



## TOWN OF AMHERSTBURG REGULAR COUNCIL MEETING

### AGENDA

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Monday, June 13, 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.	<b>Regular &amp; Special In-Camera Council Meeting (Public) Minutes - May 9, 2022</b>	10
6.2.	<b>Regular Council Meeting Minutes - May 24, 2022</b>	24
6.3.	<b>Special In-Camera Council Meeting Minutes (Public) - May 24, 2022</b>	39

## 7. DELEGATIONS

- 7.1. Request for Public Boat Ramp at Ranta Park - Rodney Ferris, AMA Sportsmens' Association 43

That the delegation **BE RECEIVED**.

- 7.2. Request for Financial Audit - Nancy Atkinson, Amherstburg Taxpayers Association 44

That the delegation **BE RECEIVED**.

- 7.3. Request for the Town's Global Credit Rating - Diane Pouget 51

That the delegation **BE RECEIVED**.

## 8. REPORTS – CORPORATE SERVICES

There are no reports.

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

There are no reports.

## 10. REPORTS - ENGINEERING & INFRASTRUCTURE SERVICES

There are no reports.

## 11. REPORTS - DEVELOPMENT SERVICES

- 11.1. Heritage Register Additions 54

It is recommended that:

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

**11.2. Zoning By-law Amendment- 247 Brock Street**

86

It is recommended that:

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

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

94

It is recommended that:

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

**11.4. Removal of Part Lot Control- Kingsbridge Phases 5 and 10**

213

It is recommended that:

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

**11.5. Update and Potential Options for 320 Richmond Street** 230

It is recommended that:

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

**11.6. Site Plan and Development Agreement for 106 Gore Street** 253

It is recommended that:

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

**12. REPORTS - CAO's OFFICE**

**12.1. 2022 Amherstburg Chamber of Commerce Business Excellence Awards Sponsorship** 269

It is recommended that:

The report from the Chief Administrative Officer recommending a \$350.00 sponsorship to the Amherstburg Chamber of Commerce Business Excellence Awards 2022 **BE APPROVED**.

**12.2. RE/ACT Drive to Thrive Golf Tournament Donation** 272

It is recommended that:

The report from the Chief Administrative Officer recommending a \$350.00 donation, and limited in-kind services, to assist in the promotion and awareness of the annual RE/ACT 'Drive to Thrive' Golf Tournament for 2022 **BE APPROVED**.

**12.3. 2022 Special Events Approval – Part IV**

275

It is recommended that:

1. The following events **BE APPROVED**:

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

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

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

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

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

- Police & Fire Games 2022

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

**12.4. Amherstburg Emergency Response Plan 2022 Update**

284

It is recommended that:

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

### **13. INFORMATION REPORTS**

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

<b>13.1.</b>	<b>Resignation from the Amherstburg Environmental Advisory Committee</b>	<b>396</b>
<b>13.2.</b>	<b>Annual Treasurer's Report – 2021 Council and Appointee Statement on Remuneration and Expenses</b>	<b>399</b>
<b>13.3.</b>	<b>2021 Year End (Q4) Budget to Actual Projections</b>	<b>404</b>

### **14. CONSENT CORRESPONDENCE**

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

<b>14.1.</b>	<b>2022-2026 Windsor-Essex Regional Community Safety and Well-Being Plan - Sylvia Jones, Solicitor General</b>	<b>408</b>
<b>14.2.</b>	<b>Voter's List Information to Candidates - Town of The Blue Mountains Resolution</b>	<b>410</b>
<b>14.3.</b>	<b>Voluntary Russian Sanction Request - Niagara Region Resolution</b>	<b>411</b>
<b>14.4.</b>	<b>Bidding War on Apartment Rentals - Town of Fort Erie Resolution</b>	<b>413</b>
<b>14.5.</b>	<b>Community Schools Alliance Action Plan - Municipality of Shuniah Resolution</b>	<b>415</b>
<b>14.6.</b>	<b>Federal and Provincial Documents Related to the Former Mohawk Institute Residential School - City of Brantford Resolution</b>	<b>416</b>
<b>14.7.</b>	<b>Energy Performance Tiers - City of Kitchener Resolution</b>	<b>419</b>
<b>14.8.</b>	<b>Annual Emergency Exercise Exemption - District of Muskoka Resolution</b>	<b>421</b>
<b>14.9.</b>	<b>Plan to Tax Vacant Foreign Owned Properties - Town of Fort Erie Resolution</b>	<b>425</b>

15. OTHER MINUTES

15.1. Drainage Board Meeting Minutes - June 7, 2022

427

It is recommended that:

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

16. UNFINISHED BUSINESS

16.1. Unfinished Business List as at June 13, 2022

505

17. NEW BUSINESS

18. NOTICE OF MOTION

There are no Notices of Motion.

19. BY-LAWS

19.1. **By-law 2022-064 - Confirmatory By-law**

510

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



**20. ADJOURNMENT**

That Council rise and adjourn at     p.m.



**TOWN OF AMHERSTBURG  
REGULAR COUNCIL MEETING**

**Monday, May 9, 2022  
6:00 PM**

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

**MINUTES**

**PRESENT**

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

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

**ABSENT**

Councillor Peter Courtney

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**CALL TO ORDER**

The Mayor called the meeting to order at 6:01 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.

## **MINUTES OF PREVIOUS MEETING**

Resolution # 20220509-01

**Moved By** Deputy Mayor Meloche

**Seconded By** Councillor Simone

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

- 5.1 Special In-Camera Meeting Minutes - April 6, 2022**
- 5.2 Special Council Meeting Minutes - Planning - April 25, 2022**
- 5.3 Regular Council Meeting Minutes - April 25, 2022**

The Mayor put the Motion.

**Motion Carried**

## DELEGATIONS

### 6.1 Request for Approval of Public Art in Downtown Amherstburg - Richard Peddie and Jennifer Matotek

Resolution # 20220509-02

**Moved By** Councillor Prue

**Seconded By** Councillor McArthur

**That:**

1. The delegation **BE RECEIVED**; and,
2. Administration **BE DIRECTED** to work with AWE in order to finalize the locations for the art installations and to have the project installed as soon as possible.

The Mayor put the Motion.

**Motion Carried**

## PRESENTATIONS

### 7.1 2022-2023 Official Visitors Guide - Gordon Orr, CEO, Lynnette Bain, Vice President of Destination Development, and Jason Toner, Director of Marketing and Communications, TWEPI

Resolution # 20220509-03

**Moved By** Deputy Mayor Meloche

**Seconded By** Councillor Simone

**That the presentation BE RECEIVED.**

The Mayor put the Motion.

**Motion Carried**

## REPORTS - PARKS, FACILITIES, RECREATION & CULTURE

### 8.1 Windsor River Cruises 2022 Agreement

Resolution # 20220509-04

**Moved By** Councillor Prue  
**Seconded By** Councillor Renaud

**That the CAO BE AUTHORIZED to negotiate and execute an agreement for the 2022 season, and for future cruise operating seasons, between the Town of Amherstburg and Windsor Premier Cruises and/or other cruise operators docking at Kings Navy Yard Park south location provided that the agreements are satisfactory in technical content and form to the Directors of Parks Facilities, Recreation and Culture, Corporate Services, and Legislative Services/Town Clerk.**

The Mayor put the Motion.

**Motion Carried**

## **8.2 LeBlanc Pro Shop Lease Extension**

Resolution # 20220509-05

**Moved By** Deputy Mayor Meloche  
**Seconded By** Councillor Simone

**That the CAO BE AUTHORIZED to finalize a two-year extension of the current lease agreement between Marc LeBlanc Owner and Operator of The Skate Shop and the Town for the use of space at the Libro Recreation Centre for the purpose of skate sharpening operations; and that the lease agreement be to the satisfaction of the Town Solicitor, Clerk and Director of Parks Facilities, Recreation and Culture.**

The Mayor put the Motion.

**Motion Carried**

## **REPORTS – CORPORATE SERVICES**

There were no reports.

**REPORTS - ENGINEERING & INFRASTRUCTURE SERVICES**

**10.1 McLeod Avenue Reconstruction – 3rd Concession South to Lakewood Drive - Tender Results**

Resolution # 20220509-06

**Moved By** Councillor Prue  
**Seconded By** Councillor Simone

**That:**

- 1. The tender for the McLeod Avenue Reconstruction BE AWARDED to J&J Lepera Infrastructures for an amount not to exceed \$1,175,000.00 plus HST; and,**
- 2. The Mayor and Clerk BE AUTHORIZED to execute an agreement with J&J Lepera Infrastructures for the McLeod Avenue Reconstruction.**

The Mayor put the Motion.

**Motion Carried**

**10.2 South Riverview Drive Reconstruction – Beneteau Drive to 2nd Concession North - Tender Results**

Resolution # 20220509-07

**Moved By** Councillor Simone  
**Seconded By** Councillor McArthur

**That:**

- 1. The tender for the South Riverview Drive Reconstruction BE AWARDED to Rudak Excavating Inc. for an amount not to exceed \$773,600.00 plus HST; and,**
- 2. The Mayor and Clerk BE AUTHORIZED to execute an agreement with Rudak Excavating Inc. for the South Riverview Drive Reconstruction.**

The Mayor put the Motion.

**Motion Carried**

## REPORTS - DEVELOPMENT SERVICES

### 11.1 106 Gore Street – Demolition Request and Removal from Heritage Register

Resolution # 20220509-08

**Moved By** Councillor Prue

**Seconded By** Deputy Mayor Meloche

**That Council APPROVE the demolition request, and removal from the Heritage Register of 106 Gore Street.**

The Mayor put the Motion.

**Motion Carried**

### 11.2 Electric Vehicle Charging Station – Charge UP Windsor Essex Grant

Resolution # 20220509-09

**Moved By** Councillor Prue

**Seconded By** Councillor Simone

**That:**

1. **The Chief Administrative Officer and Director of Development Services BE AUTHORIZED to apply to the *Charge UP Windsor-Essex County grant*, for the installation of up to four Level 2 dual port Electric Vehicle Charging stations (EV), subject to the documents being satisfactory in legal form to the Clerk, in technical content to the Director of Infrastructure Services and in financial content to the Chief Financial Officer;**
2. **Council DIRECT Administration to seek opportunities for in-kind and or sponsorship opportunities for the project;**
  - i. **Council DIRECT Administration to ensure the Town’s total cost for capital and 1 year of operational costs does not exceed \$120,000, plus any sponsorship funding;**
  - ii. **Council APPROVE the an amendment, noted in italics, to Resolution 20220425-07**
    - a. **That \$120,000 BE DEDICATED and BE FUNDED from either reserves or as a pre-commitment to the 2023 Capital Budget, whichever is deemed best by Administration after performing its due diligence following the delivery of the 2021 year-end**

**audit, to allow the Town to apply for the available Federal grant which will offset the cost of the charging stations**

- iii. **Council APPROVE the following recommendations upon written confirmation of the Town being awarded the grant funding:**
- a. **That the Chief Administrative Officer and Clerk BE AUTHORIZED to sign and execute any agreements, declarations or approvals required resulting from receiving funding under the Charging UP Windsor-Essex County grant, satisfactory in financial content to the Chief Financial Officer, and in technical content to the Director of Infrastructure Services and;**
  - b. **That Council DELEGATE authority to the Chief Administrative Officer to approve the final EV project scope and deliverables to maximize use of the grant and the Town's \$120,000, plus any sponsorship funding and;**
  - c. **That the Chief Administrative Officer and the Clerk BE AUTHORIZED to take any such action required to effect the recommendations noted above and sign any required documentation/agreement(s) for the implementation of the EV Charging Stations, satisfactory in legal form to the Clerk, in technical content to Director of Infrastructure Services and in financial content to the Chief Financial Officer; and further**
  - d. **That Council DELEGATE authority to the Chief Administrative Officer and Clerk to negotiate, sign and execute any agreements, declarations or approvals required resulting from receiving any in-kind and/or sponsorship funding for the implementation and or operational costs for the EV charging stations, satisfactory in financial content to the Chief Financial Officer, and in technical content to the Director of Development Services and;**
  - e. **That Council DELEGATE authority to the Chief Administrative Officer to award and issue purchase orders and or sign and execute any agreements as may be required for the necessary services to execute the scope of work for the EV project and;**
  - f. **That Council APPROVE a charging cost of \$2.00/hour for Level 2 and \$.50/minute for Level 3 charging stations, to be revisited**



after the first 12 months of activation, and that those funds be directed to an EV reserve fund.

The Mayor put the Motion.

**Motion Carried**

## **REPORTS - CAO's OFFICE**

### **12.1 2022 Tanker Firefighting Apparatus Tender Results**

Resolution # 20220509-10

**Moved By** Councillor Renaud

**Seconded By** Deputy Mayor Meloche

**That:**

- 1. The report from the Fire Chief dated April 29, 2022 regarding the 2022 Tanker Firefighting Apparatus Tender Results BE RECEIVED;**
- 2. The purchase of 1 Tanker/Pumper firefighting apparatus BE AWARDED to Fort Garry Fire Trucks Ltd., BE at a total maximum cost of \$570,651.00 CAD plus HST, to be funded from 2022 Capital Budget and the prior year contributions to the Working Capital Reserve for Fire Major Equipment, and the Treasurer BE AUTHORIZED to execute the purchase;**
- 3. The Treasurer BE AUTHORIZED to proceed with the Sale of Engine 1B (1995 Spartan) and use the proceeds to fund the deficit of \$10,651.00 and place the remaining proceeds into the Working Capital Reserve for Fire Major Equipment; and,**
- 4. The Mayor and Clerk BE AUTHORIZED to enter into an agreement with Fort Garry Fire trucks Ltd. 53 Bergen Cutoff Road, Winnipeg, Manitoba R3C 2E6 and execute all necessary documents for the purchase of 1Tanker Firefighting Apparatus.**

The Mayor put the Motion.

**Motion Carried**

## **INFORMATION REPORTS**

There were no reports.

## **CONSENT CORRESPONDENCE**

Resolution # 20220509-11

**Moved By** Councillor Prue

**Seconded By** Councillor McArthur

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

**14.1 Bill 109 - More Homes Act for Everyone - Township of Cramahe Resolution**

**14.2 Build it Right the First Time - Town of Halton Hills Resolution**

The Mayor put the Motion.

**Motion Carried**

Resolution # 20220509-12

**Moved By** Councillor Prue

**Seconded By** Councillor McArthur

**That the Town of Amherstburg SUPPORT Item # 4.2.**

The Mayor put the Motion.

**Motion Carried**

## **CORRESPONDENCE**

**15.1 International Day Against Homophobia and Transphobia - May 17, 2022**

Resolution # 20220509-13

**Moved By** Councillor McArthur

**Seconded By** Councillor Simone

**That:**

**1. The correspondence regarding International Day Against Homophobia and Transphobia BE RECEIVED;**

2. **May 17, 2022 BE PROCLAIMED as International Day Against Homophobia and Transphobia and,**
3. **The pride flag BE PRUCHASED, in the amount of \$15.00, to be raised on May 17, 2022.**

The Mayor put the Motion.

**Motion Carried**

## **CONSENT OTHER MINUTES**

Resolution # 20220509-14

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

**That the following minutes BE RECEIVED:**

- 16.1 **Amherstburg Environmental Advisory Committee Meeting Minutes - April 13, 2022**
- 16.2 **Co-An Park Committee Meeting Minutes - April 13, 2022**
- 16.3 **Heritage Committee Meeting Minutes - April 14, 2022**

The Mayor put the Motion.

**Motion Carried**

## **OTHER MINUTES**

- 17.1 **Drainage Board Meeting Minutes - May 3, 2022**

Resolution # 20220509-15

**Moved By** Councillor Renaud  
**Seconded By** Deputy Mayor Meloche

**That:**

1. **The Drainage Board Meeting Minutes of May 3, 2022, BE RECEIVED;**
2. **The engineer's report for the Bridges Over the 7<sup>th</sup> Concession Drain North BE CONSIDERED;**

3. **By-law 2022-052 being a by-law to provide for the Bridges Over the 7<sup>th</sup> Concession Drain North based on the Drainage Report by RC Spencer Associates Inc. BE PROVISIONALLY ADOPTED by giving first and second reading and the Mayor and Clerk BE AUTHORIZED to sign same;**
4. **The request from Brad and Lindy Paquette for the replacement of an existing access bridge over the Ong Drain per 78 of the Drainage Act BE ACCEPTED, as recommended by the Drainage Board, and;**
5. **The firm of Rood Engineering Inc. BE APPOINTED to complete the necessary report for the repair and improvement to the Ong Drain, as recommended by the Drainage Board.**

The Mayor put the Motion.

**Motion Carried**

### **UNFINISHED BUSINESS**

There was no discussion.

### **NEW BUSINESS**

1. Councillor Prue raised the issue of citizens having interest in having a public boat ramp somewhere in the Town of Amherstburg and Administration advised this concept was being researched.
2. Councillor Prue raised an issue with respect to falling walnuts on Cherrylawn Boulevard and the Director of Engineering & Infrastructure Services advised that she would reach out to the citizen involved.

### **NOTICE OF MOTION**

There were no Notices of Motion.

**BY-LAWS**

**21.1 By-law 2022-022 - To Amend Zoning By-law 1999-52 for 225 & 255 Sandwich Street North**

Resolution # 20220509-16

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

**That By-law 2022-022 being a by-law to Amend Zoning By-law 1999-52 for 225 & 255 Sandwich Street North be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.**

The Mayor put the Motion.

**Motion Carried**

**21.2 By-law 2022-053 - Confirmatory By-law**

Resolution # 20220509-17

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

**That By-law 2022-053 being a by-law to Confirm all Resolutions of the Municipal Council Meeting held on May 9, 2022 be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.**

The Mayor put the Motion.

**Motion Carried**

**SPECIAL IN-CAMERA COUNCIL MEETING**

Resolution #20220509-18

**Moved By** Deputy Mayor Meloche  
**Seconded By** Councillor Renaud

**That Council move into an In-Camera Meeting of Council at 5:30 p.m. pursuant to Section 239 of the *Municipal Act*, 2001, as amended, for the following reason:**

**Item A – Section 239(2)(h) – Information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory, or a Crown Agency of any of them.**

The Mayor put the Motion.

**Motion Carried**

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

*(Special In-Camera Council Meeting Agenda)*

There were no disclosures of pecuniary interest noted.

## **ADJOURNMENT FROM SPECIAL IN-CAMERA MEETING at 7:10 p.m.**

## **RESUMPTION OF REGULAR COUNCIL MEETING**

**Moved By** Councillor Simone

**Seconded By** Councillor Renaud

**That Council resume Regular Session at 7:11pm.**

The Mayor put the Motion.

**Motion Carried.**

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

Council met on May 9, 2022 for a Special In-Camera Meeting at 5:30 p.m. and discussed the following items as provided for under Section 239 of the *Municipal Act, 2001*, as amended:

**Item A** – was heard under Section 239(2)(h) of the Act. There is nothing further to report.

**ADJOURNMENT**

**Moved By** Councillor McArthur  
**Seconded By** Councillor Renaud

**That Council rise and adjourn at 7:12 p.m.**

The Mayor put the Motion.

**Motion Carried**

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MAYOR – ALDO DICARLO

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CLERK – VALERIE CRITCHLEY



**TOWN OF AMHERSTBURG  
REGULAR COUNCIL MEETING**

**Tuesday, May 24, 2022  
6:00 PM**

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

**MINUTES**

**PRESENT**

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

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

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**CALL TO ORDER**

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

**NATIONAL ANTHEM**



## **ROLL CALL**

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

The Mayor declared a conflict on Item # 9.2 as he owns property within 100 meters of Jack Purdie Park.

### **LAND ACKNOWLEDGEMENT**

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

### **MINUTES OF PREVIOUS MEETING**

Resolution # 20220524-01

**Moved By** Councillor Simone

**Seconded By** Councillor Renaud

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

- 6.1 Special Council Meeting Minutes (Capital Budget) of February 22, 2022**
- 6.2 Special Council Meeting (Planning) Minutes of May 9, 2022.**

The Mayor put the Motion.

**Motion Carried**

## DELEGATIONS

### 7.1 Drive to Thrive Annual Event Sponsorship - Mandy Luckino, REACT Windsor-Essex

Resolution # 20220524-02

**Moved By** Councillor Simone

**Seconded By** Councillor Renaud

**That the delegation BE RECEIVED.**

The Mayor put the Motion.

**Motion Carried**

### 7.2 Music Off the Back Porch - Laurie Cavanaugh, Royal Canadian Legion, Fort Malden Branch

Resolution # 20220524-03

**Moved By** Councillor Prue

**Seconded By** Deputy Mayor Meloche

**That the delegation BE RECEIVED.**

The Mayor put the Motion.

**Motion Carried**

### 7.3 Amendment to Noise By-law 2001-43 Report - Gary and Carmelina Wellman

Resolution # 20220524-04

**Moved By** Councillor McArthur

**Seconded By** Councillor Simone

**That the delegation BE RECEIVED.**

The Mayor put the Motion.

**Motion Carried**

*Agenda Item # 12.4 was moved forward.*

## 12.4 Amendment to By-law 2001-43

Resolution # 20220524-05

**Moved By** Councillor McArthur  
**Seconded By** Councillor Simone

**That:**

1. **The report from the Manager of Licensing and Enforcement dated April 21, 2022 regarding an amendment to By-law 2001-43 BE RECEIVED for information;**
2. **Administration BE DIRECTED to encourage, educate and work with entities or individuals who are planning outdoor entertainment events to apply for a noise exemption for each outdoor entertainment event that has the potential to violate *By-law 2001-43, A By-law Respecting the Emission of Sound in the Town of Amherstburg*;**
3. **Administration BE DIRECTED to amend By-law 2001-43 to include within the noise exemption application process a provision that the applicant pay the cost of placing notice of such waivers in the local newspaper and that the notice be placed on the Town website;**
4. **Administration BE DIRECTED to develop and conduct public education regarding the By-law 2001-43; and,**
5. **Resolution 20200113-006 BE RESCINDED.**

The Mayor put the Motion.

**Motion Carried**

## REPORTS – CORPORATE SERVICES

There were no reports.

## REPORTS - PARKS, FACILITIES, RECREATION AND CULTURE

### 9.1 Libro Re-piping Kube System – Tender Award

Resolution # 20220524-06

**Moved By** Councillor Courtney  
**Seconded By** Deputy Mayor Meloche

**That:**

1. Council **APPROVE** a reallocation of funds from Capital Project LIBRO – 006 Light Standards and LIBRO-007 Replace Lexon Panels which will no longer be completed in order to fund LIBRO-005, Re-pipe Kube System that was tendered and is over budget and further;
2. Tender #2022-017 Libro Centre Piping Replacement be **APPROVED** in the amount of \$222,000 plus HST and awarded to low bidder WINMECH LTD to supply all labour and materials to completely replace existing failing piping for the Kube System as outlined in Tender 2022-017 and further;
3. The Mayor and the Town Clerk **BE AUTHORIZED** to sign a contract in the amount of \$222,000.00 inclusive of contingency with low bidder (WINMECH LTD) satisfactory in form to the Town Clerk, financial content to the Chief Financial Officer, and technical content to the Director Parks, Facilities, Recreation and Culture.

The Mayor put the Motion.

**Motion Carried**

The Mayor vacated the Chair for Agenda Item #9.2 as he was in conflict and the Deputy Mayor assumed the Chair at 7:26 p.m.

### 9.2 Playground Design, Supply and Installation for Jack Purdie and Briar Ridge Park RFP #2022-011

Resolution # 20220524-07

**Moved By** Councillor McArthur  
**Seconded By** Councillor Simone

**That:**

1. **The Mayor and the Town Clerk BE AUTHORIZED to sign a contract with New World Park Solutions to an upset limit of \$550,000 for the complete design, supply and installation of playground equipment and site servicing including site preparation work at Jack Purdie and Briar Ridge parks satisfactory in form to the Town Clerk, financial content to the Chief Financial Officer, and technical content to the Director Parks, Facilities, Recreation and Culture;**
2. **\$550,000 BE FUNDED from the Parks Reserve Fund as per Council Resolution 20210208-031; and,**
3. **Council DELEGATE authority to the Chief Administrative Officer to award and issue purchase orders and/or sign and execute any agreements as may be required for the necessary services to execute the scope of work for the Playground replacement project at Jack Purdie and Briar Ridge parks.**

The Deputy Mayor put the Motion.

**Motion Carried**

The Mayor assumed the Chair at 7:31 p.m and the Deputy Mayor returned to his seat at the Council table.

## **REPORTS - INFRASTRUCTURE SERVICES**

### **10.1 Transit Service – Transit Windsor Pilot Project**

Resolution # 20220524-08

**Moved By** Councillor McArthur

**Seconded By** Councillor Prue

**That:**

1. **Administration BE DIRECTED to proceed with a 2-year transit service pilot with Transit Windsor that includes Option 3 routing for weekdays and weekends year round;**
2. **The Chief Administrative Officer and the Clerk BE AUTHORIZED to take any such action required to effect the recommendation noted above and sign any required documentation/agreement(s) for the implementation of the 2-year transit service pilot, satisfactory in legal form to the Clerk, in technical content to Director of Infrastructure**

Services and in financial content to the Chief Financial Officer; and further;

3. An estimated operational expenditure of \$200,000 and \$150,000 BE APPROVED as a first charge to the 2023 and 2024 Operating Budget respectively for the 2-year transit service pilot project;
4. Council DIRECT Administration to seek any grant opportunities for the project:
  - a. That Administration BE APPROVED to submit an application for grant opportunities available for the project and;
  - b. That the Clerk and Mayor BE AUTHORIZED to sign agreements for grant opportunities offered.

The Mayor put the Motion.

**Motion Carried**

## 10.2 2nd Concession North Engineering Services – Request for Proposal Results

Resolution # 20220524-09

**Moved By** Deputy Mayor Meloche  
**Seconded By** Councillor Renaud

**That:**

1. The engineering services for the rehabilitation / reconstruction of 2<sup>nd</sup> Concession North from South Riverview Drive to County Road 10 BE AWARDED to Hrycay Consulting Engineers Inc.;
2. An over-expenditure of \$13,005 BE APPROVED for a total not to exceed \$138,005.00 (including net HST) to be funded as outlined in the report from the Manager of Engineering dated May 24<sup>th</sup>, 2022; and,
3. The Mayor and Clerk BE AUTHORIZED to execute an agreement with Hrycay Consulting Engineers Inc. for the Engineering Services for 2<sup>nd</sup> Concession North Rehabilitation / Reconstruction.

The Mayor put the Motion.

**Motion Carried**

### 10.3 Acceptance and Assumption of Kingsbridge Sanitary Trunk Sewer

Resolution # 20220524-010

**Moved By** Deputy Mayor Meloche

**Seconded By** Councillor McArthur

**That:**

1. **The recommendations of the consulting engineer, Baird AE regarding the assumption of the Kingsbridge Sanitary Trunk Sewer on Maintenance BE ACCEPTED; and,**
2. **The Kingsbridge Sanitary Trunk Sewer BE ACCEPTED AND ASSUMED.**

The Mayor put the Motion.

**Motion Carried**

### REPORTS - DEVELOPMENT SERVICES

#### 11.1 Site Plan and Development Agreement- 225 Sandwich St N, Riverview Apartments Phase 1

Resolution # 20220524-11

**Moved By** Councillor Renaud

**Seconded By** Deputy Mayor Meloche

**That:**

1. **The Site Plan and Development Agreement with 1603941 Ontario Inc. for 225 Sandwich Street North BE APPROVED subject to being satisfactory in technical content to the Director of Development Services, financial content to the Director of Corporate Services and Chief Financial Officer and in form and legal content to the Director of Legislative Services/Clerk; and,**
2. **By-law 2022-055 being a by-law to authorize the signing of the Development Agreement be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign the same.**

The Mayor put the Motion.

**Motion Carried**

**11.2 Official Plan Amendment No. 14 for 247 Brock Street**

Resolution # 20220524-12

**Moved By** Councillor Simone

**Seconded By** Deputy Mayor Meloche

**That Official Plan Amendment No. 14, attached to this report as Appendix “E”, BE ADOPTED by Council and forwarded to the County of Essex.**

The Mayor put the Motion.

**Motion Carried**

**REPORTS - CAO's OFFICE**

**12.1 Naloxone use by First Responders and available in the Municipal Workplaces**

Resolution # 20220524-13

**Moved By** Councillor Renaud

**Seconded By** Deputy Mayor Meloche

**That:**

- 1. Council authorization BE GIVEN for the execution of a Naloxone Distribution Agreement with Board of Health of the Windsor-Essex County Health Unit; and,**
- 2. The Fire Chief BE AUTHORIZED to implement the Naloxone program as outlined in the report of May 2, 2022 entitled Naloxone use by First Responders and available in the Municipal Workplaces.**

The Mayor put the Motion.

**Motion Carried**

**12.2 2022 Special Events Approval – Part III**

Resolution # 20220524-14

**Moved By** Councillor McArthur

**Seconded By** Councillor Simone

**That:**



1. **The following events BE APPROVED:**
  - i. **Canadian Cancer Society-Relay for Life: June 11, 2022**
  - ii. **Canada D'Eh 5K Run – July 1, 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:**
  - i. **Canadian Cancer Society – Relay for Life**
  - ii. **Canada D'Eh 5K Run**
3. **The following events BE EXEMPT and PERMITTED for road closures to begin prior to 5pm:**
  - i. **Canada D'Eh 5K Run**
4. **The fee waiver requests BE APPROVED as follows:**
  - i. **Canadian Cancer Society: \$923.89**
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 Mayor put the Motion.

**Motion Carried**

### **12.3 Appointment to the Dangerous Dog Appeal Committee**

Resolution # 20220524-15

**Moved By** Councillor Renaud  
**Seconded By** Councillor Prue

**That:**

1. **Section 3.4 of the Town's Boards and Committee's Appointment Policy BE WAIVED; and,**
2. **Tony Pietrangelo BE APPOINTED to serve on the Dangerous Dog Appeal Committee.**

The Mayor put the Motion.

**Motion Carried**

**12.4 Amendment to By-law 2001-43**

*As dealt with after Agenda Item # 7.3*

**13. INFORMATION REPORTS**

Resolution # 20220524-16

**Moved By** Councillor Simone

**Seconded By** Councillor Renaud

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

**13.1 Resignation from the Parks and Recreation Advisory Committee**

The Mayor put the Motion.

**Motion Carried**

**CONSENT CORRESPONDENCE**

Resolution # 20220524-17

**Moved By** Deputy Mayor Meloche

**Seconded By** Councillor Simone

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

**14.1 17<sup>th</sup> Annual Amherstburg Chamber of Commerce Business Excellence Awards Sponsorship Opportunity BE RECEIVED; and,**

**That a donation of \$350 be made to the 17th Annual Amherstburg Chamber of Commerce Business Excellence Awards.**

**14.2 Endorsement of Active School Travel Charter for Windsor-Essex County - County of Essex BE RECEIVED.**

The Mayor put the Motion.

**Motion Carried**

## **CORRESPONDENCE**

### **15.1 Recognizing National AccessAbility Week and Raising a Regional Accessibility Flag - Essex County Accessibility Advisory Committee**

Resolution # 20220524-18

**Moved By** Councillor Simone

**Seconded By** Councillor Renaud

**That:**

- 1. The Town PROMOTE education and awareness of National AccessAbility Week to its staff and through its social media platforms between May 29, 2022 and June 4, 2022; and,**
- 2. The Regional Accessibility Flag BE RAISED AND FLOWN from May 29, 2022 to June 4, 2022 to recognize National Accessibility Week.**

The Mayor put the Motion.

**Motion Carried**

### **15.2 2022 Emancipation Proclamation and Commemoration in Town of Amherstburg - Amherstburg Freedom Museum**

Resolution # 20220524-19

**Moved By** Councillor Simone

**Seconded By** Councillor Renaud

**That August 1, 2022, BE PROCLAIMED Emancipation Day in the Town of Amherstburg.**

The Mayor put the Motion.

**Motion Carried**

## **CONSENT OTHER MINUTES**

Resolution # 20220524-20

**Moved By** Deputy Mayor Meloche

**Seconded By** Councillor Simone

**That the following minutes BE RECEIVED:**

### **16.1 Co-An Park Committee Meeting Minutes of April 13, 2022**

**16.2 Co-An Park Committee Minutes of May 11, 2022**

**16.3 Parks and Recreation Advisory Committee Meeting Minutes of March 30, 2022**

**16.4 Amherstburg Accessibility Advisory Committee Meeting Minutes of May 4, 2022**

The Mayor put the Motion.

**Motion Carried**

**UNFINISHED BUSINESS**

There was no discussion regarding the Unfinished Business List.

**NEW BUSINESS**

1. Deputy Mayor Meloche noted that the past weekend saw many people fishing in Kings Navy Yard Park in violation of the Town's by-laws and asks that By-law Enforcement monitor this activity.

The Manager of By-law Enforcement indicated that his division is aware of the activity, is monitoring it daily and is working with residents to educate them regarding the applicable by-laws.

**NOTICE OF MOTION**

There were no Notices of Motion.

**BY-LAWS**

**21.1 By-law 2022-054 - Appointment of Building Officials and Inspectors**

Resolution # 20220524-21

**Moved By** Deputy Mayor Meloche

**Seconded By** Councillor Renaud

**That By-law 2022-054 being a by-law to appoint a Chief Building Official and Inspectors, for the enforcement of the Building Code Act, 1992, as**

**amended, 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.**

The Mayor put the Motion.

**Motion Carried**

**21.2 By-law 2022-058 - Confirmatory By-law**

Resolution # 20220524-22

**Moved By** Deputy Mayor Meloche

**Seconded By** Councillor Renaud

**That By-law 2022-058 being a by-law to Confirm all Resolutions of the Municipal Council Meetings held on May 24, 2022, be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.**

The Mayor put the Motion.

**Motion Carried**

**ADJOURNMENT**

**Moved By** Councillor Courtney  
**Seconded By** Councillor Renaud

**That Council rise and adjourn at 8:16 p.m.**

The Mayor put the Motion.

**Motion Carried**

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MAYOR – ALDO DICARLO

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CLERK – VALERIE CRITCHLEY



**TOWN OF AMHERSTBURG**  
**SPECIAL IN-CAMERA COUNCIL MEETING**  
**PUBLIC MINUTES**  
**Tuesday, May 24, 2022**  
**4:00 PM**

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

**MINUTES**

**PRESENT**

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

Peter Simmons, CAO  
Valerie Critchley, Director, Legislative Services/Clerk  
Heidi Baillargeon, Director, Parks, Facilities, Recreation  
& Culture  
Melissa Osborne, Director, Development Services

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**CALL TO ORDER**

The Mayor called the meeting to order at 4:04 pm.

## ROLL CALL

### SPECIAL IN-CAMERA COUNCIL MEETING

Resolution # IC 20220524-01

**Moved By** Councillor Renaud

**Seconded By** Deputy Mayor Meloche

**That Council move into an In-Camera Meeting of Council at 4:05 p.m. pursuant to Section 239 of the *Municipal Act, 2001*, as amended, for the following reasons:**

**Item A – Potential Sale of Town Property – Section 239(2)(c) – a proposed or pending acquisition or disposition of land by the municipality or local board.**

**Item B – Labour Arbitration Matters about Identifiable Individuals – Section 239(2)(b) – personal matters about an identifiable individual. Including municipal or local board employees; Section 239(2)(d) – labour relations or employee relations; Section 239(2)(e) – litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and Section 239(2)(f) – advice that is subject to solicitor-client privilege, including communications necessary for that purpose.**

**Item C – Employment Matter about an Identifiable Individual – Section 239(2)(b) – personal matters about an identifiable individual. Including municipal or local board employees.**

The Mayor put the Motion.

**Motion Carried**

### DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

There were no disclosures of pecuniary interest noted.

*Discussion on In-Camera Items A-C.*



**Moved By** Deputy Mayor Meloche  
**Seconded By** Councillor Prue

**That Council rise from closed session and move into open session at 5:03 p.m.**

The Mayor put the Motion.

**Motion Carried**

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

Council met on May 24, 2022 for a Special In-Camera Meeting at 4:05p.m. and discussed the following items as provided for under Section 239 of the *Municipal Act, 2001*, as amended:

**Item A – Potential Sale of Town Property** was heard under Section 239(2)(c) of the Act. There is nothing further to report.

**Item B – Labour Arbitration Matters about Identifiable Individuals** was heard under Sections 239(2)(b)(d)(e) and (f) of the Act. There is nothing further to report.

**Item C – Employment Matter about an identifiable individual** was heard under Section 239(2)(b) of the Act. There is nothing further to report.

**ADJOURNMENT**

**Moved By** Councillor Courtney  
**Seconded By** Councillor Renaud

**That Council rise and adjourn at 5:04 p.m.**

The Mayor put the Motion.

**Motion Carried**

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MAYOR – ALDO DICARLO

---

CLERK – VALERIE CRITCHLEY

## Ranta park

The Amherstburg, Malden and Anderdon Sportsmens' Association has launched a petition to put forward to the town of Amherstburg on behalf of the citizens of the town, and surrounding area to consider the Ranta park at 1500 Front road north as the location of a public boat ramp and parking area.

The park land could be transformed into a public boat launch and access for canoes and kayaks. Amherstburg needs and deserves public access to the local navigable water ways that run west of town.

So much of Amherstburg's identity is being lost because many boaters and sports paddlers have no place to put in publicly for just one day or a weekend. The AMA Sportsmen would like to have a Detroit river only walleye tournament, but there is no public boat ramp for out of town sportsmen to put in. At the average cost of \$500.00 for a seasonal ramp pass at the privately owned marinas, the average person won't pay for a season pass to put their boat in for just one or two days.

A look further north to LaSalle and they have spent funds to upgrade and protect the public boat ramp that is full on most weekends.

Ranta Park is the only remaining public lands on the water front that is both out of the downtown core, and in a location right for a public boat ramp. There are grants both Federal and provincial that could be applied for to help offset the cost of the planning and implementation of this project.

In closing, I ask that Council please consider 1500 front road north as a future site for a public boat ramp.



## Town of Amherstburg Delegation Request Form

I wish to appear before:

Council

Advisory Committee of Council Specify: \_\_\_\_\_

Date of Meeting: Monday June 13, 2022

Name of Delegate(s): Nancy Atkinson

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Attending as an Individual

Representing a Group/Organization Amherstburg Taxation Assoc.  
(Name of Group/Organization/Business)

Have you contacted Administration regarding this matter?  Yes  No

If yes, who? \_\_\_\_\_

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 #.

\_\_\_\_\_  
Financial concerns of a group of residents  
\_\_\_\_\_  
\_\_\_\_\_

(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:

n/a  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**\*\*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 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](mailto:clerk@amherstburg.ca).

**For office use only:**

Date request received: June 7/22 Request Received by (initials): PT

Request relates to: Financial concerns from tax payers

Staff Report: n/a Staff Name: n/a

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.

May 31,2022

Mr Mayor, Council, Administration

My name is Nancy Atkinson. I am a life long resident of Amherstburg. I belong to a group of concerned taxpayers. We formed a group called Amherstburg Taxpayers Association for like minded residents to meet and discuss our concerns for our community and what we feel might be viable solutions prior to Covid Restrictions and have recently resumed meetings. I have been asked by this group to address you this evening with regards to Resolution #20211213-395 being a motion by councillor Courtney requesting a financial audit be performed in the Town of Amherstburg.

With an election quickly looming and no further information being forthcoming in the months following the resolution of December 13 we are concerned that a new Mayor, Deputy Mayor and perhaps some new Councillors will be running for positions not fully understanding the true financial status of the municipality. And certainly if questioned on Financial issues they would not be dealing perhaps with the reality of those issues.

In meeting your fiduciary(appendix 1) obligations to the residents who have put their trust in you could you advise us at this time

- a) If a firm has been retained to carry out this audit
- b) Is the scope of the audit Forensic
- c) What is the current status of the audit...in process, completed and when will this audit be made public.

**JUSTIFICATION:**

Taxpayers are the beneficiaries of the Corporation of the Town of Amherstburg...under the fiduciary obligation relationship (appendix 1). As such they should be on top of their investment {taxes}

We as investors would not simply hand a cheque over to our investment manager and not expect him to do his fiduciary duty in giving us updates periodically as to how our investment is doing. Since we give The Corporation of the Town of Amherstburg , as do all the other concerned residents quarterly tax payments and am diligent in seeing to it that this investment is paid on time so that the Town has the funds it needs to make good investments in the municipality on our behalf, we feel we are simply asking for a report as to how our investment is being used and is it being used to the best possible interests of the entire municipality overall. This is important to us as we would not ever consider that another taxpayer's investment should go for an investment that would only benefit one person or group's special interest. We would like to see and believe that our investment in the

municipality is benefitting everyone with proper infrastructure, water treatment, sewage treatment, roads, and well-maintained assets and amenities. These are the areas I and other likeminded residents feel our taxes were meant to provide.

In light of losing almost all, if not all of our financial department employees we feel an audit would certainly be in keeping with the Fiduciary responsibility of the council and newly acquired Administration.

So in closing I sincerely hope you understand our concerns and are forth coming in answering our questions here tonight.

Thank you for your time.



## APPENDIX 1

What is the best definition of a fiduciary?

A fiduciary is a **person or organization that acts on behalf of another person or persons, putting their clients' interests ahead of their own, with a duty to preserve good faith and trust.** Being a fiduciary thus requires being bound both legally and ethically to act in the other's best interests.

### What is Fiduciary Obligation?

The legal system recognizes many special relationships in which one party is required to look after the best interests of the other in the best possible way. These relationships are called fiduciary relationships. They include solicitor/client, physician/patient, priest/parishioner, parent/child, partner/partner, director/corporation and principal/agent relationships. Fiduciary relationships involve trust and confidence. They require that the fiduciary (i.e., the party entrusted with taking care of another party) acts honestly, in good faith, and strictly in the best interests of the other party (i.e., the beneficiary).

Fiduciary relationships emerge from the reasonable expectations of the parties, often in circumstances where one person relies on the other, to protect his or her interests. They frequently involve explicit or implicit commitments by one party to look after the interests of the other. Even relationships where the parties are expected to pursue their own self-interest can, in appropriate circumstances, be fiduciary. There are several cases where banks have been regarded as fiduciaries of their customers.

Usually, fiduciaries have power or influence over the economic, legal or practical interests of beneficiaries, who are somewhat vulnerable. There is a debate in the law about whether beneficiaries must be vulnerable, and if so, the extent of vulnerability they must have in order to benefit from this area of law. Some federal and provincial corporate law statutes contain provisions that arguably make fiduciary obligations in the corporate world a matter of statute.

### Breaches of Fiduciary Obligation

Breach of fiduciary duty is a serious violation. Stringent remedial rules are used to put beneficiaries in the position they would have been in had there not been a breach of fiduciary duty. The beneficiary will be compensated for any losses flowing from the breach, such as a loss of an investment, or physical and mental suffering flowing from sexual or other abuse. Any profit that was improperly obtained by the fiduciary will be given to the beneficiary. Fiduciaries in breach of duty are more likely to have punitive damages (a type of punishment) awarded against them than are ordinary defendants. Fiduciary obligations can continue even after any contractual relationship between the fiduciary and the beneficiary has ended.

Ordinarily, fiduciaries cannot take advantage of opportunities that will profit them in some way because of their role in the relationship. There are demanding rules that prohibit both profit making and any conflict of interest that goes beyond what is necessary to the relationship. Secret benefits in the form of undisclosed kickbacks, commissions and profits, conflicts of interest, and discounts are strictly prohibited. An improper benefit is usually financial, but can include virtually any form of improper personal gain.

A fiduciary cannot ordinarily buy from or sell anything to a beneficiary, cannot ordinarily refer the beneficiary to a business in which the fiduciary has an interest, and, in many cases, cannot without suspicion be the recipient of a gift from a beneficiary. Fiduciaries like physicians cannot conduct research without disclosing to their patients that they are doing research. Fiduciaries who in any way physically or sexually abuse their beneficiaries are guilty of a particularly grievous form of breach of fiduciary duty.



# Town of Amherstburg Delegation Request Form

I wish to appear before:

Council

Advisory Committee of Council Specify: \_\_\_\_\_

Date of Meeting: JUNE, 2022

Name of Delegate(s): DIANE POUGET ALIBURS

Address: [REDACTED]

Phone: [REDACTED] Email: [REDACTED]

Attending as an Individual

Representing a Group/Organization \_\_\_\_\_  
(Name of Group/Organization/Business)

Have you contacted Administration regarding this matter?   Yes  No

If yes, who? TAMMY FOLKES & TOWN CLERK

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 #.

REQUEST TO SPEAK ON S&P  
GLOBAL RATINGS

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

Dear members of Amherstburg Town Council,

I read with interest an article in the Windsor Star by Julie Kotsis on June 7<sup>th</sup>, 2022 titled "Agency Hikes County's Credit Rating."

In this article, Ms. Kotsis explains that the County of Essex has been given a AAA credit rating and the City of Windsor went from an AA to an AA+ rating by S&P Global Ratings. According to Ms. Kotsis, Municipalities given a AAA rating "demonstrate robust management practices, with greater transparency and visibility of longer-term plans. These entities typically benefit from strong economic fundamentals, which support healthy growth in own sourced revenues."

Ms. Kotsis also states that "A higher credit rating allows a municipality to borrow at a lower rate."

This is certainly good news for the County of Essex and the City of Windsor Councils, who have made wise decisions and practiced due diligence with their taxpayers' money.

Will you please inform the taxpayers of Amherstburg what our credit rating is and if you are content with this rating?

Thank you for your time and attention to this matter.

Respectfully submitted,

Diane Pouget

## Agency hikes county's credit rating

**JULIE KOTSIS**

The County of Essex has been given a AAA rating with a stable outlook by S&P Global Ratings, an American credit rating agency formerly known as Standard and Poor's.

The county's rate increased from its AA+ rating to AAA on the heels of the COVID-19 pandemic.

S&P raised its ratings on 21 Canadian municipalities after revising its assessment to "extremely predictable and supportive" based on how the municipalities weathered the pandemic.

Due to "timely and prudent fiscal management," along with support from the federal and provincial governments, municipalities were able to overcome the challenges of increased costs for health and safety while revenues from some services decreased, according to an S&P statement.

"The AAA rating with a stable

outlook is good news for County of Essex taxpayers," said Warden Gary McNamara in a statement.

"It is not a surprise, given the excellent work of our entire staff and county council's longstanding pay-as-you-go approach."

Municipalities given a AAA rating "demonstrate robust management practices, with greater transparency and visibility of longer-term plans," according to the statement. "These entities typically maintain operating and after-capital surpluses. Municipalities in this rating category typically benefit from strong economic fundamentals, which support healthy growth in own-source revenues."

Windsor's rating also increased — to AA+ from the AA rating it has had since 2007.

A higher credit rating allows a municipality to borrow at a lower interest rate.

*jkotsis@postmedia.com*



## 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: May 11, 2022
Author's Phone: 519 519-736-5408 ext. 2142	Date to Council: June 13, 2022
Author's E-mail: <a href="mailto:crobertson@amherstburg.ca">crobertson@amherstburg.ca</a>	Resolution #: N/A

To: Mayor and Members of Town Council

Subject: Heritage Register Additions

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#### 1. RECOMMENDATION:

It is recommended that:

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

#### 2. BACKGROUND:

On June 27, 2019 the Heritage Committee moved that the following properties be recommended to Council for listing on the Town's Heritage Register as "Properties of Interest": The proposed Heritage Register listing for each of the said properties 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:

In brief, 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.

Due to the "Guidelines for the Addition of Listed Properties of Cultural Heritage Value or Interest to the Heritage Register" not being Council-approved until September 14, 2020, a change in Provincial legislation regarding additional owner notification requirements (enacted June 6, 2019; effective July 1, 2021), and staff-resource challenges prior to the Heritage Planner joining the Town, the properties identified in 2019 for inclusion on the Heritage Register had yet to be brought to Council for inclusion on the Heritage Register.

**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 supports the addition to the Heritage Register of the properties identified in this report, as recommended by the Heritage Committee, because they possess heritage value as per the Province of Ontario's criteria for determining cultural heritage value.



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Clint Robertson  
**Heritage Planner**

## Report Approval Details

Document Title:	Heritage Register Additions .docx
Attachments:	- ATTACHMENT 1.pdf - ATTACHMENT 2.docx
Final Approval Date:	Jun 7, 2022

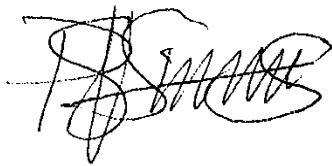
This report and all of its attachments were approved and signed as outlined below:



Melissa Osborne



Tracy Prince



Peter Simmons



Valerie Critchley



# Phase 1 Listed Property Evaluation Form

Address of Property 263 Brock Street

Legal Description Part Lot , East side of Brock Street, Plan 1  
PIN (0146)

Name of Building N/A

Date of Build Between may 17, 1837 & July 31, 1838

## Photograph(s)



Photo: Town of Amherstburg, 2022

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

Built between 1838 and 1838, this structure is architecturally significant to the Town of Amherstburg as an early example of vernacular frame construction in the Ontario farmhouse design. This is one of the earliest houses still in existence on Brock Street and is thus associated with the early development of the town in the 19<sup>th</sup> century.

Recommended for Listing on the Heritage Register?  Yes  No

## Phase 1 Listed Property Evaluation Form

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?	✓	
Does the building display a high degree of craftsmanship or artistic merit?		✓
Does the property demonstrate a high degree of technical or scientific achievement?		✓
<p>Built between 1837 and 1838, this structure serves as an early example of frame construction in the “Ontario Farmhouse” design. The steeply pitched central gable makes this structure of particular interest. The front entrance mimics the central gable in the roofline with a pedimented portico. Clapboard siding likely exists beneath the modernized exterior of this two-storey dwelling.</p>		
<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?	✓	
Does the property yield or have the potential to yield information that contributes to an understanding of the Amherstburg community or culture?		✓
Does the property demonstrate or reflect the work or ideas of an architect, artist, builder, designer or theorist who is significant to the community?		✓
<p>This property is associated with the early development of the Town of Amherstburg. In the 1830s growth in Town was slow. On September 21, 1836, the government held a public sale at Sandwich to dispose of vacant lots in Amherstburg. Prior to this most of the lots on Brock Street were vacant. This house was erected in order to satisfy the terms of sale of the property.</p> <p>This structure is linked with the early residents of the town in the 19<sup>th</sup> century. The first owner and occupant of this residence was Joseph Cote dit Bertrand, a tobacconist. He resided here until his death in 1881 and the residence became known locally as the “Old Bertrand Homestead”.</p>		
<i>Contextual Value</i>		
Is the property important in defining, maintaining or supporting the character of an area?	✓	
Is the property physically, functionally, visually, or historically linked to its surroundings?		✓
Is the property a landmark?		✓
<p>This structure is located in an historic area of town surrounded by buildings of similar style and composition. Thus, the building is important in maintaining and supporting the character of the area. The central gable is a particularly recognizable feature.</p>		
Does the property demonstrate the potential to meet any (1) of the criteria?	✓	

Sources: Doris Gaspar, Phase 2 Property Research, 2014

# Phase 1 Listed Property Evaluation Form

Address of Property 263 Brock Street

Legal Description Part Lot , East side of Brock Street, Plan 1  
PIN (0146)

Name of Building N/A

Date of Build Between may 17, 1837 & July 31, 1838

## Photograph(s)



Photo: Town of Amherstburg, 2022

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

Built between 1838 and 1838, this structure is architecturally significant to the Town of Amherstburg as an early example of vernacular frame construction in the Ontario farmhouse design. This is one of the earliest houses still in existence on Brock Street and is thus associated with the early development of the town in the 19<sup>th</sup> century.

Recommended for Listing on the Heritage Register?  Yes  No

## Phase 1 Listed Property Evaluation Form

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?	✓	
Does the building display a high degree of craftsmanship or artistic merit?		✓
Does the property demonstrate a high degree of technical or scientific achievement?		✓
<p>Built between 1837 and 1838, this structure serves as an early example of frame construction in the “Ontario Farmhouse” design. The steeply pitched central gable makes this structure of particular interest. The front entrance mimics the central gable in the roofline with a pedimented portico. Clapboard siding likely exists beneath the modernized exterior of this two-storey dwelling.</p>		
<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?	✓	
Does the property yield or have the potential to yield information that contributes to an understanding of the Amherstburg community or culture?		✓
Does the property demonstrate or reflect the work or ideas of an architect, artist, builder, designer or theorist who is significant to the community?		✓
<p>This property is associated with the early development of the Town of Amherstburg. In the 1830s growth in Town was slow. On September 21, 1836, the government held a public sale at Sandwich to dispose of vacant lots in Amherstburg. Prior to this most of the lots on Brock Street were vacant. This house was erected in order to satisfy the terms of sale of the property.</p> <p>This structure is linked with the early residents of the town in the 19<sup>th</sup> century. The first owner and occupant of this residence was Joseph Cote dit Bertrand, a tobacconist. He resided here until his death in 1881 and the residence became known locally as the “Old Bertrand Homestead”.</p>		
<i>Contextual Value</i>		
Is the property important in defining, maintaining or supporting the character of an area?	✓	
Is the property physically, functionally, visually, or historically linked to its surroundings?		✓
Is the property a landmark?		✓
<p>This structure is located in an historic area of town surrounded by buildings of similar style and composition. Thus, the building is important in maintaining and supporting the character of the area. The central gable is a particularly recognizable feature.</p>		
Does the property demonstrate the potential to meet any (1) of the criteria?	✓	

Sources: Doris Gaspar, Phase 2 Property Research, 2014

# Phase 1 Listed Property Evaluation Form

Address of Property 228 George Street

Legal Description LOT 26, WEST SIDE OF GEORGE STREET, PLAN 1  
(PIN 0055)

Name of Building N/A

Date of Build BETWEEN JULY 2, 1840 AND JULY 22, 1844

## Photograph(s)



Photo: Town of Amherstburg, 2022

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

The structure at 228 George street is of both architectural and historical value to the Town of Amherstburg. It was built by Captain John Sloan, a prominent local citizen as part of the early development of George Street. Erected between 1840 and 1844 it serves as an early example of vernacular frame architecture in town. Additionally, the structure has direct associations with Pensioner John Madden, who resided here for approximately 30 years.

Recommended for Listing on the Heritage Register?  Yes  No

## Phase 1 Listed Property Evaluation Form

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?	✓	
Does the building display a high degree of craftsmanship or artistic merit?		✓
Does the property demonstrate a high degree of technical or scientific achievement?		✓
<p>Built between 1840 &amp; 1844 this structure is an early example of vernacular frame construction in Amherstburg. It is a two-storey frame dwelling with a medium-pitched gable roof and rectangular plan.</p>		
<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?	✓	
Does the property yield or have the potential to yield information that contributes to an understanding of the Amherstburg community or culture?		✓
Does the property demonstrate or reflect the work or ideas of an architect, artist, builder, designer or theorist who is significant to the community?		✓
<p>This property is associated with the early development of the Town of Amherstburg. In the 1830s growth in Town was slow. On September 21, 1836, the government held a public sale at Sandwich to dispose of vacant lots in Amherstburg. This house was erected in order to satisfy the terms of sale of the property.</p> <p>The original owner this structure has been described in historical sketches as a prominent and honourable citizen of this region. Captain John Sloan was a former Royal Navy officer who came to Amherstburg in the 1830s. In town, he took on the role of merchant, innkeeper, and vessel owner. He was also a quarry-owner in Anderdon Township in partnership with William Burnell. Sloan was a Justice of the Peace and the first Reeve to represent Anderdon on the district Council. He was an abolitionist and along with Roland Wingfield operated a small integrated private school on his lands in Anderdon. Sloan did not reside in this home himself.</p> <p>By Deed registered on May 5, 1876, Jeremiah Madden became the owner of the property. He had previously been renting the residence for 16 years. Madden would have been about 69 years old in 1876. Jeremiah Madden was a Pensioner. He was born in Cork, Ireland in 1807. Private Madden had joined the 37th Regiment of Foot when 20 years old and spent 25 years in military service, including 8</p>		

**Phase 1  
Listed Property Evaluation Form**

years in the West Indies and 13 years in North America. His Discharge Papers state that he was by Trade a Whitesmith. At the time of his discharge Madden was with the Royal Canadian Rifles stationed at Niagara. James Dunford, who was noted on the 1861 Census as sharing a house with Jeremiah Madden, had also served in the Royal Canadian Rifles in Niagara in 1851. Jeremiah Madden resided at the house now municipally known as 228 George Street until his death on January 23, 1889.

*Contextual Value*

Is the property important in defining, maintaining or supporting the character of an area?	✓	
Is the property physically, functionally, visually, or historically linked to its surroundings?		✓
Is the property a landmark?		✓
This structure is located in an historic area of town surrounded by buildings of similar style and composition. Thus, the building is important in maintaining and supporting the character of the area.		
Does the property demonstrate the potential to meet any (1) of the criteria?	✓	

Sources:

Doris Gaspar, Phase 2 Property Research, 2014

# Phase 1 Listed Property Evaluation Form

Address of Property 235 George Street

Legal Description Lot 11, East side of George Street

Name of Building N/A

Date of Build By 1857

## Photograph(s)



Photo: Town of Amherstburg, 2022



Marsh Collection Society P5007

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

Built by 1857, this residence is an early example of vernacular frame construction. It is associated with the history of the Black community in Amherstburg, many of the owners and occupants in the 19<sup>th</sup> century being of African descent.

Recommended for Listing on the Heritage Register?  Yes  No



## Phase 1 Listed Property Evaluation Form

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?	✓	
Does the building display a high degree of craftsmanship or artistic merit?		✓
Does the property demonstrate a high degree of technical or scientific achievement?		✓
<p>In an article published in <i>The Amherstburg Echo</i> on September 16, 1892, it was stated that the house which was located on Lot 11 in 1892 had been moved to that site, about 35 years ago by Mrs. Townsend. This meant that the house was moved onto Lot 11 circa 1857. This is possible as the 1857 assessment did indicate a rise in value that year. This 1 ½ storey frame dwelling is an early example of vernacular residential frame construction in Amherstburg. The two additions to the rear of the structure are sufficiently historic, as they were erected c.1905 under the ownership of Louis Lavoie. The original structure is a gable front, rectangular in plan with a medium-pitched roof, and left-side entrance on the front façade. Other notable features include the bay window and brick chimney. The hip roof front verandah is also a feature of the original structure.</p>		
<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?	✓	
Does the property yield or have the potential to yield information that contributes to an understanding of the Amherstburg community or culture?		✓
Does the property demonstrate or reflect the work or ideas of an architect, artist, builder, designer or theorist who is significant to the community?		✓
<p>The residence is associated with the history of the Black community in Amherstburg as many of the early occupants and owners of the dwelling were of African descent. On December 16, 1871, Samuel Brown and his wife Miranda G. Brown sold Lot 11 to Andrew McKenny who was a Mariner living in Amherstburg for \$325. On the 1871 Census Andrew McKenny was noted as being of African descent and born in Upper Canada around 1833. Andrew McKenny died in 1879. McKenny's second wife, the former Martha Smith inherited the McKenny home on Lot 11 on George Street where she resided thereafter.</p> <p>Anderson Viney (also known as Veney) became the common law husband of Martha McKenny in 1881. Anderson Viney was a Marine Cook and a Barber. He was born in Marysville, Kentucky in 1845 and came to Amherstburg with his parents around 1851.</p> <p>According to an article in <i>The Amherstburg Echo</i> dated September 16, 1892, Martha Smith Viney had been born in Indiana about 1850 and came to Amherstburg from Ohio with her parents about 1857. Martha Viney had a good reputation as a lady's nurse. She had also</p>		

**Phase 1  
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been employed as a cook at The Park House Hotel (later known as the Lakeview Hotel) for five years.		
<i>Contextual Value</i>		
Is the property important in defining, maintaining or supporting the character of an area?	✓	
Is the property physically, functionally, visually, or historically linked to its surroundings?		✓
Is the property a landmark?		✓
This structure is located in an historic area of town surrounded by buildings of similar style and composition. Thus, the building is important in maintaining and supporting the character of the area.		
Does the property demonstrate the potential to meet any (1) of the criteria?	✓	

Sources:

Doris Gaspar, Phase 2 Property Research, 2014

# Phase 1 Listed Property Evaluation Form

Address of Property 166 Gore Street

Legal Description Part lot 10, East side of Seymour Street, Plan 1 (PIN 0173)

Name of Building N/A

Date of Build 1905

## Photograph(s)



Photo: Town of Amherstburg, 2022

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

Built in 1905, this residence is of architectural and historical value to the Town of Amherstburg. The structure is a unique vernacular cottage erected by prominent local carpenter Oliver McLean.

Recommended for Listing on the Heritage Register?  Yes  No

## Phase 1 Listed Property Evaluation Form

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?	✓	
Does the building display a high degree of craftsmanship or artistic merit?		✓
Does the property demonstrate a high degree of technical or scientific achievement?		✓
<p>166 Gore Street is a unique frame structure with an irregular plan in the vernacular cottage style. Period revival elements are visible in both form and detail. The central portion of the structure is topped with a pyramid hip roof with gabled wings. Dormers interrupt the roofline and a chimney extends from the hipped roof. Portions of the cast block foundation and entry surround are clad in stone. The residence occupies a corner lot and the composition is planned so that the entrance faces the corner. A window with latticed lights adorns the western façade.</p>		
<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?		✓
Does the property yield or have the potential to yield information that contributes to an understanding of the Amherstburg community or culture?		✓
Does the property demonstrate or reflect the work or ideas of an architect, artist, builder, designer or theorist who is significant to the community?	✓	
<p>On April 7, 1905, <i>The Amherstburg Echo</i> noted that "Alex Barron had let the contract to Oliver McLean for a cottage on his lot corner of Gore and Seymore streets. The structure will be 32 x 42 feet and it is to be completed by the first of July." This building is the house now located at 166 Gore Street. Oliver McLean was a well-known local carpenter, and this structure is a unique example of his work.</p>		
<i>Contextual Value</i>		
Is the property important in defining, maintaining or supporting the character of an area?	✓	
Is the property physically, functionally, visually, or historically linked to its surroundings?		✓
Is the property a landmark?		✓
This structure occupies a corner lot, and has uniquely recognizable form and details. It supports the character of the area.		
Does the property demonstrate the potential to meet any (1) of the criteria?	✓	

Sources:

**Phase 1**  
**Listed Property Evaluation Form**

Doris Gaspar, Phase 2 Property Research, 2014

# Phase 1 Listed Property Evaluation Form

Address of Property 258 King Street

Legal Description PART LOT 29, WEST SIDE OF KING STREET, PLAN 1 (PIN 0182)

Name of Building N/A

Date of Build BETWEEN SEPTEMBER 21, 1836 AND MAY 15, 1839

## Photograph(s)



Photo: Town of Amherstburg, 2022

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

This structure is architecturally significant as an early example of vernacular frame construction in Amherstburg. It was built by Captain John Sloan, a prominent local citizen as part of the early development of George Street.

Recommended for Listing on the Heritage Register?  Yes  No

## Phase 1 Listed Property Evaluation Form

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?	✓	
Does the building display a high degree of craftsmanship or artistic merit?		✓
Does the property demonstrate a high degree of technical or scientific achievement?		✓
<p>Built between 1836 &amp; 1839 this structure is an early example of vernacular frame construction in Amherstburg. The structure is a two-storey gable-front dwelling, rectangular in plan with a medium-pitched roof. This is the modest domestic building form typical of the earliest developed areas of town. A porch supported by wooden columns has been added to the front façade.</p>		
<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?	✓	
Does the property yield or have the potential to yield information that contributes to an understanding of the Amherstburg community or culture?		✓
Does the property demonstrate or reflect the work or ideas of an architect, artist, builder, designer or theorist who is significant to the community?		✓
<p>This property yields information about the early development of the Town of Amherstburg. In the 1830s growth in Town was slow. There were still several empty lots on King Street. On September 21, 1836, the government held a public sale at Sandwich to dispose of vacant lots in Amherstburg. This house was erected in order to satisfy the terms of sale of the property.</p> <p>The original owner this structure has been described in historical sketches as a prominent and honourable citizen of this region. Captain John Sloan was a former Royal Navy officer who came to Amherstburg in the 1830s. In town, he took on the role of merchant, innkeeper, and vessel owner. He was also a quarry-owner in Anderdon Township in partnership with William Burnell. Sloan was a Justice of the Peace and the first Reeve to represent Anderdon on the district Council. He was an abolitionist and along with Roland Wingfield operated a small integrated private school on his lands in Anderdon. Sloan did not reside in this home himself.</p>		
<i>Contextual Value</i>		
Is the property important in defining, maintaining or supporting the character of an area?	✓	
Is the property physically, functionally, visually, or historically linked to its surroundings?		✓

# Phase 1 Listed Property Evaluation Form

Is the property a landmark?		✓
This structure is located in an historic area of town surrounded by buildings of similar style and composition. Thus, the building is important in maintaining and supporting the character of the area.		
Does the property demonstrate the potential to meet any (1) of the criteria?	✓	

Sources:

Doris Gaspar, Phase 2 Property Research, 2014



# Phase 1 Listed Property Evaluation Form

Address of Property 289 King Street

Legal Description Lot 5, East side of King Street, Part Lot 36, West side of George Street, Plan 1 (PINS 0088 and 0109)

Name of Building N/A

Date of Build Uncertain

## Photograph(s)



Left Photo: Town of Amherstburg, 2022  
Right photo: Marsh Collection Society  
P2462 Robidoux House



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

This structure is architecturally significant to the Town of Amherstburg as an example of the vernacular residential building style. Some original elements, including fish scale shingles on the gables and bracketed hoods above the paired windows still exist. The structure is situated in an historic residential area and contributes to the character of the street.

Recommended for Listing on the Heritage Register?  Yes  No

## Phase 1 Listed Property Evaluation Form

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?	✓	
Does the building display a high degree of craftsmanship or artistic merit?		✓
Does the property demonstrate a high degree of technical or scientific achievement?		✓
<p>This 1 ½ storey frame dwelling is a gable-front with a medium-pitched roof, and left-side entrance on the front façade. The date of construction is unclear. Based on the photograph of the 'Robidoux House' the structure was in existence by 1891-1903. On September 20, 1898, Elizabeth H. Burk conveyed Lot 5 on the east side of King Street and Lot 36, on the west side of George Street to George H. Robidoux for \$425. George had been occupying the property since 1891. On September 5, 1903, George Robidoux sold Lot 5 on the east side of King Street and just the west half of Lot 36, on the west side of George Street to Annie Waters who lived in Cleveland for \$800. The fact that the house could command a purchase price of \$800 in 1903 when it had been bought for \$425 in 1898 could indicate the presence of a new house or significant improvements. This may be the intersecting rear addition visible in the photo.</p> <p>The decorative trim around the door is not original. Fish scale shingles are present on the gables. Bracketed hoods over the front second storey paired windows and the south side first storey paired windows appear to be original.</p>		
<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?		✓
Does the property yield or have the potential to yield information that contributes to an understanding of the Amherstburg community or culture?		✓
Does the property demonstrate or reflect the work or ideas of an architect, artist, builder, designer or theorist who is significant to the community?		✓
<p>George Robidoux was assessed as the owner of the property commencing in 1891. At this time, Robidoux was working with his father Jean Baptiste Robidoux as a Wagon Maker. Jean Baptiste's Robidoux's business was located on the southeast corner of King and Gore Streets. In 1894 George Robidoux gave up the wagon making business and became a sales clerk at the J.D. Burk store at the property now known as 266 Seymour Street. Elizabeth H. Burk (who sold this property to Robidoux) owned the Burk store.</p>		
<i>Contextual Value</i>		
Is the property important in defining, maintaining or supporting the character of an area?	✓	
Is the property physically, functionally, visually, or historically linked to its surroundings?		✓
Is the property a landmark?		✓

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Listed Property Evaluation Form**

This structure is located in an historic residential area of town surrounded by buildings of similar style and composition. Thus, the building is important in maintaining and supporting the character of the area.

Does the property demonstrate the potential to meet any (1) of the criteria?	✓	
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Sources:

Doris Gaspar, Phase 2 Property Research, 2014

# Phase 1 Listed Property Evaluation Form

Address of Property 149 Richmond Street

Legal Description Lot 19, East side of Seymour Street, Plan 1 (PIN 0209)

Name of Building N/A

Date of Build 1902

## Photograph(s)



Photo: Doris Gaspar, 2014

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

Built by prominent local builder and contractor James Wilderspin in 1902, this residence serves as an example of the vernacular residential building style.

Recommended for Listing on the Heritage Register?  Yes  No

## Phase 1 Listed Property Evaluation Form

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?	✓	
Does the building display a high degree of craftsmanship or artistic merit?		✓
Does the property demonstrate a high degree of technical or scientific achievement?		✓
<p>Built in 1902, this structure serves as an example of the vernacular residential building tradition in Amherstburg. The building is a two-storey dwelling with an irregular plan, gabled roof and two chimneys. A verandah with hip roof and wooden columns and railing wraps around the northwest corner of the structure.</p>		
<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?		✓
Does the property yield or have the potential to yield information that contributes to an understanding of the Amherstburg community or culture?		✓
Does the property demonstrate or reflect the work or ideas of an architect, artist, builder, designer or theorist who is significant to the community?	✓	
<p>This residence was erected by James Wilderspin, a prominent local builder and contractor. Wilderspin is remembered for having built several significant structures in Amherstburg, including Chateau La Rose, the Amherstburg Waterworks, and Wesley United Church (all have since been razed). On July 25, 1902 <i>The Amherstburg Echo</i> reported that "James Wilderspin has his men working at the erection of a modern two storey residence corner of Richmond and Seymore streets for Hubert Sharp, of Detroit. The main part is 14 x 26 with a wing 12 x 14 feet. There will be a kitchen and pantry 14 x 22 to the rear and a cellar full size under the kitchen. The house will face on both Richmond and Seymore streets, with a verandah and vestibule on both sides. Mr. and Mrs. Sharp will move here and occupy it when completed."</p> <p>Hubert Sharp worked for the Canada Southern Railway and moved to town when the railway was put through Amherstburg. He moved to Detroit in 1897. Assessments indicate that the Sharps did move back to Amherstburg and live in their new home. He died on January 15, 1914. By Deed registered June 4, 1914 Mrs. Sharp conveyed Lot 19 to her son Louis Sharp, a Saloonkeeper of the City of Detroit. Eliza Sharp retained a life interest in the property for herself. Eliza divided her residency between Detroit and Amherstburg until her death in 1921.</p>		

# Phase 1 Listed Property Evaluation Form

<i>Contextual Value</i>		
Is the property important in defining, maintaining or supporting the character of an area?	✓	
Is the property physically, functionally, visually, or historically linked to its surroundings?		✓
Is the property a landmark?		✓
This structure is located in an historic area of town surrounded by buildings of similar style and composition. Thus, the building is important in maintaining and supporting the character of the area.		
Does the property demonstrate the potential to meet any (1) of the criteria?	✓	

Sources:

Doris Gaspar, Phase 2 Property Research, 2014

# Phase 1 Listed Property Evaluation Form

Address of Property 272 Sandwich Street South

Legal Description LOT 25, WEST SIDE OF SANDWICH STREET FORMERLY  
APSLEY STREET, PART LOT 6, EAST SIDE OF BATHURST  
STREET PLAN 1 (PIN 0139)

Name of Building Teeter Building

Date of Build 1873

## Photograph(s)



Left Photo: Town of Amherstburg,  
2022  
Right photo: Marsh Collection Society  
P1594, c.1908



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

The Teeter Building is a local landmark that is architecturally, historically, and contextually significant to the Town of Amherstburg. Built in 1873, this structure reflects the vernacular farmhouse style. It was the medical office and residence of Amherstburg physician Dr. Forest Bell and later Dr. Oscar Teeter, who was elected Mayor in 1901.

Recommended for Listing on the Heritage Register? Yes No

## Phase 1 Listed Property Evaluation Form

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?	✓	
Does the building display a high degree of craftsmanship or artistic merit?		✓
Does the property demonstrate a high degree of technical or scientific achievement?		✓
<p>272 Sandwich Street is a unique structure reflective of Ontario vernacular building styles. Several additions and alterations have been made over the years to accommodate the changing functionality of the structure, but the original L-plan composition remains evident. Gable and hipped roofs contribute to the irregularity of its form and plan. The symmetrical gable-front façades of the original structure are visible on the east and south sides. Bracketed bay windows on these gable ends survive. An enclosed porch wraps around the southeast end with column and pilaster supports. A single brick chimney extends from the west side. A pedimented portico supported by columns marks a south entrance.</p> <p>This structure was originally built on what was known as the Bell Farm. Doctor Forest Bell purchased a portion of the Bell Farm from his father, John Bell, on March 27, 1873. After purchasing lot 25 on Sandwich (Apsley) Street in 1878, Dr. Bell moved his residence to the site now municipally known as 272 Sandwich Street.</p> <p>According to a note in the Marsh Collection files, a new office and consulting room were to be added to the southwest corner of the house in 1885. Also a second storey was to be added to the wing then used as an office. In 1908 a large verandah was added to the house. A 1913 map shows that the main body of the house and the south wing were two storeys high. The verandah is in front of the south wing facing Apsley Street. There are two rooms at the back of the building which are one storey in height measuring approximately fifteen feet in width running twenty-eight feet across the rear of the building.</p>		
<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?	✓	
Does the property yield or have the potential to yield information that contributes to an understanding of the Amherstburg community or culture?		✓
Does the property demonstrate or reflect the work or ideas of an architect, artist, builder, designer or theorist who is significant to the community?		✓
The property is associated with medical history in Amherstburg, having served as a physician's office and residence for several years		



# Phase 1 Listed Property Evaluation Form

beginning in the 19<sup>th</sup> century. This was the residence and medical practice of Dr. Forest Bell who practiced medicine in Amherstburg from approximately 1870 until 1897. Dr. Bell was born in Amherstburg to John and Hatty Bell, and was the grandson of William Bell who had been a master shipwright at the King’s Navy Yard. In 1893 Dr. Oscar Teeter joined Dr. Bell’s medical practice. In 1896 Dr. Forest Bell withdrew from the practice and moved to Windsor. By Deed dated December 18, 1897 Forrest F. Bell sold Lot 25 to Oscar Teeter.

Dr. Teeter remained in Amherstburg, serving on the Town Council for several years as well as being the Medical Officer of Health for Malden Township. In 1901 Dr. Teeter was elected Mayor of Amherstburg. This property remained in the Teeter family until 1956.

<i>Contextual Value</i>		
Is the property important in defining, maintaining or supporting the character of an area?		✓
Is the property physically, functionally, visually, or historically linked to its surroundings?		✓
Is the property a landmark?	✓	
Occupying a prominent corner on a main road in downtown Amherstburg, this building has become a recognizable feature within the community. The size and unique composition of the structure make it both recognizable and memorable. 272 Sandwich is well-known locally as the ‘Teeter Building’.		
Does the property demonstrate the potential to meet any (1) of the criteria?	✓	

Sources:

Doris Gaspar, Phase 2 Property Research, 2014  
 Amherstburg Bicentennial Book Committee, *Amherstburg 1796-1996: The New Town on the Garrison Grounds*, 1997

# Phase 1 Listed Property Evaluation Form

Address of Property 166 Simcoe Street

Legal Description Part lot 35, West side of Seymour Street, Plan 1 (PIN 0250)

Name of Building N/A

Date of Build 1912

## Photograph(s)



Photo: Town of Amherstburg, 2022

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

Built in 1912, this 1-storey brick vernacular cottage is a unique building form in Amherstburg. It is architecturally significant due to the style, materials, and modest form.

Recommended for Listing on the Heritage Register?  Yes  No

## Phase 1 Listed Property Evaluation Form

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?	✓	
Does the building display a high degree of craftsmanship or artistic merit?		✓
Does the property demonstrate a high degree of technical or scientific achievement?		✓
<p>This one storey dwelling with a brick exterior is a unique example of an early 20<sup>th</sup> century residence in Amherstburg. Built in 1912 in the vernacular cottage style, this modest structure has a hip roof, predominantly square plan, and cast block foundation. Regency cottage influence is evident in the overall form. The windows and doors are modern but some detail can be seen in the brick voussoirs around these openings with thin concrete sills beneath. An insurance plan dated 1917 indicates that the structure is brick veneered with a wooden frame.</p>		
<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?		✓
Does the property yield or have the potential to yield information that contributes to an understanding of the Amherstburg community or culture?		✓
Does the property demonstrate or reflect the work or ideas of an architect, artist, builder, designer or theorist who is significant to the community?		✓
<p>By Deed dated December 6, 1911, Gore Atkin sold the westerly part of Lot 35 to his daughter Adeline Beach, the wife of Francis S. Beach. This parcel had a frontage of fifty-seven feet by a depth of fifty- five feet. The Beaches built a one-storey brick house on this property facing on Simcoe Street in 1912. The brick house is situated on the premises now known as 166 Simcoe Street.</p>		
<i>Contextual Value</i>		
Is the property important in defining, maintaining or supporting the character of an area?	✓	
Is the property physically, functionally, visually, or historically linked to its surroundings?	✓	
Is the property a landmark?		✓
<p>This structure contributes to the character of the area. Historically, it is linked to the residence at 306 Seymour, which was owned by Gore Atkin, Adeline Beach's father.</p>		
<b>Does the property demonstrate the potential to meet any (1) of the criteria?</b>	✓	

Sources: Doris Gaspar, Phase 2 Property Research, 2014

## **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: June 7, 2022
Author's Phone: 519 736-5408 ext. 2137	Date to Council: June 13, 2022
Author's E-mail: <a href="mailto:mosborne@amherstburg.ca">mosborne@amherstburg.ca</a>	Resolution #: N/A

To: Mayor and Members of Town Council

Subject: Zoning By-law Amendment- 247 Brock Street

---

#### 1. RECOMMENDATION:

It is recommended that:

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

#### EXECUTIVE SUMMARY:

N/A

#### 2. BACKGROUND:

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

**3. DISCUSSION:**

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

**4. RISK ANALYSIS:**

The recommendation presents little to no risk to the municipality.

**5. FINANCIAL MATTERS:**

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

**6. CONSULTATIONS:**

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

**7. CONCLUSION:**

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



---

Melissa Osborne  
Director, Development Services

**JM**

## Report Approval Details

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

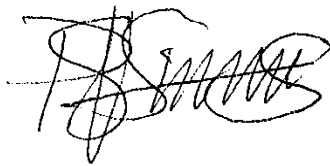
This report and all of its attachments were approved and signed as outlined below:



Melissa Osborne



Tracy Prince



Peter Simmons



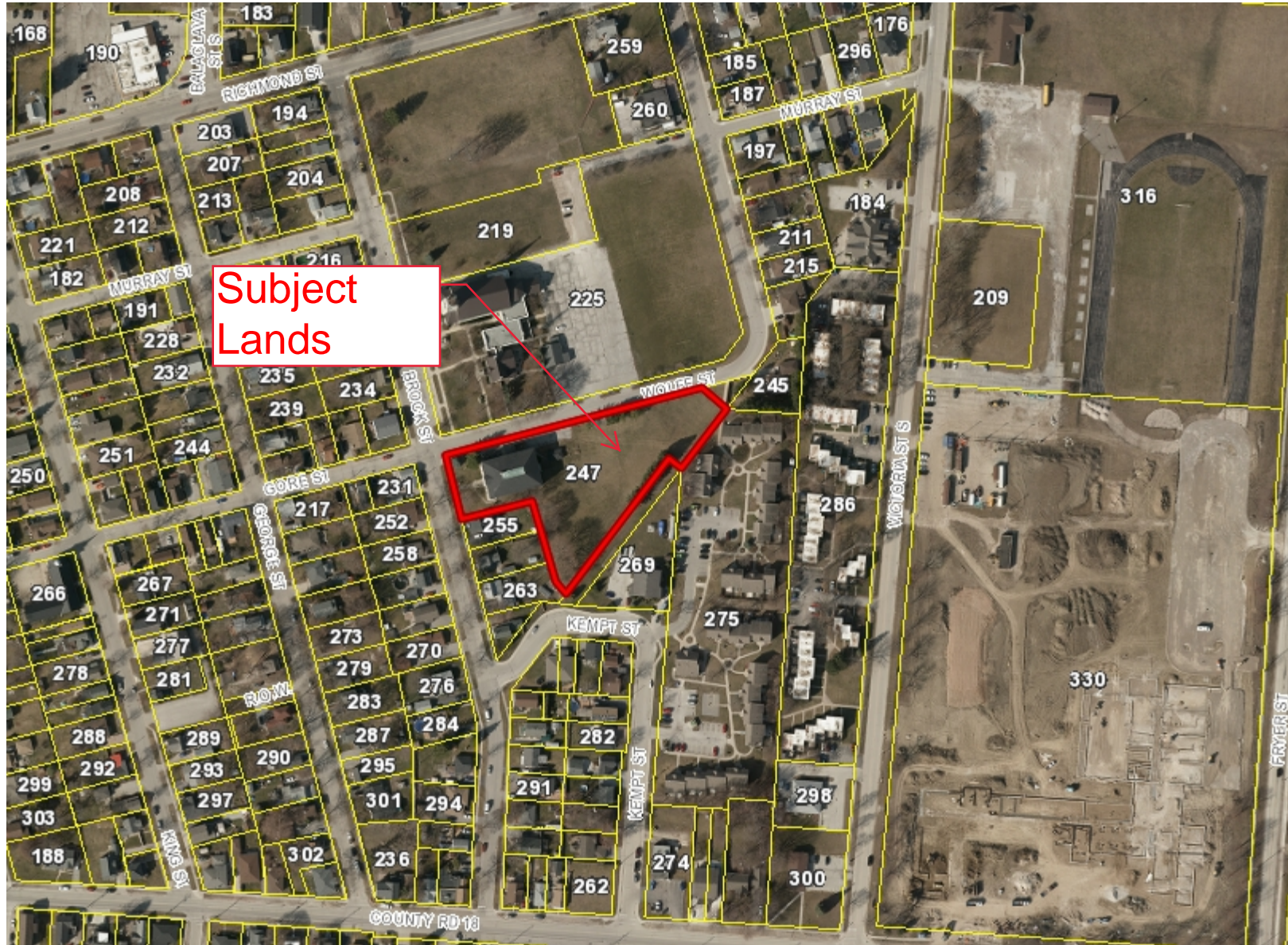
Valerie Critchley





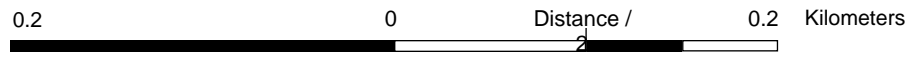
# 247 Brock St

Figure 1



**Legend**

- Roads
- Parcels
- Streams and Creeks
- Essex



**Notes**  
This is where you enter your notes about the map.

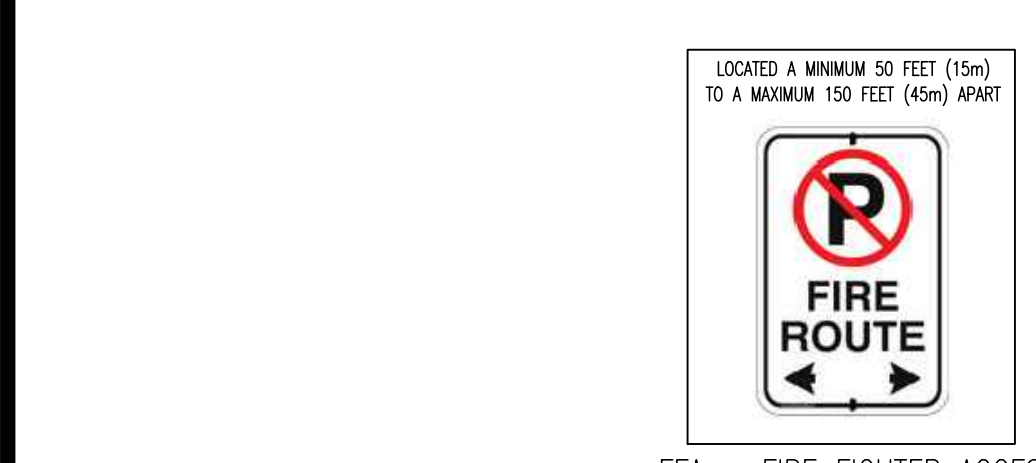


**PROPOSED BLDG. CONVERSION**

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

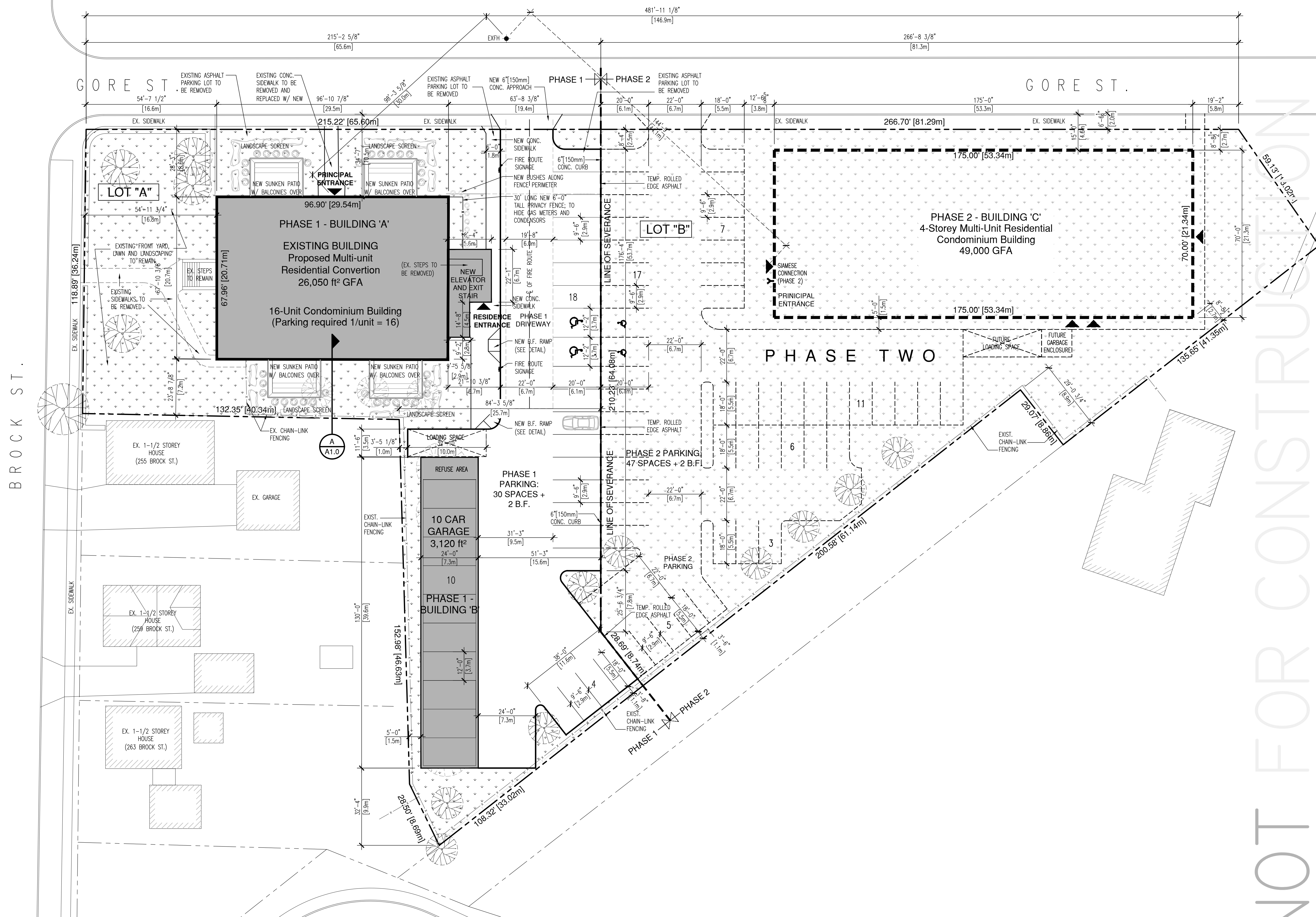
**PHASE ONE - BUILDING 'A'**  
 BUILDING CLASSIFICATION  
 OBC 3.2.2.47. GROUP C Up To 3 STORIES

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



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

NOT FOR CONSTRUCTION



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

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

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

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

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

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



STAMP:

NOTES:

DRAWING No.:  
**A1.0**

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

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

---

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

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

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

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

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

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

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

(i) Uses Permitted:

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

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

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

(iv) Rear Yard Depth (Minimum) 2.5 m

(v) Landscaped Open Space (Minimum) 25 %

- (vi) Dwelling Unit Area (Minimum) 0 m<sup>2</sup>
- (vii) Height (Maximum) 16.7 m
- (viii) Privacy Yards (Minimum) 0 m
- (ix) Building Separation (Minimum) 0 m
- (x) Accessory Parking Structure Lot Coverage (Maximum) 290 m<sup>2</sup>
- (i) Accessory uses and structures in addition to (x) above will be in accordance with the provisions of Section 3 hereof;
- (ii) Required Parking Spaces (Minimum) 1.25 spaces/unit
- (iii) Special Parking Provisions for (RM2-8) Residential Zones:
  - a) all parking spaces shall be located in a garage, or carport or in a side yard, rear yard, or exterior side yard but shall not be located within the required front yard or on a driveway in the front yard;
  - b) all parking spaces located in an exterior side yard shall have a 2.5 m setback to any street line
  - c) all parking spaces shall have a 1 m setback to any interior side lot line or rear lot line."

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

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

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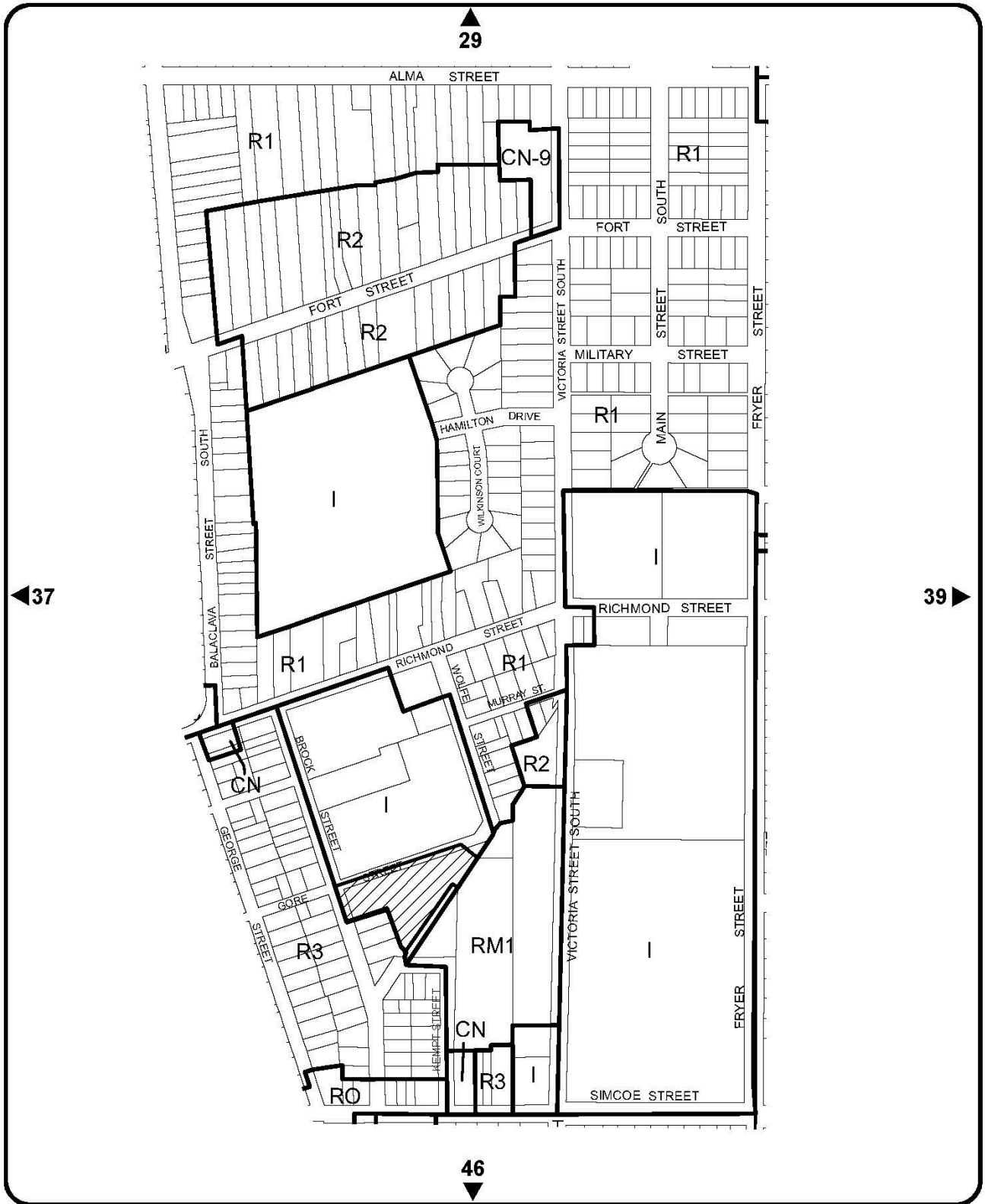
MAYOR- ALDO DICARLO

---

CLERK- VALERIE CRITCHLEY

**TOWN OF AMHERSTBURG**

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



**SCHEDULE 'A'**  
**MAP 38**  
 ZONING BY-LAW NO. 1999-52

I to RM2-8 

MAYOR- ALDO DICARLO

CLERK- VALERIE CRITCHLEY



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

1. RECOMMENDATION:

It is recommended that:

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

EXECUTIVE SUMMARY:

N/A

2. BACKGROUND:

An application has been received from Jones Realty Inc. to amend both the Official Plan and Zoning by-law for lands known as 219 Brock St (refer to Figure 1). This Official Plan and Rezoning, if approved, will amend the existing official plan designation on this property from an "Institutional" to a "Medium Density Residential" designation, and will change the zoning from an "Institutional" zone to a new site-specific Residential Multiple Second Density (RM2) zone. This will allow a new 4 storey 75-unit residential apartment building to be built at this location. Site-specific lot and building regulations will be incorporated at this location, in accordance with a final site plan to be approved by the Town.

The Planning Rationale Report (PRR) prepared by Lassaline Planning Consultants summarizes the development as follows:

In 1950, St. John the Baptist School was constructed on vacant land adjacent to the St John the Baptist Catholic Church to accommodate a catholic school associated with the church. In 1977, a portion of Murray Street was closed and added as playfield for the school. At this juncture, French immersion school programing was added to the school and the school was re-named to 'Ecole St Jean Baptiste'.

Between 2010-2013 the school was closed and de-commissioned. In 2013, the school was purchased by the Town and a demolition permit was issued and the building removed. Since 2014, the property has remained vacant.

The present owner of the property, Terry Jones Realty Inc., is proposing the development of the subject site with a 75 unit residential apartment building. The site will also be developed with parking, site amenities, extensive landscaping, bike parking, loading, and storm water management facilities.

The residential units are going to be rental units, an alternative form of accommodation and tenure from the standard single detached residences. The residential units for rent will provide for rental accommodation within a municipality that has a low vacancy rate and the development will provide for a diversity of accommodation that is needed in the Town. The rental apartment building will provide for a new housing choice identified as the 'Missing Middle' accommodate, needed in the Town of Amherstburg.

Attached is a copy of the amended Planning Rationale Report (Appendix "A"). The site plan showing the proposed development is found on page 12 of the report.

### **3. DISCUSSION:**

#### **Provincial Policy Statement**

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

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

When reviewing a planning application to determine if the requested Official Plan

Amendment (OPA) and Zoning Bylaw Amendment (ZBA) makes sound planning, it is imperative that the proposed development is consistent with the Provincial Policy Statements (PPS).

The Provincial Policy Statement provides policy direction for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS recognizes that the wise management of development may involve directing, promoting, or sustaining growth. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns.

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

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

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

- a) promoting efficient development and land use patterns which sustain the financial well-being of the province and municipalities over the long term.
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing, and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries, and long-term care homes), recreation, park and open space, and other uses to meet long-term needs.
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns.
- d) avoiding development and land use patterns that would prevent the efficient expansion of *settlement areas* in those areas which are adjacent or close to *settlement areas*.
- e) promoting the integration of land use planning, growth management, *transit-supportive* development, *intensification*, and *infrastructure* planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.
- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society.
- g) ensuring that necessary *infrastructure* and *public service facilities* are or will be available to meet current and projected needs.
- h) promoting development and land use patterns that conserve biodiversity; and
- i) preparing for the regional and local impacts of a changing climate.



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

### 1.1.3 Settlement Areas

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

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

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

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

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

On review of the above noted Provincial policies, the proposed development is considered to be consistent with the policy direction of the province. One of the objectives of the Town is to provide a variety and diversity of housing types that will lead to healthy and sustainable neighbourhoods. The proposed development of a new apartment building represents an efficient use of the property and deemed to be an appropriate infill for this area.

## County of Essex Official Plan

The County of Essex Official Plan was adopted on February 19, 2014 and was approved by the province on April 28, 2015. All lower tier Official Plans or amendments must comply with the policies of the upper tier Official Plan (County). The applicable County policies

that should be considered when assessing the merits of the subject Official Plan Amendment include:

Section 1.5 Goals for a Healthy County outline the following:

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

Section 2.2 Growth Management note the following:

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

- Direct non-resource related growth and *development* to settlements where it can be serviced, with a particular emphasis on *Primary Settlement Areas*.
- It is the fundamental policy of this Plan to promote healthy and diverse communities where County residents can live, work and enjoy recreational opportunities. In this regard, every attempt should be made to optimize and make efficient use of existing *infrastructure*.

Section 3.2.2 Goals set out the following polices:

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

- To promote the creation of public places within all neighbourhoods that foster a sense of community pride and well-being and create a sense of place.
- To require the efficient use of land, resources, water and sanitary sewage treatment facilities, other *infrastructure* and *public service facilities* including schools as provided for in the growth management policies contained within this Plan.
- Promote *residential intensification* within *Primary Settlement Areas*, and to a lesser extent, within full serviced *Secondary Settlement Areas*.
- Promote *affordable housing* within *Primary Settlement Areas*, and to a lesser extent, within full serviced *Secondary Settlement Areas*

Section 3.2.6 General Settlement Area Policies include the following:

- The County supports residential *intensification* within *Primary Settlement Areas*.
- Local Official Plans are encouraged to provide opportunities for *redevelopment*, *intensification* and revitalization in areas that have sufficient existing or planned *infrastructure*.

Section 3.3.7 Intensification and Redevelopment outlines the following policies:

- 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*.
- Where possible, new *development* in older established areas of historic, architectural, or landscape value shall be encouraged to develop in a manner consistent with the overall character of these areas.

The adoption of the subject applications are considered to be in conformity with the policy direction as set out in the County Official Plan.

### **Town of Amherstburg Official Plan**

The Official Plan currently designates the subject lands Institutional (refer to Figure 2). Section 4.6 of the Plan set out the following policies:

## **INSTITUTIONAL LAND USE DESIGNATION**

The Institutional classification of land shall mean that the predominant use of the land so designated shall be for uses which exist for the benefit of the residents of Amherstburg and which are operated by the municipality or other public organization for this purpose.

The general principles to be considered in the development and control of the use of such land are as follows:

The uses permitted shall include educational facilities including public, separate, and private schools, places of worship, other civic and institutional uses such as fire halls, police stations, libraries and similar uses, public and private open space areas, active and passive recreation facilities, and community facilities are also included within the Institutional designation. In addition, municipal and private utility works such as water towers, sewage treatment facilities, telephone and gas utility operating facilities, and similar uses are also permitted uses.

The Institutional designation does not provide for the development of medium density residential development. To this end, the applicant has submitted an application to amend the Official Plan to change the designation of the subject lands from “Institutional” to “Medium Density Residential”.

### **4.2 RESIDENTIAL USES**

#### **4.2.1 General**

It is the intention of this Plan to ensure that sufficient lands have been placed in various Residential designations to accommodate the anticipated population in a suitable variety of locations, densities, and unit types. This Plan also intends to ensure that new development or redevelopment is appropriately located, is compatible with surrounding land uses, and incorporates energy efficient aspects in its design.

The Plan also intends to encourage the development of economical housing in a suitable environment. Existing housing and existing residential areas shall be preserved and improved.

#### **4.2.2 Goals**

The following goals are established for the various Residential areas:

- (1) To ensure that new development occurs in a manner in keeping with the capacity of the services available and the financial capability of the municipality.
- (2) To encourage the development of a greater variety of housing types.
- (3) To provide the opportunity for the provision of affordable housing in accordance with the Provincial Policy Statement and County of Essex Housing Study.
- (4) To encourage the provision of an adequate supply of draft approved and/or registered lots and blocks on new plans of subdivision and/or registered lots which have been created in accordance with the policies of this Plan.

(5) To provide the opportunity to increase the housing supply through residential intensification in appropriate and selected Residential designations. Residential intensification may include infilling, accessory apartments, conversions and redevelopment.

(6) To encourage an adequate supply of new building lots to meet the anticipated demand for additional housing units over the next 20-year planning period as the capacity of the Town's services permit.

### **4.3 RESIDENTIAL LAND USE DESIGNATIONS**

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

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

Within areas under the various Residential designations, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted. Elementary educational facilities, religious facilities, parks, recreational facilities, day care, and home occupations and uses pertaining to municipal services and utilities are also permitted uses within Residential designations subject, however, to specified location and design criteria. Such uses may also require selective use specific zoning

#### **4.3.2 Medium Density Residential Areas**

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

The maximum density shall not exceed 70 units per gross hectare. The general location shall be in conformity with Schedules "A" and "B". The Medium Density Residential area may have separate zoning categories in the implementing Zoning By-Law. Where a large dwelling would be converted to contain a number of additional dwelling units, this activity would be permissible provided that:

- (1) Required parking spaces can be provided on the site, other than within the required front yard.
- (2) There is no change in the exterior character of the dwelling.
- (3) Adequate buffering and transition can be provided to surrounding lower density development; and,
- (4) There is no change in the character of existing development, using the criteria outlined above to determine the effect of the proposal.

If the proposed development will result in a change in the character, an Official Plan

amendment will be required, with a study being required and a public hearing being held to determine if the Official Plan amendment should be undertaken.

## **6.6 HOUSING POLICIES**

### **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 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.

(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.

The proposed Official Plan Amendment is considered to be consistent with the 2020 PPS, in conformity with the County Official Plan and consistent with the policy direction as set out in the Town's Official Plan.

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

### **6.7 PLANNING IMPACT ANALYSIS**

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

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

Administration concurs with the opinion of the planner for the applicant that the proposed development meets the general intent and purpose of the Official Plan and is compatible with the built form in the neighbourhood. Further, the height and location of the building mitigates any potential impact on the neighbourhood. The following comments for the Planning Rationale Report note the following with respect to items 1 and 2 above:

The proposed development is located in the peripheral area adjacent to the downtown core of Amherstburg. The site is located as an infilling development in the mixed use area that is peripheral to the downtown core.

The province and the municipality policies and sound planning requires a mix of residential densities, tenures, and styles of housing in a municipality to ensure a healthy community. The provision of the 'missing middle' alternative housing of rental to be provided in a low profile building supports the province and the municipality's healthy community initiatives by providing for alternative tenure and style of housing to accommodate all residents within the municipality.

The proposal is appropriate and compatible with the neighbourhood as an infilling development as directed by provincial and municipal policies to provide medium density residential alternative housing in the peripheral areas to the downtown core. The subject site is an appropriate location and in my professional opinion,



supports municipal and provincial policies that direct development to the peripheral areas of the downtown to assist in reducing climate change by reducing the dependence on the car with the development being in close walking proximity to commercial, institutional and amenities located in the downtown.

There are other properties within the neighbourhood with comparable density and the medium density zoning proposed for the property. The neighbourhood is a mix of densities that include medium density. It is my professional opinion that the proposed medium density residential is an appropriate, compatible density within the mixed density neighbourhood.

The building profile is comparable and similar to a number of flat roof buildings in the neighbourhood: church rectory has a flat roof, adjacent day care has a flat roof, the veterinary clinic has a flat roof, the school at the corner, a portion of St Anthony Lofts to name a few. The proposed building is low profile and is compatible and in keeping with design and styles within the neighbourhood.

This neighbourhood is an area in transition as the downtown area thrives and prospers and the older neighbourhood rejuvenates as uses and buildings transition to support medium density development. Development in close proximity such as the Lofts at St. Anthony support the rejuvenation of the neighbourhood and the municipality as a whole. The proposed development fosters the rejuvenation of the neighbourhood with the provision of new housing style and tenure that is compatible in height.

The building has been placed at the far side of the property, approximately 30 m away from the existing residence. The building is low profile at 4 storeys, comparable to other buildings within the neighbourhood and only slightly taller than the adjacent residence, a height differential negated by the distance separation.

Extensive landscaping has been provided to allow for separation and buffering from the existing adjacent residence. As well, landscaping will provide for visual buffering for the building from the general public.

The shadow study shows the low profile building will not have a negative impact on the existing residences across Richmond Street. The soft building design will result in a low visual impact and will blend with the neighbourhood built form. A heritage look has been given to the building to allow for the building to compliment the mix of heritage within the neighbourhood.

(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.

With respect to vegetation on the property, the Planning Rationale Report notes the following:

The subject lands consist of manicured lawn. The subject lands were originally the play area associated with the catholic school: St John de Baptiste. There are a couple of existing trees on site that were allowed to grow over the years of non-use of the property. As shown on the above pictures of Figures 4 and 5 above, the

few existing trees on site appear to be Norway maples and standard spruce trees that are not significant nor are they identified as Species at Risk.

Based on the current vegetation on the site and the additional landscaping to be provided by the owner, the intent of the Plan would be maintained.

(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 subject site is located within a mixed use neighbourhood located in the periphery to the downtown business core and within a few minutes walking distance of many nearby commercial amenities including: Shoppers Drug Mart, Walmart, Sobey's, No Frills, personal service shops (hair dresser's, yoga studio, etc), and multiple restaurants such as 'Naples Pizza', Romano's Specialty Meats). A daycare is adjacent to the proposed development. An elementary school is within a short walk.

There are cultural and institutional uses within a 5 minute walking distance: Knights of Columbus, Amherstburg Public Library, the Park House Museum, the Amherstburg Freedom Museum, Amherstburg Community Services, Centennial Park, and multiple places of worship, and other commercial businesses in the Amherstburg downtown core.

(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 the subject lands for the construction of 1 new apartment building as shown on the proposed site plan. The lot have an area of approximately 1.06 ha. The configuration of the lot allows for the orderly siting of the building, servicing, amenities, parking areas and ingress/egress points.

(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.

As part of the background reports prepared for this development, the applicant engaged the services of a traffic consultant to assess the impact of traffic on the adjacent road network. The conclusion of the study indicates that all study area intersections are forecasted to operate at acceptable levels of service.

