



## Regular Council Meeting Agenda

June 7, 2021, 6:00 pm

Location: <https://www.youtube.com/user/EssexOntario>

Accessible formats or communication supports are available upon request. Please contact the Clerk's Office at [clerks@essex.ca](mailto:clerks@essex.ca) or 519-776-7336 extension 1100 or 1101.

This meeting will be hosted and chaired from the Town of Essex Municipal Building. Due to the ongoing COVID-19 pandemic this meeting is not currently open to the public for in person attendance. This meeting can only be viewed by the public electronically via livestream on YouTube at [www.youtube.com/EssexOntario](https://www.youtube.com/EssexOntario)

Pages

1. Call to Order

2. National Anthem

3. Closed Meeting Report

4. Declarations of Conflict of Interest

5. Adoption of Published Agenda

5.1. Regular Council Meeting Agenda for June 7, 2021

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** the published agenda for the June 7, 2021 Regular Council Meeting be adopted as presented / amended.

6. Adoption of Minutes

6.1. Regular Council Meeting Minutes for May 17, 2021

1

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** the minutes of the Regular Council Meeting held May 17, 2021 be adopted as circulated.

6.2. Special Council Meeting Minutes for March 9, 2021

12

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** the minutes of the Special Council Meeting held March 9, 2021 be adopted as circulated.

6.3. Special Council Meeting Minutes for March 29, 2021

17

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** the minutes of the Special Council Meeting held March 29, 2021 be

adopted as circulated.

**6.4. Special Council Meeting Minutes for April 6, 2021 23**

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** the minutes of the Special Council Meeting held April 6, 2021 be adopted as circulated.

**6.5. Special Council Meeting Minutes for April 12, 2021 28**

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** the minutes of the Special Council Meeting held April 12, 2021 be adopted as circulated.

**7. Public Presentations**

**7.1. Lisa Wallace, Chair, Essex Accessibility Advisory Committee 33**

RE: Awareness Presentation of Town of Essex Accessibility Committee Initiatives

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** the presentation by Lisa Wallace, Chair, Essex Accessibility Committee be received.

**7.2. Cynthia Swift, Lead Audit Engagement Partner, KPMG LLP 38**

RE: 2020 Audited Financial Statements

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** the presentation of the 2020 Audited Financial Statements for the Town of Essex by Cynthia Swift, Lead Audit Engagement Partner, KPMG LLP, be received; and

**That** the 2020 Audited Financial Statements for the Town of Essex, be adopted as presented.

**7.3. Peter Thyrring, Headmaster, St. Peter's ACHS College School 108**

RE: Former Harrow High School

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** the presentation by Peter Thyrring, Headmaster, St. Peter's ACHS College School be received.

**8. Unfinished Business**

**9. Reports from Administration**

**9.1. Finance and Business Services Report-2021-01 113**

RE: Development Charges - Interest Rate By-Law

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** Finance and Business Services Report-2021-01 entitled

	Development Charges - Interest Rate By-Law prepared by Katelynn Giurissevich dated June 7, 2021 be received; and	
	<b>That</b> By-Law 2030 being a by-law to charge interest on outstanding development charges equal to the Town's borrowing rate plus 2% fixed at the date of building permit issuance or at the date of related planning application, compounded annually, be read a first, second, and third time and finally adopted on June 7, 2021.	
9.1.1.	By-Law 2030	121
9.2.	<b>Finance and Business Services-2021-06</b>	124
	RE: By-Law to Debenture 2021 Annual Drainage Maintenance Billings	
	Moved by _____	
	Seconded by _____	
	<b>That</b> Finance and Business Services-2021-06 entitled Annual Drainage Maintenance Billings Payment Terms prepared by Katelynn, Giurissevich, Manager, Finance and Business Services, dated June 7, 2021 be received; and	
	<b>That</b> By-Law 2031 being a By-Law to provide for the authorization to debenture certain Drainage Maintenance Billings at the Property Owners request, be read a first, second, and third time and finally adopted on June 7, 2021.	
9.2.1.	By-Law 2031	127
9.3.	<b>Drainage-2021-04</b>	129
	RE: Results of Request for Tender –Rush Drain & 14th Concession Drain Improvements	
	Moved by _____	
	Seconded by _____	
	<b>That</b> Drainage-2021-04 entitled Results of Request for Tender – Rush Drain and 14 <sup>th</sup> Concession Drain Improvements prepared by Lindsay Dean dated June 7, 2021 be received; and	
	<b>That</b> Council award the Request for Tender – Rush Drain and 14 <sup>th</sup> Concession Drain Improvements (RFT-ID-21-016) to Murray Mills Excavating & Trucking (Sarnia) Ltd. in the amount of \$661,345.36 including non-refundable Harmonized Sales Tax.	
9.4.	<b>Drainage-2021-05</b>	136
	RE: Drainage Cost Recovery Update	
	Moved by _____	
	Seconded by _____	
	<b>That</b> Drainage-2021-05 entitled Drainage Cost Recovery Update prepared by Norman Nussio, Manager, Operations and Drainage, dated May 17, 2021 be received.	
9.5.	<b>Drainage-2021-06</b>	141
	RE: Appointment of an Engineer under Section 78 & 76 to review crossings and updated cost sharing for the Elford Creek Drain	
	Moved by _____	

	<p>Seconded by _____</p> <p><b>That</b> Drainage-2021-06 entitled Appointment of an Engineer under Section 78 &amp; 76 to review crossings and updated cost sharing for the Elford Creek Drain prepared by Lindsay Dean, Drainage Superintendent dated June 7, 2021 be received;</p> <p><b>That</b> Council under Section 76(1) make an application to receive approval from the Tribunal to appoint Rood Engineering Incorporated under Section 76 of the Drainage Act for the Elford Creek Drain; and</p> <p><b>That</b> Council under Section 78 of the Drainage Act appoint Rood Engineering Incorporated to the Elford Creek Drain.</p>	
<b>9.6.</b>	<b>Drainage-2021-07</b>	<b>146</b>
	<p>RE: Appointment of an Engineer under Section 78 of the Drainage Act to replace a culvert in the Hicks Drain</p> <p>Moved by _____</p> <p>Seconded by _____</p> <p><b>That</b> Drainage-2021-07 entitled Appointment of an Engineer under Section 78 of the Drainage Act to replace a culvert in the Hicks Drain prepared by Lindsay Dean, Drainage Superintendent dated June 7, 2021 be received; and</p> <p><b>That</b> Council appoint Rood Engineering Inc. under Section 78 of the Drainage Act to replace a culvert in the Hicks Drain.</p>	
<b>9.7.</b>	<b>Capital Works and Infrastructure-2021-08</b>	<b>150</b>
	<p>RE: Victoria Avenue Improvements</p> <p>Moved by _____</p> <p>Seconded by _____</p> <p><b>That</b> Capital Works and Infrastructure-2021-08 entitled, Victoria Avenue Improvements prepared by Kevin Girard, Director, Infrastructure Services dated June 7, 2021 be received;</p> <p><b>That</b> Council authorize the additional expenditure for design and tendering services of the Victoria Avenue Improvements in the amount of \$134,628.48, including applicable taxes, to Stantec Consulting as part of Project No. GG-21-0001 for the Essex Centre Streetscape; and</p> <p><b>That</b> Council authorize the over expenditure of GG-21-0001 for the Essex Centre Streetscape in the amount of \$21,915.01, including applicable taxes, to be funded from the Asset Management Lifecycle Reserve.</p>	
<b>9.8.</b>	<b>Parks and Facilities-2021-07</b>	<b>155</b>
	<p>RE: Harrow Splash Pad Engineering</p> <p>Moved by _____</p> <p>Seconded by _____</p> <p><b>That</b> Parks and Facilities-2021-07 entitled, Engineering of New Public Washrooms/Change Rooms at Harrow Splash Pad prepared by Jay Affleck, Assistant Manager of Parks and Facilities, dated June 7, 2021 be received; and</p> <p><b>That</b> Council appoint Architecttura Building Intelligence to provide engineering and design for the New Public Washroom/Change Rooms</p>	

at Harrow Splash Pad project (CS-21-0043) in the amount of \$18,569.37.00 including non-refundable HST, in accordance with the completed request under Section 22 of the Town of Essex Procurement By-Law 1043.

**9.9. Parks and Facilities-2021-08**

161

RE: Results of Request for Proposal – Essex Tennis Courts

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** Parks and Facilities report 2021-008 entitled Results of Request for Proposal – Essex Tennis Courts prepared by Doug Sweet, Director of Community Services/Deputy CAO dated June 7, 2021 be received;

**That** Council approve the additional funding of \$3,206.40 above the approved budget for the new Essex Tennis Courts (Project Code: CS-20-0042 - \$240,000) with funds coming from the Parks Contingency Reserve account;

**That** Council approve the additional funding of \$8,649.60 (including the non-refundable HST) for wind screens with the additional funding coming from the Parks Contingency Reserve account;

**That** Council approve the additional funding of \$40,704 (including the non-refundable HST) for court lighting with the additional funding coming from the Parks Contingency Reserve account; and

**That** Council award the Request for Proposal – Essex Tennis Courts to GreenLight General Contracting Inc. in the total amount of \$292,560 including non-refundable Harmonized Sales Tax which includes the options for windscreens and court lighting.

**9.10. Legal and Legislative Services-2021-11**

168

RE: Court of Revision for Graveline Drain: New Bridge at MN 1241 and Maintenance Schedule of Assessment

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** the following three (3) members of the Drainage Board: Janice Dougherty, Percy Dufour and Luke Martin be appointed to sit as members of the Court of Revision to be convened for the Graveline Drain: New Bridge at MN 1241 and Maintenance Schedule of Assessment, Geographic Township of Colchester North, Town of Essex, County of Essex, Project REI2020D031 pursuant to the Report prepared by Gerard Rood, Professional Engineer, Rood Engineering Inc., and dated April 28, 2021 (hereinafter the “Report”), such Court of Revision to be scheduled for 5:00 pm on July 6, 2021, via electronic meeting; and

**That** By-Law 2023 being a by-law to provide for the Graveline Drain: New Bridge at MN 1241 and Maintenance Schedule of Assessment, be read a first and second time and be provisionally adopted on July 6, 2021.

**9.10.1. By-Law 2023**

240

**9.11. Legal and Legislative Services-2021-12**

243

RE: Land Acknowledgement Statement

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** Legal and Legislative Services 2021-012 entitled “Land Acknowledgement Statement” prepared by Robert Auger, Town Solicitor/Clerk and Matthew Ducharme, Legal & Legislative Services (Summer Student Intern) and dated June 7, 2021 be received;

**That** the Land Acknowledgement Statement noted below be provisionally adopted for a six (6) month trial period so as to allow for an additional period of time for Indigenous community members to provide feedback on the proposed statement:

*“We acknowledge that this land is the traditional territory of the Three Fires Confederacy of First Nations (comprised of the Ojibway, the Odawa, and the Potawatomi Peoples), and of the Huron-Wendat Peoples. We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original Peoples of Turtle Island who have been living and working on the land from time immemorial.”;*

**Further, that** the Land Acknowledgement Statement noted in this Report be read at the beginning of all Regular Council Meetings and at other such special events as may be determined from time to time by the Mayor; and

**That** the Land Acknowledgement Statement noted be further placed on the website of the Town of Essex.

9.12.

**Building and By-Law Enforcement-2021-01**

251

RE: Fill and Grade Report

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** Building and By-Law Enforcement Report-2021-01 entitled Fill and Grade Report prepared by Mike Diemer dated June 07, 2021 be received.

10.

**Reports from Youth Members**

11.

**County Council Update**

12.

**Correspondence**

12.1.

**Correspondence to be received**

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** all of the correspondence listed in Agenda Item 12.1 be received and, where indicated, to further share such information with the community using suitable methods of communication.

12.1.1.

**Correspondence relating to COVID-19 Pandemic**

12.1.1.1.

**Township of McKellar**

270

RE: Requesting Consideration of Tax Breaks on 2020 CERB payments

12.1.1.2.

**Ministry of Municipal Affairs and Housing**

274

	RE: Three-Step Roadmap to Safely Reopen the Province of Ontario and Amendment to Orders under the Reopening Ontario (A Flexible Response to COVID-19) Act (ROA)	
12.1.1.3.	Local 444 Unifor RE: Roadmap to Reopen	277
12.1.1.4.	The Town of Cochrane RE: Reopening of Greenwater Provincial Park	279
12.1.1.5.	The Corporation of The Town of Amherstburg Re: COVID-19 Shutdown, Support for Small Businesses	281
12.1.2.	Windsor/ Essex Provincial Offences (POA) RE: Provincial Offences Annual Report 2020	288
12.1.3.	Union Water Supply System RE: Agenda for Wednesday, May 19, 2021	310
12.1.4.	Union Water Supply System RE: Minutes for Wednesday, April 21, 2021	324
12.1.5.	Caldwell First Nation RE: Lowering of our Flags	329
12.1.6.	Township of The Archipelago RE: Bill 228 - Banning Unencapsulated Polystyrene Foam	330
12.1.7.	Township of The Archipelago RE: Bill 279 – Environmental Protection Amendment Act (Microplastics Filters for Washing Machines), 2021	332
12.1.8.	Ministry for Seniors and Accessibility RE: 2019 Accessibility for Ontarians with Disabilities Act, 2005 Annual Report	334
12.1.9.	The Corporation of the Township of Terrace Bay RE: Advocacy for Reform of the Municipal Freedom of Information and Protection to Privacy Act ("MFIPPA")	362
12.1.10.	The Corporation of The Town of Amherstburg RE: Advocacy for Reform of the Municipal Freedom of Information and Protection to Privacy Act ("MFIPPA")	364
<b>12.2.</b>	<b>Correspondence to be considered for receipt and support</b>	
12.2.1.	St .Paul's Anglican Church RE: New Community Flag Request for Windsor-Essex Pride	369

Festival 2021 - August 6 - August 8, 2021

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** the request for the Pride Flag to be flown in front of Town Hall during the week of August 6 - August 8, 2021 for Windsor-Essex Pride Festival 2021 be received and supported.

12.2.2. Trans Wellness Ontario 370

RE: New Community Flag Request for Transgender Day of Remembrance - November 19, 2021

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** the request for the Pride Flag to be flown in front of Town Hall on November 19, 2021 for Trans Wellness Day of Remembrance be received and supported.

13. Committee Meeting Minutes

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** all the Committee Meeting minutes listed in Agenda Item 13, together with any recommendations to Council noted therein, be received, approved and adopted as circulated.

13.1. Police Service Board - April 1, 2021 371

13.2. Committee of Adjustment - April 20, 2021 378

13.3. Police Service Board - May 6, 2021 439

13.4. Essex Accessibility Advisory Committee - May 10, 2021 445

14. Financial

14.1. March 2021 Capital Variance Report 451

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** the Capital Variance Report as at March 31, 2021 be received.

14.2. April 2021 Bank Payments Report 466

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** the Bank Payment Report, including the April 2021 cheque register, cheque number 52806 to cheque number 52933 and electronic funds transfer (EFT) payment number EFT0042371 to EFT004586 inclusive in the amount of \$2,337,962.86; the Preauthorized Payments for the month of April in the amount of \$354,078.65; and Payroll for the month of April in the amount of \$429,828.78, be ratified as submitted.

15. New Business

16. Notices of Motion

**16.1. The Following Notice of Motion is being presented this evening and will be brought forward for Council's consideration at the June 21, 2021 Regular Council Meeting:**

**16.1.1. Councillor Bondy**

**That** per resolution of Council R20-09-339, that 'Children at Play' signs only be installed within community areas such as parks, schools, and other institutions whose main purpose is to provide services to children, that a 'Children at Play' sign be installed on McAfee Street in Harrow at the entrance to the Harrow Fairgrounds and Arena.

**17. Reports and Announcements from Council Members**

**17.1. Deputy Mayor Meloche, Verbal Report**

RE: Report of the Meeting held on Friday, May 7, 2021 with Senior Officials at Ontario Hydro One

**18. By-Laws**

**18.1. By-Laws that require a third and final reading**

**18.1.1. By-Law 2000** 477

Being a by-law to provide for the Barrette Drain: Repair and Improvements, Geographic Township of Colchester North, Project REO2020D009, Town of Essex, County of Essex

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** By-Law 2000 being a by-law to provide for the Barrette Drain: Repair and Improvements, Geographic Township of Colchester North, Project REO2020D009, Town of Essex, County of Essex be read a third time and finally passed on June 7, 2021.

**18.1.2. By-Law 2020** 480

Being a by-law to confirm the proceedings of the May 17, 2021, Regular Meeting of Council of the Town of Essex

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** By-Law 2020 being a by-law to confirm the proceedings of the May 17, 2021, Regular Meeting of Council of The Corporation of the Town of Essex be read a third time and finally adopted on June 7, 2021.

**18.2. By-Laws that require a first, second, third and final reading**

**18.2.1. By-Law 2026** 482

Being a by-law to appoint designated members of the Canadian Corps of Commissioners Ottawa as Municipal By-Law Enforcement Officers for the Town of Essex

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** By-Law 2026 being a by-law to Appoint Municipal By-Law Enforcement Officers for the Town of Essex be read a first, a second and a third time and finally passed on June 7, 2021.

**18.3. By-Laws that require a first and second reading**

**18.3.1. By-Law 2027** 492

Being a by-law to confirm the proceedings of the June 7, 2021, Regular Meeting of Council of The Corporation of the Town of Essex.

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** By-Law 2027 being a by-law to confirm the proceedings of the June 7, 2021, Regular Meeting of Council of The Corporation of the Town of Essex be read a first, a second time and provisionally adopted on June 7, 2021.

**19. Adjournment**

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

That the meeting be adjourned at [TIME].

**20. Future Meetings**

**20.1. Monday, June 21, 2021 - 4:30 - 6:00 PM Special Council Meeting**

Re: Rezoning Short Term Rentals

Location: Electronic Meeting via Zoom

Livestream available at [www.youtube.com/Essex/Ontario](http://www.youtube.com/Essex/Ontario)

**20.2. Monday, June 21, 2021 - 6:00 - 9:00 PM Regular Council Meeting**

Location: Electronic Meeting via Zoom

Livestream available at [www.youtube.com/Essex/Ontario](http://www.youtube.com/Essex/Ontario)

**20.3. Monday, July 5, 2021 - 6:00 - 9:00 PM Regular Council Meeting**

Location: Electronic Meeting via Zoom

Livestream available at [www.youtube.com/Essex/Ontario](http://www.youtube.com/Essex/Ontario)



**The Corporation of the Town of Essex**

**Regular Council Meeting Minutes**

**This meeting was held electronically during a time of Declared Emergency  
pursuant to Town of Essex By-Law 1902**

May 17, 2021, 6:00 pm

Location: <https://www.youtube.com/user/EssexOntario>

This meeting was hosted and chaired from the Essex Municipal Building. Due to the ongoing COVID-19 pandemic this meeting was not open to the public for in person attendance but was available electronically via livestream and also for viewing post-meeting on YouTube at [www.youtube.com/EssexOntario](http://www.youtube.com/EssexOntario)

Present: Deputy Mayor Richard Meloche  
Ward 1 Councillor Joe Garon  
Ward 1 Councillor Morley Bowman  
Ward 2 Councillor Kim Verbeek  
Ward 3 Councillor Steve Bjorkman  
Ward 3 Councillor Chris Vander Doelen  
Ward 4 Councillor Sherry Bondy

Regrets: Mayor Larry Snively

Also Present: Chris Nepszy, Chief Administrative Officer  
Doug Sweet, Director, Community Services/Deputy CAO  
Jeffrey Morrison, Director, Corporate Services/Treasurer  
Lori Chadwick, Director, Development Services  
Kevin Girard, Director, Infrastructure Services  
Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk  
Shelley Brown, Deputy Clerk, Legal and Legislative Services  
Rick Arnel, Fire Chief  
Jake Morassut, Manager, Parks and Facilities  
Edua Marczinko, Youth Council Member

**1. Call to Order**

Deputy Mayor Meloche as Chair called the meeting to order at 6:05 PM.

**2. National Anthem**

**3. Closed Meeting Report**

Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk, provided a verbal report on the Closed Meeting held on May 17, 2021. He reported that Council met electronically in Closed Session, on May 17, 2021 at 3:00 PM as permitted to do so by sections 239 (2) (c) and 239 (2) (e) of the Municipal Act.

At this meeting Council received information and gave direction to Administration with respect to two litigation matters.

At this meeting Council also received information and provided administrative direction with respect to two proposed land matters in the municipality.

**4. Declarations of Conflict of Interest**

There were no declarations of conflict of interest at this time.

**5. Adoption of Published Agenda**

**5.1 Regular Council Meeting Agenda for May 17, 2021**

**R21-05-196**

Moved By Councillor Bondy

Seconded By Councillor Bowman

**That** the published agenda for the May 17, 2021 Regular Council Meeting be adopted as presented.

**Carried**

**6. Adoption of Minutes**

**6.1 Regular Council Meeting Minutes for May 3, 2021**

**R21-05-197**

Moved By Councillor Vander Doelen

Seconded By Councillor Bjorkman

**That** the minutes of the Regular Council Meeting held May 3, 2021 be adopted as circulated.

**Carried**

**7. Public Presentations**

**7.1 Office of Integrity Commissioner**

Report to Council in Open Session

RE: Multiple Code of Conduct Complaints against Councillor Chris Vander Doelen

Robert Swayze, Town of Essex Integrity Commissioner provided a summary of his written Report to Council regarding his review of the current Code of Conduct Complaints against Councillor Vander Doelen and provided the following recommendations to Council.

Recommendation:

It is hereby recommended that Councillor Chris Vander Doelen be required to accomplish the following within 3 months of the date of this report:

1. Remove all Tweets from his Twitter account which refer to the Chinese Flu, China Virus, the Chinese Origin Virus and/or the Murderous China Regime
2. Prepare a draft apology for the approval of the Integrity Commissioner to be read by him in an open session of Council, and
3. Attend an in-person Diversity and Inclusion training session chosen by staff and paid for by the Town. (Staff to confirm his attendance to the Integrity Commissioner.) If staff advises the Integrity Commissioner

that the course is only available remotely, the training may be attended online.

It is further recommended that if the respondent fails to perform any one or more of the above 3 requirements by 4:30pm on Monday, July 19, 2021, that the compensation paid to the respondent as a member of Council, be suspended for a period of 60 days commencing with the pay period following that date.

**R21-05-198**

Moved By Councillor Bondy  
Seconded By Councillor Bjorkman

**That** the Report and presentation by Robert Swayze, Town of Essex Integrity Commissioner, dated May 17, 2021 concerning the Code of Conduct Complaints filed against Councilor Vander Doelen, be received and that the recommendations therein be supported and adopted by Council.

Councillor Bondy requested a recorded voted:

	Support	Opposed
Deputy Mayor Meloche	X	
Councillor Garon	X	
Councillor Bowman	X	
Councillor Verbeek	X	
Councillor Bjorkman	X	
Councillor Vander Doelen		X
Councillor Bondy	X	
<b>Results</b>	6	1

**Carried**

- 8.    **Unfinished Business**
- 9.    **Reports from Administration**
  - 9.1   **Fire and Rescue Services-2021-10**

RE: Results of Request for Proposal - Delivery of Custom Stock or Demo Pumper/Rescue Fire Truck

**R21-05-199**

Moved By Councillor Bowman  
Seconded By Councillor Vander Doelen

**That** Fire and Rescue Services–2021-10 entitled Results of Request for Proposal – Supply and Delivery of Custom Stock or Demo Pumper/Rescue Fire Truck dated March 09, 2021 be received; and

**That** Council award the Request for Proposal - Supply and Delivery of Custom Stock or Demo Pumper/Rescue Fire Truck to Commercial Emergency Equipment Corporation in the total amount of \$637,282.18 including non-refundable Harmonized Sales Tax.

**Carried**

## **9.2 Parks and Facilities-2021-06**

RE: Expansion of Scope for Replacement of Rubber Floors in Two Dressing Rooms and the Main Hall of Libro Rink at the Essex Centre Sports Complex

### **R21-05-200**

Moved By Councillor Bowman

Seconded By Councillor Bjorkman

**That** Parks and Facilities-2021-06 entitled Expansion of Scope for Replacement of Rubber Floors in Two Dressing Rooms and the Main Hall of Libro Rink at the Essex Centre Sports Complex prepared by Jake Morassut, Manager, Parks and Facilities dated May 17, 2021 be received; and

**That** Council approve the additional budgeted expenditures of \$13,931.62 for the Capital Project: Expansion of Scope for Replacement of Rubber Floors in Two Dressing Rooms and the Main Hall of Libro Rink at the Essex Centre Sports Complex (CS-21-0044) through additional funding from the Asset Management Plan Lifecycle Reserve (AMP Reserve).

**Carried**

## **9.3 Capital Works and Infrastructure-2021-06**

RE: Results of Request for Tender – Surface Treatment 2021

### **R21-05-201**

Moved By Councillor Bjorkman

Seconded By Councillor Verbeek

**That** Capital Works and Infrastructure 2021-06 entitled, Results of Request for Tender – Surface Treatment 2021 prepared by Kevin Girard, Director, Infrastructure Services dated May 17, 2021 be received;

**That** Council award the Request for Tender – Surface Treatment – 2021 (RFT-ID-21-013) to Shepley Road Maintenance Limited in the amount of \$621,103.55 including non-refundable Harmonized Sales Tax; and

**That** Council approve the additional funding of \$7,694.42 including non-refundable Harmonized Sales Tax above the approved 2021 Capital Budget of \$150,000 for Project PW-21-0013 to be funded from the Asset Management Lifecycle Reserve.

**Carried**

#### **9.4 Capital Works and Infrastructure-2021-07**

RE: Results of Request for Tender – Concrete Sidewalk Construction 2021

##### **R21-05-202**

Moved By Councillor Bowman

Seconded By Councillor Bjorkman

**That** Capital Works and Infrastructure 2021-07 entitled, Results of Request for Tender – Concrete Sidewalk Construction 2021 prepared by Kevin Girard, Director, Infrastructure Services dated May 17, 2021 be received;

**That** Council award the Request for Tender – Concrete Sidewalk Construction 2021 (RFT-ID-21-014) to Windsor Concrete and Construction Ltd. in the amount of \$217,434.66 including non-refundable Harmonized Sales Tax; and

**That** Council authorize that the additional expense of \$6,003.30 for PW-21-0042 be funded from Trails Reserve and that the additional expense of \$4,721.44 for PW-21-0007 be funded from the Asset Management Lifecycle Reserve.

**Carried**

#### **9.5 Environmental Services-2021-02**

RE: Harrow Lagoons Sludge Removal – Cell No. 2

Kevin Girard, Director, Infrastructure Services, provided a summary of his report regarding the Harrow Lagoons Sludge Removal and noted that regular cleaning of the lagoon cells is necessary to ensure their efficient operation.

##### **R21-05-203**

Moved By Councillor Bjorkman

Seconded By Councillor Bowman

**That** Environmental Services–2021-02 entitled, Harrow Lagoons Sludge Removal – Cell No. 2 prepared by Kevin Girard, Director, Infrastructure Services dated May 17, 2021 be received; and

**That** Council appoint Ontario Clean Water Agency (OCWA) to provide engineering, operational, and contract administration services to design, procure, and administer the Harrow Lagoons Sludge Removal project (SS-19-004 and SS-19-0013) in the amount of \$1,000,000 including non-refundable Harmonized Sales Tax, in accordance with the completed request under Section 22 of the Town of Essex Procurement By-Law 1043.

**Carried**

#### **9.6 Economic Development-2021-06**

RE: Building Report and Development Overview April 2021

##### **R21-05-204**

Moved By Councillor Bjorkman

Seconded By Councillor Bowman

**That** Economic Development-2021-06 entitled Building Report and Development Overview April 2021 prepared by Nelson Silveira, Economic Development Officer dated May 17, 2021 be received for Council and public information.

**Carried**

## **9.7 Legal and Legislative Services-2021-07**

RE: Appointment of Court of Revision Member for the Charles Shepley Drain, Town of Amherstburg (initiating Municipality)

### **R21-05-205**

Moved By Councillor Bowman

Seconded By Councillor Bondy

**That** Kirk Carter, member of the Drainage Board, be selected and appointed to sit as the third member of the Court of Revision for the Charles Shepley Drain, Town of Amherstburg (initiating Municipality) and Town of Essex (neighbouring Municipality), County of Essex, Project No. 2019-1021 as per the report prepared by Mike Gerrits, Professional Engineer, R. Dobbin Engineering Inc. dated January 18, 2021 and including amendments for June 1, 2021 (hereinafter the "Report"), such Court of Revision to be scheduled for 6:00 pm on June 1, 2021, in the Town of Amherstburg.

**Carried**

## **9.8 Infrastructure Services-2021-07**

RE: Amherstburg-McGregor Downspout Disconnections

Kevin Girard, Infrastructure Services, provided a summary of his report regarding the Amherstburg-McGregor Downspout Disconnections and explained the need for a site specific review to identify which areas could be disconnected to avoid concerns of safety or flooding.

### **R21-05-206**

Moved By Councillor Garon

Seconded By Councillor Bondy

**That** Infrastructure Services–2021–07 entitled Amherstburg-McGregor Downspout Disconnections prepared by Kevin Girard, Director, Infrastructure Services dated May 17, 2021 be received; and

**That** Council direct Administration to develop a by-law specific to the community of McGregor to support the mandatory downspout disconnection program proposed by the Town of Amherstburg.

**Carried**

## **9.9 Community Services-2021-05**

RE: Request for Interest – Colchester Park Bike Rental Lease Space

- By-Law 2021, being a By-law to authorize the execution of a lease agreement between the Corporation of the Town of Essex and The Grove Bike Co.

- Schedule A to By-law 2021: Lease Agreement

**R21-05-207**

Moved By Councillor Bjorkman

Seconded By Councillor Verbeek

**That** Community Services Report 2021-008 entitled Request for Interest – Colchester Park Bike Rental Lease Space be received;

**That** Council approve the entering into of an agreement with The Grove Bike Co. for leased space within Colchester Park located 325 Jackson Street in Colchester for three years commencing on May 20, 2021 and concluding on April 30, 2024 with an option to renew for an additional two years beginning on May 1, 2024 subject to the general terms and conditions as outlined in By-Law 2021 and its Schedule A; and

**That** By-Law 2021 be read a first, second and third time and be finally adopted on May 17, 2021.

**Carried**

**10. Reports from Youth Members**

**11. County Council Update**

**12. Correspondence**

**12.1 Correspondence to be received**

**R21-05-208**

Moved By Councillor Bjorkman

Seconded By Councillor Bondy

**That** all of the correspondence listed in Agenda Item 12.1 be received and, where indicated, to further share such information with the community using suitable methods of communication.

**Carried**

**12.1.1 Correspondence relating to COVID-19 Pandemic**

**12.1.1.1 The Town of Shelburne**

RE: Universal Paid Sick Days for Ontario Workers

**12.1.1.2 Association of Municipalities of Ontario**

RE: AMO Policy Update - Stay-at-Home Order Extended

**12.1.2 The Corporation of The Town of Perth**

RE: Provincial Hospital Funding of Major Capital Equipment

**12.1.3 The Corporation of The Town of Amherstburg**

RE: Planning Act Timelines

**12.1.4 The Corporation of The Town of Amherstburg**

RE: Regional Food and Organics Waste Management Program

**12.1.5 Essex Firemen's Association Inc.**

RE: Letter of thanks for Community Partnership Fund donation

12.1.6 The Corporation of The Town of Amherstburg

RE: Request for Funding for Tree Planting in Windsor-Essex County

12.1.7 Councillor Bondy

RE: Harrow High School Property

**12.2 Correspondence to be considered for receipt and support**

12.2.1 Town of Essex Accessibility Advisory Committee

RE: National AccessAbility Week - May 30 - June 5, 2021

**R21-05-209**

Moved By Councillor Verbeek

Seconded By Councillor Bjorkman

**That** the correspondence by the Town of Essex Accessibility Advisory Committee's, Vice Chair Lisa Wallace, asking Council to consider proclaiming National AccessAbilityWeek in the Town of Essex, be received and supported; and

**That** Council proclaims the week of May 30- June 5, 2021 as National AccessAbilityWeek in the Town of Essex by adopting the following resolution:

**Whereas**, National AccessAbility Week (NAAW) takes place every year starting on the last Sunday in May. It is a time when accessibility and inclusion is promoted across communities and workplaces and a time to celebrate the contributions of Canadians with disabilities. It is also an opportunity to recognize the efforts of Canadians who are actively removing barriers and ensuring persons with disabilities have an equal chance to participate in all aspects of Canadian society;

**And Whereas**, the increased social and economic inclusion of persons with disabilities has positive economic and social benefits, for persons with disabilities, for business, the economy, and society in general;

**And Whereas**, when persons with disabilities can access meaningful employment, resources and services, Canada's economy grows. Businesses have the chance to welcome more customers, service satisfaction improves and workplaces reflect Canada's diversity;

**And Whereas**, by bringing Canadians together to recognize the valuable contributions of persons with disabilities, we are strengthening the collaborative effort needed to create a country that is fully accessible and inclusive;

**Therefore**, I Mayor Larry Snively, do hereby designate the week of May 30 to June 5, 2021 as National AccessAbility Week (NAAW) in the Town of Essex.

**Carried**

12.2.2 Ministry for Seniors and Accessibility

RE: 2021 Senior of the Year Award: Request for Nominee

It was noted by the Clerk that the deadline for submitting a nomination was May 31, 2021 and given that Council already has a Special Meeting scheduled for May 31 this item could be received but then brought forward to the May 31, 2021 meeting as unfinished business for Council to action this item by nominating a person at that time.

**R21-05-210**

Moved By Councillor Bjorkman

Seconded By Councillor Garon

**That** Council receive the correspondence dated May 7, 2021 received from the Ministry for Seniors and Accessibility.

**Carried**

**13. Committee Meeting Minutes**

**R21-05-211**

Moved By Councillor Bowman

Seconded By Councillor Verbeek

**That** all the Committee Meeting minutes listed in Agenda Item 13, together with any recommendations to Council noted therein, be received, approved and adopted as circulated.

**Carried**

**13.1 Co-An Park Committee Meeting Minutes - February 10, 2021**

**13.2 Arts, Culture and Tourism Committee Meeting Minutes - April 14, 2021**

**13.3 Court of Revision Minutes - May 5, 2021**

**14. Financial**

**15. New Business**

**16. Notices of Motion**

**16.1 The following Notices of Motion were presented at the May 3, 2021 Regular Council Meeting and are being brought forward this evening for Council's consideration:**

16.1.1 Councillor Bondy

RE: Public Education Campaign

**R21-05-212**

Moved By Councillor Bondy

Seconded By Councillor Bjorkman

**That** the Town of Essex do a public education campaign in print and social media regarding the dangers of blowing cut grass onto the road,

**Whereas** we do not have a question and answer period in our public agendas,

**Whereas** New Business items are up to the discretion of the Mayor,

**Whereas** this is a community and resident safety issue that has no by-law to address it,

**Whereas** increasing public awareness of the dangers is something council can do and should do; and

**Therefore** be it resolved that each Spring The Town of Essex will work to educate individuals on the impact grass on the road can have on cyclists and motorists.

**Carried**

**17. Reports and Announcements from Council Members**

**18. By-Laws**

**18.1 By-Laws that require a third and final reading**

**18.1.1 By-Law 2019**

Being a by-law to confirm the proceedings of the May 3, 2021, Regular Meeting of Council of The Corporation of the Town of Essex.

**R21-05-213**

Moved By Councillor Vander Doelen

Seconded By Councillor Garon

**That** By-Law 2019 being a by-law to confirm the proceedings of the May 3, 2021, Regular Meeting of Council of The Corporation of the Town of Essex be read a third time and finally adopted on May 17, 2021.

**Carried**

**18.2 By-Laws that require a first, second, third and final reading**

**18.3 By-Laws that require a first and second reading**

**18.3.1 By-Law 2020**

Being a by-law to confirm the proceedings of the May 17, 2021, Regular Meeting of Council of The Corporation of the Town of Essex.

**R21-05-214**

Moved By Councillor Verbeek

Seconded By Councillor Bjorkman

**That** By-Law 2020 being a by-law to confirm the proceedings of the May 17, 2021, Regular Meeting of Council of The Corporation of the Town of Essex be read a first, a second time and provisionally adopted on May 17, 2021.

**Carried**

19.    **Adjournment**

**R21-05-215**

Moved By Councillor Verbeek

Seconded By Councillor Bondy

**That** the meeting be adjourned at 7:16 PM.

**Carried**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk



**The Corporation of the Town of Essex**

**Special Council Meeting Minutes**

March 9, 2021, 3:00 pm

Location: <https://www.youtube.com/user/EssexOntario>

This meeting was hosted and chaired from the Town of Essex Municipal Building. Due to the ongoing COVID-19 pandemic this meeting was not open to the public for in person attendance but was available electronically via livestream and also for viewing post-meeting on YouTube at [www.youtube.com/EssexOntario](https://www.youtube.com/EssexOntario)

This meeting was held for the purpose of a Council Roundtable Discussion on Infrastructure

Present:

- Mayor Larry Snively
- Deputy Mayor Richard Meloche
- Councillor Joe Garon
- Councillor Morley Bowman
- Councillor Kim Verbeek
- Councillor Steve Bjorkman
- Councillor Sherry Bondy
- Councillor Chris Vander Doelen

Also Present:

- Chris Nepszy, Chief Administrative Officer
- Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk
- Shelley Brown, Deputy Clerk, Legal and Legislative Services
- Doug Sweet, Director, Community Services/Deputy CAO
- Jeffrey Morrison, Director, Corporate Services and Treasurer
- Lori Chadwick, Director, Development Services
- Kevin Girard, Director, Infrastructure Services

**1. Call to Order**

Mayor Snively called the meeting to order at approximately 3:00 P.M.

**2. Declarations of Conflict of Interest**

There were no conflicts of interest noted at this time.

**3. Adoption of Published Agenda**

**3.1 Special Council Meeting Agenda for March 9, 2021**

**SP21-03-005**

Moved By Councillor Vander Doelen

Seconded By Councillor Verbeek

**That** the published agenda for the March 9, 2021 Special Council Meeting re:  
Council Roundtable: Infrastructure be adopted as presented.

**Carried**

**4. Move into Committee of the Whole**

**SP21-03-006**

Moved By Councillor Vander Doelen

Seconded By Councillor Bjorkman

**That** Chris Nepszy be appointed as presiding officer of the Committee of the Whole.

That the presiding officer as appointed shall have the discretion and/or authority to modify, relax or amend any of the procedural rules currently governing Council proceedings except as may be otherwise herein noted by Council; and

Further that upon the completion of the Committee of the Whole, the Special Council meeting shall reconvene and the presiding officer of the Committee of the Whole shall then Rise and Report to Council to as any Recommendations to Council that were made by resolution of the Committee of the Whole.

**Carried**

**SP21-03-007**

Moved By Councillor Bowman

Seconded By Councillor Bjorkman

**That** Council now move to go into a Committee of the Whole for a period of time not to exceed 5:00 PM so as to consider the items identified in the Committee of the Whole Agenda dated March 9, 2021 and attached hereto as Schedule "A" with such items to be discussed based on the order of priorities identified by the Council Members.

**Carried**

**5. Matters arising from Committee of the Whole**

Council received the Rise and Report of the Committee of the Whole Presiding Officer.

Chris Nepszy, Chief Administrative Officer, rose and reported that some items on the lists are operational in nature and may require communication with the Director. Mr. Nepszy stated that the next Roundtable meeting would discuss Community Services and Council can reassess the priority list.

Mr. Nepszy further reported that there are no specific recommendations at this time.

**SP2-03-008**

Moved By Councillor Verbeek

Seconded By Councillor Bowman

**That** Council receive the Report of the Presiding Officer of the Committee of the Whole and that Council adopt the noted recommendations of the Committee of the Whole.

**Carried**

6.     **Adjournment**

**SP21-03-009**

Moved By Councillor Garon

Seconded By Councillor Bjorkman

**That** the meeting be adjourned at 5:05 P.M.

**Carried**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk



## Schedule A to March 9, 2021 Special Council Meeting Agenda

### Committee of the Whole Agenda

#### 1. Call to Order

The Committee of the whole was convened/called to order at approximately 3:09 PM.

#### 2. Declarations of Conflict of Interest

There were no conflicts of interest noted at this time.

#### 3. Adoption of Published Agenda

##### **COW 21-03-001**

Moved by Councilor Vander Doelen  
Seconded by Councillor Verbeek

**That** the published agenda for the March 9, 2021 Committee of the Whole for the Council Roundtable Infrastructure Meeting be adopted as presented.

**Carried**

#### 4. Committee of the Whole Items for Discussion

*To facilitate the discussion the Presiding Officer reminded the Committee of the Whole that discussion on each Item shall not exceed 15 minutes so as to enable all Discussion items to be considered.*

The following items were submitted as current discussion items by the Council Members while in Committee of the Whole. Council in Committee of the whole then proceeded to engage in free discussion concerning some or all of the following topics:

- Highway Expansion of Services
- Sidewalk or path to the area by Canadian Tire and Tim Horton's on Maidstone Avenue West
- Upgrade to Erie/King Intersections
- Traffic Flow Report assuming #3 will be closed for access at the end of Victoria
- Sidewalks completed Bell/Thomas/Brock area in line with the latest Accessibility Committee report

- Highway 3 expansion
- Assumption of Beach Roads
- New task assessment to road and infrastructure projects – creating a priority list
- Larger public parking signs.
- Shoreline Protection of Public Property
- Upgrade/Rebuild Maidstone/Talbot Intersection
- Victoria, Irwin Avenue, Milne, Brien West (Talbot to Gosfield) roadwork needs to be addressed
- Concerns with lighting in Maidstone and no sidewalks in the Canadian Tire area
- Community Safety Zones

## **6. Motion to Rise and Report to Council**

### **COW21-03-002**

Moved by Councillor Bowman

Seconded by Councillor Meloche

That the Presiding Officer of the Committee of the Whole now rise and report to Council as to any Recommendations to Council that were duly passed by resolution by the Committee of the Whole.

**Carried**



**The Corporation of the Town of Essex**

**Special Council Meeting Minutes**

March 29, 2021, 5:00 pm

Location: <https://www.youtube.com/user/EssexOntario>

This meeting was hosted and chaired from the Town of Essex Municipal Building. Due to the ongoing COVID-19 pandemic this meeting was not open to the public for in person attendance but was available electronically via livestream and also for viewing post-meeting on YouTube at [www.youtube.com/EssexOntario](https://www.youtube.com/EssexOntario)

The Purpose of this meeting is to hold a statutory public meeting for the purpose of providing background and public information for the following proposed site specific zoning amendments:

ZBA-01-21 The Kiwanis Club of Windsor | V/L County Rd 50 Essex;  
ZBA-02-21 Lorne McKim (Agent: Jennifer McKim) | 3900 N Malden; and  
ZBA-03-21 Salvatore Mazzella (Agent: Matt Baird) V/L S Talbot Rd

Present: Mayor Larry Snively  
Deputy Mayor Richard Meloche  
Councillor Joe Garon  
Councillor Morley Bowman  
Councillor Kim Verbeek  
Councillor Steve Bjorkman  
Councillor Sherry Bondy  
Councillor Chris Vander Doelen

Also Present: Chris Nepszy, Chief Administrative Officer  
Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk  
Shelley Brown, Deputy Clerk, Legal and Legislative Services  
Doug Sweet, Director, Community Services/Deputy CAO  
Jeffrey Morrison, Director, Corporate Services and Treasurer  
Lori Chadwick, Director, Development Services  
Kevin Girard, Director, Infrastructure Services  
Rita Jabbour, Manager, Planning Services

**1. Call to Order**

Mayor Snively called the meeting to order at approximately 5:00 PM.

**2. Declarations of Conflict of Interest**

There were no declarations of conflict of interest noted at this time.

**3. Adoption of Published Agenda**

**3.1 Special Council Meeting Agenda for March 29, 2021**

**SP21-04-110**

Moved By Councillor Bowman

Seconded By Councillor Bondy

**That** the published agenda for the March 29, 2021 Special Council Meeting be adopted as presented.

**Carried**

#### **4. Reports from Administration**

##### **4.1 Site Specific Zoning Amendment at 0 County Road 50 East**

RE: The Kiwanis Club of Windsor, ZBA-01-21

Rita Jabbour, Manager, Planning Services advised that the two acres parcel of residential vacant land is located on the east side of County Road 50 and Breezeway Drive. Mr. Jabbour explained that Breezeway Drive is a gravel road that is owned by the Town but not assumed by the Town. Ms. Jabbour further advised that municipal water services the properties along Breezeway Drive and has the capacity to service any additional development on this vacant parcel. There is no municipal sanitary sewer on the east side of County Road 50. The property is currently being used for Kiwanis Camp which is west of the subject site. The property is within 120 meters of the wetland or the area of natural environment.

Ms. Jabbour explained that the applicants are proposing a zoning change to permit a reduction in the minimum lot area of 4000 square meters to 1850 square meters to permit four residential lots labelled as 42-50 on Registered Plan 1390. In 2014 By-Law 1313 amended the zoning designation for the subject property from Green District to Residential District including a supplementary regulation that restricted each lot to a minimum area of 4000 square meters.

Ms. Jabbour consulted the County of Essex, Essex Region Conservation Authority and Essex Fire and Rescue Services in regards to this application. The County of Essex noted that the County Road setback regulations from County Road 50 would need to be considered and the Essex Region Conservation Authority advised that permits are required for lots affected by the regulation but no environmental assessment would be required.

Ms. Jabbour further advised that all property owners within that 120 meter radius were notified and there were no objections.

Deputy Mayor Meloche asked for further details pertaining to roads that are owned but not assumed by the Town.

Ms. Jabbour stated that roads that are owned by the Town of Essex and not assumed by the Town are kept at the minimum standard.

Deputy Mayor Meloche inquired what the process would be in the event that residents request the road to be paved or why they were not informed that the road will remain unpaved.

Chris Nepszy, CAO noted it is similar to all homes that are built on a private road such that it is up to the purchaser or developer buying the property to conduct their due diligence.

Ms. Jabbour stated that the homeowners could start a petition should they wish to have the road paved.

Deputy Mayor Meloche asked for the proposed lot sizes.

Daniel Inverarity, Representative, Kiwanis Club of Windsor, advised that the lots will be approximately 200 feet of frontage by 150 foot deep.

Mr. Inverarity further stated that he has now reacquired the waterfront property that was donated to the camp in 1952 but due to financial issues had been sold. The lots to the east are not utilized as much but there is equity in the land.

Councillor Bowman asked if the municipality or the developers were responsible for the drainage.

Mr. Inverarity stated that the drainage flows into the creek and heads to the west.

Councilor Bowman asked if the water goes to the street drain or a community drain and if so, is there an easement.

Councillor Vander Doelen requested that a disclaimer be added stating that residents of the street are wholly responsible for the upgrading of the street to municipal standards.

Ms. Jabbour noted that specifics such as the land or the road are usually addressed and registered on the title.

Edwin C. Hooker, Agent, Wolf Hooker Professional Corporation, noted that it should be added to the purchaser and sale agreement. In the future, he may enter in the disclaimer in future agreements acknowledging when a road is owned by municipality but currently maintained to the gravel standard and that the cost of updating the road would be the responsibility of the land owners.

Present at the Meeting:

Edwin C. Hooker, Agent, Wolf Hooker Professional Corporation

Dan Inverarity, Representative, The Kiwanis Club of Windsor

**SP21-03-111**

Moved By Councillor Garon

Seconded By Councillor Vander Doelen

**That** the presentation entitled "Site Specific Zoning Amendment at 0 County Road 50 East", be received.

**Carried**

**4.2 Site Specific Zoning Amendment at 3900 North Malden Road**

RE: Lorne McKim, ZBA-02-21

Rita Jabbour, Manager, Planning Services advised that the property is located in Ward 2 and is 48 hectares of agricultural lands on the north side of Malden Road. The existing zone is Agricultural District 1.1 which is general agriculture and farm production supporting activities. The subject property contains one single detached dwelling, two pole barns, livestock, one tobacco barn, and one grain bin. The neighbourhood profile is an agricultural district within 120 metres of a natural heritage feature and is 1.3km west of Essex Center which is close to municipal facilities. There is a municipal owned and operated water supply and one individual on-site private septic system.

Ms. Jabbour noted that the zoning change is to permit the use of the existing single-detached dwelling to accommodate housing for farm help. The home is for the applicant as he wishes to build his own house and retain the other single detached dwelling for his father to help with the farm. The Town of Essex Zoning By-Law only allows for one single detached dwelling as permitted per lot in the A1.1 zoning district. Ms. Jabbour explained that the Town of Essex Official Plan current regulations include one or more ancillary dwellings for the purposes of housing farm help by site specific zoning by-law amendment and site plan control approval where:

- The farm operation is of such a size and nature that this assistance is required and residential accommodation needs to be located on or close by the farm; and
- The ancillary dwellings are located on the lot and accessed in such a way to prevent the creation of a severable residential lot in the future.

Ms. Jabbour noted that the applicant owns 300 acres with livestock and cash cropping. The farm operation requires daily maintenance and the existing dwelling is 88 square metres which is proposed to accommodate one farm labourer.

Deputy Mayor Meloche stated that this was a well thought out plan and a logical solution. He also noted that the McKim's had have this property for many years. He mentioned that most farms would like farm help and by building a second house they could keep costs down.

Mayor Snively also stated that he supported this plan and told the McKim's that they had the support from Council.

Present at the Meeting:

Jennifer McKim, Agent

Lorne McKim, Applicant

**SP21-03-112**

Moved By Councillor Bowman

Seconded By Deputy Mayor Meloche

**That** the presentation entitled "Site Specific Zoning By-Law Amendment at 3900 North Malden Road", be received.

**Carried**

**4.3 Site Specific Zoning Amendment for the Vacant Lands on the North Side of South Talbot Road**

RE: Salvatore Mazella, ZBA-03-21

Rita Jabbour, Manager, Planning Services, advised that the subject property is two hectares of industrial land on the north side of South Talbot Road and east of King's Highway #3. There is variety of land designations that could be approved but the Official Plan Designation is Industrial with the existing zoning as Manufacturing District 1.3 which allows light industrial and business park.

Ms. Jabbour further advised that the subject property is vacant land located within the Essex Centre settlement area that has access from South Talbot

Road and a portion of the property contains a portion of the Rush Drain which will be relocated in the future. There is residential development happening to the north and reconstruction of South Talbot Road. This property is located north of future residential land, east and west of industrial land and highway commercial lands and south of industrial lands. Those lands are heavy industrial opposed to a light industrial use. The subject land does have a municipal owned and operated water supply along South Talbot Road with a municipal owned and operated sanitary sewer that has access through easements.

Ms. Jabbour stated that the proposed zoning change is for a motor vehicle dealership which is not permitted in the M1.3 zoning category under Zoning By-Law 1037. Ms. Jabbour explained that the zoning amendment was for the development of a motor vehicle dealership for the sale and display of recreational vehicles, the development of one building for the sales office, parts store and repair garage. There will also be a self-storage facility which is not subject to the zoning amendment as it is permitted.

Ms. Jabbour advised that the Provincial Policy Statement states that we should promote economic development and competitiveness by providing an appropriate mix and range of employment, institutional, and broader mix uses to meet long term-needs and provide opportunities for a diversified economic base.

Ms. Jabbour circulated the application to the public and there were no objections from Essex Fire and Rescue Services, Ministry of Transportation and Essex Region Conservation Authority (ERCA). The Ministry of Transportation stated the need for access off of South Talbot Road, a building and land use permit, site plan, grading plan, drainage plan, servicing plan and stormwater management plan. ERCA did mention that they would provide information on the stormwater which is a necessary component for the site plan control.

Councillor Garon asked for clarification due to the fact that a dealership is not permitted under the M1.3 zoning.

Ms. Jabbour noted that similar to agricultural designations or residential designations there are different categories of industrial. Due to the property being located closer to significant residential development, the subject land is not categorized as heavy industrial due to hazards it might impose. In the Official Plan the land designation is industrial which includes heavy industrial lands on the other side of the road but the zoning by-law divides categories based on where they are located.

Councillor Garon asked that if the application was approved, whether the proponent or any proponent thereafter could sell any motorized vehicle.

Ms. Jabbour confirmed and noted that as long as it aligns with the definition of a motor vehicle dealership but Council could make it more specific to the sale of RVs.

Councillor Vander Doelen stated that he welcomes this development and this rezoning.

Ms. Jabbour said that the tender for the Rush Drain has been released and she would defer the timeline specifically to Kevin Girard, Director, Infrastructure Services.

Mr. Girard stated that he had been in contact with the developer's engineer and discussed the final outcome of the Rush Drain. Once construction starts this will be a private drain.

Present/Not Present at the Meeting:

Matt Baird, Agent, Baird AE

Not present

Salvatore Mazella, Applicant

Not present.

Mike Mazella, General Manager, Sturgeon Woods

Present

**SP21-03-113**

Moved By Councillor Garon

Seconded By Councillor Bowman

**That** the presentation entitled "Site Specific Zoning Amendment for the Vacant Lands on the North Side of South Talbot Road", be received.

**Carried**

**5. Adjournment**

**SP21-04-114**

Moved By Deputy Mayor Meloche

Seconded By Councillor Verbeek

**That** the meeting be adjourned at 6:20 PM.

**Carried**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk



**The Corporation of the Town of Essex**

**Special Council Meeting Minutes**

April 6, 2021, 4:30 pm

Location: <https://www.youtube.com/user/EssexOntario>

This meeting was hosted and chaired from the Town of Essex Municipal Building. Due to the ongoing COVID-19 pandemic this meeting was not open to the public for in person attendance but was available electronically via livestream and also for viewing post-meeting on YouTube at [www.youtube.com/EssexOntario](https://www.youtube.com/EssexOntario)

The purpose of this meeting is to have a public meeting to discuss and/or consider changes to Second Dwelling Unit (SDU) Policies and Regulations for the Town of Essex.

Present: Mayor Larry Snively  
Deputy Mayor Richard Meloche  
Councillor Joe Garon  
Councillor Morley Bowman  
Councillor Kim Verbeek  
Councillor Steve Bjorkman  
Councillor Sherry Bondy  
Councillor Chris Vander Doelen  
Rita Jabbour, Manager, Planning Services

Also Present: Chris Nepszy, Chief Administrative Officer  
Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk  
Shelley Brown, Deputy Clerk, Legal and Legislative Services  
Doug Sweet, Director, Community Services/Deputy CAO  
Jeffrey Morrison, Director, Corporate Services and Treasurer  
Lori Chadwick, Director, Development Services  
Kevin Girard, Director, Infrastructure Services  
Cassandra Roy, Legislative Clerk, Legal and Legislative Services

**1. Call to Order**

Mayor Snively called the meeting to order at approximately 4:30 P.M.

**2. Declarations of Conflict of Interest**

There were no conflicts of interest noted at this time.

**3. Adoption of Published Agenda**

**3.1 Special Council Meeting Agenda for April 6, 2021**

**SP21-04-001**

Moved By Deputy Mayor Meloche

Seconded By Councillor Bowman

**That** the published agenda for the April 6, 2021 Special Council Meeting be adopted as presented.

**Carried**

#### **4. Presentation from Administration**

RE: Changes to Second Dwelling Unit (SDU) Policies and Regulations for the Town of Essex

Rita Jabbour, Manager, Planning Services, presented the merits and concerns of the new Official Plan Policies and Zoning By-Law Regulations related to the construction of Second Dwelling Units.

Ms. Jabbour explained that Bill 108: *More Homes, More Choice Act (2019)* was created to increase the opportunities for a wider range of available housing. In 2019 the Province amended the Planning Act to require municipalities to have Official Plan policies authorizing the use of two residential units in a dwelling and a residential unit in a building ancillary to a dwelling.

Ms. Jabbour stated that the second dwelling units (SDU) increase the supply and range of affordable rental accommodations, support changing demographics by providing more housing options and make more efficient use of existing infrastructure and the existing housing stock. Ms. Jabbour noted that these units are not for short term rentals.

Ms. Jabbour explained that the Town of Essex zoning by-laws do not allow second dwelling units in residential and agriculture areas. She stated that the Town is required to make amendments to both Zoning By-Laws and the Official Plan.

Ms. Jabbour said that the Town of Essex has reached out to various members of the public for input and the majority of respondents were in support of second dwelling units. The results of the survey showed that the public felt it was a viable and necessary option but the limit of 70 square meters per dwelling needed to be increased.

Ms. Jabbour proposed an amendment to the definition of a second dwelling unit to state that a second dwelling unit means a second dwelling unit constructed within a single detached dwelling, semi-detached or townhome dwelling unit or in an accessory building to a single detached dwelling, semi-detached or townhome dwelling unit for the purpose of providing full time residential accommodation of a person or persons.

Ms. Jabbour also proposed a revision to the Town of Essex Official Plan in Section 8.15 Second Dwelling Units to allow:

- An option for allowing special dwelling units in the main dwelling or a detached structure in Agricultural and select Residential District but not in both to limit adverse impacts to infrastructure, mitigate parking issues and impacts to our Development Charges reserves
- A two-storey second dwelling unit if not located within a required yard
- Maximum floor area to be dictated by maximum lot coverage regulation for respective zoning district but no greater than floor area of primary dwelling

Ms. Jabbour stated that the next step is a report to Council and proposed By-Law will be prepared for Council's consideration at the Regular Council Meeting on April 19, 2021.

Ms. Jabbour asked Council if there were any questions or concerns.

Mayor Snively asked how the Town will enforce these short-term rentals.

Ms. Jabbour explained that she was currently working with Infrastructure Services and Legal and Legislative Services regarding zoning by-law amendments that would regulate short-term rentals.

Councillor Garon expressed concerns with second dwelling units being built on small lots in subdivisions that could cause privacy and parking issues. Councillor Garon also questioned how the Town would enforce parking by-laws and short-term rental by-laws.

Councillor Bowman noted that he was in favour of each dwelling using the same services as it prevents severability.

Councillor Bjorkman asked Ms. Jabbour if all services for the secondary dwelling come from the primary dwelling.

Councillor Bjorkman expressed concerns regarding the lack of space and privacy in subdivisions stating that he is in favour of having the secondary dwelling unit limited to one story and further that they be limited to a maximum size of 50% of the principal dwelling on the property.

Ms. Jabbour confirmed that the second dwelling units would be serviced by the primary dwelling and that in the urban areas the second dwelling unit would not exceed the size of the main dwelling.

Mayor Snively stated that the primary lot size should be considered prior to approving second dwelling units. He suggested a minimum lot size before a second dwelling is permitted.

Ms. Jabbour explained that the Province has approved these units and it should not be so restrictive that people cannot have a second dwelling unit on their property. She said that the initial proposal is a minimum size of 750 square feet subject to maximum lot coverage.

Councillor Bowman stated that he was concerned about the minimum lot size with some of the new subdivisions.

Mayor Snively explained that he is in favour of this amendment and understands that there is a shortage of housing. However, he wants to ensure that there is significant green space on smaller lots prior to building a second dwelling.

Councillor Vander Doelen agreed with this proposal noting that it was overdue but he is worried that the complexity of building a second dwelling unit might discourage residents.

Councillor Vander Doelen asked if any other towns in our Municipality were permitting second dwelling units.

Ms. Jabbour stated that in our region Amherstburg has implement this policy which includes a lot limit of approximately 30 square meters in urban areas and no restrictions in rural areas. The Municipality of Leamington is in the process of amending their Official Plan. The City of Windsor allows second dwelling units in the

main dwelling and in a detached building but second dwellings cannot be taller than the main dwelling.

Ms. Jabbour noted that Essex was the first town in Essex-County to allow second dwelling policies in the Official Plan in 2014.

Mayor Snively stated that he would like to approve this plan and add restrictions on the lot size permitting second dwelling.

Councillor Bondy explained that the community has been anticipating this plan. Councillor Bondy also noted similar concerns related to regulating by-laws and parking. She mentioned that she spoke with residents and these second dwelling units are not for short-term rentals but for their elderly family and their children. She added that the housing crisis is real and you cannot purchase a house for less than 250, 000 in our municipality.

Mayor Snively responded to Councillor Bondy by stating that he was speaking with a prospective buyer and a house to renovate went more than hundred thousand over the asking price. He also noted that Toronto residents are coming to Essex-County to purchase a home and it is increasing housing prices.

Deputy Mayor Meloche said that one of his concerns is regarding the location of the second dwelling unit on the property and ask if there were restrictions on whether the second dwelling could be located in front or beside the primary dwelling. Deputy Mayor Meloche also asked if there were any concerns with the sewage system due to the potential influx of residents.

Ms. Jabbour noted that the building permit would depend on the ability to service the second dwelling unit. She stated that the Planning Department would be working with the Infrastructure Services and Building and By-Law to gather statistics to identify where these permits were issued.

Deputy Mayor Meloche requested information regarding the developmental charges.

Ms. Jabbour said that the developmental charges are waived at the building permit stage but if second dwelling units exceed the size of the main dwelling it is not waived through the Town of Essex. The More Homes, More Choice Act (2019) only covers charges for second dwelling units that do not exceed the primary residence.

Councillor Verbeek asked if a resident could build three or four dwellings.

Ms. Jabbour stated that it is currently only the primary dwelling and if this is approved only two dwellings would be permitted.

Councillor Garon questioned the driveway allowances.

Ms. Jabbour noted that only one driveway would be allowed per lot and within the zoning by-law there is a maximum driveway width of 25 feet. One on-site parking space will be a requirement in order to build a second dwelling unit.

Lori Chadwick, Director, Development Services, added some comments noting that the zoning by-law and building code requirements would be review by the building technician then by the building inspector. She explained that the building inspector reviews plans and informs residents of any issues with regulations. Ms. Chadwick also noted that the decision would then be made by the Committee of Adjustment through the four tests of minor variance and the policies that bind such as zoning by-laws.

**SP21-04-002**

Moved By Councillor Garon  
Seconded By Councillor Bowman

**That** the presentation entitled Changes to Second Dwelling Unit (SDU) Policies and Regulations for the Town of Essex, be received.

**Carried**

**5. Public Presentations**

**6. Adjournment**

**SP21-04-003**

Moved By Councillor Bjorkman  
Seconded By Councillor Garon

**That** the meeting be adjourned at 5:46 P.M.

**Carried**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk



**The Corporation of the Town of Essex**

**Special Council Meeting Minutes**

April 12, 2021, 3:00 pm

Location: <https://www.youtube.com/user/EssexOntario>

This meeting was hosted and chaired from the Town of Essex Municipal Building. Due to the ongoing COVID-19 pandemic this meeting was not open to the public for in person attendance but was available electronically via livestream and also for viewing post-meeting on YouTube at [www.youtube.com/EssexOntario](https://www.youtube.com/EssexOntario)

The Purpose of this Meeting was for Council to have a Roundtable discussion on Community Services matters

Present: Mayor Larry Snively  
Deputy Mayor Richard Meloche  
Councillor Joe Garon  
Councillor Morley Bowman  
Councillor Kim Verbeek  
Councillor Steve Bjorkman  
Councillor Sherry Bondy  
Councillor Chris Vander Doelen

Also Present: Chris Nepszy, Chief Administrative Officer  
Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk  
Shelley Brown, Deputy Clerk, Legal and Legislative Services  
Doug Sweet, Director, Community Services/Deputy CAO  
Jeffrey Morrison, Director, Corporate Services and Treasurer  
Lori Chadwick, Director, Development Services  
Cassandra Roy, Legislative Clerk  
Cynthia Cakebread, Manager, Recreation and Culture  
Jake Morassut, Manager, Parks and Facilities  
Rick Arnel, Fire Chief

**1. Call to Order**

Mayor Snively called the meeting to order at approximately 3:01 PM.

**2. Declarations of Conflict of Interest**

There were no declarations of conflict of interest noted at this time.

**3. Adoption of Published Agenda**

**3.1 Special Council Meeting Agenda for April 12, 2021.**

**SP21-04-004**

Moved By Councillor Garon

Seconded By Councillor Bowman

**That** the published agenda for the April 12, 2021 Special Council Meeting re: Community Services Roundtable be adopted as presented.

**Carried**

**4. Move into Committee of the Whole**

**SP21-04-005**

Moved By Councillor Bjorkman

Seconded By Councillor Bowman

**That** Chris Nepszy, Chief Administrative Officer, be appointed as presiding officer of the Committee of the Whole.

That the presiding officer as appointed shall have the discretion and/or authority to modify, relax or amend any of the procedural rules currently governing Council proceedings except as may be otherwise herein noted by Council; and

Further that upon the completion of the Committee of the Whole, the Special Council meeting shall reconvene and the presiding officer of the Committee of the Whole shall then Rise and Report to Council to as any Recommendations to Council that were made by resolution of the Committee of the Whole.

**Carried**

**SP21-04-006**

Moved By Deputy Mayor Meloche

Seconded By Councillor Garon

**That** Council now move to go into a Committee of the Whole for a period of time not to exceed 5:00 P.M. so as to consider the items identified in the Committee of the Whole Agenda dated April 12, 2021 and attached hereto as Schedule "A" with such items to

be discussed based on the order of priorities identified by the Council Members.

**Carried**

**5. Matters arising from Committee of the Whole**

Council to receive the Rise and Report of the Committee of the Whole Presiding Officer with recommendations to Council if any.

Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk, reported on behalf of the Presiding Officer that Essex Town Council gave direction to Administration to extend a formal invitation to Amherstburg Town Council to convene and hold a future Joint Council meeting for the purpose of encouraging dialogue on the various common issues relating to the residents of McGregor including Co-An Park, the sanitary sewer system and future development in McGregor. There were no other recommendations from Council to report out of the Committee of the Whole

**SP21-04-007**

Moved By Councillor Bowman

Seconded By Councillor Bjorkman

**That** Council receive the Report of the Presiding Officer of the Committee of the Whole and that Council adopt the noted recommendations of the Committee of the Whole.

**Carried**

6.     **Adjournment**

**SP21-04-008**

Moved By Deputy Mayor Meloche  
Seconded By Councillor Verbeek

**That** the meeting be adjourned at 5:06 P.M.

**Carried**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk



## Schedule A to April 12, 2021 Special Council Meeting Agenda

### Committee of the Whole Agenda

#### 1. Call to Order.

The Committee of the whole was convened and called to order at approximately 3:06 PM.

#### 2. Declarations of Conflict of Interest

There were no conflicts of interest noted at this time.

#### 3. Adoption of Published Agenda

##### **COW21-04-001**

Moved by Councillor Garon

Seconded by Councillor Bowman

**That** the published agenda for the April 12, 2021 Committee of the Whole for the Council Roundtable: Community Services Meeting be adopted as presented.

