

Municipality of Lakeshore

Regular Council Meeting Agenda



Tuesday, June 8, 2021, 6:00 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. Public Meetings under the Planning Act
6. Public Presentations
7. Delegations
 1. WSP - County Road 22 Corridor Alternatives and Strategies Study 5
 1. County Road 22 Corridor Alternatives and Strategies Study 26
 - Recommendation:**
Receive the report for information.
8. Completion of Unfinished Business
9. Consent Agenda
 - Recommendation:**
Approve minutes of the previous meeting(s) and receive correspondence as listed on the Consent Agenda.
 1. May 25, 2021 Regular Council Meeting Minutes 30
 2. Town of Essex - Support for Two Board Model for the Essex County OPP Detachment Board 40
 3. Town of Fort Erie - Capital Gains Tax 41

4.	Township of West Lincoln - Request for Review of Cannabis Licensing and Enforcement	43
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10. Reports for Information

Recommendation:

Receive the Reports for Information as listed on the agenda.

1.	Committee of Adjustment Meeting Minutes – May 19, 2021	45
2.	Community Services Advisory Committee – Draft Minutes April 15 2021	75
3.	Youth Advisory Committee – Draft Minutes May 6 2021	82
4.	Windsor-Essex Provincial Offences Annual Report- 2020	86

11. Reports for Direction

1.	Lakeshore Road 241 Watermain Extension by Petition	111
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Recommendation:

Support and approve the Lakeshore Road 241 watermain petition to extend a 50 mm watermain from Countryview Lane to municipal address 0 Lakeshore Road 241 in accordance with the Watermain Extension by Petition Policy #EN-397, as presented at the June 8, 2021 Council meeting.

2.	Community Christmas Lights	114
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Recommendation:

Approve a one-time purchase of Christmas lights, supply only, for the main streets of Woodslee, St. Joachim, Stoney Point, Comber and Lighthouse Cove, not to exceed \$57,600.00 including HST to be funded from the Community Benefit Reserve Fund; and

Approve a base budget of \$5,000 for the annual cost to install and operate the Christmas lights to be funded from the Community Benefit Reserve Fund, as presented at the June 8, 2021 Council meeting.

3. Tender Award – River Ridge Park

117

Recommendation:

Approve the total tender amount of \$3,320,734.08 (including non-recoverable HST) and award the River Ridge Park construction tender to Sterling Ridge General Contracting Inc. subject to further negotiations with the successful proponent for up to a 10% contract reduction; and

Authorize up to an additional \$1,103,482.83 to be funded from the 2021 Federal Gas Tax top up allocation; and

Authorize the Mayor and Clerk to execute an agreement with Sterling Ridge General Contracting Ltd., as presented at the June 8, 2021 Council meeting.

12. Announcements by Mayor

13. Reports from County Council Representatives

14. Report from Closed Session

15. Notices of Motion

1. Notice of Motion submitted by Councillor McKinlay regarding a Campground Licensing By-law

121

Recommendation:

Direct Administration to develop a Campground Licensing By-law based on best practices in Ontario.

16. Question Period

17. Non-Agenda Business

18. Consideration of By-laws

Recommendation:

By-law 50-2021 be read and passed in open session on June 8, 2021.

1. By-law 50-2021, By-law Confirming Proceedings of Council for May 25th, 2021

122

19. Closed Session

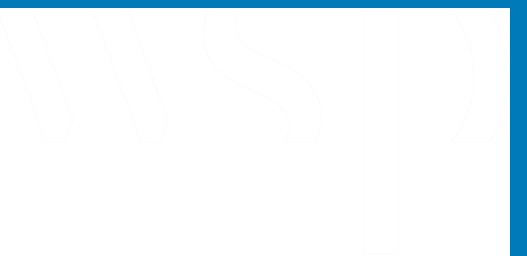
20. Adjournment

Recommendation:

Council adjourn its meeting at ____ PM.

COUNTY ROAD 22 CORRIDOR ALTERNATIVES AND STRATEGIES STUDY

Municipality of Lakeshore Council Meeting| June 8th, 2021



Project Overview

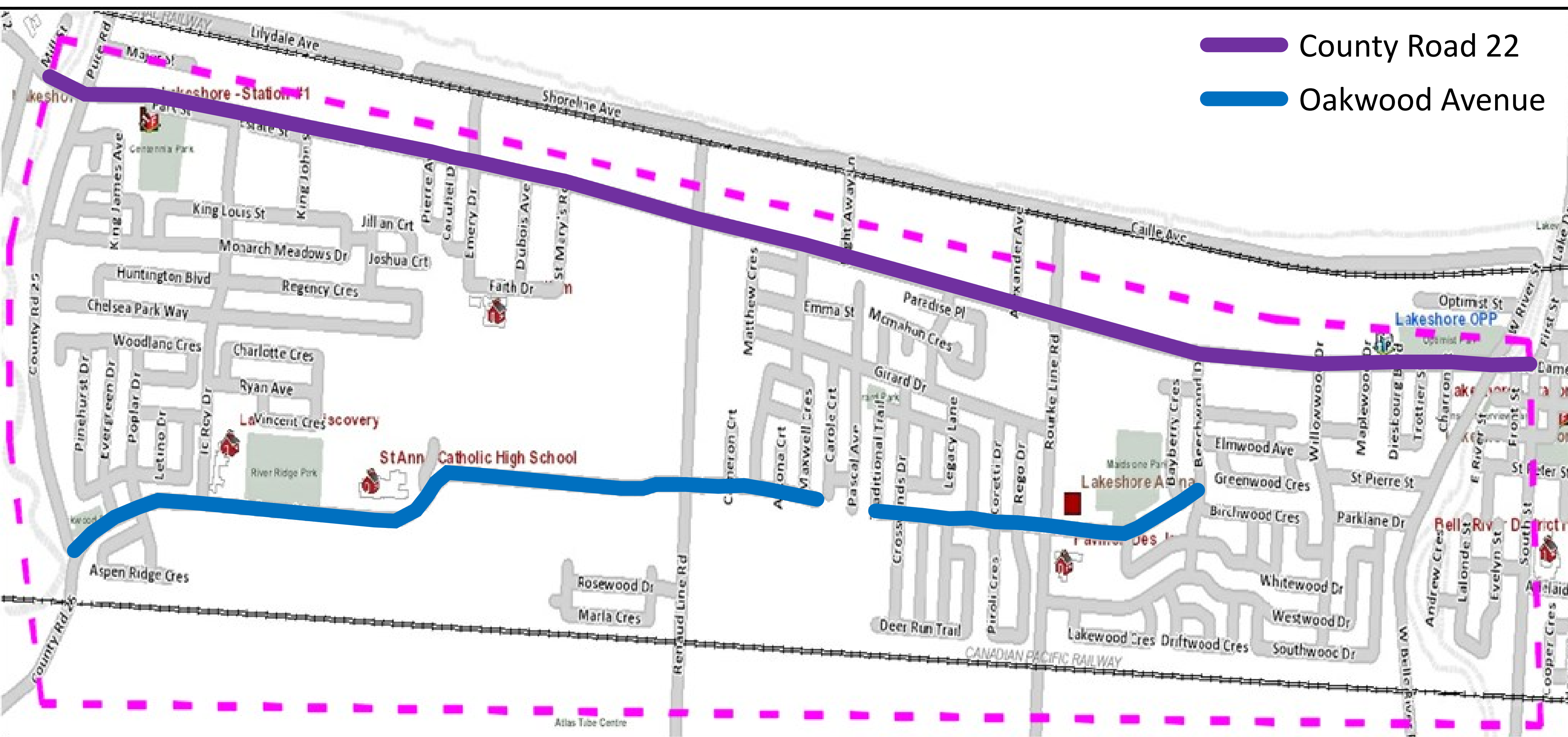
The project is a corridor planning study to define and evaluate options meeting the needs of current and future users on County Road 22 from East Puce Road to Belle River Road (approx. 5.8km). The CR 22 is a strictly controlled corridor with a combination of rural and urban road characteristics and functions as is a **regional arterial**.

This corridor study aims to develop an alternative that best builds upon previously County adopted plans, such as the **Environmental Study Report (2006 Class EA)**, and the **County Wide Active Transportation System (CWATS) Master Plan (2012)**.

The Municipality of Lakeshore identified this portion of CR 22 as a 'Special Planning Area' and adopted a Corridor Transformational Strategy Special Planning Area Design Guidelines (2012).

The study also includes a review of the internal local road network to determine options 'off the corridor' that could improve the conditions on County Road 22.

Study Area



- Oakwood Avenue is a collector road that is not currently considered fully functional at its desired level of service and classification.

- There are a number of collector and local streets which intersect CR 22 and provide access to northerly and southerly properties.
- Many commercial and residential properties that are situated along CR 22 have private frontage.

Approach & Methodology



Purpose & Need for CR 22

- County Road 22 faces similar challenges as other urban arterial road corridors which accommodate a diverse range of commercial and business uses which have historically existed and evolved over time.
- The County of Essex and the Municipality of Lakeshore identified a need to review the corridor to respond to the opportunity to improve roadway safety and capacity concerns with a **vision of an “Urban Avenue”** through an alternative solutions and strategy study.

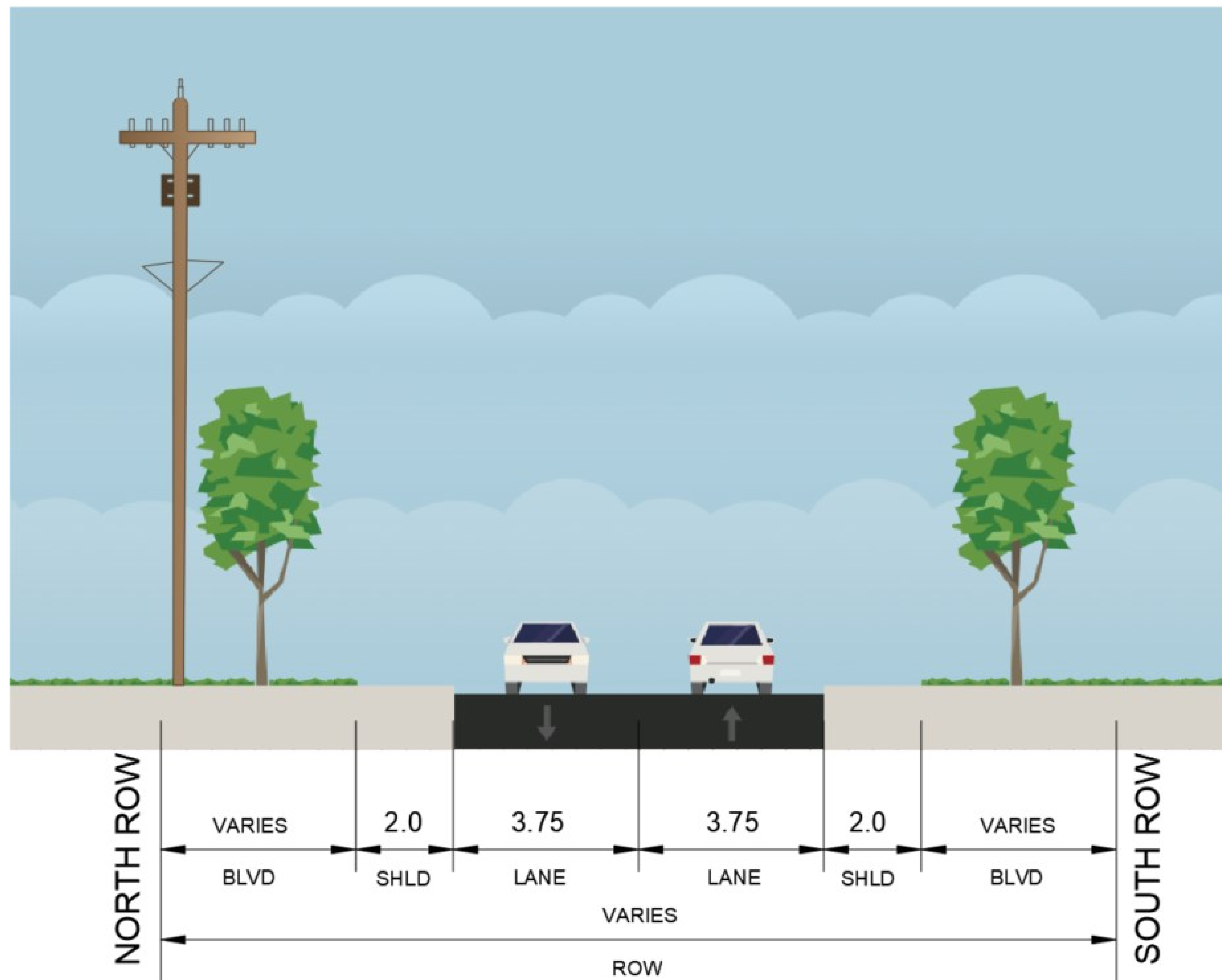
Guiding Principles

- Establish guidelines for safe, convenient and comfortable movement of goods and people including access management.
- Utilize the adjacent local roads to maintain an acceptable level of service.
- Provide an integrated and adaptable framework for operational (road) and urban design (boulevard) components.
- Enhance, promote and integrate sustainable and active transportation.

Identifying Alternatives

- The assessment of alternatives included reviewing a comprehensive set of factors/criteria including, multimodal transportation and transit (geometrics, traffic operations, etc.), accessibility (AODA), accesses, property requirements, technical aspects and construction complexity, and implementation considerations.

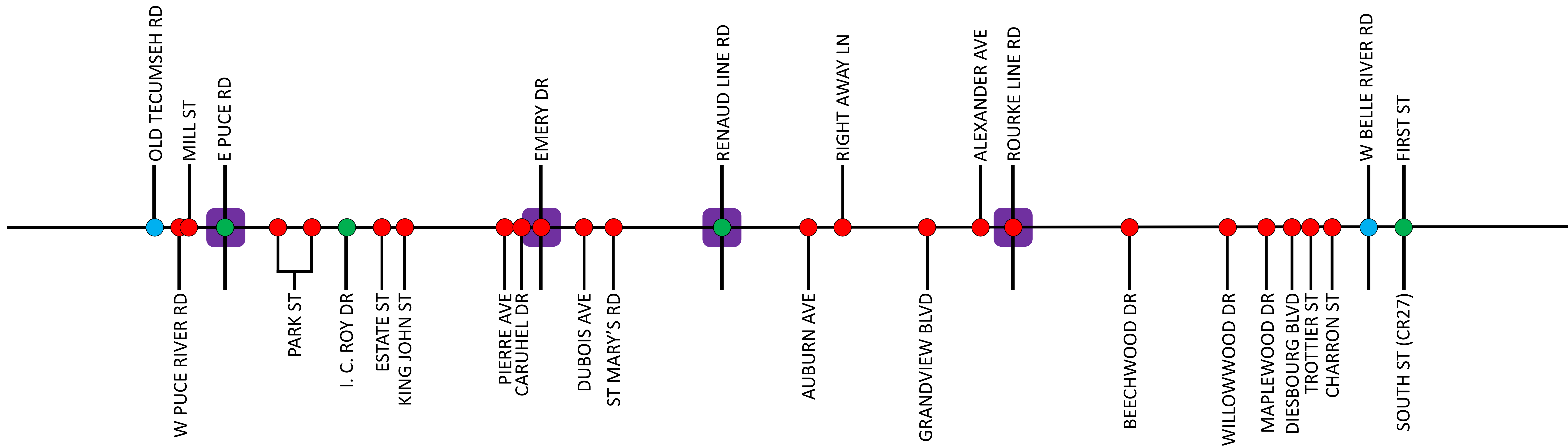
Existing CR 22 cross-section – I.C. Roy to Belle River Road



Desired Intersection Improvements

- The corridor transformation guidelines establish four Secondary Intersections at major north-south connections with County Road 22.
 - Puce Road (County Road 25);
 - Emery Drive;
 - Renaud Line Road; and
 - Rourke Line Road.
- The EA identifies three of the four (exception is Emery Drive). The need for signalization of Rourke Line Road and Renaud Line Road are development driven and rely on the build-out of the local road network.
- A request to signalize CR 22 at Emery Drive was reviewed as part of this study.

CR 22 Corridor – Existing Conditions



Intersection Control Type:

● Roundabout (2)

● Signal Control (4)

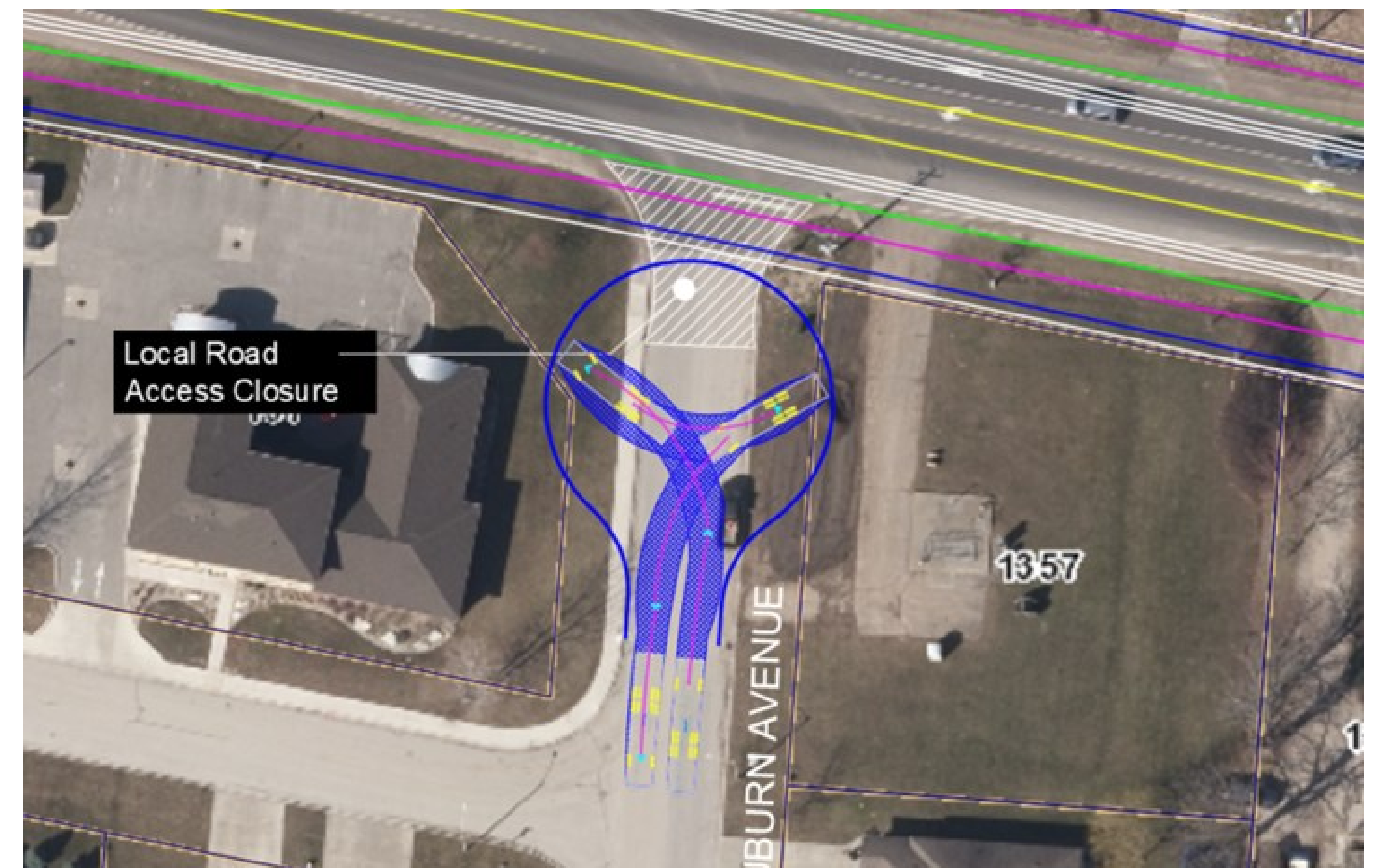
● Stop Control (22)

Approximately 250 Driveways

■ Major north-south connection points

Access Management

- County Road 22 is a controlled access highway in accordance with the County's access By-Law 64-2012.
- The Municipality's strategy supports this policy and further states that vehicular access points should be limited and consolidated where possible to minimize conflicts with pedestrians and promote a continuous streetscape.



Sample proposed cul-de-sac at Auburn Avenue with a garbage truck making a three-point turn

Active Transportation

- Opportunities to make County Road 22 more inviting for pedestrians and cyclists have been considered.
- Opportunities to improve connectivity between adjacent residential neighbourhoods and the Corridor should be promoted, through trails, pathways and sidewalks.
- CR 22 currently has a planned Multi-Use Pathway on the south side and a sidewalk on the north side.
- Local active transportation infrastructure that connects to CR 22 includes:
 - Bike Lanes – I. C. Roy Dr
 - Paved Shoulder – E Puce Rd
 - In-boulevard Pathway – Renaud Line Rd, Rourke Line Rd
 - Signed Route – South St (CR 27)

Drainage

Existing Drainage

System

- Consists of ditches and 15+ municipal drains / storm sewer systems

Issues

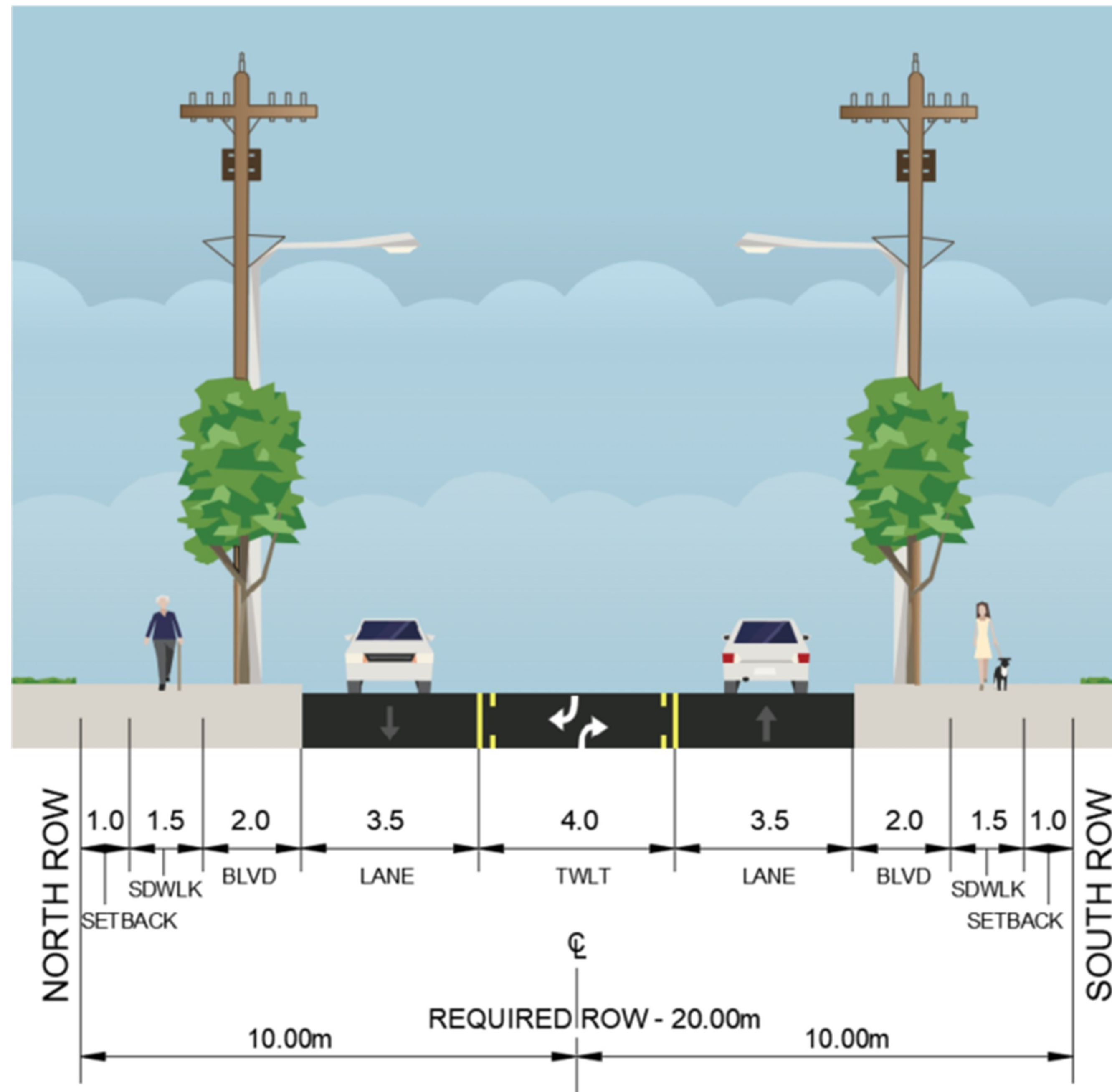
- Existing flooding
- Widening of roadway and addition / expansion of active transportation facilities will require a drainage solution to address increased flows

Next Steps

- Drainage system improvements to be developed during the Detailed Design Stage



Alternative #1: Build the Planned Solution



- The **preferred design concept** identified in the 2006 Class EA featured a cross-section that would fit within the existing right-of-way (ROW), with **no additional property acquisition** anticipated for the study area from I.C. Roy Dr. to West Belle River Rd.
- **PROS** – Maintains an appropriate LOS, accommodates pedestrians, no land impact.
- **CONS** – does not accommodate cyclists, transit or improved LOS capacity.