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

The subject site is not located in the Downtown Core Residential area of the municipality where the 'Downtown Amherstburg Urban Design Guideline' was completed to direct new development, however, the guidelines provide sound

direction for new development as infilling in established residential neighbourhood. The subject site is located within the 'Old Town of Amherstburg' as a residential neighborhood that is periphery to the downtown core.

The subject property is not designated under Part IV of the Heritage Act, nor is the site located within a Heritage District under Part V of the Heritage Act. There is a property to the east of the subject lands known municipally as 259 Richmond Street. The residence at 259 Richmond is designated under Part IV and is identified as the 'Wallace Smith Residence'.

The following are provided as guidance for the preservation and restoration of the heritage and for infill of new development to ensure compatibility with existing residential infrastructure;

- Design new building with careful consideration of their design elements so that new buildings are complementary to the established heritage in the area;*
- 2. Site and scale of new buildings should be complementary to adjacent structures using setbacks and height for new buildings that respect the existing building setbacks and massing;*
- 3. Use precedents for roof profiles, windows, entrances, and porches from the existing built form and streetscape as a guide for the design of new buildings;*
- 4. Orient principal building entrances so they face the public street and are a prominent feature in the building elevation;*
- 5. Locate garages {and parking} in the side or rear yards to diminish visual impact;*
- 6. Select materials for new construction based on the variety of materials found within the existing neighbourhood;*
- 7. Plant street trees to match established pattern on the street;*
- 8. Ensure that physical improvements do not destroy historic character of neighbourhood.*

The building is bounded on two sides by roads and on the third side by a vacant parcel. An existing heritage designated parcel is adjacent to the east. The proposed building has been designed as a low profile, 4 storey building placed towards the road frontage away from the heritage parcel with an intent that the low profile and the distance separation will reduce visual impact on the existing heritage residence.

The main entrance has been designed as a welcoming entrance and incorporated on the interior face of the building in order to cause the least disturbance to the neighbourhood. As well, all parking is in the rear yard supporting the reduction of noise and disturbance to the neighbourhood. As shown on the elevations above, there will be individual entrances from the ground floor units providing for the connectivity of the building to the streetscape.

The front facades have been designed to be sympathetic and supportive of the heritage of the neighbourhood without conflicting or contradicting the heritage of the neighbourhood. Features such as 'limestone brick veneer', accentuating pillars, 'clap board' accents, fascia molding/boards as accents, and black powder coated railings to look like wrought iron defining the main floor entrances to create a welcoming approach to the building. (refer to figures 9 and 10 of the PRR).

- (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.

Items 8 through 13 of the Planning Impact Analysis will be addressed during the site plan approval stage of the development.

### **Amherstburg Zoning By-law**

The zoning By-law currently zones the lands as Institutional (I) (refer to Figure 3). Section 24 of the By-law set out the following as the scope and permitted uses:

#### **SCOPE**

The provisions of this Section shall apply in all Institutional (I) Zones except as otherwise provided in the Special Provisions Subsection of this Section.

#### **USES PERMITTED**

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

- (i) cemeteries;
- (ii) colleges;
- (iii) day nurseries;
- (iv) government buildings;
- (v) hospitals;
- (vi) marina;
- (vii) manse;
- (viii) museums;
- (ix) nursing home;
- (x) parks;
- (xi) places of worship;
- (xii) recreational facilities owned and operated by a public authority;
- (xiii) schools.

Based on the current zoning as outlined above, the proposed residential land use is not permitted. As such, the applicant is applying to amend Zoning By-law (ZBA) to permit the intended use. A copy of the Amending Zoning by-law Amendment is attached as Appendix "E". The amending by-law has been reviewed by administration and the applicant's consultant to ensure that all the necessary regulations have been included to allow for the development of the lands in accordance with the site plan.

In the event the applications are approved by Council, the development would also be subject to the execution of a site plan control agreement.

## Reports/submissions by Applicant in support of Applications

1. Amended Planning Rationale Report (PRR) – Appendix “A”
2. Archeological Report – Appendix “B”
3. Traffic memo
4. Shadow study – Appendix “C”
5. Amended Official Plan Amendment No. 15 - Appendix “D”
6. Zoning By-law Amendment - Appendix “E”
7. Archaeological Review Report – Appendix “F”
8. Comments received from municipal departments, agencies, and property owners – Appendix “G”.

At the May 9<sup>th</sup> meeting the following comments from the public were brought forward:

- Concern regarding compatibility with the surrounding area
- Mixing of housing types
- Conformity with Official Plan
- Concern with both on-site and off-site parking
- Design of building (flat roof)
- View/sun being blocked
- Use to intensive
- Open space being replaced with building

Administration has taken into account the above comments and would suggest to Council that the subject application to amend the official plan and zoning by-law at this location, represents an appropriate land use change that furthers Council’s and the Community’s goals to: broaden housing choices in the Town; encourage existing heritage buildings to be re-used and preserved; and to strengthen existing residential neighbourhoods. It is a good example of a residential infill development that is compatible with existing and planned land uses in the surrounding area. The proposal is in consistent with the Provincial Policy Statement and the County Official Plan. The supporting traffic study also confirms that the traffic from this development will not impact the functioning of the streets in this area. The applicant’s planning consultant has also provides detailed rationale for the approval of the applications (Appendix “A”).

At the May 9<sup>th</sup> meeting Council raised concerns regarding the findings of two different archeological studies – one completed in 2011 and one completed in 2014. At the meeting, Council requested clarity that there were no former grave sites on the subject lands.

Following the meeting, administration met with the applicant to review the concerns raised by Council. Following those discussions, the applicant agreed to retain the services of a qualified consultant to review the previous reports and offer an opinion regarding the potential that any former grave sites are located on the subject lands. On June 6<sup>th</sup> administration received a copy of an Archaeological Review Report regarding this matter (refer to Appendix “F”). The Results of the review are noted below:

Both of the archaeological reports produced by TMHC and AECOM were conducted in accordance with the *Standards and Guidelines for Consultant Archaeologists*. The results of both reports did not produce any evidence that the

historic cemetery extended into the current study area, and there is no evidence to suggest any outstanding archaeological concern on the property.

Based on the above findings, administration is satisfied that sufficient due diligence has been undertaken by the municipality to address this concern, and that it would be appropriate for Council to adopt both the Official Plan Amendment and the Zoning By-law Amendment.

**4. RISK ANALYSIS:**

The recommendation presents little to no risk to the municipality.

**5. FINANCIAL MATTERS:**

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

**6. CONSULTATIONS:**

The 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 the contents of this report and subject to any further comments/direction from Council, it is the recommendation of administration that Official Plan Amendment Number 15 attached to this report as Appendix "D" and the corresponding implementing Zoning By-law Amendment number 2022-063 attached to this report as Appendix "E", be adopted by Council.



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Melissa Osborne  
Director, Development Services

**JM**

## Report Approval Details

Document Title:	Official Plan Amendment No.15 and ZBA for 219 Brock.docx
Attachments:	- 2022 06 13- Official Plan Amendment No. 15 and ZBA for 219 Brock Street- ATTACHMENTS.pdf
Final Approval Date:	Jun 8, 2022

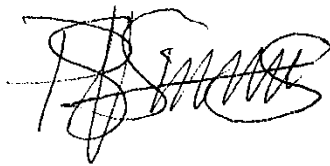
This report and all of its attachments were approved and signed as outlined below:



Melissa Osborne



Tracy Prince



Peter Simmons



Valerie Critchley







**REPORT:** PLANNING RATIONALE REPORT (PRR)  
**MUNICIPALITY:** TOWN OF AMHERSTBURG  
**MUNICIPAL ADDRESS:** 219 BROCK STREET  
**DEVELOPMENT:** OPA & ZBA  
**DATE:** May 30, 2022 (REVISED)

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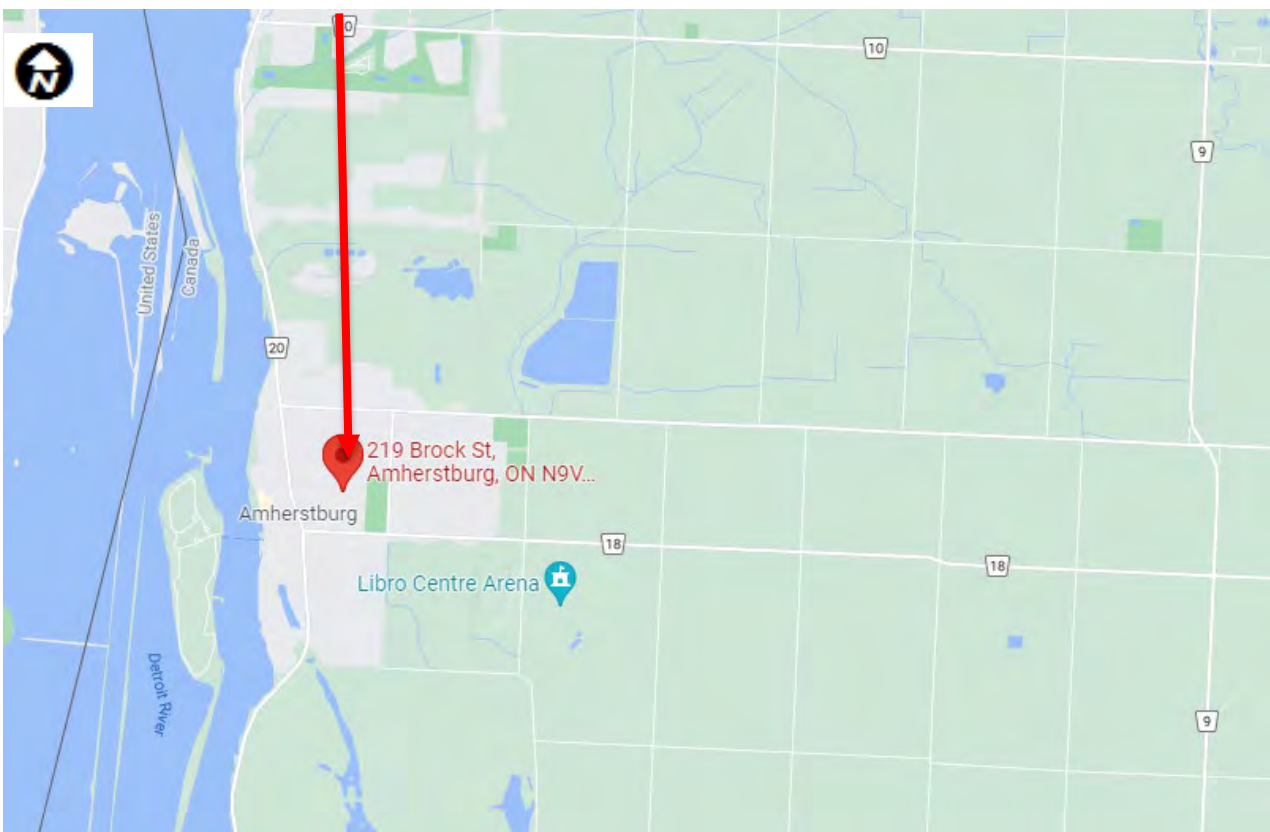
## 1.0 INTRODUCTION

Lassaline Planning Consultants (LPC) has been retained to undertake a planning rationale report regarding the feasibility of an Official Plan Amendment (OPA) to support the change in designation of the property from 'Institutional' to 'Residential' and a Zoning Bylaw Amendment (ZBA) that will rezone the subject lands from 'Institutional (I)' to a site specific 'Residential Multiple Second Density (RM2)' zone.

The presently vacant lands are proposed to be developed with a 4 storey, low profile apartment building with a total of 75 residential rental apartment units with 2217 m<sup>2</sup> GFA. The site is proposed to be developed with 117 parking spaces, comprised of 113 regular spaces and 4 barrier free spaces and 1 loading space.

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

**FIGURE 1 - LOCATIONAL MAP 219 BROCK STREET**



## 1.1 APPLICATION INFORMATION

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

- 1) an Official Plan Amendment (OPA) to have the subject property redesignated from the present 'Institutional' designation to a 'Residential' designation. The OPA will establish the 'Residential: Medium Density' policy framework for the parcel;
- 2) a Zoning Bylaw Amendment (ZBA) to have the property rezoned from the present 'Institutional (I)' to a site specific 'Residential Multiple Second Density (RM2)' zone. The ZBA will provide for a site specific regulatory framework to allow for the proposed residential apartment building on site;
- 3) Site Plan Control application will be requested after the adoption of the OPA and passing of the ZBA.

## 1.2 PURPOSE OF THE REPORT

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

The subject site has a lot area of 10,625 m<sup>2</sup> (1.06 ha) and lot frontage of 83.5 m on Brock Street and street line of 127 m along Richmond Street creating an exterior side yard.

The owner proposes to build a 4 storey, 75 unit apartment building intended for rental residential with 2,217 m<sup>2</sup> GFA resulting in 20.8 % lot coverage. The site will be extensively landscaped with gardens, trees, black wrought iron fencing that will assist in providing significant amenity space to the residents.

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

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

This planning rationale report will demonstrate the consistency of the development proposal with the Provincial Policy Statement (PPS) 2020 and how the proposed residential apartment land use is consistent with provincial housing policies, supports healthy community initiatives, and provides for healthy, walkable community policies of the province.

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

### **1.3 219 BROCK STREET SITE INFO**

The subject property formerly described as Part of Lot 2 , Concession 1 in the Township of Malden, now in the Town of Amherstburg. The subject lands have a legal description of: Lots 9 and 10 (E/S Brock Street), Lots 11 and 12 (W/S Kempt Street), Parts Lots 5 and 6 (E/S Kempt Street), and Part of Kempt Street closed by unregistered Bylaw and Part of Murray Street (Closed by Bylaw R10039955), Plan 1 Amherstburg, designated as Part 4 Plan 12R25406, Town of Amherstburg.

In 1950 St. John the Baptist School was constructed on vacant land adjacent to the St John the Baptist Catholic Church to accommodate a catholic school associated with the church. In 1977 a portion of Murray Street was closed and added as playfield for the school. At this juncture, French immersion school programing was added to the school and the school was re-named to 'Ecole St Jean Baptiste'.

The subject lands are presently owned by Terry Jones Realty Inc. c/o Terry Jones. The subject site has a municipal address of 219 Brock Street and is located at the corner of Brock Street and Richmond Street urban settlement area of Amherstburg. The site is located in the periphery to the downtown core in a residential area known as the Old Town of Amherstburg.

**FIGURE 2: 2010 SITE AERIAL**



**FIGURE 3: 2022 SITE AERIAL**



Approximately 2010-2013 the school was closed and de-commissioned. In 2013 the school was purchased by the Town and a demolition permit was issued and the building removed. Since 2014 the property has remained vacant.

#### 1.4 SITE CONFIGURATION

The subject site is a large, rectangular shaped lot with two road frontages at the corner of Brock Street and Richmond Street. Under the CZB for the definition of frontage for a corner lot being the lesser of the two frontages, Brock Street will remain as frontage for the proposed apartment building.

#### 1.5 TOPOGRAPHY

**FIGURE 4: 2022 SITE LOOKING NORTH**





**FIGURE 5: 2022 SITE LOOKING SOUTH/EAST**



The property is flat and has little to no variation in elevation or grade change. There are no swales or ditches on the property. Refer to Figure 2 above showing site aerial. There are no natural features or natural hazards associated with this property.

## **1.6 VEGETATION**

The subject lands consist of manicured lawn. The subject lands were originally the play area associated with the catholic school: St John de Baptiste. There are a couple of existing trees on site that were allowed to grow over the years of non-use of the property. As shown on the above pictures of Figures 4 and 5 above, the few existing trees on site appear to be Norway maples and standard spruce trees that are not significant nor are they identified as Species at Risk.

**FIGURE 6: 2022 SITE LOOKING NORTH/WEST**



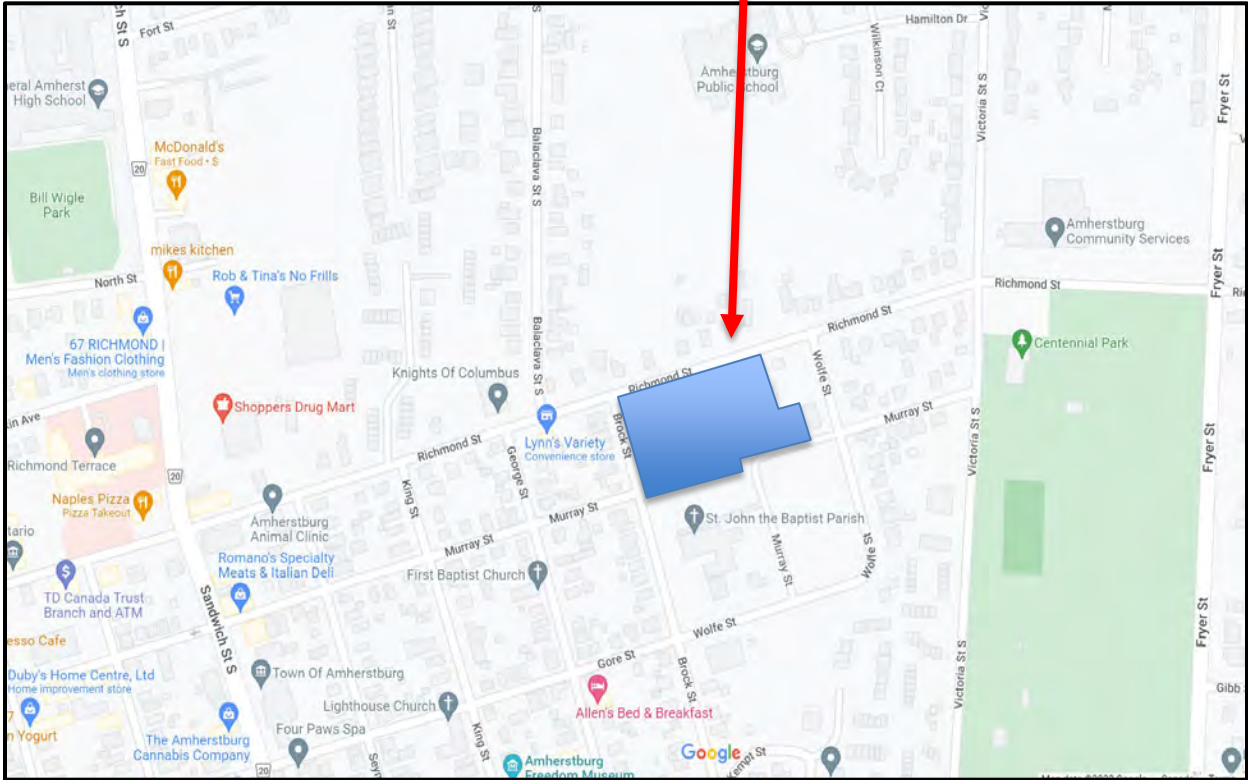
With the proposed development, the landscaping will be professionally designed and installed to create a welcoming amenity space associated with the residential development. Black wrought iron fencing will be included to provide a sense of space and definition of amenity spaced for the apartment building

## **1.7 NEIGHBOURHOOD LAND USES**

The new residential low profile, 4 storey apartment building is proposed within a residential neighbourhood that is supported by active transportation walking and biking trails, and is within close walking distance to supportive commercial and institutional amenities. The residential neighbourhood is in the location of the Old Towne of Amherstburg.

- a) North- mixed density residential, Amherstburg Public School;**
- b) East- residential, commercial daycare, Centennial Park;**
- c) South- St. John the Baptist Church, mixed density residential;**
- d) West- institutional, downtown core, commercial, mixed density residential.**

**FIGURE 7 - NEIGHBOURHOOD LAND USES: 219 BROCK**



The subject site is located within a mixed use neighbourhood located in the periphery to the downtown business core and within a few minutes walking distance of many nearby commercial amenities including: Shoppers Drug Mart, Walmart, Sobey's, No Frills, personal service shops (hair dresser's, yoga studio, etc), and multiple restaurants such as 'Naples Pizza', Romano's Specialty Meats). A daycare is adjacent to the proposed development. An elementary school is within a short walk.

There are cultural and institutional uses within a 5 minute walking distance: Knights of Columbus, Amherstburg Public Library, the Park House Museum, the Amherstburg Freedom Museum, Amherstburg Community Services, Centennial Park, and multiple places of worship, and other commercial businesses in the Amherstburg downtown core.

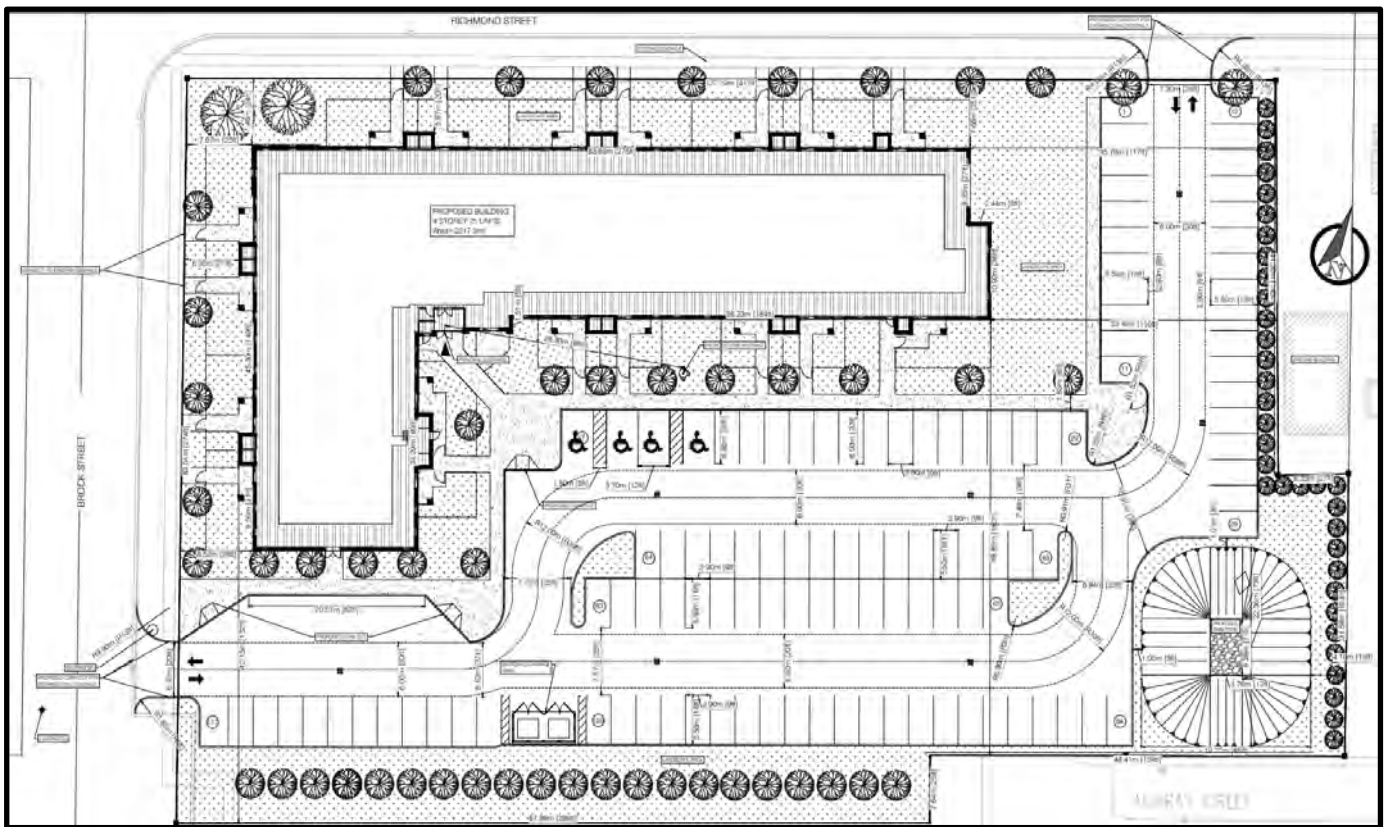
The proposed development can be considered a transitional site to the downtown core. The neighbourhood is a mix of uses, height, massing and density as a transitional neighbourhood in the periphery to the downtown core. This neighbourhood is also an area in transition as the downtown area thrives and prospers and the older neighbourhood begins to rejuvenate as uses and buildings transition to support the municipality as a whole.

## 2.0 DEVELOPMENT PROPOSAL

The present owner of the property, Terry Jones Realty Inc, is proposing the development of the subject site with a 75 unit residential apartment building. The site will also be development with parking, site amenities, extensive landscaping, bike parking, loading, and storm water management facilities.

The proposed development will require a change in OP policy framework and change in Zoning regulations from the institutional uses presently permitted to residential to support the residential land use proposed for development of the site.

**FIGURE 8 – CONCEPT PLAN**



The residential units are going to be rental units, an alternative form of accommodation and tenure from the standard single detached residences. The residential units for rent will provide for rental accommodation within a municipality that has a low vacancy rate and the development will provide for a diversity of accommodation that is needed in the Town. The rental apartment building will provide for a new housing choice identified as the 'Missing Middle' accommodate, needed in the Town of Amherstburg.

Consistent with the provincial housing direction and the need for rental apartment building, the proposed low profile building has been designed to be compatible with the neighbourhood and to result in a low impact on the long established residential neighbourhood. The site is well suited with the new building to be bounded by two roads, a church on one side, and only one side with existing residences resulting in an infill development in an existing residential neighbourhood.. The building has been designed to be distance separated from the existing residence. In my professional opinion the proposed building is compatible with the existing residential neighbourhood.

**FIGURE 9 – CONCEPT PLAN: ENTRANCE RENDERING**



**FIGURE 10 – CONCEPT PLAN: BROCK/RICHMOND RENDERING**



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

## **2.1 PROPOSED OPA AND ZBA**

The Official Plan policies for the ‘Institutional’ designation allows for educational, civic, and recreational uses, as well as for municipal or private utilities.

### ***4.6 INSTITUTIONAL LAND USE DESIGNATION***

*The Institutional classification of land shall mean that the predominant use of the land so designated shall be for uses which exist for the benefit of the residents of Amherstburg and which are operated by the municipality or other public organization for this purpose. The general principles to be considered in the development and control of the use of such land are as follows: The uses permitted shall include educational facilities including public, separate, and private schools, places of*

*worship, other civic and institutional uses such as fire halls, police stations, libraries and similar uses, public and private open space areas, active and passive recreation facilities, and community facilities are also included within the Institutional designation. In addition, municipal and private utility works such as water towers, sewage treatment facilities, telephone and gas utility operating facilities, and similar uses are also permitted uses.*

Official Plan policies for the 'Institutional' designation allows for institutional uses such as schools, community centre uses, churches, etc. An Official Plan Amendment (OPA) is required to apply general residential policies to the proposed development. An OPA has been requested to redesignate the lands from 'Institutional' to 'Residential' designation to support the establishment of the 75 unit apartment building. The OPA will simply redesignate the subject lands to residential land use with the general residential policy framework applying to the proposed land use: a site specific policy is not required as the proposed land use will conform with the general residential designation policies.

The proposed Official Plan Amendment (OPA) to redesignate the subject lands to 'Residential: Medium Density' designation and a Zoning By-law Amendment (ZBA) to rezone the lands to "Residential Multiple Second Density (RM2)" zone. The change to residential supports the infill development of the existing vacant lot for the development of needed residential rental apartment housing by the construction of a new 4 storey residential apartment building with 75 units. This new building will provide a needed diversity of housing options, has been designed to be compatible with the neighbourhood, is within a walkable distance to Downtown Amherstburg commercial areas, is within close proximity to open spaces and recreational areas, and can be considered a positive infill opportunity.

With the requested new residential apartment building, the site will require a site specific by-law to apply site specific regulations to the property for the inclusion of permitted uses and site specific regulations.

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

- 1) Front Yard Setback (Brock St): 6.3 m;
- 2) Landscaped Open Space (minimum): 37%

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

## 2.2 SITE SERVICING STUDY

**Baird AE** Project No. 21-183, 27 Princess Street, Unit 102, Leamington ON, is a qualified civil engineering firm that undertook a Functional Servicing Report for 219 Brock Street proposed development.

### **“4. Conclusion**

*This report presents existing municipal and proposed servicing details, and stormwater management requirements for the proposed development, located at the southeast corner of Richmond Street and Brock Street, in Town of Amherstburg. Based on our initial investigation, we conclude and recommend the following:*

- 1) **Sanitary** – a new 200mm diameter sanitary service will tie-in to the existing 300mm sanitary sewer on Brock Street.
- 2) **Watermain** – one new 150mm diameter water service will be provided to the development and tie-in to existing 200mm watermain on Richmond Street. New fire hydrants will also be installed to facilitate the development.
- 3) **Storm** – All minor storms will be serviced through proposed storm sewers. A 200mm diameter storm pipe will be tied to the existing 300mm diameter storm sewer, and a control orifice plate is installed at the outlet pipe of SWM facility. During major storm events, the post-development peak flows from all events from the site will be controlled to the peak flow from the target pre-development conditions.”

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

It is recommended that the SWM pond be landscaped to become a naturalized feature on site that is aesthetically integrated and can become a gathering spot for residents.



## 2.3 TRAFFIC MEMO CONCLUSIONS

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

### EXECUTIVE SUMMARY AND RECOMMENDATIONS:

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

#### Development Description:

This TIS considers the development of 219 Brock Street and consists of:

- 219 Brock Street: a 75-unit mid-rise apartment building;
- Access to the proposed development is provided via:
  - an all-moves access to Brock Street; and
  - an all-moves access to Richmond Street.

#### Conclusions:

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

- **Existing Traffic Conditions:** All study area intersections are currently operating within acceptable levels of service;
- **Proposed Development:**
  - 219 Brock Street: The full build-out of the site is forecast to generate 21 and 30 trips during weekday AM and PM peak hours, respectively.
- **2030 Background Traffic Conditions:** All study area intersections are forecast to operate at acceptable levels of service;
- **2030 Total Traffic Conditions:** The total traffic conditions are forecast to operate similarly to the background conditions;
- **Remedial Measures:**
  - Left-Turn Lane Warrants: It was found that **no left-turn** lanes are forecast to be warranted.

## Recommendations:

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

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

## 2.4 ARCHEOLOGICAL STUDY;

**AECOM Canada Ltd.**, 410-250 York Street, Citi Plaza, London ON N6A 6K2, a qualified archaeological firm licence No. P393, undertook an archaeological study under project file P393-0045-2014 relating to the proposed development. **The project study was prepared in 2014 for 1869089 Ontario Limited.**

### *Executive Summary:*

1) Prior to AECOM Canada Ltd in 2014, there were three different Archaeological Assessments of the areas adjacent to the current study areas under Stage 2 and 3 assessments. The assessments were done “**as part of an investigation by the town to determine the development potential for the property adjacent to the former school, École St. Jean Baptiste, and delineate the boundaries of the existing St. Jean Baptiste Cemetery and excavations were carried out to fulfill the requirements of the Cemeteries Act (R.S.O. 1990)**”:

- 1988 Archaeological Delimitation of the Cemetery on the Grounds of the St. John the Baptist School, Amherstburg, Essex County. **Prepared by the Museum of Indian Archaeology;**
- 2006 École St. Jean Baptiste and St. John the Baptiste Cemetery (AaHs-31)...Stage 1 Archaeological Background Study. **Prepared by Historic Horizon Inc. P048-031-2006;**
- 2011 Cemetery Investigation and Stage 2 & 3 Archaeological Assessment St. Jean Baptiste Cemetery (AaHs-31), 219 Brock Street, Amherstburg,

- 2) In 2011, the areas adjacent to the current study area were subject to a previous Stage 2 and 3 archaeological assessments by Timmins Martelle Heritage Consultants Inc. (TMHC) (2011) as part of an investigation by the town to determine the development potential for the property adjacent to the former school, École St. Jean Baptiste, and delineate the boundaries of the existing St. Jean Baptiste Cemetery.
- 3) *AECOM Canada Ltd. (AECOM) was contracted by 1869089 Ontario Limited in 2014 to conduct the required Stage 2 archaeological assessment of the St. John de Baptiste School Yard, legally described as Part of Lot 2, Concession 1 in the Geographic Township of Malden, Town of Amherstburg, Essex County, Ontario.*
- 4) **TMHC ASSESSMENT (2011):**
  - The TMHC assessment (2011) determined the boundaries of the cemetery which was accepted by the Town of Amherstburg and the Cemeteries Regulation Unit to be used as the legal boundary.
  - It was determined that the northern cemetery limit was south of the Murray Road ROW and does not extend into the current study area.
  - Given the presence of archaeological remains associated with the former St. Joseph's Academy (AaHs-106) the report recommended that should the current study area, north of the cemetery boundary, be subject to future development, a Stage 2 archaeological assessment should be conducted (TMHC 2011). The current Stage 2 archaeological assessment satisfies this requirement.

- 5) *The study area is comprised of approximately 2 acres of manicured lawn surrounding a demolished school (Figure 1 and 2). The Stage 1 archaeological assessment was previously conducted by Historic Horizons Inc. (2006).*
- 6) *This assessment was conducted to meet the requirements of Section 3 of the Planning Act, and Section 2.6 of the most recent Provincial Policy Statement of April 30, 2014 (Ontario Government 1990a).*
- 7) *The Stage 2 archaeological assessment was conducted on May 12, 2014 under PIF number P393-0045-2014 issued to Erik Phaneuf, Professional Archaeologist at AECOM.*

***“No archaeological sites or material were identified during the course of the Stage 2 archaeological assessment of the St. John de Baptiste School Yard and, thus, archaeological concerns under land use planning are considered addressed and no further archaeological assessment is required.”***

- 8) July 20, 2015 the Ministry of Culture approved and entered the above report into the Public Register of Archaeological Reports. With the registration of the report, no further studies are required for the subject site and it is deemed clear.
- 9) For Council’s assurance, provisions should be included in the Site Plan Agreement that identifies what process will be undertaken should artifacts be discovered on site during any construction or excavation of the site.

In conclusion, the findings of the archaeological report do not warrant any further study of the property.

## **2.5 SHADOW STUDY**

When considering the infill of a new development within an existing neighbourhood, it is important to evaluate the impact of the built form on the neighbourhood.

## FIGURE 11 – SUMMER SOLSTICE: BROCK/RICHMOND SHADOW STUDY



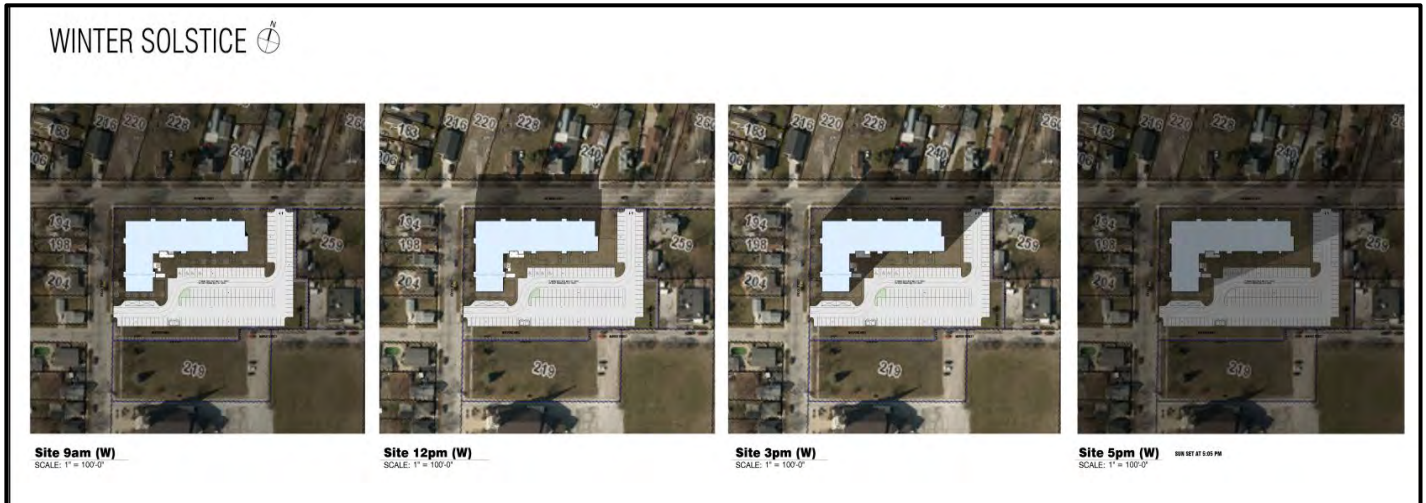
The Shadow Study: **Summer Solstice** shows that due to the low profile height and the orientation of the building during the summer months, **the shadow created by the new building will not put the existing residences into shadow during summer solstice.**

As shown below, **Winter Solstice** during the daylight hours of the winter months when sunlight is optimum, the shadow will extend across the street but does not **put the existing residences into shadow during winter solstice.**

Specifically, with the distance separation and the building oriented towards the corner of Brock and Richmond has effectively eliminated the shadow effect on the only adjacent residence at 259 Richmond St.

The low profile of the proposed building can be considered compatible with the neighbourhood as shown in the shadow study.

## FIGURE 12 – WINTER SOLSTICE: BROCK/RICHMOND SHADOW STUDY



In my professional opinion, the Shadow Study shows that the 4 storey, low profile building is well suited for the neighbourhood and the study shows that the infill development is compatible with the existing neighbourhood.

### 2.6 URBAN DESIGN GUIDELINES/HERITAGE CONSIDERATION

The subject site is not located in the Downtown Core Residential area of the municipality where the 'Downtown Amherstburg Urban Design Guideline' was completed to direct new development, however, the guidelines provide sound direction for new development as infilling in established residential neighbourhood. The subject site is located within the 'Old Town of Amherstburg' as a residential neighborhood that is periphery to the downtown core.

The subject property is not designated under Part IV of the Heritage Act, nor is the site located within a Heritage District under Part V of the Heritage Act. There is a property to the east of the subject lands known municipally as 259 Richmond Street. The residence at 259 Richmond is designated under Part IV and is identified as the 'Wallace Smith Residence'.

The following are provided as guidance for the preservation and restoration of the heritage and for infill of new development to ensure compatibility with existing residential infrastructure;

1. *Design new building with careful consideration of their design elements so that new buildings are complementary to the established heritage in the area;*
2. *Site and scale of new buildings should be complementary to adjacent structures using setbacks and height for new buildings that respect the existing building setbacks and massing;*
3. *Use precedents for roof profiles, windows, entrances, and porches from the existing built form and streetscape as a guide for the design of new buildings;*
4. *Orient principal building entrances so they face the public street and are a prominent feature in the building elevation;*
5. *Locate garages {and parking} in the side or rear yards to diminish visual impact;*
6. *Select materials for new construction based on the variety of materials found within the existing neighbourhood;*
7. *Plant street trees to match established pattern on the street;*
8. *Ensure that physical improvements do not destroy historic character of neighbourhood.*

The building is bounded on two sides by roads and on the third side by a vacant parcel. An existing heritage designated parcel is adjacent to the east. The proposed building has been designed as a low profile, 4 storey building placed towards the road frontage away from the heritage parcel with an intent that the low profile and the distance separation will reduce visual impact on the existing heritage residence.

The main entrance has been designed as a welcoming entrance and incorporated on the interior face of the building in order to cause the least disturbance to the neighbourhood. As well, all parking is in the rear yard supporting the reduction of noise and disturbance to the neighbourhood. As shown on the elevations above, there will be individual entrances from the ground floor units providing for the connectivity of the building to the streetscape.

Please refer to Figure 9 and 10 above: the front facades have been designed to be sympathetic and supportive of the heritage of the neighbourhood without conflicting or contradicting the heritage of the neighbourhood. Features such as 'limestone brick veneer', accentuating pillars, 'clap board' accents, fascia molding/boards as accents, and black powder coated railings to look like wrought iron defining the main floor entrances to create a welcoming approach to the building.

The proposed low rise apartment building, in my professional opinion, can be considered compatible and complimentary to the existing residential neighbourhood.

## 2.7 COMPATIBILITY OF DEVELOPMENT WITH NEIGHBOURHOOD

The proposed development is located in the peripheral area adjacent to the downtown core of Amherstburg. The site is located as an infilling development in the mixed use area that is peripheral to the downtown core.

The province and the municipality policies and sound planning requires a mix of residential densities, tenures, and styles of housing in a municipality to ensure a healthy community. The provision of the 'missing middle' alternative housing of rental to be provided in a low profile building supports the province and the municipality's healthy community initiatives by providing for alternative tenure and style of housing to accommodate all residents within the municipality.

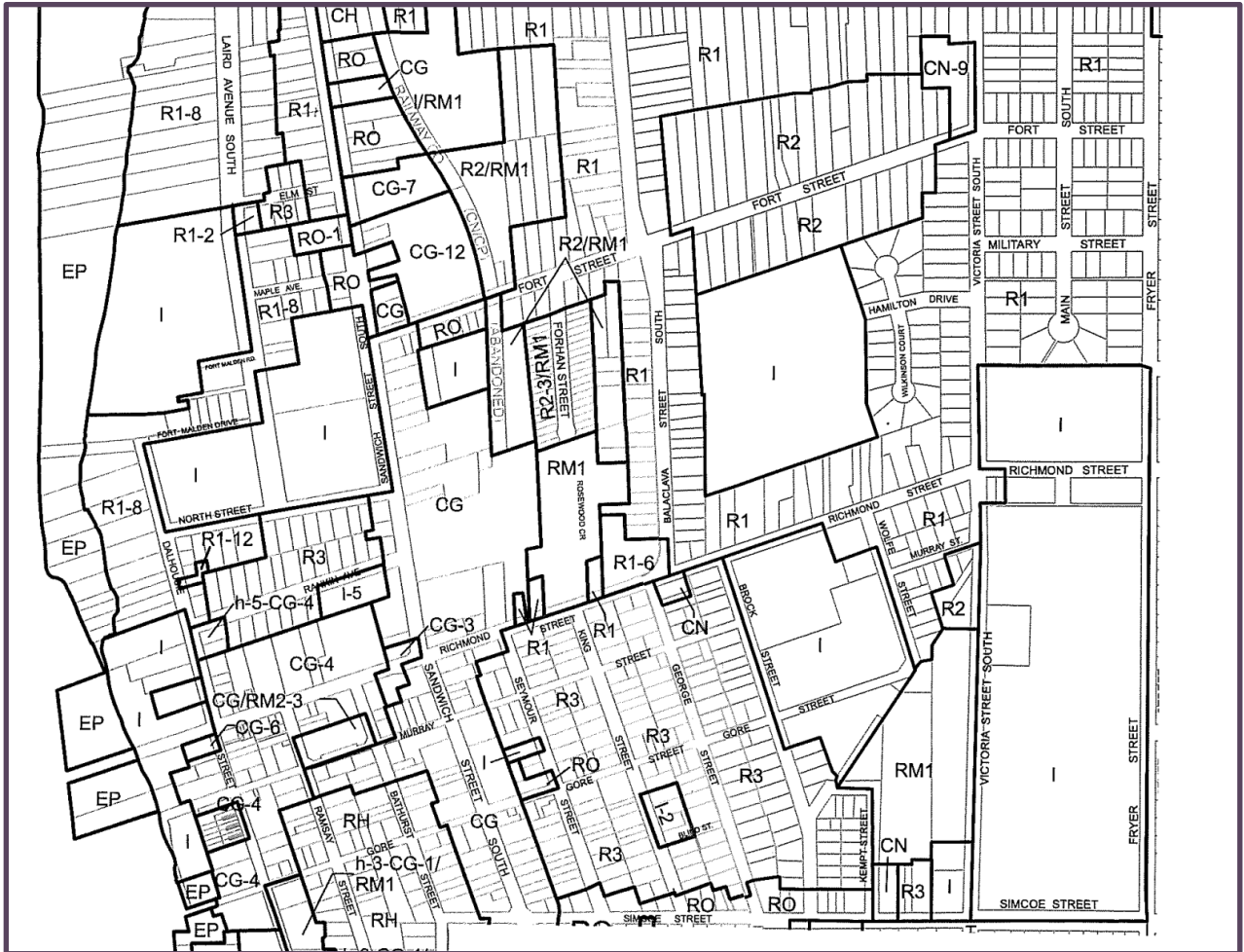
The proposal is appropriate and compatible with the neighbourhood as an infilling development as directed by provincial and municipal policies to provide medium density residential alternative housing in the peripheral areas to the downtown core. The subject site is an appropriate location and in my professional opinion, supports municipal and provincial polices that direct development to the peripheral areas of the downtown to assist in reducing climate change by reducing the dependence on the car with the development being in close walking proximity to commercial, institutional and amenities located in the downtown.

There are other properties within the neighbourhood with comparable density and the medium density zoning proposed for the property. The neighbourhood is a mix of densities that include medium density. It is my professional opinion that the proposed medium density residential is an appropriate, compatible density within the mixed density neighbourhood.

As shown below on **FIGURE 13 – ZONING OF THE NEIGHBOURHOOD**, there are mix of uses within the neighbourhood including institutional church, institutional schools, daycare, restaurants, CBD commercial, as well as residential uses and medium density residential uses (St Anthony Lofts) within the immediate neighbourhood. In my professional opinion, the proposed medium density residential use as an infilling development is compatible in use with the mixed use neighbourhood and existing residential neighbourhood.



**FIGURE 13 – ZONING SHOWING MIXED DENSITIES IN NEIGHBOURHOOD**

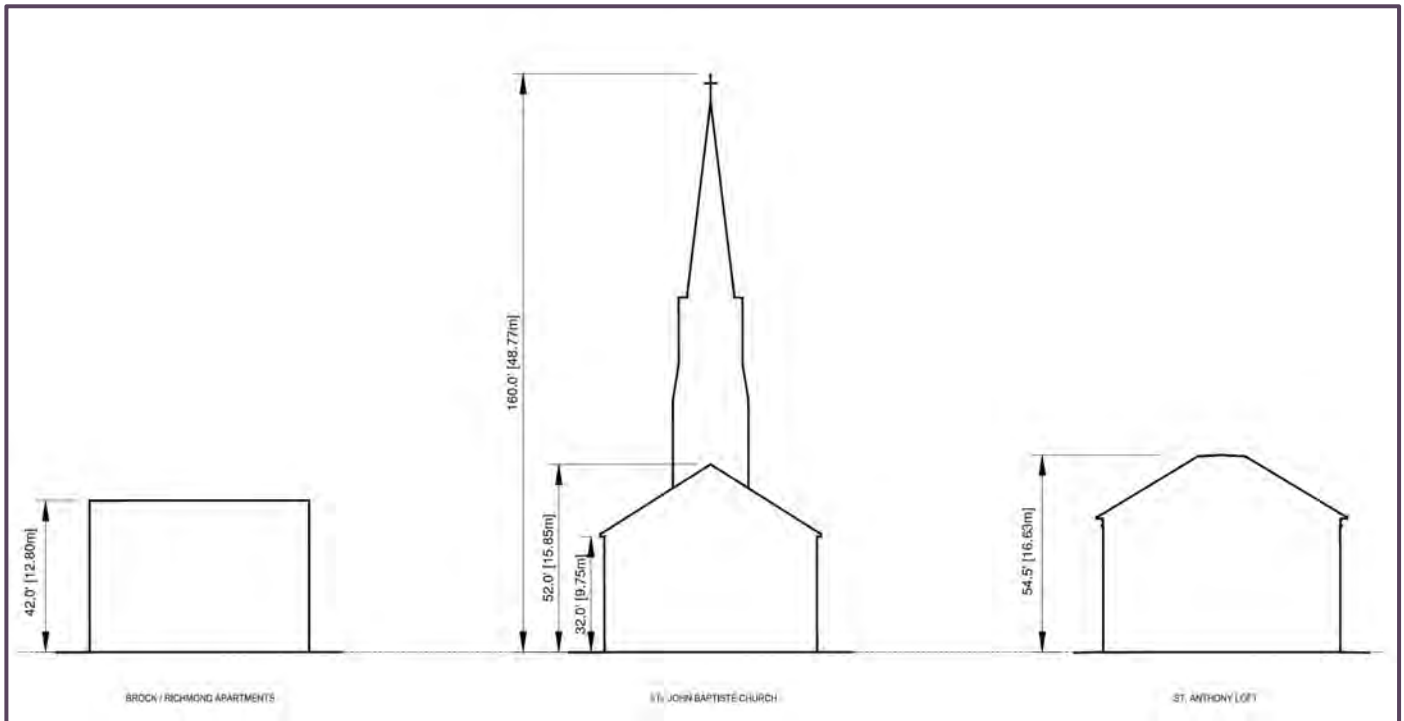


The building profile is comparable and similar to a number of flat roof buildings in the neighbourhood: church rectory has a flat roof, adjacent day care has a flat roof, the veterinary clinic has a flat roof, the school at the corner, a portion of St Anthony Lofts to name a few. The proposed building is low profile and is compatible and in keeping with design and styles within the neighbourhood.

The neighbourhood is a mix of heights, massing and profiles as a transitional neighbourhood in the periphery to the downtown core. Please note the attached elevation design in **FIGURE 14 – HIGHER STRUCTURES IN CLOSE PROXIMITY** below shows that the building is lower than the existing St Anthony’s Lofts, located within a block of the site. The proposed building massing and height is substantially lower than the existing church located immediately to the east of the property.

Adjacent to the subject building is a church with a significant high profile building and steeple. There are multiple other examples of higher buildings within the mixed neighbourhood. With the proposed building being located in the periphery to the downtown, there are a number of buildings within close proximity to the CBD with commercial buildings with comparable heights. In my professional opinion, the building is a low profile building that is compatible in height within the neighbourhood.

**FIGURE 14 – HIGHER STRUCTURES IN CLOSE PROXIMITY**



Significantly, the building will be infilling within an ‘aging’ neighbourhood. The low profile building provides for a compatibility of similarities to the neighbourhood that will provide comfort to the seniors within the neighbourhood, and as a building geared to seniors, will provide them an opportunity to ‘age in place’ in a low profile building comparable to their housing within their existing neighbourhood.

This neighbourhood is an area in transition as the downtown area thrives and prospers and the older neighbourhood rejuvenates as uses and buildings transition to support medium density development. Development in close proximity such as the Lofts at St. Anthony support the rejuvenation of the neighbourhood and the municipality as a whole. The proposed development fosters the rejuvenation of the neighbourhood with the provision of new housing style and tenure that is compatible in height,

From a heritage perspective, the neighbourhood is a mix of building styles and designs, built design periods, and a mix of design elements and materials. There is not one period or design style that is cohesive to the neighbourhood. This mix of built periods, building styles and designs makes it impossible to try to stylize a building for continuity of design. The proposed building design is compatible with the neighbourhood by providing heritage features such as: black wrought iron fencing to define entrances, limestone style brick façade, muted 'limestone' colours, etc. The building has been designed to have similar components and to compliment the iconic Amherstburg limestone built design. The design compliments the Lofts at St Anthony without trying to replicate the building design. The new building supports the 'heritage image' of Amherstburg as a community. In my professional opinion the design and style of the building is compatible with the neighbourhood heritage.

The site and building will undergo Site Plan Control review whereby details of the site and building. As a component of Site Plan, as noted by Frank in the attached letter, the new building will be reviewed by the Heritage Committee. Minor adjustments will be made as directed by the Heritage Committee.

It is a primary policy direction of the province that residential development should increase in density in the urban settlement area from the standard single detached residences to ensure wise management of lands (build higher in town and not out on farm land). The proposal conforms with municipal and provincial policies to provide a managed growth, appropriate, gentle density, while also providing a low profile compatible building as an infilling within the existing neighbourhood.

The site is a large 1 ha parcel with two road frontages that has been designed to ensure built form compatibility with the existing buildings within the neighbourhood. There are some residential buildings (St Anthony's Lofts) within the neighbourhood that are 3 storeys in height that are taller than the proposed low profile building. The building is proposed with only 21% lot coverage. The size of the lot and the small footprint provide for the small massing of the building, making the building compatible with the neighbourhood.

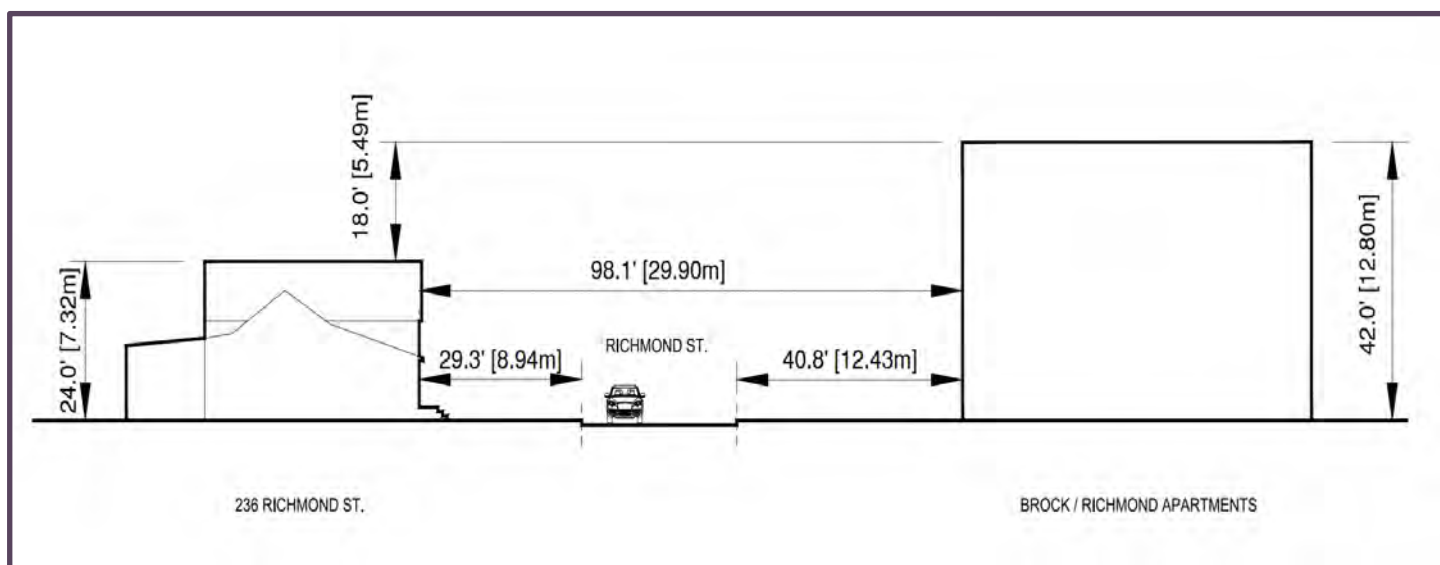
The building has been placed at the far side of the property, approximately 30 m away from the existing residence. The building is low profile at 4 storeys, comparable to other buildings within the neighbourhood and only slightly taller than the adjacent residence, a height differential negated by the distance separation.

Extensive landscaping has been provided to allow for separation and buffering from the existing adjacent residence. As well, landscaping will provide for visual buffering for the building from the general public.

The shadow study shows the low profile building will not have a negative impact on the existing residences across Richmond Street. The soft building design will result in a low visual impact and will blend with the neighbourhood built form. A heritage look has been given to the building to allow for the building to compliment the mix of heritage within the neighbourhood.

In my professional opinion, the proposed built form compliments the neighbourhood and the new development is considered compatible with the built form of the neighbourhood.

**FIGURE 15 – HEIGHT COMPATIBILITY WITH ADJACENT RESIDENCE**



The proposed development will provide a low profile building that is heritage complimentary to the existing neighbourhood, provides for alternative housing greatly needed in the community, provides for housing that will allow senior members of the neighbourhood to age in place, and supports healthy community initiatives of the municipality and province. It is my professional opinion that the proposed low profile height, small massing and heritage character of the building is compatible with the neighbourhood and the community of Amherstburg.

### 3. PROVINCIAL POLICY STATEMENT (PPS 2020)

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

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

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

**COMMENT:**

In my professional opinion, the proposed OPA and ZBA allowing for the proposed new residential apartment building will create an efficient and effective use suited and compatible with the existing neighbourhood.

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

**COMMENT:**

The proposed 75 unit residential apartment building will provide for an alternative style and tenure of housing than the standard housing in Amherstburg. The apartment units will provide for needed rental accommodation. The OPA and ZBA will facilitate the provision of a variety and diversity of housing needed within a community to support a healthy community. The residential buildings provide for an alternative housing style and tenure while supporting a diversification of housing styles and tenures within Amherstburg. The proposed 75 unit residential apartment building will provide for efficient and effective moderate intensification creating a gentle density of residential units.

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

**COMMENT:**

There are no environmental or health issues associated with the proposed infilling development.

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

**COMMENT:**

The subject lands are located within the urban area of the principal settlement area within the Town of Amherstburg. The new residential low profile apartment building can be considered, in my opinion, an appropriate and compatible infilling residential development within an established residential neighbourhood; the buildings are distance separated, provide a housing tenure and style diversification that is compatible with the neighbourhood. The property is located within a residential area peripheral to the downtown core and will not result in the unnecessary expansion of the urban settlement area.

- e) *promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*

**COMMENT:**

As noted in the servicing reports, there is sufficient capacity in the municipal system to accommodate the proposed 75 unit residential apartment building. As noted above, it is my professional opinion that the low profile, heritage sensitive building is an appropriate and compatible infilling development within the existing residential neighbourhood and provides for an appropriate moderate intensification of residential use. The rental tenure will support the present low vacancy rates within the municipality and provide for alternative housing tenure and style.

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

**COMMENT:**

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

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

**COMMENT:**

As noted above in the Civil Works report there is capacity available in the municipal infrastructure to accommodate the proposed 75 unit residential apartment building. The proposed new residential building is considered an efficient and effective utilization of municipal infrastructure and provides for needed alternative residential housing.

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

**COMMENT:**

It is my professional opinion that the proposed development assists with the conservation and preservation of biodiversity by providing for appropriate gentle density through redevelopment of existing lands as infilling in an urban centre.

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

**COMMENT:**

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

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

*a) densities and a mix of land uses which:*

- 1. efficiently use land and resources;*
- 2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- 3. minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- 4. prepare for the impacts of a changing climate;*
- 5. support active transportation;*
- 6. are transit-supportive, where transit is planned, exists or may be developed; and*
- 7. are freight-supportive; and*

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

**COMMENT:**

The proposed new 75 unit residential apartment results as an efficient infilling development of vacant lands with a compatible building and appropriate gentle density of residential land use.

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

In my professional opinion, the proposed residential development will provide for alternative development that allows for moderate intensification of use that can be considered is an efficient, effective development for the site and supportive of the PPS policies ensuring compatible new development within the existing neighbourhood.

***“Section 1.1.3.3 Settlement Areas***

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



**COMMENT:**

The subject lands are within a short walking distance to the downtown and within a neighbourhood where municipal walking trails are available. The OPA/ZBA will support the establishment of a 75 unit residential apartment providing for alternative tenure and style, utilization of vacant lands to provide needed residential accommodation within a residential neighbourhood in the periphery to the downtown.

**Section 1.1.3.4 Settlement Areas**

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

**COMMENT:**

The development of the subject lands supports, promotes and facilitates an appropriate land use for the neighbourhood while allowing for gentle density of land use and providing needed residential apartment building as alternative tenure and style of housing. The building has been designed to be compatible with the neighbourhood and will be an asset as an infilling development. There are no public health issues or risks associated with the proposed development.

**COMMENT:**

**In my professional opinion, the requested OPA and ZBA is consistent with the 2020 PPS by providing policy and regulatory framework supporting the efficient and effective re-use of lands that will result in a manageable, appropriate moderate intensification of serviced land within the periphery to the downtown core in the settlement area of the Town of Amherstburg. Providing for a general redesignation to 'Residential' land use and a site specific ZBA regulation that will support the establishment of rental residential apartments as needed alternative housing is consistent with the Provincial Policy Statements.**

## 4.0 COUNTY OF ESSEX OFFICIAL PLAN

The Official Plan for Essex County is applicable to planning matters for the Town of Amherstburg. The subject property is presently designated 'Institutional' in the Official Plan of the Town of Amherstburg. The following sections review policies as they relate to the request for an OPA and ZBA to support the rezoning of the site from "Institutional" to "Medium Density Residential" for the development of the site as a 4 story apartment building with 75 residential units and 132 associated parking spaces.

### ***"Section 1.5 Goals for a Healthy County***

*The long-term prosperity and social well-being of the County depends on maintaining strong, sustainable and resilient communities, a clean and healthy environment and a strong economy. To this end, the policies of this Plan have been developed to achieve the following goals for a healthy County of Essex:*

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

#### **COMMENT:**

The proposed development is located within the principal settlement area of Amherstburg. The proposed apartment will be an infilling residential apartment within an existing residential neighbourhood. The proposal is a wise utilization of existing infrastructure and will provide for appropriate, gentle density of needed alternative residential units. The proposed development of a 75 unit residential apartment building will provide for alternative housing supporting the diversification of residential units.

In my professional opinion, the proposal conforms with Section 1.5 Goals of the County of Essex Official Plan policies.

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

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

**COMMENT:**

The subject lands are located within the Principal Settlement Area of the Town of Amherstburg. The proposed 75 unit residential apartment provides for appropriate gentle density of land use in an appropriate area of the urban settlement area of Amherstburg.

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

***“3.2.2 Goals***

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

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

**COMMENT:**

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

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

The development will support managed appropriate moderate intensification of residential land use.

The proposed building will be designed to be visually appealing and landscaped extensively and can be considered compatible with the existing residential neighbourhood.

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

**3.2.4.1 Policies**

***The following policies apply to Primary Settlement Areas***

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

**COMMENT:**

The OPA/ZBA will support the infilling of an appropriate gentle density as an infilling development that is an efficient and effective utilization of municipal services. The proposed development will support alternative form of housing tenure and style while providing for an appropriate and compatible development. The proposed f rental apartment is within an area that is walkable to the downtown for commercial amenities supports the walkable healthy community.

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

## 5.0 TOWN OF AMHERSTBURG OFFICIAL PLAN

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

### **"4.6 INSTITUTIONAL LAND USE DESIGNATION**

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

#### **COMMENT:**

The proposed residential apartment use is not a permitted use under the 'Institutional' designation.

An OPA is required to change the designation of the property to 'Residential: Medium' to have residential policies applied to the subject property.

**“SECTION 2.23 INSTITUTIONAL USES**

*New institutional development or redevelopment in the “Residential” designation shall satisfy all of the following location and design criteria:*

- (1) the site shall have frontage or flankage on an arterial or collector street as indicated on Schedule "D" of this Plan;*
- (2) building design shall be compatible with the residential neighbourhood, maintaining the scale, density and character of existing land uses;*
- (3) adequate buffering and transition shall be provided to protect surrounding existing development;*
- (4) adequate off-street parking shall be provided to serve the particular use, while retaining sufficient useable yard space to maintain the visual characteristics of the area; and*
- (5) on those streets which have been designated "no stopping" areas by the Town, provision shall be made for off-street locations to accommodate drop-off and pickup of the users of such facilities.”*

**COMMENT:**

The subject site fronts on both Richmond Street and Brock Street with access to two local roads. CZB requires 1 parking space for each residential unit therefore requiring 75 spaces on site. Proposed is 117 spaces providing for 1.5 parking spaces per unit and accommodating visitor parking and sufficient on site parking.

The proposed low profile building, as illustrated under Section 2.7 Compatibility above, is compatible with the existing neighbourhood for massing, height, profile, heritage and character of the neighbourhood. In addition, it is my professional opinion that the proposed development is compatible with the neighbourhood and the community of Amherstburg.

As discussed in Section 2.7 Compatibility above, the proposed development is substantially setback from the adjacent residence. Buffering and visual impact have been regarded with all attempts to reduce impact on the adjacent residence.

It is my professional opinion that the proposed low profile height, small massing and heritage character of the building is compatible with the neighbourhood and the community of Amherstburg.

An Official Plan Amendment (OPA) has been requested to redesignate the subject lands 'Residential' to apply the following policies to the proposed residential land use. The 'Residential' designation of the Official Plan permits low, medium or high profile residential buildings in the Mixed Use designation. The owner proposes to develop the subject lands with a 75 unit residential apartment as an infilling development within the existing residential neighbourhood.

#### ***"4.2 RESIDENTIAL USES 4.2.1***

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

#### **COMMENT:**

The requested OPA will support the redevelopment of the site for a new, 75 unit rental apartment building that will provide for alternative housing style and tenure. The rental units will provide for rental accommodation as an alternative to ownership that is greatly needed within the Town as economical housing.

The new building creates an infilling residential development within an established residential neighbourhood; provides for alternative housing, the buildings are distance separated, creates a low profile, medium density residential building that in my opinion, provide a housing tenure and style diversification that is compatible with the neighbourhood.

The efficient new building will support energy efficiency by providing medium density apartment building as an efficient and effective gentle density of land use. In addition, the location of the building in the periphery to the downtown core supports the walkable community and less dependence on the car as an energy efficiency.

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

***“Section 4.3.2 Medium Density Residential Areas***

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

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

**COMMENT:**

The subject site has a lot area of 10,625 m<sup>2</sup> (1.06 ha). As a medium density development, 70 units per gross hectare allocates 75 units for the subject site. The building has been designed with 4 storeys in height and can be considered a low rise, low profile apartment building.

The redesignation will allow for the development of the subject lands for a medium density residential development, compatible as an infilling residential development within the existing residential neighbourhood.

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

**COMMENT:**

**In my professional opinion, the requested OPA will conform once adopted with the relevant policies of the Official Plan for the Town of Amherstburg. Once passed, the ZBA will provide a regulatory framework for the proposed building and conforms with the relevant OP policies. The OPA/ZBA will support, in my professional opinion, needed alternative housing tenure and style in the form of rental residential apartments.**



## 6.0 ZONING BY-LAW REGULATIONS

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

The land use of residential is a not a permitted use in the 'Institutional (I)' zone presently applied to the subject lands.

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

In addition to recognizing the proposed residential land use, it is critical to place site specific regulations on the site to provide ensure the infilling development establishes compatibility with the neighbourhood. Establishing site specific regulations for the situate of the building will support the conservation and preservation of the streetscape and support heritage designation of neighbouring properties. It is critical to reflect the uniqueness of the heritage aspects such as established front yard setback is respected for the new building.

Please refer to **APPENDIX A – ZONE PROVISIONS**

PROVISION	RM2	Proposal
LOT AREA	840m <sup>2</sup>	10,625 m <sup>2</sup> (1.06 ha)
LOT FRONTAGE	30m	83.6m
# UNITS/DENSITY	75 units	75 units
MAX BLDG HEIGHT	5 Storeys 22 m	4 Storeys 12.8 m
MAX LOT COVERAGE	40%	21%
PARKING	75 spaces	117 spaces
FRONT YARD SETBACK	7.5m	6.3 m
INTERIOR SIDE YARD	The greater of 6m or ½ of building height 7.0 m	40 m
EXTERIOR SIDE YARD	6 m	6m
LANDSCAPED OPEN SPACE	30%	27.3 %
LOADING SPACES	1	1

**COMMENT:**

**In my professional opinion, the requested ZBA complies with the intent of the CZB to recognize site specific regulations and provisions for the proposed new apartment building. After passing of the ZBA, the proposed development will comply with the regulatory framework under the CZB for the Town of Amherstburg.**

## 7.0 CONCLUSIONS

In my professional opinion, the requested Official Plan Amendment (OPA) and Zoning Bylaw Amendment (ZBA) purports to apply 'Residential' Official Plan policy framework and will provide a new site specific regulatory framework to allow for an appropriate land use for the subject site. The residential apartment land use is an appropriate use for within the neighbourhood and the proposed low profile building can be considered compatible as an infilling development within the existing neighbourhood within the Old Town of Amherstburg.

The proposed rental apartment building will provide for needed alternative housing supporting diversity in housing in the Town. The OPA/ZBA will support the Town's residential policy initiatives by establishing a 75 unit residential apartment building that will provide rental units needed as alternative housing in Amherstburg. The OPA/ZBA will support the province and municipality's initiative to provide for a residential development promoting a healthy, walkable community.

## 7.1 GOOD PLANNING

The proposed residential low profile building for rental apartments will provide alternative tenure and style requires a change in policy framework that will be used to support the residential land use.

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

The proposed low profile, 4 storey building with gentle density, and heritage complimentary features, in my professional opinion, is compatible with the existing neighbourhood and would result in a positive addition in the long established neighbourhood.

The proposed new residential building will provide for a compatible development in an existing residential neighbourhood; will provide an aesthetically pleasing development; will assist with rejuvenating the neighbourhood; will support the preservation of a heritage building at 259 Richmond; and will provide for needed alternative residential rental housing tenure supporting the diversification of housing accommodation in the Town of Amherstburg.

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

## 7.2 CONCLUSIONS

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

In addition, it is our opinion that the proposed Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) is appropriate and desirable within this policy framework as it will facilitate development of the site while also implementing the proposals included in this Planning Justification Report dated May 30, 2022.

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

In my professional opinion the requested OPA and ZBA:

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

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

Lassaline Planning Consultants Inc.

*JM Lassaline*

Jackie Lassaline BA MCIP RPP  
Principal Planner

# APPENDIX A— ZONE PROVISIONS

## SECTION 11 RESIDENTIAL MULTIPLE SECOND DENSITY (RM2) ZONE

### (1) SCOPE

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

### (2) USES PERMITTED

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

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

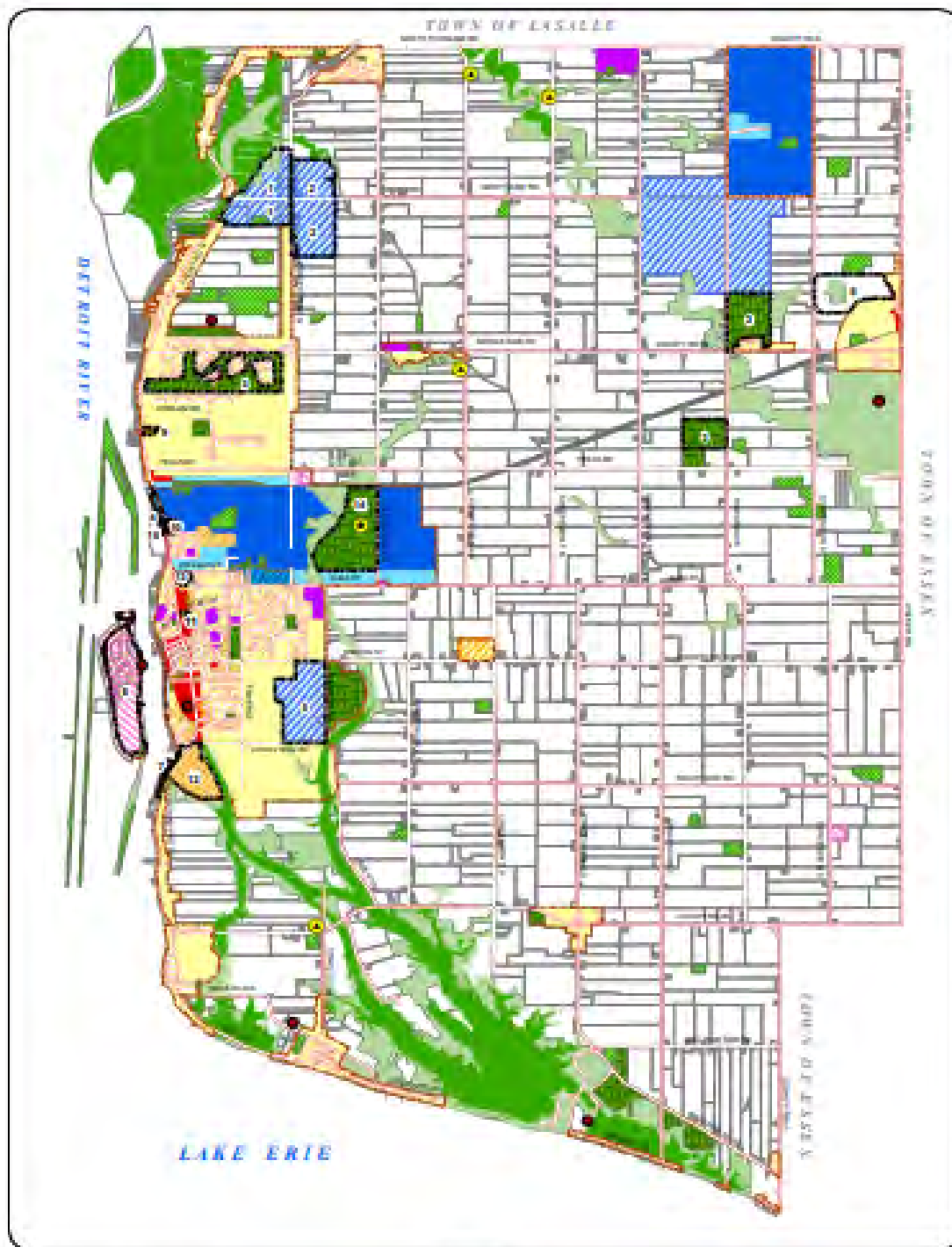
### (3) ZONE REQUIREMENTS

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

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

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

# APPENDIX B— OFFICIAL PLAN SCHEDULE A



**TOWN OF AMHERSTBURG  
OFFICIAL PLAN**  
  
**SCHEDULE "A"  
LAND USE PLAN**

**Legend**

- |                                 |                           |                            |
|---------------------------------|---------------------------|----------------------------|
| Agricultural                    | Heritage Residential      | Recreational Development   |
| Settlement Area Boundary        | Midrise Home Residential  | Open Space                 |
| Threatened Significant Wetlands | Single-Family Residential | Special Policy             |
| Natural Environment             | Neighbourhood Commercial  | Crown Land/State           |
| Pondlands                       | General Commercial        | Open Landfill Site         |
| Low Density Residential         | Special Industrial        | Reserve Treatment Facility |
| High Density Residential        | Light Industrial          |                            |
| Medium Density Residential      | Heavy Industrial          |                            |
| Office Residential              | Inclusive Industrial      |                            |
|                                 | Institutional             |                            |







1869089 Ontario Limited

**Stage 2 Archaeological Assessment  
St. John de Baptiste School Yard  
Lot 2, Concession 1,  
Geographic Township of Malden, Town of  
Amherstburg, Essex County, Ontario**

**Licensee: Erik Phaneuf  
License: P393  
PIF Number: P393-0045-2014**

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**Date: October 10, 2014**  
Original Report

## Statement of Qualifications and Limitations

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- was prepared for the specific purposes described in the Report and the Agreement; and
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## Revision Log

Revision #	Revised By	Date	Issue / Revision Description

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 Adria Grant, BA, CAHP (R131)  
 Archaeology Practice Lead

## Executive Summary

AECOM Canada Ltd. (AECOM) was contracted by 1869089 Ontario Limited to conduct the required Stage 2 archaeological assessment of the St. John de Baptiste School Yard, legally described as Part of Lot 2, Concession 1 in the Geographic Township of Malden, Town of Amherstburg, Essex County, Ontario. The study area is comprised of approximately 2 acres of manicured lawn surrounding a demolished school (Figure 1 and 2). The Stage 1 archaeological assessment was previously conducted by Historic Horizons Inc. (2006).

This assessment was conducted to meet the requirements of Section 3 of the Planning Act, and Section 2.6 of the most recent Provincial Policy Statement of April 30, 2014 (Ontario Government 1990a). This project is also subject to the Ontario Heritage Act (Government of Ontario 1990b) and the Standards and Guidelines for Consultant Archaeologists (Government of Ontario 2011). The Stage 2 archaeological assessment was conducted prior to the property being listed for sale.

The Stage 2 archaeological assessment was conducted on May 12, 2014 under PIF number P393-0045-2014 issued to Erik Phaneuf, Professional Archaeologist at AECOM.

No archaeological sites or material were identified during the course of the Stage 2 archaeological assessment of the St. John de Baptiste School Yard and, thus, archaeological concerns under land use planning are considered addressed and no further archaeological assessment is required.

The Ministry of Tourism, Culture and Sport is asked to review this report and accept it into the Ontario Public Register of Archaeological Reports thereby concurring with the recommendation that archaeological concerns under land use planning and development processes are considered addressed.

## Project Personnel

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## Acknowledgements

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# 1. Project Context

## 1.1 Development Context

AECOM Canada Ltd. (AECOM) was contracted by 1869089 Ontario Limited to conduct the required Stage 2 archaeological assessment of the St. John de Baptiste School Yard, legally described as Part of Lot 2, Concession 1 in the Geographic Township of Malden, Town of Amherstburg, Essex County, Ontario. The study area is comprised of approximately 2 acres of manicured lawn surrounding a demolished school (Figure 1 and 2). The Stage 1 archaeological assessment was previously conducted by Historic Horizons Inc. (2006).

This assessment was conducted to meet the requirements of Section 3 of the *Planning Act*, and Section 2.6 of the most recent Provincial Policy Statement from April 30, 2014 (Ontario Government 1990a). This project is also subject to the *Ontario Heritage Act* (Government of Ontario 1990b) and the *Standards and Guidelines for Consultant Archaeologists* (Government of Ontario 2011). The Stage 2 archaeological assessment was conducted prior to the property being listed for sale.

The Stage 2 archaeological assessment was conducted on May 12, 2014 under PIF number P393-0045-2014 issued to Erik Phaneuf, Professional Archaeologist at AECOM. Permission to access the study area to conduct all required archaeological fieldwork activities, including the removal of artifacts, was provided by Mr. Ed Fauch on behalf of 1869089 Ontario Limited. There were no limits placed on access.

### 1.1.1 Objectives

The Stage 2 archaeological assessment has been conducted to meet the requirements of the Ministry of Tourism, Culture and Sport's (MTCS) *Standards and Guidelines for Consultant Archaeologists* (Ontario Government 2011).

The objective of the Stage 2 property assessment is to provide an overview of archaeological resources on the property and make a determination of whether any of the resources might be artifacts or archaeological sites with cultural heritage value or interest requiring further assessment and to recommend appropriate Stage 3 assessment strategies for any archaeological sites identified.

## 1.2 Historical Context

The following sections provide an overview of the occupation history of the study area to inform the evaluation of archaeological potential for any undisturbed land that may be impacted by the proposed development.

### 1.2.1 Pre-Contact Aboriginal Settlement

It has been demonstrated that pre-contact Aboriginal people began occupying southwestern Ontario as the glaciers receded from the land, as early as 11,000 B.C. Table 1 provides a summary of the cultural and temporal history of past occupations of Essex County.

**Table 1: Cultural Chronology for Essex County**

Archaeological Period	Characteristics	Time Period	Comments
Early Paleo-Indian	Fluted Points	9000-8400 BC	Arctic tundra and spruce parkland, caribou hunters
Late Paleo-Indian	Holcombe, Hi-Lo and	8400-8000 BC	Slight reduction in territory

Archaeological Period	Characteristics	Time Period	Comments
	Lanceolate Points		size
<b>Early Archaic</b>	Notched and Bifurcate base Points	8000-6000 BC	Growing populations
<b>Middle Archaic</b>	Stemmed and Brewerton Points, Laurentian Development	6000-2500 BC	Increasing regionalization
<b>Late Archaic</b>	Narrow Point	2000-1800 BC	Environment similar to present
	Broad Point	1800-1500 BC	Large lithic tools
	Small Point	1500-1100 BC	Introduction of bow
<b>Terminal Archaic</b>	Hind Points, Glacial Kame Complex	1100-950 BC	Earliest true cemeteries
<b>Early Woodland</b>	Meadowood Points	950-400 BC	Introduction of pottery
<b>Middle Woodland</b>	Dentate/Pseudo-scallop Ceramics	400 BC – AD 500	Increased sedentism
	Princess Point	AD 550-900	Introduction of corn horticulture
<b>Late Woodland</b>	Early Ontario Iroquoian	AD 900-1300	Agricultural villages
	Middle Ontario Iroquoian	AD 1300-1400	Increased longhouse sizes
	Western Basin Tradition	AD 1400-1650	Warring nations and displacement
<b>Contact Aboriginal</b>	Various Algonkian and Iroquoian Groups	AD 1600-1875	Early written records and treaties
<b>Historic</b>	French and English Euro-Canadian	AD 1749-present	European settlement

*Note: taken from Ellis and Ferris, 1990*

As Chapman and Putnam (1984) illustrate, the modern physiography of southern Ontario is largely a product of events of the last major glacial stage and the landscape is a complex mosaic of features and deposits produced during the last series of glacial retreats and advances prior to the withdrawal of the continental glaciers from the area. Southwestern Ontario was finally ice free by 12,500 years ago. With continuing ice retreat and lake regressions the land area of southern Ontario progressively increased while barriers to the influx of plants and animals steadily diminished (Karrow and Warner 1990).

The first human settlement can be traced back 11,000 years; these earliest well-documented groups are referred to as Paleo-Indians which literally means old or ancient Indians. Paleo-Indian people were non-agriculturalists who depended on hunting and gathering of wild food stuffs, they would have moved their encampments on a regular basis to be in the locations where these resources naturally became available and the size of the groups occupying any particular location would vary depending on the nature and size of the available food resources (Ellis and Deller 1990). The picture that has emerged for early and late Paleo-Indian people is of groups at low population densities who were residentially mobile and made use of large territories during annual cycles of resource exploitation (Ellis and Deller 1990).

The next major cultural period following the Paleo-Indian is termed the Archaic, which is broken temporally into the Early, Middle and Late. There is much debate on how the term Archaic is employed; general practice bases the designation off assemblage content as there are marked differences in artifact suites from the preceding Paleo-Indian and subsequent Woodland periods. As Ellis et al (1990) note, from an artifact and site characteristic perspective the Archaic is simply used to refer to non-Paleo-Indian manifestations that pre-date the introduction of ceramics. Throughout the Archaic period the natural environment warmed and vegetation changed from closed conifer-dominated vegetation cover, to mixed coniferous and deciduous forest to the mixed coniferous and deciduous forest in the north and deciduous vegetation in the south we see in Ontario today (Ellis et al 1990). During the Archaic period there are indications of increasing populations and decreasing size of territories exploited during annual rounds; fewer moves of residential camps throughout the year and longer occupations at seasonal



campsites; continuous use of certain locations on a seasonal basis over many years; increasing attention to ritual associated with the deceased; and, long range exchange and trade systems for the purpose of obtaining valued and geographically localized resources (Ellis et al 1990).

In the 17<sup>th</sup> century two major language families, Algonquian and Iroquoian were represented by the diverse people of North America. Iroquoian speaking people were found in southern Ontario and New York State, with related dialects spoken in the mid-Atlantic and interior North Carolina, while Algonquian speaking peoples were located along the mid-Atlantic coast into the Maritimes, throughout the Canadian Shield of Ontario and Quebec and much of the central Great Lakes region (Ellis et al 1990). Linguists and anthropologists have attempted to trace the origin and development of these two language groups and usually place their genesis during the Archaic (Ellis et al 1990).

The Early Woodland period is distinguished from the Late Archaic period primarily by the addition of ceramic technology, which provides a useful demarcation point for archaeologists but is expected to have made less difference in the lives of the Early Woodland peoples. The settlement and subsistence patterns of Early Woodland people shows much continuity with the earlier Archaic with seasonal camps occupied to exploit specific natural resources (Spence et al 1990). During the Middle Woodland well-defined territories containing several key environmental zones were exploited over the yearly subsistence cycle. Large sites with structures and substantial middens appear in the Middle Woodland associated with spring macro-band occupations focussed on utilizing fish resources and created by consistent returns to the same site (Spence et al 1990). Groups would come together into large macro-bands during the spring-summer at lakeshore or marshland areas to take advantage of spawning fish; in the fall inland sand plains and river valleys were occupied for deer and nut harvesting and groups split into small micro-bands for winter survival (Spence et al 1990). This is a departure from earlier Woodland times when macro-band aggregation is thought to have taken place in the winter (Ellis et al 1988; Granger 1978).

The period between the Middle and Late Woodland period was both technically and socially transitional for the ethnically diverse populations of southern Ontario and these developments laid the basis for the emergence of settled villages and agriculturally based lifestyles (Fox 1990). The Late Woodland period began with a shift in settlement and subsistence patterns involving an increasing reliance on maize horticulture. Corn may have been introduced into southwestern Ontario from the American Midwest as early as 600 A.D.; however, it did not become a dietary staple until at least three to four hundred years later.

Archaeologists are able to trace archaeologically known groups from this time period to the historically documented people identified when French fur traders first arrived (Wright 1994). The Ontario Iroquois from southern Ontario gave rise to the Huron, Petun, Neutral and Erie; the St. Lawrence Iroquois, a distinct population encountered by Jaques Cartier in 1535 that had disappeared by the time Samuel de Champlain returned to the same area in 1603; and from Northern Ontario the groups that gave rise to the Algonquian speaking Cree, Ojibwa and Algonquin people (Wright 1994).

A distinct cultural occupation was present in the Late Woodland in the western-most corner of southern Ontario in the modern counties of Kent, Essex and Lambton as well as portions of west Middlesex and west Elgin. This emerging cultural manifestation is generally classified as Western Basin Tradition and has been observed in south-eastern Michigan and north-western Ohio. The inhabitants of these communities are considered distinct from Iroquoian groups to the east and Mississippian to the south. In recent years research has indicated that there was more variability in settlement-subsistence patterns within Western Basin Tradition groups than previously thought, the most surprising being evidence of significant maize consumption (Watts et al 2011). Western Basin Tradition people had previously been thought to maintain seasonal hunting and gathering cycles and non-sedentary lifestyles and much evidence has been recorded from seasonal occupation sites (Murphy and Ferris 1990); however, recent research in the Arkona area of Lambton County has uncovered large agriculturally based villages (Golder 2012). We now understand the Western Basin Tradition as Late Woodland people who combined seasonal hunting and

gathering along with maize horticulture who lived in short-term camps, large palisaded villages and everything in between. The radical changes that agricultural practice brought to the Early Ontario Iroquoian people living to the east did not have the same impact on settlement-subsistence patterns in the Western Basin Tradition.

### 1.2.2 Post-Contact Aboriginal Settlement

The post-contact Aboriginal occupation of southern Ontario was heavily influenced by the dispersal of Iroquoian speaking peoples, such as the Huron, Petun and Neutral by the New York State Confederacy of Iroquois, followed by the arrival of Algonkian speaking groups from northern Ontario. The Ojibwa of southern Ontario date from about 1701 and occupied the territory between Lakes Huron, Erie and Ontario (Schmalz 1991). This is also the period in which the Mississaugas are known to have moved into southern Ontario and the Great Lakes watersheds (Konrad 1981) while at the same time the members of the Three Fires Confederacy, the Chippewa, Ottawa and Potawatomi were immigrating from Ohio and Michigan (Feest and Feest 1978). As European settlers encroached on their territory the nature of Aboriginal population distribution, settlement size and material culture changed. Despite these changes it is possible to correlate historically recorded villages with archaeological manifestations and the similarity of those sites to more ancient sites reveals an antiquity to documented cultural expressions that confirms a long historical continuity to Iroquoian systems of ideology and thought (Ferris 1009). First Nations people of southern Ontario have left behind archaeological resources throughout the Great Lakes region that show continuity with past peoples even if this was not recorded in Euro-Canadian documentation.

### 1.2.3 Euro-Canadian Settlement

The study area falls within a portion of southern Ontario that was purchased by the Crown as part of Treaty No. 2 on May 19<sup>th</sup>, 1790, also known as the McKee Purchase:

... was made with the O[dawa], Chippew[a], Pottawatom[i] and Huro[n] May 19th, 1790, portions of which nations had established themselves on the Detroit River all of whom had been driven by the Iroquois from the northern and eastern parts of the Province, from the Detroit River easterly to Catfish Creek and south of the river La Tranche [Thames River] and Chenail Ecarte, and contains Essex County except Anderdon Township and Part of West Sandwich; Kent County except Zone Township, and Gores of Camden and Chatham; Elgin County except Bayham Township and parts of South Dorchester and Malahide. In Middlesex County, Del[a]ware and Westminster Townships and part of North Dorchester [are included].

Morris 1943: 17

In May 1790 Alexander McKee, Deputy Agent of the British Indian Department, and the principal chiefs of the Ottawa, Potawatomi, Chippewa and Wyandot negotiated a treaty whereby the British Crown acquired title to what is now southwestern Ontario. This treaty completed the process begun with Niagara treaties of 1781 and 1784, with the result that most of the Ontario peninsula was soon opened to British and Loyalist settlement. The land was purchased for the sum of twelve hundred pounds of goods at the Quebec currency value of the day. While it is difficult to delineate treaty boundaries on modern maps, Figure 4 provides the approximate limits of Treaty No. 2 as well as the location of the current study area.

The European settlement of the study area extends back to the French regime in Canada, making it one of the earlier European settlements in the Province of Ontario. The French established Fort Detroit in 1701 along the north shore of the Detroit River, choosing it as an ideal location for communication, transportation, trade and military operations in the Upper Great Lakes (Lajeunesse 1960). Subsequent settlement in the area occurred around the fort along the north shore of the river at modern day Detroit. The settlement of the south shore of the Detroit River began in 1749 with the establishment of narrow, 100 acre farm lots running south from the river (Lajeunesse 1960: lxvi).

The Town of Amherstburg, located on Detroit River near Lake Erie, was first settled in 1784, when it became the new base for the British after they evacuated Detroit. In 1796, Fort Amherstburg was established, and Loyalist refugees laid out the town site of Malden. General Isaac Brock used the fort as a base to capture Detroit (1812), but it was under American occupation from 1813 to 1815. In 1837 to 1838, the Fort was attacked four times by rebel supporters of William Lyon Mackenzie and was bombarded by the schooner Anne, which later ran aground and was captured. The British garrison remained until 1851. By the late 1830s, the Fort and the town were known by each other's names, Fort Malden and Amherstburg (Douglas 2001).

The Map of Malden Township from the *1880 Illustrated Historical Atlas of Essex County* does not show any structures or other features of archaeological significance within Lot 2, Concession 1. Lot 2, Concession 1 lies within historical Amherstburg and does not have a listed owner (Figure 5).

#### 1.2.4 Reports with Relevant Background Information

Areas adjacent to the current study area were subject to a previous Stage 2 and 3 archaeological assessment by Timmins Martelle Heritage Consultants Inc. (TMHC) (2011) as part of an investigation by the town to determine the development potential for the property adjacent to the former school, École St. Jean Baptiste, and delineate the boundaries of the existing St. Jean Baptiste Cemetery and excavations were carried out to fulfill the requirements of the *Cemeteries Act* (R.S.O. 1990). A Stage 1 was conducted by Historic Horizon Inc. (2006) on the school property that revealed previous work completed by the Museum of Indian Archaeology (now the Museum of Ontario Archaeology) in 1988. Excavations were undertaken by the Museum in 1988 to reveal the boundaries of the cemetery during hydro cable trenching beside the former school (TMHC 2011). The Stage 1 report by Historic Horizon Inc. (2006) was initiated by the school board to explore the possibility of constructing an addition to the existing building. It concluded that the full boundary of the 19<sup>th</sup> century cemetery was not recorded in any contemporary sources, and that the 1988 investigation failed to define the cemetery boundaries (Historic Horizon 2006:6; TMHC 2011). The reports that contain relevant information are listed below in Table 2.

**Table 2: Related Archaeological Assessment Reports**

Year	Title	Author	PIF Number
1988	<i>Archaeological Delimitation of the Cemetery on the Grounds of the St. John the Baptist School, Amherstburg, Essex County.</i>	Museum of Indian Archaeology	
2006	<i>École St. Jean Baptiste and St. John the Baptiste Cemetery (AaHs-31)...Stage 1 Archaeological Background Study.</i>	Historic Horizon Inc.	P048-031-2006
2011	<i>Cemetery Investigation and Stage 2 &amp; 3 Archaeological Assessment St. Jean Baptiste Cemetery (AaHs-31), 219 Brock Street, Amherstburg, Geographic Township of Malden, Ontario</i>	Timmins Martelle Heritage Consultants Inc.	P083-136-2011

The TMHC assessment (2011) determined the boundaries of the cemetery which was accepted by the Town of Amherstburg and the Cemeteries Regulation Unit to be used as the legal boundary. It was determined that the northern cemetery limit was south of the Murray Road ROW and does not extend into the current study area. Given the presence of archaeological remains associated with the former St. Joseph's Academy (AaHs-106) the report recommended that should the current study area, north of the cemetery boundary, be subject to future development, a Stage 2 archaeological assessment should be conducted (TMHC 2011). The current Stage 2 archaeological assessment satisfies this requirement.

### 1.3 Archaeological Context

#### 1.3.1 Natural Environment

The study area falls within the St. Clair Clay Plains physiographic region as described by Chapman and Putnam (1966). The St. Clair Clay Plains physiographic region is:

The region is one of little relief....However, there are minor variations in levelness that have had a great effect on the vegetation and soils...[with] a deep cover of overburden on the bedrock except near Amherstburg where a dome of limestone comes to the surface.

Chapman and Putnam 1966:147.

The topography of the study area was found to be level and relatively flat with an almost absents of rocks in the sandy loam soil. The closest source of potable water is the Detroit River and its tributaries.

#### 1.3.2 Known Archaeological Sites and Surveys

Previous research has indicated that Essex County was intensively occupied by pre-contact Aboriginal people and early Euro-Canadian pioneers. A request was made on May 9, 2014 to the provincial ASDB to determine if any known or registered archaeological sites are located in the vicinity of the current study area. As of June 18, 2014 no reply has been received. The previous Stage 2-3 assessment conducted by TMHC (2011) identified seven registered sites within 1 kilometre (km) of the study area boundaries. Table 3 provides details of the registered archaeological sites in the vicinity.

**Table 3: Registered Archaeological Sites within 1 km of the Study Area**

Borden #	Site Name	Cultural Affiliation	Site Type/Feature
AaHs-4	King's Shipyard	Euro-Canadian	Military wharf
AsHs-12	Fort Malden	Euro-Canadian	Military fort
AaHs-30	Gordon House	Euro-Canadian	Domestic
AaHs-31	St. Jean Baptiste Cemetery	Euro-Canadian	Historic Cemetery
AaHs-59	Salmoni	Pre-contact & Euro-Canadian	Lithic scatter/military/hotel/store
AaHs-106	St. Joseph's Academy	Euro-Canadian	
BdGv-29	Boblo Watermain	Pre-contact	Lithic scatter

The Stage 2-3 conducted by TMHC (2011) successfully determined the boundaries of the St. Jean Baptiste Cemetery, which is located to the south and west of the old school. The school has since been demolished.

#### 1.3.3 Determination of Archaeological Potential

Archaeological potential is established by determining the likelihood that archaeological resources may be present on a subject property. Criteria commonly used by the Ontario MTCS (Ontario Government 2011) to determine areas of archaeological potential include:

- Proximity to previously identified archaeological sites;

- Distance to various types of water sources;
- Soil texture and drainage;
- Glacial geomorphology, elevated topography and the general topographic variability of the area;
- Resource areas including food or medicinal plants, scarce raw materials and early Euro-Canadian industry;
- Areas of early Euro- Canadian settlement and early transportation routes;
- Properties listed on municipal register of properties designated under the *Ontario Heritage Act* (Government of Ontario 1990b);
- Properties that local histories or informants have identified with possible archaeological sites, historical events, activities or occupants; and
- Historic landmarks or sites.

Distance to modern or ancient water sources is generally accepted as the most important element for past human settlement patterns and when considered alone may result in a determination of archaeological potential. In addition any combination of two or more of the criteria listed above, such as well drained soils or topographic variability, may indicate archaeological potential.

Certain features indicate that archaeological potential has been removed, such as land that has been subject to extensive and intensive deep land alterations that have severely damaged the integrity of any archaeological resources. This includes landscaping that involves grading below the topsoil level, building footprints, quarrying and sewage and infrastructure development (Ontario Government 2011).

The potential for pre-contact and contact period Aboriginal archaeological resources is judged to be moderate to high, based off the level topography, soil conditions suitable for agriculture and proximity to potable water at the Detroit River and tributaries. The potential for Euro-Canadian archaeological resources is judged to be high based off the early settlement history and association of the area with numerous battles and forts.

#### 1.3.4 Existing Conditions

The study area consists of an approximately 2 acre manicured lawn, with various pockets of surface disturbance, which served as the school yard for the recently demolished St. John de Baptiste school, located at 219 Brock Street, on part of Lot 2, Concession 1, Geographic Township of Malden, Town of Amherstburg, Essex County, Ontario (Figure 1 and 2).

## 2. Field Methods

The Stage 2 field investigation involved the physical survey of all of the land in the study area. Approximately 40% of the land displayed visible surface disturbance and the remaining 60% was manicured lawn. As per the *Standards and Guidelines for Consultant Archaeologists* (Section 7.8.6, Standard 1a; Ontario Government 2011) Photos 1 to 8 document the study area to confirm conditions met the requirements for Stage 2 archaeological assessment. Photograph locations and directions are provided on Figure 5 along with an illustration of the methods and results of the Stage 2 field investigation.

In accordance with the *Standards and Guidelines for Consultant Archaeologists* (Section 2.1.2, Standards 1-9, Ontario Government 2011) the manicured lawn was subject to the standard shovel test pit survey. Each test pit was approximately 30 centimetres (cm) in diameter, was excavated at least 5 centimetre (cm) into sterile subsoil and was examined for stratigraphy, cultural features or evidence of fill. All soil was screened through hardware mesh with an aperture of 6 millimetres (mm) to facilitate the recovery of cultural material and was then used to backfill the pit. All test pits demonstrated a substantial degree of disturbance across the study area. They contained construction debris including mortar, brick fragments, slag, and at least 30% gravel fill (Photo 4). In accordance with Section 2.1.8, S.2 (Ontario Government 2011) after commencing at the standard 5 metre (m) intervals, test pit intervals were increased to 10 m and it was confirmed that this disturbance continued throughout the property. Significant sections in the east and west portions of the study area, as well as along the southern border, contained visible surface disturbance consisting of gravel deposits overgrown with grass. These areas were not subject to test pit survey (Photos 5-7).

The weather during the Stage 2 assessment on May 12, 2014 was overcast and rainy with a temperature of 18° Celsius. The visibility and lighting conditions were excellent and there were no conditions that were detrimental to the identification and recovery of archaeological material.

### 3. Record of Finds

The Stage 2 archaeological assessment was conducted by employing the methods outlined in Section 2 of this report. Table 2 provides a listing of the documentary record generated by the Stage 2 fieldwork and indicates the location of each document type.

**Table 4: Inventory of Documentary Record**

Document Type	Current Location	Additional Comments
2 pages of Field Notes	AECOM office in London	In original field book and photocopied in project file
1 Aerial Map with Field Notes	AECOM office in London	In original field book and photocopied in project file
2 Maps provided by client	AECOM office in London	Hard copy and digital copies in project file
21 Digital Photographs	AECOM office in London	Stored digitally in project file

No cultural material was collected through the course of this investigation.

## 4. Analysis and Conclusions

The Stage 2 field investigation did not result in the identification of any archaeological sites or material. As no archaeological sites or material were identified during the course of this Stage 2 archaeological assessment archaeological concerns under land use planning are considered addressed and no further archaeological assessment is required.



## 5. Recommendations

No archaeological sites or material were identified during the course of the Stage 2 archaeological assessment of the St. John de Baptiste School Yard. Therefore, archaeological concerns under land use planning are considered addressed and no further archaeological assessment is required.

The Ministry of Tourism, Culture and Sport is asked to review this report and accept it into the Ontario Public Register of Archaeological Reports thereby concurring with the recommendation that archaeological concerns under land use planning and development processes are considered addressed.

## 6. Advice on Compliance with Legislation

This report is submitted to the Ontario Minister of Tourism, Culture and Sport as a condition of licensing in accordance with Part VI of the *Ontario Heritage Act*, R.S.O. 1990, c 0.18. The report is reviewed to ensure that it complies with the standards and guidelines that are issued by the Minister, and that the archaeological fieldwork and report recommendations ensure the conservation, protection and preservation of the cultural heritage of Ontario. When all matters relating to archaeological sites within the project area of a development proposal have been addressed to the satisfaction of the Ministry of Tourism, Culture and Sport, a letter will be issued by the ministry stating that there are no further concerns with regard to alterations to archaeological sites by the proposed development.

It is an offence under Sections 48 and 69 of the *Ontario Heritage Act* for any party other than a licensed archaeologist to make any alteration to a known archaeological site or to remove any artifact or other physical evidence of past human use or activity from the site, until such time as a licensed archaeologist has completed fieldwork on the site, submitted a report to the Minister stating that the site has no further cultural heritage value or interest, and the report has been filed in the Ontario Public Register of Archaeology Reports referred to in Section 65.1 of the *Ontario Heritage Act*.

Should previously undocumented archaeological resources be discovered, they may be a new archaeological site and therefore subject to Section 48(1) of the *Ontario Heritage Act*. The proponent or person discovering the archaeological resources must cease alteration of the site immediately and engage a licensed consultant archaeologist to carry out archaeological fieldwork, in compliance with Section 48(1) of the *Ontario Heritage Act*.

The *Cemeteries Act*, R.S.O. 1990 c. C.4 and the *Funeral, Burial and Cremation Services Act*, 2002, S.O. 2002, c.33 (when proclaimed in force) require that any person discovering human remains must notify the police or coroner and the Registrar of Cemeteries at the Ontario Ministry of Consumer Services.

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## 8. Images



**Photo 1: Extent of the study area at the southeast corner, facing west**



**Photo 2: Study area, facing east**



**Photo 3: Test pit assesment, facing east**



**Photo 4: Disturbed test pit in the southeast corner**



**Photo 5: Example of surface disturbance in east side of study area, facing north**



**Photo 6: Example of surface disturbance in west side of study area, facing south**





**Photo 7: Close up of surface disturbance**



**Photo 8: Test pit sample (disturbed)**

## 9. Maps

All maps pertaining to the Stage 2 archaeological assessment for the St. John de Baptiste School Yard on part of Lot 2, Concession 1 in the Geographic Township of Malden, Town of Amherstburg, Essex County, Ontario are provided on the following pages.