#### 4. Committee of the Whole Items for Discussion

*To facilitate the discussion the Presiding Officer reminded the Committee of the Whole that discussion on each Item shall not exceed 15 minutes so as to enable all Discussion items to be considered.*

The following items were submitted as current discussion items by the Council Members while in Committee of the Whole. The Committee of the whole then engaged in free discussion on some/all of the topics listed below :

1. Colchester School House (including landscaping)
2. Sports Fields
3. Heritage Park
4. Sanitary Products in Arenas
5. Re-use of Benches and Planters from Streetscapes
6. Houseboat Rentals
7. Future Capital Projects: where they fit into our long-term plan
8. Harbour Divesture
9. Tables and Chairs provided in rental of High School Auditorium
10. Plastics Ban: can we show more leadership?
11. Beach Security

12. Better Soccer Fields at Co-An Park
13. Splashpad for McGregor
14. More Picnic Tables
15. New Harrow Fire Station
16. Major Event Planning (RV, plant/flower/home show)
17. Air Conditioning Libro Rink
18. Sadler's Park (gazebo, walking dock extended into pond)
19. Ferris Wheel in Colchester

## **5. Motion to Rise and Report to Council**

### **COW21-04-002**

Moved by Councillor Bowman

Seconded by Councillor Bjorkman

**That** the Presiding Officer of the Committee of the Whole now rise and report to Council as to any Recommendations to Council that were duly passed by resolution by the Committee of the Whole.

# Delegation Request Form

This form must be completed and submitted to the Clerk of the Town of Essex by all persons wishing to address Council at a scheduled meeting of Council. Delegation requests must be submitted by 2:00 p.m. on the Tuesday prior to the scheduled meeting.

Any person who wishes to appear before Council as a Delegation on a matter that relates specifically to a matter contained in the Regular Council Meeting Agenda shall submit a Delegation Request Form no later than 4:30 PM on the Friday immediately preceding the date of the Regular Council Meeting. The Clerk shall have the sole authority to determine if the subject matter does in fact relate specifically to a matter contained in the Regular Council Meeting Agenda for purposes of allowing or denying the Delegation and the Clerk will introduce such Delegation Request Form(s) at the time of adopting the Published Agenda.

Presentations to Council are limited to 5 minutes per person to a maximum of 10 minutes for a group of two persons or more.


Personal information that you provide on this form is collected pursuant to the Municipal Freedom of Information and Protection of Privacy Act and will be used for the purpose of responding to your request. Please note that this form, if approved, will appear in the published Council Agenda and may be included in the Council Meeting minutes, both of which become part of the public record and are posted on our municipal website.

Name \*

Lisa Wallace

Date of Request \*

6/7/2021



Are you representing a group? \*

☒ Yes

☐ No

Name of Group (if applicable)

Essex Accessibility Advisory Committee

**Provide details on the issue(s) you wish to present to Council and any actions you will be asking Council to take. \***

Awareness presentation of Town of Essex Accessibility Committee Initiatives

**Have you consulted with Town staff on this issue? \***

☒ Yes

☐ No

**If you've consulted with Town staff, please provide the names of staff members you've talked to and the details of those discussions.**

Doug Sweet

**If this is a property matter, are you an owner?**

☐ Yes

☐ No

☒ Not applicable

**Have you appeared before Council in the past regarding this issue? \***

☒ Yes

☐ No

**If you've appeared before Council in the past on this issue, please tell us the year in which you appeared.**

2020

**Will you have written or printed materials to distribute? If so, please submit 12 copies of printed materials to the Clerk before the meeting. \***

☐ Yes

☒ No

**Will you be delivering an electronic presentation that requires access to a computer and software? If so, please submit your presentation on CD, DVD or flash drive by noon on the Friday before the Council meeting. \***

☒ Yes

☐ No

**Please describe any special needs you may have for your presentation.**

**Your Address or Group Contact Address (full mailing address including postal code) \***

Essex Accessibility Advisory Committee

**Your Phone Numbers**

**Home****Work**

519-776-6483 ext  
419

**Cell**

Use format 519-  
776-7336

**Email Address**

lisaw@communitylivingessex.org

**Name and address of all representatives attending, including their positions \***

Essex Accessibility Advisory Committee - Chair - Lisa Wallace

# Thank you!

Thank you for completing the Delegation Request Form.

The Clerk's Office will contact you in the near future to review your request.

**Robert Auger, LL.B.**

**Manager of Legislative Services and Clerk**

**Town of Essex**

**33 Talbot Street South, Essex, Ontario N8M 1A8**

**519-776-7336, extension 1132**

# The Corporation of the Town of Essex

Audit Findings Report  
for the year ended  
December 31, 2020

*KPMG LLP*

Licensed Public Accountants

Prepared May 25, 2021 for  
presentation on June 7, 2021

[kpmg.ca/audit](https://kpmg.ca/audit)



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# KPMG contacts

The contacts at KPMG in connection with this report are:



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## Our refreshed Values

### What we believe

 **Integrity**  
We do what is right.

 **Excellence**  
We never stop learning and improving.

 **Courage**  
We think and act boldly.

 **Together**  
We respect each other and draw strength from our differences.

 **For Better**  
We do what matters.

# How do we deliver audit quality?

Transparency report



**Quality** essentially means doing the right thing and remains our highest priority. Our **Global Quality Framework** outlines how we deliver quality and how every partner and staff member contributes to its delivery.

**‘Perform quality engagements’** sits at the core along with our commitment to continually monitor and remediate to fulfil on our quality drivers.

Our **quality value drivers** are the cornerstones to our approach underpinned by the **supporting drivers** and give clear direction to encourage the right behaviours in delivering audit quality.

We define **‘audit quality’** as being the outcome when:

- audits are **executed consistently**, in line with the requirements and intent of **applicable professional standards** within a strong **system of quality controls**; and
- all of our related activities are undertaken in an environment of the utmost level of **objectivity, independence, ethics, and integrity**.



**Doing the right thing. Always.**

# Executive summary

## Purpose of this report<sup>1</sup>

The purpose of this Audit Findings Report is to assist you, as a member of Council, in your review of the results of our audit of the consolidated financial statements as at and for the period ended December 31, 2020.

### What's new in 2020

There have been significant changes in 2020 which impacted financial reporting and our audit:

- COVID-19 pandemic – See pages 6-7
- New CAS auditing standards – See page 8

### Finalizing the audit

As of May 25, 2021, we have completed the audit of the consolidated financial statements, with the exception of certain remaining procedures, which include amongst others:

- Completing our discussions with Council
- Obtaining the signed management representation letter
- Obtaining evidence of the Board's approval of the financial statements

We will update Council, and not solely the Chair, on significant matters, if any, arising from the completion of the audit, including the completion of the above procedures.

Our auditors' report, a draft of which is attached to the draft consolidated financial statements, will be dated upon the completion of any remaining procedures.

### Uncorrected differences

See pages 17-18 and Appendix 2 for impact of uncorrected differences.

### Significant accounting policies and practices

There have been no initial selections of, or changes to, significant accounting policies and practices to bring to your attention.

### Control deficiencies

We did not identify any control deficiencies that we determined to be significant deficiencies in internal control over financial reporting.

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<sup>1</sup> This Audit Findings Report is intended solely for the information and use of Management and Council and should not be used for any other purpose or any other party. KPMG shall have no responsibility or liability for loss or damages or claims, if any, to or by any third party as this Audit Findings Report has not been prepared for, and is not intended for, and should not be used by, any third party or for any other purpose.

## Other observations

We have identified other observations with respect to:

- Payroll Terminations
- Procurement Tracking
- In-Camera Minutes
- Treasurer Approval

See pages 19-20.

## Independence

We are independent with respect to the Town (and its related entities), within the meaning of the relevant rules and related interpretations prescribed by the relevant professional bodies in Canada and any applicable legislation or regulation.

# What's new in 2020

## COVID-19 pandemic

We adapted our audit to respond to the continued changes in your business, including the impacts on financial reporting and internal control over financial reporting.

Area of Impact	Key Observations
<b>Town's financial reporting impacts</b>	<ul style="list-style-type: none"> <li>— We considered impacts to financial reporting due to COVID-19 pandemic and the increased disclosures needed in the financial statements as a result of the significant judgements.</li> <li>— In areas of the financial statements where estimates involved significant judgements, we evaluated whether the method, assumptions and data used by management to derive the accounting estimates, and their related financial statement disclosures were still appropriate per the relevant financial reporting framework given the changed economic conditions and increased estimation uncertainty.</li> <li>— The areas of the financial statements most affected included: <ul style="list-style-type: none"> <li>○ Government grants (i.e., Safe Restart Funding) – See page 16 under Audit Risk and Results</li> <li>○ Disclosure – See page 16 under Audit Risk and Results</li> </ul> </li> </ul>
<b>Town's internal control over financial reporting</b>	<ul style="list-style-type: none"> <li>— Along with the Town's remote working environment, the financial reporting impacts above necessitated certain changes to the Town's internal control over financial reporting</li> <li>— As a result of the changes to the components of internal control over financial reporting due to the COVID-19 pandemic, we: <ul style="list-style-type: none"> <li>○ Evaluated the design of the new relevant controls implemented in the control environment, the entity's risk assessment process, information and communication, and monitoring components of internal control over financial reporting</li> </ul> </li> </ul>
<b>Materiality</b>	<ul style="list-style-type: none"> <li>— We considered impacts to financial reporting on both the determination and the re-assessment of materiality for the audit of the financial statements. Materiality has not been changed from the amount initially calculated due to no reduction to the metrics used to determine materiality.</li> </ul>
<b>Risk Assessment</b>	<ul style="list-style-type: none"> <li>— We performed a more thorough risk assessment specifically targeted at the impacts of the COVID-19 pandemic, including an assessment of fraud risk factors (i.e., conditions or events that may be indicative of an incentive/pressure to commit fraud, opportunities to commit fraud, rationalizations of committing fraud).</li> </ul>

## COVID-19 pandemic

We adapted our audit to respond to the continued changes in your business, including the impacts on financial reporting and internal control over financial reporting.

Area of Impact	Key Observations
Working remotely	— We used virtual work rooms, video conferencing, and internally shared team sites to collaborate in real-time, both amongst the audit team as well as with management.
	— We used secure and innovative technologies to conduct walkthroughs.
	— We increased our professional skepticism when evaluating electronic evidence received and performed additional procedures to validate the authenticity and reliability of electronic information used as audit evidence.
Direction and Supervision of the audit	<div>— The manager and partner were actively involved in determining the impact that the COVID-19 pandemic had on the audit (as discussed above), including the impact on the Town's financial reporting and changes in the Town's internal control over financial reporting.</div> <div>— Managers and partners implemented new supervision processes to deal with working in a remote environment, and our audit approach allowed us to manage the audit using meaningful milestones and frequent touch points.</div>

## New auditing standards

The following new auditing standards that are effective for the current year had an impact on our audit.

Standard	Key observations
<b>CAS 540, Auditing Accounting Estimates and Related Disclosures</b>	<ul style="list-style-type: none"><li>— The new standard was applied on all estimates within the financial statements that had a risk of material misstatement due to estimation uncertainty and not just “key estimates”, “critical accounting estimates”, or “estimates with significant risk”.</li><li>— The granularity and complexity of the new standard along with our interpretation of the application of that standard necessitated more planning and discussion and increased involvement of more senior members of the engagement team.</li><li>— We performed more granular risk assessments based on the elements making up <u>each</u> accounting estimate such as the method, the assumptions used, the data used and the application of the method.</li><li>— We considered the potential for management bias.</li><li>— We assessed the degree of uncertainty, complexity, and subjectivity involved in making each accounting estimate to determine the level of audit response; the higher the level of response, the more persuasive the audit evidence was needed.</li><li>— We involved professionals with appropriate skills and knowledge to assist us in auditing certain estimates as appropriate.</li><li>— We have concluded that management’s approach to establishing estimates is reasonable and appropriate in the circumstances.</li></ul>

# Materiality

Materiality determination	Comments	Amount
<b>Materiality</b>	Determined to plan and perform the audit and to evaluate the effects of identified misstatements on the audit and of any uncorrected misstatements on the financial statements.	\$645,000
<b>Benchmark</b>	Based on total revenues for the prior year-ended December 31, 2019.	\$43,063,987
<b>% of Benchmark</b>		1.5%
<b>Audit Misstatement Posting Threshold (AMPT)</b>	Threshold used to accumulate misstatements identified during the audit.	\$32,000

Materiality is used to identify risks of material misstatements, develop an appropriate audit response to such risks, and evaluate the level at which we think misstatements will reasonably influence users of the financial statements. It considers both quantitative and qualitative factors.

To respond to aggregation risk, we design our procedures to detect misstatements at a lower level of materiality.

## We will report to Council:



Corrected audit misstatements



Uncorrected audit misstatements

# Audit risks and results

We highlight our significant findings in respect of **significant financial reporting risks**, as well as any additional significant financial reporting risks identified.

## Professional requirements

Fraud risk from revenue recognition:

- This is a presumed fraud risk under Canadian Auditing Standards.
- There are generally pressures or incentives on management to commit fraudulent financial reporting through inappropriate revenue recognition when performance is measured in terms of year-over-year revenue growth or profit.

We have rebutted the fraud risk from revenue recognition as this is not appropriate when we consider the manner in which performance is measured by the Town.

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Fraud risk from management override of controls

- This is a presumed fraud risk under Canadian Auditing Standards.
- We have not identified any specific additional risks of management override related to the audit of the financial statements of the Town.

## Our response and findings

- As the risk of management override of controls is not rebuttable, our audit methodology incorporated the required procedures in professional standards to address the risk. This included requisite testing over journal entries considered “high risk” and a retrospective review over complex estimates.
- No audit differences or control deficiencies were found.

# Audit risks and results (continued)

We highlight our significant findings in respect of **areas of focus**, as well as any additional areas of focus identified.

## Area of focus

Taxes, trade and other receivables, including allowance for uncollectible taxes

We focused here due to the size of the balances in these accounts and the risk of material misstatement related to the existence, accuracy and valuation of the receivable balances.

## Our response

- Our procedures included:
  - Perform subsequent receipt testing over taxes receivable and accounts receivable
  - Evaluate the reasonability of the allowance for doubtful accounts based on historical trends

## Significant findings

- No adjustments or differences were identified.
- The allowance for doubtful accounts was considered reasonable given the nature of the tax sale process on properties in arrears. Collections for fiscal 2020 were comparable to prior year despite the COVID-19 pandemic, therefore it is reasonable that the allowance was relatively consistent year over year.
- We identified a significant credit balance in one of the taxes receivable rolls due to customer overpayments and proposed a reclass adjustment to move this balance to deferred revenue. See page 17-18 for the summary of uncorrected differences.

# Audit risks and results (continued)

We highlight our significant findings in respect of **areas of focus**, as well as any additional areas of focus identified.

## Area of focus

Accounts payable and expenses

We focused here due to the volume of activity in these accounts and the risk of material misstatement related to the completeness and accuracy of accounts payable and expenses.

## Our response

- Our procedures included:
  - Test adherence of the procurement process to the procurement policy including selecting a sample of projects from the year and ensuring appropriate authorization was obtained based on the policy.
  - Substantively test a sample of expenditures to verify the classification and accuracy of recorded amounts.
  - Vouch significant accruals and payables to supporting documentation.
  - Perform a search for unrecorded liabilities to test the completeness of payables and expenses.

## Significant findings

- No adjustments or differences were identified.
- KPMG identified a process improvement observation associated with tracking of procurements throughout the year, see page 19.

# Audit risks and results (continued)

We highlight our significant findings in respect of **areas of focus**, as well as any additional areas of focus identified.

## Area of focus

Reserves/reserve fund balances

We focused here due to the size of the balances and large volume of activity in these accounts.

## Our response

- Our procedures included:
  - Discuss with management the process for establishing reserves and determining balances to record in reserves.
  - Obtain the reserve fund continuity schedule and identifying activity recorded in reserves in the current year.
  - Substantively test the reserve fund activity to ensure the appropriate amounts have been include in reserves at year-end.

## Significant findings

- No adjustments or differences were identified.

# Audit risks and results (continued)

We highlight our significant findings in respect of **areas of focus**, as well as any additional areas of focus identified.

## Area of focus

### Salaries and benefits

We focused here due to the size of the balance and the risk of material misstatement related to the completeness and accuracy of the expenses.

### Employee future benefits

We focused here as employee future benefits are based on a number of actuarial assumptions and computations subject to measurement uncertainty.

## Our response

- Our procedures included:
  - Perform a substantive analytical procedure over salaries and benefits expenses.
  - Test the completeness of employee headcount by selecting a sample of hires and terminations from the year and ensuring they were appropriately added/removed from payroll and viewing supporting documentation.
- Our procedures included:
  - Obtain the valuation report directly from the third-party actuary.
  - Evaluate the reasonability of the discount rate and assumptions by benchmarking against the internal borrowing rate and industry standards.
  - Test the underlying census data for the full valuation performed for December 31, 2020.

## Significant findings

- No adjustments or differences were identified.
- KPMG identified a process improvement observation associated with tracking terminations, please see discussion on page 19.
- No adjustments or differences were identified.

# Audit risks and results (continued)

We highlight our significant findings in respect of **areas of focus**, as well as any additional areas of focus identified.

## Area of focus

Tangible capital assets ("TCA")

We focused here due to the risk of material misstatement related to the classification, completeness and accuracy of tangible capital assets.

## Our response

- Our procedures included:
  - Perform substantive tests of details over additions, disposals and assets in progress, where significant.
  - Test the completeness of TCA by sampling repairs & maintenance expenses and determining if they were classified correctly as expenses.
  - Perform substantive analytical procedures over depreciation.
  - Discuss impairment with management.

## Significant findings

- No adjustments or differences were identified.

# Audit risks and results (continued)

We highlight our significant findings in respect of **areas of focus**, as well as any additional areas of focus identified.

## Area of focus

Impacts of COVID-19 including “Safe Restart” government funding and related expenses

We focused here as these balances are new in 2020 due to the COVID-19 pandemic and due to the size of the balances.

## Our response

- Our procedures included:
  - Perform COVID-19-specific inquiries with management to identify areas requiring disclosure and/or additional testing.
  - Test grants received for COVID-19 to verify existence. Ensure appropriate amounts were deferred or recognized as revenue based on funding guidance.

## Significant findings

- KPMG has included a disclosure on COVID-19 in the financial statement notes based on discussions with management.
- A total of \$773,800 of funding was allocated to the Town of Essex by the Ministry of Municipal Affairs and Housing as part of the federal-provincial Safe Restart Agreement to cover operating costs and pressures related to COVID-19. KPMG tested the cash receipt of 100% of the funding and did not identify any differences or adjustments.
- Additionally, KPMG obtained management’s COVID-19 impact report and tested incremental costs and lost revenue directly associated with COVID-19, which were incurred in 2020 and had a corresponding amount recognized as revenue in the year. The remaining balance of funding received of \$230,000 related to 2021 and was recorded as deferred revenue in accordance with the funding letter received.
- No adjustment or differences were identified.

# Uncorrected differences and corrected adjustments

Differences and adjustments include disclosure and presentation differences and adjustments.

Professional standards require that we request of management and the Council that all identified differences be corrected. We have already made this request of management.

## Uncorrected differences

The management representation letter includes the Summary of Uncorrected Audit Misstatements, which discloses the impact of all uncorrected differences considered to be other than clearly trivial.

Based on both qualitative and quantitative considerations, management have decided not to correct certain differences and represented to us that the differences —individually and in the aggregate—are, in their judgment, not material to the financial statements. This management representation is included in the management representation letter.

We concur with management's representation that the differences are not material to the financial statements. Accordingly, the differences have no effect on our auditors' report.

## Corrected adjustments

We did not identify any adjustments that were communicated to management and subsequently corrected in the financial statements.

# Uncorrected differences summary

## Uncorrected differences

As at and year ended December 31, 2020	Income effect	Financial position		
Description of differences greater than \$30,000 individually	(Decrease) Increase	Assets (Decrease) Increase	Liabilities (Decrease) Increase	Equity (Decrease) Increase
The sum of tax rolls receivable in an overall credit position due to overpayments on account is greater than our posting threshold. The customer can request a refund cheque for these, otherwise it will be applied against a future billing. Therefore, we have proposed an entry to reclassify this amount to liabilities as deferred revenue.	—	180,464	180,464	—
Total pre-tax differences	—	180,464	180,464	—
Tax effect of differences	—	—	—	—
<b>Total differences</b>	<b>—</b>	<b>180,464</b>	<b>180,464</b>	<b>—</b>

# Other observations

Item	Observation
<b>Employee Terminations</b>	<ul style="list-style-type: none"><li>- During employee headcount testing, we identified that no documentation is prepared by Human Resources or payroll when employees are terminated or resign.</li><li>- This lack of documentation may result in employees not being removed from the pay register after resigning from the Town, which could result in an overstatement of payroll and benefit expenses. KPMG notes that we did not identify any instances of employees being paid subsequent to termination/resignation in the sample we tested.</li><li>- KPMG recommends that the Town updates their termination process such that staff are required to submit a signed and dated letter to HR to document that they are resigning.</li><li>- Additionally, payroll staff should complete a payroll termination form upon an employee's resignation to summarize the changes that will need to be made for the next pay period. This form should be reviewed by a second person before the changes are made in the system to ensure proper segregation of duties are in place over this process.</li></ul>
<b>Procurement Tracking</b>	<ul style="list-style-type: none"><li>- During procurement testing, we identified that the Town does not track the items that go through the procurement process throughout the year in an automated/computerized module.</li><li>- This may result in the accounting records being incomplete as the assets going through this process are manually tracked. Also, this could result in improper approval or adherence to the procurement policy. It also makes it more difficult for management and Council to monitor that the procurement process is being implemented and followed correctly.</li><li>- We recommend that a system module be used to track procurement to ensure all items are being tracked and to save the time of the employee preparing the manual listing.</li></ul>
<b>In-Camera Minutes</b>	<ul style="list-style-type: none"><li>- Through our review of the Council minutes from the year, we noted that the in-camera minutes were not available for Closed Council Meetings occurring in 2020 and subsequent to year-end.</li><li>- Due to this, there is no formal detailed record of items discussed in-camera, which are typically sensitive in nature. Accordingly, there could be lack of follow-up or communication on important topics such as legal matters, land sales, etc. which could result in errors in the financial records.</li><li>- We recommend that all in-camera minutes are completed in draft format prior to the subsequent meeting to allow for approval at the following meeting.</li></ul>

## Other observations (continued)

Item	Observation
<b>Treasurer Approval</b>	<ul style="list-style-type: none"><li>- Through our review of the minutes, we noted that certain reports indicate that they were approved by the Treasurer, however, his signature is not included in the report to indicate his approval.</li><li>- If the preparers of the reports do not discuss items with financial implications with the Treasurer, this may result in errors in the financial information such that Council cannot rely on the information for making decisions.</li><li>- We recommend that all reports with financial implications are approved by the Treasurer as required by the Municipal Act and that his signature is included in the appropriate section of the report.</li></ul>

# Appendices

## Content

**Appendix 1: Other Required communications**

**Appendix 2: Management Representation Letter**

**Appendix 3: Technology in the Audit**

**Appendix 4: Lean in Audit™**

**Appendix 5: Audit and Assurance Insights**



# Appendix 1: Other Required Communications

<b>Report</b>	<b>Engagement terms</b>
<p>Refer to the draft report attached to the draft financial statements.</p>	<p>A copy of the engagement letter and any subsequent amendments has been provided to management.</p>
<b>Matters pertaining to independence</b>	<b>Representations of management</b>
<p>We confirm our independence to Council.</p>	<p>A copy of the management representation letter is attached.</p>
<b>Audit Quality in Canada</b>	<b>Control deficiencies</b>
<p>The reports available through the following links were published by the Canadian Public Accountability Board to inform Council and other stakeholders about the results of quality inspections conducted over the past year:</p> <ul style="list-style-type: none"> <li>• <a href="#">CPAB Audit Quality Insights Report: 2020 Interim Inspection Results</a></li> <li>• <a href="#">CPAB Audit Quality Insights Report: 2019 Annual Inspections Results</a></li> </ul> <p>Visit our <a href="#">Audit Quality Resources page</a> for more information including access to our <a href="#">Transparency report</a></p>	<p>Other control deficiencies, identified during the audit, that do not rise to the level of a significant deficiency have been, communicated to management.</p>

# Appendix 2: Management Representation Letter

See management representation letter attached.

THE CORPORATION OF THE TOWN OF ESSEX  
33 TALBOT STREET SOUTH  
ESSEX, ON N8M 1A8

KPMG LLP  
618 Greenwood Centre  
3200 Deziel Drive  
Windsor, ON N8W 5K8  
Canada

Approval date

We are writing at your request to confirm our understanding that your audit was for the purpose of expressing an opinion on the consolidated financial statements (hereinafter referred to as "financial statements") of The Corporation of the Town of Essex ("the Entity") as at and for the period ended December 31, 2020.

**GENERAL:**

We confirm that the representations we make in this letter are in accordance with the definitions as set out in **Attachment I** to this letter.

We also confirm that, to the best of our knowledge and belief, having made such inquiries as we considered necessary for the purpose of appropriately informing ourselves:

**RESPONSIBILITIES:**

- 1) We have fulfilled our responsibilities, as set out in the terms of the engagement letter dated November 2, 2020, including for:
  - a) the preparation and fair presentation of the financial statements and believe that these financial statements have been prepared and present fairly in accordance with the relevant financial reporting framework.
  - b) providing you with all information of which we are aware that is relevant to the preparation of the financial statements ("relevant information"), such as financial records, documentation and other matters, including:
    - the names of all related parties and information regarding all relationships and transactions with related parties;
    - the complete minutes of meetings, or summaries of actions of recent meetings for which minutes have not yet been prepared, of shareholders, board of directors and committees of the board of directors that may affect the financial statements. All significant actions are included in summaries.
  - c) providing you with unrestricted access to such relevant information.
  - d) providing you with complete responses to all enquiries made by you during the engagement.
  - e) providing you with additional information that you may request from us for the purpose of the engagement.
  - f) providing you with unrestricted access to persons within the Entity from whom you determined it necessary to obtain audit evidence.
  - g) such internal control as we determined is necessary to enable the preparation of financial

statements that are free from material misstatement, whether due to fraud or error. We also acknowledge and understand that we are responsible for the design, implementation and maintenance of internal control to prevent and detect fraud.

- h) ensuring that all transactions have been recorded in the accounting records and are reflected in the financial statements.
- i) ensuring that internal auditors providing direct assistance to you, if any, were instructed to follow your instructions and that we, and others within the entity, did not intervene in the work the internal auditors performed for you.

**INTERNAL CONTROL OVER FINANCIAL REPORTING:**

- 2) We have communicated to you all deficiencies in the design and implementation or maintenance of internal control over financial reporting of which we are aware.

**FRAUD & NON-COMPLIANCE WITH LAWS AND REGULATIONS:**

- 3) We have disclosed to you:
  - a) the results of our assessment of the risk that the financial statements may be materially misstated as a result of fraud.
  - b) all information in relation to fraud or suspected fraud that we are aware of that involves:
    - management;
    - employees who have significant roles in internal control over financial reporting; or
    - otherswhere such fraud or suspected fraud could have a material effect on the financial statements.
  - c) all information in relation to allegations of fraud, or suspected fraud, affecting the financial statements, communicated by employees, former employees, analysts, regulators, or others.
  - d) all known instances of non-compliance or suspected non-compliance with laws and regulations, including all aspects of contractual agreements, whose effects should be considered when preparing financial statements.
  - e) all known actual or possible litigation and claims whose effects should be considered when preparing the financial statements.

**SUBSEQUENT EVENTS:**

- 4) All events subsequent to the date of the financial statements and for which the relevant financial reporting framework requires adjustment or disclosure in the financial statements have been adjusted or disclosed.

**RELATED PARTIES:**

- 5) We have disclosed to you the identity of the Entity's related parties.
- 6) We have disclosed to you all the related party relationships and transactions/balances of which we are aware.
- 7) All related party relationships and transactions/balances have been appropriately accounted for and disclosed in accordance with the relevant financial reporting framework.

**ESTIMATES:**

- 8) The methods, the data and the significant assumptions used in making accounting estimates, and their related disclosures are appropriate to achieve recognition, measurement or disclosure that is reasonable in the context of the applicable financial reporting framework.

**GOING CONCERN:**

- 9) We have provided you with all information relevant to the use of the going concern assumption in the financial statements.
- 10) We confirm that we are not aware of material uncertainties related to events or conditions that may cast significant doubt upon the Entity's ability to continue as a going concern

**MISSTATEMENTS:**

- 11) The effects of the uncorrected misstatements described in Attachment II are immaterial, both individually and in the aggregate, to the financial statements as a whole.
- 12) We approve the corrected misstatements identified by you during the audit described in Attachment II.

**NON-SEC REGISTRANTS OR NON-REPORTING ISSUERS:**

- 13) We confirm that the Entity is not a Canadian reporting issuer (as defined under any applicable Canadian securities act) and is not a United States Securities and Exchange Commission ("SEC") Issuer (as defined by the Sarbanes-Oxley Act of 2002).
- 14) We also confirm that the financial statements of the Entity will not be included in the group financial statements of a Canadian reporting issuer audited by KPMG or an SEC Issuer audited by any member of the KPMG organization.

Yours very truly,

---

By: Mr. Jeffrey Morrison, Director of Business and Financial Services and Treasurer

cc: Audit Committee

## **Attachment I – Definitions**

### **MATERIALITY**

Certain representations in this letter are described as being limited to matters that are material.

Information is material if omitting, misstating or obscuring it could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

Judgments about materiality are made in light of surrounding circumstances, and are affected by perception of the needs of, or the characteristics of, the users of the financial statements and, the size or nature of a misstatement, or a combination of both while also considering the entity's own circumstances.

### **FRAUD & ERROR**

Fraudulent financial reporting involves intentional misstatements including omissions of amounts or disclosures in financial statements to deceive financial statement users.

Misappropriation of assets involves the theft of an entity's assets. It is often accompanied by false or misleading records or documents in order to conceal the fact that the assets are missing or have been pledged without proper authorization.

An error is an unintentional misstatement in financial statements, including the omission of an amount or a disclosure.

The Corporation of the Town of Essex

Year End: December 31, 2020

Attachment II

Unadjusted audit differences

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Refno	Description	Assets	Liabilities	Equity	Income	Expenses	Annotation
<b>Unrecorded - factual</b>							
2	To reclass tax receivable credits	<u>180,464.00</u>	<u>(180,464.00)</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	
		<u>180,464.00</u>	<u>(180,464.00)</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	
	<b>Understated/(Overstated)</b>	<b><u>180,464.00</u></b>	<b><u>(180,464.00)</u></b>	<b><u>0.00</u></b>	<b><u>0.00</u></b>	<b><u>0.00</u></b>	

# The Corporation of the Town of Essex

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Year End: December 31, 2020

Attachment II

Adjusting Journal Entries

Date: 1/1/2020 To 12/31/2020

Number	Date	Name	Account No	Reference	Annotation	Debit	Credit	Recurrence	Misstatement
1	12/31/2020	Equity Investment - ELK	1-0-01-500-15100			940,699.56			
1	12/31/2020	Equity in ELK	1-0-03-300-30700				940,699.56		
1	12/31/2020	Equity Investment - ELK	9-0-01-500-15100			281,461.44			
1	12/31/2020	Equity in ELK	9-0-03-300-30700				281,461.44		
		Entry to record ELK investment for F20							
5	12/31/2020	UWSS Cash	1111			741,424.57			
5	12/31/2020	UWSS AR	1112			78,254.76			
5	12/31/2020	UWSS AP	2222				111,817.50		
5	12/31/2020	Long-Term Debt - Principal UWSS	2223			68,931.89			
5	12/31/2020	Equity Investment - Union Water	1-0-01-500-15800				707,861.83		
5	12/31/2020	Due to Reserve Fund	1-0-02-990-29900			213,036.00			
5	12/31/2020	Due from General Fund	9-0-01-990-19100				213,036.00		
5	12/31/2020	Miscellaneous Services	9-8-89-891-53900				68,931.89		
		Entry to record UWSS Investment for the year							Factual
6	12/31/2020	Accrued Vacation Pay	1-0-02-500-25810			2,615.77			
6	12/31/2020	Salaries & Wages - Full-Time	1-1-12-121-50100				2,041.93		
6	12/31/2020	Salaries & Wages - Full-Time	1-2-27-270-50100			453.88			
6	12/31/2020	Salaries & Wages - Full-Time	1-3-30-300-50100			3,698.31			
6	12/31/2020	Salaries & Wages - Full-Time	1-3-36-367-50100			1,112.65			
6	12/31/2020	Salaries & Wages - Full-Time	1-5-52-520-50100				5,046.64		
6	12/31/2020	Salaries & Wages - Full-Time	1-5-55-550-50100			29.00			
6	12/31/2020	Salaries & Wages - Full-Time	1-6-60-600-50100				362.47		
6	12/31/2020	Salaries & Wages - Full-Time	1-7-70-700-50100				209.65		
6	12/31/2020	Salaries & Wages - Full-Time	1-7-70-700-50100				248.92		
		Entry to record change in vacation accrual in current year							
8	12/31/2020	Reserve Fund - Surplus/Deficit	9-0-03-300-30500			546,257.39			
8	12/31/2020	January 1 Opening Balance	9-8-85-850-49990				176,125.99		
8	12/31/2020	January 1 Opening Balance	9-8-85-851-49990				184,946.43		
8	12/31/2020	January 1 Opening Balance	9-8-85-852-49990				204,984.50		
8	12/31/2020	January 1 Opening Balance	9-8-85-853-49990				779,826.50		
8	12/31/2020	January 1 Opening Balance	9-8-85-854-49990				1,040,713.72		
8	12/31/2020	January 1 Opening Balance	9-8-85-855-49990			2,143,837.79			
8	12/31/2020	January 1 Opening Balance	9-8-85-856-49990				24,433.83		
8	12/31/2020	January 1 Opening Balance	9-8-85-857-49990				411,356.57		
8	12/31/2020	January 1 Opening Balance	9-8-85-858-49990			132,292.36			
		Entry to reclassify opening development charge balances to deferred revenue for FS presentation							Factual
10	12/31/2020	Deferred revenue development charges	1-0-02-250-23150			472,229.88			
10	12/31/2020	Deferred revenue development charges	1-0-02-250-23150			300,207.54			
10	12/31/2020	Reserve Fund - Surplus/Deficit	9-0-03-300-30500				772,437.42		
		Entry to record prior year reserve reclass entries that affect current year as well (loan from reserve fund to development charges)							Factual
11	12/31/2020	Reserve Fund - Surplus/Deficit	9-0-03-300-30500			353,042.11			
11	12/31/2020	January 1 Opening Balance	9-8-84-840-49990				331,060.25		
11	12/31/2020	January 1 Opening Balance	9-8-84-841-49990				21,981.86		
		Entry to record opening balances in cemetery reserve							Factual
12	12/31/2020	Due from (to) Cemetery and OHRP reserve	1-0-01-000-00000			9,953.08			
12	12/31/2020	Rev Contrib from Reserve Fund	1-4-45-450-49900			8,428.42			
12	12/31/2020	Contributions to Reserve Funds	1-4-45-450-59900				18,381.50		
12	12/31/2020	Interest Earned - Bank/One Investment	9-8-84-840-48100			8,098.47			
12	12/31/2020	Rev Contrib from General Fund	9-8-84-840-49100			18,381.50			
12	12/31/2020	January 1 Opening Balance	9-8-84-840-49990				14,059.10		
12	12/31/2020	Contributions to General Fund	9-8-84-840-59100				8,428.42		
12	12/31/2020	Interest Earned - Bank/One Investment	9-8-84-841-48100			329.95			
12	12/31/2020	January 1 Opening Balance	9-8-84-841-49990				4,322.40		

The Corporation of the Town of Essex

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Year End: December 31, 2020

Attachment II

Adjusting Journal Entries

Date: 1/1/2020 To 12/31/2020

Number	Date	Name	Account No	Reference	Annotation	Debit	Credit	Recurrence	Misstatement
Entry to reclass cemetery reserve activity to proper accounts for PSAB									Factual
13	12/31/2020	Due to Reserve Fund	1-0-02-990-29900				1,242,588.58		
13	12/31/2020	Ontario Conditional Grants	1-1-11-111-44100			236,311.00			
13	12/31/2020	General Fund-General Government- -Contribut	1-1-11-111-59900				236,311.00		
13	12/31/2020	Canada Conditional Grants	1-1-12-120-44500			356,495.96			
13	12/31/2020	Canada Conditional Grants	1-1-12-120-44500			1,021,173.00			
13	12/31/2020	Contributions to Reserve Funds	1-1-12-120-59900				356,495.96		
13	12/31/2020	Contributions to Reserve Funds	1-1-12-120-59900				1,021,173.00		
13	12/31/2020	Capital Fund-General Governm- -General G-Ont	2-1-11-110-44100			150,000.00			
13	12/31/2020	Capital Fund-General Governm- -General G-Cor	2-1-11-110-59900				150,000.00		
13	12/31/2020	Due from General Fund	9-0-01-990-19100			1,242,588.58			
13	12/31/2020	Reserve Fund - Surplus/Deficit	9-0-03-300-30500						
13	12/31/2020	Reserve Fund - Surplus/Deficit	9-0-03-300-30500						
13	12/31/2020	Ontario Conditional Grant	9-8-80-800-44100				150,000.00		
13	12/31/2020	Ontario Conditional Grant	9-8-80-800-44100				236,311.00		
13	12/31/2020	Canada Conditional Grant	9-8-80-800-44500				356,495.96		
13	12/31/2020	Rev Contrib from General Fund	9-8-80-800-49100			356,495.96			
13	12/31/2020	Rev Contrib from General Fund	9-8-80-800-49100			236,311.00			
13	12/31/2020	Rev Contrib from Capital Fund	9-8-80-800-49200			150,000.00			
13	12/31/2020	Canada Conditional Grant	9-8-83-832-44500				1,021,173.00		
13	12/31/2020	Revenue Contrubution from General	9-8-83-832-49100			1,021,173.00			
Entry to reclassify deferred grants to reserves									Factual
14	12/31/2020	Contributions to Reserve Funds	1-1-10-100-59900						
14	12/31/2020	Contributions to Reserve Funds	1-1-12-120-59900			991,485.25			
14	12/31/2020	Rev Contrib from General Fund	9-8-80-800-49100						
14	12/31/2020	Revenue Contrubution from General	9-8-83-832-49100				991,485.25		
Entry to record gas tax balances to proper reserve contribution accounts									Factual
19	12/31/2020	Canada Conditional Grants	1-1-12-120-44500				991,485.25		
19	12/31/2020	Canada Conditional Grant	9-8-83-832-44500			991,485.25			
Entry to reclassify gas tax revenue for 2020 recorded to wrong account									Factual
20	12/31/2020	Miscellaneous Revenue	1-1-12-120-47800						
20	12/31/2020	Contributions to Reserves	2-1-12-120-59900				152.00		
20	12/31/2020	Contributions to Capital Fund	9-8-80-801-59200			152.00			
20	12/31/2020	Donations	9-8-87-878-48500						
Entry to balance reserve funds									Factual
						13,078,447.32	13,078,447.32		
Net Income (Loss)			6,684,007.06						

The Corporation of the Town of Essex

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Year End: December 31, 2020

Attachment II

PSAB Entries

Date: 1/1/2020 To 12/31/2020

Number	Date	Name	Account No	Reference	Annotation	Debit	Credit	Recurrence	Misstatement
7	12/31/2020	Amts to be Recv'd in Future Yrs - Post Employ B	1-0-01-800-16250			32,900.00			
7	12/31/2020	Employee Future Benefits Payable	1-0-02-500-25850				32,900.00		
		Entry to record change in EFB for the current year for PSAB							
9	12/31/2020	Deferred revenue development charges	1-0-02-250-23150			1,290,572.00			
9	12/31/2020	Deferred revenue development charges	1-0-02-250-23150				1,291,990.46		
9	12/31/2020	Development Chgs - Ward 1- Admin	1-2-27-275-47100						
9	12/31/2020	Development Chgs - Ward 1 - Roads	1-2-27-275-47105						
9	12/31/2020	Development Chgs - Ward 1 - San Sewer	1-2-27-275-47110						
9	12/31/2020	Development Chgs - Ward 1 - Fire	1-2-27-275-47115			75,080.84			
9	12/31/2020	Development Chgs - Ward 1 - Police	1-2-27-275-47120			40,117.20			
9	12/31/2020	Development Chgs - Ward 1 - Library	1-2-27-275-47125			17,905.36			
9	12/31/2020	Development Chgs - Ward 1 - Parks	1-2-27-275-47130			117,249.16			
9	12/31/2020	Development Chgs - Ward 1 - Recreation	1-2-27-275-47135			257,716.96			
9	12/31/2020	Development Chgs - Wd 2 (SS) - Admin	1-2-27-275-47200			394.00			
9	12/31/2020	Development Chgs - Wd 2 (SS) - Roads	1-2-27-275-47205			3,206.00			
9	12/31/2020	Development Chgs - Wd 2 (SS) - Fire	1-2-27-275-47215			2,022.00			
9	12/31/2020	Development Chgs - Wd 2 (SS) - Police	1-2-27-275-47220			882.00			
9	12/31/2020	Development Chgs - Wd 2 (SS) - Library	1-2-27-275-47225			464.00			
9	12/31/2020	Development Chgs - Wd 2 (SS) - Parks	1-2-27-275-47230			3,044.00			
9	12/31/2020	Development Chgs - Wd 2 (SS) - Recreation	1-2-27-275-47235			6,710.00			
9	12/31/2020	Development Chgs - Ward 3 - Admin	1-2-27-275-47300			3,743.00			
9	12/31/2020	Development Chgs - Ward 3 - Roads	1-2-27-275-47305			30,457.00			
9	12/31/2020	Development Chgs - Ward 3 - San Sewer	1-2-27-275-47310			10,675.00			
9	12/31/2020	Development Chgs - Ward 3 - Fire	1-2-27-275-47315			19,209.00			
9	12/31/2020	Development Chgs - Ward 3 - Police	1-2-27-275-47320			8,379.00			
9	12/31/2020	Development Chgs - Ward 3 - Library	1-2-27-275-47325			4,408.00			
9	12/31/2020	Development Chgs - Ward 3 - Parks	1-2-27-275-47330			28,918.00			
9	12/31/2020	Development Chgs - Ward 3 - Recreation	1-2-27-275-47335			63,745.00			
9	12/31/2020	Development Chgs - Ward 4 - Admin	1-2-27-275-47400			5,122.00			
9	12/31/2020	Development Chgs - Ward 4 - Roads	1-2-27-275-47405			41,678.00			
9	12/31/2020	Development Chgs - Ward 4 - San Sewer	1-2-27-275-47410			69,282.00			
9	12/31/2020	Development Chgs - Ward 4 - Fire	1-2-27-275-47415			26,286.00			
9	12/31/2020	Development Chgs - Ward 4 - Police	1-2-27-275-47420			11,466.00			
9	12/31/2020	Development Chgs - Ward 4 - Library	1-2-27-275-47425			6,032.00			
9	12/31/2020	Development Chgs - Ward 4 - Parks	1-2-27-275-47430			39,572.00			
9	12/31/2020	Development Chgs - Ward 4 - Recreation	1-2-27-275-47435			87,230.00			
9	12/31/2020	Development Chgs - Wd 2 (NSS) - Admin	1-2-27-275-47500			14,597.00			
9	12/31/2020	Development Chgs - Wd 2 (NSS) - Roads	1-2-27-275-47505			121,603.00			
9	12/31/2020	Development Chgs - Wd 2 (NSS) - Fire	1-2-27-275-47515			77,811.00			
9	12/31/2020	Development Chgs - Wd 2 (NSS) - Police	1-2-27-275-47520			32,441.00			
9	12/31/2020	Development Chgs - Wd 2 (NSS) - Library	1-2-27-275-47525			1,832.00			
9	12/31/2020	Development Chgs - Wd 2 (NSS) - Parks	1-2-27-275-47530			1,522.00			
9	12/31/2020	Development Chgs - Wd 2 (NSS) - Recreation	1-2-27-275-47535			20,955.00			
9	12/31/2020	Development Chgs - Wd 2 (NSS) - Parks	1-2-27-275-47550			9,600.00			
9	12/31/2020	Development Chgs - Wd 3 (NSS) - Admin	1-2-27-275-47600			1,130.13			
9	12/31/2020	Development Chgs - Wd 3 (NSS) - Roads	1-2-27-275-47605			9,417.75			
9	12/31/2020	Development Chgs - Wd 3 (NSS) - Fire	1-2-27-275-47615			6,027.37			
9	12/31/2020	Development Chgs - Wd 3 (NSS) - Police	1-2-27-275-47620			2,511.40			
9	12/31/2020	Development Chgs - Wd 3 (NSS) - Library	1-2-27-275-47625			251.14			
9	12/31/2020	Development Chgs - Wd 3 (NSS) - Parks	1-2-27-275-47630			753.42			
9	12/31/2020	Development Chgs - Wd 3 (NSS) - Recreation	1-2-27-275-47635			1,381.27			
9	12/31/2020	Contributions to Reserve Funds	1-2-27-275-59900				1,282,827.00		
9	12/31/2020	Contributions to Reserve Funds	1-2-27-275-59900				518,364.28		
9	12/31/2020	Development charges income	1-6-65-650-47850				1,290,572.00		
9	12/31/2020	Rev Contrib from Reserve Fund	1-6-65-650-49900			1,290,572.00			
9	12/31/2020	Interest Earned - Bank/One Investment	9-8-85-850-48100			2,307.62			
9	12/31/2020	Rev Contrib from General Fund	9-8-85-850-49100			42,931.37			
9	12/31/2020	Interest Earned - Bank/One Investment	9-8-85-851-48100			2,475.75			
9	12/31/2020	Rev Contrib from General Fund	9-8-85-851-49100			110,461.60			
9	12/31/2020	Interest Earned - Bank/One Investment	9-8-85-852-48100			2,862.03			
9	12/31/2020	Rev Contrib from General Fund	9-8-85-852-49100			224,048.65			
9	12/31/2020	Interest Earned - Bank/One Investment	9-8-85-853-48100			10,382.13			
9	12/31/2020	Rev Contrib from General Fund	9-8-85-853-49100			337,851.75			
9	12/31/2020	Interest Earned - Bank/One Investment	9-8-85-854-48100			14,449.71			
9	12/31/2020	Rev Contrib from General Fund	9-8-85-854-49100			669,730.31			
9	12/31/2020	Rev Contrib from General Fund	9-8-85-855-49100			324,450.60			
9	12/31/2020	Bank Service Charges	9-8-85-855-56550				27,235.88		
9	12/31/2020	Contributions to General Fund	9-8-85-855-59100				1,290,572.00		
9	12/31/2020	Interest Earned - Bank/One Investment	9-8-85-856-48100			313.99			

The Corporation of the Town of Essex

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Year End: December 31, 2020

Attachment II

PSAB Entries

Date: 1/1/2020 To 12/31/2020

Number	Date	Name	Account No	Reference	Annotation	Debit	Credit	Recurrence	Misstatement
9	12/31/2020	Interest Earned - Bank/One Investment	9-8-85-857-48100			5,308.18			
9	12/31/2020	Rev Contrib from General Fund	9-8-85-857-49100			10,675.00			
9	12/31/2020	Rev Contrib from General Fund	9-8-85-858-49100			81,042.00			
9	12/31/2020	Bank Service Charges	9-8-85-858-56550				1,700.07		
		Entry to reclass 2020 development charges activity for PSAB							
15	12/31/2020	Change in amounts to be recovered in future	0-0-00-000-00001				32,900.00		
15	12/31/2020	Salaries & Wages - Full-Time	1-1-12-120-50100				15,900.00		
15	12/31/2020	Salaries & Wages - Full-Time	1-2-20-200-50100				46,400.00		
15	12/31/2020	Salaries & Wages - Full-Time	1-2-22-220-50100			21,100.00			
15	12/31/2020	Salaries & Wages - Full-Time	1-2-27-270-50100				13,200.00		
15	12/31/2020	Salaries & Wages - Full-Time	1-3-30-300-50100			8,700.00			
15	12/31/2020	Salaries & Wages - Full-Time	1-5-52-520-50100			86,000.00			
15	12/31/2020	Salaries & Wages - Full-Time	1-6-60-600-50100				5,700.00		
15	12/31/2020	Salaries & Wages - Full-Time	1-7-70-700-50100				1,700.00		
		Entry to record change in amounts recovered for employee future benefits for PSAB (from wp CC15)							
						5,851,961.69	5,851,961.69		
		Net Income (Loss)	4,373,753.06						

# Appendix 3: Technology in the audit

We have utilized technology to enhance the quality and effectiveness of the audit.

Technology	Our results and insights
<b>KPMG Clara Client Collaboration</b>	<ul style="list-style-type: none"><li>– We have introduced the KPMG Clara Client Collaboration site to bring the best of KPMG to you. The site allows teams to work smarter, connect and collaborate, share insights and updates, and provide advanced solutions to communication. The new tool allows us to track the progress and completion of audit work and facilitate safer and more efficient transfer of documents by our respective teams, especially given the virtual audit environment.</li></ul>
<b>Journal Entry Analysis</b>	<ul style="list-style-type: none"><li>– The list of accounts provided, and journal entry details provided resulted in a successful roll of the accounts, concluding that the population of journal entries is complete, and the financial statements capture all entries and transactions throughout the year.</li><li>– All high-risk journal entries selected for testing were appropriate and authorized by management. All entries tested reflected the underlying events and transactions and were recorded correctly.</li></ul>

# Appendix 4: Lean in Audit™

## An innovative approach leading to enhanced value and quality

Our innovative audit approach, Lean in Audit, further improves audit value and productivity to help deliver real insight to you. Lean in Audit is process oriented, directly engaging organizational stakeholders and employing hands-on tools, such as walkthroughs and flowcharts of actual financial processes.

By embedding Lean techniques into our core audit delivery process, our teams are able to enhance their understanding of the business processes and control environment within your organization – allowing us to provide actionable quality and productivity improvement observations.

Any insights gathered through the course of the audit will be available to both engagement teams and management. For example, we may identify control gaps and potential process improvement areas, while management has the opportunity to apply such insights to streamline processes, inform business decisions, improve compliance, lower costs, increase productivity, strengthen customer service and satisfaction and drive overall performance.

## How it works

Lean in Audit employs three key Lean techniques:

### 1. Lean training

Provide basic Lean training and equip our teams with a new Lean mindset to improve quality, value and productivity.

### 2. Interactive workshops

Perform interactive workshops to conduct walkthroughs of selected financial processes providing end-to-end transparency and understanding of process and control quality and effectiveness.

### 3. Insight reporting

Quick and pragmatic insight report including immediate quick win actions and prioritized opportunities to realize benefit.

# Appendix 5: Audit and Assurance Insights

Our latest thinking on the issues that matter most to Council and Management.

Featured insight	Summary	Reference
<b>Audit &amp; Assurance Insights</b>	Curated thought leadership, research and insights from subject matter experts across KPMG in Canada.	<a href="#"><u>Learn more</u></a>
<b>The business implications of coronavirus (COVID-19)</b>	Resources to help you understand your exposure to COVID-19, and more importantly, position your business to be resilient in the face of this and the next global threat.	<a href="#"><u>Learn more</u></a>
	Financial reporting and audit considerations: The impact of COVID-19 on financial reporting and audit processes.	<a href="#"><u>Learn more</u></a>
	KPMG Global IFRS Institute - COVID-19 financial reporting resource center.	<a href="#"><u>Learn more</u></a>
<b>Accelerate 2020</b>	Perspective on the key issues driving the Council agenda.	<a href="#"><u>Learn more</u></a>
<b>Momentum</b>	A quarterly Canadian newsletter which provides a snapshot of KPMG's latest thought leadership, audit and assurance insights and information on upcoming and past audit events – keeping management and board members abreast on current issues and emerging challenges within audit.	<a href="#"><u>Sign-up now</u></a>
<b>Current Developments</b>	Series of quarterly publications for Canadian businesses including Spotlight on IFRS, Canadian Securities & Auditing Matters and US Outlook reports.	<a href="#"><u>Learn more</u></a>
<b>Board Leadership Centre</b>	Leading insights to help board members maximize boardroom opportunities.	<a href="#"><u>Learn more</u></a>



[kpmg.ca/audit](https://kpmg.ca/audit)

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KPMG member firms around the world have 227,000 professionals, in 146 countries.



Consolidated Financial Statements

**THE CORPORATION OF THE  
TOWN OF ESSEX**

And Independent Auditors' Report thereon

Year ended December 31, 2020

## **Management's Responsibility for the Consolidated Financial Statements**

The accompanying consolidated financial statements of The Corporation of the Town of Essex (the "Town") are the responsibility of the Town's management and have been prepared in compliance with legislation, and in accordance with generally accepted accounting principles for local governments established by the Public Sector Accounting Board of The Chartered Professional Accountants of Canada. A summary of the significant accounting policies are described in Note 1 to the consolidated financial statements. The preparation of consolidated financial statements necessarily involves the use of estimates based on management's judgement, particularly when transactions affecting the current accounting period cannot be finalized with certainty until future periods.

The Town's management maintains a system of internal controls designed to provide reasonable assurance that assets are safeguarded, transactions are properly authorized and recorded in compliance with legislative and regulatory requirements, and reliable financial information is available on a timely basis for preparation of the consolidated financial statements. These systems are monitored and evaluated by Management.

Council meets with Management and the external auditors to review the consolidated financial statements and discuss any significant financial reporting or internal control matters prior to their approval of the financial statements.

The financial statements have been audited by KPMG LLP, independent external auditors appointed by the Town. The accompanying Independent Auditors' Report outlines their responsibilities, the scope of their examination and their opinion on the Town's consolidated financial statements.

---

Name

Title



KPMG LLP  
618 Greenwood Centre  
3200 Deziel Drive  
Windsor ON N8W 5K8  
Canada  
Telephone (519) 251-3500  
Fax (519) 251 3530

## INDEPENDENT AUDITORS' REPORT

To the Members of Council, Inhabitants and Rate Payers of the Corporation of the Town of Essex

We have audited the consolidated financial statements of The Corporation of the Town of Essex (the Entity), which comprise:

- the consolidated statement of financial position as at December 31, 2020
- the consolidated statements of operations and accumulated surplus for the year then ended
- the consolidated statement of changes in net financial assets for the year then ended
- the consolidated statement of cash flows for the year then ended
- and notes and schedules to the consolidated financial statements, including a summary of significant accounting policies

(Hereinafter referred to as the "financial statements").

In our opinion, the accompanying financial statements present fairly, in all material respects, the consolidated financial position of the Entity as at December 31, 2020, and its consolidated results of operations and its cash flows then ended in accordance with Canadian public sector accounting standards.

### ***Basis for Opinion***

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the "Auditors' Responsibilities for the Audit of the Financial Statements" section of our auditors' report.

We are independent of the Entity in accordance with the ethical requirements that are relevant to our audit of the financial statements in Canada and we have fulfilled our other ethical responsibilities in accordance with these requirements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

### ***Other Matter – Comparative Information***

The financial statements for the year ended December 31, 2019 were audited by another auditor who expressed an unmodified opinion on those financial statements on July 21, 2020.

### ***Responsibilities of Management and Those Charged with Governance for the Financial Statements***

Management is responsible for the preparation and fair presentation of these consolidated financial statements in accordance with Canadian public sector accounting standards, and for such internal control as management determines is necessary to enable the preparation of consolidated financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is responsible for assessing the Entity's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the Entity or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Town's financial reporting process.

### ***Auditors' Responsibilities for the Audit of the Financial Statements***

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditors' report that includes our opinion.

Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists.

Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional judgment and maintain professional skepticism throughout the audit.

We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion.

The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.

- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Entity's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Entity's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditors' report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditors' report. However, future events or conditions may cause the Entity's to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.



- Communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.
- Obtain sufficient audit evidence regarding the financial information of the entities or business activities within the Group Entity to express an opinion on the consolidated financial statements. We are responsible for the direction, supervision and performance of the group audit. We remain solely responsible for our audit opinion.

Chartered Professional Accountants, Licensed Public Accountants

Windsor, Canada

Date

DRAFT

# THE CORPORATION OF THE TOWN OF ESSEX

## Index to Consolidated Financial Statements

Year ended December 31, 2020

---

### Consolidated Financial Statements

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# THE CORPORATION OF THE TOWN OF ESSEX

## Consolidated Statement of Financial Position

December 31, 2020, with comparative information for 2019

	2020	2019
<b>Financial assets</b>		
Cash and cash equivalents	\$ 62,281,535	\$ 56,660,184
Taxes receivable	1,264,252	1,106,168
Accounts receivable	3,714,419	4,015,108
Investment in E.L.K. Energy Inc. (note 2)	13,625,070	12,493,891
Long-term investments (note 3)	643,889	627,835
	81,529,165	74,903,186
<b>Financial liabilities</b>		
Accounts payable and accrued liabilities	5,552,131	4,260,231
Other current liabilities	265,478	624,012
Accrued interest payable on long-term debt	314,612	342,110
Employee future benefits (note 9)	4,467,005	4,436,721
Deferred revenue (note 8)	2,245,640	2,084,091
Long-term debt (note 5)	16,818,153	18,748,371
	29,663,019	30,495,536
Net financial assets	51,866,146	44,407,650
<b>Non-financial assets</b>		
Tangible capital assets (note 13 and schedule 1)	187,358,229	184,392,051
Prepaid expenses and inventories of supplies	305,878	214,607
	187,664,107	184,606,658
Contingencies (note 10)		
Commitments (note 11)		
Accumulated surplus (note 7)	\$ 239,530,253	\$ 229,014,308

The accompanying notes are an integral part of these consolidated financial statements.

On behalf of Council:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Administrative Officer

# THE CORPORATION OF THE TOWN OF ESSEX

## Consolidated Statement of Operations and Accumulated Surplus

Year ended December 31, 2020, with comparative information for 2019

	2020 Budget (note 12)	2020 Actual	2019 Actual
Revenue:			
Taxation	\$ 18,336,760	\$ 18,550,828	\$ 17,755,842
User charges	3,590,839	2,163,413	3,266,507
Grants	8,069,419	7,480,466	6,851,807
Interest and penalties	375,000	1,088,955	1,495,380
Landfill compensation	2,241,689	2,914,864	3,343,971
Share of income from E.L.K. Energy Inc. (note 2)	-	1,222,161	784,082
Commutated payments	-	151,776	152,331
Development contributions	684,836	1,290,572	660,707
Sewer and water charges	6,787,805	8,105,535	7,219,452
Other	5,866,966	1,208,081	781,607
Loss on disposal of tangible capital assets	-	(233,356)	(54,181)
Recovered drain billings	-	917,423	806,482
Total revenue	45,953,314	44,860,718	43,063,987
Expenses:			
General government	4,785,314	4,759,959	4,371,011
Protection services	6,350,687	7,058,605	6,096,070
Transportation services	8,717,155	7,578,619	7,866,324
Environmental services	6,692,067	6,721,745	6,975,625
Health services	296,439	288,032	295,089
Recreational and cultural services	7,055,736	5,770,793	7,385,337
Planning and development	1,403,078	2,167,020	1,782,227
Total expenses	35,300,476	34,344,773	34,771,683
Annual surplus	10,652,838	10,515,945	8,292,304
Accumulated surplus, beginning of year	229,014,308	229,014,308	220,722,004
Accumulated surplus, end of year	\$ 239,667,146	\$ 239,530,253	\$ 229,014,308

The accompanying notes are an integral part of these consolidated financial statements.

# THE CORPORATION OF THE TOWN OF ESSEX

## Consolidated Statement of Changes in Net Financial Assets

Year ended December 31, 2020, with comparative information for 2019

	2020 Budget (note 12)	2020 Actual	2019 Actual
Annual surplus	\$ 10,652,838	\$ 10,515,945	\$ 8,292,304
Acquisition of tangible capital assets	(25,553,777)	(7,567,506)	(3,960,518)
Change in tangible capital assets work-in-progress	(2,325,112)	(2,325,113)	(1,222,682)
Amortization of tangible capital assets	6,663,836	6,657,335	6,801,294
Loss on sale of tangible capital assets	-	233,356	54,181
Proceeds on sale of tangible capital assets	-	35,750	19,669
	(10,562,215)	7,549,767	9,984,248
Use of inventory	-	(58,701)	(82,493)
Acquisition of (use of) prepaid expense	-	(32,570)	3,721
Change in net financial assets	(10,562,215)	7,458,496	9,905,476
Net financial assets, beginning of year	44,407,650	44,407,650	34,502,174
Net financial assets, end of year	\$ 33,845,435	\$ 51,866,146	\$ 44,407,650

The accompanying notes are an integral part of these consolidated financial statements.

# THE CORPORATION OF THE TOWN OF ESSEX

## Consolidated Statement of Cash Flows

Year ended December 31, 2020, with comparative information for 2019

	2020	2019
Cash provided by (used in):		
Operating activities:		
Annual surplus	\$ 10,515,945	\$ 8,292,304
Items not involving cash:		
Amortization of tangible capital assets	6,657,335	6,801,294
Loss on sale of tangible capital assets	233,356	54,181
Increase in taxes receivable	(158,084)	(53,048)
Decrease (increase) in accounts receivable	300,689	(567,822)
Decrease in unearned revenue	161,549	2,648,900
Increase in accounts payable and accrued liabilities	1,291,900	569,201
Decrease in other current liabilities	(358,534)	(10,008)
Decrease in accrued interest payable on long-term debt	(27,498)	(32,989)
Changes in employee future benefits	30,284	30,707
Increase in prepaid expenses and inventories of supplies	(91,271)	(78,772)
Net change in cash from operating activities	18,555,671	17,653,948
Capital activities:		
Acquisition of tangible capital assets	(7,567,506)	(3,960,518)
Change in tangible capital assets work-in-progress	(2,325,113)	(1,222,682)
Proceeds on disposition of tangible capital assets	35,750	19,669
Net change in cash from capital activities	(9,856,869)	(5,163,531)
Investing activities:		
Increase in investment in E.L.K. Energy Inc.	(1,131,179)	(693,100)
Increase in long-term investments	(16,054)	(15,611)
Net change in cash from investing activities	(1,147,233)	(708,711)
Financing activities:		
Long-term debt repaid	(1,704,767)	(1,936,210)
Changes regarding debt transferred to property owners	(225,451)	(79,820)
Net change in cash from financing activities	(1,930,218)	(2,016,030)
Net change in cash	5,621,351	9,765,676
Cash, beginning of year	56,660,184	46,894,508
Cash, end of year	\$ 62,281,535	\$ 56,660,184

The accompanying notes are an integral part of these consolidated financial statements.

# THE CORPORATION OF THE TOWN OF ESSEX

## Notes to Consolidated Financial Statements

Year ended December 31, 2020

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The Corporation of the Town of Essex ("Town") is a municipality in the Province of Ontario and operates under the provisions of the Community Charter. The Town provides municipal services such as fire, roads, water, wastewater, planning, parks, recreation and other general government services.

### 1. Significant accounting policies:

The consolidated financial statements of the Town are prepared by management in accordance with Canadian generally accepted accounting principles for local governments as recommended by the Public Sector Accounting Board ("PSAB") of the Chartered Professional Accountants of Canada. Significant aspects of the accounting policies adopted by the Town are as follows:

#### (a) Basis of consolidation:

##### i) Consolidated financial statements:

The consolidated financial statements reflect the assets, liabilities, revenues, expenditures, reserves and changes in investment in tangible capital assets of the Town and includes the activities of all organizations, committees and local boards accountable for the administration of their financial affairs and resources to the Town and are owned or controlled by the Town. All inter-entity transactions and balances have been eliminated on consolidation.

##### ii) Other entities:

The investment in E.L.K. Energy Inc. is accounted for using the modified equity basis of accounting, which represents the Town's proportionate share of E.L.K.'s net assets at acquisition plus its share of undistributed earnings. The basis is consistent with the generally accepted accounting treatment of government business enterprises.

The Town's proportionate share in the Union Water Supply System is accounted for on a proportionate consolidation basis, consistent with the generally accepted accounting treatment for government units.

The accrual basis of accounting recognizes revenues as they become available and measurable. Expenses are recognized as they are incurred and measurable as a result of the receipt of goods or services and the creation of a legal obligation to pay.

# THE CORPORATION OF THE TOWN OF ESSEX

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2020

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## 1. Significant accounting policies (continued):

### (a) Basis of consolidation (continued):

#### iii) Accounting for County and School Board Transactions:

The Town collects taxation revenue on behalf of the school boards and the County of Essex. The taxation and other revenues with respect to the operations of the County of Essex and school boards are not reflected in the Consolidated Statement of Operations. In addition, the revenues, expenses, assets and liabilities with respect to the operations of the County of Essex and school boards are not reflected in these consolidated financial statements except to the extent that any amounts due to or from are reported on the Consolidated Statement of Financial Position in "accounts receivable" or "accounts payable and accrued liabilities".

#### iv) Trust funds:

Funds held in trust by the Town, and their related operations are not included in these consolidated financial statements. The financial activity and position of the trust funds are reported separately.

### (b) Basis of accounting:

Revenues and expenditures are reported on the accrual basis of accounting. The accrual basis of accounting recognizes revenues as they become available and measurable; expenditures are recognized as they are incurred and measurable as a result of receipt of goods or services and the creation of a legal obligation to pay.

The consolidated statement of financial position reflects all of the financial assets and liabilities of the Town. Financial assets are those assets which could provide resources to discharge existing liabilities or finance future operations. Municipal position represents the financial position of the Town, and is the difference between its assets and liabilities. This provides information about the Town's overall future revenue requirements and its ability to finance activities and meet its obligations.

### (d) Cash and cash equivalents:

Management considers all highly liquid investments with maturity of three months or less at acquisition to be cash equivalents.

### (e) Purchase premium:

Purchase premium arising on the acquisition of a government business enterprise will be deferred and amortized over a period of twenty years.

### (f) Deferred revenue:

Funds received for specific purposes which are externally restricted by legislation, regulation or agreement and are not available for general municipal purposes are accounted for as deferred revenue on the consolidated statement of financial position. The revenue is recognized in the consolidated statement of operations in the year in which it is used for the specified purpose.

# THE CORPORATION OF THE TOWN OF ESSEX

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2020

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## 1. Significant accounting policies (continued):

### (g) Taxation and related revenue:

Taxes are recognized as revenue in the year they are levied. Property tax billings are prepared by the Town based on assessment rolls issued by the Municipal Property Assessment Corporation ("MPAC"). Tax rates are established annually by Town Council, incorporating amounts to be raised for local services, the requisition made by the County of Essex in respect of County services and amounts the Town is required to collect on behalf of the Province of Ontario in respect of education taxes. A normal part of the assessment process is the issue of supplementary assessment rolls, which provide updated information with respect to changes in property assessment. Once a supplementary assessment roll is received, the Town determines the taxes applicable and renders supplementary tax billings. Taxation revenue is recorded at the time tax billings are issued. Assessments and the related property taxes are subject to appeal and write off for physical changes to the property. Tax adjustments as a result of appeals are recorded when the results of the appeal process are known. The Town is entitled to collect interest and penalties on overdue taxes. This revenue is recorded in the period the interest and penalties are levied.

