Up to 50% of total project costs, to a maximum of \$50,000 per charger | Total cost can't exceed \$100,000 per charger. |

- 67.5% Subscribed as of April 19



ChargeUP Windsor Essex



| | |
|-------------------------------|----------------|
| Final Installation Completion | March 31, 2024 |
| Final Expense Submission date | March 31, 2024 |
| Project Completion Date | March 31, 2024 |



Charger Locations



- Locations provide space for EV infrastructure without removing regular parking spots
- Co-located with key tourist attractions to facilitate charging time with their visit



Now is the Time to Invest

- Recommendation to install at least 4 Fast Chargers downtown
 - Approximate cost \$240,000
 - Opportunity to save taxpayers \$120,000
- Utilize ChargeUP funding to reduce the overall cost
 - 67.5% of funding already subscribed





CLIMATE ACTION PLAN – PHASE 2 WHITE PAPER

Range Anxiety: “Is the driver’s fear that a vehicle has insufficient energy storage to cover the distance to the destination (and return).”

BACKGROUND

Amherstburg is a tourist town and given the County's dependence on automobiles, that is the normal way for people to visit our town. With the increasing trend to electric vehicles the town needs public electric vehicle (EV) charging stations. Currently our town is what is called an "EV Charging desert" - meaning there are no charging stations for visitors to recharge their cars. Essex Powerlines Corporation (EPC) has introduced an incentive plan to help communities fund the installation of charging stations. The funds are limited and there will be significant competition for them.

The T.H.R.I.V.E. team that created this White Paper:

Ken Morrison P.Eng (delegating)
Felicia Cristofaro B.Eng, M.Sc.Eng (delegating)
Claire Sanders | Director
Richard Peddie | Director
Kory Renaud | Director
Anthony Mancini
Robert Dennison
Ivan Petkovic
Cindy Lemieux

RECOMMENDATION

Amherstburg moves quickly to take advantage of the Essex Powerlines “Charge Up Windsor Essex County” funding program to locate 2 - 4 public charging locations in the downtown core, where each of those locations includes 2 - 4 charging stations.

RATIONALE

The climate crisis continues unabated. Across the world last year’s weather disasters included record shattering heat waves, more violent storms, persistent droughts, and devastating wildfires. Billion dollar weather disasters are becoming much more common. And Amherstburg is not immune. The Climate Emergency Declaration that Amherstburg County Council made in November 2019, committed to, among other things, “implementing climate action and making a transition to a low-carbon economy, which also represents a significant opportunity to stimulate economic growth, increase job opportunities, and develop new technologies”.

T.H.R.I.V.E. is pleased that the town has agreed to the Tree Planting test study and is helping finance rain barrels. These are small, but important, pieces to a much bigger climate action puzzle. Budgeting \$125,000 for a Climate Change Adaptation / Action Plan in 2022 is an excellent next step. We recognize that a significant amount of time is needed to develop clear strategies and funding mechanisms for this Action Plan. However, it is our belief that climate change is so important that it should be treated as an ongoing line item. Accordingly, the funding should not have been taken out of RESERVES.

However, we also believe that there are important ‘no-regret’ actions (or ‘low-hanging fruit’) that can be undertaken prior to the approval of the plan, which is expected to take at least 18+ months. In May 2021 the County of Essex council, including Amherstburg’s two representatives, approved the Essex County Regional Energy Plan. The Plan identified the strategies needed to reduce greenhouse gases across all sectors including transportation. This excellent report contains a great deal of information and opportunities where Amherstburg can lead with necessary actions

One piece of low-hanging fruit is fostering an environment favourable to electric vehicle drivers through the installation of electric vehicle (EV) infrastructure. In June 2021, the federal Ministers of Transport and Environment and Climate Change announced that Canada is setting a mandatory target for all new light-duty cars and passenger trucks sales to be zero-emission by 2035. This is accelerating Canada’s previous goal, which was set for 2040. To meet this objective, Canada has set the following targets:
10% of all new vehicles to be zero emission vehicles (ZEVs) by 2025;
100% by 2035.

Ontario has just launched its ONroute EV Charging stations with chargers being installed along the 401 in Cambridge, West Lorne, and Dutton. As more electric vehicles come onto our roads each year, it's vital that we build infrastructure locally to support them. As of January 2022, there are 73,000 EVs registered in Ontario. By 2030, one of every three automobiles sold will be electric.

Every automaker has made a commitment to electrification of its fleet. See Appendix 1 for a list of automakers and their commitments to electrification and carbon neutrality. Currently, electric vehicles represent about 2% of total global vehicle sales and will be about 24% of total sales by 2030. The recent dramatic uptick in gas prices and the ongoing international issues re: oil supply will encourage more individuals to consider purchasing electric vehicles. Total Global EV sales are projected to grow from 2.5 million in 2020 to 11.2 million in 2025, then reaching 31.1 million by 2030. See Image 1 for the outlook for annual global passenger-car and light-duty vehicles sales. Additionally, projections indicate Ontario will have almost three million ZEVs on the road by 2035.

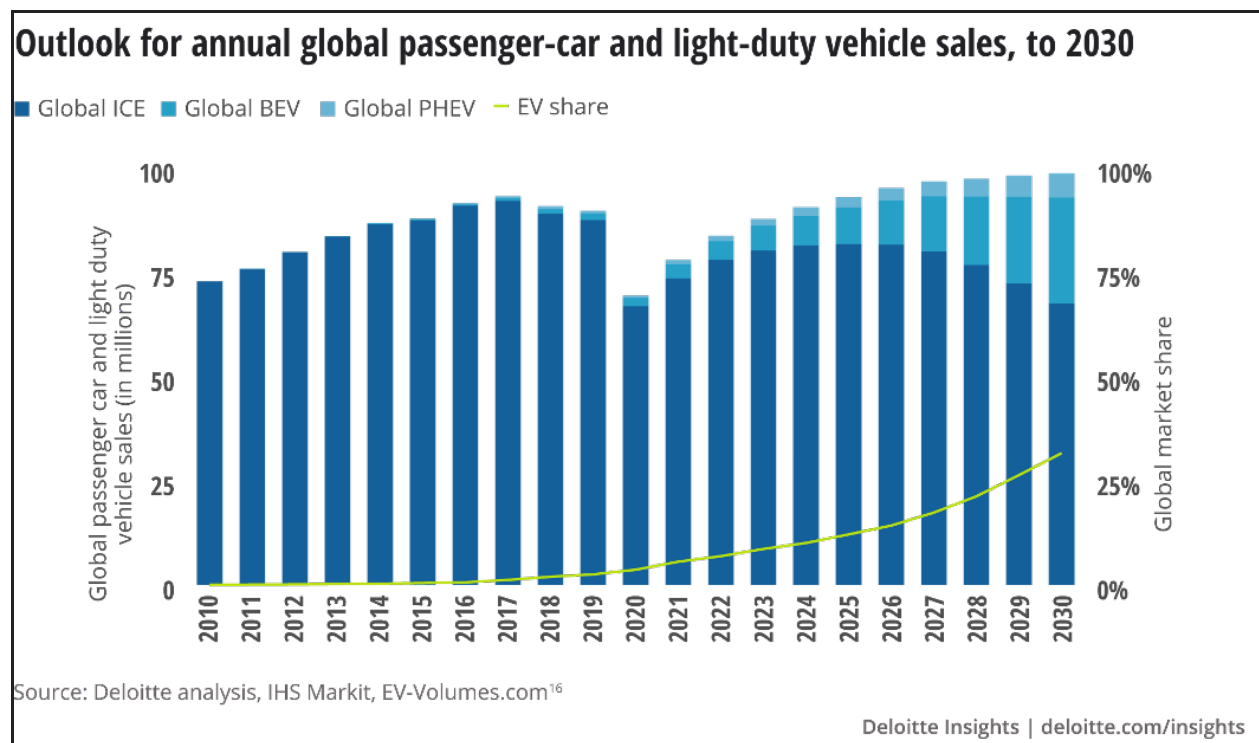


Image 1

Access to localized and visible charging infrastructure is key to alleviating driver concerns about where to charge their vehicle. Furthermore, easy access to quick EV charging stations is a major factor in determining where EV owners choose to spend their travel dollars.

A new study by the Nuclear Innovation Institute (NII) ^[2] warns that rural regions in Ontario could be at risk of losing tourist business unless they provide more charging opportunities for Ontario's growing number of EV drivers to plug in. Ensuring Amherstburg is ready for heavier EV tourist traffic requires a coordinated approach to adding charging capacity and ensuring the right kinds of stations are installed in the right places. This could be considered as one part of a comprehensive sustainable transportation action plan for the town.

Surrounding towns are also aware of the future need for charging stations. While the number of public charging stations is currently low in Windsor-Essex County, this will change with the Essex Powerlines' incentive and the political realization by towns that they need EV chargers to be competitive for tourist dollars.

As pointed out in T.H.R.I.V.E's first Climate Action White Paper, climate change imposes financial and liability risks on municipal governments. Litigation related to climate change continues to be on the rise all over the world, and the most frequent targets are governments and public authorities. The time is now to act and get ahead of as many climate issues as we can.

Electric Vehicle Charging Station Details

Ultimately, the financial analysis and decisions on what type of EV charging stations Amherstburg needs, lies with town administration. To support this decision-making, we have undertaken some preliminary research on the types of chargers, wattage, charging time, connector type, and cost to the driver (see Table 1).

It is our recommendation that, in order to encourage tourists to visit downtown Amherstburg, units should be a mix of Level 2 and Level 3 (fast charger).

Table 1 - Description of infrastructure that could be deployed at charging stations [3]

(Note: Level 1 chargers are for home use only and are not considered in this whitepaper)

| Type of Infrastructure | Power (kW) | Approximate Charging Time (Empty Battery) | Public Connector Types | Average Cost to Driver |
|---------------------------|----------------------------------|--|---|------------------------|
| Level 2 | 3 to 20, Typically 6 | 200km (124 miles): +/- 5 hours 400km (249 miles): +/- 11 hours | Port J1772 | \$1/hour |
| Level 3 (Fast Charger) | Typically 50, Occasionally 20 | 80% of 200km (124 miles): +/- 30 min 80% of 400km (249 miles): +/- 1 hour | CHAdeMO SAE Combo CCS (not compatible with Tesla) | \$15/hour |

EV drivers are accustomed to paying to charge their vehicle and we support these units being pay-per-use. Funds generated by use of the charging stations administered through a subscription service, will help fund the chargers.

When installing the initial chargers, thought should also be given to how capacity can be increased as demand for EV charging increases. Table 2 shows the types of EV chargers that are currently installed around Windsor-Essex and financing options.

Table 2 - The types of EV chargers that are currently installed in Windsor-Essex County^[4]

| Manufacturer | Estimated Level 2 Unit Cost | Estimated Level 3 Unit Cost | Financing Option | Subscription Solution | Notes |
|----------------------------|--|--|---|---|----------------------|
| ChargePoint ^[5] | Dual-port Bollard style Outright purchase of \$13-18K | Dual-port Bollard style Outright purchase of \$64-83K | Terms range from 12 to 60+ months subject to credit approval. Monthly payments as low as \$100 per parking space, per month. | Billed annually for a 5-year subscription term (includes final install, set-up, monitoring, software updates/issues, repairs). \$2,160/year for 1 dual-port Level 2 charging station. \$11,400/year per 1 Level 3 charging station. | Images 2 and 3 below |
| FLO ^[6] | Dual-port Pedestal Outright purchase of \$10-13K | Dual-port Pedestal Outright purchase of \$42-50K | Could not determine if financing was available. | Could not determine if there were extra costs for the network services. | Images 4 and 5 below |
| Sun Country ^[6] | Single port (pedestal mount & additional charger sold separately) Outright purchase of \$1-2K | N/A | Could not determine if financing was available. | Network Activation: \$200.00 / Unit - 1 time fee. Network Services: \$24 / port / month + 10% transaction fee (includes monitoring, software updates/issues, repairs, 24/7 support). | Image 6 below |
| ivy ^[7] | Dual-port Pedestal Could not determine outright purchase cost. | N/A | Could not determine if financing was available. | Billed annually for a 10-year subscription term ((includes final install, set-up, monitoring, software updates/issues, repairs). \$2,200/year for 1 dual-port Level 2 charging station. | Image 7 below |



Image 2: ChargePoint Bollard Dual Level 2^[5]



Image 3: ChargePoint Bollard Dual Level 3^[5]



Image 4: FLO Pedestal Dual Level 2^[6]



Image 5: FLO Pedestal Dual Level 3^[6]



Image 6: Sun Country Highway Single Level 2^[6]



Image 7: ivy Dual Level 2^[7]

Charger Locations

The location of the charging stations also needs to be determined by town administration, who should consider the installation and site related costs (i.e. trenching, service connection, site restoration, etc). However, we strongly recommend that charging stations should be in multiple locations where the greatest number of tourists park their cars to experience Amherstburg's sights and amenities.

Possible locations for EV charging locations might include:

1. Public parking lot south of Caffeine & Company
2. Public parking lot at the corner of Richmond St and Ramsay St
3. Parking lot at Heritage Square
4. Toddy Jones Park



THE OPPORTUNITY – CHARGE UP WINDSOR-ESSEX COUNTY

Essex Powerlines Corporation (EPC) has launched an initiative that will facilitate Community Leaders in developing opportunities for electrification within our region. Specifically they are helping lead a charge to help bolster and transform the region’s transportation sector by helping achieve greater reductions in fuel consumption and GHG emissions. Their program is aimed at aiding the Government of Canada in its transition to a new low carbon economy by reaching its ambitious federal targets of dramatically increasing the sales of EVs.

EPC is currently accepting applicants who are seeking to install new EV charging infrastructure. Selected applicants will be awarded with funding for their new charging infrastructure project for up to 50% of total project costs (or \$100,000). See Table 3 below for funding opportunities.

T.H.R.I.V.E. has had discussions with EPC staff to better understand their plan. We understand that the pace of applications is good and they expect that it will be fully subscribed. Only once an application is submitted can they assign an application number and secure a place in the queue for Amherstburg. T.H.R.I.V.E. believes competition will be significant for the available funds and therefore time is of the essence.

Important Dates

| | |
|--------------------------|----------------|
| Final Installation | March 31, 2024 |
| Final Expense Submission | March 31, 2024 |
| Project Completion | March 31, 2024 |

Note: T.H.R.I.V.E. recognizes that the 2022 Capital budget has been finalized. Given EPC timelines, this investment could be funded in the 2023 budget.

Table 3 – EPC “Charge Up” Funding Opportunities for Different Chargers^[1]

(Note: Level 1 chargers are for home use only and are not considered in this whitepaper)

| Type of Infrastructure | Output | Maximum Funding | Program Limitations |
|--------------------------|-----------------|---|---|
| Level 2 | 3.3kW to 19.2kW | Up to 50% of total project costs, to a maximum of \$5,000 per connector | Total cost can't exceed \$10,000 per connector. |
| Level 3 (Fast Charger) | 20kW to 49kW | Up to 50% of total project costs, to a maximum of \$15,000 per charger | Total cost can't exceed \$30,000 per charger. |
| Level 3 (Fast charger +) | 50kW plus | Up to 50% of total project costs, to a maximum of \$50,000 per charger | Total cost can't exceed \$100,000 per charger. |

CONCLUSION

Amherstburg is embarking on a Climate Action Plan. While that plan is months off, it is very safe to assume that it will need to address the increased use of electric vehicles. Thanks to Essex Powerlines, Amherstburg can make that happen now. But competition for their capped funds will be quick and fierce.

As a reminder on November 19, 2019, Amherstburg declared a Climate Emergency and directed administration to prepare a report containing recommendations for priority action items, implementation measures and cost requirements to accelerate and urgently work towards the reduction of emissions and preparing for our climate future.

This White Paper champions electric vehicle charging that addresses that declaration perfectly. Time is of essence to now help make this happen.

“The greatest threat to our planet is the belief someone else will save it”
- Robert Swan

APPENDIX

Automakers are spending billions developing EV. It only makes sense that Amherstburg invests to prepare for their future new models.

This table shows dates by which automakers say their lineups will comprise only plug-in hybrid electric vehicles (PHEVs) and battery-electric vehicles (BEVs), and then only BEVs. Automakers have answered these questions in different ways, such as describing when the last gas or diesel (combustion) platform comes to market instead of when the maker will be 100% BEV. Hybrids do not count as electrified vehicles here.

Automaker Plans for Electrification ^[10]

| Vehicle | Date for PHEVs- BEVs Only / Date for BEVs Only | Date for Carbon Neutrality | Planned spending on EVs | Milestones |
|--------------------------|--|----------------------------------|-------------------------------|--|
| Bentley | By 2026 By 2030 | By 2030 | N/A | First battery EV in 2025 |
| BMW | N/A N/A | 100% renewable energy by 2050 | \$6.5 billion (2019 figure) | 2 million fully electric vehicles by the end of 2025 |
| Ford | N/A N/A | By 2050 | \$22 billion through 2025 | 76% carbon emissions reduction by 2035 |
| Cadillac | N/A By 2030 | N/A | N/A | No new models with gas engines now |
| General Motors | N/A By 2035 | By 2040 | \$35 billion through 2025 | Electric Hummers and Silverado coming |

| | | | | |
|---------------------------------------|--|------------------------------------|--|---|
| Honda | N/A 2022 (Europe), 2040 (North America) | By 2050 | N/A | 2 new EVs in 2024 to be built by GM |
| Hyundai-Kia | N/A N/A | Undated pledge | \$7.4 billion in the U.S. by 2025 | 23 types of EVs and hydrogen cars by 2025 |
| Jaguar Land Rover | 100% with some electrification by 2030 By 2030 | By 2039 | \$3.5 billion annually | 6 electric Land Rovers over the next 5 years |
| Mazda | N/A N/A | By 2050 | N/A | First battery EV is the MX-30 in the fall |
| Mercedes- Benz | All new platforms EV-only in 2025 2030 with caveats in some markets | By 2039 | \$47 billion between 2022 and 2030 | EQS luxury sedan on sale this fall |
| Mitsubishi | N/A N/A | 25% carbon reduction by 2030 | N/A | A plug-in hybrid focus. The Airtrek EV shown for the Chinese market. |
| Nissan | N/A N/A | By 2050 | \$1.3 billion on EV hub in England | 8 EVs on the road by the end of 2023 |
| Rolls-Royce | EVs will be available in 90% of segments N/A | By 2030 | N/A | Silent Shadow is in development, using BMW technology |

| | | | | |
|----------------------------------|--|---------|--|--|
| Stellantis | 70% of European sales, 40% of North American sales electrified in 4 years N/A | N/A | \$35.5 billion in EV spending through 2025 | 55 electrified cars and trucks for sale in the U.S. and Europe by 2025 |
| Toyota | 8 million electrified vehicles by 2030 N/A | By 2050 | N/A | 70 electrified models by 2025, 15 of them battery EVs |
| Volkswagen Group | 50% fully electric sales in U.S. by 2030 Last new combustion platform in 2026 | By 2050 | \$86 billion through 2025 | The VW Group has 70 new electrified models in the pipeline |
| Volvo | By 2025, half of global sales fully electric By 2030 | By 2040 | \$1 billion annually on electrification and autonomy | All fully electric models will be available online only |

REFERENCES

1. [Deloitte Insights](#)
2. [RURAL ONTARIO MUST GET READY FOR THE ELECTRIC VEHICLE FUTURE](#)
3. [Essex Powerlines Corporation](#)
4. [Plug 'N Drive](#)
5. [ChargePoint](#)
6. [Goderich ON EV Chargers Cost Estimates](#)
7. [Halton Hills ON EV Chargers Cost Estimates](#)
8. [Electric Autonomy](#)
9. [Essex Powerlines Corporation Charge Up Timeline](#)
10. [Forbes](#)



Delegation Request Form

I wish to appear before *

Council

Advisory Committee of Council

Date of Meeting *

4/25/2022



Name of Delegate(s) *

Rob Piroli, Tom Storey, Robert Millson

Address *

1500 Ouellette ave #201 Windsor Ont. N8X
1K7

Phone *

[REDACTED]

Email *

rob@piroligroup.com

Capacity in which you will be attending *

Attending as an Individual

Representing a Group / Organization

Name of Group / Organization / Business *

Piroli Group Developments

Have you contacted Administration regarding this matter? *

Yes

No

Who from Town Administration have you contacted? *

Valerie Critchley

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

We want to speak to the approval of our rezoning application and answer any questions.

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

We are in favour of approving the rezoning application.


Will a powerpoint presentation be made? *

Yes

No

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

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

| File Name | |
|---|---------------------------------|
|  | Meeting Minutes.PDF 125.6 KB |

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

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

PIROLI REZONING APPLICATION SPEAKING NOTES

Mr. Piroli will provide the following information to Council at the April 25, 2022 meeting:

1. Detailed market study showed large deficiency of rental units in Amherstburg compared to all other municipalities in Essex County.
2. Purchased 11 acres in October, 2021.
3. Lands are zoned GC-5 which is general commercial exception area 5. This does not list residential as a permitted use and for this reason the application for rezoning was brought.
4. Piroli intends to build two six storey apartment building of 114 units each on six acres of land fronting on Sandwich Street North.
5. Public meeting held November 2021 and most neighbours supported change from commercial use to residential use.
6. Neighbour to the North is Honeywell and it provided a letter to Town of Amherstburg that it supported residential use and the rezoning and the construction of the two proposed apartment buildings.
7. Piroli had numerous studies completed including:
 - i) Traffic Impact Study
 - ii) Functional Engineering Report
 - iii) Environmental Assessment
 - iv) Archeological Assessment
 - v) Planning Justification Report
 - vi) Acoustics Study
 - vii) Market Study
 - viii) Species-at-Risk Information

All studies supported the proposed development.

8. Piroli completed environmental testing and only a small patch of land required remediation. Remediation was completed and lands are environmentally clean.
9. Heritage Committee unanimously approved elevations and facings and construction materials and supported the design of the apartment buildings.

10. At public meeting held March 28, 2022 Council expressed concern as to parking. Piroli increased parking from 1 to 1 ratio (114 spaces) to a 1 to 1.25 ratio which exceeds the Town's requirements and matches requirements in other municipalities.

Total parking – Phase 1 - 142

Phase 2- 162

11. Piroli requests that Council make a decision on the rezoning application at the April 25, 2022 meeting. In the event of deferral or a delay the project cannot proceed. Rising Interest rates and rising construction costs will destroy the economic viability of the project.

12. Piroli will speak to why the rezoning should be approved.



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF PARKS, FACILITIES, RECREATION & CULTURE

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

| | |
|--|--|
| Author's Name: Heidi Baillargeon | Report Date: March 31, 2022 |
| Author's Phone: 519 736-5712 ext. 2128 | Date to Council: April 11, 2022 |
| Author's E-mail: hbailargeon@amherstburg.ca | Resolution #: N/A |

To: Mayor and Members of Town Council

Subject: Dog Park in Amherstburg

1. RECOMMENDATION:

It is recommended that:

1. The Dog Park in Amherstburg report dated April 11, 2022 **BE RECEIVED**.
2. Council **APPROVE** the installation of a Dog park at the Libro Centre located at 3295 Meloche Road in the expansion lands south of the Libro Complex.
3. Council **DIRECT** Administration to proceed with the installation of a Dog Park at the above noted location as approved in the Capital Budget in the amount of \$166,000.

EXECUTIVE SUMMARY:

N/A

2. BACKGROUND:

In the past few years, public advocacy for the creation of a 'Dog Park' in Amherstburg has grown as a desired and sought-after amenity for the Town. On March 11, 2020 a delegation and petition with upwards of 600 signatures requesting a Dog Park in Amherstburg came before the Parks and Recreation Advisory Committee. Since this time there have been a number of requests brought forward by various residents in the community enquiring about when and if the Town would build a 'Dog Park' in Amherstburg.

Recommendation #55 of The Parks Master Plan states:

“Monitor the demand for an off-leash park. Should there be sufficient demand, use the recommended guidelines for evaluating potential sites, identify an organization to act as stewards of the park, and create a dog park on a trial basis.”

3. DISCUSSION:

On January 26, 2022, Administration launched a public survey on ‘Talk the Burg’ to get a sense of where the dog park should be located in Amherstburg and potential features that would be important to users. The survey closed Feb, 28 2022 results are attached under **Appendix A**. The survey was structured towards obtaining input on a number of dog park features, including location, use, size and amenities potentially found within.

Highlights from Survey Responses:

How often would residents use a dog park if it was available:

- 43.6% stated they would use it weekly,
- followed by 24.6% daily users,
- 13.8% not at all
- 7.2% rarely,
- 6.5% occasionally, and
- 4% monthly.

The top ten amenities requested for a dog park include (in order of preference):

1. Benches
2. Dog drinking fountain
3. Waste station
4. Shade structure
5. Hilltop ramp
6. Dog wash station
7. Leash post
8. Dog jump
9. Tunnel
10. Teeter totter

Preferred location for a dog park, four options were provided:

1. The Libro Centre/Larry Bauer Park, (69%)
2. Ranta Park and (13%)
3. Golfview Park. (9%)
4. Anderdon Park, (8%)

The above noted four park locations were identified for a potential dog park based on some key considerations including but not limited to size, visiting hours, proximity to neighbours, parking, ease of access and accessibility. From the responses, 69.2% (191

people) chose the Libro Centre/Larry Bauer park, followed by 13.4% (37) Ranta Park, 9.1% (25) Golfview Park and 8.3% (23) Anderdon Park.

A further question asked if there was a park, not listed in the previous question which should be considered for the dog park. Of the responses:

- 9 people selected Thrasher,
- 5 requested not at Golfview, and
- 4 suggested Jack Purdie.
- Other parks or locations were identified however the numbers were not significant.

The recommended minimum size for a dog parks varies considerably among municipalities but is generally between 1 and 2 acres. Most have two distinct areas; an area for small dogs and an area for larger dogs.

The preferred location for a dog park is at the Libro Centre located at 3295 Meloche Road. Administration is recommending the dog park be located on the southwest corner in the expansion lands in the approximate location as indicated in blue below. This location makes use of underutilized land, provides easy access to Meloche Road, and is distanced from the sport activities that occur at the park. The current topography of the land in this area includes some rolling hills, open grass area and some naturalized areas. There will also be a small gravel parking lot located here that will act as both parking for dog park users and trail users. The new Libro trail that will be constructed will extend past this area and link to the main facility.



4. RISK ANALYSIS:

There are some areas with the above noted footprint that have been allowed to naturalize over time. In order to be sensitive to these areas the Town will need to consult the proper planning and regulatory authorities in order to proceed with the development of this amenity which could present some extended timelines for constructability. This is considered possible and of medium risk.

5. FINANCIAL MATTERS:

Council approved \$166,000 in the 2022 Capital Budget in order to fund Phase 1 of the project which includes, planning/design, installation of fencing approx. 1.5 acres in size, poured concrete approaches, a double gated pen for entering and exiting the dog park, limited gravel pathways, tree planting, benches, picnic tables and a few dog park amenities.

6. CONSULTATIONS:

Finance Treasurer
Parks Manager
Parks and Recreation Advisory Committee
Public Outreach through a Survey

7. CONCLUSION:

Administration recommends a new Dog Park be located at 3295 Meloche the Libro Centre in the southwest corner as indicated in this report. Current feedback from residents in the community and the Parks and Recreation Advisory Committee indicate this will be a welcomed amenity for the residents of Amherstburg.




Heidi Baillargeon
Director of Parks, Facilities, Recreation and Culture

RA

Report Approval Details

| | |
|----------------------|----------------------------------|
| Document Title: | Dog Park.docx |
| Attachments: | - 2022 Dog Park Survey FINAL.pdf |
| Final Approval Date: | Apr 20, 2022 |

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



Heidi Baillargeon



Tracy Prince



Valerie Critchley – Acting CAO

Dog Park Survey

SURVEY RESPONSE REPORT

25 January 2022 - 01 March 2022

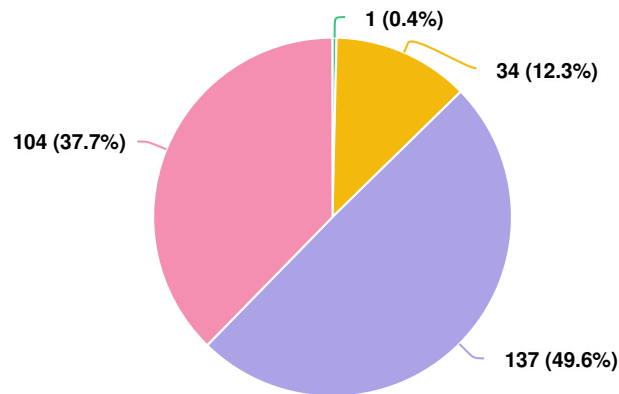
PROJECT NAME:

Dog Park



SURVEY QUESTIONS

Q1 What is your age?

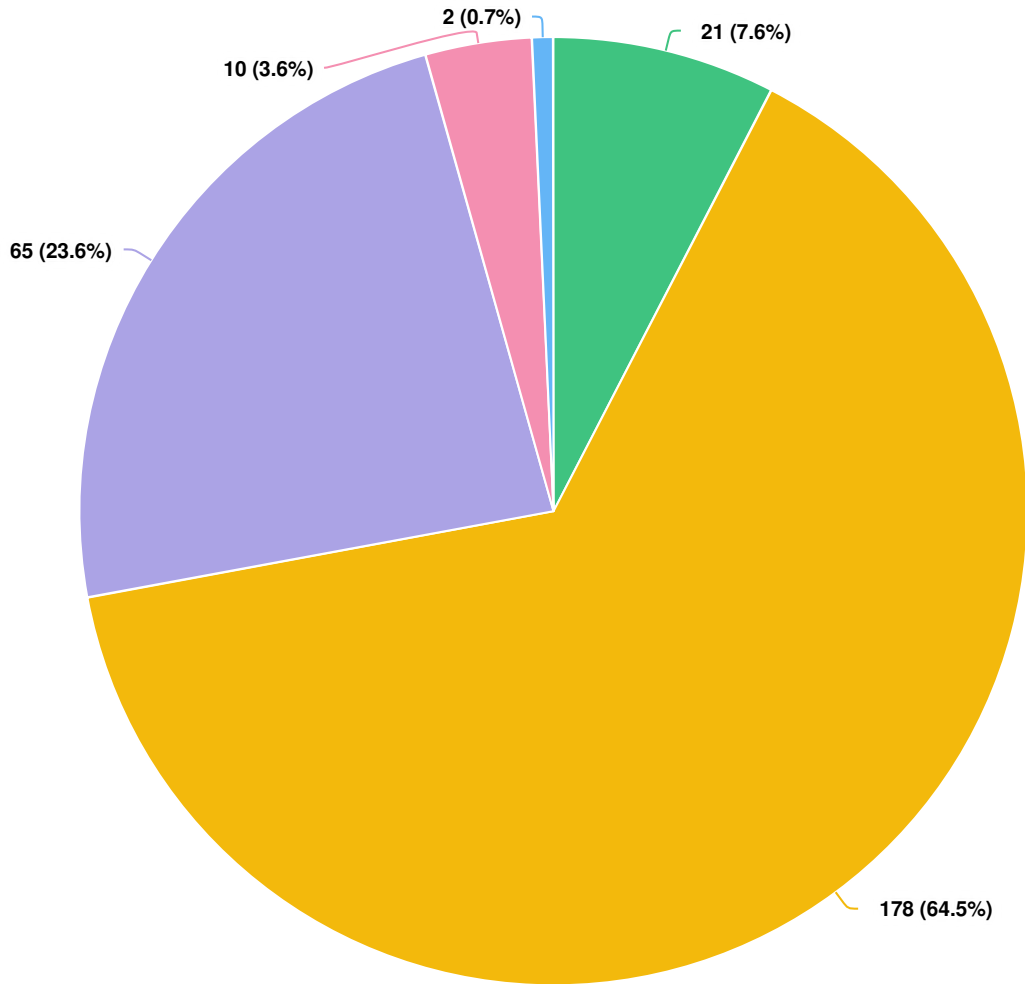


Question options

- Under 18 years old
- 19 to 29 years old
- 30 to 50 years old
- 51+ years old

Mandatory Question (276 response(s))
Question type: Dropdown Question

Q2 How many dogs do you own?

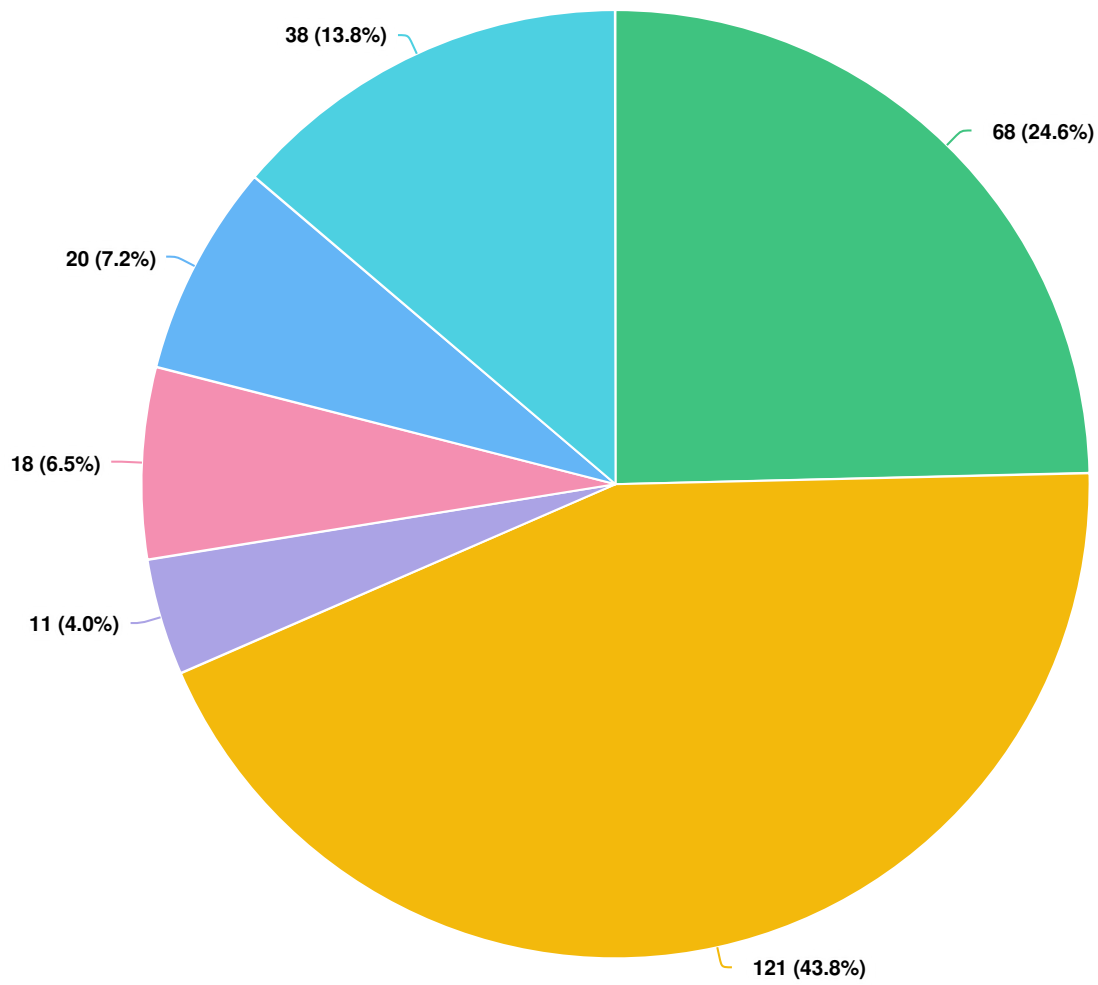


Question options

- 0
- 1
- 2
- 3
- 4+

Mandatory Question (276 response(s))
Question type: Dropdown Question

Q3 How often would you use a dog park, if one were available?

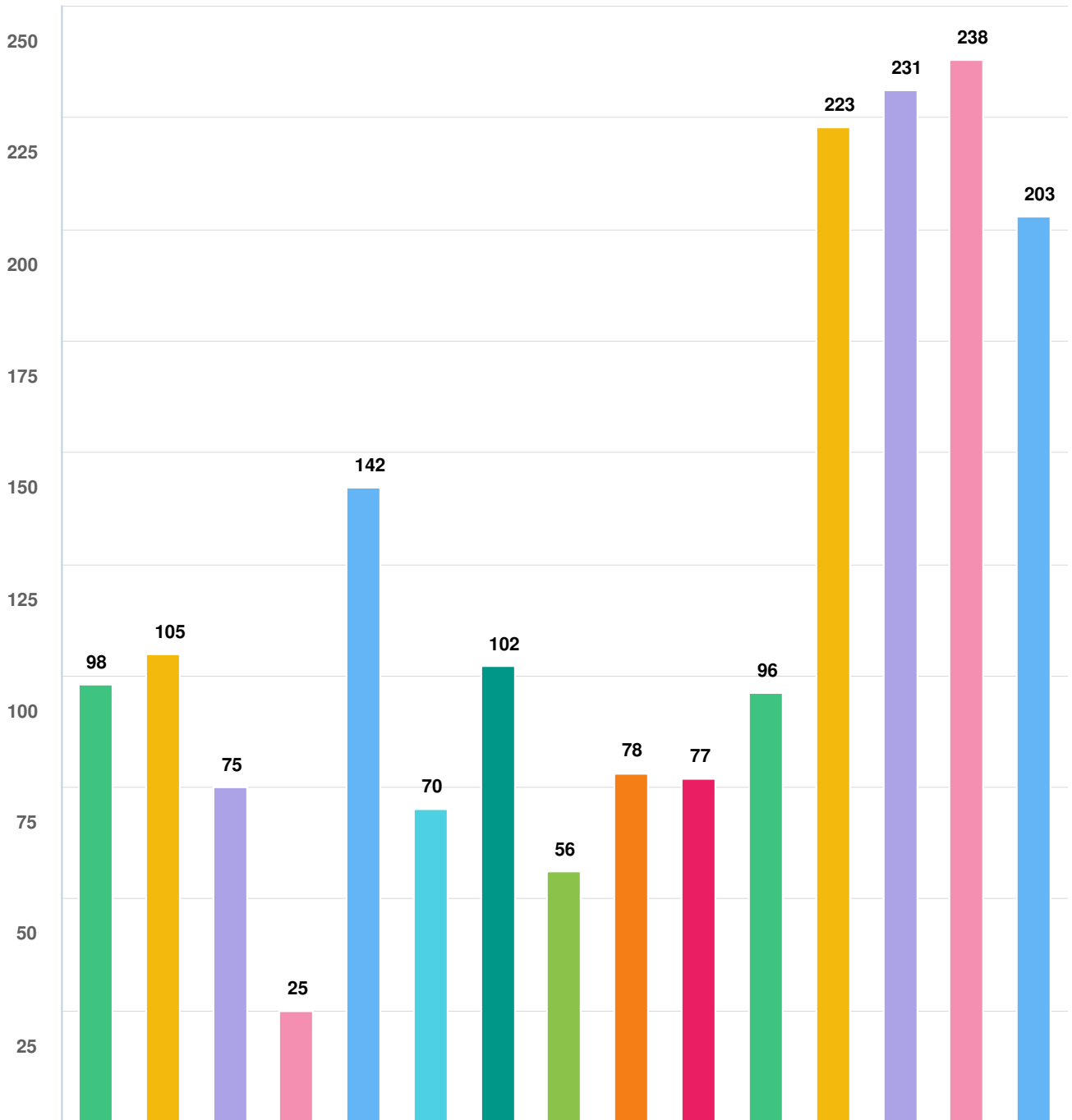


Question options

- Daily
- Weekly
- Monthly
- Occasionally
- Rarely
- Not at all

Mandatory Question (276 response(s))
Question type: Radio Button Question

Q4 Which amenities would you like to see in a fenced in dog park? Check all that apply.



Question options

- Dog Jump
 ● Dog Wash Station
 ● Doggie Fire Hydrant
 ● Grooming Table
 ● Hilltop Ramp
 ● Hoop Jump
- Leash Post
 ● Stepping Posts
 ● Teeter Totter
 ● Weave Posts
 ● Tunnel
 ● Waste Station
- Dog Drinking Fountain
 ● Benches
 ● Shade Structure

Mandatory Question (276 response(s))
 Question type: Checkbox Question

Q5 Are there any amenities not mentioned above you would like to be considered?

- 1/27/2022 08:52 AM Splash pad type thing for hot days
- 1/27/2022 09:14 AM A safety zone
- 1/27/2022 10:03 AM Small dog section
- 1/27/2022 07:04 PM Walking path
- 1/28/2022 12:08 AM Trees and good drainage
- 1/28/2022 10:06 AM An outer trail also enclosed on the whole perimeter of the open enclosure for dog who can just observe the free dogs but not participate. In particular puppies. Also a bench on the outside with leash posts also for observation for those dogs watch
- 1/28/2022 03:37 PM separate enclosure for big and little dogs. Maybe a security camera incase of an inicend
- 1/28/2022 06:05 PM Small pond to cool off in heat
- 1/28/2022 06:56 PM A small dog only area
- 1/29/2022 01:00 PM A few fenced in spaces.
- 1/29/2022 04:37 PM A small hill so dogs can stand on top and look around.
- 1/31/2022 04:43 PM Garbage cans

1/31/2022 06:56 PM Division of area for small dogs.

2/01/2022 01:49 PM Trash cans

2/02/2022 05:45 PM Eventually trees for natural shade. A trail for walking loops.

2/02/2022 07:24 PM Waste bins

2/02/2022 10:23 PM Forest Trails/Trees

2/03/2022 07:39 PM Possible disposable paper drinking bowls such as we use at Woof A Roo as many people don't want their dog drinking from a fountain that other strange dogs are using to prevent the transfer of possible disease.g

2/04/2022 11:59 AM All dogs must be licenced with the Town and up-to-date shots.

2/04/2022 12:25 PM Lots of trees and along waterfront. A place that can be walked to from downtown

2/04/2022 02:04 PM shovel for dog waste and an empty pail for waste

2/06/2022 01:04 PM A pond for the dogs to swim in

2/06/2022 02:52 PM Someone to enforce people to control their dogs AND to be there if issues arise. Also if you have all the above equipment who will be cleaning the equipment?

2/06/2022 03:01 PM Do NOT put it at the Libro!!!

Double gate entry.

2/07/2022 01:00 PM

A spot for food trucks. Would be cool to get dinner / support local and let the pup run out his energy.

2/07/2022 01:54 PM

A double gated entrance is a must.

2/07/2022 03:16 PM

Splash pad area

2/07/2022 06:13 PM

A human washroom

2/07/2022 07:03 PM

Things will just get broken so save your money

2/07/2022 08:54 PM

No

2/07/2022 10:32 PM

No

2/08/2022 10:16 AM

Dog wash , waste station

2/08/2022 01:00 PM

no. we do not want dog park.

2/09/2022 07:16 AM

Supervision camera surveillance

2/10/2022 01:57 PM

Swperate small dog park

2/10/2022 02:29 PM

This is an awful survey for people

2/10/2022 02:54 PM

Parking lot

2/10/2022 04:53 PM

2/10/2022 04:58 PM None that come to mind

2/10/2022 06:13 PM Water front would be great for dogs to go swimming.

2/10/2022 08:23 PM Fencing hidden by landscaping

2/11/2022 09:01 AM We don't want dogs drinking from same bowl or trough therefore a hose with tap to turn on for dogs to drink from. Also it would be great to have a water feature of some kind that the dogs can walk into. Also important to have cement paths for owners

2/13/2022 01:42 PM Access to restrooms. Signage indicating appropriate rules of conduct and clearly outlining any fines for certain behaviors. Emergency phone numbers or close proximity to veterinarian office (with instructions/directions how to get there).

2/15/2022 08:46 PM Picnic benches

2/15/2022 10:04 PM I would caution against benches. In my experience in other dog parks, it discourages paying active attention to one's dog and leads to incidents between dogs because of that.

2/16/2022 12:09 PM natural topography, trees, bushes, bolders, logs. doggy doodoo bags & depository.

2/17/2022 12:32 PM Make it a muzzle required dog park.

2/17/2022 03:47 PM Seating area with tables & bathrooms for the owners

2/18/2022 06:39 AM Dog pool?

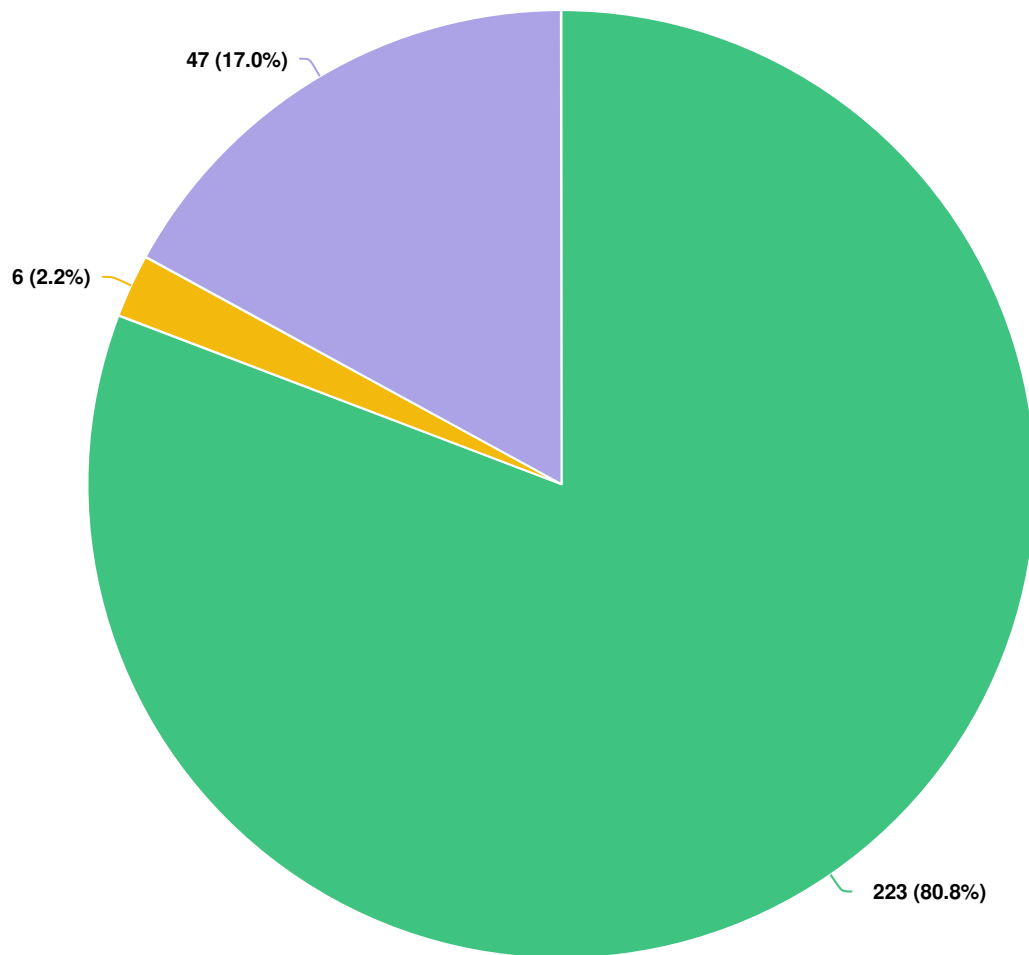
2/18/2022 10:32 AM Double entrance gates - inner and an outer gate

- 2/19/2022 04:46 PM designated fenced areas - separate small and large dogs
- 2/22/2022 06:25 PM No
- 2/23/2022 03:25 PM Suggest there be separate sections in dog parkS for small, medium and large dogs defined by weight. Area for small dogs does not have to be equivalent to large dogs. all areas be fenced . Rules for behaviour of dogs and owners posted. phone# for complain
- 2/26/2022 09:05 AM water feature
- 2/27/2022 07:00 PM Need to be prepared for the >30% of dog owners who don't pick up the poo. Have biodegradable feces bags and bins for disposing available throughout the fenced areas. trees plantings for shade and to reduce ground baking only to become mud when it rains

Optional question (55 response(s), 221 skipped)

Question type: Single Line Question

Q6 Are trees and shade cover important in a dog park?

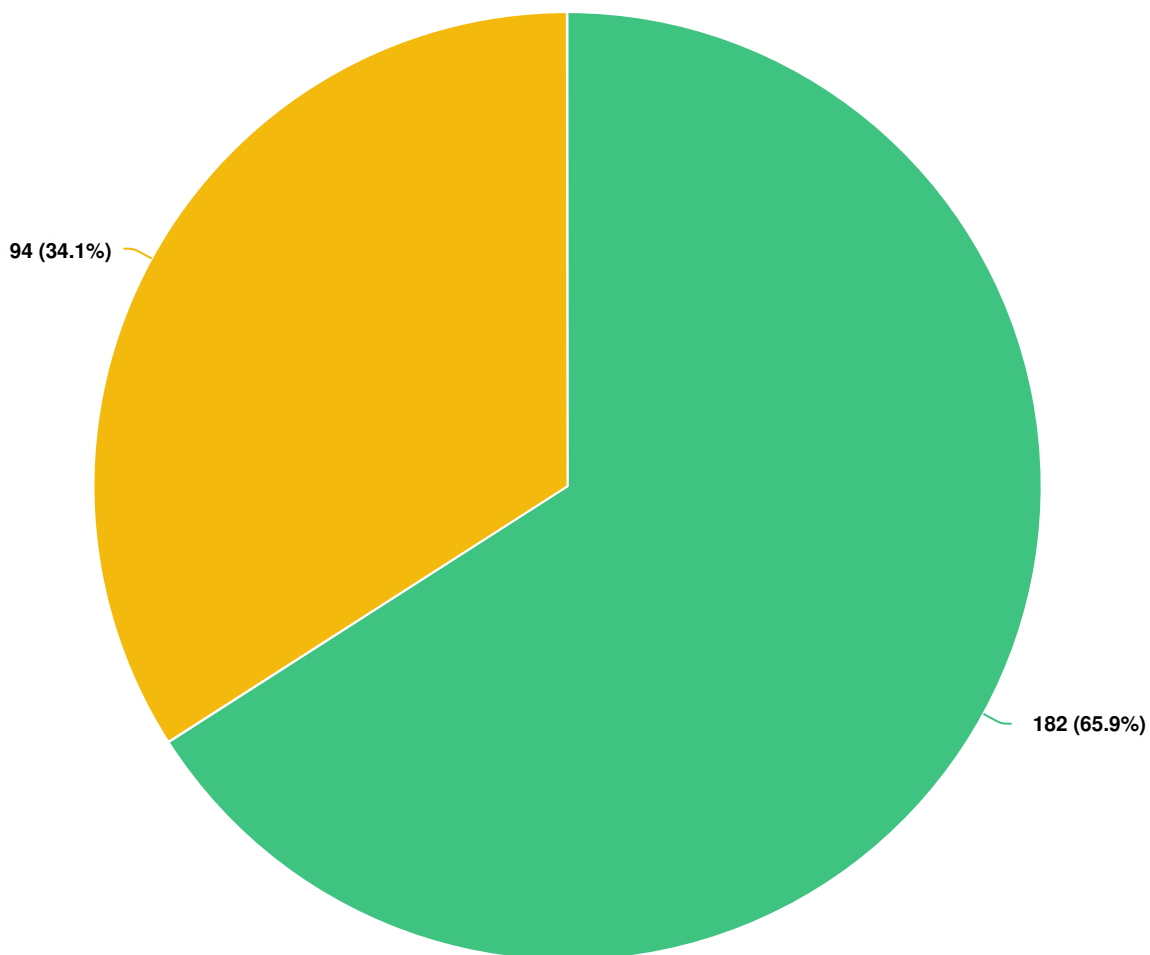


Question options

- Yes
- No
- Doesn't Matter

Mandatory Question (276 response(s))
Question type: Radio Button Question

Q7 Do you think a walking path is important within this amenity?

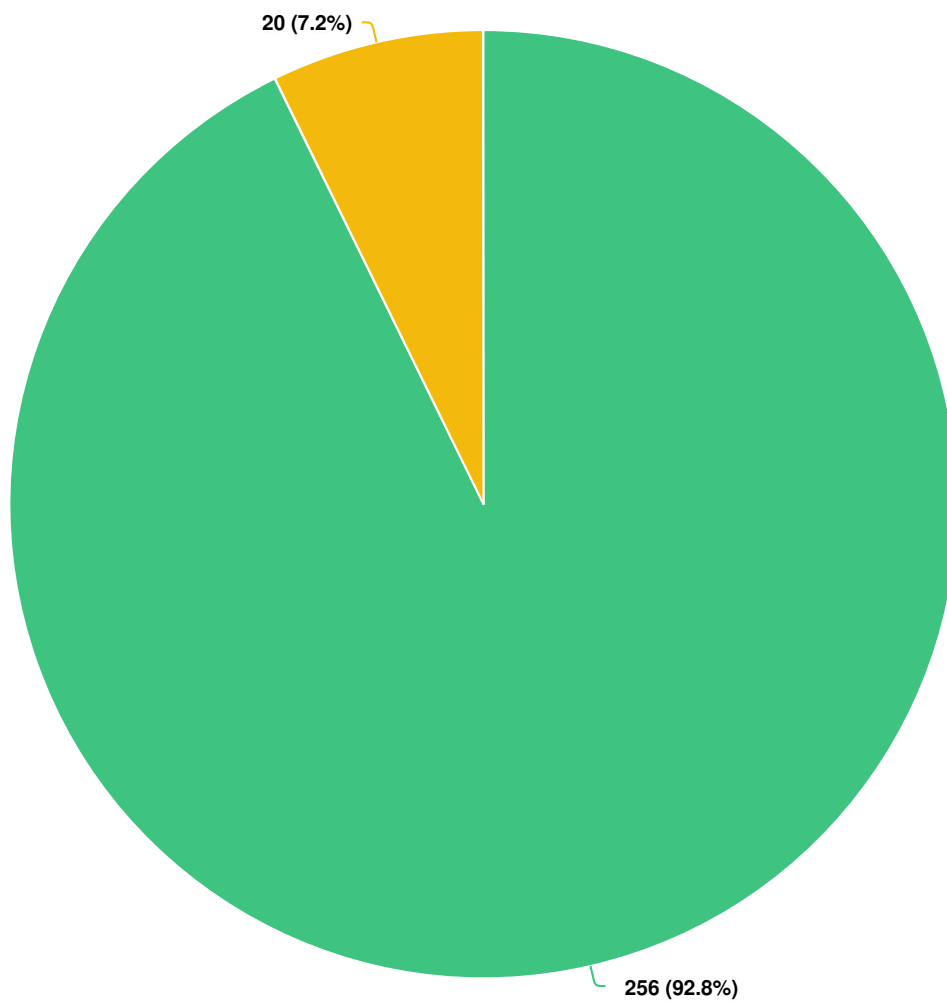


Question options

- Yes
- No

*Mandatory Question (276 response(s))
Question type: Radio Button Question*

Q8 Do you think access to parking is important for this amenity?

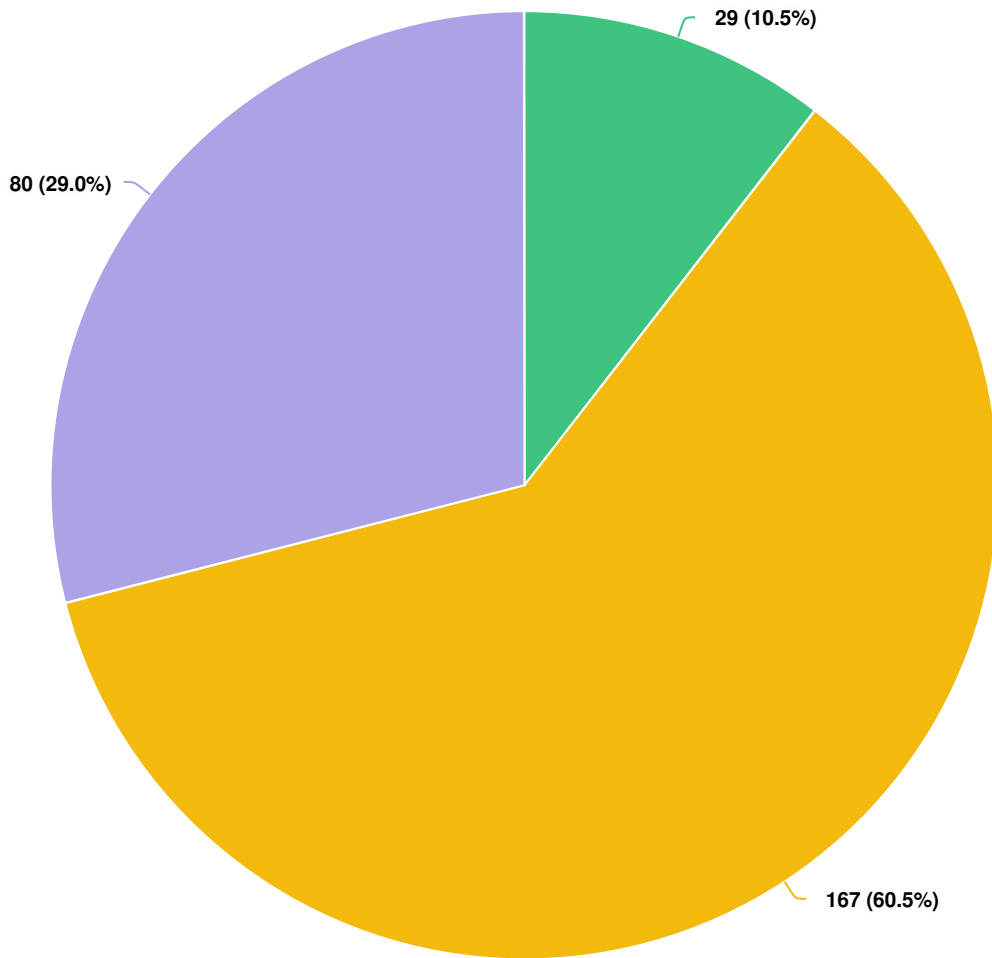


Question options

- Yes
- No

*Mandatory Question (276 response(s))
Question type: Radio Button Question*

Q9 Does having an area for big dogs and a different area for small dogs matter to you and your comfort level using a facility like this?

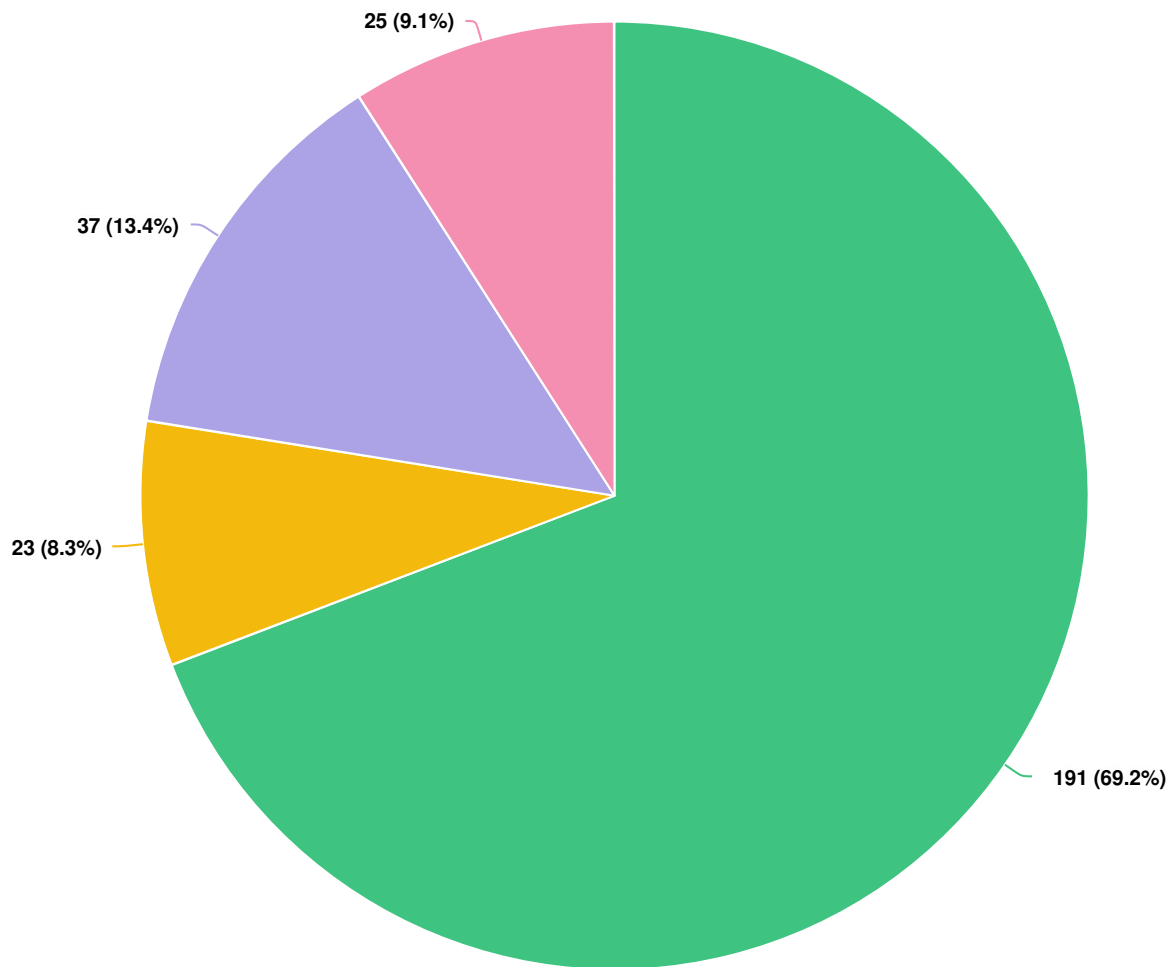


Question options

- One big open area for all dogs
- Separate areas one for big dogs and one for little dogs
- Doesn't matter

Mandatory Question (276 response(s))
Question type: Radio Button Question

Q10 Administration considers the following when determining a location for a dog park: - Barking noise may be offensive to neighbouring homes.-People could visit the dog park at odd hours.-Headlights of from cars going to parking lots.-Park will attract...



