



**TOWN OF AMHERSTBURG
SPECIAL COUNCIL MEETING
REVISED AGENDA**

Monday, April 17, 2023

5:00 PM

Council Chambers

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

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Pages

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF**
(Public Council Meeting Agenda Items)

4. LAND ACKNOWLEDGEMENT

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

5. DELEGATIONS

- | | | |
|-----|--|----|
| 5.1 | Delegation Request re. Short Term Rentals - Peggy Thompson | 4 |
| | That the delegation BE RECEIVED. | |
| 5.2 | <i>Delegation re. Short Term Rentals on Boblo Island - Sue Jeffries</i> | 10 |
| | That the delegation BE RECEIVED. | |
| 5.3 | <i>Delegation re. Short Term Rentals - Tim Charter</i> | 15 |
| | That the delegation BE RECEIVED. | |
| 5.4 | <i>Delegation re. Short Term Rentals - Lisa Stiles</i> | 20 |
| | That the delegation BE RECEIVED. | |
| 5.5 | <i>Delegation re. Air B&B's in Amherstburg - Jill Fiorito</i> | 26 |
| | That the delegation BE RECEIVED. | |
| 5.6 | <i>Delegation re. Proposed Short Term Rental By-law - Stanley Razenberg</i> | 31 |
| | That the delegation BE RECEIVED. | |

6. ORDER OF BUSINESS

6.1 Draft Short Term Rental By-law

38

It is recommended that:

1. Council **DIRECT** Administration to implement a municipal licensing framework and fee schedule for regulation of the Short Term Rental Industry with the Town of Amherstburg as described in this report; and,
2. Council **ADOPT** either Appendix “B” or Appendix “C” as the Short Term Rental Municipal By-law for the Town of Amherstburg.

6.2 *Economic Development Community Improvement Plan*

122

It is recommended that:

1. Council **APPROVE** the Economic Development Community Improvement Plan attached as Appendix ‘A’; and
2. Administration **FORWARD** the Economic Development Community Improvement Plan to the Ministry of Municipal Affairs and Housing for filing; and,
3. By-law 2023-058, being a By-law to approve the Economic Development Community Improvement Plan, be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

7. CORRESPONDENCE

7.1 Petition re. Short Term Rentals on Boblo Island

219

That the petition **BE RECEIVED**.

8. ADJOURNMENT

That Council rise and adjourn at p.m.



Delegation Request Form

I wish to appear before *

Council

Advisory Committee of Council

Date of Meeting *

4/17/2023



Name of Delegate(s) *

Peggy Russchen-Thompson

Address *

Phone *

Email *

Capacity in which you will be attending *

Attending as an Individual

Representing a Group / Organization

Have you contacted Administration regarding this matter? *

Yes

No

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

Short Term Rentals

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

I do not know. I do not have access to administration's recommendation.


Will a powerpoint presentation be made? *

Yes

No

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

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

File Name
 Short Term Rental Delegate Report.docx 16.4 KB

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Thank You

Submission Successful

Submitted by Peggy Thompson [REDACTED]

Some communities have chosen NOT to allow Short Term Rental (STR) and unfortunately, we are not one of those communities.

If we are going to have to accommodate STR I am hopeful council will see the serious issues surrounding them and put in place tight regulations and high penalty fees in order to not erode our neighborhoods.

We would be remiss not to look at all the other municipalities experiencing very serious issues, who are now backtracking and trying to amend their bylaws to address the concerns.

Toronto, Goderich, London, South Bruce Peninsula, Lambton, Port Stanley, Red Bay Mallory & Sauble Beach and right in our own backyards, Windsor and Colchester and sadly, most recent tragedy, in Quebec with STR.

I will briefly summarize all of the concerns from the following towns, cities and municipalities, I just mentioned:

Loud music, massive bonfires, fireworks, drunken behaviour, out of control parking, absentee ownership and landlords and destroyed property in surrounding the STR and more

Some (but not all) STR are disrupting the social fabric of our close knit communities, upending our way of life and eroding the rural fabric of our neighborhoods. There is a growing movement among Ontario communities to push back against STR.

Take for instance the residents of Edgewater. Their weekends are ruined every single weekend once the nice weather comes. How is that fair to those paying their taxes and the tourist come in for the weekend and then leave. They have no respect for the people who live there.

Look at Colchester, their residents have had to form a group to get action and be heard.

I could go on and describe issue after issue, but you get my point.

What I am asking council to do tonight, is to think about the year around residents. Our homes our one of our largest investments and the possibility of that investment being de-valued by a STR moving into the neighborhood is just not fair.

I think the right move is to make the bylaws so restrictive and with such high penalties/fees it weeds out those in it for a quick money grab. It might also address the current housing issue in Amherstburg.

I would recommend the following be consider when developing our bylaw. Looking at all the other towns that are trying to re-write and fix their existing bylaws, we can learn from them and get it right the first time.

Some items to consider in the bylaw:

Fines of up to \$500 a day if any of the STR bylaw are not met. 3 strikes or fines, license evoked

Police clearance for those applying for STR status

Annual renewal fees

Proof of liability insurance

Provide proof the STR property is their primary residence

Cap on occupancy of STR

1-3 parking spot per STR. No street or highway gravel area parking.

Emergency contact list of STR owner to call – 24/7 given to all other homes within a one block radius of STR

All neighbors (within a one block radius) be notified when a STR license has been applied for and granted

Existing and new STR must adhere to the bylaw (no current STR grandfathered)

Bylaw officer do a current STR blitz to determine if there are unlicensed STR , once bylaw is put in place

More stringent restrictions

24/7 Town controlled hotline to answer any and all concerns neighbors might have

If STR owner is in violation three times, their license is revoked

Last but not least, will the town need to add additional bylaw enforcement to regulate and enforce STR under the bylaw.

Thank you for your time.

*sources of reference for summary of issues in other municipalities, town, cities -- Toronto Star, Goderich Signal Star, London Free Press, Windsor Star, South Bruce Peninsula (Wiarnton Echo), Blackburn News, Chatham Daily News, CTV News, Port Stanley News



Delegation Request Form

I wish to appear before *

Council

Advisory Committee of Council

Date of Meeting *

4/17/2023



Name of Delegate(s) *

Sue Jeffrey

Address *

Phone *

Email *

Capacity in which you will be attending *

Attending as an Individual

Representing a Group / Organization

Name of Group / Organization / Business *

Bois Blanc residents

Have you contacted Administration regarding this matter? *

Yes

No

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

Resolution # 20220912-05

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

Looking for clarification of Appendix B-owner occupied by-law


Will a powerpoint presentation be made? *

Yes

No

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File Name
 April 17, 2023.pdf 11.0 KB

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Thank You

Submission Successful

Representing residents of Bois Blanc Island...want to support Council voting for Appendix "B"- owner occupied by-law. Does this mean that the owner needs to be living on the premises when the STR is being 'rented'? Special concern for home owners who are attached to their neighbours (bi- and triplex homes) and share a common wall and a roof.



Delegation Request Form

I wish to appear before *

Council

Advisory Committee of Council

Date of Meeting *

4/17/2023



Name of Delegate(s) *

Tim Charter

Address *

Phone *

Email *

Capacity in which you will be attending *

Attending as an Individual

Representing a Group / Organization

Have you contacted Administration regarding this matter? *

Yes

No

Who from Town Administration have you contacted? *

Kevin Fox

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

Air BNB's and Short Term Rentals

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


Will a powerpoint presentation be made? *

Yes

No

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File Name	
	Short Term Rental Discussion.docx 12.1 KB

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Thank You

Submission Successful

Short Term Rental Discussion

1/ Short Term Rentals provide an economic benefit to the area that cannot be denied

2/ Why would you want to regulate something that works?

3/ What is the requirement of any potential "Licensing" burden?

4/ Given the limited numbers of hotel rooms that are available in town (including any new boutique hotels) why would you want to do anything to reduce, impinge, and or curtail Short Term Rental business in the area?



Delegation Request Form

I wish to appear before *

Council

Advisory Committee of Council

Date of Meeting *

4/17/2023



Name of Delegate(s) *

Lisa Stiles

Address *

Phone *

Email *

Capacity in which you will be attending *

Attending as an Individual

Representing a Group / Organization

Have you contacted Administration regarding this matter? *

Yes

No

Who from Town Administration have you contacted? *

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's agenda # *

6.1

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

No - amherstburg needs short term rentals

Will a powerpoint presentation be made? *

Yes

No

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

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

File Name



Short term delegation.docx

8.3 KB

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Thank You

Submission Successful

After the loss of commercial industry including the loss of SKD and Allied Chemical, Amherstburg made a conscious decision to focus on tourism as an industry - it was a great forward thinking decision. We are located and have so many amazing things to offer both historically, nature, parks, in activity and events. We were compared to a young Niagara on the Lake. Our many wineries and craft beer and distilleries are testament to both the fertile land and entrepreneurs of the area. We are rich both geographically and demographically!

Tourists which bring dollar revenue to all businesses - not only restaurant, bars, grocery stores, entertainment, festivals, sports facilities, require accommodation. Short term rentals in the Amherstburg area are a necessity to accommodate and keep our tourists here. Tourists grow our local economy. It is the best form of advertising- for future tourism and population/ housing growth of relocation. Short term rentals are the backbone of experiential marketing of our town! Visitors get to come and experience living in our community, enjoying all of Amherstburg's many offerings. We are a destination!!! We do not want to lose visitors to Windsor hotels when they can stay here and go to the historic sites, lunch, dinner, shopping, groceries, hardware, events, wineries, craft breweries, get their car fixed, talk to realtors, see open houses, enjoy the boating, rent

canoes, EXPERIENCE AMHERSTBURG!!! walk the beautiful trails.

Rest relax recharge rejuvenate in a safe small Canadian kind town.

Lisa Stiles.



Delegation Request Form

I wish to appear before *

Council

Advisory Committee of Council

Date of Meeting *

4/17/2023



Name of Delegate(s) *

Jill Fiorito

Address *



Phone *



Email *

Capacity in which you will be attending *

Attending as an Individual

Representing a Group / Organization

Have you contacted Administration regarding this matter? *

Yes

No

Who from Town Administration have you contacted? *

Kevin Fox

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

Draft report on Air BnB's in Amherstburg

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

I would like to discuss the options that have been brought forth in the report

Will a powerpoint presentation be made? *

Yes

No

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

File Name



Amherstburg Air BnB.docx

13.2 KB

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Thank You

Submission Successful

April 14th, 2023

Mayor Prue and Members of Council

RE: SHORT TERM RENTAL BY-LAW

I am concerned that our whole neighborhood is seems to be taken over by STR in Edgewater and especially on Canal Street where the owner rents out to 14 people and there is no supervision or site manager on site. It is a **FRAT HOUSE FOR ADULTS**. The owner resides in Toronto and has no idea what is taking place outside the home and the noise and profanities are disgusting. They are now renting this home out and people are bringing boats and there are no docks for them to tie them to so if the weather changes the boats will damage our docks or break walls.

I am concerned with the hot tubs cannot operate after 11.00 pm. What about the people who work, and we have to listen to the noise and the drunken profanities until then. Sorry, but living on the water carries and I think 11.00 pm is way too late.

People who are renting the Air BnBs want to party, and they don't care that it is a residential area where children have to get up for school the next day and people go to work. This once quite community with it's single road access is now becoming party central and NO, it is not seasonal but all year round.

Thank you,

Jill Fiorito



Delegation Request Form

I wish to appear before *

Council

Advisory Committee of Council

Date of Meeting *

4/17/2023



Name of Delegate(s) *

Stanley Razenberg

Address *



Phone *

Email *



Capacity in which you will be attending *

Attending as an Individual

Representing a Group / Organization

Have you contacted Administration regarding this matter? *

Yes

No

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

Proposed Short Term Rental Bylaw

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


Will a powerpoint presentation be made? *

Yes

No

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File Name
 Submissions to Town Council.pdf 95.0 KB

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Thank You

Submission Successful

Request for Delegation & Overview

1. This request is made in respect of the upcoming Council meeting at which proposed bylaws concerning regulation of short-term rentals will be submitted for Council's review.
2. The regulatory framework being proposed suggests that Council select between whether or not to require short term rental operators to be principally resident within the dwelling offered as a short-term rental unit¹.
3. It is respectfully submitted that short term rentals can be effectively regulated without the requirement for owner-occupied restrictions.

Competing Interests of the Community

4. On the one hand, it is understandable that Council needs to implement rules and regulations so that all residents can enjoy their homes without unreasonable interruption.
5. On the other hand, it is respectfully submitted that a fabric of this community is the tourism it attracts. Many of the local small businesses rely upon this tourism, and it is important to safeguard these economic interests.
6. Short term rentals serve to promote and enhance the tourism economy within Amherstburg on several fronts:
 - a. First, short term rentals serve to bring tourists into the community. People looking to take a summer holiday will often decide which Township or City to visit based on a particular short-term rental property they find online. An attractive property with amenities such as a lake, river, hot tub, swimming pool, etc., will encourage travelers to book that property over another, and will correspondingly draw tourists into town;

¹ April 12th, 2023 Report, Appendix B, page 47;

- b. Second, when tourists arrive they engage with and support local businesses. Tourists will dine at the local restaurant, buy groceries at the local store, purchase fuel at the local gas station, etc.
 - c. Third, operation of a short-term rental property itself provides support for the local economy. In operating a short term rental one needs a cleaner, summer/winter maintenance contractor, plumber, electrician, pool/hot tub maintenance person, handyman, etc. These are jobs that go to the local community;
 - d. Finally, the regulation of short-term rentals provides the Town with an opportunity to generate revenue from the licensing and regulation of these activities.
7. The practical effect of imposing an owner-occupied restriction is such that it will reduce the number of short-term rentals available, which will in turn have an adverse impact on tourism and the local economy.
8. The due diligence conducted by the Town's Administration suggests that Amherstburg is not overcrowded with short term rentals given the population of the town and the degree of tourism within the community.
9. To this end, Administration's review of data from AirDNA reveals that there are only 64 active short-term rentals within Amherstburg². The Town is estimated to have a population of approximately 23,500 people³. This suggests that less than 1 % of the households within the town are providing short term rentals.
10. Given that there are no hotels or motels within the Town, it is respectfully submitted that all 64 of the short term rental units are needed in order to support the local tourism community and meet its lodging needs.

² April 12th, 2023 Report, page 4 of 6.

³ 2021 Census Report;

11. It is respectfully submitted that Council’s approach to the regulation of short term rentals should focus not on reducing the number of available units, but rather on regulating the units in place to support a healthy balance between the interests of the town’s residents and that of the town’s tourism and local economy.

Effective Regulation of Short-Term Rentals can be achieved without an Owner-Occupied Restriction

12. The Town’s Administration has done an excellent job in proposing methods to ensure the effective regulation of short-term rentals, all of which can be achieved without implementing an owner-occupied restriction.

13. The regulatory checks and balances include:

- a. Vulnerable Sector Screening of the short-term rental operators;
- b. Ensuring proper liability insurance;
- c. Restricting use of outdoor amenities such as hot tubs to reasonable hours; and
- d. Establishing a Licensing Panel to address contraventions of the proposed Bylaw.

14. Implementing these recommendations, without owner-occupied restrictions, would keep available the limited pool of short term rentals within the community while simultaneously ensuring those units are run in a manner that is respectful to the rest of the community.

Conclusion

15. For the above reasons, it is respectfully requested that Town Council adopt the non-owner occupied Bylaw put forth as Appendix “C”.

All of which is respectfully submitted.

Dated: April 13th, 2023

Stanley Razenberg



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF THE CAO

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

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

To: Mayor and Members of Town Council

Subject: Draft Short Term Rental By-law

1. RECOMMENDATION:

It is recommended that:

- 1. Council DIRECT Administration to implement a municipal licensing framework and fee schedule for regulation of the Short Term Rental Industry with the Town of Amherstburg as described in this report; and,
2. Council ADOPT either Appendix "B" or Appendix "C" as the Short Term Rental Municipal By-law for the Town of Amherstburg.

2. BACKGROUND:

The Short Term Rental (STR) housing market is one of the fastest growing sectors in the worldwide travel/tourism industry. Various companies provide platforms for homeowners to advertise their STR properties to renters, including – but not limited to – Airbnb, VRBO and HomeAway to name a few.

Renting all or part of a home for a short duration while traveling is not new to the tourism industry. In recent years, online platforms have made participating in this industry significantly easier in cities across the world both for hosts offering accommodations and guests seeking them. When private individuals offer part or all of their residence for rent for a short period in exchange for a fee, usually through an online platform, these offerings are generally referred to as a Short Term Rental (STR). Those offering part or all of their residence for rent are considered a Short Term Rental Owner ("STR Owner"), whether they actually own the property or hold a lease for it.

At its meeting held on September 12, 2022 Council received report **20200914-292** regarding **Regulation of Short Term Rental**. In response to this report, Council directed Administration to complete consultations with stakeholders and **BRING BACK** a licensing regime for Council's consideration. Administration completed an online survey from December 11, 2022 to January 22, 2023 and received 212 responses. A report from the online survey is attached as Appendix "A" to this report. Administration held a public open house on January 18, 2023 at the Libro Centre to answer questions from stakeholders.

This report includes an overview of a regulatory framework proposed in two by-laws that have been drafted for Council's consideration including a proposed fee schedule for licensing short term rental owners similar to that used by the Town of Blue Mountains.

3. DISCUSSION:

Municipal regulatory power is limited by the *Municipal Act* to specific purposes, including health and safety, consumer protection and nuisance control. A regulatory framework could assist in mitigating the negative impacts of STRs by placing parameters around what constitutes a legal short term rental. Regulation through a licensing regime could require STRs to meet minimum standards for safety, help balance the demand for STRs and long-term housing options. It could also support the evolution of business models that spur economic growth by enhancing consumer confidence in the accommodations offered by hosts through online platforms.

STR Draft By-laws & Regulations for Amherstburg

In line with Resolution # **20220912-05**, Administration has developed two distinct frameworks and a fee structure for the licensing and regulation of Short Term Rentals. The intent of the proposed regulations is to address the issues described in Report 20200914-292 such as health and safety, nuisance control, and consumer protection. An overview of the proposed by-laws, attached to this report as Appendix "B" and Appendix "C" are as follows;

- Appendix "B" is proposed as an owner occupied by-law
- Appendix "C" is proposed as a non owner occupied by-law

The proposed by-laws have been written with the same requirements, enforcement regulations and conditions with the exemption of either being owner occupied or non owner occupied. Each proposed by-law contains an adherence to the Town's current regulatory by-laws, compliance with the Ontario Building Code and the Fire Prevention and Protection Act. The proposed by-laws each will require a Fire Inspection along with submitting a fire safety plan for review and approval. The maximum occupancy under each proposed by-law will be calculated with a limit of 2 persons per bedroom and an additional 2 persons or the number permitted under the Town's Zoning By-law 1999-52, as amended. The proposed by-laws also limit the operation or occupation of an outdoor hot tub or pool between the hours of 2300hrs – 0700hrs.

Further, Administration is recommending the creation of a Licensing Committee to address any appeals to any potential enforcement actions taken if a by-law is adopted by Town Council. The Licensing Committee would be a quasi-judicial, independent statutory body with full authority to make decisions on applications and appeals relating to licensing matters. Once the Committee is established, it would meet as needed to hear licensing matters. The Licensing Committee's decisions would be final and only appealable to Superior Court. Establishing such a Committee would be beneficial in that it would operate in much the same way as the Committee of Adjustment and would provide an avenue for application to a purpose driven body.

Applying for a Licence

Property owners who wish to offer part or all of their dwelling unit as an STR will need to secure a Short Term Rental Owner Licence. If the unit is rented or part of a multi-unit building, the applicant must also show authorization from the registered property owner or condominium corporation to offer the dwelling unit as an STR. Applicants must present a valid Vulnerable Sector Check for every registered owner or tenant of the dwelling unit, valid home liability insurance of at least \$2 million, and contact information for either themselves (an "STR Operator") or another specific individual (a "Responsible Person") who can be reached 24 hours a day while the STR is being rented.

Licensing Terms

Licences under the proposed by-law will require yearly renewal. They are non-transferable and a new licence will be required when the registered owner of a property changes, or if significant renovations are undertaken to the dwelling unit. Licences that are not renewed on time will be subject to a penalty and those lapsed for more than 365 days will be deemed cancelled.

Licensing Administration, Enforcement and Inspections

The Manager of Licensing and Enforcement will oversee the administration and enforcement of the proposed by-law. The Licensing Officer will process and administer applications and Fire Prevention Officers will undertake necessary inspections with By-law Enforcement Officers as appropriate. The proposed by-law includes a framework for the Manager of Licensing and Enforcement to recommend an application be refused, suspended, revoked, or meet additional conditions to receive a licence, which must be confirmed by the Licensing Committee. The decisions of the Licensing Committee on these matters will be final.

Under the proposed by-law, Officers may enter onto any property at any reasonable time to determine compliance with the by-law or when there are reasonable grounds to believe a contravention is occurring. When a contravention of the by-law is identified, Officers may issue an Order to Comply either to discontinue the offending activity or to undertake work to correct a contravention.

In order to avoid burdening the taxpayer and community with the costs of administering a licensing program, Council should consider establishing an appropriate licensing fee to recover the Town's costs to administer and enforce this licensing program. Administration proposes the following fee structure for Short Term Rental Owners. The rationale for the fee structure follows.

Category	Initial Application	Renewal
Short Term Rental Owner	\$550.00	\$500.00

Administration proposes that an STR Owner Licence cost of \$550.00 for new applications and \$500.00 for the annual renewal. This fee should allow costs associated with administration, enforcement, zoning checks for new applications, and overhead such as office expenses and corporate support to be recovered. Additionally, under the Town’s User Fee By-law, Departments can charge for additional time in resources if need over and above the application or renewal fees.

While the proposed STR licence fees are based on the principle of cost recovery, the program is unlikely to achieve full cost recovery during its initial year. Because of the variables at play, it is challenging for Administration to accurately determine the number of active STRs in Amherstburg at this time or to predict the level of compliance the municipality will secure from STR Owners. Licence fees will likely need to be reviewed once the program has been implemented and Administration has more accurate data available.

4. RISK ANALYSIS:

Licensing and By-law enforcement staff will be tasked with implementing and administering the program. Should Council direct the creation of a Short Term Rental Licensing program, Administration will monitor the impacts on front line staff regarding the delivery and demand that such a program has on available resources but Administration believes that current staff complements in the Licensing and Enforcement Division can administer the requested program in its initial stages. Amherstburg Fire Department has estimated it will take anywhere from 7-10 hours per property to approve a short term rental. The Fire Department has a Fire Prevention Officer approved for the 2024 budget and in order for the Fire Department to continue providing the same level of service that position would need to be moved forward to June 2023 or the program start be deferred to 2024.

Based on research from 2023, Administration estimates approximately 60-100 STR Owner Licences will need to be processed annually, representing a 500% increase in licensing volume. Until the program has been in operation and the needs can be assessed final impacts on resourcing cannot be precisely known. Administration used a website called AirDNA to scan our municipality and found that there are 64 active rentals with 81% being rented as the entire home. Administration suggests this information as fairly accurate as it pulls data from AirBnB and VRBO. It shows 74% of the properties listed on AirBnB and 6% listed on VRBO. It shows that 20% are listed on both VRBO and AirBnB sites. Administration would suggest there are other platforms that could have STR’s available for rent.

5. FINANCIAL MATTERS:

As with any other municipal licensing regime, the adoption and implementation of a STR licensing program will have some financial implications and costs for Town Council to consider. There is currently no provision for the adoption of this program within the approved 2023 Operating Budget (revenue and/or expenditure). Should Town Council decide to move forward with a Licensing regime, the financial impacts of this program

will be monitored throughout its first year and a budget issue will be brought forward to increase licencing's revenue based on the revenue generated from this license fee and request approval should any additional expenses need to be identified.

Should Council consider creating a Short Term Rental Licensing program in 2023, Amherstburg Fire Department would require the Fire Prevention Officer position be brought forward to June 2023 to ensure the same level of service is being provided at a cost of \$62,405. This amount is not included in the 2023 approved operating budget, if approved to move forward in 2023 Council would need to identify a funding source. Alternatively, should Council direct a Short Term Rental Licensing program commence in 2024, the identified additional cost would not need to be borne in 2023.

6. CONSULTATIONS:

Dan Monk, Assistant Deputy Fire Chief
Bruce Montone, Fire Chief
By-law Enforcement Officers
Angelo Avolio, Chief Building Official
Chris Aspila, Manager of Planning Services
Valerie Critchley, Chief Administrative Officer
Kevin Fox, Municipal Clerk
Tracy Prince, Director/Chief Financial Officer

7. CONCLUSION:

Compliance is a key element to any successful regulatory scheme. The proposed licensing program will regulate the business of operating a short term rental accommodation. Owners are held responsible for the operation of their business. The draft STR Licensing By-Law would apply to all properties within the Town of Amherstburg that are rented for time periods of less than twenty-eight (28) days. Licensing would apply to all STRs regardless of the date created – grandfathering would not be applicable. Licensing will apply equally to existing STRs and proposed STRs and will require inspections to ensure safety is maintained. It is intended that this program will sustain itself financially. The proposed fees assume a model funded by short term rental providers and not reliant on the general property tax base. The licensing fee and fines are intended to be substantial enough to deter non-compliant behaviour, but are affordable by short term rental providers who routinely rent out their properties and earn income. If Council chooses to implement a licensing regime in the Town, Administration recommends that a grace period of 90 days from the adoption of the By-law for property owners to bring their properties into compliance and this also allows Administration time to prepare for a new licensing regime.



Bill Tetler
Manager, Licensing and Enforcement

Report Approval Details

Document Title:	Draft Short Term Rental By-law.docx
Attachments:	- STR Survey Responses Report FINAL.pdf - The Corporation of the Town of Amherstburg STR Bylaw owner occupied.docx - The Corporation of the Town of Amherstburg STR Bylaw not owner occupied.docx
Final Approval Date:	Apr 12, 2023

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



Tracy Prince



Valerie Critchley



Kevin Fox

Short-Term Rental Regulation Survey

SURVEY RESPONSE REPORT

11 December 2022 - 23 January 2023

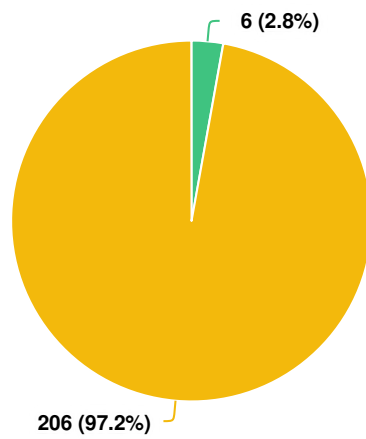
PROJECT NAME:

Short-Term Rental Regulation Public Input



SURVEY QUESTIONS

Q1 Do you rent or own your home?

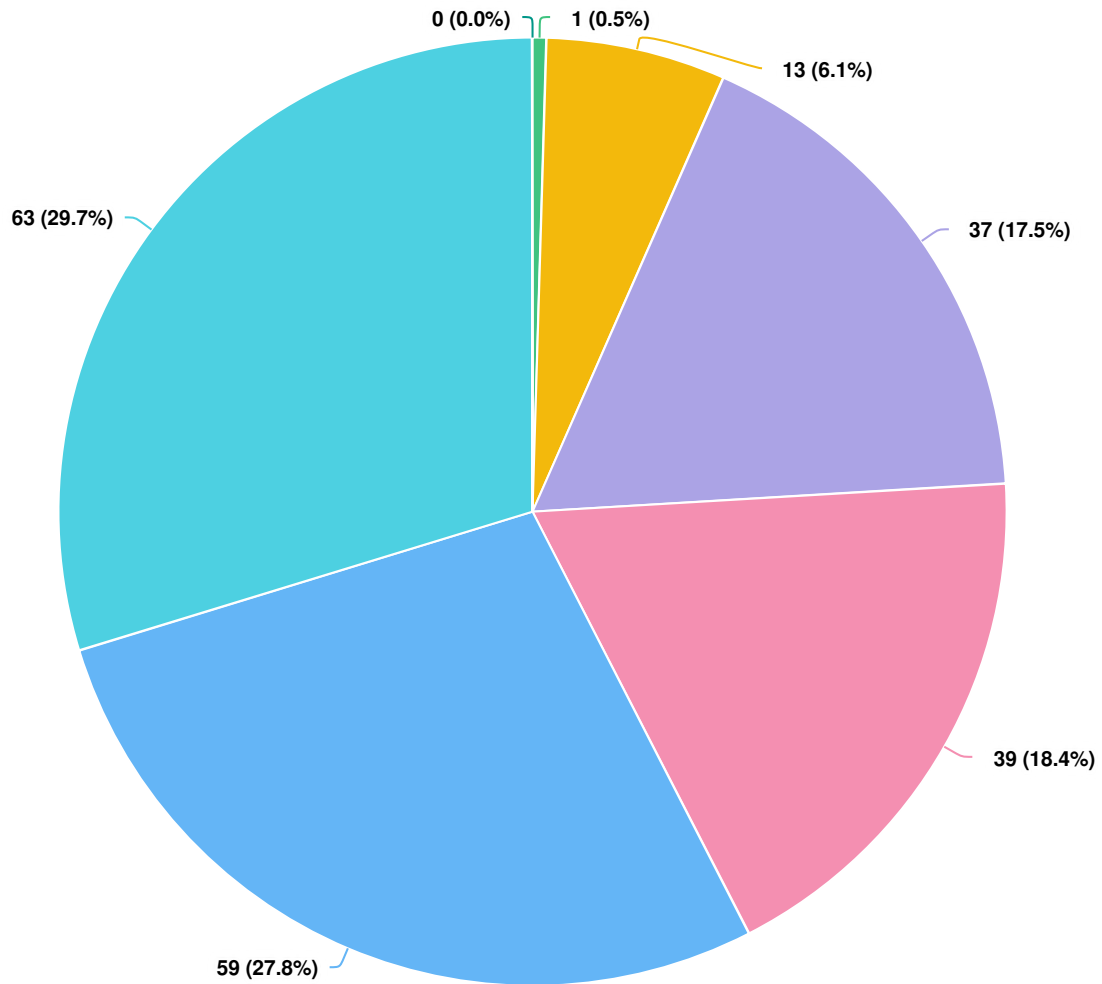


Question options

- I rent the home I live in
- I own the home I live in

Mandatory Question (212 response(s))
Question type: Radio Button Question

Q2 What is your age?

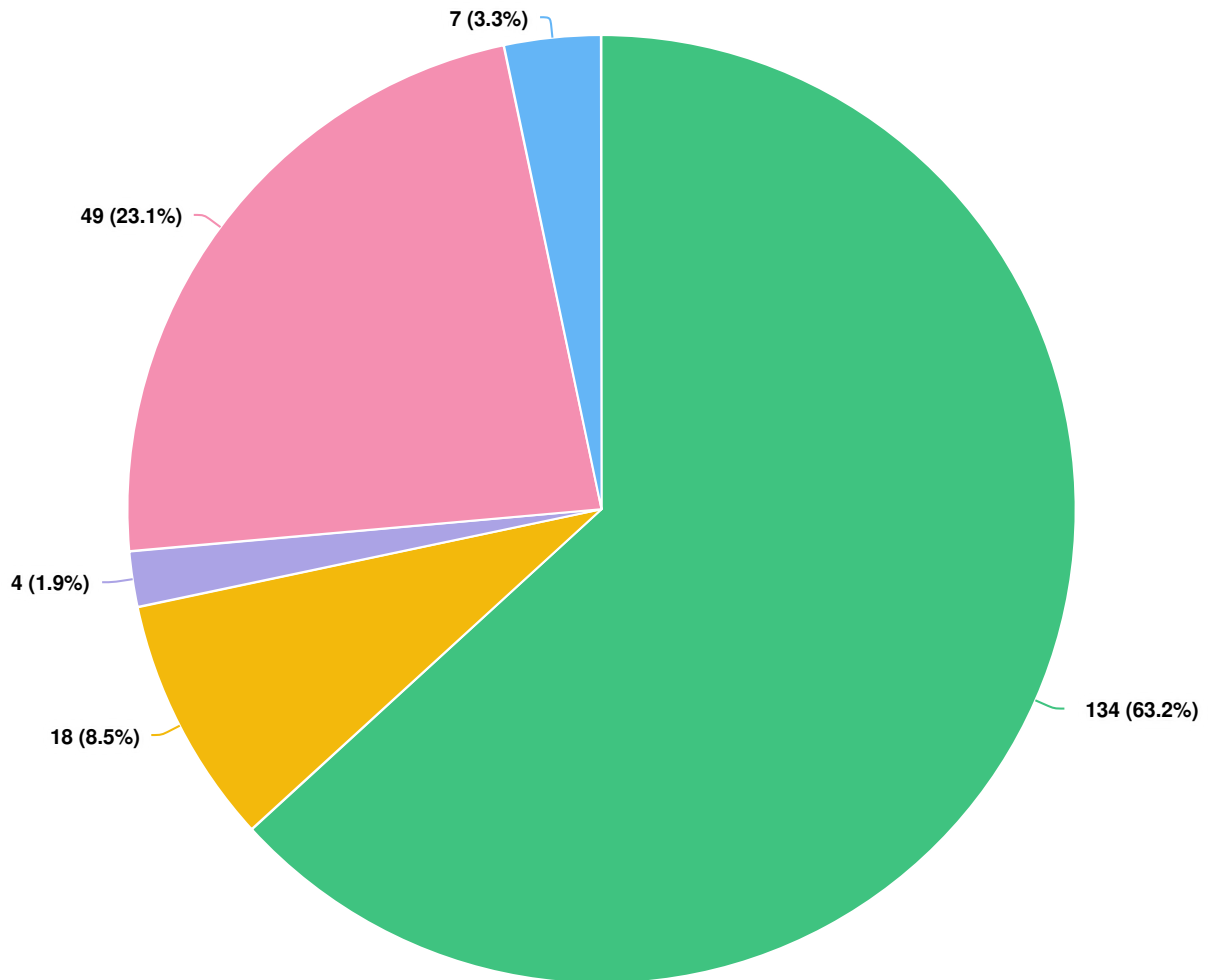


Question options

- 18 - 24 years old
- 25 - 34 years old
- 35 - 44 years old
- 45 - 54 years old
- 55 - 64 years old
- 65+
- Under 18 years old

Mandatory Question (212 response(s))
Question type: Radio Button Question

Q3 What is your preferred method of providing feedback to the Town?



Question options

- Online survey
- Hard copy/ paper copy survey
- In person with town staff
- Email
- Phone

Mandatory Question (212 response(s))
Question type: Radio Button Question

Q4 Is there a preferred method of providing feedback to the Town not mentioned above?

12/14/2022 08:55 AM	Attend council meetings
12/12/2022 09:10 AM	No
12/12/2022 09:42 AM	No
12/12/2022 11:02 AM	No
12/12/2022 11:30 AM	Email or online survey is great
12/12/2022 01:45 PM	N/a
12/13/2022 07:12 PM	N/A
12/13/2022 07:51 PM	Email
12/19/2022 08:05 AM	Perhaps by texting
12/21/2022 04:48 PM	none
12/23/2022 07:01 AM	no
12/29/2022 08:28 PM	email
	Online

12/29/2022 09:14 PM	No
12/29/2022 09:48 PM	Online
1/04/2023 03:50 PM	no
1/04/2023 05:16 PM	No
1/06/2023 10:11 AM	No
1/06/2023 03:46 PM	N/A
1/10/2023 08:54 AM	No
1/10/2023 09:03 AM	No
1/10/2023 05:56 PM	No
1/11/2023 12:03 PM	no
1/11/2023 12:47 PM	No
1/11/2023 02:26 PM	No
1/17/2023 05:11 PM	Email
	No

1/12/2023 12:21 AM

No

1/12/2023 10:09 AM

No

1/12/2023 11:40 AM

No

1/12/2023 01:47 PM

no

1/13/2023 09:49 AM

By mail

1/17/2023 09:50 PM

No

1/17/2023 10:00 PM

Online survey and in-person with staff

1/18/2023 10:44 AM

No

1/18/2023 12:12 PM

No

1/18/2023 03:56 PM

Facebook

1/18/2023 04:58 PM

No

1/18/2023 05:32 PM

email

1/18/2023 07:13 PM

Social Media

1/18/2023 09:05 PM

1/18/2023 09:36 PM	Text
1/19/2023 06:19 AM	email or text
1/19/2023 08:56 PM	By phone but I am out of town, so the online survey is my only option
1/20/2023 10:53 AM	N O
1/20/2023 11:30 AM	Online survey works well when you are aware of survey that such a survey exists
1/22/2023 09:02 PM	No online is preferred
1/23/2023 09:36 AM	hard copy
1/23/2023 09:39 AM	no
1/23/2023 09:41 AM	no
1/23/2023 09:49 AM	no
1/23/2023 09:52 AM	Didn't notice the option to the town
1/23/2023 09:57 AM	no
1/23/2023 10:11 AM	text message
1/23/2023 10:13 AM	no

1/23/2023 10:16 AM no

1/23/2023 10:18 AM no

1/23/2023 10:20 AM no

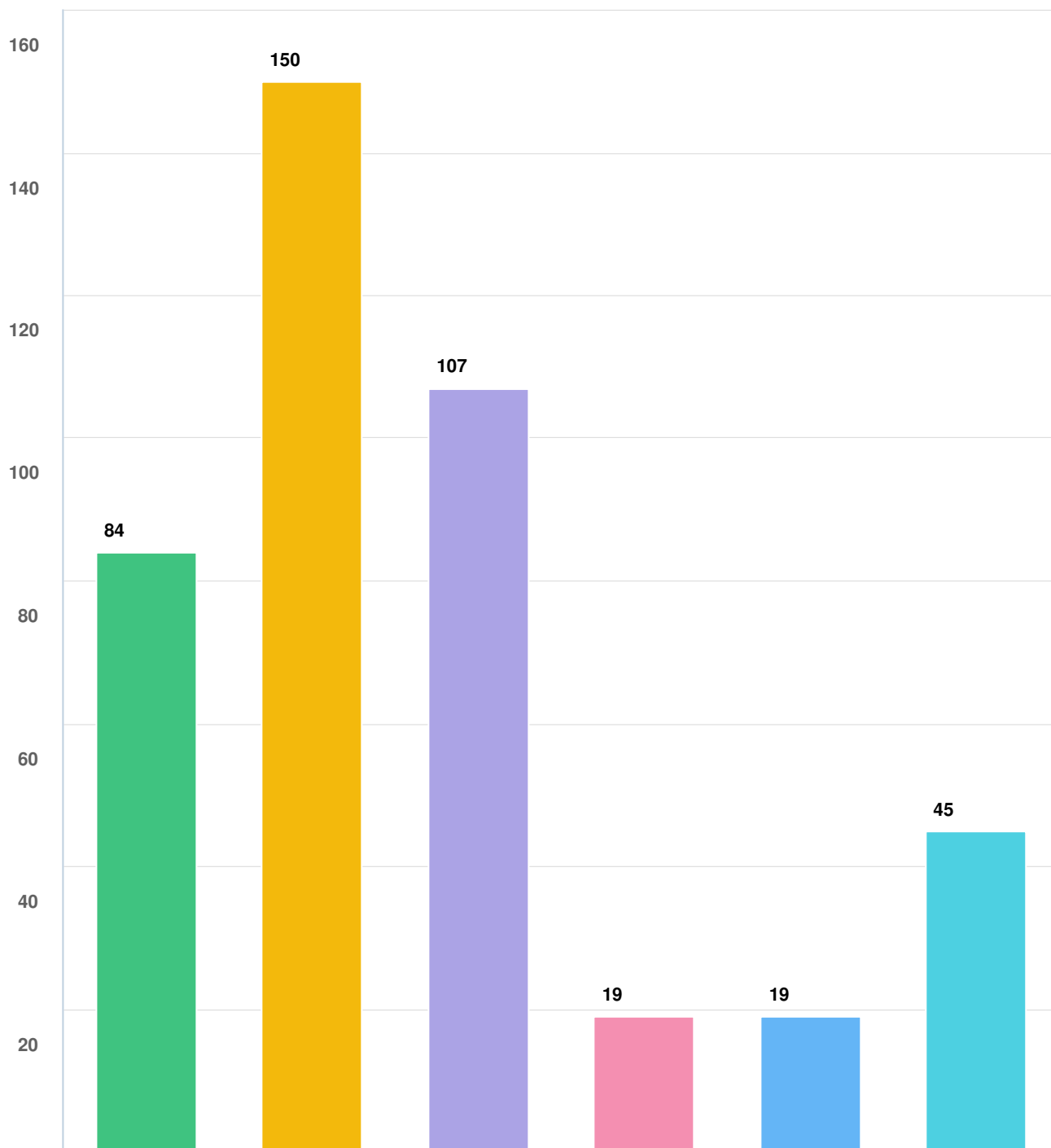
1/23/2023 10:21 AM no

1/23/2023 10:26 AM no

Optional question (59 response(s), 153 skipped)

Question type: Single Line Question

Q5 How do you find out about Town information?