Conditional grant revenue is recognized to the extent the conditions imposed on it have been fulfilled. Unconditional grant revenue is recognized when monies are receivable. Grants for the acquisition of tangible capital assets are recognized in the period in which eligible expenditures are made.

Sanitary sewer and water operations are funded by various revenues including frontage, connection and usage charges. Charges for sewer and water usage are recorded as user fees. Connection fee revenues are recognized when the connection has been established.

User charges, landfill compensation, and other revenues are recorded on the accrual basis of accounting noted above.

### (h) Government transfers:

Government transfers, which include legislative grants, are recognized as revenue in the consolidated financial statements when the transfer is authorized and any eligibility criteria are met, except to the extent that transfer stipulations give rise to an obligation that meets the definition of a liability. When transfer stipulations give rise to a liability, government transfers are recognized as deferred revenue and recognized as revenue when the stipulations are settled.

### (i) Leases:

Leases are classified as capital or operating leases. Leases which transfer substantially all of the benefits and risks incidental to ownership of property are accounted for as capital leases. All other leases are accounted for as operating leases and the related lease payments are charged to expense as incurred.

# THE CORPORATION OF THE TOWN OF ESSEX

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2020

## 1. Significant accounting policies (continued):

### (j) Tangible capital assets:

Tangible capital assets are recorded at cost less accumulated amortization. Cost includes all costs directly attributable to acquisition or construction of the tangible capital asset including transportation costs, installation costs, design and engineering fees, legal fees and site preparation costs. Contributed tangible capital assets are recorded at fair value at the time of the donation, with a corresponding amount recorded as revenue. Amortization is recorded on a straight-line basis over the estimated life of the tangible capital asset commencing once the asset is available for productive use as follows:

Asset	Useful Life - Years
Land – not amortized	
Land improvements	10 to 30
Buildings	25 to 80
Roads and sidewalks	15 to 80
Machinery and equipment	1 to 50
Water infrastructure	50 to 80
Sewer infrastructure	60 to 100
Vehicles	3 to 25
Stormwater infrastructure	55 to 90
Murals	10

One half of the annual amortization is charged in the year of acquisition and in the year of disposal. Assets under construction are not amortized until the asset is available for productive use, at which time they are capitalized.

### (k) Employee future benefits:

The Town accounts for its participation in the Ontario Municipal Employees Retirement System ("OMERS"), a multi-employer public sector pension fund, as a defined contribution plan. The OMERS plan specifies the retirement benefits to be received by employees based on length of service and pay rates.

Employee benefits include vacation entitlement, sick leave benefits and certain post-employment benefits. Vacation entitlements are accrued as entitlements are earned. Sick leave benefits and other post-employment benefits that accumulate over the period of service provided by employees are subject to actuarial valuations and are accrued in accordance with the projected benefit method, prorated on service and management's best estimate of salary escalation and retirement ages of employees, inflation rates, investment returns, insurance and health care cost trends, employee turnover and discount rates. Actuarial gain and losses are amortized on a straight-line basis over the expected average remaining service life of the employee group.

# THE CORPORATION OF THE TOWN OF ESSEX

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2020

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## 1. Significant accounting policies (continued):

### (l) Use of estimates:

The preparation of consolidated financial statements in conformity with Canadian public sector accounting standards for local governments requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the dates of the consolidated financial statements and the reported amounts of revenue and expenses during the reporting periods. Significant items subject to such estimates and assumptions include valuation allowances for taxes and accounts receivable, tangible capital assets and valuation of employee future benefits. Actual results could differ from those estimates. These estimates are reviewed periodically, and, as adjustments become necessary, they are reported in earnings in the year in which they become known.

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# THE CORPORATION OF THE TOWN OF ESSEX

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2020

## 2. Investment in E.L.K. Energy Inc.:

The Town holds a 100% investment in E.L.K. Energy Inc. This investment is recorded using the modified equity method, wherein the investment balance represents the Town's proportionate interest in the net assets of E.L.K. Energy Inc. at acquisition, plus its proportionate share of undistributed earnings.

The investment in E.L.K. Energy Inc. at December 31, 2020 is as follows:

	2020	2019
Corporation of the Town of Essex 100% proportionate interest in the net assets of E.L.K. Energy Inc.	\$ 12,918,788	\$ 11,696,627
Purchase premium – net of amortization	706,282	797,264
	<u>\$ 13,625,070</u>	<u>\$ 12,493,891</u>

Supplementary information of E.L.K. Energy Inc. at December 31 is as follows:

	2020	2019
<b>Financial Position</b>		
Current assets	\$ 14,872,330	\$ 15,471,642
Capital and regulatory authority	15,728,853	12,610,487
Deferred tax assets	19,682	286,000
Investments	83,543	87,395
<b>Total assets</b>	<u>\$ 30,704,408</u>	<u>\$ 28,455,524</u>
Current liabilities	\$ 11,034,370	\$ 10,880,423
Long-term liabilities	423,785	470,557
<b>Total liabilities</b>	<u>11,458,155</u>	<u>11,350,980</u>
Regulatory balances	6,327,465	5,407,917
<b>Net assets</b>	<u>\$ 12,918,788</u>	<u>\$ 11,696,627</u>

# THE CORPORATION OF THE TOWN OF ESSEX

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2020

## 2. Investment in E.L.K. Energy Inc. (continued):

	2020	2019
<b>Financial Activities</b>		
Total revenue	\$ 42,187,194	\$ 35,519,866
Total expenditures	(43,599,258)	(34,541,025)
Payments in lieu of income taxes	(485,266)	(335,375)
Net income (loss)	(1,897,330)	643,466
Net movement in regulatory balances, net of tax	3,091,276	151,473
Other comprehensive income (loss)	28,215	(10,857)
Total comprehensive income for the year	\$ 1,222,161	\$ 784,082
Corporation of the Town of Essex share of net earnings in E.L.K. Energy Inc.	\$ 1,222,161	\$ 784,082

E.L.K. Energy Inc. bills and collects the Town's water and sewer surcharge revenue. In 2020 these amounted to \$7,979,215 (2019 - \$7,117,052) and are included in sewer and water charges revenue. For these services, E.L.K. Energy Inc. charges the Town of Essex, amounting to \$350,452 in 2020 (2019 - \$341,381).

These transactions are in the normal course of operations and are measured at the exchange amount which is the cost of the consideration established and agreed to by the related parties.

## 3. Equity in the Union Water Supply System:

The Town's equity in the Union Water Supply System ("UWSS") is made up as follows:

	2020	2019
Cash and cash equivalents	\$ 741,424	\$ 600,625
Long-term investments	643,889	627,835
Accounts receivable	78,255	70,558
Accounts payable and accrued liabilities	(111,817)	(160,303)
Net financial assets before long-term debt	1,351,751	1,138,715
Long-term debt	(637,492)	(706,424)
Net financial assets	714,259	432,291
Tangible capital assets and non-financial assets	2,518,719	2,590,557
Accumulated surplus	\$ 3,232,978	\$ 3,022,848

# THE CORPORATION OF THE TOWN OF ESSEX

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2020

## 3. Equity in the Union Water Supply System (continued):

Tangible capital assets – net book value shown previously consists of:

	2020	2019
Water – buildings and equipment	\$ 1,529,965	\$ 1,363,846
Water - linear	988,754	1,226,711
	\$ 2,518,719	\$ 2,590,557

Included in the Consolidated Statement of Operations is the UWSS's share of:

	2020	2019
Amortization expense	\$ 84,481	\$ 75,816
Interest on long-term debt	71,439	78,247

Effective January 2001, the assets, liabilities, rights and obligations of the UWSS were transferred from the Ontario Clean Water Agency to the joint ownership of the System's participating municipalities pursuant to an order issued by the Minister of the Environment under the Municipal Water and Sewage Act, 1997.

The equity interest of each municipality is determined every 4 years according to its proportionate water consumption from the system. The order also provides for the establishment of a Board of Management to govern the system. The equity interests were last set January 1, 2017, where it was increased to 5.97%. The change in Essex's equity share during 2017 resulted in a loss of \$29,989.

## 4. Bank indebtedness:

The Town has an authorized line of credit up to \$6,000,000 bearing interest at prime less 0.85%. At December 31, 2020, \$6,000,000 (2019 - \$6,000,000) in unused credit was available.

# THE CORPORATION OF THE TOWN OF ESSEX

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2020

## 5. Long-term debt:

The balance of long-term debt reported on the consolidated statement of financial position is made up of the following:

	2020	2019
<b><i>User Fee Supported</i></b>		
Infrastructure Improvement Debenture, OIPC – repayable in semi-annual instalments of \$321,758 including interest at 2.76%, due December 15, 2027	\$ 4,070,780	\$ 4,591,146
Essex Sewage Treatment Plant Update and Expansion Debenture, Ontario Infrastructure Projects Corporation (OIPC) - repayable in semi-annual instalments of \$138,915 including interest at 2.66%, due September 1, 2026	1,531,387	1,763,834
Harrow Sewage Lagoon Debenture, OIPC – repayable in semi-annual instalments of \$131,564, including interest at 2.67%, due February 3, 2025	1,108,759	1,337,688
Vehicle Debenture, OIPC - repayable in semi-annual instalments of \$64,157 including interest at 2.37%, due December 15, 2022	249,202	369,468
Building Energy Upgrade Debenture - along with Property Tax Supported (iii), repayable based on pro rata share of payment including interest at 3.6%, due July 9, 2023	11,399	14,429
	6,971,527	8,076,565
<b><i>Property Tax Supported</i></b>		
Essex Twin Pad Arena Debenture - repayable in semi-annual instalments of \$386,712 including interest at 4.65%, due March 2030	5,885,171	6,368,030
Capital Works Debenture - repayable in annual instalments including interest ranging from 2.07% to 3.62%, due in various amounts from 2020 to 2034	3,153,090	3,378,119
Fire Station 1 Debenture - repayable in annual instalments of \$185,850 including interest at 3.45%, due December 2023	528,946	693,457
Building Energy Upgrade Debenture - along with User Fee Supported (iv), repayable based on pro rata share of payment including interest at 3.6%, due July 9, 2023	129,450	163,861
	9,696,657	10,603,467

# THE CORPORATION OF THE TOWN OF ESSEX

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2020

## 5. Long-term debt (continued):

	2020	2019
<b>Benefiting Property Owners</b>		
Drain debentures - repayable in annual instalments including interest at 3.20%, due in various amounts in November 2023	\$ 27,254	\$ 35,773
Drain debentures - repayable in annual instalments including interest at 2.61%, due in various amounts in July 2023	234,501	308,725
Sanitary sewer extension debentures - repayable in annual instalments of \$48,130 including interest at 3.40%, due December 2024	177,207	217,928
Drainage debentures - repayable in annual instalments including interest at 2.17%, due in various amounts in October 2021	28,334	56,066
Drain loans - repayable in annual instalments including interest ranging from 2.69% to 4.07%, repaid in 2020	-	16,864
Tile drain loans - repayable in annual instalments including interest at 6.0%, repaid in 2020	-	1,500
Shoreline loans - repayable in annual instalments including interest ranging from 3.79% to 6.8%, repaid in 2020	-	6,897
Drain debentures - repayable in annual instalments including interest at 3.45%, due in various amounts in July 2023	10,891	14,278
Vehicle loan - repayable in annual instalments including interest at 3.45%, due in June 2024	45,876	56,405
Drain debentures - repayable in annual instalments including interest at 3.95%, due in various amounts in July 2028	59,720	65,946
Tile loans - repayable in annual instalments including interest at 6%, due in various amount in 2030	66,800	-
Shoreline loans - repayable in semi-annual instalments including interest ranging from 1.39% to 3.42% due in various amounts in 2030	166,998	-
Drainage debenture - repayable in semi-annual instalments including interest of 3.42% due in July 2030	182,519	-
	1,000,100	780,382
Share of Union Water System obligations	637,492	706,424
Subtotal	18,305,776	20,166,838
The Town is contingently liable for the tile and shoreline loans included above. The responsibility for payment of principal and interest has been assumed by individual landowners	(233,798)	(8,396)
Internally financed debt	(1,253,825)	(1,410,071)
	\$ 16,818,153	\$ 18,748,371

# THE CORPORATION OF THE TOWN OF ESSEX

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2020

## 5. Long-term debt (continued):

Principal payments for the next 5 fiscal years and thereafter are as follows:

2021	\$ 1,993,986
2022	2,063,911
2023	2,011,780
2024	2,089,004
2025	1,950,358
Thereafter	6,709,114
	<hr/>
	\$16,818,153

Interest payments included in operating fund expenditures during the year were \$654,221 (2019 - \$722,908), excluding the interest on tile and shoreline loans which is recovered from the individual landowners.

The long-term liabilities issued in the name of the Municipality have received approval by the Municipal Board on or before December 31, 2020. The annual principal and interest payments required to service these liabilities are within the annual debt repayment limit prescribed by the Ministry of Municipal Affairs and Housing.

## 6. Operations of School Boards and the County of Essex:

During the year, the following taxation revenue was raised and remitted to the School Boards and the County of Essex:

	2020	2019
School Boards	\$ 4,819,831	\$ 4,740,215
County of Essex	9,860,458	9,346,095
	<hr/>	<hr/>
	\$ 14,680,289	\$ 14,086,310

# THE CORPORATION OF THE TOWN OF ESSEX

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2020

## 7. Accumulated surplus:

(a) Accumulated surplus consists of individual fund surplus (deficit) as follows:

	2020	2019
Invested in tangible capital assets	\$ 187,358,229	\$ 184,392,051
To be used to offset (financed by) taxation	4,450,999	3,774,623
To be financed by user charges and municipal debt	(6,247,768)	(5,162,427)
Equity in E.L.K. Energy Inc.	13,625,070	12,493,891
Amounts to be recovered:		
Employee benefits payable	(4,441,400)	(4,408,500)
Accrued interest on net long-term liabilities	(314,612)	(342,110)
Municipal debt	(16,818,153)	(18,748,371)
Reserves and reserve funds (note 7(b))	61,917,888	57,015,151
<b>Total accumulated surplus</b>	<b>\$ 239,530,253</b>	<b>\$ 229,014,308</b>

(b) Reserves and reserve funds consist of the individual funds as follows:

	2020	2019
Reserves set aside for specific purpose by Council:		
Working funds	\$ 1,000,000	\$ 1,000,000
Reserve funds set aside for specific purpose by Council:		
Capital purposes	\$ 38,754,076	\$ 33,932,241
Landfill	10,198,132	10,565,705
Contingencies	8,816,665	8,400,454
Other	2,881,594	2,864,440
Sick leave benefits	267,421	252,311
	60,917,888	56,015,151
<b>Total reserves and reserve funds</b>	<b>\$ 61,917,888</b>	<b>\$ 57,015,151</b>

# THE CORPORATION OF THE TOWN OF ESSEX

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2020

## 8. Unearned/deferred revenue:

Development charges are reported as deferred revenue since provincial legislation restricts the use of the funds to specific purposes and under certain circumstances the funds may be refunded.

The net change during the year in the deferred revenue balances is as follows:

	Beginning of Year	Contributions Received	Deferred Revenue Allocated	End of Year
Development charges	\$ 226,163	\$ (1,291,990)	\$1,290,572	\$ 224,745
Federal gas tax	(1,098,844)	(1,021,173)	830,344	(1,289,673)
Ontario Community Infrastructure Fund	(646,848)	(902,830)	1,193,182	(356,496)
Modernization grant	(564,562)	(150,000)	126,657	(587,905)
COVID-19 grant	-	(773,800)	537,489	(236,311)
	\$ (2,084,091)	\$ (4,139,793)	\$3,978,244	\$ (2,245,640)

## 9. Employee future benefits:

### (a) Pension agreement:

The Town makes contributions to the Ontario Municipal Employees Retirement Fund (OMERS), which is a multi-employer plan, on behalf of certain employees. This plan is a defined benefit plan which specifies the amount of the retirement to be received by the employees based on the length of service and rates of pay. However, as OMERS does not segregate its pension assets and liabilities information by individual employer, there is not sufficient information to enable the Town to account for the plan as a defined benefit plan. At December 31, 2020, the OMERS plan is in a deficit position, funded at 97% (2019 - 96%). The amount contributed by the Town to OMERS for 2020 was \$661,679 (2019 - \$592,492).

### (b) Employee future benefits liabilities:

Employee future benefit liabilities are future liabilities of the Town to its employees and retirees for benefits earned but not taken as at December 31, 2020 and consists of the following:

	2020	2019
Post-employment benefits	\$ 4,441,400	\$ 4,408,500
Vacation	25,605	28,221
	\$ 4,467,005	\$ 4,436,721

# THE CORPORATION OF THE TOWN OF ESSEX

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2020

## 9. Employee future benefits (continued):

### (b) Employee future benefits liabilities (continued):

#### (i) Post-employment benefits:

The post-employment benefit liabilities is based on an actuarial valuation performed by the Town's actuaries. The actuarial valuation was performed as at December 31, 2020. The significant actuarial assumptions adopted in estimating the Municipality's liability are as follows:

Discount rate	2.50% (2019 – 2.73%)
Health Care Trend Rate	4.04% for 2020
Other Medical Care Trend Rate	4.12% for 2020
Dental	4.50% for 2020

Information about the Town's future liability with respect to these costs are as follows:

	2020	2019
Accrued benefit liability, beginning of year	\$ 4,408,500	\$ 4,397,500
Annual expense	249,500	209,700
Benefits paid	(216,600)	(198,700)
Accrued benefit liability, end of year	\$ 4,441,400	\$ 4,408,500
Unamortized net actuarial gains	(1,580,600)	(765,800)
Accrued benefit obligations at the end of the year	\$ 2,860,800	\$ 3,642,700

#### (ii) Accrued sick leave:

Under the sick leave benefit plan, approved for all union employees, unused sick leave can accumulate and employees may become entitled to a cash payment when they leave the Town's employment. The amount of the payment is equal to the number of sick days to which the employee is entitled at one-half their rate of pay at the time of termination. Sick leave unused is normally paid out to union employees before the end of each fiscal year, resulting in no accrual at the year end. Non-union employees are not entitled to a payout or an accumulation of unused sick days.

#### (iii) Vacation:

Vacation entitlements can accumulate and employees would be entitled to a cash payment equal to the value of their unused entitlements if they were to terminate employment.

# THE CORPORATION OF THE TOWN OF ESSEX

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2020

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## 10. Contingent liabilities:

The Town has been named defendant in certain legal actions. The ultimate liability if any, which may arise, is indeterminable as the Town has established valid defence positions. In the opinion of administration and legal counsel, any payments, which may result from these actions, are subject to material coverage under the Town's insurance policies. Consequently, the consolidated financial statements contain no provision for any liability, which may occur as a result of these claims.

## 11. Contractual obligations and commitments:

### (a) Ontario Clean Water Agency

In accordance with a service agreement entered into by the Town on February 13, 1958 with the Ontario Clean Water Agency (OCWA), the existing sewage and water systems are operated by OCWA. Under this agreement, the Town is obligated to meet all operating costs and repay the long-term liabilities related to this project.

Included in the consolidated statement of operations are the 2020 charges from OCWA of \$1,262,316 (2019 - \$1,166,046). The consolidated statement of financial position does not reflect any assets or liabilities pertaining to the sewage or water systems except to the extent of service charges due to (or from) OCWA and the total long-term liabilities outstanding. The accumulated net surplus of OCWA is not reflected in the accompanying consolidated financial statements.

### (b) Service agreements

The Town has entered into various other service agreements. The largest of these relates to The Minister of Community Safety and Correctional Services (Police Services). The current contract expires December 31, 2021. Under the agreement, the annual obligation approximates \$3.35 million. The total expense included in the consolidated statement of operations for 2020 is \$3,309,789 (2019 - \$3,341,388).

### (c) Operating leases

The Town has entered into various operating lease agreements for office equipment. Included in the consolidated statement of operations are the 2020 operating lease payments of \$76,408 (2019 - \$69,760). The consolidated statement of financial position does not reflect any assets or liabilities pertaining to the operating leases.

# THE CORPORATION OF THE TOWN OF ESSEX

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2020

## 12. Budget figures:

The Financial Plan (Budget) By-Law adopted by Council on January 13, 2020 was not prepared on a basis consistent with that used to report actual results (Public Sector Accounting Standards). The budget is unaudited and was prepared on a modified accrual basis while Public Sector Accounting Standards now require a full accrual basis. The budget figures anticipated using surpluses accumulated in previous years to reduce current year expenditures in excess of current year revenues to \$nil. In addition, the budget expensed all tangible capital expenditures rather than including amortization expense. As a result, the budget figures presented in the consolidated statements of operations and change in net financial assets represent the Financial Plan adopted by Council on January 13, 2020 with adjustments as follows:

	Budget Amount
Revenue:	
Operating	\$ 43,776,213
Capital	13,049,699
Less:	
Transfer from reserves	(7,622,928)
New debt issued	(3,249,670)
Total revenue	45,953,314
Expenses:	
Operating	\$ 43,070,686
Capital	13,755,226
Less:	
Transfers to reserves	(12,044,824)
Capital expenditures	(2,389,222)
Debt principal payments	(13,755,226)
Add:	
Amortization of tangible capital assets	6,663,836
Total expenses	35,300,476
Budgeted surplus per financial statements	\$ 10,652,838

# THE CORPORATION OF THE TOWN OF ESSEX

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2020

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## 13. Tangible capital assets:

The Consolidated Schedule of Tangible Capital Assets (Schedule 1) provides information on tangible capital assets of the Town by major asset class as well as for accumulated amortization of the assets controlled. The reader should be aware of the following information relating to tangible capital assets:

### (a) Contributed capital assets:

The Town records all tangible capital assets contributed by an external party at fair value on the earlier of the date received or of the transfer of risk and responsibility. Typical examples are roadways, water and sewer lines installed by a developer as part of a subdivision agreement. There were no such transfers in the current or prior year.

### (b) Capitalization of interest:

The Town has a policy of capitalizing borrowing costs incurred when financing the acquisition of a tangible capital asset.

## 14. Segmented information:

The Town is a diversified municipal government institution that provides a wide range of services to its citizens such as police, fire, water, wastewater and parks and recreation. Distinguishable functional segments have been separately disclosed in the segmented information. The nature of the segments and the activities they encompass are as follows:

### *General Government*

General government consists of three categories: governance, corporate management and program support. It includes offices of the Council, Chief Administrative Officer, Information Technology, Financial and Clerk Services. General Government is responsible for the collection and administration of all formula based funding. Therefore, all of this revenue type is classified in this segment regardless of where the expenditures are classified.

### *Protection to Persons and Property*

Protection is comprised of Fire, Police, Conservation Authority and Protective Inspection and Control. The mandate of the Police Services department is to ensure the safety of the lives and property of citizens; preserve peace and good order; prevent crimes from occurring; detect offenders; and enforce the law. Conservation Authority includes the Town's share of the Essex Region Conservation Authority. The Fire Service department is responsible to provide fire suppression service; fire prevention programs; training and education related to prevention, detection or extinguishment of fires. Protective Inspection and Control ensures an acceptable quality of building construction and maintenance of properties through enforcement of construction codes, building standards and by-laws for the protection of occupants.

### *Transportation*

The Public Works department is responsible for the delivery of municipal public works services related to the planning, development and maintenance of roadway systems, snow clearing and removal and street lighting.

# THE CORPORATION OF THE TOWN OF ESSEX

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2020

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## 14. Segmented information (continued):

### *Environmental*

Environmental includes Water, Wastewater, Storm Sewer, as well as Garbage Collection and Disposal. The department provides drinking water to citizens of Essex, collecting and treating wastewater, and providing collection and disposal of waste. Recycling is provided at the County level.

### *Health*

Health services are comprised of public health services which work to improve the overall health of the population and overcome health inequalities by providing services to individuals and communities.

### *Recreational and Cultural*

This department provides public services that respond to citizens' leisure and cultural requirements. Facilities include a wide variety of parks plus three arenas, a pool and various community facilities. Recreational and Cultural also includes services related to the harbour.

### *Planning and Development*

This department provides a number of services including town planning, maintenance and enforcement of building and construction codes and review of all property development plans through its application process.

For each reported segment, revenues and expenses represent both amounts that are directly attributable to the segment and amounts that are allocated on a reasonable basis. Municipal taxation revenue has been allocated based on the percentage of total budgeted expenditures. The accounting policies used in these segments are consistent with those followed in the preparation of the consolidated financial statements as disclosed in Note 1. For additional information see the Schedule of Segment Disclosure (Schedule 2).

# THE CORPORATION OF THE TOWN OF ESSEX

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2020

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## 15. Effects of COVID-19

In March 2020, the COVID-19 outbreak was declared a pandemic by the World Health Organization and has a significant financial, market and social dislocating impact. At the time of approval of these financial statements, the Town has experienced the following indicators of financial implications and undertaken the following activities in relation to the COVID-19 pandemic:

- The closure of a number of indoor and outdoor facilities to the general public.
- Revisions to the delivery of a number of municipal services in order to contribute towards physical distancing.
- Enhanced protocols implemented in line with Public Health guidelines.
- Put in place measures to limit and control access to the premises by staff and the general public; and
- In certain instances, the Town has reduced penalty and interest charges.

The federal and provincial governments have implemented various government programs to respond to the negative economic impacts of COVID-19.

During 2020, the Town received \$543,800 in Phase 1 funding under the federal-provincial Safe Restart Agreement to support municipal operating pressures as a result of COVID-19. The balance of this funding that was used to offset expenses in 2020 is included in the consolidated statement of operations. Additionally, the Town received \$230,000 in Phase 2 funding to support additional municipal operating pressures for 2021. The balance of this funding is included in deferred revenue on the consolidated statement of financial position.

The continued development and impact of COVID-19 on the Town and the overall economy are highly uncertain and cannot be determined at this time. Management is actively monitoring the situation.

# THE CORPORATION OF THE TOWN OF ESSEX

## Consolidated Schedule of Tangible Assets - Schedule 1

Year ended December 31, 2020

Cost	Balance at December 31, 2019	Additions	Disposals	Transfers	Balance at December 31, 2020
Land	\$ 21,843,776	\$ 30,503	\$ -	\$ -	\$ 21,874,279
Buildings	48,522,012	1,336,024	-	-	49,858,036
Vehicles	5,550,992	133,706	(73,523)	254,517	5,865,692
Machinery and equipment	14,685,475	633,462	(110,722)	2,188,286	17,396,501
Murals and land improvements	6,072,954	34,191	-	-	6,107,145
Roads	65,534,181	1,030,538	(239,542)	1,094,538	67,419,715
Underground and other networks	124,690,016	633,993	-	197,748	125,521,757
Assets under construction	3,411,855	6,060,202	-	(3,735,089)	5,736,968
	\$ 290,311,261	\$ 9,892,619	\$ (423,787)	\$ -	\$ 299,780,093

Accumulated Amortization	Balance at December 31, 2019	Amortization	Disposals	Transfers	Balance at December 31, 2020
Land	\$ -	\$ -	\$ -	\$ -	\$ -
Buildings	17,996,012	993,992	-	-	18,990,004
Vehicles	3,270,366	286,457	(70,740)	-	3,486,083
Machinery and equipment	6,988,081	727,858	(83,941)	-	7,631,998
Murals and land improvements	1,627,913	153,284	-	-	1,781,197
Roads	30,944,083	2,774,352	-	-	33,718,435
Underground and other networks	45,092,755	1,721,392	-	-	46,814,147
Assets under construction	-	-	-	-	-
	\$ 105,919,210	6,657,335	\$ (154,681)	\$ -	\$ 112,421,864

	Net book value, December 31, 2019	Net book value, December 31, 2020
Land	\$ 21,843,776	\$ 21,874,279
Buildings	30,526,000	30,868,032
Vehicles	2,280,626	2,379,609
Machinery and equipment	7,697,394	9,764,503
Murals and land improvements	4,445,041	4,325,948
Roads	34,590,098	33,701,280
Underground and other networks	79,597,261	78,707,610
Assets under construction	3,411,855	5,736,968
Total	\$ 184,392,051	\$ 187,358,229

# THE CORPORATION OF THE TOWN OF ESSEX

## Consolidated Schedule of Tangible Assets - Schedule 1

Year ended December 31, 2020

Cost	Balance at December 31, 2018				Additions	Disposals	Transfers	Balance at December 31, 2019		
Land	\$	21,828,352	\$	15,424	\$	-	\$	-	\$	21,843,776
Buildings		48,238,342		286,039		(2,369)		-		48,522,012
Vehicles		5,715,193		36,683		(200,884)		-		5,550,992
Machinery and equipment		14,427,627		416,073		(190,217)		31,992		14,685,475
Murals and land improvements		5,229,318		843,636		-		-		6,072,954
Roads		63,872,788		1,173,218		(3,800)		491,975		65,534,181
Underground and other networks		124,024,538		643,113.00		-		22,365		124,690,016
Assets under construction		2,189,173		1,769,014		-		(546,332)		3,411,855
	\$	285,525,331	\$	5,183,200	\$	(397,270)	\$	-	\$	290,311,261

Accumulated Amortization	Balance at December 31, 2018				Amortization	Disposals	Transfers	Balance at December 31, 2019		
Land	\$	-	\$	-	\$	-	\$	-	\$	-
Buildings		16,895,478		1,101,529		(995)		-		17,996,012
Vehicles		3,145,713		292,446		(167,793)		-		3,270,366
Machinery and equipment		6,404,174		738,539		(154,632)		-		6,988,081
Murals and land improvements		1,479,746		148,167		-		-		1,627,913
Roads		28,135,898		2,808,185		-		-		30,944,083
Underground and other networks		43,380,327		1,712,428		-		-		45,092,755
Assets under construction		-		-		-		-		-
	\$	99,441,336		6,801,294	\$	(323,420)	\$	-	\$	105,919,210

	Net book value, December 31, 2018		Net book value, December 31, 2019	
Land	\$	21,828,352	\$	21,843,776
Buildings		31,342,864		30,526,000
Vehicles		2,569,480		2,280,626
Machinery and equipment		8,023,453		7,697,394
Murals and land improvements		3,749,572		4,445,041
Roads		35,736,890		34,590,098
Underground and other networks		80,644,211		79,597,261
Assets under construction		2,189,173		3,411,855
Total	\$	186,083,995	\$	184,392,051

# THE CORPORATION OF THE TOWN OF ESSEX

Consolidated Schedule of Segment Disclosure - Schedule 2

Year ended December 31, 2020

	General Government	Protection Services	Transportation Services	Environmental Services	Health Services	Recreation and Cultural Services	Planning and Development	2020 Total
Revenue:								
Taxation	\$ 2,564,449	\$ 3,802,855	\$ 4,130,443	\$ 3,621,370	\$ 155,179	\$ 3,109,040	\$ 1,167,492	\$ 18,550,828
User charges	127,735	659,418	-	23,268	79,817	1,241,425	31,750	2,163,413
Grants (note 14)	6,665,181	100,404	144,735	-	163,356	324,083	82,707	7,480,466
Interest	1,088,955	-	-	-	-	-	-	1,088,955
Landfill compensation	-	-	-	2,914,864	-	-	-	2,914,864
Share of income from E.L.K. Energy Inc. (note 2)	1,222,161	-	-	-	-	-	-	1,222,161
Commuted payments	-	-	-	151,776	-	-	-	151,776
Development contributions	1,290,572	-	-	-	-	-	-	1,290,572
Sewer and water charges	-	-	-	8,105,535	-	-	-	8,105,535
Other	369,740	39,041	68,453	19,519	-	114,286	1,514,465	2,125,504
Loss on disposal of capital assets	(233,356)	-	-	-	-	-	-	(233,356)
	13,095,437	4,601,718	4,343,631	14,836,332	398,352	4,788,834	2,796,414	44,860,718
Expenses:								
Salaries, wages and benefits	2,837,288	1,411,470	1,678,430	447,295	152,741	2,915,541	719,280	10,162,045
Materials and supplies	1,528,967	1,794,747	1,375,147	1,195,558	120,368	1,101,342	1,407,263	8,523,392
Interest	1,120	100,815	38,742	155,204	-	358,340	14,288	668,509
Contract service	19,456	3,317,517	898,726	3,564,575	264	233,024	-	8,033,562
Amortization of tangible capital assets	148,883	421,974	3,576,517	1,359,113	4,659	1,122,056	24,133	6,657,335
Other	224,245	12,082	11,057	-	10,000	40,490	2,056	299,930
	4,759,959	7,058,605	7,578,619	6,721,745	288,032	5,770,793	2,167,020	34,344,773
Annual surplus	\$ 8,335,478	\$ (2,456,887)	\$ (3,234,988)	\$ 8,114,587	\$ 110,320	\$ (981,959)	\$ 629,394	\$ 10,515,945

# THE CORPORATION OF THE TOWN OF ESSEX

Consolidated Schedule of Segment Disclosure - Schedule 2

Year ended December 31, 2020

	General Government	Protection Services	Transportation Services	Environmental Services	Health Services	Recreation and Cultural Services	Planning and Development	2019 Total
Revenue:								
Taxation	\$ 2,239,156	\$ 3,271,492	\$ 4,075,416	\$ 3,543,985	\$ 138,293	\$ 3,687,275	\$ 800,225	\$ 17,755,842
User charges	123,037	565,175	-	15,185	63,774	2,467,786	31,550	3,266,507
Grants (note 14)	5,697,271	182,813	-	-	154,980	786,060	30,684	6,851,808
Interest	1,495,380	-	-	-	-	-	-	1,495,380
Landfill compensation	-	-	-	3,343,971	-	-	-	3,343,971
Share of income from E.L.K. Energy Inc. (note 2)	784,082	-	-	-	-	-	-	784,082
Commuted payments	-	-	-	152,331	-	-	-	152,331
Development contributions	660,707	-	-	-	-	-	-	660,707
Sewer and water charges	-	-	-	7,219,452	-	-	-	7,219,452
Other	115,985	149,728	48,707	128,814	454	277,364	867,036	1,588,088
Loss on disposal of capital assets	581	(16,600)	(40,311)	2,093	-	56	-	(54,181)
	11,116,199	4,152,608	4,083,812	14,405,831	357,501	7,218,541	1,729,495	43,063,987
Expenses:								
Salaries, wages and benefits	2,692,795	1,388,511	1,465,361	454,858	144,927	3,497,156	418,090	10,061,698
Materials and supplies	1,361,384	645,850	2,268,406	1,440,287	135,251	1,822,822	1,262,803	8,936,803
Interest	1,362	110,612	10,210	185,711	-	406,391	17,720	732,006
Contract service	7,684	3,364,535	614,570	3,441,341	1,521	370,200	10,176	7,810,027
Amortization of tangible capital assets	121,400	413,769	3,506,548	1,453,253	3,390	1,229,697	73,236	6,801,293
Other	186,386	172,793	1,229	175	10,000	59,071	202	429,856
	4,371,011	6,096,070	7,866,324	6,975,625	295,089	7,385,337	1,782,227	34,771,683
Annual surplus	\$ 6,745,188	\$ (1,943,462)	\$ (3,782,512)	\$ 7,430,206	\$ 62,412	\$ (166,796)	\$ (52,732)	\$ 8,292,304

# Delegation Request Form

This form must be completed and submitted to the Clerk of the Town of Essex by all persons wishing to address Council at a scheduled meeting of Council. Delegation requests must be submitted by 2:00 p.m. on the Tuesday prior to the scheduled meeting.

Any person who wishes to appear before Council as a Delegation on a matter that relates specifically to a matter contained in the Regular Council Meeting Agenda shall submit a Delegation Request Form no later than 4:30 PM on the Friday immediately preceding the date of the Regular Council Meeting. The Clerk shall have the sole authority to determine if the subject matter does in fact relate specifically to a matter contained in the Regular Council Meeting Agenda for purposes of allowing or denying the Delegation and the Clerk will introduce such Delegation Request Form(s) at the time of adopting the Published Agenda.

Presentations to Council are limited to 5 minutes per person to a maximum of 10 minutes for a group of two persons or more.

Personal information that you provide on this form is collected pursuant to the Municipal Freedom of Information and Protection of Privacy Act and will be used for the purpose of responding to your request. Please note that this form, if approved, will appear in the published Council Agenda and may be included in the Council Meeting minutes, both of which become part of the public record and are posted on our municipal website.

**Name \***

Peter Thyrring

**Date of Request \***

5/26/2021



**Are you representing a group? \***

☒ Yes

☐ No

**Name of Group (if applicable)**

St. Peters ACHS College School

**Provide details on the issue(s) you wish to present to Council and any actions you will be asking Council to take. \***

I am requesting to be a delegation at a closed council meeting on Monday, May 31, 2021.  
I would like to present a proposal to Council regarding use of parts of the former Harrow High School building and lands.  
I am interested in being a tenant of the Town of Essex at this site.

My matter is highly time sensitive. I understand the Town does not yet own the property. However it is important that they hear my proposal at this time because it will certainly be a major factor in their decision making process regarding the purchase. We could be the Town's anchor tenant at this site and would contribute greatly to community life. Therefore it is imperative that I have an audience with Council, preferably within the week.

We request an agreement in principle regarding a partnership.

**Have you consulted with Town staff on this issue? \***

☒ Yes

☐ No

**If you've consulted with Town staff, please provide the names of staff members you've talked to and the details of those discussions.**

Doug Sweet, Chris Nepszy, Robert Auger

I have shared with these staff members my request to use space at the former Harrow High School. I have also requested to speak with Council on the matter.

**If this is a property matter, are you an owner?**

☐ Yes

☒ No

☐ Not applicable

**Have you appeared before Council in the past regarding this issue? \***

☐ Yes

☒ No

**If you've appeared before Council in the past on this issue, please tell us the year in which you appeared.**

**Will you have written or printed materials to distribute? If so, please submit 12 copies of printed materials to the Clerk before the meeting. \***

☒ Yes

☐ No

**Will you be delivering an electronic presentation that requires access to a computer and software? If so, please submit your presentation on CD, DVD or flash drive by noon on the Friday before the Council meeting. \***

☐ Yes

☒ No

**Please describe any special needs you may have for your presentation.**

I am requesting to speak at a closed meeting of Council with a week of this application, preferably Monday, May 31, 2021 as this matter is so time-sensitive.

**Your Address or Group Contact Address (full mailing address including postal code) \***

6101 County Road 20  
RR5 Harrow  
N0R 1G0

**Your Phone Numbers**

**Home**

Use format 519-  
776-7336

**Work**

Use format 519-  
776-7336

**Cell**

[REDACTED]

**Email Address**

achscanada@gmail.com

**Name and address of all representatives attending, including their positions \***

Peter Thyrring, Headmaster, St. Peter's ACHS College School  
6101 County Road 20  
RR5 Harrow  
N0R 1G0

# Thank you!

Thank you for completing the Delegation Request Form.

The Clerk's Office will contact you in the near future to review your request.

**Robert Auger, LL.B.**

**Manager of Legislative Services and Clerk**

**Town of Essex**

**33 Talbot Street South, Essex, Ontario N8M 1A8**

**519-776-7336, extension 1132**



## Report to Council

Department: Corporate Services  
Division: Finance and Business Services  
Date: June 7, 2021  
Prepared by: Katelynn Giurissevich, CPA, CA, Manager, Finance and Business Services  
Report Number: Finance and Business Services Report-2021-01  
Subject: Development Charges - Interest Rate By-law  
Number of Pages: 7

### Recommendation(s)

**That** Finance and Business Services Report-2021-01 entitled Development Charges - Interest Rate By-law prepared by Katelynn Giurissevich dated June 7, 2021 be received, and

**That** Attached By-Law 2030, being a by-law to charge interest on outstanding development charges equal to the Town's borrowing rate plus 2%, fixed at the date of building permit issuance or at the date of related planning application, compounded annually, be read a first, second, and third time and finally adopted on June 7, 2021.

### Purpose

To implement an interest charge on all Development Charge Payment arrangements, as specified in By-Law 1850 and in accordance with subsection 26 of the Development Charges Act, to ensure the Town is offsetting the debt associated cost of new-growth infrastructure, as well as administration costs and lost interest, in relation to these Development Charge Payment arrangements.

## Background and Discussion

The Development Charges Act (DCA), 1997 permits a municipality to charge and collect Development Charges. Development charges are fees paid by new development to fund municipal infrastructure and services related to this growth. These improvements may include items such as sewer pipes and road improvements. Every five years, the municipality **conducts a development charges background study to forecast the community's future** residential and non-residential growth to determine future municipal needs and costs. The most recent background study was performed in 2019 and new charges were adopted with a Development Charges By-law in August 2019.

Changes to the Development Charge Bylaw are currently underway and will be presented to Council on June 21, 2021. These changes are a direct result of the introduction of Bill 108, More Homes, More Choices Act and Bill 197 the COVID-19 Economic Recovery Act. These bills impacted the Development Charge Act legislation effective January 1, 2020.

The following provisions became effective as of January 1, 2020 and have been included in **Essex's Draft** Development Charge by-law as a result of Bill 108/Bill 138:

- Institutional developments may pay Development Charges in 6 equal annual payments. (subsection 26.1 of the DCA)
- Rental housing may pay Development Charges in 6 equal annual payments. (subsection 26.1 of the DCA)
- Non-profit housing developments may pay Development Charges in 21 equal annual payments. (subsection 26.1 of the DCA)
- The Development Charge rate is frozen for Site Plan or Zoning By-law amendments until 2 years after approval (subsection 26.2 of the DCA)

An interest rate charge may be applied to these arrangements (subsection 26.1 and 26.2) for the following reasons:

- As development charges are no longer collected at the time of building permit issuance, and are instead delayed some manner, the interest earned on the development charge reserve will be lower.
- Should there be the requirement for growth related capital projects, the development charge reserve may need to advance funds for projects where certain properties may be under a payment arrangement, and the collection of the development charges to fund such projects has ultimately been delayed. In the case debt is required to fund these growth related projects an interest rate would be incurred.

An interest rate charge would minimize the impact of lost interest on reserve funds as well as offset the interest charged on potential debt as a result of growth related capital projects.

The following analysis has been prepared to assist in determining the appropriate rate of interest to be charged, as the newly revised subsection 26 does not specify a rate to be used.

Municipality	Rate Imposed
City of Barrie	Weighted Average Cost of Capital (end of 2019 - 4.78%)
City of Waterloo	Prime + 2% ( Rental Housing that is not Non-Profit, Institutional Development and frozen charges per s 26.2 of the Development Charges Act)  0% (Non-Profit Housing)
Regional Municipality of York	5% compounded annually

LaSalle	5%  0% (where developments are classified under a “development incentive/program”)
Lakeshore	Infrastructure Ontario rate plus 0.5% compounded annually
City of London	Statistics Canada Construction index for non-residential as of September 30th, compounded annually.

The rates of interest charged varies between municipalities. Currently the Town charges the following rates of interest, through approved applicable bylaw, on other types of offered financing:

Shoreline Assistance Loan	Infrastructure Ontario ( plus an administrative fee of \$1,250)
Drainage Construction Debentures	Infrastructure Ontario + 2% (administrative fee)
Local Improvements	Infrastructure Ontario + 2% (administrative fee)

To remain consistent with other Town financing, it is recommended that the rate of Borrowing + 2% be implemented through an adopted by-law.

## Application

### **Installments** (industrial/rental/non-profit)

Development charges will be paid in equal annual instalments, beginning on the earlier of the date of the issuance of a permit under the Building Code Act, authorizing occupation of the building and the date the building is first occupied, and continuing on each instalment date. The interest rate shall be charged on the outstanding balance as at each instalment date (compounded annually), until the Development Charges are paid in full.

### **Rate-Freeze** (Site Plan or Zoning By-law amendments)

**The development charge rate would remain “frozen” for up to two years from the date** the application is approved, after which will revert back to time of building permit issuance.

### **Early Payment Agreements**

Section 27 (1) of the Development Charge Act allows for development charges to be paid at an earlier date than would otherwise be payable. For any development that qualifies under section 26.1 (deferred 6 or 21 annual instalments), the option of an agreement for full development charge to be paid at building permit issuance is available.

### **Non-Collection of Payments**

If any part of the development charges owing remain unpaid after it is payable, the amount unpaid including any interest payable shall be added to the tax roll and shall be collected in the same manner as taxes.

## Financial Impact

The implementation of the interest rate would result in no Financial Impact as its intent is to offset any potential lost interest or interest expense.

## Consultations

Rita Jabbour, Manager, Planning

Lori Chadwick, Director, Development Services

Jeffrey R. Morrison, Director, Corporate Services

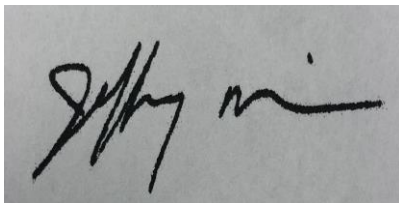
## Link to Strategic Priorities

- ☒ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- ☐ Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- ☒ Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- ☐ Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- ☐ Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.
- ☐ **Improve the Town's capacity to meet the ongoing and future service needs of its citizens** while ensuring the corporation is resilient in the face of unanticipated changes or disruptions.

## Report Approval Details

Document Title:	Development Charges Interest Policy - Corporate Services-2021-01.docx
Attachments:	
Final Approval Date:	Jun 1, 2021

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

A handwritten signature in black ink, appearing to read "Jeff Morrison", on a light-colored background.

**Jeffrey Morrison, Director, Corporate Services/Treasurer - Jun 1, 2021 - 11:53 AM**

A handwritten signature in black ink, appearing to read "Chris Nepszy", on a light-colored background.

**Chris Nepszy, Chief Administrative Officer - Jun 1, 2021 - 11:57 AM**

# **The Corporation of the Town of Essex**

## **By-Law Number 2030**

**Being a by-law to establish interest rates and impose interest charges on instalment payments of development charges pursuant to Section 26.1 of the *Development Charges Act, 1997* and on development charges determined under the Town development charge by-law at the date of a site plan or rezoning application pursuant to Section 26.2 of the *Development Charges Act, 1997*.**

**WHEREAS** pursuant to subsection 26.1(7) of the *Development Charges Act, 1997*, S.O. 1997, c. 27 (the "Act"), The Corporation of the Town of Essex (the "Town") may charge interest on the instalments for development charges required by subsection 26.1(3) of the Act for rental housing, institutional, and non-profit housing from the date the development charge otherwise would have been payable under Section 26 of the Act to the date an instalment is paid;

**AND WHEREAS**, pursuant to Section 26.2(3) of the Act, the Town may charge interest on a development charge determined under its development charge by-law on the date of an application for a site plan approval or for a zoning by-law amendment stipulated in clause 26.2(1)(a) or (b) of the Act, from the date stipulated to the date the development charge is payable; and

**Now therefore** be it resolved that the Council of the Corporation of the Town of Essex enacts as follows:

### **Development Charge Interest Rates Imposed**

1. That an interest rate, which may be referred to as the DC Deferral Interest Rate, such rate being the applicable Infrastructure Ontario rate plus two percent (2%) per annum, be hereby imposed pursuant to subsection 26.1(7) of the Act on instalments required by subsection 26.1(3) of the Act, to be applied from the date the subject development charges would, but for subsection 26.1(3) of the Act, have been payable under Section 26 of the Act to the date each instalment is paid.
2. That an interest rate, such rate being the applicable Infrastructure Ontario rate plus two percent (2%) per annum be hereby imposed on the development charges determined under section 26.2 of the Act pursuant to subsection 26.2(3) of the Act, to be applied from the date referred to in clause 26.2(1)(a) or (b) of the Act, as applicable, to the date the development charge is payable.

3. Despite Section 2 of this by-law where a building permit for a development has been issued prior to August 1, 2020 by a local municipality for the development in respect of which a development charge is levied, the Interest Rate provided for by Section 2 of this by-law shall be zero percent (0%) per annum.
4. Interest shall be compounded annually on any unpaid amounts of interest accrued when due. Any arrears of interest or compound interest shall be added to the principle amounts on the payment due date and interest at the rate provided for in this by-law shall be charged on such increased principle amounts.
5. Pursuant to Section 27(1) of the Act, the Town may (by way of early payment agreement) accept one or more payments of development charges at an earlier date than would have been permitted under Section 26.1 of the Act, with interest at the DC Deferral Interest Rate provided for in this by-law accrued from the date that a building permit has been issued for the development which is subject to the payment of development charges.
6. In accordance with Section 398(2) of the Municipal Act, the Town may add any unpaid amounts or charges under this By-Law to the tax roll and collect them in the same manner as property taxes.
7. The Treasurer and/or Deputy Treasurer is authorized to execute development charges payment agreements, to execute agreements under Section 27 of the Act for payment before or after payments would otherwise be payable, and to require any security which he or she deems necessary to the proper implementation or administration of the collection of development charges, upon legal terms satisfactory to the Town Solicitor and upon business terms satisfactory to the Treasurer and/or Deputy Treasurer.
8. This by-law shall come into full force and effect upon the final passing thereof.

**Read a first, a second and a third time and finally passed on June 7, 2021**

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Mayor

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Clerk



## Report to Council

Department: Corporate Services  
Division: Finance and Business Services  
Date: June 7, 2021  
Prepared by: Katelynn Giurissevich, Manager, Finance and Business Services  
Report Number: Finance and Business Services-2021-06  
Subject: Bylaw to Debenture 2021 Annual Drainage Maintenance Billings  
Number of Pages: 4

### Recommendation(s)

**That** Finance and Business Services-2021-06 entitled Annual Drainage Maintenance Billings Payment Terms prepared by Katelynn, Giurissevich, Manager, Finance and Business Services, dated June 7, 2021 be received, and

**And That** By-Law 2031, being a By-Law to provide for the authorization to debenture certain Drainage Maintenance Billings, at the Property Owners request, be read a first, second, and third time and finally adopted on June 7, 2021.

### Purpose

Council approval is required to authorize and register municipal by-laws.

## Background and Discussion

The current process for annual maintenance bills to Town of Essex Residents is to invoice for completed maintenance work, with a 45 day payment due date. If payment is not made within 45 days it is automatically added to the Tax Account and due by the last quarter installment of the tax year in which it was billed in.

Maintenance Bills for Drainage work have fluctuated over the years. In 2018 the highest bill issued to an individual resident was \$9,148, and in 2020 \$18,674. In 2021, with several large scale drainage works budgeted, it is anticipated that an individual property owner could be billed up to \$20,000 in 2021.

Currently, most property owners who have outstanding Construction Drainage Bills have the ability to debenture larger bill amounts over a period of 5 or 10 years at an interest rate prescribed by the Town.

Many property owners have raised concerns with the high bills they are receiving from drain maintenance work and the need for options to make these payments.

To grant residents flexibility in payment, it is recommended that should a resident request, they could debenture their outstanding maintenance drain bill. Bylaw 2031 has been developed for this purpose.

## Financial Impact

For maintenance debenture arrangements, the funds are financed either internally or through Infrastructure Ontario, and interest is applied based on the Infrastructure Ontario borrowing rate for the applicable period plus 2%. These charges offset the cost of borrowing and administration of the debenture, and therefore there is no expected financial impact.

## Consultations

Norman Nussio, Manager, Operations/ Drainage

Lindsay Dean, Drainage Superintendent

Jeffrey Morrison, Director, Corporate Services

Kevin Girard, Director, Infrastructure Services

## Link to Strategic Priorities

- ☒ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- ☐ Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- ☐ Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- ☐ Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- ☐ Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.
- ☐ **Improve the Town's capacity to meet the ongoing and future service needs of its citizens while ensuring the corporation is resilient in the face of unanticipated changes or disruptions.**

# **The Corporation of the Town of Essex**

## **By-Law Number 2031**

Being a by-law to provide for the authorization to debenture or add to tax account certain 2021 Drainage Maintenance Billings

**Whereas** certain property owners of land in the municipality have requested administration, under the *Drainage Act*, for a loan ("debenture") for current outstanding drainage maintenance bills for works billed in fiscal year 2021.

**And Whereas** Section 78 of the Drainage Act, R.S.O. 1990, Chapter D. 17, as amended 2010, states that the Council of any municipality whose duty it is to maintain and repair the drainage works or any part thereof, may on the report of an Engineer appointed by it, complete the drainage works as set forth in such report;

**And whereas** the Council of the Corporation of the Town of Essex is, by Section 408 of the Municipal Act, 2011 and amendments thereto, authorized to enact as hereinafter set forth

**Now therefore the Council of the Corporation of the Town of Essex hereby enacts as follows:**

1. That the Corporation may, in respect of outstanding drainage maintenance billings for works billed in fiscal 2021, issue debentures for the amount borrowed less the total amount of:
  - Grants received under Section 85 of the Drainage Act, R.S.O. 1990, Chapter D. 17, as amended, 2010;
  - Commuted payments made in respect of lands and roads assessed within the Municipality;
  - Money paid under Section 61(3) of the Drainage Act, R.S.O. 1990, Chapter D. 17, as amended 2010;

and such debentures shall be made payable: a) in the case of assessments in value of between \$1,500.00 and \$7,499.99 within (5) five years from the date of the debenture and shall bear interest at a rate not higher than 2% more than the municipal lending rates as posted by Infrastructure Ontario on the date of sale of such debenture(s); or b) in the case of assessments in value of \$7,500.00 and greater, within (10) ten years from the date of the debenture and shall bear interest at a rate not higher than 2% more than the municipal lending rates as posted by Infrastructure Ontario on the date of sale of such debenture(s).

2. That a special equal annual rate sufficient to redeem the principal and interest on the debentures shall be levied upon the lands and roads, as presented to Council in the forthcoming by-laws to borrow, to be collected in the same manner as other taxes collected in each year for (5) five or (10) ten years (as applicable) after the passing of this by-law.
3. That all assessments of \$1,499.99 or less are payable in the first year in which the assessment is imposed.
4. That upon request, that the Treasurer has the authority to make such other reasonable payment arrangements, outside of the standard terms noted above.
5. That this by-law comes into force on the passing thereof and may be cited as "Annual Drainage Maintenance Debentures".

**Read a first, a second and a third time and finally passed on June 7, 2021**

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Mayor

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Clerk



## Report to Council

Department: Infrastructure Services  
Division: Drainage  
Date: June 7, 2021  
Prepared by: Lindsay Dean, Drainage Superintendent  
Report Number: Drainage-2021-04  
Subject: Results of Request for Tender –Rush Drain & 14th Concession Drain Improvements  
Number of Pages: 3

### Recommendation(s)

**That** Drainage-2021-04 entitled “Results of Request for Tender – Rush Drain & 14<sup>th</sup> Concession Drain Improvements” prepared by Lindsay Dean dated June 7, 2021 be received, and

**That** Council award the Request for Tender – Rush Drain and 14<sup>th</sup> Concession Drain Improvements (RFT-ID-21-016) to Murray Mills Excavating & Trucking (Sarnia) Ltd. in the amount of \$661,345.36 including non-refundable Harmonized Sales Tax.

### Purpose

In accordance with the Town Procurement By-law 1043, Council approval is required for purchases in excess of \$100,000.

## Background and Discussion

The **engineer's** report prepared under Section 78 of the Drainage Act by Dillon Consulting Limited dated January 8, 2021 went through the mandated Drainage Act process and was adopted by by-law 1987.

Following the guidelines set out in the Town's Procurement By-Law Number 1043, a request for tender was posted on the Town's website and Merx, and closed at 3:00:00 pm on May 19, 2021.

The Tenders were reviewed for arithmetic errors, completeness, legibility, revisions and irregularities. The results of the Request for Tender are summarized below:

Bidder Name	Total Tender Price including non-refundable Harmonized Sales Tax (1.76%)	Total Tender Price including Harmonized Sales Tax (13%)
Sterling Ridge Infrastructure Inc.	\$697,262.72	\$774,279.55
South Shore Contracting of Essex County Inc.	\$684,488.64	\$760,094.50
Murray Mills Excavating & Trucking (Sarnia) Ltd.	\$661,345.36	\$734,394.91

Dillion Consulting Limited provided a summary of the bids and noted that the lowest tender was received from Murray Mills Excavating & Trucking (Sarnia) Ltd. The summary and recommendation from Dillon Consulting Limited is attached.

## Financial Impact

The cost of this project is being funded by the assessed lands and roads as laid out in the assessment schedule in the report. **From the Engineer's Report, the Town of Essex is assessed a total of approximately \$170,000 of the overall project cost including incidentals.** This project is being undertaken in conjunction with the Highway 3 widening project that the Ministry of Transportation is completing. Therefore, there are components of the project that

are being completed by the Ministry of Transportation's contractor that are located adjacent to Highway 3 that have not been included in this tender. With these components of the project removed, the estimated portion that the Town of Essex will be contributing towards the work completed under contract RFT-ID-21-016 is approximately \$104,000. These and other incurred costs, will be included and funded through the 2022 Roads-Municipal Drainage and Storm Sewers Operating Budget and debentures will be provided to the applicable landowners as identified in by-law 1987.

## Consultations

Jackson Tang, Assistant Manager, Business Services

Kate Giurissevich, Manager, Finance and Business Services/Deputy Treasurer

Jeffrey Morrison, Director, Corporate Services/Treasurer

## Link to Strategic Priorities

- ☒ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- ☐ Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- ☒ Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- ☐ Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- ☐ Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.
- ☐ **Improve the Town's capacity to meet** the ongoing and future service needs of its citizens while ensuring the corporation is resilient in the face of unanticipated changes or disruptions.

## Report Approval Details

Document Title:	Results of Request for Tender - Rush Drain.docx
Attachments:	- Recommendation letter revised.pdf
Final Approval Date:	Jun 1, 2021

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

**Norm Nussio, Manager Operations and Drainage - Jun 1, 2021 - 1:59 PM**



**Kevin Girard, Director, Infrastructure Services - Jun 1, 2021 - 2:54 PM**



**Chris Nepszy, Chief Administrative Officer - Jun 1, 2021 - 4:27 PM**

Sent Electronically:

May 20, 2021

The Corporation of the  
Town of Essex  
33 Talbot St South  
Essex, ON  
N8M 1A8

Attention: Jackson Tang  
Assistant Manager, Business Services

**Tender Results & Recommendation**  
**RFT-ID-21-016 - Rush Drain & 14<sup>th</sup> Concession Drain Improvements**

Dear Mr. Tang:

The following tenders were received May 19, 2021 and are listed below in order of lowest to highest.

1. Murray Mills Excavating & Trucking (Sarnia) Ltd.	\$649,907.00
2. South Shore Contracting of Essex County Inc.	\$672,650.00
3. Sterling Ridge Infrastructures Inc.	\$685,203.14

The tender prices, as noted above, include a \$30,000.00 contingency, however these amounts, as shown, are before adding the HST.

All three (3) bids were reviewed and found to be complete. This included signatures for acknowledgement of tender documents, submission of Addendum No. 1, Occupational Health & Safety Declaration, Accessibility Agreement, a guaranteed bid bond for 10% of the tender price and consent from a surety insurance company to provide a contract performance bond and labour and material payment bond each covering 100% of the tender amount.

All three (3) bids were checked and confirmed to have balanced representation among all the tender items and there were no arithmetic errors found. Both Part 'A' (Rush Drain) and Part 'B' (14<sup>th</sup> Concession Drain) are combined as one total tender price.

For comparative purposes against the low tender price as shown above, the engineer's estimate contained within the drainage report plus a \$30,000.00 contingency was \$604,500.00 and has been exceeded by approximately 7.5%. The overage, we would suggest is a direct result of the escalating prices primarily in raw materials involving the manufacturing and delivery processes. The higher material prices has mostly been attributed to the worldwide Covid-19 pandemic experienced over the past year. According to contractors we have spoken to, material costs for concrete, steel, plastics, and stone aggregates have jumped in price 10-30% over the course of this pandemic

10 Fifth Street South  
Chatham, Ontario  
Canada  
N7M 4V4  
Telephone  
519.354.7802  
Fax  
519.354.2050



and are still rising. For this project, the material costs represent a significant part of the tender price and therefore explains the exceedance.

In consideration of the above, we would recommend that the Contract be awarded to the lowest bidder, being Murray Mills Excavating & Trucking (Sarnia) Ltd. From two very recent municipal drain projects undertaken by the said contractor that have been completed under my management and supervision, they have fully demonstrated to perform quality work, and in my considered opinion are a reputable construction firm.

Yours respectfully,

Tim Oliver, P.Eng.  
Our File: 19-1023

cc. Ms. Lindsay Dean, Drainage Superintendent, Town of Essex  
Mr. Norman Nussio, Manager of Operations and Drainage, Town of Essex



## Report to Council

Department: Infrastructure Services  
Division: Drainage  
Date: June 7, 2021  
Prepared by: Norman Nussio C.E.T, CRS  
Manager, Operations and Drainage  
Report Number: Drainage-2021-05  
Subject: Drainage Cost Recovery Update  
Number of Pages: 5

### Recommendation(s)

**That** Drainage-2021-05 entitled Drainage Cost Recovery Update prepared by Norman Nussio, Manager, Operations and Drainage, dated May 17<sup>th</sup> 2021 be received.

### Purpose

This report was developed in response to Council Resolution R-21-02-043 on January 2<sup>nd</sup>, 2021 as follows:

*That in order for Council to be fully aware of outstanding billings for drainage projects, it is hereby requested that a detailed Drainage Billings Report be brought by Administration to Council in February/March 2021 for a full review of the Town's standing on such bills.*

## Background and Discussion

There are two types of billings that occur in a fiscal year, construction and maintenance. Although similar in nature they both have very different criteria and timelines.

### Construction

- Requested by drain owner or petition process.
- Construction projects can take roughly 2 or more years to complete depending on the complexity of the project.
- Cost is incurred over the duration of the project with interim billing from engineers, contractors, studies etc.
- Construction projects must be submitted for Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) grant within one year of the final invoice or by February 15<sup>th</sup> of each year.
- Administration prepares billing for mail out within the same one year time frame.

### Maintenance

- Requested by drain owner or road authority.
- Work is performed under current engineers report and maintenance schedule.
- Work is performed in the current year and bills are sent out the following spring, example (work performed in 2020 will be billed May-June 2021).
- Invoices are grouped by project and reconciled to make grant submission to OMAFRA on or before April 30<sup>th</sup> each year for anyone within the project scope that holds farm tax class status or eligible for grant.
- Once application has been submitted, the project files are reviewed by the Finance and Drainage Departments and the bills are then prepared for mail out to residents with the grant applied to any owner that qualified.
- If for some reason the grant is not received by OMAFRA for any parcel, then an additional bill will be sent to that property for the funds not received from OMAFRA.

Through this process, drainage updates and manages an ongoing continuity schedule tracking all expenditures to help monitor the dollar value in our cost recovery account. In addition to the continuity schedule, the Drainage and Finance Departments hold a regularly scheduled monthly meeting to discuss process and expenditures throughout the year to ensure full cost recovery.

At this time all maintenance expenditures prior to 2019 have been billed and received and 2020 maintenance billing is being prepared for mail out in June of 2021. Figure 1 shows a summary of 2019 and 2020 maintenance and construction billings/expenditures.

Figure 1 Summary of 2019 and 2020 expenditures

Construction Projects and Expenses		
Quantity	Projects	Total
6	2019 Construction Billed in spring 2020	\$ 307,636.35
15	2020 Construction Billed throughout 2020	\$ 691,550.10
20	2020 Construction Work In Progress	\$ 350,371.34
Maintenance Projects and Expenses		
Quantity	Projects	Total
46	2019 Maintenance Billed in 2020	\$ 408,417.78
39	2020 Maintenance to be Billed in 2021	\$ 486,469.36
17	2020 Maintenance Carry Forward	\$ 119,533.11

As you can see from **figure 1** some maintenance files carry over from one year to the next. This may be due to a project that was started late in the year and completed the following year. In order to avoid sending two bills on one drain for the same project, we hold the minimal cost from the previous year and bill the following year when the project is complete.

## Financial Impact

There will be no financial impact as a result of this report.

## Consultations

Lindsay Dean, Drainage Superintendent

Kevin Girard, Director, Infrastructure Services

Kate Giurissevich Manager, Finance and Business Services/Deputy Treasurer

Jeffrey Morrison, Director, Corporate Services /Treasurer

## Link to Strategic Priorities

- ☒ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
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- ☐ Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.
- ☐ **Improve the Town's capacity to meet the ongoing and future service needs of its citizens** while ensuring the corporation is resilient in the face of unanticipated changes or disruptions.

## Report Approval Details

Document Title:	Drainage Cost Recovery Update - Drainage-2021-01.docx
Attachments:	
Final Approval Date:	Jun 1, 2021

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

A handwritten signature in black ink, appearing to read "K. Girard", written over a light blue horizontal line.

**Kevin Girard, Director, Infrastructure Services - May 26, 2021 - 11:11 AM**

A handwritten signature in black ink, appearing to read "Chris Nepszy", written over a light blue horizontal line.

**Chris Nepszy, Chief Administrative Officer - Jun 1, 2021 - 11:22 AM**



## Report to Council

Department: Infrastructure Services

Division: Drainage

Date: June 7, 2021

Prepared by: Lindsay Dean, Drainage Superintendent

Report Number: Drainage-2021-06

Subject: Appointment of an Engineer under Section 78 & 76 to review crossings and updated cost sharing for the Elford Creek Drain

Number of Pages: 4

### Recommendation(s)

**That** Drainage-2021-06 entitled Appointment of an Engineer under Section 78 & 76 to review crossings and updated cost sharing for the Elford Creek Drain prepared by Lindsay Dean, Drainage Superintendent dated June 7, 2021 be received, and

**That** Council under Section 76(1) make an application to receive approval from the Tribunal to appoint Rood Engineering Incorporated under Section 76 of the Drainage Act for the Elford Creek Drain, and

**That** Council under Section 78 of the Drainage Act appoint Rood Engineering Incorporated to the Elford Creek Drain.

## Purpose

The Town of Essex has been notified from the Town of Kingsville that maintenance is required on the Elford Creek Drain as it serves as an outlet to their lands and roads. The current assessment schedule on the Elford Creek Drain is outdated and needs to be updated before maintenance is completed in an effort to fairly assess the cost of those works. In addition, the crossings should be reviewed to ensure they are sufficient and can be replaced under Section 74 of the Drainage Act as required.

## Background and Discussion

The Elford Creek Drain runs from County Road 23 heading northwesterly eventually crossing the 9<sup>th</sup> Concession Road continuing to its outlet into the Canard River.

The most recent report containing a plan, profile and assessment schedule for the Elford Creek Drain was completed in 1966 and was passed under municipal by-law. In the time since that report was prepared, many severances have occurred, therefore, the engineer will update the assessment schedule to make sure all parcels and roads are fairly assessed in both the Town of Essex and the Town of Kingsville. In addition, all the drain crossings should be reviewed to ensure that design details are provided and that cost sharing is included for all the structures that are considered to be part of the Elford Creek Drain. This will allow these crossings to be replaced through the drain maintenance program as required without **another engineer's report.**

Under Section 76(1) of the Drainage Act, when multiple Municipalities are involved in the process, Council may make application to the Tribunal to appoint an engineer to vary the original assessments for maintenance purposes. Since this watershed involves both the Town of Essex, the initiating Municipality, and the Town of Kingsville, the Town of Essex is required to notify the Town of Kingsville that an application has been sent to the Tribunal to vary the assessments. If approval from the Tribunal is received, then the engineer can be appointed to prepare the report.

