

# The Corporation of the Town of Lakeshore

## Regular Council Meeting Agenda

Tuesday, August 11, 2020, 4:00 PM

Electronically hosted from Council Chambers, 419 Notre Dame Street, Belle River

Pages

1. Call to Order
2. Moment of Reflection
3. Disclosures of Pecuniary Interest
4. Recognitions
5. Completion of Unfinished Business
  - a. Reports for Direction
    1. Mayor's Arts Awards 2020 10

**Recommendation:**  
Defer the 2020 Mayor's Arts Award program to 2021; and,  
  
Direct the Treasurer to apply the \$6,000 budgeted for the Mayor's Arts Awards to offset Town expenses at year end, as presented in the July 28, 2020 Council report.
    2. BIA Request to Redirect Sunsplash Grant for 2020 25

**Recommendation:**  
Direct the Treasurer to use the \$1,000 budgeted for the 2020 Sunplash event to offset Town expenses at year end; and,  
  
Receive the minutes of the BIA Board of Management of May 4, 2020 (final) and July 6, 2020 (draft).
    3. Comber Agricultural Society Request to Redirect Grant for 2020 33

Note: This matter was concluded at the July 28, 2020 Special Council Meeting by way of Motion #253-07-2020

**Recommendation:**

Council receive the Ministry of Environment, Conservation and Parks (MECP) Drinking Water Inspections for the following systems:

1. Lakeshore Drinking Water System – Report dated November 12, 2019
2. Tecumseh Distribution System – Report dated October 28, 2019
3. Union Distribution System – Report dated November 12, 2019
4. Stoney Point Drinking Water System – Report dated February 5, 2020, as presented at the August 11, 2020 Council meeting.

**Recommendation:**

Award the tender for the 2020 Inflow and Infiltration Remediation-Cleanout Replacements to Phoenix Drainage Inc. in the total amount of \$300,132 plus HST, as presented at the August 11, 2020 Council meeting.

**Recommendation:**

Direct Administration to draft a mandatory mask by-law as described in Option #3 of the report presented at the August 11, 2020 Council meeting.



- |    |  |     |
|----|--|-----|
| 7. | Permanent Closure, Stop Up and Declaration of Surplus for Plan 290 Laneways Unopened Road Allowances | 135 |
|----|--|-----|

**Recommendation:**

The portion of land known as Plan 290 Laneways and legally known as Lane Plan 290, Rochester, Abutting Lots 7 to 12, Plan 290, except R1463262; Lakeshore, being all of the Property Identifier Number 75049-0173(R), and Lane Plan 290, Rochester, Abutting Lots 1 to 6, Plan 290, except R1463262; Lakeshore, being all of the Property Identifier Number 75049-0174(R), be closed, stopped up and declared surplus;

Administration proceed with conveying the land pursuant to Town Policy CAD – 284, *Closing Sale and Disposition of Streets and Alleys*; and,

Adopt By-law 62-2020, all as presented in the report entitled, *Permanent Closure, Stop Up and Declaration of Surplus for Plan 290 Laneways Unopened Road Allowances*, presented at the August 11, 2020 Council meeting.

**b. Consideration of By-laws**

- |    |   |     |
|----|---|-----|
| 1. | By-law 53-2020, Being a By-law to Confirm Proceedings of Council for June 23rd and June 29th Meetings               | 141 |
| 2. | By-law 56-2020, Being a By-law to Dedicate Certain Lands in the Town of Lakeshore as Part of Amy Croft Drive        | 142 |
| 3. | By-law 62-2020, Being a By-law to Deem, Permanently Close, Stop Up and Declare Surplus Two Unopened Road Allowances | 144 |
| 4. | By-law 63-2020, Being a By-law to Confirm Proceedings of Council for July 14, 2020 Meeting                          | 146 |

**Recommendation:**

By-laws 53-2020, 56-2020, 62-2020 and 63-2020 be read and passed in open session on August 11, 2020.

## 6. Public Meetings under the Planning Act - 6:00 PM

### a. ZBA-3-2020, Cannabis Production Facility (CPF), 417 Jutras Dr. S.

147

#### **Recommendation:**

Approve Zoning By-law Amendment Application ZBA-3-2020 (By-law 59-2020, Town of Lakeshore By-law 2-2012, as amended), to rezone the parcel, indicated as the “Subject Land”, on the Key Map, Appendix 1, located at 417 Jutras Drive South, in the Town of Lakeshore, from “M1, General Employment Zone” to “M1- 7, General Employment Zone Exception 7, in Holding (h2)”, to permit a Cannabis Production Facility (CPF):

“CANNABIS PRODUCTION FACILITY – shall mean lands, buildings or structures used for producing, processing or destroying of cannabis which is authorized by licence issued by the Federal Minister of Health, pursuant to the previous *Access to Cannabis for Medical Purposes Regulations, SOR/2016-230, to the Controlled Drugs and Substances Act, SC 1996, c 19*, as amended from time to time, or any successor thereto. This includes micro-cultivation, standard cultivation and nursery licences issued under the current Government of Canada *Cannabis Regulations SOR/2018-144* that are enabled by the *Controlled Drugs and Substances Act, the Food and Drugs Act and the Cannabis Act.*”;

And, adopt the implementing by-law.

### b. ZBA-10-2020, Chad Thomas, 408 County Road 2

153

#### **Recommendation:**

Approve Zoning By-law Amendment Application ZBA-10-2020 (By-law 57-2020), to re-zone the current zone category from R1-16, Residential Type 1 Zone Exception 16 to a R1-36, Residential Type 1 Zone Exception 36, to permit a 178.38 m<sup>2</sup> (1,920 ft<sup>2</sup>) accessory building that is 5.33 metres (17.5 feet) in height, for a parcel of land, indicated as the “Subject Land” on the Key Map, Figure 1 (Appendix 1) located at 408 County Road 2, in the Community of Rochester, Town of Lakeshore and adopt the implementing by-law.

**Recommendation:**

Approve Zoning By-law Amendment Application ZBA-11-2020 (By-law 58-2020), to re-zone the current zone category from RW1, Residential Waterfront - Watercourse to a RW1-19, Residential Waterfront – Watercourse Zone Exception 19 (RW1-19), to permit a 118.92 m<sup>2</sup> (1,280 ft<sup>2</sup>) accessory building for a parcel of land, indicated as the “Subject Land” on the Key Map, Figure 1 (Appendix 1) located at 970 West Belle River Road, in the Community of Maidstone, Town of Lakeshore and adopt the implementing by-law.

**7. Public Presentations**

- a. City of Windsor - Windsor Essex Housing and Homelessness Master Plan

170

**8. Delegations**

- a. Lakeside Estates Phase 2 Subdivision Agreement

192

**Recommendation:**

The Mayor and Clerk be authorized, by By-law 64-2020, to execute a Subdivision Agreement with the Owner, subject to the inclusion of the following provision:

- a. The agreement covers a total of seventy-one lots for single detached residential dwellings, three blocks for sight triangles (73, 75, 76) and one block for road widening (74) and one block for parkland purposes (72), as shown on the draft plan of subdivision, approved by the County of Essex, for Lakeside Estates Phase 2, prepared and certified by Roy Simone, O.L.S., dated April 24, 2020.

1. Delegation - Amico Affiliates, Applicant

**b. Options for New Animal Control By-law**

210

**Recommendation:**

Direct Administration to implement a wildlife pickup user-fee program, effective January 1, 2021;

Direct Administration to proceed in drafting an animal control by-law with the following options:

- Cat Licensing – Option #1 Do not regulate or licence cats in the Town of Lakeshore,
- Limiting cats per household – Option #1 Do not limit the number of cats per household in the Town of Lakeshore,
- Urban Chickens – Option #1 Do not allow chickens in any residential areas; and,
- Specific exemptions relating to accessibility and animal welfare, as described in the “Options for New Animal Control By-law” report presented August 11, 2020;

Direct Administration to post the draft regulatory by-law for public comment.

1. Delegation - Rob Henry, Resident

**9. Consent Agenda**

- |   |            |
|---|------------|
| <b>a. July 28, 2020 Special Council Meeting Minutes</b>   | <b>234</b> |
| <b>b. City of Windsor - Financial Relief for Community Organizations</b>                                    | <b>243</b> |
| <b>c. County of Essex - Request for Federal Assistance for People with Disabilities - COVID-19 Pandemic</b> | <b>245</b> |
| <b>d. Essex Region Conservation Authority - Source Protection Committee Membership</b>                      | <b>249</b> |
| <b>e. Town of Essex - Request for Further COVID-19 Data</b>   | <b>251</b> |

**Recommendation:**

Approve minutes of the previous meeting and receive correspondence as listed on the Consent Agenda.

**10. Reports for Information**

- |  |            |
|--|------------|
| <b>a. Committee of Adjustment Meeting Report – July 22, 2020</b> | <b>254</b> |
|--|------------|

- b. Consulting Costs 263
- c. Enhanced Weekly Yard Waste Collection 266

**Recommendation:**

Receive the Reports for Information as listed on the agenda.

**11. Reports for Direction**

- a. 2019-2020 MECP Sewage Lagoon Inspections 268

**Recommendation:**

Receive the Ministry of Environment, Conservation and Parks (MECP) Sewage Lagoon Inspections for the Stoney Point Sewage Lagoon (DWS#110002345) – Announced Inspection Report dated October 29, 2019, and, Comber Sewage Lagoon (DWS#110001676) – Announced Inspection Report dated October 23, 2019, as presented at the August 11, 2020 Council meeting.

- b. Tender Award – Lanoue Street Extension from Manning Road to Amy Croft Drive 304

**Recommendation:**

The Lanoue Street Extension from Manning Road to Amy Croft Drive project be awarded to Sterling Ridge Infrastructure Inc. in the amount of \$5,670,830, plus applicable taxes.

- c. Tender Award – Hawthorne Gravel Road Conversion 308

**Recommendation:**

Award the Hawthorne Gravel Road Conversion tender to Rudak Excavating Inc. in the amount of \$470,900 plus applicable taxes.

- d. Adoption of a New Fill By-law 311

**Recommendation:**

Adopt By-law 60-2020 being a By-law to Provide for the Regulation of the Placing or Dumping of Fill, Alteration of the Grade of, or Removal of Topsoil from Land within the Town of Lakeshore; and,

Approve the short form wording and set fines for the Fill By-law attached as Appendix “A”, as presented at the August 11, 2020 Council meeting.

**12. Announcements by Mayor**

**13. Reports from County Council Representatives**

14.	Report from Closed Session	
15.	Notices of Motion	
16.	Question Period	
17.	Non-Agenda Business	
18.	Consideration of By-laws	
a.	By-law 54-2020, Being a Rating By-law - Tile Drainage Act	328
b.	By-law 55-2020, Being a By-law to Delegate Authority to Execute Cost Sharing Agreements Relating to the Amy Croft Secondary Plan	332
c.	By-law 57-2020, Being a By-law to Amend By-law 2-2012, Zoning By-law for the Town of Lakeshore (ZBA-10-2020)	358
d.	By-law 58-2020, Being a By-law to Amend By-law 2-2012, Zoning By-law for the Town of Lakeshore (ZBA-11-2020)	361
e.	By-law 59-2020, Being a By-law to Amend By-law 2-2012, Zoning By-law for the Town of Lakeshore (ZBA-3-2020)	364
f.	By-law 60-2020, Being a By-Law to Regulate Site Alterations of Land or Private Drain Alterations in the Town of Lakeshore	367
g.	By-law 64-2020, Being a By-law to authorize the execution of a Subdivision Agreement Pertaining to Lakeshore Estates Phase 2	380
h.	By-law 65-2020, Being a By-law for the Little Creek Drain Dykes & Mongeon Drain and Pumping Scheme Improvements in the Town of Lakeshore	412
i.	By-law 66-2020, Being a By-law for the Gagnier Drain (Tremblay Enclosure Replacement) in the Town of Lakeshore	413
j.	By-law 67-2020, Being a By-law for the Bridge Over the Alexander Drain in the Town of Lakeshore	414

k. **By-law 68-2020, Being a By-law to Confirm the Proceedings of Council for the July 28th Meeting**

415

**Recommendation:**

By-laws 65-2020, 66-2020 and 67-2020 be read a first and second time and provisionally adopted; and

By-laws 54-2020, 55-2020, 57-2020, 58-2020, 59-2020, 60-2020, 64-2020 and 68-2020 be read and passed in open session on August 11, 2020.

**19. Closed Session**

**Recommendation:**

Council move into closed session in Council Chambers at \_\_\_\_ PM in accordance with:

- a. Paragraph 239(2)(f) and (k) of the *Municipal Act, 2001* to discuss advice that is subject to solicitor-client privilege, including communications necessary for that purpose, and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board, relating to an advertising agreement.
- b. Paragraph 239(2)(c) and (k) of the *Municipal Act, 2001* to discuss a proposed or pending acquisition or disposition of land by the municipality or local board, and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board, relating to Town administrative facilities.
- c. Paragraph 239(2)(b), (d) and (f) of the *Municipal Act, 2001* to discuss personal matters about an identifiable individual, including municipal or local board employees and labour relations or employee negotiations, and advice that is subject to solicitor-client privilege, including communications necessary for that purpose, relating to a Town employee.

**20. Return to Open Session**

**21. Adjournment**

**Recommendation:**

Council adjourn its meeting at \_\_\_\_ PM.

# The Corporation of the Town of Lakeshore

## Report to Council

### Community & Development Services

### Recreation Services



**To:** Mayor & Members of Council  
**From:** Frank Jeney – Manager, Recreation & Leisure  
**Date:** July 16, 2020  
**Subject:** Mayor's Arts Awards 2020.docx

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### Recommendation

Defer the 2020 Mayor's Arts Award program to 2021; and,

Direct the Treasurer to apply the \$6,000 budgeted for the Mayor's Arts Awards to offset Town expenses at year end, as presented in the July 28, 2020 Council report.

### Background

The Arts Advisory Committee is not proceeding with the Mayor's Arts Awards ceremony due to the restrictions on public gatherings due COVID-19. However, the Committee would like to proceed with the Mayor's Arts Awards in another way and direct the \$6,000 budgeted for awards and a reception, to be directed entirely to awards.

The following motion was passed by the committee at the June 18<sup>th</sup> 2020 zoom meeting (Attachment 1).

Moved by Crystal Mancini, seconded by Linda McKinlay

"To defer the 2020 Mayor's Arts Award reception to 2021 and put forward a grant option in lieu of a physical reception for 2020"

**Carried**

The following motion was passed by the committee at the July 15<sup>th</sup> 2020 zoom meeting (Attachment 2).

Moved by Kelsey Santarossa, seconded by Melanie Masse

"To reallocate the 2020 budget of \$6000 to a grant option for 2020 for Lakeshore artists to apply for. This is due to the gathering restrictions associated with COVID-19 and the cancellation of the 2020 Mayor's Arts Awards reception."

**Carried**



The details of the grant program recommended by the committee are in Attachment 3, Option "A". The awards would be converted to monetary grants. A total of \$6,000 would be allocated for 12 awards. Each grant awarded would be \$500 for one, all-encompassing category. The focus of the Awards for 2020 is on the individual working artists, or sole proprietors who are actively creating art during the pandemic. The Lakeshore Arts Advisory Committee will set the parameters for the grant application and approval process.

The breakdown of the Awards in 2019 and as budgeted for and proposed in 2020, is set out below.

### **2019 Structure**

Total Budget for the 2019 Mayor's Art Awards - \$4,000

Breakdown: \$2000 monetary awards, \$2000 for reception.

#### **Non-Monetary**

Patron of the Arts Honorary Award

#### **Monetary Awards** - \$2,000 for awards:

Student Artist Award - \$500

Emerging Artist - \$500

Creative Entrepreneur - \$500

Artistic Excellence - \$500

### **2020 Structure**

Total Budget for the 2020 Mayor's Arts Awards - \$6,000

Breakdown: \$2000 monetary awards, \$4000 for reception.

#### **Non-Monetary**

Patron of the Arts Honorary Award

#### **Monetary Awards** - \$2,000 for awards:

Student Artist Award - \$500

Emerging Artist - \$500

Creative Entrepreneur - \$500

Artistic Excellence - \$500

### **Proposed 2020 Structure**

\$6,000 for 12 awards, each grant awarded would be \$500 for one, all-encompassing category

### **Comments**

Administration is not supportive of directing the total of \$6,000 to the grants program this year, as recommended by the Arts Advisory Committee, due to the budget constraints that the Town will be experiencing due to COVID-19. Similar to the funding that was budgeted for other celebrations/activities such as Earth Day, Senior's Appreciation luncheon and Canada Day celebrations which have not taken place in 2020, this funding would be used to offset any negative variances incurred as a result of the pandemic.

Administration is recommending that due to budget restrictions due to the pandemic, the Arts Awards not occur in 2020 but be deferred to 2021 (Option 1). The budgeted amount for this and other previously planned activities/celebrations is not being spent, providing a cash flow savings for the municipality.

Should Council wish to proceed with the grant program as recommended by the Arts Advisory Committee, it is recommended that only \$2,000 be permitted, as is budgeted for the awards part of the budget. The \$4,000 which was budgeted for the reception component of the Awards, should not be spent as the reception is not proceeding (Option 2).

A third option is to approve the Arts Advisory Committee request to direct the \$6,000 budgeted to a Mayor's Arts Award grant program. Administration is not supportive of this option in accordance with the principle to defer discretionary spending, where possible, to preserve cash flow during the pandemic (Option 3).

### **Financial Impacts**

Should Council approve the recommendation, the \$6,000 budget for the Mayor's Arts Awards in 2020 would be used to offset negative variances incurred as a result of the pandemic.

### **Attachments:**

Attachment 1 – Arts Advisory Committee Meeting minutes June 18, 2020

Attachment 2 – Arts Advisory Committee Meeting draft minutes July 15, 2020

Attachment 3 – Arts Advisory Committee – subcommittee notes July 7, 2020

## Report Approval Details

Document Title:	Mayor's Arts Awards 2020.docx
Attachments:	- June 18 2020 - Arts Advisory Committee Meeting Approved Minutes.pdf - July 15 2020 - Arts Advisory Committee Meeting Minutes.pdf - Attachment 3 Mayor's Art Awards meeting notes.pdf
Final Approval Date:	Jul 23, 2020

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

Rosanna Pellerito

Kristen Newman

Truper McBride

6:000pm

June 18, 2020

**THE CORPORATION OF  
THE  
TOWN OF LAKESHORE**

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**MINUTES OF THE  
ARTS ADVISORY COMMITTEE  
MEETING**

**PRESENT:**

Appointed Members	-	Laurie D'Alessandro Jennifer Merritt Melisa Fontana Beth Kyle Crystal Mancini Melanie Masse
Council Representatives:	-	Mayor Tom Bain Linda McKinlay
Administration	-	Frank Jeney, Manager Tammie Ryall Dave Orshinsky
Regrets	-	Kelsey Santarossa

**1. CALL TO ORDER – 6:22pm**

Laurie D'Alesandro welcomed all present and thanked them for their efforts in preparing for this evening's ZOOM meeting in light of the COVID-19 considerations.

**2. DISCLOSURE OF PECUNIARY INTEREST**

None.

**3. APPROVAL OF THE MINUTES OF JANUARY 23, 2020**

Linda McKinlay moved/Crystal Mancini seconded:

That;

The meeting minutes of the Arts Advisory Meeting dated January 23, 2020 be recommended for approval.

**Carried**

**4. BUSINESS ARISING FROM THE MINUTES OF JANUARY 23, 2020**

1. Mayor's Art Awards 2020 – discussion was held regarding holding the event virtually in 2020 or to defer the event to a “live in-person” event (similar to past events) in 2021.

**Crystal Mancini/Linda McKinlay**

- i. To defer the 2020 Mayor's Arts Award “celebration” to 2021 and put forward a grant option in lieu of a physical celebration for 2020

**Carried**

2. A Space for Arts – discussion has been held at past meetings regarding the need to form a sub-committee to develop a Public Art Policy or Arts Council in Lakeshore.
3. Sidewalk Chalk Art Update – to be revisited at a future meeting.
4. Earth Day Proposal – to be deferred to the January 2021 meeting.

5. Windsor Endowment for the Arts Grant Application – deadline has passed.
6. Volunteer Service Awards for Windsor and Essex County – deadline has passed.

**a. NEW BUSINESS:**

1. Public Arts Policy Motion to Council – Laurie D’Alessandro asked for an update on this item. Dave Orshinsky to review.
2. Chain Link Fence Proposal – a letter was sent to on April 17, 2020 from the Arts Advisory Committee requesting permission to provide some art on public fences. Tammie Ryall commented that due to the staffing restrictions during the pandemic period, this item was not addressed. Tammie Ryall suggested that a delegation appear before Council to ask for permission for such projects in the future.

**Melisa Fontana/Melanie Masse**

“Public Art on a fence in the Belle River core”

**Carried**

3. Francophone Murals – Tammie Ryall received correspondence from the Association of Francophone Communities of Ontario – Windsor-Essex-Chatham-Kent (ACFO-WECK) looking for spaces within Lakeshore for mural projects. The Committee suggested that this request be forwarded to the BIA for possible spaces.

**5. COMMUNITY UPDATES/PUBLIC COMMENTS:**

1. None

**6. DATE AND TIME OF NEXT MEETING:**

TBA

**7. ADJOURNMENT:**  
**Linda McKinlay/Melisa Fontana:**

**That:**

**The Arts Advisory Committee meeting be adjourned at 7:31pm**

**Motion Carried Unanimously**

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**LAURIE D’ALESSANDRO**  
**CHAIR**

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**FRANK JENEY**  
**MUNICIPAL LIAISON**

# **Town of Lakeshore**

## **Arts Advisory Committee**

### **DRAFT MINUTES**

**July 15<sup>th</sup> 2020**

**(Zoom)**



## **LIST OF BUSINESS**

**(July 15<sup>th</sup> 2020)**

### **1. CALL TO ORDER**

5:05pm

Councillor McKinlay

Malanie Masse

Melisa Fontana

Councillor Santarossa

Laurie D'Alessandro

Tammie Ryall

Crystal Mancini

Beth Kyle

Tom Bain

Regrets: Jennifer Merritt

### **2. DECLARATION OF CONFLICT OF INTEREST**

### **3. ADOPTION OF MINUTES**

Notes:

Laurie explained that the Motion was reflected incorrectly.

Motion: "To defer the 2020 Mayor's Arts Award "celebration" to 2021 and put forward a grant option in lieu of a physical celebration for 2020"

5.2. "Arts Advisory Committee (Remove Council)"

**Adopt the Minutes as amended.** Motion: Melisa Fontana, Second: Crystal Mancini (Unanimous)

### **4. DELEGATES (and/or CORRESPONDENCE if applicable)**

### **5. OLD BUSINESS**

The subcommittee meeting notes of July 7<sup>th</sup> concerning the Mayor's Arts Awards of 2020 were discussed.

On Tuesday July 7th, our Sub-committee for the Mayor's Arts Awards met to discuss the motion we passed at our June 18th Arts Advisory Committee meeting.

***Taken from the June 18<sup>th</sup> meeting minutes:***

*Mayor's Art Awards 2020 – discussion was held regarding holding the event virtually in 2020 or to defer the event to a "live in-person" event (similar to past events) in 2021.*

*Crystal Mancini/Linda McKinlay*

***Motion:*** "To defer the 2020 Mayor's Art Awards to 2021 and put forward a grant option because of the COVID-19 pandemic"

*Carried*

After some great discussion, the Mayor's Arts Awards committee has some ideas they would like to take to council regarding the funding for the Mayor's Arts Awards.

Due to the time sensitivity of this decision by the Arts Advisory Committee, I would suggest our entire Arts Advisory Committee meet in the next two weeks to give me our best collective recommendation for the 2020 Mayor's Arts Award grant options.

**Notes:**

- Frank explained the email body above that was taken from both the Arts Advisory Meeting on June 18<sup>th</sup> and the Mayors Arts Committee meeting.
- Laurie explained the documents attached to the meeting for options regarding re-use of funds allocated for the Mayor's Arts Awards (Annually)
- Laurie explained Option A for the Mayors Arts Awards Committee

**Insert**

**4. Option A and the Celebration of the Arts**

- After extensive, and spirited discussion, the MMA subcommittee selected **Option A**. Our decision was based on giving a quick boost to the local artists, this format is the simplest to implement in a reduced planning year, and we could keep the November timeframe to maintain continuity in the public mind.
- Jenn suggested the requirement of a short essay requirement. The essay would describe how the pandemic had affected the artist's practice. It could include: where they were drawing their inspirations from in the pandemic, how they have reacted, changes to their practice or work focus, innovative use of materials or supplies, working in isolation, etc.
- Crystal offered the suggestion that it would be like a time capsule of the pandemic. After some discussion it was suggested that we could actually create a time capsule with the winning essays, and images of the artists artwork. It was further proposed that we could publicly showcase both the essays and the artwork in a digital format (on-line, social media, ?) . . . "Twelve Stories of Lakeshore Artists in a Pandemic".
- In an environment where the artist is usually the last to be funded and the first to have funding rescinded, these ideas are a win for everyone. The Municipality recognise, support and promote the work of local artists. The artists receive a small amount of money to sustain their practice. The community receives art through "feel good" stories and images. We would be able to document and preserve our history in this particular moment in time for future generations in a time capsule. This adapted Awards celebration tells the story of artists in a pandemic, the development of art in our community, and it could also be created in a visual format for future uses.
- This is all at very low cost to the taxpayers.

**Discussions**

**Motion:** "To reallocate the 2020 budget of \$6000 (\$2000 awards, \$4000 banquet) to a grant option for 2020 for Lakeshore artists to apply for. This is due to the gathering restrictions associated with COVID-19 and the cancellation of the 2020 Mayor's Arts Awards celebration."

**Moved:** Kelsey Santarossa, Second Melanie Masse

**CARRIED**

## **6. NEW BUSINESS**

**Arts Advisory Committee Priorities 2020**

**New Notes:**

- 1) Lakeshore.ca (Arts Advisory Committee page)
  - a. Policies
  - b. Information
  - c. Forms
- 2) Public Art Policy
- 3) Locations for Art
- 4) Trail Nodes artwork
- 5) River Ridge Park Artwork

**Other:** Development of an Arts Council

- a. Funding, Fundraising

- b. Lawren Nause – Donation of Art (Nov 14<sup>th</sup> 2019)

## **7. DATE OF NEXT MEETING**

Thursday September 10<sup>th</sup> 2020 – 6pm to 8pm (Zoom or In-Person?)

## **8. ADJOURNMENT**

Councillor Santarossa, Crystal Mancini

**That the meeting adjourn at 6:34 p.m.**

Adaptation of the Mayor's Art Awards in a Pandemic  
Notes from the MAA Sub-Committee Meeting  
July 7, 2020

## 1. 2019 Structure

Total Budget for the Mayor's Art Awards - \$4,000  
(\$2000 for the awards, \$2000 for celebration)

Awards:

### **Non-Monetary**

Patron of the Arts Honorary Award

**Monetary Awards** - Total of \$2,000 for 4 awards:

Student Artist Award	- \$500	Creative Entrepreneur	- \$500
Emerging Artist	- \$500	Artistic Excellence	- \$500

## 2. 2020 MAA Adaptation

Total Budget for 2020 - \$6,000 – The increase was given during budgetary planning. I do not believe there were any restrictions placed on the budget amount, except that it was to be used for the Mayor's Art Awards and the celebration of the arts in Lakeshore.

Awards:

**Monetary Grants** - Total of \$6000 for 12 awards, each grant awarded would be \$500 for one, all-encompassing category - The focus of the MAA for 2020 is on the individual working artists, or sole proprietors who are actively creating art during the pandemic rather than solely focusing on awarding and celebrating excellence. What we are proposing is shifting the celebration monies to where they are needed and creating a no-cost (or low cost) celebration.

Eligibility: These requirements are taken directly from the 2019 format, although simplified:

- An artist or art business living, and/or working in the Municipality of Lakeshore.
- No age restriction
- Any artistic discipline

Evaluation and weighting: Slight changes to facilitate this unusual year.

- A written essay would replace the Statement of Intent to make the grants more relevant to the Mayor's Art Awards Pandemic Program, but would give additional information for evaluation
- A CV documenting both artistic work record and residency would be required in lieu of a CV, reference letter and the portfolio.

Jury Panel: Without the portfolio requirement the MMA committee could do this task.

Additional:

- A release form: permission to use artist essays and images.
- An on-line application: would need to be up and running by the middle of August).

## 3. Revised Awards Format for 2020

A modified awards program recognizing the struggle of artists in a global pandemic instead of just artistic excellence.

(Note . . . this fulfills #3 of our responsibilities in the Terms of Reference; **3.3** – “Recommend initiatives for the stabilization and strengthening of the arts community”, rather nicely.)

These are the models that we explored:

- A.** Divide the \$6000 budget into 12 equal \$500 grants.  
**Pros** – Easy to divide up, gives a little to a greater number of people. Adapts well to any artistic discipline or sole proprietor business.  
**Cons** – Doesn’t give any recognition for the work of artists, doesn’t promote art in Lakeshore  
NOTE: This was the groups preferred model. The expansion of this idea is discussed below.
- B.** Create a Municipality of Lakeshore “Pandemic Collection of Art” commemorating this unusual period in our history. The Municipality could purchase five or six works of art as part of a permanent collection to be displayed for a designated period after the pandemic ends, and then installed in Municipal offices and buildings. It would touch painters, quilters, sculptors, woodworkers, glass artists, videographers, etc. – predominantly in the visual arts sector.  
**Pros** – Funnels money to local artists, gives public recognition to local artists, gives an important credit on artists CV’s, the artwork would touch all members of the community through display, marks the beginning of a permanent Municipal collection, fills empty municipal walls, public perception of art changes (adds value)  
**Cons** – This plan would need the expediting of a Public Art Policy, or an exemption until one is written, and passed by Council. There have already been exceptions made for work that is being display in Council chambers, ATC, etc. This may not be perceived as “awards” – wording would need to be carefully considered.  
NOTE: the group decided that this option was too complicated to achieve this year, although we all liked the idea of a permanent Lakeshore collection.
- C.** A combination of A and B - \$4000 in a Collection of art and \$2000 divided into \$500 grants for practicing artists  
**Pros** – see B. above, more inclusive of all art forms  
**Cons** – waters down the importance of the “Pandemic Collection of Art”, less public recognition, less impact on public at large  
NOTE: This model seemed a bit complicated and is weighed too heavily on just visual arts.
- D.** A public art project, i.e.: a mural.  
**Pros** – Definitely puts artwork front and center in the public space, could potentially create work for a number of artists  
**Cons** – There is no Public Art Policy to handle the work of artists, safety, consistency of archival materials, there is no aftercare for the maintenance of an outdoor work. Physically distancing in the collaboration of a group of artists would be very difficult to control and manage. It might leave the municipality open to litigation should someone fall ill. Would only touch only a small segment of the overall arts community - painters (visual arts sector).  
NOTE: It was decided that this was too complicated and would delay money being given to artists. This is an idea that we might like to explore as a project when groups are able to gather more freely.

#### 4. Option A and the Celebration of the Arts

After extensive, and spirited discussion, the MMA subcommittee selected **Option A**. Our decision was based on giving a quick boost to the local artists, this format is the simplest to implement in a reduced planning year, and we could keep the November timeframe to maintain continuity in the public mind.

Jenn suggested the requirement of a short essay requirement. The essay would describe how the pandemic had affected the artist's practice. It could include: where they were drawing their inspirations from in the pandemic, how they have reacted, changes to their practice or work focus, innovative use of materials or supplies, working in isolation, etc.

Crystal offered the suggestion that it would be like a time capsule of the pandemic. After some discussion it was suggested that we could actually create a time capsule with the winning essays, and images of the artists artwork.

It was further proposed that we could publicly showcase both the essays and the artwork in a digital format (on-line, social media, ??) . . . "Twelve Stories of Lakeshore Artists in a Pandemic".

In an environment where the artist is usually the last to be funded and the first to have funding rescinded, these ideas are a win for everyone. The Municipality recognise, support and promote the work of local artists. The artists receive a small amount of money to sustain their practice. The community receives art through "feel good" stories and images. We would be able to document and preserve our history in this particular moment in time for future generations in a time capsule. This adapted Awards celebration tells the story of artists in a pandemic, the development of art in our community, and it could also be created in a visual format for future uses.

This is all at very low cost to the taxpayers.

#### 5. Tentative Time Frame

- |    |                 |   |
|----|-----------------|---|
| a. | July 8 - 24     | Writing the MAAward Adaptation for 2020               |
| b. | July 27 - 31    | Meeting with the AAC, re: particulars, concerns       |
| c. | August 15       | On-line application process to be completed           |
| d. | August 15       | Public campaign for applications begins               |
| e. | September 30    | Campaign ends   |
| f. | October 1 - 15  | Sorting/review of applications                        |
| g. | October 19 - 23 | Evaluation and selection of grant recipients          |
| h. | November 7th    | Notification to Award winners and Public Announcement |

Submitted: July 9, 2020  
L. D'Alessandro  
Chair, Arts Advisory Committee

# **The Corporation of the Town of Lakeshore**

## **Report to Council**

### **Community & Development Services**



**To:** Mayor & Members of Council

**From:** Tammie Ryall, Director of Community and Development Services

**Date:** July 22, 2020

**Subject:** BIA request to redirect Sunsplash grant for 2020.docx

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### **Recommendation**

Direct the Treasurer to use the \$1,000 budgeted for the 2020 Sunsplash event to offset Town expenses at year end; and,

Receive the minutes of the BIA Board of Management of May 4, 2020 (final) and July 6, 2020 (draft).

### **Background**

The Belle River on the Lake Business Improvement Area (BIA) did not proceed with the annual Sunsplash event due to the restrictions on public gatherings as a result of COVID-19. The BIA receives a \$1,000 grant from the Town towards the Sunsplash event. This grant was approved by Council through the Corporate Accounts, Grants and Subsidies budget line, in the 2020 Town budget.

The BIA would like to receive the \$1,000 grant from the Town to purchase hand wash and sanitizer stations to be used at future community events, such as a future Stroll the Street event.

The following motion was passed by the BIA at the July 6<sup>th</sup> 2020 zoom meeting (Attachment 1, draft minutes).

Moved by Laura Trembley and seconded by Jelena Adzic:

“That we make a formal request to the Town of Lakeshore Council to redirect the \$1,000 budgeted to the BIA for the Sunsplash Festival to purchase hand wash and sanitizer stations to be used at community events that would benefit Lakeshore residents.” All in favour. Motion approved

As of the writing of this report, no events have been scheduled by the BIA due to the COVID-19 restrictions.

## **Comments**

The Belle River on the Lake Business Improvement Area (BIA) did not proceed with the annual Sunsplash event due to the restrictions on public gatherings as a result of COVID-19. The BIA receives a \$1,000 grant from the Town towards the Sunsplash event. This grant was approved by Council through the Corporate Accounts, Grants and Subsidies budget line, in the 2020 Town budget.

The BIA is requesting the \$1,000 grant from the Town to purchase hand wash and sanitizer stations to be used at future community events, such as a future Stroll the Street event.

The following motion was passed by the BIA at the July 6<sup>th</sup> 2020 zoom meeting (Attachment 1, draft minutes).

Moved by Laura Trembley and seconded by Jelena Adzic:

“That we make a formal request to the Town of Lakeshore Council to redirect the \$1,000 budgeted to the BIA for the Sunsplash Festival to purchase hand wash and sanitizer stations to be used at community events that would benefit Lakeshore residents.” All in favour. Motion approved

As of the writing of this report, no events have been scheduled by the BIA due to the COVID-19 restrictions.

## **Financial Impacts**

Should Council approve the recommendation, the \$1,000 budget for the BIA Sunsplash event could be used by the Town to offset any negative variances incurred as a result of the pandemic.

## **Attachments:**

Attachment 1 – Draft BIA Board of Management Meeting minutes July 6, 2020

Attachment 2 – Approved BIA Board of Management Meeting minutes May 4, 2020



## Report Approval Details

Document Title:	BIA request to redirect Sunsplash grant for 2020.docx
Attachments:	- Attachment 1 Draft Minutes July 6 BIA ZOOM.docx - Minutes for May 4 BIA Board Meeting.pdf
Final Approval Date:	Jul 23, 2020

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

Rosanna Pellerito

Kristen Newman

Truper McBride

## BIA Board of Management Meeting Draft Minutes

July 6, 2020 8:30 am - 9:17 am

**ZOOM LINK** <https://zoom.us/j/3337770378>

<b>BIA Board</b>	<p><u>Ward 4 Council Representative:</u> John Kerr</p> <p><u>Chairman:</u> Moe Mailloux, Moe Mailloux Financial Services Inc</p> <p><u>Vice Chair:</u> Laura Tremblay, National Bank</p> <p><u>Directors:</u> Jelena Adzic, Libro Credit Union</p> <p style="padding-left: 40px;">Rachelle Crevatin, La Belle Fromage</p> <p style="padding-left: 40px;">Sandy Pepper, The Treasure Nook</p> <p style="padding-left: 40px;"><b>Regrets: Shawn Sauve, RONA Sauvé's Home Centre</b></p> <p style="padding-left: 40px;"><b>Regrets: Lucille Soulliere, Active Living Chiropractic</b></p> <p style="padding-left: 40px;"><b>Regrets: Mike Sutton, Melady Funeral Home</b></p> <p style="padding-left: 40px;"><b>Regrets: Ray Tetreault, Tetreault valu mart</b></p> <p><u>Associate Members:</u></p> <p style="padding-left: 40px;">Jay Coulter Software Inc</p> <p style="padding-left: 40px;">Tina Roy, Tru Real Estate Group Ltd.</p> <p style="padding-left: 40px;">Dale Sanger, New Life Assembly</p> <p style="padding-left: 40px;"><b>ABSENT: Derek Trepanier, Best Pest Control</b></p>
	<p>BIA Office Coordinator Janel Gagnier</p> <p><b>Lakeshore Director of Community and Development Services - Tammie Ryall</b></p>
	<p><u>Agenda Items</u></p> <p>This discussion will be recorded (both video and audio) <b>We have 10 voting members so a 50% + 1 rule applies for quorum.</b></p>
<b>#1</b>	Declaration Of Conflict of Interest - None
<b>#2</b>	<p><b>Adoption of the Minutes of the BIA Board Meeting on May 4, 2020</b> Laura Moved and Tina Seconded: That the minutes from the BIA Board Meeting of May 4, 2020 be adopted as presented. All in favour. Motion approved</p> <p><b>Motion # 2020 - 06</b></p>
<b>#3</b>	<p><b>Sunsplash Festival Funding From Lakeshore Request for Redirection:</b></p> <p>Laura Moved and Jelena Seconded: That we make a formal request to the Town of Lakeshore Council to redirect the \$1,000 budgeted to the BIA for the Sunsplash Festival to purchase hand wash and sanitizer stations to be used at community events that would benefit Lakeshore residents. All in favour. Motion approved <b>Motion # 2020 - 07</b></p>
<b>#4</b>	<p><b>Summer Holiday Dollar Program info is now on the homepage on BelleRiverBIA.com with a list of businesses. Libro Credit Union has made a contribution of \$3000 BIA Summer Holiday Dollars for a summer giveaway with Tourism Windsor TWEPI. We are giving a BRDHS Graduate a gift of \$100 Summer Holiday Dollars due to the partnership with them of Co-op Students and event volunteers. Thank you to Libro Staff for all the extra</b></p>

	work involved with selling \$8400 on the first day!!! A Complimentary Lunch will be given as a nice token of our appreciation.
#5	<p><b>New Business: HELPING OUR MEMBERS</b></p> <p>a) Moe Moved and Rachel seconded that: We purchase hand sanitizer for all BIA Members from Wolfhead Distillery for \$1000 from our promotion account for immediate distribution by coordinator. All in favour. Motion Carried. Motion # 2020 – 08</p> <p>b) Digital Mainstreet Grants for Service Squad and Businesses Rachel Moved and Tina Seconded: That the BIA reapply for the Digital Mainstreet Grant for our area and include the Town of Lakeshore businesses if approval is received. All in favour. Motion Carried. Motion #2020 - 09</p> <p>c) Social Media Strategy – 15 for \$50 Email to be sent to BIA Members</p> <p>My name is Logan DeMars and I am a photographer and videographer who is currently studying film at the University of Windsor. You may have seen some of my work as I have been creating videos for local businesses along with the Belle River BIA for several years now. I've covered events like Stroll the Street and Sunsplash as well as created more specific business-oriented ads.</p> <p>There is no question that the world is a little out of whack right now. Local businesses are struggling to stay afloat amid the COVID-19 pandemic and it has become more important than ever to support our community both in the spirit of sticking together and financially. That's why I'm writing to you now; to make a proposal.</p> <p>Myself and a friend of mine, Dominique Nickels, who some of you know from her work as a part of the Digital Mainstreet squad, have teamed up with the Belle River BIA to bring you an exciting deal for the month of July: <b>The 15 for 50 Deal</b>. We're offering a professional level 15 second ad covering ANYTHING about your business: changes due to the pandemic, new operating procedures, or even just a reminder that you are open and ready to get back to what it is you do best, for \$50 flat. No curveballs, no additional fees, it's really that simple.</p> <p>From July 7<sup>th</sup> – 31<sup>st</sup> we will be making appointments to come out, shoot some great ads, and get this little corner of Lakeshore the online representation it needs to get back on its feet after a few months off!</p> <p>I am sincerely looking forward to hearing back from all of the amazing local business owners we have in Belle River and seeing how we can help you get the business ball rolling once again. Please do not hesitate to call me at: 226-347-9045</p> <p>If you'd like to make an appointment please email <a href="mailto:dominiquenickels@gmail.com">dominiquenickels@gmail.com</a></p> <p>Thank you for your time! Logan DeMars, DeMars Media</p>
#6	<p>Next BIA Zoom Board Meeting will be on Monday, September 14<sup>th</sup> at 8:30am</p> <p>Meeting Adjournment</p>



## BIA Board of Management Meeting Minutes

May 4, 2020 12pm -1pm

### ZOOM LINK

<https://zoom.us/j/3337770378>

<b>BIA Board</b>	<p><b><u>Ward 4 Council Representative:</u></b> John Kerr</p> <p><b><u>Chairman:</u></b> Moe Mailloux, Moe Mailloux Financial Services Inc</p> <p><b><u>Vice Chair:</u></b> Laura Tremblay, National Bank</p> <p><b><u>Directors:</u></b> Jelena Adzic, Libro Credit Union, Mike Sutton, Melady Funeral Home, Sandy Pepper, The Treasure Nook</p> <p><b><u>Associate Members:</u></b> Jay Coulter Software Inc, Tina Roy, Tru Real Estate Group Ltd., Dale Sanger, New Life Assembly</p> <p><b>Regrets:</b> Lucille Soulliere, Active Living Chiropractic</p> <p><b>Absent:</b> Rachelle Crevatin, La Belle Fromage, Shawn Sauve, RONA Sauvé's Home Centre, Ray Tetreault, Tetreault valu mart, Derek Trepanier, Best Pest Control</p>
<b><u>BIA</u></b>	<p>BIA Office Coordinator Janel Gagnier</p> <p><b><u>Agenda Items</u></b></p>
<b>#1</b>	This meeting was recorded (both video and audio)
<b>#2</b>	Declaration Of Conflict of Interest - None
<b>#3</b>	<p><b>Sunsplash Festival 2020 Cancellation</b></p> <p><b>Chairman Moe Moved and Vice Chair Laura Seconded: That the 2020 Sunsplash Festival be Cancelled due to COVID-19 and the Social Distancing Restrictions that are in effect.</b></p> <p><b>Motion # 2020 – 03 All in favour. Motion Carried</b></p>
<b>#4</b>	<p><b>Adoption of the Minutes of the BIA Board Meeting on March 2, 2020</b></p> <p>Sandy Moved and Mike Seconded: That the minutes from the BIA Board Meeting of March 2, 2020 be adopted as presented.</p> <p><b>Motion # 2020 – 04 All in favour. Motioned Carried</b></p>
<b>#5</b>	<p><b>Stroll the Street</b></p> <ul style="list-style-type: none"> <li>a) June 19<sup>th</sup> event is on hold until the next meeting as we follow the guidelines on events being cancelled or postponed. Adjustments will have to be made to the first event we host including adding hand wash stations.</li> <li>b) Virtual Stroll the Street for Mother's Day event page created for our open local business promotions</li> <li>c) The BIA would like to host a POP UP event as soon as it is safe to do so. When the province allows stores to reopen, the Town's Festival and Events Committee could approve the pop-up event in principle but would still need a schedule for any street closures. Lakeshore may be able to do some pre-approval and then just regroup around the street closure issue at a</li> </ul>

	later date. Tammie can be the main contact person to the Festival and Events Committee
#6	<b>Old Business:</b> a) <b>Windsor Star BIA Life Magazine</b> - Currently Postponed until we have all businesses open and then we can revisit
#7	<b>New Business:</b> a) <b>Barbara Crowhurst Business Coach</b> - Sandy received free coaching sessions and believes that it was beneficial to her business. Barbara gave her great ideas, one on one support, and motivated her too. Currently there is not enough interest for the BIA to hire her to coach the BIA members at a cost of \$2700 for 13 businesses to receive two sessions by phone, Skype or Facetime. b) <b>Budget Revision due to Sunsplash Cancellation:</b> Moe Moved and John Seconded: That the \$6000 budgeted for Sunsplash be moved to the Holiday Dollar account in order to expand the program, stimulate the economy and encourage spending within the BIA businesses. <b>Motion # 2020 – 05-All in favour. Motioned Carried</b> c) <b>Revenue Budget Revision:</b> Laura Moved and Sandy Seconded: That the BIA request that the Lakeshore Treasurer allocate the current \$1000 funding for Sunsplash to create a new style of Stroll the Street when allowed. <b>Motion # 2020 – 06-All in favour. Motion Carried</b> <b>*John Kerr questioned why we do not apply for funding from Lakeshore for Stroll the Street.</b> d) <b>Discussion on the creation of a new Community Website or App</b> with information based on a site powered by the Bruce Power, United Way and a partnership with three municipalities. Suggested by Tina and researched by Jay who will be submitting a proposal to replicate the website with a link to our businesses and community organizations based on another tool that Coulter Software has developed in the past. e) OBIAA will be holding a <b>Special Best Practices Zoom Call for Board Chair and other Board members to participate in on May 4<sup>th</sup>.</b>
#8	<b>Next BIA Zoom Board Meeting – Tuesday, May 19, 2020 at noon</b>
#9	<b>Meeting Adjournment at 1:17pm</b>

**Meeting  
Minute  
Approval**

At the BIA Board of Management Meeting held on Monday, July 6<sup>th</sup> at 8:30am  
Adoption of the Minutes of the BIA Board Meeting on May 4, 2020  
 Laura Moved and Tina Seconded: That the minutes from the BIA Board Meeting of May 4, 2020 be adopted as presented.  
 All in favour. Motion # 2020 – 06 APPROVED

# **The Corporation of the Town of Lakeshore**

## **Report to Council**

### **Community & Development Services**



**To:** Mayor & Members of Council

**From:** Tammie Ryall, Director of Community and Development Services

**Date:** July 22, 2020

**Subject:** Comber Agricultural Society request to redirect grant for 2020.docx

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### **Recommendation**

Direct the Treasurer to apply the \$1,000 budgeted for the Comber Agricultural Fair to offset Town expenses at year end, as presented in the July 28, 2020 Council meeting.

### **Background**

The Comber Agricultural Society cancelled the annual Comber Fair event due to the restrictions on public gatherings as a result of COVID-19. The Agricultural Society receives a \$1,000 grant from the Town towards the fair. This grant was approved by Council through the Corporate Accounts, Grants and Subsidies budget line, in the 2020 Town budget.

Although the Fair has been cancelled, the Agricultural Society would like to receive the \$1,000 grant from the Town to direct towards their bursary program (Attachment 1, Comber Agricultural Society request).

### **Comments**

Administration is not supportive of directing the \$1,000 from the grants and subsidies budget line, as requested by the Agricultural Society, because of the budget constraints that the Town will be experiencing due to COVID-19. Similar to the funding that was budgeted for other celebrations/activities such as Earth Day, Senior's Appreciation luncheon and Canada Day celebrations which have not taken place in 2020, this funding would be used to offset any negative variances incurred as a result of the pandemic.

Administration is recommending that due to budget restrictions due to the pandemic, the \$1,000 not be spent. The budgeted amount for this and other previously planned activities/celebrations is not being spent, providing a cash flow savings for the

municipality. This is in accordance with the principle to defer discretionary spending, where possible, to preserve cash flow during the pandemic.

### **Financial Impacts**

Should Council approve the recommendation, the \$1,000 budget for the Comber Agricultural Fair could be used to offset any negative variances incurred as a result of the pandemic.

### **Attachment:**

Attachment 1 – Comber Agricultural Society request

### **Report Approval Details**

Document Title:	Comber Agricultural Society request to redirect grant for 2020.docx
Attachments:	- Attachment 1 Comber Agricultural Society request.docx
Final Approval Date:	Jul 23, 2020

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

Rosanna Pellerito

Kristen Newman

Truper McBride



From: Robert Hornick [<mailto:robert.hornick69@gmail.com>]

> Sent: July-06-20 8:45 PM

> To: Tom Bain <[tbain@lakeshore.ca](mailto:tbain@lakeshore.ca)>; Linda McKinlay <[lmckinlay@lakeshore.ca](mailto:lmckinlay@lakeshore.ca)>

> Subject: Annual Comber Agr Grant

>

> Good evening. Just checking Every year the Municipality of Lakeshore supports the Comber Agricultural Society with a \$1,000 Grant. The only stipulation was we provide you with a copy of an invoice where we paid it out.

>

> This year as we all know is an exceptional year with events being canceled. The Annual Fair is no different.

>

> But we as directors of the Society realize the importance of education in the Agricultural Field have decided to continue our Bursary commitment.

>

> For the past number of years Comber Agricultural Society has presented 4 post secondary students with a \$2,000 bursary each (\$8,000). This year although we have canceled the Fair we have elected to continue this commitment.

>

> We are asking Lakeshore to continue their support by allowing us to apply for the annual \$1,000 grant so that we can apply it to the Bursary commitment.

>

> Thank You

>

> R J Hornick

# The Corporation of the Town of Lakeshore

## Report to Council

### Engineering & Infrastructure Services

#### Environmental Services



**To:** Mayor & Members of Council

**From:** Albert Dionne, C.E.T.  
Manager, Environmental Services

**Date:** July 9, 2020

**Subject:** 2019-2020 MECP Drinking Water Inspections 1.docx

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### Recommendations

Council receive the Ministry of Environment, Conservation and Parks (MECP) Drinking Water Inspections for the following systems:

1. Lakeshore Drinking Water System – Report dated November 12, 2019
2. Tecumseh Distribution System – Report dated October 28, 2019
3. Union Distribution System – Report dated November 12, 2019
4. Stoney Point Drinking Water System – Report dated February 5, 2020, as presented at the July 22, 2020 Council meeting.

### Background

The Ministry of Environment, Conservation and Parks (MECP) conducts inspections of the Town's Water systems annually. Lakeshore has four (4) drinking water systems as follows:

Lakeshore Drinking Water System - The Lakeshore drinking water system delivers drinking water to the north-west part of the municipality generally bound by Lake St. Clair to the south to Highway 401 from Manning Road to Rochester Townline Road and is supplied with treated water from the Lakeshore Water Treatment plant on Lakeview Drive in Belle River. The water treatment plant and the water distribution system were inspected.

Tecumseh Distribution System - Under a service agreement between the Town of Lakeshore and Town of Tecumseh, water is supplied to two small areas of the Town of Lakeshore off Manning Road (County Road 19). The first area is Little Baseline Road for approximately 700 metres east from Manning Road. The second area is the rural area between County Road 42 and Highway 401 immediately west of Manning Road along the Scott Sideroad and Walls Road. These service areas have a total equivalent

population of approximately 200. The Tecumseh Water Supply System is supplied with water from the Windsor Water Supply System under a service agreement between the Town of Tecumseh and the Windsor Utilities Commission.

Union Distribution System - The Union Distribution drinking water system delivers drinking water to the south-west part of the municipality generally bound by Highway 401 from Manning Road to Rochester Townline Road and is supplied with treated water from the Union Water Supply System Water Treatment plant in Ruthven.

Stoney Point Drinking Water System - The Stoney Point Drinking Water System delivers drinking water to most of the eastern part of the municipality and is generally bound by Lake St. Clair to County Road 8 and from Rochester Townline to just west of Richardson Sideroad. Water is supplied from Lakeshore's Water Treatment plant on St. Clair Road in Stoney Point. The water treatment plant and the water distribution system were inspected.

## Comments

These reports are being provided to Council in fulfilment of regulatory requirements. When an MECP inspection takes place, this report confirms that Council as the owner of the drinking water system has been properly informed. The results of the inspections are summarized below.

### Lakeshore Drinking Water System

An announced inspection of the Lakeshore Drinking Water System was carried out by the MECP on November 12, 2019. The inspection report gives an overall inspection rating of 95.7% and is appended to this report.

There were three (3) items noted under “**Non-Compliance with Regulatory Requirements and Actions Required**”. The two (2) items were regarding the backup generator which was installed in September 2019 at the Belle River Water Tower. The first was not submitting a Director's Notification for the new generator. The second was for commissioning the generator without completing a mandatory Form 3. The 3<sup>rd</sup> was a backup battery for the data logger to the SCADA system which had just failed. All items were addressed at the time of inspection and resulting in a **No Actions Required**. Furthermore management and staff discussed the issues and will be more diligent moving forward.

There is one (1) item identified under the “**Summary of Best Practice Issues and Recommendations**”, on page 20 of the appended report summarized as follows: The screen on the reservoirs vent does not meet the recommendations in the “Ten States Standards” and should be replaced with a #24 mesh (0.70 mm) non-corrodible screen.

### **Tecumseh Distribution System**

An unannounced inspection of the Tecumseh Distribution System was carried out by the MECP on October 28, 2019. The inspection report gives an overall inspection rating of 100% and is appended to this report.

There are no items noted under “**Non-Compliance with Regulatory Requirements and Actions Required**”.

There are no items noted under the “**Summary of Best Practice Issues and Recommendations**”.

### **Union Distribution System**

An unannounced inspection of the Union Distribution System was carried out by the MECP on November 12, 2019. The inspection report gives an overall inspection rating of 100% and is appended to this report.

There are no items noted under “**Non-Compliance with Regulatory Requirements and Actions Required**”.

There are no items noted under the “**Summary of Best Practice Issues and Recommendations**”.

### **Stoney Point Drinking Water System**

An unannounced inspection of the Stoney Point Drinking Water System was carried out by the MECP on February 5, 2020. The inspection report gives an overall inspection rating of 100% and is appended to this report.

There are no items noted under “**Non-Compliance with Regulatory Requirements and Actions Required**”.

There are no items noted under the “**Summary of Best Practice Issues and Recommendations**”.

### **Financial Impacts**

There are no financial impacts as a result of the inspection reports.

### **Attachments:**

- Lakeshore Drinking Water System – Report dated November 12, 2019
- Tecumseh Distribution System – Report dated October 28, 2019
- Union Distribution System – Report dated November 12, 2019
- Stoney Point Drinking Water System – Report dated February 5, 2020

## Report Approval Details

Document Title:	2019-2020 MECP Drinking Water Inspections 1.docx
Attachments:	<ul style="list-style-type: none"><li>- FINAL - 2019 Lakeshore - Tecumseh DS Inspection Report.pdf</li><li>- FINAL Lakeshore DWS - 2018-2019 Inspection Report-EA.pdf</li><li>- FINAL-- 2019 Lakeshore (Stoney Point) Inspection Report.pdf</li><li>- FINAL-2019 Lakeshore -Union WSA Inspection Report.pdf</li></ul>
Final Approval Date:	Jul 23, 2020

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

Nelson Cavacas

Rosanna Pellerito

Kristen Newman

Truper McBride

Ministry of the Environment,  
Conservation and Parks

Ministère de l'Environnement, de la  
Protection de la nature et des Parks

Southwestern Region

Direction régionale du Sud-Ouest

620 – 4510 Rhodes Drive  
Windsor ON N8W 5K5

Tel.: 519 948-1464

Fax.: 519 948-2396

TTY: 416 456-1234

620 – 4510, chemin Rhodes  
Windsor ON N8W 5K5

Tél. : 519 948-1464

Télééc. : 519 948-2396

ATS : 416 456-1234

File# SI-ES-LA-540

December 17, 2019

Town of Lakeshore  
419 Notre Dame St.  
Belle River, ON  
N0R 1A0

Attention: Truper McBride, CAO  
[tmcbride@lakeshore.ca](mailto:tmcbride@lakeshore.ca)

Dear Mr. McBride:

Re: Town of Lakeshore Drinking Water System – Tecumseh DS  
Inspection Report

---

Please find enclosed the Drinking Water System Inspection Report for the unannounced inspection that was conducted at the Lakeshore (Tecumseh) Distribution System (DWS # 260004982) on October 28, 2019.

Section 19 of the Safe Drinking Water Act (Standard of Care) creates a number of obligations for individuals who exercise decision-making authority over municipal drinking water systems. Please be aware that the Ministry has encouraged such individuals, particularly municipal councillors, to take steps to be better informed about the drinking water systems over which they have decision-making authority. These steps could include asking for a copy of this inspection report and a review of its findings. Further information about Section 19 can be found in *"Taking Care of Your Drinking Water: A guide for members of municipal council"* found on the Drinking Water Ontario website at [www.ontario.ca/drinkingwater](http://www.ontario.ca/drinkingwater).

In order to measure individual inspection results, the Ministry has established an inspection compliance risk framework based on the principles of the Inspection, Investigation & Enforcement (II&E) Secretariat and advice of internal/external risk experts. The Inspection Summary Rating Record (IRR), included as Appendix B of the inspection report, provides the Ministry, the system

owner and the local Public Health Units with a summarized quantitative measure of the drinking water system's annual inspection and regulated water quality testing performance.

IRR ratings are published (for the previous inspection year) in the Ministry's Chief Drinking Water Inspectors' Annual Report. If you have any questions or concerns regarding the rating, please contact Marc Bechard, Water Compliance Supervisor, at (519) 490-0761.

Likewise, if you have any questions or concerns regarding this report, please call me at (226) 280-1556.

Yours truly,



Neil Gilbert, P.Eng.  
Provincial Officer – Water Inspector  
Southwestern Region  
Ministry of the Environment, Conservation and Parks  
Sarnia District – Windsor Area Office

Encl.

cc: Dr. Wajid Ahmed, Acting Medical Officer of Health, Windsor-Essex County HU, [wahmed@wechu.org](mailto:wahmed@wechu.org)  
Theresa Marentette, CEO and Chief Nursing Officer, Windsor-Essex County HU, [tmarentette@wechu.org](mailto:tmarentette@wechu.org)  
Phil Wong, Manager, Environmental Health, Windsor-Essex County HU, [pwong@wechu.org](mailto:pwong@wechu.org)  
Victoria Peczulis, Manager, Environmental Health, Windsor-Essex County HU, [vpeczulis@wechu.org](mailto:vpeczulis@wechu.org)  
Garry Punt, Supervisor Environmental Services, Town of Lakeshore, [gpunt@lakeshore.ca](mailto:gpunt@lakeshore.ca)  
Nicole Bradley, Water Quality Compliance/Water Operator, Town of Lakeshore, [nbradley@lakeshore.ca](mailto:nbradley@lakeshore.ca)  
Nelson Cavacas, Director of Engineering & IS, Town of Lakeshore, [ncavacas@lakeshore.ca](mailto:ncavacas@lakeshore.ca)  
Kevin Girard, Manager Environmental Services, Town of Lakeshore, [kgirard@lakeshore.ca](mailto:kgirard@lakeshore.ca)  
Marc Bechard, Water Compliance Supervisor, MECP Sarnia District, [marc.bechard@ontario.ca](mailto:marc.bechard@ontario.ca)



**Ministry of the Environment, Conservation and Parks**

**TOWN OF LAKESHORE DRINKING WATER SYSTEM - TECUMSEH DS**  
**Inspection Report**

<b>Site Number:</b>	260004982
<b>Inspection Number:</b>	1-L5FBR
<b>Date of Inspection:</b>	Oct 28, 2019
<b>Inspected By:</b>	Neil Gilbert



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Appendix A: Stakeholder Appendix

Appendix B: Inspection Rating Record

## OWNER INFORMATION:

<b>Company Name:</b>	LAKESHORE, THE CORPORATION OF THE TOWN OF		
<b>Street Number:</b>	419	<b>Unit Identifier:</b>	
<b>Street Name:</b>	NOTRE DAME St		
<b>City:</b>	BELLE RIVER		
<b>Province:</b>	ON	<b>Postal Code:</b>	N0R 1A0

## CONTACT INFORMATION

<b>Type:</b>	Main Contact	<b>Name:</b>	Nicole Bradley
<b>Phone:</b>	(519) 728-9142	<b>Fax:</b>	(519) 728-4110
<b>Email:</b>	nbradley@lakeshore.ca		
<b>Title:</b>	Water Quality Compliance / Water Operator		

## INSPECTION DETAILS:

<b>Site Name:</b>	TOWN OF LAKESHORE DRINKING WATER SYSTEM - TECUMSEH DS
<b>Site Address:</b>	LAKESHORE
<b>County/District:</b>	LAKESHORE
<b>MECP District/Area Office:</b>	Windsor Area Office
<b>Health Unit:</b>	WINDSOR-ESSEX COUNTY HEALTH UNIT
<b>Conservation Authority:</b>	Essex Region Conservation Authority
<b>MNR Office:</b>	
<b>Category:</b>	Small Municipal Residential
<b>Site Number:</b>	260004982
<b>Inspection Type:</b>	Unannounced
<b>Inspection Number:</b>	1-L5FBR
<b>Date of Inspection:</b>	Oct 28, 2019
<b>Date of Previous Inspection:</b>	Nov 20, 2018

## COMPONENTS DESCRIPTION

<b>Site (Name):</b>	Lakeshore (Tecumseh Water Service Area) Distribution System
<b>Type:</b>	Other
<b>Sub Type:</b>	

### Comments:

The Lakeshore (Tecumseh) Distribution System is a standalone distribution system which supplies water to the area of the Town of Lakeshore roughly bounded to the east by lot lines east of Scott Sideroad, Manning Road to the west, the King's Highway 401 to the south and Essex County Road 42 to the north. Another individual stub is located along Little Baseline Road. The distribution system boundaries were revised in December 2016 when service to Lakeshore Road 103 and Lakeshore Road 101 was switched to the Lakeshore (Belle River) water service area. According to the current drinking water system profile, a population of approximately 129 residents in 46 customer connections is served by the Lakeshore (Tecumseh) Distribution System. It therefore falls into the "small municipal residential" category under O. Regulation 170/03.

Water is supplied from the City of Windsor drinking water system via the Tecumseh distribution system. The City of Windsor draws its source water from the Detroit River in the vicinity of Belle Isle. Water mains take treated water from the City of Windsor to the service area via 150 and 200 mm diameter connection points with Tecumseh. The

elevated storage tank in the community of Tecumseh (owned by the Town of Tecumseh) maintains distribution system pressure. Secondary disinfection is provided by the City of Windsor's A.H. Weeks water treatment plant, operated by the Windsor Utilities Commission. Neither the Town of Tecumseh, nor the Town of Lakeshore provide re-chlorination.

The Tecumseh Distribution System 2018 annual report, prepared by the Town of Tecumseh, states that:

- Tecumseh entered into an agreement on May 13, 2003 (By-law 70-2003) whereby the Tecumseh distribution system supplies drinking water to the Lakeshore distribution system.
- The agreement expired on December 31, 2007 and is currently being renegotiated; the status quo is maintained until a new agreement is signed.

## INSPECTION SUMMARY:

### Introduction

- The primary focus of this inspection is to confirm compliance with Ministry of the Environment, Conservation and Parks (MECP) legislation as well as evaluating conformance with ministry drinking water policies and guidelines during the inspection period.

This drinking water system is subject to the legislative requirements of the Safe Drinking Water Act, 2002 (SDWA) and regulations made therein, including Ontario Regulation 170/03, "Drinking Water Systems" (O.Reg. 170/03). This inspection has been conducted pursuant to Section 81 of the SDWA.

This report is based on an inspection of a "stand alone connected distribution system". This type of system receives treated water from a separately owned "donor" system. This report contains elements required to assess key compliance and conformance issues associated with a "receiver" system. This report does not contain items associated with the inspection of the donor system, such as source waters, intakes/wells and treatment facilities.

This inspection report does not suggest that all applicable legislation and regulations were evaluated. It remains the responsibility of the owner to ensure compliance with all applicable legislative and regulatory requirements.

The Lakeshore (Tecumseh) Distribution System (DWS#260004982) is owned and operated by the Corporation of the Town of Lakeshore. It is a standalone distribution system which supplies water to the area of the Town of Lakeshore roughly bounded to the east by lot lines east of Scott Sideroad, Manning Road to the west, the King's Highway 401 to the south and Essex County Road 42 to the north. Another individual stub is located along Little Baseline Road. According to the current drinking water system profile, a population of approximately 129 residents in 46 customer connections is served by the Lakeshore (Tecumseh) Distribution System. It therefore falls into the "small municipal residential" category under O. Reg. 170/03.

Water is supplied from the City of Windsor drinking water system via the Tecumseh distribution system. The City of Windsor draws its source water from the Detroit River in the vicinity of Belle Isle. The elevated storage tank in the community of Tecumseh (owned by the Town of Tecumseh) maintains distribution system pressure. Secondary disinfection is provided by the City of Windsor's A.H. Weeks water treatment plant, operated by the Windsor Utilities Commission. Neither the Town of Tecumseh, nor the Town of Lakeshore provide re-chlorination.

This inspection was conducted on an unannounced basis and the inspection covers the period from December 1, 2018 to October 31, 2019.

### Treatment Processes

- Where an activity has occurred that could introduce contamination, all parts of the drinking water system were disinfected in accordance with Schedule B, Condition 2.3 of the Drinking Water Works Permit.

### Treatment Process Monitoring

- The secondary disinfectant residual was measured as required for the distribution system.

As per O.Reg. 170/03 s 7-2 (5) and (6), the owner/operating authority of a small municipal residential system that provides secondary disinfection shall ensure that at least two distribution samples are taken each week (at least 48 hours apart) and are tested immediately for, (a) free chlorine residual, if the system provides chlorination and does not provide chloramination; or (b) combined chlorine residual, if the system provides chloramination.

### Treatment Process Monitoring

During the inspection review period (Dec. 1, 2018 to Oct. 31, 2019), the owner/operating authority surpassed the required minimum amount of chlorine residual testing. The distribution system was typically sampled seven times per week (generally four and three samples on separate days at least 48 hours apart) and tested for free chlorine residual.

- **Samples for chlorine residual analysis were tested using an acceptable portable device.**

### Distribution System

- **There is a backflow prevention program, policy and/or bylaw in place.**

The Town of Lakeshore's By-Law#11-2001 is by-law in place that addresses cross connections.

- **The owner had implemented a program for the flushing of watermain as per industry standards.**

It was noted by the operating authority that the watermain are flushed at least a couple of times per month.

- **Records confirmed that disinfectant residuals were routinely checked at the extremities and "dead ends" of the distribution system.**

- **A program was in place for inspecting and exercising valves.**

It was noted that a new program for inspecting/exercising valves (which uses the GIS format) was started in September 2019. It is anticipated that all valves will be inspected/exercised over a 5-year cycle.

- **There was a program in place for inspecting and operating hydrants.**

The Town of Lakeshore's SOP#2000519 (revised Oct. 21, 2019) is a procedure in place that provides guidance for the annual inspection of municipally owned fire hydrants.

When the hydrants are inspected/operated; the date, problems encountered and the repairs performed (or needed) are also documented in the GIS system.

- **There was a by-law or policy in place limiting access to hydrants.**

The Town of Lakeshore's By-Law#136-2009 is a by-law in place that regulates the use of municipally owned and privately owned fire hydrants.

- **The donor had provided an Annual Report to the receiver drinking water system.**

### Operations Manuals

- **Operators and maintenance personnel had ready access to operations and maintenance manuals.**
- **The operations and maintenance manuals contained plans, drawings and process descriptions sufficient for the safe and efficient operation of the system.**
- **The operations and maintenance manuals met the requirements of the Drinking Water Works Permit and Municipal Drinking Water Licence issued under Part V of the SDWA.**

### Logbooks

- **Records or other record keeping mechanisms confirmed that operational testing not performed by continuous monitoring equipment was being done by a certified operator, water quality analyst, or person who suffices the requirements of O. Reg. 170/03 7-5.**

### Logbooks

- For every required operational test and every required sample, a record was made of the date, time, location, name of the person conducting the test and result of the test.
- Logs or other record keeping mechanisms were available for at least five (5) years.

### Security

- The owner had provided security measures to protect components of the drinking water system.  
All of the sampling stations (pedestal types) are locked.

### Consumer Relations

- The owner and/or operating authority undertook efforts to promote water conservation and reduce water losses in their system.  
The Town's website ([www.lakeshore.ca](http://www.lakeshore.ca)) provides a list of easy ways for consumers to conserve water.

### Certification and Training

- The overall responsible operator had been designated for each subsystem.
- Operators-in-charge had been designated for all subsystems which comprised the drinking water system.
- All operators possessed the required certification.
- An adequately licenced operator was designated to act in place of the overall responsible operator when the overall responsible operator was unable to act

### Water Quality Monitoring

- All microbiological water quality monitoring requirements for distribution samples prescribed by legislation were being met.  
As per O.Reg. 170/03 s11-2, the owner/operating authority of a small municipal residential system which is in compliance with Schedule 1 or 2 of O. Reg. 170/03, shall ensure that at least one distribution sample is taken every 2 weeks and tested for E coli and total coliforms. If secondary disinfection is provided then the sample must also be tested for general bacteria population expressed as colony counts on a heterotropic plate count (HPC). During the inspection review period (Dec. 1, 2018 to Oct. 31, 2019), the owner/operating authority surpassed the required minimum amount of microbiological sampling and testing. The distribution system was typically sampled twice per week and tested for E.coli, total coliforms and HPC.
- All haloacetic acid water quality monitoring requirements prescribed by legislation are being conducted within the required frequency and at the required location.  
As per O.Reg. 170/03 s13-6.1, the owner/operating authority of a system that provides chlorination or chloramination shall ensure that at least one distribution sample is taken in each calendar quarter, from a point in the distribution system that is likely to have an elevated potential for the formation of haloacetic acids (HAAs), and have the sample tested for HAAs.  
On January 1, 2020, the O.Reg. 169/03 standard for HAA (80ug/L) will come into effect and be expressed as a RAA, where RAA is defined as "the running annual average of quarterly results" for HAA for a drinking water system.

### Water Quality Monitoring

During the inspection review period (Dec. 1, 2018 to Oct. 31, 2019), these HAA samples were collected on Jan. 29, 2019, Apr. 9, 2019 and July 30, 2019. The results ranged from 4.7ug/L to 11.3ug/L, with an average of 7.7ug/L. All of these samples were collected from Sample Station#LT-05.

- **All trihalomethane water quality monitoring requirements prescribed by legislation were conducted within the required frequency and at the required location.**

As per O.Reg. 170/03 s13-6, the owner/operating authority of a system that provides chlorination or chloramination shall ensure that at least one distribution sample is taken in each calendar quarter, from a point in the distribution system that is likely to have an elevated potential for the formation of trihalomethanes (THMs), and have the sample tested for THMs.

During the inspection review period (Dec. 1, 2018 to Oct. 31, 2019), these THM samples were collected on Jan. 29, 2019, Apr. 9, 2019 and July 30, 2019. The results ranged from 8.7ug/L to 16.7ug/L, with an average of 11.9ug/L. All of these samples were collected from Sample Station#LT-05 and all the results were below the Ontario Drinking Water Quality Standard (ODWQS) of 100ug/L (expressed as a running annual average of quarterly results). The Town should be aware that Small Municipal Residential Systems may qualify for reduced THM sampling if requirements of O.Reg. 170/03 s13.6(4) are met. Specifically, if these drinking water systems have taken THM samples for at least 12 consecutive quarters, they may cease to sample for 8 consecutive calendar quarters provided that:

- 1). No single test in the previous 12 consecutive calendar quarters had a THM concentration greater than 50ug/L,
- 2). The raw water supply did not change in the previous 12 consecutive calendar quarters,
- 3). There were no alterations in the drinking water system which may increase THMs in the previous 12 consecutive calendar quarters, and
- 4). The owner/operating authority did not receive a written direction from the Director to sample each calendar quarter.

As per O.Reg. 170/03s13-6(5), after 8 consecutive calendar quarters with no sampling, the drinking water system must resume sampling and testing THMs for 4 consecutive calendar quarters and may continue to cease sampling and testing THMs for 8 consecutive calendar quarters and resume sampling and testing for THMs for 4 consecutive calendar quarters for as long as the following conditions are met with respect to the period of sampling and testing:

- 1). No single test result obtained in the 4 consecutive calendar quarters period of sampling and testing had a THM result greater than 50ug/L.
- 2). The drinking water system's raw water supply did not change during the 4 consecutive calendar quarters of sampling and testing period, as well as, the previous 8 consecutive calendar quarters of no sampling and testing.
- 3). No alterations that may increase levels of THMs in the drinking water system during the 4 consecutive calendar quarters of sampling and testing period, as well as, the previous 8 consecutive calendar quarters of no sampling and testing, and
- 4). The owner/operating authority did not receive a written Director's direction to sample and test in every calendar quarter.

- **The owner ensured that water samples were taken at the prescribed location.**
- **All sampling requirements for lead prescribed by schedule 15.1 of O. Reg. 170/03 were being met.**

This drinking water system is exempt from plumbing lead sampling as per the exemption in O.Reg. 170/03 Schedule 15.1. Under this exemption and as per subsection 15.1-5 (10), the owner/operating authority are required to test for pH and alkalinity during each of the two periods described in subsection 15.1-5 (5) (i.e. Dec. 15 to Apr. 15 and June 15 to Oct. 15) in every 12-month period and to test for lead during each of the two periods described in subsection 15.1-5 (5) in every third 12-month period. In accordance with the "Reduced Sampling Table" (found in O.Reg. 170/03 Schedule 15.1) and based on the population served by the Lakeshore (Tecumseh) Distribution System, at least one sampling point must be tested in the distribution system per period (i.e. Dec. 15 to Apr. 15 and June 15 to Oct. 15).

During the inspection review period (Dec. 1, 2018 to Oct. 31, 2019), water samples were collected from two

### **Water Quality Monitoring**

locations within the distribution system on April 9, 2019 and also on October 10, 2019 and tested for alkalinity and pH. Records also show that the last lead testing was performed in the two periods of 2018.

- **Records confirmed that chlorine residual tests were being conducted at the same time and at the same location that microbiological samples were obtained.**
- **The owner indicated that the required records are kept and will be kept for the required time period.**

### **Water Quality Assessment**

- **Records showed that all water sample results taken during the inspection review period did not exceed the values of tables 1, 2 and 3 of the Ontario Drinking Water Quality Standards (O.Reg. 169/03).**

### **Reporting & Corrective Actions**

- **Summary Reports for municipal council were completed on time, included the required content, and were distributed in accordance with the regulatory requirements.**



**NON-COMPLIANCE WITH REGULATORY REQUIREMENTS AND ACTIONS REQUIRED**

This section provides a summary of all non-compliance with regulatory requirements identified during the inspection period, as well as actions required to address these issues. Further details pertaining to these items can be found in the body of the inspection report.

**Not Applicable**

## **SUMMARY OF RECOMMENDATIONS AND BEST PRACTICE ISSUES**

This section provides a summary of all recommendations and best practice issues identified during the inspection period. Details pertaining to these items can be found in the body of the inspection report. In the interest of continuous improvement in the interim, it is recommended that owners and operators develop an awareness of the following issues and consider measures to address them.

**Not Applicable**

## SIGNATURES

Inspected By:

Neil Gilbert

Signature: (Provincial Officer)



Reviewed & Approved By:

Marc Bechard

Signature: (Supervisor)

Review & Approval Date:

Note: This inspection does not in any way suggest that there is or has been compliance with applicable legislation and regulations as they apply or may apply to this facility. It is, and remains, the responsibility of the owner and/or operating authority to ensure compliance with all applicable legislative and regulatory requirements.

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**Stakeholder Appendix**

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# Key Reference and Guidance Material for Municipal Residential Drinking Water Systems

Many useful materials are available to help you operate your drinking water system. Below is a list of key materials owners and operators of municipal residential drinking water systems frequently use.

To access these materials online click on their titles in the table below or use your web browser to search for their titles. Contact the Ministry if you need assistance or have questions at 1-866-793-2588 or [waterforms@ontario.ca](mailto:waterforms@ontario.ca).

For more information on Ontario's drinking water visit [www.ontario.ca/drinkingwater](http://www.ontario.ca/drinkingwater)



PUBLICATION TITLE	PUBLICATION NUMBER
<b>FORMS:</b> Drinking Water System Profile Information Laboratory Services Notification Adverse Test Result Notification	012-2149E 012-2148E 012-4444E
Taking Care of Your Drinking Water: A Guide for Members of Municipal Councils	Website
Procedure for Disinfection of Drinking Water in Ontario	Website
Strategies for Minimizing the Disinfection Products Trihalomethanes and Haloacetic Acids	Website
Filtration Processes Technical Bulletin	Website
Ultraviolet Disinfection Technical Bulletin	Website
Guide for Applying for Drinking Water Works Permit Amendments, & License Amendments	Website
Certification Guide for Operators and Water Quality Analysts	Website
Guide to Drinking Water Operator Training Requirements	9802E
Community Sampling and Testing for Lead: Standard and Reduced Sampling and Eligibility for Exemption	Website
Drinking Water System Contact List	7128E01
Ontario's Drinking Water Quality Management Standard - Pocket Guide	Website
Watermain Disinfection Procedure	Website
List of Licensed Laboratories	Website

# Principaux guides et documents de référence sur les réseaux résidentiels municipaux d'eau potable

De nombreux documents utiles peuvent vous aider à exploiter votre réseau d'eau potable. Vous trouverez ci-après une liste de documents que les propriétaires et exploitants de réseaux résidentiels municipaux d'eau potable utilisent fréquemment. Pour accéder à ces documents en ligne, cliquez sur leur titre dans le tableau ci-dessous ou faites une recherche à l'aide de votre navigateur Web. Communiquez avec le ministère au 1-866-793-2588, ou encore à [waterforms@ontario.ca](mailto:waterforms@ontario.ca) si vous avez des questions ou besoin d'aide.