Note: Location of hydro poles, trees and street lighting to be determined in detailed design stage

What we have heard to date?

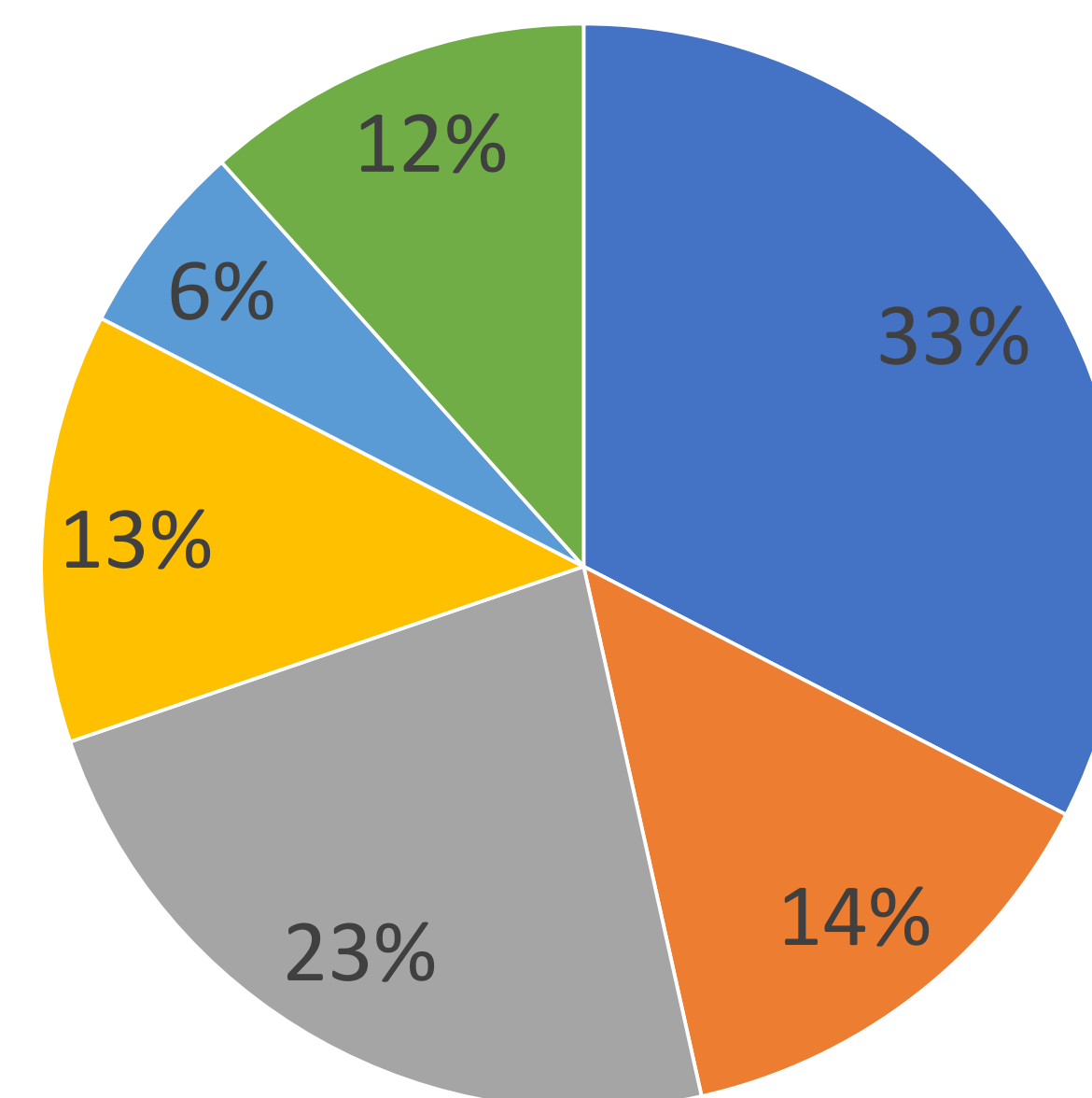
514 responses received..

Through an online survey that was hosted from December 2020 to January 2021

The most important improvements identified by respondents include:

- Improve roadway capacity, traffic operations and mobility.
- Strong support for access management along the corridor including closure of several side roads.
 - This should improve efficiency and increase safety along County Road 22.
- Improvements to pedestrians, cycling and active transportation infrastructure.

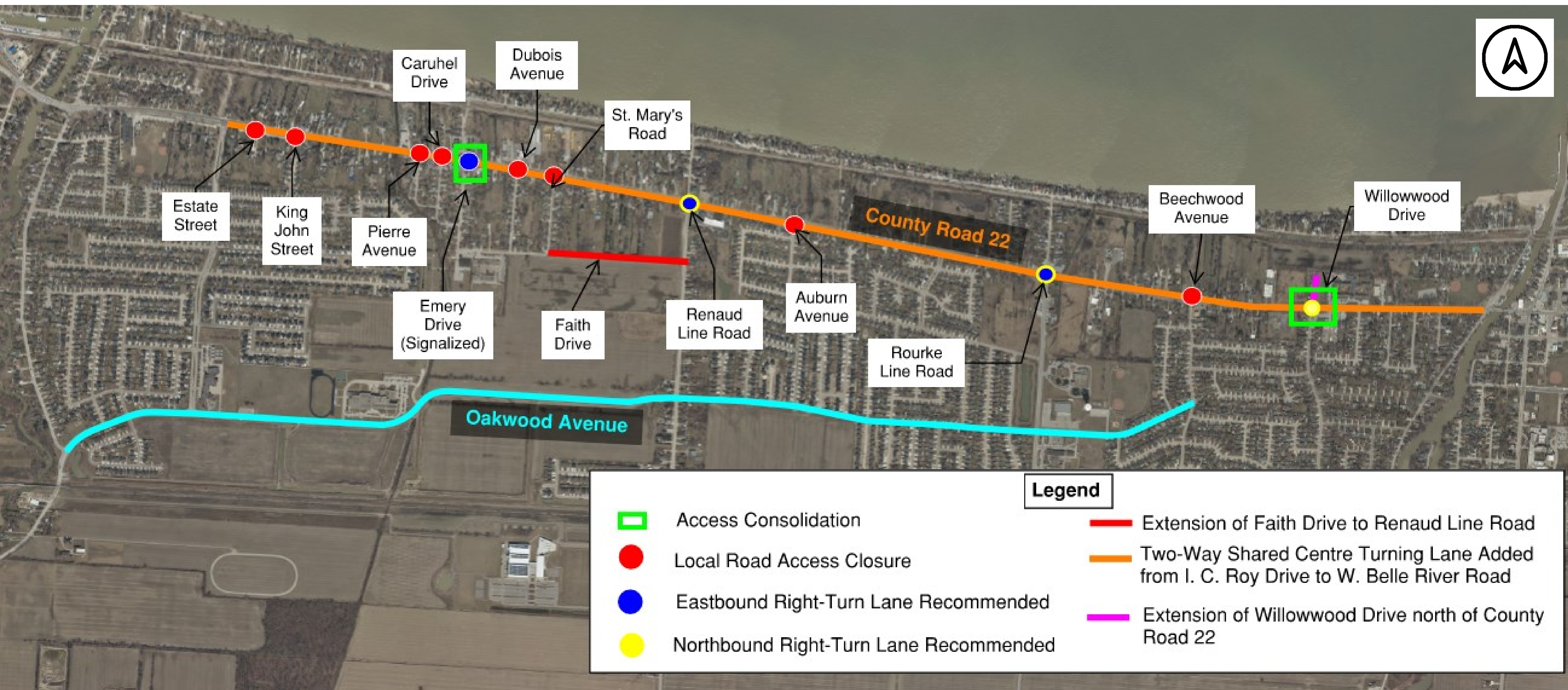
➡ Generally consistent with the outcomes of the Environmental Study Report (2006), however active transportation has increased



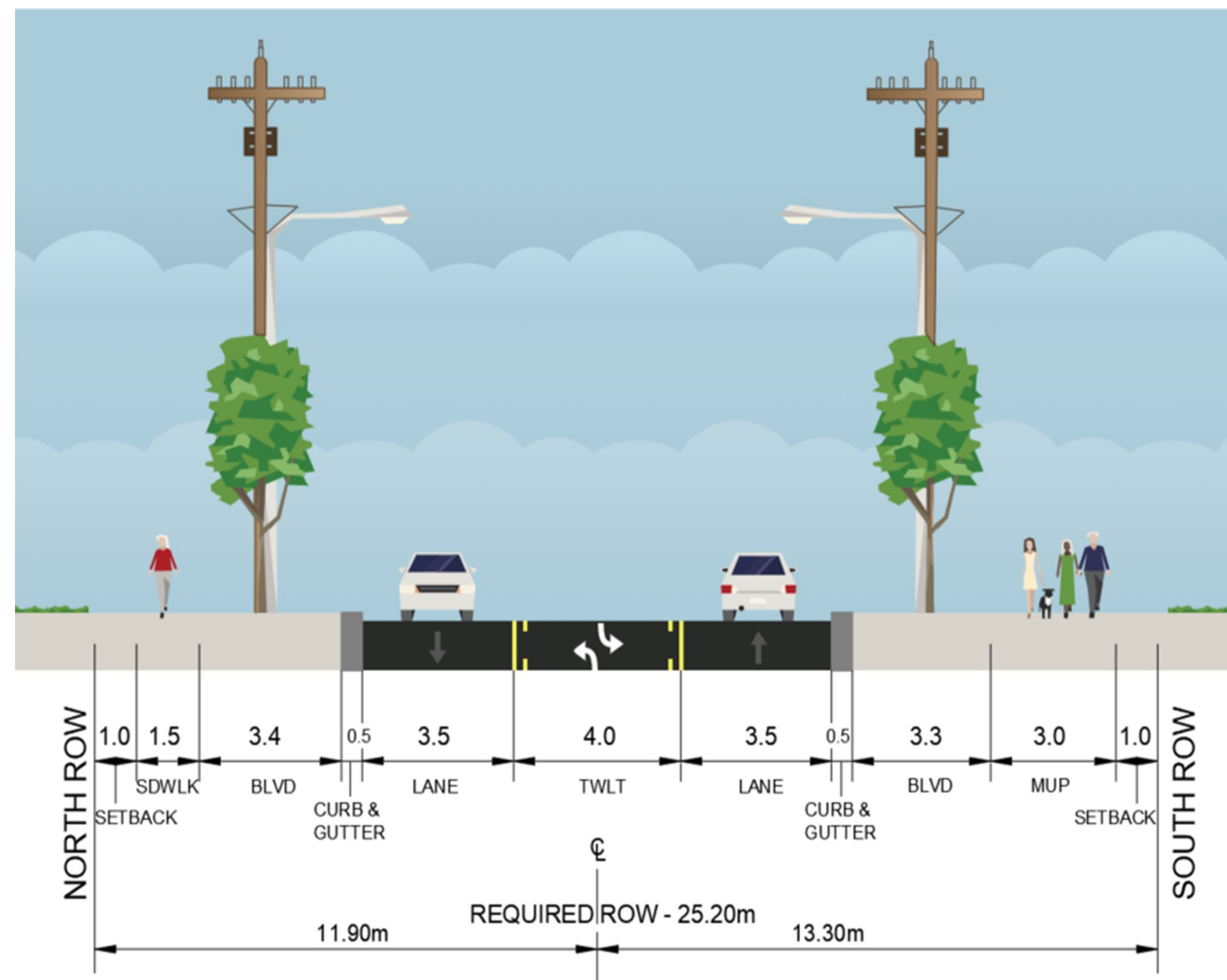
Public's priorities for CR 22:

- Roadway capacity, traffic operations & mobility
- Roadway safety
- Active Transportation
- Streetscaping
- Built form
- Mixed-use corridor supportive of future transit

Alternative #2: Planned Solution **plus** Intersection Improvements and Access Management



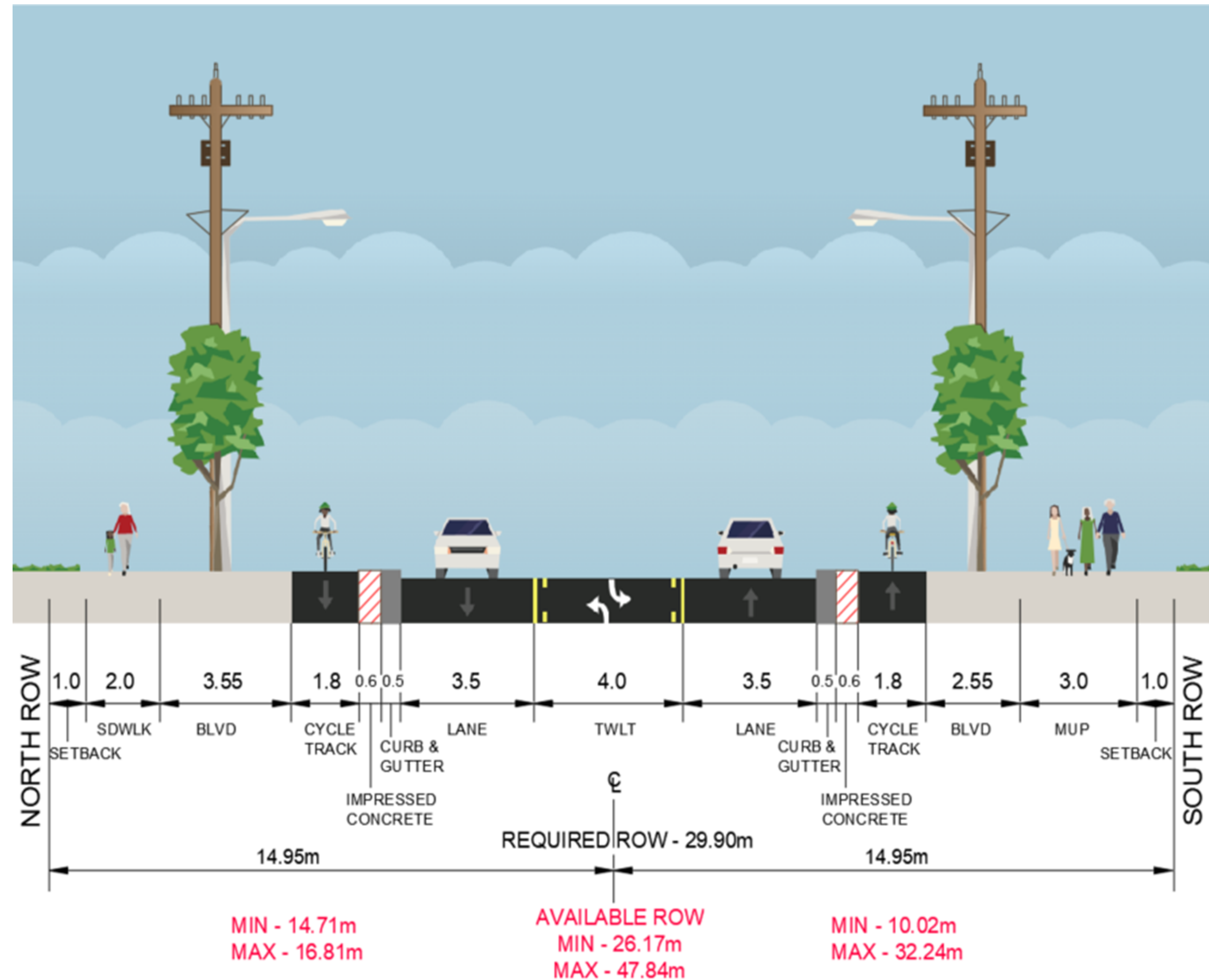
Alternative #2A: Planned Solution **plus** Intersection Improvements and Access Management



- The **preferred design concept** identified in CWATS (2012) upgraded the sidewalk on the south to a Multi Use Trail.
- **PROS** – Maintains an appropriate LOS, accommodates pedestrians, minimal land impact, wide boulevards to accommodate streetscaping.
- **CONS** – does not accommodate cyclists or improve LOS capacity.

Note: Location of hydro poles, trees and street lighting to be determined in detailed design stage

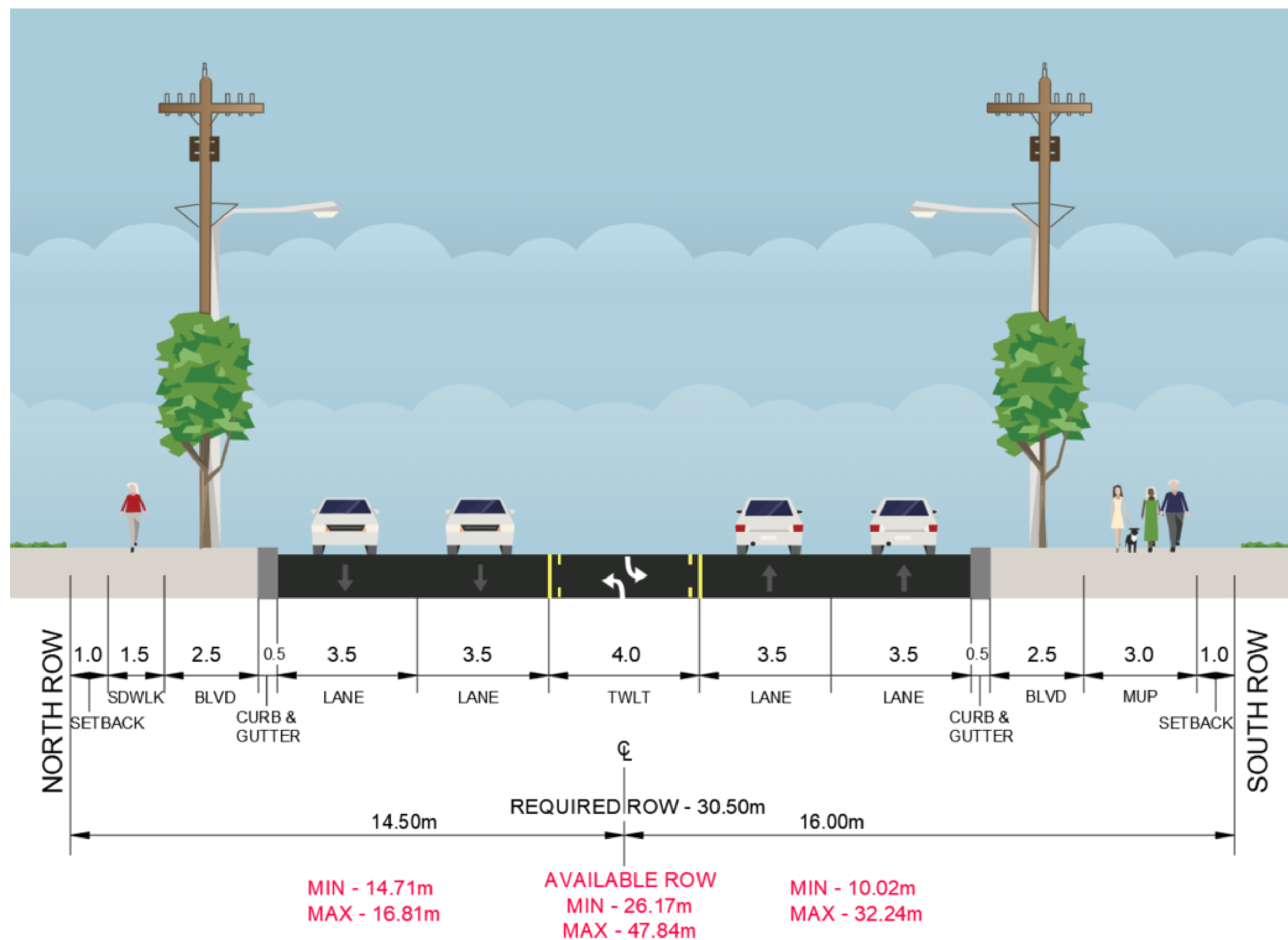
Alternative #2B: ROW Widening Cycling Enhancement Option



- **PROS** – Maintains an appropriate LOS, accommodates pedestrians & cyclists, wide boulevards to accommodate streetscaping.
- **CONS** – does not improve LOS, *some* land impact.

Note: Location of hydro poles, trees and street lighting to be determined in detailed design stage

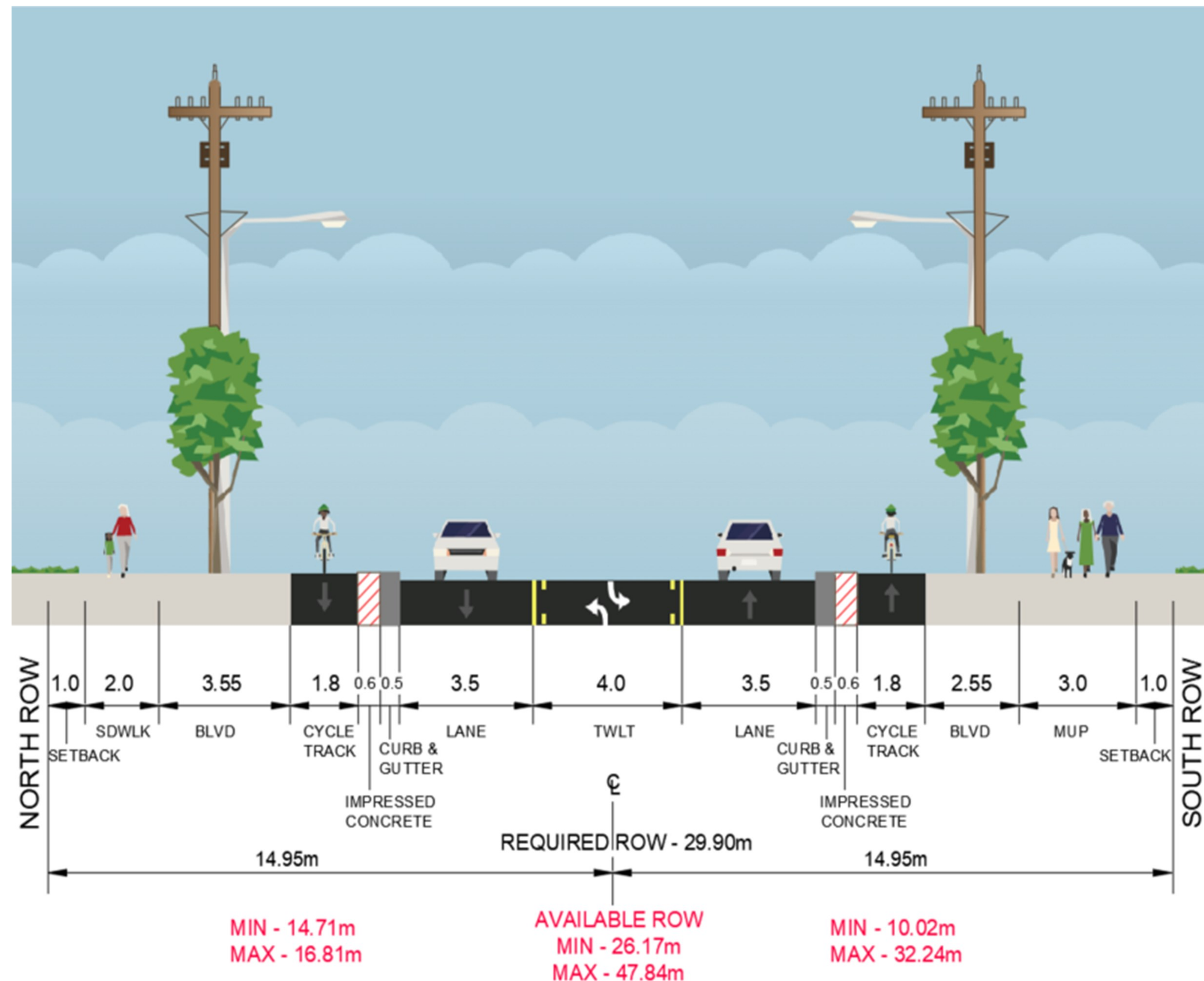
Alternative #3: ROW Widening LOS Enhancement Option



- **PROS** – Improves capacity and LOS, accommodates pedestrians, wide boulevards to accommodate streetscaping.
- **CONS** – does not accommodate cyclists, reduced safety (e.g. higher speeds, potential for side-swipe incidents, additional lanes to cross), **large** land impact.