In addition, under Section 78 of the Drainage Act, Council may appoint an engineer to make repairs or improvements to existing municipal drains that have been passed under municipal by-law. The Elford Creek Drain is a municipal drain that has been adopted by municipal by-law and any design changes made to the drain would qualify under this section of the act. After notification to ERCA under Section 78(2) of the Drainage Act, the engineer will be appointed to prepare the report.

The procedures and appeals under Section 78 & 76 are followed in the same manner as Petition Drains, Section 4 of the Drainage Act aside from the need to apply to the Tribunal for approval. The general procedure is as follows:

- Council makes an application to the Tribunal to appoint an engineer
- Council appointment of an engineer to prepare a report;
- Conduct an on-site meeting with affected landowners;
- Meeting to consider the report and passing of the provisional by-law;
- Court of Revision;
- 3<sup>rd</sup> and Final Reading of the by-law;
- Maintenance work can be completed

## Schedule

Should Council approve to proceed with the report and appoint an Engineer, the estimated schedule will be as follows:

- Council applies to the Tribunal – June 2021
- Council approval and appointment of Engineer –July/August 2021
- On Site Meeting – September 2021
- Preparation of the Report – March 2022
- Submission of Report and notification period – April 2022
- Consideration of the Report by the Drainage Board –April 2022
- Provisional By-law and Adoption by Council – May 2022
- Court of Revision –June 2022
- 3<sup>rd</sup> and Final Reading of the By-law – July 2022
- Maintenance work – Summer/Fall 2022

## Financial Impact

The lands and roads assessed to the Elford Creek Drain within the Town of Essex and the Town of Kingsville will be responsible for all cost associated with the engineering and incidental costs and construction (if applicable).

## Link to Strategic Priorities

- ☒ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- ☐ Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- ☐ Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- ☐ Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- ☐ Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.

## Report Approval Details

Document Title:	Appointment of Engineer for Section 78 76 to review crossings and updated cost sharing for Elford Creek.docx
Attachments:	
Final Approval Date:	Jun 2, 2021

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

**Norm Nussio, Manager Operations and Drainage - Jun 2, 2021 - 9:43 AM**



**Kevin Girard, Director, Infrastructure Services - Jun 2, 2021 - 9:45 AM**



**Chris Nepszy, Chief Administrative Officer - Jun 2, 2021 - 11:40 AM**



## Report to Council

Department: Infrastructure Services  
Division: Drainage  
Date: June 7, 2021  
Prepared by: Lindsay Dean, Drainage Superintendent  
Report Number: Drainage-2021-07  
Subject: Appointment of an Engineer under Section 78 of the Drainage Act to replace a culvert in the Hicks Drain  
Number of Pages: 3

### Recommendation(s)

**That** Drainage-2021-07 entitled Appointment of an Engineer under Section 78 of the Drainage Act to replace a culvert in the Hicks Drain prepared by Lindsay Dean, Drainage Superintendent dated June 7, 2021 be received, and

**That** Council appoint Rood Engineering Inc. under Section 78 of the Drainage Act to replace a culvert in the Hicks Drain.

### Purpose

To replace and extend a culvert in the Hicks Drain for a property located at 4830 4<sup>th</sup> Concession Road.

### Background and Discussion

The Hicks Drain runs mostly through private lands from between County Road 18 and the 6<sup>th</sup> Concession Road to where it enters Cedar Creek south of the 4<sup>th</sup> Concession Road.

Under Section 78 of the Drainage Act, Council may appoint an engineer to make repairs or improvements to existing municipal drains that have been passed under municipal by-law. The Hicks Drain is a municipal drain that has been adopted by municipal by-law and any changes made to the drain would qualify under this section of the act. One item of notation with this replacement culvert, is that this structure has not been identified or installed through a report completed under the Drainage Act. For that reason, it cannot be replaced under Drain Maintenance through Section 74 of the Drainage Act, and therefore, requires replacement under Section 78 instead.

Prior to the appointment of an engineer, notice must be sent to the Conservation Authority and after 30 days an engineer may be appointed to this project. An engineer appointment under Section 78 of the Drainage Act, gives the engineer authority to review the drainage works and prepare a report outlining their recommendations.

The procedures and appeals under Section 78 are followed in the same manner as Petition Drains, Section 4 of the Drainage Act. The general procedure is as follows:

- Council appointment of an engineer to prepare a report;
- Conduct an on-site meeting with affected landowners;
- Meeting to consider the report and passing of the provisional by-law;
- Court of Revision;
- 3<sup>rd</sup> and Final Reading of the by-law;
- Construction of drainage works.

## Schedule

Should Council approve to proceed with the report and appoint an Engineer, the estimated schedule will be as follows:

- Council approval and appointment of Engineer –July 2021
- On Site Meeting – August 2021
- Submission of Report and notification period –February 2022
- Consideration of the Report by the Drainage Board –March 2022
- Provisional By-law and Adoption by Council – March 2022

- Court of Revision –April 2022
- 3<sup>rd</sup> and Final Reading of the By-law – May 2022
- Construction (dependent on weather and agency approvals)- Summer 2022

## Financial Impact

It is expected that the landowner receiving the culvert will be responsible for all costs associated with the construction, engineering and incidental costs, however, cost sharing will be determined by the appointed engineer. It should be noted that the project scope may be altered or expanded at the site meeting and this may impact cost sharing including assessments to the Town of Essex and others in the watershed.

## Link to Strategic Priorities

- ☒ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- ☐ Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- ☐ Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- ☐ Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- ☐ Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.

## Report Approval Details

Document Title:	Appointment of Engineer for Hicks Drain Culvert Replacement.docx
Attachments:	
Final Approval Date:	Jun 1, 2021

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

**Norm Nussio, Manager Operations and Drainage - Jun 1, 2021 - 1:59 PM**

A handwritten signature in black ink, appearing to read "Norm Nussio". The signature is written in a cursive style with a large loop at the end.

**Kevin Girard, Director, Infrastructure Services - Jun 1, 2021 - 2:55 PM**

A handwritten signature in black ink, appearing to read "Kevin Girard". The signature is written in a cursive style with a large loop at the end.

**Chris Nepszy, Chief Administrative Officer - Jun 1, 2021 - 4:27 PM**



## Report to Council

Department: Infrastructure Services  
Division: Capital Works and Infrastructure  
Date: June 7, 2021  
Prepared by: Kevin Girard, P.Eng, MBA  
Director, Infrastructure Services  
Report Number: Capital Works and Infrastructure-2021-08  
Subject: Victoria Avenue Improvements  
Number of Pages: 4

### Recommendation(s)

**That** Capital Works and Infrastructure–2021-08 entitled Victoria Avenue Improvements prepared by Kevin Girard, Director, Infrastructure Services dated June 7, 2021 be received;

**That** Council authorize the additional expenditure for design and tendering services of the Victoria Avenue Improvements in the amount of \$134,628.48, including applicable taxes, to Stantec Consulting as part of Project No. GG-21-0001 for the Essex Centre Streetscape; and

**That** Council authorize the over expenditure of GG-21-0001 for the Essex Centre Streetscape in the amount of \$21,915.01, including applicable taxes, to be funded from the Asset Management Lifecycle Reserve.

### Purpose

In accordance with the Town Procurement By-Law 1043, Council approval is required for **purchases in excess of \$100,000.00. This report is to seek Council's approval to award the additional expenses for the Victoria Avenue Improvements.**

## Background and Discussion

At its Regular Council Meeting on January 2, 2021, Council resolved the following:

**R21-02-042**

*That in view of the fact that Victoria Avenue in Essex Centre is one of the premier routes in and out of Essex Centre, and that this road has been in disrepair for many years, that the Victoria Avenue rehabilitation road project be included as part of the Downtown Essex Centre Revitalization.*

Moved by: Richard Meloche

Seconded by: Joe Garon

**Carried**

Following this resolution, Stantec Consulting was asked to provide a change order proposal for the cost to design and tender the Victoria Avenue Improvements along with the Essex Centre Streetscape.

The proposed scope of the engineering services for the Victoria Avenue corridor includes a multi-use path to be added along the north side of the road and to resurface the road from Talbot Street to Viscount Parkway. In addition, the watermain and storm sewer system along Victoria Avenue will be reviewed to determine any required upgrades.

## Financial Impact

As previously awarded, **Stantec's** total estimate of fees for design and tendering services for GG-21-0001 - Essex Centre Streetscape is \$347,286.53 (including applicable taxes). The cost of **Stantec's change order to provide design and tendering services for the Victoria Avenue Improvements** is \$134,628.48 (including applicable taxes) for a combined design and tendering cost of \$481,915.01 (including applicable taxes).

In the 2021 approved capital budget, the Town included \$460,000 for design and tendering services for GG-21-0001. Therefore, the project budget is not sufficient to cover the total expenses for the design and tendering of both the Victoria Avenue and Essex Centre Streetscape. It is recommended that the additional funds in the amount of \$21,915.01 be funded from the Asset Management Lifecycle Reserve

Stantec has also provided pricing for engineering expenses for contract administration and inspection of each of these projects. The amounts provided are \$338,494.46 (including applicable taxes) and \$167,598.72 (including applicable taxes) for Essex Centre Streetscape and Victoria Avenue, respectively. Therefore, a total budget of \$506,093.18 (including applicable taxes) will be included in the 2022 capital budget request along with the construction costs, which will require Council approval during 2022 Budget Deliberations.

## Consultations

Richard Beausoleil, Manager, Capital Works and Infrastructure

Jackson Tang, Assistant Manager, Business Services

Jeffrey Morrison, Director, Corporate Services/Treasurer

Kate Giurissevich, Manager, Finance and Business Services/Deputy Treasurer

## Link to Strategic Priorities

- ☒ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- ☐ Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- ☐ Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- ☐ Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- ☐ Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.

## Report Approval Details

Document Title:	Victoria Avenue Improvements - Capital Works and Infrastructure-2021-08.docx
Attachments:	
Final Approval Date:	Jun 1, 2021

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

A handwritten signature in black ink, appearing to read "Chris Nepszy".

**Chris Nepszy, Chief Administrative Officer - Jun 1, 2021 - 11:56 AM**



## Report to Council

Department: Community Services  
Division: Parks and Facilities  
Date: June 7, 2021  
Prepared by: Jay Affleck, Assistant Manager, Parks and Facilities  
Report Number: Parks and Facilities-2021-07  
Subject: Harrow Splash Pad Engineering  
Number of Pages: 3

### Recommendation(s)

**That** Parks and Facilities -2021-07 entitled, "**Engineering** of New Public Washrooms/Change Rooms at Harrow Splash Pad" **prepared by** Jay Affleck, Assistant Manager of Parks and Facilities, dated June 7, 2021 be received, and

**That** Council appoint Architecttura Building Intelligence to provide engineering and design for the New Public Washroom/Change Rooms at Harrow Splash Pad project (CS-21-0043) in the amount of \$18,569.37.00 including non-refundable HST, in accordance with the completed request under Section 22 of the Town of Essex Procurement By-law 1043.

### Purpose

In accordance with the Town Procurement By-Law Number 1043, Council approval is required to waive the requirements for proposals, tenders and quotations for consulting and professional services under Section 22.02 of the procurement and disposal of goods and services policy.

## Background and Discussion

The Town of Essex has recently constructed new public washroom/change rooms at the Essex Centre Splash Pad. The engineering and design for the Essex Centre washrooms was provided by Architecttura Building Intelligence. The Town of Essex is now building similar washrooms located next to the Harrow Splash Pad, and being a municipal facility, an architect is required to provide drawings and design. Consistency in engineering and design is key to Town operations and due to the similar nature of the project, drawings and scope of work, Architecttura Building Intelligence can efficiently provide the Town with the requirements for this project.

The Town of Essex has fostered a strong working relationship with Architecttura Building Intelligence and has received value, exceptional service, and consistent support. That existing knowledge and expertise will allow Architecttura Building Intelligence to competently provide engineering and design to this project effectively and efficiently, both creating savings and ensuring the project timelines are met.

## Financial Impact

The 2021 approved capital budget project CS-21-00143 has a total budget of \$150,000.00 which includes funding for professional services for this project. Architecttura Building Intelligence Design and Engineering services have provided a budget for this project in the amount of \$18,569.37 including applicable taxes.

## Consultations

Jake Morassut, Manager, Parks and Facilities

Doug Sweet, Director, Community Services

Jackson Tang, Assistant Manager, Business Services

Jeffrey R. Morrison Director, Corporate Services / Treasurer

## Link to Strategic Priorities

- ☐ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- ☐ Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- ☐ Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- ☐ Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- ☒ Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.
- ☐ **Improve the Town's capacity to meet** the ongoing and future service needs of its citizens while ensuring the corporation is resilient in the face of unanticipated changes or disruptions.

## Report Approval Details

Document Title:	Harrow Splash Pad Washroom Engineering - Parks and Facilities-2021-07.docx
Attachments:	- 2021 Sole SourceHarrow Splash Pad washroom Project Procurement Section 22 (2).pdf
Final Approval Date:	Jun 1, 2021

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



**Jake Morassut, Manager, Parks and Facilities - Jun 1, 2021 - 11:49 AM**



**Doug Sweet, Director, Community Services/Deputy CAO - Jun 1, 2021 - 12:37 PM**

**Chris Nepszy, Chief Administrative Officer - Jun 1, 2021 - 1:51 PM**



## Request to Council to Waive Requirement for Proposals, Tenders and Quotations

33 Talbot St. S.      t 519 776 7336  
Essex, ON N8M 1A8    f 519 776 8811  
www.essex.ca

*Note: Requests to waive the requirement for Proposals, Tenders and Quotations are restricted to acquisitions that are predominantly or exclusively for consulting and professional services and must be made in accordance with Section 22.02 of By-Law No. 1043, Procurement & Disposal of Goods & Services Policy. Consulting and professional services means those services requiring the skills of a professional for a defined service and may include architects, engineers, surveyors, planners, financial consultants, lawyers, real estate agents or brokers, etc. Refer to Section 1.02 of the Policy for further examples of consulting and professional services.*

### 1. REASON FOR REQUEST

This represents a formal request to Council to waive the requirement for proposals, tenders and quotations for Consulting and Professional Services under Section 22.02 of the Procurement and Disposal of Goods and Services Policy. This request is being made on the basis of the following criteria (*please select at least one of the options below*):

- ☐ The works to be performed by the consultant or professional service are a continuation of a previous project (*Section 22.02(a) of the By-Law*)
- ☒ The firm being recommended has demonstrated unique qualifications to undertake the project (*Section 22.02(b) of the By-Law*)
- ☐ The project is subject to time constraints (*Section 22.02(c) of the By-Law*)
- ☐ Other (*provide explanation in 3. below*)

### 2. NAME AND TYPE OF CONSULTING OR PROFESSIONAL SERVICE

Name of Professional Service: Architecttura Building Intelligence

Type of Professional Service (*select one*):

- |  |   |  |                                    |
|--|---|--|------------------------------------|
| <input checked="" type="checkbox"/> Engineer | <input checked="" type="checkbox"/> Architect           | <input type="checkbox"/> Surveyor          | <input type="checkbox"/> Financial |
| <input type="checkbox"/> Planner             | <input type="checkbox"/> Lawyer                         | <input type="checkbox"/> Real Estate Agent | <input type="checkbox"/> IT        |
| <input type="checkbox"/> Appraiser           | <input type="checkbox"/> Other ( <i>specify</i> ) _____ |  |                                    |

### 3. EXPLANATION OF REQUEST

Provide full explanation of how this request meets the criteria of Section 22.02 of By-Law No. 1043, Procurement & Disposal of Goods & Services Policy:

Architecttura Building Intelligence has just completed the same type of structural, mechanical, and electrical engineering at the Essex Centre splash pad washrooms. We would like to maintain the consistency in engineering and design at the Harrow Centre splash pad washrooms.



**Request to Council to Waive Requirement  
for Proposals, Tenders and Quotations  
(Continued)**

**4. REQUESTING DEPARTMENT INFORMATION**

Name of Department Head: Doug Sweet

Department Name: Community Services

Date of Request: 05/13/2021

**5. APPROVAL INFORMATION** *(to be completed by the Mayor and the Clerk of the Town of Essex)*

☐

**Request Approved**

☐

**Request Not Approved**

Date Approved/Not Approved: \_\_\_\_\_

Mayor's Signature: \_\_\_\_\_

Clerk's Signature: \_\_\_\_\_



## Report to Council

Department: Community Services  
Division: Parks and Facilities  
Date: June 7, 2021  
Prepared by: Doug Sweet, Dir of Community Services/Deputy CAO  
Report Number: Parks and Facilities-2021-08  
Subject: Results of Request for Proposal – Essex Tennis Courts  
Number of Pages: 6

### Recommendation(s)

The following five (5) recommendations are **provided for the Council's consideration**:

1. **That** Parks and Facilities report 2021-008 entitled Results of Request for Proposal – Essex Tennis Courts prepared by Doug Sweet, Director of Community Services/Deputy CAO dated June 7, 2021 be **received**, and
2. **That** Council **approve** the additional funding of \$3,206.40 above the approved budget for the new Essex Tennis Courts (Project Code: CS-20-0042 - \$240,000) with funds coming from the Parks Contingency Reserve account; and
3. **That** Council **approve** the additional funding of \$8,649.60 (including the non-refundable HST) for wind screens with the additional funding coming from the Parks Contingency Reserve account; and
4. **That** Council **approve** the additional funding of \$40,704 (including the non-refundable HST) for court lighting with the additional funding coming from the Parks Contingency Reserve account; and

5. **That Council award** the Request for Proposal – Essex Tennis Courts to GreenLight General Contracting Inc. in the total amount of \$292,560 including non-refundable Harmonized Sales Tax which includes the options for windscreens and court lighting.

## Purpose

In accordance with the Town Procurement By-Law Number 1043, Council approval is required **for purchases in excess of \$100,000.00. This report is to seek Council's approval to appoint a** qualified contractor to provide the Town with services to install new tennis courts in Essex Centre.

## Background and Discussion

The Town of Essex sought proposals from qualified contractors to design, supply and install a new tennis court facility which would include 3 tennis courts in Essex Centre adjacent to the Essex Centre Sports Complex (see appendix A). In addition, the tender document asked that all proponents provide optional costs to provide wind screens and appropriate court lighting.

A Request for Proposal, **following the guidelines as set out in the Town's Procurement By-Law Number 1043 was posted both on the Town's website and Merx, and closed on May 5, 2021 at 3:00:00 pm.**

Two proposals were received and evaluated using a scorecard approach taking into consideration the fee proposal, qualifications of key personnel, understanding of the proposal scope, and quality of the proposal.

The proposal review process included a team made up of:

- Jake Morassut, Manager, Parks and Facilities
- Jay Affleck, Assistant Manager, Parks and Facilities
- Doug Sweet, Director of Community Services/Deputy CAO
- Jackson Tang, Assistant Manager, Business Services

After reviewing each proposal as submitted and totaling the scores using a balanced scorecard approach, GreenLight General Contracting Ltd. scored the highest. In addition, GreenLight General Contracting Ltd proposal addressed all areas of the scope as identified in the request for proposal, including pricing.

The results of the recommended submitted proposal is summarized below:

Name of Tenderer	Total Tender Price not including non-refundable Harmonized Sales Tax (1.76%)	Wind Screen Additional Pricing	Court Lighting Additional Pricing	Total Project Cost with Recommended Options (tax not included)	Total Project Cost with Recommended Options (includes non-refundable HST)
GreenLight General Contracting Inc.	\$239,000	\$8,500	\$40,000	\$287,500	\$292,560

## Financial Impact

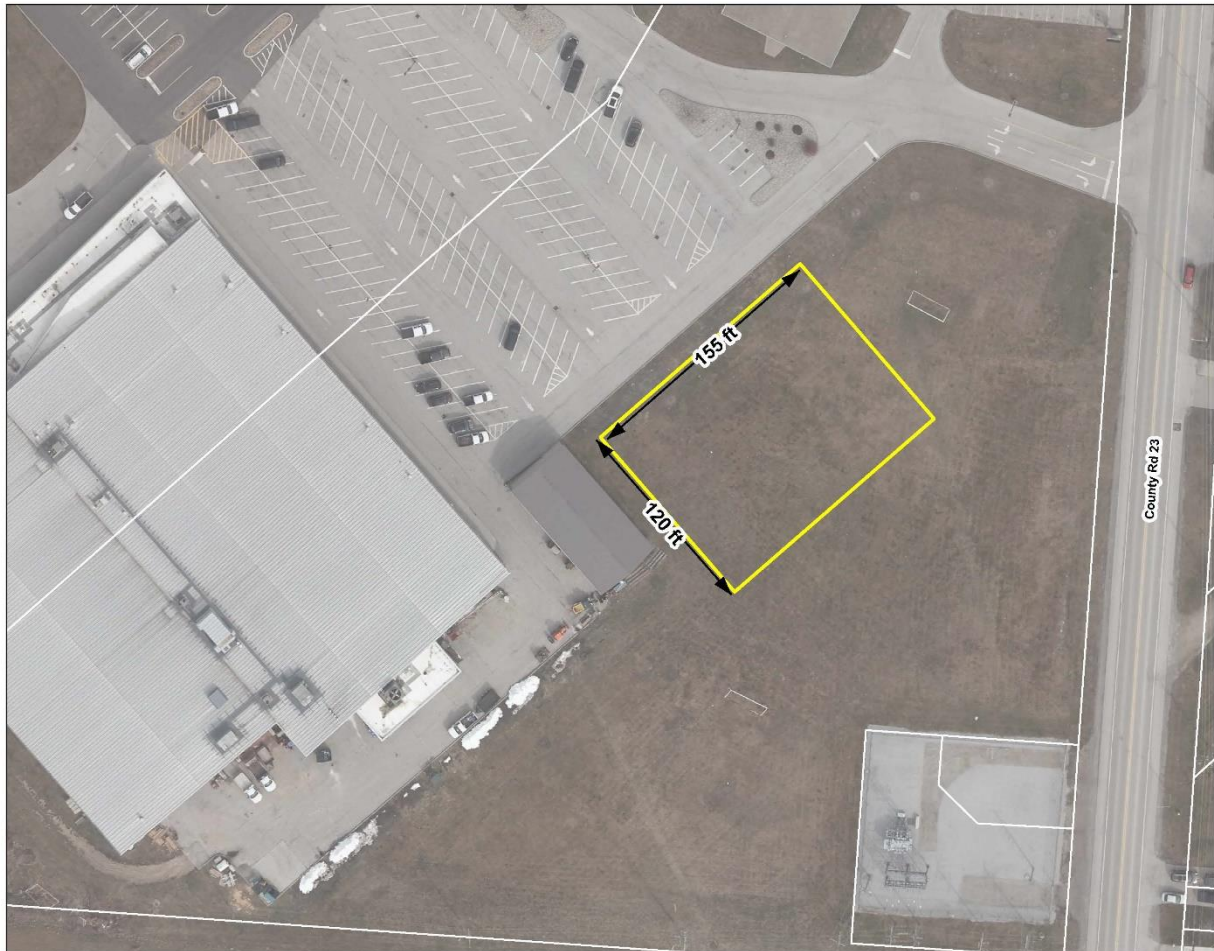
As per the 2021 capital budget a total of \$240,000 (CS-20-0042 Essex Tennis Courts) was approved for the installation of 3 new tennis courts in Essex Centre adjacent to the Essex Centre Sports Complex. The total proposal price including the non-refundable HST came in higher than the approved budget and after consultation with the Finance Department, Administration is recommending that additional funding of \$3,206.40 above the approved budget for the new Essex Tennis Courts (Project Code: CS-20-0042 - \$240,000) comes from the interest income accumulated on the Parks Contingency Reserve account. In addition,

the tender document requested additional costing for windscreens and court lighting. The total cost of adding these 2 options including the non-refundable HST is \$49,353.60. Administration is recommending to include these 2 options in the project with the required funding coming from interest income accumulated on the Parks Reserve Contingency fund.

## Consultations

Kate Giurissevich, Manager, Finance and Business Services

## Appendix A - Location of New Essex Centre Tennis Courts



## Link to Strategic Priorities

- ☒ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- ☒ Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
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- ☐ Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- ☒ Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.
- ☐ **Improve the Town's capacity to meet the ongoing and future** service needs of its citizens while ensuring the corporation is resilient in the face of unanticipated changes or disruptions.

## Report Approval Details

Document Title:	Results of Request for Proposal - Essex Tennis Courts - Parks and Facilities-2021-08.docx
Attachments:	
Final Approval Date:	Jun 1, 2021

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

**Chris Nepszy, Chief Administrative Officer - Jun 1, 2021 - 10:56 AM**



## Report to Council

Department: Office of the CAO  
Division: Legal and Legislative Services  
Date: June 7, 2021  
Prepared by: Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk  
Report Number: Legal and Legislative Services-2021-11  
Subject: Court of Revision for Graveline Drain: New Bridge at MN 1241 and Maintenance Schedule of Assessment  
Number of Pages: 4

### Recommendation(s)

**That** the following three (3) members of the Drainage Board: Janice Dougherty, Percy Dufour and Luke Martin be appointed to sit as members of the Court of Revision to be convened for the Graveline Drain: New Bridge at MN 1241 and Maintenance Schedule of Assessment, Geographic Township of Colchester North, Town of Essex, County of Essex, Project REI2020D031 pursuant to the Report prepared by Gerard Rood, Professional Engineer, Rood Engineering Inc., and dated April 28, 2021 (hereinafter **the "Report"**), **such Court of Revision to** be scheduled for 5:00 pm on July 6, 2021, via electronic meeting, and

**That** By-Law 2023 being a by-law to provide for the Graveline Drain: New Bridge at MN 1241 and Maintenance Schedule of Assessment, be read a first and second time and be provisionally adopted on July 6, 2021.

## Purpose

A Court of Revision is required in accordance with Section 46 of the Drainage Act, R.S.O. 1990, Chapter D. 17, as amended 2010 (**hereinafter the “Drainage Act”**).

## Background and Discussion

Rood Engineering Inc. was instructed by the Town of Essex on or about October 19, 2020 to prepare a report for the above Graveline Drain, pursuant to Section 78 of the Drainage Act.

On April 28, 2021 the Report was prepared by Rood Engineering Inc. to provide the details, estimates and assessments therein.

A Consideration Meeting for this Report was held on May 18, 2021. At this meeting the Drainage Board received public correspondence/delegations (if applicable) and heard the various concerns or comments made by those who attended. At this meeting the Drainage Board resolved and recommended that the said Report be adopted and that a provisional By-**Law be prepared for Council’s consideration** (see Drainage Board minutes from the May 18, 2021 consideration meeting, which minutes are included under Item 13 of the June 7, 2021 Regular Council Meeting Agenda).

### Appointment of Court of Revision Members:

The Court of Revision is to be comprised of three (3) members of the Drainage Board and so accordingly it is recommended that Court of Revision members when required to be convened shall be appointed on a rotating, alphabetical order basis. If an appointed member is not available then that appointed member shall be replaced by the next available member of the Drainage Board (based on the aforementioned rotating, alphabetical order basis).

It is therefore recommended that Janice Dougherty, Percy Dufour and Luke Martin be selected and appointed to sit as the Court of Revision for the Graveline Drain: New Bridge at MN 1241 and Maintenance Schedule of Assessment.

It is further recommended that By-law 2023 adopting the recommendations in the Rood Engineering Inc. Report dated April 28, 2021 be provisionally adopted so that this project can proceed to the Court of Revision specified in this report.

The Court of Revision is the next step in the process in accordance with Section 46 of the Drainage Act, R.S.O. 1990, Chapter D. 17, as amended 2010.

## **Financial Impact**

There is no financial impact.

## **Consultations**

Drainage Department

## Link to Strategic Priorities

- ☒ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
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- ☐ Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- ☐ Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.
- ☐ **Improve the Town's capacity to meet the** ongoing and future service needs of its citizens while ensuring the corporation is resilient in the face of unanticipated changes or disruptions.

## Report Approval Details

Document Title:	Graveline Drain Legal and Legislative Services-2021-04.docx
Attachments:	- y-rpt Graveline Dr REI2020D031 Report.pdf - By-Law No. 2023 Graveline Drain New Bridge and Maintenance Schedule of Assessment.pdf
Final Approval Date:	Jun 1, 2021

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



**Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk - Jun 1, 2021 - 2:39 PM**



**Chris Nepszy, Chief Administrative Officer - Jun 1, 2021 - 4:26 PM**

# **GRAVELINE DRAIN**

## **New Bridge at MN 1241**

### **& Maintenance Schedule of Assessment**

### **Geographic Township of Colchester North**



**TOWN OF ESSEX**  
**33 Talbot Street South**  
**ESSEX, Ontario N8M 1A8**  
**519-776-7336**

## ***Rood Engineering Inc.***

***Consulting Engineers***

***9 Nelson Street***  
***Leamington, Ontario N8H 1G6***  
***519-322-1621***

***Project REI2020D031***  
***2021-04-28***



April 28th, 2021

Mayor and Municipal Council  
Corporation of the Town of Essex  
33 Talbot Street South  
Essex, Ontario  
N8M 1A8

Mayor Snively and Members of Council:

**GRAVELINE DRAIN  
New Bridge at MN 1241  
Geographic Twp. of Colchester North  
Project REI2020D031  
Town of Essex, County of Essex**

## **I. INTRODUCTION**

In accordance with the instructions received from you by letter of October 19th, 2020, from your Clerk, Legal and Legislative Services, Robert Auger, we have prepared the following report that provides for the construction of a new access bridge in the Graveline Drain. This proposed bridge is intended to provide an additional safe access for the agricultural lands owned by 2442747 Ontario Ltd., in Part of Lot 4, Concession 7, in the Geographic Township of Colchester North. The Graveline Drain is an open drain with a number of access bridges. The drain was constructed pursuant to the Drainage Act. A plan showing the Graveline Drain alignment, as well as the general location of the above-mentioned bridge, is included herein as part of the report.

Our appointment and the works related to the construction of the above-mentioned farm access bridge in the Graveline Drain, proposed under this report, is in accordance with Section 78 of the "Drainage Act, R.S.O. 1990, Chapter D.17 as amended 2010". We have performed all of the necessary survey, investigations, etcetera for the proposed bridge, as well as the Graveline Drain, and we report thereon as follows.

## **II. BACKGROUND**

From our review of the information provided from the Town's drainage files we have established the following reports that we utilized as reference for carrying out this project:

- |    |                    |  |                          |
|----|--------------------|--|--------------------------|
| 1) | November 3rd, 1967 | Graveline Drain & South Branch<br>Report, Plan & Profile | C.G.R. Armstrong, P.Eng. |
| 2) | 1968 By-law 1786   | Graveline Drain – By-law for Final<br>Assessment         | C.G.R. Armstrong, P.Eng. |

The 1967 report by C.G.R. Armstrong, P.Eng. provided for general repairs and improvements to the entire length of the drain and has the latest profile for the grading of the drain.

We arranged with the Town to provide us with the updated assessment roll information for the affected parcels. We also reviewed reports for the abutting drains and spoke to the owners to help in establishing the current watershed limit for the Graveline Drain.

We also referred to the 1968 By-law assessment by C.G.R. Armstrong, P.Eng. Said By-law assessment provided to equitably bill the lands affected for the repairs and improvements to the Graveline Drain. We have utilized the plans within the 1967 Armstrong report to establish the size parameters for the drain and the details to be used in establishing the new bridge culvert installation. We have also used this report to establish the drain profile grades, and to assist us in establishing the design grade for the subject farm access bridge installation. The 1968 Schedule of Assessment is the latest information and was used as a guide to establish the upstream watershed area and flows to be used in the design of the bridge.

### **III. PRELIMINARY EXAMINATION AND ON-SITE MEETING**

After reviewing all of the available drainage information and documentation provided by the Drainage Superintendent, we arranged with Town staff to schedule an on-site meeting for May 27th, 2018. The following people were in attendance at said meeting: Mark Fishleigh, P.Eng. (County of Essex), Reg Campbell, Gary Katz (Meshek Farms Inc.), Jordan Goure, Lindsay Dean (Drainage Superintendent), Tanya Tuzlova (Drainage Clerk), Dan Boudreau (Drainage Board), Felix Weigt-Bienzle (Drainage Board), Percy Dufour (Drainage Board), Kirk Carter (Drainage Board), Norm Nussio (Manager, Operations & Drainage), and Gerard Rood (Rood Engineering).

Ms. Dean did introductions and explained the request for an access bridge. Mr. Goure asked for his requested bridge to be located near the west limit of his lands. The bridge is required for approval of their severance application. The proposed bridge is intended to provide access to a trail network that they have through their wooded lands with the location approximately 50 feet east of their west limit. Details of the proposed bridge work were reviewed. It was confirmed that the new bridge should meet the minimum top width requirement of 6.1 metres (20 feet) and be constructed with the most cost effective end treatment. Mr. Rood advised that daylighting would be provided on the side of the bridge adjacent to the road typically including a 5 metre radius for better access and egress across the bridge.

We advised the meeting attendees that the minimum standard top width for an access bridge is 6.10 metres (20 ft.) and that the bridge centreline location will be established with the owner. They were also advised that because the bridge is a new bridge, the cost of the new access bridge construction, as well as all the cost for the preparation of the Engineer's Report would be borne by the parcel owner requesting the bridge, but future maintenance costs would be shared by the owner and upstream affected lands and roads. Any cost for additional top width will be borne by the bridge owner. It was established that the owner prefers a minimum top width that will result in the most cost effective access to the lands. We went on to discuss that rip rap on filter cloth sloped ends were expected to be most cost effective, but concrete filled jute bag ends or precast concrete blocks for the installation, like those on other newer bridges, may be an economical end treatment, but the Engineer would contact the owner if necessary, to advise if there was any change to this.

The overall drainage report procedure, future maintenance processes and grant eligibility were generally reviewed with the owners. They were also advised that the works will be subject to the approval of the Department of Fisheries and Oceans (D.F.O.), the Ministry of Natural Resources and Forestry (M.N.R.F.), Ministry of Environment, Conservation and Parks (M.E.C.P.), and the Essex Region Conservation Authority (E.R.C.A.). We further discussed bridge maintenance, sizing, and material of the proposed bridge, suggesting that an aluminized corrugated steel pipe might be employed similar to the neighboring bridges.

Mr. Goure asked if he could get bids from known contractors. Ms. Dean advised him that the tender would be posted on the Town website and he could invite his contractors to bid on the works when posted.

It was pointed out that there were no other legalized culverts on the drain and another drainage report and complete process would be needed to legalize them if any maintenance work is required in the future. It was noted that that the current maintenance schedule is from 1967. Ms. Dean confirmed that all owners assessed to the drain were notified of this meeting. Mr. Boudreau questioned if it would be good to do a maintenance schedule and bridge cost sharing as part of the report and Ms. Dean indicated that she would be in favour of this. Mr. Rood explained possible costs for doing a maintenance schedule. Mr. Boudreau pointed out that the affected owners would have to accept doing this. Ms. Dean explained that the costs for the drainage report would be shared with a schedule of assessment for construction and a separate schedule of assessment for maintenance. Mr. Campbell asked about the area to be covered by the schedule and Ms. Dean explained the area that would be covered and that an assessment can be added for a severance. Mr. Campbell noted that his water goes east to the Brush Sideroad.

Ms. Dean summarized the next steps in the drainage report process and asked the owners to contact her or Rood Engineering with any questions.

#### **IV. FIELD SURVEY AND INVESTIGATIONS**

Following the on-site meeting we arranged for our survey crew to attend at the site and perform a topographic survey, including taking the necessary levels and details to establish the design parameters for the installation of this new access bridge.

A benchmark was looped from previous work carried out on the drain and was utilized in establishing a site benchmark near the location of the bridge and correlation with the old drainage report plans. We surveyed the drain both upstream and downstream of the proposed replacement access bridge and picked up the existing bridges and culvert elevations in order to establish a design grade profile for the installation of the new bridge. We also took cross-sections of the Graveline Drain at the general location of the proposed bridge, as necessary for us to complete our design calculations, estimates and specifications.

The Town made initial submissions to the Essex Region Conservation Authority (E.R.C.A.) regarding their requirements for work that would be proposed to be carried out on the section of the Graveline Drain to be improved with the new bridge. A response from the Conservation Authority was received via email on October 21st, 2020. E.R.C.A. stated that the affected portion of the Graveline Drain is located within a regulated area administered by E.R.C.A. Accordingly, a permit or approval will be required by E.R.C.A. for any repairs and/or maintenance works to the affected portion of the Graveline Drain.

Former Ministry of Natural Resources and Forestry (M.N.R.F.) agreements are replaced with new legislation provisions under Ontario Regulation 242/08, Section 23.9 administered by the Ministry of Environment, Conservation and Parks (M.E.C.P.), which allows repairs, maintenance, and improvements to be conducted by the Municipality within existing municipal drains. These works are exempt from Sections 9 and 10 of the Endangered Species Act provided that the rules in the regulations are followed by the Municipality and their contractor. When eligible, the new regulations allow Municipalities to give notice to M.N.R.F. by registering their drainage activities through an online registry system.

For the purposes of establishing the watershed area upstream of the proposed bridge, and determining the bridge size required, we investigated and reviewed the past drainage report on the Graveline Drain.

#### **V. FINDINGS AND RECOMMENDATIONS**

Prior to the preparation of our report, we reviewed the details of the new bridge installation including the end treatment options based on the regulatory restrictions and the cost estimates that we were to review.

Based on our detailed survey, investigations, examinations, and discussions with the affected property owner, we would recommend that a new access bridge be constructed in the Graveline

Drain at the location and to the general parameters as established in our design drawings attached herein.

During the course of our investigations, this drainage project was discussed and reviewed with E.R.C.A., to deal with any Authority issues and comments related to this Municipal drain. To prevent flooding and adverse impacts upstream, the new structure needs to provide an equivalent level of service to the adjacent structures. Therefore, based on this, we have made provisions to use a corrugated steel pipe culvert as set out below, similar to the structure a short distance upstream. The Graveline Drain is located within the Regulated Area and is under the jurisdiction of the E.R.C.A., and therefore all work has to comply with the current mitigation provisions of the E.R.C.A. Details of these mitigation measures are included in the Specifications and **Appendix “REI-A”** forming part of this report.

As part of our investigations, a D.F.O. self screening assessment of the project was carried out. The mapping indicated no critical habitat but possible Northern Sunfish for the area of the bridge work. In the interest of fish habitat and migration, D.F.O. requires that the invert of any new bridge be embedded below the design or existing bottom of the drain a minimum of 10% of the bridge opening height to ensure a continued path for fish migration through the access bridge. The D.F.O. Species at Risk screening maps confirm that there are no Species at Risk Mussels identified in this area. Should any species be encountered, details of required mitigation measures are included in the Specifications and **Appendix “REI-A”** forming part of this report.

As is now required under the new Endangered Species Act, 2007 Provincial Legislation administered by the Ministry of Environment, Conservation & Parks (M.E.C.P.), we have reviewed the former M.N.R.F. agreement with the Town. The M.N.R.F. mapping has basically confirmed that there are no foreseen impacts to natural heritage features or endangered or threatened species on this project; therefore, a permit or agreement under the E.S.A. 2007 is not necessary at this time. Because turtles and snakes are mobile and snakes are indicated as sensitive in the area, we have included herein a copy of the M.N.R.F. mitigation requirements for them in **Appendix “REI-B”**.

Providing mitigation requirements are implemented it was concluded that present wildlife Species at Risk will be protected from negative impacts and will not contravene with Section 9 (species protection) or Section 10 (habitat protection) of the Endangered Species Act, 2007. Based on this information we find that the Town can proceed with the eligible new bridge construction in the drain as they are exempt under Sections 9 and 10 of the Act, provided that they follow the rules within Ontario Regulation 242/08. To address these requirements the Town has established comprehensive mitigation measures as well as species identification guides for reference. Copies of the measures and guides are available for viewing by any interested parties at the Town office.

Since all of the work will be carried out at the proposed driveway and vacant land and is primarily from within the road allowance and limits of the drain, and because full restoration will be

provided, we find that there is no requirement for damages or allowances pursuant to Sections 29 and 30 of the Drainage Act.

Based on all of the above, we recommend that a new access bridge be constructed in the Graveline Drain to serve the agricultural lands of Jordan Goure (2442747 Ontario Ltd.), in accordance with this report, the attached specifications and the accompanying drawings, and that all works associated with same be carried out in accordance with Section 78 of the "Drainage Act, R.S.O. 1990, Chapter D.17 as amended 2010".

## VI. ESTIMATE OF COST

Our estimate of the total cost of this work including all incidental expenses is the sum of **THIRTY ONE THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$31,750.00)**, made up as follows:

### CONSTRUCTION

Item 1)	Provide all labour, equipment, and material to construct a new access bridge consisting of 14.0 metres (45.93 ft.) of 1500mm, 125mm by 25mm aluminized corrugated steel pipe, 2.0mm thick, including sloped quarried limestone on filter cloth end protection, granular bedding and backfill, Granular 'A' approach extending to the existing shoulder, excavation, compaction, silt and sediment controls, hauling, cleanup and restoration, complete.	Lump Sum	\$	20,500.00
	Estimated Net H.S.T. (1.76%)		\$	361.00
				<hr/>
<b>TOTAL FOR CONSTRUCTION</b>				<b>\$ 20,861.00</b>
				<hr/>

### INCIDENTALS

1)	Report, Estimate, and Specifications	\$	2,750.00
2)	Survey, Assistants, Expenses, Drawings, Duplication Cost of Report and Drawings, Consideration Meeting, etc.	\$	5,250.00
3)	Estimated Cost of Preparing Tender Documents	\$	1,000.00

4) Estimated Cost of Construction Supervision and Inspection (based on 1 day)	\$	800.00
5) Estimated Net H.S.T. on Items Above (1.76%)	\$	172.00
6) Estimated Cost of E.R.C.A. permit	\$	500.00
7) Estimated Contingency Allowance	\$	417.00
		<hr/>
<b>TOTAL FOR INCIDENTALS</b>	<b>\$</b>	<b>10,889.00</b>
<b>TOTAL FOR CONSTRUCTION (brought forward)</b>	<b>\$</b>	<b>20,861.00</b>
		<hr/>
<b>TOTAL ESTIMATE FOR BRIDGE CONSTRUCTION</b>	<b>\$</b>	<b>31,750.00</b>
		<hr/>
<b>TOTAL ESTIMATED COST FOR MAINTENANCE SCHEDULE</b>	<b>\$</b>	<b>2,425.00</b>
		<hr/>

## **VII. DRAWINGS AND SPECIFICATIONS**

As part of this report, we have attached design drawings for the construction of this new access bridge. The design drawings show the subject bridge location and the details of the new access bridge installation. The design drawings are attached to the back of this report and are labelled **Appendix “REI-E”**.

Also attached, we have prepared Specifications which set out the required construction details for the proposed bridge installation, which also includes Standard Specifications within **Appendix “REI-C”**.

## **VIII. SCHEDULE OF ASSESSMENT AND MAINTENANCE WORKS**

We have prepared and included a Schedule of Assessment for the current new bridge #2 construction required that will serve the newly severed parcel for 2442747 Ontario Ltd. Due to this bridge being required for a new severance, the Agricultural Drainage Infrastructure Program (A.D.I.P.) policies state that no grant is available. We have also prepared a Maintenance Schedule of Assessment to be utilized for assessing costs against the affected lands and roads for any future maintenance works conducted to the Graveline Drain and its Branches and same has been attached herein. The assessment proportions as outlined within the Maintenance Schedule of Assessment have been established on the basis of an assumed future maintenance cost of \$10,000.00, and it should be understood that the maintenance charges outlined in the attached Maintenance Schedule of Assessment should not be made until such time that maintenance works have been conducted and expended. Therefore, for the purposes of future maintenance

on the entire length of the drain, all costs shall be levied against the lands and roads within the watershed in accordance with the attached Maintenance Schedule of Assessment. The physical dimensions which control the extent of maintenance works permitted on this drain shall be limited to that which has been set out in the current November 3rd, 1967 C.G.R. Armstrong, P.Eng. report, specifications, and the plans or any future updated report that is prepared.

Pursuant to the current Agricultural Drainage Infrastructure Program (A.D.I.P.) Policies that are in place, it is anticipated that the abutting lands and upstream lands designated as Farm Property Tax Class will be eligible for a grant from the Ontario Ministry of Agriculture, Food and Rural Affairs (O.M.A.F.R.A.) in the amount of 1/3 of their total assessment for this project for future maintenance works.

When any works of maintenance are required to the existing access bridges, the following provisions with respect to cost sharing shall apply as set out in the Table below. In said table the parcel class has been noted as: “G” - grantable assessment and “NG” - non-grantable assessment.

<b><u>Graveline Drain Bridge Sharing</u></b>					
<b><u>Bridge No.</u></b>	<b><u>Roll No.</u></b>	<b><u>Owners</u></b>	<b><u>Class</u></b>	<b><u>% to Abutting Owners</u></b>	<b><u>% to Upstream Owners</u></b>
1.	460-04100	Zsolt & Eva Marczinko	NG	35.0%	65.0%
2.	460-04200	2442747 Ontario Ltd.	G	35.0%	65.0%
3.	460-04200 severance	2442747 Ontario Ltd.	G	35.0%	65.0%
4.	Briton Sideroad	Town of Essex	NG	98.0%	2.0%
5.	380-01350	Steven Giofu	G	49.1%	50.9%
6.	380-01400	Edmund & Patricia Bellaire	G	55.6%	44.4%
7.	380-01500	Bradley & Denise Cascadden	G	58.0%	42%
8.	380-00010	Essex Region Conservation Authority	NG	59.1%	40.9%
9.	380-01600	Robert & Corydon Dawson	G	65.4%	34.6%
10.	8th Concession Road	Town of Essex	NG	98.0%	2.0%

Should any works or maintenance be required to the existing access bridges, the cost will be shared as noted in the above table for any bridges with the standard 6.1 metre (20') top width. Replacement bridges shall be aluminized C.S.P. Bridges 1, 2 and 3 shall be 1500mm diameter. Bridge 4 shall be 1600mm diameter. Bridge 5 shall be 1500mm diameter. Bridges 6, 7 and 8 shall be 1400mm diameter. Bridge 9 shall be 1200mm diameter and Bridge 10 shall be 1400mm diameter. The share indicated for the Owners shall be assessed as a Benefit to the bridge Owners and the remaining cost share shall be assessed as an Outlet Liability against the lands and roads

within the watershed lying adjacent and upstream of said access bridge and shall be assessed in the same relative proportions as the Outlet assessments shown in the Maintenance Schedule of Assessment established and included herein. Where a bridge structure has increased top width beyond the standard 6.10 metre (20.0 ft.) top width, all of the increased costs resulting from same are assessed 100% to the Owner. We recommend that the bridge structures as identified herein, be maintained in the future as part of the drainage works. We would also recommend that the bridges, for which the maintenance costs are to be shared with the upstream lands and roads within the watershed, be maintained by the Town and that said maintenance would include works to the bridge culvert, bedding, backfill and end treatment. Should concrete, asphalt, or other decorative driveway surfaces over these bridge culverts require removal as part of the maintenance works, these surfaces shall also be repaired or replaced as part of the works. Likewise, if any fencing, gate, decorative walls, guardrails, or other special features exist that will be impacted by the maintenance work, they are also to be removed and restored or replaced as part of the bridge maintenance work. However, the cost of the supply and installation of any surface materials other than Granular "A" material and the cost of removal and restoration or replacement, if necessary, of any special features, shall be totally assessed to the benefiting adjoining Owner(s) served by said access bridge.

To assist with accurately assessing the future maintenance costs, we recommend that the tender for the works include the following items:

- a) An item for the cost to repair and improve the standard 6.1 metre top width of the bridge including all backfill and end treatment costs and increasing the pipe size to the next available size to allow for embedment to 10% of the pipe height where necessary
- b) An item for the cost to provide any extra length of pipe including extra backfill material costs and installation costs for the additional length
- c) An item for the cost of removing and reinstalling or replacing any special features

Item a) costs shall be shared on the basis shown in the table above and shared as outlined above. Items b) and c) shall be assessed to the Owner(s) of the parcel served by the access bridge with no cost sharing to the upstream lands and roads.

The Maintenance Schedule of Assessment included herein has been developed on the basis of an estimated cost of \$10,000.00. The actual cost of maintenance work on the drain shall be assessed against the lands and roads in the same relative proportions as shown therein, subject to any future variations that may be made under the authority of the "Drainage Act R.S.O. 1990, Chapter D.17, as amended 2010". The estimated cost of \$2,425.00 as noted above for preparing the Maintenance Schedule of Assessment shall be assessed to all the affected lands on a pro-rata basis with the values shown in the attached Maintenance Schedule of Assessment when this report is fully adopted.

## **IX. GRANTS**

On September 22nd, 2005, the Ontario Ministry of Agriculture, Food and Rural Affairs (O.M.A.F.R.A.) issued Administrative Policies for the Agricultural Drainage Infrastructure Program (A.D.I.P.). This program has re-instated financial assistance for eligible costs and assessed lands pursuant to the Drainage Act. Sections 85 to 90 of the Drainage Act allow the Minister to provide grants for various activities under said Act. Sections 85 to 87 make it clear that grants are provided at the discretion of the Minister. Based on the current A.D.I.P., "lands used for agricultural purposes" may be eligible for a grant in the amount of 1/3 of their total assessment. The new policies define "lands used for agricultural purposes" as those lands eligible for the "Farm Property Class Tax Rate". The Municipal Clerk has provided this information to the

Engineer from the current property tax roll. Properties that meet the criteria for "lands used for agricultural purposes" are shown in the attached assessment schedule under the heading "**5. PRIVATELY OWNED AGRICULTURAL LANDS (grantable)**" and are expected to be eligible for the 1/3 grant from O.M.A.F.R.A.

We recommend that an application be made by the Town of Essex, on completion of any maintenance work, to the Ontario Ministry of Agriculture, Food and Rural Affairs (O.M.A.F.R.A.) in accordance with Section 88 of the "Drainage Act R.S.O. 1990, Chapter D.17, as amended 2010", for this grant.

The above provisions for the future maintenance of the new access bridge being constructed under this report, and any future replacement, repair, and improvement of any access bridges, and for drain maintenance, shall remain as aforesaid until otherwise determined under the provisions of the "Drainage Act, R.S.O. 1990, Chapter D.17 as amended 2010".

All of which is respectfully submitted.

**Rood Engineering Inc.**



Gerard Rood, P.Eng.



tm

att.

**ROOD ENGINEERING INC.**

Consulting Engineers

9 Nelson Street

LEAMINGTON, Ontario N8H 1G6

SCHEDULE OF ASSESSMENT  
GRAVELINE DRAIN - MN 1241 BRIDGE  
Town of Essex

5. PRIVATELY OWNED - AGRICULTURAL LANDS (non-grantable):

Tax Roll No.	Con. or Plan No.	Lot or Part of Lot	Acres Owned	Acres Afft'd	Hectares Afft'd	Owner's Name	Value of Benefit	Value of Outlet	Value of Special Benefit	TOTAL VALUE
460-04200	7	4	4.047	5.65	2.287	2442747 Ontario Ltd.	\$ 11,113.00	\$ 20,637.00	\$ -	\$ 31,750.00
Total on Privately Owned - Agricultural Lands (non-grantable).....							\$ 11,113.00	\$ 20,637.00	\$ -	\$ 31,750.00
TOTAL ASSESSMENT				5.65	2.29		\$ 11,113.00	\$ 20,637.00	\$ -	\$ 31,750.00
=====										

1 Hectare = 2.471 Acres  
Project No. REI2020D031  
April 28th, 2021



**MAINTENANCE SCHEDULE OF ASSESSMENT**  
**GRAVELINE DRAIN & NORTH BRANCH & SOUTH BRANCH**  
**Town of Essex**

**3. MUNICIPAL LANDS:**

Tax Roll No.	Con. or Plan No.	Lot or Part of Lot	Hectares Owned	Acres Afft'd	Hectares Afft'd	Owner's Name	Value of Benefit	Value of Outlet	Value of Special Benefit	TOTAL VALUE
		South Malden Road		12.00	4.856	Town of Essex	\$ 566.00	\$ 628.00	\$ -	\$ 1,194.00
		Briton Road		4.00	1.619	Town of Essex	\$ 25.00	\$ 189.00	\$ -	\$ 214.00
		Trembley Road		2.00	0.809	Town of Essex	\$ 8.00	\$ 100.00	\$ -	\$ 108.00
		8th Concession Road		3.60	1.457	Town of Essex	\$ 230.00	\$ 233.00	\$ -	\$ 463.00
<b>Total on Municipal Lands.....</b>							<b>\$ 829.00</b>	<b>\$ 1,150.00</b>	<b>\$ -</b>	<b>\$ 1,979.00</b>

**4. PRIVATELY OWNED - NON-AGRICULTURAL LANDS:**

Tax Roll No.	Con. or Plan No.	Lot or Part of Lot	Hectares Owned	Acres Afft'd	Hectares Afft'd	Owner's Name	Value of Benefit	Value of Outlet	Value of Special Benefit	TOTAL VALUE
380-00010	7	6	3.453	2.00	0.809	Essex Region Conservation Authority	\$ 18.00	\$ 23.00	\$ -	\$ 41.00
450-00010	SMR	7	5.298	2.00	0.809	Essex Region Conservation Authority	\$ 12.00	\$ 21.00	\$ -	\$ 33.00
450-00301	SMR	8	38.666	85.00	34.399	Todd & Druanne Leadley	\$ 54.00	\$ 895.00	\$ -	\$ 949.00
450-01010	SMR	6	19.924	20.00	8.094	Raymond Barrette & Kelly Vardy	\$ 30.00	\$ 212.00	\$ -	\$ 242.00
460-03600	SMR	4	15.929	18.00	7.285	Stefan & Sorina Tintoi	\$ 45.00	\$ 193.00	\$ -	\$ 238.00
460-03610	SMR	4	0.376	0.93	0.376	Mihai Tintoi	\$ 54.00	\$ 29.00	\$ -	\$ 83.00
460-04100	7	3	1.784	4.41	1.784	Zsolt & Eva Marczinko	\$ 30.00	\$ 80.00	\$ -	\$ 110.00
460-04200	7	4	4.047	5.65	2.287	2442747 Ontario Ltd.	\$ 45.00	\$ 61.00	\$ -	\$ 106.00
460-042??	7	4	8.126	11.40	4.614	2442747 Ontario Ltd.	\$ 20.00	\$ 123.00	\$ -	\$ 143.00
460-04350	7	4	0.697	1.72	0.697	Robert Clozza	\$ 45.00	\$ 46.00	\$ -	\$ 91.00
<b>Total on Privately Owned - Non-Agricultural Lands.....</b>							<b>\$ 353.00</b>	<b>\$ 1,683.00</b>	<b>\$ -</b>	<b>\$ 2,036.00</b>

Tax Roll No.	Con. or Plan No.	Lot or Part of Lot	Hectares Owned	Acres Afft'd	Hectares Afft'd	Owner's Name	Value of Benefit	Value of Outlet	Value of Special Benefit	TOTAL VALUE
5. PRIVATELY OWNED - AGRICULTURAL LANDS (grantable):										
380-00400	7	7	56.112	74.00	29.947	Augusto & Nancy D'Alfonso	\$ 148.00	\$ 889.00	\$ -	\$ 1,037.00
380-01305	7	5	14.930	36.89	14.930	Heather MacPherson & Ronald Pearce	\$ 117.00	\$ 327.00	\$ -	\$ 444.00
380-01350	7	5	14.996	37.06	14.996	Steven Giofu	\$ 103.00	\$ 353.00	\$ -	\$ 456.00
380-01400	7	6	9.396	12.00	4.856	Edmund & Patricia Bellaire	\$ 84.00	\$ 118.00	\$ -	\$ 202.00
380-01500	7	6	14.390	12.00	4.856	Bradley & Denise Cascadden	\$ 59.00	\$ 122.00	\$ -	\$ 181.00
380-01600	7	6	24.821	40.00	16.188	Robert & Corydon Dawson	\$ 175.00	\$ 436.00	\$ -	\$ 611.00
380-01700	8	6 & 7	32.650	60.00	24.282	Bonnefield Canadian Farmland LP	\$ 232.00	\$ 710.00	\$ -	\$ 942.00
450-00400	SMR	7	19.647	48.55	19.648	Elford & Stowe Ltd.	\$ 60.00	\$ 511.00	\$ -	\$ 571.00
450-01060	SMR	6 & 7	20.230	49.99	20.230	Ruth Revenberg	\$ 86.00	\$ 499.00	\$ -	\$ 585.00
460-03300	SMR	5	35.127	32.00	12.950	Meshek Farms Inc.	\$ 73.00	\$ 272.00	\$ -	\$ 345.00
460-03500	SMR	5	12.706	12.00	4.856	Meshek Farms Inc.	\$ 33.00	\$ 105.00	\$ -	\$ 138.00
460-04300	7	4	19.750	40.00	16.188	Casey & Nicholas Martin	\$ 148.00	\$ 325.00	\$ -	\$ 473.00
Total on Privately Owned - Agricultural Lands (grantable).....							\$ 1,318.00	\$ 4,667.00	\$ -	\$ 5,985.00
TOTAL ASSESSMENT				627.19	253.82		\$ 2,500.00	\$ 7,500.00	\$ -	\$ 10,000.00
=====										

1 Hectare = 2.471 Acres  
Project No.REI2020D031  
April 28th, 2021

**SPECIFICATIONS****GRAVELINE DRAIN****Bridge for 2442747 Ontario Ltd. & Future Maintenance of Bridges****(Geographic Township of Colchester North)****TOWN OF ESSEX****I. GENERAL SCOPE OF WORK**

The Graveline Drain runs along the south side of South Malden Road from approximately Lot 6, Concession 7 in a westerly direction to its outlet into the McLean Drain. The work under this project generally comprises of construction of a new access bridge to serve the lands of 2442747 Ontario Ltd. The work on the bridge being constructed includes the installation of a new culvert to the west of the existing bridge at MN 1241 South Malden Road; new culvert end treatments comprising of sloped quarried limestone on filter cloth end protection; granular approaches and backfill; and granular transition areas.

All work for the new bridge and future maintenance of other bridges shall be carried out in accordance with these specifications, the plans forming part of this drainage project, as well as the Standard Details included in **Appendix "REI-C"**. The bridge new construction shall be of the size, type, depth, etcetera, as is shown in the accompanying drawings, as determined from the Benchmarks, and as may be further laid out at the site at the time of construction. All work carried out under this project shall be completed to the full satisfaction of the Town Drainage Superintendent and the Consulting Engineer.

**II. E.R.C.A. AND D.F.O. CONSIDERATIONS**

The Contractor will be required to implement stringent erosion and sedimentation controls during the course of the work to help minimize the amount of silt and sediment being carried downstream into the McLean Drain. It is intended that work on this project be carried out during relatively dry weather to ensure proper site and drain conditions and to avoid conflicts with sediment being deposited into the outlet drainage system. All disturbed areas shall be restored as quickly as possible with grass seeding and mulching installed to ensure a protective cover and to minimize any erosion from the work site subsequent to construction. The Contractor may be required to provide temporary silt fencing and straw bales as outlined further in these specifications.

All of the work shall be carried out in accordance with any permits or authorizations issued by the Essex Region Conservation Authority (E.R.C.A.) or the Department of Fisheries and Oceans (D.F.O.), copies of which will be provided, if available, and the notes in **Appendix "REI-A"**. The Contractor is advised that no work may be carried out in the existing drain from March 15th to June 30th of any given year because the drain is directly connected to a downstream area that is classified as sensitive to impacts on aquatic life and habitat by E.R.C.A. and D.F.O.

As part of its work, the Contractor will implement the following measures that will ensure that any potential adverse effects on fish and fish habitat will be mitigated:

- a) As per standard requirements, work will not be conducted at times when flows in the drain are elevated due to local rain events, storms, or seasonal floods. Work will be done in the dry.
- b) All disturbed soils on the drain banks and within the channel, including spoil, must be stabilized immediately upon completion of work. The restoration of the site must be completed to a like or better condition to what existed prior to the works. The spoil material must be hauled away and disposed of at a suitable site or spread an appropriate distance from the top of the drain bank to ensure that it is not washed back into the drain.
- c) To prevent sediment entry into the Drain, in the event of an unexpected rainfall, silt barriers and/or traps must be placed in the channel during the works and until the site has been stabilized. All sediment and erosion control measures are to be in accordance with related Ontario Provincial Standards. It is incumbent on the proponent and their Contractors to ensure that sediment and erosion control measures are functioning properly and are maintained and upgraded as required.
- d) Silt or sand accumulated in the barrier traps must be removed and stabilized on land once the site is stabilized.
- e) All activities including maintenance procedures should be controlled to prevent the entry of petroleum products, debris, rubble, concrete, or other deleterious substances into the water. Vehicular refuelling and maintenance should be conducted away from the water.

### **III. M.N.R.F. & M.E.C.P. ENDANGERED SPECIES ACT CONSIDERATIONS**

The Ministry of Natural Resources & Forestry (M.N.R.F.) Species at Risk former Town agreement with M.N.R.F. pursuant to Section 23 of the "Endangered Species Act, 2007" expired as of June 30th, 2015. The former agreements are replaced with new regulation provisions under Ontario Regulation 242/08 administered by the M.E.C.P. The Contractor is to note that the Ministry of Environment, Conservation and Parks (M.E.C.P.) screening process by way of a Species at Risk (S.A.R.) review of the M.E.C.P. "Endangered Species Act, 2007" (E.S.A.) will be completed as a self-assessment by the Town pursuant to Section 23.9 of the E.S.A. prior to construction. This

Section allows the Town to conduct eligible works of repair, maintenance, and improvements to existing municipal drains under the Drainage Act, and exemptions from Sections 9 and 10 of the E.S.A., provided that the requirements are followed in accordance with Ontario Regulation 242/08. The results of the review will be provided to the Contractor and copies of the mitigation measures, habitat protection and identification sheets will be included within **Appendix "REI-B"**. When eligible, the new regulations allow Municipalities to give notice to M.N.R.F. by registering their drainage activities through an online registry system.

The M.N.R.F. - M.E.C.P. mapping has basically confirmed that snake species including Butler's Garter Snake and Eastern Fox Snake are threatened and endangered, respectively, on this project. Because snakes are mobile and indicated as sensitive and endangered in the area, we have included herein a copy of the M.N.R.F. - M.E.C.P. mitigation requirements for them in **Appendix "REI-B"**. Providing mitigation requirements are implemented, it was concluded that present wildlife Species at Risk will be protected from negative impacts and the works will not contravene Section 9 (species protection) or Section 10 (habitat protection) of the Endangered Species Act, 2007.

The Contractor is to review **Appendix "REI-B"** in detail and is required to comply in all regards with the contents of said M.N.R.F. & M.E.C.P. measures, and follow the special requirements therein included during construction. Throughout the course of construction, the Contractor will be responsible to ensure that all necessary provisions are undertaken to protect all species at risk and their habitats. If a threatened or sensitive species is encountered, the Contractor shall notify the Town and M.N.R.F. - M.E.C.P. and provide all the equipment and materials stipulated by the mitigation requirements for handling the species and cooperate fully with the Town and M.N.R.F. - M.E.C.P. staff in the handling of the species.

#### **IV. ACCESS TO WORK**

The Contractor is advised that the majority of the work to be carried out on this project extends along the south side of South Malden Road. The Contractor shall have access for the full width of the roadway abutting the proposed drainage works. The Contractor may utilize the right-of-way as necessary, to permit the completion of all of the work required to be carried out for this project. The Contractor shall also have access into the driveway as necessary to carry out the construction of the new access bridge, as set out on the plans and in these specifications, along with a sufficient area in the vicinity of the bridge to carry out the required construction of the new structure installation and ancillary work.

The Contractor shall ensure that the traveling public is protected at all times while utilizing the roadway for its access. The Contractor shall provide traffic control, including flag persons when required. Should the Contractor have to close South Malden Road for the proposed works, it shall obtain the permission of the Town Drainage Superintendent or Consulting Engineer and arrange to provide the necessary notification of detours around the site. The Contractor shall also ensure that all emergency services, school bus companies, etcetera are contacted about the disruption

to access at least 48 hours in advance of same. All detour routes shall be established in consultation with the Essex Works Department.

Throughout the course of the work, it is imperative that the Contractor protect as much landscaping and vegetation as possible when accessing along the drain. Due to the extent of the work and the area for carrying out the work, the Contractor will be required to carry out all of the necessary steps to direct traffic and provide temporary diversion of traffic around work sites, including provision of all lights, signs, flag persons, and barricades required to protect the safety of the traveling public. Any accesses or areas used in carrying out the works are to be fully restored to their original conditions by the Contractor at its cost, including topsoil placement and lawn restoration as directed by the Town Drainage Superintendent and the Consulting Engineer. Restoration shall include but not be limited to all necessary levelling, grading, shaping, topsoil, seeding, mulching, and granular placement required to make good any damage caused.

#### **V. REMOVAL OF BRUSH, TREES AND RUBBISH**

Where there is any brush, trees, or rubbish along the course of the drainage works, including the full width of the work access, all such brush, trees or rubbish shall be close cut and grubbed out, and the whole shall be chipped up for recycling, burned or otherwise satisfactorily disposed of by the Contractor. The brush and trees removed along the course of the work are to be put into piles by the Contractor in locations where they can be safely chipped and disposed of, or burned by it, or hauled away and disposed of by the Contractor to a site to be obtained by it at its expense. Prior to and during the course of any burning operations, the Contractor shall comply with the guidelines prepared by the Air Quality Branch of the Ontario Ministry of the Environment; and shall ensure that the Environmental Protection Act is not violated. The Contractor will be required to notify the local fire authorities to obtain any permits and co-operate with them in the carrying out of any work. The removal of brush and trees shall be carried out in close consultation with the Town Drainage Superintendent or Consulting Engineer to ensure that no decorative trees or shrubs are disturbed by the operations of the Contractor that can be saved. It is the intent of this project to save as many trees and bushes as practical within the roadway allowances and on private lands. Where decorative trees or shrubs are located directly over drainage pipes, the Contractor shall carefully extract same and turn them over to the Owner when requested to do so and shall cooperate with the Owner in the reinstallation of same if required.

The Contractor shall protect all other trees, bushes, and shrubs located along the length of the drainage works except for those trees that are established, in consultation with the Town Drainage Superintendent, the Consulting Engineer, and the Owners, to be removed as part of the works. The Contractor shall note that protecting and saving the trees may require the Contractor to carry out hand work around the trees, bushes, and shrubs to complete the necessary final site grading and restoration.

Following the completion of the work, the Contractor is to trim up any broken or damaged limbs on trees which are to remain standing, and it shall dispose of said branches along with other brush, thus leaving the trees in a neat and tidy condition.

## **VI. DETAILS OF BRIDGE WORK**

The Contractor shall provide all material, labour, and equipment to construct a new access bridge in the Graveline Drain and ancillary work.