1869089  
Ontario Limited

Stage 2 Archaeological  
Assessment  
St John de Baptiste  
School Yard

Legend

- Study Area
- Wooded Area
- Water Body
- Wetland
- Aggregate Pit
- Watercourse
- Road
- Railway
- Contour (5 m)

Source: OBM layers - Ministry of Natural Resources

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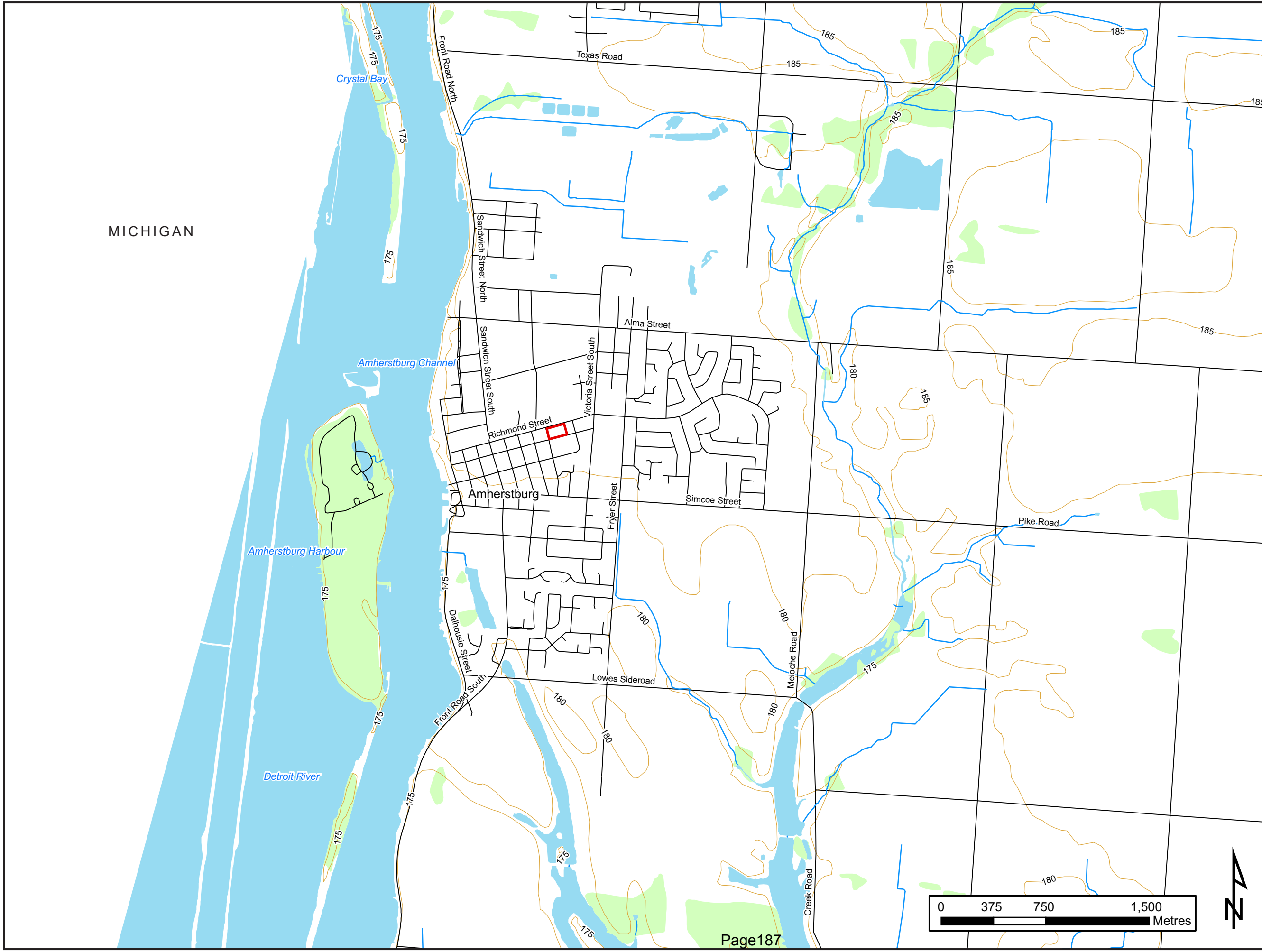
Figure 1:  
Location of Study Area

Date: June 2014

PN: 60321384

Scale: 1:25,000

Datum: NAD 83 UTM 17N






MICHIGAN

1869089  
Ontario Limited

Stage 2 Archaeological  
Assessment  
St John de Baptiste  
School Yard

Legend

-  Study Area
-  Watercourse
-  Contour (5 m)

Source: OBM layers - Natural Resources Canada  
Aerial Photo - 2011 DigitalGlobe

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Figure 2:  
Study Area in Detail

Date: June 2014







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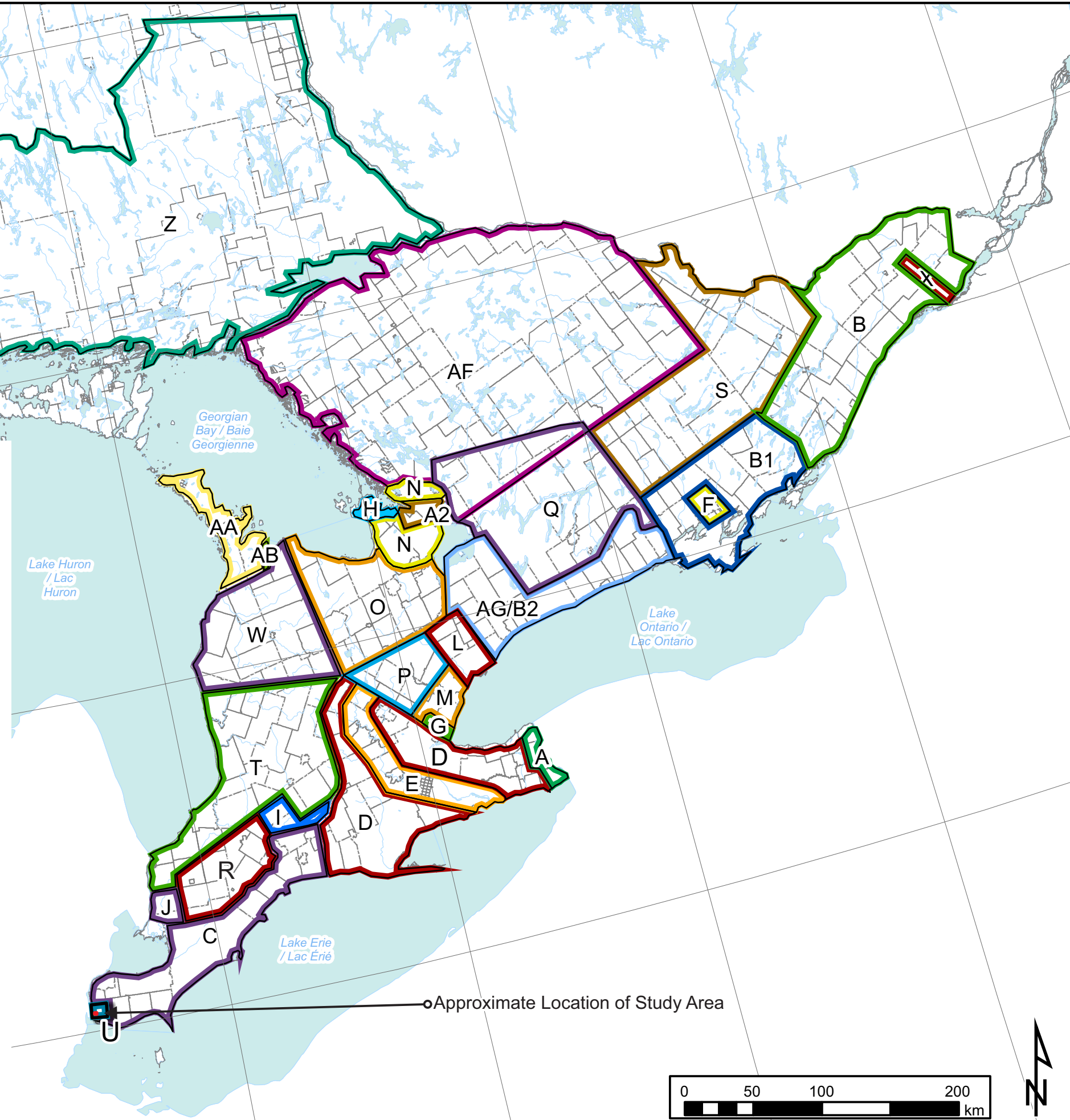
Datum: NAD 83 UTM 17N



Legend

-  Study Area
-  Water Body
-  Watercourse
-  Municipality Boundary - Upper
-  Municipality Boundary - Lower
-  Treaty Boundary

- A** Treaty No. 381, May 9<sup>th</sup>. 1781 (Mississauga and Chippewa)
- B** Crawford's Purchase, October 9<sup>th</sup>, 1783 (Algonquins and Iroquois)
- B(1)** Crawford's Purchase, October 9<sup>th</sup>, 1783 (Mississauga)
- B(2)** Crawford's Purchase's, 1784, 1787 and 1788 (Mississauga)
- A(2)** John Collins' Purchase, 1785 (Chippewa)
- C** Treaty No. 2, May 19<sup>th</sup>, 1790 (Odawa, Chippewa, Pottawatomi, and Huron)
- D** Treaty No. 3, December 2<sup>nd</sup>, 1792 (Mississauga)
- E** Haldimand Tract: from the Crown to the Mohawk, 1793
- F** Tyendingaga: from the Crown to the Mohawk, 1793
- G** Treaty No. 3 $\frac{3}{4}$ : from the Crown to Joseph Brant, October 24<sup>th</sup>. 1795
- H** Treaty No. 5, May 22<sup>nd</sup>, 1798 (Chippewa)
- I** Treaty No. 6, September 7<sup>th</sup>, 1796 (Chippewa)
- J** Treaty No. 7, September 7<sup>th</sup>, 1796 (Chippewa)
- L** Treaty No. 13 August 1<sup>st</sup>, 1805 (Mississauga)
- M** Treaty No. 13A, August 2<sup>nd</sup>, 1805 (Mississauga)
- N** Treaty No. 16, November 18<sup>th</sup>, 1815 (Chippewa)
- O** Treaty No. 18, October 17<sup>th</sup>, 1818 (Chippewa)
- P** Treaty No. 19, October 28<sup>th</sup>, 1818 (Mississaga)
- Q** Treaty No. 20, November 5<sup>th</sup>, 1818 (Chippewa)
- R** Treaty No. 21, March 9<sup>th</sup>, 1819 (Chippewa)
- S** Treaty No. 27, May 31<sup>st</sup>, 1819 (Chippewa)
- T** Treaty No. 27 $\frac{1}{2}$ , April 25<sup>th</sup>, 1825 (Ojibwa and Chippewa)
- U** **Treaty No. 35, August 13<sup>th</sup>, 1833 (Wyandot or Huron)**
- V** Treaty No. 45, August 9<sup>th</sup>, 1836 (Chippewa and Odawa), "For All Inidians To Reside Thereon"
- W** Treaty No. 45 $\frac{1}{2}$ , August 9<sup>th</sup>, 1836 (Saugeen)
- X** Treaty No. 57, June 1<sup>st</sup>, 1847 (Iroquois of St. Regis)
- Z** Treaty No. 61, September 9<sup>th</sup>, 1850 (Robinson Treaty: Ojibwa)
- AA** Treaty No. 72, October 30<sup>th</sup>, 1854 (Chippewa)
- AB** Treaty No. 82 February 9<sup>th</sup>, 1857 (Chippewa)
- AF** Williams Treaty, October 31<sup>st</sup> and November 15<sup>th</sup>, 1923 (Chippewa and Mississauga)
- AG** Williams Treaty, October 31<sup>st</sup>, 1923 (Chippewa)

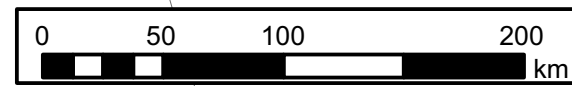


Source: OBM layers - Natural Resources Canada  
Treaty Boundaries - Morris 1943

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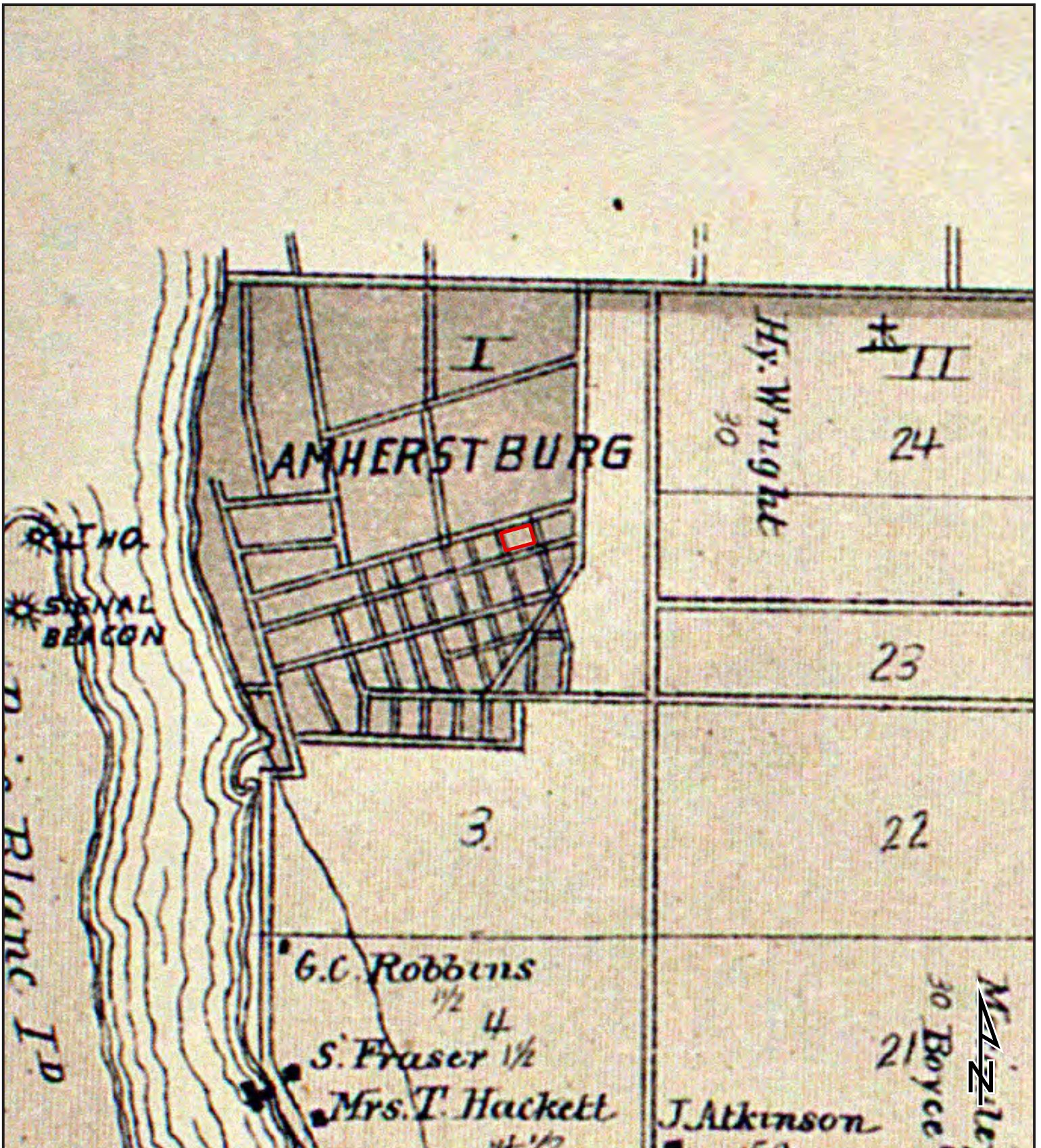
Figure 3:  
Treaties and Purchases  
(Adapted from Morris 1943)

Date: June 2014  
PN: 60321384  
Scale: 1:3,000,000  
Datum: NAD 83 CSRS Canada Atlas Lambert



48°00'00"N  
46°00'00"N  
44°00'00"N  
42°00'00"N

86°00'00"W 84°00'00"W 82°00'00"W 80°00'00"W 78°00'00"W 76°00'00"W



Legend  
 Study Area

**AECOM** 1869089  
 Ontario Limited

Stage 2 Archaeological Assessment  
 St John de Baptiste School Yard

Source: Historic Map - H. Beldon & Co. 1881

Figure 4:  
 Portion of the 1881 Map of the Township of  
 Malden

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Date: June 2014

PN: 60321384

Scale: NTS

Datum: NA

Legend

- Study Area
  - Watercourse
  - Road
  - 185 Contour (5 m)
- Soil Drainage
- Unclassified (Water / Stream Channel)
  - Rapidly Drained
  - Well Drained
  - Moderately Well Drained
  - Imperfectly Drained
  - Poorly Drained
  - Very Poorly Drained
- Agricultural Suitability
- Severe Limitations to Crops
  - No Capability for Agriculture

Source: OBM layers - Natural Resources Canada  
Soil Survey - Ministry of Natural Resources

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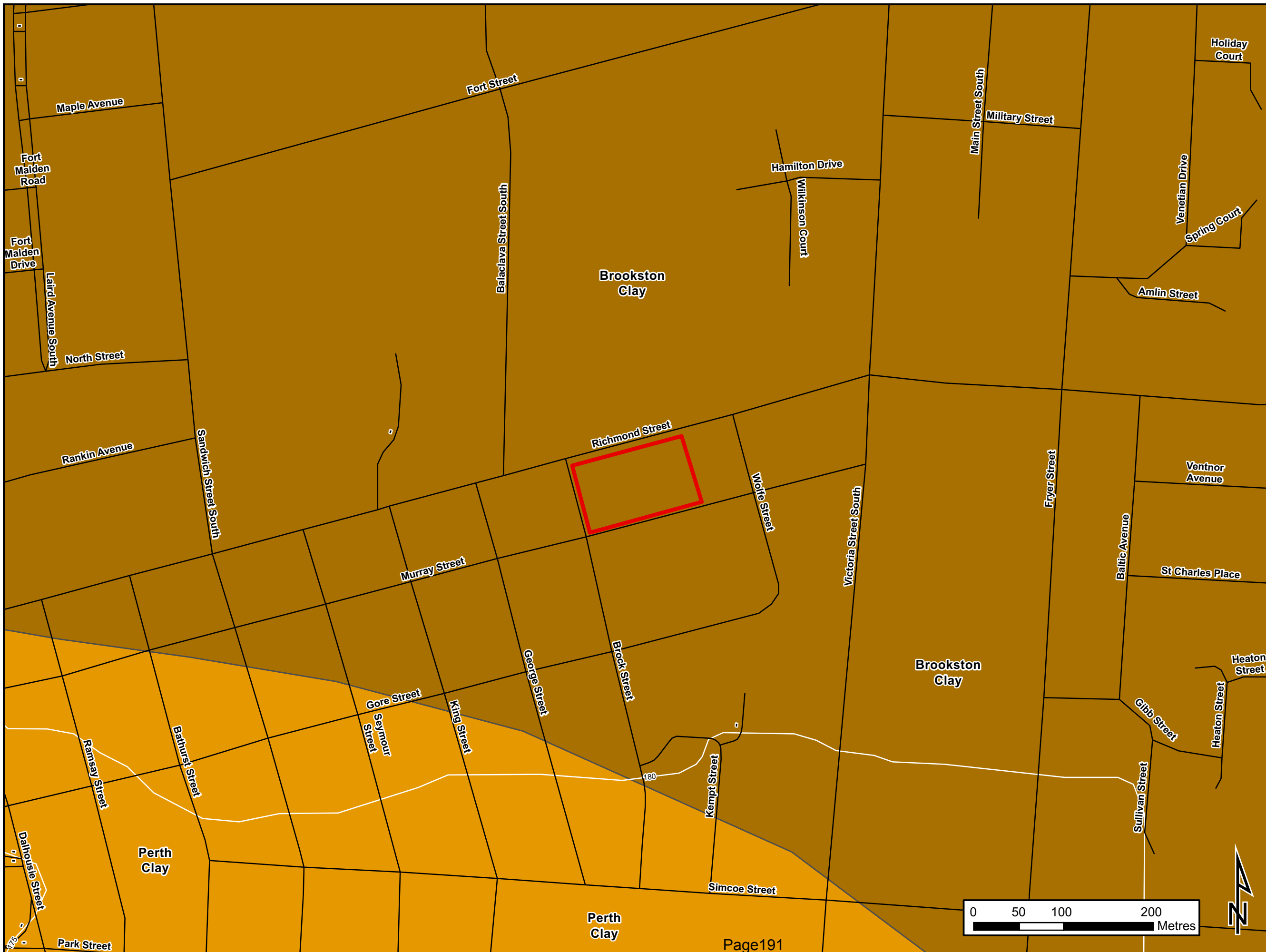
Figure 5:  
Soil Drainage and Agricultural Suitability

Date: June 2014

PN: 60321384






Scale: 1:4,000

Datum: NAD 83 UTM 17N



Stage 2 Archaeological  
Assessment  
St John de Baptiste  
School Yard

Legend

-  Study Area
-  Test Pit Survey, 10 m Interval, Confirmed Disturbance
-  Test Pit Survey, 5 m Interval, Confirmed Disturbance
-  Previously Disturbed, Visual Confirmation
-  Photo Location

Source: OBM layers - Natural Resources Canada  
Aerial Photo - 2011 DigitalGlobe

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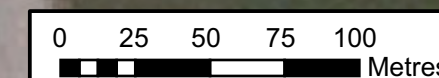
Figure 6:  
Methods and Results of the Stage 2  
Field Investigation

Date: June 2014

PN: 60321384

Scale: 1:2,500

Datum: NAD 83 UTM 17N

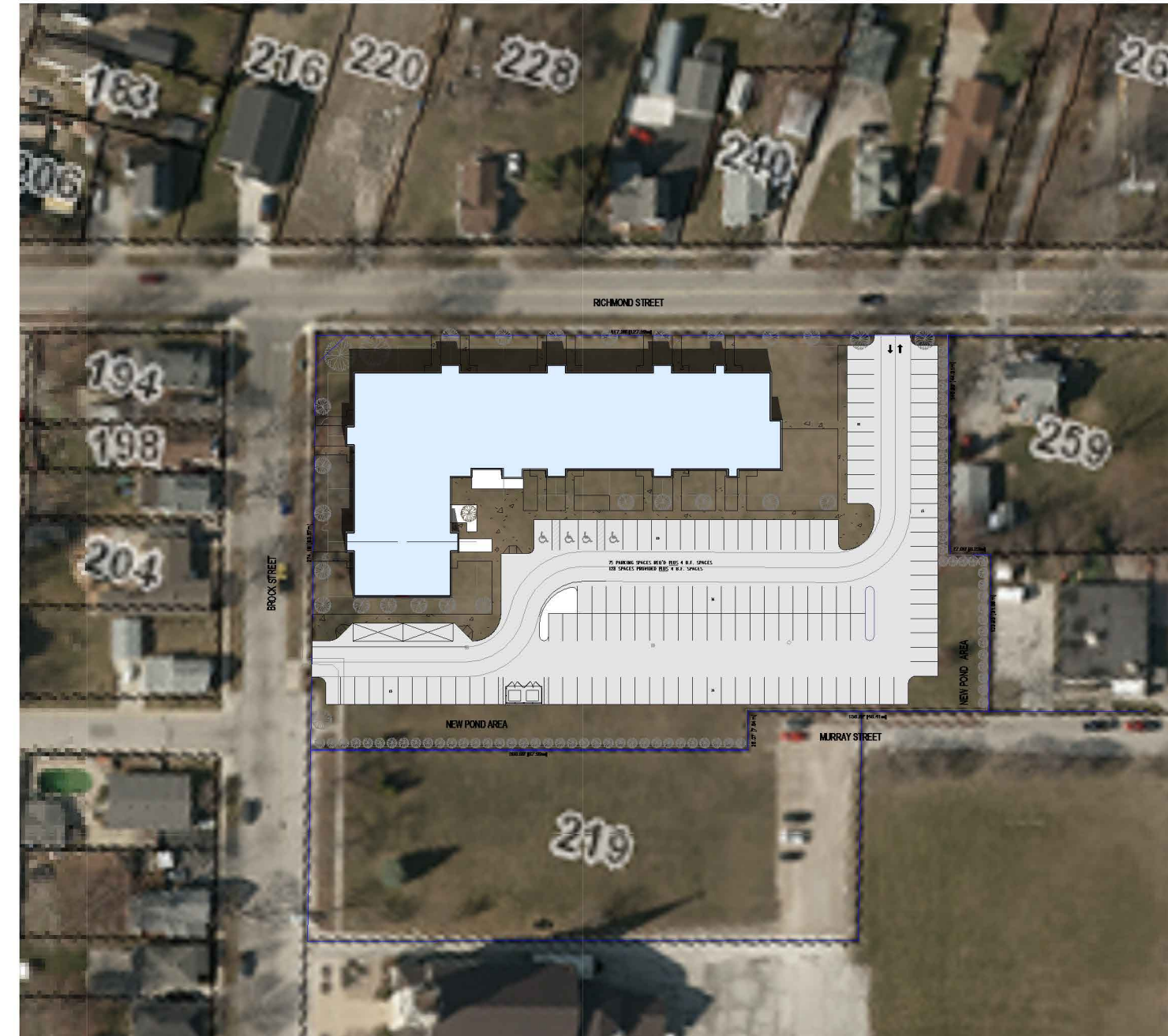




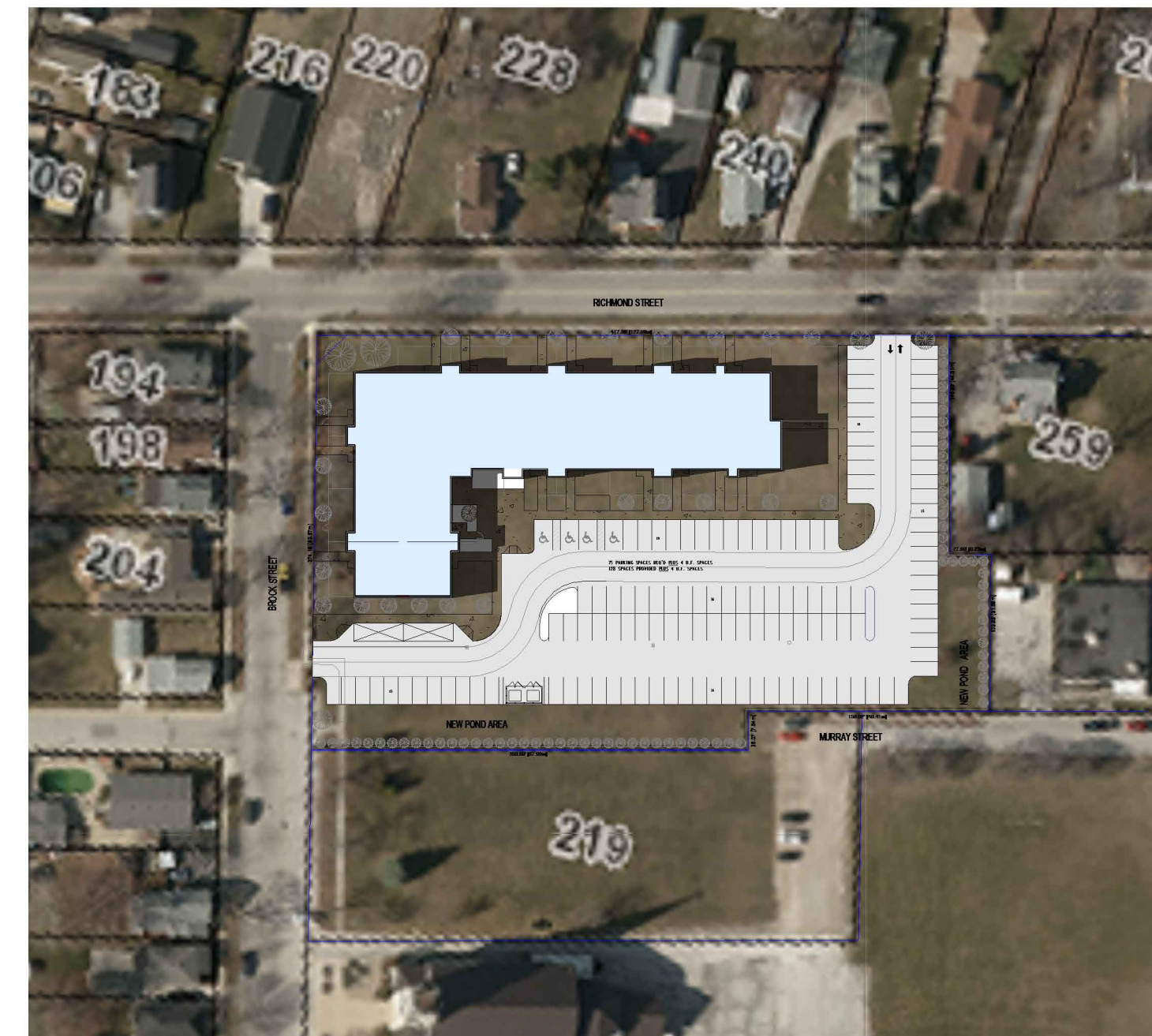
# SUMMER SOLSTICE



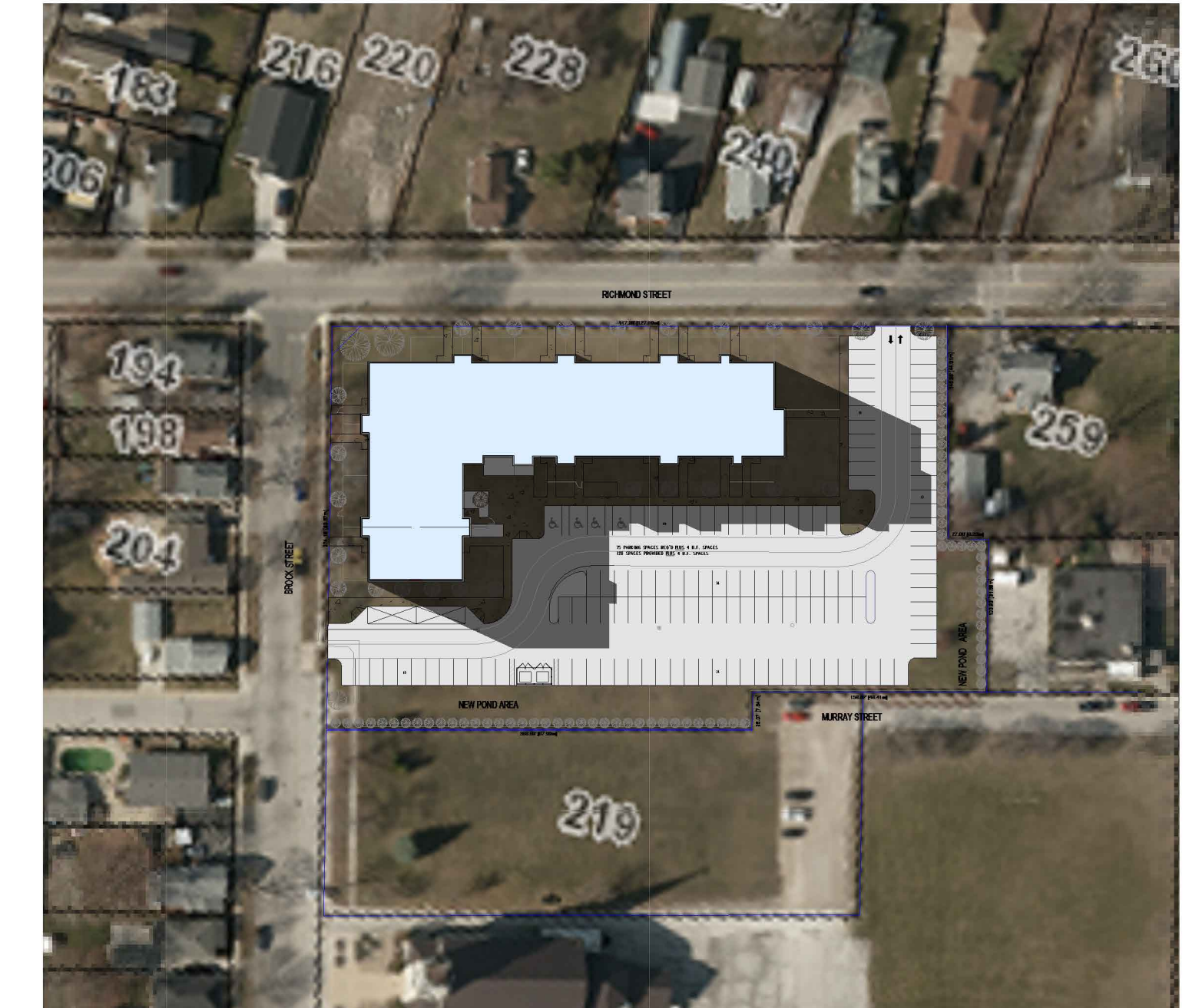

**Site 9am (S)**  
SCALE: 1" = 100'-0"



**Site 12pm (S)**  
SCALE: 1" = 100'-0"

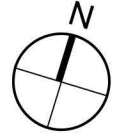
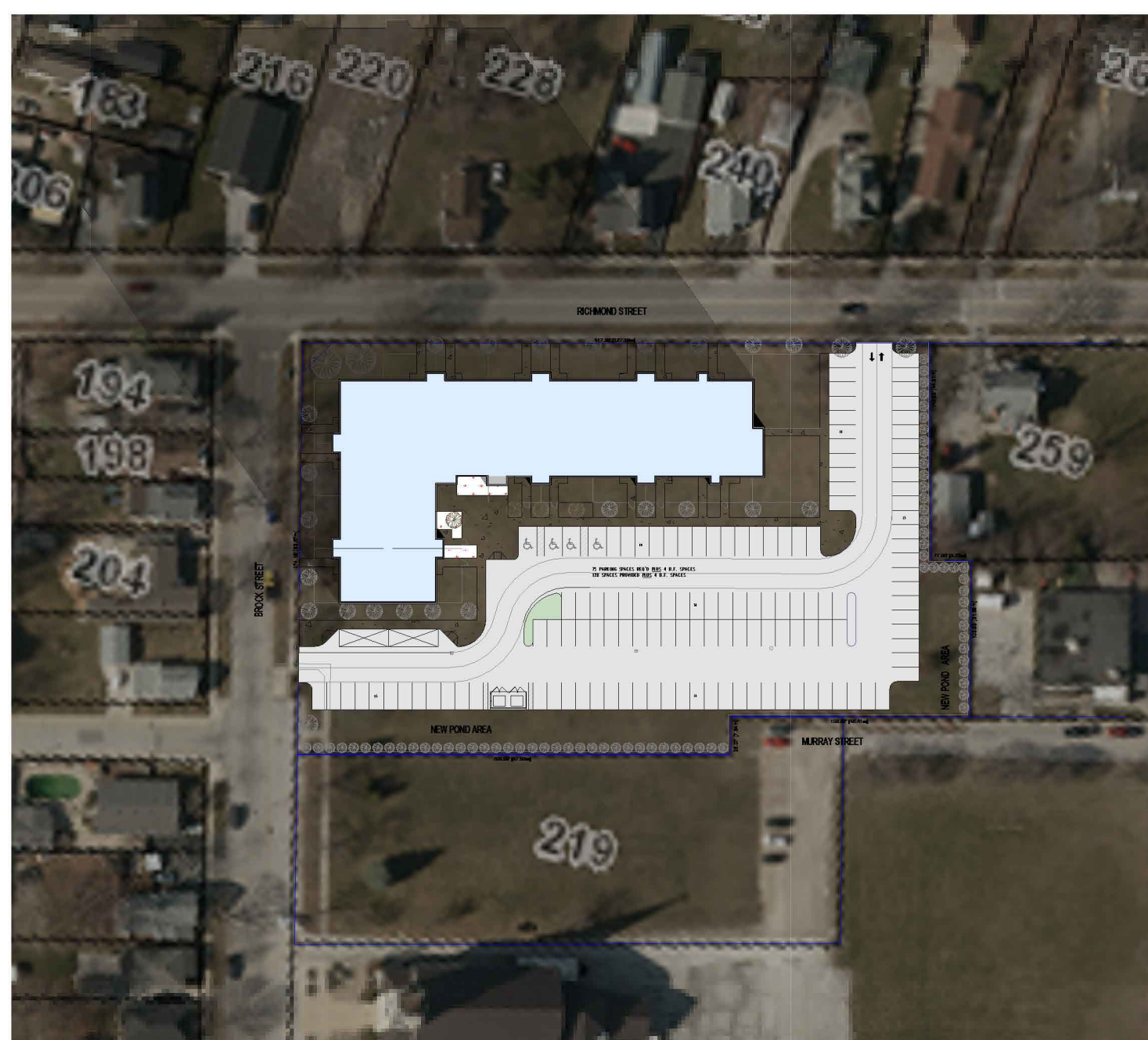


**Site 3pm (S)**  
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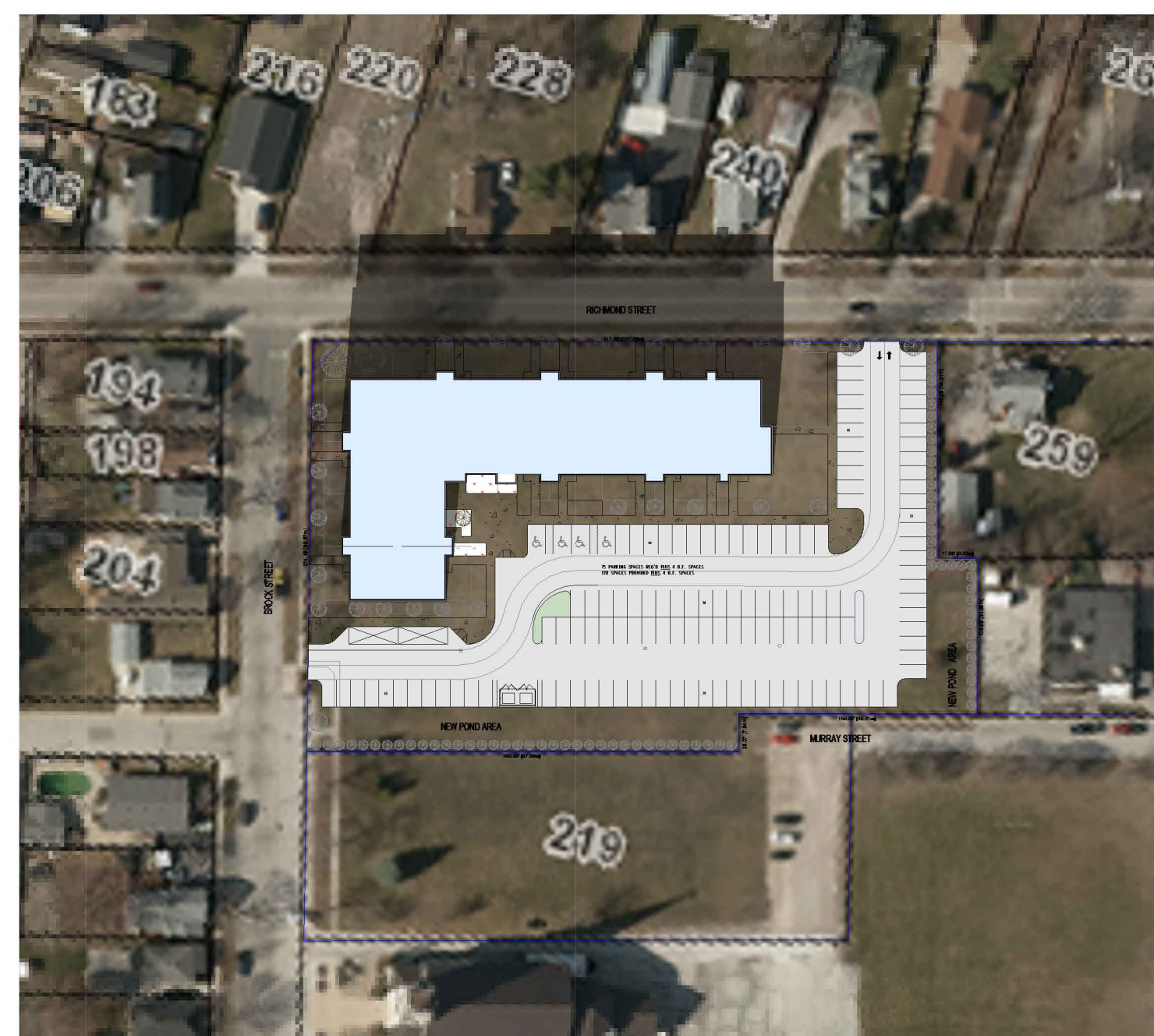


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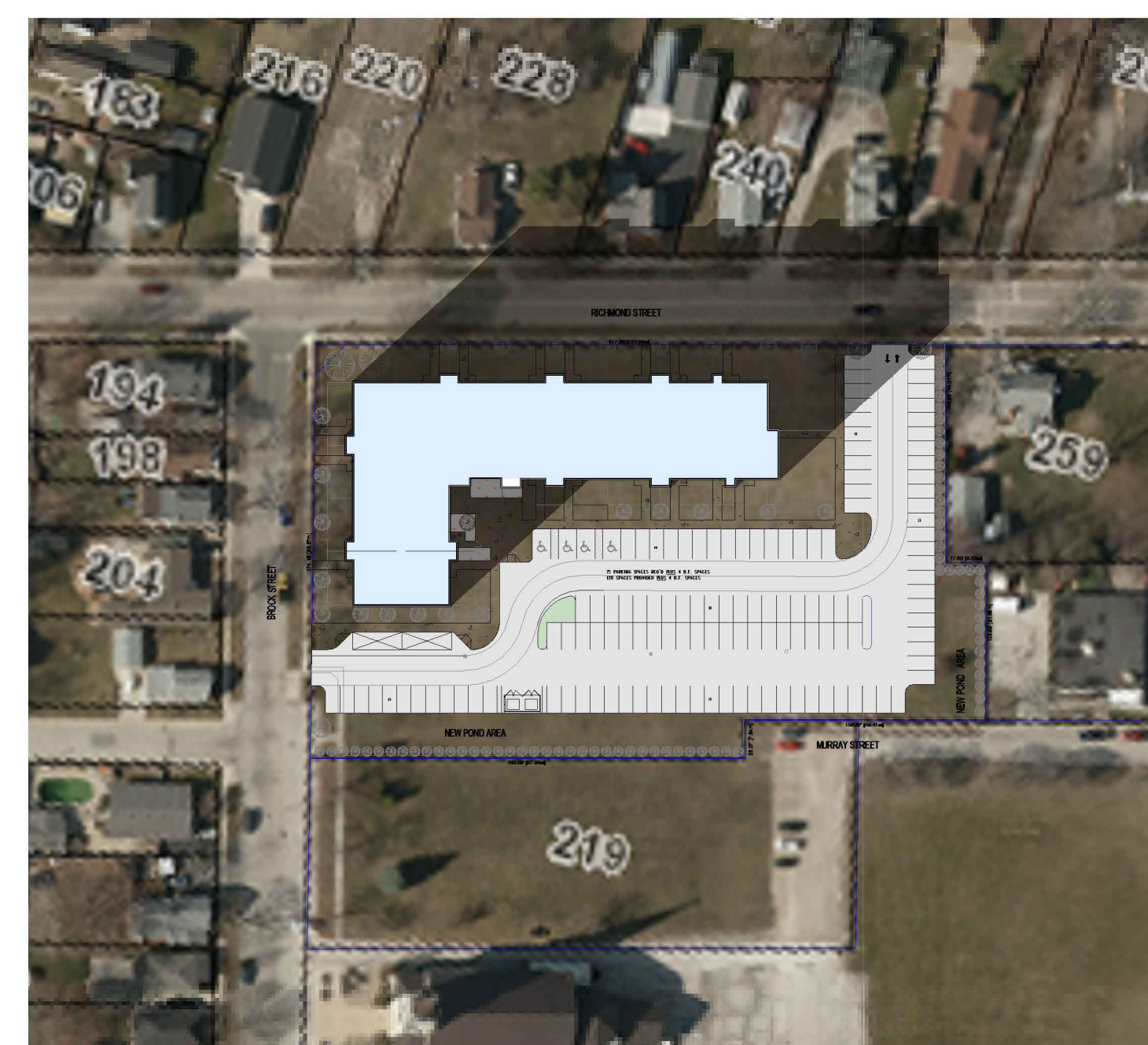
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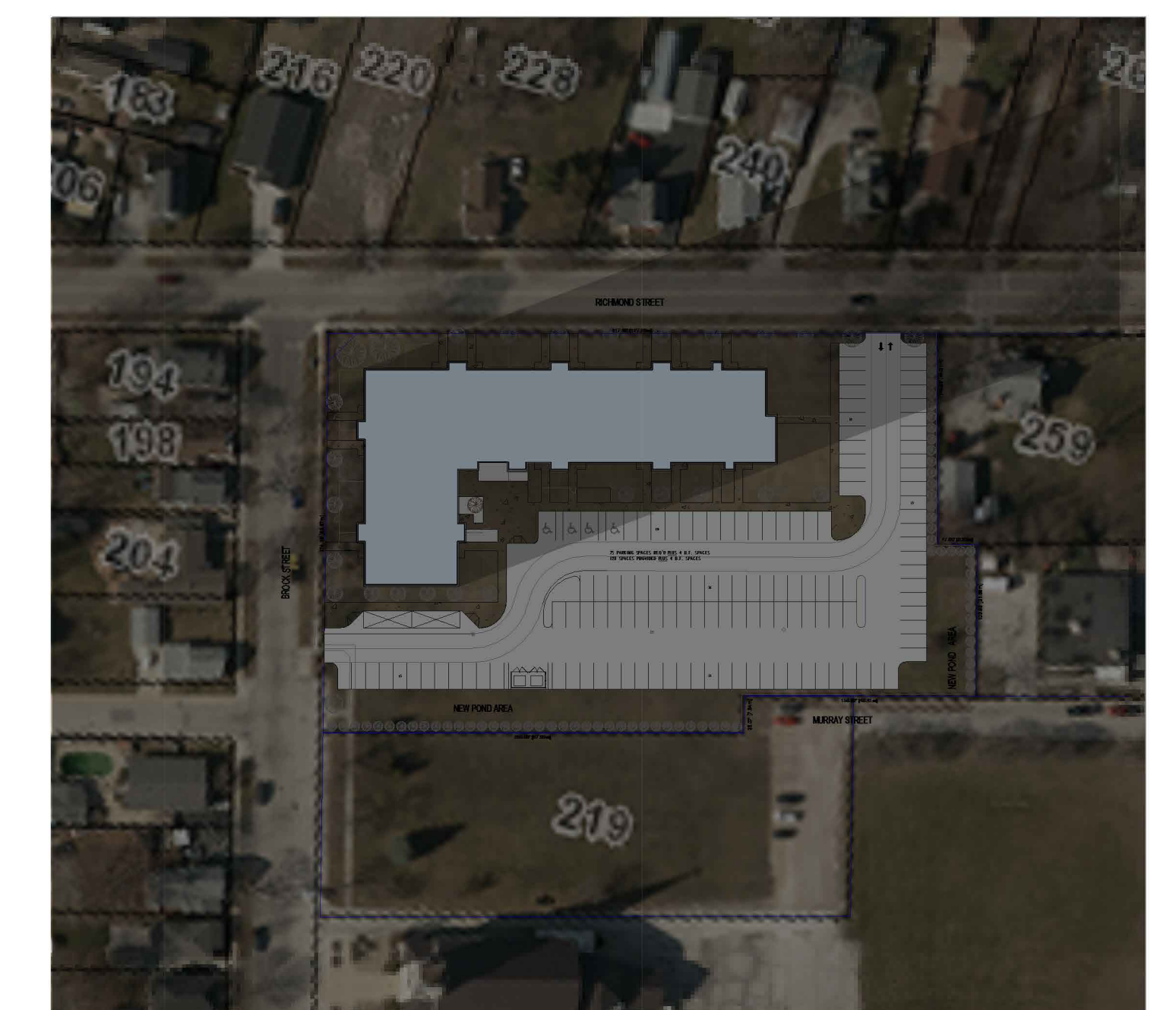
**Site 9am (W)**  
SCALE: 1" = 100'-0"



**Site 12pm (W)**  
SCALE: 1" = 100'-0"



**Site 3pm (W)**  
SCALE: 1" = 100'-0"



**Site 5pm (W)** SUN SET AT 5:05 PM  
SCALE: 1" = 100'-0"

PARTNER / CONSULTANTS

Date	Revision
22/02/11	



PROJECT TITLE  
**NEW BROCK & RICHMOND**

SHEET TITLE  
**SUN SHADOW STUDY**

JOB NUMBER  
21-183

SHEET NUMBER  
**SK-1**

2022-01-20 9:24:37 AM

**Appendix "D"**

**AMENDMENT NO. 15  
TO THE OFFICIAL PLAN  
FOR THE  
TOWN OF AMHERSTBURG**

**DRAFT**

## **TABLE OF CONTENTS**

### **1.0 OFFICIAL DOCUMENTATION PAGES**

- 1.1 Clerk's Certificate Page
- 1.2 Adopting By-law

### **2.0 CONSTITUTIONAL STATEMENT**

### **3.0 PART A – THE PREAMBLE**

- 3.1 Purpose of the Amendment
- 3.2 Basis of the Amendment

### **4.0 PART B - THE AMENDMENT**

- 4.1 Details of the Amendment
- 4.2 Implementation of the Amendment

DRAFT

**DECISION**

**With respect to Official Plan Amendment No. to the Official Plan for The Corporation of the Town of Amherstburg**

**Subsection 17(34) of the Planning Act**

---

I hereby approve Amendment No. 15 to the Official Plan 2009-30 for The Corporation of the Town of Amherstburg, as adopted by By-law 2022-062

Dated at Essex, Ontario this day of , 2022.

---

Rebecca Belanger, MCIP, RPP  
Manager, Planning Services  
County of Essex

AMENDMENT NO. 15 TO THE OFFICIAL PLAN OF AMHERSTBURG

I, Valerie Critchley, Clerk of the Town of Amherstburg, certify that this is a/the original/duplication original/certified copy of Amendment No. 15 to the Official Plan of the Town of Amherstburg.

---

CLERK – Valerie Critchley

DRAFT

**The Corporation of the Town of Amherstburg**

**By-law 2022-062**

**Being a by-law to adopt Official Plan Amendment No. 15**

**to the Official Plan for the Town of Amherstburg**

**NOW THEREFORE** the Council of The Corporation of the Town of Amherstburg, in accordance with the provisions of Sections 17 and 21 of the Planning Act, R.S.O. 1990, hereby enacts as follows:

1. Amendment No. 15 to the Official Plan 2009-30 for the Corporation of the Town of Amherstburg, consisting of the attached explanatory text and map, is hereby adopted;
2. That the Clerk is hereby authorized and directed to make application to the Corporation of the County of Essex for approval of Amendment No. 15 to the Official Plan for the Corporation of the Town of Amherstburg;
3. This By-law shall come into force and take effect on the final passing thereof.

Read a first, second and third time and finally enacted this 13<sup>th</sup> day of June, 2022.

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Aldo DeCarlo, Mayor

---

Valerie Critchley, Clerk

## **THE CONSTITUTIONAL STATEMENT**

PART A – THE PREAMBLE does not constitute part of this amendment.

PART B – THE AMENDMENT consisting of the following text and map, constitutes Amendment No. 15 to the Official Plan for The Corporation of the Town of Amherstburg.

DRAFT

## **PART A - THE PREAMBLE**

### **Purpose of the Amendment**

Official Plan Amendment No. 15 will redesignate lands known as 219 Brock Street from 'Institutional' to 'Medium Density Residential' designation in the Official Plan for the Town of Amherstburg.

### **Location of Lands**

This OPA applies to the following land use designations depicted on Schedule A in the Official Plan:

- i) Legal description: Lots 9 and 10 (E/S Brock Street), Lots 11 and 12 (W/S Kempt Street), Parts Lots 5 and 6 (E/S Kempt Street), and Part of Kempt Street closed by unregistered Bylaw and Part of Murray Street (Closed by Bylaw R10039955), Plan 1 Amherstburg, designated as Part 4 Plan 12R25406, Town of Amherstburg;
- ii) Municipal address: 219 Brock Street, Town of Amherstburg.

### **Basis of the Amendment**

An Official Plan Amendment (OPA) was requested to change the policy framework applied to the subject property from 'Institutional' to 'Medium Density Residential' to support the proposed residential development.

An Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) were proponent initiated and requested to support the development of the site for

**The former school site** is proposed with a new, 4 storey building containing 75 unit residential rental apartment building with 112 parking spaces and 4 Barrier Free (BF) spaces.



Review and evaluation of the proposed development was placed in context of the Provincial Policy Statement 2020 (PPS) and was considered to be consistent with provincial policy direction. Specifically, the development is consistent with provincial housing policies, provides for healthy community initiatives, and supports the healthy, walkable community policies of the province.

The proposed development will provide for a low profile building on site that is heritage complimentary to the existing neighbourhood, provides for alternative housing greatly needed in the community, provides for housing that will support senior members of the neighbourhood to age in place, and conforms with healthy community initiatives of the municipality and province. After extensive review, the proposed building is determined compatible with the neighbourhood and the community of Amherstburg.

Official Plan Amendment No. 15 establishes a policy framework within the 'Medium Density Residential' policies for the subject lands. The Official Plan Amendment No. 15 establishes residential policy framework for the proposed new development that is intended as a medium density residential condominium development.

The proposed development, through the adoption of the Official Plan Amendment No. 15, will conform with the relevant policies of the County of Essex Official Plan policies and the Town of Amherstburg Official Plan policies by: providing alternative housing tenure and style while supporting a diversification in housing in Amherstburg; by efficiently and effectively utilizing existing infrastructure for the development of new rental residential apartment units; and by providing for a moderate intensification of land use with a new building containing 75 residential apartment units as a medium density development well suited for the neighbourhood.

The Official Plan Amendment No. 15 will provide a policy framework for the implementing bylaw amendment 2022-063. By-law 2022-063 provides a regulatory framework that will establish site specific regulations under the 'Residential Multiple Second Density (RM2)' zone provisions.

## **PART B – THE AMENDMENT**

### **Details of the Amendment**

All of this part of the document, entitled ‘Part B – The Amendment’ consisting of the following text and Schedule ‘A’ constitutes Official Plan Amendment No. 15 to the Official Plan 2009-03 for the Town of Amherstburg.

The Official Plan of the Town of Amherstburg is amended as follows:

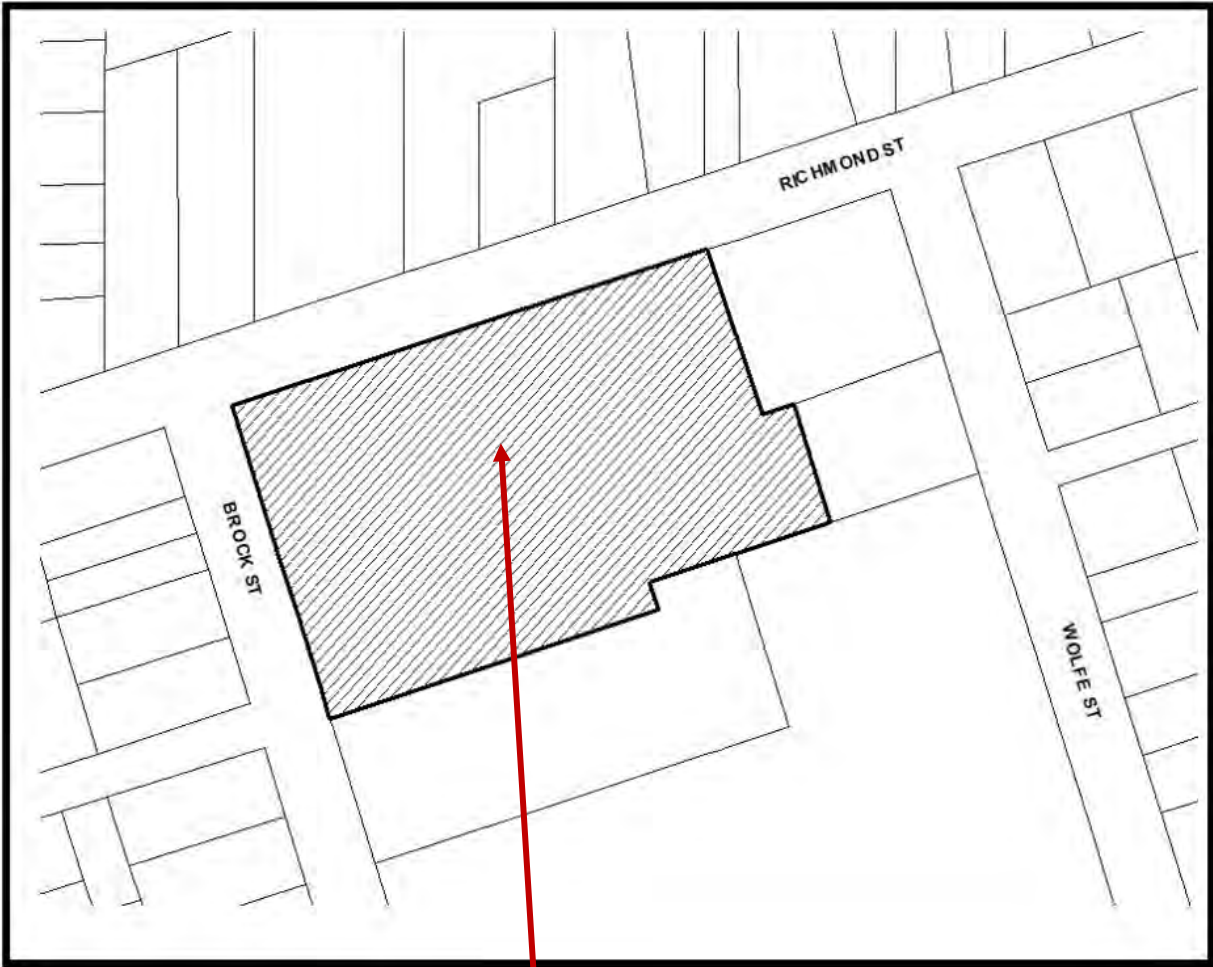
“Property known municipally as 219 Brock Street is hereby redesignated from ‘Institutional’ designation to ‘Medium Density Residential’ designation on Schedule ‘A’ to the Official Plan 2009-03 for the Town of Amherstburg and as shown on Schedule ‘A’ attached hereto.”

### **Implementation of the Amendment**

Official Plan Amendment No. 15 will be implemented through Bylaw 2022-063, an amendment to Zoning By-law 1999-52, and Site Plan Control by-law.

OPA No. 15

SCHEDULE A



'MEDIUM DENSITY RESIDENTIAL'

**CORPORATION OF THE TOWN OF AMHERSTBURG  
BY-LAW NO. 2022-063**

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

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

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

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

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

1. Schedule "A", Map 38 of By-law 1999-52, as amended, is hereby amended by changing the zone symbol on those lands shown as "Zone Change from I to RM2-9" on Schedule "A" attached hereto and forming part of this By-law from "Institutional (I) Zone" to "Special Provision Residential Multiple Second Density (RM2-9) Zone".
2. THAT Section 3(3)(d)(iii) of By-law 1999-52, as amended, being the General Provisions Dwelling Unit Area (Minima) for other dwelling units, does not apply to those lands shown on Schedule "A".
3. THAT Section 3(23)(g) of By-law 1999-52, as amended, being the General Provisions Parking Regulations for yards where parking is permitted for a multiple residential dwelling, does not apply to those lands shown on Schedule "A".
4. THAT Section 3(23)(j)(i) of By-law 1999-52, as amended, being the General Provisions Special Parking Provisions for Residential Zones, does not apply to those lands shown on Schedule "A".
5. THAT Section 11(4) of By-law 1999-52, as amended, is hereby amended by adding a new subsection (g) as follows;

"(h) RM2-9 (219 Brock Street)

Notwithstanding any other provisions of this By-law to the contrary, within any area zoned RM2-9 on Schedule "A" hereto, the zone requirements of Section 11 of the By-law shall apply with the addition of the following special provisions:

(i) Uses Permitted:

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

- (ii) Front Yard Depth (Minimum) 6.0 m
- (iii) Exterior Side Yard Width (Minimum) 5.0 m
- (iv) Interior Side Yard Width (Minimum) 6.0 m
- (v) Rear Yard Depth (Minimum) 7.0 m

- (vi) Landscaped Open Space (Minimum) 25 %
- (vii) Dwelling Unit Area (Minimum) 0 m<sup>2</sup>
- (viii) Height (Maximum) 16.0 m
- (ix) Privacy Yards (Minimum) 0 m
- (x) Building Separation (Minimum) 0 m
- (xi) Accessory Parking Structure Lot Coverage (Maximum) 300 m<sup>2</sup>
- (xii) Accessory uses and structures in addition to (xi) above will be in accordance with the provisions of Section 3 hereof;
- (xiii) Required Parking Spaces (Minimum) 1.25 spaces/unit
- (xiv) Special Parking Provisions for (RM2-9) Residential Zones:
  - a) all parking spaces shall be located in a garage, or carport or in a side yard, rear yard, or exterior side yard but shall not be located within the required front yard or on a driveway in the front yard;
  - b) all parking spaces located in an exterior side yard shall have a 2.5 m setback to any street line;
  - c) all parking spaces located in a rear yard shall have a 2.0 m setback to any property line;
  - d) all parking spaces shall have a 1 m setback to any interior side lot line."

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

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

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MAYOR- ALDO DICARLO

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CLERK- VALERIE CRITCHLEY

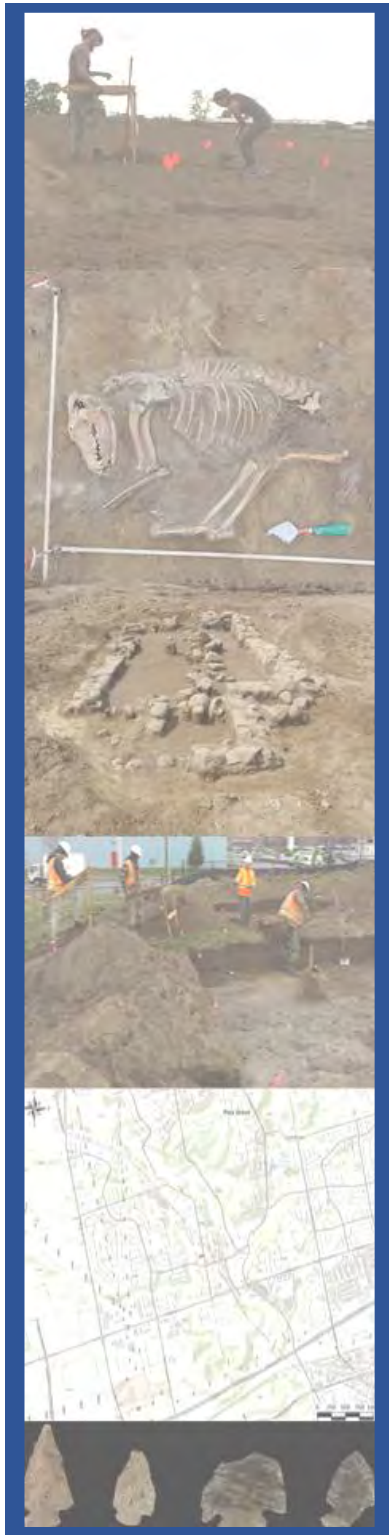
**TOWN OF AMHERSTBURG**

SCHEDULE "A" TO BY-LAW No. 2022-063  
A BY-LAW TO AMEND BY-LAW No. 1999-52

DRAFT

\_\_\_\_\_  
MAYOR- ALDO DICARLO

\_\_\_\_\_  
CLERK- VALERIE CRITCHLEY



## 219 Brock Street Archaeological Report Review

Prepared for:  
Rosati Group  
c/o Vince Rosati Jr.  
6555 Malden Road  
Windsor, Ontario  
N9H 1T5

**Author: Shane McCartney**  
**Licensed Professional Archaeologist**  
**License #: P321**



**Earthworks**

ARCHAEOLOGICAL SERVICES INC.

Earthworks Archaeological Services Inc.  
162 Catharine Street South  
Hamilton, Ontario  
L8N 2J8

June 6, 2022

## 1.0 Background

Earthworks Archaeological Services Inc. (Earthworks) was retained by Rosati Group to conduct a third party review of two archaeological reports produced by Timmins Martelle Heritage Consultants Inc. (TMHC) and AECOM as part of the investigations conducted at 219 Brock Street in the Town of Amherstburg.

The full report titles are cited as follows:

**Report 1:** *Cemetery Investigation and Stage 2 & 3 Archaeological Assessment St. Jean Baptiste Cemetery (AaHs-31), 219 Brock Street, Amherstburg, Geographic Township of Malden, Ontario*

**Report 2:** *Stage 2 Archaeological Assessment St. John de Baptiste School Yard Lot 2, Concession 1, Geographic Township of Malden, Town of Amherstburg, Essex County, Ontario*

## 1.1 Objectives

The draft archaeological reports were evaluated against a list of criteria to determine if there were any outstanding archaeological concerns for the property. This included:

- Review of archaeological field work methods to ensure they meet the *Standards and Guidelines for Consultant Archaeologists*
- Review of the site interpretation to evaluate any outstanding concern for the St. John the Baptiste cemetery to extend into the property being proposed for development by Rosati Group.

## 2.0 Results

Both of the archaeological reports produced by TMHC and AECOM were conducted in accordance with the *Standards and Guidelines for Consultant Archaeologists*. The results of both reports did not produce any evidence that the historic cemetery extended into the current study area, and there is no evidence to suggest any outstanding archaeological concern on the property.



Earthworks Archaeological Services Inc.  
Archaeological Report Review  
219 Brock Street  
Amherstburg

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I confirm the above comments represent my professional opinion based on the documentation provided



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**Shane McCartney, M.A.**

**Senior Partner**

**Earthworks Archaeological Services Inc.**

June 6, 2022

**Date**



## Summary of Correspondence Received on OPA and ZBA for 219 Brock Street

Below is a summary of the comments received by the Planning Services Division on OPA No. 15 and ZBA/07/22.

### Infrastructure Services Department:

It is the expectation that the future development of this property 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, storm water management, etc. It should be noted, however, that IS has been in discussion with the developers with regards to their site servicing and development needs.

### Windsor Police Services:

- The Windsor Police Service has no objections to the proposed official plan and Zoning By-law amendment being requested to allow for a residential land use on this former institutional land use site at 219 Brock Street. The conceptual site plan for this development reveals a design that will provide for effective emergency police incident response and general police patrolling capability that possesses numerous features to ensure public safety and security (such as unobstructed sight lines, good vehicular and pedestrian flow on the site, etc.).
- The redevelopment of the site for a residential use seems reasonable and appropriate within the broader context of the surrounding neighbourhood.
- To ensure all detailed facets of public safety and security get addressed for the development, we will provide more site-specific remarks during the site plan review phase for the project. This will include examining elements such as safe vehicular access and maneuverability, site lighting, etc.

### Essex Region Conservation Authority:

The following is provided as a result of our review of the Notice of Public Meeting to Consider Application for Official Plan Amendment OPA 15 & ZBA-07-22 and Zoning By-Law Amendment This Official Plan and Rezoning application affects approximately 1.1

hectares of land located on the southeast corner of Brock Street and Richmond Street. This Official Plan and Rezoning, if approved, will amend the existing official plan designation on this property from an “Institutional” to a “Medium Density Residential” designation, and will change the zoning from an Institutional zone to a new site-specific Residential Multiple Second Density (RM2) zone. This will allow a new 4 storey 75-unit residential apartment building to be built at this location.

### **DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS AND REGULATORY RESPONSIBILITIES ASSOCIATED WITH THE CONSERVATION AUTHORITIES ACT**

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

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).

### **WATERSHED BASED RESOURCE MANAGEMENT AGENCY**

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

#### **SECTION 1.6.6.7 Stormwater Management (PPS, 2020)**

ERCA has concerns with the potential impact of the quality and quantity of runoff in the downstream watercourse due to the proposed development on this site. ERCA recommends that stormwater quality and stormwater quantity will need to be addressed up to and including the 1:100 year storm event and be in accordance with the guidance provided by the Stormwater Management Planning and Guidance Manual, prepared by the Ministry of the Environment (MOE, March 2003) and the "Windsor-Essex Region Stormwater Management Standards Manual".

We further recommend that the stormwater management analysis be completed to the satisfaction of the Municipality, at site plan control. We do not require further consultation on this file with respect to stormwater management.

## **PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020**

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 Zoning by-law Amendment and Official Plan Amendment.

### **Canada Post:**

This development, as described, falls within our centralized mail policy.

I will specify the condition which I request to be added for Canada Post Corporation's purposes.

a) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

Should the description of the project change, I would appreciate an update in order to assess the impact of the change on mail service.

If you have any questions or concerns regarding these conditions, please contact me. I appreciate the opportunity to comment on this project.



## THE CORPORATION OF THE TOWN OF AMHERSTBURG

### OFFICE OF DEVELOPMENT SERVICES

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

Author's Name: Melissa Osborne	Report Date: June 2, 2022
Author's Phone: 519 736-5408 ext. 2137	Date to Council: June 13, 2022
Author's E-mail: <a href="mailto:mosborne@amherstburg.ca">mosborne@amherstburg.ca</a>	Resolution #:

To: Mayor and Members of Town Council

Subject: Removal of Part Lot Control- Kingsbridge Phases 5 and 10

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#### 1. RECOMMENDATION:

It is recommended that:

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

#### EXECUTIVE SUMMARY:

N/A

#### 2. BACKGROUND:

The Town is in receipt of an application for part lot control exemption under Section 50 of the *Planning Act, R.S.O. 1990 c.P. 13*, for Part of Lots 11, 12, 13 and 14, Concession 1, being Block 33 on Plan 12M-669 and being Blocks 213 to 234 inclusive on Plan 12M-674 and being Blocks 1 and 2, 4 to 9 inclusive, 11 to 26 inclusive, 28 and 29 on Plan 12M-679 known locally as Kingsbridge Subdivision.

Part Lot control is a provision under the *Planning Act* that regulates the transfer or sale of a lot within a registered plan of subdivision. Part Lot Control Exemption applications are alternative forms of land division to Plans of Subdivision and Consents. The Part Lot Control Exemption By-law will usually be in place for a fixed period of time, after which the By-law will expire and the Part Lot Control provisions of the *Planning Act* come force and effect. Part Lot Control is most commonly used for townhouse developments after construction has started to accurately set the boundary lines between the townhouse units, create the parcels for sale and transfer the ownership.

### **3. DISCUSSION:**

The Town is in receipt of a request from 1078217 Ontario Limited and 1027579 Ontario Limited, for a portion of the Kingsbridge Subdivision development requesting that Council pass a By-law under Section 50 of the *Planning Act*, exempting Part Lot Control for Part of Lots 11, 12, 13 and 14, Concession 1, being Block 33 on Plan 12M-669 and being Blocks 213 to 234 inclusive on Plan 12M-674 and being Blocks 1 and 2, 4 to 9 inclusive, 11 to 26 inclusive, 28 and 29 on Plan 12M-679, in the above, more particularly described as;

- Block 33, Plan 12M-669, designated as Parts 1 through 8 inclusive on Reference Plan 12R- 29035;
- Block 213, Plan 12M-674, designated as Parts 1 through 6 inclusive on Reference Plan 12R- 29039;
- Block 214, Plan 12M-674, designated as Parts 7 through 10 inclusive on Reference Plan 12R- 29039;
- Block 215, Plan 12M-674, designated as Parts 11 through 14 inclusive on Reference Plan 12R- 29039;
- Block 216, Plan 12M-674, designated as Parts 15 through 18 inclusive on Reference Plan 12R- 29039;
- Block 217, Plan 12M-674, designated as Parts 1 through 4 inclusive on Reference Plan 12R- 29036;
- Block 218, Plan 12M-674, designated as Parts 5 through 8 inclusive on Reference Plan 12R- 29036;
- Block 219, Plan 12M-674, designated as Parts 9 through 12 inclusive on Reference Plan 12R- 29036;
- Block 220, Plan 12M-674, designated as Parts 13 through 16 inclusive on Reference Plan 12R- 29036;
- Block 221, Plan 12M-674, designated as Parts 1 through 4 inclusive on Reference Plan 12R- 29034;
- Block 222, Plan 12M-674, designated as Parts 5 through 8 inclusive on Reference Plan 12R- 29034;

- Block 223, Plan 12M-674, designated as Parts 9 through 12 inclusive on Reference Plan 12R- 29034;
- Block 224, Plan 12M-674, designated as Parts 13 through 16 inclusive on Reference Plan 12R- 29034;
- Block 1, Plan 12M-679, designated as Parts 1 through 12 inclusive on Reference Plan 12R- 29038;
- Block 2, Plan 12M-679, designated as Parts 13 through 24 inclusive on Reference Plan 12R- 29038;
- Block 4, Plan 12M-679, designated as Parts 25 through 36 inclusive on Reference Plan 12R- 29038;
- Block 5, Plan 12M-679, designated as Parts 37 through 48 inclusive on Reference Plan 12R- 29038;
- Block 6, Plan 12M-679, designated as Parts 49 through 60 inclusive on Reference Plan 12R- 29038;
- Block 7, Plan 12M-679, designated as Parts 61 through 72 inclusive on Reference Plan 12R- 29038;
- Block 8, Plan 12M-679, designated as Parts 73 through 84 inclusive on Reference Plan 12R- 29038;
- Block 9, Plan 12M-679, designated as Parts 85 through 96 inclusive on Reference Plan 12R- 29038;
- Block 11, Plan 12M-679, designated as Parts 97 through 108 inclusive on Reference Plan 12R- 29038;
- Block 12, Plan 12M-679, designated as Parts 109 through 120 inclusive on Reference Plan 12R- 29038;
- Block 13, Plan 12M-679, designated as Parts 121 through 132 inclusive on Reference Plan 12R- 29038;
- Block 14, Plan 12M-679, designated as Parts 145 through 156 inclusive on Reference Plan 12R- 29038;
- Block 15, Plan 12M-679, designated as Parts 169 through 180 inclusive on Reference Plan 12R- 29038;
- Block 16, Plan 12M-679, designated as Parts 193 through 204 inclusive on Reference Plan 12R- 29038;
- Block 17, Plan 12M-679, designated as Parts 217 through 228 inclusive on Reference Plan 12R- 29038;

- Block 18, Plan 12M-679, designated as Parts 241 through 252 inclusive on Reference Plan 12R- 29038;
- Block 19, Plan 12M-679, designated as Parts 265 through 276 inclusive on Reference Plan 12R- 29038;
- Block 20, Plan 12M-679, designated as Parts 289 through 300 inclusive on Reference Plan 12R- 29038;
- Block 21, Plan 12M-679, designated as Parts 301 through 312 inclusive on Reference Plan 12R- 29038;
- Block 22, Plan 12M-679, designated as Parts 277 through 288 inclusive on Reference Plan 12R- 29038;
- Block 23, Plan 12M-679, designated as Parts 253 through 264 inclusive on Reference Plan 12R- 29038;
- Block 24, Plan 12M-679, designated as Parts 229 through 240 inclusive on Reference Plan 12R- 29038;
- Block 25, Plan 12M-679, designated as Parts 205 through 216 inclusive on Reference Plan 12R- 29038;
- Block 26, Plan 12M-679, designated as Parts 181 through 192 inclusive on Reference Plan 12R- 29038;
- Block 28, Plan 12M-679, designated as Parts 157 through 168 inclusive on Reference Plan 12R- 29038;
- Block 29, Plan 12M-679, designated as Parts 133 through 144 inclusive on Reference Plan 12R- 29038;

Approval of the Part Lot Control Exemption By-law will allow for the transfer of 107 lots for townhouse units and 50 lots for semi-detached units. Subsection 7 of Section 50 of the Planning Act, R.S.O. 1990, c.P. 13, provides Council with this authority subject to approval of the By-law by the County of Essex.

We have therefore prepared By-law 2022-061 for Council consideration providing that Subsection 5 for Section 50 of the *Planning Act*, R.S.O. 1990, c.P. 13, does not apply to the above mentioned lots. Section 50 (7) states:

*Designation of lands not subject to part lot control*

*(7) Despite subsection (5), the council of a local municipality, may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law. 1996, c.4, s27(3).*



Subsection 7.3 of Section 50 of the *Planning Act*, R.S.O 1990, c.P.13 provides that the By-law concludes at the expiration of the time period specified in the By-law. Administration has prepared By-law 2022-061 providing for an expiration date of June 13, 2025. Part Lot Control will apply to the lands described upon expiration of the by-law.

In January of 2021 and May 2020 the applicant entered into subdivision agreements with the Town of Amherstburg that have been registered against the lands. The new construction will be required to adhere to the subdivision agreements. The resulting lot areas and lot frontages conform with the Zoning By-law.

**4. RISK ANALYSIS:**

The recommendation presents little to no risk to the municipality. The applicant will be responsible for applying for all necessary permits. When the parcels which are set out on the Plan of Subdivision are conveyed to individual owners, the Part Lot Control Exemption By-law is allowed to lapse. A three year expiration date is a reasonable limit to allow the construction and conveyance of the units. If the construction of the units is not complete within the three year time frame the applicant can request an extension and renew the Part Lot Control Exemption By-Law.

**5. FINANCIAL MATTERS:**


All costs associated with the application are the responsibility of the applicant. There are no other financial implications resulting from the adoption of the Part Lot Control Exemption By-law.

**6. CONSULTATIONS:**

Rebecca Belanger, Manager of Planning for the County of Essex was consulted as the approval authority for Part Lot Control Exemption applications throughout Essex County.

**7. CONCLUSION:**

Administration is recommending the approval of the request for part lot control exemption as the proposal is in compliance with the Town's planning documents and the Planning Act, R.S.O. 1990, c.P. 13. Council has the authority to pass the By-law and direct it to the County for final approval.



---

Melissa Osborne  
Director, Development Services

## Report Approval Details

Document Title:	Removal of Part Lot Control- Kingsbridge Phases 5 and 10.docx
Attachments:	- 2022 06 13- Removal of Part Lot Control- Kingsbridge Phases 5 and 10- ATTACHMENTS.pdf
Final Approval Date:	Jun 8, 2022

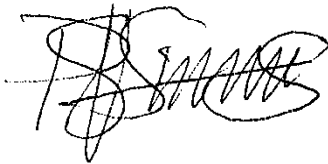
This report and all of its attachments were approved and signed as outlined below:



Melissa Osborne



Tracy Prince



Peter Simmons



Valerie Critchley

**NOTES**  
 BEARINGS ARE UTM GRID DERIVED FROM OBSERVED REFERENCE POINTS "A" AND "B" BY REAL TIME NETWORK OBSERVATIONS.  
 DISTANCES ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9999482.

**INTEGRATION DATA**

COORDINATES ARE DERIVED FROM GRID OBSERVATIONS USING THE CAN-NET NETWORK SERVICE AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) NAD83 (CSRS) (2010.0). COORDINATE VALUES ARE TO AN URBAN ACCURACY IN ACCORDANCE WITH SECTION 14(2) O. REG 216/10

POINT ID	NORTHING	EASTING
ORP-A	N4666356.95	E326240.68
ORP-B	N4666573.27	E325823.66

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

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

This final plan of subdivision is approved under ss 51, (5B) of the Planning Act on this 25<sup>th</sup> day of June 2020.

*Rebecca Belanger*  
 REBECCA BELANGER  
 Manager, Planning Services  
 County of Essex

**PLAN 12M-669**  
 I CERTIFY THAT THIS PLAN IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF ESSEX (12) AT 9:52 O'CLOCK ON THE 9<sup>th</sup> DAY OF July 2020 AND ENTERED IN THE PARCEL REGISTER FOR PROPERTY IDENTIFIERS 70723-0295 and 70723-0315 AND THAT REQUIRED CONSENTS ARE REGISTERED AS PLAN DOCUMENT No. CE 952643

**MARY BETH OUELLETTE**  
 REPRESENTATIVE FOR LAND REGISTRAR  
 THIS PLAN COMPRISES PART OF THE LAND IDENTIFIED BY P.I.N.'s 70723-0295 and 70723-0315.  
 LOTS 1 to 16, (incl.), BLOCKS 17 to 38, (incl.), BLOCKS 39 to 44 (0.30 RESERVES), BLOCK 45, ERIE ISLE COURT, KELLY ROAD, LIVINGSTONE CRESCENT, PART OF McLELLAN AVENUE and WESTCOTT ROAD COMPRISE PART OF P.I.N. 70723-0295.  
 PART OF McLELLAN AVENUE COMPRISES PART OF P.I.N. 70723-0315.

**PLAN OF SUBDIVISION**  
 OF  
**PART OF LOTS 11 and 12,**  
**CONCESSION 1,**  
 GEOGRAPHIC TOWNSHIP OF ANDERDON  
 NOW IN THE  
**TOWN OF AMHERSTBURG**  
**COUNTY OF ESSEX, ONTARIO**  
 VERHAEGEN • STUBBERFIELD • HARTLEY • BREWER • BEZAIRE INC.

SCALE = 1:1000

- LEGEND**
- ALL MONUMENTS SHOWN THUSLY □ ARE IRON BARS (B) UNLESS OTHERWISE NOTED.
  - SB DENOTES 25mm X 25mm X 1.22m STANDARD IRON BAR
  - S3B DENOTES 25mm X 25mm X 0.61m SHORT STANDARD IRON BAR
  - W1 DENOTES 16mm X 16mm X 0.61m IRON BAR
  - W2 DENOTES 19mm diameter X 0.61m ROUND IRON BAR
  - CP DENOTES CUT-CROSS
  - SP DENOTES 5mm X 50mm STEEL PIN
  - SM DENOTES SURVEY MONUMENT FOUND
  - SM1 DENOTES SURVEY MONUMENT SET AND MARKED 1744
  - W DENOTES WITNESS
  - PER DENOTES PERPENDICULAR
  - SET DENOTES SET
  - (M) DENOTES MEASURED
  - (O) DENOTES DEED
  - ORP DENOTES OBSERVED REFERENCE POINT
  - SSB'S SHOWN ON THIS PLAN HAVE BEEN SET IN LIEU OF SIG'S WHERE THE POSSIBILITY THAT UNDERGROUND UTILITIES EXIST
  - (S/P) DENOTES SET PROPORTIONALLY
  - (O) DENOTES ORIGIN UNKNOWN
  - (P) DENOTES PLAN 12M-397
  - (P1) DENOTES PLAN 12M-441
  - (P2) DENOTES PLAN 12M-28118
  - (P3) DENOTES PLAN 12M-13059
  - (P4) DENOTES PLAN 12M-28183
  - (P5) DENOTES PLAN 12M-13059
  - (1744) DENOTES VERHAEGEN STUBBERFIELD HARTLEY BREWER BEZAIRE INC., O.L.S.
  - (1201) DENOTES CLARKE SURVEYORS INC., O.L.S.
  - (943) DENOTES VERHAEGEN AND BEZAIRE LIMITED, O.L.S.

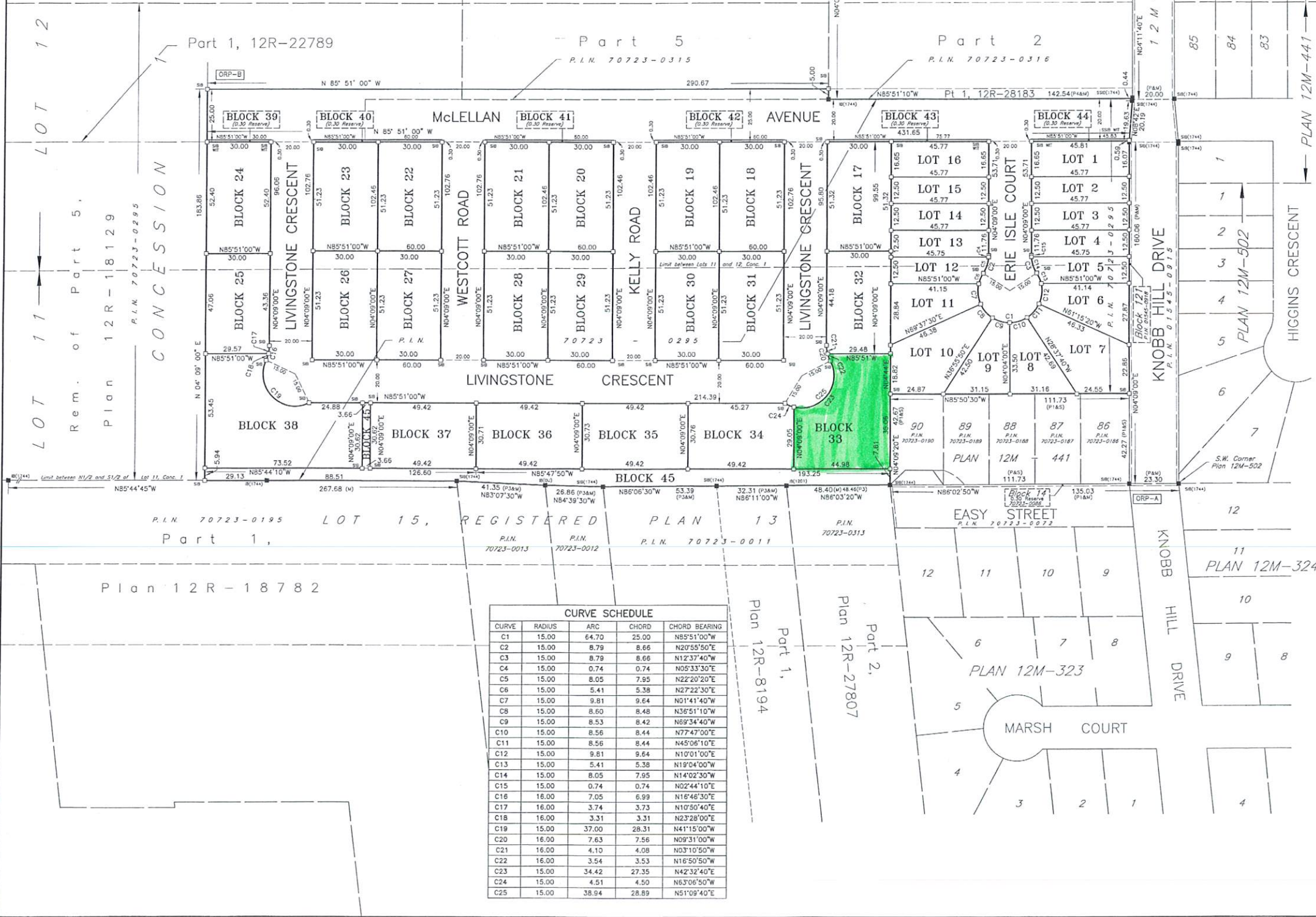
**OWNERS CERTIFICATES:**  
 THIS IS TO CERTIFY THAT:  
 1. PART OF McLELLAN AVENUE HAS BEEN LAID OUT ACCORDING TO OUR INSTRUCTIONS.  
 2. THE STREETS ARE HEREBY DEDICATED AS PUBLIC HIGHWAYS TO THE CORPORATION OF THE TOWN OF AMHERSTBURG.  
 DATED THE 20th DAY OF MAY, 2020.  
 1078217 ONTARIO LIMITED  
*M. R. Dunn*  
 MICHAEL R. DUNN  
 "I HAVE THE AUTHORITY TO BIND THE CORPORATION"

THIS IS TO CERTIFY THAT:  
 1. LOTS 1 to 16 (incl.), BLOCKS 17 to 38 (incl.), BLOCKS 39 to 44, (0.30 RESERVES) BLOCK 45 and THE STREETS NAMELY ERIE ISLE COURT, KELLY ROAD, LIVINGSTONE CRESCENT, WESTCOTT ROAD and PART OF McLELLAN AVENUE HAVE BEEN LAID OUT ACCORDING TO OUR INSTRUCTIONS.  
 2. THE STREETS ARE HEREBY DEDICATED AS PUBLIC HIGHWAYS TO THE CORPORATION OF THE TOWN OF AMHERSTBURG.  
 DATED THE 20th DAY OF MAY, 2020.  
 1027579 ONTARIO LIMITED  
*M. R. Dunn*  
 MICHAEL R. DUNN  
 "I HAVE THE AUTHORITY TO BIND THE CORPORATION"

**SURVEYOR'S CERTIFICATE**  
 I CERTIFY THAT:  
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.  
 2. THIS SURVEY WAS COMPLETED ON THE 15th DAY OF FEBRUARY, 2020.  
 DATE MARCH 2, 2020  
*Andrew S. Mantha*  
 ANDREW S. MANTHA  
 ONTARIO LAND SURVEYOR  
 for VERHAEGEN • STUBBERFIELD • HARTLEY  
 BREWER • BEZAIRE INC.

**VERHAEGEN** SURVEYING  
 LAND SURVEYORS MAPPING  
 A DIVISION OF J.D. BARNES LTD.  
 944 OTTAWA STREET, WINDSOR, ON, N9X 2E1  
 T: (519) 258-1772 F: (519) 258-1791 www.jdbarnes.com

DRAWN BY: A.S.M.	CHECKED BY: A.S.M.	REFERENCE NO: 19-47-356-00
FILE: 19-47-356-02.dwg	E-AND-1-12	CAD Date: May 20, 2020 10:06 AM CAD File: 19-47-356-02 12M-Plan.dwg



**CURVE SCHEDULE**

CURVE	RADIUS	ARC	CHORD	CHORD BEARING
C1	15.00	64.70	25.00	N85°51'00"W
C2	15.00	8.79	8.66	N20°55'50"E
C3	15.00	8.79	8.66	N12°37'40"W
C4	15.00	0.74	0.74	N05°33'30"E
C5	15.00	8.05	7.95	N22°20'20"E
C6	15.00	5.41	5.38	N27°22'30"E
C7	15.00	9.81	9.64	N01°41'40"W
C8	15.00	8.60	8.48	N36°51'10"W
C9	15.00	8.53	8.42	N89°34'40"W
C10	15.00	8.56	8.44	N77°47'00"E
C11	15.00	8.56	8.44	N45°06'10"E
C12	15.00	9.81	9.64	N10°01'00"E
C13	15.00	5.41	5.38	N19°04'00"W
C14	15.00	8.05	7.95	N14°02'30"W
C15	15.00	0.74	0.74	N02°44'10"E
C16	16.00	7.05	6.99	N16°48'30"E
C17	16.00	3.74	3.73	N10°50'40"E
C18	16.00	3.31	3.31	N23°28'00"E
C19	15.00	37.00	28.31	N41°15'00"W
C20	16.00	7.63	7.56	N09°31'00"W
C21	16.00	4.10	4.08	N03°10'50"W
C22	16.00	3.54	3.53	N16°50'50"W
C23	15.00	34.42	27.35	N42°32'40"E
C24	15.00	4.51	4.50	N63°06'50"W
C25	15.00	38.94	28.89	N51°09'40"E

**INTEGRATION DATA**

COORDINATES ARE DERIVED FROM GRID OBSERVATIONS USING THE CAN-NET NETWORK SERVICE AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) NAD83 (CSRS) (2010.0). COORDINATE VALUES ARE TO AN URBAN ACCURACY IN ACCORDANCE WITH SECTION 14(2) O.REG 216/10

POINT ID	NORTHING	EASTING
ORP-A	N4666432.18	E326104.23
ORP-B	N4666406.60	E326082.98

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

**NOTES**

BEARINGS ARE UTM GRID DERIVED FROM OBSERVED REFERENCE POINTS 'A' AND 'B' BY REAL TIME NETWORK OBSERVATIONS AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) NAD 83 (CSRS) (2010.0). DISTANCES ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999948

**PARTS SCHEDULE**

PART	LOT	PLAN	P.I.N.	AREA (m <sup>2</sup> )
1	ALL OF BLOCK 33	PLAN 12M-669	ALL OF 70723-0356	706.9
2				426.0
3				227.3
4				28.1
5				399.4
6				98.2
7				21.5
8				106.8

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

DATE MAY 30, 2022

*Andrew S. Mantha*  
ANDREW S. MANTHA  
ONTARIO LAND SURVEYOR

**PLAN 12R-29035**

RECEIVED AND DEPOSITED

DATE 2022/05/30

*Maya Fullerton*  
REPRESENTATIVE FOR THE LAND REGISTRAR FOR THE LAND TITLES DIVISION OF ESSEX(12)

**LIVINGSTONE CRESCENT**

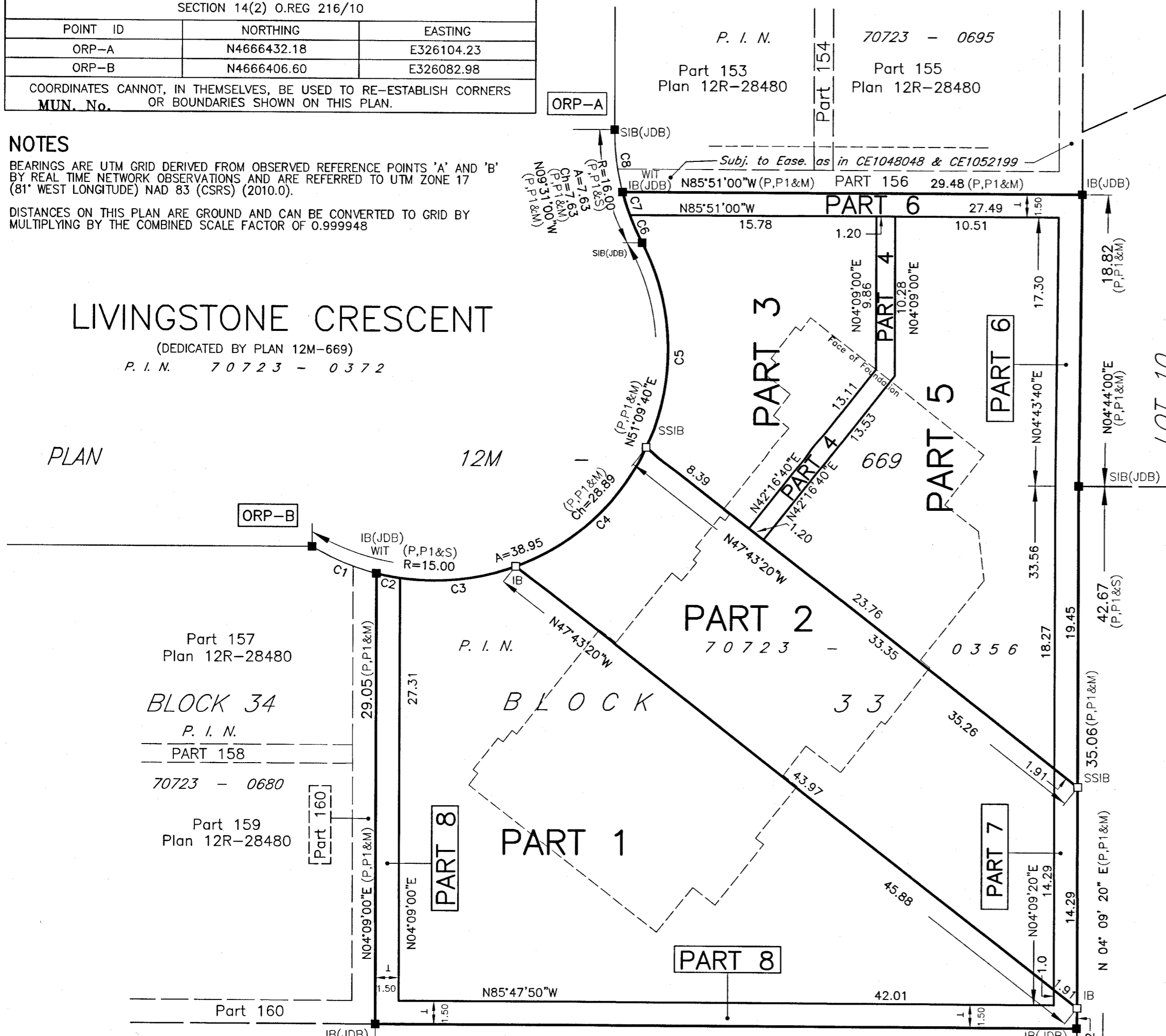
(DEDICATED BY PLAN 12M-669)

P. I. N. 70723 - 0372

**BLOCK 32**

P. I. N. 70723 - 0695

Part 153 Plan 12R-28480  
Part 155 Plan 12R-28480



**PLAN OF SURVEY**

OF ALL OF BLOCK 33, PLAN 12M-669 IN THE TOWN OF AMHERSTBURG COUNTY OF ESSEX, ONTARIO

SCALE = 1:250



**LEGEND**

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT SET
- SIB DENOTES STANDARD IRON BAR
- SSIB DENOTES SHORT STANDARD IRON BAR
- IB DENOTES IRON BAR
- WIT DENOTES WITNESS
- M DENOTES MEASURED
- ⊥ DENOTES PERPENDICULAR
- D DENOTES DEED
- OU DENOTES ORIGIN UNKNOWN
- ORP DENOTES OBSERVED REFERENCE POINT

ALL SET SSIB 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 12M-669
- (P1) DENOTES PLAN 12R-28480
- (JDB) DENOTES J.D. BARNES LIMITED
- (1744) DENOTES VERHAEGEN LAND SURVEYORS

**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THIS SURVEY WAS COMPLETED ON THE 14th DAY OF MARCH, 2022.

DATE MARCH 23, 2022

*Andrew S. Mantha*  
ANDREW S. MANTHA  
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS SUBMISSION FORM NUMBER 2195144.

**CURVE SCHEDULE**

CURVE	RADIUS	ARC	CHORD	CHORD BEARING
C1	15.00	4.52	4.50	N63°04'40"W
C2	15.00	1.53	1.53	N74°37'20"W
C3	15.00	7.55	7.47	N88°02'00"E
C4	15.00	11.68	11.38	N51°18'50"E
C5	15.00	13.68	13.21	N02°53'50"E
C6	16.00	1.97	1.96	N19°39'50"W
C7	16.00	1.57	1.57	N13°19'40"W
C8	16.00	4.10	4.08	N03°10'40"W

**"METRIC"**

Distances and coordinates shown on this plan are in Metres and can be converted to feet by dividing by 0.3048

**VERHAEGEN** SURVEYING MAPPING GIS  
LAND SURVEYORS  
A DIVISION OF J.D. BARNES LTD.  
944 OTTAWA STREET, WINDSOR, ON, N8X 2E1  
T: (519) 258-1772 F: (519) 258-1791 www.jdbarnes.com

DRAWN BY: A.J.M.	CHECKED BY: A.S.M.	REFERENCE NO.: 21-47-596-00
FILE: 21-47-596-00.dwg	E-12M-669-BLK 3	CAD Date: May 30, 2022 2:56 PM CAD File: 21-47-596-00BLK3.dwg





PARTS SCHEDULE					PARTS SCHEDULE					PARTS SCHEDULE					PARTS SCHEDULE				
PART	LOT	CON/PLAN	P.I.N.	AREA (m <sup>2</sup> )	PART	LOT	CON/PLAN	P.I.N.	AREA (m <sup>2</sup> )	PART	LOT	CON/PLAN	P.I.N.	AREA (m <sup>2</sup> )	PART	LOT	CON/PLAN	P.I.N.	AREA (m <sup>2</sup> )
1				499.0	5				498.6	9				498.6	13				498.6
2	ALL OF BLOCK 217	PLAN 12M-674	ALL OF 70723-0593	498.6	6	ALL OF BLOCK 218	PLAN 12M-674	ALL OF 70723-0594	498.6	10	ALL OF BLOCK 219	PLAN 12M-674	ALL OF 70723-0595	498.6	14	ALL OF BLOCK 220	PLAN 12M-674	ALL OF 70723-0596	498.6
3				498.6	7				498.6	11				498.6	15				498.6
4				498.6	8				498.6	12				498.6	16				498.6

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

DATE MAY 30, 2021

ANDREW S. MANTHA  
ONTARIO LAND SURVEYOR

PLAN 12R-29036  
RECEIVED AND DEPOSITED  
DATE 2022/05/31

Maya Fullerton  
REPRESENTATIVE FOR THE LAND REGISTRAR FOR THE LAND TITLES DIVISION OF ESSEX(12)

**NOTES**  
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS)(2010.0).

DISTANCES ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999946.

**INTEGRATION DATA**

COORDINATES ARE DERIVED FROM GRID OBSERVATIONS USING THE CAN-NET NETWORK SERVICE AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) NAD83 (CSRS) (2010.0). COORDINATE VALUES ARE TO AN URBAN ACCURACY IN ACCORDANCE WITH SECTION 14(2) O.REG 216/10

POINT ID	NORTHING	EASTING
ORP-A	4666571.10	325853.59
ORP-B	4666586.32	325643.89

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

THE BEARING AND DISTANCE BETWEEN ORP's A and B IS N85°51'00"W, 210.25m.

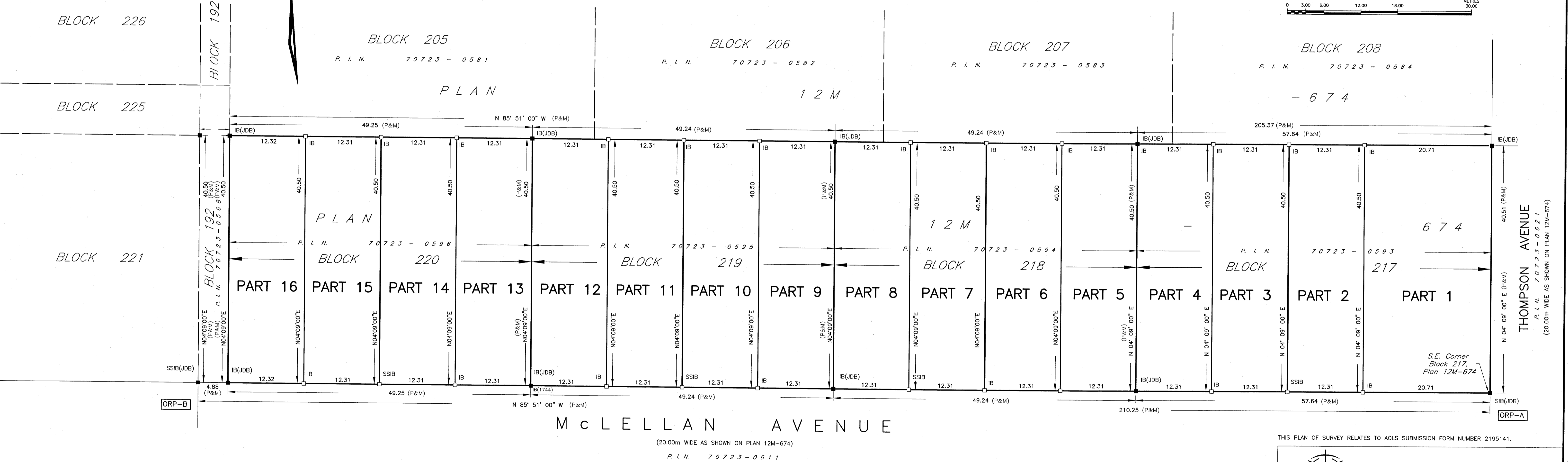
"METRIC" DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

**LEGEND**

■ DENOTES SURVEY MONUMENT FOUND	PB DENOTES PLASTIC BAR
□ DENOTES SURVEY MONUMENT SET	WIT DENOTES WITNESS
SIB DENOTES STANDARD IRON BAR	M DENOTES MEASURED
SSIB DENOTES SHORT STANDARD IRON BAR	S DENOTES SET
IB DENOTES IRON BAR	(OU) DENOTES ORIGIN UNKNOWN
P DENOTES PLAN 12M-674	
NT DENOTES NOT TANGENTIAL	

ALL SET SSIB 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.

**PLAN OF SURVEY**  
OF  
BLOCKS 217 to 220, (Incl.)  
PLAN 12M-674  
IN THE  
TOWN OF AMHERSTBURG  
COUNTY OF ESSEX, ONTARIO  
VERHAEGEN LAND SURVEYORS - A DIVISION OF J.D. BARNES LTD.  
SCALE = 1:300



**SURVEYOR'S CERTIFICATE**  
I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.  
2. THIS SURVEY WAS COMPLETED ON THE 16th DAY OF MARCH, 2022.

DATE MARCH 19, 2022

ANDREW S. MANTHA  
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS SUBMISSION FORM NUMBER 2195141.

**VERHAEGEN** SURVEYING MAPPING GIS  
LAND SURVEYORS  
A DIVISION OF J.D. BARNES LTD.  
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.: 21-47-596-00
FILE: 21-47-596-00.dwg	E-12M-674-BLK 21	CAD Date: May 30, 2022 3:02 PM CAD File: 21-47-596-00 BLK217-220.dwg

PARTS SCHEDULE					PARTS SCHEDULE					PARTS SCHEDULE					PARTS SCHEDULE				
PART	LOT	CON/PLAN	P.I.N.	AREA (m <sup>2</sup> )	PART	LOT	CON/PLAN	P.I.N.	AREA (m <sup>2</sup> )	PART	LOT	CON/PLAN	P.I.N.	AREA (m <sup>2</sup> )	PART	LOT	CON/PLAN	P.I.N.	AREA (m <sup>2</sup> )
1				498.6	5				498.6	9				498.6	13				507.9
2	ALL OF BLOCK 221	PLAN 12M-674	ALL OF 70723-0597	498.6	6	ALL OF BLOCK 222	PLAN 12M-674	ALL OF 70723-0598	498.6	10	ALL OF BLOCK 224	PLAN 12M-674	ALL OF 70723-0600	498.6	14	PART OF BLOCK 224	PLAN 12M-674		507.9
3				498.6	7				498.6	11				498.6	15				1,007.2
4				498.6	8				498.6	12				498.6	16				1,170.2

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

DATE MAY 30, 2022

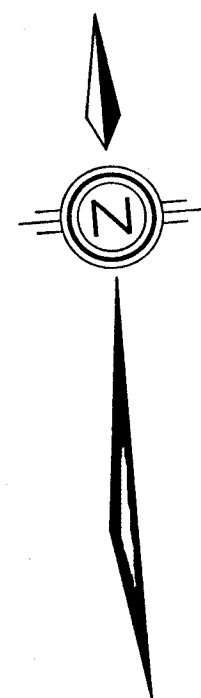
DATE 2022/05/31

ANDREW S. MANTHA  
ONTARIO LAND SURVEYOR

REPRESENTATIVE FOR THE LAND REGISTRAR FOR THE LAND TITLES DIVISION OF ESSEX(12)

**NOTES**  
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS)(2010.0).

DISTANCES ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999946.



**INTEGRATION DATA**

COORDINATES ARE DERIVED FROM GRID OBSERVATIONS USING THE CAN-NET NETWORK SERVICE AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) NAD83 (CSRS) (2010.0). COORDINATE VALUES ARE TO AN URBAN ACCURACY IN ACCORDANCE WITH SECTION 14(2) O.REG 216/10

POINT ID	NORTHING	EASTING
ORP-A	4666571.10	325853.59
ORP-B	4666586.32	325643.89

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

THE BEARING AND DISTANCE BETWEEN ORP's A and B IS N85°51'00"W, 183.35m.

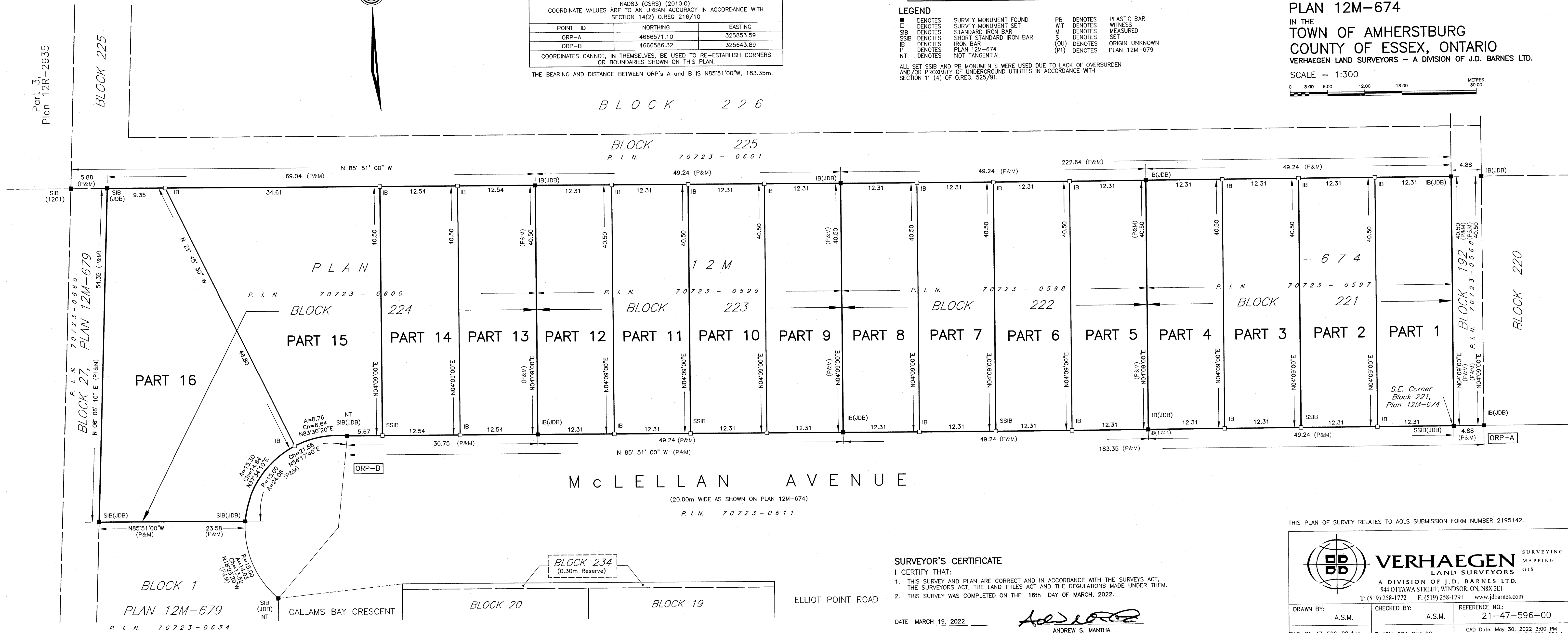
"METRIC" DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

**LEGEND**

■ DENOTES SURVEY MONUMENT FOUND	PB DENOTES PLASTIC BAR
□ DENOTES SURVEY MONUMENT SET	WT DENOTES WITNESS
SIB DENOTES STANDARD IRON BAR	M DENOTES MEASURED
SSIB DENOTES SHORT STANDARD IRON BAR	S DENOTES SET
IB DENOTES IRON BAR	(OU) DENOTES ORIGIN UNKNOWN
P DENOTES PLAN 12M-674	(P1) DENOTES PLAN 12M-679
NT DENOTES NOT TANGENTIAL	

ALL SET SSIB 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. 529/91.

**PLAN OF SURVEY**  
OF  
**BLOCKS 221 to 224, (Incl.)**  
**PLAN 12M-674**  
IN THE  
**TOWN OF AMHERSTBURG**  
**COUNTY OF ESSEX, ONTARIO**  
VERHAEGEN LAND SURVEYORS - A DIVISION OF J.D. BARNES LTD.  
SCALE = 1:300



**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THIS SURVEY WAS COMPLETED ON THE 16th DAY OF MARCH, 2022.

DATE MARCH 19, 2022

ANDREW S. MANTHA  
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS SUBMISSION FORM NUMBER 2195142.

**VERHAEGEN**  
LAND SURVEYORS  
A DIVISION OF J.D. BARNES LTD.  
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.: 21-47-596-00
FILE: 21-47-596-00.dwg	E-12M-674-BLK 22	CAD Date: May 30, 2022 3:00 PM CAD File: 21-47-596-00 BLK221-224.dwg



This final plan of subdivision is approved under ss 51, (58) of the Planning Act on this 2nd day of July, 2021.