Note: Location of hydro poles, trees and street lighting to be determined in detailed design stage

PREFERRED Alternative #2B: ROW Widening Cycling Enhancement Option



Note: Location of hydro poles, trees and street lighting to be determined in detailed design stage

Next Steps

Please provide your comments to the Study Team using one of the following methods:

- Completing an online comment form:
<https://www.placespeak.com/en/topic/6454-county-road-22-design-alternatives-strategies-study/#/overview>
- Sending your input to a member of the study team (see below)

Comments will be collected during a 30-day period ending July 18, 2021

Following the **30-day period**, we will review the input and refine the preferred design solution.

Jerry Behl

Manager, Transportation Planning &
Development

County of Essex

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Krystal Kalbol

Director of Engineering and Infrastructure
Services

Municipality of Lakeshore

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David Lukezic

Project Manager

WSP

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Municipality of Lakeshore - Report to Council

Engineering & Infrastructure Services

Engineering Services



To: Mayor & Members of Council

From: Krystal Kalbol, Director of Engineering and Infrastructure Services

Date: May 30, 2021

Subject: County Road 22 Corridor Alternatives and Strategies Study

Recommendation

This report is for information only.

Background

In 2006, the County of Essex completed an Environmental Assessment on County Road 22 which included the section of County Road 22 from County Road 25/East Puce Road to West Belle River Road.

In 2012, the Municipality of Lakeshore completed a Corridor Transformation Strategy, County Road 22 Special Planning Area Design Guidelines for this section of roadway.

Due to the existing condition of the roadway and significant growth (proposed land use and development projects), operations along County Road 22 (from County Road 25/East Puce Road to West Belle River Road) are expected to deteriorate and continue to raise operational and safety concerns for all road users.

Based on the competing interest of the corridor and the concerns noted above related to operational deficiencies and concerns, the County Road 22 Corridor Study was initiated by the County of Essex in March 2019. This study was conducted in partnership with the Municipality of Lakeshore.

WSP was retained as the consultant to assess the needs of the corridor.

This corridor study provided an opportunity to develop an alternative that will accommodate future growth, improve the operations and safety of the road, accommodate all road users including vehicles, cyclists and pedestrians, improve drainage, reduce the number of accesses, improve the streetscape and establish a long-term plan to guide the development of the County Road 22 corridor from County Road 25/East Puce Road to Belle River Road (approximately 5.8 km).

Comments

Country Road 22 is a County of Essex road and acts as an important inter-regional transportation corridor within the Municipality of Lakeshore. This corridor links major urban areas, including the communities of Belle River, Emeryville, Puce and Maidstone, and consists of Lakeshore's major commercial and employment areas with respect to upcoming growth.

As noted in the Corridor Transformation Strategy, "County Road 22 faces similar challenges as other urban arterial road corridors in Ontario, which accommodate a diverse range of commercial and business use which have historically existed and evolved over time, including automotive dealers, industrial malls, commercial strip plazas, expansive parking areas and older residential dwellings on large lots".

The Municipality identified this corridor as a Special Planning Area and developed strategies to transform/develop the corridor, over time, into an Urban Avenue.

Today, a majority of the corridor is dedicated to vehicular needs. While maintaining mobility remains a regional priority, efforts to improve multi-modal transportation and realize streetscape elements within the right-of-way were assessed to create an attractive, consistent and unifying public realm.

While traditional road design focuses on the transportation characteristics of the street, this study is more policy based and looks to 'maintain' transportation function over the next 20+ years but also considered alternatives based on an understanding that roads play both a transportation (Environmental Assessment) as well as a placemaking (Corridor Transformation Strategy) function.

Through the County Road 22 Corridor Study, the County and the Municipality took a more balanced approach to corridor planning in the study area.

This is the first step in revitalizing the street to align with Lakeshore's Corridor Transformation Strategy, and in turn with Lakeshore's vision.

While the corridor study was underway, WSP conducted an online survey to assist with the direction of the study from the public. This survey was conducted from December 21, 2020 until January 15, 2021.

Social media posts, including Facebook, a media release, signs on County Road 22, website posting, PlaceSpeak and the County of Essex also created a webpage with a downloadable survey as well as other online surveys. All comments that were received, in any format, were provided to the consultant to review. Due to COVID-19 regulations, we were unable to provide opportunities for in-person discussion.

1,965 people viewed the survey and 444 people completed it. In addition, 45 people conducted discussion through the online survey.

WSP has completed a review of the existing conditions of the corridor, modeled existing and future conditions, considered the public feedback to date and developed a preferred alternative that takes into consideration both the mobility and character of the road.

The selection of the preferred alternative was based on guiding principles including safety and accessibility, sustainability, as well as a realistic, cost effective and balanced approach and looked at a way to develop a 'complete corridor' which accommodates the needs of pedestrians, transit users, cyclists, trail users as well as vehicular traffic.

WSP is here to present the study findings and the preferred corridor alternative as per the attached presentation.

The next steps for this project include:

1. Presentation to Municipality of Lakeshore Council (June 8th) on the project status
2. Presentation to County Council (June 16th) on the project status
3. Hosting the PIC – June 17th commencing at 6:30 pm
4. Review of comments from PIC – 45 days
5. Finalize concepts and develop a preferred alternative
6. Submission of final report

This information will be presented to the public via a Public Information Center forum on June 17th, 2021 at 6:30 pm.

The Pubic Information Centre will be hosted virtually. Notification of the event will occur primarily through online resources such as the County and Lakeshore websites and social media pages.

The final report is expected to be received in late fall 2021.

Others Consulted

The County of Essex and WSP were consulted.

Financial Impacts

Funding was included in the 2019 Engineering Services budget to complete the County Road 22 Corridor Study. This study is cost shared 50/50 with the County of Essex.

Report Approval Details

Document Title:	County Road 22 Corridor Alternatives and Strategies Study.docx
Attachments:	
Final Approval Date:	Jun 3, 2021

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

Rosanna Pellerito

Kristen Newman

Truper McBride

Municipality of Lakeshore

Minutes of the Regular Council Meeting

Tuesday, May 25, 2021, 6:00 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 Community & Development Services Tammie Ryall, Director of Engineering & Infrastructure Services Krystal Kalbol, Director of Finance Rosanna Pellerito, Director of Legislative & Legal Services Kristen Newman, Manager of Information Technology Pat Girard, Manager of Legislative Services Brianna Coughlin, Manager of Operations Jeff Wilson, Manager of Recreation & Leisure Frank Jeney, Drainage Superintendent Jill Fiorito, Economic Development Officer Ryan Donally, Interim Manager of Planning Aaron Hair

1. Call to Order

Mayor Bain called the meeting to order at 6:02 PM in Council Chambers. All other members of Council participated in the meeting through video conferencing technology from remote locations.

2. Moment of Reflection

4. Recognitions

5. Public Meetings under the *Planning Act*

1. Public Meeting for Tracey Estates Subdivision Phase 2, Comber

Mayor Bain opened the public meeting at 6:03 PM.

The Planner provided a PowerPoint presentation as overview of the application.

Applicant, Raymond Tracey, and consultant, Matthew Baird, were present electronically and spoke in favour of the application.

The public meeting concluded at 6:11 PM.

171-05-2021

Moved By Councillor McKinlay

Seconded By Councillor Walstedt

Direct Administration to notify the County of Essex that the Municipality of Lakeshore supports the draft plan approval for the Tracey Estates Subdivision Phase 2 as described in the report "Public Meeting for Tracey Estates Subdivision Phase 2, Comber" from the Interim Manager of Planning presented at the May 25, 2021 Council meeting; and,

Direct Administration to forward any comments from the public meeting to the County of Essex.

Carried Unanimously

6. Public Presentations

1. Hydro One - Chatham-Kent to Lakeshore Transmission Line

Daniel Levitan, Sanjiv Karunakaran, John Chadwick and Dana Gardner of Hydro One provided a PowerPoint presentation regarding the Chatham to Lakeshore Transmission Line.

172-05-2021

Moved By Deputy Mayor Bailey

Seconded By Councillor Kerr

Direct Administration to bring a report in closed session regarding appeal options relating to the Chatham to Lakeshore Transmission Line.

In Favour (7): Mayor Bain, Deputy Mayor Bailey, Councillor Janisse, Councillor Santarossa, Councillor Kerr, Councillor Walstedt, and Councillor McKinlay

Opposed (1): Councillor Wilder

Carried

7. Delegations

8. Completion of Unfinished Business

9. Consent Agenda

1. **May 11, 2021 Regular Council Meeting Minutes**
2. **MP Dave Epp - National Suicide Prevention Hotline**

173-05-2021

Moved By Councillor Wilder

Seconded By Councillor Santarossa

Whereas the Federal government has passed a motion to adopt 988, a National three-digit suicide and crisis hotline;

And whereas the ongoing COVID-19 pandemic has increased the demand for suicide prevention services by 200 percent;

And whereas existing suicide prevention hotlines require the user to remember a ten-digit number and go through directories or be placed on hold;

And whereas in 2022 the United States will have in place a national 988 crisis hotline;

And whereas the Municipality of Lakeshore recognizes that it is a significant and important initiative to ensure critical barriers are removed to those in a crisis and seeking help;

Now therefore be it resolved that the Council of the Municipality of Lakeshore endorses this 988 crisis line initiative; and

Direct Administration to send a letter indicating such support to the local MP, MPP, Federal Minister of Health, the CRTC and local area municipalities to indicate support.

Carried Unanimously

3. **Ministry for Seniors and Accessibility - Senior of the Year Award**

174-05-2021

Moved By Councillor Wilder

Seconded By Councillor Kerr

Direct Administration to solicit nominations for the Ministry for Seniors and Accessibility - Senior of the Year Award in February of each year.

Carried Unanimously

**4. Windsor Essex County Health Unit - Boat Launches and Marinas -
Reopening Ontario Act**

175-05-2021

Moved By Councillor Santarossa

Seconded By Councillor Walstedt

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

Carried Unanimously

10. Reports for Information

176-05-2021

Moved By Councillor Walstedt

Seconded By Councillor Santarossa

Receive the Reports for Information listed as items 10.1 and 10.3 on the agenda.

Carried Unanimously

177-05-2021

Moved By Councillor Walstedt

Seconded By Deputy Mayor Bailey

Receive the Report for Information listed as item 10.2 on the agenda.

In Favour (6): Mayor Bain, Deputy Mayor Bailey, Councillor Santarossa, Councillor Kerr, Councillor Walstedt, and Councillor McKinlay

Opposed (2): Councillor Wilder, and Councillor Janisse

Carried

- 1. Accessibility Advisory Committee, February 9, 2021 Meeting Minutes**
- 2. 2019-2022 Strategic Plan Update**
- 3. Council Requested Report Tracking - May 2021**

11. Reports for Direction

1. **OPP Detachment Board – Support for Two Police Services Board System & Submission to the Solicitor General**

178-05-2021

Moved By Deputy Mayor Bailey

Seconded By Councillor Wilder

Support the creation of two police services boards for the Essex OPP Detachment with 1 board comprised of the Town of Tecumseh and Municipality of Lakeshore and a 2nd board comprised of the Town of Kingsville, Municipality of Leamington and the Township of Pelee Island;

Support the inclusion of the Town of Essex in the Board of its choice; and,

Direct the Clerk to send this resolution to the Clerk of the Town of Tecumseh to include in its submission to the Solicitor General on behalf of all of the local municipalities, all of which is further described in the Council report at the May 25, 2021 Council meeting.

Carried Unanimously

2. **Part Lot Control Exemption By-law (PLC-2-2021) River Ridge Phase 7B**

179-05-2021

Moved By Councillor Walstedt

Seconded By Councillor McKinlay

Approve the application for exemption for Part Lot Control for Blocks 5, 6, 7 and 8, on Registered Plan 12M-659 in the Municipality of Lakeshore, as described in the May 25, 2021 Council report; and,

Direct the Clerk to read By-law 44-2021 during the “Consideration of By-laws” portion of the agenda.

Carried Unanimously

3. **Amended Report - Municipal Accommodations Tax**

180-05-2021

Moved By Deputy Mayor Bailey

Seconded By Councillor Santarossa

Defer consideration of the Amended Report - Municipal Accommodations Tax pending receipt of a report relating to the short-term rental accommodations public consultation.

In Favour (7): Deputy Mayor Bailey, Councillor Wilder, Councillor Janisse, Councillor Santarossa, Councillor Kerr, Councillor Walstedt, and Councillor McKinlay

Opposed (1): Mayor Bain

Carried

4. **Tender Award- Surface Treatment Program 2021**

181-05-2021

Moved By Councillor Santarossa

Seconded By Councillor Wilder

Award the tender for the 2021 Surface Treatment Program to Shepley Road Maintenance Ltd. in the amount of \$812,929.25 plus applicable HST to be funded in part from the 2021 approved capital budget up to a maximum of \$470,000 and, in part and up to a maximum of \$469,100 from the roads reserve in 2021, as described in the May 25, 2021 Council report.

In Favour (7): Mayor Bain, Deputy Mayor Bailey, Councillor Wilder, Councillor Janisse, Councillor Santarossa, Councillor Walstedt, and Councillor McKinlay

Opposed (1): Councillor Kerr

Carried

5. Tender Award - Bridge Rehabilitation Program

182-05-2021

Moved By Councillor Wilder

Seconded By Councillor Walstedt

Award the tender for the Bridge Rehabilitation Program to South Shore Contracting of Essex County Inc. in the amount of \$1,095,865 plus applicable HST for maintenance repairs of identified bridges, as described in the May 25, 2021 Council Report; and

Approve an over-expenditure not to exceed \$385,690.97 to be funded from the Public Works, Bridges and Culverts Reserve.

Carried Unanimously

6. Drainage Board Meeting May 3rd, 2021

183-05-2021

Moved By Councillor McKinlay

Seconded By Councillor Walstedt

Receive the Drainage Board Minutes dated May 3, 2021 attached for information; and,

Direct Administration to tender the work associated with the Moison Creek Drain, Wall Improvements and further approve \$10,000 for Lakeshore's assessment for this work to be funded from the Roads Reserve, as reported in the May 25, 2021 Council Report.

Carried Unanimously

7. 2021 Final Tax Rates - Amendment to Schedule C

184-05-2021

Moved By Councillor McKinlay

Seconded By Councillor Walstedt

Approve the amended 2021 final tax rates as described in the report at the Supervisor of Revenue at the May 25, 2021 Council meeting; and,

Direct the Clerk to read By-law 45-2021 during the "Consideration of the By-laws".

In Favour (6): Mayor Bain, Deputy Mayor Bailey, Councillor Santarossa, Councillor Kerr, Councillor Walstedt, and Councillor McKinlay

Opposed (2): Councillor Wilder, and Councillor Janisse

Carried

8. Community Benefit Fund Grant

185-05-2021

Moved By Councillor Santarossa

Seconded By Councillor McKinlay

Defer the 2021 Lakeshore Community Benefit Grant program to August 2021 or when recreation programming is permitted to resume.

Carried Unanimously

12. Announcements by Mayor

Deputy Mayor Bailey provided a verbal report regarding County of Essex Council matters.

13. Reports from County Council Representatives

14. Report from Closed Session

15. Notices of Motion

16. Question Period

186-05-2021

Moved By Deputy Mayor Bailey

Seconded By Councillor Santarossa

Direct Administration to bring a report regarding safety measures for Girard Park, particularly in relation to soccer and baseballs going into adjacent yards.

Carried Unanimously

17. Non-Agenda Business

187-05-2021

Moved By Deputy Mayor Bailey

Seconded By Councillor McKinlay

Waive the notice required of Section 9.8(a) of the Procedural By-law, which requires a notice of a motion to be in writing and delivered to the Clerk prior to noon of the Wednesday preceding the date of the Regular Council meeting at which the matter is to be considered, to consider a motion regarding the installation of waste disposal signs in municipal parks.

In Favour (5): Mayor Bain, Deputy Mayor Bailey, Councillor Santarossa, Councillor Walstedt, and Councillor McKinlay

Opposed (3): Councillor Wilder, Councillor Janisse, and Councillor Kerr

Lost

188-05-2021

Moved By Deputy Mayor Bailey

Seconded By Councillor McKinlay

Direct Administration to bring a report regarding the cost and installation of signs in municipal parks relating to disposal of waste.

Carried Unanimously

18. Consideration of By-laws

189-05-2021

Moved By Councillor Santarossa

Seconded By Councillor Janisse

By-laws 32-2021, 44-2021 and 47-2021 be read and passed in open session on May 25, 2021.

Carried Unanimously

190-05-2021

Moved By Councillor Walstedt

Seconded By Councillor McKinlay

By-law 45-2021 be read and passed in open session on May 25, 2021.

In Favour (6): Mayor Bain, Deputy Mayor Bailey, Councillor Santarossa, Councillor Kerr, Councillor Walstedt, and Councillor McKinlay

Opposed (2): Councillor Wilder, and Councillor Janisse

Carried

- 1. By-law 32-2021, Being a By-law to Declare Surplus a Portion of Stoney Point Park**
- 2. By-law 44-2021, Being a By-law to exempt certain lands from Part Lot Control within Blocks 5, 6, 7 and 8, on Registered Plan 12M-659, in the Municipality of Lakeshore (PLC-2-2021)**
- 3. By-law 45-2021, Being a By-law to Amend By-law 25-2021, a By-law to Adopt the 2021 Final Tax Levy, 2021 Tax and Garbage Rates and to Provide for Penalty and Interest in Default of Any Payment for the Year 2021**
- 4. By-law 47-2021, Being a By-law to Confirm the Proceedings of Council for May 11, 2021**

19. Closed Session

20. Adjournment

191-05-2021

Moved By Councillor Wilder

Seconded By Councillor Walstedt

Amend resolution #181-05-2021 regarding the Tender Award - Surface Treatment Program 2021 to reflect that the cost to be funded from the Gravel Roads Conversion reserve fund.

In Favour (6): Deputy Mayor Bailey, Councillor Wilder, Councillor Janisse, Councillor Santarossa, Councillor Walstedt, and Councillor McKinlay

Opposed (2): Mayor Bain, and Councillor Kerr

Carried

192-05-2021

Moved By Councillor McKinlay

Seconded By Deputy Mayor Bailey

Council adjourn its meeting at 9:06 PM.

Carried Unanimously

Tom Bain
Mayor

Kristen Newman
Clerk

Moved By

Councillor Garon

Seconded By

Councillor Vander Doelen

- That** the verbal report from the Chair of the Essex Police Services Board be received;
- That** the minutes of the Essex Police Service Board (EPSB) meetings held on May 17, 2021 and May 26, 2021, be received and adopted as circulated;
- That** the Town of Essex endorse the two board model as the preferred recommended detachment board composition for the Essex County OPP Detachment Board as part of the planned amalgamation of the existing Police Service Boards in the County of Essex region; and
- That** the Town of Essex supports and endorses the recommendation that the Town of Essex Police Services Board amalgamate with the respective police services boards of the Municipalities of Tecumseh and Lakeshore.

Carried



Community Services

Legislative Services

June 1, 2021
File #120203

The Right Honourable Justin Trudeau
Prime Minister
House of Commons
Ottawa, ON K1A 0A6
Justin.trudeau@parl.gc.ca

The Honourable Doug Ford
Premier of Ontario
Legislative Building, Queen's Park
Toronto, ON M7A 1A1
premier@ontario.ca

Honourable and Dear Sirs:

Re: Capital Gains Tax on Primary Residence

The Municipal Council of the Town of Fort Erie at its meeting of May 31, 2021 passed the following resolution:

Whereas primary residences are currently exempt from a capital gains tax, and

Whereas currently secondary and additional non-primary properties are subject to capital gains, and

Whereas the Federal Government is currently looking into a primary residence capital gains tax as they have recognized that affordable housing has become a serious issue in Canada, and

Whereas smaller communities including the Town of Fort Erie are seeing unprecedented higher selling prices that are outpacing prices in larger cities, and

Whereas many hard-working Canadians who have only a primary residence with no additional non-primary homes count on their home equity as financial aid to apply to upsizing or downsizing their home depending on their personal situation, and

Whereas a change in taxation to primary residences would be a significant financial blow to Canadians and would create an unfair, two-tiered taxation which could lead to depleted savings, inter-generational disparities, disparities among diverse groups such as seniors who may have a significant portion of their savings vested in their primary residence, as well as, reducing the ability of home ownership thereby a further, higher need for rentals, and

Whereas the Federal government could look at other means to slow down the rapidly escalating housing costs to improve housing affordability;

...2

Mailing Address:

The Corporation of the Town of Fort Erie
1 Municipal Centre Drive, Fort Erie ON L2A 2S6

Office Hours 8:30 a.m. to 5:00 p.m. Phone: (905) 871-1600 FAX: (905) 871-4022

Web-site: www.forterie.ca

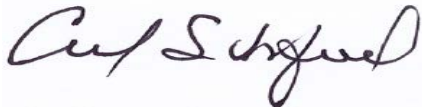
Now therefore be it resolved,

That: The Federal Government cease further consideration of eliminating capital gains tax exemptions on primary residences, and further

That: A copy of this resolution be circulated to The Right Honourable Justin Trudeau, The Honourable Doug Ford, Premier of Ontario, All Members of Parliament, All Members of Provincial Parliament, The Regional Municipality of Niagara, and all Municipalities, for their support.

Thank you for your attention to this matter.

Yours very truly,



Carol Schofield, Dipl.M.A.
Manager, Legislative Services/Clerk

cschofield@forterie.ca

CS:dlk

c.c. All Members of Parliament
All Members of Provincial Parliament
The Regional Municipality of Niagara
Ontario Municipalities

CLERKS DEPARTMENT

May 26, 2021

Mr. Dean Allison, MP
Room 880
The Valour Building
House of Commons
Ottawa, ON
K1A 0A6

Via email: dean.allison@parl.gc.ca

Dear Mr. Allison:

Re: Health Canada Open Consultation: Requesting a Review of Cannabis Licensing & Enforcement

At the Township of West Lincoln Council Meeting on May 26, 2021 the following resolution was adopted requesting that the Federal Government enact legislation to better support local governments with land use management and enforcement issues as they relate to Cannabis Production and Processing.

