

Regular Council Meeting Agenda

Date: Tuesday, November 22, 2022, 7:00 pm
Location: Tecumseh Town Hall - Council Chambers
917 Lesperance Road
Tecumseh, Ontario N8N 1W9

Pages

- A. Roll Call
- B. Order
- C. Report Out of Closed Meeting
- D. Moment of Silence
- E. National Anthem
- F. Land Acknowledgement

We acknowledge that we are on land and surrounded by water, originally inhabited by Indigenous Peoples who have travelled this area since time immemorial. This territory is within the lands honoured by the Wampum Treaties; agreements between the Anishinaabe, Haudenosaunee, Lenni Lenape and allied Nations to peacefully share and care for the resources around the Great Lakes. Specifically, we would like to acknowledge the presence of the Three Fires Confederacy Ojibwe, Odawa, Potawatomi and Huron/Wendat Peoples. We are dedicated to honouring Indigenous history and culture while remaining committed to moving forward respectfully with all First Nations, Inuit and Métis.

G. Disclosure of Pecuniary Interest

H. Minutes

- | | |
|---|---------|
| 1. Regular Council Meeting - October 11, 2022 | 14 - 23 |
| 2. Special Council Meeting- September 13, 2022 Customer Service Strategy | 24 - 26 |
| 3. Special Council Meeting - November 14, 2022 - Council Elect Information Workshop | 27 - 30 |

Recommendation

Moved by Deputy Mayor Joe Bachetti

Seconded by Councillor Brian Houston

That the October 11, 2022 minutes of the Regular Council Meeting, and the minutes of the September 13 and November 14, 2022 Special Council Meetings as were duplicated and delivered to the members, **be adopted.**

Recommendation

Moved by Councillor Alicia Higgison

Seconded by Councillor James Dorner

That the minutes of the Tuesday, November 15, 2022 meeting of the Special Council as were duplicated and delivered to the members, **be approved**

I. Supplementary Agenda Adoption

Recommendation

Moved by _____

Seconded by _____

That the supplementary items added to the Regular Meeting agenda regarding Report FS-2022-12 entitled Budget Variance Report- August 2022 **be approved**

J. Delegations

1. Building Services Operational Review

Peter Valore, Manager Building Services & Chief Building Official (CBO) and Dan Lunardi, Acting Chief Building Official

Recommendation

Moved by Councillor Brian Houston

Seconded by Councillor Rick Tonial

Move the report forward on the agenda

- a. DS-2022-45 Building Services Operational Review November 2022 59 - 77

Recommendation

Moved by Councillor Brian Houston

Seconded by Councillor Alicia Higgison

That Report DS-2022-45 entitled “Building Services Operational Review, November 2022”, **be received**.

And that the “Building Service Operational Review dated November 22, 2022”, as attached to DS-2022-45, **be approved in principle**;

And further that final approval and implementation of the Building Service Operational Review **be referred** to 2023 budget deliberations.

K. Communications - For Information

1. Ministry of Municipal Affairs and Housing dated November 15, 2022 78 - 78
Re: Congratulations on Municipal Elections
2. Town of Perry dated October 11, 2022 79 - 82
Re: Healthcare Connect System for Members of the Canadian Armed Forces
3. Essex Region Conservation Authority dated November 17, 2022 83 - 85
Re: Bill 23, the More Homes Built Faster Act

Recommendation

Moved by Councillor Tania Jobin

Seconded by Councillor Rick Toniai

That Communications - For Information 1 through 3 as listed on the Tuesday, November 22, 2022 Regular Council Agenda, **be received**.

Recommendation

Moved by Councillor Tania Jobin

Seconded by Councillor James Dorner

That the Town of Tecumseh **support** the Township of Perry's resolution regarding changes to be made to the Healthcare Connect system for Members of the Canadian Armed Forces.

Recommendation

Moved by Councillor Tania Jobin

Seconded by Councillor Alicia Higgison

That the Town of Tecumseh **support** the Essex Region Conservation Authority's correspondence dated November 17, 2022 regarding Bill 23 More Homes Built Faster Act.

L. Communications - Action Required

1. Federation of Canadian Municipalities dated November 11, 2022
Re: Sustainable Communities Conference 2023 ([View Here](#))
2. Congress for the New Urbanism
Re: Conference May 31- June 3, 2023 ([View Here](#))

Recommendation

Moved by Deputy Mayor Joe Bachetti

Seconded by Councillor Rick Toniai

That the Mayor and Members of Council be authorized to attend the Federation of Canadian Municipalities 2023 Sustainable Communities Conference, at a cost of \$100 per person, and to attend the Congress for the New Urbanism, at a cost of \$550 US per person, in accordance with the Town's Professional Development Policy and subject to funding in the 2023 Budget.

M. Committee Minutes

1. Police Services Board dated October 17, 2022 86 - 91

Recommendation

Moved by Councillor Brian Houston

Seconded by Councillor Tania Jobin

That the October 17, 2022 minutes of the Police Services Board, as were duplicated and delivered to the members, **be accepted**.

2. Town of Tecumseh Business Improvement Area dated October 19, 2022 92 - 95

Recommendation

Moved by Councillor Brian Houston

Seconded by Councillor Rick Tonial

That the Wednesday, October 19, 2022 minutes of the Town of Tecumseh Business Improvement Area, as were duplicated and delivered to the members, **be accepted**.

N. Reports

1. Community & Recreation Services
 - a. CRS-2022-15 Recreation Programs and Special Events 2023 96 - 106

Recommendation

Moved by Deputy Mayor Joe Bachetti

Seconded by Councillor Brian Houston

That Report CRS-2022-15 respecting Recreation Programs and Special Events 2023 **be received**.

And that the associated costs of the 2023 Recreation Programs and Special Events **be referred** to the 2023 budget deliberations.

- b. CRS-2022-16 Conseil Scolaire Catholique Providence - l'Essor High School Agreement Amendment 107 - 110

Recommendation

Moved by Councillor Brian Houston

Seconded by Councillor Alicia Higgison

That the Town **enter** into an Amending License Agreement with Conseil scolaire catholique Providence for the School Board Lands, satisfactory in form and content to the Town's Solicitor;

And that By-law 2022-087, being a bylaw to authorize the Mayor and Clerk to execute the Amending License Agreement **be adopted**.

2. Community Safety & Fire Services

- a. CS-2022-02 Emergency Management Appointment

111 - 115

Recommendation

Moved by Councillor Rick Tonial

Seconded by Councillor Alicia Higgison

That Report CS-2022-02 entitled “Emergency Management Appointments By-Law”, **be received**.

And that the “Emergency Management Appointments By-Law” By-Law 2022-086 **be adopted**.

3. Development Services

- a. DS-2022-32 Zoning By-law Amendment, 12106 Tecumseh Road, Scheduling of a Public Meeting

116 - 146

Recommendation

Moved by Councillor Brian Houston

Seconded by Councillor Rick Tonial

That the scheduling of a public meeting, to be held on Tuesday, December 13, 2022 at 5:30 p.m., in accordance with the *Planning Act* for a zoning by-law amendment application submitted for a 0.35 hectare (0.87 acre) parcel of land located on the north side of Tecumseh Road, at its intersection with Poisson Street (12106 Tecumseh Road), seeking to amend Zoning By-law 1746 by rezoning the subject land from “General Commercial Zone (C3)” to a site-specific “General Commercial Zone (C3-17)” to permit the construction of a 5-storey, 40-unit, mixed-use commercial/residential development, **be authorized**.

- b. DS-2022-44 Bill 23, The More Homes Built Faster Act, Summary Report 147 - 205

Recommendation

Moved by Councillor Rick Tonial

Seconded by Councillor Alicia Higgison

That Report DS-2022-44 *Bill 23 –More Homes Built Faster Act, 2022, Summary Report*, **be received**;

And that Report DS-2022-44 **be submitted** to the Province through the Environmental Registry of Ontario as comments from the Town of Tecumseh on *Bill 23*;

And further that Administration draft and send a letter to the Windsor Tecumseh MPP Andrew Dowie regarding Council's support of Report DS-2022-44 entitled "Bill 23 More homes Built Faster Act, 2022, Summary Report".

- c. DS-2022-46 Tecumseh Lakeshore - Shared Commercial Economic Development Strategy - 2023 Implementation Program 206 - 211

Recommendation

Moved by Councillor Rick Tonial

Seconded by Councillor Tania Jobin

That Report DS-2022-46, entitled "Tecumseh Lakeshore-Shared Commercial Economic Development Strategy - 2023 Implementation Program", **be received**.

And that final approval and implementation of the programs proposed for implementation in 2023, as identified in Report DS-2022-46, **be referred** to 2023 budget deliberations.

4. Financial Services

- a. FS-2022-10 Essex Powerlines Corporation Long Term Financing Agreement Renewal 212 - 215

Recommendation

Moved by Deputy Mayor Joe Bachetti

Seconded by Councillor Brian Houston

That Report FS-2022-10 Essex Powerlines Corporation Long-Term Financing Agreement Renewal **be received**;

And that By-law 2022-085 authorizing the Mayor and Clerk to execute a Long-Term Financing Agreement between The Corporation of the Town of Tecumseh and Essex Powerlines Corporation **be adopted**.

- b. FS-2022-11 2021 Annual Report on Investment and Cash Management 216 - 223

Recommendation

Moved by Councillor Alicia Higgison

Seconded by Councillor Rick Tonial

That Report FS-2022-11 entitled "2021 Annual Report on Investment and Cash Management" **be received**.

- c. FS-2022-12 Budget Variance Report - August 2022 224 - 261

Recommendation

Moved by Councillor Brian Houston

Seconded by Councillor James Dorner

That Report FS-2022-12 Budget Variance Report – August 2022, showing a projected tax-supported surplus of \$483,000 and a rate-supported deficit of \$64,000 **be received**.

5. Legislative & Clerk Services

- a. LCS-2022-34 Appointment of an Alternate Member to Essex County Council 262 - 269

Recommendation

Moved by Councillor Tania Jobin

Seconded by Councillor Rick Tonial

That Report LCS-2022-34 entitled “Appointment of an Alternate Member to Essex County Council” **be received**;

And that the draft policy entitled “Appointment of an Alternate Member to County Council” **be approved**;

And further that Council **commence** the appointment of an Alternate Member to County Council;

And furthermore that Councillor Brian Houston **be appointed** as the alternate member of County Council for the 2022-2026 term of Council.

- b. LCS-2022-35 2022 Municipal and School Board Election Results and Voter Turnout 270 - 284

Recommendation

Moved by Councillor Tania Jobin

Seconded by Councillor Brian Houston

That Report LCS-2022-35 entitled “2022 Municipal and School Board Election Results and Voter Turnout” **be received**.

- c. LCS-2022-36 Accessibility Report - 2022 Tecumseh Municipal Elections 285 - 290

Recommendation

Moved by Councillor James Dörner

Seconded by Councillor Alicia Higgison

That Report LCS-2022-36 entitled “Accessibility Report: 2022 Municipal and School Board Election”, **be received**;

And that Report LCS-2022-36 **be posted** on the Town’s website for public access.

6. Public Works & Engineering Services

- a. PWES-2022-41 Upper Little River Watershed Drainage and Master Plan Class EA - Project Update and Notice of Study Completion 291 - 311

Recommendation

Moved by Councillor Brian Houston

Seconded by Councillor Alicia Higgison

That Council **endorse** the issuance of the Notice of Study Completion by the Essex Region Conservation Authority for the Upper Little River Watershed Drainage and Master Plan Class Environmental Assessment to commence the 30-day review period.

- b. PWES-2022-43 Transfer of License Agreement on Title to Lands at 5220 and 5250 Outer Drive and 5245 Burke Street 312 - 330

Recommendation

Moved by Councillor Rick Tonial

Seconded by Councillor James Dorner

That Report PWES-2022-43 regarding the Transfer of License Agreement on Title to Lands at 5220 and 5250 Outer Drive and 5245 Burke Street **be received**;

And that By-law 2022-084 **be given** its first, second and third reading, transferring the License Agreement, via Consent, between the Corporation of the Town of Tecumseh and Moldplas Inc. and Build-A-Mold Limited to The Corporation of the Town of Tecumseh and Nobel REIT Limited Partnership by its general partner Nobel REIT GP Inc. to reflect the new property ownership.

O. By-Laws

1. By-Law 2022-082 331 - 331

A By-Law to Appoint an Alternate Member to the Council of the County of Essex during an absence of the Mayor or Deputy Mayor

2. By-Law 2022-083 332 - 335

Being a by-law to confirm and appoint certain officers, servants and employees of The Corporation of the Town of Tecumseh

3. By-Law 2022-084 336 - 352

Being a by-law to authorize the execution of a License Agreement between The Corporation of the Town of Tecumseh and Nobel REIT GP Inc.

- | | | |
|----|---|-----------|
| 4. | By-Law 2022-085 | 353 - 358 |
| | Being a by-law to authorize the execution of a Long Term Financing Agreement with The Corporation of the Town of Tecumseh and Essex Powerlines Corporation | |
| 5. | By-Law 2022-086 | 359 - 361 |
| | Being a by-law to establish an Emergency Management Program for the Town of Tecumseh and to appoint certain positions required under the Emergency Management and Civil Protection Act. | |
| 6. | By-Law 2022-087 | 362 - 372 |
| | Being a by-law to authorize the execution of an amending Licence Agreement between The Corporation of the Town of Tecumseh and Conseil scolaire catholique Providence | |

Recommendation

Moved by Councillor Tania Jobin

Seconded by Councillor Brian Houston

That By-Law 2022-82 a by-law to appoint an Alternate Members to the Council of the county of Essex during an absence of the Mayor or Deputy Mayor;

That By-Law 2022-083 being a by-law to confirm and appoint certain officers, servants, and employees of The Corporation of the Town of Tecumseh;

That By-Law 2022-084 being a by-law to authorize the execution of a License Agreement between The Corporation o the Town of Tecumseh and Nobel REIT GP Inc.;

That By-Law 2022-085 being a by-law to authorize the execution of a Long Term Financing Agreement with the Corporation of the Town of Tecumseh and Essex Powerlines Corporation;

That By-Law 2022-086 being a by-law to establish an Emergency Management Program for the Town of Tecumseh and to appoint certain positions required under the Emergency Management and Civil Protection Act;

That By-Law 2022-087 being a by-law to authorize the execution of an amending Licence Agreement between The corporation of the Town of Tecumseh and Conseil scolaire catholic Providence.

Be given first and second reading.

Recommendation

Moved by Councillor Brian Houston

Seconded by Councillor Tania Jobin

That By-Law 2022-82 a by-law to appoint an Alternate Members to the Council of the county of Essex during an absence of the Mayor or Deputy Mayor;

That By-Law 2022-083 being a by-law to confirm and appoint certain officers, servants, and employees of The Corporation of the Town of Tecumseh;

That By-Law 2022-084 being a by-law to authorize the execution of a License Agreement between The Corporation o the Town of Tecumseh and Nobel REIT GP Inc.;

That By-Law 2022-085 being a by-law to authorize the execution of a Long Term Financing Agreement with the Corporation of the Town of Tecumseh and Essex Powerlines Corporation;

That By-Law 2022-086 being a by-law to establish an Emergency Management Program for the Town of Tecumseh and to appoint certain positions required under the Emergency Management and Civil Protection Act;

That By-Law 2022-087 being a by-law to authorize the execution of an amending Licence Agreement between The corporation of the Town of Tecumseh and Conseil scolaire catholic Providence.

Be given third and final reading.

P. Unfinished Business

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|----|-------------------|-----------|
| 1. | November 22, 2022 | 373 - 373 |
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Q. New Business

R. Motions

- | | | |
|----|------------------------------|-----------|
| 1. | Confirmatory By-law 2022-088 | 374 - 375 |
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Recommendation

Moved by Councillor Brian Houston

Seconded by Councillor Rick Tonial

That By-Law 2022-088 being a by-law to confirm the proceedings of the Tuesday, November 22, 2022, regular meeting of the Council of The Corporation of the Town of Tecumseh **be given** first, second, third and final reading.

S. Notices of Motion

T. Next Meeting

Tuesday, December 13, 2022

6:00 pm Special Council Meeting - Committee and Board Appointments

7:00 pm Regular Council Meeting

U. Adjournment

Recommendation

Moved by Councillor Alicia Higgison

Seconded by Councillor James Dörner

That there being no further business, the Tuesday, November 22, 2022 meeting of the Regular Council **be adjourned** at 10:14 pm.

Regular Meeting of Council

Minutes

Date: Tuesday, October 11, 2022
Time: 7:00 pm
Location: Tecumseh Town Hall - Council Chambers
917 Lesperance Road
Tecumseh, Ontario N8N 1W9

Present:

Mayor, Gary McNamara
Deputy Mayor, Joe Bachetti
Councillor, Bill Altenhof
Councillor, Brian Houston
Councillor, Tania Jobin
Councillor, Doug Pitre
Councillor, Rick Tonial

Also Present:

Chief Administrative Officer, Margaret Misek-Evans
Acting Clerk, Jennifer Alexander
Director Community & Recreation Services, Paul Anthony
Director Public Works & Engineering Services, Phil Bartnik
Director Community Safety & Fire Chief, Wade Bondy
Director People & Culture, Michelle Bonnici
Director Technology & Client Services, Shaun Fuerth
Director Development Services, Brian Hillman
Director Financial Services & Chief Financial Officer, Tom Kitsos
Administrative Assistant to the Director Corporate Services &
Clerk, Sue White
Assistant Drainage Engineer, Joseph Lappalainen
Manager Planning Services & Local Economic Development,
Chad Jeffery

A. Roll Call

B. Order

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

C. Report Out of Closed Meeting

A Closed meeting was held earlier this evening at 6:15 pm in accordance with Section 239 (2) (b)(d) of the Municipal Act, 2001. At the meeting, the Council provided direction to Administration on labour negotiations; as well as received an update on personal matters concerning identifiable individuals.

D. Moment of Silence

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

E. National Anthem

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

F. Land Acknowledgement

We acknowledge that we are on land and surrounded by water, originally inhabited by Indigenous Peoples who have travelled this area since time immemorial. This territory is within the lands honoured by the Wampum Treaties; agreements between the Anishinaabe, Haudenosaunee, Lenni Lenape and allied Nations to peacefully share and care for the resources around the Great Lakes. Specifically, we would like to acknowledge the presence of the Three Fires Confederacy Ojibwe, Odawa, Potawatomi, and Huron/Wendat Peoples. We are dedicated to honouring Indigenous history and culture while remaining committed to moving forward respectfully with all First Nations, Inuit and Métis.

G. Disclosure of Pecuniary Interest

There is no pecuniary interest declared by a Member of Council.

H. Minutes

1. Regular Council Meeting - September 13, 2022

Motion: RCM - 272/22

Moved by Councillor Brian Houston
Seconded by Councillor Tania Jobin

That the September 13, 2022 minutes of the Regular Council Meeting, as were duplicated and delivered to the members, **be adopted**.

Carried

I. Supplementary Agenda Adoption

Motion: RCM - 273/22

Moved by Deputy Mayor Joe Bachetti
Seconded by Councillor Brian Houston

That the supplementary items added to the Regular Meeting agenda regarding Report FS-2022-08 Budget Variance Report - June 2022, **be approved**

Carried

J. Delegations

There are no Delegations presented to Council.

K. Communications - For Information

1. City of Windsor dated October 6, 2022

Re: Notice for Virtual Public Information Centre - West Windsor Flood Assessment Study

Motion: RCM - 274/22

Moved by Deputy Mayor Joe Bachetti
Seconded by Councillor Bill Altenhof

That Communications - For Information item 1 as listed on the Tuesday, October 11, 2022 Regular Council Agenda, **be received**.

Carried

L. Communications - Action Required

There are no Communications - Action Required presented to Council.

M. Committee Minutes

1. Police Services Board - September 8, 2022

Motion: RCM - 275/22

Moved by Deputy Mayor Joe Bachetti
Seconded by Councillor Doug Pitre

That the September 8, 2022 minutes of the Police Services Board, as were duplicated and delivered to the members, **be accepted**.

Carried

2. Town of Tecumseh Business Improvement Area Minutes - August 17, 2022

Motion: RCM - 276/22

Moved by Councillor Tania Jobin
Seconded by Councillor Brian Houston

That the August 17, 2022 minutes of The Town of Tecumseh Business Improvement Area, as were duplicated and delivered to the members, **be accepted**.

Carried

3. Rural Broadband Advisory Committee - March 9, 2022

Motion: RCM - 277/22

Moved by Councillor Tania Jobin
Seconded by Councillor Brian Houston

That the March 9, 2022 minutes of the Rural Broadband Advisory Committee, as were duplicated and delivered to the members, **be accepted**.

Carried

4. Court of Revision - September 27, 2022 - South Talbot and 12th Line Drain

Motion: RCM - 278/22

Moved by Councillor Rick Tonial
Seconded by Councillor Doug Pitre

That the September 27, 2022 minutes of the Court of Revision as were duplicated and delivered to the members, **be adopted**.

Carried

N. Reports

1. Chief Administrative Officer - People & Culture

a. CAO-2022-09 Tecumseh 100th Anniversary Celebration Report Out

Motion: RCM - 279/22

Moved by Councillor Doug Pitre
Seconded by Councillor Tania Jobin

That Report CAO-2022-09 regarding the Tecumseh 100th Anniversary Celebration Report Out, **be received**.

Carried

2. Development Services

a. DS-2022-41 Financial Incentive Program Grant Application - Tecumseh Road Main Street Community Improvement Plan - 1071 Lesperance Road (1797565 Ontario Ltd./Home Instead) Parking Area Improvement Grant

Motion: RCM - 280/22

Moved by Councillor Rick Tonial

Seconded by Councillor Bill Altenhof

That the Grant Application for the Tecumseh Road Main Street Community Improvement Plan (CIP) Financial Incentive Program for the property located at 1071 Lesperance Road (Roll No. 374406000005100), **be deemed eligible and approved** for the Parking Area Improvement Grant Program in the amount of \$10,000 in relation to the parking lot improvements proposed for the subject property, all of which is in accordance with Section 11.3 (5) of the CIP and with DS-2022-41.

Carried

- b. DS-2022-42 Consent Agreement - 6780 Holden Road - Municipal Drain Access Culvert

Motion: RCM - 281/22

Moved by Councillor Brian Houston

Seconded by Councillor Doug Pitre

That a by-law to authorize the Mayor and Clerk to execute a Consent Agreement between The Corporation of the Town of Tecumseh and Raffaele Meo and Gina Meo, which facilitates the future construction of an access culvert across a municipal drain on the property located at 6780 Holden Road in order to satisfy condition 7 of consent application B-01-22, satisfactory in form to the Town's Solicitor, **be adopted**, subject to the Owner signing the agreement;

And that the execution of such further documents as are called for by the Consent Agreement approved above including, but not limited to, the execution of the acknowledgement/direction required to register the Consent Agreement on title to the lands and such other acknowledgements/directions for any related transfers or real property registrations contemplated by the consent agreement, by the Mayor and Clerk, **be authorized**.

Carried

3. Financial Services

- a. FS-2022-08 Budget Variance Report - June 2022

Motion: RCM - 284/22

Moved by Councillor Rick Tonial
Seconded by Councillor Bill Altenhof

That Report FS-2022-08 Budget Variance Report – June 2022, showing a projected tax-supported surplus of \$287,000 and a rate-supported deficit of \$52,000 **be received**.

Carried

4. Technology & Client Services

- a. TCS-2022-06 Bring Your Own Device Policy

Motion: RCM - 285/22

Moved by Councillor Bill Altenhof
Seconded by Councillor Doug Pitre

That Report TCS-2022-06 entitled “Bring Your Own Device Policy” **be received**;

And that Attachment 1 to Report TCS-2022-06 “Bring Your Own Device Policy” **be approved**.

Carried

O. By-Laws

1. By-Law 2022-075

Being a by-law to close up and authorize the sale of the alley located at 374 and 382 Barry Avenue and 12748 Little River Boulevard.

2. By-Law 2022-076

Being a by-law to authorize the execution of a Consent Agreement between The Corporation of The Town of Tecumseh and Raffaele Meo and Gina Meo

3. By-Law 2022-077

Being a by-law to amend By-law 1746, the Town’s Comprehensive Zoning By-law for those lands in the former Town of Tecumseh

(D19- ARU - By-law to establish zoning regulations for Additional Residential Units (ARU), in accordance with the Policies of the Town of Tecumseh Official Plan.)

4. By-Law 2022-078

Being a by-law to amend By-law 2065, the Town's Comprehensive Zoning By-law for those lands in the former Village of St. Clair Beach.

(D19 ARU – By-law to establish zoning regulations for Additional Residential Units (ARU), in accordance with the Policies of the Town of Tecumseh Official Plan)

5. By-Law 2022-079

Being a by-law to amend By-law 85-18, the Town's Comprehensive Zoning By-law for those lands in the former Township of Sandwich South

(D19 ARU – By-law to establish zoning regulations for Additional Residential Units (ARU), in accordance with the Policies of the Town of Tecumseh Official Plan)

Motion: RCM - 286/22

Moved by Councillor Tania Jobin
Seconded by Councillor Rick Tonial

That By-law 2022-075 being a by-law to close up and authorize the sale of the alley located at 374 and 382 Barry Avenue and 12748 Little Liver Boulevard;

That By-Law 2022-076 being a by-law to authorize the execution of a Consent Agreement between The Corporation of The Town of Tecumseh and Raffaele Meo and Gina Meo;

That By-Law 2022-077 being a by-law to amend By-law 1746, the Town's Comprehensive Zoning By-law for those lands in the former Town of Tecumseh. A By-law to establish zoning regulations for Additional Residential Units (ARU), in accordance with the Policies of the Town of Tecumseh Official Plan;

That By-Law 2022-078 being a by-law to amend By-law 2065, the Town's Comprehensive Zoning By-law for those lands in the former Village of St. Clair Beach. A By-law to establish zoning regulations for Additional Residential Units (ARU), in accordance with the Policies of the Town of Tecumseh Official Plan;

That By-Law 2022-079 being a by-law to amend By-law 85-18, the Town's Comprehensive Zoning By-law for those lands in the former Township of Sandwich South. A By-law to establish zoning regulations for Additional Residential Units (ARU), in accordance with the Policies of the Town of Tecumseh Official Plan.

Be given first and second reading.

Carried

Motion: RCM - 287/22

Moved by Councillor Brian Houston
Seconded by Councillor Bill Altenhof

That By-law 2022-075 being a by-law to close up and authorize the sale of the alley located at 374 and 382 Barry Avenue and 12748 Little Liver Boulevard;

That By-Law 2022-076 being a by-law to authorize the execution of a Consent Agreement between The Corporation of The Town of Tecumseh and Raffaele Meo and Gina Meo;

That By-Law 2022-077 being a by-law to amend By-law 1746, the Town's Comprehensive Zoning By-law for those lands in the former Town of Tecumseh. A By-law to establish zoning regulations for Additional Residential Units (ARU), in accordance with the Policies of the Town of Tecumseh Official Plan;

That By-Law 2022-078 being a by-law to amend By-law 2065, the Town's Comprehensive Zoning By-law for those lands in the former Village of St. Clair Beach. A By-law to establish zoning regulations for Additional Residential Units (ARU), in accordance with the Policies of the Town of Tecumseh Official Plan;

That By-Law 2022-079 being a by-law to amend By-law 85-18, the Town's Comprehensive Zoning By-law for those lands in the former Township of Sandwich South. A By-law to establish zoning regulations for Additional Residential Units (ARU), in accordance with the Policies of the Town of Tecumseh Official Plan.

Be given third and final reading.

Carried

P. Unfinished Business

1. October 11, 2022

The Members receive the Unfinished Business listing for Tuesday, October 11, 2022.

Q. New Business

Fire Prevention Week

The Members extend gratitude to the Community Services staff for the successful events held during Fire Prevention Week.

Vandalism in Outdoor Washrooms at Town Parks

The Director Parks & Recreation Services advises that there is an increase in vandalism in the outdoor washrooms at some of the Town's parks. He advises that additional security and monitoring are in place. In addition, there will be timing adjustments made to the doors of the outdoor washrooms to prevent further damage. A Member requests the Town to provide communication to residents on social media and the Town website. Additional OPP patrols in the parks have also been requested.

R. Motions**1. Confirmatory By-Law 2022-080****Motion: RCM - 288/22**

Moved by Deputy Mayor Joe Bachetti
Seconded by Councillor Bill Altenhof

That By-Law 2022-080 being a by-law to confirm the proceedings of the Tuesday, October 11, 2022, regular meeting of the Council of The Corporation of the Town of Tecumseh **be given** first, second, third and final reading.

Carried

S. Notices of Motion

There are no Notices of Motion presented to Council.

T. Next Meeting

Thursday, October 27, 2022

4:00 pm Special Council Meeting

Tuesday, November 8, 2022

7:00 pm Regular Council Meeting

U. Adjournment

Motion: RCM - 289/22

Moved by Councillor Rick Toniai
Seconded by Councillor Doug Pitre

That there being no further business, the Tuesday, October 11, 2022 meeting of the Regular Council **be adjourned** at 8:15 pm.

Carried

Gary McNamara, Mayor

Jennifer Alexander, Acting Clerk

Special Meeting of Council

Minutes

Date: Tuesday, September 13, 2022
Time: 6:00 pm
Location: Tecumseh Town Hall - Council Chambers
917 Lesperance Road
Tecumseh, Ontario N8N 1W9

Present:

Mayor, Gary McNamara
Deputy Mayor, Joe Bachetti
Councillor, Bill Altenhof
Councillor, Brian Houston
Councillor, Tania Jobin
Councillor, Doug Pitre

Absent:

Councillor, Rick Tonial

Also Present:

Chief Administrative Officer, Margaret Misek-Evans
Acting Clerk, Jennifer Alexander
Director Community & Recreation Services, Paul Anthony
Director Public Works & Engineering Services, Phil Bartnik
Director Community Safety & Fire Chief, Wade Bondy
Director People & Culture, Michelle Bonnici
Director Technology & Client Services, Shaun Fuerth
Director Development Services, Brian Hillman
Director Financial Services & Chief Financial Officer, Tom Kitsos
Deputy Treasurer & Manager Revenue, Vanessa DaDalt
Manager Water Services, Brad Dupuis
Manager Committee & Community Services, Christina Hebert
Manager Engineering Services, John Henderson
Manager Planning Services & Local Economic Development,
Chad Jeffery
Deputy Fire Chief - Operations, Kevin Kavanagh
Manager Public Works & Transportation, Kirby McArdle
Senior Manager Recreation Services, Brett Palmer
Deputy Treasurer & Manager Financial Services, Zora Visekruna
Manager Facilities & Energy Management, Daniel Wolicki
Manager Building Services & Chief Building Official, Peter Valore

A. Roll Call

B. Call to Order

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

C. Land Acknowledgement

We acknowledge that we are on land and surrounded by water, originally inhabited by Indigenous Peoples who have travelled this area since time immemorial. This territory is within the lands honoured by the Wampum Treaties; agreements between the Anishinaabe, Haudenosaunee, Lenni Lenape and allied Nations to peacefully share and care for the resources around the Great Lakes. Specifically, we would like to acknowledge the presence of the Three Fires Confederacy Ojibwe, Odawa, Potawatomi and Huron/Wendat Peoples. We are dedicated to honouring Indigenous history and culture while remaining committed to moving forward respectfully with all First Nations, Inuit and Métis.

D. Disclosure of Pecuniary Interest

There is no pecuniary interest declared by a Member of Council.

E. Delegations**1. Shaun Fuerth, Director of Technology & Client Services**

Re: Update on Customer Service Strategy

The Director Technology & Client Services presents the Customer Service Update as appended in the Agenda. The Mayor opens the floor for questions to the Members.

Discussion ensues with the Members over the hybrid model (option 2) and live voice response (option 3) to improve the phone system at Town Hall. The Director provides the next steps with a report to Council approving the Customer Service Strategy.

Motion: SCM - 22/22

Moved By Deputy Mayor Joe Bachetti
Seconded By Councillor Brian Houston

That the presentation entitled “Customer Service Update” **be received;**

And that Administration **be directed** to pursue Option 2: Hybrid Model as presented to Council in the “Customer Service Update” and implement the improvements to the phone system;

And further that Option 3: Live Voice Response of the updated Customer Service Strategy be referred to the 2023 budget deliberations for consideration to implement, if required.

Carried

F. Communications

There are no Communication items presented to Council.

G. Reports

There are no Reports presented to Council.

H. Adjournment

Motion: SCM - xx/22

Moved By Councillor Doug Pitre

Seconded By Councillor Brian Houston

That there being no further business, the Tuesday, September 13, 2022 meeting of the Special Council Meeting **be adjourned** at 7:10 pm.

Carried

Gary McNamara, Mayor

Jennifer Alexander, Acting Clerk

Special Meeting of Council

Minutes

Date: Monday, November 14, 2022
Time: 9:00 am
Location: Tecumseh Town Hall - Council Chambers
917 Lesperance Road
Tecumseh, Ontario N8N 1W9

Present:

Mayor, Gary McNamara
Deputy Mayor, Joe Bachetti
Councillor, Brian Houston
Councillor, Tania Jobin
Councillor, Rick Tonial

Absent:

Councillor, Bill Altenhof
Councillor, Doug Pitre

Also Present:

Chief Administrative Officer, Margaret Misek-Evans
Acting Clerk, Jennifer Alexander
Director Community & Recreation Services, Paul Anthony
Director Public Works & Engineering Services, Phil Bartnik
Director Community Safety & Fire Chief, Wade Bondy
Director People & Culture, Michelle Bonnici
Director Technology & Client Services, Shaun Fuerth
Director Development Services, Brian Hillman
Director Financial Services & Chief Financial Officer, Tom Kitsos
Deputy Clerk - Clerk Services & Policy Advisor, Christina Hebert

Others Present

Alicia Higgison, Councillor Elect Ward 1
James Dorner, Councillor Elect Ward 2

A. Roll Call

B. Call to Order

The Mayor calls the meeting to order at 9:15 am.

C. Land Acknowledgement

We acknowledge that we are on land and surrounded by water, originally inhabited by Indigenous Peoples who have travelled this area since time

immemorial. This territory is within the lands honoured by the Wampum Treaties; agreements between the Anishinaabe, Haudenosaunee, Lenni Lenape and allied Nations to peacefully share and care for the resources around the Great Lakes. Specifically, we would like to acknowledge the presence of the Three Fires Confederacy Ojibwe, Odawa, Potawatomi, and Huron/Wendat Peoples. We are dedicated to honouring Indigenous history and culture while remaining committed to moving forward respectfully with all First Nations, Inuit and Métis.

D. Disclosure of Pecuniary Interest

There is no pecuniary interest declared by a Member of Council.

E. Introduction and Purpose of Meeting

The purpose of this meeting is to provide an information session for the new Council elect.

F. Delegations

1. Marg Misek-Evans, Chief Administrative Officer

Re: Welcome and Introduction

The CAO provides a brief introduction on the presenters for the workshop.

2. John Skorobohacz, Ontario Municipal Leadership Institute (OMLI), Consultant

Re: Corporate Governance, Council -The Board of Directors

Mr. John Skorobohacz highlights the PowerPoint presentation as appended on the agenda. He reviews the governance structure of relationships, Council's role in Corporate Culture, financial oversights, Integrity Commissioner, Municipal Auditors and Strategic Planning.

The meeting recesses at 10:27 am and reconvenes at 10:42 am.

3. Joan Lougheed, Former Mayor/City/Regional Councillor and FCM Board Member

Re: Setting the Tone - Council's Role in Creating the Corporate Culture

Ms. Joan Lougheed presents the PowerPoint presentation entitled "Leading with Purpose" as appended on the agenda.

The Mayor recesses the meeting at 12 pm and reconvenes at 12:45 pm.

4. Tammy Carruthers, CEO, WSCS Consulting

Re: Municipal Finance Oversight, Municipal Audit

Ms. Tammy Carruthers presents the PowerPoint presentation entitled "Municipal Finance: What Councillors Need to Know" as appended on the agenda.

5. Cynthia Swift, CPA, CA, Partner, and Kevin Macchio, CPA, CA Engagement Senior Manager, KPMG

Re: Municipal Auditor

The Town Auditors present the PowerPoint presentation as appended to the agenda.

6. Robert Swayze, Barrister and Solicitor

Re: Integrity Commissioner

Mr. Robert Swayze presents the PowerPoint presentation as appended on the agenda.

The Mayor recesses at 2:47 pm and reconvenes the meeting at 3:10 pm.

7. Margaret Misek-Evans, CAO, and John Skorobohacz, OMLI Consultant

Re: Strategic Planning and Direction

The Consultant and the CAO provides an overview of Strategic Planning best practices, the Town's Strategic Plans and items of achievement in the 2018-2022 term of Council.

G. Communications

There are no Communication Items presented to Council.

H. Reports

There are no reports presented to Council.

I. Adjournment

Motion: SCM - 26/22

Moved By Deputy Mayor Joe Bachetti
Seconded By Councillor Brian Houston

That there being no further business, the Monday, November 14, 2022 meeting of the Special Council Meeting **be adjourned** at 3:45 pm.

Carried

Gary McNamara, Mayor

Jennifer Alexander, Acting Clerk

Special Meeting of Council

Minutes

Date: Tuesday, November 15, 2022
Time: 7:00 pm
Location: Ciociaro Club
3475 North Talbot Rd
Oldcastle

Present:

Mayor, Gary McNamara
Deputy Mayor, Joe Bachetti
Councillor, James Dorner
Councillor, Alicia Higgison
Councillor, Brian Houston
Councillor, Tania Jobin
Councillor, Rick Tonial

Also Present:

Chief Administrative Officer, Margaret Misek-Evans
Acting Clerk, Jennifer Alexander
Director Community & Recreation Services, Paul Anthony
Director Public Works & Engineering Services, Phil Bartnik
Director Community Safety & Fire Chief, Wade Bondy
Director People & Culture, Michelle Bonnici
Director Technology & Client Services, Shaun Fuerth
Director Development Services, Brian Hillman
Director Financial Services & Chief Financial Officer, Tom Kitsos
Deputy Clerk - Clerk Services & Policy Advisor, Christina Hebert

A. Call to Order

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

B. Invocation

1. Carrie Ann Peters, Culture & Language Coordinator

Re: Caldwell First Nation

Ms. Peters leads the Members through a smudging ceremony to cleanse the energy and space, and to ensure good thoughts and actions for great decisions over the new term of Council.

2. Father Rob Renaud, Associate Pastor

Re: Windsor Lake St. Clair Catholic Family of Parishes

Father Renaud provides blessings to Council.

3. Chris Gevaert, Padre

Re: Tecumseh Fire and Rescue

Mr. Gevaert provides greetings to Council.

C. National Anthem

The National Anthem is sung by Madelyn Stein.

D. Welcome and Greetings

The Chief Administrative Officer provides greetings and welcomes the new term of Council.

E. Declaration of Elected Office

Mr. Justice Christopher Bondy administers the Declaration of Elected Offices for each Member of Council.

F. Presentation of the Chain of Office

The Acting Clerk remarks on the significance of wearing the Chain of Office.

Heather McNamara, the Mayor's wife, places the Chain on Mayor McNamara.

G. Council Address to the Guests

Each Member of Council expresses gratitude and provides a few words along with their commitment to serving the community.

H. Presentation of the Gavel to the Mayor

The Acting Clerk provides a brief history of the gavel and presents it to the Mayor for his inaugural address.

I. Mayor's Inaugural Address

The Mayor gives his Inaugural Address for the 2022-2026 term of Council.

J. Adjournment

Motion: SCM - 27/22

Moved By Councillor Brian Houston

Seconded By Councillor Alicia Higgison

That there being no further business, the Tuesday, November 15, 2022 meeting of the Special Council Meeting **be adjourned** at 8:15 pm.

Carried

Gary McNamara, Mayor

Jennifer Alexander, Acting Clerk



The Corporation of the Town of Tecumseh

BUILDING SERVICES OPERATIONAL REVIEW

Authored by:

Peter Valore, *Chief Building Official*, and
Dan Lunardi, *Acting Chief Building Official*

November 22, 2022

PREAMBLE

Our region and the Town are entering a period of exceptional and sustained growth

This, combined with recent staffing disruptions, supports the need for an operational review of Building Services to ready our operations for the anticipated increase in our workload and legislated obligations



2022 EVENTS

- Extended leave and subsequent retirement of the CBO
- Resignation of the Building Inspector
- Unable to meet our legislated requirements

Necessary steps were taken and supplementary technical assistance was retained

- 1- Temporary part-time Acting CBO
- 2- Temporary part-time Building Inspectors

The addition of temporary part-time staff has helped us to improve service delivery and stabilize our operation thus bring us closer to meeting our minimum legislated Provincial obligations



2022 EVENTS

- Successful recruitment of full-time Manager Building Services & Chief Building Official
- Successful recruitment of full-time Building Inspector

Very challenging due to the high level of technical expertise and Ministry qualifications required to legally perform the legislated duties

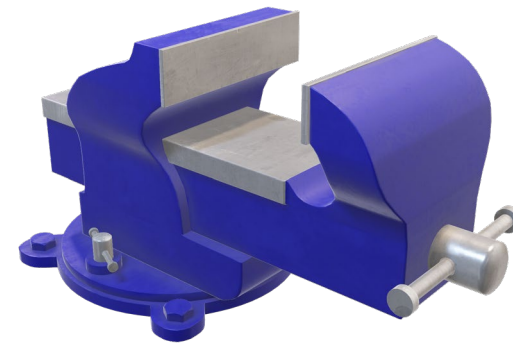
We have begun the process of training and gaining the required Ministry qualifications for the new Building Inspector

Operation is stabilized but requires on-going support



INDUSTRY CHALLENGES

- 1.5 million new homes over the next 10 years
- Severe shortage of qualified Building Officials
- Immense pressure to serve the development industry
- Negative impact on the development industry attracts substantial risk



The Ontario Building Code Act allows municipalities to charge what is required to deliver the prescribed legislated service

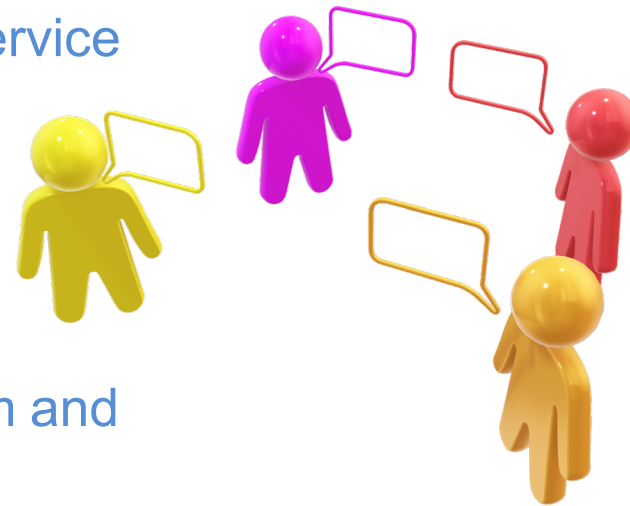
LEGISLATED OBLIGATIONS

- Council is responsible for the enforcement of the Ontario Building Code Act
- Provincial legislation requires a municipality to perform specific functions in specific time frames
- Appoint a CBO and such Inspectors as necessary for the enforcement of the Act
- Defined functions include plan review, permit issuance and site inspections
- Customers and industry rely on the municipality meeting their defined roles



CUSTOMER SERVICE

- Provide education, communication, and complete service delivery in a professional and consistent manner
- Fulfill Council's Strategic Priority to steward the Town's continuous improvement approach to municipal service delivery to residents and businesses
- Transparent communication delivered with an accountable approach
- Develop staff with a clear focus on professionalism and improving the customer experience
- Deliver services in a timely manner to meet the needs of the construction industry



BUILDING SERVICES

Core Services

Building Services is required under Bylaw to enforce the Ontario Building Code as regulated by the Act

Community Services

Building Services also processes and administers community services permits not regulated by the Ontario Building Code

Support Services

Bylaws and provincial licensing requirements for other departments

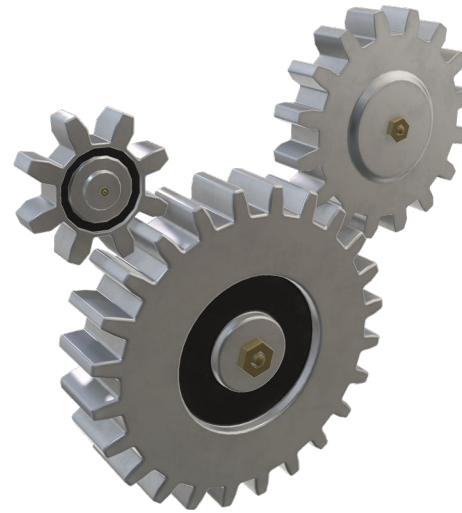


OPERATIONAL CAPACITY

Current full-time Building Services (unable to meet legislated requirements):

- 1 - Chief Building Official
- 1 - Building Inspector
- 1 - Building Clerk

The addition of temporary part-time staff remains necessary to meeting our minimum legislated Provincial obligations



ANTICIPATED GROWTH

REGIONAL

Housing growth alone to be 37,310 units across the County over the next 30 years

Average annual housing growth forecast of 1,240 units County-wide between 2021 and 2051

Employment growth is projected to increase by 45,400 jobs in the County (from 71,900 jobs in 2021 to 117,200 in 2051)



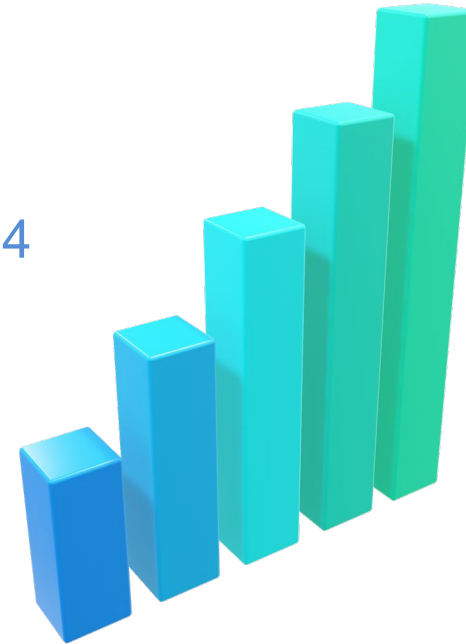
ANTICIPATED GROWTH **TOWN**

Our historical 10 year average of 91 housing units per year is expected to increase to 175 housing units per year for the next 20 years

More than 380 housing units will be constructed next year alone, with an additional 340 housing units in 2024

In addition to residential, significant industrial and commercial development is forecasted

Risk of Building Services being a pinch-point for development



SERVICE DELIVERY

PERMITS HISTORY												
PERMIT TYPE	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	TOTAL	AVERAGE
Res (New)	22	34	26	48	100	40	24	20	14	16	344	34
Res (Add)	125	102	101	85	292	434	221	153	155	156	1824	182
Non-Res (New)	15	11	15	13	7	12	10	7	7	9	106	11
Non-Res (Add)	93	54	61	66	51	79	88	57	26	47	622	62
Pools	32	30	33	35	41	60	35	37	39	58	400	40
Grading	2	2	10	7	3	4	10	6	1	3	48	5
Fences	30	44	36	42	46	50	39	23	35	26	371	37
Signs	61	68	48	63	51	68	56	46	52	6	519	52
Septic Systems	14	4	12	12	0	0	0	0	0	0	42	4
Demolition	7	14	24	17	5	16	17	15	16	13	144	14
TOTAL	401	363	366	388	596	763	500	364	345	334	4420	442

Building Services historically processed an average of 442 permits per year over the past 10 years

Total permits issued does not identify the total units created



SERVICE DELIVERY

The average of 442 permits per year is expected to increase to an average of approximately 840 permits per year over the next 10 years

This will place considerable strain on Building Services to provide exceptional customer service and meet legislated responsibilities. This is primarily due to the following key factors:

- Current staff complement cannot meet legislated time periods established by the OBC
- Ability to attract and retain technical staff remains a challenge
- Modern operational technology is needed to meet customer expectations



NEED FOR STAFFING

- Meet Legislated Obligations
- Provide Good Customer Service
- Provide Core Services
- Manage Operational Capacity
- Prepare for Regional Growth
- Professional Service Delivery



NEED FOR STAFFING

RECOMMENDED STAFFING INCREASE		
QUANTITY	POSITION TITLE	RATIONALE
1	Deputy Chief Building Official (DCBO)	DCBO position is required to ensure the Town maintains a full-time (24 hour/365-day) operation
1	Senior Building Inspector	Senior Building Inspector position is required to recruit highly qualified individual capable of performing all inspection types

The OBC requires specific Ministry qualifications in order to perform the various plan reviews and inspection types based on the complexity of the development

Recruiting qualifies staff will minimize training and allow the Town to perform legislated duties without delaying development reviews



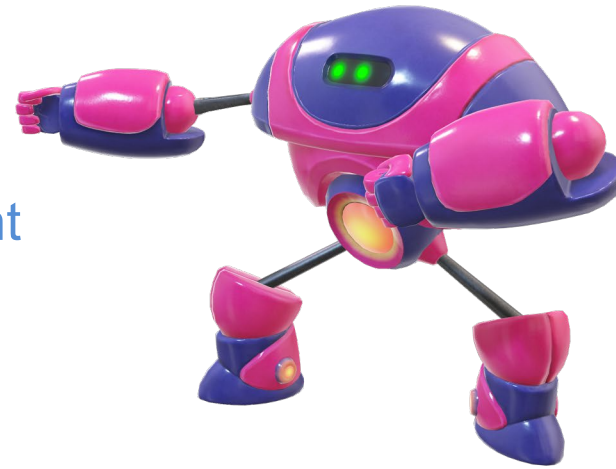
DIGITAL TRANSFORMATION

Building Services requires a digital transformation in 2023 with Cloudpermit being the selected system

Cloudpermit can be expanded to the remainder of Development Services as it can provide a Planning module to create a one-point portal for all development

A majority of municipalities in our region as well as a significant share of municipalities across the province have chosen Cloudpermit as their preferred system

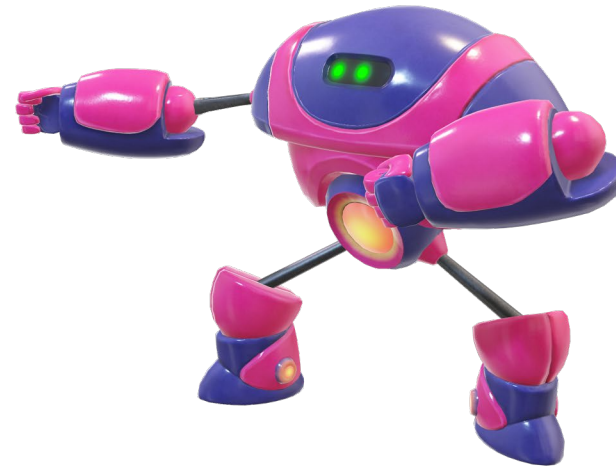
In early 2022 the Association of Municipalities of Ontario partnered with Cloudpermit to offer municipalities a digital platform to manage building permits more efficiently and effectively



DIGITAL TRANSFORMATION

Cloudpermit has emerged as the preferred system to digitally transform municipal development services. Some key features are:

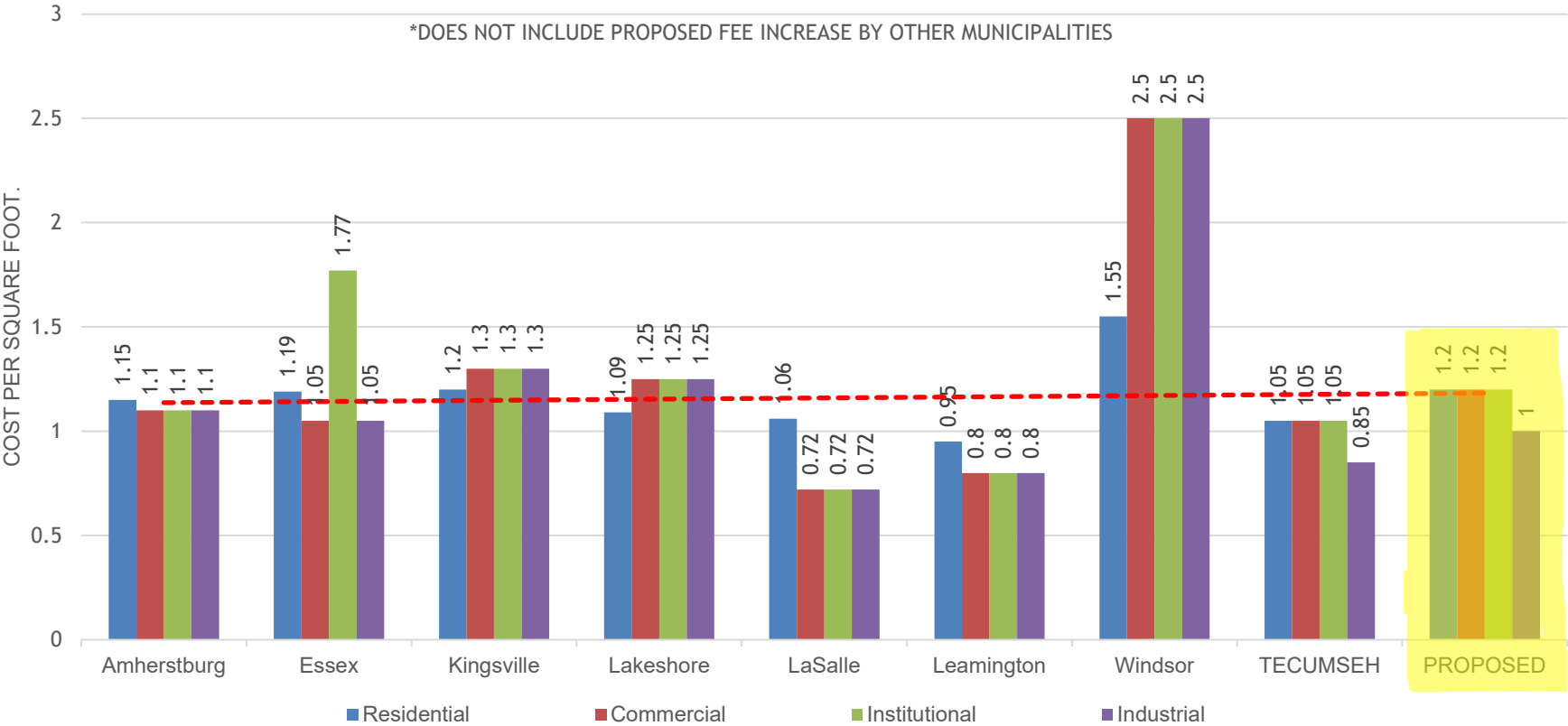
- Development focused system
- Web-base user-friendly and cost-effective software solution
- Can be used by all stakeholders for any building projects
- Access and track project details from any computer and smart phone at any time



FEE REVIEW

REGIONAL COMPARISON*

*DOES NOT INCLUDE PROPOSED FEE INCREASE BY OTHER MUNICIPALITIES



FEE REVIEW

ANTICIPATED REVENUE PROJECTIONS (USING CURRENT PERMIT FEE SCHEDULE)		
	2023 (\$)	2024 (\$)
RESIDENTIAL	518,252	801,691
INSTITUTIONAL/COMMERCIAL/INDUSTRIAL	439,220	372,000
TOTAL	957,472	1,173,691
TOTAL WITH 30% REDUCTION	670,230	821,584
BASE DEVELOPMENT*	170,000	170,000
TOTAL PROJECTED REVENUE	840,230	991,584

* *Base Development* - refers to smaller projects that can be relied on as an annual revenue source and include interior renovations, additions, decks, accessory structures and similar types of construction.

Average annual total permit fee revenue has been \$485,000 over the past 10 years

Projected to generate a total permit fee revenue of \$840,230 in 2023 and \$991,584 in 2024

Projections have been reduced by 30% to prevent the overestimation of growth



FEE REVIEW

ANTICIPATED REVENUE PROJECTIONS COMPARISON (CURRET vs PROPOSED FEES)				
	2023 FEES (\$)		2024 FEES (\$)	
	CURRENT	PROPOSED	CURRENT	PROPOSED
RESIDENTIAL	518,252	590,807	801,691	913,928
ICI	439,220	500,711	372,000	424,080
TOTAL	957,472	1,091,518	1,173,691	1,338,008
TOTAL WITH 30% REDUCTION	670,230	764,063	821,584	936,606
BASE DEVELOPMENT	170,000	170,000	170,000	170,000
TOTAL PROJECTED REVENUE	840,230	934,063	991,584	1,106,606

- Estimated annual increase of approximately \$93,000
- The development community demands timely service
- Proper permit fees do not impact development decisions

RECOMMENDATIONS

STAFFING

Increase staff complement to enable us to meet demands made on the Building Services Division by adding:

- One Deputy Chief Building Official
- One Senior Building Inspector

PROPOSED BUILDING SERVICES DIVISION	
QUANTITY	POSITION TITLE
1	Chief Building Official
1	Deputy Chief Building Official
1	Senior Building Inspector
1	Building Inspector
1	Building Clerk



RECOMMENDATIONS

TECHNICAL

Implement an electronic permitting and inspection system to better serve our citizens and the development community

- Cloudpermit has been selected as the best option for Building Services
- Fast becoming an industry standard



RECOMMENDATIONS

FEES

Increase fees to adequately fund Building Services and to better align with neighbouring municipalities while remaining competitive

The square foot cost of permits should be increased to:

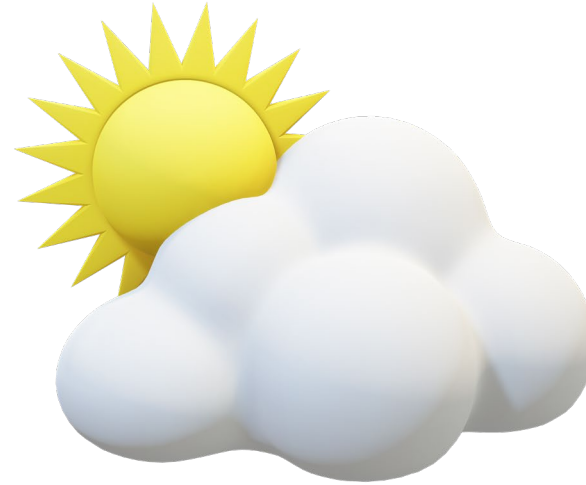
- \$1.20 for residential
- \$1.20 for institutional
- \$1.20 for commercial
- \$1.00 for industrial



These enhancements will support growth while remaining self-funded and independent of the tax base

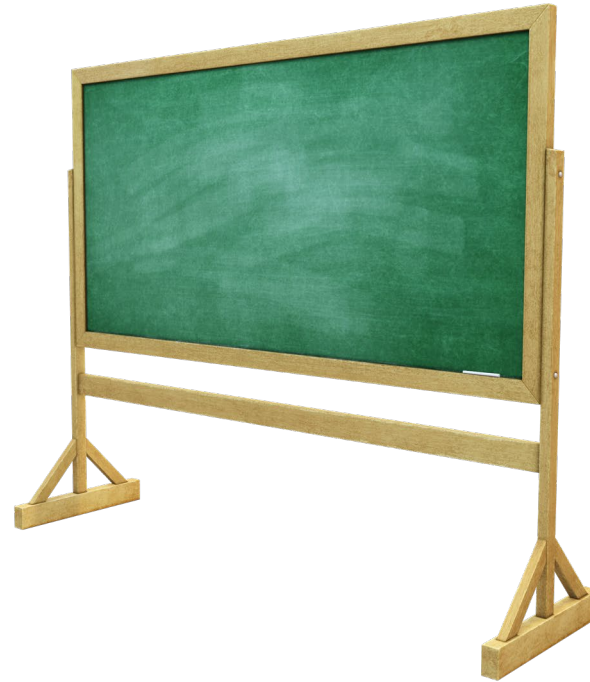
SUMMARY

- the need for two (2) additional technical staff that can be phased-in over the next year;
- the implementation of Cloudpermit software which is fast becoming an industry standard; and
- the raising of permit fees to a median regional level to remain self-funded and sustainable.



THANK YOU

QUESTIONS?





The Corporation of the Town of Tecumseh

Development Services

To: Mayor and Members of Council

From: Brian Hillman, Director Development Services

Date to Council: November 22, 2022

Report Number: DS-2022-45

Subject: Building Services Operational Review
November 2022

Recommendations

It is recommended:

That Report DS-2022-45, entitled “Building Services Operational Review, November 2022”, **be received**.

And that the “Building Service Operational Review dated November 22, 2022”, as attached to DS-2022-45, **be approved in principle**;

And further that final approval and implementation of the Building Service Operational Review **be referred** to 2023 budget deliberations.

Background

The Ontario Building Code Act (“the Act”) establishes that Council shall designate a Chief Building Official (“CBO”) and provide the resources, including qualified staff, necessary to perform the legislated minimum services. These services, including plans review, permit issuance and building inspections that must be delivered within prescribed time frames. The current approved staff complement in the Building Services Division includes three full-time equivalent staff consisting of one CBO, one Building Inspector and one Building Clerk.

Earlier this year the Building Services Division faced an unanticipated and abrupt change in resources due to staff leave, retirement and resignation. To ensure the provision of legislated services in accordance with the Act, the Town hired a part-time Acting CBO, along with two part-time Building Inspectors.

Following recruitment efforts, a new CBO was hired mid-summer, followed by a new Building Inspector in late-summer.

This year has been a challenging time in terms of service delivery, particularly due to the high demand for inspections for the on-going construction of five complex buildings comprising four apartment buildings and one nursing home. These demands are in addition to plans review and inspections for other industrial, commercial, institutional (new school) and smaller residential projects.

With renewed interest in development along Tecumseh Road and other arterials such as Lesperance, as well as an upsurge in development activity anticipated as a result of major regional projects (Gordie Howe Bridge completion, NextStar Energy battery plant, new Regional Hospital) and the Town's approved growth-oriented capital plans, the time was right to conduct an operational service review of the Town's building services. Fortuitously, we were able to utilize the professional expertise already retained by the Town through both the Acting and new CBO's. Given their 40-years of combined experience as Building Officials, including a total of 18 years as CBOs, they were well-positioned to undertake a service review with "fresh eyes" on our Building Services Division and assess future needs.

The attached document, entitled Building Services Operational Review, November 22, 2022 ("the Operational Review") was prepared by the CBOs in consultation with the Directors of Development Services and People & Culture (see Attachment 1). The Operational Review considers the ability for Building Services to meet legislated requirements and adequate customer service standards and to prepare for anticipated growth in the Town.

Several recommendations are made, including a proposed structure to deliver legislated services to the development industry and adjusting fees to adequately cover the cost of services, as provided for by the Building Code Act. The delivery of this document is timely in relation to the upcoming 2023 Budget deliberations. Provisions are included in the proposed 2023 Budget to implement the recommendations of the Operational Review.

In summary, the Operational Review provides comments and analysis with respect to the following considerations:

- 1) Industry challenges;
- 2) Sufficient staffing;

- 3) Scope of services provided;
- 4) Consideration of current operational capacity;
- 5) Anticipated growth and development;
- 6) Historic and projected service delivery needs/constraints;
- 7) Technological tools through digital transformation (Cloudpermit);
- 8) Operational expenses and fee adjustment; and
- 9) Staffing projections.

Based on the analysis of the foregoing, and in order to adequately meet projected development increase, customer service standards and fulfill legislated requirements prescribed by the Act, it is concluded that Building Services will require the following:

- 1) An increase in staff complement by the addition of one Deputy CBO and one Senior Building Inspector, resulting in a total staff complement of five (CBO, Deputy CBO, Senior Building Inspector, Building Inspector and Building Clerk);
- 2) Implementation of an electronic permitting and inspection system to better serve our citizens and the development community. Cloudpermit has been selected due to a variety of factors, including customization, fluid integration, AMO affiliation and that it is becoming a standard tool in the industry, both regionally and provincially; and
- 3) An increase in fees to adequately fund the service to be provided and to better align with neighbouring municipalities while remaining competitive. The square foot cost of a permit should increase from \$1.05/sq. ft. to \$1.20/sq. ft. for residential, institutional and commercial and from \$0.85/sq. ft. to \$1.00/sq. ft. for industrial. These fee increases provide the ability to address growth in the Town in a responsible manner, remaining self-funded and independent of the tax base and remaining competitive with neighbouring jurisdictions.

Comments

The Operational Review provides the basis for growth of the Building Services Division to meet customer service needs and satisfy the Town's legislated obligations under the Building Code Act during the forthcoming period of increased development activity. It also advances efficiencies and benefits through technology and financial sustainability through permit fees that are adequate to fund the Division independent of the tax base, while remaining competitive with neighbouring municipalities.

Notwithstanding the objective to ensure permit fees adequately cover the costs of service delivery in accordance with the Act, Administration continues to seek other forms of funding support. As an example, the federal government, by way of the Housing Accelerator Fund, is considering various financial supports to municipalities for building staffing enhancements and the introduction of digital e-permitting platforms. We will continue to monitor these opportunities in relation to providing funding support for the recommendations from the Operational Review.

Implementation of staffing recommendations is planned gradually in order to monitor the progression of forecasted development pressures. Although there are signs of a potential economic slowdown in Canada, the regional economic circumstance is showing signs of considerable resilience, particularly in response to recent significant economic investments and the on-going need for housing.

Council is requested to approve in principle the Operational Review recommendations at this time. The additional revenue and costs associated with implementation will be referred to the 2023 budget deliberations. Implementation of the Operational Review recommendations 2023 will be subject to budget approval.

