

**Regular Council Agenda**  
**AGENDA**

Tuesday, August 14, 2018, 7:00 pm  
Tecumseh Town Hall  
www.tecumseh.ca

	<b>Pages</b>
1. Order	
2. Moment of Silence	
3. National Anthem	
4. Roll Call	
5. Disclosure of Pecuniary Interest	
6. Minutes	
a. Regular Meeting of Council - July 24, 2018	3 - 11
7. Supplementary Agenda Adoption	
8. Delegations	
a. Richard Zarour, President; Maria Giorlando, Vice President; Melanie Turner, Treasurer; Optimist Club Re: Update on Optimist Club Activities	
9. Communications - For Information	
a. City of Toronto dated August 1, 2018 Re: Immediate Steps to Address Gun Violence	12 - 12
b. Town of Lakeshore dated July 18, 2018 Re: Statutory Public Meeting on proposed Official Amendment	13 - 14
10. Communications - Action Required	
a. Town of Lakeshore dated July 16, 2018 Re: Safety warnings on vehicles to remind the public not to leave children and/or pets in hot vehicle  <b>That</b> the resolution from the Town of Lakeshore requesting the Ministry of Transportation to consider safety measures regarding children and pets in vehicles and hot temperatures <b>be supported</b> .	15 - 16
b. City of Niagara Falls dated July 10, 2018 Re: North American Free Trade Agreement  <b>That</b> the resolution from the City of Niagara Falls requesting all Municipalities represented through the Association of Municipalities of Ontario (AMO) stand together with the Federal government to protect Canadian jobs and local economies <b>be supported</b> .	17 - 18

c.	Township of North Stormont dated June 26, 2018	19 - 19
	Re: Support Municipalities and Green Energy	
	<b>That</b> the resolution from the Town of North Stormont <b>be supported</b> requesting the Provincial government to provide financial safeguards to Municipalities from Green Energy companies that forfeit their contract responsibilities.	
<b>11.</b>	<b>Committee Minutes</b>	
a.	Cultural and Arts Advisory Committee dated June 18, 2018	20 - 21
<b>12.</b>	<b>Reports</b>	
a.	Corporate Services & Clerk	
1.	CS-2018-14 Marriage Licence and Ceremony Services	22 - 25
2.	CS-2018-20 Call for 2018 Award Nominations	26 - 30
3.	CS-2018-22 2018 Cat Voucher Intake Update	31 - 35
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b.	Financial Services	
1.	FS-2018-11 POA Annual Report 2017	48 - 77
2.	FS-2018-13 Budget Variance Report - June 2018	78 - 87
c.	Parks & Recreation Services	
1.	PRS-2018-18 Multi Use Sportsplex Architect Award	88 - 92
d.	Planning & Building Services	
1.	PBS-2018-26, Site Plan Control, Fairlane Town Centre	93 - 108
2.	PBS-2018-27, D19 BASHI, Official Plan and Zoning By-law Amendment, County Road 42-Lesperance Rd.,	109 - 127
<b>13.</b>	<b>By-Laws</b>	
<b>14.</b>	<b>Unfinished Business</b>	
a.	August 14, 2018	128 - 129
<b>15.</b>	<b>New Business</b>	
<b>16.</b>	<b>Motions</b>	
a.	In-Camera Meeting	
b.	Confirmatory By-law	130 - 130
<b>17.</b>	<b>Notices of Motion</b>	
<b>18.</b>	<b>Next Meeting</b>	
	Tuesday, September 11, 2018	
	7:00 pm Regular Meeting of Council	
<b>19.</b>	<b>Adjournment</b>	

The Council of the Town of Tecumseh

Tecumseh Council meets in regular public session on Tuesday July 24, 2018, in the Council Chambers, 917 Lesperance Road, Tecumseh, Ontario at 7:00 pm.

1.     **Order**

The Mayor calls the meeting to order at 7:00 pm.

2.     **Moment of Silence**

The Members of Council and Administration observe a moment of silence.

3.     **National Anthem**

The Members of Council and Administration observe the National Anthem of O Canada.

4.     **Roll Call**

Present:

Mayor	Gary McNamara
Deputy Mayor	Joe Bachetti
Councillor	Bill Altenhof
Councillor	Andrew Dowie
Councillor	Brian Houston
Councillor	Tania Jobin
Councillor	Rita Ossington

Also Present:

Chief Administrative Officer	Tony Haddad
Director Corporate Services & Clerk	Laura Moy
Director Parks & Recreation Services	Paul Anthony
Director Public Works & Environmental Services	Phil Bartnik
Director Financial Services & Treasurer	Luc Gagnon
Director Planning & Building Services	Brian Hillman
Deputy Clerk & Manager Legislative Services	Jennifer Alexander
Manager Water & Wastewater	Denis Berthiaume
Manager Facilities	Ray Hammond
Manager Engineering Services	John Henderson
Deputy Treasurer & Tax Collector	Tom Kitsos
Deputy Fire Chief	Chad Mactier
Manager Strategic Initiatives	Lesley Racicot

5.     **Disclosure of Pecuniary Interest**

Deputy Mayor Joe Bachetti declares an interest in respect to By-law 2018-48, as the Windsor-Essex Catholic District School Board is his employer.

Councillor Brian Houston declares an interest in respect to By-law 2018-48, as the Windsor-Essex Catholic District School Board is his spouse's employer.

**6. Minutes****a. Regular Meeting of Council - July 10, 2018****Motion: RCM - 218/18**

Moved by Councillor Rita Ossington  
Seconded by Councillor Tania Jobin

**That** the minutes of the July 10, 2018 Regular Meeting of Council, the minutes were duplicated and delivered to the members, are adopted.

Carried

**7. Supplementary Agenda Adoption**

There are no supplementary agenda items.

**8. Delegations****a. Ashley Weeres, Mike Brian, and Bob Boughner, Windsor-Essex Care for Kids Foundation**

Re: Black Tie Tailgate Event - Request for Exemption from Noise By-Law

**Motion: RCM - 219/18**

Moved by Councillor Bill Altenhof  
Seconded by Councillor Rita Ossington

That Report No. CS-2018-15 Request for Noise By-law Exemption – Windsor Essex Care for Kids be moved forward on the agenda for discussion.

Carried

**Motion: RCM - 220/18**

Moved by Deputy Mayor Joe Bachetti  
Seconded by Councillor Bill Altenhof

**That** the request from Windsor-Essex Care for Kids Foundation (W.E. Care for Kids) for an exemption from the Town's Noise By-law No. 2002-07, as amended, on Friday, August 17 2018, to permit musical entertainment from 7:30 pm until 11:30 pm for their Black Tie Tailgate Fundraising event at Beach Grove Golf and Country Club located at 14134 Riverside Drive be approved;

**And that** the area residents and OPP be informed of this exemption from the Noise By-law;

**And further that** concerns and/or complaints respecting the emission of sound, resulting from the entertainment, are to be monitored.

Carried

**b. Wendy Pulleyblank-Cunningham, Old Sandwich South Historical Society (OSSHS)**

Re: Grand Opening Invitation – Sandwich South Cultural & Resource Centre

The OSSHS extend an invitation to Council to attend the Grand Opening of the Sandwich South Cultural & Resource Centre and 20th Anniversary of the Historical Society on Sunday, September 30, 2018 at 1:00 pm, at Fire Station #2 on Walker Road.

**c. Heather Grondin, Vice President, Communications and Stakeholder Relations, Windsor-Detroit Bridge Authority**

Re: Windsor-Detroit Bridge Authority

Bryce Phillips, CEO, and Heather Grondin representing the Windsor-Detroit Bridge Authority (WDBA) explain the procurement process for the new Gordie Howe Bridge and advise the preferred proponent is Bridging North America. The members are informed of the private sector partner's responsibilities and how the proposals were evaluated. The design of the bridge is described, as well as the community features. The WDBA representatives also explain the community benefits plan and regional opportunities.

A public meeting will be held on Wednesday, July 25, 2018 at McKenzie Hall in Windsor and further meeting will be held on Thursday, July 26, 2018 in Detroit. A ground-breaking ceremony at the Detroit location was in July in advance of construction.

**9. Communications - For Information**

**a. Ontario Energy Board dated July 9, 2018**

Re: Union Gas Limited has applied to dispose of certain account balances and for approval of the amount of its earnings that it must share with customers.

**b. The College of Physicians and Surgeons of Ontario dated July 12, 2018**

Re: Nomination of an outstanding physician in the community

**c. Community School Alliance dated July 16, 2018**

Re: Call for Nominations

**Motion: RCM - 221/18**

Moved by Councillor Andrew Dowie  
Seconded by Councillor Brian Houston

**That** Communications - For Information A through C as listed on the Tuesday, July 24, 2018 Regular Council Agenda are received.

Carried

**10. Communications - Action Required****a. CN dated June 18, 2018**

Re: Rail Safety Week - September 23 - 29, 2018

**Motion: RCM - 222/18**

Moved by Councillor Bill Altenhof  
Seconded by Councillor Rita Ossington

**Whereas** Public - Rail Safety Week is to be held across Canada and the United States from September 23 to 29, 2018;

**Whereas** it is in the public's interest to raise citizens' awareness on reducing avoidable accidents, injuries and damage caused by collisions at level crossings or incidents involving trains and citizens;

**Whereas** Operation Lifesaver is a public/private partnership whose aim is to work with the rail industry, governments, police services, the media and other agencies and the public to raise rail safety awareness;

**Whereas** CN has requested Town Council adopt this resolution in support of its ongoing effort to save lives and prevent injuries in communities, including our municipality;

**It is hereby resolved** that The Corporation of the Town of Tecumseh supports national Public - Rail Safety Week, to be held from September 23 to 29, 2018.

Carried

**11. Committee Minutes****a. Heritage Committee - June 18, 2018****Motion: RCM - 223/18**

Moved by Councillor Tania Jobin  
Seconded by Councillor Brian Houston

**That** the June 18, 2018 minutes of the Heritage Committee, as was duplicated and delivered to the Members of Council, are accepted.

Carried

**b. Senior Advisory Committee - May 24, 2018 and June 28, 2018****Motion: RCM - 224/18**

Moved by Councillor Rita Ossington  
Seconded by Councillor Bill Altenhof

**That** the May 24, 2018 and June 28, 2018 minutes of the Senior Advisory Committee, was duplicated and delivered to the Members of Council, are accepted.

Carried

**c. Town of Tecumseh Business Improvement Area - June 13, 2018****Motion: RCM - 225/18**

Moved by Deputy Mayor Joe Bachetti  
Seconded by Councillor Brian Houston

**That** the June 13, 2018 minutes of the Town of Tecumseh Business Improvement Area, was duplicated and delivered to the Members of Council, are accepted.

Carried

**d. Youth Advisory Committee - June 18, 2018****Motion: RCM - 226/18**

Moved by Councillor Rita Ossington  
Seconded by Councillor Tania Jobin

**That** the June 18, 2018 minutes of the Youth Advisory Committee, was duplicated and delivered to the Members of Council, are accepted.

Carried

**12. Reports****a. Corporate Services & Clerk**

1. CS-2018-11 Court of Revision Appointment - Burke Drain and Howard Avenue Drain

**Motion: RCM - 227/18**

Moved by Councillor Andrew Dowie  
Seconded by Councillor Rita Ossington

**That** Councillor Tania Jobin be appointed to the Court of Revision for the Town of LaSalle scheduled to be held on Tuesday, August 14, 2018 at 5:00 pm respecting any appeals on the drainage report and specifications for the Howard Avenue Drain, as prepared by Dillon Consulting and N. J. Peralta Engineering, dated June 6, 2018; and the drainage report and specifications for the Burke Drain as prepared by Dillon Consulting and N. J. Peralta Engineering, dated June 6, 2018.

Carried

**b. Financial Services**

1. FS-2018-09 2019 Business Plan and Budget Timetable

**Motion: RCM - 228/18**

Moved by Deputy Mayor Joe Bachetti  
Seconded by Councillor Brian Houston

**That** the proposed 2019 Business Plan and Budget Timetable, as follows, be approved:

- Public engagement - September 10-30, 2018
- Table proposed business plan and budget - December 11, 2018
- Council deliberations - January 15, 2019
- Council consideration and adoption - January 29, 2019

Carried

## 2. FS-2018-10 Water and Sanitary In-House Billing Follow Up Report

**Motion: RCM - 229/18**

Moved by Deputy Mayor Joe Bachetti  
 Seconded by Councillor Tania Jobin

**That** Administration extend the status quo with Water & Sanitary Sewer Billing for one year to allow Administration to evaluate the Town of LaSalle and Town of Amherstburg's experience with transitioning to in-house billing.

**Recorded Vote**

Councillor Rita Ossington	Opposed
Council Andrew Dowie	Support
Councillor Bill Altenhof	Support
Mayor Gary McNamara	Support
Deputy Mayor Joe Bachetti	Support
Councillor Brian Houston	Support
Councillor Tanya Jobin	Support

Carried

**c. Fire & Emergency Services**

## 1. FIRE-2018-06 Tecumseh Fire Services Q2 Update

**Motion: RCM - 230/18**

Moved by Councillor Andrew Dowie  
 Seconded by Deputy Mayor Joe Bachetti

**That** the Tecumseh Fire Services Q2 2018 update presented in the Fire and Rescue Services Department Report FIRE-2018-06 be received.

Carried

**d. Parks & Recreation Services**

## 1. PRS-2018-15 Ice Resurfacer Purchase

**Motion: RCM - 231/18**

Moved by Councillor Brian Houston  
 Seconded by Councillor Rita Ossington

**That** Administration be authorized to pre-order and purchase the 2019 and 2020 Replacement Ice Resurfacers for the Tecumseh Arena;

**And that** the purchase of the 2019 and 2020 Replacement Ice Resurfacers for the Tecumseh Arena at an estimated cost of \$110,000 each be funded from the Fleet Lifecycle Reserve;

Carried



**e. Public Works & Environmental Services**

1. PWES-2018-19 Disaster Mitigation and Adaptation Fund - Expression of Interest

**Motion: RCM - 232/18**

Moved by Councillor Bill Altenhof  
 Seconded by Councillor Brian Houston

**That** Administration be authorized to submit an Expression of Interest to the federal government for funding under the Disaster Mitigation and Adaptation Fund (DMAF) for the following projects:

1. Manning Road Improvements Phases 2 and 3
2. Riverside Drive Trunk Sanitary Sewer
3. Scully and St. Mark's Storm Pump Station Improvements

**And that** Administration be authorized to complete any business case(s), application(s), and/or to provide all information/documentation as required in order to constitute an application under the DMAF;

**And further that** the Treasurer be authorized to sign any required documents necessary to complete the Expression of Interest and the subsequent application(s) to DMAF;

**And further that** the Mayor and Clerk be authorized to sign any documents/agreements (if required) for the Expression of Interest submissions and applications to the DMAF, in a form satisfactory to the Town's Solicitor, financial content satisfactory to the Town's Treasurer and technical content to the Town's Engineer.

Carried

**13. By-Laws**

Deputy Mayor Bachetti and Councillor Houston having declared an interest refrains from any discussion and voting on By-law 2018-49.

**Motion: RCM - 233/18**

Moved by Councillor Rita Ossington  
 Seconded by Councillor Bill Altenhof

**That** By-law 2018-49 being a by-law to authorize the execution of a Site Plan Control Agreement between The Corporation of the Town of Tecumseh and Windsor-Essex Catholic District School Board.

Be given first and second reading.

Carried

**Motion: RCM - 234/18**

Moved by Councillor Bill Altenhof  
 Seconded by Councillor Andrew Dowie

**That** By-law 2018-49 being a by-law to authorize the execution of a Site Plan Control Agreement between The Corporation of the Town of Tecumseh and Windsor-Essex Catholic District School Board.

Be given a third and final reading

Carried

**14. Unfinished Business - July 24, 2018**

The Members receive the Unfinished Business listing for Tuesday, July 24, 2018.

**PIC Lesperance Rd - Bike Lanes**

It is requested that the PIC be held in September or October and that the report to Council be presented in the Fall, and not during summer vacation times.

**No Parking Zones**

A concern is raised for the lack of enforcement of no parking zones on St. Marks and Pilot's Cove. It is requested that Administration address the issue with OPP for appropriate action

**Temporary Road Closures Policy for Special Events**

In reply to a query, the Clerk summarizes the procedure set out in the Policy and advises that applications for block parties are not accepted as recommended by legal counsel.

**15. New Business**

There is no new business presented to Council

**16. Motions****a. In-Camera Meeting****Motion: RCM - 235/18**

Moved by Councillor Bill Altenhof  
Seconded by Councillor Rita Ossington

**That** Notice of the intent to declare McColl Avenue surplus to the needs of the Corporation be given on the Town's website and in the local newspaper, in accordance with the Sale of Land and Notice By-laws;

**And that** a By-law be prepared to declare McColl Avenue surplus to the needs of the Corporation and to be closed;

**And further that** the surplus lands be sold by way of direct sale to Briday Inc. as prescribed in the Sale of Land By-law, at the appraised value, in addition to all costs incurred by the Town to advertise, obtain a Plan, legal and any other fees.

Carried

**Motion: RCM - 236/18**

Moved by Councillor Bill Altenhof  
Seconded by Councillor Rita Ossington

**That** a Notice of the intent to declare a portion of Block 90, Plan 12M-606 surplus to the needs of the Corporation, be given on the Town's website in accordance with the Sale of Land By-law;

**And that** a By-law be prepared to declare that portion of Block 90, Plan 12M-606 surplus to the needs of the Corporation;

**And further that** the surplus lands be sold by way of direct sale to the abutting owner of 338 Lakewood as prescribed in the Sale of Land By-law, and that the cost of purchasing be equivalent to the costs incurred by the Town to advertise, obtain a reference Plan, legal and any other transfer fees.

**And further that** the lands be transferred on condition of use for a driveway and restricted from any landscaping or other obstructions.

Carried

**b. Confirmatory By-law 2018-49**

**Motion: RCM - 237/18**

Moved by Councillor Andrew Dowie  
Seconded by Councillor Bill Altenhof

**That** By-law 2018-49 being a by-law to confirm the proceedings of the Tuesday, July 24, 2018, regular meeting of the Council of The Corporation of the Town of Tecumseh be given first, second, third and final reading.

Carried

**17. Notices of Motion**

There are no notices of motion presented to Council.

**18. Next Meeting**

The next Regular Council meeting will be held at 7:00 pm on Tuesday, August 14, 2018.

**19. Adjournment**

**Motion: RCM - 238/18**

Moved by Councillor Brian Houston  
Seconded by Councillor Bill Altenhof

**That** there being no further business, the Tuesday, July 24, 2018 meeting of Regular Council now adjourn at 8:30 pm.

Carried

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Gary McNamara, Mayor

---

Laura Moy, Clerk

City Clerk's Office

**Secretariat**  
Marilyn Toft  
Council Secretariat Support  
City Hall, 12<sup>th</sup> Floor, West  
100 Queen Street West  
Toronto, Ontario M5H 2N2Tel: 416-392-7032  
Fax: 416-392-2980  
e-mail: Marilyn.Toft@toronto.ca  
web: www.toronto.ca**In reply please quote:  
Ref.: 18-CC44.14**

August 1, 2018

**ALL MUNICIPALITIES IN ONTARIO:****Subject: New Business Item 44.14  
Immediate Steps to Address Gun Violence**

City Council on July 23, 24, 25, 26, 27 and 30, 2018, adopted this Item as amended, and among other things, has requested the Chief Coroner for Ontario to hold an inquest into gun violence related deaths in Toronto to make useful recommendations directed to the avoidance of further deaths due to gun violence.

Toronto City Council has also circulated this resolution to Ontario municipalities asking that they support this request for their communities.

for City Clerk

M. Toft/sb

Attachment

Sent to: Chief Coroner, Province of Ontario  
Medical Officer of Health  
President and Chief Executive Officer,  
Toronto Community Housing Corporation  
Chair, Toronto Police Services Board  
All Municipalities in Ontario  
All Interested Parties

c. City Manager

## **STATUTORY PUBLIC MEETING**

**DATE/TIME:** Tuesday, August 7, 2018 at 6:00 p.m.  
**LOCATION:** Council Chambers,  
419 Notre Dame St., Belle River  
**FILE NO:** OPA-3-2016

**ANY PERSON** may attend the Public Meeting to make written or verbal representation in support of or in opposition to the proposed Official Plan Amendment. Those who wish to address Council to make verbal representation are requested to notify **Maureen Emery Lesperance, CPT, Planning Coordinator** by telephone 519-728-2700, ext. 286 prior to the meeting.

Written submissions regarding the proposed Official Plan Amendment can be made to **Maureen Emery Lesperance, CPT, Planning Coordinator**, Town of Lakeshore, Development Services Office, 419 Notre Dame Street, Belle River, Ontario, N0R 1A0, facsimile 519-728-4577, telephone 519-728-2700, ext. 286 or email (please include your mailing address) [mlesperance@lakeshore.ca](mailto:mlesperance@lakeshore.ca). Written submissions will become part of the public record.

**IF YOU WISH TO BE NOTIFIED** of Council's decision regarding the proposed Official Plan Amendment, you must make a written request to **Maureen Emery Lesperance, CPT, Planning Coordinator**, at the address shown above and such request must include the name and address to which such notice should be sent.

**ALL PERSONS RECEIVING NOTICE** of this meeting will receive a Notice of Adoption for the Official Plan Amendment. Any other person who wishes to receive these notices in respect of the proposed amendment must make a written request to the **Municipal Clerk, Town of Lakeshore, 419 Notre Dame Street, Belle River ON, N0R 1A0**.

The Public Meeting is statutory in accordance with the Planning Act. The approval authority for the Town Official Plan Amendment is the County of Essex.

**IF A PERSON OR PUBLIC BODY** would otherwise have an ability to appeal the decision of the Council of the Town of Lakeshore to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the Municipal Clerk of the Town of Lakeshore before the proposed Official Plan Amendment is adopted, the person or public body is not entitled to appeal the decision.

**IF A PERSON OR PUBLIC BODY** does not make oral submissions at a public meeting or make written submissions to the Municipal Clerk of the Town of Lakeshore before the proposed Official Plan Amendment is adopted, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

**ADDITIONAL INFORMATION** relating to this matter is available for review at the Municipal Office (Town of Lakeshore), Development Service Department, Planning Division, during regular office hours (8:30 a.m. to 4:30 p.m.).

The Secondary Plan is being carried out in accordance with the requirements of the **Planning Act**.

**DATED AT THE TOWN OF LAKESHORE THIS 18<sup>th</sup> DAY OF JULY 2018.**

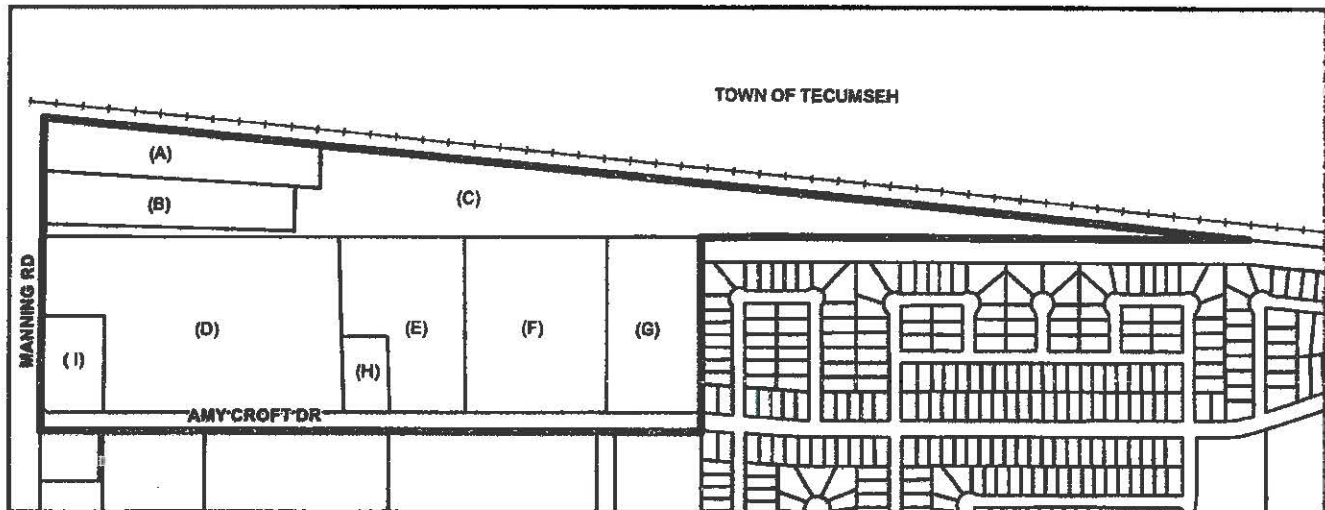
**Town of Tecumseh**





**NOTICE OF STATUTORY PUBLIC MEETING**  
**Concerning a Town Initiated Official Plan Amendment (No. 13)**  
**Amy Croft Secondary Plan**

Council for the Corporation of the Town of Lakeshore will hold a Statutory Public Meeting to examine and discuss the Amy Croft Secondary Plan. The Amy Croft Secondary Plan is a Town initiated Official Plan Amendment for the property bound by Manning Road to the west, Amy Croft Drive to the south, the residential neighbourhood to the east, and the CN Rail mainline to the north containing a total of 68 acres (27.5 ha) in area. (see map below). Members of the public are invited to attend and provide input on the Town of Lakeshore Amy Croft Secondary Plan at this public meeting.