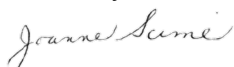
Resolution:

1. That, Report PD-64-2021, regarding "Health Canada Open Consultation: Requesting Review of Cannabis Licensing & Enforcement", dated May 10th, 2021, be RECEIVED and;
2. That, the Council of the Township of West Lincoln supports staff's requests for this report to be sent to the local MP and MPP; the Minister of Agriculture, Food and Rural Affairs; the Minister of Agriculture and Agri-Food; and all other municipalities in Ontario requesting that the Federal government enact legislation to better support local governments with land use management and enforcement issues as they relate to Cannabis Production and Processing.

For more information relating to this matter, please refer to Staff Report PD-64-2021 [Recommendation Report - Health Canada Open Consultation: Requesting a Review of Cannabis Licensing & Enforcement](#) dated May 10th, 2021.

Please accept this for your consideration and any necessary action and we will ensure all letters of support are sent to your office in a timely fashion.

Sincerely,



Joanne Scime, Clerk

cc. Sam Oosterhoff, MPP

Minister of Agriculture, Food and Rural Affairs
Minister of Agriculture and Agri-Foods
Area Municipalities

Municipality of Lakeshore - Report to Council

Community & Development Services

Development Services



To: Mayor & Members of Council
From: Ian Search, Planner 1
Date: May 27, 2021
Subject: Committee of Adjustment Meeting Minutes – May 19, 2021

Recommendation

This report is for information only.

Background

The Committee of Adjustment decisions from the May 19, 2021 meeting is detailed below. The appeal period ends **June 7** for the minor variance applications and **June 10** for the consent applications.

1. Minor Variance – **Granted** – (637 Ross Beach Road) to permit an accessory building to be setback 3.07 metres from the front lot line, 0.6 metres from the west side lot line, and 13.71 metres from the centerline of a private road
2. Minor Variance – **Granted** – (133 Surf Club Drive) to permit an accessory building to have a gross floor area of 96.62 m²
3. Minor Variance – **Granted** – (2083 County Road 27) to permit an accessory building to have a gross floor area of 115.94 m² and to be setback 1.219 metres from the south side lot line
4. Minor Variance – **Granted** – (370 Water Avenue) to permit a single detached dwelling to have a maximum lot coverage of 39.51%
5. Consent – **Granted** – (239 Charron Street & 242 West Belle River Road) creation of a residential lot having a frontage of 19.2 metres and an area of 805.32 m²
6. Consent – **Granted** – (2060 County Road 31) lot addition consisting of 12.19 metres of frontage, and an overall area of 393.9 m²
7. Consent – **Granted** – (483 Renaud Line Road) lot addition consisting of 21.33 metres of frontage, and an overall area of 1398 m²
8. Consent and Minor Variance – **Granted** – (356 East Ruscom River Road) creation of one residential lot, with the severed lot having a frontage of approximately 22.5 metres and an area of 1180 m², and the retained lot having a frontage of approximately 22 metres and an area of 1200 m²
9. Consent – **Granted** – (1962 County Road 31) surplus farm dwelling severance

10.Consent – **Granted** – (9705 Lakeshore Road 311) surplus farm dwelling
severance

Comments

The Draft Minutes from the May 19, 2021 Committee of Adjustment meeting is attached.

Financial Impacts

There are no financial impacts resulting from the recommendation in this report.

Attachment: Committee of Adjustment Minutes – May 19, 2021

Report Approval Details

Document Title:	Committee of Adjustment Meeting Minutes - May 19 2021.docx
Attachments:	- Committee of Adjustment Minutes May 19 2021.pdf
Final Approval Date:	Jun 3, 2021

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

Aaron Hair

Tammie Ryall

Rosanna Pellerito

Kristen Newman

Truper McBride

**MUNICIPALITY OF LAKESHORE
COMMITTEE OF ADJUSTMENT
WEDNESDAY, May 19, 2021 @ 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
	-Michael Hoffman
Secretary-Treasurer & Planner I	- Ian Search
Supervisor of Planning	- Aaron Hair

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/17/2021
APPLICANT:	Richard & Linda Levasseur
PROPERTY LOCATION:	637 Ross Beach Road (Community of Rochester)

PURPOSE OF APPLICATION

The applicant is seeking relief from Lakeshore Zoning By-law 2-2012 to permit an accessory building for the following relief:

- Relief from Section 6.5 a) v) to permit a 3.07 metre (10.07 feet) setback from the front lot line
- Relief from Section 6.5 a) vii) to permit a 0.6 metre (2 feet) setback from the west side lot line
- Relief from Section 6.41.4 a) to permit a driveway to have a minimum length of 3.07 metres (10.07 feet)
- Relief from Section 6.52 a) to permit a 13.71 metre (45 feet) setback from the centreline of a private road

- Relief from Section 6.42 d) for the gutters to encroach 1.45 metres into the required setback from the west side lot line, and for the eaves to encroach 1.2968 metres into the required setback from the west side lot line, and for the porch/canopy to encroach 3.46 metres into the required front yard setback

Section 6.5 a) v) requires an accessory building in a RW2 zone to be setback 6 metres (19.68 feet) from the front lot line where a garage door faces the street

Section 6.5 a) vii) requires accessory buildings to not be built closer than 1.5 metres (4.92 feet) from any lot line

Section 6.41.4 a) requires the driveway for a residential use to have a minimum length of 6 metres (19.68 feet)

Section 6.52 a) requires buildings to be setback 10.0 m (32.8 feet) from the centerline of a private road or driveway providing access to multiple lots, plus the lesser of 6.0 m (19.68 feet) or the front yard or exterior side yard setback for that zone.

Section 6.42 d) permits eaves and gutters to encroach 1 metre into any required yard setback, and Section 6.42 g) permits porches to encroach 2.5 metres into required front and rear yard setbacks

PRESENT AT MEETING

Richard Levasseur, Applicant

CORRESPONDENCE RECEIVED

1. Lakeshore Building Dept. – Recommending condition that no openings be permitted on the west side of the building
2. Lakeshore Drainage Dept. – No concerns
3. Lakeshore Engineering Dept. – Any new entrances will require an entrance permit from the Municipality of Lakeshore and will need to comply with the Municipality's Development Manual. Construction of the accessory buildings should not adversely impact the front yard drainage or adjacent neighbouring lands
4. Lakeshore Fire – If relief for the reduce setback are granted that the wall(s) of this proposed accessory building facing the adjacent property as well as the wall(s) facing the existing dwelling contain a minimum fire resistance rating identified by the Building Department.
5. Lakeshore Planning Dept. –

The purpose of the side yard setback provision in the Zoning By-law is to provide the following:

- i) Maintenance: the structure is proposed to be setback 0.609 metre (2 feet) from the west side lot line, and the gutters are proposed to be setback 0.05 metres (0.164 feet). The applicant may find it awkward to perform maintenance with respect to the gutters. If the Committee chooses to approve the variance, they could impose a condition requiring the installation of gutter guards.
- ii) Fire prevention: The Building Department and Fire Department were circulated notice of the application to comment on fire prevention. At the time of writing this report, the Fire department has recommended that the walls of this proposed accessory building facing the adjacent property as well as the walls facing the existing dwelling contain a minimum fire resistance rating identified by the Building Department.
- iii) Drainage: the applicant is required to retain their own water. It is noted that the subject property is partially located within the Lake St. Clair Floodprone area, and that the grade may need to be changed to accommodate the building. The Building department reviews water retention when processing building permits and was circulated the proposal for comment. The reduced setback may make it difficult for the applicant to retain their own water, and any approval of the variance should be subject to any recommended conditions received from the Building Department.

The proposed building is only 390 ft² and appears to be proposed in a location that will not result in a loss of landscaping. Based on an interactive mapping system available to administration, there appears to be an additional 6.6 metres (21.65 feet) of driveway approach available to the applicant from the road to the front property line in the road allowance.

At the time of writing this report, VIA Rail Canada Inc. did not express any concerns with the application and stated that they had no comments on the proposal. It is noted that there are several examples of buildings and structures on properties along Ross Beach Road that have been constructed a similar distance or closer to the centreline of the private road than the proposed building. As long as fire prevention, drainage and building maintenance can be addressed, the variance is considered minor.

If comments received from other departments and agencies suggest no outstanding issues or concerns from their perspective, then it is recommended that the requested variance meets the following four tests prescribed under Section 45 (1) of the *Planning Act*.

Recommended Conditions:

- That gutter guards be installed and used for the proposed building
- That the wall(s) of this proposed accessory building facing the adjacent property as well as the wall(s) facing the

existing dwelling contain a minimum fire resistance rating identified by the Building Department

- That approval be subject to any recommended conditions received from the Building Department
 - 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 – The parcel falls within the regulated area of the Lake St. Clair. The property owner will be required to obtain a Permit and/or Clearance from ERCA. The property owner has obtained Permit No. 74-21 from the Essex Region Conservation Authority. Our office has no concerns relating to stormwater management. With review of background information and aerial photography ERCA has no objection to this application. The Municipality of Lakeshore must ensure the development meets the requirements of Section 3 of the 2020 Provincial Policy Statement for hazardous areas and ensure safe ingress/egress is available at the subject site during a flood event.
7. VIA Rail Canada Inc. – Stated that they had no comments on the request
8. Paul and Elizabeth Bridgeman (633 Ross Beach): Dear Committee. My name is Paul Bridgeman and represent my wife Elizabeth in this correspondence. We reside at 633 Ross Beach which is located directly west of the Levasseur property. We have had numerous discussions with Rick and Linda in regards to this garage project. We are in no way opposed to this construction but have all agreed to the following two design implementations.
- 1- a cement curb will run the length of the western side of the driveway from the garage to just short of the road where there is presently a municipal drain . This will naturally remove most of the excess rain water from the property.
 - 2- any down spout originating from this build will either exit onto the driveway and will flow as discussed in the first point OR will be attached to an underground drain which leads to the municipal drain. (I believe this drain was installed years ago and still functions). Both of these features will control excess water from running from the property that was built up to satisfy ERCA.
- Again I will restate that we are in no way against this garage construction and friendly dialog between us and the home owners have resulted in these recommendations. Thank you for your time and hope for a positive decision for the Levasseurs.

APPLICANTS AMENDMENTS

- None

DISCUSSION

Richard Levasseur was in attendance and no questions or concerns with the comments read

Member Sylvestre asked if Richard accepted all the recommended conditions. Richard Levasseur agreed

Member Diemer asked why the 2 foot setback was being requested. Richard said the setback was necessary because of the required setback from the weeping bed

**Moved by Member Barrette
2nd by Member Diemer**

That Minor Variance application A/17/2021 by Richard and Linda Levasseur be approved subject to all recommended conditions.

- Carried -

APPLICATION:	A/18/2021
APPLICANT:	Leo & Jennifer Tremblay
PROPERTY LOCATION:	133 Surf Club Drive (Community of Rochester)

PURPOSE OF APPLICATION

The applicant is seeking relief from Lakeshore Zoning By-law 2-2012 to permit an accessory building for the following relief:

- Relief from Section 6.5 a) ix) to permit a gross floor area of 96.62 m² (1040 ft²)

Section 6.5 a) ix) limits accessory buildings to not exceed a gross floor area of 55.0 m², for each accessory building on a lot in an R1, R2, R3, RW1, RW2, RM or HR zone;

PRESENT AT MEETING

Leo Tremblay, Applicant

CORRESPONDENCE RECEIVED

1. Lakeshore Engineering Dept. – Construction of the accessory buildings should not adversely impact the rear yard drainage or adjacent neighbouring lands
2. Lakeshore Drainage Dept. – No concerns with this application
3. Lakeshore Fire Dept. – No comment
4. Lakeshore Building Dept. – No concerns
5. Lakeshore Planning Dept. –

The purpose of limiting the Gross Floor Area of Accessory Buildings is to ensure that there is no overdevelopment of the lot, and that there is room for greenspace and amenity. Staff took into consideration the size of the lot and are of the opinion that the Accessory Building will allow for room for greenspace and amenity and appropriate drainage of the subject site. Therefore, staff are of the opinion that the variance meets the intent and purpose of the zoning by-law. Staff are of the opinion that the variance has little to no impact on the neighbourhood. Staff are of the opinion that an Accessory Building does not compromise the desirability of the property with the surrounding neighbourhood as the neighbouring properties have similar characteristics. In the opinion of staff, the proposed variance is appropriate and desirable for the use of land.

Therefore, the requested variance meets the following four tests prescribed under Section 45 (1) of the *Planning Act* and staff are recommending approval of Minor Variance A18/2021.

- 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 – Our office has reviewed the proposal and has no concerns related to stormwater management. With review of background information and aerial photography, ERCA has no objection to this application for Minor Variance. However, the applicant must obtain a permit and/or clearance from Essex Region Conservation Authority
7. VIA Rail Canada Inc. – stated that they have no comments on the request

APPLICANTS AMENDMENTS

- None

DISCUSSION

Member Barrette asked if the lean-to was going to be enclosed. Leo Tremblay said it was not going to be enclosed.

**Moved by Member Sylvestre
2nd by Member Hoffman**

That Minor Variance Application A/18/2021 by Leo and Jennifer Tremblay be approved.

- Carried-

APPLICATION:	A/19/2021
APPLICANT:	Raymond & Denise Sauve
PROPERTY LOCATION:	2083 County Rd. 27 (Community of Maidstone)

PURPOSE OF APPLICATION

The applicant is seeking relief from Lakeshore Zoning By-law 2-2012 to permit an accessory building for the following relief:

- Relief from Section 6.5 a) ix) to permit a gross floor area of 115.94 m² (1248 ft²)
- Relief from Section 6.5 a) vii) to permit a 1.219 metres (4 feet) setback from the south side lot line

Section 6.5 a) ix) limits accessory buildings to not exceed a gross floor area of 55 m², for each accessory building on a lot in an R1, R2, R3, RW1, RW2, RM or HR zone;

Section 6.5 a) vii) requires accessory buildings to not be built closer than 1.5 metres (4.92 feet) from any lot line

PRESENT AT MEETING

Raymond Sauve, Applicant

CORRESPONDENCE RECEIVED

1. Lakeshore Building Dept. – Requesting a condition for a grading plan to be submitted to the satisfaction of the Building Department

2. Lakeshore Engineering Dept. – Construction of the accessory buildings should not adversely impact the rear yard drainage or adjacent neighbouring lands
3. Lakeshore Drainage Dept. – Drainage has no concerns with this application
4. County of Essex – The minimum setback for any proposed structures on this property must be 85 feet from the centre of the original ROW of County Road 27. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures
5. Lakeshore Fire Dept. – If relief for the reduced setback or relief to permit the gross floor area is granted, that the wall(s) of this proposed accessory building facing the adjacent property as well as the wall(s) facing the existing dwelling contain a minimum fire resistance rating identified by the Building Department.
6. Lakeshore Planning Dept. –

The purpose of limiting the Gross Floor Area of Accessory Buildings is to ensure that there is no overdevelopment of the lot, and that there is room for greenspace and amenity. Further, the purpose of the interior side yard setback provision in the Zoning By-law is to provide the following:

- Light and air circulation, privacy – It is anticipated the variance will have little to no impact on privacy, light and air circulation. The variance only reduces the interior side yard setback by 0.3 metres (1 foot).
- Maintenance associated with building materials – It is not anticipated that permitting this variance will affect the ability to provide maintenance of building materials
- Fire prevention - The Building Department and Fire Department were circulated notice of the minor variance application for comment.

Therefore, staff are of the opinion that the variance meets the intent and purpose of the zoning by-law. Staff are of the opinion that the variance has little to no impact on the neighbourhood. Staff are of the opinion that an Accessory Building does not compromise the desirability of the property with the surrounding neighbourhood as the neighbouring properties have similar characteristics.

Therefore, the requested variance meets the following four tests prescribed under Section 45 (1) of the *Planning Act* and staff are recommending approval of Minor Variance A19/2021.

- 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.

APPLICANTS AMENDMENTS

- None

DISCUSSION

Member Hoffman asked what the proposed building would be used for. Raymond Sauve said it was for the storage of various vehicles.

Member Barrette asked if the accessory building would be in line with the neighbour's accessory building to the south. Raymond Sauve said that was his plan.

**Moved by Member Diemer
2nd by Member Hoffman**

That Minor Variance Application A/19/2021 by Raymond and Denise Sauve be approved subject to all recommended conditions.

- **Carried-**

APPLICATION:	A/20/2021
APPLICANT:	Caster Custom Homes Inc.
PROPERTY LOCATION:	370 Water Avenue (12M672, Lot 63) (Community of Maidstone)

PURPOSE OF APPLICATION

The applicant is seeking relief from Lakeshore Zoning By-law 2-2012 to permit a single detached dwelling for the following relief:

- Relief from Section 8.1 Urban Residential Zone Regulations to permit a maximum lot coverage of 39.51%

Section 8.1 Urban Residential Zone Regulations permits a maximum lot coverage of 35% in the Residential – Low Density (R1) zone.

PRESENT AT MEETING

Daniel Caster, Applicant

CORRESPONDENCE RECEIVED

1. Lakeshore Building Dept. – No concerns
2. Lakeshore Drainage Dept. – No concerns
3. Lakeshore Engineering Dept. – No comments
4. Lakeshore Fire – No comment
5. Lakeshore Planning Dept. –

The purpose of limiting the Lot Coverage of buildings is to ensure that there is no overdevelopment of the lot, and that there is room for landscaping, drainage and amenity. Staff took into consideration the size of the lot and the proposed dwelling and are of the opinion that the above can be satisfied with the proposed building envelope. Therefore, staff are of the opinion that the variance meets the intent and purpose of the zoning by-law. Staff are of the opinion that an approximate increase of 4.51% to the lot coverage will have little to no impact on the neighbourhood, as it is for the covered porch and therefore fulfills this test as well. Staff are of the opinion that single detached dwelling with a covered porch does not compromise the desirability of the property with the surrounding neighbourhood.

Therefore, the requested variance meets the following four tests prescribed under Section 45 (1) of the *Planning Act* and staff are recommending approval of Minor Variance A20/2021.

- 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 – With the review of background information and aerial photograph, ERCA has no objection to this application for Minor Variance. However, the applicant must obtain a Section 28 Permit from ERCA

APPLICANTS AMENDMENTS

- None

DISCUSSION

Member Hacon asked if these variances will be common for the new subdivision. Daniel Caster explained that it was the specific style of dwelling with a covered porch that resulted in the need for the variance.

**Moved by Member Diemer
2nd by Member Barrette**

That Minor Variance application A/20/2021 by Caster Custom Homes Inc. be approved.

- Carried -

APPLICATION:	B/11/2021
APPLICANT:	Raymax Construction Ltd. c/o Tracey Pillon-Abbs
PROPERTY LOCATION:	239 Charron Street & 242 West Belle River Rd. (Community of Belle River)

PURPOSE OF APPLICATION

The applicant has submitted a consent application for the subject land that is located on the west side of West Belle River Road, in the Community of Belle River. The applicants have decided to split the lands (severed & retained residential lots), with the severed lot having a frontage of 19.2 metres and an area of 805.32 m², and the retained lot having a frontage of 17.93 metres and an area of 692 m². The subject land is zoned Residential – Low Density (R1) and is designated "Residential" in the Official Plan.

If approved, the severed and retained lot will comply with the Zoning By-law (lot frontage/ area)

PRESENT AT MEETING

Tracey Pillon-Abbs, Authorized Applicant

CORRESPONDENCE RECEIVED

1. Lakeshore Building Dept. – No concerns
2. Lakeshore Drainage Dept. – No concerns
3. Lakeshore Engineering Dept. – Any new entrances will require an entrance permit from the Municipality of Lakeshore and will need to comply with the Municipality's Development Manual. Retained and severed lots subject to water buy in fee according to the tariff of fees by-law at the time of servicing. Revised private drain connection sheets and records drawings required at the time of servicing.

4. Lakeshore Fire – No comment
5. Lakeshore Planning Dept. – The Official Plan states that the Municipality will identify and promote intensification of underutilized sites in Urban Areas. These policies are also included in the new Official Plan which has been approved by the Municipality of Lakeshore and is awaiting final approval from the County of Essex. Currently, the Denis St. Pierre Water Pollution Control Plant which services this area is at full capacity. As a condition of consent, the applicant will need to rezone the severed lot into a Holding Zone that prevents development from occurring until the Municipality is satisfied that there is sufficient capacity at the sanitary treatment plant to adequately service the lot. The applicant has already submitted a Zoning By-law amendment application in combination with their consent application to rezone the severed lot into a Holding Zone, and the applicant is also seeking to permit a future semi-detached dwelling on the severed lot as part of their application. If approved, the proposed severed and retained lot will comply with the minimum lot frontage and area of the R1 zone, with the severed lot having frontage on Charron Street and the retained lot having frontage on West Belle River Road. In their application, the applicant has identified an accessory building located on the lot to be severed, and has indicated they are committed to demolishing this structure to bring the severed lot into full compliance with the Zoning By-law at the time the lot is registered

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:

1. That the applicant obtain a proper survey and Reference Plan from an Ontario Land Surveyor for the severed parcel of land to the satisfaction of the Municipality.
2. That all municipal taxes be paid in full prior to the stamping of the Deed.
3. That a \$1,200.00 park fee be imposed, and that such fee shall be paid prior to the stamping of the Deed
4. That the applicant bring the severed lot into compliance with the Zoning By-law prior to the stamping of the deed.
5. 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, and that the severed lot shall receive a separate water connection
6. That, if applicable, 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.

7. That the applicant enter into an Agreement with the municipality to be registered on title at the expense of the applicant prior to the stamping of the Deed that a Sanitary Sewer connection be provided for all severed and retained property in the Sanitary Sewer area at the expense of the applicant according to the requirements of the Ministry of the Environment.
8. That the applicant enter into an Agreement with the Municipality to be registered on title at the expense of the applicant prior to the stamping of the Deed, to provide an access for each severed and retained lot at the expense of the applicant in accordance with specifications and supervision of the Municipality.
9. That the applicant obtain a Zoning By-law amendment to rezone the severed lot into a Holding Zone that will prevent development from occurring on the severed lot until the Municipality is satisfied that there is sufficient capacity at the sanitary treatment plant to adequately service the lot. The exact Holding Symbol to be applied will be determined by the Municipality and will be to the satisfaction of the Municipality.
10. That the Deed and a copy for our records be forwarded to the Secretary for stamping
11. That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by **May 21, 2022**. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.
6. ERCA – The property owner will be required to obtain a permit and/or Clearance from the Essex Region Conservation Authority prior to any future construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act. With the review of background information and aerial photography, ERCA has no objection to this application for Consent.

APPLICANTS AMENDMENTS

- None

DISCUSSION

Tracey Pillon-Abbs stated that she had no concerns with any of the recommended conditions.

Member Diemer asked about the need for the holding provision. Aaron Hair stated it was necessary because the sanitary treatment plant servicing the area is currently at full capacity.

Moved by Member Barrette
2nd by Member Hoffman

That Consent Application B/11/2021 by Raymax Construction Ltd. c/o Tracey Pillon-Abbs be approved subject to all recommended conditions

- Carried -

APPLICATION:	B/12/2021
APPLICANT:	Maurice Trepanier c/o Joseph Lesperance
PROPERTY LOCATION:	2060 County Rd. 31 (Community of Rochester)

PURPOSE OF APPLICATION

The subject property is located on the east side of County Road 31, north of Countryview Lane, in the Community of Rochester and has 133.32 metres (437.43 feet) of frontage and an overall area of 1.5 acres. The applicant is applying to sever a lot addition from the subject property – consisting of 12.19 metres (40 feet) of frontage, and an overall area of 393.9 m² – to be added to the neighbouring residential property to the south (2092 County Road 31). The retained land, will maintain frontage of 121.15 metres (397.5 feet) and an overall area of 1.4 acres. The subject lands are designated “Agricultural” and zoned “A, Agriculture”.