Consultations

Chief Administrative Officer and People & Culture
Financial Services

Financial Implications

As outlined in the Operational Review, the recommended enhancements are proposed to be fully funded through permit fees collected. Additionally, efforts will be made to capture federal and provincial funding should it become available and to the extent that it applies. Attachment 1 summarizes the financial implications associated with the recommended changes and these will be reflected in the 2023 budget document.

The Building Code Act provides for the establishment of a Building Services stabilization reserve fund. It is recommended that a dedicated stabilization reserve fund be created by Council as part of the upcoming budget deliberations as a tool to self-fund the Building Services operation during both peaks and drops in development activity, thereby alleviating impact to the tax levy.

Link to Strategic Priorities

Applicable	2019-22 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 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 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:

Brian Hillman, MA, MCIP, RPP
Director Development Services

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1.	Building Services Operational Review, November 22, 2022



Attachment 1, DS-2022-45

BUILDING SERVICES OPERATIONAL REVIEW

November 22, 2022

Peter Valore, Chief Building Official
Dan Lunardi, Acting Chief Building Official

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1.0 Preamble

This review is authored by Peter Valore, Chief Building Official (“CBO”), and Dan Lunardi, Acting Chief Building Official (“Acting CBO”), and was developed with 40 years of combined experience as Building Officials, including 18 total years as CBOs. Part of this review included regular consultation with the Director Development Services and the Director People and Culture. The review was informed by the past 6 months of Mr. Lunardi filling the part-time Acting CBO role during the prior full-time CBO’s sudden medical leave followed by his retirement. This was overlapped with the hiring of Mr. Valore in mid-June as the full-time CBO.

The overlying premise recognises the forecast for a strong housing market, continued commercial and industrial growth and considers the ability for the Town of Tecumseh (“Town”) to deliver legislated obligations while focusing on customer service and community leadership.

The Building Services Division is transitioning out of a crisis mode to a sustainable operation and will need to stabilize and evolve with a clear operational model. This should include three general areas that are necessary to our success:

- Increase staffing compliment to meet present and forecasted demands;
- Develop and implement technological tools to improve service delivery; and
- Review and adjust fees schedule to cover operational expenses and establish a reserve fund.

The following review recommends:

- the need for two (2) additional technical staff that can be phased-in over the next year;
- the implementation of Cloudpermit software which is fast becoming an industry standard; and
- the raising of permit fees to a median regional level to remain self-funding and sustainable (i.e., Building Services expenses not to impact the general tax levy).

2.0 Industry Challenges

The province is estimating the need for 1.5 million new homes over the next 10 years and there is a severe shortage of qualified Building Officials to issue permits and perform inspections. This shortage is being recognized in our region and it poses a real threat to all anticipated development.

All municipalities are under immense pressure to perform legislated duties in a timely manner to service the development industry. The Town must be prepared to support all future development by meeting our legislated obligation and providing a simplified process for permits and inspections.

The Ontario Building Code Act (“the Act”) establishes a service model that is silent on fees other than to allow a Principal Authority (being the Town) to set the required fees and stabilization reserve necessary to administer and enforce the Act. Basically, the legislation says charge what you need to charge to deliver the standardized legislated service.

It is important to note that failure to meet legislated service requirements will negatively impact the development industry and attracts substantial risk to the municipality.

3.0 Need for Sufficient Staffing

3.1 Legislated Obligations

The council of each municipality is responsible for the enforcement of the Act, which is provincial legislation that requires a municipality to perform specific functions in specific time frames. The council of each municipality shall appoint a CBO and such Inspectors as necessary for the enforcement of the Act. The legislated functions include plan review, permit issuance and site inspections, which are integral to all development and the roles of the municipality are clearly defined. Building Services shall perform these functions and owners, developers, builders, and trades rely on the municipality meeting their defined roles.

3.2 Customer Service

An important core service outside the legislated obligations is to provide education, communication, and complete service delivery in a professional and consistent manner. This is important in order to ensure Building Services fulfills Council's Strategic Priority to steward the Town's continuous improvement approach to municipal service delivery to residents and businesses.

The success of any operation should be measured in part by customer satisfaction. Building Services has unique challenges in this area as our function is largely legislated and delivering information often requires greater attention and sensitivity. It is very challenging to deliver unwelcome news in a manner that is well received. Expectations are that all communication with citizens and customers (builders, trades and contractors) will be transparent and delivered with an accountable approach. All interaction must be clear, concise, accurate and delivered in a professional, timely and helpful manner. This is achieved largely by developing staff with a clear focus on professionalism and improving the customer experience.

Equally important is the ability for the Town to deliver the core required building services (plans review, permit issuance and building inspections) in a timely manner that meets the needs of the construction industry. A simplified and seamless customer experience is essential to providing quality services.

3.3 Core Services

Building Services is required under Bylaw to enforce the Ontario Building Code (OBC) to a service level regulated by the Act. The general operation consists of:

- Receive and review applications for construction for compliance with the OBC, which includes matters listed as applicable law, including such matters as the Zoning By-law and site plan control agreements;
- Issue permits and collect fees for all construction projects;
- Perform required construction inspections to verify compliance with the OBC; and
- Issue orders as necessary to ensure compliance with the OBC.

In addition to our legislated obligations, Building Services also processes and administers community services. Although not required via legislation, these tasks are typically performed by Building Services because they fit well within the established permit/inspection operation of the Building Services Division. These services include:

- Swimming Pool - application review, permit issuance, inspections, and enforcement;
- Sign Bylaw - application review, permit issuance, inspections, and enforcement;
- Fencing Bylaw - application review, permit issuance, inspections, and enforcement; and
- Grading, Filling, Dumping and Topsoil removal Bylaw - application review, permit issuance, inspections, and enforcement.

Building Services assists with the following Town Bylaws and provincial licensing requirements to provide expertise to the other Town departments (e.g., By-law Enforcement in the Community Safety department) and, when deemed necessary, issue orders under the Act:

- Land Maintenance Bylaw;
- Property Standards Bylaw;
- Tecumseh Zoning Bylaw 1746;
- St Clair Beach Zoning Bylaw 2065;
- Sandwich South Zoning Bylaw 85-18;
- Liquor Licence Review; and
- Patio Expansion applications and approvals.

In addition to the technical function of Building Services, a fundamental part of the operation is the Building Clerk. This position provides front line services including guidance and general communication to customers. Beyond the customer service role, the Building Clerk manages records, assists administration and reviews completeness of applications prior to intake. In many ways they are the face of the Building Services Division.

3.4 Operational Capacity

Building Services has a current operation that consists of the following full-time permanent staff compliment:

- 1- CBO;
- 1 – Building Inspector; and
- 1- Building Clerk.

With recent impacts to the full-time permanent staff by virtue of an extended sick leave and subsequent retirement of the CBO along with the resignation of the Building Inspector, Building Services had been unable to meet our legislated requirements which exposed our operation to substantial risk. Immediate steps were taken and supplementary technical assistance was retained to maintain minimum service levels with the following part-time temporary staff compliment:

- 1- Temporary part-time Acting CBO; and
- 2- Temporary part-time Building Inspectors.

The addition of temporary part-time staff has helped us to improve service delivery and stabilize our operation, thus bring us closer to meeting our minimum legislated Provincial obligations.

We recently completed the recruitment for our CBO and Building Inspector thus filling our established staff compliment. This recruitment process was very challenging due to the high level of technical expertise and Ministry qualifications required to legally perform the legislated duties. We have begun the process of training and gaining the required Ministry qualifications for the current Building Inspector, which is anticipated to take up to two years.

For the near-term, our current operation is based on the availability and willingness of outside contract services to meet our legislated requirements and maintain a minimum level of service. It is anticipated that over time these contract services should be reduced, provided staffing resources reflect development demands. There is a benefit to including contract services as part of the ongoing Building Services operation as this model provides greater customer service and flexibility during development spikes.

3..5 Anticipated Growth

All indications suggest that our region and the Town are entering a period of exceptional and sustained growth. This supports the need for a service delivery review to ready our operations for the anticipated increase in our workload and legislated obligations. Even just the pending new regional Hospital and under-construction NextStar Energy battery plant, both of which are located so as to have strong positive population and housing growth implications for the Town, will bring sizeable and rapid development to our community as the population grows and relocates.

It is expected that very high demands will be made of the Town and in particular the development/permit process. This will make our already deficient and stretched operation completely unable to meet our legislated requirements. This service strain in Building Services will undoubtedly create a pinch-point for the development community and prevent our operation from meeting legislated requirements and customer service standards.

The most up to date growth predictions as part of the County of Essex Official Plan Review process forecasts housing growth alone to be 37,310 units across the County over the next 30 years. This translates into an average annual housing growth forecast of 1,240 units County-wide between 2021 and 2051. Comparatively, this represents faster growth than the historical average (700 units annually) between 2001 to 2021. At the same time, employment growth across the industrial and commercial sectors is projected to increase in the County from 71,900 jobs in 2021 to 117,200 in 2051, an increase of 45,400 jobs.

Both preceding forecasts will translate into additional development and growth in Tecumseh. The Town's approved housing projections (2019 DC Background Report) project the construction of 3,500 housing units over the next 20 years in Tecumseh, creating an average of 175 housing units per year. It is already projected that more than 380 housing units will be constructed next year alone, with an additional 340 housing units in 2024. Council's approval in May of this year to advance strategic capital works projects to expedite development (4,000 housing units, 482,000 sq. ft. commercial and 3.63M sq. ft. industrial) over the next 20 years will, at a minimum, maintain this activity rate. In addition, it is anticipated that the Town's recent success with residential intensification projects will be sustained over the longer term, particularly in light of recent indications from the Provincial government towards permissive zoning.

As context, over the past 10 years the town has averaged 91 housing units per year, a significant contrast to the forecast of an average of 175 housing units stated above.

NEW HOUSING UNITS CREATED

YEAR	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	TOTAL	AVERAGE
TOTAL UNITS	137	34	26	109	106	50	25	21	206	193	907	91

In the past five years, the average total permit fee revenue has been \$485,000. Under the current permit fee schedule, the development anticipated over the next two years is projected to generate a total permit fee revenue of \$840,230 in 2023 and \$991,584 in 2024. It is important to note that these projections have been reduced by 30% to prevent the overestimation of growth and adjust for variables such as deferred or reduced development. This is a reasonable measure of the substantial increase in activity that is anticipated and for which the Building Services area needs to prepare.

REVENUE PROJECTIONS (USING CURRENT PERMIT FEE SCHEDULE)

PERMIT TYPE	2023 (\$)	2024 (\$)
RESIDENTIAL	518,252	801,691
INSTITUTIONAL/COMMERCIAL/INDUSTRIAL	439,220	372,000
TOTAL	957,472	1,173,691
TOTAL WITH 30% REDUCTION	670,230	821,584
BASE DEVELOPMENT*	170,000	170,000
TOTAL PROJECTED REVENUE	840,230	991,584

* *Base Development* - refers to smaller projects that can be relied on as an annual revenue source and include interior renovations, additions, decks, accessory structures and similar types of construction.

3.6 Service Delivery

Over the past 10 years, Building Services processed an average of 442 permits per year which include all permit types (residential, institutional, commercial, industrial, fences, septic systems, demolitions etc.). The following table illustrates this data.

PERMITS HISTORY

PERMIT TYPE	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	TOTAL	AVERAGE
Res (New)	22	34	26	48	100	40	24	20	14	16	344	34
Res (Add)	125	102	101	85	292	434	221	153	155	156	1824	182
Non-Res (New)	15	11	15	13	7	12	10	7	7	9	106	11
Non-Res (Add)	93	54	61	66	51	79	88	57	26	47	622	62
Pools	32	30	33	35	41	60	35	37	39	58	400	40
Grading	2	2	10	7	3	4	10	6	1	3	48	5
Fences	30	44	36	42	46	50	39	23	35	26	371	37
Signs	61	68	48	63	51	68	56	46	52	6	519	52
Septic Systems	14	4	12	12	0	0	0	0	0	0	42	4
Demolition	7	14	24	17	5	16	17	15	16	13	144	14
TOTAL	401	363	366	388	596	763	500	364	345	334	4420	442

It should be noted that the total permits issued does not identify the total units created. An example would be an apartment building which is issued as a single permit but creates many residential units. The new housing units created was illustrated in a prior chart.

It is estimated that, with the increased activity forecasted, it would result in an average of approximately 840 permits per year over the next 10 years. This anticipated permit demand will essentially double our average number of permits for all permit types, including those for buildings (residential, institutional, commercial and industrial and smaller scale projects (including fences, septic systems, demolitions etc.)).

This anticipated growth will place considerable strain on Building Services, which is ill-equipped in our current form to support this increase in robust development and meet our legislated responsibilities.

This is primarily due to the following key factors:

- Our current staff compliment cannot review applications, issue permits and perform inspections within the legislated time periods established by the OBC;
- Our ability to attract and retain technical staff remains a challenge in the current environment; and
- Our operational technology is in need of modernization to meet customer expectations and streamline processes.

In addition to our legislated obligations, we should expect increased pressure from the development community to provide them with needed support. This will require us to improve our operation in every aspect from development planning to permit completion and every step in between. Our customers must be supported with modern services providing ease and efficiency, which is a standard expectation in our industry today.

Building Services functions within specific legislated roles under the Act. At the municipal level, these are:

The Chief Building Official, who is responsible for establishing operational policies for the enforcement and oversight of the Act and Building Code, and exercise powers and perform duties within the Act and Building Code assigned to him/her in an independent manner. This is a full-time 24 hour/365 day legislated position; and

The Inspector, who is responsible for exercising powers and perform duties under the Act and Building Code in connection with reviewing plans, inspecting construction, conducting maintenance inspections and issuing orders in respect of only those matters that he/she has the required qualifications.

Aside from the legislated roles, Building Services relies on support positions that perform necessary functions within the operation. These are:

The Building Services Clerk, who is responsible to follow established operational policies and procedures for the intake of applications, scheduling of inspections and data/file management as well as provide direct customer and administration support.

Although most of Building Services' functions are performed during normal business hours, the CBO duties exist as a 24 hour/365-day operation to react to public safety needs and apply specific enforcement that is only available to the CBO or Deputy CBO. Attention must be given to ensure this 24 hour/365-day operation is established because there is always a risk of immediate crisis that can involve the CBO and are usually attributed to our built environment and public safety. Recent examples are the 2016 tornado and the 2021 Wheatly explosion. Maintaining a consistent mobilized response is commonly achieved by the establishing a Deputy CBO position which carries the full responsibility of the CBO. This will allow the 24 hour/365 day operational response to any emergency that requires the authority of the CBO.

In addition to the required technical positions, a support network, including clerical support, is needed for processing, communication and data management, which are essential in order to meet the legislated operational requirements.

4.0 Technological Tools

4.1 Digital Transformation

In recent years, many municipalities have overhauled their records management and retention systems to a fully paperless environment that integrates with all stakeholders. A majority of the municipalities in our region as well as a significant share of municipalities across the province have chosen Cloudpermit as their preferred system. In addition, in early 2022 the Association of Municipalities of Ontario ("AMO") partnered with Cloudpermit to offer municipalities a digital platform to manage building permits more efficiently and effectively. This partnership was arrived at after a competitive bidding process that included input from the Ontario Building Officials' Association ("OBOA"), the Municipal Information Systems Association of Ontario ("MISA ON"), the Municipal Property Assessment Corporation ("MPAC") as well as AMO and Local Authority Services ("LAS") staff.

Cloudpermit is a new online cloud-based, user-friendly and cost-effective software solution that can be used by all stakeholders (Town staff, residents, consultants, designers, contractors, builders, trades, and sub-trades) for any building projects. All users can access and track their project details from any computer and smart phone at any time. Cloudpermit is a development focused system and in a relatively short period of time this software has been a catalyst for development improvements across the province.

Some of the positive changes Cloudpermit has made for municipalities are:

- Faster permit approval process;
- Shared service and standardized processes;
- Productive work in the office, field and at home;
- Stronger organization, reporting and archives;
- Instantaneous reporting of inspection results; and
- Simplified collaboration tailored to specific projects.

While Cloudpermit is realizing the customer service benefits, there are many advantages still being created as the development community integrates into this online cloud-based digital environment.

4.2 Implementation

Building Services anticipates a digital transformation in 2023 with Cloudpermit being the selected system. Cloudpermit can be expanded to the remainder of Development Services as it can provide a Planning module to create a one-point portal for all development applications. Cloudpermit will remain an exclusive tool for Development Services and will not expand throughout the organization other than to integrate with other systems.

Once implemented, the development community will see an immediate impact and benefit from Cloudpermit which includes:

- Familiarity with using the system as many regional municipalities are using Cloudpermit and others are poised to implement it;
- Paperless digital environment allows for contactless operation and remote work capability;
- Ease of tracking projects through the design and approval process;
- Clear communication for all project participants;
- Real-time inspection results and construction status; and
- Tracking changes as project progresses.

Aside from the listed benefits, a regional advantage is that we are better positioned in Essex County to implement reciprocal service agreements with neighbouring municipalities that have transitioned to Cloudpermit.

This transformation will come with cost implications in both dollars and redirected resources, particularly during the first year of implementation when dedicated staff time will be required. It is anticipated that this work will be performed by staff as part of their daily tasks and may require support from contract serviced during times of high demands from the development community. In addition to staff resources, there is an initial start-up and integration cost of \$10,500 and an annual subscription cost of \$32,000 for the Cloudpermit module and support. This should be budgeted through the operating cost for Building Services and full cost recovery will be achieved through permit fees with no impact to the tax levy.

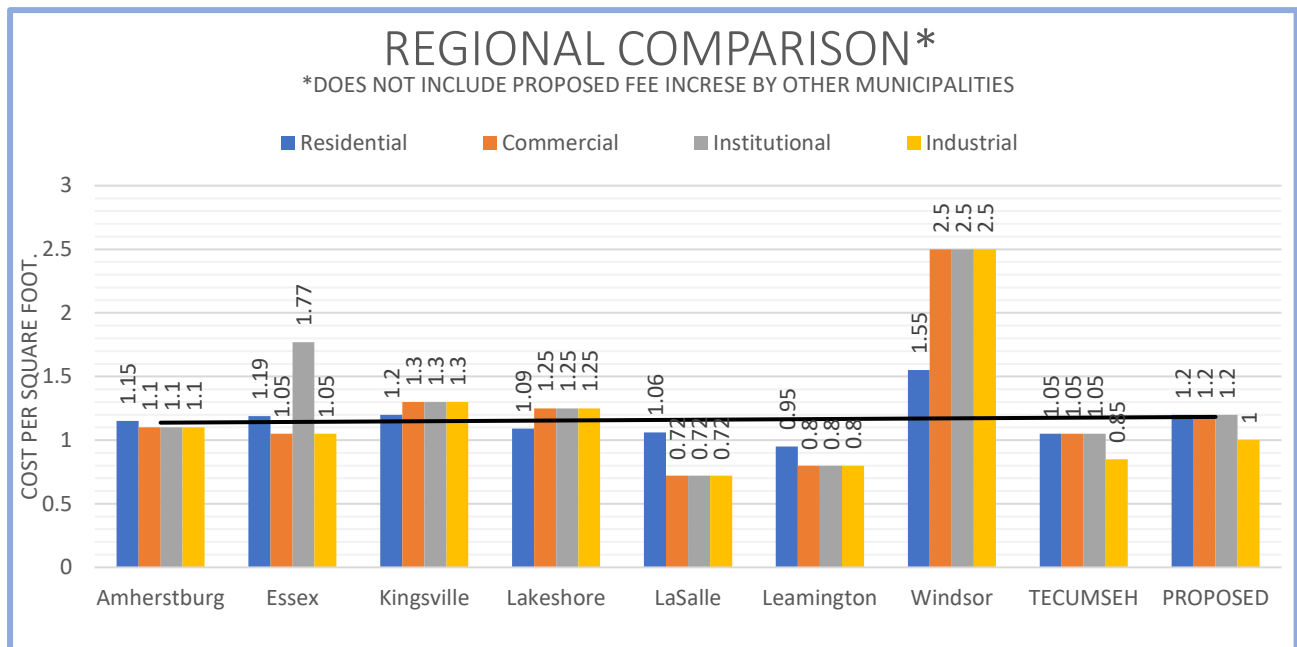
5.0 Operational Expenses

5.1 Fee Review

It is important to remember that Building Services must provide the legislated function established in the Act and the OBC while collecting sufficient fees to be self-funded, with no impact on the tax base. In addition to collecting fees for services, the Act provides provisions to establish a stabilization reserve fund. Our regional economic condition warrants a 2-year stabilization reserve to self-fund the Building Services operation during drops in development and economic downturns.

Many regional Building Departments have undergone a comprehensive review of their service costs and fee schedules. The Town of Tecumseh is at the lower end regarding permit fees. With this in mind, we need to capture sufficient funds to provide our legislated service without causing delays on projects. This will improve our customer service and allow builders to rely on established timelines and improve the development processes in our community.

By performing a simplified comparison, we can easily realize an increase in fees while remaining in the mid-range within Essex County. Most neighbouring municipalities have indicated that they will be increasing their fees for 2023, which is not accounted for in the following comparison graph.



In addition to the regional comparisons, an inflationary review indicates that fees would have reached the proposed rate with a simplified annual CPI increase from 2018. This is illustrated in the following chart.

PROJECTED FEES INCREASES BASED ON ANNUAL CPI

YEAR		2018	2019	2020	2021	2022	PROPOSED
CPI	CURRENT	2.20%	1.90%	0.60%	4.00%	6.90%	2023 FEES
RESIDENTIAL	\$1.05/s.f.	\$1.07/s.f.	\$1.09/s.f.	1.10/s.f.	\$1.14/s.f.	\$1.22/s.f.	\$1.20/s.f.
INSTITUTIONAL	\$1.05/s.f.	\$1.07/s.f.	\$1.09/s.f.	1.10/s.f.	\$1.14/s.f.	\$1.22/s.f.	\$1.20/s.f.
COMMERCIAL	\$1.05/s.f.	\$1.07/s.f.	\$1.09/s.f.	1.10/s.f.	\$1.14/s.f.	\$1.22/s.f.	\$1.20/s.f.
INDUSTRIAL	\$0.85/s.f.	\$0.87/s.f.	\$0.89/s.f.	\$0.89/s.f.	\$0.92/s.f.	\$0.99/s.f.	\$1.00/s.f.

It is important to note that our proposed fee increase is an inclusive fee. Most regional municipalities add additional fees such as an administration fee, a charge for the number of bathrooms or plumbing fixtures and a charge for HVAC units. It is recommended that Building Services continue to operate with a simplified fee schedule, which includes all typical elements. Conservative estimates will bring the square foot fee of neighbouring municipalities in line with our proposed fees without considering any 2023 increase by those municipalities.

With the preceding fee enhancement, we can expect a conservative annual increase of approximately \$93K based on 2023 and 2024 development forecasts, as illustrated in the following table.

REVENUE PROJECTIONS COMPARISON (CURRET vs PROPOSED FEES)

PERMIT TYPE	2023 FEES (\$)		2024 FEES (\$)	
	CURRENT	PROPOSED	CURRENT	PROPOSED
RESIDENTIAL	518,252	590,807	801,691	913,928
ICI	439,220	500,711	372,000	424,080
TOTAL	957,472	1,091,518	1,173,691	1,338,008
TOTAL WITH 30% REDUCTION	670,230	764,063	821,584	936,606
BASE DEVELOPMENT	170,000	170,000	170,000	170,000
TOTAL PROJECTED REVENUE	840,230	934,063	991,584	1,106,606

The development community has been very clear in communicating its primary need for timely service and is willing to pay the associated permit fees required to ensure this service. The potential delay to construction schedules is a far greater concern than permit fees. The effort involved with scheduling workers, trades and material delivery to maintain a schedule cannot be impacted by an overwhelmed Building Services Division.

6.0 Summary and Recommendations

6.1 Overview

Municipalities are under immense pressure to provide legislated service to development industry customers and stakeholders. This pressure is intensified during times when the building industry is actively developing in order to meet the growth needs of the community and region. This pressure comes from the development/construction industry, public, municipal councils, and internal staff. This creates the need to improve services from both the intake/review operation and the inspection/enforcement operations of the Building Services Division.

The Town's permanent Building Services staff complement currently comprises three full time staff. The three positions are one CBO, one Building Inspector and one Building Clerk. This review illustrates that the current and anticipated workflow cannot be managed nor can the customer service needs be met by the existing staffing levels. We are at constant risk of not meeting our legislated time frames for permit applications and inspections.

6.2 Staffing Projections

In order to manage the projected development increase and fulfil all duties prescribed in the Act, Building Services will require an increase in technical staff. The following staffing additions are being recommended:

RECOMMENDED STAFFING INCREASE

QUANTITY	POSITION TITLE	DUTIES
1	Deputy Chief Building Official	Perform the full duties of the Chief Building Official during his/her absence and as delegated. Issuing all Orders dedicated to the Chief Building Official including Emergency Order, Order to Uncover, Stop Work Order Perform plan examination. Perform site inspections. Direct Building Services staff.
1	Senior Building Inspector	Perform plan examination for all building types, include complex buildings. Perform inspections for all building types, including complex buildings. Issue all orders dedicated to the Senior Inspector including Unsafe Order, Order to Comply and Order to Obtain Permit.

This preceding recommended staffing increase will result in a fully capable operation able to provide all legislated and community services while being funded by Building Permits and not have an impact on the tax levy. Once recruited and trained the Building Services operation will comprise:

PROPOSED BUILDING SERVICES DIVISION

QUANTITY	POSITION TITLE
1	Chief Building Official
1	Deputy Chief Building Official
1	Senior Building Inspector
1	Building Inspector
1	Building Clerk

This onboarding of staff will be undertaken by a staggered approach through 2023 to allow us to monitor economic conditions and compare actuals to forecasted development projections thus allowing us to make responsible adjustments to reflect economic realities. We will continue to benefit from the ongoing support provided from contract services to ensure our legislated obligations are met.

6.3 Recommendations

With the preceding review and analysis, we are recommending the following:

- Increase staff compliment to enable us to meet current and future demands made on the Building Services Division. This increase of staff will consist of the addition of one Deputy CBO and one Senior Building Inspector;
- Implement an electronic permitting and inspection system to better serve our citizens and the development community. Cloudpermit has been selected due to a variety of factors including its customization, fluid integration, AMO affiliation and that it is becoming a standard tool in our industry, both regionally and provincially;
- Increase fees to better align with neighbouring municipalities while remaining competitive. The square foot cost of development will be increase to \$1.20 for residential, institutional, and commercial, and \$1.00 for industrial. This will provide the ability to address growth in our community in a responsible manner while remaining self-funded and completely independent of the tax base.

**Ministry of
Municipal Affairs
and Housing**

Office of the Minister

777 Bay Street, 17th Floor
Toronto ON M7A 2J3
Tel.: 416 585-7000

**Ministère des
Affaires municipales
et du Logement**

Bureau du ministre

777, rue Bay, 17^e étage
Toronto (Ontario) M7A 2J3
Tél. : 416 585-7000



234-2022-4885

November 15, 2022

Your Worship
Mayor Gary McNamara
Town of Tecumseh
jalexander@tecumseh.ca

Dear Mayor McNamara and Council:

Please accept my congratulations on your success in the recent municipal elections. I want to thank you for your decision to serve the public, and I look forward to working with you throughout the upcoming term.

As a former mayor, I know firsthand just how important municipal government is to Ontarians. I also know your constituents expect local government to be effective and responsive as you deliver critical local services, and that you expect the same in our relationship.

Throughout my time as Minister of Municipal Affairs and Housing, I have been proud to work with mayors and councils across Ontario to deliver on our shared priorities. I value the expertise and advice I have received from local governments, which has helped shape our decision-making to date.

There is much work ahead of us. Our government is working hard to make living in Ontario more affordable. Bill 23, the More Homes Built Faster Act, takes bold action to advance our plan to address the housing crisis by building 1.5 million homes across Ontario over the next 10 years. We will continue to work with all our municipal partners to get shovels in the ground and build more homes faster.

As we work together to serve the people of our great province, I want to hear about the challenges you face. I know that local representatives understand their communities and that you can help us ensure that local government is working harder, smarter and more efficiently. Best wishes to you and to council for success over the next four years.

Sincerely,



Steve Clark
Minister



Township of Perry

PO Box 70, 1695 Emsdale Road, Emsdale, ON POA 1J0

PHONE: (705)636-5941

FAX: (705)636-5759

www.townshipofperry.ca

October 11th, 2022

Via Email: premier@ontario.ca

Premier of Ontario
Legislative Building
Queen's Park
Toronto ON M7A 1A1

Dear Premier of Ontario Honourable Doug Ford,

**RE: Corporation of the Township of Perry – Resolution of Support
Healthcare Connect System for Members of the Canadian
Armed Forces**

Please be advised that at their last regular meeting on Wednesday October 5th, 2022, the Council of the Corporation of the Township of Perry supported the following resolution:

“Resolution #2022-428

Moved by: Margaret Ann MacPhail

Seconded by: Paul Sowrey

Be it resolved that the Council of the Corporation of the Township of Perry hereby supports the Municipality of Brighton’s Resolution COU-2022-329, regarding changes to be made to the Healthcare Connect System for Members of the Canadian Armed Forces;

And further that Council directs the Clerk-Administrator to circulate this resolution of support to the Premier of Ontario, Minister of Health, MPP Graydon Smith – Muskoka Parry Sound, Association of the Municipalities of Ontario (AMO), the Municipality of Brighton, and all Ontario municipalities.

Carried.”

...2

Your attention to this matter is appreciated.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Bmorton'.

Beth Morton
Clerk-Administrator

BM/ec

c.c. Ontario Minister of Health, Honourable Sylvia Jones
MPP Muskoka-Parry Sound, Graydon Smith
AMO
Municipality of Brighton
All Ontario Municipalities

Subject: Change to Healthcare Connect System - Canadian Forces Member

Good afternoon;

Please find below a resolution that was passed September 6, 2022 by Council of the Municipality of Brighton looking for support regarding changes to be made to the Healthcare Connect System for Members of the Canadian Armed Forces.

Resolution No. COU-2022-329
Moved by Councillor Mark Bateman
Seconded by Mayor Brian Ostrander

Whereas Brighton is a community with a significant military population;
And whereas military personnel are from time to time released from their duties for medical reasons;
And whereas military personnel are attached to healthcare through the Canadian Armed Forces which ceases after the date of military release;
And whereas released military personnel are unable to register with Healthcare Connect until after their release date, providing a healthcare gap;
And whereas the notice for release dates are well in advance of the actual date of release from the Canadian Armed Forces;
Now therefore be it resolved that the Municipality of Brighton endorse that the Ontario Government change the access rules to Healthcare Connect to permit the registration of military personnel into the Healthcare Connect system once those Canadian Forces Members are provided with a release date;
And further that this motion is circulated to the Premier of Ontario, the Minister of Health, MPP David Piccini, and all municipalities across Ontario and the Association of the Municipalities of Ontario (AMO) for endorsement.
Carried

Kind Regards,

Candice Doiron
Municipal Clerk

Municipality of Brighton
35 Alice Street
PO Box 189
Brighton, ON K0K 1H0

cdoiron@brighton.ca

Tel: 613-475-0670
Fax: 613-475-3453

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Thursday, November 17, 2022

Sent via email

The Honourable Doug Ford, Premier of Ontario

The Honourable Steve Clark, Minister of Municipal Affairs and Housing

The Honourable Graydon Smith, Minister of Natural Resources and Forestry

The Honourable David Piccini, Minister of Environment, Conservation and Parks

Dear Premier Ford, Minister Clark, Minister Smith, and Minister Piccini,

Re: Bill 23, the More Homes Built Faster Act

We are writing to you in response to Bill 23, the More Homes Built Faster Act, which was announced on Tuesday, October 25th, 2022.

The Essex Region Conservation Authority (ERCA), like all 36 Conservation Authorities across Ontario, supports the province's effort to build more homes faster, reduce unnecessary barriers to development and streamline processes. However, we are concerned that the proposed legislative changes may have unintentional, negative consequences. Rather than creating the conditions for efficient housing development, these changes may jeopardize the province's stated goals by increasing risks to life and property for Ontario residents.

This contradicts the Insurance Bureau of Canada's recommendation which cites an "urgent need for the housing industry and governments to more openly consider and disclose natural hazard and climate risk ... because of the increasing frequency and severity of natural disasters....". In fact, in 2019, the province's own Special Advisor on Flooding, Douglas McNeil, recommended that the province support municipalities and conservation authorities during land use planning due to their vital role in protecting Ontarians and reducing disasters that are occurring in other parts of Canada where conservation authorities do not exist. In recent years, both Alberta and British Columbia have suffered catastrophic losses associated with flooding - costs which are only expected to continue to rise as climate change events become more frequent. Conservation Authorities remain a fundamental reason Ontario has not seen impacts to this extent.

The proposed prohibition to enter Memorandums of Understanding (MOUs) with municipalities for programs or services related to reviewing and commenting on a proposal, application or other matter made under a prescribed Act, coupled with the Section 28 permit exemption for development approved under "prescribed Acts", are of particular concern. As proposed in the legislation, the Conservation

Authorities Act restrictions and exemptions may impede and hinder one of the core functions of authorities, which is to facilitate, support and uphold integrated watershed management. The multi-agency approach has been highly successful in ensuring that development has proceeded in a sustainable manner, and we question a directive that would prevent our local municipalities from engaging the conservation authority in support of any municipal function, especially land planning and development, where our responsibilities converge and interrelate.

Across the Windsor-Essex-Pelee Island region, municipalities rely on ERCA's expertise to inform environmental assessments and provide input on official plans, studies, and development applications. This process ensures a watershed-based approach and enables connections to be made between flood control, wetlands, and other green infrastructure, ensuring safe development. In fact, ERCA was a key contributor in recent efforts to ensure that the new Stellantis EV battery plant could be safely sited in such a way that reduces flood risk to itself while also ensuring that it did not negatively impact downstream development. To remove conservation authorities completely from these processes, may compromise our crucial role in mitigating risks of natural hazards.

In addition, it is proposed that the Minister can direct a conservation authority to freeze its fees at any time. This change puts additional pressure on Conservation Authorities and Municipalities. Like the Association of Municipalities of Ontario, we, too, are concerned that unless fully offset by funding to support growth-related projects, maintaining fees at current levels will shift the financial burden of growth-related infrastructure onto existing municipal taxpayers, inappropriately transferring the fiscal responsibility from private developers to the public, which is in clear contradiction of the user-pay principle

Within the Windsor /Essex region, there is only 8.5% natural cover in existence. The bulk of the remnant natural heritage features are situated within floodplain valley land corridors that are fully regulated through Section 28. As the CA (Conservation Authorities) Act regulations are permissive, if no consideration is given to the significance of the natural features present, engineering re-assessments of the valley land features could proceed, allowing for further eradication of the minimal remnant natural heritage of the region. The changes proposed to the Ontario Wetland Evaluation System, in removing the review and approval role of the Ministry of Natural Resources and Forestry, are also of significant concern. The changes to the criteria used to evaluate wetlands and wetland complexes have been significantly altered to make it more difficult for new wetlands to meet the criteria for identification as Provincially significant and easier for existing PSWs to be re-evaluated and shown to not meet the criteria for Provincial significance. Wetlands play a critical role in mitigating floods. In a region where nearly 98% of the wetlands have disappeared, providing an easy mechanism like offsetting could alter this region's risk profile and make our residents more vulnerable to flooding, erosion and the effects of climate change.

These are just some of the concerns that we, as the ERCA Board of Directors and representatives of our respective municipalities have, regarding this Bill. We believe it is critical that the government press pause on the proposed changes and meet with Conservation Authorities and Municipalities to clarify and consider more effective alternatives. It is our hope that we can work with you again to safeguard the best possible outcomes for the Windsor-Essex-Pelee Island region, and for the people of Ontario.

Sincerely,
On behalf of the ERCA Board of Directors



Tania Jobin, Chair



Kieran McKenzie, Vice Chair

Cc. ERCA Board of Directors
Tim Byrne, CAO/Secretary-Treasurer, ERCA
Mayor, Municipal Councilors and CAOs, Windsor/Essex/Pelee Region
The Honourable Andrew Dowie, MPP (Windsor-Tecumseh)
The Honourable Anthony Leardi, MPP (Essex)
The Honourable Lisa Gretzky, MPP (Windsor-West)
The Honourable Trevor Jones, MPP (Chatham-Kent-Leamington)
The Honourable Irek Kusmierczyk, MP (Windsor-Tecumseh)
The Honourable Chris Lewis, MPP (Essex)
The Honourable Brian Masse, MP (Windsor-West)
The Honourable David Epp, MP (Chatham-Kent-Leamington)

Police Services Board for the Town of Tecumseh

Minutes

Date: Monday, October 17, 2022
Time: 11:00 am
Location: Electronic meeting live streamed at:
<https://video.isilive.ca/tecumseh/live.html>.

Present:

Mayor, Gary McNamara
Deputy Mayor, Joe Bachetti
Chair, Christopher Hales
Vice-Chair, Paul Sweet

Absent:

Member, Marc Gomes

Also Present:

OPP Staff Sergeant, Jamie Smith
Secretary, Margaret Misk-Evans, CAO
Recording Secretary, Ellen Preuschat

Absent:

OPP Inspector Angela Ferguson

Others:

OPP Acting Staff Sgt., Alesia Beauchamp

A. Call to Order

Chair Christopher Hales called the meeting to order at 11:00 am.

B. Roll Call

Chair Hales noted that Member Marc Gomes is unavailable due to vacation and OPP Inspector Angela Ferguson is unavailable due to attendance at training.

C. Disclosure of Pecuniary Interest

There was no pecuniary interest declared by a member of the Board.

D. Approval of the Agenda

Motion: PSB - 31/22

Moved by Vice-Chair Paul Sweet

Seconded by Deputy Mayor Joe Bachetti

That the Agenda for the Police Services Board Meeting, dated Monday, October 17, 2022, as duplicated and delivered to the members thereof, **be accepted**.

Carried

E. Approval of the Previous Minutes

1. Police Services Board Regular Meeting - September 8, 2022

Motion: PSB - 32/22

That the Regular Minutes of the September 8, 2022 Police Services Board Meeting, as duplicated and delivered to the members thereof, **be adopted**.

Carried

F. Delegations

There were no delegations presented to the Board.

G. OPP Monthly Report

1. OPP Police Services Board Monthly Overview - August 2022

2. OPP Report to Tecumseh PSB - August 2022

Acting Inspector Jamie Smith provided a summary of the OPP Report for the month of August 2022. Vice Chair Paul Sweet inquired if all alarms must be responded to for chronic false alarms. Acting Inspector Smith responded that all alarms must be responded to; however, there is a fee charged for those who exceed the allowed number of false alarms.

With respect to the vacancies for auxiliary members, Deputy Mayor Bachetti asked if there is a suitable time frame for post secondary students to participate. Acting Inspector Smith advised that students can adjust service hours by working fewer hours during the school year and then putting in longer hours after April - they are certainly encouraged to apply.

Chair Chris Hales noted the Mental Health Response Unit activity has noticeably increased. He cited the recent tragic deaths of two police officers in South Simcoe and asked if the OPP will be re-evaluating policy about going into residences. Acting Inspector Smith responded that calls must be responded to and that, while family disputes are often unpredictable and pose a danger to officers, it is part of the job.

Motion: PSB - 33/22

Moved by Vice-Chair Paul Sweet

Seconded by Deputy Mayor Joe Bachetti

That the OPP Report for the month of August 2022 **be received**.

Carried

H. Reports**1. OAPSB Zone Meeting - October 14, 2022, Strathroy, ON**

Re: Verbal Report by Vice Chair Paul Sweet

Vice Chair Paul Sweet provided the following meeting highlights:

- The meeting was held in conjunction with the Ontario Association Chiefs of Police (OACP).
- The new Ministry Zone 6 advisor, Ron Leclair, is very involved in tracking provincial appointments.
- The OAPSB would like to see Zones actively involved in training members in the future.
- The OAPSB is developing a new strategic plan, and working on its brand with the Ministry and other partners.
- It was recommended that the OAPSB become involved with media training for board members.
- The OAPSB policy manual is being updated. They would like to see greater similarity in policies across boards once detachment boards are in place, and it is planned to provide boards with policy templates.
- The OAPSB is working with the OACP and other partners to provide input into regulations under development for the *Community Safety and Policing Act*. It appears that the forthcoming regulations will definitely increase the role of police services boards in police oversight in Ontario. Attendees were cautioned that liability may increase due to enhanced responsibility.
- The Solicitor General is planning to provide basic training to all board members, with additional training to be provided by the OAPSB. Board members will not be able to attend meetings until basic board training is complete.

Mayor Gary McNamara joined the meeting at this point (11:26 am). He provided a verbal update to the board on the local state of emergency just declared in relation to Emergency Medical Services and the drastic

increases seen in Code Reds and Code Blacks (lack of ambulance availability) in the region, which is reflective of what is happening provincially as well.

Motion: PSB - 34/22

Moved by Deputy Mayor Joe Bachetti

Seconded by Mayor Gary McNamara

That the verbal report by Vice Chair Paul Sweet regarding the OAPSB Zone 6 meeting held on October 14, 2022 in Strathroy, ON **be received**.

Carried

I. Communications - Action Required

There were no Communications - Action Required presented to the board.

J. Communications - For Information Purposes

1. OPP Municipal Policing Bureau dated September 29, 2022

Re: OPP Municipal Policing 2023 Annual Billing Statement

2. Solicitor General dated October 4, 2022

Re: Update - Community Safety and Policing Act, 2019 and OPP Detachment Boards

3. Solicitor General dated October 7, 2022

Re: Reappointment of Paul Sweet to Tecumseh Police Services Board

4. Solicitor General dated October 7, 2022

Re: Reappointment of Marc Gomes to Tecumseh Police Services Board

Motion: PSB - 35/2022

Moved by Vice-Chair Paul Sweet

Seconded by Mayor Gary McNamara

That correspondence detailed as Items 1-4, Communications for Information, **be received**.

Carried

K. Old Business

1. 2023 Police and Police Services Board Budget

CAO Margaret Misek-Evans summarized the budget memo outlining highlights of the proposed 2023 budget for Police and the PSB. Chair Hales noted that the decrease in the OPP Contract cost is welcome news.

In relation to the PSB Professional Development budget, he also advised the Board that the OAPSB is not planning to do hybrid conferences in the future due to the high cost of such events for the association. Future conferences will be in person only, with associated travel expenses.

Motion: PSB - 36/22

Moved by Mayor Gary McNamara

Seconded by Deputy Mayor Joe Bachetti

That the proposed 2023 budget for Policing of \$3,219,032, reflecting a 5.29% decrease, and for the Police Services Board of \$42,366, reflecting a 10.32% increase, **be approved** by the Tecumseh Police Services Board, and **be recommended** for consideration and approval by Town Council.

Carried

L. New Business

1. Reduce Impaired Driving Everywhere (RIDE) Grant - 2022-23 to 2023-24

CAO Margaret Misek-Evans informed the board that the application for this two-year grant program has just been submitted.

2. Other New Business

a. Vandalism in Tecumseh Parks

Mayor McNamara referenced a recent news release by the Town on escalating incidents of vandalism in the Town's parks and park facilities. He requested that the OPP exercise extra vigilance in patrolling the targeted parks.

b. Municipal Election Campaign Incident

CAO Margaret Misek-Evans thanked Acting Inspector Jamie Smith for his assistance in an investigation related to the upcoming municipal election and behaviour of a candidate. A public statement on this matter was issued last Friday.

M. Next Meeting

To be scheduled in early 2023.

N. Adjournment

Motion: PSB - 37/22

Moved by Deputy Mayor Joe Bachetti

Seconded by Vice-Chair Paul Sweet

That there being no further business to discuss, the Monday, October 17, 2022 meeting of the Tecumseh Police Services Board **adjourn** at 11:52 am.

Carried

Christopher Hales, Chair

Margaret Misek-Evans, Secretary

Minutes of a Regular General Meeting of the
Town of Tecumseh Business Improvement Area (TOTBIA)

A Regular General Meeting of the Town of Tecumseh BIA (TOTBIA) Members held as of
Wednesday, October 19, 2022 at 6:00 PM.

Meeting Minutes are available on the BIA website at www.tecumsehbia.com

Link to Tecumseh BIA Agenda:

<https://tecumseh-pub.escribemeetings.com/Meeting.aspx?Id=26d33a45-f227-4e91-84f5-5073eb8c06be&Agenda=Agenda&lang=English>

(TOTBBM-94-10)

Call to Order

The meeting is called to order at 6:10 PM by Chair, Linda Proctor.

(TOTBBM –95-10)

Roll Call

Chair	Linda Proctor
Vice Chair	Leo Demarce
Treasurer	Paul Bistany
Councillor	Brian Houston
Director	Sandra Zanet

Regrets:	Coordinator	Denise Pelaccia
	Director	Jules Champoux
	Director	Jessica Fowler
	Director	Eddy Hammoud

Absent:	Councillor	Travis Dorner
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Minute Taker:	Chair	Linda Proctor
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Guest:

(TOTBBM – 96-10)

Disclosure of Pecuniary Interest – No disclosures of pecuniary interest at this meeting.

(TOTBBM –97-10)

Delegations – No delegations at this meeting.

(TOTBBM – 98-10)

Communications

TOTBIA Board of Management Meeting Minutes

Motion: (BBM-67/10)

Moved by: Sandra Zanet

Second by: Leo Demarce

That the minutes of the Town of Tecumseh TOTBIA Regular General Meeting held on September 21, 2022 be approved as distributed.

Approved.

Carried.

Letters From– Nothing at this time.

(TOTBBM – 99-10)

Reports

Chair Report- September 2022:

- See Agenda attachment.

Motion: (BBM-68/10)

Moved by: Paul Bistany

Second by: Leo Demarce

That the Chair Report for September 2022 be accepted.

Approved.

Carried.

Treasurer Report:

Tecumseh BIA

2022 Month End Financials:

- See PDF of Financial Reports for September 2022 in Agenda.

September 2022 Financial Report:

Motion: (BBM-69/10)

Moved by: Leo Demarce

Second by: Brian Houston

That the September 2022 Financial Report be accepted.

Approved.

Carried.

Coordinator Report – L. Proctor reports the following:

- See Agenda attachment.

Motion: (BBM-70/10)

Moved by: Paul Bistany

Second by: Brian Houston

That the Coordinator Report for September 2022 be accepted.

Approved.

Carried.

Council Report –

- See PDF of Council Reports for September 2022 in Agenda.

Motion: (BBM-71/10)

Moved by: Brian Houston

Second by: Linda Proctor

That the Council Reports for September 2022 be accepted.

Approved.

Carried.

Committee Reports – (TOTBBM – 100-10)

Marketing Committee: (Keep 5-10 minutes.)

- See Agenda attachment.

Membership Committee: (Keep 5-10 minutes.)

- See Agenda attachment.

Beautification Committee: (Keep 5-10 minutes.)

- See Agenda attachment.

Events Committee: (Keep 5-10 minutes.)

- See Agenda attachment.

Governance Committee: (Keep 5-10 minutes.)

- See Agenda attachment.

Motion: (BBM-72/10)

Moved by: Linda Proctor

Second by: Sandra Zanet

That the Committee Reports for September 2022 be accepted.

Approved.

Carried.

(TOTBBM – 101-10)

Unfinished Business

- MOU- Finalize

(TOTBBM – 102-10)

New Business

- Tecumseh BIA Email & Web Domain- Town to take back our email and web domain,
- would need to create new ones and update all our Members and marketing materials.
 - Update from Town of Tecumseh

(TOTBBM – 103-10)

Adjournment

Motion: (BBM-73/10)

Moved by: Paul Bistany

Second by: Leo Demarce

That the October 19, 2022 regular general meeting of the TOTBIA Board of Management be adjourned at 7:03 PM.

Carried.

Approved.

(TOTBBM – 104-10)

Next Meeting

The next regular general meeting is scheduled on Wednesday, November 16, 2022 at 6:00 PM at the Tecumseh BIA office. Meeting Minutes will be available on the BIA website at www.tecumsehbia.com



Linda Proctor, Chair



Denise Pelaccia, Coordinator

MINUTES NOT YET APPROVED.



The Corporation of the Town of Tecumseh

Community & Recreation Services

To: Mayor and Members of Council

From: Paul Anthony, Director Community & Recreation Services

Date to Council: November 22, 2022

Report Number: CRS-2022-15

Subject: Recreation Programs and Special Events 2023

Recommendations

It is recommended:

That Community and Recreation Services Report CRS-2022-15 respecting Recreation Programs and Special Events 2023 **be received**.

And that the associated costs of the 2023 Recreation Programs and Special Events **be referred** to the 2023 budget deliberations.

Executive Summary

Each year, the Town of Tecumseh is host to a variety of recreation programs and community events, some of which are coordinated with local community groups and others are coordinated directly by Community and Recreation Services (CRS). Recreation programs and special events play a vital role in the health and well-being of our Town's residents. Special events provide an opportunity for the community to come together for celebration, to honour, raise awareness or to fundraise for a worthy cause. Recreation programming is in high demand within our Town for those seeking new skills, physical activity and social connection.

This report details the programs and events CRS plans to offer the community in 2023. These plans include enhancements to Canada Day, Tecumseh Twilight, the End of

Summer Celebration and Christmas in Tecumseh as well as weekly recreation programs offered in the Winter and Fall seasons.

Expenditures associated with enhanced and new programs and events will be presented as part of the operational budget presentation during the 2023 budget deliberation process.

Background

Prior to 2016, the Town of Tecumseh hosted two major special events: the Tecumseh Corn Festival and Christmas in Tecumseh. In that year the position of Supervisor Recreation Programs and Events was added to assist in providing additional special events and programs to the community.

Over the following years, additional and expanded event offerings were added to include Canada Day, Earth Day, Outdoor Movie Nights, and the End of Summer Celebration.

In 2020, the Festival and Events Assistant position (seasonal) was created to support program and event offerings to the community, many of which were delivered remotely during the COVID-19 pandemic closures. The year 2022 has seen a significant recovery in in-person programming and event uptake and attendance. Recently added programs and events include Christmas in July, Tecumseh Twilight, Indigenous Peoples Day and National Day for Truth and Reconciliation.

Comments

The following is the 2023 list of the large and medium size programs and events that are planned for the community. These programs and events are categorized by those that have traditionally been offered to the community and those that are new (within the past year or 2) or are planned for commencement in 2023.

Traditionally Offered Programs and Events

Tecumseh Corn Festival

The Tecumseh Corn Festival (Festival) began in 1975 when the local Kinsmen Club, with the help of Green Giant of Canada LTD., hosted a family-oriented weekend event in Lacasse Park that would showcase and support the local farming community. The Festival ran annually in late August until 2019. Due to pandemic restrictions in 2020 and 2021, the Corn Festival did not operate. This year, the event was forfeited in lieu of the Town's 100th Anniversary Celebration that took place in July 2022.

Over the years, the Festival has operated under a variety of organizational structures and management committees. From 1975 to 2007 the Festival was operated through community-led committees. In 2008 to 2017 the Festival was operated by a Council appointed committee which had representation from Council, Administration and the community. Increasingly over the 40-plus years the Corn Festival has been running, greater commitments of Town staffing and budget resources have been required. In 2018 and 2019 the Festival was completely managed and hosted directly through the CRS department.

The festival has evolved over time ranging between a 3-day and 4-day event and featured family friendly activities, exciting entertainment, midway carnival, parade, pageant, vendors and hot buttered corn. Attendance at the festival has varied around 10,000 to 15,000 individuals annually. The growth in scope and duration of the Corn Festival has surpassed Town staff capacity to host it and the other event and program offerings described in this report.

Currently, Administration is in discussions with the Optimist Club of St. Clair Beach (Optimist Club) to re-invent the Corn Festival. Under the assumed leadership of the Optimist Club, a re-imagined festival is being considered, with plans to reintroduce it in the next year or two. Accordingly, a 2023 Corn Festival managed and hosted by the CRS department is not planned.

Weekend Public Skating

Weekend public skating has been suspended since March 2020 due to the pandemic. Resumption of public skating was highly requested last fall and winter. Public skating occurs on Sunday afternoons and gives an opportunity for families and school age children to enjoy skating at Tecumseh Arena. The rink has a capacity of 160 participants and incorporates a beginner skater area that allows the use of skating aids.

This recreation program requires staff to monitor the rink to ensure safety of patrons, respond to any first aid situations and accept admission payments while monitoring capacity limits.

Christmas in Tecumseh, Santa Parade and Breakfast with the Clauses

In late November, the Town of Tecumseh kicks off the holiday season with Christmas in Tecumseh and the Santa Claus Parade. This event has evolved over the years and is now hosted by CRS. There are a number of family-friendly activities including free public skating, visits with Santa and Mrs. Claus and enjoying a free hot dog and hot chocolate served by the Optimist Club. This event typically attracts upwards of 4,000 people and discussions of an expanded parade for 2023 have begun.

In the days following the event, Santa and Mrs. Claus join us once more for a pancake breakfast hosted at the arena. This registered event allows families to eat together and visit with the Clauses. The year 2022 will see over 150 registrants take part.

Victoria Day Fireworks

The Victoria Day fireworks are hosted by the Optimist Club of St. Clair Beach at Optimist Park on the Saturday prior to Victoria Day. The club hosts a BBQ, food vendors and musical act prior to the big show. This would be the 44th year that this event has been held in the community. Roughly 3,000 – 4,000 attendees come to the park and surrounding properties to enjoy this free event each year. In 2022, Council agreed to pay the additional policing cost necessary to help ensure a safe event. This year's event was another great success with no reported incidents of violence or vandalism.

Tecumseh Leisure Pool Programs

The Tecumseh Leisure Pool has long been a recreation staple for our community. The pool offers over 200 different lifeguarding and learn to swim programs and various daily drop-in swim times. The Tecumseh Leisure Pool is a community hub that gives swimming opportunities to roughly 4,000 individuals each summer.

Summer Day Camp

The Summer Day Camp program offered by CRS has grown significantly over the past 11 summers. After not offering programming in 2020 and 2021, CRS again partnered with the Windsor-Essex Catholic District School Board (WECDSB) through the Focus on Youth program to use a school facility for six weeks out of the summer (the other 3 weeks take place at the arena). The year 2022 saw over 250 children signed up for nearly 2,000 registrations in program offerings, including: sports, games, drama, crafts, movies, special events, swimming, skating and more. Next year, the camp hopes to continue its partnership with the WECDSB to offer another exciting program for families in our community.

Terry Fox Run

The Terry Fox Run has been a staple event in the Town of Tecumseh for a number of years. Hosted by the Terry Fox Foundation, this event supports cancer research and begins and ends at the St. Clair Beach Community Centre. Participants run, walk and bike throughout the former village of St. Clair Beach. The Town has supported this event in a number of ways and in 2023, will continue to assist this event where appropriate.

Taste of Tecumseh

The sixth annual Taste of Tecumseh was hosted in Lakewood Park in 2022 by the Optimist Club. This two-day event draws upwards of 5,000 attendees and features delectable tastes and unique talents, all at a beautiful waterfront setting. The Optimist Club plans to again host this event in June 2023. The Optimist Club uses this event as their primary fundraising event in order to give back to the community in all the ways they do.

In Motion Week

During the first week of October, Windsor Essex Communities In Motion (WECIM) celebrates In Motion week. The Town, surrounding municipalities, the health unit, community organizations and the University of Windsor have joined together to promote the benefits of physical activity. CRS has run online contests that encourage the community to stay active. In addition, CRS hosts the 12 O'clock Walk where we have partnered with local schools to go for a midday walk and enjoy a healthy snack on the Wednesday of that week. This event has taken place since 2015 and is planned again for 2023.

Family Day in Motion

CRS has held Family Day events/activities since 2015 with a focus on getting in motion. We plan to offer free public skating along with other fun family-oriented activities at the arena on Family Day in 2023. Attendance for this event has typically been around 200 participants. During the pandemic when we were unable to gather in large numbers, the community was encouraged to share the ways their families stayed in motion through social media for chances to win prizes. This event has been largely funded by the WECIM committee.

March Break Skates

During March break CRS plans to again offer free public skating opportunities for our community. These additional skating opportunities have been offered since 2016 and through the generous sponsorship of local charities and organizations including the Mayors' Charity Golf Tournament, WECIM, Essex Power and the Optimist Club, we have been able to offer up to seven free skates during the week of March break. Attendance for the week typically exceeds 400 attendees.

Earth Day

Earth Day events have been a staple in Tecumseh since 2017. There has been a variety of different activities over the past six years to celebrate our earth and to spotlight ways to improve our environment. In teaming up with the community, Indigenous partners and local schools, this event has attracted over 200 people yearly and has allowed us to plant over 300 trees and shrubs, primarily in Lakewood Park. During the pandemic when we were unable to gather in large numbers, the community was encouraged to share the ways they improved our planet through social media for chances to win prizes. In 2023, CRS will again involve the community to share ways to improve our environment and celebrate this important day.

Outdoor Movie Nights

CRS plans to host three Outdoor Movie Nights in various parks within the municipality. Each of these movie nights attracts upwards of 100 people and is a great way to bring

community members together to enjoy our beautiful parks and spend time together. CRS began hosting Outdoor Movie Nights in 2016.

Summer Concert Series

Bring along a blanket or lawn chair and enjoy a free live musical performance overlooking the water at Lakewood Park. Live performances will be held on seven Sunday afternoons in the WFCU square throughout June, July and August. This series has been offered since 2015 and sees an average of 100 spectators per show.

Canada Day

Since 2016, CRS has offered the community an opportunity to celebrate Canada Day and in 2022 this event was our biggest one to date, seeing over 1,500 people enjoy the event. This community celebration takes place at Lakewood Park South with free activities for the whole family. CRS plans to offer more activities and attractions in 2023 to meet the growing community interest in this celebration.

End of Summer Celebration

On the last Saturday before Labour Day, since 2015, CRS has celebrated the end of summer with a concert, bonfires and marshmallow roast on the beach at Lakewood Park. In 2017, a firework display was added to the event and has been a part of the celebration ever since. Due to the pandemic, this event did not take place in 2020 and 2021, but this year it returned and was attended by roughly 5,000 people.

Optimist Family Fun Fair

The Optimist Club Family Fun Fair is a free child and family-focused event with lawn games, inflatables, pony rides, emergency service vehicles and face painting. This event takes place in September at McAuliffe Park. Since 2016, this event has been an awesome way for the Optimist Club to give back to the community by providing some outdoor fun before the fall weather comes. The Club encourages attendees to bring non-perishable foods to support the Essex County Food Bank.

Recently Established or Planned Programs and Events

National Day for Truth and Reconciliation

September 30th marks the National Day for Truth and Reconciliation and Orange Shirt Day. The Town of Tecumseh has made efforts to use this date to honour the children who never returned home and survivors of residential schools as well as their families and communities. In 2022, CRS hosted a walk at Lakewood Park; plans are underway to continue this event annually to bring honour and support to the Indigenous community.

June is Recreation and Parks Month (JRPM)

June is Recreation and Parks Month (JRPM), a movement that promotes the benefits of recreation and parks for physical, social, and environmental health. Communities across Ontario have embraced JRPM to promote local programs and events, parks and facilities that are available for all citizens to enjoy. In 2022, CRS made significant enhancements to this initiative in our communities by offering a different free or low-cost activity each day of the month. CRS plans to continue this program's growth by again offering affordable and fun programming with a focus on physical activity and our beautiful trails and parks in June 2023.

Tecumseh Pickleball Tournament

Pickleball in Tecumseh continues to grow at an exponential rate. The Pickleball Association has become a wonderful partner to the Town and with the addition of the Zekelman Pickleball Complex in 2022, we have seen the sport further flourish. In 2022, TPA hosted their first large scale tournament at the Zekelman Pickleball Complex with over 250 participants and 100 volunteers. TPA is planning to host this tournament again in 2023 and the Town plans to lend support through preparations and facilities.

National Indigenous Peoples Day

June 21 is National Indigenous Peoples Day. This is a day for all Canadians to recognize and celebrate the unique heritage, diverse cultures and outstanding contributions of First Nations, Inuit and Métis peoples. For the past two years, the Town of Tecumseh has held programs to recognize this day. In 2023, CRS is planning to partner with local Indigenous groups to offer an opportunity for the community to learn more and celebrate with our Indigenous friends.

Tecumseh Twilight

Tecumseh Twilight was introduced in 2022 and featured food trucks, exotic cars, live music, face painting and a movie under the stars at McAuliffe Park. The popularity of this first-time event was overwhelming, seeing over 2,000 people in attendance. CRS is hoping that Tecumseh Twilight becomes a marquee event for the Town and will look to offer this event again in 2023 with some enhanced elements.

Halloween Trunk or Treat

In partnership with the Optimist Club, this new event in 2022 attracted over 500 families to Lacasse Park to trick or treat from vehicles belonging to community businesses and organizations. This event also included an outdoor movie for families to enjoy. CRS and the Optimist Club are planning to again offer this event in 2023 and will be looking for more community vehicles to participate.

Christmas in July

This newer event was first offered in 2021 and was built off the love that Tecumseh has for all things Christmas. The community is invited to Lakewood Park to celebrate with Santa and Mrs. Claus, build sand snowmen on the beach, listen to some live music and get a balloon from Jangles the Clown. This event attracted nearly 400 people this year and CRS would like to make this a staple in the event calendar for years to come.

Cookies with Mrs. Claus and Various Holiday Programs

CRS continues to celebrate the holidays throughout the month of December with various holiday programming. The most popular event is Cookies with Mrs. Claus which features sugar cookie decoration and story time with Mrs. Claus.

Fall and Winter Recreation Programs

CRS plans to expand recreational programming outside of the traditionally offered summer programs. These proposed programs have been highly requested by the community. Plans include offering classes for all ages in a variety of topic areas including dance, sports, arts & crafts, martial arts, cooking and physical movement. The majority of these classes would be led by CRS staff once per week for 8-12 week sessions. Other programs, such as learn to babysit or first aid would be offered as single day programs.

This is a service level enhancement as we have previously not offered this type of programming at this time of year.

March Break Camps

CRS programming staff propose to offer a March break day camp for children aged 5-12 in the community. Children would be supervised by our trained staff during the day and would play games and participate in a variety of activities. This would be the first time for such programming and represents a service level enhancement for CRS.

Firefighter Combat Challenge

Coming off a highly successful Firefighter Combat Challenge during the Town's 100th Anniversary celebrations, the Fire Department in collaboration with CRS is discussing plans to hold this event again in 2023. The Combat Challenge in July 2022 attracted upwards of 400 spectators and 40 competitors to the event. The 2023 event date is still to be announced; the venue would be Fire Hall #2 with the Fire Department coordinating the challenge itself and CRS supplementing with spectator activities, a kid's zone and BBQ.

Consultations

Financial Services
Community & Recreation Services
Chief Administrative Officer
Optimist Club of St. Clair Beach

Financial Implications

The chart below provides Council with a summery of the budget net expenditures for Special Events, Recreation Programs and Christmas in Tecumseh reflective of the above program and event details.

	Approved 2022 Budget Net Expenditures	Proposed 2023 Budget Net Expenditure	Proposed Increases
Special Events	\$88,596	\$95,048	\$6,452
Recreation Programs	\$123,277	\$126,410	\$3,133
Christmas in Tecumseh	\$20,000	\$27,000	\$7,000
Total	\$231,873	\$248,458	\$16,585

Financial details to support these programs and events will be provided during the 2023 budget deliberation process.

Link to Strategic Priorities

Applicable	2019-22 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 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 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:

Brett Palmer
Senior Manager Recreation Services

Reviewed by:

Tom Kitsos, CPA, CMA, BComm
Director Financial Services & Chief Financial Officer

Reviewed by:

Paul Anthony, RRFA
Director Community & Recreation Services

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
None	None



The Corporation of the Town of Tecumseh

Community & Recreation Services

To: Mayor and Members of Council

From: Paul Anthony, Director Community & Recreation Services

Date to Council: November 22, 2022

Report Number: CRS-2022-16

Subject: Conseil Scolaire Catholique Providence L'Essor High School Agreement - Amendment

Recommendations

It is recommended:

That the Town **enter** into an Amending License Agreement with Conseil Scolaire Catholique Providence for the School Board Lands, satisfactory in form and content to the Town's Solicitor;

And that By-law No. 2022-087, being a bylaw to authorize the Mayor and Clerk to execute the Amending License Agreement **be adopted**.

Background

At the March 19, 2003 Regular meeting of Council, the members considered the report of the Director of Recreation Services, Denis Laporte, and subsequently passed motion (RCM-194/03) respecting a License Agreement between the Town of Tecumseh and Conseil Scolaire de District des Ecoles Catholique du Sud-Quest, be received; and further, that the draft amended agreement between the Corporation of the Town of Tecumseh and Conseil Scolaire de District des Ecoles Catholique du Sud-Quest be amended with a revised Schedule 'B' map and to provide that the parking lot be completed by 2005 on Schedule 'C'.

Comments

The consistent growth of our local soccer programs has resulted in the requirement for additional soccer fields. As the municipality does not own any property where soccer fields could be expanded, Administration entered discussions with L'Essor High School about the possibility of expanding field space on the school site.

As a result of these discussions, and after reaching an agreement in principle, in 2019 the Town of Tecumseh budgeted for and partnered with Conseil Scolaire Catholique Providence (school board) to undertake drainage improvements on the south field at the L'Essor High School to make this field playable. Prior to the addition of drainage, this field was consistently unplayable due to ponding water and the lack of good drainage. Since the installation of the drainage, the field has been used for the past three years without any issues.

Administration and the school board met to review the current terms of the agreement. After discussions, it was determined by both parties that the following amendments be formally made to the License Agreement.

Article 3.

That the South Field be added to the agreement and that these additional lands be added to the lands currently registered on title.

Article 1.12

Current term of the agreement was from March 1, 2003, ending March 31, 2028.
Proposed term of amended agreement is Effective Date, ending November 30, 2043.