**Purpose of the Study:**

The purpose of the Amy Croft Secondary Plan is:

- To update the planning framework, by identifying the planned road network, road improvements and municipal services to ensure that development proceeds in a logical and phased manner, and introduce landowner cost sharing and coordination policies.
- The Secondary Plan will ensure that costs associated with the required infrastructure improvements are equitably shared amongst the benefitting landowners, and allow the municipality to review and respond to subsequent planning applications for the development of the Secondary Planning area.

Copies of the Amy Croft Secondary Plan and the draft Official Plan Amendment No. 13 will be available for public review beginning on July 18<sup>th</sup>, 2018 in the Town of Lakeshore Planning Department and on the Town's web site at: [www.lakeshore.ca](http://www.lakeshore.ca). Click "Build Lakeshore / Planning Overview" and select "Amy Croft Secondary Plan".



## TOWN OF LAKESHORE

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

July 16, 2018

Minister of Transportation  
House of Commons  
Ottawa, Ontario  
K1A 0A6

Transport Canada  
33 Sparks Street  
Ottawa, Ontario  
K1A 0N5

RECEIVED

JUL 24 2018

Town of Tecumseh

To Whom It May Concern:

**RE: SAFETY WARNINGS ON VEHICLES TO REMIND THE PUBLIC NOT TO  
LEAVE CHILDREN AND/OR ANIMALS IN HOT VEHICLE**

At its meeting of June 26, 2018, the Council of the Town of Lakeshore duly passed resolution number 791-06-2018.

Councillor Janisse moved and Deputy Mayor Fazio seconded:

**Whereas** there have been recent reports of instances where children and pets have been left unattended in a vehicle without adequate ventilation.

**And Whereas** the prolonged heat exposure in a vehicle has resulted in the death of some children and pets.

**And Whereas** warnings about the effects of leaving children and/or pets in a hot vehicle is not a standard safety label displayed on vehicles .

**And Whereas** there are currently no questions or warnings included in the Ministry of Transportation Drivers Handbook which is a guide for G1 driver's license testing in Ontario.

**Now therefore be it resolved** that the Town of Lakeshore requests the Ministry of Transportation to consider including information and

questions in the Drivers Handbook and road test regarding the unsafe temperatures that can be reached in a closed up vehicle.


**And further be it resolved** that the Town of Lakeshore urges Transport Canada to require manufacturers and importers under the Motor Vehicle Safety Regulations to include safety warnings on vehicles to remind the public not to leave children and/or animals in a hot vehicle.

**And further** that a copy of the letter addressed to the Minister of Transportation and Transport Canada be forwarded to the Member of Parliament, Tracey Ramsey and Member of Provincial Parliament, Taras Natyshak as well as all Essex County Municipalities requesting their support.

**Motion Carried Unanimously**

Should you require any additional information with respect to the above matter, please contact the undersigned.

Yours truly,



Kristen Newman  
Director of Legislative and Legal Services

/km

Cc: Tracey Ramsey, MP  
Taras Natyshak, MPP  
Municipality of Leamington – Brenda Percy  
Town of Kingsville - R Baines  
Town of Amherstburg - Paula Parker  
Town of Essex - Robert Auger  
Town of LaSalle – Clerks Department  
Town of Tecumseh - Laura Moy





# **The City of Niagara Falls, Ontario**

## **Resolution**

July 10, 2018

**Moved by: Councillor Thomson**

**Seconded by: Councillor Pietrangelo**

**WHEREAS**, the North American Free Trade Agreement (NAFTA) governs nearly every aspect of Canada and the United States economic relationship including manufacturing, agriculture, resources industries, and services;

**WHEREAS**, about 80% of all of Ontario's exports go to the United States and Ontario is the top trading partner of half of all American States;

**WHEREAS**, even minor changes to the established trade relationship between Canada and the United States could have significant consequences for workers, consumers, and governments on both sides of the border;

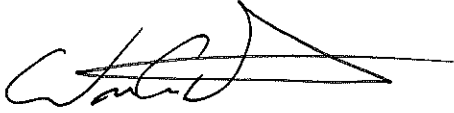
**WHEREAS**, Canada's and Ontario's economic future and the continued well-being of communities and their local economies depend on free and fair trading relationships based in current future trade agreements;

**Therefore be it resolved**; that Ontario municipal governments, represented by the Association of Municipalities of Ontario (AMO), stand together with the Federal and Ontario governments in their efforts to protect Canadian jobs and local economies;

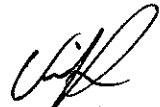
**RESOLVED** that AMO will work with the Province of Ontario to support the interests of municipalities and communities affected by trade disputes and during ongoing trade agreement negotiations;

**RESOLVED** that AMO will work with the Federation of Canadian Municipalities to ensure that Canada understands the municipal impacts affected by trade disputes and during ongoing trade agreement negotiations;

AND The Seal of the Corporation be hereto affixed.

A handwritten signature in black ink, appearing to read 'W. Matson', with a long horizontal stroke extending to the right.

**WILLIAM G. MATSON  
ACTING CITY CLERK**

A handwritten signature in black ink, appearing to read 'V. Kerrio', with a stylized, looped design.

**VINCE KERRIO  
ACTING MAYOR**



The Corporation of the Township of  
**NORTH STORMONT**  
**RESOLUTION**

Date: June 26, 2018

Resolution No. RES-1437-2018

**MOVED BY:**

Deputy Mayor Bill McGimpsey ☐  
Councillor Jim Wert ☐  
Councillor François Landry ☒  
Councillor Randy Douglas ☐

**SECONDED BY:**

Deputy Mayor Bill McGimpsey ☐  
Councillor Jim Wert ☐  
Councillor François Landry ☐  
Councillor Randy Douglas ☒

**WHEREAS** Ontario's Green Energy Act clearly outlines the commitment the Province has to Green Energy; and

**WHEREAS** Municipal governments have been removed from having any meaningful input in these Green Energy projects; and

**WHEREAS** Legal agreements between Municipalities and Green Energy companies cannot guarantee the future safeguards needed to protect lower tier governments from financial exposure if Green Energy companies forfeit their responsibilities; and

**WHEREAS** the magnitude of some of these projects would financially cripple a municipal government if they inherited restoration or repair costs;

**THEREFORE** be it resolved that the Province of Ontario extend its areas of responsibility to include any costs that Municipalities may have to inherit from Green Energy projects. Such as water quality, site restoration, infrastructure repair;

**AND** that this resolution be circulated to Premier Doug Ford, Ministry of Energy Minister   
~~Glenn Bennett~~, MPP Jim McDonnell, United Counties of SDG, AMO and all the municipalities of Ontario.

**FOR**

**AGAINST**

Recorded Vote:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CARRIED:

  
Mayor

DEFEATED:

\_\_\_\_\_  
Mayor

Declaration of Conflict of Interest:

- ☐ Disclosed His/Her/Their interest  
☐ Vacated His/Her/Their Seat  
☐ Deferred

  
\_\_\_\_\_  
CAO/CLERK

Minutes of the Cultural and Arts Advisory Committee  
for the Corporation of The Town of Tecumseh

A meeting of the Cultural & Arts Advisory Committee for the Town of Tecumseh was scheduled to be held on Monday, June 18, 2018, in the Sandwich South Meeting Room at Town Hall, 917 Lesperance Road, Tecumseh at 7:00 pm.

**1. Call to Order**

The meeting was adjourned due to a lack of quorum. No discussion was held and no decisions were made.

**2. Roll Call**

**Present:**

Councillor  
Councillor  
Chair  
Vice-Chair

Brian Houston  
Rita Ossington  
Marian Drouillard  
Rhonda Dupuis

**Also Present:**

Manager Committee & Community Services

Christina Hebert

**Absent:**

Member  
Member  
Member  
Member

Dwayne Ellis  
Ian Froese  
Phil Kane  
Christopher McNamara

**3. Disclosure of Pecuniary Interest**

**4. Delegations**

**5. Communications**

- a. Cultural and Arts Advisory Committee Minutes  
April 16, 2018
- b. Cultural and Arts Advisory Committee Minutes  
May 28, 2018

**Motion: CAAC - 13/18**

**That** the minutes of the April 16 and May 28, 2018 meeting of the Cultural and Arts Advisory Committee be approved.

**6. Reports**

**7. Unfinished Business**

- a. Street Name Recognition
- b. Feather Sculptures Update

**8. New Business**

**9. Next Meeting**

The next meeting of the Cultural & Arts Advisory Committee will be held on Monday, , 2018.

**10. Adjournment**

**Motion: CAAC - 14/18**

**That** there being no further business, the June 18, 2018 meeting of Cultural and Arts Advisory Committee now adjourn at pm.

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Marian Drouillard, Chair

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Rhonda Dupuis, Vice-Chair



## The Corporation of the Town of Tecumseh

Corporate Services & Clerk

**To:** Mayor and Members of Council

**From:** Jennifer Alexander, Deputy Clerk & Manager Legislative Services

**Date to Council:** August 14, 2018

**Report Number:** CS-2018-14

**Subject:** Marriage Licence & Ceremony Services

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### Recommendations

It is recommended:

**That** Report No. CS-2018-14 Marriage License & Ceremony Services **be received.**

### Background

On August 8, 2017, Council at their Policies & Priorities Committee Meeting passed Resolution PPC-05/17 which authorized establishing a marriage licence service in the Town of Tecumseh for a fee of \$130.00 for each licence issued. The Corporate Services & Clerks Department implemented this service and began issuing marriage licences on January 1, 2018.

In conjunction with the issuance of marriage licences, the Town began offering civil marriage ceremonies in March 2018, as approved by Council at their Regular Meeting held on February 13, 2018. This seamless integration of marriage ceremonies demonstrates the Town's efforts to improve and enhance service delivery for residents.

The Communication Plan to launch both services included News Releases, advertising in the Shoreline Week and Essex Free Press newspapers, posts on social media and the Town's website.

These new services also received additional media coverage with CBC and CTV, and a featured article in BIZ X magazine.

## Comments

The public has embraced the services. Positive feedback has been received from comments on convenience, greater access by not having to go to neighbouring municipalities, and efficient service.

Three (3) officiants have been contracted to assist in performing civil ceremonies.

During the first six (6) months, [January 1 to June 30, 2018] 51 marriage licences have been issued and 10 civil marriage ceremonies have been officiated. The table below provides a comparison to surrounding municipalities on marriage service delivery during the first six months of 2018.

<b>Municipality</b>	<b>Number of Marriage Licences Issued</b>	<b>Civil Marriage Ceremonies Performed</b>
Windsor	423	87
LaSalle	62	11
Leamington	56	16
Tecumseh	51	10
Amherstburg	47	11
Kingsville	35	14
Lakeshore	29	9
Essex	28	0
Pelee	0	0

Staff continues to steward service improvement by raising public awareness through social media on the Town's offering of civil marriage ceremonies. Since this is wedding season (May-September), it is anticipated that the strong demand for these services will continue to increase our numbers.

## Consultations

Area municipalities

## Financial Implications

The fee for a marriage licence is \$130.00. The fees collected for marriage licences (less the cost to purchase a licence from the Ministry - \$48.00) for the first half of 2018 is \$4,182.00

The fees charged for Civil Marriage Ceremonies is \$250 plus H.S.T during office hours and \$350.00 plus H.S.T on evenings and weekends. The Town collects all fees prior and retains a \$75.00 administration fee, when an officiant provides this service. The total administrative fees retained by the Town, to date, is \$750.00.

## Link to Strategic Priorities

Applicable	2017-18 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input type="checkbox"/>	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

## Communications

Not applicable ☒

Website ☐      Social Media ☐      News Release ☐      Local Newspaper ☐



This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Jennifer Alexander, MPA  
Deputy Clerk & Manager Legislative Services

Reviewed by:

Laura Moy, Dipl. M.M., CMMIII HR Professional  
Director Corporate Services & Clerk

Recommended by:

Tony Haddad, MSA, CMO, CPFA  
Chief Administrative Officer

<b>Attachment Number</b>	<b>Attachment Name</b>
None	None



## The Corporation of the Town of Tecumseh

Corporate Services & Clerk

**To:** Mayor and Members of Council

**From:** Laura Moy, Director Corporate Services & Clerk

**Date to Council:** August 14, 2018

**Report Number:** CS-2018-20

**Subject:** Call for 2018 Award Nominations

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### Recommendations

It is recommended:

**That** a Notice of Call for Nominations for the 2018 Dr. Henri Breault Community Excellence Award and Donald “Donny” Massender Memorial Volunteer Award, as well as the 2019 Senior of the Year Award (Awards), be placed on the Town’s website and Social Media [Facebook and Twitter pages], advertised in the local media, delivered to local charitable and non-profit organizations, displayed on the Town’s LED sign, as well as posted in prominent locations in the Town’s facilities;

**And that** nominations received for the Awards be considered at a Special Meeting of Council scheduled for Tuesday, November 27, 2018, at 6:00 pm;

**And further that** Report CS-2018-20 regarding the nomination and selection process for Awards, be received.

### Background

The Town’s Awards Policy No. 2 (Awards Policy), sets out the process and timelines for submitting Nominations and selecting recipients each year for the Dr. Henri Breault Community Excellence Award (Dr. Breault Award), Donald “Donny” Massender Memorial Volunteer Award (Donny Massender Award) and the Senior of the Year Award.

Oversight of the Awards Policy and the calling of nominations is the responsibility of the Corporate Services & Clerk Department.

The Awards Policy includes a provision that the recipient of the annual Donny Massender Award be nominated for the Provincial June Callwood Outstanding Achievement Award for Volunteerism in Ontario and the Ontario Medal for Good Citizenship. The annual recipient of the Tecumseh Senior of the Year Award is also nominated for the Ontario Senior of the Year Award and the Senior Achievement Award (Canada).

The purpose of this report is for information and to advise on the 2018 process for receiving nominations, in addition to the timelines for selection of award recipients.

## **Comments**

### **Nominations**

The Awards Policy requires Nominations for the Dr. Henri Breault Award, Donny Massender Award and the Senior of the Year Award to be called annually in September by the Clerk.

In accordance with the Awards Policy, the Notice of Call for 2018 Nominations for each of the Awards will be posted to the Town's website and Social Media [Facebook and Twitter], advertised in the local media, delivered to local charitable and non-profit organizations, displayed on the Town's LED sign, as well as posted in prominent locations in the Town's facilities, including the Town Hall, Tecumseh Arena and Cada Library Complex.

The annual closing date for submitting Nominations on the prescribed forms is October 31st as set out in the Awards Policy. Nominations can be submitted online or delivered to the Town Hall. The Nomination Form must be submitted together with the following supporting materials:

- a) Detailed contact information about the person being nominated;
- b) Detailed contact information about the person submitting the nomination;
- c) A summary (maximum 100 words) indicating how long the person submitting the nomination has known the nominee and the reasons believed the nominee is a worthy candidate;
- d) A detailed description of the nominee and his/her achievements including background/history;
- e) Written testimonials (original and signed) from at least two (2) additional persons who can attest to the value and impact of the nominee's achievements; and
- f) Additional information and material in support of the nomination (i.e. other testimonial letters that add substance to the nominee's achievements, publications, media stories, tributes, etc.) The additional materials should provide new information and insight into the nature of the nominee's achievements.

Nominees must be a resident of the Town of Tecumseh, or have lived in the Town. No person shall receive an Award posthumously, in keeping with the Awards Policy.

## **Award Selection Process**

The process for selecting Award recipients is set out in the Awards Policy. The Awards Policy states “all nominations will be considered by Tecumseh Council or a Committee appointed and comprised of Members of Council.”

The Awards Policy also states that a Special Meeting is to be scheduled on the second Tuesday of November, either before or after the Regular Meeting of Council, in order that the Members may review the Nominations and select a recipient for each of the Awards. In the year of an election, the current Members of Council (or a Committee comprised of the current Members of Council) will select the respective Award recipients.

The late Donny Massender’s wife is to be consulted on the selection of the Donny Massender Award.

It is recommended that consideration of the nominations be given by Council at a Special Meeting scheduled for Tuesday, November 27, 2018, at 6:00 pm.

## **Award Recipients Notification and Investiture**

The Award recipients and the respective persons submitting their nominations are to be notified within five (5) working days of Council’s decision.

The Dr. Henri Breault Award, Donny Massender Award and the Senior of the Year Award will be presented to the recipients at the Volunteer Recognition event to be held during National Volunteer week in April 2018.

## **Other Award Nominations**

The recipient of the Donny Massender Award will also be nominated for the June Callwood Outstanding Achievement Award for Volunteerism in Ontario. Nominations for the June Callwood Outstanding Achievement Award must be made by December 5th, annually. Recipients will be presented with the Award by the Ministry of Citizenship and Immigration during National Volunteer Week in April. The Donny Massender Award recipient will also be nominated for the Ontario Medal for Good Citizenship by the July 17th, annual deadline.

The Ministry of Citizenship and Immigration also offers municipalities in Ontario an opportunity to honour one outstanding local Ontarian who, after the age of 65, has enriched the social, cultural or civic life of his or her community. The deadline for submitting nominations to the Ministry for the Senior of the Year Award is April 30th, each year. The nomination selected by Council for the 2019 Senior of the Year Award will be submitted to the Ministry.

Municipalities are notified by the Ministry prior to June of each year, as to the disposition of their nomination. The month of June has been identified by the Ministry Responsible for Seniors as Seniors’ Month.

Traditionally, the Senior of the Year Award is presented by Council at a regular public meeting during the month of June and the Award recipient is recognized at the annual Corn Festival, as well as at the Volunteer Recognition event.

The recipient of the Tecumseh Senior of the Year Award will also be nominated for the Senior Achievement Award (Canada) by the June 15th, annual deadline.

## Consultations

None

## Financial Implications

The cost of notices for the Awards is included in the 2018 Budget.

## Link to Strategic Priorities

Applicable	2017-18 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input type="checkbox"/>	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input checked="" type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

## Communications

Not applicable ☐

Website ☒ Social Media ☒ News Release ☒ Local Newspaper ☒

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Sue White  
Administrative Assistant to Director Corporate  
Services & Clerk

Reviewed by:

Laura Moy, Dipl. M.M., CMMIII HR Professional  
Director Corporate Services & Clerk

Recommended by:

Tony Haddad, MSA, CMO, CPFA  
Chief Administrative Officer

<b>Attachment Number</b>	<b>Attachment Name</b>
None	None



## **The Corporation of the Town of Tecumseh**

Corporate Services & Clerk

**To:** Mayor and Members of Council

**From:** Christina Hebert, Manager Committee & Community Services

**Date to Council:** August 14, 2018

**Report Number:** CS-2018-22

**Subject:** Cat Spay and Neuter Voucher Program  
Cat Intake Program  
Bi-Annual Update for 2018

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### **Recommendations**

It is recommended:

**That** the Cat Spay and Neuter Voucher Program and Cat Intake Program Bi-Annual Update for 2018 Report CS-2018-22, **be received**.

### **Background**

#### **Cat Spay and Neuter Voucher Program**

At the November 28, 2017, Regular Council Meeting, Council approved the renewal of the Cat Spay and Neuter Voucher Program for 2018 and passed Resolution RCM-415/17 as recommended in the Corporate Services & Clerk Report No. 36/17.

#### **Cat Intake Program**

At the October 24, 2017, Regular Council Meeting, Council passed Resolution RCM-376/17 authorizing the execution of the Cat Intake Agreement (Agreement) with the Windsor-Essex County Humane Society (WECHS) for 2018 to permit stray cats to be dropped off at a cost of \$25 to the Town of Tecumseh for each cat.

During the Budget deliberation on November 21, 2017, Council approved the Corporate Services & Clerks Department budget for Animal Control, which included funding in the amount of \$4,750 for a Cat Spay and Neuter Voucher Program and \$2,500 for a Cat Intake Program.

## **Comments**

### **Cat Spay and Neuter Voucher Program 2018**

The Cat Spay and Neuter Voucher Program for 2018 (Program), was approved for 95 vouchers being offered with a value of \$50 each.

The Vouchers for the Program were made available to the public on Friday, February 9, 2018. The Program allows for caregivers of feral cats to receive up to a maximum of five (5) vouchers, issued on a first come, first serve basis, with a 120-day expiry period.

From the initial allotment of 92 Feral Cat Vouchers, 70 were issued, leaving 22 vouchers remaining. Three (3) vouchers were made available for Low Income Owned Cats, however, none were issued.

As of, June 30, 2018, 55 out of the 70 Feral Cat Vouchers issued have been redeemed and have had invoices submitted to the Town for payment by the authorized participating Veterinary Hospitals in Essex County. Of those issued, five (5) of the Feral Cat Vouchers were not utilized prior to the voucher expiration and the remaining 10 vouchers will expire on or about October 25, 2018. Accordingly, the remaining 27 Feral Cat Vouchers will be reissued and made available to the public, along with any vouchers not redeemed following the October 25, 2018, expiration date. The intent of the Program is to have as many feral cats as possible spayed or neutered to help reduce the population of feral cats in the Town.

The remaining three (3) Low Income Vouchers for the spay or neuter of Owned Cats will be re-allocated to the Feral Cat Vouchers, due to higher interest in vouchers for Feral Cats by September 1, 2018, in the event no applications are received.

### **Cat Intake Program 2018**

The Cat Intake Program with the WECHS allows residents to drop off stray cats to the WECHS at a cost of \$25 to the Town for each cat. Prior to 2018, residents were permitted to drop off stray cats at a cost of \$10 and \$20 was charged to the Town of Tecumseh.

The Agreement with the WECHS for the Cat Intake Program has been in place since 2010. In that time, the Cat Intake Program has proven to be very successful for the Town and has received positive participation from residents.

As of June 30, 2018, the current cost to the Cat Intake Program is \$575.00 based on invoices submitted by the WECHS to the Town for payment.

A summary comparing the number of cats dropped off at the WECHS, as of June 30 in each of the years 2014 to 2018 is provided in the following Table.



<b>Month</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
January	2	2	1	2	1
February	4	1	1	0	1
March	3	6	2	3	2
April	4	4	12	0	6
May	14	4	7	3	10
June	30	15	10	6	3
<b>Total</b>	<b>57</b>	<b>32</b>	<b>33</b>	<b>14</b>	<b>23</b>
<b>Actual</b>	<b>\$1140.00</b>	<b>\$640.00</b>	<b>\$660.00</b>	<b>\$280.00</b>	<b>\$575.00</b>

Based on the historical trend in previous years, the months of July, August, September and October tend to have a higher rate of cat intakes.

The steady decline in the use of the Cat Intake Program since 2014 and the reduced interest in the Cat Spay and Neuter Voucher Program may be an indicator of the reduction of the feral cat population in the Town, which these programs were intended to accomplish.

It is recommended that the Cat Spay and Neuter Voucher Program and Cat Intake Program Bi-Annual Update for 2018 Report CS-2018-22, be received.

## Consultations

Area Veterinary Hospitals  
Windsor Essex County Humane Society

## Financial Implications

The 2018 P&I Animal Control Budget includes funding in the amount of \$4,750 for the Cat Spay and Neuter Voucher Program and \$2,500 for the Cat Intake Program.

It is anticipated that both Programs will be under-utilized by the end of 2018, resulting in a surplus to this budget line item. A review of these Programs will be conducted as part of the 2019 Budget process.

## Link to Strategic Priorities

Applicable	2017-18 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input type="checkbox"/>	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input checked="" type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

## Communications

Not applicable ☒

Website ☐ Social Media ☐ News Release ☐ Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Christina Hebert, BA (Hons), MA, Dipl. M.A.  
Manager Committee & Community Services

Reviewed by:

Laura Moy, Dipl. M.M., CMMIII HR Professional  
Director Corporate Services & Clerk

Recommended by:

Tony Haddad, MSA, CMO, CPFA  
Chief Administrative Officer

<b>Attachment Number</b>	<b>Attachment Name</b>
None	None



## The Corporation of the Town of Tecumseh

Corporate Services & Clerk

**To:** Mayor and Members of Council

**From:** Laura Moy, Director Corporate Services & Clerk

**Date to Council:** August 14, 2018

**Report Number:** CS-2018-21

**Subject:** 2019 Committees and Local Boards  
Application and Selection Process

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### Recommendations

It is recommended:

**That** Notice of the Call for Applications for all Advisory and Statutory Committees and Local Boards **be posted** to the Town's website and Facebook page, **advertised** in the local media, delivered to the current Committee/Local Board Members, **displayed** on the Town's LED signs and posted in prominent locations in the Town's facilities (i.e. Town Hall, Tecumseh Arena and Cada Library Complex) in September 2018;

**And that** that a Special Meeting of Council **be scheduled** for Tuesday, December 11, 2018, at 6:00 pm for the purpose of considering Committee and Local Board applications.