Question options

- Print media (i.e. River Town Times)
- Social media (Facebook, Twitter, Instagram, etc.)
- Word of mouth (i.e. family, friends or colleagues)
- Watching Council meetings
- Digital signs
- Website

Mandatory Question (212 response(s))
Question type: Checkbox Question

Q6 | Is there another way you find out about Town information, not mention above?

12/14/2022 08:55 AM	Agendas and Council Meetings posted on Town website
12/12/2022 09:10 AM	No
12/12/2022 09:42 AM	No
12/14/2022 12:42 PM	No
12/12/2022 11:02 AM	A mailed out letter would be nice for those that don't have internet
12/12/2022 11:30 AM	N/a
12/12/2022 11:52 AM	newsletter from council
12/12/2022 01:45 PM	N/A
12/13/2022 08:48 AM	Windsor star
12/13/2022 07:12 PM	Word of mouth
12/13/2022 07:51 PM	No
12/19/2022 08:05 AM	none
12/26/2022 11:46 PM	Councillor website

12/29/2022 08:28 PM	No
12/29/2022 09:14 PM	No
12/29/2022 09:48 PM	No
1/04/2023 05:16 PM	No
1/06/2023 10:11 AM	No
1/06/2023 10:16 AM	No
1/06/2023 03:46 PM	L.E.C.C. Association Newsletter
1/10/2023 09:03 AM	No
1/10/2023 05:23 PM	Donald McArthur email
1/10/2023 05:56 PM	Emails from Town Counsellors
1/11/2023 11:37 AM	I don't really find out. That wasn't on the list.
1/11/2023 12:03 PM	no
1/11/2023 12:47 PM	No
1/11/2023 02:26 PM	No

1/12/2023 12:21 AM	Community
1/12/2023 11:40 AM	No
1/12/2023 01:47 PM	No
1/13/2023 09:49 AM	no
1/17/2023 09:50 PM	From family members
1/18/2023 08:43 AM	AM800
1/18/2023 12:12 PM	Mailing
1/18/2023 03:56 PM	Email
1/19/2023 07:36 AM	Events not properly communicated
1/18/2023 05:32 PM	No
1/18/2023 09:05 PM	No
1/19/2023 08:56 PM	Word of mouth
1/19/2023 09:57 PM	LECC
1/20/2023 10:06 AM	email

UPDATES FROM LAKE ERIE COUNTRY CLUB EMAILS

1/20/2023 10:53 AM

email

1/20/2023 11:30 AM

No

1/22/2023 09:02 PM

no

1/23/2023 09:36 AM

no

1/23/2023 09:39 AM

no

1/23/2023 09:41 AM

no

1/23/2023 09:49 AM

No. and that is an is an issue

1/23/2023 09:52 AM

no

1/23/2023 09:57 AM

no

1/23/2023 10:11 AM

no

1/23/2023 10:13 AM

no

1/23/2023 10:16 AM

nosey neighbours

1/23/2023 10:17 AM

no

1/23/2023 10:18 AM

no

1/23/2023 10:20 AM

no

1/23/2023 10:21 AM

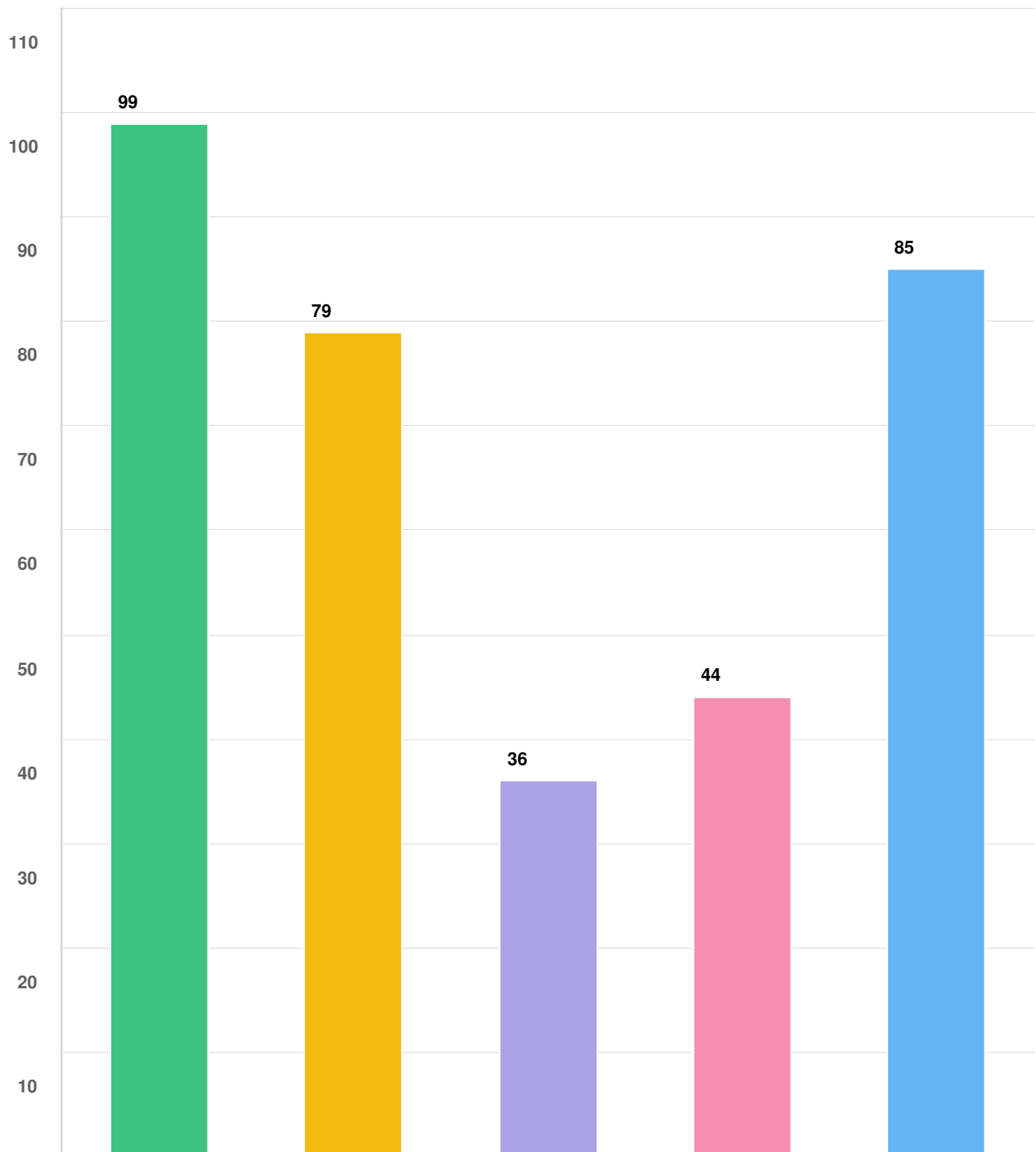
no

1/23/2023 10:26 AM

Optional question (58 response(s), 154 skipped)

Question type: Single Line Question

Q7 In what areas should short-term rentals be permitted?

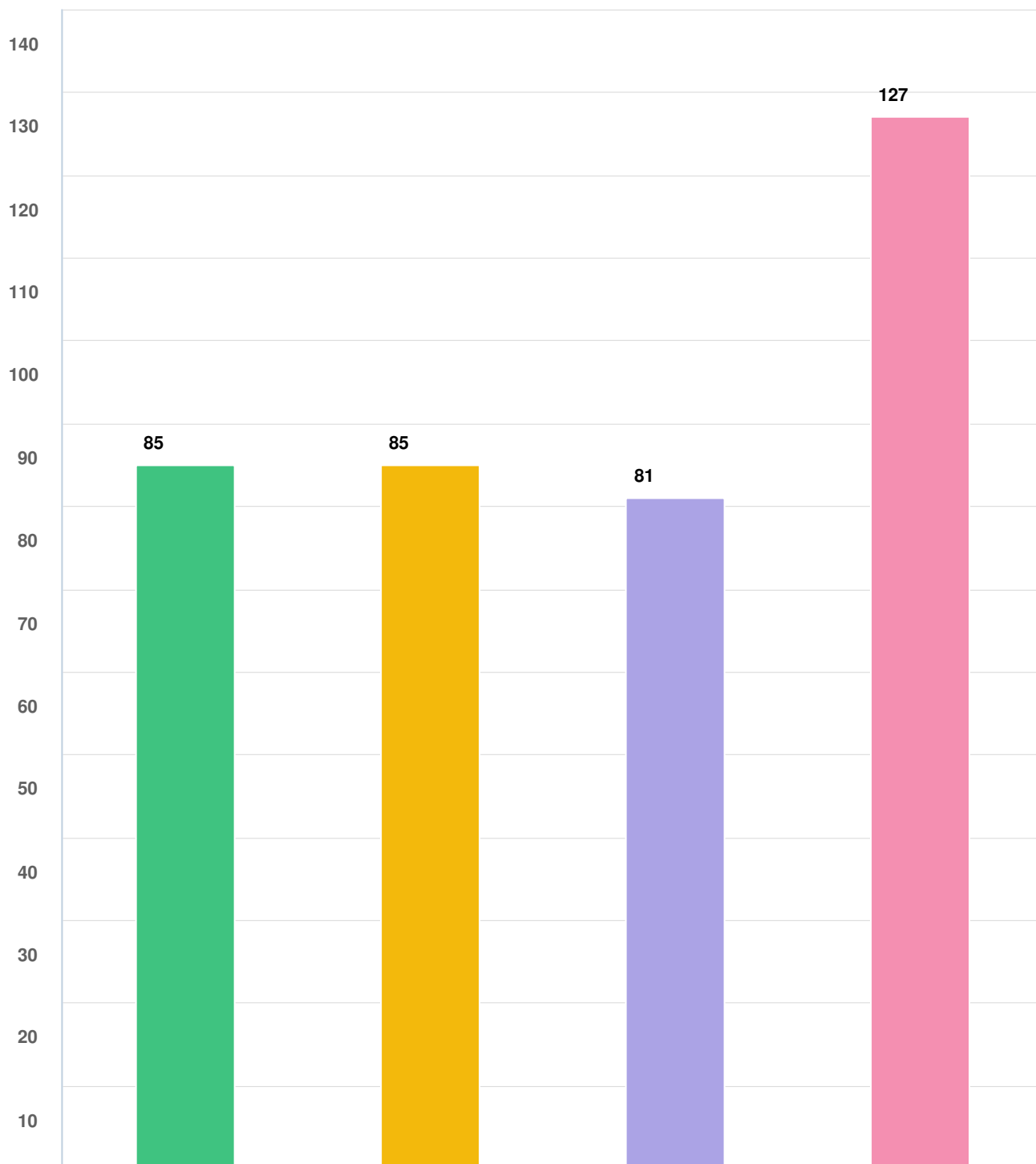


Question options

- Downtown
- Commercial
- Residential
- Mixed commercial - residential
- Town wide

Mandatory Question (212 response(s))
Question type: Checkbox Question

Q8 What type of space should be allowed for short-term rentals?

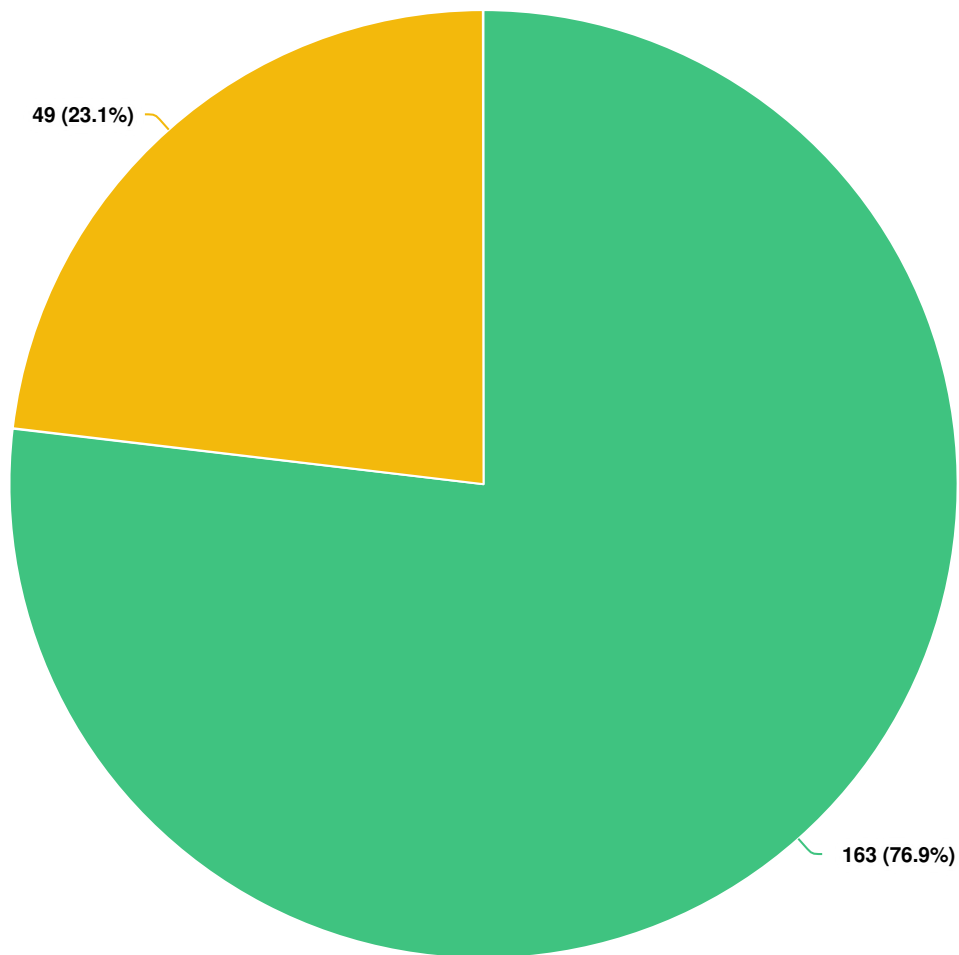


Question options

- One room
- Two or more rooms
- Basement / Secondary suite
- Entire residence

Mandatory Question (212 response(s))
Question type: Checkbox Question

Q9 Do you think short-term rentals (airbnb/vrbo) should be regulated?

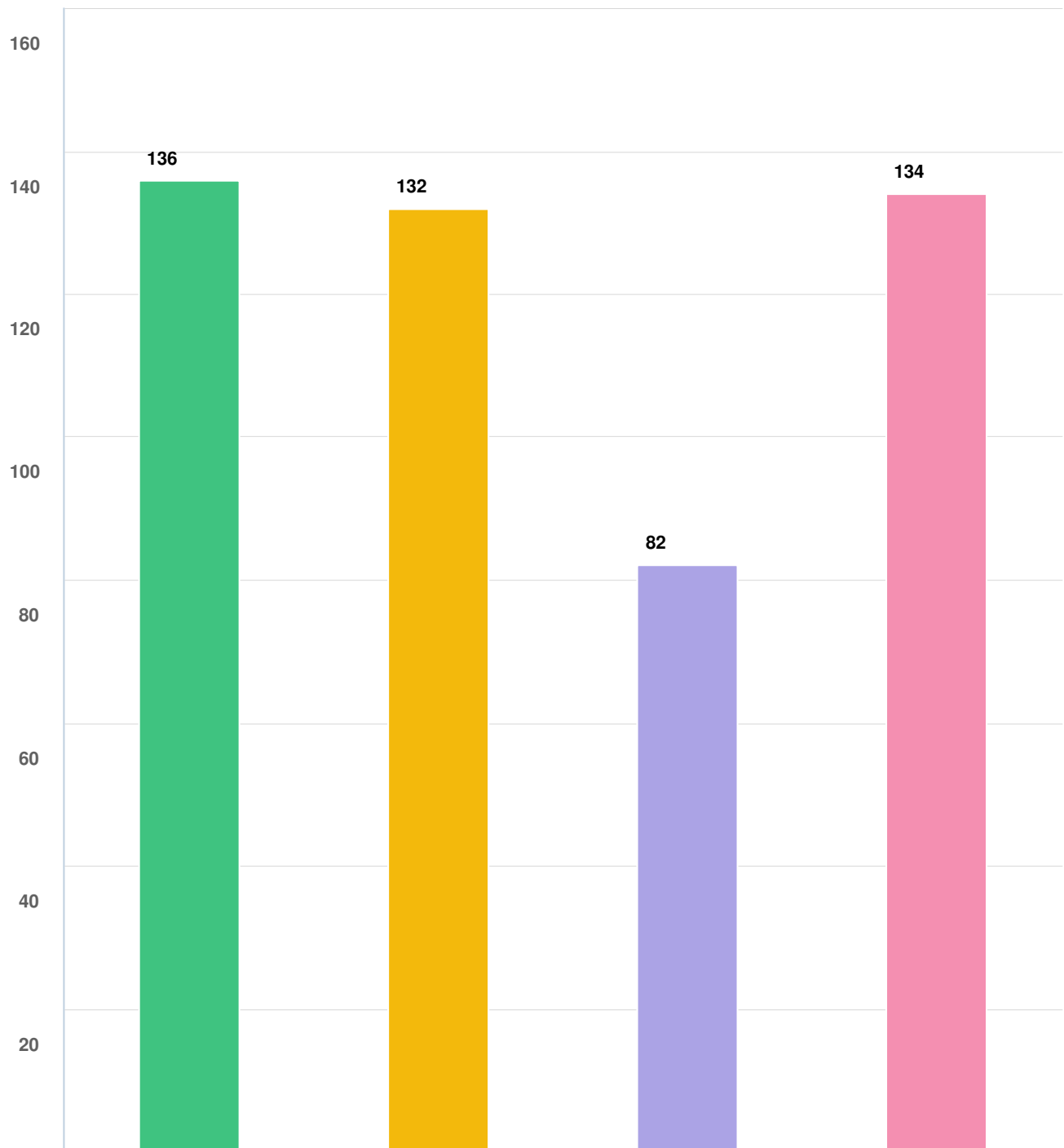


Question options

- Yes
- No

*Mandatory Question (212 response(s))
Question type: Radio Button Question*

Q10 In what type of dwelling should a short-term rental be allowed?

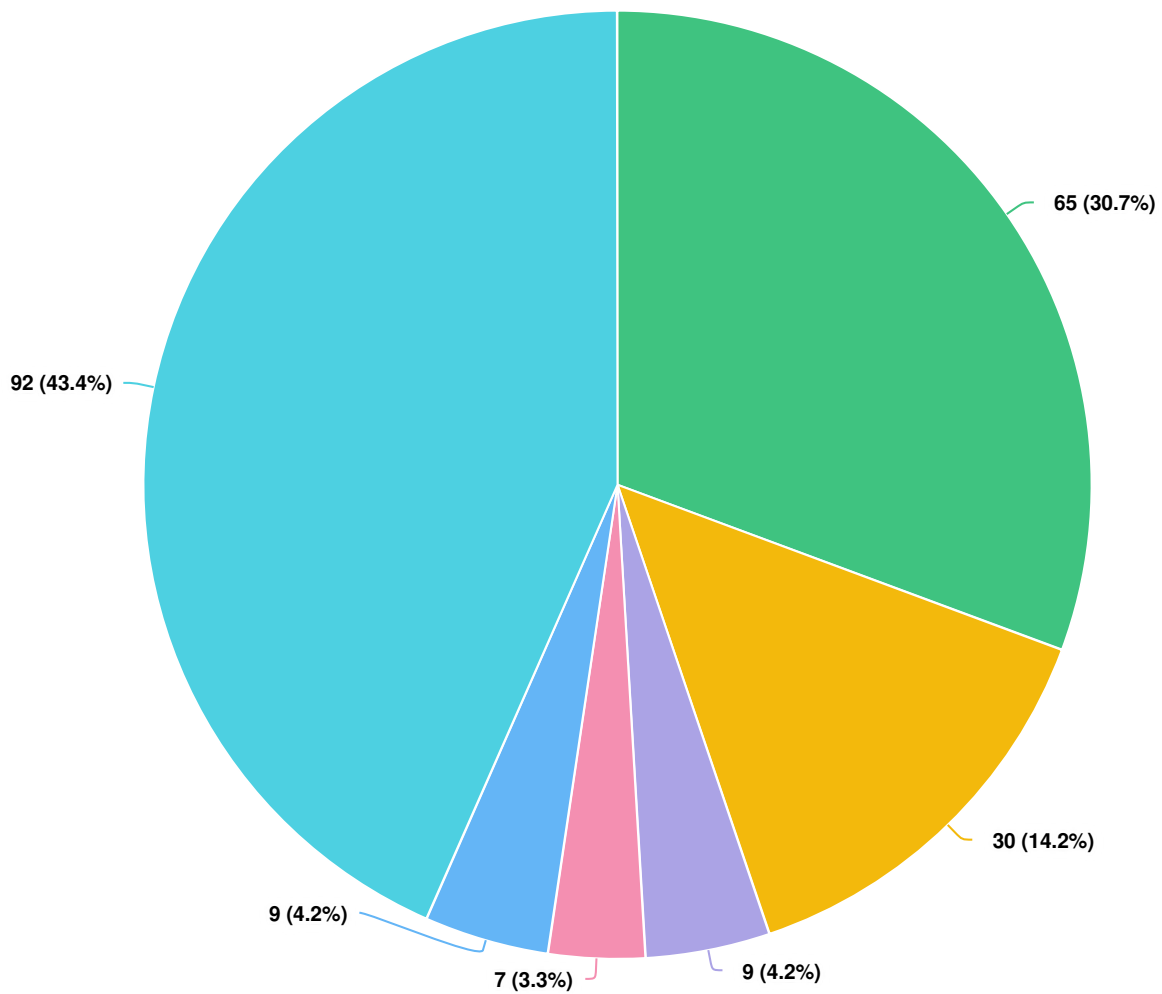


Question options

- Apartment or condominium
- Single family residence
- Semi-detached or town home
- Secondary suite or granny suite

Mandatory Question (212 response(s))
Question type: Checkbox Question

Q11 | Should there be a limit on the TOTAL number of nights per year a short-term rental can be rented? This is referring to the total number of nights, not the length of stay for one rental period.

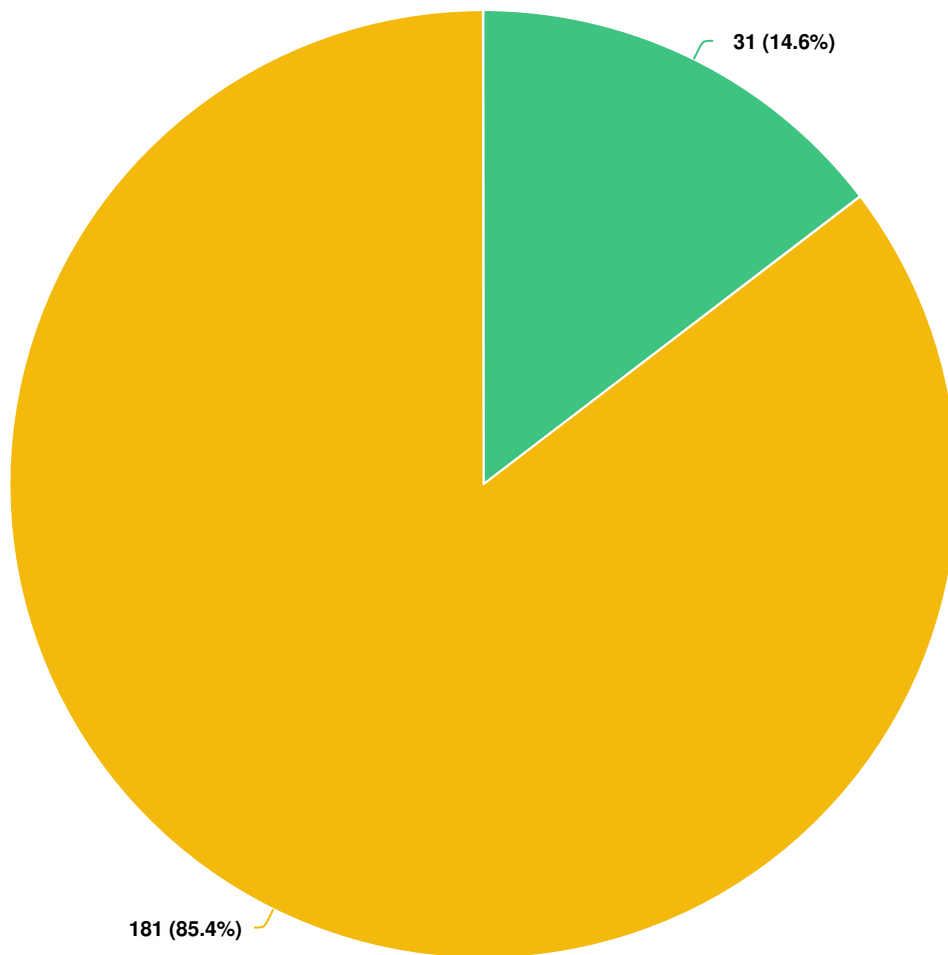


Question options

- Short term rentals are not allowed
- Up to 30 nights
- Up to 60 nights
- Up to 90 nights
- Up to 180 nights
- No limit

Mandatory Question (212 response(s))
Question type: Radio Button Question

Q12 Are you a short-term rental provider?

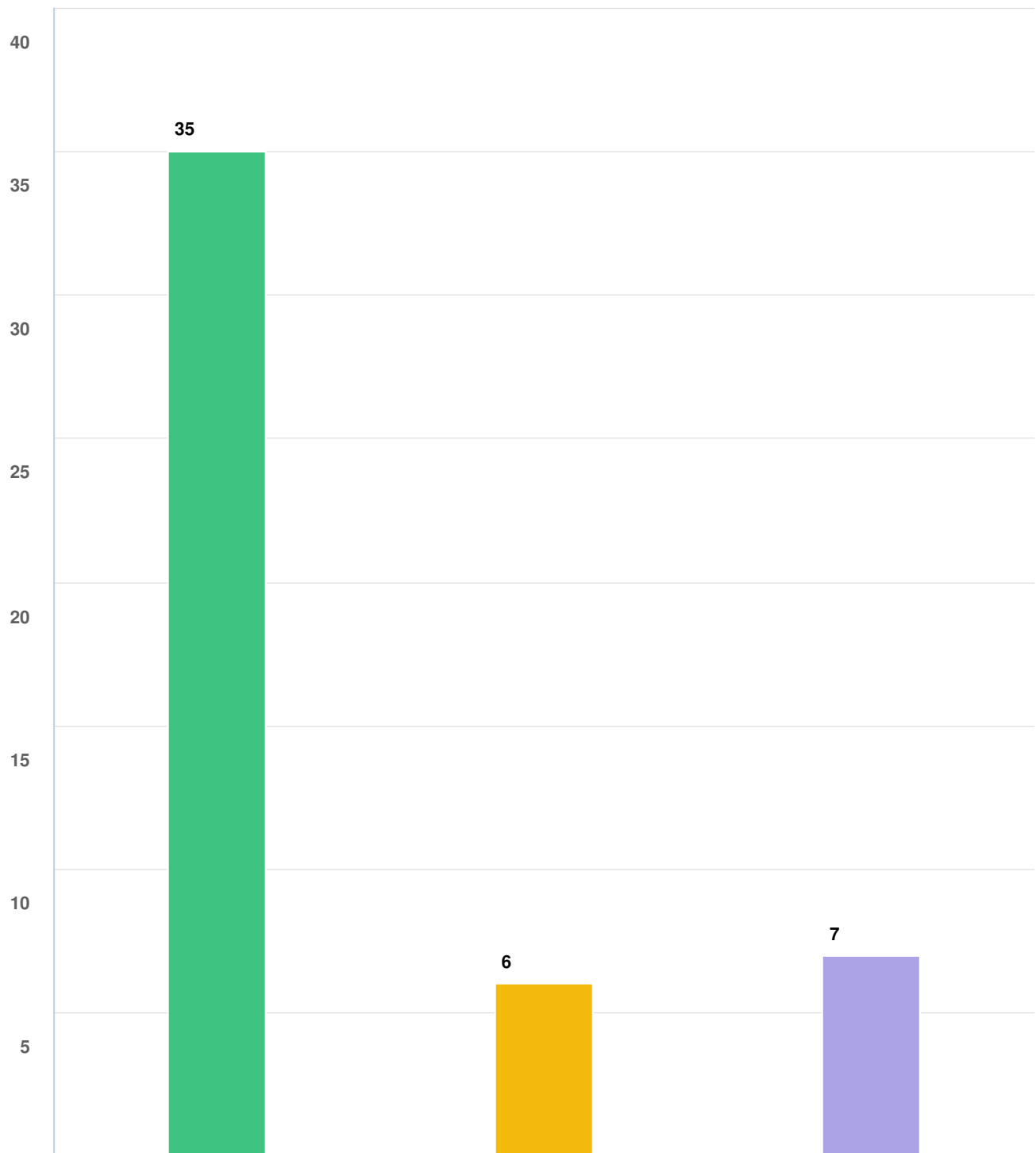


Question options

- Yes
- No

*Mandatory Question (212 response(s))
Question type: Radio Button Question*

Q13 If you answered YES to the previous question and you are a short-term rental provider, what type of space do you provide?

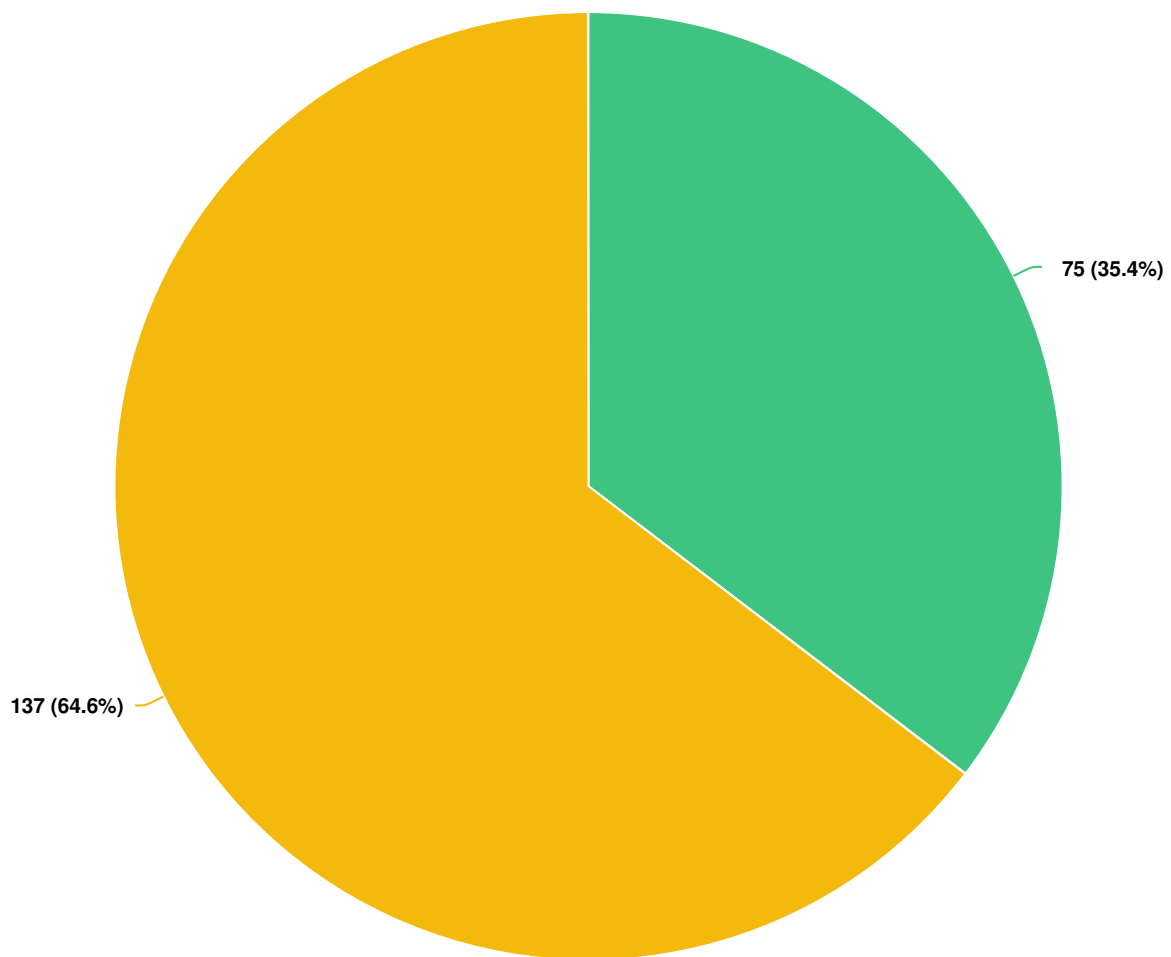


Question options

- Entire unit
- 1 or more rooms within a unit
- Secondary / granny suite

Optional question (44 response(s), 168 skipped)
Question type: Checkbox Question

Q14 Are you a short-term rental user?

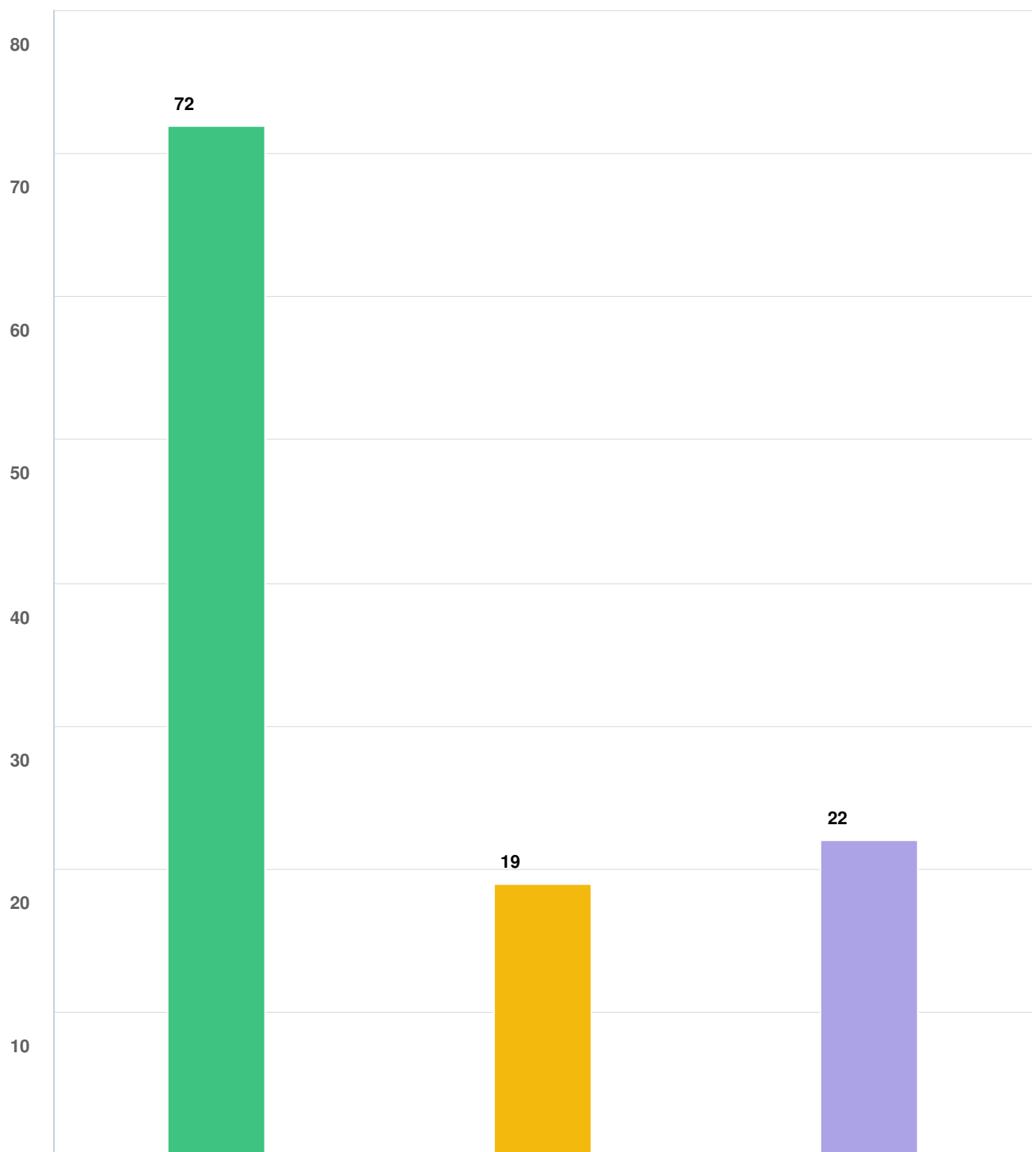


Question options

- Yes
- No

*Mandatory Question (212 response(s))
Question type: Radio Button Question*

Q15 If you answered YES to the previous question and you are a short-term rental user, what type of space do you rent from others?