Pour plus de renseignements sur l'eau potable en Ontario, consultez le site [www.ontario.ca/eaupotable](http://www.ontario.ca/eaupotable)

TITRE DE LA PUBLICATION	NUMÉRO DE PUBLICATION
Renseignements sur le profil du réseau d'eau potable	012-2149F
Avis de demande de services de laboratoire	012-2148F
Avis de résultats d'analyse insatisfaisants et de règlement des problèmes	012-4444F
Prendre soin de votre eau potable - Un guide destiné aux membres des conseils municipaux	Site Web
Marche à suivre pour désinfecter l'eau potable en Ontario	Site Web
Stratégies pour minimiser les trihalométhanes et les acides haloacétiques de sous-produits de désinfection	Site Web
Filtration Processes Technical Bulletin (en anglais seulement)	Site Web
Ultraviolet Disinfection Technical Bulletin (en anglais seulement)	Site Web
Guide de présentation d'une demande de modification du permis d'aménagement de station de production d'eau potable	Site Web
Guide sur l'accréditation des exploitants de réseaux d'eau potable et des analystes de la qualité de l'eau de réseaux d'eau potable	Site Web
Guide sur les exigences relatives à la formation des exploitants de réseaux d'eau potable	9802F
Échantillonnage et analyse du plomb dans les collectivités : échantillonnage normalisé ou réduit et admissibilité à l'exemption	Site Web
Liste des personnes-ressources du réseau d'eau potable	Site Web
L'eau potable en Ontario - Norme de gestion de la qualité - Guide de poche	Site Web
Procédure de désinfection des conduites principales	Site Web
Laboratoires autorisés	Site Web

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**Inspection Rating Record**

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Ministry of the Environment - Inspection Summary Rating Record (Reporting Year - 2019-2020)

**DWS Name:** TOWN OF LAKESHORE DRINKING WATER SYSTEM - TECUMSEH DS  
**DWS Number:** 260004982  
**DWS Owner:** Lakeshore, The Corporation Of The Town Of  
**Municipal Location:** Lakeshore

**Regulation:** O.REG 170/03  
**Category:** Small Municipal Residential System  
**Type Of Inspection:** Standalone  
**Inspection Date:** October 28, 2019  
**Ministry Office:** Windsor Area Office

**Maximum Question Rating:** 224

Inspection Module	Non-Compliance Rating
Treatment Processes	0 / 21
Operations Manuals	0 / 42
Logbooks	0 / 22
Certification and Training	0 / 35
Water Quality Monitoring	0 / 71
Reporting & Corrective Actions	0 / 4
Treatment Process Monitoring	0 / 29
<b>TOTAL</b>	<b>0 / 224</b>

**Inspection Risk Rating** 0.00%

**FINAL INSPECTION RATING:** 100.00%



Ministry of the Environment - Detailed Inspection Rating Record (Reporting Year - 2019-2020)

**DWS Name:** TOWN OF LAKESHORE DRINKING WATER SYSTEM - TECUMSEH DS  
**DWS Number:** 260004982  
**DWS Owner:** Lakeshore, The Corporation Of The Town Of  
**Municipal Location:** Lakeshore

**Regulation:** O.REG 170/03

**Category:** Small Municipal Residential System

**Type Of Inspection:** Standalone

**Inspection Date:** October 28, 2019

**Ministry Office:** Windsor Area Office

**Maximum Question Rating:** 224

<b>Inspection Risk Rating</b>	<b>0.00%</b>
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<b>FINAL INSPECTION RATING:</b>	<b>100.00%</b>
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**Ministry of the Environment,  
Conservation and Parks**

620 – 4510 Rhodes Dr  
Windsor ON N8W 5K5  
Tel. : 519 948-1464  
1-800-387-8826  
Fax: 519 948-2396

**Ministère de l'Environnement, de la  
Protection de la nature et des Parcs**

620 – 4510, chemin Rhodes  
Windsor ON N8W 5K5  
Tél. : 519 948-1464  
1-800-387-8826  
Télééc. : 519 948-2396



February 3, 2020

Town of Lakeshore  
419 Notre Dame St.  
Belle River, ON N0R 1A0

File #: SI-ES-LA-540

Attention: Mr. Truper McBride, CAO

**Re: Town of Lakeshore Drinking Water System (DWS#260091507) Inspection Report**

Please find enclosed the Inspection Report for the inspection that was conducted at the Lakeshore Drinking Water System (DWS#260091507) on November 12, 2019.

A summary of **Non-Compliance with Regulatory Requirements and Actions Required** are found on pages 17 and a **Summary of Recommendations and Best Practice Issues** are found on page 18 in the attached inspection report.

If you have any questions or concerns regarding this report, please call me at (226) 280-1406 or my supervisor, Marc Bechard, at (519) 490-0761.

Sincerely,

Emily Awad  
Water Inspector, Provincial Officer #1823  
Drinking Water and Environmental Compliance Division  
Sarnia/Windsor District

Encl.

cc: Nicole Bradley, Water Quality Compliance/Water Operator; Garry Punt, Supervisor of Water Operations; Kevin Girard, Manager, Environmental Services; Nelson Cavacas, Director of Engineering & Infrastructure; Town of Lakeshore;  
Dr. Wajid Ahmed, Acting Medical Officer of Health; Theresa Marentette, Chief Executive Officer; Phil Wong, Manager, Environmental Health, Victoria Peczulis, Manager, Environmental Health; WECHU;  
Katie Stammler, Source Water Protection Manager, ERCA;  
Marc Bechard, Supervisor, Ministry of Environment, Conservation and Parks



**Ministry of the Environment, Conservation and Parks**

**TOWN OF LAKESHORE DRINKING WATER SYSTEM  
Inspection Report**

<b>Site Number:</b>	260091507
<b>Inspection Number:</b>	1-L5CZI
<b>Date of Inspection:</b>	Nov 12, 2019
<b>Inspected By:</b>	Emily Awad

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Appendix A: Key Reference and Guidance Material

Appendix B: Inspection Summary Rating Record

## OWNER INFORMATION:

<b>Company Name:</b>	LAKESHORE, THE CORPORATION OF THE TOWN OF		
<b>Street Number:</b>	419	<b>Unit Identifier:</b>	
<b>Street Name:</b>	NOTRE DAME ST		
<b>City:</b>	BELLE RIVER		
<b>Province:</b>	ON	<b>Postal Code:</b>	N0R 1A0

## CONTACT INFORMATION

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## INSPECTION DETAILS:

<b>Site Name:</b>	TOWN OF LAKESHORE DRINKING WATER SYSTEM
<b>Site Address:</b>	492 LAKEVIEW Drive BELLE RIVER ON N0R 1A0
<b>County/District:</b>	LAKESHORE
<b>MECP District/Area Office:</b>	Windsor Area Office
<b>Health Unit:</b>	WINDSOR-ESSEX COUNTY HEALTH UNIT
<b>Conservation Authority:</b>	
<b>MNR Office:</b>	
<b>Category:</b>	Large Municipal Residential
<b>Site Number:</b>	260091507
<b>Inspection Type:</b>	Announced
<b>Inspection Number:</b>	1-L5CZI
<b>Date of Inspection:</b>	Nov 12, 2019
<b>Date of Previous Inspection:</b>	Nov 05, 2018

## COMPONENTS DESCRIPTION

**Site (Name):** Distribution System

**Type:**

**Comments:**

**Sub Type:**

The Lakeshore Drinking Water System is owned by the Town of Lakeshore, and supplies water to the community of Belle River and the former township of Maidstone. According to the drinking water system registration profile, this results in a total serviced population of approximately 29,000 persons. The system is considered a "large municipal residential system" under O. Regulation 170/03.

The communities of Belle River and Maidstone are equipped with water towers, including the newer Belle River tower. However, the operating levels established with the Belle River tower would cause the Maidstone tower to

overflow and no longer be able to "float" on distribution pressure. Therefore, the tower is isolated from the distribution system, although it is kept on standby to use when the Belle River tower is removed from service for maintenance. The Town is considering long term options for operating the Maidstone Tower.

**Site (Name):** Intake & Raw Water Pumping Station

**Type:** Source

**Sub Type:**

**Comments:**

The treatment facility in Belle River, receives water from Lake St. Clair via a low lift pumping station. Four variable speed drive low lift pumps can draw water through a 1050 m long intake pipe from a circular crib. The low lift station is equipped for zebra mussel control consisting of a chlorine solution line originating from the chlorine room in the water plant, fitted through a conduit in the low-lift station and extending to a diffuser located within the intake crib. Frazzle ice control is also supplied to the intake using compressed air and air blowers which supply coarse air through diffusers around the intake crib via carrier pipe fitted through the same conduit line. The low lift pumping station consists of:

- A raw water well, equipped with float controls for low level shutoff/alarming.
- Two separate screening well channels (one equipped with an automatic travelling screen and the other a bypass equipped with a manually removed mesh screen).
- A two-cell pump-well.

**Site (Name):** Treatment Process

**Type:**

**Sub Type:**

**Comments:**

The treatment plant is currently rated at 36,400 m<sup>3</sup>/d approved capacity. It is a conventional water treatment plant consisting of contact clarification via four solids upflow clarifiers equipped with inclined tube settlers after coagulant (DelPac aluminum chloride hydroxide sulphate) and coagulant aid addition. Activated carbon slurry feed is also maintained for service but has not been employed since initial plant commissioning. Clarified water flows into four dual media-type filters (granulated activated carbon and sand). The filters are equipped with backwash facilities via two backwash pumps. Sedimentation sludge is directed to sanitary sewer, and backwash from the filters is directed to a residue management pump station and transferred to two dissolved air flotation (DAF) tanks with sequenced rapid mix, flocculation and clarification stages after being dosed with polymer treatment chemical. Clarification supernatant overflow is discharged into an on-site drainage ditch which empties to Lake St. Clair and concentrated sludge is directed to sanitary sewer.

Primary disinfection is provided via UV disinfection of filtered water and chlorine gas solution injection into a post-UV location. Chlorine contact is achieved in a two-cell on-site reservoir. Free chlorine is monitored ahead of the reservoirs, and free and total chlorine is monitored after the reservoirs and from the point of entry to the distribution system. Post-contact trim chlorine can also be added at the high-lift well. The high-lift well is a four-compartment structure equipped with three vertical turbine high-lift pumps (two duty/one standby) which supply pressure to the distribution system; filling the Belle River (and/or Maidstone) tower.

## INSPECTION SUMMARY:

### Introduction

- The primary focus of this inspection is to confirm compliance with Ministry of the Environment, Conservation and Parks (MECP) legislation as well as evaluating conformance with ministry drinking water policies and guidelines during the inspection period. The ministry utilizes a comprehensive, multi-barrier approach in the inspection of water systems that focuses on the source, treatment, and distribution components as well as management practices.

This drinking water system is subject to the legislative requirements of the Safe Drinking Water Act, 2002 (SDWA) and regulations made therein, including Ontario Regulation 170/03, "Drinking Water Systems" (O.Reg. 170/03). This inspection has been conducted pursuant to Section 81 of the SDWA.

This inspection report does not suggest that all applicable legislation and regulations were evaluated. It remains the responsibility of the owner to ensure compliance with all applicable legislative and regulatory requirements.

Specifically, this review includes an assessment of compliance/conformance in relation to the following:

- Drinking Water Systems Regulation (O. Reg. 170/03)
- Drinking Water Operator and Water Quality Analyst Certification Regulation (O. Reg. 128/04)
- Drinking Water System Licence 031-101, Issue Number 2, issued June 6, 2016
- Drinking Water Works Permit 031-201, Issue Number 4, issued June 6, 2016
- Permit to Take Water 3648-B3EQWX, Issued August 16, 2018
- Ontario Drinking Water Quality Standards (ODWQS; O. Reg. 169/03) based on water quality data generated since the previous inspection, and
- Required actions and recommendations from the previous ministry inspection report (November 5, 2018).

The inspection was conducted on November 12, 2019 and included a physical inspection of the John George Water Treatment Plant, and the Low Lift and High Lift Pumping Stations.

Follow-up components of the inspection consisted of review of documentation and follow-up site visits on December 11, 2019 and January 13, 2020. The inspection covers the period from November 1, 2018 to October 31, 2019.

### Source

- **Trends in source water quality were being monitored.**

Operational staff review raw water quality trending on SCADA each day to determine if operational changes are required. Operators make the appropriate changes to address changing water quality. Training on the Source Protection Plan has been provided to operational staff.

- **The owner had a harmful algal bloom monitoring plan in place.**

Standard Operating Procedure (SOP) #2000661 indicates the monitoring schedule for blue-green algae and procedures for notification. During the warmer season, raw and treated samples are collected weekly. If an algal bloom is identified, sampling is increased until the bloom is no longer present.

### Permit To Take Water

- **The owner was in compliance with all conditions of the PTTW.**

According to Permit to Take Water (PTTW) 3648-B3EQWX, the plant is able to take a maximum of 30,000,000 L (30,000 m<sup>3</sup>) per day and 34,722 L per minute. The maximum volume taken per day was 17,280 m<sup>3</sup>/day (57.6%) and 22,326 L/min (64%).

### Capacity Assessment

- **There was sufficient monitoring of flow as required by the Municipal Drinking Water Licence or Drinking Water Works Permit issued under Part V of the SDWA.**

Condition 2.1, Schedule C of MDWL 031-101 for Town of Lakeshore Drinking Water System requires the continuous flow measurement and recording to be undertaken for:

- The flow rate and daily volume of treated water that flows from the treatment subsystem to the distribution system
- The flow rate and daily volume of water that flows into the treatment subsystem

At the site inspection on November 12, 2019 the raw flow into the plant (viewed on the SCADA screen) was 75.8 L/s and the treated flow into the distribution system (from the high lift pumping station) was 184.34 L/s. Endress & Hauser Promag magnetic type meters are installed on each of the raw inlet supplies to the upflow clarifiers; four in total. Endress & Hauser Promag meters are also installed on each filter effluent line and the two filter effluent headers which draw water into the UV reactor units. An Endress & Hauser magnetic type meter is installed on the high-lift discharge header to the distribution system. Additionally flow meters are installed to measure filter backwash and waste residual treatment flows. Flows from these meters are recorded on the SCADA system Historian server.

- **The flow measuring devices were calibrated or verified in accordance with the requirements of the MDWL issued under Part V of the SWDA.**

Flow measuring devices are calibrated annually. UV flow meters were calibrated on March 5 and May 15, 2019 and the raw (clarifier) and treated flow meters were calibrated March 7, 2019.

- **The owner was in compliance with the conditions associated with maximum flow rate or the rated capacity conditions in the Municipal Drinking Water Licence issued under Part V of the SDWA.**

Condition 1.1, Schedule C of MDWL 031-101 prescribes the maximum allowable daily volume of treated water from the treatment subsystem to the distribution system at 36,400 m<sup>3</sup>/day.

Record review indicates the maximum flow (15,970 m<sup>3</sup>/day) from treatment to distribution during the inspection period occurred in July 2019 at 44% of the rated capacity of the plant. The average flow (12,984 m<sup>3</sup>/day) to the distribution system also occurred in July 2019, and was 36% of the rated capacity of the plant.

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- **The owner had ensured that all equipment was installed in accordance with Schedule A and Schedule C of the Drinking Water Works Permit.**

All equipment listed in the Permit was observed at the plant inspection. Only UV1 was in service during the inspection due to a burnt out bulb. The operating authority noted a discrepancy under the Chemical Feed Facilities section; the facility only has one duty polymer feed pump installed; an additional pump is available (offline) if required. The operating authority shall include this correction on their next Permit/Licence update.

- **The owner did not have evidence that all required Director Notifications under Condition 2.4 of Schedule B of the Drinking Water Works Permit were made during the inspection period.**

A Director's Notification is required for the new generator at Belle River Tower.

- **The owner/operating authority was in compliance with the requirement to prepare Form 1 documents as**



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**required by their Drinking Water Works Permit during the inspection period.**

A Form 1 "Record of Watermains Authorized as a Future Alteration" document was prepared for:

1. Watermain Replacements on Rourke Line Road from Caille Avenue to County Road No. 22. Installation of approx. 325 m of 400 mm dia. PVC to replace existing 250 mm dia. watermain, including associated valves, hydrants and services. Date: Feb. 25, 2019; commissioned: July 13, 2019.
2. New watermain installation (300 mm dia.) along Notre Dame Street from Eleventh Street to Ducharme Street, and new watermain installation (250 mm dia.) along Notre Dame Street from Ducharme Street to Duck Creek Blvd including valves, fittings, hydrants and service connections. Date: Aug. 2, 2019; commissioned: Sept. 20, 2019.
3. Watermain replacement (150mm dia.) along Lalonde St. from Mulhall to approximately 240m north of the cul-de-sac including valves, fittings, hydrants and service connections. Date: Oct. 16, 2019; commissioned: August 21, 2019.

The owner/operating authority is reminded to complete all parts of the Form 1's (including the Permit number). In addition, Form 1's must be completed prior to the watermain addition, modification, replacement or extension being placed into service

- **The owner/operating authority was in compliance with the requirement to prepare Form 2 documents as required by their Drinking Water Works Permit during the inspection period.**

A Form 2 "Record of Minor Modifications or Replacement to the Drinking Water System" document was prepared for:

1. Replacement of two intermediate well pumps. Date: April 23/19. commissioned: Nov. 29/19.
2. Replacement of Siemens drives on low lift pumps 3 and 4 with variable frequency drives Eaton DG-1. Date: Oct. 16/19; commissioned: Nov. 29/19
3. Replacement of multiple turbidity meters, including operational meters and regulated meters. Date: May 7/19; commissioned: Nov. 29/19.

- **The owner/operating authority was not in compliance with the requirement to prepare Form 3 and associated documents as required by their Drinking Water Works Permit during the inspection period.**

A generator was installed at the Belle River Tower and the Form 3 was not completed prior to it being commissioned in September 2019.

The owner shall complete the Form 3 and ensure that the generator is operated within the performance limits as per Condition 5.5 of the permit.

- **Records indicated that the treatment equipment was operated in a manner that achieved the design capabilities required under Ontario Regulation 170/03 or a Drinking Water Works Permit and/or Municipal Drinking Water Licence issued under Part V of the SDWA at all times that water was being supplied to consumers.**

Operating logs and continuous trends from November 2018 to October 2019 were reviewed.

In order to claim applicable Cryptosporidium oocyst and Giardia cyst removal credits, the Procedure for Disinfection of Drinking Water Supplies in Ontario states that performance must meet filtered water turbidity of less than or equal to 0.3 NTU in 95% of the turbidity measurements each month. The performance standard was met at each filter in each month (99.7% to 100% of the time).

The Disinfection Procedure requires that in order to be considered conventional filtration and meet or exceed the 2.5 log Giardia cyst removal, the 2.0 log Cryptosporidium oocyst removal and 2.0 log virus removal credits, the filtration process must use a chemical coagulant at all times when the treatment plant is in operation. The coagulant flow data for the inspection period showed various instances of prolonged coagulant interruption or low flow; however, many of these corresponded to plant shutdowns. In a few cases when the plant was still in operation, the

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SCADA trending indicated that there was consistent coagulant flow, and review of SCADA data indicated no significantly elevated plant effluent turbidity or filter breakthrough during these periods.

Available logs and trends indicate that adequate UV disinfection was consistently provided. When the UV equipment is not operating as designed, flow is automatically shutdown and water cannot be treated. As required by Condition 1.6 in Schedule C of the Licence, the UV disinfection equipment maintained a continuous passthrough UV dose of at least 40mJ/cm<sup>2</sup> while operating (range 43-120mJ/cm<sup>2</sup>).

The owners indicated that they will apply to have chlorine added to the disinfection credits on the next licence renewal. With chlorine included, the facility could still meet their required disinfection credits by considering inactivation by the chlorination CT as long as CT is monitored in real-time.

- **Records confirmed that the water treatment equipment which provides chlorination or chloramination for secondary disinfection purposes was operated so that at all times and all locations in the distribution system the chlorine residual was never less than 0.05 mg/l free or 0.25 mg/l combined.**

During the inspection period, free chlorine residuals were never below 0.05mg/L in the measurements taken from the distribution system during routine bacteriological sampling or the additional measurements done during weekly checks. Additional available records of chlorine residual monitoring done during periodic checks of the distribution system at dead-end and blowoff locations, and hydrant flushing or maintenance also showed that none of the samples taken had free chlorine residuals less than 0.05 mg/L. Free chlorine residuals measured at the Belle River tower were above 0.05mg/L in all cases except for one 15 minute interval on March 13, 2019. Tower logs indicate that an operator was doing maintenance on the chlorine probe at that time and a manual check showed the free chlorine residual was 1.28 mg/L. A free chlorine residual was measured at station LSW-067 during the December 11, 2019 site visit, and the result was 1.09 mg/L.

- **Where an activity has occurred that could introduce contamination, all parts of the drinking water system were disinfected in accordance with Schedule B, Condition 2.3 of the Drinking Water Works Permit.**

According to the Watermain Break Repair SOP #2000397, all parts of the drinking water system are disinfected in accordance with the ministry's Watermain Disinfection Procedure and other procedures. Work orders were reviewed and it was noted that the Water Distribution Report Forms were missing key information, such as, the post repair flushing location, start and stop time, chlorine residuals, flow. The operating authority is reminded to complete all pertinent information on the Water Distribution Report.

- **The primary disinfection equipment was equipped with alarms or shut-off mechanisms that satisfied the standards described in Section 1-6 (1) of Schedule 1 of Ontario Regulation 170/03.**

The two Trojan UV Swift units are equipped with four manufacturer supplied photodiode sensors (one per lamp) which monitor UV intensity within the reactors. A low UV dosage alarm setting of 50 mJ/cm<sup>2</sup> (internal alarm) and a low-low setting of 40 mJ/cm<sup>2</sup> (default from manufacturer), which shuts down the units are programmed. Reactor lockout on low dosage or failure is accomplished via motorized valves located just downstream of the reactor units. The alarms are enunciated audibly and visually at the site and via SCADA to the operator on-call pager through the security company.

- **The owner had evidence indicating that all chemicals and materials that come in contact with water within the drinking water system met the AWWA and ANSI standards in accordance with the Municipal Drinking Water Licence and Drinking Water Works Permit issued under Part V of the SDWA.**
- **Up-to-date plans for the drinking water system were kept in a place, or made available in such a manner, that they could be readily viewed by all persons responsible for all or part of the operation of the drinking water system in accordance with the DWWP and MDWL issued under Part V of the SDWA.**

Updated plans are maintained at the water treatment plant.

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- **Primary disinfection chlorine monitoring was conducted at a location approved by Municipal Drinking Water Licence and/or Drinking Water Works Permit issued under Part V of the SDWA, or at/near a location where the intended CT has just been achieved.**

According to the licence, chlorine does not provide primary disinfection log removal credits for this system; only conventional filtration and UV are included for log removal credits. A ProMinent D1C continuous chlorine monitor/controller with CLE probe measures free chlorine on the reservoir outlet line. This location is prior to the post-reservoir injection point for free chlorine top-up/trim which is periodically employed to boost the concentration of secondary disinfectant directed to the distribution system. Free chlorine residual data was provided at 5 minute intervals, and ranged from 0.145 to 2.22 mg/L. SCADA trends were provided for all data gaps. During the follow-up inspection, the free chlorine residual was measured at 1.21mg/L at this location by the inspector.

- **Operators were aware of the operational criteria necessary to achieve primary disinfection within the drinking water system.**

Operators are provided primary disinfection training every 3 years. They review all SCADA parameters at the start of each shift, including the CT screen. The SOPs are also reviewed with operational staff routinely. Stantec completed an extensive calculation for CT which operational staff have been testing and will be implementing as a manual check in early 2020.

- **Continuous monitoring of each filter effluent line was being performed for turbidity.**

Filter effluent turbidity values are measured by Endress & Hauser CUS-31 turbidity sensors with Liquisys M controller units on filter 1, and Hach 1720E turbidity sensors with SC100 controllers on filters 2, 3 and 4. The turbidity meter on Filter 1 was replaced with a Hach meter in December 2019 (after the inspection). Results are recorded by the SCADA Historian system. During the inspection, all four filters had operating turbidimeters and the following were recorded: Filter #2=0.024, Filter #3=0.032, and Filter #4=0.030 NTU.

Filter turbidity data was provided at 15 minute intervals for the inspection period. Data review showed that turbidity was monitored continuously, except for two 5-minute periods where the SCADA data was interrupted ("NULL" result).

- **The secondary disinfectant residual was measured as required for the distribution system.**

Logs show that with the exception of one week, distribution system free chlorine residuals were taken and measured at least seven times per week as required; four and three times on separate days, with the sets of measurements being made at least 48 hours apart. On August 12 and 15, 2019, three samples were taken each day, for a total of 6 samples for that week. Operators are reminded to ensure that chlorine residuals are measured as required in the distribution system.

- **Operators were examining continuous monitoring test results and they were examining the results within 72 hours of the test.**

Operators examine continuous monitoring data daily. In accordance with the operating authority's Routine Plant Rounds SOP, and as reflected in the project logs, reviews of continuous monitoring results are completed once per day and recorded in the operating logbook.

- **Samples for chlorine residual analysis were tested using an acceptable portable device.**

- **All continuous monitoring equipment utilized for sampling and testing required by O. Reg.170/03, or Municipal Drinking Water Licence or Drinking Water Works Permit or order, were equipped with alarms or shut-off mechanisms that satisfy the standards described in Schedule 6.**

The low chlorine alarm setting for the CT analyser is 0.75 mg/L. Low and low-low alarms for secondary disinfection free chlorine level leaving the plant are also set at 1.0 and 0.8 mg/L, respectively. Filter turbidity alarm and filter-to-

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waste set-points are similarly setup in SCADA to respond to measured tests from these analysers, including high and high-high alarms of 0.3 NTU and 1.0 NTU and a filter to waste set point of 0.9 NTU. The 1.0 NTU setting triggers a filter shutdown. Operational alarms for clarifier effluent turbidity prior to filtration are set at 3 NTU.

Alarms are enunciated via SCADA to an audible horn in the plant and visual display at the SCADA terminal. Critical alarms are also alarmed out to a security company who is required to contact a sequence of contact numbers starting with the on-call operator's phone. The operator indicated that the audible can be heard throughout the plant. The plant is not staffed 24 hours per day, but an operations shift is conducted from 7:00 AM to 3:30 PM.

- **Continuous monitoring equipment that was being utilized to fulfill O. Reg. 170/03 requirements was not performing tests for the parameters with at least the minimum frequency specified in the Table in Schedule 6 of O. Reg. 170/03 and/or was not recording data with the prescribed format.**

O. Regulation 170 sub-section 6-5(1), paragraph 1 requires the continuous monitoring equipment to record the date, time, sampling location and result of every test for the parameter with at least the minimum frequency prescribed as follows:

1. Free chlorine residual required to achieve primary disinfection - 5 minutes [currently not required for log disinfection credits];
2. Filter effluent turbidity - 15 minutes.

The Municipality reported a communication loss on July 16, 2019 due to a power failure and a subsequent failure of the standby generator. As a result, the plant was shut down for a period of time. The UPS on the SCADA system drained during this time and resulted in a loss of approximately 1 hr 15 min of data. Review of SCADA data showed that the low lift and high lift pumps were off between 6:00 and 9:45am and there was no coagulant flow during this time. Staff recorded the plant effluent free chlorine residual, pH, turbidity and flow, as well as parameters from reservoir #2 at 5 minute intervals from 8:33 to 9:43am. Data review shows that there was no significant change in filter and plant effluent turbidity during this time. Review of UV flow and dosing data shows that there was flow through UV2 with no corresponding UV dose from 6:00 to 6:25am. After this the flow stopped and did not start again until 11:50am, when sufficient dosing resumed. A subsequent inspection of the generator showed that the failure was caused by a faulty O-ring on the fuel system which has since been replaced. The owner has also updated the batteries on the SCADA and historian system so that they have 11 hours of backup.

To address the the communication loss that occurred during the last inspection period, the Municipality updated the SCADA system and installed a new network connection and communication alarms on all Remote Processing Units (RPUs), which identify the system being impacted by a communication failure. In addition, replacement of the filter turbidity analyzers was conducted in December 2019. The new turbidimeters include an SD card backup to capture any data missed on that particular analyzer during communication disruptions.

- **The owner and operating authority ensured that the primary disinfection equipment had a recording device that continuously recorded the performance of the disinfection equipment.**

As per Condition 1.6 in Schedule C of the Licence, the UV disinfection equipment monitors UV calculated dose, flow rate, transmittance and lamp status continuously. Data was provided for these parameters in 5 minute intervals. Data review indicates that UV was dosed at a minimum of 40mj/cm<sup>2</sup> at all times. Although there were some incidents where dosage was at 0, and flow was indicated, these corresponded to maintenance on the UV train and/or flow meter, or monthly generator test runs.

- **All continuous analysers were calibrated, maintained, and operated, in accordance with the manufacturer's instructions or the regulation.**

Records show that continuous chlorine and turbidity analysers are verified/calibrated on a regular basis. Maintenance and calibrations are tracked in the Antero work order system and documented in the operating authority's logbooks and instrument calibration logs. Chlorine and the new Hach turbidity analyzers are verified monthly against a lab bench test and a handheld meter, respectively; maintenance is completed if required (e.g.

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flushing and cleaning of sensors). At the Belle River tower, regular verifications are done by grab sample testing and analyser readings are logged for comparison.

Annual instrument calibrations and maintenance were completed by manufacturer and/or instrument supplier representatives: turbidimeters: Filter 1 (Endress & Hauser; March 5/19); filter 2-4 (Hach; Aug. 1/19); chlorine analyzers in the plant and at the Belle River tower (SCG; Sept 2019); portable turbidimeters/colorimeters (Hach; Aug. 1/19). Calibration certificates were provided.

Logbook review showed some instances when the Operator put the continuous analyser on hold during calibration. Operators are reminded to ensure that regulatory analyzers are continuously operating during calibrations when water treatment is taking place.

- **All UV sensors were checked and calibrated as required.**

As per "EPA Disinfection Guidance Manual for the Final LT2ESWTR" (2006), UV sensors were calibrated monthly by H2Flow. The reference sensor was validated on May 11, 2017 and is scheduled to be revalidated on May 10, 2020 or earlier.

### Process Wastewater

- **The process wastewater and residual solids/sludges were treated, handled and disposed of in accordance with the design requirements approved under the Drinking Water Works Permit and the Municipal Drinking Water Licence.**

Backwash from the filters is directed to a residue management pump station and transferred to two dissolved air flotation (DAF) tanks with sequenced rapid mix, flocculation and clarification stages, after being dosed with polymer treatment chemical. Clarification supernatant overflow is discharged into an on-site drainage ditch which empties to Lake St. Clair and concentrated sludge is directed to the sanitary sewer.

- **The process wastewater discharge monitoring program and discharge quality complied with requirements established in the Municipal Drinking Water Licence Issued under Part V of the SDWA.**

Monthly composite samples were collected at the point of discharge to the drainage ditch and analyzed for total suspended solids (TSS), as required in Condition 4.2 of the licence. A laboratory error resulted in the May sample not being analyzed. The annual average TSS for 2019 is 10.6 mg/L, below the 15 mg/L limit.

### Distribution System

- **The owner had up-to-date documents describing the distribution components as required.**

All updates to the distribution system are made in GIS shortly after commissioning.

- **There is a backflow prevention program, policy and/or bylaw in place.**

Municipal By-Law #11-2001 governs cross connections and backflow prevention.

- **The owner had a program or maintained a schedule for routine cleanout, inspection and maintenance of reservoirs and elevated storage tanks within the distribution system.**

Inspections of the reservoir are conducted approximately every two years and was last completed in October 2019. A dry inspection of the Belle River tower was completed two years ago and the owner is deciding if they will do a remote inspection.

- **The owner had implemented a program for the flushing of watermain as per industry standards.**

Lakeshore Water Distribution Operators flush the system via hydrants and blow-offs several times a month; stations with lower chlorine residuals or at dead ends are flushed more frequently.

### Distribution System

- **Records confirmed that disinfectant residuals were routinely checked at the extremities and "dead ends" of the distribution system.**  
Blow-off stations are flushed regularly as part of the flushing program.
- **A program was in place for inspecting and exercising valves.**  
A valve inspection/exercising program was started in the summer of 2019; however a formal SOP has not yet been created. All valves have been identified on the GIS program.
- **There was a program in place for inspecting and operating hydrants.**  
Bylaw 136-2009 prohibits the use of hydrants by unauthorized persons. Two bulk water filling stations are located within Lakeshore (in Belle River and Stoney Point). Signs posted at each station state that they are for potable water uses only and that customers are required to provide their own hose to prevent contamination. A third bulk water station is currently being constructed at the Denis St. Pierre WPCP.
- **There was a by-law or policy in place limiting access to hydrants.**  
Pressure in the distribution system is maintained by the Belle River Tower. The Maidstone Tower is currently offline and will remain so due to a recent study by Landmark that showed high costs for making it operational.

### Operations Manuals

- **Operators and maintenance personnel had ready access to operations and maintenance manuals.**
- **The operations and maintenance manuals contained plans, drawings and process descriptions sufficient for the safe and efficient operation of the system.**  
The operations manual, created by the plant's design engineer, details unit operations. The associated record drawings for the water plant, including process and instrumentation diagrams, are available for reference by operators on map racks in the meeting room.  
Distribution system manuals contain general and specific procedures and directions related to distribution maintenance and repair activities, and contingencies. Distribution operators have access to maps produced on the owner's GIS system; available on six tablets, with more to come. The GIS maps identify locations of mains, hydrants and valves. Curb-stops are also entered each summer to complete the map set, but locating services and old archived maps are still needed for identifying older services. All as-built drawings are scanned into electronic files and hyperlinks to those files have recently been incorporated onto the GIS distribution maps. Hydrant and valve asset data are also hyperlinked.
- **The operations and maintenance manuals met the requirements of the Drinking Water Works Permit and Municipal Drinking Water Licence issued under Part V of the SDWA.**  
The SOPs meet the requirements of Condition 16.2, Schedule B of the Licence. Copies of the Licence and Permit are kept in a separate binder available to operators. Similarly, standard operating procedures and contingencies are maintained for the distribution group within the "Lakeshore Water Supply System - Operations & Maintenance/Contingency Plan Manual" binder. A copy of the UV validation certificate, as required by Condition 16.2.3, Schedule B of the Licence, was provided at the previous inspection.  
  
As per Condition 1.6.4, Schedule C of the Licence, a monthly UV alarm summary report shall be prepared, and include the time, date and duration of each UV equipment alarm, the volume of water treated during each alarm period and the actions taken by the operating authority to correct the alarm situation. The operating authority has begun completing these reports in January 2019, as required in the previous inspection report.

### Logbooks

- Logbooks were properly maintained and contained the required information.
- Records or other record keeping mechanisms confirmed that operational testing not performed by continuous monitoring equipment was being done by a certified operator, water quality analyst, or person who suffices the requirements of O. Reg. 170/03 7-5.

For the calibration and lab analysis records reviewed, operational testing such as total chlorine residual, pH, temperature, conductivity, hardness, colour and aluminum residual, conducted during regular compliance, operational and additional program sampling, was done by the operating authority's certified operators.

- For every required operational test and every required sample, a record was made of the date, time, location, name of the person conducting the test and result of the test.  
Plant operators conducting compliance and operational testing record their activities in the Daily Operational Logbook. Logsheets are used to record operational readings. The distribution group similarly maintains a Daily Operational Log for the distribution system. Work orders, repair records and log sheets are used to document details of these activities.
- The operator-in-charge ensured that records were maintained of all adjustments made to the processes within his or her responsibility.  
The operator in charge (OIC) reviews the logs on the following day.
- Logs or other record keeping mechanisms were available for at least five (5) years.

### Contingency/Emergency Planning

- Spill containment was provided for process chemicals and/or standby power generator fuel.
- Clean-up equipment and materials were in place for the clean up of spills.
- Standby power generators were tested under normal load conditions.

All generators are tested at least monthly. A new generator was installed at the Belle River Tower in September 2019.

### Security

- All storage facilities were completely covered and secure.
- Air vents and overflows associated with reservoirs and elevated storage structures were not equipped with screens.

The "Ten States Standards" (2012 Edition) recommends that overflows and vents for a ground-level storage reservoir be screened with a #24 mesh (0.70 mm) non-corrodible screen. At the inspection it was noted that the screen on the reservoir vent does not meet this recommendation and should be replaced.

- The owner had provided security measures to protect components of the drinking water system.

The John George Facility is gated around the perimeter and all outer doors are locked. Visitors must be buzzed in for access. The facility is equipped with security cameras monitored by operators in the SCADA room. A camera overlooking the reservoir was recently installed to improve security monitoring at the plant. The low lift building is in a separate brick structure. It is not fully within a fenced compound, although the outward facing walls are windowless walls and are equipped with lockable steel security doors and security fencing with padlocked gates are

### Security

installed to prevent access to the side and rear of the compound. The building is equipped with remote camera monitoring, intruder door contact alarms and keycode access. The Belle River Tower is fully fenced, equipped with a locked steel security door and an intruder door contact alarm, as well as a functioning security camera monitoring system.

### Consumer Relations

- **The owner and/or operating authority undertook efforts to promote water conservation and reduce water losses in their system.**

Tips on water conservation are posted on the Municipality's website. There are no lawn watering restrictions in effect.

### Certification and Training

- **The overall responsible operator had been designated for each subsystem.**

The plant supervisor is the designated overall responsible operator (ORO) for the system and he holds a class 3 water treatment certification matching the water treatment subsystem 3 classification of the Lakeshore water treatment plant. The backup ORO for the treatment system also holds a class 3 certification and the backup ORO for the distribution system holds a class 3 certification exceeding the water distribution subsystem 2 classification of the Lakeshore distribution system.

- **Operators-in-charge had been designated for all subsystems which comprised the drinking water system.**

The operator on call each week is the designated OIC of Operations. For both treatment and distribution subsystems, operators in charge (OIC) for each shift are required to be identified in a designated field in the Daily Operational Log book.

- **All operators possessed the required certification.**
- **Only certified operators made adjustments to the treatment equipment.**
- **An adequately licenced operator was designated to act in place of the overall responsible operator when the overall responsible operator was unable to act**

### Water Quality Monitoring

- **All microbiological water quality monitoring requirements for raw water samples were being met.**
- **All microbiological water quality monitoring requirements for distribution samples were being met.**

O. Reg. 170/03, Sch.10-2 requires the owner and operating authority to take a minimum of one sample per week, and at least 36 samples per month from the distribution system. All samples must be analysed for E. coli and total coliforms. In addition, at least 25% of the distribution microbiological samples must be analysed for heterotrophic plate count (HPC).

For the inspection period, 40-50 samples per month were collected from 75 sample stations throughout the distribution system. Samples were analyzed for E.coli, total coliform, and more than 25% of the samples (16-20 samples/month) were tested for HPC.

- **All microbiological water quality monitoring requirements for treated samples were being met.**

O. Reg. 170/03, Sch. 10-3 requires the owner and operating authority to sample treated water once per week and



### Water Quality Monitoring

analyse them for E. coli, total coliforms and heterotrophic plate count (HPC).

For the period reviewed, treated water microbiological samples were taken each week. For each sampling event, two treated water samples were obtained.

- **All inorganic water quality monitoring requirements prescribed by legislation were conducted within the required frequency.**

Provided that previous sample results haven't exceeded one-half the maximum acceptable concentration (MAC) for any parameter under Sch. 23, O. Reg. 170/03, Sch. 13-2 requires that samples must be taken and analysed for Schedule 23 parameters every 12 months (+/- 30 days) for a surface water supply. The required samples were taken November 13, 2019, within the prescribed time frame. No parameters exceeded one-half the MAC listed in O.Reg. 169/03.

- **All organic water quality monitoring requirements prescribed by legislation were conducted within the required frequency.**

Provided that previous sample results haven't exceeded one-half the MAC for any parameter under Sch. 23, O. Reg. 170/03, Sch. 13-2 requires that samples must be taken and analysed for Schedule 23 parameters every 12 months (+/- 30 days) for a surface water supply. The required samples were taken November 13, 2019, within the prescribed time frame. No parameters exceeded one-half the MAC listed in O.Reg. 169/03.

- **All haloacetic acid water quality monitoring requirements prescribed by legislation are being conducted within the required frequency and at the required location.**

As required under O. Reg. 170/03 Sch. 13-6 (2), samples must be taken and analysed for HAAs quarterly (60-120 days after previous sample). Samples were taken within the prescribed time frame. The running annual average (RAA) was 9.98 mg/L.

- **All trihalomethane water quality monitoring requirements prescribed by legislation were conducted within the required frequency and at the required location.**

As required under O. Reg. 170/03 Sch. 13-6 (2), samples must be taken and analysed for trihalomethanes quarterly (60-120 days after previous sample). Samples were taken within the prescribed time frame. The running annual average (RAA) was 19.12 mg/L. Samples were also taken from treated water at the High Lift pump building quarterly and the RAA was 15.28 mg/L.

- **All nitrate/nitrite water quality monitoring requirements prescribed by legislation were conducted within the required frequency for the DWS.**

During the inspection review period, one sample was collected quarterly (from the high lift pump station) for nitrate and nitrite, as prescribed in Sch. 13-7 of O. Reg. 170/03. Nitrate concentrations ranged from 0.283 to 2.08 mg/L, well below the standard of 10 mg/L, and nitrite concentrations were all 0.01 mg/L, below the method detection limit as well as the standard of 1 mg/L.

- **All sodium water quality monitoring requirements prescribed by legislation were conducted within the required frequency.**

O. Reg. 170/03 Sch. 13-8 requires sampling and analysis of sodium every 60 months. The sample for sodium was last taken on November 13, 2019 and the result was 11.5 mg/L. The previous sample was taken on September 26, 2017.

- **All fluoride water quality monitoring requirements prescribed by legislation were conducted within the required frequency.**

O. Reg. 170/03 Sch. 13-9 requires sampling and analysis of fluoride every 60 months. The sample for fluoride was taken on November 13, 2019 and the result was 0.069 mg/L. The previous sample was taken on October 23, 2018.

### Water Quality Monitoring

- The owner ensured that water samples were taken at the prescribed location.
- All water quality monitoring requirements imposed by the MDWL or DWWP issued under Part V of the SDWA were being met.

Condition 1.6 under Schedule C of the Licence requires the owner and operating authority to continuously monitor and record flow rate, calculated UV dose, UV transmittance and UV lamp status with a minimum testing/reading and recording frequency of every five minutes. Control data output includes recording of calculated UV dosage, lamp status for each of the lamps, reactor flow rate and UV transmittance. The frequency of measurement and recording of these parameters is at least every five minutes.

Condition 4.4 under Schedule C of the Licence requires monthly sampling of composite samples of total suspended solids (TSS) from the waste residual discharge point. The annual average cannot exceed 15mg/L. For 2018, the annual average was 9.05 mg/L and for 2019 it was 10.55 mg/L.

- All sampling requirements for lead prescribed by schedule 15.1 of O. Reg. 170/03 were being met.  
Alkalinity samples were collected from the distribution system at 7 stations during the winter (April 9, 2019) and 9 stations during the summer period (July 9 and October 10, 2019). Three distribution samples were tested for lead during 2019 and ranged from 0.12 to 1ug/L, well below the 10 ug/L standard. Regulatory lead testing is required again in 2021.
- Records confirmed that chlorine residual tests were being conducted at the same time and at the same location that microbiological samples were obtained.
- The owner indicated that the required records are kept and will be kept for the required time period.

### Water Quality Assessment

- Records showed that all water sample results taken during the inspection review period did not exceed the values of tables 1, 2 and 3 of the Ontario Drinking Water Quality Standards (O.Reg. 169/03).

### Reporting & Corrective Actions

- Where required continuous monitoring equipment used for the monitoring of chlorine residual and/or turbidity triggered an alarm or an automatic shut-off, a qualified person responded in a timely manner and took appropriate actions.

Water plant operating logs reviewed indicate that certified operators responded to alarms in a timely manner and took appropriate actions. Critical alarms are documented in the Critical Control Limit Exceedances Binder. There were no critical alarms during the inspection period.

- When the primary disinfection equipment, other than that used for chlorination or chloramination, has failed causing an alarm to sound or an automatic shut-off to occur, a certified operator responded in a timely manner and took appropriate actions.

UV reactor units shutdown as designed on abnormal conditions and alarms. The UV system SCADA control incorporates an auto-start and switchover function to the standby unit. Nonetheless, a UV critical alarm requires an operator's immediate attendance to confirm the status of operations. Water plant operating logs reviewed indicate that response to plant and UV alarm conditions were sufficient.

- The Annual Report containing the required information was prepared by February 28th of the following year.

### Reporting & Corrective Actions

- **Summary Reports for municipal council were completed on time, included the required content, and were distributed in accordance with the regulatory requirements.**
- **All changes to the system registration information were provided within ten (10) days of the change.**  
The population was updated within 10 days of the change.
- **The owner had evidence that all required notifications to all legal owners associated with the Drinking Water System had been made during the inspection period.**  
At the preliminary meeting, consultants and contractors are provided copies of the DWS licence and are required to sign-off on the NSF requirements.

### Other Inspection Findings

- **The following issues were also noted during the inspection:**  
See the SUMMARY OF RECOMMENDATIONS AND BEST PRACTICE ISSUES section below.

## NON-COMPLIANCE WITH REGULATORY REQUIREMENTS AND ACTIONS REQUIRED

This section provides a summary of all non-compliance with regulatory requirements identified during the inspection period, as well as actions required to address these issues. Further details pertaining to these items can be found in the body of the inspection report.

1. **The owner did not have evidence that all required Director Notifications under Condition 2.4 of Schedule B of the Drinking Water Works Permit were made during the inspection period.**

**Action(s) Required:**

The Owner/operating authority shall submit a Director's Notification for the new generator at the Belle River Tower by February 14, 2020.

2. **The owner/operating authority was not in compliance with the requirement to prepare Form 3 and associated documents as required by their Drinking Water Works Permit during the inspection period.**

**Action(s) Required:**

The owner shall complete the Form 3 by February 14, 2020. In addition, the owner shall ensure that the generator is operated within the performance limits as per Condition 5.5 of the permit.

3. **Continuous monitoring equipment that was being utilized to fulfill O. Reg. 170/03 requirements was not performing tests for the parameters with at least the minimum frequency specified in the Table in Schedule 6 of O. Reg. 170/03 and/or was not recording data with the prescribed format.**

**Action(s) Required:**

No actions required as an upgrade of the battery backup on the SCADA and historian system has been conducted.

## SUMMARY OF RECOMMENDATIONS AND BEST PRACTICE ISSUES

This section provides a summary of all recommendations and best practice issues identified during the inspection period. Details pertaining to these items can be found in the body of the inspection report. In the interest of continuous improvement in the interim, it is recommended that owners and operators develop an awareness of the following issues and consider measures to address them.

1. **Air vents and overflows associated with reservoirs and elevated storage structures were not equipped with screens.**

### **Recommendation:**

At the inspection it was noted that the screen on the reservoir vent does not meet the recommendations in the "Ten States Standards" and should be replaced with a #24 mesh (0.70 mm) non-corrodible screen.

2. **The following issues were also noted during the inspection:**

1. Logbook review showed some instances when the Operator put the continuous analyser on hold during calibration. Operators are reminded to ensure that regulatory analyzers are continuously operating during calibrations when water treatment is taking place.

2. Aluminum residual samples of treated water from the plant were taken daily. Concentrations were elevated above the operational guideline (100ug/L) in June, July, August, September and part of October 2019. The highest concentration was 279ug/L on August 4, 2019. As per the "Technical Support Document for Ontario Drinking Water Standards, Objectives and Guidelines", aluminum found in coagulant treated water is due to the presence of aluminum left over from use of the coagulant. Optimization of treatment should be applied to reduce this "residual" aluminum to below the operational guideline. High residual aluminum can cause coating of the pipes in the distribution system resulting in increased energy requirements for pumping, interferences with certain industrial processes and flocculation in the distribution system. It is recommended that the operating authority review coagulant dosing procedures to optimize treatment and reduce aluminum residuals in treated water, especially during the summer months when the temperature is higher.

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**SIGNATURES**

Inspected By:

Emily Awad

Signature: (Provincial Officer)

Reviewed &amp; Approved By:

Marc Bechard

Signature: (Supervisor)

Review &amp; Approval Date:

Note: This inspection does not in any way suggest that there is or has been compliance with applicable legislation and regulations as they apply or may apply to this facility. It is, and remains, the responsibility of the owner and/or operating authority to ensure compliance with all applicable legislative and regulatory requirements.

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**Stakeholder Appendix**

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# Key Reference and Guidance Material for Municipal Residential Drinking Water Systems

Many useful materials are available to help you operate your drinking water system. Below is a list of key materials owners and operators of municipal residential drinking water systems frequently use.

To access these materials online click on their titles in the table below or use your web browser to search for their titles. Contact the Ministry if you need assistance or have questions at 1-866-793-2588 or [waterforms@ontario.ca](mailto:waterforms@ontario.ca).

For more information on Ontario's drinking water visit [www.ontario.ca/drinkingwater](http://www.ontario.ca/drinkingwater)



PUBLICATION TITLE	PUBLICATION NUMBER
<b>FORMS:</b> Drinking Water System Profile Information Laboratory Services Notification Adverse Test Result Notification	012-2149E 012-2148E 012-4444E
Taking Care of Your Drinking Water: A Guide for Members of Municipal Councils	Website
Procedure for Disinfection of Drinking Water in Ontario	Website
Strategies for Minimizing the Disinfection Products Trihalomethanes and Haloacetic Acids	Website
Filtration Processes Technical Bulletin	Website
Ultraviolet Disinfection Technical Bulletin	Website
Guide for Applying for Drinking Water Works Permit Amendments, & License Amendments	Website
Certification Guide for Operators and Water Quality Analysts	Website
Guide to Drinking Water Operator Training Requirements	9802E
Community Sampling and Testing for Lead: Standard and Reduced Sampling and Eligibility for Exemption	Website
Drinking Water System Contact List	7128E01
Ontario's Drinking Water Quality Management Standard - Pocket Guide	Website
Watermain Disinfection Procedure	Website
List of Licensed Laboratories	Website



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**Inspection Rating Record**

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Ministry of the Environment - Inspection Summary Rating Record (Reporting Year - 2019-2020)

**DWS Name:** TOWN OF LAKESHORE DRINKING WATER SYSTEM  
**DWS Number:** 260091507  
**DWS Owner:** Lakeshore, The Corporation Of The Town Of  
**Municipal Location:** Lakeshore

**Regulation:** O.REG 170/03  
**Category:** Large Municipal Residential System  
**Type Of Inspection:** Detailed  
**Inspection Date:** November 12, 2019  
**Ministry Office:** Windsor Area Office

**Maximum Question Rating:** 674

Inspection Module	Non-Compliance Rating
Permit To Take Water	0 / 12
Capacity Assessment	0 / 38
Treatment Processes	8 / 126
Process Wastewater	0 / 20
Distribution System	0 / 4
Operations Manuals	0 / 42
Logbooks	0 / 30
Certification and Training	0 / 49
Water Quality Monitoring	0 / 136
Reporting & Corrective Actions	0 / 58
Treatment Process Monitoring	21 / 159
<b>TOTAL</b>	<b>29 / 674</b>

**Inspection Risk Rating** 4.30%

**FINAL INSPECTION RATING:** 95.70%

**Ministry of the Environment - Detailed Inspection Rating Record (Reporting Year - 2019-2020)**

<b>DWS Name:</b>	TOWN OF LAKESHORE DRINKING WATER SYSTEM
<b>DWS Number:</b>	260091507
<b>DWS Owner:</b>	Lakeshore, The Corporation Of The Town Of
<b>Municipal Location:</b>	Lakeshore
<b>Regulation:</b>	O.REG 170/03
<b>Category:</b>	Large Municipal Residential System
<b>Type Of Inspection:</b>	Detailed
<b>Inspection Date:</b>	November 12, 2019
<b>Ministry Office:</b>	Windsor Area Office

Non-compliant Question(s)	Question Rating
<b>Treatment Process Monitoring</b>	
Is continuous monitoring equipment that is being utilized to fulfill O. Reg. 170/03 requirements performing tests for the parameters with at least the minimum frequency specified in the Table in Schedule 6 of O. Reg. 170/03 and recording data with the prescribed format?	21
<b>Treatment Processes</b>	
Is the owner/operating authority able to demonstrate that, when required during the inspection period, Form 3 and associated condition 5.7 requirements were prepared in accordance with their Drinking Water Works Permit?	4
Does the owner have evidence that, when required during the inspection period, all Director Notifications under Condition 2.4 of Schedule B of the DWWP were made to the Ministry?	4
<b>TOTAL QUESTION RATING</b>	<b>29</b>

**Maximum Question Rating:** 674

<b>Inspection Risk Rating</b>	<b>4.30%</b>
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<b>FINAL INSPECTION RATING:</b>	<b>95.70%</b>
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Ministry of the Environment,  
Conservation and Parks

Drinking Water and  
Environmental Compliance  
Division

733 Exeter Rd  
London ON N6E 1L3  
Tel (519) 873-5000  
Fax (519) 873-5020

Ministère de l'Environnement, de la  
Protection de la nature et des Parcs

Division de la conformité en matière  
d'eau potable et d'environnement

733, rue Exeter  
London ON N6E 1L3  
Tel (519) 873-5000  
Fax (519) 873-5020



March 17, 2020

File: SI-ES-LA-540

The Corporation of the Town of Lakeshore  
419 Notre Dame Street,  
Bell River, ON,  
N0R 1A0

Attention: Mr. Kevin Girard, Manager of Environmental Services

**Re: Inspection Report, Town of Lakeshore Drinking Water System – Stoney Point (DWS# 220003396)**

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Dear Mr. Girard,

Please find the enclosed 2019/2020 Drinking Water System Inspection Report.

The “Actions Required” section of the report outlines non-compliance incidents, if any, with any requirements within the Act, regulation, site-specific approvals, permits, licences, orders or instructions. Such violations will be monitored for compliance and could result in the issuance of Orders, tickets, penalties, or referral to the ministry’s Investigation and Enforcement Branch.


The Appendix section of the report includes the Stakeholder Appendix A with links to key reference and guidance material available on the Ministry of the Environment, Conservation and Parks (MECP) website. Appendix B contains the Inspection Rating Record (IRR), which provides the Ministry, the system owner and the local Public Health Units with a summarized record of the drinking water system’s annual performance.

“Recommendations” convey information that the owner or operating authority should consider implementing to advance efforts already in place and include conformance with existing and emerging industry best practices.

Section 19 of the Safe Drinking Water Act (Standard of Care) creates a number of obligations for individuals who exercise decision-making authority over municipal drinking water systems. Please be aware that the Ministry has encouraged such individuals, particularly municipal councillors, to take steps to be better informed about the drinking water systems over which they have decision-making authority. These steps could include asking for a copy of this inspection report and a review of its findings. Further information about Section 19 can be found in “Taking Care of Your Drinking Water: A guide for members of municipal council” found under “Resources” on the Drinking Water Ontario website at [www.ontario.ca/drinkingwater](http://www.ontario.ca/drinkingwater).

Should you have any questions regarding this inspection report, please contact me at (519) 383-3782.

Sincerely,



Andrew Winkler  
Water Inspector, Provincial Officer #1908  
Drinking Water & Environmental Compliance Division  
Ministry of the Environment, Conservation and Parks  
733 Exeter Road, London, ON, N6E 1L3  
[andrew.winkler@ontario.ca](mailto:andrew.winkler@ontario.ca)

cc: Town of Lakeshore - Gary Punt (Supervisor of Environmental Services), Darrin Johnston (Waterworks Treatment Working Forman) and Nichole Bradley (Water Quality Compliance/Water Operator);  
Windsor-Essex County Health Unit - Dr. Wajid Ahmed (Medical Officer of Health (A)), Theresa Marentette (Chief Executive Officer), Phil Wong (Manager, Environmental Health), and Victoria Peculis (Manager, Environmental Health);  
Essex Region Conservation Authority - Katie Stammler (Source Water Protection Manager); and  
Ministry of the Environment, Conservation and Parks - Marc Bechard (Water Compliance Supervisor)



**Ministry of the Environment, Conservation and Parks**

**TOWN OF LAKESHORE DRINKING WATER SYSTEM - STONEY POINT**  
**Inspection Report**

<b>Site Number:</b>	220003396
<b>Inspection Number:</b>	1-L5D0B
<b>Date of Inspection:</b>	Feb 05, 2020
<b>Inspected By:</b>	Andrew Winkler

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## OWNER INFORMATION:

<b>Company Name:</b>	LAKESHORE, THE CORPORATION OF THE TOWN OF		
<b>Street Number:</b>	419	<b>Unit Identifier:</b>	
<b>Street Name:</b>	NOTRE DAME St		
<b>City:</b>	BELLE RIVER		
<b>Province:</b>	ON	<b>Postal Code:</b>	N0R 1A0

## CONTACT INFORMATION

## INSPECTION DETAILS:

<b>Site Name:</b>	TOWN OF LAKESHORE DRINKING WATER SYSTEM - STONEY POINT
<b>Site Address:</b>	6011 ST. CLAIR Road STONEY POINT ON N0R 1N0
<b>County/District:</b>	LAKESHORE
<b>MECP District/Area Office:</b>	Windsor Area Office
<b>Health Unit:</b>	WINDSOR-ESSEX COUNTY HEALTH UNIT
<b>Conservation Authority:</b>	
<b>MNR Office:</b>	
<b>Category:</b>	Large Municipal Residential
<b>Site Number:</b>	220003396
<b>Inspection Type:</b>	Announced
<b>Inspection Number:</b>	1-L5D0B
<b>Date of Inspection:</b>	Feb 05, 2020
<b>Date of Previous Inspection:</b>	Feb 20, 2019

## COMPONENTS DESCRIPTION

<b>Site (Name):</b>	Distribution System
<b>Type:</b>	Other
<b>Comments:</b>	

### Sub Type:

The Town of Lakeshore Stoney Point Drinking Water System is located in Stoney Point, Ontario. The drinking water system is owned by the Town of Lakeshore, and supplies water to the north-eastern portion of the Town of Lakeshore, roughly bounded by Rochester Townline Road to the west, Big Creek to the east, Lake St. Clair to the north, and Essex County Road 8 to the south. The communities of Stoney Point, Comber, Staples, Lighthouse Cove and rural areas within the boundaries are included in the service area. According to the drinking water system registration profile, this results in a total serviced population of approximately 6,516 persons in 2,327 service connections. The system is considered a "large municipal residential system" under O. Regulation 170/03. Other than the storage located at the treatment plant site, reservoir booster pumping and re-chlorination stations are located in the village of Comber (1018 m3 storage volume) and hamlet of Haycroft (425 m3 storage volume). Since there are no towers or elevated tanks located on the system, plant high-lifts and booster station pumps supply the system's pressure by continually operating pumps. Consequently, the service area consists of four pressure zones:

- Stoney Point Pressure Zone - Stoney Point urban area and adjacent lakefront areas; maintained by water plant high-lift pumping
- Haycroft Pressure Zone - rural areas south of lakefront and generally north of Highway 401; which can be maintained by the Stoney Point water plant high-lift pumping or the Haycroft booster station high-lift pumping
- Comber Pressure Zone - Comber urban area; maintained by the Comber booster station high-lift pumping (Comber



header)

- South Pressure Zone - Staples and rural areas South of Highway 401; maintained by the Comber booster station high-lift pumping (Tilbury West header).

**Site (Name):** Source Water

**Type:** Source

**Sub Type:**

**Comments:**

The treatment facility in Stoney Point, receives water from Lake St. Clair via a low lift pumping station. Two low lift pumps draw water through a 1219 m long, 600 mm diameter intake pipe, located in approximately 2.5 m of water. The intake is equipped with a zebra mussel chemical control system consisting of a prechlorination line, feeding from the water treatment plant chlorine room to the low lift pumping station. The chlorine solution pipe is installed through the intake pipe at the low lift station and terminates at the intake crib. The low lift pumping station consists of a 79 m<sup>3</sup> single chamber raw water intake well, equipped with float controls for low level shutoff/alarming.

**Site (Name):** Treatment Plant

**Type:** Treated Water POE

**Sub Type:**

**Comments:**

The treatment plant is currently rated at 4,546 m<sup>3</sup>/day approved capacity. It is a conventional water treatment plant consisting of contact clarification via a single upflow solids clarifier, after alum coagulant addition. A polymer coagulant aid system is present but the equipment has been dismantled and has not been used for some time. Powdered activated carbon slurry feed is added seasonally. The chemical addition systems are located within the low lift structure; within the same compound as the contact clarifier. Clarified water is collected in an intermediate wet well located in the filtration/high-lift building. This wet well is equipped with three vertical turbine pumps (two duty/one standby) which deliver the clarified effluent into the filter influent channel for feeding into two dual media-type filters (450 mm anthracite and 300 mm silica sand). The filters are equipped with backwash facilities via one air scour blower and one backwash pump. Sedimentation sludge and backwash flows from the filters are directed to residue management pump basins; one adjacent to the clarifier and one outside the filtration building. Both waste flows are transferred from the main basin to one of two available wastewater lagoons. Lagoon supernatant overflow is discharged to an on-site drainage ditch which flows to Lake St. Clair.

Filtered water is received into a two-cell filter clearwell operated in series; having a combined capacity of 1380 m<sup>3</sup> total volume. Primary disinfection is provided by addition of gas chlorine solution which is normally added into the intermediate wet well pump discharge header ahead of the filter inlet channel and ahead of the filtered water reservoir. An alternate pre-chlorine injection point is also available at the inlet of the intermediate wet well. Chlorine contact time is achieved within the clearwell. Post-contact trim chlorine can also be added at either the inlet of the high-lift well or into the high-lift pump discharge. Free chlorine is monitored ahead of the filter clearwell (from each filter effluent) and after the contact time in the clearwell prior to trim chlorine addition in the high-lift pumpwell. Free and total chlorine is also monitored from the point of entry to the distribution system. The high-lift well is a two-cell structure equipped with three vertical turbine high-lift pumps (two duty/one standby) which supply pressure to the distribution system and supply the Haycroft and Comber reservoir booster pumping stations. Each of the reservoirs at Haycroft and Comber are equipped with gas chlorine re-chlorination facilities to maintain secondary disinfectant levels in the distribution system.

## INSPECTION SUMMARY:

### Introduction

- The primary focus of this inspection is to confirm compliance with Ministry of the Environment, Conservation and Parks (MECP) legislation as well as evaluating conformance with ministry drinking water related policies and guidelines during the inspection period. The ministry utilizes a comprehensive, multi-barrier approach in the inspection of water systems that focuses on the source, treatment and distribution components as well as management practices.

This drinking water system is subject to the legislative requirements of the Safe Drinking Water Act, 2002 (SDWA) and regulations made therein, including Ontario Regulation 170/03, "Drinking Water Systems" (O.Reg. 170/03). This inspection has been conducted pursuant to Section 81 of the SDWA.

This report is based on a "focused" inspection of the system. Although the inspection involved fewer activities than those normally undertaken in a detailed inspection, it contained critical elements required to assess key compliance issues. This system was chosen for a focused inspection because the system's performance met the ministry's criteria, most importantly that there were no deficiencies as identified in O.Reg. 172/03 over the past 3 years. The undertaking of a focused inspection at this drinking water system does not ensure that a similar type of inspection will be conducted at any point in the future.

This inspection report does not suggest that all applicable legislation and regulations were evaluated. It remains the responsibility of the owner to ensure compliance with all applicable legislative and regulatory requirements.

The site visit portion of the inspection occurred on February 5, 2019 by Andrew Winkler (Provincial Officer) with the Ministry of Environment, Conservation and Parks (MECP). The system owner was onsite during the site visit. Documents and records reviewed in relation to this inspection included but may not have been limited to:

- Municipal Drinking Water Licence Number: 031-101, Issue Number: 2, Dated: June 6, 2016;
- Drinking Water Works Permit Number: 031-201, Issue Number: 4, Dated: June 6, 2016;
- Permit To Take Water Number: 2373-87MHXB, Dated July 30, 2010;
- Operations manuals,
- Instrument calibration records,
- Operational logbooks; and
- Laboratory test results.

It should be noted that the inspection review period included February 01, 2019 to January 31, 2020.

### Source

- The owner had a harmful algal bloom monitoring plan in place.

The Owner's Algal Blooms Procedure included: Source water monitoring methods and resources, details related to reporting suspected algal blooms, a sampling plan that included the Ministry's DWSP program and increased monitoring and sampling frequency if microcystin is present. Staff were familiar with the procedure and completed algal bloom training provided by the Walkerton Clean Water Centre.

### Capacity Assessment

- There was sufficient monitoring of flow as required by the Municipal Drinking Water Licence or Drinking Water Works Permit issued under Part V of the SDWA.

The facility used Lake St. Clair as a raw water source and was subject to conditions identified in Permit To Take

### Capacity Assessment

Water NUMBER 2373-87MHXB. The permit stipulated that surface water may be taken at a maximum rate of 3.18 cubic meters per minute (m<sup>3</sup>/min) and 4,600 cubic meters per day (m<sup>3</sup>/day).

During the review period, the maximum peak flow was taken on June 29, 2019 at a rate of 2.57m<sup>3</sup>/min or 81% of the prescribed limit. The maximum daily flow was taken on August 31, 2019 at a rate of 2,595 m<sup>3</sup>/day or 56% of the prescribed limit.

The raw water flow meter passed verification testing performed by a third party technician on September 19, 2019.

- **The owner was in compliance with the conditions associated with maximum flow rate or the rated capacity conditions in the Municipal Drinking Water Licence issued under Part V of the SDWA.**

Condition 1.1 of the Municipal Drinking Water Licence (MDWL) stipulated that the Rated Capacity of treated water that flows from the treatment facility to the distribution system shall not exceed 4,546 m<sup>3</sup>/day.

During the review period, the maximum daily flow occurred on November 24, 2019 with an approximate volume of 1,390 m<sup>3</sup>/day, or 30.6% of the Rated Capacity.

### Treatment Processes

- **The owner had ensured that all equipment was installed in accordance with Schedule A and Schedule C of the Drinking Water Works Permit.**

Several inconsistencies were noted with respect to water quality monitoring analyzers listed in the Drinking Water Works Permit. It was noted that:

- the total chlorine residual analyzer identified in the permit was removed from the low lift,
- a pH analyzer was installed at the low lift and a second pH analyzer installed on the treated water discharge line,
- a temperature analyser was installed at the low lift, and
- a conductivity meter was installed at the low lift.

The owner provided Directors Notification forms for the aforementioned equipment. The Drinking Water Works Permit will be updated during the next scheduled renewal to reflect these changes.

- **The owner/operating authority was in compliance with the requirement to prepare Form 1 documents as required by their Drinking Water Works Permit during the inspection period.**

During the review period, one form 1 was created for the addition of a watermain in Comber Ontario.

- **The owner/operating authority was in compliance with the requirement to prepare Form 2 documents as required by their Drinking Water Works Permit during the inspection period.**

During the review period, four (4) form 2s were created for the replacement of two (2) intermediate well pumps, one (1) flowmeter for the highlift interconnect, one (1) flow control valve for filter #2 and one (1) raw water flow meter.

- **Records indicated that the treatment equipment was operated in a manner that achieved the design capabilities required under Ontario Regulation 170/03 or a Drinking Water Works Permit and/or Municipal Drinking Water Licence issued under Part V of the SDWA at all times that water was being supplied to consumers.**

Schedule E of the Municipal Water Works Licence stipulated that the Stoney Point facility must utilize chemically assisted filtration and primary disinfection using chlorination to meet log removal credits.

Alum was used to chemically assist the removal of settleable solids in the clarifier and non-settleable solids in the filtration process. Alum flow rates were consistent with raw water flow. Filtration accounted for 2 log removal credits for Cryptosporidium Oocysts, 2.5 log removal credits for Giardia Cysts and 2 log removal for viruses. To

### Treatment Processes

meet removal credits, each filter must not exceed 0.3 NTU in 95% of measurements for each month. Records demonstrated that the filtered turbidity requirements for this facility were achieved for the duration of the review period; with 0.3 NTU achieved 99.966% to 100% of the time.

Primary disinfection using chlorine accounted for at least 0.5 log inactivation credits for Giardia and 2 log inactivation credits for viruses. To meet inactivation credits, CT must be achieved at all times. Records demonstrated that CT was achieved for the duration of the review period.

- **Records confirmed that the water treatment equipment which provides chlorination or chloramination for secondary disinfection purposes was operated so that at all times and all locations in the distribution system the chlorine residual was never less than 0.05 mg/l free or 0.25 mg/l combined.**

Records provided by the owner demonstrated that equipment used for secondary disinfection was operated and maintained to achieve a free chlorine residual greater than 0.05 mg/L throughout the distribution system.

- **Where an activity has occurred that could introduce contamination, all parts of the drinking water system were disinfected in accordance with Schedule B, Condition 2.3 of the Drinking Water Works Permit.**

Watermain servicing and repair activities were recorded on Water Distribution Report forms. Records demonstrated that operators performed work in accordance with the ministry's Watermain Disinfection Procedure.

### Treatment Process Monitoring

- **Primary disinfection chlorine monitoring was conducted at a location approved by Municipal Drinking Water Licence and/or Drinking Water Works Permit issued under Part V of the SDWA, or at/near a location where the intended CT has just been achieved.**

Primary disinfection by chlorination was performed in accordance with the ministry's "Procedure for Disinfection of Drinking Water in Ontario". Chlorine was added prior to the filter inlet. Filtered water flowed to a two-cell reservoir equipped with a continuous free chlorine analyser. Water then flowed to the clearwell where contact time was achieved. Post contact trim chlorine was added and monitored by a continuous free chlorine analyzer prior to water entering the distribution system.

- **Continuous monitoring of each filter effluent line was being performed for turbidity.**

Subsection 7-3 (2) (b) of Schedule 7 of Ontario Regulation 170/03 requires that if a drinking water system obtains water from a raw water supply that is surface water and the system provides filtration the owner of the system shall ensure that sampling and testing for turbidity is carried out by continuous monitoring equipment on each filter effluent line.

There is a continuous turbidity analyser for each of the two filter effluent lines.

- **The secondary disinfectant residual was measured as required for the distribution system.**

Post chlorination at the water treatment facility was monitored by a continuous free chlorine analyzer before chlorinated water entered the distribution system. Continuous analyzers were installed to measure free chlorine residual in the influent and effluent flow of the Comber and Haycroft reservoirs. Both reservoir stations were equipped with chlorinators to boost effluent free chlorine residuals.

In addition, system operators manually performed free chlorine residual tests while collecting microbiological samples, performing routine operational checks, flushing watermain deadends and maintaining hydrants. Test results ranged from 0.29 mg/L to 2.36 mg/L.

- **Operators were examining continuous monitoring test results and they were examining the results within 72 hours of the test.**

### Treatment Process Monitoring

Operators created written records in the facility's logbook when results were examined.

- **All continuous monitoring equipment utilized for sampling and testing required by O. Reg. 170/03, or Municipal Drinking Water Licence or Drinking Water Works Permit or order, were equipped with alarms or shut-off mechanisms that satisfy the standards described in Schedule 6.**

Continuous analyzers were installed to monitor filter effluent turbidity and were equipped with an alarm setpoint of 0.25 NTU. For additional safety, filters were programmed to automatically shut down if turbidity exceeded 0.70 NTU. An operational alarm with a setpoint of 3 NTU was installed in the clarifier effluent.

Continuous analyzers used to monitor free chlorine residual for primary and secondary disinfection were both equipped with a low alarm setpoint of 1.4 mg/L.

While the facility is staffed, operators are made aware of alarms through the SCADA system and audible sounds. Critical alarms that occur afterhours are routed to a security company who will notify the on-call operator.

- **Continuous monitoring equipment that was being utilized to fulfill O. Reg. 170/03 requirements was performing tests for the parameters with at least the minimum frequency specified in the Table in Schedule 6 of O. Reg. 170/03 and recording data with the prescribed format.**

Schedule 6-5 of the regulation 170/03 stipulated the minimum frequency of testing for specific continuous analyzers. Testing frequencies included: every 5 minutes for free chlorine residual required to achieve primary disinfection, every 15 minutes for filter effluent turbidity and hourly for free chlorine residual in a distribution sample. Further, if monitoring is more frequent, the owner shall monitor the minimum, maximum and mean test results for the minimum testing frequency.

Records demonstrated that monitoring equipment performed tests more frequently than the minimum requirements; minimum, maximum and mean results were also recorded.

- **All continuous analysers were calibrated, maintained, and operated, in accordance with the manufacturer's instructions or the regulation.**

Schedule 6-5 of regulation 170/03 stipulated that continuous monitoring equipment for sampling and testing required for Free chlorine residual required to achieve primary disinfection, filter effluent turbidity and free chlorine residual in a distribution sample shall be checked and calibrated in accordance with the manufacture's instructions and the regulation.

#### Manufacture's Instructions

Free chlorine residual was measured using ProMinent Dulcometer analyzers. The manufacturers instructions included monitoring the analyzer accuracy at regular intervals and re-calibration at a minimum of every 3-4 weeks.

Filter effluent turbidity was measured using HACH 1720E Turbidimeters. The manufacturer's instructions included calibration after maintenance or repair activities and at minimum once every three months during normal operation.

#### Water Treatment Plant

Daily in-house laboratory test results were used to verify measurements obtained by the continuous analyzers used to measured free chlorine residuals. Records were maintained on Daily Plant Lab Analysis sheets. An equipment maintenance software program generated scheduled work orders for operators to perform monthly maintenance and calibration checks. Annual maintenance and calibration of analyzers was performed by a third-party service technician on September 18, 2019. Calibration records were maintained on Dulcometer Free Chlorine Sensor Calibration Log sheets.

### Treatment Process Monitoring

Daily in-house laboratory test results were used to verify measurements obtained by the continuous analyzers used to measure filter effluent turbidity. Records were maintained on Daily Plant Lab Analysis sheets. Monthly and quarterly work orders were issued for operators to perform maintenance and calibration checks. Annual maintenance and calibration of turbidity analyzers was performed by a third-party service technician on August 2, 2019. Calibration records were maintained on Turbidimeter Calibration Log forms.

#### Distribution system

Continuous free chlorine analyzers were verified three (3) times per week and calibrated as needed by system operators. Records were recorded in the station logbooks. Work orders were issued for operators to perform monthly maintenance and calibration checks. Annual maintenance and calibration of analyzers was performed by a third-party service technician on September 18, 2019.

### Operations Manuals

- **The operations and maintenance manuals contained plans, drawings and process descriptions sufficient for the safe and efficient operation of the system.**

Manuals are kept at the water treatment facility and made available to operations staff.

- **The operations and maintenance manuals met the requirements of the Drinking Water Works Permit and Municipal Drinking Water Licence issued under Part V of the SDWA.**

### Logbooks

- **Records or other record keeping mechanisms confirmed that operational testing not performed by continuous monitoring equipment was being done by a certified operator, water quality analyst, or person who suffices the requirements of O. Reg. 170/03 7-5.**

Operational test results were recorded on daily plant lab sheets and in facility logbooks. Results were accompanied by the certified operator's initials.

### Security

- **The owner had provided security measures to protect components of the drinking water system.**

The water system met security measures recommended by "10 States Standards - Recommended Standards for Water Works".

### Certification and Training

- **The overall responsible operator had been designated for each subsystem.**

At the time of the site visit, the overall responsible operator held a valid class 3 water treatment certificate and class 3 water distribution certificate; meeting the regulatory requirements for the Stoney Point class 3 water treatment plant and class 2 distribution system.

- **Operators-in-charge had been designated for all subsystems which comprised the drinking water system.**

With the exception of operator(s) in training, all certified operators are designated as operators-in-charge.

- **All operators possessed the required certification.**

- **Only certified operators made adjustments to the treatment equipment.**

All process adjustments were recorded in the facility's logbook. The operator making the written entry was clearly

### Certification and Training

identified.

### Water Quality Monitoring

- **All microbiological water quality monitoring requirements for distribution samples were being met.**

Schedule 10-2 of regulation 170/03 stipulated that the owner and operating authority shall ensure a minimum of 14 samples are collected per month with at least one sample collected each week. Samples to be tested for E.coli and Total Coliforms, with at least 25% of samples tested for Heterotrophic Plate Count (general bacteria population).

Between 20 to 25 microbiological samples were collected per month, with 5 samples collected each week. Samples were tested in accordance with the regulation.

- **All microbiological water quality monitoring requirements for treated samples were being met.**

Schedule 10-3 of regulation 170/03 stipulated that the owner and operating authority shall ensure that at least one (1) treated sample is collected each week and tested for E. coli, Total Coliforms and Heterotrophic Plate Count.

Two treated water samples were collected each week and tested for E. coli, Total Coliforms and Heterotrophic Plate Count.

- **All inorganic water quality monitoring requirements prescribed by legislation were conducted within the required frequency.**

Schedule 13-2 of regulation 170/03 stipulated that the owner and operating authority shall ensure that at least one sample is collected every 12 months and tested for the inorganic parameters found in schedule 23 of this regulation. Further, schedule 13-5 stipulated that if test results exceed 1/2 of the Ontario water quality limits, sampling frequency shall increase to one sample collected and tested every 3 months.

Test results of samples collected on October 23, 2018 and November 13, 2019 were all below 1/2 of the Ontario water quality limits.

- **All organic water quality monitoring requirements prescribed by legislation were conducted within the required frequency.**

Schedule 13-4 of regulation 170/03 stipulated that the owner and operating authority shall ensure that at least one sample is collected every 12 months and tested for the inorganic parameters found in schedule 24 of this regulation. Further, schedule 13-5 stipulated that if test results exceed 1/2 of the Ontario water quality limits, sampling frequency shall increase to one sample collected and tested every 3 months.

Test results of samples collected on October 23, 2018 and November 13, 2019 were all below 1/2 of the Ontario water quality limits.

- **All haloacetic acid water quality monitoring requirements prescribed by legislation are being conducted within the required frequency and at the required location.**

Schedule 13-6.1 of regulation 170/03 stipulated that the owner and operating authority shall ensure that at least one distribution sample is collected each calendar quarter and tested for haloacetic acids. The Ontario drinking water quality limit for haloacetic acids is 0.08 mg/L; calculated as a running annual average of quarterly test results.

During the review period, the highest running annual average obtained was approximately 0.03 mg/L.

- **All trihalomethane water quality monitoring requirements prescribed by legislation were conducted within the required frequency and at the required location.**

Schedule 13-6. of regulation 170/03 stipulated that the owner and operating authority shall ensure that at least one

### Water Quality Monitoring

distribution sample is collected each calendar quarter and tested for trihalomethanes. The Ontario drinking water quality limit for trihalomethanes is 0.100 mg/L; calculated as a running annual average of quarterly test results.

During this review period, the highest running annual average obtained was approximately 0.038 mg/L.

- **All nitrate/nitrite water quality monitoring requirements prescribed by legislation were conducted within the required frequency for the DWS.**

Schedule 13-7 of regulation 170/03 stipulated that the owner and operating authority shall ensure that at least one sample is collected every three months and tested for nitrate and nitrite. The Ontario drinking water quality limits for nitrate and nitrite is 10.0 mg/L and 1.0 mg/L, respectively.

During this review period, the highest test result for nitrate and nitrite was 3.68 mg/L and 0.1 mg/L, respectively.

- **All sodium water quality monitoring requirements prescribed by legislation were conducted within the required frequency.**

Schedule 13.7 of regulation 170/03 stipulated that the owner and operating authority shall ensure that at least one sample is collected every 60 months and tested for sodium. Further, schedule 16-3.(1)8. of regulation 170/03 stipulated the reporting requirements of test results that exceed 20 mg/L.

A sample for sodium was collected on November 13, 2019, with a test result of 13.3 mg/L.

- **All fluoride water quality monitoring requirements prescribed by legislation were conducted within the required frequency.**

Schedule 13.9 of regulation 170/03 stipulated that the owner and operating authority shall ensure that at least one sample is collected and tested for fluoride every 60 months. The Ontario drinking water quality regulation prescribed a limit of 1.5 mg/L.

The last fluoride sample was collected on November 13, 2019, with a result below the method detection limit of 0.10 mg/L.

- **All water quality monitoring requirements imposed by the MDWL or DWWP issued under Part V of the SDWA were being met.**

Solids removed from the clarifier and filters were pumped to a residue management facility that consisted of two (2) settling ponds. The MDWL stipulated that the effluent discharged from the residue management facility shall be sampled monthly and tested for suspended solids. Test results shall not exceed an annual average limit of 25 mg/L.

Records demonstrate that the average annual effluent test result was approximately 3.8 mg/L.