### Background

The Committee/Local Board Application and Appointment Policy No. 4 (Committee Policy) was approved to formalize the process and timelines for calling and receiving applications for member appointments to the Town's Advisory Committees, Statutory Committees and Local Boards, as well as the process for reviewing the applications and selecting persons to be appointed to the respective Committees and Local Boards.

## **Comments**

### **Committee Policy**

The Policy establishes timelines for calling and receiving applications for Committees and Local Boards and a process for reviewing the applications, as well as selecting persons to be appointed to the respective Committees and Local Boards.

The term of Committee and Local Board Appointments is the full term of Council.

The Policy requires that applications for appointments to the Committees and Local Boards, in an election year, be called in September by the Clerk.

Notice of a call for Applications to the Advisory Committees, Statutory Committees and Local Boards is to be posted on the Town's website and social media, advertised in the local media, displayed on the Town's LED signs and posted in prominent locations in the Town's facilities (i.e. Town Hall, Tecumseh Arena and Cada Library Complex).

In accordance with the Policy, persons wishing to be appointed to a Committee must complete and submit a prescribed Application Form for the Committee to which they are seeking an appointment. Original and complete Application Forms are to be submitted to the Clerk on or before October 31st annually.

Applicants must be a resident, or owner/tenant of land in the Town of Tecumseh; a Canadian citizen; and at least 18 years of age, unless otherwise indicated (i.e. Youth Advisory Committee members must be 13-23 years and Senior Advisory Committee members must be at least 60 years).

Applicants may not be an employee of the Town, nor prohibited by law from voting in a municipal election.

The term of all appointments is consistent with the term of the Council that appointed them, or until such time as new members are appointed.

### **Types of Committees**

#### **Advisory Committees**

Advisory Committees provide advice and recommendations to Council, as requested, on areas within their mandates and have no authority for decision-making or independent actions. Members of the Advisory Committees are appointed by Council and typically include at least two (2) Members of Council as liaisons, save and except the Youth and Senior Advisory Committees.

The current types of Advisory Committees are the Cultural & Arts, Dog Pound, Youth and Senior Advisory Committees.

## Statutory Committees

Statutory Committees are permitted or required by Provincial legislation and perform functions as specified in the relevant legislation.

The current Statutory Committees are the Heritage Committee, Committee of Adjustment, Property Standards Committee, Election Compliance Audit Committee and Tecumseh Accessibility Advisory Committee.

## Local Boards

Local Boards include the Business Improvement Area Board of Management, Tecumseh Police Services Board, Essex County Library Board, Essex Power Corporation Board of Directors, and Essex Region Conservation Authority.

For ease of reference, a brief description of the select local boards and committees is provided in [Attachment 1](#).

## Nominations

The Committee Policy states that applications for appointments to the Advisory Committees, Statutory Committees and Local Boards will be called in September by the Clerk, in the year of a Municipal Election. Recruitment commences in September, prior to the Municipal Election.

Notice of the call for applications for each of the Committees and Local Boards is to be posted to the Town's website and social media, advertised in the local newspapers, delivered to the current Committee and Board members, displayed on the Town's LED sign, as well as posted in prominent locations in the Town's facilities, such as the Town Hall, Tecumseh Arena and Cada Library Complex.

In accordance with the Committee Policy, persons wishing to be appointed to a Committee must complete and submit a prescribed Application Form for the Committee or Board to which they are seeking an appointment on or before October 31<sup>st</sup> annually.

## Selection Process

The Committee Policy states that in the year of a Municipal Election, a Special Meeting is to be scheduled on the second Tuesday of December, either before or after the Regular Meeting of Council, in order that the Members may review the Applications and select the appointments to each of the Committees and Local Boards.

In accordance with the Policy a Special Meeting of Council will be scheduled for Tuesday, December 11, 2018, at 6:00 pm for the purpose of considering Applications to each of the Committees and Local Boards.

## Consultations

None

## Financial Implications

The cost of advertising and calling of Applications for Committees and Local Boards has been included in the 2018 budget.

## Link to Strategic Priorities

Applicable	2017-18 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input type="checkbox"/>	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input checked="" type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

## Communications

Not applicable ☐

Website ☒ Social Media ☒ News Release ☒ Local Newspaper ☒

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Sue White  
Administrative Assistant to Director Corporate  
Services & Clerk

Reviewed by:

Laura Moy, Dipl. M.M., CMMIII HR Professional  
Director Corporate Services & Clerk

Recommended by:

Tony Haddad, MSA, CMO, CPFA  
Chief Administrative Officer

<b>Attachment Number</b>	<b>Attachment Name</b>
1	Brief Descriptions of Select Local Boards and Committees



# Appendix 1

## Brief Descriptions of Select Local Boards and Committees

### Statutory Committees

#### Tecumseh Accessibility Advisory Committee

The *Ontarians with Disabilities Act* provides that municipalities must establish an Accessibility Advisory Committee. The Committee shall advise Council in each year about the preparation, implementation and effectiveness of the municipality's Accessibility Plan. The Committee is also responsible for carrying out all obligations of an Accessibility Advisory Committee as established by the *Ontarians with Disabilities Act* as amended.

The Committee is made up of one (1) Member of Council and eight (8) members from the community. The *Ontarians with Disabilities Act* requires that not less than 50 percent of this Committee's members be persons with disabilities or such members as Council deems appropriate.

The Tecumseh Accessibility Advisory Committee meets quarterly. The meetings are normally held at 12:00 pm at Town Hall.

#### Committee of Adjustment

The Committee of Adjustment is responsible for holding hearings under the *Planning Act* with respect to minor variances to the Town's Zoning By-law and applications for consents to severances which result in the creation of a new lot(s) or lot additions.

The Committee is comprised of seven (7) members from the public. The Committee members are appointed by Council for their term of office.

Meetings of the Committee are regularly held once a month on the third Monday, at 5:00 pm, in the Council Chambers of Tecumseh Town Hall.

#### Election Compliance Audit Committee

In accordance with the *Municipal Elections Act*, 1996 (the "Act"), the Council of the Town of Tecumseh is to establish an Election Compliance Audit Committee. The Committee is to be composed of persons with accounting and audit, academic or legal backgrounds and/or other individuals with knowledge of election campaign finances set out in the Act.

Members should have a demonstrated knowledge and understanding of municipal election campaign finances; proven analytical and decision-making skills; experience working on a committee, task force or similar setting; and good oral and written communication skills.

The Committee will perform the duties relating to the compliance audit application process as outlined in the Act, including:

- considering a compliance audit application received by an elector and deciding whether the application should be granted or rejected;
- appointing an Auditor, if the application is granted;
- receiving the Auditor's report;
- reviewing the Auditor's report and deciding whether legal proceedings should be commenced; and
- determining whether to recover the costs of conducting the compliance audit from the applicant, if the Auditor's report indicates there were no apparent contraventions and, if there were no reasonable grounds for the application.

Employees of the Town of Tecumseh, Members of its Council and any candidates in the 2010 municipal election or in any by-election during the term of Council are ineligible to be appointed as a member of this Committee.

### **Property Standards Committee**

Tecumseh Council enacted a Property Standards By-law which provides for a Property Standards Committee comprised of three (3) members. The members of the Committee are selected by Council from the Committee of Adjustment. The Property Standards Committee considers appeals from orders issued by the Property Standards Officer.

Meetings of this Committee are only required when someone appeals such an order.

### **Heritage Committee**

The Heritage Committee is appointed under the *Ontario Heritage Act*. The Committee may advise on matters related to the Act and to properties in the Town of Tecumseh that have Cultural Heritage Value and which the Town may wish to protect from destruction or harmful change by passing of a Designation By-law as provided for in the *Ontario Heritage Act*.

Tecumseh Council is required, under the *Ontario Heritage Act*, to consult with its Heritage Committee during the designation/repeal-of-designation process for individual properties or districts and on applications to demolish/remove structures from, or otherwise alter designated properties.

### Statutory role of the Municipal Heritage Committee:

- Designation - advise Council prior to the designation of a property;
- Repeal of Designation - advise Council prior to the repeal of a by-law or part thereof designating property;
- Amendment of Designation - advise Council prior to the amendment of a by-law or part thereof designating a property;
- Alteration of a Designated Property - advise Council on applications to alter a designated property where such proposed alteration may affect the reasons for designation as set out in the by-law designating the property;
- Demolition - advise Council on applications to demolish or remove any building or structure on designated property;
- Easements / Covenants - advise Council before the passing of by-laws providing for the entering into of easements or covenants with the owners of real property, or interests therein, for the conservation of buildings of historical or architectural value or interest; and
- Districts - advise Council before passing a by-law to define one or more areas to be examined for designation as a heritage conservation district.

The Heritage Committee is comprised of Members of Council and members from the community.

The Heritage Committee meets quarterly on the third Monday of the month, at 6:00 pm at Town Hall.

## **Advisory Committees**

### **Cultural & Arts Advisory Committee**

Tecumseh Council established a Cultural & Arts Advisory Committee under the following Terms of Reference:

- identify cultural activities and engagements encouraging community participation;
- obtain artwork depicting local diverse talents and landmarks in addition to the unique features of the Town of Tecumseh, preserving the Town's various histories in the former municipalities of the Town of Tecumseh, Village of St. Clair Beach and Township of Sandwich South, and capturing the essence and spirit of the amalgamated Town;

- identify prominent locations within the Town of Tecumseh for public display of artwork; and
- research grants and acquire donations for achieving such goals.

The Committee is comprised of Members of Council and members from the community.

The meetings of the Committee are held monthly on the third Monday of the month at 7:00 pm at Town Hall.

### **Senior Advisory Committee**

A Senior Advisory Committee (SAC) was first established in 2016 for purpose of providing advice to Council and Administration on issues that affect seniors in the community.

The SAC is comprised of members over the age of 60. Meetings are held at the Tecumseh Town Hall on the fourth Thursday of each month at 6:00 pm in the Council Chambers.

### **Youth Advisory Committee**

A Youth Advisory Committee (YAC) was first established in 2016. The YAC offers advice to Council and Administration on issues that affect area youth and works with Town departments, agencies and organizations that are involved in youth initiatives.

The YAC is comprised of youth between the ages of 13-23.

Meetings are held in the Sandwich South Room, of the Tecumseh Town Hall, on the third Monday of each month at 4:30 pm.

### **Dog Pound Committee**

The Town of Tecumseh entered into an Agreement with the Towns of Lakeshore, Essex and LaSalle for the joint operation of a Dog Pound. Each of the municipalities provides representation on the Joint Dog Pound Committee to assist in overseeing the Dog Pound Operations.

Meetings of the Committee are scheduled by the Town of Lakeshore.

## **Local Boards**

### **Business Improvement Area (BIA) Board of Management**

This non-profit organization represents and promotes a defined geographic area of the Town as a business or shopping area. The Board also oversees the improvement,

beautification and maintenance of municipally-owned land, buildings and structures in the area beyond that provided at the expense of the municipality generally.

The BIA is governed by a nine (9) Member Board of Management, appointed by Council and comprised of two (2) Directors appointed by Council and seven (7) Directors selected by a vote all the Membership.

The budget for promotional activities and events as adopted by the Board of Management is submitted annually to Council for approval as part of the budget process. The Town provides the approved funding to the Board of Management by collection of a special levy applied to commercial properties in the defined geographic area.

The BIA meets monthly on the second Wednesday of each month at 7:00 pm in the Tecumseh Room of the Town Hall.

### **Essex County Library Board**

The Library Board consists of seven (7) members. Following a municipal election each local municipality in Essex County forwards to the County Clerk, the name of a nominee from their municipality to serve as a representative on the Essex County Library Board. The Essex County Striking Committee shall review the names of the nominees received and makes final recommendations for the Essex County Library Board appointees to County Council for approval. The number of County Councillors appointed to the Library Board shall not exceed four (4), in accordance with the *Public Libraries Act*.

Library Board members are compensated through payment of a stipend for meetings attended and a per kilometre reimbursement for travel to and from meetings.

Library Board meetings are typically held at the Essex County Civic Centre, located at 360 Fairview Avenue, Essex, once a month (except for July and August), usually at 7:00 p.m. on the fourth Wednesday of the month.

### **Essex Power Corporation Board of Directors**

The Town of Tecumseh, together with the Towns of Amherstburg, LaSalle and the Municipality of Leamington are the holders and beneficial owners of common shares in Essex Power Corporation (Essex Power). Essex Power provides power to over 28,000 residents and businesses in Amherstburg, LaSalle, Leamington and Tecumseh. Its mission statement is to provide safe, reliable, and economical energy supply and services to its customers.

Under an Agreement between the shareholders, each municipality is required to appoint an elected municipal representative and a non-elected representative for their respective community to the Essex Power Corporation Board of Directors. The Directors may also be appointed to the Board of an Essex Power subsidiary; namely: Essex Powerlines Corporation, Essex Power Services and Essex Energy Corporation.

Further information regarding Essex Power Corporation is available at its website [www.essexpower.ca](http://www.essexpower.ca)

The Essex Power Corporation Board of Directors generally meets quarterly in the months of March, June, September and December. Meetings are usually held at the Essex Civic Centre, located at 360 Fairview Avenue West, Essex at 4:00 p.m. on a Wednesday.

### **Essex Region Conservation Authority Board**

ERCA was established in 1973 as one of the last Conservation Authorities in Ontario to work toward restoring some of the region's original character and to manage conservation issues. Located at the tip of Southern Ontario, ERCA has jurisdiction in nine (9) municipalities. These include the City of Windsor, Township of Pelee and the seven (7) municipalities in Essex County that collectively comprise Canada's South Coast. Nineteen representatives from these communities make up the Essex Region Conservation Authority's [Board of Directors](#).

The Town of Tecumseh is represented on the ERCA Board by two members appointed by Council.

Meetings of the ERCA Board are held on Thursdays in the Council Chambers of the Essex Civic Centre at 7:00 p.m.

### **Tecumseh Police Services Board**

The Town currently contracts the services of the Ontario Provincial Police (OPP) for police protection within the community. This contract is administered by the Tecumseh [Police Services Board](#).

The *Police Services Act* requires a municipality to appoint a Police Services Board. Tecumseh Council established that a Board be appointed for the Town comprised of:

- the Head of Council (Mayor) or, if the Mayor chooses not to be a member of the Board, another Member of Council appointed by resolution;
- one (1) Member of Council appointed by resolution;
- one (1) person appointed by resolution of the Council, who is neither a member of the Council nor an employee of the Town; and
- two (2) persons appointed by the Lieutenant Governor in Council.

The responsibilities of the Police Services Board are set out in the *Police Services Act*. The Board is responsible for the provision of adequate and effective police services in the Town.

Meetings of the Tecumseh Police Services Board are held in the Council Chambers of the Town Hall. The meetings of the Board are held bi-monthly on the second Thursday of the month at 4:30 pm.



## The Corporation of the Town of Tecumseh

### Financial Services

**To:** Mayor and Members of Council

**From:** Luc Gagnon, Director Financial Services & Treasurer

**Date to Council:** August 14, 2018

**Report Number:** FS-2018-11

**Subject:** Windsor/Essex Provincial Offences Act (POA) Annual Report 2017

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### Recommendations

It is recommended:

**That** the Windsor/Essex Provincial Offences Act (POA) Annual Report 2017 (FS-2018-11) **be received** for information.

### Background

The Windsor-Essex Provincial Offences Program was created as a special purpose vehicle to accept the transfer of the POA responsibilities from the Province. It generates a net surplus from operations that is shared among the participating municipalities.

The Inter-municipal Service Agreement (ISA) governs the operation of the POA program. The Windsor/Essex Court Service Area Liaison Committee is an advisory panel and is composed of one representative from each participating municipality. The Committee serves as the liaison between the City of Windsor and the serviced municipalities on matters relating to the operation of the POA Program.

The ISA provides, among other things:

- that the program is delivered by the City of Windsor;
- net revenues are shared based on proportionate weighted assessment;
- dispute resolution provisions; and
- governance provisions.



Section 2.5 of the ISA for the Windsor-Essex Provincial Offences Program provides that:

“The Committee (Windsor/Essex Court Service Area Liaison Committee) shall submit a report outlining the Committee’s activities to the parties’ Councils a minimum of once per year.”

The term of the ISA has been renewed since inception and is currently set to expire December 31, 2021.

The POA Program is responsible for the collection and enforcement of “ticketable” offences pursuant to Parts I and III of the *Provincial Offences Act*, such as violations in regard to the *Highway Traffic Act*, *Liquor License Act*, fines issued under various statutes, etc. The POA program excludes Part II offences (parking) which are administered by each municipality directly. Criminal matters continue to be processed and prosecuted through the provincial court system at this time.

## Comments

Attached for Council’s information is a copy of the 2017 Annual Report for the Windsor/Essex POA program as reviewed and recommended by the Committee on March 21, 2018.

The Annual Report (attached) contains sections on:

Message to our Municipal Partners

- A. Background & Operational Activities
- B. Liaison Committee
- C. Caseloads & Statistics
- D. Defaulted POA Fines Enforcement
- E. Financial Results
- F. Revenue Distribution Details

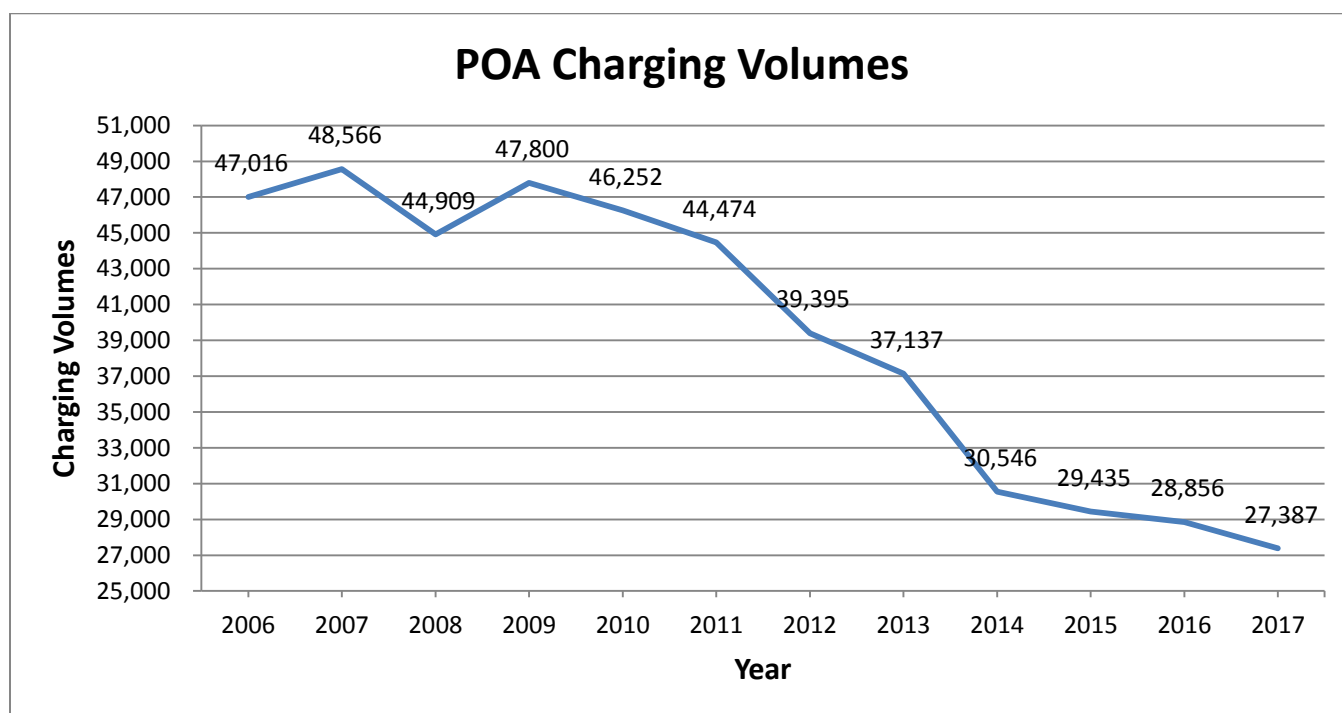
The following excerpt from the Message to our Municipal Partners provides Key Highlights for the 2017 year:

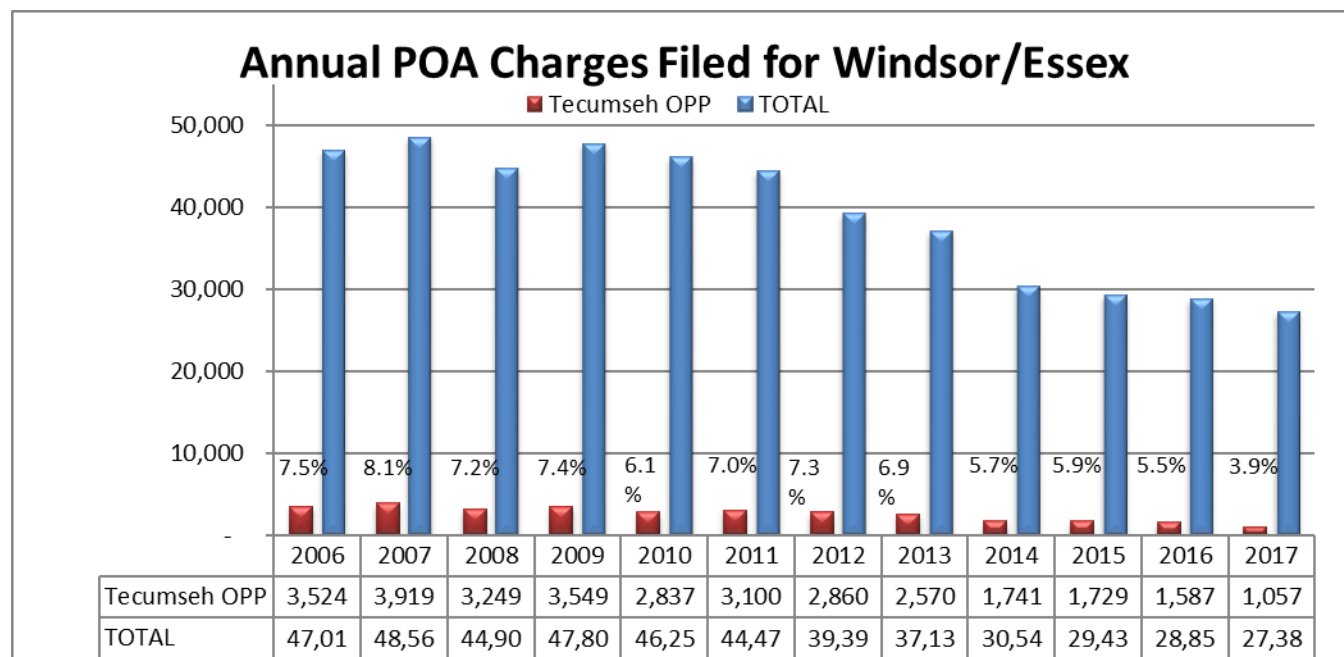
- Increased revenue collection through various methods such as garnishments and tax roll procedures.
- Over \$236,500 collected in defaulted fines at Service Ontario through the plate renewal procedures.
- The installation of a video conferencing system which will allow access to approved interpreters from across the province via remote connection.
- Secured grant funding from the Accessibility and Diversity committee to fund the installation of a hearing loop system in each of the courtrooms.

- Assumed responsibility for prosecutions under the provincial Fire Code in Essex County.
- Conducted approximately 14,500 prosecutions in 2017.
- Took advantage of government grants available to Municipal courts for French learning initiatives.

The main focus for the POA Committee continues to be an emphasis on collecting fines, current and defaulted, as well as continuing to improve efficiencies, streamline processes and strengthen business relationships. The total outstanding fines amount is \$43.2M (2016 - \$42.1M), of which \$5.7M (2016 - \$6.0M) is the pre-transfer of responsibility receivables. Further details can be found in Section D of the report.

The Caseloads & Statistics section continues to highlight how area charging activity has been declining over time with 2017 now being the lowest in history. In 2017, the POA Program took in a total of 27,387 (2016 – 28,856) charging documents, a decrease of 5.1% (2016 – 2.0%) from the prior year. The chart below illustrates the steady decline in charging volumes beginning in 2012.