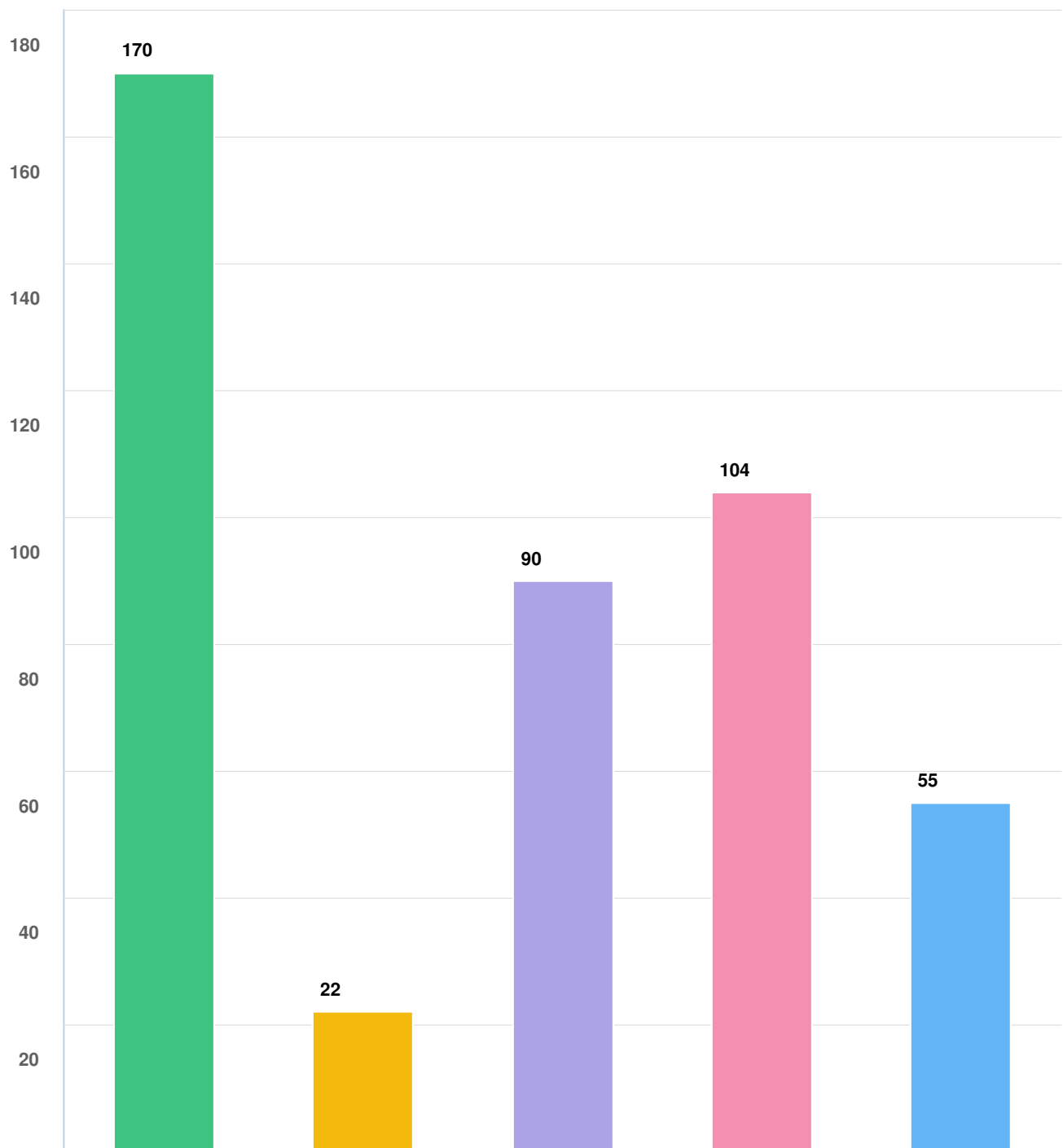
Question options

- Entire unit
- One or more rooms within a unit
- Secondary suite or granny suite

Optional question (81 response(s), 131 skipped)

Question type: Checkbox Question

Q16 Who should be allowed to offer short-term rentals?

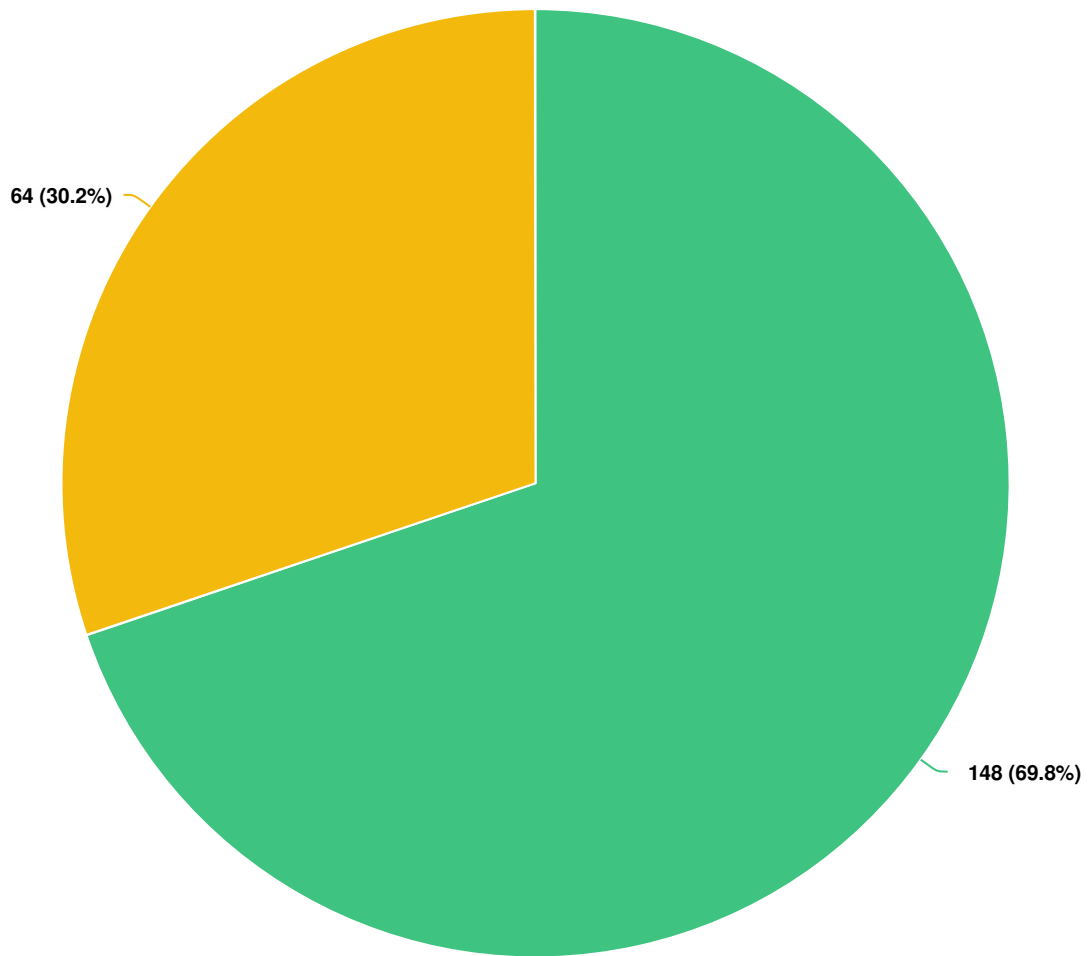


Question options

- Home owners in their primary residence
- Renters in their primary residence
- Investors who own property
- Owners of an entire rental building
- Property managers

Mandatory Question (212 response(s))
Question type: Checkbox Question

Q17 | Would you be in support of short-term rentals, IF the owner of the property resided on site during rental periods?



Question options

- Yes
- No

*Mandatory Question (212 response(s))
Question type: Radio Button Question*

Appendix "B" –OWNER OCCUPIED

The Corporation of the Town of Amherstburg

By-Law NO. 2023-xxx

A BY-LAW FOR THE LICENSING, REGULATING AND GOVERNING OF SHORT TERM RENTALS IN THE TOWN OF AMHERSTBURG

WHEREAS Subsection 8(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended (the Act) provides that the powers of a Municipality under any act 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 Section 9 of the Act provides that a Municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act;

AND WHEREAS Section 10(2) of the Municipal Act provides that a lower-tier municipality may pass by-laws respecting health, safety and well-being of persons, business licensing and protection of persons and property, including consumer protection;

AND WHEREAS Section 151 (5) of the Municipal Act provides that a municipality may pass by-laws with respect to any activity, matter or thing for which a by-law may be passed under Sections 9, 10 and 11 as if it were a system of licences with respect to a business;

AND WHEREAS Section 391 of the Municipal Act provides for the municipality to impose fees or charges on persons for services or activities provided or done by or on behalf of it;

AND WHEREAS Section 425 of the Municipal Act provides for a municipality to pass by-laws providing that a person who contravenes a by-law of the municipality passed under the Act is guilty of an offence;

AND WHEREAS Section 426 of the Municipal Act provides that no person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under the Municipal Act or under a by-law passed under the Municipal Act;

AND WHEREAS Section 429 of the Municipal Act provides for the municipality to establish a system of fines for offences under a by-law of the municipality passed under the Municipal Act;

AND WHEREAS Section 431 of the Municipal Act provides that if any by-law of the municipality is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the by-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an Order to prohibit the continuation or repetition of the offence by the person convicted;

AND WHEREAS Sections 444 and 445 of the Municipal Act respectively, provide for the municipality to make an Order requiring a person who contravenes a by-law or who causes or permits the contravention or the owner or occupier of land on which a contravention occurs to discontinue the contravening activity or do work to correct a contravention;

AND WHEREAS the Council of The Corporation of the Town of Amherstburg deems the licensing of Short-Term Rental Owners and the regulation of all related activity to be in the interest of public safety, community well-being and nuisance control;

NOW THEREFORE the Council of The Corporation of the Town of Amherstburg enacts this by-law to licence Short-Term Rental Owners and to regulate all related activity within the jurisdictional boundaries of the Town of Amherstburg.

1 Application and General

- 1.1 This By-law shall apply throughout the whole of the Town.
- 1.2 This By-law may be referred as the “Short Term Rental By-law”
- 1.3 This By-law applies to all:
 - (a) Short-Term Rental Owners that operate a Short-Term Rental within the jurisdictional boundaries of the Town of Amherstburg;
 - (b) Persons acting as Short-Term Rental Operators within the jurisdictional boundaries of the Town of Amherstburg; and
 - (c) Dwellings Units used as Short-Term Rentals with the jurisdictional boundaries in the Town of Amherstburg
- 1.4 This By-law does not apply to;
 - (a) Hotels, motels or inns;
 - (b) Bed and Breakfast or Guest House Establishments;
 - (c) Accommodations rented out to tenants in accordance with the *Residential Tenancies Act, 2006*, S.O. 2006, c. 17
 - (d) Retirement homes licensed under the *Retirement Homes Act, 2010*, S.O. 2010, C. 11.
- 1.5 No Person shall own, operate, or carry on a business or activity identified in this By-law at Schedule A hereto other than in accordance with the terms and conditions of a Licence issued pursuant to the terms and conditions of this By-law.

- 1.6 No Person shall advertise, promote, broker, or offer for rent or lease any business or activity identified in this By-law without a current valid Licence and no Owner shall permit any of the foregoing without a current valid Licence.
- 1.7 No Person shall alter or modify or permit the alteration or modification of a Licence.
- 1.8 No Person shall use, or attempt to use, a Licence issued to another Person or Property.
- 1.9 No Person shall own, operate, or carry on any business or activity in any other name other than in the name that appears on the Licence.
- 1.10 Every Person who knowingly makes a false statement in an application, declaration, affidavit or paper writing required by this By-law or the Town is guilty of an offence.
- 1.11 No Person who is issued a Licence pursuant to this By-law shall contravene any provision set out in this By-law, any other municipal By-law, federal or provincial Act, Statute, or any other legislation applicable to a licensed Premise or Activity.
- 1.12 No Person shall remove an order or placard posted on a Premise under this By-law, except an Officer and Property Owner.
- 1.13 No Person shall cause or permit to be caused a Nuisance on a Premises.

2 Definitions and Interpretation

In this By-law;

“Applicant” means a Person seeking to become licensed under this By-law (i.e., become a licensee) and who, either in person or through an Authorized Agent, makes such an application;

“Authorized Agent” means a Person authorized in writing by an Applicant or licensee to act on behalf of such Applicant or licensee for the identified purpose of making an application, renewing a Licence, or otherwise complying with the provisions of this By-law;

"Bed-and-Breakfast or Guest House Establishment" means a single detached dwelling in which no more than three rooms are made available by the residents of the said dwelling for the temporary accommodation of travellers in the course of which no assistance is offered by any person not residing in the dwelling. This does not include a hotel, motel, boarding or lodging house, or Short-Term Rental;

“Building” means a structure occupying an area greater than 10 square metres consisting of a wall, roof, and floor or any of them, or a structural system serving the function thereof, including all plumbing, works, fixtures and services system appurtenant thereto;

"Chief Building Official" means the Chief Building Official for the Town or his or her delegate;

“Clerk” means the Clerk for the Town or any Person designated by the Clerk;

“Council” means the Council of the Town of Amherstburg;

"Dwelling Unit" means a room or series of rooms of complementary use, used by an Individual Person or Individual Persons living together under a single tenancy, in which cooking, eating, living, sleeping and sanitary facilities are provided;

“Exception Area” means a specific area of the Town as designated in Town's Zoning By-law where Short Term Rental Units are considered a permitted use;

“Fee” means as set out in the Town of Amherstburg User Fee By-law as amended from time to time;

"Fire Chief" means the Chief of Amherstburg Fire Services, or his or her delegate;

"Fire Code" means Ontario Regulation 213/07: Fire Code made under the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4 as amended;

"Individual Person" means a natural person;

"Licence" means the certificate issued under this By-law as proof of licensing under this By-law;

"Licensee" means a Person who has been issued and maintains a valid Licence pursuant to the terms of this By-law;

"Market", "Marketed" or "Marketing" means offering, facilitating, or causing or permitting to offer or facilitate, directly or indirectly, the sale, promotion, canvassing, solicitation, advertising, or marketing of a Short-term Rental, and includes placing, posting or erecting advertisements physically or online;

"Medical Officer of Health" means the Medical Officer of Health for the Municipality of Windsor, Ontario;

"Multiple Unit Dwelling" means a building or part of a building containing three or more Dwelling Units;

"Nuisance" means an activity or behavior that causes a material inconvenience, discomfort, or damage to others, either to individuals and/or to the general public;

"Officer" means a Provincial Offences Officer or Municipal Law Enforcement Officer of the Town, or any other person appointed by or under the authority of a Town by-law to enforce this By-law;

"Ontario Building Code" means Ontario Regulation 332/12: Building Code made under the Building Code Act, 1992, S.O. 1992, c.23 as amended;

"Ontario Police Service" means a police service established in Ontario under the Police Services Act, R.S.O. 1990, c. P.15, as amended, or its successor legislation.

"Operate", "Operated" or "Operating" means to rent out, provide, offer to rent out or provide, or facilitate or broker or Market or cause to be Marketed, the offer or rental, whether directly or indirectly, including, without limitation, via the internet or other electronic platform, of a Short-Term Rental and shall include a Person collecting a fee or handling payments in respect of a Short-Term Rental;

"Order" means a direction issued by the Town under statutory authority, including but not limited to Orders under the Municipal Act, 2001, S.O. 2001, c. 25, as amended, the Building Code Act, 1992, S.O. 1992, c. 23, as amended, and the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended.

"Owner" means the registered owner of the lands or Premise or his or her authorized agent that is in lawful control of the lands or Premise;

"Person" means an Individual Person, a partnership, or a corporation (including any of such corporation's affiliates, subsidiaries or parent corporations, as the case may be) to which the context can apply and "Person" shall also include multiple Persons who, acting together, carry on the business of a Short-Term Rental business, despite the fact that no single one of those Persons carries on the activity in its entirety;

"Principal Residence" means a Dwelling Unit owned or rented by an Individual Person, either alone or jointly with others, where the Individual Person is ordinarily resident;

"Prohibited Ground" means the prohibited grounds of discrimination as provided for under the Ontario Human Rights Code, R.S.O. 1990, c. H.19;

"Property" means a building, and includes the lands and premises appurtenant thereto, and includes vacant property;

"Rental Period" means the span of consecutive days for which a Short-Term Rental has been rented;

"Renter" means the Person responsible for the rental of the Premise by way of concession, permit, Licence, rental agreement or similar commercial arrangement;

"Short-Term Rental" means a Dwelling Unit or part of a Dwelling Unit used to provide temporary accommodation for a Rental Period of not more than 28 consecutive days and shall not include a hotel, motel or Bed-and-Breakfast Establishment;

"Short-Term Rental Brokerage" means any Person who facilitates or brokers or Markets or causes to be Marketed or assists in any capacity in the booking process of a Short-Term Rental reservation for others, whether directly or indirectly, including, without limitation, via the internet or other electronic platform, of a Short-Term Rental, provided such Person collects, handles or receives a payment, fee, compensation or other financial benefit as a result of, or in connection with, the Short-Term Rental;

"Short-Term Rental Operator" means a Person who has care and control, at any time and for any length of time, of a Dwelling Unit, or part thereof, that is used as a Short-Term Rental, but who is not the Short-Term Rental Owner;

"Short-Term Rental Owner" means any Person who Operates a Short-Term Rental and is either:

- (a) a registered owner of the Property, or part thereof, that is being Operated as a Short-Term Rental; or
- (b) a tenant of the Property, or part thereof, that is being Operated as a Short-Term Rental.

“Town” means the Corporation of the Town of Amherstburg or any Person authorized to act on behalf of the Corporation of the Town of Amherstburg for the purposes of exercising its power under this By-law;

“Zoning By-law” means any By-law administered by the Town passed pursuant to Section 34 of the Planning Act or a successor thereof, as may be amended from time to time.

3 Application for a Licence

- 3.1 A person making an application for a licence or for a renewal of a licence shall submit:
- (a) a completed application in the form provided by the Town;
 - (b) when applicable, the Business Name Registration and/or Articles of Incorporation obtained from the applicable provincial or federal Ministry;
 - (c) all required documents, and obtain all required approvals and inspections as outlined in the applicable Schedule to this By-law;
 - (d) the required Licence application fee, approval, and inspection fees.
- 3.2 Acceptance of a Licence application does not constitute approval of the application or oblige the Town to issue a licence.
- 3.3 An application shall only be made in person by the Applicant, who at the time of application shall present two (2) forms of government issued identification, one being photo and the other demonstrating proof of status in Canada, to the satisfaction of the Manager of Licensing and Enforcement.
- 3.4 Despite Section 3.3, an Authorized Agent of the Applicant may make the application if he or she has written authorization to do so from at least one (1) of the Applicants along with two (2) forms of government issued identification, one being photo and the other demonstrating proof of status in Canada, to the satisfaction of the Manager of Licensing and Enforcement.
- 3.5 If the proposed Short-Term Rental is to be located in a Multiple Unit Dwelling, the Applicants shall provide, at the time of application, a letter from the owner of such Multiple Unit Dwelling declaring that the Operation of Short-Term Rental is permitted.
- 3.6 The letter in section 3.5 shall be original and notarized or certified by a notary public or commissioner of oaths to do so under the laws of the Province of Ontario.
- 3.7 Persons presenting an application for a Short-Term Rental Licence under this By-law shall submit the following:
- (a) a completed application form or forms, signed by all applicants;

- (b) proof of ownership or tenancy, satisfactory to the Manager of Licensing and Enforcement;
 - (c) the applicable, non-refundable licence fees, as set out in Schedule XX of this By-law;
 - (d) a Canadian government document that proves the Canadian permanent residency of at least one (1) Applicant;
 - (e) a Canadian or Provincial government-issued photo identification of all Applicants;
 - (f) if applicable, a Canadian government document that proves the Canadian permanent residency and a Canadian or provincial government-issued identification of the Authorized Agent;
 - (g) a complete Criminal Record Check for every Applicant, issued by or on behalf of an Ontario Police Service for the jurisdiction in which each Applicant resides, not more than thirty (30) days old, from the date of application submission;
 - (h) a document, that provides proof satisfactory to the Manager of Licensing and Enforcement, that the property to be used as a Short-Term Rental is the principal residence of at least one of the Applicants;
 - (i) a list of all Short Term Rental Operators, Responsible Person(s) for the property at the time of application, including their contact information;
 - (j) proof, satisfactory to the Manager of Licensing and Enforcement, that every Short-Term Rental Owner in Section 3.7(h) and every Short Term Rental Operator In Section 3.7(i), who is an individual person, is at least eighteen (18) years of age at the time of application submission;
 - (k) any other information required to be provided under this By-law or as may be requested by the Manager of Licensing and Enforcement.
- 3.8 Despite Section 3.1, if a Licensee has remitted the prescribed renewal fee, the Licensee shall be deemed to continue until the renewal is granted or refused, subject to the Licensees' avenue for appeal.
- 3.9 A licence not renewed by the deadline day shall be deemed to have lapsed at 12:01am the following day and the Person whose name the original licence was issued under shall not operate a short-term rental.
- 3.10 A licence that has lapsed more than 365 days from the date of the renewal deadline shall be deemed cancelled and no longer eligible for renewal.
- 3.11 No person shall carry on the business of a Short-Term Rental Owner unless a Licence to do so has been obtained from the Town.
- 3.12 Applicants for a Short-Term Rental Owner Licence must:

- (a) have permanent residency in Canada; and
- (b) have the property on which the proposed Short-Term Rental is located be:
 - (i) the principal residence of at least one of the Applicants;
 - (ii) be otherwise in compliance with all applicable law, including the requirements of the *Building Code Act*, 1992, S.O. 1992, c.23 and *Fire Protection and Prevention Act*, 1997, S.O. 1997, c.4.

Licenses

- 4.1 The Licence Officer is hereby delegated authority to issue a Licence in accordance with the provisions of this By-law and the applicable Schedule(s) to this By-law.
- 4.2 The Manager of Licensing and Enforcement is hereby delegated authority to impose additional conditions on a Licence that are reasonable and taking into consideration:
 - (a) the health, safety, and well-being of persons;
 - (b) the impact on a neighbouring property or neighbouring property owner;
 - (c) the past conduct of an applicant or licensee;
 - (d) the impact to the Town or the need within the Town if supported by Policy and or By-law, as approved and adopted by Town Council, if applicable.

A condition imposed under this Section may be appealed to the Licensing Committee as outlined in Sections 8,9,10 of this By-law.
- 4.3 A licence issued by the Town is not transferable.
- 4.4 A licence issued pursuant to this By-law is valid for a period of time as outlined in the applicable Schedule(s) to this By-law.
- 4.5 Every Licence shall remain at all times the Property of the Town;
- 4.6 A Licence shall be issued by the licence Issuer:
 - (a) upon the requirements of this By-law being met;
 - (b) upon submission of the documents as required by this By-law and as outlined on the applicable Schedule(s) to this By-law;
 - (c) upon obtaining the required approvals and inspections required by this By-law and as outlined on the applicable Schedule(s) to this By-law.
- 4.7 The licence Issuer shall not issue a Licence if the owner(s) or applicant(s) have any outstanding fines, penalties, legal costs, disbursements, Property taxes and late payment charges owing to the Town for the Property subject to the Licence application.

- 4.8 A Licence issued shall include the following;
- (a) the municipal address;
 - (b) licence type;
 - (c) licence number;
 - (d) effective date and expiry date of the licence;
 - (e) licensee name and contact information;
 - (f) responsible person name and contact information.

5 Licence Terms and Conditions

- 5.1 A Licence is subject to the terms and conditions of this By-law and the terms and conditions as set out in the applicable Schedule(s) to this By-law.
- 5.2 A licensee shall notify the Town within 7 (seven) days of any changes to the:
- (a) business name;
 - (b) location of the business premise;
 - (c) ownership of the business;
 - (d) a change in the licensee's policy of liability insurance;
- And such changes shall be subject to submission of the necessary documentation to the Town.
- 5.3 A Licensee shall be responsible for the act(s) and omission(s) of its employees, representatives and agents in the carrying on of the business in the same manner and to the same extent as though the Licensee did the act(s) or omission(s).
- 5.4 Any record required by this By-law shall be produced by the Licensee upon request of an Officer.

6 Licence Administrative Suspensions

- 6.1 Where the Licensee's policy of liability insurance expires, is cancelled, or is otherwise terminated, then the applicable Licence shall be automatically suspended effective on the date of such expiration, cancellation, or termination and shall remain so until such insurance has been reinstated.
- 6.2 An administrative suspension of a licence without a hearing shall be imposed for:
- (a) fourteen {14} days if the Town is satisfied that the continuation of the business poses an immediate danger to health and safety of any Person or to any Premises.

Before any suspension is imposed, the Town shall provide the Licensee with the reasons for the suspension, either orally or in writing, and an opportunity to respond to them.

Any suspension imposed under this section shall be effective immediately upon notification being given to the Licensee, and the Licensee having been given a opportunity to respond, and such suspension may be lifted at the discretion of the Town, upon receipt of the Licensee's response.

- 6.3 An administrative suspension imposed under Section 6.2 may be imposed on such conditions as the Manager of Licensing and Enforcement considers appropriate.

7 Licence Ground for Refusal, Revocation or Suspension

- 7.1 An applicant or Licensee may be granted a Licence upon meeting the requirements of this By-law except where:

(a) the past or present conduct of any Person, including the officers, directors, employees or agents of a corporation affords reasonable cause to believe that the Person will not carry on or engage in the business in respect of which the application is made in accordance with the law or with honesty or integrity; or

(b) the Applicant or Licensee has past breaches or contraventions of any law or any provision of this By-law or any other municipal By-law or Provincial or Federal Statute associated with the carrying on of such business; or

(c) the Applicant or Licensee has failed to pay an Administrative Monetary Penalty imposed by the Town or a fine or fines imposed by a Court for convictions for breach of this or any other Town By-law or provincial offence related to the licensed Premise; or

(d) the Applicant or Licensee has failed to comply with any term, condition or direction of the Licence Issuer or Officer or has failed to permit any investigation by the Licence Issuer or Officer; or

(e) the applicant or Licensee has failed to comply with the requirements set out in this By-law or any of the applicable Schedules to this By-law; or

(f) the issuing of a Licence would be contrary to the public interest with respect to health and safety, consumer protection, or nuisance control; or

(g) the Applicant or Licensee has submitted an application or other documents to the Town containing false statements, incorrect, incomplete, or misleading information; or

(h) the Applicant or Licensee is carrying on or engaging in activities that are, or will be, if the Applicant or Licensee is licensed, in contravention of this By-law, or any other applicable law; or

- (i) the Applicant or Licensee has not paid the required Licence fees; or
- 7.2 The Manager of Licensing and Enforcement may revoke, suspend, or refuse to issue a Licence, where the Applicant or Licensee would not be entitled to a Licence on any grounds set out in this By-law.
- 7.3 Where the application for a Licence has been revoked, suspended, or cancelled, the fees paid by the Applicant or Licensee, in the respect of the Licence, shall not be refunded.
- 7.4 Where a Licence has been revoked, suspended, or cancelled, the Licensee shall return the Licence to the Licence Officer within two (2) days of service of the notice of the decision.
- 7.5 When a revoked, suspended or cancelled licence has not been returned, an Officer may enter upon the Premise excluding entry into a Dwelling Unit for the purpose of receiving, taking, or removing the said Licence.
- 8.0 Licenses Grounds for Refusal, Revocation or Suspension – Right to a Hearing**
- 8.1 With the exception of Section 6.2, before a Licence is refused, revoked, suspended or cancelled written notice shall be given to the Applicant or Licensee.
- 8.2 Notice shall be served to the Applicant's or Licensee's last known address or email address filed with the Town and shall:
 - (a) contain sufficient information to specify the nature or, or reason for, any recommendation;
 - (b) inform the Applicant or Licensee of entitlement to a hearing before the Licensing Committee, if a request in writing for a hearing is returned to the Clerk within fifteen (15) days after the date of service of the notice; and
 - (c) inform the Applicant or Licensee that if no written request is received, the Licensing Appeal Committee may proceed and make a decision with respect to the Licence.
- 8.3 On receipt of a written request for a hearing from an Applicant or Licensee, the Clerk shall:
 - (a) schedule a hearing; and
 - (b) give the Applicant or Licensee notice of the hearing at least twenty (20) days prior to the hearing date; and
 - (c) post notice on the hearing on the Town's website at least (20) days prior to the hearing date.
- 8.4 Service of any notice on the Applicant or Licence under this By-law shall be made by Personal delivery, ordinary mail, or email transmission. The notice shall be deemed to have been served on the fifth (5th) day after the day of mailing or on the date of Personal service or on the date the email is sent.

9.0 Establishment of a Licensing Appeal Committee

9.1 The Licensing Appeal Committee and shall hear and render decisions regarding the refusal, revocation or suspension of a Licence, and the imposing of terms and conditions on a Licence.

9.2 The decision of the Licensing Appeal Committee shall be final and binding.

10.0 Hearing Process

10.1 The provisions of the Statutory Powers and Procedures Act, R.S.O. 1990, c. S. 22, as amended, shall apply to all hearings conducted under this By-law, and the Licensing Appeal Committee may pass rules for the practice and procedure of the Committee.

10.2 A hearing shall be held in public, unless determined otherwise in accordance with the Statutory Powers and Procedures Act, R.S.O. 1990, c. S. 22, as amended, and the Licensing Appeal Committee shall hear the Applicant or Licensee and every other Person who desires to be heard, and the Licensing Appeal Committee may adjourn the hearing or reserve its decision.

10.3 No decision of the Licensing Appeal Committee is valid unless it is concurred in by the majority of the members of the Licensing Appeal Committee that heard the matter, and the decision of the Licensing Appeal Committee, shall be in writing and shall set out the reasons for the decision, and shall be signed by the members who concur in the decision.

10.4 Any authority or permission granted by the Licensing Appeal Committee may be for such time and subject to such terms and conditions as the Licensing Appeal Committee considers advisable and as are set out in the decision.

10.5 When a Person who has been given written notice of a hearing does not attend at the appointed time and place, the Licensing Appeal Committee may proceed with the hearing in his absence, and the Person shall not be entitled to any further notice of the proceedings.

10.6 The Clerk shall no later than ten (10) days from the making of the decision send one (1) copy of the decision to:

(a) the Applicant or Licensee; and

(b) each person who appeared in person or by Counsel or by Agent at the hearing and who filed with the Clerk a written request for notice of the decision.

11.0 Demerit Point System

- 11.1 The Demerit Point System established in Schedule B to this By-law shall be used in the consideration of the issuing, issuing with conditions, suspension, refusal to issue and revocation of a Licence.
- 11.2 A Licensee may be assessed demerit points as outlined in Schedule B for a contravention of this By-law or as a fine or conviction imposed by a Court for a breach of this By-law, or a By-law as identified in Schedule B.
- 11.3 A Licensee shall be given Notice forthwith upon any Demerit Points being issued against their Property. Any Demerit points issued pursuant to this By-law may be appealed to the Licence Appeal Committee in accordance with Sections 8,9,10 of this By-law.
- 11.4 Subject to Section 11.2 of this Bylaw, Demerit points accumulated by a Licensee shall remain in place against the Licensee for a period of three (3) years from the date the demerit points were impose unless the property ownership changes hands.
- 11.5 Where Demerit points have been accumulated by the Licensee and remain in place, the Manager of Licensing and Enforcement may take into account the Demerit points and may reduce the term of a new Licence or impose additional conditions on a new Licence, including a reduction in the maximum permitted occupancy, as if it was a condition as imposed under section 4.2.
- 11.6 A Licence may be suspended for a period of not longer than six months if the total Demerit points in effect respecting a Licence is greater than 7.
- 11.7 A Licence may be revoked if the total of all Demerit points in effect is greater than 15.
- 11.8 Notice of a suspension or revocation under this section shall be provided to the Owner or Licensee in accordance with section 8.2 of this By-law and an Owner or Licensee may appeal the suspension or revocation in accordance with sections 8, 9, and 10 of this By-law.

12.0 Fees

- 12.1 The fees for any Licence application, inspections and approvals required pursuant to this By-law shall be as prescribed in the Town's Fees and Charges By-law and is payable upon submission of an application.
- 12.2 The fees for any Licence to be issued pursuant to this By-law shall be as prescribed in the Town's Fees and Charges By-law and are payable upon the issuing of a Licence.

13.0 Orders

- 13.1 Where an Officer has reasonable grounds to believe that a contravention of this By-law has occurred, the Officer may make an Order requiring the Person who contravened this By-law, or who has caused or permitted the contravention, or the Owner or Licensee of the Premises on which the contravention has occurred, to discontinue the contravening activity.
- 13.2 An Order under section 13.1 shall set out:
- (a) reasonable particulars of the contravention adequate to identify the contravention;
 - (b) the location of the Premise on which the contravention occurred; and
 - (c) the date by which there must be compliance with the Order.
- 13.3 An Order to discontinue a deficiency and/or contravening activity made under this section may be served Personally, by registered mail to the last known address or by email transmission to:
- (a) the Person the Officer believes contravened this By-law; and
 - (b) such other Persons affected by the Order as the Officer making the Order determines.
- 13.4 The Order shall be deemed to have been served on the fifth (5th) day after the date of mailing or on the date of Personal delivery or email transmission.
- 13.5 An Officer who is unable to effect service of an Order pursuant to this By-law shall place a placard containing the Order in a conspicuous place on the Premise and the placing of the placard shall be deemed to be sufficient service. The placing of the placard contained the Order shall be deemed to be served on the date of placing the placard.
- 13.6 Any Person who contravenes an Order under this By-law is guilty of an offence.

14.0 Enforcement and Penalty Provisions

- 14.1 The enforcement of this By-law shall be conducted by an Officer.
- 14.2 An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not:
- (a) the By-law is complied with;
 - (b) the Licence, or the term or condition of a Licence, or the term or condition of this By-law is complied with;
 - (c) the approved plans are complied with;
 - (d) a direction or order made under the *Municipal Act, 2001*, or this By-law is complied with.
- 14.3 For the purposes of an inspection under this By-law, an Officer may:
- (a) require the production for inspection of documents or things relevant to the inspection;
 - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) require information from any Person concerning a matter related to the inspection; and
 - (d) alone or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 14.4 All documents and records shall be kept in a good and business-like manner for review by the Officer at their request.
- 14.5 A receipt shall be provided for any document or thing removed under this By-law and the document or thing shall be promptly returned after the copies or extracts are made.
- 14.6 A sample taken under this By-law shall be divided into two parts, and one part shall be delivered to the Person from whom the sample is taken, if the Person so requests at the time the sample is taken and provides the necessary facilities.
- 14.7 If a sample is taken under this By-law and the sample has not been divided into two parts, a copy of any report on the sample shall be given to the Person from whom the sample was taken.

- 14.8 Every corporation who contravenes any provision of this By-law and every director or officer of a corporation, who knowingly concurs in the contravention by a corporation is guilty of an offence and upon conviction is liable to:
- (a) on a first offence, to a fine not more than \$50,000.00; and
 - (b) on a second offence and each subsequent offence, to a fine of not more than \$100,000.00
- 14.9 Every Person who is issued a Part 1 offence notice or Part III summons and is convicted is guilty of an offence under this By-law shall be subject to a fine, to a maximum as provided for in the Provincial Offences Act, R.5.0. 1990, c. P. 33, as amended.
- 14.10 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this By-law.
- 14.11 Every Person who is alleged to have contravened any of the provisions of this By-law, shall identify themselves to an Officer upon request, failure to do so shall be deemed to have hindered or obstructed an Officer in the execution of his or her duties.
- 14.12 Upon conviction any penalty imposed under this By-law may be collected under the authority of the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
- 14.13 If a Person is convicted of an offence under this By-law, the court in which the conviction has been entered and any court of competent jurisdiction may, in addition to any other remedy and to any penalty imposed, make an order prohibiting the continuation or repetition of the offence by the Person convicted.

15.0 Severability

If a court of competent jurisdiction declares any section or part of this By-law invalid, it is the intention of Council of the Town that the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

16.0 Schedules

The Schedules attached to this By-law form part of this By-law.

Further that this By-law shall come into force and take effect upon being read and passed three (3) times.

First Reading –

Second Reading –

Third Reading –

MICHEAL PRUE – MAYOR

KEVIN FOX - CLERK

Town of Amherstburg
Schedule A of By-law 2023-XXX
Short Term Rental

In this Schedule of the By-law:

1.0 Definitions

"Bedroom" means a room or area, separated from the common living area(s) of the Short-Term Rental Property Unit, which is equipped with a sleeping type bed and a closable, latching door for privacy. A Bedroom shall further meet the requirements for natural light as set out in the Ontario Building Code, and, must provide for adequate means of egress, as approved by the Fire Department;

"Dwelling Unit" means a suite operated as a housekeeping unit, used, or intended to be used by one or more Persons and usually containing cooking, eating, living, sleeping and sanitary facilities;

"Fit for Duty" means a condition in which an employee's physical, physiological and psychological state enables them to continuously perform assigned tasks safely.

"Maximum Occupancy" means the maximum number of occupants permitted on the Premises;

"Parking Management Plan" means the process through which a property owner provides a parking plan without negatively affecting the neighbourhood in which the property is located.

"Principal Residence" means a Person's permanent lodging place to which, whenever absent he or she intends to return;

"Renter's Code" means a document prepared by the Owner that:

- a) sets out the roles and responsibilities of a Renter including behavior expectations as they relate to causing a disturbance;
- b) provides a written warning related to the making of a disturbance;
- c) identifies the Town By-laws and the provisions of the Town By-laws to be complied with;
- d) includes the Parking Management Plan.