The new access bridge installation shall comprise of aluminized steel Type II helical pipe. All piping sections shall be connected by the use of 9 corrugation (9-C) bolted couplers installed around the complete circumference of the pipe in accordance with the manufacturer's recommendation. Each coupler shall be wrapped in filter cloth material around the complete circumference to ensure that there will be no soil migration through the joints and into the pipe through said connections.

The new pipe installation on this project shall be set to the grades as shown on the plans or as otherwise established herein and the Town Drainage Superintendent or the Consulting Engineer may make minor changes to the bridge alignment as they deem necessary to suit the site conditions. All work shall be carried out in general accordance with the items in the **"STANDARD SPECIFICATIONS FOR ACCESS BRIDGE CONSTRUCTION"** attached to this report and labelled **Appendix "REI-C"**.

## **VII. CORRUGATED STEEL PIPE INSTALLATION**

The new corrugated steel pipe (CSP) to be installed on this project is required to be provided in the longest lengths that are available and shall not be less than 3.0 metres. Where the overall access pipe length exceeds the standard pipe lengths, the Contractor shall connect the pipe sections together by use of a manufactured 9-C bolted coupler installed in accordance with the manufacturer's recommendations. All coupler joints shall be wrapped with a layer of filter cloth around the complete circumference so that it extends a minimum of 100mm beyond the coupler on each end, to ensure a positive seal against soil migration through the joints.

The Contractor shall note that the placement of any new culvert pipe shall be performed totally in the dry and it shall be prepared to take whatever steps are necessary to ensure same, all to the full satisfaction of the Town Drainage Superintendent or the Consulting Engineer. As part of the work, the Contractor will be required to clean out the drain along the full length of the pipe and for a distance of 3.05 metres (10 ft.) upstream and downstream of the pipe. The Contractor shall note that the pipe inverts are set at least 10% of the pipe diameter (or the pipe rise) below the drain bottom to provide the embedment required by E.R.C.A. and D.F.O. and to meet the minimum cover requirements for the pipe.

The installation of the complete length of the new culvert pipe, including all appurtenances, shall be completely inspected by the Town Drainage Superintendent or the Consulting Engineer's Inspector prior to backfilling any portions of same. Under no circumstance shall the Contractor commence the construction or backfill of the new culvert pipe without the site presence of the Town Drainage Superintendent or the Consulting Engineer's Inspector to inspect and approve said installation. The Contractor shall provide a minimum of two (2) working days' notice to the Town Drainage Superintendent or the Consulting Engineer prior to commencement of the work. The installation of the new culvert structure is to be performed during normal working hours of the Town Drainage Superintendent and the Consulting Engineer from Monday to Friday unless written authorization is provided by them to amend said working hours.

For the access bridge installation, once the new aluminized steel type II corrugated pipe has been satisfactorily set in place, the Contractor shall completely backfill same with granular material M.T.O. Type "B" O.P.S.S. Form 1010 with the following exception. The top 305mm (12") of the backfill material for the full top width of the access, and the full top width of the drain or the excavated trench, and any approaches to the south and transitions to the north shall be granular material M.T.O. Type "A" O.P.S.S. Form 1010. All of the driveway approach areas extending from the Town roadway to the north face of the new bridge culvert shall be backfilled with compacted granular material M.T.O. Type "A" O.P.S.S. Form 1010, but only after all topsoil material has been completely removed and disposed of, and the minimum thickness of this granular material shall be 305mm (12"). All areas outside of the access driveway shall be backfilled with native material compacted to 96% of Standard Proctor Density and topped with a minimum of 50mm of topsoil and shall be seeded and mulched.

The Contractor shall at all times be very careful when performing its backfilling and compaction operations so that no damage is caused to the pipe. To ensure that no damage is caused to the proposed pipe, alternative methods of achieving the required backfill compaction shall be submitted to the Consulting Engineer or the Town Drainage Superintendent for their approval prior to the commencement of this work.

The Contractor will be responsible to restore any damage caused to the roadways at its cost. All damaged hard surface roadway areas shall be neatly saw cut and the damaged materials removed and disposed of by the Contractor prior to carrying out any restoration work. The extent of the repairs shall be established in consultation with the Town Drainage Superintendent, the Road Authority, and the Consulting Engineer and the repairs shall be completed to their full satisfaction.

The Contractor is to note that any intercepted pipes or tiles along the length of the proposed culvert are to be extended and connected at its cost to the open drain at the end of the new culvert unless otherwise noted in the accompanying drawings.

The Contractor shall also note that the placing of the new access bridge culvert shall be completed so that it totally complies with the parameters established and noted in the Bridge Details and Tables for the culvert installation. The culvert shall be set on an even grade and the placement shall be performed totally in the dry, and the Contractor should be prepared to take

whatever steps are necessary to ensure same, all to the full satisfaction of the Town Drainage Superintendent or the Consulting Engineer. The Contractor shall also be required to supply a minimum of 100mm (4") of 20mm (3/4") clear stone bedding underneath the culvert pipe extending from the bottom of the drain to the culvert invert grade, all to the full satisfaction of the Town Drainage Superintendent or the Consulting Engineer. Furthermore, if an unsound base is encountered, it must be removed and replaced with 20mm (3/4") clear stone satisfactorily compacted in place to the full satisfaction of the Town Drainage Superintendent or the Consulting Engineer. The Contractor is to note that when installing an access bridge culvert, it shall be required to excavate a trench having a width not less than the new pipe outside diameter plus a 600mm working width on both sides of the new pipe to allow for proper installation of granular backfill and compaction of same. The Contractor shall also note that all culvert pipe installations are to be carried out with a minimum of 10% of their diameter or rise embedded below the drain design bottom, as shown, and noted on the plan for each of the access bridge installations.

#### **VIII. CONCRETE FILLED JUTE BAG, PRECAST CONCRETE BLOCK OR SLOPED END PROTECTION**

Unless otherwise shown or noted, the Contractor is to provide new concrete filled jute bag headwalls, precast concrete block, or sloped quarried limestone on non-woven filter cloth end protection for the access bridges and enclosures being replaced or constructed on this drain.

The concrete filled jute bags are to be provided and laid out as is shown and detailed in the drawings provided by the Town and as noted in the Standard Specifications in **Appendix "REI-C"**. In all cases, the concrete filled jute bag headwalls shall be topped with a minimum 100mm (4") thick continuous concrete cap comprising 30MPa concrete with 6%  $\pm 1\%$  air entrainment for the entire length of the headwalls. The headwalls shall be installed on an inward batter to be not less than 1 horizontal to 5 vertical, and under no circumstances shall this batter, which is measured from the top of the headwall to the projection of the end of the pipe, be less than 305mm (12"). From the midpoint of the pipe height down to the concrete footing, the wall shall be a double concrete filled jute bag installation. On the roadside the walls shall be deflected as shown to provide daylighting and a better approach across the new bridge.

The installation of the concrete filled jute bag headwalls, unless otherwise specified, shall be provided in total compliance with the Items 1), 3), and 4) included in the **"STANDARD SPECIFICATIONS FOR ACCESS BRIDGE CONSTRUCTION"**. These are attached to the back of these specifications and labelled **Appendix "REI-C"**. The Contractor shall comply in all respects with the General Conditions included in Item 4 and the **"Typical Concrete Filled Jute Bag Headwall End Protection"** detail also shown therein.

The Contractor shall install interlocking precast concrete blocks with filter cloth backing for walls on both ends of the bridges requiring same. The blocks shall be minimum 600X600X1200mm in size as available from Underground Specialties - Wolseley, Windsor, Ontario, or equal, and installed as set out in **Appendix "REI-C"**. Vertical joints shall be staggered by use of half blocks where needed and wingwall deflections when required shall employ 45-degree angled blocks.

Voids between the blocks and the pipe shall be grouted with 30mPa concrete having 6%  $\pm$ 1% air entrainment and extend for the full thickness of the wall and have a smooth uniform finish on the face that blends with the precast blocks. The installation of the endwalls, as well as the backfilling of the pipe where applicable, shall be provided in compliance with Items 1), 3), and 4) of the "Standard Specifications for Access Bridge Construction" attached within **Appendix "REI-C"** and in total compliance and in all respects with the General Conditions included in said Appendix. The Contractor shall submit shop drawings for approval of the wall installation that includes details for a minimum 300mm thick concrete footing that extends from the pipe invert downward. The footing shall extend into the drain banks each side for the required embedment of the blocks and be constructed to ensure that the completed wall will be completely vertical or tipped slightly back towards the driveway. Where the block walls extend more than 1.8 metres in height, the supplier shall provide the Contractor with uni-axial geogrid (SG350 or equivalent) reinforcement for installation to tie the wall back into the granular backfill. The Contractor, in all cases, shall comply with these specifications and upon completion of the stacked precast concrete end protection installation shall restore the adjacent areas to their original conditions. The Contractor shall supply quarried limestone on filter cloth rock protection adjacent to the headwalls at each corner of the bridge. All rock protection shall be 1.0 metres wide and 305mm (12") thick, installed on non-woven filter cloth, and shall be installed in accordance with Item 2) of the "Standard Specifications for Access Bridge Construction". The synthetic filter mat to be used shall be non-woven geotextile GMN160 conforming to O.P.S.S. 1860 Class I, as available from Armtec Construction Products through Underground Specialties - Wolseley in Windsor, Ontario or equal. The quarried limestone to be used shall be graded in size from a minimum of 100mm to a maximum of 250mm, and is available from Walker Industries Amherst Quarries, in Amherstburg, Ontario, or equal.

Where sloped end protection is specified, the top 305mm (12") of backfill material over the ends of the access pipe, from the invert of said pipe to the top of the driveway elevation of the access bridge or enclosure, shall be quarried limestone. The quarried limestone shall be provided as shown and detailed on the plans or as indicated in the Standard Specifications in **Appendix "REI-C"** and shall be graded in size from a minimum of 100mm (4") to a maximum of 250mm (10"). The quarried limestone to be placed on the sloped ends of an access bridge or enclosure shall be underlain with a synthetic **non-woven** geotextile filter fabric. The sloped quarried limestone protection is to be rounded as shown on the plan details and shall also extend along the drain side slopes to a point directly in line with the ends of the culvert pipe. The roadside approach to the entrance shall be provided with a minimum 5.0m radius at each end of the driveway entrance. All work shall be completed to the full satisfaction of the Town Drainage Superintendent or the Consulting Engineer.

The installation of the sloped quarried limestone end protection, unless otherwise specified herein, shall be provided in total compliance with Item 2), 3), and 4) of the **"STANDARD SPECIFICATIONS FOR ACCESS BRIDGE CONSTRUCTION"**. These are attached to the back of these specifications and labelled **Appendix "REI-C"**. The Contractor shall comply in all respects with the General Conditions included in Item 4 and the **"Typical Quarried Limestone End Protection Detail"** also in **Appendix "REI-C"**.

The quarried limestone erosion protection shall be embedded into the sideslopes of the drain a minimum thickness of 305mm and shall be underlain in all cases with non-woven synthetic filter mat. The filter mat shall not only be laid along the flat portion of the erosion protection, but also contoured to the exterior limits of the quarried limestone and the unprotected slope. The width of the erosion protection shall be as established in the accompanying drawings or as otherwise directed by the Town Drainage Superintendent or the Consulting Engineer during construction. In placing the erosion protection, the Contractor shall carefully tamp the quarried limestone pieces into place with the use of the excavator bucket so that the erosion protection when completed will be consistent, uniform and tightly laid. In no instance shall the quarried limestone protrude beyond the exterior contour of the unprotected drain sideslopes along either side of said protection. The synthetic filter mat fabric to be used shall be non-woven geotextile GMN160 conforming to O.P.S.S. 1860 Class I, as available from Armtec Construction Products, or equal. The quarried limestone to be used shall be graded in size from a minimum of 100mm to a maximum of 250mm, and is available from Walker Aggregates Amherst Quarries, in Amherstburg, Ontario, or equal.

#### **IX. BENCHMARKS**

Also, for use by the Contractor, we have established a Benchmark at the location where the new bridge is being constructed. For the new bridge, the plans include details illustrating the work to be carried out. For the bridge detail a Benchmark has been indicated and the Elevation has been shown and may be utilized by the Contractor in carrying out its work.

The Contractor shall note that in each case a specific design elevation grade has been provided for the invert at each end of the pipe in the table accompanying each detail. The table also sets out the pipe size, materials, and other requirements relative to the installation of the culvert structure. In all cases, the Contractor is to utilize the specified drain grade to set any new pipe installation. The Contractor shall ensure that it takes note of the direction of flow and sets all pipes to assure that all grades flow from east to west to match the direction of flow within the drain. The Contractor's attention is drawn to the fact that the pipe invert grades established herein provide for the pipes to be set at least 10% of their diameter or pipe rise below the existing drain bottom or the design grade of the drain, whichever is lower.

#### **X. ANCILLARY WORK**

During the course of any work to the bridges and enclosures along the length of the project, the Contractor will be required to protect or extend any existing tile ends or swales and connect them to the drainage works to maintain the drainage from the adjacent lands. All existing tiles shall be extended utilizing solid Big 'O' "standard tile ends" or equal plastic pipe of the same diameter as the existing tile and shall be installed in accordance with the "**Standard Lateral Tile Detail**" included in the plans, unless otherwise noted. Connections shall be made using a manufacturer's

coupling where possible. Wherever possible, tiles shall be extended to outlet beyond the end of any access culverts. When required, openings into new pipes shall be neatly bored, saw cut or burned with a torch to the satisfaction of the Town Drainage Superintendent or the Consulting Engineer. All cuts to steel pipes shall be touched up with a thick coat of zinc rich paint (Galvicon or equal) in accordance with the manufacturer's recommendations. For other connections, the Contractor shall utilize a grouted connection. Grouted mortar joints shall be composed of three (3) parts of clean, sharp sand to one (1) part of Portland cement with just sufficient water added to provide a stiff plastic mix, and the mortar connection shall be performed to the full satisfaction of the Town Drainage Superintendent or the Consulting Engineer. The mortar joint shall be of a sufficient mass around the full circumference of the joint on the exterior side to ensure a tight, solid seal. The Contractor is to note that any intercepted pipes along the length of the existing culvert are to be extended and connected to the open drain unless otherwise noted in the accompanying drawings.

Where the bridge installation interferes with the discharge of an existing swale, the Contractor shall re-grade the existing swales to allow for the surface flows to freely enter the drain. Any disturbed grass areas shall be fully restored with topsoil, seed, and mulch.

All granular backfill for the bridge installation shall be satisfactorily compacted in place to a minimum Standard Proctor Density of 98% by means of mechanical compaction equipment. All other good, clean, native fill material or topsoil to be utilized, where applicable, shall be compacted in place to a minimum Standard Proctor Density of 95%. All of the backfill material, equipment used, and method of compacting the backfill material shall be provided and performed to the full satisfaction of the Town Drainage Superintendent or Consulting Engineer.

Where the Contractor removes concrete or asphalt hard surfaces over the pipes, the Contractor shall restore the hard surfaces as previously outlined. The Contractor will be responsible to restore any damage caused to these driveways at its cost. All damaged hard surface driveway areas shall be neatly saw cut and the damaged materials removed and disposed of by the Contractor prior to carrying out any restoration work.

The new corrugated aluminized steel type II pipes for these installations are to be provided with a minimum depth of cover measured from the top of the pipe of 305mm (12") for a round pipe and 500mm for a pipe arch. If the bridge culvert pipes are placed at their proper elevations, same should be achieved. If the Contractor finds that the minimum cover is not being met, they shall notify the Town Drainage Superintendent and the Consulting Engineer immediately so that steps can be taken to rectify the condition prior to the placement of any backfill. The minimum cover requirement is **critical** and must be attained. In order for these new access bridge culverts to properly fit the channel parameters, **all of the design grade elevations must be strictly adhered to.**

As a check, all of the above access bridge culvert design grade elevations should be confirmed before commencing to the next stage of the access bridge installation. The Contractor is also to check that the pipe invert grades are correct by referencing the Benchmark.

Although it is anticipated that the culvert installation shall be undertaken in the dry, the Contractor shall supply and install a temporary straw bale or silt curtain check dam in the drain bottom immediately downstream of the culvert site during the time of construction. The straw bale or silt curtain check dam shall be to the satisfaction of the Town Drainage Superintendent or Consulting Engineer and must be removed upon completion of the construction. All costs associated with the supply and installation of this straw bale or silt curtain check dam shall be included in the cost bid for the bridge replacement.

#### **XI. TOPSOIL, SEED AND MULCH**

The Contractor shall be required to restore all existing grassed areas and drain side slopes damaged by the structure construction or cutting of the drain cross section, by placing topsoil, and then seed and mulch over said areas including any specific areas noted on the bridge details. The Contractor shall be required to provide all the material and to cover the above mentioned surfaces with approximately 50mm of good, clean, dry topsoil on slopes and 100mm of good, clean, dry topsoil on horizontal surfaces, fine graded and spread in place ready for seeding and mulching. The placing and grading of any topsoil shall be carefully and meticulously carried out in accordance with Ontario Provincial Standard Specifications, Form 802 dated November 2010, or as subsequently amended, or as amended by these specifications and be readied for the seeding and mulching process. The seeding and mulching of all of the above mentioned areas shall comply in all regards to Ontario Provincial Standard Specifications, Form 803 dated November 2010 and Form 804, dated November 2013, or as subsequently amended, or as amended by these specifications. The seeding mixture shall be the Standard Roadside Mix (Canada No. 1 Lawn Grass Seed Mixture) as set out in O.P.S.S. 804. All cleanup and restoration work shall be performed to the full satisfaction of the Town Drainage Superintendent or Engineer.

When all of the work for this installation has been completed, the Contractor shall ensure that positive drainage is provided to all areas; and shall ensure that the site is left in a neat and workmanlike manner, all to the full satisfaction of the Town Drainage Superintendent or Engineer.

#### **XII. GENERAL CONDITIONS**

- a) The Town Drainage Superintendent or Consulting Engineer shall have authority to carry out minor changes to the work where such changes do not lessen the efficiency of the work.
- b) The Contractor shall satisfy itself as to the exact location, nature and extent of any existing structure, utility, or other object which it may encounter during the course of the work. The Contractor shall indemnify and save harmless the Town of Essex and the Consulting Engineer and their representatives for any damages which it may cause or sustain during the progress of the work. It shall not hold the Town of Essex or the Consulting Engineer liable for any legal action arising out of any claims brought about by such damage caused by it.

- c) The Contractor shall provide a sufficient number of layout stakes and grade points so that the Drainage Superintendent and Consulting Engineer can review same and check that the work will generally conform to the design and project intent.
- d) The Contractor will be responsible for any damage caused by it to any portion of the Town road system, especially to the travelled portion. When excavation work is being carried out and the excavation equipment is placed on the travelled portion of the road, the travelled portion shall be protected by having the excavation equipment placed on satisfactory timber planks or timber pads. If any part of the travelled portion of the road is damaged by the Contractor, the Town shall have the right to have the necessary repair work done by its' employees and the cost of all labour and materials used to carry out the repair work shall be deducted from the Contractor's contract and credited to the Town. The Contractor, upon completing the works, shall clean all debris and junk, etcetera, from the roadside of the drain, and leave the site in a neat and workmanlike manner. The Contractor shall be responsible for keeping all public roadways utilized for hauling materials free and clear of mud and debris.
- e) The Contractor shall provide all necessary lights, signs, and barricades to protect the public. All work shall be carried out in accordance with the requirements of the Occupational Health and Safety Act, and latest amendments thereto. If traffic control is required on this project, signing is to comply with the M.T.O. Manual of Uniform Traffic Control Devices (M.U.T.C.D.) for Roadway Work Operations and Ontario Traffic Manual Book 7.
- f) During the course of the work the Contractor shall be required to connect existing drainage pipes to the Municipal Drain. In the event that polluted flows are discovered, the Contractor shall delay the connection of the pipe and leave the end exposed and alert the Town, the Drainage Superintendent, and the Consulting Engineer so that steps can be taken by the Town to address the concern with the owner and the appropriate authorities. Where necessary the Contractor shall cooperate with the Town in providing temporary measures to divert the drain or safely barricade same. Should the connection be found acceptable by the authorities, the Contractor shall complete the connection of the drain as provided for in the specifications, at no extra cost to the project.
- g) Following the completion of the work, the Contractor is to trim up any broken or damaged limbs on trees which are to remain standing, and it shall dispose of said branches along with other brush, thus leaving the trees in a neat and tidy condition.
- h) The whole of the work shall be satisfactorily cleaned up, and during the course of the construction, no work shall be left in any untidy or incomplete state before subsequent portions are undertaken.

- i) During the course of the project the Contractor shall deal with any excess soil management from the project in accordance with Ontario Reg 406/19 pursuant to the Environmental Protection Act, R.S.O. 1990, c. E.19 and any subsequent amendments to same.
- j) All driveways, laneways and access bridges, or any other means of access on to the job site shall be fully restored to their former condition at the Contractor's expense. Before authorizing Final Payment, the Town Drainage Superintendent and the Consulting Engineer shall inspect the work in order to be sure that the proper restoration has been performed. In the event that the Contractor fails to satisfactorily clean up any portion of these accesses, the Consulting Engineer shall order such cleanup to be carried out by others and the cost of same be deducted from any monies owing to the Contractor.
- k) The Contractor will be required to submit to the Town, a Certificate of Good Standing from the Workplace Safety and Insurance Board prior to the commencement of the work and the Contractor will be required to submit to the Town, a Certificate of Clearance for the project from the Workplace Safety and Insurance Board before Final Payment is made to the Contractor.
- l) The Contractor shall furnish a Performance and Maintenance Bond along with a separate Labour and Material Payment Bond within ten (10) days after notification of the execution of the Agreement by the Town. One copy of said bonds shall be bound into each of the executed sets of the Contract. Each Performance and Maintenance Bond and Labour and Material Payment Bond shall be in the amount of 100% of the total Tender Price. All Bonds shall be executed under corporate seal by the Contractor and a surety company, authorized by law to carry out business in the Province of Ontario. The Bonds shall be acceptable to the Town in every way and shall guarantee faithful performance of the contract during the period of the contract, including the period of guaranteed maintenance which will be in effect for twelve (12) months after substantial completion of the works.

The Tenderer shall include the cost of bonds in the unit price of the Tender items as no additional payment will be made in this regard.

- m) The Contractor shall be required, as part of this Contract, to provide Comprehensive Liability Insurance coverage for not less than \$5,000,000.00 on this project; and shall name the Town of Essex and its' officials and the Consulting Engineer and their staff as additional insured under the policy. The Contractor must submit a copy of this policy to both the Town Clerk and the Consulting Engineer prior to the commencement of work.
- n) Monthly progress orders for payment shall be furnished the Contractor by the Town Drainage Superintendent. Said orders shall be for not more than 90% of the value of the work done and the materials furnished on the site. The paying of the full 90% does not imply that any portion of the work has been accepted. The remaining 10% will be paid 60 days after the final acceptance and completion of the work and payment shall not be authorized until the Contractor provides the following:

- i) a Certificate of Clearance for the project from the Workplace Safety and Insurance Board
- ii) proof of advertising
- iii) a Statutory Declaration, in a form satisfactory to the Consulting Engineer and the Town, that all liabilities incurred by the Contractor and its Sub-Contractors in carrying out the Contract have been discharged and that all liens in respect of the Contract and Sub-Contracts thereunder have expired or have been satisfied, discharged or provided for by payment into Court.

The Contractor shall satisfy the Consulting Engineer or Town that there are no liens or claims against the work and that all of the requirements as per the Construction Act, 2018 and its' subsequent amendments have been adhered to by the Contractor.

- o) In the event that the Specifications, Information to Tenderers, or the Form of Agreement do not apply to a specific condition or circumstance with respect to this project, the applicable section or sections from the Canadian Construction Documents Committee C.C.D.C.2 shall govern and be used to establish the requirements of the work.
- p) Should extra work be required by the Town Drainage Superintendent or Consulting Engineer and it is done on a time and material basis, the actual cost of the work will be paid to the Contractor with a 15% markup on the total actual cost of labour, equipment and materials needed to complete the extra work.

## APPENDIX "REI-A"



**STANDARD E.R.C.A. AND D.F.O.**  
**MITIGATION REQUIREMENTS**

As part of its work, the Contractor will implement the following measures that will ensure that any potential adverse effects on fish and fish habitat will be mitigated:

1. As per standard requirements, work will not be conducted at times when flows in the drain are elevated due to local rain events, storms, or seasonal floods. Work will be done in the dry.
2. All disturbed soils on the drain banks and within the channel, including spoil, must be stabilized immediately upon completion of work. The restoration of the site must be completed to a like or better condition to what existed prior to the works. The spoil material must be hauled away and disposed of at a suitable site, or spread an appropriate distance from the top of the drain bank to ensure that it is not washed back into the drain.
3. To prevent sediment entry into the drain in the event of an unexpected rainfall, silt barriers and/or traps must be placed in the channel during the works and until the site has been stabilized. All sediment and erosion control measures are to be in accordance with the related Ontario Provincial Standards. It is incumbent on the proponent and Contractors to ensure that sediment and erosion control measures are functioning properly and maintained/upgraded as required.
4. Silt or sand accumulated in the barrier traps must be removed and stabilized on land once the site is stabilized.
5. All activities including maintenance procedures should be controlled to prevent the entry of petroleum products, debris, rubble, concrete, or other deleterious substances into the water. Vehicular refuelling and maintenance should be conducted away from the water.
6. Any drain banks trimmed outside of the July 1st to September 15th timing window will require bio-degradable erosion control blankets to be installed to promote re-vegetation and to protect the slope from erosion in the interim.



# Measures to Avoid Causing Harm to Fish and Fish Habitat

If you are conducting a project near water, it is your responsibility to ensure you avoid causing [serious harm to fish](#) in compliance with the *Fisheries Act*. The following advice will help you avoid causing harm and comply with the *Act*.

**PLEASE NOTE:** This advice applies to all project types and replaces all “Operational Statements” previously produced by DFO for different project types in all regions.

## Measures

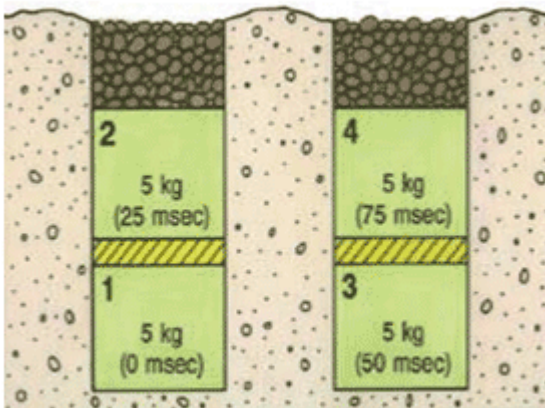
- Time work in water to respect [timing windows](#) to protect fish, including their eggs, juveniles, spawning adults and/or the organisms upon which they feed.
- Minimize duration of in-water work.
- Conduct instream work during periods of low flow, or at low tide, to further reduce the risk to fish and their habitat or to allow work in water to be isolated from flows.
- Schedule work to avoid wet, windy and rainy periods that may increase erosion and sedimentation.
- Design and plan activities and works in waterbody such that loss or disturbance to aquatic habitat is minimized and sensitive spawning habitats are avoided.
- Design and construct approaches to the waterbody such that they are perpendicular to the watercourse to minimize loss or disturbance to riparian vegetation.
- Avoid building structures on meander bends, braided streams, alluvial fans, active floodplains or any other area that is inherently unstable and may result in erosion and scouring of the stream bed or the built structures.
- Undertake all instream activities in isolation of open or flowing water to maintain the natural flow of water downstream and avoid introducing sediment into the watercourse.
- Plan activities near water such that materials such as paint, primers, blasting abrasives, rust solvents, degreasers, grout, or other chemicals do not enter the watercourse.
- Develop a response plan that is to be implemented immediately in the event of a sediment release or spill of a deleterious substance and keep an emergency spill kit on site.
- Ensure that building material used in a watercourse has been handled and treated in a manner to prevent the release or leaching of substances into the water that may be deleterious to fish.

- Develop and implement an Erosion and Sediment Control Plan for the site that minimizes risk of sedimentation of the waterbody during all phases of the project. Erosion and sediment control measures should be maintained until all disturbed ground has been permanently stabilized, suspended sediment has resettled to the bed of the waterbody or settling basin and runoff water is clear. The plan should, where applicable, include:
  - Installation of effective erosion and sediment control measures before starting work to prevent sediment from entering the water body.
  - Measures for managing water flowing onto the site, as well as water being pumped/diverted from the site such that sediment is filtered out prior to the water entering a waterbody. For example, pumping/diversion of water to a vegetated area, construction of a settling basin or other filtration system.
  - Site isolation measures (e.g., silt boom or silt curtain) for containing suspended sediment where in-water work is required (e.g., dredging, underwater cable installation).
  - Measures for containing and stabilizing waste material (e.g., dredging spoils, construction waste and materials, commercial logging waste, uprooted or cut aquatic plants, accumulated debris) above the high water mark of nearby waterbodies to prevent re-entry.
  - Regular inspection and maintenance of erosion and sediment control measures and structures during the course of construction.
  - Repairs to erosion and sediment control measures and structures if damage occurs.
  - Removal of non-biodegradable erosion and sediment control materials once site is stabilized.
- Clearing of riparian vegetation should be kept to a minimum: use existing trails, roads or cut lines wherever possible to avoid disturbance to the riparian vegetation and prevent soil compaction. When practicable, prune or top the vegetation instead of grubbing/uprooting.
- Minimize the removal of natural woody debris, rocks, sand or other materials from the banks, the shoreline or the bed of the waterbody below the ordinary high water mark. If material is removed from the waterbody, set it aside and return it to the original location once construction activities are completed.
- Immediately stabilize shoreline or banks disturbed by any activity associated with the project to prevent erosion and/or sedimentation, preferably through re-vegetation with native species suitable for the site.
- Restore bed and banks of the waterbody to their original contour and gradient; if the original gradient cannot be restored due to instability, a stable gradient that does not obstruct fish passage should be restored.
- If replacement rock reinforcement/armouring is required to stabilize eroding or exposed areas, then ensure that appropriately-sized, clean rock is used; and that rock is installed at a similar slope to maintain a uniform bank/shoreline and natural stream/shoreline alignment.
- Remove all construction materials from site upon project completion.

- Ensure that all in-water activities, or associated in-water structures, do not interfere with fish passage, constrict the channel width, or reduce flows.
- Retain a qualified environmental professional to ensure applicable permits for relocating fish are obtained and to capture any fish trapped within an isolated/enclosed area at the work site and safely relocate them to an appropriate location in the same waters. Fish may need to be relocated again, should flooding occur on the site.
- Screen any water intakes or outlet pipes to prevent entrainment or impingement of fish. Entrainment occurs when a fish is drawn into a water intake and cannot escape. Impingement occurs when an entrapped fish is held in contact with the intake screen and is unable to free itself.
  - In freshwater, follow these measures for design and installation of intake end of pipe fish screens to protect fish where water is extracted from fish-bearing waters:
    - Screens should be located in areas and depths of water with low concentrations of fish throughout the year.
    - Screens should be located away from natural or artificial structures that may attract fish that are migrating, spawning, or in rearing habitat.
    - The screen face should be oriented in the same direction as the flow.
    - Ensure openings in the guides and seals are less than the opening criteria to make “fish tight”.
    - Screens should be located a minimum of 300 mm (12 in.) above the bottom of the watercourse to prevent entrainment of sediment and aquatic organisms associated with the bottom area.
    - Structural support should be provided to the screen panels to prevent sagging and collapse of the screen.
    - Large cylindrical and box-type screens should have a manifold installed in them to ensure even water velocity distribution across the screen surface. The ends of the structure should be made out of solid materials and the end of the manifold capped.
    - Heavier cages or trash racks can be fabricated out of bar or grating to protect the finer fish screen, especially where there is debris loading (woody material, leaves, algae mats, etc.). A 150 mm (6 in.) spacing between bars is typical.
    - Provision should be made for the removal, inspection, and cleaning of screens.
    - Ensure regular maintenance and repair of cleaning apparatus, seals, and screens is carried out to prevent debris-fouling and impingement of fish.
    - Pumps should be shut down when fish screens are removed for inspection and cleaning.
- Avoid using explosives in or near water. Use of explosives in or near water produces shock waves that can damage a fish swim bladder and rupture internal organs. Blasting vibrations may also kill or damage fish eggs or larvae.
  - If explosives are required as part of a project (e.g., removal of structures such as piers, pilings, footings; removal of obstructions such as beaver dams; or preparation of a river or lake bottom for installation of a structure such as a dam or water intake), the potential for impacts to fish and fish habitat should be minimized by implementing the following measures:

- Time in-water work requiring the use of explosives to prevent disruption of vulnerable fish life stages, including eggs and larvae, by adhering to appropriate fisheries [timing windows](#).
- Isolate the work site to exclude fish from within the blast area by using bubble/air curtains (i.e., a column of bubbled water extending from the substrate to the water surface as generated by forcing large volumes of air through a perforated pipe/hose), cofferdams or aquadams.
- Remove any fish trapped within the isolated area and release unharmed beyond the blast area prior to initiating blasting
- Minimize blast charge weights used and subdivide each charge into a series of smaller charges in blast holes (i.e., decking) with a minimum 25 millisecond (1/1000 seconds) delay between charge detonations (see Figure 1).
- Back-fill blast holes (stemmed) with sand or gravel to grade or to streambed/water interface to confine the blast.
- Place blasting mats over top of holes to minimize scattering of blast debris around the area.
- Do not use ammonium nitrate based explosives in or near water due to the production of toxic by-products.
- Remove all blasting debris and other associated equipment/products from the blast area.

**Figure 1: Sample Blasting Arrangement**



Per Fig. 1: 20 kg total weight of charge; 25 msecs delay between charges and blast holes; and decking of charges within holes.

- Ensure that machinery arrives on site in a clean condition and is maintained free of fluid leaks, invasive species and noxious weeds.

- Whenever possible, operate machinery on land above the high water mark, on ice, or from a floating barge in a manner that minimizes disturbance to the banks and bed of the waterbody.
- Limit machinery fording of the watercourse to a one-time event (i.e., over and back), and only if no alternative crossing method is available. If repeated crossings of the watercourse are required, construct a temporary crossing structure.
- Use temporary crossing structures or other practices to cross streams or waterbodies with steep and highly erodible (e.g., dominated by organic materials and silts) banks and beds. For fording equipment without a temporary crossing structure, use stream bank and bed protection methods (e.g., swamp mats, pads) if minor rutting is likely to occur during fording.
- Wash, refuel and service machinery and store fuel and other materials for the machinery in such a way as to prevent any deleterious substances from entering the water.

Date modified:  
2013-11-25



## APPENDIX "REI-B"



## **SCHEDULE C**

### **MITIGATION PLAN**

The Municipality shall undertake measures to minimize adverse effects on species at risk in accordance with the general conditions described in Part B and taxa-specific conditions described in Part C, and the monitoring and reporting requirements described in Part D of this Mitigation Plan.

#### **PART A. DEFINITIONS**

##### **1. Definitions:**

1.1. In this Schedule, the following words shall have the following meanings:

"DFO" means Fisheries and Oceans Canada;

"MNR" means the Aylmer District Office of the Ministry of Natural Resources;

"Contact" means to contact the MNR in accordance with the notification/contact schedule provided to the Municipality by the MNR Designated Representative from time to time;

"Holding Tub" means a large, light-coloured container fitted with a non-airtight latchable lid approved by the MNR for the temporary storage of captured snakes, turtles, amphibians, birds or eggs;

"Interagency Notification Form" means the form issued by DFO, available at [www.dfo-mpo.gc.ca](http://www.dfo-mpo.gc.ca), which is required to be completed when a drain is being maintained or constructed;

"Monitoring and Reporting Form" means the document that must be completed by the Municipality in accordance with Part D to this Schedule and will be provided to the Municipality;

"Ontario Operational Statement" means one of the documents issued by DFO, available at [www.dfo-mpo.gc.ca](http://www.dfo-mpo.gc.ca), that sets out the conditions and measures to be incorporated into a project in order to avoid negative impacts to fish and fish habitat in Ontario, as modified from time to time;

"Process Charts" means the charts attached as Part E to this Schedule which describe the steps set out in this Mitigation Plan;

"Seasonal Timing Windows Chart" means the chart attached as Part G to this schedule which describes the Sensitive Periods applicable to each Taxonomic Group;

"Sensitive Area" means a geographic area in the Municipality where additional mitigation measures are required to be undertaken for one or more Taxonomic Groups;

"Sensitive Areas Map" means any one of the maps attached as Part F to this schedule which sets out the applicable Sensitive Areas;

"Sensitive Period" means a time of year set out in the Seasonal Timing Windows Chart during which taxa-specific mitigation measures are required to be undertaken for a Taxonomic Group because of ambient air/water temperatures, water-levels or important life-history stages;

"Taxonomic Group" means the distinct group comprising one or more Species based on their taxonomic relationship and common approaches to mitigating adverse effects (i.e., fish, mussels, turtles, snakes, amphibians, birds or plants); and

"Work Zone" means the geographic area in the Municipality where an Activity in respect of one of the Drainage Works is being conducted.

- 1.2. For greater certainty, any defined terms that are not defined in section 1.1 have the same meanings as in the Agreement.

## **PART B. GENERAL MEASURES TO MINIMIZE ADVERSE EFFECTS**

### **2. Process Charts**

- 2.1. The general steps set out in this Part B are visually described in the Process Charts (Part E).

### **3. Review of Documentation**

- 3.1. Prior to conducting any Activities in respect of the Drainage Works the Municipality shall determine if conditions apply to the place, time or manner in which the Municipality wishes to pursue them by reviewing:
  - (a) the Sensitive Areas Maps (Part F) to determine if the Work Zone for the proposed Activities will occur within a Sensitive Area;
  - (b) the DFO Reference Guide for Fish and Mussel Species at Risk Distribution Maps: A Referral Review Tool for Projects Affecting Aquatic Species at Risk;
  - (c) the Seasonal Timing Windows Chart (Part G) to determine if the proposed Activities will occur during a Sensitive Period for one or more of the Taxonomic Groups; and
  - (d) the Process Charts to determine if prior notification is required;
  - (e) the mitigation measures for each applicable Taxonomic Group in Part C to determine what additional site-specific mitigation measures, if any, are required.
- 3.2. The Municipality shall document the results of the review undertaken in accordance with section 3.1 using the Monitoring and Reporting Form.

### **4. Sensitive Areas Maps**

- 4.1. The Sensitive Areas Maps contain sensitive information about the distribution of species at risk, are provided for the sole purpose of informing this Agreement and are not to be copied or distributed for any other purposes or to any other party without the prior written authorization of the MNR Designated Representative.

### **5. Prior Notification to Seek Direction**

- 5.1. If, after completing the review of documents described in section 3.1, the Municipality determines that the proposed Activities will be undertaken:
  - (a) in a place;
  - (b) at a time; or
  - (c) in a manner,that requires prior notification in accordance with the Process Charts, the Municipality shall provide prior notification to the MNR in order for the MNR to determine if the Municipality must undertake additional site-specific or Species-specific mitigation

measures to minimize adverse effects on the Species and, if applicable, to identify such measures.

5.2. The prior notification under section 5.1 shall include a completed Interagency Notification Form:

- (a) in respect of maintenance/repair where the proposed Activities are being undertaken pursuant to subsection 3(18) or section 74 of the *Drainage Act*; or
- (b) in respect of construction/improvement where the proposed Activities are being undertaken pursuant to section 77 or 78 of the *Drainage Act*.

5.3. Where an Activity is undertaken in accordance with section 124 of the *Drainage Act* and would otherwise have required prior notification under section 5.1, the Municipality shall Contact the MNR by email prior to the commencement of the Activity, and complete and submit the applicable Interagency Notification Form within one week of the Activity's completion, unless otherwise directed in writing by the MNR Designated Representative.

**6. General Mitigation Measures**

6.1. Notwithstanding that prior notification or additional mitigation measures may be required in accordance with this schedule, in undertaking any Activity at any time in respect of the Drainage Works the Municipality shall:

- (a) undertake the mitigation measures for sediment control and for erosion control and bank stabilization set out in The Drain Primer (Cliff Evanitski 2008) published by DFO (ISBN 978-0-662-48027-3), unless otherwise authorized in writing by the MNR Designated Representative;
- (b) use net free, 100% biodegradable erosion control blanket for all erosion control or bank stabilization done in conjunction with their Activities or, if authorized in writing by the MNR Designated Representative, alternative erosion control blankets that provide equal or greater protection to individual Species; and
- (c) where applicable, follow the guidelines set out in the following Ontario Operational Statements:
  - (i) Beaver Dam Removal;
  - (ii) Bridge Maintenance;
  - (iii) Culvert Maintenance;
  - (iv) Isolated Pond Construction;
  - (v) Maintenance of Riparian Vegetation in Existing Right of Ways; and
  - (vi) Temporary Stream Crossing.

## **PART C. TAXA-SPECIFIC MEASURES TO MINIMIZE ADVERSE EFFECTS**

### **ADDITIONAL MITIGATION MEASURES FOR MUSSEL SPECIES**

#### **7. Activities undertaken in Sensitive Areas for Mussels**

- 7.1. Subject to section 7.2, where a proposed Activity will occur in a Sensitive Area for a mussel Species, the Municipality shall Contact the MNR to seek further direction.
- 7.2. Section 7.1 does not apply where the applicable Drainage Works are:
  - (a) in a naturally dry condition;
  - (b) classified as a Class F drain in DFO's *Class Authorization System for the Maintenance of Agricultural Municipal Drains in Ontario* (ISBN 0-662-72748-7); or
  - (c) a closed drain.

### **ADDITIONAL MITIGATION MEASURES FOR TURTLE SPECIES**

#### **8. Training and Required On Site Materials for Turtles**

- 8.1. The Municipality will ensure any person:
  - (a) involved in the capture, temporary holding, transfer and release of any turtle Species has received training in proper turtle handling procedures; and
  - (b) who undertakes an Activity has a minimum of two Holding Tubs and cotton sacks on site at all times.

#### **9. Activities undertaken in Sensitive Areas and Sensitive Periods for Turtles**

- 9.1. Subject to section 9.2, where a proposed Activity will occur in a Sensitive Area for any turtle Species and during a Sensitive Period for that Species, the Municipality shall:
  - (a) not undertake any Activities that include the excavation of sediment or disturbance to banks during the applicable Sensitive Period unless otherwise authorized;
  - (b) undertake Activities in accordance with any additional site-specific measures provided in writing by the MNR Designated Representative;
  - (c) avoid draw-down and de-watering of the Sensitive Area during the applicable Sensitive Period; and
  - (d) if authorized by the MNR Designated Representative under (a) above to undertake Activities that include excavation of sediment or disturbance of banks, in addition to any other measures required under (b) above, ensure any person undertaking an Activity has at least two Holding Tubs on site at all times.
- 9.2. Section 9.1 does not apply where the applicable Drainage Works are:
  - (a) in a naturally dry condition;
  - (b) classified as a Class F drain in DFO's *Class Authorization System for the Maintenance of Agricultural Municipal Drains in Ontario* (ISBN 0-662-72748-7); or
  - (c) a closed drain.

## **10. Measures for Encounters with Turtles During a Sensitive Period**

- 10.1. Where one or more individuals belonging to a turtle Species is encountered in the undertaking of an Activity in any part of a Work Zone (including, but not limited to, a Sensitive Area) during a Sensitive Period for that Species, the Municipality shall:
- (a) capture and transfer all uninjured individuals of that Species into a Holding Tub;
  - (b) capture and transfer all individuals injured as a result of the Activities into a Holding Tub separate from any Holding Tub containing uninjured individuals;
  - (c) ensure that the Holding Tubs with the captured individuals are stored at a cool temperature to prevent freezing until the individuals can be transferred; and
  - (d) immediately Contact the MNR to seek direction and to arrange for the transfer of the individual turtles.

## **11. Measures for Encounters with Turtles Laying Eggs or Nest Sites**

- 11.1. Where one or more individuals belonging to a turtle Species laying eggs, or an active nest site of any turtle Species, is encountered in undertaking an Activity in a Work Zone, the Municipality shall:
- (a) not disturb a turtle encountered laying eggs and not conduct any Activities within 20 metres of the turtle while it is laying eggs;
  - (b) collect any displaced or damaged eggs and capture any injured dispersing juveniles and transfer them to a Holding Tub;
  - (c) store all captured injured individuals and collected eggs out of direct sunlight;
  - (d) immediately Contact the MNR to seek direction and to arrange for the transfer of any injured individuals and eggs;
  - (e) immediately stop any disturbance to the nest site and recover exposed portions with soil or organic material to protect the integrity of the remaining individuals;
  - (f) not drive any equipment over the nest site or conduct any Activities within 5 metres of the nest site;
  - (g) not place any dredged materials removed from the Drainage Works on top of the nest site;
  - (h) mark out the physical location of the nest site for the duration of the project but not by any means that might increase the susceptibility of the nest to predation or poaching; and
  - (i) where there are no collected eggs or captured individuals, record relevant information and Contact the MNR within 72 hours to provide information on the location of the nest site.

## **12. Measures for Encounters with Turtles Outside of a Sensitive Period**

- 12.1. Where one or more individuals belonging to a turtle Species is encountered while undertaking an Activity in any part of a Work Zone (including, but not limited to, a Sensitive Area) but outside of any Sensitive Period for that Species, the Municipality shall:
- (a) briefly stop the Activity for a reasonable period of time to allow any uninjured individual turtles of that Species to leave the Work Zone;

- (b) where individuals do not leave the Work Zone after the Activity is briefly stopped in accordance with (a) above, capture all uninjured individuals and release them in accordance with section 13.1;
- (c) where circumstances do not allow for their immediate release, transfer captured uninjured individuals for a maximum of 24 hours into a Holding Tub which shall be stored out of direct sunlight and then release them in accordance with section 13.1;
- (d) capture and transfer any individuals that have been injured into a Holding Tub separate from any Holding Tub containing uninjured individuals; and
- (e) store all captured injured individuals out of direct sunlight and immediately Contact the MNR to seek direction and to arrange for their transfer.

### **13. Release of Captured Individuals Outside of a Sensitive Period**

- 13.1. Where uninjured individuals are captured under section 12.1, they shall be released:
  - (a) within 24 hours of capture;
  - (b) in an area immediately adjacent to the Drainage Works;
  - (c) in an area that will not be further impacted by the undertaking of any Activity; and
  - (d) not more than 250 metres from the capture site.
- 13.2. Following a release under section 13.1, the Municipality shall Contact the MNR within 72 hours of the release to provide information on the name of the Drainage Works, the location of the encounter and the location of the release site.

### **14. Measures for Dead Turtles**

- 14.1. Where one or more individuals of a turtle Species is killed as a result of an Activity in a Work Zone, or if a person undertaking an Activity finds a deceased individual of a turtle Species within the Work Zone, the Municipality shall:
  - (a) place any dead turtles in a Holding Tub outside of direct sunlight; and
  - (b) Contact the MNR within 72 hours to seek direction and to arrange for the transfer of the dead individuals.

## **ADDITIONAL MITIGATION MEASURES FOR SNAKE SPECIES**

### **15. Training and Required On Site Materials for Snakes**

- 15.1. The Municipality will ensure any person:
  - (a) involved in the capture, temporary holding, transfer and release of any snake Species has received training in proper snake handling procedures; and
  - (b) who undertakes an Activity has a minimum of two Holding Tubs and cotton sacks on site at all times.

### **16. Activities undertaken in Sensitive Areas and Sensitive Periods for Snakes**

- 16.1. Where a proposed Activity involves physical infrastructure (e.g., culverts, pump houses, etc.) and will occur in a Sensitive Area for any snake Species and during a *Sensitive Period – Hibernation* for that Species, the Municipality shall undertake the Activity outside of the Sensitive Period, unless otherwise authorized by and in accordance with any site-specific measures provided in writing by the MNR Designated Representative.

16.2. Where a proposed Activity will occur at or adjacent to a known hibernacula (as identified by the MNR) for any snake Species and during a *Sensitive Period – Staging* for that Species, the Municipality shall:

- (a) erect effective temporary snake barriers approved by the MNR that will not pose a risk of entanglement for snakes and that shall be secured so that individual snakes may not pass over or under the barrier or between any openings to enter or re-enter the Work Zone;
- (b) inspect the temporary snake barriers daily during periods when snakes are active, capture any individuals incidentally encountered within the area bounded by the snake barrier and release the captured individuals in accordance with section 20.1; and
- (c) remove the temporary snake barriers immediately upon completion of the Activity.

16.3. Where a proposed Activity that does not involve physical infrastructure will occur in a Sensitive Area for any snake Species and during a *Sensitive Period – Staging* for that Species, the Municipality shall undertake the Activity outside of the Sensitive Period, unless otherwise authorized by and in accordance with any site-specific measures provided in writing by the MNR Designated Representative.

#### **17. Measures for Encounters with Snakes During a Sensitive Period**

17.1. Where one or more individuals belonging to a snake Species is encountered, or should an active hibernacula be uncovered, while conducting an Activity in any part of a Work Zone (including, but not limited to, a Sensitive Area) during a Sensitive Period for that Species, the Municipality shall:

- (a) capture and transfer all injured and uninjured individual snakes of that Species into individual light-coloured, drawstring cotton sacks;
- (b) place all cotton sacks filled with the captured individuals into a Holding Tub;
- (c) ensure that the Holding Tub with the captured individuals is stored at a cool temperature to protect the snakes from freezing until the individuals can be retrieved or transferred;
- (d) if an active hibernacula is uncovered, cease all Activities at the hibernacula site; and
- (e) immediately Contact the MNR to seek direction and to arrange for the transfer and/or retrieval.

#### **18. Measures for Encounters with Snake Nests**

18.1. Where an active nest of any of the snake Species is encountered and disturbed while undertaking an Activity in any part of a Work Zone, the Municipality shall:

- (a) collect any displaced or damaged eggs and transfer them to a Holding Tub;
- (b) capture and transfer all injured dispersing juveniles of that Species into a light-coloured drawstring cotton sack;
- (c) place all cotton sacks with the captured injured individuals into a Holding Tub;
- (d) ensure that the Holding Tub with the captured injured individuals is stored out of direct sunlight;
- (e) immediately Contact the MNR to seek direction and to arrange for the transfer of the injured individuals;
- (f) immediately stop any disturbance to the nest site and loosely cover exposed portions with soil or organic material to protect the integrity of the remaining individuals;

- (g) not drive any equipment over the nest site or conduct any Activities within 5 metres of the nest site;
- (h) not place any dredged materials removed from the Drainage Works on top of the nest site;
- (i) mark out the physical location of the nest site but not by any means that might increase the susceptibility of the nest to predation or poaching; and
- (j) where there are no collected eggs or captured individuals, Contact the MNR within 72 hours to provide information on the location of the nest site.

#### **19. Measures for Encounters with Snakes Outside of a Sensitive Period**

- 19.1. Where one or more individuals belonging to a snake Species is encountered while undertaking an Activity in any part of a Work Zone (including, but not limited to, a Sensitive Area) but outside of any Sensitive Period for that Species, the Municipality shall:
- (a) follow the requirements in section 15;
  - (b) briefly stop the Activity for a reasonable period of time to allow any uninjured individual snakes of that Species to leave the Work Zone;
  - (c) if the individuals do not leave the Work Zone after the Activity is briefly stopped in accordance with (b) above, capture all uninjured individuals and release them in accordance with section 20.1;
  - (d) where circumstances do not allow for the immediate release of captured uninjured individuals, they may be transferred into individual, light-coloured, drawstring cotton sacks before placing them in a Holding Tub which shall be stored out of direct sunlight for a maximum of 24 hours before releasing them in accordance with section 20.1;
  - (e) capture and transfer any individuals injured as a result of conducting the Activities into a Holding Tub separate from any Holding Tub containing uninjured individuals; and
  - (f) store all captured injured individuals out of direct sunlight and immediately Contact the MNR to seek direction and to arrange for their transfer.

#### **20. Release of Captured Individuals Outside of a Sensitive Period**

- 20.1. Where uninjured individuals are captured under section 19.1, they shall be released:
- (a) within 24 hours of capture;
  - (b) in an area immediately adjacent to the Drainage Works where there is natural vegetation cover;
  - (c) in an area that will not be further impacted by the undertaking of any Activity; and
  - (d) not more than 250 metres from the capture site.
- 20.2. Following a release under section 20.1, the Municipality shall Contact the MNR within 72 hours of the release to provide information on the name of the Drainage Works, the location of the encounter and the location of the release site.

#### **21. Measures for Dead Snakes**

- 21.1. Where one or more individuals belonging to a snake Species is killed as a result of an Activity in a Work Zone, or if a person undertaking an Activity finds a deceased individual of a snake Species within the Work Zone, the Municipality shall:

- (a) collect and transfer any dead individuals into a Holding Tub outside of direct sunlight; and
- (b) Contact the MNR within 72 hours to seek direction and to arrange for the transfer of the carcasses of the dead individuals.

#### **ADDITIONAL MITIGATION MEASURES FOR HERBACEOUS PLANTS**

##### **22. Activities Undertaken in Sensitive Areas for Herbaceous Plants**

- 22.1. Where a proposed Activity will occur that involves physical disturbance to vegetated banks or the killing and/or removal of vegetation through chemical or mechanical means in a Sensitive Area for any herbaceous plant Species, the Municipality shall:
- (a) undertake the Activity outside of the Sensitive Period, unless otherwise authorized;
  - (b) limit equipment access and operations to the side of the Drainage Works that will minimize disturbances where any of the plant Species occur;
  - (c) locate temporary storage sites for excavated sediments or bank materials on areas of open soil away from where any of the plant Species are likely to occur;
  - (d) not use any broad spectrum herbicides in Sensitive Areas; and
  - (e) undertake Activities in accordance with any additional site-specific measures provided in writing by the MNR Designated Representative.

#### **ADDITIONAL MITIGATION MEASURES FOR TREE SPECIES**

##### **23. Additional Measures for Butternut**

- 23.1. Where Butternuts may exist in a Work Zone and may be affected by an Activity, the Municipality shall:
- (a) identify and mark as retainable trees all individual Butternut trees within the Work Zone during work planning site visits unless the individual Butternut has been assessed as a non-retainable tree due to infection by Butternut canker by a person designated by the Minister as a Butternut Health Assessor;
  - (b) retain and avoid disturbance to all individuals identified under (a) above that have been identified as retainable trees or that have not been assessed, unless otherwise authorized in writing by the MNR Designated Representative;
  - (c) conduct Activities by:
    - (i) limiting equipment access and operations to the side of the Drainage Works that will minimize disturbance to where any of the individual Butternut trees occur,
    - (ii) working around trees,
    - (iii) avoiding compacting and/or disturbing the soil by keeping excavation and other heavy equipment a minimum of 2 metres away from the main stem of retained individuals to avoid damaging roots and stems,
    - (iv) placing excavated materials on areas not within 2 metres of the main stem of retained individuals; and
    - (v) where branches are required to be removed to allow for safe operation of equipment, removing them using appropriate equipment, such as pruning saws, chain saws or lopping shears, in accordance with good forestry practices.

#### **24. Measures for Other Trees**

- 24.1. Where Kentucky Coffee-tree, Common Hoptree, Eastern Flowering Dogwood and American Chestnut may exist in a Work Zone and may be affected by an Activity, the Municipality shall:
- (a) identify and mark all individual Kentucky Coffee-tree, Common Hoptree, Eastern Flowering Dogwood and American Chestnut within the Work Zone during work planning site visits;
  - (b) avoid disturbance to all individuals identified under (a) above, unless otherwise authorized in writing by the MNR Designated Representative;
  - (c) conduct Activities by:
    - (i) limiting equipment access and operations to the side of the Drainage Works that will minimize disturbance where any of the individuals occur,
    - (ii) working around trees,
    - (iii) avoiding compacting and/or disturbing the soil by keeping excavation and other heavy equipment a minimum of 2 metres away from the main stem of retained individuals to avoid damaging roots and stems, and
    - (iv) placing excavated materials on areas not within 2 metres of the main stem of retained individuals; and
  - (d) where branches are required to be removed to allow for safe operation of equipment, remove them using appropriate equipment, such as pruning saws, chain saws or lopping shears, in accordance with good forestry practices.

#### **PART D. MONITORING AND REPORTING REQUIREMENTS**

##### **25. Compliance Monitoring.**

- 25.1. The Municipality shall inspect the undertaking of the Activities at the locations described in Part F of this Schedule C, and shall record the results of the inspections in the Monitoring and Reporting Form.
- 25.2. The Municipality shall record all encounters with Species and the resulting mitigation measures taken by the Municipality in the Monitoring and Reporting Form.

##### **26. Reporting**

- 26.1. Prior to March 31 of each year the Mitigation Plan is in effect, the Municipality shall submit a completed Monitoring and Reporting Form containing all of the information collected under sections 25.1 and 25.2 during the previous twelve months to the MNR Designated Representative.

##### **27. Review**

- 27.1. Within six months of the expiry of this Mitigation Plan but no later than three months from the time of its expiry, the Parties shall meet to review the measures and actions taken and the Activities undertaken during its term and to discuss the terms and conditions of the next Mitigation Plan.

## APPENDIX "REI-C"



## **STANDARD SPECIFICATIONS** **FOR ACCESS BRIDGE CONSTRUCTION**

### **1. PRECAST CONCRETE BLOCK & CONCRETE FILLED JUTE BAG HEADWALLS**

After the Contractor has set the endwall foundations and the new pipe in place, it shall completely backfill same and install new precast concrete blocks or concrete filled jute bag headwalls at the locations and parameters indicated on the drawing. All concrete used for headwalls shall be a minimum of 30 mPa at 28 days and include 6% +/- 1% air entrainment.

Precast concrete blocks shall be interlocking and have a minimum size of 600mmX600mmX1200mm. Half blocks shall be used to offset vertical joints. Cap blocks shall be a minimum of 300mm thick. A foundation comprising minimum 300mm thick poured concrete or precast blocks the depth of the wall and the full bottom width of the drain plus 450mm embedment into each drain bank shall be provided and placed on a firm foundation as noted below. The Contractor shall provide a levelling course comprising a minimum thickness of 150mm Granular "A" compacted to 100% Standard Proctor Density or 20mm clear stone, or a lean concrete as the base for the foundation. The base shall be constructed level and flat to improve the speed of installation. Equipment shall be provided as required and recommended by the block supplier for placing the blocks such as a swift lift device for the blocks and a 75mm eye bolt to place the concrete caps,. The headwall shall extend a minimum of 150mm below the invert of the access bridge culvert with the top of the headwall set to match the finished driveway grade, unless a 150mm high curb is specified at the edge of the driveway. To achieve the required top elevation, the bottom course of blocks and footing may require additional embedment into the drain bottom. The Contractor shall provide shop drawings of the proposed wall for approval by the Drainage Superintendent or Engineer prior to construction.

Blocks shall be placed so that all vertical joints are staggered. Excavation voids on the ends of each block course shall be backfilled with 20mm clear stone to support the next course of blocks above. Walls that are more than 3 courses in height shall be battered a minimum of 1 unit horizontal for every 5 units of vertical height. The batter shall be achieved by careful grading of the footing and foundation base, or use of pre-battered base course blocks. Filter cloth as specified below shall be placed behind the blocks to prevent the migration of any fill material through the joints. Backfill material shall be granular as specified below. Where the wall height exceeds 1.8 metres in height, a uni-axial geogrid SG350 or equivalent shall be used to tie back the walls and be installed in accordance with the manufacturer's recommendations. The wall face shall not extend beyond the end of the access bridge pipe. Non-shrink grout shall be used to fill any gaps between the blocks and the access bridge pipe for the full depth of the wall. The grout face shall be finished to match the precast concrete block walls as closely as possible.

When constructing the concrete filled jute bag headwalls, the Contractor shall place the bags so that the completed headwall will have a slope inward from the bottom of the pipe to the top of the finished headwall. The slope of the headwall shall be one unit horizontal to five units vertical. The Contractor shall completely backfill behind the new concrete filled jute bag headwalls with Granular "B" and Granular "A" material as per O.P.S.S. Form 1010 and the granular material shall be compacted in place to a Standard Proctor Density of 100%. The placing of the jute bag headwalls and the backfilling shall be performed in lifts simultaneously. The granular backfill shall be placed and compacted in lifts not to exceed 305mm (12") in thickness.

The concrete filled jute bag headwalls shall be constructed by filling jute bags with concrete. All concrete used to fill the jute bags shall have a minimum compressive strength of 25 MPa in 28 days and shall be provided and placed only as a wet mix. Under no circumstance shall the concrete to be used for filling the jute bags be placed as a dry mix. The jute bags, before being filled with concrete, shall have a dimension of 460mm (18") x 660mm (26"). The jute bags shall be filled with concrete so that when they are laid flat, they will be approximately 100mm (4") thick, 305mm (12") to 380mm (15") wide and 460mm (18") long.

The concrete jute bag headwall to be provided at the end of the bridge pipe shall be a single or double bag wall construction as set out in the specifications. The concrete filled bags shall be laid so that the 460mm (18") dimension is parallel with the length of the new pipe. The concrete filled jute bags shall be laid on a footing of plain concrete being 460mm (18") wide, and extending for the full length of the wall, and 305mm (12") thick extending below the bottom of the culvert pipe.

All concrete used for the footing, cap and bags shall have a minimum compressive strength of 30 mPa at 28 days and shall include 6% ± 1% air entrainment.

Upon completion of the jute bag headwall the Contractor shall cap the top row of concrete filled bags with a layer of plain concrete, minimum 100mm (4") thick, and hand trowelled to obtain a pleasing appearance. If the cap is made more than 100mm thick, the Contractor shall provide two (2) continuous 15M reinforcing bars set at mid-depth and equally spaced in

the cap. The Contractor shall fill all voids between the concrete filled jute bags and the corrugated steel pipe with concrete, particular care being taken underneath the pipe haunches to fill all voids.

The completed jute bag headwalls shall be securely embedded into the drain bank a minimum of 450mm (18") measured perpendicular to the sideslopes of the drain.

As an alternate to constructing a concrete filled jute bag headwall, the Contractor may construct a grouted concrete rip rap headwall. The specifications for the installation of a concrete filled jute bag headwall shall be followed with the exception that broken pieces of concrete may be substituted for the jute bags. The concrete rip rap shall be approximately 460mm (18") square and 100mm (4") thick and shall have two (2) flat parallel sides. The concrete rip rap shall be fully mortared in place using a mixture composed of three (3) parts of clean sharp sand and one (1) part of Portland cement.

The complete placement and backfilling of the headwalls shall be performed to the full satisfaction of the Drainage Superintendent and the Engineer.

## **2. QUARRIED LIMESTONE ENDWALLS**

The backfill over the ends of the corrugated steel pipe shall be set on a slope of 1-½ units horizontal to 1 unit vertical from the bottom of the corrugated steel pipe to the top of each end slope and between the drain banks. The top 305mm (12") in thickness of the backfill over the ends of the corrugated steel pipe shall be quarried limestone. The quarried limestone shall also be placed on a slope of 1-½ units horizontal to 1 unit vertical from the bottom of the corrugated steel pipe to the top of each bank of the drain adjacent each end slope. The quarried limestone shall have a minimum dimension of 100mm (4") and a maximum dimension of 250mm (10"). The end slope protection shall be placed with the quarried limestone pieces carefully tamped into place with the use of a shovel bucket so that, when complete, the end protection shall be consistent, uniform, and tightly laid in place.

Prior to placing the quarried limestone end protection over the granular backfill and on the drain banks, the Contractor shall lay non-woven geotextile filter fabric "GMN160" conforming to O.P.S.S. 1860 Class I or approved equal. The geotextile filter fabric shall extend from the bottom of the corrugated steel pipe to the top of each end slope of the bridge and along both banks of the drain to a point opposite the ends of the pipe.

The Contractor shall take extreme care not to damage the geotextile filter fabric when placing the quarried limestone on top of the filter fabric.

## **3. BRIDGE BACKFILL**

After the corrugated steel pipe has been set in place, the Contractor shall backfill the pipe with Granular "B" material, O.P.S.S. Form 1010 with the exception of the top 305mm (12") of the backfill. The top 305mm (12") of the backfill for the full width of the excavated area (between each bank of the drain) and for the top width of the driveway, shall be Granular "A" material, O.P.S.S. Form 1010. The granular backfill shall be compacted in place to a Standard Proctor Density of 100% by means of mechanical compactors. All of the backfill material, equipment used, and method of compacting the backfill material shall be inspected and approved and meet with the full satisfaction of the Drainage Superintendent and Engineer.

## **4. GENERAL**

Prior to the work commencing, the Drainage Superintendent and Engineer must be notified, and under no circumstances shall work begin without one of them being at the site. Furthermore, the grade setting of the pipe must be checked, confirmed, and approved by the Drainage Superintendent or Engineer prior to continuing on with the bridge installation.

The alignment of the new bridge culvert pipe shall be in the centreline of the existing drain, and the placing of same must be performed totally in the dry.

Prior to the installation of the new access bridge culvert, the existing sediment build-up in the drain bottom must be excavated and completely removed. This must be done not only along the drain where the bridge culvert pipe is to be installed, but also for a distance of 3.05 metres (10 ft.) both upstream and downstream of said new access bridge culvert. When setting the new bridge culvert pipe in place it must be founded on a good undisturbed base. If unsound soil is encountered, it must be totally removed and replaced with 20mm (3/4") clear stone, satisfactorily compacted in place.

When doing the excavation work or any other portion of the work relative to the bridge installation, care should be taken not to interfere with, plug up, or damage any existing surface drains, swales, and lateral or main tile ends. Where damage is encountered, repairs to correct same must be performed immediately as part of the work.

The Contractor and/or landowner performing the bridge installation shall satisfy themselves as to the exact location, nature and extent of any existing structure, utility or other object that they may encounter during the course of the work. The Contractor shall indemnify and save harmless the Town, or the Municipality, the Engineer, and their staff from any damages which it may cause or sustain during the progress of the work. It shall not hold them liable for any legal action arising out of any claims brought about by such damage caused by it.