- **Records confirmed that chlorine residual tests were being conducted at the same time and at the same location that microbiological samples were obtained.**

Chlorine test results were recorded on the sample chain of custody paperwork sent to the laboratory.

### Water Quality Assessment

- **Records showed that all water sample results taken during the inspection review period did not exceed the values of tables 1, 2 and 3 of the Ontario Drinking Water Quality Standards (O.Reg. 169/03).**

### Reporting & Corrective Actions

- **Where required continuous monitoring equipment used for the monitoring of chlorine residual and/or**



### Reporting & Corrective Actions

**turbidity triggered an alarm or an automatic shut-off, a qualified person responded in a timely manner and took appropriate actions.**

Critical alarms were documented in the Critical Control Limit Exceedances Binder. During this review period, there were five (5) critical alarms. Alarms included high clarifier turbidity, high intermediate turbidity and low plant effluent chlorine. Operators received alarm notifications, took appropriate actions and maintained records in the facility logbook.

### Other Inspection Findings

- **The following issues were also noted during the inspection:**

The Recommended Standards for Water Works (10 state standards) 2012 edition - Policy statement on Automated/unattended Operation of Surface Water Treatment Plants (page xvi), stipulated that "Sufficient staffing must be provided to carry out daily on-site evaluations, operational functions and needed maintenance and calibration of all critical treatment components and monitoring equipment to ensure reliability of operations."

To monitor CT, the Stoney Point facility utilized measurements collected from multiple continuous analyzers in the water treatment process. Measurements included free chlorine residual, pH, temperature, peak flow and water level in the reservoir. Records provided by the owner demonstrated that proper checks, verifications and calibrations were performed to continuous analyzers used to measure free chlorine residual, pH and flow. Upon request, records were not available which demonstrated that on-site evaluations were performed to instruments used to measure the water level in the reservoir and water temperature.

Due to the importance of measurements obtained from instruments used to measure the water level in the reservoir and water temperature, it is recommended that these instruments have on-site evaluations performed at regular intervals to ensure ongoing accuracy.

**NON-COMPLIANCE WITH REGULATORY REQUIREMENTS AND ACTIONS REQUIRED**

This section provides a summary of all non-compliance with regulatory requirements identified during the inspection period, as well as actions required to address these issues. Further details pertaining to these items can be found in the body of the inspection report.

**Not Applicable**

## SUMMARY OF RECOMMENDATIONS AND BEST PRACTICE ISSUES

This section provides a summary of all recommendations and best practice issues identified during the inspection period. Details pertaining to these items can be found in the body of the inspection report. In the interest of continuous improvement in the interim, it is recommended that owners and operators develop an awareness of the following issues and consider measures to address them.

### 1. The following issues were also noted during the inspection:

The Recommended Standards for Water Works (10 state standards) 2012 edition - Policy statement on Automated/unattended Operation of Surface Water Treatment Plants (page xvi), stipulated that "Sufficient staffing must be provided to carry out daily on-site evaluations, operational functions and needed maintenance and calibration of all critical treatment components and monitoring equipment to ensure reliability of operations."

To monitor CT, the Stoney Point facility utilized measurements collected from multiple continuous analyzers in the water treatment process. Measurements included free chlorine residual, pH, temperature, peak flow and water level in the reservoir. Records provided by the owner demonstrated that proper checks, verifications and calibrations were performed to continuous analyzers used to measure free chlorine residual, pH and flow. Upon request, records were not available which demonstrated that on-site evaluations were performed to instruments used to measure the water level in the reservoir and water temperature.

#### Recommendation:

Due to the importance of measurements obtained from instruments used to measure the water level in the reservoir and water temperature, it is recommended that these instruments have on-site evaluations performed at regular intervals to ensure ongoing accuracy.

**SIGNATURES**

Inspected By:

Andrew Winkler

Signature: (Provincial Officer)

Reviewed &amp; Approved By:

Marc Bechard

Signature: (Supervisor)

Review &amp; Approval Date:

Note: This inspection does not in any way suggest that there is or has been compliance with applicable legislation and regulations as they apply or may apply to this facility. It is, and remains, the responsibility of the owner and/or operating authority to ensure compliance with all applicable legislative and regulatory requirements.

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**Key Reference and Guidance Material for Drinking Water Systems**

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# Key Reference and Guidance Material for Municipal Residential Drinking Water Systems

Many useful materials are available to help you operate your drinking water system. Below is a list of key materials owners and operators of municipal residential drinking water systems frequently use.

To access these materials online click on their titles in the table below or use your web browser to search for their titles. Contact the Ministry if you need assistance or have questions at 1-866-793-2588 or [waterforms@ontario.ca](mailto:waterforms@ontario.ca).

For more information on Ontario's drinking water visit [www.ontario.ca/drinkingwater](http://www.ontario.ca/drinkingwater)



PUBLICATION TITLE	PUBLICATION NUMBER
<b>FORMS:</b> Drinking Water System Profile Information Laboratory Services Notification Adverse Test Result Notification	012-2149E 012-2148E 012-4444E
Taking Care of Your Drinking Water: A Guide for Members of Municipal Councils	Website
Procedure for Disinfection of Drinking Water in Ontario	Website
Strategies for Minimizing the Disinfection Products Trihalomethanes and Haloacetic Acids	Website
Filtration Processes Technical Bulletin	Website
Ultraviolet Disinfection Technical Bulletin	Website
Guide for Applying for Drinking Water Works Permit Amendments, & License Amendments	Website
Certification Guide for Operators and Water Quality Analysts	Website
Guide to Drinking Water Operator Training Requirements	9802E
Community Sampling and Testing for Lead: Standard and Reduced Sampling and Eligibility for Exemption	Website
Drinking Water System Contact List	7128E01
Ontario's Drinking Water Quality Management Standard - Pocket Guide	Website
Watermain Disinfection Procedure	Website
List of Licensed Laboratories	Website

# Principaux guides et documents de référence sur les réseaux résidentiels municipaux d'eau potable

De nombreux documents utiles peuvent vous aider à exploiter votre réseau d'eau potable. Vous trouverez ci-après une liste de documents que les propriétaires et exploitants de réseaux résidentiels municipaux d'eau potable utilisent fréquemment. Pour accéder à ces documents en ligne, cliquez sur leur titre dans le tableau ci-dessous ou faites une recherche à l'aide de votre navigateur Web. Communiquez avec le ministère au 1-866-793-2588, ou encore à [waterforms@ontario.ca](mailto:waterforms@ontario.ca) si vous avez des questions ou besoin d'aide.



Pour plus de renseignements sur l'eau potable en Ontario, consultez le site [www.ontario.ca/eaupotable](http://www.ontario.ca/eaupotable)

TITRE DE LA PUBLICATION	NUMÉRO DE PUBLICATION
Renseignements sur le profil du réseau d'eau potable	012-2149F
Avis de demande de services de laboratoire	012-2148F
Avis de résultats d'analyse insatisfaisants et de règlement des problèmes	012-4444F
Prendre soin de votre eau potable - Un guide destiné aux membres des conseils municipaux	Site Web
Marche à suivre pour désinfecter l'eau potable en Ontario	Site Web
Stratégies pour minimiser les trihalométhanes et les acides haloacétiques de sous-produits de désinfection	Site Web
Filtration Processes Technical Bulletin (en anglais seulement)	Site Web
Ultraviolet Disinfection Technical Bulletin (en anglais seulement)	Site Web
Guide de présentation d'une demande de modification du permis d'aménagement de station de production d'eau potable	Site Web
Guide sur l'accréditation des exploitants de réseaux d'eau potable et des analystes de la qualité de l'eau de réseaux d'eau potable	Site Web
Guide sur les exigences relatives à la formation des exploitants de réseaux d'eau potable	9802F
Échantillonnage et analyse du plomb dans les collectivités : échantillonnage normalisé ou réduit et admissibilité à l'exemption	Site Web
Liste des personnes-ressources du réseau d'eau potable	Site Web
L'eau potable en Ontario - Norme de gestion de la qualité - Guide de poche	Site Web
Procédure de désinfection des conduites principales	Site Web
Laboratoires autorisés	Site Web



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Inspection Rating Record

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**Ministry of the Environment - Inspection Summary Rating Record (Reporting Year - 2019-2020)**

**DWS Name:** TOWN OF LAKESHORE DRINKING WATER SYSTEM - STONEY POINT  
**DWS Number:** 220003396  
**DWS Owner:** Lakeshore, The Corporation Of The Town Of  
**Municipal Location:** Lakeshore

**Regulation:** O.REG 170/03  
**Category:** Large Municipal Residential System  
**Type Of Inspection:** Focused  
**Inspection Date:** February 5, 2020  
**Ministry Office:** Windsor Area Office

**Maximum Question Rating:** 465

Inspection Module	Non-Compliance Rating
Capacity Assessment	0 / 30
Treatment Processes	0 / 85
Operations Manuals	0 / 28
Logbooks	0 / 14
Certification and Training	0 / 42
Water Quality Monitoring	0 / 112
Reporting & Corrective Actions	0 / 21
Treatment Process Monitoring	0 / 133
<b>TOTAL</b>	<b>0 / 465</b>

<b>Inspection Risk Rating</b>	<b>0.00%</b>
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<b>FINAL INSPECTION RATING:</b>	<b>100.00%</b>
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Ministry of the Environment - Detailed Inspection Rating Record (Reporting Year - 2019-2020)

**DWS Name:** TOWN OF LAKESHORE DRINKING WATER SYSTEM - STONEY POINT  
**DWS Number:** 220003396  
**DWS Owner:** Lakeshore, The Corporation Of The Town Of  
**Municipal Location:** Lakeshore

**Regulation:** O.REG 170/03

**Category:** Large Municipal Residential System

**Type Of Inspection:** Focused

**Inspection Date:** February 5, 2020

**Ministry Office:** Windsor Area Office

**Maximum Question Rating:** 465

**Inspection Risk Rating** 0.00%

**FINAL INSPECTION RATING:** 100.00%

**Ministry of the Environment,  
Conservation and Parks**

620 – 4510 Rhodes Dr  
Windsor ON N8W 5K5  
Tel. : 519 948-1464  
1-800-387-8826  
Fax: 519 948-2396

**Ministère de l'Environnement, de la  
Protection de la nature et des Parcs**

620 – 4510, chemin Rhodes  
Windsor ON N8W 5K5  
Tél. : 519 948-1464  
1-800-387-8826  
Téléc. : 519 948-2396



January 6, 2020

File #: SI-ES-LA-540

Town of Lakeshore  
419 Notre Dame St.  
Belle River, ON N0R 1A0

Attention: Mr. Truper McBride, CAO

**Re: Town of Lakeshore Drinking Water System – Union Distribution System  
(DWS#260004995) Inspection Report**

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Please find enclosed the Inspection Report for the inspection that was conducted at the Lakeshore (Union) Distribution System (DWS#260004995) on November 12, 2019.

If you have any questions or concerns regarding this report, please call me at (226) 280-1406 or my supervisor, Marc Bechard, at (519) 490-0761.

Sincerely,

Emily Awad  
Water Inspector, Provincial Officer #1823  
Drinking Water and Environmental Compliance Division  
Sarnia/Windsor District

Encl.

cc: Nicole Bradley, Water Quality Compliance/Water Operator; Garry Punt, Supervisor of Water Operations; Kevin Girard, Manager, Environmental Services; Nelson Cavacas, Director of Engineering & Infrastructure; Town of Lakeshore;  
Dr. Wajid Ahmed, Acting Medical Officer of Health; Theresa Marentette, Chief Executive Officer; Phil Wong, Manager, Environmental Health, Victoria Peczulis, Manager, Environmental Health; WECHU;  
Marc Bechard, Supervisor, Ministry of Environment, Conservation and Parks



**Ministry of the Environment, Conservation and Parks**

**TOWN OF LAKESHORE DRINKING WATER SYSTEM - UNION DS**  
**Inspection Report**

<b>Site Number:</b>	260004995
<b>Inspection Number:</b>	1-L5D1N
<b>Date of Inspection:</b>	Nov 12, 2019
<b>Inspected By:</b>	Emily Awad

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Appendix A: Key Reference and Guidance Material

Appendix B: Inspection Summary Rating Record

## OWNER INFORMATION:

<b>Company Name:</b>	LAKESHORE, THE CORPORATION OF THE TOWN OF	<b>Unit Identifier:</b>	
<b>Street Number:</b>	419		
<b>Street Name:</b>	NOTRE DAME St		
<b>City:</b>	BELLE RIVER		
<b>Province:</b>	ON	<b>Postal Code:</b>	N0R 1A0

## CONTACT INFORMATION

<b>Type:</b>	Main Contact	<b>Name:</b>	Nicole Bradley
<b>Phone:</b>	(519) 728-9142	<b>Fax:</b>	(519) 728-4110
<b>Email:</b>	nbradley@lakeshore.ca		
<b>Title:</b>	Water Quality Compliance / Water Operator		

<b>Type:</b>	Other - specify	<b>Name:</b>	Ken Penney
<b>Phone:</b>	(519) 326-4447	<b>Fax:</b>	
<b>Email:</b>	kpenney@ocwa.com		
<b>Title:</b>	Process and Compliance Technician - OCWA		

<b>Type:</b>	Operating Authority	<b>Name:</b>	Garry Punt
<b>Phone:</b>	(226) 345-2079	<b>Fax:</b>	(519) 728-4110
<b>Email:</b>	gpunt@lakeshore.ca		
<b>Title:</b>	Water Operations Supervisor		

## INSPECTION DETAILS:

<b>Site Name:</b>	TOWN OF LAKESHORE DRINKING WATER SYSTEM - UNION DS
<b>Site Address:</b>	LAKESHORE
<b>County/District:</b>	LAKESHORE
<b>MECP District/Area Office:</b>	Windsor Area Office
<b>Health Unit:</b>	WINDSOR-ESSEX COUNTY HEALTH UNIT
<b>Conservation Authority:</b>	Essex Region Conservation Authority
<b>MNR Office:</b>	
<b>Category:</b>	Large Municipal Residential
<b>Site Number:</b>	260004995
<b>Inspection Type:</b>	Unannounced
<b>Inspection Number:</b>	1-L5D1N
<b>Date of Inspection:</b>	Nov 12, 2019
<b>Date of Previous Inspection:</b>	Nov 20, 2018

## COMPONENTS DESCRIPTION

<b>Site (Name):</b>	LAKESHORE (UNION) DISTRIBUTION SYSTEM	
<b>Type:</b>	Other	<b>Sub Type:</b> Class I
<b>Comments:</b>		

The Lakeshore (Union) Distribution System is a standalone distribution system which supplies water to the area of the Town of Lakeshore roughly bounded by Rochester Townline Road to the east, Manning Road to the west, the King's

Highway 401 to the north and Lakeshore's southern municipal boundaries with the Town of Essex, Town of Kingsville and Municipality of Leamington. Source water is from the Union Area Water Supply System (UWSS) located in Ruthven, Ontario. The Town of Lakeshore is part owner of the UWSS through the UWSS Joint Management Board. According to the drinking water system profile, a population of approximately 4,066 residents in 1,452 service connections are served by the Lakeshore (Union) Distribution System. It therefore falls into the "large municipal residential" category under O. Regulation 170/03.

Transmission mains take treated water (supplied with chloramination for secondary disinfection) from the UWSS to the service area via metered connection points with Essex and Kingsville. The major transmission mains, are owned by the UWSS and are not included within the scope of this inspection. Distribution system pressure is maintained by:

- Booster pumps at the Cottam reservoir in Kingsville, controlled and monitored from the UWSS;
- The elevated storage tank in the community of Essex, and
- Two control valves, housed in underground chambers, which govern pressure to the tower supplied by the Cottam reservoir.

## INSPECTION SUMMARY:

### Introduction

- The primary focus of this inspection is to confirm compliance with Ministry of the Environment, Conservation and Parks (MECP) legislation as well as evaluating conformance with ministry drinking water policies and guidelines during the inspection period.

This drinking water system is subject to the legislative requirements of the Safe Drinking Water Act, 2002 (SDWA) and regulations made therein, including Ontario Regulation 170/03, "Drinking Water Systems" (O. Reg. 170/03). This inspection has been conducted pursuant to Section 81 of the SDWA.

This report is based on an inspection of a "stand alone connected distribution system". This type of system receives treated water from a separately owned "donor" system. This report contains the elements required to assess key compliance and conformance issues associated with a "receiver" system. This report does not contain items associated with the inspection of the donor system, such as source waters, intakes/wells and treatment facilities.

This report is based on a "focused" inspection of the system. Although the inspection involved fewer activities than those normally undertaken in a detailed inspection, it contained critical elements required to assess key compliance issues. This system was chosen for a focused inspection because the system's performance met the ministry's criteria, most importantly that there were no deficiencies as identified in O.Reg. 172/03 over the past 3 years. The undertaking of a focused inspection at this drinking water system does not ensure that a similar type of inspection will be conducted at any point in the future.

**This inspection report does not suggest that all applicable legislation and regulations were evaluated. It remains the responsibility of the owner to ensure compliance with all applicable legislative and regulatory requirements.**

Specifically, this review includes an assessment of compliance/conformance in relation to the following:

- Drinking Water Systems Regulation (O. Reg. 170/03)
- Drinking Water Operator and Water Quality Analyst Certification Regulation (O. Reg. 128/04)
- Drinking Water System Licence 031-101, Issue Number 2, issued June 6, 2016
- Drinking Water Works Permit 031-201, Issue Number 4, issued June 6, 2016
- Ontario Drinking Water Quality Standards (ODWQS; O. Reg. 169/03) based on water quality data generated since the previous inspection.

The unannounced inspection was conducted on November 12, 2019 and included interview of staff. A follow-up site visit on December 11, 2019 was conducted to measure chlorine residual in the distribution system. The inspection covers the period from December 1, 2018 to November 30, 2019.

### Treatment Processes

- **Where an activity has occurred that could introduce contamination, all parts of the drinking water system were disinfected in accordance with Schedule B, Condition 2.3 of the Drinking Water Works Permit.**

According to the Watermain Break Repair Standard Operating Procedure (SOP #2000397), all parts of the drinking water system are disinfected in accordance with the ministry's Watermain Disinfection Procedure and other procedures.



### Treatment Process Monitoring

- **The secondary disinfectant residual was measured as required for the distribution system.**

Secondary disinfection is supplied entirely by the Union Water Supply System (UWSS). No re-chlorination takes place after entering the Lakeshore distribution system.

Logs show that distribution system chlorine residuals were taken and measured seven times per week as required; four and three samples on separate days, at least 48 hours apart.

Beginning on June 4, 2018, the UWSS initiated a routine shutdown of their chloramination system for maintenance purposes. During the transition from chloramination to free chlorine secondary disinfection, as per Condition 2, Schedule D of their licence, they were required to increase their microbiological and trihalomethane sampling. By June 15, 2018, the chlorine residuals in the distribution systems had stabilized and the increased sampling was no longer required. MECP has subsequently approved a request made by UWSS to extend the use of free chlorine secondary disinfection until January 31, 2020.

Records from the inspection period show that none of the samples had free chlorine residuals (FCR) less than 0.05 mg/L during the inspection period. FCR measurements ranged from 0.19 to 1.42 mg/L. An audit sample was taken during the inspection on December 11, 2019 at SS-LS-09 and the secondary disinfectant residual was sufficient (FCR= 0.76 mg/L; total chlorine residual (TCR) =0.92 mg/L).

The Procedure for Disinfection of Drinking Water in Ontario states that the recommended optimum target for free chlorine residual concentration in a water distribution system is 0.2 mg/L at a pH 8.5 or less.

### Operations Manuals

- **The operations and maintenance manuals contained plans, drawings and process descriptions sufficient for the safe and efficient operation of the system.**

Lakeshore Water Distribution Operators have access to maps produced on the owner's GIS system; available on six tablets, with more to come. The GIS maps identify locations of mains, hydrants and valves. Curb-stops are also entered each summer to complete the map set, although locating services and old archived maps are still needed for identifying older services. All as-built drawings are scanned into electronic files and hyperlinks to those files have recently been incorporated onto the GIS distribution maps. Hydrant and valve asset data are also hyperlinked.

- **The operations and maintenance manuals met the requirements of the Drinking Water Works Permit and Municipal Drinking Water Licence issued under Part V of the SDWA.**

The Contingency binder and the standard operating procedures meet the requirements of Condition 16.2, Schedule B of the Drinking Water System Licence.

Copies of the Municipal Drinking Water System Licence and Drinking Water Works Permit are kept in a separate binder available to operators.

### Logbooks

- **Logbooks were properly maintained and contained the required information.**

The Daily Operational Log includes the operators on each shift, the OIC and the ORO, as well as general details on the work completed by each operator. More specific information, including the time and date, can be found in the work order system as well as the valve maintenance and hydrant maintenance spreadsheets.

- **Records or other record keeping mechanisms confirmed that operational testing not performed by continuous monitoring equipment was being done by a certified operator, water quality analyst, or person who suffices the requirements of O. Reg. 170/03 7-5.**

### Logbooks

Chlorine residual monitoring, conducted during regular compliance sampling, was done by certified operators from OCWA. Chlorine residual sampling during maintenance flushing of hydrants and blow-offs is conducted by the Lakeshore Water Distribution operators.

### Security

- **The owner had provided security measures to protect components of the drinking water system.**

This is a standalone distribution system with no treatment, re-chlorination, booster or storage facilities. It was noted by the operating authority that all sampling stations, boundary meters and the one (1) auto flusher are locked.

### Certification and Training

- **The overall responsible operator had been designated for each subsystem.**

The overall responsible operator (ORO) for the distribution system holds class 3 certification; exceeding the water distribution subsystem class 1 certification of the Lakeshore (Union) distribution system.

- **Operators-in-charge had been designated for all subsystems which comprised the drinking water system.**

Operators in charge (OIC) for each shift are required to be identified in a designated field in the Daily Operational Log book, however, this is not always completed for the distribution system. Please note, an OIC can be any operator with an applicable certificate to the type of operated subsystem. An operator-in-training (OIT) cannot be designated as an OIC.

- **All operators possessed the required certification.**

### Water Quality Monitoring

- **All microbiological water quality monitoring requirements for distribution samples were being met.**

As required under Sch 10-2, O. Regulation 170/03, a minimum of one sample per week, and at least 12 samples per month must be taken and analysed for E. coli and total coliforms. In addition, at least 25% of the distribution microbiological samples must be analysed for heterotrophic plate count (HPC).

The operating authority surpassed the minimum sampling requirements. The distribution system was sampled at a minimum of four locations every week from four routine sample stations, as well as one other station (sampled once), resulting in a minimum of 16 samples per month. Half of the samples taken were analysed for HPC.

As per the Technical Support Document for Ontario Drinking Water, sampling of the distribution system should occur throughout the system at varied locations to ensure a representative cross section of the system is being monitored. Samples should not normally be taken from the same points each week. It is recommended that a more representative approach is used for the microbiological sampling in the Lakeshore (Union) Distribution System.

- **All haloacetic acid water quality monitoring requirements prescribed by legislation are being conducted within the required frequency and at the required location.**

As required under Sch. 13-6.1 of O. Regulation 170/03, samples must be taken and analysed for haloacetic acids in every calendar quarter. Samples must be taken no less than 60 days and no greater than 120 days after the sample taken in the previous three-month period. Samples were taken as required, and within the prescribed time frame. The running annual average for the inspection period is 14.7 ug/L.

- **All trihalomethane water quality monitoring requirements prescribed by legislation were conducted within the required frequency and at the required location.**

### Water Quality Monitoring

As required under Sch. 13-6 of O. Regulation 170/03, samples must be taken and analysed for Trihalomethanes in every calendar quarter. Samples must be taken no less than 60 days and no greater than 120 days after the sample taken in the previous three-month period. Samples were taken monthly exceeding the requirement. The running annual average for the inspection period is 49.8 ug/L.

- **Records confirmed that chlorine residual tests were being conducted at the same time and at the same location that microbiological samples were obtained.**

### Water Quality Assessment

- **Records showed that all water sample results taken during the inspection review period did not exceed the values of tables 1, 2 and 3 of the Ontario Drinking Water Quality Standards (O.Reg. 169/03).**

### Reporting & Corrective Actions

- **All changes to the system registration information were provided within ten (10) days of the change.**

### Other Inspection Findings

- **The following items are noted as being relevant to the Drinking Water System:**

As per Schedule B, Condition 2.6 of the permit, the owner is required to notify the legal owner of any part of the drinking water system that is prescribed as a municipal drinking water system by section 2 of O. Reg. 172/03 of the requirements of the licence and this drinking water works permit as applicable to the prescribed system.

During the inspection the owner indicated that they have now updated their procedure so that all legal owners are notified of the requirements of the Licence and Permit. At the preliminary meeting, consultants and contractors are provided copies of the DWS licence and permit and are required to sign-off on the NSF requirements.

**NON-COMPLIANCE WITH REGULATORY REQUIREMENTS AND ACTIONS REQUIRED**

This section provides a summary of all non-compliance with regulatory requirements identified during the inspection period, as well as actions required to address these issues. Further details pertaining to these items can be found in the body of the inspection report.

**Not Applicable**

## **SUMMARY OF RECOMMENDATIONS AND BEST PRACTICE ISSUES**

This section provides a summary of all recommendations and best practice issues identified during the inspection period. Details pertaining to these items can be found in the body of the inspection report. In the interest of continuous improvement in the interim, it is recommended that owners and operators develop an awareness of the following issues and consider measures to address them.

**Not Applicable**

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**SIGNATURES**

Inspected By:

Emily Awad

Signature: (Provincial Officer)

Reviewed &amp; Approved By:

Marc Bechard

Signature: (Supervisor)

Review &amp; Approval Date:

Note: This inspection does not in any way suggest that there is or has been compliance with applicable legislation and regulations as they apply or may apply to this facility. It is, and remains, the responsibility of the owner and/or operating authority to ensure compliance with all applicable legislative and regulatory requirements.

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**Stakeholder Appendix**

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# Key Reference and Guidance Material for Municipal Residential Drinking Water Systems

Many useful materials are available to help you operate your drinking water system. Below is a list of key materials owners and operators of municipal residential drinking water systems frequently use.

To access these materials online click on their titles in the table below or use your web browser to search for their titles. Contact the Ministry if you need assistance or have questions at 1-866-793-2588 or [waterforms@ontario.ca](mailto:waterforms@ontario.ca).

For more information on Ontario's drinking water visit [www.ontario.ca/drinkingwater](http://www.ontario.ca/drinkingwater)



PUBLICATION TITLE	PUBLICATION NUMBER
<b>FORMS:</b> Drinking Water System Profile Information Laboratory Services Notification Adverse Test Result Notification	012-2149E 012-2148E 012-4444E
Taking Care of Your Drinking Water: A Guide for Members of Municipal Councils	Website
Procedure for Disinfection of Drinking Water in Ontario	Website
Strategies for Minimizing the Disinfection Products Trihalomethanes and Haloacetic Acids	Website
Filtration Processes Technical Bulletin	Website
Ultraviolet Disinfection Technical Bulletin	Website
Guide for Applying for Drinking Water Works Permit Amendments, & License Amendments	Website
Certification Guide for Operators and Water Quality Analysts	Website
Guide to Drinking Water Operator Training Requirements	9802E
Community Sampling and Testing for Lead: Standard and Reduced Sampling and Eligibility for Exemption	Website
Drinking Water System Contact List	7128E01
Ontario's Drinking Water Quality Management Standard - Pocket Guide	Website
Watermain Disinfection Procedure	Website
List of Licensed Laboratories	Website



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**Inspection Rating Record**

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Ministry of the Environment - Inspection Summary Rating Record (Reporting Year - 2019-2020)

**DWS Name:** TOWN OF LAKESHORE DRINKING WATER SYSTEM - UNION DS  
**DWS Number:** 260004995  
**DWS Owner:** Lakeshore, The Corporation Of The Town Of  
**Municipal Location:** Lakeshore

**Regulation:** O.REG 170/03

**Category:** Large Municipal Residential System

**Type Of Inspection:** Adhoc

**Inspection Date:** November 12, 2019

**Ministry Office:** Windsor Area Office

**Maximum Question Rating:** 171

Inspection Module	Non-Compliance Rating
Treatment Processes	0 / 21
Operations Manuals	0 / 28
Logbooks	0 / 18
Certification and Training	0 / 28
Water Quality Monitoring	0 / 51
Reporting & Corrective Actions	0 / 4
Treatment Process Monitoring	0 / 21
<b>TOTAL</b>	<b>0 / 171</b>

**Inspection Risk Rating** 0.00%

**FINAL INSPECTION RATING:** 100.00%

Ministry of the Environment - Detailed Inspection Rating Record (Reporting Year - 2019-2020)

**DWS Name:** TOWN OF LAKESHORE DRINKING WATER SYSTEM - UNION DS  
**DWS Number:** 260004995  
**DWS Owner:** Lakeshore, The Corporation Of The Town Of  
**Municipal Location:** Lakeshore

**Regulation:** O.REG 170/03

**Category:** Large Municipal Residential System

**Type Of Inspection:** Adhoc

**Inspection Date:** November 12, 2019

**Ministry Office:** Windsor Area Office

**Maximum Question Rating:** 171

**Inspection Risk Rating** 0.00%

**FINAL INSPECTION RATING:** 100.00%

# **The Corporation of the Town of Lakeshore**

## **Report to Council**

### **Engineering & Infrastructure Services**

#### **Environmental Services**



**To:** Mayor & Members of Council

**From:** Albert Dionne, C.E.T.  
Manager, Environmental Services

**Date:** July 20, 2020

**Subject:** Tender Award - 2020 Inflow and Infiltration Remediation Program 1.docx

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#### **Recommendations**

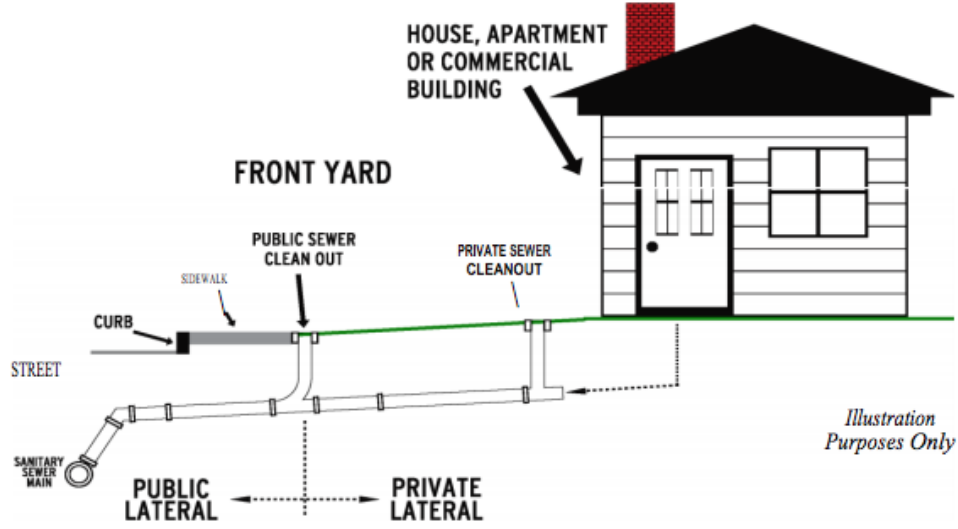
Award the tender for the 2020 Inflow and Infiltration Remediation-Cleanout Replacements to Phoenix Drainage Inc. in the total amount of \$300,132 plus HST, as presented at the July 28, 2020 Council meeting.

#### **Background**

Inflow and Infiltration (I&I) are terms used to describe the methods that groundwater and surface runoff enter into the sanitary sewers. Sanitary sewers are designed to only carry sanitary waste (wastewater) in their collection system which travels from buildings, such as toilets, showers, sinks, dishwashers, washing machines and floor drains. When storm water or groundwater enters the sanitary sewer system, the sewer can surcharge because it has used up the capacity of the sewers and treatment facilities which creates the potential for sanitary backup in homes and businesses that are unprotected by a properly functioning backwater valve. Further, diluted wastewater causes the Town's treatment facilities to operate less efficiently.

#### Inflow and Infiltration Update

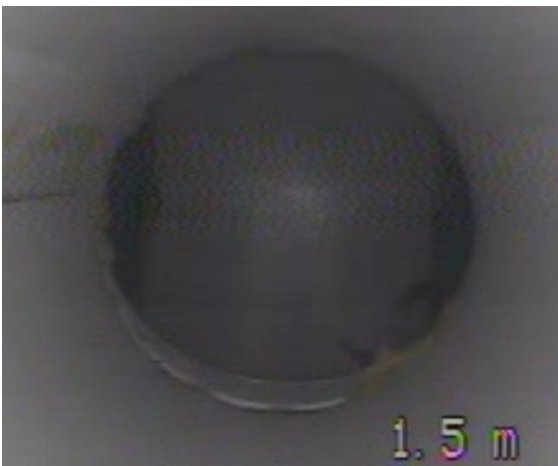
Through the use of CCTV inspection during the exploratory phase of the 2019 work, the number of mainline sewer repairs were far less than expected. What the investigations did reveal was that the main culprit of infiltration into the sanitary network was determined to be the private service connections, most notably at the cleanout. The cleanout is the access point for a private sewer connection located at the property line as shown in Figure 1. Figure 2 shows an example of a private connection that is experiencing severe infiltration.



**Figure 1: Typical Location of Sewer Cleanout**

As demonstrated in this report, the Phase 8 contract was completed with great success. The program consisted of the following benefits to the Town:

- Every sewer that was investigated with CCTV was first flushed to clear any buildup or debris that may have been in the sanitary sewers. This increased the ability for sanitary waste to flow through the sewers.
- A few mainline sewers were found to be leaking or damaged and were subsequently repaired.
- Private sanitary connections were discovered to be the main source of the Town's inflow and infiltration issue.



*Connection without Infiltration*



*Connection with Infiltration*

**Figure 2: Example of Infiltration**

Since the number of mainline sewer repairs was far less than anticipated, the value of the contract was completed well under budget. This discovery has led to a new strategy developed by the Environmental Services Department. In order to complete the Town's I&I program as efficiently as possible, the Town will carry out two programs every year, the remediation and exploratory programs.

The remediation program will consist of repairing the identified leaks that were found during exploration of the previous year. For 2020, this would consist of repairing those cleanouts that were identified in the 2019 exploratory phase. Further, the exploratory phase will be carried out annually in order to identify areas of repair that are required for the following year. This will mean that the I&I program will consist of both an exploratory contract and remediation contract every year. We had identified so many leaks in the 2019 through the exploratory contract that a 2020 exploratory contract wasn't needed for this year. We will start the process again next year once caught up on the 2019 findings.

## Comments

The 2020 Inflow and Infiltration Remediation Cleanout Replacements tender was publicly advertised on the Bids & Tenders website on June 23, 2020. The following tender was received prior to tender closing time on Friday, July 17, 2020 and opened publicly: One (1) tender was received prior to tender closing and opened publicly, these results are not including HST and are shown in Table 1.

**Table 1: Tender Results**

<b>Tenderer</b>	<b>Tendered Amount (not including Net HST)</b>
<b>Phoenix Drainage Inc.</b>	<b>\$ 300,132</b>

The tender was reviewed and found to be free from arithmetic errors and omissions, furthermore recommending the award to Phoenix Drainage Inc. It should be noted that the Town had an estimated cost for this project of \$325,000.

## Financial Impacts

Council approved a total I&I expenditure in the 2020 Operating Budget of \$500,000. As discussed previously, Council can expect another Tender Award in the near future for smoke testing and also flow metering for predetermined areas. Furthermore once the data comes back with the results we will model the sanitary sewer for possible future growth. Table 2 shows the breakdown of the various infrastructure components of construction costs that make up the tendered project amount of \$300,132.

**Table 2: Tender Breakdown**

<b>2020 I &amp; I Remediation Program</b>	<b>Tender Cost</b>
<b>Tendered Construction Costs:</b>	
Cleanout Replacements	\$ 280,132
Contingency and allowances	\$ 20,000
<b>Subtotal – Tendered Construction Costs</b>	<b>\$ 300,132</b>
Net HST	\$ 5,282
<b>Total – Construction Costs (incl. net HST)</b>	<b>\$ 305,414</b>

Both the 2020 Remediation program and smoke testing/flow testing and modelling program will be completed per the funding identified in the 2020 Wastewater Budget Centre. A breakdown of the budget centre expenses and funding is identified in Table 3.

**Table 3: Expenses v. Funding**

<b>Project Cost</b>	<b>2020 Budget</b>	<b>Project Cost Incl. Net HST</b>	<b>Variance under/(over)</b>
<b>2019 Wastewater Budget Centre:</b>			
Inflow & Infiltration	\$ 500,000		
2020 Remediation Contract (Table 2)		\$ 305,414	
Smoke Testing/Flow Metering/Modelling (Estimated)		\$ 127,200	
Project Management Fees (Estimated)		\$ 60,000	
<b>Total Project Cost:</b>	<b>\$ 500,000</b>	<b>\$ 492,614</b>	<b>\$ 7,386</b>

## Report Approval Details

Document Title:	Tender Award - 2020 Inflow and Infiltration Remediation Program 1.docx
Attachments:	
Final Approval Date:	Jul 23, 2020

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

Nelson Cavacas

Rosanna Pellerito

Kristen Newman

Truper McBride



# The Corporation of the Town of Lakeshore

## Report to Council

### Legislative & Legal Services

#### Legislative Services



**To:** Mayor & Members of Council

**From:** Kristen Newman, Director of Legislative & Legal Services

**Date:** July 22, 2020

**Subject:** Mask By-law Options.docx

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#### Recommendation

Direct Administration to draft a mandatory mask by-law as described in Option #3 of the report presented at the July 28, 2020 Council meeting.

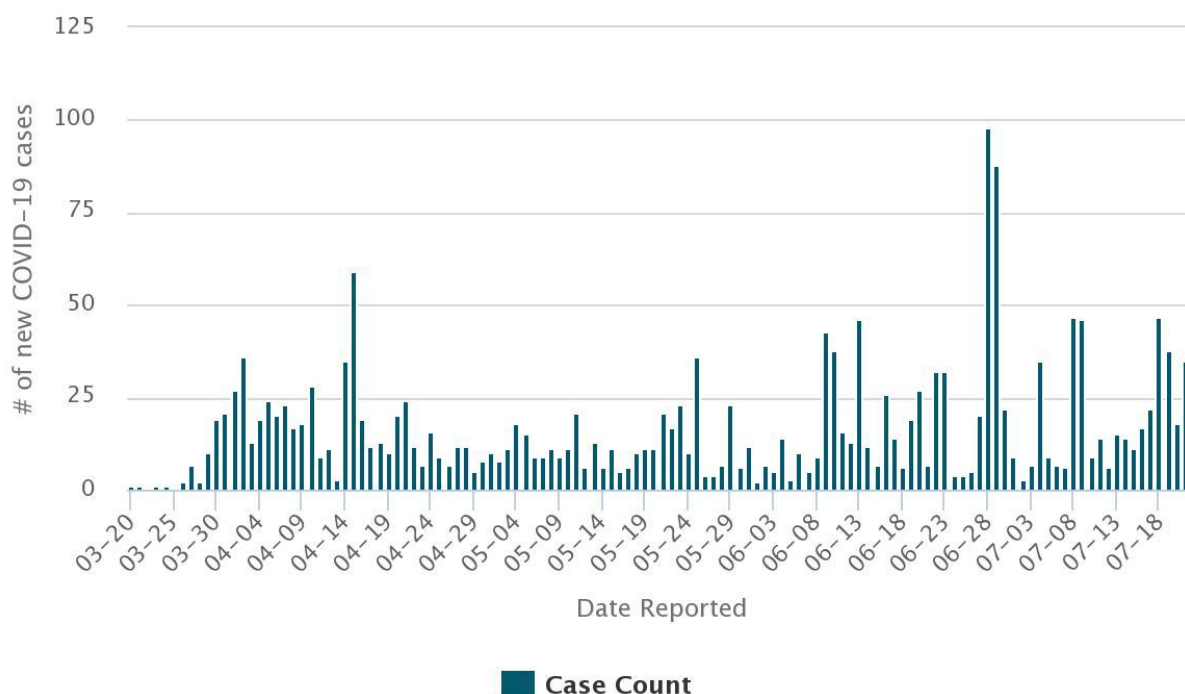
#### Background

On March 17, 2020 the Province declared an emergency under the *Emergency Management and Civil Protection Act*. The Mayor and County of Essex also declared local emergencies in the Town of Lakeshore and County, respectively.

As the COVID-19 pandemic continues, actions taken by residents, municipalities and the provincial government have helped reduce transmission of COVID-19, and avoid overwhelming the health care system. Local health care institutions and providers continue to respond to the COVID-19 pandemic. As of July 22, 2020, Windsor-Essex has had 2044 confirmed cases of COVID-19, 69 deaths, 1314 resolved cases and had 2 current long-term care/retirement home outbreaks and 9 workplace outbreaks (Windsor-Essex County Health Unit, accessed online at: <https://www.wechu.org/cv/local-updates>, July 22, 2020).

Daily COVID-19 case counts have fluctuated but continue to be high as demonstrated the Windsor-Essex County Health Unit in the chart below.

## Epidemic Curve by Reported Date



WECHU.org

(Windsor-Essex County Health Unit, accessed online at: <https://www.wechu.org/cv/local-updates>, July 22, 2020).

The World Health Organization recently released an interim guide on mask usage, *Advice on the use of masks in the context of COVID-19*, (World Health Organization, accessed online on July 22, 2020 at: [https://www.who.int/publications/i/item/advice-on-the-use-of-masks-in-the-community-during-home-care-and-in-healthcare-settings-in-the-context-of-the-novel-coronavirus-\(2019-ncov\)-outbreak](https://www.who.int/publications/i/item/advice-on-the-use-of-masks-in-the-community-during-home-care-and-in-healthcare-settings-in-the-context-of-the-novel-coronavirus-(2019-ncov)-outbreak)) which includes some considerations on the benefits and drawbacks of the use of masks or face coverings. The WHO recently updated its international guidance on June 5, 2020 to encourage the use of non-medical masks by the general public in specific situations and settings as part of a comprehensive approach to suppress transmission of COVID-19. The WHO publication states:

However, taking into account the available studies evaluating pre- and asymptomatic transmission, a growing compendium of observational evidence on the use of masks by the general public in several countries, individual values and preferences, as well as the difficulty of physical distancing in many contexts, WHO has updated its guidance to advise that to prevent COVID-19 transmission effectively in areas of community transmission, governments should encourage the general public to wear masks in specific situations and settings as part of a comprehensive approach to suppress SARS-CoV-2 transmission (Table 2).

Face coverings can act as a barrier to help stop the spread of droplets from an individual's nose and mouth when talking, coughing or sneezing. It is now understood that some infected individuals may not have symptoms, and may transmit the virus

unknowingly. While the evidence regarding face coverings is not conclusive, more evidence has emerged to suggest that the use of face coverings in public spaces may help to reduce transmission of COVID-19.

## **Comments**

As the Province continues to reopen, it is critical to take measures to ensure that health care institutions continue to be able to respond to the threat of COVID-19 and safely reopen. As Ontario municipalities enter Stage 3 of the Province's *A Framework for Re-Opening*, more workplaces will reopen and restrictions on public gatherings will be further relaxed. Physical distancing, hand hygiene, and staying home when ill remain critical measures for reducing the transmission of COVID-19. The WECHU Medical Officer of Health recommends the use of a non-medical mask or other face covering as a measure that can reduce risks when maintaining physical distance is a challenge because COVID-19 is transmitted through respiratory droplets from an infected individual.

There is a significant move towards mandatory non-medical masks/face coverings in public indoor spaces across Canada, especially in Ontario. A number of lower-tier, upper-tier and single-tier municipalities have enacted or are considering by-laws relating to the regulation of mandatory masks and some Medical Officers of Health have issued orders or instructions in this regard.

This movement has culminated locally in a class order pursuant to section 22 of the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7 requiring that commercial business establishments have policies in place to require that face coverings be worn inside the establishments. The Windsor Essex Health Unit have been enforcing the Order along with the local municipal by-law enforcement staff. Although this Order is in place, it has no enforcement provisions to lay fines or charges against businesses which are not complying with the Order.

## ***Municipal Jurisdiction for a By-law***

Under subsection 11(2) of the *Municipal Act, 2001*, a lower-tier municipality may pass by-laws for the following:

5. Economic, social and environmental well-being of the municipality, including respecting climate change.
6. Health, safety and well-being of persons....
8. Protection of persons and property, including consumer protection.

A general by-law may be directed toward directing members of the public or operators of businesses or other facilities, or both, to require the wearing of non-medical masks or face coverings inside those businesses or other facilities.

There are 3 possible options which Council could direct should it choose to require the use of masks.

Option #1: This option would result in a by-law requiring that individuals wear face coverings in indoor public places.

Option #2: This option would result in a by-law requiring that operators of indoor public places have policies in place and enforce policies regarding the wearing of face masks.

Option #3: This option would result in a by-law requiring both options #1 and #2 above.

Option #3 is Administration's recommended option to ensure a comprehensive approach to requiring masks in Lakeshore. This will aid in the enforcement of the WECHU Mask Order but in such a manner that it makes individuals directly accountable for the requirement to wear a mask. Such a by-law would include exemptions for persons with medical exemptions inhibiting their ability to wear a mask and children of a certain age.

In all three options, the Town By-law enforcement staff and Health Unit staff could jointly enforce complaints related to this By-law.

### ***Environmental Scan***

As of the writing of this report, various municipalities across Ontario have brought forward a form of mandatory mask wearing by-law or considering such a by-law.

### **Financial Impacts**

There may be a small amount of revenue generated by fines associated with a mandatory mask by-law. However, these revenues would not be likely to offset the cost of appeals of tickets issued pursuant to such a by-law. These expenses would be paid from the corporate legal account.

### **Report Approval Details**

Document Title:	Mask By-law Options.docx
Attachments:	
Final Approval Date:	Jul 23, 2020

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

Tammie Ryall

Morris Harding

Kristen Newman

Rosanna Pellerito

Truper McBride

# The Corporation of the Town of Lakeshore

## Report to Council

### Legislative & Legal Services

### Legislative Services



**To:** Mayor & Members of Council

**From:** Kristen Newman, Director of Legislative & Legal Services

**Date:** July 22, 2020

**Subject:** Permanent Closure, Stop Up and Declaration of Surplus for Plan 290  
Laneways Unopened Road Allowances.docx

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### Recommendation

The portion of land known as Plan 290 Laneways and legally known as Lane Plan 290, Rochester, Abutting Lots 7 to 12, Plan 290, except R1463262; Lakeshore, being all of the Property Identifier Number 75049-0173(R), and Lane Plan 290, Rochester, Abutting Lots 1 to 6, Plan 290, except R1463262; Lakeshore, being all of the Property Identifier Number 75049-0174(R), be closed, stopped up and declared surplus;

Administration proceed with conveying the land pursuant to Town Policy CAD – 284, *Closing Sale and Disposition of Streets and Alleys*; and,

Adopt By-law 62-2020, all as presented in the report entitled, *Permanent Closure, Stop Up and Declaration of Surplus for Plan 290 Laneways Unopened Road Allowances*, presented at the July 28, 2020 Council meeting.

### Background

#### Laneway Parcel A - PIN 75049-0173(R)

Lane Plan 290, Rochester, Abutting Lots 7 to 12, Plan 290, except R1463262; Lakeshore

#### Laneway Parcel B – PIN 75049-0174(R)

Lane Plan 290, Rochester, Abutting Lots 1 to 6, Plan 290, except R1463262; Lakeshore

#### Sylvestre Lands – PIN 75049-0325(LT)

Part of Lots 1 to 3 (incl) and 20 to 34 (incl) on Plan 248, Lots 2 to 11 (incl) and Part of Lots 1 and 12, Plan 290; Part of Lot 8, Concession WRR, Rochester, designated as Parts 1 to 4 (incl) on Plan 12R25517

A subject map of the area appears at Appendix “A” to this report, along with the Land Registry’s parcel register.

In 2013, the abutting property owners acquired the Lanes from the former owner. At that time, the laneways were not correctly identified as part of the property being transferred and were therefore not converted from Registry to the Land Titles system. The laneways still technically remain in the name of the Town, although the original intention appears to be that they should have been included with the balance of the transferred property.

In 2016, a further ownership transfer took place, but the title issue was not observed at that time nor corrected.

In the March 10, 2020 closed session Council meeting, Council directed the following:

Council direct the Director of Legislative & Legal Services to prepare a report and the necessary by-laws to be presented to Council in open session regarding the deeming and permanent closure of the Lanes, as further described in the report of the Director presented at the March 10, 2020 closed Council meeting.

This report is presented in response to the direction given by Council at the March 10, 2020 Council meeting.

## **Comments**

Further to Council’s direction to prepare to dispose of the lands, Council is required to pass a by-law to close up and stop the roads, and declare them surplus.

## ***Close, Stop Up and Declare Surplus***

The Town’s policy *Closing, Sale and Disposition of Streets and Alleys*, applies to all road allowances within the Town. Section 3.11 of that policy states:

- 3.11 In the case of road allowances, TAR [Technical Advisory Review Committee] will first determine if a road allowance can become or be converted to a viable and buildable lot. If the lot is deemed buildable, the sale will proceed under the sale and disposition of land Policy AD-227.
- 3.12 If the road allowance cannot become or be converted to a viable buildable lot, the land shall be offered to the adjacent landowners. Under no circumstances will property that is not deemed a viable building lot be offered to third parties.

These lanes are not buildable lots within the Plan. As such, it is recommended that the laneways be closed, declared surplus lands, and transferred to the Owners as adjacent landowners pursuant to the policy.

The recommendation in this report, if adopted by Council, includes the necessary resolution to close the roads and declare the land surplus in order for Administration to proceed with an appraisal and offering the lands to the abutting property owners.

### **Financial Impacts**

The costs associated with the sale to the Owners will be transferred to the Owners in accordance with Town policy.

**Attachment(s):** Appendix "A" – Subject Property Map

Appendix "B" - Parcel Registers

### **Report Approval Details**

Document Title:	Permanent Closure, Stop Up and Declaration of Surplus for Plan 290 Laneways Unopened Road Allowances.docx
Attachments:	- Appendix A - Map.pdf - Appendix B – Parcel Registers.pdf
Final Approval Date:	Jul 23, 2020

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

Rosanna Pellerito

Truper McBride



**SURPLUS LAND - SYLVESTRE**

PIN 750490173

PIN 750490174

42



PROPERTY DESCRIPTION: LANE PL 290 ROCHESTER ABUTTING LT 7 TO 12 PL 290 EXCEPT R1463262; LAKESHORE

PROPERTY REMARKS: RECENTLY 01438-0072.

ESTATE/QUALIFIER: RECENTLY:  
FIRST CONVERSION FROM BOOK & PIN

PIN CREATION DATE:  
2002/06/24

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
** PRINTOUT INCLUDES ALL DOCUMENT TYPES (DELETED INSTRUMENTS NOT INCLUDED) **						
DATE OF EARLIEST REGISTRATION LOADED: 1886/06/07						
PL290	1886/06/07	PLAN SUBDIVISION				C
12R25517	2013/07/31	PLAN REFERENCE				C

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.  
NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.

PROPERTY DESCRIPTION: LANE PL 290 ROCHESTER ABUTTING LT 1 TO 6 PL 290 EXCEPT R1463262; LAKESHORE

PROPERTY REMARKS: RECENTLY 01438-0072.

ESTATE/QUALIFIER: RECENTLY:  
FIRST CONVERSION FROM BOOK & PIN

PIN CREATION DATE:  
2002/06/24

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
** PRINTOUT INCLUDES ALL DOCUMENT TYPES (DELETED INSTRUMENTS NOT INCLUDED) **						
DATE OF EARLIEST REGISTRATION LOADED: 1886/06/07						
PL290	1886/06/07	PLAN SUBDIVISION				C
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NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.  
NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.

**The Corporation of the Town of Lakeshore**

**By-law 53-2020**

**Being a By-law to Confirm the Proceedings of the  
Council of The Corporation of the Town of Lakeshore.**

**Whereas**, in accordance with the *Municipal Act 2001*, S.O. 2001, c. 25, municipalities are given powers and duties in accordance with this Act and many other Acts for purposes which include providing the services and other things that a municipality considers are necessary or desirable for the municipality;

**And Whereas**, in accordance with said Act, the powers of a Municipal Corporation shall be exercised by its Council;

**And Whereas**, municipal powers, including a municipality's capacity, rights, powers and privileges shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

**And Whereas** it is deemed expedient that the proceedings of the Council of The Corporation of the Town of Lakeshore at this session be confirmed and adopted by By-law.

**Now therefore the Council of The Corporation of the Town of Lakeshore enacts as follows:**

1. The actions of the Council of The Corporation of the Town of Lakeshore in respect of all recommendations in reports of Committees, all motions and resolutions and all other action passed and taken by the Council of The Corporation of the Town of Lakeshore, documents and transactions entered into during the June 23<sup>rd</sup> and June 29<sup>th</sup> 2020 sessions of Council be adopted and confirmed as if the same were expressly embodied in this By-law.
2. The Mayor or the Deputy Mayor together with the Clerk are authorized and directed to execute all documents necessary to the action taken by this Council as described in paragraph 1 of this By-law and to affix the Corporate Seal of The Corporation of the Town of Lakeshore to all documents referred to in said paragraph 1 above.

**Read and passed in an open session on August 11, 2020.**

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**Mayor  
Tom Bain**

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**Clerk  
Kristen Newman**

/cl

# **The Corporation of the Town of Lakeshore**

## **By-law 56-2020**

### **Being a By-law to Dedicate Certain Lands in the Town of Lakeshore as part of Amy Croft Drive**

**Whereas**, section 31 of the *Municipal Act, 2001*, S.O. 2001, c. 25, empowers Councils of local municipalities to enact by-laws establishing and laying out highways;

**And whereas**, The Corporation of the Town of Lakeshore has been conveyed Parts 3 and 4 on Reference Plan 12R-27957 as in Instrument No. CE147288 and Part 1 on Reference Plan 12R28070 for road widening purposes;

**And whereas**, Parts 3 and 4 on Reference Plan 12R-23236 are part of Block 126 on Registered Plan 12M-445 which is a one foot reserve that is no longer required;

**And whereas**, it is deemed necessary and appropriate to dedicate the aforementioned parcels of land as part of the public highway known as Amy Croft Drive;

**Now therefore the Council of The Corporation of the Town of Lakeshore enacts as follows:**

1. That the lands legally described in Schedule "A", are hereby dedicated as part of the public highway known as Amy Croft Drive.
2. This By-law comes into force and effect upon passage.

Read and passed in open session on August 11, 2020.

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**Mayor  
Tom Bain**

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**Clerk  
Kristen Newman**

**Schedule "A"**  
**to By-law 56-2020**

**Firstly:**

Part Lot 3 Concession West of Pike Creek Maidstone Parts 4 And 5, 12r27957; Town of Lakeshore

Being All Of Pin 75008-0816

**Secondly:**

Part of Lot 3, Concession West Of Pike Creek, Part 1 Plan 12r-28070 Maidstone; Town of Lakeshore

Being Part of Pin 75008-0813

**Thirdly:**

Part Block 126 PI 12m445 Designated As Parts 3 & 4 PI 12r23236; Lakeshore

Being All of Pin 75008-0691

# **The Corporation of the Town of Lakeshore**

## **By-law 62-2020**

### **Being a By-law to Permanently Close, Stop Up and Declare Surplus Two Unopened Road Allowances known as the Laneways in the Judge's Plan 290 in the former Township of Rochester**

**Whereas**, the Town has the authority pursuant to the *Municipal Act, 2001*, S.O. 2001, c.25, to close and stop up the road allowances known as Plan 290 Laneways in the former Rochester Township owned by the Town;

**And whereas**, Council deems it necessary and desirable to stop up, close, and declare surplus the road allowances known as Plan 290 Laneways and, on July 28, 2020;

**Now therefore the Council of The Corporation of the Town of Lakeshore enacts as follows:**

1. The following road allowances legally described as:
  - a. Lane Plan 290, Rochester, Abutting Lots 7 to 12, Plan 290, except R1463262; Lakeshore, being all of the Property Identifier Number 75049-0173(R) and referred to as Laneway Parcel A; and,
  - b. Lane Plan 290, Rochester, Abutting Lots 1 to 6, Plan 290, except R1463262; Lakeshore, being all of the Property Identifier Number 75049-0174(R) and referred to as Laneway Parcel B;are permanently closed, stopped up and declared surplus to the Town's land needs.
2. The Mayor and Clerk are authorized and directed to execute all documents and instruments necessary to implement the intent of this by-law.
3. This by-law shall come into force and effect upon registration in the Land Registry Office for the Registry Division of Essex (No. 12).

Read and passed in open session on August 11, 2020.

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**Mayor  
Tom Bain**

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**Clerk  
Kristen Newman**

# **The Corporation of the Town of Lakeshore**

## **By-law 63-2020**

### **Being a By-law to Confirm the Proceedings of the Council of The Corporation of the Town of Lakeshore.**

**Whereas**, in accordance with the *Municipal Act 2001*, S.O. 2001, c. 25, municipalities are given powers and duties in accordance with this Act and many other Acts for purposes which include providing the services and other things that a municipality considers are necessary or desirable for the municipality;

**And Whereas**, in accordance with said Act, the powers of a Municipal Corporation shall be exercised by its Council;

**And Whereas**, municipal powers, including a municipality's capacity, rights, powers and privileges shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

**And Whereas** it is deemed expedient that the proceedings of the Council of The Corporation of the Town of Lakeshore at this session be confirmed and adopted by By-law.

**Now therefore the Council of The Corporation of the Town of Lakeshore enacts as follows:**

1. The actions of the Council of The Corporation of the Town of Lakeshore in respect of all recommendations in reports of Committees, all motions and resolutions and all other action passed and taken by the Council of The Corporation of the Town of Lakeshore, documents and transactions entered into during the July 14<sup>th</sup> 2020 session of Council be adopted and confirmed as if the same were expressly embodied in this By-law.
2. The Mayor or the Deputy Mayor together with the Clerk are authorized and directed to execute all documents necessary to the action taken by this Council as described in paragraph 1 of this By-law and to affix the Corporate Seal of The Corporation of the Town of Lakeshore to all documents referred to in said paragraph 1 above.

**Read and passed in an open session on August 11, 2020.**

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**Mayor  
Tom Bain**

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**Clerk  
Kristen Newman**

/cl



# The Corporation of the Town of Lakeshore

## Report to Council

### Community & Development Services

### Development Services



**To:** Mayor & Members of Council

**From:** Kim Darroch, Manager of Development Services

**Date:** July 23, 2020

**Subject:** ZBA-3-2020, Cannabis Production Facility (CPF), 417 Jutras Dr. S.

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### Recommendation

Approve Zoning By-law Amendment Application ZBA-3-2020 (By-law No.059-2020, Town of Lakeshore By-law 2-2012, as amended), to rezone the parcel, indicated as the "Subject Land", on the Key Map, Appendix 1, located at 417 Jutras Drive South, in the Town of Lakeshore, from "M1, General Employment Zone" to "M1- 7, General Employment Zone Exception 7, in Holding (h2)", to permit a Cannabis Production Facility (CPF):

"CANNABIS PRODUCTION FACILITY – shall mean lands, buildings or structures used for producing, processing or destroying of cannabis which is authorized by licence issued by the Federal Minister of Health, pursuant to the previous *Access to Cannabis for Medical Purposes Regulations*, SOR/2016-230, to the *Controlled Drugs and Substances Act*, SC 1996, c 19, as amended from time to time, or any successor thereto. This includes micro-cultivation, standard cultivation and nursery licences issued under the current Government of Canada *Cannabis Regulations* SOR/2018-144 that are enabled by the *Controlled Drugs and Substances Act*, the *Food and Drugs Act* and the *Cannabis Act*.";

And, adopt the implementing by-law.

### Background

#### *Purpose*

The applicant wishes to utilize an existing 6,094.5m<sup>2</sup> (65,603.15 ft<sup>2</sup>) industrial building, located at 417 Jutras Drive South, to permit a Cannabis Production Facility (CPF). The existing building currently occupies a 4.13 hectare or 10.2 acre parcel of land, together with ancillary parking and loading facilities, located west of Patillo Road and south of County Road 22, in the *Patillo Road Industrial Park* (See Appendix 1). It is proposed

that this operation be contained within the enclosed outbuilding on the property. No further building additions or new buildings are proposed on the site at this time.

### *Health Canada*

New applicants for cultivation, processing and sale of cannabis licences (*if cannabis is to be stored on-site*) are now required to have a fully built site, which meets all the requirements of the *Cannabis Regulations* at the time of their application.

Prior to submitting an application for a licence for cultivation, processing or sale, the applicant must provide a written notice to the local government, fire authority and the police force advising of their intent to submit such application.

According to Health Canada, cannabis may be produced three ways:

1. In accordance with a licence issued by Health Canada. This can be for recreational or medical purposes, depending on the licence(s) obtained (*i.e. Licenced CPF*).

Health Canada is the federal agency responsible for regulating and licensing CPFs facilities. Licence holders are responsible for compliance with the *Cannabis Act* and its regulations, as well as compliance with other applicable federal, provincial and territorial legislation and municipal bylaws.

Licences are required to:

- Cultivate (*grow cannabis commercially*);
- Process (*cannabis into finished products, including packaging and labelling*);
- Sell cannabis for medical or non-medical purposes; and
- Conduct tests on cannabis and conduct research with cannabis.

There are various classes and sub-classes of licences and licences maybe combined to permit a greater range of activities at a facility.

2. In accordance with a registration certificate issued by Health Canada for a registered person or a designated person - this is for medical purposes only. *Designated CPFs* are not permitted to undertake the same range of industrial type activities under their registration certificate, as licenced CPFs.
3. Any adult may grow up to four cannabis plants per household for recreational use.

## Comments

*2020 Provincial Policy Statement (PPS), County Official Plan, Lakeshore Official Plan and Lakeshore Zoning By-law 2-2012*

There are no issues of Provincial, County or municipal significance raised by this application.

The site is currently designated 'Employment' in the *Town of Lakeshore Official Plan*, which permits a CPF in this designation, subject to a site specific zoning by-law amendment and site plan.

Although, the *Ontario Ministry of Agriculture, Food, Rural Affairs (OMAFRA)*, sees the commercial production of medical and non-medical marihuana, as an agricultural use, many municipalities either permit these facilities, in Agriculture Designations, Employment Designations or both, with some municipalities like Lakeshore requiring site specific zoning by-law amendments and / or site plan approval. *OMAFRA* to date, has not objected to any of these facilities being located in Industrial Parks or Employment Designations, as licenced CPFs, can be considered, a combination of an industrial use and an agricultural use, based on the range of activities which could be authorized through federal licensing.

The site is currently zoned M1, General Employment and is located in an industrial park and adjacent to properties with similar industrial or employment zoning. The M1 Zone does not permit a CPF. The Applicant has submitted Zoning By-law Amendment Application, ZBA-3-2020 to permit the proposed use at this location (417 Jutras Drive South), subject to a holding symbol for future site plan approval by the Town. A holding symbol, (h2), will be placed on the subject land, until the applicant submits a site plan application, with supporting studies (*i.e. site plan, photometrics (lighting plan), stormwater management plan, landscape plan, traffic study, fire plan, odour study etc.*) for review by Administration and outside Agencies and subsequently enters into a site plan agreement with the Town, which will address any required studies and their recommendations.

Therefore, the proposal conforms to the *2020 PPS, County of Essex Official Plan, the Town of Lakeshore Official Plan and Zoning By-law*.

## Others Consulted

### *Pre-Application Consultation*

A pre-application consultation meeting was held prior to the application submission with the Town to discuss complete application submission requirements and to identify preliminary issues with the proposal.

### *Departments and Agency Comments*

The application has been circulated to all internal departments and external agencies for comments, in accordance with *Planning Act* regulations.

### *Complete Application and Statutory Public Meeting*

The complete application and Statutory Public Meeting Notice was circulated in accordance with requirements of the *Planning Act* for Council's meeting on August 11, 2020.

At the time of writing this report no comments had been received and one member of the public has requested delegation status to speak at Council's meeting on August 11, 2020.

### *Conclusion*

Approval of the planning application will ensure compliance with municipal bylaws and will allow a prospective licence holder to continue the application process for the above-mentioned licences from Health Canada.

Under the *Planning Act*, when considering a Zoning By-law Amendment, Council has the following four alternatives when making its decision:

1. *Alternative 1 - Refusal* - should Council choose to refuse an application to amend a Zoning By-law, under Subsection 34(10.9) of the *Planning Act*, it is now required that a Notice of Refusal be issued, not later than 15 days after the day of the refusal, containing the prescribed information, to be given to:
  - (a) the person or public body that made the application;
  - (b) each person and public body that filed a written request to be notified of a refusal; and
  - (c) any prescribed person or public body.

As part of the required prescribed information, the Notice of Refusal must also now contain a written explanation for the refusal.

*Comment - In this particular instance, the Applicant would have the option of appealing Council's decision to the LPAT.*

2. *Alternative 2 - Deferral* - deferral of an application often occurs when further information or consultation is required, usually becoming apparent after the scheduled public meeting date has been set or after the planning report has been completed. Consequently, it is usually something that Administration will recommend either in the planning report or in lieu of the written recommendations. From Council's perspective, a deferral option is often considered should new issues arise at the public meeting or when Council feels that it requires further information in order to make an informed decision.

*Comment - At the time of writing, no additional information or studies were deemed necessary.*

3. *Alternative 3 - Approve as modified or revised* - this is an approach used where the planning review of the application or the consultation process reveals the need for mitigation measures or compromises. Often the planning report will

recommend to approve the application, subject to certain modifications, conditions, etc., that are slightly different from what has been requested in the application. From Council's perspective it may also choose to approve the application, but also modify the approval to the recommendations as submitted.

*Comment - There are no modifications that would substantially improve the application.*

4. Alternative 4 - Approval - the application is approved as submitted without modifications.

Based on the foregoing, the Town's Planner supports Alternative 4 (Approval), as it is consistent with the PPS and County and Lakeshore Official Plans.

### **Financial Impacts**

There are no adverse financial impacts resulting from the recommendation.

**Attachment(s):** Appendix 1 – Key Map

### **Report Approval Details**

Document Title:	ZBA-3-2020 Cannabis Production Facility.docx
Attachments:	- Appendix 1 Key Map - 417JutrasDr_airphoto.pdf
Final Approval Date:	Aug 4, 2020

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

Tammie Ryall

Rosanna Pellerito

Kristen Newman

Truper McBride



## Appendix 1



# The Corporation of the Town of Lakeshore

## Report to Council

### Community & Development Services

### Development Services



**To:** Mayor & Members of Council  
**From:** Ian Search, Planner Level 1  
**Date:** July 29, 2020  
**Subject:** ZBA-10-2020, Chad Thomas, 408 County Road 2

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### Recommendation

Approve Zoning By-law Amendment Application ZBA-10-2020 (By-law 057 - 2020), to re-zone the current zone category from R1-16, Residential Type 1 Zone Exception 16 to a R1-36, Residential Type 1 Zone Exception 36, to permit a 178.38 m<sup>2</sup> (1,920 ft<sup>2</sup>) accessory building that is 5.33 metres (17.5 feet) in height, for a parcel of land, indicated as the "Subject Land" on the Key Map, Figure 1 (Appendix 1) located at 408 County Road 2, in the Community of Rochester, Town of Lakeshore and adopt the implementing by-law.

### Background

The subject property is a 1.48 acre residential lot, located on the south side of County Road 2, west of Strong Road, in the Community of Rochester (See Appendix 1).

The applicant is proposing to construct a 178.38 m<sup>2</sup> (1,920 ft<sup>2</sup>) accessory building that is 5.33 metres (17.5 feet) in height. The building will be used to store a boat and other personal belongings.

Subject Parcel	Lot Area – 1.48 acres Existing Use – single detached dwelling Proposed Use – accessory building for personal storage proposed as an additional permitted use that is 5.33 metres (17.5 feet) in height and 178.38 m <sup>2</sup> (1,920 ft <sup>2</sup> ). Access – existing – County Road 2 Servicing – full municipal servicing available
Surrounding Uses	North – residential land uses East – residential and agricultural land uses

	West – residential land uses South – residential land uses
Official Plan	Agricultural
Existing Zoning	R1-16, Residential Type 1 Zone Exception 16

## Comments

### Provincial Policy Statement (PPS), County Official Plan and Lakeshore Official Plan

There are no issues of Provincial, County or municipal significance raised by this application.

The application does not conflict with the Provincial Policy Statement (PPS) 2020.

The subject lands are designated 'Agricultural' in the County Official Plan and Lakeshore Official Plan. A single residential dwelling and accessory uses/buildings are permitted on lands designated 'Agricultural'.

### Zoning By-law

The subject lands are currently zoned "R1-16, Residential Type 1 Zone Exception 16". Accessory buildings are permitted in any zone subject to the provisions of the Zoning By-law. Under Section 6.5 of the By-law, accessory buildings shall not exceed 5.0 metres in height unless within an Agriculture Zone, and shall not exceed a gross floor area of 55 m<sup>2</sup> (592 ft<sup>2</sup>) for each accessory building on a lot in an R1 zone.

An amendment to Lakeshore's Zoning By-law 2-2012 is required in order to permit a 178.38 m<sup>2</sup> (1,920 ft<sup>2</sup>) accessory building that is 5.33 metres (17.5 feet) in height on the subject property.

### Site Plan

The site plan drawing attached as Appendix 2 prepared by the applicant details the proposed accessory building.

### Issues

The main issues associated with this development application, concerns suitability of the property for the proposed building, compatibility to surrounding residential uses, site design, and property values.



### *Suitability of the Property, Compatibility with Surrounding Uses*

The subject property has a depth of approximately 215 metres and is large enough to comfortably accommodate the accessory building. By providing an 81 metre (266 foot) setback from the front property line, as indicated on the site plan, it is evident that the accessory building will be constructed in a location that minimizes impact on the streetscape and neighbouring properties. The purpose of the size restriction in the Zoning By-law is to regulate the size of accessory buildings in a typical subdivision so that these buildings do not dominate the landscape and look out of character. Properties located at the south-east corner of Broadway Street and County Road 2 intersection have significantly larger lots and building setbacks than a typical subdivision. Moreover, a number of large accessory buildings, which are similar in size to the proposed building, have been constructed on these properties through approvals granted by the Committee of Adjustment. While Planning Services did not support the construction of every accessory building in this area, their existence does reduce the incompatibility of the proposed building.

### *Site Design*

The proposal appears to be safe, functional and similar accessory buildings are constructed throughout the municipality.

### *Property Values*

Frequently, when large accessory buildings are proposed, residents perceive that their property values may be negatively impacted.

Devaluation of properties is a perceived effect that is difficult to assess. Property values are influenced by many factors and are primarily determined by the condition of the property for sale and other broader, more complex forces, such as, overall area development and neighbourhood prosperity. Given the context of the area, the location and size of the proposed accessory building has no significant impact on these other conditions which determine property values. The assumption is that property values will decline with the location of the development is typically based on an idea that this one development would affect the whole neighbourhood. The building fits in with the character of the area.

### *Conclusion*

Staff recommend approval of the zoning by-law amendment application as it is consistent with the 2020 PPS, County of Essex Official Plan and the Town of Lakeshore Official Plan.

Based on the foregoing, the Town's Planner supports Alternative 4 (Approval).

Under the Planning Act, when considering a Zoning By-law Amendment, Council has the following four alternatives when making its decision:

1. Alternative 1 - Refusal - should Council choose to refuse an application to amend a Zoning By-law, under Subsection 34(10.9) of the Planning Act, it is now required that a Notice of Refusal be issued, not later than 15 days after the day of the refusal, containing the prescribed information, to be given to:
  - (a) the person or public body that made the application;
  - (b) each person and public body that filed a written request to be notified of a refusal; and
  - (c) any prescribed person or public body.

As part of the required prescribed information, the Notice of Refusal must also now contain a written explanation for the refusal.

*Comment - In this particular instance, the Applicant would have the option of appealing Council's decision to the LPAT.*

2. Alternative 2 - Deferral - deferral of an application often occurs when further information or consultation is required, usually becoming apparent after the scheduled public meeting date has been set or after the planning report has been completed. Consequently, it is usually something that Administration will recommend either in the planning report or in lieu of the written recommendations. From Council's perspective, a deferral option is often considered should new issues arise at the public meeting or when Council feels that it requires further information in order to make an informed decision.

*Comment - At the time of writing, no additional information or studies were deemed necessary.*

3. Alternative 3 - Approve as modified or revised - this is an approach used where the planning review of the application or the consultation process reveals the need for mitigation measures or compromises. Often the planning report will recommend to approve the application, subject to certain modifications, conditions, etc., that are slightly different from what has been requested in the application. From Council's perspective it may also choose to approve the application, but also modify the approval to the recommendations as submitted.

*Comment - There are no modifications that would substantially improve the application.*

4. Alternative 4 - Approval - the application is approved as submitted without modifications.

## **Others Consulted**

Internal departments and external agencies in accordance with *Planning Act* regulations. A Public Meeting Notice was circulated in accordance with the Planning Act for the August 11 Council Meeting. One written comment was received from the property owner located

at 412 County Road 2. The owner of this property strongly opposes the building because the Zoning By-law limits the size of accessory buildings in residential areas to maintain neighbourhood compatibility, and approval will encourage others to seek the same exception. Their comment also raises concerns over the use of the proposed building, suggesting fire hazards could arise from the gas in boat tanks, or electrical issues may result from igniting and burning fiber glass boats. If the approval is granted, the owner believes strict restrictions should apply.

Planning Services aims to assess the impact of each proposed accessory building on a case by case basis. In this case, administration is of the opinion that this building is suitable given the context of the surrounding area. The building will simply be used for personal storage of a boat and other belongings. The applicant will not be permitted to use this structure to work on boats as part of a gainful occupation. This limits the use of mechanical equipment which may result in hazards or undue disturbances for the area.

### **Financial Impacts**

There are no adverse financial budget impacts resulting from the recommendation.

**Attachment(s):     Appendix “1” Key Plan  
                             Appendix “2” Site Plan & Elevations**

### **Report Approval Details**

Document Title:	ZBA-10-2020 Chad Thomas.docx
Attachments:	- Appendix 1 - 408 County Road 2.pdf - Appendix 2-Site Plan Elevations.pdf
Final Approval Date:	Aug 4, 2020

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

Kim Darroch

Rosanna Pellerito

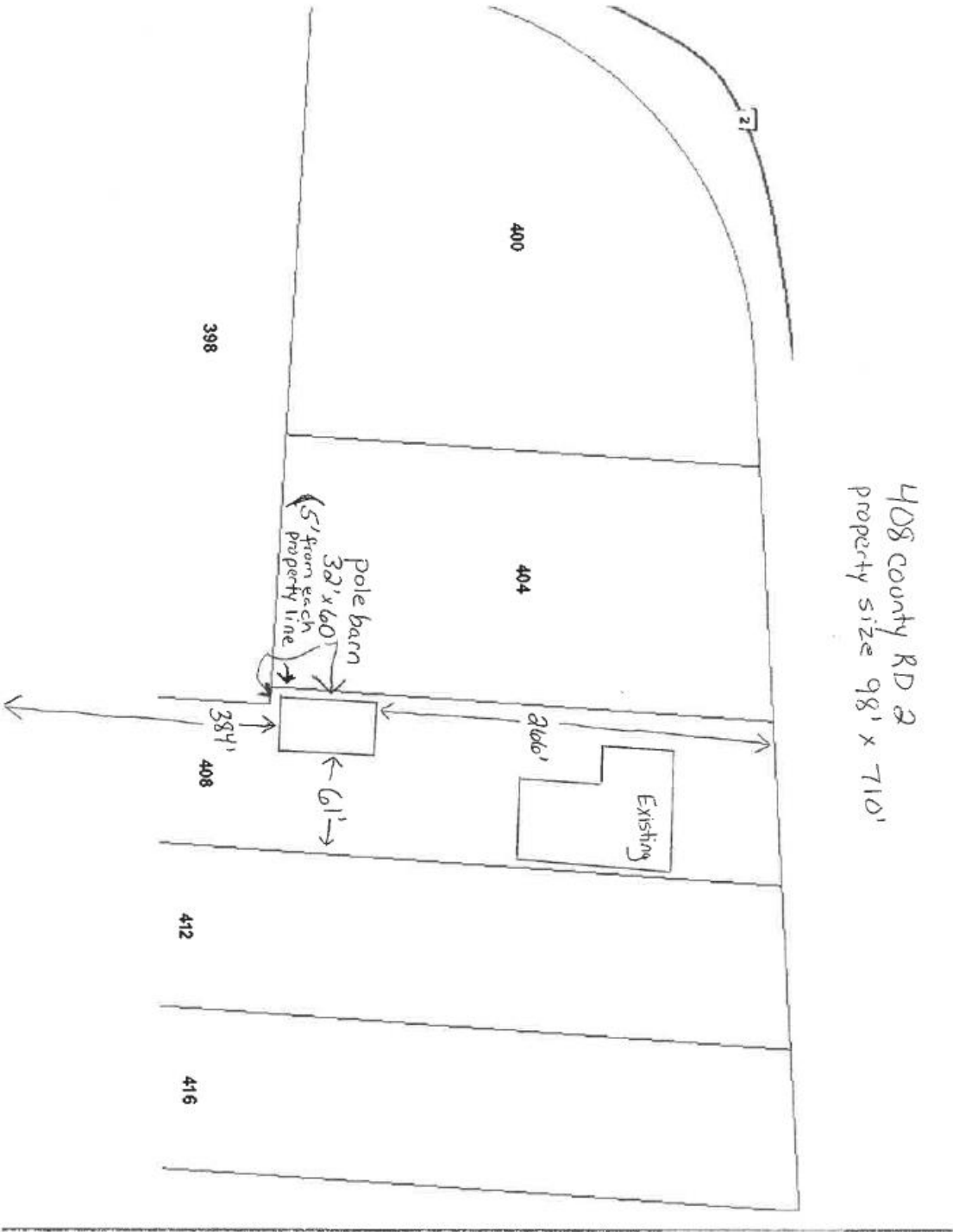
Kristen Newman

Truper McBride

Appendix 1 – 408 County Road 2



Appendix "2" Site Plan & Elevations

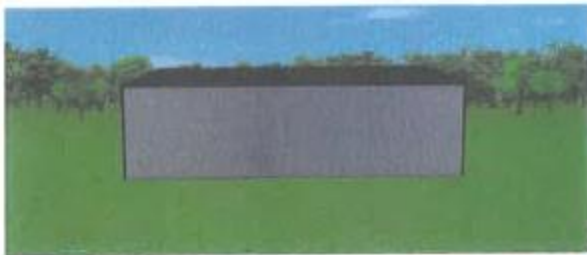


408 county rd 2 – pole barn –

Over all dimensions 32'x60'

ceiling height 15' 9"

Middle of gable height 17' 6"



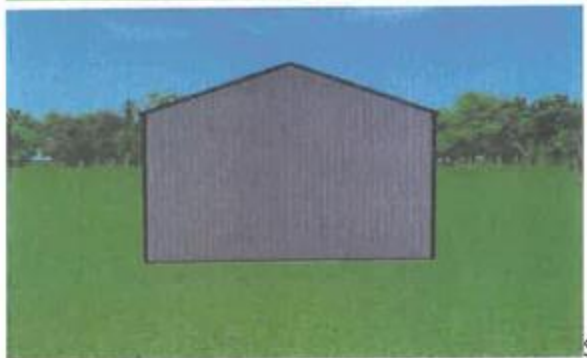
WEST WALL



NORTH WALL (14'x14' garage door + Mando



EAST WALL (3-windows 36"x36")



SOUTH WALL

# The Corporation of the Town of Lakeshore

## Report to Council

### Community & Development Services

### Development Services



**To:** Mayor & Members of Council

**From:** Ian Search, Planner Level 1

**Date:** July 29, 2020

**Subject:** ZBA-11-2020, Ryan Marentette, 970 West Belle River Road

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### Recommendation

Approve Zoning By-law Amendment Application ZBA-11-2020 (By-law 058 - 2020), to re-zone the current zone category from RW1, Residential Waterfront - Watercourse to a RW1-19, Residential Waterfront – Watercourse Zone Exception 19 (RW1-19), to permit a 118.92 m<sup>2</sup> (1,280 ft<sup>2</sup>) accessory building for a parcel of land, indicated as the “Subject Land” on the Key Map, Figure 1 (Appendix 1) located at 970 West Belle River Road, in the Community of Maidstone, Town of Lakeshore and adopt the implementing by-law.