"Responsible Person" means a Person that is Fit for Duty and designated by a Licensee who is over the age of eighteen (18) and is able to respond to the Premise as required by the Licence;

"Short Term Rental Property Unit" or "STRPU" means a Building or structure, or any part thereof being used for the habitation of tenants of that temporary residence, lodging or occupancy by way of concession, permit, lease, Licence, rental agreement, or similar commercial arrangement for any period less than twenty-eight (28) consecutive calendar days, throughout all or any part of a calendar year;

2.0 Terms and Conditions

2.1 This licence is a licence to operate a Short-Term Rental property in the Town of Amherstburg. In addition to the licensing requirements set out in this By-law an Applicant or Licensee shall submit the following:

- (a) An inspection approved by the Town's Fire Chief dated within the previous year stating the Premise is in compliance with the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, and its regulations and the maximum occupancy;
- (b) A Renter's Code;
- (c) proof of insurance by way of certificate of insurance showing a minimum limit of two million dollars (\$2,000,000) in commercial general liability for a rental property for the term of the Licence with an endorsement that notice in writing at least thirty (30) days prior to cancellation, expiration, or variation thereof will be given to the Town by the insurance underwriter;
- (d) acknowledgement and consent to the posting of the following information on the Town's website:
 - i) the municipal address of the premise;
 - ii) the legal description of the premise;
 - iii) the contact information for the owner, agent, applicant and responsible person;
- (e) certificate from a Licensed Electrician dated within the previous ninety (90) days of making application for a licence stating the premise is in compliance with the Electrical Safety Code;
- (f) The Parking Management Plan.

2.2 In addition to the licensing requirements set out in Section 3 of the General Provisions of this By-law the issuing of a licence is subject to the following:

- (a) Compliance with the Town's Zoning By-law, as amended from time to time, or its successor by-law;

- (b) Complete fire safety requirements checklist;
- (c) Compliance with the FPPA (Fire Protection and Prevention Act)
- (d) Posting of Fire Safety instructions that is placard or framed, that depicts the location of each bedroom, fire alarm, smoke alarm, carbon monoxide alarm, extinguisher, mechanical room, exit/egress doors or windows on the premise to the satisfaction of the Town;
- (e) Confirmation that the owner(s) and applicant(s) have no outstanding fines, penalties, legal costs, disbursements, property taxes and late payment charges owing to the Town for the subject property.

2.3 A licence is valid for a period of 12 months from the date on which it is issued

2.4 The Maximum Occupancy within a dwelling unit for a licence shall be calculated as follows:

- (a) Two (2) persons per bedroom;
- (b) And two (2) additional persons;
- (c) The number permitted under the Town's Zoning By-law, as amended from time to time, or its successor by-law.

2.5 The maximum occupancy calculated under Section 2.4 of this Schedule of this Bylaw may be reduced by the Manager of Licensing and Enforcement taking into consideration the number of approved parking spaces in the Parking Management Plan, or occupancy load issues identified by a Fire Chief.

2.6 A licensee shall:

- (a) be the registered owner of the property;
- (b) provide and maintain on the premise a self-enclosed building, structure, or container for the disposal of waste;
- (c) designate a responsible person;
- (d) display the licence in a conspicuous place on the licensed premise in close proximity to the entrance of the property and visible to the public at all times;
- (e) display the licence in a prominent place on the interior of the licensed premise; and,
- (f) post the fire safety instructions next to the licence displayed on the interior of the licensed premise.

2.7 Every Person who owns or operates a Short-Term Rental Property shall:

- (a) operate the premises in accordance with the approved:
 - (i) Renter's Code;
 - (ii) Parking Management Plan;
 - (iii) Maximum occupancy calculation.
- (b) Operate the premise in accordance with the Town's:
 - (i) Property Standards By-law;
 - (ii) Waste Collection By-law;
 - (iii) Emission of Sound (Noise) By-law;
 - (iv) Any other By-law and the Ontario Human Rights Code;
- (c) provide adequate measures for the storage and disposal of waste in accordance with this By-law and keep the Premise in a clean and sanitary condition;
- (d) provide sufficient levels of illumination to facilitate the safe passage of occupants to the satisfaction of the Fire Chief;
- (e) not make, cause, or permit a disturbance or Nuisance;
- (f) Provide the renter with a copy of the Renter's Code;
- (g) Keep a written record of the following;
 - (i) the date of entry;
 - (ii) the length of stay of a renter;
 - (iii) the home address of the renter;
 - (iv) confirmation including the date of receipt of the Renter's Code by the Renter;
 - (v) the dates on which smoke and carbon monoxide alarms were tested, batteries replaced, or unit replaced;
 - (vi) the dates on which fire extinguishers are checked or maintained;
 - (vii) the dates on which exit, and emergency lighting is checked or maintained;
 - (viii) annual gas or wood fired appliances, chimneys, vents, and flue inspections.
- (h) maintain the records required by subsection (g) for a minimum of two (2) years;
- (i) include the valid licence number on all;
 - (i) advertisement and promotional materials;
 - (ii) website;
 - (iii) contracts and agreements entered into with a renter;

- (j) not permit the use or occupation of an outdoor hot tub and or outdoor pool outside the hours of 0700hrs and 2300hrs exclusively;
- (k) ensure that the hot tub is covered and secured when not in use, and pools are properly secured at all times;
- (l) not permit the ignition of any outdoor fire other than an approved outdoor barbeque for the purposes of preparing and cooking of food unless authorized by formal permit provided by the Town of Amherstburg's Fire Department as part of the Licensing process;
- (m) not permit any outdoor open air or tent and/or dome sleeping;
- (n) not permit any motorhomes, pop up trailers or RV to be used as sleeping quarters on the licensed premise.

2.8 A Responsible Person and/or Rental or Lease Management Program Representative, as applicable, shall be responsible for the operation of the Premise, the conduct of the Renter and the occupants of the Premises.

2.9 A Responsible Person and/or Rental or Lease Management Program Representative, as applicable, shall be available by email and telephone, 24 hours a day, 7 days a week to attend a licensed Premise within ½ hour of being contacted or notified by the Town or an authorized agent or representative of the Town or an Officer.

Town of Amherstburg
 Schedule “B” of By-law 2023-XXX
 Short Form Wordings and Associated Demerit Points

For the purpose of Section 11 of this By-law:

- (a) the Designated Provisions column in the following table lists the provisions of this By-law that are hereby designated as being subject to the demerit point system;
- (b) the Short Form Wording column in the following table sets out the nature of the violation;
- (c) the Demerit Points Column in the following table sets out the Demerit Points imposed for a contravention of this By-law, or for a Conviction under a Town By-law pursuant to a Licence, and as referenced in the below chart.
 - (i) For greater certainty, Conviction means a fine, charge, or conviction has been entered to Part I or Part III of the Provincial Offences Act or in the Ontario Court of Justice, and the time for appealing said fine, Charge, or conviction has expired.

Item	Section	Short Form Wording	Demerit Points
1	Section 2.4	Exceed Maximum permitted occupancy between 2300 and 0700hrs	3
2	Section 2.4	2 nd or subsequent offence for exceeding maximum occupancy between 2300 and 0700hrs	8
3	Section 2.8 & 2.9	Term and Condition of Licence – non availability of Responsible Person	5
4	Section 2.5 & 2.7	Waste Collection (2022-025, as amended) conviction related to premise	5
5	Section 2.5 & 2.7	Property Standards (2023-020, as amended) Conviction related to premise	5
6	Section 2.5 & 2.7	Noise By-law (2001-43, as amended) Conviction related to premise	5
7	Section 2.5 & 2.7	2 nd or subsequent contravention related to premises under the	10

		Noise, Waste Collection or Property Standards By-laws	
8	Section 2.5 & 2.6	Fail to Post Licence	3
9	Section 2.5 & 2.7	Advertising without a Town Licence number being included in advertisement	3
10	Section 2.5	Permitting an activity that causes a Nuisance	1
11	Section 2.7(a)(ii)	Using or permitting premises to be used contrary to a Parking Management Plan	3
12	Section 2.7(j)	Permit the operation or occupation of an outdoor hot tub or outdoor pool outside the hour of 0700-2300hrs	5
13	Section 2.7(k)	Failure to properly or adequately secure a Pool or Hot Tub	5
14	Section 2.7(l)	Ignite or permit the ignition of an outside fire or provision of a fire pit without authorization provided by Licence	5
15	Ontario Building Code	Building Code Act (construction without a permit) Conviction	7
16	Section 2.2 & 2.3	Fire Protection and Prevention Act/Fire Code Conviction	15
17	Section 13 of this By-law	Failure to comply with an Order	10
18	Section 2.2 (b)	Failure to comply with Fire Safety Checklist	5

Appendix "C" – Not Owner Occupied

The Corporation of the Town of Amherstburg

By-Law NO. 2023-xxx

A BY-LAW FOR THE LICENSING, REGULATING AND GOVERNING OF SHORT
TERM RENTALS IN THE TOWN OF AMHERSTBURG

WHEREAS Subsection 8(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended (the Act) provides that the powers of a Municipality under any act 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 Section 9 of the Act provides that a Municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act;

AND WHEREAS Section 10(2) of the Municipal Act provides that a lower-tier municipality may pass by-laws respecting health, safety and well-being of persons, business licensing and protection of persons and property, including consumer protection;

AND WHEREAS Section 151 (5) of the Municipal Act provides that a municipality may pass by-laws with respect to any activity, matter or thing for which a by-law may be passed under Sections 9, 10 and 11 as if it were a system of licences with respect to a business;

AND WHEREAS Section 391 of the Municipal Act provides for the municipality to impose fees or charges on persons for services or activities provided or done by or on behalf of it;

AND WHEREAS Section 425 of the Municipal Act provides for a municipality to pass by-laws providing that a person who contravenes a by-law of the municipality passed under the Act is guilty of an offence;

AND WHEREAS Section 426 of the Municipal Act provides that no person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under the Municipal Act or under a by-law passed under the Municipal Act;

AND WHEREAS Section 429 of the Municipal Act provides for the municipality to establish a system of fines for offences under a by-law of the municipality passed under the Municipal Act;

AND WHEREAS Section 431 of the Municipal Act provides that if any by-law of the municipality is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the by-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an Order to prohibit the continuation or repetition of the offence by the person convicted;

AND WHEREAS Sections 444 and 445 of the Municipal Act respectively, provide for the municipality to make an Order requiring a person who contravenes a by-law or who causes or permits the contravention or the owner or occupier of land on which a contravention occurs to discontinue the contravening activity or do work to correct a contravention;

AND WHEREAS the Council of The Corporation of the Town of Amherstburg deems the licensing of Short-Term Rental Owners and the regulation of all related activity to be in the interest of public safety, community well-being and nuisance control;

NOW THEREFORE the Council of The Corporation of the Town of Amherstburg enacts this by-law to licence Short-Term Rental Owners and to regulate all related activity within the jurisdictional boundaries of the Town of Amherstburg.

1 Application and General

- 1.1 This By-law shall apply throughout the whole of the Town.
- 1.2 This By-law may be referred as the “Short Term Rental By-law”
- 1.3 This By-law applies to all:
 - (a) Short-Term Rental Owners that operate a Short-Term Rental within the jurisdictional boundaries of the Town of Amherstburg;
 - (b) Persons acting as Short-Term Rental Operators within the jurisdictional boundaries of the Town of Amherstburg; and
 - (c) Dwellings Units used as Short-Term Rentals with the jurisdictional boundaries in the Town of Amherstburg
- 1.4 This By-law does not apply to;
 - (a) Hotels, motels or inns;
 - (b) Bed and Breakfast or Guest House Establishments;
 - (c) Accommodations rented out to tenants in accordance with the *Residential Tenancies Act*, 2006, S.O. 2006, c. 17
 - (d) Retirement homes licensed under the *Retirement Homes Act*, 2010, S.O. 2010, C. 11.
- 1.5 No Person shall own, operate, or carry on a business or activity identified in this By-law at Schedule A hereto other than in accordance with the terms and conditions of a Licence issued pursuant to the terms and conditions of this By-law.

- 1.6 No Person shall advertise, promote, broker, or offer for rent or lease any business or activity identified in this By-law without a current valid Licence and no Owner shall permit any of the foregoing without a current valid Licence.
- 1.7 No Person shall alter or modify or permit the alteration or modification of a Licence.
- 1.8 No Person shall use, or attempt to use, a Licence issued to another Person or Property.
- 1.9 No Person shall own, operate, or carry on any business or activity in any other name other than in the name that appears on the Licence.
- 1.10 Every Person who knowingly makes a false statement in an application, declaration, affidavit or paper writing required by this By-law or the Town is guilty of an offence.
- 1.11 No Person who is issued a Licence pursuant to this By-law shall contravene any provision set out in this By-law, any other municipal By-law, federal or provincial Act, Statute, or any other legislation applicable to a licensed Premise or Activity.
- 1.12 No Person shall remove an order or placard posted on a Premise under this By-law, except an Officer and Property Owner.
- 1.13 No Person shall cause or permit to be caused a Nuisance on a Premises.

2 Definitions and Interpretation

In this By-law;

“Applicant” means a Person seeking to become licensed under this By-law (i.e., become a licensee) and who, either in person or through an Authorized Agent, makes such an application;

“Authorized Agent” means a Person authorized in writing by an Applicant or licensee to act on behalf of such Applicant or licensee for the identified purpose of making an application, renewing a Licence, or otherwise complying with the provisions of this By-law;

"Bed-and-Breakfast or Guest House Establishment" " means a single detached dwelling in which no more than three rooms are made available by the residents of the said dwelling for the temporary accommodation of travellers in the course of which no assistance is offered by any person not residing in the dwelling. This does not include a hotel, motel, boarding or lodging house, or Short-Term Rental;

“Building” means a structure occupying an area greater than 10 square metres consisting of a wall, roof, and floor or any of them, or a structural system serving

the function thereof, including all plumbing, works, fixtures and services system appurtenant thereto;

"Chief Building Official" means the Chief Building Official for the Town or his or her delegate;

"Clerk" means the Clerk for the Town or any Person designated by the Clerk;

"Council" means the Council of the Town of Amherstburg;

"Dwelling Unit" means a room or series of rooms of complementary use, used by an Individual Person or Individual Persons living together under a single tenancy, in which cooking, eating, living, sleeping and sanitary facilities are provided;

"Exception Area" means a specific area of the Town as designated in Town's Zoning By-law where Short Term Rental Units are considered a permitted use;

"Fee" means as set out in the Town of Amherstburg User Fee By-law as amended from time to time;

"Fire Chief" means the Chief of Amherstburg Fire Services, or his or her designate;

"Fire Code" means Ontario Regulation 213/07: Fire Code made under the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4 as amended;

"Individual Person" means a natural person;

"Licence" means the certificate issued under this By-law as proof of licensing under this By-law;

"Licensee" means a Person who has been issued and maintains a valid Licence pursuant to the terms of this By-law;

"Market", "Marketed" or "Marketing" means offering, facilitating, or causing or permitting to offer or facilitate, directly or indirectly, the sale, promotion, canvassing, solicitation, advertising, or marketing of a Short-term Rental, and includes placing, posting or erecting advertisements physically or online;

"Manager of Licensing and Enforcement" means the Manager of Licensing and Enforcement for the Town of Amherstburg, or his or her designate;

"Medical Officer of Health" means the Medical Officer of Health for the Municipality of Windsor, Ontario;

"Multiple Unit Dwelling" means a building or part of a building containing three or more Dwelling Units;

"Nuisance" means an activity or behavior that causes a material inconvenience, discomfort, or damage to others, either to individuals and/or to the general public;

"Officer" means a Provincial Offences Officer or Municipal Law Enforcement Officer of the Town, or any other person appointed by or under the authority of a Town by-law to enforce this By-law;

"Ontario Building Code" means Ontario Regulation 332/12: Building Code made under the Building Code Act, 1992, S.O. 1992, c.23 as amended;

"Ontario Police Service" means a police service established in Ontario under the Police Services Act, R.S.O. 1990, c. P.15, as amended, or its successor legislation;

"Operate", "Operated" or "Operating" means to rent out, provide, offer to rent out or provide, or facilitate or broker or Market or cause to be Marketed, the offer or rental, whether directly or indirectly, including, without limitation, via the internet or other electronic platform, of a Short-Term Rental and shall include a Person collecting a fee or handling payments in respect of a Short-Term Rental;

"Order" means a direction issued by the Town under statutory authority, including but not limited to Orders under the Municipal Act, 2001, S.O. 2001, c. 25, as amended, the Building Code Act, 1992, S.O. 1992, c. 23, as amended, and the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended;

"Owner" means the registered owner of the lands or Premise or his or her authorized agent that is in lawful control of the lands or Premise;

"Person" means an Individual Person, a partnership, or a corporation (including any of such corporation's affiliates, subsidiaries or parent corporations, as the case may be) to which the context can apply and "Person" shall also include multiple Persons who, acting together, carry on the business of a Short-Term Rental business, despite the fact that no single one of those Persons carries on the activity in its entirety;

"Principal Residence" means a Dwelling Unit owned or rented by an Individual Person, either alone or jointly with others, where the Individual Person is ordinarily resident;

"Prohibited Ground" means the prohibited grounds of discrimination as provided for under the Ontario Human Rights Code, R.S.O. 1990, c. H.19;

"Property" means a building, and includes the lands and premises appurtenant thereto, and includes vacant property;

"Rental Period" means the span of consecutive days for which a Short-Term Rental has been rented;

"Renter" means the Person responsible for the rental of the Premise by way of concession, permit, Licence, rental agreement or similar commercial arrangement;

"Short-Term Rental" means a Dwelling Unit or part of a Dwelling Unit used to provide temporary accommodation for a Rental Period of not more than 28 consecutive days and shall not include a hotel, motel or Bed-and-Breakfast Establishment;

"Short-Term Rental Brokerage" means any Person who facilitates or brokers or Markets or causes to be Marketed or assists in any capacity in the booking process of a Short-Term Rental reservation for others, whether directly or indirectly, including, without limitation, via the internet or other electronic platform, of a Short-Term Rental, provided such Person collects, handles or receives a payment, fee, compensation or other financial benefit as a result of, or in connection with, the Short-Term Rental;

"Short-Term Rental Operator" means a Person who has care and control, at any time and for any length of time, of a Dwelling Unit, or part thereof, that is used as a Short-Term Rental, but who is not the Short-Term Rental Owner;

"Short-Term Rental Owner" means any Person who Operates a Short-Term Rental and is either:

- (a) a registered owner of the Property, or part thereof, that is being Operated as a Short-Term Rental; or
- (b) a tenant of the Property, or part thereof, that is being Operated as a Short-Term Rental.

“Town” means the Corporation of the Town of Amherstburg or any Person authorized to act on behalf of the Corporation of the Town of Amherstburg for the purposes of exercising its power under this By-law;

“Zoning By-law” means any By-law administered by the Town passed pursuant to Section 34 of the Planning Act or a successor thereof, as may be amended from time to time.

3 Application for a Licence

- 3.1 A person making an application for a licence or for a renewal of a licence shall submit:
- (a) a completed application in the form provided by the Town;
 - (b) when applicable, the Business Name Registration and/or Articles of Incorporation obtained from the applicable provincial or federal Ministry;
 - (c) all required documents, and obtain all required approvals and inspections as outlined in the applicable Schedule to this By-law;
 - (d) the required Licence application fee, approval, and inspection fees.
- 3.2 Acceptance of a Licence application does not constitute approval of the application or oblige the Town to issue a licence.
- 3.3 An application shall only be made in person by the Applicant, who at the time of application shall present two (2) forms of government issued identification, one being photo and the other demonstrating proof of status in Canada, to the satisfaction of the Manager of Licensing and Enforcement.
- 3.4 Despite Section 3.3, an Authorized Agent of the Applicant may make the application if he or she has written authorization to do so from at least one (1) of the Applicants along with two (2) forms of government issued identification, one being photo and the other demonstrating proof of status in Canada, to the satisfaction of the Manager of Licensing and Enforcement.
- 3.5 If the proposed Short-Term Rental is to be located in a Multiple Unit Dwelling, the Applicants shall provide, at the time of application, a letter from the owner of such Multiple Unit Dwelling declaring that the Operation of Short-Term Rental is permitted.
- 3.6 The letter in section 3.5 shall be original and notarized or certified by a notary public or commissioner of oaths to do so under the laws of the Province of Ontario.
- 3.7 Persons presenting an application for a Short-Term Rental Licence under this By-law shall submit the following:
- (a) a completed application form or forms, signed by all applicants;

- (b) proof of ownership or tenancy, satisfactory to the Manager of Licensing and Enforcement;
 - (c) the applicable, non-refundable licence fees, as set out in Schedule XX of this By-law;
 - (d) a Canadian government document that proves the Canadian permanent residency of at least one (1) Applicant;
 - (e) a Canadian or Provincial government-issued photo identification of all Applicants;
 - (f) if applicable, a Canadian government document that proves the Canadian permanent residency and a Canadian or provincial government-issued identification of the Authorized Agent;
 - (g) a complete Criminal Record Check for every Applicant, issued by or on behalf of an Ontario Police Service for the jurisdiction in which each Applicant resides, not more than thirty (30) days old, from the date of application submission;
 - (h) a list of all Short Term Rental Operators, Responsible Person(s) for the property at the time of application, including their contact information;
 - (i) proof, satisfactory to the Manager of Licensing and Enforcement, that every Short-Term Rental Owner in Section 3.7(h) and every Short Term Rental Operator In Section 3.7(i), who is an individual person, is at least eighteen (18) years of age at the time of application submission;
 - (j) any other information required to be provided under this By-law or as may be requested by the Manager of Licensing and Enforcement.
- 3.8 Despite Section 3.1, if a Licensee has remitted the prescribed renewal fee, the Licensee shall be deemed to continue until the renewal is granted or refused, subject to the Licensees' avenue for appeal.
- 3.9 A licence not renewed by the deadline day shall be deemed to have lapsed at 12:01am the following day and the Person whose name the original licence was issued under shall not operate a short-term rental.
- 3.10 A licence that has lapsed more than 365 days from the date of the renewal deadline shall be deemed cancelled and no longer eligible for renewal.
- 3.11 No person shall carry on the business of a Short-Term Rental Owner unless a Licence to do so has been obtained from the Town.
- 3.12 Applicants for a Short-Term Rental Owner Licence must:
- (a) have permanent residency in Canada; and
 - (b) have the property on which the proposed Short-Term Rental is located be:

(i) be otherwise in compliance with all applicable law, including the requirements of the *Building Code Act, 1992, S.O. 1992, c.23* and *Fire Protection and Prevention Act, 1997, S.O. 1997, c.4.*

4 Licenses

4.1 The Licence Officer is hereby delegated authority to issue a Licence in accordance with the provisions of this By-law and the applicable Schedule(s) to this By-law.

4.2 The Manager of Licensing and Enforcement is hereby delegated authority to impose additional conditions on a Licence that are reasonable and taking into consideration:

(a) the health, safety, and well-being of persons;

(b) the impact on a neighbouring property or neighbouring property owner;

(c) the past conduct of an applicant or licensee;

(d) the impact to the Town or the need within the Town if supported by Policy and or By-law, as approved and adopted by Town Council, if applicable.

A condition imposed under this Section may be appealed to the Licensing Committee as outlined in Sections 8,9,10 of this By-law.

4.3 A licence issued by the Town is not transferable.

4.4 A licence issued pursuant to this By-law is valid for a period of time as outlined in the applicable Schedule(s) to this By-law.

4.5 Every Licence shall remain at all times the Property of the Town;

4.6 A Licence shall be issued by the licence Issuer:

(a) upon the requirements of this By-law being met;

(b) upon submission of the documents as required by this By-law and as outlined on the applicable Schedule(s) to this By-law;

(c) upon obtaining the required approvals and inspections required by this By-law and as outlined on the applicable Schedule(s) to this By-law.

4.7 The licence Issuer shall not issue a Licence if the owner(s) or applicant(s) have any outstanding fines, penalties, legal costs, disbursements, Property taxes and late payment charges owing to the Town for the Property subject to the Licence application.

4.8 A Licence issued shall include the following;

(a) the municipal address;

(b) licence type;

- (c) licence number;
- (d) effective date and expiry date of the licence;
- (e) licensee name and contact information;
- (f) responsible person name and contact information.

5 Licence Terms and Conditions

- 5.1 A Licence is subject to the terms and conditions of this By-law and the terms and conditions as set out in the applicable Schedule(s) to this By-law.
- 5.2 A licensee shall notify the Town within 7 (seven) days of any changes to the:
 - (a) business name;
 - (b) location of the business premise;
 - (c) ownership of the business;
 - (d) a change in the licensee's policy of liability insurance;And such changes shall be subject to submission of the necessary documentation to the Town.
- 5.3 A Licensee shall be responsible for the act(s) and omission(s) of its employees, representatives and agents in the carrying on of the business in the same manner and to the same extent as though the Licensee did the act(s) or omission(s).
- 5.4 Any record required by this By-law shall be produced by the Licensee upon request of an Officer.

6 Licence Administrative Suspensions

- 6.1 Where the Licensee's policy of liability insurance expires, is cancelled, or is otherwise terminated, then the applicable Licence shall be automatically suspended effective on the date of such expiration, cancellation, or termination and shall remain so until such insurance has been reinstated.
- 6.2 An administrative suspension of a licence without a hearing shall be imposed for:
 - (a) fourteen {14} days if the Town is satisfied that the continuation of the business poses an immediate danger to health and safety of any Person or to any Premises.Before any suspension is imposed, the Town shall provide the Licensee with the reasons for the suspension, either orally or in writing, and an opportunity to respond to them.

Any suspension imposed under this section shall be effective immediately upon notification being given to the Licensee, and the Licensee having been given a opportunity to respond, and such suspension may be lifted at the discretion of the Town, upon receipt of the Licensee's response.

- 6.3 An administrative suspension imposed under Section 6.2 may be imposed on such conditions as the Manager of Licensing and Enforcement considers appropriate.

7 Licence Ground for Refusal, Revocation or Suspension

- 7.1 An applicant or Licensee may be granted a Licence upon meeting the requirements of this By-law except where:

(a) the past or present conduct of any Person, including the officers, directors, employees or agents of a corporation affords reasonable cause to believe that the Person will not carry on or engage in the business in respect of which the application is made in accordance with the law or with honesty or integrity; or

(b) the Applicant or Licensee has past breaches or contraventions of any law or any provision of this By-law or any other municipal By-law or Provincial or Federal Statute associated with the carrying on of such business; or

(c) the Applicant or Licensee has failed to pay an Administrative Monetary Penalty imposed by the Town or a fine or fines imposed by a Court for convictions for breach of this or any other Town By-law or provincial offence related to the licensed Premise; or

(d) the Applicant or Licensee has failed to comply with any term, condition or direction of the Licence Issuer or Officer or has failed to permit any investigation by the Licence Issuer or Officer; or

(e) the applicant or Licensee has failed to comply with the requirements set out in this By-law or any of the applicable Schedules to this By-law; or

(f) the issuing of a Licence would be contrary to the public interest with respect to health and safety, consumer protection, or nuisance control; or

(g) the Applicant or Licensee has submitted an application or other documents to the Town containing false statements, incorrect, incomplete, or misleading information; or

(h) the Applicant or Licensee is carrying on or engaging in activities that are, or will be, if the Applicant or Licensee is licensed, in contravention of this By-law, or any other applicable law; or

(i) the Applicant or Licensee has not paid the required Licence fees; or

- 7.2 The Manager of Licensing and Enforcement may revoke, suspend, or refuse to issue a Licence, where the Applicant or Licensee would not be entitled to a Licence on any grounds set out in this By-law.
- 7.3 Where the application for a Licence has been revoked, suspended, or cancelled, the fees paid by the Applicant or Licensee, in the respect of the Licence, shall not be refunded.
- 7.4 Where a Licence has been revoked, suspended, or cancelled, the Licensee shall return the Licence to the Licence Officer within two (2) days of service of the notice of the decision.
- 7.5 When a revoked, suspended or cancelled licence has not been returned, an Officer may enter upon the Premise excluding entry into a Dwelling Unit for the purpose of receiving, taking, or removing the said Licence.
- 8.0 Licenses Grounds for Refusal, Revocation or Suspension – Right to a Hearing**
- 8.1 With the exception of Section 6.2, before a Licence is refused, revoked, suspended or cancelled written notice shall be given to the Applicant or Licensee.
- 8.2 Notice shall be served to the Applicant's or Licensee's last known address or email address filed with the Town and shall:
- (a) contain sufficient information to specify the nature or, or reason for, any recommendation;
 - (b) inform the Applicant or Licensee of entitlement to a hearing before the Licensing Committee, if a request in writing for a hearing is returned to the Clerk within fifteen (15) days after the date of service of the notice; and
 - (c) inform the Applicant or Licensee that if no written request is received, the Licensing Appeal Committee may proceed and make a decision with respect to the Licence.
- 8.3 On receipt of a written request for a hearing from an Applicant or Licensee, the Clerk shall:
- (a) schedule a hearing; and
 - (b) give the Applicant or Licensee notice of the hearing at least twenty (20) days prior to the hearing date; and
 - (c) post notice on the hearing on the Town's website at least (20) days prior to the hearing date.
- 8.4 Service of any notice on the Applicant or Licence under this By-law shall be made by Personal delivery, ordinary mail, or email transmission. The notice shall be deemed to have been served on the fifth (5th) day after the day of mailing or on the date of Personal service or on the date the email is sent.

9.0 Establishment of a Licensing Appeal Committee

- 9.1 The Licensing Appeal Committee shall hear and render decisions regarding the refusal, revocation or suspension of a Licence, and the imposing of terms and conditions on a Licence.
- 9.2 The decision of the Licensing Appeal Committee shall be final and binding.

10.0 Hearing Process

- 10.1 The provisions of the Statutory Powers and Procedures Act, R.S.O. 1990, c. S. 22, as amended, shall apply to all hearings conducted under this By-law, and the Licensing Appeal Committee may pass rules for the practice and procedure of the Committee.
- 10.2 A hearing shall be held in public, unless determined otherwise in accordance with the Statutory Powers and Procedures Act, R.S.O. 1990, c. S. 22, as amended, and the Licensing Appeal Committee shall hear the Applicant or Licensee and every other Person who desires to be heard, and the Licensing Appeal Committee may adjourn the hearing or reserve its decision.
- 10.3 No decision of the Licensing Appeal Committee is valid unless it is concurred in by the majority of the members of the Licensing Appeal Committee that heard the matter, and the decision of the Licensing Appeal Committee, shall be in writing and shall set out the reasons for the decision, and shall be signed by the members who concur in the decision.
- 10.4 Any authority or permission granted by the Licensing Appeal Committee may be for such time and subject to such terms and conditions as the Licensing Appeal Committee considers advisable and as are set out in the decision.
- 10.5 When a Person who has been given written notice of a hearing does not attend at the appointed time and place, the Licensing Appeal Committee may proceed with the hearing in his absence, and the Person shall not be entitled to any further notice of the proceedings.
- 10.6 The Clerk shall no later than ten (10) days from the making of the decision send one (1) copy of the decision to:
 - (a) the Applicant or Licensee; and
 - (b) each person who appeared in person or by Counsel or by Agent at the hearing and who filed with the Clerk a written request for notice of the decision.

11.0 Demerit Point System

- 11.1 The Demerit Point System established in Schedule B to this By-law shall be used in the consideration of the issuing, issuing with conditions, suspension, refusal to issue and revocation of a Licence.
- 11.2 A Licensee may be assessed demerit points as outlined in Schedule B for a contravention of this By-law or as a fine or conviction imposed by a Court for a breach of this By-law, or a By-law as identified in Schedule B.
- 11.3 A Licensee shall be given Notice forthwith upon any Demerit Points being issued against their Property. Any Demerit points issued pursuant to this By-law may be appealed to the Licence Appeal Committee in accordance with Sections 8,9,10 of this By-law.
- 11.4 Subject to Section 11.2 of this Bylaw, Demerit points accumulated by a Licensee shall remain in place against the Licensee for a period of three (3) years from the date the demerit points were impose unless the property ownership changes hands.
- 11.5 Where Demerit points have been accumulated by the Licensee and remain in place, the Manager of Licensing and Enforcement may take into account the Demerit points and may reduce the term of a new Licence or impose additional conditions on a new Licence, including a reduction in the maximum permitted occupancy, as if it was a condition as imposed under section 4.2.
- 11.6 A Licence may be suspended for a period of not longer than six months if the total Demerit points in effect respecting a Licence is greater than 7.
- 11.7 A Licence may be revoked if the total of all Demerit points in effect is greater than 15.
- 11.8 Notice of a suspension or revocation under this section shall be provided to the Owner or Licensee in accordance with section 8.2 of this By-law and an Owner or Licensee may appeal the suspension or revocation in accordance with sections 8, 9, and 10 of this By-law.

12.0 Fees

- 12.1 The fees for any Licence application, inspections and approvals required pursuant to this By-law shall be as prescribed in the Town's Fees and Charges By-law and is payable upon submission of an application.

12.2 The fees for any Licence to be issued pursuant to this By-law shall be as prescribed in the Town's Fees and Charges By-law and are payable upon the issuing of a Licence.

13.0 Orders

13.1 Where an Officer has reasonable grounds to believe that a contravention of this By-law has occurred, the Officer may make an Order requiring the Person who contravened this By-law, or who has caused or permitted the contravention, or the Owner or Licensee of the Premises on which the contravention has occurred, to discontinue the contravening activity.

13.2 An Order under section 13.1 shall set out:

(a) reasonable particulars of the contravention adequate to identify the contravention;

(b) the location of the Premise on which the contravention occurred; and

(c) the date by which there must be compliance with the Order.

13.3 An Order to discontinue a deficiency and/or contravening activity made under this section may be served Personally, by registered mail to the last known address or by email transmission to:

(a) the Person the Officer believes contravened this By-law; and

(b) such other Persons affected by the Order as the Officer making the Order determines.

13.4 The Order shall be deemed to have been served on the fifth (5th) day after the date of mailing or on the date of Personal delivery or email transmission.

13.5 An Officer who is unable to effect service of an Order pursuant to this By-law shall place a placard containing the Order in a conspicuous place on the Premise and the placing of the placard shall be deemed to be sufficient service. The placing of the placard contained the Order shall be deemed to be served on the date of placing the placard.

13.6 Any Person who contravenes an Order under this By-law is guilty of an offence.

14.0 Enforcement and Penalty Provisions

14.1 The enforcement of this By-law shall be conducted by an Officer.

- 14.2 An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not:
- (a) the By-law is complied with;
 - (b) the Licence, or the term or condition of a Licence, or the term or condition of this By-law is complied with;
 - (c) the approved plans are complied with;
 - (d) a direction or order made under the *Municipal Act, 2001*, or this By-law is complied with.
- 14.3 For the purposes of an inspection under this By-law, an Officer may:
- (a) require the production for inspection of documents or things relevant to the inspection;
 - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) require information from any Person concerning a matter related to the inspection; and
 - (d) alone or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 14.4 All documents and records shall be kept in a good and business-like manner for review by the Officer at their request.
- 14.5 A receipt shall be provided for any document or thing removed under this By-law and the document or thing shall be promptly returned after the copies or extracts are made.
- 14.6 A sample taken under this By-law shall be divided into two parts, and one part shall be delivered to the Person from whom the sample is taken, if the Person so requests at the time the sample is taken and provides the necessary facilities.
- 14.7 If a sample is taken under this By-law and the sample has not been divided into two parts, a copy of any report on the sample shall be given to the Person from whom the sample was taken.
- 14.8 Every corporation who contravenes any provision of this By-law and every director or officer of a corporation, who knowingly concurs in the contravention by a corporation is guilty of an offence and upon conviction is liable to:

(a) on a first offence, to a fine not more than \$50,000.00; and

(b) on a second offence and each subsequent offence, to a fine of not more than \$100,000.00

14.9 Every Person who is issued a Part 1 offence notice or Part III summons and is convicted is guilty of an offence under this By-law shall be subject to a fine, to a maximum as provided for in the Provincial Offences Act, R.5.0. 1990, c. P. 33, as amended.

14.10 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this By-law.

14.11 Every Person who is alleged to have contravened any of the provisions of this By-law, shall identify themselves to an Officer upon request, failure to do so shall be deemed to have hindered or obstructed an Officer in the execution of his or her duties.

14.12 Upon conviction any penalty imposed under this By-law may be collected under the authority of the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.

14.13 If a Person is convicted of an offence under this By-law, the court in which the conviction has been entered and any court of competent jurisdiction may, in addition to any other remedy and to any penalty imposed, make an order prohibiting the continuation or repetition of the offence by the Person convicted.

15.0 Severability

If a court of competent jurisdiction declares any section or part of this By-law invalid, it is the intention of Council of the Town that the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

16.0 Schedules

The Schedules attached to this By-law form part of this By-law.

Further that this By-law shall come into force and take effect upon being read and passed three (3) times.

First Reading –

Second Reading –

Third Reading –

MICHEAL PRUE – MAYOR

KEVIN FOX - CLERK

Town of Amherstburg
Schedule A of By-law 2023-XXX
Short Term Rental

In this Schedule of the By-law:

1.0 Definitions

"Bedroom" means a room or area, separated from the common living area(s) of the Short-Term Rental Property Unit, which is equipped with a sleeping type bed and a closable, latching door for privacy. A Bedroom shall further meet the requirements for natural light as set out in the Ontario Building Code, and, must provide for adequate means of egress, as approved by the Fire Department;

"Dwelling Unit" means a suite operated as a housekeeping unit, used, or intended to be used by one or more Persons and usually containing cooking, eating, living, sleeping and sanitary facilities;

"Fit for Duty" means a condition in which an employee's physical, physiological and psychological state enables them to continuously perform assigned tasks safely.

"Maximum Occupancy" means the maximum number of occupants permitted on the Premises;

"Parking Management Plan" means the process through which a property owner provides a parking plan without negatively affecting the neighbourhood in which the property is located.

"Principal Residence" means a Person's permanent lodging place to which, whenever absent he or she intends to return;

"Renter's Code" means a document prepared by the Owner that:

- a) sets out the roles and responsibilities of a Renter including behavior expectations as they relate to causing a disturbance;
- b) provides a written warning related to the making of a disturbance;
- c) identifies the Town By-laws and the provisions of the Town By-laws to be complied with;
- d) includes the Parking Management Plan.