Town's Obligations

3.1

(a) Town fulfilled all its obligations under the original agreement, including development of the soccer fields and construction a parking lot for not less than 113 motor vehicles.

(e) Insurance policy limits increased from \$2,000,000 to \$5,000,000.

7.10

Removed from the agreement the wording that committed the school board for a period of 25 years after the end date of the agreement that, should they receive a bona fide offer on the property, that the Town would have ten (10) days to match the offer. This was removed as per the changes to the *Education Act* regarding school boards' disposal of property.

Consultations

Legal Counsel

Conseil Scolaire Catholique Providence

Financial Implications

There are no financial implications resulting from the amendment to the current License Agreement.

Link to Strategic Priorities

Applicable	2019-22 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.
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<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:

Paul Anthony, RRFA
Director Community & Recreation Services

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
None	None



The Corporation of the Town of Tecumseh

Community Safety

To: Mayor and Members of Council

From: Wade Bondy, Director Community Safety & Fire Chief

Date to Council: November 22, 2022

Report Number: CS-2022-02

Subject: Emergency Management Appointments By-Law

Recommendations

It is recommended:

That Community Safety Report No. CS-2022-02, “Emergency Management Appointments By-Law”, **be received**.

And that the “Emergency Management Appointments By-Law” By-Law 2022-086 **be adopted**.

Background

Council adopted By-Law 2007-69 to establish an emergency management program for the Town, as required by the Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9 (the “Act”). Since adoption of By-Law 2007-69, a number of personnel in appointed positions have changed both internally and within our emergency management partner agencies that have a role in the Town’s emergency management program.

Comments

Under the Act, Ontario Regulation 380/04 (“Standards”) defines the requirements for a municipal emergency management program.

The Standards require that every Municipality develop an emergency management program and designate certain positions with respect to their emergency management program. Those required positions are:

- 1) An Emergency Management Program Coordinator, also known as the Community Emergency Management Coordinator (CEMC),
- 2) An Emergency Management Program Committee, identifying the Committee Chair,
- 3) An Emergency Control Group, and
- 4) An Emergency Information Officer.

Under proposed By-Law 2022-086, personnel in the following positions would be appointed to these positions:

- 1) The Director Community Safety & Fire Chief in the position of CEMC
- 2) The Emergency Management Program Committee, consisting of the following personnel:
 - Mayor
 - Chief Administrative Officer
 - CEMC, Committee Chair
 - Director Community & Recreation Services
 - Director Public Works & Engineering Services
 - Detachment Commander, OPP, Essex Detachment
- 3) The Emergency Control Group, consisting of the following personnel:
 - Mayor
 - Chief Administrative Officer
 - CEMC
 - Director Community & Recreation Services
 - Director Public Works & Engineering Services
 - Director People & Culture

- Director Financial Services
- Director Development Services
- Director Legislative Services & Clerk
- Director Technology & Client Services
- Detachment Commander, OPP, Essex Detachment
- Chief, Essex-Windsor EMS

4) The Communications Officer in the position of Emergency Information Officer.

Establishing an Emergency Management Program with clearly defined roles, as required by the Act, helps protect the Town of Tecumseh's residents and helps to minimize the impact of an emergency by increasing the effectiveness of the response.

Consultations

Detachment Commander, OPP, Essex Detachment
Chief, Essex-Windsor EMS

Financial Implications

N/A

Link to Strategic Priorities

Applicable	2019-22 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 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 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:

Wade Bondy
Director Community Safety & Fire Chief

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
N/A	N/A



The Corporation of the Town of Tecumseh

Development Services

To: Mayor and Members of Council

From: Brian Hillman, Director Development Services

Date to Council: November 22, 2022

Report Number: DS-2022-32

Subject: Zoning By-law Amendment
12106 Tecumseh Road
Scheduling of a Public Meeting
OUR FILE: D19 12106TEC

Recommendations

It is recommended:

That the scheduling of a public meeting, to be held on Tuesday, December 13, 2022 at 5:30 p.m., in accordance with the *Planning Act* for a zoning by-law amendment application submitted for a 0.35 hectare (0.87 acre) parcel of land located on the north side of Tecumseh Road, at its intersection with Poisson Street (12106 Tecumseh Road), seeking to amend Zoning By-law 1746 by rezoning the subject land from “General Commercial Zone (C3)” to a site-specific “General Commercial Zone (C3-17)” to permit the construction of a 5-storey, 40-unit, mixed-use commercial/residential development, **be authorized**.

Executive Summary

A zoning by-law amendment application has been filed in order to change the zoning pertaining to a 0.35 hectare (0.87 acre) parcel of land located on the north side of Tecumseh Road, at its intersection with Poisson Street (12106 Tecumseh Road), in order to facilitate the construction of a 5-storey, 40-unit, mixed-use development consisting of a ground floor commercial unit and covered parking area and four additional storeys of residential units, with associated indoor/outdoor amenity areas.

The proposed rezoning also establishes site-specific lot, building, yard and parking provisions. This Report is requesting the scheduling of a public meeting related to the proposed zoning by-law amendment in accordance with the requirements of the *Planning Act*.

Background

Subject Property

Flat Iron (Windsor) Inc. (“the Owner”) owns a 0.35 hectare (0.87 acre) vacant parcel of land located on the north side of Tecumseh Road, at its intersection with Poisson Street (12106 Tecumseh Road) (“subject land”) (see Attachment 1).

Proposed Zoning By-law Amendment

The Owner has submitted a Zoning By-law amendment application seeking to amend Zoning By-law 1746 by rezoning the subject land from “General Commercial Zone (C3)” to a site-specific “General Commercial Zone (C3-17)” to permit the following:

- i. A 5-storey, 40-unit, mixed-use building occupying the southeastern portion of the property (see preliminary Site Plan in Attachment 2 and Architectural Renderings in Attachments 3A and 3B), having a building footprint of 899 square metres (9,676 square feet) that will include:
 - a 158 square metre (1,700 square foot) commercial unit located on the first storey of the building. The commercial unit will be oriented toward and have direct sidewalk access to/from Tecumseh Road;
 - a total of 59 parking spaces, two of which are barrier free. Of the 59 spaces, 50 are allocated to the residential component. Seventeen of those spaces will be within a ground floor covered parking area. The remaining nine spaces are allocated to the commercial unit. The surface parking will be provided along the west side and to the rear of the building. It should also be noted that there is on-street parking on both sides of this portion of Tecumseh Road;
 - two, 158 square metre (1,700 square foot) indoor amenity areas are located in the second and third storeys of the building immediately above the commercial unit located on the first floor. In addition, an open/outdoor amenity area will be located on the roof of the third-floor indoor amenity area. These amenity areas will be for the residents of the building and will overlook Tecumseh Road. The proposed building has a ‘stepped back’

design with three-storeys adjacent Tecumseh Road, transitioning to five-storeys (first floor parking and four storeys of residential) behind the commercial/amenity area portions of the building;

- ii. A sidewalk along the westerly side of the proposed building providing a side access to the commercial component and to the entrance to the residential component at the northwest corner of the building;
- iii. An 11.2 metre (36.7 foot) wide buffer area along the north lot line of the property, where it abuts the railway corridor;
- iv. The provision of future vehicular cross access to the abutting properties to the east and west located in the parking area behind the building. These access points will facilitate future vehicular cross-access opportunities as these abutting properties re-develop.

Other information of importance not identified on the site plan or architectural renderings includes:

- the 40 residential units will have a floor area of 60 square metres (650 square feet) and include one bedroom (with ensuite bathroom), one additional bathroom, living room and combined kitchen/dining area; and
- all refuse/recycling areas will be internal to the building, with no outdoor refuse bins.

The total of 40 dwelling units will result in a density of approximately 114 units per hectare (46 units per acre). The Tecumseh Official Plan ("Tecumseh OP") establishes this to be high density, which includes any development having a density above 50 units per hectare (20 units per acre).

The current C3 zone that applies to the subject land permits commercial developments with residential dwellings above the first floor, but not at the scale and density of the subject proposal. For comparison purposes, this development proposal has a similar density to the recently approved residential apartment developments that are located to the west of the subject property, within the Tecumseh Road Main Street CIP corridor.

Surrounding Land Uses

The subject land is situated within a predominately commercial area of the Tecumseh Road corridor within the Tecumseh Road Main Street Community Improvement Plan (CIP) area, with direct access to and fronting on Tecumseh Road. Abutting the property to the north is the Via Rail railway, beyond which is a commercial/light-industrial building (backing onto the Via Rail railway), residential dwellings fronting on the north side of St.

Jacques Street. The municipal dog park and Town Arena are located to the northwest. To the east, south and west of the subject land are various commercial properties as well as a municipal parking lot and a couple of residential dwellings (see Attachment 4).

Additional Planning Approvals

In addition to the rezoning application, the approval and execution of a site plan control agreement with the Town will be required prior to the proposed development proceeding.

Supporting Documents

During pre-consultation with the landowner, Town Administration identified that a Traffic Impact Study (TIS), a parking analysis and noise/vibration studies (in relation to the abutting railway line) would be necessary to properly assess the proposal from a traffic and railway compatibility perspective and to consider the application complete.

Below is a summary of the findings of these studies:

- 1) Traffic Impact / Parking Brief – 12106 Tecumseh Road, RC Spencer Associates Inc., August 2022

The TIS examined the potential impact of the proposed development on area traffic operations and vehicular sight lines, particularly on Tecumseh Road at the proposed site access. Furthermore, to assure that sufficient parking would be provided on-site, an evaluation of the peak parking supply and demand was also completed.

The TIS concluded that:

“A mixed-use development has been proposed for lands situated at 12106 Tecumseh Road East, in the Town of Tecumseh, Ontario. The proposed development will include a five-storey, 40-unit mid-rise residential building with 1,700 sq. ft. of commercial space located on the main floor. A total of 59 parking spaces are proposed to accommodate the proposed mixed-use development. The developer is proposing a single site access at Tecumseh Road East.

The Town of Tecumseh’s zoning bylaw requires a minimum of 77 parking spaces; however, the ITE Parking Generation Manual (5th Edition) suggests that a minimum parking supply of 36 spaces could adequately accommodate the proposed development’s peak

parking demand. Nearby municipal parking, area on-street parking, and the availability of public transit and sidewalks will further assist in managing any excess peak parking demands.

Therefore, based on the results of the technical work, it is the engineers' opinion that the proposed development will not adversely impact area traffic operations; no on-street improvements are required, and the proposed on-site parking supply is expected to adequately service the proposed development's peak parking demands."

Town Administration has reviewed the TIS and concurs with its findings with respect to potential traffic impacts resulting from the proposed development. With respect to its conclusions regarding the adequacy of the proposed on-site parking, we believe there is merit in a reduced number of spaces. The zoning by-law requires a minimum of 69 spaces for the entire development - 60 for the residential units and 9 for the commercial unit. The owner is proposing a total of 59 spaces, which is significantly greater than the 36 spaces identified as adequate by the TIS. It is noted that the parking allocated to the commercial component complies with the zoning regulations. The 50 proposed parking spaces for the residential component results in a ratio of 1.25 parking spaces/unit which is less than the current minimum ratio of 1.5 spaces/unit established by the zoning by-law. However, based on the size of the proposed dwelling units (one-bedroom units) a ratio of 1.25 parking spaces/unit is deemed to be reasonable and has become more common in highly urbanized areas with transit service. In addition, other recently approved multi-unit developments along the Tecumseh Road corridor have developed with a lower parking ratio similar to that which is proposed. Also, as noted earlier in this Report, there is on-street parking on both sides of this portion of Tecumseh Road.

2) Road & Rail Traffic and Stationary Noise Impact Study – 12106 Tecumseh Road, Acoustic Engineering Ltd., May 2022

In accordance with the policies of the Tecumseh Official Plan, a road/rail traffic noise study was completed in support of the development. The study was prepared consistent with the Ontario Ministry of the Environment, Conservation and Park (MECP) NPC 300, "Environmental Noise Guideline, Stationary and Transportation Sources– Approval and Planning" dated August 2013.

The study concluded that:

"... the potential environmental noise impact from road and rail traffic noise is significant. The proposed development will need the

following: a requirement for central air-conditioning, noise warning clauses and special building components.”

The study identifies specific building materials/design parameters that will be required. The implementation of the study’s recommendations/findings will be addressed through the site plan control process and in accordance with the Ontario Building Code through the building permit approval process. Input from CN/VIA Rail through the requisite public consultation process will be important in assessing the adequacy of the proposed noise mitigation measures.

- 3) Vibration Assessment Report of Rail Ground Vibrations for Proposed 5-Story Residential Development at 12106 Tecumseh Road East, Akoustik Engineering Limited, July 2022

In accordance with the policies of the Tecumseh Official Plan, a vibration study was completed in support of the development. The purpose of this study was to measure and report the ground-borne vibration levels resulting from the nearby railroad line on the proposed residential building. The rail vibration impacts were assessed as per MECP’s Noise Pollution Control document (NPC-300) and the Federation of Canadian Municipalities (FCM) and the Railway Association of Canada (RAC).

The study concluded that:

“A vibration assessment of the nearby rail line operations, consisting of ground-borne vibration measurements, was carried out for the proposed 5-story residential development to be located at 12106 Tecumseh Road East, in the Town of Tecumseh. The measured vibration data has demonstrated that the ground vibration levels due to rail traffic on the nearby CN/VIA rail line do not exceed the Federation of Canadian Municipalities and the Railway Association of Canada’s criteria of 0.14 mm/s RMS velocity. Given that the measured vibration levels are within compliance to the guideline, and that vibration abatement is not required to reduce the vibration levels at the proposed development, it is recommended that the development be given approval with respect to vibration impacts from the CN/VIA rail line.”

This study has been submitted to the appropriate railway approval authority for their review and final approval. This approval will be a requirement of site plan control approval.

Comments

The *Planning Act* establishes that Council, when making decisions that affect a planning matter, “shall be consistent with” the 2020 PPS issued under the *Planning Act*.

There are a number of policies within the PPS that support the applications for the proposed residential development. The following are the relevant excerpts from the PPS:

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

1.1.1 Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons)...uses to meet long-term needs;

...

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

1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years...

Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.

1.1.3 Settlement Areas

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

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

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

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

1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to 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 should 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 and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

...

b) permitting and facilitating:

1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and
2. all types of residential intensification, including additional residential units, 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 active transportation and transit in areas where it exists or is to be developed; and

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.

1.6.7 Transportation Systems

1.6.7.4 A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.

1.7 Long-Term Economic Prosperity

1.7.1 Long-term economic prosperity should be supported by:

...

- c) maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;
- d) encouraging a sense of place, by promoting well-designed built form...

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 preparing for the impacts of a changing climate 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;
- ...
- e) encourage transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;

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...;
- b) the development of vacant or underutilized lots within previously developed areas;
- c) infill development;
- d) development and introduction of new housing options within previously developed areas."

In summary, the PPS encourages and supports development on lands that are identified for urban growth in approved settlement areas. It also establishes that the Town should be supporting and promoting residential infill 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. The PPS also supports the development of a broad range of housing types and tenures and encourages residential intensification within identified urban areas where such areas have appropriate levels of servicing.

The subject proposal is in a location and of a form of mixed-use development that achieves all the foregoing policy objectives. It provides a commercial component along with an alternative form of housing type at a density that provides for a more compact built form and promotes walkability and transit usage. The proposed development is also considered to be intensification in accordance with the definition contained in the PPS. In addition, the proposed development is serviced by the Tecumseh Transit System and is in close proximity to multiple bus stops. Based on the foregoing, it is the opinion of the writer that the applications for the proposed residential development are consistent with the PPS.

County of Essex Official Plan

The subject land is within an identified Primary Settlement Area of 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:

“3.2 SETTLEMENT AREAS

3.2.2 Goals

The following goals are established for those lands designated as settlement areas on Schedule “A1”:

- a) Support and promote public and private re-investment in the Primary Settlement Areas

...

- 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, and to a lesser extent, within full serviced secondary settlement areas.

3.2.4 Primary Settlement Areas

Primary Settlement Areas are the largest and traditional centres of settlement and commerce in the County. Protection of these communities by focusing growth and investment is a priority of the County.

3.2.4.1 Policies

The following policies apply to Primary Settlement Areas:

...

- f) Downtown/Uptown areas should maintain and/or enhance the existing character of these areas. Mixed-use development and an accessible pedestrian oriented streetscape are encouraged. The preparation of Community Improvement Plans are also encouraged.

3.2.6 General Settlement Area Policies

The following policies apply to all "Settlement Areas" identified on Schedule "A1" of this Plan:

...

- b) The County supports residential intensification within Primary Settlement Areas.

...

- e) Local Official Plans are encouraged to provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents of the regional market area as outlined below:
 - i) Maintaining at all times the ability to accommodate residential growth for a minimum of 10 years through residential intensification, redevelopment and if necessary, lands which are designated and available as defined by Provincial Policy.

- ii) Maintaining at all times, where new development is to occur, at least a 3 year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.
- iii) Permitting and facilitating all forms of housing, including special needs housing, required to meet the social, health and well-being requirements of current and future residents.
- f) Local Official Plans are encouraged to provide opportunities for redevelopment, intensification and revitalization in areas that have sufficient existing or planned infrastructure.

3.2.7 Intensification and 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.”

In accordance with the aforementioned goals and policies, it is the opinion of the writer that the proposed development conforms to the County OP.

Tecumseh Official Plan

The subject land is currently designated “Main Street Mixed Use” in the Tecumseh OP (see Attachment 5). The proposed mixed-use residential/commercial development is promoted by this designation provided it can be appropriately integrated with the existing and proposed development pattern by meeting the applicable policies of the Plan, as follows:

“4.4.1 Goals

- i) to provide retail and other commercial services for surrounding neighbourhoods and the broader community in a setting that is street-oriented and pedestrian focused, including a mix of compatible residential and office or community uses and services;

- ii) to provide for a range of commercial activity that is suitable to the main street setting, in order to support the traditionally diverse role and pedestrian-oriented activity focus of the Town's downtown/historic core;
- iii) to promote a mix of commercial, institutional and higher density residential uses that will create a compact and walkable main street that promotes street-edge buildings with on-site parking to the side and rear of the buildings; and
- iv) to assist in enhancing the traditional main street area of the Town by working with the community in the establishment of a clear vision along with appropriate regulations, guidelines and incentives to make the downtown more sustainable and attractive to investment while enhancing its role in providing the municipality with its identity and a sense of place.

4.4.2 Policies

The following policies shall apply to those lands designated Main Street Mixed Use on the Land Use Schedules of this Plan:

- v) permitted commercial uses include retail, eating establishments, hotels, service and office uses that are suitable for a main street pedestrian format and are intended to serve the surrounding neighbourhoods and broader community. For properties within the Main Street Mixed Use designation, land use fronting the street on the ground floor is encouraged to be commercial including live-work units;
- vi) complementary uses such as cultural, recreational, entertainment, institutional, community or municipal services, medium and high density residential, open space facilities, and parking lots and structures shall be permitted;
- vii) within the Main Street Mixed Use designation, medium and high density residential uses are permitted and are encouraged in upper-storey locations or to the rear of commercial buildings provided that they contribute to the pedestrian activity and amenity of the street and complement the commercial storefront design and character of the street;
- viii) height and density provisions for medium and high density residential uses shall be in accordance with Sections 4.2.2.2 and 4.2.2.3 of this Plan;

...

- vi) the Tecumseh Road Main Street Community Improvement Plan is a major guiding document for development within the Main Street Mixed Use designation. It is intended to be used as a tool to achieve a pedestrian-oriented form of development that will provide support for more sustainable means of growth. All development within the Main Street Mixed Use designation shall, to the greatest extent possible, be in accordance with the Tecumseh Road Main Street Community Improvement Plan, as amended from time to time;

...

- viii) all development in the Main Street Mixed Use designation shall be subject to site plan control pursuant to Section 41 of the Planning Act, R.S.O. 1990."

The Tecumseh OP and the Tecumseh Road Community Improvement Plan contemplate the type of mixed use commercial/residential development being proposed.

With respect to the evaluating the proposed development's high density against relevant criteria, the Tecumseh OP states the following:

"4.2.2.3 High Density Residential Policies

High density residential land uses shall be subject to a Zoning By- law amendment and shall include apartments, nursing homes, rest homes and retirement homes. The maximum height for high density residential buildings shall be six storeys.

The residential goals and policies contained subsection 4.2 of this Plan shall apply to high density residential development. In addition, the following policies shall apply to all high density residential development:

- i) the density range for high density is above 50 units per gross hectare;
- ii) when considering any new high density residential land uses by way of a Zoning By-law amendment, the following criteria shall apply:
 - a. availability of adequate municipal services;

- b. availability of adequate outdoor amenity areas, which may include public recreation areas, common areas and/or private areas to the satisfaction of the Town;
 - c. adequate on-site parking for each residential unit and for visitors, either in surface parking areas, individual driveways and garages, or in above or below grade parking structures, as the Town deems appropriate;
 - d. protection of adjacent low density residential areas from adverse effects;
 - e. adjacent to, or in close proximity to, commercial areas;
 - f. on or within close proximity to an Arterial Road or Commercial Main Street;
 - g. in close proximity to public transit; and
 - h. in close proximity to parkland or open space;
- iii) new high density residential developments must address the criteria of Section 3.18 Land Use Compatibility and the Urban Design policies of Section 7 of this Plan, which refer to such matters as siting and designing the building to be compatible with adjacent land uses in terms of function and design, and avoidance of undue adverse effects on adjacent land uses; and
 - iv) all new high density residential development shall be subject to site plan control pursuant to Section 41 of the Planning Act, R.S.O. 1990.”

The proposed development conforms to the criteria established by the Tecumseh OP in subsection 4.2.2.3 i) and ii) with respect to high-density development.

Section 3.18, containing the land use compatibility criteria referenced in subsection 4.2.2.3 iii), against which the proposed development is to be evaluated, reads as follows:

“3.18 Land Use Compatibility

In order to foster a sustainable development pattern, some land uses need to inter-relate while others are best separated. Further development and redevelopment in the Town will be guided by principles of land use compatibility that respect the quality and stability of existing areas and provide for suitable transition between areas of differing use, sensitivity, urban design treatment and intensity in order to avoid or mitigate adverse effects. Land use compatibility does not mean “the same as” but to coexist harmoniously with one another.

3.18.1 Matters to be Assessed

Development and/or land use change must demonstrate that the resultant form, function and use of land are compatible with surrounding land uses. The demonstration of compatible development and land use change must consider the potential for impacts related to the character, planned function and/or ecological integrity of an area as well as the health and safety of humans. Where there exists a potential for negative impacts, the following land use compatibility matters shall be assessed:

- i) shadowing;
- ii) loss of privacy due to intrusive overlook;
- iii) increased levels of light pollution, noise, odour, dust or vibration;
- iv) increased level of traffic that can disrupt the intended function or amenity of a use or area or cause a decrease in the functionality of active transportation or transit;
- v) reduction in the ability to enjoy a property, or the normal amenity associated with it, including safety and access, outdoor areas or setting;
- vi) visual intrusion that disrupts the streetscape or buildings;
- vii) built form in terms of scale and massing; and

- viii) the loss or impairment of significant views of natural features and areas to residents.

3.18.2 Mitigation Measures

Mitigation Measures Mitigation measures may be used to achieve development and land use compatibility. Such measures may include one or more of the following:

- i) ensuring adequate setbacks and minimum yard requirements;
- ii) establishing appropriate transition in building heights, coverage and massing;
- iii) requiring fencing, walls, landscaping or berming to create a visual screen;
- iv) designing the building in a way that minimizes adverse effects;
- v) maintaining mature vegetation and/or adding new landscaping features;
- vi) controlling access locations, driveways, service areas and activity areas; and
- vii) regulating location, treatment and size of accessory uses and structures, lighting, parking areas, garbage storage facilities and signage.

Planning Act tools including Zoning By-law standards, site plan control, development agreements and other measures will be used to implement mitigative measures that achieve compatible land use change and development.”

Based on an initial review of the preliminary site plan, the proposed development meets the aforementioned compatibility criteria. Further analysis by way of a future report will be provided in the event specific compatibility concerns are identified through the public consultation process.

The Urban Design policies against which the proposed development is to be evaluated are contained in Section 7.3 of the Tecumseh OP, with the relevant policies as follows:

7.0 Urban Design

7.3 Policies

...

- iv) Through the review of development proposals, construction of public works, or the preparation and approval of area plans, the Town shall maintain or enhance the character of valued streetscapes, community areas, and landscapes by:
 - a. preserving human scale in locations that are pedestrian-oriented and establishing an appropriate street wall height by controlling building heights through the implementing Zoning By-law, requiring building step-backs, having entrances at street level, providing street furniture, and other means as appropriate;
 - c. siting new buildings and structures in a manner that repeats and complements the siting and spacing of existing buildings, structures or landscaped areas in order to continue a pattern that is characteristic of surrounding neighbourhoods and heritage areas;
- v) The Town encourages the design of new development to be visually compatible with surrounding neighbourhoods through its site plan control review, preparation of zoning standards, and urban design guidelines, as appropriate, that address the following:
 - a. siting, scale and design of new development in relation to the characteristics of the surrounding neighbourhood or the significant cultural heritage resources including, scale, massing, setbacks, access, landscaped treatment, building materials, exterior design elements or features;
- vi) Several roads provide principal entrances to the Town for vehicular traffic including: ... Lesperance Road, ... Each provides an important entry or “gateway” to the Town. Treatment of these roadways is therefore a high priority. Development is intended to be characterized by a high standard of site design that satisfies the following objectives:

- a. buildings are oriented to enhance the relationship of the buildings to the road;
- b. vehicular parking, except for visitor parking and parking for people with a disability, are provided on the sides and rear of the buildings;
- c. joint access or shared driveways are required, in conjunction with parking to the side and rear of buildings, in order to make the area available at the front of buildings for landscaping;
- d. service areas, including loading, garbage and storage areas, are not exposed to the roads. Where this is not practical, such areas should be screened from public view by appropriate landscaping and/or fencing;
- e. screening for outdoor storage areas is integrated with the building; and
- f. landscaping on the site is planned to ensure a continuous landscaped area between the buildings and the road.”

On a preliminary basis, Administration believes the proposed development conforms to these urban design standards.

Town Administration will also have regard to the foregoing guidelines in its review and evaluation of the future planning approvals such as Site Plan Control to ensure appropriate design details are incorporated as part of the subject development.

Based on all the foregoing, Administration is of the opinion that the subject development conforms to the policies of the Tecumseh OP, subject to adequately addressing matters raised through the requisite ZBA public consultation process.

Zoning By-law 1746

As noted earlier in this Report, the subject land is currently zoned “General Commercial (C3)” (see Attachment 6), which permits various commercial uses and contemplates mixed-use commercial/residential developments, but not at the density proposed through the subject proposal. Accordingly, the proposed zoning by-law amendment changes the zoning on the subject property from “C3” to a site-specific “General Commercial Zone (C3-17)” to facilitate the construction of the proposed mixed-use

commercial/residential development and establish site-specific lot, building, yard and parking provisions.

Site Plan Control

The subject property is subject to Site Plan Control. Accordingly, approval of a site plan control agreement will be required prior to any development occurring on-site. The Owner has been advised of this requirement. Matters related to site servicing, including stormwater management, and a range of site design details will be addressed as part of the site plan control approval process.

Conclusion

Having regard to the range, scale, location and nature of surrounding uses, the location of the proposed development along with the current policy environment encouraging standards that support more compact, mixed-use and efficient development, it is believed that there is merit in considering the requested application to permit the proposed development on the subject land.

Accordingly, it is recommended that a public meeting be scheduled in accordance with the provisions of the *Planning Act* to seek public input. A public meeting to consider the proposed amendments 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. If issues arise at the Public Meeting that are not immediately resolved, a summary of the issues, along with a final recommendation on the application will follow by way of a future Planning Report. If, however, all issues are resolved, a Zoning By-law amendment by-law will be brought forward for Council's consideration at a subsequent Council Meeting.

Consultations

Community Safety
Public Works & Engineering Services

Financial Implications

None

Link to Strategic Priorities

Applicable	2019-22 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 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 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
Planner

Reviewed by:

Chad Jeffery, MA, MCIP, RPP
Manager Planning Services & Local Economic Development

Reviewed by:

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

Reviewed by:

Brian Hillman, MA, MCIP, RPP
Director Development Services

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1.	Property Location Map
2.	Preliminary Site Plan

Attachment Number	Attachment Name
3A	Preliminary Architectural Renderings 1
3B.	Preliminary Architectural Renderings 2
4.	Property Location and Surrounding Land Uses Map
5.	Official Plan Map
6.	Zoning Map



Prepared By:
Development Services



Legend:



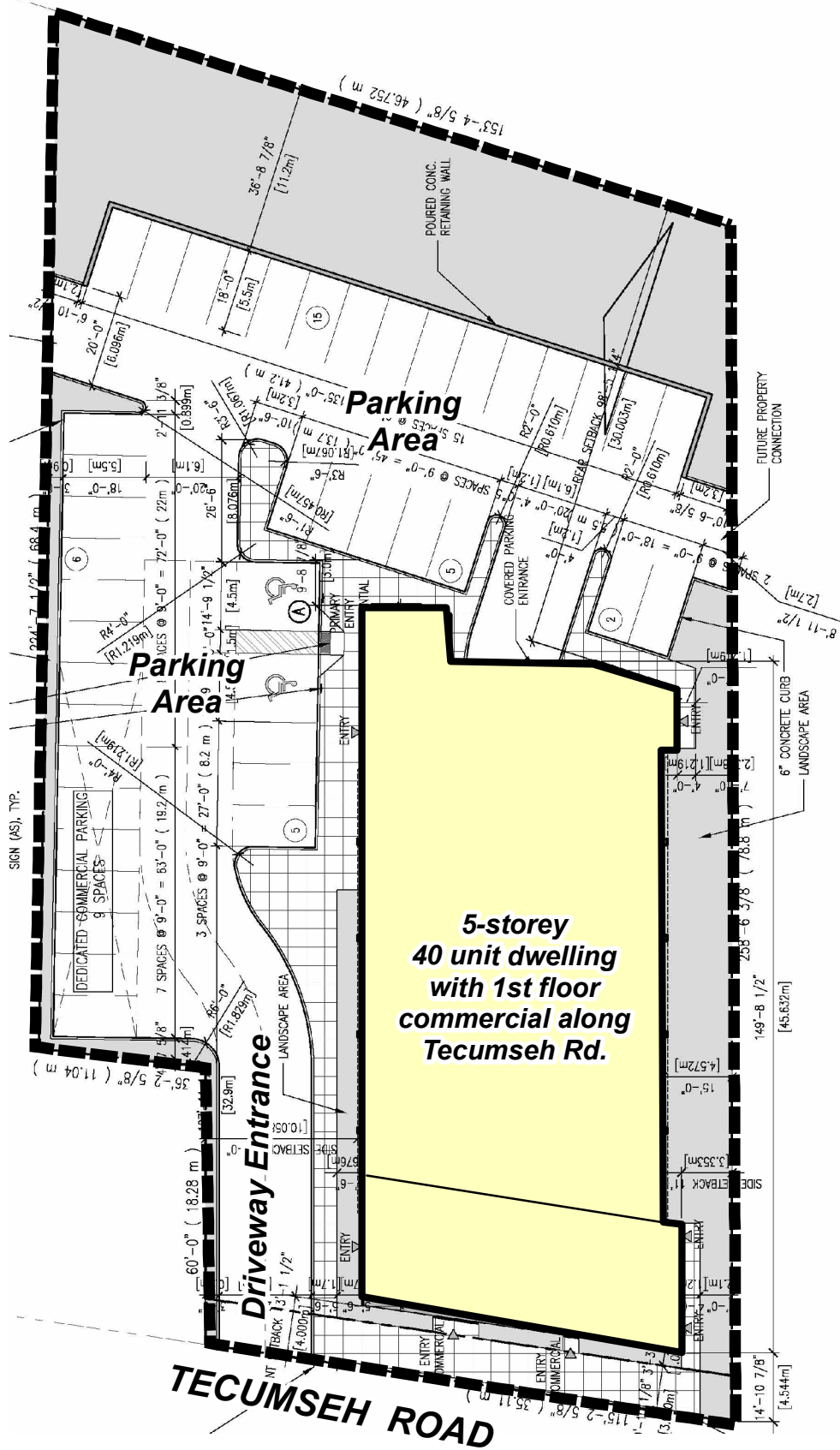
Subject
Property



Proposed
Building

Attachment 1, DS-2022-32
Zoning By-law Amendment
12106 Tecumseh Road

Property Location with Proposed Building Footprint



Prepared By:
Development Services

Attachment 2, DS-2022-32
Zoning By-law Amendment
12106 Tecumseh Road
Preliminary Site Plan



Front Facade View, looking northeast from Tecumseh Road



Front Facade View, looking northwest from Tecumseh Road



Prepared By:
Development Services

Attachment 3A, DS-2022-32
Zoning By-law Amendment
12106 Tecumseh Road
Preliminary Architectural Renderings 1



Rear Facade View, looking southeast towards Tecumseh Road

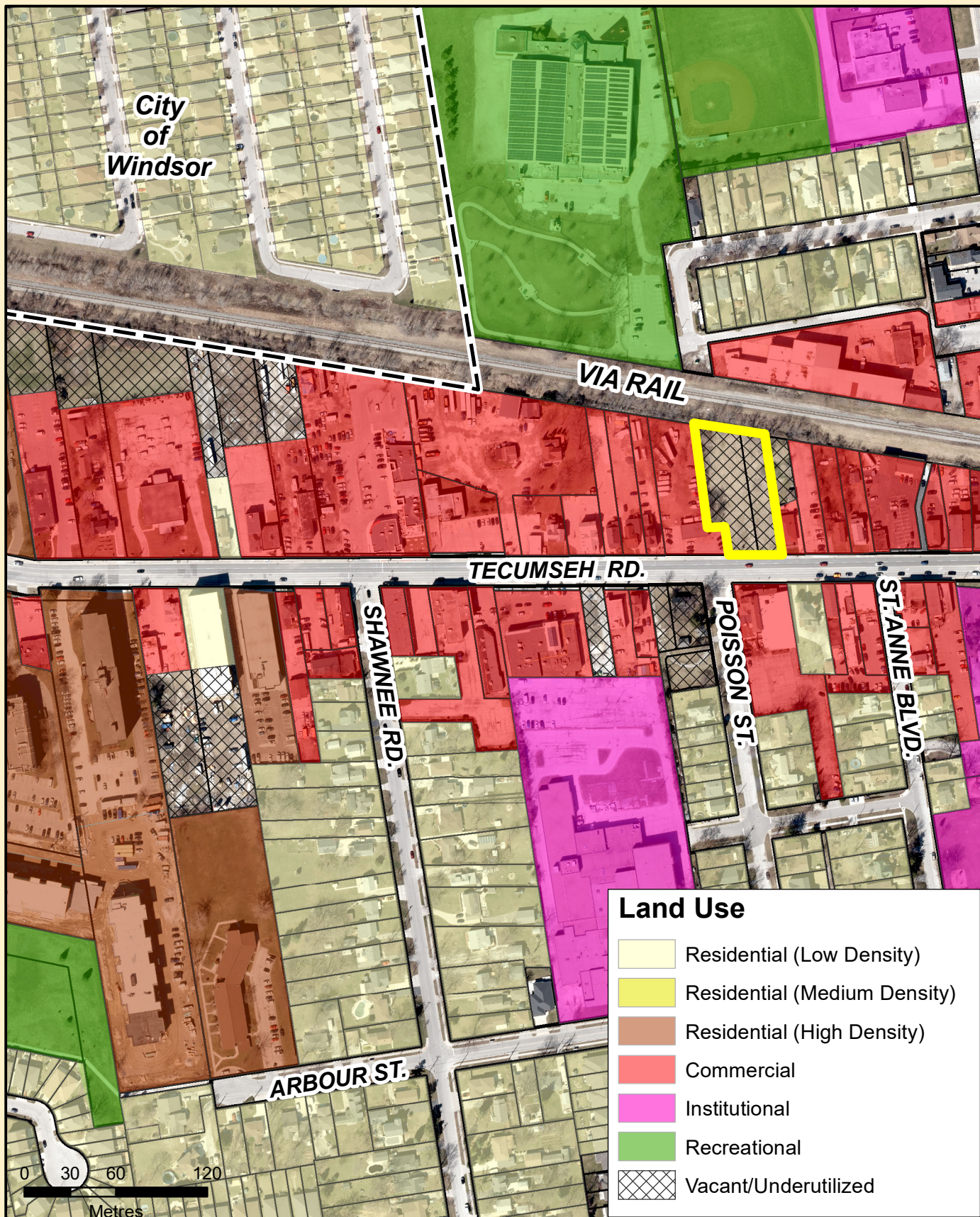


Rear Facade View, looking southwest towards Tecumseh Road



Prepared By:
Development Services

Attachment 3B, DS-2022-32
Zoning By-law Amendment
12106 Tecumseh Road
Preliminary Architectural Renderings 2



Prepared By:
Development Services



Legend:

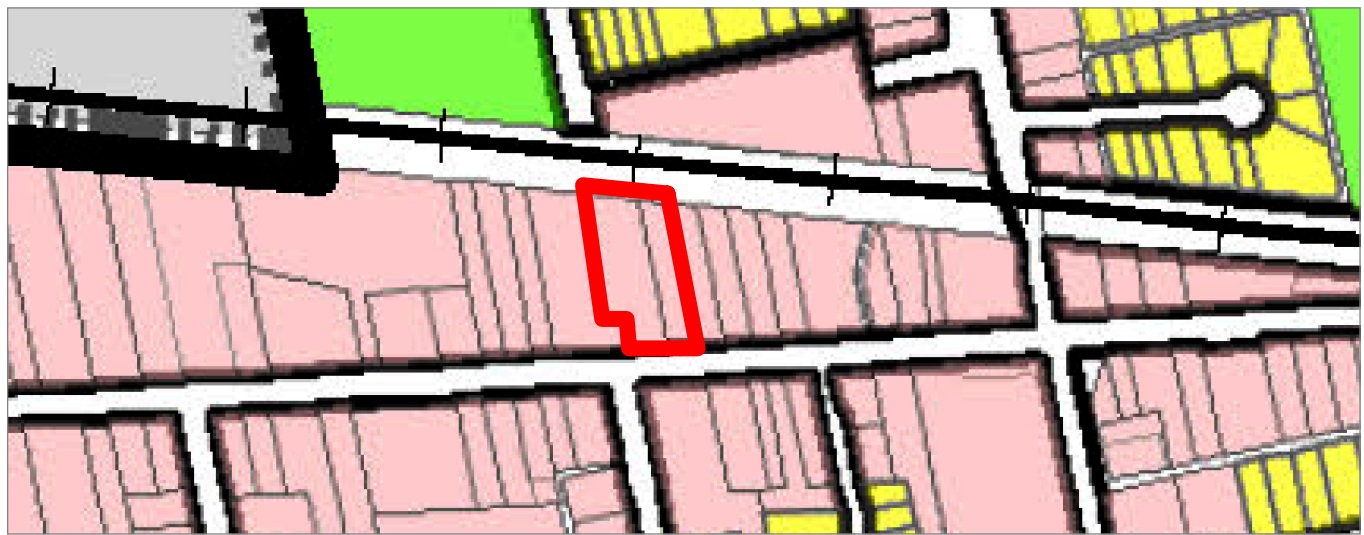
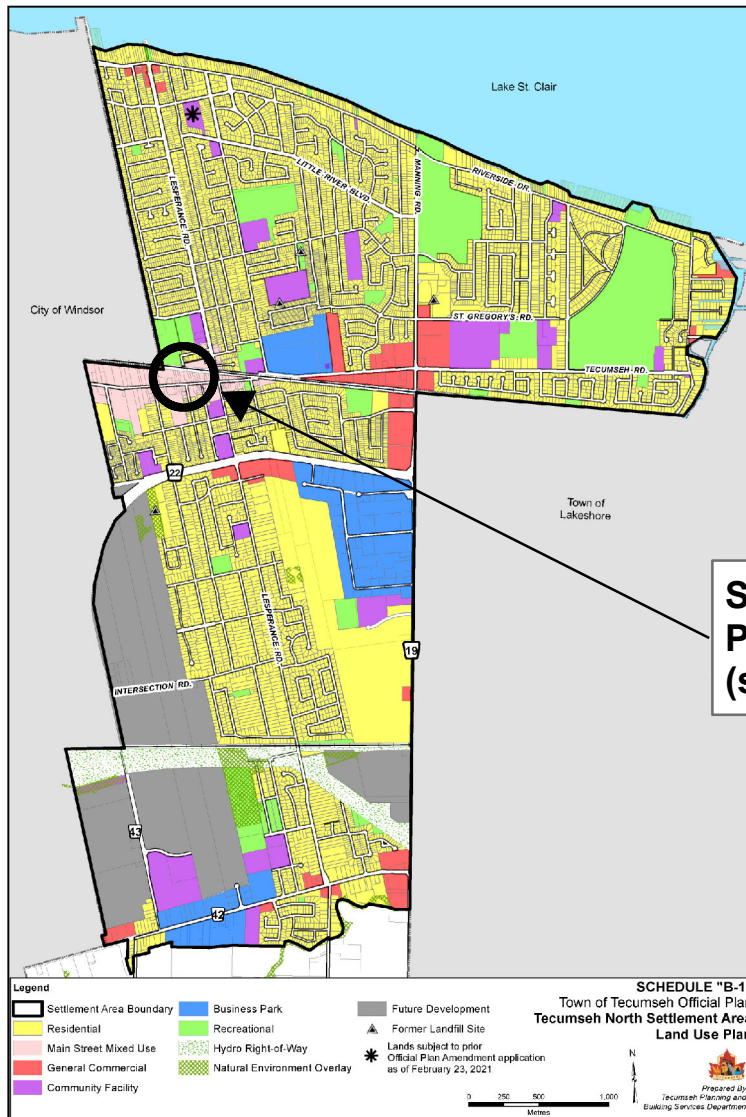


Subject Property



Municipal Boundary

Attachment 4, DS-2022-32
Zoning By-law Amendment
12106 Tecumseh Road
Property Location and Surrounding Land Uses

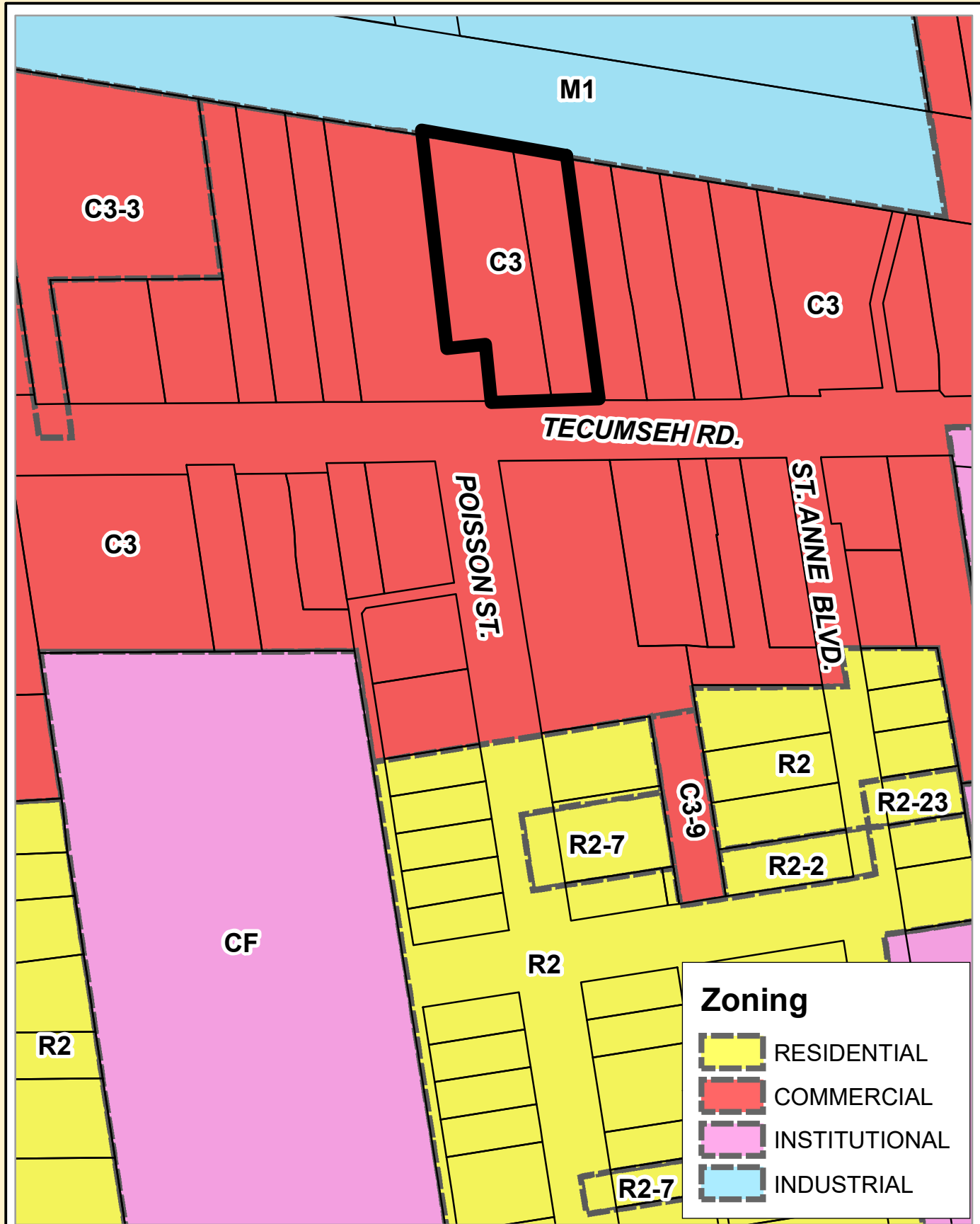


Prepared By:
Development Services



Subject Property

Attachment 5, DS-2022-32
Zoning By-law Amendment
12106 Tecumseh Road
Official Plan



Prepared By:
Development Services



Legend:



Subject Property

Attachment 6, DS-2022-32
Zoning By-law Amendment
12106 Tecumseh Road
Zoning



The Corporation of the Town of Tecumseh

Development Services

To: Mayor and Members of Council

From: Brian Hillman, Director Development Services

Date to Council: November 22, 2022

Report Number: DS-2022-44

Subject: Bill 23, the More Homes Built Faster Act
Summary Report

Recommendations

It is recommended:

That DS-2022-44, *Bill 23 –More Homes Built Faster Act, 2022*, Summary Report, **be received**;

And that DS-2022-44 **be submitted** to the Province through the Environmental Registry of Ontario as comments from the Town of Tecumseh on *Bill 23*.

Executive Summary

The province recently released proposed changes to the *Planning Act*, the *Development Charges Act*, the *Conservation Authorities Act*, the *Ontario Land Tribunal Act* through *Bill 23, More Homes Built Faster Act*, and is seeking comments by November 24, 2022 for a number of the proposed changes. This report summarizes the changes that will have an impact on the Town, including changes to planning processes, reductions in municipal Development Charge (DC) revenues and associated increases in taxes/rates, increased demands on staff and potential need for specialized services to supplement services currently provided by the Essex Region Conservation Authority.

Background

On October 25, 2022, the government of Ontario introduced *Bill 23*, the [*More Homes Built Faster Act, 2022*](#) (“the Bill”) which proposes significant changes to the land use approval system, with the stated goal of facilitating the construction of 1.5 million new homes by 2031. This Bill is the third step in the government’s changes to the *Planning Act* and other related legislation and follows the *More Homes, More Choice Act, 2019*, and the *More Homes for Everyone Act, 2020*.

In addition to the *Planning Act*, the Bill proposes amendments to the *Development Charges Act*, the *Conservation Authorities Act*, the *Ontario Land Tribunal Act* as well as several other pieces of legislation. There are a series of Environmental Registry and Ontario Regulatory Registry postings on which the Province is seeking feedback. In many of these postings, the deadline to provide comments is November 24, 2022.

If passed, the changes will:

1. Reduce some parkland dedication rates;
2. Slow potential increases to Development Charges (DCs) and reduce a portion of the DC to be collected;
3. Eliminate third party appeal rights to the Ontario Land Tribunal (OLT); and
4. Remove Conservation Authorities (CAs) from significant portions of the land use planning process, particularly in relation to natural heritage features and restrict their ability to raise operational funds.

Given that the legislation and proposed regulatory changes were released on October 25, 2022 – the day after the municipal elections – the comment deadline provides little time for municipalities to review the changes, understand their implications and submit comments through their respective municipal Councils or, in the case of other public authorities such as CAs, through their boards. In some cases, based on the changeover in municipal councils, there are not further municipal council meetings between the date the legislation was released and the comment deadline. Although in Tecumseh the Administration is able to provide comments to Council, we believe the process would benefit from all municipal Councils having an opportunity to provide comments. It is therefore recommended that the province extend the commenting deadline into 2023 to allow for a more fulsome consultation on the proposed changes.

This report summarizes the key changes proposed to the aforementioned pieces of legislation and provides comments on the matters for which the Province is seeking feedback. It focuses on those sections of the Bill that would affect the Town of Tecumseh. As supplementary information and commentary, please find attached four letters from Watson & Associates Economists Ltd. (“Watson”) (see Attachments 1, 2, 3 and 4). These detailed letters have been provided to all of their clients, of which

Tecumseh is one. Watson has prepared multiple development charge background studies and by-laws for the Town, along with various water, wastewater and stormwater rate studies.

Comments

Below is an itemized summary of the proposed changes through the Bill along with Administration's comments.

Proposed Changes to the Planning Act and Regulations		
Item	Proposed changes	Comments
PA1	New limits on third-party appeals to the Ontario Land Tribunal (OLT) for official plans, official plan amendments (OPAs), zoning by-laws, zoning by-law amendments (ZBAs), consents, and minor variances.	<p>The proposed changes significantly limit the ability for the public or others to appeal a planning decision, unless the proposed appellant falls under the defined list of a "specified person" (generally only utility providers or public authorities including municipalities). Applicants will still have the ability to appeal a decision (i.e. a refusal, non-decision, or conditions on an approval). It is our understanding that this change will apply to all forms of development, not just residential.</p> <p>The proposed changes should result in less time and money being spent at the OLT in instances where a third-party appeal may have been lodged under the current planning regime.</p> <p>We believe that our planning review and public consultation processes will play an important role in instilling confidence in the community that issues raised are being heard and adequately addressed, even in the absence of third-party appeal rights. If we do not continue to prioritize finding workable solutions, it is possible there could be an erosion in public trust in local government. While NIMBY [Not in My Backyard] can be bad for our communities, a lack of public trust or participation could also have unintended negative impacts.</p>

Proposed Changes to the Planning Act and Regulations

Item	Proposed changes	Comments
PA2	As-of-right permissions for up to three residential units per property in a settlement area that is serviced by municipal water and sewer services, with no minimum unit sizes and no zoning by-law amendments. This includes up to three units in the primary dwellings (i.e. triplex), or up to two units in the primary dwelling and one unit in an ancillary building (i.e. garden suite).	<p>The province has introduced a new definition for “parcel of urban residential land” which is generally defined to mean a residential lot in a settlement area that is serviced by municipal water and sewer services. This proposed change is essentially clarifying earlier changes to the <i>Planning Act</i> which allowed for a dwelling as well as two additional residential units (ARUs) per property. These earlier changes were reflected in the Town’s new Official Plan and through a recent housekeeping ZBA that introduced regulations pertaining to the creation of ARUs.</p> <p>The province is clear that through these changes no official plan can contain any policy that has the effect of prohibiting a main dwelling and two ARUs per property in a serviced settlement area. The distinct change is that now, no minimum unit sizes can be required by municipalities and no more than one parking space per unit can be required.</p> <p>It is not clear whether ARUs could continue to be subject to meeting criteria such as servicing capacity and maximum size limits. It is also not clear whether ARUs will continue to be allowed in settlement areas on private individual services, partial services, or in rural areas.</p> <p>While there have been some ARUs approved and built in the Town since the approval of the Town’s Official Plan in 2021, it is anticipated that a relatively minor number of landowners will seek to introduce these types housing units.</p> <p>Overall, Administration believes that the Town’s recently adopted zoning regulations (which include size limits) provide a preferred and reasonable level of control in relation to this new form of housing in our community. It permits them “as-of-</p>

Proposed Changes to the Planning Act and Regulations		
Item	Proposed changes	Comments
		right”, thereby adequately facilitating their ease of quick introduction by meeting a number of reasonable minimum zoning regulations and Building Code requirements (i.e. no ZBA is required). Accordingly, Administration does not support the proposed provincial changes, with the exception that it is agreed they should be limited to fully serviced areas only.
PA3	Public meetings are now optional prior to the draft approval of a plan of subdivision.	<p>Although the County of Essex is the approval authority for plans of subdivision, it has delegated the hosting of a public meeting to Town Council. As such, Administration has mixed feelings about this proposed change, particularly when coupled with the new limits on third-party appeals. If approved the Town would work with the County and other lower tier municipalities to establish criteria for when public meetings may be required for subdivisions versus when they may be exempted. Consistency in processes across the region would be advantageous, particularly given the number developers that operate in many or all of the municipalities.</p> <p>In many cases subdivision applications also require a ZBA application at the municipal level, which would still require a public meeting even if Bill 23 passes. In most cases where zoning amendments and subdivisions are required, a single public meeting is held by the municipality to address both applications. More recently however, as a result of Bill 109, consideration is being given to recommending that the ZBA application not be processed simultaneously with the subdivision application, for fear of having to return ZBA application fees, should the subdivision take longer to process.</p>

Proposed Changes to the Planning Act and Regulations		
Item	Proposed changes	Comments
PA4	Removal of upper tier planning responsibilities for prescribed municipalities	<p>The status in relation to the County of Essex has not changed through the proposed legislation but could change in the future if prescribed by the Minister.</p> <p>If the County is identified as a prescribed municipality in the future, it would:</p> <ul style="list-style-type: none"> • no longer have any planning approval responsibilities; • no longer be able to appeal decisions to the OLT; • no longer be able to request road widening on a site plan; • no longer be able to establish official plans, even with respect to specific upper-tier infrastructure, such as roads. <p>The County plays a role in coordinating cross-boundary matters (e.g., roads, environmental features, etc.) and growth matters across the region and between municipalities, which may be lost if these changes take effect. Where growth happens across the region has obvious implications for the regional transportation network. Extricating the County from these regional planning considerations is not preferable.</p> <p>If County planning is removed, these responsibilities would then need to be absorbed by the lower-tier municipalities, with a corollary impact on staffing to meet additional workload demands. To remove these responsibilities, as well as any potential OLT appeal rights, could have a very negative effect on the planning and coordination between municipalities. These changes could have the unintended side effect of slowing down development approvals (at least in the short-term) versus making the process more efficient. It is</p>

Proposed Changes to the Planning Act and Regulations		
Item	Proposed changes	Comments
		important to note that the Town has not experienced delays due to County planning functions.
PA5	<p>Changes to site plan control including;</p> <ul style="list-style-type: none"> • exempting developments of 10 residential units or less; and • where site plan control continues to apply, it would no longer be able to address architectural or landscape design details. 	<p>For developments of less than 10 units, the Town would not be able to effectively regulate site design matters such as parking lots, landscaping, tree plantings, lighting, pedestrian access and stormwater management. Establishing appropriate design standards and the associated long-term maintenance of the required design features established through site plan control is critical to ensuring proper integration of these forms of development within our neighbourhoods. Site plan control establishes that appropriate and functional site servicing is provided and ultimately plays a role in the creation of vibrant and sustainable neighbourhoods.</p> <p>Eliminating site plan control requirements for developments under 10 units, may or may not result in more affordable homes being delivered more efficiently. However, the quality of the communities in which these homes are located may quite likely be eroded through these changes. Site design, thoughtful architecture and high caliber landscaping are foundational elements of attractive and desirable developments and often serve to alleviate neighbour concerns with the proposed development. All levels of government must pursue housing within the context of complete communities. Otherwise, many housing units will be built, but some neighbourhoods may not be desirable to live in.</p>
PA6	Changes to parkland dedication including;	The reduced importance of providing appropriate land or financial compensation for parkland may or may not result in more affordable homes being

Proposed Changes to the Planning Act and Regulations

Item	Proposed changes	Comments
	<ul style="list-style-type: none"> • maximum alternative dedication rate reduced to 1 ha (2.47 ac)/600 units for land and 1 ha (2.47 ac)/1000 units for cash-in-lieu payments; • parkland rates frozen as of the date that a zoning by-law or site plan application is filed for two years following approval. • parkland dedication will apply to new units only and not to ARUs; • park plans will be required prior to the passing of future parkland dedication by-laws; • encumbered parkland/strata parks as well as privately operated public spaces (POPS) to be eligible for parkland credits; • municipalities are required to spend or allocate 60% of parkland reserve funds at the start of each year; and • developers can identify land they intend to convey for parkland purposes and if the municipality refuses to 	<p>delivered more efficiently. Almost certainly however, the quality of the communities in which these homes are located will be eroded through these changes – both in terms of the physical aesthetic of neighbourhoods but also the physical and mental well-being of its citizens. Parkland and its strategic placement is a foundational element of attractive and desirable communities. Proposed reductions in the amount of parkland attainable as part of the development process should not be supported as this change will have long-term adverse affects on the Town. To require such reductions is counterintuitive. With an increase of intensification and more people living in smaller spaces, the need for the provision of public open space will become more essential.</p> <p>The difference between ‘allocating’ and ‘spending’ is very significant as many park projects require years of funding contributions before they can be completed. If the province were intending for municipalities to spend 60% of the reserves each year, it could pose a significant impediment to municipalities. Administration recommends that the province clarify this distinction between spending and allocating in this regard.</p> <p>Administration has considerable concerns with the concept of developers being able to exclusively identify lands to convey for parkland purposes. Historically, this has resulted in parkland that is not suitably located and often comprising a remnant piece of land that seemingly served no other viable purpose for the subdivision – often with poor design, access and visibility attributes. Public parks warrant much higher regard as they play a vital role in the creation of vibrant, active and sustainable neighbourhoods and communities. Accordingly, the public good should be properly</p>

Proposed Changes to the Planning Act and Regulations		
Item	Proposed changes	Comments
	accept the developer may appeal to the OLT.	represented by ensuring the Town is able to determine which area of land should be conveyed for park purposes. Allowing developers to have sole decision making in this regard is not appropriate and forces the Town to appeal to the OLT to seek resolution. This is not an efficient nor appropriate process. Ultimately, decisions related to the location of public parks should be at the discretion of Town Council, not a developer.
PA7	Exempt affordable and attainable housing from DC and Parkland dedication.	<p>With respect to DC exemptions, this will create a funding gap which will have to be filled by tax and rate payers.</p> <p>With respect to parkland exemptions, this will adversely affect the quality of Town neighbourhoods and result in insufficient supply of parkland (see comment in PA6).</p>
PA8	Inclusionary zoning regulations to set an upper limit of 5% of the total number of units to be affordable for a maximum period of 25 years.	Administration has no concerns with this proposed change but recommends that the province consider allowing for a broader use of inclusionary zoning across the province, rather than the current limitations which restrict use to protected major transit station areas and areas within a development permit system. Most municipalities in Ontario have no protected major transit station areas. Furthermore, a development permit system requires a major overhaul of the planning approvals process and is therefore an impediment to many municipalities. Allowing for broader use of inclusionary zoning would 'level the playing field' for smaller municipalities like Tecumseh that may want to utilize inclusionary zoning.
Proposed Changes to the Development Charges Act		

Proposed Changes to the Planning Act and Regulations		
Item	Proposed changes	Comments
Item	Proposed changes	Comments
DC1	Exempting development charges (DCs) for affordable residential units and attainable residential units, not-for-profit housing developments, and inclusionary zoning residential units.	<p>The potential loss of DC revenue may be substantial. This funding loss would have to be offset by taxes and rates from all tax/rate payers.</p> <p>This approach will also be onerous for municipalities to apply, as it requires agreements to be registered on title for these exemptions, increasing the municipal administrative burden to manage and monitor these agreements.</p>
DC2	<p>New definitions for affordable rental and owned housing where affordable equals rent or purchase prices at no greater than 80% average market value or purchase price.</p> <p>A price threshold has not been provided for attainable owned housing.</p>	<p>Administration has concerns with the proposed definitions for affordable rental and owned housing. Setting the rate at no greater than 80% of average market value would appear to conflict with the affordable definitions in the Provincial Policy Statement, and therefore in most Official Plans, including Tecumseh's. If these changes are a signal of future PPS changes with respect to how 'affordable' is defined, it will require municipalities across the province to update official plans.</p> <p>It is further noted that in communities with high average rents or home values, it may not have the desired effect, e.g., if the average home price is \$500,000, then that means anything at \$400,000 or less would be considered affordable. In many municipalities this would mean developers would get DC exemptions for development that is still unaffordable to large portions of the population. This will also result in a significant loss of municipal income from DCs, which would have to be offset by taxes/rates for all tax/rate payers for growth-related capital infrastructure. This is contrary to the principle of growth paying for growth.</p>

Proposed Changes to the Planning Act and Regulations

Item	Proposed changes	Comments
		<p>It appears the exemptions for attainable housing would only apply to home ownership and not rental housing. It's difficult to estimate what the impact of this change would be, without understanding what values are assigned to attainable housing but would create similar administrative burden for municipalities to administer and monitor these exemptions. Based on the definition provided in the proposed legislative changes, it notes an attainable unit is a residential unit that is not an affordable residential unit. This would lead staff to believe that an attainable unit would be a unit somewhere between 81% and 100% of average market value.</p> <p>Based on these proposed changes and the administrative burden it would create, along with the lack of DC revenue generated, a greater proportion of growth-related costs would be borne by tax/rate payers. These changes are not supported by Administration. The full impact of the proposed changes is difficult to understand in the absence of a definition for attainable housing.</p>
DC3	<p>Discounts on DCs for purpose built rental housing, where rental housing is defined as 4+ units. The discounts are graduated for the types of rental units i.e., a one-bedroom receives less discount than a three-bedroom rental unit.</p>	<p>Given that affordable units are already proposed to be exempted as per item DC1 above, the rental units receiving these discounts would be outside of the affordable range. This change, coupled with item DC1 above, could have a major impact on DC revenues recouped by the Town. The perception of having automatic DC discounts for rental units that are outside of the affordable range could also be challenging. Once again, this funding loss would have to be offset by taxes/rates paid by all tax/rate payers.</p>

Proposed Changes to the Planning Act and Regulations		
Item	Proposed changes	Comments
DC4	Limit (prime + 1%) on the amount of interest charged on DCs by municipalities for rental, institutional, and non-profit housing.	This change affects both DC rate freezes and developments that currently benefit from a multi-year payment structure under the DC Act. Under the current Development Charge Interest Policy, the Town charges interest for developments benefitting from a multi-year payment structure at prime rate plus 2%. This is intended to cover Town costs associated with this lending program. If the provincial change were to take effect, the Town would not receive full cost recovery in relation to this program. It may also have the effect of further limiting DC revenues on rental housing, which will already be reduced based on the proposed DC discounts for purpose-built rentals. Any shortfall would again require offset through taxes/rates for all tax/rate payers.
DC5	Reduction in DCs via a mandatory phase-in of DCs when a new DC by-law is passed. DCs charged during the first, second, third and fourth years of a new DC by-law can be no more than 80%, 85%, 90%, and 95% respectively, of the maximum DC that could have otherwise been charged.	<p>Some municipalities have used a phase-in approach when a new DC by-law is passed. Recent Town DC by-law updates have not included a phase-in period, on the principal that all development should pay the full cost of growth-related infrastructure costs. Regardless, Administration recommends that municipalities be given independent discretion to choose whether they wish to phase-in the increases based on their individual situations rather than being mandated by the province.</p> <p>CN Watson has estimated that the proposed phase-in could result in a potential loss between 10-15% of DC revenues for municipalities, which could amount to approximately \$200,000 over a five-year period (based on average annual DC recoveries from 2020 to 2022 and anticipated increases to the Town's DCs at the time of its next review). This shortfall would have a negative</p>

Proposed Changes to the Planning Act and Regulations		
Item	Proposed changes	Comments
		<p>impact on the tax/rate payer who will have to fund these DC revenue losses.</p> <p>It is worth noting that if the Town completes a new DC background study and by-law (current by-law expires August 2024), where increased charges are not being proposed, this proposed change will mean that a municipality is recouping less in the first four years of the new by-law than they were in the final year(s) of the former by-law. This will have an adverse effect on the finances of the Town.</p>
DC6	Exclusions to what can be recovered through DCs including the cost of background studies, water/wastewater master plans and environmental assessments which provide for specific planning and approval of infrastructure	Excluding background studies, including DC background studies, would impact municipal revenues and would require such studies to be paid for from the general levy and general tax base and/or rates, as opposed to being paid for by development. This change appears 'out of line' with the general DC philosophy of development pays for growth-related capital costs. Other limitations on background studies would impact engineering studies needed for construction projects, all or significant portions of which are required to support growth.
DC7	Extension of the duration of DC by-laws from five years to ten years. By-laws can still be reviewed and updated earlier than the ten-year horizon if a municipality so chooses.	Delaying the updating of DC by-law for five more years could reduce actual DC recoveries (if DC annual indexing does not maintain pace with actual tender costs being experienced by the Town), which could place the town at risk of underfunding growth-related expenditures. The underfunding would need to be collected by way of taxes/rates for all tax/rate payers.
DC8	Requirements for municipalities to spend or allocate at least 60% of	This change appears to be administrative and would not have a financial impact on the Town. It will likely require additional tracking and reporting,

Proposed Changes to the Planning Act and Regulations

Item	Proposed changes	Comments
	the monies in a DC reserve fund at the beginning of the year for water supply services, wastewater services, and roads.	thereby adding to the administrative burden on the Town.
DC9	An extension of the historical service levels from 10 to 15 years for DC eligible capital costs, with the exception of transit.	The maximum DC amount that the Town can charge is capped by the 10-year historical average spent on specific services. By extending this to 15 years, the cap will cause a further reduction in the maximum chargeable DC amount. Therefore, the Town would need to fund the shortfall required to pay for growth related capital expenditures by way of taxes/rates for all tax/rate payers
DC10	New regulatory authority to set services for which land costs would not be eligible for DC recovery .	Land can represent a significant cost in relation to the purchase of property to provide services to support new development. If this cost is not collected through the DC, it will have to be collected by way of taxes/rates for all tax/rate payers.