*Rebecca Belanger*  
 REBECCA BELANGER  
 Manager, Planning Services  
 County of Essex

I CERTIFY THAT THIS PLAN IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF ESSEX (12) AT 15:33 O'CLOCK ON THE 24th DAY OF July 2021 AND ENTERED IN THE PARCEL REGISTER FOR PROPERTY IDENTIFIER 70723-0320 AND REQUIRED CONSENTS ARE REGISTERED AS PLAN DOCUMENT No. CE 1017028

THIS PLAN COMPRISES ALL OF THE LAND IDENTIFIED BY P.I.N.'s 70723-0375.

**PLAN OF SUBDIVISION**  
 OF  
**PART OF LOTS 11 and 12,**  
**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  
 SCALE = 1:1000



**NOTES**  
 BEARINGS ARE UTM GRID DERIVED FROM OBSERVED REFERENCE POINTS "A" AND "B" BY REAL TIME NETWORK OBSERVATIONS AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE NAD83 (CSRS) (2010.0)).  
 DISTANCES ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9999458.  
 ALL MONUMENTS SHOWN THUSLY □ ARE IRON BARS (IB) UNLESS OTHERWISE NOTED.  
 A CLOCKWISE ROTATION OF 1°23'45" WAS APPLIED TO PLAN 12R-13059 TO ALLOW COMPARISON TO ASTRONOMIC BEARINGS.

**LEGEND**  
 ■ DENOTES SURVEY MONUMENT FOUND  
 □ DENOTES SURVEY MONUMENT SET  
 SIB DENOTES STAINLESS IRON BAR  
 SSB DENOTES SHORT STANDARD IRON BAR  
 IB DENOTES IRON BAR  
 (S/P) DENOTES SET PROPORTIONALLY  
 (P) DENOTES PLAN 12M-674  
 (P2) DENOTES PLAN 12R-13059  
 (1744) DENOTES VERHAEGEN LAND SURVEYORS O.L.S.  
 (1201) DENOTES CLARKE SURVEYORS INC., O.L.S.  
 PB DENOTES PLASTIC BAR  
 W1 DENOTES WITNESS  
 M DENOTES MEASURED  
 S DENOTES SET  
 JOB DENOTES J.D. BARNES LIMITED  
 (S/P) DENOTES SET PROPORTIONALLY  
 (P) DENOTES PLAN 12M-674  
 (P2) DENOTES PLAN 12R-13059  
 (1744) DENOTES VERHAEGEN LAND SURVEYORS O.L.S.  
 (1201) DENOTES CLARKE SURVEYORS INC., O.L.S.

**OWNERS CERTIFICATES:**  
 THIS IS TO CERTIFY THAT:

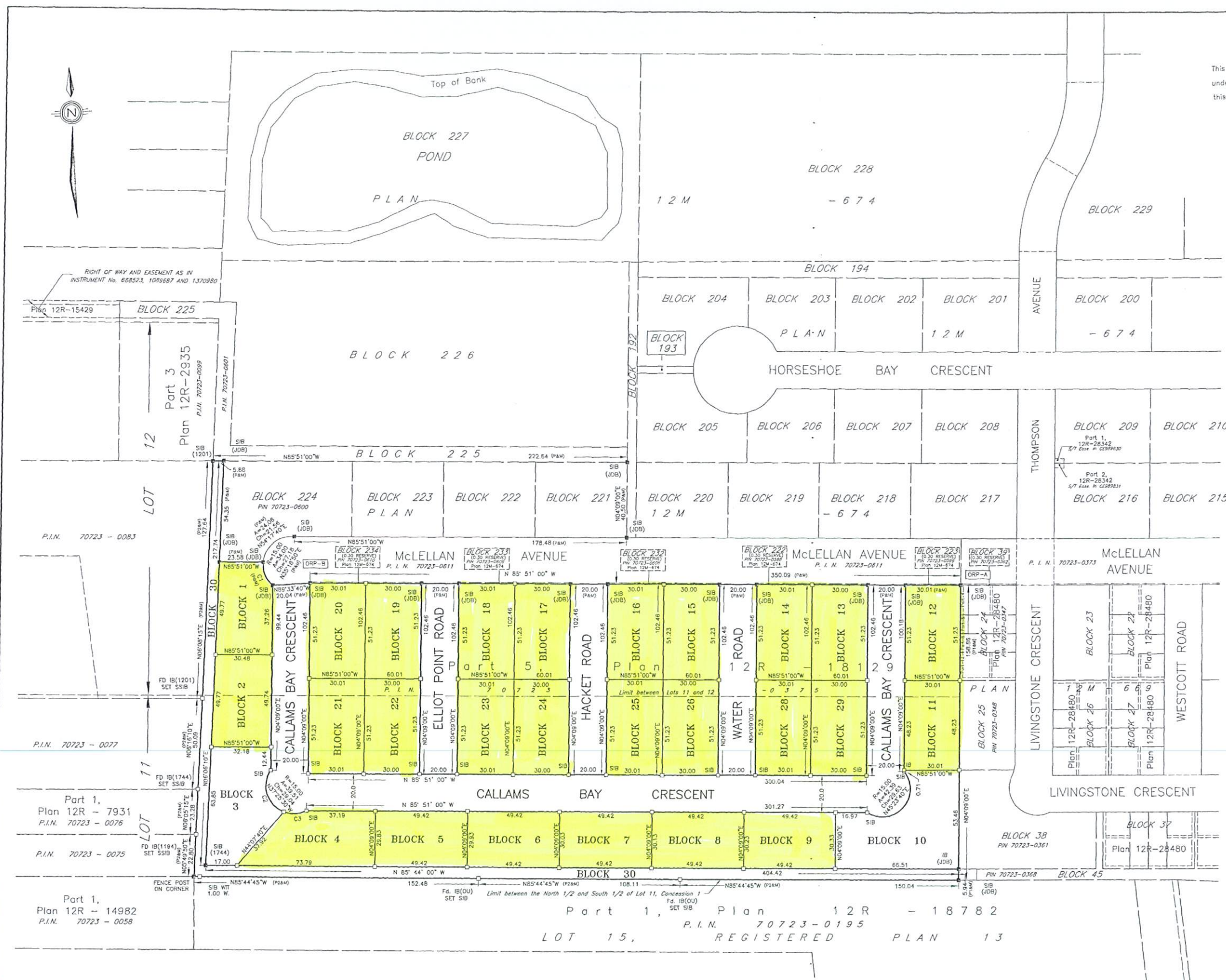
- BLOCKS 1 to 30 (incl.) and the STREETS NAMED CALLAMS BAY CRESCENT, ELLIOT POINT ROAD, HACKETT ROAD and WATER ROAD HAVE BEEN LAID OUT ACCORDING TO OUR INSTRUCTION.
- THE STREETS ARE HEREBY DEDICATED AS PUBLIC HIGHWAYS TO THE CORPORATION OF THE TOWN OF AMHERSTBURG.

1027579 ONTARIO LIMITED  
 DATE: JULY 25, 2021.  
*Michael R. Dunn*  
 MICHAEL R. DUNN  
 I HAVE THE AUTHORITY TO BIND THE CORPORATION

**SURVEYOR'S CERTIFICATE**  
 I CERTIFY THAT:  
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.  
 2. THIS SURVEY WAS COMPLETED ON THE 7th DAY OF MAY, 2021.  
 DATE: MAY 20, 2021.  
*Andrew S. Mantha*  
 ANDREW S. MANTHA  
 ONTARIO LAND SURVEYOR

**VERHAEGEN** SURVEYING MAPPING GIS  
 LAND SURVEYORS  
 A DIVISION OF J.D. BARNES LTD.  
 944 OTTAWA STREET, WINDSOR, ON, N8X 2E1  
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DRAWN BY: A.J.M. CHECKED BY: A.S.M. REFERENCE NO.: 20-47-016-00  
 FILE: 20-47-016-00.dwg E-AND-11-1 CAD Date: June 24, 2021 5:04 PM  
 CAD File: 20-47-016-00.dwg Plot: dwg



**CURVE SCHEDULE**

CURVE	RADIUS	ARC	CHORD	CHORD BEARING
C1	15.00	14.03	13.52	N18°25'20"W
C2	15.00	26.89	23.43	N13°19'30"W
C3	15.00	12.62	12.25	N85°46'10"W

**INTEGRATION DATA**

COORDINATES ARE DERIVED FROM GRID OBSERVATIONS USING THE CAN-NET NETWORK SERVICE AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) NAD83 (CSRS) (2010.0). COORDINATE VALUES ARE TO AN URBAN ACCURACY IN ACCORDANCE WITH SECTION 14(2) O. REG 216/10

POINT ID	NORTHING	EASTING
DRP-A	N4666548.33	E325821.85
DRP-B	N4666573.67	E325472.70

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

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

Part 1, Plan 12R - 18782  
 P.I.N. 70723-0195  
 LOT 15, REGISTERED PLAN 13

DATE MAY 30, 2022 DATE 2022/05/31

ANDREW S. MANHA ONTARIO LAND SURVEYOR

APPROVED FOR THE LAND REGISTRY FOR THE LAND TITLES DIVISION OF ESSEX

PLAN OF SURVEY OF BLOCKS 1 and 2, BLOCKS 4 to 9, (incl.) BLOCKS 11 to 26, (incl.) AND BLOCKS 28 and 29, PLAN 12M-679 IN THE TOWN OF AMHERSTBURG COUNTY OF ESSEX, ONTARIO VERHAEGEN LAND SURVEYORS, A DIVISION OF J.D. BARNES LTD.

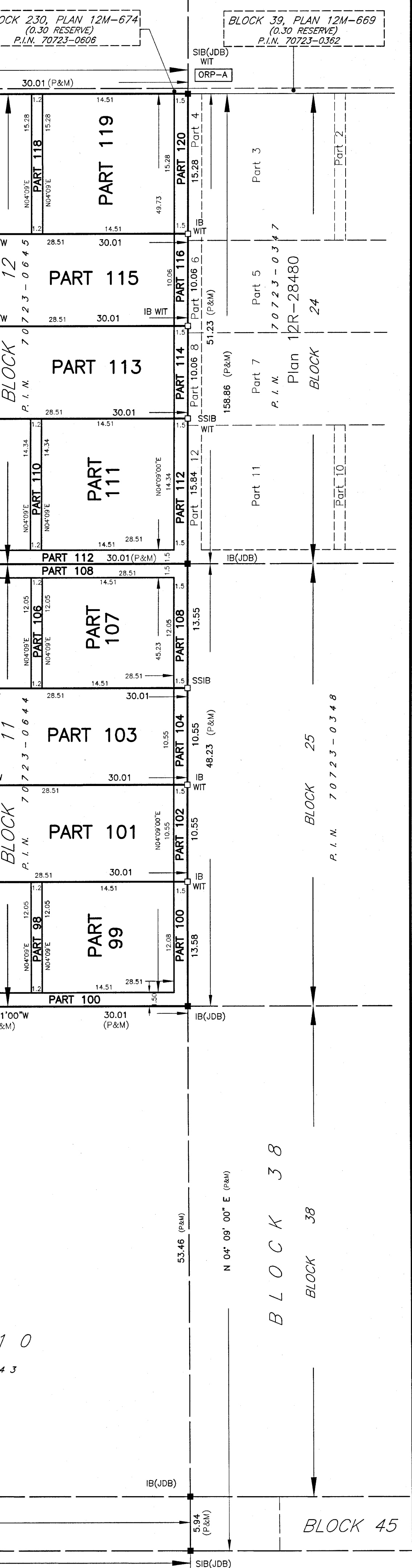
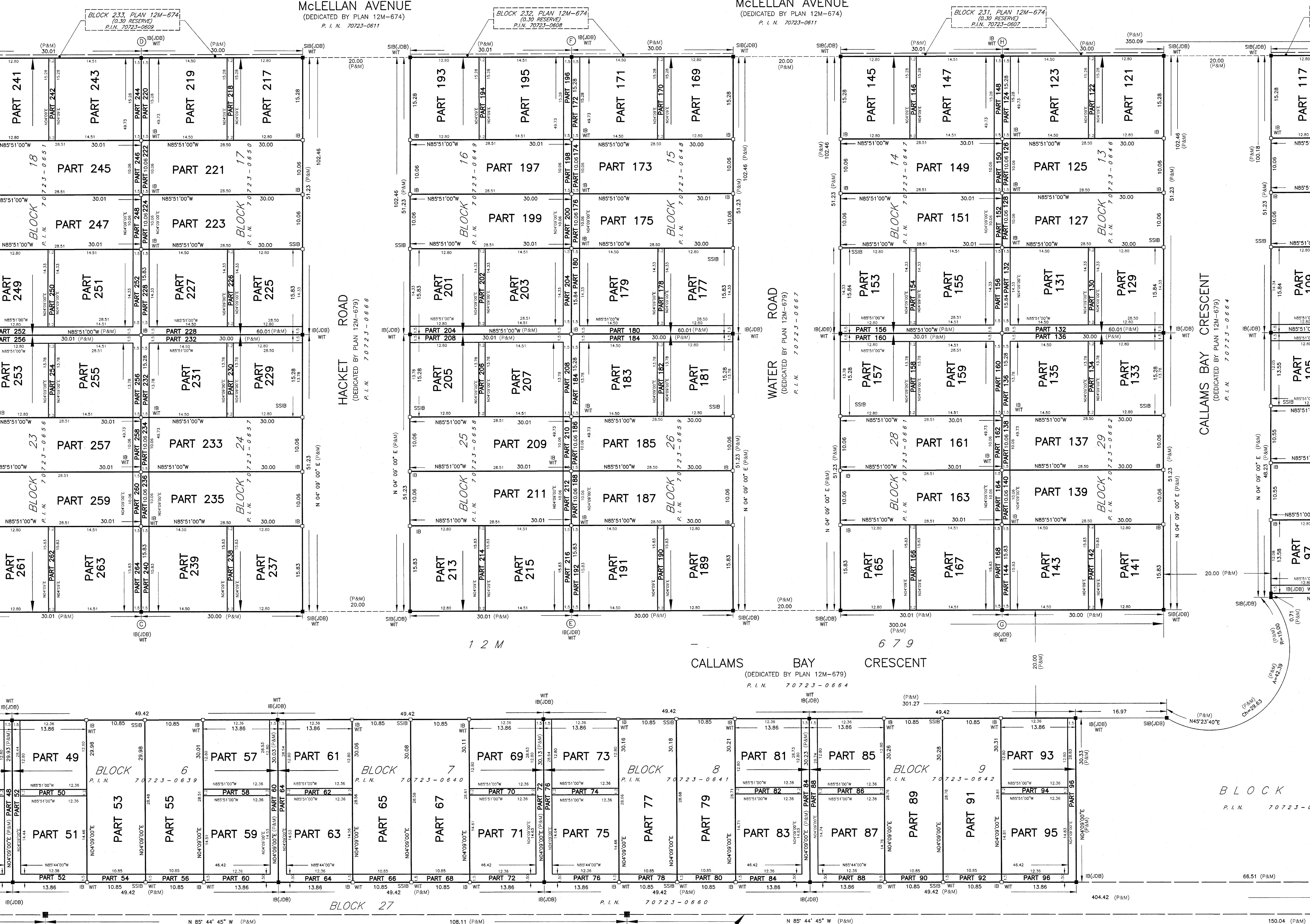
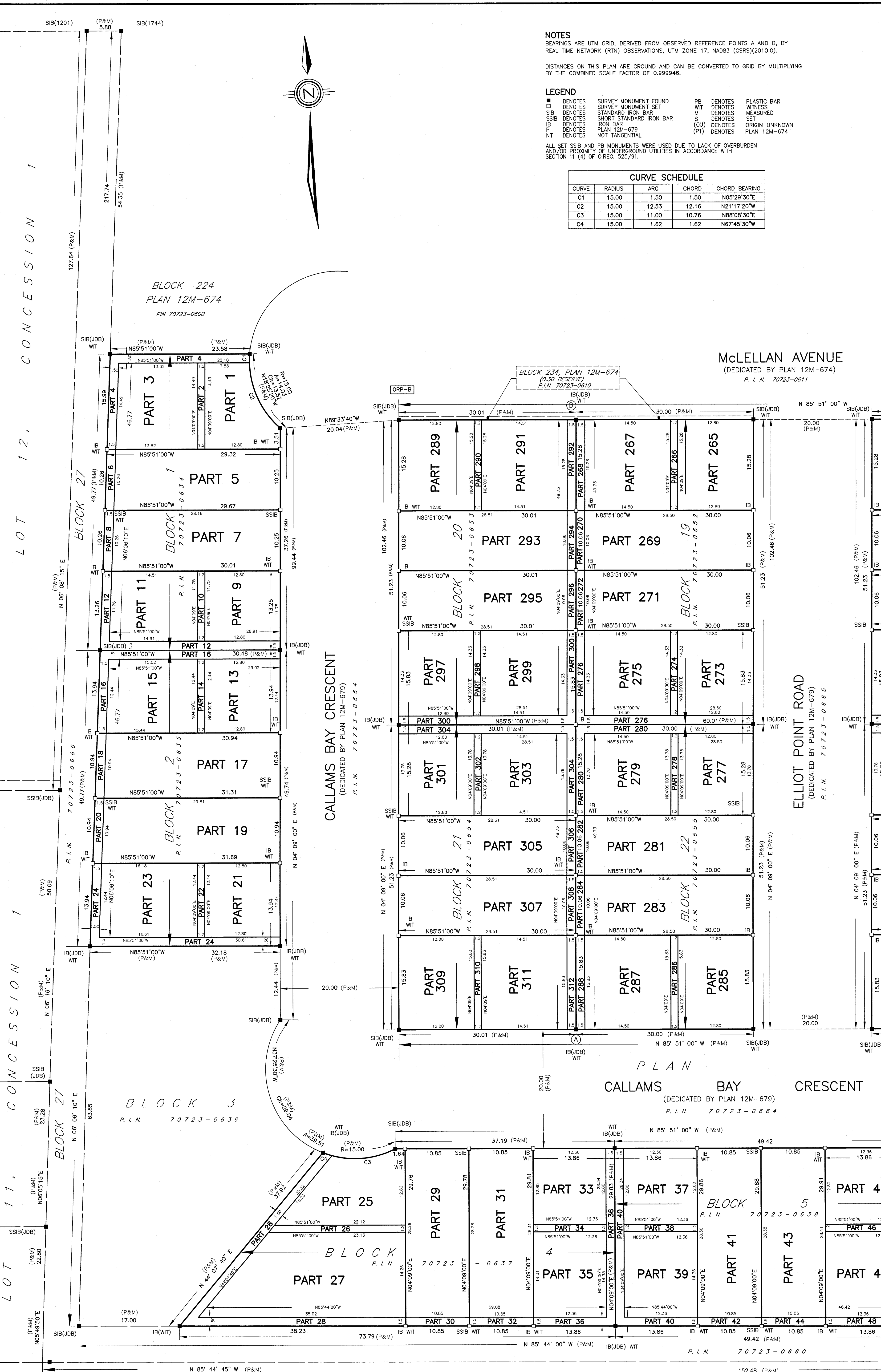
SCALE = 1:300 METRIC DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVING BY 0.3048

NOTES: BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0). DISTANCES ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999948.

LEGEND table with symbols for various survey features like monuments, bearings, and distances.

CURVE SCHEDULE table with columns for CURVE, RADIUS, ARC, CHORD, and CHORD BEARING.

Large table with multiple columns for PARTS SCHEDULE, listing lot numbers, plan numbers, and area details for various blocks.



COORDINATES ARE DERIVED FROM GRID OBSERVATIONS USING THE CAN-NET NETWORK SERVICE AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE). COORDINATE VALUES ARE TO AN URSA ACCURACY IN ACCORDANCE WITH SECTION 14(3) OF THE SURVEY ACT.

INTEGRATION DATA table with columns for POINT ID, NORTHING, and EASTING.

LINE SUMMARY table with columns for LINE, BEARING, and DISTANCE.

SURVEYOR'S CERTIFICATE: I CERTIFY THAT: 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM. 2. THIS SURVEY WAS COMPLETED ON THE 10th DAY OF MARCH, 2022.

VERHAEGEN SURVEYING LAND SURVEYORS logo and contact information, including address and phone numbers.

P.I.N. 70723-0195 Part 1, Plan 12R-10782

LOT 15, REGISTERED PLAN 13

**THE CORPORATION OF THE TOWN OF AMHERSTBURG**

**BY-LAW NO. 2022-061**

**A by-law to remove certain lands from  
Part Lot Control  
(Registered Plans 12M-669, 12M-674 & 12M-679)**

**WHEREAS** Subsection 5 of Section 50 of the Planning Act, R.S.O. 1990, Chapter P13 provides that Part Lot Control shall apply where land is within a plan of subdivision;

**AND WHEREAS** Subsection 7 of Section 50 of the Planning Act provides that Council may by by-law provide that Subsection 5 does not apply to land that is within such registered plan of subdivision or part or parts thereof as is or are designated in the by-law, and, where the by-law is approved by the County of Essex, Subsection 5 ceases to apply to such land;

**AND WHEREAS** it is deemed desirable that the provisions of Subsection 5 shall not apply to certain lands within Registered Plan 12M-669;

**AND WHEREAS** it is deemed desirable that the provisions of Subsection 5 shall not apply to certain lands within Registered Plan 12M-674;

**AND WHEREAS** it is deemed desirable that the provisions of Subsection 5 shall not apply to certain lands within Registered Plan 12M-679;

**AND WHEREAS** Subsection 7.3 of Section 50 of the Planning Act provides that the by-law expires at the expiration of the time frame specified in the by-law.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF AMHERSTBURG HEREBY ENACTS AS FOLLOWS:**

1. Subsection 5 of Section 50 of the Planning Act, R.S.O. 1990, Chapter P13 does not apply to the following:

All and singular those certain parcels or tracts of land and premises situate, lying and being in the Town of Amherstburg, the County of Essex, and Province of Ontario and being composed of the following;

- Block 33, Plan 12M-669, designated as Parts 1 through 8 inclusive on Reference Plan 12R- 29035;
- Block 213, Plan 12M-674, designated as Parts 1 through 6 inclusive on Reference Plan 12R- 29039;
- Block 214, Plan 12M-674, designated as Parts 7 through 10 inclusive on Reference Plan 12R- 29039;
- Block 215, Plan 12M-674, designated as Parts 11 through 14 inclusive on Reference Plan 12R- 29039;
- Block 216, Plan 12M-674, designated as Parts 15 through 18 inclusive on Reference Plan 12R- 29039;
- Block 217, Plan 12M-674, designated as Parts 1 through 4 inclusive on Reference Plan 12R- 29036;
- Block 218, Plan 12M-674, designated as Parts 5 through 8 inclusive on

Reference Plan 12R- 29036;

- Block 219, Plan 12M-674, designated as Parts 9 through 12 inclusive on Reference Plan 12R- 29036;
- Block 220, Plan 12M-674, designated as Parts 13 through 16 inclusive on Reference Plan 12R- 29036;
- Block 221, Plan 12M-674, designated as Parts 1 through 4 inclusive on Reference Plan 12R- 29034;
- Block 222, Plan 12M-674, designated as Parts 5 through 8 inclusive on Reference Plan 12R- 29034;
- Block 223, Plan 12M-674, designated as Parts 9 through 12 inclusive on Reference Plan 12R- 29034;
- Block 224, Plan 12M-674, designated as Parts 13 through 16 inclusive on Reference Plan 12R- 29034;
- Block 1, Plan 12M-679, designated as Parts 1 through 12 inclusive on Reference Plan 12R- 29038;
- Block 2, Plan 12M-679, designated as Parts 13 through 24 inclusive on Reference Plan 12R- 29038;
- Block 4, Plan 12M-679, designated as Parts 25 through 36 inclusive on Reference Plan 12R- 29038;
- Block 5, Plan 12M-679, designated as Parts 37 through 48 inclusive on Reference Plan 12R- 29038;
- Block 6, Plan 12M-679, designated as Parts 49 through 60 inclusive on Reference Plan 12R- 29038;
- Block 7, Plan 12M-679, designated as Parts 61 through 72 inclusive on Reference Plan 12R- 29038;
- Block 8, Plan 12M-679, designated as Parts 73 through 84 inclusive on Reference Plan 12R- 29038;
- Block 9, Plan 12M-679, designated as Parts 85 through 96 inclusive on Reference Plan 12R- 29038;
- Block 11, Plan 12M-679, designated as Parts 97 through 108 inclusive on Reference Plan 12R- 29038;
- Block 12, Plan 12M-679, designated as Parts 109 through 120 inclusive on Reference Plan 12R- 29038;
- Block 13, Plan 12M-679, designated as Parts 121 through 132 inclusive on Reference Plan 12R- 29038;
- Block 14, Plan 12M-679, designated as Parts 145 through 156 inclusive on Reference Plan 12R- 29038;
- Block 15, Plan 12M-679, designated as Parts 169 through 180 inclusive on Reference Plan 12R- 29038;
- Block 16, Plan 12M-679, designated as Parts 193 through 204 inclusive on Reference Plan 12R- 29038;

- Block 17, Plan 12M-679, designated as Parts 217 through 228 inclusive on Reference Plan 12R- 29038;
- Block 18, Plan 12M-679, designated as Parts 241 through 252 inclusive on Reference Plan 12R- 29038;
- Block 19, Plan 12M-679, designated as Parts 265 through 276 inclusive on Reference Plan 12R- 29038;
- Block 20, Plan 12M-679, designated as Parts 289 through 300 inclusive on Reference Plan 12R- 29038;
- Block 21, Plan 12M-679, designated as Parts 301 through 312 inclusive on Reference Plan 12R- 29038;
- Block 22, Plan 12M-679, designated as Parts 277 through 288 inclusive on Reference Plan 12R- 29038;
- Block 23, Plan 12M-679, designated as Parts 253 through 264 inclusive on Reference Plan 12R- 29038;
- Block 24, Plan 12M-679, designated as Parts 229 through 240 inclusive on Reference Plan 12R- 29038;
- Block 25, Plan 12M-679, designated as Parts 205 through 216 inclusive on Reference Plan 12R- 29038;
- Block 26, Plan 12M-679, designated as Parts 181 through 192 inclusive on Reference Plan 12R- 29038;
- Block 28, Plan 12M-679, designated as Parts 157 through 168 inclusive on Reference Plan 12R- 29038;
- Block 29, Plan 12M-679, designated as Parts 133 through 144 inclusive on Reference Plan 12R- 29038;

and locally known as Livingstone Crescent, McLellan Avenue, Callams Bay Crescent, Water Road, Hackett Road and Elliot Point Road, a portion of Kingsbridge Subdivision.

2. That this By-Law shall come into force and effect upon approval thereof by the County of Essex.
3. That this By-law shall expire on the 13<sup>th</sup> day of June, 2025.

Read a first, second and third time and finally passed this 13<sup>th</sup> day of June, 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: Update and Potential Options for 320 Richmond Street

1. RECOMMENDATION:

It is recommended that:

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

EXECUTIVE SUMMARY:

The Community HUB capital investments to date has resulted in completion of Phase 1 and 2, with the exception of parking which needs to be addressed. There are currently 5 non-profit community tenants, occupying 70% of the leasing space. The annual projections for Phase 1 and 2 are estimated to generate an annual surplus of approximately \$55,945. Additional capital investment estimated at \$1,180,115 over the next 3 years to sustain the facility and requirements for the current tenants is required. Re-directing the annual surplus to a reserve would help to contribute towards these capital investments.

As a result of global inflation, material demands, delays and labour shortages, the cost to complete Phase 3 as planned is estimated at \$4,918,795. These costs are significant when compared to the costs for Phase 1 and 2, however they are what current industry

is experiencing. When considered in concert with the \$1,180,115 for current site operations the capital investment diminishes the annual operational surplus which is expected to be realized for site.

Recognizing the challenge this poses Administration has put forward an Option 2 for consideration. This option, if approved, would direct Administration to seek alternate models for the site. Council would then be provided with additional options for consideration, while respecting the need to preserve existing tenants and address expectations of future tenants, more specifically the Fort Malden Golden Age Club (Seniors). Should Council adopt the recommendations in this report, Administration will proceed to scope out the necessary activities to determine if alternative ways in which to proceed with the HUB are available and viable for Council’s future consideration.

**2. BACKGROUND:**

In April 2018, Council authorized the purchase of 320 Richmond Street (HUB). The intent was to create a Community HUB with many local non-profit organizations considered as potential tenants. Since that time several reports have been brought to Council on the matter including requests for funding as well as approvals for agreements with tenants. The last comprehensive report on the matter was brought to Council on February 22, 2021, which sought approval and funding to complete Phase 2 of 3 for the site, that Council report is attached as Appendix A.

Since February 2021 there have been discussions and reports around the HUB, however addressing singular issues related to the property. Council has requested of Administration a comprehensive report that provides clarity on the full status including costs to date, annual operational position, as well as next steps including options moving forward. This report serves to provide Council with an understanding of the capital costs to date for Phase 1 and 2, current operational position based on existing lease revenue and site costs as well as the facility rehabilitation investments required within the next 3 years. This report will also provide estimated capital costs for Phase 3, as well as options regarding the site for Council’s consideration.

**3. DISCUSSION:**

**PHASE 1 and 2**

***Current Tenants***

Since acquiring the HUB in April 2018, the Town has established lease agreements for this facility with the following organizations:

<b>Organization</b>	<b>Commencement Date</b>	<b>Square Footage</b>
Amherstburg Community Services (ACS)	April 1, 2020	6,235
Essex County Nurse Practitioner Led Clinic	January 13, 2020	4,601
Fighting Island Boxing Club	June 1, 2021	2,295

The House Youth Centre	August 1, 2021	1,903
Verdi Club	May 1, 2022	1,050
Common Spaces		6,905

In total, 22,989 square feet of the 32,764 square feet of lease space at the facility has been renovated and occupied.

### **Capital Investments to date**

The capital investments to date addressed the requirements for the purchase of the site, Phase 1 and 2 improvements, as well as AODA requirements. Costs associated with the annual operations, capital investments required to sustain the facility in good working condition, as well as costs required to complete the site preparation work to allow for additional tenants as part of Phase 3 are outlined further in this report.

Significant capital work was required at the facility in order to allow for occupancy of the above noted tenants. The table below provides a summary of capital funding and expenses for the HUB to date and Appendix B provides images of the renovated space for the various tenants as well as the common space areas used by all tenants.

The funding for work completed to date is a combination of Town approved funding in the total amount of \$2,194,402, as well as leasehold improvement funding contributed by the LHIN for the Essex County Nurse Practitioner Led Clinic area, in the amount of \$655,000. The contribution from the Town is directly related to the funds received from the sale of the property on the southern portion of Centennial Park, in the amount of \$2,457,000. These funds were deposited into the Parkland Reserve fund and to date \$2,194,402 of the \$2,457,000 has been approved by Council for the HUB. As noted below the total actual costs are \$8,573 over the approved capital funding to date. It is recommended that an additional \$8,573 from the Parkland Reserve be used to address this shortfall.

<b>Approved Funding:</b>		
Funding from Parkland Reserve		\$2,194,402
LHIN funding for leasehold improvements		\$655,000
<b>Total Approved Funding</b>		<b>\$2,849,402</b>
<b>Actual Expenditures:</b>		
Purchase of 320 Richmond		\$568,962
Phase 1		\$1,505,000
Phase 2		\$756,220
AODA		\$27,793
<b>Total Actual Expenditures (as of May 27, 2022)</b>		<b>\$2,857,975</b>
<b>Total Variance</b>		<b>(\$8,573)</b>

### **Current Site Costs**



As per the 2022 operational budget the total revenue for the facility, inclusive of lease and common fees, is estimated at \$147,200. Estimated expenses are \$45,150 for utilities and \$19,500 for building maintenance resulting in an estimated annual surplus of \$82,550. The requirements to maintain and address the needs of tenants in this leased facility are new to the Town. Anticipated demands for service at the site were not well understood at the time of developing the 2022 operational budget and costs for building maintenance are trending to be significantly higher than budgeted. The volume of calls for various maintenance services, after hours calls, cleaning and equipment requirements have resulted in costs which are estimated to be closer to \$46,105, as noted in the table below, which is \$26,605 higher than the \$19,500 approved in the 2022 budget

<b>Revenue:</b>	<b>Annual</b>
Annual Leasing income	\$147,200
<b>Total estimated annual revenue</b>	<b>\$147,200</b>
<b>Expenses:</b>	
Utilities	\$45,150
Building Maintenance	\$46,105
<b>Total estimated annual expenses</b>	<b>\$91,255</b>
<b>Total estimated annual surplus/deficit</b>	<b>\$55,945</b>

It should also be noted that, in order to provide service to these tenants, a redirection of staff resources to attend to this facility also impacts Administrations ability to sustain previous service levels to other Town facilities.

Notwithstanding the site's current anticipated surplus position, there are various infrastructure investments required within the immediate and 3-year timeframe to sustain the facility in good working condition. A third-party facility condition assessment was completed for the HUB and has been reviewed by Administration for reasonability and costing. The current site use has also not addressed the parking requirements. These have currently been mitigated by continued use of the east portion of 320 Richmond, however once that development starts use of the location will no longer be feasible. As such the cost to create 30 parking spots to address this requirement is included below.

In addition, as-built drawings related to Phase 1 and 2 will be required for the site within the next 3 years. The table below outlines the investments that are required for the facility before 2025:

<b>Required Investment – Immediate to 3 year timeframe</b>	<b>Total Cost Estimate (2022)</b>
Parking (30 spots at \$10,000/spot)	\$300,000
As-built drawings for existing improvements to date	\$96,552
Roof, eaves and soffits replacement	\$636,302
Exterior doors	\$40,000
Water distribution and fountains	\$6,000
Basement mold remediation	\$50,000
Project Administration (estimated at 7% of project cost)	\$51,261
<b>Total Estimated Investment by 2025</b>	<b>\$1,180,115</b>

These costs are based on 2022 pricing and as such they are anticipated to increase over the course of the next three years. Given the significant increase in construction prices it is difficult to project what the final costs will be until tendered. The costs provided by Administration are solely estimates based on current tender pricing. It should also be noted that these are the capital investments required for the property within the next 3 years, there are other investments noted in the condition assessment report for the 5 to 10-year timeframe.

To help address these additional capital costs, Administration recommends use of the anticipated annual surplus from the facility, estimated at \$55,945. Those funds could be transferred to a new reserve for the HUB dedicated to addressing the facility rehabilitation costs associated with sustaining the facility in good working condition. While this will not fully fund those capital costs, it would mitigate the financial obligations for the facility to sustain the leased space in good operating condition. This recommendation is notwithstanding the fact that there is still a need to address the long-term operational resources associated with owning a facility such as the HUB.

### **PHASE 3**

#### ***Capital Investment Required***

There remains 9,775 sq. ft. of unfinished space at the HUB. There have been discussions since April 2018 with several parties about their potential use of the remaining space. In addition, several other organizations also interested in leasing space at the HUB have recently approached Administration. As a result, Administration has found there to be significantly higher interest than remaining space available. While there have been no agreements made with any of these parties, expectations and or perception based on those discussions needs to be considered as part of the Phase 3 discussion.

Particularly, Administration recognizes that the Fort Malden Golden Age Club (Seniors), have been routinely advised and are expecting to be relocated to this facility. Currently the Seniors are provided with no cost accommodations at the Libro Centre for use of the community room 5 days a week Monday to Friday from 12pm to 4pm.

The remaining space at the HUB requires significant work for it to be viable for tenants. It has been well documented that the cost of construction prices, inclusive of labour and materials, is substantially higher than pre-pandemic costs. Shortages and delays in receiving materials as well as skilled labour also result in longer timeframes for completion. In light of these factors Administration has reviewed the unfinished space and sought more current pricing experiences, either from Town issued tenders and/or other municipal projects in the region, to better gage the potential cost for Phase 3.

The table below outlines the cost estimates to complete the unfinished space, inclusive of the higher demands for parking which would be required and was never addressed from the onset of this venture. These costs are exclusive of fit for purpose requirements and additional leasehold improvement costs could be required to meet with the specific needs of future tenants. As previously noted, Administration’s estimates are based on current pricing and, as a result of the current significant construction prices increases, the actual costs may be higher once work is tendered.

Project Type	Calculation	Estimated Total Cost
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Site readiness	\$450/sq ft x 9,775 sq ft	\$4,398,750
Parking spaces	\$10,000/spot x 20 spots	\$200,000
Project Administration	% of project cost	\$320,045
<b>Total Estimated Cost</b>		<b>\$4,918,795</b>

Administration recognizes that these costs are significant and currently without a funding source. The original model for the HUB presented as a self-sustaining site, however it did not consider, nor could it have anticipated, the inflation costs currently being experienced world wide.

Recognizing the community investment made to date, the obligation to the existing tenants and the original community need for the HUB as a centre of community care, Administration puts forward the following two (2) options for Council's consideration.

- Option 1 – Complete the unfinished space
- Option 2 – Alternate approach to site

The high-level summary of each of the options below.

***Option 1 – Complete the unfinished space***

Council could proceed with the completion of the unfinished space. It should be noted that of the remaining 9,775 sq ft, approximately 949 will be required for Administrations use to support the site. This leaves 8,826 sq ft of which 2,140 is recommended to be allocated for community programming, which would be inclusive of the needs for the Fort Malden Golden Age Club (Seniors0.

Administration has estimated the leasehold improvement costs for the 2,140 sq ft for programming space. These costs include replicating the amenities and services the Fort Malden Golden Age Club (Senior) currently have at the Libro in anticipation that this level of service will be provided at a new location. In addition to their programming time previously stated above, other services provided at no cost to this group include but is not limited to, access to the kitchen, phone line and internet, storage and office space. It is anticipated that requirements for daily set up, cleaning and other customer service requests currently provide by Town staff will also be expected at the new location and as such those costs are factored into the operational budget for this option.

The table below does not include leasehold improvement estimates for the remaining 6,686 sq ft, of space. Negotiations with future tenants will inform what those costs may be. Council could direct Administration that future tenants are required to fund their leasehold improvement costs. Should Council not wish to set that direction, future tenants who require those costs to be funded by the Town will be brought forward to Council to consider the request.

The table below outlines the capital costs anticipated in this scenario

Description	Cost
Unfinished space and parking	\$4,918,795
Estimated Leasehold Improvements for community programming and Seniors space	\$50,000
<b>Total Capital Costs</b>	<b>\$4,968,795</b>

Administration has created a programming plan, similar to the Libro Centre and conservatively estimates an annual revenue of \$74,312 for the programming space. These estimates consider the continuance of the grant for the Fort Malden Golden Age Club to waive any costs for their use of the space for their programming. The anticipated revenue for the balance of the lease space was estimated based on a lease rate of \$12/sq ft, inclusive of CAMs. This rate has been reviewed and confirmed as a reasonable rate for non-profit.

The utilities and building costs are based on the cost estimates for the 22,989 of currently finished lease space. Specifically, the estimated annual cost of \$45,150 for utilities and \$46,105 (restated) for building maintenance, equates to approximately \$2/sq ft for each of these expense types. Given the community and seniors programming use there will be a need for a Customer Service Representative (CSR) to be stationed at the site therefore that cost is also included in this scenario. The table below outlines operational projections for the HUB inclusive of this option for phase 3:

<b>Revenue:</b>	<b>Phase 1 and 2</b>	<b>Phase 3</b>	<b>Total</b>
Programming and Seniors Room		\$ 74,312	\$ 74,312
Annual Leasing income	\$ 147,200	\$ 80,232	\$ 227,432
<b>Total estimated annual revenue</b>	<b>\$ 147,200</b>	<b>\$ 154,544</b>	<b>\$ 301,744</b>
<b>Expenses:</b>			
Utilities	\$ 45,150	\$ 19,550	\$ 64,700
Building Maintenance	\$ 46,105	\$ 19,550	\$ 65,655
Customer Service Representative		\$ 90,000	\$ 90,000
<b>Total estimated annual expenses</b>	<b>\$ 91,255</b>	<b>\$ 129,100</b>	<b>\$ 220,355</b>
<b>Total estimated annual surplus/deficit for Phase 3 Space</b>	<b>\$ 55,945</b>	<b>\$ 25,444</b>	<b>\$ 81,389</b>

The additional annual surplus projected from the investment is \$25,444. While the overall result indicates the facility would be self sustaining on an annual basis, costs may continue to increase reducing the annual project surplus. With an initial capital investment of \$4,968,795 for Phase 3 resulting in only an increase of \$25,444 to the surplus there is nearly a 200 year payback on the investment. Appreciating that often municipalities make capital investments to provide services needed by the community, not to be profitable, the challenge, particularly at this funding level, is determining which service is of a higher priority for the community. The required \$4,968,795 for Phase 3 is expected to come at the expense of deferring or cancelling other projects and or requiring the issuance of debt. When considering these costs in addition to the \$1,180,115 required to address existing tenants, the total capital is at estimated at \$6,148,910.

Council may wish to consider this investment in concert with the many other initiatives and investments the Town is considering for the community. A complete picture of the significant investments for service enhancements as well as sustainability of existing services, will provide Council a more comprehensive picture of the potential capital investments, allowing for discussion around priority as well as consideration of other funding options, such as divesting of property and or public private partnerships and or issuance of debt, which may be considered.

## ***Option 2 – Alternate approach to site***

Notwithstanding the projected ability for the site to be self-sustaining in the near term, Administration recognizes that the current inflationary challenges pose an unforeseen and significant risk to the financial feasibility of proceeding with Phase 3 of the HUB. Further, the decision on whether or not to sell additional parcels of Centennial park for development has seen many voices from the community advocating for preserving the remaining parcels of the Park.

Since the purchase of 320 Richmond in 2018, there has been increased demand for residential housing and many new multi residential development projects have come forward. In addition, the Eastern portion of the property has been sold for a planned long-term care facility, the high school will be in operation in September and a Transit Windsor route will be also be starting in September running down Fryer.

All of these factors create a new dynamic and potential renewed interest in the area. With this in mind, Administration started to explore opportunities to reimagine the HUB, either by exploring a partnership and or turning over the site and operations to an interested third party.

This idea is not without challenges including but not limited to:

- Ensuring agreements with existing tenants are not adversely impacted;
- Addressing accommodations for the Fort Malden Golden Age Club, both short and long term;
- Ensuring design is feasible for the area and does not adversely impact residents;
- Potential reduction of space for additional non-profit use and;
- Community expectations of the HUB

There is a potential that one such partner could be Stillbrook. Administration has undertaken preliminary work on determining if relocating their project to the 320 property, and merging it with the HUB would be feasible. This idea would require significant effort and potential funding to explore further, and the Stillbrook group has yet to confirm if a revised footprint aligns with their business model.

Administration would need to proceed with discussions around the concept moving towards more details on feasibility, as well as how the points above are achieved. It is possible that an Expression of Interest for the property may need to be issued in order to understand the breadth of interest and options. At this time Administration is undertaking to prepare material to discuss with Council potential expressions of interest (EOI) for opportunities such as Belle Vue. Should this property also be best served by issuing an EOI, Administration will include it in a future report on recommended properties for an EOI for Council's consideration, as synergies and pricing may be better achieved if there is more than one property.

## **4. RISK ANALYSIS:**

The risks associated with approving the recommendations in this report are considered to be:

- Frustration by some organizations in further delays to complete the HUB for additional tenants;

- No capital funding currently identified to address the capital cost projections to sustain the current site as well as complete Phase 3;
- Concern that funding the capital investments for the HUB may come at the expense of proceeding with other community investments;
- Concern over what alternative models for the HUB might look like, particularly for existing tenants.

These risks can be mitigated by ensuring there is consultation with these parties as alternatives are considered.

## **5. FINANCIAL MATTERS:**

As noted above the Town has currently invested \$2,194,402 in the HUB and established agreements with 5 tenants. This is considered as Phase 1 and 2 for the HUB and the estimated operational surplus is approximately \$55,945 annually. The facility requires additional investment to sustain the facility in good working condition. If the annual surplus is transferred into a dedicated reserve for the HUB, it would help to fund a portion of the immediate to 3-year capital investment requirement, estimated at \$1,180,115, to sustain the site for current tenants.

As previously stated, the costs associated with completing Phase 3 did not plan for, nor could it have projected the inflation being experience driving costs significantly higher than originally estimated. It should also be noted that the original funding strategy for the HUB was conceptual only. While Council approved the use of just over \$2.1M in funding from the sale of the South East portion of the Centennial Park, no other funds from the sale of properties such as the East portion of 320 and the Fighting Island Boxing Club, were encumbered for the HUB. Those funds were deposited into the Parkland Reserve and have been approved for use other priority park projects, and or remain unencumbered in the Parkland Reserve.

Allocation of approximately \$4,968,795 to complete Phase 3 of the HUB would most definitely impact Council's ability to consider funding for other priority projects. Unlike some of the other priority projects Administration has been asked to review for Council, such as Duffy's, the HUB only requires \$36,000 to be sustainable through the end of the year at which time further capital investment can be presented in the capital budget. This will not address the expectations of the Fort Malden Golden Age Club (Seniors) to be in the HUB as soon as possible, however they can remain at the Libro under the current arrangement during this time.

Should Council deem it necessary to address this matter as part of the 2023 budget deliberations, Council may also see fit to direct Administration to pursue Option 2 in parallel. This would allow for the consideration and clarity on whether or not there are other options for the HUB which Council may wish to consider when reviewing the capital budget.

## **6. CONSULTATIONS:**

Valerie Critchley – Deputy CAO/ Director Legislative Services & Clerk  
 Tracy Prince – Director Corporate Services / Chief Financial Officer  
 Terry Fasan – Manager of Facilities

Julie Columbus – Manager of Recreation  
Bobbi Reeve – Financial Planning Administration

7. **CONCLUSION:**

In light of the unprecedented globally experienced cost increases, along with all groups currently having a space to operate from, Administration would recommend that Option 2 be explored at this time. Provided there is no urgency for Council to consider any of the resulting alternative prior to the 2023 budget deliberations, it is further suggested the results of Option 2 be discussed in concert with Option 1 during 2023 budget deliberations.



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Melissa Osborne  
**Director of Development Services**



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Heidi Baillargeon  
**Director Parks, Recreation, Culture  
and Facilities**

**MO**

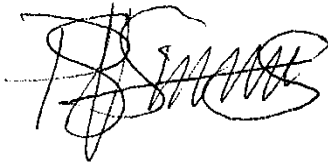
## Report Approval Details

Document Title:	Update and Potential Options for 320 Richmond.docx
Attachments:	- Appendix A - February 22, 2021 Council Report.pdf - Appendix B - 320 Richmond HUB Phase 1 and 2 images.docx
Final Approval Date:	Jun 8, 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

OFFICE OF PARKS, FACILITIES, RECREATION & CULTURE

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

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

To: Mayor and Members of Town Council

Subject: Update 320 Richmond Project

1. RECOMMENDATION:

It is recommended that:

- 1. Administration BE DIRECTED to complete the scope of work identified in the May 25, 2020 report to Council for Phase 2 of 320 Richmond;
2. A 2021 expenditure for completion of the works at 320 Richmond Project Phase 2, as outlined in the report from the Director of Parks, Facilities, Recreation & Culture dated February 11, 2021, BE APPROVED at a cost not to exceed \$329,800 including net HST; and,
3. The Treasurer BE AUTHORIZED to transfer an amount not to exceed \$329,800 from the Parks Reserve account, to fund the 320 Richmond Project as previously approved by Council in the May 25, 2020 report for Phase 2.

2. BACKGROUND:

On July 29, 2019 Council approved \$1,617,000 (including non-refundable HST) for Phase 1 of the repurposing of 320 Richmond, to be funded by the Parkland Reserve. Phase 1 has been completed and the Essex County Nurse Practitioners Led Clinic (ECNPLD) and Amherstburg Community Services (ACS) have long-term leases and now occupy this space.

On May 25, 2020 Council authorized Administration to proceed with Phase 2 of the repurposing of 320 Richmond, approving a budget of \$638,000 (including non-refundable

HST) to be funded from the Parks Reserve account. The following was approved by Council Resolution# 20200525-145:

- Administration BE DIRECTED to finalize lease agreements with The House of Shalom, Fighting Island Boxing Club and Verdi Club, each for a portion of space at 320 Richmond St., Amherstburg and for a period of 10 years, as Phase 2 of the facility redevelopment;
- Administration BE AUTHORIZED to complete the necessary leasehold improvements for Phase 2 at a cost not to exceed \$626,900 plus HST;
- Administration BE AUTHORIZED to transfer an amount not to exceed \$638,000 from the Parkland Reserve account toward funding the cost of the leasehold improvements for Phase 2 at 320 Richmond; and,
- Upon relocation of the Fighting Island Boxing Club to 320 Richmond, Administration BE DIRECTED to dispose of 300 Victoria St., Amherstburg in accordance with the Surplus Town Property policy and that net proceeds of the sale be transferred to the Parkland Reserve account.

Note that the reference to the “Parkland Reserve” account is actually in reference to the “Parks Reserve” account, not to be confused with the obligatory “Parkland Dedication Reserve Fund”, which cannot be used for this project.

### **3. DISCUSSION:**

The 2020 Q3 report and 2021 Budget anticipated that Phase 2 works would be completed by December 31, 2020; as such, no amounts were carried forward in the 2021 budget year presented to Council for approval. Unfortunately, the works were not fully completed as forecasted and as a result Administration requires authority from Council to complete the works and fund the expenditure in 2021. This request is a result of workload pressures caused by COVID-19 and the non-availability of subcontractors and equipment.

Phase 2 of the project continues to be funded from the Parks Reserve account, as originally anticipated in 2020 under Council Resolution# 20200525-145.

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

If Council chooses to not approve the unbudgeted expenditure for the completion of Phase 2 of the 320 Richmond improvements the Town risks further delays to the project, the possibility of losing the leaseholders and could be financially liable for not providing the space.

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

The following is a cost breakdown to date on the project:

Total Funding approved in Council Resolutions to 12-31-2020	\$ 2,255,000
Total Costs and funding applied to December 31, 2020	\$ 1,925,200
Requested Approval for 2021	\$ 329,800

The following chart shows the required -expenditure and proposed funding source for 2021.

Facilities Budget Centre - Capital	2021 Budget	2021 Estimated incl. net HST	Variance (over) / under
Cost:			
320 Richmond – Capital	\$ -	\$ 329,800	
<b>Total Cost</b>	<b>\$ -</b>	<b>\$ 329,800</b>	<b>(\$ 329,800)</b>
Funding:			
Transfer from Parks Reserve		\$ 329,800	(\$ 329,800)
<b>Total Funding</b>	<b>\$ -</b>	<b>\$ 329,800</b>	<b>(\$ 329,800)</b>

6. **CONSULTATIONS:**

Director of Corporate Services  
Treasurer

7. **CONCLUSION:**

It is recommended that \$329,800, a 2021 unbudgeted expenditure be approved to complete Phase 2 of the 320 Richmond redevelopment project.




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Phil Roberts  
**Director of Parks, Facilities, Recreation and Culture**



## APPENDIX A - 320 Richmond “The HUB” PHASE 1 AND 2 IMAGES

### Common Areas



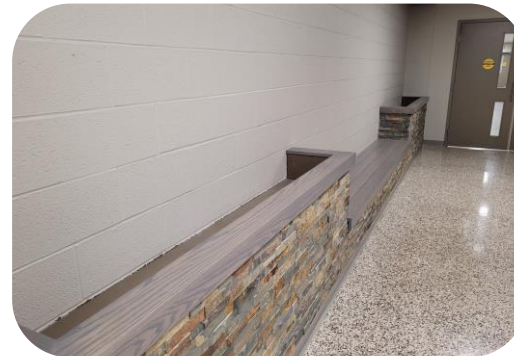
Entrance



Community Mosaic Mural

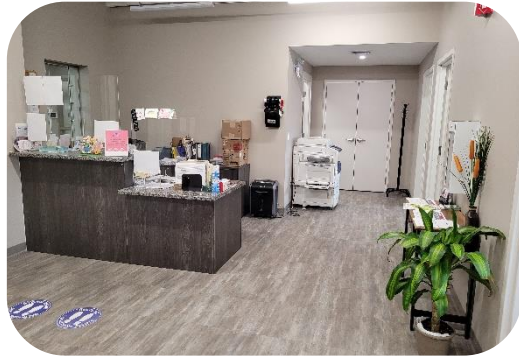


Main Hallway

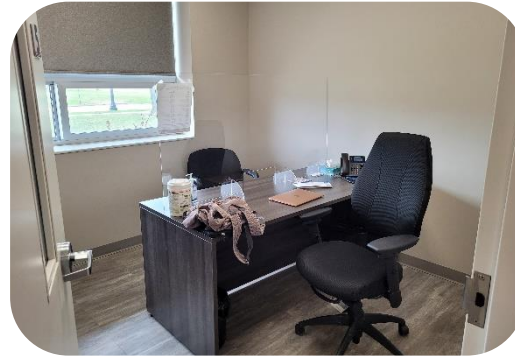


Unfinished Planters

**Amherstburg Community Services (ACS)**



Reception



Office



Boardroom



Activity Room

**Amherstburg Community Services (ACS)**



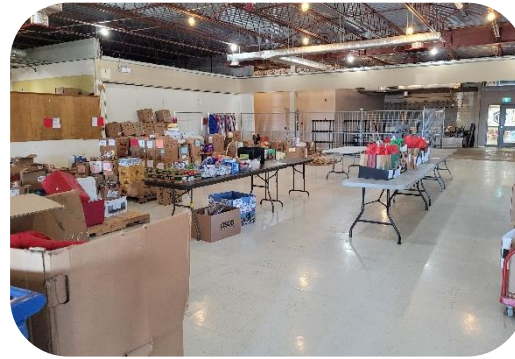
**Kitchen**



**Kitchen**



**Food Pantry in Unfinished Area**



**Food Pantry in Unfinished Area**

**Nurse Practitioner's Clinic**



Reception



Waiting Area



Treatment Room



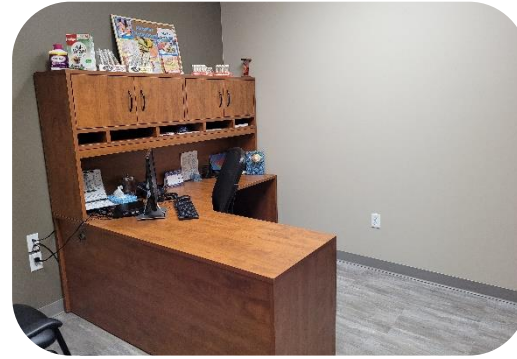
Examination Room



## Nurse Practitioner's Clinic



Psychologist Room



Typical Office



Kitchen



Boardroom

## The House Youth Centre



Sign



Meeting Area



Activity Area

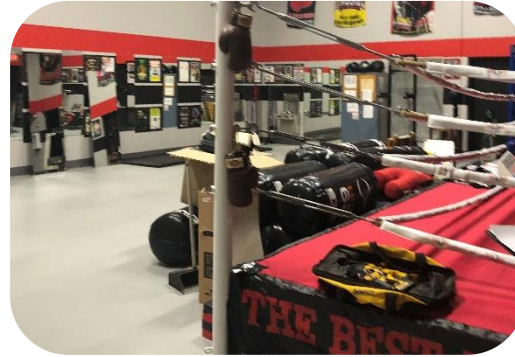


Lounge area

## Fighting Island Boxing Club



Boxing Ring Mural



Boxing area



Boxing Equipment



Trophy Area

## The Verdi Club



Tables and Chairs



Area setup with BBQ for Outside



## THE CORPORATION OF THE TOWN OF AMHERSTBURG

### OFFICE OF PLANNING AND DEVELOPMENT SERVICES

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

Author's Name: Melissa Osborne	Report Date: June 2, 2022
Author's Phone: 519 736-5408 ext. 2137	Date to Council: June 13, 2022
Author's E-mail: <a href="mailto:mosborne@amherstburg.ca">mosborne@amherstburg.ca</a>	Resolution #:

To: Mayor and Members of Town Council

Subject: Site Plan and Development Agreement for 106 Gore Street

---

#### 1. RECOMMENDATION:

It is recommended that:

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

#### EXECUTIVE SUMMARY:

N/A

#### 2. BACKGROUND:

A notice of intent to demolish was submitted to the Town on April 5, 2022. The heritage value and structural integrity of the existing structure was reviewed by the Heritage Committee and demolition was recommended to Council. On May 9, 2022, Council approved the demolition of the existing dwelling.

An application has been received for site plan control approval for the redevelopment of the property to construct a semi-detached dwelling.

**3. DISCUSSION:**

The subject lands are legally described as Part of Lot 24, Plan 1 and municipally known as 106 Gore Street. The subject property is designated Heritage Residential in the Town's Official Plan. The subject property is zoned Residential Heritage (RH) Zone in the Town's Zoning By-law.

The Residential Heritage Official Plan policies state:

*'Site Plan Control By-Law shall be enacted to require an owner of property within a heritage area as a condition of development or redevelopment to enter into an agreement with the Town of Amherstburg. This agreement establishes conditions which shall be met by the property owner with regard to site development or redevelopment, and any other matters (permitted by the Planning Act) which the Town of Amherstburg deems necessary to achieve certain objectives of this Plan.'*

Site Plan Control Area By-law 2022-045 includes single detached dwellings, semi-detached dwellings and duplex dwellings within a Heritage Zone to be subject to site plan control.

The developer has had consultation with the Heritage Committee. Renderings were reviewed and comments were provided. The developer has tried to incorporate these comments received from the Heritage Committee into the final renderings, attached. However, the Heritage Committee has not had an opportunity review the final design. The developer has requested to proceed to Council for approval of the site plan and development agreement.

**4. RISK ANALYSIS:**

The recommendation presents no risk to the municipality.

**5. FINANCIAL MATTERS:**

All costs associated with the application are the responsibility of the applicant.

**6. CONSULTATIONS:**

Consultation occurred with the Heritage Committee, Heritage Planner and Chief Building Official.

**7. CONCLUSION:**

Administration is recommending that the site plan and development agreement for 106 Gore Street and By-law 2022-048 be approved by Council, given three readings and finally passed and the Mayor and Clerk be authorized to sign same.



---

Melissa Osborne  
Director, Development Services

**JM**

**DEPARTMENTS/OTHERS CONSULTED:**

**Name: Heritage Planner**  
**Phone #: 519 736-5408 ext. 2142**

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

## Report Approval Details

Document Title:	Site Plan and Development Agreement for 106 Gore Street.docx
Attachments:	- 2022-048- Development Agreement- 106 Gore St- dRAFT.pdf
Final Approval Date:	Jun 8, 2022

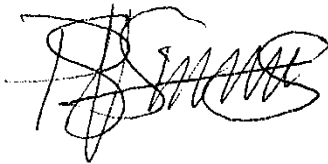
This report and all of its attachments were approved and signed as outlined below:



Melissa Osborne



Tracy Prince



Peter Simmons



Valerie Critchley



**THE CORPORATION OF THE TOWN OF AMHERSTBURG  
BY-LAW NO. 2022-048**

**By-law to authorize the execution of a Development Agreement  
between Tank Development Group Inc.  
and the Corporation of the Town of Amherstburg  
106 Gore Street, Amherstburg**

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**WHEREAS** under Section 8 of the Municipal Act 2001, S.O., 2001, c. 25, as amended, a Corporation has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act.

**AND WHEREAS** under Section 9. (1) (a) and (b) of the Municipal Act 2001, S.O., 2001, c. 25, as amended, Section 8 shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues;

**AND WHEREAS** the Corporation of the Town of Amherstburg and owners of said property have agreed to the terms and conditions of a Development Agreement in the form annexed hereto;

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

1. THAT the Mayor and Clerk be hereby authorized to enter into a Development Agreement between Tank Development Group Inc. and the Corporation of the Town of Amherstburg for the development of Part Lot 24 Plan 1 municipally known as 106 Gore Street for the redevelopment of the property, said agreement affixed hereto;
2. THAT this By-law shall come into force and take effect immediately upon the final passing thereof at which time all by-laws that are inconsistent with the provisions of this by-law and the same are hereby amended insofar as it is necessary to give effect to the provisions of this by-law.

Read a first, second and third time and finally passed the 13<sup>th</sup> day of June, 2022.

\_\_\_\_\_  
MAYOR – ALDO DICARLO

\_\_\_\_\_  
CLERK – VALERIE CRITCHLEY

**DEVELOPMENT AGREEMENT**

**THIS AGREEMENT** made in quadruplicate this 13<sup>th</sup> day of June, 2022.

BETWEEN:

**TANK DEVELOPMENT GROUP INC.**

(hereinafter collectively called "**Owner**")

OF THE FIRST PART;

- and -

**THE CORPORATION OF THE TOWN OF AMHERSTBURG**

(hereinafter called the "**Corporation**")

OF THE SECOND PART;

Hereinafter collectively referred to as the "**Parties**"

**WHEREAS** the lands affected by this Agreement are described in Schedule "A" attached hereto, and are hereinafter referred to as the "**Lands**";

**AND WHEREAS** the Owner warrants it is the registered owner of the Lands;

**AND WHEREAS**, in this Agreement, the "**Owner**" includes an individual, an association, a partnership or corporation and, wherever the singular is used therein, it shall be construed as including the plural;

**AND WHEREAS**, the Official Plan in effect in the Town of Amherstburg designated parts of the area covered by the Official Plan, including the Lands, as a Site Plan Control area;

**AND WHEREAS** the Owner intends to develop the said Lands for development in accordance with the Site Plan attached hereto as Schedules "B", and hereinafter referred to as the "Site Plan";

**AND WHEREAS** the Corporation, as a condition of development of the said Lands requires the Owner to enter into a Development Agreement;

**NOW THEREFORE THIS AGREEMENT WITNESSETH** that in consideration of the premises, along with the sum of FIVE (\$5.00) DOLLARS of lawful money of Canada, now paid by each of the Parties hereto to each of the other parties hereto, the receipt and sufficiency of which are hereby acknowledged, the Owner hereby covenants and agrees with the Corporation as follows:

1. The following Schedules attached hereto, are hereby made a part of this Agreement, as fully and to all intents and purposes as though recited in full herein:
2. Schedule "A" hereto describes the lands affected by this Agreement;
3. Schedule "B", identified as A1.0, the Site Plan hereto shows:
  - (a) The location of the building.
4. Schedule "C" identified A3.0 hereto shows:
  - (a) Exterior Elevations

5. Schedule "D" identified as Conceptual View hereto shows:
  - (a) Conceptual Views of Exterior Design
6. The Owner shall be responsible for consulting with and obtaining any necessary approvals from Essex Power regarding any matters that relate to services for the Development Lands to be provided by Essex Power. In addition, the Owner shall be responsible for any costs associated with the reconstruction, relocation or changes to the hydro system resulting from this development.
7. The Owner shall be responsible for consulting with and obtaining any necessary approvals from Union Gas and Bell Canada regarding any matters that relate to services to be provided by Union Gas and Bell Canada. In addition, the Owner shall be responsible for any costs associated with the reconstruction, relocation or changes to these services resulting from this development.
8. If any proposed upgrades to the existing utilities within the municipal right-of-way are required, the Owner must provide copies of the plans on any utility work to the satisfaction of the Corporation.
9. The Owner further agrees to obtain the necessary access or other permits for any driveway approaches, curb cuts prior to commencement of any construction on or adjacent to the public roads.
10. All of the exterior walls of the building shall be as per the elevation drawings as shown on Schedule "C" hereto.
11. All connections to the Town's existing infrastructure must be submitted to the Infrastructure Services Department for approval. Installation shall be coordinated and inspected by the Infrastructure Services Department. This would include any watermain, water service, sanitary or storm installations as necessary.
12. The Owner shall, at its own expense, repair forthwith any damage done by their servants, agents, contractors or subcontractors to any land or property of the Corporation during the course of and arising in any way out of the construction or installation of the works required by this Agreement.
13. Notwithstanding any of the provisions of this agreement, the Owner shall be subject to all of the by-laws of the Corporation and shall construct all work in accordance with the requirements of the Town of Amherstburg, the County of Essex, and the Province of Ontario.
14. The Owner agrees that any Municipal property, including without limiting the generality of the foregoing, curbs, gutters, pavements, sidewalks, or landscaped areas on the public highway and any property belonging to a third party, which are damaged during construction or otherwise, shall be restored to the satisfaction of the Town. The Owner shall keep the subject lands in a state of good repair (including the cutting of weeds) and upon written notice from the Town shall correct deficiencies in the state of repair within ten (10) days thereof.
15. The Corporation through its servants, officers and agents including its building inspector, plumbing inspector, fire chief and Director of Infrastructure Services may from time to time and at any time enter on the Lands to inspect:
  - 1) The progress of development;
  - 2) The state of maintenance as provided for in this Agreement.
16. In the event of any servant, officer or agent of the Corporation determining upon inspection that the development is not proceeding in strict accord with the plans and specifications filed with the Corporation, such servant, officer or agent shall forthwith place a notice requiring all work to be stopped upon the Lands, and shall forward a copy by registered mail to the Owner at his last address as shown by the revised assessment rolls, and the Owner shall forthwith correct the deficiency or deviation as hereinafter provided.

17. In the event of any servant, officer or agent of the Corporation upon inspection being of the opinion that the state of maintenance is not satisfactory, such servant, officer or agent shall forthwith forward notice of such opinion to the Owner by registered mail at his last address as shown from the revised assessment rolls, and the Owner shall forthwith correct the deficiency or appeal to Council of the Corporation as hereinafter provided.
18. In the event that an Owner should disagree with the opinion of the servant, officer or agent of the Corporation as to the progress of the development or as to the state of maintenance, such Owner shall appear before Council of the Corporation, which after hearing the Owner, shall be permitted to express its position as to whether such progress or maintenance is satisfactory, following which Council of the Corporation shall make a decision, by resolution, as to whether to lift or sustain the prior decision of the Corporation's servant, officer or agent, which shall constitute a final determination of the matter.
19. In the event that an Owner should fail to obey a stop work order issued under Section 16 hereof, in addition to any other remedy, the Owner recognizes the right of the Corporation to apply to the Court for an Order granting injunctive relief, both interlocutory and permanent. The Owner acknowledges and admits that its failure to obey a stop work order constitutes irreparable harm to the Corporation and that the balance of convenience favours granting such injunctive relief without further proof thereof by the Corporation. The Owner shall be liable to the Corporation for all costs in relation to obtaining such an Order, including all legal costs. The costs shall be deemed to be municipal taxes and to be recoverable in accordance with Section 24 of this Agreement.
20. In the event that an Owner should fail to correct a deviation of deficiency after notice pursuant to Sections 17 or 18 or after notice of an opinion, which Council of the Corporation determines is correct under Section 16, the Council of the Corporation may direct the Owner to correct any default of the matter or thing being done by the Owner, lot less than two (2) weeks after notice is sent by regular mail at the last known address of the Owner pursuant to the revised assessment rolls of passage of such by-law, that such matter or thing be done by the Corporation at the expense of the Owner, which expense shall be deemed to be municipal taxes and to be recoverable in accordance with Section 24 of this Agreement.
21. In the event of an Owner wishing to change at any time any of the buildings, structures or facilities described in the plans annexed or referred to in this agreement hereof, it shall make application to Council of the Corporation for approval and shall not proceed with such change until approval is given by such Council, or in default by the Ontario Land Tribunal, under the procedure set out in Section 41 of the Planning Act, R.S.O. 1990 here before referred to.
22. This Agreement and the provisions thereof do not give to the Owner or any person acquiring any interest in the said lands any rights against the Corporation with respect to the failure of the Owner to perform or fully perform any of its obligations under this Agreement or any negligence of the Owner in its performance of the said obligations.
23. In the event that no construction on the Lands has commenced on or before the expiry of one (1) year from the date of registration of this Agreement, the Corporation may subsequently, at its option, on one month's written notice to the Owner, terminate this Agreement, whereupon the Owner acknowledges that agrees that it will not be able to undertake any development construction on the Lands (or any further development or construction) on the Lands.
24. All facilities and matters required by this Agreement shall be provided and maintained by the Owner at its sole risk and expense to the satisfaction of the Corporation and in accordance with the standards determined by the Corporation and in default thereof and without limiting other remedies available to the Corporation, the provisions of Section 446 of the Municipal Act shall apply.

25. This Agreement shall be registered against the land to which it applies, at the expense of the Owner, and the Corporation shall be entitled, subject to the provisions of the Registry Act and the Land Titles Act, to enforce its provisions against the Owner named herein and any and all subsequent owners of the lands.
26. This Agreement shall enure to the benefit of and be binding upon the Parties hereto and their respective heirs, executors, administrators, successors and permitted assigns.
27. This Agreement shall be governed by, and interpreted according to, the laws of the Province of Ontario and the laws of Canada applicable therein, and shall be treated in all respects as an Ontario Contract.
28. If any provision or part thereof of this Agreement be illegal or unenforceable, it or they shall be considered separate and severable from the Agreement, and the remaining provisions of the Agreement shall remain in force and effect and shall be binding upon the Parties hereto as though the said provision or part thereof had never been including in this Agreement.
29. If any provision or part thereof of this Agreement be illegal or unenforceable, it or they shall be considered separate and severable from the Agreement, and the remaining provisions of the Agreement shall remain in force and effect and shall be binding upon the Parties hereto as though the said provision or part thereof had never been including in this Agreement; provided that the severance of the provision or part does not fundamentally impair the rights of the Corporation in which case the Corporation may declare, without the consent of the Owner, this Agreement void, and all development and construction shall cease pending the execution of a new Agreement by the parties.
30. The division of this Agreement into Articles, sections and subsections and the insertion of headings are for convenience of reference only and shall not affect the construction or interpretation hereof.
31. This Agreement may be executed in several counterparts, each of which when so executed shall be deemed to be an original, and such counterparts together shall constitute one and the same instrument and shall be effective as of the date set out above.
32. Schedules and other documents attached or referred to in this Agreement are an integral part of this Agreement, and are hereby incorporated into this Agreement by reference.
33. The Owner shall indemnify and save harmless the Corporation, its councillors, officers, employees, contractors and agents from all actions, causes of action, suits, claims and demands which may arise during the course of or in way connected to the construction or installation of the works required by this Agreement.
34. This Agreement constitutes the entire agreement among the Parties and except as herein stated and in the instruments and documents to be executed and delivered pursuant hereto, contains all of the representations and warranties of the respective Parties. There are no oral representations or warranties among the Parties of any kind. This Agreement may not be amended or modified in any respect except by written instrument signed by both Parties.

**IN WITNESS WHEREOF** the Parties have executed this Agreement, as of the date set out above, under the hands and seals of their respective and duly-authorized signing officers.

**OWNER: TANK DEVELOPMENT GROUP INC.**

Per \_\_\_\_\_  
Tyler Knight

Per \_\_\_\_\_  
Antonio Neves

*We have authority to bind the Corporation*

**THE CORPORATION OF THE  
TOWN OF AMHERSTBURG**

Per \_\_\_\_\_  
Aldo DiCarlo, Mayor

Per \_\_\_\_\_  
Valerie Critchley, Clerk

*We have authority to bind the Corporation*

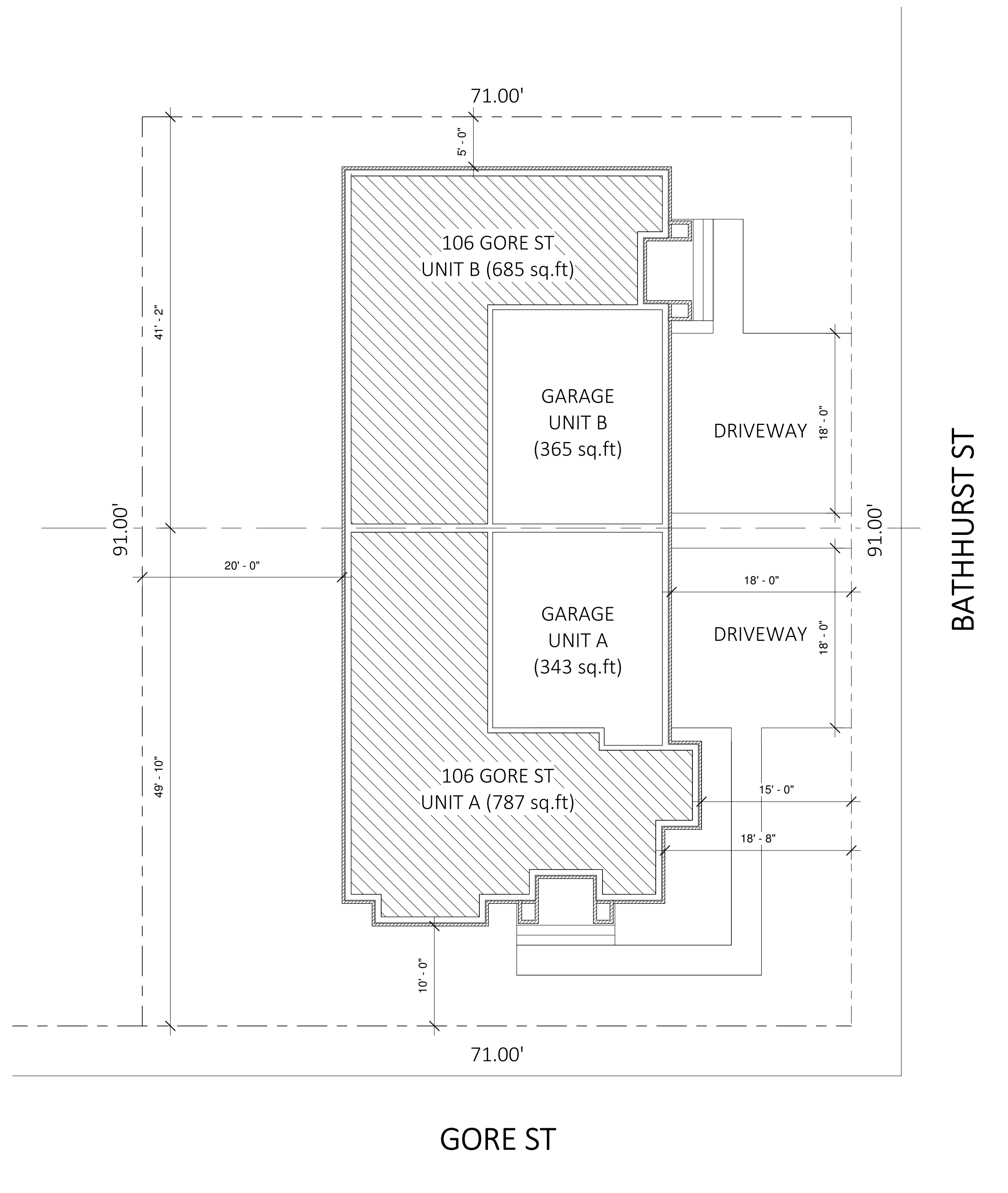
Authorized and approved by By-law  
No. 2022-045 enacted the 25<sup>th</sup> day of  
April, 2022.

**SCHEDULE "A"**

The following is a description of the land to which this instrument applies. This agreement applies to the said Lands as a whole.

Pt Lt 24, Plan 1,  
Town of Amherstburg,  
County of Essex  
and Province of Ontario

DRAFT



**106 Gore St - SITE INFORMATION**

ZONING - RESIDENTIAL HERITAGE (RH)			
	MIN. REQUIRED	PROVIDED	VARIANCE REQ'D
LOT AREA	No Minimum	606.2 m <sup>2</sup>	CONFORMS
LOT COVERAGE	40.0% (max.)	38.68%	CONFORMS
FRONT YARD DEPTH	Average of Adjacent Properties	4.57m	N/A
REAR YARD DEPTH	6.0m (min.)	6.1m	CONFORMS
SIDE YARD WIDTH	1.5m (min.)	1.52m	CONFORMS
EXT. SIDE YARD WIDTH	Front Yard Depth of Adjacent Property	3.1m (keep existing)	N/A

**1** Proposed Site Plan  
1/8" = 1'-0"

Project:  
106 Gore St -  
Amheburg

Client:

Sheet Title:  
Proposed Site Plan

Revision no.:

Scale:  
1/8" = 1'-0"

Drawn by:  
Imperium Design

BCIN #:

Date:  
April 4, 2022

Project no.:  
21-0043

Sheet no.:

**A1.0**

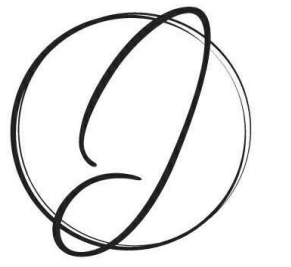




1 South Elevation  
1/4" = 1'-0"



2 East Elevation  
1/4" = 1'-0"



**Imperium**

DESIGN + BUILD

20 Fraser Rd.  
Leamington, ON N8H 4E5

info@imperiumbuilds.ca  
(519) 551-8390

**Project:**  
106 Gore St.  
Amherstburg ON, N9V  
1K6

**Client:**  
Owner

**Sheet Title:**  
Proposed South/East Elevation

**Revision no.:**

**Scale:**  
1/4" = 1'-0"

**Drawn by:**  
Antonio Neves

**BCIN #:**  
Project Status

**Date:**  
June 8, 2022

**Project no.:**  
Project Number

**Sheet no.:**

**A101**

Imperium Design + Build

Schedule "D"









**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.*

<b>Author's Name: Peter Simmons</b>	<b>Report Date: May 31, 2022</b>
<b>Author's Phone: 519 736-0012 ext. 2228</b>	<b>Date to Council: June 13, 2022</b>
<b>Author's E-mail: <a href="mailto:psimmons@amherstburg.ca">psimmons@amherstburg.ca</a></b>	<b>Resolution #:</b>

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

**Subject: 2022 Amherstburg Chamber of Commerce Business Excellence Awards Sponsorship**

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**1. RECOMMENDATION:**

It is recommended that:

1. The report from the Chief Administrative Officer recommending a \$350.00 sponsorship to the Amherstburg Chamber of Commerce Business Excellence Awards 2022 **BE APPROVED.**

**EXECUTIVE SUMMARY:**

N/A

**2. BACKGROUND:**

On May 24, 2022 Council reviewed correspondence from the Amherstburg Chamber of Commerce. The correspondence referenced a sponsorship opportunity for the 2022 Business Excellence Awards.

**3. DISCUSSION:**

Amherstburg Council supports the Amherstburg Chamber of Commerce. The Town budget provides for reasonable, discretionary donations and contributions to charities, not-for-profits and others. Council conveyed its wish to sponsor the event.

In the opinion of staff, a \$350.00 sponsorship is reasonable and in keeping with the written request.

4. **RISK ANALYSIS:**

A \$350 sponsorship poses no risk to the Town.

5. **FINANCIAL MATTERS:**

The 2022 Budget includes funding categories within the Council and Committees budget that will cover the \$350.00 sponsorship.

6. **CONSULTATIONS:**

N/A

7. **CONCLUSION:**

Staff recommends a \$350.00 sponsorship consistent with Council direction.



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Peter Simmons  
**Chief Administrative Officer**

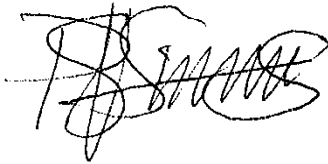
## Report Approval Details

Document Title:	2022 Amherstburg Chamber.docx
Attachments:	
Final Approval Date:	Jun 6, 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**

**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.*

<b>Author's Name: Peter Simmons</b>	<b>Report Date: May 31, 2022</b>
<b>Author's Phone: 519 736-0012 ext. 2228</b>	<b>Date to Council: June 13, 2022</b>
<b>Author's E-mail: psimmons@amherstburg.ca</b>	<b>Resolution #:</b>

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

**Subject: RE/ACT Drive to Thrive Golf Tournament Donation**

**1. RECOMMENDATION:**

It is recommended that:

The report from the Chief Administrative Officer recommending a \$350.00 donation, and limited in-kind services, to assist in the promotion and awareness of the annual RE/ACT 'Drive to Thrive' Golf Tournament for 2022 **BE APPROVED.**

**EXECUTIVE SUMMARY:**

N/A

**2. BACKGROUND:**

On May 24, 2022 Council heard a delegation from RE/ACT. RE/ACT (Recovery Education for Addictions and Complex Trauma) is an Essex County not-for-profit. The delegation sought from the Town a contribution towards their awareness campaign and upcoming annual golf tournament fundraiser scheduled for July 16, 2022.

**3. DISCUSSION:**

Amherstburg Council's reception to the RE/ACT delegate and its awareness campaigns prompted discussion on how best to provide support. Mindful of the Town's limited flexibility on discretionary financial matters, but supportive of the organization and its vision, Council conveyed its willingness to provide a donation.



4. **RISK ANALYSIS:**

A \$350 donation, and in-kind service contribution poses no risk to the Town.

5. **FINANCIAL MATTERS:**

The 2022 Budget includes funding categories within the Council and Committees budget that will cover the \$350.00 donation. The CAOs office budget will absorb staff related costs to assist with promotion and awareness campaigns.

6. **CONSULTATIONS:**

N/A

7. **CONCLUSION:**

Staff recommends a \$350.00 donation to RE/ACT, and in-kind assistance for promotion and awareness for the 2022 fundraising golf tournament.

<https://reactwindsor.ca/drivetothrivegolfclassic/>



---

Peter Simmons  
**Chief Administrative Officer**

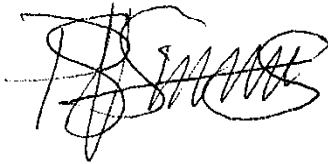
## Report Approval Details

Document Title:	2022 React Donation .docx
Attachments:	
Final Approval Date:	Jun 6, 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

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: Bill Tetler	Report Date: June 3, 2022
Author's Phone: 519 736-0012 ext. 2251	Date to Council: June 13, 2022
Author's E-mail: <a href="mailto:btetler@amherstburg.ca">btetler@amherstburg.ca</a>	Resolution #:

To: Mayor and Members of Town Council

Subject: 2022 Special Events Approval – Part IV

1. **RECOMMENDATION:**

It is recommended that:

1. The following events **BE APPROVED**:
  - i.) Police & Fire Games 2022: July 27, 2022 & July 28, 2022
2. An exemption from table number 3-1(2) of Noise By-law #2001-43 with respect to the operation of any electronic device or group of connected electronic devices incorporating one or more loudspeakers to allow for music **BE GRANTED** for the following events:
  - i.) Police & Fire Games 2022 – July 27, 2022 (9:00am – 12:00pm)
  - ii.) Police & Fire Games 2022 – July 28, 2022 (9:00am – 2:00pm)
3. The following events **BE EXEMPT and PERMITTED** for road closures to begin prior to 5pm:
  - i.) Police & Fire Games 2022
4. The Public Events Committee **BE DIRECTED** to confirm that the requirements identified by the Committee are met prior to issuing an event permit.

## **2. BACKGROUND:**

At their October 5, 2015 Special Meeting, Council approved the Public Events Policy. As per Council's direction, Section 7.3 of the policy states:

### ***"7.3. Council has the authority and responsibility to:***

*7.3.1 Consider any exemptions to Municipal By-laws for Public Events.*

*7.3.2. Consider and approve any new events presented by the PEC.*

*7.3.3. Consider and approve all recurring events presented by the PEC."*

Each Event Organizer is required to follow the Public Events Manual, fill out the required forms and submit to the Public Events Committee (PEC).

On May 11, 2022, the PEC met and reviewed applications submitted by the Event Organizers for the following events:

- a.) Police & Fire Games 2022 – July 27 & 28, 2022

The PEC reviewed the application in detail and have informed the Event Organizer of every requirement that must be met to allow their event to proceed. This includes ensuring the event conforms to all Town By-laws, Town insurance requirements and Provincial laws. As per Section 7.3 of the Public Event's Policy, the Event Organizers have also been informed that each event must be approved by Council before they may hold their event.

The Public Events Committee also amended the Event Emergency Response Plan in 2021 and all Event Organizers were made aware that this plan had to be submitted prior to approval and followed for any size event.

### **Noise Exemption**

Noise By-law #2001-43, as amended, prohibits the operation of any electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electro mechanical transducers, and intended for the production, reproduction or amplification of sound, in residential, commercial and agricultural areas.

Notwithstanding anything contained in the Noise By-law, a person may apply to Council for an exemption from any of the provisions of the Noise By-law with respect to any source of sound or vibration. Council, by resolution, may grant the exemption applied for and can impose terms and conditions as Council deems appropriate.

All events requiring a Noise By-law exemption that have been identified by the PEC have been listed below for Council's approval:

- a.) Police & Fire Games 2022 – July 27 & 28, 2022

## Road Closures

At the January 25, 2016 Council meeting, Council passed the following motions:

“That:

1. The use of the Downtown Core for Festivals and Events subject to the criteria established in the Town’s Festival and Events Policy BE APPROVED; and,
2. Road closures NOT BE PERMITTED prior to 5:00 pm without Council consent.”

Accordingly, all road closures requested prior to 5:00 pm have been identified by the PEC and are outlined below for Council’s approval:

a.) Police & Fire Games 2022

The road closure is requested from July 27, 2022 starting at 9:00am till 12:00pm from Concession 4S to County Rd 20 to Creek Rd to Meloche to County Rd 18.

The road closure is requested from July 28, 2022 starting at 9:00am till 2:00pm from Concession 4S to County Rd 20 to Creek Rd to Meloche to County Rd 18.

Additionally, the event organizer has taken steps to notify each property owner that will be affected by the closure. The property owners will have access to their property during the road closures. All intersections will be staffed with two (2) Auxiliary Police for the duration of the event each day. Emergency services will have access should that be required.

Additionally, the event organizer and the Town reached out to the County with respect to the road closures on the County roads. The County of Essex is in support of the road closures for the Police and Fire Games 2022.

### 3. DISCUSSION:

<b>Event</b>	<b>Police &amp; Fire Games 2022</b>
<b>Event Organizer</b>	City of Windsor
<b>Event Date</b>	July 27, 2022 & July 28, 2022
<b>Event Time</b>	9:00am – 12:00pm on July 27, 9:00am – 2:00pm on July 28
<b>Event Location</b>	Libro Centre
<b>Event Details</b>	The Can-Am Police-Fire Games are a biennial, multi-sport event that take place in North America every other year. The event occurs in the summer months over a 6-day period. Typically, between 800 to 1,000 competitors plus spouses and/or families attend the Games.
<b>Noise By-law Exemption</b>	Required from 9:00am to 2:00pm to allow for loud speaker/music
<b>Permit Fees</b>	\$250 Refundable Deposit

**4. RISK ANALYSIS:**

The Clerk identifies the Town’s insurance requirements and relays the information to each Event Organizer. Special events on Town property are not able to proceed until the Clerk is satisfied the insurance requirements are met. A member of Administration from the PEC will be in attendance and on call for each event to ensure the event is operating in accordance with all Town policies, rules and regulations.

**5. FINANCIAL MATTERS:**

Each event application received is to be submitted with the required \$250 deposit. The Event Organizers will be responsible to pay for equipment rentals, facility rentals and all other costs associated with their event as per the Town’s User Fee By-law, as amended. The cost to set up the rented equipment by Town staff is accommodated within the Town’s budget under the Parks budget centre. Any damages to Town equipment or property are recoverable from the Event Organizer.

**6. CONSULTATIONS:**

The Public Events Committee was consulted inclusive of Windsor Police- Amherstburg Detachment and Amherstburg Fire Department. The PEC reviewed the application and has corresponded with the Event Organizers on requirements that must be met and By-law exemptions that must be obtained in order to be granted a Special Event Permit for their event, pending Council approval of this report.

**7. CONCLUSION:**

The PEC is confident that once all requirements are met by the Event Organizers, the events held in the Town of Amherstburg will enhance the community experience for both residents and visitors alike.



---

Bill Tetler  
**Manager, Licensing & Enforcement**

<b>NOTIFICATION :</b>				
Name	Address	Email Address	Telephone	FAX
Jan Wilson	350 City Hall Sq	jwilson@citywindsor.ca	519-255-6100	

## Report Approval Details

Document Title:	2022 Special Events Approval - Part IV.docx
Attachments:	- Emergency Procedures Card.docx - Amherstburg Road Closure map.png - Cycling Events Amherstburg Barricades Map.docx
Final Approval Date:	Jun 7, 2022

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



Tracy Prince



Peter Simmons



Valerie Critchley

**Emergency Procedures – Volunteers  
Cycling – Time Trials, Road Race**

A Radio is provided to Volunteer 1 at each intersection. In the event of an emergency, Volunteer 1 is to contact the Event Coordinator by radio, and state:

Name

Intersection

Nature of Emergency

Volunteer 1 is to control the scene to ensure oncoming riders are directed to a safe area at the side of the road, and to follow directions from the Event Coordinator

Volunteer 2 is to provide aid to the injured where possible

Remaining volunteers are to assist in controlling the scene or to provide aid as necessary.

Emergency contacts:

Event Coordinator: Ryan Henderson – Radio or cell (226-345-6478)

Race Coordinator: Adam McClounie – Radio or cell (519-992-4764)

Support Services: Adam Young – Radio or cell (226-345-7338)

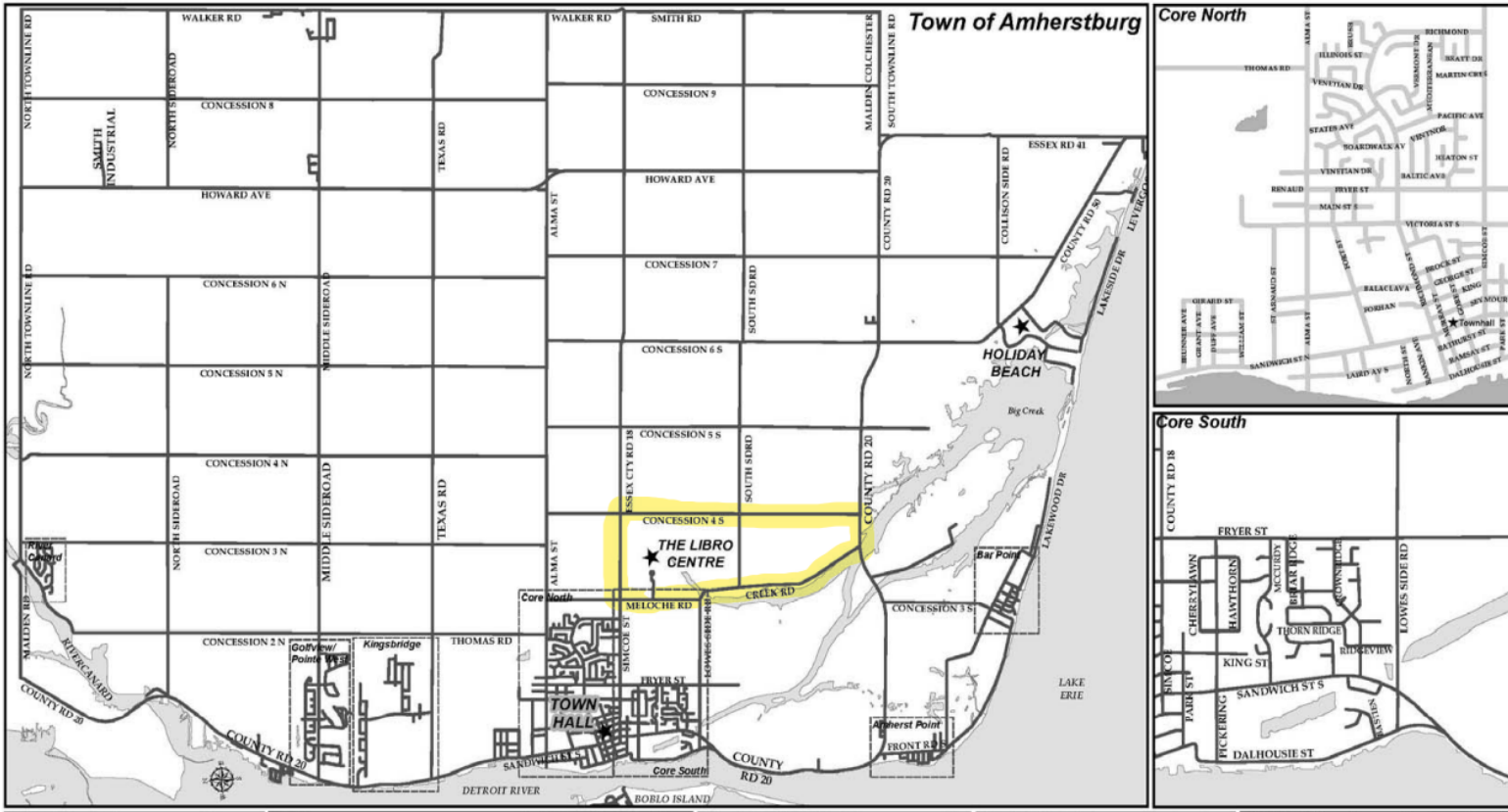
General Manager: Jan Wilson – Radio or cell (226-347-5258)



# Amherstburg Map

Event Name: Can Am Police Fire Games Cycling

Event Dates: July 27/28, 2022





31 Barricades

14 Auxiliary Volunteers

**Traffic Point 1 – Meloche at Pike**

10 Barricades

2 Auxiliary Volunteers with vehicle or electronic sign road closed sign

**Traffic Point 2 – Pike at Concession 4**

5 Barricades

2 Auxiliary Volunteers with vehicle or electronic sign/road closed sign

**Traffic Point 3 – Concession 4 at South Side Road**

2 Barricades

2 Auxiliary Volunteers

**Traffic Point 4 – Concession 4 at Highway 20**

2 Barricades

2 Auxiliary Volunteers with vehicle or electronic sign/ road closed sign

**Traffic Point 5** – Highway 20 at Creek Road

3 Barricades

2 Auxiliary Volunteers with vehicle or electronic sign/ road closed sign

**Traffic Point 6** – Creek Road at South Side Road

2 Barricades

2 Auxiliary Volunteers

**Traffic Point 7** – Creek Road at Meloche

6 Barricades

2 Auxiliary Volunteers



## 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: May 27, 2022
Author's Phone: 519 736-6500 ext. 2241	Date to Council: June 13, 2022
Author's E-mail: <a href="mailto:bmontone@amherstburg.ca">bmontone@amherstburg.ca</a>	Resolution #:

To: Mayor and Members of Town Council

Subject: Amherstburg Emergency Response Plan 2022 Update

---

#### 1. RECOMMENDATION:

It is recommended that:

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

#### 2. BACKGROUND:

The Town of Amherstburg Emergency Response Plan (ERP) was previously revised in March 2021.

To ensure the municipality continues to meet the requirements of the Emergency Management and Civil Protection Act (attached as Appendix "C"), the CEMC is required to report Council's approval of revisions to the Office of the Fire Marshal & Emergency Management Ontario through the Annual Statement of Compliance and provide the Province with an updated copy of the plan.

### **3. DISCUSSION:**

To ensure compliance with the requirements of the Emergency Management and Civil Protection Act, the Community Emergency Management Program Committee chaired by the Town Clerk/Director of Legislative Services, conducted a review of the Emergency Response Plan and Program. The CEMC has also collected updated information from all Community Control group members, consistent with legislative requirements. Further to these, the administrative structure of the Town continues to change. Consequently, a number of changes, as well as definitions and inferences are required throughout the plan to reflect and incorporate our new capabilities.

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

**Resource Risks:** It is believed that there are sufficient personnel resources available to address the requirements of the Emergency Response Plan during unplanned emergencies in, or affecting, the Town. This is considered unlikely with medium impact.

**Timing Risks:** It is believed that a reasonable regular annual schedule of updates and training to maintain the ERP currency is in place. This is considered possible with low impact.

**Community Impact Risks:** A review of emergency plan implementation events and annual exercises over the past five (5) years was conducted. This includes in 2020 and 2021 despite the “Pandemic emergency” to ensure our readiness for a major flooding event. This review revealed that, “Although this updated ERP will provide improved emergency management to assist in resiliency and to prepare for, prevent, respond to, mitigate and recover from the risks to our community to some degree, it does not totally eliminate them.” This is considered likely but with medium impact.

With this updated Emergency Response Plan, the Emergency Operations Centre has been updated/modified/tested and considered operational, the potential to improve our functionality during major emergencies has been significantly improved. This was necessary in our community response to the current COVID-19 pandemic and potential flood emergencies in 2020 and 2021. Mitigation of emergencies and recovery plans not implemented effectively can result in additional damage, loss of life and increased financial impacts to the Corporation, the citizens and businesses who contribute to our community and who may be affected by emergencies that will occur. This is considered unlikely with medium impact.

There is always potential for criticism when implementing change. In the alternative, to not proceed creates the potential criticism that the Town is not addressing the necessary issues. This is considered possible with low impact.

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

There are no financial impacts or additional budgetary considerations with the update of the Emergency Response Plan. Costs associated with the implementation of the ERP in relation to an emergency will be monitored and reported under the Town’s financial management and reporting processes.

**6. CONSULTATIONS:**

Senior Management Team

Chair, Community Emergency Management Program Committee

Partners and Agencies identified in the plan

**7. CONCLUSION:**

The updated Emergency Response Plan, and a new By-law passed by Council will better serve the citizens of Amherstburg during an emergency and will fulfill the requirements under the Emergency Management and Civil Protection Act. R.S.O.

Bruce Montone

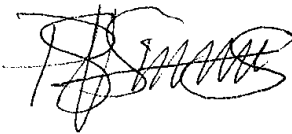
**Fire Chief/Community Emergency Management Coordinator (CEMC)**

**bm/BM**

## Report Approval Details

Document Title:	Amherstburg Emergency Response Plan 2022 Update.docx
Attachments:	- Appendix A - 2022 Amherstburg Emergency Response Plan (002).pdf - Appendix B - Annex N ANERP 2022 June (002).docx - Appendix C - Emergency Management and Civil Protection Act 2017 (002).doc - Appendix D -Bylaw 2022-039.docx
Final Approval Date:	Jun 7, 2022

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



Peter Simmons



Valerie Critchley



**By-law 2022-039**

**Town of Amherstburg**

**EMERGENCY RESPONSE PLAN**

**JUNE 22, 2022**



# Town of Amherstburg

## EMERGENCY RESPONSE PLAN

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14. Emergency Medical Services (EMS) Representative or Alternate
15. Utility Representatives – Electricity/ Water
16. Manager of Environmental Services/(OCWA)

**b) *Additional Support and Advisory Staff required to assist and fulfill alternate roles***

1. Executive Assistant to the CAO & Mayor
2. Chief Building Official
3. Treasurer or Alternate
4. Manager of Human Resources or Alternate
5. 211 Manager/Supervisor or Alternate
6. GIS Coordinator or Alternate
7. Manager of Roads and Fleet
8. Manager of Parks and Naturalized Areas
9. Manager of Environmental services
10. Manager of Municipal Facilities
11. Essex County Community Emergency Management Coordinator or Alternate
12. City of Detroit Homeland Security Director or Alternate
13. Greater Essex County District School Board, Windsor Essex Catholic District School Board
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**PART I**

**COMMUNITY EMERGENCY MANAGEMENT PROGRAM COMMITTEE (CEMPC)**

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**ANNEXES**

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**ANNEX A**

**CCG NOTIFICATION PROCEDURES & CONTACT LIST**

**ANNEX B**

**LOGISTICS**

- a) Location of the Emergency Operations Centre
- b) Equipment

**ANNEX C**

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**ANNEX E**

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**ANNEX H**

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**ANNEX K**

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<b>ANNEX Z</b>	Corporate Pandemic Plan

## TOWN OF AMHERSTBURG EMERGENCY RESPONSE PLAN

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### PART A: INTRODUCTION

**Emergencies are defined as a situation, or an impending situation, that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or otherwise.** They affect public safety; meaning the health, welfare and property, as well as the environment and economic health of the Town of Amherstburg.

The population of the Town of Amherstburg is approx. 23,500 residents.

In order to protect residents, businesses and visitors, the Town of Amherstburg requires a coordinated emergency response by a number of agencies under the direction of the Community Control Group. These are distinct arrangement and procedures which may vary from the normal, day-to-day operations carried out by emergency services.

Every official, municipal department and agency must be prepared to carry out assigned responsibilities in an emergency. The response plan has been prepared to provide key officials, agencies and departments of the Town of Amherstburg important emergency response information related to:

- Arrangements, services and equipment; and,
- Roles and responsibilities during an emergency.

In addition, it is important that residents, businesses and interested visitors be aware of its provisions. Copies of the Town of Amherstburg Emergency Response Plan may be viewed at:

- Town Hall;
- The Town of Amherstburg Website - <https://www.amherstburg.ca/>
- Amherstburg Fire Department Website - <https://www.amherstburgfire.com/>

For more information, please contact:

Community Emergency Management Coordinator (CEMC)  
Fire Chief Bruce Montone  
Town of Amherstburg  
(519) 736-6500 X2241  
[bmontone@amherstburg.ca](mailto:bmontone@amherstburg.ca)

## **PART B: AIM**

The aim of this plan is to make provision for the extraordinary arrangements and measures that may have to be taken to protect the health, safety, welfare, environment and economic health of the residents, businesses and visitors of the Town of Amherstburg when faced with an emergency.

It enables a centralized controlled and coordinated response to emergencies in or impacting the Town of Amherstburg, and meets the legislated requirements of the *Emergency Management and Civil Protection Act*. R.S.O.2000.

## **PART C: AUTHORITY**

The *Emergency Management and Civil Protection Act* R.S.O. 2000, CHAPTER is the legal authority, for this emergency response plan in Ontario. The *Emergency Management and Civil Protection Act* states that:

*“Every municipality shall formulate an emergency plan governing the provision of necessary services during an emergency and the procedures under and the manner in which employees of the municipality and other persons will respond to the emergency and the council of the municipality shall by by-law adopt the emergency plan.” [Section 3 (1)]*

*“The head of council of a municipality may declare that an emergency exists in the municipality or in any part thereof and may take such action and make such orders as he or she considers necessary and are not contrary to law to implement the emergency plan of the municipality and to protect property and the health, safety and welfare of the inhabitants of the emergency area.” [Section 4 (1)]*

As enabled by the *Emergency Management and Civil Protection Act*, this emergency response plan and its' elements have been:

- Issued under the authority of Town of Amherstburg By-law #2022- 039; and
- Filed with the Office of the Fire Marshal & Emergency Management (OFMEM), Ministry of the Solicitor General, Ontario.

### **a) Definition of an Emergency**

The *Emergency Management and Civil Protection Act* defines an emergency as:

***“A situation or an impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or otherwise.”***

The Emergency Operations Centre (EOC) can be activated for any emergency for the purposes of managing an emergency, or for maintaining services to the community and/or supporting the emergency site, a “Declaration” is not mandatory.

**b) Action Prior to Declaration**

When an emergency exists but has not yet been declared to exist, employees of the Town, its Agencies, Boards and Commissions may take such action(s) under this emergency response plan as may be required to protect property and the health, safety and welfare of the Town of Amherstburg.

**PART D: EMERGENCY NOTIFICATION PROCEDURES**

The executive authority for the management and mitigation of a potential or declared emergency lies with the Community Control Group (CCG) as defined in this Emergency Response Plan and led by the Mayor or designate.

In an emergency, any member of the CCG can begin the emergency notification procedure for designated EOC personnel. The EOC team notification is delivered through telephone contact lists by contacting the Windsor Fire Dispatch Centre or use of the Everbridge Notification system. Notification lists are provided in the Annex "A" portion of this Municipal Emergency Response Plan.

Upon receipt of a warning of a real or potential emergency, the responding department will immediately contact the City of Windsor Fire Dispatch Centre (519-258-4444) to request that the notification system be activated or use the "Everbridge" mass notification system.

Upon receipt of the warning, the City of Windsor Fire Dispatch Centre will notify the Fire Chief/CEMC, or Deputy Fire Chief/Alternate CEMC.

The above personnel will make the determination to consult with the Chief Administrative Officer (CAO), and to activate the system. The Fire Chief/CEMC or designate will notify City of Windsor Fire Dispatch to start the manual notification procedure or will utilize the Everbridge Mass Notification System to alert the CCG members. The following positions have been trained to operate the Everbridge system:

- ✓ Administrative Assistant to the Fire Chief
- ✓ Administrative Assistant to the CAO/Mayor
- ✓ Emergency Information Officer

Upon being notified, it is the responsibility of all CCG officials to implement their own internal notification procedures to notify their required support staff and volunteer organizations. Where a threat of an impending emergency exists, the CCG will be notified and placed on standby.

**Note: \*\*\* The Emergency Telecommunications Coordinator will be notified anytime the CCG is notified to ensure the Emergency Corporate Radio System (CRS) Information Technology and telecommunications plan is implemented.\*\*\***

Town of Amherstburg Subordinate Plans annexed to this plan may be implemented anytime in whole or in part as required.

Contacts of CCG members and Alternates are contained within **Annex "A"**

**a) Requests for Assistance**

Assistance or Support may be requested from the County of Essex at any time by contacting the County Warden through the Essex County Community Emergency Management Coordinator, or neighboring Municipality, and contacting the Mayor of the said Municipality. The request shall not be deemed to be a request that the County or neighboring Municipality assume authority and control of the emergency.

Assistance may also be requested from the Province of Ontario at any time without any loss of control or authority. Requests for provincial assistance should be made through OFMEM through the Provincial Emergency Operations Centre (PEOC) – Duty officer.

The Emergency notification contact list, including contact numbers for requesting assistance, is included in **Annex A**.

**b) A Declared Municipal Emergency**

The Mayor or Acting Mayor of the Town of Amherstburg as the Head of Council is responsible for declaring an emergency. This decision is usually made in consultation with other members of the CCG & guided by information and considerations contained in **Annex F**.

Upon declaring an emergency, the Mayor will notify:

- OFMEM/PEOC, Ministry of the Solicitor General, Ontario;
- Town Council;
- County Warden, as appropriate;
- Public;
- Neighboring community officials, as required (both Canadian and US);
- Local Member of the Provincial Parliament (MPP);
- Local Member of Parliament (MP).

A community emergency may be terminated at any time by:

- Mayor or Acting Mayor; or
- Town Council; or
- Premier of Ontario.

When terminating an emergency, the Mayor will notify:

- OFMEM/PEOC, Ministry of Solicitor General Ontario;
- Town Council;
- County Warden, as appropriate;
- Public;
- Neighboring community officials, as required (both Canadian and US);
- Local Member of the Provincial Parliament (MPP);
- Local Member of Parliament (MP).



## **PART E: EMERGENCY COMMUNITY CONTROL GROUP**

### **a) Emergency Operations Centre (EOC)**

The CCG will report to the Municipal Emergency Operations Centre located at 99 Thomas Road. In the event this Operation Centre cannot be used, then the alternate location will be the Lasalle Municipal Building, 5950 Malden Road, Lasalle, Ontario. In the event of an incident requiring a more distant out-of-Town alternate EOC this will be the County of Essex Civic Centre, 360 Fairview Road, Essex, Ontario. The CCG may at the discretion of the Mayor utilize virtual tools.

### **b) Community Control Group (CCG)**

The EOC will be directed and controlled by the Community Control Group (CCG) - a group of officials who are responsible for coordinating the provision of the essential services necessary to minimize the effects of an emergency on the community.