Question options

- The Libro Centre/Larry Bauer Park: close to urban centre & homes; no direct homes abutting, large area
- Anderdon Park: minimal homes abutting; large area in the back
- Ranta Park; far distance from urban area & homes, smaller waterfront park could have other uses
- Golfview Park: minimal homes abutting; large area in back

Mandatory Question (276 response(s))
Question type: Radio Button Question

Q11 | Is there a park which is not mention above, that should be considered for the location of a dog park and why?

- 1/27/2022 08:12 AM
There is a field at the end of park street behind thrashers
- 1/27/2022 08:52 AM
38 acres of farm land for sale on McLeod would be a good development
- 1/27/2022 09:14 AM
Jackson prudy
- 1/27/2022 09:43 AM
Toddy jones park
- 1/27/2022 01:04 PM
Anything more central in the town. Should be able to walk to it.
- 1/27/2022 01:59 PM
Pat Thrasher
- 1/27/2022 07:04 PM
Close to parks for kids
- 1/28/2022 12:02 AM
jack purdie park- although many people live around the area many people already bring their dogs there to play. it's a big open space in a busy urban area.
- 1/28/2022 12:08 AM
Behind the Belleview Heritage site
- 1/28/2022 10:06 AM
To the west of libro main building away from soccer fields
- 1/28/2022 01:21 PM
Toddy Jones Park, has large unused grassy area.
- 1/28/2022 06:05 PM
Just suggestion not sure if any place or lot around big creek more country looking area and easy parking

1/29/2022 01:00 PM Malden, River Canard, Anderdon(because you only allowed one choice)

1/31/2022 04:43 PM Jack Purdie

1/31/2022 08:17 PM dead land next to St.John the Baptist Church

2/02/2022 03:27 PM Pat thrasher park (kingsbridge) large open area on the north end of the park is not utilized at all, there is diffident room between the park and the houses with the creek. There is also a large population that this area can service.

2/02/2022 05:28 PM Kingsbridge

2/02/2022 05:45 PM Pat Thrasher Park in Kingsbridge is perfect! There is a large grassy area that is under-utilized and there is not much else within walking distance for the neighborhood .

2/02/2022 07:24 PM As much as I would enjoy it in Kingsbridge at Pat Thrasher (as so many let their dogs play they anyway...) I would have liked to check both Ranta and Anderdon in the above question. I understand that a neighbourhood park is not always ideal.

2/02/2022 10:23 PM Holiday Beach

2/03/2022 07:39 PM The property formerly owned that is vacant at the corner of Richmond and Brock Sts it can't be built on due to it being an Indian Cemetary there fore would be a great area for a dog park and is more than enough space in acreage and people are using now.

2/04/2022 12:25 PM I have no idea where those above parks are. Please put in map. I would say new project area at Dalhousie and Park! Not highly occupied by housing, will attract visitors Best

Toddy Jones Park most senior with dogs walk thru there

2/04/2022 02:04 PM

Within close proximity of Amherstburg Centre

2/04/2022 11:04 PM

2/06/2022 03:01 PM

Do NOT put it at the Libro!!!! There will be too many people there for other things (soccer, football, whatever) and lots of people don't like dogs or are afraid of them.

2/07/2022 12:06 PM

Jack Purdie Park

2/07/2022 04:06 PM

The old St. Bernards grade school on Richmond St.

2/07/2022 07:03 PM

In second or thirth consession, even if is not a park, has a lot of space

2/07/2022 10:32 PM

No

2/08/2022 08:19 AM

I live in Golfview and do not support a dog park on a sub division. Too much noise and too many cars will be in our way especially for those that live near the park. Libro is great and not near homes.

2/08/2022 09:04 AM

Warren Mickle Park is large without much use.

2/08/2022 10:16 AM

No

2/08/2022 11:42 AM

The track with the hill behind new high school that used to be next to the old arena. Its already fenced in.

2/08/2022 01:00 PM

St Bernard's school area

2/09/2022 12:52 AM

Any park no where near any homes. Any park that does not raise our outrageous taxes even more.

2/09/2022 06:43 AM Not in a residential area where there are homes and children. The extra traffic would not be good and I choose to live in Golfview because there is little street parking and children can ride their bikes and walk freely with their friends.

2/09/2022 07:16 AM no

2/10/2022 01:05 AM General Amherst high-school when it closes.

2/10/2022 03:33 AM Not a park but has the property where the old Verdi Club was been considered?

2/10/2022 10:52 AM Centennial Park

2/10/2022 01:57 PM Bill Wigle Park

2/10/2022 03:40 PM NOT GOLFVIEW lots of coyotes

2/11/2022 09:01 AM Just moved to Amherstburg so not familiar

2/13/2022 11:56 AM Thrasher park (kingsbridge)

2/13/2022 01:42 PM Public dog parks should be part of larger community center or arena space - not close to residential or subdivisions. Libro Centre and Ranta make the most sense with minimal disruption. Not aware of any comparable locations.

2/15/2022 10:04 PM Based on how each of these locations requires driving, I am no longer interested in a dog park and do not wish my taxes to go towards supporting it.

2/17/2022 03:47 PM Where the new houses are being built. Golf view area!

2/17/2022 04:08 PM Not Golfview, nowhere to park and too many houses in the area.

2/18/2022 02:40 PM Not Golfview!!!

2/22/2022 11:20 AM Golfview due to its proximity to many homes, and the nature area which could be upset by the presence of many dogs

2/23/2022 03:25 PM Pat Thrasher Park in Kingsbridge about 2,000 homes with very many dogs. Use the conservation areas for dog and people trails to make those areas available to the residents.

2/23/2022 04:29 PM Coan Park

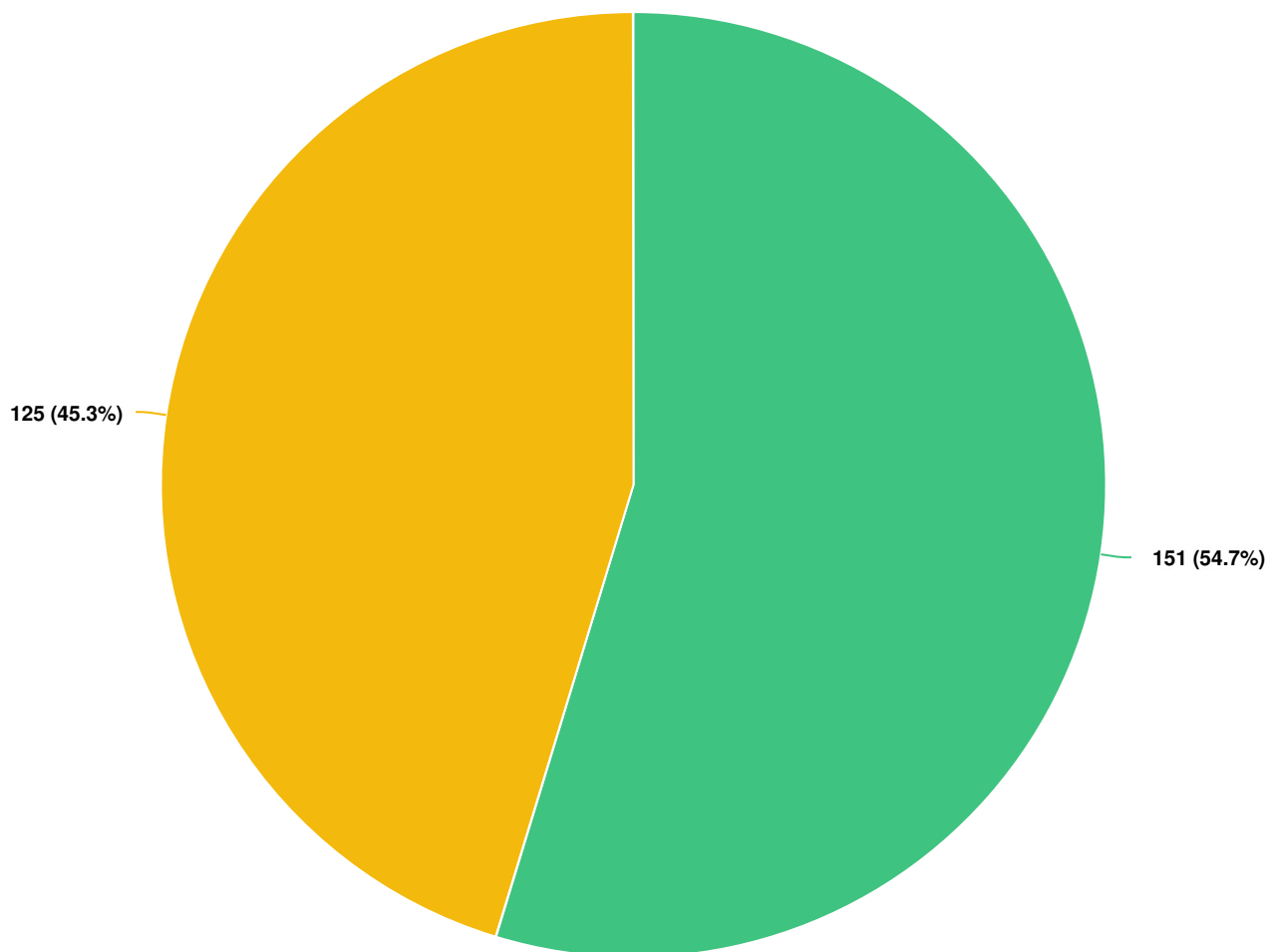
2/24/2022 07:38 AM pat thrasher park

2/27/2022 07:00 PM The park site choice should be informed by the anticipated degradation of the soil cover from clawed animals repeated use, their urine and feces\alternate running areas to recover their biodiversity of plant coverage making a sustainable dog park

Optional question (54 response(s), 222 skipped)

Question type: Single Line Question

Q12 Are you willing to pay more taxes to upgrade and maintain our Town Parks?



Question options

- Yes
- No

*Mandatory Question (276 response(s))
Question type: Radio Button Question*



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF PARKS, FACILITIES, RECREATION & CULTURE

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

| | |
|--|--|
| Author's Name: Heidi Baillargeon | Report Date: March 31, 2022 |
| Author's Phone: 519 736-0012 ext. 2128 | Date to Council: April 11, 2022 |
| Author's E-mail: hbailargeon@amherstburg.ca | Resolution #: N/A |

To: Mayor and Members of Town Council

Subject: State of Tennis Courts at Malden Park

1. RECOMMENDATION:

It is recommended that:

1. The report on the state of tennis courts at Malden park **BE RECEIVED.**
2. Council **APPROVE** Centennial Park or the Libro Complex as the new central location in Amherstburg for the replacement of tennis courts currently located at Malden Park as per Recommendation #45 of the Parks Master Plan.
3. Funding **BE DEFERRED** to the 2023 Capital Budget for the replacement of 2 tennis/pickle ball courts in central Amherstburg in the amount of \$550,000.

EXECUTIVE SUMMARY:

N/A

2. BACKGROUND:

In the fall of 2017, Capital funding was approved for the refurbishment of tennis courts in Amherstburg. Work included very basic surface repairs, crack filing and paint for 2 court surfaces at Malden Park and 2 courts surfaces at Anderdon Park in the amount of \$48,500 + HST.

The courts identified above were deemed unsafe, had fallen into disrepair and were unusable due to large cracks, heaving asphalt and more noticeably at Malden Park a general breakdown in the basic infrastructure due to insufficient drainage. Upgrades to the fencing and gates at both locations were also undertaken at the time at a cost of \$18,900.00 + HST.

Since 2017 contractors have come in to do preventative basic maintenance applying poly modified concrete in the surface cracks in addition to applying touch up paint at a cost of \$ 4,500 + HST per year.

Regular users of the courts including Amherstburg Pickleball Association and the Amherstburg Tennis Club have expressed their appreciation for any maintenance or repairs the Town has provided over the past few years in order to keep the courts operable.

4. **DISCUSSION:**

The courts at Malden Park are approximately 36 years old and have come to the end of their useful life. Inadequate drainage below the court surface has led to enlarged cracks, heaving asphalt and general breakdown of the base that can no longer be repaired. The Town has explored options for court remediation efforts with a few contractors that specialize in building tennis courts in order to provide recommendations on necessary repairs. In speaking with various experts in the field it can be concluded that the base needs drainage improvements and the courts should be completely redone. See **Appendix A** for pictures of current court conditions at Malden and Anderdon. The subsurface base at Anderdon Park doesn't have the same issues with respect to drainage and is still in fairly good condition, but is also an aging facility.

Recommendation # 45 of the Parks Master Plan states 'replace the four (4) tennis courts in Urban Amherstburg. Options for locating them on the remaining portion of Centennial Park should be explored.'

Recommendation # 73 states 'relocate many major recreation amenities currently housed at Centennial Park to the Libro Credit Union Centre. This may include: skateboard park, ball diamonds (4), tennis courts, and basketball courts.

Administration has received feedback from the public regarding the re-development of H Murray Smith Centennial Park and potential amenities that would fit within this park in the future. Tennis/pickleball is an option that is currently being explored and is part of the proposed conceptual plans for the park. The recommendation in the Parks Master Plan indicates the courts could be rebuilt at H. Murray Smith Centennial Park or potentially the Libro complex. Administration supports both options as these parks have adequate space for parking and the accommodation of new tennis/pickleball courts.

Currently the Town has tennis courts at the following park locations:

1. Anderdon 2 courts
2. Malden 2 courts (3 are in disrepair have not been used in a long time)
3. Co-Ann Park 2 courts
4. River Canard 1 court

Given the current locations of tennis courts Town-wide as noted above it makes sense to re-locate the Malden Park Tennis courts closer to central Amherstburg at either the Libro or H. Murray Smith Centennial Park as outlined in the Parks Master Plan. It should be noted that both locations are suitable however the Libro offers more parking and access to other sporting amenities. The Greater Amherstburg Tennis League has reached out and stated their preferred location would be H. Murray Smith Centennial

Park. The group is the largest outdoor tennis league in the county with over 250 members and is continually growing.

4. RISK ANALYSIS:

The courts located at Malden Park have reached the end of their useful life where repairs are no longer a responsibly feasible option. The cracks are large and the base below is not well drained causing the larger and larger cracks after each freeze thaw cycle. Leaving the courts in service without addressing the large cracks and patching poses a significant risk to users due to uneven pavement which could potentially lead to injuries and future litigation. This risk is considered likely to occur with medium impact and therefore administration is recommending they be closed until funding is identified for their replacement.

5. FINANCIAL MATTERS:

The 2021 Capital budget identified \$25,000 for tennis court maintenance at Malden Park. After further investigation of the courts at this location, Administration recommends their closure due to trip hazards and potential injury to users. Administration is seeking Councils direction for an approved location to rebuild the courts in central Amherstburg, and recommends using the 2021 Capital approved budget in the amount of \$25,000 to put towards new courts at one of the locations noted below:

1. Libro Complex
2. H. Murray Smith Centennial Park

The cost to replace 2 courts in Central Amherstburg is approximately \$550,000. General cost estimates were obtained last year when investigations took place regarding the breakdown of the courts at Malden Park.

6. CONSULTATIONS:

Amherstburg Pickle Ball Association
The Greater Amherstburg Tennis League
The Town Treasurer
The Manager of Parks

7. CONCLUSION:

In conclusion, Administration is recommending the closure of the tennis courts at Malden Park due to failing and unsafe infrastructure, and that funding approved in 2021 capital budget be used to help build new courts in central Amherstburg. Administration is seeking direction from Council regarding the future location of new tennis/pickleball courts, and on an interim basis would advise residents to use the courts at Anderdon, River Canard and Co-Ann Park until the location and funding have been identified and approved.




Heidi Baillargeon
Director of Parks, Facilities, Recreation and Culture

HB/AZ

Report Approval Details

| | |
|----------------------|---|
| Document Title: | State of Tennis Courts at Malden Park.docx |
| Attachments: | - State of Tennis Courts at Malden Park Appendix A.docx |
| Final Approval Date: | Apr 20, 2022 |

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



Heidi Baillargeon



Tracy Prince



Valerie Critchley – Acting CAO

State of Tennis Courts at Malden Park

Appendix A



Pickleball Players at Malden Courts. Note darkening of courts in foreground due to wear, uneven surface and water damage. Extensive crack can be seen on left side.



Cracking and damage around net post. Note continued cracking, lifting of surface layer and crumbling of base causing trip hazards.



Closeup of peeling and breakdown of base.



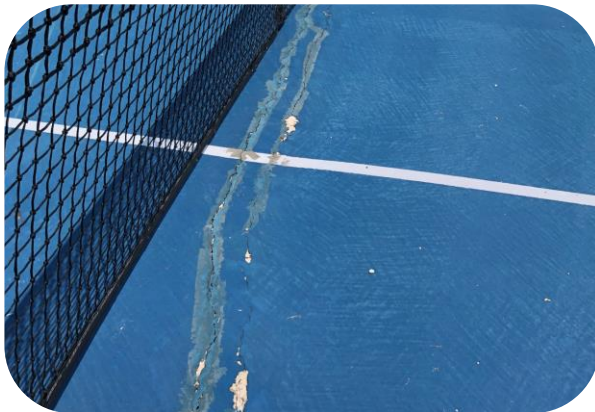
Closeup of lifting of surface and crumbling of base material.



Extensive cracking across courts, lifting of surface and crumbling of base.



Closeup of extent and width of cracking on a repaired area causing trip hazards.



Extensive cracking at net. Note previous repairs however cracking has reappeared and surface is lifting causing trip hazards.



Note peeling of surface from base, crumbling base and indentation of surface. Court has been repaired previously however indentation is visible and darkening of surface shows further damage.



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

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

| | |
|--|--|
| Author's Name: Todd Hewitt | Report Date: April 7, 2022 |
| Author's Phone: 519 736-3664 ext. 2313 | Date to Council: April 25, 2022 |
| Author's E-mail: thewitt@amherstburg.ca | Resolution #: N/A |

To: Mayor and Members of Town Council

Subject: 2022 Mill and Pave Program – Tender Results

1. RECOMMENDATION:

It is recommended that:

1. The 2022 Mill and Pave Program Tender **BE AWARDED** to Armstrong Paving and Materials Group Ltd. for an amount not to exceed \$661,258.62 plus H.S.T to complete rehabilitation works for Wilkinson Court, Hamilton Drive, Victoria Street South (Pickering to Simcoe), Victoria Street South (Alma to Hamilton) and Point West Drive (east side);
2. An over-expenditure not to exceed \$75,030 for the 2022 Mill and Pave Program for a total cost not to exceed \$675,030 including net HST **BE APPROVED** to be funded as outlined in the report from the Manager of Engineering dated April 7, 2022; and,
3. The Mayor and Clerk **BE AUTHORIZED** to execute an agreement with Armstrong Paving and Materials Group Ltd. for the 2022 Mill and Pave program.

2. BACKGROUND:

The Town advertised a Request for Tender (RFT) online for the 2022 Mill and Pave Program on February 28, 2022 via Bids and Tenders and on the Town's website. The RFT includes the removal of the existing base and surface asphalt, catch basin repairs, spot curb repairs and 2 layers of new asphalt. The roads to be completed are Wilkinson Court, Hamilton Drive, Victoria Street South (Pickering to Simcoe), Victoria Street South (Alma to Hamilton) and Point West Drive (east side).

3. DISCUSSION:

Tenders closed for this project at 11:00 a.m. on March 14, 2022. The Town received 3 tender submissions that were processed electronically via the Bids and Tenders system.

The tenders were reviewed electronically to ensure there were no mathematical errors or omissions. The tender results are:

| <u>Bidder</u> | <u>Tender Amount (excluding HST)</u> |
|---|--------------------------------------|
| 1. Armstrong Paving and Materials Group Ltd | \$ 661,258.62 |
| 2. Mill-Am Corporation | \$ 711,054.80 |
| 3. Coco Paving Inc | \$ 771,075.00 |

The RFT was prepared by the Infrastructure Services Department and will be administered internally.

The lowest tender exceeds the budget estimate by \$61,258 but the total budget exceedance is \$75,030 with the inclusion of geotechnical testing, and the non-refundable HST. The project estimate was completed in July 2021 and although the Infrastructure Services Department did include budget cost increases recent commodity increases caused by world events have had a negative impact on tender pricing. The costs for this project are largely controlled by asphalt pricing which has been significantly affected by the recent oil price increases. It should be noted that the tender includes a contingency allowance that will not be spent unless required due to unforeseen issues.

4. RISK ANALYSIS:

The sections of road included in the RFT and to be completed under the recommended award of tender are ranked 7th & 8th (Wilkinson), 20th & 23rd (Victoria Street South) 31st (Point West Drive) and 59th (Hamilton) in the 2021 Roads Needs Study. These roads are all considered in the 'NOW' category. If not rehabilitated these roads will continue to deteriorate.

5. FINANCIAL MATTERS:

The 2022 Budget includes the 2022 Mill and Pave Program with a budget allocation of \$600,000.

Based on the recommended award of tender, the financial impact is estimated as follows:

| Road Resurfacing (Mill and Pave) | Budget | Actual (incl. net HST) | Variance (over)/under |
|---|------------------|------------------------|-----------------------|
| Cost: | | | |
| Construction Tender: | | | |
| 2022 Mill and Pave Program ⁽¹⁾ | \$600,000 | \$ 673,030 | |
| Other Costs ⁽²⁾ | | 2,000 | |
| Total Project Cost | \$600,000 | \$675,030 | (\$75,030) |
| | | | |

| | | | |
|------------------------------|------------------|------------------|-------------------|
| Funding: | | | |
| Gas Tax | \$600,000 | \$600,000 | |
| Gas Tax | \$ - | \$75,030 | (\$75,030) |
| Total Project Funding | \$600,000 | \$675,030 | (\$75,030) |

Notes:

1. The recommended construction tender includes a contingency allowance which may be used for any unforeseen expenditures subject to the Town's approval.
2. Other Costs: Estimated cost for geotechnical inspections.

6. CONSULTATIONS:

Director of Corporate Services - CFO

7. CONCLUSION:

Administration recommends that Council award the 2022 Mill and Pave Program to Armstrong Paving and Materials Group Ltd.



Todd Hewitt
Manager of Engineering

Report Approval Details

| | |
|----------------------|---|
| Document Title: | 2022 04 25 - 2022 Mill and Pave - Tender Results.docx |
| Attachments: | |
| Final Approval Date: | Apr 11, 2022 |

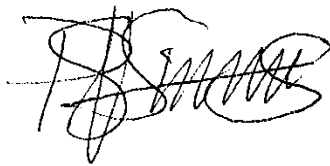
This report and all of its attachments were approved and signed as outlined below:



Antonietta Giofu



Tracy Prince



Peter Simmons



Valerie Critchley



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF DEVELOPMENT SERVICES

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

| | |
|---|---------------------------------|
| Author's Name: Clint Robertson | Report Date: April 14, 2022 |
| Author's Phone: 519 736-5408 ext. 2142 | Date to Council: April 25, 2022 |
| Author's E-mail: crobertson@amherstburg.ca | Resolution #: N/A |

To: Mayor and Members of Town Council

Subject: 24 Sandwich Street South - Notice of Intent to Designate

1. **RECOMMENDATION:**

It is recommended that:

1. Notice of Intent to Designate 24 Sandwich Street South **BE GIVEN** to designate the property by municipal bylaw in accordance with the *Ontario Heritage Act* and;
2. The Notice of Intent to Designate 24 Sandwich Street South **CONTAIN** the Statement of Cultural Heritage Value or Interest and the list of Heritage Attributes as recommended by the Heritage Committee.

EXECUTIVE SUMMARY:

N/A

2. **BACKGROUND:**

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

On April 14, 2022 the Heritage Committee moved that:

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

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

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

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

3. DISCUSSION:

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

Attachments 1, 2, and 3 outline the heritage value of the property and provide information about the property for Council's consideration. Attachment 4 contains the Statement of Cultural Heritage Value or Interest and the list of Heritage Attributes which will be provided in the Notice of Intention to Designate, as required by the *Ontario Heritage Act*.

4. RISK ANALYSIS:

There is no significant risk involved in endorsing the recommendations of this report. However, there is always a potential risk that the any member of the public may oppose the designation of the property and that appeals could be pursued.

5. FINANCIAL MATTERS:

There are no direct financial implications of endorsing the recommendations of the report, however, should appeals to oppose the designation be filed, the Town may incur expenses related to defending its assertion of the cultural heritage value or interest of the property. In addition, the owner may qualify at some point in the future to leverage the Town's property tax rebate program, which is available to all designated properties who pay property taxes.

6. CONSULTATIONS:

Heritage Committee
Melissa Osborne

7. CONCLUSION:

This report is provided by the Town of Amherstburg Heritage Planner to assist the Council in making decisions in issuing a Notice of Intent to designate the property under the *Ontario Heritage Act*. The Heritage Planner concurs with the recommendations made by the Heritage Committee about the value of the property, reasons to designate it, and the recommended content of the notices.



Clint Robertson
Heritage Planner

Report Approval Details

| | |
|----------------------|---|
| Document Title: | 24 Sandwich Street South - Notice of Intent to Designate.docx |
| Attachments: | - ATTACHMENT 1 - Evaluation As Per Ontario Regulation 9-06 Criteria for Determining Cultural Heritage Value or Interest.docx - ATTACHMENT 2-Photographs.docx - ATTACHMENT 3 - Research Sheets.pdf - ATTACHMENT 4 - Statement of Cultural Heritage Value or Interest and Heritage Attributes.docx |
| Final Approval Date: | Apr 20, 2022 |

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



Melissa Osborne



Tracy Prince



Valerie Critchley – Acting CAO

EVALUATION AS PER ONTARIO REGULATION 9/06 CRITERIA FOR DETERMINING CULTURAL HERITAGE VALUE OR INTEREST

1. The property has design value or physical value because it,

i. is a rare, unique, representative or early example of a style, type, expression, material or construction method,

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

ii. displays a high degree of craftsmanship or artistic merit, or

NA

iii. demonstrates a high degree of technical or scientific achievement.

NA

2. The property has historical value or associative value because it,

i. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,

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

ii. yields, or has the potential to yield information that contributes to an understanding of a community or culture, or

NA

iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.

NA

3. The property has contextual value because it,

i. is important in defining, maintaining or supporting the character of an area,

NA

ATTACHMENT 1

ii. is physically, functionally, visually or historically linked to its surroundings, or

NA

iii. is a landmark.

NA

PHOTOGRAPHS



(L – East façade; R – West façade)



(L- South façade; R – portion of North façade)

ATTACHMENT 2



(L – portion of North façade; R -sunroom, North façade)



(L – garage; R – fireplace)

Heritage Property Study

| | |
|----------------------------|--------------------------------|
| Address of Property | 24 Sandwich Street South |
| Legal Description | Plan 7 Part Lot 11 Part Lot 12 |
| Original Owner | Dr. Frederick W. Manning |
| Date of Build | 1944 |

**Description**

This residence was built for the Dr. Frederick W. Manning family in 1944. Dr. Manning practised medicine in Amherstburg for 36 years, over 20 of which were from his office at the front of this house on Sandwich Street.

Property Research Sheet

Research Summary

- 1875 Sale of Ordnance Lands- Crown to Edmund Anderson/ \$650/Lot 12ⁱ
This property falls within the former Garrison Grounds and later the grounds of the Malden Lunatic Asylum. The lands were sold by public auction on November 23, 1875 and an installment plan was put in place. 10% was paid upon purchase, with the balance due in nine annual payments.
- 1884 Crown Patent to Eugenie Anderson (wife of Edmund)/ Lot 12 & north ½ Lot 11ⁱⁱ
Payments based on the installment plan must have been completed by this time and the patent issued.
- 1899 Deed/ Peter H. Anderson & Francis Cleary (Executors for E. Anderson) to Ellen Fleming/ north ½ lot 11 and all of lot 12ⁱⁱⁱ
- 1944 Tax Deed/ The Corporation of the Town of Amherstburg to Frederick William Manning/ part of Lot 11 & 12^{iv}

"The ground work for Dr. Fred W. Manning's new home, Sandwich Street North, has been started."^v
- 1966 Death of Dr. Manning^{vi}

"Dr. Frederick W. Manning practised in Amherstburg for thirty-six years. Born in 1881 in Durham County, he graduated in 1906 from the University of Toronto and during the First World War served in the Canadian Medical Corps with the rank of Major. Coming to Amherstburg in 1930 he set up a practice which lasted throughout his life in this community. Dr. Manning died in November, 1966."^{vii}
- 1979 Deed/ Thomas David Manning & Joan Elizabeth (Executors of the Estate of Fred W. Manning) to Robert M. Bertrand & H. Darlene Bertrand^{viii}
- 1981 Deed/ Robert M. & H. Darlene Bertrand to Carl Douglas Russelo & Nancy (Nainsi) Ann Russelo^{ix}

Nainsi Russelo ran a wool and yarn shop from the former doctor's office at the front of the house. It was called "Nainsi's Wool & Yard Shop".^x
- 1986 Grant/ Carl & Nancy (Nainsi) Russelo to David and Lynne Fox^{xi}

ⁱ Abstract for Lot, accessed via onland.ca

ⁱⁱ Essex County Land Instrument #892, Marsh Collection Society

ⁱⁱⁱ ECLR Instrument #4332, MCS

^{iv} ECLR Instrument #12036, MCS

^v The Amherstburg Echo February 10, 1944

^{vi} The Amherstburg Echo November 10, 1966

Property Research Sheet

^{vii} Amherstburg Bicentennial Book Committee: Amherstburg 1796-1996 The New Town on the Garrison Grounds, Vol. II, page 187.

^{viii} ECLR Instrument #793834, Abstract for Lot, accessed via onland.ca

^{ix} ECLR Instrument #841781, Abstract for Lot, accessed via onland.ca

^x Information from Carl Russelo, 2022.

^{xi} ECLR Instrument #974223, Abstract for Lot, accessed via onland.ca

S. Amh. 12036

Dated FEBRUARY 25TH. 1944.

**THE CORPORATION OF THE TOWN
OF AMHERSTBURG,**

TO

FREDERICK WILLIAM MANNING,

Address Amherstburg, Ont.

Deed of Land

SITUATE

TOWN OF AMHERSTBURG

Underwood Elliott Fisher Limited, Toronto

7
Brog

ALFRED H. STEVENSON,
Barrister, &c.,
Bank of Montreal Bldg.,
Amherstburg, Ontario.

Manning - see end of story
Settlement History Detroit River

1749 Stone used for building and for making lime was obtained from two sources. One from Stoney island near Grosse Ile where building stone was quarried, and transported to Detroit on barges, and the other from a quarry on the south side of a creek on the west side of the Detroit river opposite the middle of Grosse Ile. The deposit was found about a ~~quarter~~ mile up from the mouth of the creek.

At a later period stone was obtained from the north end of Pelee island, and still later from a quarry on the Huron Reserve, Anderdon township. This last quarry has been regularly worked since the 1840's. The outcrop had been used by the Indians for arrow OVER

coN.

points as the surface stone was a blue chert, hard enough for the purpose. Note: some of this blue chert is incorporated in the home and office of Dr. Fred. W. Manning, west side of Sandwich street, Amherstburg.

ATTESTATION PAPER.

No.

Folio.

CANADIAN OVER-SEAS EXPEDITIONARY FORCE.

QUESTIONS TO BE PUT BEFORE ATTESTATION.

(ANSWERS)

1. What is your name? Manning Frederick William
 2. In what Town, Township or Parish, and in what Country were you born? Peterborough, Ont.
 3. What is the name of your next-of-kin? Mrs. F. W. Manning
 4. What is the address of your next-of-kin? 330 Leadville av. Detroit, Mich.
 5. What is the date of your birth? April 17, 1881.
 6. What is your Trade or Calling? Medical Practitioner
 7. Are you married? Yes
 8. Are you willing to be vaccinated or re-vaccinated? Yes
 9. Do you now belong to the Active Militia? Detached Yes
 10. Have you ever served in any Military Force? Invalis. Milit. in 21 St. James Fusilier.
If so, state particulars of former Service
 11. Do you understand the nature and terms of your engagement? Detached as Lieut. & No. 14 P.A. C.M.
Yes
 12. Are you willing to be attested to serve in the CANADIAN OVER-SEAS EXPEDITIONARY FORCE? Yes
- F. W. Manning (Signature of Recruit)
J. R. Smith (Signature of Witness)

DECLARATION TO BE MADE BY MAN ON ATTESTATION.

I, F. W. Manning, do solemnly declare that the above answers made by me to the above questions are true, and that I am willing to fulfil the engagements by me now made, and I hereby engage and agree to serve in the Canadian Over-Seas Expeditionary Force, and to be attached to any arm of the service therein, for the term of one year, or during the war now existing between Great Britain and Germany should that war last longer than one year, and for six months after the termination of that war provided His Majesty should so long require my services, or until legally discharged.

F. W. Manning (Signature of Recruit)
J. R. Smith (Signature of Witness)

Date 2 July 1918

OATH TO BE TAKEN BY MAN ON ATTESTATION.

I, F. W. Manning, do make Oath, that I will be faithful and bear true Allegiance to His Majesty King George the Fifth, His Heirs and Successors, and that I will as in duty bound honestly and faithfully defend His Majesty, His Heirs and Successors, in Person, Crown and Dignity, against all enemies, and will observe and obey all orders of His Majesty, His Heirs and Successors, and of all the Generals and Officers set over me. So help me God.

F. W. Manning (Signature of Recruit)
J. R. Smith (Signature of Witness)

Date 3 July 1918

CERTIFICATE OF MAGISTRATE.

The Recruit above-named was cautioned by me that if he made any false answer to any of the above questions he would be liable to be punished as provided in the Army Act.

The above questions were then read to the Recruit in my presence.

I have taken care that he understands each question, and that his answer to each question has been duly entered at, and the said Recruit has made and signed the declaration and taken the oath before me, at London this 5th day of July 1918

W. H. Clibbick (Signature of Justice)

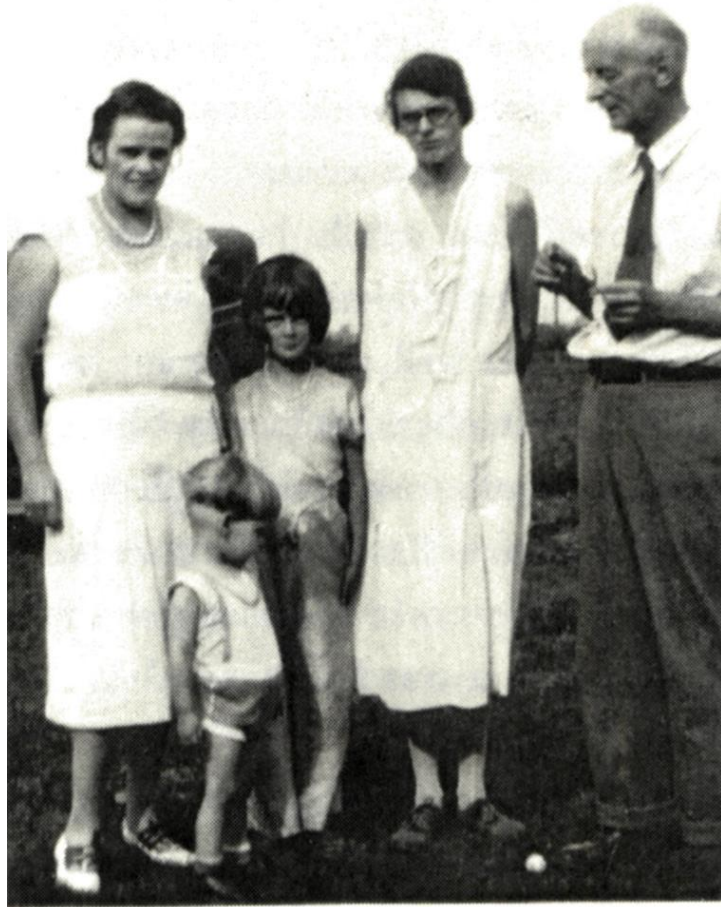
I certify that the above is a true copy of the Attestation of the above-named Recruit.

D. Hutchison (Approving Officer)

M. F. W. 23.
126 M. - 1214.
N.C. 1772-20-201.

W. H. Clibbick
W. H. Clibbick

| Date | Movement | Place | Casualty | List No. | Notified N/KO | W.O. List |
|----------------|---|---|-------------------|------------------------|---------------|-----------|
| | Name <i>Frederick William Manning</i> | | Rank <i>Capt.</i> | Reg. No. <i>924587</i> | | |
| | Unit <i>43rd Bat.</i> | | | | | |
| | Next of Kin <i>U.S.A.</i> | | | | | |
| <i>22-5-16</i> | <i>Reported from General Headquarters</i> | <i>wounded</i> | <i>374</i> | <i>M 6994</i> | <i>96/5</i> | |
| | <i>W.O. list No 630 (G.H.Q.)</i> | <i>baucels above.</i> | <i>375</i> | <i>M 7048</i> | <i>27/10</i> | |
| <i>22-5-16</i> | <i>N. Mid Div Car Ch. Stn</i> | <i>Insomnia</i> | <i>386</i> | | | |
| <i>24-5-16</i> | <i>Trans to 12 Car Ch. Stn.</i> | <i>do</i> | <i>386</i> | | | |
| <i>31-5-16</i> | <i>10. Gas. Lab. Stn.</i> | <i>Discharged to Duty, neurasthenia</i> | <i>396</i> | | | |




Aunt Mary, Jo and Tom, Parents

36 years in Amherstburg
F. W. Manning
devoted doctor

By MARY HALL

AMHERSTBURG—Early this year, one of Amherstburg's foremost doctors retired after 60 years of devoted activity in the medical profession.

Dr. F. W. Manning's service to the Amherstburg community began in 1930 when he moved to the town from British Columbia. For 36 years his medical skill has been offered to the community any hour of the day or night. Until recently he has attended as many as 30 patients daily.



As a general practitioner, he has dealt with a variety of problems in generations of families in the area, often being able to speak as the physician of grandparents and great-grandparents.

Dr. Manning graduated from the University of Toronto in 1906. In the First World War he enlisted in the Canadian Medical Corps in which he attained the rank of major. Overseas duty came when in 1915 he was sent with the corps to France. After three years of active duty in France he was injured at the Somme River. He returned to Canada in 1919.

Besides his demanding practice he found time for other activities. For several years he served on the board of management for Christ Church. His most beloved hobby is painting.

The span of 60 years is a long time in any profession and one's imagination tires when trying to visualize the changes in the practice of medicine over that length of time. Dr. Manning's examples of changes and anecdotes of unusual happenings and situations in his practice have been the subject of many an enlightening and amusing conversation.

DR. F. W. MANNING
 —60 years of service

CLEANERS

**DRY
 CLEANING**

★ ★ ★ ★

SHIRT LAUNDRY

★ ★ ★ ★

BOX STORAGE

Serving AMHERSTBURG

Mysterious potions and ointments, all from your local doctor

Being a doctor in the thirties was a lot different from today. Back then they made house calls. They almost never sent you a bill, and if they did that was a signal that they really needed the money for some good reason. People paid if they could and paid what they could. If Doc needed to be at the top of the list for some reason, then at the very least they would often get paid a little bit each pay day or the barter system was used. Often they made the medicine right there in their office, instead of writing a prescription. They didn't make pills, so the powder was contained in a special paper that was folded in a way that prevented the contents from falling out. Seems to me there were various colours of paper. I seem to remember black, blue, and white very stiff paper. Later one of the doctors told me that one of those papers, I think it was the dark blue one, always contained aspirin. Just as often though, the medicine would be an elixir or syrup that would either taste like honey or gasoline, and sometimes both. Or it could be a salve or ointment also made on premises with only those ingredients needed for your problem.

I remember four of the six doctors who lived and practised medicine here in the thirties. I remember my dad talking about the two doctors Park. One was Jim and one

My Town

By Patrick



was Fred. They both died in 1936 within hours of each other, and they were not related. (There is much more in the second volume of the Bicentennial Book on Amherstburg). But I do not recall even seeing either one of the famous doctors Park. The doctors I did see were Ladouceur, Manning, Harris, and Hutchinson. The one I saw the least was Doc Ladouceur. Seems he was off in Windsor delivering a baby just about every time we needed a doctor. I sure liked the look of his house and office. It's still there today at the northwest corner of Sandwich and Maple Streets. I saw Doc Ladouceur bowling more often than I saw him in his office. I never heard him speak French either, but I know some of this patients spoke French only. I don't know it for a fact, but I would not be surprised if Doc Ladouceur brought more babies into the world than any of the other doctors. Doc Ladouceur's children were more the age of my brother Mike. At one time I think Mike spent as much time over there as he did at home.

Doc Manning was my next door neighbour for a number of years. His son Tom was my age and we used to play together a lot. One of the games consisted of correctly identify-

ing the year and make of every car that drove by. His other child was a daughter, Joan, a very gifted artist. For pin money she made original hand-painted jewellery and when she was at the University of Toronto she made big money by sitting in the window of Easton's College Street store painting silk ties with scenes from nature. Doc Manning invented a salve during the First World War that he used to cure a skin lesion of mine that had all the experts stumped. Mom had taken me to expert doctors from Windsor and Detroit and to experts in London and Toronto. But it was Doc Manning's salve that worked the cure. It's a long story, but today you can buy a salve just like it called Ozonal. Another time I was playing with Rev. Hart's dog. He was black and white and I think we called him Blackie. We were in the playground of the Public School. I had a two-foot long stick about two inches thick and Blackie just loved chasing it. This one time the dog jumped up to grab the stick just as I was moving it, and as he came down a tooth of his ripped a three-inch gash in my stomach. Doc Manning fixed it up with some kind of clear liquid gel that looked like transparent plastic that he said was a bandage, and he used tape to hold it together instead of stitches. Doc Manning, like the other doctors, never had an extra dollar until medical insurance came along. At that time Doc Manning made a point of investing in Amherstburg so most of his investment money went into SKD shares, and he was very pleased with the returns....
Continued next week.

IMAGES OF YESTERYEAR



This photo was taken in December 1949, likely at a staff Christmas Party, and it shows the original delivery personnel and supervisors of the Marra's Bread factory, which stood on Murray Street between Bathurst and Ramsay (where the empty park is today). In the back row, from left, are Lloyd Bates (sales), Stan Brown (sales), production manager Otto Bankosky, supervisor Norval Bertrand, Miles Beaudoin (sales), Ed McBride (sales), Armond Ouellette (sales), and Ferman Bastien (sales). In front, from left, are an unidentified gentleman, supervisor Francis Laframboise, manager Jack Wilde, Victor Ouellette (sales), and Lloyd Coyle (sales). The picture was taken at the Anderdon Tavern. The company was purchased by General Bakers in the early 1960s and moved to London.

CHAPTER 2

FATHER'S WAR AND SECRETS

Every family has its secrets. And in Detroit one of the deep secrets of our family was born.

My father, Frederick Manning, after growing up in Ontario and studying medicine, eventually became a successful surgeon and a partner in a small clinic in Detroit that catered to wealthy patients.

He married one of them, Florence Pfeiffer, in January 1915. He was 32; she was about 10 years younger. Florence was the daughter of Conrad Pfeiffer, a hardworking German immigrant who had established a successful brewery in Detroit and become very wealthy. He was a man of many interests, and influential in the scientific and cultural life of the city, especially in the German community.

Six months after the wedding, perhaps caught up in the fervour of the time, Father enlisted in the Canadian Army to join in the First World War.

He left behind a pregnant Florence. Their child, Louise, was born later in 1915.

But all this remains a mystery to me almost a century later. The marriage, and our half-sister, were never spoken of, and my brother Tom and I only learned of them more than 50 years later as we sorted through Father's papers after his death.

Perhaps the Pfeiffers, as German immigrants, were opposed to the war and Father's enlistment created a rift that could not be healed. Whatever happened, Father never returned to Florence and never saw

Jo Manning

his child Louise, who died in 1930. Although I think he may have made an attempt to see her during a strange time in our lives when he and I — just four — travelled to Ontario without Mother in 1927.

While Father never spoke of his first marriage, he often discussed his war experiences with Tom and me, separately, in quiet moments.

Tom remembers a time when Father drove him to a lookout on the Detroit River near our then home in southwestern Ontario. Tom thought it would be the 'sex' talk; he was thirteen, after all. But that subject was not discussed in our family. Instead, Father quietly emphasized that we must distrust the English.

In fact, this was the driving force of his talks, distrust and fear. The reasons for this gradually came to light.

The war was more than a year old by the time Father arrived in Europe as a captain, and the hopes and promises of a quick victory had been ground into the mud and mire of the trenches.

At first, Father served as a surgeon in the Canadian Military Hospital at Taplow, where Waldorf and Nancy Astor had given up the tennis courts on their estate for a hospital to care for the wounded. It was about 40 kilometres from London, and far from the front.

But one day, when Father was performing an appendectomy, an English colonel entered the operating theatre, ungowned, unscrubbed and uninvited. When this doctor put his hand into the open wound to inspect it, Father angrily pulled it out. Two months later he found himself in France.

At first, he served in a field hospital some miles from the front, travelling to the trenches with the ambulances to treat the wounded. He often worked in forward dressing stations, makeshift treatment centres close to the battlefield. Many of these rudimentary facilities were located in shallow depressions dug into the earth to provide some shelter from shells and bullets. It was to these places the wounded were first taken for treatment, with the survivors taken back to the relative safety of the field hospitals.

They must have been horrid places in which to work, and the wounds and suffering of the soldiers must have had a devastating effect on one's spirits. Father would sometimes tell us about the shelling and how there were at least three different kinds of shells, each with a distinctive noise, all frightening.

He told Tom that the danger of infection was so great that when treating men on the battlefield, he poured iodine on open wounds. This was terribly painful, but probably the best thing he could do. Many men were overcome with mustard gas, and this affected Father's lungs too.

During the latter part of the war conditions eased a little for him and he was occasionally asked to treat civilians, a welcome respite. He learned French, which proved to be very useful when he was treating French-speaking patients back in Canada.

The war was a horror for him. It was not until much later, when I saw newspaper photos of the trenches and the mud and desolation of no man's land, where the wounded lay with the dead, that I was able to understand this better.

Father was hospitalized at least once for treatment of neurasthenia, a fancy term for what was considered then to be cowardice, and is now recognized as post-traumatic stress disorder. Enlisted men had the same disorder of course, but it was called shell shock.

Post-traumatic stress disorder, which ruins so many lives and is experienced by many returning veterans, has only recently been recognized and treated as a real medical condition.

It haunted Father for the rest of his life.

CHAPTER 3

MARRIAGE, SEPARATION AND TRAINS

When the war finally ended and Father was demobilized, he decided to head to the Canadian west to begin again. He joined a medical clinic in Ladysmith on Vancouver Island, where he met my mother, who was the bookkeeper. Ladysmith, a coal-mining town of about 4,000 people on the east coast of Vancouver Island, was almost as far as you could get from Detroit or the battlefields of France.

Elizabeth and Frederick were married by a Presbyterian minister in Victoria in 1921. Mother was Anglican and Father, of course, was Methodist. They went to live in nearby Sidney, where Father had started a medical practice. It was hardly an obvious choice for a skilled surgeon. Sidney was then a town of fishermen and farmers, distinct from Victoria.

I was born there in Resthaven Hospital, on December 10, 1923.

Our house was old, and inconvenient for my mother to care for, but the unkempt grounds were a treasury of discoveries for a small child. I remember so well the fawn lilies that sprung up from their dotted strap-shaped leaves, and now look for them every spring in the nearby woods of Beacon Hill Park.

The house was located on the corner of Shoreacres Drive and Memory Lane, about a hundred metres from the sea. Often my father took me on the short, rambling walk to the beach, holding my hand tightly as we clambered over rocks searching for sea creatures. We

Dr. F. W. Manning Dies In Hospital

A well-known Amherstburg physician, Dr. Frederick William Manning, 85, of 518 Sandwich Street North, who retired early this year, died in Metropolitan Hospital, Sunday.

Dr. Manning was born in Cavan Township in Durham County. He moved to Amherstburg from British Columbia in 1930 and set up a practice, serving the community for 36 years before he retired.

He graduated from the University of Toronto in 1906 and during the First World War he served in the Canadian Medical Corps, with the rank of Major.

He was a life member of Branch 157, Royal Canadian Legion, Amherstburg and a member of Christ Anglican Church, where he served on the board of management.

Surviving are his wife, Elizabeth (nee Wilcox); a son, Thomas of Aurora; a daughter, Mrs. K. H. (Joan) Rothfels of Toronto; two brothers, Paul of Concord, near Toronto and Maurice of British Columbia; three sisters, Mrs. Milton (Josephine) Limbert of Parry Sound, Mrs. Ewing (Mary) Davis of Largo, Florida and Jean of England.

Funeral service was at 11 a.m. Wednesday in Christ Anglican Church, with Rev. D. S. Henry officiating. Burial was in Rose Hill Cemetery.

Amherstburg physician dies aged 85

AMHERSTBURG — A well-known Amherstburg physician, Dr. Frederick William Manning, 85, of 518 Sandwich St. N., who retired early this year, died in Metropolitan Hospital Sunday.

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DR. F. W. MANNING

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Surviving are his wife, Elizabeth (nee Wilcox); a son, Thomas of Aurora; a daughter, Mrs. K. H. (Joan) Rothsels of Toronto; two brothers, Paul of Concord, near Toronto; Maurice of British Columbia; three sisters, Mrs. Milton (Josephine) Limbert of Parry Sound, Mrs. Ewing (Mary) Davis of Largo, Florida and Jean of England.

The body will remain in the James H. Sutton Funeral Home, Sandwich and Gore Sts., Amherstburg until 9 a.m. Wednesday. Funeral service will be at 11 a.m. from Christ Anglican Church, with Rev. D. S. Henry officiating. Burial will be in Rose Hill Cemetery.

In lieu of flowers, donations may be made to Christ Anglican Church Memorial Fund or the Amherstburg branch of the Canadian Cancer Society.

MANNING -- Elizabeth, 83 years, March 10, 1982 at Humber Memorial Hospital, Toronto. Formerly of Sandwich St. South Amherstburg. Predeceased by her husband Dr. Frederick William Manning MD. (Nov 6, 1966). Dear mother of Jo Elizabeth, Toronto; and Thomas, Aurora. Dear sister of Edith, Victoria B.C. 6 grandchildren. 4 great-grandchildren. Friends may call at the **James H. Sutton Funeral Home**, 401 Sandwich St. South Amherstburg. From 2-4 p.m. and 7-9 p.m. Friday. Funeral Sat. March 13, 1982 at 11 a.m. Rev. William T. Ashby officiating. Interment Rose Hill Cemetery.

Open House

SUNDAY 1-4 P.M.



24 SANDWICH ST. S., A'BURG
Exquisite 2-storey Cape Cod Natural stone fireplace in the living room, formal dining room, sunroom, kitchen, den or office on main floor. 3 bedrooms and bath up, full basement. A very attractive older home with natural woodwork, french doors and many other plus features. YOUR HOSTESS: BRENDA CLAYTON, 735-2757.



Clipped By:

research1552

Thu, Jan 13, 2022

FERRY BROUILLARD, 744-8888, 733-8717.

24 SANDWICH ST. S. A'BURG

(TAKE SANDWICH ST. THROUGH AMBERSTBURG, LOOK FOR OPEN HOUSE SIGN)

Drastically reduced, this unique brick and stone 2-storey Cape Cod home offers beautiful natural woodwork throught, den with French doors overlooking mature treed lot, 1 car garage plus much more.

ON DUTY RON RENAJD, RES. 736-5390, 736-5457.



Clipped By:

research1552

Thu, Jan 13, 2022

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Building Materials:

A letter from Dr. Manning indicates many of the building materials used in the construction of the home. Additionally, a note within the former LACAC committee records indicates:

"Stockwell House (on the Park Farm, Riverfront) Basement walls built of the outcrop of the Anderdon Quarry then newly-opened. The stone was a blue flint. The Stockwell House was razed about 1930's by Robert MacBride. The stone in the basement was later incorporated in the new residence on Sandwich Street built by Dr. Fred Manning."

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MILLER, STOHN, MILLS

Barristers & Solicitors
 Timothy Stuart Mills, Q.C.
 George Campbell Miller
 Thomas D. Manning
 J. Stephen Stohn
 Simon Schneiderman

Suite 205
 47 Colborne Street
 Toronto, Ontario
 M5E 1P8
 (416) 364-0291

October 19, 1981

Mr. Carl Russelo
 24 Sandwich Street South
 Amherstburg, Ontario
 N9V 1Z4

Dear Carl:

Thank you for your letter of October 2nd with enclosed cheque.

I am happy that you are interested in the history of the house.

My father picked the design from a book of house designs and an architect in Windsor modified the plans so that the house could be narrowed to fit the lot. Somewhere I have the architect's drawing, and if I run across it, I will forward it.

Fred Lucier, who died many years ago of cancer, was the main carpenter and his helper, was a man whose name escapes me at the moment. His first name was Harvey and his last name, not too strangely, was a French name. I think Harvey is still alive and probably still working in the Amherstburg area. I believe he was in his twenties when the house was built.

The foundation, fireplace, chimney and brick veneer were done by Herman Bastien and two of his sons, Bob in particular. The stonework was done by Mr. Dean, who lived in a cobblestone house on the street that runs east - west and just north of the distillery. The stone is unusual. It apparently is a form of flint and it was obtained from a small quarry somewhere near Amherstburg. I cannot remember who knew about the whereabouts of this flint. I don't believe the quarry was actively worked at the time. I do know that Mr. Dean had one hell of a time cutting the stone, which is quite hard. (NOW AMHERST QUARRIES)

The sunroom was added to the house about four years after the main structure was completed. The foundation and brick work, again, were done by Herman Bastien and the carpentry by Mr. Lucier. I believe these two also built the garage.

HARVEY
 BUSSEY

MARSHALL
 DEAN
 WILLIAM
 ST.

1948

.../2

Mr. Carl Russelo

- 2 -

October 19, 1981

All of the concrete work, especially the patio and driveway were done by Herman Bastien and his sons.

I could not remember the name of the fellow who dug the basement and I still do not remember Harry Langlois, but I do remember that the horse was white and I remember that the weather was very hot.

HERMAN
LANGLOIS
ALMA ST.

The house was built in the later years of the war at which time lumber was in short supply and the range of materials was quite limited. The structure is built of spruce which was so wet when it was nailed together that water was forced out of the wood as four-inch nails were driven into it. Mr. Lucier said that this was no real problem as the wood would cure when it was in place and in fact there has been very little trouble with shrinking, swelling or anything else for that matter.

Mr. Lucier was an excellent carpenter. The stairway was designed entirely by himself to fit into a very restricted area and if you could see the underside, you would find it to be a classic example of stair construction with hand rabbetting, hand-made wedges and everything neat as a pin. The stairs never squeaked very much, which was a blessing in my later teenage years.

The floors were sanded by one of the Hearst family. I cannot recall his name. The present front door and other later carpentry was done by George McCurdy and his brother whose name I also cannot remember. The interior trim is birch which was the only wood available at the time for that purpose. The nail holes were all filled with putty hand-mixed with ochre by my mother and myself and applied over a period of two or three months. We also sanded and finished all the trim, including baseboards all around and did the bulk of the original interior painting.

ALVIN
MCCURDY

The landscaping was done by hand by myself, using a shovel, a pick and a wheelbarrel thoughtfully provided by my father. This involved, first of all, gathering and burning endless pieces of scrap wood after which a lot of soil was moved from the back to the front, then the back was leveled. If I had my choice, I don't think I would do it again, but it doesn't seem to have done me any permanent harm.

In the west wall of the basement, you will notice a flat steel bar which appears to be bolted to the wall. This bar is fastened to a dead-head buried underneath the patio. The reason for this is that the wall was cracked when the distillery blew up, in, I believe, 1949. I understand that an insurance company paid for this work. Herman Bastien did this job and the wall has given no trouble since that time.

The lot, by the way, was surveyed at some point, probably before construction began and, I don't believe I ever ran across

.../3

Mr. Carl Russelo

- 3 -

October 19, 1981

a copy of the survey or have I ever looked for the markers.

One further matter of interest is that the main drain of the house was at one point extended to a drain located about one-half of the width of the pavement of Sandwich Street. I remember that the work was done by the late "Apples" Simpson and his colleague who worked for a long time digging a tunnel in that horrible Anderdon clay a distance of at least feet beyond the curb line of the street.

OSWALD
SIMPSON

Thank you for your interest.

Yours very truly,



THOMAS D. MANNING

TDM/mv

P.S. I received your replacement cheque a day late.
I have deposited both October 15th cheques assuming
that the old one will be returned uncashed.
I hope this doesn't screw you up.

T.D.M.

ABOUT THE AUTHOR



Jo Manning's life in art spans more than five decades and has brought international recognition as one of Canada's foremost etchers. Born in Sidney, B.C., in 1923, she moved as a child to Amherstburg, Ont. Manning studied at the Ontario College of Art in Toronto during the Second World War and returned there in 1960 to study etching. She turned to painting in oils and watercolour in 1980 when the toxic chemicals used in etching threatened her health.

This book shares memories of the people she encountered when exhibiting her work, teaching and following her many diverse interests. Her life touched so many - German Jewish refugees, Japanese Canadian internees, union organizers and artists, actors and poets.

Jo Manning received many awards for printmaking, including a Gold Medal in Florence and a Medal of Honour in Frechen, Germany. Her work is in the collections of the National Gallery of Canada, the Art Gallery of Windsor and many more public and private collections.

She has four children, and is the author of two books. She currently lives in a senior's residence in Victoria, B.C.

STATEMENT OF CULTURAL HERITAGE VALUE OR INTEREST AND HERITAGE ATTRIBUTES

Statement of Cultural Heritage Value of Interest

Design / Physical Value:

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

Contextual Value:

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

Heritage Attributes

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

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



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: Clint Robertson | Report Date: April 13, 2022 |
| Author's Phone: 519-736-5408 ext. 2142 | Date to Council: April 25, 2022 |
| Author's E-mail: crobertson@amherstburg.ca | Resolution #: N/A |

To: Mayor and Members of Town Council

Subject: Addition to the Heritage Register

1. **RECOMMENDATION:**

It is recommended that:

1. The property at 355 Dalhousie Street be listed on The Town of Amherstburg's Heritage Register as a non-designated property of cultural heritage value or interest in accordance with section 27(3) of the *Ontario Heritage Act*.

EXECUTIVE SUMMARY:

N/A

2. **BACKGROUND:**

On February 18, 2022 the Heritage Committee moved that the subject property, 355 Dalhousie Street – along with neighbouring properties at 349 and 359 Dalhousie Street - be recommended to Council for listing on the Town's Heritage Register as a non-designated Property of Interest. A delay in the notification process to the owner precluded 355 Dalhousie Street from being considered at the April 11, 2022 Council meeting, where Council approved the adjacent properties, mentioned above, to be listed on the Heritage Register. The proposed Heritage Register listing for 355 Dalhousie Street, and the reasons for the listing, are outlined in Attachment 1.

On September 14, 2020 Council approved the report titled "Guidelines for the Addition of Listed Properties of Cultural Heritage Value or Interest to the Heritage Register". The process and implications for additions to the Heritage Register are summarized in Attachment 2.

3. **DISCUSSION:**

Listing a property on the Heritage Register as a non-designated, Property of Interest is a formal acknowledgement of a property's heritage value.

The Register Listing also:

- Promotes and enhances an understanding of the Town's cultural heritage;
- Serves as valuable information for land use planning, property owners, developers, the tourism sector, educators, and the general public;
- Provides interim protection (60 days) against demolition.

The properties on Dalhousie Street were recommended for placement on the Register as one of the properties (359) was offered for sale with Administration receiving numerous inquiries about demolition. In case the Town was presented with a demolition request for that, or any of these other properties in the future, having the property on the Heritage Register, will allow the Town 60 days to consider the request. As that property (359) was being recommended for inclusion on the Register, the opportunity was taken to also recommend the adjacent properties which were seen as clear candidates for inclusion and which collectively contribute to the context and character of the area.