PRESENT AT MEETING

Joseph Lesperance, Authorized Applicant

CORRESPONDENCE RECEIVED

7. Lakeshore Building Dept. – No concerns
8. Lakeshore Drainage Dept. – No concerns
9. Lakeshore Engineering Dept. – No comments
10. Lakeshore Fire – No comment
11. Lakeshore Planning Dept. –

The lot addition land consists of 12.19 metres (40 feet) of frontage and an overall area of 393.9 m². This land will be taken from the subject property, which is a residential lot, and will be added to the neighbouring residential property to the south (2092 County Road 31). It appears that the lot addition will bring the existing driveway for the residential use at 2092 County Road 31 entirely onto this property, and in addition to

some increased landscaped open space, will provide a sufficient setback for an existing accessory building located on the property. In fact, this accessory building may be currently encroaching onto the subject property (2060 County Road 31). The lot addition will bring the property receiving the lot addition into greater compliance with the minimum lot area requirement in the Zoning By-law, and the retained land will comply with the Zoning By-law following the lot addition. This proposal conforms to Section 2.3.4.2 of the Provincial Policy Statement, which states that lot adjustments in prime agricultural areas may be permitted for legal or technical reasons. Minor boundary adjustments are included in the definition of *legal or technical reasons* in the PPS. The Lakeshore Official Plan permits minor boundary adjustments under the consent policies of the Agricultural designation. These policies are also included in the new Official Plan which has been approved by the Municipality of Lakeshore and is awaiting final approval from the County of Essex.

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:

1. That the applicant obtain a proper Survey and Reference Plan from an Ontario Land Surveyor for the severed parcel of land and detail a 1' x 1' square from the original lot at 2092 County Road 31. The 1' x 1' square will be conveyed to the municipality.
2. That all municipal taxes be paid in full prior to the stamping of the Deed.
3. That the applicant enter into an Agreement with the municipality prior to the stamping of the Deeds regarding the apportionment of any current or future local improvements or drainage charges levied against the subject property.
4. That the Deed for the lot addition be prepared and a copy for our records be forwarded to the Secretary for stamping.
5. That Section 50(3) and (5) of The Planning Act shall apply to the severance and that the property shall be conveyed & merged to Roll #3751520000043000000
6. That the applicant produce a Deed and/or a Solicitor's Undertaking to the Secretary prior to the stamping of the severance Deed, in evidence that the severed parcel and the abutting parcel will be registered in the same name(s) in satisfaction that all parcels will merge.
7. That the applicant/ and or a Solicitor provide an Undertaking to the Secretary prior to the stamping of the severance Deed(s), in evidence that "Application to consolidate Pins" will be submitted to the Land Titles/ Registry Office for the lot addition and provide proof of the consolidation.

8. That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. by **May 21, 2022**. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.
12. County of Essex – The minimum setback for any proposed structures on this property must be 110 feet from the centre of the original ROW of County Road 31. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures.
13. ERCA – With review of background information and aerial photograph, ERCA has no objection to this application for Consent.

APPLICANTS AMENDMENTS

- None

DISCUSSION

Joseph Lesperance stated that he had no concerns with the recommended conditions

Moved by Member Barrette
2nd by Member Sylvestre

That Consent Application B/12/2021 by Maurice Trepanier c/o Joseph Lesperance be approved subject to all recommended conditions

APPLICATION:	B/13/2021
APPLICANT:	Luc & Camille St. John, Giselle Villalta
PROPERTY LOCATION:	483 Renaud Line Road (Community of Maidstone)

PURPOSE OF APPLICATION

The subject farm property is located on the west side of Renaud Line Road, at the northwest corner of Renaud Line Road and County Road 42, in the Community of Maidstone, and has approximately 534 metres of frontage and an overall area of 148.83 acres (60.23 hectares). The applicant is applying to sever a lot addition from the subject farm property – consisting of 21.33 metres (70 feet) of frontage, and an overall area of 1398 m² (0.345 acre) – to be added to a neighbouring residential property (473 Renaud Line Road). The retained land, will maintain over 500 metres of frontage, and an overall

area of 148.48 acres. The subject lands are designated “Agricultural” and zoned “A, Agriculture”.

PRESENT AT MEETING

Luc St. John, Authorized Applicant

CORRESPONDENCE RECEIVED

1. Lakeshore Building Dept. – No concerns
2. Lakeshore Drainage Dept. – No concerns
3. Lakeshore Engineering Dept. – No comments
4. Lakeshore Fire – No comment
5. Lakeshore Planning Dept. –

The lot addition land consists of 21.33 metres (70 feet) of frontage and an overall area of 1398 m² (0.345 acres). This land is proposed to be added to a residential property (473 Renaud Line Road) from a farm parcel that is currently 60.23 hectares. It appears that the purpose of the lot addition is to bring an existing garden onto the residential property that is used in connection with the residence. The applicant has indicated that the garden use has been in existence for many years since the construction of the residence, and aerial photography confirms its prior existence going back to the earliest year available to administration of 2004. In addition, it is recognized that the subject farm parcel is a relatively large farm holding in Lakeshore that exceeds the minimum lot area for a farm parcel in the by-law by over three times, and that the land being added to the residence would not take away any land currently being farmed, or any land that has been farmed in many years. Despite that background information, the Committee needs to be satisfied that the request is consistent with the Provincial Policy Statement and conforms to the Lakeshore Official Plan. The Provincial Policy Statement permits lot adjustments in prime agricultural areas for legal or technical reasons such as minor boundary adjustments. The Lakeshore Official Plan permits consents in the Agricultural designation for minor boundary adjustments and proposed lot enlargements where the viability of the retained land as a farm parcel is not threatened and need is demonstrated for the enlargement. These policies are also included in the new Official Plan which has been approved by the Municipality of Lakeshore and is awaiting final approval from the County of Essex.

If the Committee decides to approve this application, they are advised that the proposed consent be approved subject to the following conditions of consent:

1. That the applicant obtain a proper Survey and Reference Plan from an Ontario Land Surveyor for the severed parcel of land and detail a 1' x 1' square from the

original lot at 473 Renaud Line Road. The 1' x 1' square will be conveyed to the municipality.

2. That all municipal taxes be paid in full prior to the stamping of the Deed.
3. 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.
4. That the Deed for the lot addition be prepared and a copy for our records be forwarded to the Secretary for stamping.
5. That Section 50(3) and (5) of The Planning Act shall apply to the severance and that the property shall be conveyed & merged to Roll # 3751190000085520000
6. That the applicant produce a Deed and/or a Solicitor's Undertaking to the Secretary prior to the stamping of the severance Deed, in evidence that the severed parcel and the abutting parcel will be registered in the same name(s) in satisfaction that all parcels will merge.
7. That the applicant/ and or a Solicitor provide an Undertaking to the Secretary prior to the stamping of the severance Deed(s), in evidence that "Application to consolidate Pins" will be submitted to the Land Titles/ Registry Office for the lot addition and provide proof of the consolidation.
8. That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. by **May 21, 2022**. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.

ERCA – With the review of background information and aerial photograph, ERCA has no objection to this application for Consent.

APPLICANTS AMENDMENTS

- None

DISCUSSION

Luc St. John had no comments to make on the recommended conditions

Member Barrette asked if there are any existing structures on the land to be severed. Luc St. John said there was a structure on the property for chicken coop

Member Diemer asked what the setback was from the existing house to the front lot line. Luc St. John said approximately 25 feet.

**Moved by Member Sylvestre
2nd by Member Diemer**

That Consent Application B/13/2021 by Luc & Camille St. John, Giselle Villalta c/o Luc St. John be approved subject to all recommended conditions

- Carried -

APPLICATION:	B/14 & A/21/2021
APPLICANT:	Joel & Jayme-Leigh Gardiner
PROPERTY LOCATION:	356 East Ruscom River Rd. (Community of Rochester)

PURPOSE OF APPLICATION

The applicants have submitted a combined application for the subject land that is located on the east side of E. Ruscom River Road, in the Community of Rochester. The applicants have decided to split the lands (severed & retained residential lots), with the severed lot having a frontage of approximately 22.5 metres and the retained lot having a frontage of approximately 22 metres. The severed lot will have an area of approximately 1180 m², and the retained lot will have an area of approximately 1200 m². The subject lands are zoned "Residential Waterfront-Watercourse" (RW1) and designated "Waterfront Residential".

The applicants are also seeking relief from Section 8.3 (RW1, Residential Waterfront - Watercourse) of the Lakeshore Zoning By-law 2-2012 to recognize the proposed frontage and area of both the severed and retained lot; **Section 8.3 (RW1, Residential Waterfront - Watercourse) of Lakeshore Zoning By-law 2- 2012 requires a minimum lot frontage of 30 metres and a minimum lot area of 2,000 m² where municipal sanitary servicing is unavailable.**

PRESENT AT MEETING

Joel and Jayme-Leigh Gardiner, Applicants

CORRESPONDENCE RECEIVED

1. Lakeshore Building Dept. – No concerns
2. Lakeshore Drainage Dept. – No concerns

3. Lakeshore Engineering Dept. – No comments
4. Lakeshore Fire – No comment
5. Lakeshore Planning Dept. –

The proposed lot creation is within 300 metres of the Ruscom River water source. The Municipality recognizes that there may be archaeological remains of prehistoric and historic habitation, or areas containing archaeological potential within the Municipality. The proposal conforms to the Lakeshore Official Plan consent policies. The retained and severed lot will have frontage on and access to an open public road, and the lot area and frontage of both the lot to be retained and the lot to be severed will be adequate for existing and proposed uses. The consent requires a minor variance to recognize reduced frontage and area of both the severed and retained lot. In this case the requested variance is considered appropriate. The severed and retained lot as proposed will maintain and be in keeping with the design characteristics and character of the Settlement Area. Residential lots located within this Settlement Area along the Ruscom River Strip have a variety of different lot sizes and frontages. For example, there are multiple residential lots directly across the road from the subject property that have smaller lot frontages and areas than what is required in the Zoning By-law, some of which have smaller lot frontages and areas than what is being proposed for the severed and retained lot.

Therefore, it is recommended that 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.

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:

1. That the applicant obtain a proper survey and Reference Plan from an Ontario Land Surveyor for the severed and retained parcel of land, and that the draft plan be approved by the Municipality prior to being deposited.
2. That all municipal taxes be paid in full prior to the stamping of the Deed.
3. That a \$1,200.00 park fee be imposed, and that such fee shall be paid prior to the stamping of the Deed

4. That the applicant, at their own expense, relocate Hydro One servicing lines away from the building envelope on the severed lot to the satisfaction of the Municipality and/or Hydro One, and in doing so maintain adequate opportunity for access to both the severed and retained lot to the satisfaction of the Municipality and/or Hydro One
5. That, prior to the stamping of the Deed, the applicant hire a licensed consultant archaeologist to undertake an archaeological assessment that will identify, evaluate and protect archaeological resources on the project area where the lot creation is proposed. The consultant archaeologist is required to hold a valid professional archaeological licence issued by the Ministry of Tourism, Culture and Sport. The archaeological assessment report is to be accepted by the Ministry of Tourism, Culture and Sport, and the applicant is required to follow the recommendations in the archaeological assessment report.
6. That the applicant enter into an agreement with the Municipality to be registered on title at the expense of the applicant prior to the stamping of the Deed, that the severed and retained lot shall receive a separate water connection, and to pay any applicable water rates or fees with respect to the subject lands.
7. That the applicant identify a legal drainage outlet for the severed and retained lot to the satisfaction of the Drainage Department if required by the Drainage Department prior to the stamping of the Deed, and enclose any drain in front of the subject property if required by the Drainage Department and to the satisfaction of the Drainage Department prior to the stamping of the Deed.
8. That the applicant enter into an Agreement with the Municipality to be registered on title at the expense of the applicant prior to the stamping of the Deed, to provide an access for the severed lot, which may be on a municipal drain, at the expense of the applicant in accordance with specifications and supervision of the Municipality. If applicable, the access is to be maintained by the assessed owner for a period of one year at which time the access will form part of the municipal drainage system.
9. That, if determined applicable by the Drainage Department, 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.
10. That the applicant enter into an Agreement with the municipality to be registered on title at the expense of the applicant prior to the stamping of the Deed that a Sanitary Sewer connection be provided for all severed and retained property in the Sanitary Sewer area at the expense of the applicant according to the requirements of the Ministry of the Environment if and when services become available.
11. That a "warning clause" be placed on title alerting potential purchasers of the potential for wind turbines or solar projects within the general area prior to the stamping of the Deed.

12. That the Deed and a copy for our records be forwarded to the Secretary for stamping
13. That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by **May 21, 2022**. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.
6. ERCA – With the review of background information and aerial photography, ERCA has no objection to this application for Consent. However, the applicant must obtain a Section 28 Permit from the Essex Region Conservation Authority.

APPLICANTS AMENDMENTS

- None

DISCUSSION

Jayme-Leigh Gardiner asked if the requirement for an archaeological assessment could be waived. Ian Search explained it is required under the Provincial Policy Statement.

Member Barrette asked if the driveway to the barn located on the farm is partially on the lot to be severed. Jayme-Leigh Gardiner stated that it may partially be located on the proposed severed lot.

**Moved by Member Sylvestre
2nd by Member Barrette**

That Combined Consent and Minor Variance Application B/14 & A/21/2021 by Joel and Jayme-Leigh Gardiner be approved subject to all recommended conditions

- Carried -

APPLICATION:	B/15/2021
APPLICANT:	Denis and Gabriel Levasseur
PROPERTY LOCATION:	1962 County Rd. 31 (Community of Rochester)

PURPOSE OF APPLICATION

The subject farmland is located on the east side of County Road 31 in the Community of Rochester. The applicant has applied for a surplus dwelling lot off of County Road 31 with 85.34 metres (280 feet) of frontage and an overall area of 7,800 m² (1.927 acres).

The retained farmland will then have a frontage off County Road 31 of 217.2 metres (712.63 feet) and an overall area of 98.07 acres (39.69 hectares). The subject lands are zoned A, Agriculture and designated Agricultural.

If approved, both the severed parcel and retained parcels will comply with the Zoning By-law (lot frontage/ area)

PRESENT AT MEETING

Denis Levasseur, Applicant

CORRESPONDENCE RECEIVED

7. Lakeshore Building Dept. – No comment
8. Lakeshore Drainage Dept. – No concerns
9. Lakeshore Engineering Dept. – It is a recommended condition that the redundant water service be disconnected at the main to the satisfaction of the Municipality of Lakeshore. Revised private drain connection sheets and records drawings required.
10. Lakeshore Fire – No comment
11. Lakeshore Planning Dept. –

The Municipality 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 ensure that new residential dwellings are prohibited on any vacant parcel of farmland created by the severance. There is one habitable dwelling and three accessory structures on the proposed surplus lot. None of the existing structures on the proposed surplus lot house livestock. Access to the severed parcel of land will be located off of County Road 31 and access to the retained parcel of land will be off of Mitchell Road.

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:

1. 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 in the format of a projection (NAD 83) UTM Zone 17.
2. That all municipal taxes be paid in full prior to the stamping of the Deed.

3. 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.
4. That the applicant obtain a Zoning By-law amendment respecting the remnant farm parcel to prohibit the construction of a residential dwelling, and that the surplus lot be rezoned to recognize the non- farm residential use.
5. That the applicant complete the septic test report in the consent application to the satisfaction of the Municipality, and if required, install a new septic system on the severed lot that meets Part 8 OBC regulations and to the satisfaction of the Chief Building Official, prior to the stamping of the Deed.
6. 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.
7. That, if determined applicable by the Municipality, that the applicant enter into an Agreement with the Municipality to be registered on title prior to the stamping of the Deed, that the severed and retained lot shall receive a separate water connection, and to pay any applicable water rates or fees with respect to the subject lands.
8. That the applicant enter into an Agreement, which requires a “warning clause” to 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.
9. That the applicant submit a drawing detailing the surface and subsurface drainage for the entire lands prior to the stamping of the Deeds.
10. That the Deed and a copy for our records be forwarded to the Secretary for stamping.
11. That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by **May 21, 2022**. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.
12. ERCA – With review of background information and aerial photography, ERCA has no objection to this application for Consent.
13. County of Essex – The minimum setback for any proposed structures on this property must be 110 feet from the centre of the original ROW of County Road No.31 due to the presence of the 5th Concession Road Drain. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures.

APPLICANTS AMENDMENTS

- None

DISCUSSION

Denis Levasseur questioned the warning clause condition for wind turbines. Ian Search explained that it is a condition of consent because the Province is the approval for Wind Turbine projects and it is to warn potential buyers that wind turbines may be erected in the general area.

**Moved by Member Diemer
2nd by Member Barrette**

That Consent Application B/15/2021 by Denis and Gabriel Levasseur be approved subject to all recommended conditions.

- Carried -

APPLICATION:	B/16/2021
APPLICANT:	Waites Farms Inc. c/o Ricci, Enns, Rollier & Setterington LLP
PROPERTY LOCATION:	9705 Lakeshore Rd. 311 (Community of Tilbury West)

PURPOSE OF APPLICATION

The subject farmland is located on the north side of Lakeshore Road 311 in the Community of Tilbury West. The applicant has applied to sever a surplus dwelling lot off of Lakeshore Road 311 with 74.75 metres (245.24 feet) of frontage and an overall area of 6,272.62 m² (1.55 acres). The retained farmland will then have a frontage off Lakeshore Road 311 of 381.25 metres (1250.82 feet) and an overall area of 73.45 acres (29.72 hectares). The subject lands are zoned A, Agriculture and designated Agricultural.

If approved, both the severed parcel and retained parcels will comply with the Zoning By-law (lot frontage/ area)

PRESENT AT MEETING

Simon Yared , Authorized Applicant

CORRESPONDENCE RECEIVED

1. Lakeshore Building Dept. – No comment

2. Lakeshore Drainage Dept. – No concerns
3. Lakeshore Engineering Dept. – Retained and severed lots subject to water buy in fee according to the tariff of fees by-law at the time of servicing. Revised private drain connection sheets and records drawings required.
4. Lakeshore Fire – No comment
5. Lakeshore Planning Dept. – The Municipality 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 ensure that new residential dwellings are prohibited on any vacant parcel of farmland created by the severance. There is one habitable dwelling and one accessory structure on the proposed surplus lot. None of the existing structures on the proposed surplus lot house livestock. Access to the retained and severed parcel of land will be located off of Lakeshore Road 311.

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:

1. 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 in the format of a projection (NAD 83) UTM Zone 17.
2. That all municipal taxes be paid in full prior to the stamping of the Deed.
3. 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.
4. That the applicant obtain a Zoning By-law amendment respecting the remnant farm parcel to prohibit the construction of a residential dwelling, and that the surplus lot be rezoned to recognize the non- farm residential use.
5. That the applicant complete the septic test report in the consent application to the satisfaction of the Municipality, and if required, install a new septic system on the severed lot that meets Part 8 OBC regulations and to the satisfaction of the Chief Building Official, prior to the stamping of the Deed.
6. 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.
7. That, if determined applicable by the Municipality, that the applicant enter into an Agreement with the Municipality to be registered on title prior to the stamping of the

Deed, that the severed and retained lot shall receive a separate water connection, and to pay any applicable water rates or fees with respect to the subject lands.

8. That the applicant enter into an Agreement, which requires a “warning clause” to 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.
9. That the applicant submit a drawing detailing the surface and subsurface drainage for the entire lands prior to the stamping of the Deeds.
10. That the Deed and a copy for our records be forwarded to the Secretary for stamping.
11. That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by **May 21, 2022**. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.

6. Lower Thames Valley Conservation Authority – No objections

APPLICANTS AMENDMENTS

- None

DISCUSSION

Simon Yared stated that he accepted the recommended conditions.

Member Barrette asked about the grain bin on the property. Simon Yared said it would be removed.

**Moved by Member Sylvestre
2nd by Member Diemer**

That Consent Application B/16/2021 by Waites Farms Inc. c/o Ricci, Enns, Rollier & Setterington LLP be approved subject to all recommended conditions

- Carried –

**Moved by Member Barrette
2nd by Member Diemer**

That the minutes of April 21, 2021 be adopted as printed and distributed.

- Carried –

**Moved by Member Barrette
2nd by Member Diemer**

THAT the meeting adjourn at 7:50 p.m.

- Carried -

Mark Hacon
Chairman

Ian Search
Secretary-Treasurer

DRAFT

Municipality of Lakeshore - Report to Council

Community & Development Services

Recreation Services



To: Mayor & Members of Council
From: Frank Jeney – Manager of Recreation & Leisure
Date: May 28, 2021
Subject: Community Services Advisory Committee – Draft Minutes April 15 2021

Recommendation

This report is for information only.

Background

Brianna Coughlin, Manager of Legislative Services was in attendance to give a brief educational session on committee structure in Lakeshore.

Ryan Donally, Economic Development Officer was in attendance to introduce himself, and provide a presentation on economic development.

Financial Impacts

There are no financial impacts.

Attachment: Draft Minutes - Community Services Advisory Committee_Apr15_2021

Report Approval Details

Document Title:	Community Services Advisory Committee - Draft Minutes April 15 2021.docx
Attachments:	- Draft Minutes - Community Services Advisory Committee_Apr15_2021.pdf
Final Approval Date:	Jun 3, 2021

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

Tammie Ryall

Rosanna Pellerito

Kristen Newman

Truper McBride

Thursday, April 15, 2021, 6:00 PM

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

Pages

1. **Call to Order**
2. **Disclosures of Pecuniary Interest**
3. **Delegations**
 1. Brianna Coughlin, Manager of Legislative Services - Committee Structure 2
 2. Ryan Donally, Economic Development Officer - Introduction to Committee
4. **Approval of Previous Meeting Minutes**
 1. September 24, 2020 Meeting Minutes 4

Recommendation:
Approve minutes of the previous meeting as listed on the agenda.
5. **Completion of Unfinished Business**
6. **New Business**
 1. Discussions. Lakeshore Parks Plan and Waterfront Masterplan

Frank Jeney to send follow-up email to the committee with information regarding the Parks Plan.
7. **Adjournment**

7:55pm

Recommendation:
The Community Services Advisory Committee adjourn its meeting at ____ PM.



Town of Lakeshore

Terms of Reference

Community Services Advisory Committee

2019-2022

1.0 Purpose

- 1.1** Provide advice and recommendations to Council in relation to issues surrounding Parks, Recreation and Leisure Activities, linked to policies, priorities, environmental concerns, user fees and rates, etc.

2.0 Membership

- 2.1** Composed of:
- 2.2** Two Council members, in addition to the Mayor as an ex-officio member, with one Council member appointed as Chair of the Committee.
- 2.3** One representative from each Ward who will represent the area of interest of their local parks, sports groups, etc.
- 2.4** The Recreation Services Division will appoint the municipal liaison to the committee.

3.0 Responsibilities

- 3.1** Help initiate, where appropriate, and to review community services policy initiatives of the Town prior to Council consideration.
- 3.2** Advise on the implementation of the Community Services Master Plan and other related leisure and facilities planning initiatives.
- 3.3** Advise regarding ongoing volunteer recruitment, development, recognition and related initiatives.
- 3.4** Make recommendations regarding parks, recreation and facility issues to Council for consideration and implementation.
- 3.5** Provide ongoing advice to Council on specific initiatives, policies, directions and leisure service delivery strategies.

3.6 Advise Council on the use of community and recreation facilities across Town.

4.0 Meetings

4.1 Meet six times a year at the call of the Chair.

5.0 Resources

5.1 The Manager of Recreation Services will be the municipal liaison and resource to the committee.

5.2 The Recreation Coordinator is a Clerk to the committee.

6.0 References

6.1 Community Services Master Plan

6.2 Parks Master Plan

6.3 Trails Master Plan

Municipality of Lakeshore

Minutes of the Community Services Advisory Committee Meeting



Thursday, September 24, 2020, 6:00 PM

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

Members Present: Chair Linda McKinlay, Councillor Len Janisse, Mayor Tom Bain, Linda Smith, Lana Drouillard, Richard Huggins

Members Absent: Jennifer Alderson, Lynette Bain, Paul James, Sherry Guilbeault

Staff Present: Manager of Recreation & Leisure, Frank Jeney

1. Call to Order

Chair McKinlay called the meeting to order at 6:16 PM. All members participated in the meeting through video conferencing technology from remote locations.