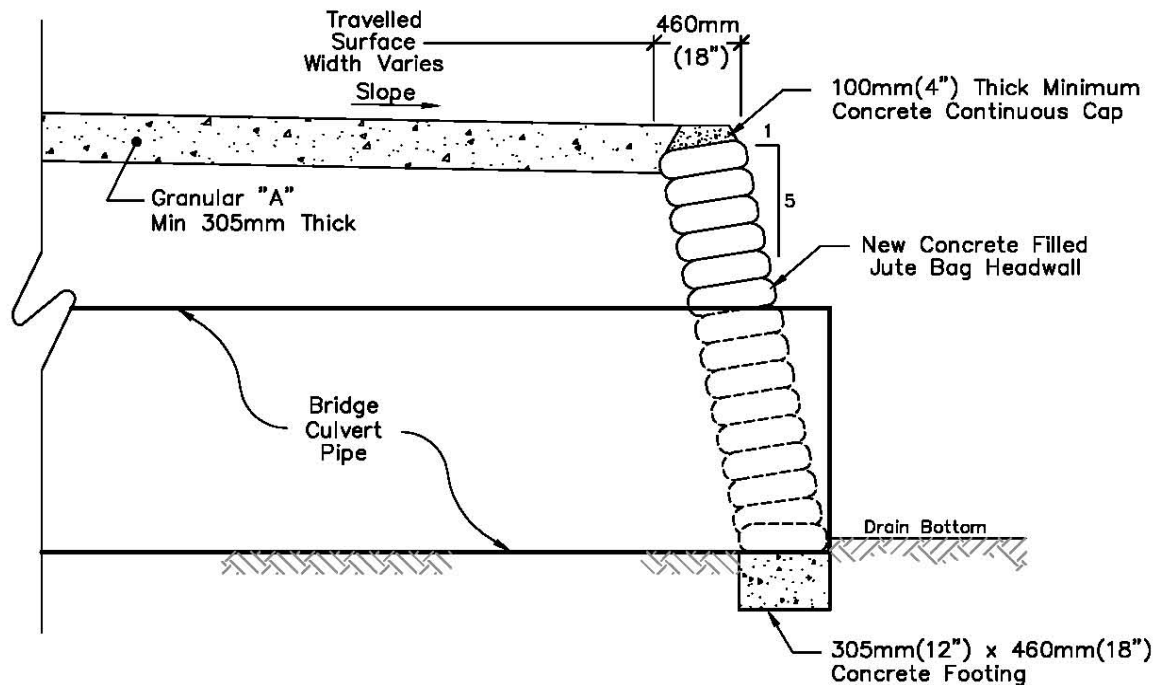
Where applicable, the Contractor and/or landowner constructing the new bridge shall be responsible for any damage caused by them to any portion of the Town road right-of-way. They shall take whatever precautions are necessary to cause a minimum of damage to same and must restore the roadway to its original condition upon completion of the works.

When working along a municipal roadway, the Contractor shall provide all necessary lights, signs, barricades and flagpersons as required to protect the public. All work shall be carried out in accordance with the requirements of the Occupational Health and Safety Act, and latest amendments thereto. If traffic control is required on this project, it is to comply with the M.T.O. Traffic Control Manual for Roadway Work Operations and Ontario Traffic Manual Book 7.

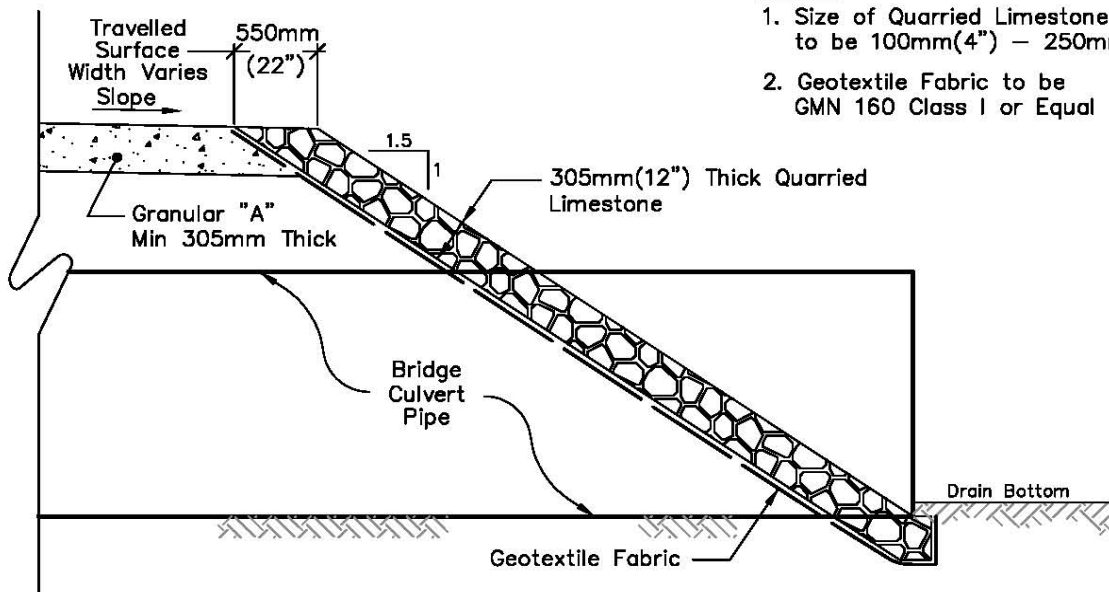
Once the bridge installation has been completed, the drain sideslopes directly adjacent the new headwalls and/or endwalls are to be completely restored including revegetation, where necessary.

All of the work required towards the installation of the bridge shall be performed in a neat and workmanlike manner. The general site shall be restored to its' original condition, and the general area shall be cleaned of all debris and junk, etc. caused by the work

All of the excavation, installation procedures, and parameters as above mentioned are to be carried out and performed to the full satisfaction of the Drainage Superintendent and Engineer.



Typical Jute Bag Headwall

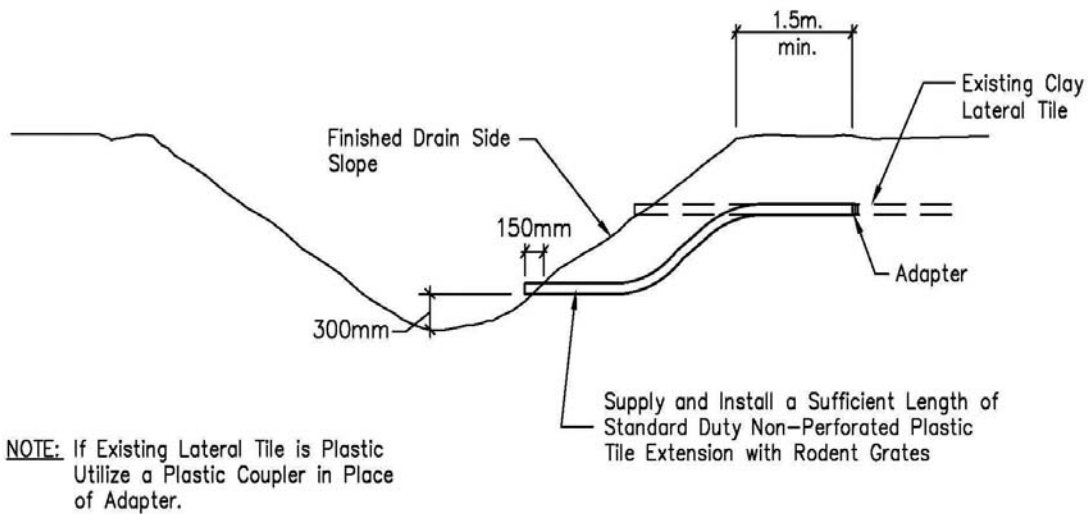


**NOTE:**

1. Size of Quarried Limestone to be 100mm(4") – 250mm(10")
2. Geotextile Fabric to be GMN 160 Class I or Equal

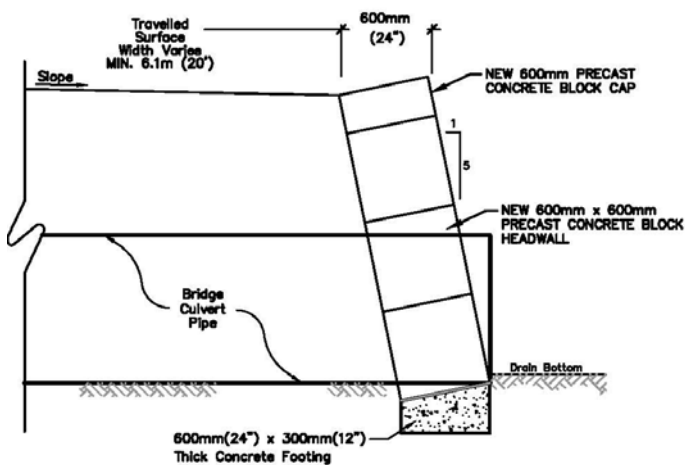
Typical Quarried Limestone End Protection

***Rood Engineering Inc.***  
**Consulting Engineers**  
 9 Nelson Street  
 Leamington, Ontario N8H 1G6  
 519-322-1621



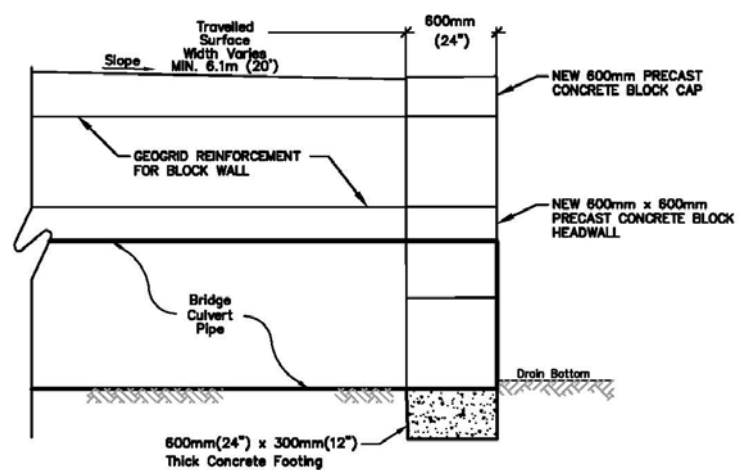
## STANDARD LATERAL TILE DETAIL

N.T.S.



**TYPICAL PRECAST CONCRETE BLOCK END PROTECTION**

Scale = N.T.S.



**TYPICAL VERTICAL PRECAST CONCRETE BLOCK END PROTECTION**

Scale = N.T.S.



## APPENDIX "REI-D"

Appendix D – General Conditions and Specifications not required.

## APPENDIX "REI-E"



WATERSHED, KEY & BRIDGE PLAN  
OF THE  
**GRAVELINE DRAIN**  
(New Bridge for 2442747 Ontario Ltd.)  
(Geographic Township of Colchester North)

IN THE  
TOWN OF ESSEX  
IN THE  
COUNTY OF ESSEX • ONTARIO

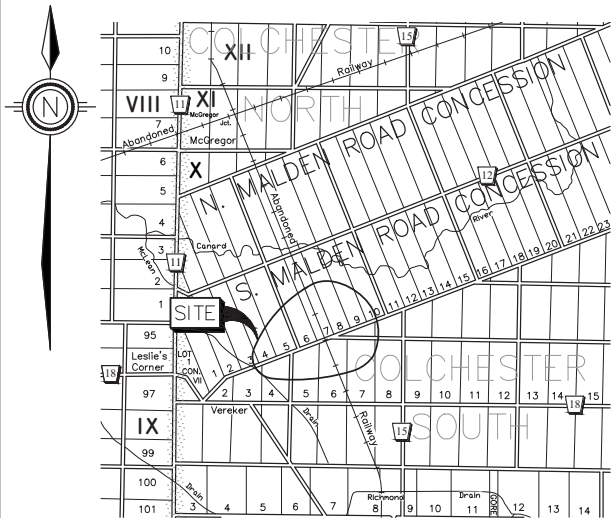


**GERARD ROOD, P.ENG.**  
**ROOD ENGINEERING INC.**  
CONSULTING ENGINEERS  
Leamington, Ontario  
519-322-1621

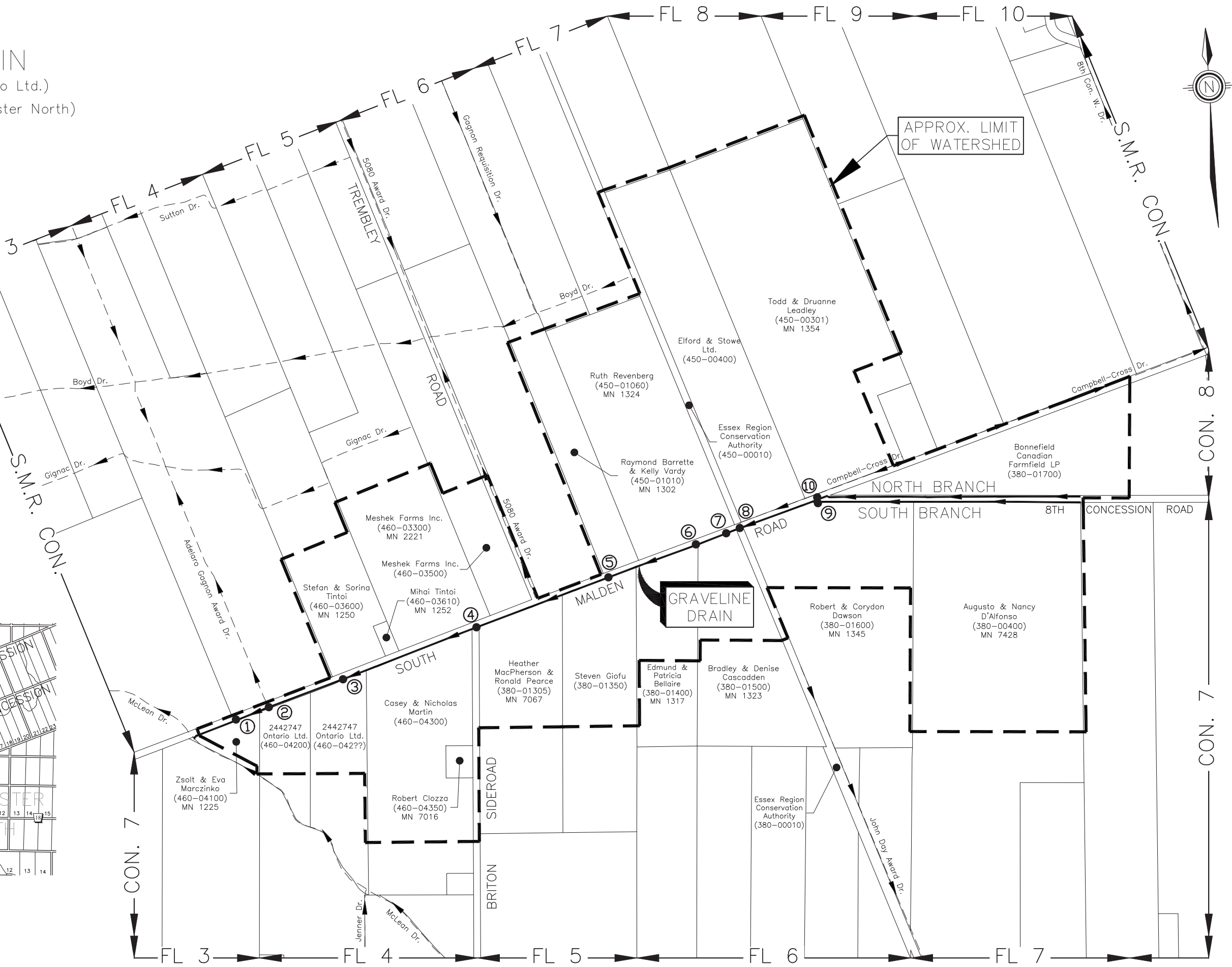
DATE: April 28th, 2021

TOWN OF ESSEX  
MAYOR: Larry Snively  
CLERK: Robert Auger  
DRAINAGE SUPERINTENDENT: Lindsay Dean

BENCHMARKS:  
TOP OF C. OF SOUTH CURB OF BRIDGE OVER THE  
McLEAN DRAIN  
ELEV: 183.463m



**KEY PLAN**  
Scale = 1:75,000



**WATERSHED PLAN**  
Scale = 1:5,000

THESE PLANS HAVE BEEN REDUCED  
AND THE SCALE THEREFORE VARIES.  
FULL SCALE PLANS MAY BE VIEWED  
AT THE MUNICIPAL OFFICE.

DRAWN BY: D.M.  
PLOT CODE: 1:1  
COMPUTER FILE: REI20200031.DWG

FILE No.:  
SHEET No.:  
Page 231 of 498





Plan view of Bridge #2 showing a 6.95m wide bridge structure. The bridge is flanked by gravel driveway approaches (typical) and sloped quarried limestone erosion protection (typical). A new pipe is shown crossing the bridge. The plan includes stationing (0+214.6 to 0+228.6), right-of-way limits, and a note to remove existing trees and brush within the new bridge installation area.

Labels and dimensions:

- Edge of Pavement
- Edge of Gravel
- R.O.W. Limit
- GRAVELINE
- R=5.0m (TYP.)
- GRAVEL DRIVEWAY APPROACH (TYP.)
- SLOPED QUARRIED LIMESTONE EROSION PROTECTION (TYP.)
- NEW PIPE
- 6.95m
- DRAIN
- Edge of Trees
- NATIVE FILL, TOPSOIL & SEED (TYP.)
- NOTE: REMOVE EX. TREES & BRUSH WITHIN NEW BRIDGE INSTALLATION
- Ex. Dirt Trail
- 0+214.6
- 0+219.0
- 0+228.6
- 2442747 Ontario Ltd. (460-04200) MN 1241

**BRIDGE #2 PLAN**  
SCALE = 1:200

**NOTE:**

1. Size of Quarried Limestone to be 100mm(4") - 250mm(10")
2. Geotextile Fabric to be GMN 160 O.P.S.S CLASS 1
3. Install Pipe in Dry Conditions

in Accordance with O.P.S.S. 518,  
577, 805, and O.P.S.D. 805,  
219.180, 219.190, 219.191

Travelling Surface Width Varies  
2.0% Slope

550mm (22")

MIN. 300mm THICK GRAN. 'A'

FULL COMPACTED GRANULAR 'B' BACKFILL

305mm(12") Thick Quarried Limestone

1.5

1

Bridge Culvert Pipe

Geotextile Fabric

Drain Bottom

TYPICAL QUARRIED LIMESTONE END PROTECTION

Scale = N.T.S.

**KEY PLAN**  
Scale = 1:100,000

The map shows a grid of streets and concessions. Key features include:

- Streets:** N. Malden Road, S. Malden Road, Vereker, Richmond, and others.
- Concessions:** VIII, IX, X, XI, XII, and others.
- Landmarks:** Leslie's Corner, McGregor, and others.
- Infrastructure:** Railway, Abandoned, and others.
- Water Features:** River, Drain, and others.
- Proposed Bridge Site:** Indicated by a black circle and a label "BRIDGE SITE".

**BENCHMARK:**

TOP OF  $\mathbb{C}$  OF SOUTH CURB OF BRIDGE OVER THE McLEAN DRAIN

**ELEV. = 183.463m**

PIPE SIZE:	PIPE LENGTH:	PIPE GAUGE:	CORRUGATIONS:	TYPE OF PIPE:	DESIGN ELEVATIONS:
1500mm	14.0m (45.93 FT.)	2.0mm	125mm x 25mm	C.S.P. ALUMINIZED TYPE II	UPSTREAM INV. (E) =181.389m DOWNSTREAM INV. (W) =181.369m ℄ TOP OF DRIVEWAY =183.362m DRAIN GRADE = 0.14%

## GRAVELINE DRAIN

New Bridge for 2442747 Ontario Ltd. (460-04200)  
(GEOGRAPHIC TOWNSHIP OF COLCHESTER NORTH)

IN THE

TOWN OF ESSEX

IN THE

COUNTY OF ESSEX • ONTARIO



**ROOD  
ENGINEERING  
INC.**

**CONSULTING ENGINEERS**  
Leamington, Ontario  
519-322-1621

DATE: 2021-04-28

FILE No.:  
REI2020D031

31 DRAWN BY: D.M.  
PLOT CODE: 1:1  
COMPUTER FILE:  
REI2020D024.DWG

APPENDIX 'E'

SHEET No.: 2 OF 2  
Page 239 of 493

# **The Corporation of the Town of Essex**

## **By-Law Number 2023**

### **Being a by-law to provide for the Graveline Drain, New Bridge at MN 1241 and Maintenance Schedule of Assessment, Geographic Township of Colchester North, Project REI2020D031, Town of Essex, County of Essex**

**Whereas** the Town of Essex Drainage Department recommended that Council appoint a Drainage Engineer to prepare a drainage report for the Graveline Drain: New Bridge at MN 1241 and Maintenance Schedule of Assessment, Geographic Township of Colchester North, Project REI2020D031, Town of Essex, County of Essex;

And Whereas Section 78 of the Drainage Act, R.S.O. 1990, Chapter D. 17, as amended 2010, states that the Council of any municipality whose duty it is to maintain and repair the drainage works or any part thereof, may on the report of an Engineer appointed by it, complete the drainage works as set forth in such report;

**And Whereas** an Engineers Drainage report dated April 28, 2021 and considered by the Drainage Board at its May 18, 2021 Consideration of Report meeting, has been procured and made by Gerard Rood, Professional Engineer, Rood Engineering Inc. and that the said report is attached hereto and forms part of this by-law as Schedule "A" hereto;

And Whereas the Council of The Corporation of the Town of Essex is of the opinion that the said drainage works and/or improvements are warranted and desirable;

Now therefore the Council of The Corporation of the Town of Essex pursuant to the Drainage Act enacts as follows:

1. That the Engineers Drainage report dated April 28, 2021 and considered by the Drainage Board at its May 18, 2021 Consideration of Report meeting and attached hereto as Schedule A to this By-law is hereby adopted and that the said drainage works and/or improvements as therein indicated and set forth are hereby authorized and shall be completed in accordance therewith.
2. That the Corporation of the Town of Essex may borrow on the credit of the Corporation the amount of \$10,0000, the amount necessary for the construction of the said drainage works.

3. That the Corporation may issue debentures for the amount borrowed less the total amount of:

- Grants received under Section 85 of the Drainage Act, R.S.O. 1990, Chapter D. 17, as amended, 2010;
- Commuted payments made in respect of lands and roads assessed within the Municipality;
- Money paid under Section 61(3) of the Drainage Act, R.S.O. 1990, Chapter D. 17, as amended 2010;

and such debentures shall be made payable: a) in the case of assessments in value of between \$1,500.00 and \$7,499.99 within (5) five years from the date of the debenture and shall bear interest at a rate not higher than 2% more than the municipal lending rates as posted by Infrastructure Ontario on the date of sale of such debenture(s); or b) in the case of assessments in value of \$7,500.00 and greater, within (10) ten years from the date of the debenture and shall bear interest at a rate not higher than 2% more than the municipal lending rates as posted by Infrastructure Ontario on the date of sale of such debenture(s).

4. That a special equal annual rate sufficient to redeem the principal and interest on the debentures shall be levied upon the lands and roads as set forth in the Schedule, to be collected in the same manner as other taxes collected in each year for (5) five or (10) ten years (as applicable) after the passing of this by-law.
5. For paying the amount assessed upon the lands and roads belonging to or controlled by the Municipality, a special rate sufficient to pay the amount assessed plus interest thereon, shall be levied upon the whole rateable property in the Town of Essex, in each year for five years after the passing of this by-law to be collected in the same manner and at the same time as other taxes are collected.
6. All assessments of \$1,499.99 or less are payable in the first year in which the assessment is imposed.
7. The by-law comes into force on the passing thereof and may be cited as "Graveline Drain: New Bridge at MN 1241 and Maintenance Schedule of Assessment".

**Read a first and a second time and provisionally adopted on June 7, 2021.**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

**Read a third time and finally passed on**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk



## Report to Council

Department: Office of the CAO  
Division: Legal and Legislative Services  
Date: June 7, 2021  
Prepared by: Robert Auger, Town Solicitor/Clerk, and Matthew Ducharme, Legal & Legislative Services (Summer Student Intern)  
Report Number: Legal and Legislative Services-2021-12  
Subject: Land Acknowledgement Statement  
Number of Pages: 7

### Recommendation(s)

**That** Legal and Legislative Services 2021-012 entitled **"Land Acknowledgement Statement"** prepared by Robert Auger, Town Solicitor/Clerk and Matthew Ducharme, Legal & Legislative Services (Summer Student Intern) and dated June 7, 2021 be received;

**That** the Land Acknowledgement Statement noted below be provisionally adopted for a six (6) month trial period so as to allow for an additional period of time for Indigenous community members to provide feedback on the proposed statement:

***"We acknowledge that this land is the traditional territory of the Three Fires Confederacy of First Nations (comprised of the Ojibway, the Odawa, and the Potawatomi Peoples), and of the Huron-Wendat Peoples. We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original Peoples of Turtle Island who have been living and working on the land from time immemorial."***

**Further, that** the Land Acknowledgement Statement noted in this Report be read at the beginning of all Regular Council Meetings and at other such special events as may be determined from time to time by the Mayor, and

**That** the Land Acknowledgement Statement noted be further placed on the website of the Town of Essex.

## Purpose

A land acknowledgement is an act of reconciliation that involves making a statement recognizing the traditional territory of the Indigenous people who called the land home before the arrival of settlers, and the Indigenous people who still call the land home.

## Background and Discussion

On April 19, 2021 at the Regular Council Meeting, Council passed the following motion:

**(R21-04-159) “That Administration research and consult with local First Nations, indigenous organizations and other community champions in creating or developing a land acknowledgement statement for the Town of Essex.” “Carried”**

Traditional land acknowledgement statements are increasingly being used across Canada by governments, schools, post-secondary institutions, non-governmental organizations, and other civil institutions as a practice of reconciliation aimed at recognizing the traditional or treaty territories of Indigenous peoples. The statements are typically made at the introduction of meetings, gatherings, events, or presentations. Some of the statements are featured on organization websites or event description pages.

Land acknowledgments are a historically accurate way to recognize the traditional First Nations, Métis and/or Inuit territories of a place. They commemorate Indigenous peoples’ principal kinship to the land and the fact that we have not and cannot be erased from her, our collective first mother.

Inspired by the 94 recommended calls to action contained in the 2015 Truth and Reconciliation Commission of Canada (now known as the National Centre for Truth and Reconciliation, or NCTR), land acknowledgements are a necessary first step toward honouring the original occupants of a place. They also help Canadians recognize and respect Indigenous **peoples' inherent kinship beliefs** when it comes to the land, especially since those beliefs were restricted for so long.

In the development of the recommended statement, the *Guidance on Traditional Land Acknowledgement Statements* from the Association of Municipalities Ontario (AMO) was consulted. As the history of the land is complex and it has not been universally accepted amongst all the First Nations as to how best acknowledge the land, different sources may be contradictory. As such, AMO recommends municipalities opt for a more general statement rather than trying to be very specific.

AMO additionally recommends that land acknowledgement statements are not used superficially, without an appreciation for their cultural meaning. This report serves to provide that appreciation for the cultural meaning of the statement by providing a brief history of the land on which the Town of Essex is located as it is understood today. To provide the following brief history the following resources were further consulted, in addition to other materials from those listed as indirect consultations noted at the end of this report:

- National Centre for Truth and Reconciliation (NCTR)
- Map and History of Ontario Treaties and Reserves – Government of Ontario
- Aboriginal Education Centre, University of Windsor
- First Nations & Indigenous Studies, University of British Columbia
- The Canadian Encyclopedia

## Brief History

At the time of European settlement, First Nations living within the boundaries of the Town of Essex as we now know them were the Three Fires Confederacy (comprised of the Ojibway, the Odawa, and the Potawatomi Peoples), and the Huron-Wendat Peoples.

To open the area between lakes Erie and St. Clair to settlement, the British colonial government asked an Indian agent at Detroit, Alexander McKee, to negotiate a treaty. The treaty, known as the McKee Purchase, or Treaty No. 2, was signed in 1790. The Ojibway, Odawa, Potawatomi, and Huron-Wendat signatories surrendered the majority of the land in the southwestern tip of what is now Ontario.

However, two tracts of land were left out of the McKee Purchase. One, known as the Huron Reserve, was located in the present-day towns of Amherstburg, LaSalle, and extending partially into of the Town of Essex (parts of Wards 2 & 3). In 1833, the Huron-Wendat living at the Huron Reserve surrendered their land through Treaty No. 35.

For Indigenous peoples, Turtle Island refers to the continent of North America. The name comes from various Indigenous oral histories that tell stories of a turtle that holds the world on its back. For some Indigenous peoples, the turtle is therefore considered an icon of life, and the story of Turtle Island consequently speaks to various spiritual and cultural beliefs.

The Town of Essex sits on Anishinabe Territory, represented today by Walpole Island First Nation. We are grateful to live and work on this land.

Reconciliation with Indigenous peoples is not a task of the past, but one we must continue today. The Residential schools were an extensive school system set up by the Canadian government and administered by churches that had the nominal objective of educating Indigenous children, but also the more damaging and equally explicit objectives of indoctrinating them into Euro-Canadian and Christian ways of living and assimilating them into mainstream white Canadian society. The residential school system officially operated from the 1880s until the last school closed in 1996.

Residential schools systematically undermined Indigenous, First Nations, Métis and Inuit cultures across Canada and disrupted families for generations, severing the ties through which Indigenous culture is taught and sustained, and contributing to a general loss of language and culture.

Recently, preliminary findings from a survey of the grounds at the former Kamloops Indian Residential School were released. According to the Tk'emlúps te Secwépemc First Nation, the remains of 215 children buried at the site were uncovered. The National Centre for Truth and Reconciliation estimates about 4,100 children died at residential schools, based on death records, but has said the true total is likely much higher. This only highlights the great **“cultural genocide” that Indigenous peoples have faced for many years. Reconciliation is** needed now, and a Land Acknowledgement Statement for the Town of Essex while just a small part thereof, will help to continue the healing and reconciliation needed in Canada.

Administration reviewed a number of similar land acknowledgement statements in the drafting of this report and has made a recommendation that is specific to the Town of Essex, although similar to the statement used by the Essex Region Conservation Authority (ERCA).

Caldwell First Nation, Walpole Island First Nation, and Anishinabek Nation were contacted to ensure the land acknowledgement being recommended represents all lands in the Town of Essex. At this time, no response has been received in regards to feedback/further input on the proposed Land Acknowledgement. Therefore, part of the recommendations in this report is that the proposed Land Acknowledgment Statement be provisionally adopted for a six month period so as to allow for an additional appropriate period of time for such further consultations. At the end of such further consultation period, the proposed Land Acknowledgment Statement could be revised accordingly or adopted in its current form.

In the meantime it is recommended by Administration that the proposed Land Acknowledgement Statement be adopted provisionally and be read at the very beginning of Regular Council Meetings by the Mayor/Chair. It is also recommended that the proposed land acknowledgment could be read at the beginning of other Special Events as determined by the Mayor, and also be placed on the website of the Town of Essex. The purpose of this is to integrate the Land Acknowledgement Statement into the culture and fabric of the Town, as an act of continuing reconciliation.

## Financial Impact

There is no financial impact.

## Consultations

Shelley Brown, Deputy Clerk, Legal and Legislative Services

Alex Denonville, Manager, Strategic Communications

Russell Nahdee, Coordinator, Aboriginal Education Centre, University of Windsor

Kat Pasquach, Aboriginal Outreach and Retention Coordinator, University of Windsor

### Indirect

Mary Birch, Director of Council and Community Services/Clerk, County of Essex

Tammy Fowkes, Deputy Clerk, Town of Amherstburg

Judy Smith, Director Municipal Governance/Clerk, Municipality of Chatham-Kent

Steve Vlachodimos, Deputy City Clerk & Senior Manager of Council Services, City of Windsor

Julia Burgess, Trustee, Greater Essex County District School Board

Nin.Da.Waab.Jib, Walpole Island Heritage Centre

## Link to Strategic Priorities

- ☐ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- ☒ Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- ☐ Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- ☐ Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- ☒ Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.
- ☐ **Improve the Town's capacity to meet the ongoing and future service needs of its citizens** while ensuring the corporation is resilient in the face of unanticipated changes or disruptions.

## Report Approval Details

Document Title:	Land Acknowledgement Statement - Legal and Legislative Services-2021-12.docx
Attachments:	
Final Approval Date:	Jun 1, 2021

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

A handwritten signature in black ink, appearing to read "Chris Nepszy". The signature is fluid and cursive, with a large initial "C" and a stylized "N".

**Chris Nepszy, Chief Administrative Officer - Jun 1, 2021 - 5:06 PM**



## Report to Council

Department: Development Services  
Division: Building and By-law Enforcement  
Date: June 7, 2021  
Prepared by: Mike Diemer, By-law/Property Standards Officer  
Report Number: Building and By-Law Enforcement-2021-01  
Subject: Fill and Grade Report  
Number of Pages: 4

### Recommendation(s)

**That** Building and By-Law Enforcement Report-2021-01 entitled Fill and Grade Report prepared by Mike Diemer dated June 07-2021 be received.

### Purpose

That administration be directed to review, with consultation with Deputy Mayor Meloche and Councillor Verbeek and prepare a Report with recommendations on the issues, pros, and cons, related to fill sites and limitations on the number of sites, permits and their extensions thereof; Resolution Number R21-05-189

### Background and Discussion

The Town of Essex created the Grading and Fill By-Law #1799 in 2019 to regulate the properties that bring in fill, as well as the grading that is completed on the properties. Within this By-Law, a permit is required to do work on the property. In order to obtain a permit the property owner, or representative of the property owner, is to submit an application to the

Building & By-Law Enforcement Division with certain conditions of the By-Law to be satisfied. The Officer may grant or refuse to grant any Fill Permit applied for on an event-by-event basis but in no case shall an event being applied for be longer than one (1) year in duration. The Officer shall make the issuance of any such Fill Permit subject to such terms and conditions as the Officer may designate as being appropriate on an event-by-event basis. Any breach by the Owner of any of the terms and conditions of the issued Fill Permit shall render the Fill Permit null and void.

This ensures that the proponent must comply with all the conditions within the By-law before being granted a fill permit lasting no longer than 1 year in duration. However, if the proponent wishes to renew/extend their fill permit during that 1 year period, they would be unable to as the current by-law does not allow the renewal of an existing fill permit. A proponent may, however, apply for a new fill permit for the same project/property the following year. This is under the condition that the proponent submits a new application and complies with all the conditions within the existing by-law.

Extending and/or renewing an existing 1-year grade fill permit may cause further increase with a number of local issues including concerns regarding noise, dust, truck traffic, road damage, erosion, drainage and other social, health and environmental concerns.

Prohibiting the extension and/or renewal of an existing 1-year grade fill permit on larger projects being five acres or greater in lot size may cause a rush to complete the work within the timeline of their original permit and could exacerbate the issues into one compressed calendar year such as greater daily amounts of dust, truck traffic, road damage, erosion, drainage and other social, health and environmental concerns are all compressed into 1 calendar year.

Limiting the number of sites where fill can be brought to is contrary to the principles of the permitting process due to creating conflicts evolving from the minimal sites throughout the municipality. This process would also create conflicts for Administration as fairness and integrity could come into question.

Contaminated soils cannot be used nor imported at any time. The By-law dictates that the proponent must have all soils tested prior to being imported into our Municipality. However, the By-law does not require testing of soil containments during or after the fill process. In order to safeguard from any suspicious imported fill, the officer will issue a Stop Work Order and mandate mandatory testing in order for the proponent to continue the current permitted project.

## Financial Impact

Security deposits are collected for all Grade Fill applications in-order to protect ratepayers **from potential additional costs incurred by the landowners'** private projects. Deposits are collected on a case-by-case basis and depend largely on the volume of the site. As such, larger sites will require a higher sum as a deposit in order to repair any damages incurred during the Fill process.

## Consultations

Kevin Carter, Chief Building Official

Jeffrey Morrison, Director Corporate Services

Kevin Girard, Director Infrastructure Services

## Link to Strategic Priorities

- ☐ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- ☐ Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- ☐ Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- ☐ Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- ☒ Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.
- ☐ **Improve the Town's capacity to meet the ongoing and future service needs of its citizens** while ensuring the corporation is resilient in the face of unanticipated changes or disruptions.

## Report Approval Details

Document Title:	Fill and Grade Report.docx
Attachments:	- By-Law 1799 - Grade and Fill.pdf
Final Approval Date:	Jun 2, 2021

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

**Chris Nepszy, Chief Administrative Officer - Jun 2, 2021 - 1:56 PM**

**The Corporation of the Town of Essex  
By-Law Number 1799**

**Being a By-Law to Provide for the Regulation of the Placing  
and/or Dumping of Fill and the Alteration of Grade and/or  
removal of topsoil from Land in the Municipality of the Town of  
Essex**

**Whereas**, Section 142(2) of the Municipal Act, R.S.O. 2001 and amendments thereto, provides that a local municipality may:

- (a) prohibit or regulate the placing or dumping of fill;
- (b) prohibit or regulate the removal of topsoil;
- (c) prohibit or regulate the alteration of the grade of the land;
- (d) require that a Fill Permit be obtained for the placing or dumping of fill, the removal of topsoil or the alteration of the grade of the land; and
- (e) impose conditions to the issuance of a Fill Permit, including requiring the provision of satisfactory financial security and requiring the preparation of plans acceptable to the municipality relating to the grading, filling or dumping, the removal of topsoil and the rehabilitation of the site

**And whereas**, the Council of the Corporation of the Town of Essex considers it desirable to pass such a By-Law;

**Now therefore** be it resolved that the Council of The Corporation of the Town of Essex enacts as follows:

**Section 1-Definitions:**

In this By-Law:

- a) "Act" shall mean the Provincial Offences Act, R.S.O. 1990 Chapter P.33
- b) "Crown of the road" means the high portion of a road cross-section, generally associated with the centerline of the road.
- c) "Director" shall mean the Director of Infrastructure Services for the Corporation of the Town of Essex.
- d) "Dumping" means the placing of any fill material on any lands.
- e) "Existing grade" means the naturally occurring grade.
- f) "Fill" means any type of material transported, deposited or placed on land and/or removed from land and includes but is not limited to soil, earth, topsoil, stone, aggregate, asphalt, sod, turf or any combination thereof.
- g) "Filling" means the changing of the existing grade through the addition of fill material.
- h) "Grading" means any altering of the existing grade.
- i) "Officer" means the Chief Building Official, the Ontario Provincial Police and any person designated by by-law of the Corporation of the Town of Essex to issue permits and impose conditions under this by-law or to otherwise enforce this by-law.
- j) "Owner" means the person whose name appears on the latest revised assessment role and/or such person's authorized agent.

- k) "Professional Engineer" means an engineer licensed by the Association of Professional Engineers of Ontario.
- l) "Town" means the Corporation of the Town of Essex.

## **Section 2-General**

- 2.1 This By-Law may be referred to as the "Grading By-Law", "Fill By-Law", "Dumping By-Law", or the "Topsoil By-Law".
- 2.2 The provisions of the By-Law shall apply to all lands within the boundaries of the Town as are now or hereafter legally constituted.
- 2.3 Nothing in this By-Law shall serve to relieve any person from the obligation to comply with all other applicable laws.
- 2.4 The provisions of this By-Law shall not apply to the placing or dumping of fill, the grading of, or the removal of topsoil from land lawfully conducted prior to the final passing of the By-Law.
- 2.5 The Town may by agreement permit the placing of fill, the grading of, or the removal of topsoil from land that does not otherwise comply with the provisions of this By-Law.
- 2.6 If any court of competent jurisdiction finds any portion of this By-Law is invalid or is ultra vires of the jurisdiction of the Town, such provision shall be deemed to be severable and shall not invalidate any of the other provisions of this By-Law.
- 2.7 This By-Law shall come into full force and effect upon the passage thereof.
- 2.8 All schedules affixed to this By-Law are included and form part of this By-Law by reference thereto.
- 2.9 English measurements, provided in brackets, are shown of convenience only and do not form part of this By-Law.

## **Section 3-Administration and Enforcement**

- 3.1 The provisions of this By-Law shall be administered by the Town's Chief Building Official (hereinafter "Officer"). The duly appointed Chief Building Official and the Chief Building Official's designates including the Town By-law Enforcement Officer are hereby designated as Officer (s) for the purposes of this By-Law. The Officer (s) together with the Ontario Provincial Police and such other person or persons that may be designated by Council, shall enforce the provisions of this By-Law.
- 3.2 Every person who contravenes any provision of this By-Law, a condition to a issued Fill Permit or an order issued pursuant to this By-Law is guilty of an offence and upon conviction is liable to a fine in the maximum amount provided for by the Act.
- 3.3 Notwithstanding the provisions of Section 3.2, every person who contravenes any provision of this By-Law is guilty of an offence and can, at the option of the Town be prosecuted pursuant to the provisions of Part 1 of the Act, and upon conviction thereof is liable to a set fine as determined in accordance with the procedure delineated in the Act and Regulations passed there under and as further described in Schedule B to this By-law as may be duly amended from time to time.

- 3.4 An Officer may at any reasonable time, enter and inspect any lands for the purpose of determining compliance with any provision of this By-Law, including compliance with a Fill Permit issued pursuant to this By-Law or an order issued pursuant to this By-Law.
- 3.5 An Officer may at any reasonable time, enter lands to do work required by an order issued pursuant to this By-Law provided the service requirements of Section 3.12 and 3.13 have been complied with.
- 3.6 Any dumping or placing of fill carried out contrary to this By-Law or the Fill Permit issued pursuant to this By-Law shall be removed and the site restored to its original condition by the person who dumped or placed it or caused or permitted it to be dumped or placed.
- 3.7 Where the grade of the land has been altered contrary to this By-Law or a Fill Permit issued pursuant to this By-Law, the grade of the land shall be restored to its original condition by the person who altered it or caused or permitted it to be altered.
- 3.8 For the purpose of enforcing the requirements of subsections 3.6 and 3.7 the Town shall further have recourse to the Owner of the land in accordance with the powers set out in the Act.
- 3.9 Where topsoil has been removed contrary to the provisions of this By-Law or a Fill Permit issued pursuant to this By-Law, the land shall be rehabilitated.
- 3.10 Stop Work Order- If an Officer is satisfied that there is a contravention of this By-Law, an Officer may revoke the Fill Permit and may make an order requiring the owner of the land or the person who caused or permitted the placing or dumping of fill, removal of topsoil or alteration of the grade of land in contravention of this By-Law to discontinue the activity and the order shall set out:
- a) the municipal address or the legal description of the land; and
  - b) reasonable particulars of the contravention and the period within which there must be compliance.
- 3.11 Work Order- If an Officer is satisfied that that a contravention of this By-Law has occurred the Officer may make an order requiring work to be done to correct the contravention and the order shall set out:
- a) the municipal address or the legal description of the land; and
  - b) reasonable particulars of the contravention and the period within which there must be compliance; and
  - c) a notice stating that if the work is not done in compliance with the order within the period it specifies, the Town may have the work done at the expense of the owner.
- 3.12 An order issued pursuant to this By-Law shall be served personally or by prepaid registered mail sent to the last known address of the owner of the land.
- 3.13 If an Officer is unable to effect service on the owner under subsection 3.12, the Officer may place a placard containing the terms of the order in a conspicuous place on the land.

- 3.14 If the owner fails to do the work or things required by the order within the period it specifies, the Town, in addition to all other remedies it may have, may do the work or thing and for this purpose may enter on the lands with its employees and agents.
- 3.15 Costs incurred by the Town under subsection 3.14 shall be recovered from the Security provided under this By-law and/or in like manner and with the same priority as Municipal Taxes.
- 3.16 No person shall obstruct an Officer in the performance of his/her duties or a person carrying out work in accordance with this By-law.

#### **Section 4-Prohibitions and Requirements for a Fill Permit**

- 4.1 No person shall place, transport, dump or remove fill and/or topsoil from or otherwise alter or grade lands or cause the same to occur within the Town unless a Fill Permit has been issued authorizing the said placing, transport, dumping, removal or grading thereof. The requirements, terms and conditions and costs of the Fill Permit shall be as provided for in this by-law which includes Schedule "A" hereto.
- 4.2 No person shall change the grade elevations of lands as designated by a professional engineer without the issuance of a Fill Permit.
- 4.3 An Officer shall issue a Fill Permit upon the Owner or the Owner's authorized agent having filed a completed application in the form and manner as established by the Director and upon the following conditions being satisfied and maintained (where applicable) by the Owner as determined by the Officer :
- a) That a satisfactory lot-grading plan submitted or stamped by an engineer has been received showing the extent of the works, the maximum elevation of the raised lands and the measures proposed to control storm-water run-off. Changes to the elevations of lands as originally designed by a professional engineer must be subsequently certified by a professional engineer.
  - b) That a work schedule and a site map identifying the location, boundaries and number of hectares in the site and the nearest major intersection has been provided with the application for a Fill Permit.
  - c) That storm water control measures including swales, tile drains and, or retaining walls are adequate to prevent the run-off of storm-water to adjacent lands.
  - d) That at the property lines, the maximum permitted elevation shall be consistent with the elevation of adjoining lands. Further, the maximum permitted elevation shall not exceed one metre (39 inches) above the crown of the road.

- e) That all required yards are adequately sloped from the existing grade at the property line. The maximum slope of all required yards shall be eight centimetres per metre (1 inch per foot).
- f) Where it can be demonstrated that the requirements of d) and e) above cannot be met, an Officer, at the Officer's sole discretion (acting reasonably), may waive the requirements as long as the waiving of these requirements does not create an adverse impact on adjoining lands.
- g) That the minimum elevation conforms to the requirements of the Essex Region Conservation Authority, where applicable. That where a minimum elevation has not been established by the Essex Region Conservation Authority, the minimum elevation shall be established to the satisfaction of the Officer (acting reasonably), having regard to the elevation of the road, the elevation of abutting lands and the potential for flooding.
- h) That the topsoil or fill being removed is being used to restore the lands for which the Fill Permit is being issued unless it can be shown to the satisfaction of the Officer (acting reasonably) that the topsoil is not needed to restore the lands in which case the topsoil may be permitted to be removed from the land.
- i) That satisfactory dust control, traffic control, noise control, hours of operation and vehicle travel routes are established and maintained for all equipment involved in the dumping, filling or grading operation.
- j) That the application for a Fill Permit is accompanied by a non-refundable application fee payable in the amount and manner to be prescribed by Schedule A, as may be amended from time to time, said Application fees to be charged on an event by event basis.
- k) That a Written Authorization, signed by the Owner, stating that the Officer will be allowed to enter the site for the purpose of inspecting for compliance with this by-law or for performing any work necessary to bring the site into conformance with this by-law has been received.
- l) That a Written confirmation from a qualified person stating that the fill or material being placed or removed is not contaminated fill or material, has been received.
- m) That if required (pursuant to the sole discretion of the Officer acting reasonably), a Security Deposit or such other satisfactory financial security has been provided to the Town (the "Security") in order to secure performance of the work for which the Fill Permit is to be issued and to secure the estimated cost of site control and other such measures that may be necessary pursuant to this by-law including if required to secure the

maintenance of the highways that are used by the trucks delivering the fill to a state of repair that is free from damages, dust and/or mud. The Security may be drawn upon by the Town at its sole discretion (acting reasonably) to remedy any deficiency in work performed and/or remediate any damages resulting under the issued Fill Permit as determined by the Town at its sole discretion. If required the Security shall be provided in accordance with the requirements of Schedule A to this by-law; and

n) That all other information as may be required has been received and that the additional requirements for issuing a Fill Permit pursuant to Schedule A of this by-law have been satisfied, all as determined by the Officer at the Officer's sole discretion (acting reasonably).

4.4 No person shall alter a private drain without the issuance of a Fill Permit. In addition to the other requirements of this By-law, a Fill Permit to alter a private drain shall not be issued until it can be shown that:

- a) the drain is no longer required; or
- b) that alternative drainage measures will be constructed to satisfactorily maintain the existing drainage scheme.
- c) No person shall fill, dump on, remove topsoil from, alter a private drain or grade lands contrary to the conditions of a Fill Permit or contrary to the plans, specifications or drawings upon which the Fill Permit was issued.

4.5 A Fill Permit issued in accordance with subsections 4.3 and 4.4 may impose any other conditions that are in the opinion of the Officer required to fulfill the requirements of this By-Law.

4.6 In addition to any other requirements of this By-Law, rear-yard drainage shall be provided as a condition to the issuance of a Fill Permit on any lands zoned "Residential" in the Town's Zoning By-Law.

4.7 The requirement of subsection 4.6 may be waived, at the sole discretion of an Officer (acting reasonably), where an adequate storm sewer outlet cannot be obtained.

4.8 The provisions of this by-law and the issuance of a Fill Permit by the Officer shall not affect the obligations of the Owner to comply with all other restrictions governing the work imposed under law by any authority having jurisdiction thereof.

## **Section 5-Exemptions**

5.1 Pursuant to the exemptions, exceptions and exclusions specified in Section 142 (5) to Section 142 (7) inclusive of the *Municipal Act*, 2001, This By-law does not apply to,

- (a) Activities or matters undertaken by a municipality or a local board of a municipality;
- (b) the placing or dumping of fill, removal of topsoil or alteration of the grade of land imposed as a condition to the approval of a site plan, a plan of subdivision or a consent under section 41, 51 or 53, respectively, of the *Planning Act* or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;
- (c) the placing or dumping of fill, removal of topsoil or alteration of the grade of land imposed as a condition to a development permit authorized by regulation made under section 70.2 of the *Planning Act* or as a requirement of an agreement entered into under that regulation;
- (d) the placing or dumping of fill, removal of topsoil or alteration of the grade of land undertaken by a transmitter or distributor, as those terms are defined in section 2 of the *Electricity Act*, 1998, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;
- (e) the placing or dumping of fill, removal of topsoil or alteration of the grade of land undertaken on land described in a license for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*;
- (f) the placing or dumping of fill, removal of topsoil or alteration of the grade of land undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land,
  - (i) that has not been designated under the *Aggregate Resources Act* or a predecessor of that Act, and
  - (ii) on which a pit or quarry is a permitted land use under a by-law passed under section 34 of the *Planning Act*; or
- (g) the placing or dumping of fill, removal of topsoil or alteration of the grade of land undertaken as an incidental part of drain construction under the *Drainage Act* or the *Tile Drainage Act*.

- (h) the removal of topsoil as an incidental part of a normal agricultural practice including such removal as an incidental part of sod-farming, greenhouse operations and nurseries for horticultural products unless the removal of topsoil is for the purposes of the sale, exchange or other disposition of the removed topsoil itself.

5.2 This By-law also does not apply to:

- (i) Land disturbance associated with minor gardening and landscaping incidental to residential uses. Notwithstanding this exemption the Director (acting reasonably), reserves the right to make a determination as to whether any given land disturbance associated with minor gardening or landscaping incidental to residential shall be permissible as an exemption under this By-law.
- (j) The removal of topsoil or placing of fill where the aggregate quantity of such removal or placement on any one lot does not exceed twenty (20) cubic meters in any period of three (3) consecutive months.

5.2 The requirements of Section 4 of this By-law may further be waived in writing, at the sole discretion of the Director (acting reasonably).

## **Section 6-General**

- 6.1 That By-Law 843 and all amendments thereto are hereby repealed as of the first date that Set-Fines for this By-law 1799 have been duly approved pursuant to the *Provincial Offences Act*, R.S.O. 1990, and Chapter P.33 and as further described in Schedule B (as may be duly amended from time to time) to this By-law.
- 6.2 That this by-law shall come into force and take effect on the date of final passing.

**Read a first and a second time and provisionally adopted on July 2, 2019.**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

**Read a third time and finally passed on August 6, 2019.**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

## **Schedule "A" to By-law 1799**

### **A. Fill Permit Additional Requirements:**

1. Any person seeking a Fill Permit pursuant to this Part shall apply to the Chief Building Official ("Officer") in the form and manner required as may be amended from time to time.
2. No person shall transport or cause the transportation of topsoil or related material on any municipally owned highways unless and until a Fill Permit or an exemption thereof has been granted under this part by the Officer .
3. Any person seeking a Fill Permit pursuant to this Part shall apply a minimum of ten (10) working days prior to commencing the work and/or of topsoil or materials related to the Fill Permit being applied for (hereinafter the "event").
4. Notwithstanding anything in this by-law, the Officer may grant or refuse to grant any Fill Permit applied for on an event by event basis but in no case shall an event being applied for be longer than one (1) year in duration. The Officer shall make the issuance of any such Fill Permit subject to such terms and conditions as the Officer may designate as being appropriate on an event by event basis. Any breach by the Owner of any of the terms and conditions of the issued Fill Permit shall render the Fill Permit null and void ;
5. Every person seeking a Fill Permit under this part shall (in addition to fulfilling the requirements imposed by Section 4 of this By-law) provide to the Officer for approval a written description and drawing of the proposed daily volumes of proposed movement of fill, the proposed locations and/or routes of truck travel and staging and storage areas as part of the application and upon request, shall further provide a scale drawing of the vehicle illustrating the number of, and dimensions between each axle, and specifying the loading on each axle.
6. Every person issued a Fill Permit under this part, shall, forty-eight (48) hours before commencing movement for which the Fill Permit has been issued, give notice to the departments, companies, agencies and utility companies as noted and set out in the Fill Permit , indicating the route to be traveled and the time of commencement of such movement.

7. In all instances, the application for a Fill Permit described in this By-law shall be accompanied by:
- a) The name and address of the Owner
  - b) The date and period of time for which the Fill Permit is sought (maximum period one (1) year).
  - c) The names of the roads affected by the proposed route of travel for the transportation of Fill.
  - d) The Fill Permit fee and any other applicable fees;
  - e) A road damage undertaking agreement (in the form and manner approved by the Director) signed by the Owner and/or the Owners authorized agent (or such other party that the Director may approve in writing) providing that if a Fill Permit is granted the Owner acknowledges and agrees that it shall be responsible and shall indemnify the Town for any and all damages that may be caused to the Highway(s) by reason of the fill and its movement pursuant to the provisions of this by-law.
  - f) If required by the Officer, a deposit or such other financial security (the "security") to secure performance of the work for which the permit is to be issued and to secure the estimated cost of site control and other such measures that may be necessary pursuant to this by-law including, if required, to secure the maintenance of the highways that are used by the trucks delivering the fill to a state of repair that is free from damages, dust and/or mud. The security may be drawn upon by the Town at its sole discretion (acting reasonably) to remedy any deficiency in work performed and/or remediate any damages resulting under this Fill Permit as determined by the Town at its sole discretion (acting reasonably). The security shall be an amount deemed as appropriate by the Officer based upon his or her reasonable estimate of the costs which may be incurred to reinstate the highway and for other services provided by the Town in connection with the remediation of any and all damages that may be caused to the Highway(s) by reason of the performance of any work under this Fill Permit ; and
  - g) Commercial General Liability Coverage or public liability and property damage insurance of not less than \$2,000,000 for bodily injury including death, personal injury and property damage arising from any one accident or occurrence or such other higher amounts as may be reasonably requested, for the entire duration of the Fill Permit.

Schedule “A” to By-law 1799

**B     Schedule of Fees:**

**Non-Refundable Fill Permit Application Fee**

1.     (a)     The permit application fee for processing, administration and inspection (s) shall be paid at the time of application for a permit.
- (b)     The permit application fee shall be:
- (i)     for applications of 1,000 cubic metres or less                 \$ 200.00
- (ii)    for applications of 1,000 to 50,000 cubic metres         \$300.00
- (iii)   for applications greater than 50,000 cubic metres     \$400.00

**Non-Refundable Permit Transfer Fee**

3.     A permit transfer fee of \$250 shall be paid at the time of application for transfer of a permit.

**4.     Security Deposits**

- (a)     The Security Deposit shall be provided to the Chief Building Officer (“Officer”) prior to a fill permit being issued.
- (b)     At the discretion of the Officer (acting reasonably), the Security Deposit shall be the following minimum amounts:
- (i)     for permits of 1,000 cubic metres or less     \$ 5 0 0
- (ii)    for permits greater than 1,000 cubic metres \$ 500 plus \$0.50 per cubic metre over 2000 cubic metres

Please note that the Officer has discretion where deemed appropriate to further increase the required amount of the security for items such as, but not limited to : cost of rehabilitation, drainage, erosion protection, tree protection and/or replacement, erosion control fencing etc.

**5.     Security (additional requirements)**

- a)     Security shall be in the form of cash, certified cheque, letter of credit or such other form of security acceptable to the Director acting reasonably.

- b) Any letter of credit must remain in effect for the full duration of the permit. Any letter of credit and its subsequent renewal forms shall contain a clause stating that thirty (30) days written notice must be given to the Town prior to its expiry or cancellation.
- c) In the event that the Town receives notice that a letter of credit is expiring and will not be renewed, or if further or additional securities are not provided within the said thirty (30) days, the Town may draw on the current letter of credit at the discretion of the Officer acting reasonably.
- d) Any interest accruing on realized cash security shall belong to the Town and not the fill permit holder.
- e) The general security may be used for:
  - i) clean up of mud tracking of the road or restoration of any municipal works. The owner will be notified of the required cleanup, and if the work is not completed by the owner, the Town will carry out the work using the security to cover the costs.
  - ii) The completion or rectification of any work required under the permit including site control and other such measures that may be necessary pursuant to this by-law;
  - iii) The completion of work required under an order issued under this By-law;
- f) The general security may be reduced from time to time at the discretion of the Officer acting reasonably, but shall otherwise be held pending the completion of all works required under the permit and any order issued under this by-law.
- g) The permit holder shall provide proof satisfactory to the Officer that the site has been adequately reinstated and stabilized in accordance with this By-law and the plan accompanying the Permit;
- h) The permit holder shall provide a certificate of a consulting engineer or surveyor certifying that the elevations have been completed in accordance with the original plans submitted (as stamped by Engineer) and the finished project does not detrimentally affect drainage on adjacent properties.
- i) The permit holder shall request that the Town carry out a final inspection to confirm that all relevant terms of this by-law have been complied with.
- (j) When the provisions of this by-law and all work required under the permit or under any order have been fully complied with to the satisfaction of the Officer, the Town shall release the Owner's general security. If the lands for

which a permit has been issued are transferred to a new or subsequent owner while the issued fill permit remains in effect then all securities will be returned to the original owner provided the new or subsequent owner provides to the Town an undertaking to comply with all the conditions under which the existing permit was issued or the new or subsequent owner applies for and is issued a new fill permit in accordance with the provisions of this by-law.



## **Township of McKellar**

701 Hwy #124, P.O. Box 69, McKellar, Ontario POG 1C0

Phone: (705) 389-2842

Fax: (705) 389-1244

May 17, 2021

The Honourable Justin Trudeau  
Prime Minister of Canada  
Email: pm@pm.gc.ca

**Re: Requesting Consideration of Tax Breaks on 2020 CERB payments**

---

Please be advised that at its regular meeting held, May 11, 2021 the Council of the Township of McKellar passed the following resolution:

### **Resolution No. 21-195**

**Moved by: Marco Ancinelli**  
**Seconded by: Don Carmichael**

**WHEREAS** the Government of Canada has implemented the Canada Emergency Response Benefit (CERB) to financially assist those in dire need during the Covid-19 pandemic;

**AND WHEREAS** the CERB grant has helped many Canadians in dire need;

**AND WHEREAS** many of those that applied were single women, single parents, lower income citizens without employment and lacking in tax knowledge;

**AND WHEREAS** the Government of Canada did not initially inform CERB recipients that CERB was a taxable benefit;

**AND WHEREAS** when the CERB was merged with Employment Insurance Benefits (EI) in the fall of 2020, the Federal Government stated that they would have tax withheld similar to EI;

**AND WHEREAS** the Federal Government did not withhold tax on CERB for the second time as promised;

**AND WHEREAS** CERB recipients are surprised to learn that they are expected to pay income tax on CERB funds;

**AND WHEREAS** these recipients were never advised of this issue;

**AND WHEREAS** these recipients are now faced with an added burden of paying unexpected taxes on CERB, which they can ill afford;

**AND WHEREAS** the Federal Government has, in the past, found ways to assist businesses and corporations through difficult times by forgiving large loans and debts to the Government;

**AND WHEREAS** many businesses and corporations have the means to find ways to reduce their tax obligations;

**AND WHEREAS** those most in need do not have the means or understanding of how the tax system and are simply trying to survive and cope with the effects of Covid-19, feed their families and put a roof over their head;

**NOW THEREFORE**, since the Federal Government did not inform the recipients of the CERB grant that it is taxable;

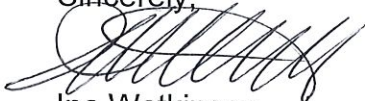
**AND FURTHER** when the CERB grant and EI were merged, the Federal Government did not, as they stated, withhold tax from CERB as they did on EI, and are now insisting CERB recipients repay as much as \$3,000.00 to \$4,000.00 in tax, which they can ill afford to pay;

**THEREFORE** we urge the Federal Government to address this serious issue and consider giving disadvantaged CERB recipients a tax break for 2020, or giving them a tax credit for 2021;

**AND FURTHER**, that this resolution be forwarded to the Prime Minister of Canada, the Federal Minister of Finance, Parry Sound-Muskoka MP Scott Atchison, and Ontario Municipalities.

**Carried.**

Sincerely,



Ina Watkinson  
Acting Deputy Clerk  
Township of McKellar

Encl.

cc: Chrystia Freeland, Minister of Finance  
Scott Aitchison, MP, Parry Sound-Muskoka  
Ontario Municipalities

# TOWNSHIP OF MCKELLAR

DATE: May 11, 2021

RESOLUTION No. 21- 195

**Moved by:** Marco Ancinelli ☒  
 Don Carmichael ☐  
 Morley Haskim ☐  
 Mike Kekkonen ☐

**Seconded by:** Marco Ancinelli ☐  
 Don Carmichael ☒  
 Morley Haskim ☐  
 Mike Kekkonen ☐

WHEREAS the Government of Canada has implemented the Canada Emergency Response Benefit (CERB) to financially assist those in dire need during the Covid-19 pandemic; and

WHEREAS the CERB grant has helped many Canadians in dire need; and

WHEREAS many of those that applied were single women, single parents, lower income citizens without employment and lacking in tax knowledge; and

WHEREAS the Government of Canada did not initially inform CERB recipients that CERB was a taxable benefit; and

WHEREAS when the CERB was merged with Employment Insurance Benefits (EI) in the fall of 2020, the Federal Government stated that they would have tax withheld, similar to EI; and

WHEREAS the Federal Government did not withhold tax on CERB for the second time, as promised; and

WHEREAS CERB recipients are surprised to learn that they are expected to pay income tax for 2020 on CERB funds; and

WHEREAS these recipients were never advised of this issue; and

WHEREAS these recipients are now faced with an added burden of paying unexpected taxes on CERB, which they can ill afford; and

WHEREAS the Federal Government has, in the past, found ways to assist businesses and corporations through difficult times by forgiving large loans and debts to the Government; and

WHEREAS many businesses and corporations have the means to find ways to reduce their tax obligations; and

WHEREAS those most in need do not have the resources, means or understanding of the tax system and are simply trying to survive and cope with the effects of Covid-19, feed their families and put a roof over their head;

NOW THEREFORE, since the Federal Government did not inform the recipients of the CERB grant that it is taxable;

AND FURTHER, when the CERB grant and EI were merged, the Federal Government did not, as they stated, withhold tax from CERB as they did on EI, and are now insisting CERB recipients repay as much as \$3,000.00 to \$4,000 in tax, which they can ill afford to pay;

THEREFORE, we urge the Federal Government to address this serious issue and consider giving disadvantaged CERB recipients a tax break for 2020, or giving them a tax credit for 2021;

AND FURTHER, that this resolution be forwarded to the Prime Minister of Canada, the Federal Minister of Finance, Parry Sound Muskoka MP Scott Atchison, and Ontario Municipalities.

Carried ☒

Defeated ☐

Deferred ☐

  
\_\_\_\_\_  
Peter Hopkins, Mayor

#### DIVISION VOTE

	YEA	NAY
Councillor Marco Ancinelli	_____	_____
Councillor Don Carmichael	_____	_____
Councillor Morley Haskim	_____	_____
Councillor Mike Kekkonen	_____	_____
Mayor Peter Hopkins	_____	_____



**May 27, 2021**

**MEMORANDUM TO:      Municipal Chief Administrative Officers and Clerks**

**SUBJECT:                Three-Step Roadmap to Safely Reopen the Province of  
Ontario and Amendment to Orders under the *Reopening  
Ontario (A Flexible Response to COVID-19) Act (ROA)***

---

As you heard on May 20, 2021, from the Premier of Ontario, the government has released its Roadmap to Reopen, a three-step plan to safely and cautiously reopen the province and gradually lift public health measures.

As our municipal partners in the continued efforts to keep communities safe and healthy, I am writing today to make sure that you stay informed about the roadmap and the corresponding changes to orders under the *Reopening Ontario (A Flexible Response to COVID-19) Act (ROA)*.

It is important to note that the provincewide Stay-At-Home order under the Emergency Management and Civil Protection Act (EMCPA) remains in effect until June 2, 2021. However, the government has made changes to some of the existing orders under ROA that take effect prior to the end of the Stay-At-Home order.

### **Roadmap to Reopen**

The Roadmap to Reopen is based on the provincewide vaccination rate and improvements in key public health and health care indicators. In summary:

- Step 1 is intended to focus on resuming outdoor activities with smaller crowds where the risk of transmission is lower and permitting retail with restrictions.
- Step 2 further expands outdoor activities and resumes limited indoor services with small number of people and with face coverings being worn.
- Step 3 expands access to indoor settings, with restrictions, including where there are larger numbers of people and where face coverings can't always be worn.

The government has indicated that the province will remain in each step for at least 21 days to evaluate any impacts on key public health and health system indicators. Vaccination thresholds will need to be met, along with positive trends in other key public health and health system indicators, in order to enter each respective step of the Roadmap.

To find out full details on the roadmap and its implementation, please review the [Roadmap to Reopen](#) on the Ontario government website.

Until the province moves to Step 1 of the roadmap, the rules and public health measures under the provincewide emergency brake must continue to be followed, subject to the following changes announced on May 20, 2021.

### **Outdoor Recreational Amenities**

Several outdoor recreational amenities are permitted to open as of May 22, 2021 at 12:01 a.m. For a full list of these outdoor recreational amenities, please review [Ontario Regulation 344/21](#), and [Ontario Regulation 374/21](#), amendments to [Ontario Regulation 82/20](#) (Rules for Areas in Stage 1).

These outdoor recreational amenities may be open so long as:

- physical distancing of at least 2 metres is maintained; however, this physical distancing requirement does not apply to members of the same household, or a person who lives alone and has gathered with the household, or a caregiver for any member of the household;
- no team sports, or any other sports that are not compatible with physical distancing requirements, are practiced or played within the amenity, with limited exceptions; and,
- any locker rooms, changerooms, showers, clubhouses, restaurants, pools, meeting rooms, fitness centres or other recreational facilities on the premises remain closed, except to the extent they provide access to take-out or delivery services, equipment storage, a washroom or a portion of the amenity that is used to provide first aid.

In addition, any person responsible for a boat or watercraft shall ensure that, if it is used by a group for recreational purposes, it is only used by members of the same household, or a person who lives alone and has gathered with the household, or a caregiver for any member of the household.

Marinas, boating clubs and other organizations that maintain docking facilities for members or patrons may open provided that any clubhouse, restaurant, pool, communal steam room, sauna or whirlpool, meeting room, fitness centre or other recreational facility on the premises is closed to the public. Any portion of an area that must be closed that is used to provide first aid, used to provide take-out or delivery services, or contains a washroom may be open.

Lastly, social gatherings and organized public events of no more than five people that are held outdoors are permitted. The gathering limit does not apply to members of the same household, a gathering of a household plus one person who lives alone, or a gathering that includes a caregiver for any of those persons. All other public health and workplace safety measures under the Stay-at-Home order will remain in effect.