4. **RISK ANALYSIS:**

There is no risk in adding these properties to the Heritage Register. However, not adding the properties to the Register limits the Town's ability to extend interim demolition protection, if such a measure is ever required.

5. **FINANCIAL MATTERS:**

There are no financial implications in adding the property to The Town's Heritage Register.

6. **CONSULTATIONS:**

Heritage Committee
Melissa Osborne

7. **CONCLUSION:**

Heritage Planning recommends the addition to the Heritage Register of the property identified in this report because it possesses heritage value as per the Province of Ontario's criteria for determining cultural heritage value.



Clint Robertson
Heritage Planner

Report Approval Details

| | |
|----------------------|---|
| Document Title: | Addition to the Heritage Register.docx |
| Attachments: | - Attachment 1.pdf - ATTACHMENT 2.docx |
| Final Approval Date: | Apr 20, 2022 |

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



Melissa Osborne



Tracy Prince



Valerie Critchley – Acting CAO

Listed Heritage Property Evaluation Form

Address of Property 355 Dalhousie Street

Legal Description CON 1 PT LOT 3

Name of Building Woods Residence

Date of Build 1910



West Façade; October 2021

Brief statement of potential cultural heritage significance to the Town of Amherstburg:

Design / Physical Value:

Representative example – The Woods Residence is significant for being a representative example of an early-Twentieth Century Queen Anne Style home in Amherstburg.

Listed Heritage Property Evaluation Form

Historical / Associative Value:

Association with significant person – The Woods Residence has historical and associative value as the home of Edward Woods (1845-1926), one of Amherstburg’s leading businessmen for nearly thirty years. Woods was well-known in the Great Lakes region for his foundry operations, and who with his son Alfred, established the Amherstburg Iron Works where heavy marine machinery including dredges and drills were fabricated and repaired. The home was associated with the Woods family from 1910-1941, first as the home of Edward, until 1926, and subsequently with Alfred from 1926-1941.

Contextual Value:

Supporting the character of the area - The property has contextual value because it is important in defining, maintaining and supporting the historic character and streetscape of the area. It is integral to contributing to the historic character of the streetscape which comprises contiguous and adjacent historic houses that date from 1886-1947. The property contributes to a line of 1910-1915 houses and is situated between two early Twentieth Century houses (1912 & 1947) and across from an 1886 house. The property, like others on Dalhousie Street south of downtown contributes to the historic southern approach to the Town, which is defined by spacious suburban type-properties with significant landscaping and / or setbacks. The portion of the streetscape containing the subject property is reminiscent of the small-town environment and exudes that feeling.

Recommended for Listing on the Heritage Register? Yes No

| Criteria (According to Regulation 9/06) | Yes | No |
|--|-----|----|
| <i>Design/ Physical Value</i> | | |
| Is the building a rare, unique, representative or early example of a style, type, expression, material or construction method? The Woods Residence is significant for being a representative example of an early-Twentieth Century Queen Anne Revival-style home in Amherstburg. | X | |
| Does the building display a high degree of craftsmanship or artistic merit? | | X |
| Does the property demonstrate a high degree of technical or scientific achievement? | | X |
| <i>Historical/ Associative Value</i> | | |
| Does the property have direct associations with a theme, event, belief, person or institution that is significant to a community? <u>Association with significant person</u> – The Woods Residence has historical and associative value as the home of Edward Woods (1845-1926), one of Amherstburg’s leading businessmen for nearly thirty years. Woods was well-known in the Great Lakes region for his foundry operations, and who with his | X | |

Listed Heritage Property Evaluation Form

| | | |
|---|---|---|
| son Alfred, established the Amherstburg Iron Works where heavy marine machinery including dredges and drills were fabricated and repaired. The home was associated with the Woods family from 1910-1941, first as the home of Edward, until 1926, and subsequently with Alfred from 1926-1941. | | |
| Does the property yield or have the potential to yield information that contributes to an understanding of the Amherstburg community or culture? | | X |
| Does the property demonstrate or reflect the work or ideas of an architect, artist, builder, designer or theorist who is significant to the community? | | X |
| <i>Contextual Value</i> | | |
| Is the property important in defining, maintaining or supporting the character of an area? The property has contextual value because it is important in defining, maintaining and supporting the historic character and streetscape of the area. It is integral to contributing to the historic character of the streetscape which comprises contiguous and adjacent historic houses that date from 1886-1947. The property contributes to a line of 1910-1915 houses and is situated between two early Twentieth Century houses (1912 & 1947) and across from an 1886 house. The property, like others on Dalhousie Street south of downtown contributes to the historic southern approach to the Town, which is defined by spacious suburban type-properties with soft landscaping and setbacks. The portion of the streetscape containing the subject property is reminiscent of the small-town environment and exudes that feeling. | X | |
| Is the property physically, functionally, visually, or historically linked to its surroundings? | | X |
| Is the property a landmark? | | X |
| Does the property demonstrate the potential to meet any (1) of the criteria? | | |
| | X | |

Sources: Marsh Collection Society Property Research Files

Listed Heritage Property Evaluation Form

HERITAGE ATTRIBUTES

Each of the following exterior heritage attribute of the property at 355 Dalhousie Street contributes to the design value (American Foursquare style) and physical value of the property:

- Its two-storey, rectangular form;
- Its wood-frame construction; fish-scale shingle gable cladding;
- Its cross-gable roof;
- Its fenestration; the cutaway side bay window;
- Its open, wraparound front verandah.

Each of the following contextual heritage attributes of the property at 355 Dalhousie Street contributes to the contextual value of the property in supporting the character of the area:

- Location of the house on the property;
- The setbacks of the property;
- The soft-landscaping character of the property.

Heritage Property Study

| | |
|----------------------------|-------------------------|
| Address of Property | 355 Dalhousie Street |
| Legal Description | Concession 1 Part Lot 3 |
| Original Owner | Edward Woods |
| Date of Build | 1910 |



Description

Edward Woods, well-known iron worker, commissioned this house in 1910. After his death in 1926 the residence passed to his son, Alfred J. Woods, who was also in the foundry business. Father and son operated the Amherst Iron Works, where marine machinery, including the dredges and drills at work on the Detroit River, were repaired.

Property Research Sheet

Research Summary

- 1907 Grant/ William Caldwell to Mary Woods, \$200 (wife of Edward Woods)ⁱ
- 1910 “Edward Woods has contractors at work on the erection of a new residence for himself on Dalhousie Street south, opposite C. Wigle’s. It will be 28 by 42ft. two stories, and commands a fine view of the river.”ⁱⁱ
- “Edward Woods is installing a Safford hot water 7 radiator boiler in his new home, corner of Park and Dalhousie streets. Delor Woods is doing the work. Mr. Woods will move about the first of December.”ⁱⁱⁱ
- 1925 Deed/ Edward Woods, widower, to M.S.B. Woods (wife of Alfred J.)^{iv}
- 1926 Death of Edward Woods^v
- 1930 “A.J. Woods may install a mini-golf course in front of home.”^{vi}
- 1931 Mortgage/ Alfred J. & Mabel S.B. Woods to Canadian Bank of Commerce^{vii}
- 1941 Death of Alfred Woods^{viii}
- 1944 Tax Deed/ Town of Amherstburg to Colin Wigle^{ix}
- Grant/ Colin Wigle & wife to Curtis Jordan^x
- 1949 Deed/ Curtis Jordan & wife to Thomas Tait et. al^{xi}
- 1950 Grant/ Thomas Tait et. al to Patsy A. Huffman^{xii}

Sources:

Marsh Collection Society Property Research Files

ⁱ Essex County Land Registry Instrument #5489, Marsh Collection Society

ⁱⁱ The Amherstburg Echo August 26, 1910

ⁱⁱⁱ The Amherstburg Echo November 18, 1910

^{iv} Essex County Land Registry Instrument #9486, MCS

^v Echo January 29, 1926

^{vi} Echo August 8, 1990, ‘Upsetting the Hour Glass’ - 60 Years Ago

^{vii} ECLR Instrument #10698, MCS

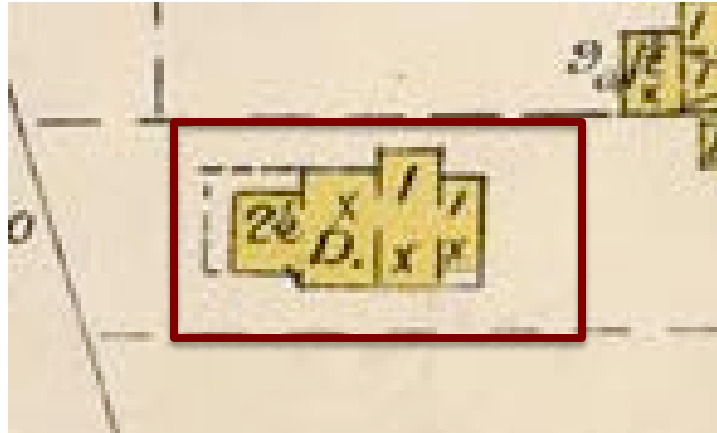
^{viii} The Amherstburg Echo July 4, 1941

^{ix} ECLR Instrument #12144, MCS

^x ECLR Instrument #12178, MCS

^{xi} ECLR Instrument #13321, MCS

^{xii} ECLR Instrument #13529, MCS



Extract from Fire Insurance Plan
of Amherstburg dated 1917
Source: Library & Archives Canada

escorted him single handedly to Amherstburg and then got him home by telling him to take a taxi. It effectively stopped the...

Brown, of Kingsville was in town on Wednesday. Brown is making rapid recovery from a very serious illness. He is greatly struck by the improvements to the property of S. W. & A. Ry and the improvements in town since Mr. Brown's residence here, and with the Lewis Wigle, of Leamington, Charles Clark, of Harrow, and other people in South Essex County residents.

There has been an outbreak of disease among the animals. It is not like the usual disease. At Elsie, in the county, 10 cattle were reported to have died from a peculiar bleeding disease, preceded by a heavy fever. From Hart, in the county, come reports of deaths in a similar manner. The state authorities are of the opinion, from their examination and telephoned reports, that the weather has caused the disease, which under such conditions is scarce, of a kind. This, coupled with the wet weather always prevailing about a forage...

But the quarry is a danger. It was at first anticipated that heavy rains soaked the ground which drain into that area would overflow and seepage would cause a good deal of extra water. However, the water has been lowered nearly another week will go down. The area of the pond lessened and the pumps developed and blew its head off. It took twenty-four hours to get it into commission. A large number of spectators witnessed the pumping out of the pond. No further news as to the Solway Projections when the place...

...hand. They made extensive notes and intimated that the principles they were going on were those of reason and conscience. Vice-Chairman Dingman formerly publisher of the Stratford Herald, paid The Echo a friendly visit.

—The family of Mr. and Mrs. Edward Woods, South Dalhousie street, sprang a very pleasant surprise upon them on Thursday evening of last week, when wholly without their knowledge they arranged to have some friends and relatives at their home to celebrate the golden wedding of this worthy pair. The gathering was all present when Mr. Woods returned from work, and to say that they all spent a pleasant evening is putting it mildly. During the course of the evening, the children presented the bride and groom of half a century with a purse containing \$165 in gold. Miss Daisy Kelley, of Windsor, read the address and made the presentation. They were also the recipients of many more handsome gifts as mementoes of this occasion, one that comes to but few married folks. A bountiful supper was served and the evening spent in a social manner. The ladies serving were Mrs. L. T. Bray, Mrs. E. Herbert and Miss Annie Horsman. The house decorations were carried out in yellow. Among the guests were Fr. Dumouchelle, of Toronto; Fr. Pajot, of Sandwich, and Fr. Semande; Mrs. Streit, of Marine City; Mrs. Roney, of Ann Arbor, and Mrs. Alger, of Ann Arbor, Mich. Mr. Woods married Miss Mary Ducharme at Garden Island, on the 5th of August, 1864. They first came to Amherstburg with the Dunbar & Sullivan Co., with whom Mr. Woods was employed, some thirty years ago, but returned to Montreal a few years later. Sixteen years ago they located permanently in the 'Burg, and he opened the Amherstburg Iron Works, which he has successfully conducted since. Their family consists of Mrs. Roney, of Detroit, Alfred and Mrs. A. J. Ouellette, of Amherstburg. Both Mr. and Mrs. Woods are enjoying the best of health, and that they may live many more years to enjoy each other's society is the wish of their many friends, with whom The Echo joins...

presented to the Ibership certificate presentation with speech voicing the opinion of Miss Cunningham and appreciation and appreciation tendered a vote of thanks. Letters of Mrs. Gooderham, Mrs. Park, her husband, and Mrs. Bruce, the National Association read.

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lord? Then get

MILLS

VLING.

Evening last the B. M. Club members of the club, of Detroit, to a the bowlers of the room. Several short made after the dinner of the Solvay chair, chairman of the of Solvay; D. O. Superintendent of and W. E. Steubing, Board of Directors R. L. Barns acted seven-thirty a bowlers teams of the two and a lot of inter- the fans. A new formed between the Athletic Club and and three of these during the contest and the B. M. Club. their strongest team the fact our boys three games, which margin to go to Sol- Music was furnish- the dinner by the Shillington, who en- Ballum, blind pianist

NEWS.

ettest showers of the on at the home of Mr. la on Wednesday af- of their daughter, near bride. The rooms decorated in blue and rings of tinsels. The ntly spent in music ne bride, after which was served by several nds. man, who was taken and operated on for not yet out of dan- ott, mail courier, of his sincere thanks to rs of R. R. No. 1 for ts received during New Year's, and will e as good service, if er, the coming year.— wife and family, of t Sunday at J. W. lomon Agla, who suf- some time ago, is not s to remain in bed al- John Harris has been improvements to his and it will soon be e "new bride and ling bells will ring in k.—A miscellaneous tendered Miss Cora front road, on Febru- wedding bells soon.— as sold his timber and are cutting it. A port- will be erected in the llen Lockwood is vis- ter, Mrs. Gordon Lott.

but bought more than one million pounds. The surplus, he said, had been bought at the instigation of George Jasperson, general purchasing agent of the W. C. McDonald Company. Deacon, in making the contracts, used both MacDonald and Foster Tobacco Company forms. The result of the decision Monday is that Jasperson is held liable for the amount of the purchase on MacDonald forms, and the MacDonald Company is held liable for those made on the Foster forms. The Dominion Tobacco Company is relieved of responsibility.

AMHERSTBURG PIONEER DIES.

Edward Woods, well known to marine dredge and drill workers from one end of the chain of lakes to the other, passed away on Saturday night at the home of his daughter, Mrs. Fred. Roney, Chicago, in the 81st year of his age. He left Amherstburg December 23rd, with the intention of spending the winter with his daughter, and was in a fair degree of health and strength for one of his years to within five days of the end, when he was seriously attacked with kidney trouble, which for some years had bothered him off and on. The end was peaceful. His remains were brought to Amherstburg Monday morning by Mr. and Mrs. Roney and taken to the home of his son, Alfred J. Woods, Dalhousie street, from where the funeral took place Wednesday morning to the R. C. church for requiem mass sung by Rev. Fr. Burns, with Fr. Beuglet and Fr. Allard as deacon and sub-deacon. Two grandsons, Alfred Woods and Edward Ouellette, were altar boys, and burial was in the R. C. cemetery by the side of his wife, who died in August, 1923. The pallbearers were: Colin Wigle, A. W. Marsh, Roy Wigle, Dr. McBride, A. U. Gunn and George Gott. A large number of townspeople were in attendance. Mr. Woods was for nearly thirty years one of the most highly respected business men in Amherstburg. He was born at Garden Island in 1846. The family originally comprised the following: Joseph, of Marine City; Margaret, Fred., Edward, Sophia, Mrs. Thibault and Henry. The two latter are the only survivors. They live at Clayton, N. Y. Mr. Woods learned the trade of iron worker, and became master mechanic for the Calvin Cos.' big iron shops at Garden Island. He was married to Mary Ducharme, descendant of a line of scholars, writers and teachers, at Wolfe Island, on August 5th, 1867, almost before the celebration of the Canadian Confederation had died out. They left there and came to Vicksburg, now Marysville, Mich., shortly after their marriage. Here he ran a foundry for a short time and then went to Marine City, where he joined his brother Joseph in the blacksmithing business. Later he opened a shop of his own at Algonac, and about 50 years ago came to Amherstburg with C. F. Dunbar, the original contractor at the Lime Kiln Crossing. He followed Mr. Dunbar to Port Colborne when the firm had a contract there; again they returned to the Lime Kiln, in 1891 went to Sault Ste. Marie when the Neebish channel was improved, and in 1895 had charge of Dunbar & Sullivan machine shop at Harbor Beach; spent three years with the firm at Lachine, and in 1898 settled permanently in Amherstburg, where for two years he looked after M. Sullivan's work, and then with his son bought the machine shop on Dalhousie street, which he was actively connected with until last year. To Mr. and Mrs. Woods were born a family of six children—Edward, died at 10 years of age in 1878; Alma, Mrs. Fred. Roney, mentioned above; Louise, Mrs. Joseph Hebert, died 11 years ago; Rachael, died at 6 years of age, in 1878; Alfred J., of Amherstburg, and Amelia, Mrs. A. Ouellette, of Albany, N.Y. Mr. Woods was a master of his trade, a man who always looked after the smallest detail; whose word was as good as his bond, honorable in all his dealings, and upright in life; and character, a gentleman of the old school, and of a generation which set a fine example for those who follow.



D. M. EAGLE.

D. M. Eagle, who on Tuesday was honored with election to the Wardenship of Essex county, is a native of Wellington county and received his education at Galt, graduating from the Galt Collegiate Institute, and the Faculty of Education at Hamilton. He first taught in the County of Waterloo and later in the city of Galt, coming to Windsor twenty-four years ago as Principal of the Model school. He was for many years on the Collegiate Institute staff and was then appointed by the Ontario Government as Principal of the Teachers' Training School, later Inspector of English-French schools in Essex and Kent counties. He served on the Windsor city council for four years, five years on the Library Board, and has been a member of the Sandwich council for four years. Mr. Eagle is not only a popular educator and public man, but he is one of Essex county's greatest travelers, having crossed the ocean a dozen times or more conducting tourist parties on European sightseeing trips. Last summer he and Mrs. Eagle spent four months studying the educational, agricultural and public systems in Great Britain, Norway and Sweden; Denmark, Germany and France. He is eminently fitted for the guidance of the Essex county parliament, and we predict the accomplishment of a very important program of work this year.

HARROW TOBACCO SHIPMENTS HEAVY

In an interview with The Echo Wednesday, F. R. Gregory, of the Imperial Tobacco Company, stated that his firm had shipped more than \$100,000 worth of tobacco at Harrow this week, and this is only a part of the crop. The rest of the yield will be bought up in about six weeks time. This tobacco is shipped from Harrow to Leamington, where it is graded and packed for reshipping to the plants of the company. Mr. Gregory predicted that the prices on all types of tobacco of a good quality would be satisfactory for the coming season, especially for Burley tobacco. As far as his firm is concerned the prospects for a good price on Burley are more promising than for the black tobacco because the black tobacco is not used at all for domestic consumption and the export market for it is limited, and in an experimental stage, whereas Burley tobacco is used altogether in Canada and there is a sizable demand for it for export. In fact, Mr. Gregory continued, "As far as we are concerned, we are exporting three times more Burley than the Black variety." As for the marketing of tobacco, the Black tobacco from Canada is in its experimental stage, whereas the export business in Burley is well founded and there is a satisfactory increase in the demand for it. From the growers' standpoint the Burley tobacco is better adapted to the climate of this part of Ontario, it being a week earlier, and it is grown as easily as the Black. Mr. Gregory stated that the average price per pound on Burley tobacco was 6 and 7 cents higher than last year's prices, whereas in this district the yield has increased from seven million pounds last year to nine millions pounds this year. No doubt the Imperial Tobacco Company will be in the market for some Black tobacco, but Burley will be the big issue. Page 144

think the school boys were downed by the close score of 2 to 1. The ice was rather heavy but the teams kept up the fast pace in every period. At the end of the first period neither team had scored. Finally in the second Mr. Davies lifted one up from the boards behind the net and the puck dribbled in for the first count. Second-period ended 1 to 0 for the school. The third period started off with a bang. Rub Hamilton played his usual brand of hockey. Rub deserves considerable credit. He always puts everything he has got into the game and then some. He is a fast skater, a tricky stick handler, and has a powerful shot. Before the final period was over he had two goals to his credit. These were the winners. The game ended 2 to 1 for J. R.'s. The teams were very evenly balanced, J. R.'s having more weight, the school better condition. The two teams are now tie and the next time they meet it will be a rare battle. The game was witnessed by nearly 300 spectators, and everybody got a great kick out of it.

Burg All Stars Defeat Baxters.

Baxter Motors, one of the fast Windsor team who are playing in the Industrial League, met their Waterloo on Saturday night. The ice was fast, and so were the teams. It was too cold a night to expect many on-lookers. However those who did turn out gave the home team much cheering support. It was a mad rush from one end to the other and it was not until the final period that the Burg had the edge on Windsor. In the first period both teams scored, and the same in the second. The third period finally ended in a tie—2 all. It was decided to play overtime. In the first five minutes there was no scoring. Finally in the last lap Rub Hamilton poked in the puck for the winning goal. The game throughout was a good exhibition of hockey, fairly clean and with plenty of combination. The Burg line up:

Goal, Falls; L. defence, Davies, McAlpine; R. defence, McKinley, Spry; L. wing, Timmis; R. wing, Rub Hamilton, Zavitz; Centre, Tormey Hamilton, O'Brien.

Amherstburg 3; Hydro 2.

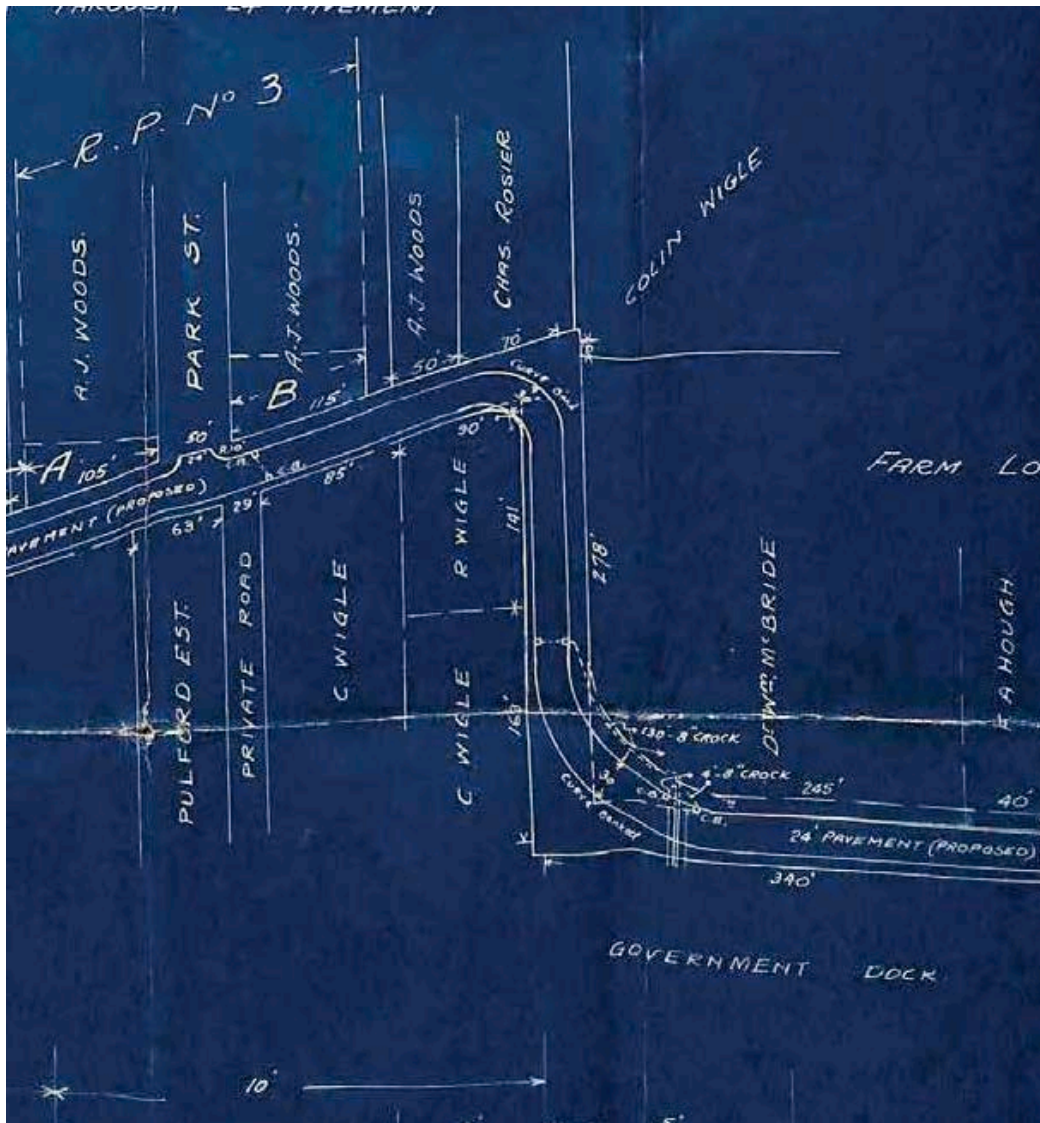
The Amherstburg hockey team scored their fourth consecutive victory over Windsor teams when they beat the Hydro team 3—2 on the local rink Wednesday evening. The game was fast the first two periods but in the last, due to a flurry of snow, the game was slowed up and it was anyone's game until Torm Hamilton got a loose puck and scored the winning goal. The next game will be played on Saturday evening when the local stick handlers will line up against the Dodge team.

DAIRY CONFERENCES.

A series of two-day dairy conferences are being arranged under the auspices of the Essex County Live Stock Improvement Association. L. J. C. Bull, of Brampton, the famous Jersey breeder, has been secured to speak. He will speak on "How to Produce Milk Cheaper" on the first afternoon. He will also lead in a discussion among the dairymen present on the general situation in Essex county. The program will include a discussion of "Additional Sources of Revenue for the Dairy Farmer From Cash Crops," by Justus Miller, Agricultural Representative. The second day's program will include a talk on Alfalfa by Mr. Bull. Ontario has doubled her acreage of alfalfa in the past two years. Mr. Bull will give his practical experience with alfalfa in Peel county, the famous alfalfa center where he lives. Herd Testing, Culling of Unprofitable Cows and the Place of Poultry on the Dairy Farm will be discussed by Elgin Senn, Assistant Agricultural Representative. A Milk Testing Demonstration will also be given. Dairymen are invited to bring a sample of milk from their herd and have it tested at this meeting. The meetings will be held as follows: Kingsville, Town Hall, Monday and Tuesday, February 1st and 2nd; Cottam Hall, Wednesday and Thursday, February 3rd and 4th; Gesto Hall, Friday and Saturday, February 5th and 6th. The meetings will begin at 2 p.m. and are in charge of local chairmen. Everyone is invited to attend.

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Plan of Dalhousie Street
April 19, 1928



ECHO NEWS MORGUE

SUBJECT

Alfred J. Woods

CLIPPED FROM

DATE

July 4 1936

Alfred J. Woods Dies

—Friends were shocked on Sunday morning to learn of the sudden death of Alfred J. Woods, Dalhousie Street South. Mr. Woods had been in the best of health the previous evening and had visited with friends in town. Shortly before midnight he suffered a severe heart attack and died in the early hours of Sunday morning. The first intimation his friends had of his death was when prayers were offered for the repose of his soul at the first Mass in St. John the Baptist R. C. Church Sunday morning. Mr. Woods was born in Marine City, Mich., on January 27, 1876. As a young man he worked as a machinist on the Dunbar and Sullivan dredges. In 1902 he came to Amherstburg when that company had work here. At that time there was a good deal of foundry work necessary to keep the dredges and drills in repair so he opened a foundry in the Maloney Building. He took his father into partnership and the following year they purchased the Middleditch Foundry, blacksmith shop and machine shop. The heaviest kind of marine work was done here as this was a modernly-equipped plant. When dredging operations ceased here for awhile work slackened down, but it picked up again and the foundry was re-opened until 1925. The building was razed in 1936. At St. Joseph's Church, Port Huron, 1905 Mr. Woods was married to Miss Mabel Beresford and to this union were born six daughters and four sons. Besides Mrs. Woods those surviving are four daughters, Cecilia, Mrs. Jack Wilhelm; Mrs. Robt. Martin, Mrs. Harvey Bussey, Mabel at home and three sons, Alfred of Detroit, Chester and Edward at home. Antoinette died in infancy and Beresford died at the age of 17 years. Funeral services were held on Tuesday morning at nine o'clock with Requiem High Mass in St. John the Baptist R. C. Church. Interment followed in St. John the Baptist Cemetery. The pallbearers were Messrs. Roy L. Wigle, Russel D. Wigle, Ledson Darragh, Ray Vigneux of La Salle, Peter Collings of Detroit and Louis Radigan of Windsor. Those from out-of-town attending the funeral were Alfred Woods Jr., Mr. and Mrs. Robert Martin of Detroit; Mrs. J. C. Wilhelm, Crystal Beach, Ontario; Mr. and Mrs. C. J. Beresford, Charles Beresford, Mr. and Mrs. Holton Beresford, Mr. and Mrs. D. J. Woods, Mrs. George Sequin, Mr. and Mrs. Peter Collings, all of Detroit; Mrs. J. Martin of St. Johns, Michigan; Miss Daisy Kelly, Miss Ecelyn Radigan, Louis Radigan, Mr. and Mrs. Norman Radigan, Fred Radigan, Lea Radigan and Thomas Rebaud of Windsor.

Heritage Register Listing - Process and Implications

Listing a property on the Town's Heritage Register as a non-designated "Property of Interest" is a formal acknowledgement by the Town that the property possesses cultural heritage value or interest.

The procedure to add properties to the Towns Heritage Register was approved by Council September 14, 2020, based upon the August 5, 2020 recommendation by the Heritage Committee.

Properties are determined to be of cultural heritage value or interest by evaluating them using the Province's criteria for determining heritage value prescribed in Ontario Regulation 9/06. As per Regulation 9/06, the property must possess one or a combination of the following:

1. *The property has design value or physical value because it,*
 - i. is a rare, unique, representative or early example of a style, type, expression, material or construction method,*
 - ii. displays a high degree of craftsmanship or artistic merit, or*
 - iii. demonstrates a high degree of technical or scientific achievement.*

2. *The property has historical value or associative value because it,*
 - i. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,*
 - ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or*
 - iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.*

3. *The property has contextual value because it,*
 - i. is important in defining, maintaining or supporting the character of an area,*
 - ii. is physically, functionally, visually or historically linked to its surroundings, or*
 - iii. is a landmark.*

Listing a property on the Heritage Register as a Property of Interest provides interim demolition protection. The only restriction for such a listed property is that the owner is legally required to give the Town 60 days written notice of intention to demolish. This 60-day time period allows Council to consider whether the property should be designated under the *Ontario Heritage Act*, or for the demolition to be approved.

Additionally, listing a property on the Heritage Register is also a valuable awareness and information tool and:

- Promotes and enhances an understanding of the Town's cultural heritage;
- Serves as valuable information for land use planning, property owners, developers, the tourism sector, educators, and the general public;

Listing on the Heritage Register as a Property of Interest does not require additional approvals by the Town for alterations (beyond those normally required), nor does the

ATTACHMENT 2

listing impose additional obligations for maintenance of the property. Listing on the on the Register as a Property of Interest is not registered on the land title.

The Town's process for listing a non-designated Property of Interest on the Heritage Register exceeds the notification requirements of the *Ontario Heritage Act*. The process not only requiring that notification be provided to a property owner after a site is approved for listing on the Register, as per the *Act*, but also requires the Town to notify property owners of the Council meeting to which the Register listing will be considered.



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF DEVELOPMENT SERVICES

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

| | |
|---|---------------------------------|
| Author's Name: Melissa Osborne | Report Date: April 13, 2022 |
| Author's Phone: 519 736-5408 ext. 2137 | Date to Council: April 25, 2022 |
| Author's E-mail: mosborne@amherestburg.ca | Resolution #: N/A |

To: Mayor and Members of Town Council

Subject: Amending By-law to update the Site Plan Control Area By-law

1. RECOMMENDATION:

It is recommended that:

1. **By-law 2022-045** being a by-law to designate a site plan control area for the Town of Amherstburg be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

EXECUTIVE SUMMARY:

N/A

2. BACKGROUND:

As a matter of housekeeping, due to the vacancy in the Manger of Planning Services position, the By-law to designate a Site Plan Control area for the Town of Amherstburg requires updating. The current by-law 2018-51 refers to the Manager of Planning services in eight (8) instances.

3. DISCUSSION:

Section 41(2) of the Planning Act authorizes a municipality to pass a by-law to designate a Site Plan Control area where the area is referred to in the municipality's Official Plan. Section 7.5 of the Town's Official Plan sets out the policies and objectives for Site Plan Control areas. Since the passing of the Town's latest Official Plan, the by-law designating

a Site Plan Control area for the Town has been updated twice on March 28, 2012 and July 11, 2018.

Site Plan Control is an important planning tool provided to municipalities by the *Planning Act* that enables the Town to approve the design and technical aspects of a proposed development to ensure it is attractive, functional and compatible with the surrounding area or planned context.

Section 7.5 of the Official Plan, being the Site Plan Control section, is in conformity with the proposed update to the Site Plan Control By-law. Section 7.5(3) states:

(3) The overall objective of Site Plan Control is to improve the efficiency of land use and servicing, to protect adjacent land use and to encourage a more attractive form of development by:

a) Improving the treatment of site plan details to maintain a consistent municipal standard in the proposed Site Plan Control Area;

b) Ensuring the safety and efficiency of vehicular and pedestrian access;

c) Minimizing land use incompatibility between new and existing development and ensure any identified mitigation methods required by the Town are maintained;

d) Providing functional and attractive on-site facilities such as landscaping and lighting;

e) Controlling the placement and provision of required services such as driveways, parking, loading facilities and garbage collection;

f) Securing easements to provide for public utilities and site drainage;

g) Ensuring that the development proposed is built and maintained as approved by Council.

The Site Plan Control By-law outlines which Site Plan Control agreements need approval by Council, which agreements may be approved by Administration without a Council meeting and which site alterations are minor enough to not require an amendment to existing agreements.

If approved, By-law 2022-045 will repeal and replace the existing Site Plan Control By-law, By-law 2018-51. The only change to the by-law is “Manager of Planning Services” has been replaced with “Chief Administrative Officer or designate”. This will ensure the Town will have a member of administration with the authority to enact the by-law allowing the Town to remain efficient in the processing of these agreements.

4. RISK ANALYSIS:

The recommendation presents no risk to the municipality.

5. FINANCIAL MATTERS:

N/A

6. CONSULTATIONS:

Consultation occurred with the Director, Legislative Services & Clerk.

7. CONCLUSION:

Administration is recommending that By-law 2022-045 be approved by Council, given three readings and finally passed and the Mayor and Clerk be authorized to sign same.

A handwritten signature in black ink, appearing to read 'Melissa Osborne', written over a horizontal line.

Melissa Osborne
Director, Development Services

JM

Report Approval Details

| | |
|----------------------|--|
| Document Title: | Amending By-law to Update the Site Plan Control Area By-law.docx |
| Attachments: | - 2022-045- Site Plan Control Area By-law Amendment.pdf |
| Final Approval Date: | Apr 20, 2022 |

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



Melissa Osborne



Tracy Prince



Valerie Critchley – Acting CAO

**CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2022-045**

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

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

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

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

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

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

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

DEFINITIONS

1. In this by-law,

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

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

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

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

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

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

DESIGNATION

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

APPROVAL OF PLANS OR DRAWINGS

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

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

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

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

CLASSES OF SITE PLAN APPROVAL

- 5.
 - i) Site Plan Approval – Council
 - a. All new Development, including parking lots, not excluded by Section 4, with a construction value exceeding \$1,000,000 or located adjacent to or within a residential zone shall be subject to full site plan approval by Council.
 - b. All new Development which requires approval of a zoning by-law amendment in combination with site plan approval regardless of the dollar value of construction.

- ii) Site Plan Approval – Administrative

All new Development, including parking lots, not excluded by Section 4, with a construction value of less than \$1,000,000 and not located adjacent to or within a residential zone shall be subject to approval by the Chief Administrative Officer or designate.

- iii) Site Plan Amendment

All amendments to any Development that has existing site plan approval shall be subject to the approval of the Chief Administrative Officer or designate, who has the discretion to refer the amendment to Council for approval.

DELEGATION OF SITE PLAN APPROVAL

- 6. Pursuant to Section 41(13)(b) of the Planning Act, R.S.O., 1990, the powers and authority given to Council of the Town under Section 41 of the Act are hereby delegated to the Chief Administrative Officer or designate, the powers and authority under Section 1 subject to the provisions of Section 5 of this by-law.

GENERAL

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

be the sole responsibility of the owner(s), which costs shall be paid to the Town prior to the issuance of any building permit(s).

PENALTY

9.

- i) Every person who contravenes any provision of this By-law and, if the person is a corporation, every director or officer of the corporation who knowingly concurs in the contravention, is guilty of an offence and on conviction is liable,
 - a) on a first conviction to a fine of not more than \$25,000; and
 - b) on a subsequent conviction to a fine of not more than \$10,000 for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted.
- ii) Where a corporation is convicted under subsection i), the maximum penalty that may be imposed is,
 - a) on a first conviction a fine of not more than \$50,000; and
 - b) on a subsequent conviction a fine of not more than \$25,000 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted, and not as provided in subsection i).
- iii) Where a conviction is entered under subsection i), in addition to any other remedy or any penalty provided by law, the court in which the conviction has been entered, and any court or competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

REPEAL OF BY-LAW 2018-51

10. By-law 2018-51 of The Corporation of the Town of Amherstburg, and all amendments thereto are hereby repealed.

11. This by-law shall come into force and take effect on the final passing thereof.

Read a first, second and third time and finally passed this 25th day of April, 2022.

MAYOR- ALDO DICARLO

CLERK- VALERIE CRITCHLEY



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF DEVELOPMENT SERVICES

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

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 Brunner and Sandwich

1. RECOMMENDATION:

It is recommended that:

- 1. That the proposed Zoning By-law Amendment for lands located on the northeast corner of Brunner Avenue and Sandwich Street (File ZBA-05-22), owned by 1603941 Ontario Inc. BE APPROVED IN PRINCIPLE subject to:
i) Confirmation in writing from the applicant's soil consultant that all clauses in the Official Plan (sections 2.3, 2.8.2 and 4.4.3) relating to soil conditions have been complied with;
ii) That the applicant provides an updated site plan demonstrating that both phases of the development meet a minimum requirement of 1.25 parking spaces per apartment unit. and;
2. That all the above conditions be met prior to the passing of the amending zoning by-law. When the above noted conditions are met, the amending site specific zoning by-law will be placed on a future Council agenda for adoption. and;
3. That prior to final site plan control approval being granted for the Phase 1 building the following items will need to be incorporated as part of the required site plan agreement:
i) That the applicant complies with the recommendations of the acoustical report.
ii) That the applicant complies with the recommendations of the Heritage Committee.
iii) That the applicant complies with the recommendations of the Essex Region Conservation Authority and obtain all necessary permits and/or approvals.

- iv) That the applicant complies with all other agency comments received by the Town.
- v) That the applicant complies with the requirements of all municipal departments.
- vi) That the applicant has their biologist confirm in writing the mitigation measures that are required to ensure compliance with the Endangered Species Act.
- vii) Install perimeter fencing adjacent to the industrial lands, the height and type to be determined as part of the site plan agreement.
- viii) That the applicant complies with the traffic study to the satisfaction of the Town Engineer.
- ix) That the applicant complies with all servicing components of the development to the satisfaction of the Town Engineer.
- x) That the applicant complies with all other applicable by-law/policies of the Town.

EXECUTIVE SUMMARY:

N/A

2. BACKGROUND:

The Town is in receipt of an application for a Zoning By-Law amendment to By-Law 1999-52 from 1603941 Ontario Inc. The lands are located immediately north of Brunner Street and east of Sandwich Street (refer to Figure 1).

The Official Plan designates the lands as General Commercial together with the provisions of Special Policy Area 10 (refer to Figure 2).

The Town's zoning by-law currently zones the subject lands Commercial General CG-5. The purpose of the application is to establish a site-specific zone to allow for the development of two apartment buildings each having a total of 114 units. The development is intended to proceed in two phases. Phase one will be constructed on the northeast corner of Brunner Street and Sandwich Street. This property will have an area of approximately 2.8 ac (refer to Figure 3). The second phase will be constructed on property located immediately north of phase one. This property will have an area of approximately 3.6 ac (refer to Figure 3). Both developments are intended to gain access via Sandwich Street.

Two previous meetings have been held regarding this application. An information meeting was held on March 9th. At the meeting the following resolution was passed:

Resolution # 20220309-01

Moved By Deputy Mayor Meloche
Seconded By Councillor Simone

That the presentation BE RECEIVED.

The Mayor put the Motion.

Motion Carried
2 of 15

The statutory public meeting was held on March 28th. At that meeting the following resolution was passed:

Resolution # 20220328-01

Moved By Deputy Mayor Meloche
Seconded By Councillor Simone

That:

1. The presentation regarding Riverview Apartments BE RECEIVED; and,
2. Additional comments from the public, municipal departments, agencies and Council with respect to the proposed Zoning By-law Amendment for lands located on the northeast corner of Brunner Avenue and Sandwich Street N (File ZBA-07-22), owned by 1603941 Ontario Inc. BE RECEIVED and brought back to a future Council meeting with any additional comments and staff recommendations.

The Mayor put the Motion.

Motion Carried

There were a number of comments raised during the first two meetings from members of the public and council. Those comments included the following:

- Height of the proposed buildings
- Access to the sites
- Amount of visitor parking
- Traffic congestion on Brunner Ave.
- Parking on adjacent residential streets
- Potential soil contamination
- Heritage nature of the building
- Landscaping/fencing
- Loss of privacy

Administration will discuss the above noted comments in Section 3 of the report.

3. DISCUSSION:

As Council is aware, the applicant is proposing to amend the zoning by-law to allow for 2 stand alone apartment buildings. The Official Plan for the Town contains several policies with respect to the provision of housing throughout the municipality. Section 6.6 Housing Policies state the following:

6.6.1 General

The Town of Amherstburg is concerned about the availability, affordability and appropriateness of the existing and future housing stock of the Town.

The existence of serviced and/or serviceable land can influence the supply and therefore the availability of building lots, and because the mix of housing type can influence issues such as the correct fit between available housing stock to family structures and because lot size can affect the price of the finished home; the Town of Amherstburg has deemed it appropriate to try and influence the development industry and assist in directing it towards supplying the most appropriate mix of housing stock to meet the Town's residential needs.

6.6.2 Housing Objectives

To this end the Town of Amherstburg shall attempt to achieve the following objectives:

- (1) To encourage a broad range of housing types which are suitable for the different age groups, lifestyles, and household structure of existing and future residents.
- (2) To encourage an adequate supply of affordable housing as required by the provincial policy statement on housing.
- (3) To encourage the rehabilitation and maintenance of the existing housing stock.
- (4) To provide housing opportunities for those people in need of specialized care.

6.6.3 Housing Supply

(1) In order to support the creation of a livable, sustainable community and in keeping with the County of Essex Affordable Housing Action Plan the Town of Amherstburg wishes to ensure that there is an available mix of housing types for all household types, income levels and for persons with special needs. In approving development proposals, the housing needs, both type and tenure, shall be considered for low, medium and high income groups and all age related housing needs and all lifestyle needs of Amherstburg residents.

(2) The Town shall, where appropriate, inform the public of and encourage the use of federal and provincial housing programs.

(3) In order to implement the requirements of the policy statement, the Town shall have regard to the County of Essex Municipal Housing Statement. In an effort to reduce the time of processing residential applications has prepared a Procedural Guideline/Development Manual.

(4) The Town shall, within its powers, ensure a supply of lands designated for residential use so that at minimum, a twenty (20) year supply is maintained at all times.

(5) The Town shall, within its powers, maintain a continuous ten (10) year supply of a combination of draft approved and/or registered lots and blocks on plans of subdivision in new residential development.

(6) The Town shall encourage and assist, where possible, in the production of an

adequate supply and mix of affordable housing by:

- a) expediting the development approval process and other administrative requirements;
- b) implementing senior government housing programs;
- c) encouraging innovative and alternative development forms and where appropriate, apply more innovative and flexible zoning;
- d) promoting a 3 percent vacancy rate for rental housing and discourage demolition or conversions to condominium development when the vacancy rate is 3% or less;
- e) promoting the provision of assisted rental housing to meet the needs of low income and senior citizen households;
- f) considering, where feasible, the introduction of cost reduction techniques such as reduced setbacks, reduced lot sizes and other modifications to the Zoning By-Law, where such techniques will provide guaranteed lower housing costs while maintaining land use compatibility;
- g) monitoring housing and subdivision activity, achievement of affordable housing targets and land availability;
- h) working toward resolving servicing constraints that impede appropriate residential development in appropriate locations.

(7) The Town shall continue to encourage and assist, where feasible, in the upgrading and rehabilitation of existing housing, particularly in older residential areas.

(8) The Town shall promote the conversion of vacant or under-utilized upper level core area buildings to residential apartment units in order to improve the use of the buildings and enhance the viability of the core area while still having regard to the amenity needs of such inhabitants. Concessions to parking requirements may be considered by Council in assessing the merit of an application.

(9) The Town shall encourage the provision of specialized housing facilities to meet the needs of persons with disabilities; and encourage the developers of medium and high density housing projects to provide units designed specifically for persons with special needs.

(10) The Town will work with the other communities of Essex County to ensure consistent group home separation regulations.

(11) The Town will monitor housing needs specific to Amherstburg including the needs of senior residents.

(12) The Town will also work toward providing a range of housing choices that are affordable to all income levels. Affordable for the purposes of this Plan shall mean:

- a) Affordable housing means housing that can be accessed by households whose income falls at or below the lowest 35th percentile of the income distribution of the community.
- b) Affordable rental housing is housing where monthly rent costs excluding utilities do not exceed 30 percent of the tenant gross monthly household income.

- c) Affordable ownership housing is housing where monthly housing expenses including mortgage principle, interest and property tax but excluding insurance or utilities do not exceed 30 percent of gross monthly household income.

(13) The Town of Amherstburg will establish a housing first policy when disposing of surplus lands when appropriate and when in keeping with sound land use planning principles Guideline/Development Manual.

(14) If provided with sufficient safeguards for long term commitment to affordability, the Town will consider providing a grant in lieu of residential development charges, planning fees and/or building permit fees.

(15) The Town will look to the County for similar reductions in County fees and taxes for accepted affordable housing projects.

(16) The Town will work with the County of Essex to identify targets for housing that is affordable to low and moderate income households and the Plan will be amended to incorporate such targets. (Modification #36)

The development of these lands for 2 multi-family building containing a total of 228 units is in keeping the housing polices as set out above. Further, the 2020 Provincial Policy Statement encourages the redevelopment of brownfield sites for this type of land use.

Section 4.8.5 sets out the polices with respect to parkland dedication and cash-in-lieu of parkland. It is recommended that the site plan control agreement contain provisions that the owner pay a cash-in-lieu fee to the municipality pursuant to the policy as established by Council.

Further to the above the applicant also engaged SVN Rock Advisors to conduct a “feasibility study comprising of a demographic, demand, and competitive market analysis to assess the viability of developing a multi-residential development at the northeast corner of Sandwich Street and Brunner Avenue”.

The key findings of the report include:

“Site Location: The proposed rental development is located on the north-east corner of Sandwich Street North and Brunner Avenue in Amherstburg, Ontario. Situated among a single- family subdivision to the south, the remains of an old chemical plant to the north, the Amherstburg Yacht Club and Detroit River to the west, and a vacant parcel of land to the east. The site is primarily car-dependant, as the town of Amherstburg has limited public transit. The surrounding neighbourhood offers a thorough amenity offering including a grocer (1.2km away), a pharmacy (1.1km Away), restaurants (within 0.8km), financial institutions (within 1.9km), retailers and services all available within close proximity to the subject site. Along with the commercial amenities are a variety of local parks and walking trails along the Detroit River, which are likely to act as an additional rent driver during the lease-up process as many residents’ value proximity to nature.

• **Market segmentation:** Population growth is considered a positive metric for the success of new rental apartments since it helps indicate if there is sufficient growth

to support the addition of new rental apartments in the local housing supply. Between 2020 and 2030, the population of Amherstburg is expected to increase by 1,235 residents (+5.2%). During this time period the neighbourhood surrounding the subject site is expected to increase by approximately 644 residents (+4.6%). As new developments arise, the projected population growth will likely increase further as new residents are attracted to the community. The projected population growth within both Amherstburg and the subject site's surrounding neighbourhood indicates that the demand for housing is likely to continue to grow, creating further strain on the very limited existing stock of rental apartments. In addition, it indicates that the neighbourhood contains positive attributes, including but not limited to, strong community amenitization, and connectivity which will enable it to attract a significant proportion of new residents.

- **Household affordability:** Approximately 12% of households in the local neighbourhood can afford rents between \$2,500-\$3,125 per month; whereas 28% can achieve rents greater than \$3,125 and earn household incomes greater than \$125,000. Similarly, 12% of households in broader Amherstburg can afford between \$2,500-\$3,125; whereas 36% can achieve rents greater than \$3,125. This is a positive indicator for the ability of households in the surrounding market to afford to afford the premium rates associated with a top-of-market multi-residential development.

- **Average income:** Households earning up to \$100,000 annually are underrepresented in the neighbourhood, whereas broader Amherstburg has a larger distribution of individuals earning over \$100,000 annually. 40% of neighbourhood households achieve incomes of \$100,000 or more, compared to 48% in broader Amherstburg. The neighbourhood's average household income of \$97,474 is approximately \$17,632 lower than that of broader Amherstburg. However, the lower average incomes experienced surrounding the subject site are likely the result of the demographic composition in the area consisting of a large proportion of retirees. This is not a negative indication in the potential success of the proposed development as average household incomes in broader Amherstburg still remain high relative to Ontario's average household income of \$111,866. In addition to strong average household incomes, many of the target residents will likely sell off their home providing them with additional equity when searching for new housing accommodations.

- **Demand analysis:** Amherstburg is largely undersupplied with rental product with only 1.2 rental apartments per 100 people. Additionally, demand remains strong for rental apartments with 78% of renters renting from the secondary market with a total of 1,333 renter households in Amherstburg. This limited amount of purpose-built rental buildings in the market likely indicates that when new apartment product is brought to market, it will likely experience few issues with lease-up and absorption.

- **Competitive market analysis:** Amherstburg as a rental market has an average monthly rent of \$1,062 across all unit types as recorded by CMHC, however rents being achieved by both secondary market rentals in Amherstburg, and new purpose-built rental apartments are much higher with new purpose-built rental product in achieving starting rents approximately \$649-\$1,059 higher than CMHC average rents. This suggests that newly built rental stock in Amherstburg will

achieve higher rental rates than the CMHC average market rents. Amherstburg experienced some of the highest vacancy rates among benchmark municipalities. This is largely due to the COVID-19 pandemic. In 2019 the average vacancy rate was 1.2% but increased to 4.7 by 2020, representing an increase of 3.5%. As the majority of the purpose-built rental units are built before the year 2000 in Amherstburg, a new, superior quality property will have fewer issues with vacancies upon stabilization”.

Based on the policies of the Official Plan and the results of the study, it is the position of administration that the development of these lands is in keeping with the general intent and purpose of the Official Plan.

Given the proximity of the former General Chemical/Honeywell property, the applicant is required to comply with several sections of the Official Plan regarding the site suitability of these lands for residential purposes. These sections include:

- Section 2.3 - Site Suitability states that prior to the approval of any development or amendment to the Official Plan or the Zoning By-law it shall be established to the satisfaction of Council that – (1) soil and drainage conditions are suitable to permit the proper siting of the buildings.
- Section 2.8.2 – Waste Settling beds states that the former General Chemical site and the Honeywell site have active waste settling beds, inactive waste settling beds and settling beds under remediation but closed. The Honeywell settling bed is considered an active waste disposal site. Any new development or change of use on the site or within 500 metres of any of the waste settling bed sites as measured from the perimeter of the settling bed shall require an applicant to undertake a study, prepared by a qualified professional, to evaluate the presence and impact of environmental contaminants and any leachate migration in the soils. The study will address the feasibility of mitigation measures if required. Depending on the results of the study, development may be restricted, conditions may be imposed or development may be refused. Appropriate buffering may also be applied as determined by the study. No development may be permitted on the waste settling beds unless approval has been granted under Section 46 of the Ontario Environmental Protection Act.
- 4.4.3 Special Policy Areas (5) – states that prior to the finalization of any site plan for the development of these lands, the Town will need to have a drainage study undertaken by a qualified hydrologist demonstrating that (a) there will be no impact on the drainage of the adjoining properties, including Honeywell ASCa Inc., (b) there will be no runoff from the proposal onto adjoining properties, (c) the soil composition/profile and geology of the site will allow for the required accumulation of water on site.

The Environmental Protection Act also addresses lands changing from Commercial/Industrial to Residential.

- Section 168.3.1 (1) requires that a Record of Site Condition (RSC) is required where there is a proposed change in the use of the property from industrial or commercial use to residential or parkland use.

The applicant has undertaken a Phase 2 Environmental Assessment (soil testing) for the property and has advised that they will be completing an RSC for both phases of the development as well as other lands they own to the east (attached as Figure 4 is a copy of the survey identifying the lands which the RSC will be registered on). While the applicant has completed the Environmental Assessment work and is completing the registration of an RSC, it is recommended that the applicant have his consultants advise in writing that the work completed to date satisfies the policies of the Official Plan as noted above.

Section 6.7 – Planning Impact Analysis set out several areas that must be considered as part of a zoning by-law amendment. These include:

(1) 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 Official Plan provides that any proposed development and redevelopment of all land in the Town must generally be compatible with adjacent land uses. Residential areas and other sensitive land uses, such as nursing homes, shall be protected from undesirable air quality and excessive noise and vibration through the policies of this Plan and the use of Site Plan Control.

Developers proposing to locate residential or other sensitive land uses near industry, railway lines, and/or arterial roads may be required to carry out noise, air quality and/or vibration assessments and determine control measures which are satisfactory to the Ministry of Environment and/or the Town and which meet the Ministry's recommended sound and vibration limits.

The Town may use Site Plan Control in accordance with Section 7.5 of this Plan to require buffering between uses of land where there may be conflicts such that one use may detract from the enjoyment and functioning of the adjoining use. Such buffering will be considered in light of the Ministry of Environment's guideline entitled Guideline on Separation Distance Between Industrial Facilities and Sensitive Land Uses, as amended from time to time, and may include landscaping, screening and the separation of uses by extra distance between them.

Added conditions such as increased yard requirements, planting strips, fencing, and/or berms, deflective lighting, restrictions of use of certain portions of the land, etc., are all added requirements that may be imposed to offset aspects of incompatibility between any two land uses.

In areas where a conflict already exists between residential and non-residential land uses, the Town may consider the erection of a buffer such as sound attenuation fencing as either a general or local improvement.

The applicant has through the development of the site plan addressed the policies of the Plan through the orientation of buildings and the access points. In addition, the applicant has retained the services of a qualified acoustical engineer to assess the noise adjacent to the subject lands. The conclusions of the report state the following:

“As the noise impact on the proposed development has been shown in this report to be within the manageable limits set by the Ontario Ministry of the Environment, Conservation and Parks, it is recommended that the development be given approval with the understanding that the stated noise control measures are implemented. This includes the inclusion of the specified warning clauses.” Based on the conclusions, it is recommended that the noise control measures, and warning clauses are included as part of the Site Plan Control Agreement.

(2) The height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses;

With respect to height, location and spacing of buildings, administration has reviewed the proposed site plan relative to the surrounding neighbourhood. The owner has indicated that it is their intent to limit the buildings to six storeys in height. This restriction will reduce the impact with respect to the massing of buildings in relation to the single detached dwellings found on the south side of Brunner Street. This would include addressing the issue of privacy as it relates to the low-density subdivision to the south. To ensure that this or another owner is not able to increase the height at a later date, a regulation would be included in the site-specific zoning by-law that would establish a maximum height. Section 4.4.2 of the Official Plan (General Commercial Areas) states that “hotels and multi-family residential development within the Sandwich Street Corridor (County Road 20) of the General Commercial designation may have heights up to eight storeys.” Based on a review of the proposed location and orientation of the proposed 6 storey buildings, the proposal would conform with the intent of the Official Plan.

(3) The extent to which the proposed development provides for the retention of any desirable vegetation or natural features that contributes to the visual character of the surrounding area;

The site contains very little naturalized features, save and except the open drainage ditch crossing the property. This drain is located on the phase two lands and the applicant has advised it will not be disturbed as part of the Phase 1 construction. Notwithstanding, the owner will need to receive all the necessary approvals/clearances/permits from MECP and/or ERCA with respect to these lands prior to site plan approval for Phase 1.

Pursuant to the requirements of the Endangered Species Act, the applicant has completed a Species at Risk screening. The report notes that “as site preparation and construction details are developed, mitigation measures will need to be specified to achieve Endangered Species Act compliance by reducing the likelihood of snakes incidentally entering and lingering within the site and employing appropriate seasonal avoidance for works such as drain excavation and enclosure.” Prior to final site plan approval, the applicant should have his biologist confirm in writing what mitigation measures should be employed to ensure compliance with the Endangered Species Act. Those recommendations will be included into the site plan control agreement.

(4) The proximity of any proposal for medium density residential development to public open space and recreational facilities, community facilities, municipal services, transit services, and the adequacy of these facilities and services to accommodate the development proposed;

The applicant also engaged SVN Rock Advisors to conduct a “feasibility study comprising of a demographic, demand, and competitive market analysis to assess the viability of developing a multi-residential development at the northeast corner of Sandwich Street and Brunner Avenue”. One of the key findings of the report includes:

“The proposed rental development is located on the north-east corner of Sandwich Street North and Brunner Avenue in Amherstburg, Ontario. Situated among a single- family subdivision to the south, the remains of an old chemical plant to the north, the Amherstburg Yacht Club and Detroit River to the west, and a vacant parcel of land to the east. The site is primarily car-dependant, as the town of Amherstburg has limited public transit. The surrounding neighbourhood offers a thorough amenity offering including a grocer (1.2km away), a pharmacy (1.1km Away), restaurants (within 0.8km), financial institutions (withing 1.9km), retailers and services all available within close proximity to the subject site. Along with the commercial amenities are a variety of local parks and walking trails along the Detroit River, which are likely to act as an additional rent driver during the lease-up process as many residents’ value proximity to nature.”

(5) 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 size and shape of the lots is deemed to be appropriate for the development of two apartment builds as shown on the proposed site plan as required by clause 5. The lots have an area of 2.8 ac and 3.6 ac and each phase will meet or exceed the requirements of the zoning by-law. Further the configuration of the lots allows for the orderly siting of buildings, amenities, parking areas and ingress/egress points to Sandwich Street.

(6) 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;

With respect to the location of vehicular access points and the ability of the site to accommodate the intensity of the proposed use, the applicant engaged the services of a qualified firm to complete a traffic impact study. The study concluded that:

- All approaches to the westbound stop-controlled tee intersections of Brunner Avenue and Grant Avenue at Sandwich Street are currently operating at good levels of service; even with the addition of site generated and area development traffic, the intersections are expected to operate satisfactorily, without an adverse impact on Sandwich Street North traffic (i.e., the northbound and southbound approaches);
- All proposed stop-controlled site accesses at Brunner Avenue and Sandwich Street North will operate at satisfactory levels of service following the construction of the proposed residential developments; a single combined egress lane will sufficiently accommodate the anticipated site generated traffic;
- The two access driveways to Sandwich Street from the six-storey apartment buildings will not alter the operating characteristics of Sandwich Street which will continue to perform at a Level of Service A following development;
- Geometric and traffic control improvements are not required to accommodate the subject residential developments;

- There is sufficient decision sight distance to accommodate safe egress from the proposed site accesses; however, the developer and road authority should ensure that all boulevard areas within the right-of-way are clear of obstructions before construction commences.

Therefore, based on the results of the technical work, it is the engineers' opinion that the proposed development will not adversely affect the surrounding area's traffic operations.

It is noted that the study addressed not only the two apartment building, but also a future residential subdivision to the east. To be clear, this application only deals with the two apartment building sites. Any further development to the east would be the subject of new Planning Act applications and public meetings.