Proposed Changes to the Conservation Authorities Act and Regulations

Item	Proposed changes	Comments
CA1	Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario.	Changes within this section would: <ul style="list-style-type: none"> • exempt the need for a permit from the CA where an approval has been issued under the <i>Planning Act</i>; • add restrictions on the matters to be considered in permit decisions, including removing “conservation of land” and “pollution”, while adding in the term “unstable soils and bedrock”;

Proposed Changes to the Planning Act and Regulations		
Item	Proposed changes	Comments
		<ul style="list-style-type: none"> allow for appeals of a non-decision of a permit after 90 days versus the current 120 days; require CAs to issue permits for projects subject to a Community Infrastructure and Housing Accelerator order; extend the regulation making authority of the Minister where there is a Minister's Zoning Order; and propose a single regulation for all 36 CAs in Ontario. <p>Administration would generally defer to detailed comments from ERCA on the above matters. However, of a general nature would note that conservation authority expertise is valuable in this era of climate change. CAs were first established in the 1940's in Ontario, but their role was shaped in large part due to Hurricane Hazel in 1954. With climate change, and associated extreme weather events, CAs have a role in protecting public health and safety and ensuring the sustainability of our natural environment. CAs have considerable expertise not available within Town administration.</p> <p>While Administration understands the need to streamline processes, prior to determining a path forward, a full discussion with our CA partners is warranted.</p>
CA2	Focusing conservation authorities' role in reviewing development related proposals and applications to natural hazards.	<p>CAs would be limited to commenting on natural hazard matters for development proposals and applications under the <i>Planning Act</i>, <i>Condominium Act</i>, <i>Endangered Species Act</i>, <i>Environmental Assessment Act</i>, <i>Aggregate Resources Act</i>, and a number of other pieces of provincial legislation. This is an appropriate and valuable service for CAs. However, CAs will no longer be permitted to</p>

Proposed Changes to the Planning Act and Regulations		
Item	Proposed changes	Comments
		<p>comments or collect fees on natural heritage matters as part of the development review process.</p> <p>Previously CAs were mandated to comment on natural hazard matters, and many municipalities had agreements with CAs to also provide comments on natural heritage matters. Recent amendments to the <i>Conservation Authorities Act</i> had previously set out mandatory programs and non-mandatory programs. For non-mandatory programs, municipalities could request CAs to provide those services via agreement. Particularly for smaller municipalities, including Tecumseh, having conservation authorities provide these services is essential to the overall planning and development review process.</p> <p>Assuming municipalities must still have regard to natural heritage features and without access to expertise in this area through the CAs, it would require the County or the Town to obtain this expertise from other sources. Whether this is through hiring staff or contracting out to a third-party consultants, there will be impacts to municipal budgets and the timely processing of development applications.</p> <p>The need for these services has been exacerbated over the years based on changes at the province. It used to be that some of these natural heritage review functions were captured by staff at the Ministry of Natural Resources and Forestry (MNRF) and/or the Ministry of the Environment, Conservation, and Parks (MECP). However, the roles of those two ministries in the development review process has been reduced, and therefore the County and the local municipalities rely more heavily on CA staff.</p>

Proposed Changes to the Planning Act and Regulations		
Item	Proposed changes	Comments
		<p>Administration would further note that matters of natural hazard and natural heritage are not mutually exclusive. Administration believes that having one public body reviewing the two matters as a system is more efficient than having separate reviews of natural hazard and natural heritage.</p> <p>Administration recommends that the province reconsider this change as it relates to removing the CA role for review of natural heritage matters and that municipalities continue to enter into non-mandatory service agreements with CAs.</p>
CA3	Enabling the Minister to freeze CA fees at current levels.	<p>Administration has concerns that a freeze would not have the desired outcome of making housing more affordable to any significant degree. It could however limit a CA's ability to maintain an appropriate staff complement and protect public safety and/or require additional municipal tax levy and therefore additional property taxes on all landowners.</p> <p>Given the changing climate, and more extreme weather events, Administration fails to see the justification for such a fee freeze.</p> <p>Should CAs be limited to commenting on natural hazard and fee increases be frozen, it would have a major impact on CAs being able to carry out their mandatory review services.</p>
CA4	Identifying conservation authority lands suitable for housing and streamlining conservation authority severance and disposition processes that facilitate faster development.	<p>Within this proposed change the province has noted the following:</p> <p><i>"The Mandatory Programs and Services regulation (O. Reg. 686/21) requires conservation authorities to complete a conservation area strategy and land inventory of all lands they own or control by December 31, 2024. We are proposing to amend</i></p>

Proposed Changes to the Planning Act and Regulations

Item	Proposed changes	Comments
		<p><i>the regulation to require the land inventory to also identify conservation authority owned or controlled lands that could support housing development. In identifying these lands, the authority would consider the current zoning, and the extent to which the parcel or portions of the parcel may augment natural heritage land or integrate with provincially or municipally owned land or publicly accessible lands and trails.”</i></p> <p>While Administration does not have concerns in principle, it is noted that most of ERCA owned land would not be suitable for housing development purposes based on reasons of:</p> <ul style="list-style-type: none"> • natural hazard; • natural heritage; and • remote to hard and soft services. <p>If the province is seeking CAs to undertake this review, Administration would recommend that the province provide criteria on what type of lands may be suitable for housing development and recommend consultation with municipalities. Expectations should also be tempered as to the amount of conservation authority land that would even be feasible for development purposes.</p>

Proposed Changes to the Ontario Land Tribunal Act

Item	Proposed changes	Comments
OL1	The Ontario Land Tribunal (OLT) will have increased abilities to order costs against a party who loses a hearing at the Tribunal.	Traditionally the OLT and the previous Ontario Municipal Board (OMB) and Local Planning Appeal Tribunal (LPAT) were very reluctant to award costs. Costs orders were limited to areas where <i>“the conduct or course of conduct of a party has been unreasonable, frivolous or vexatious or if the party</i>

Proposed Changes to the Planning Act and Regulations		
Item	Proposed changes	Comments
		<p><i>has acted in bad faith.</i>” Staff understood that previously the Tribunal did not want the threat of costs to be an impediment to someone lodging an appeal or being a party to a hearing. Given the proposed <i>Planning Act</i> changes outlined above that limit third-party appeals, the majority of appeals will be between a municipality and an applicant, with some other public bodies or utilities.</p> <p>This change would have the ability to impact municipal costs, should they be found to be the ‘losing party.’ Staff request that further criteria be provided for when the OLT may award costs against a losing party, and that it be made clear that costs are not automatically awarded against any losing parties.</p>
OL2	<p>The OLT can dismiss an appeal where;</p> <ul style="list-style-type: none"> the appellant has contributed to an undue delay; or if a party fails to comply with a Tribunal order. 	Administration generally supports this change
OL3	Regulations can be made to establish a priority for the scheduling of certain appeal matters.	Administration generally supports this change
OL4	The Attorney General will be able to make regulations with respect to service delivery standards for scheduling hearings and making decisions.	Administration generally supports this change

Proposed Changes to the Planning Act and Regulations		
Item	Proposed changes	Comments
Other Proposed Changes		
Item	Proposed changes	Comments
O1	<i>Municipal Act</i>	<p>Under the proposed changes the Minister is given the authority to enact regulations to impose limitations on the replacement of rental housing when it is proposed to be demolished or converted as part of a proposed development.</p> <p>Administration would not want to see restrictions on municipal abilities to limit rentals from being converted to short term accommodations or condominiums. It also questions how such limitations may interact with rental housing that was conditionally exempted from DCs.</p>
O2	Ontario Wetland Evaluation System	<p>The province has released a proposed updated version of Ontario's Wetland Evaluation System. The document is highly technical and over 60 pages in length. The province has summed up their changes as follows:</p> <ul style="list-style-type: none"> • <i>"add new guidance related to re-evaluation of wetlands and updates to mapping of evaluated wetland boundaries"</i> • <i>make changes to better recognize the professional opinion of wetland evaluators and the role of local decision makers (e.g. municipalities)</i> • <i>other housekeeping edits to ensure consistency with the above changes throughout the manual"</i> <p>Based on a cursory review of the document Administration notes the following:</p>

Proposed Changes to the Planning Act and Regulations

Item	Proposed changes	Comments
		<ul style="list-style-type: none"> • Staff do not have expertise on this subject matter and would generally defer to the experts on this matter; • The deletion of CA roles, given their expertise, local knowledge and substantive role in regulating wetlands and flooding hazards is concerning; • The deletion of many provisions around 'wetland complexes' is also concerning as it would appear to give more credence to individual assessments of wetlands without looking at a systems-based approach. Staff fear that evaluating a wetland in isolation could lead to more wetland loss. The Town's recently approved Official Plan recommends a systems-based approach; • Wetlands are crucial to our natural environment and mitigating against the impacts of climate change. Staff support greater emphasis on protection and recognition of the role of wetlands in this regard.

The proposed Bill 23 changes outlined above fundamentally alter the way development approval processes are conducted, appeal rights are granted, natural heritage resources are protected and how and by whom growth-related capital infrastructure is paid. Although Administration acknowledges and supports the Province's stated objective of increasing housing supply, it is believed that Bill 23, as currently drafted, creates a number of concerns that could compromise the quality of our neighbourhoods and the financial health of the Town and its residents.

It is recommended that this Report be submitted to the Province through the Environmental Registry of Ontario as comments from the Town of Tecumseh on *Bill 23*.

Consultations

Financial Services
Public Works & Engineering Services

County of Essex
Watson & Associates Economists Ltd.

Financial Implications

Based on the changes proposed, particularly related to the *Development Charges Act* and *Conservation Authorities Act*, *Bill 23* has the potential to significantly impact municipal finances. At this stage, the exact financial impact is not known, but it will likely lead to an increase in annual taxes/rates for all tax/rate payers to off-set anticipated DC funding shortfalls and to potentially hire additional staff to satisfy new administrative procedures.

As noted previously, CN Watson has estimated that the proposed mandatory phase-in for new DC by-laws could result in a potential loss of between 10-15% of DC revenues for municipalities, which could amount to approximately \$200,000 over a five-year period for the Town (based on average annual DC recoveries from 2020 to 2022 and anticipated increases to the Town's DCs at the time of its next review). This shortfall would have a negative impact on the tax/rate payer, who will have to fund these DC revenue losses. This is in addition to the 100% exemption of DCs for affordable residential units, attainable residential units and not-for-profit housing developments. This DC funding loss would also need to be offset by tax/rate increases for all tax/rate payers. In short, there will be negative financial consequences to the Town flowing from *Bill 23*.

Link to Strategic Priorities

Applicable	2019-22 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 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 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:

Chad Jeffery, MA, MCIP, RPP
Manager Planning Services & Local Economic Development

Reviewed by:

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

Reviewed by:

Tom Kitsos, CPA, CMA, BComm
Director Financial Services & Chief Financial Officer

Reviewed by:

Brian Hillman, MA, MCIP, RPP
Director Development Services

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	Watson & Associates Economists Ltd. Correspondence "Bill 23, More Homes Built Faster Act, 2022 – Changes to the Development Charges Act, Planning Act, and Conservation Authorities Act", dated October 31, 2022

Attachment Number	Attachment Name
2	Watson & Associates Economists Ltd. Correspondence “Assessment of Bill 23 (More Homes Built Faster Act) – Development Charges”, dated November 11, 2022
3	Watson & Associates Economists Ltd. Correspondence “Assessment of Bill 23 (More Homes Built Faster Act) – Conservation Authorities”, dated November 14, 2022
4	Watson & Associates Economists Ltd. Correspondence “Assessment of Bill 23 (More Homes Built Faster Act)” – Regarding Parkland, dated November 16, 2022

October 31, 2022

To Our Municipal and Conservation Authority Clients:

Re: Bill 23, More Homes Built Faster Act, 2022 – Changes to the *Development Charges Act, Planning Act, and Conservation Authorities Act*

Further to our correspondence of October 27, 2022, we indicated that we would be providing further information on the changes arising from Bill 23, the More Homes Built Faster Act, 2022. On behalf of our municipal and conservation authority clients, we are continuing to provide the most up to date information on the Bill's proposed changes to the *Development Charges Act* (D.C.A.), *Planning Act*, and *Conservation Authorities Act*. As at the time of writing, the Ontario Legislature moved to closed debate on second reading of the Bill.

By way of this letter, we are providing a high-level summary of the proposed changes to the D.C.A., *Planning Act*, and *Conservation Authorities Act*, with some further commentary on the proposed planning changes for the Province. We will be providing a full evaluation and summary of the legislative changes to you in the coming days. We are also available to discuss how these changes may impact your organization at your convenience.

1. Changes to D.C.A.

Additional Residential Unit Exemption: The rules for these exemptions are now provided in the D.C.A., rather than the regulations and are summarized as follows:

- Exemption for residential units in existing rental residential buildings – for rental residential buildings with four or more residential units, the greater of one unit or 1% of the existing residential units will be exempt from development charges (D.C.s)
- Exemption for additional residential units in existing and new residential buildings – the following developments will be exempt from D.C.s.
 - A second unit in a detached, semi-detached, or rowhouse if all buildings and ancillary structures cumulatively contain no more than one residential unit;
 - A third unit in a detached, semi-detached, or rowhouse if no buildings or ancillary structures contain any residential units; and
 - One residential unit in a building or structure ancillary to a detached, semi-detached, or rowhouse on a parcel of urban land, if the detached, semi-



detached, or rowhouse contains no more than two residential units and no other buildings or ancillary structures contain any residential units.

Removal of Housing as an Eligible D.C. Service: Housing is removed as an eligible service. By-laws which include a charge for Housing Services can no longer collect for this service once s.s. 2(2) of Schedule 3 of the Bill comes into force.

New Statutory Exemptions: Affordable Units, Attainable Units, Inclusionary Zoning Units and Non-Profit Housing developments will be exempt from payment of D.C.

- Affordable Rental Unit: Where rent is no more than 80% of the average market rent as defined by a new Bulletin published by the Ministry of Municipal Affairs and Housing.
- Affordable Owned Unit: Where the price of the unit is no more than 80% of the average purchase price as defined by a new Bulletin published by the Ministry of Municipal Affairs and Housing.
- Attainable Unit: Excludes affordable units and rental units, will be defined as prescribed development or class of development and sold to a person who is at “arm’s length” from the seller.
 - Note: for affordable and attainable units, the municipality shall enter into an agreement which ensures the unit remains affordable or attainable for 25 years.
- Inclusionary Zoning Units: Affordable housing units required under inclusionary zoning by-laws will be exempt from D.C.
- Non-Profit Housing: Non-profit housing units are exempt from D.C. installment. Outstanding installment payments due after this section comes into force will also be exempt from payment of D.C.s.

Historical Level of Service: Currently the increase in need for service is limited by the average historical level of service calculated over the 10 years preceding the preparation of the D.C. background study. This average will be extended to the historical 15-year period.

Capital Costs: The definition of capital costs that are eligible for D.C. funding will be revised to prescribe services for which land or an interest in land will be restricted. Additionally, costs of studies, including the preparation of the D.C. background study, will no longer be eligible capital costs.



Mandatory Phase-in of a D.C.: For all D.C. by-laws passed after June 1, 2022, the charge must be phased-in relative to the maximum charge that could be imposed under the by-law. The proposed phase-in for the first 5-years that the by-law is in force, is as follows:

- Year 1 – 80% of the maximum charge;
- Year 2 – 85% of the maximum charge;
- Year 3 – 90% of the maximum charge;
- Year 4 – 95% of the maximum charge; and
- Year 5 to expiry – 100% of the maximum charge
- Note, for a D.C. by-law passed on or after June 1, 2022, the phase-in provisions would only apply to D.C.s payable on or after the day s.s. 5(7) of Schedule 3 of the Bill comes into force (i.e., no refunds are required for a D.C. payable between June 1, 2022 and the day the Bill receives Royal Assent). The phased-in charges also apply with respect to the determination of the charges under s. 26.2 of the Act (i.e., eligible site plan and zoning by-law amendment applications).

D.C. By-law Expiry: D.C. by-laws would expire 10 years after the day the by-law comes into force. This extends the by-laws life from 5 years currently. D.C. by-laws that expire prior to s.s. 6(1) of the Bill coming into force would not be allowed to extend the life of the by-law.

Installment Payments: Non-profit housing development has been removed from the installment payment section of the Act (section 26.1), as these units are now exempt from payment of a D.C. (see above).

Rental Housing Discount: The D.C. payable for rental housing developments will be reduced based on the number of bedrooms in each unit as follows:

- Three or more bedrooms – 25% reduction;
- Two bedrooms – 20% reduction; and
- All other bedroom quantities – 15% reduction.

Maximum Interest Rate for Installments and Determination of Charge for Eligible Site Plan and Zoning By-law Amendment Applications: No maximum interest rate was previously prescribed. Under the proposed changes, the maximum interest rate would be set at the average prime rate plus 1%. How the average prime rate is



determined is further defined under s.9 of Schedule 3 of the Bill. This maximum interest rate provisions would apply to all installment payments and eligible site plan and zoning by-law amendment application occurring after s.9 of Schedule 3 of the Bill comes into force.

Requirement to Allocate Funds Received: Similar to the requirements for Community Benefit Charges, annually beginning in 2023, municipalities will be required to spend or allocate at least 60% of the monies in a reserve fund at the beginning of the year for water, wastewater, and services related to a highway. Other services may be prescribed by the Regulation.

Amendments to Section 44 (Front-ending): This section has been updated to include the new mandatory exemptions for affordable, attainable, and non-profit housing, along with required affordable units under inclusionary zoning by-laws.

Amendments to Section 60: Various amendments to this section were required to align the earlier described changes.

In-force Date of Changes: The mandatory exemptions for affordable and attainable housing come into force on a day to be named by proclamation of the Lieutenant Governor. All other changes come into force the day the Bill receives Royal Assent.

2. Changes to the Planning Act regarding Community Benefits Charges (C.B.C.)

New Statutory Exemptions: Affordable Units, Attainable Units, and Inclusionary Zoning Units will be exempt from C.B.C. These types of development are defined in the proposed amendments to the D.C.A. (see above). The exemption is proposed to be implemented by applying a discount to the maximum amount of the C.B.C. that can be imposed based on the proportionate share of floor area, as contained in s.s. 37(32) of the Act. For example, if the affordable, attainable and inclusionary zoning housing units represent 25% of the total building floor area, then the maximum C.B.C. that could be imposed on the development would be 3% of the total land value (i.e., a reduction of 25% from the maximum C.B.C. of 4% of land value).

Incremental Development: Where development or redevelopment is occurring on a parcel of land with existing buildings or structures, the maximum C.B.C. would be calculated on the incremental development only. The amount of incremental development would be determined as the ratio of new development floor area to the total floor area. For example, if development of a 150,000 sq.ft. of building floor area is occurring on a parcel of land with an existing 50,000 sq.ft. building, then the maximum C.B.C. that could be imposed on the development would be 3% of the total land value (i.e. the maximum C.B.C. of 4% of land value multiplied by 150,000/200,000).



3. Changes to the Planning Act regarding Parkland Dedication

New Statutory Exemptions: Affordable Units, Attainable Units, and Inclusionary Zoning Units will be exempt from Parkland Dedication provision. Similar to the rules for C.B.C., these types of development are defined in the proposed amendments to the D.C.A. (see above). The exemption is proposed to be implemented by discounting the application of the standard parkland dedication requirements to the proportion of development excluding affordable, attainable and inclusionary zoning housing units. For example, if the affordable, attainable and inclusionary zoning housing units represent 25% of the total residential units of the development, then the standard parkland dedication requirements of the total land area would be multiplied by 75%.

Non-Profit Housing Exemption: Non-profit housing development, as defined in the D.C.A., would not be subject to parkland dedication requirements.

Additional Residential Unit Exemption: Exemption for additional residential units in existing and new residential buildings – the following developments will be exempt from parkland dedication:

- A second unit in a detached, semi-detached, or rowhouse if all buildings and structures ancillary cumulatively contain no more than one residential unit;
- A third unit in a detached, semi-detached, or rowhouse if no buildings or structures ancillary contain any residential units; and
- One residential unit in a building or structure ancillary to a detached, semi-detached, or rowhouse on a parcel of urban land, if the detached, semi-detached, or rowhouse contains no more than two residential units and no other buildings or structures ancillary contain any residential units.

Determination of Parkland Dedication: Similar to the rules under the D.C.A., the parkland dedication determination for a building permit issued within 2 year of a Site Plan and/or Zoning By-law Amendment approval would be subject to the requirements of the by-law as at the date of planning application submission.

Alternative Parkland Dedication Requirement: The following amendments are proposed for the imposition of the alternative parkland dedication requirements:

- The alternative requirement of 1 hectare (ha) per 300 dwelling units would be reduced to 1 ha per 600 net residential units where land is conveyed. Where the municipality imposes cash-in-lieu (CIL) of parkland requirements, the



amendments would reduce the amount from 1 ha per 500 dwelling units to 1ha per 1,000 net residential units.

- Proposed amendments clarify that the alternative requirement would only be calculated on the incremental units of development/redevelopment.
- The alternative requirement would not be applicable to affordable and attainable residential units.
- The alternative requirement would be capped at 10% of the land area or land value where the land proposed for development or redevelopment is 5 ha or less; and 15% of the land area or land value where the land proposed for development or redevelopment is greater than 5 ha.

Parks Plan: Currently a Parks Plan is required to include the alternative parkland dedication requirements in an Official Plan. This proposed to be revised to require a Parks Plan before passing a parkland dedication by-law under s.42 of the Act.

Identification of Lands for Conveyance: Owners will be allowed to identify lands to meet conveyance requirements, with regulatory criteria requiring the acceptance of encumbered and privately owned public space (POPs) as parkland dedication. Municipalities may enter into agreements with the owners of the land re POPs to enforce conditions, which may be registered on title. Suitability of land for parks and recreational purposes will be appealable to the Ontario Land Tribunal (O.L.T.).

Requirement to Allocate Funds Received: Similar to the requirements for C.B.C. and proposed for D.C.A., annually beginning in 2023, municipalities will be required to spend or allocate at least 60% of the monies in a reserve fund at the beginning of the year.

4. Changes to the Planning Act, and other Key Initiatives regarding Planning Matters

Provided below is a high-level summary of the proposed key changes impacting housing, growth management and long-range planning initiatives at the municipal level.

4.1 2031 Municipal Housing Targets

The Province has identified that an additional 1.5 million new housing units are required to be built over the next decade to meet Ontario's current and forecast housing needs. Further, the Province has assigned municipal housing targets, identifying the number of new housing units needed by 2031, impacting 29 of Ontario's largest and many of the fastest growing single/lower tier municipalities, as summarized in Table 1 below. Key observations include:



- Of the 29 municipalities identified, 25 are within the Greater Golden Horseshoe (G.G.H.) region and four are located in other municipalities within Southern Ontario. Municipalities with the highest housing growth targets include the City of Toronto (285,000 new housing units by 2031), City of Ottawa (151,000 units) City of Mississauga (120,000 units) and City of Brampton (113,000).
- Collectively, the housing targets for the 29 municipalities total 1,229,000 new housing units, representing about 82% of Ontario's 1.5 million housing units needed over the next decade.
- The municipal housing targets do not provide details regarding housing form, density or structure type.
- The province is requesting that identified municipalities develop municipal housing pledges which provide details on how they will enable/support housing development to meet these targets through a range of planning, development approvals and infrastructure related initiatives.
- These pledges are not intended to replace current municipal plans and are not expected to impact adopted municipal population or employment projections.

Table 1: 2032 Housing Growth Target

Greater Golden Horseshoe (GGH) - Greater Toronto Hamilton Area (GTHA)	Greater Golden Horseshoe (GGH) Outer Ring	Non-GGH
Toronto (City): 285,000	Kitchener (City): 35,000	Ottawa (City): 151,000
Mississauga (City): 120,000	Barrie (City): 23,000	London (City): 47,000
Brampton (City): 113,000	Cambridge (City): 19,000	Windsor (City): 13,000
Hamilton (City): 47,000	Guelph (City): 18,000	Kingston (City): 8,000
Markham (City): 44,000	Waterloo (City): 16,000	
Vaughan (City): 42,000	St. Catharines (City): 11,000	
Oakville (Town): 33,000	Brantford (City): 10,000	
Richmond Hill (City): 27,000	Niagara Falls (City): 8,000	
Burlington (City): 29,000		
Oshawa (City): 23,000		
Milton: (Town): 21,000		
Whitby (Town): 18,000		



Ajax (Town): 17,000		
Clarington: 13,000		
Pickering (City): 13,000		
Newmarket (Town): 12,000		
Caledon (Town): 13,000		

4.2 Potential Changes to Provincial and Regional Planning Framework

Streamlining Municipal Planning Responsibilities

Schedule 9 of the Bill proposes a number of amendments to the Planning Act. Subsection 1 (1) of the Act is proposed to be amended to provide for two different classes of upper-tier municipalities, those which have planning responsibilities and those which do not.

- Changes are proposed to remove the planning policy and approval responsibilities from the following upper-tier municipalities: Regions of Durham, Halton, Niagara, Peel, Waterloo, and York as well as the County of Simcoe.
- Future regulations would identify which official plans and amendments would not require approval by the Minister of Municipal Affairs and Housing (i.e., which lower-tier plans and amendments of the lower-tier municipality would need no further approval).
- The proposed changes could also potentially be applied to additional upper-tier municipalities in the future via regulation.

Creation of Supporting Growth and Housing in York and Durham Regions Act, 2022

Schedule 10 of the Bill presents the Supporting Growth and Housing in York and Durham Regions Act, 2022. The proposed Act would require York and Durham Regions to work together to enlarge and improve the existing York Durham Sewage System. Implementation of this proposal would accommodate growth and housing development in the upper part of York Region to 2051.

Review of Potential Integration of Place to Grow and Provincial Policy Statement (PPS)

The Ministry of Municipal Affairs and Housing (MMAH) is undertaking a housing-focused policy review of A Place to Grow and the Provincial Policy Statement.



The Government is reviewing the potential integration of the PPS and A Place to Grow into a new province-wide planning policy framework that is intended to:

- Leverage housing-supportive policies of both policy documents while removing or streamlining policies that result in duplication, delays or burden the development of housing;
- Ensure key growth management and planning tools are available to increase housing supply and support a range and mix of housing options;
- Continue to protect the environment, cultural heritage and public health and safety; and
- Ensure that growth is supported with the appropriate amount and type of community infrastructure.

Potential key elements of a new integrated policy instrument, as identified by the Government, include the following:

- **Residential Land Supply** – more streamlined and simplified policy direction regarding settlement area boundary expansions, rural housing and employment area conversions that better reflect local market demand and supply considerations to expand housing supply opportunities.
- **Attainable Housing Supply and Mix** - policy direction that provides greater certainty that an appropriate range and mix of housing options and densities to meet projected market-based demand and affordable housing needs of current and future residents can be developed. This includes a focus on housing development within Major Transit Station Areas (M.T.S.A.s) and Urban Growth Centres (U.G.S.) across the Province.
- **Growth Management** - policy direction that enables municipalities to use current and reliable information about the current and future population and employment to determine the amount and type of housing needed and the amount and type of land needed for employment. Policy direction should also increase housing supply through intensification in strategic areas, such as along transit corridors and major transit station areas, in both urban and suburban areas.
- **Environment and Natural Resources** - continued protection of prime agricultural areas which promotes Ontario's Agricultural System, while creating increased flexibility to enable more residential development in rural areas that minimizes negative impacts to farmland and farm operations. More streamlined policy direction regarding natural heritage, natural and human-made hazards, aggregates and with continued conservation of cultural heritage to also be considered.



- **Community Infrastructure** - increased flexibility for servicing new development (e.g., water and wastewater) encouraging municipalities to undertake long-range integrated infrastructure planning. A more coordinated policy direction is also to be considered that ensures publicly funded school facilities are part of integrated municipal planning and meet the needs of high growth communities.
- **Streamlined Planning Framework** – more streamlined, less prescriptive policy direction including a straightforward approach to assessing land needs, that is focused on outcomes that focus more on relevance and ease of implementation.

Review of Revocation of the Central Pickering Development Plan and the Parkway Belt West Plan

The Government of Ontario is proposing to revoke two existing provincial plans as a means to reduce regulatory burdens and remove barriers to expanding housing supply; including;

- Central Pickering Development Plan, under the Ontario Planning and Development Act, 1994; and
- Parkway Belt West Plan, 1978, under the Ontario Planning and Development Act, 1994.

4.3 Potential Changes to Expand/Support Rental and Affordable Housing Supply Opportunities

Potential Changes to Planning Act and Ontario Regulation 299/19: Addition of Residential Units

Schedule 9 of Bill 23 proposes amendments to the Planning Act (Subsection 34 (19.1)) with amendments to Ontario Regulation 299/19: Additional Residential Units to support gentle intensification in existing residential areas. The proposed changes would:

- allow, “as-of-right” (without the need to apply for a rezoning) up to 3 units per lot in many residential areas, including those permitting residential uses located in settlement areas with full municipal water and sewage services. This includes encompassing up to 3 units in the primary building (i.e, triplex), or up to 2 units allowed in the primary building and 1 unit allowed in an ancillary building (e.g. garden suite).

Potential Changes to Inclusionary Zoning

Ontario Regulation 232/18 is the regulation to implement inclusionary zoning in Ontario. The proposed amendments to O. Reg 232/18 would:



- Establish 5% as the upper limit on the number of affordable housing units. The 5% limit would be based on either the number of units or percentage share of gross floor area of the total residential units; and
- Establish a maximum period of twenty-five (25) years over which the affordable housing units would be required to remain affordable.

Affordable units are defined as those which are no greater than 80% of the average resale purchase price for ownerships units or 80% of the average market rent (A.M.R.) for rental units.

5. Changes to the Conservation Authorities Act

Programs and services that are prohibited within municipal and other programs and services: Authorities would no longer be permitted to review and comment on a proposal, application, or other matter made under a prescribed Act. The Province proposes that a new regulation would prescribe the following Acts in this regard:

- The Aggregate Resources Act
 - The Condominium Act
 - The Drainage Act
 - The Endangered Species Act
 - The Environmental Assessment Act
 - The Environmental Protection Act
 - The Niagara Escarpment Planning and Development Act
 - The Ontario Heritage Act
 - The Ontario Water Resources Act
 - The Planning Act
- These changes would focus an authority's role in plan review and commenting on applications made under the above Acts (including the Planning Act) to the risks of natural hazards only. Authorities would no longer be able to review applications with respect to natural heritage impacts.
 - With respect to natural heritage review requirements, the Province is proposing to integrate the Provincial Policy Statement, 2020 and A Place To Grow: Growth Plan for the Greater Golden Horseshoe into a new Province-wide planning policy instrument. It is proposed that this new instrument could include changes to natural heritage policy direction (see section 4.2 above).



Minister's ability to freeze fees: The Minister would have the ability to direct an authority to not change the amount of any fee it charges (including for mandatory programs and services) for a specified period of time.

Exemptions to requiring a permit under section 28 of the Conservation

Authorities Act: Where development has been authorized under the Planning Act it will be exempt from required permits to authorize the development under section 28 of the Conservation Authorities Act. Exemptions to permits would also be granted where prescribed conditions are met.

- Regulation making authority would be provided to govern the exceptions to section 28 permits, including prescribing municipalities to which the exception applies, and any other conditions or restrictions that must be satisfied.

Shortened timeframe for decisions: Applicants may appeal the failure of the authority to issue a permit to the Ontario Land Tribunal within 90 days (shortened from 120 days currently).

6. Next Steps

We will continue to monitor the legislative changes and keep you informed. Further, there will be opportunities for municipalities to provide comments and/or written submissions through the provincial process. We note that there may be further questions and concerns which we may advance to the Province after our detailed review of this Bill and potential regulation(s).

Yours very truly,

WATSON & ASSOCIATES ECONOMISTS LTD.

November 11, 2022

To Our Development Charge Clients:

Re: Assessment of Bill 23 (*More Homes Built Faster Act*) – Development Charges

On behalf of our many municipal clients, we are continuing to provide the most up-to-date information on the proposed changes to the *Development Charges Act* (D.C.A.) as proposed by Bill 23 (*More Homes Built Faster Act*). As identified in our October 31, 2022 letter to you, our firm is providing an evaluation of the proposed changes to the D.C.A. along with potential impacts arising from these changes. The following comments will be included in our formal response to the Province, which we anticipate presenting to the Standing Committee on Heritage, Infrastructure and Cultural Policy next week.

1. Overview Commentary

The Province has introduced Bill 23 with the following objective: *“This plan is part of a long-term strategy to increase housing supply and provide attainable housing options for hardworking Ontarians and their families.”* The Province’s plan is to address the housing crisis by targeting the creation of 1.5 million homes over the next 10 years. To implement this plan, Bill 23 introduces a number of changes to the D.C.A., along with nine other Acts including the *Planning Act*, which seek to increase the supply of housing.

As discussed later in this letter, there are proposed changes to the D.C.A. which we would anticipate may limit the future supply of housing units. For urban growth to occur, water and wastewater services must be in place before building permits can be issued for housing. Most municipalities assume the risk of constructing this infrastructure and wait for development to occur. Currently, 26% of municipalities providing water/wastewater services are carrying negative development charge (D.C.) reserve fund balances for these services¹ and many others are carrying significant growth-related debt. In addition to the current burdens, Bill 23 proposes to:

- Phase in any new by-laws over five years which, on average, would reduce D.C. revenues by approximately 10%;
- Introduce new exemptions which would provide a potential loss of 10-15% of the D.C. funding;

¹ Based on 2020 Financial Information Return data.



- Remove funding of water/wastewater master plans and environmental assessments which provide for specific planning and approval of infrastructure; and
- Make changes to the *Planning Act* that would minimize upper-tier planning in two-tier systems where the upper-tier municipality provides water/wastewater servicing. This disjointing between planning approvals and timing/location of infrastructure construction may result in inefficient servicing, further limiting the supply of serviced land.

The loss in funding noted above must then be passed on to existing rate payers. This comes at a time when municipalities must implement asset management plans under the *Infrastructure for Jobs and Prosperity Act* to maintain existing infrastructure. Significant annual rate increases may then limit funding to the capital budget and hence delay construction of growth-related infrastructure needed to expand the supply of serviced land.

The above-noted D.C.A. changes will also impact other services in a similar manner.

The removal of municipal housing as an eligible service will reduce municipalities' participation in creating assisted/affordable housing units. Based on present D.C. by-laws in place, over \$2.2 billion in net growth-related expenditures providing for over 47,000 units (or 3.1% of the Province's 1.5 million housing target) would be impacted by this change.

The proposed changes to the D.C.A. result in a subsidization of growth by the existing rate/taxpayer by reducing the D.C.s payable. Over the past 33 years, there have been changes made to the D.C.A. which have similarly reduced the D.C.s payable by development. These historical reductions have not resulted in a decrease in housing prices; hence, it is difficult to relate the loss of needed infrastructure funding to affordable housing. The increases in water/wastewater rates and property taxes would directly impact housing affordability for the existing rate/taxpayer.

While the merits of affordable housing initiatives are not in question, they may be best achieved by participation at local, provincial, and federal levels. Should the reduction in D.C.s be determined to be a positive contributor to increasing the amount of affordable housing, then grants and subsidies should be provided to municipalities to fund the growth-related infrastructure and thereby reduce the D.C. In this way, the required funding is in place to create the land supply. Alternatively, other funding options could be made available to municipalities as an offset (e.g., the Association of Municipalities of Ontario (AMO) has suggested municipalities have access to 1% of HST, consideration of a special Land Transfer Tax, etc.).

A summary of the proposed D.C.A. changes, along with our firm's commentary, is provided below.



2. Changes to the D.C.A.

2.1 Additional Residential Unit Exemption: The rules for these exemptions are now provided in the D.C.A., rather than the regulations and are summarized as follows:

- Exemption for residential units in existing rental residential buildings – For rental residential buildings with four or more residential units, the greater of one unit or 1% of the existing residential units will be exempt from D.C.
- Exemption for additional residential units in existing and new residential buildings
 - The following developments will be exempt from a D.C.:
 - A second unit in a detached, semi-detached, or rowhouse if all buildings and ancillary structures cumulatively contain no more than one residential unit;
 - A third unit in a detached, semi-detached, or rowhouse if no buildings or ancillary structures contain any residential units; and
 - One residential unit in a building or structure ancillary to a detached, semi-detached, or rowhouse on a parcel of urban land, if the detached, semi-detached, or rowhouse contains no more than two residential units and no other buildings or ancillary structures contain any residential units.

Analysis/Commentary

- For existing single-family homes, this change will not have an impact. For other existing low/medium-density units and for all new units, however, this allowance of a third additional unit that will be exempt from D.C.s adds a further revenue loss burden to municipalities to finance infrastructure. This is of greatest concern for water and wastewater services where each additional unit will require additional capacity in water and wastewater treatment plants. This additional exemption will cause a reduction in D.C.s and hence will require funding by water and wastewater rates.
- Other services, such as transit and active transportation, will also be impacted as increased density will create a greater need for these services, and without an offsetting revenue to fund the capital needs, service levels provided may be reduced in the future.

2.2 Removal of Housing as an Eligible D.C. Service: Housing services would be removed as an eligible service. Municipalities with by-laws that include a charge for housing services can no longer collect for this service once subsection 2 (2) of Schedule 3 of the Bill comes into force.

Analysis/Commentary

- The removal of housing services will reduce municipalities' participation in creating assisted/affordable housing units and/or put further burden on municipal



taxpayers. This service seeks to construct municipal affordable housing for growing communities. The removal of this service could reduce the number of affordable units being constructed over the next ten years, if the municipalities can no longer afford the construction. Based on present D.C. by-laws in place, over \$2.2 billion in net growth-related expenditures providing for over 47,000 additional units (or 3.1% of the Province's 1.5 million housing target) would be impacted by this change.

2.3 New Statutory Exemptions: Affordable units, attainable units, inclusionary zoning units and non-profit housing developments will be exempt from the payment of D.C.s, as follows:

- Affordable Rental Units: Where rent is no more than 80% of the average market rent as defined by a new bulletin published by the Ministry of Municipal Affairs and Housing.
- Affordable Owned Units: Where the price of the unit is no more than 80% of the average purchase price as defined by a new bulletin published by the Ministry of Municipal Affairs and Housing.
- Attainable Units: Excludes affordable units and rental units; will be defined as prescribed development or class of development and sold to a person who is at “arm’s length” from the seller.
 - Note: for affordable and attainable units, the municipality shall enter into an agreement that ensures the unit remains affordable or attainable for 25 years.
- Inclusionary Zoning Units: Affordable housing units required under inclusionary zoning by-laws will be exempt from a D.C.
- Non-Profit Housing: Non-profit housing units are exempt from D.C. instalment payments due after this section comes into force.

Analysis/Commentary

- While this is an admirable goal to create additional affordable housing units, further D.C. exemptions will continue to provide additional financial burdens on municipalities to fund these exemptions without the financial participation of senior levels of government.
- The definition of “attainable” is unclear, as this has not yet been defined in the regulations.
- Municipalities will have to enter into agreements to ensure these units remain affordable and attainable over a period of time which will increase the administrative burden (and costs) on municipalities. These administrative burdens will be cumbersome and will need to be monitored by both the upper-tier and lower-tier municipalities.
- It is unclear whether the bulletin provided by the Province will be specific to each municipality, each County/Region, or Province-wide. Due to the disparity in



incomes across Ontario, affordability will vary significantly across these jurisdictions. Even within an individual municipality, there can be disparity in the average market rents and average market purchase prices.

2.4 Historical Level of Service: Currently, the increase in need for service is limited by the average historical level of service calculated over the ten year period preceding the preparation of the D.C. background study. This average will be extended to the historical 15-year period.

Analysis/Commentary

- For municipalities experiencing significant growth in recent years, this may reduce the level of service cap, and the correspondingly D.C. recovery. For many other municipalities seeking to save for new facilities, this may reduce their overall recoveries and potentially delay construction.
- This further limits municipalities in their ability to finance growth-related capital expenditures where debt funding was recently issued. Given that municipalities are also legislated to address asset management requirements, their ability to incur further debt may be constrained.

2.5 Capital Costs: The definition of capital costs may be revised to prescribe services for which land or an interest in land will be restricted. Additionally, costs of studies, including the preparation of the D.C. background study, will no longer be an eligible capital cost for D.C. funding.

Analysis/Commentary

- Land
 - Land costs are proposed to be removed from the list of eligible costs for certain services (to be prescribed later). Land represents a significant cost for some municipalities in the purchase of property to provide services to new residents. This is a cost required due to growth and should be funded by new development, if not dedicated by development directly.
- Studies
 - Studies, such as Official Plans and Secondary Plans, are required to establish when, where, and how a municipality will grow. These growth-related studies should remain funded by growth.
 - Master Plans and environmental assessments are required to understand the servicing needs development will place on hard infrastructure such as water, wastewater, stormwater, and roads. These studies are necessary to inform the servicing required to establish the supply of lands for development; without these servicing studies, additional development cannot proceed. This would restrict the supply of serviced land and would be counter to the Province's intent to create additional housing units.



2.6 Mandatory Phase-in of a D.C.: For all D.C. by-laws passed after June 1, 2022, the charge must be phased-in annually over the first five years the by-law is in force, as follows:

- Year 1 – 80% of the maximum charge;
- Year 2 – 85% of the maximum charge;
- Year 3 – 90% of the maximum charge;
- Year 4 – 95% of the maximum charge; and
- Year 5 to expiry – 100% of the maximum charge.

Note: for a D.C. by-law passed on or after June 1, 2022, the phase-in provisions would only apply to D.C.s payable on or after the day subsection 5 (7) of Schedule 3 of the Bill comes into force (i.e., no refunds are required for a D.C. payable between June 1, 2022 and the day the Bill receives Royal Assent). The phased-in charges also apply with respect to the determination of the charges under section 26.2 of the Act (i.e., eligible site plan and zoning by-law amendment applications).

Analysis/Commentary

- Water, wastewater, stormwater, and roads are essential services for creating land supply for new homes. These expenditures are significant and must be made in advance of growth. As a result, the municipality assumes the investment in the infrastructure and then assumes risk that the economy will remain buoyant enough to allow for the recovery of these costs in a timely manner. Otherwise, these growth-related costs will directly impact the existing rate payer.
- The mandatory phase-in will result in municipalities losing approximately 10% to 15% of revenues over the five-year phase-in period. For services such as water, wastewater, stormwater, and to some extent roads, this will result in the municipality having to fund this shortfall from other sources (i.e., taxes and rates). This may result in: 1) the delay of construction of infrastructure that is required to service new homes; and 2) a negative impact on the tax/rate payer who will have to fund these D.C. revenue losses.
- Growth has increased in communities outside the Greater Toronto Area (G.T.A.) (e.g. municipalities in the outer rim), requiring significant investments in water and wastewater treatment services. Currently, there are several municipalities in the process of negotiating with developing landowners to provide these treatment services. For example, there are two municipalities within the outer rim (one is 10 km from the G.T.A. while the other is 50 km from the G.T.A.) imminently about to enter into developer agreements and award tenders for the servicing of the equivalent of 8,000 single detached units (or up to 20,000 high-density units). This proposed change to the D.C.A. alone will stop the creation of those units due to debt capacity issues and the significant financial impact placed on



ratepayers due to the D.C. funding loss. Given our work throughout the Province, it is expected that there will be many municipalities in similar situations.

- Based on 2020 Financial Information Return (F.I.R.) data, there are 214 municipalities with D.C. reserve funds. Of those, 130 provide water and wastewater services and of those, 34 municipalities (or 26%) are carrying negative water and wastewater reserve fund balances. As a result, it appears many municipalities are already carrying significant burdens in investing in water/wastewater infrastructure to create additional development lands. This proposed change will worsen the problem and, in many cases, significantly delay or inhibit the creation of serviced lands in the future.
- Note that it is unclear how the phase-in provisions will affect amendments to existing D.C. by-laws.

2.7 D.C. By-law Expiry: A D.C. by-law would expire ten years after the day it comes into force. This extends the by-law's life from five years, currently. D.C. by-laws that expire prior to subsection 6 (1) of the Bill coming into force would not be allowed to extend the life of the by-law.

Analysis/Commentary

- The extension of the life of the D.C. by-law would appear to not have an immediate financial impact on municipalities. Due to the recent increases in actual construction costs experienced by municipalities, however, the index used to adjust the D.C. for inflation is not keeping adequate pace (e.g., the most recent D.C. index has increased at 15% over the past year; however, municipalities are experiencing 40%-60% increases in tender prices). As a result, amending the present by-laws to update cost estimates for planned infrastructure would place municipalities in a better financial position.
- As a result of the above, delaying the updating of current D.C. by-laws for five more years would reduce actual D.C. recoveries and place the municipalities at risk of underfunding growth-related expenditures.

2.8 Instalment Payments: Non-profit housing development has been removed from the instalment payment section of the Act (section 26.1), as these units are now exempt from the payment of a D.C.

Analysis/Commentary

- This change is more administrative in nature due to the additional exemption for non-profit housing units.

2.9 Rental Housing Discount: The D.C. payable for rental housing development will be reduced based on the number of bedrooms in each unit as follows:

- Three or more bedrooms – 25% reduction;



- Two bedrooms – 20% reduction; and
- All other bedroom quantities – 15% reduction.

Analysis/Commentary

- Further discounts to D.C.s will place an additional financial burden on municipalities to fund these reductions.
- The discount for rental housing does not appear to have the same requirements as the affordable and attainable exemptions to enter into an agreement for a specified length of time. This means a developer may build a rental development and convert the development (say to a condominium) in the future hence avoiding the full D.C. payment for its increase in need for service.

2.10 Maximum Interest Rate for Instalments and Determination of Charge for Eligible Site Plan and Zoning By-law Amendment Applications: No maximum interest rate was previously prescribed. Under the proposed changes, the maximum interest rate would be set at the average prime rate plus 1%. How the average prime rate is determined is further defined under section 9 of Schedule 3 of the Bill. This maximum interest rate provision would apply to all instalment payments and eligible site plan and zoning by-law amendment applications occurring after section 9 of Schedule 3 of the Bill comes into force.

Analysis/Commentary

- Setting the maximum interest rate at 1%+ the average prime rate appears consistent with the current approach for some municipalities but is a potential reduction for others.
- It appears a municipality can select the adjustment date for which the average prime rate would be calculated.
- The proposed change will require municipalities to change their interest rate policies, or amend their by-laws, as well as increase the administrative burden on municipalities.

2.11 Requirement to Allocate Funds Received: Similar to the requirements for community benefits charges, annually, beginning in 2023, municipalities will be required to spend or allocate at least 60% of the monies in a reserve fund at the beginning of the year for water, wastewater, and services related to a highway. Other services may be prescribed by the regulation.

Analysis/Commentary

- This proposed change appears largely administrative and would not have a financial impact on municipalities. This can be achieved as a schedule as part of the annual capital budget process or can be included as one of the schedules



with the annual D.C. Treasurer Statement. This, however, will increase the administrative burden on municipalities.

2.12 Amendments to Section 44 (Front-ending): This section has been updated to include the new mandatory exemptions for affordable, attainable, and non-profit housing, along with required affordable residential units under inclusionary zoning by-laws.

Analysis/Commentary

- This change is administrative to align with the additional statutory exemptions.

2.13 Amendments to Section 60: Various amendments to this section were required to align the earlier described changes.

Analysis/Commentary

- These changes are administrative in nature.

We will continue to monitor the legislative changes and advise as the Bill proceeds.

Yours very truly,

WATSON & ASSOCIATES ECONOMISTS LTD.

Gary Scandlan, BA, PLE, Managing Partner

Andrew Grunda, MBA, CPA, CMA, Principal

Jamie Cook, MCIP, RPP, PLE, Managing Partner

Peter Simcisko, BA (Hons), MBE, Managing Partner

Sean-Michael Stephen, MBA, Managing Partner

Jack Ammendolia, BES, PLE, Managing Partner

November 14, 2022

To Our Conservation Authority and Municipal Clients:

Re: Assessment of Bill 23 (*More Homes Built Faster Act*) – Conservation Authorities Act

On behalf of our many conservation authority and municipal clients, we are continuing to provide the most up-to-date information on the proposed changes to the *Conservation Authorities Act* (C.A. Act) as proposed by Bill 23 (*More Homes Built Faster Act*). As identified in our October 31, 2022 letter to you, our firm is providing an evaluation of the proposed changes to the C.A. Act along with potential impacts arising from these changes. The following comments will be included in our formal response to the Province.

1. Overview Commentary

The Province has introduced Bill 23 with the following objective: *“This plan is part of a long-term strategy to increase housing supply and provide attainable housing options for hardworking Ontarians and their families.”* The Province’s plan is to address the housing crisis by targeting the creation of 1.5 million homes over the next 10 years. To implement this plan, Bill 23 introduces a number of changes to the C.A. Act., along with nine other Acts including the *Development Charges Act* and the *Planning Act*, which seek to increase the supply of housing.

One of the proposed amendments to the C.A. Act is that the Minister of Natural Resources and Forestry would have the authority to prevent a conservation authority from increasing their fees and charges. Providing the Minister with this power is proposed to limit the financial burden of any fee increases on developers and landowners in an attempt to accelerate housing in Ontario and make housing more affordable. The proposed limitation would result in a cross-subsidization of the costs of plan review and permitting for development to existing taxpayers. This is a result of these costs having to be offset by the municipal levy charged by conservation authorities.

If these costs cannot be recovered from the municipal levy, then conservation authorities would be under pressure to provide the intended level of service for development approvals with less funding. When considered in combination with the other changes proposed that would limit the scope of conservation authority involvement in the development approvals process, this may impact the quality and efficiency of the approvals process, and potentially impair the Province’s goal of accelerating an increase in housing development.



Over the past 33 years, there have been other changes to legislation, such as the *Development Charges Act*, that have reduced the costs payable by development. These historical reductions have not resulted in a decrease in housing prices; hence, it is difficult to relate how further limiting funding for municipal and conservation authority services will increase the supply of affordable housing. Moreover, conservation authority fees for plan review and permitting in the Greater Toronto Area and outer rim typically comprise less than 0.1% of the cost of a new home. This further illustrates the limited impact this proposal would have on making housing more affordable. The potential increase on the municipal levy, however, would add to the burden of housing affordability for the existing taxpayer, particularly when coupled with the other legislative changes proposed by Bill 23.

2. Changes to the C.A. Act

2.1 Changes to conservation authority involvement in the development approvals process

- Programs and services that are prohibited within municipal and other programs and services:
 - Authorities would no longer be permitted to review and comment on a proposal, application, or other matter made under a prescribed Act (if not related to their mandatory programs and services under O. Reg. 686/21). The Province proposes that a new regulation would prescribe the following Acts in this regard:
 - *The Aggregate Resources Act*
 - *The Condominium Act*
 - *The Drainage Act*
 - *The Endangered Species Act*
 - *The Environmental Assessment Act*
 - *The Environmental Protection Act*
 - *The Niagara Escarpment Planning and Development Act*
 - *The Ontario Heritage Act*
 - *The Ontario Water Resources Act*
 - *The Planning Act*.
- Exemptions to requiring a permit under section 28 of the *Conservation Authorities Act*
 - Where development has been authorized under the *Planning Act* it will be exempt from required permits to authorize the development under section 28 of the *Conservation Authorities Act*. Exemptions to permits would also be granted where prescribed conditions are met.
 - Regulation making authority would be provided to govern the exceptions to section 28 permits, including prescribing municipalities to which the exception applies, and any other conditions or restrictions that must be satisfied.



- Shortened timeframe for decisions
 - Applicants may appeal the failure of the authority to issue a permit to the Ontario Land Tribunal within 90 days (shortened from 120 days currently).

Analysis/Commentary

- These changes would focus an authority's role in plan review and commenting on applications made under the above Acts (including the *Planning Act*) to the risks of natural hazards only, limit the developments in which permits under section 28 of the C.A Act would be required, and shorten timeframes for issuing permits. Authorities would no longer be able to review applications with respect to the natural heritage impacts.
- With respect to natural heritage review requirements, the Province is proposing to integrate the Provincial Policy Statement, 2020 (P.P.S.) and A Place To Grow: Growth Plan for the Greater Golden Horseshoe into a new Province-wide planning policy instrument. It is proposed that this new instrument could include changes to natural heritage policy direction.
- Recent amendments to the C.A. Act have already been implemented to limit a conservation authority to programs and services within their core mandate unless they have entered into an agreement with a municipal partner. Conservation authorities are able to efficiently provide services, such as natural heritage review required under the P.P.S., to municipalities across their watershed. Removing this ability from conservation authorities may result in municipalities having to find other external sources with the expertise to undertake this review, adding to the cost and timeframes for development approvals and negatively impacting the Province's goal of creating more housing.

2.2 Minister's ability to freeze fees

- The Minister would have the ability to direct an authority to not change the amount of any fee it charges (including for mandatory programs and services) for a specified period of time.

Analysis/Commentary

- Limiting the ability of conservation authorities to recover the costs of plan review and permitting from benefiting developers and landowners will place additional financial burdens on conservation authorities and municipalities to fund these activities.
- As the goal of the Province is to create more housing, it is suggested that any limitations to conservation authority fees that are implemented should only apply to plan review and permitting fees related to the construction of new homes.



We will continue to monitor the legislative changes and advise as the Bill proceeds.

Yours very truly,

WATSON & ASSOCIATES ECONOMISTS LTD.

Sean-Michael Stephen, MBA, Managing Partner

Gary Scandlan, BA, PLE, Managing Partner

Andrew Grunda, MBA, CPA, CMA, Principal

Jamie Cook, MCIP, RPP, PLE, Managing Partner

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Jack Ammendolia, BES, PLE, Managing Partner

November 16, 2022

To Our Parkland Dedication By-Law Clients:

Re: Assessment of Bill 23 (*More Homes Built Faster Act*)

On behalf of our many municipal clients, we are continuing to provide the most up-to-date information on the proposed changes to the parkland dedication requirements of the *Planning Act*, as proposed by Bill 23 (*More Homes Built Faster Act*). As identified in our October 31, 2022 letter to you, our firm is providing an evaluation of the proposed changes to section 42 of the *Planning Act*, along with potential impacts arising from these changes. The following comments will be included in our formal response to the Province, which we anticipate presenting to the Standing Committee on Heritage, Infrastructure and Cultural Policy later this week.

1. Overview Commentary

The Province has introduced Bill 23 with the following objective: *“This plan is part of a long-term strategy to increase housing supply and provide attainable housing options for hardworking Ontarians and their families.”* The Province’s plan is to address the housing crisis by targeting the creation of 1.5 million homes over the next 10 years. To implement this plan, Bill 23 introduces a number of changes to the *Planning Act* (along with nine other Acts, including the *Development Charges Act* (D.C.A.)), which seek to increase the supply of housing.

As discussed later in this letter, the proposed changes to parkland dedication would significantly reduce the amount of parkland conveyance and payments-in-lieu (P.I.L.) of parkland to municipalities. The proposed changes under Bill 23 would impact municipalities by:

- Reducing the amount of development subject to parkland dedication by exempting affordable, attainable, non-profit and additional residential dwelling units;
- Reducing P.I.L. revenues for some developments by grandfathering in charges by up to 2 years, reflecting land values at the time of Site Plan and Zoning By-law Amendment applications;
- Reducing and capping the alternative requirements for parkland dedication, which results in significant reductions in parkland conveyance and P.I.L. revenues, particularly for high-density developments;
- Increasing the administrative burden on municipalities by requiring the preparation of and consultation on a parks plan with the passage of a parkland



dedication by-law, whether utilizing the standard or alternative requirements, and by requiring the allocation and reporting on funds annually; and

- Limiting local decision-making by allowing the Province to prescribe criteria for municipal acceptance of incumbered lands and privately owned public space (POPs) for parks purposes.

It is anticipated that the resultant loss in parkland dedication from development will result in either a cross-subsidization from existing taxpayers having to provide increased funding for parks services to maintain planned levels of service in their community, or an erosion of service levels over time. The timing of these changes, and others proposed in Bill 23 to limit funding from development, is occurring at a time when municipalities are faced with increased funding challenges associated with cost inflation and the implementation of asset management plans under the *Infrastructure for Jobs and Prosperity Act*.

A summary of the proposed parkland dedication changes under section 42 of the *Planning Act*, along with our firm's commentary, is provided below.

2. Changes to Section 42 of the *Planning Act*

2.1 New Statutory Exemptions: Affordable residential units, attainable residential units, inclusionary zoning residential units, non-profit housing and additional residential unit developments will be exempt from parkland dedication requirements. For affordable, attainable, and inclusionary zoning residential units, the exemption is proposed to be implemented by:

- discounting the standard parkland dedication requirements (i.e., 5% of land) based on the proportion of development excluding affordable, attainable and inclusionary zoning residential units relative to the total residential units for the development; or
- where the alternative requirement is imposed, the affordable, attainable and inclusionary zoning residential units would be excluded from the calculation.

For non-profit housing and additional residential units, a parkland dedication by-law (i.e., a by-law passed under section 42 of the *Planning Act*) will not apply to these types of development:

- Affordable Rental Unit: as defined under subsection 4.1 (2) of the D.C.A., where rent is no more than 80% of the average market rent as defined by a new bulletin published by the Ministry of Municipal Affairs and Housing.
- Affordable Owned Unit: as defined under subsection 4.1 (3) of the D.C.A., where the price of the unit is no more than 80% of the average purchase price as defined by a new bulletin published by the Ministry of Municipal Affairs and Housing.



- **Attainable Unit:** as defined under subsection 4.1 (4) of the D.C.A., excludes affordable units and rental units, will be defined as prescribed development or class of development and sold to a person who is at “arm’s length” from the seller.
- **Inclusionary Zoning Units:** as described under subsection 4.3 (2) of the D.C.A.
- **Non-Profit Housing:** as defined under subsection 4.2 (1) of the D.C.A.
- **Additional Residential Units, including:**
 - A second unit in a detached, semi-detached, or rowhouse if all buildings and ancillary structures cumulatively contain no more than one residential unit;
 - A third unit in a detached, semi-detached, or rowhouse if no buildings or ancillary structures contain any residential units; and
 - One residential unit in a building or structure ancillary to a detached, semi-detached, or rowhouse on a parcel of urban land, if the detached, semi-detached, or rowhouse contains no more than two residential units and no other buildings or ancillary structures contain any residential units.

Analysis/Commentary

- While reducing municipal requirements for the conveyance of land or P.I.L. of parkland may provide a further margin for builders to create additional affordable housing units, the proposed parkland dedication exemptions will increase the financial burdens on municipalities to fund these exemptions from property tax sources (in the absence of any financial participation by senior levels of government) or erode municipalities’ planned level of parks service.
- The definition of “attainable” is unclear, as this has not yet been defined in the regulations to the D.C.A.
- Under the proposed changes to the D.C.A, municipalities will have to enter into agreements to ensure these units remain affordable and attainable over a period of time, which will increase the administrative burden (and costs) on municipalities. An agreement does not appear to be required for affordable/attainable units exempt from parkland dedication. Assuming, however, that most developments required to convey land or provide P.I.L. of parkland would also be required to pay development charges, the units will be covered by the agreements required under the D.C.A. As such, the *Planning Act* changes should provide for P.I.L. requirements if the status of the development changes during the period.
- It is unclear whether the bulletin provided by the Province to determine if a development is affordable will be specific to each municipality or aggregated by County/Region or Province. Due to the disparity in incomes across Ontario, affordability will vary significantly across these jurisdictions. Even within an individual municipality there can be disparity in the average market rents and average market purchase prices.



- While the proposed exemptions for non-profit housing and additional residential units may be easily applied for municipalities imposing the alternative requirement, as these requirements are imposed on a per residential unit basis, it is unclear at this time how a by-law requiring the standard provision of 5% of residential land would be applied.

2.2 Determination of Parkland Dedication: Similar to the rules under the D.C.A., the determination of parkland dedication for a building permit issued within two years of a Site Plan and/or Zoning By-law Amendment approval would be subject to the requirements in the by-law as at the date of planning application submission.

Analysis/Commentary

- If passed as currently drafted, these changes would not apply to site plan or zoning by-law applications made before subsection 12 (6) of Schedule 9 of the *More Homes Built Faster Act* comes into force.
- For applications made after the in-force date, this would represent a lag in P.I.L. value provided to municipalities, as it would represent the respective land value up to two years prior vs. current value at building permit issuance. For municipalities having to purchase parkland, this will put additional funding pressure on property tax funding sources to make up the difference, or further erode the municipality's planned level of parks service.

2.3 Alternative Parkland Dedication Requirement: The following amendments are proposed for the imposition of the alternative parkland dedication requirements:

- The alternative requirement of 1 hectare (ha) per 300 dwelling units would be reduced to 1 ha per 600 dwelling units where land is being conveyed. Where the municipality imposes P.I.L. requirements, the amendments would reduce the amount from 1 ha per 500 dwelling units to 1 ha per 1,000 net residential units.
- Proposed amendments clarify that the alternative requirement would only be calculated on the incremental units of development/redevelopment.
- The alternative requirement would be capped at 10% of the land area or land value where the land proposed for development or redevelopment is 5 ha or less; and 15% of the land area or land value where the land proposed for development or redevelopment is greater than 5 ha.

Analysis/Commentary

- If passed as currently drafted, the decrease in the alternative requirements for land conveyed and P.I.L. would not apply to building permits issued before subsection 12 (8) of Schedule 9 of the *More Homes Built Faster Act* comes into force.
- Most municipal parkland dedication by-laws only imposed the alternative requirements on incremental development. As such, the proposed amendments



for net residential units seek to clarify the matter where parkland dedication by-laws are unclear.

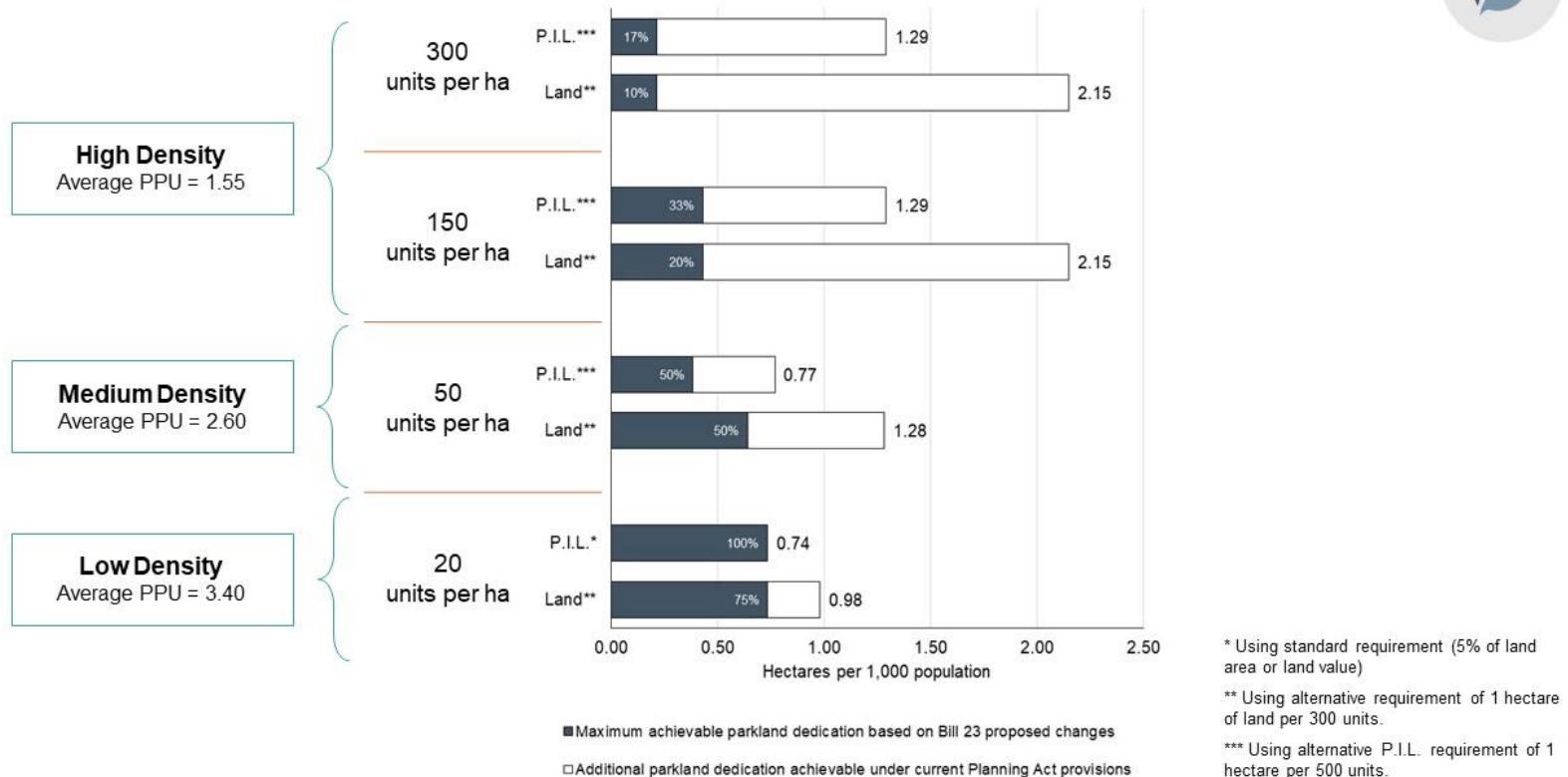
- Section 42 previously imposed the alternative requirement caps of 10% and 15% of land area or value, depending on the respective developable land area, for developments only within designated transit-oriented communities. By repealing subsection 42 (3.2) of the *Planning Act*, these caps would apply to all developable lands under the by-law.
- As illustrated in the figure below, lowering the alternative parkland dedication requirement and imposing caps based on the developable land area will place significant downward pressure on the amount of parkland dedication provided to municipalities, particularly those municipalities with significant amounts of high-density development. For example:
 - Low-density development of 20 units per net ha (uph), with a person per unit (P.P.U.) occupancy of 3.4, would have produced a land conveyance of 0.98 ha per 1,000 population. The proposed change would reduce this to 0.74 ha, approximately 75% of current levels.
 - Medium-density development of 50 uph, with a P.P.U. of 2.6 would produce land conveyance at 50% of current levels (0.64 vs. 1.28 ha/1,000 population).
 - Low-rise development of 150 uph, with a P.P.U. of 2.6 would produce land conveyance at 20% of current levels (0.43 vs. 2.15 ha/1,000 population). P.I.L. would be approximately 1/3 of current levels.
 - High-rise development of 300 uph, with a P.P.U. of 2.6 would produce land conveyance at 10% of current levels (0.22 vs. 2.15 ha/1,000 population). P.I.L. would be approximately 17% of current levels.^[1]

^[1] Low-rise and high-rise developments with sites larger than 5 ha would only be marginally better under the proposed changes, at 30% and 15% of land conveyance and 50% and 25% P.I.L., respectively.