### **Overnight Camps**

The government has made amendments to regulations pertaining to Rules for Areas in [Stage 1](#), [Stage 2](#) and [Stage 3](#) to permit the operation of overnight camps in Ontario. The amending regulations are as follows:

[Ontario Regulation 345/21 \(Rules for Areas in Stage 1\)](#)

[Ontario Regulation 347/21 \(Rules for Areas in Stage 2\)](#)

[Ontario Regulation 346/21 \(Rules for Areas in Stage 3\)](#)

[Ontario Regulation 348/21](#) updates the permitted fields/occupations where instructional programs may continue to operate in post-secondary institutions.

### **Enforcement of Orders**

As a reminder, for offences under the ROA and EMCPA, police and other provincial offences officers, including First Nation Constables, special constables, and municipal by-law officers, have discretion to either issue tickets to individuals for set fine amounts or issue a summons under Part I of the Provincial Offences Act (POA) or to proceed under Part III of the POA by laying an information.

Police and other provincial offences officers, including by-law officers, have the authority to disperse gatherings or organized public events that are not complying with gathering/event limits; and all provincial offences officers, including by-law officers, can temporarily close premises where prohibited gatherings are occurring and require individuals to vacate.

As the province prepares to reopen, the ministry recognizes that collaboration amongst municipalities, public health units, police, local enforcement partners and our multi-ministry teams is important to ensure coordinated compliance and enforcement activities in an effort to continue the recent progress on reducing the presence of COVID-19 in our communities.

Yours truly,

A handwritten signature in black ink, appearing to read "K. Manson-Smith".

Kate Manson-Smith  
Deputy Minister



# LOCAL 444

*A Community Partner representing active and retired members throughout Windsor and Essex County.*

1855 TURNER ROAD • WINDSOR, ONTARIO N8W 3K2 • PHONE (519) 258-6400 • FAX (519) 258-0424  
[www.uni444.ca](http://www.uni444.ca)



DAVID CASSIDY  
President

JAMES STEWART  
Secretary Treasurer

MANNY CARDOSO  
First Vice-President

MIKE D'AGNOLO  
Second Vice-President

DARRYL DESJARLAIS  
Third Vice-President

DANA DUNPHY  
Recording Secretary

May 26, 2021

Mayor Larry Snively and Council:

Premier Doug Ford's "Roadmap to Reopen" is clearly a roadmap for our region to continue to suffer an unjust lockdown. The vaccination rates in our region continue to soar as our covid numbers continue to decrease. Our great numbers have not happened by accident. **We, The People** of Windsor-Essex have done our part to do what is necessary to "flatten the curve."

It is unfair to hold us accountable for other regions in Ontario. There was a time when our numbers were above the acceptable limit (according to Dr. Williams) while other areas were below. They were opened, we were closed, and we accepted it. After doing our part, wearing our masks, keeping our distance, getting vaccinated to the tune of a benchmark of 70%, our covid numbers continue to drop in our community, as well as in our hospital's ICU. Yet under the Premier's new plan, our province is placed in another two weeks of lockdown; **at least** an additional **42** days before this economy can reopen.

As one writer put it, "People have sailed around the world faster." We cannot continue to live in fear and act like we are in the middle of the darkest times of this pandemic; as if we don't have access to a vaccine. The world has made significant positive changes: there are stadiums, restaurants, and stores right across the Border (US) that are opening to total mask-less capacity.

Ontario continues to be the last economy to open. The Province dangles a carrot, but when Windsor-Essex gets close to a provincial threshold, they find a longer stick that we will never be able to reach. This is resulting in people being out of work and businesses closing. Yes, we have golf and tennis open, but we are setting record highs for suicide, mental health issues, drug and alcohol abuse, and domestic violence. Our economy is dying; our people are dying; and I am calling on our cities and towns Elected Officials to stand up for the people you represent and say "Enough is enough!"

We have reached and surpassed every threshold to open safely. As a community, we know what has to be done to open safely. You have all witnessed it in our Costco's, our Walmart's, our assembly and parts plants, and our Casino, the small period of time that it was open. It is wrong to hold us ransom for what the GTA does or does not do. You have the power to allow us all to continue to follow proper handwashing, mask-wearing, distancing and any other

precautions that need to be taken to reopen our economy today. Stand up to this injustice and stand up for the regions that you represent by sending a resolution to Premier Doug Ford and his government, that the economy should be open on a regional case- by-case basis.

**We can open, and we can open safely.**

Respectfully,

A handwritten signature in black ink that reads "Dave Cassidy". The signature is written in a cursive, flowing style.

Dave Cassidy  
PRESIDENT  
LOCAL 444 UNIFOR

\km-uni240

“Via Email: [premier@ontario.ca](mailto:premier@ontario.ca)

May 19, 2021

The Honourable Doug Ford  
Premier of Ontario  
Legislative Building  
Queen's Park  
Toronto, ON  
M7A 1A1

Dear Premier Ford:

**Re: Reopening of Greenwater Provincial Park**

This will serve to advise you that Council, at its regular meeting held Tuesday, May 11th, 2021 passed the following resolution pertaining to the above noted:

**“Resolution No.: 123-2021**

**Moved by: Councillor Daniel Bélisle    Seconded by: Councillor Robert Hutchinson**

**WHEREAS** the pandemic has caused people to stay indoors for an extended period of time; and

**WHEREAS** there is an extreme demand for camping and RVing from Ontarians wanting to go and enjoy our great outdoors; and

**WHEREAS** in 2013 approximately 10 Provincial Parks were closed by the Ministry of Natural Resources (MNR) in the North; and

**WHEREAS** Northerners have very little areas to be able to enjoy the outdoors, as the closest Provincial Park are Kettle Lakes and Rene Brunelle; and

**WHEREAS** these Provincial Parks will be fully booked with nowhere for Cochranites to go camping nearby;

1/2



**THE TOWN OF COCHRANE**

171 Fourth Avenue  
Cochrane, Ontario, Canada, P0L 1C0  
T: 705-272-4361 | F: 705-272-6068  
E: townhall@cochraneontario.com



**THEREFORE BE IT RESOLVED THAT** the Corporation of the Town of Cochrane call on Premier Ford and the Minister of Natural Resources to reopen the Greenwater Provincial Park;

**AND FURTHER THAT** the Council of the Corporation of the Town of Cochrane establish an Ad Hoc Committee to petition the Provincial Government;

**AND FURTHER THAT** a copy of this resolution be forwarded to the MP, Charlie Angus, MPP John Vanthof and the Federation of Northern Ontario Municipalities for their endorsement and support

**CARRIED"**

Your attention to this matter is greatly appreciated!

Yours truly,

**THE CORPORATION OF THE TOWN OF COCHRANE**

Alice Mercier

Clerk

/am

c.c.:

Charlie Angus, MP, Timmins – James Bay  
John Vanthof, MPP, Timiskaming - Cochrane  
Federation of Northern Ontario Municipalities

2/2





# The Corporation of The Town of Amherstburg

May 28, 2021

Honourable Doug Ford  
Premier of Ontario  
Email: [premier@ontario.ca](mailto:premier@ontario.ca)

VIA EMAIL

**Re: COVID-19 Shutdown, Support for Small Businesses**

Dear Premier Ford,

At its meeting held on April 26<sup>th</sup>, 2021, Council in the Town of Amherstburg passed the following:

Resolution # 20210426-143

***“That Administration BE DIRECTED to send correspondence in support of the Town of Essex's resolution regarding COVID-19 Shutdown, Support for Small Businesses.”***

Enclosed is a copy of the correspondence from the Town of Essex for convenience and reference purposes.

Regards,

Tammy Fowkes  
Deputy Clerk, Town of Amherstburg  
(519) 736-0012 ext. 2216  
[tfowkes@amherstburg.ca](mailto:tfowkes@amherstburg.ca)

cc:

Taras Natyshak – MPP, Essex, Ontario

Email: [tnatyshak-co@ndp.on.ca](mailto:tnatyshak-co@ndp.on.ca)

Chris Lewis – MP, Essex, Ontario

Email: [Chris.Lewis@parl.gc.ca](mailto:Chris.Lewis@parl.gc.ca)

Association of Municipalities of Ontario (AMO)

Email: [amo@amo.on.ca](mailto:amo@amo.on.ca)

Hon. Christine Elliott – Minister of Health

Email: [Christine.elliott@pc.ola.org](mailto:Christine.elliott@pc.ola.org)

Dr. David Williams – Chief Medical Office of Health, Public Health

Email: [dr.david.williams@ontario.ca](mailto:dr.david.williams@ontario.ca)

Dr. Wajid Ahmed – Medical Officer of Health, Windsor-Essex County Health Unit

Email: [wahmed@wechu.org](mailto:wahmed@wechu.org)

Theresa Marentette – CEO, Windsor-Essex County Health Unit

Email: [tmarentette@wechu.org](mailto:tmarentette@wechu.org)

Hon. Victor Fedeli – Minister of Economic Development, Job Creation and Trade

Email: [vic.fedeli@pc.ola.org](mailto:vic.fedeli@pc.ola.org)

Hon. Prabmeet Singh – Associate Minister of Small Business and Red Tape Reduction

Email: [prabmeet.sarkaria@pc.ola.org](mailto:prabmeet.sarkaria@pc.ola.org)

Hon. Peter Bethlenfalvy – Minister of Finance

Email: [peter.bethlenfalvy@pc.ola.org](mailto:peter.bethlenfalvy@pc.ola.org)

Hon. Michael A. Tibollo – Associate Minister of Mental Health and Addictions

Email: [Michael.tibolloCO@pc.ola.org](mailto:Michael.tibolloCO@pc.ola.org)

Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk - Town of Essex

Email: [rauger@essex.ca](mailto:rauger@essex.ca)

Jennifer Astrologo, Director of Legislative Services, Town Solicitor, Clerk - Town of Kingsville

Email: [jastrologo@kingsville.ca](mailto:jastrologo@kingsville.ca)

Linda Jean, Deputy Clerk - Town of LaSalle

Email: [ljean@lasalle.ca](mailto:ljean@lasalle.ca)

Kristen Newman, Director of Legislative and Legal Services/Clerk - Town of Lakeshore  
Email: [knewman@lakeshore.ca](mailto:knewman@lakeshore.ca)

Brenda Percy, Municipal Clerk/Manager of Legislative Services - Municipality of Leamington  
Email: [bpercy@leamington.ca](mailto:bpercy@leamington.ca)

Laura Moy, Director of Corporate Services/Clerk - Town of Tecumseh  
Email: [lmoy@tecumseh.ca](mailto:lmoy@tecumseh.ca)

Mary Birch, Director of Council and Community Services/Clerk -County of Essex  
Email: [mbirch@countyofessex.ca](mailto:mbirch@countyofessex.ca)

Valerie Critchley, City Clerk – City of Windsor  
Email: [clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)

Janice Hensel, Chief Administrative Officer/Clerk – Township of Pelee  
[janice.hensel@pelee.ca](mailto:janice.hensel@pelee.ca)



April 14, 2021

TO: Honourable Doug Ford  
Premier of Ontario  
Email: [premier@ontario.ca](mailto:premier@ontario.ca)

AND TO: Minister of Health Hon. Christine Elliott;  
Email: [christine.elliott@pc.ola.org](mailto:christine.elliott@pc.ola.org)

Dr. David Williams  
Chief Medical Officer of Health, Public Health  
Ministry of Health  
393 University Avenue, 21st Floor  
Toronto, ON M5G 2M2

The Windsor Essex County Health Unit  
Attention: Theresa Marentette, CEO  
Email: [tmarentette@wechu.org](mailto:tmarentette@wechu.org)

The Windsor Essex County Health Unit  
Attention: Dr. Wajid Ahmed  
Medical Officer of Health, Windsor-Essex County Health Unit  
Email: [wahmed@wechu.org](mailto:wahmed@wechu.org)

## **Re: COVID-19 Shutdown**

Dear Premier Ford,

At its Regular Council Meeting of April 6, 2021, Council of the Town of Essex discussed the serious and dire challenges facing our small businesses due to the Covid-19 restrictions currently imposed in our area.

Council of the Town of Essex discussed the fact that small businesses and the people behind those small businesses are the very backbone of our economy but we are continuing to lose these small businesses due to the continuing cycle of shutdowns and restrictions that are having disproportionate impacts on our local small businesses .

As a result of the discussion that ensued, the following resolution was passed:

R21-04-117

Moved By Councillor Verbeek

Seconded By Councilor Garon

**That** the presentation by David Cassidy be received, and



**That** the Town of Essex calls upon the Ontario Government, and all local and Provincial health officials to immediately bring to an end the devastation that is occurring to our small businesses and to allow all of our local small businesses to immediately open and remain open for in-store sales but with limited capacity (such capacities being proportionate to the size of the business) and with increased safety measures in place as may be appropriate during this time;

**And that** the Town of Essex calls upon the Ontario Government and all local and Provincial health officials to recognize and alleviate the unfair impacts a province wide shutdown has on our local small businesses when there are many other regions in the Province that have significantly higher COVID-19 rates/cases than those of Windsor-Essex County; and that the Town further asks our local and Provincial health officials to continue to provide even more detailed local data in order to support and demonstrate the fact that the Windsor-Essex Region should not have the same level of restrictions imposed as in those other regions in the Province that have much higher case numbers.

**And further** the Town of Essex makes this call upon the Ontario Government and all local and provincial health officials in recognition of the fact that most importantly it is the individuals, the people behind our small businesses who together with others in our community, are suffering as a result of the current shutdown. While it is vitally important to take all reasonable measures to combat the spread of COVID-19 it is equally important to recognize and take steps to protect the mental health of all Ontarians who are suffering at this time and respectfully our small businesses in the Windsor-Essex region are suffering greatly and so we again call on the Ontario Government and all local and Provincial health officials to recognize and alleviate the unfair impacts a province wide shutdown is continuing to have on our local small businesses.

**And that finally**, this resolution be sent with a request for support to the Province, local and Provincial Health Authorities, our local M.P.P. and all local municipalities.

Yours truly,

A handwritten signature in black ink, appearing to read "R. Auger", written over a horizontal line.

Robert W. Auger, L.L.B.  
Town Solicitor/Legal and Legislative Services, Clerk  
519-776-7336 Ext. 1132  
Email: [rauger@essex.ca](mailto:rauger@essex.ca)

RWA/cr



c.c. Municipalities of Ontario (AMO)  
Email: [amo@amo.on.ca](mailto:amo@amo.on.ca)

Mary Birch, Director of Council and Community Services/Clerk  
County of Essex  
Email: [mbirch@countyofessex.ca](mailto:mbirch@countyofessex.ca)

Paula Parker, Municipal Clerk/Risk Manager  
Town of Amherstburg  
Email: [pparker@amherstburg.ca](mailto:pparker@amherstburg.ca)

Jennifer Astrologo, Director of Corporate Services/Clerk  
Town of Kingsville  
Email: [jastrologo@kingsville.ca](mailto:jastrologo@kingsville.ca)

Agatha Robertson, Director of Council Services/Clerk  
Town of LaSalle  
Email: [arobertson@lasalle.ca](mailto:arobertson@lasalle.ca)

Kristen Newman, Director of Legislative and Legal Services/Clerk  
Town of Lakeshore  
Email: [knewman@lakeshore.ca](mailto:knewman@lakeshore.ca)

Brenda Percy, Municipal Clerk/Manager of Legislative Services  
Municipality of Leamington  
Email: [bpercy@leamington.ca](mailto:bpercy@leamington.ca)

Laura Moy, Director of Corporate Services/Clerk  
Town of Tecumseh  
Email: [lmoy@tecumseh.ca](mailto:lmoy@tecumseh.ca)

Minister of Economic Development, Job Creation and Trade Hon. Victor Fedeli;  
Email: [vic.fedeli@pc.ola.org](mailto:vic.fedeli@pc.ola.org)

Associate Minister of Small Business and Red Tape Reduction Hon Prabmeet Singh  
Sarkaria;  
Email: [prabmeet.sarkaria@pc.ola.org](mailto:prabmeet.sarkaria@pc.ola.org)

Minister of Finance Hon. Rod Phillips;  
Email: [rod.phillips@pc.ola.org](mailto:rod.phillips@pc.ola.org)

Associate Minister of Mental Health and Addictions Hon. Michael A. Tibollo  
Email: [michael.tibolloCO@pc.ola.org](mailto:michael.tibolloCO@pc.ola.org)

MPP Taras Natyshak  
Email: [tnatyshak-co@ndp.on.ca](mailto:tnatyshak-co@ndp.on.ca)



Essex BIA

Email: [info@essexbia.com](mailto:info@essexbia.com)

Harrow Chamber of Commerce

Email: [Harrowcolchestersouthchamber@gmail.com](mailto:Harrowcolchestersouthchamber@gmail.com)

# Windsor/Essex Provincial Offences (POA) Annual Report

# 2020

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

Issued on:  
April 12,  
2021

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## MESSAGE TO OUR MUNICIPAL PARTNERS

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

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

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

Some of the key highlights include:

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

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

Sincerely,

*Melissa Ryan*

Manager of Provincial Offences

## SECTION A - BACKGROUND & OPERATIONAL ACTIVITIES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

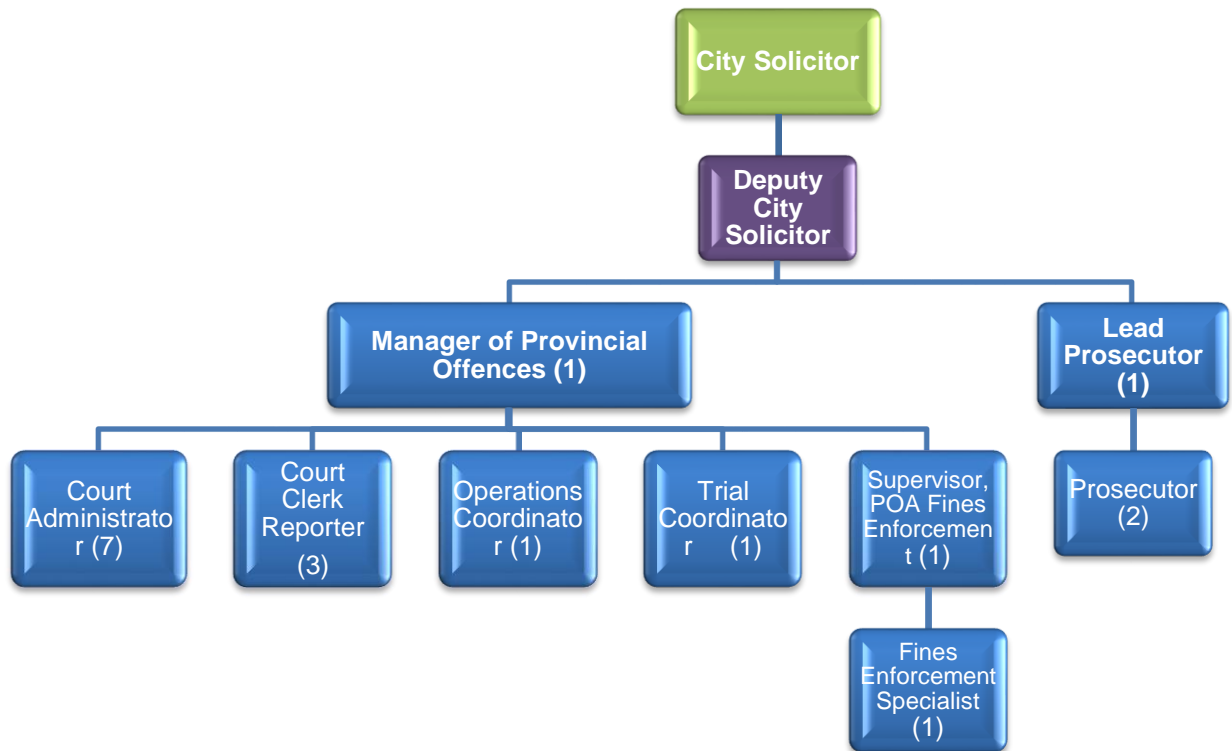
**Fines Enforcement (Collections):** One POA Fines Enforcement Supervisor along with one POA Fines Enforcement Specialist is responsible for ensuring that POA Court judgments, being orders imposing monetary penalties, are honoured by Defendants including seeing to it that certificates of default are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

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

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

### CHART A-1

#### ORGANIZATIONAL CHART OF THE WINDSOR/ESSEX POA OFFICE



## SECTION B - LIAISON COMMITTEE

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

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

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

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

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

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

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

## SECTION C – CASELOADS & STATISTICS

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

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

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

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

**Table C-1: 2020 ABSOLUTE CHARGING VOLUMES**

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

## EXTERNAL BENCHMARKING OF CASELOADS

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

**Table C2: 2020 CHARGING VOLUME COMPARATOR**

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

**Operational Statistics**

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

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

## Section D- Defaulted Fines Enforcement

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

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

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

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

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

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

attached as information and used for enforcement.

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

## ACTIVE COLLECTION EFFORTS

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

### Municipal Tax Rolling

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

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

### Garnishment of Wages

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

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

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

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

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

### Fines Paid at Service Ontario

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

### Outstanding Fines Paid

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

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

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

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

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

Section E: Financial Results

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

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

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

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

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

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

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

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

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

Table E-2: Continued

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

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

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

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

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

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

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

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

## SECTION F - REVENUE DISTRIBUTION DETAILS

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

**TABLE F-1: Net Revenue Distribution Summary**

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

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

Details of the quarterly payments are itemized below:

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

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

## APPENDIX A – GLOSSARY OF TERMS

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

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

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

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

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

**Council** ~ the elected City of Windsor Municipal Council

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**POA** ~ *Provincial Offences Act* (Ontario)

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

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

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

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

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

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

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



## **JOINT BOARD OF MANAGEMENT**

Wednesday, May 19, 2021

**9:00 AM**

Virtually in Zoom

## **AGENDA**

**A. Call to Order:**

**B. Disclosures of Pecuniary Interest:**

**C. Approval of Minutes:**

Minutes of the meeting of the Union Water Supply System Joint Board of Management Meeting held Wednesday, April 21, 2021  
Pages 2 - 6

**D. Business Arising Out of the Minutes**

**E. Items for Consideration:**

1. UW/21/21 dated May 14, 2021 re: Status Update of UWSS Operations & Maintenance Activities and Capital Works to May 14, 2021  
Pages 7 - 10
2. Correspondence dated May 6, 2021 from Golden Acre Farms (GAF) re: Five Star Farms (913 Road 3 East, Kingsville, Ontario)  
Page 11
3. UW/22/21 dated May 14, 2021 re: Payments from April 17<sup>th</sup> to April 30<sup>th</sup>, 2021  
Pages 12 - 14

**F. New Business:**

**G. Adjournment:**

**H. Date of Next Meeting: June 16, 2021, Virtually in Zoom**

/kmj



## JOINT BOARD OF MANAGEMENT

Wednesday, April 21, 2021

9:00 AM

Virtually in Zoom

### MINUTES

**Members Present:** Mayor MacDonald (Vice-chair); Deputy Mayor Verbeke, Councillors Hammond, Jones, Tiessen - Leamington  
Mayor Nelson Santos (Chair); Deputy Mayor Queen, Councillors DeYong, Patterson - Kingsville  
Councillor Walstedt - Lakeshore

**Members Absent:** Councillor Dunn  
Councillor Vander Doelen

**Also in Attendance:** Rodney Bouchard, Union Water Supply System Manager  
Khristine Johnson, Recording Secretary

**Municipal Staff Present:** Laura Rauch, Shannon Belleau, Nelson Carvalho - Leamington  
Andrew Plancke, Shaun Martinho, Ryan McLeod- Kingsville  
Kevin Girard - Essex  
Albert Dionne - Lakeshore

**OCWA Staff Present:** Susan Budden  
Dale Dillen, Ken Penney

**AUDIT Staff Present:** Ashely Meyer - Hicks, MacPherson, latonna, Driedger LLP

**Call to Order:** 9:03 am

**Disclosures of Pecuniary Interest:** none

**Adoption of Board Minutes:**

**No. UW-25-21**

**Moved by:** Deputy Mayor Queen

**Seconded by:** Councillor Walstedt

That Minutes of the UWSS Joint Board of Management meeting of Wednesday, March 17, 2021 is received.

Carried

### **Business Arising Out of the Minutes:**

There was none.

### **Report UW/18/21 dated April 16, 2021 re: Status Update of the UWSS Operations & Maintenance Activities and Capital Works to April 16, 2021**

The Manager reviews his report with the members of the Board. He notes that the rehabilitation of Filters #2 and #4 are moving along. There has been a delay in receiving the underdrains from the USA. He explains that once that component arrives the underdrains will take about three (3) weeks to install. This project is just a little behind the timeframe for completion.

The Kingsville Water Tower (KWT) project is moving along nicely with the installation of the scaffolding completed and the canvas enclosure being installed at this time. All of the communication antennas have been removed from the top of the tower and placed on the scaffolding for the time being. The interior of the tank has been drained and interior sandblasting has started. Pressure monitoring is taking place and there have only been a few complaints related to the KWT being offline. The water pressure is just lower than residents are used to.

The Manager explains that the north settling pond has been taken out of service to allow for it to dewater. In July the pond will be excavated to allow for further dewatering and then the dried out material can be sent to the landfill as cover.

The decommissioning of the chloramination system is continuing. The Manager explains that new concrete floors have been poured in the ammonia storage room. Removal of the scrubber still needs to take place, but staff members have been completing this project when time allows. This building will be converted to a maintenance shop over the summer, which will free up space in the main building.

The construction of the new laboratory is still ongoing but most of the work has been completed. The epoxy floor is scheduled to be poured during the week of April 19, 2021 and furnishings for the lab have been purchased. Operations staff is sourcing lab equipment at the moment, but in the end there will be more room for our staff in the lab to move around.

The Essex Water Tower (EWT) will be taken out of service during the week of April 26<sup>th</sup> for one week to allow for warranty inspection and repairs to any coating issues. A new cathodic corrosion protection system will also be installed at that time. The Town of Essex environmental services staff are aware of the upcoming work.

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The water models for the UWSS-WUC servicing study is still ongoing. The teams of C3 Water and Stantec Consulting are integrating the water models and identifying some linear infrastructure testing scenarios. The model will run these and the engineers will come back with a report to be reviewed.

As has been the norm for 2021, the flows are still very high, but have plateaued. The Manager feels as long as there are no significantly dramatic increases this summer UWSS will be in decent shape.

#### **No. UW-26-21**

Moved by: Deputy Mayor Verbeke

Seconded by: Councillor Hammond

That report UW/15/21 dated March 12, 2021 re: Status Update of the UWSS Operations & Maintenance Activities and Capital Works to March 12, 2021 is received.

Carried (UW/15/21)

#### **Report UW/19/21 dated April 16, 2021 re: UWSS 2020 Financial Report**

The Director of Finance and Business Services for the Municipality of Leamington, Laura Rauch, speaks to the Board regarding the Financial Report for 2020 for the UWSS. She notes that this report was prepared by Leamington staff and audited by Hicks, MacPherson, Iatonna, and Driedger (HMID). She also notes that Ashley Meyer was attending the Board meeting in case there were any questions.

Ms. Rauch notes that the Statement of Financial Position provides an update on the assets and notes that they have increased by \$2.8 M, this is due to increase in cash holdings. She notes that financial liabilities have decreased by \$2.0 M and this is due to long term debt being reduced. The board is reminded that there is only six (6) years remaining on the Sun Life Debt.

She provides a list of capital asset purchases for the year 2020, which included watermain the DAF project, WTP security, Low Lift stations, KWT project and clarifier work. She also notes that the 2020 ending balance of accumulated surplus, under PSAB has increased by \$3.5 M.

Ms. Rauch moves onto the audited Financial Statements and confirms that billings for 2020 increased, due to increased flows. Electricity expenses also increased, which is to be expected with increased flows. Operational programs and studies were less in 2020 than anticipated but COVID played a role in that issue, however, it is anticipated that these will be completed in 2021.

Ms. Rauch recommends that the financial report is approved.

**No. UW-27-21**

Moved by: Councillor Patterson

Seconded by: Councillor Jones

That the 2020 Financial Report for the Union Water Supply System Joint Board of Management be approved.

Carried (UW/19/21)

**Report UW/20/21 dated April 16, 2021 re: Payments from March 13<sup>th</sup> to April 16<sup>th</sup>, 2021****No. UW-28-21**

Moved by: Deputy Mayor Queen

Seconded by: Councillor Tiessen

That report UW/20/21 dated April 16<sup>th</sup>, 2021 re: Payments from March 13<sup>th</sup> to April 16<sup>th</sup>, 2021 is received.

Carried (UW/20/21)

**New Business**

Deputy Mayor Queen notes that he appreciates all the work that the Manager has done with the regarding the restructuring of the UWSS. He would like to have a committee to include the CAOs to assist with the restructuring process.

The Manager notes that he will be scheduling a meeting with the four (4) CAOs so that a discussion can take place.

Councillor Walstedt asks the Board if adding one more thing to the CAOs plates is beneficial.

**No. UW-29-21**

Moved by: Deputy Mayor Queen

Seconded by: Councillor DeYong

That the Manager of the UWSS invite the four (4) CAOs of the member municipalities to join a committee regarding the restructuring of the UWSS.

Carried

The Manager then notes that he is still working on expanding the parking lot and installing a force main sewage main. He explains that he has received the preliminary agreement from the solicitor for the County of Essex just the day prior.

**No. UW-30-21**

Moved by: Deputy Mayor Verbeke

Seconded by: Mayor MacDonald

That the Manager is provided delegated authority to enter into a Road User Agreement with the County of Essex on behalf of the Union Water Supply System Joint Board of Management regarding the installation of UWSS' private sewage force main in the right of way of County Road 45 to the nearest Town of Kingsville sewer connection point.

Carried

**Adjournment:****No. UW-31-21**

Moved by: Councillor Patterson

Seconded by: Councillor Walstedt

That the meeting adjourn at 9:26

Carried

**Date of Next Meeting:** Wednesday, May 19, 2021, virtually in Zoom.

/kmj

**To:** Chair and Members of the Union Water Supply  
System Joint Board of Management

**From:** Rodney Bouchard, UWSS General Manager

**Date:** May 14, 2021

**Re:** Status Update of UWSS Operations & Maintenance Activities and Capital  
Works to May 14, 2021

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**Aim:**

To inform the UWSS Board about operational and maintenance activities and capital works projects for the Union Water Supply System since the last Board meeting on March April 21, 2021.

**Discussion:**

The UWSS General Manager conducts regular meeting with OCWA Operations staff in regards to on-going operations and maintenance programs for the UWSS facilities. The following provides an update on UWSS operations, regular maintenance and major maintenance and Capital Works at UWSS facilities:

1. Regular Maintenance on all process equipment and analyzers continue to be completed through OCWA's Workplace Maintenance Management System.
2. The work to rehabilitate Filters #2 and #4 is on-going. The recoating of the filter boxes is complete. Continental Carbon Group (CCG) is scheduled to be on site sometime during the week of May 17<sup>th</sup>, 2021 for the installation of the new underdrains from Roberts Filter Group. It is expected to take about 3 weeks to install the underdrains, install new filter media, re-install the Aries air scour system and test the filters.
3. The work for the rehabilitation of the Kingsville Water Tower is on-going. Scaffolding and full enclosure of the water tower is complete and the sandblasting of the interior and exterior of the water tower is underway. The work is scheduled to be completed towards the end of August 2021. Pressure monitors have been installed to monitor the water pressure in the Kingsville pressure zone while the tower is out of service.
4. Low Lift pump # 6 was removed for refurbishment by Emnor Mechanical Inc. of Hamilton, ON. The pump is scheduled to be received on May 19<sup>th</sup>, 2021 and will be reinstalled during the week of May 24<sup>th</sup>, 2021.
5. High Lift #4 pump motor was sent out for refurbishment by DTM Consulting Services of St. Thomas. The motor was reinstalled during the week of May 10<sup>th</sup>, 2021 and will be returned to service during the week of May 17<sup>th</sup>, 2021.
6. The Essex Water Tower was taken out of service on April 23<sup>rd</sup>, 2021 to allow for warranty inspection and complete any warranty repairs to coating that was installed in 2018. A number of watermain breaks occurred in Essex on April

Re: UW/21/21 - Status Update of UWSS Operations & Maintenance Activities and Capital Works to May 14, 2021

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24th following the shutdown of Essex Water Tower. After consultation with Town of Essex staff, the water tower was returned to service to prevent any further main breaks and to identify the issue behind the main breaks. Further investigation indicated that watermain breaks resulted from failure of transmission control valve following tower shut down. The necessary repairs were made.

The Essex Tower was again taken out of service on May 3<sup>rd</sup> to complete the warranty repairs. No issues with distribution system occurred following this shutdown. A new cathodic protection system was installed in the water tower. It is anticipate that the warranty work will be completed to enable refill and disinfection of the water tower on May 17, 2021. The Essex Tower should be back in operation by May 21, 2021.

7. The north settling pond has been taken out of service and is being dewatered so that the sediment in the pond can be excavated. The pond will be allowed to dry for a couple months so that it will be easier and less messy to remove the sediments. It is anticipated that excavation of sediment will occur at the beginning of July 2021.
8. Construction of the new laboratory is almost complete. Epoxy coating on the floor will be installed on May 18<sup>th</sup>. Installation of furnishings for the new lab will being the week of May 24<sup>th</sup>.
9. The decommissioning of the chloramination system components in the Ammonia Building is on-going. The work with retrofitting the ammonia building into a maintenance shop will be on-going into Summer 2021.
10. Detailed engineering design for the DAF retrofit of Clarifier #2 has been completed by the engineer, Associated Engineering (AE). Pre-qualification of general contractors for this work has also been undertaken. The tender for this work will be issued by the end of May 2021.
11. The UWSS Infrastructure Review Study and master servicing review is on-going. The consultant team of Associated Engineering and C3 Water have been working to calibrate the UWSS water model to recent water demand data and also to develop future growth models based on growth information provided by local municipalities. The calibrated water model will be used in combination with growth projections to outline future UWSS water demands and needed treatment plant and linear infrastructure improvements. A preliminary report for this work is expected by June 2021.

Re: UW/21/21 - Status Update of UWSS Operations & Maintenance Activities and Capital Works to May 14, 2021

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12. The UWSS-WUC Emergency Servicing Study is on-going. The consultant team of C3 Water and Stantec Consulting have been working on integrating the UWSS and WUC water models and reviewing existing linear infrastructure between the two water systems. Preliminary testing scenarios have been conducted to simulate various emergencies between the two water systems to ascertain redundancy levels based in various infrastructure improvements. A preliminary report on this work is expected for early June 2021.
13. The UWSS-Municipal CAO Working Group on UWSS Restructuring held its initial meeting on May 12, 2021. Discussions were focused on the review of the proposed UWSS restructuring financial plan and governance structure and to identify next steps for the restructuring process. A report will be provided to the UWSS Board once further progress has been made in the restructuring review process.
14. The UWSS-Municipal Water Capacity Allocation Working group held its second meeting on May 14, 2021. Discussions included review of historical water allocations, recent inquiries on water allocations, improvements to water capacity allocation application process, lawn watering restrictions and next steps, etc. These meetings and discussions will lead to the completion of the Treatment Water Capacity Allocation Review report that will be brought before the UWSS Board by October 2021.

The first chart shows comparative flows for 2017 through 2021 in Mega Litres (ML) and the second chart shows Millions of Imperial Gallons (MIG) for the period January 1<sup>st</sup> to May 13<sup>th</sup>, 2021.

	2017	2018	2019	2020	2021
Flow to Date (ML)	4,483.32	4,801.28	4,860.57	5,474.68	6,308.59
Max Day (ML)	54.65	59.00	55.08	66.93	72.16
Min Day (ML)	20.73	23.56	20.13	25.44	26.74
Average Day (ML)	33.71	36.10	36.55	40.86	47.43
No of Days	133	133	133	134	133

	2017	2018	2019	2020	2021
Flow to Date (MG)	986.21	1056.15	1069.20	1204.29	1387.73
Max Day (MGD)	12.02	12.98	12.12	14.72	15.87
Min Day (MGD)	4.56	5.18	4.43	5.60	5.88
Average Day (MGD)	7.42	7.94	8.04	8.99	10.43
No of Days	133	133	133	134	133

Flows to date are up 833.91 ML (183.44 MIG) or 15.23% from last year. The 2021 flows to date are up 28.62% over the previous 4 year average.

Re: UW/21/21 - Status Update of UWSS Operations & Maintenance Activities and  
Capital Works to May 14, 2021

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**Recommendation:**

That this report be received by the UWSS Board for information purposes.

Respectfully submitted,



Rodney Bouchard, General Manager  
Union Water Supply System Joint Board of Management

/kmj

Filename: t:\union wtr\reports to board\2021\uw21-21 uwss operations report for may 2021.docx



Golden Acre Farms Inc.  
 2011 Graham Side Road, Kingsville, ON, N9Y 2E4  
 Tel: 519-733-0883 Fax: 519-733-0286

May 6, 2021

Rodney R. Bouchar

General Manager / Union Water Supply System (UWSS)

Office: 519-326-1668

Mobile: 519-324-6862

RE: Five Star Farms Inc  
 913 Road 3 East  
 Kingsville, ON

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Five Star Farms made application on March 24, 2020 for approval for production capacity regarding the proposed 16.1-acre greenhouse development proposed for 913 Road 3 East.

Approval for 100,000 lgal/day from Union Water Supply System (UWSS) to support the 16.1-acre greenhouse development at 913 Road 3 East was granted September 10, 2020. Please refer to attached September 10, 2020 letter outlining the approval granted by UWSS the identification that the approval expired March 10, 2021.

Due to Covid19 and the outcome of stay-at-home orders both Federally and Provincially, multiple industry and service provider shut downs, and the general effects of the pandemic we have been living through, we are substantially behind schedule on the initiation of this project. As we start the site plan review process, we have discovered, however on the six-month deadline for the validity of the water approval has recently expired with great effort on my part for it not to happen it's understandable under COVID-19.

I am formally requesting an extension of the noted approval for an additional 6 months from the March 10, 2021 approval date. This timeframe should provide us sufficient time to complete the review and acquire necessary site plan control approvals and initiate the development of the site.

Thank you for consideration of this extension of the timeframe. The water approval is a critical component of the proposed greenhouse development. With Covid19, the development has been so delayed on many different factettes and this is just an additional example of the negative impact we have been experiencing.

Do not hesitate to contact me should you have any questions regarding this requested 6-month extension.

Regards,

A handwritten signature in dark ink, appearing to read 'Luis Chibante', is written over a horizontal line.

Luis Chibante  
 President / CEO

UW/22/21

**To:** Chair and Members of the Union Water Supply  
System Joint Board of Management

**From:** Rodney Bouchard, Union Water Manager

**Date:** May 14, 2021

**Re:** Payments for the UWSS from April 17<sup>th</sup> to April 30<sup>th</sup>, 2021

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**Aim:**

To provide the Board with a copy of payments made by the Union Water Supply System from April 17<sup>th</sup> to April 30<sup>th</sup>, 2021.

**Recommendation:**

For information purposes.

Respectfully submitted,

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

Rodney Bouchard, Manager  
Union Water Supply System Joint Board of Management  
/kmj

Filename: t:\union wtr\reports to board\2021\uw22-21 payments to end of april 2021.docx



Vendor : 0011450 To PT00000208

Batch : All

Department : All

Cheque Print Date : 29-Apr-2021 To 30-Apr-2021

Bank : 07 To 08

Class : All

Vendor Invoice	Vendor Name Description					Batch Invc Date	Inv Due Date	
G.L. Account	CC1	CC2	CC3	GL Account Name				Amount
<b>DEPARTMENT 0700 Union Water System</b>								
<b>100048</b>	<b>Jacques Daoust Coatings Management Inc</b>							
3517	REHAB - FILTERS #2 & 4					205 13-Apr-2021	29-Apr-2021	
70-7-0700-8730	700014			Filters				23,954.87
70-7-0700-8730	700012			Filters				23,954.87
<b>997507</b>	<b>JDC.ca Inc.</b>							
18632CW	COMMUNICATION UPDATES					205 31-Mar-2021	29-Apr-2021	
70-5-0700-7290	002070	002100		Telecommunication Maintenance & Support				994.40
<b>180325</b>	<b>Ricoh Canada Inc</b>							
SCO93201965	COPIER CONTRACT - FEB28-MAR30					205 31-Mar-2021	29-Apr-2021	
70-5-0700-7010	002070			Office Supplies				101.77
<b>230440</b>	<b>Willis Business Law</b>							
15270	LEGAL FEES - RESTRUCTURING					205 31-Mar-2021	29-Apr-2021	
70-5-0700-7950	002070			Professional Services				2,690.82
<b>Department Totals :</b>								<b>51,696.73</b>

Municipality Of Leamington  
Council/Board Report By Dept-(EFT)



AP5130

Date : Apr 30, 2021

Page 14 of 14

Time : 2:45pm

Vendor : 0011450 To PT00000208  
Batch : All  
Department : All

EFT Paid Date : 29-Apr-2021 To 30-Apr-2021  
Bank : 07 To 08  
Class : All

Vendor Code	Vendor Name								
Invoice No.	Description					Batch	Inv Date	Inv Due Date	Amount
G.L. Account	CC1	CC2	CC3	GL Account Name					
<b>DEPARTMENT 0700 Union Water System</b>									
<b>010103</b>	<b>Associated Engineering (Ont) Ltd</b>								
529166	SCADA UPGRADES - PROCESS NARRATIVE - APR9					209	15-Apr-2021	29-Apr-2021	
70-7-0700-8780				SCADA System					2,012.53
529169	DAF RETROFIT PH 1 - APR9					209	15-Apr-2021	29-Apr-2021	
70-7-0700-8745		700220		Treatment Plant					87,911.88
529171	INFRASTRUCTURE NEEDS STUDY - APR9					209	15-Apr-2021	29-Apr-2021	
70-5-0700-7989		002070		Operational Programs & Studies					23,314.56
<b>040094</b>	<b>Digital Water Solutions Inc</b>								
DW11919.A-1	HYDRANT RETROFIT PROGRAM 2021					209	20-Apr-2021	29-Apr-2021	
70-7-0700-8750		002206		Watermains					16,520.60
DW11919.B-1	HYDRANT RETROFIT PROGRAM 2021					209	12-Apr-2021	29-Apr-2021	
70-7-0700-8750		002206		Watermains					55,022.53
<b>050099</b>	<b>Enbridge Gas Inc</b>								
1929770177678	3-1726.62M3 GAS - COTTAM BOOSTER STATION					209	13-Apr-2021	29-Apr-2021	
70-5-0700-7410		002073		Gas					551.77
1929770208308	3-11925.65M3 GAS - RUTHVEN WATER TREATMENT PLANT					209	22-Apr-2021	29-Apr-2021	
70-5-0700-7410		002073		Gas					3,598.63
1929770217397	3-985.57M3 GAS - LOW LIFT					209	26-Apr-2021	29-Apr-2021	
70-5-0700-7410		002073		Gas					359.03
<b>080250</b>	<b>Hydro One Networks Inc</b>								
200208899066-I	3-322KWH - METER #16					209	16-Apr-2021	29-Apr-2021	
70-5-0700-7420		002073		Electricity					108.50
70-5-0700-7420		002073		Electricity					-20.36
200220161473-I	3-12KWH - METER #14					209	26-Apr-2021	29-Apr-2021	
70-5-0700-7420		002073		Electricity					39.49
70-5-0700-7420		002073		Electricity					-7.41
<b>140040</b>	<b>Napier-Reid</b>								
C12343	DAF - 50% OF CONTRACT W/SHOP DRAWINGS					209	22-Apr-2021	29-Apr-2021	
70-7-0700-8745		700220		Treatment Plant					152,550.00
<b>160530</b>	<b>Pricewaterhouse Coopers Llp</b>								
TR141128075	RESTRUCTURING CONSULTANT - FINANCIAL					209	29-Apr-2021	29-Apr-2021	
70-5-0700-7950		002070		Professional Services					19,516.23
<b>Department Totals :</b>									<b>361,477.98</b>



## JOINT BOARD OF MANAGEMENT

Wednesday, April 21, 2021

9:00 AM

Virtually in Zoom

### MINUTES

**Members Present:** Mayor MacDonald (Vice-chair); Deputy Mayor Verbeke, Councillors Hammond, Jones, Tiessen - Leamington  
Mayor Nelson Santos (Chair); Deputy Mayor Queen, Councillors DeYong, Patterson - Kingsville  
Councillor Walstedt - Lakeshore

**Members Absent:** Councillor Dunn  
Councillor Vander Doelen

**Also in Attendance:** Rodney Bouchard, Union Water Supply System Manager  
Khristine Johnson, Recording Secretary

**Municipal Staff Present:** Laura Rauch, Shannon Belleau, Nelson Carvalho - Leamington  
Andrew Plancke, Shaun Martinho, Ryan McLeod- Kingsville  
Kevin Girard - Essex  
Albert Dionne - Lakeshore

**OCWA Staff Present:** Susan Budden  
Dale Dillen, Ken Penney

**AUDIT Staff Present:** Ashely Meyer - Hicks, MacPherson, latonna, Driedger LLP

**Call to Order:** 9:03 am

**Disclosures of Pecuniary Interest:** none

**Adoption of Board Minutes:**

**No. UW-25-21**

**Moved by:** Deputy Mayor Queen

**Seconded by:** Councillor Walstedt

That Minutes of the UWSS Joint Board of Management meeting of Wednesday, March 17, 2021 is received.

Carried

### **Business Arising Out of the Minutes:**

There was none.

#### **Report UW/18/21 dated April 16, 2021 re: Status Update of the UWSS Operations & Maintenance Activities and Capital Works to April 16, 2021**

The Manager reviews his report with the members of the Board. He notes that the rehabilitation of Filters #2 and #4 are moving along. There has been a delay in receiving the underdrains from the USA. He explains that once that component arrives the underdrains will take about three (3) weeks to install. This project is just a little behind the timeframe for completion.

The Kingsville Water Tower (KWT) project is moving along nicely with the installation of the scaffolding completed and the canvas enclosure being installed at this time. All of the communication antennas have been removed from the top of the tower and placed on the scaffolding for the time being. The interior of the tank has been drained and interior sandblasting has started. Pressure monitoring is taking place and there have only been a few complaints related to the KWT being offline. The water pressure is just lower than residents are used to.

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The decommissioning of the chloramination system is continuing. The Manager explains that new concrete floors have been poured in the ammonia storage room. Removal of the scrubber still needs to take place, but staff members have been completing this project when time allows. This building will be converted to a maintenance shop over the summer, which will free up space in the main building.

The construction of the new laboratory is still ongoing but most of the work has been completed. The epoxy floor is scheduled to be poured during the week of April 19, 2021 and furnishings for the lab have been purchased. Operations staff is sourcing lab equipment at the moment, but in the end there will be more room for our staff in the lab to move around.

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As has been the norm for 2021, the flows are still very high, but have plateaued. The Manager feels as long as there are no significantly dramatic increases this summer UWSS will be in decent shape.

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Moved by: Deputy Mayor Verbeke

Seconded by: Councillor Hammond

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Carried (UW/15/21)

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Ms. Rauch recommends that the financial report is approved.

**No. UW-27-21**

Moved by: Councillor Patterson

Seconded by: Councillor Jones

That the 2020 Financial Report for the Union Water Supply System Joint Board of Management be approved.

Carried (UW/19/21)

**Report UW/20/21 dated April 16, 2021 re: Payments from March 13<sup>th</sup> to April 16<sup>th</sup>, 2021**

**No. UW-28-21**

Moved by: Deputy Mayor Queen

Seconded by: Councillor Tiessen

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Carried (UW/20/21)

**New Business**

Deputy Mayor Queen notes that he appreciates all the work that the Manager has done with the regarding the restructuring of the UWSS. He would like to have a committee to include the CAOs to assist with the restructuring process.

The Manager notes that he will be scheduling a meeting with the four (4) CAOs so that a discussion can take place.

Councillor Walstedt asks the Board if adding one more thing to the CAOs plates is beneficial.

**No. UW-29-21**

Moved by: Deputy Mayor Queen

Seconded by: Councillor DeYong

That the Manager of the UWSS invite the four (4) CAOs of the member municipalities to join a committee regarding the restructuring of the UWSS.

Carried

The Manager then notes that he is still working on expanding the parking lot and installing a force main sewage main. He explains that he has received the preliminary agreement from the solicitor for the County of Essex just the day prior.

**No. UW-30-21**

Moved by: Deputy Mayor Verbeke

Seconded by: Mayor MacDonald

That the Manager is provided delegated authority to enter into a Road User Agreement with the County of Essex on behalf of the Union Water Supply System Joint Board of Management regarding the installation of UWSS' private sewage force main in the right of way of County Road 45 to the nearest Town of Kingsville sewer connection point.

Carried

**Adjournment:****No. UW-31-21**

Moved by: Councillor Patterson

Seconded by: Councillor Walstedt

That the meeting adjourn at 9:26

Carried

**Date of Next Meeting:** Wednesday, May 19, 2021, virtually in Zoom.

/kmj



## Caldwell First Nation

14 Orange Street, Leamington, Ontario, N8H 1P5

Phone: 519-322-1766 Fax: 519-322-1533

May 30, 2021

### *Open Letter to Prime Minister Justin Trudeau*

Office of the Prime Minister  
80 Wellington Street  
Ottawa, ON K1A 0A1

Dear Prime Minister Trudeau:

On behalf of Caldwell First Nation, we call on Prime Minister Trudeau to lower the flags of this country and declare a National Day of Mourning for our children.

A mass grave containing 215 children was discovered on the site of a former Residential School in Kamloops, British Columbia and is just another stark example of the violence inflicted upon Indigenous people. In addition to being forcibly removed from their families and communities, many children in residential schools faced brutal physical, emotional and sexual abuse, were deprived of food and proper nutrition, and suffered high rates of death. These children were loved and should never have been removed from their families.

Caldwell First Nation will have a period of mourning and recognition for these children by wearing orange and lowering our flags. We will do this for 215 hours – one hour in honour of each of the innocent and loved souls who were buried and treated in such a vile and unfathomable way. We encourage and ask that all Canadians do the same in recognition of these innocent children who suffered at the hands of the Canadian Government's Residential Schools which were funded by the Department of Indian Affairs and run by Christian churches.

The number for the National Indian Residential School Crisis Line is 1-866-925-4419.

Sincerely,

Robyn Perkins  
Councillor, A/Chief

James Peters  
Councillor

Stan Scott  
Councillor

Steve Simpson  
Councillor



## Township of The Archipelago

9 James Street, Parry Sound ON P2A 1T4

Tel: 705-746-4243/Fax: 705-746-7301

[www.thearchipelago.on.ca](http://www.thearchipelago.on.ca)

May 21, 2021

21-092

Moved by Councillor Emery  
Seconded by Councillor Sheard

---

**RE: Bill 228 - Banning unencapsulated Polystyrene Foam**

**WHEREAS** unencapsulated expanded and extruded polystyrene foam (PS foam) is a common and economical product used for dock flotation; and

**WHEREAS** unencapsulated PS foam, when used as floatation, deteriorates and breaks down through exposure to water, sunlight and chemicals (gasoline, oil & other contaminants), as well as from animals and physical impacts from boats and other debris; and

**WHEREAS** the environmental impacts associated with the breakdown of unencapsulated PS foam are significant. PS foam is one of the top items of debris found on shorelines, beaches, and surface water around the world. Widespread and global contamination has resulted in PS foam being found in the gut contents of wildlife, including in the Great Lakes - St. Lawrence River Basin. PS foam causes adverse effects to wildlife when ingested. Laboratory experiments show negative impacts of PS foam on feeding behaviour, growth, hepatosomatic index (HSI), and reproduction. Under certain conditions, PS foam leaches known toxics styrene and benzene. Floating particles of PS foam also has aesthetic impacts on shorelines and waterways; and

**AND WHEREAS** there is no Federal legislation in Canada regulating the use of unencapsulated expanded polystyrene foam (EPS) for docks to date. However, on May 13, 2021, the Province of Ontario passed *Bill 228: Keeping Polystyrene Out of Ontario's Lakes and Rivers Act*, to regulate and control its use for floats; and

**NOW THEREFORE BE IT RESOLVED** that the Great Lakes and St. Lawrence Cities Initiative (Cities Initiative) recognizes the need for PS foam to be encapsulated when used for flotation; and

**BE IT FURTHER RESOLVED** that the Cities Initiative and its members call on the Federal Government of Canada (Ministries of Fisheries and the Environment) the Province of Ontario (Ministry of Natural Resources & Forestry, Ministry of Environment, Conservation & Parks), the Province of Quebec, The United States (U.S.) Federal Government, and the U.S. States of New York, Pennsylvania,

Ohio, Indiana, Michigan, Illinois, Wisconsin and Minnesota to work in collaboration with each other to enact laws which:

1. ban unencapsulated polystyrene (PS) products in all new and replacement public and private floating facilities across the Great Lakes Region and the coasts of Canada and the United States;
2. find common standards of defining encapsulation with the goal of zero emissions of PS foam;
3. require the timely transition to approved encapsulated PS products, for all public and private floating facilities currently using unencapsulated PS foam; and
4. require the proper disposal of all unencapsulated expanded polystyrene (EPS) products currently being used for dock flotation.

**BE IT FINALLY RESOLVED** that Council for the Corporation of the Township of The Archipelago directs its staff to submit this resolution to the Great Lakes St. Lawrence Cities Initiative; and forward this resolution to all municipalities in the Great Lakes watershed and to Federal and Provincial Representatives.

**Carried.**



## Township of The Archipelago

9 James Street, Parry Sound ON P2A 1T4

Tel: 705-746-4243/Fax: 705-746-7301

[www.thearchipelago.on.ca](http://www.thearchipelago.on.ca)

May 21, 2021

21-091

Moved by Councillor Andrews  
Seconded by Councillor Manners

---

**RE: Bill 279 – Environmental Protection Amendment Act (Microplastics Filters for Washing Machines), 2021**

**WHEREAS** microfibers are human-made strands less than 5mm composed of either synthetic or natural materials. Microfibers are shed through the wear and tear of textiles through the laundering process;

**WHEREAS** billions of microfibers are released into the Great Lakes daily from machine laundering of clothes. Studies have found a single load of laundry can release up to millions of microfibers into washing machine effluent, which flows to the wastewater treatment plant. Wastewater treatment can capture up to 99% of microfibers in sewage sludge, but microfibers are still released into aquatic ecosystems through treated effluent. Billions of microfibers are released into the aquatic ecosystem daily in the Great Lakes basin, either directly via treated final effluent, or indirectly as runoff from land-application of treated sewage sludge; and

**WHEREAS** microfiber contamination is widespread: Worldwide and local studies have shown microfibers present in commercial fish, Great Lakes fish (including Lake Trout, Rainbow smelt, Brown bullhead, etc.), honey, salt, Great Lakes beer, tap water, bottled water and much more; and

**WHEREAS** microfibers are the most prevalent type of microplastics in the environment and have been found in surface water, soil, biota, and atmospheric samples; and

**WHEREAS** a 2014 surface water study in Lake Erie, Lake Ontario, and their tributaries measured microplastics at abundances between 90,000 and 6.7 million particles per square kilometer. These levels of microplastics are similar to or exceed concentrations found in ocean gyres like the "Great Pacific Garbage Patch; and

**WHEREAS** microplastics do not biodegrade; and

**WHEREAS** chemicals such dyes and flame retardants are added to textiles during manufacturing. Textiles can also absorb chemicals from their environment after manufacturing. Some of these chemicals are toxic, and harmful chemical compounds can be released into the environment via leaching from microfibers; and

**WHEREAS** a growing body of research shows that the effects of microplastics on animal life are far-reaching. Researchers have investigated the impacts of microplastics on gene expression, individual cells, survival, and reproduction. Mounting evidence shows that negative impacts can include decreased feeding and growth, endocrine disruption,

decreased fertility, and other lethal and sub-lethal effects. Some of these effects are due to ingestion stress (physical blockage), but many of the risks to ecosystems are associated with the chemicals in the plastic. Studies have shown that chemicals transfer to fish when they consume microplastics. When these fish end up on our dinner plates, we potentially increase the burden of hazardous chemicals in our bodies; and

**WHEREAS** a recent set of laundering experiments in the laboratory; have shown that an external filter can capture an average of 87% of fibres by count and 80% by weight before they go down the drain (McIlwraith et al. 2019). On a wider scale and in real-life context, Georgian Bay Forever, the University of Toronto and the Town of Parry Sound are completing a study that is measuring the effect that about 100 filters in households has on reducing microfibre pollution in the effluent of a wastewater treatment plant. The results of this study are to be released in August; and

**WHEREAS** add-on filters cost approximately \$180-220 CDN to purchase and install, which is prohibitive for the average household. Accordingly, voluntary adoption rates are low; and

**WHEREAS** France has passed legislation (France 2020-105, Article 79) that requires future washing machines sold to have filters. California has introduced a bill (California AB 622), and Ontario has tabled Private Member's Bill 279 to prohibit sales of washing machines without a filter of mesh size 100 microns or smaller. Companies such as Arclik have manufactured washing machines with filters built directly into them;

**NOW THEREFORE BE IT RESOLVED** that the Great Lakes St. Lawrence Cities Initiative (Cities Initiative) recognizes that to date the largest documented source of environmental microfibers is washing machines, and that findings indicate washing machine filters mitigate the majority of fibres shed during machine washing; and

**BE IT FURTHER RESOLVED** that the Cities Initiative recognizes the need to require future sales of washing machines to include filters with a maximum mesh size of 100 microns; and

**BE IT FURTHER RESOLVED** that the Cities Initiative and its members call on the Ontario government to pass Bill 279, and to call on the Canadian and U.S. government to create appropriate regulatory measures to the same effect; and

**BE IT FURTHER RESOLVED** that until households can only buy new laundry machines outfitted with <100 micron filters, the Cities Initiative and its members call on provincial, state and federal governments to provide funding and education to help constituents reduce microfiber waste.

**BE IT FINALLY RESOLVED** that Council for the Corporation of the Township of The Archipelago directs its staff to submit this resolution to the Great Lakes St. Lawrence Cities Initiative; and forward this resolution to all municipalities in the Great Lakes watershed and to Federal and Provincial Representatives.

**Carried.**

May 21, 2021

**MEMORANDUM**

**TO:** Accessibility Stakeholders

**FROM:** Mary Bartolomucci  
A/ Assistant Deputy Minister

**SUBJECT:** **2019 Accessibility for Ontarians with Disabilities Act, 2005  
Annual Report**

---

I am pleased to provide accessible English and French copies of the 2019 Accessibility for Ontarians with Disabilities Act, 2005 (AODA) Annual Report (Report).

The Report provides a comprehensive review of the Ministry for Seniors and Accessibility's 2019 accomplishments, highlights of the activities of the various Standards Development Committees, the Ministry's work on the compliance and enforcement of the AODA, and initiatives with various partners on raising awareness advancing accessibility and inclusion in communities across the province.

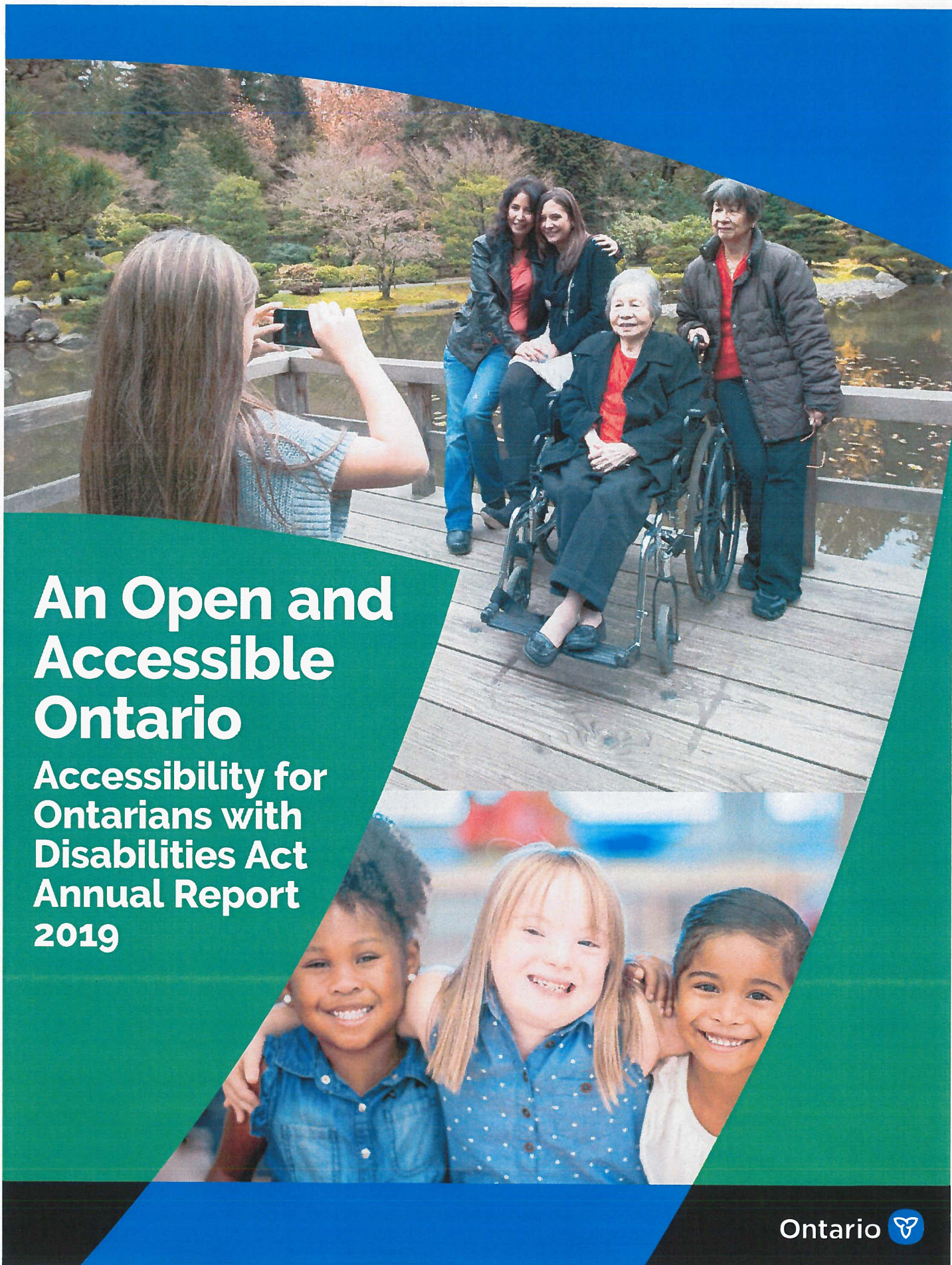
The Report is also available online at our website in both [English](#) and [French](#).

Thank you for your commitment to an inclusive and accessible Ontario.

Sincerely,



Mary Bartolomucci



# An Open and Accessible Ontario

Accessibility for  
Ontarians with  
Disabilities Act  
Annual Report  
2019

## Learn how Ontario is becoming accessible

Visit [ontario.ca/accessibility](https://ontario.ca/accessibility)

Email: [accessibility@ontario.ca](mailto:accessibility@ontario.ca)

Telephone: 1-416-849-8276

Toll Free: 1-866-515-2025

TTY: 1-800-268-7095

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# A Message from the Minister

## An open and accessible Ontario

I'm proud to present the 2019 Accessibility for *Ontarians with Disabilities Act, 2005* (AODA) Annual Report.

This report looks at the implementation and effectiveness of the AODA and is a requirement under the Act. The report also serves as an important tool to communicate on the progress of the implementation of the AODA, and to show the government's commitment to transparency and accountability.

In Ontario, approximately 2.6 million people have a disability. This means roughly one in four Ontarians live with a disability and face various types of accessibility challenges in their everyday life. As the aging population is expected to grow in the next 25 years, it is projected that the number of people living with a disability is also expected to grow in our province. That is why it is critical to remove all barriers that impede accessibility for all.

One of the key commitments our government made in dedicating its efforts towards an accessible Ontario was to form the first ever Ministry for Seniors and Accessibility in 2018.

In the 2018 Annual Report, we stated that we would continue to review Ontario's accessibility legislation in 2019, with the assistance of people with lived experience and the expertise of municipalities and sector representatives.



We made significant progress in this area through the important efforts of the Standards Development Committees (SDCs).

These committees provide valuable recommendations to government through developing and reviewing accessibility standards in Ontario. They also do meaningful work in identifying solutions to barriers to accessibility within their respective sectors.

Existing accessibility standards include those in the areas of Employment, Information and Communications, Customer Service, Transportation and the Design of Public Spaces. The SDCs have also been working on developing recommendations for proposed new standards in the areas in Education (K-12 and post-secondary) and Health Care.

In 2019, we resumed the Health Care and Education SDCs, and the Information and Communications SDC received public feedback on its initial recommendations. Also, recommendations made by the Honourable David C. Onley in the third legislative review of the AODA helped inform our work in developing the [Advancing Accessibility in Ontario framework](#).

## Accessibility for Ontarians with Disabilities Act Annual Report 2019

I continue to engage with stakeholders regularly to ensure my ministry is in tune with the varied and often complex issues that impact people with disabilities and seniors. We listened and learned from people living with disabilities, as well as partners within the disability community, non-for-profit organizations and the public and private sectors.

As always, we are committed to working with Ontarians to make our province open and inclusive for all.

I want to take this opportunity to thank the countless stakeholders, organizations and individuals that are championing this effort as we continue on our journey to make Ontario more accessible and inclusive for all.

When communities and businesses are open to everyone, we all benefit.

Sincerely,

A handwritten signature in black ink that reads "Raymond Cho". The signature is fluid and cursive, with the first name "Raymond" and last name "Cho" clearly distinguishable.

Raymond Cho,  
Minister for Seniors and Accessibility

# Legislative Requirements

## Response to the 2019 Legislative Review of the AODA

Making Ontario a province where communities and businesses are accessible for everyone benefits us all. That is why the Government of Ontario is required to appoint a reviewer to examine the effectiveness of the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA), and its standards every three years. The Honourable David C. Onley, Ontario's 28th Lieutenant Governor, was appointed in 2017 and his report was tabled in the Legislative Assembly on March 7, 2019. This was the third legislative review of the AODA since it was enacted into law.

In response to the 2019 legislative review, Ontario developed a new across government framework that was informed by the recommendations made by the Honourable David C. Onley, as well as input from key partners, organizations and people with disabilities. The Advancing Accessibility Framework will make a positive difference in the daily lives of people with disabilities.

This cross-government framework will help focus the province's work in four key areas:

- breaking down barriers in the built environment;
- government leading by example;
- increasing participation in the economy for people with disabilities; and
- improving understanding and awareness about accessibility.

Ontario is committed to making a tangible impact through the Advancing Accessibility Framework for people with disabilities and their families.

## Legislated Committees

### Accessibility Standards Advisory Council

The Accessibility Standards Advisory Council (ASAC) provides expert advice on accessibility to the Minister for Seniors and Accessibility. A majority of ASAC members are people with disabilities. Its membership also includes sector/industry representatives from municipalities, non-profits, and private and designated public sector organizations. Thank you to everyone who served on ASAC in 2019.