## Consultations

None

## Financial Implications

The Town's share of the net surplus from POA revenues had been historically included in the annual budget at \$150,000, but was reduced to \$130,000 for 2016 to reflect the revenue decline of the past few years. The total revenue received since 1999 is:

Year	Total	Tecumseh	
	Net Profit	\$	%
2017	\$ 1,312,100	\$ 97,584	7.437%
2016	\$ 1,994,000	\$ 145,746	7.309%
2015	\$ 1,878,700	\$ 138,001	7.346%
2014	\$ 1,540,100	\$ 112,371	7.297%
2013	\$ 1,885,900	\$ 138,236	7.330%
2012	\$ 2,080,500	\$ 154,579	7.330%
2011	\$ 2,540,700	\$ 191,475	7.536%
2010	\$ 2,366,100	\$ 178,683	7.552%
2009	\$ 1,908,800	\$ 144,601	7.575%
2008	\$ 1,955,600	\$ 143,647	7.344%
2007	\$ 2,025,100	\$ 149,405	7.378%
2006	\$ 2,328,600	\$ 172,085	7.390%
2005	\$ 2,532,200	\$ 190,022	7.507%
2004	\$ 1,948,500	\$ 148,295	7.611%
2003	\$ 2,444,100	\$ 180,469	7.384%
2002	\$ 2,550,700	\$ 193,991	7.605%
2001	\$ 3,163,300	\$ 242,312	7.658%
2000	\$ 3,858,200	\$ 296,911	7.696%
1999	\$ 3,476,300	\$ 267,516	7.729%
	<b>\$ 43,789,500</b>	<b>\$ 3,285,929</b>	

The 2017 Net Profit is a decrease of 34% from the 2016 level. As noted in the attached POA Annual Report, "The primary factor contributing to this decline is the continuous decline in charging volumes. To mitigate the decline in revenue, various cost saving measures were implemented in 2017 to add efficiencies to court room utilization and scheduling of court room hours. Prudent financial planning is ongoing to ensure mitigating measures are implemented when possible."

## Link to Strategic Priorities

Applicable	2017-18 Strategic Priorities
<input type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

## Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Luc Gagnon, CPA, CA, BMath  
Director Financial Services & Treasurer

Recommended by:

Tony Haddad, MSA, CMO, CPFA  
Chief Administrative Officer

**Attachment  
Number**

**Attachment  
Name**

1

Windsor/Essex Provincial Offences (POA) Annual Report 2017

# Windsor/Essex Provincial Offences (POA) Annual Report

# 2017

The 2017 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:  
March 21, 2018

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## MESSAGE TO OUR MUNICIPAL PARTNERS

On March 5, 2017, the Windsor/Essex Provincial Offences department celebrated its 16<sup>th</sup> year of service. Despite experiencing the lowest charging volumes since taking over from the Ministry in 2001, our active collection efforts continued to be robust making it the best year yet for collections.

The POA team members worked diligently throughout the year to meet its objectives and supported a number of new initiatives that had a positive impact on the overall business operations. Some of the key highlights include:

- Increased revenue collection through various methods such as garnishments and tax roll procedures
- Over \$236,500 collected in defaulted fines at Service Ontario through the plate renewal program
- The installation of a video conferencing system which will allow access to approved interpreters from across the province via remote connection.
- Secured grant funding from the Accessibility and Diversity committee to fund the installation of a hearing loop system in each of the courtrooms
- Assumed responsibility for prosecutions under the provincial Fire Code in Essex County.
- Conducted approximately 14,500 prosecutions in 2017.
- Took advantage of government grants available to Municipal courts for French learning initiatives

The department continues to build on the successes from prior years to guide us as we move forward with new initiatives for future years.

Sincerely,

*Rosanna Pellerito*

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 Licence 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 ticketable 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. The bulk of the POA Program’s revenues are generated from fines received from persons having violated public protection legislation.

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 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 as the liaison between the City and the 9 Served Municipalities on all matters relating to the operation of the POA Program

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 occupies leased premises in Suite 300 of the Westcourt Place, located at 251 Goyeau Street, in the City of Windsor. The current Westcourt Place lease expires December 31, 2018. The POA Program also has responsibility for various POA Court operations at the

Leamington courthouse, where the POA Court presides the 1<sup>st</sup>, 3<sup>rd</sup> and 5<sup>th</sup> Thursday of every month.

The POA Program provides services and facilities to various stakeholders within the administration of the justice system. These stakeholders include law enforcement personnel whose mandates entail initiation of proceedings against defendants alleged to have violated regulatory or “public protection” legislation, 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. These 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](http://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 licence suspensions; processing of daily financial matters; procurement of equipment/supplies; and overall maintenance of the facility.

**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 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 continue to prosecute their own by-laws and “local” statutes such as the *Building Code Act*. In 2017 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 Provincial Offences Act. This transfer to the municipal prosecutors is expected to take effect in 2018 although the Bill provides for a two year transition period. The local Crown Attorney's office has been contacted with respect to the transfer and a meeting will take place once further information is received from the Ministry regarding a new or revised agreement with the municipalities. The Crown Attorney's office will continue to monitor the more serious cases. The present plan is to assume these additional prosecutions using our existing Municipal Prosecutors

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

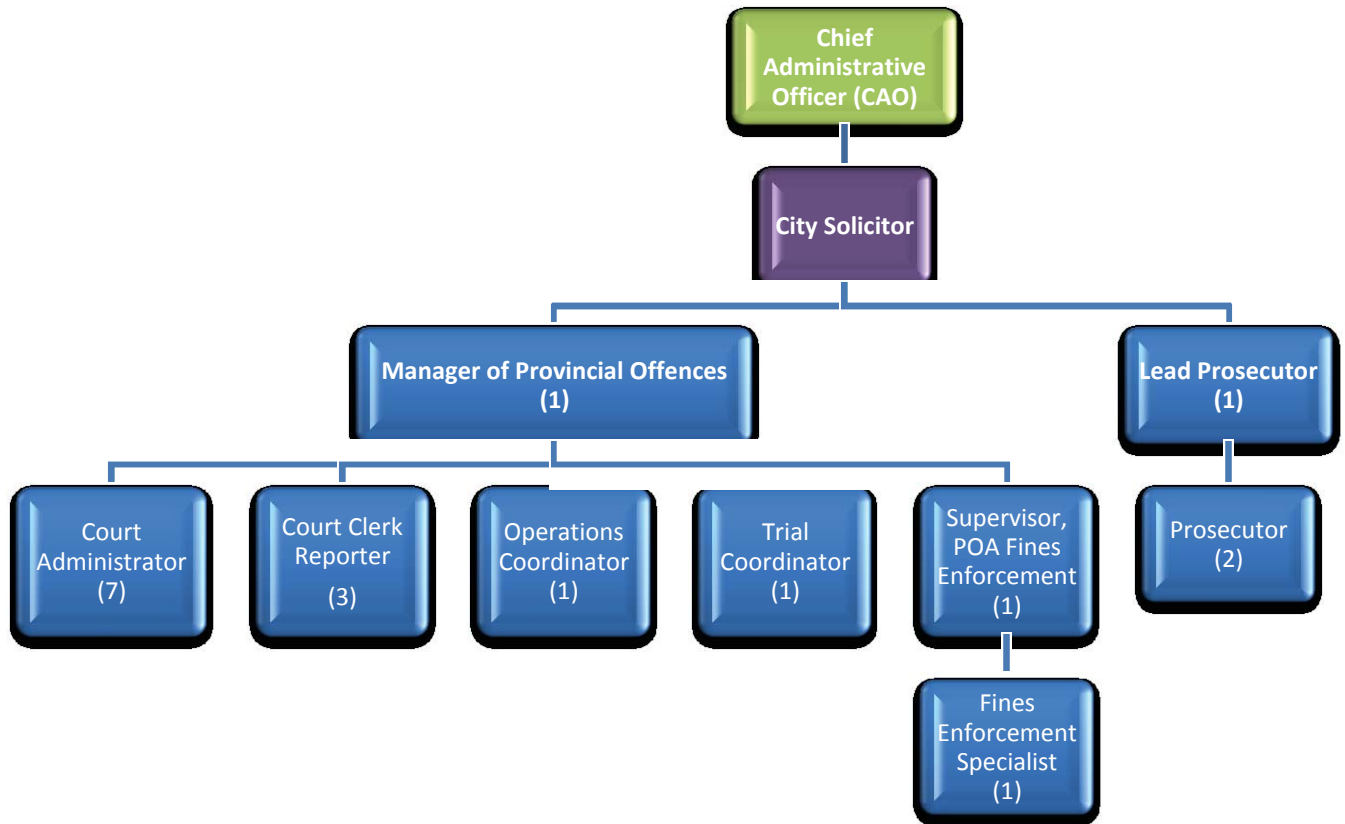
**Fines Enforcement (Collections):** One POA Fines Enforcement Supervisor along with one POA Fines Enforcement Specialists is responsible for ensuring that POA Court judgments, being orders imposing monetary penalties, are honoured by Defendants including seeing to it that certificates of default are prepared and filed in a timely fashion at the Civil Court; 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; for liaising with collection agencies and credit bureaus with which the POA Program has relationships

The Windsor Westcourt 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, summonses 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 being the City Solicitor. The latter is also the Chair.

For 2017, 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	Ryan McLeod	Director of Financial Services
Lakeshore	Steve Salmons	Director of Community and Development
LaSalle	Dale Langlois	Manager of Finance/Deputy Treasurer
Leamington	Laura Rauch	Director of Finance & Business Services
Pelee	Katrina DiGiovanni	CAO/Clerk
Tecumseh	Luc Gagnon	Director of Financial Services & Treasurer
Windsor	Shelby Askin Hager (Chair)	City Solicitor
Windsor	Rosanna Pellerito	Manager of Provincial Offences

The Liaison Committee is mandated by the ISA to convene at least twice annually. In 2017, there were two meetings that were held on the following dates and locations:

<u>Date</u>	<u>Location</u>
April 27, 2017	City of Windsor – Walkerville Room
October 25, 2017	Essex County Civic Centre – Committee Room C

## 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 public protection legislation. 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 sundry 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 local 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 2017, the POA Program took in a total of 27,387 charging documents, for a monthly average intake of approximately 2,282 tickets. This was down 5.1% from the prior year and as previously noted the lowest volume levels in our history at POA. 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: ABSOLUTE CHARGING VOLUMES**

Agency	2017	% of Total Volume	2016	% of Total Volume	2015	% of Total Volume	2014	% of Total Volume
Windsor Police	10,516	38.4%	11,416	39.6%	11,556	39.3%	12,102	39.6%
Ministry of Transportation	2,202	8.0%	2,288	7.9%	3,018	10.3%	3,640	11.9%
Amherstburg Police Force	2,765	10.1%	3,357	11.6%	2,438	8.3%	1,837	6.0%
Essex OPP	4,008	14.6%	2,790	9.7%	2,292	7.8%	2,131	7.0%
Tecumseh OPP	1,057	3.9%	1,587	5.5%	1,729	5.9%	1,741	5.7%
Leamington OPP	1,176	4.3%	1,408	4.9%	1,567	5.3%	1,561	5.1%
Lakeshore OPP	908	3.3%	1,204	4.2%	1,397	4.7%	1,378	4.5%
Essex Town OPP	603	2.2%	792	2.7%	1,250	4.2%	1,292	4.2%
Kingsville OPP	1,139	4.2%	1,296	4.5%	1,184	4.0%	1,316	4.3%
LaSalle Police	1,721	6.3%	926	3.2%	1,034	3.5%	1,480	4.8%
Essex Detachment Health Unit	340	1.2%	458	1.6%	541	1.8%	640	2.1%
Canadian Pacific Rail Police	205	0.7%	244	0.8%	302	1.0%	326	1.1%
Ministry of Natural Resources	174	0.6%	164	0.6%	218	0.7%	306	1.0%
Windsor Fire Department	60	0.2%	165	0.6%	142	0.5%	153	0.5%
Casino OPP	89	0.3%	103	0.4%	130	0.4%	130	0.4%
Windsor Essex County Health Unit	35	0.1%	45	0.2%	124	0.4%	46	0.2%
Windsor Bylaw	149	0.5%	166	0.6%	115	0.4%	106	0.3%
Ministry of Finance	0	0.0%	52	0.2%	103	0.3%	60	0.2%
Ministry of Labour	74	0.3%	146	0.5%	82	0.3%	60	0.2%
Ministry of Environment	39	0.1%	89	0.3%	66	0.2%	41	0.1%
Miscellaneous	22	0.1%	17	0.1%	29	0.1%	33	0.1%
Ontario College of Trades	9	0.0%	26	0.1%	28	0.1%	45	0.1%
Lakeshore Fire	0	0.0%	6	0.0%	18	0.1%	8	0.0%
Humane Society – Windsor	15	0.1%	25	0.1%	16	0.1%	31	0.1%
Amherstburg Bylaw	13	0.0%	14	0.0%	9	0.0%	13	0.0%
Lakeshore Bylaw	6	0.0%	4	0.0%	8	0.0%	4	0.0%
Canadian Heritage Parks	12	0.0%	18	0.1%	7	0.0%	0	0.0%
Electrical Safety Authority	2	0.0%	7	0.0%	5	0.0%	16	0.1%
Real Estate Council - Windsor	10	0.0%	0	0.0%	0	0.0%	0	0.0%
OPP-Traffic Mgt/Ride Mount Forest	7	0.0%	0	0.0%	0	0.0%	0	0.0%
Kingsville Bylaw	0	0.0%	0	0.0%	5	0.0%	0	0.0%
OMVIC	18	0.1%	0	0.0%	4	0.0%	19	0.1%
Tarion Warranty Corp	0	0.0%	8	0.0%	4	0.0%	0	0.0%
Kingsville Fire	0	0.0%	0	0.0%	3	0.0%	0	0.0%
Essex Bylaw	1	0.0%	4	0.0%	3	0.0%	4	0.0%
Ministry of Municipal Affairs&Housing	0	0.0%	0	0.0%	2	0.0%	3	0.0%
Leamington Bylaw	0	0.0%	0	0.0%	2	0.0%	1	0.0%
Canadian National Rail Police	0	0.0%	1	0.0%	0	0.0%	0	0.0%
Ontario New Home Warranties Prgm.	0	0.0%	4	0.0%	0	0.0%	0	0.0%
OPP Pelee Island	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Leamington Fire	0	0.0%	1	0.0%	2	0.0%	4	0.0%
Workplace Safety & Insurance Board	0	0.0%	3	0.0%	1	0.0%	0	0.0%
Ministry of Agriculture & Food	0	0.0%	0	0.0%	0	0.0%	1	0.0%
Childrens Aid Society	0	0.0%	0	0.0%	0	0.0%	1	0.0%
Probation Office - Windsor	0	0.0%	2	0.0%	0		0	0.0%
Royal Canadian Mounted Police	0	0.0%	9	0.0%	0	0.0%	1	0.0%
<b>TOTALS</b>	<b>27,387</b>	<b>100.0%</b>	<b>28,856</b>	<b>100.0%</b>	<b>29,435</b>	<b>100.0%</b>	<b>30,546</b>	<b>100.0%</b>



## EXTERNAL BENCHMARKING OF CASELOADS

When comparing the year over year charging volume (2017 vs. 2016) against a number of different municipalities sampled throughout Ontario, it is evident by TABLE C-2 below that the percentage variances fluctuated from municipality to municipality. Some municipalities experienced an increase in charging volume while others experienced a decline. Windsor experienced a decline of 5.3% over 2016. The percentage decline was slightly greater than the average for our MBNCanada comparators (-3.3%). With the exception of a few municipalities, the continuous decline appears to be a trend across the province.

**TABLE C-2: CHARGING VOLUME COMPARATOR**

Municipality	MBN Canada	2017 YTD	% Change '17 vs. '16	2016	% Change '16 vs. '15	2015
Windsor	Yes	27,316	-5.3%	28,856	-2.0%	29,435
Barrie	Yes	59,122	-17.6%	71,723	-5.1%	75,561
Durham	Yes	62,096	-3.5%	64,376	0.1%	64,288
Hamilton	Yes	78,971	-5.7%	83,764	-2.7%	86,048
London	Yes	39,428	-4.0%	41,065	-12.9%	47,166
Niagara	Yes	33,798	-12.6%	38,676	-19.4%	47,981
Ottawa	Yes	79,159	3.1%	76,759	-7.2%	82,709
Thunderbay	Yes	19,789	-7.0%	21,284	-11.5%	24,055
Toronto	Yes	356,947	2.3%	349,011	1.7%	343,174
Waterloo	Yes	58,800	-0.7%	59,209	0.4%	58,950
York	Yes	152,857	5.3%	145,140	-5.8%	154,096
Brampton	No	67,375	1.6%	66,328	-5.6%	70,227
Brantford	No	11,916	-4.2%	12,433	16.6%	10,665
Caledon	No	31,810	-7.2%	34,295	-10.3%	38,232
Chatham	No	12,532	-8.0%	13,623	-30.0%	19,465
Guelph	No	18,088	-16.9%	21,765	7.0%	20,346
Lambton	No	11,725	-7.6%	12,685	-8.3%	13,834
Provincial	N/A	1,546,397	-3.3%	1,599,115	-2.9%	1,647,601

## Other Operational Statistics

In addition to having accepted and dealt with the filings of just over 27,000 charges over the course of the year, the POA Program processed approximately:

- 7,382 Early Resolution meetings (Part I)
- 164 Appeals from convictions/acquittals/sentences (Parts I & III)
- 689 Re-opening applications of convictions in absentia (Parts I & III)
- 4,092 Applications to extend the time to pay fines (Parts I, II & III)

These are slightly lower than in previous years.

## SECTION D - DEFAULTED POA 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.

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 Licence 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 which operations perennially default on fines.

## ACTIVE COLLECTION EFFORTS

In January of 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 2017. 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.

Similar to 2016 the tax roll process continued to be a successful collection tool in 2017. As noted in Table D-1 below, an additional 57 accounts were added in 2017. Revenue collected from tax rolls continues to increase year over year.

**TABLE D-1: MUNICIPAL TAX ROLLING SUMMARY - YEAR OVER YEAR COMPARISON**

Description	As of Dec 31/17	As of Dec 31/16	Inc./ (Dec.)
Revenues Collected from Tax Rolling	\$105,883.39	\$ 93,263.81	\$ 12,619.58
# of New Tax Roll Accounts Added	57	107	(50)

### 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. It is evident by TABLE D-2 that these changes positively affected our financial performance once again in 2017.

**TABLE D-2: WAGE GARNISHMENT SUMMARY - YEAR OVER YEAR COMPARISON**

Description	As of Dec 31/17	As of Dec 31/16	As of Dec 31/15
Revenues Collected from Garnishments	\$ 515,446	\$ 378,973	\$ 10,919
# of New Garnishments Issued	330	328	38

As can be seen in the table above, the results were positive again this year whereby revenues collected increased by over 36%. The Fines and Enforcement staff will continue to focus on further enhancing these efforts in years to come.

### 3<sup>rd</sup> Party Collections

On January 1, 2016 changes to our 3<sup>rd</sup> 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-3 summarizes the year over year results.

**TABLE D-3: THIRD PARTY COLLECTION SUMMARY - YEAR OVER YEAR COMPARISON**

Description	As of Dec 31/17	As of Dec 31/16	Inc./ (Dec.)
Revenues Collected from 3rd Party Agencies	\$ 716,707	\$ 830,656	\$ (113,949)
# of 3rd Party Accounts Outstanding	64,146	69,994	(5848)

Although the end result was a year over year decline in revenue of approximately \$113,949, the number of outstanding accounts decreased in 2017 compared to 2016. This is evidence that more and more outstanding accounts are being collected. Revenue from 3<sup>rd</sup> party collections represents approximately 13% of overall revenue collected. As time passes, the total revenue collected from 3<sup>rd</sup> party collectors is expected to decline with the decrease in outstanding accounts.

### 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 2017, 920 fines were collected at MTO through this program. From these payments, revenue of \$236,516.68 was received. This continues to be a positive and efficient method of collecting defaulted fines that may have not have been collected otherwise. With 2017 being the initial year of this program, it is expected that revenue from payments made at MTO will continue to increase.

## OUTSTANDING POA FINES

Regardless of how effective the active collection efforts are, there still remains a significant number of outstanding fines. As of December 31, 2017, there were approximately 69,777 records of unpaid fines for a total outstanding amount of \$43,229,734. This represents over 36,600 unique individuals and organizations in default (See Table D-4 and D-5 for further details). The \$43M in outstanding fines is not just a Windsor specific issue; it's a province wide epidemic.

**TABLE D-4: Number of Unpaid Fines**

	2017		2016	
	#	% Chg	#	% Chg
Pre-Transfer	30,333	-2.1%	30,986	-2.0%
Post-Transfer	39,444	1.7%	38,780	0.6%
<b>Total</b>	<b>69,777</b>	<b>0.0%</b>	<b>69,766</b>	<b>-0.5%</b>

**TABLE D-5: Dollar Value of Unpaid Fines**

	Value of Fines 2017		Value of Fines 2016	
	\$	% Chg	\$	% Chg
Pre-Transfer	\$ 5,678,756	-2.6%	\$ 5,831,898	-2.3%
Post-Transfer	37,550,978	3.5%	36,282,560	0.0%
<b>Total</b>	<b>\$ 43,229,734</b>	<b>2.6%</b>	<b>\$ 42,114,458</b>	<b>-0.3%</b>

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 2018, 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 \$1.3 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 2017, the net profit was allocated as follows:

County Contribution	48.56%
Peelee Contribution	0.29%
<u>City of Windsor Contribution</u>	<u>51.15%</u>
<b>TOTAL</b>	<b>100.00%</b>

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 depicts the POA Program’s operating results for 2017, specifically detailing out every operating expense and revenue account. The Provincial Offences program ended the year with a net operating profit of \$1,312,109. Compared to 2016 this is a decrease of 34% than 2016’s net operating profit of \$1,993,982. The primary factor contributing to this decline is the continuous decline in charging volumes. To mitigate the decline in revenue, various cost saving measures were implemented in 2017 to add efficiencies to court room utilization and scheduling of court room hours. Prudent financial planning is ongoing to ensure mitigating measures are implemented when possible.

TABLE E-2 provides a high level five year financial summary which can be used for internal benchmarking and comparative purposes.