### Background

The subject property is a 3,965.92 m<sup>2</sup> (0.98 acre) residential lot, located on the east side of West Belle River Road, north of Highway 401, in the Community of Maidstone (See Appendix 1).

The applicant is proposing to construct a 118.92 m<sup>2</sup> (1,280 ft<sup>2</sup>) accessory building. The building will be used for seasonal storage of small boats and other personal belongings.

Subject Parcel	Lot Area – 0.98 acres Existing Use – single detached dwelling Proposed Use – accessory building for personal storage proposed as an additional permitted use with a size of 118.92 m <sup>2</sup> (1,280 ft <sup>2</sup> ) Access – existing – West Belle River Road Servicing – municipally owned and operated piped water supply, septic system
Surrounding Uses	North – residential land uses East – residential land uses

	West – agricultural land uses South – residential land uses
Official Plan	Waterfront Residential
Existing Zoning	RW1, Residential Waterfront - Watercourse

## Comments

### Provincial Policy Statement (PPS), County Official Plan and Lakeshore Official Plan

There are no issues of Provincial, County or municipal significance raised by this application.

The application does not conflict with the Provincial Policy Statement (PPS) 2020.

The subject lands are designated 'Settlement Area' in the County Official Plan and "Waterfront Residential" in the Lakeshore Official Plan. A single residential dwelling and accessory uses/buildings are permitted on lands designated 'Waterfront Residential'.

### Zoning By-law

The subject lands are currently zoned "RW1, Residential Waterfront - Watercourse". Accessory buildings are permitted in any zone subject to the provisions of the Zoning By-law. Under Section 6.5 a) ix) of the By-law, accessory buildings shall not exceed a gross floor area of 55 m<sup>2</sup> (592 ft<sup>2</sup>) for each accessory building on a lot in an RW1 zone.

An amendment to Lakeshore's Zoning By-law 2-2012 is required in order to permit a 118.92 m<sup>2</sup> (1,280 ft<sup>2</sup>) accessory building on the subject property.

### Site Plan

The site plan drawing attached as Appendix 2 prepared by the applicant details the proposed accessory building.

### Issues

The main issues associated with this development application, concerns suitability of the property for the proposed building, compatibility to surrounding residential uses, site design, and property values.

### *Suitability of the Property, Compatibility with Surrounding Uses*

The lot area of the subject property is nearly 1 acre, and has a frontage of approximately 77.11 metres (253 feet), making it large enough to comfortably accommodate the accessory building, existing house and septic system. As indicated



on the site plan drawing, the applicant is proposing to construct the accessory building 12.19 metres (40 feet) from the south side lot line when a setback of only 1.5 metres (4.92 feet) is required under the By-law, thereby mitigating the impact of the accessory building on their neighbour to the south.

The purpose of the size restriction in the Zoning By-law is to regulate the size of accessory buildings in a typical subdivision so that these buildings do not dominate the landscape and look out of character. Properties located on the east side of West Belle River Road and just north of Lions Club Road have significantly larger lots and frontages than a typical subdivision. Thus, there is greater separation between dwellings, and more area to accommodate an accessory building of this size without it being considered incompatible with the surrounding area. The agricultural land on the west side of the road contributes to this supportive context.

### *Site Design*

The proposal appears to be safe, functional and similar accessory buildings are constructed throughout the municipality.

### *Property Values*

Frequently, when large accessory buildings are proposed, residents perceive that their property values may be negatively impacted.

Devaluation of properties is a perceived effect that is difficult to assess. Property values are influenced by many factors and are primarily determined by the condition of the property for sale and other broader, more complex forces, such as, overall area development and neighbourhood prosperity. Given the context of the area, the location and size of the proposed accessory building has no significant impact on these other conditions which determine property values. The assumption is that property values will decline with the location of the development is typically based on an idea that this one development would affect the whole neighbourhood. The building fits in with the character of the area.

### Conclusion

Staff recommend approval of the zoning by-law amendment application as it is consistent with the 2020 PPS, County of Essex Official Plan and the Town of Lakeshore Official Plan.

Based on the foregoing, the Town's Planner supports Alternative 4 (Approval).

Under the Planning Act, when considering a Zoning By-law Amendment, Council has the following four alternatives when making its decision:

1. Alternative 1 - Refusal - should Council choose to refuse an application to amend a Zoning By-law, under Subsection 34(10.9) of the Planning Act, it is now required

that a Notice of Refusal be issued, not later than 15 days after the day of the refusal, containing the prescribed information, to be given to:

- (a) the person or public body that made the application;
- (b) each person and public body that filed a written request to be notified of a refusal; and
- (c) any prescribed person or public body.

As part of the required prescribed information, the Notice of Refusal must also now contain a written explanation for the refusal.

*Comment - In this particular instance, the Applicant would have the option of appealing Council's decision to the LPAT.*

2. Alternative 2 - Deferral - deferral of an application often occurs when further information or consultation is required, usually becoming apparent after the scheduled public meeting date has been set or after the planning report has been completed. Consequently, it is usually something that Administration will recommend either in the planning report or in lieu of the written recommendations. From Council's perspective, a deferral option is often considered should new issues arise at the public meeting or when Council feels that it requires further information in order to make an informed decision.

*Comment - At the time of writing, no additional information or studies were deemed necessary.*

3. Alternative 3 - Approve as modified or revised - this is an approach used where the planning review of the application or the consultation process reveals the need for mitigation measures or compromises. Often the planning report will recommend to approve the application, subject to certain modifications, conditions, etc., that are slightly different from what has been requested in the application. From Council's perspective it may also choose to approve the application, but also modify the approval to the recommendations as submitted.

*Comment - There are no modifications that would substantially improve the application.*

4. Alternative 4 - Approval - the application is approved as submitted without modifications.

## **Others Consulted**

Internal departments and external agencies in accordance with *Planning Act* regulations. A Public Meeting Notice was circulated in accordance with the Planning Act for the August 11 Council Meeting. A comment in support of the proposal was received from the neighbouring property owner to the south located at 980 West Belle River Road.

## Financial Impacts

There are no adverse financial budget impacts resulting from the recommendation.

**Attachment(s):**     **Appendix “1” Key Plan**  
                              **Appendix “2” Site Plan & Elevations**

## Report Approval Details

Document Title:	ZBA-11-2020 Ryan Marentette.docx
Attachments:	- Appendix 1 - 970 West Belle River Road.pdf - Appendix 2-Site Plan Elevations -Marentette.pdf
Final Approval Date:	Aug 4, 2020

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

Kim Darroch

Rosanna Pellerito

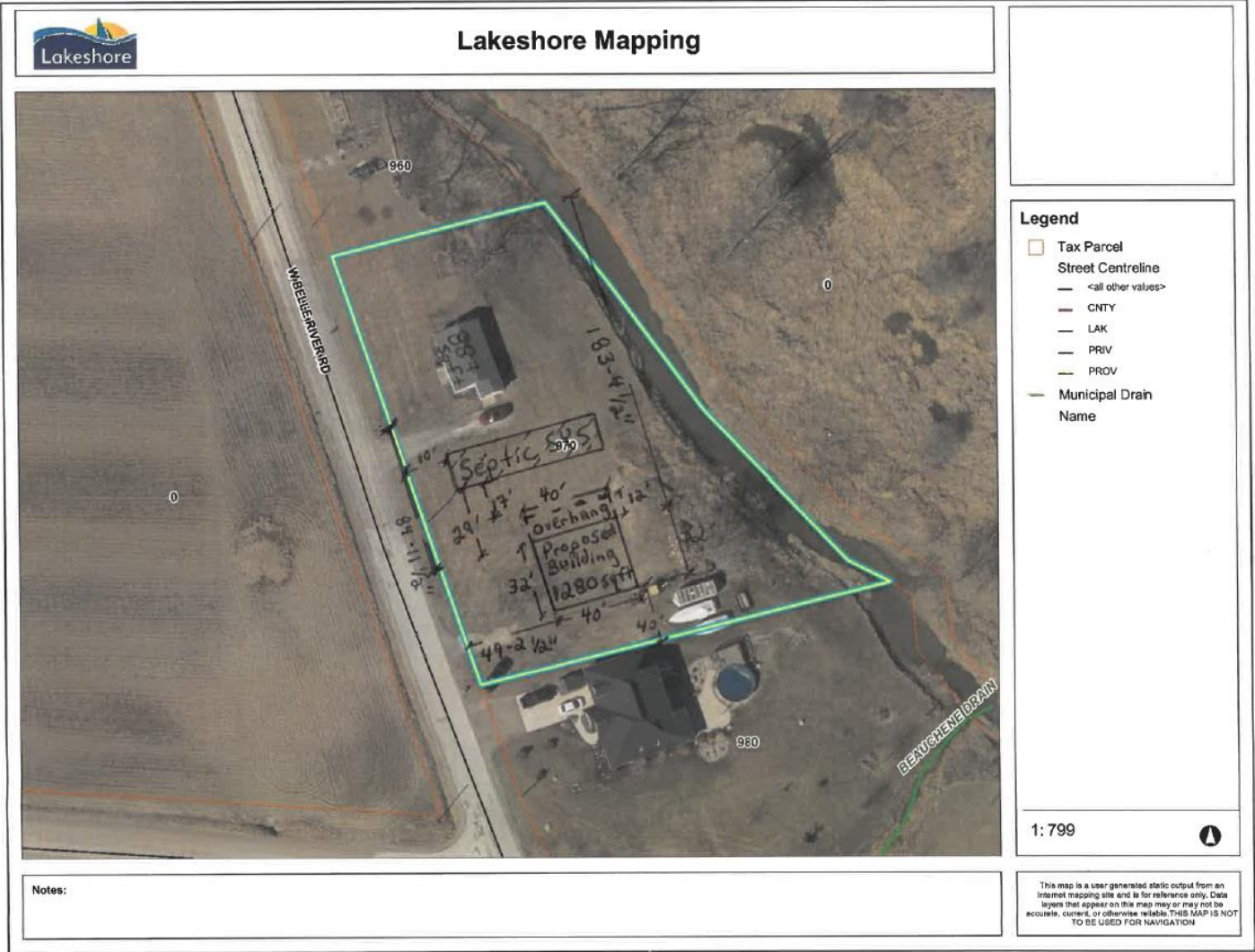
Kristen Newman

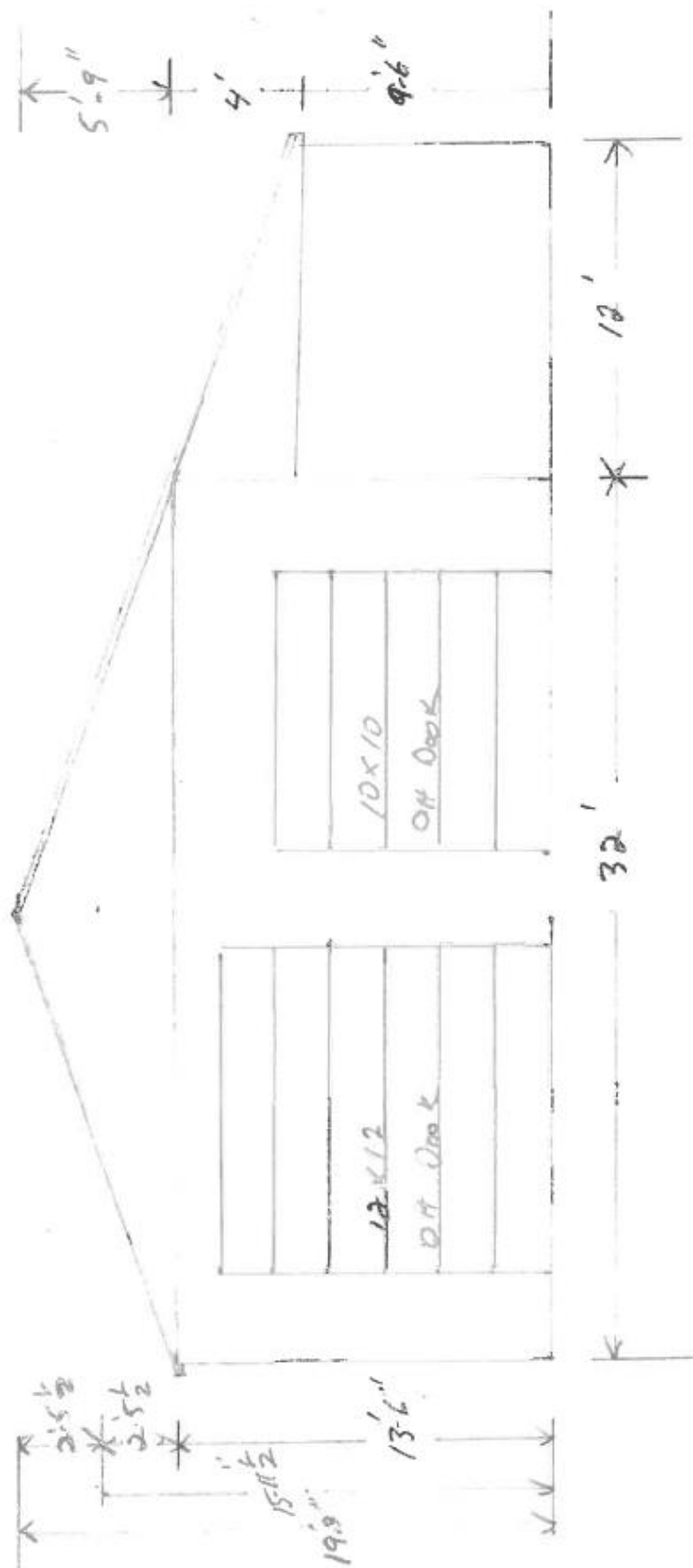
Truper McBride

## Appendix 1 – 970 West Belle River Road

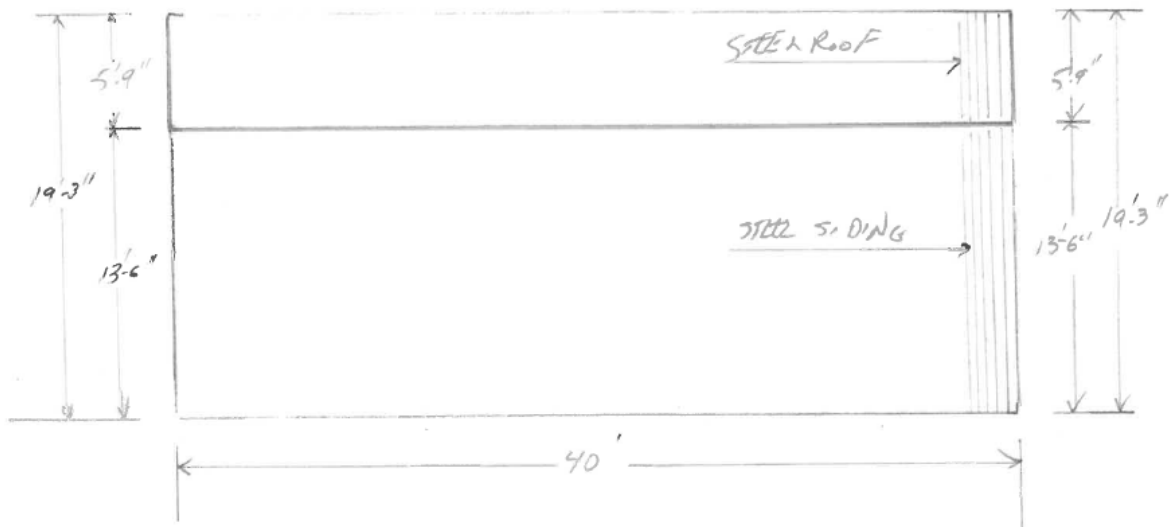
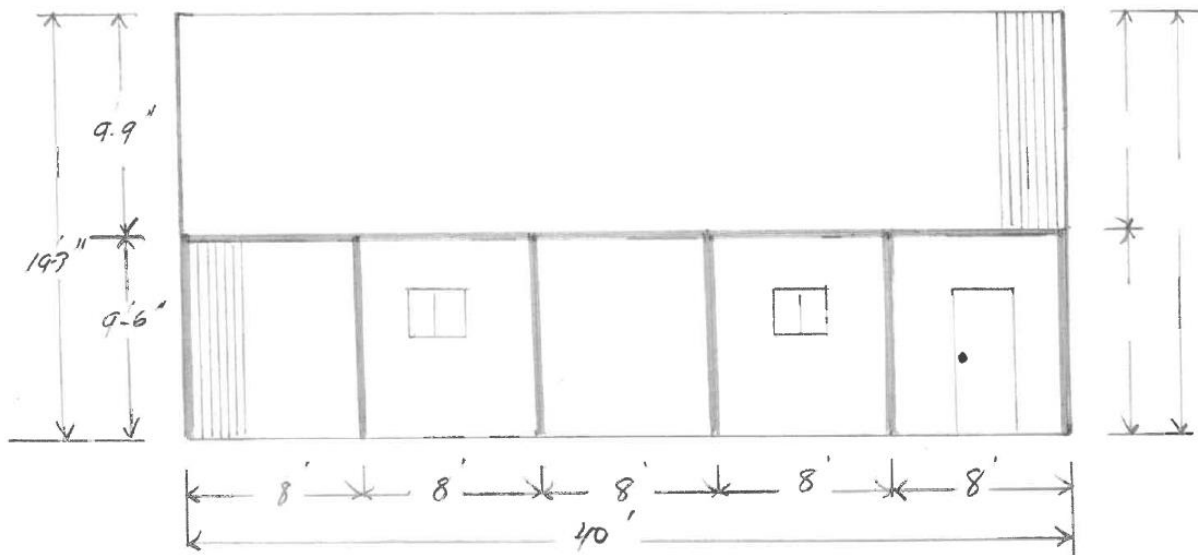


Appendix 2 - Site Plan and Elevations









# WINDSOR ESSEX HOUSING AND HOMELESSNESS MASTER PLAN

## Presentation to Town of Lakeshore Council

August 11, 2020



2019 - 2028



# CONSULTATION HIGHLIGHTS

## ACTIVITIES:

## PARTICIPANTS:



WORKSHOP

90



FOCUS GROUPS WITH INDIVIDUALS WITH  
LIVED EXPERIENCE

27



SMALL GROUP DISCUSSIONS

108



QUESTIONNAIRES WITH MEMBERS OF COUNCIL

3



TELEPHONE INTERVIEWS WITH SERVICE  
PROVIDERS

4



ONLINE SURVEY

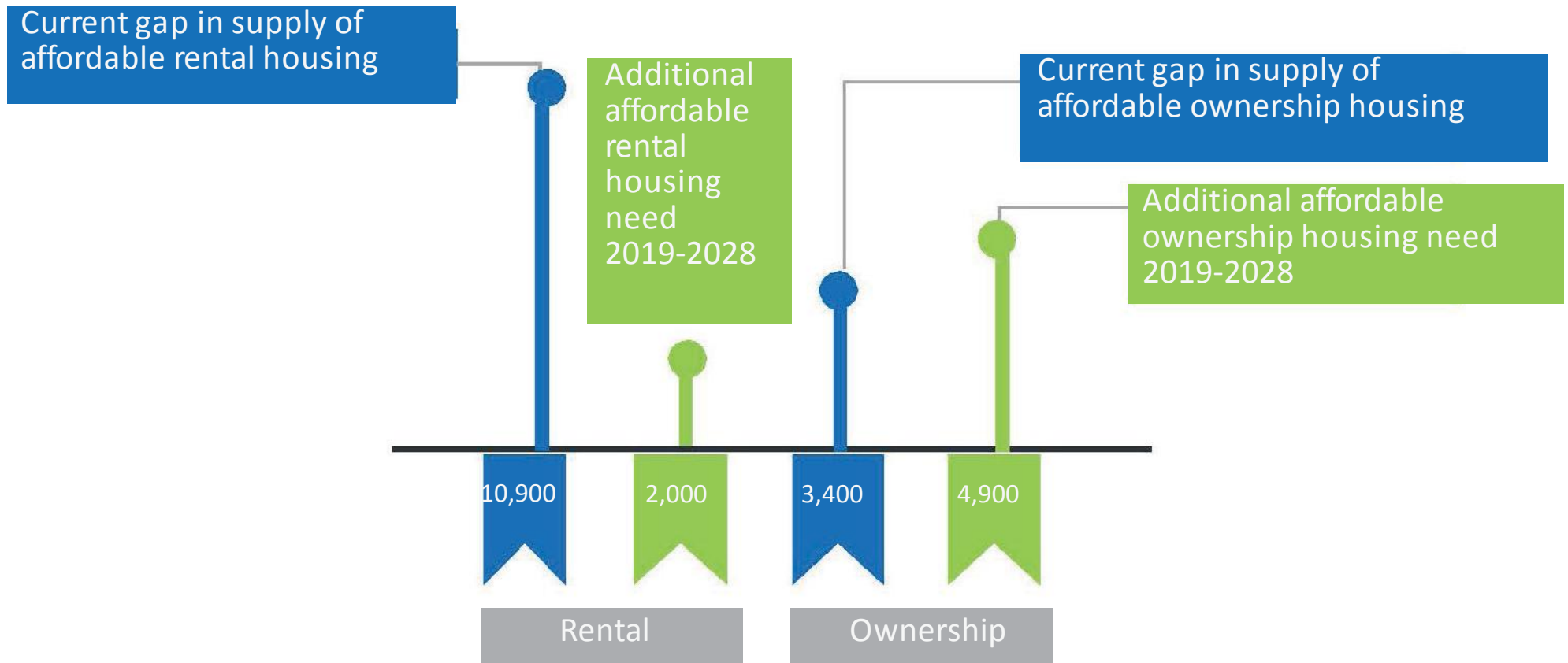
1,449

(200 OF WHICH HAD A LIVED  
EXPERIENCE OF HOMELESSNESS)

Page 171 of 415

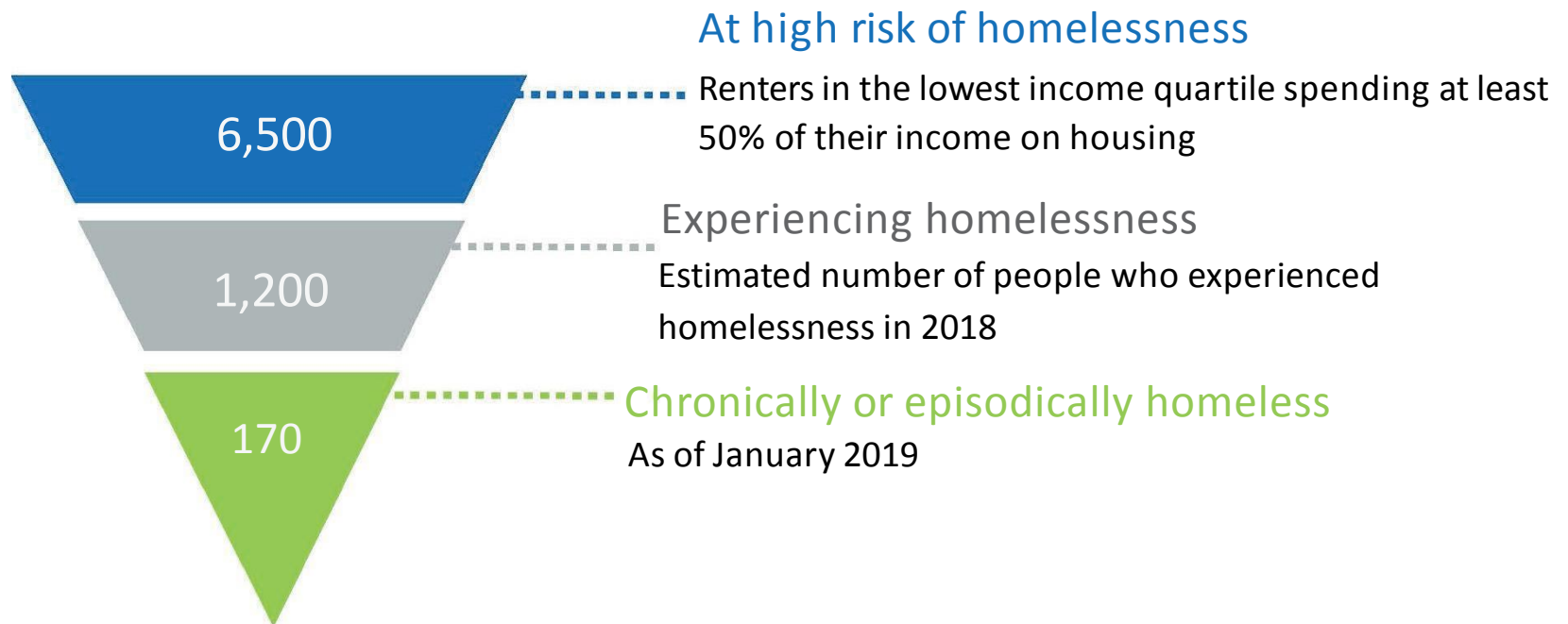
# CURRENT STATE OF HOUSING AND HOMELESSNESS IN WINDSOR ESSEX

## AFFORDABLE HOUSING GAP IN WINDSOR ESSEX:



# CURRENT STATE OF HOUSING AND HOMELESSNESS IN WINDSOR ESSEX

HOW MANY PEOPLE MAY BE EXPERIENCING HOMELESSNESS IN WINDSOR ESSEX?



# THE UPDATED PLAN (2019-2028)

## VISION:

Windsor Essex is an inclusive community where everyone has a safe, affordable, accessible, and quality home, and everyone lives where they can actively participate

# GUIDING PRINCIPLES



Achieving our goals is a collective responsibility that will require cross-sectoral **collaborative action** to develop system-level solutions.

# GUIDING PRINCIPLES



We will implement **evidence-based** solutions with a focus on efficiency, cost-effectiveness and continuous improvement.

# GUIDING PRINCIPLES



Our programs, services and supports will be **people-centred** and aimed at helping people obtain and retain housing.

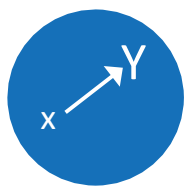
# GUIDING PRINCIPLES



The Plan will be **responsive** to the National Housing Strategy, Ontario's Community Housing Renewal Strategy, and any other future Provincial and Federal housing and homelessness strategies and initiatives.



# GUIDING PRINCIPLES



Achieving the goals under the Plan will require **leveraging additional resources** from all levels of government.

# GOALS

## GOAL 1:

SUSTAIN AND EXPAND SOCIAL  
AND AFFORDABLE HOUSING  
SUPPLY

# GOALS

## GOAL 2:

SUSTAIN AND EXPAND HOUSING THAT IS  
LINKED WITH SUPPORTS

# GOALS

## GOAL 3: ENDING HOMELESSNESS

# GOALS

## GOAL 4:

ADDRESS INDIGENOUS HOUSING AND  
HOMELESSNESS NEEDS

# GOALS

## GOAL 5:

REDUCE AND PREVENT YOUTH  
HOMELESSNESS

# GOALS

## GOAL 6:

FOSTER SUCCESSFUL TENANCIES  
THROUGH COMMUNITY COLLABORATION

# GOALS

## GOAL 7:

MONITOR, REPORT AND EVALUATE



## GOAL 1:

### SUSTAIN AND EXPAND SOCIAL AND AFFORDABLE HOUSING SUPPLY

#### KEY TARGETS

- » By 2028, the number of households assisted in RGI, affordable rental housing units and/or rent assisted units will increase by 30%
- » On average, 30% of existing social housing units will be repaired annually
- » By 2022, a tracking mechanism will be established by municipal building and planning departments to track private market affordable housing units

## GOAL 3: ENDING HOMELESSNESS

### KEY TARGETS

- » By 2028, 2,800 people experiencing homelessness will be housed through Coordinated Access (CA) systems following a Housing First philosophy
- » By 2024, 50% of people experiencing chronic homelessness will be housed with appropriate supports
- » By 2028, 100% of people experiencing chronic and episodic homelessness will be housed with appropriate supports
- » By 2028, 50% of people experiencing homelessness leaving institutions will be discharged into appropriate housing

## GOAL 7: MONITOR, REPORT AND EVALUATE

### I KEY TARGETS



By 2021, establish a cross-sectoral data, collection and reporting framework



By 2021, develop, implement, and maintain a public awareness and education campaign on the Plan



By 2022, Homeless Individuals and Families Information System (HIFIS) will be implemented in 100% of agencies participating in coordinated access

# WHAT CAN COUNCIL DO TO SUPPORT THE PLAN?

- Adopt policy changes and encourage local municipalities to adopt policy changes:
  - Re-designating lands to permit greater range of housing types, higher densities, and/or more compact developments
  - Inclusionary zoning
  - Off set planning application and permit fees
  - Provide grants or loans
  - Sell or lease surplus County land at reduced cost
- Support the Plan strategies and targets by working with the City of Windsor to incorporate them into annual operating budgets and long term capital budgets
- Integrate the need for affordable housing as a strategic priority within County plans

# WHAT DO WE NEED FROM THE COMMUNITY?

- Support the vision and goals
- Shared responsibility for the actions and targets
- True collaboration and integration of programs, services and sectors
- Support from other municipalities in the community

# The Corporation of the Town of Lakeshore

## Report to Council

### Community & Development Services

#### Development Services



**To:** Mayor & Members of Council

**From:** Kim Darroch, Manager of Development Services

**Date:** July 24, 2020

**Subject:** Lakeside Estates Phase 2 Subdivision Agreement

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#### Recommendation

The Mayor and Clerk be authorized, by by-law 064-2020, to execute a Subdivision Agreement with the Owner, subject to the inclusion of the following provision:

- a. The agreement covers a total of seventy-one lots for single detached residential dwellings, three blocks for sight triangles (73, 75, 76) and one block for road widening (74) and one block for parkland purposes (72), as shown on the draft plan of subdivision, approved by the County of Essex, for Lakeside Estates Phase 2, prepared and certified by Roy Simone, O.L.S., dated April 24, 2020.

#### Background

The site is located at the south-east quadrant of County Road 2 (Old Tecumseh Road) and Wallace Line Road. The lands are currently vacant and used for agricultural purposes (See Appendix 1).

As directed, the municipality held a statutory public meeting for the above draft plan of subdivision. The required statutory public meeting was held on March 10, 2020. A planner's report dated February 20, 2020, was provided to Council of the Town of Lakeshore and the following resolution was passed on March 10, 2020:

1. *Council adopt the proposed draft conditions for draft plan of subdivision application S-A-01-2019 (County File 37-T-19002) attached as Appendix "1"; and*
2. *The proposed draft conditions be submitted to the approval authority, the County of Essex, with an amendment to require dedication of parkland central to the development rather than accepting the cash in lieu.*

Subsequently, at the June 23 Council Meeting for Lakeside Estates Phase 2 Parkland Relocation, Council passed the following resolution:

1. *Council adopt the revised draft conditions being 1, 10, 11 ,12 and 16 for draft plan of subdivision application S-A-01-2019 (County File 37-T-19002), attached as Appendix "1"; and*
2. *The revised draft conditions and draft plan be submitted to the approval authority, the County of Essex.*

## **Comments**

### Plan of Subdivision

The approved draft plan is attached as Appendix 2.

A Plan of Subdivision is a legal survey (M-Plan) that divides a parcel of land into smaller lots or blocks and secures the developer's obligations through a subdivision agreement with the Town (See Appendix 3).

The developer / owner is required to sign a subdivision agreement with the Town prior to registration of the plan. Prior to registration of the plan, the owner must also fulfil all conditions provided in the County's Decision (See Appendix 4).

Once the plan is registered, lots in the subdivision can be sold (legally transferred to the purchaser) and building permits issued.

The subdivision agreement clearly states the developer's obligations to the Municipality or County, including:

- Provision of performance and maintenance securities to guarantee satisfaction of the developer's obligations under the subdivision agreement;
- Provision of a mud deposit to keep Lakeshore's roads and other lands free from dirt and debris during construction;
- Provision of a payment for boulevard trees to enhance the streetscape;
- Payment of any outstanding taxes and other accounts (i.e. legal and engineering fees);
- Provision of public liability and property insurance during the period of construction;
- Requirements for phasing (due to stormwater management constraints);
- Installation of all stormwater management measures identified in the *Stormwater Management Report*, including necessary improvements required under the

*Drainage Act;*

- Conveyance of three blocks for sight triangles (73, 75, 76) and one block for road widening (74) and one block for parkland purposes (72), to appropriate authorities and a cash-in-lieu payment for parks to the Town;
- Implementation of noise, vibration and railway requirements, including a safety berm, acoustical fence, setbacks for dwellings, warning clauses for purchasers and attenuating measures in the design of dwellings;
- Compliance with the Town's current *Development Manual* for the construction of roads, sewers, watermain, stormwater, parks, sidewalks, lighting, fencing and other services in the subdivision;
- Requirement to post on all road frontages, a subdivision map to show the lotting pattern, land uses, roadways, sidewalks etc.;
- Requirement to submit a Construction Management Plan;
- Provision that no driveway access be provided to Wallace Line Road.
- Compliance with other agency draft conditions, as outlined in the County's Notice of Decision (See Appendix 4).

The developer has determined to provide a continuation of the size and style of single detached dwellings found in the adjacent subdivision to the west or Phase 1 of Lakeside Estates.

Wallace Line Road has been identified in the Development Charges (DC) Background Study as a future road upgrade project. The reconstruction of Wallace Line Road was tentatively identified in the DC Schedule for the year 2025. It is proposed that the timing of the reconstruction will be accelerated to reflect the local development growth as well as the existing road condition and right-of-way limitations. The timing of the road reconstruction will be subject to future Council approval and budgetary considerations.

Conclusion

Detailed plans and specifications for the residential development will be required to be submitted to the Town and to be reviewed by Administration and or other agencies prior to the Town giving clearance to the County of Essex for final registration of the 12M-Plan.

All conditions of draft approval must be met, including the execution of the agreement with the Town before the draft plan of subdivision can be given final approval by the County of Essex and be registered as a 12M- Plan and any lots can be sold or permits issued for construction.



Based on the foregoing, the Town's Planner supports the recommendation in this report and recommends that Council move forward with the executed subdivision agreement.

### **Financial Impacts**

There are no financial impacts resulting from the recommendation.

### **Attachment(s):**

#### **Appendix 1 – Key Plan**

#### **Appendix 2 – Draft Plan**

#### **Appendix 3 – M-Plan**

#### **Appendix 4 – Draft Conditions – Notice of Decision**

### **Report Approval Details**

Document Title:	Lakeside Estates Phase 2 Subdivision Agreement.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix 1 key map.pdf</li><li>- Appendix 2 Approved Draft Plan.pdf</li><li>- Appendix 3 Draft M-Plan.pdf</li><li>- Appendix 4 Draft Conditions - Decision 37T19002 Lakeside Estates Ph 2.pdf</li></ul>
Final Approval Date:	Aug 4, 2020

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

Tammie Ryall

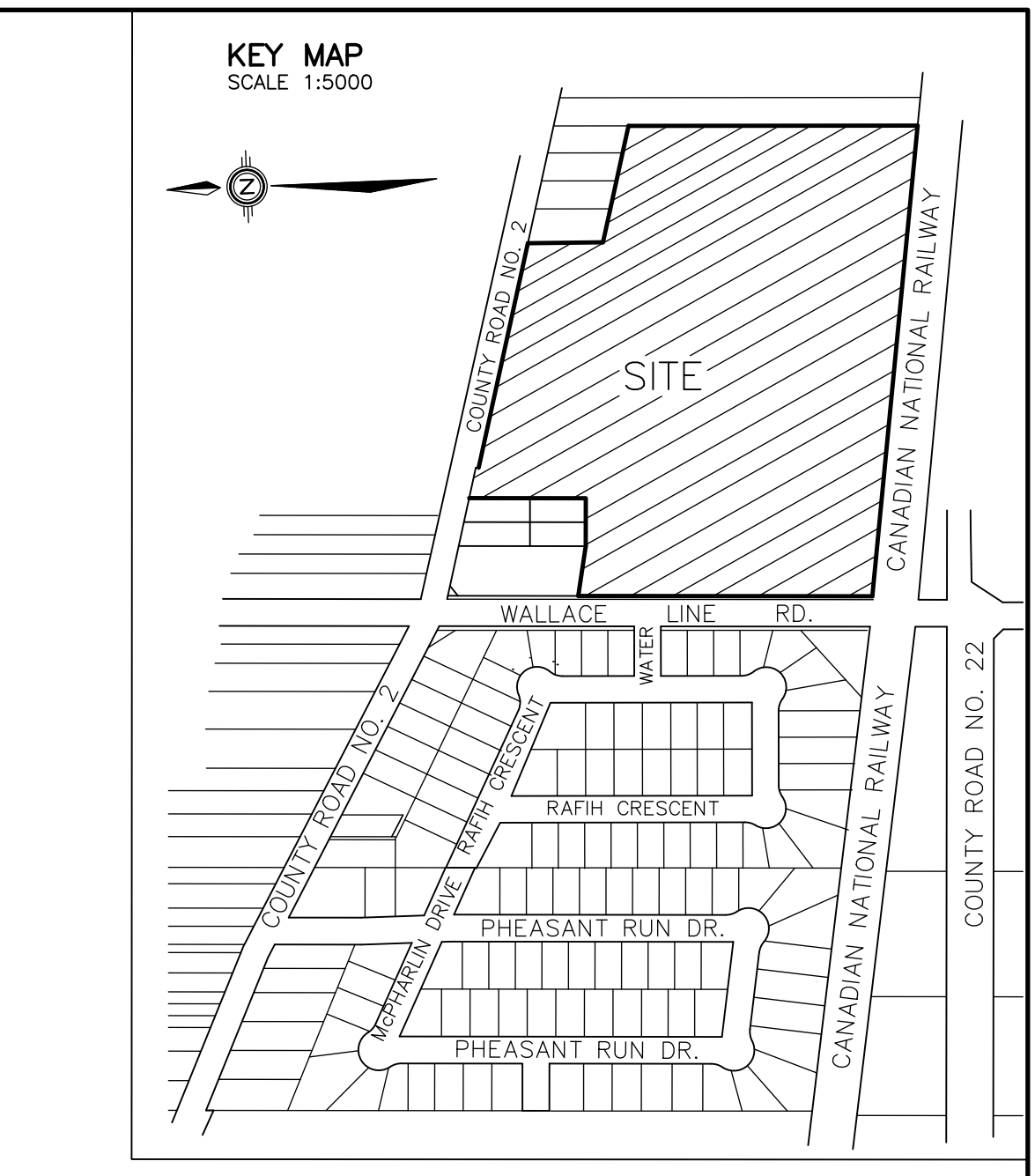
Rosanna Pellerito

Kristen Newman

Truper McBride







**DRAFT PLAN OF SUBDIVISION**  
OF  
**PART OF GORE LOT**  
**CONCESSION WEST OF PUCE RIVER**  
GEOGRAPHIC TOWNSHIP OF MAIDSTONE  
NOW IN THE  
**TOWN OF LAKESHORE**  
COUNTY OF ESSEX, ONTARIO  
VERHAEGEN • STUBBERFIELD • HARTLEY • BREWER • BEZAIRE INC.  
SCALE = 1:500

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

**LEGEND AND NOTES**  
BEARINGS ARE UTM GRID DERIVED FROM OBSERVED REFERENCE POINTS "A" AND "B" BY REAL TIME NETWORK OBSERVATIONS.  
DISTANCES ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99994871  
ALL MONUMENTS SHOWN THUSLY □ ARE IRON BARS (B) UNLESS OTHERWISE NOTED.  
BIB DENOTES 25mm X 25mm X 1.22m STANDARD IRON BAR  
BIB DENOTES 25mm X 25mm X 0.61m SHORT STANDARD IRON BAR  
BIB DENOTES 16mm X 16mm X 0.61m IRON BAR  
BIB DENOTES 16mm diameter X 0.61m ROUND IRON BAR  
C DENOTES CUT-CROSS  
CIP DENOTES 5mm X 50mm STEEL PIN  
CIP DENOTES SURVEY MONUMENT FOUND  
CIP DENOTES SURVEY MONUMENT SET AND MARKED 1744  
WIT DENOTES WITNESS 1 DENOTES PERPENDICULAR  
S DENOTES SET (W) DENOTES MEASURED (C) DENOTES INST. No. R352603  
SIB DENOTES OBSERVED REFERENCE POINT  
SIB'S SHOWN ON THIS PLAN HAVE BEEN SET IN LIEU OF SIB'S WHERE THE POSSIBILITY THAT UNDERGROUND UTILITIES EXIST.  
(S/P) DENOTES SET PROPORTIONALLY (W) DENOTES ORIGIN UNKNOWN  
(P) DENOTES PLAN 12R-27072  
(P2) DENOTES MTO PLAN P-2966-6  
(P3) DENOTES PLAN OF SURVEY BY (B91) DATED JULY 23, 1964, (D 2545)  
(P4) DENOTES PLAN 12R-26627  
(P5) DENOTES VERHAEGEN STUBBERFIELD HARTLEY BREWER BEZAIRE INC., O.L.S.  
(M) DENOTES MINISTRY OF TRANSPORTATION, ONTARIO  
(M2) DENOTES RICHARD W. MURRAY, O.L.S.  
(B91) DENOTES HOWARD B. HEAD, O.L.S.  
(WV) DENOTES VERHAEGEN AND BEZAIRE LIMITED, O.L.S.

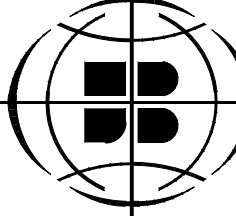
**ADDITIONAL INFORMATION**  
REQUIRED UNDER SECTION 51(1) OF THE PLANNING ACT, (R.S.O. 1990)  
(A) AS SHOWN ON PLAN (F) AS SHOWN ON PLAN  
(B) AS SHOWN ON PLAN (G) AS SHOWN ON PLAN  
(C) AS SHOWN ON PLAN (H) PIPED MUNICIPAL  
(D) SINGLE FAMILY RESIDENTIAL (I) CLAY LOAM  
(E) NORTH - EXISTING RESIDENTIAL (J) AS SHOWN ON PLAN  
(F) WEST - EXISTING RESIDENTIAL (K) ALL SERVICES TO BE PROVIDED  
(G) EAST - EXISTING RESIDENTIAL (L) AS SHOWN ON PLAN  
(H) SOUTH - RAILWAY LANDS

**SUMMARY**  
TOTAL NUMBER OF LOTS 71  
TOTAL NUMBER OF BLOCKS 5  
TOTAL AREA OF SITE 9.256 Hectares  
DENSITY 7.7 LOTS PER HECTARE  
BLOCK 72 (PARKLAND) 0.2422 Hectares

**OWNER'S CERTIFICATE**  
I HEREBY AUTHORIZE THE FILING OF THIS DRAFT PLAN FOR APPROVAL.  
**AMICO PROPERTIES INC.**  
DATE: \_\_\_\_\_ DOMINIC AMICONE  
"I HAVE THE AUTHORITY TO BIND THE CORPORATION"

**SURVEYOR'S CERTIFICATE**  
I CERTIFY THAT:  
THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO THE ADJACENT LANDS HAVE BEEN ACCURATELY AND CORRECTLY SHOWN.

DATE: APRIL 24, 2020  
ROY A. SIMONE  
ONTARIO LAND SURVEYOR  
for VERHAEGEN • STUBBERFIELD • HARTLEY  
BREWER • BEZAIRE INC.



**VERHAEGEN**  
LAND SURVEYORS  
A DIVISION OF J.D. BARNES LTD.  
944 OTTAWA STREET, WINDSOR, ON, N8X 2E1  
T: (519) 258-1772 F: (519) 258-1791 www.jdbarnes.com

DRAWN BY: N.M.G. CHECKED BY: R.A.S. REFERENCE NO.: 19-47-078-00  
FILE: 19-47-078-00 E-MAID-WPR-GORE LOT CAD Date: April 24, 2020 4:56 PM  
CAD File: 19-47-078-00A.dwg

**INTEGRATION DATA**

COORDINATES ARE DERIVED FROM GRID OBSERVATIONS USING THE CAN-NET NETWORK SERVICE AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) NAD83 (CSRS) (2010.0)  
COORDINATE VALUES ARE TO AN URBAN ACCURACY IN ACCORDANCE WITH SECTION 14(2) OREG 216/10

POINT ID	NORTHING	EASTING
ORP-A	N4685374.247	E351653.926
ORP-B	N4685308.506	E351882.935

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





**PLAN 12M-**

I CERTIFY THAT THIS PLAN IS REGISTERED IN THE LAND TITLES DIVISION OF ESSEX (12) AT \_\_\_\_\_ O'CLOCK ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_ AND ENTERED IN THE PARCEL REGISTER FOR PROPERTY IDENTIFIER 75004-0526 & 75004-0527 AND REQUIRED CONSENTS ARE REGISTERED AS PLAN DOCUMENT NO. \_\_\_\_\_

REBECCA BELANGER  
Manager, Planning Services  
County of Essex

THIS PLAN COMPREHENS ALL OF THE LAND IDENTIFIED BY P.L.N. 75004-0526 AND PART OF THE LAND IDENTIFIED BY P.L.N. 75004-0527.

**PLAN OF SUBDIVISION**  
OF  
**PART OF GORE LOT**  
**CONCESSION WEST OF PUCE RIVER**  
GEOGRAPHIC TOWNSHIP OF MADSTONE  
NOW IN THE  
**TOWN OF LAKESHORE**  
COUNTY OF ESSEX, ONTARIO  
VERHAEGEN LAND SURVEYORS  
SCALE = 1:500

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

**LEGEND AND NOTES**

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DISTANCES ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9999871

ALL MONUMENTS SHOWN THUSLY D ARE IRON BARS (B) UNLESS OTHERWISE NOTED.

SIB DENOTES 25mm X 25mm X 1.22m STANDARD IRON BAR  
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CUT-DENOTES CUT-DENOTES  
SIB DENOTES 5mm X 50mm STEEL PIN  
SIB DENOTES SURVEY MONUMENT FOUND  
SIB DENOTES SURVEY MONUMENT SET AND MARKED 1744  
SIB DENOTES WITNESS  
SIB DENOTES SET  
SIB DENOTES PERPENDICULAR  
SIB DENOTES MEASURED  
SIB DENOTES INST. No. R352603  
SIB DENOTES OBSERVED REFERENCE POINT  
SIB'S SHOWN ON THIS PLAN HAVE BEEN SET IN LIEU OF SIB'S WHERE THE POSSIBILITY THAT UNDERGROUND UTILITIES EXIST.

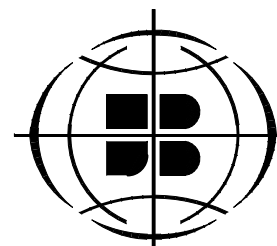
(P/P) DENOTES SET PROPORTIONALLY (O/U) DENOTES ORIGIN UNKNOWN  
(P) DENOTES PLAN 12R  
(P1) DENOTES MTO PLAN P-2966-6  
(P2) DENOTES PLAN OF SURVEY BY(691) DATED JULY 23, 1964. (D 2545)  
(P3) DENOTES PLAN 12R-26627  
(P4) DENOTES VERHAEGEN STUBBERFIELD HARTLEY BREWER BEAZIRE INC., O.L.S.  
(M/O) DENOTES MINISTRY OF TRANSPORTATION, ONTARIO  
(S14) DENOTES RICHARD W. MURRAY, O.L.S.  
(S15) DENOTES HOWARD B. HEAD, O.L.S.  
(O/L) DENOTES VERHAEGEN AND BEAZIRE LIMITED, O.L.S.

CURVE SCHEDULE				
CURVE	RADIUS	ARC	CHORD	CHORD BEARING
C1	15.00	39.72	29.09	N38°33'40"W
C2	16.93	10.49	10.32	N84°18'40"E
C3	15.51	9.37	9.23	N19°41'30"E
C4	15.00	7.81	7.72	N22°21'40"E
C5	15.00	14.62	14.08	N02°59'00"E
C6	15.00	17.28	16.34	N81°24'10"W
C7	16.93	0.90	0.90	N86°05'00"E
C8	16.93	9.59	9.46	N85°05'20"E
C9	15.00	7.84	7.75	N65°53'00"W
C10	15.00	40.69	29.32	N51°22'30"E
C11	15.00	8.26	8.16	N10°33'30"W
C12	15.00	5.08	5.05	N16°38'00"W
C13	15.00	16.94	16.05	N25°24'10"E
C14	15.00	18.63	17.45	N86°41'10"W
C15	15.00	8.04	7.94	N84°28'10"E
C16	15.00	37.81	28.57	N38°40'40"W
C17	15.00	8.26	8.16	N17°45'00"E
C18	15.00	12.32	11.97	N67°21'40"W
C19	15.00	15.80	15.08	N33°40'20"W
C20	15.00	9.70	9.53	N15°00'40"E
C21	15.00	6.83	6.78	N20°28'30"E
C22	15.00	1.43	1.43	N04°42'00"E
C23	15.00	7.51	7.43	N83°27'50"E
C24	15.00	0.53	0.53	N81°11'10"W

**OWNERS' CERTIFICATE**  
THIS IS TO CERTIFY THAT:  
1. LOTS 1 TO 71 (inclusive), BLOCKS 72, 73, 74, 75 & 76 AND THE STREETS NAMED STREET 'A' AND STREET 'B' HAVE BEEN LAID OUT IN ACCORDANCE WITH OUR INSTRUCTIONS.  
2. THE STREETS ARE HEREBY DEDICATED AS PUBLIC HIGHWAYS TO THE CORPORATION OF THE TOWN OF LAKESHORE.  
DATED THE 23rd DAY OF JUNE, 2020.  
AMICO PROPERTIES INC.  
DOMINIC AMICONE  
"I HAVE THE AUTHORITY TO BIND THE CORPORATION"

**SURVEYOR'S CERTIFICATE**  
I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYOR'S ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.  
2. THIS SURVEY WAS COMPLETED ON THE 14th DAY OF JUNE, 2020

DATE JUNE 24, 2020  
ROY A. SIMONE  
ONTARIO LAND SURVEYOR



**VERHAEGEN**  
LAND SURVEYORS  
A DIVISION OF J.D. BARNES LTD.  
944 OTTAWA STREET, WINDSOR, ON, N9X 2E1  
T: (519) 258-1772 F: (519) 258-1791 www.jdbarnes.com

DRAWN BY: N.M.G. CHECKED BY: R.A.S. REFERENCE NO.: 19-47-078-00  
FILE: 19-47-078-00 E-MAID-WPR-GORE LOT CAD Date: June 23, 2020 4:56 PM  
CAD File: 19-47-078-008.dwg

**INTEGRATION DATA**

COORDINATES ARE DERIVED FROM GRID OBSERVATIONS USING THE CAN-NET NETWORK SERVICE AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) NAD83 (CSRS) (2010.0).  
COORDINATE VALUES ARE TO AN URBAN ACCURACY IN ACCORDANCE WITH SECTION 14(2) O.R.C. 216/10

POINT ID	NORTHING	EASTING
ORP-A	N4685374.247	E351653.926
ORP-B	N4685308.506	E351882.935

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

**Applicant:** Lakeside Estates Phase 2

**File No.:** 37-T-19002

**Municipality:** Town of Lakeshore

**Location:** Part of Gore Lot, Conc. West of Puce River

**Date of Decision:** July 10, 2020

**Date of Notice:** July 10, 2020

**Last Date of Appeal:** July 30, 2020

**Lapsing Date:** July 10, 2023

## NOTICE OF DECISION

### On Application for Approval of Draft Plan of Subdivision Subsection 51(37) of the Planning Act

Approval of Draft Plan of Subdivision to the application in respect of the subject lands noted above, is proposed to be given by the County of Essex. All submissions were considered as part of the decision-making process. Refinements to the conditions of draft approval reflect the public input and submissions. A copy of the decision is attached.

#### When and How to File an Appeal

Notice to appeal the decision to the Local Planning Appeal Tribunal (LPAT) must be filed with the County of Essex no later than 20 days from the date of this notice as shown above as the last date of appeal.

The notice of appeal should be sent to the attention of the Manager, Planning Services at the address shown below and it must,

- (1) include the reasons for the appeal, and a completed ***Appellant Form (A1) Planning Act*** available from the LPAT website [www.elfto.gov.on.ca](http://www.elfto.gov.on.ca), and
- (2) be accompanied by the prescribed filing fee in the amount of \$300.00 payable by certified cheque or money order to the Minister of Finance.

#### Who Can File An Appeal

Only individuals, corporations or public bodies may appeal the decision of the County of Essex to the Local Planning Appeal Tribunal. An appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal to the decision of the County, including the lapsing provisions or the conditions, unless the person or public body, before the decision of the County, made oral submission at a public meeting or written submissions to the Council or, in the LPAT's opinion, there is reasonable grounds to add the person or public body as a party.

#### Right of Applicant or Public Body to Appeal Conditions

The applicant, the Minister, the Municipality, or any public body that, before the County made its decision,

made oral submissions at a public meeting or written submissions to the County, may at any time before the final plan of subdivision is approved, appeal any of the conditions imposed by the County to the LPAT by filing with the County a notice of appeal.

#### How to receive Notice of Changed Conditions

The conditions of an approval of draft plan of subdivision may be changed at any time before the final approval is given. You will be entitled to receive notice of any changes to the conditions of approval of the proposed plan of subdivision if you have made a written request to be notified of changes to the conditions.

No person or public body shall be added as a party to the hearing of an appeal of the decision of the County, including the lapsing provisions or the conditions, unless the person or public body, before the County made its decision, made oral submissions at a public meeting or written submissions to the County, or made a written request to be notified of the changes to the conditions or, in the Local Planning Appeal Tribunal's opinion, there are reasonable grounds to add the person or public body as a party.

#### Getting Additional Information

Additional information about the application is available for public inspection during regular office hours at the County of Essex at the address noted below or from the Town of Lakeshore.

#### Mailing Address for Filing a Notice of Appeal:

County of Essex

Attention: Rebecca Belanger, Manager, Planning Services

360 Fairview Avenue West

Essex, ON N8M 1Y6

Tel: (519) 776-6441, Ext. 1325 Fax: (519) 776-4455

<b>Applicant:</b>	<b>Lakeside Estates Phase 2</b>	<b>Date of Decision:</b>	<b>July 10, 2020</b>
<b>File No.:</b>	<b>37-T-19002</b>	<b>Date of Notice:</b>	<b>July 10, 2020</b>
<b>Municipality:</b>	<b>Town of Lakeshore</b>	<b>Last Date of Appeal:</b>	<b>July 30, 2020</b>
<b>Location:</b>	<b>Part of Gore Lot, Conc. West of Puce River</b>	<b>Lapsing Date:</b>	<b>July 10, 2023</b>

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The County of Essex's conditions and amendments to final plan of approval for registration of this Subdivision are as follows:

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<b>No.</b>	<b>Conditions</b>
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| 1. | That this approval applies to the draft plan of subdivision, prepared and certified by Roy Simone, O.L.S., dated April 24, 2020, which shows a total of seventy-one lots for single detached residential dwellings, three blocks for sight triangles (73, 75, 76) and one block for road widening (74) and one block for parkland purposes (72).   |
| 2. | That the Owner enters into a subdivision agreement with the Town of Lakeshore, wherein the Owner agrees to satisfy all the requirements, financial and otherwise, of the Town of Lakeshore concerning the payment of development charges, provision of roads, sidewalks, installation and capacity of services, sanitary sewerage collection system, water distribution system, utilities and stormwater management facilities for the development of the lands within the plan. The final form and content of the Agreement being to the satisfaction of the Town of Lakeshore. |
| 3. | That the subdivision agreement between the Owner and the Town of Lakeshore contain a provision requiring the owner to notify in writing each person who first offers to purchase any subdivided lot within the plan of subdivision of all approved development charges, including development charges for school purposes, relating to any such lot pursuant to Section 59(4) of the <u>Development Charges Act</u> , 1997, and the <u>Education Act</u> .   |
| 4. | That the subdivision agreement between the Owner and the Town of Lakeshore shall contain a provision prepared to the satisfaction of the Town of Lakeshore, regarding the phasing or timing of the development.  |
| 5. | That the subdivision agreement between the Owner and the Town of Lakeshore be registered against the lands to which it applies prior to the registration of the plan of subdivision.   |
| 6. | That the Owner shall submit plans showing any revised phasing to the Town of Lakeshore for review and approval if this subdivision is to be developed in more than one registration.   |
| 7. | That the road allowances included in this draft plan shall be shown and dedicated as public highways.  |
| 8. | That the Owner provide street names to the Town of Lakeshore and that the streets shall be named to the satisfaction of the Town of Lakeshore.   |

9. The Owner shall provide a municipal street address for each dwelling unit. The street number must be affixed to the wall of the dwelling unit that is associated with the front line, as defined by Town of Lakeshore Zoning By-law 2-2012, as amended.
10. That the Owner convey up to 5% of the land included in the plan to the Town of Lakeshore for park purposes. Alternatively, the Town of Lakeshore may require cash-in-lieu of all or a portion of the conveyance. Additionally, the Owner shall:
  - a) The Owner shall prepare, grade and seed Block 72 (parkland) prior to first occupancy of a lot fronting the local road network.
  - b) The Owner agrees to provide municipal services Block 72 (parkland) to the satisfaction of the Town of Lakeshore.
  - c) The Owner shall prepare a preliminary design, in consultation with the Town of Lakeshore, for Block 72 (parkland).
11. That the Owner shall convey Blocks 74, 75 and 76 to the County of Essex, as part of the County Road 2 Road Allowance and/or for the purpose of Site Triangles (Old Tecumseh Road).
12. That the Owner shall prepare, grade, seed and /or landscape Block 73 to the satisfaction of the Town of Lakeshore and convey to the Town of Lakeshore as part of the Wallace Line Road allowance and for the purpose of site triangles.
13. That the Owner shall provide easements and or Blocks as may be required for services, utility or drainage purposes, inspection, emergency access or any other purpose in a form satisfactory to the Town of Lakeshore or utility including Union Gas. The easements shall be in locations and widths as deemed appropriate by the applicable authority or agency.
14. That all open sides of road allowances created by this plan be terminated with 0.3 metre reserves to be conveyed to the Town of Lakeshore.
15. That the Owner acknowledges, that this plan of subdivision proceeds to registration, only at such time, as the Town of Lakeshore, is satisfied, that all municipal services are available, including, but no limited to, sanitary sewage treatment capacity.

16. That the subdivision agreement between the Owner and the Town of Lakeshore contain a provision whereby any required fencing shall be erected in accordance with the Development Manual, or if an alternate style is proposed or no fencing is proposed, to the satisfaction of the Town of Lakeshore. The Owner shall provide all corner and exterior lot fencing. The location of all corner and exterior lot fencing and all fencing or other fencing required by the Town of Lakeshore shall be shown on a separate sheet within the required engineering submission and all fencing to be in accordance with the Town's Fencing By-law and approved by the Town.
17. That the subdivision agreement between the Owner and the Town of Lakeshore contain a provision whereby there be no driveway access provided to Wallace Line Road.
18. That the subdivision comply with the latest version of the Town of Lakeshore Development Manual.
19. That the subdivision agreement between the Owner and the Town of Lakeshore contain provisions to the satisfaction of the Town of Lakeshore and the Essex Region Conservation Authority, that the Owner finalize, to the satisfaction of the Town of Lakeshore and the Essex Region Conservation Authority, the report entitled "Lakeside Estates Subdivision Phase 2 Stormwater Management Report Wallace Line Road and Old Tecumseh Road (Meconi Lands)" prepared by development engineering (London) Ltd., and install all stormwater management measures identified in the final report as part of the development of the site. That the Owner acknowledge, in writing, that full development of the subject lands would require completion of all previously noted upgrades to the Wallace Line Drain and the Reaume Drain. It is anticipated that the future municipal drain upgrades will not all be completed prior to the initial development. As such, a sub-phasing strategy has been created for the Lakeside Phase 2 subdivision to allow development to progress as the municipal drain upgrades are completed.
20. That prior to undertaking construction or site alteration activities, any necessary permits or clearances be received from the Essex Region Conservation Authority.
21. That the Owner provide documentation from the Ministry of Tourism, Culture and Sport that the archaeological reports completed by Archaeological Consultants and Contractors has been accepted into the Ontario Public Register of Archaeological Reports and that the site has no cultural value or interest.



<b>Applicant:</b>	<b>Lakeside Estates Phase 2</b>	<b>Date of Decision:</b>	<b>July 10, 2020</b>	<b>4</b>
<b>File No.:</b>	<b>37-T-19002</b>	<b>Date of Notice:</b>	<b>July 10, 2020</b>	
<b>Municipality:</b>	<b>Town of Lakeshore</b>	<b>Last Date of Appeal:</b>	<b>July 30, 2020</b>	
<b>Location:</b>	<b>Part of Gore Lot, Conc. West of Puce River</b>	<b>Lapsing Date:</b>	<b>July 10, 2023</b>	

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22. That prior to final approval by the County of Essex, the County is to be advised by the Municipality that this proposed subdivision conforms to the Zoning By-law in effect. The Owner shall provide to the Municipality a table of lot areas and lot frontages certified by an Ontario Land Surveyor confirming compliance with Zoning By-law 2-2012, as amended and its regulations prior to the registration of this plan.
23. That the Owner shall be responsible for any required amendments or further revisions to submitted reports, plans and studies to the satisfaction of the Town of Lakeshore. If a report, plan or study requires amendments or further revisions, the Owner agrees to provide these amendments or revisions prior to the execution of the subdivision agreement with the Town of Lakeshore.
24. The Owner shall implement all the recommendations in all reports/studies prepared specific to the development, to the satisfaction of the Town of Lakeshore.
25. The Owner agrees that prior to final approval, the Draft Plan of Subdivision shall be red-line revised, if necessary, to accommodate all the requirements of approved studies/reports or any other necessary revisions to the draft plan required as a result of subsequent approvals.
26. The Owner agrees to submit a Construction Management Plan which addresses among other matters, site access, construction traffic, parking for construction trades, material delivery and storage, staging, mud, dust and noise controls to the satisfaction of the Town of Lakeshore, prior to the issuance of the first building permit.
27. The Owner agrees to maintain access routes for fire department vehicles to new buildings, construction trailers and material storage areas at all times during construction.
28. The Owner agrees to provide a water supply for firefighting purposes that is adequate, accessible and operational at all times.
29. The Owner shall submit a detailed plan, noting all services/hydrant locations to the Town of Lakeshore for approval.
30. The Owner agrees to provide fire hydrants in conformity with the requirements of the Ontario Building Code, or other authorities, to the satisfaction of the Town of Lakeshore.

31. The Owner shall provide the Town of Lakeshore Engineering Division, grading plans for all lots, blocks, right-of-ways and landscaped blocks and detailed engineering drawings in accordance with Town of Lakeshore Development Manual standards to the satisfaction of the Town of Lakeshore, prior to the preparation of a subdivision agreement and/or issuance of Building Permits.
32. The Owner shall provide the Town of Lakeshore, as part of the engineering submission, a geotechnical report prepared by a qualified person.
33. The Owner agrees that the Town of Lakeshore and or the County of Essex, upon recommendation of the Owner, will determine the location of temporary road for construction access that will be provided and maintained by the Owner.
34. The Owner agrees that all required parking for construction and trades shall be provided wholly on-site and not on public streets outside of the development limits, for the duration of the construction.
35. The Owner agrees to employ a professional engineer to design all roads sidewalks, stormwater facilities and services to the satisfaction of the Town of Lakeshore.
36. Prior to final approval, the Owner shall be responsible for preparing a composite utility plan that allows for the safe installation of all utilities, including separation between utilities.
37. The Owner agrees to ensure that all streets are constructed in accordance with composite utility plans previously submitted and approved by all utilities.
38. That the subdivision agreement between the Owner and the Municipality contain provisions, to the satisfaction of the Greater Essex County District School Board and the Windsor Essex Catholic District School Board, requiring a sidewalk be provided along the internal streets within the proposed plan pursuant to standard municipal requirements to facilitate pedestrian movement.
39. That the subdivision agreement between the Owner and the Municipality contain provisions, to the satisfaction of the Greater Essex County District School Board and the Windsor Essex Catholic District School Board, requiring a notice in every agreement of purchase and sale advising purchasers of lots to be aware that students may not be able to attend the closest neighbourhood school and could be bussed to a distant school with available capacity.

40. That the subdivision agreement between the Owner and the Municipality contain provisions, to the satisfaction of Canada Post Corporation and the Municipality, requiring notice in every agreement of purchase and sale advising purchasers of lots to be aware of the locations of any community mailboxes within or serving the plan and that mail delivery will be provided via community mailboxes.
41. That prior to site alteration of any kind, and final approval by the County of Essex, the Owner shall provide to the Municipality and the County, a renewed "Permit" (AY-B-015-18), along with any other letters/authorizations/directions from the Ministry of Natural Resources and Forestry, and confirm that any site alteration will be completed in accordance with, and shall not contravene, the Endangered Species Act, 2007.
42. That the subdivision agreement between the Owner and the Municipality contain provisions, to the satisfaction of the Municipality and the Essex Region Conservation Authority, that stipulate that the Owner implement the recommendations contained in the Lakeside II, 701 Old Tecumseh Road Scoped Environmental Impact Assessment prepared by LGL Limited, dated October, 2018, to the satisfaction of the Municipality and the Essex Region Conservation Authority, and, prior to final approval of any phase, to require the preparation and submission of a post-construction report from the appropriate qualified professional that certifies that the mitigation measures and recommendations of the final Scoped Environmental Impact Assessment, Permit, and ESA permit have been implemented.
43. That the subdivision agreement between the Owner and the Municipality contain a provision, to the satisfaction of the Municipality and VIA Rail Canada Inc., that the following clause be inserted in all offers to purchase, agreements of sale and purchase or lease and in the title deed or lease of each dwelling as follows:
 

"Warning: Via Rail Canada Inc. (VIA) or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). VIA will not be responsible for any complaints or claims arising from the use of such facilities and/or operations on, over or under the aforesaid rights-of-way."
44. That the subdivision agreement between the Owner and the Municipality contain a provision, to the satisfaction of the Municipality and VIA Rail Canada Inc., that the

<b>Applicant:</b>	<b>Lakeside Estates Phase 2</b>	<b>Date of Decision:</b>	<b>July 10, 2020</b>	<b>7</b>
<b>File No.:</b>	<b>37-T-19002</b>	<b>Date of Notice:</b>	<b>July 10, 2020</b>	
<b>Municipality:</b>	<b>Town of Lakeshore</b>	<b>Last Date of Appeal:</b>	<b>July 30, 2020</b>	
<b>Location:</b>	<b>Part of Gore Lot, Conc. West of Puce River</b>	<b>Lapsing Date:</b>	<b>July 10, 2023</b>	

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Owner comply with the conclusions, recommendations and commitments made in the report entitled "Environmental Noise and Railway Vibration Opinion Letter, Lakeside Estates Phase 2, Town of Lakeshore" prepared by Valcoustics Canada Ltd. dated June 12, 2018.

45. That prior to final approval by the County of Essex, the Owner shall submit for review and approval by the Municipality and the County, a draft of the final 12M plan for every phase.
46. That prior to final approval by the County of Essex, the County is advised in writing by the Town of Lakeshore how Conditions 1 to 17 inclusive, and Conditions 17 to 44 inclusive, have been satisfied.
47. That prior to final approval by the County of Essex, the County is advised in writing by the Essex Region Conservation Authority how Conditions 19, 20 and 42 have been satisfied.
48. That prior to final approval by the County of Essex, the County is advised in writing by the Greater Essex County District School Board how Conditions 38 and 39 have been satisfied.
49. That prior to final approval by the County of Essex, the County is advised in writing by the Windsor Essex Catholic District School Board how Conditions 38 and 39 have been satisfied.
50. That prior to final approval by the County of Essex, the County is advised in writing by the Canada Post Corporation how Condition 40 has been satisfied.
51. That prior to final approval by the County of Essex, the County is advised in writing by VIA Rail how Conditions 43 and 44 have been satisfied.

<b>Applicant:</b>	<b>Lakeside Estates Phase 2</b>	<b>Date of Decision:</b>	<b>July 10, 2020</b>	<b>8</b>
<b>File No.:</b>	<b>37-T-19002</b>	<b>Date of Notice:</b>	<b>July 10, 2020</b>	
<b>Municipality:</b>	<b>Town of Lakeshore</b>	<b>Last Date of Appeal:</b>	<b>July 30, 2020</b>	
<b>Location:</b>	<b>Part of Gore Lot, Conc. West of Puce River</b>	<b>Lapsing Date:</b>	<b>July 10, 2023</b>	

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## NOTES TO DRAFT APPROVAL

1. It is the applicant's responsibility to fulfill the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the County of Essex, quoting the file number "**37-T-19002**".
2. It is suggest that the owner make themselves aware of section 144 of the Land Titles Act and subsection 78(10) of the Registry Act.
3. Inauguration or extension of a piped water supply, a sewage system or a storm drainage system is subject to the approval of the Ministry of Environment under Section 23 and Section 24 of the Ontario Water Resources Act, R.S.O. 1980.
4. The Ministry of Environment did not review this subdivision with respect to any groundwater, soil or soil atmosphere testing to fully discount the possibility that waste materials and/or other contaminants are present within or in close proximity to this subdivision. If either the Municipality or the Owner requires this assurance before proceeding, a consultant(s) should be engaged to conduct the necessary investigations.
5. The Ministry of Environment must be advised immediately should waste materials or other contaminants be discovered during the development of this plan of subdivision. If waste materials or contaminants are discovered, a further approval under Section 46 of the Environmental Protection Act may be required from that Ministry.
6. The costs of any relocations or revisions to Hydro One Networks Inc. (HONI) facilities or any other local electrical utility that are necessary to accommodate the subdivision will be borne by the developer.
7. Any easement rights of Hydro One Networks Inc. (HONI) or any other local electrical utility are to be respected.
8. The developer should contact the local Hydro One Networks Inc. Services office or other local electrical utility to verify if any low voltage distribution lines may be affected by this proposal. The transmission lines abutting this subdivision operate at either 500,000, 230,000 or 115,000 volts. Section 188 of Regulation 213/91 pursuant to the *Occupational Health and Safety Act*, require that no object be brought closer than 6.0 metres to an energized 500 kV conductor. The distance for 230 kV conductors is 4.5 metres and for 115 kV conductors is 3.0 metres. It is the developer's responsibility to

be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the *Act*. The parties should also be aware that the conductors can raise and lower without warning, depending on the electrical demand placed on the line.

9. The developer is hereby advised that prior to commencing any work within the plan, the developer must confirm that sufficient wire-line communication/telecommunication infrastructure is currently available within the proposed development to provide communication/telecommunication service to the proposed development. In the event that such infrastructure is not available, the developer is hereby advised that the developer may be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure. If the developer elects not to pay for such connection to and/or extension of the existing communication/telecommunication infrastructure, the developer shall be required to demonstrate to the municipality that sufficient alternative communication/telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services, i.e., 911 Emergency Services.

10. Clearances are required from the following agencies:

Ms. Kim Darroch  
Town of Lakeshore  
419 Notre Dame Street  
Belle River, ON N0R 1A0

Mr. Mike Nelson  
Essex Region Conservation Authority  
360 Fairview Avenue West  
Essex, ON N8M 1Y6

Greater Essex County District School Board  
451 Park Street West  
P. O. Box 210  
Windsor, ON N9A 6K1

Windsor Essex Catholic District School Board  
1325 California Avenue  
Windsor, ON N9B 3Y6

<b>Applicant:</b>	<b>Lakeside Estates Phase 2</b>	<b>Date of Decision:</b>	<b>July 10, 2020</b>	<b>10</b>
<b>File No.:</b>	<b>37-T-19002</b>	<b>Date of Notice:</b>	<b>July 10, 2020</b>	
<b>Municipality:</b>	<b>Town of Lakeshore</b>	<b>Last Date of Appeal:</b>	<b>July 30, 2020</b>	
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Mr. Bruno DeSando  
Canada Post Corporation  
955 Highbury Avenue North  
London, ON N5Y 1A3

Mr. John Walsh  
Via Rail Canada  
65 Front St. West, Room G-C021,  
Toronto, ON

If the agency's clearance concerns a condition in the subdivision agreement, a copy of the agreement should be sent to them. This will expedite clearance of the final plan. The County of Essex does not require a copy of the agreement.

11. All measurements in subdivision and condominium final plans must be presented in metric units.
12. The approval of the draft plan will lapse on **July 10, 2023**. It is the responsibility of the applicant to request an extension of the draft approval if one is needed.

A request for extension should be made at least 60 days before the approval lapses because no extension can be given after the lapsing date. The request should include the reasons why an extension is needed and a resolution in support of the extension from the Town of Lakeshore.

# The Corporation of the Town of Lakeshore

## Report to Council

### Legislative & Legal Services

#### Legislative Services



**To:** Mayor & Members of Council  
**From:** Brianna Coughlin, Manager of Legislative Services  
**Date:** July 25, 2020  
**Subject:** Options for New Animal Control By-law

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#### Recommendation

Direct Administration to implement a wildlife pickup user-fee program, effective January 1, 2021;

Direct Administration to proceed in drafting an animal control by-law with the following options:

- Cat Licensing – Option #1 Do not regulate or licence cats in the Town of Lakeshore,
- Limiting cats per household – Option #1 Do not limit the number of cats per household in the Town of Lakeshore,
- Urban Chickens – Option #1 Do not allow chickens in any residential areas; and,
- Specific exemptions relating to accessibility and animal welfare, as described in the “Options for New Animal Control By-law” report presented August 11, 2020;

Direct Administration to post the draft regulatory by-law for public comment.

#### Background

At the August 13, 2019 Council meeting, Administration brought forward a report regarding current animal control provisions, recommended changes and a request for public consultation to gauge residents’ opinions relating to cat control, urban chicken or wildlife pickup programs. After considering the report (attached as Appendix A), Council passed the following resolution:

**371-08-2019 – Bailey/Janisse**

Council direct Administration to conduct a public consultation process in order to receive input relating to municipal animal control regulations.

**Carried Unanimously**

Following this report, the Province of Ontario began exploring animal welfare service provision and eventually passed the *Provincial Animal Welfare Services Act, 2019*. This



Act introduced a provincial animal welfare investigation and enforcement program, which was explained by way of a report to Council at the January 28, 2020 meeting (attached as Appendix B). The following resolution was passed at that time:

**18-01-2020 – Kerr/Santarossa**

The report of the Manager of Legislative Services entitled “Provincial Animal Welfare Services Act, 2019”, presented at the January 28, 2020 Council meeting, be made available during the Animal Control Public Consultation open house on January 29, 2020.

**Carried Unanimously**

Public consultation was undertaken by way of a public open house at the Atlas Tube Centre on January 29<sup>th</sup> 2020, as well as an online poll, survey and discussion board on the Town’s website (through PlaceSpeak software) from January 29<sup>th</sup> to mid-March. The public consultation process was advertised in local newspapers and notices mailed to each registered dog owners as part of their annual dog registration notice.

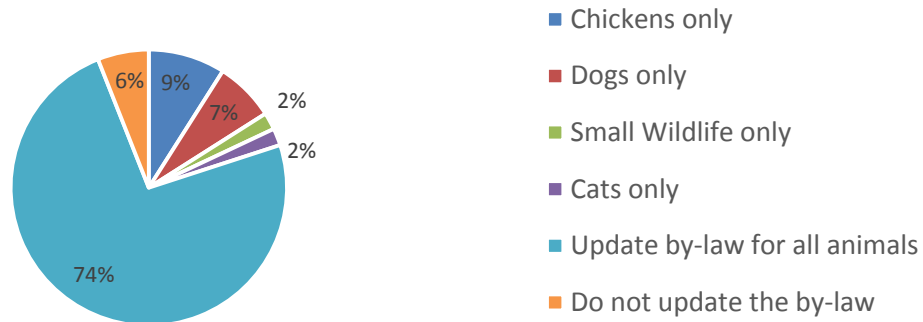
**Comments**

The public open house held January 29<sup>th</sup> was well attended, with staff present from Legislative & Legal Services, By-law Enforcement Services, the Town’s Animal Control Officer as well as a staff member from the Windsor-Essex County Humane Society. Information was provided regarding the Town’s current by-laws as well as potential options for changes. Attendees were encouraged to fill out the online survey (attached as Appendix C) and participate on the discussion board.

The poll, survey and discussion board were linked together on the Town website and received many responses. Unfortunately due to a technical error, the results of the survey were lost and were not able to be recovered.

Nevertheless, the results of the poll and the comments submitted on the discussion board have provided some useful information on the public’s views relating to animal control.

**I think Lakeshore should update the Animal Control By-law for:**  
(54 responses)



Nine (9) residents provided comments on the discussion board. These comments were received by residents of Wards 1, 2, 3 and 4 only. Most submissions included information relating to more than one issue and can be summarized as follows:

- Limit number of cats per household (1 response)
- In favour of prohibiting cats running at large, with enforcement costs offset by fines and a cat licensing program (4 responses)
- Opposed to prohibiting cats running at large and cat licensing, due to difficulty of enforcement/cost to taxpayers (1 response)
- Support for trap and neuter program for feral cats (2 responses)
- Enforcement of animal welfare concerns, including 4 hour tethering limit and pets in vehicles during extreme temperatures (3 responses)
- Enforcement of “poop and scoop” provision for dogs, with the exception of owners who have sight or mobility disabilities (1 response)
- Increase signage for “poop and scoop” enforcement for dogs and provide waste bags/trash cans (1 response)
- Proactive enforcement for dogs running at large, rather than upon complaint (1 response)
- Online payments for dog tags (1 response)
- User-pay program for small wildlife pickup (2 responses)
- Support of urban chickens or rabbits for personal consumption only (1 response)

### *Analysis*

Due to the loss of the survey results, it is not possible to use the nine discussion comments and the results of one poll question as an accurate representation of public opinion. However, rather than putting the same survey questions out for comment again, it is recommended that Administration provide a draft by-law to the public in order to receive more targeted responses.

Administration has already identified several animal welfare matters to be included in the updated by-law, including the 4-hour tethering limit previously approved by Council. In addition, a user-fee program for small wildlife pickup is a program enhancement rather than a regulation and will therefore not need to be included in the draft by-law.

It is requested that Council provide direction to Administration relating to restricting the number of cats per household, a cat licensing program and urban chickens/rabbits in residential areas. Several options have been provided for each category below, though Council may choose to add additional options as well.

#### ***a) Cat Licensing Program***

The Town of Lakeshore prohibits dogs from running at large, meaning that the dog is found in any place other than the premises of the owner of the dog and not under the physical control of any person by means of a leash of not more than 2 metres. A dog is not considered to be at large, even unleashed, if it remains on the subject property. The Town does not provide proactive enforcement; the Animal Control Officer acts on an on-call basis responding to complaints.

The Town also undertakes a dog licensing program a) to ensure lost dogs can be returned to their owners; and b) to collect fines to offset the cost of enforcement. The current dog licence fee is \$20.00 or \$30.00 if purchased after March 31<sup>st</sup>.