2. Disclosures of Pecuniary Interest

3. Approval of Previous Meeting Minutes

1. July 23, 2020 Meeting Minutes

Moved By Member Smith

Seconded By Member Huggins

Approve minutes of the previous meeting as listed on the agenda.

Carried Unanimously

4. Delegations

5. Old Business

1. Stroll the Streets Re-cap

The Manager of Recreation & Leisure provided an overview of the event and received feedback from the Committee members.

2. Update on current COVID related recreation protocols

The Manager of Recreation & Leisure provided an overview of safety protocols.

6. New Business

1. Waterfront Master Plan

The Manager of Recreation & Leisure presented the Waterfront Master Plan.

7. Date of Next Meeting

Thursday November 26th 2020 – 6 PM – 8 PM

8. Adjournment

Moved By Member Smith

Seconded By Member Huggins

The meeting adjourn at 7:19 PM.

Carried Unanimously

Linda McKinlay
Chair

Frank Jeney
Municipal Liaison

Municipality of Lakeshore - Report to Council

Community & Development Services

Recreation Services



To: Mayor & Members of Council
From: Frank Jeney, Manager of Recreation & Leisure
Date: May 28, 2021
Subject: Youth Advisory Committee – Draft Minutes May 6 2021

Recommendation

This report is for information only.

Background

Laurie D'Alessandro, Chair of the Lakeshore Arts Advisory Committee did a presentation on how the Mayor's Arts Awards program was created and executed annually.

Financial Impacts

There are no financial impacts.

Attachment: Draft Minutes - Youth Advisory Committee_May06_2021

Report Approval Details

Document Title:	Youth Advisory Committee - Draft Minutes May 6 2021.docx
Attachments:	- Draft Minutes - Youth Advisory Committee_May06_2021.pdf
Final Approval Date:	Jun 3, 2021

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

Tammie Ryall

Rosanna Pellerito

Kristen Newman

Truper McBride

Thursday, May 6, 2021, 6:00 PM

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

Pages

1. **Call to Order**

2. **Disclosures of Pecuniary Interest**

3. **Delegations**

1. Laurie D'Alessandro - Chair, Lakeshore Arts Advisory Committee

4. **Approval of Previous Meeting Minutes**

2

Recommendation:

5. **Completion of Unfinished Business**

1. Youth Community Champion recognition 2021

At the Regular Council meeting on April 20th 2021, our recommendation of a Youth Community Champion recognition was approved by Council.

6. **New Business**

1. General Announcements

- a. Cameron Stahlbrand

Explained the initiative Vax Finders

@WV Finders - Facebook

@WindsorVax - Twitter

@WindsorVax - Instagram

7. **Adjournment**

7:35pm

Recommendation:

The Youth Advisory Committee adjourn its meeting at ____ PM.

Municipality of Lakeshore

Minutes of the Youth Advisory Committee Meeting



Thursday, April 8, 2021, 6:00 PM

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

Members Present: Chair Kelsey Santarossa, Councillor John Kerr, Mayor Tom Bain, Member Nathan Bain, Member Noah Cazabon, Member Samantha Russell, Member Shubham Shukla, Member Cameron Stahlbrand, Member Emily Truman

Members Absent: Member Sidney Langlois

Staff Present: Manager of Recreation & Leisure Frank Jeney, Director of Community & Development Services Tammie Ryall, Planner II Ayusha Hanif

1. Call to Order

Chair Santarossa called the meeting to order at 6:04 PM. All members participated in the meeting through video conferencing technology from remote locations.

2. Disclosures of Pecuniary Interest

3. Delegations

4. Approval of Previous Meeting Minutes

1. March 4, 2021 Meeting Minutes

5-04-2021

Moved By Cameron Stahlbrand

Seconded By Emily Truman

Approve minutes of the previous meeting as listed on the agenda.

Carried Unanimously

5. Completion of Unfinished Business

6. New Business

1. Lakeshore Tree Canopy and Natural Vegetation Policy

6-04-2021

Moved By Emily Truman

Seconded By Nathan Bain

Endorse the adoption of the Tree Canopy and Natural Vegetation policy with the following amendment - add "refer to the land use planning proposals" to section 3.1.

Carried Unanimously

2. Lakeshore Youth Community Champion recognition 2021

7. Adjournment

7-04-2021

Moved By Cameron Stahlbrand

Seconded By Emily Truman

The Youth Advisory Committee adjourn its meeting at 6:45 PM.

Carried Unanimously

Kelsey Santarossa
Chair

Frank Jeney
Municipal Liaison

Municipality of Lakeshore - Report to Council

Finance Services



To: Mayor & Members of Council
From: Rosanna Pellerito, Director of Finance
Date: May 31, 2021
Subject: Windsor-Essex Provincial Offences Annual Report- 2020

Recommendation

This report is for information only.

Background

In 1998, the province enacted Bill 108 which amended the *Provincial Offences Act* ("POA") thereby enabling it to transfer various responsibilities of the POA Court system to municipalities across Ontario. Offences governed by the POA are regulatory in nature created pursuant to provincial statutes such as the *Highway Traffic Act*, the *Compulsory Automobile Insurance Act*, the *Liquor Licence Act*, and the *Trespass to Property Act*, to name a few.

Comments

The bulk of the POA Program's revenues are generated from fines received from persons having violated public protection legislation in effect within the program's territorial jurisdiction (Windsor, Essex County, Pelee Island), with additional revenues received from various service users of the POA Court system.

The Inter-municipal Service Agreement calls for the setting up of an administrative advisory panel, being the Windsor/Essex Court Service Area Liaison Committee ("Liaison Committee"), composed of one representative from each participating municipality (the Director of Community and Development Services represents Lakeshore). Among other things, the 11-person Liaison Committee:

- Serves as the liaison between the City and the 9 Served Municipalities on all matters relating to the operation of the POA Program
- Reviews all reports submitted by the City Solicitor in conjunction with the Manager of Provincial Offences and makes recommendations to the operations of the POA Program
- Reviews and recommends for approval the annual budgets

- Generates an annual report for review by the respective councils of the participants

With the onset of COVID in 2020, the collection of fines revenue did not materialize as projected at the onset of the budget. As such, all participating municipalities have incurred a loss in revenue in 2020. The collectability of fines does not expire. As such, it is expected that the reduction in revenue experienced in 2020 is merely a timing issue and will correct itself once the outstanding fines are collected.

In 2021 the POA office will be focusing on the transition to a new space within the Windsor City Hall Campus, as well as using ZOOM technology to conduct remote court proceedings.

Others Consulted

City of Windsor, POA Division

Financial Impacts

The negotiated financial arrangement underpinning the POA Program is in essence a partnership, under which the participating municipalities annually share in the overall net revenue that is realized. The City, as the managing partner, front-ends the operation and collects and enforces the monetary fines imposed by the POA Court. From the total revenue derived, all operating costs pertaining to the POA Program are deducted. These costs include such things as staff salaries, Windsor Police court security, facility rent and maintenance, office equipment and supplies, Victim Fine Surcharge remittances, and the adjudication expenses associated with running courtroom proceedings. The net revenue is then shared amongst the signatories to the ISA in proportion to their respective weighted assessments.

In 2020 Lakeshore had a weighted assessment of 24.32% of Essex County municipalities and was budgeted to received \$162,172. Given the impacts of the COVID pandemic, the collection of fines revenue did not materialize as projected in 2020. As a result the net revenue received by Lakeshore for 2020 was \$29,671. The shortfall of \$132,501 will be funded through the COVID Resiliency application-based grant funding received in 2020.

The Windsor-Essex Provincial Offences 2021 budget for Lakeshore is set at \$162,310.

Attachment: Appendix A: POA 2020 Annual Report

Report Approval Details

Document Title:	Windsor-Essex Provincial Offences Annual Report-2020.docx
Attachments:	- Appendix A-POA 2020 Annual Report-FINAL.pdf
Final Approval Date:	Jun 3, 2021

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

Kristen Newman

Truper McBride

Windsor/Essex Provincial Offences (POA) Annual Report

2020

The 2020 Annual Report is a detailed summary that highlights the activities and operations of the Windsor/Essex POA department throughout the year. It is provided to the Liaison Committee Members every year and includes an overall assessment of the operations and its structure, key performance indicators and financial results.

Issued on:
April 12,
2021

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MESSAGE TO OUR MUNICIPAL PARTNERS

In 2020, the Windsor/Essex Provincial Offences (POA) department continued to operate and persisted despite the relocation to a transitional space due to the fire in November of 2019 as well as dealing with the pandemic twists and turns that halted courts and several court operations on March 16, 2020.

Our main goal this year was to focus on adapting, pivoting and redesigning the way we work to continue our operations as best as we could while adhering to the Ministry of Attorney General (MAG) pandemic orders and our Local Health Authority. While the pandemic and transitional location brought about many challenges, we ended the year in a net revenue surplus position and adapted several new and innovative ways to conduct our business.

The POA team members all worked diligently throughout the year to support continued court operations and put us in a position to resume operations as efficiently and effectively as possible within Ministry guidelines.

Some of the key highlights include:

- Despite the numerous challenges brought about by the Pandemic and suspension of POA timelines, we were able to end the year in a net revenue position.
- Legislative changes experienced from Bill 197 allowed us to expand the use of electronic methods to conduct operations, including remote audio/video early resolutions and first appearances.
- Started utilizing the Zoom software platform to conduct remote court proceedings.
- Utilized email and outside drop boxes to receive court paperwork and encouraged online or over the phone payments to avoid having the public attend in person.
- Secured a long term home location within the City Hall Campus with approval from Council and stakeholder input.

In 2021, the department will continue to learn and adapt to changing processes with remote courts and electronic means of filing court paperwork. We will also focus on transitioning to our long term home within the City Hall campus and executing Red Light Camera POA processes to coincide with the approval of this system in Windsor. We anticipate and look forward to continued legislative changes aimed at modernizing the provincial offences court system.

Sincerely,

Melissa Ryan

Manager of Provincial Offences

SECTION A - BACKGROUND & OPERATIONAL ACTIVITIES

In 1998, the province enacted Bill 108 which amended the *Provincial Offences Act* (“POA”) thereby enabling it to transfer various responsibilities of the POA Court system to municipalities across Ontario. Offences governed by the POA are regulatory in nature created pursuant to provincial statutes such as the *Highway Traffic Act*, the *Compulsory Automobile Insurance Act*, the *Liquor License Act*, and the *Trespass to Property Act*, to name a few. The transfer of POA responsibilities included court support and administration functions, the prosecution of ticketed offences under Part I of the POA (with the more serious charges under Part III continuing to be prosecuted provincially), as well as the collection and enforcement of most fines. Part II matters (also known as parking ticket) and the collections of those tickets are handled by the Parking Enforcement division of the City of Windsor under the administrative penalty system. The POA Transfer did not include criminal matters, which continue to be processed and prosecuted in a court system managed by the province.

The Windsor/Essex Provincial Offences Program (“POA Program”) was created as a special-purpose vehicle to accept the transfer of POA responsibilities from the province. It functions as a self-funding, net revenue positive operating division of the City of Windsor (“City”), having been established for the express purpose of locally implementing the POA Transfer at the regional level.

Although rooted in legislation, the POA Program is essentially governed by a number of contracts, consisting of the following agreements:

- The Transfer Agreement between the City and the province of Ontario as represented by the Ministry of the Attorney General (“MAG”), consisting of 2 contracts, namely a generic Memorandum of Understanding (“MOU”) and a Local Side Agreement (“LSA”). The Transfer Agreement sets forth the City’s responsibilities and duties, inclusive of various guidelines and standards;
- The Intermunicipal Court Service Agreement (“ISA”) entered into amongst the City and those other affected municipalities together constituting the Windsor/Essex Court Service Area (“Area”), which encompasses the geographic territory consisting of the City of Windsor, the County of Essex and Pelee Island. It serves to outline the roles and responsibilities of the POA Program and the 9 serviced municipalities.

The ISA provided for an initial term of six fiscal years, commencing on March 5, 2001 (the live transfer date) through December 31, 2006. The ISA has been renewed two times since the original agreement each time for a period of 5 years. The current agreement which was renewed in 2016 commenced January 1, 2017 and expires December 31, 2021.

The POA Program historically occupied a leased premises in Suite 300 of the Westcourt Place, located at 251 Goyeau Street, in the City of Windsor. On Tuesday, November 12, 2019 a fire occurred at the Westcourt building which resulted in the building being closed to occupants.

Since a return date to Westcourt had not been communicated to the City, an exercise to determine another feasible long term location was undertaken and a permanent location has

been secured at the City Hall Campus. There are several synergies that are created by housing the POA courts within the City Hall campus and we look forward to our permanent operations running from this location.

The POA Program also has responsibility for various POA Court operations at the Leamington courthouse, where the POA Court presided the 1st, 3rd and 5th Thursday of every month. As a result of the pandemic this court location has not opened up to the public and Leamington proceedings are being conducted remotely from the transitional space at 350 City Hall Square. These courts are being held on the 1st and 3rd Thursdays of every month. If and when the Leamington courts open back up to in person proceedings, Windsor/Essex POA will review its operations and determine the best course of action moving forward with hosting POA matters at this location.

The POA Program provides services and facilities to various stakeholders within the administration of justice system. These stakeholders include law enforcement personnel whose mandates entail the initiation of proceedings against defendants alleged to have violated provincial legislation and municipal by-laws, the defendants themselves as well as their legal representatives, victims of such violations, various provincial authorities, as well as an independent and impartial judiciary. Operations of the POA Program fall into four functional categories. These four sections together constitute the operational aspects of the POA Program:

Court Administration: This area has general carriage of the POA Court office. Responsibilities include the intake, processing, filing and preservation of charging documents (i.e. tickets) and associated certificate control lists received from law enforcement agencies; the intake of mail and allocation and processing of payments and legal documentation; tracking of on-line remittances via *www.Paytickets.ca*; staffing of cashier stations to handle payments and queries; generation of POA Court dockets including fail-to-respond, trial, first appearance, and Early Resolution; setting of trials; procuring interpreter services; liaising with police court services personnel; intake and processing of motions, re-openings, appeals and applications for extensions of time to pay fines; maintaining updated data in the provincial mainframe application known as the Integrated Courts Offences Network (“ICON”); enforcement of delinquent fines via driver’s license suspensions; processing of daily financial matters; procurement of equipment/supplies; and overall maintenance of the operations.

Court Support: This area is composed of POA Court monitors, being a combination of court clerks/reporters whose responsibilities include ensuring that the POA Court dockets and associated charging documents are properly presented in court; paging defendants; assisting the Justices of the Peace in arraignments and endorsements; issuing statutory warnings to defendants; generating payment slips to defendants wishing to immediately satisfy imposed fines; maintaining updated ICON data; ensuring that the proceedings are properly recorded; typing transcripts for use in appeals and other proceedings; logging and preserving exhibits including disposal of same in accordance with judicial directions or retention requirements.

Prosecution: The Municipal Prosecutors appear in POA Court to call the trial list and to conduct trials, to deal with motions, to set trial dates; they meet with defendants and their representatives in conjunction with the Early Resolution process with a view to resolving

matters; they review law enforcement files to ensure that matters should be proceeded with and assist with disclosure to Defendants and their Representatives and they appear in the higher courts on both prosecution and defence appeals. All area municipalities except for Windsor continue to prosecute their own by-laws. In 2020 Part III matters under the POA remained the prosecutorial responsibility of the Crown Attorney's office &/or specialist Prosecutors provided by various ministries.

On December 14, 2017, Bill 177 – *Stronger, Fairer Ontario Act* - was passed by the Legislative Assembly of Ontario that enables the Attorney General to enter into agreements with municipalities to transfer responsibility for certain prosecutions currently prosecuted by the Ministry's Criminal Law Division under Part III of the POA. An exact date of the transfer to the municipal prosecutors has not been communicated and was previously expected sometime in 2020. However, due to continued negotiations between the Province and municipalities through the POA Part III Transitional Planning Working Group, as well as the need to address pandemic-induced priorities, any Part III transfer will be delayed. Based on the current wording of the legislation, a Part III transfer is permissible, but not mandatory, and municipalities have made it clear to the Ministry that taking on this transfer would need to be approved by their respective councils. If Part III offences are transferred to the municipalities the Crown Attorney's office will continue to monitor the more serious cases. Based on a preliminary review of the statistics regarding Part III matters it is expected that an additional prosecutor would need to be added to the permanent staff establishment. Further incentives would need to be provided in order to recommend the transfer to Council.

The prosecution of City of Windsor By-laws was transferred to the POA Municipal Prosecutors from the Legal Department in 2017. The Municipal Prosecutors are also prosecuting charges laid by any of the Fire Services in Essex County.

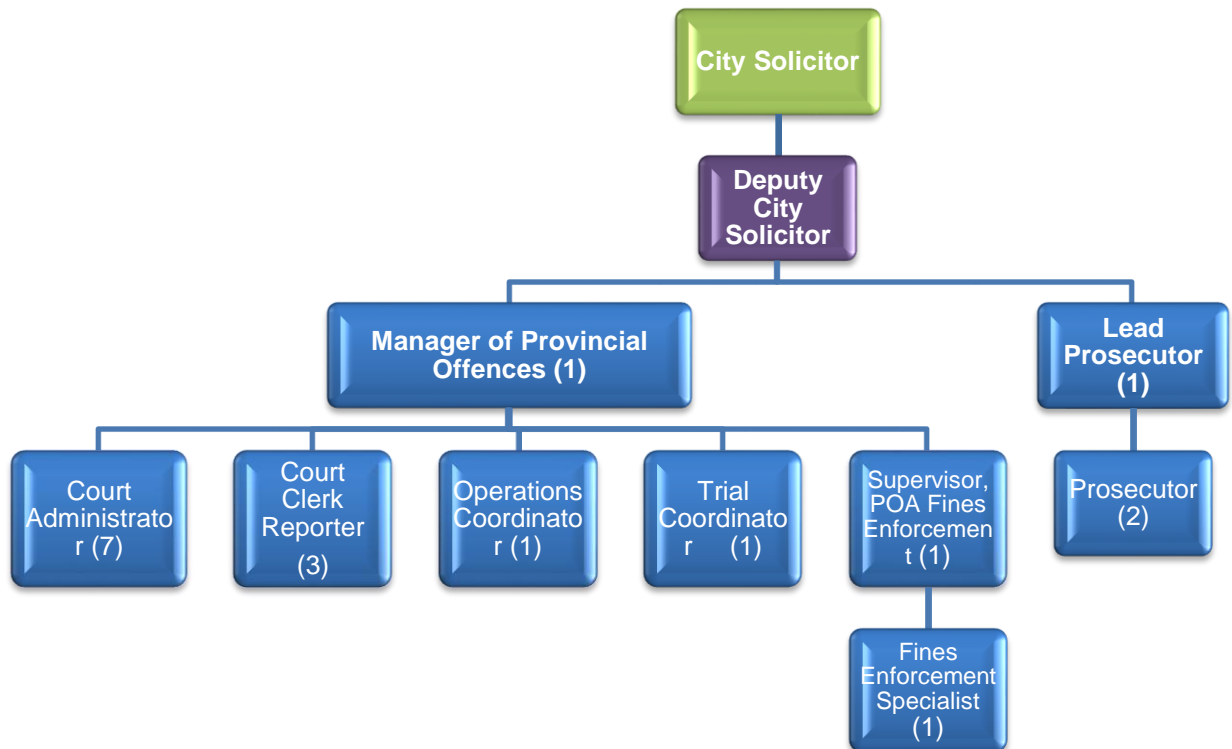
Fines Enforcement (Collections): One POA Fines Enforcement Supervisor along with one POA Fines Enforcement Specialist is responsible for ensuring that POA Court judgments, being orders imposing monetary penalties, are honoured by Defendants including seeing to it that certificates of default are prepared and filed in a timely fashion at the Superior Court of Justice; for sending out dunning letters; for locating and meeting with defendants having defaulted fines and making arrangements for collecting; for ensuring that writs of seizure and sale and garnishments are proceeded with in appropriate cases; for attending on judgment debtor examinations primarily at the Small Claims Court level; for filing proofs of claim with trustees in bankruptcy and estate trustees; and for liaising with collection agencies and credit bureaus with which the POA Program has relationships.

The Windsor POA facility also houses a satellite office of the Police Court Services Branch. Among other things, that office works closely with the Prosecutors to ensure that law enforcement files are available for use at trials, at Early Resolution meetings and on appeals. The Court Services office also advises Police Officers of trial dates, summons lay witnesses, arranges for personal service of court documents, provides disclosure to Defendants and their legal representatives, and procures necessary official documentation for use in court as evidence.

An organizational diagram of the POA Program is included and identified as CHART A-1, which was in effect for the subject reporting period.

CHART A-1

ORGANIZATIONAL CHART OF THE WINDSOR/ESSEX POA OFFICE



SECTION B - LIAISON COMMITTEE

The ISA calls for the setting up of an administrative advisory panel, being the Windsor/Essex Court Service Area Liaison Committee (“Liaison Committee”), composed of one representative from each participating municipality. Among other things, the 10-person Liaison Committee:

- Serves as the liaison between the City and the 9 Serviced Municipalities on all matters relating to the operation of the POA Program
- Reviews all reports submitted by the City Solicitor in conjunction with the Manager of Provincial Offences and makes recommendations to the operations of the POA Program
- Reviews and recommends for approval the annual budgets
- Generates an annual report for review by the respective councils of the participants

By virtue of the ISA, each party municipality provides a member of its administration as its Liaison Committee representative, with the Windsor representative currently being the City Solicitor. The latter is also the Chair.

For 2020, the final composition of the POA Liaison Committee was as follows:

MUNICIPALITY	MEMBER	POSITION
Amherstburg	Justin Rousseau	Treasurer
Essex (County)	Mary Birch	Director of Council Services/Clerk
Essex (Town)	Robert Auger	Clerk/Deputy Treasurer
Kingsville	Tiffany Hong	Manager of Financial Services/Deputy Treasurer
Lakeshore	Rosanna Pellerito	Director of Finance
LaSalle	Dale Langlois	Director of Finance/ Treasurer
Leamington	Laura Rauch	Director of Finance & Business Services
Pelee	Michelle Feltz	Treasurer/Tax Collector
Tecumseh	Tom Kitsos	Director of Financial Services & Treasurer
Windsor	Shelby Askin Hager (Chair)	City Solicitor
Windsor	Melissa Ryan	Manager of Provincial Offences

The Liaison Committee is mandated by the ISA to convene at least twice annually. In 2020, there were two meetings that were held on the following dates and locations:

<u>Date</u>	<u>Location</u>
June 9, 2020	Remote Meeting through Zoom
October 27, 2020	Remote Meeting through Zoom

SECTION C – CASELOADS & STATISTICS

The POA Program's caseload is dependent upon charges laid by professional law enforcement personnel and agencies. The workflow of the POA Program commences with the initiation by Police and other Officers of legal proceedings against alleged violators of provincial legislation and municipal by-laws. Legal proceedings are instituted by personal service upon the Defendant of either a Provincial Offence Notice (also known as a Part I ticket) or a more formal Summons to Defendant requiring attendance at court (also known as a Part III ticket). These charges are ultimately disposed of by an independent and impartial judiciary presiding in the form of the POA Court. Pursuant to Part X of the POA and the Transfer Agreement, the POA Program receives fine revenue from Part I and Part III charges, provided that the fine revenue is not "dedicated" to some special purpose. Further detailed distinctions are possible, as indicated below:

- Charges laid by traditional Police forces, being local police services including the OPP: all fine revenues belong to the POA Program virtually without exception unless the charges are laid under federal legislation or under certain municipal bylaws
- Charges laid by specialized Police forces, such as the OPP contingent securing Casino Windsor: for the most part all fine revenues belong to the POA Program, unless charges are laid under federal legislation (for example by the CNR or CPR police under the *Railway Safety Act* of Canada)
- Charges laid by specialized agencies and most Provincial Ministries, for example the Ministry of Labour under the *Occupational Health and Safety Act*: for the most part all fine revenues belong to the POA Program, unless there is statutory dedication
- Charges laid by Municipal Inspectors and Police Officers under bylaws (e.g. licensing, zoning, noise, prohibited turns, parking, etc.) and provincial statutes (e.g. *Building Code Act*): the fine revenues belong to the charging municipality, with the POA Program receiving no compensation for services rendered and facilities made available, other than relatively insignificant court costs/fees
- Charges laid under federal enactments, or by certain Provincial Ministries or bodies in situations where the fines are statutorily "dedicated" to special purposes: the POA Program receives no fine revenue or other compensation for services rendered and facilities made available, other than relatively insignificant court costs/fees.