**TABLE E-1: 2017 Provincial Offences Financial Summary - As of Dec 31, 2017**

Acct. #	Account Description	Account Description	2017 Budget A	2017 Actuals YTD B	Surplus/ (Deficit) C = A - B
<b>REVENUES</b>					
6485	Bylaw Fines - Courts	Provincial Fines	\$ 6,170,500	\$ 5,490,364	\$ (680,136)
6485	Bylaw Fines - Courts	Bylaw Fines	47,593	23,085	(24,508)
6485	Bylaw Fines - Courts	Transcript Revenue	15,000	18,903	3,903
<b>TOTAL REVENUES</b>			<b>\$ 6,233,093</b>	<b>\$ 5,532,556</b>	<b>\$ (700,537)</b>
<b>EXPENSES</b>					
<b>Total Salary &amp; Benefits</b>			<b>\$ 1,739,309</b>	<b>\$ 1,710,070</b>	<b>\$ (1,710,070)</b>
<b>Materials &amp; Services</b>					
2145	Housekeeping Supplies	STD - Provincial Offences	\$ 3,420	\$ 2,587	\$ 833
3176	Facility Operations - Internal	Caretaking	52,633	57,939	(5,306)
2215	Bldg. Maintenance Services	STD - Provincial Offences	5,000	1,031	3,969
2920	Legal Services	STD - Provincial Offences	3,000	2,307	693
2950	Other Professional - External	STD - Provincial Offences	15,420	15,829	(409)
2950	Other Professional - External	Security Services - Int.	259,960	259,960	-
2950	Other Professional - External	Security Services - Ext.	8,200	7,648	552
2995	Other Purchased Services	Language Line	12,000	9,111	2,889
<b>Total Materials &amp; Services</b>			<b>\$ 359,633</b>	<b>\$ 356,411</b>	<b>\$ 3,222</b>
<b>Administrative Overhead</b>					
2010	Office Supplies	STD - Provincial Offences	\$ 16,000	\$ 13,257	\$ 2,743
2020	Postage & Courier	STD - Provincial Offences	28,560	23,873	4,687
2070	Outside Printing	STD - Provincial Offences	20,000	5,688	14,312
2085	Publications	STD - Provincial Offences	9,000	13,376	(4,376)
2610	Travel Expense	STD - Provincial Offences	3,000	3,793	(793)
2620	Car Allowance	STD - Provincial Offences	2,500	1,823	677
2710	Telephone Equipment	STD - Provincial Offences	9,660	9,777	(117)
2711	Cell Phones	STD - Provincial Offences	950	1,114	(164)
3120	Rental Expense - External	STD - Provincial Offences	4,000	1,455	2,545
3175	Facility Rental - External	STD - Provincial Offences	328,315	332,899	(4,584)
3210	Building Insurance	STD - Provincial Offences	1,353	1,353	0
3230	Liability Insurance	STD - Provincial Offences	699	699	-
4020	Membership Fees & Dues	STD - Provincial Offences	8,900	7,661	1,239
4050	Training Courses	STD - Provincial Offences	4,174	356	3,818
4155	Registrations & Conferences	STD - Provincial Offences	2,500	450	2,050
4540	Bank Charges	STD - Provincial Offences	59,500	44,567	14,933
4560	Collection Charges	STD - Provincial Offences	175,900	194,233	(18,333)
5125	Computers - PCs	STD - Provincial Offences	9,950	8,000	1,950
2925	Computer Maintenance	STD - Provincial Offences	18,480	18,480	-
2927	Computer & SW Maint-External	STD - Provincial Offences	6,500	6,463	37
3180	Computer Rental - Internal	STD - Provincial Offences	12,800	12,800	-
2914	Non Occ Medical	STD - Provincial Offences	-	910	(910)
5130	Office Furniture & Equipment	STD - Provincial Offences	10,000	4,935	5,065
<b>Total Administrative Overhead</b>			<b>\$ 732,741</b>	<b>\$ 707,881</b>	<b>\$ 24,860</b>

**TABLE E-1: Continued**

Acct. #	Account Description	Account Description	2017 Budget A	2017 Actuals B	Surplus/ (Deficit) C = A - B
<b>Provincial Charges</b>					
2950	Other Professional - External	ICON Fees	\$ 61,425	\$ 53,383	\$ 8,042
2950	Other Professional - External	Adjudication Services	390,000	323,373	66,627
2950	Other Professional - External	Prosecution Fees	51,230	44,465	6,765
2950	Other Professional - External	Quality Assurance	45,748	43,884	1,864
2950	Other Professional - External	Victim Fines	1,064,331	932,294	132,037
2950	Other Professional - External	Dedicated Fines	65,000	48,685	16,315
<b>Total Provincial Charges</b>			<b>\$ 1,677,734</b>	<b>\$1,446,084</b>	<b>\$ 231,650</b>
<b>TOTAL EXPENSES (BEFORE COST SHARING)</b>			<b>\$ 4,509,417</b>	<b>\$4,220,447</b>	<b>\$ 288,970</b>
<b>Total Net Operating Revenue</b>			<b>\$ 1,723,676</b>	<b>\$1,312,109</b>	<b>\$ (411,567)</b>
<b>RECONCILIATION</b>					
<b>Cost Sharing Payments</b>					
4295	County Contribution (48.56%)	STD - Provincial Offences	\$ 859,451	\$ 637,171	\$ (222,280)
4295	Pelee Contribution (0.29%)	STD - Provincial Offences	5,252	3,757	(1,496)
<b>Total Cost Sharing Payments</b>			<b>\$ 864,703</b>	<b>\$ 640,927</b>	<b>\$ (223,776)</b>
Balance to City of Windsor (51.15%)			\$ 858,973	\$ 671,182	\$ (187,791)
<b>Total Net Operating Revenue</b>			<b>\$ 1,723,676</b>	<b>\$1,312,109</b>	<b>\$ (411,567)</b>



**TABLE E-2: ANNUAL FINANCIAL RESULTS - 5 YEAR SUMMARY**

Description	2017 Actuals (\$)	2016 Actuals (\$)	2015 Actuals (\$)	2014 Actuals (\$)	2013 Actuals (\$)
<b>Revenue:</b>					
Court Fines	\$ 5,490,364	\$ 6,264,943	\$ 5,925,542	\$ 5,518,821	\$ 6,248,765
User Fees	19,107	141	528	900	14,193
By-Law Fines	23,085	48,988	-	-	-
Trfs from Reserve	-	-	-	33,315	-
Recovery of Internal Staff	-	-	20,089	79,522	-
<b>TOTAL REVENUE</b>	<b>\$ 5,532,556</b>	<b>\$ 6,314,072</b>	<b>\$ 5,946,160</b>	<b>\$ 5,632,558</b>	<b>\$ 6,262,958</b>
<b>% Inc./ (Dec.) YOY</b>	<b>-12.38%</b>	<b>6.19%</b>	<b>5.57%</b>	<b>-10.07%</b>	<b>-7.83%</b>
<b>Expenditures:</b>					
Salaries & Wages	1,710,070	1,598,789	1,642,847	1,722,345	1,825,963
Administrative Overhead	374,992	392,501	333,210	263,887	359,561
Materials & Services	356,411	350,323	350,984	363,477	327,320
Provincial Charges	1,446,084	1,659,736	1,414,710	1,444,759	1,554,165
Facility Rental	332,889	318,742	325,708	298,037	310,013
<b>TOTAL EXPENDITURES</b>	<b>\$ 4,220,446</b>	<b>\$ 4,320,090</b>	<b>\$ 4,067,459</b>	<b>\$ 4,092,505</b>	<b>\$ 4,377,022</b>
<b>NET SURPLUS</b>	<b>\$ 1,312,110</b>	<b>\$ 1,993,982</b>	<b>\$ 1,878,701</b>	<b>\$ 1,540,053</b>	<b>\$ 1,885,936</b>
<b>% Inc./ (Dec.) YOY</b>	<b>-34.20%</b>	<b>6.14%</b>	<b>21.99%</b>	<b>-18.34%</b>	<b>-9.35%</b>

Since the local POA Transfer date of March 5, 2001 through to the end of 2017, this Area's POA Program has realized total combined net revenue of \$43,789,564. 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)**

<b>Year</b>	<b>Amher.</b>	<b>Essex</b>	<b>Kings.</b>	<b>Lake.</b>	<b>LaSalle</b>	<b>Leam.</b>	<b>Tec.</b>	<b>Pelee</b>	<b>Wind.</b>	<b>Total</b>
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
<b>Total</b>	<b>2,229</b>	<b>1,835</b>	<b>2,072</b>	<b>3,999</b>	<b>2,911</b>	<b>2,486</b>	<b>3,286</b>	<b>121</b>	<b>24,850</b>	<b>43,790</b>

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 newly 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 conviction
- 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 payments are mandated by the Transfer Agreement

## SECTION F - REVENUE DISTRIBUTION DETAILS

In accordance with the approved weighted assessment formula for 2017, 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: 2017 NET REVENUE DISTRIBUTION SUMMARY**

	Weighted Assessment (\$)	(%)	% of County	2017 Budget	2017 Total	Surplus/ (Deficit)
Net County & Pelee Revenue				\$ 864,703.00	\$ 640,927.21	\$ (223,775.79)
Net City of Windsor Revenue				\$ 858,973.00	\$ 671,181.84	\$ (187,791.16)
<b>TOTAL</b>				<b>\$ 1,723,676.00</b>	<b>\$ 1,312,109.05</b>	<b>\$ (411,566.95)</b>
<u>Allocation/Payment Summary</u>						
Amherstburg	2,192,430,480		11.49%	\$ 98,733.46	\$ 73,182.31	\$ (25,551.15)
Essex	1,776,901,052		9.31%	80,020.59	59,312.13	(20,708.46)
Kingsville	2,237,377,611		11.72%	100,757.60	74,682.62	(26,074.98)
LaSalle	3,091,044,906		16.19%	139,201.47	103,177.64	(36,023.83)
Lakeshore	4,548,483,036		23.83%	204,835.44	151,826.24	(53,009.19)
Leamington	2,318,949,860		12.15%	104,431.10	77,405.46	(27,025.64)
Tecumseh	2,923,475,399		15.32%	131,655.18	97,584.24	(34,070.94)
Total County	19,088,662,343	48.56%	100.00%	\$ 859,634.84	\$ 637,170.64	\$ (222,464.20)
Pelee	112,541,279	0.29%		\$ 5,068.16	\$ 3,756.58	\$ (1,311.59)
Windsor	20,107,585,762	51.15%		\$ 858,973.00	\$ 671,181.83	\$ (187,791.17)
<b>TOTAL</b>	<b>39,308,789,384</b>	<b>100.0%</b>		<b>\$ 1,723,676.00</b>	<b>\$ 1,312,109.05</b>	<b>\$ (411,566.95)</b>

Details of the quarterly payments are itemized below:

Quarter	Cheque Issuance Date	\$ Amount - County	\$ Amount - Pelee
Q1	May 12, 2017	\$279,800.75	\$1,649.62
Q2	August 21, 2017	\$183,354.34*	\$1,081.00
Q3	December 4, 2017	\$152,334.28	\$898.12
Q4	February 12, 2018	\$21,681.27	\$127.83
<b>TOTAL</b>		<b>\$637,170.64</b>	<b>\$3,756.58</b>

\* the actual Q2 payment of \$180,513.88 to the County was adjusted to reflect the clawback amount (\$2,840.46) from Q4 2016 as a result of the slight overpayment

## 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

**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

**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.

**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

**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 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

**NCO** ~ NCO Financial Services, Inc., one of the registered Canadian collection agencies who have been retained since 2006 to assist the POA Program in the collection of defaulted fines owed by Canadian residents

**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



## **The Corporation of the Town of Tecumseh**

### **Financial Services**

**To:** Mayor and Members of Council

**From:** Tom Kitsos, Deputy Treasurer & Tax Collector

**Date to Council:** August 14, 2018

**Report Number:** FS-2018-13

**Subject:** Budget Variance Report – June 30, 2018

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### **Recommendations**

It is recommended:

1. **That** Financial Services Report # FS-2018-13, Budget Variance Report – June 30, 2018, **is received.**

### **Background**

All departments have reviewed second quarter actual results in order to identify and report on variances from budget. This analysis looks at both operating and capital budgets.

Directors were also asked to provide year-end projected results to determine if we expect to be in a surplus or deficit position at the end of the year.

### **Comments**

#### **Operating Fund**

The 2018 Q2 Variance analysis projects a year-end surplus of \$76,000 (Tax Supported surplus \$55,000 and Rate Supported surplus \$21,000).

It is important to note that the projections are based on a number of estimates which can vary significantly prior to year-end. Also worthy of note is that the Q2 Variance analysis was conducted prior to CUPE 702.13 contract ratification.

In formulating estimates where there is a range of expected results, Administration used the lower end of the range in order to be conservative in our projections. Significant items of note include:

### Tax Supported

Budget Item	Variance Amount \$
• Council – Lower anticipated professional development and seminar activity resulting in a favourable forecast variance.	(7,000)
• Council – Health benefits forecast to be under budget due to partial enrollment (not all members participating).	(22,000)
• Corporate Shared – Taxation revenue is expected to be over budget due to greater than estimated growth in property assessment.	(89,000)
• Corporate Shared - Supplementary Taxation revenue is expected to be over budget due to greater than anticipated residential assessment growth.	(65,000)
• Corporate Shared – Anticipating that Penalties & Interest revenue will be under budget due to lower taxes receivable.	35,000
• Corporate Shared – Bank interest income \$267,000 favourable due to increases in the prime rate; transferred to tax stabilization reserve so no net impact.	0
• Corporate Shared – Trailer set-up and rental costs were not budgeted.	12,000
• Corporate Shared – Insurance projected to exceed budget primarily due to Cyber insurance (\$7,500) added mid-year.	7,000
• Corporate Shared – Tax write-offs expected to come in under budget due to fewer vacancy rebate applications and assessment appeals received.	(100,000)
• Corporate Shared – Deficit forecast reflects the \$972,611 allocation of the 2017 surplus, which is offset by an opening surplus adjustment in the financial statement.	0
• CAO – Temporary budget gapping for Benefits.	(17,000)
• CAO – Legal fees are expected to be approximately \$58,000 over budget resulting from renewed activity on outstanding legal matters. Offset by transfer from reserve so no net impact.	0
• CAO – Forecasting a favourable variance in Professional Fees – Other due to lower than anticipated activity.	(18,000)

<b>Budget Item</b>	<b>Variance Amount \$</b>
• ICS – Computer Support/Software expected to show a favourable variance.	(5,000)
• Corporate Services & Clerk – Wages and benefits under budget due to position vacancy.	(29,000)
• Corporate Services & Clerk – Professional Fees - Legal over budget due to various legal matters.	6,000
• Seniors Advisory Committee – Received OSRCF Senior Fitness Around Town grant for \$17,000 and Senior Community grant for \$2,000. Funding to be used for various committee initiatives.	0
• Fire – Benefits anticipated to be under budget due to lower than budgeted increases and employees ineligible for coverage.	(14,000)
• OPP- Reports and Clearances activity higher than budgeted resulting in a favourable variance.	(7,000)
• Police – Contract – an allowance of \$36,000 has been allocated in the budget for outstanding prior year reconciliations. No impact at this time.	0
• Building – Benefits anticipated to be under budget due to lower than budgeted increases.	(5,000)
• By-law Enforcement over budget primarily due to greater than expected Professional Fees – Legal costs.	9,000
• Roadways – Wages & Benefits – Overtime hours partially offset by lower than budgeted increases to benefits for a net unfavourable variance.	5,000
• Roadways – Gasoline expense is expected to be over budget largely due to winter control activities.	18,000
• Roadways – Forecasting Vehicle Maintenance to be over budget by mostly due to two large repairs (Sweeper arrowboard and Mack Tandem cylinder).	16,000
• Roadways – Roadside Maintenance is expected to show an unfavourable variance largely due to unplanned ditch cleaning on VIA tracks.	19,000
• Winter Control – Potential overall unfavourable due to harsh winter weather (overtime \$67,000; salt \$143,000). Forecast wages are based on prior year activity, and thus could vary depending on this year's weather.	210,000



Budget Item	Variance Amount \$
<ul style="list-style-type: none"> <li>Street Lighting – Expected to be close to budget overall. Favourable hydro costs of \$9,000 partially offset by an unexpected pole replacement. Note that hydro was forecast conservatively; potential for additional reduction due to the global adjustment modifier.</li> </ul>	(4,000)
<ul style="list-style-type: none"> <li>Storm Sewers – Materials &amp; Supplies anticipated to be over budget due to catch basin program.</li> </ul>	6,000
<ul style="list-style-type: none"> <li>Garbage Collection – Contract costs to marginally exceed budgeted amount.</li> </ul>	9,000
<ul style="list-style-type: none"> <li>Parks – Canada Summer Jobs grant funding confirmed.</li> </ul>	(10,000)
<ul style="list-style-type: none"> <li>Parks – Gasoline expense expected to be over budget; higher unit cost and increased usage are both contributing factors.</li> </ul>	7,000
<ul style="list-style-type: none"> <li>Arena – Overall revenues expected to be slightly over budget (one-time Pathway to Potential grant, administrative fees, sponsorships).</li> </ul>	(5,000)
<ul style="list-style-type: none"> <li>Arena - Benefits anticipated to be under budget due to lower than budgeted increases.</li> </ul>	(6,000)
<ul style="list-style-type: none"> <li>Recreation Programs – Miscellaneous Revenue forecast to be over budget (hot lunch sales, t-shirt sales, Healthy Kids Community Challenge (HKCC) transportation, HKCC social media/promotions).</li> </ul>	(8,000)
<ul style="list-style-type: none"> <li>Recreation Programs – Received HKCC grant used for Family Game Night, Power Off &amp; Playground and Kids in the Kitchen program expenses; no net impact.</li> </ul>	0
<ul style="list-style-type: none"> <li>Pool - Canada Summer Jobs grant funding confirmed.</li> </ul>	(12,000)
<ul style="list-style-type: none"> <li>Pool – Overall revenues expected to be under budget \$6,000 (lower than expected pool rentals, private swim lessons), offset by decreased expenses.</li> </ul>	0
<ul style="list-style-type: none"> <li>Pool – Wages and Benefits over budget resulting from additional staff training required due to legislative changes.</li> </ul>	6,000
<ul style="list-style-type: none"> <li>Corn Festival – Expecting unfavourable variance for Equipment Rental due to higher cost of stage production services.</li> </ul>	7,000
<ul style="list-style-type: none"> <li>Planning and Zoning – Tecumseh Hamlet Secondary Plan will be under budget due to change in project scheduling. Offset by budgeted reserve transfer; no net impact.</li> </ul>	0

Budget Item	Variance Amount \$
<ul style="list-style-type: none"> <li>Planning and Zoning – Official Plan - Professional Fee – Legal anticipated to be under budget this year. If Official Plan is appealed, the hearing will not take place until 2019. Offset by budgeted reserve transfer; no net impact.</li> </ul>	0
<ul style="list-style-type: none"> <li>Planning and Zoning – Community Improvement Plan – Grant expense expected to come in at \$211,000 as a number of committed projects are slated for completion this year. Offset by budgeted reserve transfer; no net impact.</li> </ul>	0
<ul style="list-style-type: none"> <li>Committee of Adjustment – Expected to show overall favourable variance of \$11,000 largely due to lower per diems and conference attendance.</li> </ul>	(11,000)
<ul style="list-style-type: none"> <li>Agriculture &amp; Reforestation – Grant revenue expected to be under budget due to time allocated to the backwater value program (which is not grantable under the Drainage Superintendent grant program).</li> </ul>	9,000
<ul style="list-style-type: none"> <li>Agriculture &amp; Reforestation – Forecasting favourable variance in Wages and Benefits due to position vacancy.</li> </ul>	(23,000)

Numerous accounts with favourable and unfavourable variances of under \$5,000 along with the above-noted items contribute to the estimated surplus.

### Rate-Supported

Significant variations from budget are expected to be:

Budget Item	Variance Amount \$
<ul style="list-style-type: none"> <li>Sanitary – Wages and benefits projected below budget due to position vacancy.</li> </ul>	(36,000)
<ul style="list-style-type: none"> <li>Sanitary – Contract cost is favourable to budget due to lower than estimated sanitary treatment costs charged by the City of Windsor (\$70,000) and lower volumes (\$74,000).</li> </ul>	(144,000)
<ul style="list-style-type: none"> <li>Sanitary – Sewer maintenance contract costs (OCWA) projecting greater than budgeted.</li> </ul>	8,000
<ul style="list-style-type: none"> <li>Sanitary – Deferral of proposed in-house water billing – net impact to sanitary budget (EPC Billing and Collection fee \$100,000 offset by \$75,000 budgeted in-house expenses not incurred).</li> </ul>	25,000
<ul style="list-style-type: none"> <li>Sanitary – Billing adjustment - no longer servicing Banwell Gardens retirement home effective 2017.</li> </ul>	28,000

Budget Item	Variance Amount \$
<ul style="list-style-type: none"> <li>Sanitary – Interfunctional charges projecting below budget due to lower than anticipated labour support from Public Works staff.</li> </ul>	(15,000)
<ul style="list-style-type: none"> <li>Water – Deferral of proposed in-house water billing – net impact to water budget (EPC Billing and Collection fee \$150,000 offset by \$100,000 budgeted in-house expenses not incurred).</li> </ul>	50,000
<ul style="list-style-type: none"> <li>Water – Pro Fees – Legal – allocation for potential mediation costs regarding WUC bulk water purchase agreement dispute.</li> </ul>	65,000
<ul style="list-style-type: none"> <li>Water – Vehicle parts and service projecting over budget due to aging fleet.</li> </ul>	11,000

Numerous accounts with favourable and unfavourable variances of under \$5,000 along with the above-noted items contribute to the estimated operating surplus for rate supported departments of \$21,000.

Note: that a surplus increases the balance transferred to reserve funds to offset capital requirements.

## Capital/Lifecycle

The Capital/Lifecycle analysis consists of reviewing the status of approved projects comparing approved funding to actual results. Items of note include:

- The Tender for Rossi Drive sanitary sewer extension was awarded to Amico Infrastructures Inc. in the amount of \$1,749,000 excluding HST. PWES Report No. 57-17 provided an estimated project cost of \$2,281,800. Anticipated surplus is approximately \$532,000.
- The Tender for St. Mary's Splash Pad was awarded to Open Space Solutions Inc. in the amount of \$160,000 excluding HST. Parks Report No. 25-17 provided an estimated project cost of \$200,000. The splash pad has been installed and is operational. Project surplus is approximately \$40,000.
- The Tender for Various watermain improvement projects was awarded to Sherway Contracting in the amount of \$945,800 excluding HST. PWES Report No. 57-17 provided an estimated project cost of \$1,196,900. Anticipated surplus is approximately \$251,000.
- The Tender for SCBA air filling station at Fire Hall #2 was awarded to Levitt Safety in the amount of \$53,938 excluding HST. Fire Report No. 01-17 provided an estimated project cost of \$70,000. The equipment has been installed. Project surplus is approximately \$16,000.

- The Tender for Storage addition Fire Hall #2 was awarded to Bear Construction in the amount of \$204,029 excluding HST. Parks Report No. 25-17 provided an estimated project cost of \$200,000. The addition is scheduled to be completed mid-August. Anticipated project deficit is approximately \$4,000.
- The Tender for Supply of Parks Equipment was awarded to G.C. Duke (rotary mower) and Vermeer Canada (wood chipper) in the amount of \$109,145 excluding HST. PWES Report No. 2018-03 provided an estimated project cost of \$119,000. Both pieces of equipment have been delivered. Project surplus is approximately \$10,000.
- The Tender for Supply of Vehicles (four pick-up trucks and one minivan) was awarded to three separate dealerships; Amherstburg Chevrolet, Provincial Chrysler and Windsor Chrysler in the amount of \$177,541 excluding HST. PWES Report No. 2018-03 provided an estimated project cost of \$179,000. The minivan has been delivered and the pick-up trucks will be delivered within weeks. Project surplus is approximately \$1,000.
- The Tender for Anode Water Program 2018 was awarded to C.P. Systems in the amount of \$375,000 excluding HST. PWES Report No. 57-17 provided an estimated project cost of \$375,000. The project is currently still in progress.
- The Tenders for Supply of Vehicles (Water Service Truck, Fire Command 1, Fire Command 2 and Transit Bus) were awarded to Windsor Chrysler, Rose City Ford (both Fire Command vehicles) and Overland Custom Coach respectively in the total amount of \$345,109. PWES Report No. 2018-03 provided an estimated project cost of \$340,000. We are awaiting delivery on all vehicles. Anticipated project deficit is \$5,000.
- The Tender for Asphalt Paving 2018 was awarded to Coco Paving Inc. in the amount of \$1,348,462 excluding HST. PWES Report 57-17 provided an estimated project cost of \$1,450,000. It should be noted that the tender does include \$50,000 in provisional costs and is based on estimated quantities. The final actual costs will be determined based on actual quantities required. Paving work will be completed no later than August 31.

Carry over projects continue while approvals for 2018 projects are ongoing. Project surplus/deficits reduce the amount of reserve funds required and are adjusted through increasing or decreasing the transfer from reserve.

## **Consultations**

All departments

## **Financial Implications**

Although early forecasts indicate an operating surplus of \$76,000, it is important to note that projections are based on a number of estimates which can vary substantially prior to year-end. Administration will continue to closely monitor the budget. An update will be provided following our August Variance process.

## Link to Strategic Priorities

Applicable	2017-18 Strategic Priorities
<input type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input type="checkbox"/>	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

## Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Zora Visekruna, MBA  
Financial Analyst

Prepared by:

Tom Kitsos, CPA, CMA, BComm  
Deputy Treasurer & Tax Collector

Reviewed by:

Luc Gagnon, CPA, CA, BMath  
Director Financial Services & Treasurer

Recommended by:

Tony Haddad, MSA, CMO, CPFA  
Chief Administrative Officer

**Attachment  
Number**

**Attachment  
Name**

1

2<sup>nd</sup> Quarter Operating Budget Variance Summary

Attachment 1

**Town of Tecumseh  
 2nd Quarter Operating Variance Summary  
 Summary of All Units**

	2018 Approved Budget	2018 Year End Forecast	2018 Forecast Surplus/Deficit
<b>Tax Supported</b>			
Council	381,159	350,023	-31,136
Corporate Shared	-14,923,147	-14,119,439	803,708
Administration	2,867,890	2,812,819	-55,071
Fire	1,235,794	1,220,657	-15,137
Police	3,245,262	3,234,394	-10,868
Conservation Authority	263,920	263,062	-858
Building	152,435	151,072	-1,363
Other Protection	98,911	96,156	-2,755
Emergency Measures	28,750	28,601	-149
Public Works	1,994,968	2,258,317	263,349
Transit	83,055	82,824	-231
Storm Sewers	381,853	389,101	7,248
Garbage Collection/Disposal	1,444,200	1,451,278	7,078
Golden Age Club	16,200	16,438	238
Parks	1,317,100	1,310,997	-6,103
Arena	545,439	522,203	-23,236
Pool	101,185	96,142	-5,043
Recreation Other	35,700	34,981	-719
Libraries & Culture	32,111	44,715	12,604
Planning & Zoning	697,215	672,667	-24,548
<b>Tax Supported</b>		917,008	917,008
<b>Opening Surplus (shown under Corp. Shared)</b>		-972,611	-972,611
<b>Total Tax Supported</b>		-55,603	-55,603
<b>Rate Supported</b>			
Sanitary Sewers		-137,238	-137,238
Waterworks System		116,565	116,565
<b>Total Rate Supported</b>		-20,673	-20,673
<b>Total Summary of All Units</b>		-76,276	-76,276



## The Corporation of the Town of Tecumseh

Parks & Recreation Services

**To:** Mayor and Members of Council

**From:** Paul Anthony, Director Parks & Recreation Services

**Date to Council:** August 14, 2018

**Report Number:** PRS-2018-18

**Subject:** Multi Use Sportsplex Architect Award

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### Recommendations

It is recommended:

**That** the Architect Services Contract for the Multi-Use Sportsplex **be awarded** to CS&P Architects;

**And that**, at this time, only Phase 1 of the Architect Services Contract, being the detailed design, **be authorized** in an amount not to exceed the approved budget allocation of \$400,000.