Successful enforcement of the dog running at large provision requires proof that the dog is indeed running at large, which is accomplished by the apprehension of the dog. This is relatively easy compared to other domesticated animals due to their size and agility.

There are a number of considerations relating to the establishment of a program to licence and regulate cats, including but not limited to:

- Licensing fees (cat tag) and ensuring compliance
- Urban vs rural areas
- Feral cats vs domesticated cats
- Shelter (where do cats go once apprehended)
- Unclaimed cats (trap/neuter/release programs vs euthanasia)
- Cost with program implementation including staffing, program, enforcement and time associated to maintain the program
- Enforcement difficulties
  - Cats are more agile than dogs and able to get into smaller spaces, climb trees and jump fences. The probability of apprehending a cat is much lower than the probability for a dog, particularly in rural areas
  - Dogs often have more pronounced identifying markers than cats, making cat identification more difficult
  - Complainants are often unwilling to file official complaints or unwilling to attend court for the purpose of giving evidence

Some municipalities offset the enforcement difficulties by requiring that a cat be brought to an animal shelter by the complainant rather than dispatching the Animal Control Officer. The Town of Lakeshore currently provides this service for feral cats, whereby an individual can rent a cat trap from the Town and drop off captured cats to the Windsor-Essex County Humane Society for free (a \$35 fee billed to the Town of Lakeshore). The annual cost of this program is approximately \$5,000 and is paid for by general taxation. It is the responsibility of the individual trapping the animal to abide by provincial animal welfare regulations.

The Lakeshore Dog Pound does not currently accept cats and would need to be substantially retrofitted in order to do so. In addition, Administration would need to confer with the Windsor-Essex County Humane Society and the St. Clair College Veterinary Program to determine if they are able and willing to accept unclaimed cats.

#### Options regarding Cat Licensing Program:

Option 1 – Do not regulate or licence cats in the Town of Lakeshore

Option 2 – Direct Administration to include provisions in the draft Animal Control By-law to require owners to licence cats on an annual basis, without prohibiting running at large.

Option 3 – Direct Administration to include provisions in the draft Animal Control By-law to licence and regulate cats and dogs in the same manner, including all licensing and fines.

Due to the current enforcement resources, the high cost of enforcement, and the additional capital costs required at the Dog Pound, along with the low public interest in such an approach, Administration does not recommend including a running at large provision in the draft by-law or instituting a cat licensing program.

#### ***b) Restricting the Number of Cats per Household***

It is Administration's intention to continue to restrict the number of dogs to 3 per household, as included in the current Animal Control By-law. Enforcement of this provision would be continued to be conducted on a complaint basis. Should a resident be found to have more than three dogs, they may receive a fine of \$100 or may be asked to remove dogs from the household.

It should be noted that the Town of Lakeshore does not receive many complaints of this nature. Complainants are often unwilling to file a complaint knowing that a pet may be ordered removed from a home.

## Options regarding Restricting the Number of Cats per Household:

Option 1 – Do not limit the number of cats per household in the Town of Lakeshore

Option 2 – Direct Administration to include provisions in the draft Animal Control By-law to restrict the number of cats to three (3) per household in all areas of the Town of Lakeshore to be equal to the limit for dogs.

Option 3 – Direct Administration to include provisions in the draft Animal Control By-law to restrict the number of cats to \_\_\_\_\_ per household in all areas of the Town of Lakeshore.

Option 4 – Direct Administration to include provisions in the draft Animal Control By-law to restrict the number of cats to \_\_\_\_\_ per household in rural areas and \_\_\_\_\_ per household in urban areas.

Should Council choose to restrict the number of cats per household, Administration recommends that enforcement be undertaken in the same manner and with the same fine as for dogs. It should be noted that By-law Enforcement Officers do not have powers of entry simply to count cats, therefore they would need to find evidence of a cat outside the home and require a property owner to identify the cat as belonging to them. This type of restriction is exceedingly difficult from an enforcement perspective and in light of the low public interest in this type of regulation, it is not something that Administration recommends.

Persons concerned with cats travelling onto their properties may work with neighbouring property owners privately or avail themselves of the measures currently available under the spay and neuter program.

### ***c) Urban Chickens***

During the consultation process, Administration received the most questions related to the concept of “urban chickens”, namely allowing chickens in residential/urban areas.

The Town of Tecumseh recently began a two-year pilot project for urban hens. Subject to several restrictions relating to lot size and animal welfare conditions, the project allows for the non-commercial keeping of hens “as pets and for personal use only”. As noted in Town of Tecumseh By-law 2020-14:

The Owner agrees not to sell or offer for sale any part of a hen or its eggs or manure or engage in hen breeding or fertilizer production for commercial purposes. No person shall give or provide a hen, a part of a hen, eggs, or manure to any other person or entity.

The pilot project requires a registration application and onsite inspection to ensure compliance with the project requirements. If successful, the Town will provide urban hen identification bands and the owner will be required to pay an annual licence fee of \$25.

Should Council wish to implement a similar urban hen program for the Town of Lakeshore, the implementation of a licensing program will require staff and financial resources, which would need to be offset by the licence fee. However, it is important to note that it is anticipated that such a program would increase animal welfare and noise/odour complaints from neighbours, resulting in increased enforcement costs.

Option 1 – Do not allow chickens in any residential areas

Option 2 – Direct Administration to bring a report regarding a pilot program to allow the licensing of chickens in all residential areas

Option 3 – Direct Administration to include provisions in the draft Animal Control By-law to allow up to 5 hens on residential properties more than 1 acre in size

Option 4 – Direct Administration to include provisions in the draft Animal Control By-law to allow up to 5 hens on all residential properties in the Town of Lakeshore

### Exemptions

In addition to the items above, Administration recommends including specific exemptions in the draft Animal Control By-law. While it is generally not advisable to provide special exemptions on an ad-hoc basis, including them in a transparent manner within a by-law allows for exemptions to be specific and regulated.

The following is a list of exemptions Administration would like to include in the draft by-law, relating to accessibility and animal welfare:

- Exemptions for owners with physical disabilities (exemption to “poop and scoop” provision)
- No annual licence fee for service dogs or short-term foster dogs
- Allowing more than three dogs per household on a temporary basis for registered animal rescue organizations (all property standards and animal welfare provisions would still apply)

## Financial Impacts

It is recommended that once Administration has drafted an Animal Control By-law, based on the direction of Council relating to the options outlined in this report, the draft by-law be posted on the Town's website for more specific public comment. Administration will bring back the feedback with Administration's comments.

As the consultation will use existing Town software, there are no financial impacts anticipated at this time.

**Attachment(s):** Appendix A – Animal Control By-law report – August, 2019

Appendix B – Provincial Animal Welfare Services Act, 2019 report – January 2020

Appendix C – Animal Control Survey

## Report Approval Details

Document Title:	Options for Animal Control By-law.docx
Attachments:	- Animal Control Public Consultation report.pdf - Provincial Animal Welfare Services Act 2019.pdf - Animal control survey.docx
Final Approval Date:	Aug 6, 2020

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

Morris Harding

Kristen Newman

Rosanna Pellerito

Truper McBride

**TOWN OF LAKESHORE**  
**LEGISLATIVE & LEGAL SERVICES**  
**LEGISLATIVE SERVICES**

**TO:** Mayor and Members of Council

**FROM:** Brianna Coughlin, Manager of Legislative Services

**DATE:** August 2, 2019

**SUBJECT:** Animal Control Public Consultation

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**RECOMMENDATION:**

It is recommended that:

Council direct Administration to conduct a public consultation process in order to receive input relating to municipal animal control regulations.

**BACKGROUND:**

There are a number of pieces of legislation in place that affect animal control in the Town of Lakeshore. The Province of Ontario has the *Dog Owner's Liability Act*, the *Pounds Act*, the *Animals for Research Act* and the *Ontario Society for the Prevention of Cruelty to Animals Act* (this last Act is expected to be amended or replaced by end of 2019).

Along with the mandated responsibilities outlined in the provincial regulations, municipalities may also choose to enact municipal by-laws for animal control. The Town of Lakeshore currently regulates animals through the Zoning By-law (2-2012), the Animal Control By-law (46-2002), the Keeping of Animals By-law (40-2004) and the Parks By-law (18-2016).

Administration anticipates recommending several changes to the existing municipal by-laws in order to increase efficiencies in enforcement and to address emerging issues in animal control. In addition, Council has directed the following:



## 801-07-2018

1. That Administration investigate if our existing by-law would permit our Animal Control Officer or By-law Enforcement Officer to address complaints regarding feral and non-feral cats running at large; and
2. Some type of action be taken immediately to address the issue and;
3. That it be sent to the Dog Pound Committee for further discussion.

**Carried**

## 975-12-2018

Whereas the Town of Lakeshore considers dog tethering for long durations to be inhumane because it is a threat to the safety of the confined dog;

Whereas the Town of Lakeshore acknowledge that dogs are naturally social beings that thrive on interaction with human beings and other animals. A dog kept chained in one spot for hours, days, months, or even years suffers immense psychological damage. An otherwise friendly and docile dog, when kept continuously chained, becomes neurotic, unhappy, anxious, and often aggressive;

Whereas, placing a dog on a tether to get fresh air can be acceptable if it is done for short periods of time, keeping a dog tethered for long periods is never acceptable; and

Whereas, in an effort to increase the safety of citizens and their pets, the Town of Lakeshore is enacting an Anti-Tethering by law;

Therefore, be it resolved that a by-law is enacted limiting the use of tethering of dogs to a limit of 4 hours.

**Carried**

## **COMMENTS:**

### **Current Regulations**

#### **Zoning By-law (2-2012)**

The Zoning By-law regulates animals in terms of location and type of property. For example, livestock animals are only permitted in Agricultural zones with more than four (4) hectares of property, subject to Minimum Distance Separation requirements. Similarly, kennels are only allowed in Agricultural properties and must be 600m from the nearest dwelling.

Livestock is defined as farm animals kept for use, for propagation, or intended for profit and includes dairy and beef cattle, horses, swine, sheep, laying hens, chicken and turkey broilers, turkeys, goats, geese, ducks, mink and rabbit.

Kennel is defined as any building or structure or part thereof used or intended for use for the purpose of breeding, boarding and/or raising three or more domestic animals.

Offences relating to the Zoning By-law are typically enforced through Part 3 Provincial Offences enforcement.

#### Animal Control By-law (46-2002)

The Animal Control By-law Keeping of Animals By-law provides specific regulations relating to dog licensing and restrictions such as prohibiting dogs from running at large. It sets out a standard of behaviour for dog owners. Offences relating to the Animal Control By-law are typically enforced through Part 1 Provincial Offences Act tickets. These tickets can be appealed to the Provincial Offences Court.

#### Keeping of Animals By-law (40-2004)

The Keeping of Animals By-law provides for specific classes of animals, which classes of animals are prohibited and regulates a maximum of three (3) Class 2 Animals (rabbit, mink, chinchilla and ferret) per dwelling. Offences relating to the Keeping of Animals By-law are typically enforced through Part 3 Provincial Offences Act tickets.

#### Parks By-law (18-2016)

The Parks By-law prohibits animals from running loose in parks, requires the use of a leash in parks for all pets (with the exception of the Dog Park area) and requires owners to immediately remove any excrement deposited in a park by their pet.

### **Recommended Changes**

#### Updated language

Administration anticipates recommending the consolidation of animal control related items into one comprehensive Animal Control By-law and that the language in the Zoning By-law and Animal Control By-law be updated for consistency.

## Dangerous Dogs

Administration is exploring recommending enforcement tools relating to dangerous dogs, meaning situations where the By-law Compliance Officer has reasonable grounds to believe that a dog has bitten, attacked, threatened, harassed, chased, killed or injured (with or without provocation) any person or domestic animal. These options may include:

- Muzzling orders
- Provisions for quarantine for 10-14 days
- Increased licensing fees
- Different coloured dog tags for long-term identification
- Conditions regarding containment and/or prohibition on the use of dog parks and other public areas

## Anti-abandonment provision

Administration is exploring recommending that provisions be adopted to prohibit the abandonment of animals on public or private property.

## Tethering

As per the direction of Council, Administration will draft language for the Animal Control By-law to prohibit tethering for more than four consecutive hours.

It is important to note that a tether is often referred to as a rope, chain or similar restraining device that prevents an animal from moving beyond a localized area, even if the animal has food, water and shelter in place. Food, water and shelter are considered necessities of life; complaints relating to lack of necessities of life are considered animal cruelty complaints and can be referred to the Windsor Essex County Humane Society for investigation.

## **Service Level Items**

In addition to the above-noted changes, it is recommended that Administration seek input from the public and stakeholders relating to animal control service levels.

For all of the proposed service level consultations, it is recommended that the following questions be asked:

1. Do you want the Town of Lakeshore to offer this program?
2. Would you be willing to pay more taxes to fund this program?
3. Would you be willing to pay a user fee to have access to this program?

## Cat Control

Currently the Town of Lakeshore does not regulate cats, there is no licensing program, no limit to the number of cats per household and cats are not picked up as part of the Animal Control Officer service contract.

However, there are a number of programs in place to help with stray and feral cats. The Town offers the use of live cat traps where residents can trap cats and bring them to the Windsor Essex County Humane Society. Under the cat drop off program, stray cats are vet checked, spayed/neutered and brought into the adoption program, at a cost of \$25 payable by the Town (\$8,000 budgeted for this program in 2019).

The Town also offers cat spay/neuter vouchers where residents can obtain a voucher to use at their local veterinarian's office for the spay/neuter of cats. The voucher will cover up to \$50 of the cost; the rest of the fee must be paid by the resident. One hundred (100) vouchers were included in the 2019 budget, at a cost of \$5,000. These vouchers were all used by April 2019 and staff are maintaining a waiting list.

The following is a list of options that will be used for public consultation so residents understand the cost and benefits of each program. It is important to note that these are options for discussion only. It is not anticipated that Council discontinue the current cat program, nor is it confirmed that the Windsor Essex County Humane Society will have room for more cats if the program is expanded. A more robust financial analysis will be undertaken when Administration brings recommendations to Council after the public consultation period.

Please note that laying out options will not preclude participants from making additional suggestions.

<b>Cats At Large</b>		
<b>Option</b>	<b>Description</b>	<b>Estimated Financial Cost</b>
Option 1	Continue current program	\$13,000
Option 2	Increase # of cat traps available to the public	Initial capital cost for traps
Option 3	Increase # of cat spay/neuter vouchers	\$50 per voucher (example: 100 extra vouchers will cost \$5,000)
Option 4	Limit number of cats allowed per household	costs to be determined and may necessitate a comprehensive licensing program
Option 5	Animal Control Officer to bring cats to Humane Society or Dog Pound	large financial cost to be borne by tax base and would require further discussion with Humane Society or Dog Pound Committee to determine capacity

### Raccoons, possums and skunks

Administration receives several calls each year relating to raccoons or other animals with distemper on private property, however the Town does not offer a service to pick up these animals. This service is offered in other local municipalities, such as the Municipality of Leamington and Town of Kingsville, on a per call basis (the approximate cost to bring the animal to a wildlife rescue organization).

It is recommended that public consultation request input on a tax-funded or user fee program.

<b>Raccoons, possums and skunks</b>		
<b>Option</b>	<b>Description</b>	<b>Estimated Financial Cost</b>
Option 1	Status quo – no municipal participation	No cost
Option 2	Animal Control Officer to pick up live trapped animals on request – full cost-recovery from resident	Resident pays fee No cost to municipality
Option 3	Animal Control Officer to pick up live trapped animals on request – paid for by Town of Lakeshore	<b>Estimated yearly cost of \$15,000 (3 calls per week)</b>

### Urban Chickens

The concept of allowing chickens in urban areas is a trend that has been growing throughout Ontario. It is recommended that this item be included in the public consultation process in order to determine public opinion in the communication.

### **OTHERS CONSULTED:**

Manager of Building Services/Chief Building Official

Manager of Development Services

By-law Compliance Officer

Manager of Communications & Strategic Initiatives

### **FINANCIAL IMPACTS:**

It is recommended that one public open house be held at the Atlas Tube Centre and a survey be developed to use with PlaceSpeak. In using Town property and software, the consultation costs will be minimal.

Once public comments have been received, feedback will be solicited from stakeholders such as the Animal Control Officer, the Windsor Essex County Humane Society and local animal rescue groups. A follow-up report will be presented to Council with recommendations for consideration.

**Prepared by**

  
Brianna Coughlin  
Manager of Legislative Services

**Reviewed by**

  
Kristen Newman  
Director of Legislative & Legal Services

**Approved by**

  
Truper McBride  
Chief Administrative Officer

/BC

Attachment(s): None.

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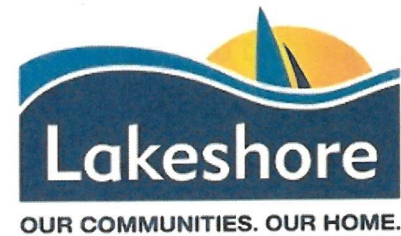


# The Corporation of the Town of Lakeshore

## Report to Council

### Legislative & Legal Services

### Legislative Services



**To:** Mayor & Members of Council

**From:** Brianna Coughlin, Manager of Legislative Services

**Date:** January 10, 2020

**Subject:** *Provincial Animal Welfare Services Act, 2019*

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### Recommendation

The report of the Manager of Legislative Services entitled "Provincial Animal Welfare Services Act, 2019", presented at the January 28, 2020 Council meeting, be made available during the Animal Control Public Consultation open house on January 29, 2020.

### Background

In July 2019, Administration brought forward a report regarding changes to the *Ontario Society for the Prevention of Cruelty to Animals Act* and the introduction of Bill 117, an *Act to amend the Ontario Society for the Prevention of Cruelty to Animals Act* (the "Interim Act").

The Interim Act, which received royal assent June 6, 2019, allowed the Solicitor General to appoint a Chief Inspector, who could then appoint any person as an inspector for animal cruelty and animal welfare concerns for the interim period. The Windsor/Essex County Humane Society was duly appointed as an inspector for the area until January 1, 2020.

At the time of the July 2019 report, the Province was in the process of developing a new structure for animal welfare investigations. There was concern that the Province could download the responsibilities to municipalities or the police, which could have a large impact on staff and budgets.

### Comments

On October 29, 2019, the Province enacted the *Provincial Animal Welfare Services Act, 2019* (the "PAWS Act"). This Act creates an animal welfare program enforced by

provincial inspectors. The Province has confirmed that all enforcement mechanisms will be performed by them.

The following is a broad overview of provisions found in the PAWS Act that came into force January 1, 2020:

- Every person who owns or has custody of an animal is required to comply with standards of care and administrative requirements outlined in the PAWS Act, with specific exceptions for certain agricultural and veterinary activities;
- Veterinarians have a duty to report abuse, undue physical or psychological hardship, privation or neglect;
- Harming or attempting to cause harm to law enforcement or service animals is prohibited;
- There are several prohibitions relating to animal fights, including the prohibition to possess equipment or structures used in animal fights;
- Animal welfare inspectors may enter and inspect places to determine compliance with the PAWS Act. A warrant is required to enter a dwelling unless the occupant consents to the entry, however the inspector may enter without a warrant if the time required to obtain a warrant may result in serious injury or death to the animal;
- Animal welfare inspectors may apply for warrants to investigate potential offences. Warrantless searches may be authorized if the inspector has reasonable grounds to believe that the time required to obtain the warrant would result in the loss, removal or destruction of evidence;
- Animal welfare inspectors may take possession of animals in distress if orders to comply with the PAWS Act are not complied with, if the owners or custodian cannot be found quickly or on the advice of a veterinarian. The Chief Animal Welfare Inspector may keep an animal if there are concerns about returning the animal to the owner or custodian;
- Animals seized as a result of animal fighting are automatically forfeited to the Province.
- Animal welfare inspectors are subject to a code of conduct.

Animal welfare concerns may be reported 24 hours/day by calling 1-833-9ANIMAL (1-833-926-4625).



It is important to note that, should there be a conflict between a municipal by-law and the PAWS Act, the provision that affords the greater protection to animals will prevail. For example, when the Town of Lakeshore enacts the 4-hour tethering limit under the new animal control by-law, complaints will be directed to the Windsor/Essex County Humane Society.

### Other Consulted

Windsor/Essex County Humane Society

### Financial Impacts

There are no financial impacts as a result of receiving this report. However, it is acknowledged that the provincial animal welfare system is still being implemented and that the Province has indicated that only 100 inspectors are to be appointed throughout Ontario. Should an urgent animal cruelty matter be identified, it is likely that local police will be requested to investigate and intervene, which may result in additional call-for-service costs.

**Attachment(s):** None.

### Report Approval Details

Document Title:	Provincial Animal Welfare Services Act, 2019.docx
Attachments:	
Final Approval Date:	Jan 20, 2020

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

Kristen Newman

Rosanna Pellerito

Truper McBride

# Animal Control

## Public Consultation – Survey



There are a number of pieces of legislation in place that affect animal control, keeping and welfare in the Town of Lakeshore. The Province of Ontario has the *Dog Owner's Liability Act*, the *Pounds Act*, the *Animals for Research Act* and the *Provincial Animal Welfare Services Act, 2019* (this Act came into effect January 1<sup>st</sup> 2020).

Along with the mandated responsibilities outlined in the provincial regulations, municipalities may also choose to enact municipal by-laws for animal control. The Town of Lakeshore currently regulates animals through the Zoning By-law (2-2012), the Animal Control By-law (46-2002), the Keeping of Animals By-law (40-2004) and the Parks By-law (18-2016).

The following is a brief overview of the Town's by-laws and services (for detailed information obtain a copy of the by-law or call the Town):

### **Dogs**

- Only 3 dogs permitted per household
- All dog owners must register their dog annually with the Town and receive a "dog tag"
- Kennels are permitted in Agricultural zones only, subject to regulations
- Dogs cannot run at large or foul public property

### **Cats**

- Lakeshore residents can surrender stray cats to the Windsor Essex County Humane Society for free (paid by taxes, budget \$8,000/year)
- 100 vouchers available to pay \$50 toward the cost of spay/neuter of a feral cat (paid by taxes, budget \$5,000/year)
- Live cat traps offered to residents to trap feral cats for above-noted programs
- No licencing or limit on the number of cats per household

### **Other Animals**

- Livestock are permitted only in Agricultural zones on lots over 4 hectares (10 acres) subject to Minimum Distance Separation requirements (livestock are farm animals kept for use, propagation or for profit, such as cattle, horses, chickens and goats)
- Only 3 "Class 2" animals per household (such as rabbits, mink or ferrets)
- Keeping exotic or "Class 3" animals (such as bears, lions and hawks) is prohibited in the Town

The Town plans to update the Town's by-laws regarding the keeping, control and welfare of animals, including a 4 hour dog tethering limit.

# We want to hear from you!

All information collected in accordance with the *Municipal Act, 2001* and will be kept confidential and protected under the *Municipal Freedom of Information and Protection of Privacy Act* and will only be used anonymously to obtain feedback and ideas relating to animal control regulations. The information that you provide will be published in a public Council report in an aggregated and anonymized manner. If you make comments that identify you and/or other persons and submit them in this survey, you are consenting to the collection, use and disclosure of this personal information.

Questions about the collection of information should be made to the Manager of Legislative Services at 519-728-2700 ext. 235 or email [clerk@lakeshore.ca](mailto:clerk@lakeshore.ca).

## Cats

1. Do you think there should be a limit to the number of cats per household?  
(please circle answer)

Yes, I think there should be a limit (move to Question 2)

No, I don't think there should be a limit (move to Question 3)

2. Do you think there should be a different limit for urban properties and agricultural properties? (please circle answer)

Yes, I think urban properties should have a limit of \_\_\_\_\_ # cats and agricultural properties should have a limit of \_\_\_\_\_ cats.

No, I think all properties should be limited to \_\_\_\_\_ # cats/property

3. Should cats be prohibited from running at large? (please circle answer)

Yes, I think cat owners should be given a penalty/fine and I would support a licensing program with an annual fee

Yes, I think cats running at large should be picked up by Animal Control Officer and brought to pound/Humane Society. I would support a tax increase to implement this program.

No, I don't think the Town should prohibit cats from running at large

4. Should the Town of Lakeshore change the number of feral cat spay/neuter vouchers available per year? (please circle answer)

Yes, I support a tax increase to pay for 125 vouchers per year (\$6,250)

Yes, I support a tax increase to pay for 150 vouchers per year (\$7,500)

Yes, I think the Town should reduce the number of vouchers provided each year

No, I think the Town should continue to offer 100 vouchers per year (\$5,000)

5. Would you like to see any other changes relating to the regulation of cats in the Town of Lakeshore?

### **Small Wildlife (Raccoons, possums and skunks)**

The Town of Lakeshore receives calls each year relating to raccoons or other animals on private property. This is not a service offered by the Town at this time.

1. Would you like the Town of Lakeshore to pick up small wildlife on private property by request? (please circle answer)

Yes, I would be willing to pay \$100 for this service

Yes, I would be willing to pay additional taxes for the Town to offer this service  
(estimated cost of \$15,000 per year based on three calls per week)

No, I don't think the Town should offer this service

2. Would you like to see any other changes relating to wildlife control in the Town of Lakeshore?

### **Chickens in settlement areas (“urban” chickens)**

In some municipalities, “urban chickens” are permitted (only hens, not roosters). Chickens and other livestock/farm animals are currently only permitted in Agricultural zones on lots over 4 hectares (10 acres) subject to Minimum Distance Separation requirements.

1. Do you think chickens should be allowed in settlement/urban areas?

(please circle answer)

Yes, I think chickens should be allowed on agricultural properties over 5 acres

Yes, I think chickens should be allowed on agricultural properties over 1 acre

Yes, I think chickens should be allowed on all properties in urban areas

No, I don't think chickens should be allowed in settlement/urban areas

2. If you answered Yes above, how many chickens do you think should be allowed per property? (Note – recommendation for chickens only, no roosters)

Agricultural properties less than 10 acres? \_\_\_\_\_ # of chickens/property

Urban properties? \_\_\_\_\_ # of chickens/property

## Additional Feedback

Please provide any additional comments or questions relating to animal control.

Note: The Town of Lakeshore is collecting your information in accordance with the *Municipal Act, 2001*. The information that you provide will be used for the purpose of informing the Town as to public views relating to animal control regulations in the Town of Lakeshore. The information that you provide will be published in a public Council report in an aggregated and anonymized manner. If you make comments that identify you and/or other persons and submit them in this survey, you are consenting to the collection, use and disclosure of this personal information.

Thank you for your feedback!

# The Corporation of the Town of Lakeshore

## Minutes of the Special Council Meeting

Tuesday, July 28, 2020, 5:30 PM

Electronically hosted from Council Chambers, 419 Notre Dame Street, Belle River



Members Present: Mayor Tom Bain, Deputy Mayor Tracey Bailey, Councillor Steven Wilder, Councillor Len Janisse, Councillor Kelsey Santarossa, Councillor John Kerr, Councillor Kirk Walstedt, Councillor Linda McKinlay

Staff Present: Chief Administrative Officer, Truper McBride, Director of Engineering & Infrastructure Service, Nelson Cavacas, Director of Finance, Rosanna Pellerito, Director of Legislative & Legal Services, Kristen Newman, Manager of Building Services, Morris Harding, Manager of Communications & Strategic Initiatives, Rita Chappell, Manager of Development Services, Kim Darroch, Manager of Engineering Services, Tony DiCiocco, Manager of Information Technology, Pat Girard, Manager of Legislative Services, Brianna Coughlin, Manager of Recreation & Leisure, Frank Jeney Manager of Water/Wastewater Services, Albert Dionne

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### 1. Call to Order

Mayor Bain called the meeting to order at 5:35 PM in Council Chambers. All other members of Council participated in the meeting through video conferencing technology from remote locations.

### 2. Closed Session

**247-07-2020**

**Moved By** Councillor Walstedt

**Seconded By** Councillor McKinlay

Move into closed session at 5:30 PM in accordance with:

- a. Paragraph 239(2)(e), (f) and (k) of the *Municipal Act, 2001* to discuss potential litigation affecting the municipality, advice that is subject to solicitor-client privilege, including communications necessary for that purpose, and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board, relating to the Atlas Tube Centre.

**Carried Unanimously**



### 3. **Return to Open Session**

Council returned to Open Session at 5:43 PM and the Mayor called a recess. The meeting resumed at 6:02 PM.

### 4. **Moment of Reflection**

### 5. **Disclosures of Pecuniary Interest**

Deputy Mayor Bailey declared a pecuniary interest relating to item 13(a) Community Benefit Fund Grant, as it relates to a community organization under her leadership.

### 6. **Recognitions**

### 7. **Public Meetings under the *Planning Act***

### 8. **Public Presentations**

### 10. **Completion of Unfinished Business**

#### a. **Notice of Motion submitted by Councillor Santarossa - West Beach**

**248-07-2020**

**Moved By** Councillor Kerr

**Seconded By** Councillor McKinlay

Move all notices of motion forward, beginning with Completion of Unfinished Business.

**Carried Unanimously**

**249-07-2020**

**Moved By** Councillor Santarossa

**Seconded By** Councillor Kerr

Whereas the Town of Lakeshore's Strategic Plan prioritizes sustainable community development, which includes the maintenance of a clean and accessible beach and access to Lake St. Clair;

Whereas the West Beach provides equal access to recreation opportunities, which has been an integral part in reopening our communities;

Whereas Council has closed the West Beach for safety reasons related to access and misuse of facilities provided;

Now Therefore be it Resolved that further measures must be taken to improve the quality and safety of the West Beach and lake access for residents:

Be it Further Resolved that a safe swimming area be designated or marked with buoy lines or buoy markers, or a combination of the two, as per a primary recommendation in the Comprehensive Aquatic Safety Audit Report;

Be it Further Resolved that additional signs be installed to indicate designated overflow and additional parking areas;

Be it Further Resolved that the volleyball net and accessible matting be reinstalled for the season.

In Favor (6): Mayor Bain, Deputy Mayor Bailey, Councillor Santarossa, Councillor Kerr, Councillor Walstedt, and Councillor McKinlay

Opposed (2): Councillor Wilder, and Councillor Janisse

**Carried**

#### **250-07-2020**

**Moved By** Councillor Santarossa

**Seconded By** Deputy Mayor Bailey

That the monthly rent payment, including HST, for the operator at the West Beach be waived for the month of July.

**Carried Unanimously**

#### **251-07-2020**

**Moved By** Councillor Santarossa

**Seconded By** Councillor Kerr

That a letter be sent to the OPP requesting increased patrols and surveillance of West Beach, including on holidays.

In Favor (2): Deputy Mayor Bailey, Councillor Santarossa, and Councillor Kerr

Opposed (6): Mayor Bain, Councillor Wilder, Councillor Janisse, Councillor Walstedt, and Councillor McKinlay

**Lost**

**b. Notice of Motion submitted by Councillor Walstedt - Parking on Oriole Park Drive**

Councillor Walstedt withdrew his notice of motion with the support of the seconder.

**9. Delegations**

**a. Gilbert Lanoue - Petition to Restrict Daily Vacation Rentals in Residential Areas**

Mr. Lanoue presented a petition requesting Council restrict daily vacation rentals in residential areas.

**252-07-2020**

**Moved By** Councillor Kerr

**Seconded By** Councillor Walstedt

Direct Administration to prepare a report for the first meeting in September regarding prohibition of short-term accommodation rentals.

**Carried Unanimously**

**17. Notices of Motion**

**a. Notice of Motion submitted by Deputy Mayor Bailey - Comber Agricultural Society Grant**

**253-07-2020**

**Moved By** Deputy Mayor Bailey

**Seconded By** Councillor Wilder

Whereas every year the Corporation of the Town of Lakeshore supports the Comber Agricultural Society with the Comber Fair;

And whereas the 2020 Comber Fair was cancelled due to COVID-19;

And whereas historically, the Comber Agricultural Society presents 4 post-secondary students with a \$2,000 bursary each for a total of \$8,000;

And whereas the Society recognizes the importance of education in the agricultural field and has decided to continue its bursary commitment;

Therefore be it resolved that Council approve a grant of \$1,000 to be provided to the Comber Agricultural Society, in lieu of funding for the Comber Fair, and that the grant go towards the post-secondary bursaries provided by the Society.

**Carried Unanimously**

**b. Notice of Motion submitted by Councillor McKinlay - Reconstruction of Melody Drive**

**254-07-2020**

**Moved By** Councillor McKinlay

**Seconded By** Deputy Mayor Bailey

Reconsider motion #180-06-2020, passed June 16, 2020, as relates to the reduction of the budget and tar & chipping of Melody Drive; and

Further, reconsider motion #181-06-2020, passed June 16, 2020, as relates to the \$200,000 allocated to the Melody Drive project.

**Carried Unanimously**

**255-07-2020**

**Moved By** Councillor McKinlay

**Seconded By** Councillor Walstedt

Approve the deferral of the reconstruction of Melody Drive to 2021.

**Carried Unanimously**

**c. Notice of Motion submitted by Councillor Kerr - Backup Generators**

**256-07-2020**

**Moved By** Councillor Kerr

**Seconded By** Councillor Wilder

Whereas high water levels have increased potential flooding;

And whereas pumps are an effective tool to help mitigate flooding during storms;

And whereas electricity is needed to run the pumps;

And whereas power gets knocked out during storms;

And whereas no electricity to pumps equals increased flooding;

And whereas increased flooding creates increased basement and property flooding;

And whereas only one drainage pump station in all of Lakeshore is equipped with a standby backup generator to ensure pumps can continue to work during power outages of electricity;

And whereas residents are asking for backup generators for the pumps;

And whereas under the Drainage Act, residents are stakeholders on the drainage pump pay for the pump and any upgrades;

And whereas the Drainage Act allows for a resident drive campaign and initiate process to do upgrades such as backup generators;

And whereas the municipality under the Act is also a stakeholder on the drainage system;

Therefore be it resolved that Council direct Administration to include funding in the 2021 draft budget to implement a backup generator upgrade program to all municipal storm pumps and pumps that fall under the drainage act, including any resourcing requests necessary to undertake the work.

In Favor (4): Deputy Mayor Bailey, Councillor Wilder, Councillor Janisse, and Councillor Kerr

Opposed (4): Mayor Bain, Councillor Santarossa, Councillor Walstedt, and Councillor McKinlay

**Lost**

**d. Notice of Motion submitted by Councillor Kerr - Reconsideration of Water Quality Testing**

Councillor Kerr withdrew his notice of motion.

**11. Consent Agenda**

- a. Special Council Meeting Minutes - June 29, 2020**
- b. Regular Council Meeting Minutes - July 14, 2020**
- c. Town of Essex - Request for COVID-19 Data**

**257-07-2020**

**Moved By** Councillor Walstedt

**Seconded By** Deputy Mayor Bailey

Approve minutes of the previous meetings and receive correspondence as listed on the Consent Agenda.

**Carried Unanimously**

**258-07-2020**

**Moved By** Councillor Kerr

**Seconded By** Councillor Wilder

Send a letter to the Windsor-Essex County Health Unit requesting that the Windsor-Essex County Health Unit provide a detailed breakdown of data reporting on positive COVID 19 cases in Lakeshore and the region, based on classification relating to Travel, Close Contact, Community Contact and AgriFarm as examples. This information is important and necessary to local decision makers and the general public to make decisions about programs and activities.

In Favor (2): Councillor Wilder, and Councillor Kerr

Opposed (6): Mayor Bain, Deputy Mayor Bailey, Councillor Janisse, Councillor Santarossa, Councillor Walstedt, and Councillor McKinlay

**Lost**

## **12. Reports for Information**

Mayor Bain called a recess at 8:17 PM. Council resumed the meeting at 8:28 PM.

- a. **Committee of Adjustment Meeting Report – July 6, 2020**
- b. **Police Services Board Meeting Minutes January 27, March 2 & June 22, 2020**
- c. **Windsor-Essex Provincial Offences Annual Report- 2019**
- d. **Requests for Reports**
- e. **Council Assignments Monthly Tracking Report - July 2020**

**259-07-2020**

**Moved By** Councillor Walstedt

**Seconded By** Councillor Wilder

Receive the Reports for Information as listed on the agenda.

**Carried Unanimously**

## **13. Reports for Direction**

- a. **Community Benefit Fund Grant**

Deputy Mayor Bailey declared a conflict on this item due to a pecuniary interest relating to a community organization under her leadership. The Deputy Mayor Bailey left the meeting at 8:55 PM.

**260-07-2020**

**Moved By** Councillor Santarossa

**Seconded By** Councillor Walstedt

Council authorize a onetime cash grant to the Community Support Centre in the amount of \$10,170 to be funded from the 2020 Lakeshore Community Benefit Grant program in accordance with the Lakeshore Community Grant Fund policy C-FIN-00001, as described in the report of the Director of Finance presented at the July 28, 2020 Council meeting.

In Favor (4): Councillor Wilder, Councillor Santarossa, Councillor Walstedt, and Councillor McKinlay

Opposed (3): Mayor Bain, Councillor Janisse, and Councillor Kerr

**Carried**

**261-07-2020**

**Moved By** Councillor Wilder

**Seconded By** Councillor Kerr

Contact the organizations that did not receive funding from the Community Benefit Fund Grant to inquire as to whether they are still seeking the funding and intend to operate in 2020.

**Carried**

**b. Arts Advisory Committee Chain Link Fence Art Proposal**

Deputy Mayor Bailey joined the meeting at 9:29 PM.

**262-07-2020**

**Moved By** Councillor Wilder

**Seconded By** Councillor Santarossa

Approve the Arts Advisory Committee request to perform Chain Link Fence Art on the fence located at Optimist Park 705 Notre Dame St, Belle River.

**Carried Unanimously**

**263-07-2020**

**Moved By** Councillor Santarossa

**Seconded By** Councillor McKinlay

Extend the meeting past 9:30 PM.

In Favor (4): Mayor Bain, Councillor Wilder, Councillor Santarossa, and Councillor McKinlay

Opposed (4): Deputy Mayor Bailey, Councillor Janisse, Councillor Kerr, and Councillor Walstedt

**Lost**

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Tom Bain  
Mayor

---

Kristen Newman  
Clerk



**COUNCIL SERVICES DEPARTMENT**

**VALERIE CRITCHLEY**  
CITY CLERK

IN REPLY, PLEASE REFER  
TO OUR FILE NO. \_\_\_\_\_

July 28, 2020

Hon. Doug Ford  
Premier of Ontario  
Premier's Office  
Room 281, Legislative Building, Queen's Park  
Toronto, ON M7A 1A1

Dear Premier Ford

Windsor City Council, at its meeting held July 13, 2020 adopted the following resolution:

Decision Number: CR333/2020

That a letter **BE SENT** to the Honourable Doug Ford, Premier of Ontario requesting the Province to look into all possible ways of providing tax and/or other financial relief to our community non-profit and service clubs and organizations as a result of those organizations not being able to operate and be open as a result of the COVID-19 pandemic; and further,

That a copy of this resolution of support **BE FORWARDED** to local MPPs and all County of Essex municipalities.

Carried.

Your consideration to Windsor City Council's resolution would be most appreciated.

Sincerely,



Steve Vlachodimos  
Deputy City Clerk and Senior Manager of Council Services  
SV/wf

cc: Ms. Lisa Gretzky, Member of Provincial Parliament, Windsor West  
Mr. Percy Hatfield, Member of Provincial Parliament, Windsor-Tecumseh  
Mr. Taras Natyshak, Member of Provincial Parliament, Essex  
Jennifer Astrologo, Director of Corporate Services/Clerk-Town of Kingsville  
Mary Birch, Chief Administrative Officer-Town of Essex  
Kristen Newman, Director of Legislative and Legal Services - Clerk  
Ruth Orton, Director of Legal & Legislative Services - Municipality of Leamington  
Paula Parker, Municipal Clerk - Town of Amherstburg  
Agatha Robertson, Director of Council Services/Clerk - Town of Lasalle

July 29, 2020

The Right Hon. Justin Trudeau, Prime Minister of Canada  
House of Commons  
Ottawa Ontario  
K1A 0A6

**Sent by Email** [justin.trudeau@parl.gc.ca](mailto:justin.trudeau@parl.gc.ca)

Dear Prime Minister Trudeau,

**Re: Support for Federal Assistance for People with Disabilities - COVID-19 Pandemic**

---

At their regular meeting on July 15, 2020 Essex County Council received a letter from the Chair of the Essex County Accessibility Advisory Committee outlining the ECAAC's appeal for Federal Assistance for People with Disabilities - COVID-19 Pandemic. Essex County Council passed the following resolution:

**140-2020**

**Moved By Gord Queen**

**Seconded By Crystal Meloche**

That Essex County Council supports the request of the Essex County Accessibility Advisory Committee to seek additional funding from the Federal government for certified holders of the Disability Tax Credit (DTC) to assist with the added financial burden that many people living with disabilities are facing during the COVID-19 Pandemic;

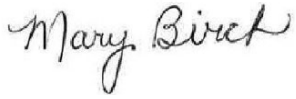
And further, that the resolution be circulated to the Prime Minister, the Minister of Employment, Workforce Development and Disability Inclusion, local members of parliament, local municipalities and to the Federation of Canadian Municipalities. –

**Carried**

As such, please find enclosed a copy of the ECAAC letter.

Should you require further information, please feel free to contact the undersigned at [mbirch@countyofessex.ca](mailto:mbirch@countyofessex.ca).

Regards,



Mary Birch  
Director of Council and Community Services / Clerk

CC:

- The Hon. Carla Qualtrough, Minister of Employment, Workforce Development and Disability Inclusion - [Carla.Qualtrough@parl.gc.ca](mailto:Carla.Qualtrough@parl.gc.ca)
- Chris Lewis, MP Essex - [Chris.Lewis@parl.gc.ca](mailto:Chris.Lewis@parl.gc.ca)
- Irek Kusmierczyk, MP Windsor-Tecumseh - [Irek.Kusmierczyk@parl.gc.ca](mailto:Irek.Kusmierczyk@parl.gc.ca)
- Dave Epp, MP Chatham-Kent-Leamington - [Dave.Epp@parl.gc.ca](mailto:Dave.Epp@parl.gc.ca)
- Brian Masse, MP Windsor West - [brian.masse@parl.gc.ca](mailto:brian.masse@parl.gc.ca)
- Municipalities of Amherstburg, Essex, Kingsville, Lakeshore, LaSalle, Leamington and Tecumseh
- Federation of Canadian Municipalities, President Bill Karsten - [info@fcm.ca](mailto:info@fcm.ca)



June 30, 2020

Gary McNamara, Warden and Members of Essex County Council  
360 Fairview Ave. W.  
Essex, Ontario  
N8M 1Y6

Dear Warden and Members of Council,

**Re: Federal Assistance for People with Disabilities - COVID-19 Pandemic**

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Recently, the Federal government announced a 'Special one-time tax-free payment for certified holders of the Disability Tax Credit (DTC)'. They have committed to providing a special one-time tax-free payment to individuals as of June 1, 2020, as follows:

- \$600 for Canadians with a valid DTC certificate.
- \$300 for Canadians with a valid DTC certificate and who are eligible for the Old Age Security (OAS) pension.
- \$100 for Canadians with a valid DTC certificate and who are eligible for the OAS pension and the Guaranteed Income Supplement (GIS).

These payments, while appreciated, are inadequate compared to the added financial burden that many people living with disabilities are facing during the COVID-19 Pandemic. There is no end in sight to this crisis and people are running out of resources. Many of our most vulnerable people are suffering as a result of inadequate care, reduced availability of care-givers, added expenses, the loss of their ability to be independent and possibility the ability to provide for themselves during the pandemic. The need for additional living supports coupled with their limited means to cover those costs have put a great burden on an already marginalized group of citizens. Many people living with a disability have other underlying health issues, which means that they may be particularly vulnerable to contracting the virus, and thus need added PPE and to rely on goods and services to be delivered to them at their own expense. The cost of these added supports add-up quickly and the financial impact can mean disaster.

It is not enough to provide a one-time payment and we ask that the Federal government reconsider and increase their funding for people with disabilities during this crisis.

We ask that Council offer their support for people living with disabilities and forward this request to the Prime Minister as well as to the Minister of Employment, Workforce

519-776-6441  
TTY 1-877-624-4832

360 Fairview Ave. W.  
Essex, ON N8M 1Y6

countyofessex.ca

Development and Disability Inclusion, to our local members of parliament, to our local municipalities and to the Federation of Canadian Municipalities.

The Essex County Accessibility Advisory Committee wishes to raise awareness regarding this issue and is hopeful that people living with disabilities get the financial assistance that is not only vital, but also for some, could be a matter of life and death. The ECAAC is thankful to Council for continued support and for your attention to this very important matter.

On behalf of the ECAAC,

*Christine Easterbrook*

Christine Easterbrook  
Chair, Essex County Accessibility Advisory Committee

31 July, 2020

Sent to all Clerks of Member Municipalities

## **Re: Essex Region Source Protection Committee – Municipal Representation**

As required by the Clean Water Act, 2006, the Essex Region Source Protection Authority (ERSPA) has an established Source Protection Committee (SPC), which follows the guidance of Ontario Regulation 288/07 (O.Reg 288/07). The SPC is composed of 15 members, including five (5) representatives from the municipal sector. The remaining two-thirds of the SPC are representatives of key industries (e.g. agriculture, greenhouse operations, and fuel suppliers) and members of the public at large.

In 2007, the ERSPA striking committee proposed the following composition of municipal representation on the SPC.

- City of Windsor – 2 members
- Union Water Supply System – 1 member
- Town of Lakeshore – 1 member
- Town of Amherstburg – 1 member

The striking committee felt that those municipalities responsible for the Water Treatment Plants that provide the largest water supplies should have the opportunity to have representation on the SPC. A letter was sent to all Clerks of Member Municipalities on July 30, 2007 to this effect, and this distribution of representation was subsequently endorsed by all municipalities in 2007. At this time, the term of appointment is expiring for one municipal member, one municipal member is retiring and one municipal member has taken a new position and can no longer sit on the SPC in this role.

As of November 1, 2020, the term of appointment for Mayor Nelson Santos, representing Union Water Supply System, is expiring. Mr. Santos has indicated his intention to remain on the SPC until the end of his term on the Union Water Supply System Board in November 2022. Mr. Santos has been on the SPC since 2015 and we are grateful for his contribution and continued commitment to the protection of our sources of drinking water.

Kevin Girard, who was representing the Municipality of Lakeshore, moved to a new position elsewhere. The Municipality of Lakeshore named Albert Dionne as his replacement. Mr. Dionne has 20 years of experience in water management, serving in various roles building, designing and maintaining water distribution systems. Mr. Dionne began working for the Town of Lakeshore in February 2019 and is now their Manager of Environmental Services.

Paul Drca, a member of the SPC representing the City of Windsor since 2015, announced his retirement from his position at the City, and therefore from the SPC. Mr. Drca was a valued member of the SPC and will be missed. Ian Wilson will be temporarily taking Mr. Drca's place on the SPC until such time as Mr. Drca's position at the City is filled. Mr. Wilson has been a member of the SPC since 2014 in the Economic/Industry sector representing consultants; however, he has just taken a new position as an Engineer at the City of Windsor. We are pleased that Mr. Wilson is able to continue on the SPC during this transition. His now vacant position in the Economic/Industry sector has been advertised.

Municipal Councils are asked to endorse all municipal candidates prior to their formal appointment by the Essex Region Source Protection Authority as a regular SPC member. In keeping with our previous practices, at this time we are asking that all member Municipalities endorse the following individuals' appointment to the Essex Region Source Protection Committee:

- **Albert Dionne, Town of Lakeshore**, appointment date: September 10, 2020; expiration of appointment September 10, 2025.
- **Ian Wilson, City of Windsor**, appointment date: September 10, 2020; expiration of appointment September 10, 2021.
- **Nelson Santos, Union Water Supply System**, appointment date: September 10, 2020; expiration of appointment November 30, 2022.

Responses in the form of Council Resolutions are kindly requested by **31 August, 2020**. The Essex Region Source Protection Authority is scheduled to address this matter at their meeting on September 10, 2020.

This letter is sent under separate cover to municipal staff who have been appointed by their municipality to assist with Source Water Protection. Please contact me if you require any further information.

Sincerely,



Katie Stammmler, PhD  
Water Quality Scientist and Source Water Project Manager  
Essex Region Conservation Authority





August 6, 2020

To: The Windsor Essex County Health Unit  
Attention: Theresa Marentette, CEO  
1005 Ouellette Avenue  
Windsor, Ontario  
N9A 4J8  
By Email: [tmarentette@wechu.org](mailto:tmarentette@wechu.org)

And To: The Windsor Essex County Health Unit  
Attention: Dr. Wajid Ahmed. Medical Officer of Health  
  
1005 Ouellette Avenue  
Windsor, Ontario  
N9A 4J8  
  
By Email: [wahmed@wechu.org](mailto:wahmed@wechu.org)

Dear Ms. Marentette and Dr. Ahmed:

**RE: Further Request for Information/Data on Positive COVID-19 Cases in Essex County**

At its Regular Meeting of August 4, 2020, Town of Essex Council discussed the need for more timely and detailed information on the reporting of positive COVID-19 cases in our municipalities. At this meeting Council discussed the need to receive more granular information from the Health Unit that allows the public to note positive cases by neighborhood not just at the Municipal level. Further to receive this more detailed information on a timelier and even daily basis if possible will better equip the public and their municipalities to evaluate health risks, identify potential hot zones and plan and use precious taxpayer/municipal resources more efficiently.

This discussion was further to Council's prior and related discussion at its July 20 Council meeting in which direction was provided to send correspondence dated July 23 to the Health Unit requesting the provision of greater raw data on positive COVID-19 cases. I attach for your reference a copy of that previous correspondence.



As a result of Council's discussion, the following resolution was passed at the August 4 Regular Meeting:

Moved by Councillor Bjorkman  
Seconded by Councillor Bondy

**That** Council direct Administration to send a further letter to the Windsor Essex County Health Unit requesting the provision of COVID 19 information that is more up to date (within the last week) but including daily updates if possible as to positive cases and to further indicate as part of such timelier reporting, where exactly amongst our neighborhoods such positive cases are located, using communication resources such as mapping, so that residents and their municipalities can be made aware of the very latest outbreaks and be better informed in helping to control the spread of COVID-19; and

**That** a copy of the correspondence be further sent to the County municipalities and the County of Essex. **"Carried"**

If you have any questions or comments regarding this matter, please contact the undersigned.

Yours truly,

A handwritten signature in black ink, appearing to read "Robert Auger".

Robert Auger, L.L.B.  
Town Solicitor, Legal and Legislative Services/Clerk  
Email: [rauger@essex.ca](mailto:rauger@essex.ca)

CC Mary Birch, Director of Council and Community Services/Clerk  
County of Essex  
Email: [mbirch@countyofessex.ca](mailto:mbirch@countyofessex.ca)

Paula Parker, Municipal Clerk/Risk Manager  
Town of Amherstburg  
Email: [pparker@amherstburg.ca](mailto:pparker@amherstburg.ca)

Jennifer Astrologo, Director of Corporate Services/Clerk  
Town of Kingsville  
Email: [jastrologo@kingsville.ca](mailto:jastrologo@kingsville.ca)



Agatha Robertson, Director of Council Services/Clerk  
Town of LaSalle  
Email: [arobertson@lasalle.ca](mailto:arobertson@lasalle.ca)

Kristen Newman, Director of Legislative and Legal Services/Clerk  
Town of Lakeshore  
Email: [knewman@lakeshore.ca](mailto:knewman@lakeshore.ca)

Brenda Percy, Municipal Clerk/Manager of Legislative Services  
Municipality of Leamington  
Email: [bpercy@leamington.ca](mailto:bpercy@leamington.ca)

Laura Moy, Director of Corporate Services/Clerk  
Town of Tecumseh  
Email: [lmoy@tecumseh.ca](mailto:lmoy@tecumseh.ca)

# The Corporation of the Town of Lakeshore

## Report to Council

### Community & Development Services

### Development Services



**To:** Mayor & Members of Council

**From:** Ian Search, Planner Level 1

**Date:** July 28, 2020

**Subject:** Committee of Adjustment Meeting Report – July 22, 2020

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### Recommendation

This report is for information only.

### Background

The Committee of Adjustment decisions from the July 22 2020 meeting (Special Hearing) are detailed below and have an appeal deadline of August 10 (minor variance) and August 13 (consent)

1. Minor Variance – **Granted** – Increase in lot coverage from 35% to 39% for a residential property on Rafih Crescent (**Appeal period ends August 10, 2020**).
2. Consent – **Granted** – Surplus farm dwelling severance on County Road 2 (**Appeal period ends August 13, 2020**)

### Comments

The draft minutes from the July 22, 2020 Committee of Adjustment meeting are attached.

### Financial Impacts

There are no financial impacts resulting from the recommendation in this report.

**Attachment(s):** Committee of Adjustment Minutes July 22, 2020

## Report Approval Details

Document Title:	Committee of Adjustment Meeting Report - July 22 2020.docx
Attachments:	- Minutes July 22.doc
Final Approval Date:	Aug 4, 2020

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

Kim Darroch

Rosanna Pellerito

Kristen Newman

Truper McBride

**TOWN OF LAKESHORE  
COMMITTEE OF ADJUSTMENT  
WEDNESDAY, JULY 22, 2020 @ 5:45 P.M.**

The meeting opened at 6:00 P.M. with the following members present:

Chairman	- Mark Hacon
Members	- Steve Diemer
	- Ron Barrette
	- Robert Sylvestre
Secretary-Treasurer	- Ian Search
Manager of Development Services	- Kim Darroch

The Chair introduced the Committee members and support staff and provided a brief outline of the process followed through the hearings.

The Chair also inquired if there were any disclosures of pecuniary interest and the general nature thereof with the applications proposed to be heard at tonight's Committee meeting.

- There were no disclosures of pecuniary interests at this time.

**APPLICATION: A/13/2020**

**MAP NO. 200-12405**

**APPLICANT: Suburban Homes (1991) Ltd.**

**PROPERTY LOCATION: 248 Rafih Crescent (Community of Maidstone)**

**PURPOSE OF APPLICATION**

The applicant is seeking relief from the following Section of the Lakeshore Zoning By-law 2-2012 for a new single detached dwelling:

- Section 8.1 Urban Residential Zone Regulations for a maximum lot coverage of 39%, **whereas Section 8.1 of the R1 zone requires a maximum lot coverage of 35%**

**PRESENT AT MEETING**

Christian Lefave (President of Suburban Homes (1991) Ltd.), Applicant

## CORRESPONDENCE RECEIVED

1. Lakeshore Building Dept. – No comments
2. Lakeshore Drainage Dept. – No objection
3. Lakeshore Engineering Dept. – No comments
4. Lakeshore Fire – No comments
5. Lakeshore Planning Dept. –

Section 45(1) of the *Planning Act* gives the authority of granting minor relief from the provisions of the Zoning By-law to the Committee of Adjustment. Such relief can only be granted if the Minor Variance passes four tests. If the Committee is not satisfied on all four tests, then the Minor Variance cannot be approved.

Staff are satisfied that the proposed development meets the four tests set out in the *Planning Act*.

### Discussion:

This proposal does not conflict with any policies of the Residential Designation. The subject property is not part of any significant valley lands, woodlands or wetlands. While there are no hazard lands, the property is located within the ERCA Limit of the Regulated area. ERCA was circulated the application for comments.

The purpose of the maximum lot coverage provision is to provide sufficient outdoor amenity space, landscaping and drainage. Permitting a 4% increase in maximum lot coverage is considered minor in this case. Sufficient landscaping and outdoor amenity space will be preserved as the proposed single unit dwelling with covered porches will meet the required setbacks of the R1 zone. The owner is responsible for providing sufficient drainage on their lot, and the increased coverage is not anticipated to affect drainage given that required yard space will be provided.

There appears to be other large single detached dwellings in the immediate area that utilize their lot coverage and setbacks to the greatest extent possible to accommodate development. Therefore, the variance does not threaten the attractiveness of the neighborhood and it is compatible with its surroundings. None of the above issues appear to cause a concern and the variance is considered minor.

Therefore, the requested variance meets the following four tests prescribed under Section 45 (1) of the *Planning Act*.

- i. The variance would be “minor” in nature.
- ii. It would be desirable for the appropriate development or use of the land,

- building or structure.
- iii. It would maintain the general intent and purpose of the Official Plan.
- iv. It would maintain the general intent and purpose of the Zoning By-law.

6. ERCA – No objections

## **APPLICANTS AMENDMENTS**

- None

## **DISCUSSION**

The Chair inquired if anyone in the audience wished to speak to the application. No response was received.

Ron Barrette asked the applicant what the size of the proposed covered porch was. Ian Search informed the Committee that there were two porches proposed – the one at the rear of the house being 208 square feet, and the one at the front of the house being 46.25 square feet

**Moved by Steve Diemer**  
**2<sup>nd</sup> by Robert Sylvestre**

That Minor Variance application A/13/2020 by Suburban Homes (1991) Ltd. be approved.

**- Carried -**

**APPLICATION: B/5/2020**

**MAP NO. 620-04100**

**APPLICANT: Gerald and Diane Trepanier**

**PROPERTY LOCATION: 640 County Road 2**  
**(Community of Rochester)**

## **PURPOSE OF APPLICATION**

The subject farm land is located on the south side of County Road 2 in the Community of Rochester. The applicants have applied for a surplus dwelling lot with 67.2 metres (220.47 feet) of frontage and an overall area of 4,978 m<sup>2</sup> (1.23 acres). The retained farmland will then have a frontage off County Road 2 of 31.3 metres (102.7 feet) and an overall area of 34.67 acres (14 hectares). The subject land is zoned A, Agriculture and designated Agricultural.



**(If approved, the severed parcel will comply with the Zoning By-law (lot frontage/ area), however the retained farmland requires a condition to amend the zoning to recognize its deficient lot area and frontage, and to prohibit a single detached dwelling.)**

## **PRESENT AT MEETING**

Gerald Trepanier, Applicant

## **CORRESPONDENCE RECEIVED**

1. Lakeshore Building Dept. – No comments
2. Lakeshore Engineering Dept. – Surface water and subsurface drainage tiles and water should be redirected around the severed parcel. Any new entrances on the retained lot will require an engineer's report under the Drainage Act. Retained lot is subject to water buy-in fee according to the tariff of fees by-law at time of servicing.
3. Lakeshore Drainage Dept. – The property will require a new access bridge under the Drainage Act as they are located on a municipal drain.
4. Lakeshore Fire Dept. – No comments
5. Lakeshore Planning Dept. –

The subject property is designated 'Agricultural' in the Town of Lakeshore Official Plan and is zoned Agriculture Zone (A) in the Lakeshore Zoning By-law. The subject property is not part of any hazard lands, significant valley lands, woodlands or wetlands. It is located within the ERCA Limit of Regulated Area. There is a municipal drain located along the front lot line and the application was circulated to the Drainage department for further comment.

The Town of Lakeshore Official Plan and the Provincial Policy Statement (PPS) permit consents to sever a residential building which is considered surplus to the needs of the farming operation, provided the municipality ensures that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance. A zoning by-law amendment application will be required on the retained lands, following the surplus lot creation to ensure that new residential dwellings are prohibited on any vacant remnant parcel of farmland.

The required zoning by-law amendment application will also recognize the deficient lot frontage and area of the retained farm parcel. The farm parcel as it exists today already has deficient lot area under the current standards of the zoning by-law, and it is anticipated that there will be sufficient frontage for farm equipment to access and exit

the property east of the severed lot. A new and separate access bridge will be required for the retained farmland parcel as a condition of consent approval.

The lot dimension of the severed lot as proposed incorporates the existing residence, accessory structures, stand of trees, and grassed area. The accessory structures do not house livestock and will be used for storage.

The applicants will be advised by the Secretary-Treasurer of the Committee of Adjustment prior to the issuance of a consent certificate that the location of any future livestock facility on the retained lands shall be in accordance with the minimum distance separation (MDS) formula of the Agricultural Code of Practice.

If the Committee decides to approve this application, they are advised that the proposed consent would be consistent with the Provincial Policy Statement (PPS), conforms to the Lakeshore Official Plan, subject to the following conditions of consent:

- That the applicant obtain a proper survey and Reference Plan from an Ontario Land Surveyor for the severed parcel of land, including any buildings along the new lot line. Data shall also be provided on a CD or floppy disk in the format of a projection (NAD 83) UTM Zone 17.
- That all municipal taxes be paid in full prior to the stamping of the Deed.
- That a Park Fee be imposed on the granting of this Application in the amount of \$600.00 and that such fee shall be paid prior to the stamping of the Deed.
- That the applicant obtain a Zoning By-law amendment respecting the remnant farm parcel to prohibit the construction of a residential dwelling and to recognize any deficiencies in lot area and frontage, if required, and that the surplus lot be rezoned to recognize the non-farm residential use.
- That a septic test report be completed and filed with the municipality by a Certified Septic System Installer confirming that the septic system meets Part 8 OBC regulations prior to the stamping of the Deed.
- That the applicant install a new access bridge on the retained farm land prior to the stamping of the Deed.
- That the applicant enter into an Agreement with the municipality to be registered on title prior to the stamping of the Deed, to pay any applicable water rates or fees with respect to the subject lands.
- That the applicant enter into an Agreement with the municipality prior to the stamping of the Deed regarding the apportionment of any current or future local improvements or drainage charges levied against the subject property.

- That the applicant enter into a consent agreement, which requires a “warning clause” be placed on title alerting potential purchasers of the potential for wind turbine erection within the general area prior to the stamping of the Deed.
- That the applicant submit a drawing detailing the surface and subsurface drainage for the entire lands prior to the stamping of the Deeds.
- That the Deed and a copy for our records be forwarded to the Secretary for stamping.
- That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by **July 24, 2021**. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.

6. ERCA – No objection

7. County of Essex – Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures.

8. Hydro One - We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only. For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier. If Hydro One is your local area Distribution Supplier, please contact Customer Service at 1-888-664-9376 or e-mail [CustomerCommunications@HydroOne.com](mailto:CustomerCommunications@HydroOne.com) to be connected to your Local Operations Centre.

## **APPLICANTS AMENDMENTS**

- None

## **DISCUSSION**

The Chair inquired if anyone in the audience wished to speak to the application. No response was received.

Mark Hacon asked the applicant if they had any questions about with respect to the recommended conditions imposed on the granting of consent. Gerald Trepanier responded that he had no questions.

Robert Sylvestre asked the applicant if he was aware and willing to accept that it takes about a year to build the required bridge for the retained farm land access. Gerald Trepanier responded that he was willing to accept this.

Robert Sylvestre asked if the lands north of County Road 2 were part of the subject farm parcel. Ian Search explained that the lands to the north are a separate property, and not part of the farm due to the County Road 2 right-of-way.

Ron Barrette asked if there was an alternative or secondary access to the farm other than County Road 2. Gerald Trepanier explained that he usually enters the farmland across the side lot line from a neighbouring farm.

**Moved by Ron Barrette**  
**2<sup>nd</sup> by Steve Diemer**

That Consent Application B/5/2020 by Gerald & Diane Trepanier be approved subject to the recommended conditions from the Planning Department

- **Carried-**

**Moved by Robert Sylvestre**  
**2<sup>nd</sup> by Steve Diemer**

That the minutes of June 24, 2020 be adopted as printed and distributed.

- **Carried –**

**Moved by Ron Barrette**  
**2<sup>nd</sup> by Steve Diemer**

THAT the meeting adjourn at 6:40 p.m.

- **Carried –**

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Mark Hacon  
Chairman

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Ian Search  
Secretary-Treasurer

# **The Corporation of the Town of Lakeshore**

## **Report to Council**

### **Finance Services**



**To:** Mayor & Members of Council

**From:** Rosanna Pellerito, Director of Finance

**Date:** July 13, 2020

**Subject:** Consulting Costs

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### **Recommendation**

This report is provided for information only.

### **Background**

At its meeting on February 11, 2020, a member of Council requested and Administration agreed to provide a report on the summary of consulting costs that have been paid by the Town.

### **Comments**

The Town engages in consulting expertise for a variety of services. Engineering services are required for engineering and design works for construction type projects in Public Works and Drainage. This work primarily includes Civil Engineering Structural Engineering/Architectural, Mechanical Engineering, Electrical Engineering, Environmental Engineering, Fire Safety Consulting, Energy Audit Consulting, Demolition Consulting, and Land Surveyors.

The Town also relies on consulting services to assist with the preparation of master plans and studies such as the Official Plan, Parks and Recreation Master Plan, Development Charge background Study, Roads needs study and the Asset Management Plan, to name a few.

The Town does not have the resourcing or the technical staff in-house to undertake this varied type of work internally and therefore reaching out to consultants who are subject matter experts can ensure the Town is complying with the applicable legislation and regulations for each project. For example, any structural design work requires an Engineers seal. There are currently no staff within the Town that have an Engineers seal.

Being able to rely on consultants provides for flexibility as the Town would only engage in their services when needed.

To provide for these services in-house, the Town would need to implement a fully operational Engineering Department staffed with the various specialized Engineers, technologists, support staff and acquire the specialized equipment that would be required to undertake this work. Engineering departments of this magnitude are typical in larger municipalities that have a considerable number of smaller scope projects that would make it efficient for internal staff to manage. For larger projects, even larger municipalities rely on external consultants to complement their internal staff resources as work can sometimes be complex and require specialized skill set that is not always needed. External consultants are able to rely on a larger pool of specialized expertise in different areas from their network of offices which would provide a higher level of service to a municipality who would not have the same access to this network available in-house.

There would be benefit to Lakeshore in adding an engineering component to the current staff compliment to assist with overall project management and due diligent reviews of external work, however it is unlikely that the Town could eliminate the dependency on external consultants.

## Financial Impacts

Below is a summary of the total consulting costs incurred by the Town between 2017 and 2019;

Year	Plans & Studies	Capital Works	Less: Grants	Net Consulting Costs
2017	681,019	1,580,991	420,906	1,841,104
2018	885,702	2,538,559	1,254,706	2,169,554
2019	961,479	1,739,196	978,950	1,721,725
<b>Total</b>	<b>2,528,201</b>	<b>5,858,746</b>	<b>2,654,563</b>	<b>5,732,384</b>

As noted in the chart above, approximately \$2.5M has been spend on plans and studies over the last three years and \$5.8 has been spent on engineering costs for capital projects. Grants received over this time period total \$2.6M which has been used to offset these costs for a net total of \$5.7M over the last three years. In comparison to the overall capital budget, consulting forms approximately 7.34% of the total works over the last three years.

To fund a complete engineering department with a minimum of 3 engineers, one technologist and two support staff would cost the Town between \$800,000 and \$1,000,000 annually in wages alone. Statutory benefits and legacy costs would compound this expense on an annual basis. These costs would be in perpetuity for the Town or as long as the Town continued to employee these individuals. As indicated

above, the Town would still be required to look to consultants for additional expertise that would not all be fulfilled by establishing an engineering department.

### Report Approval Details

Document Title:	Consulting Costs.docx
Attachments:	
Final Approval Date:	July 17, 2020

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

Kristen Newman

Truper McBride

# The Corporation of the Town of Lakeshore

## Report to Council

### Engineering & Infrastructure Services

#### Public Works



**To:** Mayor & Members of Council

**From:** Albert Dionne, C.E.T.  
Manager of Public Works

**Date:** July 29, 2020

**Subject:** Enhanced Weekly Yard Waste Collection

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#### Recommendation

This report is for information only.

#### Background

Council adopted the following resolution at its June 9, 2020 meeting:

*Administration be directed to bring a report regarding the cost of once-weekly yard waste pick-up.*

The Town of Lakeshore currently provides yard waste picked up on a bi-weekly rotation starting in April through to November which works out to seventeen (17) pickups. The bi-weekly yard waste collection is completed on Saturday with half of the Town collection area collection being completed on alternating Saturdays.

The contract is currently with Green for Life (GFL), formally known as Windsor Disposal Services (WDS). Area 1 is collected on one week and area 2 and 3 the following week. The 2020 rate for yard waste collection is \$0.51 per unit, which was approved in the budget.

#### Comments

Administration inquired with the current service provider as to the additional costs would be involved to increase the yard waste pick-up from bi-weekly to a weekly collection. There are presently 14,629 units that are billed for yard waste collection.

GFL advised the Town that increasing the current level of service to a weekly yard waste collection for the entire municipality presents logistical challenges with their current compliment of staffing and equipment availability. This will require them to acquire



additional collection trucks as well as incurring over time rates for labour with only being able to schedule on the additional collections on Saturdays. As such, increased costs for labour and equipment would be necessary to implement this additional collection in 2020. The current cost is \$3,500 per collection, however, this would increase by an additional \$8,000 for a combined total of \$11,500 per collection if service level was doubled to a weekly collection. This would apply for the duration of 2020.

Administration is currently working on completing a Request for Proposals (RFP) to establish a new service contract for the Town. This would be the time to see if there are other companies that would be bidding on the new contract as well and this will be budgeted accordingly moving forward.

### **Financial Impacts**

With there being 17 weeks remaining in the calendar year for yard waste collection, the total additional cost would be \$136,000 to provide weekly yard waste collection for the entire municipality. The extra unit cost of \$8,000 per collection pickup is approximately 230% above the current rate of \$3,500. The 2020 budget for yard waste bi-weekly for entire municipality is \$119,000. If the Town were to implement the weekly yard waste collection there would be a \$136,000 variance representing approximately a 115% of the 2020 budget. As such, Administration does not recommend implementing the weekly yard waste collection.

### **Report Approval Details**

Document Title:	Enhanced Weekly Yard Waste Collection.docx
Attachments:	
Final Approval Date:	Aug 5, 2020

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

Rosanna Pellerito

Kristen Newman

Truper McBride

# The Corporation of the Town of Lakeshore

## Report to Council

### Engineering & Infrastructure Services

#### Environmental Services



**To:** Mayor & Members of Council

**From:** Albert Dionne, C.E.T.  
Manager, Environmental Services

**Date:** July 9, 2020

**Subject:** 2019-2020 MECP Sewage Lagoon Inspections

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#### Recommendations

Council receive the Ministry of Environment, Conservation and Parks (MECP) Sewage Lagoon Inspections for the Stoney Point Sewage Lagoon (DWS#110002345) – Announced Inspection Report dated October 29, 2019, and, Comber Sewage Lagoon (DWS#110001676) – Announced Inspection Report dated October 23, 2019, as presented at the August 11, 2020 Council meeting.

#### Background

The Ministry of Environment, Conservation and Parks (MECP) conducts inspections of the Town's Sewage Lagoons every five (5) years. Lakeshore has two (2) sewage lagoon systems as follows:

Stoney Point Sewage Lagoons - An inspection of the Lakeshore Stoney Point Sewage Lagoons was carried out by the MECP on October 29, 2019. The Stoney Point Sewage Lagoons provides wastewater treatment to Stoney Point hamlet and to buildings on St. Clair Road from Rochester Townline to its east end. The Lagoons are located at the east end of St Clair Road on the south side of the VIA railway. Wastewater is collected and transported to the lagoons through sanitary sewers and pumping stations in the hamlet and on St Clair Road.

Comber Sewage Lagoons - An inspection of the Lakeshore Comber Sewage Lagoons was carried out by the MECP on October 23, 2019. The Comber Sewage Lagoons provides wastewater treatment to the community of Comber. The Lagoons are located behind the main pump station on Elizabeth Street and the industrial pump station. Wastewater is collected and transported to the lagoons through sanitary sewers and pumping stations.

## Comments

Stoney Point Sewage Lagoons – Inspection Report is appended to this report. This inspection report identified by the MECP three (3) items of concern that were investigated by Administration. There was one item under the section of Non-Compliance with Regulatory Requirements and Actions Required and two items noted under the section of Summary of Best Practice Issues and Recommendations.

The one item under “**Non-Compliance with Regulatory Requirements and Actions Required**” (Page 12 of the Inspection Report) noted the following:

1. ***The logs and other record keeping mechanisms did not comply with the record keeping requirements.***

***Actions Required:***

*Operators are reminded to complete all fields and to ensure that alarms are always logged in the Daily Operational Log.*

The two items identified under the “**Summary of Best Practice Issues and Recommendations**” (Page 13 of the Inspection Report) noted the following:

1. ***The sewage works effluent sampling requirements prescribed by Operational guidelines were not being met.***

***Recommendation:***

*As per Procedure F-10-1, a prior to discharge sample should be collected before each discharge and TKN shall be tested in these samples. TKN is also required to be measured in effluent samples. In addition, as per direction provided to the operating authority during the inspection, effluent samples should be analyzed for CBOD5 instead of BOD5 going forward. Raw samples should continue to be analyzed for BOD5.*

2. ***The owner did not have a program for the routine removal of sludge from the lagoon system.***

***Recommendation:***

*The operating authority shall submit sludge assessment to the ministry once it is completed in the spring of 2020.*

Comber Sewage Lagoons – Inspection Report is appended to this report. This inspection report identified by the MECP four (4) items of concern that were investigated by Administration. There was one item under the section of Non-Compliance with Regulatory Requirements and Actions Required and three items noted under the section of Summary of Best Practice Issues and Recommendations.

The one item under “**Non-Compliance with Regulatory Requirements and Actions Required**” (Page 12 of the Inspection Report) noted the following:

1. ***The logs and other record keeping mechanisms did not comply with the record keeping requirements.***

***Actions Required:***

*Operators are reminded to complete all fields and to ensure that alarms are always logged in the Daily Operational Log.*

The two items identified under the “**Summary of Best Practice Issues and Recommendations**” (Page 13 of the Inspection Report) noted the following:

1. ***The sewage works effluent sampling requirements prescribed by Operational guidelines were not being met.***

***Recommendation:***

*As per Procedure F-10-1, a prior to discharge sample should be collected before each discharge and TKN shall be tested in these samples. TKN is also required to be measured in effluent samples. In addition, as per direction provided to the operating authority during the inspection, effluent samples should be analyzed for CBOD5 instead of BOD5 going forward. Raw samples should continue to be analyzed for BOD5.*

2. ***The owner did not have a program for the routine removal of sludge from the lagoon system.***

***Recommendation:***

*There are no actions or recommendations at this time since rapid sludge build at this facility does not appear to be an issue.*

3. ***For Lagoon Systems, the owner is not conforming to the freeboard and berm conditions in the MECP Design Guidelines for sewage works.***

***Recommendation:***

*The owner/operating authority should ensure that a minimum freeboard is 0.9 m (3 feet) as recommended in The MOE Design Guidelines for Sewage Works.*

Ontario Clean Water Agency (OCWA) is the Town's service provider for overseeing the waste water treatment plants as well as our sanitary pumping stations, collection systems and finally the two (2) lagoons.

Following the MECP lagoon inspections for the Stoney Point and Comber lagoons, the Town reviewed the inspection report with OCWA staff to implement the following course of actions:

- OCWA operators were reminded of the importance of log book sign offs, which was detailed in the findings of the report. Training was also completed on log books by the operators.
- OCWA will monitor sludge depths periodically prior to lagoon treatments and record. There are no actions and recommendations at this time since rapid sludge build up at this facility does not appear to be an issue.
- OCWA has implemented procedure to ensure the freeboard is maintained to the requirements of not less than three (3) feet.

### **Financial Impacts**

There are no financial impacts as a result of the inspection reports.

### **Attachments:**

Stoney Point P.V. Lagoon (DWS#110002345) Inspection Report

Comber Lagoon (DWS#110001676) Inspection Report

### **Report Approval Details**

Document Title:	2019-2020 MECP Lagoon Inspections.docx
Attachments:	- Stoney Pt Lagoon 2019-20 Inspection Report-EA.pdf - Comber Lagoon 2019-20 Inspection Report-EA.pdf
Final Approval Date:	Aug 4, 2020

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

Nelson Cavacas

Rosanna Pellerito

Kristen Newman

Truper McBride

**Ministry of the Environment,  
Conservation and Parks**

620 – 4510 Rhodes Dr  
Windsor ON N8W 5K5  
Tel. : 519 948-1464  
1-800-387-8826  
Fax: 519 948-2396

**Ministère de l'Environnement, de la  
Protection de la nature et des Parcs**

620 – 4510, chemin Rhodes  
Windsor ON N8W 5K5  
Tél. : 519 948-1464  
1-800-387-8826  
Télééc. : 519 948-2396



January 7, 2020

Town of Lakeshore  
419 Notre Dame St.  
Belle River, ON N0R 1A0

File #: SI-ES-LA-441

Attention: Mr. Truper McBride, CAO

**Re: Stoney Point P.V. Lagoon (DWS#110002345) Inspection Report**

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Please find enclosed the Inspection Report for the inspection that was conducted at the Stoney Point P.V. Lagoon (DWS#110002345) on October 29, 2019.

A summary of **Non-Compliance with Regulatory Requirements and Actions Required** are found on pages 10 and a **Summary of Recommendations and Best Practice Issues** are found on page 11 in the attached inspection report.

If you have any questions or concerns regarding this report, please call me at (226) 280-1406 or my supervisor, Marc Bechard, at (519) 490-0761.

Sincerely,

Emily Awad  
Water Inspector, Provincial Officer #1823  
Drinking Water and Environmental Compliance Division  
Sarnia/Windsor District

Encl.

cc: Pat Robak, Process & Compliance Technician; Marco Albano, Senior Operations Manager; OCWA;  
Kevin Girard, Manager, Environmental Services; Nelson Cavacas, Director of Engineering & Infrastructure; Town of Lakeshore;  
Dr. Wajid Ahmed, Acting Medical Officer of Health; Theresa Marentette, Chief Executive Officer; Phil Wong, Manager, Environmental Health, Victoria Peczulis, Manager, Environmental Health; WECHU;  
Katie Stammmler, Source Water Protection Manager, ERCA;  
Marc Bechard, Supervisor, Ministry of Environment, Conservation and Parks



**Ministry of the Environment, Conservation and Parks**

**WW STONEY POINT P.V. LAGOON**

**Inspection Report**

<b>Site Number:</b>	110002345
<b>Inspection Number:</b>	1-L7T7G
<b>Date of Inspection:</b>	Oct 29, 2019
<b>Inspected By:</b>	Emily Awad

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### Appendix A: Key Reference and Guidance Material



## OWNER INFORMATION:

<b>Company Name:</b>	LAKESHORE, TOWN OF	<b>Unit Identifier:</b>	
<b>Street Number:</b>	419		
<b>Street Name:</b>	NOTRE DAME St		
<b>City:</b>	BELLE RIVER		
<b>Province:</b>	ON	<b>Postal Code:</b>	N0R 1A0

## CONTACT INFORMATION

<b>Type:</b>	Operating Authority	<b>Name:</b>	Patrick Robak
<b>Phone:</b>	(519) 727-6256	<b>Fax:</b>	
<b>Email:</b>	probak@ocwa.com		
<b>Title:</b>	Process and Compliance Technician		

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<b>Type:</b>	Main Contact	<b>Name:</b>	Kevin Girard
<b>Phone:</b>	(519) 728-2700	<b>Fax:</b>	
<b>Email:</b>	kgirard@lakeshore.ca		
<b>Title:</b>	Manager of Environmental Services		

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<b>Type:</b>	Operating Authority	<b>Name:</b>	Marco Albano
<b>Phone:</b>	(519) 965-4961	<b>Fax:</b>	
<b>Email:</b>	malbano@ocwa.com		
<b>Title:</b>	Senior Operations Manager		

## INSPECTION DETAILS:

<b>Site Name:</b>	WW STONEY POINT P.V. LAGOON
<b>Site Address:</b>	10832 ST CLAIR Road LAKESHORE ON N0R 1N0
<b>County/District:</b>	LAKESHORE
<b>MECP District/Area Office:</b>	Windsor Area Office
<b>Health Unit:</b>	WINDSOR-ESSEX COUNTY HEALTH UNIT
<b>Conservation Authority:</b>	
<b>MNR Office:</b>	
<b>Site Number:</b>	110002345
<b>Inspection Type:</b>	Announced
<b>Inspection Number:</b>	1-L7T7G
<b>Date of Inspection:</b>	Oct 29, 2019
<b>Date of Previous Inspection:</b>	Jan 21, 2015

## COMPONENTS DESCRIPTION

<b>Site (Name):</b>	STONEY POINT LAGOON	<b>Sub Type:</b>	Facultative
<b>Type:</b>	Lagoon Sewage Treatment System		
<b>Comments:</b>	180 day retention waste stabilization pond with phosphorous removal, constructed in two cells with the following dimensions at five feet liquid depth: POND #1: 14.02 acres - 18.0 MIG		

POND #2: 14.02 acres - 18.0 MIG

Together with an effluent control structure and pumping station equipped with two identical submersible sewage pumps each rated at 666 IGPM at a total dynamic head of 20 feet, to discharge effluent to Little Creek at high water level.