In 2020, the POA Program took in a total of 24,065 charging documents, for a monthly average intake of approximately 2,005 tickets. TABLE C-1 which follows below depicts the absolute charging volume and the percentage of total volume over a three year period, by enforcement agency.

NOTE: *The numbers and/or percentages of charges do not necessarily translate into more or less fine revenue generation. The quality of the charges is important along with the final resolution of the fines.*

Table C-1: 2020 ABSOLUTE CHARGING VOLUMES

Agency	2020	% Chg. YTD '20 vs. '19	2019	% Chg. YTD '19 vs. '18	2018	% Chg. YTD '18 vs. '17
Windsor Police	12,454	-19.4%	15,453	32.9%	11,631	10.6%
Ministry of Transportation	1,676	-12.0%	1,904	-6.6%	2,038	-7.4%
Windsor Police-Amherstburg	763	-59.3%	1,874	62.0%	1,157	-58.2%
Essex OPP	2,143	-17.4%	2,596	-23.7%	3,402	-15.1%
Tecumseh OPP	855	-16.7%	1,026	9.9%	934	-11.6%
Leamington OPP	1,495	19.5%	1,251	6.6%	1,174	-0.2%
Lakeshore OPP	912	-31.1%	1,324	57.6%	840	-7.5%
Essex Town OPP	390	-44.0%	696	-29.7%	990	64.2%
Kingsville OPP	983	-17.1%	1,186	2.7%	1,155	1.4%
LaSalle Police	1,465	21.3%	1,208	16.4%	1,038	-39.7%
Essex Detachment Heat Unit	78	-58.1%	186	-1.1%	188	-44.7%
Canadian Pacific Rail Police	135	26.2%	107	-42.8%	187	-8.8%
Ministry of Natural Resources	296	96.0%	151	2.7%	147	-15.5%
Windsor Fire Department	36	-42.9%	63	-22.2%	81	35.0%
Casino OPP	6	-76.9%	26	-49.0%	51	-42.7%
Windsor Essex County Health Unit	81	17.4%	69	155.6%	27	-22.9%
Windsor Bylaw	96	-47.8%	184	37.3%	134	-10.1%
Ministry of Finance	3	50.0%	2	-50.0%	4	#DIV/0!
Ministry of Labour	9	-94.2%	155	109.5%	74	0.0%
Ministry of Environment	5	-90.7%	54	100.0%	27	-30.8%
Miscellaneous	0	-100.0%	1	-83.3%	6	-72.7%
Ontario College of Trades	0	#DIV/0!	0	-100.0%	6	-33.3%
Lakeshore Fire	2	-50.0%	4	33.3%	3	#DIV/0!
Humane Society – Windsor	3	-76.9%	13	-18.8%	16	6.7%
Amherstburg Bylaw	21	16.7%	18	260.0%	5	-61.5%
Amherstburg Fire Department	1	#DIV/0!	0	-100.0%	3	#DIV/0!
Lakeshore Bylaw	2	-75.0%	8	100.0%	4	-33.3%
Ontario Motor Vehicle Industry Council	59	293.3%	15	-84.0%	94	422.2%
Essex Bylaw	3	50.0%	2	-33.3%	3	200.0%
Essex Fire Department	0	N/A	0	-100.0%	1	#DIV/0!
Leamington Bylaw	15	200.0%	5	-64.3%	14	#DIV/0!
Essex Region Conservation Authority	4	100.0%	2	100.0%	1	#DIV/0!
Leamington Fire	0	-100.0%	1	0.0%	1	#DIV/0!
Workplace Safety & Insurance Board	0	-100.0%	4	-93.8%	64	#DIV/0!
Tecumseh Bylaw	1	#DIV/0!	0	#DIV/0!	0	#DIV/0!
Private Complaints	0	-100.0%	1	0.0%	1	#DIV/0!
Greater Essex County District School Board	0	#DIV/0!	0	-100.0%	1	#DIV/0!
Ministry of Agriculture & Food	6	200.0%	2	-33.3%	3	#DIV/0!
Ministry of Environment, Conservation & Parks-Windsor	0	-100.0%	54	1250.0%	4	#DIV/0!
Royal Canadian Mounted Police	0	-100.0%	26	1200.0%	2	#DIV/0!
TOTALS	24,065	-18.9%	29,682	16.3%	25,517	-6.8%
Average Mthly Charging Volumes	2,005		2,474		2,126	

EXTERNAL BENCHMARKING OF CASELOADS

Windsor experienced a substantial decrease in charges filed in 2020 compared to 2019. Windsor ended the year with 23,867 charges which is a -22.9% decrease in charges compared to 2019. The provincial total was -9.7% less than 2019. TABLE C-2 below provides details on the charging volumes of various municipalities as well as Windsor and the total provincial charges filed.

Table C2: 2020 CHARGING VOLUME COMPARATOR

Agency	2020 YTD	% Change '20 vs. '19	2019 YTD	% Change '19 vs. '18	2018 YTD	% Change '18 vs. '17
Windsor	23,867	-22.9%	29,336	16.3%	25,233	-7.6%
Barrie	46,134	-28.7%	59,354	10.5%	53,707	-9.2%
Durham	69,672	28.6%	49,743	-7.9%	54,034	-13.0%
Hamilton	88,057	3.3%	85,158	5.1%	81,033	2.6%
London	25,231	-32.0%	33,296	-11.2%	37,484	-4.9%
Niagara	27,308	-28.2%	35,000	12.5%	31,117	-7.9%
Ottawa	124,323	18.5%	101,361	2.6%	98,838	24.9%
Thunderbay	13,135	-23.8%	16,267	-4.8%	17,079	-13.7%
Toronto	396,544	17.5%	327,084	-4.5%	342,632	-4.0%
Waterloo	44,746	-2.6%	45,897	-11.9%	52,085	-11.4%
York	100,126	-38.7%	138,858	-7.5%	150,164	-1.8%
Brampton	47,221	-38.8%	65,525	-8.5%	71,587	6.3%
Brantford	8,512	-13.9%	9,693	-15.2%	11,430	-4.1%
Caledon	26,692	-21.6%	32,465	-3.0%	33,478	5.2%
Chatham	14,429	-27.8%	18,445	57.4%	11,717	-6.5%
Guelph	14,155	-37.9%	19,526	-0.4%	19,607	8.4%
Lambton	9,206	-15.4%	10,624	-7.5%	11,484	-2.1%
Provincial	1,391,357	-9.7%	1,478,986	-3.3%	1,529,498	-1.1%

Operational Statistics

In addition to having accepted and dealt with the filings of over 23,000 charges over the course of the year and despite court closures for a large portion of 2020, the POA Program processed approximately:

- 5,748 Early Resolution meetings (Part I)
- 27,350 Matters heard in court (Parts I & III)

Section D- Defaulted Fines Enforcement

Under the Transfer Agreement with MAG, the responsibilities of the City include the collection and enforcement of POA fines for and on behalf of the area. The POA Fines Enforcement area currently has 2 full-time employees.

POA was impacted greatly by Ministry ordered court closures and suspension of POA timelines due to the Covid-19 pandemic. The substantial impact to revenue is attributed to the order not allowing conviction of fines or suspension of driver's licenses, and therefore no action was required by any new defendants to pay their fines. Until the expiry of the order suspending POA timelines, which occurred on February 26, 2021, there was a significant decline in revenue collected.

Ongoing efforts to enforce these defaulted fines continue to be aggressive and at the same time very challenging. Enforcement constitutes a highly labour-intensive activity which consumes a lot of resources and time. There are a variety of enforcement tools that are readily available and frequently used by the collection staff in order to encourage payment and/or to legally enforce payment of defaulted fines. Some of these include:

- Selectively adding defaulted fines to the tax roll of sole property owners for collection pursuant to section 441.1 of the Municipal Act.
- Registering Certificates of Default with the civil court having monetary jurisdiction, thereby constituting deemed orders or judgments for enforcement purposes.
- Filing and maintaining wage garnishment proceedings where the employer has been identified and the offender's employment status has been verified.
- Use of Collection Agencies. In addition to skip tracing and making the usual contacts with debtors, our collection agencies have reported numerous defaulters to the major credit bureaus, thereby impairing the creditworthiness of the offenders.
- Filing and maintaining Writs of Seizure and Sale with sheriff's offices, thereby erecting judicial liens against present and future proprietary interests.
- Driver's License suspensions and plate denials under various statutes and regulations.
- Intercepting indemnity deposits with permit-issuing City departments, by redirecting the indemnity refunds to POA where the indemnitors have defaulted fines
- Exercise of prosecutorial discretion to encourage defendants presenting themselves with fresh charges, to finally honour monetary sentences previously imposed by the POA Court.

Although not frequently used due to operational challenges and privacy legislation, there are other enforcement tools that can be applied to ensure collection efforts are maximized:

- Examinations-in-Aid of Execution, whereby judgment debtors may be examined in depth as to their abilities and means to make good their monetary obligations including being compelled to fully disclose their assets, liabilities, sources of income, bank accounts, RRSP's etc.
- Contempt Hearings where debtors have refused or neglected to attend on examinations-in-aid.
- Garnishment proceedings whereby bank accounts, rentals from tenants, RRSP's etc. are

attached as information and used for enforcement.

- Monitoring of death notices in the hopes of collecting from estates.
- Encouraging revocation of CVOR certificates in liaison with the Ministry of Transportation, respecting businesses making use of commercial motor vehicles whose operations perennially default on fines.

ACTIVE COLLECTION EFFORTS

In 2016, a significant change in direction and vision was undertaken. Recognizing the fact that the POA department has little to no control over charging volume, considerable efforts and resources were redirected towards implementing an active and aggressive collection model and procedures. These included an increased focus on adding fines to municipal taxes, garnishment of wages and the use of additional collection agencies to the operating mix. These robust collection efforts continued into 2020 until the efforts were put to a halt on March 16, 2020. The results of these efforts are summarized in the following sub-sections below.

Municipal Tax Rolling

Under Section 441.1 of the *Municipal Act, 2001*, a local municipality is permitted to add any part of a fine for a commission of a provincial offence that is in default under section 69 of the Provincial Offences Act to the tax roll for any property in the local municipality for which all of the owners are responsible for paying the fine. Accordingly, a Defaulted Fine can only be added if the offender in default is the sole owner of the property. The Defaulted Fine is collected in the same manner as municipal taxes at the request of a municipality.

The tax roll process continues to be a supplementary collection tool to utilize in 2020. An additional 4 accounts were added in 2020 and we continue to accumulate funds through this method of collection.

Garnishment of Wages

The process of finding where an offender is employed is one of the most challenging tasks due to the limited amount of information that is available to our staff. In many cases the offenders are either unemployed, working for cash, or on some form of assistance which cannot be garnished. However, when employment is confirmed and the garnishment documents are in place, it becomes one of the most effective enforcement tools. In early 2016, changes were made to our collection processes with the expansion of research capabilities and methods. In 2020, there were 19 new garnishments issued. We also collected \$154,037 in revenue from garnishments. The Fines and Enforcement staff will continue to focus on further enhancing these efforts in years to come.

3rd Party Collections

On January 1, 2016 changes to our 3rd party collection process was also made. As a result of an RFP issued in late 2015 three new collection agencies (CBV, ARO and Gatestone) were procured. Table D-1 summarizes the year over year results.

Table D-1: Third Party Agency Collection Summary- Year Over Year Comparison			
Description	As of December 31, 2020	As of December 31, 2019	Increase/ (Decrease)
Revenues Collected from Third Party Agencies	\$539,990	\$618,588	(\$78,598)

There was a decrease of \$78,598 in collected revenue from Third Party Agencies, which can be attributed to the decrease in convicted fines being submitted to third party vendors. Revenue from 3rd party collections represents approximately 13% of overall revenue collected.

Fines Paid at Service Ontario

In May of 2017, a plate renewal program was implemented by the Ministry of Transportation whereby all outstanding defaulted driver fines have to be paid in full before one can renew their plates. In 2020, 775 fines were collected at MTO through this program. From these payments, revenue of \$328,209 was received. This continues to be a positive and efficient method of collecting defaulted fines that may have not have been collected otherwise.

Outstanding Fines Paid

Regardless of how effective the active collection efforts are, there remains a significant number of outstanding fines. As of December 31, 2020, there were approximately 71,667 records of unpaid fines for a total outstanding amount of \$46,167,993. (See Table D-2 for further details). The significant number of outstanding fines is not just a Windsor specific issue; it is a province wide epidemic.

Table D-2: Number of Unpaid Fines				
Description	2020		2019	
	#	% Change	#	% Change
Pre-Transfer	29,257	-1.3%	29,652	-1.4%
Post- Transfer	42,410	1.5%	41,778	2.3%
Total	71,667	0.2%	71,430	0.9%

Table D-3: Dollar Value of Unpaid Fines				
Description	2020		2019	
	#	% Change	#	% Change
Pre-Transfer	\$5,419,160	-1.5%	\$5,500,586	-1.6%
Post- Transfer	\$40,748,833	1.9%	\$39,995,143	2.4%
Total	\$46,167,993	0.4%	\$45,495,729	0.7%

Many of these older fines (i.e. pre-transfer) have been 'scrubbed' multiple times and all reasonable and appropriate measures to collect have been made. Therefore, it is prudent that a write-off policy be developed in order to address these efforts. POA administration will be looking to adopt a write off policy in 2022, which will be vetted through the Liaison Committee first and subsequently submitted to Windsor City Council for final approval. **It's important to note**

that a write-off policy refers to the cessation of active fine collections and is done for accounting purposes only. It does not absolve a convicted offender from the requirement to pay a fine, as debts to the Crown are owed in perpetuity and are never forgiven.

Section E: Financial Results

The negotiated financial arrangement underpinning the POA Program is in essence a partnership, under which the participating municipalities annually share approximately \$1.2 million of net revenue or “profit”. The City as the managing partner, front-ends the operation and collects and enforces the monetary fines imposed by the POA Court. From the total revenue derived, all operating costs pertaining to the POA Program are deducted. These costs include such things as staff salaries, Windsor Police court security, facility rent and maintenance, office equipment and supplies, Victim Fine Surcharge remittances, and the adjudication expenses associated with running courtroom proceedings. The net revenue is then shared amongst the signatories to the ISA in proportion to their respective weighted assessments (See SECTION F for more details). In 2020 the net profit was allocated as follows:

County Contribution	49.97%
Pelee Contribution	0.27%
<u>City of Windsor Contribution</u>	<u>49.76%</u>
TOTAL	100.00%

In an extremely challenging economic environment and recognizing that fine imposition amounts have not been indexed for inflation, the POA Program still enjoys a successful self-funding model, delivering a net positive revenue budget which benefits all of our local taxpayers. Each benefiting municipality is free to allocate its respective portion to such municipal purposes as deemed appropriate by the elected council thereof.

TABLE E-1 provides a high level five year financial summary which can be used for internal benchmarking and comparative purposes.

TABLE E-1: ANNUAL FINANCIAL RESULTS - 5 YEAR SUMMARY

Description	2020 Actuals (\$)	2019 Actuals (\$)	2018 Actuals (\$)	2017 Actuals (\$)	2016 Actuals (\$)
Revenue:					
Court Fines	\$ 4,001,907.00	\$ 6,349,877	\$5,512,531	\$5,490,364	\$6,264,943
User Fees	\$ -	-	159	-	141
By-Law Fines	\$ 22,401.00	53,198	43,890	42,192	48,988
TOTAL REVENUE	\$ 4,024,308	\$ 6,403,075	\$5,556,580	\$5,532,556	\$6,314,072
% Inc./Dec.) YOY	-37%	15%	0.43%	-12.38%	6.55%
Expenditures:					
Salaries & Wages	1,845,637	1,850,825	1,811,772	1,710,070	1,598,789
Administrative Overhead	277,888	354,341	354,957	374,992	392,501
Materials & Services	347,280	378,267	365,545	356,411	350,323
Provincial Charges	981,033	1,589,165	1,444,503	1,446,084	1,659,736
Facility Rental	328,315	308,389	328,495	332,889	318,742
TOTAL EXPENDITURES	\$ 3,780,153	\$ 4,480,987	\$4,305,272	\$4,220,446	\$4,320,090
NET SURPLUS	\$ 244,155	\$ 1,922,088	\$1,251,308	\$1,312,110	\$1,993,982
% Inc./Dec.) YOY	-87%	54%	-4.63%	-34.20%	7.28%

TABLE E-2 depicts the POA Program's operating results for 2020, specifically detailing out every operating expense and revenue account. The Provincial Offences program ended the year with a net operating profit of \$244,155.

Table E-2: 2020 Provincial Offences Financial Summary - As of December 31, 2020

Acct. #	Account Description	Product #	Account Description	2020 Budget A	2020 Actuals B	Surplus/ (Deficit) C (A-B)
REVENUES						
6485	Bylaw Fines - Courts	5117	Provincial Fines	\$5,924,000	\$ 3,992,221	\$ 1,931,779
6485	Bylaw Fines - Courts	5118	Bylaw Fines	58,093	22,401	\$ 35,692
6485	Bylaw Fines - Courts	5613	Transcript Revenue	15,000	9,686	\$ 5,314
TOTAL REVENUES				\$5,997,093	\$ 4,024,308	\$ 1,972,785
EXPENSES						
Salary & Benefits						
8110	Base - Salary	5115	STD - Provincial Offences	\$1,413,589	\$ 1,365,474	\$ 48,115
8130	Overtime - Salary	5115	STD - Provincial Offences	1,000	2,687	\$ (1,687)
8140		5115	STD - Provincial Offences	-	-	\$ -
8150	Temp - Part-Time - Salary	5115	STD - Provincial Offences	25,234	19,438	\$ 5,796
8170	Service Pay	5115	STD - Provincial Offences	-	-	\$ -
8190	Other Pay	5115	STD - Provincial Offences	-	-	\$ -
8380	Workers Comp. - Admin.	5115	STD - Provincial Offences	-	626	\$ (626)
8381	Workers Comp. - Medical	5115	STD - Provincial Offences	-	-	\$ -
8382	Workers Comp. - Salary	5115	STD - Provincial Offences	-	1,412	\$ (1,412)
8383	Workers Comp. - Pension	5115	STD - Provincial Offences	-	(247)	\$ 247
8384	Workers Comp - Ergonomic	5115	STD - Provincial Offences	-	2,580	\$ (2,580)
8399	Fringe Benefits (Dept.)	5115	STD - Provincial Offences	470,518	453,667	\$ 16,851
Total Salary & Benefits				\$1,910,341	\$ 1,845,637	\$ 64,704.00
Materials & Services						
2145	Housekeeping Supplies	5115	STD - Provincial Offences	\$ 3,420	\$ 326	\$ 3,094
3176	Facility Operations - Internal	5355	Caretaking	62,124	62,000	\$ 124
2215	Bldg. Maintenance Services	5115	STD - Provincial Offences	5,000	516	\$ 4,484
2914	Non-Occ Medical	5115	STD - Provincial Offences	-	410	\$ (410)
2920	Legal Services	5115	STD - Provincial Offences	3,000	2,468	\$ 532
2950	Other Professional - External	5115	STD - Provincial Offences	15,420	19,070	\$ (3,650)
2950	Other Professional - External	5341	Security Services -	259,960	259,960	\$ -
2950	Other Professional - External	5342	Security Services -	8,200	-	\$ 8,200
2951	Other Professional - Internal	5115	Maintenance- Internal	-	-	\$ -
2990	Business Meeting Expense	5115	STD - Provincial Offences	-	144	\$ (144)
2995	Other Purchased Services	5054	Language Line	9,000	2,386	\$ 6,614
Total Materials & Services				\$ 366,124	\$ 347,280	\$ 18,844

Table E-2: Continued

Administrative Overhead						
2010	Office Supplies	5115	STD - Provincial Offences	\$ 16,500	\$ 13,243	\$ 3,257
2020	Postage & Courier	5115	STD - Provincial Offences	28,560	16,132	\$ 12,428
2070	Outside Printing	5115	STD - Provincial Offences	12,000	17,021	\$ (5,021)
2085	Publications	5115	STD - Provincial Offences	13,500	15,083	\$ (1,583)
2610	Travel Expense	5115	STD - Provincial Offences	3,000	2,647	\$ 353
2620	Car Allowance	5115	STD - Provincial Offences	2,500	1,430	\$ 1,070
2710	Telephone Equipment - Gener	5115	STD - Provincial Offences	9,660	852	\$ 8,808
2711	Cell Phones	5115	STD - Provincial Offences	950	1,001	\$ (51)
3120	Rental Expense - External	5115	STD - Provincial Offences	4,000	1,663	\$ 2,337
3175	Facility Rental - External	5115	STD - Provincial Offences	328,315	317,087	\$ 11,228
3210	Building Insurance	5115	STD - Provincial Offences	1,641	1,641	\$ -
3230	Liability Insurance	5115	STD - Provincial Offences	864	864	\$ -
4020	Membership Fees & Dues	5115	STD - Provincial Offences	8,900	8,210	\$ 690
4050	Training Courses	5115	STD - Provincial Offences	4,174	2,254	\$ 1,920
4155	Registrations & Conferences	5115	STD - Provincial Offences	2,500	442	\$ 2,058
4540	Bank Charges	5115	STD - Provincial Offences	59,500	50,626	\$ 8,874
4560	Collection Charges	5115	STD - Provincial Offences	185,900	93,825	\$ 92,075
5125	Computers - PCs	5115	STD - Provincial Offences	8,715	617	\$ 8,098
2925	Computer Maintenance	5115	STD - Provincial Offences	18,360	19,120	\$ (760)
2927	Computer & SW Maint-Extern	5115	STD - Provincial Offences	7,100	15,221	\$ (8,121)
3180	Computer Rental - Internal	5115	STD - Provincial Offences	13,400	13,400	\$ -
5130	Office Furniture & Equipment	5115	STD - Provincial Offences	7,000	13,824	\$ (6,824)
Total Administrative Overhead				\$ 737,039	\$ 606,203	\$ 130,836
Provincial Charges						
2950	Other Professional - External	5509	ICON Fees	\$ 56,555	\$ 46,927	\$ 9,628
2950	Other Professional - External	5507	Adjudication Services	390,000	225,069	\$ 164,931
2950	Other Professional - External	5510	Prosecution Fees	49,050	27,061	\$ 21,989
2950	Other Professional - External	5511	Quality Assurance	45,748	43,940	\$ 1,808
2950	Other Professional - External	5116	Victim Fines	1,010,500	594,759	\$ 415,741
2950	Other Professional - External	5508	Dedicated Fines	65,000	43,277	\$ 21,723
Total Provincial Charges				\$1,616,853	\$ 981,033	\$ 635,820
TOTAL EXPENSES (BEFORE COST SHARING)				\$4,630,357	\$ 3,780,153	\$ 850,204
Total Net Operating Revenue				\$1,366,736	\$ 244,155	\$ 1,122,581
RECONCILIATION						
Cost Sharing Payments						
4295	County Contribution (49.97%)	5115	STD - Provincial Offences	\$ 670,764	\$ 121,999	\$ 548,765
4295	Pelee Contribution (0.27%)	5115	STD - Provincial Offences	3,663	655	3,008
Total Cost Sharing Payments				\$ 674,427	\$ 122,654	\$ 551,773
Balance to City of Windsor (49.76%)				\$ 692,309	\$ 121,501	\$ 570,808
Total Net Operating Revenue				\$1,366,736	\$ 244,155	\$ 1,122,581

Note: 2020 Budget was based on 2019 WA rates as that was the only available information at the time of budget preparation.