Maximum Achievable Parkland Dedication (hectares per 1,000 population)

Development Sites ≤ 5 hectares





- Based on the proposed alternative requirement rates and land area caps, municipalities would be better off:
 - For land conveyance, imposing the alternative requirement for densities greater than 30 units per ha.
 - Sites of 5 ha or less, land conveyance would be capped at 10% of land area at densities greater than 60 units per ha.
 - Sites greater than 5 ha, land conveyance would be capped at 15% of land area at densities greater than 90 units per ha.
 - For P.I.L. of parkland, imposing the alternative requirement for densities greater than 50 units per ha.
 - Sites of 5 ha or less, land conveyance would be capped at 10% of land area at densities greater than 100 units per ha.
 - Sites greater than 5 ha, land conveyance would be capped at 15% of land area at densities greater than 150 units per ha.
 - For densities less than 30 units per ha, imposing the standard requirement of 5% of land area for land conveyance and P.I.L. of parkland.

2.4 Parks Plan: The preparation of a publicly available parks plan as part of enabling an Official Plan will be required at the time of passing a parkland dedication by-law under section 42 of the *Planning Act*.

Analysis/Commentary

- The proposed change will still require municipal Official Plans to contain specific policies dealing with the provision of land for parks or other public recreational purposes where the alternative requirement is used.
- The requirement to prepare and consult on a parks plan prior to passing a by-law under section 42 would now appear to equally apply to a by-law including the standard parkland dedication requirements, as well as the alternative parkland dedication requirements. This will result in an increase in the administrative burden (and cost) for municipalities using the standard parkland dedication requirements.
- Municipalities imposing the alternative requirement in a parkland dedication by-law on September 18, 2020 had their by-law expire on September 18, 2022 as a result of the *COVID-19 Economic Recovery Act* amendments. Many municipalities recently undertook to pass a new parkland dedication by-law, examining their needs for parkland and other recreational assets. Similar transitional provisions for existing parkland dedication by-laws should be provided with sufficient time granted to allow municipalities to prepare and consult on the required parks plan.

2.5 Identification of Lands for Conveyance: Owners will be allowed to identify lands to meet parkland conveyance requirements, within regulatory criteria. These lands may include encumbered lands and privately owned public space (POPs).



Municipalities may enter into agreements with the owners of the land regarding POPs to enforce conditions, and these agreements may be registered on title. The suitability of land for parks and recreational purposes will be appealable to the Ontario Land Tribunal (OLT).

Analysis/Commentary

- The proposed changes allow the owner of land to identify encumbered lands for parkland dedication consistent with the provisions available to the Minister of Infrastructure to order such lands within transit-oriented communities. Similar to the expansion of parkland dedication caps, these changes would allow this to occur for all developable lands under the by-law. The proposed changes go further to allow for an interest in land, or POPs.
- The municipality may refuse the land identified for conveyance, providing notice to the owner with such requirements as prescribed. The owner, however, may appeal the decision to the OLT. The hearing would result in the Tribunal determining if the lands identified are in accordance with the criteria prescribed. These “criteria” are unclear, as they have not yet been defined in the regulations.
- Many municipal parkland dedication by-laws do not except encumber lands or POPs as suitable lands for parkland dedication. This is due, in part, to municipalities’ inability to control the lands being dedicated or that they are not suitable to meet service levels for parks services. Municipalities that do accept these types of lands for parkland or other recreational purposes have clearly expressed such in their parkland dedication by-laws. The proposed changes would appear to allow the developers of the land, and the Province within prescribed criteria, to determine future parks service levels in municipalities in place of municipal council intent.

2.6 Requirement to Allocate Funds Received: Similar to the requirements for C.B.C.s, and proposed for the D.C.A. under Bill 23, annually beginning in 2023, municipalities will be required to spend or allocate at least 60% of the monies in a reserve fund at the beginning of the year.

Analysis/Commentary

- This proposed change appears largely administrative, increasing the burden on municipalities. This change would not have a fiscal impact and could be achieved as a schedule to annual capital budget. Moreover, as the Province may prescribe annual reporting, similar to the requirements under the D.C.A. and for a C.B.C under the *Planning Act*.



We will continue to monitor the legislative changes and will keep you informed as the Bill proceeds.

Yours very truly,

WATSON & ASSOCIATES ECONOMISTS LTD.

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The Corporation of the Town of Tecumseh

Development Services

To: Mayor and Members of Council

From: Brian Hillman, Director Development Services

Date to Council: November 22, 2022

Report Number: DS-2022-46

Subject: Tecumseh-Lakeshore Shared Commercial Economic
Development Strategy – 2023 Implementation Program

Recommendations

It is recommended:

That Report DS-2022-46, entitled “Tecumseh-Lakeshore Shared Commercial Economic Development Strategy – 2023 Implementation Program, **be received**.

And that final approval and implementation of the programs proposed for implementation in 2023, as identified in Report DS-2022-46, **be referred** to 2023 budget deliberations.

Background

In January of 2021, Council endorsed the [Tecumseh-Lakeshore Shared Economic Development Strategy](#) by way of [Report CAO-2022-02](#). This strategy was prepared by McSweeney & Associates, economic development consultants, under the direction of an Administrative Steering Committee comprising Tecumseh and Lakeshore staff as well as a representative of the Invest Windsor-Essex Small Business & Entrepreneurship Centre.

This strategy was prepared in response to concerns regarding the effects of the COVID-19 pandemic on local retail and service businesses in the community and was intended

to create a development strategy to support the viability of the following primary commercial districts:

- **Tecumseh Main Street**, which corresponds with the Tecumseh Road Community Improvement Plan area;
- **Lesperance South**, located on Lesperance Road south of County Road 22 including both the Tecumseh Town Centre plaza and Home Hardware developments; and
- **Manning Road – Amy Croft**, which includes commercial areas south of St. Gregory's Road to County Road 22 and extends westerly along Tecumseh Road and easterly along Amy Croft Drive.

The strategy identified top actions for the two communities to undertake which included:

- The identification of priority areas of focus that will sustainably and successfully generate wealth, investment and employment and enhance the viability of existing business, expand existing business, and attract new investment and businesses; and
- Immediate, short, and long-term action items identifying innovative strategies, actions necessary to draw on Tecumseh and Lakeshore's strengths, competitive advantages and priority opportunities, as well as address any challenges.

The strategy:

- focuses on supporting and retaining existing businesses and jobs in Tecumseh and Lakeshore;
- leverages assets where it makes the most sense to do so;
- encourages greater investment in the Study Area;
- aims to attract new businesses to the Study Area; and
- helps Tecumseh and Lakeshore achieve long-term employment growth.

The purpose of this report is to layout a short-term strategy for operationalizing components of the Tecumseh-Lakeshore Shared Commercial Economic Development Strategy and to prioritize action items for Council's consideration and approval.

Comments

This strategy sets out the goal of a harmonized economic development program for the Tecumseh and Lakeshore Study Area that focuses on the sustainability and growth of the three districts, with special consideration for the joint opportunities in the Manning Road-Amy Croft District. With its shared geography and separate jurisdictions, provisions are needed to ensure a cohesive and collaborative strategy is undertaken by the two municipalities.

To achieve this, the following **overarching objectives** were recommended:

- To make economic development a long-term investment for Tecumseh and Lakeshore to ensure long-term success for the Study Area; and
- To develop alignments and consistencies between Tecumseh and Lakeshore to support investment in the Study Area.

As a result of extensive consultations and research, twenty-nine attainable actions were established to be implemented over the next five years. The actions are the responsibility of various stakeholders in Tecumseh and Lakeshore including Tecumseh and Lakeshore staff, with input from local and regional economic development organizations. These action items align with the aforementioned overarching objectives and flow from the following three distinct goals:

- Collaborating and Connecting;
- Creating a Destination; and
- Branding, Communicating and Marketing.

The full report lists 29 actions corresponding to the foregoing goals and objectives. Of these, the following measures will be taken over 2023 to implement the recommended actions. It is anticipated that this work will be undertaken within the existing staff complement and in collaboration with the Municipality of Lakeshore. A one-time allocation of \$25,000 is requested in the 2023 budget as outlined below:

- Establish annual budget allocation for local economic development and commence with an initial one-time allocation of \$25,000 for a special project to develop distinct branding for the commercial districts.
- Align policies and bylaws in the Manning Road – Amy Croft District between the two municipal partners, starting with the zoning by-laws in 2023 to present a seamless and consistent commercial district on our shared border. Both municipalities are preparing new zoning by-laws scheduled to be completed in 2023 and are using the same consultant (WSP).

- Develop consistent economic development content on both municipal websites by providing shared data applicable to the commercial districts.
- Streamline municipal processes and customer service for investors to expedite planning, building, and inspection services.
- Work with the Small Business and Entrepreneurship Centre and other local and regional agencies to promote grants and programs to businesses in the commercial districts, like the Digital Mainstreet program.
- Work with the Tecumseh BIA to identify opportunities to partner and collaborate on small business advertising and promotion in the commercial districts.
- Consider effective integration and delivery of service for Tecumseh Transit and Lakeshore's future transit system.

These measures will be implemented over the next year and will rely on a high degree of coordination with the Town of Lakeshore Economic Development & Mobility Division Leader as well as the BIA Manager. Tecumseh's Manager Planning and Local Economic Development will balance the implementation of this program with other efforts related to the implementation of the five-year capital works plan that is intended to advance residential, commercial and industrial development opportunities throughout the Town.

Consultations

Division Leader – Economic Development & Mobility, Town of Lakeshore

Financial Implications

The draft 2023 Budget allocates funds to support the implementation of this program, which will be considered as part of the 2023 Budget deliberations.

Link to Strategic Priorities

Applicable	2019-22 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 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 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:

Chad Jeffery, MA, MCIP, RPP
Manager Planning Services & Local Economic Development

Reviewed by:

Brian Hillman, MA, MCIP, RPP
Director Development Services

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
None	None



The Corporation of the Town of Tecumseh

Financial Services

To: Mayor and Members of Council

From: Tom Kitsos, Director Financial Services & Chief Financial Officer

Date to Council: November 22, 2022

Report Number: FS-2022-10

Subject: Essex Powerlines Corporation Long-Term Financing Agreement Renewal

Recommendations

It is recommended:

That Report No. FS-2022-10, Essex Powerlines Corporation Long-Term Financing Agreement Renewal **be received**;

And that By-law 2022-085 authorizing the Mayor and Clerk to execute a Long-Term Financing Agreement between The Corporation of the Town of Tecumseh and Essex Powerlines Corporation **be adopted**.

Background

Pursuant to By-law 2002-74, the Town entered into a long-term financing agreement with Essex Powerlines Corporation (EPL). This engagement replaced the promissory note that was due on demand as a result of the incorporation of EPL and the transfer of Tecumseh Public Utilities Commission (PUC) assets thereto. EPL used this financing arrangement in place of other financing alternatives such as issuing bonds or borrowing from a financial institution.

The financing agreement established through By-law 2002-74 had a five-year term and expired in 2007. After the original financing agreement of 2002, the two parties have renewed the financing agreement for five-year terms in each of 2007, 2012 and 2017.

Section 3.03 of the current agreement provides the Town the annual option of notifying EPL by March 1st that payment of \$308,881 is due. This represents 20% of the \$1,544,408, which is the amount outstanding in the agreement. Historically, the Town has opted to defer payable amounts. The note balance of \$1,544,408 has not changed since 2003.

Section 3.04 allows EPL to notify the Town by July 1st of intent to make payment or partial payment.

Section 4 stipulates an interest rate of 3.80% per annum of the loan principal calculated annually and payable to the Town by the 20th business day following the calendar year end.

The current long-term financing agreement authorized by By-law 2018-01 expires December 31, 2022. EPL has offered to renew the agreement for a further five-year term at an interest rate of 4.0%.

Comments

Administration has conducted a review of the new long-term financing agreement with EPL for compliance with the Town's Investment Policy (Policy number 87). Renewal of this agreement is in compliance with Investment Policy Appendix B, Sector Limitations, which allows for investment of this nature to a maximum of 5% of the portfolio value.

The Policy considers such factors as:

- Return on Investment
- Investment Security
- Diversification
- Liquidity

The Town's investment environment has not changed in any significant way from the environment in place when the Policy was approved in February of 2016.

Administration has reviewed the proposed 4.0% interest rate in comparison to other investments of similar risk and security and finds it to be reasonable.

In light of the discussion above, Administration recommends the adoption of a by-law authorizing the Mayor and the Clerk to execute a long-term financing agreement

between The Corporation of the Town of Tecumseh and Essex Powerlines Corporation as outlined in this report. By-law 2022-085 is found in the By-laws section of the agenda.

Consultations

Chief Administrative Officer

Financial Implications

At an interest rate of 4.0%, the long-term financing agreement with EPL provides the Town with income of \$61,800 annually, which is a \$3,100 increase from the previous annual return of \$58,700. The income from this agreement is revenue of the Reserve Fund.

Link to Strategic Priorities

Applicable	2019-22 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 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 Tecumseh's plans and priorities.
<input 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:

Tom Kitsos, CPA, CMA, BComm
Director Financial Services & Chief Financial Officer

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
None	None



The Corporation of the Town of Tecumseh

Financial Services

To: Mayor and Members of Council

From: Tom Kitsos, Director Financial Services & Chief Financial Officer

Date to Council: November 22, 2022

Report Number: FS-2022-11

Subject: 2021 Annual Report on Investment and Cash Management

Recommendations

It is recommended:

That the 2021 Annual Report on Investment and Cash Management **be received** for information.

Background

Investment Policy

As per Policy #87 – Investment Policy, “the Town of Tecumseh (Town) strives for the optimum utilization of its cash resources within statutory limitations and the basic need to protect and preserve capital, while maintaining solvency and liquidity to meet ongoing financial requirements.”

The Director Financial Services & Chief Financial Officer is required to submit an Investment Report to Council at least annually, including a management summary that provides an analysis of the status of the current investment portfolio and transactions made over the last year. The report is to include the following:

- Listing of individual securities held at the end of the reporting period.
- Listing of investment by maturity date.

- Percentage of the total portfolio which each type of investment represents.
- Average weighted yield to maturity on investments.
- A statement by the Director Financial Services & Treasurer as to whether, in his or her opinion, all investments were made in accordance with the investment policies and goals adopted by the Town.
- Such other information that Council may require or that, in the opinion of the Director Financial Services & Treasurer, should be included.

Policy # 87 meets the requirements set forth in *O. Reg. 438/97, Eligible Investments and Related Financial Agreements*.

Comments

Investment Report

Table 1 contains the listing of individual securities held at the end of the reporting period, percentage of the total portfolio, and the average weighted yield to maturity with comparison values for the prior two years.

Table 1
Listing of Individual Securities Held at December 31 (\$000)

<u>Term Length</u>	2021			2020			2019		
	Amount @ Dec 31	% of Funds	Ave. Int. Rate	Amount @ Dec 31	% of Funds	Ave. Int. Rate	Amount @ Dec 31	% of Funds	Ave. Int. Rate
Cash	\$ 3	0%		\$ 3	0%		\$ 4	0%	
Bank Balances	\$ 65,610	80%	1.70%	\$ 51,729	77%	1.95%	\$ 44,657	75%	2.99%
Short-Term	\$ 65,613	80%	1.70%	\$ 51,732	77%	1.95%	\$ 44,661	75%	2.99%
Drain 5-Year Receivables	\$ 132	0%	5.87%	\$ 220	0%	4.23%	\$ 262	0%	3.71%
EPC Financing Agreement	\$ 1,544	2%	3.80%	\$ 1,544	2%	3.80%	\$ 1,544	3%	3.80%
Medium-Term	\$ 1,676	2%	3.96%	\$ 1,764	3%	3.85%	\$ 1,806	3%	3.79%
EPC - Equity - Common	\$ 11,729	14%	3.92%	\$ 11,170	17%	4.12%	\$ 10,693	18%	4.30%
EPC - Equity - Green	\$ 374	0%	7.00%	\$ 374	1%	7.00%	\$ 374	1%	7.00%
EPC - Equity - Total	\$ 12,103	15%	4.02%	\$ 11,544	17%	4.21%	\$ 11,067	19%	4.39%
ONE Fund - Equity	\$ 2,201	3%	0.00%	\$ 1,825	3%	0.00%	\$ 1,713	3%	0.00%
Long-Term	\$ 14,304	18%	0.00%	\$ 13,369	20%	0.00%	\$ 12,780	22%	0.00%
Total Funds	\$ 81,593	100%	2.05%	\$ 66,865	100%	2.32%	\$ 59,247	100%	3.18%

Note:

1. EPC - Equity - Common amount is recorded using the modified equity basis of accounting. The Town recognizes its equity interest in the annual income or loss of EPC in its Consolidated Statement of Operations with a corresponding increase or decrease in its investment account. Any dividends that the Municipality receives from EPC are reflected as reductions in the investment account. The Average Interest Rate earned is calculated based on the change in the investment account balance.

2. The percentage of funds by category remains within limits specified in Policy # 87 - Investment Policy.

Section 6.2 of the Investment Policy states that, “**Short-term** funds will be compared to the return on the three-month Government of Canada Treasury Bills and the ONE Investment Program’s Money Market Fund.” The 1.70% rate of return compares favourably with the ONE Fund and Canada Treasury Bills 1-year returns for:

- Money Market Portfolio 0.04%
- Canada Treasury Bills 0.12%

Note that the Town’s rate of return for the cash balances above does not include the benefit of an absence of fees for most banking services.

Although the Investment Policy is silent on performance standards for the **medium-term** investments, the Town’s 3.96% 2021 actual return compares to:

- ONE - Canadian Corporate Bond Portfolio (-2.37%)
- Scotia Bond Fund (-4.00%)

Investment Policy Performance Standards 6.3 states, “**Long-term** funds will be compared to Scotia McLeod’s All Government Short Term Bond Index and ONE Fund’s Bond Investment Program.” The Scotia McLeod Index is no longer available and is replaced by RBC Canadian Government Bond Index Fund. The Essex Power Corporation return of 4.02% compares to:

- RBC Canadian Government Bond Index Fund (-3.30%)
- ONE – Canadian Government Bond Portfolio (-1.44%)
- ONE – Canadian Corporate Bond Portfolio (-2.43%)

Note that any inherent growth in the market value of Essex Power Corporation (EPC) Common shares is not reflected in the analysis within this report.

As an additional long-term investment, the Town began participating in the ONE Investment Program Equity Portfolio in 2016 under by-law 2016-15. As shown in Table 3, \$1,575,000 has been invested to date: \$1,400,000 from the Post Retirement Reserve Fund and the remainder from reinvested income and capital gains. Since these funds were not going to be required for a considerable number of years, it was felt that it would be appropriate to invest in the equity market. History has shown that the equity market, over the long term, outperforms the short- and medium-term markets.

Annual returns for the ONE Canadian Equity Portfolio, as per ONE Investment Performance Report are shown in Table 2:

Table 2

Period Ending December 31, 2021

(Annualized Returns)

Canadian Equity

Portfolio

1 Year	20.62%
2 Year	13.34%
3 Year	14.98%
4 Year	10.22%
5 Year	10.18%
10 Year	11.99%

*Data taken from ONE Investment
December 2021 Performance
Report

Table 3 shows the performance of the Town's investment in the ONE Equity Portfolio:

Table 3

Year	Book Value	Market Value	Annual Return	Cumulative Return*
2016	\$ 400,000	\$ 415,829	14.18%	14.18%
2017	\$ 1,000,000	\$ 1,095,684	10.97%	11.42%
2018	\$ 1,200,000	\$ 1,261,004	-3.07%	3.22%
2019	\$ 1,399,999	\$ 1,713,193	17.48%	14.72%
2020	\$ 1,446,339	\$ 1,824,962	3.81%	5.35%
2021	\$ 1,575,381	\$ 2,201,246	13.55%	8.80%
*Since initial investment in June 2016				

Table 4 shows the listing of investments with respective maturity dates.

Table 4
Listing of Maturity Dates

	Book Value	Interest Rate	Maturity Date
<u>Short -Term</u>			
Cash & Bank	\$ 65,613,438	1.66%	N/A
<u>Medium-Term</u>			
Drain 5-Year Receivables			
2017	\$ 21,585	2.95%	2022
2018	\$ 30,469	3.28%	2023
2019	\$ 36,142	3.96%	2024
2020	\$ 43,433	4.00%	2025
2021	\$ -	2.70%	2026
Medium-Term Total	\$ 131,629		
EPC Financing Agreement	\$ 1,544,408	3.80%	2021
<u>Long-Term</u>			
EPC - Equity - Common	\$ 11,729,419	N/A	N/A
EPC - Equity - Green	\$ 373,943	N/A	2030
ONE Fund - Equity	\$ 1,575,380	N/A	N/A
Long-Term Total	\$ 13,678,742		

Treasurer's Statement

I, Tom Kitsos, Director Financial Services & Chief Financial Officer, hereby state that in my opinion all investments were made in accordance with the investment policies and goals adopted by the Town.

Consultations

None

Financial Implications

Actual investment income for the past three years is shown in Table 5.

Table 5
Investment Income Summary

		2021	2020	2019
Cash & Bank	Bank Interest	\$ 1,088,046	\$ 1,052,681	\$ 1,383,367
Drain 5-Year Receivables	Interest	7,731	9,323	9,721
EPC Financing Agreement	Interest	58,688	58,688	58,688
Total - Interest Income		66,419	68,011	68,409
EPC - Equity - Common	Dividends	460,099	460,099	460,099
EPC - Equity - Green	Dividends	26,176	26,176	26,176
Total - EPC Equity Dividends		486,275	486,275	486,275
ONE Fund - Equity		-	-	-
Total - Dividend Income		486,275	486,275	486,275
Total Investment Income		\$ 1,640,740	\$ 1,606,967	\$ 1,938,051

Link to Strategic Priorities

Applicable	2019-22 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 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 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:

Nick Meloche, CPA, B.Com
Financial Analyst

Reviewed by:

Tom Kitsos, CPA, CMA, BComm
Director Financial Services & Chief Financial Officer

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
None	None



The Corporation of the Town of Tecumseh

Financial Services

To: Mayor and Members of Council

From: Tom Kitsos, Director Financial Services & Chief Financial Officer

Date to Council: November 22, 2022

Report Number: FS-2022-12

Subject: Budget Variance Report – August 2022

Recommendations

It is recommended:

That the Financial Services Report FS-2022-12, Budget Variance Report – August 2022, showing a projected tax-supported surplus of \$483,000 and a rate-supported deficit of \$64,000 **be received**.

Executive Summary

Administration has reviewed year-to-date financial activity and completed a forecast of the Town's financial position to year-end. Based on projections and assumptions through to the end of December 31, 2022, Administration is projecting a year-end surplus in the Operating Fund of \$418,781. This is made up of a tax-supported surplus of \$482,835 and a rate-supported deficit of \$64,054.

Key drivers of the projected surplus include:

- Tax Supported:
 - o Grant Revenue (\$437K Surplus) – Represents use of remaining balance of the 2021 COVID-19 Relief funding (\$145K) and incremental government grants projected to support major one-time events, use of

summer students, and improvements to our digital strategy, records management, and transit system.

- User Fees, Permits & Charges (\$261K Deficit) – Two major land developments anticipated to commence in 2022 will proceed in early 2023, resulting in a decrease in building permit revenue (\$174K). We also anticipate a shortfall in lottery licenses revenue (\$28K), arena rentals (\$64K) and a decrease in revenue from Provincial Offences collections (\$53K) all primarily resulting from the impacts of COVID-19 restrictions. The 2021 COVID-19 Relief grant funding of \$145K deferred from 2021, will be used to offset these variances.
 - Salaries and Benefits (\$130K Surplus) – Favourable variance due primarily to several lengthy staff vacancies (\$470K) offset by significant increase to health benefits, retirement payouts and overtime (\$340K).
 - Operating & Maintenance Supplies (\$131K Deficit) – Projecting gasoline and diesel expenditures to cause a \$56K deficit (\$63K attributable to rate increase, slightly offset by a \$6K decrease in usage).
 - Net Transfers To/From Reserves (\$532K Deficit) – Compared to budget, the projection shows us requiring \$532K less from Reserves to fund operations. This is due to lower projected legal fees, deferral of studies to 2023, increased Investment Income as well as higher Grant & Donation revenues.
- Rate supported:
- Contract Services (\$130K Deficit) – The projected deficit is due to a higher than budgeted rate being charged by the City of Windsor for wastewater treatment. This is partially offset by lower consumption.
 - Salaries & Benefits (\$191K Surplus) – Favourability stemming from multiple vacancies.

The Capital/Lifecycle analysis consists of reviewing the status of approved projects comparing approved funding to current activity. A complete listing of all capital projects planned for 2022 as identified within each department's five-year capital plans is detailed in Attachments 3 and 4.

In total, over 120 projects are included in this variance report having a total budgeted cost of \$38M.

Background

Annual operating budgets for all Town departments are set at the beginning of the calendar year based on Council direction. Budget inputs consist of numerous professional estimates based on information available at the time (including the legislative environment, and macroeconomic trends such as currency fluctuations, commodity prices, unemployment figures, business investment, etc.).

Departments continuously monitor financial results and provide revised year-end forecasts. This helps us identify potential exposures and provides an opportunity to create or adjust our risk mitigation strategies to remain at, or as close to, the approved budget as possible.

Impact of COVID-19

During the 2022 budget preparation process, COVID-19 related restrictions were being lifted and the local Health Unit's data was showing favourable trending. With this information in mind, the 2022 Budget was established with the assumption that there would be minimal financial impact due to COVID-19. As of August 2022, the Town has experienced some COVID-19 related financial hardships, mainly stemming from facility closures in January 2022. Significant variances to the budget that are directly linked to COVID-19 are mentioned throughout Attachment 2. The Town has approximately \$145K of grant funding carried forward from 2021 to offset these costs/lost opportunities.

Comments

Operating Fund

Attachment 1 provides a summary of the 2022 projected year-end variances by department, listed in order from the largest dollar deficit to the largest dollar surplus. As of our August 2022 variance analysis, we project a year-end surplus of \$418,781 (tax-supported surplus of \$482,835 and a rate-supported deficit of \$64,054).

Attachment 2 provides a description of significant variances for each department.

Tax Supported Variances

As of August 31, 2022, Administration is projecting a year-end surplus of \$482,835. **Table 1** below shows the impact each department/division has on our projected position.

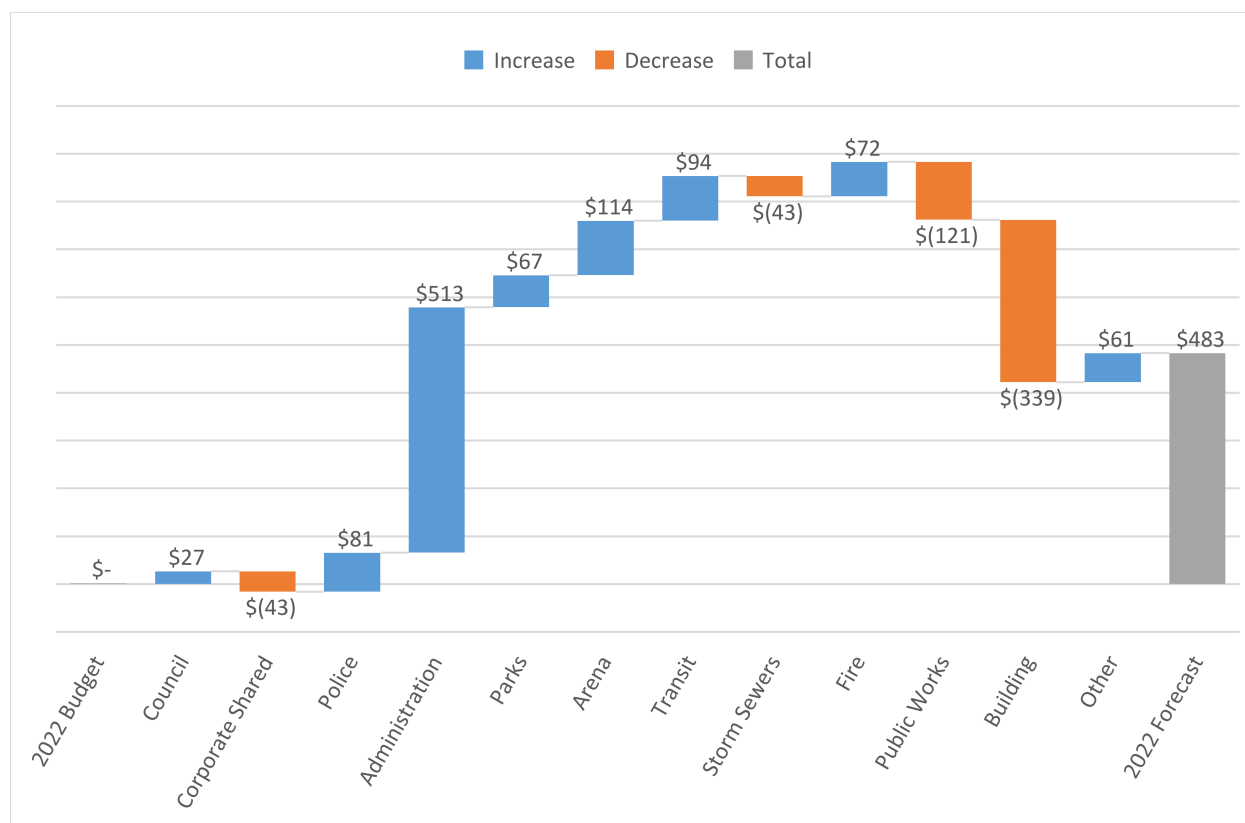


Table 1 - Projected Fiscal 2022 Surplus (Deficit) in 000's

The largest shortfall among the departments/divisions is in the “Building” budget. The projected deficit primarily relates to compensation and permit revenue. Professional fees and wages & benefits are projected to be net unfavourable by \$163K (\$39K favourable and \$202K unfavourable respectively). This is a result of greater than budgeted costs for temporary staff needed to process plans and inspections for several multi-unit residential structures permitted in 2021 and to fill temporary vacancies. Permit revenue is projected to be \$174K unfavourable due to two major developments anticipated for 2022, now commencing in early 2023.

The projected year-end variance broken down by department and major account category is presented below in **Table 2**.

Account Category		Net Favourable/ (Unfavourable) Variance
Revenue		
User fees, Permits & Charges	\$	(261,365)
Transfers from Reserves		(91,442)
Penalties and Interest		9,814
Taxes		19,720
Investment Income		314,088
Grants		437,401
Subtotal - Revenue	\$	428,216
Expenses:		
Transfers to Reserves	\$	(437,571)
Operating & Maintenance Supplies		(130,640)
Utilities & Insurance		40,573
Grants & Donations		95,621
Other		112,246
Salaries & Benefits		128,711
Professional Services		245,679
Subtotal - Expenses	\$	54,619
2022 Forecasted Year-End Surplus	\$	482,835

Table 2 - Projected Operating Budget Variance by Category – Tax Rate Supported

Explanation of Key Variances

Revenue Variance

The largest projected surplus is within the “Grants” category. Of this, \$145K represents COVID-19 Relief funding that was carried forward from 2021 to offset costs/lost opportunities in Arena (\$64K), Financial Services (\$53K), and Corporate Services & Clerks (\$28K) departments. The remainder consists of additional projected revenue from the province for major one-time events, improvements to our digital strategy and records management, and from the Canadian government to cover summer students and pilot program for our transit system.

Offsetting this surplus is a substantial deficit within the “User fees, Permits & Charges” category. As noted above, the “Building” department is anticipating a \$174K decrease in permit revenue. We are also anticipating a \$69K decrease in revenue from Provincial Offences based on year-to-date activity, and a \$28K shortfall in lottery licenses revenue however, the greater part of these losses is funded through the COVID-19 Relief grant noted above.

The “Transfers from Reserves” deficit is mainly driven by increased grant revenue (\$82K for Tecumseh’s 100th Year Celebration).

Expense Variance

Overall, a budget to actual surplus of \$55K is anticipated for expenditures. The deficit projected for “Transfers to Reserves” mainly represents an offset to the surpluses in the “Grants & Donations” and “Investment Income” categories.

A notable variance for a common expenditure that is affecting many departments is Gasoline and Diesel costs. Projected gasoline and diesel expenditures result in a deficit of \$56K. Of this, \$63K is attributable to rate increase, slightly offset by a \$6K decrease in usage.

Rate Supported Variances

As of August 31, 2022, Administration is projecting a year-end rate-support deficit of \$64,054. The projected year-end variance broken down by major account category is presented in **Table 3** below.

Account Category	Net Favourable/ (Unfavourable) Variance	
Revenue		
User fees, Permits & Charges	\$	(126,534)
		4,250
Subtotal - Revenue	\$	(122,334)
Expenses:		
Contracted Services	\$	(130,427)
Other		(32,490)
Operating & Maintenance Supplies		(27,159)
Professional Services		4,550
Utilities & Insurance		6,516
Grants & Donations		45,904
Salaries & Benefits		191,386
Subtotal - Expenses	\$	(58,280)
2022 Forecasted Year-End Deficit	\$	(64,054)

Table 3 - Projected Operating Budget Variance by Category – Rate Supported

Explanation of Key Variances

Expense Variance

The projected deficit for “Contract Services” is due to a higher than budgeted rate being charged by the City of Windsor for wastewater treatment. This is partially offset by lower anticipated volumes.

Salaries & Benefits are projected to have a \$191K surplus mainly stemming from multiple vacancies.

Projected gasoline and diesel expenditures result in a deficit of \$14K, all of which is attributable to rate increases.

Capital/Lifecycle Variances

The Capital/Lifecycle analysis consists of reviewing the status of approved projects and comparing approved funding to current activity. A complete listing of all capital projects planned for 2022 as identified within the department’s five-year capital plans is detailed in **Attachments 3 and 4**.

In total, over 120 projects are included in this variance report having a total budgeted cost of \$38M. Projects in this report are either included in the 2022 Capital Works Plan and/or included in the prior year Capital Works plans to incur 2022 costs.

Project surplus/deficits impact the reserve funds required resulting in lesser/greater use of capital reserve funding.

Capital Program Highlights

Some of the more notable capital projects in 2022 include:

Riverside Drive Trail – Final detail design was completed this spring. Initial construction tender issued in June received no bids. Re-tendered in early July with construction tender awarded following negotiations with sole bidder in August. Tender awarded for \$2,391,961, \$364,000 below sole bid, however still approximately \$700,000 over construction estimate. This project was awarded grant funding through the Canada Community Revitalization Fund of 75% of eligible costs up to \$750,000. Construction is currently on-going.

Scully/St. Mark’s Storm Pump Station – Detailed design is 90% complete, Ancillary Consulting Services awarded in August for \$226,005. Request for Quotations for Pre-Order of Generators to be issued in Q4 2022, with the Request for Tenders for construction to be issued in Q1 2023 for the entire project. This project is a critical component of the Town’s Storm Drainage Master Plan and was awarded grant funding

through the Federal Disaster Mitigation and Adaptation Fund (DMAF) of 40% of eligible costs up to \$10.7M.

Tecumseh Road Storm and Road Improvements – The construction tender was awarded in June 2022 for \$4,859,000, with a total project budget of \$5,809,500. Total project is over budget by \$1,021,400, however we do anticipate cost recoveries from the Greater Essex County District School Board (GECDSB) and the County of Essex of \$1,008,700 and \$1,010,200 respectively. Construction is scheduled to be completed by the end of November 2022. This project is critical to enable the construction of the new North Shore Elementary Public School.

County Road 42/43 Construction – Initial construction tender by the County in May received no bids. Limited tender and negotiations with local contractors in September resulted in a tender award in the amount of \$29M. The Town's cost associated with water and wastewater infrastructure is \$6.48M. Construction commenced in October 2022 and will be ongoing until Q4 2023. This is the first of five phases that will see major improvements to County Road 42 (City Limits to Pike Creek in Lakeshore) and County Road 43 (CP Rail to south of County Road 42) to address the regional transportation needs and major developments within the area, including the Windsor-Essex Regional Hospital and the NextStar Battery Plant.

Tecumseh Hamlet Secondary Plan Area – Completion of the Municipal Class EA and the Functional Servicing Study is taking place in conjunction with the Secondary Planning Process. These are anticipated to be completed Q1 of 2023. This project is critical to identify how key municipal infrastructure (roads, sewers, watermain) is integrated into the development area. Development of the Tecumseh Hamlet Secondary Planning Area has the potential for approximately 3,100 residential units and 0.4M square feet of Commercial area.

Arena – Rink B Brine Pump and Chiller – Awarded to CIMCO Refrigeration via Town's membership with LAS Municipal Buying Group Program (Canoe). Canoe program cost to supply and install quoted at \$166,670 versus project estimate of \$180,000. This project was completed in August 2022. The plant is operating and the new equipment is running with no issues.

Buildings – Town Hall HVAC Unit Replacements – Awarded to Trane ULC via Town's membership with Kinetic Group Purchasing Organization (GPO). Kinetic program cost to supply and install ten (10) HVAC units at Town Hall quoted at \$173,449, within project budget of \$240,000. Equipment order was placed in spring of 2022 with global procurement backlogs pushing installation to fall 2022. Units are expected to be installed late November / early December. This project is 100% funded through the Investing in Canada Infrastructure (ICIP) – COVID-19 Resiliency Stream grant program.

Building – E/V Charging Stations – The purchase of four (4) double-head EV charging stations was awarded to Flow through the Canoe Purchasing Group in the

amount of \$34,180 with installation contract was awarded through the Town's Purchasing Policy to Rorison Electric Limited in the amount \$50,757. Total project cost is \$85,000, which is within the project budget of \$100,000. The project will be completed in early December 2022.

Parks – Zekelman Pickle Ball Complex (Lacasse Park) – Construction of the Zekelman Pickle Ball Complex was substantially completed in 2021, with fencing and landscaping remaining for 2022. The complex opened to users in June 2022. Final project costs total \$828,000 offset by donations of \$128,000 to net Town cost of \$700,000, within the project budget of \$755,000. The project is complete and the courts have been well used.

Parks – Lakewood Splash Pad and Washroom Design – The Architect contract for the outdoor washrooms was awarded to Archon Architects Incorporated. The design work will be completed by December 2022 and the project will be tendered in Q1 2023. The request for proposals for the Splash Pad will go Q1 2023 with the goal of project completion in late spring/early summer 2023.

Parks – Lacasse Baseball Grandstand Replacement Design – The design of the replacement Grandstands, ball diamond backstop and renovation to the entrance plaza has been completed and project construction will be tendered late November 2022. The project budget inclusive of the architect cost is \$3.321M. Provided tenders are received within budget, the project will commence in February/March 2023 with a completion date of late summer 2023.

Consultations

All Departments

Financial Implications

The summary of projected year-end variance is as follows:

Tax supported services	Amount
Operating Surplus	\$ 482,835
Rate supported services	Amount
Operating deficit – Wastewater	\$ (162,270)
Operating surplus – Water	\$ 98,216
Total surplus	\$ 418,781

Link to Strategic Priorities

Applicable	2019-22 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 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 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:

Vanessa DaDalt, CPA, CA
Deputy Treasurer & Manager Revenue Services

Reviewed by:

Tom Kitsos, CPA, CMA, BComm
Director Financial Services & Chief Financial Officer

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	Projected Fiscal 2022 Surplus (Deficit)
2	Projected Fiscal 2022 Variance Report – Operating Items
3	August 2022 Variance – Capital Summary by Department (Excluding PWES)
4	August 2022 Variance – Capital Summary by Cost Centre (PWES)

Projected Fiscal 2022 Surplus (Deficit)

Division/Department	2022 Approved Budget	2022 Year End Projection	2022 Projected Surplus/(Deficit)	% Var. of Budget
Tax Supported				
Building	\$ (18,997)	\$ 320,444	\$ (339,441)	1,786.8%
Public Works	2,254,490	2,375,827	(121,337)	(5.4%)
Storm Sewers	449,624	492,426	(42,802)	(9.5%)
Corporate Shared	(17,478,214)	(17,435,459)	(42,755)	0.2%
Planning & Zoning	742,291	750,610	(8,319)	(1.1%)
Garbage Collection/Disposal	1,546,015	1,546,015	-	0.0%
Golden Age Club	16,000	15,225	775	4.8%
Emergency Measures	23,800	19,950	3,850	16.2%
Libraries & Culture	19,600	13,301	6,299	32.1%
Other Protection	109,572	97,504	12,068	11.0%
Conservation Authority	305,774	292,940	12,834	4.2%
Recreation Other	108,596	92,886	15,710	14.5%
Pool	109,024	91,628	17,396	16.0%
Council	410,181	383,378	26,803	6.5%
Parks	1,582,068	1,514,854	67,214	4.2%
Fire	1,560,222	1,488,019	72,203	4.6%
Police	3,437,089	3,355,665	81,424	2.4%
Transit	107,847	13,888	93,959	87.1%
Arena	766,913	653,360	113,553	14.8%
Administration ¹	3,948,105	3,434,704	513,401	13.0%
Subtotal - Tax Supported	\$ -	\$ (482,835)	\$ 482,835	
Rate Supported				
Sanitary Sewers	\$ -	\$ 162,270	\$ (162,270)	
Waterworks System	-	(98,216)	98,216	
Subtotal - Rate Supported	\$ -	\$ 64,054	\$ (64,054)	
2022 Operating Budget	\$ -	\$ (418,781)	\$ 418,781	

Note 1:

Administration is comprised of:

People & Culture	\$ 433,268	\$ 463,724	\$ (30,456)	(7.0%)
Maintenance	188,050	199,976	(11,926)	(6.3%)
Advisory Committees	15,000	4,523	10,477	69.8%
CAO	477,380	413,055	64,325	13.5%
Information & Technology Services	778,050	708,148	69,902	9.0%
Customer Service	257,282	171,010	86,272	33.5%
Financial Services	1,223,501	1,066,014	157,487	12.9%
Corporate Services & Clerks	575,574	408,254	167,320	29.1%
	\$ 3,948,105	\$ 3,434,704	\$ 513,401	

Notable Variances – By Department

Tax Supported

Significant variances within department operating budgets are summarized below. A positive number represents a favourable variance (increases in revenues or decreases in expenditures).

Building

Building

Budget Item	Commentary	Amount
Permits	Building permit revenues are projected to be unfavourable due to two major developments not proceeding as had been anticipated, with commencement now expected in early 2023.	\$ (172,000)
Wages & Benefits	Projected to be unfavourable due to higher costs for temporary staff than anticipated and originally budgeted in Professional Fees. Temporary staff needed to process plans and inspections for several multi-unit residential structures permitted in 2021 and fill temporary vacancies.	\$ (202,000)
Professional Fees	Costs for temporary staff have been primarily processed through our payroll system and therefore reflected in Wages & Benefits above. Favourability here partially offsets the unfavourability in Wages & Benefits.	\$ 39,000

Public Works

Roadways

Budget Item	Commentary	Amount
Wages & Benefits	Unfavourability mainly due to incremental overtime hours beyond what was budgeted.	\$ (49,000)
Maintenance Materials & Supplies	Unfavourability mainly a result of higher than anticipated fuel rates (\$27,000), and unbudgeted costs for VIA track maintenance detour (\$6,000)	\$ (31,000)
Maintenance Services	Projected to be unfavourable to budget due to additional costs for vehicle parts & services including an overhaul of Trackless PWE05-13 (\$17,000) and additional licensing fees (\$12,000).	\$ (32,000)
Contract Services	Expenditures related to traffic light maintenance are projected to be unfavourable due to a \$10,000 delay in invoicing from vendor for services rendered in prior years.	\$ (14,000)
Professional Fees – Engineer	Unfavourable due to unbudgeted consulting work to be undertaken for two major grant funding applications.	\$ (7,000)

Street Lighting

Budget Item	Commentary	Amount
Maintenance Materials & Supplies	Unfavourability due to increased costs to replace decorative lighting and costs from damage to Town property from motor vehicle accident, some of which may be recoverable.	\$ (9,000)
Utilities	Favourable hydro costs due to temporary provincial rebates in place.	\$ 5,000

Winter Control

Budget Item	Commentary	Amount
Maintenance Materials & Supplies	Salt expenditures are dependent on the quantity and severity of weather events in the year. The Town's salt sheds were filled in advance of a price increase and no further purchases are anticipated for the year.	\$ 35,000

Storm Sewers

Budget Item	Commentary	Amount
User Charges	Miscellaneous revenue is projected to be unfavourable to budget due to no electricity sales to the grid from our Manning Storm Pump Station generator, offset by development related cost recoveries of property owners.	\$ (5,000)
Maintenance Materials & Supplies	Projected to be unfavourable due to replacement of Mason PI storm infrastructure.	\$ (13,000)
Maintenance Services	Unfavourability due to investigation and subsequent repairs to Mason PI storm infrastructure and Woodbridge/Centennial flushing assessment.	\$ (26,000)
Transfer to Reserves	No anticipated sales of generator electricity to the grid for the year, therefore no Transfer to Reserve expense for this budget.	\$ 10,000

Corporate Shared

Budget Item	Commentary	Amount
Taxes	Favourability driven by higher than anticipated residential/farm (\$126,000) and commercial/office (\$80,000) taxes.	\$ 148,000
Supplemental Taxes	In-year assessment growth less than budgeted. Annual supplemental tax budget is based on recent historical averages and anticipated development.	\$ (130,000)
User Charges	Favourability mainly driven by the unbudgeted receipt of funds related to WSIB surplus rebate (\$70,000).	\$ 71,000
Fines	Fines under the Provincial Offences Act are projected to be below budget by \$69,000 due to reduced ticketing and collections during COVID-19. COVID-19 Relief grant funding, deferred from 2021, to be used in the amount of \$53,000, to reduce budget impact.	\$ (16,000)
Penalties and Interest	Favourability due to increased penalties on property tax accounts.	\$ 10,000
Investment Income / Transfer to Reserves	Higher than average monthly bank balances are projected to result in favourable bank interest revenue of \$302,000. These additional funds will be transferred to the Infrastructure Reserve, thus resulting in a nil impact to the Operating budget.	\$ NIL
Municipal Drain Interest	Interest is anticipated to be favourable due to unbudgeted revenue from the E. Townline Drain project. Annual interest is highly variable as it is dependent on drain projects billed and carrying costs incurred.	\$ 12,000
Wages & Benefits	Unbudgeted payment required to fund accumulated deficit in employee benefits ASO program due to increased employee benefit usage in the amount of \$136,000.	\$ (139,000)

Budget Item	Commentary	Amount
Grants & Donations	Lower donations towards Lakeshore Community Services transportation program expected due to decreased ridership, likely a result of COVID-19.	\$ 6,000
Tax Write-Offs	Lower than anticipated write offs.	\$ 42,000

Planning & Zoning

Planning & Zoning

Budget Item	Commentary	Amount
Tecumseh Hamlet Secondary Plan	Increase in project costs of \$12,000 to engage consultant service for consultation with major property owners regarding land servicing cost-sharing strategies. Funded through reserves, so no net impact to the Operating budget.	\$ NIL
Mainstreet Community Improvement Plan	Tecumseh Mainstreet CIP grant program disbursements are anticipated to be \$89,000 below budget. Uncommitted CIP grant program costs are transferred to reserve to be carried forward for future years, therefore no impact to the Operating budget.	\$ NIL
Development Charge Study	Higher than budgeted professional service fees of \$12,000 are anticipated, to be funded through reserves. No net impact to the Operating budget.	\$ NIL
Oldcastle Future Development Lands Study	Annual projected costs are anticipated to be lower than budgeted by \$23,000 as study started later than anticipated. Study to be completed in 2023. Fully funded through reserves, no impact to the Operating budget.	\$ NIL
Comprehensive Zoning By-law	Consultant secured through RFP process and project anticipated to be at approved budget. Fully funded through reserves, thus no impact to the Operating budget.	\$ NIL

Budget Item	Commentary	Amount
Industrial Community Improvement Plan	This project was not included in the 2022 approved budget. Project and funding approved by Council subsequent to budget with costs anticipated to be \$60,000 and to be funded through the Town's Lifecycle Strategic Issues Reserve.	\$ NIL

Committee of Adjustments

Budget Item	Commentary	Amount
User Charges	Unfavourable, primarily due to fewer minor variance applications projected than originally budgeted.	\$ (8,000)
Wages & Benefits	Favourable due to a reduction in meetings and per diems as a result of COVID-19.	\$ 9,000

Agriculture & Reforestation

Budget Item	Commentary	Amount
Grants	Unfavourable due to lower OMAFRA grant funding as a result of the temporary vacancy of the Drainage Superintendent position.	\$ (11,000)
Professional Services	Favourable due to lower than anticipated activity for 2022.	6,000

Emergency Measures

Budget Item	Commentary	Amount
User Charges / Transfer to Reserves	Budget represents revenue from electricity sales to the grid from our generator at the arena. No revenues are anticipated this year. This is offset by a reduction in Transfers to Reserves, thus no impact to the operating budget.	\$ NIL

Other Protection

Animal Control

Budget Item	Commentary	Amount
Licences	Dog tag revenues are projected to be significantly below budget and prior year actuals.	\$ (9,000)
Other Expenditures	Miscellaneous services are projected to be favourable as commissionaire services, used to enforce dog tag registration, were not utilized during the year due to COVID-19.	\$ 10,000

Crossing Guards

Budget Item	Commentary	Amount
Wages & Benefits	Favourable due to school closures in January 2022 as a result of COVID-19.	\$ 10,000

Conservation Authority

Budget Item	Commentary	Amount
Contract Services	Costs for Town share of Essex Region Conservation Authority (ERCA) program activities lower than budgeted.	\$ 13,000

Recreation Other

Special Events

Budget Item	Commentary	Amount
Donations	Favourable due to higher than anticipated partnerships from P2P and Essex Power YIC fund.	\$ 14,000

Pool

Budget Item	Commentary	Amount
Grants	Projected to be favourable to budget due to greater than anticipated Canadian Summer Student grants.	\$ 31,000
User Charges	Unfavourable due to lower than anticipated Pool program enrollment.	\$ (14,000)

Council

Budget Item	Commentary	Amount
Wages & Benefits	Favourability is driven by lower than anticipated health benefits enrollment (\$11,000), Ward 1 Councilor position vacancy (\$6,000), and lower than anticipated per diems (\$4,000).	\$ 22,000

Fire Services

Budget Item	Commentary	Amount
Grants & User Charges	Unfavourability mainly due to delay in implementation of new development related administration fees (\$4,000) and decrease in Fire training facility rental fees as a result of COVID-19 restrictions (\$3,000)	\$ (7,000)
Wages & Benefits	Projected to be favourable due to lower hours for volunteer firefighters, salary gapping and vacancies.	\$ 85,000
Maintenance Materials & Supplies	Unfavourability mainly due to increased rates on gas (\$7,000).	\$ (7,000)
Professional Fees	Favourable due to delay in completion of a Fire Master Plan (\$110,000). This is offset by a reduction in Transfers from Reserves (\$110,000), thus no impact to the Operating budget	\$ NIL

Police

Police

Budget Item	Commentary	Amount
Grants	Favourability mainly due to 2022 Joint Community Safety and Policing Program funding change, now allowing for recovery of Tecumseh detachment Constable costs. Program administered through the Town of Kingsville (\$78,000).	\$ 66,000

Parks

Parks

Budget Item	Commentary	Amount
Grants	Projected to be favourable to budget due to greater than anticipated Canadian Summer Student grants.	\$ 7,000
User Charges / Transfers to Reserves	Received donations related to the Commemorative Tree and Bench program (\$19,000). These funds will be transferred to reserves, thus no impact to operating budget.	\$ NIL
Wages & Benefits	Favourability is due to vacancies (including fewer students due to reduced demand on park and sport fields as a result of COVID-19 closures), partially offset with seasonal coverage.	\$ 72,000
Maintenance Materials & Supplies	Unfavourability mainly caused by higher than budgeted gas rates in the year.	\$ (25,000)
Insurance	Lower than budgeted premiums.	\$ 6,000

Park Buildings

Budget Item	Commentary	Amount
Grants	Revenue received from Canadian Summer Student grant program greater than budget	\$ 6,000

Transit

Budget Item	Commentary	Amount
Grants	Projected to be favourable based on recognition of Canada Healthy Communities Initiative grant of \$27,500 towards the Town's On-Demand Pilot project, SRA Phase 3 grant funding of \$2,800 and estimated Provincial Gas Tax Transit funding for 2022.	\$ 88,000
User Charges	Unfavourability mainly a result of lower than anticipated bus fare revenue (\$20,000) and advertising revenue (\$4,000). Under the on-demand bus model, we are experiencing lower ridership (approximately 30-40 riders per day). Some of lower ridership is still likely attributable to community not fully recovered from COVID-19.	\$ 24,000
Contract Services	Favourability is related to decrease in call center usage.	\$ 32,000

Arena

Arena

Budget Item	Commentary	Amount
User Charges/Grants	Unfavourable due to facility and program closures as a result of COVID-19 restrictions. COVID-19 Relief grant funding, deferred from 2021, to be used in the amount of \$64,000 to eliminate budgetary impact.	\$ NIL
Wages & Benefits	Favourable due to vacancies and reduced hours as a result of facility and program closures.	\$ 72,000
Maintenance Materials & Supplies	Unfavourability mainly caused by higher than budgeted gas rates in the year.	\$ (5,000)
Utilities	Favourable due to less arena usage	\$ 25,000
Other Expenditures / Transfer from Reserves	Spent an incremental \$15,000 for security personnel related to vaccine passports. These direct COVID-19 operating costs will be funded through reserves established from 2021, thus no impact to Operating budget.	\$ NIL

Recreation Programs

Budget Item	Commentary	Amount
Grants	Received Canadian Summer Student grants greater than budgeted.	\$ 11,000
Wages & Benefits	Favourability mainly due to salary gapping.	\$ 14,000

Budget Item	Commentary	Amount
Taxes	Favourability driven by higher than anticipated residential/farm (\$126,000) and commercial/office (\$80,000) taxes.	\$ 148,000
Supplemental Taxes	In-year assessment growth less than budgeted. Annual supplemental tax budget is based on recent historical averages and anticipated development.	\$ (131,000)
User Charges	Favourability mainly driven by the unbudgeted receipt of funds related to WSIB surplus rebate (\$70,000).	\$ 71,000
Fines	Fines under the Provincial Offences Act are projected to be below budget by \$69,000 due to reduced ticketing and collections during COVID-19. COVID-19 Relief grant funding, deferred from 2021, to be used in the amount of \$53,000, to reduce budget impact.	\$ (16,000)
Penalties and Interest	Favourability due to increased penalties on property tax accounts.	\$ 10,000
Investment Income / Transfer to Reserves	Higher than average monthly bank balances are projected to result in favourable bank interest revenue of \$302,000. These additional funds will be transferred to the Infrastructure Reserve, thus resulting in a NIL impact to the Operating budget.	\$ NIL
Municipal Drain Interest	Interest is anticipated to be favourable due to unbudgeted revenue from the E. Townline Drain project. Annual interest is highly variable as it is dependent on drain projects billed and carrying costs incurred.	\$ 12,000
Wages & Benefits	Unbudgeted payment required to fund accumulated deficit in employee benefits ASO program due to increased employee benefit usage in the amount of \$136,000.	\$ (139,000)
Grants & Donations	Lower donations towards Lakeshore Community Services transportation program	\$ 6,000

Budget Item	Commentary	Amount
	expected due to decreased ridership, likely a result of COVID-19.	
Tax Write-Offs	Lower than anticipated write offs.	\$ 42,000

Administration

People & Culture

Budget Item	Commentary	Amount
Professional Fees	Unfavourable due to legal services provided on confidential personnel matters.	\$ (15,000)

Maintenance

Budget Item	Commentary	Amount
Wages & Benefits	Unfavourable due to addition of a co-op student mid-year.	\$ (9,000)

Advisory Committees

a) Seniors

Budget Item	Commentary	Amount
Grants	Received additional funding from Seniors Community Grant (SCG) in the year.	\$ 9,000
Total Expenditures	The above noted SCG grant was utilized in the year for education and fitness workshops. The unused base amount will be carried forward to future years (\$5,000).	\$ (4,000)

b) Youth

Budget Item	Commentary	Amount
Total Expenditures	Favourability driven by less activity due to COVID-19 restrictions.	\$ 6,000

CAO

a) Tecumseh 100 Celebration

Budget Item	Commentary	Amount
Grants	Higher than budgeted Grant revenue received for the Tecumseh 100 Celebration	\$ 10,000
Donations	Received more than budgeted donations received for Tecumseh 100 Celebration.	\$ 30,000
Total Expenditures	Projected to be favourable \$40,000 due to lower overall costs incurred than budget.	\$ 42,000
Transfer from Reserves	Higher than anticipated revenue coupled with lower than budgeted expenditures (see comments above) resulted in having to transfer less from Reserves.	\$ (82,000)

b) Other

Budget Item	Commentary	Amount
Professional Fees – Legal / Transfer from Reserves	Favourability due to lower than anticipated costs to be spent on ongoing lottery litigation (\$170,000), offset by decrease in required amount to be Transferred from Reserves (\$140,000).	\$ 30,000
Professional Fees – Other	Favourable due to overall lower than anticipated activity.	\$ 33,000

Technology & Client Services

Budget Item	Commentary	Amount
Grants	Favourability driven by the following grants: \$50,000 for Municipal Modernization Program Intake 2 (MMP2) for digital strategy received in fiscal 2022. \$16,000 of deferred grant revenue from fiscal 2021. \$4,200 for Canadian Summer Student grant.	\$ 70,000
User Charges	Unfavourable due to lower SCADA cost recoveries from the City of Windsor than anticipated. This account fluctuates depending on maintenance costs incurred.	\$ (6,000)
Transfers from Reserves	As a result of increased grant revenue, funds are no longer anticipated to be required from Reserves to support the implementation of Cloud Strategies.	\$ (40,000)
Wages & Benefits	Projected to be favourable due to vacancies.	\$ 78,000
Professional Fees	Unfavourable due to greater than anticipated cost incurred to implement Cloud/Digital Strategy. This is partially offset with additional revenue received, as noted above.	\$ (30,000)
Communication	Unfavourable to budget due to an increase in employees requiring communication devices.	\$ (5,000)

Customer Service

Budget Item	Commentary	Amount
Wages & Benefits	Projected to be favourable due to vacancies.	\$ 72,000
Professional Fee – Other	Favourability mainly due to deferring citizen satisfaction survey to spring 2023 (\$15,000).	\$ 14,000

Financial Services

Budget Item	Commentary	Amount
Wages & Benefits	Favourability driven by vacancies.	\$ 144,000
Grants / Professional Fees	Projected to spend an additional \$18,000 for professional fees related to the Payroll Service Delivery review. These fees are directly offset by grant revenue (MMP2) received for this project.	NIL

Legislative & Clerk Services

a) General

Budget Item	Commentary	Amount
Grants / Licenses & Permits	<p>Lottery licenses are projected to be unfavourable due to loss of revenue as a result of COVID-19. COVID-19 Relief grant funding, deferred from 2021, to be used in the amount of \$28,000 to offset impact to operating budget. Net impact is Nil.</p> <p>Marriage licences projected to be favourable due to greater than anticipated activity (\$5,000).</p> <p>Grants are unfavourable \$17,000 due to deferral of MMP-3 grant for records management.</p>	\$ (11,000)
Transfer from Reserves	Lower than anticipated because of full cost recovery for the Records & Information Management Review under the MMP-3 grant.	\$ (13,000)
Wages & Benefits	Favourable due to vacancies.	\$ 147,000
Public Relations	Favourability primarily due to not hosting a volunteer appreciation night during 2022 as a result of COVID-19.	\$ 5,000

b) Election

Budget Item	Commentary	Amount
Public Relations	Unfavourable due to greater than anticipated costs for the Council Elect Information Workshop.	\$ 10,000

Rate Supported

Significant variances within department operating budgets are summarized below. A positive number represents a favourable variance (increases in revenues or decreases in expenditures).