**Site (Name):** SEWAGE COLLECTION SYSTEM  
**Type:** Sewage Collection System **Sub Type:** Nominally Separated Sewers

**Site (Name):** SEWAGE PUMPING STATION #1  
**Type:** Collection System Component **Sub Type:** Pumping station

**Comments:**  
 Located on the south side of St. Clair Road approximately 2300 feet west of St. Peter Street (Claireview Drive). Equipped with 2 submersible sewage pumps, each rated at 425 IGPM at a total dynamic head of 20 feet.

**Site (Name):** SEWAGE PUMPING STATION #2  
**Type:** Collection System Component **Sub Type:** Pumping station

**Comments:**  
 Located on the south side of St. Clair Road (10832 St. Clair Road) approximately 3700 feet east of St. Peter Street (Claireview Drive). Equipped with 2 submersible sewage pumps, each rated at 625 IGPM at a total dynamic head of 40.5 feet and a 50KW diesel generator.

**Site (Name):** SEWAGE PUMPING STATION #3  
**Type:** Collection System Component **Sub Type:** Pumping station

**Comments:**  
 Located on the south side of St. Clair Road (next to 5381 St. Clair Road). Equipped with 2 submersible sewage pumps, each rated at 487 IGPM at a total dynamic head of 23 feet.

**Site (Name):** SEWAGE PUMPING STATION #4  
**Type:** Collection System Component **Sub Type:** Pumping station

**Comments:**  
 Located on the south side of St. Clair Road (next to 3145 St. Clair Road). Equipped with 2 submersible sewage pumps, each rated at 291 IGPM at a total dynamic head of 17 feet.

**Site (Name):** SEWAGE PUMPING STATION #5  
**Type:** Collection System Component **Sub Type:** Pumping station

**Comments:**  
 Located on the south side of St. Clair Road (next to 1787 St. Clair Road). Equipped with 2 submersible sewage pumps, each rated at 125 IGPM at a total dynamic head of 21 feet.

**Site (Name):** STAND-BY GENERATOR  
**Type:** Stand-by Power Generation **Sub Type:** Pumping Station Generator(s)

**Comments:**  
 The 50KW diesel generator is located at Sewage Pumping Station #2.

**Site (Name):** LITTLE CREEK  
**Type:** Effluent Discharge Receiver **Sub Type:** Surface Water

## INSPECTION SUMMARY:

### Introduction

- The primary focus of this inspection is to confirm compliance with Ministry of the Environment, Conservation and Parks (MECP) legislation as well as evaluating conformance with ministry policies and guidelines during the inspection period.

This wastewater treatment and collection system is subject to the legislative requirements of the Ontario Water Resources Act (OWRA) and the Environmental Protection Act (EPA) and regulations made therein. This inspection has been conducted pursuant to Section 15 of the OWRA and Section 156 of the EPA.

This inspection report does not suggest that all applicable legislation and regulations were evaluated. It remains the responsibility of the owner to ensure compliance with all applicable legislative and regulatory requirements.

The Stoney Point P.V. Lagoon system is owned by the Corporation of the Town of Lakeshore and operated by the Ontario Clean Water Agency (OCWA). OCWA maintains the lagoon and pump stations, in addition to the originally-constructed portion of the collection system. The Town maintains the remainder of the collection system.

The owner has indicated that a new Stoney Point WPCP is currently nearing completion of the design phase. This proposed extended aeration facility will be located adjacent to the current Stoney Point Lagoon and will ultimately service the communities of Stoney Point, Comber, Rochester/Deerbrooke, and Lighthouse Cove. The first phase will include Stoney Point and subsequent phases will include the other communities. The intention is to decommission the lagoons upon successful transfer of wastewater from those communities. The current design includes keeping the Stoney Point Lagoon to use as a stormwater retention facility during peak storm events. A proposed secondary pumpstation will return this wastewater back to the plant following the storm event.

An Environmental Study Report (ESR) was completed by Stantec in 2012 to initiate the process of combining the capacities of Stoney Point and Comber Lagoons into the Stoney Point WPCP. All phases of the Class Environmental Assessment for the Lakeshore Eastern Communities Sewage Works have been completed and a Notice of Completion was filed with the ministry on December 14, 2012. Due to the fact that this facility is still in the preliminary planning phases and does not yet have funding, the owner has not initiated the approvals process with the ministry.

The inspection was conducted on October 29, 2019 and included the Lagoon and five Pump Stations. The inspection review period is September 1, 2017 to September 30, 2019; however, the last inspection was conducted on January 21, 2015 so some documentation was reviewed from prior to this inspection period.

### Authorizing/Control Documents

- The owner had a valid Environmental Compliance Approval for the sewage works.

Environmental Compliance Approval (ECA) #1-482-77-006 was issued May 31, 1977 for sewers, sewage pump stations, forcemain and the lagoons. ECA #3-0399-87-917 was issued December 23, 1991 for the sanitary sewage system including pump stations 3, 4 and 5.

### Capacity Assessment

- The annual average daily flow was approaching the rated capacity of the sewage works.

The ECA does not reference a rated capacity for the system. The 2018 Lakeshore Water and Wastewater Master Plan references a Rated Capacity of 920 m<sup>3</sup>/d (Table 6.1, page 6.1), however, the rated capacity of 959 m<sup>3</sup>/d was

### Capacity Assessment

referenced in a previous report from the Town of Lakeshore, and has been in use for many years. The 959 m<sup>3</sup>/d rated capacity will remain in place.

The average annual flows (percent of rated capacity) were:

2015: 1197 m<sup>3</sup>/d (125%)

2016: 1111 m<sup>3</sup>/d (116%)

2017: 1234 m<sup>3</sup>/d (129%)

2018: 1319 m<sup>3</sup>/d (137%)

\*In the Annual Reports, the average annual flow was calculated using the average value of the monthly average raw flow volumes. The above values were calculated by dividing the total annual raw flow by the number of days the lagoon was receiving flow (365 days), as is generally defined in ECAs.

A condition investigation of the Stoney Point wastewater collection system was conducted by Dillon Consulting Ltd. in 1994 to assess the physical conditions of the sanitary sewer network. This investigation found a number of improper connections to the sewer (some of which were corrected) and recommended sealing of manholes to reduce infiltration. The Town completed some of the recommended repairs. The 2009 Water/Wastewater Master Plan reviewed the historical daily influent flows at the Stoney Point Lagoon and the results indicated that there was a wide variation in the average daily flows which suggests that Inflow and Infiltration (I/I) still affect the Stoney Point wastewater collection system. The Environmental Assessment for the Lakeshore Eastern Communities states that the Stoney Point gravity sewer collection system has I/I that exceeds the ministry allowance. The town has been conducting video inspections to locate I/I sources and is working toward reducing the I/I component of the wastewater flow.

- **Flow measuring devices were installed, calibrated and maintained.**

The flow meter measures flow from the Main Pump Station (#1) to the lagoons. It is calibrated annually by a third party.

### Treatment Processes

- **The owner had ensured that all equipment/components associated with the works was installed in accordance with the Environmental Compliance Approval.**

### Effluent Quality and Quantity

- **The sewage works effluent limits were not prescribed by the Environmental Compliance Approval.**

The ECAs do not prescribe sewage works effluent limits.

- **The sewage works effluent sample results met the effluent guideline.**

As per F-5-1 guidelines for Seasonal Lagoons with total phosphorus (TP) removal by batch chemical dose, the annual average effluent guidelines are: BOD<sub>5</sub>=25 mg/L and total suspended solids (TSS)=25mg/L. The BOD<sub>5</sub> guideline is also applied to CBOD<sub>5</sub>. As per guideline F-8, the TP effluent guideline for systems discharging to the Lake Erie basin is 1.0 mg/L.

In 2017, 2018 and 2019, effluent parameters were all below the guidelines:

	2017	2018	2019
BOD <sub>5</sub> (mg/L)	8.25	6.43	3.75
CBOD <sub>5</sub> (mg/L)	8.1	10.0	-
TSS (mg/L)	14.2	10.0	9.0
TP (mg/L)	0.150	0.331	0.055

### Effluent Quality and Quantity

In 2018 CBOD5 was only analyzed in the February effluent samples and not in the other two samples, April and October, so the annual average of CBOD5 is simply an average of the February results. In 2019 CBOD5 was not included in the analysis.

For Annual Report submissions, the Performance Assessment Report includes an annual average for the effluent parameters; however, instead of the average of all the raw values, it is an average of the monthly average values. The operating authority should be reporting the true annual average.

### Monitoring Requirements

- **The sampling requirements were not prescribed by the Environmental Compliance Approval.**
- **The sewage works effluent sampling requirements prescribed by operational guidelines were not being met.**

Procedure F-10-1 requires the following sampling from lagoons: raw samples monthly, a prior to discharge sample, and effluent samples twice per week or a minimum of two samples during discharge. Prior to discharge samples were not taken before each discharge event. Total Kjeldahl Nitrogen (TKN) was not tested in prior to discharge samples or effluent samples, as required.

As per Standard Operating Procedure (SOP) "Effluent Quality Criteria", operators assess if the lagoon cell(s) need to be chemically treated to meet effluent quality requirements based on the prior to discharge sample results. If a batch dose is required, operators perform jar tests to determine the type and quantity (dosage rate) needed to meet the effluent requirements.

- **The owner had maintained the monitoring records since the date of the last inspection.**

### Reporting Requirements

- **The reporting requirements were not prescribed by an Environmental Compliance Approval.**

There are no reporting requirements prescribed by the ECA.

### Bypasses and Overflows

- **Bypasses/overflows had not occurred at the sewage works during the inspection period.**  
There were no bypasses/overflows at the sewage works during the inspection period.
- **The owner/operating authority of the sewage works requested consent prior to all planned bypasses/overflows and provided written reports to the Ministry, in accordance with O.Reg. 675/98, section 4.**

The operating authority requested consent for a controlled discharge on February 15, 2017; however, effluent parameters were below guidelines so it turned out to be regular discharge.

- **All required verbal notifications of spills were provided forthwith as per O. Reg. 675/98 section 13.**
- **A process was in place for the monitoring and reporting of bypasses and overflows should they occur.**

In the event of a bypass/overflow, the event would be documented in the Daily Operational Log and reported to the ministry. Sampling would be conducted as directed by the ministry. There is no requirement to submit quarterly reports for bypasses/overflows in the ECA.

### **Biosolids Management**

- **The owner did not have a program for the routine removal of sludge from the lagoon system.**

Sludge accumulation was removed from Cell 2 in August 2005, however Cell 1 has never been cleaned. A capacity review conducted by Stantec in 2007 recommended the removal of sludge accumulation from Cell 1 to ensure the lagoon could be consistently drained to a 300 mm bottom water level, in accordance with ministry Design Guidelines. In addition, the last ministry inspection report (2014) recommended that the owner/operating authority should determine, through a sediment/sludge survey, whether the level of sludge in the lagoon cells is affecting the treatment capabilities of the facility. This was not completed.

There is no formal procedure for routine sludge removal; however the operating authority has monitored the need to remove accumulated sludge based on the ability to discharge the stabilization ponds adequately while maintaining effluent quality. The cells have consistently discharged to the desired depth of approximately 500 mm, ensuring coverage of the sludge to prevent odour complaints. The operating authority recently attempted to conduct a sludge survey, as recommended during the inspection; however, they were unsuccessful due to wind conditions. They are now planning on conducting a sludge survey in the spring of 2020 prior to lagoon discharge. Once completed, an updated summary of sludge levels in both lagoon cells will be submitted to the ministry.

### **Certification and Training**

- **The classification certificates of the subsystems were conspicuously displayed at the workplace or at premises from which the subsystem was managed.**

Classification certificates are posted at the Main Pump Station.

- **Operator licences were displayed in a conspicuous location at the workplace or at the premises from which the subsystem was managed.**

Operator licences are posted at Denis St. Pierre WPCP.

- **The overall responsible operator had been designated for the wastewater treatment and collection works.**

The overall responsible operator (ORO) schedule is posted at Denis St. Pierre WPCP.

- **An adequately licensed operator was designated to act in place of the overall responsible operator when the overall responsible operator was unable to act.**

There are three OROs that rotate and are available to be designated.

- **All operators had the appropriate level of licences for the wastewater treatment and collection works.**

- **Operators-in-charge were designated for the wastewater treatment plant and all associated collection works.**

The operations schedule is available to all operational staff and designates the operator-in-charge (OIC)/on-call operator.

- **The operator-in-charge ensured that records were maintained of all adjustments made to the processes within his or her responsibility.**

The operator that conducts the checks on the collection system and lagoon is the OIC for the collection system. When he is away, other operators are designated OICs for the collection system.

### **Logbooks**

- **The logs and other record keeping mechanisms did not comply with the record keeping requirements.**

The 2017 and 2018 Daily Operational Logbooks for the Main Pump Station and Lagoons were reviewed and were

### Logbooks

generally complete. However it was noted that the name of the month was missing on a number of pages. In addition, the time of day was not recorded in the additional notes. Operators are reminded to complete all fields in the logbooks and to ensure that dates and times are included in all notations.

Alarm logs were checked to ensure corresponding documentation was completed in the logbooks. In two instances, no notes were made on the alarm condition or corrective actions. Operators shall ensure that alarms are always logged in the Daily Operational Log.

- **Logs and other record keeping mechanisms were available for at least two (2) years.**

### Operations Manuals

- **Operators and maintenance personnel had ready access to operations and maintenance manuals.**

The operations and maintenance manual is available to all operators at the Denis St. Pierre WPCP.

- **The operations and maintenance manuals contained up-to-date plans, drawings and process descriptions sufficient for the safe and efficient operation of the system.**

As per O. Reg. 129/04, s. 20: (1) the owner shall ensure that operators and maintenance personnel have ready access to comprehensive operations and maintenance manuals that contain plans, drawings and process descriptions sufficient for the safe and efficient operation of the facility; and  
(2) the owner shall ensure that the manuals are reviewed and updated at least once every two years.

A Facility Emergency Plan (FEP) is available to operational staff, and includes SOPs with comprehensive procedures. SOPs are reviewed every two years as required.

### Contingency/Emergency Planning

- **A spill prevention control and countermeasures plan was established.**

OCWA follows SOP Accidental Spill - Discharges for minor, major and uncontained or off-site spills. If operational staff are unable to return to normal operations, they are to follow Contingency M-4 in the FEP binder.

- **For Lagoon Systems, the owner is conforming with the freeboard and berm conditions in the MECP Design Guidelines for Sewage Works.**

At the inspection, the cell level was 1.18 m from the cell bottom, which is 1.26 m below the top of the berm, and meets the recommended maximum lagoon operating level (0.9 m). Operational staff indicated that the lagoons are never permitted to go over the freeboard opening, unless a controlled discharge has been approved.

It was noted during the inspection that the lagoon berms had an overgrowth of vegetation. The owner is reminded that vegetation on the berms should be cut back regularly to protect the integrity of the berms and to ensure access. In addition, a well-maintained berm is less likely to be used by burrowing animals.

As per the "Optimization of Lagoon Operation: A Best Practice by the National Guide to Sustainable Municipal Infrastructure", berm integrity and leakage should be assessed on a regular basis by a qualified professional to avoid failure. In addition, berm integrity should be visually checked on a regular basis. The operating authority should notify the owner of any issues and the owner should conduct any required maintenance or repairs in a timely fashion.

- **Spill containment was provided for the process chemicals and/or standby power generator fuel.**

The diesel generator, which is located in the Main Pump Station (#1), has a single walled fuel tank and is located within a curbed containment area.

**Contingency/Emergency Planning**

- **The owner had provided security measures for the facility.**

The laneway leading to the lagoon has a locked gate but no signage is posted because it is a shared laneway with the neighbouring farm field. The Main Pump Station (#1) is locked and alarmed. The perimeter of the lagoon is fully fenced and locked. A "No trespassing" sign is posted on the gate to the lagoon. The access hatch of the pump wells at all the pump stations were locked.

**Other Inspection Findings**

- **The following issues were also noted during the inspection:**

See SUMMARY OF RECOMMENDATIONS AND BEST PRACTICE ISSUES



## **NON-COMPLIANCE WITH REGULATORY REQUIREMENTS AND ACTIONS REQUIRED**

This section provides a summary of all non-compliance with regulatory requirements identified during the inspection period, as well as actions required to address these issues. Further details pertaining to these items can be found in the body of the inspection report.

1. The logs and other record keeping mechanisms did not comply with the record keeping requirements.

**Action(s) Required:**

Operators are reminded to complete all fields and to ensure that alarms are always logged in the Daily Operational Log.

## SUMMARY OF RECOMMENDATIONS AND BEST PRACTICE ISSUES

This section provides a summary of all recommendations and best practice issues identified during the inspection period. Details pertaining to these items can be found in the body of the inspection report. In the interest of continuous improvement in the interim, it is recommended that owners and operators develop an awareness of the following issues and consider measures to address them.

### 1. The sewage works effluent sampling requirements prescribed by operational guidelines were not being met.

#### Recommendation:

As per Procedure F-10-1, a prior to discharge sample should be collected before each discharge and TKN shall be tested in these samples. TKN is also required to be measured in effluent samples. In addition, as per direction provided to the operating authority during the inspection, effluent samples should be analyzed for CBOD5 instead of BOD5 going forward. Raw samples should continue to be analyzed for BOD5.

### 2. The owner did not have a program for the routine removal of sludge from the lagoon system.

#### Recommendation:

The operating authority shall submit the sludge assessment to the ministry once it is completed in the spring of 2020.

### 3. The following issues were also noted during the inspection:

(a) Annual Report submissions: the operating authority should be reporting the true annual averages for the effluent parameters. In addition, the average annual flow should be calculated by dividing the total annual raw flow by the number of days the lagoon was receiving flow (365 days), as is generally defined in ECAs.

(b) Preventative maintenance was conducted as per the preventative maintenance schedule. It is recommended that lagoon inspections are conducted more frequently than the current schedule (once every four months).

(c) Berm maintenance: The owner is reminded that vegetation on the berms should be cut back regularly to protect the integrity of the berms and to ensure access. As per the "Optimization of Lagoon Operation: A Best Practice by the National Guide to Sustainable Municipal Infrastructure", berm integrity and leakage should be assessed on a regular basis by a qualified professional to avoid failure. In addition, berm integrity should be visually checked on a regular basis. The operating authority should notify the owner of any issues and the owner should conduct any required maintenance or repairs in a timely fashion.

(d) Stoney Point WPCP: Since the ESR was completed several years ago, the owner is reminded of the Lapse of Time condition in the Class EA process. As per the Municipal Class Environmental Assessment, if the period of time from filing of the Notice of Completion of ESR in the public record to the proposed commencement of construction for the project exceeds ten years, the proponent shall review the planning and design process and the current environmental setting to ensure that the project and mitigation measures are still valid. This review shall be recorded in an addendum to the ESR which shall be placed on the public record. The ten year review period begins at the end of the public review period following the posting of the Notice of Completion. The Notice of Completion was posted December 14, 2012 for 30 days; therefore, the ten year review period for the Stoney Point WPCP will end on January 14, 2023.

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**SIGNATURES**

Inspected By:

Emily Awad

Signature: (Provincial Officer)

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Reviewed & Approved By:

Marc Bechard

Signature: (Supervisor)

Review &amp; Approval Date:

Note: This inspection does not in any way suggest that there is or has been compliance with applicable legislation and regulations as they apply or may apply to this facility. It is, and remains, the responsibility of the owner and/or operating authority to ensure compliance with all applicable legislative and regulatory requirements.

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**Stakeholder Appendix**

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# Helpful Resources for Municipal Wastewater Owners and Operators

Many useful materials are available to help you operate your wastewater system. Below is a list of key materials owners and operators of municipal wastewater systems frequently use. To access these materials online click on their titles in the table below or use your web browser to search for their titles. Contact the Ministry if you need assistance or have questions at:

1-866-793-2588 or  
[AskMECPWastewaterCompliance@ontario.ca](mailto:AskMECPWastewaterCompliance@ontario.ca).

For more information on wastewater visit  
[www.ontario.ca/page/wastewater-operators-training-and-licences](http://www.ontario.ca/page/wastewater-operators-training-and-licences)



PUBLICATION TITLE	PUBLICATION NUMBER
Protocol for the Sampling and Analysis of Industrial/Municipal Wastewater	Website
Guide to Applying for an Environmental Compliance Approval	Website
Environmental Registration – Standby Power Systems Fact Sheet	8544E
F-5-1 Determination of Treatment Requirements for Municipal and Private Sewage Treatment Works Discharging to Surface Waters	Website
F-8 Provision And Operation Of Phosphorus Removal Facilities At Municipal, Institutional And Private Sewage Treatment Works	Website
F-10-1 Procedures for Sampling and Analysis Requirements for Municipal and Private Sewage Treatment Works (Liquid Waste Streams Only)	Website
Water Management, Policies, Guidelines: Provincial Water Quality Objectives	Website
Licensing Guide for Operators of Wastewater Treatment Facilities	Website

**Ministry of the Environment,  
Conservation and Parks**

620 – 4510 Rhodes Dr  
Windsor ON N8W 5K5  
Tel. : 519 948-1464  
1-800-387-8826  
Fax: 519 948-2396

**Ministère de l'Environnement, de la  
Protection de la nature et des Parcs**

620 – 4510, chemin Rhodes  
Windsor ON N8W 5K5  
Tél. : 519 948-1464  
1-800-387-8826  
Téléc. : 519 948-2396



January 7, 2020

Town of Lakeshore  
419 Notre Dame St.  
Belle River, ON N0R 1A0

File #: SI-ES-LA-441

Attention: Mr. Truper McBride, CAO

**Re: Comber Lagoon (DWS#110001676) Inspection Report**

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Please find enclosed the Inspection Report for the inspection that was conducted at the Comber Lagoon (DWS#110001676) on October 23, 2019.

A summary of **Non-Compliance with Regulatory Requirements and Actions Required** are found on pages 10 and a **Summary of Recommendations and Best Practice Issues** are found on page 11 in the attached inspection report.

If you have any questions or concerns regarding this report, please call me at (226) 280-1406 or my supervisor, Marc Bechard, at (519) 490-0761.

Sincerely,

Emily Awad  
Water Inspector, Provincial Officer #1823  
Drinking Water and Environmental Compliance Division  
Sarnia/Windsor District

Encl.

cc: Pat Robak, Process & Compliance Technician; Marco Albano, Senior Operations Manager; OCWA;  
Kevin Girard, Manager, Environmental Services; Nelson Cavacas, Director of Engineering & Infrastructure; Town of Lakeshore;  
Dr. Wajid Ahmed, Acting Medical Officer of Health; Theresa Marentette, Chief Executive Officer; Phil Wong, Manager, Environmental Health, Victoria Peczulis, Manager, Environmental Health; WECHU;  
Katie Stammler, Source Water Protection Manager, ERCA;  
Marc Bechard, Supervisor, Ministry of Environment, Conservation and Parks



**Ministry of the Environment, Conservation and Parks**

**WW COMBER LAGOON**

**Inspection Report**

<b>Site Number:</b>	110001676
<b>Inspection Number:</b>	1-LCDWP
<b>Date of Inspection:</b>	Oct 23, 2019
<b>Inspected By:</b>	Emily Awad

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Appendix A: Key Reference and Guidance Material



## OWNER INFORMATION:

<b>Company Name:</b>	LAKESHORE, TOWN OF	<b>Unit Identifier:</b>	
<b>Street Number:</b>	419		
<b>Street Name:</b>	NOTRE DAME St		
<b>City:</b>	BELLE RIVER		
<b>Province:</b>	ON	<b>Postal Code:</b>	N0R 1A0

## CONTACT INFORMATION

<b>Type:</b>	Operating Authority	<b>Name:</b>	Patrick Robak
<b>Phone:</b>	(519) 727-6256	<b>Fax:</b>	
<b>Email:</b>	probak@ocwa.com		
<b>Title:</b>	Process and Compliance Technician		

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<b>Type:</b>	Main Contact	<b>Name:</b>	Kevin Girard
<b>Phone:</b>	(519) 728-2700	<b>Fax:</b>	
<b>Email:</b>	kgirard@lakeshore.ca		
<b>Title:</b>	Manager of Environmental Services		

---

<b>Type:</b>	Operating Authority	<b>Name:</b>	Marco Albano
<b>Phone:</b>	(519) 965-4961	<b>Fax:</b>	
<b>Email:</b>	malbano@ocwa.com		
<b>Title:</b>	Senior Operations Manager		

## INSPECTION DETAILS:

<b>Site Name:</b>	WW COMBER LAGOON
<b>Site Address:</b>	7029 ELIZABETH Street COMBER ON N0P 1J0
<b>County/District:</b>	LAKESHORE
<b>MECP District/Area Office:</b>	Windsor Area Office
<b>Health Unit:</b>	WINDSOR-ESSEX COUNTY HEALTH UNIT
<b>Conservation Authority:</b>	
<b>MNR Office:</b>	
<b>Site Number:</b>	110001676
<b>Inspection Type:</b>	Announced
<b>Inspection Number:</b>	1-LCDWP
<b>Date of Inspection:</b>	Oct 23, 2019
<b>Date of Previous Inspection:</b>	Feb 11, 2014

## COMPONENTS DESCRIPTION

<b>Site (Name):</b>	COMBER LAGOONS	<b>Sub Type:</b>	Facultative
<b>Type:</b>	Lagoon Sewage Treatment System		
<b>Comments:</b>	Two 6-acre waste stabilization ponds with a effluent discharge into Government Drain #1.		

<b>Site (Name):</b>	PLANT CLASSIFICATION	<b>Sub Type:</b>	Class I
<b>Type:</b>	Plant Classification		
<b>Site (Name):</b>	SEWAGE COLLECTION SYSTEM	<b>Sub Type:</b>	Nominally Separated Sewers
<b>Type:</b>	Sewage Collection System		
<b>Site (Name):</b>	INDUSTRIAL DRIVE PUMP STATION	<b>Sub Type:</b>	Pumping station
<b>Type:</b>	Collection System Component		
<b>Comments:</b>	Wet well equipped with 2 submersible sewage pumps (12 hp rated at 420 gpm at 25 TDH each).		
<b>Site (Name):</b>	ELIZABETH ST. PUMPHOUSE	<b>Sub Type:</b>	Pumphouse
<b>Type:</b>	Collection System Component		
<b>Comments:</b>	A 2.44 m diameter wet well equipped with 2 pumps (one duty, other standby). Each pump has a rated capacity of 27 L/s at a TDH of 18 m.		
<b>Site (Name):</b>	STAND-BY POWER GENERATOR	<b>Sub Type:</b>	Pumping Station Generator(s)
<b>Type:</b>	Stand-by Power Generation		
<b>Site (Name):</b>	Government Drain #1	<b>Sub Type:</b>	Surface Water
<b>Type:</b>	Effluent Discharge Receiver		

## INSPECTION SUMMARY:

### Introduction

- The primary focus of this inspection is to confirm compliance with Ministry of the Environment, Conservation and Parks (MECP) legislation as well as evaluating conformance with ministry policies and guidelines during the inspection period.

This wastewater treatment and collection system is subject to the legislative requirements of the Ontario Water Resources Act (OWRA) and the Environmental Protection Act (EPA) and regulations made therein. This inspection has been conducted pursuant to Section 15 of the OWRA and Section 156 of the EPA.

This inspection report does not suggest that all applicable legislation and regulations were evaluated. It remains the responsibility of the owner to ensure compliance with all applicable legislative and regulatory requirements.

The Comber Lagoon is owned by the Corporation of the Town of Lakeshore and operated by the Ontario Clean Water Agency (OCWA). OCWA maintains the lagoon and pump stations, in addition to the originally-constructed portion of the collection system. The Town maintains the remainder of the collection system.

The owner has indicated that a new Stoney Point WPCP is currently nearing completion of the design phase. This proposed extended aeration facility will be located adjacent to the current Stoney Point Lagoon and will ultimately service the communities of Stoney Point, Comber, Rochester/Deerbrooke, and Lighthouse Cove. The first phase will include Stoney Point and subsequent phases will include the other communities. The intention is to decommission the lagoons upon successful transfer of wastewater from those communities. The current design includes keeping the Stoney Point Lagoon to use as a stormwater retention facility during peak storm events. A proposed secondary pumpstation will return this wastewater back to the plant following the storm event. Due to the fact that this facility is still in the preliminary planning phases and does not yet have funding, the owner has not initiated the approvals process with the ministry.

The inspection was conducted on October 23, 2019 and included the Comber Lagoon, the Main Pump Station on Elizabeth Street (in front of the lagoon) and the Industrial Drive Pump Station. The inspection review period is September 1, 2017 to September 30, 2019; however, the last inspection was conducted on February 11, 2014 so some documentation was reviewed from prior to this inspection period.

### Authorizing/Control Documents

- The owner had a valid Environmental Compliance Approval for the sewage works.

Environmental Compliance Approval (ECA) #1-0204-69-742146 was issued for the lagoon on January 15, 1974. An extension of the sanitary sewer system was completed on Middle Road and ECA #1-024-69-742586 was issued on October 1, 1974 to reflect this update. ECA #3-1326-80-006 was issued on November 28, 1980 for the Industrial Drive pump station. ECA #3-1247-81-826 was issued on January 27, 1982 for storm and sanitary sewers along Highway #77. ECA #8682-7JAJ76 was issued on September 11, 2008 for the main pumps station feeding the lagoon and includes a pumping capacity increase from 375m<sup>3</sup> to 430m<sup>3</sup>.

### Capacity Assessment

- The annual average daily flow was approaching the rated capacity of the sewage works.

In 2018, the annual average daily flow was 96.4% of the rated capacity of the works, but in the four previous years, it was below 80% of capacity.

- The owner was in compliance with the conditions associated with maximum flow rate or the rated capacity

## Capacity Assessment

### **prescribed by the Environmental Compliance Approval.**

The current ECA (#8682-7JAJ76, dated September 11, 2008) states that the average daily flow of the works (defined as the cumulative total sewage flow to the sewage works during a calendar year divided by the number of days during which sewage was flowing to the sewage works that year) discharging to the two (2) existing 6-acre waste stabilization ponds shall not exceed the flow rate of 430 m<sup>3</sup> per day (the rated design capacity of the existing waste stabilization ponds).

Flows were elevated in 2018 but still below the rated capacity. This spike in flow may be due to inflow and infiltration, which the owner has flagged for monitoring.

2018: 414.5 m<sup>3</sup>/d (96.4%)

2017: 295.5 m<sup>3</sup>/d (68.7%)

2016: 271.0 m<sup>3</sup>/d (63.0%)

2015: 264.3 m<sup>3</sup>/d (61.5%)

2014: 288.3 m<sup>3</sup>/d (67.0%)

\*In the Annual Reports, the average annual flow was calculated using the average value of the monthly average raw flow volumes. The above values were calculated by dividing the total annual raw flow by the number of days the lagoon was receiving flow (365 days), as is generally defined in ECAs.

- **Flow measuring devices were installed, calibrated and maintained.**

The flow meter measures flow from the Main Pump Station to the lagoons. It is calibrated annually by a third party. The circular chart recorder is also calibrated annually by the third party. The chart is used to determine how efficiently the pumps are running.

## Treatment Processes

- **The owner had ensured that all equipment/components associated with the works was installed in accordance with the Environmental Compliance Approval.**
- **The works, related equipment and appurtenances were being operated and maintained to achieve compliance prescribed by the Environmental Compliance Approval.**

The preventative maintenance conducted at the sewage works includes:

- monthly: building/grounds inspection;
- once/6 months: eyewash station inspection;
- annually: level meter and submersible pump inspection.

It was noted during review of the Operational Log that the lagoon cells are not being inspected monthly (November 2017, June, August to December 2018 were missed). The operating authority should ensure that routine inspection of the lagoons is conducted as per the existing preventative maintenance schedule. In addition, Standard Operating Procedure (SOP) #25: Stabilization (Lagoon) Pond Inspection and Checks states that lagoon inspections should be performed weekly when possible.

SOP Emergency Generator Testing requires that the diesel generator located at the Main Pump Station is tested every month. Records provided indicated that this testing was generally done monthly with the exception of a few months. The operating authority is reminded to ensure that staff follow the SOP.

There are no on-line instrumentation measurements taken. The only in-house testing is for pH, temperature and dissolved oxygen of grab samples. The Ecosense pH10A meter is calibrated/inspected in-house every 1 to 8 months. The Hach HQ40d is calibrated/inspected in-house every 1 to 6 months. The portable spectrophotometer was not calibrated during this inspection period (last done December 2016). The manufacturers manuals for these devices do not include calibration frequency requirements.

### Effluent Quality and Quantity

- **The sewage works effluent limits were not prescribed by the Environmental Compliance Approval.**

The ECAs do not prescribe sewage works effluent limits.

- **The sewage works effluent sample results met the effluent guideline.**

As per F-5-1 guidelines for Seasonal Lagoons with total phosphorus (TP) removal by batch chemical dose, the annual average effluent guidelines are: BOD<sub>5</sub>=25 mg/L and total suspended solids (TSS)=25mg/L. The BOD<sub>5</sub> guideline is also applied to CBOD<sub>5</sub>. As per guideline F-8, the TP effluent guideline for systems discharging to the Lake Erie basin is 1.0 mg/L.

In 2017, the annual averages were very low: BOD<sub>5</sub>=2.75 mg/L, CBOD<sub>5</sub>=2.5mg/L, TSS=4.25mg/L, TP=0.053mg/L. In 2018, the annual averages were higher, but remained below the ministry guidelines: BOD<sub>5</sub>=17 mg/L, CBOD<sub>5</sub>=21.5mg/L, TSS=15.556mg/L, TP=0.391mg/L. These annual averages were driven by the elevated results from the February discharge, due to the fact that the operating authority did not batch dose alum prior to discharge. In addition, CBOD<sub>5</sub> was only analyzed in the discharge samples in February and not in the other two lagoon discharges, April and October, so the annual average of CBOD<sub>5</sub> is simply an average of the February results. There was a significant spike in raw TSS in October 2018, but this did not result in a corresponding spike in effluent TSS. For 2019, averages from the spring discharge (May) were: BOD<sub>5</sub>=4.5 mg/L, TSS=5 mg/L, and TP=0.065 mg/L. CBOD<sub>5</sub> was not included in the 2019 analysis.

For Annual Report submissions, the Performance Assessment Report includes an annual average for the effluent parameters; however, instead of the average of all the raw values, it is an average of the monthly average values. The operating authority should be reporting the true annual average.

- **The sewage works effluent was discharged during the prescribed period.**

ECA #8682-7JAJ76 indicates a spring and fall discharge. The data provided shows that lagoon discharge occurred in February/March and September/October 2017; February, April and October 2018; and in May 2019. The fall discharge began November 29, 2019.

### Monitoring Requirements

- **The sampling requirements were not prescribed by the Environmental Compliance Approval.**

There are no sampling requirements prescribed by the ECA.

- **The sewage works effluent sampling requirements prescribed by operational guidelines were not being met.**

Effluent samples are collected from a manhole prior to the discharge into Mullen Drain, which flows into Government Drain #1 and then to Big Creek. Samples cannot be collected directly from the creek because the outfall pipe is submerged below the surface of the receiver.

Procedure F-10-1 requires the following sampling from lagoons: raw samples monthly, a prior to discharge sample, and effluent samples twice per week or a minimum of two samples during discharge. Prior to discharge samples were not taken before each discharge event. In addition, although effluent samples were taken twice per discharge, those discharge periods that lasted one week or more should have included a second effluent sample (e.g. September/October 2017). Total Kjeldahl Nitrogen (TKN) was not tested in prior to discharge samples or effluent samples, as required.

As per Procedure F-10-1, a prior to discharge sample should be collected before each discharge and TKN shall be tested in these samples as well as in effluent samples. In addition, as per direction provided to the operating authority during the inspection, effluent samples should be analyzed for CBOD<sub>5</sub> instead of BOD<sub>5</sub> going forward. Raw samples should continue to be analyzed for BOD<sub>5</sub>.

### Monitoring Requirements

- The owner had maintained the monitoring records since the date of the last inspection.

### Reporting Requirements

- The reporting requirements were not prescribed by an Environmental Compliance Approval.

There are no reporting requirements prescribed by the ECA.

### Bypasses and Overflows

- Bypasses/overflows had not occurred at the sewage works during the inspection period.

There were no bypasses/overflows at the sewage works during the inspection period.

- A process was in place for the monitoring and reporting of bypasses and overflows should they occur.

In the event of a bypass/overflow, the event would be documented in the Daily Operational Log and reported to the ministry. Sampling would be conducted as directed by the ministry. There is no requirement to submit quarterly reports for bypasses/overflows in the ECA.

### Biosolids Management

- The owner did not have a program for the routine removal of sludge from the lagoon system.

Although there is no formal procedure, operational staff monitor conditions in the lagoon to determine if/when sludge removal is required. The first and last time sludge was removed was in 2004 and has not been required since.

### Certification and Training

- The classification certificates of the subsystems were conspicuously displayed at the workplace or at premises from which the subsystem was managed.

Classification certificates are posted at the Main Pump Station.

- Operator licences were displayed in a conspicuous location at the workplace or at the premises from which the subsystem was managed.

Operator licences are posted at Denis St. Pierre WPCP.

- The overall responsible operator had been designated for the wastewater treatment and collection works.

The overall responsible operator (ORO) schedule is posted at Denis St. Pierre WPCP.

- An adequately licensed operator was designated to act in place of the overall responsible operator when the overall responsible operator was unable to act.

There are three OROs that rotate and are available to be designated.

- All operators had the appropriate level of licences for the wastewater treatment and collection works.

- Operators-in-charge were designated for the wastewater treatment plant and all associated collection works.

The operations schedule is available to all operational staff and designates the operator-in-charge (OIC)/on-call operator.

### Certification and Training

- **The operator-in-charge ensured that records were maintained of all adjustments made to the processes within his or her responsibility.**

The operator that conducts the checks on the collection system and lagoon is the OIC for the collection system. When he is away, other operators are designated OICs for the collection system.

### Logbooks

- **The logs and other record keeping mechanisms did not comply with the record keeping requirements.**

The Daily Operational Logbooks from 2017 and 2018 were reviewed and were generally complete. However it was noted that the name of the month was missing on a number of pages. Operators are reminded to complete all fields in the logbooks.

Alarm logs were checked to ensure corresponding documentation was completed in the logbooks. In a few cases, no notes were made on the alarm condition or corrective actions. Operators shall ensure that alarms are always logged in the Daily Operational Log.

- **Logs and other record keeping mechanisms were available for at least two (2) years.**

### Operations Manuals

- **The operations and maintenance manuals met the requirements of the Environmental Compliance Approval.**

As per Condition 4.3 of ECA #8682-7JAJ76, the owner is required to prepare an operations manual within six (6) months of Substantial Completion of the Works. The operations and maintenance manual provided includes only some of the required information: a brief procedure for routine operations of the Main Pump Station, a spill response contingency plan, and a complaints procedure. A Facility Emergency Plan (FEP) is available to operational staff, and includes SOPs which meet the remaining requirements in the ECA. Some SOPs, including "Monthly Sampling Requirements (Raw sewage and Cell contents)", were found to be out of date during the document review. The operating authority updated this SOP before the inspection was completed.

The requirement for inspection programs, repair and maintenance programs, and calibration of monitoring equipment are based on the checklist in the Daily Operational Log and/or the work order scheduling program. Operators performing station checks report any abnormalities observed.

- **Operators and maintenance personnel had ready access to operations and maintenance manuals.**
- **The operations and maintenance manuals contained up-to-date plans, drawings and process descriptions sufficient for the safe and efficient operation of the system.**

Up to date drawings are stored at the Denis St. Pierre WPCP. The owner indicated that the Tracey Subdivision, currently still in progress, is not yet included in these drawings but will be once the project is completed.

### Contingency/Emergency Planning

- **A spill prevention control and countermeasures plan was established.**

OCWA follows SOP Accidental Spill - Discharges for minor, major and uncontained or off-site spills. If operational staff are unable to return to normal operations, they are to follow Contingency M-4 in the FEP binder.

- **For Lagoon Systems, the owner is not conforming with the freeboard and berm conditions in the MECP Design Guidelines for Sewage Works.**

### Contingency/Emergency Planning

At the inspection, the cell level was 1.76m from the cell bottom as measured in the discharge chamber. This would translate to 2.23 feet of freeboard based on the measurements in the drawing provided. It is unclear if this measurement is accurate since it is based on the water level in the discharge chamber. The owner/operating authority should ensure that the minimum freeboard is 0.9 m (3 feet) as recommended in The MOE Design Guidelines for Sewage Works.

It was noted during the inspection that the lagoon berms had an overgrowth of vegetation. The owner is reminded that vegetation on the berms should be cut back regularly to protect the integrity of the berms and to ensure access. In addition, a well-maintained berm is less likely to be used by burrowing animals.

As per the "Optimization of Lagoon Operation: A Best Practice by the National Guide to Sustainable Municipal Infrastructure", berm integrity and leakage should be assessed on a regular basis by a qualified professional to avoid failure. In addition, berm integrity should be visually checked on a regular basis. The operating authority should ensure that routine inspection of the berms is conducted as per the existing preventative maintenance schedule. The operating authority should notify the owner of any issues and the owner should conduct any required maintenance or repairs in a timely fashion.

- **Spill containment was provided for the process chemicals and/or standby power generator fuel.**

The diesel generator, which is located in the Elizabeth Drive pump house, is situated within a curbed containment area. The fuel is located outside within a double-walled tank. No other process chemicals are used. The alum used for batch dosing is purchased as needed and not stored onsite.

- **The owner had provided security measures for the facility.**

The lagoons are within a locked perimeter fence. The Main Pump Station is locked and alarmed, but is not fully fenced as it is shared with the neighbouring property. The access hatch of the pump wells at both the Main Pump Station and Industrial Drive are locked.

### Other Inspection Findings

- **The following issues were also noted during the inspection:**

See SUMMARY OF RECOMMENDATIONS AND BEST PRACTICE ISSUES



## **NON-COMPLIANCE WITH REGULATORY REQUIREMENTS AND ACTIONS REQUIRED**

This section provides a summary of all non-compliance with regulatory requirements identified during the inspection period, as well as actions required to address these issues. Further details pertaining to these items can be found in the body of the inspection report.

1. The logs and other record keeping mechanisms did not comply with the record keeping requirements.

**Action(s) Required:**

Operators are reminded to complete all fields and to ensure that alarms are always logged in the Daily Operational Log.

## SUMMARY OF RECOMMENDATIONS AND BEST PRACTICE ISSUES

This section provides a summary of all recommendations and best practice issues identified during the inspection period. Details pertaining to these items can be found in the body of the inspection report. In the interest of continuous improvement in the interim, it is recommended that owners and operators develop an awareness of the following issues and consider measures to address them.

1. **The sewage works effluent sampling requirements prescribed by operational guidelines were not being met.**

### **Recommendation:**

As per Procedure F-10-1, a prior to discharge sample should be collected before each discharge and TKN shall be tested in these samples as well as in effluent samples. In addition, as per direction provided to the operating authority during the inspection, effluent samples should be analyzed for CBOD5 instead of BOD5 going forward. Raw samples should continue to be analyzed for BOD5.

2. **The owner did not have a program for the routine removal of sludge from the lagoon system.**

### **Recommendation:**

There are no actions or recommendations at this time since rapid sludge build up at this facility does not appear to be an issue.

3. **For Lagoon Systems, the owner is not conforming with the freeboard and berm conditions in the MECP Design Guidelines for Sewage Works.**

### **Recommendation:**

The owner/operating authority should ensure that the minimum freeboard is 0.9 m (3 feet) as recommended in The MOE Design Guidelines for Sewage Works.

4. **The following issues were also noted during the inspection:**

(a) Annual Report submissions: the operating authority should be reporting the true annual averages for the effluent parameters. In addition, the average annual flow should be calculated by dividing the total annual raw flow by the number of days the lagoon was receiving flow (365 days), as is generally defined in ECAs.

(b) Preventative maintenance: Preventative maintenance (lagoon checks, generator testing) should be conducted as per the preventative maintenance schedule and/or the SOP.

(c) Berm maintenance: The owner is reminded that vegetation on the berms should be cut back regularly to protect the integrity of the berms and to ensure access. As per the "Optimization of Lagoon Operation: A Best Practice by the National Guide to Sustainable Municipal Infrastructure", berm integrity and leakage should be assessed on a regular basis by a qualified professional to avoid failure. In addition, berm integrity should be visually checked on a regular basis. The operating authority should ensure that routine inspection of the berms is conducted as per the existing preventative maintenance schedule. The operating authority should notify the owner of any issues and the owner should conduct any required maintenance or repairs in a timely fashion.

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**SIGNATURES**

Inspected By:

Emily Awad

Signature: (Provincial Officer)

Reviewed &amp; Approved By:

Marc Bechard

Signature: (Supervisor)

Review &amp; Approval Date:

Note: This inspection does not in any way suggest that there is or has been compliance with applicable legislation and regulations as they apply or may apply to this facility. It is, and remains, the responsibility of the owner and/or operating authority to ensure compliance with all applicable legislative and regulatory requirements.

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**Stakeholder Appendix**

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# Helpful Resources for Municipal Wastewater Owners and Operators

Many useful materials are available to help you operate your wastewater system. Below is a list of key materials owners and operators of municipal wastewater systems frequently use. To access these materials online click on their titles in the table below or use your web browser to search for their titles. Contact the Ministry if you need assistance or have questions at:

1-866-793-2588 or  
[AskMECPWastewaterCompliance@ontario.ca](mailto:AskMECPWastewaterCompliance@ontario.ca).

For more information on wastewater visit  
[www.ontario.ca/page/wastewater-operators-training-and-licences](http://www.ontario.ca/page/wastewater-operators-training-and-licences)



PUBLICATION TITLE	PUBLICATION NUMBER
Protocol for the Sampling and Analysis of Industrial/Municipal Wastewater	Website
Guide to Applying for an Environmental Compliance Approval	Website
Environmental Registration – Standby Power Systems Fact Sheet	8544E
F-5-1 Determination of Treatment Requirements for Municipal and Private Sewage Treatment Works Discharging to Surface Waters	Website
F-8 Provision And Operation Of Phosphorus Removal Facilities At Municipal, Institutional And Private Sewage Treatment Works	Website
F-10-1 Procedures for Sampling and Analysis Requirements for Municipal and Private Sewage Treatment Works (Liquid Waste Streams Only)	Website
Water Management, Policies, Guidelines: Provincial Water Quality Objectives	Website
Licensing Guide for Operators of Wastewater Treatment Facilities	Website

# The Corporation of the Town of Lakeshore

## Report to Council

### Engineering & Infrastructure Services

### Engineering Services



**To:** Mayor & Members of Council

**From:** Tony DiCiocco, C.E.T., Manager, Engineering Services

**Date:** July 28, 2020

**Subject:** Tender Award – Lanoue Street Extension from Manning Road to Amy Croft Drive

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### Recommendation

The Lanoue Street Extension from Manning Road to Amy Croft Drive project be awarded to Sterling Ridge Infrastructure Inc. in the amount of \$5,670,830, plus applicable taxes.

### Background

The above captioned project was publicly advertised on the Bids & Tenders website starting on Friday, June 12<sup>th</sup>, 2020. The following six (6) tenders (excluding HST) were received prior to tender closing on Friday, July 17<sup>th</sup>, 2020:

Contractor	Tendered Amount (excluding HST)
Sterling Ridge Infrastructure Inc.	\$5,670,830*
Coco Paving Inc.	\$5,715,618
D'Amore Construction (2000) Ltd.	\$5,783,227
J&J Lepera Infrastructures Inc.	\$5,788,628*
Amico Infrastructures Inc.	\$6,350,699*
SheaRock Construction Group Inc.	\$6,799,187

*\*Denotes a mathematical error was corrected*

Stantec Consulting Limited has reviewed the six (6) tenders received and found them to be complete in all respects except for mathematical errors discovered in three (3) of the bids. The mathematical errors did not change the tender rankings.

## Comments

The extension of Lanoue Street from Manning Road to Amy Croft Drive consists of the construction of the road, sidewalks and street lighting, water main, storm and sanitary sewers, new storm water management pond and traffic signal and intersection improvements at both the Manning Road and Lanoue Street as well as the Amy Croft, Lanoue Street and Commercial intersection. Also the project includes improvements to the existing Amy Croft storm water pond that were recommended through the Town of Lakeshore storm water master plan phase one. It should also be noted the intersection improvements at Manning Road and Lanoue Street are a shared cost with a proportional amount by the Town of Tecumseh and the County of Essex.

Administration is satisfied that the low tenderer has the required equipment and labour expertise to undertake this project and recommends that Council award the above-noted project to Sterling Ridge Infrastructures Inc.

The proposed works shall be complete within 100 days of commencement.

This project requires approval from ERCA and MECP prior to construction. Applications have been submitted and approval is expected soon. Further, the Town has recently finalized all cost sharing agreements and land acquisition with the abutting property owners.

## Others Consulted

Stantec Consulting  
Town of Tecumseh  
County of Essex

## Financial Impacts

The table below shows the breakdown of the various components of the construction costs which make up the tendered project amount of \$5,670,830 excluding HST.

<b>Lanoue Street Extension Tender Summary</b>	<b>Project Costs excl. Net HST</b>
Amy Croft existing storm water pond improvements (Stormwater Master Plan – Phase 1)	\$ 102,754
Lanoue Street Extension	\$5,094,767
<u>Manning Rd/Lanoue Intersection Improvements</u>	
Town of Tecumseh Share	\$ 188,396
County of Essex Share	\$ 284,913
<b>Subtotal – Tendered Construction Costs</b>	<b>\$5,670,830</b>

The total tender amount noted above includes a contingency amount of \$505,810.

The table below shows the total project costs including land acquisition, engineering, contingencies and traffic signal materials supplied by the Town of Lakeshore through the County of Essex. The traffic signal materials were procured through the County of Essex's procurement policy because of the upgrades to the existing County signals at Manning Road and secondly for economies of scale with County's procurement of traffic signal materials.

<b>Project Cost</b>	<b>Project Cost incl.Net HST</b>
Lanoue Street Extension (Tendered Construction)	\$5,770,640
Traffic Signal Materials	\$ 181,600
Engineering, Material Testing and Inspections	\$ 772,560
Land Acquisition (includes survey and legal fees)	\$ 788,200
<b>Total Project Costs</b>	<b>\$7,513,000</b>

The table below shows the project funding. The improvements to the existing Amy Croft storm water pond have been tendered at a lower cost likely as a result of the work being part of a much larger project. The Lanoue Street Extension is just slightly above by 2.4 % over the project estimate included in the cost sharing agreements, however, the agreements includes language that allow the Town of Lakeshore to proceed with the construction costs up to a maximum of 133% of the project estimate amount. As shown in the table below the cost sharing agreement included a project estimated cost of \$6,557,865 which \$5,407,865 is to be recovered from the stakeholder properties within the Amy Croft Secondary Plan cost sharing framework agreements.

The Town of Lakeshore share will not exceed \$1,300,000. This amount consists of \$1,150,000 as part of the original cost sharing framework for Amy Croft Secondary Plan servicing but an additional amount of \$150,000 was approved in September of 2019 to complete design improvements at Manning Road and Lanoue Extension. The additional funding approved in September of 2019 was \$300,000 in total with 50% committed to the Amy Croft and Manning Road intersection and 50% to the Lanoue and Manning intersection.

<b>Project Funding</b>	<b>2020 Budget Estimate</b>	<b>Project Cost incl. Net HST</b>	<b>Variance under/(over)</b>
Amy Croft existing stormwater pond (Stormwater Master Plan – Phase 1)	\$ 240,000	\$118,600	\$121,400
Cost Sharing Agreements (Development Partners)	\$5,407,865	\$5,539,200	(\$131,335)
Town of Lakeshore (Cost Sharing Agreements)	\$1,150,000	\$1,150,000	0
<u>Manning Road/ Lanoue St Intersection Improvements</u>			
Town of Lakeshore Share	\$ 150,000	\$ 130,300	\$ 19,700
Town of Tecumseh Share	\$ 240,000	\$ 208,400	\$ 31,600
County of Essex Share	\$ 432,800	\$ 366,500	\$ 66,300
<b>Total Project Funding</b>	<b>\$7,620,665</b>	<b>\$7,513,000</b>	<b>\$107,665</b>



Based on the foregoing, Administration recommends that Council proceed with the awarding of the tender to Sterling Ridge Infrastructure Inc. in the amount of \$5,670,830 excluding net HST for the Lanoue Street Extension.

**Attachment(s):** none

**Report Approval Details**

Document Title:	Tender Award – Lanoue Street Extension from Manning Road to Amy Croft Drive.docx
Attachments:	
Final Approval Date:	Aug 5, 2020

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

Rosanna Pellerito

Kristen Newman

Truper McBride

# The Corporation of the Town of Lakeshore

## Report to Council

### Engineering & Infrastructure Services

### Public Works



**To:** Mayor & Members of Council

**From:** Mazen Jreda, P.Eng., PE, PMP  
Manager, Public Works

**Date:** July 31, 2020

**Subject:** Tender Award – Hawthorne Gravel Road Conversion

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### Recommendation

Award the Hawthorne Gravel Road Conversion tender to Rudak Excavating Inc. in the amount of \$470,900 plus applicable taxes.

### Background

Hawthorne Drive is currently a gravel road. In the 2020 budget, Council approved funding to complete the conversion of this road into a surface-treated road.

The request for tender for Hawthorne Gravel Road Conversion was publicly advertised on the Bids & Tenders website starting on July 3, 2020. The following tenders were received prior to tender closing time on Friday, July 31, 2020:

<b>Tenderer</b>	<b>Price (excluding HST)</b>	<b>Price including net HST</b>
Rudak Excavating Inc.	\$470,900	\$479,188
Amico Infrastructures Inc.	\$577,488	\$587,652
Sterling Ridge Infrastructure Inc.	\$582,800	\$593,057
Shepley Excavating & Road Maintenance Ltd.	\$655,035	\$666,564

Blackrock Project Management has reviewed the tenders received and found them to be complete.

## Comments

The construction of Hawthorne Gravel Road Conversion consists of road excavation, new granular base placement and drainage improvements to provide the necessary improvements to complete the application of the first two lifts of surface treatment on Hawthorne Drive from Bissonette Lane to the north end of the road. The project engineering and contract administration is being completed by Blackrock Project Management.

The tenders received were reviewed by Blackrock and found to be complete. Rudak Excavating Inc. has the resources to complete the works and has completed similar contracts successfully. Administration is satisfied that the low tenderer has the expertise to undertake this project and recommends that Council award the above-noted project to Rudak Excavating Inc.

The proposed project works is anticipated to be complete within 30 working days of commencement.

## Financial Impacts

The project funding for the Hawthorne Gravel Road Conversion is included in the Public Works budget centre. The total amount budgeted for this project is \$900,000, and the project is within the approved budget.

The table below shows a breakdown of the anticipated project cost.

<b>Project Cost</b>	<b>Project Cost incl. Net HST</b>
Hawthorne Gravel Road Conversion (Tender)	\$479,188
Engineering and Material Testing	90,000
Project Contingency (5%)	30,000
<b>Total Project Costs</b>	<b>\$599,188</b>

The total project cost of approximately \$600,000 will be funded from the gravel road conversion reserve account.

Given the competitiveness of this tender, the Town will benefit from a savings of approximately \$300,000 for this project. Any unspent budget dollars will remain in the gravel road conversion reserve account to be used in future years for projects identified in the multi-year gravel road conversion program.

**Attachment(s):** None

## Report Approval Details

Document Title:	Hawthorne Gravel Road Conversion.docx
Attachments:	
Final Approval Date:	Aug 6, 2020

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

Nelson Cavacas

Rosanna Pellerito

Kristen Newman

Truper McBride

# **The Corporation of the Town of Lakeshore**

## **Report to Council**

### **Community & Development Services**

### **Building Services**



**To:** Mayor & Members of Council  
**From:** Morris Harding, Manager of Building Services  
**Date:** August 4, 2020  
**Subject:** Adoption of a New Fill By-law

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### **Recommendation**

Adopt By-law 60-2020 being a By-law to Provide for the Regulation of the Placing or Dumping of Fill, Alteration of the Grade of, or Removal of Topsoil from Land within the Town of Lakeshore; and,

Approve the short form wording and set fines for the Fill By-law attached as Appendix "A", as presented at the August 11, 2020 Council meeting.

### **Background**

Section 142 of the Municipal Act, 2001 provides local municipalities with the power to prohibit or regulate and issue permits respecting the dumping or placing of fill, removal of topsoil or the alteration of the grade of land. The Town currently has such a by-law in place, the Town's Fill By-law, By-law 24-2011.

The purpose of this report is to seek Council's passage of a new Fill By-law in order to make some necessary revisions to the Town's existing fill regulations in order to increase the Town's ability to enforce the regulations regarding fill, grading and other alteration of lands consistent with Council resolution 511-11-2019 which states:

That Administration, in consultation with the Chief Building Official and the By-law Enforcement Services department, be directed to look at how to tighten up enforcement and move towards more ticketing options for enforcement investigations, along with reviewing set fines.

Carried Unanimously

Further to that direction, Administration is seeking approval of short form wordings and set fines to issue certificates of offence or "tickets" for offences for the types of activities

regulated under the Fill By-law. The proposed short form wordings and set fines are attached as Appendix “B” to this report.

The *Provincial Offences Act* is the legislation that governs the enforcement and prosecution of offences created by provincial statute and municipal by-laws. The Part I procedure, often referred to as a “ticketing” process, prescribes a process for setting fines for out-of-court settlement amounts for certain regulatory offences (“set fines”).

All set fines are established by order of the Regional Chief Judge of the Ontario Court of Justice. Municipalities are responsible for suggesting set fine amounts in relation to their by-laws when they make a submission to the Ministry of the Attorney General. Administration will present the short form wordings and set fines to Council for approval when presenting the draft by-law for reading.

## Comments

The proposed by-law 60-2020 revises and consolidates the provisions of the current Fill By-law. Because there were several changes and because Administration intends to apply for short form wordings and set fines to start issuing tickets under this by-law, Administration has prepared a new by-law. In comparison with the current by-law, the draft by-law includes various minor housekeeping revisions, incorporates the original fill by-law 24-2011 with amendments made in 2015 and 2019 and some other changes that Administration recommends for increased enforcement capacity. The more substantial changes include the following:

- Definitions/Overall
  - Addition of a definition of "By-law Compliance Officer" in the place of "Building Inspector" for the purposes of enforcement which is consistent with the enforcement provisions of other recent by-laws
  - Addition of the definition of "Site Alteration" to make the language of the by-law plainer for interpretation
  - Definition of "Person" so as to clarify the intention of the use of the word
  - Addition of "User Fee By-law" to be consistent with the Town terminology and references in the by-law
  - Addition of "Land" definition to ensure that the Fill By-law may be comprehensively applied throughout the geographic boundaries of the Town
  - Addition of "Administration Fee" and "Appeal Fee" definitions as further described below
  - Addition of definition of "Topsoil" to make it consistent with the Municipal Act, 2001
  - Removal of upper case letter headings to increase accessibility.
- Clarification of the permit requirements for agricultural lands and private drains

- Appeals
  - Provision of a hearing body (in lieu of Council) for appeals regarding conditions for a Fill Permit
  - Additional provisions regarding jurisdiction of the Committee during such appeals
  - The inclusion of a requirement to pay an appeal fee
  - Inclusion of a 20 day appeal window for applicants wishing to appeal
- Administration/Enforcement
  - Increased powers of inspection and production of documents for By-law Compliance Officers
  - Inclusion of new offence provisions in the by-law
- Remediation Costs
  - Inclusion of an administration fee when the Town is required to perform remedial works under the Fill By-law
- Exclusions
  - Inclusion of an application section which describes the circumstances under which the by-law does not apply. The circumstances are prescribed by the *Municipal Act, 2001*.

## **Financial Impact**

There are no financial costs to adopting the draft by-law. Additional fees for appeals and administration may result in revenues for the Town.

Any costs associated with establishing these set fines should have little or no additional cost to the Town. All fines are collected by the courts and forwarded to Lakeshore based on a weighted average assessment calculation, pursuant to the Provincial Offences Court administration agreement between the City of Windsor and the Town.

**Attachment(s):** Appendix A - Set Fine Schedule

## Report Approval Details

Document Title:	Adoption of a New Fill By-law.docx
Attachments:	- Fill Bylaw 60-2020 Set Fine Schedule Draft.docx
Final Approval Date:	Aug 6, 2020

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

Tammie Ryall

Rosanna Pellerito

Kristen Newman

Truper McBride



# **The Corporation of the Town of Lakeshore**

## **By-Law 60-2020**

### **Being a By-Law to Regulate Site Alterations of Land or Private Drain Alterations in the Town Of Lakeshore**

**Whereas**, section 142 of the *Municipal Act 2001*, S.O., 2001, c. 25, provides local municipalities with the power to prohibit or regulate and issue permits respecting the dumping or place of fill, removal of topsoil or the alteration of the Grade of Land;

**And whereas**, the Council of The Corporation of the Town of Lakeshore considers it desirable to pass such a by-law;

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

#### **Section 1 – Definitions**

1.1 In this by-law,

“Administration Fee” means the fee for the administration of remediation costs pursuant to this by-law and the amount as set out in the User Fee By-law;

“*Aggregate Resources Act*” means the *Aggregate Resources Act*, R.S.O. 1990, c.A.8;

“Appeal Fee” means the fee to file an appeal pursuant to this by-law and the amount as set out in the User Fee By-law;

“By-law Compliance Officer” means the persons designated as such by the Town for enforcement of by-laws pursuant to the *Provincial Offences Act*, and includes the Chief Building Official;

“Chief Building Official” means the person designated as such by the Town;

“Clerk” means the person appointed by Council as the municipal clerk pursuant to the *Municipal Act, 2001*;

“Crown of the Road” means the highest portion of a road cross-section, generally associated with the centerline of the road;

“*Drainage Act*” means the *Drainage Act*, R.S.O. 1990, c.D.17;

"Dump" or "Dumping" means the deposit or placement of Fill Material from one location to another and includes from one location at a site to another location on a site on the same property;

"*Electricity Act*" means the *Electricity Act*, 1998, S.O. 1998, c.15, Sched.A;

"Fill" or "Filling" means the alteration of the existing grade of the Land through the addition of Fill Material;

"Fill Material" means any type of material capable of being removed from or deposited on Land, and may include soil, Topsoil, stone, sod, turf, concrete, asphalt, either singly or in combination;

"Grade" or "grading" means the elevation of the ground surface of Land;

"Land" means any real property within the geographic boundaries of the Town of Lakeshore;

"*Municipal Act, 2001*" means the *Municipal Act, 2001*, S.O. 2001, c. 25;

"Owner" means the Person that is the registered owner of the Land pursuant to the laws of the Province of Ontario;

"Order to Discontinue Activity" means an order to discontinue activity issued pursuant to section 8 of this by-law;

"Person" means an individual, a corporation, a partnership, and an association as the context requires, and includes an applicant for a permit under this bylaw;

"Permit" means an authorization in writing obtained pursuant to section 3 of this by-law;

"Permit Fee" means the fee for obtaining a Permit pursuant to this by-law and the amount as set out in the User Fee By-law;

"*Planning Act*" means the *Planning Act*, R.S.O. 1990, c.P.13;

"Private Drain" means any system or means by which storm water from adjacent or neighbouring Land crosses Land that is not designated as a Municipal Drain under the *Drainage Act*, R.S.O. 1990 c.D.17;

"Professional Engineer" means an engineer licenced by the Association of Professional Engineers of Ontario;

"*Provincial Offences Act*" means the *Provincial Offences Act*, R.S.O. 1990, c. P.33;

“Remedial Work Order” means an order issued pursuant to section 9 of this by-law;

"Required Yard" shall have the same meaning as that found in the Zoning By-law;

“Site Alteration” means one or more of the following:

- (a) placing Fill Material on Land;
- (b) Dumping on Land;
- (c) removing Topsoil from Land, including the removal of Topsoil for sale, exchange or other disposition;
- (d) altering the Grade of Land; and,
- (e) altering or removing a Private Drain.

“*Tile Drainage Act*” means the *Tile Drainage Act*, R.S.O. 1990, c.T.8;

“Topsoil” means those horizons in a soil profile, commonly known as the “O” and the “A” horizons, containing organic material and includes deposits of partially decomposed organic matter such as peat;

“Town” means The Corporation of the Town of Lakeshore;

“Treasurer” means the person appointed by Council as the treasurer pursuant to the *Municipal Act, 2001*;

“User Fees By-law” means the User Fee By-law passed by Council pursuant to section 391 of the *Municipal Act, 2001*; and,

“Zoning By-law” means any by-law passed pursuant to section 34 of the *Planning Act*.

## **Section 2 – Site Alteration Prohibitions**

- 2.1 No Person shall engage in Site Alteration without a Permit.
- 2.2 No Person shall cause or permit to be caused Site Alteration without a Permit.
- 2.3 No Person shall change the drainage characteristics of Land without a Permit.
- 2.4 No Person shall alter the Grade of Land as designed by a Professional Engineer without a Permit.
- 2.5 No Person shall engage in Site Alteration or cause or permit Site Alteration contrary to a Permit or contrary to the representations, plans, specifications or drawings that form the basis upon which a Permit was issued.

### **Section 3 - Permit**

- 3.1 An applicant for Site Alteration shall submit the following to the Chief Building Official:
- (a) a completed application in the form prescribed from time to time by the Chief Building Official in accordance with the information required in this by-law;
  - (b) the Permit Fee as established in the User Fees By-law;
  - (c) when required by the Chief Building Official in order to assess the impact of the Fill or alteration on the environment affected, a fill-control plan, prepared by a Professional Engineer or licensed Ontario Land Surveyor, which may include any or all of the following as may be specified by the Chief Building Official or such other information as the Chief Building Official may deem appropriate:
    - (i) a key map showing the location of each lot, including the nearest major intersection and north arrow;
    - (ii) the lot boundaries and number of hectares of each lot;
    - (iii) the existing and proposed use of the Land and the location and use of the buildings and other structures adjacent to each lot;
    - (iv) the location, dimensions and use of any building and other structures existing or proposed to be erected on each lot;
    - (v) the location of lakes, streams, wetlands, channels, ditches, other watercourses and other bodies of water on and within a minimum of 25 metres beyond each lot boundary;
    - (vi) application of any applicable Conservation Authority storm flood plain, Fill regulation or applicable regulations or guidelines;
    - (vii) the location and identification of the predominant existing soil types;
    - (viii) the species, Grade at base and size of all trees greater than 150 millimetres in caliper, all shrubs, trees and hedges within 25 metre(s) of the property line and driveways on each lot and all easements and rights-of-way over, under, across or through each lot;
    - (ix) the location and dimensions of any existing and proposed storm water drainage systems and natural drainage patterns on and within a minimum of 25 metres beyond each lot boundary;

- (x) the location and dimensions of utilities, structures, roads, highways and paving located within a minimum of 25 metres beyond each lot boundary;
  - (xi) the existing topography on each lot and extending a minimum of 25 metres beyond each lot boundary;
  - (xii) the proposed final Grades of each lot;
  - (xiii) the location and dimensions of all proposed Land disturbance activities, including construction of access roads;
  - (xiv) the location and dimensions of all temporary Fill Material stockpiles;
  - (xv) the location, dimensions, design details and design calculations of all construction site erosion control measures that may be necessary to minimize the impact of the proposal;
  - (xvi) a schedule of the anticipated starting and completion dates of each Land disturbance or Land development activity;
  - (xvii) provisions for the maintenance of the construction site erosion control and dust control measures during construction and after as required;
  - (xviii) the scale of drawing, ranging from 1:250 to 1:1000 as deemed appropriate (each drawing control plan to be in metres);
  - (xix) an indication on the drawing of directions of overland water flow and overland flow route;
- (d) proposed final Grades and drainage system to be used upon completion of the filling operation;
  - (e) a description of the proposed Fill, including a list of the sources, geotechnical and environmental analysis reports as to content and quality, prepared by qualified experts in that regard;
  - (f) a plan, which shall be prepared by a Professional Engineer or licensed Ontario Land Surveyor if the Chief Building Official so requires, showing the design details to proper scale of any retaining wall that may be required and the dimensions of any materials to be used in construction of such retaining wall;
  - (g) security in a form and amount to be determined by the Chief Building Official to secure performance of the work for which the Permit is being applied. The Chief Building Official may draw upon the security posted to recover the cost

of the Town performing any required work that the Owner has failed to perform and any Administration Fee that applies;

- (h) where the Land for which a Permit is being sought has access to a road under the jurisdiction of the County of Essex, evidence that the County of Essex has been consulted with respect to the application for a Permit together with a plan indicating how any requirements of the County of Essex will be met; and,
- (i) a plan indicating how the requirements of subsections 3.1(d) and 3.1(e) will be satisfied.

#### **Section 4 - Issuance of Permit**

4.1 Subject to section 4.2, the Chief Building Official shall issue a Permit upon being satisfied that:

- (a) a satisfactory grading plan has been received showing:
  - i) the extent of the works,
  - ii) the maximum and minimum elevations of the affected Land, and the maximum elevation shall be consistent with the elevation of adjoining Land and in no circumstance shall the raised elevation exceed one more above the Crown of the Road; and,
  - iii) the measures proposed to control storm-water run-off;
- (b) if there is an existing grading plan that was designed by a professional engineer then the proposed new Grading plan must be certified by a professional engineer;
- (c) storm water control measures, including swales, tile drains, retaining walls or other professionally designed systems are adequate to prevent the run-off of storm water to adjacent Land;
- (d) there is no adverse impact on neighbouring Land;
- (e) all required yards are adequately sloped from the existing Grade at the property line and the maximum slope of all required yards shall be eight centimetres per metre (one inch per foot);
- (f) the minimum elevation conforms to the requirements of the Conservation Authority, where applicable;

- (g) any Topsoil being removed is being used to restore the Land for which the Permit is being issued unless it can be shown to the satisfaction of the Chief Building Official that the Topsoil is not needed to restore the Land in which case the Topsoil may be removed from the Land provided the Topsoil is not being relocated outside the Town limits and a Permit has been issued for the Land to which the Topsoil is being applied; and,
  - (h) satisfactory dust control, traffic control, noise control, hours of operation and vehicle travel routes are established for all vehicles and equipment involved in the Dumping, filling or Grading operation.
- 4.2 Where the application for a Permit is for alteration of a Private Drain, the Chief Building Official must also be satisfied that:
  - (a) the Private Drain is no longer required; or,
  - (b) alternative drainage measures will be constructed to satisfactorily maintain the existing drainage scheme.
- 4.3 It shall be a condition of every Permit that:
  - (a) every reasonable step be taken to prevent nuisances related to dust and noise emanating from the activities undertaken pursuant to that Permit;
  - (b) all vehicles and equipment involved in the Dumping, Filling, removing or Grading or alteration shall follow the vehicle travel route established by the Chief Building Official when travelling to or from the property for which the Permit was issued; and,
  - (c) rear-yard drainage shall be provided as a condition to the issuance of a Permit on any Land zoned Residential in the Zoning By-law.

The requirement of paragraph (c) may be waived, at the sole discretion of the Chief Building Official, where an adequate storm sewer outlet cannot be obtained.
- 4.4 A Permit shall expire on the date indicated on the Permit or 6 months from the date of its issue, whichever date is earlier.
- 4.5 A Permit that has expired may be renewed within 60 days of its date of expiry upon written application to the Chief Building Official accompanied by the applicable fee as set out in the User Fees By-law as well as an updated deposit, if required, and provided that the proposed work has not been revised.
- 4.6 The Chief Building Official may revoke the Permit under any of the following circumstances:

- (a) if it was obtained on mistaken, false or incorrect information;
- (b) if it was issued in error;
- (c) if the Owner or Permit holder requests, in writing, that it be revoked;
- (d) if the Owner or Permit holder fails to comply with the terms and conditions of the Permit;
- (e) if work authorized under the Permit has not been commenced within 6 months of the issuance of the Permit; or,
- (f) if an Owner or Permit holder fails to comply with the provisions of this by-law.

4.7 An applicant for a Permit may file an appeal with the Clerk for the following:

- (a) the Chief Building Official's decision to refuse a Permit;
- (b) the Chief Building Official's decision to revoke or suspend a Permit; and,
- (c) elimination or modification of one or more conditions of a Permit. Appeals will not be heard for conditions required pursuant to section 4.3 of this by-law.

4.8 Appeals shall be heard by the Hearing Committee and the Hearing Committee may dispose of the appeal by:

- (a) upholding the Chief Building Official's decision; or
- (b) removing or modifying the conditions of a Permit.

4.9 Appeals shall be in writing and specify the grounds for the appeal.

4.10 The Clerk shall receive an appeal and deny, for administrative purposes, any appeal filed more than 15 days following the Chief Building Official's decision.

## **Section 5 - Administration and Enforcement**

5.1 The provisions of this by-law shall be administered by the Chief Building Official and shall be enforced by a By-law Compliance Officer.



## **Section 6 - Powers of Officers**

6.1 A By-law Compliance Officer may:

- (a) at any reasonable time, enter onto Land for the purpose of carrying out an inspection for the purpose of determining compliance with this by-law or the *Municipal Act, 2001*;
- (b) during an inspection, require production for inspection of documents or things relevant to the inspection and inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts and photograph such documents or things;
- (c) during an inspection require information from any person concerning a matter related to the inspection;
- (d) during an inspection be accompanied by a Person or Persons who has relevant or expert knowledge in relation to this by-law or matters regulated by this by-law;
- (e) conduct or direct a person possessing the relevant or expert knowledge to conduct such examinations or take tests, samples or photographs as the By-law Compliance Officer believes necessary for the purposes of inspection; and,
- (f) to confirm compliance with a Permit, require that a Permit holder or Owner provide a survey, prepared by a Professional Engineer or licensed Ontario Land Surveyor, of the Land forming the subject of the Permit once the works authorized by that Permit have been completed.

6.2 In addition to any other provision of this by-law, and subject to the provisions of the *Municipal Act, 2001*, a provincial judge or justice of the peace may issue an order authorizing a By-law Compliance Officer and any Person under his or her direction to enter onto or into any premises, including a room or place actually being used as a dwelling for the purpose of carrying out an inspection to determine compliance with this by-law, a Permit issued under this by-law or an order made under section 431 of the *Municipal Act, 2001* in relation to the subject matter of this by-law.

6.3 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Person who is exercising a power or performing a duty under this by-law.

6.4 No Person shall refuse or neglect to produce for inspection any document or thing required by a By-law Compliance Officer pursuant to this by-law.

## **Section 7 - Offences**

- 7.1 Any Person who contravenes any provision of this by-law, a condition to a Permit or an order issued pursuant to this by-law is guilty of an offence and subject to prosecution pursuant to the *Provincial Offences Act*. A Person found guilty shall be liable:
- (a) upon conviction, to a minimum fine of \$500 and a maximum fine of \$100,000 for a first conviction;
  - (b) for each subsequent conviction, a minimum fine of \$500 and a maximum fine of \$10,000 for each day that the offence continues; and,
  - (c) upon conviction for each multiple offence, for each offence included in the multiple offence, the minimum fine shall not exceed \$500 and the maximum fine shall not exceed \$10,000; however, the total of all fines for each included offence is not limited to \$100,000.
- 7.2 Any director or officer of a corporation who knowingly concurs in the contravention of this by-law, a condition to a Permit or an Order issued pursuant to this by-law is guilty of an offence and subject to prosecution pursuant to the *Provincial Offences Act* as described in section 7.1.
- 7.3 If this by-law 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:
- (a) prohibiting the continuation or repetition of the offence by the person convicted; and,
  - (b) require the person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

## **Section 8 - Order to Discontinue Activity**

- 8.1 If the By-law Compliance Officer is satisfied that a contravention of this by-law has occurred, the By-law Compliance Officer may make an Order to Discontinue Activity requiring the Person who contravened the by-law or who caused or permitted the contravention or the Owner or occupier of the Land on which the contravention occurred to discontinue the contravening activity. The Order to Discontinue Activity shall set out:
- (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the Land on which the contravention occurred; and

- (b) the date by which there must be compliance with the order.

8.2 Any Person that contravenes an Order to Discontinue Activity is guilty of an offence.

## **Section 9 - Remedial Work Orders**

9.1 If a By-law Compliance Officer is satisfied that a contravention of this by-law has occurred, the By-law Compliance Officer may make a Remedial Work Order requiring a Permit holder or Owner or both to do work to correct the contravention and the Remedial Work Order shall set out:

- (a) the municipal address or the legal description of the Land;
- (b) reasonable particulars of the contravention and of the work to be done and the period within which there must be compliance with the order; and
- (c) a notice stating that if the work is not done in compliance with the order within the period it specifies, the Town may have the work done at the Owner's expense.

9.2 A Remedial Work Order shall be served personally or by prepaid registered mail sent to the last known address of the Permit holder or Owner of the Land or both.

9.3 If a By-law Compliance Officer is unable to effect service on the Owner or Permit holder, the By-law Compliance Officer may place a placard containing the terms of the order in a conspicuous place on the Land.

9.4 If the work or things required by a Remedial Work Order are not done within the period specified therein, the Town, in addition to all other remedies it may have, may, by its employees or agents, do the work required by the Remedial Work Order and the employees or agents of the Town may enter on the Land that are the subject of the order for this purpose.

9.5 Any Person that contravenes a Remedial Work Order is guilty of an offence.

## **Section 10 - Recovery of Expenses and Fines**

10.1 Costs incurred by the Town pursuant to a Remedial Work Order, in addition to an Administration Fee, shall be recovered from the Owner from the security provided where applicable. All of the costs or the balance of the costs not recovered through the security, where applicable, shall be added by the Treasurer to the tax roll for any property in the Town for which the Owner is responsible for paying the costs and the costs may be collected in the same manner as municipal taxes. The costs include interest calculated at a rate of 15% calculated for the period commencing

on the day that the Town incurs the costs and ending on the day that the costs, including the interest, are paid in full.

- 10.2 Fines owing to the Town that are in default pursuant to section 69 of the *Provincial Offences Act* shall be added by the Treasurer to the tax roll for any property in the Town for which the Owner is responsible for paying the fine and the fine may be collected in the same manner as municipal taxes.