### Background

At the December 12, 2017 Regular Meeting of Council, the members considered the Arena and Pool 5 Year Capital Plan P&R Report 26/17 and approved the recommendations (RCM-433/17). The recommendations and approval of Council included \$400,000 for "Sportsplex Architect & Detail Design."

### Comments

Council has provided direction to Administration to proceed with securing an Architect of record for the Multi Use Sportsplex Project (Project). The contract with the architect would include the following services:



Phase 1. Detailed Design Development  
Phase 2. Construction Documents/Bidding Phase  
Contract Administration  
Contract Close Out

Council has only approved and allocated funding in the amount of \$400,000 to undertake Phase 1 of the Project.

Upon successfully securing funding for the Multi Use Sportsplex Project, the approved architect would subsequently need to be authorized by Council to proceed with Phase 2, as outlined above.

For Council information, the application window for the Federal/Provincial Infrastructure Program is November 2018, with decision and approvals expected in February/March 2019.

As per Council's direction, the Multi Use Sportsplex Expression of Interest for Architectural Services was advertised on the Town's website, Facebook and Twitter, as well as direct notification to Architect firms, that had contacted the Town before the EOI call, expressing their interest in bidding on the project.

The Purchasing Officer received 13 responses to the Expression of Interest for Architect Services at the time of closing, Thursday March 8, 2018.

The Selection Team consisting of Director Financial Services & Treasurer, Luc Gagnon; Director Information & Communications Services, Shaun Fuerth; Director Planning & Building Services, Brian Hillman; Manager Building Services & Chief Building Official, Mike Voegeli; and Director Parks & Recreation Services, Paul Anthony, reviewed and scored the proposals based on the following criteria as outlined in the Expression of Interest:

- Understanding of Project
- Personnel, project team lead and structure
- Relevant and similar project experience
- Work Program, Schedule
- References

Upon completion of the scoring, the firms were ranked highest to lowest. The top 4 firms were selected to continue onto the next step in the process, which was for the selected firms to present an RFP, as well as participating in an in-person interview with the Selection Team, highlighting their past experiences with projects similar to ours and providing their vision for the Town's Project.

The in-person interviews were held on Tuesday July 10, 2018. After the interviews, firms left their RFP package which included their financial fee structure for the Project.

The Selection Team ranked the firms based on the following criteria:

- Presentation and Creativity of Design
- Cost of Consultant's Fees

The final RFP Proposal, Interview and Fee rankings are as follows:

1. CS&P Architects
2. Parkin Architects Limited
3. JP Thompson Architects LTD, Perkins & Will
4. Architecture 49

The Selection Team is recommending to Council the award of the Multi Use Sportsplex Architectural Services Contract to CS&P Architect.

CS&P has an impressive resume, offering a wide range of professional planning, interior and urban design services to a wide range of clients, including: recreational, aquatic, childcare, educational, commercial and residential, in both private and public sectors. Their experience specifically includes numerous projects relevant to the Town's Project.

CS&P will be the Architect of record for the Multi Use Sportsplex Project; however the recommendation at this time is only to award the detailed design work, in the amount not to exceed the approved budget of \$400,000 plus HST, as outlined above as Phase 1.

## **Consultations**

Financial Services  
Planning & Building Services  
Information & Communication Services  
Corporate Services & Clerk

## **Financial Implications**

The financial commitment for architect services for the entire Multi Use Sportsplex Project is \$1,390,000 and is based on 5.79% of the current project estimate of \$24,000,000.

## Link to Strategic Priorities

Applicable	2017-18 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input checked="" type="checkbox"/>	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input checked="" type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

## Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Paul Anthony, RRFA  
Director Parks & Recreation Services

Reviewed by:

Luc Gagnon, CPA, CA, BMath  
Director Financial Services & Treasurer

Recommended by:

Tony Haddad, MSA, CMO, CPFA  
Chief Administrative Officer

**Attachment  
Number**

None

**Attachment  
Name**

None



## The Corporation of the Town of Tecumseh

Planning & Building Services

**To:** Mayor and Members of Council

**From:** Chad Jeffery, Manager Planning Services

**Date to Council:** August 14, 2018

**Report Number:** PBS-2018-26

**Subject:** Site Plan Control Amending Agreement  
Fairlane Towne Centre Inc. (St. Louis Commercial Plaza) Expansion  
South-East Corner of County Road 22/Lesperance Rd. Intersection  
OUR FILE: D12 ST

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### Recommendations

It is recommended:

1. **That** a by-law authorizing the execution of the “Fairlane Towne Centre Inc.” site plan control amending agreement, satisfactory in form to the Town’s Solicitor, which allows for the easterly expansion of the existing Tecumseh Towne Centre commercial plaza onto the easterly 0.7 hectares (1.7 acres) of a 2.6 hectare (6.4 acre) parcel of land located on the south-east corner of the County Road 22/Lesperance Rd. intersection, and which proposes the construction of a 1,403 square metre (15,107 square foot) building, along with associated parking, landscaping and on-site services/works, **be adopted**, subject to the following occurring prior to the Town’s execution of the Agreement:
  - i) the Owner executing the site plan control agreement; and
  - ii) the Owner posting security for performance pursuant to paragraph 9 of the agreement.
2. **And that** the execution of such further documents as are called for by the site plan control amending agreement approved above including, but not limited to, the execution of the acknowledgement/direction required to register the site plan control amending agreement on title to the lands and such other acknowledgements/directions for any related transfers or real property registrations contemplated by the site plan control amending agreement, by the Mayor and Clerk, **be authorized**.

3. **And further that** the giving of Notice of Intent to pass a by-law removing the holding (H) symbol in accordance with the provisions of the *Planning Act* for the portion of the subject property that is subject to the proposed development, in order to change the zoning from “Holding General Commercial Zone (H)C1-2” to “General Commercial Zone (C1-2)”, upon execution of the site plan control amending agreement by the Owner, in order to permit the proposed commercial plaza expansion, in accordance with PBS-2018-26, **be authorized**.

## Background

### Property Location

The subject 2.6 hectare (6.4 acre) commercial property is located on the south-east corner of the County Road 22/Lesperance Rd. intersection (see Attachment 1). The majority of the property has been developed as the Tecumseh Towne Centre commercial plaza, however the easterly 0.7 hectares (1.7 acres) of the property remain vacant.

### Proposed Development

The Owner has now filed an application for site plan control amendment in order to facilitate the development of the final phase of the commercial plaza. The final phase consists of a 1,403 square metre (15,107 square foot) building containing up to six individual units, along with associated parking, landscaping and on-site services/works. The property is subject to site plan control approval in accordance with Section 41 of the *Planning Act, R.S.O. 1990*. Specifically, the proposed site plan drawing (see Attachment 2) depicts:

- The 1,403 square metre (15,107 square foot) commercial building which can be subdivided into six individual units along the eastern side of the property;
- An expansion to the existing asphalted parking area, including infrastructure to provide proper stormwater drainage, accommodating an additional 69 vehicles;
- The installation of a new pylon sign at the north-eastern corner of the property, abutting County Road 22;
- A new vehicular access lane that will extend easterly from the current terminus of Westlake Drive that will serve the proposed development. The amending agreement and site design accommodate a future land transfer to the Town of a municipal road allowance that will facilitate the easterly extension of Westlake Drive across the St. Louis land from its current terminus in accordance with a road alignment that has been approved by the County of Essex and is supported by Town Administration. The County requires the future use of Westlake Drive as part of the implementation of an interim and permanent solution to the Lesperance and County Road 22 intersection and future interchange in accordance with the prior Municipal Class EA undertaken by the

County. Westlake Drive will ultimately provide for the connection of the eastbound fly-off ramp from County Road 20 to Lesperance Road and is an integral component of the County's interim and permanent transportation infrastructure solutions at this location. Town Administration continues to discuss issues related to the preferred road cross-section of Westlake Drive and the timing of its construction with the County; and

- Other site amenities including the installation of an additional refuse bin, walkways and landscaping.

## **Comments**

### **Servicing**

The proposed development will be on full municipal services (sanitary, water and stormwater drainage). A Stormwater Management Study and associated site service drawings, which include appropriate quantity and quality control measures, have been reviewed and approved by Town Administration. Public Works and Environmental Services has advised that it has no concerns with the proposed development.

### **Zoning**

The portion of the property proposed for the plaza expansion is zoned "Holding General Commercial Zone (H)C1-2" in the Sandwich South Zoning By-law 85-18 (see Attachment 3). The holding (H) symbol will only be removed once the site plan control amending agreement has been executed by the owner. Upon removal of the holding (H) symbol, the development will comply with current building, yard, coverage and landscaping regulations established in the "General Commercial Zone (C1-2)", which also apply to the balance of the commercial plaza. With the approval and signing of the amending site plan agreement, it is appropriate that the Holding (H) symbol be removed in accordance with the requirements of the Planning Act.

### **Summary**

In summary, it is the opinion of the writer, along with Town Administration, that the proposed site plan control amending agreement will result in appropriate development that is compatible with the surrounding land uses and is based on sound land use planning principles.

Town Administration has reviewed the proposed site plan amending agreement and is prepared to recommend approval of the document and the attached drawings. Wolf Hooker Law Firm (Town Solicitor) has drafted the attached amending agreement (see Attachment 4, with site plan drawing attached thereto as Schedule B) which facilitates the subject development. Consistent with Town practice to date, the agreement establishes that a security deposit in the amount of \$10,000 (cash or letter of credit) is required as a condition of approval to ensure all performance obligations of the Owner are fulfilled.

Based on all of the foregoing, Administration and the Town's Solicitor are prepared to recommend the following:

1. A by-law authorizing the execution of the “Fairlane Towne Centre Inc.” site plan control amending agreement, satisfactory in form to the Town’s Solicitor, be adopted, subject to:
  - i) the Owner executing the site plan control agreement; and
  - iii) the Owner posting security for performance pursuant to paragraph 9 of the agreement.
2. The giving of Notice of Intent to remove the holding (H) symbol in accordance with the provisions of the Planning Act for the subject property, be authorized. The C1-2 zone permits the proposed commercial development and the proposed site plan complies with all the regulations established in the C2-1 zone.

## Consultations

Planning & Building Services  
 Public Works & Environmental Services  
 Fire & Emergency Services  
 Town Solicitor

## Financial Implications

None.

## Link to Strategic Priorities

Applicable	2017-18 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that the Town of Tecumseh’s current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of the Town of Tecumseh’s plans and priorities.
<input type="checkbox"/>	Steward the Town’s “continuous improvement” approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town’s leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.



## Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Enrico DeCecco, BA (Hons), MCIP, RPP  
Junior Planner

Reviewed by:

Chad Jeffery, MA, MCIP, RPP  
Manager Planning Services

Reviewed by:

Phil Bartnik, P.Eng.  
Director Public Works & Environmental Services

Reviewed by:

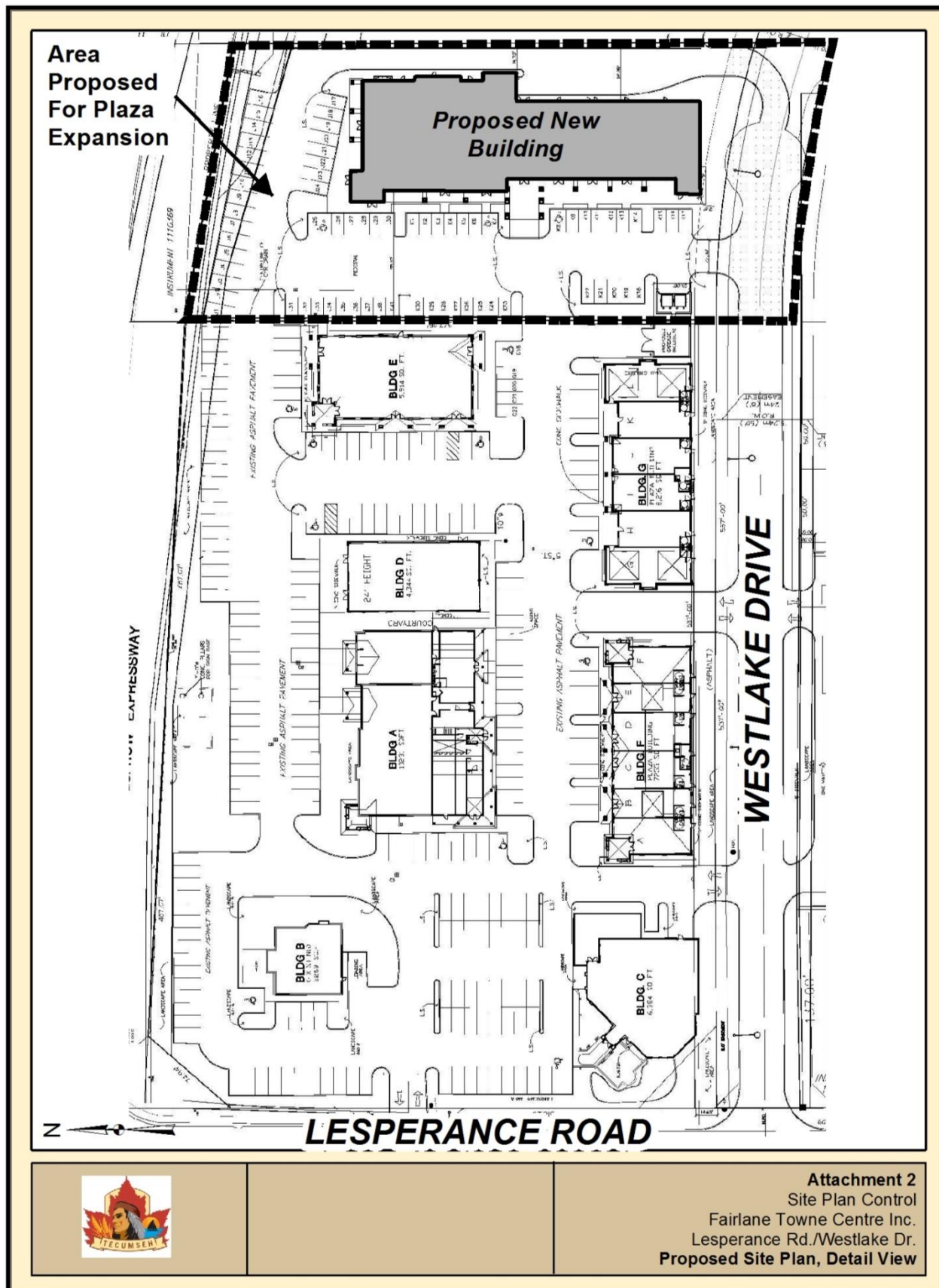
Brian Hillman, MA, MCIP, RPP  
Director Planning & Building Services

Recommended by:

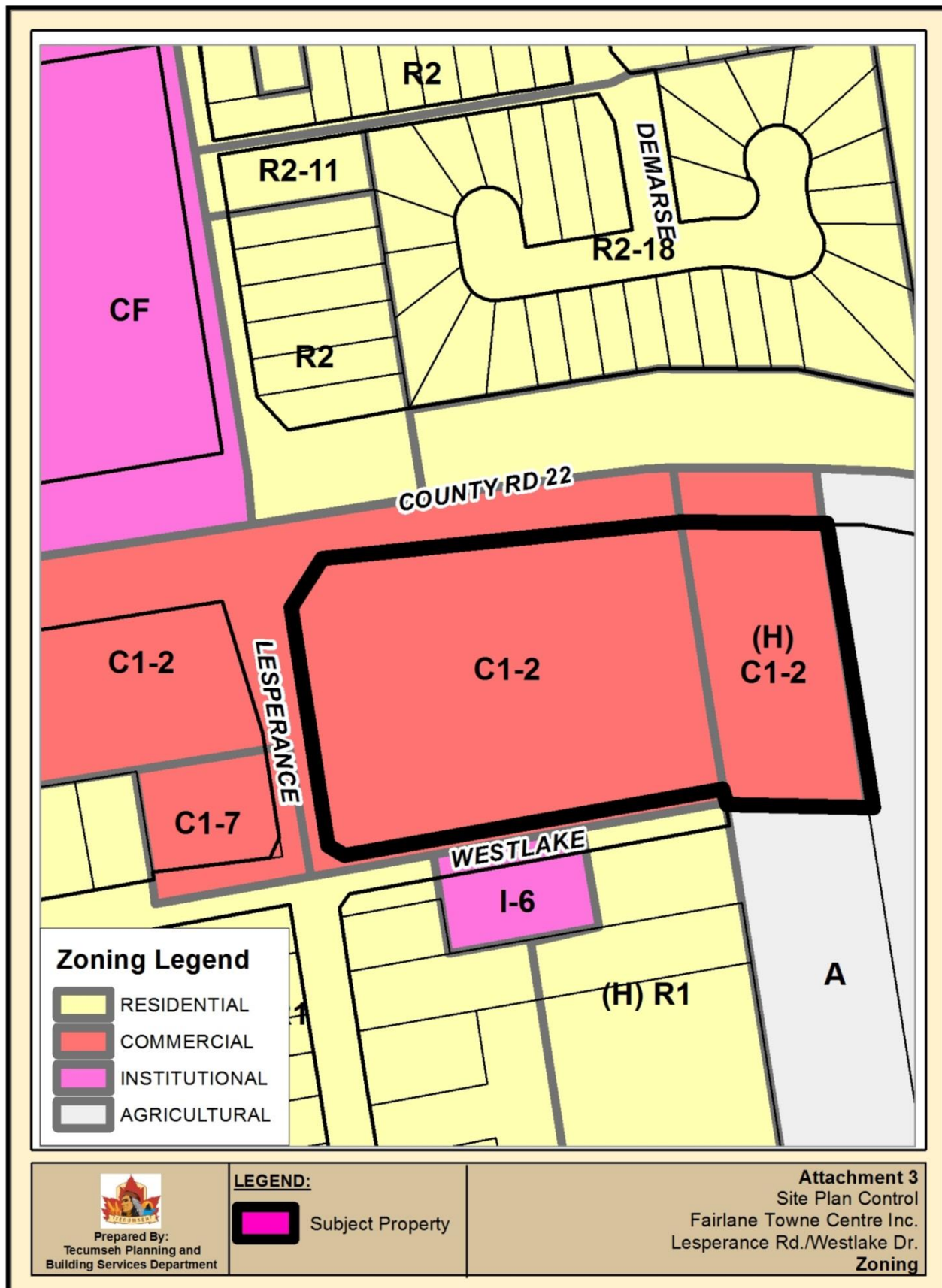
Tony Haddad, MSA, CMO, CPFA  
Chief Administrative Officer

<b>Attachment Number</b>	<b>Attachment Name</b>
1	Subject Property Map
2	Proposed Site Plan
3	Zoning Map
4	Draft Site Plan Control Amending Agreement









**Attachment 4**  
**Site Plan Control Amending Agreement**  
**Fairlane Towne Centre Inc.**  
**Draft Amending Agreement**

**AMENDING AGREEMENT**

**THIS AGREEMENT** made in triplicate this \_\_\_\_ day of \_\_\_\_, 2018.

**B E T W E E N :**

**THE CORPORATION OF THE TOWN OF TECUMSEH,**  
hereinafter called the “Town”

Of the First Part,

- and -

**FAIRLANE TOWNE CENTRE INC.**  
hereinafter called the “Owner”

Of the Second Part.

**WHEREAS:**

- (a) Owner is the registered owner of certain lands situate within the Town of Tecumseh, said lands being more particularly described in Schedule “A” annexed hereto (the “Lands”);
- (b) Owner, 479243 Ontario Ltd. and Deborah St. Louis were the registered owners of the Lands when they entered into a development agreement with the Corporation (the “Original Agreement”), pertaining to the Lands;
- (c) the Agreement was registered in the Land Registry Office for the Registry Division of Essex (No. 12) on the 15<sup>th</sup> day of February, 1999, as Instrument Number 1453194;
- (d) the Agreement was amended by Amending Agreement dated the 13<sup>th</sup> day of July, 1999, and registered in the said Land Registry Office on the 24<sup>th</sup> day of August, 1999, as Instrument Number 1470878 (the “First Amending Agreement”);
- (e) the Agreement was amended by Amending Agreement dated the 24<sup>th</sup> day of October, 2000, and registered in the said Land Registry Office on the 8<sup>th</sup> day of December, 2000, as Instrument Number 1505049 (the “Second Amending Agreement”);
- (f) the Agreement was amended by Amending Agreement dated the 9<sup>th</sup> day of December, 2002, and registered in the said Land Registry Office on the 20<sup>th</sup> day of December, 2002, as Instrument Number LT386642 (the “Third Amending Agreement”);
- (g) Owner is now the sole owner of the Lands, having acquired the Lands from the prior owners, and having agreed to be bound by the Agreement and all amendments thereto; and
- (h) Owner and the Corporation desire to further amend the Original Agreement as set out herein, all of which Original Agreement, subsequent amending agreements and this amending agreement are collectively hereinafter referred to as “the Agreement” and the amendment affects all of the Lands.

**NOW THEREFORE THIS AGREEMENT WITNESSETH** that in consideration of the premises contained herein and other good and valuable consideration, (the receipt and sufficiency of which is hereby acknowledged), the parties agree as follows:

1. Paragraph 4 of the Original Agreement is amended by adding an additional subparagraph as follows:

- (d) *The Town will not require the design or installation of services on, in or through Parts 2 and 3 on Plan 12R-25167 until such time as the Town, at the Town's sole discretion requires that parts Parts 2 and 3 on Plan 12R-25167 is required for municipal purposes in accordance with Schedule H. Upon notification of the Town to the Owner that the services are to be constructed on Parts 2 and 3 on Plan 12R-25167, the Owner shall proceed forthwith to have the required services , including but not limited to the roadway, sanitary, storm, hydro, street lighting and water, designed and installed to the Town's satisfaction using the Town's then current standards and requirements.*

*Should the owner fail to proceed with the aforementioned design and installation of services within six (6) months of the date of notice, the Town may at the Town's sole discretion proceed to the design and installation of the services at the expense of the Owner.*

2. Effective as of the date of this amending agreement, Schedule A of the Agreement is amended to further add and include:

- a) *PT Lot 5, Plan 395 Designated as PT 1 12R9926, save & except PTS 1,3,4, 12R21488; Town of Tecumseh, County of Essex; (PIN 75244-0504)*  
b) *PT Lot 153 Concession 2 Designated as PTS 2,3 and 5-10 inclusive on 12R25167, Town of Tecumseh, County of Essex (being part of PIN 75244-0483)*

3. Figure A-1 of the Agreement is hereby deleted and replaced with Schedule "B" attached hereto;

4. Schedule "B" – STORM DRAINAGE is amended by adding the following paragraph at the end:

*"The Owner acknowledges that the Cyr Drain has been enclosed and runs through the parking areas serving Buildings J and K, as identified in Figure A-1". The Owner shall be responsible for the replacement of any site improvements, including but not limited to parking areas and landscaping, that have been constructed on the Owner's land in accordance with Figure "A-1", should any maintenance and/or reconstruction of the Cyr Drain be undertaken by the Town."*

5. Any reference in any prior amending agreement referring to the Special Works schedule as Schedule "H" shall be corrected so as to refer Schedule "M".

6. Schedule H of the Agreement is hereby amended to so as to require the following in addition to any other requirement outlined therein:

- a) *The Owner shall, on demand, convey to the Town free and clear of any encumbrance Parts 2 and 3 on Plan 12R-25167 for use as a municipal roadway (being an extension of Westlake Drive). The Town shall not be obliged to accept any such conveyance until such time as the Town at the Town's sole discretion requires Parts 2 and 3 on Plan 12R-25167 for municipal purposes. Immediately subsequent to the conveyance of the lands required to be conveyed, the Owner shall prepare a release and the Town shall execute said release of all easements registered over Parts 10, 11, 12 and 13 on Plan 12R-21488 at the sole expense of the Owner. (see paragraph 4.d of agreement for servicing requirements)*  
b) *The Owner shall, prior to the issuance of any further building permit obtain and cause to be registered on title a surrender of all easements registered over Part 7 on Plan 12R-25167 including without limitation:*  
i) *SE30576 registered on October 23, 1945 in favour of The Bell Telephone Company of Canada and Notice of Claim registered as R941907 on July 9, 1985;*

7. Intentionally deleted.

8. The Owner shall, at its own expense, develop the Lands with the amenities, facilities, works, services and in accordance with each and every of the obligations described and set out in the Agreement and its applicable schedules.



9. The Owner shall comply with the requirements for delivery of performance and maintenance security set out in Schedule “C” attached hereto.

10. The Owner shall reimburse the Town for all the Town costs with respect to the development, including without limiting the generality of the foregoing, the fees and disbursements of its Engineer, and Solicitor and any planning or administrative costs. The Town shall deliver invoices to the owner in a timely fashion payment for which shall be due immediately.