The CCG consists of the following officials:

- Mayor or Acting Mayor
- CAO or Alternate
- Community Emergency Management Coordinator (CEMC) or Alternate
- Police Chief or Alternate
- Fire Chief or Alternate
- Director of Engineering & Infrastructure Services or Alternate
- Director of Development Services or Alternate
- Director of Corporate Services/Treasurer or Alternate
- Director of Parks, Facilities, Recreation and Culture
- Municipal Clerk/Legal Services or Alternate
- Manager of Information Technology/designated Corporate Telecommunications Coordinator or Alternate
- Medical Officer of Health or Alternate
- City of Windsor - Social Services Manager Housing Support Services or Alternate
- Emergency Medical Services (EMS) Representative or Alternate
- Electrical/Water Utility Representatives (Ontario Clean Water Agency (OCWA) Essex Power/Hydro One) or Alternates

**Additional personnel called or added to the CCG, at any time, may include:**

- Tourism Coordinator
- CEMC Administrative Assistant
- Town of Amherstburg Departments & units required
- OFMEM Ontario Representative
- Ontario Provincial Police Representative
- Liaison staff from provincial ministries
- Any other officials, experts or representatives from the public or private sector as deemed necessary by the CCG.

The CCG may function with only a limited number of persons depending upon the emergency. While the CCG may not require the presence of all the people listed as members of the control group, all members of the CCG must be notified of the EOC activation.

### **c) Operating Cycle**

Members of the CCG will gather at regular intervals during the emergency to inform each other of actions taken and problems encountered. The Community Emergency Management Coordinator (CEMC) will establish the frequency of meetings and agenda items. Meetings will be kept as brief as possible and may be by electronic conferencing when appropriate and available thus allowing members to carry out their individual responsibilities. The CEMC Administrative Assistant will maintain a status board and maps which will be prominently displayed and kept up to date at the EOC and within the Community Control Group Responsibilities

The members of the Community Control Group (CCG) are likely to be responsible for the following actions or decisions:

- Calling out and mobilizing their service, agency, personnel and equipment;
- Ensuring their alternates and staff are properly trained for involvement;
- Coordinating and directing their service and provide any actions necessary for the mitigation of the effects of the emergency, provided they are not contrary to law;
- Determining if the location and composition of the CCG is appropriate;
- Advising the Mayor as to whether the declaration of an emergency is recommended;
- Advising the Mayor on the need to designate all or part of the Town as an emergency area;
- Ensure an Incident Commander is appointed;
- Provide support to the Emergency site(s) by offering equipment, staff and resources, as required;
- Ordering, coordinating and/or overseeing the evacuation or sheltering of inhabitants considered to be in danger;
- Discontinuing utilities or services provided by public or private enterprise, i.e. hydro, water, gas, closing down a shopping plaza/mall;
- Arranging for services and equipment from local agencies not under community control, i.e. private contractors, industry, volunteer agencies, service clubs;
- Notifying, requesting assistance from and/or liaison with various levels of government and any public or private agencies not under community control, as considered necessary;
- Determining if additional volunteers are required and if appeals for volunteers are warranted;
- Determining if additional transport is required for evacuation or transport of persons and/or supplies;
- Ensuring that pertinent information regarding the emergency is promptly forwarded to the Emergency Information Officer and 211 Manager, for dissemination to the media and public;
- Determining the need to establish advisory groups and/or sub-committees/working groups for any aspect of the emergency including recovery;
- Authorizing expenditure of money required for dealing with the emergency;
- Notifying the service, agency or group under their direction, of the termination of the emergency;

- Maintaining a log outlining decisions made and actions taken, and submitting a summary of the log to the **Community Emergency Management Coordinator (CEMC) within two (2) weeks** of the termination of the emergency, as required;
- Participating in the debriefing following the emergency;
- Consider applications for ODRAP and taking actions as required.

**d) Relationship Between CCG & Emergency Site Incident Commander (IC):**

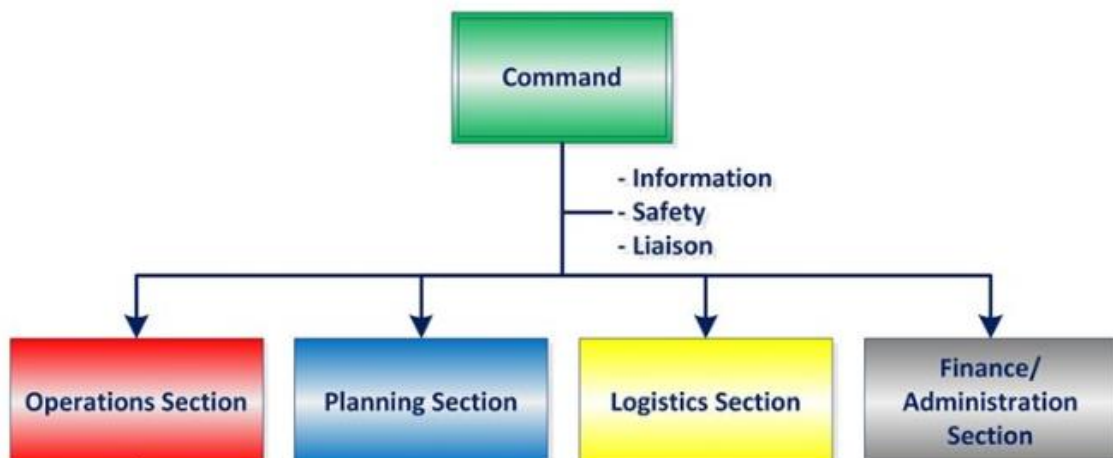
- Depending on the nature of the emergency, and once the site IC has been assigned, the CCG relationship with the IC is to offer support with equipment, staff and other resources as required, and to approve the incident action plan along with approving extraordinary expenditures in accordance with the municipal procurement policy.
- The CCG will also ensure that the rest of the community maintains municipal services where possible.

**e) Relationship Between Emergency Site IC & Command And Control Structures of Emergency Responders**

- The senior representative for each emergency responder agency (police, fire, EMS, public works) at the site will consult with the Site IC, so as to offer a coordinated or “Unified and effective response”. Regular briefings will be held at the site and chaired by the Site IC, so as to establish the manner and process by which response to the emergency will be provided.
- The Site IC will communicate the Incident Action plan to the CCG.
- In Accordance with IMS protocols and processes, maintain a log (s) of decisions and actions utilizing appropriate forms.

**f) Organization & Assignment of Responsibilities**

In accordance with the Town of Amherstburg Municipal Council by-law 2022-039 adopting the Emergency Response Plan & Incident Management System (IMS), during emergency operations the EOC will be organized as needed into five major functional areas: Command, Operations, Planning, Logistics, and Finance.



This Incident Command Structure (ICS) provides an organizational structure capable of responding to various levels of emergencies ranging in complexity. It also provides the flexibility needed to respond to an incident as it escalates in severity. The purpose of the ICS is to:

- Provide an organizational structure that can grow rapidly in response to the requirements of an emergency;
- Provide management with the necessary control to direct and coordinate all operations and all agencies responding to emergency incidents;
- Assign employees with reasonable expertise and training to critical functions without loss of precious time;
- Allow the activation of only those positions needed to manage a particular incident or level of emergency; and
- Promote proper span of control and unity of command.

The organizational structure of the ICS may not resemble the day-to-day organization of the Town of Amherstburg. Employees may report to other employees to whom they do not usually have a reporting relationship.

Furthermore, as the severity of the emergency increases or if it is an extended duration, assignments may change in the ICS organizational structure - meaning an employee's position in the ICS may change during the course of a single emergency.

## **PART F: EMERGENCY RESPONSE SYSTEM**

### ***A) The individual responsibilities of the Emergency Community Control Group:***

#### **1. Mayor or Acting Mayor**

The Mayor or Acting Mayor is responsible to:

- Provide overall leadership for the CCG;
- Declare an emergency within the designated area;
- Declare that the emergency has terminated (Note: Council may also terminate the emergency);
- Notify the OFMEM Ontario, Ministry of the Solicitor General of the declaration of the emergency, and termination of the emergency;
- Ensure the members of council are advised of the declaration and termination of an emergency, and are kept informed of the emergency situation;
- Notify the local Member of the Provincial Parliament and Local Member of Parliament.

#### **2. Chief Administrative Officer (CAO) or Alternate**

The Chief Administrative Officer for the Town of Amherstburg is responsible for:

- Activate the emergency notification system, in consultation with the Fire Chief/CEMC, through City of Windsor Fire Dispatch Centre or Everbridge Mass Notification System and ensuring all members of the CCG are notified;
- Delegate the CCG management cycles;

- Advise the Mayor on policies and procedures, as appropriate;
- Approve, in conjunction with the Mayor, major announcements and media releases prepared by the Emergency Information Officer and 211 Centre briefing notes made in consultation with the CCG;
- Coordinate in conjunction with the Social Services Representative for the use of Town Recreational Centers/other buildings for Reception centres/ Evacuations and visitors;
- Ensure a secure, voice and data wireless or fibre optic communication link is established for the CCG by Manager of Information Technology;
- Call out additional Town staff to provide assistance, as required;
- Maintain a log outlining decisions made and actions taken, and submitting a summary of the log to the **Community Emergency Management Coordinator (CEMC) within two (2) weeks** of the termination of the emergency, as required;
- Participate in the debriefing following the emergency.

### 3. Community Emergency Management Coordinator or Alternate

The Community Emergency Management Coordinator (CEMC) is responsible for:

- Consultation with the CAO/Mayor regarding the need to activate the EOC and notify the CCG;
- Activate the emergency notification system through the City of Windsor Fire Dispatch Centre Dispatch Centre or the Everbridge Notification system;
- Activate and arrange the Municipal Emergency Operations Centre;
- Ensure suitable back-up facilities and Tools are available & designated should the primary EOC not be available or suitable to be activated;
- Ensure that security is in place for the EOC and registration of CCG members;
- Provide all members of the CCG with the necessary plans, resources, supplies, maps, radios and equipment;
- Provide advice and clarifications about the implementation details of the Emergency Response Plan;
- Supervise the designated Emergency Telecommunications Coordinator;
- Provide liaison with community support agencies;
- Ensure that the operating cycle is met by the CCG and related documentation is maintained and kept for future reference;
- Address any action items that may result from the activation of the Emergency Response Plan and keeping CCG informed of implementation needs;
- Maintain the records and logs for the purpose of debriefings and post- emergency reporting that will be prepared;
- Provide the CCG with the appropriate clerical staff (Scribes) from all Town of Amherstburg Departments.

### 4. Police Chief or Alternate

The Police Chief is responsible for:

- Activate the emergency notification system, in consultation with the Fire Chief/CEMC, through City of Windsor Fire Dispatch Centre or Everbridge system and ensuring all members of the CCG are notified;

- Ensure the protection of life and property and the provision of law and order;
- Notifying necessary emergency and community services, as required;
- Establish a site command post with redundant and secure, voice and data wireless or fibre optic communications to the EOC;
- Depend on the nature of a police emergency, assign a Site incident commander and site command post and inform the CCG;
- Establish an ongoing redundant and secure, voice and data wireless communications link with the senior police official at the scene of the emergency;
- Establish the inner perimeter within the emergency area;
- Establish the outer perimeter in the vicinity of the emergency to facilitate the movement of emergency vehicles and restrict access to all but essential emergency personnel;
- Provide traffic control staff to facilitate the movement of emergency vehicles;
- Alert persons endangered by the emergency and coordinating evacuation procedures;
- Open evacuation centres in collaboration with the Social Services Representative;
- Provide liaison with the Social Services Representative regarding the establishment and operation of evacuation and reception centres;
- Provide police service in EOC, evacuation centres, morgues, and other facilities, as required;
- Notify the coroner of fatalities;
- Provide liaison with other community, provincial and federal police agencies, as required;
- Maintain a log outlining decisions made and actions taken, and submitting a summary of the log to the **Community Emergency Management Coordinator (CEMC) within two (2) weeks** of the termination of the emergency, as required;
- Participate in the debriefing following the emergency.

## 5. Fire Chief or Alternate

The Fire Chief is responsible for:

- Activate the emergency notification system, in consultation with the CAO or other CCG member through the Dispatch Centre City of Windsor Fire Dispatch Centre or Everbridge System;
- Provide the CCG with information and advice on firefighting, rescues and hazardous materials or other public safety matters;
- Establish a site command post with redundant and secure, voice and data wireless communications to the EOC;
- Depending on the nature of the emergency, assigning the Site Incident Commander and a command post and inform the CCG;
- Establish an ongoing communications link with the senior fire official at the scene of the emergency;
- Inform the Mutual Aid Fire Coordinator and/or initiating mutual aid arrangements for the provision of additional firefighters and equipment, if needed;
- Determine if additional or special equipment is needed and recommending possible sources of supply, e.g., breathing apparatus, protective clothing;
- Provide assistance to other community departments and agencies and being prepared to take charge of or contribute to non-firefighting operations if necessary, e.g., rescue, first aid, casualty collection, evacuation;

- Provide an Emergency Site Manager, if required;
- Maintain a log outlining decisions made and actions taken, and submitting a summary of the log to the **Community Emergency Management Coordinator (CEMC) within two (2) weeks** of the termination of the emergency, as required;
- Participate in the debriefing following the emergency.

#### **6. Director of Parks, Facilities, Recreation and Culture or Alternate**

- Activate the emergency notification system, in consultation with the Fire Chief, through Windsor Fire Dispatch Centre or Everbridge system and ensuring all members of the CCG are notified;
- Coordinate with the Parks & Facilities Representative for the use of tools, machinery, or vehicles that may be required.
- Liaise with Social Services staff the use of Town facilities for reception centres
- Support the Logistics function in support of the EOC. This function includes providing communication services, resource tracking; acquiring equipment, supplies, personnel, facilities, and transportation services; as well as arranging for food, lodging, and other support services as required.
- Establish the appropriate level of branch and/or unit staffing within the EOC.
- Ensure objectives as stated in the EOC Incident Action Plan are accomplished within the operational period or within the estimated time frame.
- Coordinate closely with the Operations Section Chief to establish priorities for resource allocation to activated Incident Commands within the affected area.
- Keep the CAO informed of all significant issues relating to the Department.
- Based on the situation, activate branches/units within a section as needed and designate Unit Leaders for each element:
  - Transportation Unit
  - Facilities Unit
  - Housing Unit
  - Food & Water Unit
- Mobilize sufficient section staffing for 24-hour operations.
- Meet with the CAO and Section Chiefs and identify immediate resource needs.
- Meet with the Finance/Administration Section Coordinator and determine level of purchasing authority.
- Provide periodic section status reports to the CAO.
- Adopt a proactive attitude, thinking ahead and anticipating situations and problems before they occur.
- Attend and participate in EOC Action Planning meetings.
- Ensure that transportation requirements, in support of response operations, are met.
- Ensure that all requests for facilities and facility support are addressed.
- Provide section staff with information updates as required.
- Maintain a log outlining decisions made and actions taken, and submitting a summary of the log to the **Community Emergency Management Coordinator (CEMC) within two (2) weeks** of the termination of the emergency, as required;
- Participate in the debriefing following the emergency.

## 7. Director of Engineering & Infrastructure Services or Alternate

*(Areas of Responsibility: Environmental Protection, Roads & Fleet Services, Public Works Operations, Engineering)*

The Director of Engineering & Infrastructure Services is responsible for:

- Activate the emergency notification system, in consultation with the Fire Chief, through Windsor Fire Dispatch Centre or Everbridge system and ensuring all members of the CCG are notified;
- Provide the CCG with information and advice on engineering and public works matters;
- Depending on the nature of the emergency, assigning the Site incident commander (s) and informing the CCG;
- Establish an ongoing redundant and secure, voice wireless communications link with the senior public works official at the scene of the emergency;
- Provide liaison with the public works representative from the neighboring community(s) to ensure a coordinated response;
- Provide traffic emergency routes and ensure signalization is maintained in consultation with Police, Fire, and EMS;
- Coordinate the acquisition, distribution and scheduling of various modes of transport (i.e. public transit, school buses, trains, boats, trucks and airplanes) for the purpose of transporting persons and/or supplies, as required, by members of the CCG and the support and advisory staff;
- Procure staff to assist, as required;
- Ensure that records are maintained of drivers and operators involved;
- Provide provision of engineering assistance;
- Provide construction, maintenance and repair of roads;
- Provide maintenance of sanitary sewage;
- Provide equipment for emergency pumping operations;
- Discontinue any public works service to any resident, as required, and restoring these services when appropriate;
- Ensure liaison with public utilities to disconnect any service representing a hazard and/or to arrange for the provision of alternate services or functions;
- Provide public works vehicles and equipment as required by any other emergency services;
- Ensure liaison with the conservation authority regarding flood control, conservation and environmental matters and being prepared to take preventative action;
- Coordinate with the Parks & Facilities Representative for the use of tools, machinery, or vehicles that may be required;
- Maintain a log outlining decisions made and actions taken, and submitting a summary of the log to the **Community Emergency Management Coordinator (CEMC) within two (2) weeks** of the termination of the emergency, as required;
- Participate in the debriefing following the emergency.



## 8. Director Development Services or Alternate

*(Areas of responsibility, Building Services, Planning Services,)*

The Director of Development Services is responsible for:

- Activate the emergency notification system, in consultation with the Fire Chief/CEMC, through the City of Windsor Fire Dispatch Centre or Everbridge System;
- Provide liaison, communication and support between the CEMC, CAO, Mayor and the Managers of services reporting to him/her;
- Provide Building & Planning services as required;
- Maintain a log outlining decisions made and actions taken, and submitting a summary of the log to the **Community Emergency Management Coordinator (CEMC) within two (2) weeks** of the termination of the emergency, as required;
- Participating in the debriefing following the emergency.

## 9. Director of Corporate Services or Alternate

*(Areas of responsibility: Finance, Information Technology, and Human Resources)*

The Director of Corporate Services/Treasurer is responsible for:

- Activate the emergency notification system, in consultation with the Fire Chief/CEMC, through the City of Windsor Fire Dispatch Centre or Everbridge System;
- Provide liaison, communication and support between the CEMC, CAO, Mayor and the Managers of services reporting to him/her;
- Provide information and advice on financial, technology and human resource matters as they relate to the emergency;
- Maintain a log outlining decisions made and actions taken, and submitting a summary of the log to the **Community Emergency Management Coordinator (CEMC) within two (2) weeks** of the termination of the emergency, as required;
- Participating in the debriefing following the emergency.

## 10. Municipal Clerk/Legislative Services or Alternate

Municipal Clerk is responsible for:

- Activate the emergency notification system, in consultation with the Fire Chief/CEMC, through the City of Windsor Fire Dispatch Centre or Everbridge System;
- Ensure that the Town of Amherstburg Tourism Coordinator will act as the **Emergency Information Officer's** Spokesperson during an emergency. The Emergency Information Officer is responsible for the creation and dissemination of news and information to the public and the media under the supervision of the C.A.O. A detailed Emergency Information Plan is included in Part O;
- Ensure a media centre is established in a designated location when required;
- Conduct Media Briefings and liaise with other Communications coordinating groups and agencies including 211;
- Provide the CCG with considerations of Legislation relative to the Corporation;
- Upon direction by the Mayor, Town Clerk's/council services will ensure that all councilors are advised of the declaration and termination of declaration of the emergency;
- Upon direction by the Mayor, Town Clerk's/council services will arrange special meetings of

Council, as required, and advising members of Council of the time, date, and location of the meetings;

- Maintain a log outlining decisions made and actions taken, and submitting a summary of the log to the **Community Emergency Management Coordinator (CEMC) within two (2) weeks** of the termination of the emergency, as required;
- Participate in the debriefing following the emergency;

#### **11. Manager of Information Technology/ Designated Corporate Telecommunications Coordinator or Alternate**

The Information Technology Manager is responsible for:

- Activate the emergency notification system, in consultation with the Fire Chief/CEMC, through the City of Windsor Fire Dispatch Centre or Everbridge system;
- Establish and maintaining redundant and secure, voice and data wireless communications links, using the Corporate Technology Infrastructure (CTI) within the EOC and all CCG members requiring such service;
- Fulfill the role of Corporate Telecommunications Coordinator or alternate, provide training and advice on any radio and other telecommunications matters;
- Participate in Developing and updating the Emergency Corporate Radio System (CRS) and Telecommunications Plan;
- Liaise with and provide direction to the Amateur Radio Emergency Radio (ARES) Telecommunications Coordinator;
- Assist the community control group by providing access to the corporate applications required for use during the emergency including but not limited to:
  - Email
  - Internet
  - Cable/Satellite Television Services
  - Virtual Tools
  - GIS
  - Facility and equipment data
  - Projection capability for any required information.
- Liaison and cooperation with the Emergency Telecommunications Coordinator if not designated;
- Coordinate telephone and data communications that may be required;
- Assist with acquiring any GIS mapping and services that may be used by the community control group;
- Maintain a log outlining decisions made and actions taken, and submitting a summary of the log to the **Community Emergency Management Coordinator (CEMC) within two (2) weeks** of the termination of the emergency, as required;
- Participating in the debriefing following the emergency.

## **12. Medical Officer of Health or Alternate**

*(Areas of Responsibility: Public Health)*

The Medical Officer of Health is responsible for:

- Act as a coordinating link for all emergency health services at the CCG;
- Provide liaison with the Ontario Ministry of Health and Long Term Care, Public Health Branch;
- Provide liaison with area hospital administrators if required;
- Depending on the nature of the emergency, assigning the Site Incident Commander and informing the CCG;
- Establish an ongoing redundant and secure, voice wireless communications link with the senior health official at the scene of the emergency;
- Provide liaison with the ambulance service representatives;
- Provide advice on any matters, which may adversely affect public health;
- Provide authoritative instructions on health and safety matters to the public through the Emergency Information Officer;
- Coordinate the response to disease related emergencies or anticipated emergencies such as epidemics, according to Ministry of Health and Long Term Care policies;
- Assist in the provision of coordination of care of bed-ridden citizens and invalids at home and in evacuation centers during an emergency;
- Provide liaison with voluntary and private agencies, as required, for augmenting and coordinating public health resources;
- Provide coordination of all efforts to prevent and control the spread of disease during an emergency;
- Notify the Water Division (OCWA) Representative regarding the need for potable water supplies and sanitation facilities;
- Provide liaison with Social Services Representative on areas of mutual concern regarding health services in reception/evacuation centres;
- Maintain a log outlining decisions made and actions taken, and submitting a summary of the log to the **Community Emergency Management Coordinator (CEMC) within two (2) weeks** of the termination of the emergency, as required;
- Participate in the debriefing following the emergency.

## **13. Social Services - Manager of Housing Support Services (City of Windsor) or Alternate**

*(Areas of Responsibility: Social Development, Ontario Works, Housing & Children's Services, Health and Long Term Care Facilities)*

The Social Services Representative is responsible for:

- Ensure the well-being of residents who have been displaced from their homes by arranging emergency lodging, clothing, feeding, registration and inquiries and personal services;
- Supervise the opening and operation of temporary and/or long-term Reception/Evacuation centres, and ensuring they are adequately staffed;
- Liaison with other CCG members as necessary, to create a plan to assist with selection, preparation, establishment and operation of reception/evacuation centre(s), which can be opened on short notice;

- Establish an ongoing redundant and secure, voice wireless communications link with the official at the scene of the emergency;
- Liaise with the Medical Officer of Health on areas of mutual concern regarding operations in reception/evacuation centres;
- When a facility has been selected to serve as an evacuation center that has previously been designated as a shelter site, will ensure that one or more representative of that facility have been contacted and are prepared to meet Town/City of Windsor Community Development and Health Services Staff (CDHS), and Community partner staff at site. Those representatives will be available to provide assistance with respect to maintenance, use and operation of facility throughout duration of emergency;
- Liaison with Red Cross in making arrangements for meals for evacuees, CDHS staff/Community Partners at the reception/evacuation centre(s) as required;
- Provide liaison with LTC Homes and Homes for the Aged and Nursing Homes as required;
- Make arrangements for meals for the staff/volunteers at the evacuation centres as required
- Maintain a log outlining decisions made and actions taken, and submitting a summary of the log to the **Community Emergency Management Coordinator (CEMC) within two (2) weeks** of the termination of the emergency, as required;
- Participate in the debriefing following the emergency.

#### 14. Emergency Medical Services (EMS) Representative or Alternate

The Emergency Medical Services Representative is responsible for:

- Activate the emergency notification system, in consultation with the Fire Chief/CEMC, through the Dispatch Centre City of Windsor Fire Dispatch Centre or Everbridge system
- Provide emergency medical services at the emergency site(s);
- Depending on the nature of the emergency, assigning the Site IC and informing the CCG;
- Establish an ongoing redundant and secure, voice wireless communications link with the senior EMS official at the scene of the emergency;
- Obtain EMS from other municipalities for support, if required;
- Provide triage at the site;
- Advise the CCG if other means of transportation is required for large scale response;
- Liaise with the Ministry of Health and Long Term Care Central Ambulance Communications Centre to ensure balanced emergency coverage is available at all times throughout the community;
- Provide liaison with the receiving hospitals;
- Provide liaison with the Medical Officer of Health, as required;
- Maintain a log outlining decisions made and actions taken, and submitting a summary of the log to the **Community Emergency Management Coordinator (CEMC) within two (2) weeks** of the termination of the emergency, as required;
- Participate in the debriefing following the emergency.

## 15. Utility Representatives – Electricity/ Water

OCWA/Essex Power/Hydro One Representatives is responsible for:

- Monitor the status of power outages and customers without water services;
- Provide updates on power outages, as required;
- Provide liaison with the public works representative;
- Establish an ongoing redundant and secure, voice wireless communications link with the senior official at the scene of the emergency;
- May provide assistance with accessing generators for essential services, or other temporary power measures;
- Maintain a log outlining decisions made and actions taken, and submitting a summary of the log to the **Community Emergency Management Coordinator (CEMC) within two (2) weeks** of the termination of the emergency, as required;
- Participate in the debriefing following the emergency.

## 16. Manager of Environmental Services/(OCWA)

Manager of Environmental Services/(OCWA) is responsible for:

- Provide maintenance of water systems;
- Provide liaison with the fire chief concerning emergency water supplies for firefighting purposes;
- Provide emergency potable water, supplies and sanitation facilities to the requirements of the Medical Officer of Health;
- Provide liaison with the public works representative;
- Discontinue any water services to any building, as required, and restoring the services when appropriate;
- Maintain a log outlining decisions made and actions taken, and submitting a summary of the log to the **Community Emergency Management Coordinator (CEMC) within two (2) weeks** of the termination of the emergency, as required;
- Participate in the debriefing following the emergency.

### ***B) Additional Support and Advisory Staff required to assist and fulfill alternate roles:***

The following staff may be required to provide support, logistics, relief and advice to the CCG:

#### **1. Executive Assistant to the CAO & Mayor**

The Executive Assistant to the CAO or Alternate will be responsible for:

- Coordination in assisting CAO and Mayor;
- Assist the CAO with liaison and coordination with the Emergency Information Coordinator and the Citizen Inquiry Supervisor (211 Manager/supervisor);
- Upon direction of Mayor and CAO, provide advice and contact support staff to assist in duties consistent with decisions of the Community Control Group;
- Perform Scribe duties for the CAO and Mayor including; maintaining a log outlining decisions made and actions taken, and submitting a summary of the log to the **Community**

**Emergency Management Coordinator (CEMC) within two (2) weeks** of the termination of the emergency, as required.

## **2. Chief Building Official**

The Chief Building Official will be responsible for:

- Coordinating building inspection personnel to advise emergency services and the Community Control Group on the structural safety of buildings;
- Issuing any required building/demolition permits to property owners during or following the emergency;
- Providing any other technical expertise to the Community Control Group regarding construction of buildings as required;
- Providing any required staff and equipment for assisting emergency responders at the emergency site or anywhere else in the municipality.

## **3. Treasurer or Alternate**

*(Areas of Responsibility: Finance, Purchasing, Asset Management)*

The Treasurer is responsible for:

- Providing oversight for the service areas reporting to him/her;
- Providing information and advice on financial, purchasing and asset management matters as they relate to policy & the emergency;
- Provide liaison, if necessary, with the Treasurers of neighboring communities;
- Ensure a process and policy is implemented for Emergency Procurement;
- Ensure that records of expenses are maintained for future claim purposes;
- Ensuring the prompt payment and settlement of all the legitimate invoices and claims incurred during an emergency;
- Maintaining a log outlining decisions made and actions taken, and submitting a summary of the log to the **Community Emergency Management Coordinator (CEMC) within two (2) weeks** of the termination of the emergency, as required.

## **4. Manager of Human Resources or Alternate**

The Manager of Human Resources or Alternate is responsible for:

- Coordinating and processing requests for human resources;
- Coordinating offers of, and appeals for, volunteers with the support of the CCG;
- Selecting the most appropriate site(s) for the registration of human resources;
- Ensuring records of human resources and administrative detail, that may involve financial liability, are completed;
- Ensuring that a Volunteer Registration Form is completed, when volunteers are involved and a copy of the form is retained for Town records;
- Ensuring identification cards are issued to volunteers and temporary employees, where practical;
- Arranging for transportation of human resources to and from site(s);
- Obtaining assistance, if necessary, from Human Resources Development Canada, as well as other government departments, public and private agencies and volunteer groups;

- Maintaining a log outlining decisions made and actions taken, and submitting a summary of the log to the **Community Emergency Management Coordinator (CEMC) within two (2) weeks** of the termination of the emergency, as required.

## **5. 211 Manager/Supervisor or Alternate**

The 211 Manager/Supervisor is responsible for:

- The dissemination of information to the public (as the Citizen Inquiry Supervisor) under the supervision of the C.A.O and in consultation with the emergency information officer;
- Ensuring timely and accurate information is available to the public in the interest of public safety;
- Will be notified to provide this support function at the CCG at the onset of the emergency.
- Adhere to the Emergency Information Plan included in Part O.

## **6. GIS Coordinator or Alternate**

The GIS Coordinator or Alternate is responsible for:

- Ensuring Geomatics services are available in the EOC for the CCG.

## **7. Manager of Roads and Fleet**

The Manager of Roads and Fleet is responsible for:

- Providing the CCG with information and advice on public works matters;
- Establishing an ongoing redundant and secure, voice wireless communications link with the senior public works official at the scene of the emergency;
- Provide liaison with the public works representative from the neighbouring community(s) to ensure a coordinated response;
- Provide traffic emergency routes and signalization is maintained in consultation with Police, Fire, and EMS;
- Provide emergency construction, maintenance and repair of Town roads;
- Discontinuing any public works service to any resident, as required, and restoring these services when appropriate;
- Ensuring liaison with the conservation authority regarding flood control, conservation and environmental matters and being prepared to take preventative action;
- Providing public works vehicles and equipment as required by any other emergency services;
- Coordinating the acquisition, distribution and scheduling of various modes of transport (i.e. public transit, school buses, trains, boats, trucks and airplanes) for the purpose of transporting persons and/or supplies, as required, by members of the CCG and the support and advisory staff.

## **8. Manager of Parks and Naturalized Areas**

The Manager of Parks and Naturalized Areas is responsible for:

- Ensuring liaison with public utilities to disconnect any service representing a hazard and/or to arrange for the provision of alternate services or functions;
- Coordinate with the Facilities Representative for the use of tools, machinery, or vehicles that may be required.

## **9. Manager of Environmental Services**

The Manager of Environmental Services is responsible for:

- Providing the CCG with information and advice on Environmental Services matters;
- Establishing an ongoing redundant and secure, voice wireless communications link with the Director of Engineering and Public Works and officials at the scene of the emergency;
- Provide liaison with the Utilities representative (Essex power, OCWA etc.) and from the neighboring community(s) to ensure a coordinated response;
- Provide maintenance of sanitary sewage;
- Providing equipment for emergency pumping operations;
- Ensuring liaison with the conservation authority regarding flood control, conservation and environmental matters and being prepared to take preventative action;
- Coordinate with Medical Officer of Health regarding Drinking Water issues in accordance with the Drinking Water Emergencies Plan Annex W;
- Providing equipment for emergency Potable Water operations.

## **10. Manager of Municipal Facilities**

The Manager of Municipal Facilities is responsible to:

- Coordinate with the recreation and social services Representatives to facilitate reception/evacuation centres;
- Provide advice to CCG and CEMC on suitable facilities and uses required by the management of the emergency.

## **11. Essex County Community Emergency Management Coordinator or Alternate**

The Essex County Community Emergency Management Coordinator will assist the CCG with the coordination of any County resources that may be required and to keep neighboring communities informed of essential information that may be relevant for their own preparedness and safety.

## **12. City of Detroit Homeland Security Director or Alternate**

The Homeland Security Director will assist the CCG with the coordination of any Detroit/Michigan resources that may be required and to keep the U.S. communities informed of essential information that may be relevant for their own preparedness and safety.



### **13. Greater Essex County District School Board, Windsor Essex Catholic District School Board**

The school boards, local community centres, and other facilities that have been identified are responsible for:

- Providing any school (as appropriate and available) for use as an evacuation or reception centre and a representative(s) to co-ordinate the maintenance, use and operation of the facilities being utilized as evacuation or reception centres;
- Provide liaison with the municipality as to protective actions to the schools (i.e., implementing school stay in place procedure and implementing the school evacuation procedure);
- Maintaining a log outlining decisions made and actions taken, and submitting a summary of the log to the **Community Emergency Management Coordinator (CEMC) within two (2) weeks** of the termination of the emergency, as required.

### **14. Hospital Administrators throughout the County and City of Windsor**

The Hospital Administrators are responsible for:

- Implementing the hospital emergency plan;
- Ensuring that all hospitals provide adequate site security;
- Provide liaison with the Medical Officer of Health and local ambulance representatives with respect to hospital and medical matters, as required;
- Evaluating requests for the provision of medical site teams/medical triage teams;
- Provide liaison with the Ministry of Health, Long Term Care, and Community Care Access Centre as appropriate.

### **15. Long-Term Care Administrators or Alternate**

- Will be required to assist with long-term care facilities.

### **16. Other Agencies**

In an emergency, many agencies may be required to work with the CCG. Others might include Ontario Provincial Police, the Office of the Fire Marshal and Emergency Management (OFMEM), industry, volunteer groups, conservation authorities, and provincial ministries.

Those who become involved may be required to maintain a log outlining decisions made and actions taken, and submitting a summary of the log to the **Community Emergency Management Coordinator (CEMC) within two (2) weeks** of the termination of the emergency, as required.

## **PART G: EMERGENCY CORPORATE RADIO SYSTEM (CRS) AND TELECOMMUNICATONS PLAN**

### **1.0 INTRODUCTION**

Upon implementation of the Emergency Response Plan, it will be important to ensure that communications are established between the emergency site(s) and the EOC. Also, communications may be required at various locations including evacuation/reception centres, hospitals, and other key responding agencies.

Past disasters in Canada and the US have demonstrated that cellular networks and other public systems and even the normal fixed telephone system, become rapidly overloaded and cannot be relied upon for critical communications between emergency management personnel. In addition, the public telephone network can be disrupted by the emergency itself.

In any major emergency the ability to effectively communicate between various emergency services and their Command Centers, relief organizations and evacuation facilities and with the Emergency Operations Center (EOC) becomes crucial. The most disaster resistant communications tool available to the Town is a Radio System which is designed to Public Safety standards.

In a major emergency, in addition to the normal users of the Corporate Radio System, a number of other entities will be using the radio system, either as a prime communications tool or as a backup in the event of a failure of the public telephone system or of email. In addition, it can be expected that the traffic of the Radio system from its normal users (such as, but not limited to, Police, Fire and ambulance) will increase significantly, as will the use of 9-1-1 and the 211 centre.

### **2.0 AIM**

The aim of this *Radio and Telecommunications Emergency Response Plan* is to provide both operational staff and administrative staff with a tool to help maximize the efficiency of communications in a major emergency.

### **3.0 EMERGENCY RADIO AND TELECOMMUNICATIONS MEASURES TO BE IN PLACE AT ALL TIMES**

In order to be able to meet the communications needs of a major emergency the following equipment in the quantities stated should be set aside by the designated Emergency Telecommunications Coordinator and the Town Service Provider (Kelcom) and be dedicated solely to major emergency use:

- Non mission critical radios for EOC participants 6
- Additional Fire mission critical radios 6
- Additional non mission critical radios for other Town of Amherstburg departments 10

- Headsets 6
- Additional radio batteries 22
- Additional radio battery chargers 22

All of the above Corporate radio system equipment shall be checked for full serviceability by the Emergency Telecommunications Coordinator and the service provider on at least a monthly basis, including checking that the appropriate current channels and talk groups are programmed. The amateur emergency radio station should be similarly checked by the Amateur Radio Emergency Radio (ARES) Telecommunications Coordinator.

Plans are to be made for the rapid distribution of all emergency radio equipment. This plan should include brief operating instructions and the emergency radio channels to be used by each group.

Plans are to be made for the rapid cooperation on radio matters with adjacent jurisdictions including Detroit and Michigan and with the RCMP and OPP and The City of Windsor. This plan should include brief operating instructions and the emergency radio channels to be used by each group.

The Emergency Telecommunications Coordinator shall inform all users and potential users on a quarterly basis of the availability of this dedicated emergency radio equipment. Concurrently, the radio distribution plan should be circulated. Emergency communications training exercises and major event participants may use this equipment. Any weakness or discrepancies in the emergency radio equipment thus identified will then be corrected.

#### **4.0 EMERGENCY RADIO AND TELECOMMUNICATIONS MEASURES TO BE TAKEN WHEN AN EMERGENCY EXISTS BUT HAS NOT YET BEEN DECLARED**

The Emergency Telecommunications Coordinator shall inform the service provider and all users and potential users that an Emergency could be declared in the immediate future and will circulate the distribution plan and user instructions by e-mail. All emergency radio equipment will be put on charge. All accessories shall be checked.

#### **5.0 EMERGENCY PLAN FOR THE CORPORATE RADIO SYSTEM AND FOR TELECOMMUNICATIONS**

Upon implementation of the Emergency Response Plan, it will be important to ensure that communications are established between the emergency site(s) and the EOC. Also, communications may be required at various locations including evacuation centres, hospitals, and other key responding agencies. The radio communications responsibilities of the Community Control Group are given below.

Members of the CCG will gather at regular intervals during the emergency to inform each other of actions taken and problems encountered. Meetings will be kept as brief as possible and may be by electronic conferencing when appropriate.

## **6.0 EMERGENCY TELECOMMUNICATIONS COORDINATOR**

The Manager of Information Technology or Alternate as the designated Emergency Telecommunications Coordinator has the prime responsibility for emergency radio telecommunications during a declared emergency, with the assistance of the Amateur Radio & Emergency Radio Telecommunications Coordinator.

Other specific responsibilities are:

- Establish and maintain appropriate voice communications links, using the Corporate Radio System (CRS) infrastructure with the EOC and all CCG members requiring such service;
- Issue and maintain CRS radios to all CCG members requiring them;
- Establish appropriate radio interoperability with all relevant adjacent municipalities and with other Emergency services, making use of the interoperability plan;
- Ensure that the radios issued have the appropriate talk groups;
- In conjunction with the alternate, providing training and advice on any radio and other telecommunications matters;
- Update the Emergency CRS and Telecommunications Plan;
- Liaise with and direction to the Amateur Radio Emergency Radio (ARES) Telecommunications Coordinator.

The Emergency Telecommunications Coordinator is part of the initial Emergency Notification Procedure who in turn will call upon his contacts for further communications support, as required.

The Emergency Telecommunications Office is located in the EOC. It should be equipped with portable hand radios, battery back-up, two-way radio with the necessary channels to communicate with Police, Fire, EMS and the Ontario Fire Marshal. Communications between the EOC and the other responding agencies, if necessary will be with this assistance.

## **7.0 INDIVIDUAL COMMUNICATIONS RESPONSIBILITIES OF THE OTHER MEMBERS OF THE COMMUNITY CONTROL GROUP:**

### **CHIEF ADMINISTRATIVE OFFICER OR ALTERNATE**

The Chief Administrative Officer for the Town of Amherstburg is responsible for:

- Ensuring that voice (and where appropriate data) wireless communication links are established between the CCG, with the resources and policies established.

### **POLICE CHIEF OR ALTERNATE**

The Police Chief is responsible for:

- Activating the emergency notification system, in consultation with the Fire Chief.
- Establishing a site command post with voice (and where appropriate data) wireless communications to the EOC;
- Establishing an ongoing voice (and where appropriate data) wireless communications link with the senior police official at the scene of the emergency consistent with the resources and policies established by the Emergency Telecommunications Coordinator.

## **FIRE CHIEF OR ALTERNATE**

The Fire Chief is responsible for:

- Activating the emergency notification system;
- Establishing a site command post with appropriate ongoing voice,(and data if required) wireless communications with the EOC using the plan developed and distributed by the Emergency Telecommunications Coordinator;
- Establishing an ongoing voice (and where appropriate data) wireless mobile communications link with the senior officials' command vehicles consistent with the resources and policies established by the Emergency Telecommunications Coordinator.

## **COMMUNITY EMERGENCY MANAGEMENT COORDINATOR OR ALTERNATE**

The Community Emergency Management Coordinator (CEMC) is responsible for:

- Ensuring that all members of the CCG have necessary plans, resources, supplies, maps, radios and equipment;
- Supervising the Emergency Telecommunications Coordinator or alternate;
- Establishing an ongoing voice (and where appropriate data) wireless communications link with the senior police official at the scene of the emergency, consistent with the resources and policies established.

## **EMERGENCY MEDICAL SERVICES REPRESENTATIVE OR ALTERNATE**

The Emergency Medical Services (EMS) Representative is responsible for:

- Establishing an ongoing appropriate voice wireless communications link, with the senior EMS official at the scene of the emergency consistent with the resources and policies established by the Emergency Telecommunications Coordinator.
- Liaising with the Ministry of Health and Long Term Care Central Ambulance Communications Centre to ensure balanced emergency coverage is available at all times throughout the community.

## **8.0 COMMON COMMUNICATIONS RESPONSIBILITIES OF THE REMAINING MEMBERS OF THE COMMUNITY CONTROL GROUP:**

- All of the following members of the Community Control Group: are responsible for establishing an ongoing appropriate voice wireless communications link, consistent with the resources and policies established by the Emergency Telecommunications Coordinator, with the senior official of their own organization at the scene of the emergency.

**Director of Engineering and Infrastructure Services or Alternate**

**Director of Parks, Facilities, Recreation and Culture or Alternate**

**Medical Officer of Health or Alternate**

**Community Development & Health Commissioner (Social Services) or Alternate**

**Director of Development Services or Alternate**

**Utility Representative – OCWA/Essex Power/ Hydro One**

**Manager of Roads and Fleet or Alternate**

## **9.0 INDIVIDUAL COMMUNICATIONS RESPONSIBILITIES OF MEMBERS OF THE SUPPORT AND ADVISORY STAFF**

### **MANAGER OF INFORMATION TECHNOLOGY/CORPORATE COMMUNICATIONS COORDINATOR OR ALTERNATE**

Assisting the Community Control Group by providing access to the corporate IT applications required for use during the emergency including but not necessarily limited to:

- Email
  - Internet
  - Cable/Satellite Television Services
  - Virtual Tools
  - GIS
  - Facility and equipment data
  - Projection capability for any required information.
- Liaison and cooperation with the Emergency Telecommunications Coordinator;
  - Initiating all necessary actions to ensure the telephone system at the EOC or alternate EOC (if in use) functions as effectively as the event permits;
  - Coordinating all telephone and data communications that may be required.

### **AMATEUR RADIO EMERGENCY RADIO (ARES) TELECOMMUNICATIONS COORDINATOR**

- Activating the emergency notification system of the local amateur radio operators group;
- Ensuring that the ARES emergency communications facilities are properly equipped and staffed and that any problems, which may arise, are corrected;
- Liaison and cooperation with the Emergency Telecommunications Coordinator;
- Maintaining an inventory of community and private sector ARES communications equipment and facilities within the community, which could, in an emergency, be used to augment existing communications systems;
- Making arrangements to acquire additional ARES communications resources during an emergency;
- Establishing an ongoing voice (and where appropriate data) wireless communications link with the senior official at the scene of the emergency, consistent with the resources and policies established by the Emergency Telecommunications Coordinator;
- All messages are to be written on the Amateur Radio Message Forms and logged.

## **EMERGENCY INFORMATION OFFICER**

- Establishing a communication link with the Community Spokesperson, the 211 centre Manager/Supervisor and any other media coordinator(s) (i.e. provincial, federal, private industry, etc.) involved in the incident, ensuring that all information released to the media and public is timely, full and accurate.

## **COMMUNITY SPOKESPERSONS**

- Establishing a communication link and regular liaison with the Emergency Information Officer at the EOC, consistent with the Emergency Telecommunications plan.

## **CITIZEN INQUIRY SUPERVISOR (211 Centre Manager/Supervisor)**

The Citizen Inquiry Supervisor is responsible for:

- Establishing the 211 Call Centre as the Citizen Inquiry Service, including the appointment of additional personnel as required;
- Informing the Emergency Information Officer of the establishment of the Citizen Inquiry Service at the 211 Call Centre;
- Informing the affected emergency services, the CCG and Town of Amherstburg reception of the establishment of the Citizen Inquiry Service at the 211 Call Centre;
- Ensuring liaison with the Emergency Information Officer to obtain current information on the emergency.

## **PART H: EMERGENCY INFORMATION PLAN**

Upon implementation of this Emergency Response Plan, it will be important to co-ordinate the release of accurate information to the news media, issue authoritative instructions to the public, and respond to or redirect individual requests for, or reports on, information concerning any aspect of the emergency.

In order to fulfill these functions during an emergency, the following positions will be established:

- Emergency Information Officer
- Community Spokesperson
- Citizen Inquiry Supervisor (211 Centre Manager/Supervisor)

During the first 12 hours of an emergency, the following positions may also be required:

- Emergency Information Coordinator
- Media Centre Coordinator
- Writer
- Public Mass Notification Officer

The local Emergency Information Centre (EIC) will be located in the Municipal Emergency Operations Centre (EOC) with a media briefing facility to be located at Libro Credit Union Centre, 3295 Meloche Road, Amherstburg, ON. Depending on the nature of the emergency, it may be necessary to establish a media information area adjacent to the emergency site, as

decided by the Community Control Group. This area, if established, will be staffed as determined by the community spokesperson. It may be determined that Virtual Tools are a useful alternative.

The Citizen Inquiry Centre is to be located at the 211 Call Centre if possible and practical under the supervision of the Citizen Inquiry Supervisor.

Note: 211 provides non-emergency community, social, health and federal, provincial and municipal government service information for residents in Southwest Ontario including Windsor-Essex, Sarnia-Lambton, Chatham-Kent, London-Middlesex, Elgin County, Oxford County.

## **1. Emergency Information Officer**

The Emergency Information Officer reports to the CAO and is responsible for:

- Establishing a communication link with the Community Spokesperson, the Citizen Inquiry Supervisor and any other media coordinator(s) (i.e. provincial, federal, private industry, etc.) involved in the incident, ensuring that all information released to the media and public is timely, full and accurate;
- Ensuring that a EIC is established, (physical or virtual) and a site EIC, if required;
- Ensuring liaison with the CCG to obtain up-to-date information for media releases, coordinate individual interviews and organize press conferences;
- Ensuring that the following are advised of the establishment of the Citizen Inquiry Centre through 211:
  - Media;
  - Community Control Group;
  - Reception desk (Town Hall);
  - Community Spokesperson;
  - Police/Fire Public Information Officers;
  - Neighboring Communities;
  - Media contact at the Reception/Evacuation Centres;
  - Any other appropriate persons, agencies or businesses.
- Providing direction and regular updates to the Citizen Inquiry Supervisor to ensure that the most accurate and up-to-date information is disseminated to the public;
- Ensuring that the media releases are approved by the Chief Administrative Officer (in consultation with the Mayor) prior to dissemination, and distributing hard copies of the media release to the EIC, the CCG, Citizen Inquiry Supervisor and other key persons handling inquiries from the media;
- Maintaining copies of media releases and newspaper articles pertaining to the emergency in cooperation with the E.O.C. logistical staff.

## **2. Community Spokespersons**

The community spokesperson will be The Mayor unless an alternate is appointed by the Community Control Group and is responsible for:

- Giving interviews on behalf of the Town of Amherstburg with the assistance of the EIO.
- Establishing a communication link and regular liaison with the Emergency Information Officer at the EOC;



- Redirecting all inquiries about decisions made by the CCG and about the emergency as a whole;
- Coordinating media photograph sessions at the scene when necessary and appropriate;
- Coordinating on-scene interviews between the emergency services personnel and the media if practical and appropriate.

### 3. Citizen Inquiry Supervisor (211 Centre Manager/Supervisor)

The Citizen Inquiry Supervisor is responsible for:

- Establishing the 211 Call Centre as the Citizen Inquiry Service, including the appointment of additional personnel as required;
- Informing the Emergency Information Officer of the establishment of the Citizen Inquiry Service at the 211 Call Centre and any additional designated telephone number(s);
- Informing the affected emergency services, the CCG and Town of Amherstburg reception desk of the establishment of the Citizen Inquiry Service at the 211 Call Centre;
- Ensuring liaison with the Emergency Information Officer to obtain current information on the emergency;
- Responding to, and re-directing inquires and reports from the public based upon information from the Emergency Information Officer. (Such information may be related to school closings, access routes or the location of evacuation centers.);
- Responding to and redirecting inquiries pertaining to the investigation of the emergency, deaths, injuries or matters of personnel involved with or affected by the emergency to the appropriate emergency service;
- Responding to and redirecting inquiries pertaining to persons who may be located in evacuation and reception centers to the registration and inquiry telephone number(s);
- Procuring staff to assist, as required;
- Maintaining a log outlining decisions made and actions taken, and submitting a summary of the log to the **Community Emergency Management Coordinator (CEMC) within two (2) weeks** of the termination of the emergency, as required.

## Part I COMMUNITY EMERGENCY MANAGEMENT PROGRAM COMMITTEE (CEMPC)

### O. Reg. 380/04 - Section 11

- (1) *Every community shall have an emergency management program committee. O. Reg. 380/04, s. 11 (1).*
- (2) *The committee shall be composed of,*
  - a) *the municipality's emergency management program coordinator;*
  - b) *a senior municipal official appointed by the council;*
  - c) *such members of the council, as may be appointed by the council;*
  - d) *such municipal employees who are responsible for emergency management functions, as may be appointed by the council; and*
  - e) *such other persons as may be appointed by the council. O. Reg. 380/04, s. 11 (2).*
- (3) *The persons appointed under clause (2) (e) may only be,*
  - a) *officials or employees of any level of government who are involved in emergency management;*

- (b) *Representatives of organizations outside government who are involved in emergency management; or persons representing industries that may be involved in emergency management. O. Reg. 380/04, s. 11 (3).*
- (4) *The council shall appoint one of the members of the committee to be the chair of the committee. O. Reg. 380/04, s. 11 (4).*
- (5) *The committee shall advise the council on the development and implementation of the municipality's emergency management program. O. Reg. 380/04, s. 11 (5).*
- (6) *The committee shall conduct an annual review of the municipality's emergency management program and shall make recommendations to the council for its revision if necessary. O. Reg. 380/04, s. 11 (6).*

## **Context**

Every municipality must form a committee responsible for overseeing the development and implementation of its emergency management program. The committee's membership is somewhat defined within the EMCPA; however, in addition to the individuals required to be part of the committee under the legislation, the municipality is free to include whomever else it wishes. It is not required that all committee members be municipal employees.

## **Committee Membership**

The Town of Amherstburg municipal emergency management program committee is a key organizational step toward making the emergency management process more effective. To reach its full potential, the committee represents the various organizations that have, or should have, a role in implementing and maintaining the municipal emergency management Plan and Program.

## **Roles and Responsibilities**

The municipal emergency management program committee's legislative responsibility is to oversee the development, implementation, and maintenance of the municipal emergency management program, including the municipal emergency response plan, public education program, training, and exercises. The committee is also accountable for the annual review of the municipality's emergency management program.

To achieve consistency with recommended practice, the committee also reviews and evaluates municipal activities, such as exercises, actual emergencies, and provides support and resources to the CEMC, based on the current goals and objectives of the emergency management program. Annually the committee conducts a review of the whole program, including goals and objectives, and make revisions as necessary for the upcoming year. If it is determined that changes are indeed required, then the committee is responsible for making recommendations for program changes or enhancements to Municipal council.

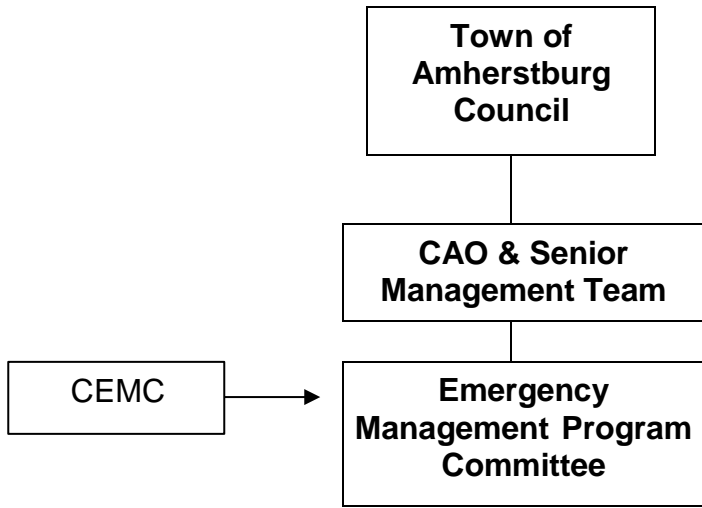
## **During an Emergency**

Although in general the municipal emergency management program committee does not play a formal role during emergencies, some of the program committee members are also members of the Community Control Group (CCG). Therefore, these members play a more official role in the municipality during an emergency, while other members of the program committee may be called upon for support if needed.

**The CEMPC is comprised of:**

- **\*\* Chairperson\*\*** - Municipal Clerk/Risk Manager
- Community Emergency Management Coordinator
- Medical Officer of Health
- Chief of Police
- Fire Chief or Alternate
- Treasurer
- Manager of Facilities
- Essex-Windsor EMS Chief
- Chief Building Official
- Electrical/Water Utility Representatives (OCWA/Essex Power/Hydro One) or Alternates
- Manager of Tourism and Culture
- Ontario Provincial Police Representative
- Manager of Human Resources
- Manager of Recreation
- Manager of Licensing and Enforcement
- Information Technology Manager or Alternate
- Manager of Parks
- Manager of Roads and Fleet
- Manager of Environmental Services
- Manager of Planning
- Manager of Engineering
- Social Services- Manager of Housing Support Services
- Manager/Supervisor- 211 Centre

Below is the flow chart to illustrate the EMPC legislated reporting relationship to municipal council. Recommendations made by the Emergency Management Program Committee are reviewed by the CAO & Senior Management Team.



# ANNEX N



## **AMHERSTBURG NUCLEAR EMERGENCY RESPONSE PLAN (ANERP)**

June 2022

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# NUCLEAR EMERGENCY

## Chapter 1 - General

### 1.1 Introduction

The overall response by Provincial and Municipal Organizations to a nuclear emergency originating from/at the DTE Fermi 2 Nuclear Power Plant (Fermi 2) site, is described in three provincial documents:

1. Provincial Nuclear Emergency Response Plan - PNERP Master Plan
2. Provincial Nuclear Emergency Response Plan - Implementing Plan for Fermi 2 Nuclear Power Plant (Dec.2021)
3. Provincial Nuclear Emergency Response Plan – Other Radiological Emergencies

These plans describe the overall emergency organization and response by Provincial organizations, and the response of the Town of Amherstburg.

The Provincial Master Plan (Annex I, Appendix 15, 2) requires that plans and procedures be prepared by the Municipality near the Fermi site, to deal with a nuclear emergency, and that these Municipal plans conform to the Provincial plans.

It is important to note that in a nuclear emergency, the Province of Ontario is responsible for overall direction and control of off-site actions. (Refer to section 1.13 of the Master Plan)

On September 12, 2016, Council supported amendments to the Town of Amherstburg's primary zone from 23km to 16km, as well as additional amendments in the PNERP Master Plan for a more equitable emergency response in the event of a Fermi 2 Nuclear Emergency. The proposed amendments to the PNERP Master Plan were approved by Cabinet in December of 2017, this plan has been revised to ensure conformity with the 2017 PNERP Master Plan and 2021 Implementing Plan for Fermi 2.

This plan describes the Municipal organization, which is established in response to a nuclear emergency at the Fermi II site, and how the Municipality will implement the directives of the Provincial organization, and support the overall Provincial emergency response.

### 1.2 Definition of “Municipality”

Designated Municipality: A municipality in the vicinity of a nuclear facility which has been designated under the Emergency Management and Civil Protection Act, as one that shall have a nuclear emergency plan.

Within the context of this plan, the following entities will have roles and responsibilities in the event of a Fermi II nuclear emergency of:

- (a) The elected officials and staff of the Town of Amherstburg,
- (b) Local emergency services organizations, i.e. Police, Fire and Emergency Medical Services (EMS),

- (c) County Governments and staff, including Roads Department and City of Windsor Community Development and Health Commissioner,
- (d) Adjoining Municipalities,
- (e) The Windsor Essex County Health Unit and local hospitals,
- (f) Greater Essex County District School Board and the Windsor Essex Catholic District School Board,
- (g) Local volunteer organizations and service clubs, including Red Cross and St. John Ambulance and,
- (h) Local businesses and recreational facilities.

### **1.3 Scope**

The Municipal Nuclear Emergency Plan - Annex N describes what actions will be taken by the Municipality to respond to a nuclear emergency originating from the Fermi site that creates off-site impact. How this is accomplished is described in the plans and procedures of the various organizations and Departments comprising the Municipality.

### **1.4 Host Municipality**

Host Municipality Definition: The municipality assigned responsibility in the Provincial Nuclear Emergency Response Plan for the reception and care of people evacuated from their homes in a nuclear emergency (PNERP Master Plan ANNEX K Nuclear and Radiological Glossary Sec. 3.3 of Dec. 2021 Implementing plan for Fermi II).

The Provincial Nuclear Emergency Response Plan designates municipalities to act as a Host Municipality in the event of a nuclear emergency. Host municipalities will have plans for the reception and accommodation of evacuees, and for coordination of monitoring and decontamination arrangements. The designated Host Municipalities for Amherstburg during a nuclear emergency are the City of Windsor and the Town of Essex.

Activation of the City of Windsor and Town of Essex Nuclear plan is achieved through a formal notification system from the Provincial Emergency Operations Centre (PEOC) to the designated municipality and the host municipalities.

The Town of Essex and the City of Windsor are designated host municipalities with respect to Fermi 2 (PNERP Master Plan, Annex A).

In this document the terms “municipal” and “municipality” shall include, unless the context indicates otherwise, the designated municipality, as well as the local police services and local boards whose area of operation includes the area covered by the municipal plans. PNERP Implementing Plan for Fermi 2 Nuclear Power Plant Page 2 of 79

Pursuant to Section 3(4) of the EMCPA, as designated municipalities, the Town of Amherstburg, Town of Essex and the City of Windsor shall formulate plans to mitigate the off-site consequences of nuclear emergencies at Fermi 2. e) Where applicable, these plans shall also contain arrangements for the provision of services and assistance by municipal departments, local police services, fire services, paramedic services, hospitals and local boards.

Town of Essex

The centers are located at:

Initial Decontamination, Reception, and Accommodations Facility

Essex Fire and Rescue – Station 2

3575 North Malden Road

Essex, ON

This facility has an occupant load of 150 occupants, space is with non fixed seating and tables

Overflow Accommodations Facility

Essex Centre Sports Complex

60 Fairview Avenue West,

Essex, ON

City of Windsor.Reception, and Accommodations Facility

WFCU Centre

8787 McHugh Street,

Windsor, ON

Activation of the Town of Essex Nuclear plan is achieved through a formal notification system from OFMEM Duty Officer to the designated municipalities and the host municipalities.

The City of Windsor Fire Dispatch Service is the designated 24-hour on call for the alert and activation of the Town of Essex Nuclear Plan.

County of Essex;

Identified in the County of Essex 2021 ERP, the County will assist a Municipality within the county of Essex when requested. **Essex-Windsor Emergency Medical Services (EWEMS)**, would assist, with dispatching DC's and Paramedic resources to the identified Emergency Worker Centre or where required.

Likewise if the UTCC, Municipality of Amherstburg and its Roads Department , along with Windsor Police Services, OPP and/or MTO requested assistance from our Infrastructure Department specifically "Roads", or other resources to assist there would be an assist made.

# Chapter 2 - Planning Basis

## 2.1 Introduction

The Provincial Nuclear Emergency Response Plan - Implementing Plan for Fermi 2 Nuclear Power Plant describes the various reactor accident scenarios which form the basis for emergency plans and procedures. The extent of the emergency and the resultant off-site effects, prescribe the emergency response and organization required to deal with these scenarios.

The various accident scenarios involving the actual or potential release of airborne radioactive material to the environment are categorized in four groups in ascending order of severity. A fifth category - liquid emissions is a waterborne release from nuclear facility (see Table 4.1 Fermi Implementing plan).

## 2.2 Emergency Classification System And Initial Provincial/ Municipal Response

### 2.2.1 Notification Categories

The four emergency notification categories with actual or potential for airborne releases, in ascending order of severity, are listed as follows:

1. Unusual Event: A situation is in progress or already completed which could potentially degrade the plant's level of safety or indicate a security threat to the facility. No releases of radioactive material requiring offsite actions are expected unless safety systems degrade further.

Provincial and municipal duty staff will monitor the situation. [Routine Monitoring]

2. Alert: Events are in progress or have occurred which have (or could) substantially degrade the plant safety; or, a security event that could threaten site personnel or damage to site equipment is in progress. Any offsite releases of radioactive material that could occur are expected to be minimal and far below limits established by the Environmental Protection Agency's (EPA) [protective action guides \(PAGs\)](#).

Provincial/municipal emergency response staff will normally monitor the situation from their operations centres. Other provincial and municipal staff is notified to remain available to report for duty. [Enhanced Monitoring]

3. Site Area Emergency: Events are in progress or have occurred which have caused (or likely will cause) major failures of plant functions that protect the public, or involve security events with intentional damage or malicious acts that could lead to the likely failure of (or prevent effective access to) equipment needed to protect the public. Any offsite releases of radioactive material are expected to remain below EPA PAG exposure levels beyond the site boundary.

Response plans are either partially or fully activated, depending on the absence/ presence of an ongoing or imminent emission. Provincial and Municipal emergency operation

centres are fully staffed. Municipal centres are set up and staffed as required. EIC and UTCC are set up and staffed to begin operation. [Partial Activation/Full Activation]

4. General Emergency: Events are in progress or have occurred which: a) have caused (or shortly will cause) substantial reactor core damage, with the potential for uncontrolled releases of radioactive material; or, b) involve security events that deny plant staff physical control of the facility. Offsite releases can be reasonably expected to exceed EPA PAG exposure levels beyond the plant site.

Response plans and organizations are fully activated and, if necessary, appropriate protective measures are taken. [Full Activation]

## 2.2.2 Liquid Emissions

### 2.2.2.1 General

- a) A liquid emission results from a release of *radioisotopes* to a water supply source such as a lake, river, groundwater, etc.
- b) The *response* to a liquid emission will depend on:
  - i. whether it is occurring in conjunction with an airborne emission
  - ii. the source of the liquid emission
- c) The following guidance *should* be used in determining the *response* mechanism to be followed in the event of a liquid emission:
  - i. Where a liquid emission has occurred at a *reactor facility* and has not occurred in conjunction with an event that meets the *notification* category system as detailed in the Implementing Plans (Pickering, Darlington, Bruce Power, CRL), it *shall* be dealt with under the Liquid Emission Response Procedure for the applicable *reactor facility*.
  - ii. Where a liquid emission has occurred at a *reactor facility* in conjunction with an event that meets the *notification* category system as detailed in the Implementing Plans (Pickering, Darlington, Bruce Power, CRL), it *shall* be dealt with under the applicable PNERP Implementing Plan.
  - iii. The Other Radiological Emergencies Implementing Plan to the PNERP *shall* be applied in the event of Liquid Emissions occurring as a result of:
    - *accidents* or occurrences at *nuclear establishments*
    - *accidents* or occurrences during the transportation of *radioactive material*
    - *Radiological Dispersal Devices (RDD)/Radiological Exposure Devices (REDs)*
    - *Radiological Device (RD)*
    - lost/stolen/orphan sources
    - satellite re-entry
    - nuclear weapon detonation

#### 2.2.2.2 Responsibility

- a) The Provincial Liquid Emission Response Plan (PLERP) *shall* be developed and maintained by the Office of the Fire Marshal and Emergency Management (OFMEM) for each of the *reactor facilities* described under **2.2.2.1c**.
- b) Ministry of the Environment and Climate Change legislation for spills and other discharges to the environment, including Part X of the *Environmental Protection Act*, the *Ontario Water Resources Act* and the *Safe Drinking Water Act, 2002*, *shall* support the provincial *response* under the PLERP.

### 2.3 Emergency Planning Zones

#### 2.3.1 Detailed Planning Zone (Figure 2.1)

The DPZ is a pre-designated area surrounding a reactor facility where pre-planned protective actions are implemented as needed on the basis of reactor facility conditions, dose modelling, and environmental monitoring, with the aim of preventing or reducing the occurrence of stochastic effects.

The Fermi 2 DPZ is the area immediately surrounding the reactor facility extending out to an approximate radius of 16 kilometres (10 miles) which is consistent with the United States Nuclear Regulatory Commission (U.S. NRC) regulation for U.S. reactor facilities' plume exposure pathway emergency planning zones.

Although outside the 16km DPZ distance, Bois Blanc Island (commonly referred to as Boblo Island) has been included as a sector of the DPZ due to practical and logistical issues associated with an island evacuation. As such, in the event of an initial nuclear emergency notification from Fermi 2 resulting in the evacuation of the 16 km sector, a precautionary evacuation of Bois Blanc (Boblo) Island should also be directed. However, as the emergency progresses and when time is available to undertake an assessment, the need for a Bois Blanc (Boblo) Island evacuation will be determined through consultation with applicable stakeholders, including the designated municipality.

The Detailed Planning Zone for Fermi is shown in Figure 2.1. It includes an area within the Town of Amherstburg.

#### 2.3.2 Contingency Planning Zone (CPZ)

The CPZ is a pre-designated area surrounding a reactor facility, beyond the DPZ (see **2.3.1** above), where contingency planning and arrangements are made in advance, so that during a nuclear emergency, protective actions can be extended beyond the DPZ as required to reduce potential for exposure.

The Contingency Planning Zone encompasses areas of the County of Essex within a 16-32 km radius of the Fermi Site. The Contingency Planning Zone is shown in Figure 2.1 (and includes the Detailed and Contingency Planning Zones).

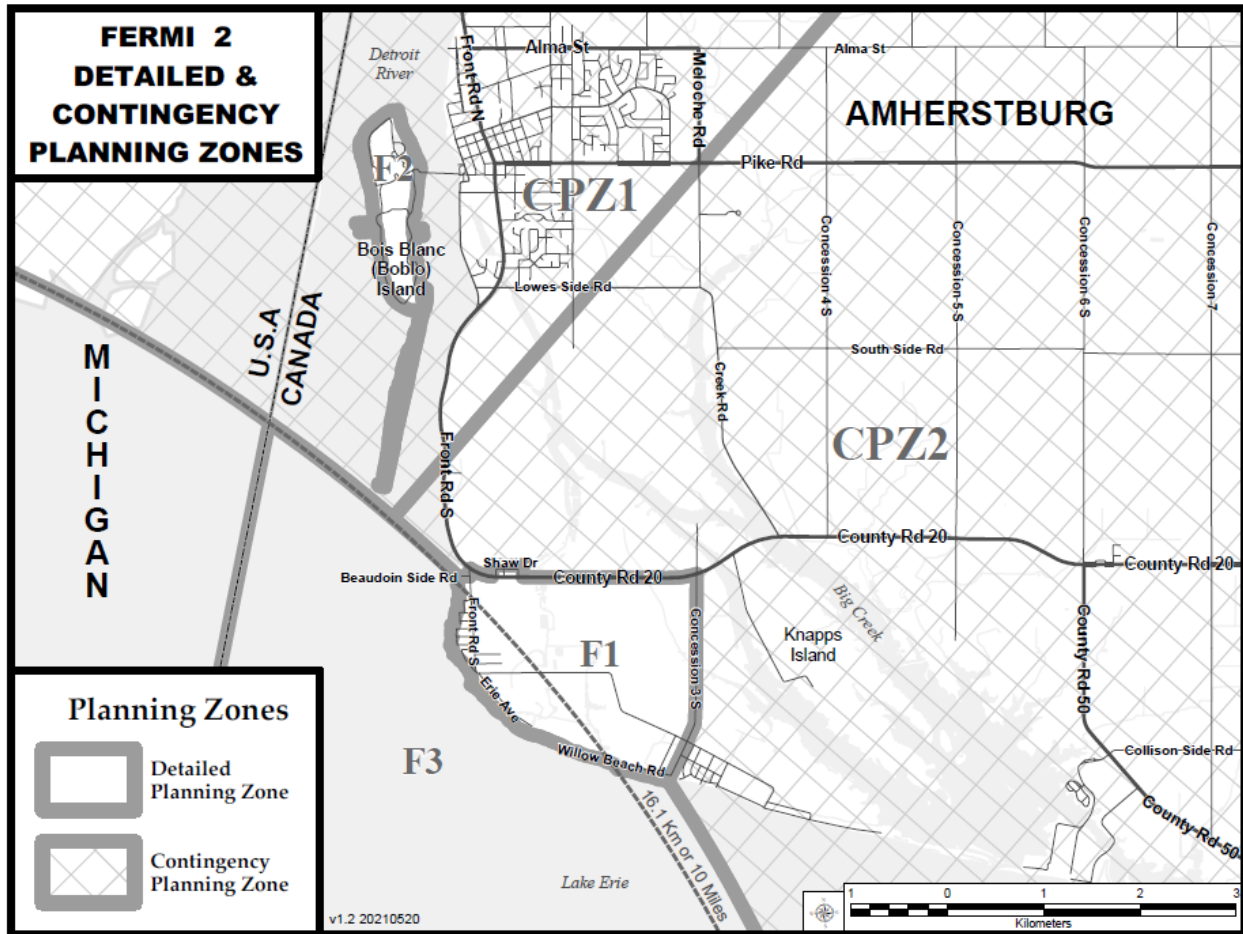
The Contingency Planning Zone is the area within which it is necessary to plan and prepare for taking Ingestion Control Measures, based on the monitoring of the food chain for contamination.

### Figure 2.1: Detailed and Contingency Planning Zones

The Detailed Planning Zone for Fermi is divided into 3 Response Sectors:

Town of Amherstburg Area	Sector F1
Bois Blanc (Boblo) Island	Sector F2
Lake Sector	Sector F3

\*The boundaries of the Response Sectors are shown below in Figure 2.1



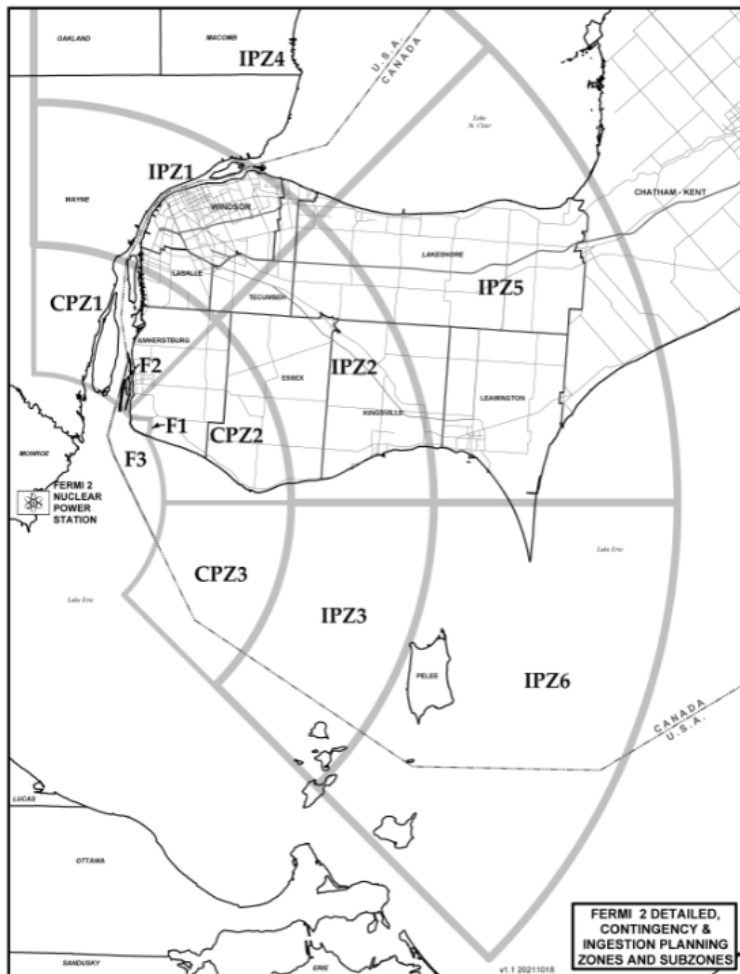
### 2.3.3 Ingestion Planning Zone (IPZ)

This Fermi 2 IPZ (see Figure 2.2) is the area immediately surrounding the reactor facility extending out to an approximate radius of 80 kilometres (50 miles) which is consistent with the United States Nuclear Regulatory Commission (U.S. NRC) regulation for U.S. reactor facilities' ingestion exposure pathway emergency planning zones. Provincial plans and arrangements are undertaken for this area in order to:

- Protect the food chain
- Protect drinking water supplies
- Restrict consumption and distribution of potentially contaminated produce, wild-grown products, milk from grazing animals, rainwater, animal feed  
Note: Wild-grown products can include mushrooms and game.
- Restrict distribution of non-food commodities until further assessments are performed

The Fermi 2 IPZ encompasses Essex County, the City of Windsor, and an area of Chatham-Kent lying within an 80 km radius of Fermi 2. The IPZ includes the DPZ and CPZ. **Figure 2.2** also shows the sub-zones of the IPZ.

**Figure 2.2: Ingestion Planning Zone**





**Figure 2.3: 10 Mile Emergency Planning Zone and Protective Action Areas for Fermi 2 Nuclear Power Plant, Michigan, USA**



**Figure 2.4: Response Sector Boundaries**

**(Reference: PNERP Implementing Plan for Fermi 2 NPP Section 2.4.2)**

SECTOR	MUNICIPALITY	SECTOR BOUNDARY (north; east; south; west)
F1	Town of Amherstburg	<ol style="list-style-type: none"> <li>1 South of Shaw Drive and south of County Road 20 from Front Road S. to Concession 3 S;</li> <li>2 West of Concession 3 S. from County Road 20 to Willow Beach Road;</li> <li>3 North and East Lake Erie Shoreline from County Road 20 along Front Road S., Erie Avenue and Willow Beach Road.</li> </ol>
F2	Bois Blanc (Boblo) Island	Entire island
F3	Detroit River/Lake Erie	Detroit River south of Bois Blanc (Boblo) Island; Essex County shoreline; a line drawn at 2150 from the east end of Sector F1 to the international boundary.

# Chapter 3 - Concept of Operation

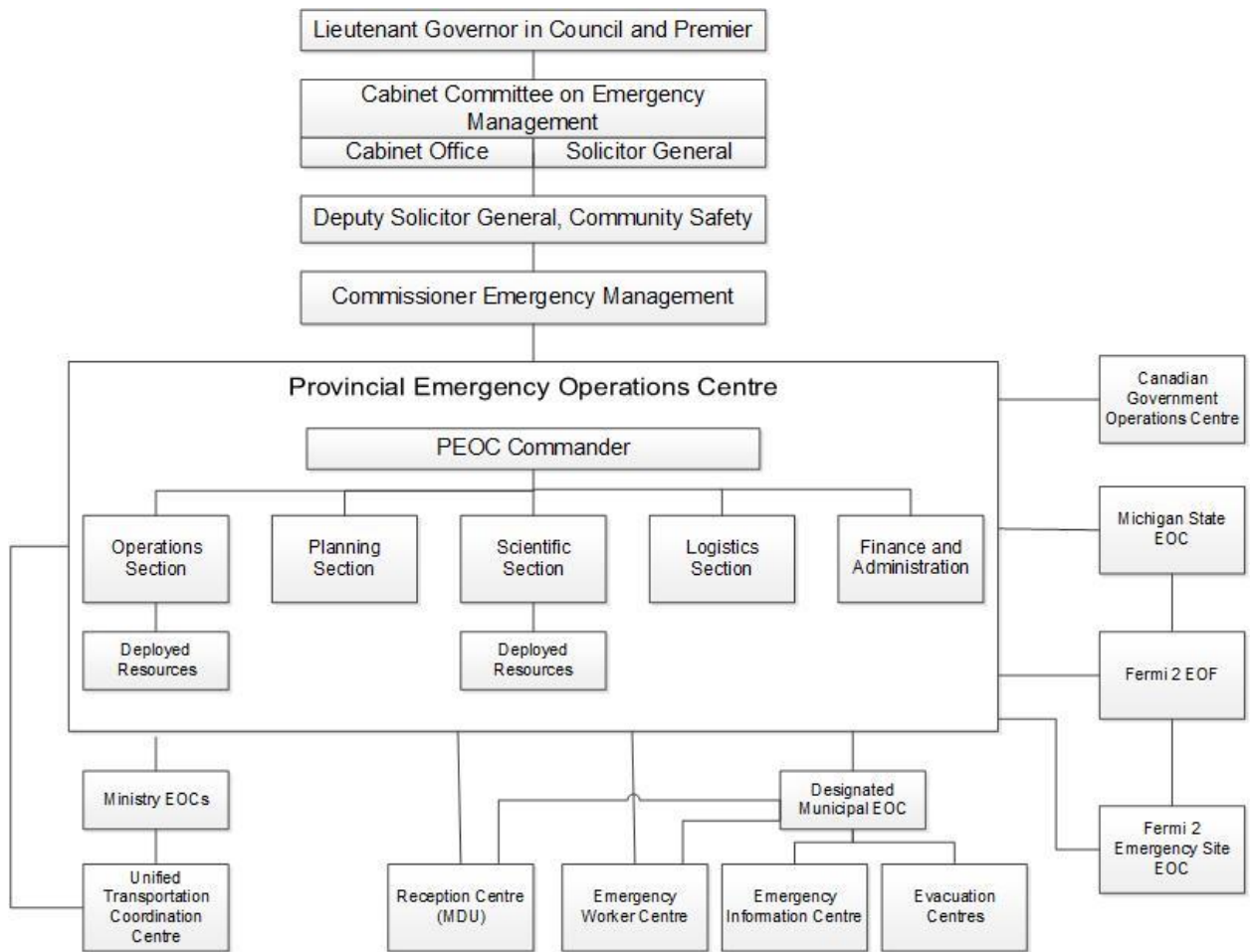
## 3.1 Overview

The following is an overview of the sequence of events and actions taken in the event of an incident at the Fermi site:

1. Fermi decides on the emergency classification based on available information, and within 15 minutes, makes the initial notification to the Provincial Emergency Operations Centre.
2. Within 15 minutes of being notified, the Provincial Emergency Operations Centre will decide on the Provincial response level to be taken as follows:
  - (a) Routine Monitoring
  - (b) Enhanced Monitoring
  - (c) Partial Activation
  - (d) Full Activation
3. The Provincial Emergency Operations Centre will then contact the Windsor Fire Dispatch Centre and notify them of the Provincial response level. Windsor Fire Dispatch Centre will then contact the Community Emergency Management Coordinator/alternate and inform him/her of the Provincial response level.
4. The Community Emergency Management Coordinator/alternate will initiate the notification plan. (Response is described below and in section 3.2).
5. If the response level is partially or fully activated, the following Emergency Centres could be established and staffed if decided as described in 3.2.3(3) and 3.2.4(2) respectively:
  - (a) Emergency Operations Centre
  - (b) Emergency Information Centre
  - (c) Reception/Evacuee Centre
  - (d) Unified Transportation Coordination Centre
  - (e) Emergency Worker Centre
6. If the response level is partially or fully activated the entire Community Control Group will assemble at the Emergency Operations Centre, and assume control of Emergency Operations. Until the Community Control Group is fully assembled and activated, the Head of the Community Control Group will authorize any urgent emergency actions.
7. The Head of Council/or alternate for the Town of Amherstburg will declare a municipal emergency and immediately notify the Provincial Emergency Operations Centre of this action.
8. The Province of Ontario, through the Provincial Emergency Operations Centre will issue operational directives for Protective Measures to be taken.
9. After immediate actions are taken to protect the public from exposure to radiation during the Early Phase Response, the emergency will enter Intermediate Phase Response in which longer term actions are taken to monitor the environment and

prevent the public from ingestion of radioactive materials. After this phase the emergency will transition to the Recovery Phase, during which actions are taken to restore the situation to normal.

**Figure 3.1: Provincial Nuclear and Radiological Emergency Response Organizational Structure**

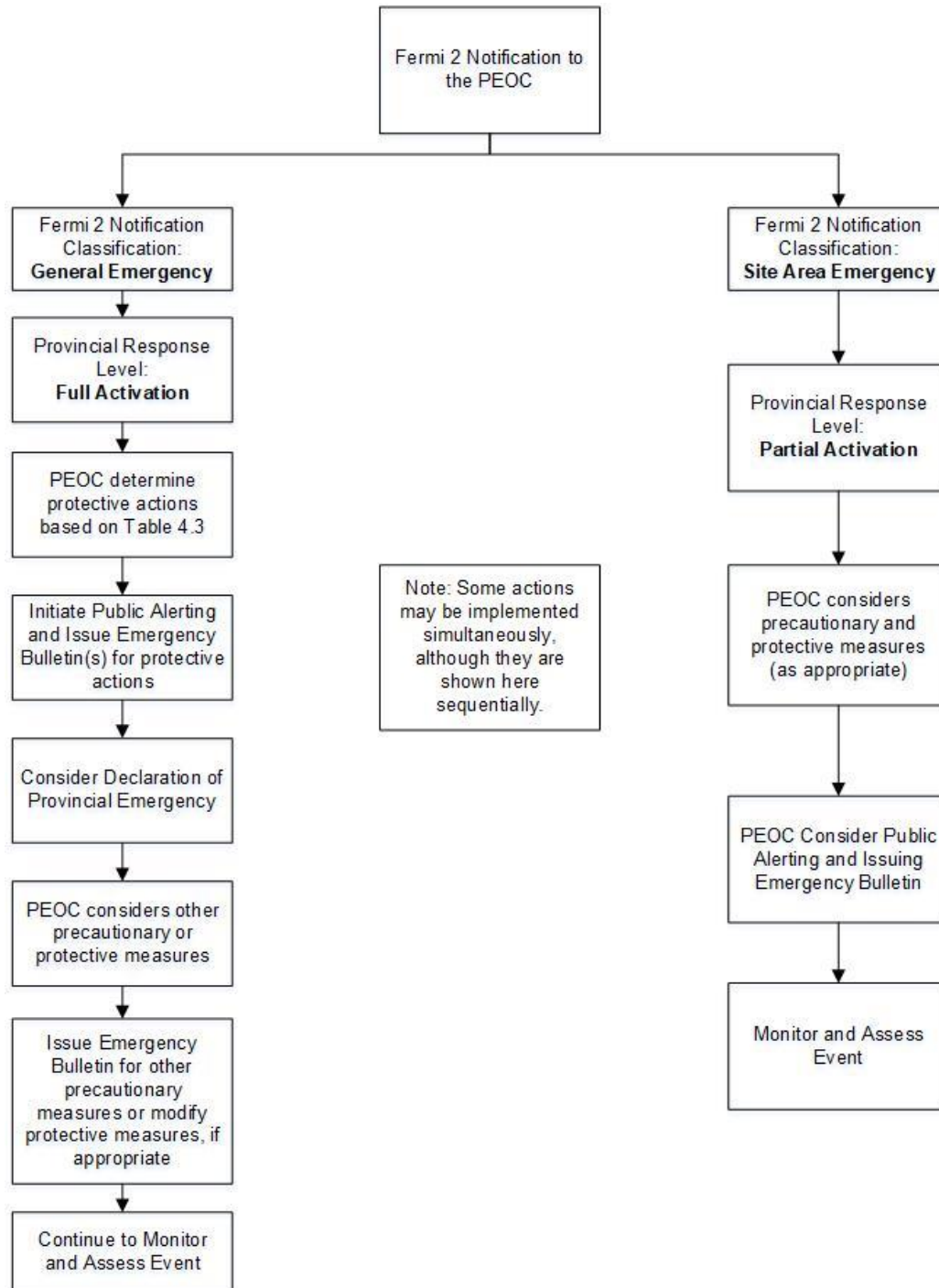


Refer to the PNERP Master Plan Chapter 4 for more information.

### 3.2 Initial Provincial Protective Action Strategy Response to a Site Area or General Emergency Notification

Initial Provincial Protective Action Strategy Response to a Site Area or General Emergency Notification

Figure 3.2



### **3.2.1 Routine Monitoring**

Routine Monitoring would normally be adopted by the Provincial Emergency Operations Centre following an “Unusual Event”, unless decided otherwise by the Provincial Emergency Operations Centre.

1. Fermi informs the Provincial Emergency Operations Centre of an unusual event. The Provincial Emergency Operations Centre contacts the Windsor Fire Dispatch Centre within 15 minutes of determining the provincial response level. Windsor Fire Dispatch Centre then contacts the Community Emergency Management Coordinator of the unusual event.
2. The Community Emergency Management Coordinator and/or alternate establish contact with the Provincial Emergency Operations Centre who will confirm that Routine Monitoring is required. The Community Emergency Management Coordinator and/or alternate will then continue to monitor the situation and keep the persons listed below informed until requested to stand down by the Provincial Emergency Operations Centre.
3. The Community Emergency Management Coordinator and/or alternate will inform the following:
  - (a) Mayor, Town of Amherstburg
  - (b) Municipal CAO (Chief Administrative Officer)
  - (c) Medical Officer of Health
  - (d) Administrative Fire Chief
  - (e) Town of Essex Community Emergency Management Coordinator
  - (f) City of Windsor Community Emergency Management Coordinator
  - (g) County of Essex Community Emergency Management Coordinator

### **3.2.2 Enhanced Monitoring**

Enhanced Monitoring would usually be adopted by the Provincial Emergency Operations Centre following an “Alert”, unless decided otherwise by the Provincial Emergency Operations Centre.

Fermi informs the Provincial Emergency Operations Centre of an Alert. The Provincial Emergency Operations Centre contacts the Windsor Fire Dispatch Centre within 15 minutes of determining the provincial response level. Windsor Fire Dispatch Centre notifies the Community Emergency Management Coordinator within 15 minutes of determining the provincial response level.

1. The Community Emergency Management Coordinator/alternate establishes contact with the Provincial Emergency Operations Centre and confirms that Enhanced Monitoring is required.
2. The Community Emergency Management Coordinator/alternate informs the following:
  - (a) Mayor, Town of Amherstburg
  - (b) Municipal CAO (Chief Administrative Officer)
  - (c) Medical Officer of Health
  - (d) Administrative Fire Chief
  - (e) Town of Essex Community Emergency Management Coordinator
  - (f) City of Windsor Community Emergency Management Coordinator
  - (g) County of Essex Community Emergency Management Coordinator.
  - (h) Emergency Information Officer

3. If required, the Head of the Community Control Group will request that the Community Control Group, including some or all of the following, assemble at the Emergency Operations Centre:
  - (a) Head, Community Control Group
  - (b) Chief Administrative Officer
  - (c) Medical Officer of Health
  - (d) Police Chief
  - (e) Ontario Provincial Police Representative
  - (f) Emergency Information Officer
  - (g) Community Emergency Management Coordinator and/or alternate
4. The Community Control Group will monitor the situation and take whatever actions are appropriate.

### **3.2.3 Partial Activation**

Partial Activation would usually be adopted by the Provincial Emergency Operations Centre following an initial notification of a "Site Area Emergency", unless decided otherwise by the Provincial Emergency Operations Centre.

1. Fermi informs the Provincial Emergency Operations Centre of a Site Area Emergency. The Provincial Emergency Operations Centre contacts the Windsor Fire Dispatch Centre within 15 minutes of determining the provincial response level. Windsor Fire Dispatch Centre contacts the Community Emergency Management Coordinator within 15 minutes of determining the provincial response level.
2. The Community Emergency Management Coordinator and/or alternate will establish contact with the Provincial Emergency Operations Centre and confirm with the Provincial Emergency Operations Centre that "Partial Activation" is required. The Community Emergency Management Coordinator will activate the fan-out notification procedure requesting that all responding agencies place their organizations on standby for both set up and staffing with the exception of the EOC and EIC.
3. The Emergency Operations Centre and Emergency Information Centre will be established and staffed. All other centers will be set up and emergency responders for these centers shall remain on standby in a state of readiness should there be a need to assemble.
4. The Emergency Information Centre may be requested by the Community Control Group to issue a news release concerning the above activities.

### **3.2.4 Full Activation**

Full Activation would usually be adopted by the Provincial Emergency Operations Centre following an initial notification of a "General Emergency" unless decided otherwise by the Provincial Emergency Operations Centre.

1. Fermi informs the Provincial Emergency Operations Centre of a General Emergency. The Provincial Emergency Operations Centre contacts the Windsor Fire Dispatch Centre within 15 minutes of determining the provincial response level. Windsor Fire Dispatch Centre will

notify the Community Emergency Management Coordinator within 15 minutes of determining the provincial response level.

2. The Community Emergency Management Coordinator and/or alternate will confirm with the Provincial Emergency Operations Centre that the Emergency Plan be fully activated.
  - (a) All Emergency Operations Centers are fully set up and staffed.
  - (b) The Emergency Worker Centre fully set up and staffed in accordance with the Municipal Emergency Worker Centre Plan (Nov./2019).
  - (c) On the instructions of the Provincial Emergency Operations Centre, the Public Alerting System shall be activated if conditions so dictate. If delays are experienced in establishing contact with the Provincial Emergency Operations Centre, the Community Emergency Management Coordinator and/or alternate may activate the Public Alerting System.
  - (d) In case of an initial notification of a General Emergency containing a statement that a radioactive emission is either ongoing or expected to commence within 6 hours, or if no estimate of the commencement is given, the Community Emergency Management Coordinator and/or alternate shall immediately initiate the public alerting system without reference to any other authority.

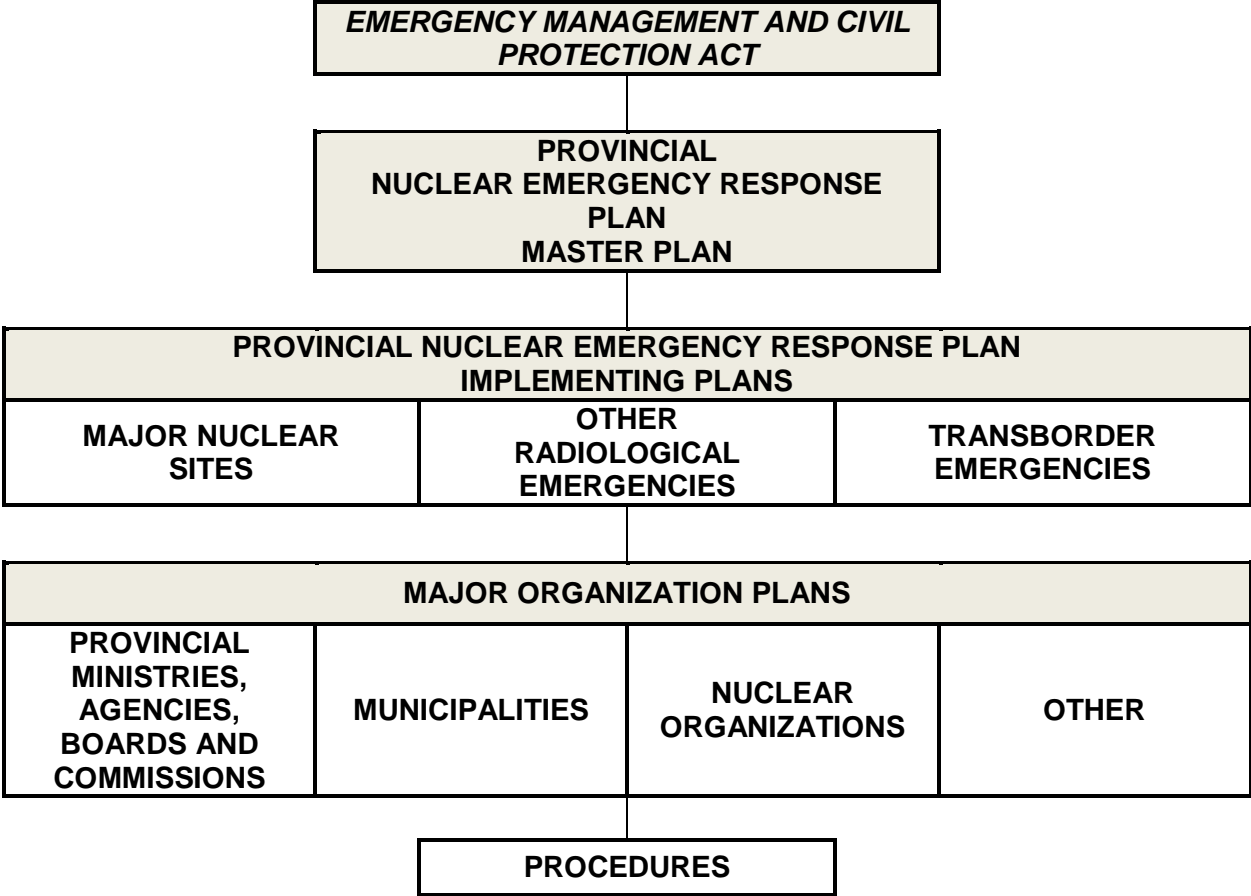
Windsor Fire Dispatch may be directed to call some or all of the following external contacts:

City of Windsor (through Windsor Fire)  
Windsor / Essex County EMS  
Medical Officer of Health  
School Boards  
Windsor Police Chief  
Amherstburg Mayor  
Amherstburg CAO  
Emergency Information Officer  
Windsor Fire  
Essex Fire  
LaSalle Fire  
Town of Amherstburg  
County Emergency Planner



# Chapter 4 – Provincial and Municipal Emergency Organization

Nuclear and Radiological Emergency Response Planning Structure



## 4.1 Provincial Emergency Operations Centre (PEOC)

Overall coordination is provided by the PEOC. Details on the roles and functions of the various elements of this organization are described in the PNERP Master Plan, Chapter 4.

The Provincial Emergency Operations Centre (PEOC):

- a) Provides overall coordination of the provincial *response*, based on the strategic direction from the PEOC Commander.
- b) Provides timely support, information and analysis to the PEOC Commander to coordinate the provincial emergency *response*.
- c) Assists communities in responding to *nuclear and radiological emergencies* by providing protective action direction, advice, assistance and support in coordinating the provision of additional resources.
- d) May deploy personnel to assist in coordinating the emergency *response*.

## **4.2 Emergency Operations Centre (EOC)**

The Community Control Group assembles at the EOC and is responsible for the overall coordination and management of the Municipal emergency response. It is comprised of the following staff:

- (a) Mayor or Acting Mayor - Head, Community Control Group
- (b) Chief Administrative Officer or Alternate
- (c) Community Emergency Management Coordinator (CEMC) or Alternate
- (d) Municipal Clerk/ Legislative Services
- (e) Emergency Information Officer or Alternate
- (f) Medical Officer of Health or Alternate
- (g) Fire Chief or Alternate
- (h) Police Chief or Alternate
- (i) Director of Engineering & Public Works or Alternate
- (j) Emergency Medical Services (EMS) or Alternate
- (k) Information Technology Manager or Alternate
- (l) Director of Planning, and Development or Alternate
- (m) Director of Parks, Facilities, Recreation and Culture
- (n) Director of Corporate Services/Treasurer or Alternate
- (o) Electrical/Water Utility Representatives (Essex Power/Hydro One) or Alternates
- (p) Ontario Provincial Police Representative
- (q) Community Development and Health Commissioner or Alternate
- (r) Office of the Fire Marshal and Emergency Management

All members of the Community Control Group are responsible for the following:

- (a) Advising and assisting the Head of the Community Control Group in his/her functions and implementing the directives of the Provincial Emergency Operations Centre.
- (b) Ordering, recording and tracking actions requested of the organizations they represent.
- (c) Similarly recording and tracking requests from the Community Control Group for their own organizations and following up to ensure they are implemented.
- (d) Keeping informed of the emergency situation and actions of their organization and passing this information to the rest of the Community Control Group through regular management cycle meetings.
- (e) Keeping their own organizations informed about the on-going emergency situation and the measures being taken to deal with it.
- (f) Regularly passing nuclear sector safety status information to their organization.

## **4.3 Community Control Group - Specific Responsibilities**

In addition to general responsibilities, the following specific duties and responsibilities are assigned to individual Community Control Group members in a nuclear emergency:

### **4.3.1 Mayor or Designate**

The Mayor or designate acts as the Head, Community Control Group and has overall responsibility for managing the Municipal emergency response by ordering and coordinating the actions of the various organizations and centers.

Specifically, he/she has the following responsibilities:

- (a) Remaining in regular contact with the Provincial Emergency Operations Centre.
- (b) Remaining in contact with the County of Essex Community Emergency Management Coordinator and local Municipal, Provincial and Federal elected officials,
- (c) Providing an oversight function to ensure that necessary actions are being carried out by the Community Control Group and the Community Control Group staff are performing adequately,
- (d) Approving municipal portions of Emergency Information Centre media releases,
- (e) Keeping the Emergency Information Officer informed, and participating in media conferences as required,
- (f) Declaring a Municipal Emergency if required.
- (g) Directing the implementation of Protective Actions or other orders by the Provincial Emergency Operations Centre on the advice of the Community Control Group.

#### **4.3.2 Chief Administrative Officer (CAO)**

The CAO acts as the Command Officer and Chief of Staff for the Community Control Group. He/she has the following specific functions:

- (a) Coordinate Community Control Group activities on behalf of the Head Community Control Group, as requested,
- (b) Advise members of the Community Control Group on the content of the Municipal Emergency plan and assist them to find appropriate information

#### **4.3.3 Community Emergency Management Coordinator (CEMC)**

- (a) Remain on call 24 hours a day, seven days a week to receive emergency notifications from the Provincial Emergency Operations Centre and take actions according to the Town of Amherstburg Emergency Plan.
- (b) Initiate the emergency notification system
- (c) Initiate the emergency public alerting system
- (d) Ensure the Emergency Operations Centre is in a constant state of readiness and initiate and supervise set up of the center when required
- (e) Prior to activation of the Community Control Group, in the case of a general nuclear emergency initiate the public notification system for the primary zone without reference to any other authority should there be an ongoing or an expected emission within 6 hours
- (f) Advise members of the Community Control Group and the Municipal Operations Officer (Chief Administrative Officer) on the content of the Municipal Plan and assist them, to find appropriate information
- (g) Provide information to the Emergency Information Officer and other Emergency Information Centre staff on the Municipal Plan

#### **4.3.4 Municipal Emergency Information Officer**

The designated Emergency Information Officer is responsible for the overall physical operation of the Emergency Operations Centre including administrative support. He/she has the following responsibilities:

- (a) Ensuring all Emergency Operations Centre decisions and actions are recorded, tracked and acted on when required,

- (b) Ensuring minutes of meetings are kept and critical information is posted on the major event logs,
- (c) Coordinating security of the facilities with the Community Emergency Management Coordinator
- (d) Maintaining a shift schedule and log of persons who enter and leave the Emergency Operations Centre
- (e) Ensuring sector safety status information is passed on to the Municipal organization,
- (f) Maintaining a list of volunteers,
- (g) Arranging for all communications requirements (Liaise with the Community Emergency Management Coordinator), and ensuring all communications are logged,
- (h) Arranging for food, through the Logistics Section Chief accommodation, rest facilities, and other physical amenities for the Community Control Group as required,
- (i) Arranging for and supervising all clerical support functions for the Emergency Operations Centre which includes:
  - Word processing services
  - Faxes (incoming and outgoing)
  - Filing
  - E-mail messages
  - Phone messages and switchboard operation.
  - Maintaining a chronological board or binder on all written communications
  - Maintaining and operating PowerPoint projection system to meet Community Control Group needs i.e. mapping, charts, graphics etc.

As the Emergency Information Officer he/she is the primarily responsible for ensuring timely and accurate information is distributed to the public via normal media outlets as required during an emergency. Specific responsibilities include:

- (a) Creating municipal portions of Emergency Information Centre media releases
- (b) Assisting the Head of the Community Control Group with creation of media releases
- (c) Liaising with media representatives
- (d) Escorting media representatives during on-site visits if necessary
- (e) Verifying media credentials
- (f) Updating media advisories on Municipal website

#### **4.3.5 Population Monitoring and Medical Management**

The Ministry of Health (MOH) is responsible for leading and coordinating the health response and maintaining health services during nuclear and radiological emergencies. As such and per the Radiation Health Response Plan (RHRP), the MOH shall develop arrangements in coordination with hospitals, the Town of Amherstburg, the coordinator of the MDU(s) (refer to Section 6.9.1) and public health units, to track evacuees for the purposes of assessing contamination and dose (internal and external) and to provide follow up with those affected.

The RHRP shall be fully activated through the MOH EOC when it seems likely that the incident may result in high radiation exposures to some persons necessitating medical management.

#### **4.3.6 Windsor Police Services/Ontario Provincial Police Representatives**

The Windsor Police Services/Ontario Provincial Police Representative is the primary liaison with the Unified Transportation Coordination Centre. Through this Centre, he/she initiates and coordinates all activities associated with:

- (a) Traffic control, road blocks and diversion points, and
- (b) Security at all Emergency Centers.

#### **4.3.7 Community Development and Health Commissioner /Red Cross**

They are responsible for relaying information and requests for assistance to and from their respective organizations, particularly as it relates to evacuation of the public. They assist and relay all Community Control Group information to the Reception/Evacuee Centre Manager. They handle any specific requests the Reception/Evacuee Centre might have with regards to securing food, drink, lodging requirements etc. They coordinate all activities and information with respect to their own organizations.

#### **4.3.8 Emergency Response Organization**

The provincial Emergency Response Organization (ERO) for managing a nuclear emergency at Fermi 2 Nuclear Power Plant is shown in Figure 3.1 and detailed in the PNERP Master Plan, Chapter 4.

Role of Deployed Provincial Staff

- a) Maintain close liaison with representatives in the municipal emergency operations centres.
- b) Transmit all relevant information to the PEOC and appropriate provincial agencies.
- c) Provide relevant information from the PEOC on developments in Ontario to the applicable emergency operations centre

#### **4.3.9 Director of Engineering & Public Works**

- (a) Arrange and coordinate Public Works issues as they pertain to the Emergency as requested by the Unified Transportation Coordination Centre.
- (b) Advise the Head of the Emergency Operations Centre on issues relating to the Emergency and Public Works issues.
- (c) Coordinate Public Works staffing requirements as they pertain to the emergency.

#### **4.3.10 Fire Chief**

The Fire Chief is the primary liaison between other fire departments within Essex County. He/she initiates and coordinates all activities associated with:

- (a) Fire suppression and rescue
- (b) Motor vehicle extrications
- (c) Assisting with vehicle decontamination of vehicles at the Reception/Evacuation Centre and the Emergency Worker Centre
- (d) Scheduling and rotation of firefighting staff

#### **4.3.11 Director of Parks, Facilities, Recreation and Culture**

- Coordinate with the recreation and social services Representatives to facilitate reception/evacuation centres.
- Provide advice to CCG and CEMC on suitable facilities and uses required by the management of the emergency
- Coordinate with the Facilities and Parks Representatives for the use of tools, machinery, or vehicles that may be required.

#### **4.3.12 Municipal Clerk/Legal services**

- Upon direction by the Mayor, Town Clerk's/council services will arrange special meetings of Council, as required, and advising members of Council of the time, date, and location of the meetings;
- Provide liaison, communication and support between the CEMC, CAO, Mayor and the Managers of services reporting to him/her.
- Provide legal counsel as required.

### **4.4 Municipal Emergency Organization - Support Functions**

There are many activities, agencies and organizations that would be required to support the Municipal emergency response effort. These are listed as follows:

1. Emergency Social Services, including radiation monitoring and decontamination for residents of the primary Zone, is coordinated at the Reception/Evacuee Centre.
2. Dose Control for emergency workers and other persons who must enter the Detailed Planning Zone is performed at the Emergency Worker Centre.

### **4.5 Emergency Worker Safety**

At the commencement of an emergency resulting in the activation of this plan, the DPZ [9] shall be assumed to carry the following default safety status (PNERP Master Plan, Annex H), based on the category of the notification initiated by Fermi 2:

- a) General Emergency notification: ORANGE
- b) All other notification categories: GREEN

4.5.1 The PEOC Scientific Section chief shall make recommendations on sector safety status

- to the PEOC commander for approval and update recommendations as data becomes available.
- 4.5.2 The PEOC Commander shall reassign safety status to the DPZ and update it periodically as soon as relevant data is available.
- 4.5.3 During the course of an emission over land, safety sector status updates shall be done on an hourly basis and promptly communicated by the PEOC commander to all stakeholders.
- 4.5.4 It is the responsibility of each organization with emergency workers operating or required to operate in the DPZ to ensure that they are kept apprised of the current safety status of the DPZ.
- 4.5.5 The municipal plan shall provide for the setting up of Emergency Worker Centres (EWCs), as appropriate (PNERP Master Plan, Paragraph 7.10.3). This includes administrative responsibilities and location facility.
- 4.5.6 The PEOC will co-ordinate the monitoring and decontamination aspect of EWCs as soon as notification of a Site-Area or General Emergency at Fermi 2 is received by the PEOC Duty Office. The Province of Ontario is responsible for coordinating the resourcing and maintaining the monitoring and decontamination function of the EWC.
- a) The initial monitoring and decontamination support provided to the EWC will be provided by Windsor Chemical, Biological, Radiological, Nuclear, Explosive (CBRNE) team, which operates under the City of Windsor Fire and Rescue Services. Additional provincial CBRNE teams will be deployed as required.
- b) The PEOC should enter into agreements with the Ontario-based reactor facilities and the federal government to support the deployment of additional monitoring and decontamination resources as required throughout the emergency.
- 4.5.7 Emergency workers who need to enter a sector shall first report to an EWC, where they will be provided with personal dosimeters and briefed on the health risks and precautions they should observe and any maximum time limit on their stay in the sector (see Paragraph 6.8.1 above).
- 4.5.8 If an emission is ongoing, emergency services (e.g., police, fire and paramedic services) required to operate in the impacted sectors (before an Emergency Worker Centre is functioning) should be equipped with the following:
- a) Personal protective equipment
- b) Dosimetry
- c) Potassium iodide tablets
- d) A card listing the default safety status of sectors (see Paragraph 6.8.1 above) and the precautions to be taken for each safety status (PNERP Master Plan, Annex H)
- 4.5.9 The Municipal plan shall detail how these emergency services obtain these items, appropriately store them, and maintain such equipment so that it is readily available when needed.