## **Section 11 - General**

- 11.1 Nothing in this by-law shall serve to relieve any person from the obligation to comply with all other applicable law.
- 11.2 This by-law shall not apply to:
- (a) activities or matters undertaken by the Town or a local board of the Town;
  - (b) the placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of Land imposed after December 31, 2002 as a condition to the approval of a site plan, a plan of subdivision or a consent under section 41, 51 or 53, respectively, of the *Planning Act* or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;
  - (c) the placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of Land imposed after December 31, 2002 as a condition to a development permit authorized by regulation made under section 70.2 of the *Planning Act* or as a requirement of an agreement entered into under that regulation;
  - (d) the placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of Land undertaken by a transmitter or distributor, as those terms are defined in section 2 of the *Electricity Act*, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;
  - (e) the placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of Land undertaken on Land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*;
  - (f) the placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of Land undertaken on Land in order to lawfully establish and operate or enlarge any pit or quarry on Land,
    - (i) that has not been designated under the *Aggregate Resources Act* or a predecessor of that Act, and

- (ii) on which a pit or quarry is a permitted Land use under a by-law passed under section 34 of the *Planning Act*;
- (g) the placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of Land undertaken as an incidental part of drain construction under the *Drainage Act* or the *Tile Drainage Act*; and
- (h) the removal of Topsoil as an incidental part of a normal agricultural practice including such removal as an incidental part of sod-farming, greenhouse operations and nurseries for horticultural products.

## **Section 12 - Short Title**

12.1 This by-law may be referred to as the “Fill By-law”.

## **Section 13 - Interpretation**

- 13.1 If any court of competent jurisdiction finds any provision of this by-law is invalid or is *ultra vires* of the jurisdiction of the Town, such provision shall be deemed to be severable and shall not invalidate any of the other provisions of this by-law.
- 13.2 The headings contained herein are for ease of reference only and do not form part of this by-law.
- 13.3 References in this by-law to words in the singular shall be deemed to include the plural.
- 13.4 Reference to any statute or by-law includes any amendment to that statute or by-law and any successor thereto.

## **Section 14 - Repeal**

- 14.1 By-law 2011-24 and any amendments thereto are repealed, including by-laws 88-2015 and 76-2019.

## **Section 15 - Effect**

- 15.1 This by-law shall come into force and effect upon passage.

Read and passed in open session August 11, 2020.

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**Mayor  
Tom Bain**

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**Clerk  
Kristen Newman**

## RATING BY-LAW

*Tile Drainage Act, R.S.O. 1990, c. T.8, s.8*

### THE CORPORATION OF THE Town of LAKESHORE

BY-LAW NUMBER 054-2020

A by-law imposing special annual drainage rates upon land in  
respect of which money is borrowed under the *Tile Drainage Act*.

WHEREAS owners of land in the municipality have applied to the council under the *Tile Drainage Act* for loans for the purpose of constructing subsurface drainage works on such land;

AND WHEREAS the council has, upon their application, lent the owners the total sum of  
\$39,000.00 to be repaid with interest by means of rates hereinafter imposed;

The council, pursuant to the *Tile Drainage Act*, enacts as follows:

1. That annual rates as set out in the Schedule 'A' attached hereto are hereby imposed upon such land as described for a period of ten years, such rates shall have priority lien status, and shall be levied and collected in the same manner as taxes.

First Reading 2020-Aug-11  
yyyy/mm/dd

Second Reading 2020-Aug-11  
yyyy/mm/dd

Provisionally adopted this 11 day of August, 2020

TOM BAIN  
Name of Head of Council

Signature

KRISTEN NEWMAN  
Name of Clerk

Signature

Third Reading 2020-Aug-11

Enacted this 11 day of August, 2020

TOM BAIN  
Name of Head of Council

Signature

Corporate Seal

KRISTEN NEWMAN  
Name of Clerk

Signature

I, KRISTEN NEWMAN, clerk of the Corporation of the Town  
of LAKESHORE certify that the above by-law was  
duly passed by the council of the Corporation and is a true copy thereof.

KRISTEN NEWMAN  
Name of Clerk

Signature

Corporate Seal

The Corporation of the Town of LAKE SHORE  
**Schedule 'A' to By-law Number** 054-2020

[illegible]

## TILE DRAINAGE DEBENTURE

*Tile Drainage Act, R.S.O. 1990, c. T.8, subs. 2(1)*

\$39,000.00

No. 2020-03

The Corporation of the \_\_\_\_\_ Town \_\_\_\_\_ of \_\_\_\_\_ LAKESHORE \_\_\_\_\_ hereby promises to pay to the Minister of Finance, the principal sum of \$39,000.00 of lawful money of Canada, together with interest thereon at the rate of 6 per cent per annum in ten equal instalments of \$5,298.85 on the 1st day of September, in the years 2021 to 2030, both inclusive.

The right is reserved to The Corporation of the \_\_\_\_\_ Town \_\_\_\_\_ of \_\_\_\_\_ LAKESHORE \_\_\_\_\_ to prepay this debenture in whole or in part at any time or times on payment, at the place where and in the money in which this debenture is expressed to be payable, of the whole or any amount of principal and interest owing at the time of such prepayment.

This debenture, or any interest therein, is not, after a Certificate of Ownership has been endorsed thereon by the Treasurer of this Corporation, or by such other person authorized by by-law of this Corporation to endorse such Certificate of Ownership, transferable.

Dated at the \_\_\_\_\_ TOWN \_\_\_\_\_ of \_\_\_\_\_ LAKESHORE \_\_\_\_\_ in the Province of Ontario, this 1st day of September, 2020, under the authority of By-law No. 72-2015 of the Corporation entitled "A by-law to raise money to aid in the construction of drainage works under the *Tile Drainage Act*."

*Corporate Seal*

TOM BAIN

Name of Head of Council

Signature

ROSANNA PELLERITO

Name of Treasurer

Signature



# OFFER TO SELL

*Tile Drainage Act, R.S.O. 1990, c. T.8, subs. 5(8)*

TO THE MINISTER OF FINANCE

The Corporation of Town of LAKESHORE  
hereby offers to sell Debenture No. 2020-03 in the principal amount of \$39,000.00  
to the Minister of Finance as authorized by Borrowing By-law No. 72-2015 of the Corporation.

The principal amount of this debenture is the aggregate of individual loans applied for and each loan is not more than 75 per cent of the cost of the drainage work constructed.

An inspector of drainage, employed by the Corporation, has inspected each drainage work for which the Corporation will lend the proceeds of this debenture and each has been completed in accordance with the terms of the loan approval given by council.

A copy of the Inspection and Completion Certificate for each drainage work, for which the Corporation lend the proceeds of this debenture, is attached hereto.

September 01, 2020

Date

ROSANNA PELLERITO

Name of Treasurer

Corporate Seal

Signature of Treasurer

# **The Corporation of the Town of Lakeshore**

## **By-law 55-2020**

### **Being a By-law to Delegate Authority to the Mayor and the Director Legislative & Legal Services to Execute Cost Sharing Agreements Relating to the Amy Croft Drive Secondary Plan**

**Whereas**, paragraphs 11(2)4 and 11(2)7 of the *Municipal Act, 2001*, S.O. 2001, c.25 authorizes a municipality to pass by-laws respecting public assets of the municipality and services and things that the municipality is authorized to provide;

**And whereas**, the Council of The Corporation of the Town of Lakeshore deems it desirable for the public to enter into cost sharing agreements with land owners pursuant to the Amy Croft Secondary Plan;

**And whereas**, section 23.1 of the *Municipal Act, 2001*, S.O. 2001, c.25 authorizes Council to delegate its power and duties;

**And whereas**, it is deemed expedient to delegate certain duties in relation to the execution of agreements for cost sharing for services and the like within the Town of Lakeshore municipal borders;

**Now therefore the Council of The Corporation of the Town of Lakeshore enacts as follows:**

1. The Mayor and the Clerk are delegated the authority to execute cost sharing agreements with the following companies:

2741981 Ontario Ltd.  
RKL Animal Health Care Ltd.

in the form and content similar to that attached in Schedule "A" and "B" to this by-law.

2. The delegated authority described in Section 1 includes the authority to execute any related amendments or agreements in furtherance of this agreement.
3. In the event of a conflict between this by-law and another Town by-law, this by-law prevails.
4. The delegation in this by-law is subject to any restrictions on such delegation under the *Municipal Act, 2001*, S.O. 2001, c.25 or any other Act.

5. This By-law comes into force and effect upon passage.

Read and passed in open session August 11, 2020.

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**Mayor  
Tom Bain**

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**Clerk  
Kristen Newman**

## **Cost Sharing Agreement**

**THIS AGREEMENT** made as of June 1, 2020,

**BETWEEN:**

**2741981 ONTARIO LTD.**  
(the "OWNER")

- and -

**THE CORPORATION OF THE TOWN OF LAKESHORE,**  
("Lakeshore")

**WHEREAS** the Owner is the owner of the parcel of land legally described in Schedule "A", attached (the "Subject Lands");

**AND WHEREAS** the Subject Lands are included in the area subject to the "Amy Croft Secondary Plan" that will require the Owner to enter into an agreement to share in the cost of constructing certain municipal services, which will benefit the Subject Lands, as a precondition of obtaining further development approvals for the Subject Lands;

**AND WHEREAS** it is the intention of the Parties that this agreement fulfill the cost sharing requirements of the Amy Croft Secondary Plan;

**NOW THEREFORE**, in consideration of sum of \$5.00, now paid by each Party to the other, and the covenants contained herein, the sufficiency of which each Party hereby acknowledges, the Parties hereto hereby agree as follows:

1. The Parties warrant that the above recitals are true and agree they form part of this Agreement as though repeated herein.
2. Subject to the terms and conditions of this Agreement, Lakeshore agrees:
  - (a) to construct the municipal services necessary for the full development of the lands within the area to which the Amy Croft Secondary Plan applies. This includes, without limitation, the extension of Lanoue Street and Commercial Boulevard from their current termini to their point of intersection, which roads will have a cross section substantially that of a "Collector Road" (as defined in Lakeshore's Development Standards Manual current as of the date of this Agreement but allowing sufficient flexibility to accommodate the needs identified during the detailed design phase), required traffic signals, street lighting, sidewalks (both sides of the roads) all storm and sanitary sewer mains, watermains and an expansion of the existing stormwater management facility (the "Municipal Services"). Construction of the Municipal Services shall include, without limiting the generality of the foregoing, retaining a consulting engineer to design and oversee the construction of the Municipal Services and any necessary land acquisitions;

- (b) to contribute the total sum of one million one hundred fifty thousand dollars<sup>4</sup> (\$1,150,000.00) towards the cost of constructing the Municipal Services. In addition, if necessary, Lakeshore will also advance funds on behalf of RKL Animal Health Care Ltd. ("RKL"), or any successor in title to their currently held lands, in the event RKL, or any successor in title, has either not yet entered into a cost sharing agreement or whose cost sharing agreement provides for a delay in the payment of their total share of the final actual construction costs for the Municipal Services;
- (c) to employ the services of a professional engineer to complete the final design of the Municipal Services and to provide construction management services for their construction (the "Managing Engineer");
- (d) to employ a public tender process in accordance with Lakeshore's purchasing by-law and procurement policies, to be conducted by the Managing Engineer, for the construction of the Municipal Services;
- (e) not to attribute any land acquisition and/or remediation costs for the lands required for the Lanoue Street and/or Commercial Boulevard rights-of-way to 2741981 Ontario Ltd., nor to count any of such costs toward the \$1,150,000.00 referred to in paragraph 2(b) above. For clarity, "land acquisition costs", as used above, does not mean or include restoration and reconstruction costs for the parking lot on the RKL Animal Healthcare Ltd. site as such costs have been included in the cost estimates set out in Schedule "C" and are divided amongst all landowners shown on Schedule "C";
- (f) not to attribute any costs related to stormwater management for existing development, or undeveloped lands outside of the Amy Croft Secondary Plan Area to the Subject Lands;
- (g) not to require the Owner to contribute towards or to pay any portion of the share of the cost of constructing the Municipal Services that is attributed to any other Contributing Parcel(s) by Schedule "C". In the event Lakeshore becomes responsible for any such costs they will be paid in addition to the \$1,150,000 referred to in paragraph 2(b) above;
- (h) on or before February 1<sup>st</sup>, 2021 to place before Lakeshore Council ("Council") and the County of Essex as part of the ongoing five year review of Lakeshore's Official Plan, and with administration's full support, the redesignation of the Subject Lands to "Mixed Use" in the said Official Plan. Lakeshore shall have the right to extend the aforementioned February 1, 2021 date by up to six (6) months if circumstances beyond its control have led to its inability to meet that deadline. Provided that if the aforementioned February 1, 2021 date is extended, the Owner's obligation to pay set out in paragraph 4(c), below, shall also be extended for a like period of time. The Parties agree that this clause shall not be interpreted so as to limit Council's discretion in its Official Plan review process in anyway;

(i) provided Council and the County of Essex first approve the Official Plan redesignation set out in subsection 2(h), above, and provided further that the Owner has submitted a complete application, to, without delay and in any case not later than 60 days after receiving a complete application from the Owner, place before Council for approval, with administration's full support, the Owner's rezoning application for the Subject Lands to "Mixed Use" in the Lakeshore Comprehensive Zoning By-law (2-2012) which zoning would be subject to a holding designation to be removed only when certain conditions are met including site plan approval, the obtaining a record of site condition and such other reasonable conditions as Council may require. Lakeshore agrees to waive the usual application fee for this rezoning. This clause shall not be interpreted so as to limit Council's discretion to approve or not approve the aforementioned rezoning application in any way; and

(j) provided both the Official Plan and zoning by-law amendments set out in subsections 2(h) and 2(i), above, receive their requisite approvals, to, within 45 days of receiving a complete consent application from the Owner, place before the Committee of Adjustment for approval, with administration's full support, the Owner's consent application(s) to subdivide the Subject Lands into up to five (5) parcels subject to such reasonable conditions the Committee of Adjustment may see fit to impose. Lakeshore agrees to waive the usual application fees for these consent/severance application(s). Provided that Lakeshore shall be deemed to have met its obligations contained in this paragraph should the Owner only obtain consents for the creation of four lots rather than five because of objections from the County of Essex. Lakeshore further agrees to, as part of constructing Lanoue street and its municipal services, provide separate full municipal services for two of these five (5) parcels at no cost or expense to the Owner. This clause shall not be interpreted so as to limit the Committee of Adjustment's discretion to grant or refuse to approve the aforementioned consent application in any way.

3. The Parties acknowledge and agree that all owners of lands within the Amy Croft Secondary Plan area will be required, by that secondary plan, to pay the share of the actual cost of designing and constructing the Municipal Services attributable to their lands as a condition of developing their lands. The area to which the Amy Croft Secondary Plan applies is depicted in Schedule "B", which also shows the various development parcels affected by the Amy Croft Secondary Plan and their current respective owners. For the purposes of this agreement the affected parcels of land, which are within the Amy Croft Secondary Plan area, depicted in Schedule "B" are referred to as the "Contributing Parcels."

4. (a) The total estimated cost of designing and constructing the Municipal Services and the share of these estimated costs attributable to each affected parcel of land, including the Subject Lands, is set out in the table attached as Schedule "C". The final cost of designing and constructing the Municipal Services attributable to each Contributing Parcel will be calculated by applying the same principles and calculations, used in creating Schedule "C", to the actual costs incurred by Lakeshore in designing and constructing the Municipal Services ("Final Share"). The Owner confirms that it has

reviewed the principles and calculations used to calculate its estimated share shown in Schedule "C" and agrees with the application of these same calculations and principles to calculate the amount of its Final Share, subject to the provisions of this Agreement, and subject to the following: (i) The Parties acknowledge that in relation to the cost of the expanded stormwater management facility, Schedule "C" was prepared upon the assumption that capacity exists within the existing stormwater management facility to accommodate development of the lands of 1298417 Ontario Limited. Should it be determined that additional capacity within the expanded stormwater management facility is required to accommodate lands currently owned by 1298417 Ontario Limited, Lakeshore undertakes not to pass any of these costs on to the Owner.

(b) The total amount of the Owner's estimated share of the cost of constructing the Municipal Services is \$815,709.19, as set out in Schedule "C".

(c) The Owner's Final Share shall be due and payable in full on the day that is the second anniversary of the Substantial Completion, as defined in subsection 2(1) of the *Construction Act*, R.S.O. 1990, c.C30, as amended, of the construction of the Municipal Services or at the time any Site Plan approval is granted for any portion of the Subject Lands under the *Planning Act*, whichever occurs first.

5. (a) The Parties acknowledge the paramount importance of completing the construction of the Municipal Services within the timeframes envisioned by this agreement.

(b) In the event, based upon the lowest acceptable tender received for the construction of the Municipal Services, the total cost of that construction will be greater than 133% of the total estimated cost of constructing the Municipal Services shown in Schedule "C" Lakeshore agrees to:

i. use its best efforts to reduce the total construction costs for the Municipal Services, so that the total cost, based upon tenders, will be less than 133% of the total estimated cost shown in Schedule "C", by attempting to redesign, reconfigure and/or reduce the scope of the Municipal Services while still achieving the objective, functionality and overall quality of those works and then retendering the project; and

ii. request Lakeshore Council to consider increasing its monetary contribution towards the construction of the Municipal Services beyond the \$1,150,000 committed to in this Agreement.

(c) In the event the efforts to reduce the cost of constructing the Municipal Services set out in paragraph 5(b) above are unsuccessful, the Parties agree to attempt to renegotiate, in good faith, a new cost sharing arrangement.

(d) In the event and notwithstanding the efforts made pursuant to paragraphs 5(b) and 5(c), above, have been unsuccessful in reducing the cost of constructing the Municipal Services, the Owner shall not be obliged to contribute more than 133% of the total

estimated cost of constructing the Municipal Services shown in Schedule "C", but otherwise agrees to continue to be bound by this agreement.

6. (a) Lakeshore agrees to provide the Owner with an accounting of the costs incurred in designing and constructing the Municipal Services.
- (b) The Owner shall be entitled to review the final engineering drawings for the Municipal Services to ensure there are sufficient service connections and capacity for the Subject Lands.
7. (a) Upon the execution of this Agreement, the Owner agrees to convey the strip of land legally described as Part 5 on Plan 12R-28020 (the "Road Parcel"), without cost and free of encumbrance, along the southerly boundary of the Subject Lands, which will become part of the public right of way for the extension of Lanoue Street.
- (b) Lakeshore and the Owner agree that upon execution of this Agreement they shall also enter into an OREA Form 100 Agreement of Purchase and Sale for Lakeshore to purchase from Owner Parts 3 & 4 on Plan 12R-28020 and Part 1 on Plan 12R-28019 (collectively the "Purchased Parcels"). The obligations in this agreement shall be conditional upon the entering into and completion of the aforementioned Agreement of Purchase and Sale. It is the intentions of the Parties that the land conveyances required by this agreement be completed simultaneously with the conveyance completed pursuant to the aforementioned Agreement of Purchase and Sale.
- (c) Lakeshore agrees to accept the Road Parcel and the Purchased Parcels in as is where is condition, including but not limited to any environmental condition or contamination, and hereby releases the Owner from any claim or liability related to the condition of the said road Parcel and Purchased Parcels.
- (d) Upon fulfilment of this Agreement and closing of the aforementioned Agreement of Purchase and Sale the Owner hereby waives any and all claims it may have under the Expropriations Act with regard to Lakeshore acquiring the Road Parcel and the Purchased Parcels.
8. The Owner agrees to pay, at the time of the first site plan application for development on the Subject Lands, its proportionate share of the cost of the Amy Croft Secondary Plan process, which share shall be calculated by multiplying the total cost of the said Secondary Plan process (\$48,960) by the percentage of the total lands affected by the said Secondary Plan process owned by the Owner (13%), a total of \$6,264.80.
9. The Owner agrees to pay, at the time of building permit application, the sum of \$84,163.53 (\$12,543 per acre of the Subject Lands) as its share of the costs of upgrading the downstream sanitary pump stations. Further, the Owner agrees not to demand that Lakeshore issue any building permit for the Subject Lands until and unless the aforementioned \$84,163.53 has been paid.



10. In the event either party fails to pay any amount owing to the other under this agreement within 30 days of demand, such unpaid monies shall bear a rate of interest per annum as is, from time to time, five percent (5%) over the prime commercial lending rate of the Toronto Dominion Bank.
11. In the event the Owner sells or otherwise transfers title to the Subject Lands, in whole or in part, the Owner shall remain bound by this Agreement until such time as the purchaser or other such transferee has entered into a written agreement with Lakeshore to assume the Owner's obligations under this Agreement in whole or in part, as the case may be, upon which, the Owner shall be released from those obligations.
12. The Parties agree that the remedies available to Lakeshore in enforcing its rights under this Agreement shall be cumulative and not exclusive, such that Lakeshore shall be entitled to simultaneously pursue all remedies provided for in this agreement as well as those available to it at law in the event the Owner fails to fulfill its obligations set out in this agreement.
13. In the event the Owner disputes any amount Lakeshore determines to be owing under this agreement it shall pay such amount "under protest" and the Parties shall use their best efforts to negotiate a resolution either directly or through mediation, failing which the Parties shall submit the matter to arbitration in accordance with the rules and procedures set out in the Arbitration Act, 1991, S.O. 1991, c.17, as amended.
14. (a) If any notice is required to be given to the Owner with respect to this Agreement, such notice shall be personally delivered, mailed by prepaid mail or sent by facsimile transmission to:

2741981 Ontario Ltd.  
Attn: Rashid Farhat  
1 Hanna St. W.  
Windsor, ON, N8X 1C7

Facsimile: (519) 915-7349

or such other address or facsimile number of which the Owner has notified Lakeshore in writing and any such notice personally delivered or sent by facsimile transmission shall be deemed good and sufficient notice under the terms of this Agreement as of the date and time of such delivery or transmission. Any such notice mailed by prepaid mail shall be deemed good and sufficient notice under the terms of this Agreement as of the fifth business day after mailing.

- (b) If any notice is required to be given to Lakeshore with respect to this Agreement, such notice shall be mailed prepaid mail, personally delivered or sent by facsimile transmission to:

The Corporation of the Town of Lakeshore  
Attention: Clerk  
419 Notre Dame,  
Belle River, ON N0R 1A0  
Facsimile: (519) 728-9530

or such other address or facsimile number of which Lakeshore has notified the Owner in writing and any such notice personally delivered or sent by facsimile transmission shall be deemed good and sufficient notice under the terms of this Agreement as of the date and time of such delivery or transmission. Any such notice mailed by prepaid mail shall be deemed good and sufficient notice under the terms of this Agreement as of the fifth business day after mailing.

15. The following Schedules are attached to and form part of this agreement:

- (a) Schedule "A" - Subject Lands – Legal Description
- (b) Schedule "B" - Contributing Parcels
- (c) Schedule "C" - Estimated Shares for Contributing Parcels

16. (a) The part numbers and headings, subheadings and section, subsection, clause and paragraph numbers are inserted for convenience of reference only and shall not affect the construction or interpretation of this Agreement.

(b) This Agreement shall be construed with all changes in number and gender as may be required by the context.

(c) References herein to any statute or any provision thereof include such statute or provision thereof as amended, revised, re-enacted and/or consolidated from time to time and any successor statute thereto.

(d) All obligations herein contained, although not expressed to be covenants, shall be deemed to be covenants.

(e) Whenever a statement or provision in this Agreement is followed by words denoting inclusion or example and then a list of or reference to specific items, such list or reference shall not be read so as to limit the generality of that statement or provision, even if words such as "without limiting the generality of the foregoing" do not precede such list or reference.

(f) The Parties agree that all covenants and conditions contained in this Agreement shall be severable, and that should any covenant or condition in the Agreement be declared invalid or unenforceable by a court of competent jurisdiction, the remaining covenants and conditions and the remainder of the Agreement shall remain valid and not terminate thereby.

17. The Owner expressly agrees to the registration of this Agreement on title to the Subject Lands.

18. No amendment, modification or supplement to this Agreement shall be valid or binding unless set out in writing and executed by the Parties.

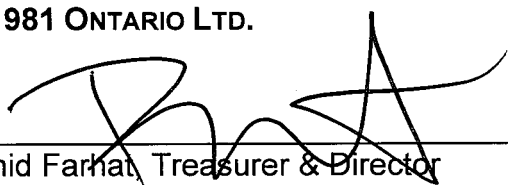
19. Time shall be of the essence hereof.

20. This Agreement shall enure to the benefit of and be binding upon the Parties and their respective successors and permitted assigns.

**IN WITNESS WHEREOF** the Parties have executed this Agreement as of the date first set forth above by their own hand or that of their officer(s) duly authorized in that behalf.

**SIGNED, SEALED AND DELIVERED**

**2741981 ONTARIO LTD.**

per:   
Rashid Farhat, Treasurer & Director  
*(I have authority to bind the Corporation.)*

**THE CORPORATION OF THE TOWN OF LAKESHORE**

per: \_\_\_\_\_  
Tom Bain, Mayor

per: \_\_\_\_\_  
Kristen Newman,  
Director of Legislative and Legal Services (Clerk)  
*(We have authority to bind the Corporation)*

**Schedule "A"**

to a

COST SHARING AGREEMENT dated June 1, 2020  
between The Corporation of the Town of Lakeshore and 2741981 Ontario Ltd.

**Subject Lands**

Legal Description:

Part of Lot 2, Concession West of River Peche, as in R603546, part 1, Plan 12R8064 Save  
& Except Pt 1, Plan of Expropriation as in CE254906 Maidstone; Lakeshore

PIN: 75008-0651 (LT)

to a

### Contributing Parcels



## Page 343 of 415

Estimated Shares for Contributing Parcels

Assessment Based on the following													12-MAY-20		Option 3										
From Lakeshore GIS Measurement Data																									
2741981 Ontario Ltd. (not including 8.25 Ac. to west, 0.33 Ac. to west and 1.52 Ac. for road)	6.71 Ac.	2.72 Ha.	\$ 177,301.00	(1)	\$ 203,272.39	(4)	\$ 53,228.33	(7)	\$ 100,738.40	(9)	\$ 524,581.10	\$ 44,685.82	(10)	\$ 75,370.94	(12)	\$ 110,597.27	(14)	\$ 55,939.17	(17)	\$ 291,140.09	\$ 815,709.19	\$ 121,566.20			
801, 801 and 1348100 Ltd. (north)	4.70 Ac.	1.50 Ha.	\$ 124,350.60	(1)	\$ 235,977.09	(4)	\$ 37,283.62	(7)	\$ 70,575.39	(9)	\$ 367,427.30	\$ 21,300.05	(10)	\$ 52,653.20	(12)	\$ 80,898.69	(14)	\$ 39,172.92	(17)	\$ 203,933.83	\$ 571,351.13	\$ 121,566.20			
801, 801 and 1348100 Ltd. (south) (not including 0.37 Ac. to west and 0.33 Ac. for road)	3.81 Ac.	1.46 Ha.	\$ 95,484.22	(1)	\$ 304,007.33	(4)	\$ 38,490.79	(7)	\$ 54,535.42	(9)	\$ 282,449.39	\$ 20,680.08	(10)	\$ 40,679.40	(12)	\$ 63,119.46	(14)	\$ 30,112.37	(17)	\$ 150,798.71	\$ 439,318.87	\$ 121,566.20			
Marking Development Inc. (within Part 1 and 2)	3.24 Ac.	1.28 Ha.	\$ 154,635.38	(1)	\$ 93,301.34	(4)	\$ 25,696.77	(7)	\$ 54,875.06	(9)	\$ 330,487.63	\$ 21,575.97	(10)	\$ 23,638.00	(13)	\$ 50,600.00	(14)	\$ 22,792.94	(17)	\$ 120,933.89	\$ 454,651.50	\$ 140,172.78			
Westfield Development Ltd. (not including 0.34 Ac. for road, plus Part 2 within Part 3)	11.03 Ac.	4.46 Ha.	\$ 297,884.28	(1-2)	\$ 317,785.04	(4)	\$ 87,513.80	(7)	\$ 170,044.07	(9)	\$ 875,585.17	\$ 78,178.94	(10)	\$ 80,353.42	(13)	\$ 180,870.62	(14)	\$ 84,578.69	(17)	\$ 427,907.08	\$ 1,000,000.00	\$ 110,180.13			
Peterson Hospitality Group Inc. (Part 1 and 3)	2.09 Ac.	0.84 Ha.	\$ 64,238.34	(1-2)	\$ 60,000.81	(4)	\$ 16,525.56	(7)	\$ 33,970.18	(9)	\$ 174,572.74	\$ 13,722.57	(10)	\$ 15,335.65	(13)	\$ 36,815.37	(14)	\$ 15,332.61	(17)	\$ 80,116.20	\$ 254,728.19	\$ 127,283.69			
1338417 Ontario Ltd (1) (not including 0.42 Ac. to east)	6.59 Ac.	2.63 Ha.	\$ 165,451.67	(1)	\$ 3,358.35	(6)	\$ 40,105.32	(7)	\$ 76,498.08	(9)	\$ 282,401.43	\$ 40,222.43	(10)	\$ 44,678.10	(13)	\$ 100,408.64	(14)	\$ 60,130.24	(17)	\$ 280,737.82	\$ 553,383.25	\$ 80,398.11			
1338417 Ontario Ltd (west side of Concession 1) (not including 1.04 Ac. to east)	6.02 Ac.	3.35 Ha.	\$ 211,683.50	(1)	\$ 4,262.80	(6)	\$ 63,615.99	(7)	\$ 120,974.27	(9)	\$ 406,582.24	\$ 69,778.18	(10)	\$ 82,563.42	(13)	\$ 82,563.42	(14)	\$ 61,346.10	(17)	\$ 197,672.18	\$ 600,604.42	\$ 75,393.63			
1338417 Ontario Ltd (east side of Concession 1) (not including 0.59 Ac. to east)	5.40 Ac.	2.22 Ha.	\$ 144,721.69	(1)	\$ 2,971.82	(6)	\$ 43,447.31	(7)	\$ 84,008.08	(9)	\$ 277,149.20	\$ 36,179.16	(10)	\$ 16,402.06	(13)	\$ 41,882.06	(17)	\$ 134,980.18	\$ 412,300.37	\$ 75,393.63					
Town of Lakeshore	0.82 Ac.	0.35 Ha.	\$ 60,952.17	(1)	\$ 181,400.38	(6)	\$ 790,264.75	(9)	\$ 790,264.75			\$ 36,000.00	(11)	\$ 4,488.49	(13)	\$ 10,871.40	(14)	\$ 4,346.19	(17)	\$ 23,853.27	\$ 1,000,000.00	\$ 109,487.69			
Town of Lakeshore for treatment parcel	\$1,080 Ac.	270.32 Ha.	\$ 2,191,200.00	\$	\$ 982,280.40	\$	\$ 4,110,000.00	\$	\$ 964,897.55	\$	\$ 4,408,227.53	\$ 380,200.00	\$	\$ 336,000.00	\$	\$ 923,900.00	\$	\$ 467,378.53	\$	\$ 2,109,474.53	\$ 6,517,782.46				
(1) Cost of road work and road drainage within Town's jurisdiction (based on area). Aiding properties to donate road property.																									
(2) Cost of road work and road drainage within Town's jurisdiction (based on area). Aiding properties to donate road property.																									
(3) Town's contribution																									
(4) Cost of road sewerage management plan and sewerage management for their share (based on area). Includes land acquisition for road.																									
(5) Cost of road sewerage management plan and sewerage management for their share (based on area). Includes land acquisition for road.																									
(6) Town paid all road sewerage to mostly land at Westfield Development Ltd. and Concession 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## **Schedule B to By-law 55-2020**

### **Cost Sharing Agreement**

**THIS AGREEMENT** made as of July 3, 2020,

**B E T W E E N:**

**RKL ANIMAL HEALTH CARE LTD.**  
(“RKL”)

- and -

**THE CORPORATION OF THE TOWN OF LAKESHORE,**  
("Lakeshore")

**WHEREAS** RKL is the owner of the parcel of land legally described in Schedule “A”, attached (the “Subject Lands”);

**AND WHEREAS** the Subject Lands are included in the area subject to the “Amy Croft Secondary Plan” that will require RKL to enter into an agreement to share in the cost of constructing certain municipal services, which will benefit the Subject Lands, as a precondition of obtaining further development approvals for the Subject Lands;

**AND WHEREAS** it is the intention of the Parties that this agreement fulfill the cost sharing requirements of the Amy Croft Secondary Plan;

**NOW THEREFORE**, in consideration of sum of \$5.00, now paid by each Party to the other, and the covenants contained herein, the sufficiency of which each Party hereby acknowledges, the Parties hereto hereby agree as follows:

1. The Parties warrant that the above recitals are true and agree they form part of this Agreement as though repeated herein.
2. Subject to the terms and conditions of this Agreement, Lakeshore agrees:
  - (a) to construct the municipal services necessary for the full development of the lands within the area to which the Amy Croft Secondary Plan applies. This includes, without limitation, the extension of Lanoue Street and Commercial Boulevard from their current termini to their point of intersection which roads will have a cross section substantially that of a “Collector Road” (as defined in Lakeshore’s Development Standards Manual current as of the date of this Agreement but allowing sufficient flexibility to accommodate the needs identified during the detailed design phase), required traffic signals, street lighting, sidewalks (both sides of the roads) all storm and sanitary sewer mains, watermains and an expansion of the existing stormwater management facility (the “Municipal Services”). Construction of the Municipal Services shall include, without limiting the generality of the foregoing, retaining a consulting engineer to design and oversee the construction of the Municipal Services and any necessary land acquisitions;



- (b) to contribute the total sum of one million one hundred fifty thousand dollars (\$1,150,000.00) towards the cost of constructing the Municipal Services. In addition, if necessary, Lakeshore will also advance funds on behalf of 2741981 Ontario Ltd. or any successor in title to their currently held lands, in the event 2741981 Ontario Ltd., or any successor in title, has either not yet entered into a cost sharing agreement or whose cost sharing agreement provides for a delay in the payment of their total share of the final actual construction costs for the Municipal Services;
- (c) to employ the services of a professional engineer to complete the final design of the Municipal Services and to provide construction management services for their construction (the “Managing Engineer”);
- (d) to employ a public tender process in accordance with Lakeshore’s purchasing by-law and procurement policies, to be conducted by the Managing Engineer, for the construction of the Municipal Services;
- (e) not to attribute any land acquisition and/or remediation costs for the lands required for the Lanoue Street and/or Commercial Boulevard rights-of-way to RKL Animal Health Care Ltd., nor to count any of such costs toward the \$1,150,000.00 referred to in paragraph 2(b) above. For clarity, “land acquisition costs”, as used above, does not mean or include restoration and reconstruction costs for the parking lot on the RKL Animal Healthcare Ltd. site as such costs have been included in the cost estimates set out in Schedule “C” and are divided amongst all landowners shown on Schedule “C”;
- (f) not to attribute any costs related to stormwater management for existing development, or undeveloped lands outside of the Amy Croft Secondary Plan Area to the Subject Lands;
- (g) not to require RKL to contribute towards or to pay any portion of the share of the cost of constructing the Municipal Services that is attributed to any other Contributing Parcel(s) by Schedule “C”. In the event Lakeshore becomes responsible for any such costs they will be paid in addition to the \$1,150,000 referred to in paragraph 2(b) above;
- (h) on or before February 1<sup>st</sup>, 2021 to place before Lakeshore Council (“Council”) and the County of Essex as part of the ongoing five year review of Lakeshore’s Official Plan, and with administration’s full support, the redesignation of the Subject Lands to “Mixed Use” in the said Official Plan. Lakeshore shall have the right to extend the aforementioned February 1, 2021 date by up to six (6) months if circumstances beyond its control have led to its inability to meet that deadline. Provided that if the aforementioned February 1, 2021 date is extended, RKL’s obligation to pay set out in paragraph 4(c), below, shall also be extended for a like period of time. The Parties agree that this clause shall not be interpreted so as to limit Council’s discretion in its Official Plan review process in anyway;

- (i) provided Council and the County of Essex first approve the Official Plan redesignation set out in subsection 2(h), above, and provided further that the Owner has submitted a complete application, to, without delay and in any case not later than 60 days after receiving a complete application from RKL, place before Council for approval, with administration's full support, the Owner's rezoning application for the Subject Lands to "Mixed Use" in the Lakeshore Comprehensive Zoning By-law (2-2012) which zoning would be subject to a holding designation to be removed only when certain conditions are met including site plan approval, the obtaining a record of site condition and such other reasonable conditions as Council may require. Lakeshore agrees to waive the usual application fee for this rezoning. This clause shall not be interpreted so as to limit Council's discretion to approve or not approve the aforementioned rezoning application in anyway; and
  - (j) provided both the Official Plan and zoning by-law amendments set out in subsections 2(h) and 2(i), above, receive their requisite approvals, to, within 45 days of receiving a complete consent application from RKL, place before the Committee of Adjustment, with administration's full support, RKL's consent application(s) to subdivide the Subject Lands into up to six (6) parcels subject to such reasonable conditions the Committee of Adjustment may see fit to impose. Lakeshore agrees to waive the usual application fees for these consent/severance application(s). Provided that Lakeshore shall be deemed to have met its obligations contained in this paragraph should the Owner only obtain consents for the creation of four lots rather than six because of objections from the County of Essex. Lakeshore further agrees, as part of constructing Lanoue street and its municipal services, to provide separate full municipal services for two (2) of these six (6) parcels at no cost or expense to RKL. This clause shall not be interpreted so as to limit the Committee of Adjustment's discretion to grant or refuse to approve the aforementioned consent application in any way.
3. The Parties acknowledge and agree that all owners of lands within the Amy Croft Secondary Plan area will be required, by that secondary plan, to pay the share of the actual cost of designing and constructing the Municipal Services attributable to their lands as a condition of developing their lands. The area to which the Amy Croft Secondary Plan applies is depicted in Schedule "B", which also shows the various development parcels affected by the Amy Croft Secondary Plan and their current respective owners. For the purposes of this agreement the affected parcels of land, which are within the Amy Croft Secondary Plan area, depicted in Schedule "B" are referred to as the "Contributing Parcels.
4. (a) The total estimated cost of designing and constructing the Municipal Services and the share of these estimated costs attributable to each affected parcel of land, including the Subject Lands, is set out in the table attached as Schedule "C". The final cost of designing and constructing the Municipal Services attributable to each Contributing Parcel will be calculated by applying the same principles and calculations, used in creating Schedule "C", to the actual costs incurred by Lakeshore in designing and constructing the Municipal Services ("Final Share"). RKL confirms that it has reviewed

the principles and calculations used to calculate its estimated share shown in Schedule "C" and agrees with the application of these same calculations and principles to calculate the amount of its Final Share, subject to the provisions of this Agreement, and subject to the following: (i) The Parties acknowledge that in relation to the cost of the expanded stormwater management facility, Schedule "C" was prepared upon the assumption that capacity exists within the existing stormwater management facility to accommodate development of the lands of 1298417 Ontario Limited. Should it be determined that additional capacity within the expanded stormwater management facility is required to accommodate lands owned by 1298417 Ontario Limited, Lakeshore undertakes not to pass any of these costs onto RKL.

(b) The total amount of RKL's estimated share of the cost of constructing the Municipal Services is \$1,010,579.80, as set out in Schedule "C".

(c) The RKL's Final Share shall be due and payable in full on the day that is the second anniversary of the Substantial Completion, as defined in subsection 2(1) of the *Construction Act*, R.S.O. 1990, c.C30, as amended, of the construction of the Municipal Services or at the time any Site Plan approval is granted for any portion of the Subject Lands under the *Planning Act*, whichever occurs first.

5. (a) The Parties acknowledge the paramount importance of completing the construction of the Municipal Services within the timeframes envisioned by this agreement.

(b) In the event, based upon the lowest acceptable tender received for the construction of the Municipal Services, the total cost of that construction will be greater than 133% of the total estimated cost of constructing the Municipal Services shown in Schedule "C" Lakeshore agrees to:

- i. use its best efforts to reduce the total construction costs for the Municipal Services, so that the total cost, based upon tenders, will be less than 133% of the total estimated cost shown in Schedule "C", by attempting to redesign, reconfigure and/or reduce the scope of the Municipal Services while still achieving the objective, functionality and overall quality of those works and then retendering the project; and
- ii. request Lakeshore Council to consider increasing its monetary contribution towards the construction of the Municipal Services beyond the \$1,150,000 committed to in this Agreement.

(c) In the event the efforts to reduce the cost of constructing the Municipal Services set out in paragraph 5(b) above are unsuccessful, the Parties agree to attempt to renegotiate, in good faith, a new cost sharing arrangement.

(d) In the event and notwithstanding the efforts made pursuant to paragraphs 5(b) and 5(c), above, have been unsuccessful in reducing the cost of constructing the Municipal Services, RKL shall not be obliged to contribute more than 133% of the total estimated

cost of constructing the Municipal Services shown in Schedule "C", but otherwise agrees to continue to be bound by this agreement.

6. (a) Lakeshore agrees to provide RKL with an accounting of the costs incurred in designing and constructing the Municipal Services.  
  
(b) RKL shall be entitled to review the final engineering drawings for the Municipal Services to ensure there are sufficient service connections and capacity for the Subject Lands.
7. (a) Upon the execution of this Agreement, RKL agrees to convey the parcel of land measuring 0.519 acres in area along the northerly boundary of Part 1 on Plan 12R28020 (the "Road Parcel"), without cost and free of encumbrance, which will become part of the public right of way for the extension of Lanoue Street.  
  
(b) Lakeshore and RKL agree that upon execution of this Agreement they shall also enter into an OREA Form 100 Agreement of Purchase and Sale for Lakeshore to purchase from RKL Parts 1 & 2 on Plan 12R-28020, save and except that parcel of land measuring 0.519 acres in area along the northerly boundary of Part 1 on Plan 12R28020 being transferred without cost pursuant to paragraph 7(a), above, (collectively the "Purchased Parcel"). The obligations in this agreement shall be conditional upon the entering into and completion of the aforementioned Agreement of Purchase and Sale. It is the intentions of the Parties that the land conveyances required by this agreement be completed simultaneously with the conveyance completed pursuant to the aforementioned Agreement of Purchase and Sale so that Part 1 on Plan 12R-28020 may be conveyed as a whole.  
  
(c) Lakeshore agrees to accept the Road Parcel and the Purchased Parcels in as is where is condition, including but not limited to any environmental condition or contamination, and hereby releases the RKL from any claim or liability related to the condition of the said road Parcel and Purchased Parcels.  
  
(d) Upon fulfilment of this Agreement and closing of the aforementioned Agreement of Purchase and Sale RKL hereby waives any and all claims it may have under the Expropriations Act with regard to Lakeshore acquiring the Road Parcel and the Purchased Parcels.
8. RKL agrees to pay, at the time of the first site plan application for development on the Subject Lands, its proportionate share of the cost of the Amy Croft Secondary Plan process, which share shall be calculated by multiplying the total cost of the said Secondary Plan process (\$48,960) by the percentage of the total lands affected by the said Secondary Plan process owned by RKL (16.1%), a total of \$7,862.63.
9. RKL agrees to pay, at the time of building permit application, the sum of \$104,232.33 (\$12,543 per acre of the Subject Lands) as its share of the costs of upgrading the

downstream sanitary pump stations. Further, RKL agrees not to demand that Lakeshore issue any building permit for the Subject Lands until and unless the aforementioned \$104,232.33 has been paid.

10. In the event either party fails to pay any amount owing to the other under this agreement within 30 days of demand, such unpaid monies shall bear a rate of interest per annum as is, from time to time, five percent (5%) over the prime commercial lending rate of the Toronto Dominion Bank.

11. In the event RKL sells or otherwise transfers title to the Subject Lands, in whole or in part, RKL shall remain bound by this Agreement until such time as the purchaser or other such transferee has entered into a written agreement with Lakeshore to assume RKL's obligations under this Agreement in whole or in part, as the case may be, upon which, RKL shall be released from those obligations.

12. The Parties agree that the remedies available to Lakeshore in enforcing its rights under this Agreement shall be cumulative and not exclusive, such that Lakeshore shall be entitled to simultaneously pursue all remedies provided for in this agreement as well as those available to it at law in the event RKL fails to fulfill its obligations set out in this agreement.

13. In the event RKL disputes any amount Lakeshore determines to be owing under this agreement it shall pay such amount "under protest" and the Parties shall use their best efforts to negotiate a resolution either directly or through mediation, failing which the Parties shall submit the matter to arbitration in accordance with the rules and procedures set out in the Arbitration Act, 1991, S.O. 1991, c.17, as amended.

14. (a) If any notice is required to be given to RKL with respect to this Agreement, such notice shall be personally delivered, mailed by prepaid mail or sent by facsimile transmission to:

RKL Animal Health Care Ltd.  
Attn: Dr. Ralph Lutzmann  
1630 Manning Road,  
Tecumseh ON N8N 2L9  
Facsimile: (519)

or such other address or facsimile number of which RKL has notified Lakeshore in writing and any such notice personally delivered or sent by facsimile transmission shall be deemed good and sufficient notice under the terms of this Agreement as of the date and time of such delivery or transmission. Any such notice mailed by prepaid mail shall be deemed good and sufficient notice under the terms of this Agreement as of the fifth business day after mailing.

(b) If any notice is required to be given to Lakeshore with respect to this Agreement, such notice shall be mailed prepaid mail, personally delivered or sent by facsimile transmission to:

The Corporation of the Town of Lakeshore  
Attention: Clerk

or such other address or facsimile number of which Lakeshore has notified RKL in writing and any such notice personally delivered or sent by facsimile transmission shall be deemed good and sufficient notice under the terms of this Agreement as of the date and time of such delivery or transmission. Any such notice mailed by prepaid mail shall be deemed good and sufficient notice under the terms of this Agreement as of the fifth business day after mailing.

15. The following Schedules are attached to and form part of this agreement:

- (a) Schedule "A" - Subject Lands – Legal Description
- (b) Schedule "B" - Contributing Parcels
- (c) Schedule "C" - Estimated Shares for Contributing Parcels

16. (a) The part numbers and headings, subheadings and section, subsection, clause and paragraph numbers are inserted for convenience of reference only and shall not affect the construction or interpretation of this Agreement.

(b) This Agreement shall be construed with all changes in number and gender as may be required by the context.

(c) References herein to any statute or any provision thereof include such statute or provision thereof as amended, revised, re-enacted and/or consolidated from time to time and any successor statute thereto.

(d) All obligations herein contained, although not expressed to be covenants, shall be deemed to be covenants.

(e) Whenever a statement or provision in this Agreement is followed by words denoting inclusion or example and then a list of or reference to specific items, such list or reference shall not be read so as to limit the generality of that statement or provision, even if words such as "without limiting the generality of the foregoing" do not precede such list or reference.

(f) The Parties agree that all covenants and conditions contained in this Agreement shall be severable, and that should any covenant or condition in the Agreement be declared invalid or unenforceable by a court of competent jurisdiction, the remaining covenants and conditions and the remainder of the Agreement shall remain valid and not terminate thereby.

17. RKL expressly agrees to the registration of this Agreement on title to the Subject Lands.

18.No amendment, modification or supplement to this Agreement shall be valid or binding unless set out in writing and executed by the Parties.

19.Time shall be of the essence hereof.

20.This Agreement shall enure to the benefit of and be binding upon the Parties and their respective successors and permitted assigns.

**IN WITNESS WHEREOF** the Parties have executed this Agreement as of the date first set forth above by their own hand or that of their officer(s) duly authorized in that behalf.

**SIGNED, SEALED AND DELIVERED**

**RKL ANIMAL HEALTH CARE LTD.**

per: \_\_\_\_\_  
Ralph Lutzmann, President  
*(I have authority to bind the Corporation.)*

**THE CORPORATION OF THE TOWN OF LAKESHORE**

per: \_\_\_\_\_  
Tom Bain, Mayor

per: \_\_\_\_\_  
Kristen Newman,  
Director of Legislative and Legal Services (Clerk)  
*(We have authority to bind the Corporation)*

**Schedule “A”**  
to a

COST SHARING AGREEMENT dated July 3, 2020  
between The Corporation of the Town of Lakeshore and RKL Animal Health Care Ltd.

**Subject Lands**

Legal Description:

**Firstly:**  
PT LT 2, CON WEST OF RIVER PECHE MAIDSTONE PT 2, PL 12R7364 EXCEPT PT 1,  
PL 12R8064; LAKESHORE; SAVE AND EXCEPT PT 2, PLAN OF EXPROPRIATION AS IN  
CE254906

PIN: 75008-0653 (LT)

**Secondly:**  
PT LT 2, CON WEST OF RIVER PECHE MAIDSTONE PT 1, PL 12R7364 SAVE &  
EXCEPT PT 3, PLAN OF EXPROPRIATION AS IN CE254906

PIN: 75008-0655 (LT)



to a

to a

COST SHARING AGREEMENT dated July 3, 2020  
between The Corporation of the Town of Lakeshore and RKL Animal Health Care Ltd.

### Contributing Parcels

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2020-3-13 08:41am BY: jholmes



**Schedule “C”**

to a

COST SHARING AGREEMENT dated July 3, 2020  
between The Corporation of the Town of Lakeshore and RKL Animal Health Care Ltd.

**Estimated Shares for Contributing Parcels**



Assessment Based on the following

From LakeShore GIS Assessment Data

From Lakeshore GIS Assessment Data											
	Road Works Commercial and Lanouse	Stormwater Management	Modifications to Roads and Signalization	Contingency Allowance and Misc for Road	Total for Road and Stormwater Management	Wetmain	Sanitary Sewer	Storm Sewer	Contingency Allowance and Misc for	Total for Sewers and Wetmain	Total for all Improvements
2741981 Ontario Ltd. (not including 8.21 Ac. to east, 0.39 Ac to west and 1.53 Ac for road)	6.71 Ac	2.72 In.	\$ 177,303.90 (1) \$ 393,272.39 (4) \$ 53,238.31 (7) \$ 100,758.49 (9) \$ 524,563.10			\$ 44,686.82 (10) \$ 75,370.94 (12) \$ 115,367.17 (14) \$ 55,924.17 (17) \$ 291,148.09				\$ 815,709.39	\$ 121,596.20
RRL Animal Health Care Ltd. (north)	4.70 Ac	1.90 In.	\$ 124,300.60 (1) \$ 325,377.05 (4) \$ 37,283.62 (7) \$ 70,575.39 (9) \$ 367,427.30			\$ 31,300.05 (10) \$ 52,483.26 (12) \$ 80,808.60 (14) \$ 39,172.92 (17) \$ 203,933.83				\$ 573,361.33	\$ 121,596.20
RRL Animal Health Care Ltd. (south) (not including 0.57 Ac to west and 0.52 Ac for road)	3.61 Ac	1.46 In.	\$ 95,468.22 (1) \$ 304,087.53 (4) \$ 28,660.79 (7) \$ 54,253.42 (9) \$ 282,449.96			\$ 24,062.08 (10) \$ 40,475.80 (12) \$ 62,119.46 (14) \$ 30,132.37 (17) \$ 156,798.71				\$ 439,218.67	\$ 121,596.20
Mining Developments Inc. (minus Part 1 and 2)	3.24 Ac	1.31 In.	\$ 158,615.28 (2) \$ 93,303.54 (4) \$ 25,695.27 (7) \$ 52,875.04 (9) \$ 310,487.63			\$ 21,571.91 (10) \$ 23,506.00 (13) \$ 55,693.08 (14) \$ 22,792.94 (17) \$ 123,563.93				\$ 454,051.96	\$ 121,596.20
Beachside Development Ltd. (not including 0.54 Ac for road, plus Part 2 minus Part 3)	11.03 Ac	4.46 In.	\$ 297,686.26 (1,2) \$ 387,785.04 (4) \$ 87,519.80 (7) \$ 173,044.07 (9) \$ 875,985.17			\$ 76,473.94 (10) \$ 80,363.62 (13) \$ 189,690.62 (14) \$ 84,578.89 (17) \$ 427,907.08				\$ 1,203,892.25	\$ 111,181.15
Peterson Hospitality Group Inc. (Part 1 and 3)	2.08 Ac	0.84 In.	\$ 64,738.34 (1,2) \$ 60,000.81 (4) \$ 16,534.56 (7) \$ 33,309.08 (9) \$ 174,572.74			\$ 13,872.57 (10) \$ 15,335.65 (13) \$ 35,815.17 (14) \$ 15,332.61 (17) \$ 80,156.20				\$ 254,728.39	\$ 122,281.68
1128417 Ontario Ltd (1) (not including 0.42 Ac for road)	6.19 Ac	2.51 In.	\$ 163,363.67 (1) \$ 3,858.35 (5) \$ 48,103.12 (7) \$ 76,408.09 (9) \$ 292,481.43			\$ 41,222.83 (10) \$ 44,976.10 (13) \$ 106,426.64 (14) \$ 68,132.24 (17) \$ 260,757.82				\$ 553,389.26	\$ 89,368.21
1128417 Ontario Ltd (West side of Commercial) (not including 1.04 Ac for road)	8.02 Ac	3.26 In.	\$ 211,969.58 (1) \$ 4,352.30 (5) \$ 63,635.99 (7) \$ 125,974.37 (9) \$ 405,982.24			\$ 53,423.19 (10) \$ 82,904.69 (13) \$ 82,904.69 (14) \$ 61,344.30 (17) \$ 197,672.18				\$ 603,604.42	\$ 75,343.63
1128417 Ontario Ltd (East side of Commercial) (not including 0.59 Ac for road)	5.48 Ac	2.22 In.	\$ 144,721.69 (1) \$ 2,971.52 (5) \$ 43,447.31 (7) \$ 86,008.08 (9) \$ 277,149.20			\$ 36,474.55 (10) \$ 56,602.96 (13) \$ 56,602.96 (14) \$ 41,882.66 (17) \$ 134,960.18				\$ 412,309.37	\$ 75,343.63
Town of Lakeshore Town of Lakeshore for retirement parcel	0.62 Ac	0.26 In.	\$ 609,352.17 (3) \$ 17,793.83 (4) \$ 439,052 (7) \$ 10,083.97 (9) \$ 790,388.75			\$ 36,000.00 (11) \$ 4,468.68 (13) \$ 12,325.00 (16) \$ 43,792.25 (17) \$ 209,043.25				\$ 1,000,000.00	-19 \$ 109,877.69
Total	51.68 Ac	20.92 In.	\$ 2,101,260.00 \$ 992,280.40 \$ 410,000.00 \$ 964,697.53 \$ 4,408,227.93			\$ 380,200.00 \$ 336,600.00 \$ 925,300.00 \$ 469,374.53 \$ 2,108,474.53				\$ 6,517,702.46	

- (1) Cost of road work and road drainage minus Town's contribution (based on area). Abutting properties to border road property.
- (2) Cost of road work and road drainage minus Town's contribution (based on area) plus land acquisition along frontage to center of road. Donate some of the purchased property for road.
- (3) Town's contribution
- (4) Cost of road stormwater management plus added stormwater management for their site (based on area). Include land acquisition for pond.
- (5) Cost of road stormwater management (based on area). Include land acquisition for pond.
- (6) Town paid all costs separately to modify bank at West Pike Creek Road and to clean out the existing pond
- (7) Cost for traffic signalization at Manning/Lanoue, just east of Manning/Lanoue, and Commercial/Jerry Croft (based on area)
- (8) Town paid all costs separately for signalization and road improvements along Jerry Croft east of Manning
- (9) Portion of Contingency, Engineering, surveying, geotech for road and stormwater management
- (10) Wetmain excluding looping at west end (based on area)
- (11) Town pays for wetmain looping at west end
- (12) These properties pay half of the cost for sanitary sewer (based on area)
- (13) These properties pay half of the cost for sanitary sewer (based on area)
- (14) These properties pay for storm sewer overlying (above and beyond what is required for road drainage) along Lanoue (based on area)
- (15) These properties pay for storm sewer overlying (above and beyond what is required for road drainage) along Commercial (based on area)
- (16) Town pays overlying cost to relocate storm sewer from assessment to Commercial ROW
- (17) Portion of Contingency, Engineering, surveying, geotech for wetmain and sewers
- (18) Agreement with Mining Developments Inc. to assess at \$10,172.78 per acre (based on previous assessment) to a maximum of \$466,000 total cost. \$43,465.33 was added to road works for Mining Developments Inc and subtracted from road works for Town of Lakeshore
- 19 In addition to this total, the Town will be assessed for sanitary pumping station upgrades, secondary plan costs, etc. above and beyond the \$466,000 maximum as a result of agreeing with cap of \$466,000 total for Mining Developments Inc

12-MAY-20

Option 3

# **The Corporation of the Town of Lakeshore**

## **By-law 57-2020**

### **Being a By-law to amend By-law 2-2012, Zoning By-law for the Town of Lakeshore (ZBA-10-2020)**

**Whereas** By-law 2-2012 is the Town's comprehensive zoning by-law regulating the use of lands and the character, location and use of buildings and structures within the Town of Lakeshore;

**And whereas** the Council of The Corporation of the Town of Lakeshore deems it expedient and in the best interest of proper planning to further amend By-law 2-2012;

**And whereas** this amendment is in conformity with the Lakeshore Official Plan;

**Now therefore the Council of The Corporation of the Town of Lakeshore enacts as follows:**

1. That Schedule "A", Map 45 to By-law 2-2012, as amended, is hereby further amended by changing the zoning classification on a portion of land described as Conc. LSR, Pt Lot 8, Part 3, Plan 12R14077, shown on Schedule "A" attached hereto and forming part of this By-law from "R1-16, Residential Type 1 Zone Exception 16" to "R1-36, Residential Type 1 Zone Exception 36".

2. That Section 9.1, Residential Type 1 (R1) Zone Exceptions is hereby further amended by adding Subsection 9.1.36 to immediately follow Subsection 9.1.35 and to read as follows:

"9.1.36 RESIDENTIAL TYPE 1 ZONE EXCEPTION 36 (R1-36) as shown on Map 45, Schedule "A" of this By-law.

a) Permitted Uses: One *accessory building* with a *gross floor area* of 178.38 m<sup>2</sup> and a *height* of 5.33 metres shall be an additional permitted use.

3. This by-law shall come into force and take effect from the date of passing by Council and shall come into force in accordance with Section 34 of The Planning Act R.S.O. 1990.

Read and passed in open session August 11, 2020.

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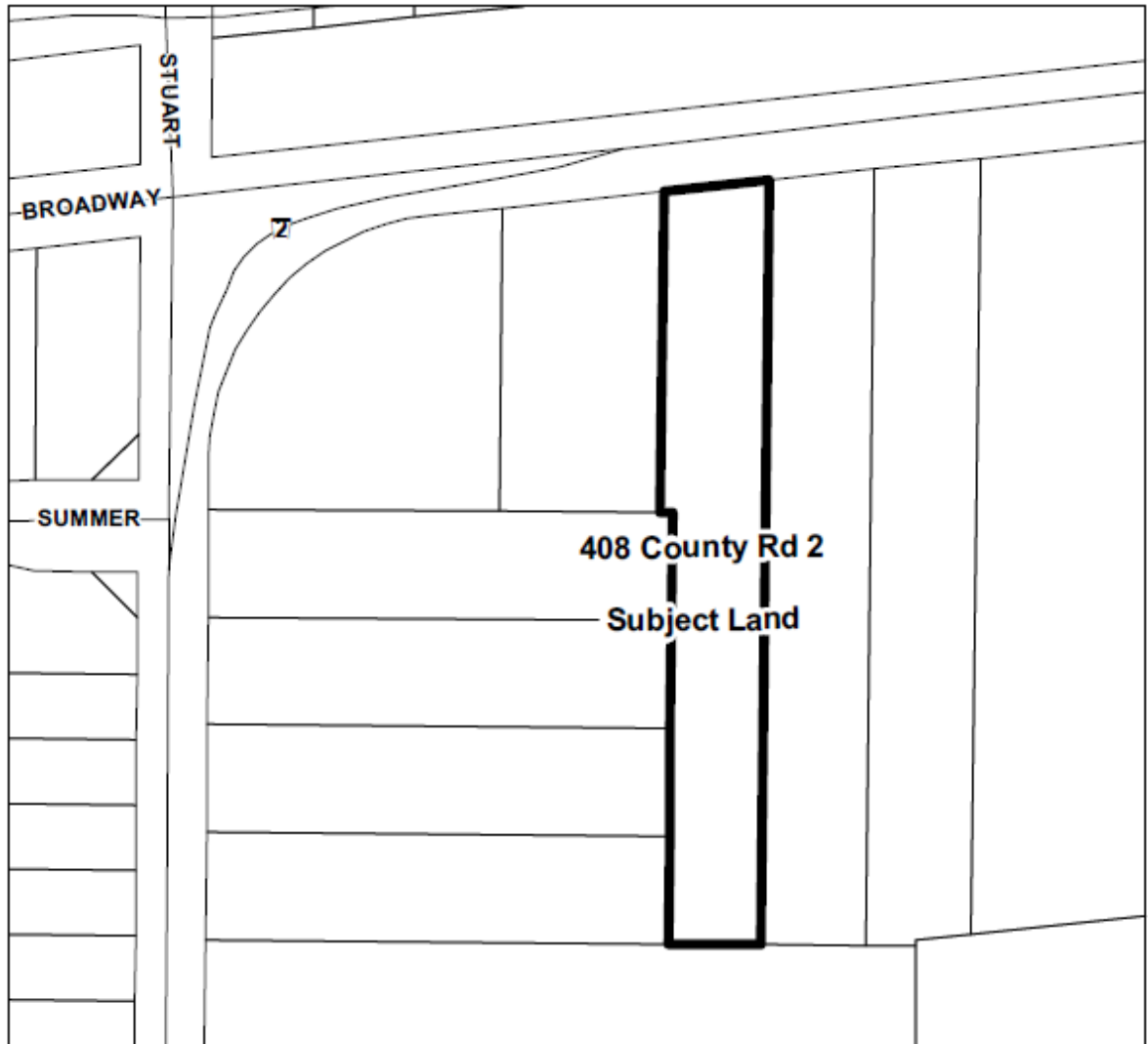
**Mayor  
Tom Bain**

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**Clerk  
Kristen Newman**

**Schedule "A"**  
**to By-law 57-2020**

Conc. LSR, Pt Lot 8, Part 3, Plan 12R14077  
Town of Lakeshore



"R1-16, Residential Type 1 Zone Exception 16" to "R1-36, Residential Type 1 Zone Exception 36".

# **The Corporation of the Town of Lakeshore**

## **By-law 58-2020**

### **Being a By-law to amend By-law 2-2012, Zoning By-law for the Town of Lakeshore (ZBA-11-2020)**

**Whereas** By-law 2-2012 is the Town's comprehensive zoning by-law regulating the use of lands and the character, location and use of buildings and structures within the Town of Lakeshore;

**And whereas** the Council of The Corporation of the Town of Lakeshore deems it expedient and in the best interest of proper planning to further amend By-law 2-2012;

**And whereas** this amendment is in conformity with the Lakeshore Official Plan;

**Now therefore the Council of The Corporation of the Town of Lakeshore enacts as follows:**

1. That Schedule "A", Map 37 to By-law 2-2012, as amended, is hereby further amended by changing the zoning classification on a portion of land described as Conc. 1 WBR, Pt Lot 12, Part 2, Plan 12R22916, shown on Schedule "A" attached hereto and forming part of this By-law from "RW1, Residential Waterfront - Watercourse" to "RW1-19, Residential Waterfront – Watercourse Zone Exception 19".
2. That Section 9.5, Residential Waterfront – Watercourse (RW1) Zone Exceptions is hereby further amended by adding Subsection 9.5.19 to immediately follow Subsection 9.5.18 and to read as follows:  
  
    "9.5.19     RESIDENTIAL WATERFRONT – WATERCOURSE (RW1) ZONE EXCEPTION19 (RW1-19) as show on Map 37, Schedule "A" of this By-law.  
  
        a) Permitted Uses: One *accessory building* with a *gross floor area* of 118.92 m<sup>2</sup> shall be an additional permitted use.
3. This by-law shall come into force and take effect from the date of passing by Council and shall come into force in accordance with Section 34 of The Planning Act R.S.O. 1990.

Read and passed in open session August 11, 2020.

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**Mayor  
Tom Bain**

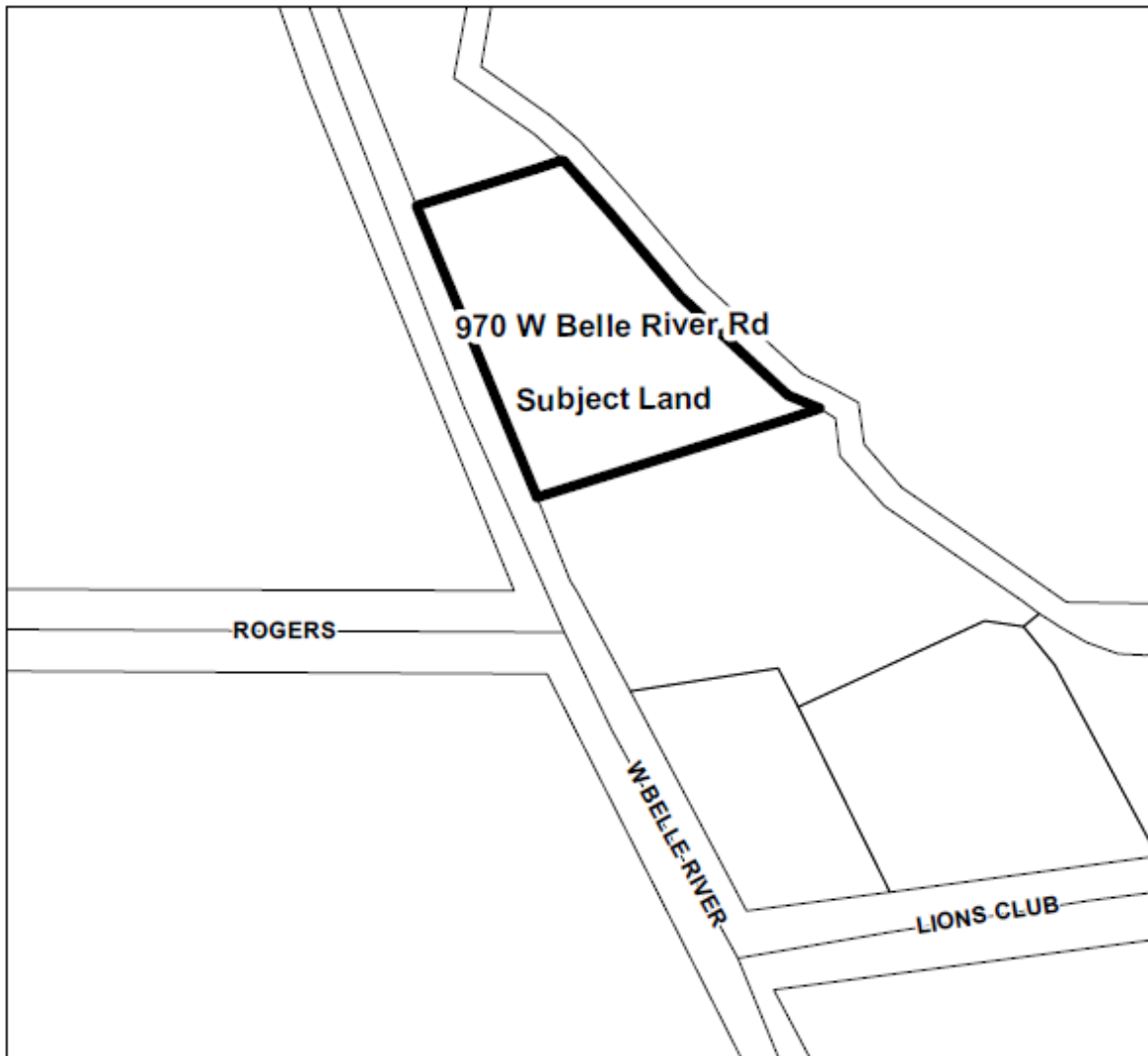
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**Clerk  
Kristen Newman**



**Schedule “A”  
to By-law 58-2020**

Conc. 1 WBR, Pt Lot 12, Part 2, Plan 12R22916  
Town of Lakeshore



“RW1, Residential Waterfront - Watercourse” to “RW1-19, Residential Waterfront – Watercourse Zone Exception 19”.

# **The Corporation of the Town of Lakeshore**

## **By-law 59-2020**

### **Being a By-law to amend By-law 2-2012, Zoning By-law for the Town of Lakeshore (Elmara Corporation) (ZBA-3-2020)**

**Whereas** By-law 2-2012 is the Town's comprehensive zoning by-law regulating the use of lands and the character, location and use of buildings and structures within the Town of Lakeshore;

**And whereas** the Council of The Corporation of the Town of Lakeshore deems it expedient and in the best interest of proper planning to further amend By-law 2-2012;

**And whereas** this amendment is in conformity with the Lakeshore Official Plan;

**Now therefore the Council of The Corporation of the Town of Lakeshore enacts as follows:**

1. That Schedule "A", Map 9 to By-law 2-2012, as amended, is hereby further amended by changing the zoning classification on a portion of Concession EPC, PT, Lot 6, RP 12R-17121, Parts, 97 to 109, (417 Jutras Drive South), shown on Schedule "A" attached hereto and forming part of this By-law from "M1, General Employment Zone" to "M1-7, General Employment Zone Exception 7 ", in Holding (h2) Zone":
2. That Section 9.16, General Employment (M1) Zone Exceptions is hereby further amended by adding Subsection 9.16.7 to immediately follow Subsection 9.16.6 and to read as follows:

***i. 9.16.7 General Employment Zone Exception 7 (M1-7) h2 (Map 9)***

a) Permitted Uses: A *CANNABIS PRODUCTION FACILITY* shall be an additional permitted use.

3. This by-law shall come into force and take effect from the date of passing by Council and shall come into force in accordance with Section 34 and Section 36 of The *Planning Act R.S.O. 1990*.

Read and passed in open session August 11, 2020.

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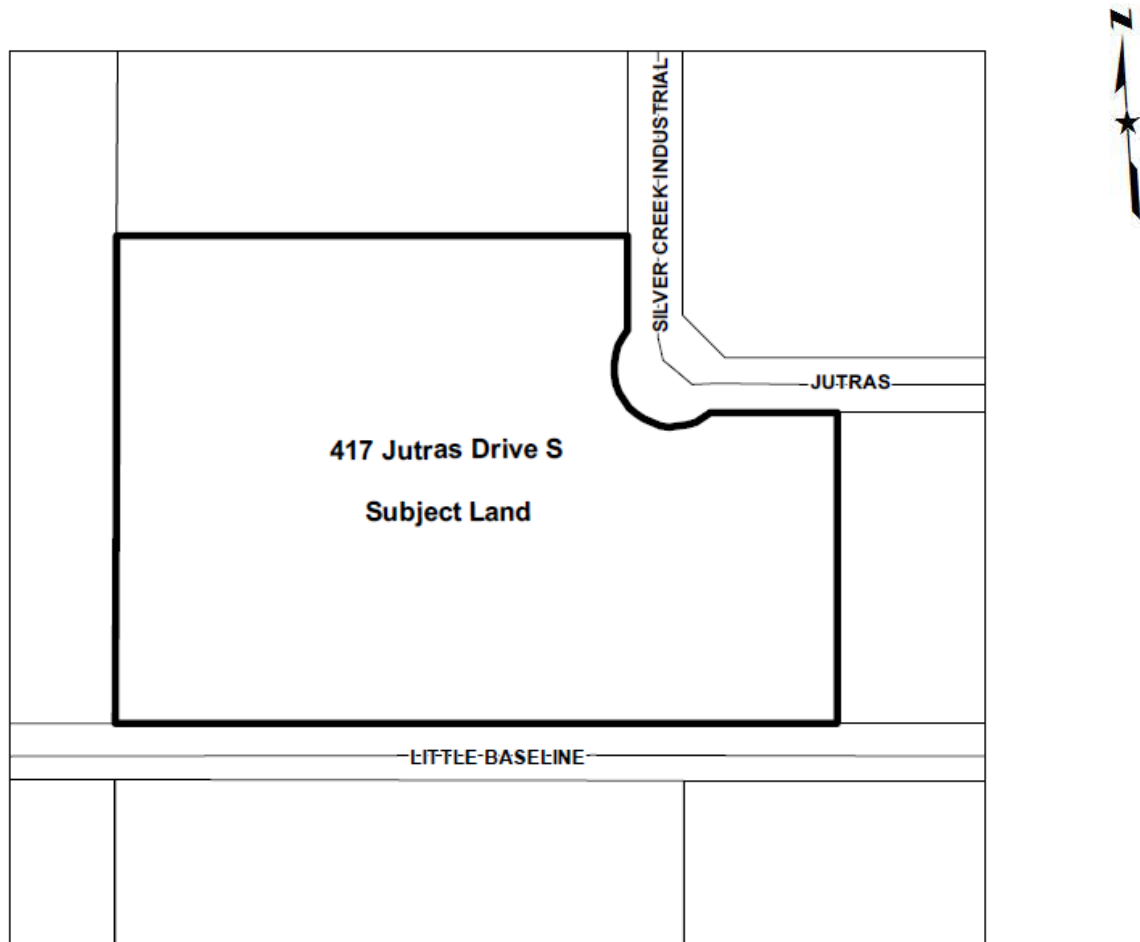
**Mayor  
Tom Bain**

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**Clerk  
Kristen Newman**

**Schedule “A”  
to By-law 59-2020**

Town of Lakeshore



Amend From “M1, General Employment Zone” to “M1-7, General Employment Zone Exception 7”, in Holding, (h2) Zone”.

# **The Corporation of the Town of Lakeshore**

## **By-Law 60-2020**

### **Being a By-Law to Regulate Site Alterations of Land or Private Drain Alterations in the Town Of Lakeshore**

**Whereas**, section 142 of the *Municipal Act 2001*, S.O., 2001, c. 25, provides local municipalities with the power to prohibit or regulate and issue permits respecting the dumping or place of fill, removal of topsoil or the alteration of the Grade of Land;

**And whereas**, the Council of The Corporation of the Town of Lakeshore considers it desirable to pass such a by-law;

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

#### **Section 1 – Definitions**

1.1 In this by-law,

“Administration Fee” means the fee for the administration of remediation costs pursuant to this by-law and the amount as set out in the User Fee By-law;

“*Aggregate Resources Act*” means the *Aggregate Resources Act*, R.S.O. 1990, c.A.8;

“Appeal Fee” means the fee to file an appeal pursuant to this by-law and the amount as set out in the User Fee By-law;

“By-law Compliance Officer” means the persons designated as such by the Town for enforcement of by-laws pursuant to the *Provincial Offences Act*, and includes the Chief Building Official;

“Chief Building Official” means the person designated as such by the Town;

“Clerk” means the person appointed by Council as the municipal clerk pursuant to the *Municipal Act, 2001*;

“Crown of the Road” means the highest portion of a road cross-section, generally associated with the centerline of the road;

“*Drainage Act*” means the *Drainage Act*, R.S.O. 1990, c.D.17;

"Dump" or "Dumping" means the deposit or placement of Fill Material from one location to another and includes from one location at a site to another location on a site on the same property;

"*Electricity Act*" means the *Electricity Act*, 1998, S.O. 1998, c.15, Sched.A;

"Fill" or "Filling" means the alteration of the existing grade of the Land through the addition of Fill Material;

"Fill Material" means any type of material capable of being removed from or deposited on Land, and may include soil, Topsoil, stone, sod, turf, concrete, asphalt, either singly or in combination;

"Grade" or "grading" means the elevation of the ground surface of Land;

"Land" means any real property within the geographic boundaries of the Town of Lakeshore;

"*Municipal Act, 2001*" means the *Municipal Act, 2001*, S.O. 2001, c. 25;

"Owner" means the Person that is the registered owner of the Land pursuant to the laws of the Province of Ontario;

"Order to Discontinue Activity" means an order to discontinue activity issued pursuant to section 8 of this by-law;

"Person" means an individual, a corporation, a partnership, and an association as the context requires, and includes an applicant for a permit under this bylaw;

"Permit" means an authorization in writing obtained pursuant to section 3 of this by-law;

"Permit Fee" means the fee for obtaining a Permit pursuant to this by-law and the amount as set out in the User Fee By-law;

"*Planning Act*" means the *Planning Act*, R.S.O. 1990, c.P.13;

"Private Drain" means any system or means by which storm water from adjacent or neighbouring Land crosses Land that is not designated as a Municipal Drain under the *Drainage Act*, R.S.O. 1990 c.D.17;

"Professional Engineer" means an engineer licenced by the Association of Professional Engineers of Ontario;

"*Provincial Offences Act*" means the *Provincial Offences Act*, R.S.O. 1990, c. P.33;

“Remedial Work Order” means an order issued pursuant to section 9 of this by-law;

"Required Yard" shall have the same meaning as that found in the Zoning By-law;

“Site Alteration” means one or more of the following:

- (a) placing Fill Material on Land;
- (b) Dumping on Land;
- (c) removing Topsoil from Land, including the removal of Topsoil for sale, exchange or other disposition;
- (d) altering the Grade of Land; and,
- (e) altering or removing a Private Drain.

“*Tile Drainage Act*” means the *Tile Drainage Act*, R.S.O. 1990, c.T.8;

“Topsoil” means those horizons in a soil profile, commonly known as the “O” and the “A” horizons, containing organic material and includes deposits of partially decomposed organic matter such as peat;

“Town” means The Corporation of the Town of Lakeshore;

“Treasurer” means the person appointed by Council as the treasurer pursuant to the *Municipal Act, 2001*;

“User Fees By-law” means the User Fee By-law passed by Council pursuant to section 391 of the *Municipal Act, 2001*; and,

“Zoning By-law” means any by-law passed pursuant to section 34 of the *Planning Act*.

## **Section 2 – Site Alteration Prohibitions**

- 2.1 No Person shall engage in Site Alteration without a Permit.
- 2.2 No Person shall cause or permit to be caused Site Alteration without a Permit.
- 2.3 No Person shall alter the drainage characteristics of Land without a Permit.
- 2.4 No Person shall alter the Grade of Land as designed by a Professional Engineer without a Permit.
- 2.5 No Person shall engage in Site Alteration or cause or permit Site Alteration contrary to a Permit or contrary to the representations, plans, specifications or drawings that form the basis upon which a Permit was issued.