One of the matters raised at the March 28th Council meeting was the number of parking spaces being provided, particularly phase 1 of the development. The Town's zoning by-law currently requires a minimum of 1 parking space per unit. In addition to this regulation, the applicant was proposing to provide 7 additional spaces for visitors. Several comments were raised from the public and members of Council that without additional onsite parking, that there will be parking spilling over onto the adjacent residential streets. Administration concurs with those comments and notwithstanding the minimum requirements of the zoning by-law, additional onsite parking should be provided. Based on research, all other municipalities in the region (including the City and Chatham-Kent) require a minimum of 1.25 spaces/unit up to 1.5 spaces/unit. As a result of those comments, the applicant did request his consultants to review the site plan and explore options to provided additional onsite parking. The applicant has advised that a revised site plan is being prepared that will provide a minimum ratio of 1.25 spaces per unit (Phase 1 has 114 units. At a 1.25 ratio the minimum required spaces will be 143 spaces). Phase 2 site plan demonstrates that this ratio will be exceeded.

(7) The exterior design and layout of buildings and the integration of these uses with present and future land uses in the area;

The Town's Official Plan contains Special Policy Area policy 4.4.3 which relates to the subject development site, states the following:

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

This matter was brought to the Heritage Committee on April 14, 2022. At that meeting the Committee endorsed the recommendation of the Heritage Planner to approve the concept attached hereto as Figure 5 (included as part of the staff report). It is recommended that these figures be included as part of the Site Plan Agreement to ensure that the buildings are constructed as approved by the Committee.

(8) The location of lighting and screening, and the adequacy of parking areas;

(9) The provisions for landscaping and fencing;

Section 4.4.3 – Commercial Special Policy Areas contains policies with respect to this area of Sandwich Street as follows:

Within this area, Council may establish a setback that requires that at least 25% of the building fronting on to Sandwich Street be set back no less than 6 metres minimum and no more than 15 metres maximum. Council may also establish a minimum elevation at the 6 metre setback from front lot line of 6 metres and a maximum elevation of up to 15 metres. Council may also require an enhanced landscaping plan as part of the site plan approval that requires that deciduous trees be planted in the boulevard having 2.0 metres clear stem and head room for pedestrians and cyclists. In addition Council may require a minimum buffer or landscape strip of 3.0 metres established along Sandwich Street and that 20% of the landscaping be woody plant material that is capable of providing interest in all seasons. Fencing or dense hedge material shall be required to obscure the parking area if front yard parking is proposed.

Chain link fences or wood construction fencing shall not be permitted unless they are fully screened from public view.

Compliance with these policies will also be addressed during site plan control.

(10) The location of outside storage, garbage and loading facilities;

(11) Conformity with the provisions of the Site Plan Control By-Law;

(12) The design and location of signs, and the compliance of signs with the Sign Control By-Law;

(13) Measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets which have been identified as part of the Planning Impact Analysis.

All other sections 6.7 will be addressed during the site plan control process. Given the use of the adjacent property, it would be appropriate that the owner install fencing to delineate the boundary of the property and prevent individuals from walking onto the adjacent industrial lands. The height and type of fence can be finalized as part of the site plan agreement.

The PJR prepared by Mr. Storey also addresses this section of the Official Plan, which can be found at Figure 6.

The applicant has also prepared and submitted an Archaeological report for the property. The Ministry of Heritage, Sport, Tourism, and Culture Industries has confirmed that based on the results of the Stage 1 background investigation and the subsequent Stage 2 test pit survey the study area is considered free of archaeological material, and no additional archaeological assessments are. This report was required to satisfy the policies contained in Special Policy Area 10.

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.

6. CONSULTATIONS:

The Notice of Public Meeting was published in the local newspaper 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.

7. CONCLUSION:

Based on all of the above and subject to any further comments/direction from Council it is the opinion of administration that this application is consistent with the intent of the Official Plan and is appropriate for the development of the lands. It is recommended that this rezoning application be approved in principle, subject to the conditions as set out in section 1 of this report.



Melissa Osborne
Director, Development Services

JM

Report Approval Details

| | |
|----------------------|---|
| Document Title: | Zoning By-law Amendment for Brunner and Sandwich.docx |
| Attachments: | - 2022 04 25- Zoning By-law Amendment for Brunner and Sandwich- ATTACHMENTS.pdf |
| Final Approval Date: | Apr 20, 2022 |

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



Melissa Osborne



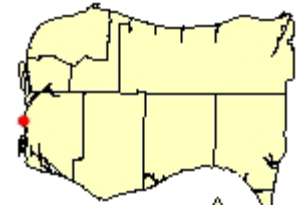
Tracy Prince



Valerie Critchley – Acting CAO



Figure 4



Legend

- Roads
- Zoning
- Parcels
- Streams and Creeks
- Essex

0.1 0 Distance / 0.1 Kilometers



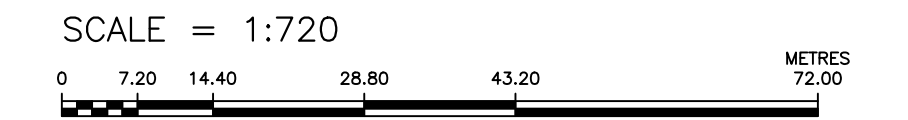
Notes

This is where you enter your notes about the map.



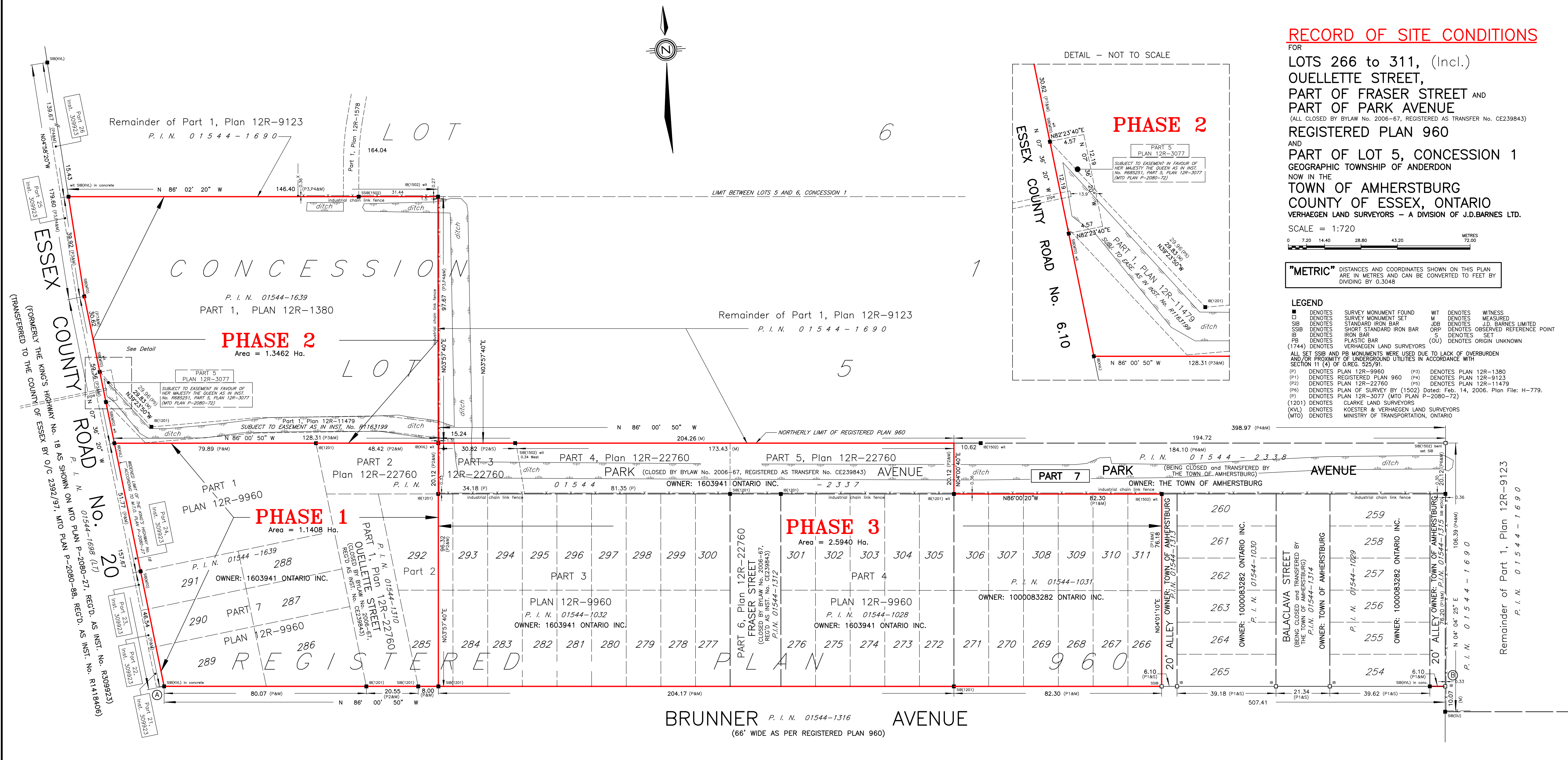
RECORD OF SITE CONDITIONS

FOR
 LOTS 266 to 311, (Incl.)
 OUELLETTE STREET,
 PART OF FRASER STREET AND
 PART OF PARK AVENUE
 (ALL CLOSED BY BYLAW No. 2006-67, REGISTERED AS TRANSFER No. CE239843)
 REGISTERED PLAN 960
 AND
 PART OF LOT 5, CONCESSION 1
 GEOGRAPHIC TOWNSHIP OF ANDERDON
 NOW IN THE
 TOWN OF AMHERSTBURG
 COUNTY OF ESSEX, ONTARIO
 VERHAEGEN LAND SURVEYORS - A DIVISION OF J.D.BARNES LTD.



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

- LEGEND**
- DENOTES SURVEY MONUMENT FOUND
 - DENOTES SURVEY MONUMENT SET
 - SIB DENOTES STANDARD IRON BAR
 - SSIB DENOTES SHORT STANDARD IRON BAR
 - IB DENOTES IRON BAR
 - PB DENOTES PLASTIC BAR
 - (1744) DENOTES VERHAEGEN LAND SURVEYORS
 - WT DENOTES WITNESS MEASURED
 - M DENOTES J.D.B. BARNES LIMITED
 - ORP DENOTES OBSERVED REFERENCE POINT
 - S DENOTES SET
 - (OU) DENOTES ORIGIN UNKNOWN
- ALL SET SSB AND PB MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11 (4) OF O. REG. 525/91.
- (P) DENOTES PLAN 12R-9960
 - (P1) DENOTES REGISTERED PLAN 960
 - (P2) DENOTES PLAN 12R-22760
 - (P3) DENOTES PLAN 12R-9960
 - (P4) DENOTES PLAN 12R-1380
 - (P5) DENOTES PLAN 12R-11479
 - (P6) DENOTES PLAN OF SURVEY BY (1502) Dated: Feb. 14, 2006. Plan File: H-779.
 - (P7) DENOTES PLAN 12R-3077 (MTO PLAN P-2080-72)
 - (1201) DENOTES CLARKE LAND SURVEYORS
 - (KVL) DENOTES KOESTER & VERHAEGEN LAND SURVEYORS
 - (MTO) DENOTES MINISTRY OF TRANSPORTATION, ONTARIO



LEGEND AND NOTES

BEARINGS ARE UTM GRID, DERIVED FROM SIMULTANEOUS GPS OBSERVATIONS ON MONUMENTS "A" AND "B", SHOWN HEREON, HAVING A GRID BEARING OF N86°00'50"W NAD83 (CSRS)(IMPERIAL) (1997.0) AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 17 (81° WEST LONGITUDE).

DISTANCES ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99995022

FOR BEARING COMPARISONS A ROTATION OF 1°25'40" CLOCKWISE WAS APPLIED TO THE BEARINGS ON PLAN 12R-22760 TO CONVERT TO UTM BEARINGS.

INTEGRATION DATA

COORDINATES ARE DERIVED FROM GPS OBSERVATIONS USING THE CAN-NET NETWORK SERVICE AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) NAD83 (CSRS)(IMPERIAL) (1997.0). COORDINATE VALUES ARE TO AN URBAN ACCURACY IN ACCORDANCE WITH SECTION 14(2) O. REG 216/10

| POINT ID | NORTHING | EASTING |
|----------|------------|-----------|
| A | 4665090.60 | 325461.60 |
| B | 4665055.34 | 325967.76 |

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
- THIS SURVEY WAS COMPLETED ON THE 10th DAY OF DECEMBER, 2021.

DATE: APRIL 11, 2022

Andrew S. Mantha
 ANDREW S. MANTHA
 ONTARIO LAND SURVEYOR

VERHAEGEN SURVEYING
 LAND SURVEYORS
 A Division of
J. D. Barnes Limited

944 OTTAWA STREET, WINDSOR, ON, N8X 2E1
 T: (519) 258-1772 F: (519) 258-1791 www.jdbarnes.com

DRAWN BY: A.S.M. CHECKED BY: A.S.M. REFERENCE NO.: 21-47-535-00
 CAD File: 21-47-531-00 RSC Plan Metric.dwg CAD Date: April 11, 2022 4:13 PM



THE CORPORATION OF THE TOWN OF AMHERSTBURG

Heritage Committee

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: Clint Robertson | Report Date: March 15, 2022 |
| Author’s Phone: 519 736 0012 ext. 2142 | Date to Committee: April 14, 2022 |
| Author’s E-mail: crobertson@amherstburg.ca | Resolution #: |

To: Chair and Members of the Heritage Committee

Subject: Site Plan - Proposed Development – Brunner Av. & Sandwich St. N

1. RECOMMENDATION:

It is recommended that:

The Heritage Committee ENDORSE the proposed development concept (Attachment 1) in relation to the Site Plan Approval process.

2. BACKGROUND:

A development is proposed on the lands located on the northeast corner of Brunner Avenue and Sandwich Street North. The development lies within a Special Policy Area of the Town of Amherstburg’s Official Plan which requires review by the Heritage Committee as part of the Site Plan Approval process.

The proposed development is the first phase of a two-phase development which, in each phase, would comprise a six-storey rental apartment building of 115 units each.

The Town’s Official Plan contains Special Policy Area policy 4.4.3 which relates to the subject development site, and outlines:

(2) In order to ensure an aesthetically pleasing approach to the historic portion of Amherstburg and to protect the historic character, and as this area represents the Gateway to Amherstburg and a portion of this area is within the Town’s Downtown Tourist District, additional policies will apply to commercial development established along Sandwich Street between Texas Road and Fort Street and for the area along Sandwich Street South to Lowes Side Road. This policy will allow for, within this area, additional landscaping requirements at the time of site plan approval and special attention will be given to lighting, fencing, and location of garbage disposal. This policy

will also allow Council to establish both minimum and maximum height regulations and setback regulations in the Zoning By-law. Council will seek the advice of Amherstburg's Heritage Committee when dealing with development in this area on such matters as roof line, height, building material, and window placement in order to maintain the historic small town appearance. Site Plans associated with any Zoning By-law amendments to a General Commercial Zone shall be subject to public consultation.

3. DISCUSSION:

The Heritage Planner believes that to help create an aesthetically pleasing approach to the core of Amherstburg and to be sympathetic and compatible to the Town's historic character, as per the special policy of the Official Plan, that the following should be applied:

1. The design should not create a false sense of historical development; copying or mimicking the design of heritage buildings in the Town or elsewhere is discouraged;
2. New development should utilize high-quality and lasting materials;
3. New development should be a contemporary interpretation of traditional design, which may follow one of these approaches:
 - contemporary form incorporating traditional materials;
 - traditional form incorporating contemporary materials;
 - updated traditional form incorporating traditional materials
4. Parking should be visually subordinate within the development

The Heritage Planner reviewed three prior proposals for the design before supporting the attached concept.

The development concept proposes to follow the approach of utilizing a contemporary form and incorporating traditional materials. The finish materials of the apartment comprise stone on the bottom four storeys of the main facade, and on the first storey elsewhere. Engineered siding (Hardie Board) to emulate traditional wood siding comprises the top two stories of the primary façade and wraps around a portion of the adjacent facades. The remainder of the finish is EFIS.

The area is currently designated "General Commercial – Special Policy Area" in the Official Plan which permits stand-alone apartment buildings of up to eight stories on this portion of Sandwich Street, so the height of the proposed development is less relevant.

Notably, the parking is visually subordinate, being located at the rear of the building.

4. RISK ANALYSIS:

There are no risks involved in endorsing the recommendations of the report.

5. FINANCIAL MATTERS:

There are no direct financial implications of endorsing the recommendations of the report.

6. CONSULTATIONS:

Frank Garardo, former Manager of Planning Services
Melissa Osborne, Director of Development Services

7. CONCLUSION:

The Heritage Planner feels that the consideration of design, as per Section 4.4.3 of the Official Plan has been sufficiently addressed. Therefore, the concept, as attached, is supported by the Heritage Planner.

A handwritten signature in blue ink, appearing to read "Clint Robertson", is written over a horizontal line. The signature is fluid and cursive.

Clint Robertson
Heritage Planner

Attachments:

Attachment 1: Development Concept









ATTACHMENT 1



RIVERVIEW APARTMENTS AMHERSTBURG

FOR PIROLI CONSTRUCTION (1603941 ONTARIO LTD.)



DECEMBER 22, 2021

PREPARED BY:

STOREY SAMWAYS PLANNING LTD.

CHATHAM, ONTARIO

www.storeysamways.ca

SSPL STOREY SAMWAYS
PLANNING LTD.

EXECUTIVE SUMMARY

In the fall of 2021 Piroli Construction purchased a flag-shaped parcel of about 6.4 ha (16 ac.) in the Town of Amherstburg, located at the northeast intersection of Sandwich Street North (County Road 20) and Brunner Avenue, with plans to develop two, six-storey apartment buildings of 115 units each on the portion of lands fronting on Sandwich Street North, about 2.5 ha (6 ac.), and a residential subdivision on a 3.9 ha (9.6 ac.) area behind the towers and across from an existing residential subdivision on the south side of Brunner Avenue.

Due to different circumstances regarding the Provincial Policy Statement (PPS), Official Plan (OP) and zoning matters, it was decided to proceed zoning and site plan applications with the two towers as Phases 1 and 2 immediately, and the residential subdivision, Phase 3, at a later date.

The two towers, to be known as Riverview Apartments, were on lands subject to a previous contentious application in 2004 for a substantial commercial development, the lands having been part of a previous heavy industrial enterprise. The parties included – the Town, the developer, and Honeywell – were able to reach a settlement which permitted the partial approval of the project, but in which the Town achieved its main goals of protecting the planned function of the downtown commercial core; ensuring no adverse impact on the neighbouring residential areas; and promotion of the site as a “gateway” to Amherstburg. This was accomplished through restriction of the permitted commercial uses, special setback restrictions and specific policies regarding the use of site plan control.

Review of the PPS and Town OP in a Planning Justification Report (PJR) confirmed the proposed development was a permitted stand-alone use in the General Commercial designation and would implement important policies regarding intensification, redevelopment of a brownfield site, and assist in meeting a demonstrated housing demand. Further, it was concluded by the PJR that the proposed project would not compromise the original 2006 goals of the Town for the site and could possibly trigger further desirable redevelopment / intensification on adjacent brownfield lands.

A number of background studies commissioned by Piroli Construction support the project as well.

For these reasons, it is the opinion of the PJR author that the Riverview Apartments project represents good planning, and the zoning and site plan applications should be approved.

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**RIVERVIEW APARTMENTS
PROPOSED RESIDENTIAL DEVELOPMENT**

BY

PIROLI CONSTRUCTION (1603941 ONTARIO LTD.)

1.0 INTRODUCTION

1.1 Overview

Pirol Construction¹ recently purchased lands at the northeast corner of the intersection of Brunner Avenue and Sandwich Street North / County Road 20, as described further below, and wishes to redevelop the site for residential purposes. Based on discussion with Amherstburg administration, a Planning Justification Report (PJR) is required to support any development submission. This document shall serve this purpose.

1.2 Background

From a regional perspective the site is located at the northern end of the primary settlement area in the Town of Amherstburg, with frontage provided on the east side of Sandwich Street North, and as discussed later in this report, is considered a gateway to the urban community. Sandwich Street North is also part of the County Road 20 (CR 20) system which parallels the Detroit River. The land use, on either side of Sandwich Street North / CR 20 is residential with pockets of commercial within the settlement area. Please refer to Appendix A.

From a local setting perspective, the site is flag-shaped, approximately 6.4 hectares (15.8 acres), and is at the northeast corner of Brunner Avenue and Sandwich Street North. To the south, across Brunner Avenue is a neighbourhood of single detached dwellings; to the east are vacant lands proposed for medium density residential development; to the north are the former General Chemical lands, now owned by Honeywell and its subsidiary Amherstburg Land Holdings (ALH). These lands are currently being remediated as a condition of future

¹ 1603941 Ontario Ltd. is a subsidiary of Pirol Construction

development. To the west, across Sandwich Street North, is the Amherstburg Yacht Club and the river. Please refer to Appendix B.

1.3 Development Proposal

1603941 Ontario Ltd. (referred to as 941 throughout the remainder of this document) proposes to construct two, six-storey apartment dwellings, each with 115 dwelling units, on the lands fronting on Sandwich Street North, with a residential subdivision on lands to the east fronting on Brunner Avenue. Please refer to Appendix C.

The apartment towers land is designated General Commercial and subject to the policies of Special Policy Area 10 (SPA 10) in the Official Plan (OP), which permits the apartment towers, and zoned GC-5, General Commercial Exception Area 5, which does not permit residential units. The OP and Zoning By-law (ZBL) circumstances are discussed more thoroughly in the Analysis section below.

The residential subdivision portion is designated Heavy Industrial in the OP, which does not permit residential uses, and is zoned Future Development (FD) and Heavy Industrial (Holding) Exception Area 3 (H-7 HI-3), which also does not permit residential development. Please refer to Appendix D – OP Map Schedule B-2, and Appendix E – Zoning By-law Map Plate 28.

1.4 Phasing

As noted on Appendix C, the development will be phased with Phase 1, the south tower to be constructed first, followed by the north tower, Phase 2. The planning approval circumstances for Phase 3, being the residential subdivision, are considerably different from those of Phases 1 and 2, with different Provincial Policy Statement (PPS) and OP policies to be navigated. Therefore, it is the intent of 941 to pursue the Phase 3 development in a separate application at a later date.

1.5 Requested Approvals

The Planning Act approvals being sought at this time are as follows:

- Rezoning of Phases 1 and 2 to permit dwelling units (refer to Appendix F)
- Site plan approval for Phase 1 only

- Consent to sever approval with the lines of severance to divide the three parcels as shown in Appendix G

1.6 Consultation / Document Review

In the preparation of this report, I have relied on consultation with the following individuals:

- Rob Piroli – principal / owner of Piroli Construction and 941
- Robert Millson, solicitor and agent for 941
- Amherstburg Administration
- County Planner
- Various sub-consultants

I have also reviewed the following documents:

- 2006 Ontario Municipal Board (OMB) decision regarding OPA 6 to the previous Amherstburg OP, establishing General Commercial policies on the subject site
- 2005 & 2020 Provincial Policy Statements (PPS)
- County Official Plan (COP)
- Amherstburg Official Plan and Zoning By-law
- Documents related to OPA 1 to the Amherstburg OP
- Various background documents
- Various correspondence
- Petition of support by local residents (refer to Appendix H)

2.0 ANALYSIS

2.1 Overview

In 2004, the Town of Amherstburg received an application from 1594064 Ontario Ltd. (064) for a major commercial development on substantial lands fronting on Sandwich Street North, including the subject Phase 1 and 2 lands. The application was appealed to the OMB, case file PL041031. Eventually, a settlement was reached between the three involved parties – 064, Honeywell (owner of the lands in question), and the Town.

The settlement was implemented through OPA 6 to the Town OP at the time, and site-specific zoning by-law 2004-80. OPA 6 has been carried through as SPA 10 in

the present OP as noted earlier in this report, and the by-law as CG-5, remains in effect. The OMB decision approving all this came in Order 2011, issued July 14, 2006, by OMB Chair F.G. Farrell. The OMB decision is based on the evidence by the Town planner at the time, Ms. Jean Monteith, in support of the settlement and proposed OPA and ZBA.

There are several noteworthy items arising from this exercise which have impacted my opinions regarding the requirements of a complete application, consistency with the PPS and conformity with Amherstburg OP of the Piroli (941) application for two residential towers. These items are as follows:

1. The Town had three main goals to be achieved in the OPA and ZBA:
 - Protection of the planned function of the commercial downtown core
 - Reduction and adequate mitigation of any land use incompatibility impacts by the proposed use on the neighbouring residential area on Brunner Avenue
 - The recognition that this site is considered a “gateway” on the principal north / south access to the primary Amherstburg settlement area (i.e., the former pre-amalgamation Town of Amherstburg) and the requirement for special setbacks and enhanced landscaping.
2. The Board agreed with Ms. Monteith in that OPA 6 and ZBA 2004-80 were consistent with 2005 PPS. In my opinion the 2005 policies relevant to the amending documents are similar to the policies relevant in the 2020 PPS.
3. The Town was satisfied, through Ms. Monteith’s testimony, that there were “full municipal services available and no heritage or environmental issues” (P.4 – OMB Decision).

Given this background planning history of the subject site, my analysis of the development proposal, with regard to the relevant documents, follows below.

2.2 Provincial Policy Statement

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;

Comment: Riverview Apartments, as conceived, features an efficient use of existing utilities and infrastructure, requiring no major infrastructure improvements and will provide a substantial increase in municipal assessment. The "land use pattern" is a logical extension of the existing land use pattern and takes advantage of a recognized local aesthetic attribute – the scenic Detroit River.

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)...

Comment: 941 has commissioned a comprehensive market feasibility study which has concluded there is significant market demand for this type of project, particularly at this site. The Executive Summary is included as Appendix I.

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

Comment: based on background studies undertaken with the 2004 application and subsequent work commissioned by 941, any potential environmental or health issues raised by the previous use have been investigated and the findings have not disclosed any concern.

e) promoting the integration of land use planning, growth management, ..., intensification and infrastructure planning to achieve cost-effective development patterns, ...;

Comment: the proposal is a good example of intensification as defined by the PPS. Please refer to Appendix J.

1.1.3.3 Planning authorities shall identify appropriate locations..., accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas,

including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

Comment: besides being a good example of intensification as noted above, the site is also clearly a brownfield site capable of redevelopment. Please refer to Appendix J for the PPS definitions of brownfield and redevelopment.

1.2.6 Land Use Compatibility

1.2.6.1 Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.

Comment: lands to the north and northeast of the subject site are designated Heavy Industrial in the OP and owned by Honeywell or its subsidiary, Amherstburg Land Holdings (ALH). Please refer to Map Schedule B-2.

The OP policies that apply to these lands are found in OPA 1 and implemented through the H1-3 zoning regulations and subject to the h-7 holding provision. These are the former General Chemical lands which ceased operation in 2001, and declared bankruptcy in 2005. ALH acquired these lands in 2011. OPA 1 and the implementing zoning by-law basically were undertaken to provide the necessary conditions to be fulfilled before redevelopment could occur.

The main takeaways from the present situation are as follows:

1. The OPA and ZBL, as well as an agreement with the Ministry of the Environment, Conservation and Parks (MECP), has established that no redevelopment could occur on the Honeywell / ALH lands until all existing buildings had been demolished (completed in 2018) and the site had been remediated (status unknown at time of writing).

2. Should an industrial use ensue following remediation, a minimum setback of 50 m will apply where subject to an adjacent non-industrial use, which presumably includes residential, such as Riverview Apartments. Although not explicit, there is a strong implication that non-industrial development adjacent to the Honeywell lands can proceed and the burden to meet the MECP D-6 Guidelines, Compatibility Between Industrial Facilities and Sensitive Land Uses, will fall on any future industrial development proposed on the Honeywell lands, not the development proposed on adjacent lands prior to the site remediation being completed.
3. The site is being actively marketed by Honeywell through Colliers, a commercial real estate firm.

Based on the foregoing my conclusion is that the burden to meet the D-6 Guidelines separation distance between industrial uses and sensitive land uses will fall on any future industrial development on the Honeywell / AHL lands, not the Riverview Apartments proposal. Therefore, the requirements of PPS 1.2.6.1 are being met through the policies of OPA 1 and the implementing zoning by-law, which in effect, will require the D-6 Guidelines to be met by any future industrial use on the Honeywell lands.

1.4 Housing

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

b) permitting and facilitating:

- 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;*

Comment: as discussed in the commentary associated above with PPS 1.1.3.3, the proposed development is a form of intensification and redevelopment. As such, permitting and facilitating is an important way for the Town to provide for an appropriate range of housing options to meet

projected market needs, as predicted in the SVN market feasibility study, Appendix G.

In conclusion, it is my opinion that the Riverview Apartments proposal is consistent with the PPS in that:

- It is an efficient use of land with little to no infrastructure improvements required
- It will add substantial assessment to the municipal tax base
- It will implement important policies regarding intensification and redevelopment on a brownfield site
- It will assist the Town in provision for a housing option for which there is a demonstrated projected market
- Planning controls presently in place on neighbouring former industrial lands in need of remediation will reduce, mitigate or eliminate a potential land use compatibility issue between a future industrial land use and sensitive land use (Riverview Apartments)

2.3 County Official Plan (COP)

Map Schedule A2 – Settlement Structure Plan confirms that the subject lands lie within a primary settlement area, where projects like Riverview Apartments should be located.

3.2.7 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.

Comment: the COP, similar to the PPS, encourages intensification and redevelopment for similar reasons. Also, the subject proposal will provide a substantial contribution to the 15% requirement of the Town for all new residential development to be provided by way of intensification / redevelopment. It should be noted that the definitions for intensification and redevelopment are the same as those found in the PPS.

Therefore, in my opinion, the project conforms to the COP.

2.4 Amherstburg Official Plan

The subject lands are designated General Commercial and there are several policies under this designation which apply to the proposed development.

4.4.2 General Commercial Areas

Multi-family residential development will be considered as an alternative form of land use on lands designated General Commercial. (p.63)

Comment: although designated General Commercial, clearly the above policy contemplates multi-family residential, such as Riverview Apartments, as a stand-alone use.

Hotels and multi-family residential development within the Sandwich Street corridor (County Road 20) of the General Commercial designation may have heights up to eight storeys. (p.64)

Comment: the proposed towers lie within the Sandwich Street corridor and, being six storeys in height, conform to this policy.

4.4.3 Commercial Special Policy Areas

4.4.3(2) speaks to special policies which "will apply to *commercial development* [my emphasis] established along Sandwich Street between Texas Road and Fort Street". This policy proposes special requirements for landscaping and setback regulations, to be applied through site plan control and zoning. This policy recognizes

the potential role of lands within the Sandwich Street corridor to act as a "gateway".

Comment: although the policy is proposed to apply to commercial uses, clearly the intent to create a "gateway" development at the subject site, probably the most suitable and appropriate location, can be readily accomplished with a residential use such as the one proposed.

4.4.3(5) For lands designated as Special Policy Area 10 on Schedules A and B, Council may restrict the land uses permitted under the Commercial General zoning to prohibit any land use that would involve overnight accommodation, grocery stores, supermarkets, automotive, tire and battery stores and the size of the permitted retail uses. ...

Comment: the first paragraph of this policy reflects the intent of OPA 6 to the previous OP to protect the planned commercial function of the downtown core. The first sentence of this policy is significant for several reasons:

- With the use of the word "may", rather than the use of the word "shall", the restriction of land uses by Council through zoning is considered to be discretionary rather than mandatory. In other words, the consideration of an alternative land use does not necessarily require an amendment to this plan.
- The list of prohibited uses does not include residential uses. The term "overnight accommodation" is not defined in the OP or the Zoning By-law (ZBL), but one most commonly recognized is as follows:

Overnight accommodation means any short term living or sleeping place in which someone lives or stays for a period of time not to exceed thirty (30) consecutive days.

In other words, the term “overnight accommodation” does not include permanent residential dwellings such as that proposed by Riverview Apartments.

Given the policy provisions in 4.4.2 discussed above, which permit a stand-alone apartment building in the Sandwich Street corridor, it is my conclusion that the SPA 10 policies which apply to the subject lands do not preclude the development of residential apartment towers, and the proposed land use is in conformity with the Official Plan.

4.4.3(5) ... Prior to the finalization of any site plan for the development of these lands, the Town will need to have a drainage study undertaken by a qualified hydrologist demonstrating that (a) there will be no impact on the drainage of adjoining properties, including Honeywell ASCa Inc., (b) there will be no runoff from the proposal onto adjoining properties, (c) the soil composition/profile and geology of the site will allow for the required accumulation of water on the site. Site plan approval will also require municipal clearance after consultation with the relevant agencies, of archaeological reports, environmental reports and traffic reports.

Comment: as discussed later in this report the required “drainage study” is provided as part of the complete application requirement. The additional reports required for site plan approval are also discussed later in this report.

6.6 Housing Policies

6.6.2 Housing Objectives

(1) To encourage a broad range of housing types which are suitable for the different age groups, lifestyles, and household structure of existing and future residents.

Comment: The Market Feasibility Study (Appendix I) suggests that Riverview Apartments will represent a housing type for which there is significant demand.

6.6.3 Housing Supply

- (1) In order to support the creation of a livable, sustainable community and in keeping with the County of Essex Affordable Housing Action Plan the Town of Amherstburg wishes to ensure that there is an available mix of housing types for all household types, income levels and for persons with special needs. In approving development proposals, the housing needs, both type and tenure, shall be considered for low, medium and high income groups and all age related housing needs and all lifestyle needs of Amherstburg residents.*

Comment: The proposed project will address the wish of the Town to provide a broad range of housing types serving a broad range of income levels.

6.7 Planning Impact Analysis

- (1) 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;*

Comment: the proposal is compatible with existing surrounding land uses and should not impact the stability of the Brunner Avenue neighbourhood. The separation distances in the D-6 Guidelines noted earlier will ensure the impact of potential future industrial uses can be mitigated.

- (2) The height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses;*

Comment: the height and location of the towers should not impact the neighbourhood residential use.

- (3) The extent to which the proposed development provides for the retention of any desirable vegetation or natural features that contributes to the visual character of the surrounding area;*

Comment: there is little in the way of natural vegetation.

- (4) *The proximity of any proposal for medium density residential development to public open space and recreational facilities, community facilities, municipal services, transit services, and the adequacy of these facilities and services to accommodate the development proposed;*

Comment: recognizing the site will be car-dependent, it is a key finding of the Market Feasibility Study (Appendix I) that the various amenities and facilities necessary to support a residential development at this location are within a reasonable distance.

- (5) *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;*

Comment: the site is of sufficient size and shape to easily accommodate the building footprint and parking areas to the rear (out of sight from Sandwich Street North) and extensive landscaping.

- (6) *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;*

Comment: a Traffic Impact Study has been prepared addressing these items. The summary and conclusions are attached as Appendix K.

- (7) *The exterior design and layout of buildings and the integration of these uses with present and future land uses in the area;*
 (8) *The location of lighting and screening, and the adequacy of parking areas;*
 (9) *The provisions for landscaping and fencing;*
 (10) *The location of outside storage, garbage and loading facilities;*
 (11) *Conformity with the provisions of the Site Plan Control By-Law;*

(12) *The design and location of signs, and the compliance of signs with the Sign Control By-Law;*

(13) *Measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets which have been identified as part of the Planning Impact Analysis.*

Comment: (7)-(13) are addressed through the normal site plan review process.

The parkland cash-in-lieu polices found in clauses 2.10.3 and 4.8.5, and should be applied to the subject application.

In conclusion, it is my opinion that the Riverview Apartment project is in conformity with basic General Commercial policies permitting a stand-alone apartment tower, with special policies regarding access, setbacks and landscaping being addressed through the site plan approvals process.

2.5 Zoning

As noted, the subject site is zoned GC-5, a General Commercial exception zone. The permitted uses, and regulations in this zone reflect the proposal for a department store and associated retail uses back in 2004. "Dwelling units" are specifically not permitted. It is proposed therefore that the zoning by-law be amended as follows:

- The site-specific GC-5 classification be retained and be applied to both Phases 1 and 2
- The permitted uses be amended to include Dwelling Units – Apartment Building (a defined use in the zoning by-law)
- All existing GC-5 performance standard regulations be retained with the exception of building height which is to be revised to 20 metres
- For the purposes of the by-law, the front lot line for those lands zoned GC-5 shall be along Sandwich Street North

2.6 Site Plan

As noted, site plan approval is being sought for Phase 1 only at this time and an application is being submitted simultaneously with a zoning application. In summary the SPA application includes / notes the following:

- As noted on the zoning matrix, all setbacks, landscaping, parking meet or exceed existing policies and by-law regulations
- Access is in accordance with the OP policies specific to this site and has been reviewed in the TIS, Appendix K
- Functional servicing reports and drawings prepared by Baird AE are provided

3.0 COMPLETE APPLICATION

In my opinion, a complete application as understood under the Planning Act should consist of the following:

- A completed application form and application fee
- A Planning Justification Report, the purpose of the document to review and navigate how this proposal should be considered under the Provincial Policy Statement, County Official Plan and Amherstburg Official Plan
- Traffic Impact Study – submitted with this PJR
- Functional Engineering Report – submitted as part of the Site Plan Application

It should be noted that a Species-at-Risk Screening, Archaeological Assessment, and Phase 1 environmental site assessment have also been completed and will be submitted separately as a courtesy, since these covered matters that had been dealt with by the 2004 application process.

4.0 CONCLUSION

In section 2 of this report, I reviewed the Riverview Apartments proposal within the context of the PPS, County OP and Amherstburg OP, and concluded in each case that this development was implementing important policies regarding redevelopment of brownfield lands and meeting a demonstrated type of housing demand. However, there are other considerations as well.

First, in Section 2.1, Overview, I described the Town's main goals regarding implementation of the OPA and ZBA proposed in 2006, namely, protection of the planned function of the downtown commercial core; reduction and mitigation of any land use compatibility impacts on the neighbouring residential areas; and recognition of the subject site having a "gateway" function to the urban

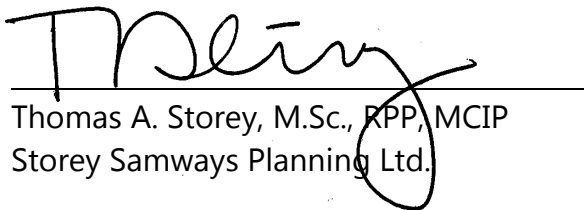
community. The proposed 941 development implements and enhances each of these goals.

Second, it has been 15 years since the OMB approved the GC-5 amending by-law permitting a wide range of commercial uses, with no major infrastructure improvements required which could otherwise act as an impediment to development, on this strategically important property. Nothing has happened.

However, based on my experience, it could well be that the successful redevelopment of the subject site could be the trigger for further redevelopment on the adjacent Honeywell lands, to the benefit of the Municipality and the community as a whole. Such a scenario is the vision of the PPS policies promoting the re-use of brownfield areas.

Based on the foregoing, therefore it is my opinion that the Riverview Apartments applications for rezoning and site plan represent good planning and should be approved.

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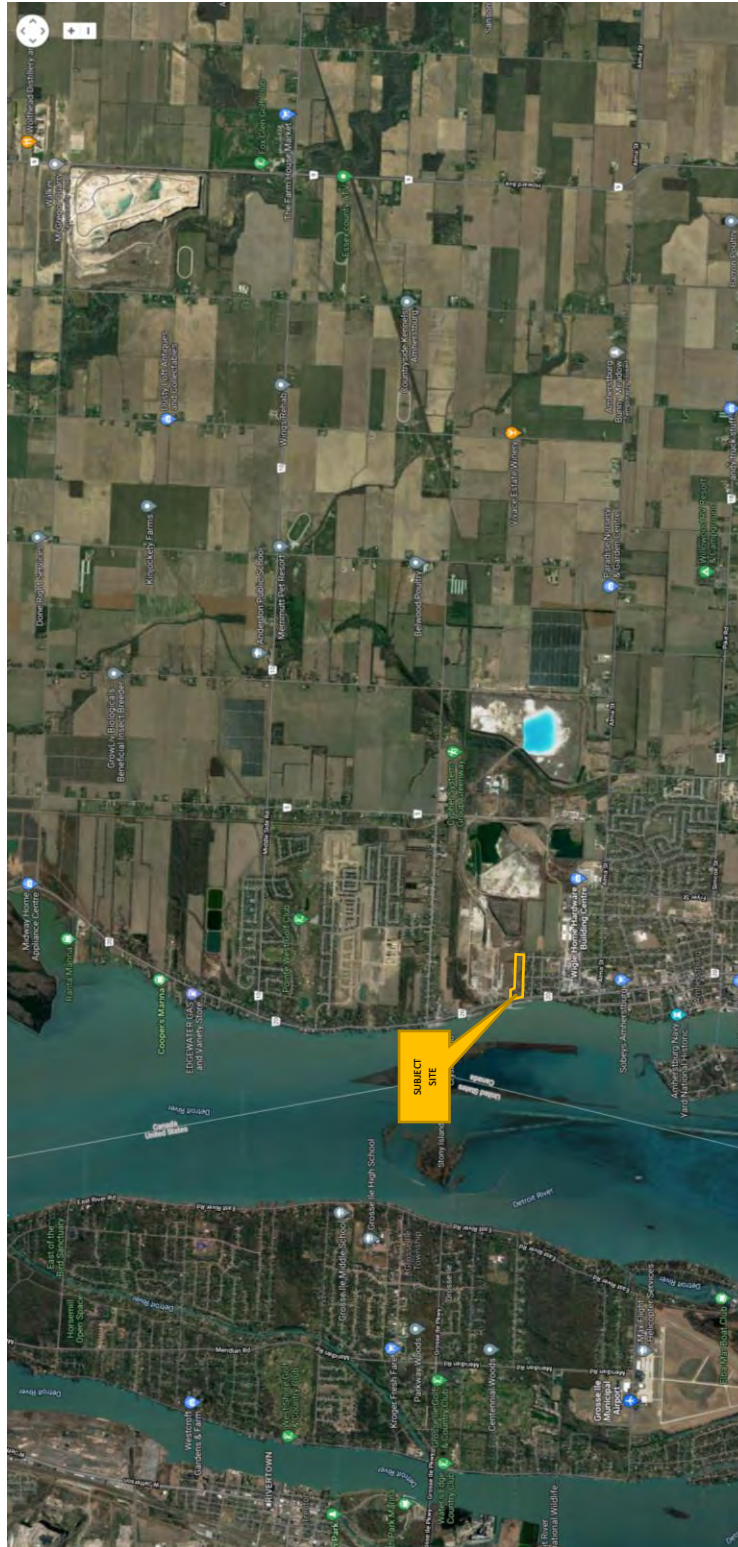


Thomas A. Storey, M.Sc., RPP, MCIP
Storey Samways Planning Ltd.

Attachments:

- Appendix A – Regional Perspective
- Appendix B – Local Perspective
- Appendix C – Overall Site Conceptual Layout
- Appendix D – OP Map Schedule B-2
- Appendix E – Zoning By-law Map Plate 28
- Appendix F – Conceptual Site Plan, Phase 1 & 2
- Appendix G – Reference Plan
- Appendix H – Petition of Support
- Appendix I – Executive Summary, Market Feasibility Study
- Appendix J – PPS definitions: Intensification, Redevelopment & Brownfield Sites
- Appendix K – Summary and Conclusions, Traffic Impact Study

Appendix A – Regional Perspective



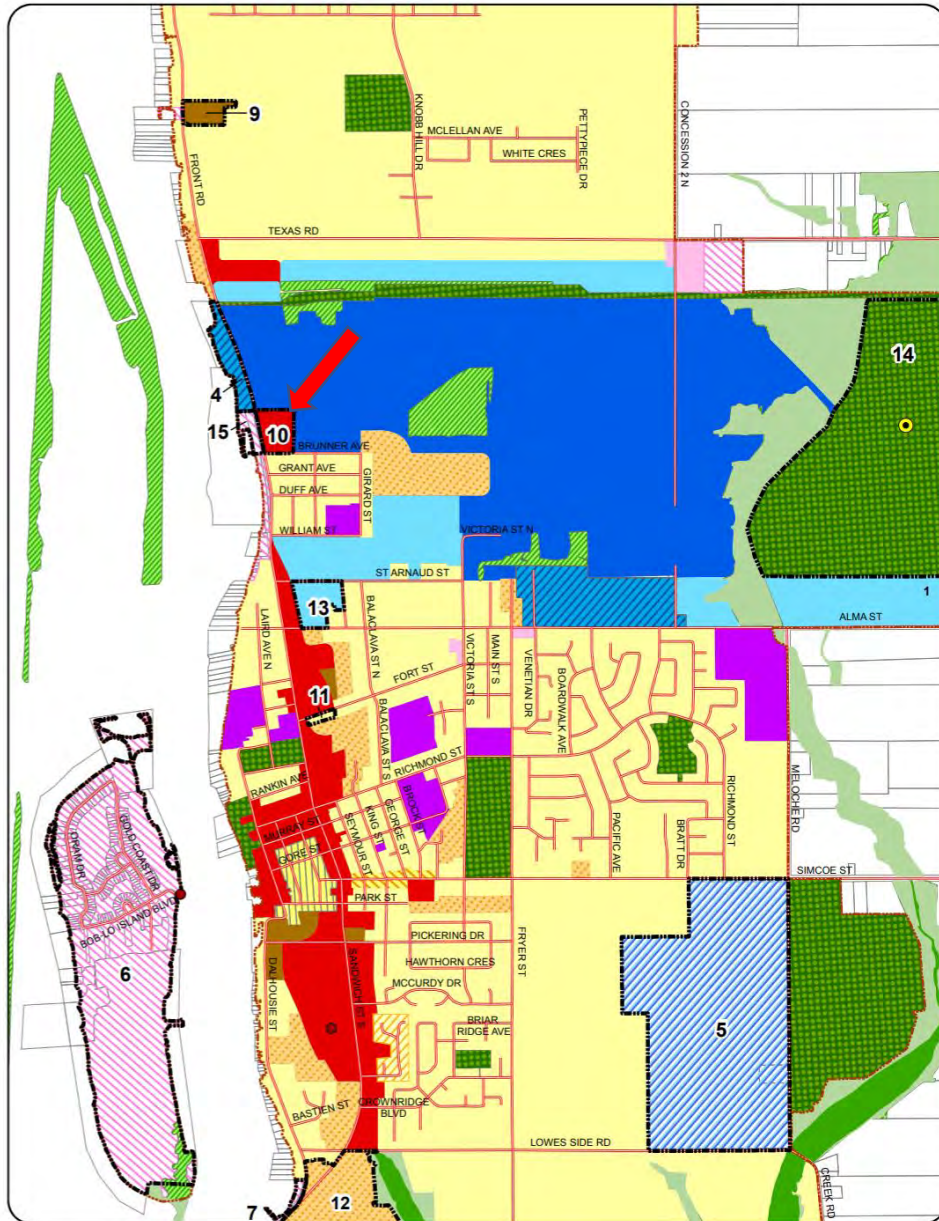
Appendix B – Local Perspective



Appendix C – Overall Site Conceptual Layout



Appendix D – OP Map Schedule B-2



**TOWN OF AMHERSTBURG
OFFICIAL PLAN**

**SCHEDULE "B-2"
LAND USE PLAN**



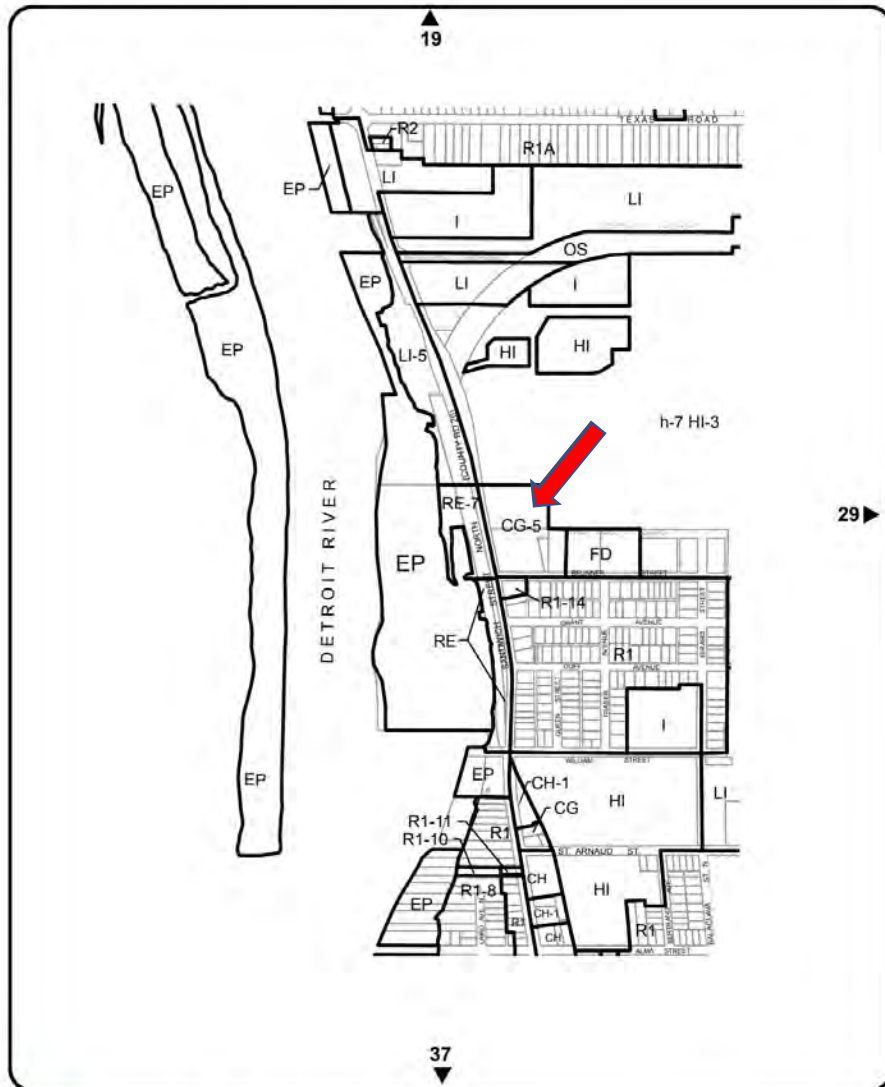
Legend

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

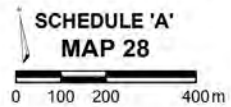
Prepared by Storey Samways Planning Consultants under license with the Town of Amherstburg, The County of Essex, the Essex Region Conservation Authority and the Ministry of Natural Resources



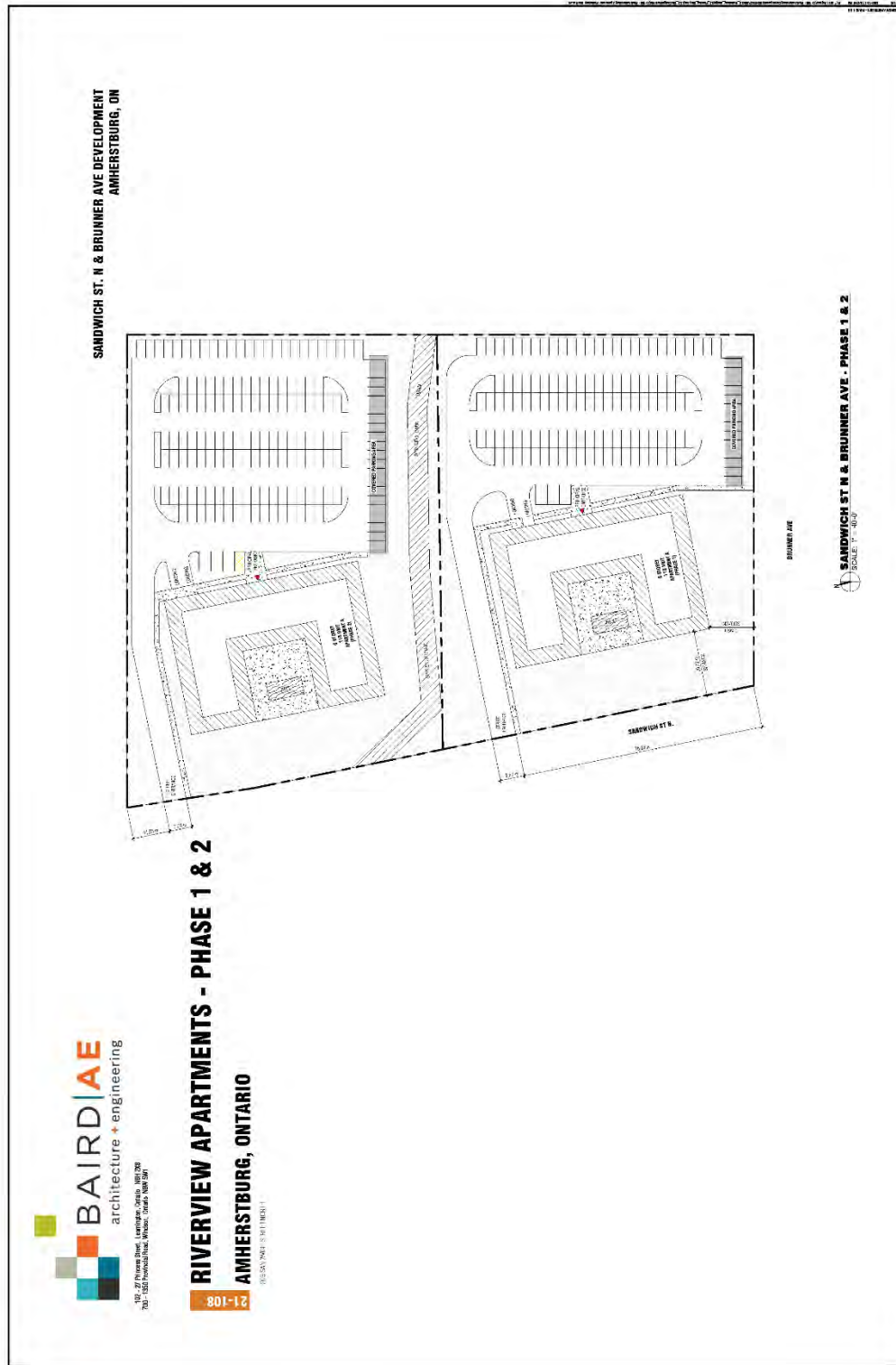
Appendix E – Zoning By-law Map Plate 28



TOWN OF AMHERSTBURG
ZONING BY-LAW NO. 1999-52



Appendix F – Conceptual Layout, Phases 1 & 2



SANDWICH ST. N & BRUNNER AVE DEVELOPMENT
AMHERSTBURG, ON

SANDWICH ST. N & BRUNNER AVE - PHASE 1 & 2
SCALE: 1" = 30'

BAIRD | AE
architecture + engineering
150 - 21 Prince Street, Leederville, Ontario, M8H 1S2
705-771-5527 (Toll Free) / 416-291-1111

21-108
RIVERVIEW APARTMENTS - PHASE 1 & 2
AMHERSTBURG, ONTARIO
DESIGN NUMBER: 21-108-01

Appendix H – Petition of Support



PIROLI GROUP DEVELOPMENTS
1500 OUELLETTE AVE. #201 | 11 BROQUIOS RD. | 519-967-8669
WINDSOR ONTARIO N0X 1K7 | LEAMINGTON ONTARIO N8H 1V7 | WWW.PIROLIGROUP.COM

October 29th, 2021,

Dear Neighbours,

I would like to take this opportunity to introduce myself, my name is Rob Piroli and I am the owner of Piroli Group Developments. We have just purchased the eleven acres on the corner of Sandwich Street & Brunner Avenue and are very excited to say that we are proposing a residential development there. I would like to hear your thoughts on our proposal.

We are hosting a meet and great on Tuesday, November 16th, 2021 starting at 7pm where we will show you what we are proposing, and you will have the chance to ask any questions that you may have.

The meeting will be held at The Knights of Columbus in Amherstburg at 190 Richmond Street Amherstburg, Ontario, N9V 1G4. Please feel free to join us for some refreshments and great conversation. Refreshments will be provided.

Thank you,

Rob Piroli, Piroli Group Developments

rob@piroligroup.com

PETITION

FROM: The Neighbours on Brunner Avenue, Amherstburg

TO: Councillors for the Town of Amherstburg

The neighbours of Brunner Avenue wish to express strong support for a proposed residential development at Brunner Avenue and Sandwich Street North (the "Development") and we request Council to consent to the required Official Plan Amendment, Zoning By-Law Amendment, Severances, and Site Plan to allow the Development to proceed.

We understand there will be two six storey apartment buildings with 120 units each and 46 single family lots.

We reviewed the renderings of the Development and we approve the layout of the buildings and the lots.

Residential uses for the Development are far preferred to commercial uses or industrial uses.

The Development will be good for our neighbourhood.

DATED AT Amherstburg, Ontario, this 16th day of November, 2021

Appendix I – Executive Summary, Market Feasibility Study



Apartment Development Feasibility Study – Piroli Construction



**North-East Corner of Sandwich Street North & Brunner Avenue,
Amherstburg, Ontario.**

Prepared for: Piroli Construction

Dated: October 2021



Executive Summary

SVN Rock Advisors Inc. (the 'Consultant') conducted a feasibility study comprising of a demographic, demand, and competitive market analysis to assess the viability of developing a multi-residential development at the north-east corner of Sandwich Street North & Brunner Avenue in Amherstburg Ontario.