"Responsible Person" means a Person that is Fit for Duty and designated by a Licensee who is over the age of eighteen (18) and is able to respond to the Premise as required by the Licence;

"Short Term Rental Property Unit" or "STRPU" means a Building or structure, or any part thereof being used for the habitation of tenants of that temporary residence, lodging or occupancy by way of concession, permit, lease, Licence, rental agreement, or similar commercial arrangement for any period less than twenty-eight (28) consecutive calendar days, throughout all or any part of a calendar year;

2.0 Terms and Conditions

2.1 This licence is a licence to operate a Short-Term Rental property in the Town of Amherstburg. In addition to the licensing requirements set out in this By-law an Applicant or Licensee shall submit the following:

- (a) An inspection approved by the Town's Fire Chief dated within the previous year stating the Premise is in compliance with the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, and its regulations and the maximum occupancy;
- (b) A Renter's Code;
- (c) proof of insurance by way of certificate of insurance showing a minimum limit of two million dollars (\$2,000,000) in commercial general liability for a rental property for the term of the Licence with an endorsement that notice in writing at least thirty (30) days prior to cancellation, expiration, or variation thereof will be given to the Town by the insurance underwriter;
- (d) acknowledgement and consent to the posting of the following information on the Town's website:
 - i) the municipal address of the premise;
 - ii) the legal description of the premise;
 - iii) the contact information for the owner, agent, applicant and responsible person;
- (e) certificate from a Licensed Electrician dated within the previous ninety (90) days of making application for a licence stating the premise is in compliance with the Electrical Safety Code;
- (f) The Parking Management Plan.

2.2 In addition to the licensing requirements set out in Section 3 of the General Provisions of this By-law the issuing of a licence is subject to the following:

- (a) Compliance with the Town's Zoning By-law, as amended from time to time, or its successor by-law;
- (b) Complete fire safety requirements checklist;
- (c) Compliance with the FPPA (Fire Protection and Prevention Act)

- (d) Posting of Fire Safety instructions that is placard or framed, that depicts the location of each bedroom, fire alarm, smoke alarm, carbon monoxide alarm, extinguisher, mechanical room, exit/egress doors or windows on the premise to the satisfaction of the Town;
- (e) Confirmation that the owner(s) and applicant(s) have no outstanding fines, penalties, legal costs, disbursements, property taxes and late payment charges owing to the Town for the subject property.

2.3 A licence is valid for a period of 12 months from the date on which it is issued

2.4 The Maximum Occupancy within a dwelling unit for a licence shall be calculated as follows:

- (a) Two (2) persons per bedroom;
- (b) And two (2) additional persons;
- (c) The number permitted under the Town's Zoning By-law, as amended from time to time, or its successor by-law.

2.5 The maximum occupancy calculated under Section 2.4 of this Schedule of this Bylaw may be reduced by the Manager of Licensing and Enforcement taking into consideration the number of approved parking spaces in the Parking Management Plan, or occupancy load issues identified by a Fire Chief.

2.6 A licensee shall:

- (a) be the registered owner of the property;
- (b) provide and maintain on the premise a self-enclosed building, structure, or container for the disposal of waste;
- (c) designate a responsible person;
- (d) display the licence in a conspicuous place on the licensed premise in close proximity to the entrance of the property and visible to the public at all times;
- (e) display the licence in a prominent place on the interior of the licensed premise; and,
- (f) post the fire safety instructions next to the licence displayed on the interior of the licensed premise.

2.7 Every Person who owns or operates a Short-Term Rental Property shall:

- (a) operate the premises in accordance with the approved:
 - (i) Renter's Code;

- (ii) Parking Management Plan;
 - (iii) Maximum occupancy calculation.
- (b) Operate the premise in accordance with the Town's:
- (i) Property Standards By-law;
 - (ii) Waste Collection By-law;
 - (iii) Emission of Sound (Noise) By-law;
 - (iv) Any other By-law and the Ontario Human Rights Code;
- (c) provide adequate measures for the storage and disposal of waste in accordance with this By-law and keep the Premise in a clean and sanitary condition;
- (d) provide sufficient levels of illumination to facilitate the safe passage of occupants to the satisfaction of the Fire Chief;
- (e) not make, cause, or permit a disturbance or Nuisance;
- (f) Provide the renter with a copy of the Renter's Code;
- (g) Keep a written record of the following;
- (i) the date of entry;
 - (ii) the length of stay of a renter;
 - (iii) the home address of the renter;
 - (iv) confirmation including the date of receipt of the Renter's Code by the Renter;
 - (v) the dates on which smoke and carbon monoxide alarms were tested, batteries replaced, or unit replaced;
 - (vi) the dates on which fire extinguishers are checked or maintained;
 - (vii) the dates on which exit, and emergency lighting is checked or maintained;
 - (viii) annual gas or wood fired appliances, chimneys, vents, and flue inspections.
- (h) maintain the records required by subsection (g) for a minimum of two (2) years;
- (i) include the valid licence number on all;
- (i) advertisement and promotional materials;
 - (ii) website;
 - (iii) contracts and agreements entered into with a renter;
- (j) not permit the use or occupation of an outdoor hot tub and or outdoor pool outside the hours of 0700hrs and 2300hrs exclusively;
- (k) ensure that the hot tub is covered and secured when not in use, and pools are properly secured at all times;

(l) not permit the ignition of any outdoor fire other than an approved outdoor barbeque for the purposes of preparing and cooking of food unless authorized by formal permit provided by the Town of Amherstburg's Fire Department as part of the Licensing process;
(m) not permit any outdoor open air or tent and/or dome sleeping;
(n) not permit any motorhomes, pop up trailers or RV to be used as sleeping quarters on the licensed premise.

- 2.8 A Responsible Person and/or Rental or Lease Management Program Representative, as applicable, shall be responsible for the operation of the Premise, the conduct of the Renter and the occupants of the Premises.
- 2.9 A Responsible Person and/or Rental or Lease Management Program Representative, as applicable, shall be available by email and telephone, 24 hours a day, 7 days a week to attend a licensed Premise within ½ hour of being contacted or notified by the Town or an authorized agent or representative of the Town or an Officer.

Town of Amherstburg
Schedule “B” of By-law 2023-XXX
Short Form Wordings and Associated Demerit Points

For the purpose of Section 11 of this By-law:

- (a) the Designated Provisions column in the following table lists the provisions of this By-law that are hereby designated as being subject to the demerit point system;
- (b) the Short Form Wording column in the following table sets out the nature of the violation;
- (c) the Demerit Points Column in the following table sets out the Demerit Points imposed for a contravention of this By-law, or for a Conviction under a Town By-law pursuant to a Licence, and as referenced in the below chart.
 - (i) For greater certainty, Conviction means a fine, charge, or conviction has been entered to Part I or Part III of the Provincial Offences Act or in the Ontario Court of Justice, and the time for appealing said fine, Charge, or conviction has expired.

Item	Section	Short Form Wording	Demerit Points
1	Section 2.4	Exceed Maximum permitted occupancy between 2300 and 0700hrs	3
2	Section 2.4	2 nd or subsequent offence for exceeding maximum occupancy between 2300 and 0700hrs	8
3	Section 2.8 & 2.9	Term and Condition of Licence – non availability of Responsible Person	5
4	Section 2.5 & 2.7	Waste Collection (2022-025, as amended) conviction related to premise	5
5	Section 2.5 & 2.7	Property Standards (2023-020, as amended) Conviction related to premise	5
6	Section 2.5 & 2.7	Noise By-law (2001-43, as amended) Conviction related to premise	5
7	Section 2.5 & 2.7	2 nd or subsequent contravention related to premises under the Noise, Waste Collection or Property Standards By-laws	10
8	Section 2.5 & 2.6	Fail to Post Licence	3
9	Section 2.5 & 2.7	Advertising without a Town Licence number being included in advertisement	3

10	Section 2.5	Permitting an activity that causes a Nuisance	1
11	Section 2.7(a)(ii)	Using or permitting premises to be used contrary to a Parking Management Plan	3
12	Section 2.7(j)	Permit the operation or occupation of an outdoor hot tub or outdoor pool outside the hour of 0700-2300hrs	5
13	Section 2.7(k)	Failure to properly or adequately secure a Pool or Hot Tub	5
14	Section 2.7(l)	Ignite or permit the ignition of an outside fire or provision of a fire pit without authorization provided by Licence	5
15	Ontario Building Code	Building Code Act (construction without a permit) Conviction	7
16	Section 2.2 & 2.3	Fire Protection and Prevention Act/Fire Code Conviction	15
17	Section 13 of this By-law	Failure to comply with an Order	10
18	Section 2.2 (b)	Failure to comply with Fire Safety Checklist	5



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: Christopher Aspila	Report Date: April 14, 2023
Author's Phone: 519 736-5408 ext. 2124	Date to Council: April 17, 2023
Author's E-mail: caspila@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Economic Development Community Improvement Plan

1. **RECOMMENDATION:**

It is recommended that:

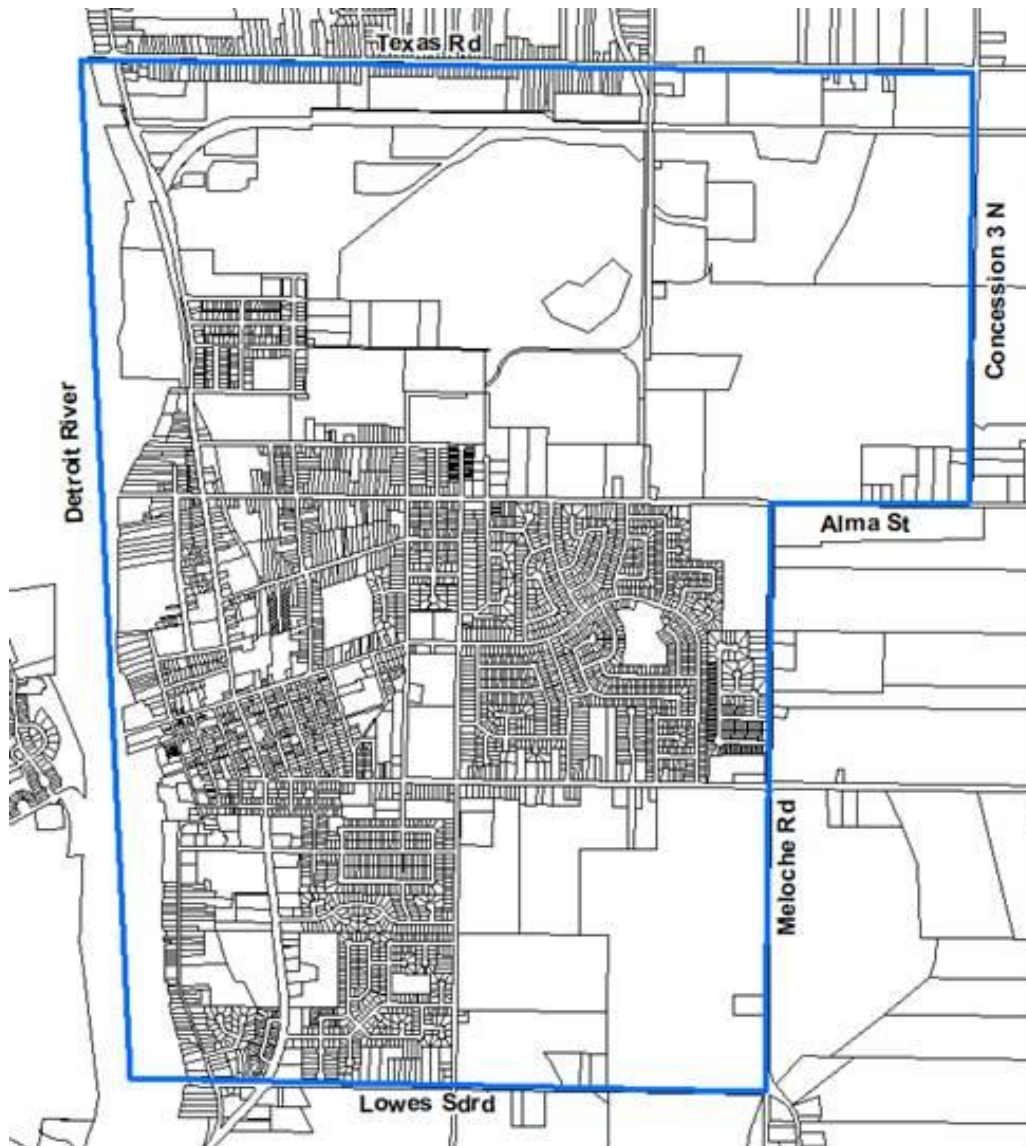
1. Council **APPROVE** the Economic Development Community Improvement Plan attached as Appendix 'A'; and
2. Administration **FORWARD** the Economic Development Community Improvement Plan to the Ministry of Municipal Affairs and Housing for filing; and,
3. By-law 2023-058, being a By-law to approve the Economic Development Community Improvement Plan, be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

2. **BACKGROUND:**

On August 15, 2022 the Town of Amherstburg Council designated an Economic Development Community Improvement Project Area in accordance with s.28 of the *Planning Act*, R.S.O. 1990, c. p. 13 as shown in Figure 1 below. Opportunity exists to enhance economic development in the Town of Amherstburg as the Town of Amherstburg is receiving interest from firms seeking a presence in the Essex-Windsor region due to emerging regional economic development opportunities and our Town's proximity to the Canada-United States border.

There are four and soon to be five border crossing routes with the pending completion of the Gordie Howe International Bridge between Ontario and Michigan. Three of these routes are by road, one by rail and one by ferry. The border crossings between Ontario

and Michigan are the busiest between Canada and the United States both in terms of dollar value and volume of commodities with the transportation equipment commodity group representing the largest component serving the well-developed automotive manufacturing sector. Additionally, there is an emerging financial and technical cluster in the Metro Detroit area that Amherstburg has proximity, infrastructure and skilled workforce to potentially attract firms to locate in Amherstburg.



In September 2022, the Town of Amherstburg retained planning consultants MillerSilani Inc. to lead consultations with government, businesses and residents about what an Economic Development Community Improvement Plan for Amherstburg should contain. A summary of the initial round of consultation is contained in the January 2023 Background report (attached as Appendix 'B').

On February 15, 2023, an Open House was held at the Libro Centre to receive comments from any member of the community about a potential new Economic Development Community Improvement Plan. Notice of this Open House was published in the River Town Times February 1, 2023.

Following the Open House, additional consultation took place with Senior Town Staff to finalize the scope and nature of incentives to be included in the new Economic Development Community Improvement Plan (CIP). The CIP is attached as Appendix 'A'.

On April 11, 2023, a Statutory Public Meeting was held at Council Chambers. Notice of this Open House was published in the River Town Times March 23, 2023. In addition, members of the Economic Development Advisory Committee were emailed April 3, 2023 and provided a copy of the proposed CIP report as well as notification of the SPM on April 11, 2023. While some members of the public spoke on this item, the comments were about specific properties and did not address the draft CIP that was the purpose of the meeting. No written comments were received for the Statutory Public Meeting. The Council direction at the Statutory Public Meeting was:

“Comments from the public, municipal departments, agencies, Economic Development Advisory Committee and Council with respect to an Economic Development Community Improvement Plan **BE RECEIVED and SUMMARIZED** in a future report to Council.”

3. DISCUSSION:

The CIP is divided into six chapters including:

1. An introduction to this CIP;
2. A discussion of the legislative and policy framework;
3. A discussion of the Economic Development Community Improvement Project Area;
4. The CIP objectives;
5. A discussion of the financial incentives available; and
6. An overview of CIP program administration and monitoring.

The CIP has been prepared to offer a targeted set of incentives that are fiscally responsible and focused on attracting and/or retaining investment and jobs that will improve the economic well being of Amherstburg residents.

The CIP will be implemented through a subsequent guideline prepared that will contain specific information and criteria for the different incentives offered.

4. RISK ANALYSIS:

Approving this CIP provides the Town of Amherstburg with a tool to attract potential new employers to the community and retain existing employers. There is a very high risk that not approving this CIP would reduce the Town of Amherstburg's competitive position in attracting new employers to the Town.

5. FINANCIAL MATTERS:

The Industrial Business Property Tax Equivalent Grant Program would provide a grant equivalent of up to 100% of the municipal property tax increase created by the project for up to 10 years after project completion for eligible projects.

The Commercial Business Property Tax Equivalent Grant Program would provide a grant equivalent of up to 50% of the municipal tax increase created by the project for up to 5 years after project completion for eligible projects.

The Development Charges Grant and Building Permit / Planning Fee Grant would be available to applicants successful at obtaining the Industrial or Commercial Business Property Tax Equivalent Grant. This would include a grant to offset up to 100% of the Development Charge Fees owing to the municipality. It would also provide for up to 100% of the value of Building Permit at Planning Fees related to a new and/or expansion of eligible industrial and commercial building projects up to a maximum grant of \$20,000 per eligible project.

The grants described do not require budgetary funding, rather would result in a decrease in property tax, development charges and building/planning fees for eligible projects.

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.

InvestWE – Stephen Mackenzie
Honeywell International Inc. – Megan Hall
Colliers Canada – Matt Chambers
Chief Administrative Office
Deputy Chief Administrative Officer / Director of Development Services

7. CONCLUSION:

The Economic Development Community Improvement Plan would offer incentives authorized under s.28 of the Planning Act to attract new businesses and retain existing businesses in the Town of Amherstburg. Furthermore, the Economic Development Community Improvement Plan is consistent with the provisions of s.17 of the Planning Act and the Town of Amherstburg Official Plan.



Christopher Aspila
Manager, Planning Services

CA

Report Approval Details

Document Title:	Economic Development Community Improvement Plan.docx
Attachments:	- Appendix 'A' - Economic Development CIP.pdf - Appendix 'B' - Economic Development CIP Background Report.pdf - 2023-058- Ec Dev CIP.pdf
Final Approval Date:	Apr 14, 2023

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



Melissa Osborne



Tracy Prince



Valerie Critchley



Kevin Fox

Town of Amherstburg

ECONOMIC DEVELOPMENT COMMUNITY IMPROVEMENT PLAN



MillerSilani Inc., April 2023



TOWN OF AMHERSTBURG
ECONOMIC DEVELOPMENT COMMUNITY IMPROVEMENT PLAN

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SECTION 1 INTRODUCTION

A Background Report (dated January 2023) has been prepared that highlights the opportunities that exist to enhance economic development and job creation in the Town of Amherstburg. These opportunities include becoming part of:

- a new EV technology and manufacturing cluster that is emerging in Southwestern Ontario;
- a new logistics and cross-border transportation hub; and
- the financial/information technology cluster that exists in Southwestern Ontario and Southeastern Michigan.

One of the Town's long-term strategic planning goals is to *"Secure commercial and industrial business investment through the use of progressive land-use planning tools and incentives."* To move forward with a key action item to achieve this strategic goal, the Town of Amherstburg Council has directed that a new Economic Development Community improvement Plan be prepared:

- a) to support the local economy by attracting major new investment and development that represent desirable sectors for the Amherstburg economy; and
- b) to encourage job creation in Amherstburg through the attraction of major new industrial and commercial development and/or the expansion of existing commercial and industrial businesses in identified sectors of the economy.

In the Fall of 2022 consultation took place with staff from the following Provincial Ministries and Regional Agencies that have an interest in economic development, community improvement, and brownfield redevelopment matters:

- the Ministry of Municipal Affairs and Housing;
- the Ministry of Economic Development, Job Creation and Trade;
- Invest Windsor-Essex;
- the Ministry of the Environment, Conservation and Parks.

Consultation also took place with senior Town of Amherstburg staff, including:

- the Chief Administrative Officer;
- the Deputy CAO/Director of Development Services;
- the Director of Corporate Services/Chief Financial Officer;
- the Director of Infrastructure Services;
- the Manager of Planning Services; and
- the Manager of Engineering.

A summary of the initial round of consultation is contained in the January 2023 Background Report.

On February 15, 2023 an Open House was held at the Libro Centre to receive comments from any member of the community about a potential new Economic Development Community Improvement Plan. A notice of this Open House was published on January 26, 2023, and was posted on the Town's social media channels.

Residents that attended in person were able to speak with Town Staff and the Consultants, and to provide their verbal input and written comments. The feedback received was generally positive in nature. Several residents submitted comments stating that in their opinion the Town's existing Development Charge Fees were too high, and that these fees were a deterrent to attracting new businesses to Amherstburg. There were no comments posted on social media.

Following the Open House additional consultation took place with Senior Town Staff to finalize the scope and nature of incentives to be included in the new Economic Development Community Improvement Plan (CIP). This new CIP has been drafted to offer a targeted set of incentives that are fiscally responsible and focused on attracting and/or retaining investment and jobs that will improve the economic well being of Amherstburg residents.

SECTION 2 LEGISLATIVE AND POLICY FRAMEWORK

A Community Improvement Plan (CIP) is a municipal planning tool used to establish strategies, actions, and financial programs for improving identified areas within a municipality.

Section 28(1) of the Planning Act defines community improvement as “the planning or replanning, design or redesign, resubdivision, clearance, development or redevelopment, construction, reconstruction and rehabilitation, improvement of energy efficiency, or any of them, of a community improvement project area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, structures, works, improvements or facilities, or spaces therefor, as may be appropriate or necessary.”

A “community improvement project area” is defined as “a municipality or an area within a municipality, the community improvement of which in the opinion of the council is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason.”

A “community improvement plan” is defined as “a plan for the community improvement of a community improvement project area.”

Once a municipality has identified and selected the geographic area that will be included within the CIP project area, it can prepare and adopt a Community Improvement Plan for the designated area.

Following the adoption of the Community Improvement Plan, Section 28 of the Planning Act allows a municipality to:

- a. acquire land within the community improvement project area;
- b. hold land acquired before or after the passing of the by-law within the community improvement project area;
- c. clear, grade or otherwise prepare the land for community improvement;
- d. construct, repair, rehabilitate or improve buildings on land acquired or held by it in the CIP area;

- e. sell, lease, or otherwise dispose of any land acquired or held by it in the CIP area.;
- f. make grants or loans to registered owners, assessed owners and tenants of lands and buildings within the project area once the CIP has come into effect. (Costs may include costs related to environmental site assessment, environmental remediation, development, redevelopment, construction and reconstruction of lands and buildings for rehabilitation purposes or for the provision of energy efficient uses, buildings, structures, works, improvements, or facilities as identified in Section 28 (7.1) of the Planning Act.)

Section 28(7.3) of the Planning Act specifies that the total of the grants and loans made in respect of particular lands and buildings under subsections (7) and (7.2) and the tax assistance as defined in section 365.1 of the Municipal Act, 2001 shall not exceed the eligible cost of the CIP with respect to those lands and buildings.

Section 28(11) allows a municipality to register an agreement concerning a grant or loan made under subsection 28(7) or an agreement entered into under subsection 28(10) against the land to which it applies, and the municipality shall be entitled to enforce the provisions thereof against any party to the agreement and, subject to the provisions of the Registry Act and the Land Titles Act, against any and all subsequent owners or tenants of the land.

Section 69 of the Planning Act allows municipalities to reduce or waive the amount of a fee in respect of a planning application where it feels payment is unreasonable. Municipalities can use this tool to waive all matter of planning application fees to promote community improvement without inclusion in a CIP. Municipalities can also collect fees and then provide a partial or total rebate of fees in the form of a grant, but this must be done within a CIP.

Section 5 of the Development Charges Act, allows municipalities to grant exemptions from a development charge. This allows both upper-tier (County of Essex) and lower-tier (Town of Amherstburg) municipalities to offer partial or total exemptions from municipal development charges to support community improvement objectives. Through Section 28 of the Planning Act, as part of an adopted CIP, municipalities can offer a reduction in development charges in the form of a grant equivalent to part or all of the development charge normally payable.

These DC exemptions can be targeted and based on the Applicant meeting one or more specified project performance criteria, as set out in the Community Improvement Plan.

It should be noted that the Municipal Act regulates a municipality's ability to provide financial incentives. This restriction is set out in Section 106 (1) of the Municipal Act, and reads as follows:

“Despite any Act, a municipality shall not assist directly or indirectly any manufacturing business or other industrial or commercial enterprise through the granting of bonuses for that purpose. 2001, c. 25, s. 106 (1).”

Section 106 (2) states the municipal actions prohibited consist of giving or lending any property of the municipality, including money; guaranteeing borrowing; leasing or selling any property of the municipality at below fair market value; or giving a total or partial exemption from any levy, charge, or fee.

Despite these prohibited actions, there are exceptions in the Municipal Act provisions. Section 106 (3) of the Municipal Act provides an exception, allowing municipalities exercising authority under Section 28 of the Planning Act to make grants that would be otherwise prohibited.

A key part of Ontario's policy-led planning system is the Provincial Policy Statement (PPS). This statement was issued in 2020 by the Provincial Government in accordance with Section 3 of the Planning Act, and it provides policy direction on matters of provincial interest related to land use planning and development.

The Provincial Policy Statement sets the policy foundation for regulating the development and use of land in Ontario, and it includes the following employment-related policies:

“Planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and

suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;

- d) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities; and
- e) ensuring the necessary infrastructure is provided to support current and projected needs.”

Long-term economic prosperity should be supported by:

- a) promoting opportunities for economic development and community investment-readiness;
- b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;
- c) optimizing the long-term availability and use of land, resources, infrastructure, and public service facilities;
- d) maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;
- e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;
- f) promoting the redevelopment of brownfield sites;
- g) providing for an efficient, cost-effective, reliable multimodal transportation system that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address projected needs to support the movement of goods and people;
- h) providing opportunities for sustainable tourism development;
- i) sustaining and enhancing the viability of the agricultural system through protecting agricultural resources, minimizing land use conflicts, providing opportunities to support local food, and maintaining and improving the agri- food network;

- j) promoting energy conservation and providing opportunities for increased energy supply;
- k) minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature; and
- l) encouraging efficient and coordinated communications and telecommunications infrastructure.”

Section 3 of The Planning Act requires that all decisions made by Municipal Councils with respect to planning matters “shall be consistent with” policy statements issued under the Act.

The County of Essex Official Plan was adopted by County Council and received approval from the Province of Ontario in 2014. This Plan applies to all seven local Essex County municipalities, including the Town of Amherstburg.

The following Essex County Official Plan goals and policies are particularly relevant and applicable to the Town’s new Economic Development Community Improvement Plan:

“Essex County Goals:

- to increase the opportunity for job creation within each local municipality by attracting and maintaining industries and businesses closer to where County residents live;
- to support long term economic prosperity by providing infrastructure and public service facilities to accommodate projected growth;
- to encourage employment opportunities on lands within Settlement Areas that are in proximity to rail corridors.”

Essex County Policies:

- all new development within primary settlement areas shall only occur on full municipal water services and municipal sewage services, unless there are interim servicing policies in the local Official Plan that are in effect;

- Downtown/Uptown areas should maintain and/or enhance the existing character of these areas. Mixed-use development and an accessible pedestrian-oriented streetscape are encouraged. The preparation of Community Improvement Plans is also encouraged;
- The County encourages the redevelopment of brownfield sites.

The Town of Amherstburg’s Official Plan was adopted by Council in 2009 and received final approval in 2010. Subsection 6.5 and subsection 6.3 of the Town’s Official Plan articulates the Town’s Economic Development and Community Improvement Policies, and read as follows:

“Subsection 6.5 – Economic Development

It is the intent of this Plan to develop the Town to its fullest economic potential, while maintaining the quality of life existing residents have come to expect.

This Plan hopes to promote the economic well-being of Town residents and to provide employment opportunities. It is also the intent of the Plan to achieve greater diversification in the Town's overall economic base, while continuing to encourage and promote the development of the traditional agricultural, industrial, and commercial base of the Town. In addition, economic development through tourism will also be promoted and encouraged in the Town.

The general principles to be considered in the economic development of the Town are as follows:

- The Town shall encourage the expansion and diversification of the Town's economic base in order to maximize the number and types of employment opportunities and to stabilize the impacts of cyclical and long-term economic trends in various agricultural, industrial, service, and commercial sectors upon the Town and its residents;
- The Town recognizes the importance of tourism to growth in the local economy and in employment, and will encourage the strengthening of and promote the further development of tourism and recreation opportunities in the Town by preserving heritage through maintaining historic sites,

maintaining public access to the waterfront, the enhancement of the natural environment and wetland ecosystem of the area, and through the promotion of the Town;

- The Town shall undertake and adopt an economic development strategy for the Town in order to give focus and direction to its economic development efforts. This economic development strategy shall serve as a basis for the promotion of economic development in the Town to include three main areas of emphasis - agricultural diversity and stability, industrial development, and retail/tourism development. The Economic Development strategy may be undertaken in cooperation with neighbouring municipalities, the County of Essex, and the Windsor-Essex County Development Commission;
- The Town may participate in any programs offered by other levels of government to improve employment opportunities and promote economic development;
- The Town may cooperate with other levels of government to develop a strategy and program to acquire and develop land for economic development purposes;
- The Town may cooperate to develop an incubator mall, which may utilize existing vacant or underutilized buildings, to nurture new business ventures;
- The Town shall consider, upon request, participating in data collection and providing support services for public agencies engaged in tourism;
- The Town shall consider participating through financial or other support in County- wide cultural, heritage, convention and recreation activities which support tourism;
- Within areas under an industrial designation, the Town shall promote efficient, economical use of the land resources. The use of large lots by small industries will be discouraged unless there is a need for future expansion;
- As part of its on-going planning process, the Town will consider the short and long- term, direct and indirect, economic impacts of various types of development;
- In pursuing economic development, the Town will, at all times, ensure that the costs associated with development are within the Town's financial capabilities, and that there are no undue social or environmental costs;

- The Town shall promote and may participate in partnership with private development and/or the Essex Region Conservation Authority, in the development of a new docking facility in the community.

Subsection 6.3 – Policies for Community Improvement

6.3.1 Designation of Community Improvement Areas

In any established area of the Town where there is evidence that physical and/or socio- economic change may occur if no public action is taken, Council in conjunction with the citizens shall determine whether it is in the best interest of the area and the Town as a whole to encourage such change by directing a program of orderly transformation or to encourage the conservation of the area.

Where the effects of physical and/or socio-economic change are already in evidence, Council shall determine in a similar manner whether or not this change is in the best interest of the area and the Town as a whole and, therefore, whether or not to encourage the rehabilitation and conservation of the area or its orderly transformation.

Council shall therefore, from time to time, develop Community Improvement Plans that provide details on how selected areas will be improved through conservation, rehabilitation, redevelopment, renovations, revitalization and/or environmental remediation. Community Improvement Plans may be applied to all types of uses, buildings, and/or structures in any given area.

Community Improvement Areas may be defined as that portion of the Town of Amherstburg that is bound on the west by the Detroit River, on the north by Texas Road on the east by Concession 3 North and on the south by Lowes Side Road.

6.3.2 Conservation, Rehabilitation and Redevelopment

In areas of conservation and rehabilitation, Council shall institute a program to ensure the conservation and rehabilitation of existing buildings, both through direction and encouragement and by regulatory measures in order to discourage redevelopment. Council shall recognize, however, the justifiable redevelopment of selected buildings and uses within these areas as an integral part of such a program. Particular attention shall be directed initially to those buildings and uses thought to have the most deleterious effects on the surrounding area.

6.3.3 Goals and Objectives

In The principal goals for Community Improvement Area shall be:

- To protect and enhance the quality of the area which the residents value highly;
- To eliminate the deficiencies in municipal services and recreational facilities wherever it is economically and physically possible;
- To assist the community in improving the overall appearance of residential and commercial structures and to act as a catalyst for individual improvement by acquiring properties that are beyond rehabilitation and removing their blighting influences from the area; and
- To urge and assist owners of commercial, industrial, and residential property to rehabilitate premises where necessary in order to eliminate deterioration and improve community pride in ownership or occupancy.

The specific objectives of a Community Improvement Area shall be:

- To provide for the maximum feasible amount of rehabilitation of existing housing and commercial premises by making use of any government programs for financial assistance;
- To establish an active program for informing the property owners of various available forms of housing and commercial rehabilitation assistance;
- To enforce, if necessary, any controls which will contribute to the visual attractiveness of the community and the health and safety of the occupants;
- To improve the sanitary and flooding situation of the community by separating the sanitary and storm sewers on selected streets within the area identified as in need of community improvement on a phased program;
- To improve the water distribution system by installing new watermains on selected streets within the community improvement program area on a phased program;
- To improve the safety and visual appearance of the community by installing new sidewalks, improved street lighting, power lines, curbs and gutters, and the resurfacing of selected streets within the area on a phased program;

- To improve the visual appearance of the community by encouraging the relocating of non-conforming land uses and incompatible land uses;
- To ensure that the residents have a full range of community, social and recreational facilities by further developing or improving the H. Murray Smith Centennial Park, the Austin “Toddy” Jones Park, Bill Wigle Park, King's Navy Yard Park, and the expansion of parkland along the Detroit River;
- To encourage the residents and ratepayers to participate in the implementation of community improvement plans and other programs aimed at improving the community either by service clubs or individual actions or concerns;
- To ensure underutilized sites and/or environmentally compromised sites be revitalized to be contributing assets to the town; and
- To provide funding in the form of grants and/or loans and/or the waiving of fees for appropriate projects that meet the objectives of the Community Improvement Plan.

6.3.4 Criteria for Selecting Community Improvement Areas

In determining whether or not a portion of the Town of Amherstburg will be selected as a Community Improvement Area for the development of a Community Improvement Plan one or more of the following criteria would have to be met:

- There is a deficiency or deterioration in one or more of the following municipal services:
 - a) Sewers and watermains;
 - b) Roads and streets;
 - c) Curbs and sidewalks; and
 - d) Street lighting and utilities
- There is a deterioration or deficiency in one or more of the following recreational and social facilities:
 - a) Public indoor/outdoor recreational facilities;
 - b) Public open space; and
 - c) Public social facilities such as community centres, and libraries
- That at least 25 percent of the housing stock is in need of rehabilitation, whether interior or exterior;

- That the area is potentially stable in terms of land use and densities, whether they be residential or commercial and that there are no indications of major redevelopment plans other than those in the form of improvements;
- That the area is composed of predominantly low and moderate income households in relationship to average provincial household income or to the rest of the community;
- For commercial areas, the area will be in whole or in part defined as the Central Business Area and the area will exhibit symptoms of physical, functional and/or economic decline in the form of, for example, buildings in need of rehabilitation, decrease in retail sales, high vacancy rates, or declining tax base;
- The area contains land use conflicts between non-compatible uses or contains underutilized lands which may detract from the viability of the area but which if redeveloped or renovated or developed to another land use could enhance or revitalize the area;
- The overall streetscape or aesthetics of the area are in need of upgrades;
- The presence of land and/or buildings that may require environmental site assessments or designated substance analysis and the implementation of appropriate and necessary remedial measures.

6.3.5 Phasing of Improvements

The separation of sanitary and storm sewers will be a number one priority within the community with phasing occurring in a natural and logical sequence based on engineering studies.

Improvements to lighting, watermains, sidewalks and road surfaces will also be carried out in a logical, sequential manner in conjunction with the separation of sanitary and storm sewers.

Waterfront improvements are necessary to the continued acquisition of riverfront property for park purposes and the possible development of a marina. Necessary park improvements are also a priority in the community. The designation of a Community Improvement Project Area will be influenced by the

availability of government assistance to help implement the necessary improvements.

Brownfields will be assessed on the benefit to be accrued to the community and on the willingness of the property owners to complete a redevelopment project.

6.3.6 Implementation

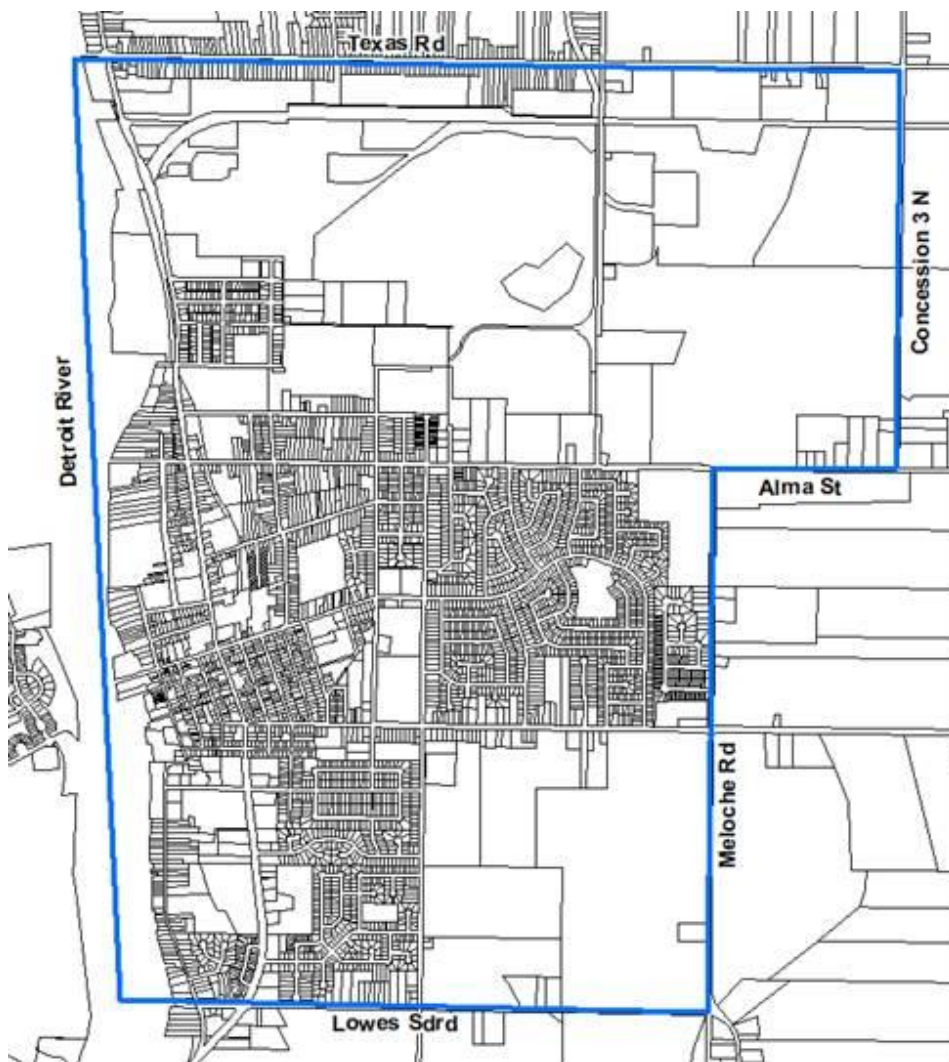
Implementation of the Community Improvements will occur through;

- implementation of the Property Standards By-Law;
- the support of the local Heritage Conservation committee and the application of Heritage designations;
- the acquisition of lands through Town expenditures;
- the sale of public lands for commercial redevelopment;
- the application for various government programs, grants, and loans; and the encouragement of local incentive under private enterprise.;
- the support of the Business Improvement Area;
- consideration of more flexible approaches to the zoning when community improvement objectives are being met;
- encouragement of private initiatives regarding conservation, rehabilitation, redevelopment, and environmental remediation;
- consideration of the provision of grants and/or loans and/or the waiving of fees when local initiatives support the objectives of the community improvement plan; and
- when feasible, acquire buildings and/or land to carry out the community improvement plan and objectives.”