**Table 4.1: Emergency Classification System – Fermi 2 Nuclear Power Plant**

<b>EMERGENCY CLASSIFICATION</b>	<b>DEFINITION<sup>[1]</sup></b>	<b>INITIAL PROVINCIAL RESPONSE</b>
<b>UNUSUAL EVENT</b>	A situation is in progress or already completed which could potentially degrade the plant's level of safety or indicate a security threat to the facility. No releases of radioactive material requiring offsite actions are expected unless safety systems degrade further.	ROUTINE MONITORING
<b>ALERT</b>	Events are in progress or have occurred which have (or could) substantially degrade the plant safety; or, a security event that could threaten site personnel or damage to site equipment is in progress. Any offsite releases of radioactive material that could occur are expected to be minimal and far below limits established by the Environmental Protection Agency's (EPA) <a href="#">protective action guides (PAGs)</a> .	ENHANCED MONITORING
<b>SITE AREA EMERGENCY</b>	Events are in progress or have occurred which have caused (or likely will cause) major failures of plant functions that protect the public, or involve security events with intentional damage or malicious acts that could lead to the likely failure of (or prevent effective access to) equipment needed to protect the public. Any offsite releases of radioactive material are expected to remain below EPA PAG exposure levels beyond the site boundary.	PARTIAL ACTIVATION
<b>GENERAL EMERGENCY</b>	Events are in progress or have occurred which: a) have caused (or shortly will cause) substantial reactor core damage, with the potential for uncontrolled releases of radioactive material; or, b) involve security events that deny plant staff physical control of the facility. Offsite releases can be reasonably expected to exceed EPA PAG exposure levels beyond the plant site.	FULL ACTIVATION

<sup>[1]</sup> Source: U.S Nuclear Regulatory Commission



**Table 4.2: Initial Provincial and Municipal Response**

INITIAL NOTIFICATION	INITIAL PROVINCIAL RESPONSE	INITIAL MUNICIPAL RESPONSE
<b>UNUSUAL EVENT</b>	<p style="text-align: center;"><b>ROUTINE MONITORING</b></p> <ol style="list-style-type: none"> <li>1. Provincial Emergency Operations Centre (PEOC) should maintain Routine Monitoring and shall notify the municipal contact point(s), Michigan State EOC, and others as appropriate, and shall monitor the situation.</li> <li>2. PEOC Scientific staff is consulted, if appropriate.</li> <li>3. If and when appropriate, Emergency Information Section (EIS) staff issues news release(s).</li> </ol>	<p>Emergency response staff remain in contact with the PEOC, and monitor event.</p>
<b>ALERT</b>	<p style="text-align: center;"><b>ENHANCED MONITORING</b></p> <ol style="list-style-type: none"> <li>1. PEOC should adopt Enhanced Monitoring and shall inform the municipal contact point(s), Michigan State EOC, and any other organizations affected.</li> <li>2. External notifications to New York, Ohio and Quebec are made.</li> <li>3. PEOC to set up a duty team consisting of operations staff, scientific staff, EIS staff, and others as required.</li> <li>4. If and when appropriate, EIS staff shall issue news release(s).</li> <li>5. Provincial staff are notified to remain available to report in for duty.</li> </ol>	<p>Emergency response staff monitor event, preferably from Municipal Emergency Operations Centres (EOCs).</p>
<b>SITE AREA EMERGENCY</b>	<p style="text-align: center;"><b>PARTIAL ACTIVATION</b></p> <ol style="list-style-type: none"> <li>1. PEOC should adopt partial activation response (for details, see Section 4.6.3), and shall initiate the appropriate internal and external notifications (Section 4.4 and Section 4.5 respectively), including the municipal contact points and the host communities. The PEOC shall be fully staffed.</li> <li>2. If a reactor emission is expected to occur in 36 hours or less, PEOC should consider adopting full activation response and consider the need to implement immediate measures per Table 4.3.</li> <li>3. Consideration shall be given to issuing an emergency bulletin (Section 6.4), news release or both.</li> <li>4. Ministry EOCs and Unified Transportation Coordination Centre (UTCC) to be established and appropriately staffed.</li> </ol>	<ol style="list-style-type: none"> <li>1. Issue notification placing municipal Emergency Response Organization on standby.</li> <li>2. Municipal EOCs fully staffed.</li> <li>3. Emergency Information Centres (EICs) to be established.</li> <li>4. Other emergency centres readied to become operational without undue delay.</li> </ol>
<b>GENERAL EMERGENCY</b>	<p style="text-align: center;"><b>FULL ACTIVATION</b></p> <ol style="list-style-type: none"> <li>1. PEOC shall notify and ensure that the municipal contacts have activated the public alerting system (Section 6.2).</li> <li>2. PEOC shall issue the appropriate emergency bulletin (Section 6.4).</li> <li>3. PEOC shall issue operational directives implementing the appropriate protective measures based on the State of Michigan's Protective Action Orders (see Table 4.3).</li> <li>4. PEOC shall adopt full activation (Section 4.6.4), and shall initiate the appropriate internal and external notifications (Section 4.4 and Section 4.5 respectively), including the host community.</li> <li>5. The PEOC shall be fully staffed with provincial deployments as appropriate.</li> <li>6. PEOC shall assess the situation for further action.</li> <li>7. PEOC shall issue further emergency bulletins, as appropriate (Section 6.4).</li> <li>8. EIS staff shall issue news releases, as appropriate. Ministry EOCs and UTCC to be established.</li> </ol>	<ol style="list-style-type: none"> <li>1. Initiate public alerting.</li> <li>2. Issue notification activating municipal Emergency Response Organization.</li> <li>3. Municipal EOCs, EICs and other centres activated and fully staffed.</li> <li>4. Implement operational directives, as issued by the PEOC.</li> </ol>

**Table 4.3: Guidelines for Implementing Protective Measures in Ontario**

Michigan State Protective Action Order (As indicated on the initial Event Notification Form)	Ontario Protective Measures
<p>1. <b>Evacuate</b> any of Michigan Areas 1,2,3 + Shelter rest of the Emergency Planning Zone (EPZ)</p>	<ul style="list-style-type: none"> <li>• Suspension of road, rail, marine and air traffic throughout the DPZ</li> <li>• Precautionary measures in the DPZ as applicable</li> <li>• <b>Shelter</b> DPZ Sectors F1 and F2</li> </ul>
<p>2. <b>Evacuate</b> Michigan Areas 4 and/or 5 and there is no imminent/ongoing emission</p>	<ul style="list-style-type: none"> <li>• Suspension of road, rail, marine and air traffic throughout the DPZ</li> <li>• Precautionary measures in the DPZ as applicable</li> <li>• Precautionary evacuation of Bois Blanc (Boblo) Island DPZ Sector F2</li> <li>• <b>Evacuate</b> DPZ Sector F1</li> </ul>
<p>3. <b>Evacuate</b> Michigan Areas 4 and/or 5 and there is an imminent/ongoing emission</p>	<ul style="list-style-type: none"> <li>• Suspension of road, rail, marine and air traffic throughout the DPZ</li> <li>• Precautionary measures in the DPZ as applicable</li> <li>• Precautionary evacuation of Bois Blanc (Boblo) Island DPZ Sector F2</li> <li>• <b>Evacuate</b> DPZ Sector F1</li> <li>• <b>Consider Iodine Thyroid Blocking</b> in the DPZ</li> </ul>

# Chapter 5 - Municipal Emergency Centres

## 5.1 Introduction

There are five (5) facilities that are designated as Emergency Centres in Amherstburg. These are described below along with a brief description of the functions they are to perform.

## 5.2 Emergency Operations Centre

This Emergency Centre is located at 99 Thomas Road, Amherstburg. The primary purpose of the Emergency Operations Centre is to provide a location for the Community Control Group to gather to coordinate and effect decisions concerning emergency operations. The Community Emergency Management Coordinator is responsible to ensure the Emergency Operations Centre is suitably equipped and ready for operation.

## 5.3 Emergency Information Centre

The Emergency Information Centre is located at 271 Sandwich Street South, Amherstburg (Town Hall). The primary purpose of this facility is to provide a location for Emergency Information Centre staff to:

- (a) Issue news releases and conducts press conferences.
- (b) Keep the Provincial Emergency Information Section, as well as the Municipal EOC, informed of public and media perception and reactions.
- (c) Identify and counter rumours.
- (d) Assist the media.
- (e) Monitor the Emergency Bulletins.
- (f) Conduct a public enquiry and information service.
- (g) Issue any news releases on behalf of the local Emergency Centres. All news releases should be handled through the Emergency Information Centre.

The Community Emergency Information Officer is responsible for ensuring this facility is suitably equipped and ready for operation.

## 5.4 Reception/Evacuee Centre

The Reception/Evacuee Emergency Centre is located at Western Secondary School, 5791 N Townline Rd, Amherstburg. The primary functions of Reception/Evacuation Centre staff are:

- (a) To register evacuees and answer inquiries from friends and relatives as to their whereabouts, to provide emergency supplies and services to evacuees, i.e., shelter, food, clothing.
- (b) Provide temporary financial assistance, transportation and other services.
- (c) To provide a location where evacuees and the general public can receive information and counselling, both in an individual and group setting.
- (d) A Monitoring and Decontamination Unit may be set up at this location to monitor evacuees for contamination and decontaminate them and their vehicles if necessary.
- (e) To provide a location where evacuees can be categorized and referred for follow up treatment in the event of suspected high exposure to radiation.

The Reception/Evacuation Centre Manager, assisted by the Community Emergency Management Coordinator is responsible for ensuring that the Reception/Evacuation Centre is suitably equipped and ready for operation.

Additional reception evacuation centers are provided by the City of Windsor and Town of Essex.

## **5.5 Emergency Worker Centre**

The Emergency Worker Centre (EWC) is located at 3295 Meloche Road, Amherstburg (Libro Credit Union Centre). Its primary purpose is to provide a location to provide dose and exposure control, monitoring, and decontamination of Emergency Workers, or any other staff or visitor who enters the Detailed Planning Zone when Stage II of the Unified Transportation Coordination Plan is implemented.

If a marine response is required, the Unified Transportation Coordination Centre Manager will make provisions for transportation of Marine Emergency Workers to and from the Emergency Worker Centre.

## **5.6 Unified Transportation Coordination Centre**

The Traffic Control Centre is located at 99 Thomas Road, Amherstburg, within the Emergency Operations Centre and is managed by the Windsor Police Services and Ontario Provincial Police with assistance from the Ministry of Transportation Ontario. Its primary functions are to implement the Traffic Control & Security Plan as follows:

- (a) Provide sufficient Police staff to ensure roads are patrolled and kept clear for evacuation purposes.
- (b) Ensure all non-staffed roadblocks are kept in place.
- (c) Provide staffs at check points.
- (d) Provide staff to ensure evacuated areas are cleared and secured.
- (e) Coordinate with all roads maintenance and snow clearing with Public Works.
- (f) Coordinate all activities associated with Public Utilities such as gas, hydro, phones, etc.
- (g) Coordinate access for Emergency Services - search & rescue, fire and ambulance services within the Detailed Planning Zone.
- (h) Provide security and traffic control for the Reception/Evacuee Centre, the Emergency Worker Centre, and the Emergency Operations Centre.
- (i) Coordinate all marine emergency response with Ontario Provincial Police and Canadian Coast Guard, including establishing provisions to transport Marine Emergency Workers to and from the Emergency Worker Centre (Public Works to assist).

The Traffic Control Centre Manager, assisted by the Community Emergency Management Coordinator, is responsible to ensure the Traffic Control Centre is fully equipped, functional and ready for operation.

## **5.7 Host Municipality**

The PNERP Master Plan designates municipalities to act as a Host Municipality in the event of a nuclear emergency. Host municipalities will have plans for the reception and accommodation of evacuees, and for coordination of monitoring and decontamination arrangements. The Host Municipalities during a nuclear emergency are the City of Windsor and the Town of Essex.

# Chapter 6 - Emergency Communications

## 6.1 Landline Telephones

The primary means of communication during a nuclear emergency are landline telephones.

## 6.2 Additional Phones and Pagers

The Community Control Group carries cell phones. These phones are used as a 24/7 primary emergency contact for all emergencies.

## 6.3 Agency Radios

Radio systems used by local emergency services include:

- (a) Ontario Provincial Police Radio System
- (b) Windsor Police Services
- (c) Fire Department Radio System
- (d) EMS Radio System
- (e) Public Works/Facilities/Parks Department
- (f) Marine Radio used by Canadian Coast Guard, Ontario Provincial Police & private craft

## 6.4 Others

The Emergency Operations Centre has one fax machine.

The Emergency Operations Centre uses high-speed wireless internet and laptop computers to be used at the Emergency Operations Centre.

# Chapter 7 - Emergency Notification & Public Information

## 7.1 Introduction

Notification of emergency response staff and the public are the two most important elements of the emergency plan. It is necessary to ensure people are notified promptly, are given the correct information, and are kept informed through the emergency phase of the actions required by them, and the progress of the emergency in general.

## 7.2 Municipal Emergency Response Organization

The following applies to this plan:

- 7.2.1 Under agreement with the provincial government, Fermi 2 shall notify the PEOC and the Town of Amherstburg via the designated contact points as soon as conditions arise at the reactor facility, which require such initial notification under the criteria described in Table 4.1 and, as incorporated in facility procedures.
- 7.2.2 Fermi 2 shall complete this initial notification, including a confirmatory telephone notification, to the PEOC within 15 minutes of classification of the emergency
- 7.2.3 The emergency classification system followed by Fermi 2 and the corresponding initial provincial response levels to be adopted in Ontario are shown in Table 4.1. This emergency classification system is used by the station for initial notification and subsequently, throughout the course of the accident, for conveying information on onsite status to the offsite authorities.
- 7.2.4 The standard notification message, via the Nuclear Event Notification form and the Nuclear Event Plant Technical Data form, from Fermi 2 shall contain the following information relevant to Ontario:
  - (a) Class of emergency (see Table 4.2):
    - Unusual Event
    - Alert
    - Site Area Emergency
    - General Emergency
  - (b) Reason for Classification
  - (c) Status of radiological release
  - (d) Protective Action Recommendations for the State of Michigan
  - (e) Meteorological Data (including the wind direction)
  - (f) Type of Release: Airborne, Waterborne or Surface Spill
  - (g) Radiological Release Data (Actual or Potential)
  - (h) Calculated and measured offsite doses
- 7.2.5 After receiving the initial notification from Windsor Fire Dispatch, the Community Emergency Management Coordinator will await confirmation and direction from the Provincial Emergency Operations Centre before proceeding with the Municipal notification. If confirmation is not received within 30 minutes, the Community Emergency Management Coordinator will attempt to contact the Provincial Emergency Operations Centre. If this is not successful, the Community Emergency Management Coordinator will proceed with emergency notification as per this plan.

7.2.6 Follow up notification and information after the initial notifications will be the responsibility of the Community Emergency Management Coordinator. All emergency notifications and information messages after the initial notifications will be authorized by the Head, Community Control Group.

7.2.7 All alternate notifications will be confirmed by fax where these are available.

### 7.3 Public Alerting System

7.3.1 Public Alerting System Activation and Responsibilities:

- a) Whenever the public alerting system is to be activated, the PEOC commander shall concurrently issue an emergency bulletin (see **Section 7.4**) to the broadcast media. The bulletin shall contain specific instructions on what actions the public should take and where to get more information. Emergency bulletins should be consistently repeated.
- b) In case of a General Emergency initial notification from Fermi 2 stating that an emission is ongoing or imminent, the municipal contact points for the Town of Amherstburg should immediately activate the public alerting system. Reference to any other authority is not required.
- c) In all other cases, the PEOC commander shall decide when to activate the public alerting system and issue the necessary instructions to the Town of Amherstburg. The Everbridge Mass Notification System with over 10,600 contacts is in place. Also, the former Nuclear Siren System continues to be operational.
- d) The all-hazards municipal alerting system in place in the Town of Amherstburg may be used for a nuclear emergency.
- e) The provincial Alert Ready program shall also be used to alert all Canadian populations within and beyond the DPZ<sup>[8]</sup>.

7.3.2 Public alerting systems used to implement this PNERP shall conform to the following principles:

- a) The Town of Amherstburg and the province shall include provisions in their nuclear emergency response plans to coordinate the timing of public alerting, public direction and emergency information. This should ensure that the population receives timely and accurate information on what protective measures to take once they have been alerted of an emergency.
- b) The Town of Amherstburg's nuclear emergency response plan shall describe how the public alerting system has the capability to issue a public alert to the population in the DPZ.
- c) Regular integrated testing of existing public alerting systems shall be included as a component of municipal exercise programs.

- d) Such a public alerting system, coupled together with emergency bulletins, should ensure that the population within the DPZ is notified in an effective and timely manner.

## 7.4 Public Direction - Emergency Bulletins

- 7.4.1 The responsibility for issuing emergency bulletins rests with the PEOC commander and may be delegated to the PEOC Operations chief.
- 7.4.2 The aim of public direction is to communicate, directly to the affected public through emergency bulletins, the direction and guidance regarding protective actions they should take in order to ensure their safety and welfare. Public direction principles are described in the PNERP Master Plan, Section 7.3.
- 7.4.3 Emergency bulletins issued during a partial activation response level should be informative and permissive, whereas emergency bulletins issued once a full activation response has been adopted should be increasingly directive.
- 7.4.4 While the need for future sheltering should be broadcast through emergency bulletins as soon as that need is identified, the actual sheltering directive should be made, via emergency bulletin, at least four hours prior to the expected emission time if known.
- 7.4.5 At a partial activation response, the emergency bulletin shall include the following information, as applicable:
  - a) Date and time of expected emission, if known
  - b) Sectors (by geographical description) which may be affected
  - c) Applicable precautionary and protective measures for the affected sectors or area and applicable timings (if appropriate).
- 7.4.6 Once a full activation response level has been adopted an emergency bulletins should include directions regarding:
  - a) Date and time of expected emission, if known
  - b) Precautionary measures directed in the applicable zone(s)
  - c) Protective measures and the affected sectors or zones
  - d) Reception/Evacuation Centres which can receive evacuees who have no alternate accommodation.
  - e) KI pill ingestion details and availability information, as applicable
- 7.4.7 Marine Notification and Public Direction
  - a) The Canadian Coast Guard is notified whenever the PEOC receives a notification (partial or full activation) under this plan (see **Paragraph 4.5.3**) and they, in turn, shall notify the U.S. Coast Guard.
  - b) In the case of a full activation response, the Canadian Coast Guard shall broadcast an emergency message through their radio stations to marine craft on



the marine radio channel. The message should notify all marine craft in the vicinity of the emergency and direct them to remain clear of the DPZ.

- c) The Municipal Plan shall detail how notification and evacuation assistance will be provided to the marine craft (with and without radios) on the Ontario side of the Detroit River and Lake Erie. Such detail shall include any arrangements with the local OPP detachment.

7.4.8 The Office of the Fire Marshal and Emergency Management (OFMEM) shall provide advice and assistance regarding the nuclear content of the Town of Amherstburg's emergency public awareness and education programs and OFMEM shall coordinate with other stakeholders as appropriate (see PNERP Master Plan Annex C). The Town of Amherstburg's nuclear public awareness and education program shall include information regarding the means by which public direction will be communicated.

# Chapter 8 – Emergency Public Information & Direction

## 8.1 Introduction

The emergency public information system depends on:

1. People being alerted to the fact there is a problem.
2. Accurate information being available in a timely manner to ensure that people are aware of what actions they must take to protect themselves, their families, and others in the area that may not know of what they are to do.

Emergency Public Information system encompasses: Emergency Bulletins; Media Information including News Releases; and Public Enquiry

## 8.2 Emergency Public Information

### 8.2.1 Lower Level Response

When the offsite response adopted is Routine Monitoring or Enhanced Monitoring, all news releases or posts for social media pertaining to the event and prepared on behalf of the province, shall be issued by the SOLGEN Communications Branch. The SOLGEN communications director acts as the Provincial Chief Emergency Information Officer (PCEIO).

### 8.2.2 Higher Level Response

When the offsite response adopted is Partial Activation or Full Activation, the Director of Communications Branch, SOLGEN, assumes his/her role as PCEIO, establishing the Provincial Emergency Information Section (EIS), on behalf of the Province.

The Town of Amherstburg and the federal/provincial government will each have their own emergency information operation.

In order to ensure the coordination and consistency of all emergency information issued to the public, all stakeholders should inform the Provincial EIS if they plan to issue news releases or other emergency information materials.

### 8.2.3 The Provincial Emergency Information Section (EIS)

The PEIS, located in Toronto or operating virtually as determined by the PEOC, shall ensure that the province's emergency information is coordinated with the emergency information produced and disseminated by the designated municipalities, nuclear operator, federal partners and other stakeholders to ensure consistent messaging.

- a) The PEIS shall deploy a liaison officer, either in-person or virtually, to the PEOC.
- b) Stakeholders should share emergency information prior to release wherever possible and practicable.
- c) The PEIS functions include:
  - i. Coordinating all the provincial communications related to the nuclear emergency.
  - ii. Coordinating information and communication on behalf of the province with the State of Michigan and DTE Energy.

- iii. Developing and issuing news releases and social media posts and arranging media briefings.
- iv. Providing notices and public service announcements to broadcasters.
- v. Answering media and public inquiries.
- vi. Monitoring media and social media, correcting inaccuracies and dispelling rumours.
- vii. Providing communications advice to the PEOC commander and the Commissioner of Emergency Management.
- viii. Providing information to the Premier's Office via Cabinet Office.
- ix. Sharing and coordinating emergency information with Municipal EICs to ensure continuity and uniformity of messaging.
- x. Sharing copies of all news releases, fact sheets, and other public information materials with EICs prior to release to the public, if or when possible.
- xi. Deploying (in-person or virtually) a liaison officer(s) to the municipal EICs, if so requested.

#### **8.2.4 Municipal Emergency Information Centre (EIC)**

The Town of Amherstburg emergency plan shall describe how an EIC is established at a partial or full activation response. The EIC is responsible for the collection, dissemination and monitoring of local emergency information.

The functions of the municipal EIC include:

- a) Issuing news releases and other public information documents to the local media and residents describing the emergency and response measures.
- b) Keeping the PEIS informed regarding the development and distribution of news releases and other public information documents to local residents and media.
- c) Keeping the EIS apprised of local public perceptions, rumours, and reactions.
- d) Monitoring local media to ensure that local news is being accurately transmitted to the public by the media and confirming this with the PEIS.
- e) Informing the PEIS about the development and distribution of news releases and other documents for the local media and residents and, as a courtesy, share such documents with the PEIS.
- f) Informing the PEIS about the context, tone and reaction of the media, the public and other major stakeholders.
- g) Assisting media covering the emergency.
- h) Arranging media briefings, as required, to communicate "key messages" to the public.
- i) The EIC operation will be amalgamated into a JIC if one is activated in the local area.

### **8.3 Emergency Information Centre Functions**

As above in 8.2 the following functions are performed at the Emergency Information Centre:

- a) Issuing news releases and other public information documents to the local media and residents describing the emergency and response measures.
- b) Keeping the PEIS informed regarding the development and distribution of news releases and other public information documents to local residents and media.
- c) Keeping the EIS apprised of local public perceptions, rumours, and reactions.
- d) Monitoring local media to ensure that local news is being accurately transmitted to the public by the media and confirming this with the PEIS.
- e) Informing the PEIS about the development and distribution of news releases and other

documents for the local media and residents and, as a courtesy, share such documents with the PEIS.

- f) Informing the PEIS about the context, tone and reaction of the media, the public and other major stakeholders.
- g) Assisting media covering the emergency.
- h) Arranging media briefings, as required, to communicate “key messages” to the public.
- i) The EIC operation will be amalgamated into a JIC if one is activated in the local area.

## **8.4 Public Inquiries & Information**

Provincial public inquiries shall be coordinated by the Provincial EIS and include the use of the Service Ontario Call Centre.

The Town of Amherstburg will be responsible for establishing their own public inquiry operation in accordance with 8.2 and 8.3.

Prior to establishing the Emergency Information Centre, the area 211 call centre will be notified and a supervisor requested to attend the Emergency Operations Centre to act as a liaison between the Community Control Group and the 211 call centre. Once the Emergency Information Centre is established, that person(s) shall join the Public Enquiry section of the Emergency Information Centre and all calls from the public should be directed to the 211 call centre.

When the Emergency Information Centre is established, the Public Enquiry phone number (211) will be broadcast over the news media. This action is the responsibility of the Emergency Information Centre.

In addition to individual inquiries, it will be necessary to provide general information to the public to advise them of actions being taken to deal with the emergency. This may be done by:

- (a) Providing announcements, news releases, or press conferences
- (b) Broadcasting paid messages over the radio and TV or paying for advertisements in local newspapers,
- (c) Providing information over local Cable TV channels,
- (d) Conducting public meetings coordinated by the Emergency Information Centre.

If it becomes necessary to conduct public meetings, as identified by the Emergency Information Centre staff or the Community Control Group, it shall be organized, and coordinated by the Emergency Information Centre.

Inquiries as to the whereabouts of evacuees will be referred to the Registration & Enquiry section of the Reception/Evacuation Centre.

## **8.5 Public Direction - Emergency Bulletins**

8.5.1 The responsibility for issuing emergency bulletins rests with the PEOC commander and may be delegated to the PEOC Operations chief.

8.5.2 The aim of public direction is to communicate, directly to the affected public through emergency bulletins, the direction and guidance regarding protective actions they should take in order to ensure their safety and welfare. Public direction principles are described in the PNERP Master Plan, Section 7.3.

- 8.5.3 Emergency bulletins issued during a partial activation response level should be informative and permissive, whereas emergency bulletins issued once a full activation response has been adopted should be increasingly directive.
- 8.5.4 While the need for future sheltering should be broadcast through emergency bulletins as soon as that need is identified, the actual sheltering directive should be made, via emergency bulletin, at least four hours prior to the expected emission time if known.
- 8.5.5 At a partial activation response, the emergency bulletin shall include the following information, as applicable:
- a) Date and time of expected emission, if known
  - b) Sectors (by geographical description) which may be affected
  - c) Applicable precautionary and protective measures for the affected sectors or area and applicable timings (if appropriate).
- 8.5.6 Once a full activation response level has been adopted an emergency bulletins should include directions regarding:
- a) Date and time of expected emission, if known
  - b) Precautionary measures directed in the applicable zone(s)
  - c) Protective measures and the affected sectors or zones
  - d) Reception/Evacuation Centres which can receive evacuees who have no alternate accommodation.
  - e) KI pill ingestion details and availability information, as applicable
- 8.5.7 Marine Notification and Public Direction
- a) The Canadian Coast Guard is notified whenever the PEOC receives a notification (partial or full activation) under this plan (see **Paragraph 4.5.3**) and they, in turn, shall notify the U.S. Coast Guard.
  - b) In the case of a full activation response, the Canadian Coast Guard shall broadcast an emergency message through their radio stations to marine craft on the marine radio channel. The message should notify all marine craft in the vicinity of the emergency and direct them to remain clear of the DPZ.
  - c) The Municipal Plan shall detail how notification and evacuation assistance will be provided to the marine craft (with and without radios) on the Ontario side of the Detroit River and Lake Erie. Such detail shall include any arrangements with the local OPP detachment.
- 8.5.8 The Office of the Fire Marshal and Emergency Management (OFMEM) shall provide advice and assistance regarding the nuclear content of the Town of Amherstburg's emergency public awareness and education programs and OFMEM shall coordinate with other stakeholders as appropriate (see PNERP Master Plan Annex C). The Town of Amherstburg's nuclear public awareness and education program shall include information regarding the means by which public direction will be communicated.

# Chapter 9 – Municipal Emergency Operations

## 9.1 Overview

The sequence of operation in the event of an emergency at Fermi 2 is as follows:

1. Fermi informs the Provincial Emergency Operations Centre and municipal contact point when event is categorized. The Provincial Emergency Operations Centre will decide the response to be taken within 15 minutes and phones the Windsor Fire Dispatch Centre.
2. The Community Emergency Management Coordinator will continue Municipal notifications and take whatever early actions are required according to his/her procedures. The principal actions would be to activate the Public Alerting System, and assemble all or part of the Community Control Group.
3. If the Plan is fully activated, the Province and Municipalities will each consider declaring an emergency.
4. Once the Community Control Group is assembled, Protective Measures as described in the section following will be implemented when so directed by the Provincial Emergency Operations Centre. Similarly, if the response level changes as advised by the Provincial Emergency Operations Centre, the appropriate actions shall be implemented to deal with that response level.
5. Once the initial phase dealing with protecting the public from exposure to radiation due to airborne radioactivity has been implemented, the emergency will then enter the Intermediate Phase Response, which deals more with recovery and prevention of exposure due to contamination and the ingestion of radioactive material.

## 9.2 Command and Control

As per section 1.1.3 of the PNERP Master Plan, the Province of Ontario is primarily responsible for mitigating the off-site effects and coordinating the off-site response to a nuclear emergency. In a nuclear emergency the Provincial Emergency Operations Centre is responsible for all decision making with respect to the emergency. In the event that communications are lost between the PEOC and the Community Control Group, the Community Control Group will make the necessary decisions until such time as communications are reestablished.

The Community Control Group is responsible for issuing orders and directing emergency response within the Municipality during a nuclear emergency as advised by the Provincial Emergency Operations Centre. All orders to implement protective measures within the Municipality will be confirmed in writing, signed by the Head of the Community Control Group.

The Provincial Emergency Operations Centre may also issue directives directly to any element of the emergency management organization. However, all directives shall be confirmed in writing by the Provincial Emergency Operations Centre utilizing the appropriate IMS forms issued by the OFMEM to the Community Control Group and the Community Control Group shall be kept informed of all actions.

### 9.3 Precautionary Measures

The PEOC commander shall direct as appropriate, any or all of the following precautionary measures in the DPZ and adjacent areas (e.g., CPZ). Consideration shall also be given to the most suitable timing for the measures (in the case of a delayed emission it may be appropriate to delay the application of some of them) and issue the necessary bulletin(s) and directions for their implementation.

These measures are:

- (a) Closing of beaches, recreation areas, etc.
- (b) Closing of workplaces and schools
- (c) Suspension of admissions of non-critical patients in hospitals (per Ministry of Health direction)
- (d) Entry control
- (e) Clearing the milk storage of dairy farms
- (f) Banning consumption of any item of food or water that may have been exposed outdoors
- (g) Banning consumption and export of locally produced milk, meat, produce, milk- and meat-producing animals
- (h) Removing milk- and meat-producing animals from outside pasture and exposed water sources.
- (i) Evacuating Bois Blanc (Boblo) Island (based on practical and logistical considerations)

### 9.4 Traffic & Entry Control

Traffic Control is implemented in three stages using the Unified Transportation Coordination Plan developed jointly by Windsor Police Service, the Ontario Provincial Police, Ministry of Transportation Ontario and the Town of Amherstburg:

- (a) This plan shall include provisions for preventing traffic on the main evacuation routes from entering the Detailed Planning Zone whenever Stage 2 of the plan is put into effect.
- (b) Such through traffic shall be diverted around the Detailed Planning Zone via a pre-designated diversion route.
- (c) Entry to emergency workers (who have tasks in the zone) shall be permitted on these routes.
- (d) If main traffic routes are likely to remain closed for an extended period, the Unified Transportation Coordination Centre, under the guidance of the PEOC, shall make alternative routing arrangements. Prior planning for this eventuality will minimize the disruption created by such closures.

#### Unified Transportation Coordination Centre

A Unified Transportation Coordination Centre shall be developed for the Detailed Planning Zone as well as the main roads entering it. During an emergency, the Unified Transportation Coordination Centre shall be responsible for implementing the Unified Transportation Coordination Plan.

The traffic control plan shall be designed to allow implementation in three incremental stages:

- (a) Stage 1. Automatically initiated as soon as the traffic control plan is activated. The aim in this stage shall be to keep traffic flowing smoothly on the main evacuation routes and, to ensure that these routes remain open.

- (b) Stage 2. Initiated when it appears likely that the emergency may require evacuations or, when spontaneous evacuations begin to occur. Traffic shall be prevented from entering the Detailed Planning Zone on the main evacuation routes and shall instead be diverted around it (local traffic can still enter the Detailed Planning Zone on other routes). However, access should be allowed to emergency workers who have tasks to perform in the Detailed Planning Zone. Stage 1 measures will continue.
- (c) Stage 3. Initiated when it appears that particular sectors are likely to be evacuated. Additional resources shall be deployed to ensure that evacuation proceeds smoothly beyond the Detailed Planning Zone boundary. Stages 1 and 2 measures will continue.

The timing and order of sector evacuations will be determined by the PEOC, in coordination with the UTCC.

The Unified Transportation Coordination plan shall provide, where applicable, for the priority evacuation of any Response Sector(s) if and when ordered.

Operational directives implementing evacuations (or emergency orders issued in the event of a declared emergency) will be accompanied by emergency bulletins issued by the PEOC.

## **9.5 Evacuation**

Evacuation is one of the protective measures considered by the PEOC in a nuclear emergency.

The purpose of an evacuation is to prevent or minimize the exposure of members of the public to the effects of radiation.

All routes will be utilized to evacuate the Detailed Planning Zone.

Shadow evacuations may occur spontaneously in areas contiguous to the Detailed Planning Zone and thus contribute to the evacuation time for the Detailed Planning Zone DPZ.

### **9.5.1 Contamination**

In the event evacuations are necessary and are completed prior to an emission, evacuees are not expected to be contaminated and will therefore not require monitoring and/or decontamination.

In the event of an ongoing or imminent emission, evacuees exposed to the radioactive emission can be expected to have varying levels of contamination.

Contamination, where found, would be in the form of loose particulate on people, their belongings and vehicles.

Internal contamination may be present in individuals exposed to a radioactive emission.

Self-decontamination may be a primary means of decontamination, if required.

Monitoring and decontamination facilities are required for evacuees who have been exposed to a plume, as well as or for those who desire assurance monitoring.



## **9.5.2 Traffic**

During a nuclear emergency, traffic density and volume on major arterial roads and highways will be significantly increased and therefore, travel time in all directions will be significantly longer than normal.

To ensure that evacuations can proceed as smoothly as possible, integrated and multi-modal transportation management shall be coordinated by the UTCC

## **9.5.3 Family Reunification Prior to Evacuation**

Families will want to reunite and evacuate together, as far as possible.

The ability for families to reunite will depend on the time of day at the onset of the emergency and on the urgency for evacuations to proceed (i.e. timing of the emission).

Factors affecting family reunification include workplace location, school children, residents of hospitals, nursing homes or other institutions, etc.

## **9.5.4 Mass Care**

The majority of evacuees will make their own arrangements for care and lodging. The Town of Essex and the City of Windsor, as the designated Host Municipalities, are responsible for making mass care arrangements for those evacuees without such resources.

Assurances will be required that evacuees requiring either publicly or privately provided accommodation, are not contaminated.

## **9.5.5 Directing Evacuations**

Evacuations will be directed by Response Sector or groups of sectors, detailing the boundaries of the evacuation area by readily identifiable roads/landmarks.

Evacuees who may have been exposed to an emission will be directed either to proceed to a Monitoring and Decontamination Unit (MDU) within the designated evacuation/reception centre or, if not possible, to self-decontaminate upon reaching the destination of their choosing. Information on locations for monitoring shall be provided at the time of the emergency.

Evacuees who are not at risk of being contaminated will be instructed to leave the Detailed Planning Zone and will not be directed to an MDU or to self-decontaminate.

Evacuees who are not at risk of being contaminated will be permitted to evacuate in the direction and to the destination of their choosing, subject to restrictions (due to weather, traffic conditions etc.) announced by the PEOC through the Emergency Bulletins.

The smooth and expeditious movement of evacuee traffic is the responsibility of the traffic control organization set up under the Unified Transportation Coordination Plan.

The Unified Transportation Coordination Centre will monitor the evacuating traffic and inform the PEOC and the Municipal EOC of any issues impacting the evacuation.

## 9.5.6 Evacuation Arrangements

Municipal plans for the Town of Amherstburg shall include arrangements for mass evacuation transportation.

The evacuation of the affected public should be facilitated by the planning and preparedness undertaken in advance, including:

- Transportation management (e.g., MTO)
- Reception and evacuation centres (e.g., designated host municipalities)
- Long-term housing (e.g., multi-ministry and multi-jurisdictional planning group)
- Health issues and medical transfers (led by the local public health units and medical officers of health in conjunction with the MOH, Ontario health regions, and paramedic services as appropriate)

Medical assistance required during an evacuation is the responsibility of the emergency medical services and hospitals in coordination with health partners and other evacuation efforts.

Designated municipalities and designated host municipalities shall include provisions for the reception and care of evacuees in their emergency plans.

Emergency plans of the schools in the DPZ, if any, should provide for the movement of staff and students to pre-arranged host schools and, if necessary, to Monitoring and Decontamination Units for prior monitoring and decontamination. Evacuated students are the responsibility of their school staff until collected from the host school by their guardians, or parents.

Emergency plans of hospitals, long-term care homes, and other institutions in the DPZ, if any, should include provisions for the transfer of staff/residents/patients to an appropriate facility outside the DPZ, with which prior arrangements have been made per the Radiation Health Response Plan. Provisions should also be made to take staff/residents/patients to Monitoring and Decontamination Units, if necessary.

As it may not be possible or desirable to evacuate some of these persons, special arrangements shall be made for the care of staff/residents/patients remaining behind, as identified in the organizational plans.

## 9.5.7 Monitoring and Decontamination

OFMEM is responsible (PNERP Master Plan, Annex B Section 4.6) for coordinating, in advance of a Fermi 2 emergency, arrangements for monitoring and decontamination for evacuees and for emergency workers. This shall be accomplished through engagement and agreement with applicable stakeholders and other organizations, as required, with the appropriate expertise to resource and undertake the following:

- Selection of pre-designated sites (in coordination with designated municipalities)
- Resourcing fixed and/or mobile Monitoring and Decontamination Units (MDUs)
- Provision of core staff and resources
- Transport of staff and resources

- Staff training
- Drills and exercises

Fixed and mobile MDUs shall provide for those evacuees who either require or desire it upon evacuating the DPZ.

Mobile MDUs can also be deployed to support fixed MDUs if additional capacity is required at those locations.

During the early phase of an emergency at Fermi 2, the PEOC shall coordinate the implementation of the monitoring and decontamination arrangements as described above.

### **9.5.8 Municipal Evacuation Procedures/Actions:**

If a decision is made to evacuate any sector(s) the Community Control Group will be informed and directed by the Provincial Emergency Operations Centre over public media via the Emergency Bulletins. If an evacuation is ordered the following actions are required:

1. Each Community Control Group member should immediately inform his or her alternates.
2. The Reception/Evacuation Centre should prepare to receive the evacuees.
3. Police should monitor evacuation routes after a suitable time to allow the main flow of evacuees to leave.
4. Police, with the assistance of the Amherstburg Fire Department if necessary, will patrol the area to ensure it is cleared if possible.
5. Road blocks should be established around the evacuated area and only persons authorized by the Traffic Control Centre allowed to enter. Authorized persons would be emergency workers or others authorized by the Unified Transportation Coordination Centre/Emergency Worker Centre. See Section 9.4
6. All persons entering the evacuated area must be registered and issued dosimetry.
7. All evacuees will be instructed to report to the Reception Evacuee Centre where they will be registered and monitored for possible contamination.
8. After evacuation takes place, the Emergency Information Centre is responsible for providing information to evacuees, both collectively and individually. When it is safe to return to their homes, evacuees will be informed by Emergency Information Centre via the local media.
9. The City of Windsor Community Development and Health Commissioner representative on the Community Control Group is responsible for arranging transportation for evacuees, including disabled persons under home care, if required.

For Emergency Bulletins see Section 8.5. Emergency Information Centre procedures will identify a process for informing the Reception/Evacuation Centre of transportation requirements.

**a) Prompt Evacuations**

In the event that an evacuation is necessary in any sector prior to the Reception/ Evacuation Centre being established, Municipal staff will be informed directly by the Community Emergency Management Coordinator.

These staff will immediately proceed to the Reception Evacuation Centre, ensure it is either cleared, or opened, depending on the time of day, greet evacuees and direct them to a waiting area to await the arrival of the City of Windsor Social Services Department and the Red Cross Reception/Evacuation Centre staff.

**b) Contingency Planning Zone Evacuations**

The Provincial Emergency Operations Centre will coordinate any evacuations that are required in the Contingency Planning Zone with the appropriate municipality.

## **9.6 Sheltering**

The need for any future sheltering-in-place as a protective measure should be broadcast through the emergency bulletin as soon as that need is identified. The timing to actually issue an operational directive for sheltering-in-place (or, in the event of a declared emergency, advise that emergency orders have been made) shall be ultimately made by the PEOC commander (as a general guidance, however, the emergency bulletin to direct this protective measure should be issued at least 4 hours prior to the expected emission time) following escalation to a full activation response.

## **9.7 Iodine Thyroid Blocking**

The Town of Amherstburg shall detail in their plan the means by which they and Windsor- Essex County Public Health Unit facilitate: the pre-distribution of KI pills together with instructions on KI administration to DPZ residences, businesses, institutions and for emergency centres (e.g., Emergency Worker, Reception and Evacuation Centres).

Windsor-Essex County Public Health Unit and Chatham Kent Public Health Unit shall detail in their plans the means by which they will facilitate the following within their respective jurisdictions: availability of KI pills for any resident of the CPZs and IPZs, including vulnerable populations who may wish to possess a supply in advance of an emergency.

The MOH shall procure, in advance, adequate quantities of Potassium Iodide (KI) pill, for use by local authorities of the Fermi 2 DPZ, CPZ and IPZ populations during a nuclear emergency (PNERP Master Plan, Annex I, Appendix 7).

The Ministry of Health shall provide support to local authorities for the Fermi 2 DPZ, CPZ and IPZ populations to ensure that the ITB related requirements of the PNERP Master Plan and municipal plans are completed (PNERP Master Plan, Annex I, Appendix 7).

The Town of Amherstburg and the local health units previously identified should perform periodic reviews of the local populations to assess the adequacy of their ITB distribution programs.

Other operational responsibilities regarding iodine thyroid blocking (stocking, distribution and administration) are described in the Radiation Health Response Plan, as prepared by MOH.

The Chief Medical Officer of Health shall decide when to administer KI in consultation with the PEOC Commander and affected local medical officer(s) of health.  
Detailed Planning Zone

### **9.7.1 Ingestion Control Measures**

Before an emission commences, appropriate ingestion control measures should be directed by the PEOC Commander as a precaution within and, if necessary, adjacent to the Detailed Planning Zone.

After an emission commences, precautionary ingestion control measures should be reviewed by the PEOC Scientific Section and adjusted as necessary by the PEOC commander once environmental monitoring results become available.

If environmental monitoring indicates the need, appropriate ingestion control measures should be considered in areas known or suspected to be contaminated.

Based on the data produced by ground monitoring, additional ingestion control measures should be considered, where necessary, while the original precautionary measures may be lifted where appropriate.

## Chapter 10 - Emergency Operations – Transition to the Recovery Phase

The Recovery Phase of the emergency occurs when it is clear that conditions within the damaged reactor are stabilized, and there is no possibility of any further abnormal releases to the environment. The Provincial Emergency Operations Centre will decide and direct the transition to Recovery Phase after appropriate consultation, and will specify a formal date and time.

Recovery Phase is the period when the long-term effects of the emergency are dealt with, and the situation is restored to as close to normal as possible. To do this, the emergency zones are re-defined, and the emergency organization is changed somewhat to reflect the changed roles and tasks.

During the recovery phase actions will commence to restore the affected area to pre-emergency conditions and to scale back the emergency response organization.

As there may not be a clear distinction between phases, with emergency response operations occurring in all three, planning for recovery should begin as soon as practical.

Stakeholder recovery plans should include measures to address the following as applicable to their organization:

- Recovery organization structure
- On-going population monitoring and medical management
- Long-term relocation
- Resettlement and return of evacuees
- Long-term support for those living in contaminated areas
- Decontamination and reconstruction of property damaged during the emergency
- Economic impact issues and improvement plans

Stakeholder recovery plans should be prepared in advance and conform to the provincial recovery plan.

# Chapter 11 - Emergency Worker Safety

## 11.1 Introduction

The Province of Ontario and the Town of Amherstburg are currently working towards establishing resources that will be responsible for implementing the measures to ensure the safety of Emergency Workers and for the organization and operation of the Emergency Worker Centre. See Section 4.5 above.

The Provincial Emergency Operations Centre will determine the measures to be taken for Emergency Worker Safety based on known or projected conditions and transmit this information to the Community Control Group in the form of a "Sector Safety Status Code" which defines the level of protection required. These codes are transmitted to all agencies, including the Emergency Worker Centre and/or Remote Exposure Control Desk. All verbal transmission will be confirmed by Fax.

## 11.2 Definition of Emergency Worker

A person performing emergency services to support emergency response.

Notes:

1. Emergency workers can include the following: nuclear emergency workers required to remain in, or to enter, areas affected or likely to be affected by radiation from a nuclear emergency, and for whom special safety arrangements are required; emergency workers required to provide response outside the affected areas.
- 2 This does not include nuclear energy workers.
- 3 Emergency workers can include police, firefighters, paramedic services and emergency social services workers, and other essential services.

*(Source: CSA N1600, General requirements for nuclear emergency management programs)*

Emergency Workers are required to enter areas likely to be affected by radiation outside the Nuclear Facility Boundary, and for whom special safety arrangements are required. They may include Police, Fire Fighters, Emergency Medical Services, City of Windsor Social Services Department, Canadian Armed Forces personnel, Municipal, County, Provincial or Federal Government staff, the media, or residents approved by the Community Control Group to enter the area to tend to livestock or other purposes.

Figure 11.1

**EMERGENCY WORKER SAFETY  
GUIDELINES FOR ASSIGNING SECTOR SAFETY STATUS IN A NUCLEAR EMERGENCY**

<b>Sector Status Colour</b>	<b>Dose Rate</b>
<b>Green</b>	Up to 1 $\mu\text{Sv/h}$ or Up to 0.1 mrem/h
<b>Yellow</b>	1 $\mu\text{Sv/h}$ - 25 $\mu\text{Sv/h}$ or 0.1 mrem/h – 2.5 mrem/h
<b>Orange</b>	25 $\mu\text{Sv/h}$ - 1000 $\mu\text{Sv/h}$ or 2.5 mrem/h – 100 mrem/h
<b>Red</b>	>1000 $\mu\text{Sv/h}$ or > 100 mrem/h



Figure 11.2

**EMERGENCY WORKER SAFETY  
PRECAUTIONARY MEASURES FOR EACH SAFETY STATUS**

SAFETY STATUS	PRECAUTIONARY MEASURES FOR EMERGENCY WORKERS AND HELPERS
GREEN	No precautions necessary. No limit on stay period.
YELLOW	Restriction of drinking water, milk and other <i>foodstuffs</i> and beverages.
ORANGE	<ul style="list-style-type: none"> <li>a) Pregnant workers <i>shall</i> not enter the sector.</li> <li>b) Report to the <i>Emergency Worker Centre</i> (EWC) before entering the sector.</li> <li>c) Carry <i>personal monitoring</i> devices and observe all precautions prescribed by the EWC.</li> <li>d) <i>Dosimeters</i> <i>should</i> be checked every hour. Exit from the sector if the reading reaches 40 mSv (4rem), or any lower personal limit prescribed by the EWC.</li> <li>e) If duties permit, remain under shelter or inside a vehicle. If working outside, wear an outer garment such as a plastic raincoat.</li> <li>f) Stay in the sector <i>shall</i> be limited to 4 hours, or the time prescribed by the EWC.</li> <li>g) Report again to the EWC on leaving the sector.</li> </ul>
RED	<ul style="list-style-type: none"> <li>a) Pregnant <i>emergency workers</i> and <i>helpers</i> <i>shall</i> not enter the sector.</li> <li>b) Report to the <i>Emergency Worker Centre</i> (EWC) before entering the sector.</li> <li>c) Enter the sector accompanied by a qualified escort provided by the <i>reactor facility</i> and <i>shall</i> carry <i>personal monitoring</i> devices. They <i>shall</i> observe any precautions prescribed by the EWC.</li> <li>d) <i>Dosimeters</i> <i>should</i> be checked every 30 minutes. Exit from the sector if the reading reaches 40 mSv (4 rem), or any lower personal limit prescribed by the EWC.</li> <li>e) If duties permit, remain under shelter or inside a vehicle. If working outside, wear an outer garment such as a plastic raincoat.</li> <li>f) Stay in the sector <i>shall</i> be limited to one hour, or the time prescribed by the EWC.</li> <li>g) Report again to the EWC on leaving the sector.</li> </ul>

**Figure 11.3**

**EMERGENCY WORKER SAFETY  
DOSE LIMITS FOR  
OFF-SITE EMERGENCY WORKERS AND HELPERS**

<b>DEFAULT Effective Dose limit during emergency for non-licensee Off-site Emergency Workers and Helpers</b>	<b>VOLUNTARY* Effective Dose Limit for non-licensee Off-site Emergency Workers and Helpers</b>
50 mSv (5 rem) over the duration of the <i>response</i> .	100 mSv (10 rem) over the duration of the <i>response</i> .

\*Voluntary requires documented informed consent.

(Source: Health Canada, *Canadian Guidelines for Protective Actions during a Nuclear Emergency* (Draft 2016))

# Chapter 12 - Training and Education

## 12.1 Training

The Town of Amherstburg Community Emergency Management Coordinator (CEMC) provides generic staff training programs to staff and agency emergency personnel on an ongoing basis. Topics provide a level of understanding about upcoming exercises and training events or just provide general information on the Amherstburg Nuclear Emergency Response Plan (Annex N) or nuclear awareness.

All Community Control Group members and support staff are provided with training to ensure that they have a general knowledge of the PNERP Master Plan, the Town of Amherstburg Emergency Response Plan and are trained to carry out their specific responsibilities under the PNERP Master Plan and other specific plans and implementing procedures.

Staff training may be achieved through all or any of the following activities at the discretion of the Community Emergency Management Coordinator.

This may include the following:

- (a) Staff attending internal or external training sessions on appropriate plans and procedures covering their assigned responsibilities under the plans.
- (b) Staff attending specific training prior to exercises or drills.
- (c) Staff may also be provided generic professional development opportunities such as Basic Emergency Management (BEM) and the IMS courses.

# Chapter 13 - Exercises and Drills

## 13.1 General

The Town of Amherstburg conducts exercises and drills to test various components of the emergency management program and to assist with legislative compliance. Exercises and drills are designed to test things including:

- (a) Specific emergency plans (Nuclear and conventional)
- (b) Nuclear emergency centre set-up/operational procedures (Reception/Evacuation Centre, Emergency Worker Centre)
- (c) Notification procedures
- (d) Emergency Management Structure (Emergency Control Group)
- (e) Emergency Information Centre (EIC)
- (f) Unified Transportation Coordination Centre (UTCC)
- (g) Interfacing with Community and Provincial agencies and NGO's

To ensure each department or agency maintains a high level of readiness, departments or agencies with responsibilities under the plans shall be encouraged to take every practical opportunity to participate in exercises and drills.

## 13.2 Testing the Plan

Testing this Plan or other supporting plans is an effective hands-on method of training staff. The Town of Amherstburg tests its plans regularly to training Municipal and agency staff.

The following components of the emergency plan may be tested as indicated below:

Review/Exercise	Participation	Frequency
Plan Familiarization	Emergency Control Group Support Staff External Organizations	Annually
MEOC Set-up Simulation Exercise	Emergency Control Group Support Staff Volunteers & Agencies	Annually

# Chapter 14 - Public Education & Awareness

## 14.1 General

Public awareness is an important component of the Emergency Management Program put in place so that the general public will know what to expect before, during and after an emergency event.

The Town of Amherstburg through its Community Emergency Management Coordinator has an obligation to protect the residents of the Municipality through the implementation of an Emergency Management Program that includes the provision of public education and awareness.

All municipalities in Ontario are legislated to provide a public education and awareness component as part of their Emergency Management Program under the Emergency Management and Civil Protection Act, R.S.O., 1990.

## 14.2 Responsibilities

As part of the Emergency Management Program under the Emergency Management and Civil Protection Act, the Town of Amherstburg is committed to a public education and awareness program that covers the following information but is not limited to:

- (a) Nuclear Emergency Plans and response procedures
- (b) Nuclear Public Alerting and evacuation procedures
- (c) General Emergency Preparedness
- (d) Personal Emergency Preparedness

## 14.3 Public Education & Awareness Delivery Methods

The public awareness information program provided might include:

- (a) Brochures
- (b) USB/Compact discs
- (c) Emergency news releases / media articles
- (d) Municipal/County/Provincial web sites
- (e) Community Displays
- (f) Public Presentations

The Town of Amherstburg publicizes emergency exercises and events where possible through local media and on the Town web site.

The CEMC responds to e-mail and telephone requests for information from the general public on emergency preparedness.

## ANNEX C

### Emergency Management and Civil Protection Act

R.S.O. 1990, CHAPTER E.9

**Consolidation Period:** From December 15, 2009 to the [e-Laws currency date](#).

Last amendment: 2009, c. 33, Sched. 9, s. 4.

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#### Definitions

1. In this Act,

“emergency” means a situation or an impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or otherwise; (“situation d’urgence”)

“emergency area” means the area in which an emergency exists; (“zone de crise”)

“emergency management program” means a program developed under section 2.1 or 5.1; (“programme de gestion des situations d’urgence”)

“emergency plan” means a plan formulated under section 3, 6, 8 or 8.1; (“plan de mesures d’urgence”)

“employee of a municipality” means an employee as defined in section 278 of the *Municipal Act, 2001* or a designated employee as defined in section 217 of the *City of Toronto Act, 2006*, as the case may be; (“employé municipal”)

“head of council” includes a chair of the board of an improvement district; (“président du conseil”)

“local board” means a local board as defined in the *Municipal Affairs Act*; (“conseil local”)

“local services board” means a Local Services Board established under the *Local Services Boards Act*; (“régie locale des services publics”)

“member of council” includes a trustee of the board of an improvement district; (“membre du conseil”)

“public servant” means a public servant within the meaning of the *Public Service of Ontario Act, 2006*. (“fonctionnaire”) R.S.O. 1990, c. E.9, s. 1; 1999, c. 12, Sched. P, s. 3; 2002, c. 14, s. 3; 2002, c. 17, Sched. C, s. 10 (1, 2); 2006, c. 13, s. 1 (2); 2006, c. 32, Sched. C, s. 17; 2006, c. 35, Sched. C, s. 32 (1, 2).

#### **Administration of Act**

**2.** The Solicitor General is responsible for the administration of this Act. R.S.O. 1990, c. E.9, s. 2.

#### **Cabinet advisory committee**

**2.0.1** The Lieutenant Governor in Council may appoint, from among the members of the Executive Council, a committee to advise the Lieutenant Governor in Council on matters relating to emergencies. 2006, c. 13, s. 1 (3).

#### **Municipal emergency management programs**

**2.1** (1) Every municipality shall develop and implement an emergency management program and the council of the municipality shall by by-law adopt the emergency management program. 2002, c. 14, s. 4.

#### **Same**

- (2) The emergency management program shall consist of,
- (a) an emergency plan as required by section 3;
  - (b) training programs and exercises for employees of the municipality and other persons with respect to the provision of necessary services and the procedures to be followed in emergency response and recovery activities;
  - (c) public education on risks to public safety and on public preparedness for emergencies; and
  - (d) any other element required by the standards for emergency management programs set under section 14. 2002, c. 14, s. 4.

#### **Hazard and risk assessment and infrastructure identification**

(3) In developing its emergency management program, every municipality shall identify and assess the various hazards and risks to public safety that could give rise to emergencies and identify the facilities and other elements of the infrastructure that are at risk of being affected by emergencies. 2002, c. 14, s. 4.

#### **Confidentiality for defence reasons**

(4) Subject to subsection (5), a head of an institution, as defined in the *Municipal Freedom of Information and Protection of Privacy Act*, may refuse under that Act to disclose a record if,

- (a) the record contains information required for the identification and assessment activities under subsection (3); and
- (b) its disclosure could reasonably be expected to prejudice the defence of Canada or of any foreign state allied or associated with Canada or be injurious to the detection, prevention or suppression of espionage, sabotage or terrorism. 2002, c. 14, s. 4.

#### **Same**

(5) A head of an institution, as defined in the *Municipal Freedom of Information and Protection of Privacy Act*, shall not disclose a record described in subsection (4),

- (a) if the institution is a municipality and the head of the institution is not the council of the municipality, without the prior approval of the council of the municipality;
- (b) if the institution is a board, commission or body of a municipality, without the prior approval of the council of the municipality or, if it is a board, commission or body of two or more municipalities, without the prior approval of the councils of those municipalities. 2002, c. 14, s. 4.

**Confidentiality of third party information**

(6) A head of an institution, as defined in the *Municipal Freedom of Information and Protection of Privacy Act*, shall not, under that Act, disclose a record that,

- (a) contains information required for the identification and assessment activities under subsection (3); and
- (b) reveals a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence implicitly or explicitly. 2002, c. 14, s. 4.

**Meetings closed to public**

(7) The council of a municipality shall close to the public a meeting or part of a meeting if the subject matter being considered is the council's approval for the purpose of subsection (5). 2002, c. 14, s. 4.

**Application of *Municipal Freedom of Information and Protection of Privacy Act***

(8) Nothing in this section affects a person's right of appeal under section 39 of the *Municipal Freedom of Information and Protection of Privacy Act* with respect to a record described in this section. 2002, c. 14, s. 4.

**Municipal emergency plan**

**3.** (1) Every municipality shall formulate an emergency plan governing the provision of necessary services during an emergency and the procedures under and the manner in which employees of the municipality and other persons will respond to the emergency and the council of the municipality shall by by-law adopt the emergency plan. 2002, c. 14, s. 5 (1).

- (2) REPEALED: 2002, c. 14, s. 5 (1).

**Co-ordination by county**

(3) The council of a county may with the consent of the councils of the municipalities situated within the county co-ordinate and assist in the formulation of their emergency plans under subsection (1). R.S.O. 1990, c. E.9, s. 3 (3).

**Specific emergencies may be designated**

(4) The Lieutenant Governor in Council may designate a municipality to address a specific type of emergency in its emergency plan and, if so required, the municipality shall include the type of emergency specified in its emergency plan. 2002, c. 14, s. 5 (2).

**Training and exercises**

(5) Every municipality shall conduct training programs and exercises to ensure the readiness of employees of the municipality and other persons to act under the emergency plan. 2002, c. 14, s. 5 (3).

**Review of plan**

- (6) Every municipality shall review and, if necessary, revise its emergency plan every year. 2002, c. 14, s. 5 (3).

**Declaration of emergency**

**4.** (1) The head of council of a municipality may declare that an emergency exists in the municipality or in any part thereof and may take such action and make such orders as he or she considers necessary and are not contrary to law to implement the emergency plan of the municipality and to protect property and the health, safety and welfare of the inhabitants of the emergency area. R.S.O. 1990, c. E.9, s. 4 (1).

**Declaration as to termination of emergency**

(2) The head of council or the council of a municipality may at any time declare that an emergency has terminated. R.S.O. 1990, c. E.9, s. 4 (2).

**Solicitor General to be notified**

(3) The head of council shall ensure that the Solicitor General is notified forthwith of a declaration made under subsection (1) or (2). R.S.O. 1990, c. E.9, s. 4 (3).



#### **Premier may declare emergency terminated**

(4) The Premier of Ontario may at any time declare that an emergency has terminated. R.S.O. 1990, c. E.9, s. 4 (4).

#### **Conformity with upper-tier plan**

5. The emergency plan of a lower-tier municipality in an upper-tier municipality, excluding a county, shall conform to the emergency plan of the upper-tier municipality and has no effect to the extent of any inconsistency and, for the purposes of this section, The Corporation of the County of Lambton shall be deemed to be an upper-tier municipality. 2002, c. 17, Sched. C, s. 10 (3).

#### **Emergency management programs of provincial government bodies**

5.1 (1) Every minister of the Crown presiding over a ministry of the Government of Ontario and every agency, board, commission and other branch of government designated by the Lieutenant Governor in Council shall develop and implement an emergency management program consisting of,

- (a) an emergency plan as required by section 6;
- (b) training programs and exercises for public servants and other persons with respect to the provision of necessary services and the procedures to be followed in emergency response and recovery activities;
- (c) public education on risks to public safety and on public preparedness for emergencies; and
- (d) any other element required by the standards for emergency management programs set under section 14. 2002, c. 14, s. 7; 2006, c. 35, Sched. C, s. 32 (3).

#### **Hazard and risk assessment and infrastructure identification**

(2) In developing an emergency management program, every minister of the Crown and every designated agency, board, commission and other branch of government shall identify and assess the various hazards and risks to public safety that could give rise to emergencies and identify the facilities and other elements of the infrastructure for which the minister or agency, board, commission or branch is responsible that are at risk of being affected by emergencies. 2002, c. 14, s. 7.

#### **Confidentiality of third party information**

(3) A head of an institution, as defined in the *Freedom of Information and Protection of Privacy Act*, shall not, under that Act, disclose a record that,

- (a) contains information required for the identification and assessment activities under subsection (2); and
- (b) reveals a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence implicitly or explicitly. 2002, c. 14, s. 7.

#### **Application of *Freedom of Information and Protection of Privacy Act***

(4) Nothing in this section affects a person's right of appeal under section 50 of the *Freedom of Information and Protection of Privacy Act* with respect to a record described in this section. 2002, c. 14, s. 7.

#### **Emergency plans of provincial government bodies**

6. (1) It is the responsibility of,

- (a) each minister of the Crown presiding over a ministry of the Government of Ontario; and
- (b) each agency, board, commission or other branch of government designated by the Lieutenant Governor in Council,

to formulate an emergency plan for the ministry or branch of government, as the case may be, in respect of the type of emergency assigned to it by the Lieutenant Governor in Council, governing the provision of necessary services during an emergency and the procedures under and the manner in which public servants and other persons will respond to the emergency. R.S.O. 1990, c. E.9, s. 6 (1); 2006, c. 35, Sched. C, s. 32 (3).

#### **Training and exercises**

(2) Every minister of the Crown described in clause (1) (a) and every agency, board, commission or other branch of government described in clause (1) (b) shall conduct training programs and exercises to ensure the readiness of public servants and other persons to act under their emergency plans. 2002, c. 14, s. 8; 2006, c. 35, Sched. C, s. 32 (3).

#### **Review of plan**

(3) Every minister of the Crown described in clause (1) (a) and every agency, board, commission or other branch of government described in clause (1) (b) shall review and, if necessary, revise its emergency plan every year. 2002, c. 14, s. 8.

## **Chief, Emergency Management Ontario**

**6.1** The Lieutenant Governor in Council shall appoint a Chief, Emergency Management Ontario who, under the direction of the Solicitor General, shall be responsible for monitoring, co-ordinating and assisting in the development and implementation of emergency management programs under sections 2.1 and 5.1 and for ensuring that those programs are co-ordinated in so far as possible with emergency management programs and emergency plans of the Government of Canada and its agencies. 2002, c. 14, s. 9.

### **Emergency plans submitted to Chief**

**6.2** (1) Every municipality, minister of the Crown and designated agency, board, commission and other branch of government shall submit a copy of their emergency plans and of any revisions to their emergency plans to the Chief, Emergency Management Ontario, and shall ensure that the Chief, Emergency Management Ontario has, at any time, the most current version of their emergency plans. 2002, c. 14, s. 10.

### **Repository for emergency plans**

(2) The Chief, Emergency Management Ontario shall keep in a secure place the most current version of every emergency plan submitted to him or her. 2002, c. 14, s. 10.

### **Definitions**

**7.** In sections 7.0.1 to 7.0.11,

“animal” means a domestic animal or bird or an animal or bird that is wild by nature that is in captivity; (“animal”)

“Commissioner of Emergency Management” means the person appointed from time to time by order in council as the Commissioner of Emergency Management; (“commissaire à la gestion des situations d’urgence”)

“municipality” includes a local board of a municipality, a district social services administration board and, despite subsection 6 (2) of the *Northern Services Boards Act*, a local services board; (“municipalité”)

“necessary goods, services and resources” includes food, water, electricity, fossil fuels, clothing, equipment, transportation and medical services and supplies. (“denrées, services et ressources nécessaires”) 2006, c. 13, s. 1 (4).

### **Declaration of emergency**

**7.0.1** (1) Subject to subsection (3), the Lieutenant Governor in Council or the Premier, if in the Premier’s opinion the urgency of the situation requires that an order be made immediately, may by order declare that an emergency exists throughout Ontario or in any part of Ontario. 2006, c. 13, s. 1 (4).

### **Confirmation of urgent declaration**

(2) An order of the Premier that declares an emergency is terminated after 72 hours unless the order is confirmed by order of the Lieutenant Governor in Council before it terminates. 2006, c. 13, s. 1 (4).

### **Criteria for declaration**

(3) An order declaring that an emergency exists throughout Ontario or any part of it may be made under this section if, in the opinion of the Lieutenant Governor in Council or the Premier, as the case may be, the following criteria are satisfied:

1. There is an emergency that requires immediate action to prevent, reduce or mitigate a danger of major proportions that could result in serious harm to persons or substantial damage to property.
2. One of the following circumstances exists:
  - i. The resources normally available to a ministry of the Government of Ontario or an agency, board or commission or other branch of the government, including existing legislation, cannot be relied upon without the risk of serious delay.
  - ii. The resources referred to in subparagraph i may be insufficiently effective to address the emergency.
  - iii. It is not possible, without the risk of serious delay, to ascertain whether the resources referred to in subparagraph i can be relied upon. 2006, c. 13, s. 1 (4).

### **Emergency powers and orders**

#### **Purpose**

**7.0.2** (1) The purpose of making orders under this section is to promote the public good by protecting the health, safety and welfare of the people of Ontario in times of declared emergencies in a manner that is subject to the *Canadian Charter of Rights and Freedoms*. 2006, c. 13, s. 1 (4).

#### **Criteria for emergency orders**

(2) During a declared emergency, the Lieutenant Governor in Council may make orders that the Lieutenant Governor in Council believes are necessary and essential in the circumstances to prevent, reduce or mitigate serious harm to persons or substantial damage to property, if in the opinion of the Lieutenant Governor in Council it is reasonable to believe that,

- (a) the harm or damage will be alleviated by an order; and
- (b) making an order is a reasonable alternative to other measures that might be taken to address the emergency. 2006, c. 13, s. 1 (4).

**Limitations on emergency order**

- (3) Orders made under this section are subject to the following limitations:
  1. The actions authorized by an order shall be exercised in a manner which, consistent with the objectives of the order, limits their intrusiveness.
  2. An order shall only apply to the areas of the Province where it is necessary.
  3. Subject to section 7.0.8, an order shall be effective only for as long as is necessary. 2006, c. 13, s. 1 (4).

**Emergency orders**

(4) In accordance with subsection (2) and subject to the limitations in subsection (3), the Lieutenant Governor in Council may make orders in respect of the following:

1. Implementing any emergency plans formulated under section 3, 6, 8 or 8.1.
2. Regulating or prohibiting travel or movement to, from or within any specified area.
3. Evacuating individuals and animals and removing personal property from any specified area and making arrangements for the adequate care and protection of individuals and property.
4. Establishing facilities for the care, welfare, safety and shelter of individuals, including emergency shelters and hospitals.
5. Closing any place, whether public or private, including any business, office, school, hospital or other establishment or institution.
6. To prevent, respond to or alleviate the effects of the emergency, constructing works, restoring necessary facilities and appropriating, using, destroying, removing or disposing of property.
7. Collecting, transporting, storing, processing and disposing of any type of waste.
8. Authorizing facilities, including electrical generating facilities, to operate as is necessary to respond to or alleviate the effects of the emergency.
9. Using any necessary goods, services and resources within any part of Ontario, distributing, and making available necessary goods, services and resources and establishing centres for their distribution.
10. Procuring necessary goods, services and resources.
11. Fixing prices for necessary goods, services and resources and prohibiting charging unconscionable prices in respect of necessary goods, services and resources.
12. Authorizing, but not requiring, any person, or any person of a class of persons, to render services of a type that that person, or a person of that class, is reasonably qualified to provide.
13. Subject to subsection (7), requiring that any person collect, use or disclose information that in the opinion of the Lieutenant Governor in Council may be necessary in order to prevent, respond to or alleviate the effects of the emergency.
14. Consistent with the powers authorized in this subsection, taking such other actions or implementing such other measures as the Lieutenant Governor in Council considers necessary in order to prevent, respond to or alleviate the effects of the emergency. 2006, c. 13, s. 1 (4).

**Terms and conditions for services**

(5) An order under paragraph 12 of subsection (4) may provide for terms and conditions of service for persons providing and receiving services under that paragraph, including the payment of compensation to the person providing services. 2006, c. 13, s. 1 (4).

**Employment protected**

(6) The employment of a person providing services under an order made under paragraph 12 of subsection (4) shall not be terminated because the person is providing those services. 2006, c. 13, s. 1 (4).

**Disclosure of information**

(7) The following rules apply with respect to an order under paragraph 13 of subsection (4):

1. Information that is subject to the order must be used to prevent, respond to or alleviate the effects of the emergency and for no other purpose.
2. Information that is subject to the order that is personal information within the meaning of the *Freedom of Information and Protection of Privacy Act* is subject to any law with respect to the privacy and confidentiality of personal information when the declared emergency is terminated. 2006, c. 13, s. 1 (4).

**Exception**

(8) Paragraph 2 of subsection (7) does not prohibit the use of data that is collected as a result of an order to disclose information under paragraph 13 of subsection (4) for research purposes if,

- (a) information that could be used to identify a specific individual is removed from the data; or
- (b) the individual to whom the information relates consents to its use. 2006, c. 13, s. 1 (4).

**Authorization to render information anonymous**

(9) A person who has collected or used information as the result of an order under paragraph 13 of subsection (4) may remove information that could be used to identify a specific individual from the data for the purpose of clause (8) (a). 2006, c. 13, s. 1 (4).

**Powers of the Premier**

**Powers delegated to Premier**

**7.0.3** (1) If an order is made under section 7.0.1, the Premier may exercise any power or perform any duty conferred upon a minister of the Crown or an employee of the Crown by or under an Act of the Legislature. 2006, c. 13, s. 1 (4); 2006, c. 35, Sched. C, s. 32 (4).

**Powers of Premier, municipal powers**

(2) If an order is made under section 7.0.1 and the emergency area or any part of it is within the jurisdiction of a municipality, the Premier, where he or she considers it necessary, may by order made under this section,

- (a) direct and control the administration, facilities and equipment of the municipality in the emergency area, and, without restricting the generality of the foregoing, the exercise by the municipality of its powers and duties in the emergency area, whether under an emergency plan or otherwise, is subject to the direction and control of the Premier; and
- (b) require any municipality to provide such assistance as he or she considers necessary to an emergency area or any part of the emergency area that is not within the jurisdiction of the municipality and direct and control the provision of such assistance. 2006, c. 13, s. 1 (4).

**By-law not necessary**

(3) Despite subsection 5 (3) of the *Municipal Act, 2001*, a municipality is authorized to exercise a municipal power in response to an order of the Premier or his or her delegate made under subsection (2) without a by-law. 2006, c. 13, s. 1 (4).

**Delegation of powers**

**7.0.4** (1) After an order has been made under section 7.0.1, the Lieutenant Governor in Council may delegate to a minister of the Crown or to the Commissioner of Emergency Management any of the powers of the Lieutenant Governor in Council under subsection 7.0.2 (4) and the Premier may delegate to a minister of the Crown or to the Commissioner of Emergency Management any of the Premier's powers under section 7.0.3. 2006, c. 13, s. 1 (4).

**Same**

(2) A minister to whom powers have been delegated under subsection (1) may delegate any of his or her powers under subsection 7.0.2 (4) and section 7.0.3 to the Commissioner of Emergency Management. 2006, c. 13, s. 1 (4).

**Proceedings to restrain contravention of order**

**7.0.5** Despite any other remedy or any penalty, the contravention by any person of an order made under subsection 7.0.2 (4) may be restrained by order of a judge of the Superior Court of Justice upon application without notice by the Crown in right of Ontario, a member of the Executive Council or the Commissioner of Emergency Management, and the judge may make the order and it may be enforced in the same manner as any other order or judgment of the Superior Court of Justice. 2006, c. 13, s. 1 (4).

**Reports during an emergency**

**7.0.6** During an emergency, the Premier, or a Minister to whom the Premier delegates the responsibility, shall regularly report to the public with respect to the emergency. 2006, c. 13, s. 1 (4).

**Termination of emergency**

**7.0.7** (1) Subject to this section, an emergency declared under section 7.0.1 is terminated at the end of the 14th day following its declaration unless the Lieutenant Governor in Council by order declares it to be terminated at an earlier date. 2006, c. 13, s. 1 (4).

**Extension of emergency, L.G. in C.**

(2) The Lieutenant Governor in Council may by order extend an emergency before it is terminated for one further period of no more than 14 days. 2006, c. 13, s. 1 (4).

**Extension of emergency, Assembly**

(3) The Assembly, on the recommendation of the Premier, may by resolution extend the period of an emergency for additional periods of no more than 28 days. 2006, c. 13, s. 1 (4).

**Same**

(4) If there is a resolution before the Assembly to extend the period of the emergency, the declaration of emergency shall continue until the resolution is voted on. 2006, c. 13, s. 1 (4).

**Revocation of orders**

**7.0.8** (1) Subject to this section, an order made under subsection 7.0.2 (4) is revoked 14 days after it is made unless it is revoked sooner. 2006, c. 13, s. 1 (4).

**Commissioner's orders**

(2) An order of the Commissioner of Emergency Management made under subsection 7.0.2 (4) is revoked at the end of the second full day following its making unless it is confirmed before that time by order of the Lieutenant Governor in Council, the Premier or the Minister who delegated the power to make the order. 2006, c. 13, s. 1 (4).

**Extension of orders, L.G. in C., etc.**

(3) During a declared emergency, the Lieutenant Governor in Council or a Minister to whom the power has been delegated may by order, before it is revoked, extend the effective period of an order made under subsection 7.0.2 (4) for periods of no more than 14 days. 2006, c. 13, s. 1 (4).

**Extension of order after emergency**

(4) Despite the termination or disallowance of the emergency, the Lieutenant Governor in Council may by order extend the effective period of an order made under subsection 7.0.2 (4) for periods of no more than 14 days where the extension of the order is necessary to deal with the effects of the emergency. 2006, c. 13, s. 1 (4).

**Disallowance of emergency by Assembly**

**7.0.9** (1) Despite section 7.0.7, the Assembly may by resolution disallow the declaration of emergency under section 7.0.1 or the extension of an emergency. 2006, c. 13, s. 1 (4).

**Same**

(2) If the Assembly passes a resolution disallowing the declaration of emergency or the extension of one, any order made under subsection 7.0.2 (4) is revoked as of the day the resolution passes. 2006, c. 13, s. 1 (4).

**Report on emergency**

**7.0.10** (1) The Premier shall table a report in respect of the emergency in the Assembly within 120 days after the termination of an emergency declared under section 7.0.1 and, if the Assembly is not then in session, the Premier shall table the report within seven days of the Assembly reconvening. 2006, c. 13, s. 1 (4).

**Content of report**

(2) The report of the Premier shall include information,

- (a) in respect of making any orders under subsection 7.0.2 (4) and an explanation of how the order met the criteria for making an order under subsection 7.0.2 (2) and how the order satisfied the limitations set out in subsection 7.0.2 (3); and
- (b) in respect of making any orders under subsection 7.0.3 (2) and an explanation as to why he or she considered it necessary to make the order. 2006, c. 13, s. 1 (4).

**Consideration of report**

(3) The Assembly shall consider the report within five sitting days after the report is tabled. 2006, c. 13, s. 1 (4).

**Commissioner's report**

(4) If the Commissioner of Emergency Management makes any orders under subsection 7.0.2 (4) or 7.0.3 (2), he or she shall, within 90 days after the termination of an emergency declared under subsection 7.0.1 (1), make a report to the Premier in respect of the orders and the Premier shall include it in the report required by subsection (1). 2006, c. 13, s. 1 (4).

**Offences**

**7.0.11** (1) Every person who fails to comply with an order under subsection 7.0.2 (4) or who interferes with or obstructs any person in the exercise of a power or the performance of a duty conferred by an order under that subsection is guilty of an offence and is liable on conviction,

- (a) in the case of an individual, subject to clause (b), to a fine of not more than \$100,000 and for a term of imprisonment of not more than one year;
- (b) in the case of an individual who is a director or officer of a corporation, to a fine of not more than \$500,000 and for a term of imprisonment of not more than one year; and
- (c) in the case of a corporation, to a fine of not more than \$10,000,000. 2006, c. 13, s. 1 (4).

**Separate offence**

(2) A person is guilty of a separate offence on each day that an offence under subsection (1) occurs or continues. 2006, c. 13, s. 1 (4).

**Increased penalty**

(3) Despite the maximum fines set out in subsection (1), the court that convicts a person of an offence may increase a fine imposed on the person by an amount equal to the financial benefit that was acquired by or that accrued to the person as a result of the commission of the offence. 2006, c. 13, s. 1 (4).

**Exception**

(4) No person shall be charged with an offence under subsection (1) for failing to comply with or interference or obstruction in respect of an order that is retroactive to a date that is specified in the order, if the failure to comply, interference or obstruction is in respect of conduct that occurred before the order was made but is after the retroactive date specified in the order. 2006, c. 13, s. 1 (4).

**Orders in emergency**

**Purpose**

**7.1** (1) The purpose of this section is to authorize the Lieutenant Governor in Council to make appropriate orders when, in the opinion of the Lieutenant Governor in Council, victims of an emergency or other persons affected by an emergency need greater services, benefits or compensation than the law of Ontario provides or may be prejudiced by the operation of the law of Ontario. 2006, c. 13, s. 1 (5).

**Order**

(2) If the conditions set out in subsection (3) are satisfied, the Lieutenant Governor in Council may, by order made on the recommendation of the Attorney General, but only if the Lieutenant Governor in Council is of the opinion described in subsection (1),

- (a) temporarily suspend the operation of a provision of a statute, regulation, rule, by-law or order of the Government of Ontario; and
- (b) if it is appropriate to do so, set out a replacement provision to be in effect during the temporary suspension period only. 2006, c. 13, s. 1 (5).

**Conditions**

(3) The conditions referred to in subsection (2) are:

1. A declaration has been made under section 7.0.1.
2. The provision,
  - i. governs services, benefits or compensation, including,
    - A. fixing maximum amounts,
    - B. establishing eligibility requirements,
    - C. requiring that something be proved or supplied before services, benefits or compensation become available,
    - D. restricting how often a service or benefit may be provided or a payment may be made in a given time period,

- E. restricting the duration of services, benefits or compensation or the time period during which they may be provided,
  - ii. establishes a limitation period or a period of time within which a step must be taken in a proceeding, or
  - iii. requires the payment of fees in respect of a proceeding or in connection with anything done in the administration of justice.
3. In the opinion of the Lieutenant Governor in Council, the order would facilitate providing assistance to victims of the emergency or would otherwise help victims or other persons to deal with the emergency and its aftermath. 2006, c. 13, s. 1 (5).

**Maximum period, renewals and new orders**

- (4) The period of temporary suspension under an order shall not exceed 90 days, but the Lieutenant Governor in Council may,
- (a) before the end of the period of temporary suspension, review the order and, if the conditions set out in subsection (3) continue to apply, make an order renewing the original order for a further period of temporary suspension not exceeding 90 days;
  - (b) at any time, make a new order under subsection (2) for a further period of temporary suspension not exceeding 90 days. 2006, c. 13, s. 1 (5).

**Further renewals**

- (5) An order that has previously been renewed under clause (4) (a) may be renewed again, and in that case clause (4) (a) applies with necessary modifications. 2006, c. 13, s. 1 (5).

**Effect of temporary suspension: time period**

- (6) If a provision establishing a limitation period or a period of time within which a step must be taken in a proceeding is temporarily suspended by the order and the order does not provide for a replacement limitation period or period of time, the limitation period or period of time resumes running on the date on which the temporary suspension ends and the temporary suspension period shall not be counted. 2006, c. 13, s. 1 (5).

**Effect of temporary suspension: fee**

- (7) If a provision requiring the payment of a fee is temporarily suspended by the order and the order does not provide for a replacement fee, no fee is payable at any time with respect to things done during the temporary suspension period. 2006, c. 13, s. 1 (5).

**Restriction**

- (8) This section does not authorize,
- (a) making any reduction in respect of services, benefits or compensation;
  - (b) shortening a limitation period or a period of time within which a step must be taken in a proceeding; or
  - (c) increasing the amount of a fee. 2006, c. 13, s. 1 (5).

**Orders, general**

**Commencement**

- 7.2** (1) An order made under subsection 7.0.2 (4) or 7.1 (2),
- (a) takes effect immediately upon its making; or
  - (b) if it so provides, may be retroactive to a date specified in the order. 2006, c. 13, s. 1 (5).

**Notice**

- (2) Subsection 23 (2) of the *Legislation Act, 2006* does not apply to an order made under subsection 7.0.2 (4) or 7.1 (2), but the Lieutenant Governor in Council shall take steps to publish the order in order to bring it to the attention of affected persons pending publication under the *Legislation Act, 2006*. 2006, c. 13, s. 2 (3).

**General or specific**

- (3) An order made under subsection 7.0.2 (4) or 7.1 (2) may be general or specific in its application. 2006, c. 13, s. 1 (5).

**Conflict**

(4) In the event of conflict between an order made under subsection 7.0.2 (4) or 7.1 (2) and any statute, regulation, rule, by-law, other order or instrument of a legislative nature, including a licence or approval, made or issued under a statute or regulation, the order made under subsection 7.0.2 (4) or 7.1 (2) prevails unless the statute, regulation, rule, by-law, other order or instrument of a legislative nature specifically provides that it is to apply despite this Act. 2006, c. 13, s. 1 (5).

#### **Chief Medical Officer of Health**

(5) Except to the extent that there is a conflict with an order made under subsection 7.0.2 (4), nothing in this Act shall be construed as abrogating or derogating from any of the powers of the Chief Medical Officer of Health as defined in subsection 1 (1) of the *Health Protection and Promotion Act*. 2006, c. 13, s. 1 (5).

#### **Limitation**

(6) Nothing in this Act shall be construed or applied so as to confer any power to make orders altering the provisions of this Act. 2006, c. 13, s. 1 (5).

#### **Same**

(7) Nothing in this Act affects the rights of a person to bring an application for the judicial review of any act or failure to act under this Act. 2006, c. 13, s. 1 (5).

#### **Occupational Health and Safety Act**

(8) Despite subsection (4), in the event of a conflict between this Act or an order made under subsection 7.0.2 (4) and the *Occupational Health and Safety Act* or a regulation made under it, the *Occupational Health and Safety Act* or the regulation made under it prevails. 2006, c. 13, s. 1 (5).

#### **Lieutenant Governor in Council to formulate plan**

**8.** The Lieutenant Governor in Council shall formulate an emergency plan respecting emergencies arising in connection with nuclear facilities, and any provisions of an emergency plan of a municipality respecting such an emergency shall conform to the plan formulated by the Lieutenant Governor in Council and are subject to the approval of the Solicitor General and the Solicitor General may make such alterations as he or she considers necessary for the purpose of co-ordinating the plan with the plan formulated by the Lieutenant Governor in Council. R.S.O. 1990, c. E.9, s. 8; 1999, c. 12, Sched. P, s. 6.

#### **Other emergency plans**

**8.1** The Solicitor General may, if he or she thinks it is necessary or desirable in the interests of emergency management and public safety, formulate emergency plans respecting types of emergencies other than those arising in connection with nuclear facilities. 2002, c. 14, s. 12.

#### **What plan may provide**

- 9.** An emergency plan formulated under section 3, 6 or 8 shall,
- (a) in the case of a municipality, authorize employees of the municipality or, in the case of a plan formulated under section 6 or 8, authorize public servants to take action under the emergency plan where an emergency exists but has not yet been declared to exist;
  - (b) specify procedures to be taken for the safety or evacuation of persons in an emergency area;
  - (c) in the case of a municipality, designate one or more members of council who may exercise the powers and perform the duties of the head of council under this Act or the emergency plan during the absence of the head of council or during his or her inability to act;
  - (d) establish committees and designate employees to be responsible for reviewing the emergency plan, training employees in their functions and implementing the emergency plan during an emergency;
  - (e) provide for obtaining and distributing materials, equipment and supplies during an emergency;
  - (e.1) provide for any other matter required by the standards for emergency plans set under section 14; and
  - (f) provide for such other matters as are considered necessary or advisable for the implementation of the emergency plan during an emergency. R.S.O. 1990, c. E.9, s. 9; 2002, c. 14, s. 13; 2006, c. 35, Sched. C, s. 32 (5).

#### **Public access to plans**

**10.** Except for plans respecting continuity of operations or services, an emergency plan formulated under section 3, 6 or 8 shall be made available to the public for inspection and copying during ordinary business hours at an office of the municipality, ministry or branch of government, as the case may be. R.S.O. 1990, c. E.9, s. 10; 2009, c. 33, Sched. 9, s. 4.



#### **Protection from action**

**11.** (1) No action or other proceeding lies or shall be instituted against a member of council, an employee of a municipality, an employee of a local services board, an employee of a district social services administration board, a minister of the Crown, a public servant or any other individual acting pursuant to this Act or an order made under this Act for any act done in good faith in the exercise or performance or the intended exercise or performance of any power or duty under this Act or an order under this Act or for neglect or default in the good faith exercise or performance of such a power or duty. 2006, c. 13, s. 1 (6); 2006, c. 35, Sched. C, s. 32 (6).

#### **Crown not relieved of liability**

(2) Despite subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, subsection (1) does not relieve the Crown of liability for the acts or omissions of a minister of the Crown or a public servant referred to in subsection (1) and the Crown is liable under that Act as if subsection (1) had not been enacted. 2006, c. 13, s. 1 (6); 2006, c. 35, Sched. C, s. 32 (7).

#### **Municipality not relieved of liability**

(3) Subsection (1) does not relieve a municipality of liability for the acts or omissions of a member of council or an employee of the municipality referred to in subsection (1), and the municipality is liable as if subsection (1) had not been enacted and, in the case of a member of council, as if the member were an employee of the municipality. 2006, c. 13, s. 1 (6).

#### **Application of subs. (1)**

(4) In the case of an order that is made retroactive to a date specified in the order, subsection (1) applies to an individual referred to in that subsection in respect of any act or any neglect or default that occurs before the order is made but on or after the date specified in the order. 2006, c. 13, s. 1 (6).

#### **Definitions**

(5) In this section,

“member of council” includes a member of a local board, a local services board or a district social service administration board; (“membre du conseil”)

“municipality” includes a local board of a municipality. (“municipalité”) 2006, c. 13, s. 1 (6).

#### **Right of action**

**12.** Where money is expended or cost is incurred by a municipality or the Crown in the implementation of an emergency plan or in connection with an emergency, the municipality or the Crown, as the case may be, has a right of action against any person who caused the emergency for the recovery of such money or cost, and for the purposes of this section, “municipality” includes a local board of a municipality and a local services board. R.S.O. 1990, c. E.9, s. 12; 1999, c. 12, Sched. P, s. 8.

#### **Agreements**

**13.** (1) The Solicitor General, with the approval of the Lieutenant Governor in Council, may make agreements with the Crown in right of Canada in respect of the payment by Canada to Ontario of any part of the cost to Ontario and to municipalities of the development and implementation of emergency management programs and the formulation and implementation of emergency plans. R.S.O. 1990, c. E.9, s. 13 (1); 2002, c. 14, s. 15.

#### **Idem**

(2) The Solicitor General, with the approval of the Lieutenant Governor in Council, may make agreements with the Crown in right of Canada and with the Crown in right of any other province for the provision of any personnel, service, equipment or material during an emergency. R.S.O. 1990, c. E.9, s. 13 (2).

#### **Idem**

(3) The council of a municipality may make an agreement with the council of any other municipality or with any person for the provision of any personnel, service, equipment or material during an emergency. R.S.O. 1990, c. E.9, s. 13 (3); 1999, c. 12, Sched. P, s. 9.

#### **Action not an expropriation**

**13.1** (1) Nothing done under this Act or under an order made under subsection 7.0.2 (4) constitutes an expropriation or injurious affection for the purposes of the *Expropriations Act* or otherwise at law and there is no compensation for the loss, including a taking, of any real or personal property except in accordance with subsection (3). 2006, c. 13, s. 1 (7).

#### **Payment of cost of assistance**

(2) The Lieutenant Governor in Council may by order authorize the payment of the cost of providing any assistance that arises under this Act or as the result of an emergency out of funds appropriated by the Assembly. 2006, c. 13, s. 1 (7).

**Compensation for loss of property**

(3) If, as the result of making an order under subsection 7.0.2 (4), a person suffers the loss, including a taking, of any real or personal property, the Lieutenant Governor in Council may by order authorize the reasonable compensation of the person for the loss in accordance with such guidelines as may be approved by the Lieutenant Governor in Council. 2006, c. 13, s. 1 (7).

**Compensation for municipalities**

(4) Without limiting the generality of subsection (2), the Lieutenant Governor in Council may by order authorize the payment of the costs incurred by a municipality in respect of an order made under this Act out of funds appropriated by the Assembly. 2006, c. 13, s. 1 (7).

**Standards for emergency management programs and emergency plans**

**14.** (1) The Solicitor General may make regulations setting standards for the development and implementation of emergency management programs under sections 2.1 and 5.1 and for the formulation and implementation of emergency plans under sections 3 and 6. 2002, c. 14, s. 16.

**General or particular**

(2) A regulation made under subsection (1) may be general or particular in its application. 2002, c. 14, s. 16.

**Conformity to standards required**

(3) Every municipality, minister of the Crown and designated agency, board, commission and other branch of government shall ensure that their emergency management programs and emergency plans conform to the standards set under this section. 2002, c. 14, s. 16.

**Crown bound**

**15.** This Act binds the Crown. 2006, c. 13, s. 1 (8).

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**THE CORPORATION OF THE TOWN OF AMHERSTBURG**

**BY-LAW NO. 2022-039**

**A By-law to adopt an Emergency Response Plan governing the provisions of necessary services during such emergencies**

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**WHEREAS** Section 3(1) of The Emergency Management Act and Civil Protection Act, R.S.O. 1990 c. E9, provides that the Council of a municipality may pass a by-law formulating or providing for the formulation of an emergency plan governing the provision of necessary services during an emergency and the procedures under and the manner in which employees of the municipality and other persons will respond to an emergency.

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

1. That the Amherstburg Emergency Response Plan dated June 2022, which includes the updated Annex N Amherstburg Nuclear Emergency Response Plan, attached hereto as Appendix "A" and Appendix "B", and forming part of this By-law is hereby adopted as the emergency plan governing the provision of necessary services during an emergency of the municipality and other persons who will respond to the emergency.
2. That By-law 2021-008 is hereby repealed in its entirety.
3. This By-law shall come into force and take effect on the day of the final passing thereof.

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

<b>Author's Name: Kevin Fox</b>	<b>Report Date: May 18, 2022</b>
<b>Author's Phone: 519 736-0012 ext. 2272</b>	<b>Date to Council: June 13, 2022</b>
<b>Author's E-mail: kfox@amherstburg.ca</b>	<b>Resolution #:</b>

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

**Subject: Resignation from the Amherstburg Environmental Advisory Committee**

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

It is recommended that:

1. The report of May 18, 2022, entitled Resignation from the Environmental Advisory Committee **BE RECEIVED for information.**

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

In accordance with the Boards and Committees Appointment Policy, a member shall submit a written letter of resignation to the Clerk notifying of their intention to resign their appointed position on a committee.

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

A letter of resignation from the Amherstburg Environmental Advisory Committee has been received from Marolyn Morrison due to changes in personal circumstances. The letter has been provided to Council under separate cover for your information.

Given the existing call for applications for committees, as well as the nearing end of the Committee's term, no further action is required to be taken at this time.

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

There are no risks associated with this report.

5. **FINANCIAL MATTERS:**

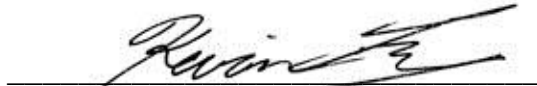
There are no financial implications of this report.

6. **CONSULTATIONS:**

N/A

7. **CONCLUSION:**

The report is provided for Council's information.

A handwritten signature in black ink, appearing to read "Kevin Fox", is written over a horizontal line.

Kevin Fox  
**Policy and Committee Coordinator**

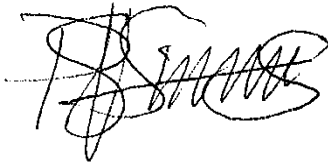
## Report Approval Details

Document Title:	Resignation from Amherstburg Environmental Advisory Committee.docx
Attachments:	
Final Approval Date:	May 18, 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

### OFFICE OF CORPORATE SERVICES

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

Author's Name: Tracy Prince	Report Date: June 3, 2022
Author's Phone: 519 736-0012 ext. 2254	Date to Council: June 13, 2022
Author's E-mail: <a href="mailto:tprince@amherstburg.ca">tprince@amherstburg.ca</a>	Resolution #: N/A

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

**Subject:** Annual Treasurer's Report – 2021 Council and Appointee Statement on Remuneration and Expenses

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

It is recommended that:

1. The report from the Treasurer dated June 1, 2022, regarding Annual Treasurer's Report – 2021 Council and Appointee Statement on Remuneration and Expenses **BE RECEIVED for information.**

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

Section 284 of the Municipal Act, 2001, indicates that the Treasurer of a municipality shall in each year on or before March 31, provide the Council of the municipality an itemized statement of remuneration and expense payments in the previous year.

It shall include each member of council in respect of his or her services as a member of the council or any other body, including a local board to which the member has been appointed by council or on which the member holds office by virtue of being a member of council.

It shall also include each person other than a member of council, appointed by the municipality to serve as a member of any body, including a local board, in respect of his or her services as a member of the body.

Section 284 of the Municipal Act, 2001 also dictates as a mandatory item, that the statement shall identify the By-law under which the remuneration or expenses were authorized to be paid.

**3. DISCUSSION:**

This report for the year ended December 31, 2021 discloses funds paid to members of Council and to each person appointed by Council as remuneration and for expenses.

**4. RISK ANALYSIS:**

The Treasurer's Report is required by the Municipal Act; failure to provide an itemized statement of remuneration and expense payments for the 2021 year as required by section 284 would place the municipality in a state of non-compliance. Additionally, political risk exists if the disclosure requirement is not met.

**5. FINANCIAL MATTERS:**

<b>Name</b>	<b>Remuneration for:</b>	<b>Amount</b>
<b>Council:</b>		
DiCarlo, Aldo	Amherstburg Town Council*, Essex Power Board of Directors( Paid by Essex Power), and Windsor Police Services Board ( Paid by City of Windsor)	\$65,313
Meloche, Leo	Amherstburg Town Council*	\$31,036
McArthur, Donald	Amherstburg Town Council*	\$24,350
Renaud, Marc	Amherstburg Town Council*	\$24,350
Prue, Michael	Amherstburg Town Council*	\$24,350
Simone, Patricia	Amherstburg Town Council*	\$25,005
Courtney, Peter	Amherstburg Town Council*, ERCA Board	\$26,390
<b>Appointees:</b>		
Wark, Bill	Essex Power Board of Directors** ( Paid By Essex Power)	\$10,033



<b>Name</b>	<b>Remuneration for:</b>	<b>Amount</b>
Buchanan, Terris	Committee of Adjustment	\$750
Cozens, David	Committee of Adjustment	\$975
Mailloux, Joshua	Committee of Adjustment	\$675
Shaw, Donald	Committee of Adjustment	\$1,050
Easterbrook, Christine	Accessibility Committee	\$250
Drew, Chris	Accessibility Committee	\$300
Curson-Prue, Shirley	Accessibility Committee, Heritage Committee**	\$250
Pietrangelo, Tony	Accessibility Committee	\$300
Whittal, William	Accessibility Committee	\$150
Morrison, Marolyn	ERCA Board	\$540
Bezaire, Robert	Drainage Board	\$750
Campigotto, Anthony	Drainage Board, Committee of Adjustment	\$1,800
Laramie, Brad	Drainage Board	\$675
Major, Allan	Drainage Board**	\$825
Pillon, Lloyd Robert	Drainage Board	\$750

\*Amherstburg Town Council remuneration amount consists of: Salaries, Public Receptions, Conventions and Seminars, Travel and Mileage and Communication Allowance. Amounts vary among Council members.

\*\* Amounts for Appointments include Per Diem, Convention and Seminars, Travel and Mileage. Amounts vary among Council Appointments.

For a detailed breakdown including Appointing By-laws please see Appendix A.

**6. CONSULTATIONS:**

The Supervisor of Revenue and Municipal Clerk were consulted on this report.

7. **CONCLUSION:**

This report is submitted for review by Council and to be received for information.



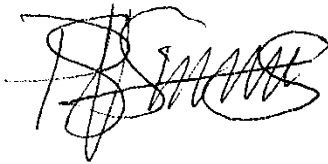
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Tracy Prince  
**Director of Corporate Services/CFO**  
**Treasurer**

## Report Approval Details

Document Title:	2022 06 01 - 2021 Council and Appointee Statement of Remuneration and Expenses.docx
Attachments:	
Final Approval Date:	Jun 8, 2022

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



Peter Simmons



Valerie Critchley



## THE CORPORATION OF THE TOWN OF AMHERSTBURG

### OFFICE OF CORPORATE SERVICES

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

<b>Author's Name:</b> Tracy Prince	<b>Report Date:</b> June 8, 2022
<b>Author's Phone:</b> 519 736-0012 ext. 2254	<b>Date to Council:</b> June 13, 2022
<b>Author's E-mail:</b> <a href="mailto:tprince@amherstburg.ca">tprince@amherstburg.ca</a>	<b>Resolution #:</b> N/A

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

**Subject:** 2021 Year End (Q4) Budget to Actual Projections

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#### 1. **RECOMMENDATIONS:**

It is recommended that:

1. This report on the 2021 Year End Projected Surplus **BE RECEIVED** for information.

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

The Town's budget is established by Council each year for operating and capital purposes as a cash-based budget used for determination of the annual tax levy requirement and user rate impacts.

The cash-based budget estimates are based on Council direction, economic trends and the best estimates and information available at the time. The actual expenditures and revenues in the various budget centres are monitored by Administration in relation to the approved budget on an ongoing basis. The year-to-date actual and projected results to the end of the year are reported to Council. The following report provides the projected outcomes of the year ended December 31, 2021 (Q4).

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

This report is provided to advise Council of the projected results for the 2021 fiscal year in relation to the cash-based budget, the following is a breakdown of the major variances by department.

It is important to note that the 2021 Results are not reflective of regular Town operations given the impacts of the pandemic (COVID-19) emergency in 2020. Due to the pandemic emergency the Town reduced service levels, including staff layoffs and program reductions, implemented alternate service delivery measures and forwent training and professional development for staff. The Town also incurred expenses for emergency response such as enhanced cleaning and various health and safety measures, the costs of which were mitigated to some extent by Ontario grant funding through the Ontario Safe Restart program. Across the corporation the investment in staff training and development had to be curtailed due to resources shortages, heavy workload and operational restrictions, all related to the pandemic emergency. The pandemic emergency has continued into 2022 and financial impacts are being monitored and will be reported to Council in due course.

#### **Taxation Funded:**

The taxation funded budget centres are projected to complete the year with an overall estimated operating a surplus of \$1.9 million. Particulars by department with recommendations for reserve fund transfers will follow, in due course, with the audited financial statement once completed by the external auditor.

#### **User Rate Funded:**

The user rate funded budget centres include Water and Wastewater are projected to complete the year with a surplus of approximately \$30,000.

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

A significant contributor to the surpluses experienced in fiscal 2021 was staffing vacancies, which resulted from pandemic emergency related service level reductions, staff layoffs, staff leaves of absence, and position gapping. The gaps in the Town's workforce in 2021 imposed significant challenges in meeting service delivery requirements, maintaining adequate levels of staff training and professional development, employee retention and attraction. This also affected the delivery of capital projects, which contributed to projects not being completed in the budget year.

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

It is recommended that the taxation funded surplus be transferred to reserves as supported by the Town's strategic goal of financial stability. Once KPMG audit is finalized a recommendation from Administration for the Reserves transfer will be brought forward for council consideration.

The Water budget centre and Wastewater budget centre are user rate funded, and as such any fiscal surplus or deficit is transferred to/from a Water Reserve account and Wastewater Reserve account respectively, as part of closing out the year end position for those funds.

**6. CONSULTATIONS:**

The Senior Management Team provided input on the 2021 Q4 results for budget centres within their departments.

**7. CONCLUSION:**

This report provides the modified cash-basis results for 2021 for the Town. The recommended disposal of the surpluses/deficits reported herein is consistent with the Town's strategic priority of financial sustainability.



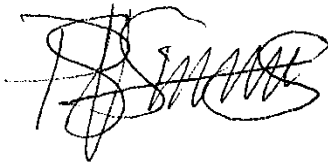
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Tracy Prince  
**Director Corporate Services/CFO**  
**Treasurer**

## Report Approval Details

Document Title:	2022 05 25 - 2021 Year End (Q4) Budget to Actual Projections.docx
Attachments:	
Final Approval Date:	Jun 8, 2022

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



Peter Simmons



Valerie Critchley

**Solicitor General**

Office of the Solicitor General

25 Grosvenor Street, 18<sup>th</sup> Floor  
Toronto ON M7A 1Y6  
Tel: 416 326-5000  
Toll Free: 1-866-517-0571  
SOLGEN.Correspondence@ontario.ca

**Solliciteur général**

Bureau du solliciteur général

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Toronto ON M7A 1Y6  
Tél. : 416 326-5000  
Sans frais : 1-866-517-0571  
SOLGEN.Correspondence@ontario.ca



132-2021-5591  
**By email**

May 3, 2022

His Worship Drew Dilkens  
Mayor  
City of Windsor  
350 City Hall Square East, PO Box 1607  
Windsor ON N9A 6S1  
[mayoro@citywindsor.ca](mailto:mayoro@citywindsor.ca)

Dear Mayor Dilkens:

Thank you for completing the community safety and well-being (CSWB) plan for the City of Windsor and the County of Essex.

The [Windsor-Essex Regional Community Safety and Well-Being Plan: 2022-2026](#) demonstrates leadership and commitment to proactively addressing crime and complex social issues facing your community. To this end, I would like to commend the joint efforts of all municipalities, including Windsor, Amherstburg, Essex, LaSalle, Lakeshore, Leamington, Kingsville, Tecumseh, and your multi-sectoral partners for your collaborative efforts on the development of a comprehensive plan that will target local priority risks such as good governance and data, engaged and safe communities, mental health, and substance use supports through the implementation of your identified programs and strategies. As you know, it is by working together that we can truly make our communities safer and healthier.

The positive impacts of CSWB planning are clear. Through this collaborative planning process, communities can ensure better coordination between police services and community partners. Your CSWB plan will allow for appropriate crisis response and proactive programs that address local risks and improve the social determinants of health such as education, housing, and mental services. This type of planning can also lead to improvements in service delivery across multiple sectors, benefitting everyone in the community.

Further, by engaging in this holistic approach to CSWB planning, communities can ensure that those in need receive the correct response by the appropriate service provider in a timely manner. In so doing, this will alleviate the long-term reliance on the criminal justice system, emergency services, the financial burden of crime on society and will support long-term community safety and well-being.

.../2



Throughout the implementation of your CSWB plan, it will be essential to measure outcomes on an ongoing basis in order to determine progress on addressing local priority risks. Over time, priorities may change as improvements are made to reduce identified risks in the community. Therefore, it will be important to regularly monitor and update your CSWB plan to ensure that the plan continues to be reflective of the needs of the community.

As we move forward with CSWB planning in Ontario, I want to thank you for your continued support and ongoing efforts in helping to build safer, stronger communities in Ontario.

Sincerely,



Sylvia Jones  
Solicitor General

c: Gary McNamara  
Warden, County of Essex

His Worship Aldo DiCarlo  
Mayor, Town of Amherstburg

His Worship Larry Snively  
Mayor, Town of Essex

His Worship Marc Bondy  
Mayor, Town of LaSalle

His Worship Tom Bain  
Mayor, Municipality of Lakeshore

Her Worship Hilda MacDonald  
Mayor, Municipality of Leamington

His Worship Nelson Santos  
Mayor, Town of Kingsville

Leonardo Gil  
Project Manager, City of Windsor



The Town of The Blue Mountains  
Council Meeting

**Title:** Mayor Soever Notice of Motion May 10, 2022

**Date:** Tuesday, May 24, 2022

---

**Moved by:** Mayor Soever

**Seconded by:** Councillor Hope

WHEREAS it is in the best interest of good government and the democratic process that all Ontarians have access to candidate information during the upcoming municipal elections; and,  
WHEREAS the clerks of some municipalities do not supply the mailing addresses of voters on the voters list to candidates, thereby limiting the access of voters who have mailing addresses outside the municipality to candidate information, effectively disenfranchising them;  
BE IT RESOLVED THAT the Council of the Town of The Blue Mountains expresses its support for the inclusion of the mailing addresses of voters on voter's lists provided to candidates;  
AND THAT a copy of this resolution be sent to all municipalities in Ontario to ask for their support;  
AND THAT a copy of this resolution be sent to the Premier of Ontario and the Minister of Municipal Affairs and Housing;  
AND THAT a copy of this resolution be sent to the Canadian Civil Liberties Association

**YES: 6**

**NO: 0**

**CONFLICT: 0**

**ABSENT: 1**

**The motion is Carried**

**YES: 6**

Mayor Soever

Deputy Mayor Bordignon Councillor Hope

Councillor Matrosovs

Councillor Sampson

Councillor Bill Abbotts

**NO: 0**

**CONFLICT: 0**

**ABSENT: 1**

Councillor Uram

May 25, 2022

**CL 10-2022, May 19, 2022**

***DISTRIBUTION LIST***

***SENT ELECTRONICALLY***

**Re: Motion - Voluntary Russian Sanction Request**

Whereas Russia's unprovoked and brazen invasion of the sovereign nation of Ukraine has been unequivocally condemned by the majority of the free world, including by those living and working in Niagara;

Whereas the death and destruction caused by Russia's senseless invasion will have a lasting impact on the innocent and independent citizens of Ukraine;

Whereas Russia has placed sanctions on many Canadian premiers, mayors, journalists, military officials as well as senior staff in the federal government, "indefinitely" banning these individuals from entering Russia;

Whereas those Russian sanctions include Toronto Mayor John Tory and Ottawa Mayor Jim Watson;

Whereas the residents and businesses of Niagara stand in solidarity with the people of Ukraine and the proud Ukrainian-Canadian community who call our region home;

Whereas Niagara Region continues to be a willing host to those Ukrainian citizens fleeing their homeland during this challenging time, providing support through the Region's Community Services Department as well as number of other local agencies;

Whereas silence may be interpreted as complicity; and

Whereas any sanctions placed on Niagara's elected officials be considered wholly ineffective and be received as a demonstration of Niagara's steadfast commitment to support Ukraine during this time.