North-East Corner of Sandwich Street North & Brunner Avenue, Amherstburg Ontario:

| Category | Rating |
|-------------------------|--------------------------|
| Site Location | ✓ Strong |
| Pop Growth | ✓ Moderate- Strong |
| Age Profile | ✓ Older |
| Household Affordability | ✓ Strong |
| Demand | ✓ Limited Supply |
| Competition | ✓ Limited Competition |
| Vacancy | ✓ Low-Moderate |

Key Findings include:

- Site Location:** The proposed rental development is located on the north-east corner of Sandwich Street North and Brunner Avenue in Amherstburg, Ontario. Situated among a single- family subdivision to the south, the remains of an old chemical plant to the north, the Amherstburg Yacht Club and Detroit River to the west, and a vacant parcel of land to the east. The site is primarily car-dependant, as the town of Amherstburg has limited public transit. The surrounding neighbourhood offers a thorough amenity offering including a grocer (1.2km away), a pharmacy (1.1km Away), restaurants (within 0.8km), financial institutions (withing 1.9km), retailers and services all available within close proximity to the subject site. Along with the commercial amenities are a variety of local parks and walking trails along the Detroit River, which are likely to act as an additional rent driver during the lease-up process as many residents' value proximity to nature.
- Market segmentation:** Population growth is considered a positive metric for the success of new rental apartments since it helps indicate if there is sufficient growth to support the addition of new rental apartments in the local housing supply. Between 2020 and 2030, the population of Amherstburg is expected to increase by 1,235 residents (+5.2%). During this time period the neighbourhood surrounding the subject site is expected to increase by approximately 644 residents (+4.6%). As new developments arise, the projected population growth



will likely increase further as new residents are attracted to the community. The projected population growth within both Amherstburg and the subject site's surrounding neighbourhood indicates that the demand for housing is likely to continue to grow, creating further strain on the very limited existing stock of rental apartments. In addition, it indicates that the neighbourhood contains positive attributes, including but not limited to, strong community amenitization, and connectivity which will **enable it to attract a significant proportion of new residents.**

- **Household affordability:** Approximately 12% of households in the local neighbourhood can afford rents between \$2,500-\$3,125 per month; whereas 28% can achieve rents greater than \$3,125 and earn household incomes greater than \$125,000. Similarly, 12% of households in broader Amherstburg can afford between \$2,500-\$3,125; whereas 36% can achieve rents greater than \$3,125. **This is a positive indicator for the ability of households in the surrounding market to afford the premium rates associated with a top-of-market multi-residential development.**
- **Average income:** Households earning up to \$100,000 annually are underrepresented in the neighbourhood, whereas broader Amherstburg has a larger distribution of individuals earning over \$100,000 annually. 40% of neighbourhood households achieve incomes of \$100,000 or more, compared to 48% in broader Amherstburg. The neighbourhood's average household income of \$97,474 is approximately \$17,632 lower than that of broader Amherstburg. However, the lower average incomes experienced surrounding the subject site are likely the result of the demographic composition in the area consisting of a large proportion of retirees. This is not a negative indication in the potential success of the proposed development as average household incomes in broader Amherstburg still remain high relative to Ontario's average household income of \$111,866. **In addition to strong average household incomes, many of the target residents will likely sell off their home providing them with additional equity when searching for new housing accommodations.**
- **Demand analysis:** Amherstburg is largely undersupplied with rental product with only 1.2 rental apartments per 100 people. Additionally, demand remains strong for rental apartments with 78% of renters renting from the secondary market with a total of 1,333 renter households in Amherstburg. **This limited amount of purpose-built rental buildings in the market likely indicates that when new apartment product is brought to market, it will likely experience few issues with lease-up and absorption.**
- **Competitive market analysis:** Amherstburg as a rental market has an average monthly rent of \$1,062 across all unit types as recorded by CMHC, however rents



being achieved by both secondary market rentals in Amherstburg, and new purpose-built rental apartments are much higher with new purpose-built rental product in achieving starting rents approximately \$649-\$1,059 higher than CMHC average rents. This suggests that newly built rental stock in Amherstburg will achieve higher rental rates than the CMHC average market rents. Amherstburg experienced some of the highest vacancy rates among benchmark municipalities. This is largely due to the COVID-19 pandemic. In 2019 the average vacancy rate was 1.2% but increased to 4.7 by 2020, representing an increase of 3.5%. As the majority of the purpose- built rental units are built before the year 2000 in Amherstburg, **a new, superior quality property will have fewer issues with vacancies upon stabilization.**

Key Recommendations:

The tables below provide key recommendations regarding the subject sites' unit sizing and mix, appropriate amenity allocation, and storage and parking allocation. A detailed rationale is found in further sections of the report:

| Unit Sizing and Mix- Building 1 | | | | | |
|---------------------------------|----------|------------------|----------------------|-------------|-----------|
| | 1 Bed | 1 Bed + Den | 2 Bed | 2 Bed + Den | TOTAL/AVG |
| # Units | 24 | 18 | 54 | 24 | 120 |
| % Units | 20% | 15% | 45% | 20% | 100% |
| Avg. Unit Size (Sf) | 650 | 750 | 950 | 1,100 | 890 |
| Avg. Rent | \$1,475 | \$1,575 | \$1,900 | \$2,000 | \$1,786 |
| Avg. Rent/ Sf | \$2.27 | \$2.10 | \$2.00 | \$1.82 | \$2.03 |
| Amenities - Building 1 | | | | | |
| Required Sf: | 2,400 SF | | | | |
| List of Amenities: | Lobby | Party Room | Craft Room | | |
| | Lounge | Gym/Fitness Room | Pet Grooming Station | | |
| Unit Sizing and Mix- Building 2 | | | | | |
| | 1 Bed | 1 Bed + Den | 2 Bed | 2 Bed + Den | TOTAL/AVG |
| # Units | 24 | 18 | 54 | 24 | 120 |
| % Units | 20% | 15% | 45% | 20% | 100% |
| Avg. Unit Size (Sf) | 650 | 750 | 950 | 1,100 | 890 |
| Avg. Rent | \$1,475 | \$1,575 | \$1,900 | \$2,000 | \$1,785 |
| Avg. Rent/ Sf | \$2.27 | \$2.10 | \$2.00 | \$1.82 | \$2.03 |
| Amenities | | | | | |
| Required Sf: | 2,400 SF | | | | |
| List of Amenities: | Lobby | Party Room | Craft Room | | |
| | Lounge | Gym/Fitness Room | Pet Grooming Station | | |
| Parking & Storage Lockers | | | | | |
| Total Parking Spaces | 339 | | | | |
| # CV Spaces | 53 | | | | |
| # SF Spaces | 286 | | | | |
| \$/ CV Space | \$65 | | | | |
| \$/ SF Space | \$45 | | | | |
| Storage Lockers | \$25 | | | | |



SWOT ANALYSIS:

Below we have included a brief SWOT analysis highlighting key strengths, opportunities, weaknesses, and potential threats of the subject site as a rental development property. Points mentioned below will be discussed in detail in the body of the report:

| SWOT ANALYSIS | |
|---|--|
| <p>Strengths</p> <ul style="list-style-type: none"> • Limited competition in surrounding neighbourhood. • Proximity to local amenities. • Proximity to natural amenities- parks/walking trails. | <p>Weaknesses</p> <ul style="list-style-type: none"> • Some units may not have strong views given the industrial site north of the property • Limited public transit in Amherstburg |
| <p>Opportunities</p> <ul style="list-style-type: none"> • Opportunity to become a market leading development in Amherstburg. • Opportunities to market high quality apartment to local high- income households. • Opportunity to serve a largely under-supplied market. | <p>Threats</p> <ul style="list-style-type: none"> • New rental product entering the market; however, we believe the proposed development will be a strong market leader in the neighbourhood. • Community opposition from neighbouring single-family dwellings. |

Appendix J – PPS definitions: Intensification, Redevelopment and Brownfield Sites

Intensification: means the development of a property, site or area at a higher density than currently exists through: a) redevelopment, including the reuse of brownfield sites; b) the development of vacant and/or underutilized lots within previously developed areas; c) infill development; and d) the expansion or conversion of existing buildings.

Redevelopment: means the creation of new units, uses or lots on previously developed land in existing communities, including brownfield sites.

Brownfield sites: means undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.

Appendix K – Summary and Conclusions, Traffic Impact Study

PIROLI APARTMENTS, AMHERSTBURG, ON
TRAFFIC IMPACT STUDY (DECEMBER 2021)

Page 8

OFFICIAL PLAN POLICY CONSIDERATIONS

As noted in the introduction, there are two Official Plan policies that should be considered in relation to this development. The first has to do with making every effort to reduce the number of driveways along arterial roads, specifically Sandwich Street North. The site plan proposes one driveway for each of the proposed six-storey apartment buildings. It is noted that the two proposed buildings are separated by a municipal drain, which functions properly and does not need to be altered. The technical analysis summarized above concludes that the two driveways will operate with very good levels of service (LOS); the operating characteristics of Sandwich Street North will not change from an LOS A.

The second Official Plan consideration has to do with restricting commercial site access at Brunner Avenue. The proposed land uses are entirely residential, so it is concluded that this policy does not apply to the subject development.

SUMMARY AND CONCLUSIONS

A residential development has been proposed by 1603941 Ontario Inc. for lands situated on the east side of Sandwich Street North (County Road 20), on the north side of Brunner Avenue in the Town of Amherstburg, Ontario.

The proposed development site is in the northern part of the town's urban area. Sandwich Street North functions as a north / south arterial roadway; it begins in LaSalle, north of Amherstburg, proceeds south through Amherstburg, then turns to the east along the southern area of Essex County, through Kingsville and Leamington. Brunner Avenue is a local street intersecting with Sandwich Street North.

The study area includes Brunner Avenue at Sandwich Street North, Grant Avenue at Sandwich Street North, and the four development site accesses (two on Brunner Avenue and two on Sandwich Street North).

The proposed site plan consists of 47 single detached homes and two six-storey apartment buildings containing 115 units each. The two apartment buildings will provide 132 and 161 parking spaces respectively. The developer is proposing that each apartment building would have its own dedicated access at Sandwich Street North, and the single-family residential development will access Brunner Avenue via a crescent-shaped local street. This development is proposed for construction in three phases. The development of Fraserville Residential Subdivision was also considered in this study.



PIROLI APARTMENTS, AMHERSTBURG, ON
TRAFFIC IMPACT STUDY (DECEMBER 2021)
Page 9

Using recently obtained turning movement counts and applying the best available trip generation and distribution data and methodologies, an analysis was completed to measure the operational impact of the proposed development on area traffic operations. Upon completion of the analysis, it was concluded that:

- All approaches to the westbound stop-controlled tee intersections of Brunner Avenue and Grant Avenue at Sandwich Street are currently operating at good levels of service; even with the addition of site generated and area development traffic, the intersections are expected to operate satisfactorily, without an adverse impact on Sandwich Street North traffic (i.e., the northbound and southbound approaches);
- All proposed stop-controlled site accesses at Brunner Avenue and Sandwich Street North will operate at satisfactory levels of service following the construction of the proposed residential developments; a single combined egress lane will sufficiently accommodate the anticipated site generated traffic;
- The two access driveways to Sandwich Street from the six-storey apartment buildings will not alter the operating characteristics of Sandwich Street which will continue to perform at a Level of Service A following development;
- Geometric and traffic control improvements are not required to accommodate the subject residential developments;
- There is sufficient decision sight distance to accommodate safe egress from the proposed site accesses; however, the developer and road authority should ensure that all boulevard areas within the right-of-way are clear of obstructions before construction commences.

Therefore, based on the results of the technical work, it is the engineers' opinion that the proposed development will not adversely affect the surrounding area's traffic operations.

All of which is respectfully submitted,

RC Spencer Associates Inc.





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.

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: Electronic Meeting Participation for Members

1. RECOMMENDATION:

It is recommended that:

- 1. By-law 2022-047, being a By-law to amend By-law 2014-91 to permit Electronic Participation 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 21, 2015, By-law 2014-91, a by-law to govern the proceedings of Council, the conduct of its members and the calling of meetings, was adopted.

On April 6, 2020, Council considered By-law 2020-029, a by-law to amend By-law 2014-91 and permit electronic meetings during a period of emergency.

Bill 197, the COVID-19 Economic Recovery Act, 2020, amended the Municipal Act to include the following provisions with regards to the permissibility of electronic participation in Council and Committee proceedings:

Electronic participation

(3.1) The applicable procedure by-law may provide that a member of council, of a local board or of a committee of either of them, can participate electronically in a meeting to the extent and in the manner set out in the by-law.

(3.2) REPEALED: 2020, c. 18, Sched. 12, s. 1 (2).

(3.3) The applicable procedure by-law may provide that,

- (a) a member of a council, of a local board or of a committee of either of them who is participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time; and
- (b) a member of a council, of a local board or of a committee of either of them can participate electronically in a meeting that is open or closed to the public.

3. DISCUSSION:

With the advent of the COVID-19 pandemic, changes to the *Municipal Act* to provide for electronic participation were enacted to enable municipalities to have the flexibility to continue operations electronically. These changes were at first only permissible during a declared emergency, and the procedural By-law was amended in April of 2020 to allow for electronic participation in this manner. With royal assent having been granted to *Bill 197*, municipalities may now amend their procedural by-law to provide for electronic participation outside of a declared emergency, as a permanent change.

4. RISK ANALYSIS:

There are no risks associated with the recommendations of this report.

5. FINANCIAL MATTERS:

There are no financial implications from the recommendations of this report.

6. CONSULTATIONS:

N/A

7. CONCLUSION:

Given the amendments to the *Municipal Act*, it is recommended that the Town amend the procedural by-law to allow for electronic participation, and repeal the provisions that make this permissible only during a declared emergency.



Valerie Critchley

Director of Legislative Services and Clerk

KF

Report Approval Details

| | |
|----------------------|--|
| Document Title: | Electronic Meeting Participation for Members.docx |
| Attachments: | - 2022-047 - Amend By-law 2014-91 and Repeal 2020-029.docx |
| Final Approval Date: | Apr 20, 2022 |

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



Tracy Prince



Valerie Critchley – Acting CAO

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2020-047

**By-law to amend By-law 2014-91
to permit Electronic Participation in meetings**

WHEREAS the Municipal Act, 2001, S.O. 2001, c. 25, section 238 provides that a municipality shall establish a procedure by-law to govern meetings;

AND WHEREAS The Corporation of the Town of Amherstburg has enacted Procedure By-law 2014-91;

AND WHEREAS the Municipal Act, 2001, S.O. 2001, c.25, section 238 (3.1) provides that the municipality may include provisions within the procedure by-law that provide for a member of council, of a local board or of a committee of either of them, can participate electronically in a meeting to the extent and manner set out in the procured by-law;

AND WHEREAS the Municipal Act, 2001, S.O. 2001, c.25, section 238 (3.3) (a) and (b) indicates that the procedure by-law may provide that a member of council, of a local board or of a committee of either of them who is participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time and that members may participate electronically in a meeting that is open or closed to the public;

AND WHEREAS The Corporation of the Town of Amherstburg considers it desirable to be able to hold Council meetings electronically;

NOW THEREFORE the Council of the Corporation of the Town of Amherstburg amends Procedure By-law 2014-91 by replacing the content in section 3.10 as follows:

3.10 Electronic Participation in Meetings

- a) Notwithstanding any other provision of this By-law, a Meeting may be conducted electronically. The Clerk, in consultation with the CAO and/or Mayor, shall determine the method and technology used for a meeting in which Members meet via Electronic Participation. Such determination shall be based on the resources available at the time, the prevailing circumstances of the Meeting, and any other factors that support the holding of an electronic meeting.
- b) A Member participating in a Meeting electronically shall:
 - a. Be counted for the purposes of determining Quorum;
 - b. Log into the Meeting in advance of the start time to establish the necessary electronic connection before the Meeting is scheduled to begin;
 - c. Ensure that their camera is on, as may be applicable;
 - d. Mute their electronic device when they are not speaking;
 - e. Inform the Chair about their intention to leave the meeting either on a temporary or permanent basis; and,
 - f. Have the same voting rights as if they were participating in the meeting in person. However, if any Member or the Clerk is unsure if the electronic voting is accurate, or questions the accuracy of the electronic vote, then a roll call vote shall be taken by the Clerk in which each Member's name is called and each Member responds verbally with their vote. The result of any recorded vote shall be determined by the Clerk, recorded in the Minutes and the Clerk's determination shall be final.
- c) When a Meeting is "in person" (normally held at Council Chambers) a Member may make a request to participate electronically in a Meeting, subject to the

following rules:

- a. The Member must provide the request in advance to the Clerk.
 - b. A Member may not participate electronically in an “in-person” Meeting under this Section more than six times in a calendar year, except with Council approval in the event of extended illness or other extenuating circumstances.
 - c. The Clerk shall determine the method of Electronic Participation of the Member after considering the resources available to both the Town and the Member, and any other factors necessary to give effect to the request.
 - d) Members participating electronically in a Meeting closed to the public must ensure that they are participating from a location that ensures the privacy and confidentiality of the closed meeting discussion.
 - e) The Chair shall rule on and determine the applicable in-meeting processes as may be adapted to a Meeting with Electronic Participation, which processes shall be consistent with this By-law and in accordance with the *Municipal Act*.
 - f) In the case of a loss of connection, or any connection issue, which impedes the ability of a Member to participate in the Meeting in real time, provided Quorum is maintained, the Meeting will continue. At the discretion of the Chair, a short recess may be taken to allow the Member to reconnect. A Member who is unable to connect electronically to a Meeting will not be able to participate or vote, shall be noted in the minutes as “not present” for that portion of the Meeting in which they are unable to connect, and any vote taken during the Member’s absence shall be valid.
 - g) An Electronic Meeting will be open to the public, as required by the *Municipal Act*, 2001, except when closed to the public as permitted by law. A meeting open to the public shall include access and participation for the public to the meeting through electronic access or in-person attendance, where applicable.
 - h) The Clerk may, from time to time, establish or amend procedures related to Electronic Participation, provided that such procedures do not conflict with the provisions of this By-law.
2. By-law 2020-029 is hereby repealed.
 3. This By-law shall hereby come into effect as of the date and time of its passing.

Read a first, second, and third time this 25th day of April, 2022.

MAYOR – ALDO DICARLO

CLERK – VALERIE CRITCHLEY



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF THE CAO

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

| | |
|---|---------------------------------|
| Author's Name: B. Montone | Report Date: April 8, 2022 |
| Author's Phone: 519 736-6500 ext. 2241 | Date to Council: April 25, 2022 |
| Author's E-mail: bmontone@amherstburg.ca | Resolution #: |

To: Mayor and Members of Town Council

Subject: Next Generation 911 Authority Agreement

1. RECOMMENDATION:

It is recommended that:

1. The Report - Next Generation 911 Authority Agreement dated April 8, 2022 **BE RECEIVED**; and,
2. The Mayor and Clerk **BE AUTHORIZED** to execute the Next generation Authority Agreement with Bell Canada.

2. BACKGROUND:

When a 9-1-1 call is received, Communications centres dispatch emergency responders, such as police, firefighters, and paramedics. Both emergency responders and 9-1-1 call centres fall under the jurisdiction of provincial, territorial, and municipal governments.

Telecommunications networks have greatly evolved over the years. Today, you can do much more than make a phone call. You can also send texts, videos and photos.

These expanded services are called next-generation 9-1-1 (NG9-1-1) services. The move to NG9-1-1 will occur gradually in the next few years.

NG9-1-1 will make it possible to provide additional details about emergency situations. For example, in the future, Canadians could send a video of an accident, as well as make medical information available to first responders. This will lead to safer, faster and more informed emergency responses.

These scheduled changes will not affect current access to 9-1-1.

Switching over to the new NG9-1-1 network is an important step in new services becoming available in the future, such as real-time text messaging services. A deadline for providing NG9-1-1 real-time text messaging services to the public will be set later.

On 14 June 2021, the Canadian Radio-television Telecommunications Commission (CRTC) released Telecom Decision 2021-199 in response to NoC 2020-326. In this decision, the commission directed NG9-1-1 network providers and Originating Network Providers (ONP), by 1 March 2022, be ready to provide NG9-1-1 Voice.

The new date for decommissioning of the existing E9-1-1 network is 4 March 2025. It is Bell's plan to commence PSAP NG9-1-1 onboarding activities no earlier than 1 March 2022.

| | Description | New Date |
|---|---|-----------------|
| Revised NG9-1-1 Service Dates Item | | |
| 1 | NG9-1-1 network providers and ONPs must have their networks ready for NG9-1-1 Voice | 1 March 2022 |
| 2 | Bell as NG9-1-1 network provider to begin PSAP Onboarding | 1 March 2022 |
| 3 | Wireless service providers must provide NG9-1-1 Text Messaging based on Real Time Text (RTT) throughout their operating territories wherever their networks are capable of doing so | TBD |
| 4 | E9-1-1 networks must be decommissioned | 4 March 2025 |

3. DISCUSSION:

The CRTC, through Policy CRTC 2017-has mandated the move to the digital “world” Next-generation 9-1-1 – Modernizing 9-1-1 networks to meet the public safety needs of Canadians, with implementation readiness to begin by 1 March 2022. Full implementation is required no later than March 4, 2025. Much of the background work has already begun across Ontario.

This will enable Canadians to access new, enhanced, and innovative 9-1-1 services. In this decision, the Commission is setting out determinations on the implementation and provision of NG9-1-1 networks and services in Canada.

This will require coordination and collaboration between numerous stakeholders, including the Commission; telecommunications service providers that provide 9-1-1 services (TSPs); 9-1-1 network providers; the CRTC Interconnection Steering Committee (CISC); federal, provincial, territorial, and municipal governments; emergency responders; and public safety answering points (PSAPs). Transitioning from the traditional 9-1-1 voice services to Next Generation 9-1-1 (NG 9-1-1) is complex and will affect every emergency service in the Province of Ontario.

- The launch of NG9-1-1, brings with it both a new Bell Canada Tariff and a new NG9-1-1 Authority Agreement. (see attached)
- The new NG9-1-1 agreement will replace any existing E9-1-1 PERS agreements currently in place, like for like.
- The 9-1-1 Authority plays a critical role in advancing NG9-1-1 forward through the execution of the NG9-1-1 Authority Service Agreement. This is the first step to permitting the PSAPs, “the Public Safety Answering Points,” who are identified in this agreement on schedule C, (Windsor Police) who provide 9-1-1 answer/dispatch service for Amherstburg, to begin their migration from E9-1-1 to NG9-1-1 with Bell Canada.
- When the point is reached within the Windsor Police PSAP and the Windsor Fire Services Secondary PSAP where all of the Public Safety Answer Points including primary, secondary and backup locations, have all migrated to NG9-1-1, then the new agreement takes effect and the existing E9-1-1 agreement will become void.
- All PSAPs must be migrated to NG9-1-1 by Mar 4 2025. (CRTC mandate)
- The term of the agreement is the same as the existing PERS agreement with a ten-year term followed by successive 5 years periods of auto-renewal.
- The PSAP deployment criteria can be found on “Schedule E” of the new agreement. It contains important details for both the signing authorities and the PSAPs.

4. RISK ANALYSIS:

- PSAPs including Windsor Police will not be allowed to migrate to NG9-1-1 until the new agreement has been signed; therefore, Amherstburg Council is encouraged to expedite the approval process if possible.

5. FINANCIAL MATTERS:

N/A

6. CONSULTATIONS:

Mr. Larry Breen, BELL 9-1-1 Specialist - Network

7. **CONCLUSION:**

By Council authorizing the execution of this agreement with Bell Canada, Windsor Police PSAP will be able to move forward with the implementation of Next Gen 911 enhancements and services for Amherstburg.



Bruce Montone
Fire Chief/CEMC

bm/BM

Report Approval Details

| | |
|----------------------|---|
| Document Title: | Next Generation 911 Authority Agreement.docx |
| Attachments: | - AMHERSTBURG NEXT GENERATION 9-1-1 AUTHORITY SERVICE AGREEMENT.pdf |
| Final Approval Date: | Apr 20, 2022 |

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



Tracy Prince



Valerie Critchley – Acting CAO

NEXT GENERATION 9-1-1 AUTHORITY SERVICE AGREEMENT

This Agreement is between

[INSERT 9-1-1 AUTHORITY NAME], a municipality, local service board, first nation, province or other authorized signing authority located at **[INSERT ADDRESS]** (the "**9-1-1 Authority**")

AND

BELL CANADA, a company incorporated under the laws of Canada, and located at 1 carrefour Alexander Graham Bell, Building A7, Verdun, Quebec H3E 3B3 ("**Bell**")

WHEREAS Next Generation 9-1-1 Service (as defined below) is a service that replaces Enhanced 9-1-1 ("**E9-1-1**") service and is based on Internet Protocol (IP) technologies and supports 9-1-1 Calls natively IP end-to-end;

AND WHEREAS the Canadian Radio-television and Telecommunications Commission ("**CRTC**") determined in Telecom Decision CRTC 2015-531 that Canada's NG9-1-1 system should use the National Emergency Number Association standard ("**NENA i3**") as the baseline reference architecture;

AND WHEREAS in June 2017, the CRTC rendered Telecom Regulatory Policy CRTC 2017-182, which, among other things, directed all Incumbent Local Exchange Carriers ("**ILEC**")s to establish Next Generation 9-1-1 networks by 9-1-1 network service providers;

AND WHEREAS Bell operates and manages a Next Generation 9-1-1 System serving the provinces where it is the ILEC and where requested by a Small Incumbent Local Exchange Carrier ("**SILEC**") to operate as the SILEC's NG9-1-1 network provider, including in the territory in which the 9-1-1 Authority operates.

NOW THEREFORE, for valuable consideration, the receipt and sufficiency of which are acknowledged, the parties agree as follows:

1. DEFINITIONS

In this Agreement, in addition to those terms which are parenthetically defined, capitalized terms shall have the meanings ascribed to them in Schedule "A" (Definitions).

2. SCOPE OF AGREEMENT

- (a) **Agreement:** The 9-1-1 Authority requests and Bell will provide to the 9-1-1 Authority the Next Generation 9-1-1 services (the "**NG9-1-1 Service**") described below and in the schedules attached to, and forming part of, this agreement (each a "**Schedule**") in accordance with the terms and conditions of this agreement. Altogether, the Tariffs (as defined in Section 2(b)), the terms and conditions set out in this agreement, and the applicable Schedules form the "**Agreement**".
- (b) **Tariffed Services and CRTC Approval:** The NG9-1-1 Service is regulated by the CRTC and shall only be provided in compliance with the applicable tariffs including CRTC 7400, Bell Canada National Services Tariff Item 601 – Next Generation 9-1-1 (NG9-1-1) Service (together with all applicable decisions, directions and orders of the CRTC, are referred to herein as the "**Tariffs**"), and the Tariffs, which form part of this Agreement, shall prevail in the event of a conflict with the terms and conditions set out herein.
- (c) **Service Description:** The NG9-1-1 Service provides a managed, private, dedicated IP network referred to as the Emergency Services Internet Protocol network ("**ESInet**"). The ESInet provides the transport and interconnectivity for all i3-PSAPs within the Serving Area as well as Originating Service Provider networks supporting 9-1-1 Calls over IP-based networks and devices. For i3-PSAPs, the ESInet is delivered to the PSAP operations premise using Bell's IP VPN service to the PSAPs authorized by the 9-1-1 Authority. The NG9-1-1 Service also provides a series of applications and service interfaces known as NG9-1-1 Core Services ("**NGCS**") and may include other

third party applications from trusted entities as may be requested by the 9-1-1 Authority and agreed to by Bell. Bell provided NG9-1-1 Service features are described in the User-to-Network Interface (“**UNI**”) and in Schedule ‘B’ (NG9-1-1 Network Features). 9-1-1 Authority agrees that Bell is not responsible nor liable for damages arising from 9-1-1 Authority’s use of third party applications in conjunction with the NG9-1-1 Service.

- (i) In accordance with CRTC 7400, Bell Canada National Services Tariff Item 601, Bell agrees to:
 - A. Provide NG9-1-1 Service to the 9-1-1 Authority within the Serving Area;
 - B. Provide ESInet IP connection with redundant and, dependent upon availability, diverse facilities to PSAP locations designated by the 9-1-1 Authority and as listed in Schedule “C” (PSAP Designations & Locations);
 - C. Selectively route and enable selective transfer of 9-1-1 Calls to the Primary-PSAP, Secondary-PSAPs and Dispatch Agency according to policy routing rules crafted to the needs of the 9-1-1 Authority, including those described in PSAP Contingency Plans;
 - D. Transmit geodetic and/or civic location information, call back number of the 9-1-1 Caller and any additional available data elements as made available by the Originating Network Provider (“**ONP**”);
 - E. Receive, aggregate and maintain into a single dataset representative of Bell’s entire serving area, mapping and addressing information provided by the 9-1-1 Authority or to its designee;
 - F. Perform Quality Assurance and Quality Control (QA/QC) on the aggregated dataset and provide mapping and addressing discrepancy / errors reporting back to the 9-1-1 Authorities or to their designees;
 - G. Maintain a dedicated 24X7 9-1-1 Control Centre to support the NG9-1-1 Service;
 - H. Maintain a Basic 9-1-1 Final Routing Alternative involving a third-party call centre, such as those used for nomadic VoIP calls; and
 - I. Enable access to location information when provided by-reference by the ONP with the original NG9-1-1 call;
 - J. Enable access to the additional data repositories provided by trusted entities as defined by the CRTC.

- (ii) The 9-1-1 Authority agrees to:
 - A. Designate Primary PSAPs, Secondary PSAPs and Back-Up PSAPs to answer and dispatch 9-1-1 Calls in the Serving Area;
 - B. Where not otherwise defined by applicable provincial legislation and absent a provincial body that acts as a GIS data aggregator, create, maintain and update all boundaries, addressing and mapping information according to applicable standards (MSAG and GIS) and perform quality assurance and control on the data prior to submission. If a third party is to provide the GIS data on behalf of the 9-1-1 authority, such party shall be identified in Schedule “G”, and that 9-1-1 specific GIS data layers must be provided directly to Bell in a secure manner without transiting through any shared open platform;
 - C. Take responsibility for changes to the 9-1-1 call routing resulting from submitted GIS data.

- D. Ensure that all designated PSAPs are compliant with specifications and guidelines outlined in Schedule "D" (Specifications & Guidelines);
 - E. Ensure, all PSAPs in the Serving Area are compliant with the deployment criteria listed in Schedule "E" (Deployment Criteria);
 - F. Ensure all PSAPs in the Serving Area have secure 9-1-1 data and systems which security includes physical security, network security, cybersecurity and all other considerations within the PSAPs domains;
 - G. Ensure all PSAPs in the Serving Area have and maintain current contact information and make it available as per the NENA i3 standard;
 - H. Ensure the Primary PSAP accepts specific planned test calls from the public;
 - I. Ensure the Primary PSAP implements a call handling solution that includes a test call interface and automaton as described in NENA i3;
 - J. Resolve mapping and addressing discrepancies / errors reported to the GIS Authorities by Bell in a timely manner or as otherwise specified in the discrepancy report;
 - K. Provide supporting technical and operational documentation as listed in Schedule "D" (Specifications & Guidelines) on the Bell 9-1-1 Flex Portal; and
 - L. Ensure Bell is provided in writing the information listed in Schedule F where the 9-1-1 Authority is a Government Provincial PSAP and ensure such information is current at all times.
- (iii) The NG9-1-1 Authority acknowledges and agrees that NG9-1-1 Service resiliency, reliability and security depends upon the following:
- A. The type and capabilities of the Originating Service Provider and the technology from which 9-1-1 Calls originate;
 - B. The accuracy of the data provided by the various NG9-1-1 stakeholders including the 9-1-1 Authority, PSAP and Originating Service Providers and other trusted entities;
 - C. The use of encryption and appropriate security protocols as described in Schedule E of this Agreement and as may be further developed over time; and
 - D. The availability of entrance diversity configuration, and physical attributes including the distance between entry points and power diversity of the PSAP Location,
- and agrees that ensuring the foregoing elements are the best available will improve its experience with the NG9-1-1 Service.
- (iv) Bell and 9-1-1 Authority agree that the implementation of Next Generation 9-1-1 Service within the Serving Area shall be carried out pursuant to the User-to-Network Interface (UNI) Technical Specification Document and the requirements established by the CRTC, and the Parties agree to update this Agreement as the CRTC requirements evolve.
- (v) The NG9-1-1 Service allows for many new feature possibilities with regards to types of data that can be transmitted. The availability of these features may require upgrades to software and or hardware by the PSAP.

(vi) The NG9-1-1 Service will require security updates on an ongoing basis. To ensure the security of the NG9-1-1 Service, the NG9-1-1 Authority commits to ensure the PSAPs selected to serve its inhabitants, apply security updates (including any security patches) promptly. In the event of a PSAP failure to apply security updates Bell may, in its sole discretion, remove the PSAP from Bell's ESInet.

(vii) In the event a PSAP is removed from Bell's ESInet, 9-1-1 Calls destined for the PSAP will be rerouted in accordance with the PSAP's defined Policy Routing Rules.

(d) **Bell Providers:** Bell may perform its obligations under this Agreement through its affiliates (as defined in the *Canada Business Corporations Act*) (an "**Affiliate**"), agents, suppliers or subcontractors (the "**Bell Providers**"), but Bell shall not be relieved of its obligations by using the Bell Providers.

3. **FEES**

The Tariffs set out certain approved rates, fees, and charges and capital, development or installation costs (if any) (the "**Fees**") applicable to the NG9-1-1 Services. The 9-1-1 Authority shall pay Fees that are specified in the Tariffs. For services related to the NG9-1-1 Services but not specified in the Tariffs including those related to tertiary sites and third circuits the 9-1-1 Authority shall pay the fees as agreed to by the Parties. The 9-1-1 Authority shall also pay applicable commodity taxes, and similar taxes levied or assessed by any local and/or government authority, as well as surcharges for foreign taxes or those imposed by third-party providers, withholding tax, and interexchange carrier charges, if any (collectively, "**Taxes**"). The 9-1-1 Authority shall pay Fees and Taxes within 30 days of the invoice date. Fees and Taxes are subject to a late payment charge ("**Late Payment Charge**") at the rate specified in the invoice, which rate may vary from time to time, calculated from the invoice date, if Fees and Taxes are not paid within 30 days of the invoice date. For clarity, the NG9-1-1 Authority may pay all amounts referred to in this Section 3 via arrangements it may make with an applicable PSAP.

4. **TERM AND TERMINATION**

(a) **Term:** The term of this Agreement (the "**Initial Term**") will begin on the date it is signed by the 9-1-1 Authority (the "**Effective Date**") and it will expire or terminate after ten (10) years unless otherwise terminated under the terms of this Agreement.

(b) **Renewal Term(s):** If permitted under the relevant Tariffs, upon expiry of the Initial Term the Agreement shall be automatically renewed for successive periods of five (5) years each unless one party gives to the other at least six (6) months written notice of termination prior to the end of the initial term or any renewal period (in each case, a "**Renewal Term**"). The Initial Term and any Renewal Term(s) are collectively referred to as the "**Term**".

(c) **Termination or Suspension of a Service:** Bell may immediately suspend the entirety or a portion of the NG9-1-1 Service where Bell has reasonable cause to believe that the 9-1-1 Authority's traffic is compromised or otherwise poses a risk to the NG9-1-1 Service. For any reason other than the integrity of NG9-1-1 Service, the 9-1-1 Authority may terminate the NG9-1-1 Service, or Bell may terminate or suspend the NG9-1-1 Service, in accordance with the terms of the relevant Tariffs with six (6) months prior written notice.

5. **LIMITATION OF LIABILITY**

(a) Bell's liability for the performance of its obligations pursuant to this Agreement shall be subject to and governed by Bell's Tariffs.

(b) The 9-1-1 Authority and Bell shall, during the Term, maintain sufficient insurance to cover their respective obligations under this Agreement and shall provide evidence of same to the other party or, if either the 9-1-1 Authority or Bell is self-insured, provide to the other party evidence that is satisfactory to that party that the 9-1-1

Authority and/or Bell, as the case may be, is and will be, at all relevant times, in a position to face successfully its monetary obligations stemming from liability under this Agreement.

6. **CONFIDENTIAL INFORMATION**

- (a) “**Confidential Information**” means any data, documentation or other information of a proprietary or confidential nature of a party, or its Affiliates, or which is treated as confidential by a party or its Affiliates, whether or not identified as being confidential or proprietary, which is disclosed or made available to the other party in connection with the negotiation, preparation or performance of this Agreement. The design, installation, delivery or implementation of the Services, including pricing information, service levels and network design specifications shall constitute Confidential Information of Bell. Confidential Information excludes the 9-1-1 Authority’s name, address and listed telephone number and any data, documentation or other information which is (i) in the public domain, (ii) known to the receiving party prior to receipt thereof from the disclosing party, or (iii) available to the receiving party on a non-confidential basis from a source other than the disclosing party, if that source or its source is not in breach of any obligations of confidentiality to the disclosing party; or (iv) the receiving party can show to have been developed independently by the receiving party without using the Confidential Information of the disclosing party. The receiving party agrees to take such care to protect the confidentiality of the Confidential Information as would be taken by a reasonable party to protect its own Confidential Information from disclosure subject to the exceptions set out below.
- (b) Except as: (i) permitted or required by law, regulation or lawful request or to carry out its obligations; and (ii) required to receive or provide the Services under this Agreement, as applicable, the receiving party agrees not to use or disclose the Confidential Information without disclosing party’s prior written consent. For clarity, any information exchanged between Bell and the 9-1-1 Authority, their employees, servants, agents and/or co-contractors pertaining to the design, the development, the implementation, the operation and the maintenance of the NG9-1-1 Service is confidential, and shall be provided only to such persons who have a need to know for the purposes of this Agreement.
- (c) The 9-1-1 Authority consents to Bell disclosing 9-1-1 Authority information to the CRTC as required for the CRTC to approve any regulatory filings or CRTC requests for information related to the Services. Additionally, 9-1-1 information that is available with a 9-1-1 Call is provided on a confidential basis pursuant to CRTC 7400, Bell Canada National Services Tariff Item 601 as an exception to Item 10 Article 11 of the Bell Canada General Tariff and shall be used for the sole purpose of answering and dispatching 9-1-1 Calls
- (d) In the event that Bell is provided with access to the 9-1-1 Authority’s End Users’ information (“**End User Data**”), 9-1-1 Authority shall ensure that it has all the requisite consents for Bell to use such End User Data in the manner contemplated under this Agreement. The 9-1-1 Authority acknowledges and agrees that in the event that the 9-1-1 Authority provides Bell with access to End User Data where Bell is not required to have such access, Bell shall not be liable for any loss, unauthorized access to, or any other act or omission in relation to the End User Data.
- (e) The 9-1-1 Authority and Bell agree to abide by all applicable legislation with respect to the protection of privacy in effect from time to time.
- (f) The 9-1-1 Authority shall ensure their PSAPs comply with the terms of this Section 6. Bell shall only share Confidential Information pertaining to this Agreement with the PSAPs identified in Schedule “B” (PSAP Designations & Locations).

7. **FORCE MAJEURE**

- (a) If there is a default or delay in a party’s performance of its obligations under this Agreement (except for the obligation to make any payments under this Agreement), and the default or delay is caused by circumstances beyond the reasonable control of that party including fire, flood, earthquake, elements of nature, acts of God, epidemic, pandemic, explosion, power failure, third party caused damage to network infrastructure (e.g., a cable cut), war, terrorism, cyber terrorism/warfare, revolution, civil commotion, cyber terrorism/warfare, acts of public enemies, law, order, regulation, ordinance or requirement of any government or legal body having jurisdiction, or

labour unrest such as strikes, slowdowns, picketing or boycotts (each an “**Event of Force Majeure**”), then that party shall not be liable for that default or delay, and shall be excused from further performance of the affected obligations on a day-by-day basis, if that party uses commercially reasonable efforts to expeditiously remove the causes of such default or delay in its performance.

- (b) Bell and the 9-1-1 Authority agree that in the Event of a Force Majeure the parties will co-operate and make all reasonable efforts to provide a temporary replacement service until the NG9-1-1 Service is restored. The costs required to provide temporary replacement service shall be borne as between Bell and the 9-1-1 Authority in accordance with the Parties’ respective obligations as described in Sections 2(c)(i) & (ii) of this Agreement.

8. **GENERAL PROVISIONS**

- (a) **No Resale:** The 9-1-1 Authority shall not resell or remarket any Service for commercial purposes under the terms and conditions of this Agreement.
- (b) **Entire Agreement and Amendment:** This Agreement is the entire agreement between the 9-1-1 Authority and Bell with respect to the subject matter, and supersedes all prior agreements, understandings, commitments, undertakings, proposals, representations, negotiations and discussions on the subject matter, whether written or oral. There are no, and Bell shall not be liable for, conditions, agreements, representations, warranties or other provisions, express or implied (including through course of dealing), collateral or otherwise, relating to the subject matter of this Agreement, which induced either party to enter into this Agreement or on which either party places any reliance, other than those set forth in this Agreement. This Agreement shall not be amended other than by an instrument in writing signed by both parties and stating that the parties intend to amend this Agreement.
- (c) **Assignment:**
- (i) This Agreement shall bind and enure to the benefit of Bell and the 9-1-1 Authority and their respective successors and permitted assigns. Neither party may assign this Agreement in whole or in part, including any Schedule, without the prior written consent of the other party, not to be unreasonably withheld. However, without the other party’s consent, subject to Paragraph (ii) below, a party may assign all or part of its benefits, rights or obligations under this Agreement to an Affiliate or to an entity in connection with any transaction or series of transactions pursuant to which all or a substantial part of the assigning party’s business is assigned to or otherwise results in forming all or part of the business of such entity (including a present or future affiliate, whether by way of reorganization, consolidation, amalgamation, arrangement, merger, transfer, sale, change in control or otherwise, and, provided such entity, as assignee, agrees to be bound by this Agreement and assumes the obligations assigned under this Agreement pursuant to this Subsection, on and after the effective date of such assignment.
 - (ii) Bell’s prior written consent shall be required in the event of a proposed assignment by 9-1-1 Authority if, in Bell’s determination, the 9-1-1 Authority’s proposed assignee is deemed to be (A) not credit worthy; (B) a competitor of Bell; or (C) non-compliant with any eligibility criteria for the Services. Bell may also assign any receivable that arises under this Agreement, any right to receive payment related to that receivable and any interest in that receivable or right to receive payment.
- (d) **Governing Law:** This Agreement shall be governed by and interpreted according to the laws of Ontario unless the 9-1-1 Authority’s head office is situated in Quebec. If the 9-1-1 Authority’s head office is situated in Quebec, this Agreement shall be governed by and interpreted according to the laws of Quebec. The applicable governing law shall be determined as noted above without regard to any conflicts of law rules that might apply the laws of any other jurisdiction. The parties attorn to the exclusive jurisdiction of the courts of Toronto unless the 9-1-1 Authority’s head office is situated in Quebec, in which case the Parties attorn to the exclusive jurisdiction of the courts of Montreal in respect of all matters arising out of or in connection with this Agreement except CRTC regulatory matters. For CRTC regulatory matters the parties attorn to the exclusive jurisdiction of the federal courts or tribunals of Canada.
- (e) **Interpretation:** In this Agreement, the headings are for convenience of reference only and shall not affect its construction or interpretation. If there is any conflict between the terms of the main body of this Agreement and a

Tariff, if applicable to the Service in dispute, the terms of the applicable Tariff shall govern. If there is any conflict between the terms of the main body of this Agreement and the Schedules, the terms of the main body of the Agreement shall govern unless otherwise expressly provided in writing in a Schedule.

- (f) **Waivers:** No waiver of any provision of this Agreement shall bind a party unless consented to in writing by that party. No waiver of any provision of this Agreement shall be a waiver of any other provisions, nor shall any waiver be a continuing waiver, unless otherwise expressly provided in the waiver.
- (g) **Notice:** All notices and consents provided for shall be given in writing and delivered by personal delivery, prepaid first class registered or certified mail, by facsimile, by regular mail or e-mail. Notices delivered by facsimile shall be considered to have been received upon the sender obtaining a bona fide confirmation of such delivery. Notices delivered by e-mail shall include the following, and shall only be effective if the recipient provides by e-mail a confirmation of delivery and the date of acceptance of the delivery: (i) sender's name, address, telephone number, fax number and e-mail address; (ii) date and time of the transmission; and (iii) the name and telephone number of a person to contact in the event of transmission problems. Delivery of notices after 4:00 p.m. at the address being served constitutes delivery the following day. Notices delivered by regular mail shall be deemed received on the fifth day after the notice has been mailed. The address for notice shall be:

For the **9-1-1 Authority**,

_____ ; and

For **Bell**,

c/o 9-1-1 Service Team
930 d'Aiguillon, B320
Quebec, G1R 5M9

Email: signatures.911@bell.ca

With a copy to,

c/o Corporate Secretary
1 Carrefour Alexander Graham Bell, Building A, 4th Floor
Verdun, Québec H3E 3B3.

Facsimile: (514) 766-8161

The 9-1-1 Authority shall notify Bell of a change in its billing address and any change in its corporate name or any business or trade name used in connection with the Services.

- (h) **Severability:** If any provision of this Agreement is found by a court of competent jurisdiction to be invalid, illegal or unenforceable, the other provisions of this Agreement shall not be affected or impaired, and the offending provision shall automatically be modified to the least extent necessary in order to be valid, legal and enforceable.
- (i) **Survival:** The following Sections of this Agreement shall survive termination or expiration of this Agreement: Sections 3 (Fees), 4(c) (Termination or Suspension of a Service), 5 (Limitation of Liability), 6 (Confidential Information), and this Section 8 (General Provisions).
- (j) **Counterparts:** This Agreement may be signed in one or more counterparts (including through electronic signatures), each of which shall be considered an original and all of which, taken together, shall constitute one and the same instrument.

- (k) **Language:** The parties have requested that this Agreement and all correspondence and all documentation relating to this Agreement be written in the English language. Les parties aux présentes ont exigé que la présente entente, de même que toute la correspondance et la documentation relative à cette entente, soient rédigées en langue anglaise.

- (l) **No Partnership and Third-Party Beneficiaries:** Bell is an independent contractor of the 9-1-1 Authority. The Agreement shall not be construed to and does not create a relationship of agency, partnership, employment or joint venture. Nothing in this Agreement, express or implied, shall or is intended to confer on any other person, firm or enterprise, any rights, benefits, remedies, obligations or liabilities of this Agreement, other than the parties, their respective successors or permitted assigns.

| | |
|---|--|
| <p>[9-1-1 AUTHORITY NAME]</p> <p>SIGNATURE: _____</p> <p>NAME: _____</p> <p>TITLE: _____</p> <p>I am authorized to bind the 9-1-1 Authority to the terms and conditions of this Service Schedule.</p> <p>DATE: _____</p> | <p>BELL CANADA</p> <p>SIGNATURE: _____</p> <p>NAME: _____</p> <p>TITLE: _____</p> <p>I am authorized to bind Bell Canada to the terms and conditions of this Service Schedule.</p> <p>DATE: _____</p> |
|---|--|

Schedule "A"

DEFINITIONS

In this Agreement, in addition to those terms which are parenthetically defined, capitalized terms shall have the meanings ascribed to them in this Schedule "A" and where not otherwise defined in this Agreement, as ascribed in the current Network Interconnection (UNI) Document.

"9-1-1 Authority" means the municipality, local service board, first nation, province or any other authorized signing authority responsible for 9-1-1 service operations pursuant to the Bell Canada National Services Tariff Item 601 – Next Generation 9-1-1 (NG9-1-1) Service, and defined as the 9-1-1 Authority party to this Agreement;

"9-1-1 Call" means a request for public safety assistance signalled by a 9-1-1 Caller using a device and communications service supporting 9-1-1 dialling, and delivered through the NG9-1-1 Service, regardless of the media (e.g., voice, video, text, other) used to make that request;

"9-1-1 Caller" means end user dialing 9-1-1;

"9-1-1 Control Centre" means a dedicated 9-1-1 24/7 support, maintenance and surveillance centre;

"Agreement" has the meaning ascribed to it in Section 2(a);

"Back-Up PSAP" or **"Back-Up Public Safety Answering Point"** means the back-up PSAP as identified by the 9-1-1 Authority in Schedule "C";

"Basic 9-1-1 Final Routing Alternative" means the designated last resort routing destination involving a third-party call centre, such as those used for nomadic VoIP calls;

"Bell 9-1-1 Flex Portal" means a secure Web site accessible from the public Internet for Customers to access information pertaining to its NG9-1-1 Services.

"CEE" means Customer Edge Equipment and refers to the peering equipment provided by the customer, facing the Bell Customer Edge router;

"CRTC" or **"Canadian Radio-Television and Telecommunications Commission"** has the meaning ascribed to it in the preamble to this Agreement;

"Effective Date" has the meaning ascribed to it in Section 4(a);

"End User Data" has the meaning ascribed to it in Section 6(d);

"Event of Force Majeure" has the meaning ascribed to it in Section 7(a);

"ESInet" has the meaning ascribed to it in Section 2(c)(i);

"GIS Authority" means a body that has control over and the power to make decisions about the source addressing and GIS data which is responsible for providing aggregated GIS/addressing data on behalf of the 9-1-1 Authority to the NG9-1-1 Service Provider for the purpose of NG9-1-1 Service;

"GIS Data Provider" means an entity that assigns addresses, creates, collects, maintains and shares spatial datasets. It may include addressing authorities (e.g. local, provincial and territorial governments, First Nations), 9-1-1 Authorities, and data aggregators;

"GIS" and **"Geographic Information System"** Means a system for capturing, storing, displaying, analyzing and managing data and associated attributes which are spatially referenced;

“i3-PSAP” means a Public Safety Answering Point (PSAP) conformant to the NENA i3 standard (NENA-STA-010), which is capable of receiving IP-based signaling and media for delivery of emergency calls;

“Initial Term” has the meaning ascribed to it in Section 4(a);

“ILEC” and **“Incumbent Local Exchange Carrier”** means the existing telephone companies, prior to the introduction of local competition;

“Late Payment Charges” has the meaning ascribed in Section 3;

“Local Registration Authority” have the meaning ascribed to them in CRTC Decision 2019-353;

“MSAG” or **“Master Street Address Guide”** means the database that contains street names and house number ranges within their associated communities defining Emergency Service Zones (ESZs) and their associated Emergency Service Numbers (ESNs) to enable proper selective routing and selective transfer of 9-1-1 calls in the legacy E9-1-1 environment;

“NENA i3” has the meaning ascribed to it in the preamble of the Agreement;

“NG9-1-1” means a secure, IP-based, open-standards based system comprised of hardware, software, data, and operational policies and procedures that (a) provides standardized interfaces from emergency call and message services to support emergency communications, (2) processes all types of emergency calls, including voice, text, data, and multimedia information, (3) acquires and integrates additional emergency call data useful to call routing and handling, (4) delivers the emergency calls, messages and data to the appropriate PSAP and other appropriate emergency entities based on the location of the caller, (5) supports data, video, and other communications needs for coordinated incident response and management and (6) interoperates with services and networks used by first responders to facilitate emergency response;

“NG9-1-1 Network Provider” means the CRTC mandated ILEC providing the ESInet/NGCS;

“NG9-1-1 Service” has the meaning ascribed to it in Section 2(c)(i);

“NGCS” and **“Next Generation 9-1-1 Core Services”** means the base set of services needed to process a 9-1-1 call on an ESInet. NGCS includes the Emergency Service Routing Proxy (ESRP), Emergency Call Routing Function (ECRF), Location Validation Function (LVF), Border Control Function (BCF), Bridge, Policy Store, Logging Services and typical IP services such as Domain Name System (DNS). The term NGCS includes the services and not the network on which they operate (i.e., the ESInet);

“Offnet Agency” means an agency outside of the NG9-1-1 network, such as a poison control centre or an hospital, which may be designated by the 9-1-1 Authority to be able to receive PSTN calls transferred by a designated PSAP;

“ONP” and **“Originating Network Provider”** means a CRTC-approved trusted entity service provider that allows its subscribers to originate 9-1-1 dialled voice or non-voice calls from the public to PSAPs, including but not limited to wireline, wireless, and fixed/native voice over internet protocol (VoIP) services.

“PRR” and **“Policy Routing Rule”** means the criteria which determines how 9-1-1 Calls are routed under stated conditions such as when a target PSAP is unable to take 9-1-1 Calls;

“PSAP” or **“Public Safety Answering Point”** means an entity responsible for receiving 9-1-1 Calls and processing those 9-1-1 Calls according to a specific operational policy - a Primary Public Safety Point, Secondary Public Safety Point, and Back-Up Public Safety Point as identified by the 9-1-1 Authority in Schedule “C” (PSAP Designations & Locations);

“PSAP Contingency Plans” means a plan in case of a disaster;

“**PSAP Credentialing Agency**” and “**PCA**” have the meaning ascribed to them in CRTC Decision 2019-353;

“**PSAP Locations**” means the locations of the PSAPs as identified in Schedule “C” (PSAP Designations & Locations);

“**P-PSAP**” or “**Primary Public Safety Answering Point**” means a communication centre which is the first point of contact for 9-1-1 Calls as identified by the 9-1-1 Authority in Schedule “C” (PSAP Designations & Locations);

“**Renewal Term**” has the meaning ascribed to it in Section 4(b);

“**S-PSAP**” or “**Secondary Public Safety Answering Point**” means a communication centre to which 9-1-1 Calls are transferred from a P-PSAP, typically the fire, police or ambulance agency responsible for dispatching emergency personnel as identified by the 9-1-1 Authority in Schedule “C” (PSAP Designations & Locations);

“**Schedule**” has the meaning ascribed to it in Section 2(a);

“**Serving Area**” means the geographic area, as determined by the 9-1-1 Authority from which 9-1-1 Calls will be directed to a particular P-PSAP;

“**Subscriber**” means an entity that contracted with a service provider for the provision of a voice telecommunications service;

“**Selective Routing**” means the process by which 9-1-1 Calls are routed to the appropriate PSAP or other designated destination, based on the 9-1-1 Caller’s location information, and may also be impacted by other factors, such as time of day, call type, etc. Location may be provided in a specified format such as an MSAG-valid civic address or in the form of geo coordinates (longitude and latitude);

“**Taxes**” has the meaning ascribed to it in Section 3;

“**Term**” has the meaning ascribed to it in Section 4(b); and

“**User-to-Network Interface (UNI) Technical Specifications Document**” means the authoritative document which sets the technical specifications an i3-PSAP must comply with.

Schedule "B"
NG9-1-1 FEATURES

The NG9-1-1 Service offers features as provided in CRTC 7400, Bell Canada National Services Tariff Item 601.

If a PSAP chooses to forgo utilizing one or more of the NG9-1-1 Service features provided by the NG9-1-1 Service network provider as described in the UNI, the PSAP does so at its own risk and assume all liabilities including prolonged restoration times in the event of an outage.

Schedule "C"

PSAP DESIGNATIONS & LOCATIONS

| PSAP Type | Name | Location (full address) | Connected to ESInet (Y/N) |
|--|-----------------|-------------------------|---------------------------|
| Primary PSAP (*1 & *2) | WINDSOR POLICE | | Y |
| Secondary PSAP Police (*1 & *2) | WINDSOR POLICE | | Y |
| Secondary PSAP Fire (*1 & *2) | ESSEX FIRE | | Y |
| Secondary PSAP Ambulance (*1 & *2) | ESSEX AMBULANCE | | Y |
| Additional Offnet Agency if required (*1 & *2& *3) i.e. Poison control | | | N |
| Designated Provincial or Territorial default i3 PSAPs (*4) | | | |

Notes:

*1 – 9-1-1 Authority shall ensure all PSAPs connected to ESInet meet the NG9-1-1 requirements.

*2 – 9-1-1 Authority shall ensure that if a PSAP changes during the Term, the replacement is aware of the 9-1-1 Authority obligations re: PSAPs under this Agreement, and Bell is notified of the change.

*3 – "Offnet" Agencies are not connected to the ESInet over an IP-UNI and call transfers to such agencies are the responsibility of the PSAP's Call Handling System

*4 – This PSAP is only required if there is a PSAP designated as a safety net for a specific Province or Territory.

Schedule 'D'

SPECIFICATIONS & GUIDELINES

The specifications, templates and guidelines for the NG9-1-1 Service are found at <https://911flex.bell.ca/Login.html>, under the title "NG9-1-1 Onboarding Documentation".

Schedule "E"

DEPLOYMENT CRITERIA

PSAPs utilizing networks to process and deliver NG9-1-1 Calls outside of the ESInet do so at their own risk and assume all liabilities including prolonged restoration times in the event of an outage.

In order to ensure reliability, resiliency and security of the NG9-1-1 Service, the 9-1-1 Authority shall ensure that all of the PSAPs meet the following mandatory requirements without which the PSAPs will not be permitted to interconnect with the production NG9-1-1 network:

1. IP VPN ESInet Interconnection

All i3-PSAP types, Primary and Secondary, are entitled to a single Back-Up location.

All IP VPN ESInet demarcation locations (Primary, Secondary and Back-Up PSAPs) are provided with two (2) redundant data paths and must make use of both. PSAPs must make use of all available in-house diversity (cable entrance, power, etc.).

ESInet physical demarcation locations must be geographically located within the Bell Canada NG9-1-1 Serving region.

PSAPs are expressly forbidden to establish private VPN tunnels over the ESInet, through the provided IP VPN circuits.

2. ESInet Interconnection of Non-designated PSAP facilities

For those PSAP sites not listed in Schedule "C", if the 9-1-1 Authority requires additional circuits, these arrangements may be provided by Bell for a fee;

3. PSAP CEE Interconnection Requirement

- a. All PSAPs shall employ a NENA i3 compliant Border Control Function ("**BCF**") as defined in the Bell NG9-1-1 UNI technical specification as a mandatory condition of interconnection with the NG9-1-1 network. The BCF must be comprised of a minimum of both a firewall and session border controller function. The BCF must be deployed in a manner which prevents single points of failure.
- b. PSAPs shall ensure their local network infrastructure (i.e., Local Area Network [LAN] and/or private Wide Area Network [WAN]) is sized appropriately to support the bandwidth of all NG9-1-1 traffic as calculated and provisioned by the NG9-1-1 Network Provider, in addition to their own in-house network requirements;

4. i3 Call Handling CODEC requirement

All PSAPs shall implement the mandatory list of CODECs as defined in Telecom Decision CRTC 2019-353 (<https://crtc.gc.ca/eng/archive/2019/2019-353.htm>) and make necessary changes as updates become approved by CRTC.

5. IP Network protocol support

All PSAPs shall deploy Dual Stack as the method for simultaneous use of IPv4 & IPv6 address spaces, or to individually perform Network Address Translation - Protocol Translation ("**NAT-PT**") for their Network Domain as defined in the Bell NG9-1-1 UNI technical specification. This is a mandatory condition to interconnect to the NG9-1-1 Service Network;

6. End-to-End Encryption

All PSAPs shall support encryption of traffic from and towards the ESInet as defined in the Bell NG9-1-1 UNI technical specification;

7. QoS Support

All PSAPs shall implement the QoS requirements as defined in the Bell NG9-1-1 UNI technical specification;

8. PSAP Credentialing Agency – NG9-1-1 Network Provider service

All PSAPs shall utilize the Bell PSAP Credentialing Agency service. PSAPs shall identify to Bell as part of the onboarding process the individual or group responsible for acting as the Local Registration Authority (“**LRA**”). The LRA agreement and the roles and responsibilities can be found in Schedule H. For clarity, the LRA agreement is attached for reference purposes. There is no expectation that the NG9-1-1 Authority will sign the LRA agreement itself but the NG9-1-1 Authority will ensure that the selected PSAPs will execute such agreement.

9. Contingency Routing

PSAPs shall communicate all 9-1-1 contingency arrangements to Bell including agreements and arrangements with other agencies in order to design and implement Policy Routing Rules accordingly. PSAP’s defined Policy Routing Rules must contain at a minimum one Policy Routing Rule specifying a partner third party PSAP to act as backup in the event the PSAP is not able to respond to 9-1-1 Calls.

10. Domain Name Service (DNS) – NG9-1-1 Network Provider service

PSAPs must utilize the Bell NGCS-based DNS service to ensure resiliency of DNS functions and seamless PCA functionality.

The 9-1-1 Authority is requested to encourage PSAPs to utilize the following NGCS provided functions to further enhance network reliability, resiliency and security of the NG9-1-1 Service:

1. Network Time Protocol (NTP) – NG9-1-1 Network Provider Service

PSAPs are encouraged to utilize the Bell NGCS-based NTP service to ensure accurate time synchronization with all ESInet interconnected elements and as an additional time source within their Local Area Network (LAN).

Schedule "F"

MULTIPLE REGION PSAPs

This Schedule must be filled out by PSAPs covering multiple regions and managed by a provincial or federal authority (e.g., Ontario Ministry of Health, Sureté du Québec, Ontario Provincial Police etc.

| Sites | Official Name | 9-1-1 authority (municipalities, counties, etc.) |
|--------------|----------------------|---|
| | | |
| | | |
| | | |

Schedule "G"

NG9-1-1 GIS REQUIREMENTS

| Municipality, County or Other Government Entity name | GIS Data Provider or *Provincial/ Territorial Designated Data Aggregator name | Provincial \ Territorial Legislation (Y/N) |
|---|--|---|
| | | |
| | | |
| | | |
| | | |

- ❖ In the absence of Provincial or Territorial legislation defining a Data Aggregator body, by default the NG9-1-1 Network Provider will be the defined GIS and addressing Data Aggregator ([Telecom Decision CRTC 2020-150 | CRTC](#))

Schedule "H"

Local Registration Authority Agreement



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: March 14, 2022 |
| Author's Phone: 519 736-6500 ext. 2241 | Date to Council: April 25, 2022 |
| Author's E-mail: bmontone@amherstburg.ca | Resolution #: N/A |

To: Mayor and Members of Town Council

Subject: Multiple Fire Services By-law Amendments

1. **RECOMMENDATION:**

It is recommended that:

1. The following amended by-laws **BE APPROVED:**

- Fire Department Establishing and Regulating Bylaw
- By-law to Impose Fees for False Fire Alarms
- By-law to Regulate Open Air Burning within the Town of Amherstburg
- By-law Respecting the Sale and Setting Off of Fireworks in the Town of Amherstburg

EXECUTIVE SUMMARY:

N/A

2. **BACKGROUND:**

The above referenced By-laws related to the operation and services provided by fire services have under gone a review to ensure relevancy, changes in the regulatory landscape, or information received regarding application and enforcement provided by residents, staff and oversight bodies associated with fire services delivery. As part of a review conducted, Council received a Municipal Fire Protection Survey and presentation authored by the Office of the Fire Marshal of Ontario. Council accepted the report in 2015.

In addition, a Fire-Master Plan was developed and presented to Council in 2020 which included several administrative and governance recommendations:

- 1) Council has exercised its authority under the Municipal Act and the Fire Protection and Prevention Act to establish and regulate the fire Department;
- 2) To impose fees for frequent False Fire Alarms through a mechanical failure, equipment malfunction, improper use/improper installation of the system, or failure to maintain the system as prescribed by the Fire Code;
- 3) Council has deemed it expedient to regulate the setting of Open Air Fires, including establishing the times and conditions during which Open Air Fires may be Set; and
- 4) Council regulates the sale and setting off of fireworks in the town of Amherstburg by Municipal By-law.

Any significant updates and/or changes to the four By-laws are those out-lined in this report.

3. **DISCUSSION:**

Establishing and Regulating By-law

An 'Establishing and Regulating By-law', can provide a clear framework within which a fire service will operate. The Fire Master Plan approved in principle in 2020 identified that the current By-law required review due to several administrative and governance challenges. Recently a report received by Council regarding Mandatory Fire Fighter Certification indicated changes are required as well.

The Ontario Fire Marshal has developed guidelines for fire services in the province to use in the design of an effective establishing and regulatory by-law. In Amherstburg, many of the recommended components have already been included as listed below. The recommended updates would serve to bring all of the components together as recommended in the Fire Master Plan for Council to consider:

1. Consistencies with Fire Fighter/Officer retirement
2. References to the Collective Agreement between the Town of Amherstburg and the Amherstburg Professional Firefighters' Association
3. Mutual Aid Agreements approved by Council
4. Service Level standards identified in NFPA 1720 (2014 edition)
5. Ministry of Labour Orders from June, 2015
6. OFMEM report on Fire Protection Services April 11, 2016
7. Mandatory Fire Fighter Certification impacts

The proposed **By-law 2022-035 (Attachment)** does not change any current policies that affect residents or businesses, but will affect some terms of employment for some Amherstburg Fire Department staff; it documents the policy framework and creates the obligation to maintain these policies and clarifies some service levels.