SECTION 3 ECONOMIC DEVELOPMENT COMMUNITY IMPROVEMENT PROJECT AREA

Council passed a By-law pursuant to Section 28 of the Planning Act designating the lands shown in Figure 1 as the Economic Development Community Improvement Project Area. This CIP project area is based on the geographic land area identified in subsection 6.3.1 of the Town's existing approved Official Plan.

Figure 1 - Limits of the Economic Development CIP Project Area



SECTION 4 COMMUNITY IMPROVEMENT PLAN OBJECTIVES

The objectives of this new Economic Development Community Improvement Plan are as follows:

- 1) to support the local economy by attracting major new investment and development that represent desirable sectors for the Amherstburg economy, including manufacturing, logistics, hospitality, professional services, health care, life sciences, and information technology;
- 2) to stimulate and encourage job creation in Amherstburg through the attraction of major new industrial and commercial development and/or the expansion of existing industrial and commercial businesses in identified sectors of the economy;
- 3) to continue to invest in and assist with the redevelopment of industrially and commercially zoned lands in existing built-up areas of the Town;
- 4) to act as a catalyst for new private sector investments to be made in identified sectors of the local economy;
- 5) to facilitate the re-use, development and revitalization of underutilized lands located within existing designated and serviced employment and commercial districts in the Town of Amherstburg; and
- 6) to be financially responsible to taxpayers, by focusing on strategic priorities and making use of targeted financial incentives that do not adversely impact the municipality.

The above noted objectives are an expression of the intended outcomes resulting from the implementation of this Economic Development Community Improvement Plan. They will also be used to guide decisions that are being made during the life of the plan, and as guideposts to monitor the performance of the CIP.

SECTION 5 FINANCIAL INCENTIVES AVAILABLE

To achieve an important Strategic Economic Development Goal of Council, and the stated objectives of this new Economic Development Community Improvement Plan, the following Financial Incentive Programs are being offered to eligible development projects:

1. An Industrial Business Property Tax Equivalent Grant Program

This CIP program is intended to attract new industrial development to Amherstburg and would provide a grant equivalent of up to 100% of the municipal property tax increase created by the project for up to 10 years after project completion for eligible projects. To be eligible for this CIP grant the new industrial development (or the expansion of an existing industrial building) must create a minimum of 60 new permanent full time jobs in a manufacturing and/or logistics facility and must make a minimum investment of \$1,000,000.

2. A Commercial Business Property Tax Equivalent Grant Program

This CIP program is intended to attract new commercial businesses to Amherstburg, in targeted economic sectors (hospitality, professional services, health care, life sciences, and information technology). It would provide a grant equivalent up to 50% of the municipal property tax increase created by the project for up to 5 years after project completion for eligible projects. To be eligible for this grant the new commercial development (or the expansion of an existing commercial building) must create a minimum of 20 new permanent full time jobs in a hospitality services facility, a professional office and health care facility, a life science facility and/or an information technology facility, and must make a minimum investment of \$500,000 in eligible project costs.

3. A Development Charges Grant and a Building Permit/Planning Fee Grant

Applicants successful in obtaining one of the above noted available tax rebate grants would also be eligible to receive a grant to offset:

- up to 100% of the Development Charge Fees that are owing to the municipality.

- up to 100% of the value of Building Permit and Planning Fees related to the construction of new and/or the expansion of eligible industrial and commercial building projects, to a maximum grant of \$20,000 per eligible project.

It should be noted that a CIP property tax increment equivalent rebate incentive is calculated only in relation to the local municipal portion of the total property taxes paid and does not include the education taxes levied, nor does it include the county's portion of the total property taxes. A county tax incentive would only be available should the County of Essex adopt new Community Improvement Policies agreeing to provide such assistance for projects that would qualify for such an incentive as set out in a Town of Amherstburg adopted Community Improvement Plan.

A detailed application form and program guide will be prepared and utilized by Town Administrative Staff to receive applications and to determine eligibility under one or more of these financial incentive programs.

The following definitions will be used by Town Administrative Staff when preparing the detailed program application form and guideline documents:

- Manufacturing Facility means an establishment primarily engaged in the fabricating, processing, finishing, refinishing, assembly or similar production of various articles and commodities.
- Logistics Facility means a warehouse used for storage and transportation of goods, distribution facilities, and logistics services such as but not limited to material handling, packaging, and freight storage and forwarding.
- Professional Office and Health Care Facility means an office or clinic maintained and used as a place of business by individuals in licensed and other generally recognized professions that includes but is not limited to doctors, dentists, lawyers, engineers, architects, and accountants.
- Life Science Facility means an establishment primarily engaged in research and development in advanced and applied sciences, that includes but is not limited to biopharmaceuticals, biotechnology, nanotechnology, biomedical engineering, and biogenetics.
- Information Technology Facility means an establishment primarily engaged in providing services that include, but are not limited to the management, operation, programming, maintenance and system administration of computer and telecommunication networks and systems.

- Hospitality Services Facility means an establishment that provides hospitality related services that include, but are not limited to hotel/motel accommodations, restaurants, catering, banquets/receptions, entertainment, and conference/special event venues.
- Permanent Full-Time Employee means a person employed by a business who is normally scheduled to work a minimum of 35 hours per week for the entire normal year of the business, which normal year must consist of at least 48 weeks. The permanent full-time employee must be working in the Town of Amherstburg.
- Municipal Property Taxes is the Town of Amherstburg portion of property taxes payable, and does not include the Education portion payable to the Province of Ontario, and any property taxes payable to the County of Essex.
- Tax Increment is the difference between the base rate at the time of Amherstburg Council's approval of financial incentives for the project and the municipal taxes after the completion of the approved eligible works, occupancy, and reassessment by MPAC. The tax increment will be calculated on an annual basis and will include increases and decreases resulting from tax rate changes and reassessments.

Town Staff will also utilize the following general incentive program requirements when preparing the program application form and guideline document. These requirements are not necessarily exhaustive, and the Town of Amherstburg reserves the right to include other requirements and conditions as deemed necessary as part of the application form and/or the program guide.

- An application for any of the incentive programs contained in the CIP can only be made for properties located within the Community Improvement Project Area.
- If the applicant is not the registered owner of the property, the applicant must provide written consent from the owner of the property on the application. The registered property owner may also be required to be a party to any agreement for the financial incentive programs.
- The applicant will be required to submit a complete application to the Municipality describing in detail the work that is planned. This may include reports, floor plans, conceptual site plans, business plans, estimates, contracts, and other details as may be required to satisfy the Municipality with respect to conformity of the project with the CIP. The application must be submitted to

the Municipality prior to Council's approval of financial incentives for the project.

- All drawings, reports and/or materials submitted to and/or requested by the Municipality to support a financial incentive program application shall be prepared by qualified professionals to the satisfaction of the Municipality.
- The applicant must address all outstanding work orders and/or other fees from the Municipality (including tax arrears) against the subject property to the satisfaction of the Town of Amherstburg prior to the grant being approved.
- Council is the sole approval authority for all applications submitted under the financial incentive programs included in this CIP.
- As a condition of approval of an application for any of the financial incentive programs contained within this CIP, the applicant must enter into an agreement with the Municipality. The agreement will be registered against the land to which it applies and will specify the terms, duration, and default provisions of the grant.
- All proposed works approved under the incentive programs and associated improvements to buildings and/or land shall conform to all provincial laws, municipal by-laws, policies, procedures, standards, and guidelines, including applicable Official Plan and zoning requirements and approvals.
- The total of the grants made in respect of improvements to buildings and/or lands shall not exceed the eligible costs as further specified in the more detailed CIP program guide and application form.
- The Town of Amherstburg may undertake an audit of work done and eligible costs if it is deemed necessary, at the expense of the applicant. Municipal staff, officials, and/or agents of the Municipality may inspect any property that is the subject of an application for any of the financial incentive programs offered by the Municipality.
- The Municipality is not responsible for any costs incurred by an applicant in relation to any of the programs, including without limitation, costs incurred in anticipation of a grant.
- The financial incentive programs approved by Council will take effect as of the date of Council adoption, and will not be applied retroactively to any work that has taken place prior to the execution of the CIP agreement in accordance with this CIP.

- Council at its discretion may at any time discontinue a program; however, any participants in the program prior to its discontinuance will continue to receive grants as approved for their property in accordance with the agreement signed with the Municipality.
- If the applicant is in default of any of the general or program specific requirements, or any other requirements of the Municipality, the Municipality may delay, reduce, or cancel the approved grant, and any grant amount paid will be recovered by the Municipality.
- If a building that was erected or improved with a program grant is demolished prior to the expiry of the grant period, the grant is terminated and will be recovered by the Municipality.
- The Town of Amherstburg has the right to perform annual inspections, and to request information from the applicant with respect to full time employment numbers, to ensure compliance with the agreement and to adjust the incentive levels to reflect the current situation in relation to the agreement signed with the Municipality.

It should be noted that the CIP program application form and guideline will also include information highlighting the criteria that will be used by Council when evaluating the applications that are submitted pursuant to this new Economic Development Community Improvement Plan

SECTION 6 PROGRAM ADMINISTRATION AND MONITORING

This new Economic Development Community Improvement Plan is intended to be in effect for 5 years from the date of adoption by Council. It can be extended for a further 5 year period at the sole discretion of Council.

Town Staff will put in place a monitoring program and will prepare an annual report to assist Council evaluate the effectiveness of the new Economic Development Community Improvement Plan. This monitoring report will also be used to identify if there are refinements that need to be made to the CIP (including the program application form and guideline documents) to address changing economic conditions that may arise from time to time.

Town of Amherstburg

ECONOMIC DEVELOPMENT COMMUNITY IMPROVEMENT PLAN

Background Report



MillerSilani Inc., January 2023



TOWN OF AMHERSTBURG
ECONOMIC DEVELOPMENT COMMUNITY IMPROVEMENT PLAN
BACKGROUND REPORT

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SECTION 1 INTRODUCTION

1.1 Why is this Community Improvement Plan Being Prepared At This Time?

The Town of Amherstburg is receiving interest from individuals and corporations seeking a presence in the Essex-Windsor Region, to take advantage of emerging regional economic development opportunities. The Town's proximity to the US-Canada border, together with the availability of designated, zoned and serviced industrial and commercial lands makes Amherstburg an ideal candidate to attract new investment and jobs.

With the pending completion of the Gordie Howe International Bridge between Ontario and Michigan our region has five international land borders between Canada and the United States. These crossings are the busiest international gateways between our two nations, both in terms of dollar value and volume of commodities with the transportation equipment commodity group representing the largest component serving the well-developed automotive manufacturing sector that exists in Southern Ontario and Southeastern Michigan. More than 40,000 commuters, tourists and truck drivers carrying \$323 million worth of goods cross the Windsor-Detroit border each day.

In the Spring of 2022 Stellantis and LG Energy Solution (with financial incentives provided by the Government of Canada, the Government of Ontario and the City of Windsor) announced that the first large-scale, domestic, electric-vehicle battery manufacturing facility will be built in the City of Windsor. This is the single largest investment to ever be made in the Windsor-Essex Region.

With an investment of \$5 billion and an estimated 2,500 new direct jobs being created, this new battery plant is a transformative investment that will enable this region to successfully compete for and attract additional new advanced manufacturing, research and commercial investments. Work is underway in constructing this new facility that is expected to be operational in 2024.

Stellantis also announced that the Windsor Assembly Plant will be transformed to support the production of new multi-energy vehicle (MEV) architecture that will provide battery-electric (BEV) capability for multiple models. This vehicle assembly plant is being designed to have maximum flexibility to adjust production volumes as needed to meet changing market demand for electric vehicles. Retooling of the Windsor Assemble Plant is scheduled to begin in 2023.

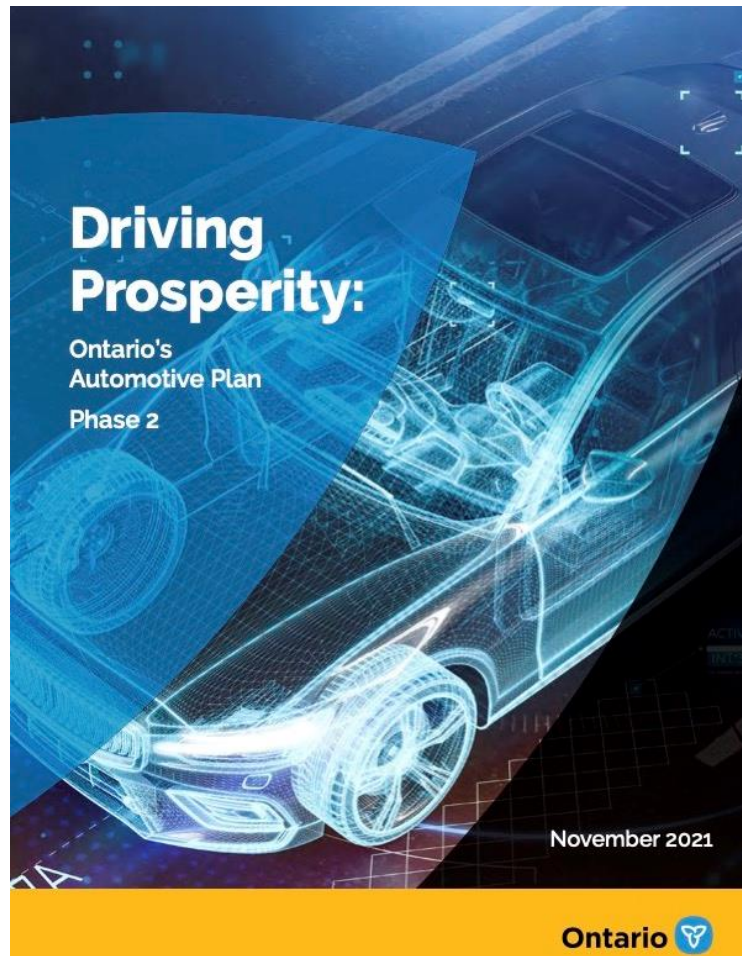
The Windsor-based Automotive Research and Development Centre (ARDC) is also being expanded by adding more than 650 highly skilled engineering jobs in support of Stellantis' growth in electrification. A new 100,000 square foot facility is being built to facilitate this

expansion, and it is expected to be completed by the end of 2023. This research centre will focus on advanced EV related technologies that are required for Stellantis to successfully transition its North American production facilities from ICE to EV propulsion systems.

In November of 2021 the Province of Ontario released “Driving Prosperity: Ontario’s Automotive Plan, Phase 2”. An integral part of this Plan is to position Ontario as a North American leader in developing and building the car of the future.

A new investment attraction agency (Invest Ontario) was specifically created to nurture investment and help businesses grow in the Province of Ontario.

Invest Ontario is offering a \$400-million fund to encourage investments in the advanced manufacturing sector, such as investment in EV-related technologies. This fund was utilized to assist with the funding of new battery plant in Windsor.



The Ontario Government is also offering a number of new tax incentives for manufacturing/ accelerated write-offs Ontario is encouraging new business investment by allowing faster write-offs of the cost of capital investments such as new machinery and equipment. Businesses can immediately write off investments in manufacturing and processing machinery and equipment, as well as certain clean energy equipment and eligible zero-emission vehicles.

The Town of Amherstburg is well positioned to build on the province’s new investment strategy, and to take advantage of the opportunities that will emerge over the next decade as:

- a new EV technology and manufacturing cluster continues to build and expand in Southwestern Ontario;
- new logistics and cross-border transportation infrastructure becomes operational; and
- the financial/information technology cluster that exists in Southwestern Ontario and Southeastern Michigan continues to expand.

Opportunities exist to enhance economic development and job creation in the Town of Amherstburg through the preparation and adoption of a new Economic Development Community Improvement Plan (CIP) prepared in accordance with Section 28 of the Planning Act. Town of Amherstburg Council has directed that a new Economic Development CIP be prepared:

- a) to support the local economy by attracting major new investment and development that represent desirable sectors for the Amherstburg economy; and
- b) to encourage job creation in Amherstburg through the attraction of major new industrial and commercial development and/or the expansion of existing industrial and commercial businesses in identified sectors of the economy.

It should be noted that Town Administrative Staff intend to re-activate and complete work that was commenced in 2017 to prepare a Community Improvement Plan (CIP) for the Downtown Core Area. Work on that project was put on hold in 2021, and a subsequent report will be brought back to Council in the summer of this year, outlining further actions that will be taken by Staff to complete the Core Area CIP.

1.2 Purpose Of This Background Report

This Background Report is intended to provide information that will be utilized by Council when preparing the new Economic Development Community Improvement Plan (CIP), in keeping with Council's economic development and job creation objectives and utilizing the legislative authority and best practices available in the Province of Ontario.

It is important that the new Economic Development CIP be drafted in such a manner as to offer a targeted set of actions and incentives that are fiscally responsible, and capable of attracting and/or retaining the investment and jobs that will improve the economic well being of Amherstburg residents.

SECTION 2 LEGISLATIVE AND POLICY FRAMEWORK

2.1 Provincial Enabling Legislation

A Community Improvement Plan (CIP) is a municipal planning tool used to establish strategies, actions and financial programs for improving identified areas within a municipality.

Community improvement planning was a popular planning tool utilized by many municipalities in the 1970s and 1980s, as a means to encourage neighbourhood and downtown commercial core area renewals. At that time, it was also a requirement to have a Community improvement Plan in place in order for municipalities to receive provincial grants under former community improvement programs such as ONIP (Ontario Neighbourhood Improvement Program), CAIP (Commercial Area Improvement Program), and ODRP (Ontario Downtown Revitalization Program).

Those provincial grant programs no longer exist, and municipalities are now using Community Improvement Plans, Policies and Programs in more innovative ways to address emerging economic development objectives and to support and incentivise targeted and/or sector specific development/redevelopment projects that lead to new job creation.

Section 28(1) of the Planning Act defines community improvement as “the planning or replanning, design or redesign, resubdivision, clearance, development or redevelopment, construction, reconstruction and rehabilitation, improvement of energy efficiency, or any of them, of a community improvement project area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, structures, works, improvements or facilities, or spaces therefor, as may be appropriate or necessary.”



A “community improvement project area” is defined as “a municipality or an area within a municipality, the community improvement of which in the opinion of the council is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason.”

A “community improvement plan” is defined as “a plan for the community improvement of a community improvement project area.”

Once a municipality has identified and selected the geographic area that will be included within the CIP project area, it can prepare and adopt a Community Improvement Plan for the designated area.

Following the adoption of the Community Improvement Plan, Section 28 of the Planning Act allows a municipality to:

- a. acquire land within the community improvement project area;
- b. hold land acquired before or after the passing of the by-law within the community improvement project area;
- c. clear, grade or otherwise prepare the land for community improvement;
- d. construct, repair, rehabilitate or improve buildings on land acquired or held by it in the CIP area;
- e. sell, lease or otherwise dispose of any land acquired or held by it in the CIP area.;
- f. make grants or loans to registered owners, assessed owners and tenants of lands and buildings within the project area once the CIP has come into effect. (Costs may include costs related to environmental site assessment, environmental remediation, development, redevelopment, construction and reconstruction of lands and buildings for rehabilitation purposes or for the provision of energy efficient uses, buildings, structures, works, improvements or facilities as identified in Section 28 (7.1) of the Planning Act.)

Section 28(7.3) of the Planning Act specifies that the total of the grants and loans made in respect of particular lands and buildings under subsections (7) and (7.2) and the tax assistance as defined in section 365.1 of the Municipal Act, 2001 shall not exceed the eligible cost of the CIP with respect to those lands and buildings.

Section 28(11) allows a municipality to register an agreement concerning a grant or loan made under subsection 28(7) or an agreement entered into under subsection 28(10) against the land to which it applies, and the municipality shall be entitled to enforce the provisions thereof against any party to the agreement and, subject to the provisions of the Registry Act and the Land Titles Act, against any and all subsequent owners or tenants of the land.

Section 69 of the Planning Act allows municipalities to reduce or waive the amount of a fee in respect of a planning application where it feels payment is unreasonable. Municipalities can use this tool to waive all matter of planning application fees to promote community improvement without inclusion in a CIP. Municipalities can also collect fees and then provide a partial or total rebate of fees in the form of a grant, but this must be done within a CIP.

Section 5 of the Development Charges Act, allows municipalities to grant exemptions from a development charge. This allows both upper-tier (County of Essex) and lower-tier (Town of Amherstburg) municipalities to offer partial or total exemptions from municipal development charges in order to support community improvement objectives. Through Section 28 of the Planning Act, as part of an adopted CIP, municipalities can offer a reduction in development charges in the form of a grant equivalent to part or all of the development charge normally payable.

These DC exemptions can be targeted and based on the Applicant meeting one or more specified project performance criteria, as set out in the Community Improvement Plan.

It should be noted that the Municipal Act regulates a municipality's ability to provide financial incentives. This restriction is set out in Section 106 (1) of the Municipal Act, and reads as follows:

“Despite any Act, a municipality shall not assist directly or indirectly any manufacturing business or other industrial or commercial enterprise through the granting of bonuses for that purpose. 2001, c. 25, s. 106 (1).”

Section 106 (2) states the municipal actions prohibited consist of giving or lending any property of the municipality, including money; guaranteeing borrowing; leasing or selling any property of the municipality at below fair market value; or giving a total or partial exemption from any levy, charge or fee.

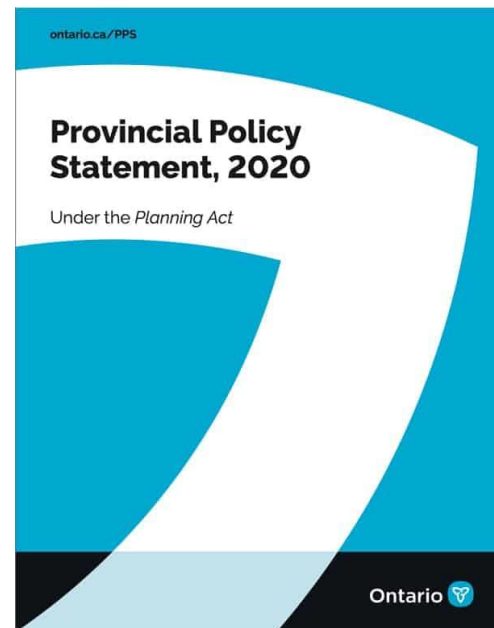
Despite these prohibited actions, there are exceptions in the Municipal Act provisions. Section 106 (3) of the Municipal Act provides an exception, allowing municipalities exercising authority under Section 28 of the Planning Act to make grants that would be otherwise prohibited.

2.2 Provincial Policy Direction

The Provincial Policy Statement (PPS) was issued in 2020 by the Provincial Government in accordance with Section 3 of the Planning Act.

It is a key part of Ontario's policy-led planning system, and it provides policy direction on matters of provincial interest related to land use planning and development.

The Provincial Policy Statement sets the policy foundation for regulating the development and use of land in Ontario, and it includes the following employment-related policies:



“Planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;
- d) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities; and

- e) ensuring the necessary infrastructure is provided to support current and projected needs.”

“Long-term economic prosperity should be supported by:

- a) promoting opportunities for economic development and community investment-readiness;
- b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;
- c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;
- d) maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;
- e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;
- f) promoting the redevelopment of brownfield sites;
- g) providing for an efficient, cost-effective, reliable multimodal transportation system that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address projected needs to support the movement of goods and people;
- h) providing opportunities for sustainable tourism development;
- i) sustaining and enhancing the viability of the agricultural system through protecting agricultural resources, minimizing land use conflicts, providing opportunities to support local food, and maintaining and improving the agri- food network;
- j) promoting energy conservation and providing opportunities for increased energy supply;

- k) minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature; and
- l) encouraging efficient and coordinated communications and telecommunications infrastructure.”

Section 3 of The Planning Act requires that all decisions made by Municipal Councils with respect to planning matters “shall be consistent with” policy statements issued under the Act.

2.3 County Of Essex Policy Direction

The existing County Official Plan was adopted by County Council and received approval from the Province of Ontario in 2014. This Plan applies to all seven local Essex County municipalities, including the Town of Amherstburg.

The following Essex County Official Plan goals and policies are particularly relevant and applicable to the Town’s new Economic Development Community Improvement Plan:



OFFICIAL PLAN



Prepared By:



Adopted February 19, 2014
Approved by MMAH April 28, 2014

“Essex County Goals:

- to increase the opportunity for job creation within each local municipality by attracting and maintaining industries and businesses closer to where County residents live;
- to support long term economic prosperity by providing infrastructure and public service facilities to accommodate projected growth;
- to encourage employment opportunities on lands within Settlement Areas that are in proximity to rail corridors.”

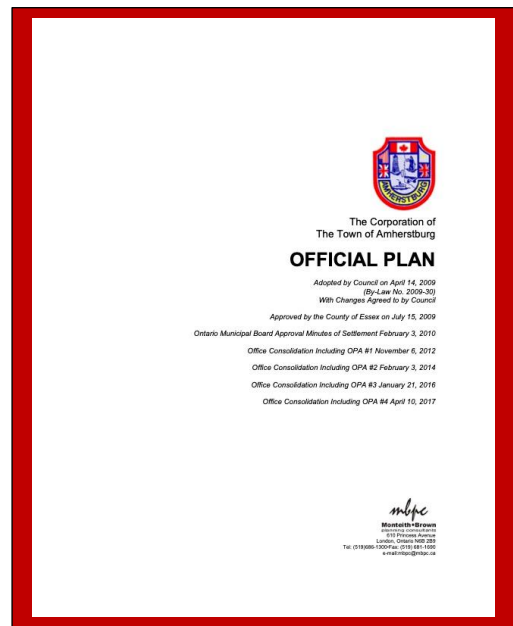
Essex County Policies:

- all new development within primary settlement areas shall only occur on full municipal water services and municipal sewage services, unless there are interim servicing policies in the local Official Plan that are in effect;
- Downtown/Uptown areas should maintain and/or enhance the existing character of these areas. Mixed-use development and an accessible pedestrian-oriented streetscape are encouraged. The preparation of Community Improvement Plans is also encouraged;
- The County encourages the redevelopment of brownfield sites.

2.4 Town Of Amherstburg Policy Direction

The Town of Amherstburg's Official Plan was adopted by Council in 2009 and received final approval in 2010.

A broad range of goals and policies contained within the Town's Official Plan are relevant and applicable to this new Economic Development Community Improvement Plan, and include the following:



“Subsection 1.7.9 – Industrial and Commercial Lands:

The Town of Amherstburg was the home of General Chemical/Allied Chemical. General Chemical lands are located within the Amherstburg Settlement Area adjacent to the

Detroit River between the Town's two largest areas of residential concentration. In addition to a large chemical plant General Chemical also had extensive brine wells, waste settling beds and quarrying operations associated with the chemical plant.

Although the industry has ceased as of January 2005 there continues to be an obligation to address the issue of the brownfields left by this industry's past activities.

The quarry operation had been acquired by a local quarry/gravel operator and will continue to operate in a manner similar to how it has operated in the past. The brine extraction lands have been sold to individuals interested in various recreational and residential forms of development. Concerns relating to servicing, land stability and provincially significant wetlands may limit any development on the former brine extraction property. Special policies to guide the after use of these lands will form part of this Official Plan.

The front portion of the chemical plant property was proposed for a general commercial development. While the proposal for commercial development in this location is very sound, recent inquiries would indicate that there may be interest in redeveloping the General Chemical lands for another heavy industrial use. The Town's desire for a balanced economy and job creation has resulted in a dual designation for this portion of the site to provide for the greatest flexibility between what was and what could be.

Within the Heavy Industrial designation referred to as the General Chemical lands is located Honeywell International Inc. Honeywell Chemicals is one of the largest producers of hydrofluoric acid and the Amherstburg plant employs 103 persons. Past consents to Honeywell have rendered certain parcels land-locked but with easements over the General Chemical lands. Future development of lands within this Heavy Industrial designation will address issues of access, buffering, servicing constraints and site rehabilitation.

As of June 2005, the Town has also lost another industry – Nexen. The site is located adjacent to the General Chemical lands. In 1981 when the plant was constructed, the road to this portion of the industrial park was closed for safety

considerations. The company is proposing to demolish the plant. Once the plant is removed concept plans as to how this area is to develop need to be part of any applications for redevelopment.

Subsection 2.5 – Industrial and Commercial Services

The Town of Amherstburg wishes to encourage businesses and industries to locate within the community to provide employment opportunities and to increase the assessment base. The Town also wishes to encourage the retention of disposable spending dollars within Essex County and Amherstburg in particular.

In order to achieve these objectives, the Town may participate in the development of additional or expanded business/industrial park sites and/or the provision of services to privately owned industrial lands so as to ensure an adequate supply of available serviced employment lands within the Town. The Town may also identify an area suitable for new format retail or service commercial opportunities while having regard for the existing commercial development. In doing so, the Town shall have regard to the relevant policies of this Plan.

Subsection 2.8.2 – Waste Settling Beds

The former General Chemical site and the Honeywell site have active waste settling beds, inactive waste settling beds and settling beds under remediation but closed. The Honeywell settling bed is considered an active waste disposal site.

Any new development or change of use on the site or within 500 metres of any of the waste settling bed sites as measured from the perimeter of the settling bed shall require an applicant to undertake a study, prepared by a qualified professional, to evaluate the presence and impact of environmental contaminants and any leachate migration in the soils.

The study will address the feasibility of mitigation measures if required. Depending on the results of the study, development may be restricted, conditions may be imposed, or development may be refused. Appropriate buffering may also be applied as determined by the study. No development may be permitted on the waste settling beds unless approval has

been granted under Section 46 of the Ontario Environmental Protection Act.

Subsection 2.18 – Brownfields Redevelopment Policies

The Province of Ontario recently amended Section 28 of the Planning Act. Section 28 allows municipalities to create Community Improvement Areas. The changes to the Act are intended to provide greater flexibility in how a municipality utilizes this Section of the Act when carrying out remedial works or redevelopment projects. The changes have expanded the range of projects and now include the ability to carry out remedial measures to clean up sites with environmental issues.

The Town can provide grants and loans to owners of brownfields to assist in the cost of any clean up. There are a number of sites within the community that could benefit from more flexible community improvement policies. The former General Chemical site, the former SKD site, the former Church and Dwight site, and the former Nexen site could possibly benefit from the new redevelopment policies.

More detailed policies on how this Official Plan addresses Community Improvement Areas are found in Section 6.3 of this Plan.

Subsection 2.19 – Smart Growth Policies

The Town will accommodate projected growth within the defined Settlement Areas and encourage a more efficient use of land and services.

The Town also supports revitalization of the downtown and commercial areas of the community while having appropriate and sensitive regard to the heritage features of this community.

Included in the Town's positive outlook for the commercial areas of the Downtown will be the continued encouragement of residential development on the upper floors of the commercial buildings, the added parking concessions to

existing and new development and the promotion of the tourism aspects of the Town.

Subsection 6.2 – Policies for Downtown Revitalization

It is the intent of this Plan to encourage the continued viability of the downtown core area. To this end, the following specific policies are set out with respect to future development in the Central Business Area.

6.2.1 Description:

- The Central Business Area shall comprise those lands adjacent to Richmond Street, west of Sandwich Street and Dalhousie Street from Rankin to Gore;
- The uses permitted in the Central Business Area shall consist primarily of those general commercial uses described in Section 4.4 hereof, but shall also include some mixed types of residential uses located primarily on the fringe of the Central Business Area;
- The limits of the Central Business Area do not coincide in all cases with those of land use areas. However, distinct and recognizable limits to the Central Business Area will be achieved where possible by differences in intensity and character between it and adjoining areas;
- The Central Business Area is and shall continue to be characterized by an intensive use of land.

6.2.2 Role and Function:

It is the intent of this Plan that the focal point of activity be the Central Business Area which shall continue to be the dominant and most intensive business area in the Town and in the surrounding market area. The Zoning by-law may apply square footage restrictions on uses beyond the Central Business Area in an attempt to encourage smaller retail and office uses to select the Central Business Area over locations on Sandwich Street.

6.2.5 Downtown Improvement and Revitalization

- It is the intent of this Plan that the progressive features and positive characteristics, which have developed in the Central Business Area, shall be retained and reinforced. Development of vacant sites and redevelopment of existing areas in the Central Business Area shall be encouraged in a comprehensive manner with a view to coordinating individual site designs and providing integrated solutions to pedestrian and vehicular traffic circulation problems. To further these objectives, Council may require that prospective developers of lands in the Central Business Area enter into a Development Agreement with the Municipality under Section 41 of the Planning Act, R.S.O. 1990 c.P.13;
- Although intensification of use will be inherent in most development or redevelopment, it is the intent of this Plan that in any rehabilitation, conservation, development, or redevelopment schemes for the Central Business Area, emphasis be placed on the provision of abundant light and air space, the provision of attractive and usable open space available to the public, the aesthetic value of enclosed areas as well as open areas, the importance of public buildings as focal points of civic improvement, the restoration of existing buildings wherever possible and the retention of historical atmosphere and buildings. High standards of civic design emphasizing unity, coherence, and aesthetic appeal shall be the goal throughout;
- No open storage shall be permitted in the Central Business Area;
- It is the intent of this Plan that the Central Business Area remain as compact as possible in order to serve the pedestrian most effectively. New development should be planned as an extension of the existing

business area and should not be allowed to infiltrate unnecessarily into adjoining residential areas;

- Preference should be granted to the redevelopment of vacant or derelict commercial buildings within the Central Business Area before considering amendments to the Zoning By-Law to permit expansion into adjoining residential areas;
- Council shall endeavour to improve the environment of the Central Business Area by making use of small spaces for such amenities as benches and planting and to improve the design of street lighting and other street furniture.
- Council shall encourage merchants and property owners in the Central Business Area to improve their shop fronts and signs and thereby improve the overall appearance of the downtown area;
- Council shall encourage an adequate standard of building maintenance on all property within the Central Business Area through the enforcement of a maintenance and occupancy standards by-law pursuant to Section 31 of the Planning Act R.S.O. 1990 c.P .13;
- Council shall consider the assembling of land within the Central Business Area as assistance to redevelopment or rehabilitation schemes;
- Council shall have regard to the policies relating to Economic Development that are contained in Section 6.5 of this Plan when considering the improvement and revitalization of the downtown area.

Subsection 6.3 – Policies for Community Improvement

6.3.1 Designation of Community Improvement Areas

In any established area of the Town where there is evidence that physical and/or socio- economic change may occur if no public action is taken, Council in conjunction with the citizens shall determine whether it

is in the best interest of the area and the Town as a whole to encourage such change by directing a program of orderly transformation or to encourage the conservation of the area.

Where the effects of physical and/or socio-economic change are already in evidence, Council shall determine in a similar manner whether or not this change is in the best interest of the area and the Town as a whole and, therefore, whether or not to encourage the rehabilitation and conservation of the area or its orderly transformation.

Council shall therefore, from time to time, develop Community Improvement Plans that provide details on how selected areas will be improved through conservation, rehabilitation, redevelopment, renovations, revitalization and/or environmental remediation. Community Improvement Plans may be applied to all types of uses, buildings, and/or structures in any given area.

Community Improvement Areas may be defined as that portion of the Town of Amherstburg that is bound on the west by the Detroit River, on the north by Texas Road on the east by Concession 3 North and on the south by Lowes Side Road.

6.3.2 Conservation, Rehabilitation and Redevelopment

In areas of conservation and rehabilitation, Council shall institute a program to ensure the conservation and rehabilitation of existing buildings, both through direction and encouragement and by regulatory measures in order to discourage redevelopment. Council shall recognize, however, the justifiable redevelopment of selected buildings and uses within these areas as an integral part of such a program. Particular attention shall be directed initially to those buildings and uses thought to have the most deleterious effects on the surrounding area.

6.3.3 Goals and Objectives

In The principal goals for Community Improvement Area shall be:

- To protect and enhance the quality of the area which the residents value highly;
- To eliminate the deficiencies in municipal services and recreational facilities wherever it is economically and physically possible;
- To assist the community in improving the overall appearance of residential and commercial structures and to act as a catalyst for individual improvement by acquiring properties that are beyond rehabilitation and removing their blighting influences from the area; and
- To urge and assist owners of commercial, industrial and residential property to rehabilitate premises where necessary in order to eliminate deterioration and improve community pride in ownership or occupancy.

The specific objectives of a Community Improvement Area shall be:

- To provide for the maximum feasible amount of rehabilitation of existing housing and commercial premises by making use of any government programs for financial assistance;
- To establish an active program for informing the property owners of various
- available forms of housing and commercial rehabilitation assistance;
- To enforce, if necessary, any controls which will contribute to the visual
- attractiveness of the community and the health and safety of the occupants;

- To improve the sanitary and flooding situation of the community by separating the sanitary and storm sewers on selected streets within the area identified as in need of community improvement on a phased program;
- To improve the water distribution system by installing new watermains on selected streets within the community improvement program area on a phased program;
- To improve the safety and visual appearance of the community by installing new sidewalks, improved street lighting, power lines, curbs and gutters, and the resurfacing of selected streets within the area on a phased program;
- To improve the visual appearance of the community by encouraging the relocating of non-conforming land uses and incompatible land uses;
- To ensure that the residents have a full range of community, social and recreational facilities by further developing or improving the H. Murray Smith Centennial Park, the Austin “Toddy” Jones Park, Bill Wigle Park, King's Navy Yard Park, and the expansion of parkland along the Detroit River;
- To encourage the residents and ratepayers to participate in the implementation of community improvement plans and other programs aimed at improving the community either by service clubs or individual actions or concerns;
- To ensure underutilized sites and/or environmentally compromised sites be revitalized to be contributing assets to the town; and
- To provide funding in the form of grants and/or loans and/or the waiving of fees for appropriate projects that meet the objectives of the Community Improvement Plan.