11. In the event of any default by the Owner in the performance of any of the terms and conditions of this Agreement, the Town at its discretion shall, in addition to other remedies available to the Town, be entitled to refuse building permits with respect to the development and/or shall be entitled to refuse building and/or occupancy permits with respect to any buildings, and/or shall be entitled to issue stop work orders with respect to any matters in respect of which a building permit has been issued and/or may refuse to grant to the Owner any permissions, permits, certificates, approvals or authorities of any kind or nature which the Owner would have been entitled to receive had the Owner otherwise complied with the Town's requirements in this agreement, and/or shall be entitled to refuse to issue releases, all of which may be done until such time as the default has been cured in a manner satisfactory to the Town.

12. The Owners hereby consent to the registration of this Agreement on the title of the Lands, said registration (as well as the preparation of this Agreement) to be at the Owners' expense.

13. The owners agree to obtain a postponement of any mortgages or other encumbrances which may affect the Lands.

14. The parties otherwise agree that in all other respects, each and every of the provisions, terms, conditions and covenants contained in the Original Agreement, as previously amended be and they are hereby ratified and confirmed, to be fully enforced in accordance with their provisions.

15. In the event of conflict/inconsistency between this amending agreement and the Original Agreement, the First Amending Agreement, the Second Amending Agreement, and/or the Third Amending Agreement, the terms of this amending agreement shall prevail and govern.

16. This agreement shall enure to the benefit of and be binding upon the parties hereto, their respective successors and assigns.

**IN WITNESS WHEREOF**, the said parties hereunto affixed their signatures and corporate seals, attested to by the hands of their proper officers duly authorized in that behalf.

Signed, sealed and delivered	)	<b>THE CORPORATION OF THE</b>
	)	<b>TOWN OF TECUMSEH</b>
in the presence of:	)	
	)	Per:_____
	)	Name: Gary McNamara
	)	Title: Mayor
	)	c/s
	)	Per:_____
	)	Name: Laura Moy
	)	Title: Clerk
	)	
	)	FAIRLANE TOWNE CENTRE Inc.
	)	
	)	Per:_____
	)	Name:
	)	Title: President
	)	c/s
	)	I have authority to bind the Corporation.

## Schedule A

Firstly, BLK Z PL 1287 Sandwich East (Amended by SE23184); PT LT 5 PL 395 Sandwich East PT 1 12R7425; Except R1124979; S/T R902509; Tecumseh (PIN 75244-0297);

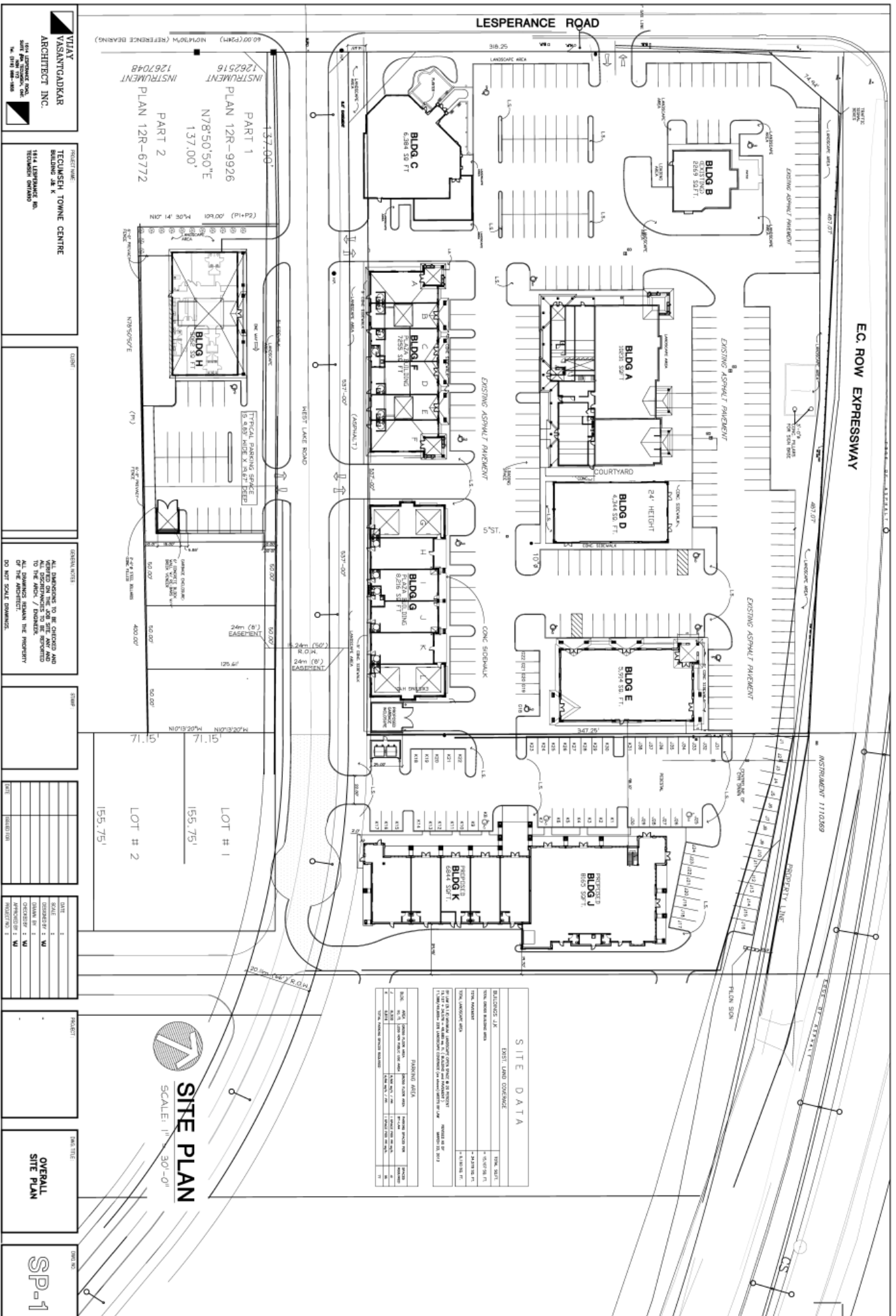
Secondly, PT LT 5 PL 395 Sandwich East As in R1302980; Tecumseh (PIN 75244-0298);

Thirdly, PT Lot 5, Plan 395 Designated as PT 1 12R9926, save & except PTS 1,3,4, 12R21488; Town of Tecumseh; (PIN 75244-0504)

Fourthly, PT Lot 5 , Plan 395 Designated as PTS 2, 15 & 16 on 12R16455; PTS 7 &9 on 12R21488; and PT Lot 153 Concession 2 Designated as PTS 2,3 and 5-10 inclusive on 12R25167 (being part of PIN 75244-0483)

All being in the Town of Tecumseh, County of Essex, and Province of Ontario

## SITE PLAN



## **SCHEDULE “C”**

### ***SECURITY, MAINTENANCE AND ASSUMPTION***

#### **1.1 PERFORMANCE**

The Owner agrees, so as to assure the performance by the Owner of each of the terms and conditions of this Agreement during the development of the Lands, that the Owners shall, upon execution of this Agreement, forthwith deposit with the Town security in an amount which is equal to \$ 10,000.00 plus an amount equal to the value of the road work, if any, to be completed within any municipal road allowance (as calculated by the Owner's Engineer and approved by the Town). For greater certainty, the amount of said security shall be subject to approval by the Town's Clerk and Solicitor.

Said security shall be either by way of

- a) cash, or
- b) a Standby Letter of Credit pursuant to UCP500 only, issued by a chartered bank of Canada in form satisfactory to the Town's Clerk and Solicitor. (not a Letter of Guarantee or Bond)

Provided that in no event shall the Town be required to pay interest on this security.

#### **1.2 RELEASE OF SECURITY**

The Town agrees to return the said security to the Owner upon the completion and final approval of the works specified in this Agreement which approval is at the Town's sole discretion.

#### **1.3 INDEMNITY AND INSURANCE**

The Owner shall indemnify and save harmless the Town, the Corporation of the County of Essex, Essex Power Corporation and Hydro One from and against all actions, claims, loss, damage and liability connected with the Development as contemplated herein arising directly or indirectly out of the negligence or unlawful performance or the non-performance of any obligation of the Owner or any contractors to the Owner under this Agreement.

While any of the facilities and works herein have not been assumed by the Town, the Owner shall maintain in full force and effect a policy of personal liability and property damage insurance in form and amount satisfactory to the Town's solicitor wherein the Owner, the Town, the Corporation of the County of Essex, the Essex Power Corporation and Hydro One shall be insured as principals against such liability to a minimum of TWO MILLION (\$2,000,000.00) DOLLARS per occurrence. The Owner shall provide the Town with a certified copy of such policy prior to the commencement of construction of any of the facilities and works referred to herein and provide certified copies of any renewals where the term of such policy expires prior to the assumption of the Municipal Services by the Town.



## The Corporation of the Town of Tecumseh

Planning & Building Services

**To:** Mayor and Members of Council

**From:** Chad Jeffery, Manager Planning Services

**Date to Council:** August 14, 2018

**Report Number:** PBS-2018-27

**Subject:** Scheduling of a Public Meeting  
Proposed Official Plan Amendment and Zoning By-Law Amendment  
F&S Enterprises Multi-Unit Residential Development  
12300 County Road 42  
Our File: D19 BASHI

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### Recommendations

It is recommended:

**That** the scheduling of a public meeting to be held on **September 25<sup>th</sup>, 2018 at 5:30 p.m.**, for the applications submitted by F&S Enterprises to amend the Sandwich South Official Plan and Zoning By-law 85-18 for the northerly 0.48 hectares (1.2 acres) of a 0.66 hectare (1.63 acre) parcel of land located on the northeast corner of the County Road 42/Lesperance Road intersection from:

- i) the current Official Plan designation of “Neighbourhood Commercial” to a “Medium Density Residential” designation with a site-specific policy that will establish a maximum density of 38 units per hectare; and
- ii) the current “General Commercial Zone (C1)” to a site-specific “Residential Zone 2 (R2)”

in order to permit the construction of a residential development consisting of three six-unit, three-storey multi-unit dwellings, for a total of 18 dwelling units, to be located on the northerly 0.48 hectares (1.2 acres) of the 0.66 hectare (1.63 acre) property, **be authorized.**

## Background

### Property Location and Surrounding Land Uses

F&S Enterprises, “the Applicant”, has filed applications with the Town to amend the Sandwich South Official Plan and Zoning By-law 85-15 for the northerly 0.48 hectares (1.2 acres) of a 0.66 hectare (1.63 acre) vacant parcel of commercially designated and zoned land located on the northeast corner of the County Road 42/Lesperance Road intersection (see Attachment 1). The proposed amendments would facilitate the construction of a residential development consisting of three six-unit, three-storey multi-unit dwellings, for a total of 18 dwelling units, to be located on the northerly 0.48 hectares (1.2 acres) of the property.

The lands surrounding the subject property (see Attachment 2) are as follows:

- North: Long/narrow single-unit residential lots fronting on the east and west side of Lesperance Road.
- East: Long/narrow single-unit residential lots fronting onto the north and south side of County Road 42. Additional single-unit residential lots are situated to the north-east. Farther to the east, at the intersection of County Road 42 and Manning Road, is a commercial node consisting of gas stations, convenience stores and restaurants.
- South: Commercial uses fronting on the south side of County Road 42/Lesperance Road intersection beyond which are single unit residential lots fronting on 12<sup>th</sup> Concession Road. To the southwest is the Checker Flag residential subdivision.
- West: Commercial uses (one which has a residential apartment on the second floor) fronting on the west side of Lesperance Road. To the northwest, within a reasonable walking distance, are St. Peter’s Elementary School and McAuliffe Park. A walking trail leading to Tecumseh Vista K-12 School can be accessed through this municipal park.

### Proposed Development

The Owner has submitted a proposed preliminary site plan and architectural renderings (see Attachments 3A, 3B) depicting:

- A development consisting of three six-unit, three-storey multi-unit dwellings, for a total of 18 dwelling units, fronting onto the east side of Lesperance Road. Each multi-unit building will have an approximate footprint of 213 square metres (2,300 square feet). The first floor of each building will be half below-grade, resulting in buildings that appear to be 2.5 storeys with a total height of 10 metres (32.8 feet). Each unit within the apartment building will be approximately 106 square metres (1150 square feet);

- 33 on-site surface parking spaces (1.5 parking spaces per unit) situated behind the proposed multi-unit dwellings, with access directly from Lesperance Road;
- Sidewalks along the front and rear of the multi-unit dwellings providing access from both Lesperance Road and the parking lot to the rear;
- A 461 square metre (5,000 square foot) commercial plaza consisting of five individual units, with an associated 39 space parking area will occupy the southerly 0.16 hectares (0.4 acres) of the property. This portion of the property is not subject to the aforementioned applications as the current commercial designation and zoning will facilitate the commercial component of the proposed development. Final design layout/location of the commercial building and its associated parking area is subject to further discussions with Town Administration and the County of Essex. It should be noted, however, that the County Engineering Department has indicated that it will not approve the most southerly of the two access drives from Lesperance Road, currently depicted on the preliminary site plan.

## Planning Applications

In order to permit the proposed development, the applicant is requesting that the northerly 0.48 hectares (1.2 acres) of the 0.66 hectare (1.63 acre) subject property be:

- i) redesignated from “Neighbourhood Commercial” to “Medium Density Residential” with a site-specific policy establishing a maximum density of 38 units per hectare; and
- ii) rezoned from “General Commercial Zone (C1)” to a site-specific “Residential Zone 2 (R2)”. The new site-specific R2 zone would permit the proposed residential uses, establish the maximum number of dwelling units, and establish other lot/building requirements such as minimum yard depths/widths, landscaping, parking spaces/sizes and maximum building height, lot coverage, and landscaping.

## Additional Planning Approvals

In addition to the aforementioned planning applications, it should be noted that the approval of a site plan control agreement will be required prior to either the residential or commercial component of the proposed development proceeding.

## Supporting Documents

The following document has been submitted to the Town in support of the applications:

- i) **Planning Justification Report, Proposed Residential Development – Tracey Pillon-Abbs, RPP, Planning Consultant, July 29, 2018.**

During early discussions regarding the potential development of the subject property, Town Administration identified that the preparation of a Planning Justification Report

(PJR) would be required in order to assist with the assessment of the proposal from a land-use planning perspective, including consideration of commercial land needs. Accordingly, the Owner retained the services of Ms. Tracey Pilon-Abbs, Planning Consultant to prepare a PJR.

The PJR evaluated the proposed development and land uses against the Provincial Policy Statement (PPS), the County of Essex Official Plan and the Town's Official Plan.

The PJR concluded that:

“The proposal to use the Site for multi unit residential dwellings is appropriate and should be approved by the Town of Tecumseh as it:

- is consistent with the PPS 2014;
- conforms with the intent and purpose of the COP;
- conforms with the intent and purpose of the Town OP;
- complies with the regulations of the Town ZBLA;
- is a site that is physically suitable;
- does not negatively impact the private use and enjoyment of area residents;
- will not have any negative natural environmental impacts;
- will not create any traffic issues;
- will not have any negative impacts on municipal services;
- will not have any negative social or economic impacts; and
- will have a favourable positive impact on the Town of Tecumseh.

In summary, for the above reasons, it would be appropriate for the County of Essex to approve the application for Official Plan amendment and the Town of Tecumseh to adopt the application for Official Plan amendment and approve the application for Zoning By-law amendment to reduce the commercial area and permit multi unit residential dwellings on the Site as it is appropriate for development and will compliment the planned commercial node within a mixed-use area.

This PJR has shown that the proposed development is suitable intensification of affordable residential, is consistent with the Provincial Policy Statement, conforms with the intent and purpose of the County of Essex Official Plan,



conforms with the intent and purpose of the Town of Tecumseh Official Plan and represents good planning.”

Town Administration has reviewed this study and is satisfied that its analysis and recommendations are sufficient to support consideration of the proposed application and to proceed with a formal public meeting.

## Comments

The following summary of relevant goals and policies is provided to assist Council in understanding the scope of the issues and the matters requiring consideration as this proposal advances through the planning process.

### Provincial Policy Statement, 2014

*The Planning Act* establishes that Council, when making decisions that affect a planning matter, “shall be consistent with” the 2014 Provincial Policy Statement (“PPS”) issued under *The Planning Act*. The PPS encourages and supports development on lands identified for urban growth in settlement areas. Relevant excerpts include:

- “1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns
  - 1.1.1 Healthy, livable and safe communities are sustained by:
    - b) accommodating an appropriate range and mix of residential, employment, institutional, recreation, park and open space, and other uses to meet long-term needs;
    - e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;
  - 1.1.3 Settlement Areas
    - 1.1.3.1 Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.
    - 1.1.3.2 Land use patterns within settlement areas shall be based on:
      - a) densities and a mix of land uses which:
        - 1. efficiently use land and resources;
        - 2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;

- 4. support active transportation;
    - 5. are transit-supportive, where transit is planned, exists or may be developed;
  - b) a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.
- 1.1.3.3 Planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas ... and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.
- 1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while maintaining appropriate levels of public health and safety.
- 1.1.3.6 New development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.
- 1.4 Housing
- 1.4.3 Planning authorities shall provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents of the regional market area by:
- b) permitting and facilitating:
    - 1. All forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements; and
    - 2. All forms of residential intensification and redevelopment in accordance with policy 1.1.3.3;
  - c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
  - d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of alternative transportation modes and public transit in areas where it exists or is to be developed;

- e) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

1.8 Energy Conservation, Air Quality and Climate Change

1.8.1 Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and climate change adaptation through land use and development patterns which:

- a) promote compact form and a structure of nodes and corridors;
- b) promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;

6.0 Definitions

**Residential intensification:** means intensification of a property, site or area which results in a net increase in residential units or accommodation and includes:

- a) redevelopment, including the redevelopment of brownfield sites;
- b) the development of vacant or underutilized lots within previously developed areas;
- c) infill development.”

The PPS promotes higher density development that results in compact built form and makes more efficient use of existing services while offering a range of housing forms/types to meet expected needs, such as those of the growing senior cohort of the Town’s population. The PPS supports the development of a broad range of housing types and tenures. It also encourages residential intensification within identified urban areas and where such areas have appropriate levels of servicing. The foregoing policies illustrate the emphasis that the PPS places on intensification in urban areas. Any decision of Council should be consistent with the PPS.

## County of Essex Official Plan, 2014

The subject lands are within a Primary Settlement Area of the County of Essex Official Plan (County OP). Any amendment to a local official plan must be in conformity with the policy direction contained in the County OP. The goals and policies of the County OP encourage a range of residential development within identified settlement areas such as the fully serviced urban areas of the Town of Tecumseh. The following goals and policies of the County OP are most relevant in the assessment of the subject proposal:

## “1.5 GOALS FOR A HEALTHY COUNTY

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

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

## 3.2 SETTLEMENT AREAS

### 3.2.2 Goals

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

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

### 3.2.4 Primary Settlement Areas

#### 3.2.4.1 Policies

The following policies apply to Primary Settlement Areas:

- a) Primary Settlement Areas shall be the focus of growth and public/private investment in each municipality;
- b) Primary Settlement Areas shall have full municipal sewerage services and municipal water services and stormwater management services, a range of land uses and densities, a healthy mixture of housing types including affordable housing options and alternative housing forms for special needs groups, and be designed to be walkable communities with public transit options;
- c) Local municipal Official Plans shall establish appropriate land uses in accordance with the policies of this Plan;
- i) Cost effective development patterns and those which will minimize land consumption and reduce servicing costs are encouraged. Land use patterns which may cause environmental, heritage preservation or public health and safety concerns shall be avoided;

### 3.2.7 Intensification & Redevelopment

The County encourages well-planned intensification development projects in the “Settlement Areas” to encourage more efficient use of land and municipal infrastructure, renew urban areas and to facilitate economic and social benefits for the community.

The County also specifically encourages residential intensification and redevelopment within Primary Settlement Areas in order to increase their vitality, offer a range of housing choices, efficiently use land and optimize the use of infrastructure and public service facilities.

The County requires that 15 percent of all new residential development within each local municipality occur by way of residential intensification and redevelopment. Implementation and annual reporting to the County on meeting this target will be the responsibility of the local municipalities.”

The subject property is within a Primary Settlement Area, as designated in the County OP. Any decision of Council should be in conformity with the County OP.

## **Sandwich South Official Plan**

As noted previously, the subject lands are designated “Neighbourhood Commercial” on Schedule “A-1” of the Sandwich South Official Plan (see Attachment 4). An amendment to the Official Plan will be required to designate the aforementioned portion of the subject property into a “Medium Density Residential” designation and to introduce a site-specific policy to permit a total maximum density of 38 units per hectare in order to facilitate the proposed residential development.

The goals and policies of the “Medium Density Residential” designation encourage the development of housing types other than single unit dwellings as a means of increasing the supply of affordable housing and offering a variety of ownership options, such as low-rise apartments.

However, the “Medium Density Residential” designation currently does not permit the density resulting from the proposed development. Under subsection 3.3.2 i), it is established that residential uses in this designation shall consist primarily of townhouse and low-rise apartment style development not exceeding a maximum density of 30 units per hectare of land. The areas of a property that are proposed to be used for commercial or other non-residential purposes cannot be used towards the calculation of the development’s density. Based on the foregoing, the 0.48 hectare (1.2 acre) portion of the property identified for residential purposes would result in a site-specific density of 38 units per hectare.

Based on the foregoing, an amendment to the Official Plan changing the land use designation and establishing an appropriate site specific policy is required. Subsection 6.17 of the Official Plan, Amendment Procedures, establishes that, when contemplating an amendment to the Official Plan, due regard shall be had to the following matters:

- i) the physical suitability of the land to be used for the proposed use;
- ii) the adequacy of all required services;
- iii) the adequacy of the road system to accommodate the projected traffic volume increases;
- iv) the compatibility of the proposed use with existing and potential future uses in the surrounding area;
- v) the need for additional land to accommodate the proposed use/facilities.

Any decision of Council regarding the proposed Official Plan Amendment should have adequate regard to the preceding matters.

## **Sandwich South Zoning By-law 85-18**

The lands are currently zoned “General Commercial Zone (C1)” on Schedule “A”, Map 3, of the Sandwich South Zoning By-law 85-18 (see Attachment 5). As noted previously, the C1 zone

permits a range of commercial uses. The proposed rezoning to a site-specific R2 zone will permit the aforementioned residential dwelling types and establish specific yard and lot provisions.

Subsection 6.17 of the Official Plan, Amendment Procedures, as noted above, also applies when reviewing the appropriateness of applications to amend the Zoning By-law. Any decision of Council regarding the proposed Zoning By-law Amendment should also have adequate regard to the matters contained in this subsection.

## **Summary**

In summary, it is the opinion of the writer, along with Town Administration, that the proposal warrants further consideration. A public meeting to consider the proposed official plan and zoning by-law amendments, in accordance with the requirements of the *Planning Act*, will provide an opportunity to hear concerns and comments, if any, of neighbouring owners and other interested stakeholders/agencies. It is important that the concerns and comments of these stakeholders be taken into consideration as part of the full evaluation of the applications.

Upon hearing the comments of the stakeholders, a Planning Report will be prepared having regard to the stakeholder comments and giving full consideration to the various policies and criteria at hand from a professional planning perspective.

## **Consultations**

Planning & Building Services  
Public Works & Environmental Services  
Fire & Emergency Services

## **Financial Implications**

None.