The passage of a revised Fire Services Establishing By-law is recommended to provide a policy framework for Fire Services, and to clearly establish the Fire Chief's authority.

The Establishing By-law has the following key components:

- Formally continues the existence of the Amherstburg Fire Department
- Requires preparation of annual budget
- Requires periodic review and update of policies and procedures
- Requires regular reporting that documents:
 - Organizational structure
 - Approved Fire Services goals and objectives
 - List of functions and services provided
 - Level of service achievement
- Authorization for the Fire Chief to take appropriate actions including:
 - Pulling down or demolishing any building or structure to prevent the spread of fire
 - Boarding up or barricading of buildings or property to guard against fire or other danger, risk or accident, when unable to contact the property owner, and
 - Recovery of expenses incurred by such necessary actions for the Corporation in the manner provided by the Municipal Act, 2001 and the Fire Protection and Prevention Act, 1997.
 - Authorization to leave limits of the municipality with respect to a fire or emergency: That threatens property in the municipality or property situated outside the municipality that is owned or occupied by the municipality;
 - That is subject to an approved agreement or plan
 - That is on property beyond the municipal boundary where the Fire Chief determines that immediate action is necessary to preserve and protect life or property and the appropriate fire department is notified to respond and assume command or establish alternative measures, acceptable to the Fire Chief

Currently, firefighters involved in Operational Suppression activities and Suppression Training activities must retire at the end of the month in which they turn 60. But the current by-law states Fire Officers must retire at the end of the month in which they turn 65.

The role of the fire officer includes being in command of operations until relieved by a more senior officer, their primary role includes leading crews of fire fighters inside structures and performing identical physical activities involved in fire suppression and rescue.

The Ontario human rights legislation and decisions permits, discrimination on the basis of age where it is a reasonable and *bona fide* qualification because of the nature of the employment. The Fire Protection and Prevention Act, mandatorily requires Full-time Firefighters involved in suppression activities to retire at age 60.

This inconsistency creates a safety concern for the elder fire officer, and the fire fighters he/she is leading, as he or she may be relied upon to perform a crew member rescue. The safety of the public receiving the services is also a consideration.

It is strongly recommended that, standardized, consistent, retirement ages for all members of the Fire Department be implemented. Further the implementation should be fair and respectful. There are 5 officers in the next 5 years that may be adversely affected.

It is recommended that; From 2022-2027 inclusive, Fire Officers turning 60 may choose to exercise a grandfathering opportunity which allows them to stay on the department until the month in which they turn 65 yrs. Considering the Following Conditions;

- ✓ That an Annual Medical in the month of their birthdate be undertaken by a Physician.
- ✓ The Physician will be provided with a Current Job Description, a Functional Abilities form and a Medical Form provided by the municipality that the Physician must complete, certifying the Officers Fitness to perform the duties and responsibilities.
- ✓ This Grandfathering would sunset no later than December 31, 2027. Following which the normal retirement age of all fire fighters involved in fire suppression activities will be the end of the month in which they turn 60 years of age.

Repeal existing By-law 2017-67, dated July 2017.

The By-law does not duplicate existing policies or legislation and will not require regular amendments.

False Fire Alarms

The Current By-law is intended to created a deterrent to Building Owners who cause frequent False Fire Alarms through a mechanical failure, equipment malfunction, improper use/improper installation of the system, or failure to maintain the system, or repair their fire alarm system.

This results in needless resources responding and/or causing the potential for delays in response to actual emergencies or other calls for service. A waste of taxpayer dollars is the result. There have been 122 occurrences involving false fire alarm responses categorized as equipment malfunction, improper use/improper installation of the system, or failure to maintain the system, or repair of the fire alarm system since January 2019.

The By-law was last reviewed in April 2015. The fees established were based on Costs associated with response at that time and are guided by MTO rates established for fire services by the Province. E.g. the bylaw identifies 410.00/hr for each responding vehicle. The proposed **By-law 2022-034 (Attachment)** amends the rate established by MTO and is consistent with our 2022 Fees By-Law which is 509.89.

Setting of Open Air Fires

The original implementation of this By-law occurred in 2018 with a 1st year refresh in 2019 which eliminated the permit fee portion. This program and by-law has been a resounding success and has improved public awareness of safe burning practice and reduced complaints. An additional benefit has seen less illegal and unsafe burning and less resources directed to needless response.

Changes under consideration are aimed at easier to understand language and information to improve compliance. The proposed **By-law 2022-033 (Attachment)** addresses these changes.

Fire Permits Issued Since 2018

| Permit | 2018 | 2019 | 2020 | 2021 | 2022 | Permit Totals |
|---------------|------|------|------|------|------|---------------|
| New | 360 | 214 | 274 | 170 | 10 | 1028 |
| Renewal | | 235 | 328 | 391 | 198 | 1152 |
| Yearly Totals | 360 | 449 | 602 | 561 | 208 | 2180 |

Sale and Setting off of Fireworks

The By-law respecting the sale and setting off of fireworks in the town of Amherstburg has been amended to reflect the difficulties residents have had in complying with setting off requirements for Consumer Fireworks only. Setting off of Consumer Fireworks is currently restricted to only the recognized days of celebration.

No Person Shall Discharge Consumer Fireworks except on the following days

*between dusk and 11:00 p.m. Victoria Day,
Canada Day, the Fourth of July and*

between dusk and 1:00 a.m. on New Year's Eve.

The Difficulty realized is that these celebrations are largely used for family and neighbourhood events and largely enjoyed by many younger children who are mesmerized by the displays. Often the actual recognized day does not always fall on weekends when many families want to celebrate. Changes proposed in **By-law 2022-032 (Attachment)** would provide residents a choice of when to best hold the display events and remain in compliance with the by-law over a 1-week period. Times have also been adjusted.

No Person Shall Discharge Consumer Fireworks except on the following days:

- Between dusk and 11:30 p.m. from the weekend beginning Friday prior to Victoria Day, to the Sunday following Victoria Day;
- Between dusk and 11:30 p.m. from the weekend beginning Friday prior to Canada Day, to the Sunday following Canada Day;

- Between dusk and 11:30 p.m. from the weekend beginning Friday prior to the Fourth of July, to the Sunday following the Fourth of July, and
- Between dusk and 1:00 a.m. on New Year's Eve.

4. RISK ANALYSIS:

There are no risk impediments to implementing the recommendations.

5. FINANCIAL MATTERS:

N/A

6. CONSULTATIONS:

*Director, Legislative Services & Clerk
Manager, Licensing and Enforcement
Fire Advisory Services, Office of the Fire Marshal, Ontario*

7. CONCLUSION:

Implementation of the highlighted amendments to the outlined bylaws will additionally complete the Municipal Fire Protection Survey recommendations authored by the Office of the Fire Marshal of Ontario. In addition, the Fire-Master Plan administrative and governance recommendations would be fulfilled.



B. Montone
Fire Chief

bm/BM

Report Approval Details

| | |
|----------------------|--|
| Document Title: | Multiple Fire Services By-law updates.docx |
| Attachments: | - 2022-032 Sale and Setting off Fireworks By-law.docx - 2022-033 Open Air Burning.docx - 2022-034 False Fire Alarms fees.doc - 2022-035 Establish and Regulate the Fire Department.docx |
| Final Approval Date: | Mar 17, 2022 |

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



Tracy Prince



Peter Simmons



Valerie Critchley

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2022-032

A By-law to Respecting the Sale and the Setting Off of Fireworks within the Town of Amherstburg

WHEREAS Section 120 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended authorizes municipalities to prohibit and regulate the manufacturing, storage and transporting of explosives within the municipality;

AND WHEREAS Section 121 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended provides that a local municipality may prohibit and regulate the sale and setting of fireworks and further that a by-law may prohibit those activities unless a permit is obtained for those activities and may impose conditions for obtaining, continuing to hold and renewing the permit, including requiring the submission of plans;

AND WHEREAS section 7.1(1) of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4, as amended provides that a council of a municipality may pass by-laws regulating fire prevention, including the prevention of spreading fires; and,

AND WHEREAS Section 391 states that a municipality may 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; **AND WHEREAS** it is deemed expedient to regulate the sale and setting off of fireworks in the Town of Amherstburg;

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

1. DEFINITIONS

In this by-law:

"Act" means the Explosives Act, Revised Statutes of Canada, 1985, Chapter E-17, and the Regulations enacted thereunder as amended from time to time or any Act and Regulations enacted in substitution therefore;

"Applicant" means a Person eighteen (18) years of age or more who is a registered legal Owner of the property upon which the display is to be Discharged or a Person eighteen (18) years of age or more who is the Occupier of the property upon which the Display is to be Discharged and who has been provided with permission by a registered legal Owner of the property;

"Authorized Persons" means, as the context requires, a) in the case of Display Fireworks those persons working under the direct supervision of the fireworks supervisor, who have been as a minimum, certified as an apprentice as required by the Explosives Regulatory Division of Natural Resources Canada, and b) in the case of Pyrotechnic Special Effects Fireworks, those persons working under the direct supervision of the pyrotechnician, who have been as a minimum, certified as a theatrical user as required by the Explosives Regulatory Division of Natural Resources Canada;

"Building" means any structure used or intended for supporting or any sheltering use or occupancy;

"Chief Fire Official" means the Chief of the Amherstburg Fire Department or his designate(s);

"Consumer Firework" means an outdoor, low hazard, recreational firework that is classed as Subdivision 1 of Division 2 of Class 7 Fireworks under the Act, and includes fireworks showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, volcanoes, and sparklers but does not include Christmas crackers and caps for toy guns containing not in excess of twenty-five one-hundredths of a grain of explosive used per cap;

"Council" means the Council of the Corporation of the Town of Amherstburg;

"Discharge" means to fire, ignite, explode, or set off or cause to be fired, ignited, exploded or set off and the words "discharged" and "discharging" have a similar meaning;

"Display" means a performance, show, or event using Fireworks intended for public entertainment;

"Display Firework" means an outdoor, high hazard, recreational firework that is classed as a Subdivision 2 of Division 2 of Class 7 Fireworks under the Act, and includes rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, bombardos, waterfalls, fountains, batteries, illumination, set pieces and pigeons but does not include firecrackers;

"Firecracker" means a pyrotechnic device that explodes when ignited and does not make any subsequent display or visible effect after the explosion, and includes those devices commonly known as Chinese firecrackers;

"Fire Extinguishing Equipment" means sufficient personnel and/or equipment, which may include items such as fire extinguishers, water hose, pails and sand, as is necessary dependent on the type and size of the fireworks being discharged;

"Fireworks" means display fireworks, pyrotechnic special effects fireworks and consumer fireworks;

"Fireworks Supervisor" means a person who is an approved purchaser of display fireworks and who is qualified under the Act to supervise the Discharge of Display Fireworks;

"FPPA" means the Fire Protection and Prevention Act, 1997, S.O. 1997, as amended, and the Regulations enacted thereunder as amended from time to time or any Act or Regulations enacted in substitution therefore;

"Municipal Law Enforcement Officer" means an individual appointed by the Town for the purpose of enforcing Town by-laws;

"Nuisance" means a hazard or condition, thing, act or omission which is offensive or which tends to prejudice the safety, order, peace or health of residents of the municipality or an activity, condition or premises or thing which adversely affects the rights or reasonable comfort convenience or peace and quiet of any neighbourhood in the municipality;

"Occupant" means any person or persons over the age of eighteen (18) years in possession of the property;

"Owner" shall include any Person who is an owner of land either jointly or in common with any other Person or persons and shall include any or all of such persons;

"Permit" means a written conditional authorization issued and administered by the Chief Fire Official to Display Fireworks in accordance with restrictions and conditions contained within this by-law or as may be specified on the Permit itself;

"Person" means any individual, owner, occupant, association, firm, partnership, corporation, agent or trustee and the heirs, executors, or other legal representatives of a person to whom the context can apply according to law who is at least eighteen (18) years of age or more;

"Prohibited Firework" includes but is not limited to sky lanterns (Chinese, Kongming or Wish lantern), cigarette loads or pings/ plugs, exploding matches, sparkling matches, ammunition for miniature tie clip, cufflink or key chain pistols, auto alarms or jokers, cherry bombs, M-80 and silver salutes and flash crackers, throw down torpedoes and crackling balls, exploding golf balls, stink bombs and smoke bombs, tear gas pens and launchers, party poppers and table bombs, table rockets and battle sky rockets, fake firecrackers and other trick devices or practical jokes as included on the most recent list of prohibited

fireworks as published from time to time under the Act and any fireworks not on the approved list of the Ministry of National Resources Explosives Branch as amended from time to time;

"Public Events" includes, but is not limited to, an event that is held at Municipal Facilities (including parks, buildings, roadways, etc.), is open to the general public with or without an admission fee and has the potential for involvement of a number of attendees that could not be managed without special measures being put in place;

"Pyrotechnician" means a person who is certified under the Act as a Theatrical User, an Assistant, a Pyrotechnician or a Special Effects Pyrotechnician and is qualified to purchase and supervise the display of pyrotechnic special effect fireworks under the Act;

"Pyrotechnic Special Effect Firework" means a high hazard firework that is classed as a Subdivision 5 of Division 2 of Class 7 Firework under the Act and that is used to produce a special pyrotechnic effect for indoor or outdoor performances and includes black powder bombs, bullet effect, flash, powder, air bursts, smoke compositions, gerbs, lances and wheels;

"Sell" includes offer for sale, cause or permit to be sold and to possess for the purpose of sale and the words "selling" and "sold" have a similar meaning.

"Sky Lantern" (also known as a Chinese, Kongming or Wish lantern) are devices that are constructed of paper and a frame containing a fuel pack. The fuel pack is usually a petroleum or wax based fuel that when lit causes the lantern to lift into the sky;

"Temporary Sales Unit" means an enclosed portable stand, cart, display rack, cargo container or trailer, or other display unit that can be moved from one location to another and is used for the sale of Consumer Fireworks.

"Town" means the Corporation of the Town of Amherstburg

2. INTERPRETATION

- 2.1 In this by-law, a word interpreted in the singular number has a corresponding meaning when used in the plural.
- 2.2 Nothing in this by-law shall be interpreted as reducing or eliminating compliance with the provisions of all applicable Federal or Provincial statutes and regulations related to explosives or fireworks and in particular the Act, as amended.
- 2.3 Words importing the singular number or the masculine gender only, include more persons, parties or things of the same kind than one and females as well as males and the converse.

3. SALE OF FIREWORKS AND FIRECRACKERS

- 3.1 No Person shall Sell any Firecrackers.
- 3.2 No Person shall Sell any Prohibited Fireworks.
- 3.3 No Person shall Sell Consumer Fireworks except on the following days:
 - 3.3.1 Victoria Day, Canada Day, the Fourth of July, New Year's Eve; and,
 - 3.3.2 Each of the seven (7) business days immediately preceding Victoria Day, Canada Day, Fourth of July and New Year's Eve.
- 3.4 Every Person in charge of a store shall ensure that Fireworks displayed in store windows shall be mock samples only and not contain explosive composition.
- 3.5 No Person shall display for sale within the Town any type of Fireworks in any manner other than in such a place that the Fireworks are not exposed to the rays of the sun or to excess heat from any other source.
- 3.6 No Person shall, within the Town, Sell or give any Person under the age of 18 years any type of Consumer or Display Fireworks.

3.7 No Person shall display for sale within the Town any Consumer Firework in any manner other than in a package, glass case, or other suitable receptacle, away from any other flammable goods.

3.8 No Person shall Sell Fireworks in a Building or Temporary Sales Unit unless the provisions of the Ontario Fire Code and all other applicable Acts and Regulations are complied with.

4. DISCHARGE OF FIRECRACKERS AND PROHIBITED FIREWORKS

4.1 No Person shall Discharge any Firecrackers.

4.2 No Person shall Discharge any Prohibited Fireworks.

5. CONSUMER FIREWORKS PROHIBITIONS

5.1 No Person shall Discharge Consumer Fireworks except on the following days:

- Between dusk and 12:00 a.m. from the weekend beginning Friday prior to Victoria Day, to the Sunday following Victoria Day;
- Between dusk and 12:00 a.m. from the weekend beginning Friday prior to Canada Day, to the Sunday following Canada Day;
- Between dusk and 12:00 a.m. from the weekend beginning Friday prior to the Fourth of July, to the Sunday following the Fourth of July, and
- Between dusk and 1:00 a.m. on New Year's Eve.

5.2 A Person eighteen (18) years of age or older may hold a Display of Consumer Fireworks on any land belonging to him or her or on any other privately owned land where the Owner thereof has given permission for such Display or Discharge of Fireworks.

5.3 No Person under the age of eighteen (18) years shall Discharge any Consumer Fireworks except under the direct supervision of and control of a Person eighteen (18) years of age or over.

5.4 No Person being the parent or guardian of any Person under the age of eighteen (18) years shall allow the Person to Discharge any Consumer Fireworks except when such parent or guardian or some other responsible Person of eighteen (18) years of age or over is in direct supervision and control.

5.5 No Person shall Discharge any Consumer Fireworks in such a manner as might create danger or constitute a Nuisance to any Person or property, or to do or cause or allow any unsafe act or omission at the time and place for the Discharging of any Fireworks.

5.6 No Person shall Discharge any Consumer Fireworks including sparklers or volcanoes inside a restaurant or other public assembly occupancy without the following conditions being met:

5.6.1 A description of the fire emergency procedures specific to the Consumer Fireworks contained within the approved fire safety plan for the occupancy, and

5.6.2 Provide and maintain fully operational, Fire Extinguishing Equipment ready for immediate use by trained individuals at site of Display (table/serving cart, etc.)

5.7 No Person shall Discharge any Consumer Fireworks in or into any Building, doorway, or automobile.

5.8 No Person shall Discharge any Consumer Fireworks in or on or into any highway, street, alley, lane, square or other public place, unless under a Display Fireworks permit to do so issued by the Chief Fire Official.

6. DISPLAY FIREWORKS PROHIBITIONS

- 6.1 No Person or group of Persons shall Discharge any Display Fireworks in the Town of Amherstburg, without first having obtained a Permit issued by the Chief Fire Official authorizing the Discharge of Display Fireworks.
- 6.2 No Display Fireworks shall be permitted on any Town owned property without first having obtained the Public Event approval of Council as well as the required Permit from the Chief Fire Official.
- 6.3 No Permit Holder shall Discharge Display Fireworks except in accordance with the conditions of the Permit.

7. PERMIT REQUIREMENTS- DISPLAY FIREWORKS

- 7.1 Every application for a Display Firework Permit shall be made to the Chief Fire Official a minimum of 30 days prior to the event when the proposed Discharge of Display Fireworks is to occur.
- 7.2 The Chief Fire Official may issue Permits for Displays Fireworks on the conditions set forth in Section 8, and each such Permit shall state the name of the sponsoring club, association or group, the purpose of the Display, the place and date at which the same may be held, and the name of the Person under whose supervision the Display shall be held.
- 7.3. The application for a Display Firework Permit shall include:
 - 7.3.1 The name, address, email address and phone number of the Applicant;
 - 7.3.2 The Owner's written consent to a Display of Fireworks if the Applicant is not the Owner of the property, and if part of a Public Event, approval of Council;
 - 7.3.3 The location, date and time of the proposed Discharge of Display Fireworks;
 - 7.3.4 The type and kind of Display Fireworks that may be Discharged, including the height, range of effect, fallout and duration of the Display Fireworks;
 - 7.3.5 The Discharge techniques to be used;
 - 7.3.6 The manner and means of restraining unauthorized persons from attending too near the Discharge site;
 - 7.3.7 The manner in which unused Display Fireworks are to be disposed of,
 - 7.3.8 The number of Authorized Persons on site during the event to handle and Discharge the Display Fireworks;
 - 7.3.9 The method and location of storage of the Display Fireworks prior to set up and Display;
 - 7.3.10 A site plan providing a description of the Discharge site to be used for the Discharging of the Display Fireworks;
 - 7.3.11 A description of the fire emergency procedures;
 - 7.3.12 Proof of certification of the Applicant as a Fireworks Supervisor;
 - 7.3.13 The Permit Fee.
 - 7.3.14 Proof of Insurance and Indemnification in accordance with the requirements of this by-law.

7.3.15 Such other information as required by the Chief Fire Official.

7.4 The Chief Fire Official reserves the right to issue or deny issuing a Permit.

8. DISPLAY FIREWORK PERMIT CONDITIONS

8.1 The following conditions shall apply to the holding of a Display of Display Fireworks under a Permit issued under this by-law:

8.1.1 An application for permit is submitted to chief fire official for approval with payment required as per user fee bylaw,

8.1.2 the Permit is valid only for the Display at the place and on the date or dates set forth on the Permit,

8.1.3 the permit holder shall supervise the Display of Display Fireworks,

8.1.4 the permit holder or his licensed designate shall Discharge the Display Fireworks, and any Consumer Fireworks identified,

8.1.5 every permit holder shall provide and maintain fully operational, Fire Extinguishing Equipment ready for immediate use at each firing site,

8.1.6 the permit holder shall comply at all times with the provisions of the Act, the Fire Protection and Prevention Act, 1997, and the Display Fireworks Manual published by Natural Resources Canada or any successor publication,

8.1.7 a demonstration of the Display or portions of the Display shall be conducted upon request of the Chief Fire Official, and

8.1.8 the permit holder shall recognize the Chief Fire Official's authority to reduce and or cancel the Display if the weather conditions are not conducive to public safety.

8.2 The permit holder holding the Display of Display Fireworks shall ensure that all unused Fireworks and all debris are removed.

8.3 No permit holder shall Discharge Display Fireworks except in accordance with the conditions of the Permit.

8.4 The Chief Fire Official may impose further conditions on the Permit as deemed necessary.

8.5 Every holder of a Display Fireworks Permit shall produce his or her Permit upon being so directed by the Chief Fire Official.

8.6 A Display Fireworks Permit granted by the Chief Fire Official may be revoked whenever, in his discretion, the holder of such Permit is in non-compliance with its terms or he has concerns for the safety of the public.

9. PYROTECHNIC SPECIAL EFFECTS FIREWORKS PROHIBITIONS

9.1 No Person or group of Persons shall hold a Display of Pyrotechnic Special Effect Fireworks in the Town of Amherstburg without first having obtained a Permit.

9.2 No Display of Pyrotechnic Special Effect Fireworks shall be permitted on any Town owned property without first having obtained the Public Event approval of Council as well as the required Permit from the Chief Fire Official.

10. PERMIT REQUIREMENTS- PYROTECHNIC SPECIAL EFFECT FIREWORKS

- 10.1 Every application for a Pyrotechnic Special Effect Firework Permit shall be made to the Chief Fire Official a minimum of 30 days prior to the event when the proposed Discharge of Pyrotechnic Special Effect Fireworks is to occur.
- 10.2 The Chief Fire Official may issue Permits for Pyrotechnic Special Effect Fireworks on the conditions set forth in Section 11, and each such Permit shall state the name of the sponsoring club, association or group, the purpose of the Display, the place and date at which the same may be held, and the name of the Person under whose supervision the Display shall be held.
- 10.3 The application for a Pyrotechnic Special Effect Firework Permit shall include:
 - 10.3.1 The name, address, email address and phone number of the Applicant;
 - 10.3.2 The Owner's written consent to a Pyrotechnic Special Effect Firework Display if the Applicant is not the Owner of the property, and if part of a Public Event, approval of Council;
 - 10.3.3 The location, date and time of the proposed Pyrotechnic Special Effect Firework Display
 - 10.3.4 The type and kind of Pyrotechnic Special Effect Firework that may be Discharged, including the height, range of effect, fallout and duration of the Pyrotechnic Special Effect Fireworks.
 - 10.3.5 A site plan of the facility and room capacity, the stage and the Pyrotechnic Special Effect Fireworks storage area.
 - 10.3.6 The Discharge techniques to be used including the sequence of firing;
 - 10.3.7 The location of the audience and all exits;
 - 10.3.8 The manner in which unused Pyrotechnic Special Effect Fireworks are to be disposed of;
 - 10.3.9 The number of Authorized Persons on site during the event to handle and Discharge of the Pyrotechnic Special Effect Fireworks;
 - 10.3.10 The method and location of storage of the Pyrotechnic Special Effect Fireworks prior to set up and Display;
 - 10.3.11 Description of fire emergency procedures;
 - 10.3.12 Proof of certification of the Applicant as a Pyrotechnician;
 - 10.3.13 The Permit Fee
 - 10.3.14 Proof of Insurance and Indemnification in accordance with the requirements of this by-law;
 - 10.3.15 Such other information as required by the Chief Fire Official;
- 10.4 The Chief Fire Official reserves the right to issue or deny Issuing a permit.

11. PYROTECHNIC SPECIAL EFFECT FIREWORKS CONDITIONS

- 11.1 The following conditions shall apply to the holding of a Display of Pyrotechnic Special Effect Fireworks under a Permit issued under this by- law:
 - 11.1.1 The Permit is valid only for the Display at the place and on the date or dates and time(s) set forth in the Permit;

- 11.1.2 The permit holder shall supervise the Display of Pyrotechnic Special Effect Fireworks;
 - 11.1.3 The permit holder shall Discharge the Pyrotechnic Special Effects Fireworks;
 - 11.1.4 The permit holder shall provide and maintain fully operational, Fire Extinguishing Equipment ready for immediate use;
 - 11.1.5 The permit holder shall comply at all times with the requirements of the Act and the Pyrotechnics Special Effects Manual published by Natural Resources Canada or any successor publication;
 - 11.1.6 A demonstration of the Display or portions of the Display shall be conducted upon request of the Chief Fire Official.
- 11.2 The permit holder holding the Display of Pyrotechnic Special Effect Fireworks shall ensure that all unused Fireworks and all debris are removed.
 - 11.3 No permit holder shall Discharge Pyrotechnic Special Effect Fireworks except in accordance with the conditions of the Permit.
 - 11.4 The Chief Fire Official may impose further conditions on the Permit as deemed necessary.
 - 11.5 Every holder of a Pyrotechnic Special Effect Fireworks Permit shall produce his Permit upon being directed by the Chief Fire Official.
 - 11.6 A Pyrotechnic Special Effect Fireworks Permit granted by the Chief Fire Official may be revoked whenever, in his discretion, the holder of such Permit is in non-compliance with its terms or he has concerns for the safety of the public.

12. INSURANCE

- 12.1 The Applicant shall provide and maintain Commercial General Liability insurance subject to limits of not less than Five Million Dollars (\$5,000,000.00) inclusive per occurrence for bodily injury, death and damage to property including loss of use thereof. Such insurance shall be in the name of the Applicant and shall name the Town of Amherstburg as an additional insured thereunder. Such insurance shall include permission to conduct Displays of Pyrotechnic Special Effects Fireworks or Display Fireworks. Such insurance policy shall contain an endorsement to provide the Town of Amherstburg with (30) days prior written notice of cancellation or of a material change that would diminish coverage, and a Certificate of Insurance evidencing such insurance coverage shall be provided to the Town of Amherstburg prior to the issuance of a Permit.

13. INDEMNIFICATION

- 13.1 The Applicant shall indemnify and save harmless the Town of Amherstburg from any and all claims, demands, causes of action, loss costs or damages that the Town of Amherstburg may suffer, incur or be liable for resulting from the performance of the Applicant as set out in the by-law whether with or without negligence on the part of the Applicant, the Applicant's employees, directors, contractors and agents.

14. PERMIT FEE

- 14.1 The non-refundable Permit application fee is set out in of the Town's User Fee By-law as amended from time to time.

15. ENFORCEMENT

- 15.1 A Municipal Law Enforcement Officer/Chief Fire Official shall be permitted to enter onto land at any time for the purpose of enforcing this by-law and any orders or conditions imposed under the authority of this by-law.
- 15.2 No Person shall hinder or obstruct, or attempt to hinder or obstruct the entry or the inspection of any property by a Municipal Law Enforcement Officer or otherwise hinder or obstruct a Municipal Law Enforcement Officer exercising a power or performing a duty under this By-law or Act.

16. OFFENCES AND PENALTIES

- 16.1 Every Person who contravenes any section of this by-law is, upon conviction, guilty of an offence and shall be liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, c.P. 33, as amended, and be subjected to any other penalties permitted by law for each offence.
- 16.2 The Town will deliver an invoice for fees personally, or by regular mail to the Property address or, in the case of the Owner, to the Owner’s address as recorded on the Town’s assessment role. As outlined in the current Town of Amherstburg Fees By-law, as amended from time to time.
- 16.3 If any amount payable under this By-law remains unpaid after thirty (30) days of receipt of the invoice, the Town may add such amount to the tax roll for any Property in the municipality for which all the Owners are responsible and may collect the amount in the same manner as municipal taxes or through the use of other legal means as deemed appropriate.

17. SEVERABILITY

- 17.1 Should any paragraph, clause or provision of the By-law be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of the By-law as a whole or any part of thereof, other than the part which was declared to be invalid.
- 17.2 When any requirement of this by-law is at variance with any other by-law in effect in the Town or with any applicable provincial or federal statute or regulation, the more restrictive requirement shall apply unless otherwise stated in such legislation.

18. REPEAL

- 18.1 Town of Amherstburg By-law 2003-26 and all amending by-laws are hereby repealed.

19. SHORT TITLE

- 19.1 This by-law may be referred to as the Fireworks By-law.

Read a first, second and third time and finally passed this ____ day of _____, 2022.

MAYOR ALDO DICARLO

CLERK VALERIE CRITCHLEY

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2022-033

By-law to Regulate Open Air Burning within the Town of Amherstburg

WHEREAS the Municipal Act, S.O. 2001, c. 25, as amended authorizes the municipality to regulate matters related to the health, safety and well-being of persons;

AND WHEREAS Section 7.1 (1) (a) of the Fire Protection and Prevention Act, S.O. 1997, c. 4, as amended provides that a Council of a municipality may pass By-laws regulating fire prevention, including the prevention of spreading fire;

AND WHEREAS Section 7.1 (1) (b) of the Fire Protection and Prevention Act, S.O. 1997, c. 4, as amended provides that a Council of a municipality may pass By-laws regulating the Setting of Open Air Fires, including establishing the times during which Open Air Fires may be Set;

AND WHEREAS Section 391 states that a municipality may 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; and

AND WHEREAS the Council of the Corporation of the Town of Amherstburg deems it expedient to regulate the setting of Open Air Fires, including establishing the times during which Open Air Fires may be Set.

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

1. DEFINITIONS

In this by-law:

"Act" means the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, and the regulations enacted thereunder as amended from time to time;

"Adverse Effect" includes:

- i. impairment of the quality of the natural environment for any use that can be made of it
- ii. injury or damage to property or to plant or animal life
- iii. harm or material discomfort to any Person
- iv. an adverse effect on the health of any Person
- v. impairment of the safety of any Person
- vi. rendering any property or plant or animal life unfit for human use
- vii. loss of enjoyment of normal use of property
- viii. interference with the normal conduct of business
- ix. nuisances including but not limited to excessive smoke, odour, dust, airborne sparks, embers or reduced visibility on roadways, railways or airfields
- x. Smoke that enters into a Building located on other property that may cause discomfort or loss of enjoyment to persons;

"Applicant" means a Person eighteen (18) years of age or more who is a registered legal Owner of the property upon which the Open Air Fire is to be burned or a Person eighteen (18) years of age or more who is the Occupier of the property up on which the Open Air Fire is to be burned and who has been provided with permission by a registered legal Owner of the property to burn an Open Air Fire;

"Attended" means open-air fire supervised at all times. Farm properties exempt: must maintain frequent check on fire conditions, must remain in vicinity excluding lunch break, etc.

"Barbeque" means a portable or fixed device fueled by propane, natural gas or charcoal briquettes and designed and intended solely for the cooking of food in the open air, but does

not include Outdoor Fireplaces and Campfires;

"Bon Fire" means a fire on a farm or large rural property contained by non-Combustibles and exceeds 1m in length X 1m in width, but less than 2m, X 1m height is for recreational purposes and/or occurs after sunset and before sunrise;

"Brush Fire" means a pile of branches, trees, brush, that is set in an pile on large estate sized properties or farms ranging from 2 metres in diameter not exceeding 5 metres in diameter;

"Building" means any structure having a roof supported by walls and/or columns which is used or intended to be used for the shelter accommodation or enclosure of Persons animals or chattels;

"Burn Barrel / Drum" means an Open Air Fire Set and Maintained in an open top steel barrel that does not exceed 0.75 m in diameter and 1.2m in height and where the Open Air Fire is Set and Maintained for the purposes of burning wood, tree limbs, branches and non-Compostable Material limited to paper and sisal twine;

"Campfire" means a fire designed for cooking, recreational enjoyment or warmth that meets the following conditions:

- i. the site of the fire is bare rock or other non-Combustible Material
- ii. the space above the one metre area around the fire is at least three metres from vegetation and
- iii. the fire does not exceed one metre in height and one metre in diameter.

"Campground" means an area of land owned or operated by a Person and that contains camp sites for the purpose of providing overnight accommodation for tents and trailers in exchange for monetary payment;

"Cooking Fire" is defined as a fire created for the sole purpose of cooking food and the burning consists of a small, confined fire that is supervised at all times and used to cook food on a grill or Barbecue. The Cooking Fire must be fully Extinguished after the food is cooked;

"Combustible material" means material capable of burning including wood, paper, plastic and vegetation;

"Council" means the Council of the Corporation of the Town of Amherstburg;

"Dangerous condition" means any condition as determined by the Fire Chief that increases the risk of the spread of a fire or is adverse to public safety;

"Extinguish" means an Open Air Fire that fully ceases from burning to a degree that the ashes are cold or no longer emits heat ensuring smouldering of material does not occur. (A buried fire is not considered extinguished);

"Farm" means land devoted to the practice of farming and used primarily for the raising of livestock or the production, storage or processing of agricultural and horticultural produce or foods but does not include land used only as a residential occupancy. The Farm shall be registered as a farming business as defined in the *Farm Registration and Farm Organizations Funding Act, 1993*, S.O. 1993, c. 21, as amended;

"Fire ban" means a period of time during which the Fire Chief declares a total ban on Open Air Fires;

"Firebreak" means open space that surrounds an Open Air Fire and serves as a non-combustible obstacle to the spread of fire;

"Fire Chief" means the person appointed by Town Council as Fire Chief for the Town or authorized designate, and for the purposes of this by-law includes Municipal Law Enforcement Officer;

"Highway" means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or used by, the general public for the passage of vehicles and includes the area between the lateral property lines thereof;

"Lot Line" means any boundary of a lot or the vertical projection thereof

"Maintain" means to allow an Open Air Fire to continue to burn, and "maintained" and "maintaining" have a corresponding meaning;

"Municipal Law Enforcement Officer" means an individual appointed by the Town for the purpose of enforcing Town by-laws;

"Occupant" means any Person or Persons over the age of eighteen (18) years in possession of the property;

"Open Air Fire" means the burning of material such as untreated wood, tree limbs and branches where the flame is not wholly contained and includes Campfires, Bonfires, Brush fire, Burn Drums, Windrows and Outdoor Fireplaces, but does not include Barbecues and Personal Warming Devices;

"Open Air Fire Permit (Permit)" means a written conditional authorization issued and administered by the Fire Chief to Set an Open Air Fire, as per any restrictions and conditions contained within this by-law or as may be specified on the Open Air Permit itself;

"Outdoor Fireplace Unit or Recreational Fireplace Unit" means a: manufactured wood-burning appliance, site-built masonry fireplace, fire pit, chimenea, clay or metal fireplace, portable wood-burning devices used for outdoor recreation or heating, or other enclosed container used outdoors and not fuelled by natural gas or propane and designed to hold a small fire, not exceeding one metre (3.2 feet) in any direction; but does not include pellet fuelled Barbeques or industrial 'wood-waste' combustors;

"Owner" shall include any Person who is an owner of land either jointly or in common with any other Person or persons and shall include any or all of such persons;

"Permit Holder" means a Person eighteen (18) years of age or more to whom an Open Air Permit has been issued by the Fire Chief;

"Person" means any individual, Owner, Occupant, association, firm, partnership, corporation, agent or trustee and the heirs, executors, or other legal representatives of a Person to whom the context can apply according to law;

"Personal warming device" means a gas-fueled appliance used for personal warming that is in conformance with the Technical Standards and Safety Act, 2000, S.O. 2000, c. 16, as may be amended from time to time, is for outdoor use and is installed in accordance with the manufacturer's instructions;

"Prohibited Materials" include:

- i. Construction and demolition waste or materials including roofing tiles or shingles
- ii. Hazardous substances including but not limited to batteries, household chemicals, pesticides, asbestos, used oil, gasoline, paints, varnishes, and solvents
- iii. Furniture and appliances
- iv. Tires and rubber materials
- v. Any plastic materials including but not limited to nylon, PVC or ABS plastics, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers
- vi. Newspaper, cardboard, office paper
- vii. Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives
- viii. Leaves and grass clippings except leaves attached to tree limbs;

"Restricted Area" means areas where types of Open Air Fires are prohibited or Permits are denied by the Fire Chief;

"Rural property" means for the purpose of this bylaw, property outside the urban and suburban settlements;

"Sensitive Receptor Place" include:

- i. A health care facility
- ii. A senior citizens' residence or long-term care facility
- iii. A child care facility during operating hours
- iv. An educational facility during operating hours
- v. An environmentally sensitive area
- vi. A place specified by the Town as a place where discharges of smoke may cause a risk to human health;

"Set" means to light an Open Air Fire, and "setting" has a corresponding meaning;

"Town" means the Corporation of the Town of Amherstburg;

"Windrow" means an Open Air Fire on a Farm where the size of the material to be burned does not exceed 50 m in length, 5 m in width and 3 m in height and that is set and maintained solely for the purposes of burning wood, tree limbs and branches as part of farming practices for clearing agricultural land.

2. INTERPRETATION

- 2.1 In this by-law, a word interpreted in the singular number has a corresponding meaning when used in the plural.
- 2.2 Nothing in this by-law shall be interpreted as reducing or eliminating compliance with the provisions of all applicable Federal or Provincial statutes and regulations related to open air burning, and in particular the Fire Protection and Prevention Act.
- 2.3 In this by-law the word "metre" shall be represented by the abbreviation "m" and the word "centimeter" shall be represented by the abbreviation "cm".

3. PROHIBITIONS

- 3.1 No Person shall Set or Maintain an Open Air Fire without an Open Air Permit.
- 3.2 No Person shall Set or Maintain an Open Air Fire in a Restricted Area.
- 3.3 No Person shall Set or Maintain an Open Air Fire during a Fire Ban.
- 3.4 No Person shall Set or Maintain an Open Air Fire that burns Prohibited Materials.
- 3.5 No Person shall Set or Maintain an Open Air Fire in a manner that violates a condition of the Open Air Permit in Section 6, 7, 8, or 9.
- 3.6 No Person shall Set or Maintain an Open Air Fire on any roadway, Highway, park, easement, beach, or on ice of a lake, pond, stream or body of water.
- 3.7 No Person shall Set or Maintain an Open Air Fire on public property owned or operated by the Town without written permission of the Fire Chief and/or Council.
- 3.8 No Person shall Set or Maintain an Open Air Fire where it causes Adverse Effects.
- 3.9 No Person shall Set or Maintain an Open Air Fire within 100 m from a Sensitive Receptor Place.

- 3.10 No person shall set or Maintain an Open Air Fire defined as a Bon Fire or Windrow, unless on a Farm and under a valid Permit.
- 3.11 No Person shall obstruct, hinder or otherwise interfere with a Municipal Law Enforcement Officer in the lawful carrying out of their duties and responsibilities under the provisions of this by-law.

4. EXEMPTIONS

- 4.1 The Amherstburg Fire Department shall be exempt from the provisions of this by law with respect to Open Air Fires for the purposes of training, educating individuals on fire safety or for research purposes.
- 4.2 Professional fire prevention trainers shall be exempt from the provisions of this by-law with respect to Open Air Fires set for the purposes of fire safety training pursuant to Section 2.8.2.1 of the Fire Code.
- 4.3 The Town shall be exempt from the provisions of this by-law with respect to Open Air Fires related to municipal work being done or tasks.
- 4.4 The use of a Barbeque or a Personal Warming Device is exempt from obtaining an Open Air Fire Permit

5. OPEN AIR FIRE PERMIT

- 5.1 Any Person eighteen (18) years of age or older may make a written application for an Open Air Fire Permit to the Fire Chief prior to the proposed date of the first Open Air Fire of the calendar year.
- 5.2 Any Person Owning or operating a Campground may make a written application for an Open Air Fire Permit to the Fire Chief prior to the proposed date of the first Open Air Fire of the calendar year.
- 5.3 Any Person Owning and operating a Farm may make a written application for an Open Air Fire Permit to the Fire Chief prior to the proposed date of the first Open Air Fire of the calendar year.
- 5.4 The application shall include:
- 5.4.1 the name, address, email address and phone number of the Applicant;
 - 5.4.2 the Owner's written consent to an Open Air Fire, if the Applicant is not the Owner of the property;
 - 5.4.3 the municipal address of the location of the proposed Open Air Fire;
 - 5.4.4 the Open Air one-time site inspection fee renewal permits are not subject to additional fees unless another site inspection is required due to changes or circumstances at the location of the Open Air Permit.
 - 5.4.5 Farm business registration number if required;
 - 5.4.6 other information as may be required by the Fire Chief;
- 5.5 A Permit is valid on the date of issue and for the balance of the calendar year in which the permit is issued.

- 5.6 The Fire Chief reserves the right to issue or deny issuing an Open Air Fire Permit.

6. OPEN AIR FIRE PERMIT CONDITIONS

- 6.1 The Permit Holder shall comply at all times with the Act and all other applicable municipal by-laws, provincial and federal laws.

- 6.2 A Permit for an Open Air Fire is not transferable to another Person or to a new location.
- 6.3 No Permit Holder shall Set or Maintain an Open Air Fire unless the Permit Holder:
- 6.3.1 Open-Air burning shall be constantly attended and supervised by a competent Person of at least eighteen (18) years of age to ensure that the Fire is kept under control. The Person shall have readily available for use such Fire Extinguishing equipment as may be necessary for the total control of the fire.
 - 6.3.2 Prior to leaving the site, the Open-Air Fire shall be completely Extinguished.
 - 6.3.3 Produces his or her Permit upon being so directed by the Fire Chief;
 - 6.3.4 Has equipment capable of extinguishing the fire such as rakes, shovels, or water immediately available for use at the site of the Open Air Fire;
 - 6.3.5 Immediately extinguishes the Open Air Fire upon so ordered by the Fire Chief;
 - 6.3.6 Burns from sunrise to sunset on any day with the exceptions of Campfires and Outdoor Fireplaces; Bon Fires
 - 6.3.7 Burns only Combustible Materials or fuel permitted
 - 6.3.8 Complies to any additional conditions to a Permit imposed by the Fire Chief;
- 6.4 Where the material to be burned in an Open Air Fire is more than 1 m but less than 2m in length, width and height, no Permit Holder shall Set or Maintain an Open Air Fire:
- 6.4.1 At a distance of less than 30 m from any Building, hedge, fence, lot line, overhead wiring or a Highway and at a distance of less than 25 m from another Open Air Fire;
 - 6.4.2 At a distance of at least a 15 m radius where Combustible Material, that is not a Building, hedge, fence, lot line or overhead wiring or a Highway is present;
- 6.5 Where the material to be burned in an Open Air Fire is between 2 m and 3 m in length, width and height, no Permit Holder shall Set or Maintain an Open Air Fire:
- 6.5.1 At a distance of less than 60 m from any building, hedge, fence, lot line, overhead wiring or a Highway and at a distance of less than 25 m from another Open Air Fire;
 - 6.5.2 At a distance of at least a 15 m radius where Combustible Material other than a Building, hedge, fence, lot line or overhead wiring or a Highway is present.
- 6.6 Where the material to be burned in an Open Air Fire is between 4 m but less than 5 m in a Brush fire, no Permit Holder shall Set or Maintain an Open Air Fire
- 6.6.1 At a distance of less than 90 m from any building, hedge, fence, overhead wiring or a Highway and at a distance of less than 30 m from another Open Air Fire
 - 6.6.2 At a distance of at least a 30 m radius where Combustible Material other than a Building, hedge, fence or overhead wiring or a Highway is present.

7. OPEN AIR PERMIT CAMPFIRE CONDITIONS

- 7.1 No Permit Holder shall Set or Maintain a Campfire unless the Permit Holder:

- 7.1.1 Receives permission on the day of the proposed Campfire by calling the designated campfire hotline ;
- 7.1.2 Ensures that a Person eighteen (18) years of age or older Maintains constant watch and control over the Campfire at all times from the time of the Setting of the Campfire until it is fully Extinguished;
- 7.1.3 Produces his or her Permit upon being so directed by the Fire Chief
- 7.1.4 Has equipment capable of Extinguishing the fire such as rakes, shovels, or water immediately available for use at the site of the Campfire;
- 7.1.5 Immediately extinguishes the Campfire upon so ordered by the Fire Chief;
- 7.1.6 Burns only dry firewood;
- 7.1.7 Ensures the Campfire does not exceed 1 metre in width at the largest point or is piled higher than 1 metre in height;
- 7.1.8 Ensures the Campfire is located at a distance of not less than 15 m from any Building, hedge, fence, lot line, Highway, overhead wiring or other Combustible Material;
- 7.1.9 Ensure the Campfire is located a distance of not less than 10 m from any Building, hedge, fence, lot line, overhead wiring or other Combustible Material or a Highway where the Campfire is surrounded by non-Combustible material to a minimum height of 40 cm.
- 7.1.10 Complies with any additional conditions to a Permit imposed by the Fire Chief.

8. OPEN AIR PERMIT OUTDOOR FIREPLACE CONDITIONS

- 8.1 No Permit Holder Shall Set or Maintain an Outdoor Fireplace unless the Permit Holder:
 - 8.1.1 Receives permission on the day of the proposed Outdoor Fireplace Fire by calling the designated campfire hotline;
 - 8.1.2 Ensures that a Person eighteen (18) years of age or older Maintains constant watch and control over the Outdoor Fire Place Fire at all times from the time of the Setting of the Outdoor Fireplace Fire until it is fully extinguished;
 - 8.1.3 Produces his or her Permit upon being so directed by the Fire Chief;
 - 8.1.4 Has equipment capable of extinguishing the fire such as rakes, shovels, or water immediately available for use on the Outdoor Fireplace Fire;
 - 8.1.5 Immediately extinguishes the Outdoor Fireplace Fire upon so ordered by the Fire Chief;
 - 8.1.6 Burns only dry firewood;
 - 8.1.7 Ensures the Outdoor Fireplace Fire is located at a distance of not less than 5 m from any Building, hedge, fence, Lot Line, Highway, overhead wiring or other Combustible Material or in accordance with manufacturer or listing agency (i.e. ULC, Warnock Hersey) recommendations;
 - 8.1.8 Complies with any additional conditions to a Permit imposed by the Fire Chief.

- 9. Bonfire** (Farm and Rural properties only) Larger than 1m, but no larger than 2m with a minimum of 30 metres from buildings, fences, highways

- 9.1** No Permit Holder Shall Set or Maintain an Outdoor Fireplace unless the Permit Holder:
- 9.1.1 Receives permission on the day of the proposed Bon Fire at least 2 hours prior to the proposed Bonfire from the on-duty officer at the prescribe number;
 - 9.1.2 Ensures that a Person eighteen (18) years of age or older Maintains constant watch and control over the Outdoor Fire Place Fire at all times from the time of the Setting of the Outdoor Fireplace Fire until it is fully extinguished;
 - 9.1.3 Produces his or her Permit upon being so directed by the Fire Chief;
 - 9.1.4 Has equipment capable of extinguishing the fire such as rakes, shovels, or water immediately available for use on the Outdoor Fireplace Fire;
 - 9.1.5 Immediately extinguishes the Outdoor Fireplace Fire upon so ordered by the Fire Chief;
 - 9.1.6 Burns only dry firewood;
 - 9.1.7 Ensures the Bon Fire is located at a distance of not less than 30 m from any Building, hedge, fence, Highway, overhead wiring or other Combustible Material;
 - 9.1.8 Complies with any additional conditions to a Permit imposed by the Fire Chief.

10. OPEN AIR FIRE PERMIT BURN DRUM / BARREL

- 10.1** No Permit Holder Shall Set or Maintain a Burn Drum / Barrel unless the Permit Holder:
- 10.1.1 Receives permission on the day of the proposed Burn drum / barrel Fire from the on-duty officer at the prescribed number.
 - 10.1.2 Ensures that a Person eighteen (18) years of age or older Maintains constant watch and control over the Burn Drum / Barrel Fire at all times from the time of the Setting of the fire until it is fully extinguished;
 - 10.1.3 Produces his or her Permit upon being so directed by the Fire Chief;
 - 10.1.4 Has equipment capable of extinguishing the fire such as rakes, shovels, or water immediately available for use on the Burn Drum / barrel Fire;
 - 10.1.5 Immediately extinguishes the Burn Drum /Barrel Fire upon so ordered by the Fire Chief;
 - 10.1.6 Burns only dry firewood;
 - 10.1.7 Ensures the Burn Drum / Barrel Fire is located at a distance of not less than 10 m from any Building, hedge, fence, Highway, overhead wiring or other Combustible Material

Complies with any additional conditions to a Permit imposed by the Fire Chief.

11. OPEN AIR PERMIT WINDROW CONDITIONS

- 11.1** No Permit Holder shall Set or Maintain a Windrow unless the Permit Holder:
- 11.1.1 Receives permission on the day of the proposed Windrow from the on duty officer at the prescribed number;
 - 11.1.2 Sets or Maintains a Windrow between Monday to Friday, inclusive;

- 11.1.3 Ensures that a Person eighteen (18) years of age or older Maintains constant watch and control over the Windrow at all times from the time of the Setting of the Windrow until it is fully Extinguished;
- 11.1.4 Produces his or her Permit upon being so directed by the Fire Chief;
- 11.1.5 Has equipment capable of Extinguishing the fire such as Front end loader, excavator rakes, shovels, or water immediately available for use at the site of the Windrow;
- 11.1.6 Immediately Extinguishes the Windrow upon so ordered by the Fire Chief;
- 11.1.7 Ensures the Windrow is located a distance of not less than 90 m from a Building, overhead wiring or Highway;
- 11.1.8 Ensures the Windrow is located a distance of not less than 60 m from a wooden fence rail, hedge or standing timber;
- 11.1.9 Ensures the Windrow is located a distance of not less than 30 m from any other Combustible Material;
- 11.1.10 Ensures a firebreak of 5 m in width surrounds the Windrow until it is Extinguished;
- 11.1.11 Ensures the Windrow is constructed at right angles to the prevailing wind direction;
- 11.1.12 Ensure the Windrow is constructed on soil other than peat soil types;
- 11.1.13 Ensure there is a separation distance of at least 15 m between the ends of the Windrows and at least 25 m between parallel Windrows, of more than one Windrow is Set or Maintained at the same time;
- 11.1.14 Ensure the Windrow is Set first at its centre;
- 11.1.15 Ceases to add material to the Windrow if a Fire Ban comes into effect;

12 SPECIAL EVENT OPEN AIR FIRE

- 12.1 A community not-for-profit organization or a religious institution may apply in writing to the Fire Chief for an Open Air Fire Permit to conduct Campfires or Open Air Fire in an Outdoor Fireplace for cultural, religious or recreational specific events.
- 12.2 The Fire Chief may issue an Open Air Permit subject to compliance with Section 6, 7, 8 ,9,or 10 as applicable and any other conditions imposed by the Fire Chief.
- 12.3 A Permit issued for a special event is valid only for the specific dates outlined in the application.

13 PERMIT FEES

- 13.1 The non-refundable Permit application fee and site inspection fee is set out in of the Town's User Fee By-law as amended from time to time.

14 REVOCATION

- 14.1 A Permit issued to a Permit Holder may be revoked by the Fire Chief if in his or her opinion a dangerous condition exists in or near the site of the Open Air Fire.
- 14.2 A Permit issued to a Permit Holder may be revoked by the Fire Chief if the Permit Holder fails to comply with the requirements of the Permit and any other provisions of this by-law.

15 OFFENCES AND PENALTIES

- 15.1 Every person who contravenes any section of this by-law is, upon conviction, guilty of an offence and shall be liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, c.P. 33, as amended, and be subjected to any other penalties permitted by law for each offence.
- 15.2 If a contravention of this by-law results in Amherstburg Fire Services being dispatched to the property, the Owner may be invoiced at the discretion of the Fire Chief for the cost of the response in accordance with the Town's User Fee By-law as amended from time to time.

16 SEVERABILITY

- 16.1 Should any paragraph, clause or provision of the By-law be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of the By-law as a whole or any part of thereof, other than the part which was declared to be invalid.
- 16.2 When any requirement of this by-law is at variance with any other by-law in effect in the Town or with any applicable provincial or federal statute or regulation, the more restrictive requirement shall apply unless otherwise stated in such legislation.

17 REPEAL

- 17.1 By-law 1998-91 as amended by bylaw 2019-99 being a by-law restricting the setting of fires within the Town of Amherstburg is hereby repealed.

18 SHORT TITLE

- 18.1 This by-law may be referred to as the Open Air Fire By-law.

Read a first, second and third time and finally passed this ____ day of _____, 2022.

MAYOR ALDO DICARLO

CLERK VALERIE CRITCHLEY

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW 2022-034

A By-law to Impose Fees for False Fire Alarms

WHEREAS pursuant to Section 391 of the Municipal Act, 2001, c. 25 as amended, (the “*Act*”), provides that a municipality and a local board may pass by-laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of the municipality and for the use of municipality’s property, including property under its control;

AND WHEREAS false alarms occur which necessitate response by the Fire Department;

AND WHEREAS these false alarm responses are costly to the Fire Department and the Town of Amherstburg;

NOW THEREFORE the Council of the Town of Amherstburg **ENACTS AS FOLLOWS:**

1. DEFINITIONS

In this By-Law:

“**Council**” means the Council of the Corporation of the Town of Amherstburg;

“**False Alarm**” shall mean the activation of a Fire Alarm System or emergency system through a mechanical failure, equipment malfunction, improper use/improper installation of the system, internal or external atmosphere conditions, or failure to maintain the system as prescribed by the Fire Code being O. Reg. 388/97, under the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended;

“**Fire Alarm System**” shall mean a combination of devices designed to warn building occupants of an emergency condition.

“**Fire Chief**” shall mean the Fire Chief appointed under subsection 6(1), (2) or (4) of the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended or, his/her designate;

“**Fire Department**” shall mean the Town of Amherstburg Fire Department as provided for in section 2 of the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended;

“**Occupant**” shall include:

- i) the person who is in physical possession of a building or land; or
- ii) the person who has responsibility for and control over the condition of a building or the activities carried on therein or control over persons allowed to enter the building;

“**Owner**” shall include any person who is an owner of land either jointly or in common with any other person or persons and shall include any or all of such persons;

“**Person**” means an individual, business, firm, corporation, association, partnership, or any combination thereof;

“**Property**” means a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto and all mobile structures, outbuildings, fences and erections thereon, whether heretofore or hereafter erected;

“**Town**” means The Municipality of the Town of Amherstburg;

2. APPLICATION

2.1 This By-law shall apply to all Property within the jurisdiction of the Town of Amherstburg.

3. ADMINISTRATION

3.1 The Fire Chief is responsible for the administration of this By-law on behalf of the Town.

4. RESPONSIBILITIES OF OWNERS AND OCCUPANTS

4.1 Every Owner and Occupant of Property shall be responsible for the proper use, installation, maintenance and operation of any Fire Alarm System installed on or in the Property in order to ensure the prevention of False Alarms.

5. FALSE ALARM

5.1 The Fire Department will respond to three (3) False Alarms as defined herein, to any Property during any 12-month period without charge to the Property Owner/Occupant.

5.2 The Property Owner/Occupant will be required to pay the Town the prescribed fee, in accordance with the current council approved User Fee By-law 2022-001 as amended from time to time, for any False Alarm responded to by the Fire Department that occurs in excess to Section 5.1.

6. FEE

6.1 The Town will deliver the invoice personally, or by regular mail to the Property address or, in the case of the Owner, to the Owner's address as recorded on the Town's assessment role.

6.2 If any amount payable under this By-law remains unpaid after thirty (30) days of receipt of the invoice, the Town may add such amount to the tax roll for any Property in the municipality for which all the Owners are responsible and may collect the amount in the same manner as municipal taxes or through the use of other legal means as deemed appropriate.

7. SEVERABILITY

7.1 Should any paragraph, clause or provision of the By-law be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of the By-law as a whole or any part of thereof, other than the part which was declared to be invalid.

8. SHORT TITLE

8.1 This By-law may be cited as the Fire False Alarm By-law.

9. REPEAL

9.1 "By-law 2015-26 is repealed"

Read a first, second and third time and finally passed this XXth day of XXX 2022.

MAYOR- ALDO DICARLO

CLERK- Valerie Critchley

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW 2022-035

A By-law to Establish and Regulate the Fire Department

WHEREAS the Municipal Act, 2001, S.O. 2001, c.25, provides that a municipality has the capacity rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act;

AND WHEREAS the Municipal Act, 2001 provides that Sections 8 and 11 shall be interpreted broadly so as to confer broad authority on municipalities to (a) enable municipalities to govern their affairs as they consider appropriate and, (b) enhance their ability to respond to municipal issues;

AND WHEREAS the Fire Protection and Prevention Act, 1997, (FPPA) 1997, S.O. c4, as amended requires every municipality to establish a program in the municipality which must include public education with respect to fire safety and certain components of fire prevention and to provide such other Fire Protection Services as it determines may be necessary in accordance with its need and circumstances;

AND WHEREAS the Fire Protection and Prevention Act, 1997 permits a municipality, in discharging these responsibilities, to establish a Fire Department;

AND WHEREAS the Fire Protection and Prevention Act, 1997 requires a municipality that establishes a Fire Department to provide fire suppression services and permits the Fire Department to provide other fire protection services;

AND WHEREAS the Fire Protection and Prevention Act, 1997 requires a municipality that establishes a Fire Department to appoint a Fire Chief;

AND WHEREAS the Fire Protection and Prevention Act, 1997 (FPPA) authorizes a Council of municipality to pass by-laws under the FPPA to regulate fire prevention, to regulate the setting of open-air fires and to designate private roads as fire routes;

NOW THEREFORE the Council of the Town of Amherstburg **ENACTS AS FOLLOWS:**

1. DEFINITIONS

In this by-law, unless the context otherwise requires,

“Additional services” means any activities undertaken at the direction of the Fire Chief that are beyond the normal funding & resources of the Fire Department;

“APFFA” is the recognized exclusive bargaining agent for all the fulltime employees of the Amherstburg Fire Department with the exception of the Fire Chief, Deputy Fire Chief, and the Assistant Deputy Chief /Fire Prevention Officer and Administrative Assistant

“Approved” means approved by the Council of the Town of Amherstburg;

“Assistant Deputy Fire Chief” means the person or persons appointed by Council to act on behalf of the Deputy Fire Chief of the Fire Department in the case of an absence or a vacancy in the office of Deputy Fire Chief;

“Automatic Aid” means any agreement under which a municipality agrees to provide an initial response to fires, rescues and emergencies that may occur in a part of another municipality where a Fire Department is capable of responding more quickly than any Fire Department situated in the other municipality; or a municipality to provide a supplemental response to fires, rescues and emergencies that may occur in a part of another municipality where a Fire Department in the municipality is capable of providing the quickest supplemental response to fires, rescues and emergencies occurring in the part of another municipality;

“Base Hospital” means a hospital that provides medical direction, leadership and advice

in the provision of pre-hospital emergency health care within a broad based, multi-disciplinary, community emergency health services system in a specified geographical area. This involves the Base Hospital acting as a resource center and facilitator to assist in ensuring that Emergency pre-hospital care and transportation is meeting a community's needs. In addition, the Base Hospital through the Physician-Medical Director provides training, quality assurance, continuing education and guidance to pre-hospital emergency care providers. All such programs shall be approved in advance by the Ministry of Health. The base Hospital also functions in an advisory capacity to the Ministry of Health on matters relating to pre-hospital emergency care;

“Chief Administrative Officer (CAO)” means the person appointed by Council to act as the chief administrative officer for the corporation;

“Chief Fire Official” shall mean the Assistant to the Fire Marshal who is the Fire Chief or a member or members of the Fire Department appointed by the Fire Chief under the FPPA or a person appointed by the Fire Marshal under the FPPA;

“Collective Agreement” means the Agreement between the Corporation and the International Association of Fire Fighters Local 3803, known as the Amherstburg Professional Firefighters Association made under the provisions of the Fire Protection and Prevention Act;

“Community Risk Assessment” is a process of identifying, analyzing, evaluating, and prioritizing risks to public safety to inform decisions about the provision of fire protection services. Every municipality and every Fire Department must complete and review a Community Risk Assessment as provided by Regulation 378/18, and use its Community Risk Assessment to inform decisions about the provision of Fire Protection Services. The Community Risk Assessment must be reviewed annually, and completed every 5 years. It must include the following 9 profiles for review: Geographic, Building Stock, Critical Infrastructure, Demographics, Hazards, Public Safety, Community Service, Economic, and Past Loss and Event History;

“Corporation” means The Corporation to the Town of Amherstburg;

“Council” means the municipal Council of the Corporation;

“Deputy Chief” means the person or persons appointed by Council to act on behalf of the Fire Chief of the Fire Department in the case of an absence or a vacancy in the office of Fire Chief;

“Division” means a Division of the Fire Department as provided for in this By-law;

“Community Control Group” means the Mayor with designated Senior Officials who coordinate and deploy resources to mitigate the impact of a municipal or other large scale emergency incident;

“Community Emergency Management Program Committee” means the group of municipal officials that are appointed by Council who are responsible to ensure that local programs are developed as required to enable the emergency management process in accordance with the requirements of the Emergency Management and Civil Protection Act r.s.o.