Sanitary Sewers

Budget Item	Commentary	Amount
User Charges	Projected to be unfavourable primarily due to lower residential consumption (\$163,000), partially offset by non-residential consumption (\$79,000) and development review recoveries (\$6,000)	\$ (78,000)
Contract Services	Unfavourable due to higher than budgeted rates for wastewater treatment costs from the City of Windsor (approximately 18% increase) partly offset by lower anticipated volumes. City rates are based on prior year operating costs per volume.	\$ (130,000)
Grants Expense	Favourable due to lower than anticipated intake of wastewater backflow and foundation disconnection subsidy program.	\$ 46,000

Waterworks System

Watermain and Services

a) General

Budget Item	Commentary	Amount
User Charges	Projected to be favourable, primarily due to greater than anticipated development activity in Q3/Q4.	\$ 8,000
Wages & Benefits	Favourable due to vacancies.	\$ 202,000
Maintenance Materials & Supplies	Unfavourability mainly due to higher than budgeted fuel rates (\$14,000) and costs for a locator replacement and Chlorine residual kits (\$15,000).	\$ (32,000)
Purchases for Resale	Unfavourability due to bulk water purchase rates greater than budgeted.	\$ (27,000)

b) SCADA Maintenance

Budget Item	Commentary	Amount
Net Expenditures	Projected to be favourable due to minimal maintenance costs expected in F22.	\$ 6,000

General Waterworks

Budget Item	Commentary	Amount
User Charges	Projected to be unfavourable due to lower than anticipated residential consumption (\$157,000), offset by non-res consumption (\$96,000) and Lakeshore res/commercial consumption (\$16,000).	\$ (51,000)
Wages & Benefits	Unfavourability due to shared cost of Development Engineer for 2022 fourth quarter as well as additional overtime	\$ (10,000)
Professional Development	Projected to be favourable due to lower than budget professional development during the year.	\$ 8,000

Water Oasis

Budget Item	Commentary	Amount
Maintenance	Unfavourable due to repairs required to the building subsequent to a hit and run incident.	\$ (5,000)

Department	Cost Centre	Project Name	Total Approved Budget as of Dec 31, 2022	Total Actuals From Project Start to Aug 31, 2022	Projected Costs as of Dec. 31, 2022	Comments
Arena	9999	Replacement of HVAC Units (from 2021)	\$ 60,000	\$ 5,860	\$ 62,900	Awarded to Trane project was over budget by \$2,900 approval received for over expenditure
Arena	9999	Refrigeration Room Electrical Panel Upgrades (from 2021)	\$ 30,000	\$ 11,450	\$ 20,000	Project will be under budget
Arena	9999	Arena Roof Refurbishment	\$ 50,000	\$ -	\$ 52,500	Awarded to Kingsville Roofing over budget by \$2,500 approval received for over expenditure
Arena	9999	Replacement of Rink B Brine Pump and Chiller	\$ 180,000	\$ 146,624	\$ 167,000	Awarded to Cimco project under budget
Arena	9999	Fire Suppression System Repairs and Upgrades	\$ 20,000	\$ 7,547	\$ 16,200	Projected completed and under budget
Arena	9999	Replacement of Community LED Sign Board	\$ 50,000	\$ 52,500	\$ 53,400	Project over budget approved received for over expenditure under the 10%
Arena	9999	Annual General Lifecycle Repairs	\$ 20,000	\$ 3,293	\$ 14,000	
Arena		Total Arena	\$ 410,000	\$ 227,274	\$ 386,000	
Pool	9999	Replacement of Tot Pool Heater	\$ 10,000	\$ 8,141	\$ 8,200	Project complete and under budget
Pool	9999	Installation of Eavestroughs on South Building	\$ 3,000	\$ 1,576	\$ 1,600	Project complete and under budget
Pool	9999	Replacement of Inlet of Tot Pool	\$ 2,000	\$ 765	\$ 800	Project complete and under budget
Pool	9999	Painting of Side Walls in Lap Pool	\$ 20,000	\$ 18,851	\$ 19,000	Project complete and under budget
Pool	9999	Upgrade Light Fixtures to LED	\$ 10,000	\$ -	\$ 10,000	Project to be completed by Year end
Pool	9999	Coping Repairs to Concrete Surface	\$ 3,000	\$ 2,694	\$ 2,900	Project complete and under budget
Pool	9999	Annual General Lifecycle Repairs	\$ 20,000	\$ 9,512	\$ 16,300	Projected year-end total expenditure for this line
Pool		Total Pool	\$ 68,000	\$ 41,539	\$ 58,800	
Building	2002	CADA Library Architect Services Contract (from 2021)	\$ 60,000	\$ 6,487	\$ 57,000	
Building	9999	Town Hall HVAC Roof Top Units Replacement (10 units)	\$ 240,000	\$ 41,820	\$ 180,300	Project awarded to Trane and will be completed in early fall
Building	9999	Portable Air Filtration Units	\$ 32,000	\$ 48,180	\$ 47,400	Project awarded to trane additional units purchased due to under expenditure of the HVAC Units
Building	9999	St. Clair Beach Community Centre 'A' Side HVAC Unit Replacement	\$ 24,000	\$ -	\$ 24,000	Project will be awarded and completed by year end
Building	2002	CADA Library HVAC Unity Replacement	\$ 44,000	\$ -	\$ 48,100	Project awarded over budget reflective on increased product cost, approved under the 10%
Building	9999	Fire Hall #1 Expansion Architect Services Contract	\$ 65,000	\$ -	\$ -	Project will be carried over until the Fire Master Plan is completed
Building	2002	CADA Library - Remediation Work (Programming Room)	\$ 20,000	\$ -	\$ 15,000	Project will be under budget
Building	9999	OPP Fire Panel Upgrade	\$ 6,500	\$ 4,817	\$ 4,800	Project complete and under budget
Building	9999	Fire Hall #2 HVAC Unit Replacement	\$ 20,000	\$ 16,511	\$ 16,500	Project complete and under budget
Building	9999	Electric Vehicle (EV) Charging Stations	\$ 100,000	\$ -	\$ 85,000	Project awarded and will be completed by fall
Building	9999	Oasis Concrete Pad Replacement	\$ 50,000	\$ 50,493	\$ 50,000	
Building	9999	Annual General Lifecycle Repairs	\$ 40,000	\$ 21,077	\$ 22,000	
Building		Total Building	\$ 701,500	\$ 189,386	\$ 550,100	
Fire	9999	1 Pager	\$ 600	\$ -	\$ 600	FPO MacEachern
Fire	9999	5 Firefighter Helmets	\$ 2,875	\$ 2,713.73	\$ 4,700	2 helmets just received, not yet invoiced. Includes 2021 purchases carried over into 2022 due to procurement delays
Fire	9999	6 Bunker Gear	\$ 16,800	\$ 1,387.07	\$ 16,800	5 Sets - D Dupuis, C Pearson, R O'Neil, Z Coste & H Simard
Fire	9999	10 Leather Boots	\$ 5,500	\$ 5,438.57	\$ 6,500	8 Sets - D Lessard, D Hargot, D Desantis, J Williams, R MacEachern, S McNamara, C Nugent, Z Zamojski. Includes some 2021 purchases carried over into 2022 due to procurement delays
Fire	9999	Vehicle Extrication	\$ 50,000	\$ -	\$ 50,000	
Fire	9999	Locker Replacement Station 2	\$ 16,000	\$ 13,871.93	\$ 14,000	Complete
Fire		Total Fire	\$ 91,775	\$ 23,411	\$ 92,600	

Department	Cost Centre	Project Name	Total Approved Budget as of Dec 31, 2022	Total Actuals From Project Start to Aug 31, 2022	Projected Costs as of Dec. 31, 2022	Comments
TCS	9999	PC Replacements	\$ 20,000	\$ 33,853	\$ 35,000	new hires + changeover to laptops for WFH staff
TCS	9999	Network Upgrades	\$ 25,000	\$ 4,806	\$ 30,000	implementing recommendations in Network assessment for security reasons
TCS	9999	Video Surveillance	\$ 6,000		\$ 6,000	
TCS	9999	A/V Systems	\$ 5,000	\$ 6,193	\$ 5,000	
TCS	9999	Miscellaneous Software	\$ 5,000		\$ 1,000	
TCS		Copier	\$ 2,200		\$ 500	
TCS	9999	Virtual Server Upgrades	\$ 110,000	\$ 1,838	\$ 120,000	RFP going out Q3
TCS	9999	FMW Capital Module update	\$ 20,000	\$ 916	\$ 900	Deferred to 2023 due to competing projects in Finance
TCS	9999	GPS Data Collector Unit	\$ 15,000		\$ 15,000	getting pricing currently
TCS		Data Backup Solution	\$ 15,000		\$ 15,000	RFP going out Q3
TCS	9999	Microsoft Office Update	\$ 20,000	\$ 3,307	\$ 15,000	subscription model billed monthly to 11-5-1230-5050 \$1,500 per mth started in March
TCS	9999	Time and Attendance Software	\$ 50,000		\$ -	Will follow Payroll process review and configuration updates - likely won't happen until new year
TCS		Total TCS- CC 9999	\$ 293,200	\$ 50,913	\$ 243,400	
Parks	4234	Lakewood North - historical storyboard	\$ 10,000		\$ 10,000	will be completed by year end
Parks	4250	McAuliffe Park - washroom renovation	\$ 15,000	\$ 11,731	\$ 11,800	Complete
Parks	4042	Chippewa Park - Courtyard Refurbishing	\$ 30,000	\$ -	\$ 30,000	will be completed by year end
Parks	9999	Park Sign Replacement	\$ 15,000	\$ 13,750	\$ 13,000	Complete
Parks	4230	Lacasse Baseball Grandstand - replacement design	\$ 45,000	\$ 3,360	\$ 45,000	Work is started looking for a fall tender
Parks	4234/4250	Lakewood and McAuliffe - Community LED Signs	\$ 175,000	\$ 175,194	\$ 170,000	Possible under expenditure of \$5,000 from the Municipal Modernization Funding
Parks	4371	St Mary's Park - baseball dugouts	\$ 10,000	\$ 13,455	\$ 10,000	Complete
Parks	9999	Bench and Garbage Can Replacements	\$ 12,000	\$ 12,744	\$ 12,800	Complete
Parks	9999	Sports Fields Top Dressing Overseeding	\$ 15,000	\$ 15,084	\$ 20,000	\$4,400 (\$2,750 + \$1,650) was allocated to this account needs to be journaled to operations
Parks	9999	Install Manufactured Wood Chips at Play Sets	\$ 15,000	\$ -	\$ 15,000	Will be completed by year end
Parks	9999	Park Sign Replacement	\$ 15,000	\$ -	\$ 15,000	Will be completed by year end
Parks	4371	St Mary's Park - backflow preventor and and booster pump	\$ 16,000	\$ 13,127	\$ 12,900	Complete
Parks	4234	Lakewood Pickleball - fencing and landscaping	\$ 20,000	\$ 2,137	\$ 19,200	complete
Parks	4340	Rocheleau Park - Toddler Playset	\$ 25,000		\$ 25,000	Will be complete by year end
Parks	9999	Annual Project Allocations TBD	\$ 25,000	\$ 4,834	\$ 25,000	Ongoing
Parks	4440	Weston Park - Washroom Holding Tanks	\$ 25,000	\$ 12,720	\$ 13,300	Complete
Parks	4440	Weston Park Tennis Court Refurbishing	\$ 45,000	\$ 40,195	\$ 39,500	Work being undertaken in August
Parks	4373	Shawano Park - playset replacement	\$ 70,000		\$ 70,000	Will be complete by year end
Parks	4234	Lakewood Park Design Washrooms and Splash Pad	\$ 75,000		\$ 30,000	Remainder will be carried over to 2023 when project is constructed
Parks	2015	Pickleball Courts - balance of project from 2021	\$ 755,000	\$ 234,308	\$ 700,000	Partnership contributions in the amount \$128,000 received to complement Town share
Parks	4022	Buster Reaume Park - Play Set Installation	\$ 50,000	\$ 44,033		Complete
Parks	4131	Green Acres Optimist Park - Playground	\$ 100,000	\$ 57,043		Complete
Parks		Total Parks	\$ 1,563,000	\$ 653,714	\$ 1,287,500	
		Reforestation Tree Inventory	\$ 40,000	\$ 18,139	\$ 40,000	
		Tree Planting	\$ 30,000	\$ 9,196	\$ 30,000	
		Trails Lacasse washroom trail from Pavillion & Courts	\$ 30,000	\$ -	\$ 32,000	

Cost Centre	2022 PWES Capital Projects (and Carry Forward Projects)	Previously	Approved	Approved for 2022	Total Approved Budget	Total Actuals from Project Start to Aug 31 2022	2022 Total Projected	Projected Total Project Costs as of Dec 31 2022 since project start	Comments
0002	Road Paving - Tar & Chip	\$	-	\$ 100,000	\$ 100,000	\$ 78,186	\$ 100,000	\$ 100,000	Work has begun-Finish in coming weeks.
0002	Road Paving Asphalt	\$	-	\$ 1,100,000	\$ 1,100,000	\$ 867,785	\$ 871,949	\$ 871,949	One final section to complete-second invoice still to come.
0002	Road Paving - Crack Sealing	\$	-	\$ 100,000	\$ 100,000	\$ -	\$ 100,000	\$ 100,000	Not started.
0001	Sidewalk Repair Program (Various Location)	\$	-	\$ 69,000	\$ 69,000	\$ 54,950	\$ 69,000	\$ 69,000	Not started.
1902	Traffic Signal Controller Update	\$	150,000	\$ -	\$ 150,000	\$ 55,548	\$ -	\$ 55,548	Ongoing with County.
1609/1625	Tecumseh Road CIP - Streetscape Plan & Final Design	\$	1,604,700	\$ -	\$ 1,604,700	\$ 1,272,662	\$ 94,742	\$ 1,351,262	Design is progressing. Scheduled to be complete by end of 2022.
2004	Tecumseh Signage Project Study	\$	16,000	\$ 60,000	\$ 76,000	\$ 4,020	\$ 71,980	\$ 76,000	2 large signs have been ordered. 1 large sign and one small sign to be ordered. Installation of all signs planned in 2022.
1703	Riverside Drive Trail	\$	1,239,300	\$ 1,891,816	\$ 3,131,116	\$ 304,564	\$ 2,902,886	\$ 3,131,116	Tender awarded August 9, 2022 (Report PWES-2022-37). Planned to complete construction in 2022.
2101	Lesperance Road Multi-Use Trail - CR22 to CR42	\$	137,500	\$ -	\$ 137,500	\$ 70,306	\$ 51,597	\$ 120,306	Project paused in early 2022 to focus on Riverside Drive Path. Re-start in Fall 2022. PIC early 2023.
2003	Tecumseh Road Multi-Use Path (Arlington to DM Eagle)	\$	100,000	\$ -	\$ 100,000	\$ -	\$ -	\$ -	This project is included in the Tecumseh Road Storm and Road Improvements project. Construction Fall 2022.
2202	Bridge and Culvert Needs Study (with Spans>3.0m)	\$	-	\$ 39,000	\$ 39,000	\$ 28,091	\$ 39,000	\$ 39,000	Study commenced mid-June 2022. To be completed by end of 2022.
2005	Lesperance/VIA Rail Improvements	\$	2,011,800	\$ 120,400	\$ 2,132,200	\$ 225,191	\$ 304,440	\$ 413,285	Project was tendered. One submission received/rejected. Preparing to re-tender in Fall 2022. Property acquisition on-going. VIA Agreements on-going.
2006	Lanoue Street Improvements	\$	488,300	\$ -	\$ 488,300	\$ 122,904	\$ 12,494	\$ 134,404	Advance hydro relocation completed. Const pushed to 2032+. Draft tender documents end of 2022. Future updates required (excess soil, etc.). Intersection cost share expected 2023.
2103	TTMP Bicycle Sharrows	\$	15,000	\$ -	\$ 15,000	\$ 11,394	\$ -	\$ 11,394	Not started.
2105	Brighton Road Traffic Improvements	\$	30,000	\$ -	\$ 30,000	\$ 8,455	\$ 7,583	\$ 15,955	Painting completed; signs ongoing.
2203	Water Sampling Station Replacement	\$	-	\$ 37,000	\$ 37,000	\$ 15,844	\$ 37,000	\$ 37,000	Stations have been ordered. Installation planned for Fall 2022. Note: Finance to update 2022 YTD as of August 18, 2022 and then adjust projection accordingly to show full \$37,000 to be used in 2022.
	Annual Project Contingency	\$	-	\$ 250,000	\$ 250,000	\$ 156,104	\$ 174,989	\$ 174,989	Professional Services, Tecumseh Road streetlights and sidewalk, Tecumseh South Water Model, Parking Lot No. 1 repair.
2107	CWATS Study Pike Creek/Tecumseh Road	\$	6,000	\$ -	\$ 6,000	\$ 9,295	\$ 18,205	\$ 18,205	Draft information provided for Town review. Tecumseh is managing the project with the following cost recoveries - Lakeshore 30%, County of Essex 40%.
	Snake Lane Culvert Replacements				\$ -	\$ -			
2108	Snake Lane Road - Culverts No. 42	\$	62,300	\$ -	\$ 62,300	\$ 28,093	\$ 29,009	\$ 45,605	On-site geotechnical work completed, design progressing, preliminary design/report expected Sept. 2022.
2123	Snake Lane Road - Culverts No. 53	\$	65,100	\$ -	\$ 65,100	\$ 26,062	\$ 29,268	\$ 45,605	On-site geotechnical work completed, design progressing, preliminary design/report expected Sept. 2022.
2124	Snake Lane Road - Culverts No. 54	\$	65,100	\$ -	\$ 65,100	\$ 28,307	\$ 28,534	\$ 45,605	On-site geotechnical work completed, design progressing, preliminary design/report expected Sept. 2022.
2109	Baseline Rd/Pike Cr Bridge 1005 - Bank Stabilization	\$	250,000	\$ -	\$ 250,000	\$ -	\$ -	\$ -	Not started.
1718	Manning Road/ETLD Drain Relocation - Phase 2	\$	5,621,300	\$ -	\$ 5,621,300	\$ 5,049,754	\$ 800,194	\$ 5,140,946	Majority of project is complete. Restoration is on-going.
1719	Manning Road - Road Reconstruction - Phase 3	\$	328,000	\$ -	\$ 328,000	\$ 272,047	\$ -	\$ 272,047	On Hold - Construction pushed to 2027 (strategic priorities).
1904	Expansion/Improvement PW Yard (North)	\$	110,000	\$ 50,000	\$ 160,000	\$ 116,807	\$ 43,193	\$ 160,000	Work planned for Fall 2022.
2009	CR42 and CR 43 Improvements	\$	855,950	\$ 3,233,800	\$ 4,089,750	\$ 51,227	\$ 3,814	\$ 51,227	County tendered project and received no tenders. County is reviewing options. Not sure if this will proceed in 2022.
2204	North Tecumseh Water Distribution Model	\$	-	\$ 70,000	\$ 70,000	\$ -	\$ 70,000	\$ 70,000	Planned start late summer/early fall 2022.
2111	CR43/Banwell Watermain - Intersection to South CPR	\$	130,900	\$ -	\$ 130,900	\$ 23,954	\$ 23,954	\$ 23,954	Design is temporarily on hold due to unknowns with Battery Plant.

Cost Centre	2022 PWES Capital Projects (and Carry Forward Projects)	Previously Approved	Approved for 2022	Total Approved Budget	Total Actuals from Project Start to Aug 31 2022	2022 Total Projected	Projected Total Project Costs as of Dec 31 2022 since project start	Comments
	2021 Various Watermain Replacement Project							
2112	Banwell and 12th Concession Road (North) Watermains	\$ 608,600		\$ 608,600	\$ 37,317	\$ 2,119	\$ 37,317	This work was included in County of Essex CR42/CR43 project. County tendered project and received no tenders. County is reviewing options. Not sure if this will proceed in 2022.
2120	Old Tec and 12 th Concession Road (South) Watermains	\$ 499,500		\$ 499,500	\$ 200,444	\$ 185,185	\$ 256,734	Tecumseh Road watermain is complete. Progress Payment Certificate No. 2 will be issued shortly. 12th South on hold due to other priorities and unfavourable market trends.
2113	Hwy 3/CR34 Water Valve Replacement	\$ 456,300	\$ -	\$ 456,300	\$ 21,042	\$ -	\$ 21,042	On-hold due to other priorities.
2114	Watermain Anode Program - Inspection/Replacement	\$ 259,690	\$ 20,000	\$ 279,690	\$ 216,319	\$ 254,390	\$ 279,690	Work is approximately 80% complete.
2104	2020 Water and Wastewater Rate Study	\$ 20,000	\$ -	\$ 20,000	\$ -	\$ -	\$ -	Will be completed in-house
1807	Sylvestre Drive Sanitary Sewer Extension	\$ 285,000	\$ -	\$ 285,000	\$ 149,481	\$ -	\$ 149,481	Design on hold. Virtual PIC held early 2022. Administration working on cost recovery by-law. Construction pushed to 2031 (strategic priorities).
1911	Delduca Drive Sanitary Sewer	\$ 472,350	\$ 52,000	\$ 524,350	\$ 157,902	\$ 242,187	\$ 391,817	Enbridge lowered existing gasmain early 2022. Construction pushed to 2029 (strategic priorities), however, may be earlier so additional works are now being considered for remainder of 2022.
1910	Cty Rd 46/Webster/Laval Sanitary Sewer Exten.	\$ 445,250	\$ -	\$ 445,250	\$ 282,152	\$ 100,350	\$ 335,152	Easement acquisition complete, Draft Excess Soil Report completed, Tentative construction 2024 (strategic priorities), Discussions with Bell.
1913	Sanitary Sewer Model Update & Flow Monitoring	\$ 315,000	\$ 30,000	\$ 345,000	\$ 310,306	\$ 34,694	\$ 345,000	Additional investigations are being undertaken at the Gauthier sanitary pump station.
2205	8th Concession Sanitary Sewer By-Law	\$ -	\$ 45,000	\$ 45,000	\$ 1,497	\$ 18,000	\$ 18,000	Study commenced mid-2022 and is on-going.
	2021 Sanitary Pump Station Improvements			\$ -	\$ -			
2201	Gauthier Sanitary Pump Station	\$ -	\$ 15,000	\$ 15,000	\$ 3,878	\$ 14,878	\$ 14,878	Ongoing with OCWA.
2125	Sylvestre Drive Sanitary Pump Station	\$ 30,000	\$ 25,000	\$ 55,000	\$ 21,285	\$ 23,693	\$ 29,785	Ongoing with OCWA.
2126	Lakewood Sanitary Pump Station	\$ 32,500	\$ 22,000	\$ 54,500	\$ 10,323	\$ 10,405	\$ 20,323	Ongoing with OCWA.
1809	SCADA Software-Server Upgrades	\$ 100,345	\$ 20,000	\$ 120,345	\$ 120,051	\$ -	\$ 120,051	Shaun to confirm - thinks overall budget is 120k and spans back to 2018
2012	Tecumseh Hamlet EA and Functional Servicing Study	\$ 805,000	\$ -	\$ 805,000	\$ 131,411	\$ 96,423	\$ 215,262	On-going investigation for MTO landfill. On-going technical support for OP update.
9999	Oldcastle Storm Drainage Master Plan	\$ 490,000	\$ 45,000	\$ 535,000	\$ 517,038	\$ 535,000	\$ 535,000	Finalize project.
1915	Scully & St. Marks Storm PS/Riverside Drive	\$ 1,297,250	\$ 15,752,750	\$ 17,050,000	\$ 743,979	\$ 950,733	\$ 1,405,913	Pump and road design 90% complete, Ancillary Consulting Services commencing, Preparing for pre-order of generator and pumps.
2116	P.J. Cecile (Kensington) Storm Pump Station	\$ 500,000	\$ 1,500,000	\$ 2,000,000	\$ -	\$ 15,000	\$ 15,000	Not started, Engineering RFP planned for late 2022.
2117	Turkey Creek Watershed Assessment - Phase 1 and 2	\$ 60,000	\$ -	\$ 60,000	\$ 11,801	\$ 11,536	\$ 15,301	Study planned to be completed in 2022. Note: Expected recovery from NDMP Funding is approximately \$7,300.
2010	Shoreline Management Plan	\$ 350,000	\$ -	\$ 350,000	\$ 318,486	\$ 19,861	\$ 328,486	Draft report received and under review. Council presentation planned early 2023.
2011	Stormwater Rate Study	\$ 45,000	\$ -	\$ 45,000	\$ 35,446	\$ -	\$ 35,446	Draft report received last year. On-hold - Finance researching programs for implementation, election.
1921	MRSPA - Stormwater Facility	\$ 2,780,000		\$ 2,780,000	\$ 1,276,362	\$ 27,593	\$ 1,296,362	On-going work on Draft FSR.
2121	Tecumseh Road Storm and Road Improvements	\$ 217,000	\$ 5,592,500	\$ 5,809,500	\$ 2,013,791	\$ 5,684,610	\$ 5,809,500	Construction is underway with completion planned for late 2022.
2122	CR19 Watermain Project - CR22 to Jamsyl	\$ 758,000	\$ -	\$ 758,000	\$ 14,803	\$ -	\$ 14,803	Work is proposed as part of the County of Essex CR19 improvements. County of Essex has this project on hold.
2129	Centennial/Woodbridge Watermain	\$ -	\$ 3,500,000	\$ 3,500,000	\$ 3,307	\$ 63,307	\$ 63,307	Project planned to start in September 2022.
	Tecumseh Hamlet SPA - NW Water and Wastewater	\$ -	\$ 1,060,000	\$ 1,060,000	\$ -	\$ -	\$ -	Start 2023 when Planning process is completed.
	Total:	\$ 24,114,035	\$ 34,800,266	\$ 58,914,301	\$ 15,479,971	\$ 14,173,796	\$ 24,328,053	



The Corporation of the Town of Tecumseh

Legislative & Clerk Services

To: Mayor and Members of Council

From: Jennifer Alexander, Acting Clerk

Date to Council: November 22, 2022

Report Number: LCS-2022-34

Subject: Appointment of an Alternate Member to Essex County Council

Recommendations

It is recommended:

That Report LCS-2022-34 entitled “Appointment of an Alternate Member to Essex County Council” **be received**;

And that the draft policy entitled “Appointment of an Alternate Member to County Council” **be approved**;

And further that Council **commence** the appointment of an Alternate Member to County Council and **approve** the alternate member appointment by-law.

Background

Bill 68, *Modernizing Ontario’s Municipal Legislation Act, 2017*, amended the *Municipal Act, 2001*, *Municipal Conflict of Interest Act* and the *Municipal Elections Act*. Among other changes to the *Municipal Act, 2001* (Act), is the addition of Section 268 “Temporary Replacement, Member of Upper-Tier Council”. Section 268 provides that:

“... the council of a local municipality may appoint one of its members as an alternate member of the upper-tier council, to act in place of a person who is a member of the councils of the local municipality and its upper-tier

municipality, when the person is unable to attend a meeting of the upper-tier council for any reason.”

The appointment is not mandatory; it is at the discretion of each lower-tier municipality. In accordance with the Act, the appointment of an Alternate Member is for the full term of Council and the Alternate cannot act as the head of council of the upper-tier council (Warden).

The County of Essex (County) has demonstrated its support and acknowledgement of the power conferred upon its lower-tier municipalities under Section 268 by passing By-law 40-2018 to ensure the consistent treatment of Alternate Members appointed in accordance with Section 268.

In 2020, Council adopted [By-Law 2020-12](#) to appoint Councillor Tania Jobin to be the Alternate Member to the Council of the County of Essex with the term ending November 14, 2022.

Comments

At the Policies and Priorities Committee Meeting held on January 28, 2020, Report CS-2020-05 was presented to Council and direction was given to draft a policy for appointing an Alternate Member to County Council through a draw of names from a hat of those members expressing an interest to be appointed.

Administration has reviewed and revised the draft policy in Attachment 1. The draft policy is amended for the appointment to be offered first to incumbent Councillors with previous municipal council experience.

The draft policy outlines the appointment process as follows: after the Inaugural meeting, the Clerk will contact the incumbent Councillors to canvass their interest in the appointment. If there is more than one member that has expressed an interest, their names will be placed on a ballot, and a ballot will be drawn at the next Regular Council Meeting.

If there are no incumbents who have expressed an interest in the appointment, the Clerk will canvass the interest of new members to Council. If no Councillor wishes to be appointed as the Alternate Member, no Alternate member appointment will be made for the term of Council.

If the seat of the Council member appointed becomes vacant during the term, Council may appoint another Councillor as an Alternate Member for the remainder of the term following the process outlined.

Given that the term of Councillor Jobin’s appointment has expired on November 14, 2022, it is recommended that Council approve the draft policy and commence with the appointment of an Alternate Member to County Council for the term 2022-2026.

Consultations

County of Essex

Financial Implications

There are no direct financial considerations for the Town. Any costs associated with an Alternate attending a County Council meeting will be borne by the County of Essex. The compensation for an Alternate Member to attend a County Council meeting is \$110.77 plus mileage per meeting.

Link to Strategic Priorities

Applicable	2019-22 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 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 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:

Sue White
Administrative Assistant to Director Legislative Services & Clerk

Reviewed by:

Jennifer Alexander, MPA
Acting Clerk

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	Draft Policy 116 – Appointment of an Alternate Member to Essex County Council



The Corporation of the Town of Tecumseh

Policy Manual

Policy Number: 116 – Appointment of an Alternate to County Council

Effective Date: [Click here to enter a date.](#)

Supersedes: [Click or tap here to enter text.](#)

Approval: [Click or tap here to enter text.](#)

Subject: **Appointment of An Alternate to County Council Policy**

1.0 Purpose

- 1.1 To establish a procedure to be followed for the appointment of an Alternate Member to Essex County Council following a Municipal Election.

2.0 Scope

- 2.1 This policy applies to all Members of Council. This policy is intended to:
- a) Ensure compliance with the *Municipal Act, 2001*.
 - b) Establish a clear process for the appointment of an Alternate Member to Essex County Council who can attend those Council meetings in the event that the Mayor or Deputy Mayor are unable to attend, for any reason.
 - c) Provide direction in the event that no Member of Council wishes to accept the appointment of Alternate Member to Essex County Council.

3.0 Definitions

- 3.1 **Alternate Member** means the Member of Council of the Town appointed by Council who will attend a County Council meeting in the place of the Mayor or Deputy Mayor in the event that either are unable to attend a County Council meeting for any reason.

- 3.2 **Clerk** means the Clerk, or designate, of the Town as appointed by Council.
- 3.3 **County Council** means the Council of The Corporation of the County of Essex.
- 3.4 **Council** means the Council for The Corporation of the Town of Tecumseh.
- 3.5 **Inaugural Meeting** means the first Council meeting in the Town after the new Council Term commences in which elected members are sworn into office for the Term of Council.
- 3.6 **Lower Tier** means the Council of the Town.
- 3.7 **Municipal Election** means the voting process undertaken by municipalities in accordance with *the Municipal Elections Act, 1996*, to elect members to municipal council and School Board Trustees.
- 3.8 **Policy** means the Appointment of an Alternate to County Council Policy.
- 3.9 **Town** means The Corporation of the Town of Tecumseh.
- 3.10 **Upper Tier** means the Council of The Corporation of the County of Essex.

4.0 Reference Documents

- *Municipal Act, 2001*

5.0 Responsibilities

- 5.1 The Clerk shall be responsible for interpreting and, where appropriate, administering the Policy.
- 5.2 This Policy will be reviewed by the Clerk once per Council term and will be updated in accordance with legislative requirements.

6.0 Procedure

- 6.1 Following the Inaugural Meeting, the Clerk will contact the incumbent Councillors, if any, to determine if any member is interested in acting as the Alternate Member on County Council. If there is more than one member interested, the Clerk will write the name of each member on a ballot. The ballots will be placed in a box. A name will be drawn at the next Regular Council meeting at which time, the member's name drawn will be declared the Alternate Member on County Council.

- 6.2 If there are no incumbent members interested, the Clerk will ask the newly appointed Councillors if there is interest in acting as the Alternate Member on County Council. If there is more than one member interested, the Clerk will write the name on a ballot and place in a box. A name will be drawn at the next Regular Council meeting, at which time, the member's name drawn will be declared the Alternate Member on County Council.
- 6.3 If the seat of the Council member appointed as the Alternate Member becomes vacant, Council may appoint another of its Councillors as the Alternate Member for the remainder of the Council term, following the same process identified above.
- 6.4 If no Councillor wishes to be appointed as the Alternate Member, no Alternate Member appointment will be made for the term of Council.
- 6.5 The Clerk will prepare the necessary by-law to give effect to an appointment under this Policy.

7.0 Exclusions

- 7.1 The appointed Alternate Member cannot act as the alternate for the Warden of the County.
- 7.2 The appointed Alternate Member cannot cover vacancies of the local council where a seat has been declared vacant in accordance with Section 259.
- 7.3 The appointed Alternate Member shall only attend County Council Meetings when the Mayor or Deputy Mayor cannot attend for any reason.

Questions about this Policy can be referred to the Clerk.



The Corporation of the Town of Tecumseh

Legislative & Clerk Services

To: Mayor and Members of Council

From: Jennifer Alexander, Acting Clerk

Date to Council: November 22, 2022

Report Number: LCS-2022-35

Subject: 2022 Municipal and School Board Election Results and Voter Turnout

Recommendations

It is recommended:

That Report LCS-2022-35 entitled “2022 Municipal and School Board Election Results and Voter Turnout” **be received**.

Background

At their Regular Meeting held on October 26, 2021, Council approved the alternate method of internet and telephone voting as the sole voting method for the 2022 Municipal and School Board Elections. By-Law 2021-88, being a by-law to authorize the use of internet and telephone voting was passed at the RCM held on November 9, 2021.

The Town received two (2) proposals from internet and telephone service providers, and Administration selected ScytI Canada Inc. (ScytI) based on our past experience with the service provider in the 2014 Municipal and School Board Elections and their reputation for efficiency and security.

ScytI provided internet and telephone voting services to 41 municipalities in Ontario for this election cycle. The Town of LaSalle also used ScytI as their alternate voting method service provider for the 2022 Municipal and School Board Elections.

Comments

Voters' List

The Town receives the Voters' List which is maintained by the Municipal Property Assessment Corporation (MPAC) for all eligible voters within the municipality. During the summer months, MPAC, in partnership with the Town, promoted communications on the Town's website and social media platforms encouraging eligible voters to review their information on the Voters' List through MPAC's online platform - voterlookup.ca. This site allows eligible electors to review and revise their information by adding, correcting or deleting their personal information such as name, mailing address, property status, school support, citizenship, and date of birth. Any revisions made through voterlookup.ca to the Voters' List were saved to a Preliminary List of Electors (PLE) which was delivered to the Town at the beginning of September.

Town staff reviewed the PLE and if there were any discrepancies, staff would confirm information through property records. If confirmation of information could not be provided, staff relied on the PLE provided by MPAC. Cleansing the information provided on the PLE is challenging since Town records only contain information on the property owner and not all people living at the property.

To make it more convenient for electors to amend their information on the Voters' List, an e-form was developed and posted on the Town's website for people to access, instead of visiting Town Hall. The uptake on using this e-form in the community was positive, as the department received 77 requests up until October 23, compared to 57 requests submitted in paper form.

Voter Information Centre

Two Voter Information Centres (VIC) were held during the voting period from Friday, October 14, to Monday, October 22, 2022. The VIC at Town Hall held hours for the public on weekdays until 6:00 pm; Saturday October 22, from 10 am to 12 pm; and Voting Day, October 24, until 8:00 pm. A VIC was also held at the Maidstone Recreation Centre on Saturday, October 15, from 10:00 am to 12:00 pm.

The VICs provided greater flexibility for eligible voters to access an election official to make amendments to their information on the Voters List. Eligible voters who had lost or misplaced their Voter Information Letter (VIL), or did not receive it in the mail, and who had not already voted, were able to receive a new VIL upon providing satisfactory identification.

All VICs had technology available for eligible electors to vote, using a Town computer or telephone. The VICs had good uptake in the community, with 20 eligible voters attending the Maidstone Recreation Centre VIC and over 300 eligible voters attending Town Hall. Administration noted that most eligible voters who attended a VIC were

seeking assistance with Internet Voting during regular office hours. The additional after hours, from 4:30 to 6:00 pm., were not well attended.

Town election officials also attended the area retirement and nursing homes during the week of October 17 to assist residents with amendments to their VILs and/or who required assistance with voting.

Voter Information Letter

There were over 19,000 registered electors on the Voters' List and VILs were mailed out on September 27, 2022. The VIL contained the dates for the Voting Period, the website address and telephone number registered electors could use to cast their vote. The VIL also contained an individualized Personal Identification Number (PIN) for each registered elector to use in order to vote, either by internet or telephone. The PIN was required, along with the elector's date of birth, to authenticate their identity for voting. An Election Hotline number was set up in case voters needed further assistance.

Voter Turnout

The 2022 Municipal and School Board Election had a voter turnout of 28.72%, resulting in 5,646 ballots being cast. **Attachment 1** highlights the voter turnout in surrounding area municipalities. The low turnout may be attributed to the Town having three positions which were acclaimed: the Mayor, Deputy Mayor, and Councillor Ward 4. The Councillor positions in Wards 1, 2, 3, and 5 held active races for the seat. **Attachments 2 and 3** illustrate the results of overall voter turnout and daily voter turnout by ward. It is noted that Ward 1 had 36% turnout, or 1,498 ballots cast, and Ward 2 had 32% turnout or 1,625 ballots cast - slightly higher than the overall average. Overall, the turnout in the municipal election was down, with the Association of Municipalities of Ontario reporting a 33% voter turnout compared to 38% voter turnout in 2018.

Consultations

None.

Financial Implications

There are no financial implications with this report.

Link to Strategic Priorities

Applicable	2019-22 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 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 Tecumseh's plans and priorities.
<input 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:

Jennifer Alexander, MPA
Deputy Clerk & Manager Legislative Services

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	Windsor Essex Voter Turnout
2	Municipal Voter Turnout
3	Daily Voter Turnout

LCS-2022-35 Attachment 1 – Windsor Essex Voter Turnout

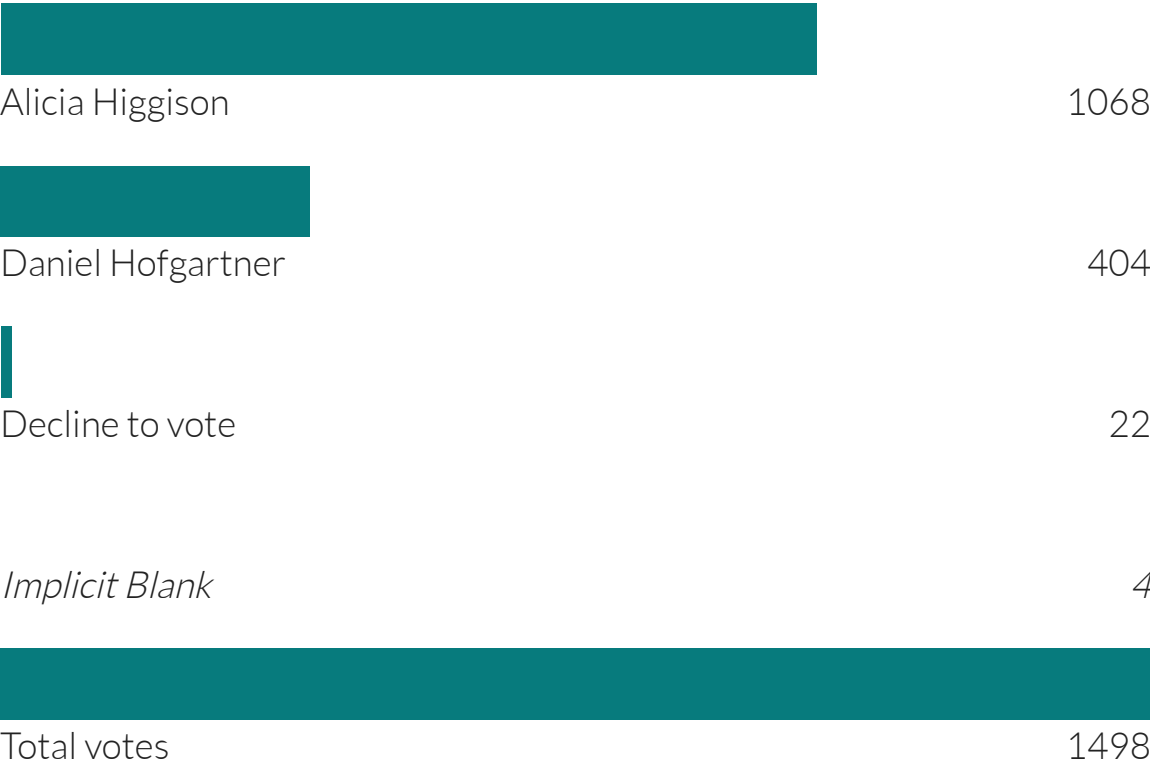
Municipality	Percentage Turnout	Election Methods
Tecumseh (Town of) Mayor Acclaimed Deputy Mayor Acclaimed Ward 4 Councillor Acclaimed	28.72%	1) Internet 2) Telephone
Amherstburg (Town of)	39.34%	1) Paper Ballot
Essex (Town of)	41.10%	1) Paper Ballot
Kingsville (Town of)	50.19%	1) Vote by Mail
Lakeshore (Municipality of)	30.09%	1) Paper Ballot
LaSalle (Town of) Mayor Acclaimed Deputy Mayor Acclaimed	30.13%	1) Internet 2) Telephone
Leamington (Municipality of)	45.70%	1) Vote by Mail
Windsor (City of)	31.57%	1) Paper Ballot
Provincial Turnout	33.00%	

Institution: Town of Tecumseh
Election Event: 2022 Municipal and School Board Elections
Election: 2022 Municipal and School Board Elections

Election results

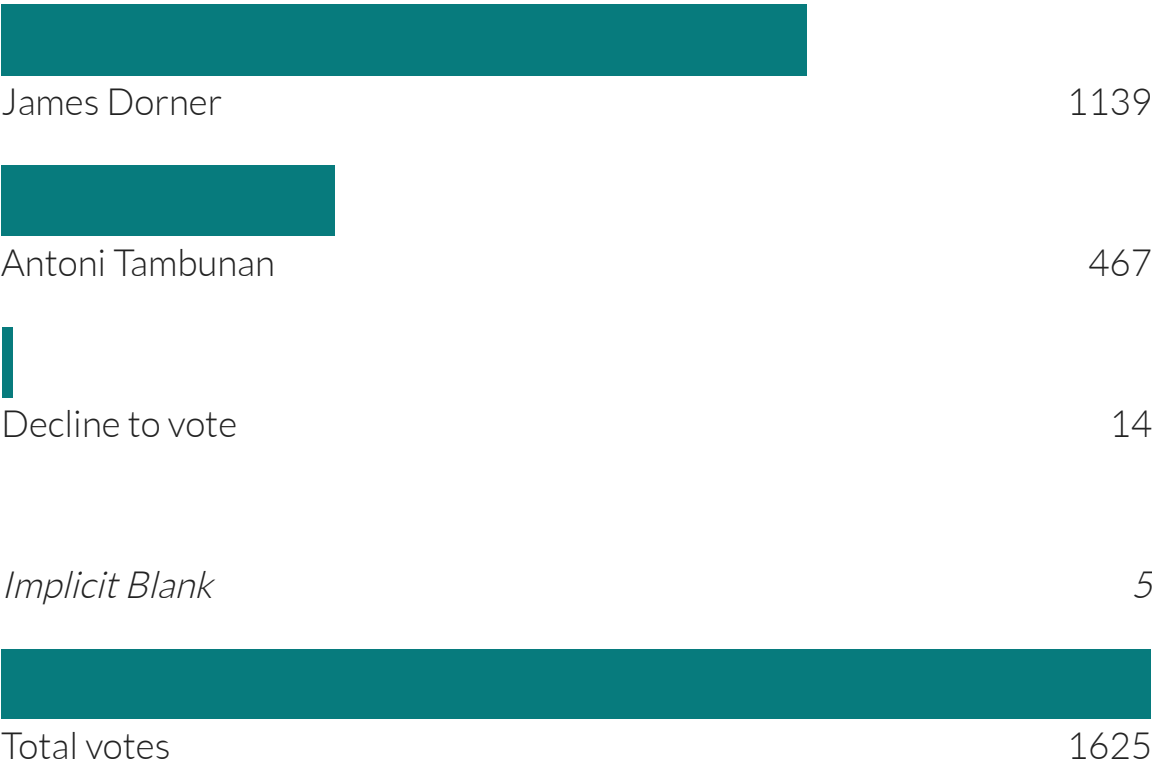
1. Councillor - Ward 1

1498 ballots



2. Councillor - Ward 2

1625 ballots



3. Councillor - Ward 3

1181 ballots



Aleksandar 'Alex' Ilijoski 282



Rick 'Rico' Tonial 881



Decline to vote 11



Implicit Blank 7



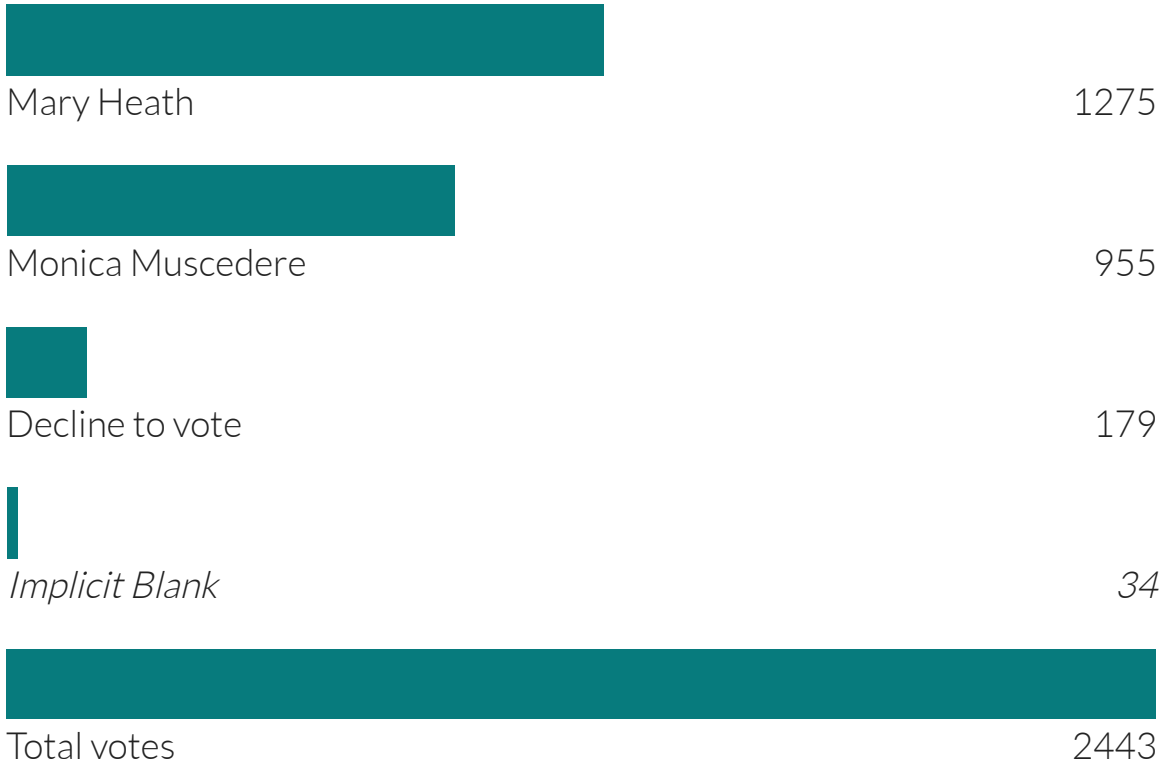
Total votes 1181

4. Councillor - Ward 5

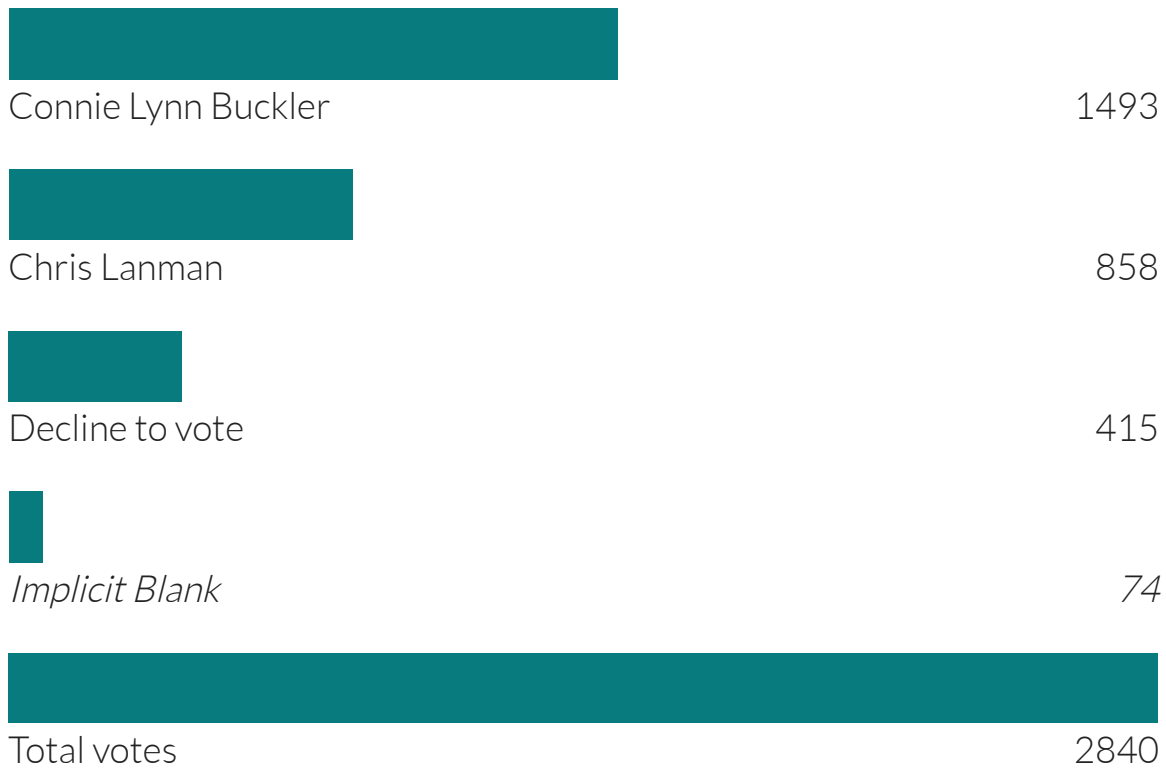
835 ballots



5. Windsor-Essex Catholic District School Board 2443 ballots

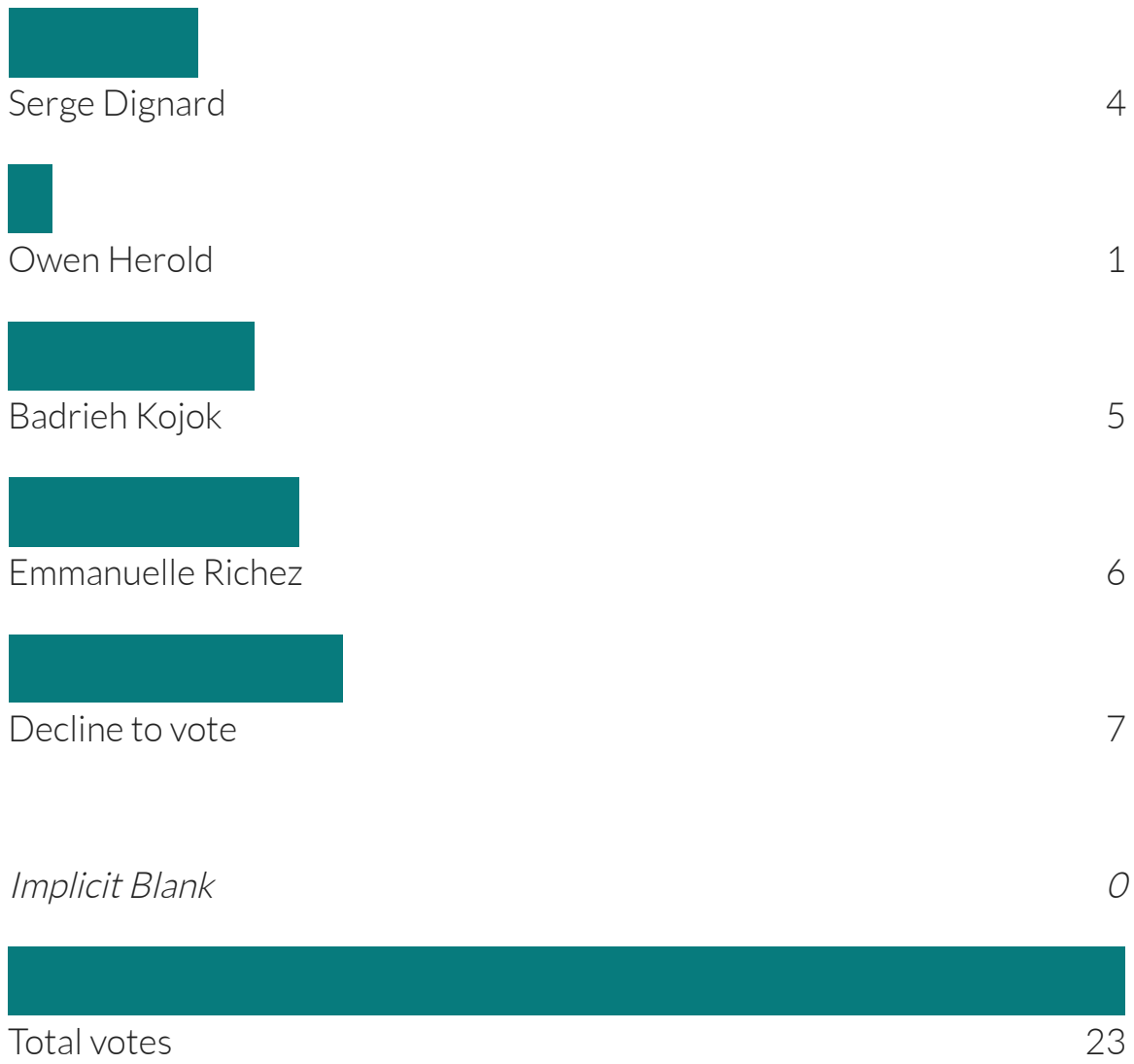


6. Greater Essex County District School Board 2840 ballots



7. Conseil scolaire Viamonde

23 ballots



LCS-2022-35 Attachment 3 - Daily Voter Turnout

Date	Authorized Voters	Web	Phone	Voter Information Centres	Total Voted	Percentage
2022-10-15	19,599	1,183	123	19	1,325	6.76%
Ward 1	4,157	319	30	0	349	8.40%
Ward 2	5,109	375	36	0	411	8.04%
Ward 3	4,881	271	26	1	298	6.11%
Ward 4	2,636	82	11	0	93	3.53%
Ward 5	2,816	136	20	18	174	6.18%
Total	-	-	-	-	1,325	-
2022-10-16	19,599	1,486	137	19	1,642	8.38%
Ward 1	4,157	398	35		433	10.42%
Ward 2	5,109	462	41	0	503	9.85%
Ward 3	4,881	334	28	1	363	7.44%
Ward 4	2,636	109	11	0	120	4.55%
Ward 5	2,816	183	22	18	223	7.92%
Total	-	-	-	-	1,642	-
2022-10-17	19,605	1,848	181	21	2,050	10.46%
Ward 1	4,157	502	46	1	549	13.21%
Ward 2	5,110	563	56	1	620	12.13%
Ward 3	4,885	409	34	1	444	9.09%
Ward 4	2,636	128	17	0	145	5.50%
Ward 5	2,817	246	28	18	292	10.37%
Total	-	-	-	-	2,050	-
2020-10-18	19,610	2,310	225	31	2,566	13.09%
Ward 1	4,156	634	63	1	698	16.79%
Ward 2	5,117	713	66	11	790	15.44%
Ward 3	4,885	499	44	1	544	11.14%
Ward 4	2,634	160	21	0	181	6.87%
Ward 5	2,818	304	31	18	353	12.53%
Total	-	-	-	-	2,566	-
2022-10-19	19,622	2607	260	435	2,912	14.84%
Ward 1	4,156	719	69	1	789	18.98%
Ward 2	5,119	793	77	11	881	17.21%
Ward 3	4,895	554	50	14	618	12.63%
Ward 4	2,634	182	22	1	205	7.78%
Ward 5	2,818	359	42	18	419	14.87%
Total	-	-	-	-	2,912	-

Date	Authorized Voters	Web	Phone	Voter Information Centres	Total Voted	Percentage
2022-10-20	19,641	2,776	281	59	3,116	15.86%
Ward 1	4,156	758	74	1	833	20.04%
Ward 2	5,123	839	87	11	937	18.29%
Ward 3	4,896	596	55	14	665	13.58%
Ward 4	2,634	193	22	1	216	8.20%
Ward 5	2,832	390	43	32	465	16.42%
Total	-	-	-	-	3,116	-
2022-10-21	19,648	3,007	305	62	3,374	17.17%
Ward 1	4,157	821	78	2	901	21.67%
Ward 2	5,125	908	97	11	1,016	19.82%
Ward 3	4,896	638	59	14	711	14.52%
Ward 4	2,635	213	26	1	240	9.11%
Ward 5	2,835	427	45	34	506	17.85%
Total	-	-	-	-	3,374	-
2022-10-22	19,651	3,249	324	64	3,637	18.51%
Ward 1	4,160	887	81	2	970	23.32%
Ward 2	5,125	959	103	11	1,073	20.94%
Ward 3	4,896	692	62	16	770	15.73%
Ward 4	2,635	244	29	1	274	10.40%
Ward 5	2,835	467	49	34	550	19.40%
Total	-	-	-	-	3,637	-
2022-10-23	19,651	3,483	347	64	3,894	19.82%
Ward 1	4,160	950	85	2	1,037	24.93%
Ward 2	5,125	1,031	106	11	1,148	22.40%
Ward 3	4,896	736	70	16	822	16.79%
Ward 4	2,635	277	31	1	309	11.73%
Ward 5	2,835	489	55	34	578	20.39%
Total	-	-	-	-	3,894	-
2022-10-24	19,662	4,877	558	211	5,646	28.72%
Ward 1	4,164	1,323	126	49	1,498	35.98%
Ward 2	5,125	1,422	166	37	1,625	31.71%
Ward 3	4,902	1,011	112	58	1,181	24.09%
Ward 4	2,633	434	58	15	507	19.26%
Ward 5	2,838	687	96	52	835	29.42%
Total	-	-	-	-	5,646	-



The Corporation of the Town of Tecumseh

Legislative & Clerk Services

To: Mayor and Members of Council

From: Jennifer Alexander, Acting Clerk

Date to Council: November 22, 2022

Report Number: LCS-2022-36

Subject: Accessibility Report: 2022 Municipal and School Board Election

Recommendations

It is recommended:

That Report LCS-2022-36 entitled “Accessibility Report: 2022 Municipal and School Board Election”, **be received**;

And that Report LCS-2022-36 **be posted** on the Town’s website for public access.

Background

Tecumseh’s first Election Accessibility Report was delivered in 2010, in accordance with the *Municipal Elections Act* (Act). The Act states that the responsibility of conducting elections within the municipality shall fall upon the Clerk and, further, that the Clerk have regard for the needs of electors and candidates with disabilities. Following a regular election and within 90 days after voting day, the Act also requires that the Clerk prepare a report about the identification, removal, and prevention of barriers that affect electors and candidates with disabilities and shall make the report available to the public.

Reports from previous election cycles have built upon this important goal of greater accessibility for residents by informing and promoting development of local initiatives that leverage staff training, physical accessibility, communication of election options and resources, reviews of Town policies, and accessible customer service. Thus far, the Town’s most significant election accessibility accomplishment has been the introduction

of online and telephone voting for the 2014 election and the continuation of this approach in the following elections in 2016 (by-election), 2018, and 2022. In preparation for the 2022 election the Town highlighted its key priorities as outlined in its 2022 Election Accessibility Plan, which were to:

- Ensure persons with disabilities could independently cast their vote;
- Ensure full and equal access to election information;
- Promote awareness of accessibility measures and initiatives;
- Provide accessible Voter Information Centres;
- Guarantee that persons with disabilities could fully participate in the election.

In addition to addressing these priorities, this report provides an opportunity to thoughtfully review and incorporate comments and feedback from residents, candidates, and staff on their experiences throughout the most recent election cycle.

Comments

Internet and Telephone Voting

Once again, the Tecumseh 2022 Municipal and School Board Election was conducted solely using internet and telephone voting provided by the service provider ScytI Canada Inc. Voter Information Letters were mailed directly to each elector containing the information necessary to vote online or by telephone. Electors were thus not required to travel to a physical polling site, providing all electors, particularly those with accessibility challenges, with greater ease, access, and safety when voting. Furthermore, electors were given the opportunity to vote wherever and whenever throughout a period of 10 days.

Voter Information Centres

Voter Information Centres (VICs), each with their own accessible voting areas, were set up at the Maidstone Recreation Centre and Town Hall, as well as at each long-term care facility and retirement home in the municipality. This provided electors with multiple sites, each distinctly located to provide an opportunity for electors to access supports from a variety of geographic locations throughout the Town. This allowed electors in rural areas and those with mobility/transportation concerns to access more feasible options for in-person support from municipal election staff. VICs also served as a polling site for anyone who preferred to vote in-person using devices provided by the Town or for those who may not have had access to the technology required to cast their ballot.

VICs were also located at Extendicare Tecumseh, Brouillette Manor, and St. Clair Beach Retirement Community to assist electors who required extra supports and to assist electors who may not have access or be able to vote online using a computer or telephone.

Documents and Materials

Election information materials were provided in a variety of formats from paper-based posters to instructional videos. Many of these resources were also equipped with supplementary accessibility aids such as larger fonts, closed captioning, and text to speech compatibility. Part of the Town's election plan included circulating informational resources to other Town facilities and prominent organizations within the town (Library, Business Improvement Area, local businesses) to strengthen awareness and improve access.

Communication and Information

Town of Tecumseh Website

The Town of Tecumseh's website is fully compliant with WCAG (Web Content Accessibility Guidelines) 2.0 Level AA requirements and contained a wide range of election information for candidates, voters, and third-party advertisers about the 2022 Municipal Election. Specifically, the website included a list of candidates, important dates, times, and locations of Voter Information Centres, as well as a list of frequently asked questions for electors. In addition, instructional videos on the voting process for both telephone and internet voting were provided by ScytI Canada and made available on the Town's website for public access.

Marketing & Advertising

An election marketing/communication plan was developed to help drive awareness of the election within the municipality while also providing information for electors about the voting process and resources for electors requiring assistance or support casting their vote. A major part of the Town's Election Communication Plan (Plan) was to leverage the Town's multiple social media pages on Instagram, Facebook, and Twitter to consistently provide convenient and easy access to important election information. A variety of other mediums across the municipality were also incorporated into the Plan which included the community newspaper and radio, the Town's digital signage network, and posters circulated to local businesses and facilities. To improve the accessibility of customer service offered by the Town, a dedicated election hotline was set up using a separate phone number providing callers with immediate and direct access to an election official in the Legislative and Clerk Services department. Furthermore, all front-line workers were trained in answering frequently asked questions in case a call came in through the main Town Hall number.

Town Hall

Town Hall acts as a service and information hub for residents within the municipality. As such, the decision to use the recently renovated and expanded Town Hall as a site for one of the Town's VICs provided electors with streamlined access to election information and assistance, along with the usual services provided at Town Hall. The recent renovations also provided improved physical accessibility for those with mobility concerns with the newly constructed accessible entrance/exit. Trained election officials were available daily at Town Hall, to address any questions or concerns from candidates and electors through a variety of communication methods including by telephone, email, and in-person. Both candidates and electors were also able to submit documentation, provide proof of identity, and amend their information on the voters' list completely electronically without having to physically visit Town Hall.

Going Forward

The Clerk will continue to approach and conduct Tecumseh's municipal elections from an accessibility-centred standpoint and will continue to monitor and, as necessary, implement new initiatives that advance the accessibility of voting and all election-related services within the municipality. It is important to reflect upon the outcome of this recent election and to establish goals that demonstrate the Town's continued commitment to accessibility for all.

While the Town does prepare a comprehensive accessibility plan in preparation of every regular election, it is recommended that the Town's accessibility policies are reviewed and revised accordingly based upon such leading practices and in acknowledgement of any feedback received as well as the Town's own experience in conducting the 2022 election.

Administration will continue to investigate ways to improve collaboration with persons with disabilities and with relevant internal and external organizations. By leveraging support from organizations like the Town's Accessibility Advisory Committee as well as with other external community partners, the Town may be able to implement future initiatives more effectively and in a way that reaches a wider audience with varying degrees of disability. Additionally, consultation with residents is necessary to measure the success of current accessibility initiatives and to gauge the need to improve and develop further initiatives across the municipality.

This report has highlighted many of the important initiatives implemented throughout the 2022 municipal election. The Town has made impressive progress toward its pursuit of a more accessible election and voting process with conducting the 2022 Municipal and School Board Election with online and telephone voting.

Consultations

None

Financial Implications

There are no financial implications associated with this report.

Link to Strategic Priorities

Applicable	2019-22 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 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 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:

Jennifer Alexander, MPA
Acting Clerk

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
None	None



The Corporation of the Town of Tecumseh

Public Works & Engineering Services

To: Mayor and Members of Council

From: Phil Bartnik, Director Public Works & Engineering Services

Date to Council: November 22, 2022

Report Number: PWES-2022-41

Subject: Upper Little River Watershed Drainage and Master Plan Class
Environmental Assessment
Project Update & Notice of Study Completion

Recommendations

It is recommended:

That Council **endorse** the issuance of the Notice of Study Completion by the Essex Region Conservation Authority for the Upper Little River Watershed Drainage and Master Plan Class Environmental Assessment to commence the 30-day review period.

Executive Summary

The Essex Region Conservation Authority (ERCA), in partnership with the City of Windsor and Town of Tecumseh, initiated a study in 2004 to document existing conditions within the Upper Little River watershed and to recommend stormwater management measures. Stantec Consulting Ltd. was retained to complete the Upper Little River Watershed Drainage and Stormwater Management Master Plan Class Environmental Assessment (ULREA).

In general, the primary objective of this study was to define the future stormwater management corridors that would be used to support future development of the Sandwich South lands in the City of Windsor and a portion of the Tecumseh and Oldcastle Hamlets in the Town of Tecumseh. It informs more complex servicing studies

for these areas, enabling sustainable growth for the City of Windsor and Town of Tecumseh.

The Final Report has been completed and ERCA will be issuing the Notice of Study Completion once Windsor and Tecumseh Councils have been made aware of the project status.

Background

The Study Area includes 4,390 Ha located in the southeast part of the City of Windsor, the west part of the Tecumseh Hamlet and portions of the Oldcastle Hamlet. Refer to the Site Location Plan and the Tecumseh Watershed Areas map provided in Attachments 1 & 2.

While this study was initiated in 2004, several significant delays occurred as a result of other studies within the Upper Little River catchment area, which included:

- 2005 – Land Use Plan for the Sandwich South Employment Lands (City of Windsor)
- 2007-2014 – Lauzon Parkway Extension MCEA (Ministry of Transportation of Ontario, County of Essex, City of Windsor)

The project was reinitiated in 2010 with most of the work being completed between 2014 to 2017 after the completion of the Lauzon Parkway Extension and followed an Approach 2 Master Plan process of the Municipal Class Environmental Assessment (MCEA).

2017 ULREA Report

The ULREA Study was completed in 2017 with [Public Works & Engineering Services Report No. 23/17](#) presented to Tecumseh Council on May 23, 2017 detailing the 2017 report, public consultation, alternatives and the recommended solution.

As part of the Class Environmental Assessment (Class EA) Process, it is important in the environmental review that all reasonable design alternatives be adequately considered. The problem statement for the ULREA, “to ensure that urbanization of the Upper Little River Watershed can occur in a fashion that will not lead to negative impacts on the receiving systems including increased flood risk, the impairment of natural watercourse features, and would allow for future enhancement of the watercourse, stream margins and wetlands”, provided the necessary background for the selection and evaluation of alternative solutions.

The six alternatives identified and evaluated through the MCEA requirements are detailed below:

- Alternative 1: The Do-Nothing Alternative
- Alternative 2: Water Quality and Erosion Control Only
- Alternative 3: Communal Stormwater Facilities
- Alternative 4: On-line Quantity Control with Local Quality and Erosion Controls
- Alternative 5: Off-line or Distributed Stormwater Management Controls
- Alternative 6: Grouped Stormwater Management (SWM) Facilities

A set of evaluation criteria/indicators was selected to reflect the issues, constraints and concerns considered most important when comparing the alternative alignments. The evaluation criteria to assess the various alternatives were grouped into four major categories: natural environment, economic environment, technical environment and the social/cultural environment. Based on the assessment of the evaluation criteria for each of the alternatives, Alternative 6 “Grouped Stormwater Management Facilities” was selected as the recommended solution.

The recommended solution provides all stormwater management controls before out letting to the downstream watercourses. Each facility would be required to provide water quality, water quantity, and erosion controls on a standalone basis. In this alternative the SWM facilities are grouped into stormwater management corridors to promote natural linkages, recreational trails, and greenways. The SWM facilities can provide controls for more than one property and will be located adjacent to other facilities and a watercourse. It is anticipated that facilities would be designed and constructed as development proceeds. The study area will be developed by multiple landowners and the preferred alternative supports the ability of individual landowners to proceed independently while minimizing the total number of SWM facilities.