**NOW THEREFORE BE IT RESOLVED:**

1. That Niagara Regional Council unequivocally **DENOUNCES** Russia's unjustifiable invasion of the sovereign nation of Ukraine;

2. That Niagara Regional Council **SUPPORTS** all of the sanctions that the Federal Government of Canada has thus far imposed on Russia;
3. That any Regional Councillor who wishes to be voluntarily sanctioned **INDICATE** their support by advising the Regional Chair's Office by phone or email by no later than Friday, May 20 at 4:30 p.m.;
4. That the Regional Chair **BE DIRECTED** to send correspondence to the Consulate General of the Russian Federation with the names of the Regional Councillors who have indicated their support to be voluntarily sanctioned, resulting in their "indefinite" ban from entering Russia;
5. That the Regional Clerk **BE DIRECTED** to circulate this motion to Niagara's 12 local councils, local area MPs, MPPs, AMO, and FCM; and
6. That this motion **BE FORWARDED** to all other municipalities in Ontario, requesting they consider enacting similar measures in order to present a united front and support the citizens of Ukraine.

Yours truly,



Ann-Marie Norio

Regional Clerk

CLK-C 2022-079

Distribution List

Local Area Councils

Chris Bittle, Member of Parliament, St. Catharines

Vance Badawey, Member of Parliament, Niagara Centre

Tony Baldinelli, Member of Parliament, Niagara Falls

Dean Allison, Member of Parliament, Niagara West

Jennie Stevens, Member of Provincial Parliament, St. Catharines

Jeff Burch, Member of Provincial Parliament, Niagara Centre

Wayne Gates, Member of Provincial Parliament, Niagara Falls

Sam Oosterhoff, Member of Provincial Parliament, Niagara West

Association of Municipalities Ontario

Federation of Canadian Municipalities

All Ontario Municipalities



# Community Services

## Legislative Services

May 31, 2022  
File #120203

The Right Honourable Justin Trudeau  
Prime Minister  
House of Commons  
Ottawa, ON K1A 0A6  
[Justin.trudeau@parl.gc.ca](mailto:Justin.trudeau@parl.gc.ca)

The Honourable Doug Ford  
Premier of Ontario  
Legislative Building, Queen's Park  
Toronto, ON M7A 1A1  
[premier@ontario.ca](mailto:premier@ontario.ca)

Honourable and Dear Sirs:

**Re: Bidding Wars on Apartment Rentals**

The Municipal Council of the Town of Fort Erie at its meeting of May 30, 2022 passed the following resolution:

**Whereas** Canada’s housing market has not only made it difficult for many Canadians to afford to purchase a home but also to rent apartments, and

**Whereas** there is a disconnect between affordability of housing and apartment rentals versus wages that have not kept pace with them nor has it kept pace with inflation, cost of living expenses, the rising costs of goods & services including – food, gas and utility, and

**Whereas** Ontario has now become the least affordable jurisdiction suffering the worst erosion in the last 50 years, and

**Whereas** many Canadians continue to be locked out of the housing & rental market for many reasons including the affordability of a down payment, rising inflation rates, and the escalation of bidding wars, and

**Whereas** bidding wars do not stop at home purchases but have now transitioned to apartment rentals as a ripple effect of the real estate market, and

**Whereas** there is a profound psychological effect to those individuals who continue to be shut out of the housing and rental market as a direct result, and

**Whereas** both blind bids and open bids are bad for the housing and apartment market which can lead to a housing bubble, and while blind bids offer no transparency, both types create unrealistic values that helps the seller and the rental owner but hurts the purchaser and renter, and

...2

**Whereas** there are multiple sites that encourage and teach how to win at bidding wars, and

**Whereas** there is no comprehensive data or statistics that currently tracks prices for rentals, and

**Whereas** the Government of Ontario will be introducing new legislation with respect to blind bidding only which does not prohibit the seller from entering into a bidding war but, rather, would give sellers the option to "opt for an open offer process", and

**Whereas** the changes to the *Trust in Real Estate Services Act* provides an advantage to the seller(s) and largely weakens opportunities of the buyer and renter further adding to the disparity between the two;

**Now therefore, be it resolved,**

**That:** Both the Federal & Provincial Governments enact legislation that prevents both open and closed bidding on both rental units and residential sales, and further

**That:** Both the Federal & Provincial Government prohibit sales beyond the list price, and further

**That:** A copy of this resolution be circulated to The Right Honourable Justin Trudeau, The Honourable Doug Ford, Premier of Ontario, All Members of Parliament, All Members of Provincial Parliament, and all Municipalities for their support.

**References:**

<https://www.truenorthmortgage.ca/blog/how-the-blind-offer-is-hurting-the-canadian-housing-market>

<https://www.cbc.ca/news/bidding-wars-to-rent-a-house-in-ontario-tenants-and-agents-say-it-s-a-new-reality-1.6094412>

<https://nationalpost.com/news/canada/extremely-stressful-bidding-wars-no-longer-limited-to-purchase-of-houses-now-its-rentals-too>

<https://www.blogto.com/real-estate-toronto/2022/04/ontario-new-regulations-bidding-wars-homes/>

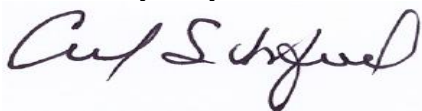
<https://www.cp24.com/news/ontario-to-allow-new-home-sales-tactic-that-would-change-the-bidding-process-1.5867054?cache=yes&clipid104062%2F7.493183>

<https://www.ontario.ca/laws/statute/s20001>

[https://www.gensqueeze.ca/housing\\_affordability\\_analysis](https://www.gensqueeze.ca/housing_affordability_analysis)

Thank you for your attention to this matter.

Yours very truly,



Carol Schofield, Dipl.M.A.  
Manager, Legislative Services/Clerk

[cschofield@forterrie.ca](mailto:cschofield@forterrie.ca)

CS:dlk

c.c. All Members of Parliament  
All Members of Provincial Parliament  
All Ontario Municipalities



MUNICIPALITY OF  
**SHUNIAH**

## COUNCIL RESOLUTION

Resolution No.: 174-22

Date: May 24, 2022

Moved By: MEGHAN CHOMUT

Seconded By: DON SMITH

THAT Council hereby receives the Community Schools Alliance Action Plan and Social and Economic Impact for Small Communities in Ontario Study;

WHEREAS all students should have the opportunity to attend elementary and secondary school in their home community;

THEREFORE, BE IT RESOLVED THAT:

1. The province increase the Rural and Northern Education Fund (RNEF) to \$50 million;
2. Should the current moratorium on accommodation reviews and school closures be lifted, we ask that the moratorium remain in place for schools that qualify for the RNEF until a thorough review of the education funding formula is completed;
3. Before templates required by the 2018 Pupil Accommodation Review Guide (PARG) are developed, there be consultation with school boards and community groups including the Community Schools Alliance.

AND FURTHER THAT a copy of this resolution be forwarded to Ontario municipalities, Community Schools Alliance, local MP's and MPP's and the Premier of Ontario.

Carried

Defeated

Amended

Deferred

*Wendy Landry*  
\_\_\_\_\_  
Signature

Municipality of Shuniah, 420 Leslie Avenue, Thunder Bay, Ontario, P7A 1X8



May 18, 2022

Federation of Canadian Municipalities (FCM);

Association of Municipalities of Ontario (AMO);

Sent via email: [resolutions@fcm.ca](mailto:resolutions@fcm.ca) ; [policy@amo.on.ca](mailto:policy@amo.on.ca)

To Whom it may concern:

Please be advised that Brantford City Council at its Special City Council meeting held May 17, 2022 adopted the following:

**5.1 Release of all Federal and Provincial Documents Related to the Former Mohawk Institute Residential School**

WHEREAS the Truth and Reconciliation Commission Final Report, 2015 confirmed that Residential Schools were part of a coherent policy implemented by the Federal Government to eliminate Indigenous people as distinct Peoples and to assimilate them into Christian society against their will; and

WHEREAS the Deputy Minister of Indian Affairs Duncan Campbell Scott outlined the goals of that policy in 1920, when he told a parliamentary committee that “our object is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic...”; and

WHEREAS the Truth and Reconciliation Commission Final Report, 2015 also confirmed that despite the coercive measures that the government adopted, it failed to achieve its policy goals. Although Indigenous Peoples and cultures have been badly damaged, they continue to exist; and

WHEREAS the former Mohawk Institute Residential School operated from 1831 to 1970 within the boundaries of what is now the City of Brantford; and

WHEREAS Survivors have released statements of missing, murdered, and buried students; and

WHEREAS, to date, the unmarked burials of over 7000 missing Indigenous children have been discovered nation-wide; and

WHEREAS, following the May 2021 announcement by Tk'emlúps te Secwépemc First Nation of locating 215 potential burials of children in unmarked graves at the Kamloops Indian Residential School in British Columbia, the Survivors of the Mohawk Institute,



along with their families and community members called on the Federal and Provincial governments to support a search for the remains of missing children who may have been buried on the Mohawk Institute's grounds and the surrounding area; and

WHEREAS, as of November, 2021, a search, led by the Survivors' Secretariat, of the Mohawk Institute Residential School grounds and over 200 hectares of land associated with the school began; and

WHEREAS Survivors of the Mohawk Institute Residential School are demanding the release of all Federal and Provincial documents related to the former Mohawk Institute Residential School; and

WHEREAS staff of the City of Brantford are currently undertaking a search of City records and archives for any documents, maps, or other relevant information related to the operation of the Mohawk Institute Residential School in order to release this information to the Survivors' Secretariat to aid in the search for truth, justice and healing; and

WHEREAS this Council is committed to working to advance reconciliation and renewed relationships with First Nations; and

WHEREAS the Truth and Reconciliation Commission of Canada issued 94 Calls to Action, thirteen of which are directed at municipal governments;

NOW THEREFORE BE IT RESOLVED:

- A. THAT the Council of The Corporation of the City of Brantford respectfully REQUESTS THE IMMEDIATE RELEASE, to the Survivors' Secretariat, of all documents in the possession of the Government of Canada or the Government of Ontario and the Anglican Church related to the former Mohawk Institute Residential School now located on Six Nations of the Grand River Territory, within the geographic boundaries of the City of Brantford; and
- B. THAT the Clerk BE DIRECTED to send a copy of this resolution to: Prime Minister Justin Trudeau; Premier Doug Ford; Minister of Crown-Indigenous Relations Marc Miller; Minister of Indigenous Services, Patty Hajdu; Minister of Indigenous Affairs, Greg Rickford; Linda Nicholls, Primate of the Anglican Church of Canada; MPP Will Bouma; MP Larry Brock, Mayor David Bailey; Chief Mark Hill; Chief Stacey Laforme; and the Survivors' Secretariat; and
- C. THAT the Clerk BE DIRECTED to send a copy of this resolution to the Federation of Canadian Municipalities (FCM) and the Association of Municipalities Ontario (AMO) for circulation to all municipalities in Ontario with an invitation to adopt a similar resolution, and, specifically, to those located within the Haldimand Tract,

including: Haldimand County; the County of Brant; the City of Cambridge; the City of Kitchener; the City of Waterloo; and the Region of Waterloo.

I trust this information is of assistance.

Yours truly,

A handwritten signature in black ink, appearing to read 'Tanya Daniels', with a stylized flourish at the end.

Tanya Daniels  
City Clerk, [tdaniels@brantford.ca](mailto:tdaniels@brantford.ca)

Cc All Ontario Municipalities  
Survivors' Secretariat



**AMANDA FUSCO**  
Director of Legislated Services & City Clerk  
Corporate Services Department  
Kitchener City Hall, 2<sup>nd</sup> Floor  
200 King Street West, P.O. Box 1118  
Kitchener, ON N2G 4G7  
Phone: 519.741.2200 x 7809 Fax: 519.741.2705  
[amanda.fusco@kitchener.ca](mailto:amanda.fusco@kitchener.ca)  
TTY: 519-741-2385

May 31, 2022

Honourable Steve Clark  
Minister of Municipal Affairs and Housing  
17<sup>th</sup> Floor, 777 Bay Street  
Toronto ON M5G 2E5

Dear Mr. Clark:

This is to advise that City Council, at a meeting held on May 9, 2022, passed the following resolution:

"WHEREAS the Province of Ontario adopted greenhouse gas reduction targets of 30% by 2030, and emissions from buildings represented 22% of the province's 2017 emissions,

WHEREAS all Waterloo Region municipalities, including the City of Kitchener, adopted greenhouse gas reduction targets of 80% below 2012 levels by 2050 and endorsed in principle a 50% reduction by 2030 interim target that requires the support of bold and immediate provincial and federal actions,

WHEREAS greenhouse gas emissions from buildings represent 45% of all emissions in Waterloo Region, and an important strategy in the TransformWR community climate action strategy, adopted by all Councils in Waterloo Region, targets new buildings to be net-zero carbon or able to transition to net-zero carbon using region-wide building standards and building capacity and expertise of building operators, property managers, and in the design and construction sector,

WHEREAS the City of Kitchener recently adopted a policy requiring new City buildings greater than 500m<sup>2</sup> to have an energy intensity-based target of 25% energy improvement above Ontario Building Code Regulation 388/18 or NetZero Ready/NetZero energy, where site conditions allow;

WHEREAS buildings with better energy performance provide owners and occupants with lower energy bills, improved building comfort, and resilience from power disruptions that are expected to be more common in a changing climate, tackling both inequality and energy poverty;

WHEREAS while expensive retrofits of the current building stock to achieve future net zero requirements could be aligned with end-of-life replacement cycles to be more cost-efficient, new buildings that are not constructed to be net zero ready will require substantial retrofits before end-of-life replacement cycles at significantly more cost, making it more cost-efficient to build it right the first time.

THEREFORE BE IT RESOLVED THAT Council request the Province of Ontario to include energy performance tiers and timelines for increasing minimum energy performance standards step-by-step to the highest energy performance tier in the next edition of the Ontario Building Code, consistent with the intent of the draft National Model Building Code and the necessity of bold and immediate provincial action on climate change;

THEREFORE BE IT RESOLVED THAT Council request the Province of Ontario to adopt a more ambitious energy performance tier of the draft National Model Building Code as the minimum requirement for the next edition of the Ontario Building Code than those currently proposed;

THEREFORE BE IT RESOLVED THAT Council request the Province of Ontario encourage and provide authority to municipalities to adopt higher energy performance tiers than the Ontario Building Code and Green Development Standards;

THEREFORE BE IT FURTHER RESOLVED THAT Council request the Province of Ontario to facilitate capacity, education and training in the implementation of the National Model Building Code for municipal planning and building inspection staff, developers, and homebuilders to help build capacity; and

THEREFORE BE IT FINALLY RESOLVED THAT this resolution be provided to the Minister of Municipal Affairs and Housing, to area MPPs, and to all Ontario Municipalities."

Yours truly,



---

A. Fusco  
Director of Legislated Services & City Clerk



Office of the District Chair

SENT VIA EMAIL ([premier@ontario.ca](mailto:premier@ontario.ca))

June 1, 2022

The Honourable Doug Ford  
Premier of Ontario  
Legislative Building  
Queen's Park  
Toronto, ON M7A 1A1

Dear Premier Ford,

**RE: Annual Emergency Exercise Exemption**

On behalf of The District Municipality of Muskoka, I am writing to express key concerns regarding the requirement for Ontario municipalities to conduct an annual practice exercise for a simulated emergency incident as prescribed by Regulation 380/04. The simulations aim to validate response plans and procedures, train staff and identify areas of improvement to ensure emergency response is delivered at optimal levels. Exemptions are not currently permitted under this legislation. While the District of Muskoka acknowledges and supports the need for emergency exercises, Muskoka District Council strongly encourages the amendment of Regulation 380/04 to permit exemptions for municipalities who have responded to an actual emergency during the respective calendar year. A copy of the District's Health Services Committee resolution, as adopted by Muskoka District Council, is attached as Appendix I.

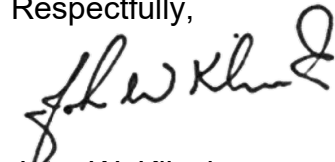
In 2021, The District's Emergency Control Group (ECG) convened twenty-four (24) times amounting to approximately 435 hours spent on emergency related activities. One of these incidents involved a watermain break in the Town of Bracebridge. Murray Advisory Services performed a critical analysis of the event and confirmed that the goals of an emergency exercise were achieved. The firm's final report included twelve (12) recommendations that helped improve the outcomes of a second water disruption event in the Town of Gravenhurst a few weeks later.

Despite the volume of actual emergencies managed by the ECG, the District of Muskoka must still conduct an annual exercise to remain compliant with the Regulation. This is not an efficient use of municipal resources and does not serve as a useful training mechanism for staff who have been over-extended by the emergency situations they have managed over the past year.

The Solicitor General granted a one-time exemption to municipalities in 2020 recognizing that municipalities were actively engaged in and managing various COVID-19 related initiatives. If pandemic management warrants an exemption to the annual simulation, surely there must be grounds to grant an exemption for the management of other emergency situations.

On behalf of Muskoka District Council, your consideration of this matter is appreciated.

Respectfully,

A handwritten signature in black ink, appearing to read "John W. Klinck". The signature is written in a cursive, flowing style.

John W. Klinck  
District Chair

**THE DISTRICT MUNICIPALITY OF MUSKOKA**

Cc: Honourable Steve Clark, Minister of Municipal Affairs and Housing  
Honourable Sylvia Jones, Solicitor General  
Norm Miller, MPP Parry Sound-Muskoka  
All Municipalities in Ontario

Appendix I

R10/2022-HS

**The District Municipality of Muskoka**

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Health Services Committee  
February 24, 2022

Moved By: J. Klinck

Seconded By: R. Nishikawa

WHEREAS Ontario Regulation 380/04: Standards under the Emergency Management and Civil Protection Act sets the municipal standards for emergency management programs in Ontario and requires municipalities to conduct an annual exercise with their Emergency Control Group in order to evaluate the municipality's emergency response plan and procedures, O. Reg. 380/04, s. 12 (6);

AND WHEREAS Emergency Management Ontario previously granted municipalities exemption for the annual exercise requirement when the municipality experienced an actual emergency with documented proof of the municipality actively engaging their emergency management procedures and plan in response to the emergency;

AND WHEREAS on August 5, 2021 the Chief, Emergency Management Ontario (EMO) issued a memo to Community Emergency Management Coordinators stating that effective immediately, the Chief, EMO would no longer be issuing exemptions to the O. Reg. 380/04 requirement to conduct an annual exercise;

AND WHEREAS municipalities experience significant costs and burden to staff resources when faced with the response to an actual emergency and activation of their Emergency Control Group and/or Emergency Operations Centre;

AND WHEREAS a municipality's response to an actual emergency is more effective than an exercise in evaluating its emergency response plan and procedures as mandated by O. Reg. 380/04;

Appendix I

**The District Municipality of Muskoka**

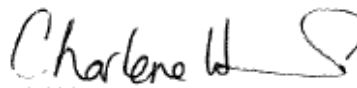
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AND WHEREAS planning, conducting and evaluating an emergency exercise requires significant time and effort for the Community Emergency Management Coordinator and Municipal Emergency Control Group that is duplicated when the municipality experiences a real emergency;

NOW THEREFORE, BE IT RESOLVED THAT Muskoka District Council hereby **requests** the Province of Ontario to amend Ontario Regulation 380/04 under the Emergency Management and Civil Protection Act to provide an exemption to the annual exercise requirement for municipalities that have activated their Emergency Control Group and/or Emergency Response Plan in response to an actual emergency that year in recognition of the significant resources used to respond to the emergency and the effectiveness of such response in evaluating the municipality's emergency response plan and procedures;

AND THAT a copy of this resolution **be forwarded** to the Honourable Doug Ford, Premier of Ontario; the Honourable Norm Miller, MPP for Parry Sound-Muskoka; the Honourable Steve Clark, Minister of Municipal Affairs and Housing; the Honourable Sylvia Jones, Solicitor General; and all other municipalities of Ontario.

Carried       ✓        
Defeated           

  
Deputy Clerk





# Community Services

## Legislative Services

May 31, 2022  
File #120203

Sent via email: [Justin.trudeau@parl.gc.ca](mailto:Justin.trudeau@parl.gc.ca)

The Right Honourable Justin Trudeau,  
Prime Minister of Canada  
House of Commons  
Ottawa, ON K1A 0A6

Honourable and Dear Sir:

**Re: Federal Government's Plans to Tax Vacant Foreign Owned Properties**

Please be advised the Municipal Council of the Town of Fort Erie at its meeting of May 30, 2022 passed the following resolution:

**Whereas** the Federal Government proposed a tax on vacant non-resident foreign owned properties in the 2021 budget, and

**Whereas** the intent of this tax is to reduce speculation in the real estate market which is believed to contribute to housing unaffordability in Canada, and

**Whereas** Fort Erie and other vacation destinations across Ontario have a high number of non-resident American-owned vacation properties that are vacant during the tourism off-season during the winter months, and

**Whereas** the Federal Government signaled their intent to exempt non-resident foreign owned vacation properties in Canada so long as they meet certain requirements including being located in a Census Agglomeration with a population of less than 30,000 people, and

**Whereas** Fort Erie and numerous other seasonal vacation destinations across Southern Ontario are in Census Metropolitan Areas and Census Agglomerations with populations well in excess of 30,000 people despite the communities themselves being small and medium-sized municipalities, and

**Whereas** Fort Erie and other communities across Ontario have a long history of being a vacation destination for American visitors, many of which have owned the same property for generations, and would be taxed yearly on their assessed value of their vacation property based on this proposal, and

.../2

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Mailing Address:

The Corporation of the Town of Fort Erie  
1 Municipal Centre Drive, Fort Erie ON L2A 2S6

Office Hours 8:30 a.m. to 5:00 p.m. Phone: (905) 871-1600 FAX: (905) 871-4022

Web-site: [www.forterrie.ca](http://www.forterrie.ca)

**Whereas** vacant property taxes would be allocated to the general revenues of the federal government and not directly benefit the municipalities where these properties are located and serviced, and

**Whereas** vacation properties that are seasonally vacant do not contribute to the speculation that is believed to contribute to housing unaffordability in Canada,

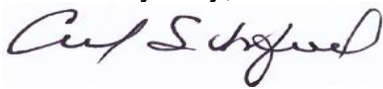
**Now therefore be it resolved,**

**That:** The Municipal Council of the Town of Fort Erie requests the Federal Government to review the proposed exemption framework for seasonal vacation properties to better reflect the reality of where these properties are located and how they are used, and further

**That:** This resolution be circulated to The Right Honourable Justin Trudeau, Prime Minister of Canada, The Honourable Chrystia Freeland, Deputy Prime Minister of Canada and Minister of Finance, the Honourable Diane Lebouthillier, Minister of National Revenue (Canada), Tony Baldinelli, Member of Parliament for Niagara Falls, the Association of Municipalities of Ontario, and all municipalities located in Ontario.

Thank you for your attention to this matter.

Yours very truly,



Carol Schofield, Dipl.M.A.  
Manager, Legislative Services/Clerk

[cschofield@forterie.ca](mailto:cschofield@forterie.ca)

CS:dlk

c.c. The Honourable Chrystia Freeland, Deputy Prime Minister of Canada and Minister of Finance

[chrystia.freeland@parl.gc.ca](mailto:chrystia.freeland@parl.gc.ca)

The Honourable Diane Lebouthillier, Minister of National Revenue (Canada) [diane.lebouthillier@parl.gc.ca](mailto:diane.lebouthillier@parl.gc.ca)

Tony Baldinelli, MP, Niagara Falls [tony.baldinelli@parl.gc.ca](mailto:tony.baldinelli@parl.gc.ca)

Association of Municipalities of Ontario [AMO@amo.on.ca](mailto:AMO@amo.on.ca)

All Ontario Municipalities



**TOWN OF AMHERSTBURG  
DRAINAGE BOARD  
Tuesday, June 7, 2022  
6:00 PM**

**MINUTES**

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**PRESENT**

Bob Bezaire, Chair  
Allan Major, Vice-Chair  
Anthony Campigotto  
Bob Pillon  
Brad Laramie  
Shane McVitty, Drainage Superintendent &  
Engineering Coordinator  
Nicole Humber, Recording Secretary  
Kevin Fox, Policy and Committee Coordinator

**ABSENT**

**CALL TO ORDER**

The Vice-Chair called the meeting to order at 6:06 p.m.

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

4. The Chair read the following land acknowledgement:

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

5. **MINUTES OF PREVIOUS MEETING**

Allan Major moved, Bob Pillon seconded;

**That:**

**The minutes of the previous meeting BE ADOPTED:**

**1. Drainage Board Meeting Minutes – May 17, 2022**

**Motion Carried**

6. **OPEN COURT OF REVISION**

The Chair opened the Court at 6:07 p.m.

6.1 **Appeals – Bridges Over the 7<sup>th</sup> Concession Drain North**

Shane Lafontaine, P.Eng from RC Spencer Associates Inc. provided a brief overview of the project. Mr. Lafontaine explained that his firm was appointed to complete a drainage report according to Section 78 of the Drainage Act in response to a request that the Town received from a landowner. Mr. Lafontaine stated that the engineer report recommends the installation of two new access culverts and the replacement of three existing culverts. The estimate for the project is \$234,700.00.

The Chair asked if there were any landowners in the audience that had any questions.

The Board heard from:

- Pat Beadow – 7101 Concession 7 S

Mr. Beadow asked when the work would be completed.

Shane McVitty stated that it was his hope to have the project tendered once the appeal deadlines have passed and the bylaw has been adopted. Mr. McVitty further stated that he expects to have the project completed by the end of the year.

The Chair asked if the Board members had any questions:

There were none.

Bob Pillon moved, Anthony Campigotto seconded;

**That:**

1. **The appeals submitted written or verbally to the Court of Revision for the Bridges Over the 7<sup>th</sup> Concession Drain North BE RECEIVED; and**
2. **The schedule of assessment as presented by RC Spencer Associates Inc. for the Bridges Over the 7<sup>th</sup> Concession Drain North BE APPROVED.**

**Motion Carried**

## **7. CLOSE COURT OF REVISION**

Allan Major moved, Brad Laramie seconded;

**That:**

1. **The Court of Revision be ADJOURNED.**

**Motion Carried**

The Court of Revision was closed at 6:13 p.m.

## **8. CONSIDERATION OF FINAL DRAINAGE REPORT**

### **8.1 JETHS DRAIN IMPROVEMENTS**

Mike Gerrits, P.Eng., of M. Gerrits Consulting Inc., provided an overview of his report. Mr. Gerrits indicated that the Town had received a request from a landowner under Section 4 and Section 78 of the Drainage Act, which resulted in the instruction from the Town to prepare an engineering report for the Jeths Drain and Branch. Mr. Gerrits stated that the Jeths Drain has both open channel and enclosed drain portions. Mr. Gerrits provided a history of the previous reports on the drain, as well as past meetings with landowners. Mr. Gerrits stated that there was a realignment of the drain years ago that occurred as part of the development of Marsh Court. Mr. Gerrits noted that there have been some culverts installed in the drain, however they are all private and were not noted in previous engineer's reports or bylaws. Mr. Gerrits advised that his engineer's report includes schedules of assessment for future maintenance and cost sharing provisions for all bridges and enclosures. The estimate for the project is \$316,007.00.

The Chair asked if there was anyone in the audience that wanted to speak.

The Board heard from:

- **Adam Thompson – 533 Front Road N**

Mr. Thompson inquired about the square footage of the Branch drain, specifically where it crosses through his property.

Mr. Gerrits explained how the square footage of the Branch drain was calculated. He indicated that the length of the branch drain pipe was multiplied by the working corridor.

Mr. Thompson requested clarification on the purpose the meeting. He questioned that if all of the landowners were opposed to the project, would there be an option not to move forward.

Board Chair Bob Bezaire stated that the Board has to decide on many scenarios, such as going ahead with the project as presented by the Engineer, or referring the report back to the Engineer with instructions to

pursue a different option. Mr. Bezaire indicated that part of the process is hearing concerns from the public.

Mr. Thompson noted that if the drain was maintained on a more frequent basis then it would be more costly to landowners. Mr. Thompson added that the maintenance is the responsibility of the Town, and questioned if inspections are made regularly according to the provisions of the Drainage Act.

Mr. McVitty explained that drain maintenance and repair in the Town of Amherstburg is landowner driven, meaning that a request from a landowner is required to initiate a project. He added that from time to time, projects may be initiated by the Town depending on the circumstances. Mr. McVitty used the example of a Town road, property, or infrastructure, that was negatively impacted by poor drainage as situations whereby the Town might initiate a drainage project. Mr. McVitty added that drain inspections are completed frequently, and indicated that he is often in the field monitoring the Town's drains. Mr. McVitty stressed however that a request from a landowner has to be submitted to the Town in order for drain work to occur. Mr. McVitty stated that in the case of the Jeths Drain, a detailed inspection of the drain took place upon the receiving the request for improvements by himself and the drainage engineer, Mike Gerrits.

- **Rick Meloche – Texas Rd**

Mr. Meloche requested clarification on the maintenance schedule and his assessment to the project.

Mr. Gerrits explained the breakdown of the costs. He indicated that Mr. Meloche is paying his share of outlet costs for the drain improvements downstream of his land, along with a share of the costs for the downstream bridges and culverts. Mr. Gerrits indicated that the outlet assessments are based on the volume and rate of water flow from his property, along with the length of the drain that is used by the land before arriving at the outlet at the Detroit River. Mr. Gerrits added that the Meloche property is at the very top end of the drain, so his water passes through almost all of the drain as well as every culvert. Mr. Gerrits explained that the maintenance schedule of assessments in his report would be used at a later date to prorate the cost of future works of maintenance to the landowners.

Mr. Meloche asked if the culvert behind his property would be replaced, and if not, why is his assessment so high.

Mr. Gerrits confirmed there would be no work done on Mr. Meloche's property. He indicated that his assessment is a reflection of the water travelling from his property to the river. He reiterated that Mr. Meloche's property is located at the very top end of the drain, and that his water travels through each culvert and the entire length of the drain.

- **John Hindi – 176 Texas Rd**

Mr. Hindi asked about the costs of the project, noting that there are residents already struggling financially and that the costs of the project are quite high. Mr. Hindi requested that the Board look into government funding or other measures to help residents with the high costs they are facing for the proposed drain works. Mr. Hindi indicated that his assessment is \$19,200.00. He added that he has already taken it upon himself to clean part of the drain through his lot recently, and paid for this work on his own. Mr. Hindi asked how residents will pay for their assessments once the work is completed.

Mr. McVitty explained that once the project is complete and all of the invoices have been received, the total is tallied and the costs would be invoiced to landowners based on the schedule of assessment provided under Mr. Gerrits' report. Mr. McVitty further explained that landowners will be provided the option to either pay the invoice outright, or debenture their payment onto their property taxes over a 5 year period. Mr. McVitty indicated that there would be interest on the debenture as the Town has to carry the debt.

Mr. Gerrits noted that the project would be publicly tendered, and that total project costs may be higher or lower depending on the tender results. He added that he felt that his estimate was a bit on the higher end.

Board Chair Bob Bezaire stated that the Board cannot make financial decisions, and that the role of the Board is to approve the project. Mr. Bezaire further stated that landowners would have to contact Council for any financial matters with respect to debenture extensions etc.

Mr. McVitty indicated that Town policy provides a maximum five year term for debentured payments. He added that the debenture period can be extended at the discretion of Council. Mr. McVitty indicated that he has only seen this happen once in his time with the Town following a request made directly from a landowner to Council. This landowner personally delegated to Council and was granted a 10 year debenture term.



Mr. Hindi asked if there was a fee that the Contractor would pay for using the landowners private property, and wondered where will the soil that is removed for the ditch cleaning be placed.

Mr. Geritts stated that under his report, landowners are paid allowances for the use of private property. Mr. Geritts noted that the soil from the ditch cleaning would be spread adjacent to the top bank of the drain. He indicated that topsoil would first be stripped back and re-spread over the spoil.

Mr. Hindi indicated that the lands behind the drain on some of the properties already hold water and expressed his concern that the spread spoil would further hinder overland drainage.

Mr. Gerrits indicated that the contractor will have to provide lower overland flow routes or swales through the spoil to allow water to run to the drain. Mr. Gerrits added that if landowners did not want the spoil spread next to the drain, then they would have to pay to have it trucked away.

Mr. Hindi asked if Easy St was connected to the Jeths Drain.

Mr. Gerrits confirmed that some of the land was in the watershed and the back half of some of the lots has always gone to the drain.

- **Paul McAllister – Texas Rd**

Mr. McAllister addressed the board stating that he recently purchased Parcel 13. Mr. McAllister asked if the engineer's report can go directly to Council due to the significant costs to landowners. He also questioned the process by which assessments are paid.

Mr. McVitty stated that the Drainage Board makes recommendations to Council following consideration meetings. He added that there is a payment policy for drainage assessments that Council has approved. Mr. McVitty explained that if the landowners wished to request an extension for the debenture period, they would have to delegate directly to Council. Mr. McVitty further explained that there is a policy in place and Administration does not have the authority to make changes to the policy without Council approval. Mr. McVitty indicated that a copy of the drain payment policy would be sent to Mr. McAllister for his reference. Kevin Fox emailed a copy of the policy during the meeting to Mr. McAllister.

Mr. McAllister questioned if there was any way to reduce the scope of the work. He also asked if there were any project costs that have already been incurred, such as engineering costs.

Mr. McVitty stated that there were already fees spent for engineering costs, relating to surveying, report preparation, meeting attendance, etc. He noted that the report breaks these costs down under the estimate of cost section.

Mr. Gerrits indicated that the engineering costs is less than 10% of the total estimate and is already in the report assessment. Mr. Gerrits indicated that the drain is in disrepair, noting large accumulation of sediment along the drain bottom and large trees growing within the cross section. He added that the drain should be maintained before there is more development along Texas Rd. Mr. Gerrits indicated that access to the drain is difficult, and once development is underway and with existing homes along Texas road, it will become even more difficult

Mr. Gerrits informed the landowners that he is working on behalf of all landowners and if they have any questions regarding their assessments to contact him and he would go over the breakdown and provide clarification.

Mr. McAllister inquired about the size of the pipe proposed for his culvert and wondered if a more cost effective option was available.

Mr. Gerrits indicated he could provide Mr. McAllister with the pipe sizing calculations. He added that the proposed pipe was 600mm diameter, smoothwalled plastic. He added that this pipe was sized to accommodate the 1 in 2 year storm event, which is standard sizing rationale for a culvert of this nature. He added that he would not recommend decreasing the pipe size and felt that his design was appropriate and the most cost effective option available.

Mr. McAllister asked if there was any recourse for the landowners if the Board approves the project. He noted he wanted to know what the residents can do to voice their concerns.

Mr. McVitty stated that the Drainage Act has to be followed, which serves as guidance for the Town throughout this process. The Drainage Act allows landowners a right to appeal through the Court of Revision and the Tribunal. Mr. McVitty explained each step of the process in detail, including the Court of Revision, Tribunal, and the methods by which landowners can appeal. Mr. McAllister indicated that he was satisfied with this explanation of the process.

Mr. McAllister stated that he would like another option explored that would help the developer, but reduce the costs for landowners that do not want to see the work move forward.

- **David Hay – 509 Front Road N**

Mr. Hay questioned if the purpose of this meeting was to approve or disapprove the project, and if the landowners disapproved would that stop the development of the 19 lots. Mr. Hay further asked if the new lots in the subdivision would have to pay for their portion for maintenance in the future.

Mr. Gerrits stated that the new lots would have to pay their share in the future, and the report provides maintenance schedules that includes these lots. Mr. Gerrits noted that the developer requested a drainage outlet for his storm water management pond, but when the entire drain was reviewed it was apparent it was in disrepair. He emphasized the presence of larger trees in the drain bottom, sediment accumulation, and culverts that were too small and not on grade.

Mr. Hay asked how the new lots would access their homes.

Mr. Gerrits indicated that there would be a new road built off of Texas Road.

- **Sarah Reaume – 184 Texas Rd**

Ms. Reaume addressed the Board and stated that her assessment is \$39,000.00, and questioned what was involved in abandoning the drain as she does not have any issues with the drain functioning properly. Ms. Reaume noted that she feels the developer should be paying for the drain works as he is the one developing the area. She indicated that she is not in favour of the project.

Mr. Gerrits indicated that abandoning the Municipal Drain is difficult and requires 100% of the abutting landowners have to agree to do so. He added that there is a process under the Drainage Act that specifically outlines the criteria for drain abandonment. Mr. Gerrits explained that there is a reason that the drain is there, and that every landowner has a right to access the drain as an outlet for their water. Mr. Gerrits also noted that the length of the Reaume culvert is significantly longer than the others, which is also reflected in Ms. Reaume's assessment.

- **D. Rawlins – Parcel 31**

Ms. Rawlins asked if the Board decided not to approve the report, what would the Developers “plan B” entail. She also indicated that the developer should have to pay for the project since he requested the work and stands to make a lot of money from the development.

Mr. McVitty advised that he could not speak to the developer’s plans.

- **Norbert Bolger – Developer**

Mr. Bolger explained to the landowners and the Board that he purchased the property three years ago, and he was advised by the Town that there was no room to go down Texas Road with a new storm drain for his proposed development. He indicated that he was told that storm water must go through the Jeths Drain. Mr. Bolger stated that although his development may have triggered the report, once the entire drain was inspected it was apparent that the drain was in disrepair. Mr. Bolger advised that he is fine with improving his portion of the drain, and added that it is likely that the rest of the drain would likely require improvements anyway in the near future.

A discussion occurred regarding the condition of the drain, different scopes of work, and effects of not cleaning the drain.

The Chair asked if there were any further questions from the landowners.

There were none.

The Chair asked if the Board members had any questions.

The Board heard from:

- Board member Brad Laramie asked if it was possible to only maintain part of the drain where the development was to occur and to leave the top end of the drain alone.

Mr. Gerrits advised that each year there is less and less access to the drain due to development. Mr. Gerrits indicated that the drain is in dire need of maintenance, as there is sediment buildup in excess of 1/3 of culvert pipe diameter at most of the bridges and that there are mature trees in the drain. Mr. Gerrits stated that it would be in the best interest to complete the maintenance and improvements all at once. He noted that it would only take one landowner to put in another request for

maintenance at any time in the future and we would be right back where we are today. Mr. Gerrits further stressed that there is a need for the work recommended under his report, and added that the developer has been assessed a fair share of the costs to improve the drain, and all of the costs for the new Branch Drain.

Mr. McAllister responded, and accused Mr. Gerrits of being speculative in his assertion that future development will take place and hinder drainage access and improvements.

Mr. McVitty stated that Mr. Gerrits has done everything that he was supposed to with regards to his report. Mr. McVitty explained that the drain is in bad shape and many of the culverts are off grade, and it would be best to complete the work and have the drain back in a state of repair. Mr. McVitty offered that the report would have to be changed and sent back to the engineer if the scope of work was reduced at the discretion of the Drainage Board.

- Board member Bob Pillon stated that if the scope of work is reduced and another landowner puts a request for maintenance then we would be going through this again. Mr. Pillon indicated that he has to agree with the report as the drain needs attention.
- Board member Anthony Campigotto stated that he sympathizes with the landowners but the Drainage Act has been in place for some time, and provided a brief history of the development of the Act. He indicated that the Act has to be followed.

Bob Pillon moved, Anthony Campigotto seconded;

**That:**

1. **The engineer's report, prepared by M. Gerrits Consulting Inc. on May 23, 2022 for the Jeths Drain Improvements BE RECEIVED;**
2. **The engineer's report for the Jeths Drain Improvements BE CONSIDERED; and,**
3. **The PROVISIONAL ADOPTION of By-law 2022-059 of the engineer's report for the Jeths Drain Improvements BE BROUGHT to the next Regular Council meeting for Council's consideration.**

**Motion Carried**

**8. NEXT MEETING DATE**

Tuesday, July 5, 2022 @ 6:00 p.m.

**9. ADJOURNMENT**

Allan Major moved, Bob Pillon seconded;

**That:**

**The Board rise and adjourn at 7:41 p.m.**

**Motion Carried**

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Vice Chair – Allan Major

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Staff Liaison – Shane McVitty

The Mayor and Council  
Town of Amherstburg  
271 Sandwich Street South  
Amherstburg, Ontario  
N9V 2A5

May 23, 2022

**Re: Jeths Drain Improvements**

As instructed through letter correspondence from Shane McVitty, Town of Amherstburg Drainage Superintendent and Engineering Coordinator, dated March 31, 2021, M. Gerrits Consulting Inc. has undertaken an examination of the Jeths Drain on part of Lot 10, Concession 1, with regards to providing an outlet for a proposed residential development on the lands owned by 1109152 Ont. Ltd. The proposed development includes 18 residential lots and a storm water retention pond, that controls the post development flows generated on the lands that are scheduled to be developed to the pre-development levels. The work will be completed in the Town of Amherstburg (former geographic Township of Anderdon).

Authorization under the Drainage Act

As per the request of an affected landowner, this Engineer's report has been prepared under Section 4 and section 78 of the Drainage Act by M. Gerrits Consulting Inc.

Under Section 4 of the Drainage Act, a landowner may request drainage by means of a petition for drainage works, for an area requiring drainage as described in the petition. A petition may be filed with the Clerk of the local Municipality in which the area is situated by,

- (a) the majority in number of the owners, as shown by the last revised assessment roll of lands in the area, including the owners of any roads in the area;
- (b) the owner or owners, as shown by the last revised assessment roll, of lands in the area representing at least 60 percent of the hectareage in the area;
- (c) where a drainage works is required for a road or part thereof, the engineer, road superintendent or person having jurisdiction over such road or part, despite subsection 61(5);
- (d) where a drainage works is required for the drainage of lands used for agricultural purposes, the Director. R.S.O. 1990, c.D.17, s.4(1).

The petition, signed by 1109152 Ontario Ltd., requesting a branch drain, was determined to be valid based on Section 4 (1) (b).

Section 78 of the Drainage Act states that, where, for the better use, maintenance or repair of any drainage works constructed under a bylaw passed under this Act, or of lands or roads, it is considered expedient to change the course of the drainage works, or to make a new outlet for the whole or any part of the drainage works, or to construct a tile drain under the bed of the whole or any part of the drainage works as ancillary thereto, or to construct, reconstruct or extend embankments, walls, dykes, dams, reservoirs, bridges, pumping stations, or other protective works as ancillary to the drainage works, or to otherwise improve, extend to an outlet or alter the drainage works or to cover the whole or any part of it, or to consolidate two or more drainage works, the Council whose duty it is to maintain and repair the drainage works or any part thereof may, without a petition required under Section 4 but on the report of an Engineer appointed by it, undertake and complete the drainage works as set forth in such report.

#### Existing Drainage

The drain commences in the south part of the lot with the Landowner Identification Number (Landowner ID) 2, and the drain extends 1,160m west through Lot 10, Concession 1 to an outlet in the Detroit River. The drain is closed from Station 0+000 to Station 0+117. At Station 0+117 the drain outlets to an open channel. The open channel extends 927m west where it outlets to a closed drain at Station 1+044. The closed drain extends 118m west where the drain outlets to the Detroit River. The open channel portion of the drain has a significant amount of sediment, brush and mature trees which are currently restricting the flows and capacity of the open drain.

J. Newman, C.E., prepared a drain report for the Jeths Drain dated July 2, 1932. The drain report included improving 754m of an existing channel. The drain commenced approximately 7.5m west of the west limit of what is now, the Knob Hill Drive road allowance. The drain was an open channel with a 0.76m bottom width and 1.25H:1V channel back slopes. The report specified that where the drain was located on the south side of the fence, the excavated material shall be cast to the south, and where the drain was located on the north side of the fence, the excavated material shall be cast to the north. Where the drain was located on the north side of the fence, the top of the channel bank to the south shall be 0.76m from the fence. The report included access culverts, but did not state the width of the working area. The drain paid allowances for land and crops on all lands that the drain was located on.

J. Newman, C.E., prepared a second drain report for the Jeths Drain dated October 28, 1944. The drain report included maintaining and improving the existing drain constructed in 1932 and extending the drain 274m west. The drain extension and improvements maintained the open channel, channel bottom width, channel back slopes and the alignment as described in the 1932 drain report. The report did include an additional specification, that



allowed the excavated material to be cast on either or both sides of the drain when the drain passed through a field. The report did not state the width of the working area. The drain paid allowances for land on which the drain extension works were located and for crops on all lands that the drain was located on.

C. Armstrong, P. Eng., prepared a drain report for the Jeths Drain dated July 16, 1958. The drain report included maintaining and improving the existing drain constructed in 1943, and extending the drain 194m west to the Detroit River. The drain extension and improvements maintained the open channel, the channel back slopes and the drain alignment as described in the 1943 drain report, but increased the channel bottom width to 0.91m. The report included access culverts. The drain paid allowances for lands on which the drain extension works were located, and for crops on all lands that the drain was located on.

E. Lafontaine, P. Eng., prepared a drain report for the Jeths Drain dated January 25, 1983. The drain report included outlet improvements for a widening of Front Road North (County Road 20). The report included relocating the section of drain between Front Road North and the Detroit River, north, as the existing drain was located adjacent to a residential home. The agricultural portion of the drain was designed to convey the 2-year flow. The highway right of way portion of the drain, was designed to convey the 10-year flow. The closed section of the drain between the highway right of way and the Detroit River was designed to convey the 5-year flow. The report specified that the improvements be maintained in proportion to the amounts shown in the Schedule of Assessment prepared by C. Armstrong, dated July 16, 1958.

D. Joudrey, P. Eng., prepared a drain report for the Jeths Drain dated December 13, 1993. The drain report included a drain enclosure and relocation between Station 0+000 and Station 0+117 to allow for the development of the lands that front onto the south side of Marsh Court. The improvements were completed at the cost of the developer. The report specified that maintenance of this section of drain shall be assessed in accordance with the 1993 Schedule of Assessment.

Upon review of the existing reports, it was determined that the section of drain that is located on the lands owned by D. & P. Kellam (Landowner ID 28) was enclosed without a drain report and is considered a private enclosure under the Drainage Act.

#### Drain Classification

The Jeths Drain is currently classified as a class "F" drain throughout its length on the Ontario Ministry of Agriculture, Food and Rural Affairs' Agricultural Mapping. The Jeths Drain outlets to the Detroit River.

Class “F” drains are intermittent or ephemeral (dry for more than two consecutive months). All construction will be completed in accordance with the Best Management Practices prepared by the Department of Fisheries and Oceans Canada (DFO), for completing maintenance and repair of class F drains.

A preliminary report was submitted to the DFO on October 4, 2021, and a revised report was submitted on March 18, 2022 for review and approval. DFO approval was received on October 26, 2021 and March 21, 2022 approving the proposed works. All Department of Fisheries and Oceans Canada requirements have been included in Appendix A of this report.

Essex Region Conservation Authority (ERCA) was contacted via an email dated January 27, 2021 to inform them of the project. A preliminary report was submitted to the ERCA on October 4, 2021, and a revised report was submitted on March 18, 2022. Correspondence from ERCA was received on October 8, 2021 and April 4, 2022. All ERCA requirements have been included in Appendix A of this report.

#### Onsite Meetings

A virtual onsite meeting was held on May 7, 2021 to discuss the project. The following were in attendance:

Shane McVitty – Drainage Superintendent, Town of Amherstburg

Nicole Humber – Drainage Clerk, Town of Amherstburg

Michael Gerrits – Engineer, M. Gerrits Consulting Inc.

N. Bolger (1109152 Ont. Ltd.), Landowner ID 25

L. Durocher, Landowner ID 33

G. Fawcett, Landowner ID 22

J. & J. Farmer, Landowner ID 32 (Represented by A. Thompson)

C. Jubenville, 1109152 Ont. Ltd.’s Engineer

P. Harvey, Landowner ID 4

D. Kellam, Landowner ID 28

J. R., Landowner ID 31 (Represented by A. Thompson)

S. Reaume, Landowner ID 14

A. Thompson, Landowner ID 26

The following was discussed at the site meeting:

- S. McVitty provided a background on the Jeths Drain and meeting format.
- M. Gerrits summarized the Drainage Act and assessments. M. Gerrits provided landowners with an OMAFRA Factsheet on the Drainage Act.

- M. Gerrits informed landowners that he walked the drain and that the drain was overgrown, had localized areas of bank failure, had sediment buildup in the drain, had areas where landowners brushed their own sections of the drain, and there were two obstructions in the drain, one earth obstruction and one electrical line obstruction.
- M. Gerrits informed landowners that there was a petition for a branch drain to service a development. The petition was determined to be valid in accordance with Section 4 (1) (b) of the Drainage Act.
- M. Gerrits provided landowners with a general timeline for reports prepared under the Drainage Act.
- D. Kellam (Landowner ID 28) asked if downstream assessments account for upstream development. M. Gerrits informed the landowner that the proposed work is not expected to go to their property line. M. Gerrits informed the landowner that there is an enclosure on their lands which can be more expensive to maintain in the future if the enclosure fails and needs to be replaced. The enclosure benefits the abutting lands and not the landowners upstream, and as such, the additional costs of an enclosure versus an open channel are considered a special benefit to the landowner.
- S. Reaume (Landowner ID 14) mentioned that their lands receive a yearly \$200 drain maintenance costs on their taxes. S. McVitty can only recall one recent maintenance project on the drain. The project was for outlet repairs at the Detroit River.
- C. Jubenville informed M. Gerrits that he can contact him for any development information. He requested a timeline for the drain report. M. Gerrits informed all landowners that drain reports take time to prepare and get through the meeting process. It is anticipated a report will be authored late in the year.
- A. Thompson (Landowner ID 26) asked if the Town always responds to requests for maintenance. S. McVitty stated that the Town must respond to a request to determine if it is valid. S. McVitty informed landowners of the Town's procedures when they receive a request.
- A. Thompson (Landowner ID 26) asked for clarification on the D + W Fred Brown Drain. S. McVitty informed landowners that the D + W Fred Brown Drain was created under the Ditches and Watercourse Act, and is considered an award drain maintained by the affected landowners.
- L. Durocher (Landowner ID 33) asked if landowners get a report even if their lands were not assessed. S. McVitty informed that landowners will likely receive a report as the Schedule of Maintenance will change.
- N. Bolger (Landowner ID 25) stated the drain would require maintenance regardless of the development. M. Gerrits confirmed that the drain is in need of maintenance.

### Additional Meetings

Two additional informal meetings were held on the Jeths Drain. The first meeting was held on April 30, 2021 and the second meeting was held March 3, 2022.

#### *April 30, 2021 Site Meeting*

The meeting was held with the landowner (Landowner ID 26), the owner of the lands upon which the proposed Jeths Branch Drain will be located. The following were in attendance:

Shane McVitty – Drainage Superintendent, Town of Amherstburg

Michael Gerrits – Engineer, M. Gerrits Consulting Inc.

A. Thompson, Landowner ID 26

The following was discussed at the site meeting:

- The landowner was informed that the purpose of the meeting was to discuss the project, gather background information on the lands, and answer any questions the landowner may have, since a significant amount of work would be completed on his lands. A survey of the drain was completed after the meeting.
- A. Thompson (Landowner ID 26) was concerned about the removal of the trees/buffer on his lands, and requested the engineer consider completing all proposed construction work from the south side of the drain on the lands owned by the landowner, with the Landowner ID 25, between Station 0+507 and Station 0+802. He also requested the engineer specify that all work between Station 0+802 and Station 0+960 be completed from the north side of the channel. The landowner is aware that once the project is complete, the working corridor for the drain for future maintenance will be from the north side of the drain, for the entire length of his lands.

#### *March 3, 2022 Site Meeting*

The meeting was held with the landowners who have an access culvert on their lands. The following were in attendance:

Shane McVitty – Drainage Superintendent, Town of Amherstburg

Michael Gerrits – Engineer, M. Gerrits Consulting Inc.

G. Bezaire, Landowner ID 13

S. Bezaire, Landowner ID 13

L. Durocher, Landowner ID 33

J. Hindi, Landowner ID 15 & 16

C. Martin, Landowner ID 18 & 19

S. Reaume, Landowner ID 14

F. Simone, Landowner ID 9

A. Thompson, Landowner ID 26

1109152 Ont. Ltd., Landowner ID 25 (Representative by B. Thompson)

The following was discussed at the site meeting:

M. Gerrits summarized the Drainage Act and assessments. M. Gerrits provided landowners with an OMAFRA Factsheet on the Drainage Act.

- M. Gerrits provided landowners with an overview of the Jeths Drain. The overview informed landowners that:
  - The drain has a legal working area on it for access and drain maintenance. Allowances for the working area were paid to the landowner under a previous report.
  - The original drain was constructed when the majority of the lands within the drain's watershed were agricultural. The watershed has been developed but the rights to drainage remain, regardless of the change in land use.
  - Drains stay with the property until the drain is abandoned. If there is a drain on your lands, it means that at some point in time, a legal landowner of your lands accepted the drain, and the drain is passed on to subsequent landowners.
  - Historically, landowners have installed culverts within the Jeths Drain privately, without a report.
- M. Gerrits Informed landowners that he walked the drain and noted the following:
  - The majority of the drain is overgrown with very large trees in the channel banks and bottom.
  - The drain needs a cleanout.
  - The 1993 drain realignment prepared by D. Joudrey, P. Eng., did not include any freeboard at the outlet of the closed drain and as such, the closed drain outlet is at the same elevation as the bottom of the open channel. The capacity of the closed drain is restricted by any accumulation of sediment in the open drain.
  - One landowner (Landowner ID 15 & 16) has taken it upon themselves to clean and brush the section of drain located on their lands; however, the work will not improve the conveyance of flows in the channel, since the channel immediately downstream of the work is unmaintained.
  - The corrugated steel culverts are in poor shape. The concrete culverts appear to be in good condition, but the headwalls are in disrepair and the culverts were not installed on grade.
  - There were minor bank failures.
  - There was 1 electrical obstruction and 1 earth obstruction.
- Once the report is complete, a report will be mailed out to all landowners. Landowners can contact M. Gerrits if they have any questions about the report.
- The Town of Amherstburg will hold a Meeting to Consider the report. At this meeting, the report will be presented and the Engineer will answer technical questions related to the design.

- A Court of Revision will be held approximately 30 days following the Meeting to Consider the report. At this meeting, landowners, who feel their lands are improperly or unfairly assessed, can appeal their property's assessment. If the Court of Revision denies their appeal, landowners have the right to appeal to the Agriculture, Food and Rural Affairs Appeal Tribunal. Landowners were informed that costs associated with an appeal to the Tribunal are distributed as per a Tribunal order, and may be assessed back to the drain.
- The intention of this meeting, is to address access culverts. Landowners with an access culvert will be given one culvert per property. The cost of the culvert will be shared with upstream lands, with 50% of the costs of the culvert assessed to the lands on which the culvert is located, and the remainder assessed to upstream landowners. The standard culvert is 10m in length and is based on a 6m traveled portion, plus rounding and end protection. Costs associated with extensions/enclosures are paid by the requesting landowner. Costs associated with electrical obstructions are paid by the landowner.
- M. Gerrits requested any landowners who do not want the standard culvert to inform him of the length they would like. J. Hindi J. Hindi, (Landowner ID 15 & 16) and C. Martin C. Martin, (Landowner ID 18 & 19) requested a 3m top width for their culvert. S. Reaume (Landowner ID 14) will get back to M. Gerrits with respect to the length of culvert on her lands. S. Reaume (Landowner ID 14) confirmed she would like the replacement culvert to have the same length. A. Thompson (Landowner ID 26) requested his culvert be removed and not replaced.
- S. Reaume (Landowner ID 14) requested a timeline. M. Gerrits anticipated this work would not be completed in the next 6 months. S. Reaume (Landowner ID 14) has a function in October, and would prefer the work not be completed on her lands at that time.
- L. Durocher (Landowner ID 33) and F. Simone (Landowner ID 9) inquired why they were not invited to the meeting, since they have lands on the drain. M. Gerrits informed them that the intention of the meeting was to address culvert replacements and as such, only landowners with culverts were invited to the meeting. The next public meeting for all landowners will be the Meeting to Consider the report, where questions related to the design can be brought forward.
- F. Simone (Landowner ID 9) met with S. McVitty and M. Gerrits after the meeting to review the open channel on his lands. F. Simone (Landowner ID 9) acknowledged the drain was in need of maintenance. F. Simone (Landowner ID 9) offered to allow the Contractor to use his land to access the drain from Easy Street and stockpile materials during construction.

### *Written Submissions*

- A landowner voiced concerns over costs, limits of work, lack of notice for workers on private properties, increased flows and destruction of habitat. M. Gerrits informed the landowner, that normally a site meeting is held before a drain is surveyed and at this meeting, landowners would be informed of the upcoming survey/site investigation; however, with the current in person meeting restrictions due to the COVID pandemic, the survey was completed before the site meeting to allow the survey of the drain to be completed before the trees came into leaf. The landowner was informed that access will be via the existing working corridor. The landowner was informed that there will be no increase in flows due to the development; in addition, the development will be required to have a storm water management plan. The landowner was informed the project will require approval from ERCA.
- A. Hilton (Landowner ID 1) does not feel she should have a benefit, since her lands do not have a direct connection to the drain. M. Gerrits informed the landowner that he would be onsite to survey the lands to determine surface flow patterns on her lands.

### Investigation

M. Gerrits Consulting Inc. completed a site visit and surveyed the drain.

#### *Station 0+000 to Station 0+117*

This section of the drain was closed under a 1993 report prepared by D. Joudrey. The closed drain appears to have been designed with a minimal amount of freeboard at the outlet. The drain outlet invert is below the channel's sediment level. The enclosure is located in the rear lots that front onto Marsh Court and will be difficult to maintain due to fences, trees, structures etc. The enclosure was installed with bell and gasketed storm sewer pipe and appears to be in good condition. The lands in the south east corner of the watershed owned by J. & A. Hilton (Landowner ID 1), do not currently have a direct connection but have been assessed for a future connection in the 1993 report. The 1993 drain report included a Schedule of Assessment for maintenance, which remains valid.

#### *Station 0+117 to Station 0+735*

The existing open channel is overgrown and is in need of brushing and removal of sediment. In many areas there are mature trees within the channels wetted perimeter. There are two obstructions on this drain, one being an earth obstruction and the other and electrical line obstruction.

The access culverts on this section of the drain were not installed under a drain report, and are considered private crossings. The culverts on this section of drain do not follow the grade line, and some culverts are perched. Sediment levels restricted culvert inspections. There is a culvert extension on the lands owned by S. Reaume (Landowner ID 14). This culvert extension was not completed as part of a drain report, and is considered a private extension. The culvert extension consists of 400mm dia. corrugated steel pipe and is undersized. The remaining access culverts convey a minimum of the 2-Year design storm. Access to this section of drain from Texas Road will be difficult, due to the number of residential homes along Texas Road. When the drain was originally constructed, the majority of these homes did not exist.

*Station 0+735 to Station 1+044*

Sections of the existing channel were recently maintained by the landowner (Landowner ID 26). The maintenance included the removal of some of the sediment by hand; however, maintenance did not include the removal of larger trees, brush or all of the sediment. In many areas, there are mature trees within the channels wetted perimeter. Bank failures are isolated and do not appear to be a significant problem. The section of drain between 0+960 and 1+044 has better grades and there is less sediment in this section of drain.

This section of drain has 5 private bridges and 1 access culvert (refer to Profile Drawing 3 for the locations). The access culvert has the capacity to convey a minimum 2-year design storm. The access culvert and bridges were not installed under a drain report, and are considered private crossings. The private bridges do not appear to restrict the conveyance of flows in the Jeths Drain.

*Station 1+044 to Station 1+092*

The drain is enclosed with a 600mm CSP pipe. The enclosure was not completed under a report, and is considered a private enclosure. The enclosure has a significant grade and appears to be able to convey the 5-year design storm. The enclosure will be difficult to maintain due to pipe depths, property lines and landscaping.

*Station 1+092 to Station 1+120*

The drain is enclosed with a 750mm concrete pipe within the Front Road North, road allowance. The enclosure was completed under the 1983 drain report. The enclosure appears to be able to convey the 10-year design storm. The enclosure was installed by bore which helped avoid a road closure and disturbance of the numerous utilities within the road allowance. Maintaining the drain using open cut methods would be difficult due to utilities, tile depth and traffic volumes.



#### *Station 1+120 to Station 1+160 (Detroit River)*

The drain is enclosed with a 750mm concrete pipe between the Front Road North, road allowance and the Detroit River. The enclosure was completed under the 1983 drain report. The enclosure appears to be able to convey the 5-year design storm. At some point in time, the last section of concrete tile was replaced with HDPE pipe. Maintaining the deeper sections of the drain using open cut methods, would be very difficult due to the drain's working corridor width.

The Town of Amherstburg received a request for a severance on the lands west of Front Road North at the drain's outlet to the Detroit River (Landowner ID 35). The Town of Amherstburg required the landowner retain a drainage engineer to complete an investigation on the effects the severance would have on the Jeths Drain. M. Gerrits Consulting Inc. completed a detailed investigation on the effects the severance would have on the drain and the upstream rate payers. The investigation concluded that a 7.3m (24') clear working corridor be registered on title, that a CCTV inspection of the existing drain be completed to verify the condition of the drain, and that all costs to maintain the drain beyond the standard tile drain maintenance costs be born by the benefiting landowner, on which the drain is located. The report specifications were to be updated to reflect the proposed working corridor, construction requirements and assessments. The cost of the investigation and report specifications were billed directly to the benefiting landowner, and are not included in this report.

#### Recommendations

It is therefore recommended that the following work be carried out:

Prepare a report for the Jeths Drain improvements to restore the flow capacity of the existing Jeths Drain, and satisfy the petition from a landowner (Landowner ID 25) for a branch drain to service their lands. The report includes the following:

- Adoption of the Jeths Branch Drain in accordance with Section 4 of the Drainage Act.
- A revised grade line for the open channel of the Jeths Drain
- Culvert sizing for proposed culverts and future culvert replacements
- Removal of culverts no longer required
- Ditch cleanout c/w clearing, brushing, removal of sediment and grade adjustments between Station 0+690 and Station 0+800 to accommodate the Jeths Branch Drain.
- Incorporating the private enclosures
- Updated access routes and working areas
- Updated maintenance schedules
- Constructing the Jeths Branch Drain to service the proposed development on the lands owned by 1109152 Ontario Ltd. (Landowner ID 25).

- Installing a permanent fence on the lands owned by 1109152 Ontario Ltd (Landowner 25). The fence shall be offset 5m south of the top of channel bank between Station 0+480 and Station 0+785 to ensure unobstructed access to the south side of the drain in the future once the land is developed

### Design

The proposed open channel drain shall be designed to accommodate a minimum 150mm of freeboard at the closed drain outlet (Station 0+117). Channel back slopes will be increased from 1.25H to 1V to a minimum of 1.5H to 1V to improve bank stability and revegetation. When possible, the design utilized the existing top of bank to achieve these slopes; however, there are areas where the top of the bank has to be widened to accommodate the 1.5H:1V channel back slope. Channel cross sections are included in the report drawings.

Access culverts and enclosures shall be designed to convey a minimum 2-year design storm. The culverts will be embedded 10% to ensure they are not perched. The standard culvert is 10m in length and is based on a 6m traveled portion, plus rounding and end protection.

The Jeths Branch Drain is located on the lands owned by A. Thompson (Landowner ID 26) and extends 5.5m south from the Jeths Drain at Station 0+770 to the property limit between A. Thompson (Landowner ID 26) and 1109152 Ont. Ltd (Landowner ID 25). All work south of the property line is not part of the drain and is considered a private connection, and forms part of the subdivision approval process. The Jeths Branch Drain is a 300mm dia. HDPE smooth walled tile. The Jeths Branch Drain is the outlet for the proposed development's stormwater management facility. In order to ensure the proposed development on the lands owned by 1109152 Ont. Ltd (Landowner ID 25) will not negatively affect the Jeths Drain, the development will be required to control post development flows to pre-development levels. The stormwater management facility will be permitted to discharge 65L/s into the Jeths Drain. 1109152 Ont. Ltd.'s Engineer requested the Jeths Branch Drain outlet elevation be 180.90m, and the grade of the Jeths Branch Drain be 0.36%. The Engineer's request resulted in the drain being lowered by 0.3m at Station 0+770. The request for additional depth was determined to be within the standard tile design depth of drains.

### Allowances

Under Section 29 of the Drainage Act, the Engineer in his report shall estimate and allow in money to the landowner of any land that it is necessary to use for the construction or improvement of a drainage works, or for the disposal of material removed from drainage works. This shall be considered an allowance for right-of-way. Section 29 allowances have been provided for the Jeths Branch Drain.

Under Section 30 of the Drainage Act, the Engineer shall determine the amount to be paid to persons entitled thereto for damage, if any, to ornamental trees, lawns, fences, land and crops occasioned by the disposal of material removed from a drainage works. This shall be considered an allowance for damages. Section 30 allowances have been provided for the areas which are affected by the proposed work on both the Jeths Drain and the Jeths Branch Drain.

Conc.	Lot	Owner ID	Landowner	Section 29 (\$)	Section 30 (\$)	Total (\$)
<u>Main Drain</u>						
1	Pt. 10	9	F. & A. Simone		194	194
	Pt. 10	13	G. & S. Bezaire		470	470
	Pt. 10	14	S. Reaume		140	140
	Pt. 10	15	J. & K. Hindi		211	211
	Pt. 10	19	C. & A. Martin		945	945
	Pt. 10	25	1109152 Ontario Limited		1,593	1,593
	Pt. 10	16	J. & K. Hindi		1,566	1,566
	Pt. 10	26	A. Thompson		1,026	1,026
	Pt. 10	33	L. Durocher & J. Gagnon		27	27
Subtotal Jeths Main Drain					6,172	6,172
<u>Branch Drain B</u>						
1	Pt. 10	26	A. Thompson	247	27	274
Subtotal Jeths Branch Drain				247	27	274
Total Allowances					\$	6,446

### Estimate of Cost

It is recommended that the work be carried out in accordance with the accompanying Specification of Work and the Profile, which form part of this report. There has been prepared an Estimate of Cost for the Jeths Drain and the Jeths Branch Drain in the amount of \$316,007.

The following is a summary of the total estimated cost for the Jeths Drain:

Construction	\$	198,413
Construction Contingency Allowance	\$	21,500
Allowances	\$	6,172
Engineering	\$	37,700
Tendering Allowance	\$	1,600
Conservation Fees (ERCA)	\$	400
Inspection (Provisional based on 10 days)	\$	18,004
Non-Recoverable H.S.T.	\$	4,886
<b>Total</b>	<b>\$</b>	<b>288,675</b>

The following is a summary of the total estimated cost for the Jeths Branch Drain:

Construction	\$	17,450
Construction Contingency Allowance	\$	1,000
Allowances	\$	274
Engineering	\$	4,350
Tendering Allowance	\$	1,600
Conservation Fees (ERCA)	\$	400
Inspection (Provisional based on 1 day))	\$	1,790
Non-Recoverable H.S.T.	\$	468
<b>Total</b>	<b>\$</b>	<b>27,332</b>

A detailed breakdown of the Estimate of Cost for each drain is provided within this report.

Assessment

As per Section 21 of the Drainage Act, the Engineer in his report shall assess for benefit and outlet, for each parcel of land and road liable for assessment. Lands, roads, buildings, utilities, or other structures that are increased in value or are more easily maintained as a result of the construction, improvement, maintenance, or repair of a drainage works, may be assessed for benefit (Section 22).

Lands and roads that use a drainage works as an outlet, or for which, when the drainage works is constructed or improved, an improved outlet is provided either directly or indirectly through the medium of any other drainage works or of a swale, ravine, creek, or watercourse may be assessed for outlet. The assessment for outlet shall be based on the volume and rate of flow of the water artificially caused to flow into the drainage works from the lands and roads liable for such assessments (Section 23). Outlet assessments shall be based on equivalent hectares, which represents the amount of water generated on properties. The equivalent hectare area considers the properties impervious surfaces, such as buildings, paved areas, etc.

The following are the equivalent hectare conversions rates utilized in this report.

<b>Description</b>	<b>Area (ha)</b>	<b>Factor</b>	<b>Equivalent Area (ha)</b>
Agricultural	1	1	1
Roads	1	4	4
Residential Lots	1	1.5-2	1.5-2

The Engineer may assess for special benefit any lands for which special benefits have been provided by the drainage works (Section 24). Private lawn enclosures are considered a special benefit and all costs associated with the construction, repair and maintenance of the enclosure, less any maintenance and access credits, shall be assessed as special benefit to the lands benefiting from the enclosure.

A Schedule of Assessment for lands and roads affected by the work, and therefore liable for the cost thereof, has been prepared as per the Drainage Act. Any affected public utility or road authority shall be assessed, as per Section 26 of the Drainage Act, any increased costs for the removal or relocation of any of its facilities and plant that may be necessitated by construction or future maintenance and repair work. Items to be assessed under Section 26 shall be tendered separately with the actual cost plus a portion of the engineering (25% of the cost).

The cost of any fees for permits or approvals or any extra work required by any affected utility or road authority, shall be assessed to that organization requiring the permit, approval, or extra work.

The estimated cost of the drainage works has been assessed in the following manner:

- The rip rap at Station 0+117 has been assessed with 100% of the costs as an outlet assessment to upstream lands based on equivalent hectares.
- The open channel between Station 0+117 and Station 0+965 has been assessed with 50% of the cost applied as a benefit assessment to the adjacent landowners, and the remainder of the cost assessed as an outlet assessment to upstream lands and roads based on equivalent hectares.
- Private tile outlet protection has been assessed with 100% of the cost applied as a benefit assessment to the lands which the outlet is located on (Station 0+630, 0+960 and 0+963).
- The removal of private culverts has been assessed with 100% of the cost applied as a special benefit assessment to the lands on which the culvert is located.
- Culvert 1 (Landowner ID 13), Station 0+234 – The cost of a standard 10m access culvert with a 6m top width and rip rap end protection has been assessed with 50% of the costs applied as a benefit assessment to the adjacent landowner, and the remainder assessed as an outlet assessment to upstream lands, based on equivalent hectares.
- Culvert 2 (Landowner ID 14), Station 0+256 – The cost of a standard 10m access culvert with a 6m top width and rip rap end protection, has been assessed with 50% of the costs applied as a benefit assessment to the adjacent landowner, and the remainder assessed as an outlet assessment to upstream lands based on equivalent hectares. The extra length of culvert beyond the standard length specified in this report is 16m and shall be assessed 100% of the cost of the extra length of culvert as a benefit assessment to the adjacent landowner. Culvert 2 has been assessed with 78% of the costs as a benefit assessment to the adjacent landowner, and the remainder assessed as an outlet assessment to upstream lands, based on equivalent hectares.
- Culvert 3 (Landowner ID 15), Station 0+296 – The cost of a 7m access culvert with a 3m top width and rip rap end protection has been assessed with 50% of the costs applied as a benefit assessment to the adjacent landowner, and the remainder assessed as an outlet assessment to upstream lands, based on equivalent hectares.
- Culvert 4 (Landowner ID 16), Station 0+338 – The cost of a 7m access culvert with a 3m top width and rip rap end protection has been assessed with 50% of the costs applied as a benefit assessment to the adjacent landowner, and the remainder assessed as an outlet assessment to upstream lands, based on equivalent hectares.
- The costs to engineer the future access culverts to replace the existing bridges has been assessed with 50% of the engineering cost of a standard length culvert, applied as a benefit assessment to the landowner, and the remainder assessed as an outlet assessment on upstream lands, based on equivalent hectares. The following is a summary of engineering costs for the future culverts assessment.

Description	Location (Centreline)	Owner ID	Owner	Standard Length	Benefit	Outlet
Culvert 5	0+802	26	A. Thompson	10	50%	50%
Culvert 6	0+980	33	L. Durocher & J. Gagnon	10	50%	50%
Culvert 7	1+016	27	A. Kojok & A. Ahmed	10	50%	50%

- The costs to engineer the enclosures has been assessed with 50% of the engineering cost of a tile installation and structures, including any additional costs due to construction in areas where the drain abuts building structures, applied as a special benefit assessment to the landowner, and the remainder assessed as an outlet assessment to upstream lands based on equivalent hectares. The following is a summary of engineering costs for the future enclosure assessment.

Description	Location	Owner ID	Owner	Special Benefit	Benefit	Outlet
Enclosure 1	1+044 - 1+087	28	D. & P. Kellam	15%	50%	35%
Enclosure 2	1+087 - 1+100	27	A. Kojok & A. Ahmed Road Authority		15% 35%	50%
Road Crossing	1+100 - 1+120		Road Authority		99%	1%
Enclosure 3	1+120 - 1+160	36	A. Valente	20%	50%	30%

Note - Enclosure 1 and 3 assessments reflect the increased costs to maintain the drain due to the drain location, landscaping, building etc.  
 - If the land owned by Landowner ID 35 is severed into two parcels, Landowner ID 35 (retained parcel) and Landowner ID 36 (severed parcel on which the drain is located), the land owned by Landowner ID 35 will no longer require the drain and the land owned by Landowner ID 35 will not be assessed. If the land is not severed, all costs assessed to Landowner ID 36 are to be assessed to Landowner ID 35.

- The Jeths Branch Drain collects water from the land owned by 1109152 Ont. Ltd. The cost includes allowances paid to A. Thompson (Landowner ID 26) for land taken. The Jeths Branch Drain has been assessed with 100% of the costs, including allowances, assessed to the petitioning landowner, 1109152 Ont. Ltd.
- The Schedule of Maintenance and report specifications update has been assessed as an outlet assessment to all lands and roads within the watershed, based on equivalent hectares.
- If the land owned by Landowner ID 35 is severed into two parcels, Landowner ID 35 (retained parcel) and Landowner ID 36 (severed parcel on which the drain is located), the land owned by Landowner ID 35 will no longer require the drain and the land owned by Landowner ID 35 will not be assessed. If the land is not severed, all costs assessed to Landowner ID 36 are to be assessed to Landowner ID 35.

### Agricultural Grant

Under the current Section 85 of the current Agricultural Drainage Infrastructure Program (ADIP) policy of the OMAFRA, a grant may be available for assessments against privately owned parcels of land which are used for agricultural purposes and eligible for the Farm Property Class Tax Rate. Section 88 of the Drainage Act directs the Municipality to make application for this grant upon certification of this drain. The Municipality will then deduct the grant from the assessments, prior to collecting the final assessments.

Landowners will not be eligible for grants, since there are no landowners within the watershed which are eligible for the Farm Property Class Tax Rate.

### Access and Working Area

Access to the drain shall be gained from road allowances, when possible, along existing private lanes, along the fence lines and along the drain. Access to the working area along the private lanes and fence lines shall be restricted to a width of 6m. In addition to this, additional access and working areas for sections of the drain have been summarized below:

#### *Station 0+117 to Station 0+960*

In addition to the access from Front Road North (County Road 20) where the drain crosses Front Road North, an access to the drain will be via the proposed development stormwater retention block, and vacant lots that front onto Texas Road. In addition to the forementioned accesses, a landowner (Landowner ID 9) has indicated that he would be willing to allow access to the drain via a portion of the undeveloped lot that can be accessed via Easy Street. Permission from the landowner (Landowner ID 9) to access the drain via Easy Street will be required before it is used as an access point. A temporary culvert at Station 0+485 shall be installed to provide access across the drain for equipment and materials.

The working area for construction of the proposed works between Station 0+117 and Station 0+507 shall be on the north side of the channel, and will be 20m in width for the entire length. The working area for construction of the proposed works between Station 0+507 and Station 0+802 shall be on the south side of the channel, and will be 20m in width for the entire length. The working area for the proposed works between Station 0+802 and Station 0+960, shall be from the north side of the channel and shall be 20m in width. Once the proposed work is completed, the working corridor for future works of maintenance will be on the north side of the entire channel, and is 20m in width.



*Station 0+960 to Station 1+044*

Access for this section of drain will be within the drain's working area.

The working area for the drain between Station 0+960 and Station 1+044 for future works of maintenance, shall be from the north and east sides of the channel, and shall be 20m in width.

*Station 1+044 to Station 1+100*

Access for this section of drain will be within the working area from the Front Road North, road allowance, where the drain crosses Front Road North.

The working area for the closed drain for future works of maintenance, shall be 7.3m from the centre of the enclosure to the south limit, and 12.7m from the centre of the enclosure to the north limit.

*Station 1+100 to Station 1+120*

Access for this section of drain will be within the Front Road North, road allowance, where the drain crosses Front Road North.

The working area for the closed drain for future works of maintenance, shall be restricted to 40m, centred on the drain.

*Station 1+120 to Station 1+160*

Access for this section of drain will be within the Front Road North, road allowance, where the drain crosses Front Road North.

The working area for the closed drain for future works of maintenance, shall be 7.3m from the centre of the enclosure to the north limit, and 5m from the centre of the enclosure to the south limit.

Restrictions

No trees and shrubs shall be planted, nor shall permanent structures or hard surfaces be permitted in the working corridor. Any planted trees, structures or hard surfaces that interfere with access for future maintenance of the drainage works shall be removed at the expense of the landowner.

Attention is also drawn to Sections 80 and 82 of the Drainage Act that refers to the obstruction of a drainage works. Private bridges that affect the conveyance of flows in the Jeths Drain will be removed by the Town of Amherstburg at the expense of the landowner, on which the private bridge is located on.

Maintenance

Upon completion of the work, the drainage works including the bridges, access culverts and enclosures constructed under the previous reports/bylaws shall be maintained as per the applicable Schedules of Maintenance enclosed with this report, unless otherwise altered under provisions of the Drainage Act, or as outlined below. The maintenance schedules are used to prorate the actual maintenance costs when maintenance occurs. The costs illustrated on the Schedules of Maintenance are not part of the proposed improvements.

The cost to repair, maintain or install/extend a standard 10m access culvert with a 6m top width and rip rap end protection, will be assessed with 50% of the costs applied as a benefit assessment to the adjacent landowner, and the remainder assessed as an outlet assessment to upstream lands based on equivalent hectares. Landowners who request an extra length of culvert beyond the standard length specified in this report, shall be assessed 100% of the cost of the extra length of culvert, as a benefit assessment.

The cost to replace or maintain the drain enclosures shall be assessed for special benefit, benefit and outlet. The special benefit reflects the increased costs to maintain the enclosure due to the proximity to buildings, landscaping and hard surfaces, and for the removal of any excess material generated during the replacement to a location offsite. The special benefit and benefit assessments shall be assessed to the lands on which the enclosure is located, and the remainder assessed as an outlet assessment to upstream lands, based on equivalent hectares as follows:

Description	Location	Owner ID	Owner	Special Benefit	Benefit	Outlet
Enclosure 1	1+042 - 1+087	28	D. & P. Kellam	20%	40%	40%
Enclosure 2	1+087 - 1+100	27	A. Kojok & A. Ahmed Road Authority		10% 40%	50%
Road Crossing	1+100 - 1+120		Road Authority		98%	2%
Enclosure 3	1+120 - 1+160	36	A. Valente	20%	40%	40%

Note - Enclosure 3 Includes MH 4 and CB 4 c/w the 300mm Dia Lead

- If the land owned by Landowner ID 35 is severed into two parcels, Landowner ID 35 (retained parcel) and Landowner ID 36 (severed parcel on which the drain is located), the land owned by Landowner ID 35 will no longer require the drain and the land owned by Landowner ID 35 will not be assessed. If the land is not severed, all costs assessed to Landowner ID 36 are to be assessed to Landowner ID 35.

If a private bridge fails or if it restricts the conveyance of flows in the Jeths Drain, the cost to remove the private bridge will be assessed with 100% of the costs to the landowner, on which the bridge is located.

The cost to repair or maintain the fence between Station 0+480 and Station 0+802, will be assessed with 100% of the costs applied as a benefit assessment to the abutting landowner on the south side of the drain.

Maintenance of the enclosure between Station 0+000 and Station 0+117 shall be as per the 1993 drain report specifications, prepared by D. Jourey, and assessed in accordance with the Schedule of Maintenance Section 1 of this report.

All of the above is submitted for your consideration.

Yours truly,

*MAA*  
*MAY 23, 2022*  
*2020-044*



Michael Gerrits, P. Eng  
M. Gerrits Consulting Inc.

Jeths Drain  
Town of Amherstburg  
May 23, 2022

**ESTIMATE OF COST - JETHS MAIN DRAIN**

	Quantity	Unit	Unit Price (\$)	Total (\$)
Allowances:				6,172
Brush Drain and Working Area (Station 0+117 to Station 0+965)	1.6	ha	17,500	28,315
Remove and Dispose of Existing Private Culvert (Station 0+311)	1.0	LS	2,000	2,000
Strip Working Area and Stockpile Topsoil (Station 0+117 to Station 0+480)	7260	sq.m.	2.50	18,150
Strip Working Area and Stockpile Topsoil (Station 0+770 to Station 0+965)	3900	sq.m.	2.50	9,750
Channel Excavation	848	m	14	11,872
Channel Excavation - Extra Depth (Station 0+690 to Station 0+800)	110	m	25	2,750
Level Spoils in Working Corridor	848	m	6.50	5,512
Supply and Install Temporary Culvert for Construction (Station 0+485)				
600mm dia. (min) Culvert (8m Length) c/w Excavation	8	m	430	3,440
Bedding Material	8	t	40	320
Additional Fill	66	t	30	1,980
Removal Culvert	1	LS	690	690
Supply and Install Culvert 1 (Station 0+234)				
Remove and Dispose of Existing Culvert	1	LS	2,000	2,000
600mm dia. Culvert (10m Length) c/w Excavation	10	m	790	7,900
Bedding Material	15	t	40	600
Additional Fill	25	t	30	750
Granular 'A'	15	t	40	600
Rip Rap c/w Geotextile	10	sq.m.	100	1,000

	Quantity	Unit	Unit Price (\$)	Total (\$)
<b>Supply and Install Culvert 2 (Station 0+265)</b>				
Remove and Dispose of Existing Culvert	1	LS	3,000	3,000
600mm dia. Culvert (28m Length) c/w Excavation	28	m	704	19,720
Bedding Material	40	t	40	1,600
Granular 'A' (6m Access Width)	15	t	40	600
Rip Rap c/w Geotextile	10	sq.m.	100	1,000
Work Around Electrical Obstruction	1	LS	1,250	1,250
Restoration	132	sq.m.	5	660
<b>Supply and Install Culvert 3 (Station 0+296)</b>				
Remove and Dispose of Existing Culvert	1	LS	2,000	2,000
600mm dia. Culvert (7m Length) c/w Excavation	7	m	876	6,130
Bedding Material	12	t	40	480
Granular 'A'	8	t	40	320
Rip Rap c/w Geotextile	10	sq.m.	100	1,000
<b>Supply and Install Culvert 4 (Station 0+338)</b>				
Remove and Dispose of Existing Culvert	1	LS	2,000	2,000
600mm dia. Culvert (7m Length) c/w Excavation	7	m	876	6,130
Bedding Material	12	t	40	480
Additional Fill	5	t	30	150
Granular 'A'	8	t	40	320
Rip Rap c/w Geotextile	10	sq.m.	100	1,000

	Quantity	Unit	Unit Price (\$)	Total (\$)
Remove Culvert 5 (Station 0+802)				
Remove and Dispose of Existing Culvert	1	LS	2,000	2,000
Rip Rap Closed Drain Outlet (Station 0+117)	6	sq.m.	100	600
Channel Bank Hand Seeding	3816	sq.m.	4	15,264
Working Area Hand Seeding (Station 0+117 to Station 0+480)	5445	sq.m.	4	21,780
Working Area Hand Seeding (Station 0+770 to Station 0+965)	2925	sq.m.	4	11,700
Channel Bank Protection (Station 0+955 - Station 0+965)	5	sq.m.	150	750
Tile Outlet Protection (1 sq.m./Location)	3	ea.	100	300
Heavy Duty Silt Fencing (Station 0+967)	1	m	550	550
			Sub Total	\$ 198,413
			Miscellaneous	\$ 21,500
			Allowances	\$ 6,172
			Survey, Design, Report and Meeting	\$ 36,700
			Schedule of Maintenance Update	\$ 1,000
			Tendering c/w Onsite Meeting (Provisional)	\$ 1,600
			10 Day Part Time Inspection Allowance (Provisional)	\$ 18,004
			ERCA Fee	\$ 400
			<b>Total Estimate Excluding HST</b>	<b>\$ 283,789</b>
			Non-Recoverable HST (1.76%)	\$ 4,886
			<b>Total Estimate</b>	<b>\$ 288,675</b>

Jeths Drain  
 Town of Amherstburg  
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**ESTIMATE OF COST - JETHS BRANCH DRAIN**

	Quantity	Unit	Unit Price (\$)	Total (\$)
Allowances:				274
Install 300mm Dia. HDPE Smooth Walled Storm Sewer (5.5m Length) c/w Bedding, Backfill, Rodent Grate, Cap for Future Private Storm Connection and Marker Post	5.5	m	300	1,650
Restoration (Hand Seeding)	100	sq.m.	5	500
Rip Rap c/w Geotextile	3	sq.m.	100	300
1.2m (4') Chain Link Fence	300	m	50	15,000
			Sub Total	\$ 17,450
			Miscellaneous	\$ 1,000
			Allowances	\$ 274
			Survey, Design, Report and Meeting	\$ 4,350
			Tendering c/w Onsite Meeting (Provisional)	\$ 1,600
			1 Day Part Time Inspection Allowance (Provisional)	\$ 1,790
			ERCA Fee	\$ 400
			<b>Total Estimate Excluding HST</b>	<b>\$ 26,864</b>
			Non-Recoverable HST (1.76%)	\$ 468
			<b>Total Estimate</b>	<b>\$ 27,332</b>

Jeths Drain  
 Town of Amherstburg  
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**SCHEDULE OF ASSESSMENT**

**JETHS MAIN DRAIN**

Conc.	Lot	Aff. Hect.	Owner ID	Landowner	Culverts/Enclosure			Channel Works			Maint. Schedule	Total	Eq. Ha.
					Special Benefit (\$)	Benefit (\$)	Outlet (\$)	Special Benefit (\$)	Benefit (\$)	Outlet (\$)			
<b>3. Municipal Lands</b>													
	Front Road N. (CR 20)	0.45		County of Essex	-	1,340	16	-	-	267	109	1,732	1.82
					\$ -	\$ 1,340	\$ 16	\$ -	\$ -	\$ 267	\$ 109	\$ 1,732	
				Total Special Benefit	-								
				Total Benefit	1,340								
				Total Outlet	392								
				Total - Municipal Lands	\$ 1,732								
<b>4. Privately-Owned Non-Agricultural Lands</b>													
1	Pt. 10	0.21	1	J. & A. Hilton	-	-	1,071	-	-	2,604	19	3,694	0.32
	Pt. 10	0.11	2	J. Brown & D. Landry	-	-	644	-	-	1,819	13	2,476	0.22
	Pt. 10	0.22	3	J. & K. Kearley	-	-	1,122	-	-	2,728	20	3,870	0.33
	Pt. 10	0.11	4	P. & S. Harvey	-	-	748	-	-	1,819	13	2,580	0.22
	Pt. 10	0.29	5	G. & A. Dethomasis	-	-	1,479	-	-	3,596	26	5,101	0.44
	Pt. 10	0.13	6	K. Desormeaux	-	-	884	-	-	2,150	16	3,050	0.26
	Pt. 10	0.29	7	R. & S. Meloche	-	-	1,479	-	-	3,596	26	5,101	0.44
	Pt. 10	0.31	8	R. Lackovic	-	-	1,581	-	-	3,844	28	5,453	0.47
	Pt. 10	1.15	9	F. & A. Simone	-	-	5,863	-	4,603	11,952	104	22,522	1.73
	Pt. 10	0.13	10	J. Litalien	-	-	884	-	-	2,150	16	3,050	0.26
	Pt. 10	0.47	11	T. LaPorte	-	-	2,396	-	1,215	4,294	42	7,947	0.71
	Pt. 10	0.27	12	D. & M. Donato	-	-	1,377	-	1,279	2,279	24	4,959	0.41
	Pt. 10	1.91	13	G. & S. Bezaire	2,707	7,345	4,063	-	8,630	9,287	115	32,147	1.91
	Pt. 10	0.75	14	S. Reaume	22,986	7,345	1,318	-	3,324	4,722	68	39,763	1.13
	Pt. 10	1.08	15	J. & K. Hindi	2,707	5,368	911	-	4,062	6,053	98	19,199	1.62
	Pt. 10	0.23	16	J. & K. Hindi	-	-	194	-	-	1,289	21	1,504	0.35
	Pt. 10	0.09	17	J. Muresan & M. Campbell	-	-	101	-	-	673	11	785	0.18
	Pt. 10	0.06	18	C. & A. Martin	-	-	67	-	-	448	7	522	0.12
	Pt. 10	3.33	19	C. & A. Martin	2,707	5,470	670	2,707	15,996	9,727	200	37,477	3.33



Conc.	Lot	Aff. Hect.	Owner ID	Landowner	Culverts/Enclosure			Channel Works			Maint. Schedule	Total (\$)	Eq. Ha.
					Special Benefit	Benefit	Outlet	Special Benefit	Benefit	Outlet			
					(\$)	(\$)	(\$)	(\$)	(\$)	(\$)			
Pt. 10	0.37	20	C. & C. Blunt	-	-	50	-	1,726	1,499	33	3,308	0.56	
Pt. 10	0.36	21	L. Bortolin	-	-	49	-	1,726	1,321	33	3,129	0.54	
Pt. 10	0.32	22	G. Fawcett & K. Sullivan	-	-	43	-	1,726	1,060	29	2,858	0.48	
Pt. 10	0.28	23	B. & P. Pare	-	-	38	-	1,662	837	25	2,562	0.42	
Pt. 10	0.04	24	M. Conte & A. Calamita	-	-	5	-	-	120	4	129	0.06	
Pt. 10	3.36	25	1109152 Ontario Limited	-	-	609	12,432	14,292	8,008	405	35,746	6.73	
Pt. 10	3.69	26	A. Thompson	2,707	501	295	135	25,157	2,582	222	31,599	3.69	
Pt. 10	1.93	27	A. Kojok & A. Ahmed	-	650	86	-	-	2,106	116	2,958	1.93	
Pt. 10	0.77	28	D. & P. Kellam	150	500	20	-	-	198	-	868	0.77	
Pt. 10	0.32	33	L. Durocher & J. Gagnon	-	500	35	-	591	94	39	1,259	0.64	
Pt. 10	0.31	29	D. & J. Hay	-	-	34	-	-	144	37	215	0.62	
Pt. 10	0.09	30	B. Girard	-	-	10	-	-	42	11	63	0.18	
Pt. 10	0.20	31	J. & D. Rawlins	-	-	22	-	-	94	24	140	0.41	
Pt. 10	0.17	32	J. & J. Farmer	-	-	18	-	-	79	20	117	0.34	
Pt. 10	0.11	34	P. & K. Tough	-	-	6	-	-	32	13	51	0.22	
Pt. 10	0.10	*35	A. Valente	-	-	-	-	-	-	-	-	0.00	
Pt. 10	0.10	*36	A. Valente	200	500	-	-	-	29	12	741	0.20	
				\$ 34,164	\$ 28,179	\$ 28,172	\$ 15,274	\$ 85,989	\$ 93,275	\$ 1,890	\$ 286,943		
Total Special Benefit				49,438									
Total Benefit				114,168									
Total Outlet				123,337									
Total - Privately-Owned Non-Agricultural Lands				\$ 286,943									
Total - Privately-Owned Non-Agricultural Lands				286,943									
Total - Municipal Lands				1,732									
Total Assessment				\$ 288,675									

Note \* If the land owned by Landowner ID 35 is severed into two parcels, Landowner ID 35 (retained parcel) and Landowner ID 36 (severed parcel on which the drain is located), the land owned by Landowner ID 35 will no longer require the drain and the land owned by Landowner ID 35 will not be assessed. If the land is not severed, all costs assessed to Landowner ID 36 are to be assessed to Landowner ID 35.

Jeths Drain  
 Town of Amherstburg  
 May 23, 2022

**SCHEDULE OF ASSESSMENT  
 JETHS BRANCH DRAIN**

Conc.	Lot	Affected Hect.	Owner ID	Landowner	Special Benefit (\$)	Benefit (\$)	Outlet (\$)	Total (\$)	Eq. Ha.
<b>4. Privately-Owned Non-Agricultural Lands</b>									
1	Pt. 10	3.36	25	1109152 Ontario Limited	22,856	4,476	-	27,332	3.4
					\$ 22,856	\$ 4,476	\$ -	\$ 27,332	
				Total Special Benefit	22,856				
				Total Benefit	4,476				
				Total Outlet	-				
				<b>Total - Privately-Owned Non-Agricultural Lands</b>	\$ 27,332				

Jeths Drain  
Town of Amherstburg  
May 23, 2022

**Schedule of Maintenance**  
**Section 1 - Station 0+000 to Station 0+117**

For assessing maintenance costs for the Jeths Drain between Station 0+000 and Station 0+117  
The section of drain is to be maintained as per the 1993 drain report specifications, prepared by D. Jourey

Conc.	Lot	Aff. Hect.	Owner ID	Landowner	Benefit (\$)	Outlet (\$)	Total (\$)	Eq. Ha.
<b>4. Privately-Owned Non-Agricultural Lands</b>								
1	Pt. 10	0.21	1	J. & A. Hilton	25	226	251	0.3
	Pt. 10	0.11	2	J. Brown & D. Landry	105	102	207	0.2
	Pt. 10	0.22	3	J. & K. Kearley	105	153	258	0.3
	Pt. 10	0.11	4	P. & S. Harvey	105	102	207	0.2
	Pt. 10	0.29	5	G. & A. Dethomasis	56	157	213	0.4
	Pt. 10	0.13	6	K. Desormeaux	56	94	150	0.3
	Pt. 10	0.29	7	R. & S. Meloche	86	95	181	0.4
	Pt. 10	0.31	8	R. Lackovic	41	49	90	0.5
	Pt. 10	1.15	9	F. & A. Simone	154	35	189	1.7
	Pt. 10	0.13	10	J. Litalien	-	9	9	0.3
Total Maintenance Assessment - Section 1					\$ 733	\$ 1,022	\$ 1,755	

Jeths Drain  
Town of Amherstburg  
May 23, 2022

**Schedule of Maintenance**  
**Section 2 - Station 0+117 to Station 1+044**

For maintaining the Jeths Drain between Station 0+117 and Station 1+044.  
Access culverts/bridges to be maintained in accordance with the maintenance section of the report.

Conc.	Lot	Aff. Hect.	Owner ID	Landowner	Benefit (\$)	Outlet (\$)	Total (\$)	Eq. Ha.
<b>4. Privately-Owned Non-Agricultural Lands</b>								
1	Pt. 10	0.21	1	J. & A. Hilton	-	123	123	0.3
	Pt. 10	0.11	2	J. Brown & D. Landry	-	86	86	0.2
	Pt. 10	0.22	3	J. & K. Kearley	-	129	129	0.3
	Pt. 10	0.11	4	P. & S. Harvey	-	86	86	0.2
	Pt. 10	0.29	5	G. & A. Dethomasis	-	170	170	0.4
	Pt. 10	0.13	6	K. Desormeaux	-	102	102	0.3
	Pt. 10	0.29	7	R. & S. Meloche	-	170	170	0.4
	Pt. 10	0.31	8	R. Lackovic	-	182	182	0.5
	Pt. 10	1.15	9	F. & A. Simone	255	566	821	1.7
	Pt. 10	0.13	10	J. Litalien	-	102	102	0.3
	Pt. 10	0.47	11	T. LaPorte	48	207	255	0.7
	Pt. 10	0.27	12	D. & M. Donato	50	111	161	0.4
	Pt. 10	1.91	13	G. & S. Bezaire	338	468	806	1.9
	Pt. 10	0.75	14	S. Reaume	130	246	376	1.1
	Pt. 10	1.08	15	J. & K. Hindi	195	319	514	1.6
	Pt. 10	0.23	16	J. & K. Hindi	-	68	68	0.3
	Pt. 10	0.09	17	J. Muresan & M. Campbell	-	35	35	0.2
	Pt. 10	0.06	18	C. & A. Martin	-	24	24	0.1
	Pt. 10	3.33	19	C. & A. Martin	653	580	1,233	3.3
	Pt. 10	0.37	20	C. & C. Blunt	68	87	155	0.6
	Pt. 10	0.36	21	L. Bortolin	68	79	147	0.5
	Pt. 10	0.32	22	G. Fawcett & K. Sullivan	68	66	134	0.5
	Pt. 10	0.28	23	B. & P. Pare	65	54	119	0.4
	Pt. 10	0.04	24	M. Conte & A. Calamita	-	8	8	0.1
	Pt. 10	0.19	FL-1	1109152 Ont Ltd - Severed Lot 1	78	19	97	0.4
	Pt. 10	0.12	FL-2	1109152 Ont Ltd - Severed Lot 2	78	12	90	0.2
	Pt. 10	0.09	FL-3	1109152 Ont Ltd - Severed Lot 3	78	8	86	0.2
	Pt. 10	0.11	FL-4	1109152 Ont Ltd - Severed Lot 4	78	11	89	0.2
	Pt. 10	0.11	FL-5	1109152 Ont Ltd - Severed Lot 5	78	11	89	0.2

Conc.	Lot	Aff. Hect.	Owner ID	Landowner	Benefit (\$)	Outlet (\$)	Total (\$)	Eq. Ha.	
	Pt. 10	0.11	FL-6	1109152 Ont Ltd - Severed Lot 6	78	11	89	0.2	
	Pt. 10	0.11	FL-7	1109152 Ont Ltd - Severed Lot 7	78	11	89	0.2	
	Pt. 10	0.11	FL-8	1109152 Ont Ltd - Severed Lot 8	78	11	89	0.2	
	Pt. 10	0.11	FL-9	1109152 Ont Ltd - Severed Lot 9	78	11	89	0.2	
	Pt. 10	0.11	FL-10	1109152 Ont Ltd - Severed Lot 10	78	11	89	0.2	
	Pt. 10	0.11	FL-11	1109152 Ont Ltd - Severed Lot 11	78	11	89	0.2	
	Pt. 10	0.11	FL-12	1109152 Ont Ltd - Severed Lot 12	78	11	89	0.2	
	Pt. 10	0.11	FL-13	1109152 Ont Ltd - Severed Lot 13	78	11	89	0.2	
	Pt. 10	0.11	FL-14	1109152 Ont Ltd - Severed Lot 14	78	11	89	0.2	
	Pt. 10	0.09	FL-15	1109152 Ont Ltd - Severed Lot 15	78	9	87	0.2	
	Pt. 10	0.12	FL-16	1109152 Ont Ltd - Severed Lot 16	78	12	90	0.2	
	Pt. 10	0.18	FL-17	1109152 Ont Ltd - Severed Lot 17	45	43	88	0.4	
	Pt. 10	0.17	FL-18	1109152 Ont Ltd - Severed Lot 18	45	41	86	0.3	
	Pt. 10	3.69	26	A. Thompson	1,015	124	1,139	3.7	
	Pt. 10	1.93	27	A. Kojok & A. Ahmed	225	110	335	1.9	
	Pt. 10	0.77	28	D. & P. Kellam	-	10	10	0.8	
	Pt. 10	0.32	33	L. Durocher & J. Gagnon	59	4	63	0.6	
	Pt. 10	0.31	29	D. & J. Hay	-	10	10	0.6	
	Pt. 10	0.09	30	B. Girard	-	3	3	0.2	
	Pt. 10	0.20	31	J. & D. Rawlins	-	7	7	0.4	
	Pt. 10	0.17	32	J. & J. Farmer	-	6	6	0.3	
	Pt. 10	0.11	34	P. & K. Tough	-	1	1	0.2	
	Pt. 10	0.10	*35	A. Valente	-	-	-	0.0	
<u>3. Municipal Lands</u>									
	1	Pt. 10	1.20	FL-19	1109152 Ont Ltd - Road Allowance	-	237	237	4.8
Total Maintenance Assessment - Section 2					\$ 4,575	\$ 4,845	\$ 9,420		

Jeths Drain  
Town of Amherstburg  
May 23, 2022

**Schedule of Maintenance**  
**Section 3 - Station 1+044 to Station 1+160**

For maintaining the Jeths Drain between Station 1+044 and Station 1+160.

The road crossing between Station 1+100 and Station 1+120 will be maintained in accordance with the maintenance section of the report.

Conc.	Lot	Aff. Hect.	Owner ID	Landowner	Benefit (\$)	Outlet (\$)	Total (\$)	Eq. Ha.
<b>3. Municipal Lands</b>								
1	Pt. 10	1.20	FL-19	1109152 Ont Ltd - Road Allowance	-	375	375	4.8
	Front Road N. (CR 20)	0.45		County of Essex	1,617	82	1,699	1.8
<b>4. Privately-Owned Non-Agricultural Lands</b>								
1	Pt. 10	0.21	1	J. & A. Hilton	-	25	25	0.3
	Pt. 10	0.11	2	J. Brown & D. Landry	-	17	17	0.2
	Pt. 10	0.22	3	J. & K. Kearley	-	26	26	0.3
	Pt. 10	0.11	4	P. & S. Harvey	-	17	17	0.2
	Pt. 10	0.29	5	G. & A. Dethomasis	-	34	34	0.4
	Pt. 10	0.13	6	K. Desormeaux	-	20	20	0.3
	Pt. 10	0.29	7	R. & S. Meloche	-	34	34	0.4
	Pt. 10	0.31	8	R. Lackovic	-	36	36	0.5
	Pt. 10	1.15	9	F. & A. Simone	-	135	135	1.7
	Pt. 10	0.13	10	J. Litalien	-	20	20	0.3
	Pt. 10	0.47	11	T. LaPorte	-	55	55	0.7
	Pt. 10	0.27	12	D. & M. Donato	-	32	32	0.4
	Pt. 10	1.91	13	G. & S. Bezaire	-	149	149	1.9
	Pt. 10	0.75	14	S. Reaume	-	88	88	1.1
	Pt. 10	1.08	15	J. & K. Hindi	-	127	127	1.6
	Pt. 10	0.23	16	J. & K. Hindi	-	27	27	0.3
	Pt. 10	0.09	17	J. Muresan & M. Campbell	-	14	14	0.2
	Pt. 10	0.06	18	C. & A. Martin	-	9	9	0.1
	Pt. 10	3.33	19	C. & A. Martin	-	260	260	3.3
	Pt. 10	0.37	20	C. & C. Blunt	-	43	43	0.6
	Pt. 10	0.36	21	L. Bortolin	-	42	42	0.5
	Pt. 10	0.32	22	G. Fawcett & K. Sullivan	-	38	38	0.5
	Pt. 10	0.28	23	B. & P. Pare	-	33	33	0.4

Conc.	Lot	Aff. Hect.	Owner ID	Landowner	Benefit (\$)	Outlet (\$)	Total (\$)	Eq. Ha.		
Pt. 10	0.04	24	M. Conte & A. Calamita		-	5	5	0.1		
Pt. 10	0.19	FL-1	1109152 Ont Ltd - Severed Lot 1		-	30	30	0.4		
Pt. 10	0.12	FL-2	1109152 Ont Ltd - Severed Lot 2		-	19	19	0.2		
Pt. 10	0.09	FL-3	1109152 Ont Ltd - Severed Lot 3		-	13	13	0.2		
Pt. 10	0.11	FL-4	1109152 Ont Ltd - Severed Lot 4		-	17	17	0.2		
Pt. 10	0.11	FL-5	1109152 Ont Ltd - Severed Lot 5		-	17	17	0.2		
Pt. 10	0.11	FL-6	1109152 Ont Ltd - Severed Lot 6		-	17	17	0.2		
Pt. 10	0.11	FL-7	1109152 Ont Ltd - Severed Lot 7		-	17	17	0.2		
Pt. 10	0.11	FL-8	1109152 Ont Ltd - Severed Lot 8		-	17	17	0.2		
Pt. 10	0.11	FL-9	1109152 Ont Ltd - Severed Lot 9		-	17	17	0.2		
Pt. 10	0.11	FL-10	1109152 Ont Ltd - Severed Lot 10		-	17	17	0.2		
Pt. 10	0.11	FL-11	1109152 Ont Ltd - Severed Lot 11		-	17	17	0.2		
Pt. 10	0.11	FL-12	1109152 Ont Ltd - Severed Lot 12		-	17	17	0.2		
Pt. 10	0.11	FL-13	1109152 Ont Ltd - Severed Lot 13		-	17	17	0.2		
Pt. 10	0.11	FL-14	1109152 Ont Ltd - Severed Lot 14		-	17	17	0.2		
Pt. 10	0.09	FL-15	1109152 Ont Ltd - Severed Lot 15		-	14	14	0.2		
Pt. 10	0.12	FL-16	1109152 Ont Ltd - Severed Lot 16		-	19	19	0.2		
Pt. 10	0.18	FL-17	1109152 Ont Ltd - Severed Lot 17		-	28	28	0.4		
Pt. 10	0.17	FL-18	1109152 Ont Ltd - Severed Lot 18		-	27	27	0.3		
Pt. 10	3.69	26	A. Thompson		-	289	289	3.7		
Pt. 10	1.93	27	A. Kojok & A. Ahmed		1,075	148	1,223	1.9		
Pt. 10	0.77	28	D. & P. Kellam		-	0	-	0.8		
Pt. 10	0.32	33	L. Durocher & J. Gagnon		-	50	50	0.6		
Pt. 10	0.31	29	D. & J. Hay		-	48	48	0.6		
Pt. 10	0.09	30	B. Girard		-	14	14	0.2		
Pt. 10	0.20	31	J. & D. Rawlins		-	32	32	0.4		
Pt. 10	0.17	32	J. & J. Farmer		-	27	27	0.3		
Pt. 10	0.11	34	P. & K. Tough		-	17	17	0.2		
Pt. 10	0.10	*35	A. Valente		200	-	200	0.0		
Pt. 10	0.10	*36	A. Valente		200	-	200	0.2		
Total Maintenance Assessment - Section 3					\$	3,092	\$	2,708	\$	5,800

Note \* If the land owned by Landowner ID 35 is severed into two parcels, Landowner ID 35 (retained parcel) and Landowner ID 36 (severed parcel on which the drain is located), the land owned by Landowner ID 35 will no longer require the drain and the land owned by Landowner ID 36 will not be assessed. If the land is not severed, all costs assessed to Landowner ID 36 are to be assessed to Landowner ID 35.

Jeths Drain  
Town of Amherstburg  
May 23, 2022

**Schedule of Maintenance**  
**Jeths Branch Drain**

For maintaining the Jeths Branch Drain between Station 3+000 to Station 3+006.