“Fire Chief” means the person appointed by Council to act as Fire Chief for the corporation;

“Fire Department” means the Town of Amherstburg Fire Department;

“Firefighter” means a Fire Chief and any other person employed in, or appointed to, a Fire Department and assigned to undertake fire protection services, and includes a Volunteer (paid on call) Firefighter;

“Firefighters' Association” means the International Association of Fire Fighters Local 3803, known as the Amherstburg Professional Firefighters Association;

“FPPA” means the Fire Protection and Prevention Act, 1997, S.O., c.4, as may be amended

from time to time, or any successor legislation, and any regulation made there under;

“Fire Protection Services or Fire Services” are directed by council informed by the Community Risk Assessment. They include fire suppression, fire prevention, public fire safety education, communications, training of persons involved in the provision of fire protection services, apparatus equipment and maintenance, rescue “as defined” emergency services, and administration services as set out in Appendix “A”, and the delivery of all those services;

“Member” means any defined Firefighter or Officer as per the FPPA and / or any person employed in, or appointed to the Fire Department and assigned to undertake fire protection services;

“Mutual Aid” means a program, coordinated by the Province of Ontario to provide / receive reciprocal assistance in the case of an emergency in a municipality, community or area where resources in a municipality, community or area have been depleted, but does not include Automatic Aid;

“Officer” means any member with the rank of Lieutenant or higher;

“Property” means personal and real property;

“Specialty Service” means rescue & response to auto extrication, ice / water rescue, hazardous materials (including CBRNE) response, Emergency Pre-hospital care responses as outlined in tiered response agreements or any other specialized activity or service authorized by Council in accordance with available resources;

2. ESTABLISHMENT

- 2.1 A department for the Corporation of the Town of Amherstburg to be known as the Amherstburg Fire Department is hereby continued and the head of the Fire Department shall be known as the Fire Chief.
- 2.2 The (goals/mission statement) of the Fire Department shall be as those contained in **Appendix “B”** of this by-law.

3. EMPLOYMENT

- 3.1 The Fire Chief may recommend for appointment, any qualified person as a member of the department if the position is authorized by Council and is subject to the approved hiring policies of the Corporation.
- 3.2 A person appointed as a member of the department shall be on probation for a minimum of twelve months, or as outlined in the Collective Agreement with the APFFA during which time they shall take such special training, evaluations and examinations as may be required by the Fire Chief.
- 3.3 All Firefighters involved in operational Suppression activities and Suppression training activities, must retire at the end of the month in which they turn 60.
- 3.4 Fire Officers must retire at the end of the month in which they turn 60 unless, from 2022-2027 inclusive, Fire Officers turning 60 may choose to exercise a grandfathering opportunity, which allows them to stay on the Department until the end of the month in which they turn 65, but no later than December 31, 2027. Under this grandfathering opportunity, the following conditions must be met.
 - An annual medical evaluation in the month of their birthdate be undertaken by a Physician.
 - The Physician will be provided with a Current Job Description, a Functional Abilities Form and a Medical Form provided by the municipality that the Physician must complete, certifying the Officer’s Fitness to perform the listed duties and responsibilities.

- 3.5 Any probationary member may be discharged in accordance with the F.P.P.A. for any just cause, upon recommendation by the Fire Chief to the CAO.
- 3.6 All recommendations for appointments, promotions, and demotions will be reported to the Manager of Human Resources by the Fire Chief and remain subject to the complement approved by Town Council.

4. ORGANIZATION

- 4.1 The Fire Department shall be organized into divisions, such as Administration, Training, Fire Prevention, Fire Suppression, and Apparatus, Equipment and Communications.
- 4.2 The Fire Chief, with prior approval of the CAO, may re-organize, eliminate or establish divisions or may do all or any of these things or any combination of them as may be required to ensure the proper administration and efficient operation of the Fire Department for the Corporation. Fire services shall be organized as per an organizational chart attached as **Appendix "C"**.

5. COMPOSITION

- 5.1 The Fire Department shall consist of the Fire Chief, Deputy Fire Chief, Assistant Deputy Fire Chief, District Chiefs, Captains, Lieutenants and other officers, administrative support staff. There may be additional person(s) as authorized or considered necessary from time to time by Council or by the CAO on recommendation from the Fire Chief for the Fire Department to perform fire protection services.
- 5.2 The Fire Chief shall be appointed by By-law of the Corporation.
- 5.3 The Deputy Fire Chief shall be appointed by By-law of the Corporation.
- 5.4 The Assistant Deputy Fire Chief shall be appointed by By-law of the Corporation.

6. CORE SERVICES

- 6.1 The core services of the Fire Department shall be those contained in **Appendix "A"**.
- 6.2 Core services are to be based on Community Risk Assessment, and level of service determined by Council.

7. RESPONSIBILITIES AND AUTHORITY OF THE FIRE CHIEF

- 7.1 The Fire Chief shall be the head of the Fire Department and is ultimately responsible to Council, directly through the CAO, for proper administration and operation of the Fire Department including the delivery of fire protection and prevention services.
- 7.2 The Fire Chief shall be a contributing member of the Corporation's Senior Management team reporting directly to the CAO, from time to time and will perform the duties of an Emergency Control group member as required.
- 7.3 The Fire Chief shall be authorized to make such general orders, policies, procedures rules and regulations, and to take such other measures as the Fire Chief may consider necessary for the proper administration and efficient operation of the Fire Department and the effective management of fire protection services for the corporation, and for the fire prevention, control and extinguishment of fires, the protection of life and property, and the management of emergencies without restricting the generality of the foregoing:
 - A) For the care and protection of all property belonging to the Fire Department;
 - B) For arranging for provision and allotment of strategic staffing, deployment, and proper facilities, apparatus, equipment, materials, services and supplies for the Fire Department;
 - C) For arranging and implementation of automatic aid, mutual aid and other

negotiated fire protection and emergency service agreements within the Corporation's border and or within the municipal borders of Other Essex County municipalities;

- D) For determining and establishing the qualifications and criteria for employment or appointment and the duties of all members including support staff, of the Fire Department;
- E) For the conduct and the discipline of members of the Fire Department;
- F) For preparing and upon approval by Council, implementing and maintaining a Departmental fire service master plan and program for the Corporation;
- G) For assistance as a contributing member of the Community Emergency Management Program Committee, in preparation, implementation and maintenance of any emergency plans, organizations, services, or measures established or to be established by the Corporation;
- H) For reporting to the appropriate crown attorney or other prosecutor or law enforcement officer the facts upon evidence in any case in which there is reason to believe that a fire has been the result of criminal intent or negligence or in which there is reason to believe an offense has been committed under the FPPA and/or Criminal Code of Canada;
- I) For keeping an accurate record, in convenient form for reference, of all fires, rescues and emergencies responded to by the Fire Department and report of the same to the Office of the Fire Marshal;
- J) For keeping such other records as may be required by Council, the Corporation and the FPPA;
- K) For preparing and presenting quarterly reports of the Fire Department to Council;
- L) The Fire Chief or his Designate(s) may when deemed necessary:
 - i. without a warrant, enter on lands or premises
 - ii. that on which a fire or emergency has occurred or is occurring, for the purposes of fighting the fire or of providing rescue or emergency services, or
 - iii. that on which there is a serious threat to the health and safety of any person or the quality of the natural environment, for the purpose of removing or reducing the threat
 - iv. that are in proximity to those lands or premises, for the purposes of pulling down or removing buildings, structures or things on or attached to the lands or premises on which a fire is occurring or that are in proximity to those lands or premises if, in the opinion of the Fire Chief, it is necessary for the purposes of fighting the fire or of providing rescue or emergency services
 - v. Nothing in this section derogates from a firefighter's right of entry at common law
 - vi. pull down or demolish any building or structure to prevent the spread of fire, or take any action necessary to prevent, control or extinguish fire or perform rescue
 - vii. When unable to contact the property owner to take such necessary action, which may include, boarding up or barricading of buildings or property to guard against fire or other danger, risk or accident
 - viii. take steps as necessary for the corporation to recover expenses incurred by such necessary action in a manner provided by the Municipal Act, 2001 or the FPPA

7.4 Shall investigate the cause, origin and circumstances of all fires, and report all

fires to the Fire Marshal as required by the Fire Protection and Prevention Act, 1997.

- 7.5 Shall submit to the Council for its approval the annual estimates for the Fire Department, concurrent with the town's annual budget process, and shall be responsible to take measures to control expenditures to meet estimate or to report unavoidable variance as soon as is practical once they are known.
- 7.6 The Fire Chief is authorized to perform the duties of Alternate Essex County Fire Coordinator as may be required.
- 7.7 The Fire Chief shall ensure a completed community risk assessment is undertaken, reviewed and updated periodically as determined by the Fire Protection and Prevention Act, to support informed decision making and evaluation of program delivery.

Common law right of entry preserved

Nothing in this section derogates from a Firefighter's right of entry at common law.

8. RESPONSIBILITIES AND AUTHORITY OF THE DEPUTY FIRE CHIEF/ ASSISTANT DEPUTY FIRE CHIEF

- 8.1 The Deputy Fire Chief shall be the second ranking officer of the Fire Department and shall be subject to and shall obey all orders of the Fire Chief.
- 8.2 The Deputy Fire Chief shall perform such duties as are assigned by the Fire Chief and shall act on behalf of the Fire Chief in case of absence or vacancy in the office of the Fire Chief.
- 8.3 The Deputy Fire Chief shall report to the Fire Chief on the activities of the divisions and or stations that is their responsibility.
- 8.4 The Assistant Deputy Chief will be responsible for the programming of Fire Prevention, Public Education, other duties as assigned, and shall report to the Deputy Chief. In the absence of the Deputy Chief, the Assistant Deputy Chief will act in that capacity.

9. DIVISIONAL RESPONSIBILITIES

- 9.1 Each division of the Fire Department is the responsibility of the Fire Chief and is under the direction of the fire chief or a member designated by the Fire Chief. Designated members shall report to the Fire Chief on divisions and activities under their supervision and shall carry out all orders of the Fire Chief.
- 9.2 The Fire Chief is responsible for carrying out, or delegating in total, or in part, the following duties pertaining to the function of the **Division of Administration**. He/she shall:
 - A) provide administration facilities for the Chief and Deputy Chief of the fire services,
 - B) prepare the Fire Department budget and exercise control of the budget,
 - C) prepare the payroll of the fire services and initiate requisitions for materials and services and certify all accounts of the fire services,
 - D) maintain personnel records, and support human resources functions & negotiate Service Level Agreements.
 - E) arrange for the provision of Employee Assistance Services,
 - F) arrange for the provision of Records Management Systems,

- G) provide liaison with the local Firefighters' Association,
- H) prepare the annual report of the Fire Services,
- I) carry out the general administrative duties of the Fire Services,
- J) Implement Performance Measures and Benchmarks for comparison purposes.

9.3 The Fire Chief is responsible for carrying out, or delegating in total, or in part, the following duties pertaining to the function of the **Division of Apparatus, Equipment & Communications** He/she shall:

- A) prepare specifications for the purchase of communications services equipment, and for additions to existing communications systems;
- B) prepare specifications for the purchase of apparatus and equipment;
- C) maintain and keep in repair all existing vehicles, including firefighting, rescue and salvage apparatus of the fire services;
- D) initiate requisitions for materials, parts and equipment through the division of administration;
- E) provide recharging facilities for Self Contained Breathing Apparatus and cylinders as part of a complete respiratory protection program guided by CSA Z94.4 standards and to test and repair hose;
- F) provide personal protective equipment and associated safety & health programs for Fire Services personnel;
- G) provide liaison with Municipal Utilities in order to ensure an adequate flow of water in new waterworks projects and the adequate maintenance of existing waterworks facilities for the use of the fire services;

9.4 The Fire Chief is responsible for carrying out, or delegating in total, or in part, the following duties pertaining to the functions of the **Division of Fire Suppression**. He/she shall:

- A) determine the numbers of companies of the Division of Fire Rescue;
 - i) prevent, control and extinguish fires;
 - ii) conduct investigations of fire in order to determine cause, origin, and, where appropriate, to request the Fire Prevention Division, & the Office of the Fire Marshal to conduct an investigation;
 - iii) perform rescue and salvage operations and render first aid;
 - iv) respond and assist at such emergencies indicated in Appendix "A" as may be required;
 - v) participate in training;
 - vi) conduct pre-firefighting operations planning;
 - vii) perform apparatus maintenance and cleaning duties at stations;
- B) assign an officer who is in command of the company to which he/she is assigned and is responsible for the proper operation of that company to the Fire Chief;
- C) designate a member of the fire services to act in the place of an officer in the fire services, and such member, when so acting, has all the powers and shall perform all the duties of the officer replaced;

9.5 The Fire Chief is responsible for carrying out, or delegating in total, or in part, the following duties pertaining to the function of the **Division of Fire Prevention** through an approved fire prevention statement, **Appendix "A"**. He/she shall ensure:

- A) conduct fire prevention inspections upon request or complaint of premises;

- B) enforce fire prevention by-laws and regulations;
 - C) examine and comment on building plans;
 - D) provide personnel for fire prevention & public education awareness activities, as outlined in Appendix "A";
 - E) maintain fire loss records;
 - F) receive, process and follow up reports of fire prevention inspections conducted under the Division of Fire Suppression;
- 9.6 The Fire Chief is responsible for carrying out, or delegating in total, or in part, the following duties pertaining to the function of the **Division of Training**. He/she shall:
- A) establish a fire services training program guided by NFPA 1001-2013 ed., complete with annual JPR (Job Performance Requirements) completion for all positions, written records, and conduct training for all personnel of the fire services in fire administration, fire prevention, incident safety, special operations and fire suppression;
 - B) administer training programs in stations;
 - C) prepare and conduct examinations and evaluations of members as required;
 - D) administer a recruitment program;
 - E) administer a medical assistance program that includes first aid, CPR and defibrillation as component parts, guided by Base Hospital;
- 9.7 The Fire Chief shall develop an approved fire services promotional policy based on such evaluations, written, practical and oral examinations as deemed necessary.

As part of the approved promotional policy, the Fire Chief and the Deputy Chief or delegates shall evaluate all members of the fire services who are participating in an examination for promotion.

10. CONDUCT AND DISCIPLINE

- 10.1 Every member of the Fire Department shall conduct themselves in accordance with Corporate policies, Department orders, procedures, rules and regulations and shall give their whole and undivided attention to the efficient operation of the Fire Department. All members shall perform the duties assigned to them to the best of their ability in accordance with the FPPA and any collective agreement or written agreement that may be applicable.
- 10.2 The Fire Chief may reprimand or suspend any member of the Fire Department for insubordination, inefficiency, misconduct, tardiness or for non-compliance with any provisions of this Bylaw, Corporation policies, departmental procedures, guidelines, general orders or rules and regulations that, in the opinion of the Fire Chief, would be detrimental to the discipline and efficiency of the Fire Department.
- 10.3 The Fire Chief shall submit a report to the CAO and to the Manager of Human Resources regarding the reprimand or suspension handed out to any member of the department.
- 10.4 Any such disciplinary action shall be in accordance with Corporate policies unless otherwise governed by the collective agreement between the Corporation and the Amherstburg Professional Firefighters Association.

11. REFUSAL TO LEAVE

- 11.1 No person present at a fire scene shall refuse to leave the immediate vicinity when required to do so by the Fire Department or the Police Service.

12. RECOVERY OF COSTS - ADDITIONAL EXPENSES

12.1 If as a result of a Fire Department response to a fire or an emergency incident, including a motor vehicle accident or the carrying out any of its duties or functions, the Fire Chief or Deputy Fire Chief(s) determines that it is necessary to incur additional expenses, retain a private contractor, rent special equipment not normally carried on a fire apparatus or use more materials than are carried on a fire apparatus, the “additional services” required in order to suppress or extinguish a fire, preserve property, prevent a fire from spreading, control or eliminate an emergency, carry out or prevent damage to equipment owned by the corporation or otherwise carry out the duties and functions of the Fire Department and/or to generally make “safe” an incident or property, the owner of the property requiring or causing the need for the additional services shall be charged the full costs to provide the additional services including all applicable taxes.

13. FIRE DEPARTMENT RESPONSES OUTSIDE OF THE MUNICIPALITY

13.1 The Fire Department shall not respond to a call with respect to a fire or emergency outside the limits of the municipality except with respect to a fire or emergency;

- A) that, in the opinion of the Fire Chief or designate of the Fire Department, threatens property in the Town of Amherstburg or property situated outside the Town of Amherstburg that is owned or occupied by the Town of Amherstburg;
- B) in a municipality with which an approved agreement has been entered into to provide fire protection services which may include automatic aid;
- C) on property with which an approved agreement has been entered into with any person or corporation to provide fire protection services;
- D) at the discretion of the Fire Chief, to a municipality authorized to participate in a county, district or regional mutual aid plan established by a fire coordinator appointed by the Ontario Fire Marshal, emergency fire service plan or any other organized plan or program on a reciprocal basis;
- E) on property beyond the municipal boundary of the Town of Amherstburg where the Fire Chief or designate determines immediate action is necessary to preserve life or property and the appropriate department is notified to respond and assume command or establish alternative measures, acceptable to the Fire Chief or designate;
- F) on highways that are under the jurisdiction of the Ministry of Transportation or other agency within the Town of Amherstburg;
- G) response due to a request for special assistance as required through a declaration of a provincial or federal emergency and such request has been approved by the Fire Chief, the CAO and the Head of Council.

14. CONFLICT

14.1 Where this by-law may conflict with any other by-law, this By-law shall supersede and shall prevail over that other By-law to the extent of the conflict.

15. REPEAL

15.1 “By-law 2017-067 is repealed”

16. SHORT TITLE

16.1 This By-law shall be known as the Fire Department Establishing and Regulating By-law

17. PENALTIES

17.1 Any person who violates any provisions of this By-law is, upon conviction guilty of an offense and shall be liable to a fine, subject to the provisions of the Provincial Offences Act, R.S.O. 1990 c. P. 33 as amended.

Read a first, second and third time and finally passed this ____ day of _____, 2022.

MAYOR ALDO DICARLO

CLERK VALERIE CRITCHLEY

Appendix A

Core Services - Fire Suppression and Emergency Response

Fire suppression services shall be delivered in both offensive (interior) and defensive (exterior) mode and shall include search and rescue operations, forcible entry, ventilation, protecting exposures, salvage and overhaul as appropriate with existing resources.

Fire Protection Services delivered by the Amherstburg Fire Department to the Town of Amherstburg include;

Response Zone Definitions

Response zone risks will be regularly assessed (at least every 3 years) in accordance with the Fire Protection and Prevention Act and risk based responses will be identified for the various risks within the community. First response resource assignments will be implemented based on Fire Risk and Population Density Zones.

Key Performance Indicators can be found in table 4.3.2 (Staffing and Response Time) of NFPA 1720, as amended.

Interior offensive and exterior defensive firefighting tactics in residential, commercial, institutional, assembly and industrial structures and properties to control and extinguish fires as appropriate with existing resources, and safety of firefighters as a priority.

Fire rescue activities including, entering, conducting primary and secondary searches, and where possible removal of trapped, injured and distressed persons when risks to firefighter safety are manageable.

- Due to present accessibility challenges a delayed response, or possibly no response to Wolfe Island and Boblo Island is a reality of current circumstances. The Town continues to consider resolution to both response areas.

Conducting training, communications, incident management, firefighter rehabilitation, and incident safety activities to support firefighting operations and other responses and services.

Ventilation, Salvage and Overhaul operations to save and protect life and property

Incident Safety Services

Establish and administer a Safety Management System for the fire services that includes an incident safety program and occupational health and safety in the workplace, activities including rapid intervention crews at emergencies.

As part of an overall Health and Safety Management system, provide incident safety services at all "Working Fires and Activities" where "significant work" is performed.

Implement a Respiratory Protection program consistent with the requirements of CSA z94.4 standards.

Special Operations

Emergency pre-hospital care responses and medical acts or other first aid / CPR services shall be maintained as per local tiered response agreement with Essex-Windsor EMS and under the supervision of local "Base Hospital" medical director, appropriate to the needs of the municipality as recommended by the Fire Chief and as agreed.

Water and Ice Rescue activities include "Shore Based" and "Vessel based" Water Rescue services, and On (Safe) ice rescue activities. Water and Ice rescues on Lake Erie and the Detroit River fall under federal jurisdiction and responsibility. At no time shall Amherstburg Fire engage in swift water rescue, or operate exceeding 200' from shore.

Auto Extrication activities at the “basic” and limited “heavy” levels to provide access to injured and entrapped persons involved in transportation emergencies. This involves the prevention, control and extinguishments of fires, controlled relocation & removal of materials and freeing trapped persons from the entrapment and making them accessible for removal.

Hazardous Materials Response (Chemical / Biological / Radiological / Nuclear/ Explosive CBRNE) in conjunction with agreements with the County of Essex and the City of Windsor Fire and Rescues Services Haz-Mat team.

Amherstburg Fire Department shall respond to incidents involving hazardous materials, using specialized equipment, skills and training in a manner referred to as “Operations” level.

Mutual Aid

The Department and the Fire Chief are authorized to participate in the Essex County Mutual Aid program and system organized and operated by the Province of Ontario directed by the Fire Marshal under the F.P.P.A.

Fire Prevention and Public Fire Safety Education

The delivery of all mandatory programs and services required by the Fire Protection and Prevention Act. R.S.O.

Fire prevention inspections upon receiving a complaint or a request to inspect

The distribution of public fire safety education materials, which shall include information on planning escape from residential occupancies, and encourages the mandatory installation and maintenance of residential smoke alarms

Children's educational programs in all elementary schools supported through the Safety Village

Proactive inspections of vulnerable occupancies identified in a community risk assessment

Determination of cause, origin and circumstances of all fires that occur in the town and the reporting of all fires to the provincial authority (Fire Marshal)

Administration of a youth fire setters program that educates families and youth fire setters

Participation in community activities which provide a significant fire safety educational opportunity

To conduct post-incident evaluations, which examine fire ground effectiveness, building performance, occupant behaviour and fire service program effectiveness to review comprehensive fire safety effectiveness in the community.

Appendix B

PRIMARY GOALS

The goals of the Amherstburg Fire Department are to provide fire protection and other services through a range of programs designed to protect the lives and property of the inhabitants from the adverse effects of fires, sudden medical emergencies or exposure to dangerous conditions created by man or nature; first to the Town of Amherstburg; second, to those municipalities requiring assistance through authorized Mutual Fire Aid plan and program activities.

Primary objectives of the Fire Services:

In order to achieve the goal of the fire services, necessary funding and resources must be in place and the following objectives met:

1. Identify and review through a Community Risk Assessment, the fire risks of the Town of Amherstburg and ensure programs are in place to minimize identified risks;
2. Provide an administrative process consistent with the needs of the fire services;
3. To distribute public fire safety education materials to the community including home escape planning information and encourage the use of Smoke and CO Alarms;
4. To conduct fire prevention inspections upon request or complaint
5. Proactive inspections of vulnerable occupancies identified in a community risk assessment;
6. Ensure that firefighting equipment and operating personnel are available within the municipality to provide adequate response to a citizen's call within a reasonable length of time;
7. Provide fire services training to an accepted standard which will ensure the continuous up-grading of all personnel in the latest techniques of fire prevention, fire suppression, and control of emergency situations and to co-operate with other municipal fire services with respect to management training and other programs;
8. Provide for a maintenance program to ensure all fire protection apparatus, and equipment, is ready to respond to emergency calls;
9. Ensure, through plan examination and inspection that required fire protective equipment is installed and maintained within buildings;
10. Ensure compliance with applicable municipal, provincial and federal fire prevention legislation, statutes, codes and regulations in respect to fire safety;
11. Develop and maintain an effective public information system and educational program, with particular emphasis on school fire safety programs; and commercial, industrial and institutional staff training;
12. Ensure in the event of a major catastrophe in the Town of Amherstburg, assistance to cope with the situation is available from outside fire services and other agencies;
13. Develop and maintain a good working relationship with all federal, provincial and municipal fire services, utilities and agencies, related to the protection of life and property;
14. Interact with other municipal fire services respecting the aspects of fire protection on any given program;
15. Ensure these objectives are not in conflict with any other municipal services.

MISSION STATEMENT

The primary mission of the Amherstburg Fire Department Services is to provide a range of programs to protect the lives and property of the inhabitants of the Town of Amherstburg from the adverse effects of fires, sudden medical emergencies or exposure to dangerous conditions created by man or nature.

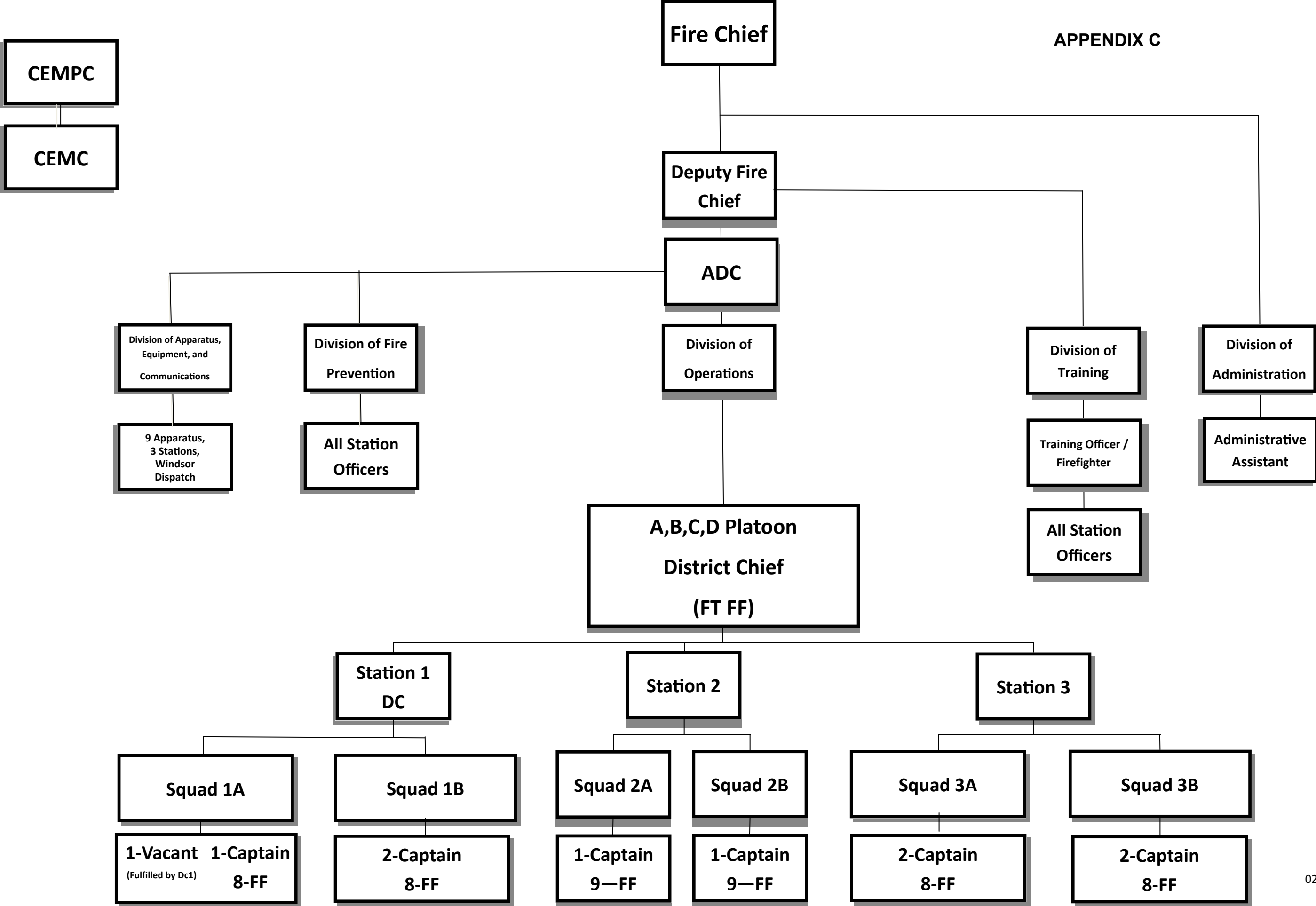
Building on our past success and our respect from partners in the community, we endeavour to become Amherstburg's leaders in proactive prevention and response to public safety emergencies. We will strive to be a caring, respectful, diverse and environmentally sound organization that holds itself and its members to account for excellence in service delivery.

Vision:

Amherstburg Fire Department Services delivers on our public safety mandate to preserve life, property and the environment through mutual respect, trust, honesty, and cooperation across our divisions and in partnership with our community.

Our MOTTO:

PRESERVING OUR PAST – PROTECTING OUR FUTURE





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: Angelo Avolio | Report Date: April 5, 2022 |
| Author's Phone: 519 736-5408 ext. 2136 | Date to Council: April 25, 2022 |
| Author's E-mail: aavolio@amherstburg.ca | Resolution #: |

To: Mayor and Members of Town Council

Subject: Building Activity Report for January to March 2022

1. RECOMMENDATION:

It is recommended that:

The report from the Chief Building Official dated April 5, 2022 regarding the Building Activity Report for the months of January to March 2022 **BE RECEIVED** for information.

2. BACKGROUND:

At regular Council meeting, Council rescinded resolution #20160411-145 and revised to

“Administration **BE DIRECTED** to provide future Building Activity Reports, Fire Activity Reports and Police Activity Reports on a quarterly basis. “

3. DISCUSSION:

Building activity and statistics are from January 1, 2022 to March 30, 2022 and are indicated with the tables attached as Appendices.

The Building Department issued 132 permits with approximate construction value of \$54,500,000. This includes 74 single-family dwellings, 6 semi units, 16 Townhouse units, 2 secondary units, 4 commercial permits and 1 institutional permit amongst others.

In comparison to 2021, the construction value has increased \$25,000,000 in 2022 from \$29,000,000 in 2021. The total number of permits issued however is lower, with 132 in 2022 compared to 146 in 2021, for the same period of time.

The majority of applications received are residential permits for the Kingsbridge subdivision.

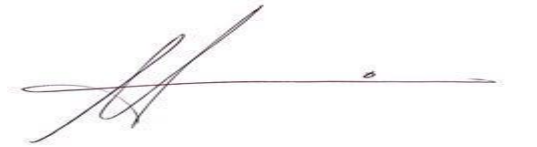
A total of 894 inspections were conducted within the 3 months timeframe which is approximately 14 inspections per day.

5. FINANCIAL MATTERS:

The collected revenues for all building permits during this time is approximately \$ 343,237. The total anticipated development charges are approximately \$1,600,000. Building revenues has increased approximately \$117,872 from the same time in the previous year.

7. CONCLUSION:

This report is provided for information only.

A handwritten signature in black ink, appearing to read 'AA', is written over a horizontal line.

Angelo Avolio
Chief Building Official

(AA)

Report Approval Details

| | |
|----------------------|---|
| Document Title: | Building Activity Reports for January to March 2022.docx |
| Attachments: | - JANUARY 2022.pdf - FEBRUARY 2022.pdf - MARCH 2022.pdf |
| Final Approval Date: | Apr 20, 2022 |

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



Melissa Osborne



Tracy Prince



Valerie Critchley – Acting CAO

Monthly Building Activity for January 2022

| | January | Construction Value |
|--------------------------|-----------|-------------------------|
| Single Detached Dwelling | 20 | \$ 11,103,000.00 |
| Semi Detached Dwelling | | |
| Three Unit Townhouse | | |
| Four Unit Townhouse | 4 | \$ 1,289,000.00 |
| Apartment Building | | |
| Secondary Suites | | |
| Attached Garage | | |
| Detached Garage | 1 | \$ 18,000.00 |
| Barns & Pole Barns | | |
| Renovations | | |
| Addition to Residence | 2 | \$ 68,000.00 |
| Front Porch | | |
| Shed | | |
| Sun Room | | |
| Gazebo | | |
| Covered Porch | | |
| Wood Decks | | |
| Signs | 1 | \$ 45,000.00 |
| Moved Residences | | |
| Demolition of Residence | 2 | \$ 15,000.00 |
| Demolition of Other | 1 | \$ 20,000.00 |
| Commercial | | |
| Industrial | | |
| Institutional | | |
| Back Water Valve-Subsidy | | |
| Plumbing Permit | 1 | \$ 8,000.00 |
| Heating Permit | | |
| Pool House | 1 | \$ 14,000.00 |
| Pool Permit | 2 | \$ 120,000.00 |
| Septic Sytem | 1 | \$ 27,000.00 |
| Solar Panels | | |
| Tent | | |
| Others | | \$ - |
| Totals | 36 | \$ 12,727,000.00 |

Monthly Building Activity for February 2022

| | February | Construction Value |
|--------------------------|-----------|-------------------------|
| Single Detached Dwelling | 24 | \$ 12,073,000.00 |
| Semi Detached Dwelling | | |
| Three Unit Townhouse | | |
| Four Unit Townhouse | 4 | \$ 1,548,000.00 |
| Apartment Building | | |
| Secondary Suites | 1 | \$ 84,000.00 |
| Attached Garage | | |
| Detached Garage | 1 | \$ 47,000.00 |
| Barns & Pole Barns | 1 | \$ 92,000.00 |
| Renovations | | |
| Addition to Residence | 1 | \$ 194,000.00 |
| Front Porch | | |
| Shed | | |
| Sun Room | | |
| Gazebo | | |
| Covered Porch | | |
| Wood Decks | | |
| Signs | | |
| Moved Residences | | |
| Demolition of Residence | 1 | \$ 14,000.00 |
| Demolition of Other | | |
| Commercial | 2 | \$ 392,000.00 |
| Industrial | | |
| Institutional | 1 | \$ 570,000.00 |
| Back Water Valve-Subsidy | | |
| Plumbing Permit | | |
| Heating Permit | | |
| Pool House | | |
| Pool Permit | 1 | \$ 52,900.00 |
| Septic Sytem | | |
| Solar Panels | | |
| Tent | | |
| Others | | |
| Totals | 37 | \$ 15,066,900.00 |

Monthly Building Activity for March 2022

| | March | Construction Value |
|--------------------------|-----------|-------------------------|
| Single Detached Dwelling | 30 | \$ 20,211,000.00 |
| Semi Detached Dwelling | 6 | \$ 2,348,000.00 |
| Three Unit Townhouse | | |
| Four Unit Townhouse | 8 | \$ 2,828,000.00 |
| Apartment Building | | |
| Secondary Suites | 1 | \$ 218,000.00 |
| Attached Garage | | |
| Detached Garage | 2 | \$ 98,000.00 |
| Barns & Pole Barns | | |
| Renovations | 2 | \$ 145,000.00 |
| Addition to Residence | 3 | \$ 603,000.00 |
| Front Porch | | |
| Shed | | |
| Sun Room | 1 | \$ 25,000.00 |
| Gazebo | | |
| Covered Porch | | |
| Wood Decks | | |
| Signs | | |
| Moved Residences | | |
| Demolition of Residence | | |
| Demolition of Other | 1 | \$ 20,000.00 |
| Commercial | 2 | \$ 42,000.00 |
| Industrial | | |
| Institutional | | |
| Back Water Valve-Subsidy | | |
| Plumbing Permit | | |
| Heating Permit | | |
| Pool House | | |
| Pool Permit | 3 | \$ 122,000.00 |
| Septic Sytem | 1 | \$ 49,000.00 |
| Solar Panels | | |
| Tent | | |
| Others | | |
| Totals | 60 | \$ 26,709,000.00 |



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.

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: 1st Quarter Fire Department Activity Report - January, February & March 2022

1. RECOMMENDATION:

It is recommended that:

- 1. The 1st Quarter activity report (January, February & March 2022) for Fire Services BE RECEIVED for information.

2. BACKGROUND:

On November 8, 2021, Council Resolution # 20211108-353 directed the following:

- 1. Council Resolution # 20160411-145 BE RESCINDED; and,
2. 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, By-law 2017-67.

The attached, represents activities and program information for the 1st quarter of 2022.

January

January Included school inspections and a large multi-unit residential inspection.
5 major fires (A22-2, A22-6, A22-7, A22-16, and A22-21) with over \$400,000.00 loss and close to 4 million dollars in property protected
fire investigations were conducted in in relation to these events.
102 open burn permit renewals and 4 new permits were created.
Staff began the specification development for the replacement of Tanker 3
The New Fire fighter/Training officer was initiated

February

A review & update took place of the following bylaws: Establishing and Regulating Bylaw, Open Air Bylaw, False Fire Alarm Fees and Fireworks Bylaw
A large amount of time was spent on research and preparation for the impacts of New Fire fighter Certification Legislation.
Recruitment for a New Deputy Fire Chief was conducted

March

Staff was engaged in the procurement of equipment, following budget approval
Tanker 3 apparatus specifications were completed
A captain's rank qualification classes began for staff interested in qualifying for the rank of captain for future opportunities
Recruitment for the Assistant Deputy Chief was completed

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.



Bruce Montone
Fire Chief

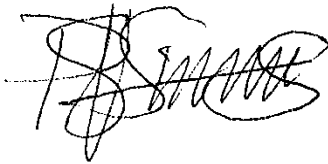
Report Approval Details

| | |
|----------------------|---|
| Document Title: | Quarterly Fire Department Activity Report - 1st Quarter 2022.docx |
| Attachments: | - Q1 2022 AFD Activity Report to Council ATTACHMENT DRAFT.pdf |
| Final Approval Date: | Apr 6, 2022 |

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



Tracy Prince



Peter Simmons

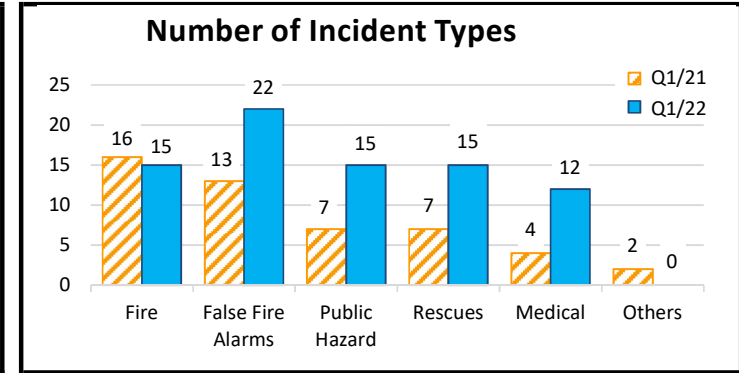
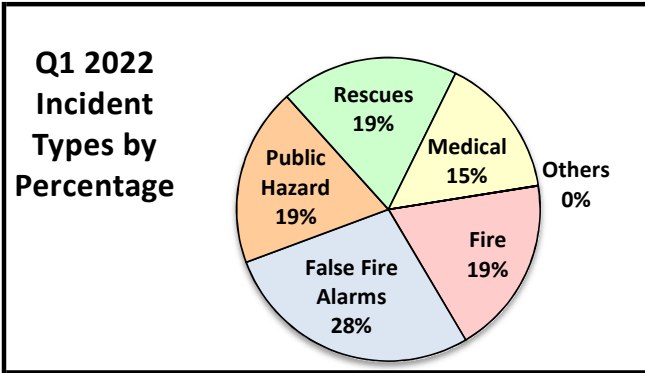


Valerie Critchley

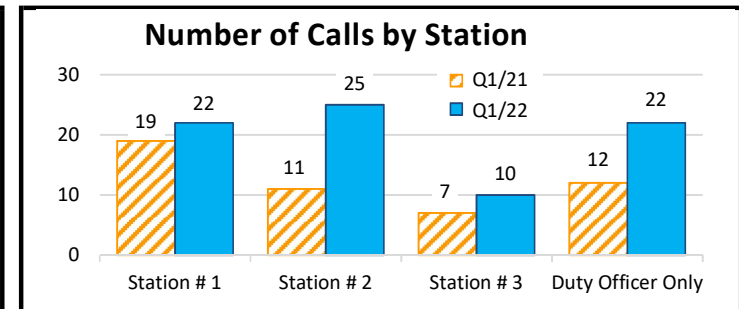
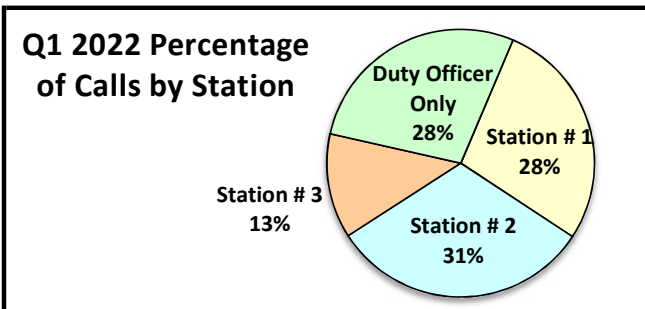


Amherstburg Fire Department Activity Report to Council - Q1 2022

| SERVICE LEVEL DELIVERY | 2021 | YTD 2022 | Q1 2021 | Q1 2022 |
|---------------------------|------------|-----------|-----------|-----------|
| INCIDENTS - Totals | 331 | 79 | 49 | 79 |
| Incident Types | | | | |
| Fire | 57 | 15 | 16 | 15 |
| False Fire Alarms | 108 | 22 | 13 | 22 |
| Public Hazard | 39 | 15 | 7 | 15 |
| Rescues | 62 | 15 | 7 | 15 |
| Medical | 43 | 12 | 4 | 12 |
| Others | 22 | 0 | 2 | 0 |



| NUMBER OF CALLS BY STATION | 2021 | YTD 2022 | Q1 2021 | Q1 2022 |
|----------------------------|------|----------|---------|---------|
| Station # 1 | 116 | 22 | 19 | 22 |
| Station # 2 | 76 | 25 | 11 | 25 |
| Station # 3 | 39 | 10 | 7 | 10 |
| Duty Officer Only | 100 | 22 | 12 | 22 |



| RESPONSE TARGETS - 90th Percentile | 2021 | YTD 2022 | Q1 2021 | Q1 2022 |
|-------------------------------------|----------------|----------------|----------------|----------------|
| Alarm Processing Time | 0:03:30 | 0:02:33 | 0:03:13 | 0:02:33 |
| Turnout Time | 0:03:10 | 0:02:22 | 0:05:12 | 0:02:22 |
| Travel Time | 0:09:58 | 0:09:05 | 0:07:35 | 0:09:05 |
| Total Average Response Time* | 0:07:46 | 0:07:25 | 0:07:42 | 0:07:25 |

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.

* From time call comes in to on scene time

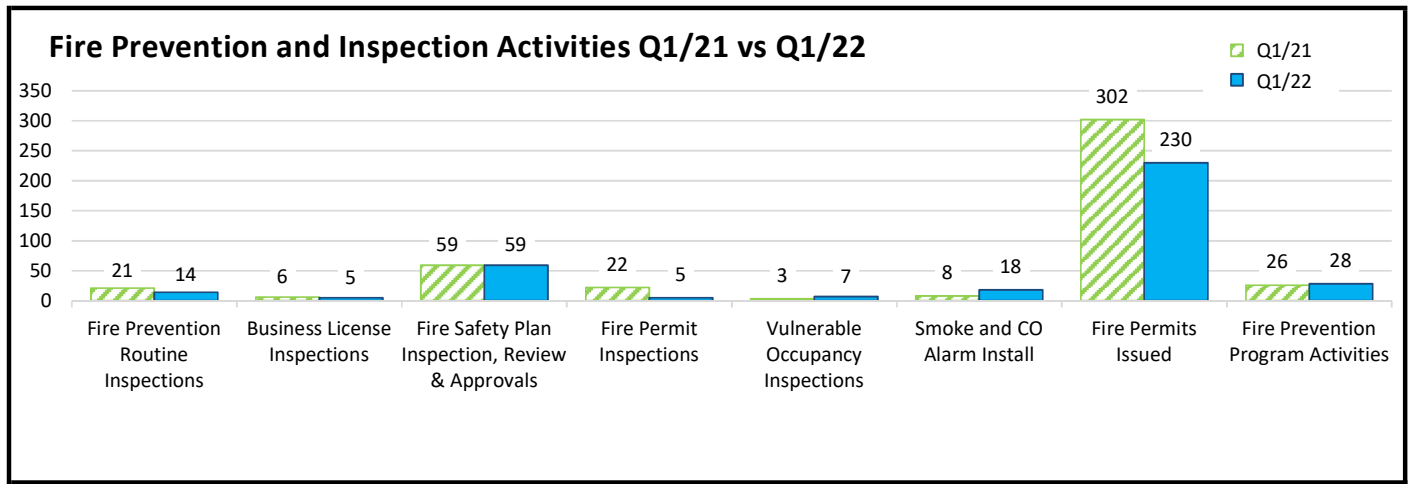


Amherstburg Fire Department Activity Report to Council - Q1 2022

In addition to AFD's activities for Q1 2022 were the following:

- Welcome of the new Full-time Firefighter/Training Officer
- Retirement of Deputy Chief Acton
- 26 Firefighters wrote Exams including FF1, FF2, Hazmat Awareness and Hazmat OPS
- Various focused training initiatives were undertaken including Hazmat, Ice/Water Rescue Training and the Captain Qualification Program

| FIRE PREVENTION/INSPECTIONS | 2021 | YTD 2022 | Q1 2021 | Q1 2022 |
|---|------|----------|---------|---------|
| Fire Prevention Routine Inspections | 69 | 14 | 21 | 14 |
| Business License Inspections | 23 | 5 | 6 | 5 |
| Fire Safety Plan Inspection, Review & Approvals | 250 | 59 | 59 | 59 |
| Fire Permit Inspections | 63 | 5 | 22 | 5 |
| Vulnerable Occupancy Inspections | 34 | 7 | 3 | 7 |
| Smoke and CO Alarm Install (during responses) | 63 | 18 | 8 | 18 |
| Fire Permits Issued | 531 | 230 | 302 | 230 |
| Fire Prevention Program Activities | 134 | 28 | 26 | 28 |

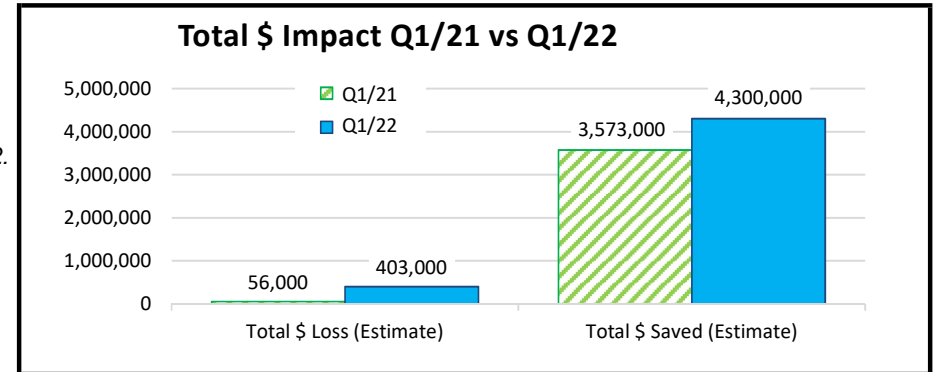


| COMMUNITY IMPACT | 2021 | YTD 2022 | Q1 2021 | Q1 2022 |
|--|-----------|-----------|-----------|-----------|
| Total \$ Loss (Estimate) | 734,500 | 403,000 | 56,000 | 403,000 |
| Total \$ Saved (Estimate) | 8,823,000 | 4,300,000 | 3,573,000 | 4,300,000 |
| Residential Fire Related Injuries (Entire) | 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 \$4.3M in property value through responses in Q1/22.

Although Q1 2022 saw 5 major fires, zero firefighter and civilian fire related injuries were reported.





Amherstburg Fire Department Activity Report to Council - Q1 2022

| TRAINING AND MAINTENANCE | 2021 | YTD 2022 | Q1 2021 | Q1 2022 |
|--------------------------------|------------|-----------|-----------|-----------|
| Total Training Sessions | 239 | 59 | 51 | 59 |
| Training Station 1 | 51 | 18 | 6 | 18 |
| Training Station 2 | 58 | 16 | 10 | 16 |
| Training Station 3 | 44 | 14 | 7 | 14 |
| Training Extra | 86 | 11 | 28 | 11 |
| Station Maintenance/Inspection | 204 | 46 | 37 | 46 |

In Q1, AFD members participated in 59 training sessions. This quarter the Firefighters were able to include training with the Mobile Life Fire Training Unit as well as their regular training activities.



Although restrictions were in place due to Covid-19, AFD was still able to regularly inspect and maintain the department fleet of 4 Engines, 2 Tankers, 1 Aerial Ladder, 4 Support units, all hand tools and power operated equipment.



March 24, 2022

Michelle Bishop
General Manager
Essex-Windsor Solid Waste Authority
360 Fairview Avenue W
Essex, ON

VIA EMAIL mbishop@ewswa.org

Dear Mrs. Bishop:

Re: County Participation in the Regional Food and Organics Waste Management Project

On October 20, 2021, County Council was provided with a report and delegation from Michelle Bishop, General Manager, EWSWA providing background information on EWSWA's Regional Food and Organics Waste Management Project. Following that presentation, Essex County Council resolved to consider a Regional approach to the Food and Organics Waste Management Project as it relates to participation from municipalities and report its decision back to the Essex-Windsor Solid Waste Authority no later than December 31, 2021. That deadline was subsequently extended to March 31, 2022.

At the March 16, 2022 meeting of County Council, Report #2022-0316-CCS-R004-MB, attached as Appendix 1, provided information on the responses received from the local municipalities and recommended that Essex County Council advise EWSWA that all Essex County municipalities would participate in a regional solution for the collection and processing of organic waste.

While the Town of Kingsville did provide correspondence that they did not wish to participate in the short-term service contract for the Regional Food and Organics Waste Management Program and the Town of Essex did not provide a response indicating any decision, Essex County Council adopted the following resolution:

County Participation in the Regional Food and Organics Waste Management Project

March 24, 2022

063-2022

Moved by Marc Bondy

Seconded by Aldo DiCarlo

That Essex County Council receives for information the memorandum prepared by the Regional Food and Organics Oversight Committee and sent to EWSWA Board Members on January 6, 2022 regarding the Regional Food and Organics and Biosolids Waste Management Project – Facility Ownership and Recommended Next Steps attached as Schedule “A”; *(not attached)*


And Further That County Council receives for information the letter received from Essex-Windsor Solid Waste Authority (EWSWA) dated January 19, 2022 regarding the Resolution of the EWSWA Board – Regional Food and Organics and Biosolids Waste Management Project attached as Appendix “B”; *(not attached)* and,

And Further that County Council receives for information the correspondence from the local municipalities indicating their decision on participation in the Regional Food and Organic Waste Management Program, attached as Appendices “C” to “I” and provide copies to EWSWA;

And Further that County Council advise the EWSWA prior to March 31, 2022, that all Essex County municipalities will participate in a regional solution for the collection and processing of organic waste material from urban settlement areas, at a minimum, as part of the short-term processing contract commencing January 1, 2025 or immediately upon the expiration of a municipality’s existing waste collection contract, whichever is later. –Carried.

Should you have any questions, please contact the undersigned.

Sincerely yours,



Mary Birch
Director of Legislative and Community Services/Clerk

County Participation in the Regional Food and Organics Waste Management Project

March 24, 2022

CC: Essex County Municipalities

[Tracy Beadow](#), Project Administration, City of Windsor

[Chris Nepszy](#), Commissioner of Infrastructure Services, City of Windsor

 519-776-6441 ext. 1335
TTY 1-877-624-4832

 360 Fairview Ave. W.
Suite # 202 Essex, ON N8M 1Y6

 countyofessex.ca



Administrative Report

Office of the Director, Council & Community Services/Clerk

Office of the Director, Financial Services/Treasurer

To: Warden McNamara and Members of Essex County Council

From: Mary Birch, B.A., CMO
Director, Council & Community Services/Clerk
Sandra Zwiers, MAcc, CPA, CA
Director, Financial Services/Treasurer

Date: Wednesday, March 16, 2022

Subject: Regional Food and Organic Waste Management Program

Report #: 2022-0316-CCS-R004-MB

Purpose

To provide County Council with responses from local municipalities regarding participation in the Essex-Windsor Solid Waste Authority (EWSWA)-led Regional Food and Organics Waste Management Program and to recommend that the Essex-Windsor Solid Waste Authority (EWSWA) be advised that Essex County municipalities will participate in a regional solution for the collection and processing of organic waste material.

Background

On October 20, 2021, County Council was provided with a [report](#) and delegation from Michelle Bishop, General Manager, EWSWA providing background information on EWSWA's Regional Food and Organics Waste Management Project.

Council was advised that the primary purpose of the project is to comply with Ontario's Food and Organic Waste Policy Statement pursuant to Section 11 of the 2016 Resource Recovery and Circular Economy Act (collectively "The Organics Provincial Policy Statement" or "OPPS"), which will require some municipalities in Essex-Windsor to achieve specific reduction and recovery target rates by 2025 as follows:

- City of Windsor – Provide curbside collection of food and organic waste to single family dwellings in an urban settlement area and to achieve a target rate of reduction of 70%;
- Amherstburg, LaSalle, Leamington and Tecumseh – Provide collection (through a public drop-off depot or community composting area or through curbside collection) of food and organic waste to single family dwellings in an urban settlement area and to achieve a target rate of reduction of 50%;
- Essex, Kingsville and Lakeshore – Not required to achieve specific rates of reduction for food and organic waste based on their population and population densities.

Essex County Council subsequently adopted the following resolution at the October 20, 2021 meeting:

THAT the Essex County Council consider a Regional approach to the Food and Organics Waste Management Project as it relates to participation from municipalities and report its decision back to the Essex-Windsor Solid Waste Authority no later than December 31, 2021.

Discussion

As the designated Project Manager, the City of Windsor retained GHD Limited (GHD) as the environmental consultant for Phase 1 of the Project. A Project Oversight Committee and Working Group, comprised of members from the EWSWA, the City and County, as well as stakeholders, provided input to GHD to produce a final report which outlined their project direction analysis and recommendations.

In June 2021, the EWSWA Board passed a motion for EWSWA Administration to retain an independent third-party consultant to conduct a peer review of the evaluation process completed to-date and the GHD Report.

Tetra Tech Canada Inc. was retained through a competitive bidding process to conduct the peer review, which was presented to the EWSWA on September 15 and October 5, 2021.

The findings identified by Tetra Tech are summarized below:

- The GHD Reports are substantially sound and offer comparative impacts of the various options. Concern was noted in regards to the capital costs presented by GHD, which may be underestimated;
- Given the compliance deadline of 2025 that applies to Windsor, Tecumseh, Amherstburg, LaSalle and Lakeshore, and the likelihood of an organics ban at all landfills which would then capture Kingsville, Essex and Lakeshore, Tetra Tech recommends that all 8 communities be part of a regional solution;
- The Ministry of the Environment, Conservation and Parks (“MECP”) will assess innovative technologies for compliance with the Food and Organic Waste Ontario Provincial Policy Statement (“OPPS”). Proponents of innovative technologies must demonstrate compliance with the OPPS, and should be allowed to submit a proposal in response to a Request for Proposal (“RFP”);
- Anaerobic digestion appears to be the best fit for both organics processing and greenhouse gas reduction targets;
- Tetra Tech recommends an RFP be prepared that requires proponents to meet the following key critical end points;
 - That the proponents have the skills, experience and technology that works;
 - That any proposal meets all regulatory and policy requirements for the EWSWA (including energy policies);
 - That a cost proposal (whether upfront capital or all-inclusive tipping fees) be evaluated on a Net Present Value (“NPV”) basis.

At the October 5, 2021 EWSWA Board meeting, Administration was directed to proceed with the development of a procurement plan for a Regional Food and Organic Waste Management project that would be as unrestrictive as possible to allow the private sector to propose innovative and cost-effective solutions. The Oversight Committee was authorized to sole source the next phase of consulting services to GHD for the preparation of a Request for Qualification (RFQ), followed by a Request for Proposal (RFP), and that the EWSWA Board approve the terms of reference prior to publishing of the RFQ and RFP.

In addition, the Board directed EWSWA Administration to schedule presentations at each of the seven (7) County municipalities and at the City of Windsor outlining the requirements of the Ontario Food and Organic

Waste Policy Statement and the decision points that will be required by each municipality.

Following the October 5, 2021 EWSWA Board meeting, the Oversight Committee, Technical Working Group and GHD began working towards the preparation of a Request For Qualifications. During this process, several issues and concerns were identified regarding a procurement process that allows for both municipally-owned and privately-owned models. These concerns are detailed in the Oversight Committee memorandum to the EWSWA Board dated January 6, 2022, provided in Appendix "A".

In an effort to assist the Regional Partners, GHD prepared a Roadmap to navigate the various questions and issues that still need to be determined to support data-driven decision making. Step 1 of the Roadmap, Program Governance, involves making decisions regarding who will be responsible for the implementation and management of each aspect of an organics program, and who will be participating and to what extent. The Oversight Committee, Technical Working Group and the Regional Partners have been working towards a decision regarding Regional Program Governance and participation.

The Roadmap clearly illustrates that a significant amount of effort is still required before a long-term organics program is established. Given the issues identified with an open procurement process, unknown participation levels, and numerous other variables including equipment and material sourcing delays which require a contract be established up to two years prior to commencement of services, the Oversight Committee concluded that the only option that can be completed prior to 2025 is a short-term service delivery contract.

Therefore, the Oversight Committee recommended to the EWSWA Board that Step 2 of the Roadmap – Short Term Service Processing Contract(s) – be initiated as soon as possible in order to secure processing capacity, establish and maintain compliance with provincial requirements, and gather valuable information and data regarding organic waste within the region.

The following recommendations were adopted by the EWSWA Board on January 12, 2022:

- 1) That the Food and Organic Waste Management Oversight Committee BE DIRECTED to continue to work through the various steps outlined in the Roadmap, and report back with progress updates, and;
- 2) That the Food and Organic Waste Management Oversight Committee BE DIRECTED to proceed with a short-term organic waste processing contract(s) RFP that meets the following minimum criteria:

- a) That the RFP BE REQUIRED to accept, at a minimum, source separated organics from Windsor and any other of the municipalities choosing to participate at the onset, and allows for changes to quantities of source separated organics, and;
 - b) That industry standards be exceeded regarding odour control measures implemented at the facility and the end product, and;
 - c) That the RFP be required to provide service for a 5-year term with options for extensions.
- 3) That the EWSWA send correspondence to the County of Essex and all municipalities in the region who have yet to respond to indicate whether or not their members or those municipalities will participate in the EWSWA led organics program and to indicate that response is required by March 31, 2022.

Correspondence advising the County of this resolution, dated January 19, 2022 is provided as Appendix "B".

Jurisdiction Over Collection and Processing of Organic Waste

The collection and processing of organic waste within the region is not a service that has been delivered by a municipality on a permanent basis in the past. The "Agreement between the County of Essex and City of Windsor Pertaining to the Creation of the Essex-Windsor Solid Waste Management Authority, dated April 18, 1994" (the Agreement), was reviewed by the County Solicitor, David Sundin, who also provides legal support to the EWSWA, to review the question of 'jurisdiction' over services related to the collection and processing of organic waste. He determined that the Agreement provides the necessary jurisdiction for the EWSWA to deal with the collection and processing of organic waste. He noted the following:

- 1) The definition of waste in the Agreement is broad and although it does not specifically state "organic waste", the definition encompasses "organic waste";
- 2) That the Agreement authorizes EWSWA "on behalf of the City and the County to take all steps and actions as are proper, necessary and/or advisable to carry out and fulfill its responsibilities and function";
- 3) That authorization is limited by, among other things, EWSWA obtaining approval from both the City and County each year for its operational plan and budget;

- 4) Even if the City and County do not both agree on the operational plan and budget, there is a dispute resolution process built into the Agreement;
- 5) EWSWA is also tasked with taking "all steps and activities as are proper and necessary" to comply with the Solid Waste Management Master Plan and to ensure "adherence to all conditions of approval for existing and future waste management sites." The current Solid Waste Management Master Plan includes the recommendation to implement an organic waste program and the Province appears to be moving towards banning organics from landfills

The 2022 EWSWA Authority operational plan and budget includes \$100,000 in consulting fees to support the continuation of the development of a regional organics program, which was adopted by the Authority on November 2, 2021 and subsequently approved by City and County Councils on December 13, 2021 and December 15, 2021, respectively.