Advantages of the recommended solution included the following:

- **Staging Flexibility** – minimizes the number of facilities, while providing flexibility with respect to their staging and construction.
- **Stormwater Pumping** – fewer facilities and grouped locations, with one pump for multiple properties should minimize the number of pump stations.
- **Recreational Opportunities** – the potential exists to create new trail networks through the SWM corridors.

2017 Notice of Study Completion

The Notice of Study Completion was filed in September 2017. However, due to the overall duration of the project, changes to the Class Environmental Assessment requirements over that time, and input from the Ministry of the Environment,

Conservation and Parks (MECP) during the review of a Part II Order appeal, **the ULREA was not finalized after the 30-day public review period.**

Comments

2022 ULREA Report

After the filing of the 2017 Notice of Study Completion, additional meetings and discussions with the MECP, ERCA, the City of Windsor and Town of Tecumseh identified a revised approach to the Master Plan process under the MCEA. The final 2022 ULREA report addresses the necessary requirements and revisions identified by the MECP.

The ULREA is **now being completed** following **Approach 1** of the **Master Plan process**, which is a broader level of assessment. This change in approach results in the requirement for additional detailed investigations at the project-specific level to fulfill Class EA requirements for specific Schedule B and Schedule C projects. It is important to note that **no changes have been made to alternatives considered or general Master Plan recommendations since the filing of the initial Notice of Completion in 2017.**

The technical components of this study have remained unchanged since the filing of the original Notice of Study Completion in 2017. The work has more recently been focused on complying with the most current legislative requirements to satisfy the minimum MCEA requirements. **The change in approach does not lessen the technical merits of the study or lower the quality of the report recommendations.** Rather, it avoids the need to complete all related Schedule B and C projects prior to filing for a Notice of Study Completion. In taking this approach, the Master Plan can be completed with a list of applicable projects that can be completed individually to the appropriate level of detail.

A copy of the 2022 ULREA Executive Summary and a Summary of Master Plan Approaches 1 & 2 are enclosed within Attachments 3 & 4.

2022 Notice of Study Completion

In September 2022, the Essex Region Conservation Authority Board of Directors received report BD 20/22 on the status updates for the “Upper Little River Watershed Drainage and Stormwater Management Master Plan Class Environmental Assessment” and the “Little River Floodplain Mapping Project / Sandwich South Master Servicing Study” and is enclosed within Attachment 5.

The Board Report recommended:

“THAT ERCA Administration, in coordination with the City of Windsor and the Town of Tecumseh, circulate a Notice of Study Completion for the Upper Little River Municipal Class Environmental Assessment and Master Drainage Study upon finalizing the draft report.”

Tecumseh Administration is recommending the endorsement of ERCA filing the Notice of Study Commencement. The completion of the ULREA will serve as a 'parent' document to subsequent more detailed studies undertaken in the Upper Little River Watershed area. A number of these studies are currently ongoing and are being completed to a greater level of detail, which include:

- The Little River Floodplain Mapping, City of Windsor
 - Anticipated to be completed 2023.
- The Sandwich South Master Servicing Plan, City of Windsor
 - Anticipated to be completed 2023.
- Tecumseh Hamlet Secondary Plan, MCEA & Functional Servicing Report, Town of Tecumseh
 - Anticipated to be completed 2023.
- Oldcastle Stormwater Master Plan, Town of Tecumseh
 - Completed June 2022.

Next Steps

Once the Notice of Study Completion is advertised it will be included as a communication item at the next regularly scheduled meeting of Council following its publication. The Town will also share the Notice on the Town's website and social media accounts.

An electronic copy of the ULREA Report will be made available on the Town's website.

Following the 30-day review period, and provided that all the comments received have been addressed, Administration will bring forward a separate report to Council to have the ULREA formally adopted.

Consultations

Development Services
Essex Region Conservation Authority

Financial Implications

There are no financial implications associated with this report.

Link to Strategic Priorities

Applicable	2019-22 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 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 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:

Cheryl Curran, BES
Project Technician

Reviewed by:

Brian Hillman, MA, MCIP, RPP
Director Development Services

Reviewed by:

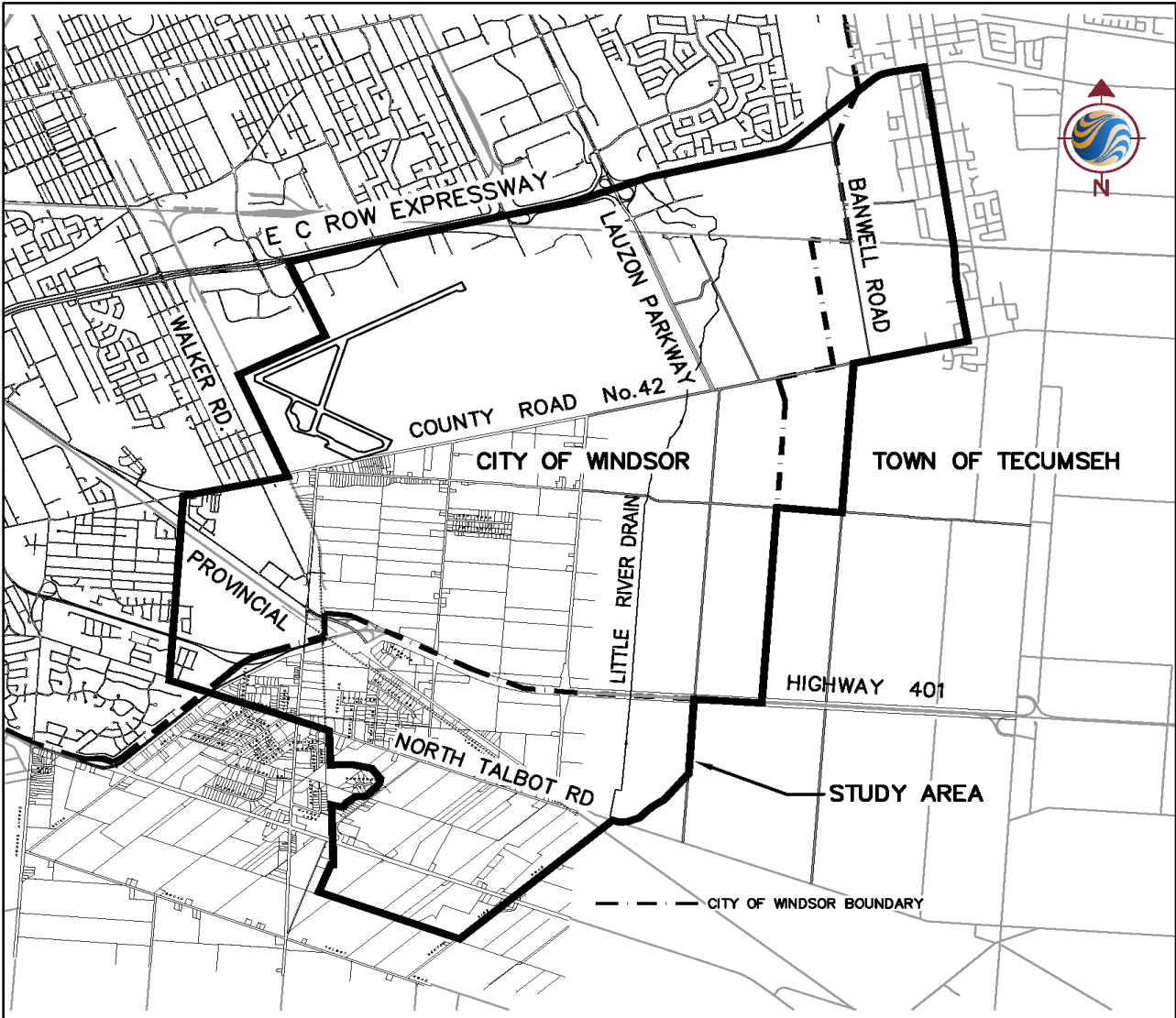
Phil Bartnik, P.Eng.
Director Public Works & Engineering Services

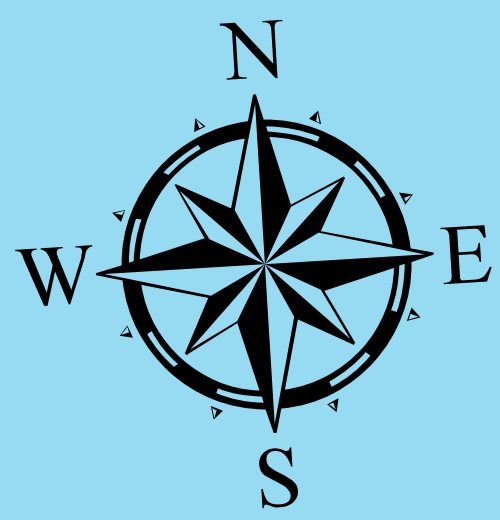
Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	Site Location Plan
2	Tecumseh Watershed Areas
3	2022 ULREA Executive Summary
4	Master Plan Approaches 1 and 2
5	ERCA Board Report BD 20/22, August 29, 2022

ULREA – Site Location Plan





Legend

Watershed Name

Lake St. Clair

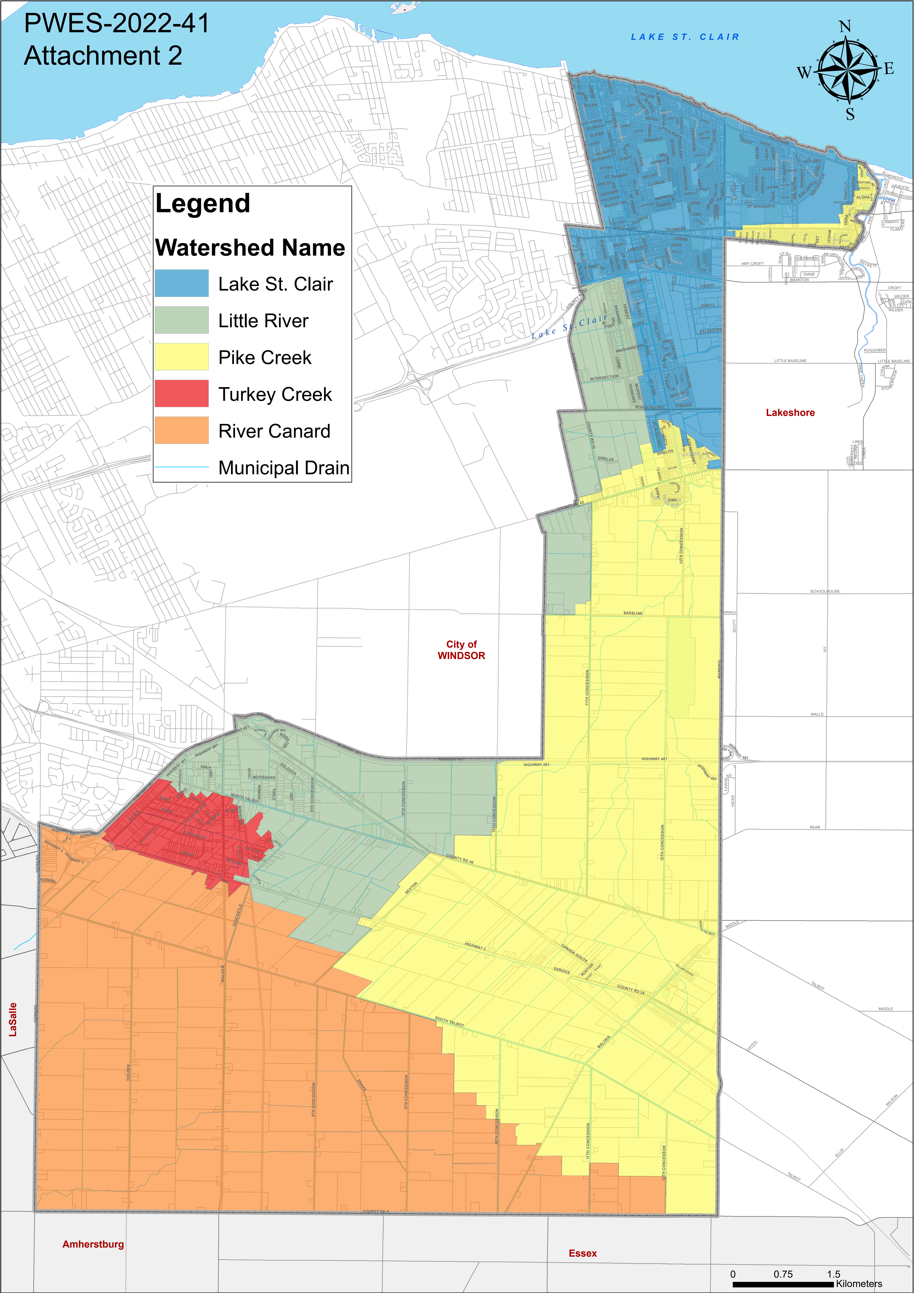
Little River

Pike Creek

Turkey Creek

River Canard

Municipal Drain



Map Date: January 2022

Corporation of the Town of Tecumseh

MUNICIPAL DRAINS & STORM WATER
MANAGEMENT SYSTEM

WATERSHED AREAS



ONTARIO · CANADA

Executive Summary

The Upper Little River watershed is located in the southeast part of the City of Windsor and the west part of the Town of Tecumseh, as shown on the Site Location Plan (Figure E1). The Main branch of Little River originates south of Highway 401 and generally flows north through a well-defined system of municipal drains and channels towards the Detroit River and Lake St. Clair. The drainage area contributing to Upper Little River upstream of the E.C. Row Expressway is approximately 45 km².

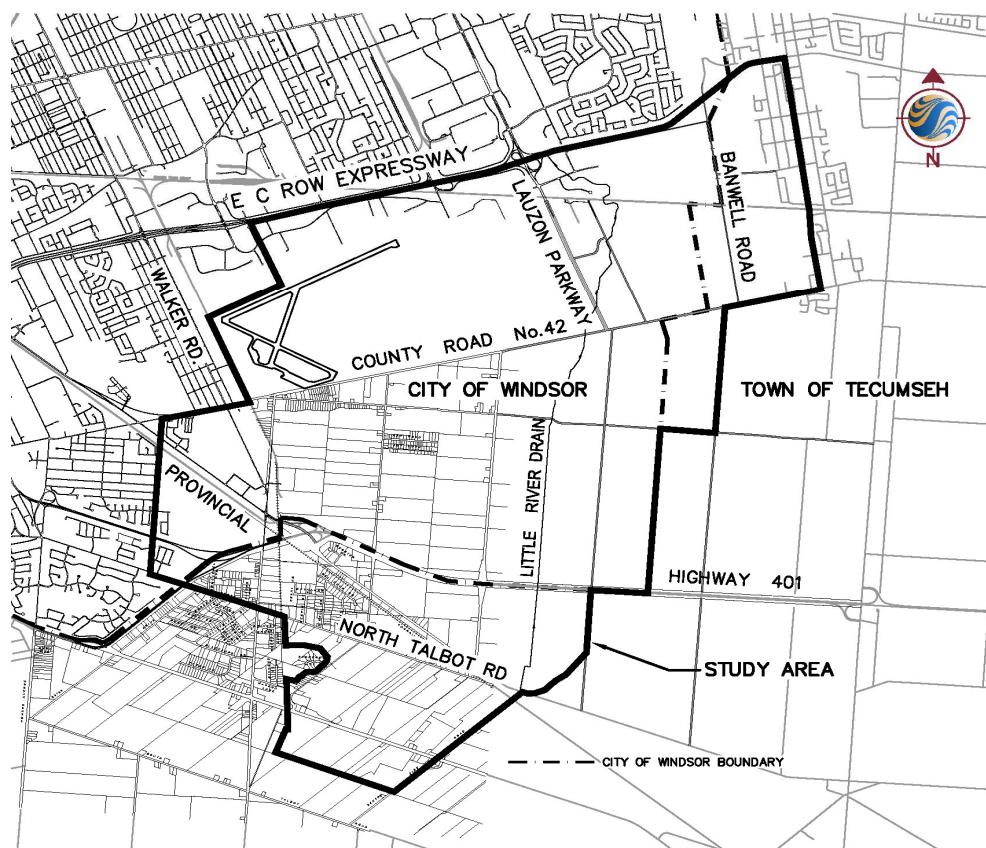


Figure E1: Site Location Plan

The City of Windsor (City), the Town of Tecumseh (Town), and the Essex Region Conservation Authority (ERCA) commenced a study in 2004 to document existing conditions and to recommend stormwater management measures to protect existing resources as development continues in the upper reaches of Little River. In 2005, the City was in the process of completing a Land Use Plan for the Sandwich South Employment Lands, and the Study was put on hold until that process could be completed. The City of Windsor Council adopted a Preferred Concept Land Use Plan on October 23, 2006. The project was put on hold again in 2007 after the Ministry of Transportation (MTO) announced that it had plans for a new highway through the study area.



UPPER LITTLE RIVER WATERSHED DRAINAGE AND STORMWATER MANAGEMENT MASTER PLAN CLASS ENVIRONMENTAL ASSESSMENT, WINDSOR AND TECUMSEH, ONTARIO

The project was reinitiated in 2010 at the same time as several adjacent projects. Land use planning, future arterial roadway locations (Lauzon Parkway, County Road 42, and a new East-West Arterial), and the proximity of the Windsor International Airport have all been taken into account in the development of the proposed stormwater management approach.

The Master Plan was originally undertaken following Approach 2 with a Notice of Study Completion filed in September 2017. However, due to the overall duration of the project, changes to the Class EA requirements over that time, and input from the Ministry of the Environment, Conservation and Parks during the review of a Part II Order appeal, the Master Plan was not finalized after the 30-day public review period. The Master Plan is now being completed following Approach 1, which is a broader level of assessment. This change in approach results in the requirement for additional detailed investigations at the project-specific level in order to fulfill Class EA requirements for specific Schedule B and Schedule C projects. Note that recent amendments to the *EA Act* have exempted Schedule A and A+ projects from the provisions of the *EA Act*. No changes have been made to alternatives considered or general Master Plan recommendations since the filing of the initial Notice of Completion in 2017. Correspondence associated with the previous Notice of Completion and Part II Order request can be found in Appendix E.

Stantec Consulting Ltd. is the lead consultant, in cooperation with Parrish Geomorphic Ltd., to complete a Master Plan under the Municipal Class Environmental Assessment process to determine a preferred approach to providing stormwater management control measures for the developing lands upstream of the E.C. Row Expressway and contributing to Upper Little River.

The Project Team, consisting of representatives from the City of Windsor, The Town of Tecumseh, the Essex Region Conservation Authority, and the Consultant Team, has examined a number of alternatives for stormwater management based on a combination of previous documentation and current information. In addition, two Public Open House Meetings (May 29, 2012 and October 22, 2012) have been held to receive input on the alternative options investigated.

A preferred option was developed as a result of an evaluation of alternatives and public/agency input, and is considered representative of the most financially and physically appropriate option to achieve the required controls, while maximizing opportunities to conserve existing natural conditions. Details of the study process, from conceptual development of alternative stormwater management strategies through to the identification of recommended projects, are summarized in the following Master Plan Report, which is to be considered for approval by the Councils of the City of Windsor and the Town of Tecumseh.

This project has been completed in accordance with Approach 1 as identified in Appendix 4 of the Municipal Engineers Association (MEA) Municipal Class Environmental Assessment (Class EA) (2000, as amended). In accordance with the MEA Class EA process, this Master Plan was filed on the Public Record for a period of thirty (30) days after adoption of the recommendations by the City of Windsor and the Town of Tecumseh through the issuance of a Notice of Completion. The Notice of Completion was advertised in the local newspaper, and copies of pertinent advertisements are included in the Appendices. It should be noted that the Master Plan Notice of Completion was previously filed in September 2017, but was subsequently re-issued on **DATE** to address the change in Master Plan methodology from Approach 2 to Approach 1.



The problem statement for this Master Plan Class EA is generally summarized as follows:

To ensure that urbanization of the Upper Little River Watershed can occur in a fashion that will not lead to negative impacts on the receiving systems including increased flood risk, the impairment of natural watercourse features, and would allow for future enhancement of the watercourse, stream margins and wetlands.

Alternatives and Evaluation

As part of the Class EA process, it is important that all reasonable and feasible solutions be considered. The following alternatives have been identified for further evaluation through this Master Plan Class EA:

Alternative 1 - The Do-Nothing Alternative

In this alternative, the Little River subwatershed area is developed but no stormwater management control measures are implemented for the watershed. The evaluation of this alternative is required by the EA process; however, ERCA has stated that lands downstream of the study area are currently impacted by flood waters and any increase in flows would require channel improvements with significant costs to ensure that flood levels/damages are not increased.

Alternative 2 - Water Quality and Erosion Control Only

In this alternative, the proposed development will have only water quality treatment and erosion control, and no water quantity or flooding controls. ERCA has stated that lands downstream of the study area are currently impacted by flood waters and any increase in flows would require channel improvements with significant costs to ensure that flood levels/damages are not increased.

Alternative 3 - Communal Stormwater Facilities

This alternative examines the potential to minimize the number of SWM facilities required to serve the study area by consolidating all water quality, erosion, and water quantity controls at a few locations throughout the watershed.

On-line

These large centralized SWM facilities would provide control for anywhere from 150 to 800 ha of development area. This option would retain the existing municipal drain alignments with large ponds at key locations. Multiple forebays could be used to consolidate drainage from different directions. Several of the municipal drains are considered to provide direct fish habitat. Since this alternative provides water quality control downstream of the fish habitat, this option would likely require a permit from the DFO. This alternative would also be classified as an on-line water quality facility (since it would be located on a watercourse). Recent projects attempting to employ this method have had difficulty obtaining approvals from MECP, MNRF, and DFO, primarily due to fisheries/natural heritage concerns. Due to the complications arising from the proximity of the airport and the online water quality controls, it would be difficult to obtain approvals for this alternative.



Off-line

This alternative is similar to the on-line version where a few large centralized SWMFs would be used to provide controls. This alternative differs in that the storm flows would drain through large storm sewers to the SWMFs whereas the on-line version uses the existing municipal drain network to transport flows. Due to flat grades throughout the site and required minimum slopes on storm sewers, flows in the storm sewers would need to be pumped before outletting to the downstream water courses. This option requires significant upfront capital costs for the storm sewers and land acquisition and does not lend itself well to staged construction.

Alternative 4 – On-line Quantity Control with Local Quality and Erosion Controls

This alternative examines the scenario where a few on-line water quantity or flood control facilities are centralized in key locations throughout the study area, but water quality and erosion controls are distributed across the watershed.

Large centralized SWMFs would be used to provide water quantity control for large rainfall events. These large facilities would be located generally in the same locations as for Alternative 3, except that they could be smaller, and they would not require a permanent body of water (although there would be some form of low flow channel). Recent projects employing on-line water quantity controls have been approved by the MNRF and MECP with some additional review time.

Smaller distributed SWMF's would be used to provide a Normal level of water quality control, which could take the form of a dry pond combined with a treatment train approach (i.e., pre-treatment), a wet pond, a wetland, or Low Impact Development methods. The minor system would drain to the small distributed SWMFs where water quality and erosion control would occur. Major flows would either bypass the small distributed SWMF or drain through them with minimal controls to the large downstream SWMFs.

Alternative 5 - Distributed Off-line SWM Controls

This alternative considers the potential for stormwater management controls to be distributed throughout the study area, and each facility would be required to provide water quality, erosion, and water quantity controls separately. It is anticipated that facilities would be designed and constructed as development proceeds on a site by site basis.

This form of SWM is typical of most developments where each development block would provide their own SWM controls (water quality, water quantity, and erosion control) before outletting to the drains. It would be the easiest alternative to receive approvals for due to its standard approach.

Similar to Alternative 4, water quality would be provided on a site-by site basis throughout the development area in end-of pipe facilities (i.e., dry pond combined with a treatment train approach, wetland, or wet pond). Flood control would occur above the water quality control volume (so that the water depth would be larger) or in adjacent mixed-use areas (e.g., sports field, woodlots, etc.). Under normal conditions they will operate similar to the Alternative 4 ponds and it is only under large rainfall events where there will be differences in operation.



Alternative 6 - Grouped Off-line SWM Controls

This alternative considers the potential for all stormwater management controls to be provided before outletting to a watercourse. Each facility would be required to provide water quality, erosion, and water quantity controls similar to Alternative 5. In this alternative the SWM facilities are generally in the same area (co-located) and are congregated into SWM corridors.

This alternative is similar to Alternative 5, with the main differences being that the SWM facilities are intended to provide controls for more than one property and they are located adjacent to other facilities and a watercourse. Generally, there will be fewer and larger SWMFs compared to Alternative 5 and more and smaller SWMFs compared to Alternative 3.

Evaluation of Alternatives

Throughout the Study process, the various alternatives were reviewed and discussed by the Project Team, the public, and agency representatives. It is obvious that each alternative will result in varying impacts on environmental features, lands available for development by local property owners and the downstream system. As would be expected, the objectives and needs of various groups are not always consistent, and so an appropriate evaluation process was applied by the Project Team to arrive at a preferred concept or recommended concept.

A set of evaluation criteria/indicators was selected to reflect the issues, constraints and concerns considered most important when comparing the alternative stormwater strategies against the different environmental components. The evaluation criteria used to assess the various alternatives were grouped into four major categories as outlined below:

- Natural Environment
 - Terrestrial Resources, Vegetation, and Wildlife Implications
 - Fisheries Resources and Aquatic Habitat Implications
 - Groundwater and Baseflow Implication
 - Surface Water Quality
- Economic Environment
 - Total Capital Cost
 - Total Maintenance Cost



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- Technical Environment
 - Ability to Provide Required Flood Protection
 - Ease of Construction/ Implementation
 - Ability to Meet Agency Requirements
- Social/Cultural Environment
 - Aesthetics
 - Health and Safety
 - Recreational Opportunities
 - Archaeological Resources
 - Built Heritage Resources/Cultural Heritage Landscapes

For each evaluation criteria a relative preference rating was assigned to each alternative. That is, for each criterion a particular alternative was either highly preferred, moderately preferred, or was generally not preferred. This information was tabulated for all of the criteria. Based on the evaluation matrix Alternative 6 is the preferred option.

Description of Preferred Alternative

The preliminary preferred alternative (Alternative 6) provides all stormwater management controls before outletting to the downstream watercourses. Each facility would be required to provide water quality, water quantity, and erosion controls on a standalone basis. In this alternative the SWM facilities are grouped into stormwater management corridors to promote natural linkages, recreational trails, and greenways. The SWM facilities can provide controls for more than one property and will be located adjacent to other facilities and a watercourse. It is anticipated that facilities would be designed and constructed as development proceeds. The study area will be developed by multiple landowners and the preferred alternative supports the ability of individual landowners to proceed independently while minimizing the total number of SWM facilities. Lands impacted by the SWM corridor will ultimately be owned by the Municipality. The Municipality will acquire the required property in accordance with the laws of the Province of Ontario.

The stormwater areas are proposed to be congregated into stormwater management corridors which can be combined with trail systems and amenity areas for the surrounding developments. The stormwater management corridor will be located beside watercourses which will accept drainage from the end-of-pipe facilities. Heavy vegetation adjacent to all water bodies and minimal open water will also be implemented in order to make water features less attractive to bird species, a specific request from the Windsor Airport. As part of this work, several of the existing municipal drains are proposed to be abandoned and several new channels will be created that align with the proposed development plan for the area. In addition, the work will include re-grading the stream channel banks to create benches or terraces, which will help dissipate energy and re-connect the bankfull channel to a floodplain area.

Advantages of the preferred alternative include the following:



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- Staging Flexibility – This alternative minimizes the number of facilities while providing flexibility with respect to their staging and construction.
- Avian Habitat – The avian habitat area is relatively concentrated, which provides continuous linkages for predators, reduces the number of sites to be monitored, and provides more separation between nesting and foraging areas.
- Ease of Permitting – SWM facilities are located offline of each watercourse easing approval issues. Individual SWM facilities generally follow typical designs leading to easier approval.
- Stormwater Pumping – fewer facilities and grouped locations (with one pump for multiple properties) should lead to fewer pumping stations when compared to standard one facility per property strategies.
- Recreational Opportunities – The potential exists to create new trail networks through the corridors due to the continuity of the grouped SWM system.
- Fish Passage – The stormwater management areas are located offline of the existing watercourses and no additional barriers to fish movement are created. The conveyance system remains fish habitat similar to the existing municipal drain network.
- Erosion - re-grading the banks to create benches or terraces will re-connect the bankfull channel to a floodplain area, thereby reducing erosion and improving fish habitat.



Municipal Class Environmental Assessment – Master Plan	
Master Plan Approach 1	Master Plan Approach 2
<ul style="list-style-type: none"> Preparation of a Master Plan document at the conclusion of Phases 1 and 2 of the Municipal Class EA process. 	<ul style="list-style-type: none"> Preparation of a Master Plan document at the conclusion of Phases 1 and 2 of the Municipal Class EA process.
<ul style="list-style-type: none"> Broad level of assessment thereby requiring more detailed investigations at the project-specific level in order to fulfil the Municipal Class EA documentation requirements for the specific Schedule B and C projects identified within the Master Plan. 	<ul style="list-style-type: none"> Level of investigation, consultation and documentation are sufficient to fulfil the requirements for Schedule B projects.
<ul style="list-style-type: none"> Schedule B projects would require filing of the Project File for public review. 	<ul style="list-style-type: none"> The public notice for the Master Plan becomes the Notice of Completion for the Schedule B projects within it.
<ul style="list-style-type: none"> Schedule C projects would have to fulfil Phases 3 and 4 of the Municipal Class EA prior to filing an Environmental Study Report (ESR) for public review. 	<ul style="list-style-type: none"> Schedule C projects would have to fulfil Phases 3 and 4 of the Municipal Class EA prior to filing an ESR for public review.
	<ul style="list-style-type: none"> The Master Plan would provide the basis for future investigations for specific Schedule C projects identified within it.



Essex Region Conservation Authority

Board of Directors

BD 20/22

From: James Bryant, P.Eng., Director of Watershed Management Services

Date: Monday, August 29, 2022

Subject: Little River Floodplain Mapping Project Status Updates

Strategic Action: 2.1 Undertake modelling and assessments to update ERCA's flood line mapping.
11.3 Continue to coordinate projects of regional interest with all municipal partners.

Recommendation: THAT ERCA Administration, in coordination with the City of Windsor and the Town of Tecumseh, circulate a Notice of Study Completion for the Upper Little River Municipal Class Environmental Assessment and Master Drainage Study upon finalizing the draft report.

Summary

- ERCA continues to collaborate with the City of Windsor on two key projects within the Little River watershed; the *Upper Little River Watershed Drainage and Stormwater Management Master Plan Class EA (ULREA)* and the *Little River Flood Plain Mapping Project / Sandwich South Master Servicing Study*.
- The ULREA was initiated in 2004 and experienced several significant delays. Despite those delays, the project is nearing completion.
- The Little River Flood Plain Mapping Project, which is a component of the Sandwich South Master Servicing Study, uses the hydrologic information from the ULREA as the baseline for the flood mapping analysis and stormwater management recommendations. Modifications were made to this information to support current hydrology and hydraulics within the area to address the changes that occurred over the last several years.
- ERCA and the City intend to circulate a Notice of Study Completion for the ULREA first, followed by a Notice of Completion for the Little River Flood Plain Mapping Project once the Sandwich South Master Servicing Study has satisfied all of the necessary requirements as a Schedule B undertaking under the Municipal Class EA framework.

Discussion

The Little River watershed is approximately 6272 hectares (62.72 square kilometres) and is subject to various ongoing studies to support floodplain management and sustainable development and growth

for the City of Windsor. This report is providing an update on two key studies which inform much of the natural hazard information, future municipal servicing, and recreational/naturalized corridors. The first of the two studies is known as the *Upper Little River Watershed Drainage and Stormwater Management Master Plan – Class Environmental Assessment*. The second and more recent study is the *Little River Flood Plain Mapping Project*, which is a component of the *Sandwich South Master Servicing Study*. For clarity, this administrative report has been separated to discuss each of the studies independently.

Upper Little River Watershed Drainage and Stormwater Management Master Plan – Class Environmental Assessment (ULREA)

ERCA, in partnership with the City of Windsor and Town of Tecumseh, initiated a study in 2004 to document existing conditions within the Upper Little River watershed and to recommend stormwater management measures. The Study Area includes the 4390 hectares (43.9 square kilometres) of land that extends south of E.C. Row Expressway to the upper limit of the watershed south of King's Highway No. 3. These stormwater management measures would be implemented to protect existing resources as development continues throughout the upper reaches of Little River. In general, the primary objective of this study was to define the future stormwater management corridors that would be used to support future development of the Sandwich South lands. It informs more complex servicing studies for this area, enabling sustainable growth for the City of Windsor and Town of Tecumseh. Unfortunately, this study has encountered numerous roadblocks and pauses since its initiation. A brief timeline is provided below that highlights several points where the Study started and stopped.

- 2004 – Study initiated in partnership with the City of Windsor and Town of Tecumseh.
- 2005 – The Study was paused to allow for the completion of the City's Land Use Plan for the Sandwich South Employment Lands.
- 2006 – the Study was reinitiated after the City's adoption of the Preferred Concept Land Use Plan for the Sandwich South Employment Lands.
- 2007 – The Study was paused as the Ministry of Transportation of Ontario (MTO) announced their renewed plans to construct a new highway through the study area. The Environmental Assessment for the proposed highway did not commence until 3 years later (the Lauzon Parkway Extension).
- 2010 to 2011 - The Lauzon Parkway Environmental Assessment was initiated and led by the MTO in partnership with the City of Windsor, County of Essex, and Town of Tecumseh. This large multi-stakeholder study was being undertaken to define the preferred roadway alignments and cross-sections for the future Lauzon Parkway Extension, the future East-West Arterial Roadway, and County Road 42. All of these roadways fall within the Upper Little River Study Area. The Notice of Completion for this project was filed in early 2014.
- 2015 to 2017 – The ULREA Study was nearly completed with a Notice of Study Completion filed in late 2017; however, due to the considerable time between the Study commencement and completion, several changes to the requirements for Municipal Class Environmental Assessments (MCEA) had occurred that were not included in the original scope of work.
- 2018 – The Ministry of Environment, Conservation and Parks (MECP) notified Project Team of additional requirements to be included in the final report. This included evaluations of potential impacts to cultural heritage and archaeological resources as well as Source Water Protection along with various other necessary edits to the final report.

- 2018 to 2022 – The Study was modified from an Approach 2 Master Plan under MCEA to Approach 1 under MCEA. The Study has progressed to include a draft final report that addresses the necessary requirements for this type of study, including all of those requested changes by the MECP.

The technical components of this study have remained unchanged since the filing of the original Notice of Study Completion in 2017. The work has more recently been focused on complying with the most current legislative requirements to satisfy the minimum MCEA requirements. As identified above, ERCA made a strategic recommendation to the stakeholders to modify the MCEA Master Plan Approach from Approach 2 to 1 to avoid any further conflicts and delays with various other studies. The change in approach does not lessen the technical merits of the study or lower the quality of the report recommendations. Rather, it avoids the need to complete all of the related Schedule B and C projects prior to filing for a Notice of Study Completion. In taking this approach, the Master Plan can be completed with a list of applicable projects that can be completed individually to the appropriate level of detail. A primary example of this is the *City of Windsor Sandwich South Master Servicing Study and Little River Flood Plain Mapping Project*. This project, along with various others, are listed within the ULREA as relevant Schedule B or C undertakings that will be informed by and comply with the more broadly scoped ULREA Master Drainage study.

The next steps with this project are to finalize the review of the draft report, circulate the report to the municipal stakeholders for approval and issue a Notice of Study Completion. This administrative report is seeking approval by the Board for ERCA administration to release the Notice of Study Completion upon the City's and the Town's satisfactory review of the draft final report. The completion of this study is vital to continued sustainable growth within the Sandwich South lands, and necessary to allow for the final completion of the *City of Windsor Sandwich South Master Servicing Study and Little River Flood Plain Mapping Project*.

Little River Flood Plain Mapping Project (LRFMP)

The LRFMP is a component of the City's *Sandwich South Master Servicing Study* currently underway. These two undertakings are being completed in parallel as the long-term servicing needs (roads, sewers, etc.) are informed by the existing conditions floodplain extents. These combined efforts were informed by the nearly complete ULREA that was described earlier in the report. More specifically, the hydrologic information from the ULREA formed the baseline for the hydrologic analysis in the LRFMP, with refinements made to catchment areas using updated municipal drainage reports. Further to this, the hydraulic analysis and floodplain mapping, which is in the final stages of review by ERCA staff, incorporated future development scenarios to ensure no negative impacts to the existing conditions modelled floodplain. At the completion of this project, ERCA will have updated regulatory maps that will be used to administer Section 28 of the Conservation Authorities Act, and to regulate development through Planning Act processes. Additionally, the City will have the necessary documentation to support their servicing and growth strategies for the Sandwich South lands.

ERCA staff and Dillon Consulting Limited hosted a virtual Public Information Centre (PIC) in late 2021 to inform the public of the preliminary flood mapping results and potential changes to the regulatory boundaries based on the updated information. A link to the PIC slides and other related information is

provided under the Attachments heading of this report for reference. Since that meeting, substantial work has been completed by the project team to refine the model to meet the applicable federal and provincial modelling and mapping standards. Draft flood maps are currently under review by ERCA staff. Next steps for this project include the following:

- Complete a review and finalize the project deliverables (reports and flood maps).
- Present the final report and flood maps to the ERCA Board of Directors.
- Present the final report and flood maps to the City of Windsor Council.
- Issue a Notice of Study Completion.
- Implement the findings through Section 28 of the Conservation Authorities Act, ERCA Board Approved Policies, and Planning Act processes.

Next Steps

ERCA and the City of Windsor will continue to collaboratively work towards completion of these two important projects. It is anticipated that the Notice of Study Completion for the ULREA will be circulated in advance of that for the Sandwich South Master Servicing Study and Flood Plain Mapping Project.

Approved By:



Tim Byrne
CAO/Secretary Treasurer

Attachments:

- [Sandwich South Master Servicing Plan \(citywindsor.ca\)](http://citywindsor.ca)



The Corporation of the Town of Tecumseh

Public Works & Engineering Services

To: Mayor and Members of Council

From: Phil Bartnik, Director Public Works & Engineering Services

Date to Council: November 22, 2022

Report Number: PWES-2022-43

Subject: Transfer of License Agreement on Title to Lands at
5220 and 5250 Outer Drive and 5245 Burke Street

Recommendations

It is recommended:

That Report PWES-2022-43 regarding the Transfer of License Agreement on Title to Lands at 5220 and 5250 Outer Drive and 5245 Burke Street **be received**;

And that By-law 2022-084 **be given** its first, second and third reading, transferring the License Agreement, via Consent, between the Corporation of the Town of Tecumseh and Moldplas Inc. and Build-A-Mold Limited to The Corporation of the Town of Tecumseh and Nobel REIT Limited Partnership by its general partner Nobel REIT GP Inc. to reflect the new property ownership.

Background

In 2003, Moldplas Inc. and Build-A-Mold Limited were the owners of 5250 and 5220 Outer Drive and 5265 Burke Street. At this time, Moldplas Inc. and Build-A-Mold Limited entered into an agreement with the Town of Tecumseh for the purpose of providing access across Outer Drive for the installation of a private watermain from 5250 and 5220 Outer Drive to 5265 Outer Drive to a newly constructed warehouse. This waterline was required to operate a sprinkler system in the warehouse (i.e. a fire line). A site location map is provided in Attachment 1.

This agreement was executed under By-law 2003-22 and was adopted by Council at the March 25, 2003 Regular Council Meeting (Attachments 2 and 3).

Section 2.1(f) of By-law 2003-22, states that the Licensee (Moldplas) is:

- “not to assign this license nor sublicense any part of the Watermain to anyone, without the prior written consent of the Town, which consent may be arbitrarily withheld without reason, cause, or just cause. The Licensee shall give notice to the Town of any proposed sale of all or any part of the Moldplas Property.”

Comments

The above-noted License Agreement is registered on title as Instrument No. CE509. The current landowner, NM APP Canada Corp., is selling the subject properties (at 5250 and 5220 Outer Drive and 5265 Burke Street) to Nobel REIT Limited Partnership, by its general partner, Nobel REIT GP Inc., with a closing date of November 1, 2022.

Prior to finalizing this sale, the Consent (contained within by-law 2022-084) is to be executed by the Town.

Consultations

Legislative Services & Clerk
Town Solicitor

Financial Implications

There are no financial implications arising from this report.

Link to Strategic Priorities

Applicable	2019-22 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 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 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:

Cheryl Curran, BES
Project Technician

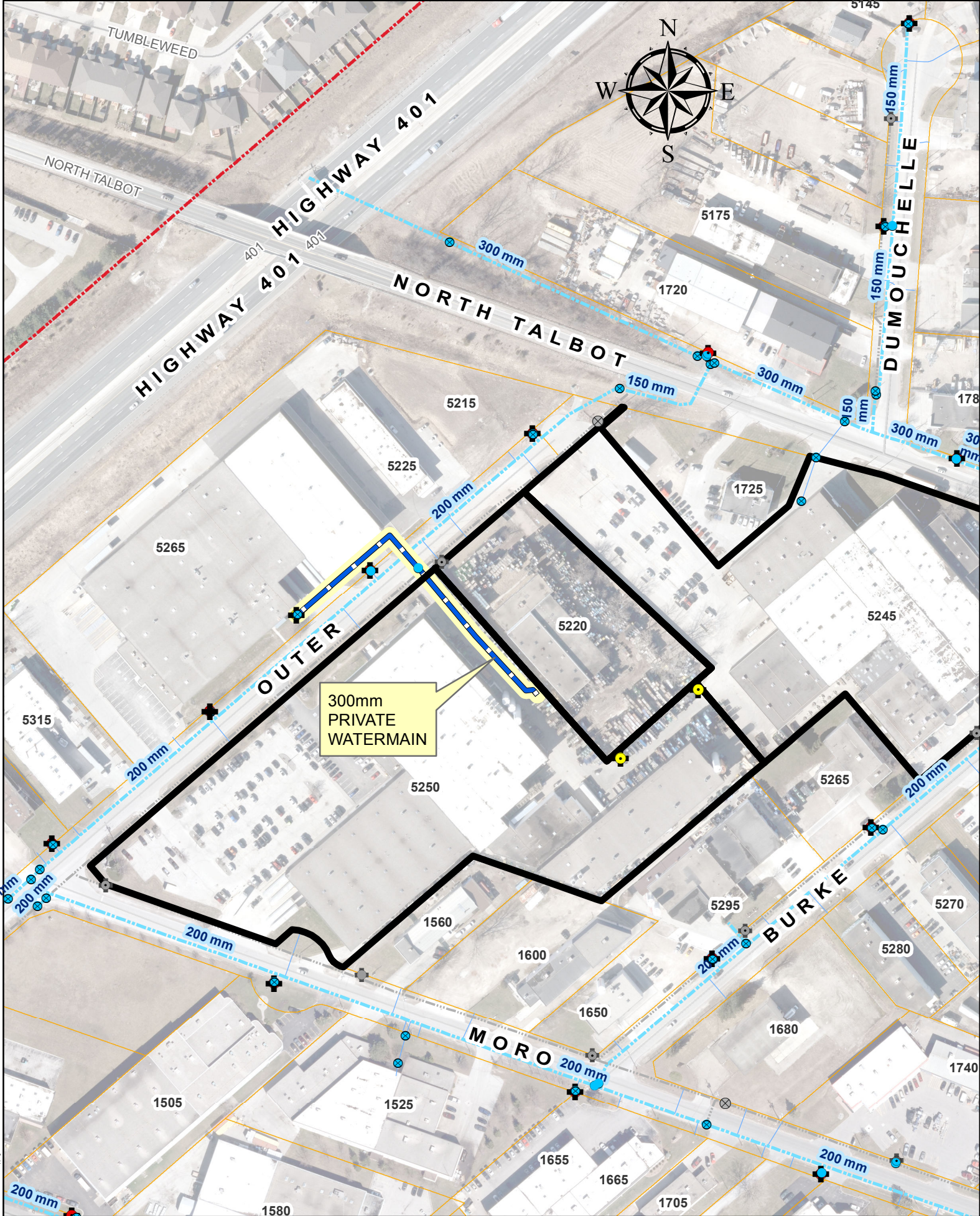
Reviewed by:

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

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	Site Location Map
2	Report to Council, 2003-03-25 RCM Agenda
3	By-law 2003-22



Disclaimer
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TOWN OF Tecumseh
ONTARIO - CANADA

316

Work Done:
Author: JHK
Date: 10/27/2022
Scale: NTS

PRIVATE WATERMAIN
Town of Tecumseh
5250/5220 OUTER DR
5245 BURKE ST

PROJECT No.
SHEET No. 1

MAYOR – MAIRE
ED RENAUD

DEPUTY MAYOR – SOUS MAIRE
GARY McNAMARA

COUNCILLORS - CONSEILLERS
JOE BACHETTI
MARCEL BLAIS
GUY DORION
THOMAS FUERTH
DOREEN OUELLETTE

The Corporation of the



Town of Tecumseh

REPORT

5.12
WATER DEPARTMENT
1189 LACASSE BLVD.
TECUMSEH, ONTARIO • N8N 2C7
PHONE (519) 735-6381
FACSIMILE (519) 735-7895
www.town.tecumseh.on.ca

DIRECTOR OF WATER
ROBERT FILIPOV, P.Eng.
rfilipov@town.tecumseh.on.ca

PRESENTED
COUNCILS MEETING
MAR 25 2003

TO: Members of Council
FROM: Robert Filipov, P.Eng., Director of Water
DATE: March 20, 2003
RE: **MoldPlas Firemain Easement Agreement**

AIM

To authorize the execution of an easement agreement.

BACKGROUND

In April of 2002, the Town was approached by the Rosati Group acting on behalf of MoldPlas / Build-A-Mold, to construct a warehouse on the west side of Outer Drive for their operations on the east side of Outer Drive (fronting Burke Street). Due to the size of the warehouse an automated sprinkler system would be required. Due to the age and size of the watermain along Outer Drive, the Town could not offer the assurance of the required flow and pressure to operate the sprinkler system in the event of a fire.

Rosati came forward with a proposal to extend the firemain from the existing Build-A-Mold plant to service the warehouse. The proposal was accepted due to the logistics and cost implications of installing new watermain along Outer Drive. The only setback to the proposal was that the firemain was to cross the Town's right-of-way (Outer Drive).

The Town's Solicitor, Mr. J. Mark Skipper, negotiated and prepared a license agreement with MoldPlas on behalf of the Town.

RECOMMENDATION

That the Mayor and Clerk be authorized to execute the License Agreement on behalf of the Corporation.

THE CORPORATION OF THE TOWN OF TECUMSEH

BY-LAW NO. 2003-22

Being a by-law to authorize the execution of a License Agreement between the Corporation of the Town of Tecumseh and Moldplas Inc. and Build-A-Mold Limited

WHEREAS MoldPlas Inc. and Build-A-Mold Limited are the owners of two parcels of lands situated in the Town of Tecumseh, separated one from another by Outer Drive, a public roadway;


AND WHEREAS MoldPlas Inc. and Build-A-Mold Limited have applied to the Town of Tecumseh for a gratuitous license for the purpose of installing a private watermain under Outer Drive, connecting the two parcels;

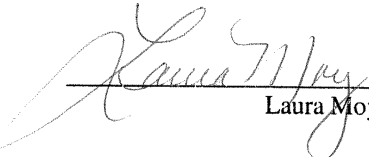
AND WHEREAS the Town of Tecumseh is desirous of consenting to the license to permit the installation of the private watermain, under certain terms and conditions

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF TECUMSEH HEREBY ENACTS AS FOLLOWS:

1. **That** the Mayor and the Clerk be and they are hereby authorized and empowered on behalf of the Corporation of the Town of Tecumseh, to execute a License Agreement dated the 23rd day of January, 2003, between the Corporation of the Town of Tecumseh and Moldplas Inc. and Build-A-Mold Limited, a copy of which License Agreement is attached hereto and forms part of this by-law, and do such further and other acts which may be necessary to implement the said Agreement.
2. **That** this by-law shall come into full force and take effect on the date of the third and final reading thereof.

READ a first, second, third time and finally passed this 25th day of March, 2003.


Ed Renaud, Mayor


Laura Moy, Clerk

(1) Registry ☐ Land Titles ☒ (2) Page 1 of 12 pages

(3) Property Identifier(s) Block 70621 - Property 0246 (LT) Additional: See Schedule ☒

(4) Nature of Document
NOTICE
LICENSE AGREEMENT

(5) Consideration
ONE Dollars \$ 1.00

(6) Description
Part Lot 306
Concession North Talbot Road
Tecumseh (Formerly Sandwich South)
As in instrument no. 1500840

(7) This Document Contains: (a) Redescription New Easement Plan/Sketch ☐ (b) Schedule for: Description ☒ Additional Parties ☐ Other ☐

FOR OFFICE USE ONLY

CERTIFICATE OF RECEIPT
RECEPTE
ESSEX (12) WINDSOR
14:04 PM 2003/04/10
REGISTRAR/REGISTRATEUR

(8) This Document provides as follows:
The Corporation of the Town of Tecumseh has an unregistered estate, right, interest or equity in Part of Lot 306, Concession North Talbot Road as described in Box (6) hereof, registered in the name of Moldplas Inc. and Build-A-Mold Limited.

The Corporation of the Town of Tecumseh hereby applies under section 71 of the Land Titles Act for the entry of a Notice of Agreement in the register for the said parcel, which agreement is dated the 23rd day of January, 2003, and is between The Corporation of the Town of Tecumseh and Moldplas Inc. and Build-A-Mold Limited. The evidence in support of this application is an execution copy of the agreement.

Dated at Windsor, Ontario, this 24th day of January, 2003.

Continued on Schedule ☐

(9) This Document relates to instrument number(s)

(10) Party(ies) (Set out Status or Interest)

Name(s)	Signature(s)	Date of Signature Y M D
MOLDPLAS INC. / BUILD-A-MOLD LIMITED by its solicitor, Kathryn A. Hong	X	2003 01 24
BUILD-A-MOLD LIMITED	X	

(11) Address for Service
5250 Outer Drive, Windsor, Ontario N9A 6J3

(12) Party(ies) (Set out Status or Interest)

Name(s)	Signature(s)	Date of Signature Y M D
THE CORPORATION OF THE TOWN OF TECUMSEH by its solicitor J. Mark Skipper		2003 01 24

(13) Address for Service
917 Lesperance Road, Tecumseh, Ontario N8N 1W9

(14) Municipal Address of Property

265 Outer Drive
Windsor, Ontario

(15) Document Prepared by:
J. Mark Skipper
Monforton, Robitaille,
Ducharme & Skipper
Barristers & Solicitors
100 Ouellette Avenue, 13th Floor
Windsor, Ontario N9A 6T3

319

Fees and Tax	
Registration Fee	70.00
Total	70.00

Additional Property Identifier(s) and/or Other Information

Firstly: Part Lot 305
Concession North Talbot Road
Tecumseh
Parts 1, 2, 6, 7, 12R-17927

PIN: 70621-0206 (LT)

Secondly: Part Lot 305
Concession North Talbot Road
Tecumseh
Part 21, 12R-6426

PIN: 70621-0541 (LT)

Thirdly: Part Lot 305
Concession North Talbot Road
Tecumseh
Parts 5 and 6, 12R-16551

PIN: 70621-0125 (LT)

Fourthly: Part Lot 305
Concession North Talbot Road
Tecumseh
Parts 3, 4, and 5, 12R-17927

PIN: 70621-0124 (LT)

Fifthly: Part Lot 305
Concession North Talbot Road
Tecumseh
Parts 2, 3 and 4, 12R-14622

PIN: 70621-0127 (LT)

Sixthly: Part Lot 305
Concession North Talbot Road
Tecumseh
Part 1, 12R-1410

PIN: 70621-0128, *SAVE * EXCEPT 1289927*

Seventhly: Part Lot 305
Concession North Talbot Road
Tecumseh
Part 20, 12R-6426

PIN: ⁰⁵⁴⁶
~~70621-0541~~ *0155*

LICENSE AGREEMENT

THIS AGREEMENT made the 23rd day of January, 2003,

B E T W E E N:

THE CORPORATION OF THE TOWN OF TECUMSEH

Hereinafter called the "TOWN" of the FIRST PART

- and -

MOLDPLAS INC. and BUILD-A-MOLD LIMITED, a corporation incorporated under the laws of the Province of Ontario, of the Town of Tecumseh, in the said Province

Hereinafter called the "LICENSEES" of the SECOND PART

WHEREAS:

- (1) the Licensees are the owners of the lands and premises described in Schedule "A" hereto;
- (2) the Licensees are the owners of the lands and premises described in Schedule "B" hereto;
- (3) the two parcels are separated from one another by Outer Drive, a public roadway situate within the Town;
- (4) the Licensees have applied to the Town for a gratuitous license for the purposes of installing a private watermain under Outer Drive, connecting the two parcels;
- (5) the Town has consented to the installation of the private watermain, and the grant of license with respect thereto, upon the terms and conditions hereinafter set out; and
- (6) the two parcels are hereinafter sometimes collectively referred to as the "Moldplas Property".

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises, the sum of One dollar (\$1.00) paid by each party hereto to each of the other of the parties hereto, and other good and valuable consideration (the receipt and sufficiency of which is hereby acknowledged by each of the parties hereto), it is agreed as follows.

ARTICLE I: GRANT OF LICENSE

- 1.1 The Town hereby grants to Licensees a non-exclusive license to install an underground watermain (the "Watermain"), beneath that portion of Outer Drive highlighted in black on the sketch or plan attached as Schedule "C" hereto. The dimensions of the Watermain shall be 12 inches.

- 1.2 The Watermain shall be installed completely subsurface, and the surface of Outer Drive shall not be disrupted or interfered with or affected in any manner whatsoever.

ARTICLE II: CONVENANTS OF LICENSEES

- 2.1 The Licensees covenant to and with the Town as follows:

- (a) upon execution of this license or so soon thereafter as is possible to submit to the Town, for the Town's written approval, working drawings for the Watermain showing in such detail as the Town may require the design and construction of the Watermain, and showing its exact location, and the Town shall have an absolute right and discretion to give or withhold approval and to require changes and revisions in the working drawings, including the size and location of the Watermain and the Licensees shall promptly give effect to these changes and revisions;
- (b) when the Town has given its written approval to the working drawings for the Watermain, the Licensees shall at their own expense commence and diligently proceed with and complete the construction and installation of the Watermain, strictly in accordance with the working drawings, and to the satisfaction of the Town;
- (c) to install the Watermain by means of subsurface excavation only and not to interfere with, disrupt or effect the surface of Outer Drive, in any manner whatsoever;
- (d) to use the Watermain for the purpose of the transportation of water, and for no other purpose;
- (e) to conduct such periodic inspection of the Watermain as may be necessary in order to ensure that the Watermain is at all times functioning properly, and is in good condition and repair;
- (f) not to assign this license nor sublicense any part of the Watermain to anyone, without the prior written consent of the Town, which consent may be arbitrarily withheld without reason, cause, or just cause. The Licensees shall give notice to the Town of any proposed sale of all or any part of the Moldplas Property;
- (g) not to mortgage, charge, create a security interest in, or in any manner whatsoever encumber any part of the Watermain, or this license; and
- (h) to pay all costs and expenses, of every nature and kind whatsoever, relating to this license, and the Watermain, including, without limiting generality, the cost of

installation, maintenance, repair, and dismantling thereof, and including all legal and other costs associated with preparation and registration of this agreement.

ARTICLE III: MAINTENANCE AND REPAIR

- 3.1 In the event that any part of the Watermain the subject matter of the license is in need of maintenance and repair, the Licensees shall forthwith report the maintenance and repair requirements to the Town, and at the option of the Town:
- (a) the Licensees shall forthwith cause to be made the needed maintenance and repair;
 - or
 - (b) the Town may cause to be made the needed maintenance and repair.
- 3.2 In the event the Town opts to cause to be made the maintenance and repair, the expense incurred by the Town shall be forthwith payable to the Town by the Licensees.

ARTICLE IV: TERMINATION

- 4.1 The Town may terminate the license created by these presents at any time upon 30 days notice in writing given to the Licensees.
- 4.2 Upon termination of the license as aforesaid, the Licensees shall upon the request of the Town remove the Watermain and restore the subsurface of Outer Drive to the same condition in which it was prior to the commencement of this license. Alternatively, at the option of the Town, the Town may remove the Watermain and restore the subsurface, and the expense incurred by the Town in so doing shall be forthwith payable by the Licensees to the Town.
- 4.3 If the Town terminates the license constituted by these presents, it shall not be liable to pay compensation for any loss, costs, damages or expenses whatsoever which may be incurred by the Licensees or any person claiming under the Licensees by reason of such termination.

ARTICLE V: LICENSE NOT EXCLUSIVE

- 5.1 The parties hereto acknowledge and agree that this agreement does not in any manner whatsoever diminish the rights of the Town, or any gas, telephone, telegraph, electric light or other public utility company, their respective officers, servants, workers, employees, agents and contractors, to construct, repair, maintain, replace or remove any sewers, mains, culverts, drains, water pipes, gas pipes, poles, wires or other underground services and installations and appurtenances thereto under or upon Outer Drive. The Licensees shall not be entitled to any damages or compensation by reason of the exercise of the Town or utility

company's rights contained in this article and the Licensees at their own expense shall carry out such alteration to the Watermain as the Town may direct.

- 5.2 The Licensees further covenant and agree to assume the responsibility for and to forthwith pay for any costs or charges which the Town may incur in the future installation or relocation of municipal services by reason of the location of the Watermain.

ARTICLE VI: INDEMNITY AND RELEASE

- 6.1 Licensees will indemnify and save harmless the Town of, from and against any and all:
- (a) liabilities, losses, claims, actions, damages (including, without limitation, lost revenues, consequential damages, interest, penalties, fines and monetary sanctions) and costs; and
 - (b) lawyers fees and expenses, on a solicitor and his own client basis, accountants and engineering fees and expenses, court costs and all other out-of-pocket expenses,
- incurred or suffered by the Town by reason of, resulting from, in connection with or arising in any manner whatever out of the breach of any term, covenant or provision of this agreement, or the installation, presence, existence or use of the Watermain or the loss of life, personal injury and/or damage to property arising from or out of any occurrence in, upon, under or at the Watermain or any part thereof, or occasioned wholly or in part by any act or omission of Licensees or the Licensees' agents, contractors, employees, servants, or customers. The obligation of the Licensees to indemnify the Town in pursuance of the provisions hereof, shall also extend to and hereby expressly includes any liability incurred or suffered by the Town by reason of, resulting from, in connection with, or arising in any manner whatsoever out of the failure by the Licensees, their agents, contractors, employees, servants or customers (whether in past, in present, or in future) to comply with any laws in respect of the Watermain. Licensees shall also pay all costs, expenses and lawyers fees, on a solicitor and his own client basis that may be incurred or paid by the Town in preparing this agreement or in enforcing the covenants and agreements contained in this agreement.
- 6.2 By the execution of these presents, the Licensees doth hereby expressly and completely release the Town from any and all liabilities, suits, claims, and demands (whether for property damage or for personal injury or death and whether found in tort, contract or quasi-contract) which at any time might be exerted by the Licensees arising out of the existence of the Watermain or out of any act or omission of the Licensees with regard to same.

ARTICLE VII: INSURANCE

- 7.1 Licensees shall, at Licensees' expense, keep in full force and effect a policy of general public liability insurance with respect to the Watermain, and Licensees' business, protecting against claims for personal injury, death and property damage in which the limits shall be not less than \$2,000,000.00 in respect of injury or death to a single person, and not less than \$2,000,000.00 in respect of property damage. The policy shall name the Town and Licensees as insured. The insurance shall be underwritten by an insurance company approved by the Town and a copy of the policy or a certificate of insurance shall be delivered to the Town. The said limit of \$2,000,000.00 shall be periodically reviewed and shall be increased, if necessary, to reflect any increase in the cost of living for all items for Canada as reflected by the Consumer Price Index published by statistics Canada since the time of the preceding review. Such review shall be made not less frequently than every anniversary of the date hereof

ARTICLE VIII: LICENSE NET

- 8.1 Provided always and it is hereby agreed that this license is to operate completely net to the Town, in the sense that at all times the Licensees shall pay all costs, payments and outgoings, whatsoever arising from or relating to this license and the Watermain. The Licensees hereby agree to indemnify and save harmless the Town of, from and against all such costs, assessments, payments and outgoings.
- 8.2 In the event the Licensees fail to observe or perform any of the covenants, provisions and conditions under this agreement on the part of the Licensees to be observed or performed, the Town may (but shall not be obliged to) perform the covenant, provision or condition,. In the event the Town elects to incur any expense (including legal fees) in so doing, the expense incurred by the Town, together with interest, and legal fees (on an as between solicitor-and-client basis) shall be forthwith payable to the Town by the Licensees.

ARTICLE IX: GENERAL

- 9.1 The Licensees acknowledge that nothing in this agreement creates a relationship between the parties other than licensor and licensee, and the provisions hereof shall not constitute either party an agent of the other.
- 9.2 Any notice, offer, demand, request, consent, approval or other instrument which may or is required to be given or made under this agreement shall be given or be made in writing and

shall be served personally or transmitted by facsimile transmission, or mailed by prepaid registered post and shall be addressed:

(a) if to Town: 917 Lesperance Road
Tecumseh, Ontario N8N 1W9

Facsimile: (519) 735-6712

(b) if to Licensees: 5250 Outer Drive
Windsor, Ontario N9E 6J3

Facsimile: (519) 737-1633

or to such other address as any of them may from time to time advise the others by notice given in the manner provided for in this section. Any such notice, offer, demand, request, consent, approval or other instrument shall, subject otherwise to the provisions of this agreement, be conclusively deemed to have been given or made on the day of such personal service or facsimile transmission, or on the second business day following the date of posting in the case of mailing as aforesaid.

9.3 The waiver by the Town of any breach of any term, covenant or condition herein contained shall not be deemed to be a waiver of such term, covenant or condition or any subsequent breach of the same or any other term, covenant or condition herein contained. No covenant, term or condition of this agreement shall be deemed to have been waived by the Town, unless such waiver be in writing and signed by the Town.

9.4 This agreement sets forth all the covenants, promises, agreements, representations, warranties, conditions and understandings between the Town and Licensees and there are no covenants, promises, agreements, representations, warranties, conditions and understandings that are oral or written, between them other than are herein set forth. Except as herein otherwise provided, no subsequent alteration, amendment, change or addition to this agreement shall be binding upon the Town or Licensees unless reduced to writing and signed by them.

9.5 The captions, section numbers and article numbers appearing in this agreement are inserted only as a matter of convenience and in no way define, limit, construe or describe the scope or intent of such sections or articles of this agreement nor in any way affect this agreement.

9.6 The rights and obligations of the parties hereto and all interpretations of this agreement shall be governed and construed in all respects by the law of Canada and of the Province of

Ontario, and the Courts of the said province shall have the sole and exclusive jurisdiction to entertain any action arising in connection therewith.

9.7 The Licensees hereby consent to registration of this agreement against title to the lands described in Schedule "A" and "B" hereto.

9.8 This agreement shall be binding upon the parties hereto and their respective successors and permitted assigns.

IN WITNESS WHEREOF the parties have duly executed this agreement this 23rd day of January, 2003.

SIGNED, SEALED & DELIVERED
in the presence of:

) **THE CORPORATION OF THE**
) **TOWN OF TECUMSEH**

) Per: Ed Renaud
) Mayor: Ed Renaud

) Per: Laura Moy c/s
) Clerk: Laura Moy

) **MOLDPLAS INC.**

) By: Frank T. Burnside

) Name: Frank T. Burnside
) Title: President

) I have authority to bind the Corporation c/s

) **BUILD-A-MOLD LIMITED**

) By: Frank T. Burnside

) Name: Frank T. Burnside
) Title: President

) I have authority to bind the Corporation c/s

SCHEDULE "A"

Part Lot 306
Concession North Talbot Road
Tecumseh (Formerly Sandwich South)
As in instrument no. 1500840

P.I.N.: 70621-0246 (LT)

SCHEDULE "B"

Firstly: Part Lot 305
Concession North Talbot Road
Tecumseh
Parts 1, 2, 6, 7, 12R-17927

PIN: 70621-0206 (LT)

Secondly: Part Lot 305
Concession North Talbot Road
Tecumseh
Part 21, 12R-6426

PIN: 70621-0541 (LT)

Thirdly: Part Lot 305
Concession North Talbot Road
Tecumseh
Parts 5 and 6, 12R-16551

PIN: 70621-0125 (LT)

Fourthly: Part Lot 305
Concession North Talbot Road
Tecumseh
Parts 3, 4, and 5, 12R-17927

PIN: 70621-0124 (LT)

Fifthly: Part Lot 305
Concession North Talbot Road
Tecumseh
Parts 2, 3 and 4, 12R-14622

PIN: 70621-0127 (LT)

Sixthly: Part Lot 305
Concession North Talbot Road
Tecumseh
Part 1, 12R-1410 *same + except R1283927*

PIN: 70621-0128

Seventhly: Part Lot 305
Concession North Talbot Road
Tecumseh
Part 20, 12R-6426
0546

PIN: 70621-~~0541~~ *0155*



PROPOSED WATER LAYOUT
SCALE: 1" = 40'-0"

ROSATI
CONSTRUCTION
INC.
8555 WALDEN ROAD
WINDSOR, ONTARIO
N9M 1T5 CANADA
TEL: (519) 254-8811
FAX: (519) 254-8822
Email: Engineering@rosati.com

LEGEND
NEW GAS MAIN
NEW 12" WATERMAIN 582 UNFT.
EXISTING WATER LINE

ALL DIMENSIONS TO BE CHECKED AND VERIFIED ON THE JOB. ANY AND ALL DISCREPANCIES TO BE REPORTED TO THE ARCH. / ENGINEER. ALL DRAWINGS REMAIN THE PROPERTY OF ROSATI CONSTRUCTION. DO NOT SCALE DRAWINGS.