### **Section 3 - Permit**

- 3.1 An applicant for Site Alteration shall submit the following to the Chief Building Official:
- (a) a completed application in the form prescribed from time to time by the Chief Building Official in accordance with the information required in this by-law;
  - (b) the Permit Fee as established in the User Fees By-law;
  - (c) when required by the Chief Building Official in order to assess the impact of the Fill or alteration on the environment affected, a fill-control plan, prepared by a Professional Engineer or licensed Ontario Land Surveyor, which may include any or all of the following as may be specified by the Chief Building Official or such other information as the Chief Building Official may deem appropriate:
    - (i) a key map showing the location of each lot, including the nearest major intersection and north arrow;
    - (ii) the lot boundaries and number of hectares of each lot;
    - (iii) the existing and proposed use of the Land and the location and use of the buildings and other structures adjacent to each lot;
    - (iv) the location, dimensions and use of any building and other structures existing or proposed to be erected on each lot;
    - (v) the location of lakes, streams, wetlands, channels, ditches, other watercourses and other bodies of water on and within a minimum of 25 metres beyond each lot boundary;
    - (vi) application of any applicable Conservation Authority storm flood plain, Fill regulation or applicable regulations or guidelines;
    - (vii) the location and identification of the predominant existing soil types;
    - (viii) the species, Grade at base and size of all trees greater than 150 millimetres in caliper, all shrubs, trees and hedges within 25 metre(s) of the property line and driveways on each lot and all easements and rights-of-way over, under, across or through each lot;
    - (ix) the location and dimensions of any existing and proposed storm water drainage systems and natural drainage patterns on and within a minimum of 25 metres beyond each lot boundary;



- (x) the location and dimensions of utilities, structures, roads, highways and paving located within a minimum of 25 metres beyond each lot boundary;
  - (xi) the existing topography on each lot and extending a minimum of 25 metres beyond each lot boundary;
  - (xii) the proposed final Grades of each lot;
  - (xiii) the location and dimensions of all proposed Land disturbance activities, including construction of access roads;
  - (xiv) the location and dimensions of all temporary Fill Material stockpiles;
  - (xv) the location, dimensions, design details and design calculations of all construction site erosion control measures that may be necessary to minimize the impact of the proposal;
  - (xvi) a schedule of the anticipated starting and completion dates of each Land disturbance or Land development activity;
  - (xvii) provisions for the maintenance of the construction site erosion control and dust control measures during construction and after as required;
  - (xviii) the scale of drawing, ranging from 1:250 to 1:1000 as deemed appropriate (each drawing control plan to be in metres);
  - (xix) an indication on the drawing of directions of overland water flow and overland flow route;
- (d) proposed final Grades and drainage system to be used upon completion of the filling operation;
  - (e) a description of the proposed Fill, including a list of the sources, geotechnical and environmental analysis reports as to content and quality, prepared by qualified experts in that regard;
  - (f) a plan, which shall be prepared by a Professional Engineer or licensed Ontario Land Surveyor if the Chief Building Official so requires, showing the design details to proper scale of any retaining wall that may be required and the dimensions of any materials to be used in construction of such retaining wall;
  - (g) security in a form and amount to be determined by the Chief Building Official to secure performance of the work for which the Permit is being applied. The Chief Building Official may draw upon the security posted to recover the cost

of the Town performing any required work that the Owner has failed to perform and any Administration Fee that applies;

- (h) where the Land for which a Permit is being sought has access to a road under the jurisdiction of the County of Essex, evidence that the County of Essex has been consulted with respect to the application for a Permit together with a plan indicating how any requirements of the County of Essex will be met; and,
- (i) a plan indicating how the requirements of subsections 3.1(d) and 3.1(e) will be satisfied.

#### **Section 4 - Issuance of Permit**

4.1 Subject to section 4.2, the Chief Building Official shall issue a Permit upon being satisfied that:

- (a) a satisfactory grading plan has been received showing:
  - i) the extent of the works,
  - ii) the maximum and minimum elevations of the affected Land, and the maximum elevation shall be consistent with the elevation of adjoining Land and in no circumstance shall the raised elevation exceed one more above the Crown of the Road; and,
  - iii) the measures proposed to control storm-water run-off;
- (b) if there is an existing grading plan that was designed by a professional engineer then the proposed new Grading plan must be certified by a professional engineer;
- (c) storm water control measures, including swales, tile drains, retaining walls or other professionally designed systems are adequate to prevent the run-off of storm water to adjacent Land;
- (d) there is no adverse impact on neighbouring Land;
- (e) all required yards are adequately sloped from the existing Grade at the property line and the maximum slope of all required yards shall be eight centimetres per metre (one inch per foot);
- (f) the minimum elevation conforms to the requirements of the Conservation Authority, where applicable;

- (g) any Topsoil being removed is being used to restore the Land for which the Permit is being issued unless it can be shown to the satisfaction of the Chief Building Official that the Topsoil is not needed to restore the Land in which case the Topsoil may be removed from the Land provided the Topsoil is not being relocated outside the Town limits and a Permit has been issued for the Land to which the Topsoil is being applied; and,
  - (h) satisfactory dust control, traffic control, noise control, hours of operation and vehicle travel routes are established for all vehicles and equipment involved in the Dumping, filling or Grading operation.
- 4.2 Where the application for a Permit is for alteration of a Private Drain, the Chief Building Official must also be satisfied that:
  - (a) the Private Drain is no longer required; or,
  - (b) alternative drainage measures will be constructed to satisfactorily maintain the existing drainage scheme.
- 4.3 It shall be a condition of every Permit that:
  - (a) every reasonable step be taken to prevent nuisances related to dust and noise emanating from the activities undertaken pursuant to that Permit;
  - (b) all vehicles and equipment involved in the Dumping, Filling, removing or Grading or alteration shall follow the vehicle travel route established by the Chief Building Official when travelling to or from the property for which the Permit was issued; and,
  - (c) rear-yard drainage shall be provided as a condition to the issuance of a Permit on any Land zoned Residential in the Zoning By-law.

The requirement of paragraph (c) may be waived, at the sole discretion of the Chief Building Official, where an adequate storm sewer outlet cannot be obtained.
- 4.4 A Permit shall expire on the date indicated on the Permit or 6 months from the date of its issue, whichever date is earlier.
- 4.5 A Permit that has expired may be renewed within 60 days of its date of expiry upon written application to the Chief Building Official accompanied by the applicable fee as set out in the User Fees By-law as well as an updated deposit, if required, and provided that the proposed work has not been revised.
- 4.6 The Chief Building Official may revoke the Permit under any of the following circumstances:

- (a) if it was obtained on mistaken, false or incorrect information;
- (b) if it was issued in error;
- (c) if the Owner or Permit holder requests, in writing, that it be revoked;
- (d) if the Owner or Permit holder fails to comply with the terms and conditions of the Permit;
- (e) if work authorized under the Permit has not been commenced within 6 months of the issuance of the Permit; or,
- (f) if an Owner or Permit holder fails to comply with the provisions of this by-law.

4.7 An applicant for a Permit may file an appeal with the Clerk for the following:

- (a) the Chief Building Official's decision to refuse a Permit;
- (b) the Chief Building Official's decision to revoke or suspend a Permit; and,
- (c) elimination or modification of one or more conditions of a Permit. Appeals will not be heard for conditions required pursuant to section 4.3 of this by-law.

4.8 Appeals shall be heard by the Hearing Committee and the Hearing Committee may dispose of the appeal by:

- (a) upholding the Chief Building Official's decision; or
- (b) removing or modifying the conditions of a Permit.

4.9 Appeals shall be in writing and specify the grounds for the appeal.

4.10 The Clerk shall receive an appeal and deny, for administrative purposes, any appeal filed more than 20 days following the Chief Building Official's decision.

## **Section 5 - Administration and Enforcement**

5.1 The provisions of this by-law shall be administered by the Chief Building Official and shall be enforced by a By-law Compliance Officer.

## **Section 6 - Powers of Officers**

6.1 A By-law Compliance Officer may:

- (a) at any reasonable time, enter onto Land for the purpose of carrying out an inspection for the purpose of determining compliance with this by-law or the *Municipal Act, 2001*;
- (b) during an inspection, require production for inspection of documents or things relevant to the inspection and inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts and photograph such documents or things;
- (c) during an inspection require information from any person concerning a matter related to the inspection;
- (d) during an inspection be accompanied by a Person or Persons who has relevant or expert knowledge in relation to this by-law or matters regulated by this by-law;
- (e) conduct or direct a person possessing the relevant or expert knowledge to conduct such examinations or take tests, samples or photographs as the By-law Compliance Officer believes necessary for the purposes of inspection; and,
- (f) to confirm compliance with a Permit, require that a Permit holder or Owner provide a survey, prepared by a Professional Engineer or licensed Ontario Land Surveyor, of the Land forming the subject of the Permit once the works authorized by that Permit have been completed.

6.2 In addition to any other provision of this by-law, and subject to the provisions of the *Municipal Act, 2001*, a provincial judge or justice of the peace may issue an order authorizing a By-law Compliance Officer and any Person under his or her direction to enter onto or into any premises, including a room or place actually being used as a dwelling for the purpose of carrying out an inspection to determine compliance with this by-law, a Permit issued under this by-law or an order made under section 431 of the *Municipal Act, 2001* in relation to the subject matter of this by-law.

6.3 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Person who is exercising a power or performing a duty under this by-law.

6.4 No Person shall refuse or neglect to produce for inspection any document or thing required by a By-law Compliance Officer pursuant to this by-law.

## **Section 7 - Offences**

- 7.1 Any Person who contravenes any provision of this by-law, a condition to a Permit or an order issued pursuant to this by-law is guilty of an offence and subject to prosecution pursuant to the *Provincial Offences Act*. A Person found guilty shall be liable:
- (a) upon conviction, to a minimum fine of \$500 and a maximum fine of \$10,000 for a first conviction;
  - (b) for each subsequent conviction, a minimum fine of \$500 and a maximum fine of \$10,000 for each day that the offence continues; and,
  - (c) upon conviction for each multiple offence, for each offence included in the multiple offence, the minimum fine shall not exceed \$500 and the maximum fine shall not exceed \$10,000; however, the total of all fines for each included offence is not limited to \$100,000.
- 7.2 Any director or officer of a corporation who knowingly concurs in the contravention of this by-law, a condition to a Permit or an Order issued pursuant to this by-law is guilty of an offence and subject to prosecution pursuant to the *Provincial Offences Act* as described in section 7.1.
- 7.3 If this by-law 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:
- (a) prohibiting the continuation or repetition of the offence by the person convicted; and,
  - (b) require the person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

## **Section 8 - Order to Discontinue Activity**

- 8.1 If the By-law Compliance Officer is satisfied that a contravention of this by-law has occurred, the By-law Compliance Officer may make an Order to Discontinue Activity requiring the Person who contravened the by-law or who caused or permitted the contravention or the Owner or occupier of the Land on which the contravention occurred to discontinue the contravening activity. The Order to Discontinue Activity shall set out:
- (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the Land on which the contravention occurred; and

- (b) the date by which there must be compliance with the order.

8.2 Any Person that contravenes an Order to Discontinue Activity is guilty of an offence.

## **Section 9 - Remedial Work Orders**

9.1 If a By-law Compliance Officer is satisfied that a contravention of this by-law has occurred, the By-law Compliance Officer may make a Remedial Work Order requiring a Permit holder or Owner or both to do work to correct the contravention and the Remedial Work Order shall set out:

- (a) the municipal address or the legal description of the Land;
- (b) reasonable particulars of the contravention and of the work to be done and the period within which there must be compliance with the order; and
- (c) a notice stating that if the work is not done in compliance with the order within the period it specifies, the Town may have the work done at the Owner's expense.

9.2 A Remedial Work Order shall be served personally or by prepaid registered mail sent to the last known address of the Permit holder or Owner of the Land or both.

9.3 If a By-law Compliance Officer is unable to effect service on the Owner or Permit holder, the By-law Compliance Officer may place a placard containing the terms of the order in a conspicuous place on the Land.

9.4 If the work or things required by a Remedial Work Order are not done within the period specified therein, the Town, in addition to all other remedies it may have, may, by its employees or agents, do the work required by the Remedial Work Order and the employees or agents of the Town may enter on the Land that are the subject of the order for this purpose.

9.5 Any Person that contravenes a Remedial Work Order is guilty of an offence.

## **Section 10 - Recovery of Expenses and Fines**

10.1 Costs incurred by the Town pursuant to a Remedial Work Order, in addition to an Administration Fee, shall be recovered from the Owner from the security provided where applicable. All of the costs or the balance of the costs not recovered through the security, where applicable, shall be added by the Treasurer to the tax roll for any property in the Town for which the Owner is responsible for paying the costs and the costs may be collected in the same manner as municipal taxes. The costs include interest calculated at a rate of 15% calculated for the period commencing

on the day that the Town incurs the costs and ending on the day that the costs, including the interest, are paid in full.

- 10.2 Fines owing to the Town that are in default pursuant to section 69 of the *Provincial Offences Act* shall be added by the Treasurer to the tax roll for any property in the Town for which the Owner is responsible for paying the fine and the fine may be collected in the same manner as municipal taxes.

## **Section 11 - General**

- 11.1 Nothing in this by-law shall serve to relieve any person from the obligation to comply with all other applicable law.
- 11.2 This by-law shall not apply to:
- (a) activities or matters undertaken by the Town or a local board of the Town;
  - (b) the placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of Land imposed after December 31, 2002 as a condition to the approval of a site plan, a plan of subdivision or a consent under section 41, 51 or 53, respectively, of the *Planning Act* or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;
  - (c) the placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of Land imposed after December 31, 2002 as a condition to a development permit authorized by regulation made under section 70.2 of the *Planning Act* or as a requirement of an agreement entered into under that regulation;
  - (d) the placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of Land undertaken by a transmitter or distributor, as those terms are defined in section 2 of the *Electricity Act*, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;
  - (e) the placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of Land undertaken on Land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*;
  - (f) the placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of Land undertaken on Land in order to lawfully establish and operate or enlarge any pit or quarry on Land,
    - (i) that has not been designated under the *Aggregate Resources Act* or a predecessor of that Act, and



- (ii) on which a pit or quarry is a permitted Land use under a by-law passed under section 34 of the *Planning Act*;
- (g) the placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of Land undertaken as an incidental part of drain construction under the *Drainage Act* or the *Tile Drainage Act*; and
- (h) the removal of Topsoil as an incidental part of a normal agricultural practice including such removal as an incidental part of sod-farming, greenhouse operations and nurseries for horticultural products.

## **Section 12 - Short Title**

12.1 This by-law may be referred to as the “Fill By-law”.

## **Section 13 - Interpretation**

- 13.1 If any court of competent jurisdiction finds any provision of this by-law is invalid or is *ultra vires* of the jurisdiction of the Town, such provision shall be deemed to be severable and shall not invalidate any of the other provisions of this by-law.
- 13.2 The headings contained herein are for ease of reference only and do not form part of this by-law.
- 13.3 References in this by-law to words in the singular shall be deemed to include the plural.
- 13.4 Reference to any statute or by-law includes any amendment to that statute or by-law and any successor thereto.

## **Section 14 - Repeal**

- 14.1 By-law 2011-24 and any amendments thereto are repealed, including by-laws 88-2015 and 76-2019.

## **Section 15 - Effect**

- 15.1 This by-law shall come into force and effect upon passage.

Read and passed in open session August 11, 2020.

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**Mayor  
Tom Bain**

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**Clerk  
Kristen Newman**

# **The Corporation of the Town of Lakeshore**

## **By-law 64-2020**

### **Being a By-law to authorize the execution of a subdivision agreement pertaining to Lakeshore Estates Phase 2**

**Whereas** Amico Properties Inc. received Draft Plan Approval with Conditions (File No: 37-T-19002) to create a total of seventy-one lots for single detached residential dwellings, three blocks for sight triangles (73, 75, 76) and one block for road widening (74) and one block for parkland purposes (72), (hereinafter referred to as the "Development") on the lands described as Part of Gore Lot, Concession West of Puce River, Town of Lakeshore;

**And whereas** the Development is to be configured in the manner shown on a Draft Plan of Subdivision prepared by prepared and certified by Roy Simone, O.L.S., dated April 24, 2020;

**And whereas** the Owner wishes to develop the Subject Lands;

**And whereas** pursuant to the *Planning Act*, R.S.O. 1990, c.P.13, as amended, municipalities may enter into such agreements;

**Now therefore the Council of The Corporation of the Town of Lakeshore enacts as follows:**

1. That the Mayor and Clerk be authorized to execute a Subdivision Agreement with Amico Properties Inc. in connection with the Lakeshore Estates Development, Phase 2, substantially in the form attached hereto.
2. That this By-law shall come into force and have effect upon the final passing thereof.

Read and passed in open session August 11, 2020.

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**Mayor  
Tom Bain**

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**Clerk  
Kristen Newman**

**TOWN OF LAKESHORE**  
**SUBDIVISION AGREEMENT**  
(Lakeside Estates Phase II Subdivision)

**THIS AGREEMENT** made (in triplicate) this 11<sup>th</sup> day of August 2020

**BETWEEN:**

**THE CORPORATION OF THE TOWN OF LAKESHORE,**  
(hereinafter referred to as "Lakeshore"),

**OF THE FIRST PART**

**-and-**

**AMICO PROPERTIES INC.**  
(hereinafter referred to as the "Owner"),

**OF THE SECOND PART**

**WHEREAS** Amico Properties Inc. received Draft Plan Approval with Conditions (File No. 37-T-19002) to create seventy-one (71) lots for single detached residential dwellings, three (3) blocks for sight triangles (73, 75 and 76) one (1) block for road widening (74), and one (1) block for parkland (72) (hereinafter referred to as the "Development") on the lands described in Schedule "A", attached hereto and forming part of this Agreement, (hereinafter referred to as the "Subject Lands");

**AND WHEREAS** the Development is to be configured in the manner shown on a Draft Plan of Subdivision prepared by Roy Simone of Verhaegen Stubberfield Hartley Brewer Bezaire Inc. dated April 24, 2020. The draft M-Plan based on the aforementioned Draft Plan of Subdivision and dated July 29, 2020 is attached hereto as Schedule "B" (hereinafter referred to as the "Plan");

**AND WHEREAS** the Conditions of the aforementioned Draft Plan Approval require that the Owner enter into this Agreement for the provision of services for the Development and to satisfy all other requirements of the Town, financial and otherwise, related to the Development;

**AND WHEREAS** Lakeshore has certain design criteria that the Owner's construction and installation of services must meet or exceed. Lakeshore's design criteria are contained in its Development Manual, current as of the date first mentioned above;

**NOW THEREFORE THIS AGREEMENT WITNESSETH** that in consideration of the aforesaid premises and in consideration of the sum of Five (\$5.00) Dollars now paid by the Owner to Lakeshore, the receipt whereof is hereby expressly acknowledged, the parties hereto covenant and agree one with the other as follows:

**1.0 GENERAL CONDITIONS**

## Definitions

- 1.1 In this Agreement the following terms shall have the meanings set out below unless otherwise redefined or where the subject matter or context requires another meaning to be ascribed:
- (a) “Agreement” means this subdivision agreement;
  - (b) “Development Manual” means Lakeshore’s development manual published on its website, as may be amended from time to time;
  - (c) “Draft Approval” means draft plan approval under the Planning Act;
  - (d) “Engineer” means the Owner’s consulting engineer who is hired and retained in accordance with Section 2.2 hereof;
  - (e) “ERCA” means the Essex Region Conservation Authority;
  - (f) “Final Approval” means approval for the final plan of subdivision under the Planning Act;
  - (g) “Planning Act” means the *Planning Act*, R.S.O. 1990, c. P.13, as amended or any successor statute;
  - (h) “Works” means all works and services to be constructed for the purposes of servicing the Plan in accordance with the Development Manual and this Agreement that will ultimately be utilized by the general public and assumed by Lakeshore and, without limiting the generality of the foregoing, includes finishing works such as grading and any required landscaping.

## Lands Affected

- 1.2 This Agreement applies to the Subject Lands. The Owner warrants that it is the registered owner of the Subject Lands.

## Scope

- 1.3 This Agreement shall define the obligations and duties of the Owner with respect to the development of the Subject Lands and, without limiting the generality of the foregoing, shall include the installation, construction, repair and maintenance of the Works to be provided and payments required to be made to Lakeshore and to such other persons or entities, and such other matters as may be more specifically set out herein, and shall define the responsibilities of the Owner related to the acceptance and assumption of the Works by Lakeshore.

## **2.0 GENERAL CONSTRUCTION REQUIREMENTS**

### **Cost of Works**

- 2.1 The Owner shall be solely responsible for the cost of the Works. Lakeshore shall not be required to pay any portion of any cost related to the Works unless otherwise expressly provided in this agreement or as expressly required by statute. In the event that Lakeshore incurs any expenses related to construction lien actions or otherwise respecting the construction of the Works, such expenses shall be reimbursed by the Owner forthwith upon demand.

### **Consulting Engineer**

- 2.2 The Owner shall employ at its sole expense a Professional Engineer registered under the *Professional Engineers' Act* of Ontario (hereinafter called the "Engineer"). The Engineer, and any successor, must be acceptable to Lakeshore and shall carry out all necessary engineering requirements for the development of the Subject Lands in accordance with this Agreement and with the Development Manual. The Engineer shall be retained by the Owner until all requirements of this Agreement have been completed to Lakeshore's satisfaction. The Owner's agreement with its Engineer shall include design, general supervision and/or resident supervision and shall provide that Lakeshore may inspect the construction, installation and provision of the Works and shall have the power to stop any work or construction that, in Lakeshore's opinion, is being performed in a manner that may result in completed installations or construction that would not be satisfactory to Lakeshore. The Owner shall provide Lakeshore with a certificate from the Engineer certifying that the Works have been completed in accordance with this Agreement and the Development Manual prior to Lakeshore accepting the Works. Without limiting the generality of the foregoing, the Engineer shall:
- a) design and submit to Lakeshore for approval, engineering drawings for the Works;
  - b) prepare any contracts necessary for the construction of the Works;
  - c) forward of all documentation necessary to obtain from municipal, provincial and federal authorities all approvals required for the construction of the Works;
  - d) submit to Lakeshore, prior to the commencement of any construction, a report showing existing elevations and the proposed method of drainage of the Subject Lands;
  - e) arrange for all survey and layout work required for the construction of the Works;
  - f) maintain, for his/her client's purposes, all records of construction for the Works;
  - g) submit to Lakeshore all required record drawings of all details, elevations and drawings of the Works;
  - h) be responsible for the coordination of all services required under this

Agreement; and

- i) visit the site of the said works as requested by Lakeshore for any reasons related to the Works.

### **Lakeshore's Review and Inspection**

- 2.3 Lakeshore, at its option, may retain a professional engineer in the Province of Ontario ("Reviewing Engineer") for the purpose of:
- a) reviewing all plans, specifications, engineering documents, contracts, records, details, elevations and other relevant information; and
  - b) supervising the installation of the Works.

The fees, expenses and charges of the Reviewing Engineer shall be payable by the Owner to Lakeshore upon demand. The Reviewing Engineer's charges with respect to the services provided shall be in accordance with the hourly rate normally applicable in the engineering profession for like work.

### **Prior to Commencement of Construction**

- 2.4 Unless the Owner has received Lakeshore's written consent to do so, no work shall be commenced until the designs for all the Works have been approved by Lakeshore. Any work undertaken by the Owner prior to this Agreement coming into force shall not be accepted by Lakeshore unless the Engineer has advised Lakeshore in writing that such work has been carried out in accordance with the Development Manual and Lakeshore, and/or the Reviewing Engineer, are satisfied that such is the case. The Owner shall provide all the information and expose or reconstruct any portion of the Works that Lakeshore may in its absolute discretion require.

### **Contractor for Construction of Works**

- 2.5 The Owner covenants and agrees not to let any contract for the performance of any of the Works unless the contractor has first been approved by Lakeshore, which approval shall not be unreasonably withheld. The contract(s) shall provide that Lakeshore may inspect the construction of all Works and shall have authority to instruct the contractor(s) to stop work should any construction be undertaken contrary to the provisions of this Agreement or the Development Manual or that may result in the Works or any part thereof being unsatisfactory to the Lakeshore.

### **Approval of Plans**

- 2.6 Detailed plans and specifications for the Works shall be submitted to Lakeshore for final approval before any work is commenced. Once it is satisfied that the Works have been designed in accordance with the Draft Approval and the Development Manual, Lakeshore shall provide written confirmation of same by placing its certificate on the approved plans and specifications. Plans submitted

will be reviewed within a reasonable time. Lakeshore's approval of the plans and specifications shall not absolve the Owner of responsibility for errors or omissions in the plans and specifications. Lakeshore shall not grant final approval of the plans and specifications until all Ministry of Environment, Conservation and Parks, ERCA and any other required government approvals have been received.

### **Installation**

- 2.7 The Works shall be constructed and/or installed in accordance with the plans and specifications approved pursuant to section 2.6, above, the Development Manual, this Agreement and all applicable law.

### **Inspection of Work**

- 2.8 The Owner shall, at any time or times prior to the issuance of the Certificate of Completion, when required to do so by Lakeshore, make such openings, tests, inspections, excavations, examinations, or other investigations in, through, or in the vicinity of the Works as may be necessary for Lakeshore to make adequate inspection and observation, and shall, as required, make good again, to the satisfaction of Lakeshore, any openings, excavations or disturbances of any property, real or personal, resulting there from. If, in the opinion of Lakeshore, any unacceptable work for which the Owner is responsible is found by such investigations, the cost of such investigations and such making good shall be borne by the Owner but if, in the opinion of Lakeshore, no such unacceptable work is found by such investigations, the said costs shall be borne by Lakeshore.

### **Sewer Video Inspection Program**

- 2.9 The Owner covenants and agrees to:
- (a) undertake and pay for a sewer video inspection program for all new storm and sanitary sewers constructed as part of the Works. This inspection shall be undertaken by a qualified provider of this service that has been approved by Lakeshore's Director of Engineering and Infrastructure Services prior to the video inspection being undertaken;
  - (b) provide Lakeshore with video tapes and written reports in a format as specified by Lakeshore;
  - (c) carry out the video inspection:
    - i. after installation of the sewer is complete but prior to laying the base coat of asphalt;
    - ii. prior to Assumption of the applicable works; and
    - iii. at any other time if required by Lakeshore's Director of Engineering and Infrastructure Services.
  - (d) remove all silt and debris from the storm and sanitary sewers prior to the video inspection taking place and to rectify any sewer deficiencies that may be outlined in the written report or as may be identified by Lakeshore during its review of the video.

### **Specifications and Materials**

- 2.10 All work or detail required for the completion of the Works shall adhere to the Development Manual.
- 2.11 In the event the Owner shall call for tenders for any of the Works, such tenders shall be called on the basis of the specific requirements prescribed under this agreement and in accordance with the Development Manual and the Owner shall provide Lakeshore with a copy of the tender and an executed copy of the contract let to each successful tenderer for any such work.
- 2.12 All material to be incorporated into the Works shall be tested by Owner from time to time as may be required by Lakeshore and in accordance with the material testing requirements identified in the Development Manual.
- 2.13 The Owner shall employ the services of a certified material testing company qualified in the fields of concrete, compaction and asphalt testing to carry out the testing referred to in paragraph 2.12. Prior to the commencement of the installation of the Works, the Owner shall submit for Lakeshore's approval, the name of the proposed testing company and its recommended material testing program.

### **Right-of-Way Damage**

- 2.14 The Owner agrees to reconstruct any services damaged in front of each individual building lot on the Subject Lands to Lakeshore's satisfaction. These include, but are not limited to, curb and gutter, pavement, and manholes. Finalization of any building permit shall be contingent on compliance with this section.

### **Damage to Pavement**

- 2.15 The Owner covenants and agrees that any pavement or landscaped areas on the public right of way that are damaged during construction on the Subject Lands shall be restored by the Owner at its entire expense, and to Lakeshore's satisfaction. All driveway approaches that become redundant following the development of the Subject Lands shall be closed and this area restored to Lakeshore's satisfaction.

### **Dirt and Debris**

- 2.16 (a) The Owner further covenants and agrees to keep the public highways and other Lakeshore lands adjacent to the Subject Lands free from dirt and debris caused by the construction of the Works on the Subject Lands.
- (b) The Owner shall deposit, with Lakeshore, cash in the amount of \$5,000 as security for the Owner's compliance with section 2.16(a), above. Should the Owner fail to comply with the requirements of section 2.16(a), above,



Lakeshore may take such actions as it may deem necessary to correct such non-compliance and shall be entitled to draw upon the aforementioned security to cover any costs so incurred. The aforementioned security, or any portion thereof left unused, shall be returned to the Owner upon expiry of the maintenance period as provided for in this Agreement.

### **Topsoil**

- 2.17 Any topsoil removed from the Subject Lands during grading operations shall be stockpiled on the Subject Lands in areas compatible for the reception of same and the Owner covenants and agrees that it will not remove or permit any other person to remove such topsoil from the Subject Lands prior to the end of the maintenance period without Lakeshore's approval.

### **Specific Requirements**

- 2.18 The Owner agrees to fulfill all of the specific requirements contained in Schedule "C".

### **Taxes Etc.**

- 2.19 The Owner agrees that forthwith upon the execution of this agreement it shall commute all arrears of taxes, local improvement charges, and drainage assessments chargeable upon the Subject Lands.

### **Municipal Street Numbers**

- 2.20 The Owner shall request from Lakeshore allocation of municipal street numbers for each lot shown on the Plan. The Owner agrees to inform every purchaser of a serviced lot from the Owner of the correct municipal street number as allocated by Lakeshore and to ensure such street number is affixed to the wall of the dwelling unit that is associated with the front lot line, as defined by Town of Lakeshore Zoning By-law 2012, as amended.

### **School Board Issues**

- 2.21 The Owner agrees to include the following clause in all offers to purchase, agreements of sale and purchase or lease and in the title, deed or lease of each lot:

“There may not be an elementary and/or secondary school available in the area and students may be bussed to the next available school. The present existence of such a school is not a guarantee of its future availability and bussing may be required due to future circumstances.”

### **Canada Post Issues**

- 2.22 The Owner hereby acknowledges that Canada Post will be providing mail service by way of community mailboxes and agrees to include the following clause in all offers to purchase, agreements of sale and purchase or lease and in the title, deed or lease of each lot:

“Canada Post will be providing mail service to these lands by way of a community mailbox. A notice concerning the location of the community mailbox serving your home will be posted at a prominent location within the development of which these lands are a part.”

### **Development Charges**

- 2.23 The Owner hereby acknowledges that the Corporation has a valid by-law(s) pursuant to the *Development Charges Act, 1997*, S.O. 1997, c.27, as amended, that applies to the Subject Lands. The Owner hereby agrees to pay the development charges imposed by Lakeshore’s Development Charges By-law and to insert the following clause into all agreements of purchase and sale dealing with any portion of the Subject Lands and shall, upon request, provide Lakeshore with copies of any or all such agreements of purchase and sale:

NOTE: The Corporation of the Town of Lakeshore has passed a by-law under the *Development Charges Act, 1997* that applies to the Subject Lands and requires the calculation and payment of development charges at the time of building permit issuance. Lakeshore’s development charges by-law is not registered on title but may be viewed at the their offices located at 419 Notre Dame Street, Belle River, Ontario, during regular business hours or on line at [www.lakeshore.ca](http://www.lakeshore.ca).

### **Costs**

- 2.24 The Owner shall pay to Lakeshore all costs incurred by Lakeshore in connection with the Development and/or the preparation and administration of this Agreement including, but not limited to, costs associated with engineering, planning and legal services. The Owner acknowledges that the application fee submitted by the Owner with its application for the approval of a Plan of Subdivision is a deposit to be applied against the aforementioned costs. Should the said deposit prove to be insufficient to cover the aforementioned costs the Owner agrees to provide such additional deposits, as may reasonably be required by Lakeshore, upon demand.

### **Applicable Laws**

- 2.25 (a) In constructing, installing or providing the Works, the Owner shall comply with all statutes, laws, by-laws, regulations, ordinances, orders and requirements of governmental or other public authorities having jurisdiction at any time and from

time to time in force. Without limiting the foregoing, the Owner agrees to comply with, and cause to be complied with, the provisions of the *Occupational Health and Safety Act*, the *Environmental Protection Act* and the *Ontario Water Resources Act* and any regulations, policies and guidelines relating thereto, including all obligations of the constructor and employer under the *Occupational Health and Safety Act* and regulations, as applicable, and any obligation to obtain any approval or permit required under the *Environmental Protection Act* or the *Ontario Water Resources Act* or any regulations, policies and guidelines relating thereto. The Owner further agrees to handle and dispose of all materials in accordance with the foregoing legislation.

- (b) The Owner shall do, cause to be done or refrain from doing any act or thing as directed by Lakeshore if at any time Lakeshore considers that any situation or condition is unsafe, damaging to the environment or contrary to the provisions of any applicable laws, above. If the Owner fails to comply with such direction, Lakeshore may take action to remedy the situation at the expense of the Owner and in this regard Lakeshore shall also be entitled to draw upon any security filed by the Owner under this Agreement in order to recover its costs incurred in this regard.

2.26 The Owner shall immediately advise Lakeshore and the Ministry of Environment, Conservation and Parks should waste materials or contaminants be discovered during the development of the Subject Lands. If waste materials or contaminants are discovered, the Owner shall obtain any necessary approval pursuant to the *Environmental Protection Act*, as amended from time to time, if required by the Minister of the Environment.

2.27 Servicing of the Development shall be phased in accordance with the Specific Requirements set out in Schedule “C” and the Phasing Plan attached as Schedule “D”.

### **3.0 WORKS**

#### **Sewers**

3.1 The Owner agrees to construct a complete sanitary and storm sewer system or systems, including private sanitary and storm connections to the lot lines as well as catch basins, leads and sub-drains to service the Subject Lands and adjacent road allowances all according to the plans approved by the Lakeshore and in compliance with the Development Manual. No construction of the above-mentioned systems shall take place without a Certificate of Approval issued by the Ministry of Environment, Conservation and Parks.

3.2 Lakeshore agrees to allocate sanitary sewage treatment capacity for the Plan to a maximum of 71 single unit detached dwellings. The Owner acknowledges and

agrees that Lakeshore may, in its sole discretion, withdraw the aforementioned treatment capacity allocation and redirect it if the Owner fails to complete the Works, in accordance with the terms and conditions of this Agreement, within **two years** of the execution of this agreement.

### **Watermains**

- 3.3 The Owner agrees to construct a complete watermain system or systems, including hydrants and water service connections to the lot lines to service all lots on the Plan in accordance to designs approved by Lakeshore and in accordance with the Development Manual. No construction of the above-mentioned water mains shall take place without the necessary approvals from the Ministry of Environment, Conservation and Parks or, if Lakeshore is the approval authority, until Lakeshore has executed the Ministry of Environment, Conservation and Parks' "Form 1 – Record of Watermains Authorized as a Future Expansion" completed and submitted by the Engineer.

### **Oversizing**

- 3.4 If Lakeshore deems necessary, the Owner agrees to oversize the sanitary sewer, storm sewer and water main systems within the Subject Lands to service additional downstream lands according to the design approved by Lakeshore and the Development Manual.

### **Conservation Authority Requirements**

- 3.5 If the Subject Lands are within an area regulated by the Essex Region Conservation Authority, the Owner agrees that no construction or placing of fill on the Subject Lands shall take place prior to obtaining a permit from the said Authority. The Owner shall flood proof the Subject Lands to a minimum elevation satisfactory to the Essex Region Conservation Authority. Specific details regarding the flood proofing required for the Subject Lands are contained in Schedule "C" attached hereto and forming part of this Agreement.

### **Electrical Services & Utilities**

- 3.6 The Owner agrees to construct a complete electrical distribution system including transformers and services to the lots and a street lighting system all in accordance with the design approved by Lakeshore and by ELK Energy Inc. or Hydro One, as the case may be. The installation shall include the necessary connections to the existing supply.
- 3.7 The Owner agrees to co-ordinate the underground installation of any telecommunications cables, hydro cable, gas mains and connections to and within the limits of the Subject Lands and to provide for easements with respect to such

installations in accordance with terms, conditions, standards and specifications set out by the respective utility companies.

- 3.8 The Owner and its Engineer shall provide any information required by any utility company, including construction drawings and schedules, as well as lot and street locations in the field. Prior to the commencement of any construction, the Owner agrees to submit to Lakeshore a comprehensive schedule indicating the timing and co-ordination of all utility installations with the servicing for which the Owner is responsible.

### **Roadways, Curbs and Gutters**

- 3.9 The Owner agrees to construct all roads including concrete curbs and gutters, driveway approaches and the necessary drainage facilities as shown on the plans approved by Lakeshore and in accordance with the Development Manual.

### **Noise and Vibration**

- 3.10 The Owner agrees to provide at its expense, all noise and vibration attenuation measures as outlined in the Development Manual and in Schedule "C" attached hereto.

### **Drainage**

- 3.11 The Owner agrees to:
- (a) conduct regular inspections once every two weeks and after each sizeable storm event of all sediment and erosion control measures incorporated into the Development;
  - (b) maintain an inspection log that shall be made available for review by Lakeshore, the Ministry of Environment, Conservation and Parks and the Essex Region Conservation Authority, upon request. The log shall state the name of the inspector, date of inspections and the rectifications or replacements which were taken to maintain the sediment and erosion control measures. Inspections shall continue until the assumption of services by Lakeshore or until site construction conditions warrant cessation of the visits; and
  - (c) the stormwater management works associated with this plan shall all be certified as functional and must obtain statutory approval under the *Ontario Water Resources Act*, not the *Drainage Act*;
- 3.12 The Owner shall require any Contractors erecting buildings on the Subject Lands to block off any existing agricultural field tiles that could adversely affect any proposed construction.

- 3.13 The Owner further agrees that no natural watercourses shall be blocked, abandoned or otherwise altered during the course of construction on the Subject Lands unless approved by Lakeshore and the Essex Region Conservation Authority. No natural land drainage shall be cut off without adequate provision being made for its interception to Lakeshore's satisfaction.

### **Tree Planting**

- 3.14 The Owner agrees to pay Lakeshore the amount of \$400 per tree for the 71 trees required for the Development for a total sum of \$28,400.00 that Lakeshore shall use towards the planting of trees in accordance with typical road cross sections. Lakeshore shall be responsible for planting the trees on the Subject Lands, once the said fees have been paid, in accordance with the Development Manual. The number of trees to be planted shall be determined as follows:
- (a) Single Family Residential Lots: 1-60mm caliper tree per lot;
  - (b) Semi-detached Residential Lots: 1-60mm caliper tree per unit; and
  - (c) Townhouse Residential Lots: 3-60mm caliper trees per 4 units.

### **Parkland Dedication**

- 3.15 The Owner shall make the parkland conveyance set out in section C.3 of Schedule "C", attached hereto, and Lakeshore agrees to accept this conveyance in full satisfaction of the Owner's parkland dedication obligations under the *Planning Act*.

### **Boulevards**

- 3.16 The Owner agrees that all unpaved portions of the street allowances shall be fine graded to finished grade and to fill and rough grade the lots prior to the issuance of building permits.

### **Temporary Access Road**

- 3.17 In the event a temporary access road is deemed necessary by Lakeshore for the orderly management of construction and/or to minimize the impact of construction traffic on public streets and neighbouring lands, Lakeshore shall determine the location of such temporary access road, taking into account the recommendations of the Owner, and the Owner shall provide, maintain and ultimately remove such temporary access road.

### **Construction Management**

- 3.18 The Owner agrees to submit a construction management plan addressing, among other things, site access, construction traffic, parking for construction trades, material delivery and storage, staging, mud, dust and noise controls, for Lakeshore's approval and to implement the measures contained in such approved plan.

- 3.19 The Owner shall ensure that, for the duration of construction, all parking necessary for construction and trades during the servicing of the Plan of Subdivision shall be provided wholly on the Subject Lands and not on Public Streets outside of the limits of the Plan of Subdivision.

#### **Fire Protection**

- 3.20 The Owner shall maintain access routes for fire department vehicles to new buildings, construction trailers and material storage areas at all times during construction and shall ensure the availability of a water supply for firefighting purposes that is adequate, accessible and operational at all times.

#### **REQUIRED CONVEYANCES**

- 4.1 The Owner shall gratuitously dedicate as public highways all road allowances shown on the Plan and shall name all such road allowances in a manner satisfactory to Lakeshore.
- 4.2 The Owner agrees that open ends and sides of all road allowances shall terminate in 0.30 metre reserves and to convey, without cost and free of all encumbrances, all such 0.3 metre reserves to Lakeshore.
- 4.3 The Owner agrees to sign local improvement petitions for and agrees not to oppose any municipal works proposed by Lakeshore to be constructed pursuant to the provisions of the *Municipal Act, 2001* and O.Reg. 119/03, both as amended.
- 4.4 The Owner shall convey to Lakeshore, or the appropriate authority without cost and free of encumbrance, any and all easements as may be required by Lakeshore, the applicable hydro authority, the applicable telecommunications, cable TV and internet service provider(s), any natural gas provider and/or any other applicable utility provider. Such easements may be through, over or under the appropriate portion of the Subject Lands and may be required for drainage purposes, sewers, hydro, water mains, telephone, cable tv, natural gas or any other purpose as deemed necessary by Lakeshore. The Owner acknowledges all existing utility easements and agrees not to interfere with same. In the event that the development of the Plan requires relocation or revisions to existing utility easements or facilities, these shall be made at the option of the applicable utility provider, and at the expense of the Owner.
- 4.5 The Owner shall convey, without cost and free of all encumbrances, all blocks, shown on the Plan that contain, or will contain, the storm water management works.

- 4.6 Without limiting the generality of paragraphs 4.1, 4.2, 4.3, 4.4 and 4.5, above, the Owner shall convey, without cost and free of all encumbrances, those lands set out in Schedule “F”.
- 4.7 The Owner agrees that all conveyances required by paragraphs 4.1, 4.2, 4.3, 4.4, 4.5 and 4.6 shall be completed immediately upon Final Approval and registration of the Plan.

#### **ACCEPTANCE OF WORKS**

- 5.1 The performance by the Owner of its obligations under this agreement to Lakeshore’s satisfaction shall be a condition precedent to Lakeshore’s acceptance of the Works.
- 5.2 Prior to Lakeshore’s acceptance of the said Works, the Owner shall furnish Lakeshore with a statutory declaration to the effect that the Owner has paid all accounts that are payable in connection with the installation and maintenance of the Works and that there are no outstanding claims relating thereto.
- 5.3 Inspection records, sewer video inspection results referred to in paragraph 2.9 and test results of the material testing company referred to in paragraph 2.12 and 2.13 shall be submitted by the Owner to Lakeshore in conjunction with the Certificate of the Engineer contemplated in paragraph 2.2 as a pre-condition to Lakeshore’s acceptance the Works. The Owner further agrees to submit all information and reports reasonably required by Lakeshore to ensure that the Works have been installed in accordance with the Development Manual.
- 5.4 Forty-five (45) days after the completion of the Works, Lakeshore may accept the Works and Lakeshore shall thereupon permit such Works to be incorporated with the appropriate existing municipal services. The parties agree that Lakeshore shall be the sole determinant.
- 5.5 The acceptance of the Works shall not require Lakeshore to maintain or in any way be responsible for driveway approaches, private sewer connections or any other private services that may be installed in or on public lands.
- 5.6 The Owner agrees to provide Lakeshore with digital “as constructed” record information in a format suitable to Lakeshore as outlined in the Development Manual.
- 5.7 Following notification from the Owner that the Works, for which formal acceptance is requested, are complete, Lakeshore shall inspect the Works to determine whether they have been completed in a satisfactory fashion and shall review all financial requirements of this agreement to determine whether they have been



met. If Lakeshore determines that the requirements of this Agreement have been met, Lakeshore agrees to forthwith furnish to the Owner written confirmation of its acceptance of the Works.

- 5.8 The final coat of asphalt shall be placed no later than five (5) years from the commencement date of the first maintenance period for base asphalt, curbs and underground infrastructure.

#### **MAINTENANCE PERIOD AND SECURITY**

- 6.1 The maintenance period shall run for a minimum period of one (1) year following the date of the issuance of written confirmation of Lakeshore's acceptance of the Works but in no case shall the maintenance period expire until the final surface asphalt has been completed. During this time the Owner shall be responsible for all materials, equipment and work necessary to maintain and/or repair the Works. Upon the issuance of the written confirmation of Lakeshore's acceptance of the Works, the Owner shall file with Lakeshore cash, a subdivision bond or an irrevocable letter of credit in a form acceptable to Lakeshore for 25% of the cost of the works as security for the Owner's obligations under this section.
- 6.2 Notwithstanding expiration of the maintenance period, the Owner shall not be relieved of correcting any defects or faults of which notice has been given to the Owner prior to the expiration of the said period.

#### **ASSUMPTION OF PLAN OF SUBDIVISION**

- 7.1 Within 30 days prior to the expiration of the maintenance period, the Engineer shall arrange for a field inspection to be conducted by Lakeshore, the contractor and the Engineer. The requirements of section 2.9, above shall have been complied with prior to this inspection.
- 7.2 Within 30 days following the expiration of the maintenance period contemplated by section 6.1 of this agreement, Lakeshore's Department of Engineering and Infrastructure Services shall prepare a written report stating whether the Works were completed in a satisfactory fashion and remain in good working order. In addition, Lakeshore's Finance Department shall prepare a written report stating whether all financial requirements have been met. If the aforementioned reports state that the requirements of this Agreement have been satisfactorily met, Lakeshore's Director of Engineering and Infrastructure Services shall recommend that Lakeshore Council pass a by-law assuming the Works.
- 7.3 The Owner agrees to provide all of the information and reports requested by Lakeshore that are reasonably necessary for the Director of Engineering and Infrastructure Services to complete his report mentioned in section 7.2 above.

- 7.4 The Owner covenants and agrees that the Works shall vest in Lakeshore upon Lakeshore Council's passing of a by-law Assuming of the Works, and the Owner shall thereafter have no claims or rights to the Works other than those accruing to it as an owner of land abutting streets on which services have been installed.

## **INDEMNITIES AND INSURANCE**

- 8.1 The Owner shall indemnify and save Lakeshore harmless from and against all loss or damage, expense, claims, suits and liability on account of any and all damage to, or loss or destruction of, any property or injury to, or death of, any person arising directly or indirectly out of, or in connection with, the negligent performance or unlawful or non-performance of any obligation of the Owner under this agreement.
- 8.2 During the period of construction of the Works, the Owner shall maintain a policy of public liability and property insurance, in the amount of Five Million dollars (\$5,000,000.00) and containing endorsements showing Lakeshore as an additional named insured and having a cross-liability clause, in form satisfactory to Lakeshore. Before commencing construction of any of the Works, the Owner shall provide Lakeshore with a Certificate of Insurance.
- 8.3 The Owner agrees when paying contractors to hold back such sums as are provided by the *Construction Lien Act*, and to indemnify Lakeshore against any claims, actions or costs incurred by Lakeshore respecting Construction Liens or otherwise in connection with the Works. The Owner shall take the necessary action to immediately discharge any liens that arise with respect to the Works.

## **BUILDING PERMITS**

- 9.1 The Owner agrees:
- (a) that no building permit for any lot or block on the Subject Lands will be issued until Lakeshore has accepted the Works in accordance with the requirements of this Agreement;
  - (b) that notwithstanding subsection 9.1(a) above, the Chief Building Official may issue permits for model homes. The maximum number of model home permits that may be issued is for the greater of either four dwellings or ten percent (rounded upward) of the total dwelling units in any particular phase of the Development as stated in the Development Manual provided:
    - i. the base coat of asphalt has been installed, to the satisfaction of the Director of Engineering and Infrastructure Services, in the road allowance in front of and abutting the lot for which the building permit is being sought;

- ii. all works necessary to meet the Railway requirements have been installed if the model home is within 300 metres of a Railway right-of-way;
- iii. there is no conflict between the activity that would result from the building permit being issued and the installation of various utilities;
- iv. a surveyor's certificate has been received by Lakeshore pertaining to the lot for which the building permit is being sought;
- v. it is clearly noted on the building permit that occupancy of the model home will not be permitted until Lakeshore has accepted the Works and that all Agreements to Purchase affecting the model home must contain a notice regarding this occupancy restriction until such time as Lakeshore has accepted the Works; and
- vi. Lakeshore has received a letter received from the Engineer confirming support for the building permit issuance.

## **PERFORMANCE SECURITIES**

- 10.1 Prior to commencing any of the Works, the Owner shall provide Lakeshore with an irrevocable letter of credit or subdivision bond as security for the Owner's performance of its obligations under this agreement. The said letter of credit or subdivision bond shall be in a form acceptable to Lakeshore and shall be in an amount equal to 50 percent (50%) of the value of the said works as determined from the accepted tenders for the said works. If the owner is constructing the said works so that there shall be no tender then the Owner's Consulting Engineer shall provide an estimate of the value of the Works that, subject to the Lakeshore's right to verify and approve the said estimate, shall be used to establish the amount of the securities.
- 10.2 If the Owner fails in the performance of the terms and conditions of this Agreement, Lakeshore shall be entitled to realize on the securities that have been deposited with respect to this Agreement in order to fulfil those terms and conditions in respect of which the Owner is in default.
- 10.3 No performance security will be released until the Owner has filed maintenance security in accordance with the Development Manual and this Agreement.

## **ADMINISTRATION**

### **Registration of Plan**

- 11.1 The Owner covenants and agrees to register the Plan as soon as possible upon receiving Final Approval but shall not register the Plan before registering this agreement on the title of the Subject Lands.
- 11.2 Prior to registering the Plan the Owner shall provide Lakeshore with a table of lot areas and lot frontages certified by an Ontario Land Surveyor confirming compliance with the Comprehensive Zoning By-law, 2-1012, as amended.

### **Notices**

- 11.3 (a) If any notice is required to be given by Lakeshore to the Owner with respect to this Agreement, such notice shall be mailed prepaid mail, personally delivered or sent by facsimile transmission to:

Amico Properties Inc.  
2199 Blackacre Drive  
Oldcastle ON, N0R 1L0

Facsimile: (519) 737-1929

or such other address or facsimile number of which the Owner has notified Lakeshore's Clerk, in writing, and any such notice mailed or delivered shall be deemed good and sufficient notice under the terms of this Agreement.

- (b) If any notice is required to be given by the Owner to Lakeshore with respect to this Agreement, such notice shall be mailed prepaid mail, personally delivered or sent by facsimile transmission to:

The Corporation of the Town of Lakeshore  
Attention: Clerk  
419 Notre Dame,  
Belle River, ON N0R 1A0

Facsimile: (519) 728-9530

or such other address or facsimile number of which Lakeshore has notified the Owner, in writing, and any such notice mailed or delivered shall be deemed good and sufficient notice under the terms of this Agreement.

### **Registration of Agreement**

- 11.4 The Parties hereby covenant and agree that this Agreement and any schedules attached hereto shall be registered upon title to the Subject Lands prior to the registration of the Plan. The Owner further agrees to pay, upon demand, all costs associated with the preparation and registration of this Agreement, including but not limited to, any amendments thereto notwithstanding that such registration may have been solely at Lakeshore's instance.

## **Postponement and Subordination**

- 11.5 The Owner covenants and agrees, at its own expense, to obtain and register such documents from its mortgagees or encumbrancers as Lakeshore may deem necessary to postpone and subordinate their interest in the Subject Lands to Lakeshore's interests to the extent that this Agreement shall take effect and have priority as if it had been executed and registered before the execution and registration of the document or documents giving to the Mortgagees and/or other encumbrancers their interest in the Subject Lands.

## **Enforcement**

- 11.6 The Owner acknowledges that Lakeshore, in addition to any other remedy it may have, shall be entitled to enforce this Agreement in accordance with s. 446 of the *Municipal Act, 2001*.
- 11.7 If the Owner fails in the performance of any of the terms and conditions of this Agreement, Lakeshore at its option, may, in addition to any other remedy it may have, refuse to grant to the Owner any permissions, certificates, approvals, building permits or authorities of any kind or nature which the Owner, had the Owner otherwise complied with Lakeshore requirements and this Agreement, may have been entitled to receive. Lakeshore may continue to refuse to grant any permissions, certificates, approvals, building permits or authorities until Lakeshore is satisfied that any default in question shall have been remedied.
- 11.8 In the event that the Owner fails or neglects to perform any of its obligations under this Agreement, or fails or neglects to proceed with the construction of the Works within one year of the date of execution of this Agreement, or, having commenced the construction of the Works, fails or neglects to proceed with reasonable speed, or in the event that the Works are not being or have not been installed in the manner required by Lakeshore or, having completed installation of the Works, they do not function properly, in addition to any other remedy Lakeshore may have and upon Lakeshore giving seven days written notice by prepaid registered mail to the Owner, Lakeshore may, but need not, without further notice, stop any part of the work for any length of time until it is satisfied that the work will be proceeded with satisfactorily, or stop any part of the work by any contractor and require that another contractor be placed on the job to complete the work or enter upon the Subject Lands and proceed to supply all materials and do all necessary works in connection with the installation of the Works, including the repair or reconstruction of faulty work and the replacement of materials not in accordance with the Development Manual and may charge the cost of taking such actions, together with an administrative fee equaling 20% of the cost of taking such actions, to the Owner who shall forthwith pay the same to Lakeshore upon demand. If the Owner shall fail to pay Lakeshore's costs and administrative fee within fifteen (15) days of demand, the Lakeshore shall be at liberty to recoup its costs and administrative

fee by realizing on the Performance Securities deposited by the Owner without the consent of the Owner. It is understood and agreed between parties hereto that entry upon the Subject Lands for the purposes of this section shall be as agent for the Owner and shall not be deemed, for any purposes whatsoever, as an acceptance or assumption of the Works by Lakeshore. The rights set forth herein are in addition to any other rights Lakeshore may have in pursuance of this Agreement at law or in equity.

#### **Time Limit for Completion**

- 11.9 If the Works are not completed within three (3) years from the date of execution of this agreement, Lakeshore may, at its option and on sixty (60) days notice to the Owner, declare this agreement null and void and of no further effect and construction of the Works may not proceed thereafter unless a new subdivision agreement is entered into by the parties. The refund of any fees, levies or other charges paid by the Owner pursuant to this agreement shall be at Lakeshore's sole discretion.

#### **Other Applicable Laws**

- 11.10 Nothing in this Agreement shall relieve the Owner from compliance with all applicable municipal by-laws, laws and/or regulations or laws and/or regulations established by any other governmental body that may have jurisdiction over the Subject Lands.

#### **Interpretation of Agreement**

- 11.11 (a) The part numbers and headings, subheadings and section, subsection, clause and paragraph numbers are inserted for convenience of reference only and shall not affect the construction or interpretation of this Agreement.
- (b) This Agreement shall be construed with all changes in number and gender as may be required by the context.
- (c) Every provision of this Agreement by which the Owner is obligated in any way shall be deemed to include the words "at the expense of the Owner" unless the context otherwise requires.
- (d) References herein to any statute or any provision thereof include such statute or provision thereof as amended, revised, re-enacted and/or consolidated from time to time and any successor statute thereto.
- (e) All obligations herein contained, although not expressed to be covenants, shall be deemed to be covenants.
- (f) Whenever a statement or provision in this Agreement is followed by words denoting inclusion or example and then a list of or reference to specific items, such list or reference shall not be read so as to limit the generality of that statement or provision, even if words such as "without limiting the generality of the foregoing" do not precede such list or reference.

- (g) The Parties agree that all covenants and conditions contained in this Agreement shall be severable, and that should any covenant or condition in the Agreement be declared invalid or unenforceable by a court of competent jurisdiction, the remaining covenants and conditions and the remainder of the Agreement shall remain valid and not terminate thereby.

### **Waiver**

- 11.12 Lakeshore's failure at any time to require the Owner's performance of any obligation under this Agreement shall in no way affect its right thereafter to enforce such obligation, nor shall Lakeshore's waiver of the performance of any obligation hereunder be taken or be held to be a waiver of the performance of the same or any other obligation hereunder at any later time. Lakeshore shall specifically retain its rights at law to enforce this Agreement.

### **Lakeshore as Agent of Owner**

- 11.13 Any work done by Lakeshore for or on behalf of the Owner or by reason of the Owner not having done the work in the first instance shall be deemed to be done as agent for the Owner and shall not, for any purpose whatsoever, be deemed as an acceptance or assumption of any works, services or facilities by Lakeshore.

### **Governing Law**

- 11.14 This Agreement shall be interpreted under and is governed by the laws of the Province of Ontario.

### **Successors & Assigns**

- 11.15 It is hereby agreed by and between the parties hereto that this Agreement shall be enforceable by and against the parties hereto, their heirs, executors, administrators, successors and assigns and that the Agreement and all the covenants by the Owner herein contained shall run with the Subject Lands.

### **Recitals**

- 11.16 The parties confirm that the recitals at the beginning of this Agreement are true in fact and are incorporated into this Agreement as though repeated herein.

### **List of Schedules**

- 12.1 The following schedules are attached hereto and form part of this Agreement:

SCHEDULE "A":	Subject Lands
SCHEDULE "B":	Plan of Subdivision
SCHEDULE "C":	Specific Requirements
SCHEDULE "D":	Phasing Plan
SCHEDULE "E":	Summary of Required Financial Payments, Guarantees and Insurance

SCHEDULE “F”:     Summary of Required Conveyances

**IN WITNESS WHEREOF** the Parties hereto have hereunto affixed their signatures or their corporate seals duly attested by the hands of their proper signing officers duly authorized in that behalf as the case may be.

**SIGNED, SEALED AND DELIVERED**

)  
)  
) **AMICO PROPERTIES INC.,**  
)  
) per:\_\_\_\_\_  
)  
) I have authority to bind the Corporation  
)  
)  
) **THE CORPORATION OF THE TOWN OF**  
) **LAKESHORE**  
)  
) per:\_\_\_\_\_  
) Tom Bain, Mayor  
)  
) per:\_\_\_\_\_  
) Kristen Newman, Director of Legislative and  
) Legal Service / Clerk  
) We have authority to bind the Corporation



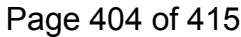
**SCHEDULE “A”**  
to a  
SUBDIVISION AGREEMENT dated August 11, 2020  
**B E T W E E N:**  
THE CORPORATION OF THE TOWN OF LAKESHORE  
-and-  
AMICO PROPERTIES INC.

**Subject Lands**

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PART LOT GORE OR BROKEN FRONT CONCESSION WEST OF RIVER PUCE  
MAIDSTONE, DESIGNATED AS PART 1, 12R27736; TOWN OF LAKESHORE  
  
BEING ALL OF PIN: 75004-0526

## Plan



**SCHEDULE “C”**  
to a  
SUBDIVISION AGREEMENT dated August 11, 2020  
B E T W E E N:  
THE CORPORATION OF THE TOWN OF LAKESHORE  
-and-  
AMICO PROPERTIES INC.

**Specific Requirements**

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**Storm Water Management**

- C.1 The Owner agrees to finalize, to the satisfaction of Lakeshore and the Essex Region Conservation Authority, the draft storm water management report entitled “Lakeside Estates Subdivision Phase 2 Stormwater Management Report Wallace Line Road and Old Tecumseh Road (Meconi Lands)” prepared by Development Engineering (London) Ltd. and to implement and/or install, to the satisfaction of Lakeshore and the Essex Region Conservation Authority, all stormwater management measures identified in the final report, as part of the development of the Subject Lands.

Without limiting the generality of the foregoing, the Owner shall be responsible for its enclosing the Reaume Drain abutting its lands as well as its assessed share of the necessary improvements to the Wallace Drain, which may include enclosure of the Wallace Line Drain between Old Tecumseh Road and Lake St.Clair, improvements to the outlet structure of the drain as well as upgrades to the Wallace Line Pump Station as identified in the aforementioned Lakeside Estates Subdivision Phase 2 Stormwater Management Report Wallace Line Road and Old Tecumseh Road (Meconi Lands). The Owner’s assessed share shall be determined by the Engineer’s Report produced pursuant to the requirements of the Drainage Act.

The Owner agrees to provide Lakeshore with a temporary drainage plan that will ensure, to Lakeshore’s satisfaction, that neither the Subject Lands nor the surrounding lands will be adversely affected by stormwater prior to the final stormwater management provisions being fully implemented.

**Phasing**

- C.2 The Development may be serviced in two phases as those are depicted in Schedule “D” to this Agreement. Phase 2A must include the enclosure of the Reaume Drain that borders on the Subject Lands. Phase 2B cannot proceed prior to the completion of the upgrades to the Wallace Line Drain identified in the aforementioned Lakeside Estates Subdivision Phase 2 Stormwater Management Report Wallace Line Road and Old Tecumseh Road (Meconi Lands).

## **Parkland**

- C.3 The Owner agrees to convey Block 72 on the Plan to Lakeshore, gratuitously and free of encumbrance, in partial fulfilment of parkland dedication requirements. In addition the Owner agrees to pay the sum of \$50,000 as cash-in-lieu for the balance of the parkland dedication requirements. Lakeshore agrees to accept the conveyance of Block 72 on the Plan together with the aforementioned payment of \$50,000 in full satisfaction of the parkland dedication requirements for the Development.

Prior to commencing any portion of the Works, the Owner shall prepare and submit, for Lakeshore's approval, a preliminary design for Block 72 showing appropriate fencing (in accordance with the Development Manual), equipment and landscaping. Prior to the first occupancy of any dwelling constructed on a lot in Phase 1 of the Development that fronts on the local road network, the Owner shall complete the fencing, grading and landscaping of Block 72 in accordance with the aforementioned preliminary design to Lakeshore's satisfaction.

The Owner further agrees to provide municipal services to Block 72 to Lakeshore's satisfaction.

## **Noise, Vibration and Other Railway Requirements**

- C.4 The Owner agrees to comply with the conclusions, recommendations and commitments contained: in the report entitled "Environmental Noise and Railway Vibration Opinion Letter, Lakeside Estates Phase 2, Town of Lakeshore" prepared by Valcoustics Canada Ltd. and dated June 12, 2018 to the satisfaction of VIA Rail Canada Inc. and Lakeshore.

The Owner agrees to insert a clause into all offers to purchase, agreements of purchase and sale or lease and in the title, deed or lease of each dwelling as follows:

"Warning: VIA Rail Canada Inc. or its assigns or successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such right-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). VIA will not be responsible for any complaints or claims arising from the use of such facilities and/or operations on, over or under the aforesaid right-of-way."

Block 73 on the Plan shall be conveyed to Lakeshore gratuitously and free of encumbrance to become part of Wallace Line Road as a railway visibility triangle. The Owner agrees to grade and seed or landscape Block 73 to Lakeshore's satisfaction.

### **Sidewalks**

- C.5 The Owner agrees to construct sidewalks in the Development in compliance with the criteria contained in the Development Manual and to the satisfaction of Lakeshore, the Greater Essex County District School Board and the Windsor Essex Catholic District School Board. The sidewalks shall be constructed at the time of completion of the underground services, including all utilities and road construction up to base asphalt. Lakeshore may require a delay in the schedule for the installation of sidewalks based upon the level of building activity and/or to allow for the consolidation of utility trenches as determined by Lakeshore's Manager of Engineering Services.

### **Subdivision Map**

- C.6 The Owner shall, to Lakeshore's satisfaction, post, on all road frontages, a subdivision map that is colored and drawn to show the lotting pattern of the Plan, proposed land uses and adjacent land uses, external and internal roadways, pedestrian walkways and sidewalks, and all prominent natural features. The said subdivision map shall include a legend and an arrow indicating the north direction.

### **Environmental Impact Assessment**

- C.7 The Owner agrees to implement and comply with the conclusions and recommendations contained in the report entitled "Lakeside II, 701 Old Tecumseh Road Scoped Environmental Impact Assessment" prepared by LGL Limited and dated October, 2018 to the satisfaction of Lakeshore and ERCA. Prior to final approval of any phase of the Development the Owner shall submit a post-construction report prepared by the appropriate qualified professional certifying the mitigation measures and recommendations of the aforementioned Scoped Environmental Impact Assessment, Permit and ESA permit have been implemented.

### **No Driveway Access to Wallace Line**

- C.8 The Owner agrees there will be no driveway access from any lot on the Plan to Wallace Line.

### **Fencing**

- C.9 The Owner agrees to erect fencing along the rear lot lines for lots 11 to 15 (both inclusive) and along the side lot line (along Wallace Line Road) for lot 4 on the Plan. All lot fencing shall be shown on a separate sheet as part of the required

engineering submission and shall be shown on such plan and erected in accordance with the Development Manual, and the Town of Lakeshore Fence By-law to Lakeshore's satisfaction.

### **County of Essex Requirements**

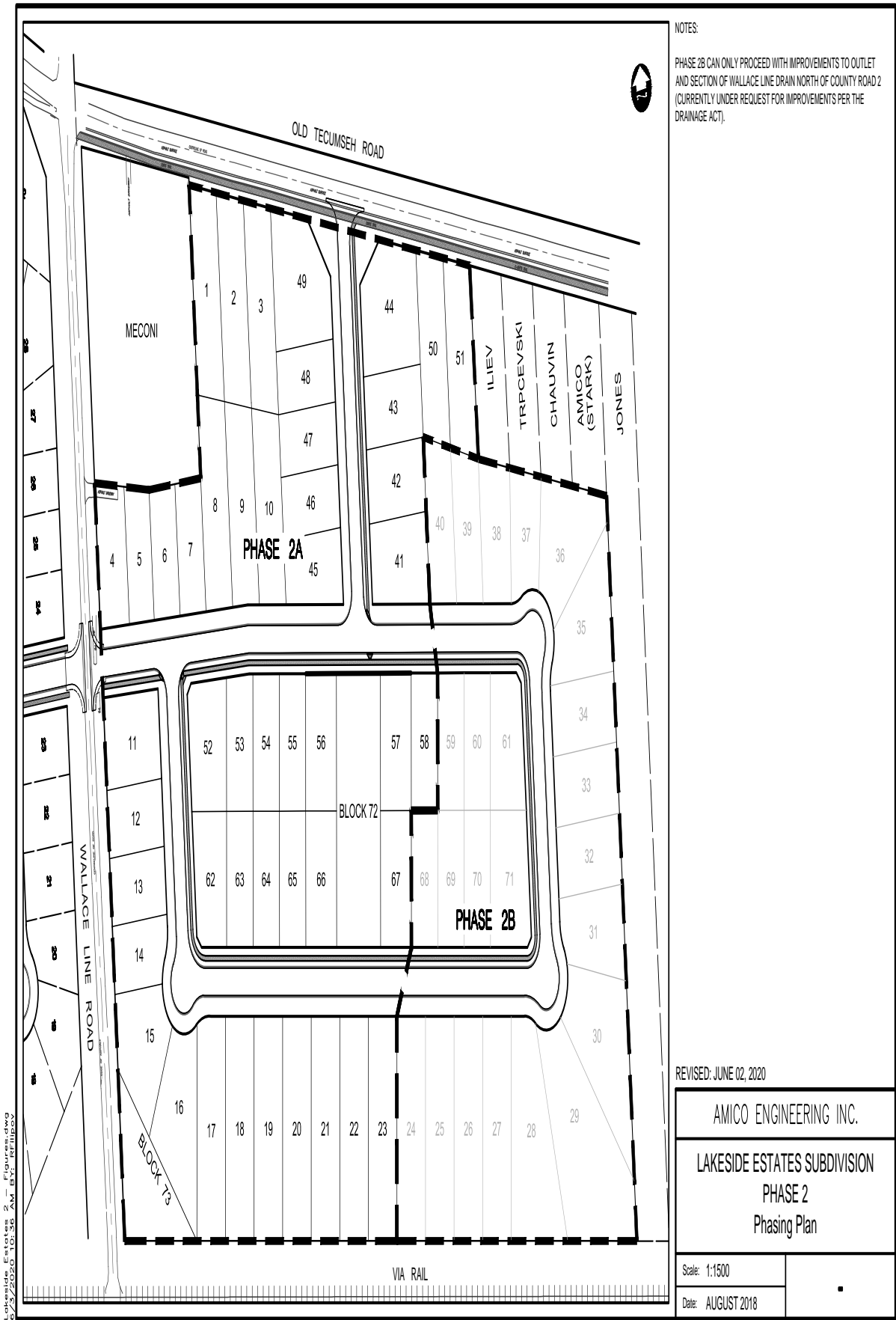
C.10 The Owner agrees to comply with the following conditions imposed by the County of Essex:

- a) Blocks 75 and 76 on the Plan shall be gratuitously conveyed free of encumbrance to the County of Essex as site triangles for County Rd. 2 (Old Tecumseh Rd.);
- b) Block 74 on the Plan shall be gratuitously conveyed free of encumbrance to the County of Essex for the widening of County Rd. 2 (Old Tecumseh Rd.);
- c) The Owner shall obtain all necessary permits for any changes to existing entrances and structures or for the construction of new entrances and structures to County Road 2 on Lots 1, 2, 3, 50 and 51 on the Plan.

SCHEDULE "D"

to a  
SUBDIVISION AGREEMENT dated August 11, 2020  
B E T W E E N:  
THE CORPORATION OF THE TOWN OF LAKESHORE  
-and-  
AMICO PROPERTIES INC.

PHASING PLAN



**SCHEDULE “E”**

to a  
SUBDIVISION AGREEMENT dated August 11, 2020  
B E T W E E N:  
THE CORPORATION OF THE TOWN OF LAKESHORE  
-and-  
AMICO PROPERTIES INC.

**Summary of Required Financial Payments, Guarantees and Insurance**

OBLIGATION	AMOUNT	METHOD*	DUE DATE
Performance Guarantee	50% of Value of Works (Servicing)	Letter of Credit / Subdivision Bond	Prior to Construction
Tax Arrears	Outstanding Tax Amount	Certified Cheque / Bank Draft	Execution of Agreement
Dirt and Debris Deposit	\$5,000	Certified Cheque / Bank Draft	Prior to Construction
Lakeshore's Costs Including Engineering, Planning, Legal Fees	As per Tariff of Fees By-law	Certified Cheque / Bank Draft	Due upon Demand
Tree Planting Cost	\$28,400.00	Certified Cheque / Bank Draft	Execution of Agreement
Cash-in-Lieu of Parkland	\$50,000.00	Certified Cheque / Bank Draft	Execution of Agreement
Maintenance Guarantee	25% of Value of Works	Letter of Credit / Subdivision Bond	Acceptance of Services by Lakeshore
Insurance	\$5,000,000	Certificate of Insurance	Prior to Construction

\* Note: Payment may also be made by non-certified cheque however obligation will not be considered satisfied until clearance of non-certified cheque by financial institution.



**SCHEDULE “F”**

to a  
SUBDIVISION AGREEMENT dated August 11, 2020  
B E T W E E N:  
THE CORPORATION OF THE TOWN OF LAKESHORE  
-and-  
AMICO PROPERTIES INC.

**Summary of Required Conveyances**

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Lands to be Conveyed to Lakeshore:

- Block 73 (railway triangle / part of road allowance Wallace Line); and
- Block 72 (park)

Land to be Conveyed to the County of Essex

- Block 75 and 76 (sight triangles).
- Block 74 (road allowance County Road 2);

**CORPORATION OF THE TOWN OF LAKESHORE  
BY-LAW 65 - 2020**

**BEING A BY-LAW FOR THE LITTLE CREEK DRAIN DYKES &  
MONGEON DRAIN AND PUMPING SCHEME IMPROVEMENTS  
IN THE TOWN OF LAKESHORE - IN THE COUNTY OF ESSEX.**

**WHEREAS**, the Council of the Town of Lakeshore in the County of Essex in accordance with the provisions of the Drainage Act, R.S.O. 1990 C.D. 17 deems it expedient that the following drain be repaired and improved in accordance with Section 78 of the said Act.

**LITTLE CREEK DRAIN DYKES &  
MONGEON DRAIN AND PUMPING SCHEME IMPROVEMENTS  
IN THE TOWN OF LAKESHORE - IN THE COUNTY OF ESSEX.**

**AND WHEREAS**, the estimate cost of repairing and improving the drainage works is \$155,241.00.

**THEREFORE** the Council of the Town of Lakeshore pursuant to the Drainage Act, 1990 enacts as follows:

1. The considered report dated June 12<sup>th</sup>, 2020 and attached hereto is hereby adopted and the drainage works as therein indicated and set forth is hereby authorized and shall be completed in accordance therewith.
2. The Corporation of the Town of Lakeshore may borrow on the credit of the Corporation the amount of \$155,241.00 being the amount necessary for construction of the drainage works.
3. The Corporation may issue debentures for the amount borrowed less the total amount of,
  - (a) Grants received under Section 85 of the Act;
  - (b) Commuted payments made in respect of the lands and roads assessed within the municipality;
  - (c) Monies paid under subsection 61 (3) of the Act, and;
  - (d) Monies assessed in and payable by another municipality.
4. Such debentures shall be made payable within five (5) years from the date of the debentures. If greater than \$10,000 and upon request for a ten (10) year debenture term, such debentures shall be made payable within a ten (10) year period from the date of the debentures. Debentures shall bear interest at a rate established at the date of issuance of such debentures.
5. A special equal annual rate sufficient to redeem the principal and interest on the debentures, shall be levied upon the lands and roads identified in the engineers report and will be collected in the same manner and at the same time as other taxes are collected in each year for five (5) and/or ten (10) years after the passing of this By-law.
6. All assessments of \$750.00 or less are payable in the year in which the assessment is imposed.
7. This By-law comes into force on the passing thereof and may be cited as Little Creek Drain Dykes & Mongeon Drain and Pumping Scheme Improvements

First Reading: August 11<sup>th</sup>, 2020  
Second Reading: August 11<sup>th</sup>, 2020  
Provisionally adopted this 11<sup>th</sup> day of August, 2020

\_\_\_\_\_  
Tom Bain,  
Mayor

\_\_\_\_\_  
Kristen Newman,  
Director of Legislative and Legal  
Services

Third Reading this                      day of                      , 2020.  
Enacted this                      day of                      , 2020.

\_\_\_\_\_  
Tom Bain,  
Mayor

\_\_\_\_\_  
Kristen Newman,  
Director of Legislative and Legal  
Services

**CORPORATION OF THE TOWN OF LAKESHORE  
BY-LAW 66 - 2020**

**BEING A BY-LAW FOR THE GAGNIER DRAIN  
(TREMBLAY ENCLOSURE REPLACEMENT)  
IN THE TOWN OF LAKESHORE - IN THE COUNTY OF ESSEX.**

**WHEREAS**, the Council of the Town of Lakeshore in the County of Essex in accordance with the provisions of the Drainage Act, R.S.O. 1990 C.D. 17 deems it expedient that the following drain be repaired and improved in accordance with Section 78 of the said Act.

**GAGNIER DRAIN  
(TREMBLAY ENCLOSURE REPLACEMENT)  
IN THE TOWN OF LAKESHORE - IN THE COUNTY OF ESSEX.**

**AND WHEREAS**, the estimate cost of repairing and improving the drainage works is \$63,900.00.

**THEREFORE** the Council of the Town of Lakeshore pursuant to the Drainage Act, 1990 enacts as follows:

1. The considered report dated June 16<sup>th</sup>, 2020 and attached hereto is hereby adopted and the drainage works as therein indicated and set forth is hereby authorized and shall be completed in accordance therewith.
2. The Corporation of the Town of Lakeshore may borrow on the credit of the Corporation the amount of \$63,900.00 being the amount necessary for construction of the drainage works.
3. The Corporation may issue debentures for the amount borrowed less the total amount of,
  - (a) Grants received under Section 85 of the Act;
  - (b) Commuted payments made in respect of the lands and roads assessed within the municipality;
  - (c) Monies paid under subsection 61 (3) of the Act, and;
  - (d) Monies assessed in and payable by another municipality.
4. Such debentures shall be made payable within five (5) years from the date of the debentures. If greater than \$10,000 and upon request for a ten (10) year debenture term, such debentures shall be made payable within a ten (10) year period from the date of the debentures. Debentures shall bear interest at a rate established at the date of issuance of such debentures.
5. A special equal annual rate sufficient to redeem the principal and interest on the debentures, shall be levied upon the lands and roads identified in the engineers report and will be collected in the same manner and at the same time as other taxes are collected in each year for five (5) and/or ten (10) years after the passing of this By-law.
6. All assessments of \$750.00 or less are payable in the year in which the assessment is imposed.
7. This By-law comes into force on the passing thereof and may be cited as Gagnier Drain (Tremblay Enclosure Replacement).

First Reading: August 11<sup>th</sup>, 2020  
Second Reading: August 11<sup>th</sup>, 2020  
Provisionally adopted this 11<sup>th</sup> day of August, 2020

\_\_\_\_\_  
Tom Bain,  
Mayor

\_\_\_\_\_  
Kristen Newman,  
Director of Legislative and Legal  
Services

Third Reading this                      day of                      , 2020.  
Enacted this                      day of                      , 2020.

\_\_\_\_\_  
Tom Bain,  
Mayor

\_\_\_\_\_  
Kristen Newman,  
Director of Legislative and Legal  
Services

**CORPORATION OF THE TOWN OF LAKESHORE  
BY-LAW 67 - 2020**

**BEING A BY-LAW FOR THE BRIDGE OVER THE ALEXANDER DRAIN  
IN THE TOWN OF LAKESHORE - IN THE COUNTY OF ESSEX.**

**WHEREAS**, the Council of the Town of Lakeshore in the County of Essex in accordance with the provisions of the Drainage Act, R.S.O. 1990 C.D. 17 deems it expedient that the following drain be repaired and improved in accordance with Section 78 of the said Act.

**BRIDGE OVER THE ALEXANDER DRAIN  
IN THE TOWN OF LAKESHORE - IN THE COUNTY OF ESSEX.**

**AND WHEREAS**, the estimate cost of repairing and improving the drainage works is \$110,458.00.

**THEREFORE** the Council of the Town of Lakeshore pursuant to the Drainage Act, 1990 enacts as follows:

1. The considered report dated April 22<sup>nd</sup>, 2020 and attached hereto is hereby adopted and the drainage works as therein indicated and set forth is hereby authorized and shall be completed in accordance therewith.
2. The Corporation of the Town of Lakeshore may borrow on the credit of the Corporation the amount of \$110,458.00 being the amount necessary for construction of the drainage works.
3. The Corporation may issue debentures for the amount borrowed less the total amount of,
  - (a) Grants received under Section 85 of the Act;
  - (b) Commuted payments made in respect of the lands and roads assessed within the municipality;
  - (c) Monies paid under subsection 61 (3) of the Act, and;
  - (d) Monies assessed in and payable by another municipality.
4. Such debentures shall be made payable within five (5) years from the date of the debentures. If greater than \$10,000 and upon request for a ten (10) year debenture term, such debentures shall be made payable within a ten (10) year period from the date of the debentures. Debentures shall bear interest at a rate established at the date of issuance of such debentures.
5. A special equal annual rate sufficient to redeem the principal and interest on the debentures, shall be levied upon the lands and roads identified in the engineers report and will be collected in the same manner and at the same time as other taxes are collected in each year for five (5) and/or ten (10) years after the passing of this By-law.
6. All assessments of \$750.00 or less are payable in the year in which the assessment is imposed.
7. This By-law comes into force on the passing thereof and may be cited as Bridge over the Alexander Drain.

First Reading: August 11<sup>th</sup>, 2020  
Second Reading: August 11<sup>th</sup>, 2020  
Provisionally adopted this 11<sup>th</sup> day of August, 2020

<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> <div>Tom Bain, Mayor</div>	<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> <div>Kristen Newman, Director of Legislative and Legal Services</div>
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Third Reading this	day of	, 2020.
Enacted this	day of	, 2020.

<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> <div>Tom Bain, Mayor</div>	<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> <div>Kristen Newman, Director of Legislative and Legal Services</div>
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**The Corporation of the Town of Lakeshore**

**By-law 68-2020**

**Being a By-law to Confirm the Proceedings of the  
Council of The Corporation of the Town of Lakeshore.**

**Whereas**, in accordance with the *Municipal Act 2001*, S.O. 2001, c. 25, municipalities are given powers and duties in accordance with this Act and many other Acts for purposes which include providing the services and other things that a municipality considers are necessary or desirable for the municipality;

**And Whereas**, in accordance with said Act, the powers of a Municipal Corporation shall be exercised by its Council;

**And Whereas**, municipal powers, including a municipality's capacity, rights, powers and privileges shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

**And Whereas** it is deemed expedient that the proceedings of the Council of The Corporation of the Town of Lakeshore at this session be confirmed and adopted by By-law.

**Now therefore the Council of The Corporation of the Town of Lakeshore enacts as follows:**

1. The actions of the Council of The Corporation of the Town of Lakeshore in respect of all recommendations in reports of Committees, all motions and resolutions and all other action passed and taken by the Council of The Corporation of the Town of Lakeshore, documents and transactions entered into during the July 28<sup>th</sup> 2020 sessions of Council be adopted and confirmed as if the same were expressly embodied in this By-law.
2. The Mayor or the Deputy Mayor together with the Clerk are authorized and directed to execute all documents necessary to the action taken by this Council as described in paragraph 1 of this By-law and to affix the Corporate Seal of The Corporation of the Town of Lakeshore to all documents referred to in said paragraph 1 above.

**Read and passed in an open session on August 11, 2020.**

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**Mayor  
Tom Bain**

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**Kristen Newman  
Clerk**

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