## Link to Strategic Priorities

Applicable	2017-18 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.
<input type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

## Communications

Not applicable ☐

Website ☒ Social Media ☐ News Release ☐ Local Newspaper ☐



This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Enrico DeCecco, BA (Hons), MCIP, RPP  
Junior Planner

Reviewed by:

Chad Jeffery, MA, MCIP, RPP  
Manager Planning Services

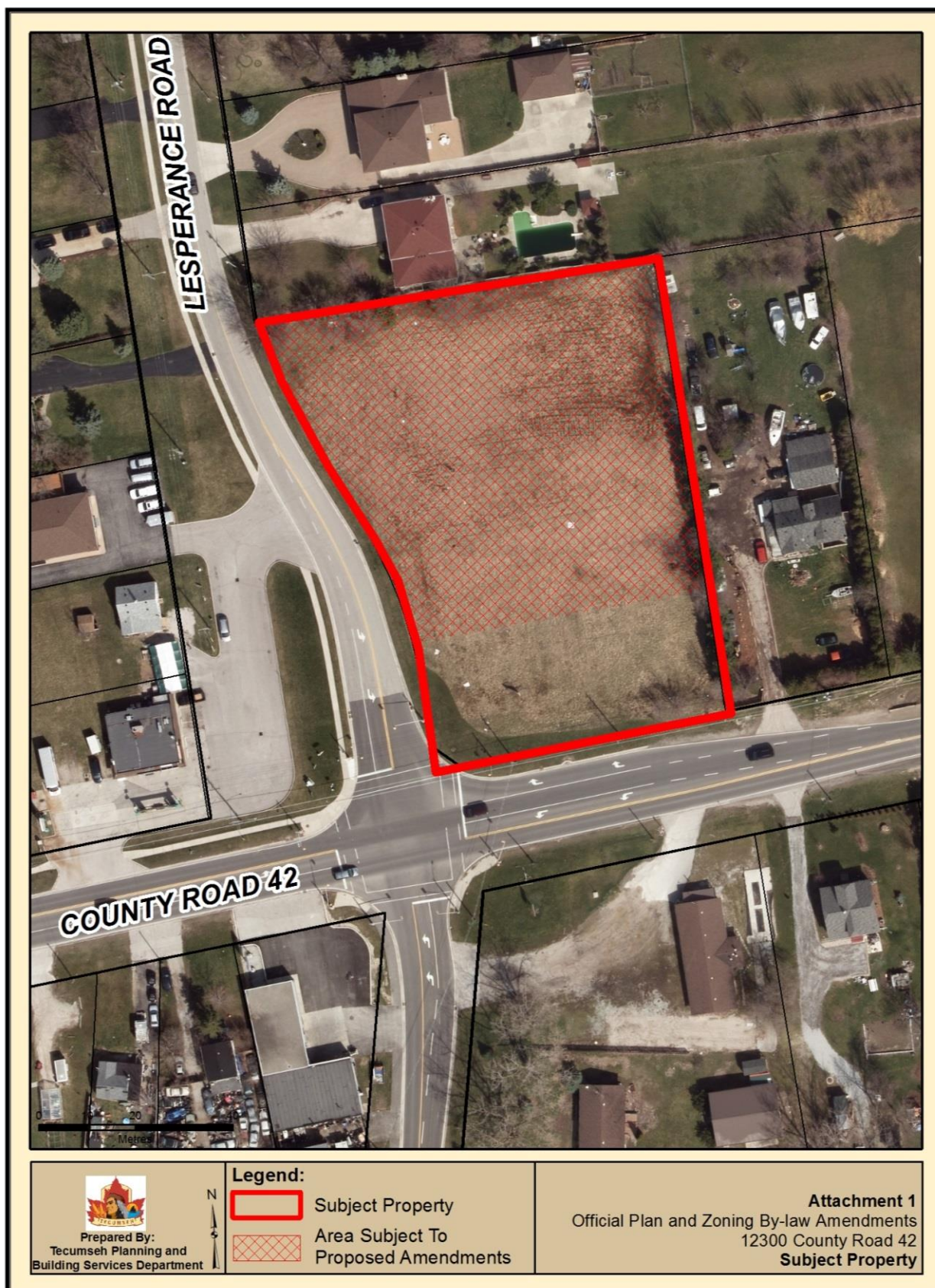
Reviewed by:

Brian Hillman, MA, MCIP, RPP  
Director Planning & Building Services

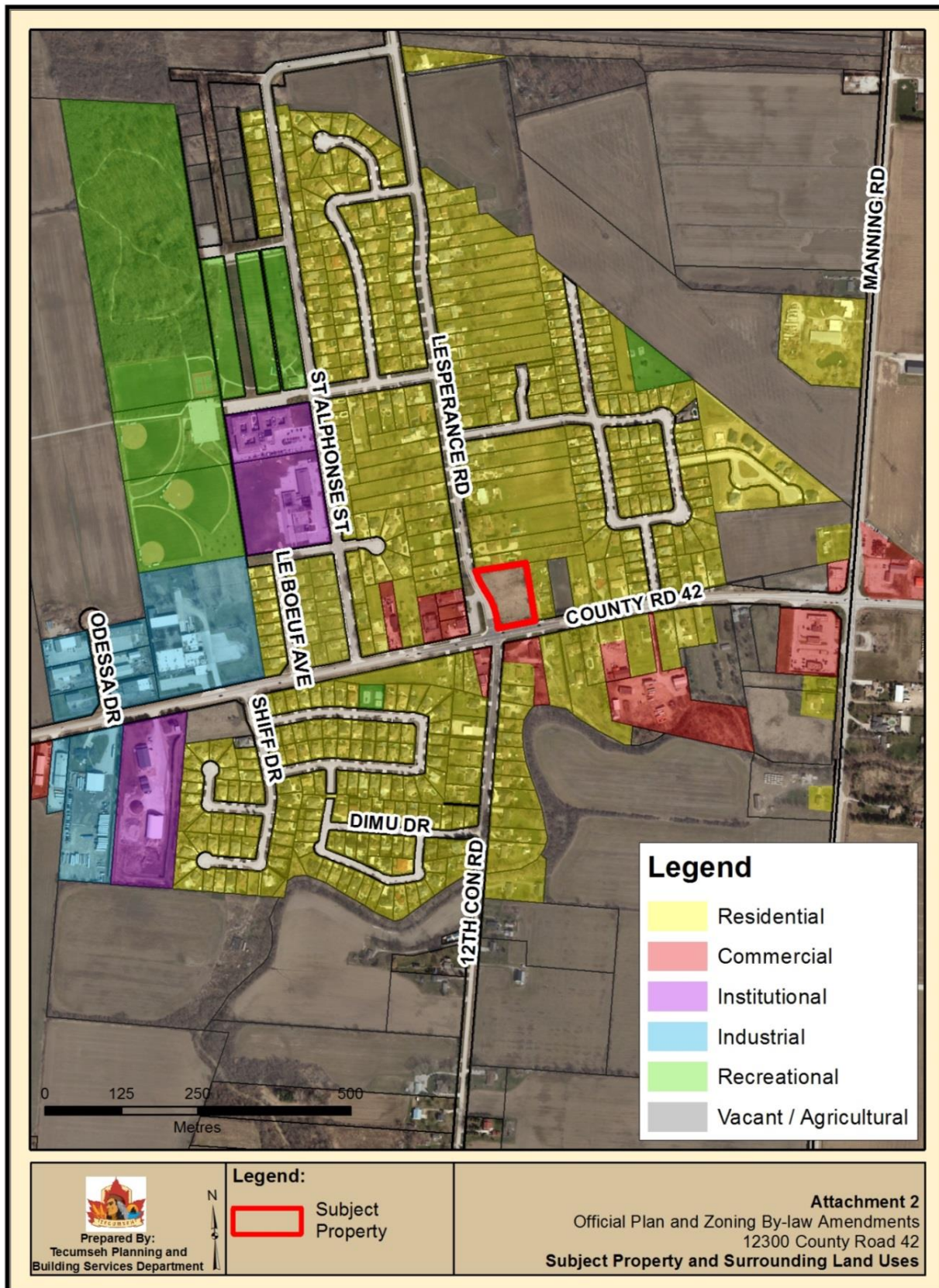
Recommended by:

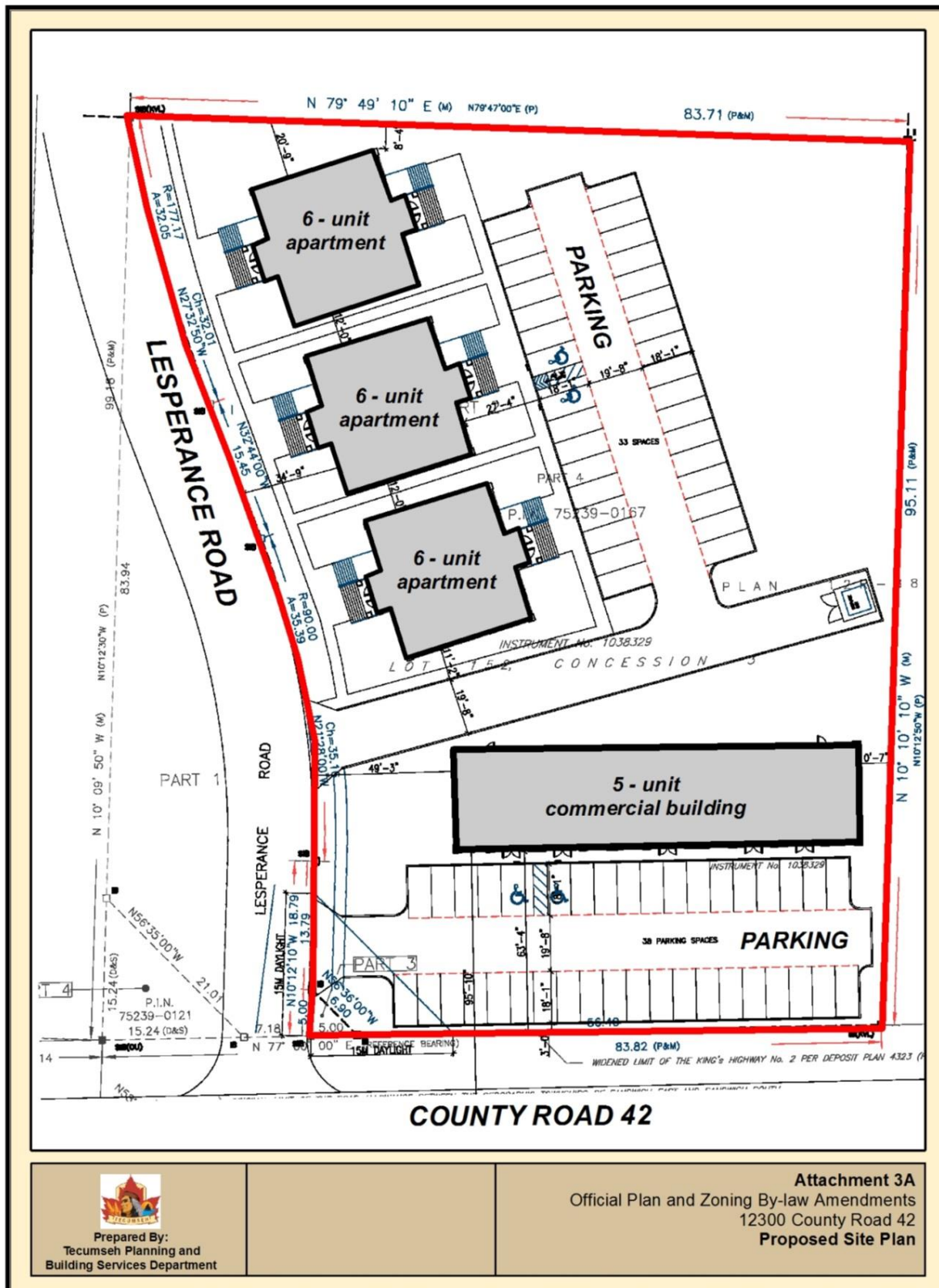
Tony Haddad, MSA, CMO, CPFA  
Chief Administrative Officer

<b>Attachment Number</b>	<b>Attachment Name</b>
1	Subject Property Map
2	Subject Property and Surrounding Land Uses Map
3A	Proposed Site Plan
3B	Proposed Architectural Elevation
4	Official Plan Map
5	Zoning Map

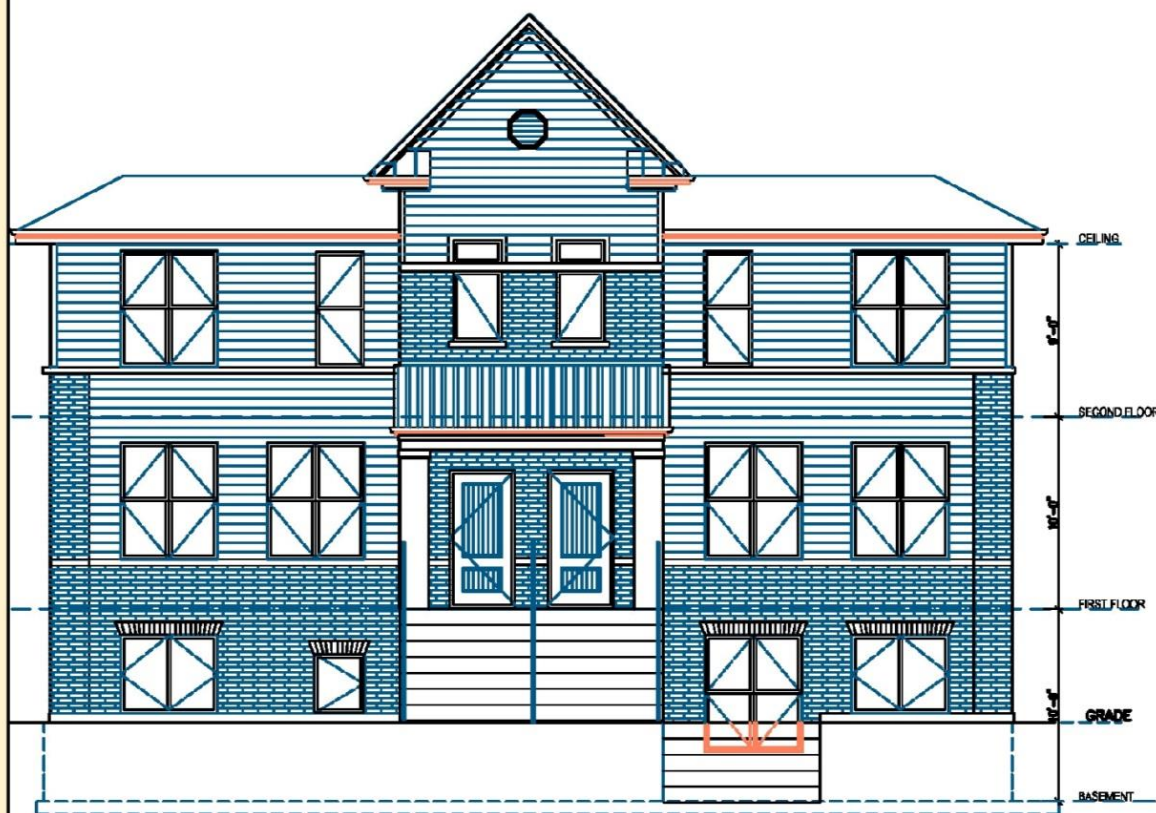












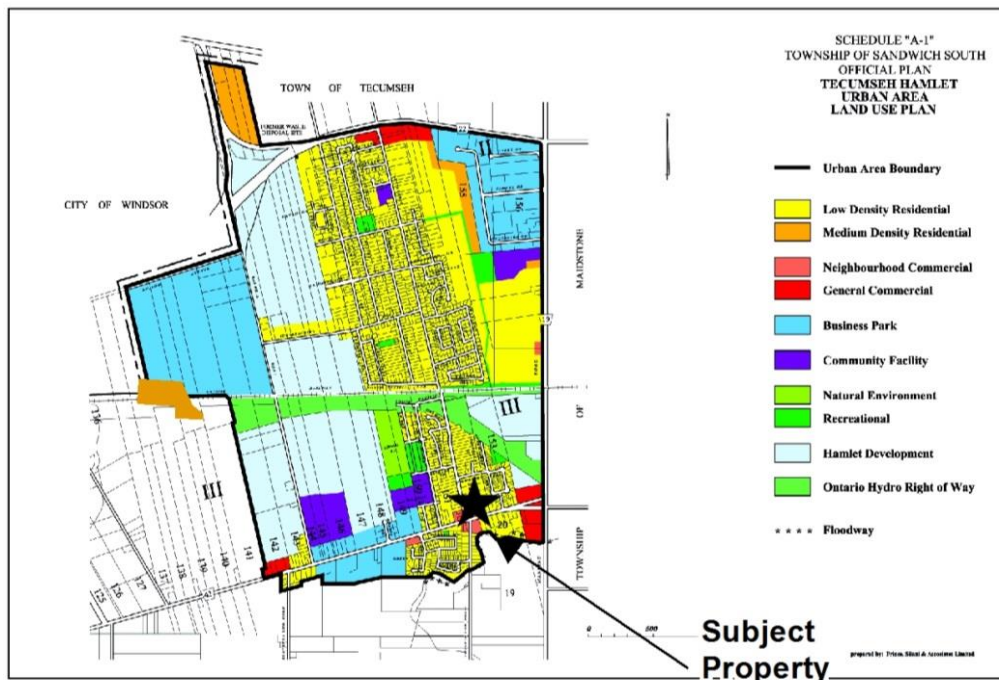
**FRONT ELEVATION**  
SCALE 1/8" = 1'-0"

*View of proposed apartment from Lesperacne Road, facing east.*



Prepared By:  
Tecumseh Planning and  
Building Services Department

**Attachment 3B**  
Official Plan and Zoning By-law Amendments  
12300 County Road 42  
**Proposed Architectural Elevation**

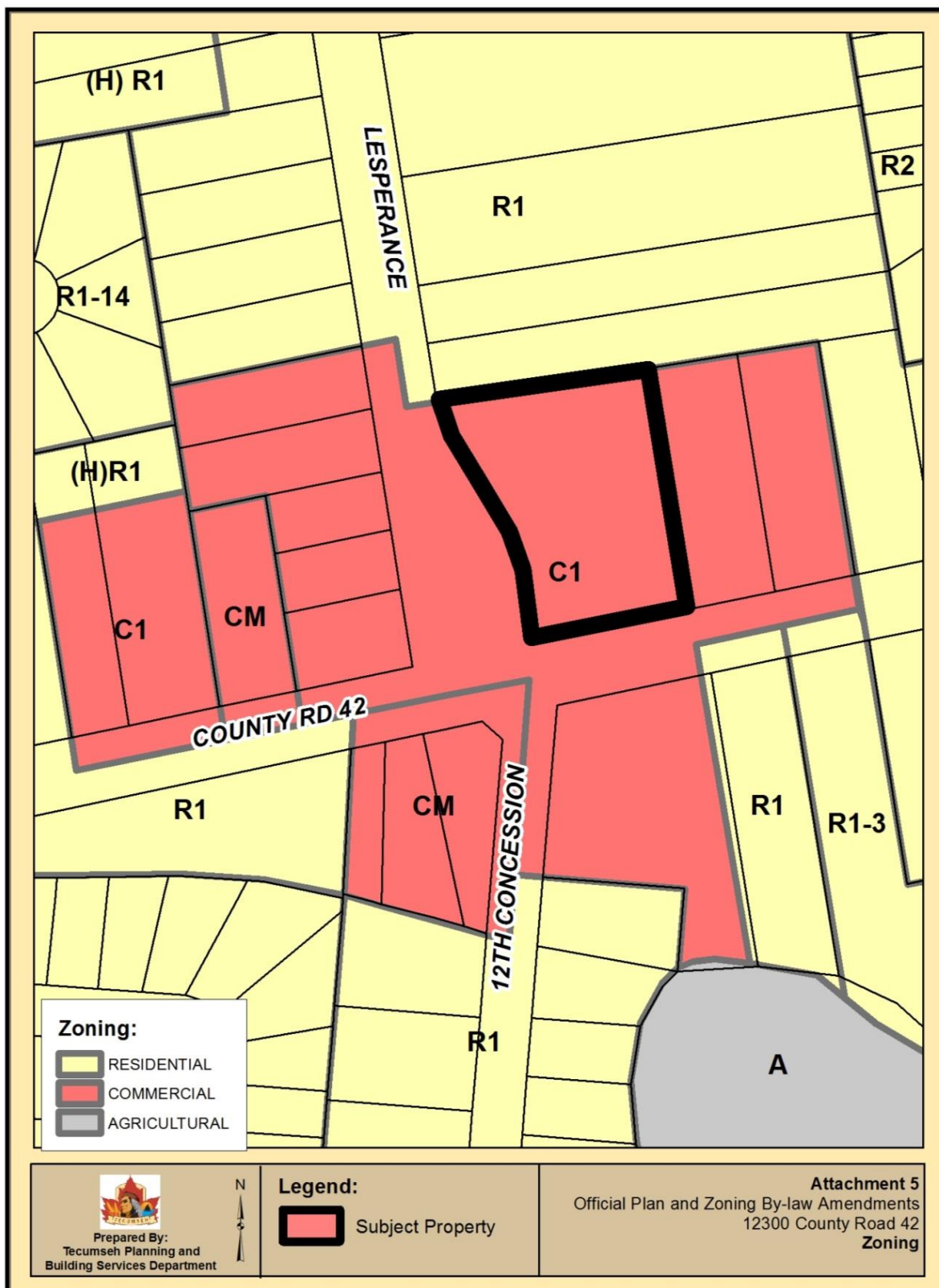


**Subject Property**  
 (see zoom below)



Prepared By:  
 Tecumseh Planning and  
 Building Services Department

**Attachment 4**  
 Official Plan and Zoning By-law Amendments  
 12300 County Road 42  
 Official Plan



## UNFINISHED REGULAR COUNCIL BUSINESS

	Meeting Date	Resolution	Subject	Action/Direction	Depart.	Status/Action Taken
3/17	Mar 14, 2017		Alley Closing Policy	An alley closing policy is requested to establish a uniform process for closing alleys.	Clerks	Next Policies & Priorities Committee
4/17	Mar 28, 2017		Oldcastle Hamlet	The presentation and requests made by FOOD is referred to Administration for a report and recommendation.	Planning	OMB Hearing Nov. 17-17, 2017 OMB Decision Jan. 17, 2018 Section 43 Review Feb 13, 2018
13/17	May 23, 2017		Signage on Manning Road	Administration is requested to approach the Town of Lakeshore and the County of Essex in regards to establishing a gateway policy with a common standard for regulating urbanized areas and signs for Manning Road.	CAO	Tecumseh and Lakeshore Administration have met and a response is pending from Lakeshore.
1/18	January 30, 2018		Video Surveillance	Administration to follow up on video surveillance and potential grant funding for acquiring a system.	ICS	Grant application is being investigated and met with local expert
8/18	March 13, 2018		Air Quality Standards and Enforcement	Administration is requested to send a letter to the Ministry of the Environment and Climate Change to seek clarification on responsibility for enforcement of air quality standards in residential areas.	Clerks	Draft letter being prepared
10/18	March 27, 2018		Noise By-law Exemptions	Administration is asked to look into delegation of authority for exemptions from the noise by-law for non-alcohol related special events on Town property.	PRS/Clerks	Next Policies and Priorities Committee Meeting
18/18	April 24, 2018		Cada Library Renovations	It is directed that Administration provide a report on the Cada Library to include consultations with TAAC, SAC, YAC, CAC, and other stakeholders on the current options proposed to refresh or renovate the current library building.	PWES/Clerks	The Library proposal has been presented to the May meetings of the SAC, YAC and CAAC and TAAC.
19/18	May 22, 2018		Property By-law	It is directed that Administration harmonize the by-law regarding disconnected tractor-trailers on residential properties to be consistent within the Town.	PBS	
20/18	May 22, 2018		Police Service Levels	It is directed that Administration review the current police service levels to address resident concerns regarding driver behaviour and enforcement of vehicles speeding in residential areas.	CAO	
21/18	June 26, 2018		By-Law Enforcement	It is requested that a communication plan be developed to inform residents of property standards.	PBS	
22/18	July 24, 2018		In-House Sanitary and Water Billing	It is requested that Report FS-2018-10 regarding the performance of the water and sanitary billing function in-house as proposed in the 2018 Proposed Business Plan & Budget be deferred for discussion for one year for consideration and approval.	FS	



	Meeting Date	Resolution	Subject	Action/Direction	Depart.	Status/Action Taken

**The Corporation of the Town of Tecumseh**

**By-Law Number 2018 - 50**

Being a by-law to confirm the proceedings of the **August 14, 2018** regular meeting of the Council of The Corporation of the Town of Tecumseh

**Whereas** pursuant to Section 5(1) of the *Municipal Act, 2001*, S.O. 2001, c.25 as amended, the powers of a municipality shall be exercised by its Council; and

**Whereas** pursuant to Section 5(3) of the *Municipal Act, 2001*, S.O. 2001, c.25 as amended, a municipal power, including a municipality's capacity, rights, powers and privileges under Section 8 of the *Municipal Act, 2001*, S.O. 2001, c.25 as amended, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

**Whereas** it is deemed expedient that the proceedings of the Council of The Corporation of the Town of Tecumseh at this Session be confirmed and adopted by by-law.

**Now Therefore the Council of The Corporation of The Town of Tecumseh Enacts as follows:**

1. **That** the actions of the Council of The Corporation of the Town of Tecumseh in respect of all recommendations in reports and minutes of committees, all motions and resolutions and all other action passed and taken by the Council of The Corporation of the Town of Tecumseh, documents and transactions entered into during the **August 14, 2018**, meeting of Council, are hereby adopted and confirmed, as if the same were expressly embodied in this By-law.
2. **That** the Mayor and proper officials of The Corporation of the Town of Tecumseh are hereby authorized and directed to do all the things necessary to give effect to the action of the Council of The Corporation of the Town of Tecumseh during the said **August 14, 2018**, meeting referred to in paragraph 1 of this By-law.
3. **That** the Mayor and the Clerk are hereby authorized and directed to execute all documents necessary to the action taken by this Council as described in Section 1 of this By-law and to affix the Corporate Seal of The Corporation of the Town of Tecumseh to all documents referred to in said paragraph 1.

**Read** a first, second and third time and finally passed this 14th day of August, 2018.

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Gary McNamara, Mayor

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Laura Moy, Clerk