Information Required to Move Forward

In keeping with GHD's recommendation and direction from the EWSWA Board, an RFT for contract processing services is being drafted. In order to ensure proponents provide adequate capacity for processing organic tonnage collected from participating municipalities, it is necessary to identify which municipalities will participate at this stage. GHD will then use collection data to estimate the tonnage of organic waste requiring processing in the short-term service contract.

Responses

At the time of writing this report, responses from all Essex County municipalities, with the exception of the Town of Kingsville, have been received and are provided as Appendices "C" to "H". The Town of Kingsville is scheduled to discuss this matter at their March 14th, 2022 Council meeting.

Of the responses received Amherstburg, Lakeshore, LaSalle, Leamington and Tecumseh have all stated their support for a regional approach to food and organics waste management. Tecumseh Council further provided authorization for participation in a regional program. LaSalle Council also requested the EWSWA, with the County of Essex to begin to investigate a comprehensive regional approach for the collection and management of waste, as well as organics and recyclables. The Town of Essex resolution did not indicate support for the initiative and simply received the report from the EWSWA General Manager which was presented to County Council on October 2021.

Role of County Council

Based on the information provided by the local municipal councils, and in accordance with the motion of County Council from October 2021, County Council is now responsible for identifying the participation level for the whole of the County.

Financial Implications

As an initiative of the EWSWA, the County of Essex does not contribute directly to the finances of the Authority. The current financing model distributes costs of the EWSWA to the participating local municipalities on a user fee basis. Despite no direct costs to the County of Essex, the following financial implications should be considered:

- A regional approach provides for economies of scale which will drive financial savings. The more fulsome the participation, the greater the potential for savings for everyone.
- To optimize the diversion of organics, as well as realize financial savings for the whole of the system, centralizing garbage collection should be investigated simultaneously to provide a coordinated approach to collections. Reducing garbage collection frequency and increasing organics and recycling collection frequency will incentivize source separation for all refuse streams. Centralizing garbage collection will also provide for additional economies of scale and potential contract savings for all service areas.
- With a ban on organics on the horizon, it is prudent for all municipalities to participate to ensure any organics solution supports the entire region's capacity needs. Leaving some municipalities out exposes those municipalities to capital and operating risks of having to proceed with a stand-alone solution in the future to meet their needs.

Consultation

Substantial consultation on this initiative has taken place over the past year. Michelle Bishop has attended all municipal Council meetings within the region, as well as several meetings of the Chief Administrative Officers. County Solicitor David Sundin has been consulted on the question of jurisdiction for organics collection and processing decisions.

From County Administration, Sandra Zwiers is a member of the Working Group and Oversight Committee and Mary Birch is a member of the Oversight Committee.

Conclusion

Having participated on the Organics Working Group and Oversight Committee, County Administration concludes that they fully support a regional source separated organics program for the following reasons:

- It is the environmentally right thing to do;
- It aligns with our regional community energy plan goals;
- It will ensure compliance as the County municipalities continue to grow in population and density;
- It provides a sound business case for transferring governance of waste collection contracts from the local level to the regional level; and
- It will maximize the potential for cost savings and operational efficiencies for the whole of the waste collection/disposal system if the contracts are managed as a centralized solution by the EWSWA.

Recommendation

That Essex County Council receives for information the memorandum prepared by the Regional Food and Organics Oversight Committee and sent to EWSWA Board Members on January 6, 2022 regarding the Regional Food and Organics and Biosolids Waste Management Project – Facility Ownership and Recommended Next Steps attached as Schedule “A”;

And Further That County Council receives for information the letter received from Essex-Windsor Solid Waste Authority (EWSWA) dated January 19, 2022 regarding the Resolution of the EWSWA Board – Regional Food and Organics and Biosolids Waste Management Project attached as Appendix “B”; and,

And Further that County Council receives for information the correspondence from the local municipalities indicating their decision on participation in the Regional Food and Organic Waste Management Program, attached as Appendices “C” to “H” and provide copies to EWSWA;

And Further that County Council advise the EWSWA prior to March 31, 2022, that all Essex County municipalities will participate in a regional solution for the collection and processing of organic waste material from urban settlement areas, at a minimum, as part of the short-term processing contract commencing January 1, 2025 or immediately upon the expiration of a municipality’s existing waste collection contract, whichever is later.

Approvals

Respectfully Submitted,

Mary Birch

Mary Birch, B.A., CMO Director, Council & Community Services/Clerk

Respectfully Submitted,

Sandra Zwiers

Sandra Zwiers, MAcc, CPA, CA, Director, Financial Services/Treasurer

Concurred With,

Mike Galloway

Mike Galloway, MBA, CMO, Chief Administrative Officer

| Appendix Number | Title |
|------------------------|--|
| Appendix A | Memo from the Regional Food and Organics Oversight Committee to the EWSWA Board, dated January 6, 2022 |
| Appendix B | Correspondence from Michelle Bishop, General Manager EWSWA, dated January 19, 2022 |
| Appendix C | Correspondence from the Town of Amherstburg, dated January 6, 2022 |
| Appendix D | Correspondence from the Town of Essex, dated January 19, 2022 |
| Appendix E | Correspondence from the Municipality of Lakeshore, dated November 16, 2021 |
| Appendix F | Correspondence from the Town of LaSalle, dated February 24, 2022 |
| Appendix G | Correspondence from the Municipality of Leamington, dated March 2, 2022 |
| Appendix H | Correspondence from the Town of Tecumseh, dated March 1, 2022 |

Appendix C

From: [Tammy Fowkes](#)
To: [Mary Birch](#)
Cc: [Valerie Critchley](#)
Subject: RE: Resolution regarding Regional approach to Food and Organics Waste Management Project
Date: January 6, 2022 11:25:03 AM
Attachments:

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Mary,

As requested, please see Amherstburg's resolution below regarding the proposed Food and Organics Waste Management Project:

Resolution # 20211122-TBD

"That the Town of Amherstburg SUPPORT a regional approach to organic and biowaste processing."

Please let me know if there is anything else you require.

Thank you,
Tammy

Tammy Fowkes

Deputy Clerk

Town of Amherstburg

271 Sandwich St South, Amherstburg, Ontario, N9V 2A5

Tel: 519-736-0012 x2216 Fax: 519-736-5403 TTY: 519-736-9860



**PARTNERS IN CREATING
A BRIGHTER FUTURE**



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From: Mary Birch <MBirch@countyofessex.ca>

Sent: January 4, 2022 5:17 PM

To: Brenda Percy (bpercy@leamington.ca) <bpercy@leamington.ca>; 'Brianna Coughlin' <bcoughlin@lakeshore.ca>; Jennifer Alexander (jalexander@tecumseh.ca) <jalexander@tecumseh.ca>; Jennifer Astrologo <jastrologo@lasalle.ca>; Kristen Newman (knewman@lakeshore.ca) <knewman@lakeshore.ca>; Linda Jean <ljean@lasalle.ca>; Paula Parker



January 19, 2022

TO: County of Essex Council
360 Fairview Avenue West
Essex, ON N8M 1Y6
Email: mbirch@countyofessex.ca

Re: Food and Organics Waste Management Program

At its Special Council Meeting held on November 15, 2021, Michelle Bishop, Essex-Windsor Solid Waste Authority, General Manager, presented the Administrative Report entitled Essex-Windsor Solid Waste Authority (EWSWA) Regional Food and Organics Waste Management Project and recommended a regional organics initiative with local municipalities. This Administrative Report was brought to its Regular Council Meeting of December 6, 2021, to allow Essex Town Council an opportunity to further discuss the Town of Essex interest in participating in a regional approach to the proposed Food and Organics Waste Management Project. During Council deliberation there was no mover or direction to provide comments indicative of support or interest to participate in the proposed regional approach to the Project.

As a result of that review Council did not indicate support for this initiative and simply passed the following resolution:

R21-12-474

Moved by: Councillor Bowman

Seconded by: Councillor Garon



That Council receive the Administrative Report entitled Essex-Windsor Solid Waste Authority (EWSWA)-Regional Food and Organics Waste Management Project as dated October 20, 2021 and presented to Essex County Council at its meeting of October 20, 2021.

Carried

I trust you will find this satisfactory. If you have any questions or comments please feel free to contact the undersigned.

Yours truly,

A handwritten signature in black ink, appearing to read "R. Auger", with a long horizontal flourish extending to the right.

Robert W. Auger, L.L.B.
Town Solicitor, Legal and Legislative Services/Clerk
rauger@essex.ca



November 16, 2021

County of Essex
360 Fairview Ave. W. Suite 202
Essex, ON
N8M 1Y6

Attn: Mary Birch,
Director of Council and Community Services/Clerk

Dear Ms. Birch:

RE: EWSWA – Regional Food and Organics Waste Management Project

At their meeting held November 9th 2021, the Council of the Municipality of Lakeshore passed the following resolution:

364-11-2021

That the Municipality of Lakeshore support, in principle, a regional approach to food, organic and biosolid waste processing, and that this motion be sent to the County of Essex.

Carried Unanimously

Sincerely,

Brianna Coughlin
Division Leader – Civic Affairs



Corporation of the Town of LaSalle

5950 Malden Road, LaSalle, Ontario N9H 1S4
Phone: 519-969-7770 Fax: 519-969-4029 www.lasalle.ca

February 24, 2022

Essex County Council
c/o Mary Birch
County Clerk
360 Fairview Ave. W.
Essex, ON N8M 1Y6

Dear Warden McNamara and County Councillors,

Re: EWSWA – Regional Food, Organics, and Biosolids Waste Management Project

At the February 22, 2022, Regular Meeting of Council, Council gave consideration to a report on the EWSWA Regional Food, Organics, and Biosolids Waste Management Project.

At the Meeting, the following Resolution was passed:

048/22

Moved by: Deputy Mayor Meloche

Seconded by: Councillor Akpata

- A. That the report of the Chief Administrative Officer dated February 11, 2022 (AD-01-2022) regarding Essex-Windsor Solid Waste Authority (EWSWA) - Regional Food, Organics and Biosolid Waste Management Project BE RECEIVED;
- B. That the Town of LaSalle endorse a regional approach for compliance with the legislation regarding Food, Organics and Biosolids Waste Management;
- C. That the Town of LaSalle endorse the approach outlined in the January 6, 2022 report which was presented at the January 12, 2022 Essex-Windsor Solid Waste Authority Board meeting:
 1. That the Food and Organic Waste Management Oversight Committee BE DIRECTED to continue to work through the various steps outlined in the roadmap, and report back with progress updates; and
 2. That the Food and Organic Waste Management Oversight Committee BE DIRECTED to proceed with a short-term organic waste processing contract(s) RFP that meets the following minimum criteria:



- a) That the RFP BE REQUIRED to accept, at a minimum, source separated organics from Windsor and any other of the municipalities choosing to participate at the onset, and allows for changes to quantities of source separated organics; and
- b) That industry standards BE EXCEEDED regarding odour control measures implemented at the facility and the end product; and
- c) That the RFP BE REQUIRED to provide service for a 5-year term with options for extensions.

D. That the Town of LaSalle request that the Essex-Windsor Solid Waste Authority with the County of Essex begin to investigate a comprehensive regional approach to the collection and management of Waste, Organics and Recycling programs with the objective of a more efficient and cost effective regional solution

Carried.

Yours Truly,



Jennifer Astrologo
Director of Council Services/Clerk
Town of LaSalle
jastrologo@lasalle.ca

cc. Joe Milicia, Chief Administrative Officer, Town of LaSalle





March 2, 2022

To Whom it May Concern:

Please be advised that the Council of The Corporation of the Municipality of Leamington, at its meeting held Tuesday, December 7, 2021 enacted the following resolution:

No. C-346-21

That Leamington Council support a regional approach to organics collection and organics management.

Carried

Dated today, the 2nd day of March, 2022.

Brenda Percy

Signed with ConsignO Cloud (2022/03/02)
Verify with verifio.com or Adobe Reader.



Brenda Percy, Clerk

The Corporation of the Municipality of Leamington



The Corporation of the Town of Tecumseh

March 1, 2022

County of Essex

360 Fairview Ave.
Essex, ON N8M 1Y6

Attention: Ms. Mary Birch, Director of Council and Community Services/Clerk
(mbirch@countofessex.ca)

Dear Ms. Birch:

Re: Resolution of the Essex-Windsor Solid Waste Authority Board - Regional Food and Organics and Biosolids Waste Management Project

The Council of The Corporation of the Town of Tecumseh, at its regular meeting held on Tuesday, February 22, 2022, gave consideration to participation in the Regional Food and Organics and Biosolids Waste Management Program as requested in the Essex-Windsor Solid Waste Authority letter dated January 19, 2022.

At their meeting, Tecumseh Council passed the following resolution:

That Report PWES-2022-10 entitled "Regional Food and Organics and Biosolids Waste Management Project" be received;

And that Council endorse the Essex-Windsor Solid Waste Authority (EWSWA) Board resolution (Resolution 7-2022) that was adopted at its Wednesday January 12, 2022 meeting, as contained in the EWSWA Letter to the Town dated January 19, 2022;

And further that Council approve Tecumseh's participation in the EWSWA led regional organics program;

And furthermore that the Clerk provide notification to the County of Essex of Tecumseh's intention to participate in the EWSWA led regional organics program no later than March 7, 2022.

Please consider this letter as confirmation of the Town of Tecumseh's participation in the EWSWA led regional organics program.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Laura Moy".

Laura Moy, Dipl.M.M.
Director Legislative Services & Clerk

LM/sw

cc: Michelle Bishop, General Manager (mbishop@ewswa.org)
Margaret Misek-Evans, Chief Administrative Officer (mevans@tecumseh.ca)
Phil Bartnik, Director, Public Works & Engineering Services (pbartnik@tecumseh.ca)

Mary Birch

From: Sandy Kitchen <SKitchen@kingsville.ca>
Sent: March 16, 2022 10:42 AM
To: Mary Birch
Subject: RE: Resolution regarding Regional approach to Food and Organics Waste Management Project

Hello Mary:

This is to advise that the Town of Kingsville's Public Works and Environmental Services Manager presented a report to Council at its Regular Meeting held on Monday, March 14, 2022 in connection with this item. The following motion was passed:

Moved By Councillor Laura Lucier

Seconded By Councillor Kimberly DeYong

- 1. That the Town of Kingsville will not participate in the short-term service contract for the Regional Food and Organics Waste Management Program proposed by Essex Windsor Solid Waste Authority; AND FURTHER THAT Council directs Administration to develop local programs to help encourage and support residents to decrease food waste at home.**

I am in the process of finalizing the formal minutes for adoption by Kingsville Council on Monday, March 28. If you require further information, please let me know.



Sandra Kitchen, Deputy Clerk-Council Services
Legislative Services
The Corporation of the Town of Kingsville
2021 Division Road North
Kingsville, Ontario N9Y 2Y9
Phone: (519) 733-2305
Web: www.kingsville.ca

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Clarington

If this information is required in an alternate format, please contact the Accessibility Co-ordinator at 905-623-3379 ext. 2131

April 5, 2022

To All Ontario Municipalities:

Re: Correspondence Regarding the Municipality of Clarington's Comprehensive Zoning By-law Review Project, Zone Clarington

File Number: PG.25.06

At a meeting held on April 4, 2022, the Council of the Municipality of Clarington approved the following Resolution #PD-037-22:

That the correspondence arising from the following Resolution, #C-398-21, passed on December 13, 2021, be forwarded directly to all municipalities in Ontario.

“Whereas rural property owners and farmers in Clarington and across the Province are affected by the natural heritage system mapping;

And Whereas the mapping of natural heritage systems conflicts between the Greenbelt Natural Heritage System, Conservation Authority mapping, official plan mapping, and zoning bylaw mapping;

And Whereas the over-reach of natural heritage system mapping often results in environmental protection designations which are not justified, and are not protecting natural heritage features, and which negatively affects thousands of rural property owners and farmers;

And Whereas municipalities which are engaged in official plan updates and zoning bylaw updates have no clear direction on natural heritage systems mapping from the Province;

And Whereas a thorough investigation into the designated natural heritage systems by the provincial ministries are desperately needed immediately to ensure appropriate mapping is done and the designations are indeed accurate;

Now therefore be it resolved that:

1. The Provincial Government be requested to issue a cease and desist order on all updates to Natural Heritage System designations in official plans and zoning bylaws, thereby pausing the updates until a review of same by the province can be completed.
2. Clarington not proceed further with any revisions to its natural heritage system in its zoning bylaw pending the provincial review.
3. A copy of this resolution be forwarded to:
 - a) The Minister of Municipal Affairs and Housing;
 - b) The Minister of the Environment, Parks and Conservation;
 - c) All Durham MPP's;
 - d) The Region of Durham and all Durham municipalities; and
 - e) AMO for distribution to all rural municipalities.”

Yours truly,



John Paul Newman
Deputy Clerk

JPN/lp

c: R. Windle, Director of Planning and Development Services
A. Burke, Senior Planner

April 06, 2022

Sent via email

Office of the Prime Minister
80 Wellington Street
Ottawa, ON
K1A 0A2

Dear Mr. Trudeau:

Re: Resolution # 2022-241 – HST rebate on new homes in Ontario

Please be advised that the following resolution was passed at the April 06, 2022 meeting of the Council of the Municipality of Grey Highlands.

2022-241

Paul Allen, Dane Nielsen

Whereas attainable housing has been a concern of hopeful homeowners for many years; and

Whereas attainable housing is a priority of all levels of government; and

Whereas the Government of Ontario will rebate a portion of the provincial part of HST paid for a house to a maximum of \$24,000 if HST was paid on the land, or \$16,080 if HST was not paid on the land regardless of the fair market value of the house; and

Whereas the Government of Canada will rebate a portion of the federal part of HST paid for a house only if the fair market value is under \$450,000; and

Whereas the average fair market value of a new home in Ontario is well above the \$450,000 threshold; now

Therefore be it resolved that the Municipality of Grey Highlands requests that the Federal government remove or increase the \$450,000 fair market value threshold to reflect today's housing costs; and

That council direct staff to circulate this resolution to Prime Minister Justin Trudeau, Premier Doug Ford, MP Alex Ruff, MPP Bill Walker, Provincial and Federal Finance Ministers, The Ministry of Municipal Affairs and Housing, AMO, Grey Bruce Home Builders and Trades Association, Ontario Home Builders Association and all Municipalities in Ontario.

CARRIED.

The Municipality of Grey Highlands

206 Toronto Street South, Unit One - P.O. Box 409 Markdale, Ontario N0C 1H0
519-986-2811 Toll-Free 1-888-342-4059 Fax 519-986-3643
www.greyhighlands.ca info@greyhighlands.ca

If you require anything further, please contact this office.

Sincerely,

Amanda Fines-VanAlstine

Amanda Fines-VanAlstine
Council & Committee Coordinator
Municipality of Grey Highlands

cc. Premier, Doug Ford
MP, Alex Ruff
MPP, Bill Walker
Federal Minister of Finance, Chrystia Freeland
Provincial Minister of Finance, Peter Bethlenfalvy
Ministry of Municipal Affairs and Housing
Association of Municipalities Ontario
Grey Bruce Home Builders' Association
Ontario Home Builders' Association
All Municipalities in Ontario

The Municipality of Grey Highlands

206 Toronto Street South, Unit One - P.O. Box 409 Markdale, Ontario N0C 1H0
519-986-2811 Toll-Free 1-888-342-4059 Fax 519-986-3643
www.greghighlands.ca info@greghighlands.ca



Sent via Email

April 19, 2022

RE: TOWN OF GRAVENHURST RESOLUTION – RUSSIAN SANCTIONS

At the Town of Gravenhurst Committee of the Whole meeting held on April 12, 2022 the following resolution was passed:

WHEREAS the country of Ukraine has experienced a premeditated and unprovoked invasion by Russia;

AND WHEREAS silence is complicity;

AND WHEREAS Canada imports hundreds of millions of dollars' worth of goods from Russia each year;

AND WHEREAS negative financial impacts upon a country can be used as a means to deter further conflict;

BE IT THEREFORE RESOLVED THAT the Correspondence from the Town of Georgina regarding sanctions on Russia be received for information;

AND THAT The Town of Gravenhurst unequivocally denounces Russia's unjustifiable war against Ukraine;

AND THAT the Town of Gravenhurst supports the sanctions which the Federal government of Canada has thus far imposed on Russia;

AND THAT effective immediately and until a time when the sovereignty of Ukraine is once again unchallenged, the Town of Gravenhurst will:

- 1) Not purchase any products (ie plywood, fertilizer, steel, furniture or machinery) which can be easily traced to have originated from Russia; and
- 2) Insist that any future contracts for services for the Town of Gravenhurst abide by these same limitations within our municipality;

AND THAT upon confirmation that the Belarusian military is engaged within Ukraine that the Town of Gravenhurst apply these limitations upon goods from that country as well;

AND THAT this decision of Gravenhurst Council be forwarded to all other municipalities within Ontario requesting they enact similar measures so that as a united front we can make a noticeable difference.

Sincerely,

A handwritten signature in black ink, consisting of the initials 'J.G.' in a cursive, slightly stylized font.

Jacob Galvao
Administrative Clerk II – Legislative Services
Town of Gravenhurst

April 13, 2022

Good Afternoon,

My name is Margaret O'Brien. I am volunteer with Fibromyalgia Association Canada. This May 12, 2022 is the 30th Anniversary of the recognition of Fibromyalgia Awareness Day by the World Health Organization. I am contacting the Town of Amherstburg, on behalf of Fibromyalgia Association Canada to request to have the "Amherstburg" sign in the Navy Yard Park and any other locations the town may have to illuminated in/lit up in purple on May 12th (0001hrs-2359 hrs) if possible, in recognition of the 5% of Canadians living with fibromyalgia, many of them in your town and province. There are many locations lighting up purple across Canada and we hope that you will join in and show your support.

Fibromyalgia Association Canada is the National Association for people with fibromyalgia. Our website is www.fibrocanada.ca which, will link you to our various social media accounts, where we will be sharing pictures and thanking all those who participate.

This is an international advocacy date and with many supporters in the community affected with fibromyalgia.

We will be publishing an article and calling media attention to the said advocacy response for May 12. Also, FAC will be listing an appreciation list of supporters on our website.

Thank you in advance, for any help you can be in advancing this issue. Attached you will also find a proclamation to consider. We look forward to hearing your response and would like to thank you all at the Town of Amherstburg in advance.

Warm regards,

Margaret O'Brien

Board of Directors

Fibromyalgia Association Canada

PROCLAMATION
“FIBROMYALGIA AWARENESS DAY”

MAY 12, 2022

WHEREAS: Fibromyalgia Awareness Day aims to raise awareness and end the stigma and discrimination that accompany this chronic illness.

WHEREAS: Fibromyalgia Association Canada is the only national organization in Canada that supports only fibromyalgia; and

WHEREAS: Fibromyalgia affects about 5% of Canada’s population - over 2,000,000 men, women and children of all ages and races in Canada are afflicted with this chronic illness; and

WHEREAS: Fibromyalgia often takes an average of three (3) to five (5) years to diagnosis; and

WHEREAS: there is no known cause of, prevention of, or cure of fibromyalgia; and

WHEREAS: Fibromyalgia (FM) is a complex illness whose symptoms vary widely and may include debilitating chronic pain, overwhelming fatigue, and cognitive impairment; and

WHEREAS : patients with Fibromyalgia often have a number of co-existing conditions, which may include chronic myofascial pain, irritable bowel syndrome (IBS), temporomandibular joint disorder (TMJ), environmental sensitivities, anxiety and depression; and

WHEREAS: Fibromyalgia (FM) greatly reduces quality of life, can cause total disability and also affect families, friends and employers. Living with chronic pain and fatigue on a daily basis can lead to social isolation, so it is important for sufferers and their families, friends, and caregivers to know that they are not alone.; and

WHEREAS , people with Fibromyalgia (FM) have a right to be treated with dignity and have a right to pain relief; and

WHEREAS: together we will find ways to enhance the quality of lives for people affected by fibromyalgia and together find a cure.

NOW THEREFORE, I, _____, on behalf of the Town of Amherstburg Council and Fibromyalgia Association Canada, do hereby proclaim May 12, 2022 as “Fibromyalgia Awareness Day” in the County of Essex, and I call this observance to the attention of all our

AMHERSTBURG COMMITTEE OF ADJUSTMENT

Present: D Cozens, D. Shaw, T. Buchanan, A. Campigotto, J. Mailloux

Also Present: Janine Mastronardi, Acting Secretary-Treasurer, Kevin Fox, Policy and Committee Coordinator, Kanchan Ghadge, Interim Planner, Kevin Miller and Larry Silani, MillerSilani Inc., Planning Consultants on behalf on the Town of Amherstburg

1. Call to Order

The Chair, David Cozens, called the meeting to order at 7:30 a.m. and performed introductions of the Committee members and administration.

2. Roll Call

The Chair completed the roll call for the electronic meeting, all members were present.

3. Land Acknowledgement

The Chair has read the following land acknowledgment;

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. Disclosure of Interest

There were no disclosures of interest.

5. Adoption of Agenda

That the agenda be approved for adoption.

Moved by: Josh Mailloux
Seconded by: Anthony Campigotto

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

6. Adoption of Minutes

The Chair requested comments on the adoption of the minutes of the February 1, 2022 Committee of Adjustment meeting.

The Committee noted two corrections on pg. 3 and pg. 19 of the minutes, in the

vote for application A/05/22 and A/06/22 respectively. Application A/05/22 was supported by Terris Buchanan and opposed by Anthony Campigotto and application A/06/22 was opposed by both Anthony Campigotto and Terris Buchanan. The Chair noted the corrections and confirmed that the corrections do not change the outcome of the applications.

A motion was put forward to adopt the minutes with the above corrections.

Moved by: Anthony Campigotto

Seconded by: Terris Buchanan

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

7. Order of Business

7.1 Application A/07/22 – John & Angela Riolo – 1493 Front Rd N (Roll No. 3729-460-000-10502)

Public in Attendance: John Riolo

Purpose of Consent Application A/07/22: The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 3(1)(c) which permits a maximum accessory structure height of 5.5 m (18 ft) measured to the peak of the roof in a Residential Zone.

The applicant is proposing the construction of a 1120.25 sq ft accessory structure with a height of 6.4 m (21 ft) to the peak of the roof. The proposed structure will have a two-car garage on the main floor and unfinished loft space on the second floor for storage. The 6.4 m (21 ft) building height is required to allow for standing room on the second floor.

Therefore, the amount of relief requested is 0.9 m (3 ft) in accessory structure building height.

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

- i) Letter dated February 22, 2022, from ERCA 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 Sancrainte Drain and Detroit 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.

The applicant has received Permit 346 - 21 from ERCA.

The municipal drain typically has an unregistered working space; the municipality has the right to use it to maintain or repair the drain. In addition, specific building setbacks from a municipal drain are applicable. Please contact your local municipality's drainage superintendent for more information.

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

FINAL RECOMMENDATION: With the review of background information and aerial photograph, ERCA has no objection to this application for Minor Variance. The applicant will require a Section 28 Permit and/or Clearance.

- ii) Letter dated February 22, 2022, from County of Essex with the following comments:

Please be advised that the County of Essex has reviewed the aforementioned application and the comments provided are engineering-related only. This application has not been reviewed from a planning perspective. This road was formerly King’s Highway 18 until it was downloaded to the County of Essex. Therefore, setback and entrance requirements will be as per MTO corridor control procedures.

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. Permits are necessary for any changes to existing entrances and structures, or the construction of new structures.

- iii) Email dated February 14, 2022, from Infrastructure Services Department with no comments on the application.
- iv) Comments from the Building Services department stating that permits will be required upon approval of the project.
- v) Email dated February 14, 2022, from Fire Prevention and Inspection Officer stating that fire has no issues with the application.
- vi) Email dated February 14, 2022, from Essex Powerlines stating that the application is not EPL service territory.
- vii) Planning Report dated February 22, 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. There were none. Janine Mastronardi read the purpose of the application. John Roilo explained the concept of the application and said that he is requesting an increase in height on the second floor of the detached garage for storage of hay and equipment and walkable headroom. The committee expressed their approval to the application, observing that the location of the barn was away from other residences in the neighbourhood and it will not cause any obstructions in view. The Committee further discussed the height of the barn; with respect to the existing grade, and being lower than the residence. It was recommended that a site drainage plan be submitted.

The following resolution was put forth:

That application A/07/22 be approved to grant relief of 0.9 m from Section 3(1)(c) to allow for a maximum height of 6.4 m. for the proposed accessory structure.

Moved by: Anthony Campigotto

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 Committee- The requested variances would appear to conform with the intent of the relevant Official Plan policies. The proposed variances would appear to maintain the intent of Comprehensive Zoning By-law 1999-52, as amended. The proposed variances do not appear to change the use of the land for residential purposes and therefore can be considered appropriate. The requested variance would appear to be minor in nature.

7.2 Application A/08/22 – Edward & Laura Gushulak – 35 Ventnor Avenue (Roll No. 3729-200-000-14200)

Public in Attendance: Edward Gushulak.

Purpose of Consent Application A/08/22: The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 3(1)(b) which permits a maximum lot coverage of 10 percent of the lot area to a maximum of 100 sq m (1076 sq ft) in a Residential Zone.

The applicant is proposing the construction of a 22 ft by 32 ft, 704 sq ft detached garage on a 6750 sq. ft. lot. There is an existing 9 ft x 12 ft, 108 sq ft, shed on the property. The resulting total accessory structure lot coverage is 812 sq ft or 12.03%.

Therefore, the amount of relief requested is 2.03% (137 sq ft) in accessory structure lot coverage.

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

- i) Letter dated February 22, 2022 from ERCA with the following comments:
We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the Conservation Authorities Act). As a result, a permit is not required from ERCA for issues related to Section 28 of the Conservation Authorities Act, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservations Authorities Act, (Ontario Regulation No. 158/06)

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

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

FINAL RECOMMENDATION: With the review of background information and aerial photograph, ERCA has no objection to this application for Minor Variance.

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

- ii) Email dated February 14, 2022, from Infrastructure Services Department with the following comment:
Increased lot coverage from the new garage will, in part, be offset by the removal of the existing shed structure. EPW does not have issues with the new garage but emphasizes that all downspouts from the new garage must not be connected into lot sub-drains but must be constructed to splash onto the adjacent ground.
- iii) Comments from the Building Services department with the following comments:
 - i. Permits required

- ii. Maintain proper grading around the structure to ensure drainage does not adversely affect the neighbouring property.
- iv) Email dated February 14, 2022, from Fire Prevention and Inspection Officer stating that fire has no issues with the application.
- v) Email dated February 14, 2022, from Essex Powerlines stating that caution is noted and locates are required. There are underground secondary services in the area the building is to be constructed.
- vi) Planning Report dated February 22, 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. There were none. Janine Mastronardi read the purpose of the application. The applicant, Edward Gushulak, explained the concept of application along with the size of the proposed garage. He informed the Committee that one shed would be taken down whereas another shed built at a cost of \$4000 is proposed to remain on the site. The Committee inquired about the covered gazebo and the applicant explained that the gazebo is a temporary structure with a removable roof. The Committee expressed concerns over the total lot coverage leading to the reduction in permeable surfaces. The Committee, therefore, suggested that the applicant submit a detailed site drainage plan and agree to not connect downspouts and discharge onto soft landscape.

That application A/08/22 be approved to grant relief from the maximum lot coverage of 10% to 12.03% (additional 137 sq. ft. of floor space for accessory structures) to allow for the construction of a new detached garage subject to the following condition:

- i. The applicant demolishes the existing accessory structure located at the southeast corner of the subject parcel, to the rear of the proposed new detached garage
- ii. That the proper grading along the property line be complete for any water runoff, to the satisfaction of the Building Department.

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 Committee - The requested variances would appear to conform with the intent of the relevant Official Plan policies. The proposed variances would appear to maintain the intent of Comprehensive Zoning By-law 1999-52, as amended. The proposed variances do not appear to change the use of the land for residential purposes and therefore can be considered appropriate. The requested variance would appear to be minor in nature.

7.3 Applications B/04/22 & B/05/22 – Mary Mancini, c/o Mario Mancini, Agent – N/S Alma Street (Roll No. 3729-350-000-01950)

Public in Attendance: Mary & Mario Mancini and Marcel Mancini

Purpose of Application B/04/22: The applicant is proposing to sever a parcel of land being 35.25 m frontage by 227.1 m depth with an area of 8005.25 sq m for purposes of creating a new industrial lot. The remaining parcel being 94.3 m frontage by a 227.36 m

depth with an area of 2.6 ha is vacant industrial land. The subject lands are designated Special Industrial in the Town's Official Plan and zoned Special Industrial (SI) Zone in the Zoning By-law 1999-52.

Purpose of Application B/05/22: The applicant is proposing to sever an L-shaped parcel of land being 1.52 m frontage by 101.8 m depth with an area of 563.47 sq m for purposes of a lot addition to merge with 530 Alma Street. The remaining parcel being 92.78 m frontage by 227.36 m depth with an area of 2.55 ha is vacant industrial land. The subject lands are designated Special Industrial in the Town's Official Plan and zoned Special Industrial (SI) Zone in the Zoning By-law 1999-52.

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

- i) Letter dated February 22, 2022, from ERCA with the following comments:
We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the Conservation Authorities Act). As a result, a permit is not required from ERCA for issues related to Section 28 of the Conservation Authorities Act, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservations Authorities Act, (Ontario Regulation No. 158/06).

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

The subject property is within, and/or is adjacent to (within 120 metres of), a natural heritage feature that is identified as a significant woodland under the Provincial Policy Statement (PPS).

Section 2.15 of the PPS states - Development and site alterations shall not be permitted in significant woodland...unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

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."

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: With the review of background information and aerial photograph, ERCA has no objection to these applications for Consent.

- ii) Email dated February 14, 2022, from Infrastructure Services Department with the following comments:
- Individual water service connections will be required for the new lot. Coordination with IS for servicing will be necessary.
 - Individual sanitary 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.
 - Based on the proposal, the new severed lot presently has a separate driveway access from Alma. Should the nature or location of this access change during development planning, review and approvals will be required from Infrastructure

Services.

- iii) Comments from the Building Services department with the following comments:
 - Permits required
 - Maintain proper grading around the structure to ensure drainage does not adversely affect neighboring property
- iv) Email dated February 14, 2022, from Fire Prevention and Inspection Officer with the following comment:
 This proposed severance of industrial property is not serviced by a fire hydrant at this time for reasons unknown to fire. There should be a consideration for placing hydrants between the 800-meter gap of hydrants to upgrade service to the number of businesses and residential properties in the area.
- v) Planning Report dated February 22, 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. Marcel Mancini, son of applicant, was present. Janine Mastronardi read the purpose of the application. The applicant explained the concept of the proposals. It was noted that the lot addition application was to bring the existing garage into compliance with the current required interior side yard setback. Discussion ensued regarding the location of the proposed 50 ft x 100 ft single building which will be used as personal storage with no residential use on the severed lot.

The following resolution was put forth:

That application **B/04/22 be approved** with 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, 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 a parkland fee be paid to the Town of Amherstburg prior to the stamping of the deeds in an amount of \$300 per lot.
5. That the property owner 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, if required by the Town Engineer.
6. That the applicant install a Fire Hydrant satisfactory to the Fire Department prior to the stamping of the deeds, if required by the Fire Chief.
7. 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.

NOTE: All conditions are subject to the approval of The Town of the Amherstburg, but at no cost to the municipality.

Moved by: Josh Mailloux
 Seconded by: Donald Shaw

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

That application B/05/22 be approved with the following conditions:

1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; an electronic and paper copy to be provided to the municipality.
2. The applicant 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. Subsection 3 of Section 50 of the Planning Act applies to any subsequent conveyance or transaction of or in relation to the parcels of land being the subject of the consent (severed and retained parcels).
4. That prior to the stamping of deeds the owner is to provide satisfactory evidence that the adjacent parcel is under consolidation relative to the parcels which are the subject of the consent.
5. That all property taxes be paid in full.
6. 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.

NOTE: All conditions are subject to the approval of The Town of the Amherstburg, but at no cost to the municipality.

Moved by: Donald Shaw

Seconded by: Anthony Campigotto

-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 Committee – The request is in conformity with Sections 6.1.2 and 6.1.2(6) of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement.

7.4 Application B/06/22 – Jon Parks – W/S Concession 7 (Roll No. 3729-570-000-03301).

Public in Attendance: Jon Parks, Mike Bali

Purpose of Consent Application B/06/22: The applicant is proposing to sever an L-shaped parcel of land being 30 ft. frontage by 325 ft. depth with an area of 0.5 acres for purposes of a lot addition. The parcel will merge with a 0.45-acre property at 7536 Concession 7, resulting in a lot area of 0.95 acres. The remaining parcel being 801.49 ft. frontage by an irregular depth with an area of 39.5 acres is vacant agricultural land. The subject lands are designated Agricultural in the Town's Official Plan and zoned Agricultural (A) Zone in the Zoning By-law 1999-52.

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

- i) Letter dated February 22, 2022, from ERCA 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 Enderby Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any future construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.

The municipal drain typically has an unregistered working space; the municipality has the right to use to maintain or repair the drain. In addition, specific building setbacks from a municipal drain are applicable. Please contact your local municipality's drainage superintendent for more information.

The subject property may lie wholly or partially within the Event-Based Area (EBA) of the Essex Region Source Protection Plan, which came into effect October 1, 2015. The Source Protection Plan was developed to provide measures to protect Essex Region's municipal drinking water sources. As a result of these policies, new projects in these areas may require approval by the Essex Region Risk Management Official (RMO) to ensure that appropriate actions are taken to mitigate any potential drinking water threats. Should your proposal require the installation of fuel storage on the site, please contact the RMO to ensure the handling and storage of fuel will not pose a significant risk to local sources of municipal drinking water. The Essex Region's Risk Management Official can be reached by email at riskmanagement@erca.org or 519-776- 5209 ext 214. If a Risk Management Plan has previously been negotiated on this property, it will be the responsibility of the new owner to contact the Essex Region Risk Management Official to establish an updated Risk Management Plan. For any questions regarding Source Water Protection and the applicable source protection plan policies that may apply to the site, please contact the Essex Region Risk Management Official.

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 landuse activities. Any future proposed activity on these properties at a minimum should not result in an increased risk of contamination of the recharge area.

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

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the Planning Act. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

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

FINAL RECOMMENDATION: With the review of background information and aerial photograph, ERCA has no objection to this application for Consent. The

applicant will require a Section 28 Permit and/or Clearance for future developments.

- ii) Email dated February 14, 2022, from Infrastructure Services Department saying that Drainage apportionments are required for the 7th Concession Road Drain South and the Beaudoin Drain South.
- iii) Comments from the Building Services Department saying that the access to the property to use the existing driveway.
- iv) Email dated February 14, 2022, from Fire Prevention and Inspection Officer saying that they have no issues with the application.
- v) Planning Report dated February 22, 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. Mike Bali, neighbour and owner of 7536 Concession 7. Janine Mastronardi read the purpose of the application. The applicant, Jon Parks, explained the concept of the proposal. He said that his neighbor Mike Bali would like a little more land around his house to accommodate hedge tree planting and backyard space for his kids to play and do some backyard farming. Discussion ensued regarding the proposed severed parcel size.

The following resolution was put forth:

That application B/06/22 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, 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. Subsection 3 of Section 50 of the Planning Act applies to any subsequent conveyance or transaction of or in relation to the parcels of land being the subject of the consent.
5. That prior to the stamping of the deeds the owner is to provide satisfactory evidence that the adjacent parcel is under common ownership relative to the parcel which is the subject of the consent.
6. That a minor variance be obtained from the provisions of Bylaw 1999-52, as amended, Section 26(3)(a) which requires a minimum lot area of 40 ha in an Agricultural (A) Zone regarding the retained parcels.
7. 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.
8. 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.

NOTE: All conditions are subject to the approval of The Town of the Amherstburg, but at no cost to the municipality.

Moved by: Anthony Campigotto

Seconded by: Donald Shaw

-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 Committee – The request is in conformity with Sections 6.1.2 and 6.1.2(6) of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement.

7.5 Applications B/07/22 & B/08/22 – 1603941 Ontario Inc., c/o Robert Gordon Millson, Agent – E/S Sandwich Street North (Roll Nos. 3729-350-000-00300, 00400, 00500 and 3729-420-000-07909, 07910).

Public in Attendance: Rob Piroli and Robert Gordon Millson, Agent

Purpose of Consent Application B/07/22: The applicant is proposing to sever a parcel of land being 99 m frontage by an irregular depth with an area of 13,459 sq. m. for purposes of creating a new lot for multi-residential development. The remaining parcel being 98 m frontage on Sandwich Street North and 312 m frontage on Brunner Avenue by an irregular depth with an area of 31,081 sq. m. is vacant land. The subject lands are designated General Commercial Special Policy Area 10 and Heavy Industrial in the Town's Official Plan and zoned Special Provision Commercial General (CG-5) Zone and Future Development (FD) Zone in the Zoning By-law 1999-52.

Purpose of Consent Application B/08/22: The applicant is proposing to sever a parcel of land being 98 m frontage on Sandwich Street North and 108 m on Brunner Avenue by an irregular depth with an area of 11,408 sq. m. for purposes of creating a new lot for multi-residential development. The remaining parcel being 204 m frontage on Brunner Avenue by a 96 m depth with an area of 19,673 sq. m. is vacant land proposed for future residential development. The subject lands are designated General Commercial Special Policy Area 10 and Heavy Industrial in the Town's Official Plan and zoned Special Provision Commercial General (CG-5) Zone and Future Development (FD) Zone in the Zoning By-law 1999-52.

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

- i) Letter dated February 22, 2022, from ERCA 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 a regulated area. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any future construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.

The subject property may lie wholly or partially within the Event-Based Area (EBA) of the Essex Region Source Protection Plan, which came into effect October 1, 2015. The Source Protection Plan was developed to provide measures to protect Essex Region's municipal drinking water sources. As a result of these policies, new projects in these areas may require approval by the Essex Region Risk Management Official (RMO) to ensure that appropriate actions are taken to mitigate any potential drinking water threats. Should your proposal require the installation of fuel storage on the site, please contact the RMO to ensure the handling and storage of fuel will not pose a significant risk to local sources of municipal drinking water. The Essex Region's Risk Management Official can be reached by email at riskmanagement@erca.org or 519-776-5209 ext: 214. If a Risk Management Plan has previously been negotiated on this property, it will be the responsibility of the

new owner to contact the Essex Region Risk Management Official to establish an updated Risk Management Plan. For any questions regarding Source Water Protection and the applicable source protection plan policies that may apply to the site, please contact the Essex Region Risk Management Official.

Our office has reviewed the Consent proposal and has no concerns relating to stormwater management at this time.

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 parcel is likely to support fish habitat. As per Section 2.1.6 of the PPS, 2020 – “Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.” Inquiries regarding the applicability of fish habitat to the property should be made to the federal Fisheries and Oceans Canada website: www.dfo-mpo.gc.ca/pnw-ppe/indexeng.html.

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

The site should be kept in a mowed and manicured state to prevent natural succession, otherwise, an EIA may be required.

CONSIDERATIONS FOR FUTURE DEVELOPMENT

ERCA has concern for the potential impacts of stormwater runoff from this area, as a result of any future redevelopment on these sites (unknown development proposals at this time) and maybe asking the owner(s) / developer(s) to address the stormwater management (quantity and quality) issues through the permitting and/or any future municipal planning process (i.e. site plan control or plan of subdivision or condominium, etc.).

It should also be noted that any proposed future development on these parcels would be subject to setback restrictions from the top of the bank of the applicable watercourse(s) on the subject lots. The setback is determined from a site-specific analysis. The current watercourse through the site is a “private drain”. Its original intent was to drain General Chemical flows. It has no legal standing (need to confirm a legal outlet for these sites).

FINAL RECOMMENDATION: With the review of background information and aerial photograph, ERCA has no objection to these applications for Consent. It is to be noted that the site should be kept in a mowed and manicured state to prevent natural succession, otherwise an EIA may be required.

- ii) Letter dated February 22, 2022, from the County of Essex with the following comments:

Please be advised that the County of Essex has reviewed the aforementioned application and the comments provided are engineering-related only. This application has not been reviewed from a planning perspective. This road was formerly King’s Highway 18 until it was downloaded to the County of Essex. Therefore, setback and entrance requirements will be as per MTO corridor control procedures.

Subject properties front a Connecting Link, the County of Essex request to be included in future discussions related to future development on subject properties.

- iii) Email dated February 14, 2022, from the Infrastructure Services Department stating that it is the expectation that future development of these properties will be subject to the Site Plan Control process and it will be at that time that Infrastructure Services will provide comments regarding site servicing, right-of-way issues, drainage, stormwater management, etc.
- iv) Comments from the Building Services Department said they have no comments.
- v) Email dated February 14, 2022, from Fire Prevention and Inspection Officer saying that they have no issues with the application.
- vi) Email dated February 14, 2022, from Essex Powerlines saying that the lands subject to the application are not EPL service territory. Caution noted and locates required. There are underground secondary services in the area the building is to be constructed.
- vii) Planning Report dated February 23, 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. There were none. Janine Mastronardi read the purpose of the application. The applicant, Rob Piroli explained the concept of the proposal. The applicant explained that these severance applications are being brought to the Committee of Adjustment concurrently with a zoning by-law amendment application to allow the construction of two residential buildings on the subject lands. The severance would allow the development of two residential buildings, one on the northerly parcel and the other on the southerly parcel phasing them in a well-controlled and planned manner. It would allow to stagger and raise finances from lenders for each of the buildings independently. The applicant further stated that the administration report was in favor of the development and the public information session and statutory public meeting are scheduled later in March 2022. The Committee reiterated that both the buildings would have their independent site plan control and ensured that the applicant is aware of the ERCA requirements, the County of Essex access requirements, and the Infrastructure Services requirements.

The following resolutions were put forth:

That application B/07/22 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, 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 the applicant enter into a Consent Agreement for the provision of municipal services if deemed necessary by the Town Engineer.
5. 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.

NOTE: All conditions are subject to the approval of The Town of the Amherstburg, but at no cost to the municipality.

Moved by: Terris Buchanan
Seconded by: Anthony Campigotto

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

That application B/08/22 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, 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 the applicant enter into a Consent Agreement for the provision of municipal services if deemed necessary by the Town Engineer.
5. 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.

NOTE: All conditions are subject to the approval of The Town of the Amherstburg, but at no cost to the municipality.

Moved by: Josh Mailloux

Seconded by: Terris Buchanan

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

8. Next Meeting

The next Committee of Adjustment meeting is scheduled on April 5, 2022 at 7:30 a.m.

9. Adjournment

The meeting was adjourned at 8:45 a.m.

ORIGINAL DOCUMENT SIGNED

Chairman- Dave Cozens

ORIGINAL DOCUMENT SIGNED

Acting Secretary-Treasurer –
Janine Mastronardi

UNFINISHED BUSINESS LIST

| Council Question # | Agenda Item | Assigned To | Description | Meeting Type | Meeting Date | Comments |
|--------------------|---|----------------------------------|---|-------------------------|--------------|-------------------------------|
| CQ 20-002 | Live Music on Legion Patio from May to October - Laurie Cavanaugh, President, Royal Canadian Legion, Fort Malden Branch 157 | Valerie Critchley, Bill Tetler | Resolution # 20200113-006 McArthur/Prue That Administration BE DIRECTED to amend Noise By-law 2001-43 to allow commercial properties with patios to request seasonal exemptions to allow for outdoor music and to allow a reading of 70 decibels from the source of where music is produced. | Regular Council Meeting | 1/13/2020 | Public consultation required. |
| CQ 20-003 | Kingsbridge Subdivision Parkland Conveyance | Heidi Baillargeon, Rita Chappell | Resolution # 20200127-033 McArthur/Simone - amended motion That: The amended method of meeting parkland dedication requirements for the full Kingsbridge Subdivision development as outlined in the report from the Manager of Planning dated January 22, 2020 BE APPROVED; The conveyance of Parts 5 and 12 on the draft 12R plan (2.67 hectares) to 1078217 Ontario Limited in exchange for cash in lieu of parkland in the amount of \$66,170 BE APPROVED and the funds BE COMMITTED for use solely at Pat Thrasher Park; Part 6 on the draft 12R Plan (2.02 hectares) BE DESIGNATED as conservation lands and Administration BE DIRECTED to bring related amendment to the Zoning By-law (1999-52 as amended); Administration BE DIRECTED to explore opportunities for future development and upgrades to Pat Thrasher Park in consultation with the Parks and Recreation Advisory Committee and via community engagement. | Regular Council Meeting | 1/27/2020 | With Administration. |

Blue Shaded Items are completed and will be removed next meeting.

Green Shaded Items are actioned to come before council shortly.

UNFINISHED BUSINESS LIST

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| CQ 20-005 | NEW BUSINESS | Valerie Critchley, Bill Tetler | <p style="text-align: center;">Resolution # 20200309-096 Prue/Courtney</p> <p style="text-align: center;">That:</p> <p>1. Administration BE DIRECTED to bring back a report on vacant building registries and to investigate the City of Hamiltons by-law with respect to vacant buildings for discussion; and,</p> <p>2. Administration BE DIRECTED to bring back a report on an Agent of Change by-law for discussion.</p> | Regular Council Meeting | 3/9/2020 | Agent of Change Report Complete. See CQ 21-012. Vacant Building registries is under review. |
| CQ 20-006 | Water Bill Fee - Dennis Richardson | Tiffany Hong | <p style="text-align: center;">Resolution # 20200713-194 Prue/Renaud</p> <p style="text-align: center;">That Administration BE DIRECTED to bring back a report with respect to the feasibility of the following:</p> <p style="text-align: center;">Employee discretion when adding the administrative fee to past due water bills consideration of a 14 day grace period.</p> | Regular Council Meeting | 7/13/2020 | Report coming to Council in Q2 2022. |
| CQ 20-009 | NEW BUSINESS | Valerie Critchley, Bill Tetler | <p style="text-align: center;">Resolution #20200914-292 Courtney/Prue</p> <p style="text-align: center;">That Administration BE DIRECTED to bring back a report regarding regulating Air BnB's.</p> | Regular Council Meeting | 9/14/2020 | Administration will bring back a report with options. |
| CQ 20-011 | NEW BUSINESS | Melissa Osborne | <p style="text-align: center;">Resolution # 20200928-309 Prue/Simone</p> <p style="text-align: center;">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.</p> | Regular Council Meeting | 9/28/2020 | Administration is investigating the feasibility of a public art dedication fund. |

Blue Shaded Items are completed and will be removed next meeting.

Green Shaded Items are actioned to come before council shortly.

UNFINISHED BUSINESS LIST

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| CQ 20-014 | Easement Documentation and By-law 2020-059 - Nicole Keogh and Mary Canton, Amherst Point Association | Valerie Critchley, Bill Tetler | Resolution # 20201109-358 Prue/Meloche That Administration BE DIRECTED to prepare a report to determine costs and impacts for all Town encroachments and that the report be brought back to Council for consideration. | Regular Council Meeting | 11/9/2020 | Options will be brought back for consideration. |
| CQ 21-001 | Pending Playground Equipment Removal from Wigle and Briar Ridge Parks | Heidi Baillargeon, Rita Chappell | Resolution 20210208-031 Prue/McArthur That Administration BE DIRECTED to immediately begin public consultation on Briar Ridge and Jack Purdie parks for playground equipment to be funded from the Reserve Fund General. | Regular Council Meeting | 2/8/2021 | Administration is preparing public consultation. |
| CQ 21-003 | Off-Road Vehicle Use on Amherstburg Roadways | Valerie Critchley, Bill Tetler | Resolution # 20210308-070 McArthur/Simone That Administration BE DIRECTED to consult with the applicants as to the feasibility and desire to allow off-road vehicles on Amherstburg roads knowing that they won't be able to access County roads. | Regular Council Meeting | 3/8/2021 | Will coordinate a meeting with the Essex County ATV Club |
| CQ 21-011 | Indigenous Peoples Flag Proposal - Linden Crain, Amherstburg Resident | Heidi Baillargeon, Jennifer Ibrahim, Rita Chappell | Resolution # 20210614-190 Prue/Meloche That: The delegation BE RECEIVED; and, Administration BE DIRECTED to convene a meeting with First Nations representatives, both on and off the Reserve, to seek input on an Indigenous flag to be raised in the Town of Amherstburg with the costs to BE INCLUDED in the 2022 Budget. | Regular Council Meeting | 6/14/2021 | With Administration. |
| CQ 21-012 | Agent of Change Policies | Valerie Critchley, Bill Tetler | Resolution # 20210614-203 Prue/Courtney That Administration BE DIRECTED to prepare a by-law regarding Agent of Change as soon as possible. | Regular Council Meeting | 6/14/2021 | In Process |

Blue Shaded Items are completed and will be removed next meeting.

Green Shaded Items are actioned to come before council shortly.

UNFINISHED BUSINESS LIST

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| CQ 21-014 | Amherstburg Environmental Advisory Committee Minutes - June 9, 2021 | Heidi Baillargeon, Rita Chappell | Resolution # 20210712-241 Prue/Courtney Administration BE DIRECTED to bring back a report on how the Town can best utilize the trees received by ERCA, outline the costs associated, and outline where the trees can be planted in the Towns parklands. | Regular Council Meeting | 7/12/2021 | In Process |
| CQ 21-015 | NEW BUSINESS | Heidi Baillargeon, Rita Chappell | Resolution # 20210712-245 Courtney/Prue That Administration BE DIRECTED to prepare another concept of all of H. Murray Smith Park inclusive of greenspace in place of the former ACS building. | Regular Council Meeting | 7/12/2021 | In Process |
| CQ 22-01 | Letter of Support for Kitchener Resolution re. Fire Safety Measures - Town of Plympton-Wyoming | Tammy Fowkes | Resolution #20220124-12 Prue/Courtney That Administration BE DIRECTED to send correspondence in support of the City of Kitcheners resolution regarding Fire Safety Measures. | Regular Council Meeting | 1/24/2022 | Letter being drafted |
| CQ 22-02 | Integrated Management Plan for Plastics - Essex County Support for City of Windsor Resolution | Tammy Fowkes | Resolution # 20220214-23 Prue/Simone That the resolution from the City of Windsor regarding the Integrated Management Plan for Plastics BE SUPPORTED. | Regular Council Meeting | 2/14/2022 | |
| CQ 22-03 | Housing Affordability Task Force Report and Call to Re-examine Hospital Capital Funding - AMO Policy Update | Tammy Fowkes | Moved By Councillor Renaud Seconded By Deputy Mayor Meloche That: The correspondence dated February 8, 2022 regarding Housing Affordability Task Force Report and Call to Re-examine Hospital Capital Funding - AMO Policy Update BE RECEIVED; and, The work of AMO and its position to provide a coordinated response to the Housing Affordability Task Force Report BE SUPPORTED. | Regular Council Meeting | 2/14/2022 | |

Blue Shaded Items are completed and will be removed next meeting.

Green Shaded Items are actioned to come before council shortly.

UNFINISHED BUSINESS LIST

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| 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 | |
| CQ 22-05 | Libro Centre Outdoor Turf Upgrade Request - Terry Sawchuk, Jim Jariett, and Vancho Cirvoski, Amherstburg Minor Soccer Association (AMSA) | Terry Fasan, Heidi Baillargeon | Moved By Councillor Prue Seconded By Councillor Courtney That the delegation BE RECEIVED; and, Administration BE DIRECTED to bring back a report outlining the feasibility and costs to accomplish AMSA's outdoor turf upgrade requests. | Regular Council Meeting | 3/14/2022 | |
| CQ 22-06 | Consideration of Support for Windsor-Essex Workers - Town of Tecumseh Resolution | Tammy Fowkes | Moved By Councillor Prue Seconded By Councillor Renaud Item # 14.2 That correspondence BE SENT in support of the Town of Tecumsehs resolution regarding Consideration of Support for Windsor-Essex workers. | Regular Council Meeting | 3/14/2022 | |
| CQ 22-08 | Mental Health Supports - Township of Woolwich Resolution | Tammy Fowkes | Moved By Councillor Prue Seconded By Deputy Mayor Meloche Item # 14.6 That correspondence BE SENT in support of the Township of Woolwichs resolution regarding Mental Health Supports. | Regular Council Meeting | 3/14/2022 | |

Blue Shaded Items are completed and will be removed next meeting.

Green Shaded Items are actioned to come before council shortly.

UNFINISHED BUSINESS LIST

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| CQ 22-09 | 2022 Proclamation - Year of the Garden | Annette Zahaluk, Heidi Baillargeon | <p style="text-align: center;">Moved By Councillor Renaud Seconded By Councillor McArthur That</p> <p style="text-align: center;">The Town of Amherstburg PROCLAIM 2022 as the 'Year of the Garden' in celebration of the contribution of gardens and gardening to the development of our country, our municipality and the lives of our citizens in terms of health, quality of life and environmental challenges;</p> <p style="text-align: center;">June 18, 2022 BE RECOGNIZED as 'Garden Day' in the Town of Amherstburg as a legacy of Canada's Year of the Garden 2022; and,</p> <p style="text-align: center;">Administration BE DIRECTED to look into award signs for those property owners who partake in the 'Year of the Garden' celebration.</p> | Regular Council Meeting | 3/14/2022 | |
| CQ 22-10 | Fort Erie Resolution re. Climate Change Action Plan | Antonietta Giofu | <p style="text-align: center;">Resolution # 20220411-13 Prue/Courtney</p> <p style="text-align: center;">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.</p> | Regular Council Meeting | 4/11/2022 | |
| CQ 22-11 | NEW BUSINESS | Dan Monk | <p style="text-align: center;">Moved By Councillor McArthur Seconded By Councillor Prue</p> <p style="text-align: center;">That the correspondence forwarded to the Federal Government in November 2021 with respect to weather alerts be forwarded to the County of Essex.</p> | Regular Council Meeting | 4/11/2022 | Letter sent on April 20th, 2022 |

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. 2022 - 049**

**By-law to Appoint a Deputy Fire Chief for the Amherstburg
Fire Department**

WHEREAS the Council of the Corporation of the Town of Amherstburg is empowered by the Municipal Act, S.O. 2001, c. 25, and the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, to appoint a Fire Chief;

AND WHEREAS the Council of the Corporation of the Town of Amherstburg deems it expedient to appoint a Deputy Fire Chief to enforce the provisions of the said Acts;

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

- 1) That Ron Meloche be hereby appointed as Deputy Fire Chief of the Town of Amherstburg Fire Department, effective May 2, 2022.
- 2) That Ron Meloche be authorized to enforce the provisions of any applicable Acts or legislation and any other By-laws within the Town of Amherstburg.
- 3) That he shall have all the powers and duties as defined in respect to the Deputy Fire Chief duties.
- 4) The By-law 2016-56 is hereby repealed in its entirety on May 2, 2022.

Read a first, second and third time and finally passed this 25^h day of April, 2022.

Mayor -Aldo DiCarlo

Clerk – Valerie Critchley

**THE CORPORATION OF THE TOWN OF
AMHERSTBURG BY- LAW NO. 2022-050**

**By-law to Appoint an Assistant Deputy Fire Chief for the
Amherstburg Fire Department**

WHEREAS the Council of the Corporation of the Town of Amherstburg is empowered by the Municipal Act, S.O. 2001, c. 25, and the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, to appoint a Fire Chief;

AND WHEREAS the Council of the Corporation of the Town of Amherstburg deems it expedient to appoint an Assistant Deputy Fire Chief to enforce the provisions of the said Acts;

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

- 1) That Dan Monk be hereby appointed as Assistant Deputy Fire Chief of the Town of Amherstburg Fire Department, effective May 02, 2022.
- 2) That Dan Monk be authorized to enforce the provisions of any applicable Acts or legislation and any other By-laws within the Town of Amherstburg.
- 3) That he shall have all the powers and duties as defined in respect to the Deputy Fire Chief duties.
- 4) The By-law 2016-055 is hereby repealed effective May 2, 2022.

Read a first, second and third time and finally passed this 25th day of April, 2022.

Mayor - Aldo DiCarlo

Clerk – Valerie Critchley

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2022-051

**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 25th, 2022, meetings of Council, are hereby adopted and confirmed, as if the same were expressly contained in this By-law;
2. THAT the Mayor and proper officials of the Corporation of the Town of Amherstburg are hereby authorized and directed to do all things necessary to give effect to the action(s) of the Council of the Corporation of the Town of Amherstburg during the said meetings referred to in paragraph 1 of this By-law;
3. THAT the Mayor and Clerk are hereby authorized and directed to execute all documents necessary to the action taken by this Council as described in Section 1 of this By-law and to affix the Corporate Seal of the Corporation of the Town of Amherstburg to all documents referred to in said paragraph 1.

Read a first, second and third time and finally passed this 25th day of April, 2022.

MAYOR – Aldo DiCarlo

CLERK – Valerie Critchley