Conc.	Lot	Aff. Hect.	Owner ID	Landowner	Benefit (\$)	Outlet (\$)	Total (\$)	Eq. Ha.
<b>3. Municipal Lands</b>								
1	Pt. 10	1.20	FL-19	1109152 Ont Ltd - Road Allowance	-	158	158	4.8
<b>4. Privately-Owned Non-Agricultural Lands</b>								
1	Pt. 10	0.19	FL-1	1109152 Ont Ltd - Severed Lot 1	-	12	12	0.4
	Pt. 10	0.12	FL-2	1109152 Ont Ltd - Severed Lot 2	-	8	8	0.2
	Pt. 10	0.09	FL-3	1109152 Ont Ltd - Severed Lot 3	-	6	6	0.2
	Pt. 10	0.11	FL-4	1109152 Ont Ltd - Severed Lot 4	-	7	7	0.2
	Pt. 10	0.11	FL-5	1109152 Ont Ltd - Severed Lot 5	-	7	7	0.2
	Pt. 10	0.11	FL-6	1109152 Ont Ltd - Severed Lot 6	-	7	7	0.2
	Pt. 10	0.11	FL-7	1109152 Ont Ltd - Severed Lot 7	-	7	7	0.2
	Pt. 10	0.11	FL-8	1109152 Ont Ltd - Severed Lot 8	-	7	7	0.2
	Pt. 10	0.11	FL-9	1109152 Ont Ltd - Severed Lot 9	-	7	7	0.2
	Pt. 10	0.11	FL-10	1109152 Ont Ltd - Severed Lot 10	-	7	7	0.2
	Pt. 10	0.11	FL-11	1109152 Ont Ltd - Severed Lot 11	-	7	7	0.2
	Pt. 10	0.11	FL-12	1109152 Ont Ltd - Severed Lot 12	-	7	7	0.2
	Pt. 10	0.11	FL-13	1109152 Ont Ltd - Severed Lot 13	-	7	7	0.2
	Pt. 10	0.11	FL-14	1109152 Ont Ltd - Severed Lot 14	-	7	7	0.2
	Pt. 10	0.09	FL-15	1109152 Ont Ltd - Severed Lot 15	-	6	6	0.2
	Pt. 10	0.12	FL-16	1109152 Ont Ltd - Severed Lot 16	-	8	8	0.2
	Pt. 10	0.18	FL-17	1109152 Ont Ltd - Severed Lot 17	-	12	12	0.4
	Pt. 10	0.17	FL-18	1109152 Ont Ltd - Severed Lot 18	-	11	11	0.3
Total Maintenance Assessment - Jeths Branch Drain					\$ -	\$ 300	\$ 300	



Jeths Drain and  
Jeths Branch Drain  
Town of Amherstburg  
May 23, 2022

## SPECIFICATION OF WORK

### **1. Scope of Work**

The work to be included in this specification includes the open channel improvements, culvert replacements and drain enclosures in Part of Lot 10, Concession 1 in the Town of Amherstburg. Specifications for the maintenance and repair of the closed drain between Station 0+000 and Station 0+117 are to be in accordance with the D. Joudrey drain report dated 1993. Specifications for the maintenance and repair of the closed drain between Station 1+087 and Station 1+160 are to be in accordance with the E. Lafontaine, P. Eng., drain report dated January 25, 1983.

### **2. General**

Each Contractor must inspect the site to satisfy themselves by personal examination as to the local conditions that may be encountered during this project. Quantities or any information supplied by the Engineer is not guaranteed and is for reference only.

All work and materials shall be to the satisfaction of the Drainage Superintendent who may vary these specifications as to minor details but in no way decrease the proposed capacity of the drain.

The Contractor shall be responsible for the notification of all utilities prior to the start of construction.

All work must be completed in accordance with the attached Fisheries and Oceans Canada email dated October 26, 2019 and the Essex Region Conservation Authority permit.

### **3. Plans and Specifications**

These specifications shall apply and be part of the Contract. This Specification of Work shall take precedence over all plans and general conditions pertaining to the Contract. The Contractor shall provide all labour, equipment, materials, and supervision necessary to complete the work as shown in the Plans and described in these specifications. Any work not described in these specifications shall be completed according to the Ontario Provincial Standard Specifications and Standard Drawings.

Any reference to the Owner contained in these Contract Documents shall refer to the Town of Amherstburg or the Engineer authorized by the Town of Amherstburg, to act on its behalf.

#### **4. Health and Safety**

The Contractor, at all times, shall be responsible for health and safety on the worksite, including ensuring that all employees wear suitable personal protective equipment, including safety boots and hard hats.

The Contractor shall be responsible for traffic control as per the Ontario Traffic Manual Book 7 – Temporary Conditions (latest revision) when working on public road allowances. A copy of a traffic control plan shall be kept on site at all times. The Contractor shall maintain suitable barricades, warning lights, and temporary traffic notices, at his expense, in their proper position, to protect the public both day and night. Flagmen are the responsibility of the Contractor when working on the road allowance and when entering or exiting a worksite onto a roadway.

The Contractor shall be responsible to ensure that all procedures are followed under the Occupational Health and Safety Act, to ensure that work sites are safe, and that accidents are prevented. In the event of a serious or recurring problem, a notice of noncompliance will be issued. The Contractor will be responsible for reacting immediately to any deficiency, and correcting any potential health and safety risk. Continuous disregard for any requirement of the Occupational Health and Safety Act could be cause for the issuance of a stop work order, or even termination of the contract.

The Contractor shall also ensure that only competent workmen are employed onsite and that appropriate training and certification is supplied to all employees.

#### **5. Workplace Safety and Insurance Board**

Upon award of the contract and prior to commencement of work, the Contractor shall furnish the Town of Amherstburg with a satisfactory Certificate of Insurance (COI) containing the information below, for the period of the execution of the work:

A Commercial General Liability (CGL) policy that shall be not less than 5 million dollars per occurrence.

- i. The CGL policy shall include bodily injury including death, personal injury, property damage, tenants legal liability, non-owned automobile and contain a cross liability/severability of interest clause. The certificate must also include acknowledgement that coverage under the policy specifically extends to the works in question. The COI shall name the Town of Amherstburg as additional insured to the policy.

- ii. The CGL policy shall not contain any exclusion or limitation in respect to shoring, underpinning, raising or demolition of any building or structure, pile driving, caisson work, collapse of any structure or subsidence of any property, structure or land from any cause.
- iii. The Contractor shall note that where construction works are performed within lands owned by the County of Essex or Ministry of Transportation the CGL policy shall also name the County of Essex and/or the Ministry of Transportation as additional insured to the policy.
- iv. The liability insurance shall be endorsed to provide that the policy shall not be altered, cancelled or allowed to lapse without 30 days prior written notice to the Town of Amherstburg.

## **6. MNRF Drain Registration**

The Contractor is advised that the Town of Amherstburg has conducted an "Endangered Species Act Review" and has registered its drainage activities with the Ministry of Natural Resources and Forestry.

The Town of Amherstburg, in pursuant to the Endangered Species Act Municipal Agreement, has identified the potential presence of certain species within the project area. It is the responsibility of the Contractor to make certain that necessary provisions are undertaken to ensure the protection of all species at risk and their habitats throughout the course of construction. It is also the responsibility of the Contractor to become familiar with the following documents:

1. Town of Amherstburg – Complete Mitigation Documents
2. Town of Amherstburg - Additional Mitigation Measures for Snakes Species
3. Town of Amherstburg - Additional Mitigation Measures for Turtle Species
4. Snakes of Ontario Identifier Guide
5. Turtles of Ontario Identifier Guide

These documents will be provided to the successful bidder.

The Contractor will be responsible for providing the necessary equipment and materials required by the mitigation plans and shall contact the Town of Amherstburg Drainage Superintendent immediately if any endangered species are encountered during construction.

## **7. Benchmarks**

The benchmark locations are identified on the profile drawing. The Contractor is required to complete a benchmark loop prior to construction to verify the benchmarks. If discrepancies exist, the Contractor must notify the Drainage Superintendent and Engineer prior to completing any work.

## **8. Access and Working Area**

Access to the drain shall be gained from road allowances, when possible, along existing private lanes, along the fence lines and along the drain. Access to the working area along the private lanes and fence lines shall be restricted to a width of 6m. In addition to this, additional access and working areas for sections of the drain have been summarized below:

### *Station 0+117 to Station 0+960*

In addition to the access from Front Road North (County Road 20) where the drain crosses Front Road North, an access to the drain will be via the proposed development stormwater retention block, and vacant lots that front onto Texas Road. In addition to the forementioned accesses, a landowner (Landowner ID 9) has indicated that he would be willing to allow access to the drain via a portion of the undeveloped lot that can be accessed via Easy Street. Permission from the landowner (Landowner ID 9) to access the drain via Easy Street will be required before it is used as an access point. A temporary culvert at Station 0+485 shall be installed to provide access across the drain for equipment and materials.

The working area for construction of the proposed works between Station 0+117 and Station 0+507 shall be on the north side of the channel, and will be 20m in width for the entire length. The working area for construction of the proposed works between Station 0+507 and Station 0+802 shall be on the south side of the channel, and will be 20m in width for the entire length. The working area for the proposed works between Station 0+802 and Station 0+960, shall be from the north side of the channel and shall be 20m in width. Once the proposed work is completed, the working corridor for future works of maintenance will be on the north side of the entire channel, and is 20m in width.

### *Station 0+960 to Station 1+044*

Access for this section of drain will be within the drain's working area.

The working area for the drain between Station 0+960 and Station 1+044 for future works of maintenance, shall be from the north and east sides of the channel, and shall be 20m in width.

### *Station 1+044 to Station 1+100*

Access for this section of drain will be within the working area from the Front Road North, road allowance, where the drain crosses Front Road North.

The working area for the closed drain for future works of maintenance, shall be 7.3m from the centre of the enclosure to the south limit, and 12.7m from the centre of the enclosure to the north limit.

#### *Station 1+100 to Station 1+120*

Access for this section of drain will be within the Front Road North, road allowance, where the drain crosses Front Road North.

The working area for the closed drain for future works of maintenance, shall be restricted to 40m, centred on the drain.

#### *Station 1+120 to Station 1+160*

Access for this section of drain will be within the Front Road North, road allowance, where the drain crosses Front Road North.

The working area for the closed drain for future works of maintenance, shall be 7.3m from the centre of the enclosure to the north limit, and 5m from the centre of the enclosure to the south limit.

### **9. Removals**

When applicable, the existing tile mains, drain structures, access culverts, temporary construction culverts, headwalls and end protection (rip rap) shall be removed in their entirety from the drain. The tile mains, enclosures, drain structures, access culvert, headwall and rip rap shall be disposed offsite at the expense of the Contractor. Suitable backfill shall be stockpiled adjacent to the site for reuse during installation of the proposed culvert or tile mains. Any material not suitable for use shall be disposed offsite by the Contractor.

The private culvert at Station 0+311 shall be removed in its entirety from the open channel. All areas of the channel affected by the culvert removal shall be restored with 100mm of topsoil and seed, in accordance with the restoration specification.

When the enclosure between Station 1+044 and Station 1+160 fails and needs to be removed, it shall be removed in its entirety from the open channel. The enclosure and rip rap, shall be disposed offsite at the expense of the Contractor.

Future removal and disposal of private bridges and culverts are the responsibility of the owner of the lands which the structure is located on.

Removals are to be in accordance with OPSS 510.

### **10. Brushing and Tree Removal**

All brush, trees, woody vegetation, etc. shall be removed from the side slopes of the existing channel and working area using a mechanical grinder mounted on an excavator. Brushing and tree removal shall be from the north side of the channel, except for the proposed works between Station 0+507 and Station 0+802, which shall be on the south side of the channel. Larger trees, brush and stumps that cannot be ground, shall be

hauled and stockpiled on the lands owned by the landowner with the Landowner ID 25, and burned onsite subject to municipal bylaws and Ministry of the Environment, Conservation and Parks (MECP) guidelines. The Contractor may contact other landowners within the drain's watershed, to determine if they would permit stockpiling and burning of brush and stumps on their lands. The Contractor shall be responsible for obtaining all necessary burning permits. Future brushing on this section for the drain will be from the north side of the channel, in accordance with the working areas identified in the drain report.

Certain trees may be left in place at the direction of the Drainage Superintendent.

Brushing and clearing are to be in accordance with OPSS MUNI 201.

### **11. Strip Existing Channel**

The existing channel and working area on lands not scheduled to be developed shall be stripped in accordance with OPSS 206. Topsoil shall be placed at the edge of the working area for restoration once leveling of the subsoils is complete. Stripping of the topsoil on the lands owned by 1109152 Ontario Ltd., will not be required.

### **12. Excavation of Channel**

The open channel shall be excavated and maintained to the depths and grades as per the profile and drawings as contained in this Engineers report. The channel shall be excavated to the proper depth using a laser or similar approved device with a labourer onsite to ensure correctness of grade and to confirm location of tile ends. The Contractor will be required to work around existing pedestrian bridges.

All spoils shall be levelled within the working area. Spoils shall be placed a minimum of 1.5m back from the top of the bank. The excavated material shall be placed and levelled to a maximum depth of two hundred millimetres (200mm) and shall not impede overland drainage. If the spoils have sub-soil in them, the topsoil shall be windrowed along the edge of the working corridor prior to placing the sub-soil. After the excavated material has been levelled, the topsoil shall be spread to its original depth and restored with seed.

When a building structure or driveway is located in the working area the excess excavated material shall be hauled away at the landowners expense or as directed by the Drainage Superintendent.

Restoration is to be in accordance with the Restoration Specification.

Excavation is to be in accordance with OPSS 206.

### **13. Installation of Tile Drain**

The Jeths Branch Drain shall be high density polyethylene (HDPE) pipe, or an approved equivalent.

When the enclosure between Station 1+044 and Station 1+092, (Enclosure 1), needs to be replaced it will be under the direction and to the satisfaction of the Town Drainage Superintendent. The existing 600mm dia. Corrugated Steel Pipe Culvert shall be replaced using HDPE pipe or an approved equivalent.

When the enclosure between Station 1+092 and Station 1+160, (Enclosure 2 and Road Crossing), needs to be replaced it will be under the direction and to the satisfaction of the Town Drainage Superintendent. The existing 750mm dia. Concrete Pipe and HDPE Outlet Pipe shall be replaced using Concrete Pipe.

All pipe material must meet the maximum cover requirement specified by the pipe manufacturer.

The Contractor shall supply, install, and backfill the specified sizes of tile and pipe to the depths and grades as shown on the drawings. Construction may require trench boxes due to the location of the adjacent structures and landscaping. HDPE pipe shall be smooth wall gasketed pipe with bell and spigot joints (320 kPa). Concrete pipe shall be reinforced concrete gasketed pipe with bell and spigot joints. The pipe class shall be in accordance with OPSD 807.010.

It is intended that the proposed tile drain be located in the same general alignment as the original tile providing the tile bedding can be founded on native substrate. If the tile bedding cannot be founded on native substrate, the Contractor must notify the Drainage Superintendent or Engineer.

The tile shall be constructed to the depths and grades as shown on the drawing with any over excavation backfilled with granular material or clear stone. When the tile has been installed to the proper grade and depth, the excavation shall be backfilled with Granular "A" or clear stone from the bottom of the excavation to the springline of the pipe. Care shall be taken to ensure that the backfill on either side of the culvert does not differ by more than 300mm so that the pipe is not displaced. The remainder of the backfill can be suitable native materials generated onsite during the removal of the existing enclosure.

All granular bedding and free draining backfill material shall be mechanically compacted to 95% standard proctor maximum dry density. Any backfill material that appears to be contaminated material must not be used for backfill and will be disposed off offsite by the Contractor.

The enclosure between Station 1+120 and Station 1+160 is located adjacent to existing homes and future homes. The drain is deep and will require special construction practices when the drain is replaced. Due to the proximity of residential homes, the Contractor may be required to hire an approved third-party vibration consultant, to ensure adjacent homes are not affected by the construction/maintenance works. The Contractor may be required to use stacked trench boxes to maintain the drain, and the Contractor may be required to stockpile materials and spoils off site.

Restoration shall be in accordance with the restoration specification.

#### **14. Installation of Culverts**

The Contractor shall supply, install, and backfill pipe culverts. Pipe material can be Corrugated Steel Pipe (CSP) or High density polyethylene (HDPE) pipe. HDPE pipe shall be smooth wall pipe (320 kPa) with bell and spigot joints. CSP culverts shall be aluminized corrugated steel pipe with a minimum wall thickness of 2.8mm in all cases. All corrugation profiles shall be of helical lockseam manufacture using 68mm x 13mm corrugations for 1600mm dia. pipe and smaller and 125mm x 25mm corrugations for 1800mm dia. pipe and larger. Pipe with 125mm x 25mm corrugations shall be used if 68mm x 13mm corrugations are not available. Future culvert replacements shall be to the same specifications.

The culvert lengths are based on using rip rap end protection (1.5H:1V). If concrete block walls are to be utilized in the future, the culvert length shall be reduced to accommodate the standard 6.0m top width plus the width of the concrete block headwalls.

Culverts shall be installed with the invert 10% below the grade line. The location of the culvert shall be in the same general location as the existing culvert.

Pipe culverts shall be constructed to the depths and grades as shown on the drawing. The bottom of the excavation shall be excavated to the required depth with any over excavation backfilled with granular material or clear stone. When the pipe has been installed to the proper grade and depth, the excavation shall be backfilled with Granular "A" or clear stone from the bottom of the excavation to the springline of the pipe. Care shall be taken to ensure that the backfill on either side of the culvert does not differ by more than 300mm so that the pipe is not displaced.

All granular bedding and free draining backfill material shall be mechanically compacted to 95% standard proctor maximum dry density. The Contractor shall supply any extra backfill material required above the springline.



Agricultural access pipe culverts shall be backfilled with native material free of stones or Granular "B" from the top of the bedding to within 150mm of finished grade for the width of the existing gravel plus 1m on each side. The top 150mm of lane shall be restored with Granular "A" for a sufficient distance to match the existing access road width. The Granular "A" material shall be mechanically compacted to 98% standard proctor maximum dry density. The location of agricultural access culverts may be moved a short distance upstream or downstream as necessary to avoid existing tile outlets to the approval of the Drainage Superintendent or the Engineer authorized by the Town of Amherstburg to act on its behalf. If a tile outlet cannot be avoided, the tile outlet shall be extended upstream or downstream to an outlet. Any tile outlets extended as a result of extra length requested by a landowner, shall be extended at the landowner's expense. If a landowner requests a longer culvert than that specified above, then the extra cost shall be assessed to the landowner making the request.

End protection shall consist of rip rap ends with a minimum 1.5:1 sideslopes. The rip rap shall consist of 100mm x 200mm quarry stone or approved equal. The area to receive the rip rap shall be graded to a depth of 400mm below finished grade. Filter fabric (Terrafix 270R or approved equal) shall then be placed with any joints overlapped a minimum 600mm. The quarry stone shall then be placed with the smaller pieces placed in the gaps and voids to give it a uniform appearance.

When concrete blocks endwalls are used, the endwalls shall consist of concrete blocks with dimensions of approx. 600mm x 600mm x 1200mm, 600mm x 600mm x 2400mm or 300mm x 600mm x 1200mm as required. The top of the culvert shall govern block elevation. The correct block shall be set with the top of the block equal to the top of the culvert. The blocks shall be set at each end of the culvert so that each row of blocks will be offset approx. 100mm from the row below. The bottom row shall consist of one block placed parallel to the culvert. The blocks shall be embedded a minimum of 300mm into each bank and shall extend into the drain bottom to match the pipe invert or below.

The blocks shall be placed over a layer of filter fabric (Terrafix 270R or approved equal). The culvert shall be backfilled in conjunction with the placement of the blocks. The gaps between the culvert and the blocks shall be filled with concrete cinder blocks/bricks and mortar to give the endwall a finished appearance.

The Contractor shall maintain a dry working area during construction. The Contractor shall install a silt fence downstream of the work area (at bottom end of channel improvement if all work is completed at the same time). The silt fence shall consist of filter fabric or manufactured silt fence supported with posts (OPSD 219.190). For access culverts that are to be constructed, a temporary dam may be necessary.

After completion of the construction, the temporary dams and any collected sediment shall be removed. The final removal shall be the silt fence.

CULVERTS INSTALLED:

Culvert No.1, Part Lot 10, Concession 1 (Lands owned by Landowner ID 13) – The existing culvert consists of 7m of 600mm dia. concrete pipe. The pipe culvert is to be replaced with 10m of 600mm dia. HDPE smooth walled culvert with rip rap end protection. The culvert will have a 6m top travel width.

Culvert No.2, Part Lot 10, Concession 1 (Lands owned by Landowner ID 14) – The existing culvert consists of 28m of 400mm dia. CSP culvert. The pipe culvert is to be replaced with 28m of 600mm dia. HDPE smooth walled culvert with rip rap end protection. The culvert will have a 6m top travel width.

Culvert No.3, Part Lot 10, Concession 1 (Lands owned by Landowner ID 15) – The existing culvert consists of 7m of 600mm dia. concrete pipe. The pipe culvert is to be replaced with 7m of 600mm dia. HDPE smooth walled culvert with rip rap end protection. The culvert will have a 3m top travel width.

Culvert No.4, Part Lot 10, Concession 1 (Lands owned by Landowner ID 19) – The existing culvert consists of 6m of 400mm dia. CSP culvert. The pipe culvert is to be replaced with 7m of 600mm dia. HDPE smooth walled culvert with rip rap end protection. The culvert will have a 3m top travel width.

CULVERTS TO BE REPLACED IN THE FUTURE:

Culvert No.5, Part Lot 10, Concession 1 (Lands owned by Landowner ID 26) – The existing culvert will be removed and the lands will be serviced by existing private bridges. If a bridge is to be replaced, it shall be replaced with 10m of 750mm HDPE dia. smooth walled culvert with rip rap end protection, or an approved equivalent. The culvert will have a 6m top travel width.

Culvert No.6, Part Lot 10, Concession 1 (Lands owned by Landowner ID 33) – The lands are currently serviced by a private bridge. If the bridge is to be replaced, it shall be replaced with 10m of 750mm dia. HDPE smooth walled culvert with rip rap end protection, or an approved equivalent. The culvert will have a 6m top travel width.

Culvert No.7, Part Lot 10, Concession 1 (Lands owned by ID 27) – The lands are currently serviced by a private bridge. If the bridge is to be replaced, it shall be replaced with 10m of 750mm dia. HDPE smooth walled culvert with rip rap end protection, or an approved equivalent. The culvert will have a 6m top travel width.

Compaction is to be in accordance with OPSS 501. Granular material is to be in accordance with OPSS 1010.

Restoration is to be in accordance with the Restoration Specification.

## **15. Outlet Works**

The Jeths Branch Drain outlet works consists of rip rap and filter fabric and shall be installed on the Jeths Drain channel side slope, from the bottom of the channel to the top of the bank, and for a distance of 1m on either side of the outlet pipe. Rip rap shall be made up of 200mm nominal quarry stone or approved equal. The area to receive the rip rap shall first be graded to allow the placement of the rip rap to a depth of 300mm above the obvert of the tile. After grading, a layer of filter fabric (Terrafix 270R or approved equal) is to be placed with any joints overlapping a minimum of 600mm. Rip rap shall then be placed with the smaller pieces placed in the gaps and voids to give it a uniform appearance.

## **16. Silt Fence**

Light duty silt fencing shall be installed immediately downstream of any channel works for the duration of construction. The silt fence shall consist of filter fabric or manufactured silt fence supported with posts.

The light duty silt fencing shall be in accordance with OPSS 577 and OPSD 219.110. The light duty silt fencing and any accumulated sediment, shall be removed once the disturbed area has been revegetated.

## **17. Chain Link Fence**

Chain link fence shall be installed as shown on the report drawings (5m south of the proposed developments property line) between Station 0+480 and Station 0+802. The chain link fence shall be 1.2m (4') in height and will not have any gates.

The chain link fence shall be in accordance with OPSS PROV 772 and OPSD 972.130

## **18. Restoration**

Restoration of the affected lands shall be in accordance with the following:

- Disturbed areas not being farmed shall be restored in accordance with native topsoil and hand seed. Native topsoil is to match existing depths. Topsoil is to be placed in accordance with OPSS 802. Seed is to be supplied and placed in accordance with OPSS 804.
- Application rates are as follows:
  - a. Primary seed (85 kg/ha.) consisting of 50% red fescue, 40% perennial ryegrass and 5% white clover.
  - b. Nurse crop consisting of Italian (annual) ryegrass at 25% of total weight.
  - c. Fertilizer (300 kg/ha.) consisting of 8-32-16.
- Hand seeding shall be spread on the affected areas on a daily basis with the seed mixture, fertilizer and application rate as shown above.

## 19. Environmental Considerations

The Contractor shall take care to adhere to the following considerations.

- All excavated and stockpiled material shall be placed a minimum of 1.5m from the top of the bank. Material shall not be placed in surface water runs or open inlets that enter the channel.
- All granular and erosion control materials shall be stockpiled a minimum of 1.5m from the top of the bank. Material shall not be placed in surface water runs or open inlets that enter the channel.
- All activities, including maintenance procedures, shall be controlled to prevent the entry of petroleum products, debris, rubble, concrete, or other deleterious substances into the water. Vehicle and equipment refuelling and maintenance shall be conducted away from the channel, any surface water runs, or open inlets. All waste materials shall be stockpiled well back from the top of the bank and all surface water runs and open inlets that enter the drain.
- All construction in the channel shall be carried out during periods of low flow. When possible, the Contractor shall schedule work to avoid periods of high winds and rain. The Contractor shall maintain a dry working area during construction. Prior to construction the Contractor shall install a silt fence downstream of the work area. The silt fence shall consist of filter fabric or manufactured silt fence supported with posts. After completion of the construction, the silt fence and any collected sediment shall be removed.
- Operate machinery in a manner that minimizes disturbance to the banks of the watercourse.
- The Contractor shall take care to adhere to the following Best Management Practices prepared by the Department of Fisheries and Ocean.
  - a) Culvert Replacements in Municipal Drains (Appendix A)
- The Contractor shall take care to familiarize them with the Town of Amherstburg's mitigation documents and species identification guidelines, which will be provided to the successful bidder.
- The timing window for this project is March 15 to June 30 of any calendar year. If the drain is dry, the work can proceed anytime of the year.

By following the above procedure, the work should have little or no impact on the existing channel.

## **20. Miscellaneous**

Any subsurface drains encountered upstream of the culvert that conflict with the proposed culvert shall be extended to an outlet to the open channel to the approval of the Drainage Superintendent.

Any fences that must be removed to allow construction or maintenance shall be reinstalled by the Contractor, using the existing materials.

The contractor will be required to work around private bridges.

It will be the Landowner's responsibility to mark all tile and tile mains prior to maintenance being carried out.

## **APPENDIX A**

- Department of Fisheries and Oceans Canada Correspondence
- Essex Region Conservation Authority Correspondence.
- Department of Fisheries and Oceans Canada Best Management Practices  
– Culvert Replacements in Municipal Drains

**Subject:** RE: 21-HCAA-02089 - Emailing: Jeths Drain, 21-006 Jeth Drain (October 4 2021), 21-006 Jeth Drain Signed (October 4 2021)

**Subject: [Drain Maintenance, Jeths Drain, Class F, Amherstburg] (21-HCAA-02089)**

Dear Mike:

The Fish and Fish Habitat Protection Program (the Program) of Fisheries and Oceans Canada received your drain maintenance proposal which has been reviewed under the *Fisheries Act* and the *Species at Risk Act*. Our review consisted of: Notification of Drain Maintenance or Repair for the Jeths Drain in the Township of Amherstburg, the Agriculture Information Atlas (Drain Maps) and Species at Risk Distribution of Fish and Mussel Maps. We understand that you propose to: complete maintenance work on approximately 480 metres of an F drain which includes: *bottom cleanout (removal of sediment to lower the elevation of the bed of the drain, as per the most recent Engineer's Report - Municipal Bylaw), bank stabilization, access culvert installation and install a new drain branch.*

Based on the information provided, your proposal has been identified as a project where a *Fisheries Act* Authorization is not required given that harmful alteration, disruption and destruction to fish and fish habitat can be avoided by following standard measures, and a Permit under the *Species at Risk Act* is not required. Your project, as proposed, is not considered to need an authorization from the Program under the *Fisheries Act* in order to proceed. In order to comply with the *Fisheries Act*, it is recommended that you incorporate the following measures into your project proposal:

*Timing*

- If you are conducting in stream work during periods of low flow to further reduce the risk to fish and their habitat no in-stream work or construction activity should occur from March 15th to June 30<sup>th</sup>.
- If the drain is dry, work can proceed at any time of the year.

*Erosion and Sediment Control*

- Install effective erosion and sediment control measures before starting work to prevent sediment from entering the water body.
- Conduct regular inspections and maintain erosion and sediment control measures and structures during the course of construction.
- Repair erosion and sediment control measures and structures if damage occurs.
- Remove non-biodegradable erosion and sediment control materials once site is stabilized.

*Shoreline Re-vegetation and Stabilization*

- Clearing of riparian vegetation should be kept to a minimum.
- Immediately stabilize shoreline or banks disturbed by any activity associated with the project to prevent erosion and/or sedimentation, preferably through re-vegetation with native species suitable for the site.

- If replacement rock reinforcement/armouring is required to stabilize eroding or exposed areas, ensure that appropriately-sized, clean rock is used; and that rock is installed at a similar slope to maintain a uniform bank/shoreline and natural stream/shoreline alignment.
- Remove all construction materials from site upon project completion.

### *Operation of Machinery*

- Operate machinery in a manner that minimizes disturbance to the banks of the watercourse.

It remains your responsibility to meet the requirements of other federal, provincial and municipal agencies.

Should your plans change or if you have omitted some information in your proposal such that your proposal meets the criteria for a site specific review, as described on our website ([www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html](http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html)), you should complete and submit the request for review form that is also available on the website.

Should you have any questions or concerns about the compliance of your proposal with the *Fisheries Act*, and/or those prohibitions of the *Species at Risk Act* that apply to listed aquatic species, you may wish to engage an environmental professional familiar with measures to avoid impacts to fish and fish habitat.

Yours sincerely,

### **Lucas Coletti**

#### **Biologist | Biologiste**

Fisheries and Oceans Canada | Pêches et Océans Canada

Fish and Fish Habitat Protection Program | Programme de Protection du Poisson et de Son Habitat

867 Lakeshore Road, Burlington, ON, L7S 1A1 | 867, ch. Lakeshore, Burlington, ON, L7S 1A1

Email/Courriel: [Lucas.Coletti@dfo-mpo.gc.ca](mailto:Lucas.Coletti@dfo-mpo.gc.ca)

---

**From:** [mike@mgerritsconsulting.ca](mailto:mike@mgerritsconsulting.ca) <[mike@mgerritsconsulting.ca](mailto:mike@mgerritsconsulting.ca)>

**Sent:** Monday, October 4, 2021 12:25 PM

**To:** FPP.CA / PPP.CA (DFO/MPO) <[fisheriesprotection@dfo-mpo.gc.ca](mailto:fisheriesprotection@dfo-mpo.gc.ca)>

**Subject:** 21-HCAA-02089 - Emailing: Jeths Drain, 21-006 Jeth Drain (October 4 2021), 21-006 Jeth Drain Signed (October 4 2021)

Please find attached the Jeths Drain for you review and approval. The KMX file does not have a direction as the camera's internal compass was not turned on but the location is correct.

Thanks

Mike



**From:** [Ashley Gyori](#)  
**To:** [mike@mgerritsconsulting.ca](mailto:mike@mgerritsconsulting.ca)  
**Subject:** RE: Jeths Drain  
**Date:** Friday, October 8, 2021 8:39:19 AM  
**Attachments:** [21-006 Jeth Drain \(October 4 2021\).pdf](#)

---

Good morning Mike,

I've had the opportunity to review the preliminary plans for the proposed works and have the following comments to provide.

- I noted that there is an existing private 300mm CSP at Station 0+310. Is there any plan to legalize this culvert under the Drainage Act so that it can be upgraded, as the surrounding culverts are proposed to be larger? If not, would this smaller private culvert restrict flows through the Jeth's Drain?
- With respect to the works located on the adjacent lands owned by A. Thompson, often times when a landowner undertakes stewardship work with a Conservation Authority, a stewardship agreement is entered into; however, it is my understanding from discussions with our Forester that this will not prevent removal of any planted vegetation. Any drainage works permitted under Section 28 of the Conservation Authorities Act are reviewed as they relate to the flooding and erosion impacts of the natural hazard (the drain) specifically. We do not review any proposed works with respect to the removal of vegetation or the Endangered Species Act. It is our expectation that any vegetation removal is isolated to the maintenance corridor in relation to the drainage works. Any inquiries with respect to the Endangered Species Act should be directed towards the Ministry of Environment, Conservation and Parks. It is the proponent's responsibility to ensure that all provincial and federal authorizations have been obtained.
- Can you confirm whether the pond located on the parcel north of the drain owned by A. Thompson is hydraulically connected to the drain and currently acts as storage for the system?
- Additionally, it is my understanding that these works were requested as a result of a developer wishing to develop the lands on ARN: 372942000020000. In the final report, can you please specify what release rate has been accounted for in this drain for the future development in litres per second per hectare, as this will form the basis of the stormwater management report for the development.

If you have any questions, please do not hesitate to contact me.

Thank you,



ASHLEY GYORI  
Regulations Analyst  
Essex Region Conservation Authority  
360 Fairview Avenue West, Suite 311 ☺ Essex, Ontario ☺ N8M 1Y6  
[agyori@erca.org](mailto:agyori@erca.org) ☺ [essexregionconservation.ca](http://essexregionconservation.ca)

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**From:** [Ashley Gyori](mailto:Ashley_Gyori)  
**To:** [mike@mgerritsconsulting.ca](mailto:mike@mgerritsconsulting.ca)  
**Subject:** RE: Jeths Drain  
**Date:** Monday, April 4, 2022 12:57:08 PM  
**Attachments:** [21-006 Jeth Drain Draft Report \(March 21, 2021\).pdf](#)

---

Good afternoon Mike,

I've had the opportunity to review the draft report and plans for the proposed works and I appreciate your patience as it has been a very busy spring.

In my initial comments below, I had noted that there is an existing private 300mm CSP at Station 0+310 and inquired whether there was any plan to legalize this culvert under the Drainage Act so that it can be upgraded, as the surrounding culverts are proposed to be larger (see correspondence on October 8<sup>th</sup>, 2021). You had identified on December 9<sup>th</sup>, 2021, that it would be proposed as a 600mm HDPE; however, the attached plans do not show this private crossing as being upgraded or removed. As such, can you please confirm whether this smaller private culvert is being upgraded and/or removed and if it would restrict flows through the Jeth's Drain?

Additionally, you are correct that the Application for Permit fee will be \$800.00 and will be invoiced to the Town of Amherstburg.

Thank you and have a great afternoon,



ASHLEY GYORI  
Regulations Analyst  
Essex Region Conservation Authority  
360 Fairview Avenue West, Suite 311 • Essex, Ontario • N8M 1Y6  
[agyori@erca.org](mailto:agyori@erca.org) • [essexregionconservation.ca](http://essexregionconservation.ca)

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**Follow us on Twitter: [@essexregionca](https://twitter.com/essexregionca)**

**\*\* Please note that the ERCA office is closed to the public; however, staff are continuing to respond to inquiries and review applications in a modified capacity. We appreciate your understanding and patience at this time.\*\***

---

**From:** [mike@mgerritsconsulting.ca](mailto:mike@mgerritsconsulting.ca) <[mike@mgerritsconsulting.ca](mailto:mike@mgerritsconsulting.ca)>  
**Sent:** Friday, March 18, 2022 11:08 AM  
**To:** Ashley Gyori <[AGyori@erca.org](mailto:AGyori@erca.org)>  
**Subject:** RE: Jeths Drain

Hello Ashely,

The project is a little longer than originally discusses but is of the same type of work. Attached is a draft report for your review and comment. Once I get though the meetings we will apply for a

## Best Management Practices – Culvert Replacements in Municipal Drains

This document describes the conditions on which one may proceed with a culvert replacement in a municipal drain without DFO approval/notification. All municipal, provincial, or federal legislation that applies to the work being proposed must be respected. If the conditions/requirements below cannot be met, please complete the drain notification form and submit it to the Fisheries Protection Program form review at: [FisheriesProtection@dfo-mpo.gc.ca](mailto:FisheriesProtection@dfo-mpo.gc.ca).

### Potential Impacts to Fish Habitat

- Infilling fish habitat by encroachment of the water crossing footprint or channel realignment to accommodate culvert
- Harmful substrate alteration of fish habitat (e.g. blockage of groundwater upwellings, critical SAR habitat, spawning areas)
- Removal of riparian vegetation and cover along the banks of the municipal drain
- Removal of edge habitat (e.g. undercut bank, shallower areas with lower velocity, aquatic vegetation) creation of barriers to fish movement (e.g. perched crossings, velocity barriers, alteration of the natural stream gradient)
- Alteration of channel flow velocity and/or depth (e.g. oversized culvert resulting in insufficient depth for fish passage at low flow or undersized culvert resulting in a flow velocity barrier at high flow)
- Alteration of channel morphology and sediment transport processes caused by the physical structure of the crossing resulting in upstream and downstream sediment aggradation/erosion
- Re-entry of sediment that was removed/stockpiled into the watercourse
- Erosion downstream from sudden release of water due to the failure of site isolation
- Stranding of fish in isolated ponds following de-watering of the site
- Impingement or entrainment of fish when de-watering pumps are used
- Short term or chronic transport of deleterious substances, including sediment, into fish habitat from construction or road drainage

### Requirements

The following requirements must be met:

- There are no aquatic Species at Risk present in the work zone or impact zone. To confirm there are no aquatic Species at Risk present, refer to the document, [A Guide for Interpreting Fish and Mussel Species at Risk Maps in Ontario](http://www.dfo-mpo.gc.ca/Library/356763.pdf) which can be found at: <http://www.dfo-mpo.gc.ca/Library/356763.pdf>. Links for Ontario Conservation Area specific fish and mussel maps that include critical habitat extents and a list of aquatic Species at Risk found within the conversation authority boundary can be found on Page 5 of [A Guide for Interpreting Fish and Mussel Species at Risk Maps in Ontario](#).
- The culvert is embedded into the streambed and must allow for the free passage of fish.
- The work involves like-for-like replacements of existing road or private access culverts on all drain types without SAR.
- On C and F Drains only, this can also include replacements with extensions and end walls for the purposes of providing the property or road with safe access, but the project permanent footprint will not increase more than 250 m<sup>2</sup> below the high water mark.
- The project does not involve replacing a bridge or arch with one or more culverts installed in parallel or a larger-diameter culvert with more than one culvert installed in parallel.

- The project does not involve building more than one culvert installed in parallel on a single watercourse crossing site (e.g. twin culvert).
- The project does not involve temporarily narrowing the watercourse to an extent or for a duration that is likely to cause erosion, structural instability or fish passage problems.
- The municipal drain has no flow/low flow or is frozen to the bottom at the time of the replacement.
- In-water work is scheduled to respect timing windows (Tables 1 and 2) to protect fish, including their eggs, juveniles, spawning adults, and/or the organisms upon which they feed.
- The work can be conducted using the Culvert Removal Method described below and Standard Measures to Avoid Causing *Serious Harm to Fish* will be implemented when required.

Note: If your project must be conducted without delay in response to an emergency (e.g. the project is required to address an emergency that poses a risk to public health or safety or to the environment or property), you may apply for an Emergency Authorization (<http://www.dfo-mpo.gc.ca/asp/forceDownload.asp?FilePath=/pnw-ppe/reviews-revues/Emergency-Authorizations-Autorisations-Urgences-eng.pdf>).

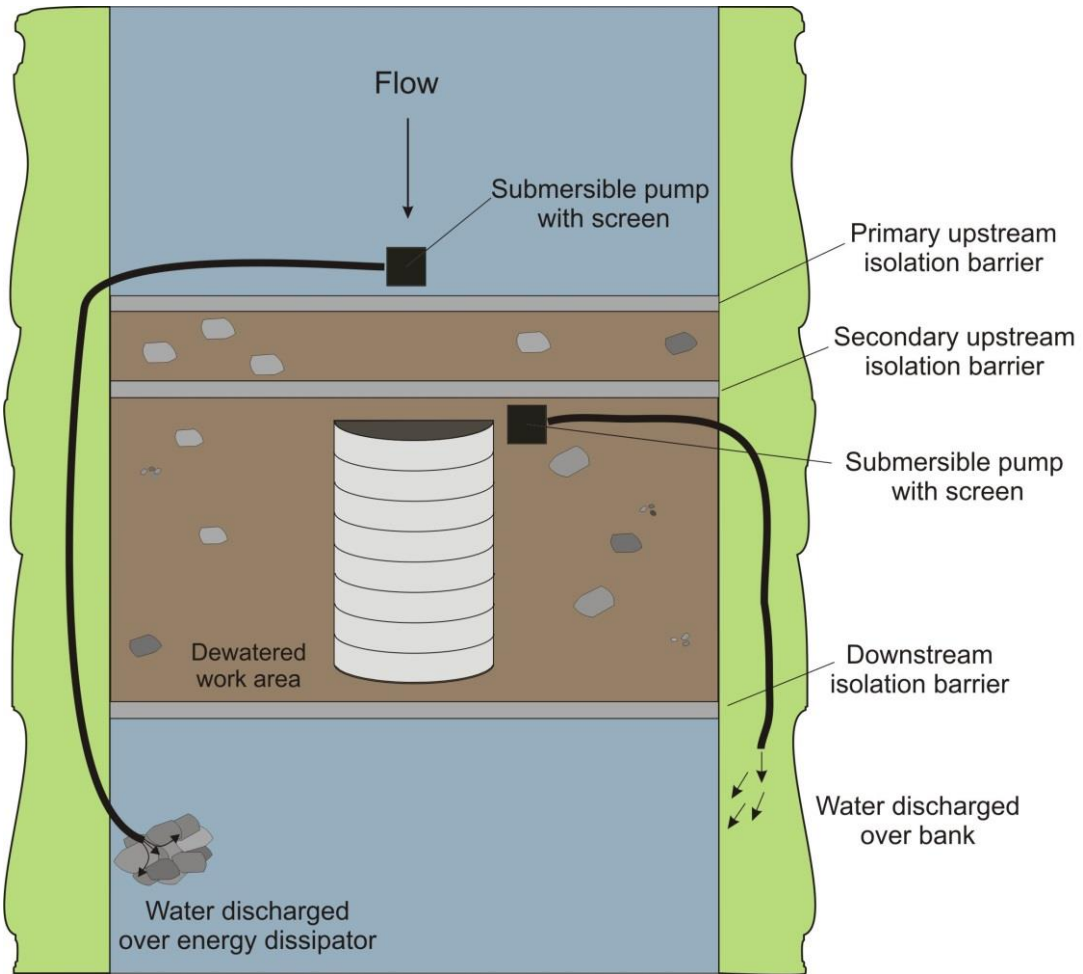
### **Culvert Removal Methodology**

- Plan/manage the work site in a manner that prevents sediment from entering the municipal drain by installing sediment and erosion control materials where required. Ensure that a sediment and erosion control plan is developed and modified as necessary for the site.
- Where required, install effective erosion and sediment control measures before starting work to prevent sediment from entering the municipal drain.
- Implement site isolation measures when in-water work is required.
  - Install an impervious barrier upstream of the work area (Figure 1). If possible, install a secondary barrier upstream of the work area for added protection.
  - Attempt to drive out the fish from the work area and then install the impervious barrier downstream of the work area. This may reduce or eliminate the need for a fish salvage.
  - When the drain is flowing, maintain downstream flows (e.g. bypass water around the work site using pumps or flume pipes; Figure 2). Provide temporary energy dissipation measures (e.g. rip-rap) at discharge point of the hose or temporary outlet pipe when required. Routinely inspect bypass pump and hose or pipe to ensure proper operation. Inspect discharge point for erosion and reposition hose/pipe or install additional temporary energy dissipation material as needed.
  - Dewater the isolated work area. The hose for a pump may discharge along the top of the bank into existing vegetation; however, the area should be monitored for signs of erosion. Reposition the hose or install additional temporary energy dissipation material as needed.
  - A fish screen with openings no larger than 2.54 mm (0.10 inches) should be equipped on any pump used during the operation. Note: Additional information regarding fish screens can be found in the DFO Freshwater Intake End-of-Pipe Fish Screen Guideline document (<http://www.dfo-mpo.gc.ca/Library/223669.pdf>).
  - Collect any fish present in the isolated work area and relocate them downstream.
  - Fish salvage operations must be conducted under a license issued by the Ontario Ministry of Natural Resources and Forestry (MNRF). The MNRF should be contacted well in advance of any work to obtain the required fish collection license.
- Install the culvert so that it is embedded into the streambed; ensure the culvert remains passable (e.g. does not become perched) by fish and wildlife.

- Decommission the site isolation in a manner that minimizes the introduction of sediment. The downstream isolation barrier shall gradually be removed first, to equalize water levels inside and outside of the isolated area and to allow suspended sediments to settle.
- Stabilize and remove waste from the site.
- Where required, maintain effective erosion and sediment control measures until complete re-vegetation of disturbed areas is achieved.



**Figure 2. Isolation of Site**



**Figure 3. Isolation and Bypass Diversion when Working In-Water**

## Timing Windows

Figure 1 and Tables 1 and 2 can be used to determine the Restricted Activity period for the drain based on its classification. Note: Timing windows identified on [Conservation Authority](#) permits or [Ministry of Natural Resources](#) (Government of Ontario) work permits may differ and take precedence.



**Figure 1. Ontario's Northern and Southern Region boundaries for determining application of restricted activity timing windows.**

**Table 1. Restricted Activity timing windows for the protection of spawning fish and developing eggs and fry in the Northern Region. Dates represent when work should be avoided.**

DRAIN TYPE	RESTRICTED ACTIVITY PERIOD
A	SEPTEMBER 1 TO JULY 15
B	SEPTEMBER 1 TO JULY 15
C	APRIL 1 TO JULY 15
D	SEPTEMBER 1 TO JULY 15
E	APRIL 1 TO JULY 15

**Table 2. Restricted Activity timing windows for the protection of spawning fish and developing eggs and fry in the Southern Region. Dates represent when work should be avoided.**

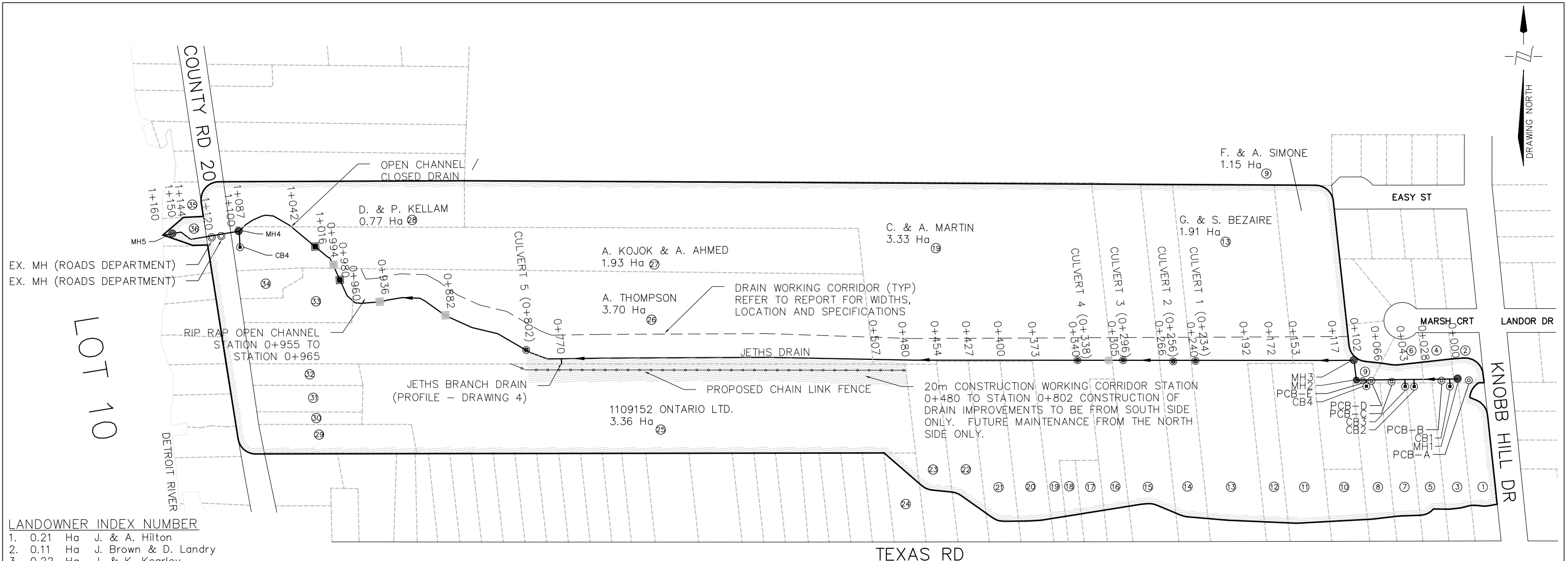
DRAIN TYPE	RESTRICTED ACTIVITY PERIOD
A	SEPTEMBER 15 TO JULY 15
B	MARCH 15 TO JULY 15
C	MARCH 15 TO JULY 15
D	OCTOBER 1 TO JULY 15
E	MARCH 15 TO JULY 15

### Standard Measures to Avoid Causing *Serious Harm to Fish*

When implementing a culvert removal project in a municipal drain, the *Fisheries Act* still requires an individual/company to ensure they avoid causing *serious harm to fish* during any activities in or near water. The following advice will help one avoid causing harm and comply with the *Act* (for additional information see <http://www.dfo-mpo.gc.ca/pnw-ppe/measures-mesures/measures-mesures-eng.html>).

1. Schedule work to avoid wet, windy and rainy periods that may increase erosion and sedimentation.
2. Whenever possible, operate machinery on land above the high water mark or on ice and in a manner that minimizes disturbance to the banks and bed of the municipal drain.
  - Ensure that machinery arrives on site in a clean condition and is maintained free of fluid leaks.
  - Limit machinery fording of the municipal drain to a one-time event (i.e., over and back), and only if no alternative crossing method is available. If repeated crossings of the municipal drain are required, construct a temporary crossing structure.
  - Wash, refuel and service machinery and store fuel and other materials for the machinery in such a way as to prevent any deleterious substances from entering the water.
  - Keep an emergency spill kit on site in case of fluid leaks or spills from machinery.
3. Install effective sediment and erosion control measures before starting work to prevent sediment from entering the municipal drain. Inspect them regularly during the course of construction and make all necessary repairs if any damage occurs.
4. Erosion and sediment control measures should be maintained until all disturbed ground has been permanently stabilized, suspended sediment has resettled to the bed of the municipal drain and runoff water is clear.
5. Undertake all in-water activities in isolation of open or flowing water while maintaining the natural flow of water downstream and avoid introducing sediment into the municipal drain.
6. Ensure applicable permits for relocating fish are obtained and relocate any fish that become trapped in isolated pools or stranded in newly flooded areas to the main channel of the watercourse.
7. Ensure that the water that is being pumped/diverted from the site is filtered (sediment remove) prior to being released (e.g. pumping/diversion of water to a vegetated area).
8. Implement measures for containing and stabilizing waste material (e.g. dredging spoils, construction waste and materials, commercial logging waste, uprooted or cut aquatic plants, accumulated debris) above the high water mark of nearby waterbodies to prevent re-entry.
9. Stabilize shoreline or banks disturbed by any activity associated with the project to prevent erosion and/or sedimentation, preferably through re-vegetation with native species suitable for the site.
10. If replacement rock reinforcement/armouring is required to stabilize eroding or exposed areas, then ensure that appropriately-sized, clean rock is used; and that rock is installed at a similar slope to maintain a uniform bank/shoreline and natural stream/shoreline alignment.
11. Remove all construction materials from site upon project completion.

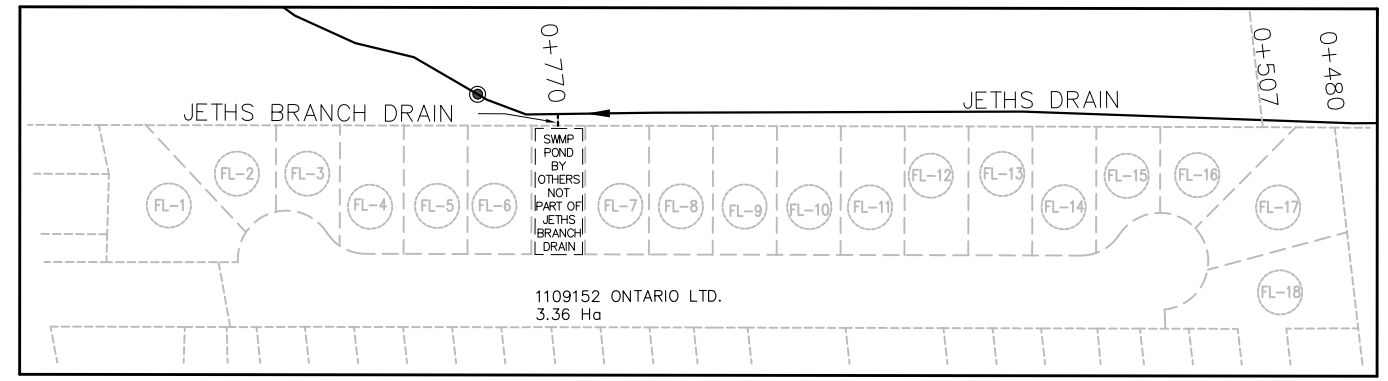




**LANDOWNER INDEX NUMBER**

- 1. 0.21 Ha J. & A. Hilton
- 2. 0.11 Ha J. Brown & D. Landry
- 3. 0.22 Ha J. & K. Kearley
- 4. 0.11 Ha P. & S. Harvey
- 5. 0.29 Ha G. & A. Dethomasis
- 6. 0.13 Ha K. Desormeaux
- 7. 0.29 Ha R. & S. Meloche
- 8. 0.31 Ha R. Lackovic
- 9. 1.15 Ha F. & A. Simone
- 10. 0.13 Ha J. Litalien
- 11. 0.47 Ha T. LaPorte
- 12. 0.27 Ha D. & M. Donato
- 13. 1.91 Ha G. & S. Bezaire
- 14. 0.75 Ha S. Reaume
- 15. 1.08 Ha J. & K. Hindi
- 16. 0.23 Ha J. & K. Hindi
- 17. 0.09 Ha J. Muresan & M. Campbell
- 18. 0.06 Ha C. & A. Martin
- 19. 3.33 Ha C. & A. Martin
- 20. 0.37 Ha C. & C. Blunt
- 21. 0.39 Ha L. Bortolin
- 22. 0.32 Ha G. Fawcett & K. Sullivan
- 23. 0.28 Ha B. & P. Pare
- 24. 0.04 Ha M. Conte & A. Calamita
- 25. 3.36 Ha 1109152 Ont. Ltd.
- 26. 3.70 Ha A. Thompson
- 27. 1.93 Ha A. Kojok & A. Ahmed
- 28. 0.77 Ha D. & P. Kellam
- 29. 0.31 Ha D. & J. Hay
- 30. 0.09 Ha B. Girard
- 31. 0.20 Ha J. & D. Rawlins
- 32. 0.17 Ha J. & J. Farmer
- 33. 0.32 Ha L. Durocher & J. Gagnon
- 34. 0.11 Ha P. & K. Tough
- 35. 0.00 Ha A. Valente
- 36. 0.10 Ha A. Valente (Future Severance)

CON 1



FUTURE DEVELOPMENT OF LANDS ENDING WITH THE AREA ROLL NUMBER 420-200-00 (18 LOTS C/W ROAD ALLOWANCE)

**LEGEND**

- DRAINAGE AREA
- JETHS DRAIN - OPEN CHANNEL
- JETHS BRANCH DRAIN
- CULVERT
- PRIVATE ACCESS CULVERT
- BRIDGE
- PRIVATE ACCESS BRIDGE
- JETHS DRAIN MAINTENANCE HOLE
- MAINTENANCE HOLE
- JETHS DRAIN CATCHBASIN
- PRIVATE CATCHBASIN (PCB)
- LANDOWNER IDENTIFICATION NUMBER



NO	REVISION	DATE	BY
1	FOR REPORT	MAY 23, 2022	MG

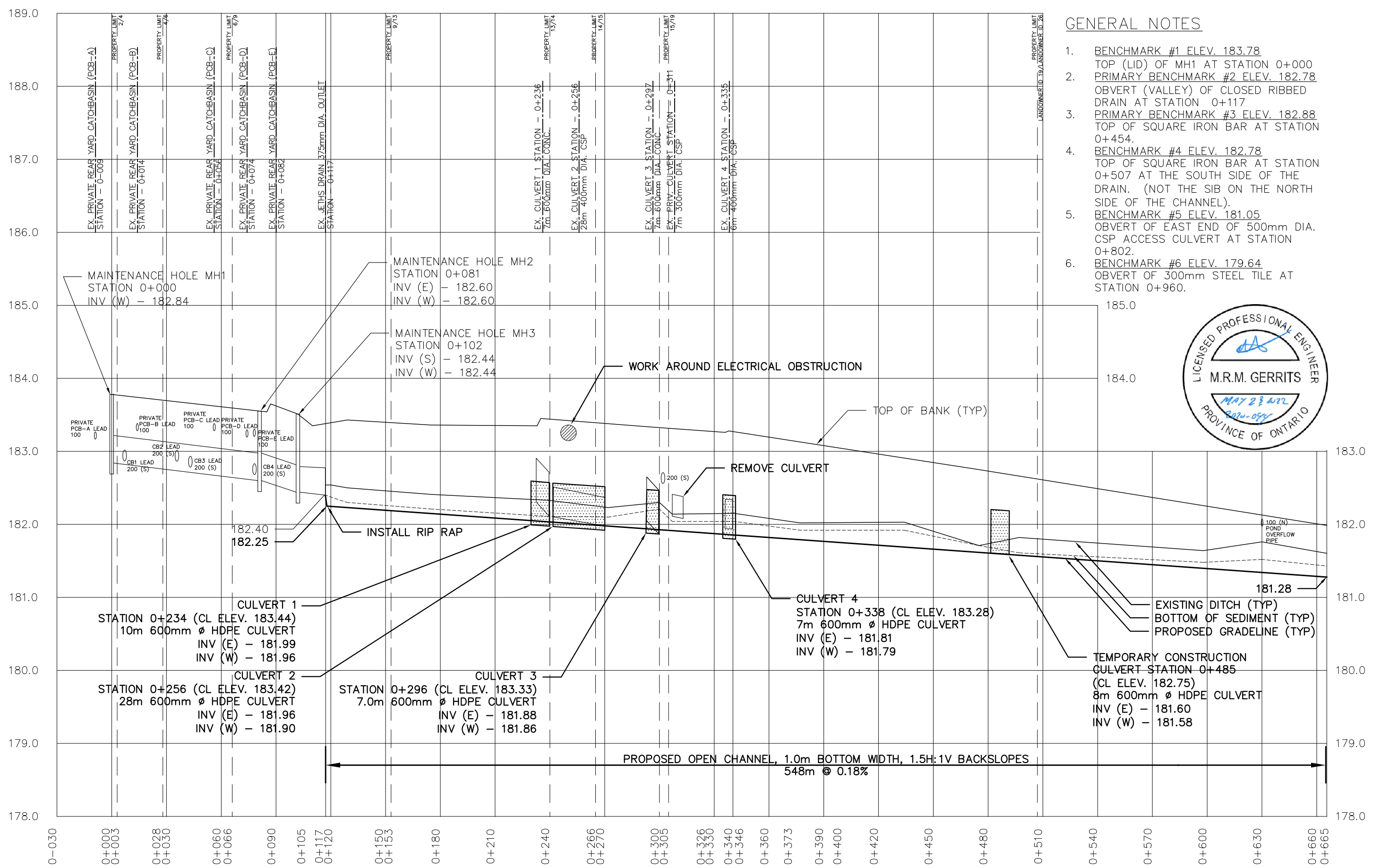
**JETHS DRAIN**  
TOWN OF AMHERSTBURG

OVERALL PLAN

SCALE	1:3,325
DRAWN	MG
DATE	MAY 23, 2022
PROJECT NO.	2021-006
SHEET	1 OF 6

GENERAL NOTES

- BENCHMARK #1 ELEV. 183.78  
TOP (LID) OF MH1 AT STATION 0+000
- PRIMARY BENCHMARK #2 ELEV. 182.78  
OVERT (VALLEY) OF CLOSED RIBBED DRAIN AT STATION 0+117
- PRIMARY BENCHMARK #3 ELEV. 182.88  
TOP OF SQUARE IRON BAR AT STATION 0+454.
- BENCHMARK #4 ELEV. 182.78  
TOP OF SQUARE IRON BAR AT STATION 0+507 AT THE SOUTH SIDE OF THE DRAIN. (NOT THE SIB ON THE NORTH SIDE OF THE CHANNEL).
- BENCHMARK #5 ELEV. 181.05  
OVERT OF EAST END OF 500mm DIA. CSP ACCESS CULVERT AT STATION 0+802.
- BENCHMARK #6 ELEV. 179.64  
OVERT OF 300mm STEEL TILE AT STATION 0+960.

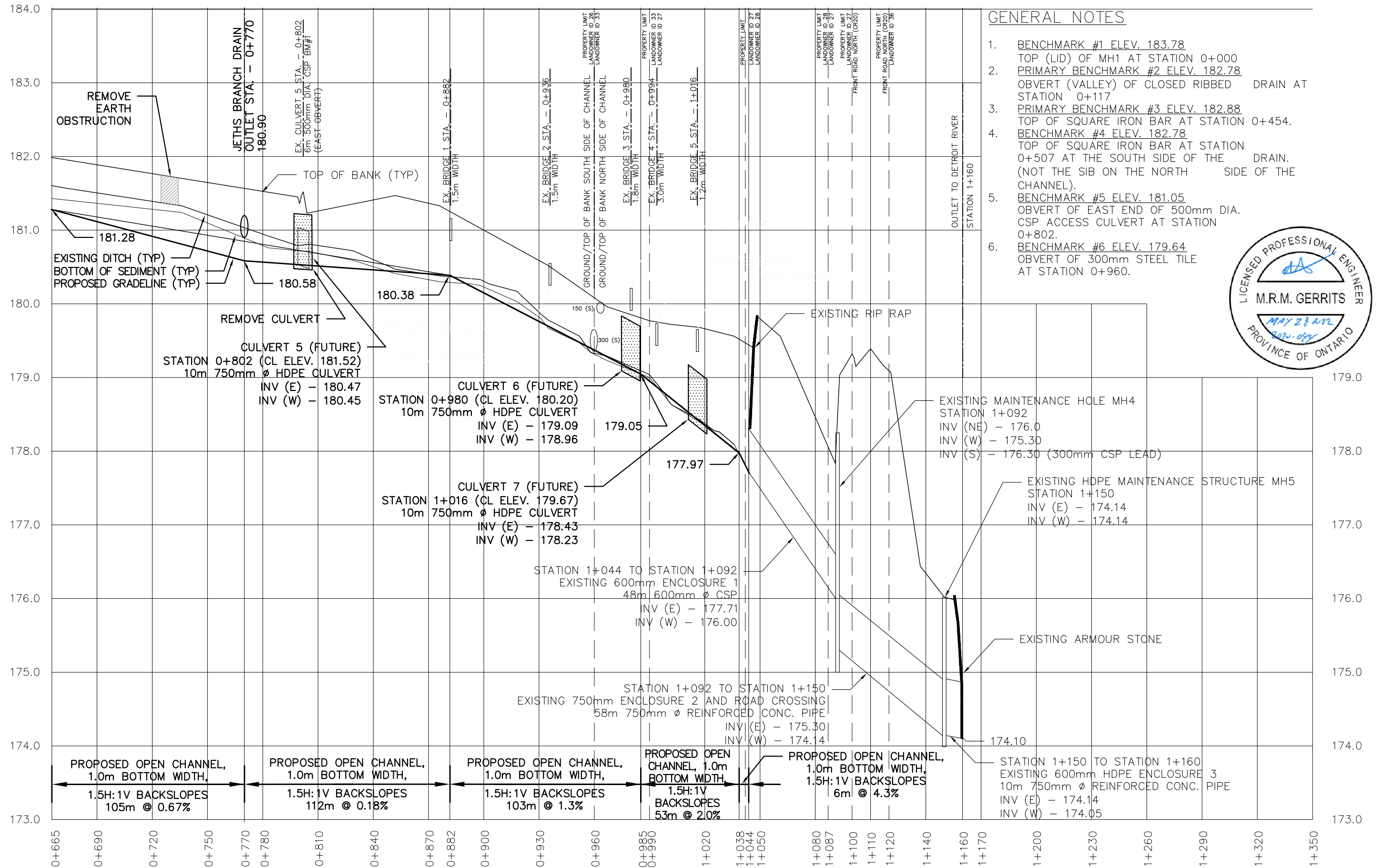


NO	REVISION	DATE	BY
1	FOR REPORT	MAY 23, 2022	MG

JETHS DRAIN  
TOWN OF AMHERSTBURG

PROFILE

HORIZONTAL SCALE	1:200
VERTICAL SCALE	1:50
DRAWN	MG
CHECKED	EG
DATE	MAY 23, 2022
PROJECT NO.	2021-006
SHEET	2 OF 6



**GENERAL NOTES**

- BENCHMARK #1 ELEV. 183.78  
TOP (LID) OF MH1 AT STATION 0+000
- PRIMARY BENCHMARK #2 ELEV. 182.78  
OBVERT (VALLEY) OF CLOSED RIBBED DRAIN AT STATION 0+117
- PRIMARY BENCHMARK #3 ELEV. 182.88  
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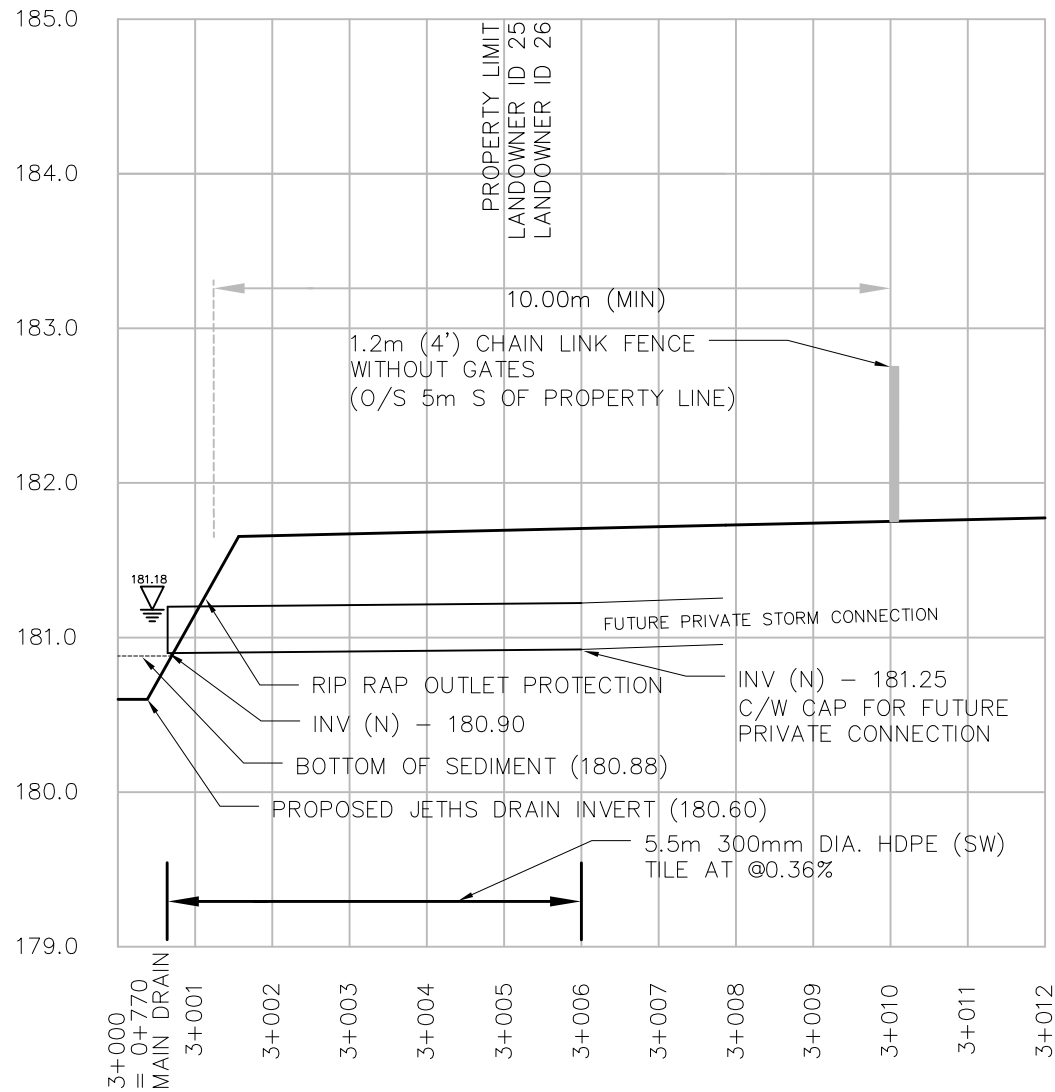


NO	REVISION	DATE	BY
1	FOR REPORT	MAY 23, 2022	MG

**JETHS DRAIN**  
TOWN OF AMHERSTBURG

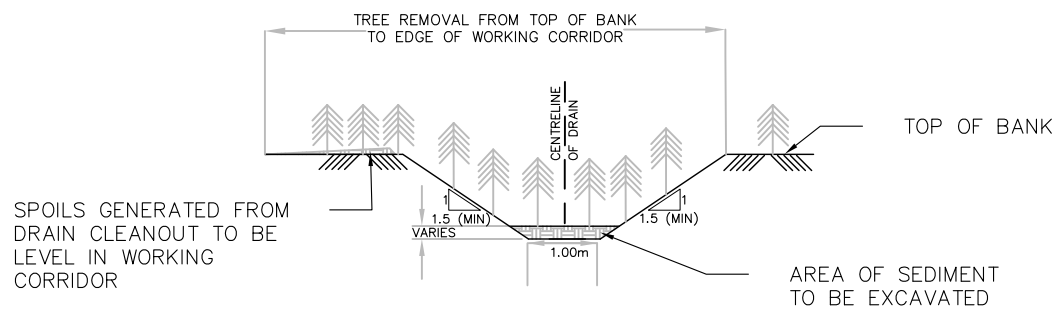
PROFILE

HORIZONTAL SCALE	1:200
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DRAWN	MG
CHECKED	EG
DATE	MAY 23, 2022
PROJECT NO.	2021-006
SHEET	3 OF 6

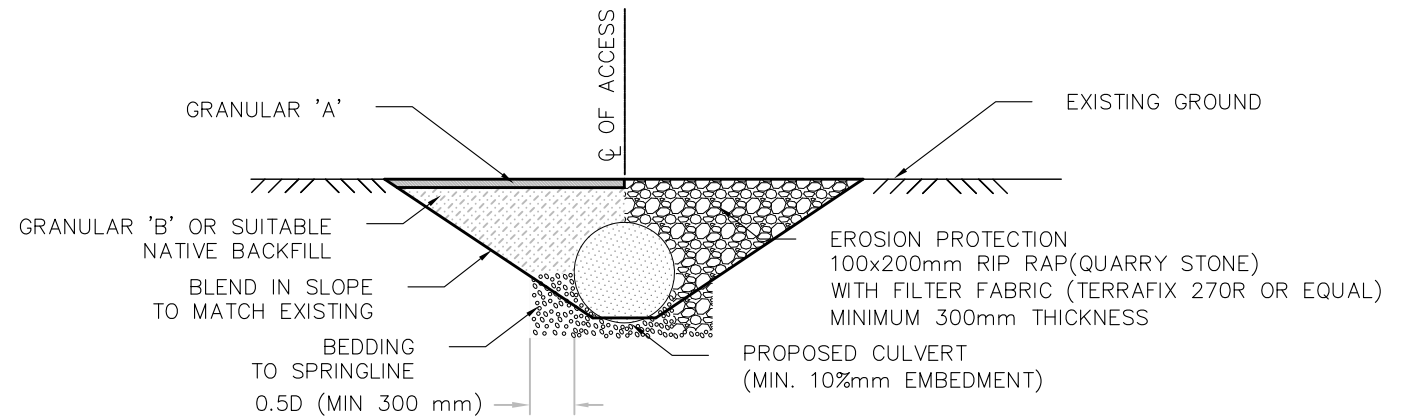


**JETHS BRANCH DRAIN PROFILE**

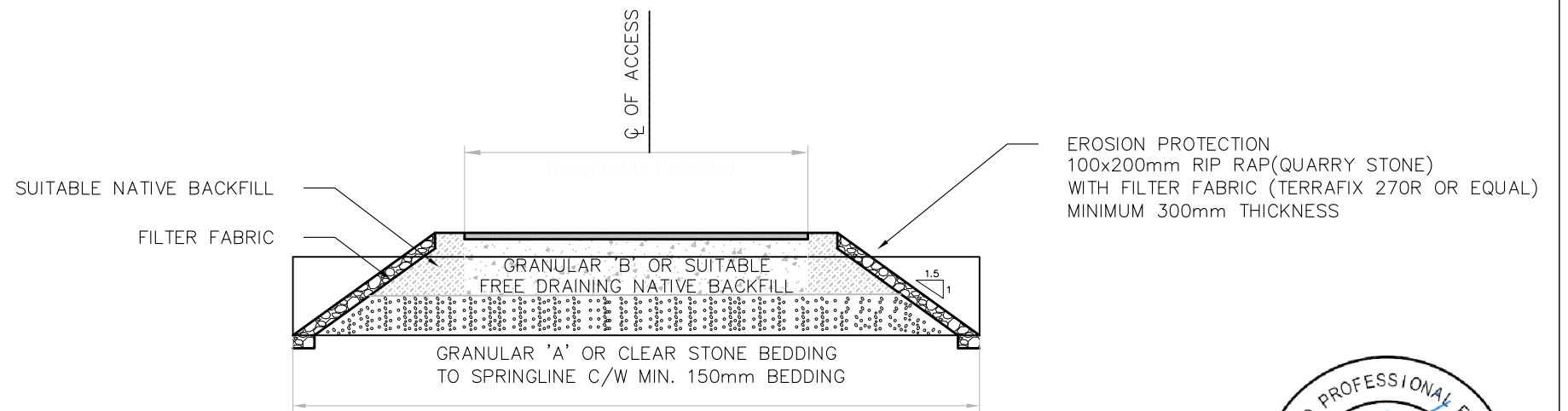
H SCALE 1:100  
V SCALE 1:50



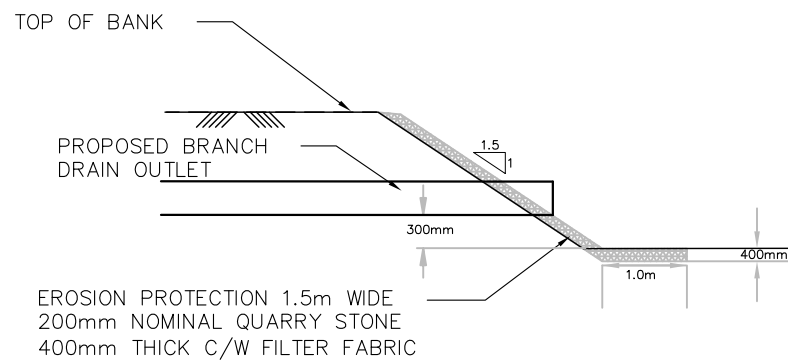
**TYPICAL DRAIN CROSS-SECTION**  
N.T.S.



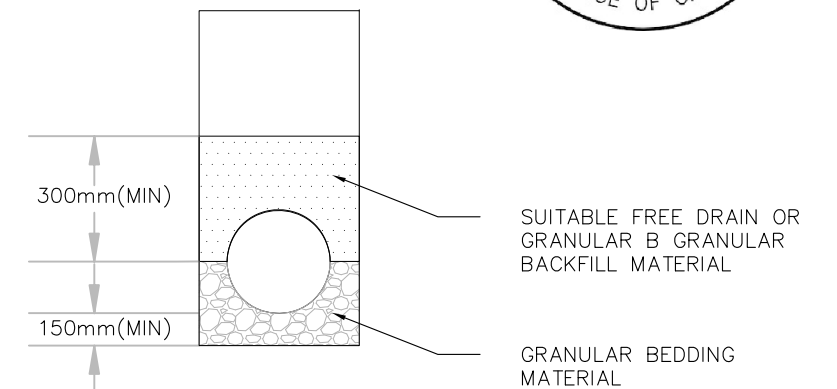
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N.T.S.



**PROPOSED CROSS SECTION TYPICAL CULVERT**  
N.T.S.



**TYPICAL OUTLET DETAIL**  
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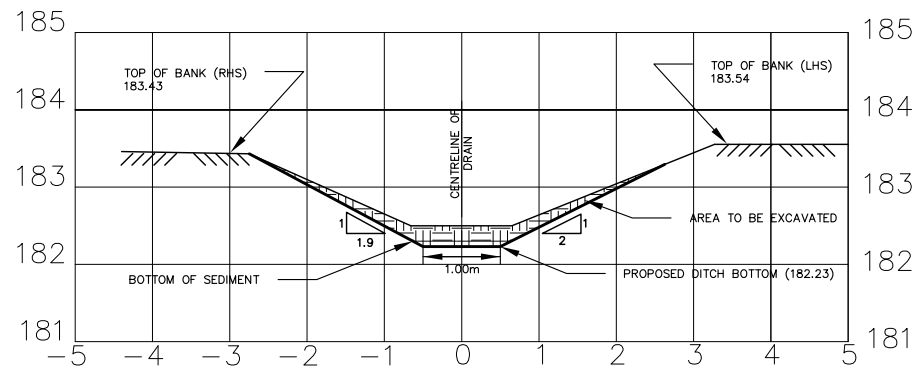


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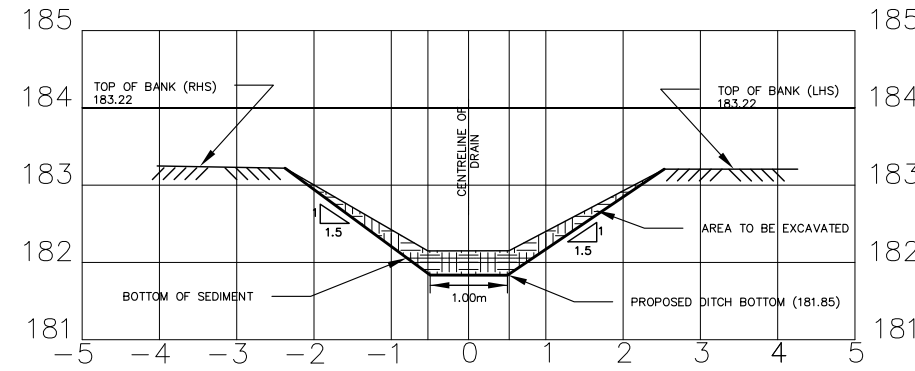


NO	REVISION	DATE	BY
1	FOR REPORT	MAY 23, 2022	MG

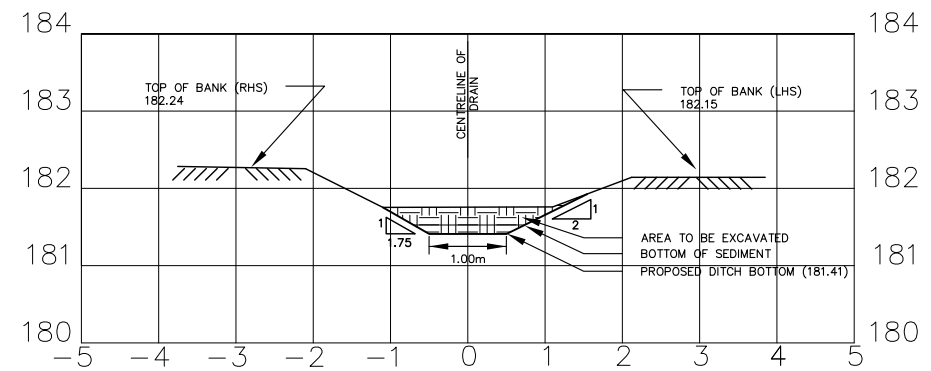
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CHECKED	EG
DATE	MAY 23, 2022
PROJECT NO.	2021-006
SHEET	4 OF 6



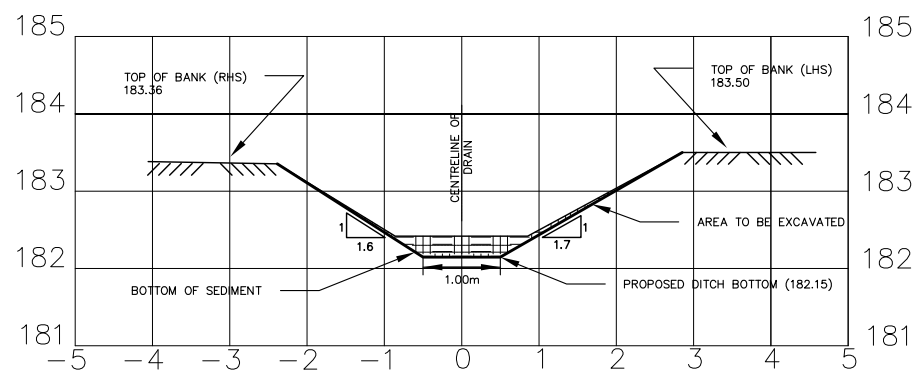
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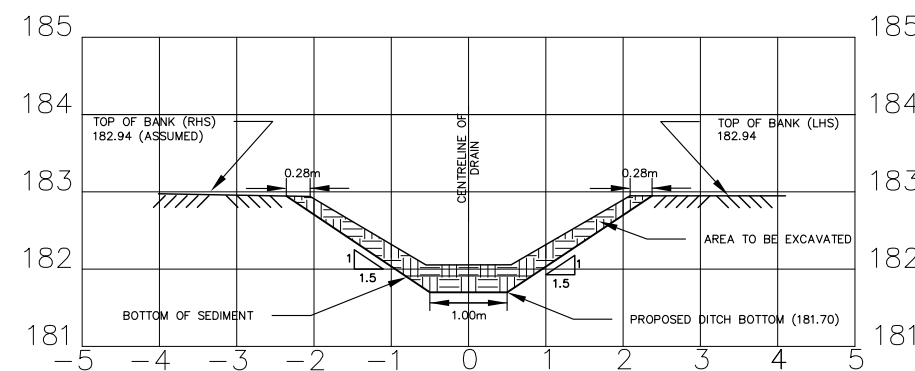
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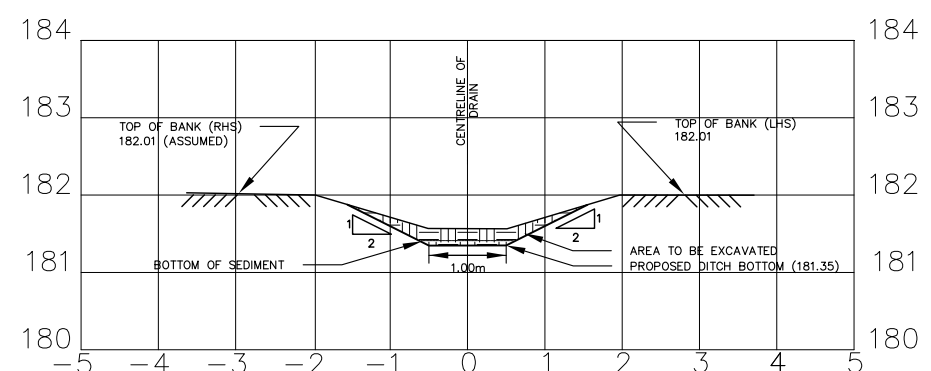
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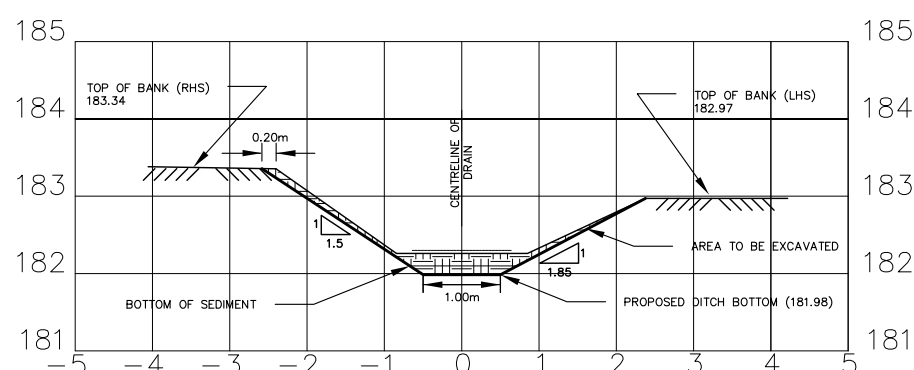
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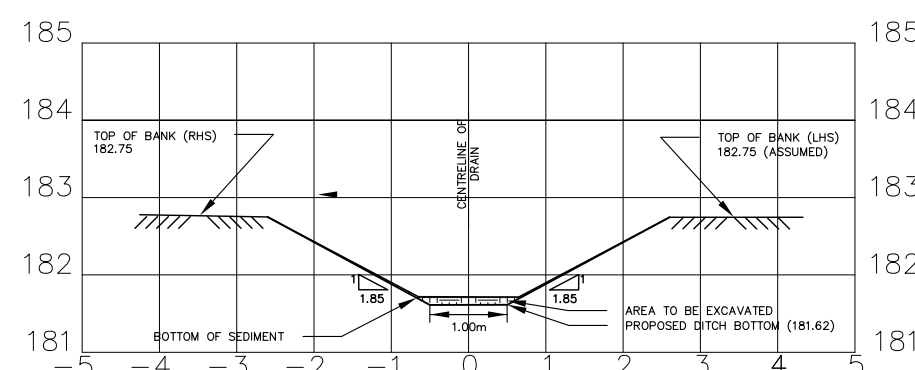
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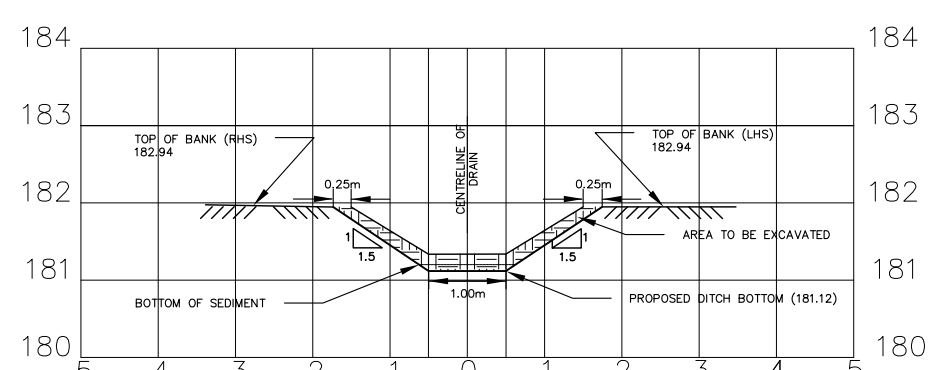
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CROSS-SECTION  
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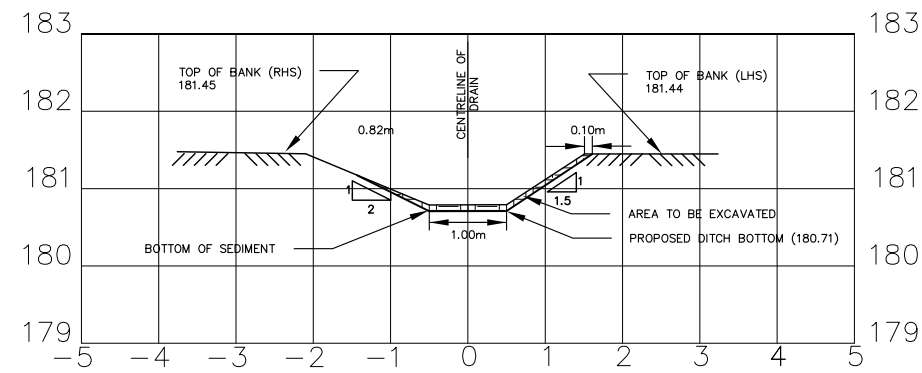


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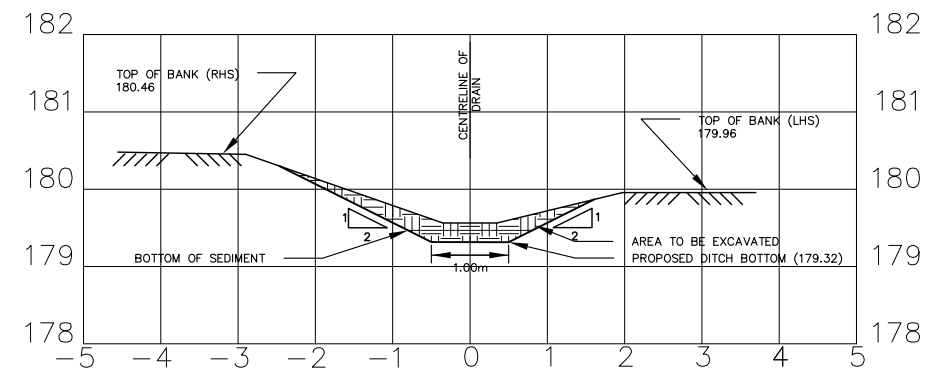


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1	FOR REPORT	MAY 23, 2022	MG

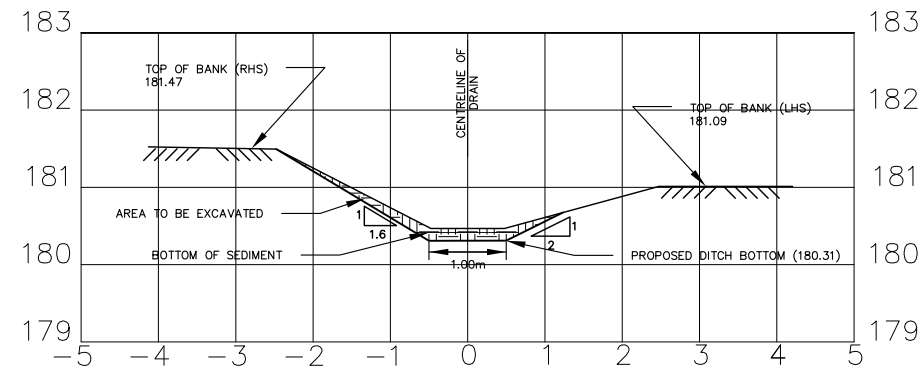
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CHECKED	EG
DATE	MAY 23, 2022
PROJECT NO.	2021-006
SHEET	5 OF 6



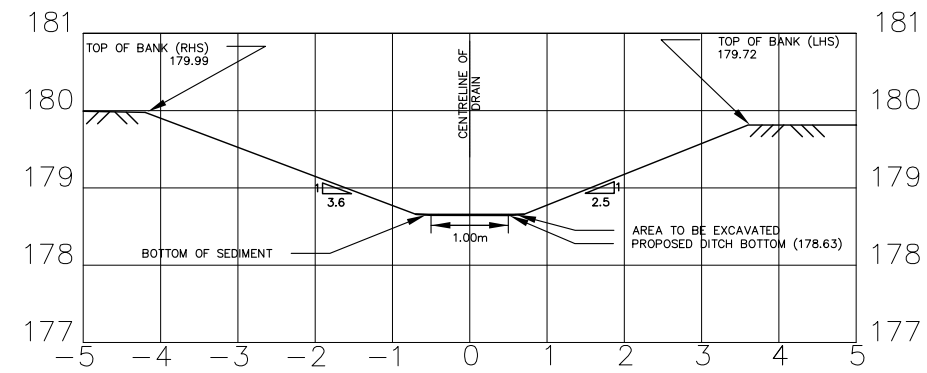
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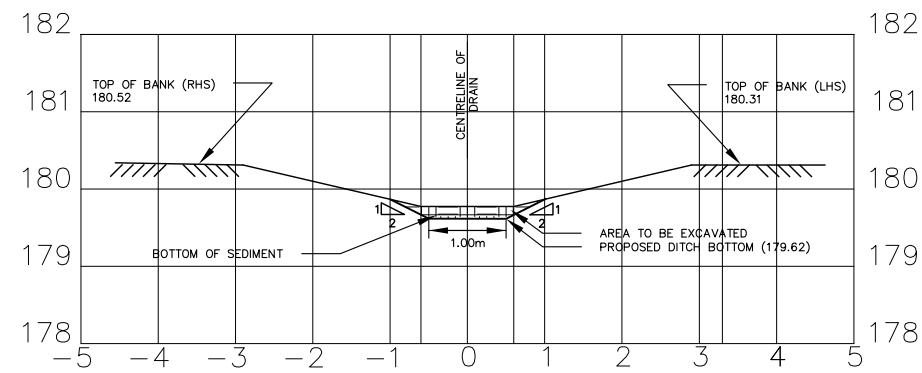
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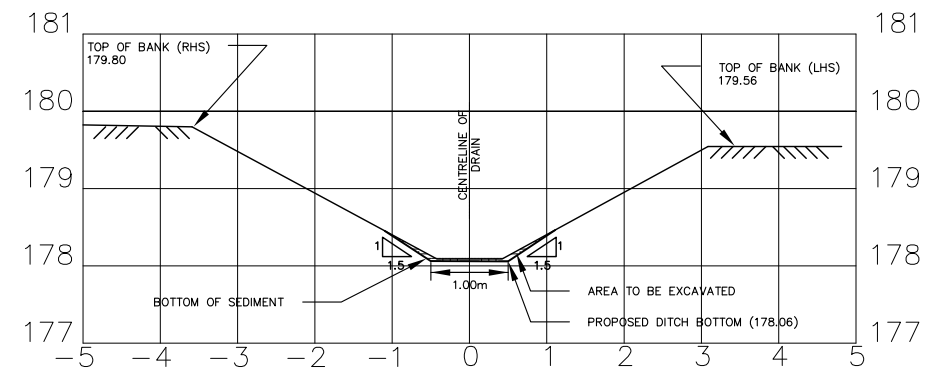
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CROSS-SECTION  
STATION 1+00  
(LOOKING TO DETROIT RIVER)



CROSS-SECTION  
STATION 0+937  
(LOOKING TO DETROIT RIVER)



CROSS-SECTION  
STATION 1+034  
(LOOKING TO DETROIT RIVER)



NO	REVISION	DATE	BY
1	FOR REPORT	MAY 23, 2022	MG

DRAWN	MG
CHECKED	EG
DATE	MAY 23, 2022
PROJECT NO.	2021-006
SHEET	6 OF 6

**THE CORPORATION OF THE TOWN OF AMHERSTBURG**

**BY-LAW NO. 2022 – 059**

**By-law to provide for the Jeths Drain Improvements based on the Drainage Report by M. Gerrits Consulting Inc.**

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**WHEREAS** a request for improvement of the Jeths Drain was received under section 78 of the Drainage Act;

**WHEREAS** a petition for drainage works was received under section 4 of the Drainage Act;

**WHEREAS** Council of the Corporation of the Town of Amherstburg appointed an engineer for the purpose of preparation of an engineer's report for the improvements of the Jeths Drain under section 78 of the Drainage Act and for the creation of the Jeths Branch Drain under section 4 of the Drainage Act;

**WHEREAS** Council of the Corporation of the Town of Amherstburg has authorized Michael Gerrits, P. Eng., to prepare a report and said engineer's report dated May 23, 2022, can be referenced as Schedule A, as attached hereto;

**WHEREAS** \$316,007.00 is the estimated cost of improving the drainage works;

**AND WHEREAS** the report was considered by the Amherstburg Drainage Board at the meeting held on June 7, 2022.

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

**1. AUTHORIZATION**

The attached report is adopted and the drainage works is authorized and shall be completed as specified in the report

**2. BORROWING**

The Corporation of the Town of Amherstburg may borrow on the credit of the Corporation the amount of \$316,007.00 being the amount necessary for the improvements of the drainage works.

**3. DEBENTURE(S)**

The Corporation may issue debenture(s) for the amount borrowed less the total amount of:

- (a) Grants received under section 85 of the Drainage Act;
- (b) Monies paid as allowances;
- (c) Commuted payments made in respect of lands and roads assessed with the municipality;
- (d) Money paid under subsection 61(3) of the Drainage Act; and
- (e) Money assessed in and payable by another municipality.

**4. PAYMENT**

Such debenture(s) shall be made payable within 5 years from the date of the debenture(s) and shall bear interest at a rate not higher than 1% more than the municipal lending rates as posted by The Town of Amherstburg's Bank's Prime Lending Rate on the date of sale of such debenture(s).

- (1) A special equal annual rate sufficient to redeem the principal and interest on the debenture(s) shall be levied upon the lands and roads and shall be collected in the same manner and at the same as other taxes are collected in

each year for 5 years after the passing of this by-law.

- (2) All assessments of \$1000.00 or less are payable in the first year in which the assessments are imposed.

Read a first and second time and provisionally adopted this 13<sup>th</sup> day of June, 2022.

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MAYOR – ALDO DICARLO

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CLERK – VALERIE CRITCHLEY

Read a third time and finally passed this \_\_\_ day of \_\_\_\_\_, 2022.

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MAYOR – ALDO DICARLO

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CLERK – VALERIE CRITCHLEY



## UNFINISHED BUSINESS LIST

Council Question #	Agenda Item	Assigned To	Description	Meeting Type	Meeting Date	Comments
CQ 20-003	Kingsbridge Subdivision Parkland Conveyance	Heidi Baillargeon, Rita Chappell	<p style="text-align: center;">Resolution # 20200127-033 McArthur/Simone - amended motion</p> <p style="text-align: center;">That:</p> <p>The amended method of meeting parkland dedication requirements for the full Kingsbridge Subdivision development as outlined in the report from the Manager of Planning dated January 22, 2020 BE APPROVED; The conveyance of Parts 5 and 12 on the draft 12R plan (2.67 hectares) to 1078217 Ontario Limited in exchange for cash in lieu of parkland in the amount of \$66,170 BE APPROVED and the funds BE COMMITTED for use solely at Pat Thrasher Park; Part 6 on the draft 12R Plan (2.02 hectares) BE DESIGNATED as conservation lands and Administration BE DIRECTED to bring related amendment to the Zoning By-law (1999-52 as amended); Administration BE DIRECTED to explore opportunities for future development and upgrades to Pat Thrasher Park in consultation with the Parks and Recreation Advisory Committee and via community engagement.</p>	Regular Council Meeting	1/27/2020	With Administration.
CQ 20-005	NEW BUSINESS	Valerie Critchley, Bill Tetler	<p style="text-align: center;">Resolution # 20200309-096 Prue/Courtney</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, 2. Administration BE DIRECTED to bring back a report on an Agent of Change by-law for discussion.</p>	Regular Council Meeting	3/9/2020	Agent of Change Report Complete. See CQ 21-012. Vacant Building registries is under review.

Blue Shaded Items are completed and will be removed next meeting.

Green Shaded Items are actioned to come before council shortly.

## UNFINISHED BUSINESS LIST

CQ 20-006	Water Bill Fee - Dennis Richardson	Tiffany Hong	Resolution # 20200713-194 Prue/Renaud That Administration BE DIRECTED to bring back a report with respect to the feasibility of the following:  Employee discretion when adding the administrative fee to past due water bills consideration of a 14 day grace period.	Regular Council Meeting	7/13/2020	Report coming to Council in Q2 2022.
CQ 20-009	NEW BUSINESS	Valerie Critchley, Bill Tetler	Resolution #20200914-292 Courtney/Prue That Administration BE DIRECTED to bring back a report regarding regulating Air BnB's.	Regular Council Meeting	9/14/2020	Administration will bring back a report with options.
CQ 20-011	NEW BUSINESS	Melissa Osborne	Resolution # 20200928-309 Prue/Simone That Administration BE DIRECTED to bring a report back regarding the feasibility of a public art dedication fund as a provision in future development agreements.	Regular Council Meeting	9/28/2020	Administration is investigating the feasibility of a public art dedication fund.
CQ 20-014	Easement Documentation and By-law 2020-059 - Nicole Keogh and Mary Canton, Amherst Point Association	Valerie Critchley, Bill Tetler	Resolution # 20201109-358 Prue/Meloche That Administration BE DIRECTED to prepare a report to determine costs and impacts for all Town encroachments and that the report be brought back to Council for consideration.	Regular Council Meeting	11/9/2020	Options will be brought back for consideration.
CQ 21-003	Off-Road Vehicle Use on Amherstburg Roadways	Valerie Critchley, Bill Tetler	Resolution # 20210308-070 McArthur/Simone That Administration BE DIRECTED to consult with the applicants as to the feasibility and desire to allow off-road vehicles on Amherstburg roads knowing that they won't be able to access County roads.	Regular Council Meeting	3/8/2021	Will coordinate a meeting with the Essex County ATV Club

Blue Shaded Items are completed and will be removed next meeting.

Green Shaded Items are actioned to come before council shortly.

## UNFINISHED BUSINESS LIST

CQ 21-011	Indigenous Peoples Flag Proposal - Linden Crain, Amherstburg Resident	Heidi Baillargeon, Jennifer Ibrahim, Rita Chappell	Resolution # 20210614-190 Prue/Meloche That:  The delegation BE RECEIVED; and, Administration BE DIRECTED to convene a meeting with First Nations representatives, both on and off the Reserve, to seek input on an Indigenous flag to be raised in the Town of Amherstburg with the costs to BE INCLUDED in the 2022 Budget.	Regular Council Meeting	6/14/2021	With Administration.
CQ 21-012	Agent of Change Policies	Valerie Critchley, Bill Tetler	Resolution # 20210614-203 Prue/Courtney That Administration BE DIRECTED to prepare a by-law regarding Agent of Change as soon as possible.	Regular Council Meeting	6/14/2021	In Process
CQ 21-014	Amherstburg Environmental Advisory Committee Minutes - June 9, 2021	Heidi Baillargeon, Rita Chappell	Resolution # 20210712-241 Prue/Courtney Administration BE DIRECTED to bring back a report on how the Town can best utilize the trees received by ERCA, outline the costs associated, and outline where the trees can be planted in the Towns parklands.	Regular Council Meeting	7/12/2021	In Process
CQ 21-015	NEW BUSINESS	Heidi Baillargeon, Rita Chappell	Resolution # 20210712-245 Courtney/Prue That Administration BE DIRECTED to prepare another concept of all of H. Murray Smith Park inclusive of greenspace in place of the former ACS building.	Regular Council Meeting	7/12/2021	In Process
CQ 22-04	NEW BUSINESS	Antonietta Giofu	Resolution # 20220214-25 Moved By Councillor Prue Seconded By Councillor Simone That Administration BE DIRECTED to bring a report regarding Torontos Green Standard to see if that initiative is feasible in Amherstburg.	Regular Council Meeting	2/14/2022	Administration is investigating the feasibility of bringing initiative to Amherstburg

Blue Shaded Items are completed and will be removed next meeting.

Green Shaded Items are actioned to come before council shortly.

## UNFINISHED BUSINESS LIST

CQ 22-05	Libro Centre Outdoor Turf Upgrade Request - Terry Sawchuk, Jim Jariett, and Vancho Cirvoski, Amherstburg Minor Soccer Association (AMSA)	Terry Fasan, Heidi Baillargeon	Moved By Councillor Prue Seconded By Councillor Courtney That the delegation BE RECEIVED; and, Administration BE DIRECTED to bring back a report outlining the feasibility and costs to accomplish AMSA's outdoor turf upgrade requests.	Regular Council Meeting	3/14/2022	
CQ 22-09	2022 Proclamation - Year of the Garden	Annette Zahaluk, Heidi Baillargeon	Moved By Councillor Renaud Seconded By Councillor McArthur That The Town of Amherstburg PROCLAIM 2022 as the 'Year of the Garden' in celebration of the contribution of gardens and gardening to the development of our country, our municipality and the lives of our citizens in terms of health, quality of life and environmental challenges; June 18, 2022 BE RECOGNIZED as 'Garden Day' in the Town of Amherstburg as a legacy of Canada's Year of the Garden 2022; and, Administration BE DIRECTED to look into award signs for those property owners who partake in the 'Year of the Garden' celebration.	Regular Council Meeting	3/14/2022	
CQ 22-10	Fort Erie Resolution re. Climate Change Action Plan	Antonietta Giofu	Resolution # 20220411-13 Prue/Courtney That Administration BE DIRECTED to review Fort Eries resolution and determine whether the Towns Climate Action Plan could be strengthened by adding Fort Eries recommendations.	Regular Council Meeting	4/11/2022	

Blue Shaded Items are completed and will be removed next meeting.

Green Shaded Items are actioned to come before council shortly.

## UNFINISHED BUSINESS LIST

CQ 22-12	Investment in Electric Vehicle Chargers - Ken Morrison, Felicia Cristofaro, and Eric Freeze, Thrive Amherstburg	Melissa Osborne	McArthur/Prue Resolution # 20220425-07 That \$120,000 BE DEDICATED and BE FUNDED from either reserves or as a pre-commitment to the 2023 Capital Budget, whichever is deemed best by Administration after performing its due diligence, to allow the Town to apply for the available Federal grant which will offset the cost of the charging stations.	Regular Council Meeting	4/25/2022	
CQ 22-13	NEW BUSINESS	Eric Chamberlain, Antonietta Giofu	Resolution # 20220425-21 Courtney/Prue That the 2 hour parking signs on Laird Street behind General Amherst High School BE REMOVED until the the completion of the school year.	Regular Council Meeting	4/25/2022	Completed. 2 Hour Parking Signs Removed
CQ 22-14	Proactive Committee Oversight	Valerie Critchley, Kevin Fox	Resolution # 20210222-053 Prue/Simone The report regarding Proactive Committee Oversight BE RECEIVED; and, Administration BE DIRECTED to prepare a report regarding the establishment of a striking committee prior to the end of the current term of Council so that it can be considered at the first meeting of the new term of Council.	Regular Council Meeting	2/22/2022	In Process

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. 2022-064**

**By-law to Confirm the Proceedings of the Council  
of the Corporation of the Town of Amherstburg**

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**WHEREAS** pursuant to Section 5(1) of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, the powers of a municipality shall be exercised by its Council;

**WHEREAS** pursuant to Section 5(3) of the Municipal Act, 2001, S.O. 2001, c.25 as amended, a municipal power, including a municipality's capacity rights, powers and privileges under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25 as amended, shall be exercised by By-law unless the municipality is specifically authorized to do otherwise;

**WHEREAS** it is deemed expedient that a By-law be passed to authorize the execution of agreements and other documents and that the Proceedings of the Council of the Corporation of the Town of Amherstburg at its meeting be confirmed and adopted by By-law; and,

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

1. THAT the action(s) of the Council of the Corporation of the Town of Amherstburg in respect of all recommendations in reports and minutes of committees, all motions and resolutions and all actions passed and taken by the Council of the Corporation of the Town of Amherstburg, documents and transactions entered into during the June 13<sup>th</sup>, 2022, meeting 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 13<sup>th</sup> day of June, 2022.

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MAYOR – Aldo DiCarlo

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CLERK – Valerie Critchley