6.3.4 Criteria for Selecting Community Improvement Areas

In determining whether or not a portion of the Town of Amherstburg will be selected as a Community Improvement Area for the development of a Community Improvement Plan one or more of the following criteria would have to be met:

- There is a deficiency or deterioration² in one or more of the following municipal services:
 - a) Sewers and watermains;
 - b) Roads and streets;
 - c) Curbs and sidewalks; and
 - d) Street lighting and utilities
- There is a deterioration or deficiency in one or more of the following recreational and social facilities:
 - a) Public indoor/outdoor recreational facilities;
 - b) Public open space; and
 - c) Public social facilities such as community centres, libraries, cultural facilities
- That at least 25 percent of the housing stock is in need of rehabilitation, whether interior or exterior;
- That the area is potentially stable in terms of land use and densities, whether they be residential or commercial and that there are no indications of major redevelopment plans other than those in the form of improvements;
- That the area is composed of predominantly low and moderate income households in relationship to average provincial household income or to the rest of the community;
- For commercial areas, the area will be in whole or in part defined as the Central Business Area and the area will exhibit symptoms of physical, functional and/or economic decline in the form of, for example, buildings in need of rehabilitation, decrease in retail sales, high vacancy rates, or declining tax base;
- The area contains land use conflicts between non-compatible uses or contains underutilized lands which may detract from the viability of the area but which if

redeveloped or renovated or developed to another land use could enhance or revitalize the area;

- The overall streetscape or aesthetics of the area are in need of upgrades;
- The presence of land and/or buildings that may require environmental site assessments or designated substance analysis and the implementation of appropriate and necessary remedial measures.

6.3.5 Phasing of Improvements

The separation of sanitary and storm sewers will be a number one priority within the community with phasing occurring in a natural and logical sequence based on engineering studies.

Improvements to lighting, watermains, sidewalks and road surfaces will also be carried out in a logical, sequential manner in conjunction with the separation of sanitary and storm sewers.

Waterfront improvements are necessary to the continued acquisition of riverfront property for park purposes and the possible development of a marina. Necessary park improvements are also a priority in the community. The designation of a Community Improvement Project Area will be influenced by the availability of government assistance to help implement the necessary improvements.

Brownfields will be assessed on the benefit to be accrued to the community and on the willingness of the property owners to complete a redevelopment project.

6.3.6 Implementation

Implementation of the Community Improvements will occur through;

- implementation of the Property Standards By-Law;
- the support of the local Heritage Conservation committee and the application of Heritage designations;
- the acquisition of lands through Town expenditures;
- the sale of public lands for commercial redevelopment;
- the application for various government programs, grants and loans; and the encouragement of local incentive under private enterprise.;
- the support of the Business Improvement Area;
- consideration of more flexible approaches to the zoning when community improvement objectives are being met;
- encouragement of private initiatives regarding conservation, rehabilitation, redevelopment and environmental remediation;
- consideration of the provision of grants and/or loans and/or the waiving of fees when local initiatives support the objectives of the community improvement plan; and
- when feasible, acquire buildings and/or land to carry out the community improvement plan and objectives.

Subsection 6.5 – Economic Development

It is the intent of this Plan to develop the Town to its fullest economic potential, while maintaining the quality of life existing residents have come to expect.

This Plan hopes to promote the economic well-being of Town residents and to provide employment opportunities. It is also the intent of the Plan to achieve greater diversification in the Town's overall economic base, while continuing to encourage and promote the development of the traditional agricultural, industrial and commercial base of the Town. In addition, economic development through tourism will also be promoted and encouraged in the Town.

The general principles to be considered in the economic development of the Town are as follows:

- The Town shall encourage the expansion and diversification of the Town's economic base in order to maximize the number and types of employment opportunities and to stabilize the impacts of cyclical and long-term economic trends in various agricultural, industrial, service and commercial sectors upon the Town and its residents;
- The Town recognizes the importance of tourism to growth in the local economy and in employment, and will encourage the strengthening of and promote the further development of tourism and recreation opportunities in the Town by preserving heritage through maintaining historic sites, maintaining public access to the waterfront, the enhancement of the natural environment and wetland ecosystem of the area, and through the promotion of the Town;
- The Town shall undertake and adopt an economic development strategy for the Town in order to give focus and direction to its economic development efforts. This economic development strategy shall serve as a basis for the promotion of economic development in the Town to include three main areas of emphasis - agricultural diversity and stability,

industrial development and retail/tourism development. The Economic Development strategy may be undertaken in cooperation with neighbouring municipalities, the County of Essex and the Windsor-Essex County Development Commission;

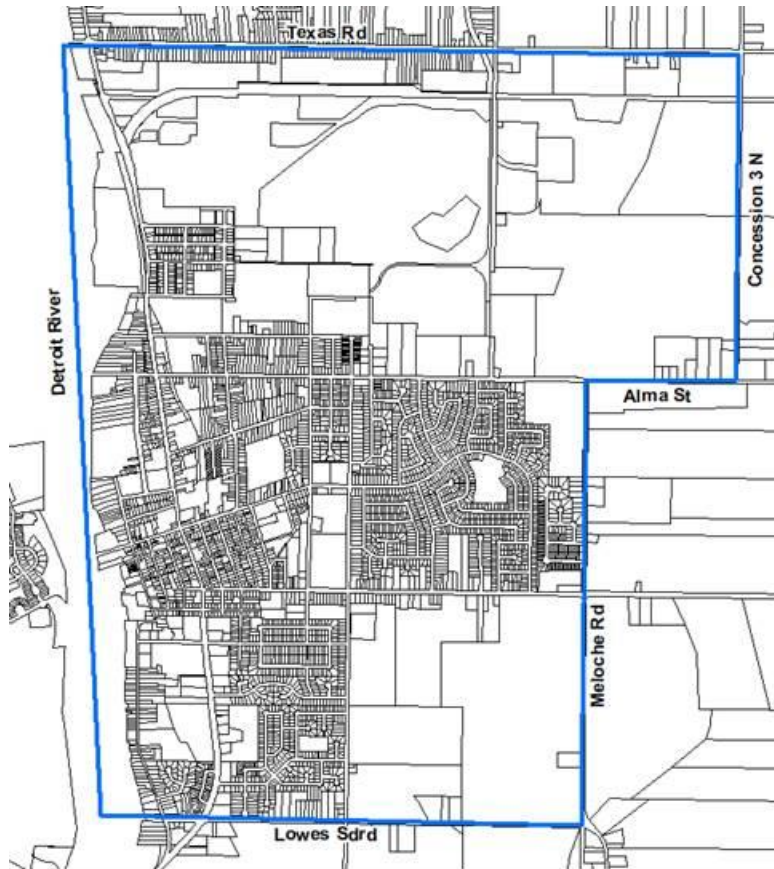
- The Town may participate in any programs offered by other levels of government to improve employment opportunities and promote economic development;
- The Town may cooperate with other levels of government to develop a strategy and program to acquire and develop land for economic development purposes;
- The Town may cooperate to develop an incubator mall, which may utilize existing vacant or underutilized buildings, to nurture new business ventures;
- The Town shall consider, upon request, participating in data collection and providing support services for public agencies engaged in tourism;
- The Town shall consider participating through financial or other support in County- wide cultural, heritage, convention and recreation activities which support tourism;
- Within areas under an industrial designation, the Town shall promote efficient, economical use of the land resources. The use of large lots by small industries will be discouraged unless there is a need for future expansion;
- As part of its on-going planning process, the Town will consider the short and long- term, direct and indirect, economic impacts of various types of development;
- In pursuing economic development, the Town will, at all times, ensure that the costs associated with development are within the Town's financial capabilities, and that there are no undue social or environmental costs;

- The Town shall promote and may participate in partnership with private development and/or the Essex Region Conservation Authority, in the development of a new docking facility in the community.

SECTION 3 ECONOMIC DEVELOPMENT COMMUNITY IMPROVEMENT PROJECT AREA

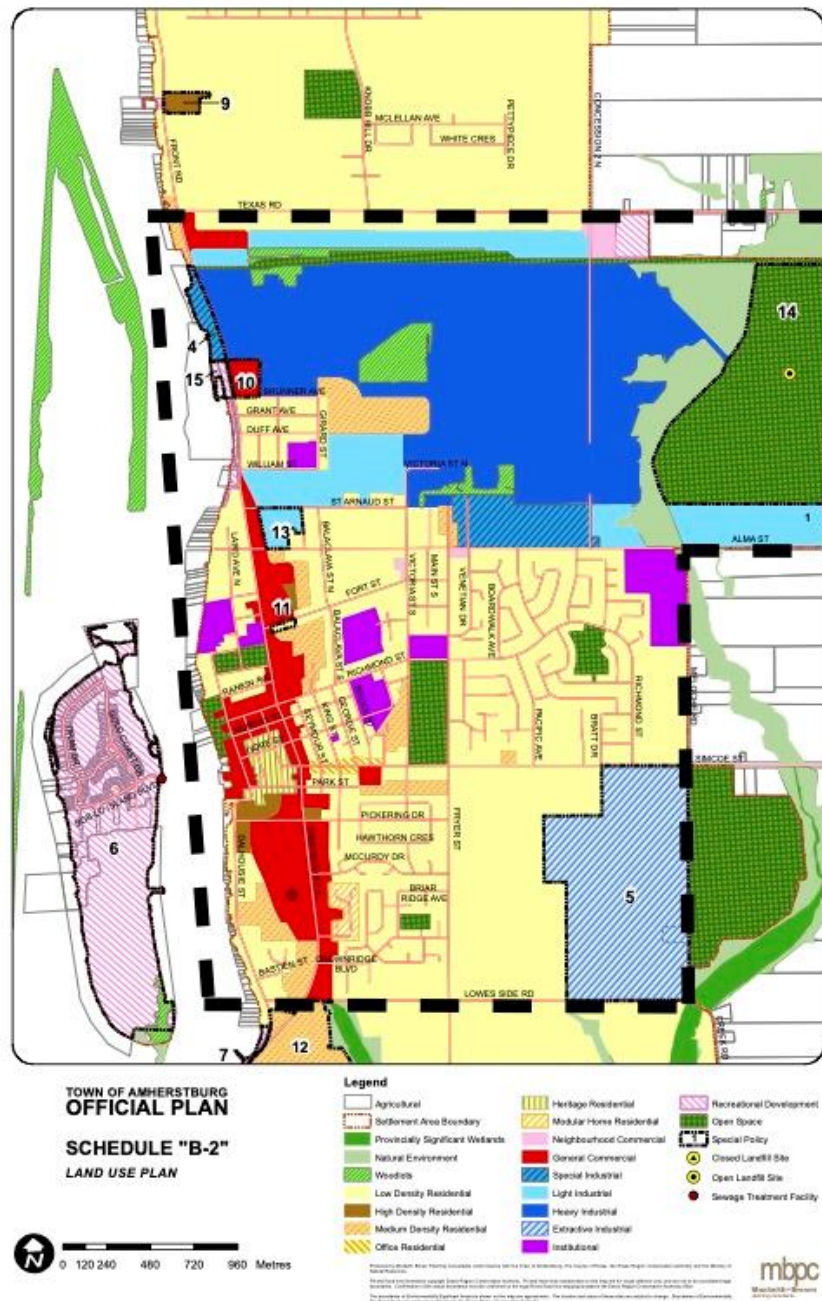
In the Fall of 2022 Council passed a By-law designating the lands shown in Figure 1 as the Economic Development Community Improvement Project Area. This CIP project area is based on the geographic land area identified in subsection 6.3.1 of the Town’s existing approved Official Plan.

Figure 1 - Limits of the Economic Development CIP Project Area



The Town's Official Plan land use designations for properties located within the Economic Development CIP Project Area are shown on Figure 2.

Figure 2 – Official Plan Designations for lands located within CIP Project Area



Within the CIP Project Area there are large tracts of lands already designated for Heavy Industrial land uses. They are located generally along Front Road, south of Texas Road, west of Thomas Road and north of Alma Street. These lands comprise some of the properties previously occupied by the General Chemical plant and include sites that have frontage on the Detroit River and a seaport facility. A major County Road (former Highway 18) and the Essex Terminal Railway (which connects with Canadian National and Canadian Pacific Rail facilities) provide both highway and rail access from these lands to destinations located throughout Canada, the United States and Mexico.

Additionally, there are various properties situated within the CIP Project Area that are designated for Light Industrial, Special Industrial and General Commercial land uses.

All of these lands are situated within an area of the Town that is serviced with full municipal piped water and sanitary sewers. High speed (fibre) internet services are also available within the CIP Project Area.

SECTION 4 INITIAL OUTREACH AND CONSULTATION

An initial round of outreach and consultation was undertaken in the Fall of 2022 with staff from the following Provincial Ministries and Regional Agencies that have an interest in economic development, community improvement and brownfield redevelopment matters:

- the Ministry of Municipal Affairs and Housing;
- the Ministry of Economic Development, Job Creation and Trade;
- Invest Windsor-Essex;
- the Ministry of the Environment, Conservation and Parks.

Consultation also took place with senior Town of Amherstburg staff, including:

- the Chief Administrative Officer;
- the Deputy CAO/Director of Development Services;

- the Director of Corporate Services/Chief Financial Officer;
- the Director of Engineering & Infrastructure Services; and
- the Manager of Planning Services.

The following is a summary of what we heard from these initial meetings:

- This new Economic Development Community Improvement Plan (CIP) is intended to assist the Town achieve one of its key economic development objectives, by offering targeted financial incentives to medium and large scale industrial and/or commercial developments that are able to create a significant amount of new employment for Amherstburg residents;
- This CIP is also intended to assist with the Town’s community revitalization objectives, by offering targeted financial incentives for brownfield redevelopment and re-use of the Amherstburg Land Holdings Limited lands (and the surrounding industrially designated lands), in order to support new job creation within the Town of Amherstburg;
- Invest Windsor-Essex and Ministry of Economic Development, Job Creation and Trade staff advised that in their experience companies looking to invest in new businesses and/or to expand existing businesses are attracted to municipalities that have:
 - i. available sites that are pre-zoned, fully serviced and “shovel-ready”;
 - ii. removed the uncertainties associated with developing and/or redeveloping land by completing all required “due diligence work” up-front (i.e. Archeological, ESA studies);
 - iii. streamlined development review and approval processes, and building permits can be obtained quickly and without any undue delays;
 - iv. adopted a Community Improvement Plan that provides a broad range of financial incentives.
- Ministry and Regional Economic Development Staff also advised that companies are seeking to invest in communities that have:

- i. a highly educated and skilled pool of talent to draw from, to meet the needs of their particular business;
 - ii. willing sellers of available land (in appropriate locations), that are prepared to sell their properties at fair market prices;
 - iii. a broad range of cultural, recreational and commercial amenities and services, affordable housing options, and a quality of life that is able to attract and retain a skilled workforce.
- Staff from the Ministry of the Environment, Conservation and Parks (MECP) advised that:
 - i. A large portion of the Amherstburg Land Holdings Limited property has been remediated in keeping with a Director’s Order issued by MECP, and these lands can be redeveloped for new commercial and/or industrial purposes;
 - ii. A remaining portion of these industrially designated lands (located further to the east) is not subject to this Director’s Order. Someone wishing to redevelop these lands would have to undertake further Environmental and ESA studies to determine what additional site remediation work would be needed before development could be approved on these lands
- The Ministry of Municipal Affairs and Housing is responsible for administering Section 28 of the Planning Act. MMAH Staff noted that a number of communities in Southern Ontario have prepared Economic Development and/or Industrial Community Improvement Plans to support and facilitate Municipal Economic Development Objectives.

A review of best practices from these Council adopted Community Improvement Plans is set out in Section 5 of this Report.

SECTION 5 SUMMARY OF BEST PRACTICES

Based on discussions with Provincial, Regional and Municipal Staff involved in Municipal Economic Development and Municipal Planning, the following summary is offered of best practices currently being used to offer financial incentives to support municipal economic development and job creation objectives.

Municipalities are geographically, demographically, and economically diverse, and consequently the economic development opportunities and challenges that they need to address will vary across the province. Notwithstanding these differences, there are a common set of financial tools that many municipalities are successfully utilizing for municipal economic development purposes. Most of these municipalities offer a targeted package of financial incentives that include one or more of the following CIP programs:

- i. A Development Charge Rebate;
- ii. A Tax Increment Equivalent Rebate; and
- iii. A Planning & Building Permit Rebate.

Individual municipalities create specific CIP programs utilizing one or more of these financial incentives to achieve their stated job creation and economic development objectives. Best practices are to align these specific CIP incentives with:

- the desired outcomes and strategic economic development objectives of the community;
- the financial resources available to the municipality to fund the incentives being offered; and
- market knowledge as to which incentives will be most effective in attracting new investment (new jobs) to the community.

To highlight some of the best practices being utilized today, the following summary is offered from six small to mid-sized Ontario communities:

Town of Lincoln Industrial Lands Community Improvement Plan (2019)

The stated objective of this CIP is:

“To stimulate investment by the private sector in industrial-designated lands, and by doing so:

- Unlock the existing supply of vacant and underutilized land;

- Provide a direct contribution to achieving one of the Town’s fundamental economic development objectives of protecting and expanding the existing industrial base; and
- Create new jobs in the local economy.”

It is a five-year CIP, that offers the following financial incentives for an initial five-year period, that can be extended at the discretion of Council:

- An industrial Tax Increment Financial Grant. This grant provides a reimbursement to the Town’s portion of the property tax up to 80% of the annual Town tax increment over the base assessment and tax liability at Year 1. This grant can be collected for a maximum of 10 years. This grant cannot exceed the total value of eligible costs the developer incurred in site preparation and construction of the new industrial development.
- An Industrial Building Permit Fee Grant. This grant provides a 100% reduction in Building Permit Fees for building permit applications related to the construction of new and/or the expansion of existing industrial buildings, to a maximum grant of \$15,000 per property.
- An Industrial Development Charge Reduction Grant. This provides a reimbursement in the form of a grant of up to 50% of the value of the DC fees payable on a industrial development/redevelopment project, to a maximum grant of \$60,000.

Bradford West Gwillimbury Industrial Areas Community Improvement Plan (2016)

The objective of this Community Improvement Plan is...

“To stimulate investment by the private sector in industrially zoned employment districts including Artesian and Reagens Industrial Parks, and by so doing, provide or direct contribution to achieving fundamental economic development goals of the Town of Bradford West Gwillimbury.

More particularly, this may include stimulus to new investment in industrial buildings, operations, and employment by existing, new or relocating firms. By contributing to the build-out of these Parks, this plan will help meet the goals of existing businesses located in these Parks to expand, and thereby retain and

potentially create new or higher paying jobs which may have beneficial impacts elsewhere in the local economy.

Most specifically, the Plan is a basis for removing/reducing certain business costs which, in and of themselves, may act as a constraint to development.”

It is a five-year CIP, that applies to industrially designated lands located in the municipality’s two existing industrial parks, and it offers the following financial incentives for an initial five-year period, that can be extended at the discretion of Council:

- An Industrial Tax Increment Financial Grant. This grant provides a reimbursement to the Town’s portion of the property tax up to 100% of the annual Town tax increment over the base assessment and tax liability at Year 1. This grant can be collected for a maximum of 10 years. This grant cannot exceed the total value of eligible costs the developer incurred in site preparation and construction of the new industrial development.
- An Industrial Planning Fees and Building Permit Grant. This grant provides a 100% reduction in Planning and Building Permit Fees related to the construction of new and/or the expansion of existing industrial buildings in Year 1 and 2 of the CIP. In Year 3 and 4 the maximum grant is reduced to 50%, and in Year 5 of the CIP this grant is not offered.
- An Industrial Development Charge Reduction Grant. This provides a reimbursement in the form of a grant of up to 100% of the value of the DC fees payable on an industrial development/redevelopment project during Years 1 and 2 of the CIP. In Year 3 of the CIP the maximum grant is reduced to 75%, Year 4 to 50% and in Year 5 to 25%.
- An Industrial Building Restoration, Renovation, and Improvement Grant. This grant is offered to assist private sector landowners make improvements and/or small scale expansions to their existing industrial buildings by providing a grant equal to 50% of the eligible costs incurred by the landowner to make these improvements. The maximum grant per property is \$50,000, and the minimum grant is \$25,000.

Loyalist Township Industrial Community Improvement Plan (2022)

The stated purpose and objective of Loyalist Township Industrial Community Improvement Plan is:

“To attract or retain industrial businesses to encourage investment or reinvestment at greenfield and existing sites:

- To increase employment;
- To enhance property assessment and economic activity;
- To encourage land sales;
- And to take advantage of existing private and public infrastructure.

It is anticipated that this Plan should improve the likelihood of developing vacant or underutilized lands into productive uses, leading to the increase of the industrial base creating employment.

The purpose of the Industrial CIP is to provide the opportunity to develop and redevelop industrially zoned properties within the Township through the use of a tax increment equivalent grant in order to stimulate and support growth in local industries (existing and new operations) by reducing the initial cost barriers to such development.

The financial incentive program is intended to encourage the private sector to invest in publicly and privately held properties.

The Industrial CIP will provide an incentive in the form of a grant, up to four years in duration and Industrial CIP area is deemed to apply to the entire geographic limits of the Township.”

This CIP applies to all industrially zoned lands located throughout Loyalist Township, and offers one targeted financial incentive, as follows:

- An industrial Tax Increment Equivalent Grant. This grant is provided to eligible property owners over a 4 year period. The owner receives an annual grant equal to 100% of the value of the tax increment increase in Year 1. In Year 2, the grant is reduced to 75% of the value of the increment, in Year 3 it is reduced to 50% and in Year 4 it is reduced to 25%. At the end of Year 4 no further grants are provided to the owner.

In order to be eligible for this financial incentive, the cost of the new development/redevelopment must exceed a value of \$500,000 and lead to at least 10 new full time permanent jobs being created and maintained throughout the term of the grant.

The total value of the grant being offered cannot exceed 50 percent of the total cost of the improvements being made on the industrially zoned land.

Town of Tecumseh Industrial Community Improvement Plan (2022)

The Town of Tecumseh prepared a new Industrial Community Improvement Plan in 2022.

The stated purpose and objectives of this CIP are:

“To support the local economy by attracting major new investment and development that represent desirable sectors for the local economy, and to encourage job creation through the attraction of major new industrial development and/or expansion of existing industrial businesses into identified sectors of the economy.

The Industrial CIP will:

- Support investments in targeted high potential economic sectors that contribute to the diversification of the local economy;
- Support the establishment and on-going development of targeted sector clusters and encourage businesses to take advantage of cluster-related synergies;
- Support synergies with existing and growing industries by attracting investment based on the community’s strengths and competitive advantages;
- Provide financial incentive programs that are attractive to potential investors and corporate decision-makers, but are balanced with expectations of Town taxpayers and the Town’s ability to fund the financial incentive programs;

- Encourage investment that results in the productive use of lands and/or buildings for the purposes of establishing or maintaining a business enterprise, or the expansion of existing businesses to realize more effective use of the land's potential;
- Encourage capital investments that create new and/or maintain existing permanent jobs, as well as short-term construction jobs that contribute to the reduction of the unemployment rate;
- Support investment and development that results in an increase in property assessment and grows the non-residential municipal tax base over the long-term.

The Tecumseh Industrial Community Improvement Plan applies to all lands within the Town's three Settlement Areas that are designated as Business Park and are zoned industrially.

To be eligible for financial rebates (grants) under this CIP, the minimum size of the new industrial floor space being built would be 140,000 square metres, and this floor space must be used for an automotive assembly plant or an automotive parts manufacturing plant. This new Industrial CIP is intended to be in effect for 10 years and can be extended at that discretion of Council. It offers the following financial incentives to eligible industrial projects:

- A Tax Increment Equivalent Rebate. This rebate is equal to 50% of the increase in the municipal portion of property taxes as a result of the increase in assessment value from the new industrial development project. This rebate would be paid on an annual basis for up to 10 years.
- A Planning & Building Permit Rebate. This rebate is equal to 100% of the fees for Planning Act applications and/or Building Permit fees for eligible projects.
- A Development Charge Rebate. This provides a re-imbusement in the form of a grant of up to 100% of the value of the DC fees payable on an eligible industrial development.

City of Windsor Economic Revitalization Community Improvement Plan (2011)

The stated purpose of the City of Windsor’s Economic Revitalization Community Improvement Plan is:

“To diversify the local economy by attracting new businesses that represent new and desirable sectors of the local economy, and to encourage job creation through the attraction of new businesses and/or the expansion of existing businesses into identified sectors of the economy”.

This CIP applies to the entire City of Windsor, and offers the following financial incentive programs:

- The Business Development Grant Program. This CIP program is intended to attract new business investment to Windsor and provides a grant equivalent to 100% of the municipal property tax increase created by the project for up to 10 years after project completion for eligible projects. To be eligible for this grant the development or redevelopment must create a minimum of 50 new jobs in the manufacturing sector or more than 20 new jobs in other eligible sectors (creative industries, health and life sciences, corporate/head offices, professional services, renewable energy, tourism, warehousing/logistics).
- The Business Retention and Expansion Grant Program. This CIP program focuses on existing businesses, allowing them to expand and grow at their current locations. It provides a grant equivalent to 100% of the municipal property tax increase created by the project for up to 10 years after project completion for eligible projects. To be eligible for this grant the project must create 50 new jobs and/or retain 50 existing jobs in the manufacturing sector or create more than 20 new jobs and/or retain 35 existing jobs in the other targeted sectors (creative industries, health and life sciences, corporate/head offices, professional services, renewable energy, tourism, warehousing/logistics).
- The Small Business Investment Grant Program. This CIP program is intended to stimulate new investments in small businesses in the targeted economic sectors to assist with the expansion and diversification of the

local economy. It provides a grant equivalent to 100% of the municipal property tax increase created by the project for up to 10 years after project completion for eligible projects. To be eligible for this grant the business must have less than 50 employees if it is in the manufacturing sector, and less than 20 employees if it is in any other targeted sector (creative industries, health and life sciences, corporate/head offices, professional services, renewable energy, tourism, warehousing/logistics). Investment must result in a minimum increase of \$25,000 in assessed property value in order to be eligible for this grant.

- The Development Charges Grant Program. Applicants successful in obtaining one of the three available tax rebate grants will also be eligible to receive a grant to offset up to 100% of the Development Charge Fees that are owing to the municipality.
- A detailed listing of eligible project costs is set out in this Community Improvement Plan, and include costs associated with: constructing the new building or expanding existing buildings; upgrading on-site infrastructure; and constructing off-site improvements required to fulfil any development approval conditions.

Chatham-Kent Community Improvement Plan (2020)

In 2020 the Municipality of Chatham-Kent adopted a new Community Improvement Plan that applies to the entire municipality. The stated objectives of this CIP are:

“To stimulate development activity in the region that increases investment in existing and new industrial buildings/employment uses and employment growth.

To provide incentives through planning policy in strategic areas that support new investment in existing and new industrial buildings and to assist the build-out and occupancy levels in areas where large groupings of industrial land exist.

To assist the redevelopment of properties within existing industrial park areas which may be more marketable for different and higher-order employment uses.

To continue to focus investment in the Downtown and Mainstreet Areas for beatification, revitalization of retailing, expansion of residential choices in the downtowns and (re)development of vacant and underutilized lands.

To continue to invest in the commercial areas outside of downtowns areas.”

This CIP offers the following financial incentive programs:

- A Property Tax Increment Equivalent Program. This rebate is equal to 60% of the increase in the municipal portion of property taxes as a result of the increase in assessment value from the development and/or redevelopment of commercial, employment, mixed-use commercial, and major rental housing and affordable housing developments.

With the exception of the residential developments and major employment projects, the rebate is limited to a maximum of 5 years and must include a project that has a minimum of \$250,000 in eligible project costs. A major employment project (which is defined as an employment development that represents a minimum investment of \$5 million of eligible costs) is eligible to receive this grant on an annual basis for up to 10 years.

Eligible costs include the costs of constructing new buildings or making improvements for the purposes of establishing new residential, commercial, employment or institutional uses, or the expansion of existing buildings to realize more effective use of the land’s potential. These eligible costs can also include feasibility studies and support studies required to fulfil any requirements of making a complete planning application or building permit applications, and the cost of making off-site improvements required to fulfil any condition of a development approval.

- A Building & Planning Fee Rebate Program. This rebate is equal to 100% of the fees for Planning Act applications and Building Permits up to a maximum of \$20,000 for eligible projects.
- A Development Charge Rebate. This provides a re-imbusement in the form of a grant of up to 50% of the value of the DC fees payable on an eligible major rental housing and new affordable housing developments.

- It should be noted that a Façade Improvement Program and a Residential Conversion and Affordable Housing Program is also offered as part of this CIP.

SECTION 6 NEXT STEPS

The Town of Amherstburg Council has directed the preparation of an Economic Development Community Improvement Plan (CIP):

- a) to support the local economy by attracting major new investment and development that represent desirable sectors for the Amherstburg economy; and
- b) to encourage job creation in Amherstburg through the attraction of major new industrial and commercial development and/or expansion of existing industrial and commercial businesses in identified sectors of the economy.

Council has a range of options available as to the type and scope of incentives that it wishes to offer as part of this new CIP, including:

- what sectors are being targeted;
- the type of incentive is to be offered;
- the length of time that a grant/rebate is made available for;
- what project costs are eligible to receive a grant; and
- the minimum amount of investment and/or the minimum number of permanent jobs that the project will have to create to be eligible for one or more of the new grants/rebates.

To assist Council achieve its stated Economic Development objectives, the following description of potential new Amherstburg specific CIP programs are offered for review and discussion purposes:

An Industrial Business Development Grant

This CIP program is intended to attract new industrial development to Amherstburg and would provide a grant equivalent to 100% of the municipal property tax increase created by the project for up to 10 years after project

completion for eligible projects. To be eligible for this CIP grant the new industrial development (or the expansion of an existing industrial building) must create a minimum of 60 new permanent full time jobs in the manufacturing or the warehousing/logistics sectors.

A Commercial Business Development Grant

This CIP program is intended to attract new commercial businesses to Amherstburg, in targeted economic sectors (tourism, hospitality, professional services, health care and life sciences, and information technology). It would provide a grant equivalent to 50% of the municipal property tax increase created by the project for up to 5 years after project completion for eligible projects. To be eligible for this grant the project must make a minimum investment of \$500,000 in eligible project costs and must create a minimum of 20 new permanent full time jobs in one of the targeted economic sectors.

A Development Charges Grant

Applicants successful in obtaining one of the above noted available tax rebate grants would also be eligible to receive a grant to offset up to 100% of the Development Charge Fees that are owing to the municipality.

A Building Permit and Planning Fee Grant.

This grant would provide a rebate in the amount of 100% of the value of Building Permit and Planning Fees related to the construction of new and/or the expansion of eligible industrial and commercial building projects, to a maximum grant of \$20,000 per eligible project.

It should be noted that a CIP property tax increment equivalent rebate incentive is calculated only in relation to the local municipal portion of the total property taxes paid and does not include the education taxes levied, nor does it include the county's portion of the total property taxes. A county tax incentive would only be available should the County of Essex adopt new Community Improvement Policies agreeing to provide such assistance for projects that would qualify for such an incentive as set out in a Town of Amherstburg adopted Community Improvement Plan.

An important next step in drafting the Town's new Economic Development Community Improvement Plan is to review the contents of this Background Report with Senior Administrative Staff and with members of the Town's Economic Development Committee, to ensure that the financial CIP incentives to be offered by the Town are

properly targeted to achieve the desired outcomes and are fiscally responsible to taxpayers.

Following these meetings, a draft new Economic Development Community Improvement Plan will be prepared. A public open house will also be scheduled to obtain community input in advance of the new Economic Development CIP being presented to Council for review and adoption purposes.

**THE CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2023-058**

By-law to adopt an Economic Development Community Improvement Plan

WHEREAS By-law No. 2023-045, being a By-law to designate an Economic Development Community Improvement Project Area, was passed by the Council of the corporation of the Town of Amherstburg on the 27th day of March, 2023, pursuant to its authority under Section 28(2) of Part IV of the Planning Act, R.S.O. 1990, c.P. 13 (the Planning Act);

AND WHEREAS the Council of the Corporation of the Town of Amherstburg has provided for the preparation of the Economic Development Community Improvement Plan, pursuant to its authority under Section 28(4) of the *Planning Act*;

AND WHEREAS the Economic Development Community Improvement Plan conforms to the Town of Amherstburg Official Plan;

AND WHEREAS the Council of the Corporation of the Town of Amherstburg held a Public Meeting with respect to the Economic Development Community Improvement Plan on April 11, 2023, pursuant to its authority under Section 17 of the *Planning Act*;

NOW THEREFORE the Council of the Corporation of the Town of Amherstburg, pursuant to its authority under Sections 17 and 28 of the *Planning Act*, enacts as follows:

1. The Economic Development Community Improvement Plan consisting of the attached explanatory text and map, is adopted and is attached hereto as Schedule "A".

Read a first, second and third time and finally passed this 17th day of April, 2023.

MAYOR – MICHAEL PRUE

CLERK – KEVIN FOX

Schedule "A"

Constitutional Statement

The Community Improvement Plan attached hereto and dated April 2023, consisting of the explanatory text and map contained in Sections 1 through 6 constitute the Economic Development Community Improvement Plan.

Town of Amherstburg

ECONOMIC DEVELOPMENT COMMUNITY IMPROVEMENT PLAN



MillerSilani Inc., April 2023



TOWN OF AMHERSTBURG
ECONOMIC DEVELOPMENT COMMUNITY IMPROVEMENT PLAN

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SECTION 1 INTRODUCTION

A Background Report (dated January 2023) has been prepared that highlights the opportunities that exist to enhance economic development and job creation in the Town of Amherstburg. These opportunities include becoming part of:

- a new EV technology and manufacturing cluster that is emerging in Southwestern Ontario;
- a new logistics and cross-border transportation hub; and
- the financial/information technology cluster that exists in Southwestern Ontario and Southeastern Michigan.

One of the Town's long-term strategic planning goals is to "*Secure commercial and industrial business investment through the use of progressive land-use planning tools and incentives.*" To move forward with a key action item to achieve this strategic goal, the Town of Amherstburg Council has directed that a new Economic Development Community improvement Plan be prepared:

- a) to support the local economy by attracting major new investment and development that represent desirable sectors for the Amherstburg economy; and
- b) to encourage job creation in Amherstburg through the attraction of major new industrial and commercial development and/or the expansion of existing commercial and industrial businesses in identified sectors of the economy.

In the Fall of 2022 consultation took place with staff from the following Provincial Ministries and Regional Agencies that have an interest in economic development, community improvement, and brownfield redevelopment matters:

- the Ministry of Municipal Affairs and Housing;
- the Ministry of Economic Development, Job Creation and Trade;
- Invest Windsor-Essex;
- the Ministry of the Environment, Conservation and Parks.

Consultation also took place with senior Town of Amherstburg staff, including:

- the Chief Administrative Officer;
- the Deputy CAO/Director of Development Services;
- the Director of Corporate Services/Chief Financial Officer;
- the Director of Infrastructure Services;
- the Manager of Planning Services; and
- the Manager of Engineering.

A summary of the initial round of consultation is contained in the January 2023 Background Report.

On February 15, 2023 an Open House was held at the Libro Centre to receive comments from any member of the community about a potential new Economic Development Community Improvement Plan. A notice of this Open House was published on January 26, 2023, and was posted on the Town's social media channels.

Residents that attended in person were able to speak with Town Staff and the Consultants, and to provide their verbal input and written comments. The feedback received was generally positive in nature. Several residents submitted comments stating that in their opinion the Town's existing Development Charge Fees were too high, and that these fees were a deterrent to attracting new businesses to Amherstburg. There were no comments posted on social media.

Following the Open House additional consultation took place with Senior Town Staff to finalize the scope and nature of incentives to be included in the new Economic Development Community Improvement Plan (CIP). This new CIP has been drafted to offer a targeted set of incentives that are fiscally responsible and focused on attracting and/or retaining investment and jobs that will improve the economic well being of Amherstburg residents.

SECTION 2 LEGISLATIVE AND POLICY FRAMEWORK

A Community Improvement Plan (CIP) is a municipal planning tool used to establish strategies, actions, and financial programs for improving identified areas within a municipality.

Section 28(1) of the Planning Act defines community improvement as “the planning or replanning, design or redesign, resubdivision, clearance, development or redevelopment, construction, reconstruction and rehabilitation, improvement of energy efficiency, or any of them, of a community improvement project area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, structures, works, improvements or facilities, or spaces therefor, as may be appropriate or necessary.”

A “community improvement project area” is defined as “a municipality or an area within a municipality, the community improvement of which in the opinion of the council is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason.”

A “community improvement plan” is defined as “a plan for the community improvement of a community improvement project area.”

Once a municipality has identified and selected the geographic area that will be included within the CIP project area, it can prepare and adopt a Community Improvement Plan for the designated area.

Following the adoption of the Community Improvement Plan, Section 28 of the Planning Act allows a municipality to:

- a. acquire land within the community improvement project area;
- b. hold land acquired before or after the passing of the by-law within the community improvement project area;
- c. clear, grade or otherwise prepare the land for community improvement;
- d. construct, repair, rehabilitate or improve buildings on land acquired or held by it in the CIP area;

- e. sell, lease, or otherwise dispose of any land acquired or held by it in the CIP area.;
- f. make grants or loans to registered owners, assessed owners and tenants of lands and buildings within the project area once the CIP has come into effect. (Costs may include costs related to environmental site assessment, environmental remediation, development, redevelopment, construction and reconstruction of lands and buildings for rehabilitation purposes or for the provision of energy efficient uses, buildings, structures, works, improvements, or facilities as identified in Section 28 (7.1) of the Planning Act.)

Section 28(7.3) of the Planning Act specifies that the total of the grants and loans made in respect of particular lands and buildings under subsections (7) and (7.2) and the tax assistance as defined in section 365.1 of the Municipal Act, 2001 shall not exceed the eligible cost of the CIP with respect to those lands and buildings.

Section 28(11) allows a municipality to register an agreement concerning a grant or loan made under subsection 28(7) or an agreement entered into under subsection 28(10) against the land to which it applies, and the municipality shall be entitled to enforce the provisions thereof against any party to the agreement and, subject to the provisions of the Registry Act and the Land Titles Act, against any and all subsequent owners or tenants of the land.