GENERAL NOTES

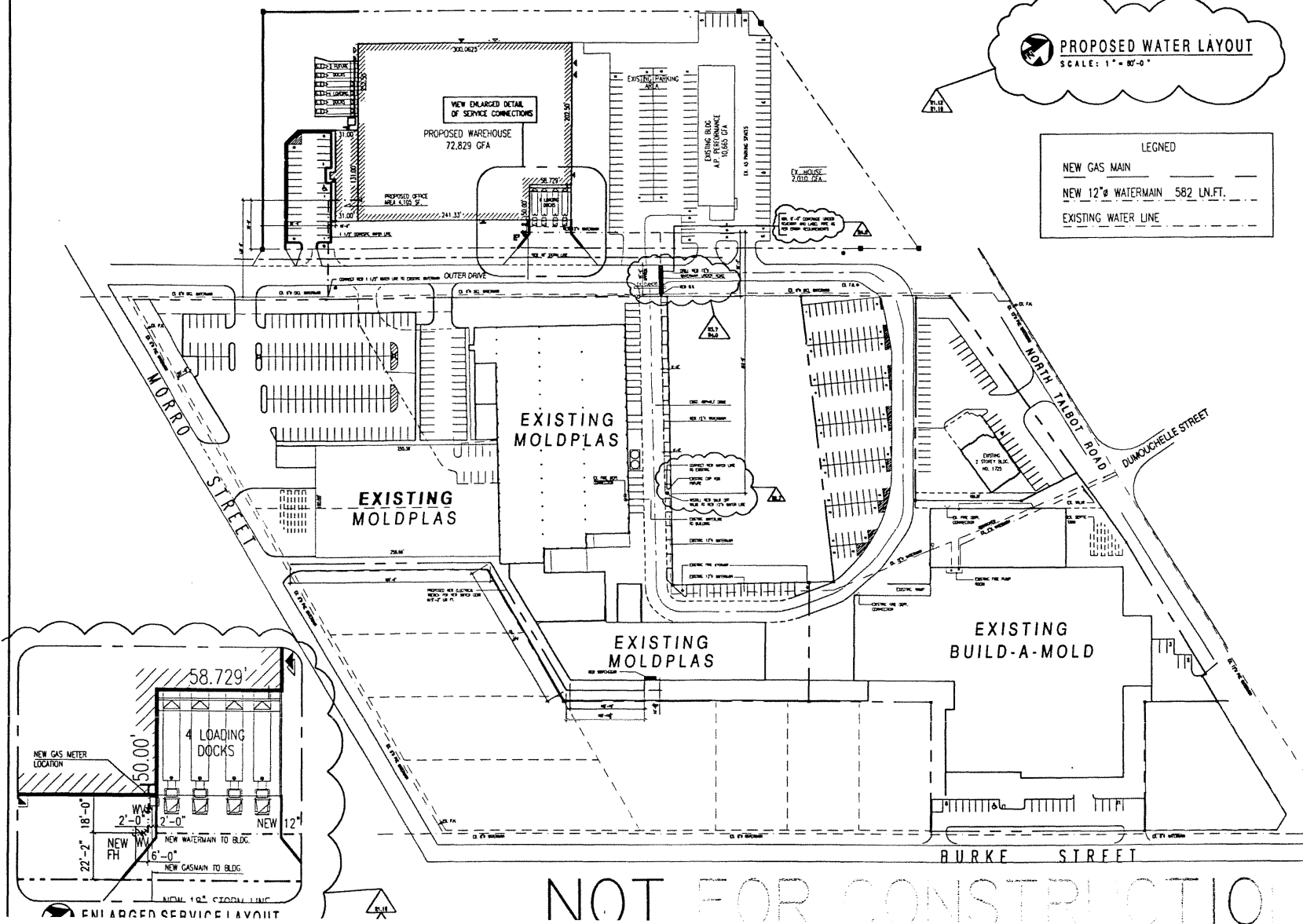
DATE	ISSUED FOR:
02.03.05	PROPOSAL
02.03.19	STEEL TENDER
02.03.19	TENDER
02.04.17	BUILDING PERMIT
02.04.09	REVISION 1
02.04.19	REVISION 2
02.04.22	REVISION 3
02.04.23	REVISION 4
02.05.02	REVISION 5

JOB TITLE
MOLDPLAS INC.
TECUMSEH ONT.

DRAWING TITLE	
WATER SERVICES LAYOUT	
PROJECT NUMBER	2 0 0 2 0 2 4
SCALE	1" = 40'-0"
DATE	APRIL 2002
DRAWN	CT
CHECKED	
SHEET NO.	DRAWING NO.

C3

SCHEDULE "C"



The Corporation of the Town of Tecumseh

By-Law Number 2022-082

A By-Law to Appoint an Alternate Member to the Council of the County of Essex during an absence of the Mayor or Deputy Mayor.

Whereas Bill 68, *Modernizing Ontario's Municipal Legislation Act, 2017* received Royal Assent on May 30, 2017, and amends the *Municipal Act, 2001*, S.O. 2001, c. 25, herein referred to as the "Act";

And Whereas section 268(1) of the Act provides that the council of a local municipality may appoint one of its members as an Alternate Member to the upper-tier council, to act in place of a person who is a member of the councils of the local municipality and its upper-tier municipality, when the person is unable to attend a meeting of the upper-tier council for any reason.

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

1. **That** Councillor XX is hereby appointed as the Alternate Member to County Council for the term of the council ending November 14, 2026, or until this appointment by-law is rescinded; or until such time as the Alternate Member's seat is declared vacant in accordance with section 259 of the Act.
2. **And that** the Alternate Member appointed herein shall not sit on behalf of the Mayor or Deputy Mayor at an Inaugural Meeting of Essex County Council.
3. **And further that** this by-law shall come into force on the day it is passed, and take effect on the day the Alternate Member takes the oath of office as administered by the County Clerk.
4. **Read** a first, second, third time and finally passed this 22nd day of November, 2022.

Gary McNamara, Mayor

Jennifer Alexander, Acting Clerk

The Corporation of the Town of Tecumseh

By-Law Number 2022-083

Being a by-law to confirm and appoint certain officers, servants and employees of The Corporation of the Town of Tecumseh

Whereas pursuant to Section 228(1) of the *Municipal Act* 2001, S.O. 2001 c. 25, the Council shall appoint a Clerk;

And Whereas pursuant to Section 228(2) of the *Municipal Act* 2001, S.O. 2001 c. 25, the Council may appoint a Deputy Clerk;

And Whereas pursuant to Section 3(1) of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.M. 56., the members of the Council may by by-law designate from among themselves an individual or committee of Council to act as head of the municipality for the purposes of this Act;

And Whereas pursuant to Section 229 of the *Municipal Act* 2001, S.O. 2001 c.25, the Council may appoint a Chief Administrative Officer;

And Whereas pursuant to Section 286(1) of the *Municipal Act* 2001, S.O. 2001 c. 25, the Council shall appoint a Treasurer;

And Whereas pursuant to Section 286(2) of the *Municipal Act* 2001, S.O. 2001 c. 25, the Council may appoint a Deputy Treasurer;

And Whereas pursuant to Subsection 435(1)1 of the *Municipal Act* 2001, S.O. 2001 c. 25, the power of a municipality of entry under Sections 438 and 439, shall be exercised by an employee, officer or agent of the municipality or a member of the police force of the municipality.

And Whereas pursuant to Section 3(2) of the *Building Code Act* 1992, S.O. 1992 c.23, the Council of each municipality shall appoint a Chief Building Official and such Inspectors as are necessary for the enforcement of the *Building Code Act* in the areas in which the municipality has jurisdiction;

And Whereas Clause 28(o) of the *Interpretation Act*, R.S.O. 1990 Chapter I.11, confers authority to Council to appoint an Acting Chief Building Official;

And Whereas pursuant to Section 93(1) of the *Drainage Act*, R.S.O. 1990 c.D.17 the Council of a local municipality may by by-law appoint a Drainage Superintendent;

And Whereas Section 15 of the *Police Services Act* provides that, a municipal Council may appoint persons to enforce the by-laws of the municipality;

And Whereas pursuant to Section 6 of the *Fire Protection and Prevention Act* 1997, S.O. 1997 c. 4 the Council shall appoint a Fire Chief for the Fire Department if a Fire Department is established for the whole or part of a municipality;

And Whereas pursuant to O. Reg. 380/04, s. 10 (1) of the *Emergency Management and Civil Protection Act*, R.S.O. 1990 c. E.9, every municipality shall designate an employee of the municipality or a member of the Council as its emergency management program coordinator;

And Whereas pursuant to Section 93 of the *Drainage Act*, R.S.O. 1990 c.D.17 the Council of a local municipality may by by-law appoint a Drainage Superintendent;

And Whereas pursuant to the *Provincial Offences Act*, R.S.O. 1990, c.P.33 provincial offences officer includes a municipal law enforcement officer referred to in subsection 101 (4) of the *Municipal Act, 2001* or in subsection 79 (1) while in the discharge of his or her duties, and a by-law enforcement officer of any municipality or of any local board of any municipality, while in the discharge of his or her duties, and an officer, employee or agent of any municipality or of any local board of any municipality whose responsibilities include the enforcement of a by-law, an Act or a regulation under an Act, while in the discharge of his or her duties;

And Whereas the Attorney General of Ontario has ruled that By-law Enforcement Officers appointed by a municipality are automatically designated as Provincial Offences Officers for the purpose of enforcing the By-laws of the municipality;

And Whereas the Alcohol and Gaming Commission of Ontario by the Order of Council 1413/08 authorizes a municipal council to issue lottery licences that they deem in the best interest of the inhabitants of a municipality, as long as it does not contravene the criteria established by the Registrar;

And Whereas Section 23.1 of the *Municipal Act, 2001*, S.O. 2001, c. 25 confirms that a Municipality has the authority to delegate certain powers and duties.

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

1. **That** Jennifer Alexander is hereby appointed as Acting Clerk and designated Head for the purposes of the *Municipal Freedom of Information and Protection of Privacy Act* for the municipality, and the Lottery Licensing Officer;
2. **That** Christina Hebert is hereby appointed Deputy Clerk;
3. **That** Margaret Misek-Evans is hereby appointed as Chief Administrative Officer and Deputy Clerk;
4. **That** Thomas Kitsos is hereby appointed as Treasurer;
5. **That** Zora Visekruna is hereby appointed as Deputy Treasurer;
6. **That** Vanessa DaDalt is hereby appointed as Deputy Treasurer;

7. **That** Daryl Flacks is hereby appointed as By-law Enforcement Officer;
8. **That** Peter Valore is hereby appointed as Chief Building Official and By-Law Enforcement Officer;
9. **That** Barry Suszek is hereby appointed as Building Inspector;
10. **That** Michael Smithson is hereby appointed as Building Inspector;
11. **That** Matt Kalmar is hereby appointed as Building Inspector;
12. **That** Dan Lunardi is hereby appointed as Acting Chief Building Official for the Corporation of the Town of Tecumseh;
13. **That** the Acting Chief Building Official shall have the same powers and authority for enforcement of the *Building Code Act*, the Regulations and by-laws thereunder as the Chief Building Official;
14. **That** the Acting Chief Building Official is hereby empowered to act, upon notice from the Clerk of The Corporation of the Town of Tecumseh, when the Chief Building Official is absent or is unable to perform his duties for any of the following occasions or circumstances:
 - (a) annual leave or vacation;
 - (b) illness, disability or death;
 - (c) attendance at training courses, seminars or conferences;
 - (d) bereavement leave;
 - (e) attendance at court or legal proceedings; or
 - (f) a conflict of interest.
15. **That** Wade Bondy is hereby appointed as Fire Chief and Community Emergency Management Co-ordinator;
16. **That** Kevin Kavanagh is hereby appointed as Deputy Fire Chief and Alternate Community Emergency Management Co-ordinator and By-Law Enforcement Officer.;
17. **That** Nicole Fields is hereby appointed as Deputy Fire Chief, Alternate Community Emergency Management Co-ordinator and By-law Enforcement Officer;
18. **That** Brendan Sirianni is hereby appointed Fire Prevention Officer and By-Law Enforcement Officer;
19. **That** Ryan MacEachern is hereby appointed Fire Prevention Officer and By-Law Enforcement Officer;
20. **That** Alessia Mussio is hereby appointed as Drainage Superintendent;

21. **That** By-law 2022-069 and any other by-law inconsistent with this by-law is hereby repealed;
22. **That** this by-law shall come into force and take effect on the date of its final passing.

Read a first, second and third time and finally passed this 22nd day of November, 2022.

Gary McNamara, Mayor

Jennifer Alexander, Acting Clerk

The Corporation of the Town of Tecumseh

By-Law Number 2022-084

Being a by-law to authorize the execution of a License Agreement between the Corporation of The Town of Tecumseh and Nobel REIT GP Inc.

Whereas MoldPlas Inc. and Build-A-Mold Limited entered into an License Agreement with the Corporation of the Town of Tecumseh (Town) on March 25, 2003 (By-Law 2003-22) for the purpose of installing a private watermain under Outer Drive, connecting the two parcels and registered on April 10, 2003 as instrument No. CE509 on title to the lands municipality known as 5250 Outer Drive and 5345 Burke Street, Tecumseh, Ontario (Property);

And Whereas NM APP Canada Corp., a successor in title to the Property, intends to transfer the Property to Nobel REIT Limited Partnership, by way of its general partner, Nobel REIT GP Inc. ("the Transferee") and seeks a written consent from the Town in accordance with Section 2.1 (f) of the License Agreement.

And Whereas the Town is desirous of providing the consent in form and substance as attached hereto subject to any changes otherwise satisfactory to the Town's solicitors ("the Consent") conditional upon the Transferee executing a covenant from the Transferree to the Town to be bound by the License Agreement in a form satisfactory to the Town's solicitors ("the Covenant");

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

1. That the Mayor and the Clerk be and hereby authorized and empowered on behalf of the Corporation of the Town of Tecumseh, to execute the Consent and provide same to the Transferee subject to the Town's solicitors obtaining the Covenant in favour of the Town from the Transferee and the Transferee paying all solicitor costs incurred by the Town in regards to the matter.
2. That this by-law shall come into force and take effect on the date of the third and final reading thereof.

3. **Read** a first, second, third time and finally passed this 22nd day of November, 2022.

Gary McNamara, Mayor

Jennifer Alexander, Acting Clerk

CONSENT

TO: NM APP Canada Corp. (the “**Transferor**”) and Nobel REIT Limited Partnership, by its general partner, Nobel REIT GP Inc. (the “**Transferee**”)

FROM: The Corporation of The Town of Tecumseh (the “**Township**”)

RE: License Agreement dated January 23, 2003 made between Moldplas Inc., Build-A-Mold Limited and the Township (the “**License Agreement**”) a copy of which is attached hereto as Schedule “A” and registered on April 10, 2003 as Instrument No. CE509 on title to the lands municipally known as 5250 Outer Drive and 5245 Burke Street, Tecumseh, Ontario (collectively, the “**Property**”)

DATED: November ____, 2022

WHEREAS:

- A. The Transferor is the registered owner the Property;
- B. The Transferor wishes to transfer the Property to the Transferee with a closing date of November 1, 2022; and
- C. Pursuant to section 2.1(f) of the License Agreement the Transferor, as seller, must obtain the consent of the Township with respect to an assignment of an interest in the Watermain.

NOW THEREFORE:

- 1. The Township hereby consents to the proposed transfer by the Transferor to the Transferee of the Transferor’s interest in the Property, including the assignment of the Transferor’s interest in the Watermain.
- 2. The Township acknowledges and agrees that the Transferor and the Transferee may rely on this Consent for all purposes under the License Agreement.
- 3. Capitalized terms used but not defined herein shall have the respective meanings ascribed thereto in the License Agreement.
- 4. This Consent may be executed and transmitted by electronic means and, if so executed and transmitted, will be as effective as an originally executed instrument.

[Signature page follows]

DATED as of the date first mentioned above.

**THE CORPORATION OF THE TOWN OF
TECUMSEH**

Per: _____
Name:
Title:

Per: _____
Name:
Title:

I/We have authority to bind the Corporation.

SCHEDULE "A"
LICENSE AGREEMENT

See attached.

FOR OFFICE USE ONLY

509

CERTIFICATE OF RECEIPT
RECEPTE
ESSEX (12) WINDSOR

14:04 PM 2003/04/10

AND REGISTRAR/REGISTRATEUR

Additional:
See Schedule ☐

Executions

(1) Registry ☐ Land Titles ☒ (2) Page 1 of 12 pages

(3) Property Identifier(s) Block 70621 - 0246 (LT) Property Additional: See Schedule ☒

(4) Nature of Document
**NOTICE
LICENSE AGREEMENT**

(5) Consideration
ONE Dollars \$ 1.00

(6) Description
Part Lot 306
Concession North Talbot Road
Tecumseh (Formerly Sandwich South)
As in instrument no. 1500840

(7) This Document Contains: (a) Redescription New Easement Plan/Sketch ☐ (b) Schedule for: Description ☒ Additional Parties ☐ Other ☐

(8) This Document provides as follows:
The Corporation of the Town of Tecumseh has an unregistered estate, right, interest or equity in Part of Lot 306, Concession North Talbot Road as described in Box (6) hereof, registered in the name of Moldplas Inc. and Build-A-Mold Limited.

The Corporation of the Town of Tecumseh hereby applies under section 71 of the Land Titles Act for the entry of a Notice of Agreement in the register for the said parcel, which agreement is dated the 23rd day of January, 2003, and is between The Corporation of the Town of Tecumseh and Moldplas Inc. and Build-A-Mold Limited. The evidence in support of this application is an execution copy of the agreement.

Dated at Windsor, Ontario, this 24th day of January, 2003.

Continued on Schedule ☐

(9) This Document relates to instrument number(s)

(10) Party(ies) (Set out Status or Interest)
Name(s)

MOLDPLAS INC. / BUILD-A-MOLD LIMITED
by its solicitor, J. Mark Skipper

Signature(s) Date of Signature
Y M D
2003 01 24
X Frank T. Burnside
Title: President
X Frank T. Burnside
Title: President

(11) Address for Service

5250 Outer Drive, Windsor, Ontario N9A 6J3

(12) Party(ies) (Set out Status or Interest)
Name(s)

THE CORPORATION OF THE TOWN OF TECUMSEH
by its solicitor J. Mark Skipper

Signature(s) Date of Signature
Y M D
2003 01 24

(13) Address for Service

917 Lesperance Road, Tecumseh, Ontario N8N 1W9

(14) Municipal Address of Property

5265 Outer Drive
Windsor, Ontario

(15) Document Prepared by:

J. Mark Skipper
Monforton, Robitaille,
Ducharme & Skipper
Barristers & Solicitors
100 Ouellette Avenue, 13th Floor
Windsor, Ontario N9A 6T3

Fees and Tax

Registration Fee	70.00
Total	70.00

Additional Property Identifier(s) and/or Other Information

Firstly: Part Lot 305
Concession North Talbot Road
Tecumseh
Parts 1, 2, 6, 7, 12R-17927

PIN: 70621-0206 (LT)

Secondly: Part Lot 305
Concession North Talbot Road
Tecumseh
Part 21, 12R-6426

PIN: 70621-0541 (LT)

Thirdly: Part Lot 305
Concession North Talbot Road
Tecumseh
Parts 5 and 6, 12R-16551

PIN: 70621-0125 (LT)

Fourthly: Part Lot 305
Concession North Talbot Road
Tecumseh
Parts 3, 4, and 5, 12R-17927

PIN: 70621-0124 (LT)

Fifthly: Part Lot 305
Concession North Talbot Road
Tecumseh
Parts 2, 3 and 4, 12R-14622

PIN: 70621-0127 (LT)

Sixthly: Part Lot 305
Concession North Talbot Road
Tecumseh
Part 1, 12R-1410, *SAVE 'EXCEPT' R 1289929*

PIN: 70621-0128

Seventhly: Part Lot 305
Concession North Talbot Road
Tecumseh
Part 20, 12R-6426

PIN: 70621-0541 *0546 0155*

FOR OFFICE
USE ONLY

LICENSE AGREEMENT

THIS AGREEMENT made the 23rd day of January, 2003,

B E T W E E N:

THE CORPORATION OF THE TOWN OF TECUMSEH

Hereinafter called the "TOWN" of the FIRST PART

- and -

MOLDPLAS INC. and BUILD-A-MOLD LIMITED, a corporation incorporated under the laws of the Province of Ontario, of the Town of Tecumseh, in the said Province

Hereinafter called the "LICENSEES" of the SECOND PART

WHEREAS:

- (1) the Licensees are the owners of the lands and premises described in Schedule "A" hereto;
- (2) the Licensees are the owners of the lands and premises described in Schedule "B" hereto;
- (3) the two parcels are separated from one another by Outer Drive, a public roadway situate within the Town;
- (4) the Licensees have applied to the Town for a gratuitous license for the purposes of installing a private watermain under Outer Drive, connecting the two parcels;
- (5) the Town has consented to the installation of the private watermain, and the grant of license with respect thereto, upon the terms and conditions hereinafter set out; and
- (6) the two parcels are hereinafter sometimes collectively referred to as the "Moldplas Property".

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises, the sum of One dollar (\$1.00) paid by each party hereto to each of the other of the parties hereto, and other good and valuable consideration (the receipt and sufficiency of which is hereby acknowledged by each of the parties hereto), it is agreed as follows.

ARTICLE I: GRANT OF LICENSE

- 1.1 The Town hereby grants to Licensees a non-exclusive license to install an underground watermain (the "Watermain"), beneath that portion of Outer Drive highlighted in black on the sketch or plan attached as Schedule "C" hereto. The dimensions of the Watermain shall be 12 inches.

- 1.2 The Watermain shall be installed completely subsurface, and the surface of Outer Drive shall not be disrupted or interfered with or affected in any manner whatsoever.

ARTICLE II: CONVENANTS OF LICENSEES

- 2.1 The Licensees covenant to and with the Town as follows:

- (a) upon execution of this license or so soon thereafter as is possible to submit to the Town, for the Town's written approval, working drawings for the Watermain showing in such detail as the Town may require the design and construction of the Watermain, and showing its exact location, and the Town shall have an absolute right and discretion to give or withhold approval and to require changes and revisions in the working drawings, including the size and location of the Watermain and the Licensees shall promptly give effect to these changes and revisions;
- (b) when the Town has given its written approval to the working drawings for the Watermain, the Licensees shall at their own expense commence and diligently proceed with and complete the construction and installation of the Watermain, strictly in accordance with the working drawings, and to the satisfaction of the Town;
- (c) to install the Watermain by means of subsurface excavation only and not to interfere with, disrupt or effect the surface of Outer Drive, in any manner whatsoever;
- (d) to use the Watermain for the purpose of the transportation of water, and for no other purpose;
- (e) to conduct such periodic inspection of the Watermain as may be necessary in order to ensure that the Watermain is at all times functioning properly, and is in good condition and repair;
- (f) not to assign this license nor sublicense any part of the Watermain to anyone, without the prior written consent of the Town, which consent may be arbitrarily withheld without reason, cause, or just cause. The Licensees shall give notice to the Town of any proposed sale of all or any part of the Moldplas Property;
- (g) not to mortgage, charge, create a security interest in, or in any manner whatsoever encumber any part of the Watermain, or this license; and
- (h) to pay all costs and expenses, of every nature and kind whatsoever, relating to this license, and the Watermain, including, without limiting generality, the cost of

installation, maintenance, repair, and dismantling thereof, and including all legal and other costs associated with preparation and registration of this agreement.

ARTICLE III: MAINTENANCE AND REPAIR

3.1 In the event that any part of the Watermain the subject matter of the license is in need of maintenance and repair, the Licensees shall forthwith report the maintenance and repair requirements to the Town, and at the option of the Town:

(a) the Licensees shall forthwith cause to be made the needed maintenance and repair;

or

(b) the Town may cause to be made the needed maintenance and repair.

3.2 In the event the Town opts to cause to be made the maintenance and repair, the expense incurred by the Town shall be forthwith payable to the Town by the Licensees.

ARTICLE IV: TERMINATION

4.1 The Town may terminate the license created by these presents at any time upon 30 days notice in writing given to the Licensees.

4.2 Upon termination of the license as aforesaid, the Licensees shall upon the request of the Town remove the Watermain and restore the subsurface of Outer Drive to the same condition in which it was prior to the commencement of this license. Alternatively, at the option of the Town, the Town may remove the Watermain and restore the subsurface, and the expense incurred by the Town in so doing shall be forthwith payable by the Licensees to the Town.

4.3 If the Town terminates the license constituted by these presents, it shall not be liable to pay compensation for any loss, costs, damages or expenses whatsoever which may be incurred by the Licensees or any person claiming under the Licensees by reason of such termination.

ARTICLE V: LICENSE NOT EXCLUSIVE

5.1 The parties hereto acknowledge and agree that this agreement does not in any manner whatsoever diminish the rights of the Town, or any gas, telephone, telegraph, electric light or other public utility company, their respective officers, servants, workers, employees, agents and contractors, to construct, repair, maintain, replace or remove any sewers, mains, culverts, drains, water pipes, gas pipes, poles, wires or other underground services and installations and appurtenances thereto under or upon Outer Drive. The Licensees shall not be entitled to any damages or compensation by reason of the exercise of the Town or utility

company's rights contained in this article and the Licensees at their own expense shall carry out such alteration to the Watermain as the Town may direct.

- 5.2 The Licensees further covenant and agree to assume the responsibility for and to forthwith pay for any costs or charges which the Town may incur in the future installation or relocation of municipal services by reason of the location of the Watermain.

ARTICLE VI: INDEMNITY AND RELEASE

- 6.1 Licensees will indemnify and save harmless the Town of, from and against any and all:
- (a) liabilities, losses, claims, actions, damages (including, without limitation, lost revenues, consequential damages, interest, penalties, fines and monetary sanctions) and costs; and
 - (b) lawyers fees and expenses, on a solicitor and his own client basis, accountants and engineering fees and expenses, court costs and all other out-of-pocket expenses, incurred or suffered by the Town by reason of, resulting from, in connection with or arising in any manner whatever out of the breach of any term, covenant or provision of this agreement, or the installation, presence, existence or use of the Watermain or the loss of life, personal injury and/or damage to property arising from or out of any occurrence in, upon, under or at the Watermain or any part thereof, or occasioned wholly or in part by any act or omission of Licensees or the Licensees' agents, contractors, employees, servants, or customers. The obligation of the Licensees to indemnify the Town in pursuance of the provisions hereof, shall also extend to and hereby expressly includes any liability incurred or suffered by the Town by reason of, resulting from, in connection with, or arising in any manner whatsoever out of the failure by the Licensees, their agents, contractors, employees, servants or customers (whether in past, in present, or in future) to comply with any laws in respect of the Watermain. Licensees shall also pay all costs, expenses and lawyers fees, on a solicitor and his own client basis that may be incurred or paid by the Town in preparing this agreement or in enforcing the covenants and agreements contained in this agreement.
- 6.2 By the execution of these presents, the Licensees doth hereby expressly and completely release the Town from any and all liabilities, suits, claims, and demands (whether for property damage or for personal injury or death and whether found in tort, contract or quasi-contract) which at any time might be exerted by the Licensees arising out of the existence of the Watermain or out of any act or omission of the Licensees with regard to same.

ARTICLE VII: INSURANCE

- 7.1 Licensees shall, at Licensees' expense, keep in full force and effect a policy of general public liability insurance with respect to the Watermain, and Licensees' business, protecting against claims for personal injury, death and property damage in which the limits shall be not less than \$2,000,000.00 in respect of injury or death to a single person, and not less than \$2,000,000.00 in respect of property damage. The policy shall name the Town and Licensees as insured. The insurance shall be underwritten by an insurance company approved by the Town and a copy of the policy or a certificate of insurance shall be delivered to the Town. The said limit of \$2,000,000.00 shall be periodically reviewed and shall be increased, if necessary, to reflect any increase in the cost of living for all items for Canada as reflected by the Consumer Price Index published by statistics Canada since the time of the preceding review. Such review shall be made not less frequently than every anniversary of the date hereof

ARTICLE VIII: LICENSE NET

- 8.1 Provided always and it is hereby agreed that this license is to operate completely net to the Town, in the sense that at all times the Licensees shall pay all costs, payments and outgoings, whatsoever arising from or relating to this license and the Watermain. The Licensees hereby agree to indemnify and save harmless the Town of, from and against all such costs, assessments, payments and outgoings.
- 8.2 In the event the Licensees fail to observe or perform any of the covenants, provisions and conditions under this agreement on the part of the Licensees to be observed or performed, the Town may (but shall not be obliged to) perform the covenant, provision or condition. In the event the Town elects to incur any expense (including legal fees) in so doing, the expense incurred by the Town, together with interest, and legal fees (on an as between solicitor-and-client basis) shall be forthwith payable to the Town by the Licensees.

ARTICLE IX: GENERAL

- 9.1 The Licensees acknowledge that nothing in this agreement creates a relationship between the parties other than licensor and licensee, and the provisions hereof shall not constitute either party an agent of the other.
- 9.2 Any notice, offer, demand, request, consent, approval or other instrument which may or is required to be given or made under this agreement shall be given or be made in writing and

shall be served personally or transmitted by facsimile transmission, or mailed by prepaid registered post and shall be addressed:

(a) if to Town: 917 Lesperance Road
Tecumseh, Ontario N8N 1W9

Facsimile: (519) 735-6712

(b) if to Licensees: 5250 Outer Drive
Windsor, Ontario N9E 6J3

Facsimile: (519) 737-1633

or to such other address as any of them may from time to time advise the others by notice given in the manner provided for in this section. Any such notice, offer, demand, request, consent, approval or other instrument shall, subject otherwise to the provisions of this agreement, be conclusively deemed to have been given or made on the day of such personal service or facsimile transmission, or on the second business day following the date of posting in the case of mailing as aforesaid.

- 9.3 The waiver by the Town of any breach of any term, covenant or condition herein contained shall not be deemed to be a waiver of such term, covenant or condition or any subsequent breach of the same or any other term, covenant or condition herein contained. No covenant, term or condition of this agreement shall be deemed to have been waived by the Town, unless such waiver be in writing and signed by the Town.
- 9.4 This agreement sets forth all the covenants, promises, agreements, representations, warranties, conditions and understandings between the Town and Licensees and there are no covenants, promises, agreements, representations, warranties, conditions and understandings that are oral or written, between them other than are herein set forth. Except as herein otherwise provided, no subsequent alteration, amendment, change or addition to this agreement shall be binding upon the Town or Licensees unless reduced to writing and signed by them.
- 9.5 The captions, section numbers and article numbers appearing in this agreement are inserted only as a matter of convenience and in no way define, limit, construe or describe the scope or intent of such sections or articles of this agreement nor in any way affect this agreement.
- 9.6 The rights and obligations of the parties hereto and all interpretations of this agreement shall be governed and construed in all respects by the law of Canada and of the Province of

Ontario, and the Courts of the said province shall have the sole and exclusive jurisdiction to entertain any action arising in connection therewith.

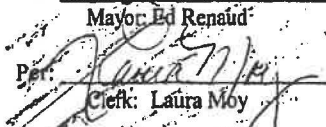
- 9.7 The Licensees hereby consent to registration of this agreement against title to the lands described in Schedule "A" and "B" hereto.
- 9.8 This agreement shall be binding upon the parties hereto and their respective successors and permitted assigns.

IN WITNESS WHEREOF the parties have duly executed this agreement this 23rd day of January, 2003.


SIGNED, SEALED & DELIVERED
in the presence of:

THE CORPORATION OF THE
TOWN OF TECUMSEH

Per: 
Mayor: Ed Renaud

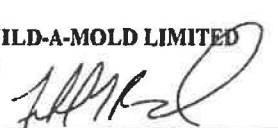
Per: 
Clerk: Laura Moy

MOLDPLAS INC.

By: 
Name: Frank T. Burnside
Title: President

I have authority to bind the Corporation

BUILD-A-MOLD LIMITED

By: 
Name: Frank T. Burnside
Title: President

I have authority to bind the Corporation

SCHEDULE "A"

Part Lot 306
Concession North Talbot Road
Tecumseh (Formerly Sandwich South)
As in instrument no. 1500840

P.I.N.: 70621-0246 (LT)

11

SCHEDULE "B"

Firstly: Part Lot 305
Concession North Talbot Road
Tecumseh
Parts 1, 2, 6, 7, 12R-17927

PIN: 70621-0206 (LT)

Secondly: Part Lot 305
Concession North Talbot Road
Tecumseh
Part 21, 12R-6426

PIN: 70621-0541 (LT)

Thirdly: Part Lot 305
Concession North Talbot Road
Tecumseh
Parts 5 and 6, 12R-16551

PIN: 70621-0125 (LT)

Fourthly: Part Lot 305
Concession North Talbot Road
Tecumseh
Parts 3, 4, and 5, 12R-17927

PIN: 70621-0124 (LT)

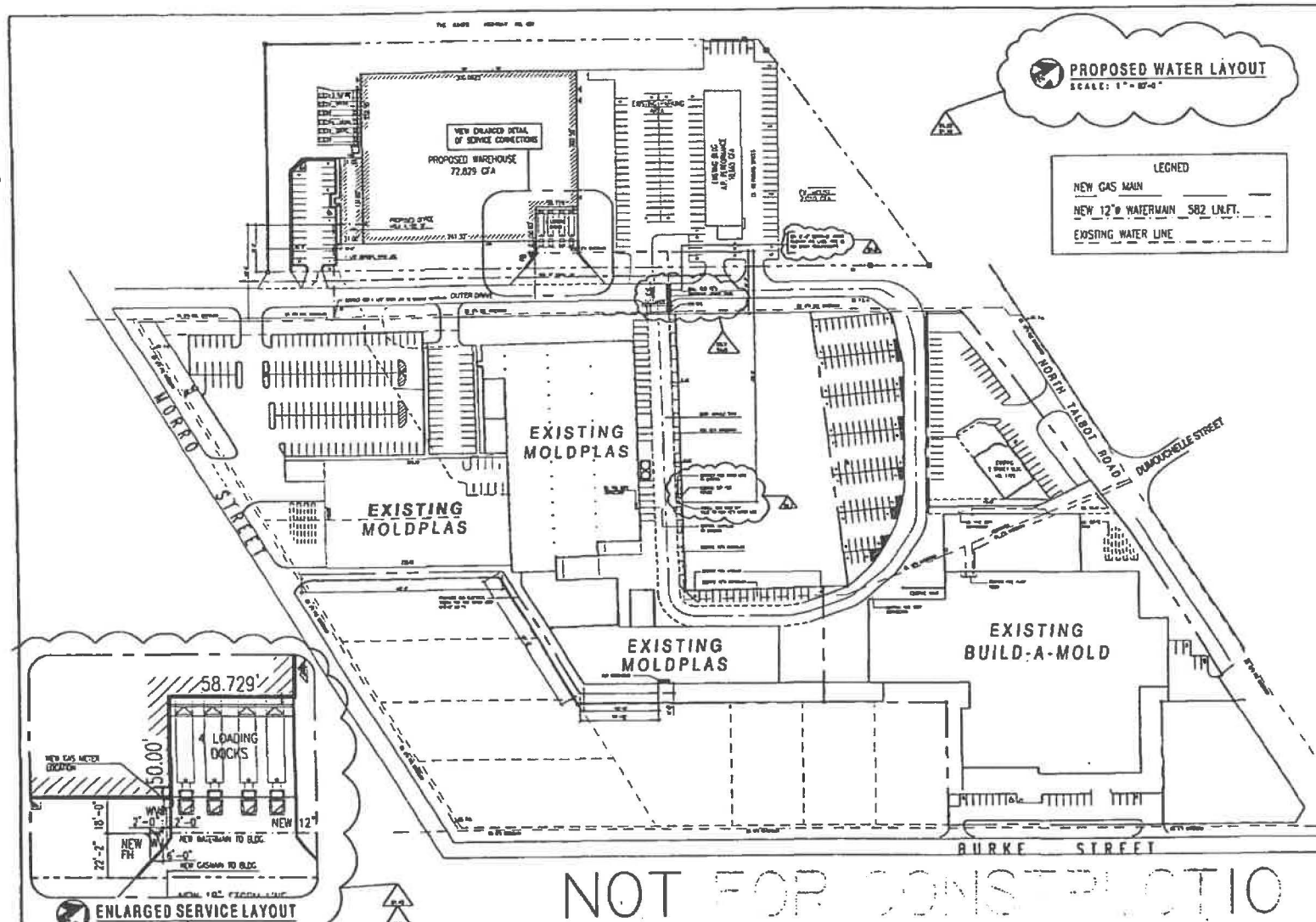
Fifthly: Part Lot 305
Concession North Talbot Road
Tecumseh
Parts 2, 3 and 4, 12R-14622

PIN: 70621-0127 (LT)

Sixthly: Part Lot 305
Concession North Talbot Road
Tecumseh
Part 1, 12R-1410 *same except R1283927*

PIN: 70621-0128

Sevently: Part Lot 305
Concession North Talbot Road
Tecumseh
Part 20, 12R-6426
0546
PIN: 70621-~~0541~~ *0455*



PROPOSED WATER LAYOUT
SCALE: 1" = 40'-0"

LEGGED
NEW GAS MAIN
NEW 12" WATERMAIN 582 L.N.F.T.
EXISTING WATER LINE



ALL DIMENSIONS TO BE CHECKED AND VERIFIED ON THE JOB. ANY AND ALL DISCREPANCIES TO BE REPORTED TO THE ARCH. / ENGINEER. ALL DRAWINGS REMAIN THE PROPERTY OF ROSATI CONSTRUCTION. DO NOT SCALE DRAWINGS.

GENERAL NOTES

DATE	ISSUED FOR:
02.01.03	PROPOSAL
03.03.10	STEEL TENDER
03.03.10	TENDER
07.04.17	BUILDING PERMIT
03.04.08	REVISION 1
03.04.18	REVISION 2
02.04.22	REVISION 3
07.04.23	REVISION 4
02.03.02	REVISION 5

JOB TITLE
MOLDPLAS INC.
TECUMSEH ONT.

DRAWING TITLE
WATER SERVICES
LAYOUT

PROJECT NUMBER	2002024
SCALE	1" = 40'-0"
DATE	APRIL 2002
DRAWN	CT
CHECKED	

SHEET NO.	DRAWING NO.
	C3

SCHEDULE "C"

18

NOT FOR CONSTRUCTION

The Corporation of the Town of Tecumseh

By-Law Number 2022-085

Being a by-law to authorize the execution of a Long Term Financing Agreement with The Corporation of the Town of Tecumseh and Essex Powerlines Corporation

Whereas Essex Powerlines Corporation (EPL) is duly incorporated pursuant to Section 142, Schedule A of the Electricity Act, 1998;

And Whereas The Corporation of the Town of Tecumseh (Town) is duly incorporated pursuant to an Order by the Ministry of Municipal Affairs and Housing dated November 19, 1997;

And Whereas the parties have agreed that the Town holds a promissory note dated June 1, 2000;

And Whereas the Town is a shareholder of EPL and operates as separate corporate entities, notwithstanding the provisions of a Long Term Financing Agreement and other agreements that the parties may enter into from time to time;

And Whereas pursuant to the Municipal Act, S.O. 2001, c.25 s.5(3), the powers of a municipality shall be exercised by by-law;

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

1. **That** the Mayor and the Clerk be and they are hereby authorized and empowered on behalf of The Corporation of the Town of Tecumseh, to execute a Long Term Financing Agreement with Essex Powerlines Corporation, dated the 11th day of October, 2022, a copy of which Long Term Financing Agreement is attached hereto and forms part of this By-law, and to do such further and other acts which may be necessary to implement the said Long Term Financing Agreement.
2. **That** this By-law shall come into full force and take effect on the date the third and final reading thereof.

Read a first, second, third time and finally passed this 22nd day of November, 2022.

Gary McNamara, Mayor

Jennifer Alexander, Acting Clerk

LONG TERM FINANCING AGREEMENT

THIS AGREEMENT made this 11th day of October, 2022

BETWEEN:

THE CORPORATION OF THE TOWN OF TECUMSEH

(hereinafter referred to as "**The Town**")

OF THE FIRST PART

and

ESSEX POWERLINES CORPORATION

(hereinafter referred to as "**EPL**")

OF THE SECOND PART

WHEREAS EPL is duly incorporated pursuant to Section 142, Schedule A of the Electricity Act, 1998;

AND WHEREAS The Town is duly incorporated pursuant to The Ministry of Municipal Affairs and Housing Order;

AND WHEREAS the parties have agreed that The Town holds a promissory note dated June 1, 2000;

AND WHEREAS The Town is an ultimate shareholder of EPL and operate as separate corporate entities, notwithstanding the provisions of this Agreement and other agreements that the parties may enter into from time to time;

AND WHEREAS the parties shall consult as frequently as may be desirable to ensure declarations and intentions are known;

NOW THEREFORE IN CONSIDERATION the parties have agreed that The Town will hold a loan for the sum of **\$1,544,408** dollars of lawful money of Canada (hereinafter referred to as the original loan principal, the receipt and sufficiency of which is hereby expressly acknowledged), the Parties covenant and agree, with each other, as follows;

1. Prior Agreements

All other agreements regarding the matters contained in this agreement, whether oral or written are terminated.

2. Term

The term of this Agreement shall be from January 1, 2023 to and including December 31, 2027 and year by year thereafter until there is no outstanding loan principal unless EPL gives notification, of not less than one year, in writing to The Town that EPL wishes to end the agreement at which time EPL will pay the remaining loan principal and interest prior to the end of the Agreement.

3. Repayment Schedule

- 3.01 EPL shall pay The Town annually not more than twenty percent (20%) of the original loan principal in the first year of this agreement and not more than twenty percent (20%) thereafter subject to article 3.03 and 3.04.
- 3.02 The Town may defer the payment in any year to a subsequent year and EPL shall pay The Town the deferred payment or payments in addition to the current year's annual payment subject to article 3.03 and 3.04.
- 3.03 The Town shall notify EPL, by March 1 or the 1st business day thereafter in the year that payment is due of The Town's intention to receive payment as per article 3.01 and 3.02.
- 3.04 EPL shall notify The Town by July 1 or the 1st business day thereafter of EPL's intention to make payment or partial payment as per article 3.01 and 3.02 by October 1 or the business day thereafter in the year that payment is due.
- 3.05 The Town may request payment, and EPL will make payment, of the entire outstanding loan principal by notifying EPL by March 1 that The Town wishes payment to be made by March 1 of the following year conditional on EPL's ability to make distributions according to the "Unanimous Shareholders Agreement" which classifies this agreement as a "Second Tier Loan".

4. Interest

Interest means the rate paid for use of the outstanding loan principal calculated at 4.00% per annum of the loan principal calculated annually and payable to The Town by the 20th business day following the calendar year end.

5. Arbitration

- 5.01 The parties agree to consult with each other and to negotiate in good faith to resolve any differences or disputes which either party may have relating to the interpretation, application or implementation of this agreement, or any dispute which may arise over any costs, fees or other costs incurred and failing agreement the parties agree to resolve their disputes by arbitration as provided in Article 5.02.

- 5.02 Arbitration of a dispute shall be commenced by written notice by a party requesting arbitration to the other, which notice shall identify the issue or issues it wishes to submit to arbitration. Within thirty (30) days of the date of the notice, the Parties shall agree upon a single arbitrator and failing agreement then each party shall appoint an arbitrator and the two appointees shall within 45 days of the date of the notice of arbitration appoint a third person who shall act as Chair of the arbitration panel, and failing agreement the Chair shall be appointed by a judge of the Superior Court of Ontario pursuant to the provisions of the Arbitration's Act, RSO 1991 c.A.17.
- 5.03 The commencement of the arbitration and all rules of procedure for the arbitration shall be by agreement of the Parties, or failing agreement, as determined by the arbitrator or Chair of the arbitrator panel. The provisions of the Arbitration's Act, RSO 1991 c.A.17, as amended or any successor legislation shall apply to the arbitration.
- 5.04 All decisions of the arbitrator or arbitrators, as the case may be, shall be made in writing and shall be delivered to all Parties within ten (10) days from the conclusion of the arbitration. All decisions shall be final and binding upon the Parties, their respective successors and assigns, and shall not be subject to appeal.
- 5.05 Each Party shall pay its own costs incurred in respect of the arbitration including the payment of its appointee to the arbitration panel, and in the case of a three-person panel the parties agree to share the fees of the Chair and other related costs equally.

6. Notices

All notices required to be given to either of the Parties under this Agreement shall be in writing and shall be delivered by prepaid registered post or hand delivery to the following:

- a) to the Municipal Clerk at: 917 Lesperance Road, Tecumseh, Ontario, N8N 1W9
- b) to the President, EPL at: 2730 Highway 3, Oldcastle, Ontario, NOR 1LO

or to such other address or individual as may be designated by written notice to the other Party. Any notice given by personal delivery shall be deemed to have been given on the day of actual delivery hereof and if sent by prepaid post, on the third day after mailing.

7. Amendments

Amendments to this Agreement shall be in writing and executed by the Parties duly authorized signing officers.

8. Headings

The headings in this Agreement are for purposes of reference only and shall not be read or construed so as to abridge or modify the meaning of any provision in the main text of this Agreement.

9. Governing Law

This Agreement shall be construed in accordance with the laws of the Province of Ontario.

10. Successors

- 10.01 This Agreement shall inure to the benefit of and be binding upon the Parties and their successors and assigns, respectively.
- 10.02 The Parties explicitly acknowledge and agree that the term of this Agreement shall remain in full force and effect and be binding upon new business corporations incorporated under the Business Corporations Act to whom assets and liabilities will be transferred.
- 10.03 For the purposes of this Agreement, whenever the term The Town or EPL is used, the term shall be deemed to include all successor business corporations incorporated to whom assets and liabilities are transferred.

11. Regulatory Changes

The Parties acknowledge that substantial changes to legislation and regulations and government policies are likely to occur during the term of this Agreement which are likely to affect the nature of the relationship between them, and as consequence the parties hereby agree to consult and negotiate in good faith any amendments to this Agreement which may be necessitated by changes in the regulatory environment, and failing agreement to submit their differences to arbitration as provided in Article 5.

IN WITNESS WHEREOF the Parties have duly executed this Agreement on the date first above written:

The Corporation of the Town of Tecumseh

Per:

Gary McNamara, Mayor

Jennifer Alexander, Acting Clerk

Essex Powerlines Corporation

Per:

Aldo DiCarlo, Chair

John Avdoulos, President

The Corporation of the Town of Tecumseh

By-Law Number 2022-86

A by-law to establish an Emergency Management Program for the Town of Tecumseh and to appoint certain positions required under the Emergency Management and Civil Protection Act.

Whereas the Emergency Management and Civil Protection Act R.S.O. 1990, c. E.9 (the “Act”) sets municipal standards for emergency management in Ontario;

AND WHEREAS Subsection 2.1(1) of the Act requires that every municipality shall develop and implement an emergency management program;

AND WHEREAS Subsection 11. (1) of Ontario Regulation 380/04 (the “Standards”) made under the Act requires that every municipality shall have an emergency management program committee;

AND WHEREAS Subsection 12. (1) of the Standards requires that every municipality shall have a municipal emergency control group;

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

1. **That** the Director Community Safety & Fire Chief is hereby appointed as the Community Emergency Management Coordinator for the Town of Tecumseh.
2. **That** an Emergency Management Program be developed and implemented by the Community Emergency Management Coordinator, in accordance with the Act.
3. **That** an Emergency Management Program Committee for the Town of Tecumseh be established in accordance with the Act.
4. **That** the personnel in the following positions are hereby appointed as members of the Emergency Management Program Committee:
 - A) Mayor
 - B) Chief Administrative Officer
 - C) Community Emergency Management Coordinator
 - D) Director Community & Recreation Services
 - E) Director Public Works & Engineering Services
 - F) Detachment Commander, OPP, Essex Detachment

5. **That** the Community Emergency Management Coordinator is hereby appointed as the Chair of the Emergency Management Program Committee.
6. **That** an Emergency Control Group be established for the Town of Tecumseh in accordance with the Act.
7. **That** the personnel in the following positions are hereby appointed as members of the Emergency Control Group:
 - A) Mayor
 - B) Chief Administrative Officer
 - C) Community Emergency Management Coordinator
 - D) Director Community & Recreation Services
 - E) Director Public Works & Engineering Services
 - F) Director People & Culture
 - G) Director Financial Services
 - H) Director Development Services
 - I) Director Legislative Services & Clerk
 - J) Director Technology & Client Services
 - K) Detachment Commander, OPP, Essex Detachment
 - L) Chief, Essex-Windsor EMS
8. **That** the Communications Officer is hereby appointed as the Emergency Information Officer.
9. **That** By-law No. 2007-69 is hereby repealed.
10. **That** this by-law shall come into full force and take effect on the date of its final passing.

Read a first, second, third time and finally passed this 22nd day of November, 2022.

Gary McNamara, Mayor

Jennifer Alexander, Acting Clerk

The Corporation of the Town of Tecumseh

By-Law Number 2022-087

Being a by-law to authorize the execution of an amending Licence Agreement between The Corporation of the Town of Tecumseh and Conseil scolaire catholique Providence

Whereas the Conseil scolaire de district des écoles catholiques du Sud-Ouest, now known as Conseil scolaire catholique Providence (School Board), owns certain lands legally described as Part 1 Lot, Concession West River Peche, in the Town of Tecumseh (Town) as Part 1 on Plan 12 R-11069;

And whereas the Town and School Board entered into a Licence Agreement dated March 1, 2003 to allow the Town to develop a portion of the above described lands at the expense of the Town;

And whereas the term of the Agreement expires on December 31, 2022, and the School Board and Town wish to extend the term of the Agreement subject to certain amendments to the Agreement;

And Whereas pursuant to the *Municipal Act*, S.O. 2001, c.25 s.5(3), the powers of a municipality shall be exercised by by-law.

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

1. **That** the Mayor and the Clerk are hereby authorized and empowered on behalf of The Corporation of the Town of Tecumseh to execute an amending Licence Agreement with Conseil scolaire catholique Providence dated the 1st day of January 2023, a copy of which Licence Agreement is attached hereto and forms part of this by-law and to do such further and other acts which may be necessary to implement the Licence Agreement;
2. **That** this by-law shall come into full force and take effect on the date of the third and final reading thereof.

Read a first, second, third time and finally passed this 22nd day of November, 2022.

Gary McNamara, Mayor

Jennifer Alexander, Acting Clerk

AMENDED AND RESTATED LICENSE AGREEMENT

THIS AGREEMENT made this 1st day of January, 2023

BETWEEN:

THE CORPORATION OF THE TOWN OF TECUMSEH,

hereinafter called the “**Town**”

Of the First Part;

- and

CONSEIL SCOLAIRE CATHOLIQUE PROVIDENCE

hereinafter called the “**School Board**”

Of the Second Part.

WHEREAS:

- 1) The School Board owns certain lands situated within the geographic boundaries of the Town, as are more particularly described in Schedule “A” attached hereto (the “**School Board Lands**”);
- 2) Pursuant to a License Agreement dated March 1, 2003 (the “**Original License Agreement**”), Conseil scolaire de district des écoles catholiques du sud-ouest, the predecessor-in-interest to the School Board, granted a non-assignable exclusive license to allow the Town to develop and use a portion of the School Board Lands (the “**Original Park Lands**”) at the expense of the Town, in accordance with the provisions of the Original License Agreement;
- 3) The Town wishes to develop and use a further portion of the School Board Lands (the “**Additional Park Lands**”) at the expense of the Town, in accordance with the provisions of this Agreement; and
- 4) The School Board and the Town have agreed to amend the Original License Agreement and to enter into this amended and restated license agreement and restate the Original License Agreement on the terms set out herein.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises contained herein and other good and valuable consideration (the receipt and sufficiency of such consideration being hereby acknowledged by the Parties as sufficient), the Parties hereto covenant, promise and agree one with the other as follows.

ARTICLE I-DEFINITIONS

In this Agreement and the recitals contained in this Agreement, unless something in the subject matter or context is inconsistent therewith:

- 1.1 “**Additional Park Lands**” has the meaning set forth in the Recitals;
- 1.2 “**Agreement**” means this Amended and Restated License Agreement;
- 1.3 “**Effective Date**” means the 1st day of August, 2003, being the commencement date of the Original License Agreement;
- 1.4 “**New School/School Board Facilities**” has the meaning set out in Section 7.12;
- 1.5 “**Original License Agreement**” has the meaning set forth in the Recitals;
- 1.6 “**Original Park Lands**” has the meaning set forth in the Recitals;
- 1.7 “**Park Lands**” means, collectively, the Original Park Lands and the Additional Park Lands, as shown outlined in red on the Site Plan;
- 1.8 “**School Board Lands**” has the meaning set forth in the Recitals;
- 1.9 “**Site Plan**” means the site plan attached hereto as Schedule “B”;
- 1.10 “**Regular School Hours**” means the time between 6:00 a.m. and 6:00 p.m. from Monday to Friday during the months of September, October, November, December, January, February, March, April, May and June in each and every year of this Agreement;
- 1.11 “**Services**” means those amenities, facilities, works and services pertaining to the Park Lands; and
- 1.12 “**Term**” means the period commencing on the Effective Date and ending on the 30th day of November, 2043.

ARTICLE II-EXCLUSIVE RIGHT TO USE THE PARK LANDS

- 2.1 For the duration of the Term of this Agreement, the School Board grants to the Town the exclusive right to use the Park Lands, subject to the following:
 - (a) the School Board’s right to use the Park Lands during Regular School Hours; and
 - (b) the School Board’s right to use the Park Lands outside Regular School Hours, with the written permission of the Town, which permission cannot be unreasonably withheld.

ARTICLE III-TOWN’S OBLIGATIONS

- 3.1 During the Term of this Agreement the Town shall, at its own expense:

- (a) subject to the provisions of Article 3.2 hereof, supply, construct and install the Services on the Park Lands in the manner, location and design shown in the Site Plan and otherwise in accordance with the terms of this Agreement;
- (b) provide all labour, equipment, tools and machinery necessary to maintain the Services;
- (c) provide, during Regular School Hours, School Board's students and teachers with access to all outdoor sports facilities of the Town located adjacent to the School Board Lands;
- (d) indemnify and hold harmless the School Board and its respective officers, trustees, duly authorized agents, employees and servants from and against all loss or damage and from and against any and all claims, actions, suits or proceedings brought against them for personal injury, property damage, death and any other losses, damages, charges or expenses, including legal fees, arising in connection with, or by reason of any act, omission or negligence of the Town on or about the Park Lands; and
- (e) if requested in writing by the School Board, purchase a policy or policies of insurance covering the perils delineated in paragraph 3.1(d) above, said policy or policies to include an endorsement showing the School Board as an additional named insured. All such policies of insurance shall additionally contain an endorsement giving School Board ten (10) days prior written notice in advance of any material alteration or cancellation of said policies. All such policies shall be written by insurers authorized to do business in the Province of Ontario and shall have coverage in the minimum cumulative amount of \$5,000,000.00. A copy of all such policies of insurance, including copies of all renewal documentation, shall, if requested by School Board, be delivered to School Board.

3.2 The parties acknowledge and agree that the portion of the Site Plan pertaining to the Park Lands is intended to depict generally a concept plan only of the Services to be constructed on the Park Lands by the Town. Notwithstanding any other provision of this agreement, the Services to actually be constructed on the Park Lands by the Town shall be determined by the Town, based upon the needs of the community, subject to the following:

- (a) the Services shall include soccer facilities and shall not include baseball facilities; and
- (b) the Services shall include parking for not less than 113 motor vehicles.

ARTICLE IV-ADDITIONAL OBLIGATIONS OF THE TOWN

4.1 Subject to the Town's obligations to construct and maintain the Services depicted on the Site Plan, the Town agrees that it will not make any further changes or alterations to the Park Lands without first obtaining the written consent of the School Board, which consent may not be unreasonably withheld.

- 4.2 If the School Board, acting reasonably, decides that any particular item of maintenance or repair to the Services depicted in the Site Plan has not been completed by the Town, the School Board shall have the right to give notice to the Town requiring the Town to commence to carry out such item of maintenance or repair within two (2) business days of the date of giving of such notice and complete the same with due dispatch. If the Town has not carried out or caused to be carried out such item of maintenance or repair within the said two (2) business days of the date of giving such notice, the School Board shall be entitled to enter the lands at any time without prior written permission, to carry out, or cause to be carried out the necessary work in order to correct the said item of maintenance or repair, and the Town shall forthwith upon receipt of invoices, reimburse the School Board for all of the costs it incurred for the work carried out. Provided however, that the indemnity contained in subsection 3.1(d) shall not apply with respect to any work carried out by the School Board pursuant to this section 4.2.

ARTICLE V-ASSIGNMENT

- 5.1 The license created by this Agreement is personal to the Town and shall not be capable of being assigned to any other party.
- 5.2 The School Board agrees that it will not sell, convey, assign or otherwise deal with its interest in the Park Lands during the Term of this Agreement.

ARTICLE VI-NOTICE

- 6.1 Any notice to be given by one party to this agreement to the other party to this agreement shall be sufficiently given if made in writing and addressed to the other party by means of telex, telegraph, or facsimile or by prepaid registered mail. In the event such notice shall be given by telex, telegraph, or facsimile, it shall be deemed to have been received on the first business day after the transmission of such notice, and in the event that such notice shall be given by registered mail, it shall be deemed to have been received upon the third business day next following the date of deposit of such notice in a government post office.
- 6.2 In the case of notice being given to the Town, such notice shall be sent to the following address:

The Corporation of the Town of Tecumseh
917 Lesperance Road
Tecumseh, Ontario N8N 1W9

Attention: Chief Administrative Officer
Facsimile: (519) 735-6712.

- 6.3 In the case of notice being given to the School Board, such notice shall be sent to the following address:

Conseil scolaire catholique Providence
7515 Forest Glade Drive
Windsor, ON
N8T 3P5

Attention: Surintendance des affaires
Facsimile: (519) 948-1091

- 6.4 Any Party to the Agreement may change particulars of its address and/or facsimile number for notice to the other party to this agreement in the manner set out herein.

ARTICLE VII-GENERAL MATTERS

- 7.1 This Agreement shall be registered on title to the School Board Lands at the expense of the Town. To the extent that any schedule attached hereto is removed to accommodate registration on title, the parties acknowledge and agree that they have retained a copy of this Agreement inclusive of all schedules.
- 7.2 This agreement shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors (including subsequent owners of the School Board Lands) and assigns. The burden and benefit of this Agreement shall run with the School Board Lands.
- 7.3 This agreement shall be governed by, and interpreted according to, the laws of the Province of Ontario, and the laws of Canada applicable therein. The parties hereby attom to the exclusive jurisdiction of the Courts of Ontario.
- 7.4 If any term, covenant, or condition of this agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this agreement, or the application of such term, covenant or condition to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term, covenant or condition of this agreement shall be valid and enforceable to the fullest extent permitted by law.
- 7.5 The division of this agreement into articles, sections and subsections and the insertion of headings into this agreement are for convenience or reference only and shall not affect in any way the construction or interpretation of this agreement.
- 7.6 This agreement may be executed in several counterparts, each of which when so executed shall be deemed to be an original, and such counterparts together shall constitute one and the same instrument and shall be effective as of the date set out above.
- 7.7 Schedules and other documents attached or referred to in this agreement are an integral part of this agreement and are hereby incorporated into this agreement by reference.

- 7.8 This agreement constitutes the entire agreement among the parties and except as herein stated and in the instruments and documents to be executed and delivered pursuant hereto, contains all of the representations and warranties of the respective parties. There are no oral representations or warranties among the parties of any kind. This agreement may not be amended or modified in any respect except by written instrument signed by all parties.
- 7.9 This agreement shall enure to the benefit of and be binding upon the parties hereto, their respective successors and assigns.
- 7.10 During the Term of this Agreement, conditional upon the Town continuing to fulfill all of its obligations under Article III of this Agreement and subject to the requirements of the *Education Act* (Ontario) and the regulations promulgated thereunder, if the School Board receives any *bona fide* offer that it is willing to accept (herein called the “**Offer**”) for the purchase of the School Board’s interest in the School Board Lands and the Park Lands, the School Board shall send the Town notice of such Offer, together with, in all instances, a copy of the executed Offer. The Town is hereby granted Ten (10) days after receipt of such notice and Offer in which to notify the School Board of its desire to purchase the School Board’s said interest, on the same terms and conditions as the Offer, and said notice shall constitute a binding agreement of purchase and sale, with closing to take place on the date set for closing in the Offer, or a date mutually acceptable to the School Board and the Town. If the Town does not provide notice of its intention to the School Board to purchase the said interest, the School Board shall be free to sell the said interest on the terms and conditions set forth in the said Offer. If the said interest is not sold on substantially the same terms of that Offer, the School Board shall be obliged to submit any further offer to the Town by giving written notice thereof to the Town in the manner provided in this paragraph 7.10.
- 7.11 Notwithstanding anything in this agreement to the contrary, School Board agrees and hereby grants to the Town the final, sole and exclusive authority to determine whether a sports facility or playing field on the Park Lands, or on any other land which School Board, its students or teachers have access to under this Agreement is in a condition which is fit for play. If in pursuance of the said authority the Town decides that a sports facility or playing field is not fit for play, then such facility or field shall be closed and not used by School Board, its students or teachers for such duration of time deemed advisable by the Town.
- 7.12 Notwithstanding anything in this agreement to the contrary, the School Board shall have the right to terminate this Agreement by providing 180 days written notice to the Town if, during the Term hereof, the School Board requires the Park Lands for the purposes of and in fact constructs a school or School Board facilities (the “**New School/School Board Facilities**”) operating under its school board jurisdiction. The said written notice shall be given no earlier than 225 days prior to the date on which construction of the New School/School Board Facilities begins. In the event that for any reason whatsoever, construction of the New School/School Board Facilities is not commenced within the 225 day period as aforesaid, or in the event less than all of the Park Lands is required for the purposes of the New School/School Board Facilities, the following shall apply:

- (i) in the event construction is not commenced as aforesaid, at the option of the Town, the Notice of Termination shall *nunc pro tunc* have no force or effect, and the license and the Term created by these presents shall continue uninterrupted; and
- (ii) in the event less than all of the Park Lands are required, at the option of the Town, the unused portion of the Park Lands shall continue to be subject to the license and Term created by these presents, and this Agreement shall continue to apply, *mutatis mutandis*, to such unused portion of the Park Lands.

IN WITNESS WHEREOF the parties have executed this agreement.

Signed, sealed and delivered in the
presence of:

**THE CORPORATION OF THE TOWN OF
TECUMSEH**

Per: _____
Name:
Title:

Per: _____
Name:
Title:

**CONSEIL SCOLAIRE CATHOLIQUE
PROVIDENCE**

Per: _____
Name:
Title:

Per: _____
Name:
Title:

SCHEDULE "A"
DESCRIPTION OF PROPERTY

PIN: 75271-0017

PART LOT 1, CONCESSION WEST OF RIVER PECHE, TECUMSEH (FORMERLY
MAIDSTONE AND ST. CLAIR BEACH), DESIGNATED AS PART 1, 12R-11069

SCHEDULE "B"

PARK LANDS



Unfinished Regular Council Business

No.	Meeting Date	Resolution	Subject	Action/Direction	Depart.	Status/Action Taken
19/18	May 22, 2018		Property Standards By-Law (Zoning)	It is directed that Administration harmonize the by-law regarding disconnected tractor-trailers on residential properties to be consistent within the Town.	DS	To be addressed in the new Comprehensive Zoning By-law commencing in 2022.
02/20	October 27, 2020	RCM 318/20	Regulations Regarding Storage and Parking of Commercial and Recreational Vehicles/Trailers in Residents' Zones	Administration to bring considerations to regulate the parking of these vehicles, units and trailers within the municipal right-of-way in the former Town of Tecumseh, to ensure that visibility sightlines are maintained to private driveways, and to recommend appropriate regulations surrounding the parking of such vehicles, units and trailers in the minimum side yard of a private property at the time the Town's zoning By-law is reviewed.	DS	To be addressed in the new Comprehensive Zoning By-law commencing in 2022.
03/20	October 27, 2020	RCM 319/20	Short Term Rentals	Administration undertake a regulatory review for both the short-term, owner-absent rental and the home-sharing short term rental categories.	DS	To be addressed in the new Comprehensive Zoning By-law commencing in 2022.
04/20	November 10, 2020	RCM 341/20	By-law to Prohibit and Regulate Public Nuisances Related to Odours and Lighting from Cannabis Cultivation	Administration to review and report back to Council on the appropriateness of a By-law in accordance with the <i>Municipal Act</i> that will address and regulate nuisances related to odour and lighting from the cultivation of cannabis plants; and investigate opportunities to consider the matter with the other municipalities in Essex County to try to seek a common regional regulatory approach.	DS	To be addressed in the new Comprehensive Zoning By-law commencing in 2022.

The Corporation of the Town of Tecumseh

By-Law Number 2022-088

Being a by-law to confirm the proceedings of the November 22, 2022 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 November 22, 2022, 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 November 22, 2022, 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, third time and finally passed this 22nd day of November, 2022.

Gary McNamara, Mayor

Jennifer Alexander, Acting Clerk