Since the local POA Transfer date of March 5, 2001 through to the end of 2020, this Area's POA Program has realized total combined net revenue of approximately \$47,207,000. The calculation is broken down by year by municipal partner in TABLE E-3 below:

TABLE E-3: CUMULATIVE ANNUAL NET REVENUE DISTRIBUTIONS-\$000's

Year	Amher.	Essex	Kings.	Lake.	LaSalle	Leam.	Tec.	Pelee	Wind.	Total
1999	164.7	135.9	141.8	263.4	195.2	184.8	267.5	7.4	2,115.6	3,476.3
2000	182.8	150.8	157.4	292.3	216.7	205.1	296.9	8.2	2,348.0	3,858.2
2001	155.3	128.9	134.3	241.6	182.5	172.1	242.3	7.5	1,898.8	3,163.3
2002	124.8	103.5	108.9	199.0	152.4	138.3	194.0	6.0	1,523.8	2,550.7
2003	120.6	100.3	107.4	199.2	147.3	135.1	180.5	6.3	1,447.4	2,444.1
2004	96.0	79.8	86.0	168.1	123.9	106.8	148.3	5.3	1,134.3	1,948.5
2005	124.3	103.0	112.7	226.4	162.0	139.4	190.0	7.0	1,467.5	2,532.2
2006	114.0	94.5	105.2	214.8	151.5	127.4	172.1	7.1	1,342.0	2,328.6
2007	99.3	82.9	92.8	189.8	133.6	111.8	149.4	6.2	1,159.2	2,025.1
2008	95.9	80.3	90.5	187.8	130.2	109.2	143.6	6.0	1,112.0	1,955.6
2009	98.8	81.7	94.4	193.0	129.3	113.2	144.6	6.0	1,047.7	1,908.8
2010	124.7	102.3	119.3	243.7	161.2	141.8	178.7	7.6	1,286.9	2,366.1
2011	135.4	110.4	130.9	267.3	174.5	152.7	191.5	8.3	1,369.9	2,540.7
2012	111.8	90.2	108.6	221.5	143.4	126.4	154.6	6.9	1,117.2	2,080.5
2013	104.2	84.3	101.9	134.4	203.3	115.9	138.2	5.7	997.9	1,885.9
2014	85.4	70.0	84.7	169.1	111.6	94.8	112.4	4.4	807.7	1,540.1
2015	105.5	85.7	105.8	210.4	138.9	113.4	138.0	5.6	975.4	1,878.7
2016	112.4	91.3	114.5	226.0	150.1	120.4	145.7	5.9	1,027.8	1,994.0
2017	73.2	59.3	74.7	151.8	103.2	77.4	97.6	3.8	671.2	1,312.1
2018	69.3	56.1	72.0	101.3	147.6	73.8	93.9	3.5	633.6	1,251.1
2019	106.4	85.9	110.5	159.9	229.9	114.3	143.9	5.2	966.0	1,922.0
2020	13.5	10.8	14.2	20.7	29.7	14.9	18.2	0.6	121.5	244.1
Total	2,419	1,988	2,268	4,281	3,318	2,689	3,542	130	26,571	47,207

There are a number of factors that must always be taken into consideration when reviewing the financial results for any fiscal year, as well as when projecting potential results for subsequent reporting periods:

- As ticketing and the laying of charges decline so do current fine revenues. This has been a consistent trend not just in Windsor but also in the province over the past five years. Although the POA Program has other sources of revenue (notably aggressive enforcement efforts targeting old or defaulted fines) the bulk of receipts is highly dependent upon the number, type and quality of new charges laid, as well as the attendance of trained officers at trials in disputed cases.
- Another significant and uncontrollable external revenue factor is the number of fines imposed by an independent and impartial judiciary in the exercise of their discretionary sentencing functions, in the event of the entering of convictions.
- The POA Program is highly vulnerable to certain uncontrollable external expenses, notably the provincial charges for Victim Fines Surcharges, adjudication and those for

Part III prosecutions, both of which are mandated by the Transfer Agreement.

SECTION F - REVENUE DISTRIBUTION DETAILS

In accordance with the approved weighted assessment formula for 2020, distributions of net operating results over the course of the subject reporting year were effected as indicated in the detailed tabulation set forth in TABLE F-1 below:

TABLE F-1: Net Revenue Distribution Summary

	Weighted Assessment (\$)	(%)	% of County	2020 Budget	Q1 Jan - Apr	Q2 May - Jul	Q3 Aug - Oct	Q4 Nov - Dec	2020 Total	Surplus/ (Deficit)
Net County & Pelee Revenue				\$ 674,427.00	\$ 378,120.00	\$ 763.02	\$(122,566.76)	\$(133,662.66)	\$ 122,653.59	\$ (551,773.41)
Net City of Windsor Revenue				\$ 692,309.00	\$ 374,569.23	\$ 755.85	\$(121,415.79)	\$(132,407.49)	\$ 121,501.81	\$ (570,807.19)
TOTAL				\$ 1,366,736.00	\$ 752,689.23	\$ 1,518.87	\$(243,982.55)	\$(266,070.15)	\$ 244,155.40	\$ (1,122,580.60)
<u>Allocation/Payment Summary</u>										
Amherstburg	2,490,825,094	11.06%		\$ 75,100.75	\$ 41,609.50	\$ 83.96	\$(13,487.63)	\$(14,708.66)	\$ 13,497.18	\$ (61,603.57)
Essex	1,999,500,787	8.88%		60,575.29	33,401.88	67.40	(10,827.14)	(11,807.32)	10,834.81	(49,740.48)
Kingsville	2,626,953,688	11.67%		77,973.79	43,883.54	88.55	(14,224.75)	(15,512.51)	14,234.83	(63,738.96)
LaSalle	3,818,189,020	16.96%		112,827.37	63,783.26	128.71	(20,675.20)	(22,546.92)	20,689.85	(92,137.52)
Lakeshore	5,475,634,195	24.32%		162,172.91	91,471.06	184.58	(29,650.14)	(32,334.35)	29,671.15	(132,501.77)
Leamington	2,741,947,626	12.18%		80,624.88	45,804.53	92.43	(14,847.44)	(16,191.57)	14,857.96	(65,766.93)
Tecumseh	3,361,015,725	14.93%		101,489.00	56,146.13	113.30	(18,199.64)	(19,847.25)	18,212.54	(83,276.47)
Total County	22,514,066,135	49.97%	100.00%	\$ 670,764.00	\$ 376,099.90	\$ 758.94	\$(121,911.95)	\$(132,948.57)	\$ 121,998.32	\$ (548,765.68)
Pelee	120,926,559	0.27%		\$ 3,663.00	\$ 2,020.09	\$ 4.08	(654.81)	\$(714.09)	\$ 655.27	\$ (3,007.73)
Windsor	22,422,437,342	49.76%		\$ 692,309.00	\$ 374,569.23	\$ 755.85	\$(121,415.79)	\$(132,407.49)	\$ 121,501.81	\$ (570,807.19)
TOTAL	45,057,430,036	100.0%		\$ 1,366,736.00	\$ 752,689.23	\$ 1,518.87	\$(243,982.55)	\$(266,070.15)	\$ 244,155.40	\$ (1,122,580.60)

Note: 2020 Budget was based on 2019 WA rates as that was the only available information at the time.

Details of the quarterly payments are itemized below:

Quarter	Cheque Issuance Date	\$ Amount - County	\$ Amount - Pelee
Q1	N/A		
Q2	N/A		
Q3	December 22, 2020	\$130,345.46	\$705.89
Q4	March 2021	(\$9,559.97)	(\$51.77)
Q4 Correction	April 2021	1,212.83	1.15
TOTAL		\$121,998.32	\$655.27

Due to the pandemic and the uncertainty of revenue generation, the 1st and 2nd quarter payments were put on hold. A revenue reconciliation in the third quarter occurred with a corresponding distribution in December 2020. Upon final reconciliation of the program in February, it was determined that revenue was over distributed in December and the partner municipalities were required to return funds. An additional adjustment will be required in Q1 of 2021 to adjust the revenue allocation to 2020 WA rates.

APPENDIX A – GLOSSARY OF TERMS

Area ~ Windsor/Essex Court Service Area, which encompasses the geographic territory of the City of Windsor, Essex County and Pelee Island

ARO ~ ARO, Inc., one of the registered Canadian collection agencies who have been retained in 2016 to assist the POA Program in the collection of defaulted fines owed by Canadian residents

Bill 108 ~ amending legislation to the *Provincial Offences Act* which in 1998 added Part X thereto, enabling the transfer of administration of justice functions to the municipal sector

Bill 197 ~ amending legislation to the *Provincial Offences Act* which in 2020 added additional expansion of remote court functions.

City ~ The Corporation of the City of Windsor, a single tier municipality continued as such under the *Municipal Act, 2001*

Council ~ the elected City of Windsor Municipal Council

CAMS ~ A Collection Agency Management System installed in 2014 used to track, record and document newly issued as well as defaulted fines.

CBV ~ CBV Collections Services, LTD, one of the registered Canadian collection agencies who have been retained in 2016 to assist the POA Program in the collection of defaulted fines owed by Canadian residents

Early Resolution ~ used to be known as First Attendance early resolution, slated for implementation in 2012. While taking a more formalistic approach, provision is made for convictions of those defendants who fail to appear for their meetings with the prosecutor

Gatestone ~ Gatestone & Co International Inc., one of the registered collection agencies who have been retained in 2016 to assist the POA Program in the collection of defaulted fines owed by Canadian residents

ICON ~ Integrated Courts Offences Network, being the provincial mainframe application used and relied upon by administration of justice staff in relation to all aspects of POA matters

ISA ~ the Intermunicipal Court Service Agreement underpinning the local POA Court operations for Windsor/Essex, entered into amongst the City and the other 9 municipalities together constituting the Area

Liaison Committee ~ the Windsor/Essex Court Service Area Liaison Committee erected pursuant to the ISA, being an advisory administrative body

LSA ~ Local Side Agreement, being one of the 2 contracts together constituting the Transfer Agreement

MAG ~ the Ministry of the Attorney General for the Province of Ontario

MOU ~ Memorandum of Understanding, being one of the 2 contracts comprising the Transfer Agreement

MBNCanada (previously OMBI) ~ The Municipal Benchmarking Network Canada (MBNCanada) is a groundbreaking initiative collecting data for more than 850 measures across thirty-seven (37) municipal service areas

Part I ~ that portion of the POA dealing with ticketing procedures for non-parking matters

Part II ~ that portion of the POA dealing with ticketing procedures for parking matters

Part III ~ that portion of the POA dealing with the issuance of summonses for persons to attend POA Court in order to be arraigned on Informations and thereafter to be dealt with by a Justice of the Peace. There are no provisions for out-of-court payments nor for failure-to-respond convictions

POA ~ *Provincial Offences Act* (Ontario)

POA Court ~ referring to that judicial complement of the Ontario Court of Justice, composed primarily of Justices of the Peace, whose duties include dealing with POA matters

POA Office ~ the premises where the City executes the POA administration of justice functions

POA Program ~ the City's operational structure for the delivery of POA administration of justice functions

POA Transfer ~ the transfer by the province to the City of POA administration of justice functions

Serviced Municipalities ~ those 9 signatories to the ISA for which the City is the service provider pursuant to the POA Transfer, consisting of Leamington, LaSalle, Tecumseh, Essex Town, Kingsville, Pelee, Amherstburg, Lakeshore and Essex County

Transfer Agreement ~ contractual arrangement between the City and MAG where the City became the local service provider for transferred administration of justice functions, composed of the MOU and the LSA

Victim Fine Surcharge ~ all fines levied under Part I and Part III of the POA are statutorily bumped-up by this surcharge. Where the base fine does not exceed \$1,000, the surcharge amount is applied in stepped amounts ranging from \$10 to \$125; fines over \$1,000 have a flat 25% surcharge added. All surcharge amounts are remitted without deduction to the province for appropriate application as determined by senior government

Municipality 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: April 30, 2021

Subject: Lakeshore Road 241 Watermain Extension by Petition

Recommendations

Support and approve the Lakeshore Road 241 watermain petition to extend a 50 mm watermain from Countryview Lane to municipal address 0 Lakeshore Road 241 in accordance with the Watermain Extension by Petition Policy #EN-397, as presented at the June 8, 2021 Council meeting.

Background

In order for municipal water to be supplied to 0 Lakeshore Road 241, the watermain must be extended south from Countryview Lane along Lakeshore Road 241 by an approximate length of 415 m as shown in Figure 1.

Figure 1: Project Location



The Municipality received a petition from the property owners of 0 Lakeshore Road 241 for the installation of a new watermain.

Lakeshore's current watermain petition policy #EN-397 allows for a sole petitioner to upfront the total cost of the project under *Section 3.3 Upfront Cost Recovery Project for Single Property* of the policy.

Following receipt of the petition, the Municipality obtained pricing in accordance with Lakeshore's procurement by-law. The lowest price obtained was from Double D Directional Drilling in the amount of \$18,910.55 (including non-refundable HST) to extend the watermain from Countryview Lane along Lakeshore Road 241.

The property owners of 0 Lakeshore Road 241 have been provided the Municipality's policy and agree to pay all costs including watermain construction identified above as well as the water buy-in fee, installation of a meter pit, a water meter (supply only), and applicable permit fees.

Comments

Should Council approve the extension of the waterline, the Municipality will collect the \$18,910.55 (including non-refundable HST) from the petitioners in accordance with the Watermain Extension by Petition Policy.

The watermain can only be installed after the total costs are collected from the property owners.

Upon completion of the project, the petitioners would be responsible for the actual costs incurred so either: the petitioner will receive a refund should the costs be less than \$18,910.55; or the petitioner will be required to make additional payments should the costs be greater than \$18,910.55.

Financial Impacts

Should Council approve the extension of the watermain, the Municipality will assume this newly constructed watermain as its exclusive asset and be responsible for all maintenance and lifecycle costs in the future.

These costs would be minimal on an annual basis and lifecycle costs would be allocated over the life of the asset.

Report Approval Details

Document Title:	Lakeshore Road 241 Watermain Petition.docx
Attachments:	
Final Approval Date:	Jun 3, 2021

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

Krystal Kalbol

Rosanna Pellerito

Kristen Newman

Truper McBride

Municipality of Lakeshore - Report to Council

Engineering & Infrastructure Services

Public Works



To: Mayor & Members of Council
From: Jeff Wilson, Manager of Operations
Date: May 28, 2021
Subject: Community Christmas Lights

Recommendation

Approve a one-time purchase of Christmas lights, supply only, for the main streets of Woodslee, St. Joachim, Stoney Point, Comber and Lighthouse Cove, not to exceed \$57,600.00 including HST to be funded from the Community Benefit Reserve Fund; and

Approve a base budget of \$5,000 for the annual cost to install and operate the Christmas lights to be funded from the Community Benefit Reserve Fund, as presented at the June 8, 2021 Council meeting.

Background

At the Council Meeting held on April 6th 2021, Council passed the following resolution:

#126-04-2021

Direct administration to prepare a report regarding the purchase of Christmas lights for communities hosting wind turbines, with the cost funded from the Community Benefit Fund.

Carried

Five communities were brought forward to install Christmas Lights in an effort to beautify communities along Lakeshore's Main Street areas through the holiday season with Christmas lighting from November to January of each year.

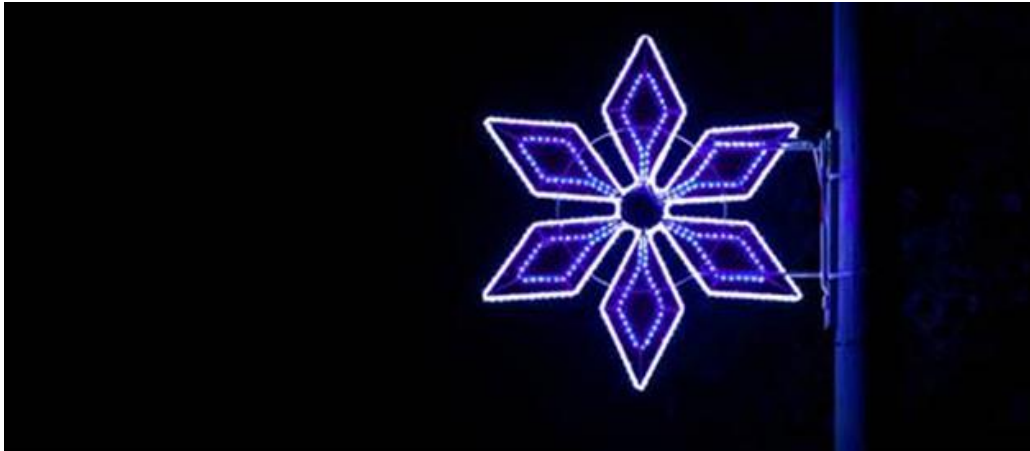
The area limits for each community are as follows:

- Woodslee from Queen Street to Church Street
- St Joachim, from 2716 County Road 42 to Aimee St
- Stoney Point, from Hale Street to Claireview Drive

- Comber, from Industrial Drive to County Road 46
- Lighthouse Cove, the four corners of Tisdelle (County Road 39)

The Christmas light displays will bring an enhanced brightness during the cold winter holidays to Municipal Communities. A photo of the light has been included in Figure 1 below.

Figure 1 – Christmas Light



Comments

Operations has, in the past, installed private Christmas lights along the main street in Stoney Point as a service to the community, with minimal impact on operational costs.

Lakeshore does not currently own any Christmas lights or decorations.

To ensure the success of this program, annual operational costs would be applicable and will be included in subsequent years.

Others Consulted

Both a supplier through Classicdisplays.com and an electrical contractor were consulted.

Financial Impacts

The estimated costs for each community is listed below and includes the fixtures, hardware and electrical connections.

The projected costs associated with installation and maintenance have also been included for 2021.

Community	No. of Fixtures	Cost (incl. HST)
Woodslee	7	\$8,750.00
St. Jochaim	7	\$8,750.00
Stoney Point	14	\$12,600.00
Comber	25	\$22,500.00
Lighthouse Cove	4	\$5,000.00
2021 Installation and Operational costs		\$5,000.00
Total Estimated Cost		\$62,600.00

If approved, Administration will proceed through the procurement process to purchase lighting as indicated above.

Installation and the required maintenance of the lights will be undertaken by Lakeshore's Operations staff.

An annual cost of approximately \$5,000.00 will be required to be funded yearly to support the installation and operation of the lights. It is recommended that the annual cost be funded from the Community Benefit Reserve Fund.

Report Approval Details

Document Title:	Community Christmas Lights.docx
Attachments:	
Final Approval Date:	May 31, 2021

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

Krystal Kalbol

Rosanna Pellerito

Kristen Newman

Truper McBride

Municipality of Lakeshore - Report to Council

Engineering & Infrastructure Services

Public Works



To: Mayor & Members of Council
From: Jeff Wilson, Manager of Operations
Date: May 29, 2021
Subject: Tender Award – River Ridge Park

Recommendation

Approve the total tender amount of \$3,320,734.08 (including non-recoverable HST) and award the River Ridge Park construction tender to Sterling Ridge General Contracting Inc. subject to further negotiations with the successful proponent for up to a 10% contract reduction; and

Authorize up to an additional \$1,103,482.83 to be funded from the 2021 Federal Gas Tax top up allocation; and

Authorize the Mayor and Clerk to execute an agreement with Sterling Ridge General Contracting Ltd., as presented at the June 8, 2021 Council meeting.

Background

A Parks Masterplan for the Municipality of Lakeshore was completed in 2018 by Bezaire Partners.

Consultation with the community formed the basis for the conceptual layout of River Ridge, which included the basics of a community park. A parking area, washroom building, an internal walkway system for both access and fitness, playground equipment, Wi-Fi connection, a pavilion and a specialized park feature (splash pad) were identified.

Consultation identified considerable demand in the community for pickleball courts so it was decided at the conceptual design stage to include both pickleball courts and a splash pad at River Ridge Park.

Following a period of public consultation and a subsequent report to Council on April 23, 2019 the conceptual plan was adopted.

The park was identified to be constructed in phases to spread the funding over several years. The preliminary budget for the project was prepared in 2018 and Council approved

a total budget of \$2,400,000.00 (including non-recoverable HST) based on phasing through 2019, 2020 and 2021.

Phase 1 of the park was issued for tender in 2019.

During the period of tender, the Federal government announced a grant under the ICIP – Recreation and Culture stream available to all municipalities for large-scale projects including parks. The Municipality canceled the tender for Phase 1 prior to the tender closing date to prepare a grant submission. Unfortunately, the submission was unsuccessful and Lakeshore did not receive funding.

In 2020, the project was deferred due to the pandemic and all phases were combined and scheduled to be tendered in the spring of 2021.

The request for tender for the River Ridge Park was publicly advertised on Bids & Tenders on April 6th, 2021 and closed on May 7th, 2021.

Comments

There were four vendors that provided bids. Below is a summary of the submissions received.

Vendor	Total Tender Amount (excluding HST)	Total Tender Amount (including non recoverable HST)
Sterling Ridge General Contracting Inc.	\$3,263,300.00	\$3,320,734.08
Gulf Developments Inc.	\$3,265,446.86	\$3,322,918.72
39 Seven Inc.	\$3,367,059.50	\$3,426,319.75
Vince Ferro Construction Inc.	\$3,588,783.00	\$3,651,945.58

Administration has reviewed all tender documents and has found them to be complete.

Others Consulted

Bezaire Partners was consulted as part of this project.

Financial Impacts

The project costs are summarized below:

Project items	Contract Amount (excluding HST)	Contract Amount (incl. non recoverable HST)
Construction Costs	\$3,263,300.00	\$3,320,734.08
Engineering & Consulting	\$179,588.00	\$182,748.75
Total	\$3,442,888.00	\$3,503,482.83
Approved Budget		\$2,400,000.00
Over/Under		(\$1,103,482.83)

Both the Municipality and the Consultant have identified a trend with tender prices running about 30% higher than project estimates. An example was seen in the Bridge Rehabilitation tender results previously presented to Council.

It was also identified that the design of the building, based on the uniqueness, contributed to higher than anticipated costs for the construction of the building.

Included in the amounts above are the following provisional items:

Description of Provisional Items
Exercise station No. 1 (total of 6 stations) including labour equipment and concrete pad
Exterior benches to be constructed adjacent to the washroom facility including labour and material
10 deciduous trees (total of 118 trees)
Pergola at front of site with concrete pad
One pickleball court and associated material including pavement base nets fence.
Parking lot expansion including labour material granular base asphalt pavement marking concrete curb and removals.
Substitute recycled rubber playground safety surface in lieu of virgin rubber playground safety surface specified
Total \$140,375.00 (excluding HST)

The tender was structured to allow flexibility in the contract to remove any or all of the provisional items as well as negotiate with the successful proponent for a further reduction of up to 10% of the tendered amount, without penalty. Should Council wish to remove any of the provisional items, a resolution of Council would be required.

Based on the recommendation, an additional **\$1,103,482.83** will be required to be funded from the Federal Gas Tax top up allocation to be received in 2021.

Report Approval Details

Document Title:	Tender Award-River Ridge Park.docx
Attachments:	
Final Approval Date:	Jun 3, 2021

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

Krystal Kalbol

Rosanna Pellerito

Kristen Newman

Truper McBride

Notice of Motion submitted by Councillor McKinlay regarding a Campground Licensing By-law

Direct Administration to develop a Campground Licensing By-law based on best practices in Ontario.

Municipality of Lakeshore

By-law 50-2021

**Being a By-law to Confirm the Proceedings of the
Council of the Municipality 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 municipality 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 Municipality of Lakeshore at these sessions be confirmed and adopted by By-law.

Now therefore the Council of the Municipality of Lakeshore enacts as follows:

- 1. The actions of the Council of the Municipality 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 Municipality of Lakeshore, documents and transactions entered into during the May 25th 2021 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 Seal of the Municipality of Lakeshore to all documents referred to in said paragraph 1 above.

Read and passed in an open session on June 8th 2021.

**Mayor
Tom Bain**

**Kristen Newman
Clerk**

/cl