Section 69 of the Planning Act allows municipalities to reduce or waive the amount of a fee in respect of a planning application where it feels payment is unreasonable. Municipalities can use this tool to waive all matter of planning application fees to promote community improvement without inclusion in a CIP. Municipalities can also collect fees and then provide a partial or total rebate of fees in the form of a grant, but this must be done within a CIP.

Section 5 of the Development Charges Act, allows municipalities to grant exemptions from a development charge. This allows both upper-tier (County of Essex) and lower-tier (Town of Amherstburg) municipalities to offer partial or total exemptions from municipal development charges to support community improvement objectives. Through Section 28 of the Planning Act, as part of an adopted CIP, municipalities can offer a reduction in development charges in the form of a grant equivalent to part or all of the development charge normally payable.

These DC exemptions can be targeted and based on the Applicant meeting one or more specified project performance criteria, as set out in the Community Improvement Plan.

It should be noted that the Municipal Act regulates a municipality's ability to provide financial incentives. This restriction is set out in Section 106 (1) of the Municipal Act, and reads as follows:

“Despite any Act, a municipality shall not assist directly or indirectly any manufacturing business or other industrial or commercial enterprise through the granting of bonuses for that purpose. 2001, c. 25, s. 106 (1).”

Section 106 (2) states the municipal actions prohibited consist of giving or lending any property of the municipality, including money; guaranteeing borrowing; leasing or selling any property of the municipality at below fair market value; or giving a total or partial exemption from any levy, charge, or fee.

Despite these prohibited actions, there are exceptions in the Municipal Act provisions. Section 106 (3) of the Municipal Act provides an exception, allowing municipalities exercising authority under Section 28 of the Planning Act to make grants that would be otherwise prohibited.

A key part of Ontario's policy-led planning system is the Provincial Policy Statement (PPS). This statement was issued in 2020 by the Provincial Government in accordance with Section 3 of the Planning Act, and it provides policy direction on matters of provincial interest related to land use planning and development.

The Provincial Policy Statement sets the policy foundation for regulating the development and use of land in Ontario, and it includes the following employment-related policies:

“Planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and

suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;

- d) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities; and
- e) ensuring the necessary infrastructure is provided to support current and projected needs.”

Long-term economic prosperity should be supported by:

- a) promoting opportunities for economic development and community investment-readiness;
- b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;
- c) optimizing the long-term availability and use of land, resources, infrastructure, and public service facilities;
- d) maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;
- e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;
- f) promoting the redevelopment of brownfield sites;
- g) providing for an efficient, cost-effective, reliable multimodal transportation system that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address projected needs to support the movement of goods and people;
- h) providing opportunities for sustainable tourism development;
- i) sustaining and enhancing the viability of the agricultural system through protecting agricultural resources, minimizing land use conflicts, providing opportunities to support local food, and maintaining and improving the agri- food network;

- j) promoting energy conservation and providing opportunities for increased energy supply;
- k) minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature; and
- l) encouraging efficient and coordinated communications and telecommunications infrastructure.”

Section 3 of The Planning Act requires that all decisions made by Municipal Councils with respect to planning matters “shall be consistent with” policy statements issued under the Act.

The County of Essex Official Plan was adopted by County Council and received approval from the Province of Ontario in 2014. This Plan applies to all seven local Essex County municipalities, including the Town of Amherstburg.

The following Essex County Official Plan goals and policies are particularly relevant and applicable to the Town’s new Economic Development Community Improvement Plan:

“Essex County Goals:

- to increase the opportunity for job creation within each local municipality by attracting and maintaining industries and businesses closer to where County residents live;
- to support long term economic prosperity by providing infrastructure and public service facilities to accommodate projected growth;
- to encourage employment opportunities on lands within Settlement Areas that are in proximity to rail corridors.”

Essex County Policies:

- all new development within primary settlement areas shall only occur on full municipal water services and municipal sewage services, unless there are interim servicing policies in the local Official Plan that are in effect;

- Downtown/Uptown areas should maintain and/or enhance the existing character of these areas. Mixed-use development and an accessible pedestrian-oriented streetscape are encouraged. The preparation of Community Improvement Plans is also encouraged;
- The County encourages the redevelopment of brownfield sites.

The Town of Amherstburg’s Official Plan was adopted by Council in 2009 and received final approval in 2010. Subsection 6.5 and subsection 6.3 of the Town’s Official Plan articulates the Town’s Economic Development and Community Improvement Policies, and read as follows:

“Subsection 6.5 – Economic Development

It is the intent of this Plan to develop the Town to its fullest economic potential, while maintaining the quality of life existing residents have come to expect.

This Plan hopes to promote the economic well-being of Town residents and to provide employment opportunities. It is also the intent of the Plan to achieve greater diversification in the Town's overall economic base, while continuing to encourage and promote the development of the traditional agricultural, industrial, and commercial base of the Town. In addition, economic development through tourism will also be promoted and encouraged in the Town.

The general principles to be considered in the economic development of the Town are as follows:

- The Town shall encourage the expansion and diversification of the Town's economic base in order to maximize the number and types of employment opportunities and to stabilize the impacts of cyclical and long-term economic trends in various agricultural, industrial, service, and commercial sectors upon the Town and its residents;
- The Town recognizes the importance of tourism to growth in the local economy and in employment, and will encourage the strengthening of and promote the further development of tourism and recreation opportunities in the Town by preserving heritage through maintaining historic sites,

maintaining public access to the waterfront, the enhancement of the natural environment and wetland ecosystem of the area, and through the promotion of the Town;

- The Town shall undertake and adopt an economic development strategy for the Town in order to give focus and direction to its economic development efforts. This economic development strategy shall serve as a basis for the promotion of economic development in the Town to include three main areas of emphasis - agricultural diversity and stability, industrial development, and retail/tourism development. The Economic Development strategy may be undertaken in cooperation with neighbouring municipalities, the County of Essex, and the Windsor-Essex County Development Commission;
- The Town may participate in any programs offered by other levels of government to improve employment opportunities and promote economic development;
- The Town may cooperate with other levels of government to develop a strategy and program to acquire and develop land for economic development purposes;
- The Town may cooperate to develop an incubator mall, which may utilize existing vacant or underutilized buildings, to nurture new business ventures;
- The Town shall consider, upon request, participating in data collection and providing support services for public agencies engaged in tourism;
- The Town shall consider participating through financial or other support in County- wide cultural, heritage, convention and recreation activities which support tourism;
- Within areas under an industrial designation, the Town shall promote efficient, economical use of the land resources. The use of large lots by small industries will be discouraged unless there is a need for future expansion;
- As part of its on-going planning process, the Town will consider the short and long- term, direct and indirect, economic impacts of various types of development;
- In pursuing economic development, the Town will, at all times, ensure that the costs associated with development are within the Town's financial capabilities, and that there are no undue social or environmental costs;

- The Town shall promote and may participate in partnership with private development and/or the Essex Region Conservation Authority, in the development of a new docking facility in the community.

Subsection 6.3 – Policies for Community Improvement

6.3.1 Designation of Community Improvement Areas

In any established area of the Town where there is evidence that physical and/or socio- economic change may occur if no public action is taken, Council in conjunction with the citizens shall determine whether it is in the best interest of the area and the Town as a whole to encourage such change by directing a program of orderly transformation or to encourage the conservation of the area.

Where the effects of physical and/or socio-economic change are already in evidence, Council shall determine in a similar manner whether or not this change is in the best interest of the area and the Town as a whole and, therefore, whether or not to encourage the rehabilitation and conservation of the area or its orderly transformation.

Council shall therefore, from time to time, develop Community Improvement Plans that provide details on how selected areas will be improved through conservation, rehabilitation, redevelopment, renovations, revitalization and/or environmental remediation. Community Improvement Plans may be applied to all types of uses, buildings, and/or structures in any given area.

Community Improvement Areas may be defined as that portion of the Town of Amherstburg that is bound on the west by the Detroit River, on the north by Texas Road on the east by Concession 3 North and on the south by Lowes Side Road.

6.3.2 Conservation, Rehabilitation and Redevelopment

In areas of conservation and rehabilitation, Council shall institute a program to ensure the conservation and rehabilitation of existing buildings, both through direction and encouragement and by regulatory measures in order to discourage redevelopment. Council shall recognize, however, the justifiable redevelopment of selected buildings and uses within these areas as an integral part of such a program. Particular attention shall be directed initially to those buildings and uses thought to have the most deleterious effects on the surrounding area.

6.3.3 Goals and Objectives

In The principal goals for Community Improvement Area shall be:

- To protect and enhance the quality of the area which the residents value highly;
- To eliminate the deficiencies in municipal services and recreational facilities wherever it is economically and physically possible;
- To assist the community in improving the overall appearance of residential and commercial structures and to act as a catalyst for individual improvement by acquiring properties that are beyond rehabilitation and removing their blighting influences from the area; and
- To urge and assist owners of commercial, industrial, and residential property to rehabilitate premises where necessary in order to eliminate deterioration and improve community pride in ownership or occupancy.

The specific objectives of a Community Improvement Area shall be:

- To provide for the maximum feasible amount of rehabilitation of existing housing and commercial premises by making use of any government programs for financial assistance;
- To establish an active program for informing the property owners of various available forms of housing and commercial rehabilitation assistance;
- To enforce, if necessary, any controls which will contribute to the visual attractiveness of the community and the health and safety of the occupants;
- To improve the sanitary and flooding situation of the community by separating the sanitary and storm sewers on selected streets within the area identified as in need of community improvement on a phased program;
- To improve the water distribution system by installing new watermains on selected streets within the community improvement program area on a phased program;
- To improve the safety and visual appearance of the community by installing new sidewalks, improved street lighting, power lines, curbs and gutters, and the resurfacing of selected streets within the area on a phased program;

- To improve the visual appearance of the community by encouraging the relocating of non-conforming land uses and incompatible land uses;
- To ensure that the residents have a full range of community, social and recreational facilities by further developing or improving the H. Murray Smith Centennial Park, the Austin “Toddy” Jones Park, Bill Wigle Park, King's Navy Yard Park, and the expansion of parkland along the Detroit River;
- To encourage the residents and ratepayers to participate in the implementation of community improvement plans and other programs aimed at improving the community either by service clubs or individual actions or concerns;
- To ensure underutilized sites and/or environmentally compromised sites be revitalized to be contributing assets to the town; and
- To provide funding in the form of grants and/or loans and/or the waiving of fees for appropriate projects that meet the objectives of the Community Improvement Plan.

6.3.4 Criteria for Selecting Community Improvement Areas

In determining whether or not a portion of the Town of Amherstburg will be selected as a Community Improvement Area for the development of a Community Improvement Plan one or more of the following criteria would have to be met:

- There is a deficiency or deterioration in one or more of the following municipal services:
 - a) Sewers and watermains;
 - b) Roads and streets;
 - c) Curbs and sidewalks; and
 - d) Street lighting and utilities
- There is a deterioration or deficiency in one or more of the following recreational and social facilities:
 - a) Public indoor/outdoor recreational facilities;
 - b) Public open space; and
 - c) Public social facilities such as community centres, and libraries
- That at least 25 percent of the housing stock is in need of rehabilitation, whether interior or exterior;

- That the area is potentially stable in terms of land use and densities, whether they be residential or commercial and that there are no indications of major redevelopment plans other than those in the form of improvements;
- That the area is composed of predominantly low and moderate income households in relationship to average provincial household income or to the rest of the community;
- For commercial areas, the area will be in whole or in part defined as the Central Business Area and the area will exhibit symptoms of physical, functional and/or economic decline in the form of, for example, buildings in need of rehabilitation, decrease in retail sales, high vacancy rates, or declining tax base;
- The area contains land use conflicts between non-compatible uses or contains underutilized lands which may detract from the viability of the area but which if redeveloped or renovated or developed to another land use could enhance or revitalize the area;
- The overall streetscape or aesthetics of the area are in need of upgrades;
- The presence of land and/or buildings that may require environmental site assessments or designated substance analysis and the implementation of appropriate and necessary remedial measures.

6.3.5 Phasing of Improvements

The separation of sanitary and storm sewers will be a number one priority within the community with phasing occurring in a natural and logical sequence based on engineering studies.

Improvements to lighting, watermains, sidewalks and road surfaces will also be carried out in a logical, sequential manner in conjunction with the separation of sanitary and storm sewers.

Waterfront improvements are necessary to the continued acquisition of riverfront property for park purposes and the possible development of a marina. Necessary park improvements are also a priority in the community. The designation of a Community Improvement Project Area will be influenced by the

availability of government assistance to help implement the necessary improvements.

Brownfields will be assessed on the benefit to be accrued to the community and on the willingness of the property owners to complete a redevelopment project.

6.3.6 Implementation

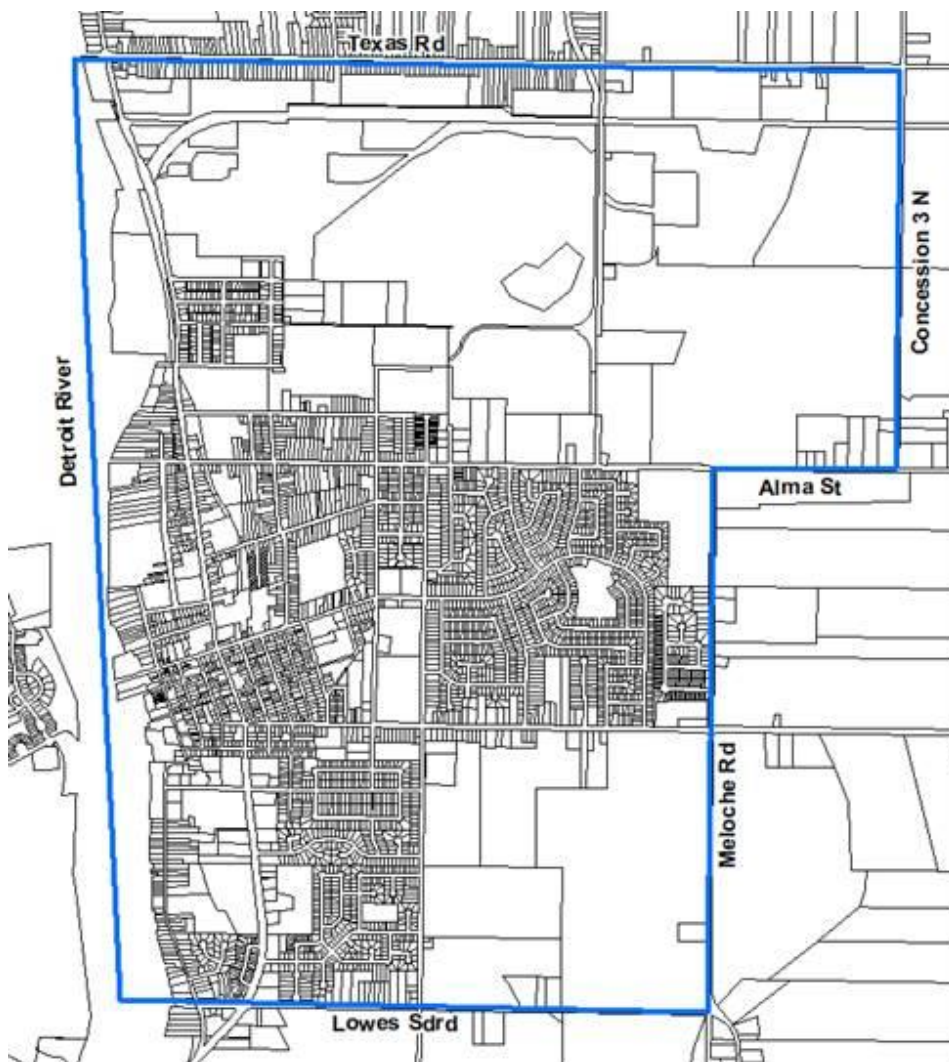
Implementation of the Community Improvements will occur through;

- implementation of the Property Standards By-Law;
- the support of the local Heritage Conservation committee and the application of Heritage designations;
- the acquisition of lands through Town expenditures;
- the sale of public lands for commercial redevelopment;
- the application for various government programs, grants, and loans; and the encouragement of local incentive under private enterprise.;
- the support of the Business Improvement Area;
- consideration of more flexible approaches to the zoning when community improvement objectives are being met;
- encouragement of private initiatives regarding conservation, rehabilitation, redevelopment, and environmental remediation;
- consideration of the provision of grants and/or loans and/or the waiving of fees when local initiatives support the objectives of the community improvement plan; and
- when feasible, acquire buildings and/or land to carry out the community improvement plan and objectives.”

SECTION 3 ECONOMIC DEVELOPMENT COMMUNITY IMPROVEMENT PROJECT AREA

Council passed a By-law pursuant to Section 28 of the Planning Act designating the lands shown in Figure 1 as the Economic Development Community Improvement Project Area. This CIP project area is based on the geographic land area identified in subsection 6.3.1 of the Town's existing approved Official Plan.

Figure 1 - Limits of the Economic Development CIP Project Area



SECTION 4 COMMUNITY IMPROVEMENT PLAN OBJECTIVES

The objectives of this new Economic Development Community Improvement Plan are as follows:

- 1) to support the local economy by attracting major new investment and development that represent desirable sectors for the Amherstburg economy, including manufacturing, logistics, hospitality, professional services, health care, life sciences, and information technology;
- 2) to stimulate and encourage job creation in Amherstburg through the attraction of major new industrial and commercial development and/or the expansion of existing industrial and commercial businesses in identified sectors of the economy;
- 3) to continue to invest in and assist with the redevelopment of industrially and commercially zoned lands in existing built-up areas of the Town;
- 4) to act as a catalyst for new private sector investments to be made in identified sectors of the local economy;
- 5) to facilitate the re-use, development and revitalization of underutilized lands located within existing designated and serviced employment and commercial districts in the Town of Amherstburg; and
- 6) to be financially responsible to taxpayers, by focusing on strategic priorities and making use of targeted financial incentives that do not adversely impact the municipality.

The above noted objectives are an expression of the intended outcomes resulting from the implementation of this Economic Development Community Improvement Plan. They will also be used to guide decisions that are being made during the life of the plan, and as guideposts to monitor the performance of the CIP.

SECTION 5 FINANCIAL INCENTIVES AVAILABLE

To achieve an important Strategic Economic Development Goal of Council, and the stated objectives of this new Economic Development Community Improvement Plan, the following Financial Incentive Programs are being offered to eligible development projects:

1. An Industrial Business Property Tax Equivalent Grant Program

This CIP program is intended to attract new industrial development to Amherstburg and would provide a grant equivalent of up to 100% of the municipal property tax increase created by the project for up to 10 years after project completion for eligible projects. To be eligible for this CIP grant the new industrial development (or the expansion of an existing industrial building) must create a minimum of 60 new permanent full time jobs in a manufacturing and/or logistics facility and must make a minimum investment of \$1,000,000.

2. A Commercial Business Property Tax Equivalent Grant Program

This CIP program is intended to attract new commercial businesses to Amherstburg, in targeted economic sectors (hospitality, professional services, health care, life sciences, and information technology). It would provide a grant equivalent up to 50% of the municipal property tax increase created by the project for up to 5 years after project completion for eligible projects. To be eligible for this grant the new commercial development (or the expansion of an existing commercial building) must create a minimum of 20 new permanent full time jobs in a hospitality services facility, a professional office and health care facility, a life science facility and/or an information technology facility, and must make a minimum investment of \$500,000 in eligible project costs.

3. A Development Charges Grant and a Building Permit/Planning Fee Grant

Applicants successful in obtaining one of the above noted available tax rebate grants would also be eligible to receive a grant to offset:

- up to 100% of the Development Charge Fees that are owing to the municipality.

- up to 100% of the value of Building Permit and Planning Fees related to the construction of new and/or the expansion of eligible industrial and commercial building projects, to a maximum grant of \$20,000 per eligible project.

It should be noted that a CIP property tax increment equivalent rebate incentive is calculated only in relation to the local municipal portion of the total property taxes paid and does not include the education taxes levied, nor does it include the county's portion of the total property taxes. A county tax incentive would only be available should the County of Essex adopt new Community Improvement Policies agreeing to provide such assistance for projects that would qualify for such an incentive as set out in a Town of Amherstburg adopted Community Improvement Plan.

A detailed application form and program guide will be prepared and utilized by Town Administrative Staff to receive applications and to determine eligibility under one or more of these financial incentive programs.

The following definitions will be used by Town Administrative Staff when preparing the detailed program application form and guideline documents:

- Manufacturing Facility means an establishment primarily engaged in the fabricating, processing, finishing, refinishing, assembly or similar production of various articles and commodities.
- Logistics Facility means a warehouse used for storage and transportation of goods, distribution facilities, and logistics services such as but not limited to material handling, packaging, and freight storage and forwarding.
- Professional Office and Health Care Facility means an office or clinic maintained and used as a place of business by individuals in licensed and other generally recognized professions that includes but is not limited to doctors, dentists, lawyers, engineers, architects, and accountants.
- Life Science Facility means an establishment primarily engaged in research and development in advanced and applied sciences, that includes but is not limited to biopharmaceuticals, biotechnology, nanotechnology, biomedical engineering, and biogenetics.
- Information Technology Facility means an establishment primarily engaged in providing services that include, but are not limited to the management, operation, programming, maintenance and system administration of computer and telecommunication networks and systems.

- Hospitality Services Facility means an establishment that provides hospitality related services that include, but are not limited to hotel/motel accommodations, restaurants, catering, banquets/receptions, entertainment, and conference/special event venues.
- Permanent Full-Time Employee means a person employed by a business who is normally scheduled to work a minimum of 35 hours per week for the entire normal year of the business, which normal year must consist of at least 48 weeks. The permanent full-time employee must be working in the Town of Amherstburg.
- Municipal Property Taxes is the Town of Amherstburg portion of property taxes payable, and does not include the Education portion payable to the Province of Ontario, and any property taxes payable to the County of Essex.
- Tax Increment is the difference between the base rate at the time of Amherstburg Council's approval of financial incentives for the project and the municipal taxes after the completion of the approved eligible works, occupancy, and reassessment by MPAC. The tax increment will be calculated on an annual basis and will include increases and decreases resulting from tax rate changes and reassessments.

Town Staff will also utilize the following general incentive program requirements when preparing the program application form and guideline document. These requirements are not necessarily exhaustive, and the Town of Amherstburg reserves the right to include other requirements and conditions as deemed necessary as part of the application form and/or the program guide.

- An application for any of the incentive programs contained in the CIP can only be made for properties located within the Community Improvement Project Area.
- If the applicant is not the registered owner of the property, the applicant must provide written consent from the owner of the property on the application. The registered property owner may also be required to be a party to any agreement for the financial incentive programs.
- The applicant will be required to submit a complete application to the Municipality describing in detail the work that is planned. This may include reports, floor plans, conceptual site plans, business plans, estimates, contracts, and other details as may be required to satisfy the Municipality with respect to conformity of the project with the CIP. The application must be submitted to

the Municipality prior to Council's approval of financial incentives for the project.

- All drawings, reports and/or materials submitted to and/or requested by the Municipality to support a financial incentive program application shall be prepared by qualified professionals to the satisfaction of the Municipality.
- The applicant must address all outstanding work orders and/or other fees from the Municipality (including tax arrears) against the subject property to the satisfaction of the Town of Amherstburg prior to the grant being approved.
- Council is the sole approval authority for all applications submitted under the financial incentive programs included in this CIP.
- As a condition of approval of an application for any of the financial incentive programs contained within this CIP, the applicant must enter into an agreement with the Municipality. The agreement will be registered against the land to which it applies and will specify the terms, duration, and default provisions of the grant.
- All proposed works approved under the incentive programs and associated improvements to buildings and/or land shall conform to all provincial laws, municipal by-laws, policies, procedures, standards, and guidelines, including applicable Official Plan and zoning requirements and approvals.
- The total of the grants made in respect of improvements to buildings and/or lands shall not exceed the eligible costs as further specified in the more detailed CIP program guide and application form.
- The Town of Amherstburg may undertake an audit of work done and eligible costs if it is deemed necessary, at the expense of the applicant. Municipal staff, officials, and/or agents of the Municipality may inspect any property that is the subject of an application for any of the financial incentive programs offered by the Municipality.
- The Municipality is not responsible for any costs incurred by an applicant in relation to any of the programs, including without limitation, costs incurred in anticipation of a grant.
- The financial incentive programs approved by Council will take effect as of the date of Council adoption, and will not be applied retroactively to any work that has taken place prior to the execution of the CIP agreement in accordance with this CIP.

- Council at its discretion may at any time discontinue a program; however, any participants in the program prior to its discontinuance will continue to receive grants as approved for their property in accordance with the agreement signed with the Municipality.
- If the applicant is in default of any of the general or program specific requirements, or any other requirements of the Municipality, the Municipality may delay, reduce, or cancel the approved grant, and any grant amount paid will be recovered by the Municipality.
- If a building that was erected or improved with a program grant is demolished prior to the expiry of the grant period, the grant is terminated and will be recovered by the Municipality.
- The Town of Amherstburg has the right to perform annual inspections, and to request information from the applicant with respect to full time employment numbers, to ensure compliance with the agreement and to adjust the incentive levels to reflect the current situation in relation to the agreement signed with the Municipality.

It should be noted that the CIP program application form and guideline will also include information highlighting the criteria that will be used by Council when evaluating the applications that are submitted pursuant to this new Economic Development Community Improvement Plan

SECTION 6 PROGRAM ADMINISTRATION AND MONITORING

This new Economic Development Community Improvement Plan is intended to be in effect for 5 years from the date of adoption by Council. It can be extended for a further 5 year period at the sole discretion of Council.

Town Staff will put in place a monitoring program and will prepare an annual report to assist Council evaluate the effectiveness of the new Economic Development Community Improvement Plan. This monitoring report will also be used to identify if there are refinements that need to be made to the CIP (including the program application form and guideline documents) to address changing economic conditions that may arise from time to time.



PUBLIC PETITION

Town of Amherstburg
271 Sandwich St. S
Amherstburg, ON
N9V 2A5

To: The Council of the Town of Amherstburg

Whereas: (Please provide a brief description of the issue/problem/request in question below)
This petition from the undersigned (residents of Bois Blanc Island) is in complaint of an Airbnb that is currently operating on the island. Bois Blanc Island is a unique residential community modelled and marketed with distinct private community qualities. Vehicle, pedestrian and visitor traffic is controlled as is a gated community. Privacy, safety and security, a primary reason for living on the island, is now compromised with short term rental(s) (Airbnb, VRBO). Research shows evidence that short term rentals do not benefit the community, only their Owners'. We are requesting any and all short term rentals be prohibited on Bois Blanc Island.

I/We the undersigned, petition the Council of the Town of Amherstburg as follows:

Name (print)	Address	Signature
DAVID HATTON	603 GOLD COAST DR	[Signature]
Laurie Hatton	603 Gold Coast Dr. Amherstburg	[Signature]
Alessia Guadagno	91 Boblo Island Blvd	A Guadagno
Sean Mair	360 Crystal Bay	[Signature]
[Signature]	399 Crystal Bay	[Signature]
[Signature]	399 Crystal Bay	Mike Girard
Valerie A. Copeland	101 River Walk Cres.	Valerie A. Copeland
STEPH COPELAND	101 RIVERWALK	[Signature]
LEIF M. SHIPLEY	542 Gold Coast	[Signature]
Pat KRYK	565 GOLD COAST	[Signature]
LEW KRYK	565 GOLD COAST	[Signature]
PETER DUNN	581 GOLD COAST	[Signature]
MAGGIE DUNN	581 Gold Coast	[Signature]
SAUDRA JUCIUCHOWICZ	585 Gold Coast	[Signature]
Dianne Beardsley	580 Gold Coast	[Signature]
Glenn Beardsley	580 GOLD COAST	[Signature]
JOHN MARTEN	588 GOLD COAST	[Signature]
TELE MARTEN	588 Gold Coast	[Signature]
[Signature]	582 Gold Coast	[Signature]
SANDI EMADAGAN	91 BOBLO ISLAND BLVD	[Signature]
DIANE MACDONALD	91 BOBLO ISLAND BLVD	[Signature]
Rosemary Girard	103 Forbes Island Blvd.	[Signature]

PAGE 1 OF 8

All submitted petitions will be considered a public document of the Town of Amherstburg and information contained within the petition may be subject to the scrutiny of the municipality and other members of the general public.

All information submitted is collected in accordance with the Municipal Act, 2001, s.8 and 239(1) and may be used in Council deliberations, and disclosed in full, including email, names and addresses to persons requesting access to records. All information submitted to the municipality is subject to the Municipal Freedom of Information Act (MFIPPA).



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Town of Amherstburg
271 Sandwich St. S
Amherstburg, ON
N9V 2A5

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I/We the undersigned, petition the Council of the Town of Amherstburg as follows:

Name (print)	Address	Signature
Tula Ferguson	61 RED OAK, Amherstburg	Tula Ferguson
MARK FERGUSON	61 RED OAK, Amherstburg	Mark G Ferguson
DAVE LAURIE	71 RED OAK	Dave Laurie
Lisa O'Reilly	71 RED OAK	Lisa O'Reilly
Theresa Farab	63 Red Oak N9V4C4	Theresa Farab
George Winter	63 Red Oak N9V4C4	George Winter
TAMM SCHRENS	41 RED OAK N9V4C4	Tamm Schrens
PAUL SCHRENS	41 RED OAK N9V4C4	Paul Schrens
RON McLEAN	49 RED OAK CR5.	Ron McLean
CAROL McLEAN	49 RED OAK CR.	Carol McLean
Diana-Mary Pearson	43 Red Oak Cres. N9V4C4	Diana-Mary Pearson
JAMES M. PEARSON	43 RED OAK CRESCENT N9V4C4	James M. Pearson
JENNIFER Mead	250 Crystal Bay	Jennifer Mead
Jude Mead	250 Crystal Bay	Jude Mead
CHARLES NICKLESON	306 CRYSTAL BAY DR	Charles Nickleson
DOMINIE NICKLESON	306 CRYSTAL BAY DR	Dominie Nickleson
Ty Campbell	367 CRYSTAL BAY DR.	Ty Campbell
FAYE BROWNBRIDGE	355 CRYSTAL BAY DR	Faye Brownbridge
Bill Brownbridge		Bill Brownbridge
Barb Grondin	73 Red Oak Amherstburg	Barb Grondin
Doug Grondin	73 Red Oak Amherstburg	Doug Grondin
Steve Girard	103 BoBo Isl N9V4C4	Steve Girard

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PUBLIC PETITION

Town of Amherstburg
271 Sandwich St. S
Amherstburg, ON
N9V 2A5

To: The Council of the Town of Amherstburg

Whereas: (Please provide a brief description of the issue/problem/request in question below)

This petition from the undersigned (residents of Bois Blanc Island) is in complaint of an Airbnb that is currently operating on the island. Bois Blanc Island is a unique residential community modelled and marketed with distinct private community qualities. Vehicle, pedestrian and visitor traffic is controlled as is a gated community. Privacy, safety and security, a primary reason for living on the island, is now compromised with short term rental(s) (Airbnb, VRBO). Research shows evidence that short term rentals do not benefit the community, only their Owners'. We are requesting any and all short term rentals be prohibited on Bois Blanc Island.

I/We the undersigned, petition the Council of the Town of Amherstburg as follows:

Name (print)	Address	Signature
BARRY WAYMAN	59 RED OAK CRES.	[Signature]
THOM BROWN	"	[Signature]
Laura Rochement	57 Red Oak	[Signature]
MARK ROCHEMONT	57 RED OAK	[Signature]
LISA CARVALLO	53 RED OAK	[Signature]
Brian Bryant	53 RED OAK	[Signature]
Katie Robak	51 Red Oak	[Signature]
Bark. Morrison	61 RED OAK.	[Signature]
Emilie Robak	51 red oak	[Signature]
Robert Robak	51 Red oak.	[Signature]
Tonio Webb	284 Crystal Bay	[Signature]
Stephanie Morrison	295 Crystal Bay	[Signature]
Ken Morrison	295 Crystal Bay	[Signature]
STAN AITA	101 BOIS BLANC ISLAND RD	[Signature]
Andrea MacDonald	101 Bois Blanc Island Blvd	[Signature]
DAVID & DEBRA GRAY	244 CRYSTAL BAY DR	[Signature]
Cindy Gallant	401-34 Bois Blanc	[Signature]
RYAN MCDONALD	209 CRYSTAL BAY	[Signature]
ROBERT LUCKINO	380 CRYSTAL BAY	[Signature]
STEPHANIE GIRARD	709 CRYSTAL BAY DR	[Signature]
Johanna Lynch	307 CRYSTAL BAY	[Signature]
KERIC FARROW	318 Crystal Bay Dr	[Signature]

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I/We the undersigned, petition the Council of the Town of Amherstburg as follows:

Name (print)	Address	Signature
R Albert	34 Boblo Island	[Signature]
J McFarlane	34 Boblo Isl.	[Signature]
L. McWhinnie	34 Boblo Island Blvd	[Signature]
C. N. Sathyanath	34 Boblo	[Signature]
Cindy Gallant	34-401 Boblo	[Signature]
J Zeeb	34-508 Boblo Isl.	[Signature]
S. UZUPIS	34-208 Boblo	[Signature]
J. UZUPIS	301-34 Boblo	[Signature]
M GIBSON	301-34 Boblo	[Signature]
Greg Atherton	408-34 Boblo	[Signature]
J. Albert	107-34 Boblo Island Blvd	[Signature]
J. Albert	34 Boblo Island Blvd	[Signature]
J. Stenehan	#508	[Signature]
DON RANDELL	#108	[Signature]
Alex Neelin	#303	[Signature]
Atherton	#107	[Signature]
D. Randall	34 Boblo #108	[Signature]
JIM GIBSON	#408 34 Boblo	[Signature]
DAVE McWHINNIE	#202	[Signature]
RICHARD JANISSE	523 GOLD COAST, BOBLO	[Signature]

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I/We the undersigned, petition the Council of the Town of Amherstburg as follows:

Name (print)	Address	Signature
April FAREAN	318 Crystal Bay Dr	<i>April FAREAN</i>
STEVE GIBSON	394 CRYSTAL BAY DR.	<i>Stephen P. Gibson</i>
LINDA GIBSON	394 CRYSTAL BAY DR.	<i>Linda Gibson</i>
Stephanie Saroni	300 Crystal Bay	<i>Stephanie Saroni</i>
Peter Saroni	300 Crystal Bay	<i>Peter Saroni</i>
STEPHANIE THOMSON	595 GOLD COAST DR	<i>Stephanie Thomson</i>
Katherine Campbell	367 Crystal Harbour Bay	<i>Katherine Campbell</i>
Todd Tiffin	548 Gold Coast Dr	<i>Todd Tiffin</i>
Joel Taylor	548 Gold Coast Dr	<i>Joel Taylor</i>
RICHARD PEDDIE	121 RIVER WALK CREW	<i>Richard Peddie</i>
Jessica Rusynyk	568 Gold Coast Dr	<i>Jessica Rusynyk</i>
Michael Rusynyk	568 Gold Coast Dr	<i>Michael Rusynyk</i>
Madison Girard	1036 Bois Blanc Island Blvd	<i>Madison Girard</i>
Jim BEAUDOIN	85 BOIS BLANC ISLAND BLVD	<i>Jim Beaudoin</i>
JENNIFER BEAUDOIN	85 " "	<i>Jennifer Beaudoin</i>
Shirley Meloche	214 Crystal Bay Drive	<i>Shirley Meloche</i>
A. Joe Meloche	214 Crystal Bay Drive	<i>A. Joe Meloche</i>
JULIAN FIALCONI	591 GOLD COAST DR	<i>Julian Falconi</i>

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I/We the undersigned, petition the Council of the Town of Amherstburg as follows:

Name (print)	Address	Signature
MARTINE FORTIN	504 Gold Coast Dr. Amh. Ont	<i>[Signature]</i>
Sylvain Baril	504 Gold coast Dr. Amh. ONT	<i>[Signature]</i>
KEVIN BOSLEY	517 GOLD COAST AMON	<i>[Signature]</i>
ADNE BOSLEY	517 GOLD COAST AND	<i>[Signature]</i>
Carla Newbua	496 Gold Coast Dr ✓	<i>[Signature]</i>
Dawn Crawley	494 Gold Coast Drive	<i>[Signature]</i>
Mike Crawley	494 Gold Coast Drive	<i>[Signature]</i>
Ryan Bosley	493 Gold Coast Drive	<i>[Signature]</i>
JEFF BOSLEY	493 Gold Coast Dr.	<i>[Signature]</i>
JIM THORNTON	499 GOLD COAST	<i>[Signature]</i>
Julie Thornton	499 Gold Coast	<i>[Signature]</i>
J. DAVID GREEN	511 Gold Coast	<i>[Signature]</i>
MAGGI GREEN	511 Gold Coast Dr	<i>[Signature]</i>
Erin Amescato	524 GOLD COAST DR.	<i>[Signature]</i>
Nagire Needlove	496 BOOD COAST	<i>[Signature]</i>
Martine Downing	508 Gold Coast	<i>[Signature]</i>
JOE CAPPELLINO	475 GOLD COAST	<i>[Signature]</i>
GEORGINA CAPPELLINO	475 GOLD COAST	<i>[Signature]</i>
RAIG MACKENZIE	475 Gold Coast	<i>[Signature]</i>
Ann Heaton	521 Gold Coast	<i>[Signature]</i>
Lucy Evon	368 Crystal Bay Dr.	<i>[Signature]</i>
Bill Evon	368 Crystal Bay	<i>[Signature]</i>

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I/We the undersigned, petition the Council of the Town of Amherstburg as follows:

Name (print)	Address	Signature
Paul Brodeur	347 Crystal Bay	[Signature]
RON ATKINSON	227 Crystal Bay Dr.	[Signature]
KATHY ATKINSON	" "	[Signature]
VAL HENDERSON	237 CRYSTAL BAY DR	[Signature]
MIKE RENAUD	212 CRYSTAL BAY DR.	[Signature]
CHRIS MCCURDY	217 CRISTAL BAY DR.	[Signature]
BOB HENDERSON	237 CRYSTAL BAY DR.	[Signature]
K.A. WITTELDON	535 CRYSTAL BAY DR.	[Signature]
Jean Frechton	239 Crystal Bay Dr	[Signature]
N ROSS	235 Crystal Bay	[Signature]
By Madeline Robt	233 Crystal Bay	[Signature]
Susan McCurdy	217 CRYSTAL BAY DR.	[Signature]
Cathy Grover	341 Crystal Bay DR.	[Signature]
Jim Lee	551 Gold Coast Dr	[Signature]
Gail O'Keefe	567 Gold Coast	[Signature]

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