### Standard Development Committees

In 2019, four Standard Development Committees (SDCs) continued their work providing advice to the Minister on ways to address, reduce and remove accessibility barriers in key areas of daily life.

The public can follow the progress of all SDCs through meeting minutes posted [online](#).

To ensure that Ontario's accessibility laws are working as intended, there is a legislated process for regular review of each standard. People with disabilities and industry representatives work together to provide recommendations on ways to address, reduce and remove accessibility barriers in the review of existing standards and in the development of new standards, with support from the government.

## Information and Communications Standards Development Committee

The Information and Communications Standards ensure that organizations make information accessible for people with disabilities. In 2019 the Information and Communications Standards Development Committee made 33 initial recommendations to the Minister which were posted for public review and feedback from July 24, 2019 to October 18, 2019. The committee will review all feedback in 2020 in order to finalize their recommendations and submit them to the Minister.



**Information and Communications Standards Development Committee:** (left to right) Third Row (back): Kim Adeney, Louise Bray, David Berman. Second Row: James Roots, Gary Malkowski, Kevin Shaw, Jennifer Cowan, Diane Wagner, Jutta Treviranus, Pina D'Intino, David Best. Front Row: Richard Watters, Rich Donovan (chair). Resigned: Matthieu Vachon. Not Pictured: Louie DiPalma, Chantal Perreault.

## Health Care Standards Development Committee

The Health Care Standards Development Committee continues their work on developing recommendations for government to remove, prevent, and reduce barriers in the delivery of health care in Ontario by starting this work in hospital settings. Their areas of focus are administration and accountability, education and training, and communication. The Committee members include people with disabilities and representatives, and health sector representatives.



**Health Care Standards Development Committee:** (left to right) Third Row (back): Serge Falardeau, Yona Lunskey, Sue Anderson, Seble Makonnen, Gord Kyle. Second row: Diane Quintas, Marianne Park, John McDonald, Rick Welland, Lorin MacDonald, Raj Chopra, Jennifer Schipper, Barbara Collier, Melanie Marsden. First row: Sam Savona, Peter Athanasopoulos, Sandi Bell (chair), Crystal Chin (member in absentia). Not pictured: Natalie Spagnuolo, Carol Anderson, Jacqueline Silvera. Resigned: Uppala Chandrasekera, Gurwinder Gill, Gord Kyle, Toni Lemon, Seble Makonnen, Jennifer Schipper.

The Health Care Committee is working to submit their initial recommendations to support accessibility in hospitals to the Minister for the purposes of public feedback in 2020.

## Education Standards Development Committees

The Kindergarten to Grade 12 (K-12) Standards Development Committee and the Postsecondary Education Standards Development Committee are working on developing recommendations for government to remove, prevent and reduce barriers in the delivery of publicly funded education in Ontario, from K-12 and postsecondary education provided by colleges and universities.

Both committees are expected to submit their initial recommendations to the Minister for the purposes of public feedback in spring 2021.

In order to ensure that the work of both the Kindergarten to Grade 12 and Postsecondary Education committees remains aligned, the Minister asked both Chairs to form a joint technical subcommittee representing members from both sectors and from the disability community. This subcommittee is responsible for sharing information across the two committees and for considering areas of commonality, in addition to considering the area of transition planning as a priority.



**Kindergarten to Grade 12 Standards Development Committee:** (left to right) Second Row (back): Stephen Andrews, Angelo Tocco, John (Jack) Stadnyk, Lynn Ziraldo (chair), Donna Edwards, Rita-Marie Hadley, Mike Cyr, Jane Ste. Marie, Jon Greenway, Ben Smith. Front Row: Doug Mein, Wendy Lau, Sheila McWatters, Michelle Longlade, Alison Morse, Rana Nasrazadani. Not Pictured: David Lepofsky, Ashleigh Molloy, Victoria Nolan, Lindy Zaretsky. Resigned: Jean-Baptiste Arhanchiague, Claude Deschamps, Mary Linton, Adam Peer.



**Postsecondary Education Standards Development Committee:** (left to right) Back Row: Marie-Claude Gagnon, Joseph Gillis, Tory Bowman, Jim Kyte, Ben Poynton, Marc Wilchesky. Second Row: Karen Csolli, Jennifer Curry Jahnke, Anne Pottier, Carolyn Hepburn, Janice Fennell, Meri Kim Oliver, Mahadeo Sukhai (alternate member for Ainsley Latour), Jeanette Parsons. Front Row: Tina Doyle (chair), Minister Raymond Cho, Sambhavi Chandrashekar, Ashton Forrest. Not Pictured: Ainsley Latour, Elizabeth Mohler, Julia Kowal, Olga Dosis. Resigned: Alex Wilson, Fady Shanouda, Jodie Glean, Jodi Afonso.

# Compliance and Enforcement Activities

This section outlines activities undertaken by the Ministry for Seniors and Accessibility to oversee compliance with the AODA. In 2019, the ministry continued to work with organizations that must comply with the requirements of the AODA and the Integrated Accessibility Standards Regulation (IASR).

## Building awareness

Each year, the ministry conducts a number of targeted outreach and education campaigns to provide organizations with tools, resources, and information to help encourage compliance.

## Ensuring compliance

The ministry's Compliance and Enforcement Branch is responsible for ensuring compliance with the AODA and accessibility standards. It achieves this by:

- Providing tools and resources to help organizations comply;
- Auditing organizations to verify that they are in compliance; and
- Enforcing the requirements, where appropriate, if an organization is found to be non-compliant.

The ministry conducts 2 types of audits to oversee compliance:

- **Attestation audits** are used to facilitate accessibility compliance reporting among organizations that had reported previously but failed to meet the most recent reporting deadline, that submitted a report indicating non-compliance, or that have never filed in the past.
- **Verification audits** are used to ensure that organizations that indicated compliance in their report are, in fact, meeting requirements. Verification audits are conducted every year to obtain and verify evidence of compliance.

The branch also carries out a variety of projects as part of its multi-year operational plan that advance compliance with the AODA and the standards. In 2019, the ministry began preparing to conduct website audits to confirm compliance with the accessible website requirement under the IASR.

## Self certified accessibility compliance reporting

The AODA requires certain organizations to submit accessibility compliance reports. These reports include questions that ask organizations to confirm that they have met their legal requirements. As outlined in the AODA, each organization must make their report available to the public.

Each sector has a different schedule to submit these reports:

- The provincial government reports every year.
- All other designated public sector organizations (DPS) are required to report every two years. The latest reporting year was 2019.
- All private and non-profit sector organizations with 20 or more employees are required to report every three years.

## 2019 Compliance and Enforcement Activities

### Self-certified Compliance Reporting

As of November 6, 2020, 100 per cent of government organizations and 100 per cent of DPS organizations have filed reports.

## Audits

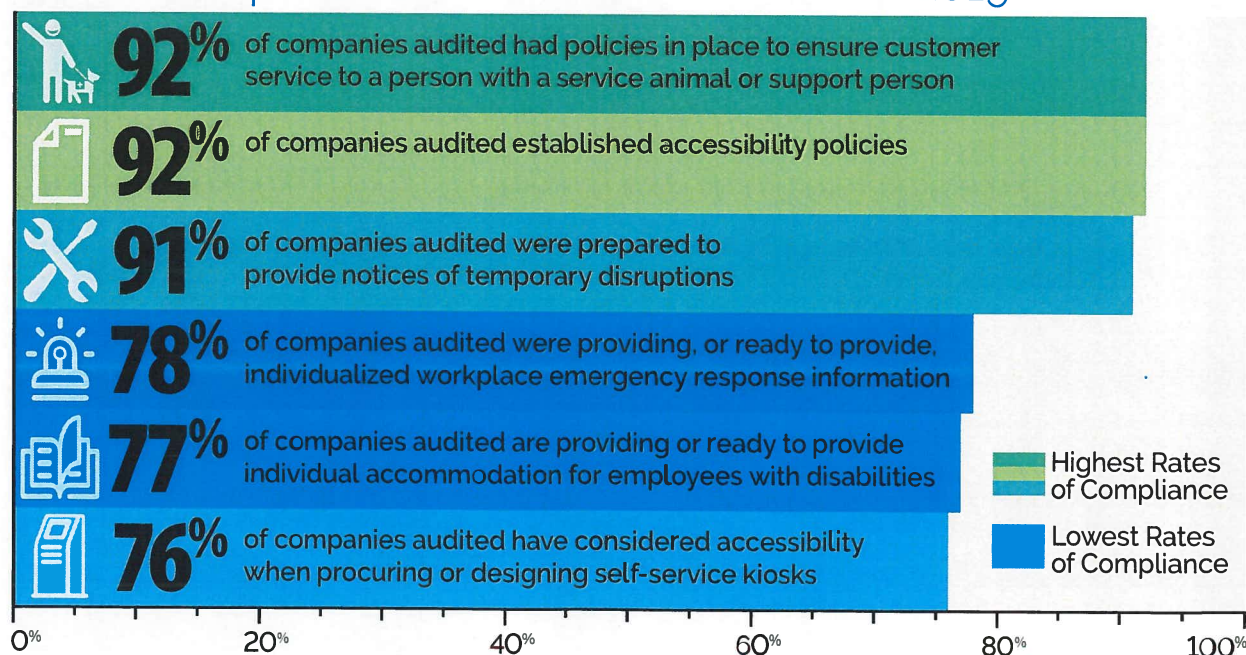
In 2019, the ministry launched 532 attestation audits (515 completed by December 31, 2019) and 600 verification audits (387 completed). An additional 427 audits that were carried over from previous years were also completed.

The ministry verified compliance with 55 requirements from the Customer Service Standards, the Employment Standards and the General Requirements section of the IASR in the 387 organizations. Of the requirements verified from completed audits only, the following trends were revealed:

The highest rates of compliance were found with:

- Section 80.46 – Establishment of policies: 92 per cent in compliance
- Section 80.47 – Use of service animals and support persons: 92 per cent in compliance
- Section 80.48 – Notice of temporary disruptions: 91 per cent in compliance

### MSAA Completed 387 Verification Audits In 2019



The lowest rates of compliance were found with:

- Section 6 – Self-service kiosks: 76 per cent in compliance<sup>1</sup>
- Section 28 – Documented individual accommodation plans: 77 per cent in compliance
- Section 27 – Workplace emergency response information: 78 per cent in compliance

## Enforcement

When audited organizations are found to be non-compliant, the ministry works with those organizations to establish compliance. Persistent non-compliance can trigger an escalation to a ministry inspector who will determine appropriate enforcement measures.

In 2019, 95 per cent of verification audits were resolved as compliant without needing to be escalated to an inspector for enforcement measures. Of the 172 cases escalated to an inspector, 21 Director's Orders and 5 Director's Orders with Administrative Penalty were issued. Organizations that receive a Director's Order can appeal their order to the License Appeal Tribunal. No cases were brought before the tribunal in 2019.

---

<sup>1</sup> Section 6 is applicable to a limited number of organizations.

# Intersections – Seniors and Accessibility

The ministry invests in initiatives to support persons with disabilities who are aging, as well as older adults and seniors who develop age-related disabilities.

The ministry's Seniors Community Grant (SCG) Program provides older adults and seniors with the opportunity to connect, contribute, learn, and lead active lives within their communities. Several projects that were funded in 2019 focused on increasing engagement for older people with disabilities. Highlighted below are projects that supported older adults and seniors living with disabilities:

- H'art Centre delivered the *Deaf Senior Theatre Project* in Kingston, Ontario, which engaged culturally deaf seniors as actors and stagehands in the production of humorous and educational theatrical vignettes that illustrate daily barriers they face.
- The Canadian National Institute for the Blind is implementing the *Volunteer Capacity Building in GTA Blindness Programs Project*, which will develop the volunteer capacity of its programs in the Greater Toronto Area to support growing numbers of residents with blindness and sight loss due to age-related eye diseases.
- Heartland Forest in Niagara Falls delivered the *Senior-Led Adults 55+ Wood Shop Nature-Based Volunteer Program*, which provided nature-based programming and



The ministry's Seniors Community Grant (SCG) Program can include inter-generational programs that can help bring people of all ages together.

volunteering opportunities for seniors, including those who are isolated and living with a disability.

Example 1: Senior volunteers constructed habitat structures like bat houses, bird houses and squirrel feeders for use outdoors and for sale in the Nature Shop.

Example 2: Seniors made kits to build habitat structures for use in inter-generational community events, and Heartland's work experience program for young adults with intellectual and developmental disabilities.

# Employment and Accessibility

## Employers Partnership Table Update

The Employers' Partnership Table supports the Ontario government's approach to improving employment opportunities for people with disabilities and helps promote business-to-business dialogue. This professional group is comprised of 17 members representing a range of small, medium and large businesses from across the province.

In October 2019, a series of examples of how businesses of all sizes recognize the benefits of hiring people with disabilities and dispel common myths and misperceptions employers have were highlighted and made available on the [DiscoverAbility Network](#) and the [ministry website](#).

The success stories provide sector specific examples (i.e., retail, manufacturing, professional services and skilled trades) where persons with disabilities are successfully working and meeting employers' needs. They also illustrate the business needs of employers and how people with disabilities have the skills and abilities to help employers address those needs.

For example, Deloitte Canada is working to develop and maintain a recruiting process that will help it hire the best candidate for any given job. As part of these efforts, Deloitte partnered with the CNIB Foundation's Come to Work program to hire interns who bring a new perspective to the firm. Deloitte hired a full-time employee

named Amari through the program to work on its recruiting team. Amari's skills have helped greatly improve Deloitte's recruiting process. She also helped Deloitte recognize several accessibility issues in its head office building. Amari's insights and perspectives have allowed Deloitte to create and maintain a more accessible workplace that benefits all employees.

## National Disability Employment Awareness Month

As part of Ontario's recognition of National Disability Employment Awareness Month in October 2019, Minister Cho addressed the importance of workplaces being more accessible and inclusive in a video the ministry posted on social media. Minister Cho spoke of celebrating the valuable contributions that people with disabilities bring to the workforce and recognizing employers that are champions of hiring people with disabilities in Ontario.

Working with the Employers' Partnership Table, the ministry developed and published online case studies of several businesses in Ontario that recognize the benefits of hiring people with disabilities. These success stories were also published on the [DiscoverAbility Network](#) and the [ministry website](#), and illustrate the value of hiring people with disabilities, including increased innovation and business growth.

For example, companies like Loblaw, finding, hiring and keeping the right talent to fill vacancies and grow the company is a major busi-

ness challenge. For many of the company's stores, hiring qualified people with disabilities has helped address this issue. George is one of 6,000 people with disabilities employed through Loblaw stores across Canada. He is not just an example of the company's strategic recognition of talent, but also highlights the company's commitment to inclusivity. George has been a Loblaw employee since 2008 and is seen as one of the best employees at his store by managers and colleagues alike. George is a person with Asperger's Syndrome. George is a two-time recipient of the annual President's Pin—the highest honour given to Loblaw employees for their exemplary service. The company's commitment to being diverse and inclusive is widely recognized in the business community, and this has helped Loblaw make its mark as an innovative retailer and national business leader.

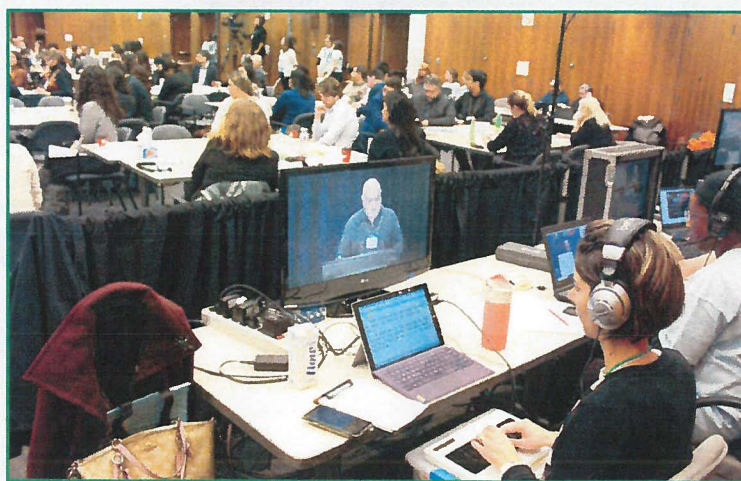
Another successful business in recognizing the benefits of hiring people with disabilities is ROCKWOOL, a global manufacturer of stone wool insulation. In 2016, demand for ROCKWOOL's product grew dramatically, who was having a very hard time finding the right employees to work at its plant in Milton, Ontario. The company took a new approach to recruitment. After teaming up with the Ontario Disability Employment Network and the Bob Rumball Canadian Centre of Excellence for the Deaf, ROCKWOOL made a few changes to make its hiring practices more accessible. By learning more about people with disabilities who are looking for work, the company tapped into a skilled and dedicated labour force. The company held interviews with candidates from the Deaf community and ended up hiring six new staff for its Milton location. By changing its recruitment strategies and bringing on talented new employees, the company has boosted its bottom line.

On October 24, 2019, Minister Cho promoted the government's free online resources and guides to make it easier for businesses to get the information they need to be more accessible and inclusive for all. He delivered the information at the Ontario Disability Employment Network's Rethinking Disability Conference in Richmond Hill. The resources are available on the [Accessibility in Ontario: Information for Businesses](#) web page and cover a range of topics such as inclusive hiring and how to remove barriers for customers and employees.

## OPS Connexions Mentoring Day

As part of the commitment to a future without barriers, the ministry welcomed 150 postsecondary students and graduates with disabilities, mentors and other supporters to Toronto in person and virtually for Connexions Day on October 31, 2019.

Connexions is an annual information session where postsecondary graduates with disabilities can prepare for the job market by practising job-search skills and expanding their professional networks.



Captioners transcribe proceedings at OPS Connexions Mentoring Day 2019 event.

Participants heard from a panel of Ontario Public Sector employees with disabilities, received tips on preparing resumes and how to interview successfully from volunteer mentors from the designated public and private sectors, and networked in a session co-facilitated with LinkedIn.

## EnAbling Change Program: Employment Projects

### Disabilities Mentoring Day

Disabilities Mentoring Day, a day-long mentoring event, was hosted by the Canadian Council on Rehabilitation and Work in Oshawa and Toronto, along with a session that was held virtually, with 110 employees and 21 employers attending in total. The mentoring day was a shared learning experience between people with disabilities seeking employment and individual employee/mentors in the workplace. The initiative helped employers increase their knowledge and capacity to integrate people with disabilities into workplaces. By working with mentee matches, employers identified skills, provided opportunities for networking, and enhanced soft skills needed to succeed in a workplace.

#### Mentor Comments:

"I received a great fit with my mentee. I truly think that we were both mentors — I learned so much from my mentee. I also think accommodation is a universal concept and the more we learn to advocate for others we are also ultimately advocating for ourselves. I learnt a lot about the unconscious biases we have in our workplace and how we need to keep communicating with colleagues and a diverse community to do better."

#### Mentee Comments:

"The day was superb! It eliminated all the stress I had about starting new jobs and meeting with people. I had the very best mentor who made sure all my needs were taken care of and taught me so much. I thank you so much for the opportunity and matching me up with such a good mentor!"

### Arthritis Society

[The Arthritis Society](#)'s EnAbling Change project, Making Joints Matter at Work, focused on educating employers about accommodations for employees and employee candidates living with arthritis, an invisible disability. The initiative also provided guidance to people living with arthritis about disclosing their health information to an employer. Downloadable videos and podcasts were created to support this awareness along with a [fact-sheet](#) to educate businesses about the Employment Standards under the AODA,

### Accessful

The [Accessful Project](#), a partnership with the Ontario Secondary School Teachers' Federation, brought together students with disabilities, teachers, parents, employers and service agencies with the goal of strengthening employability skills and access to community-connected paid employment for students with disabilities in Grades 11 and 12. The project engaged more than 30 schools and reached 300 students with disabilities. In the end, over 70 students with disabilities found summer employment or a co-op placement – in some instances – their very first job. Jobs were found in a variety of sectors including the City of Brampton, Peel Region, the City of Mississauga (Parks and Recreation), as well as service opportunities in the food and retail sectors as well as the construction sector.

# Outreach and Education

## Accessibility Outreach and Education Initiatives

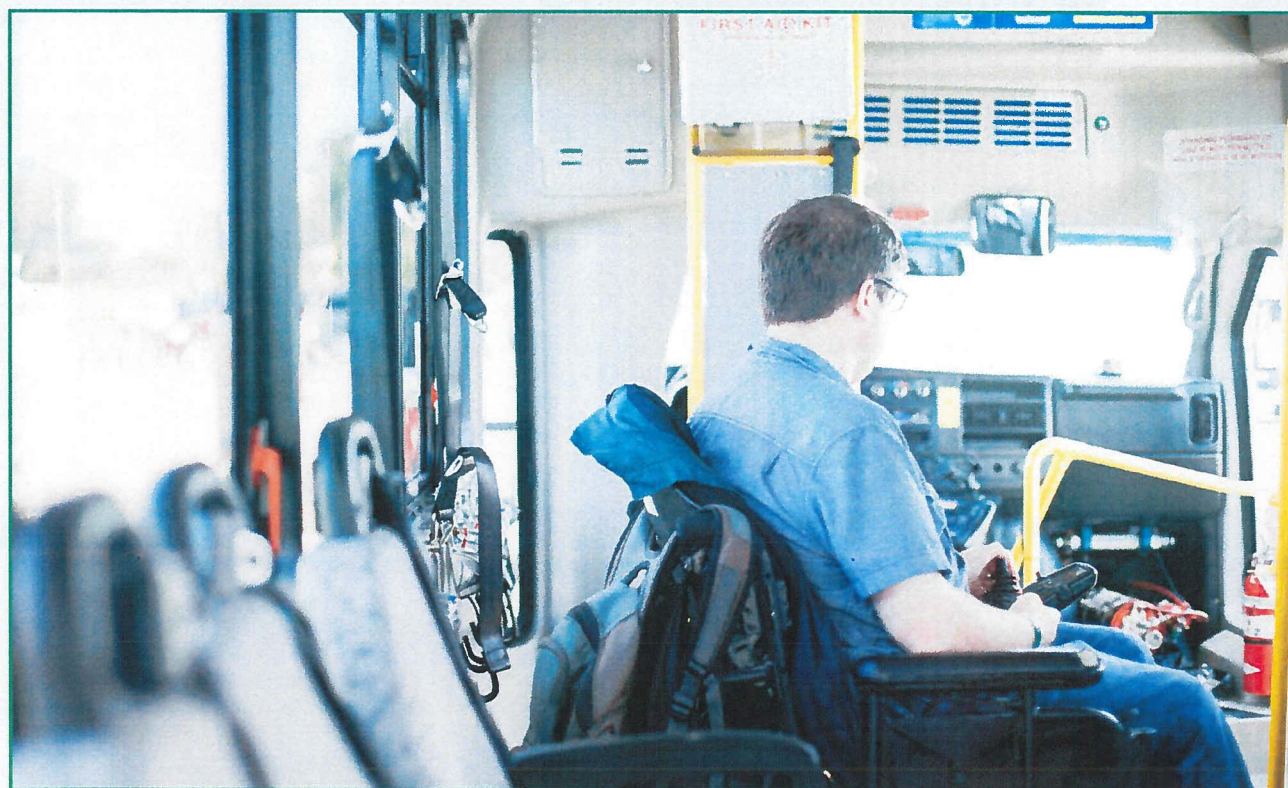
Increasing awareness of Ontario's accessibility standards to reduce barriers for people with disabilities means reaching stakeholders across all sectors and providing meaningful information using a variety of approaches. The ministry's accessibility outreach activities include delivering webinars, publishing e-newsletters, creating and distributing

resources and conducting outreach at professional conferences and events.

### Webinar Highlights:

The ministry offered 11 webinars in 2019 and connected with over 1,400 webinar registrants which were well received on a variety of accessibility topics including:

*On the Move: Accessible Transit in Ontario*, featured information about the accessibility services offered by Metrolinx, the Toronto Transit Commission and York Region Transit and how members of the public can be engaged in accessibility planning. Participants learned about conventional and specialized transit as well as cross-boundary travel including ways that transit



The public can engage in accessibility planning of services offered by municipal transit systems such as Metrolinx, the Toronto Transit Commission and York Region Transit.

agencies ensure seamless transition from one mode of transportation to another particularly for customers with disabilities.

*Accessibility Compliance Reporting: What You Need to Know*, assisted the designated public sector who were obliged to report on their compliance with the AODA in 2019. The webinar provided an overview of the sector's obligations under the AODA, as well as easy-to-follow guidance on how to complete the accessibility compliance report form.

*Accessibility Projects in the Education Sector*, highlighted initiatives that increased students' awareness of accessibility, and supported students with disabilities find their first job. Participants were engaged by presenters sharing program successes from [ReelEducation](#) (the Miles Nadal Jewish Community Centre) and the Accessful Project (Ontario Secondary School Teachers' Federation). ReelEducation is a free program that uses film as a tool for discussion about accessibility, inclusion, empathy and more with primary and secondary school students.

## Remembrance Day and Memorial Services Accessibility Toolkit

On Remembrance Day, communities across Ontario plan events to honour the brave people who have served and continue to serve our country. Memorial ceremonies are also held year-round for first responders who have lost their lives in the line of duty.



A wide range of Ontarians attend these events, including veterans, people with disabilities, and seniors with accessibility requirements. A toolkit of accessible practices was created to use at these events explaining how to include everyone who attends.

The *Making Remembrance Day and Memorial Services Accessible* toolkit was disseminated to municipalities and Lion's Clubs across Ontario, and can be found online at [Ontario.ca](https://ontario.ca).



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# Summer Student Outreach

The Student Outreach Initiative has been an effective way for the ministry to create widespread awareness of Ontario's accessibility laws to people across Ontario since 2012. Students attend various events and festivals across the province to answer questions from the public and distribute resources that inform Ontarians about accessibility for people with disabilities. This year, two student teams attended 30 events and interacted with over 7800 Ontarians at disability-related charity and awareness walks, Pride celebrations, family festivals, municipal accessibility advisory committee events, a seniors age-friendly community expo and a Tactile and American Sign Language (ASL) Tour of Upper Canada Village.

# 2019 Minister Outreach Events

The ministry provides public education and AODA expertise, in accordance with section 32(3) of the AODA, by participating in regular speaking engagements, presentations, stakeholder conferences, trade shows and events. Participating in regular events is a key way for the ministry to fulfill its legislative mandate and reach its main stakeholder groups: people with disabilities, accessibility stakeholders and organizations obligated to comply with the legislation.

# ParaSport Games opening ceremony

Minister Cho participated in the opening ceremonies of the 2019 Ontario ParaSport Games at the Abilities Centre in Whitby, Ontario in February. He praised the people that made the games possible, including the sponsors, partners, fans and skilled athletes. Minister Cho also spoke of how, over the years, the games have encouraged accessibility improvements in host communities' sport and recreation facilities and created public awareness about parasports.

# Heartwood House visit

Minister Cho visited Ottawa and presented the Heartwood House with a Champion Award for the David C. Onley Award for Leadership in Accessibility in April 2019. He applauded Heartwood House's commitment to making Ontario a better place for people with disabilities. Heartwood House and several of its member organizations operate social enterprise initiatives that provide opportunities for people with disabilities to gain work experience.

## National AccessAbility Week

Throughout the last week of May, the ministry marked National AccessAbility Week by promoting the importance of making the province more accessible. During a statement to the Legislative Assembly of Ontario, Minister Cho spoke of the government's belief that Ontario should be built to work for everyone and that an accessible Ontario is open for jobs and for business. He also described the government's commitment to providing the support and resources that people with disabilities and their families need to be independent and to fully participate in their communities as consumers and employees.

During that week, Minister Cho also participated in the opening night of the ReelAbilities Film Festival, which was celebrating its fourth year in Toronto. He remarked that the films at the festival get people thinking about inclusion and accessibility in a new way, and that the ministry also works to do the same thing. Minister Cho explained that the government works with numerous partners to improve accessibility, and supports many organizations such as the ReelAbilities Film Festival through the EnAbling Change Program. He noted that businesses, communities and governments need to work together to make Ontario open for all.

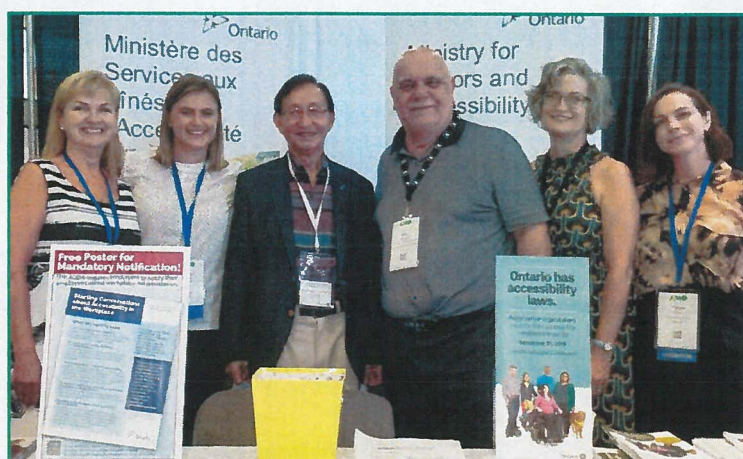
Later that week, Minister Cho met with March of Dimes Canada executives in Newmarket to learn about how the organization supports stroke survivors. During the tour, Minister Cho praised March of Dimes as a leader in inclusion and accessibility, and applauded the services and support it provides to stroke survivors to help them recover and fully participate in their communities.

## Abilities Centre tour

In August, Minister Cho toured the Abilities Centre in Whitby. The world-renowned facility is an accessible community hub that works on innovative initiatives that help enhance the quality of life of children, youth and adults with disabilities. During his visit, Minister Cho met with senior executives from the centre and spoke of the importance of the government creating momentum with people with disabilities, accessibility stakeholders and organizations to go beyond the requirements of the AODA. He praised the facility's welcoming and positive environment and its continued great work in supporting Ontarians with disabilities.

## 2019 Association of Municipalities of Ontario annual conference

In August, Minister Cho attended the 2019 Association of Municipalities of Ontario annual conference in Ottawa. Minister Cho and ministry staff met with several delega-



Minister Cho and ministry staff at 2019 Association of Municipalities of Ontario tradeshow.



Ministry staff conduct accessibility outreach at a variety of sector conferences and tradeshows.

tions from across Ontario to discuss current seniors and accessibility issues. The minister also delivered remarks about the importance of developing accessible main streets in Ontario during Building Blocks of Accessible Communities: What You Need to Know, a learning session that the ministry co-presented with the Ontario Business Improvement Area Association and the Canadian Urban Institute. The session provided city builders with case studies and tools to help with their efforts to make their communities accessible. Ministry staff interacted with over 500 delegates at the conference trade show distributing information and receiving feedback from stakeholders, as well as reminding municipalities that 2019 was a compliance reporting year.

## Human Resources Professionals Association Conference

Accessible employment practices and workplaces are essential for creating an environment that allows people of all abilities to participate. The ministry attended the 2019 Human Resources Professionals Association annual conference and interacted with over 500 stakeholders providing accessibility information and resources to assist attendees in creating more accessible work environments.

# EnAbling Change Program

The EnAbling Change Program provides funding for public education and awareness initiatives which promote accessibility in daily living for people with disabilities, and helps increase organizations' regulatory compliance with the AODA. In 2019, the ministry partnered with organizations with strong networks across the designated public sector, business and the non-profit sectors to reduce accessibility barriers in key areas of society, including employment, promoting cultural change and increasing awareness of Ontario's accessibility laws.

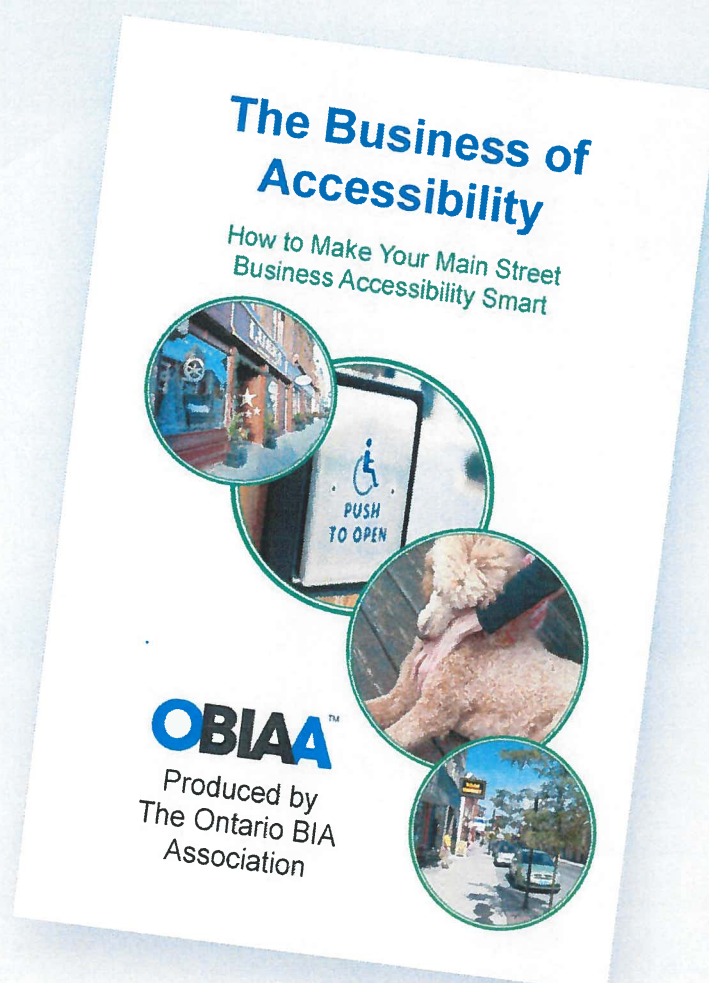
## Project Highlights

### Canadian Hearing Services

The Canadian Hearing Services worked with the ministry to create [Breaking the Sound Barriers at Work](#), an interactive website for employers with videos, presentations, resources, templates and infographics to help remove attitudinal barriers towards Deaf and hard of hearing job applicants and employees. These resources give personal insight into the experience of employees who are Deaf and hard of hearing, and practical guidance to employers so they can create inclusive practices in their workplaces and understand their legal obligations. This initiative was a collaborative effort with contributions from Deaf and hard of hearing consumers, employment experts and employers.

### Ontario Business Improvement Area Association

The ministry partnered with the Ontario Business Improvement Area Association to promote accessibility and inclusion as smart and sustainable business investments for Business Improvement Areas and main street businesses. [The Business of Accessibility](#), provides free and inexpensive ideas for accessibility improvements based on firsthand experiences, and encourages businesses to use a range of straightforward solutions to common accessibility



challenges. The guide includes frequently asked questions, an accessibility checklist, a resource list, and information about accessible heritage and second floor businesses, customer service, service animals, space layout and design, lighting and information and communications.

## Ryerson University – G. Raymond Chang School of Continuing Education

Ryerson University created two engaging learning resources to expand awareness of web accessibility. One of these resources was the online course, [Introduction to Web Accessibility](#), about the key requirements to making online digital content accessible. This course explains the W3C Web Content Accessibility Guidelines (WCAG 2.0), making it easy to understand for a general audience. Learners have an opportunity to experience barriers firsthand, then experience the content without barriers, developing a practical understanding of web accessibility.

## Retail Council of Canada

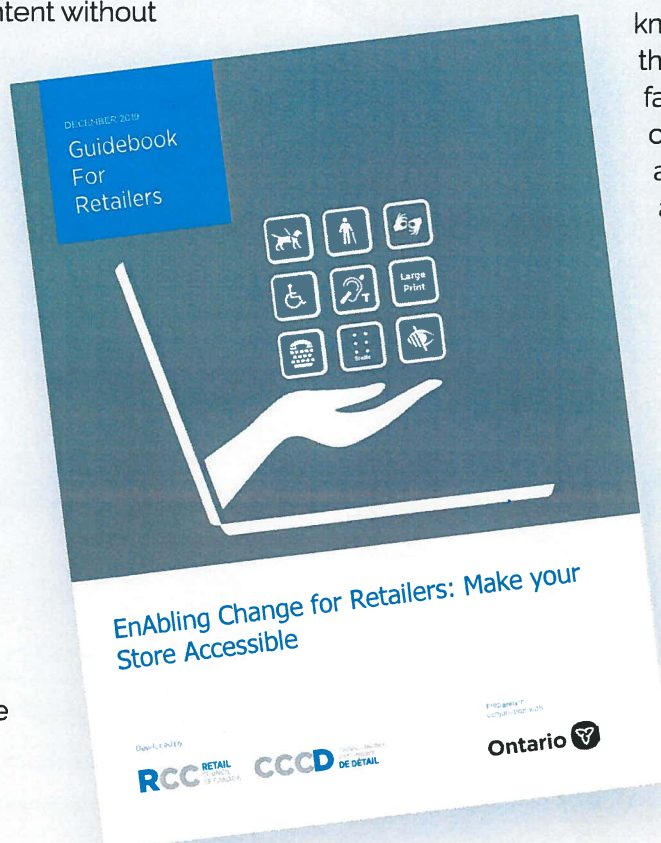
To assist retailers in Canada with making their stores accessible for customers and employees, Retail Council of Canada developed [EnAbling Change for Retailers: Make your Store Accessible](#), a free guidebook for retailers. This guide focuses on

topics including customer service, recruitment and retention, and accessible communications for people with disabilities, as well as additional resources from accessibility community stakeholder organizations.

## Ontario Retirement Communities Association

The Ontario Retirement Communities Association (ORCA) is a not-for-profit association supporting the retirement home industry in Ontario. Included in its mandate is the development of educational programs and resources for its 600+ member retirement homes. As part of its EnAbling Change project, ORCA developed tutorials for retirement home staff and management with supporting policies, reference guides and resources that provided an overview of how the AODA can impact both employers and employees. Ninety-two per cent of program participants

indicated an increased knowledge of the barriers that people with disabilities face, as well as an increased knowledge of accessibility standards and compliance requirements. Through this project, front line staff and management in retirement homes have learned how to effectively manage and support accessibility standards in the workplace and how to facilitate discussions related to accessibility in customer service, design of public spaces and employment standards.



## EnAbling Change Partner Organizations 2019

The ministry appreciates the commitment and contributions of all the 2019 EnAbling Change Partners:

- Arthritis Society
- ArtsBuild
- Canadian Council on Rehabilitation and Work
- Canadian Hearing Services
- Canadian Urban Institute
- Canadian Working Group on HIV and Rehabilitation
- Centre for Equality Rights in Accommodation
- City of Pickering
- Courageous Companions
- Design Exchange
- Holland Bloorview Kids Rehabilitation Hospital
- March of Dimes
- One World School House Foundation
- Ontario Building Officials Association
- Ontario Business Improvement Area Association
- Ontario Chamber of Commerce
- Ontario Public Transit Association
- Ontario Restaurant Hotel and Motel Association
- Ontario Retirement Communities Association
- Ontario Secondary School Teachers' Federation
- Parkinson's Foundation of Canada
- Retail Council of Canada
- Ryerson University
- Springtide Resources Incorporated
- Sports Information Resource Centre
- University Health Network
- Variety Village

# Built Environment

## Rick Hansen Certification Program

In the 2019 Budget, the Government of Ontario committed to making Ontario more accessible, including partnering with the Rick Hansen Foundation to launch the Rick Hansen Foundation Accessibility Certification program.

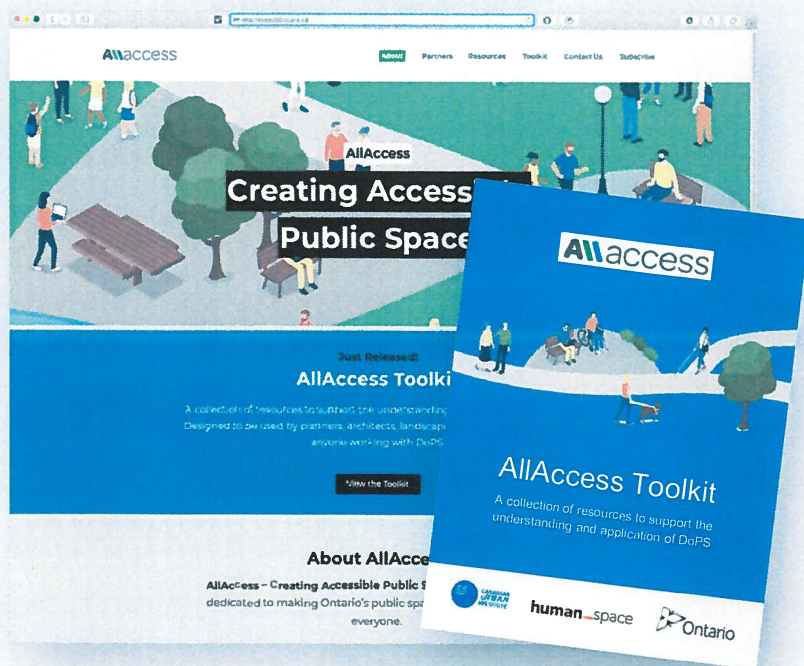
Ontario is focusing on what matters most to people with disabilities and seniors by helping to remove barriers in buildings and making communities more accessible.

The Government of Ontario is investing \$1.3 million through a new transfer payment agreement with the Rick Hansen Foundation. The certification program will provide accessibility ratings of businesses and public buildings by trained professionals to help property managers and owners determine ways to remove identified accessibility barriers. Through this investment, the Rick Hansen Foundation is planning to undertake ratings of 250 facilities.

## EnAbling Change Program – Built Environment Projects

### Canadian Urban Institute

The Canadian Urban Institute's [All Access](#) project sought to increase awareness and compliance with the Design of Public Spaces Standard for a host of design professionals including planners, engineers, architects, community organizers, developers and academics. The Canadian Urban Institute engaged its networks through an online campaign, collaborative learning workshops and the [All Access Toolkit](#), an online Design of Public Spaces resource.



## Arts Build Charitable Organization

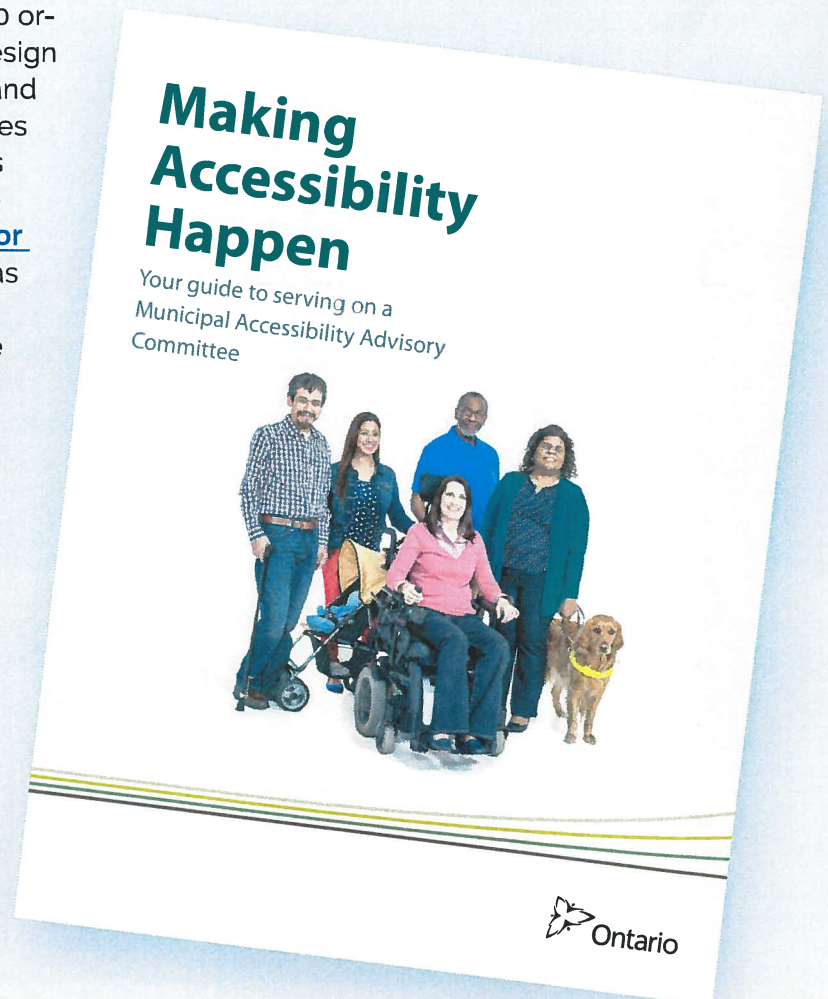
Arts Build led the development of a six-part webinar series designed specifically for art facility personnel to better understand the Accessible Design of Public Spaces Standard and universal design principles. Over 250 organizations learned about accessible design principles, best practices for architects and designers as well as how safety, fire codes and accessibility work in creative spaces with over 950 individuals viewing the recorded webinars. [Accessibility Toolkit for Creative Spaces](#), a key project guide, has important links, tools and resources to assist arts organizations comply with the AODA.

## Accessibility Advisory Committee Webinars

Accessibility Advisory Committees advise municipal councils about how to best meet Ontario's accessibility standards. Under the law, most committee members must be people with a disability.

The Ministry for Seniors and Accessibility engaged municipal Accessibility Advisory Committees through a series of nine webinars with the goal of connecting, engaging and supporting them in their mandate. Webinar topics included committee members' and municipalities' roles and responsibilities under the AODA, the IASR, and how to read municipal site plans.

Close to 400 people from across Ontario attended the webinars, which were delivered through an accessible online platform with live captioning. The webinar series received positive feedback and the ministry looks forward to continuing it in 2020.



# Accessibility in 2020



As we move forward in 2020 on our journey to improve accessibility in Ontario, the Ministry for Seniors and Accessibility will continue to engage with its partners to make real changes that will help people with disabilities and their families. These changes will make a positive difference today and for generations to come.

Our goal is to make Ontario open and accessible for everyone by building on our successes in order to help improve how people live and how businesses operate. When Ontario is accessible and inclusive, it is a better place for everyone.

## Notes

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.



## The Corporation of the Township of Terrace Bay

P.O. Box 40, 1 Selkirk Avenue, Terrace Bay, ON, P0T 2W0

Phone: (807) 825-3315 Fax: (807) 825-9576

May 18, 2021

Ministry of Government and Consumer Services  
777 Bay St., 5<sup>th</sup> Floor  
Toronto, ON  
M5B 2H7

To Whom it May Concern:

At the Township of Terrace Bay Regular Council Meeting held on Monday May 17, 2021, the following resolution of support was passed.

### **RE: Advocacy for Reform MFIPPA**

**Resolution: 122-2021**

**Moved by: Councillor St.Louis**

**Seconded by: Councillor Moore**

**WHEREAS** the Municipal Freedom of Information and Protection of Privacy Act R.S.O. 1990 (MFIPPA) dates back 30 years;

**AND WHEREAS** municipalities, including the Township of Terrace Bay, practice and continue to promote open and transparent government operations, actively disseminate information and routinely disclose public documents upon request outside of the MFIPPA process;

**AND WHEREAS** government operations, public expectations, technologies, and legislation surrounding accountability and transparency have dramatically changed and MFIPPA has not advanced in line with these changes;

**AND WHEREAS** the creation, storage and utilization of records has changed significantly, and the Municipal Clerk of the Municipality is responsible for records and information management programs as prescribed by the Municipal Act, 2001;

**AND WHEREAS** regulation 823 under MFIPPA continues to reference antiquated technology and does not adequately provide for cost recovery, and these financial shortfalls are borne by the municipal taxpayer;

**AND WHEREAS** the threshold to establish frivolous and/or vexatious requests is unreasonably high and allows for harassment of staff and members of municipal councils, and unreasonably affects the operations of the municipality;

**AND WHEREAS** the Act fails to recognize how multiple requests from an individual; shortage of staff resources or the expense of producing a record due to its size, number or physical location does not allow for time extensions to deliver requests and unreasonably affects the operations of the municipality;

**AND WHEREAS** the name of the requestor is not permitted to be disclosed to anyone other than the person processing the access request, and this anonymity is used by requesters to abuse the MFIPPA process and does not align with the spirit of openness and transparency embraced by municipalities;

**AND WHEREAS** legal professionals use MFIPPA to gain access to information launch litigation against institutions, where other remedies exist;

**AND WHEREAS** there are limited resources to assist administrators or requestors to navigate the legislative process;

**AND WHEREAS** reform is needed to address societal and technological changes in addition to global privacy concerns and consistency across provincial legislation;

**BE IT RESOLVED THAT** the Ministry of Government and Consumer Services be requested to review the MFIPPA, and consider recommendations as follows:

1. That MFIPPA assign the Municipal Clerk, or designate to be the Head under the Act;
2. That MFIPPA be updated to address current and emerging technologies;
3. That MFIPPA regulate the need for consistent routine disclosure practices across institutions;
4. That the threshold for frivolous and/or vexatious actions be reviewed, and take into consideration the community and available resources in which it is applied;
5. That the threshold for frivolous and/or vexatious also consider the anonymity of requesters, their abusive nature and language in requests to ensure protection from harassment as provided for in Occupational Health and Safety Act;
6. That the application and scalability of fees be designed to ensure taxpayers are protected from persons abusing the access to information process;
7. That administrative practices implied or required under the Act, including those of the IPC, be reviewed and modernized;
8. That the integrity of the Act be maintained to protect personal privacy and transparent governments.

Sincerely,



Jon Hall  
CAO/Clerk

CC: Ontario Municipalities



# The Corporation of The Town of Amherstburg

May 28, 2021

Hon. Lisa M. Thompson  
Minister of Government and Consumer Services  
Email: [lisa.thompson@pc.ola.org](mailto:lisa.thompson@pc.ola.org)

VIA EMAIL

**Re: Advocacy for Reform – MFIPPA Legislation**

Dear Hon. Thompson,

At its meeting held on May 25<sup>th</sup>, 2021, Council in the Town of Amherstburg passed the following:

***“That Administration BE DIRECTED to send correspondence in support of the Municipality of Leamington's Advocacy for Reform, MFIPPA Legislation.”***

Enclosed is a copy of the correspondence from the Municipality of Leamington for convenience and reference purposes.

Regards,

Tammy Fowkes  
Deputy Clerk, Town of Amherstburg  
(519) 736-0012 ext. 2216  
[tfowkes@amherstburg.ca](mailto:tfowkes@amherstburg.ca)

cc:

Ontario Municipalities

Taras Natyshak – MPP, Essex, Ontario

Email: [tnatyshak-co@ndp.on.ca](mailto:tnatyshak-co@ndp.on.ca)

Chris Lewis – MP, Essex, Ontario

Email: [Chris.Lewis@parl.gc.ca](mailto:Chris.Lewis@parl.gc.ca)

Association of Municipalities of Ontario (AMO)

Email: [amo@amo.on.ca](mailto:amo@amo.on.ca)

Information and Privacy Commissioner of Ontario

Email: [info@ipc.on.ca](mailto:info@ipc.on.ca)

Association of Clerks and Treasurers of Ontario

Email: [amcto@amcto.com](mailto:amcto@amcto.com)

Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk - Town of Essex

Email: [rauger@essex.ca](mailto:rauger@essex.ca)

Jennifer Astrologo, Director of Legislative Services, Town Solicitor, Clerk - Town of Kingsville

Email: [jastrologo@kingsville.ca](mailto:jastrologo@kingsville.ca)

Linda Jean, Deputy Clerk - Town of LaSalle

Email: [ljean@lasalle.ca](mailto:ljean@lasalle.ca)

Kristen Newman, Director of Legislative and Legal Services/Clerk - Town of Lakeshore

Email: [knewman@lakeshore.ca](mailto:knewman@lakeshore.ca)

Brenda Percy, Municipal Clerk/Manager of Legislative Services - Municipality of Leamington

Email: [bpercy@leamington.ca](mailto:bpercy@leamington.ca)

Laura Moy, Director of Corporate Services/Clerk - Town of Tecumseh

Email: [lmoy@tecumseh.ca](mailto:lmoy@tecumseh.ca)

Mary Birch, Director of Council and Community Services/Clerk -County of Essex

Email: [mbirch@countyofessex.ca](mailto:mbirch@countyofessex.ca)

Valerie Critchley, City Clerk – City of Windsor

Email: [clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)

Janice Hensel, Chief Administrative Officer/Clerk – Township of Pelee

[janice.hensel@pelee.ca](mailto:janice.hensel@pelee.ca)

SENT VIA EMAIL

May 5, 2021

**Re: Advocacy for Reform  
Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)**

Please be advised that the Council of The Corporation of the Municipality of Leamington, at its meeting held Tuesday, April 27, 2021 enacted the following resolution:

**No. C-119-21**

**Re: Advocacy for Reform - MFIPPA Legislation**

BE IT RESOLVED that the Council of the Municipality of Leamington has received Clerk's Department Report LLS-15-21 regarding Advocacy for Reform of Municipal Freedom of Information and Protection of Privacy Act ("MFIPPA"); and

That that the following motion be passed in support of a request to review and reform of MFIPPA:

WHEREAS MFIPPA dates back 30 years;

AND WHEREAS municipalities, including the Municipality of Leamington, practice and continue to promote open and transparent government operations, actively disseminate information and routinely disclose public documents upon request outside of the MFIPPA process;

AND WHEREAS government operations, public expectations, technologies, and legislation surrounding accountability and transparency have dramatically changed and MFIPPA has not advanced in line with these changes;

AND WHEREAS the creation, storage and utilization of records has changed significantly, and the municipal clerk of the Municipality is responsible for records and information management programs as prescribed by the Municipal Act, 2001;

AND WHEREAS regulation 823 under MFIPPA continues to reference antiquated

technology and does not adequately provide for cost recovery, and these financial shortfalls are borne by the municipal taxpayer;

AND WHEREAS the threshold to establish frivolous and/or vexatious requests is unreasonably high and allows for harassment of staff and members of municipal councils, and unreasonably affects the operations of the municipality;

AND WHEREAS MFIPPA fails to recognize how multiple requests from an individual, shortage of staff resources or the expense of producing a record due to its size, number or physical location does not allow for time extensions to deliver requests and unreasonably affects the operations of the municipality;

AND WHEREAS the name of the requestor is not permitted to be disclosed to anyone other than the person processing the access request, and this anonymity is used by requesters to abuse the MFIPPA process and does not align with the spirit of openness and transparency embraced by municipalities;

AND WHEREAS legal professionals use MFIPPA to gain access to information launch litigation against institutions, where other remedies exist;

AND WHEREAS there are limited resources to assist administrators or requestors to navigate the legislative process;

AND WHEREAS reform is needed to address societal and technological changes in addition to global privacy concerns and consistency across provincial legislation;

BE IT RESOLVED THAT the Ministry of Government and Consumer Services be requested to review MFIPPA, and consider recommendations as follows:

1. That MFIPPA assign the municipal clerk, or designate to be the Head under the Act;
2. That MFIPPA be updated to address current and emerging technologies;
3. That MFIPPA regulate the need for consistent routine disclosure practices across institutions;
4. That the threshold for frivolous and/or vexatious actions be reviewed, and take into consideration the community and available resources in which it is applied;
5. That the threshold for frivolous and/or vexatious also consider the anonymity of requesters, their abusive nature and language in requests to ensure protection from harassment as provided for in Occupational Health and Safety Act;
6. That the application and scalability of fees be designed to ensure taxpayers are protected from persons abusing the access to information process;

7. That administrative practices implied or required under MFIPPA, including those of the Information and Privacy Commissioner, be reviewed and modernized;
8. That the integrity of MFIPPA be maintained to protect personal privacy and transparent governments.

**Carried**

Sincerely,  
Brenda M. Percy, Clerk

cc: Rick Nicholls, MPP Chatham Kent - Leamington  
Dave Epp, MP Chatham Kent - Leamington  
Minister of Consumer Services  
Information and Privacy Commissioner of Ontario  
Association of Municipalities of Ontario  
Association of Clerks and Treasurers of Ontario  
Ontario Clerks

**From:** [noreply@esolutionsgroup.ca](mailto:noreply@esolutionsgroup.ca)  
**To:** [Sweet, Doug](#)  
**Subject:** New Community Flag Request Response Completed for Rector, [REDACTED]  
**Date:** Monday, May 31, 2021 11:18:38 AM

---

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello,

Please note the following response to ##COMMUNITY GROUP NAME## has been submitted at Monday May 31st 2021 11:17 AM with reference number 2021-05-31-064.

- **Community Group Name?**  
St Paul's Anglican Church
- **Authorized Agent Full Name?**  
Reverend Chris Brouillard-Coyle
- **Authorized Agent Title/Position within Community Group?**  
Rector
- **Contact Phone Number of Authorized Agent?**  
[REDACTED]
- **Contact Email of Authorized Agent?**  
[REDACTED]
- **Name of Community Group Event or Celebration?**  
Pride weekend (August 6-8)
- **Date of Community Group Event or Celebration?**  
8/5/2021
- **Does your Community Group plan to have a public ceremony on the date requested above?**  
Yes

[This is an automated email notification -- please do not respond]

**From:** [noreply@esolutionsgroup.ca](mailto:noreply@esolutionsgroup.ca)  
**To:** [Sweet, Doug](#)  
**Subject:** New Community Flag Request Response Completed for Education Co ordinator, [REDACTED]  
**Date:** Monday, May 31, 2021 11:23:38 AM

---

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello,

Please note the following response to ##COMMUNITY GROUP NAME## has been submitted at Monday May 31st 2021 11:22 AM with reference number 2021-05-31-065.

- **Community Group Name?**  
Trans Wellness Ontario
- **Authorized Agent Full Name?**  
Sydney Brouillard-Coyle
- **Authorized Agent Title/Position within Community Group?**  
Education Co ordinator
- **Contact Phone Number of Authorized Agent?**  
[REDACTED]
- **Contact Email of Authorized Agent?**  
[REDACTED]
- **Name of Community Group Event or Celebration?**  
Transgender Day of Remembrance
- **Date of Community Group Event or Celebration?**  
11/19/2021
- **Does your Community Group plan to have a public ceremony on the date requested above?**  
Yes

[This is an automated email notification -- please do not respond]



## **Essex Police Services Board (EPSB)**

Regular Meeting Minutes

Thursday, April 1<sup>st</sup>, 2021 - 4:30 PM

Location: This meeting is being held electronically via Zoom

Accessible formats or communication supports are available upon request.

Please contact the Recording Secretary at [saubin@essex.ca](mailto:saubin@essex.ca) or 519-776-7336 extension 1128

Present: Councillor Kim Verbeek, Chair  
Katie McGuire Blais, Vice Chair  
Richard Tapping  
Councillor Morley Bowman  
Karen Robertson

Also Present: A/Staff Sergeant Todd Lavigne  
Sergeant Mike Bradley  
Chris Nepszy, Chief Administrative Officer  
Doug Sweet, Director, Community Services/  
Deputy CAO  
Sarah Aubin, Recording Secretary

Regrets: Inspector Glenn Miller

### **1. Call to Order**

The Chair called the meeting to order at 4:41 p.m.

## **2. Closed Meeting Report**

## **3. Declarations of Conflict of Interest**

There were no declaration of conflict interest noted at this time

## **4. Adoption of Published Agenda**

**4.1** Essex Police Service Board Regular Meeting Agenda for April 1<sup>st</sup>, 2021

### **EPSB-21-04-16**

Moved by Katie McGuire-Blais, Vice Chair

Seconded by Councillor Bowman

**That** the published agenda for the April 1<sup>st</sup> 2021 Essex Police Service Board regular meeting be adopted as presented.

**Carried**

## **5. Adoption of Minutes**

**5.1** Essex Police Service Board Regular Meeting Minutes for March 4, 2021

### **EPSB-21-04-17**

Moved by Karen Robertson

Seconded by Councillor Bowman

**That** the minutes of the March 4, 2021 Essex Police Service Board Regular Meeting be adopted as circulated.

**Carried**

## **6. Public Presentations**

None

## **7. Unfinished Business**

## **8. Reports and Announcement from Committee Members**

No reports or announcements noted at this time.

## **9. Reports from Administration**

### **9.1 Monthly Reports**

#### **February**

- 9.1.2 Police Services Board Report for Essex
- 9.1.3 Police Services Board Monthly Overview February 2021
- 9.1.4 Windsor and Essex County Crime Stoppers Report

#### **EPSB-21-04-18**

Moved by Karen Robertson

Seconded by Councillor Bowman

That the Reports listed in Agenda Item 9.1 be received.

**Carried**

Sergeant Bradley advised the members that there were 27 Property checks completed in February 2021 and stated that 18 were Businesses, 6 Parks and Schools and 3 Property Checks in the Colchester area.

There were 26 Motor Vehicle Collisions, 12 Property Damage, 5 Deer, 4 Non Reportable, 3 Personal, 2 fail to remain on scene.

21 Traffic Enforcements, 5 of which were from the 3<sup>rd</sup> Concession.

He advised that traffic stops were down due to weather. He advised that Mental Health responses were up. He stated that due to COVID, the Lockdown and No access to friends and family has truly weighted heavy on mental health.

Chair Councillor Verbeek questioned if the numbers were increased due to the new Youth Unit that was started within the O.P.P. detachment.

Sergeant Bradley stated that yes that could be the reason. He advised that there are now three mental health teams within the County. He advised that all three units have Nurses and Councillors riding with the officers to help assist residents on site.

Sergeant Lavigne advised the members that there were a few items that he would like discuss. He stated that Constable Kim Grey was dropping books off for the community

with Councillor Bondy the previous weekend, and that he would like to recognize the two officers who purchased a bike for a little boy that had his bike stolen. He stated that they do not want their names released however he would like to thank them for their generosity.

Sergeant Bradley advised that his tenor has ended with the Town of Essex and that he is returning to Chatham-Kent.

Chair Councillor Verbeek thanked him for his service.

## **9.2 Partnership Request – Ontario Association of Police Service Board 2021 Spring Conference and AGM Member Sponsorship Opportunity**

### **EPSB-21-04-19**

Moved by Councillor Bowman

Seconded by Katie McGuire Blais, Vice Chair

**That** the committee allocate \$500 to sponsor the 2021 OAPSB Spring Conference & AGM to be funded from the Police Services Board operating budget.

**Carried**

## **10. Correspondence**

### **10.1 Information Purposes Only**

**10.1.1** 21-0021 In Force Date of Changes to Custody and Access Terminology in Family Law

**10.1.2** 21-0021 Changes to Custody and Access Terminology in Family Law coming into force on March 1, 2021

**10.1.3** 21-0022- Amendments to Orders under the Reopening Ontario Act and the Extension of Orders under the Emergency Management and Civil Protection Act

**10.1.3** 21-0023-Phase 1 COVID-19 Vaccinations for Frontline Police Officers

**10.1.4** 21-0024- Amendments to Orders under the Reopening Ontario Act

**10.1.5** 21-0025-Phase 1 COVID-19 Vaccinations for Special Constables

**10.1.6** 21-0027-Cargo Power-Assisted Bicycles (cargo E-bikes) Pilot Project

**10.1.7** 21-0027 -New Pilot Project Regulation under the Highway Traffic Act to Permit Cargo Power-Assisted Bicycles (also known as Cargo E-bikes) on Ontario's Roads

**10.1.8** 21-0029-Storage of Used Personal Protective Equipment

**10.1.9** 21-0030-New COVID Border Testing Orders under the Quarantine Act

### **EPSB-04-20**

Moved by Richard Tapping

Seconded by Karen Webber

That the Reports listed in Agenda Item 10.1 be received.

**Carried**

## **11. New Business**

### **11.1 Precision Motorcycle Team: Golden Helmets**

Chair Councillor Verbeek advised the members that the Precision Motorcycle Team: Golden Helmets is an O.P.P. group made up of officers from all over Ontario who ride their motorcycles and specialize in precision motorcycle riding. She advised that she would like to bring the team to the Town of Essex for an event.

Councillor Bowman stated that he has seen the Golden Helmets and states they would be great added item to one of the Towns current events it would be great! He stated that the target date should be 2022.

Chair Councillor Verbeek asked Sergeant Lavigne if the Golden Helmets require to be partnered with another event.

Sergeant Todd Lavigne stated that it can be standalone event or paired with another event.

Doug Sweet, Deputy CAO stated that administration can start the application process and advised that it can be standalone event as it is another opportunity to bring the community together in a safe and positive way.

### **EPSB-04-21**

Moved by Councillor Morley Bowman

Seconded by Karen Webber

That administration submit an application to the Precision Motorcycle Team: Golden Helmets to host a COVID safe event summer 2021 / 2022.

**Carried**

## **12. Announcements / Notices of Motion**

## **13. Adjournment**

### **EPSB-04-22**

Moved by Karen Robertson

Seconded by Katie McGuire-Blais

**That** the meeting be adjourned at 5:12 p.m.

## **14. Future Meetings**

**14.1** May 6, 2021, at 4:30 PM, Location: Electronic Meeting

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Chair

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Recording Secretary



## Committee of Adjustment Meeting Minutes

April 20 2021, 4:00 PM

Location: Electronic Meeting

Accessible formats or communication supports are available upon request. Please contact the Planning Department at [essexplanning@essex.ca](mailto:essexplanning@essex.ca) or 519-776-7336 extension 1128

Present: Percy Dufour, Chair  
Brain Gray, Co-Chair  
Phil Pocock, Committee Member  
Ray Beneteau, Committee Member

Also Present: Corinne Chiasson, Secretary Treasurer / Assistant Planner  
Rita Jabbour, Manager Planning Services  
Lori Chadwick, Director Development Services  
Shelley Brown, Deputy Clerk

Regrets: Sarah Aubin, Recording Secretary / Planning Assistant

Absent: None

### 1. Call to Order

The Co-Chair called the meeting to order at 4:10 PM

### 2. Declarations of Conflict of Interest

There were not declaration of conflicts of interest noted at this time

### 3. Adoption of Published Agenda

#### 3.1 Committee of Adjustment Meeting Agenda for April 20 2021

##### COA21-04-18

Moved by Ray Beneteau  
Seconded by Phil Pocock

Item 6.7 application B-08-21 and item 6.8 application A-07-21 be heard prior to item 6.5 application B-07-21 and item 6.6 application A-06-21 Albert Jeffrey (Agent Kenneth Derbyshire) 5342 5<sup>th</sup> Concession Colchester South, Ward 3.

**That** the published agenda for the April 20<sup>th</sup> 2021 April Meeting be adopted as amended

**Carried**

#### 4. Adoption of Minutes

##### 4.1 Committee of Adjustment Meeting Minutes for March 16 2021

###### COA21-04-19

Moved by Percy Dufour

Seconded by Phil Pocock

**That** the minutes of the Committee of Adjustment Meeting held March 16 2021 be adopted as circulated.

#### 5. Unfinished Business

#### 6. Reports from Administration / Applications

##### 6.1 Corinne Chiasson, Assistant Planner RE:

###### **Application B-05-21 Fernando & Maria Pedro 2430 County Road 20 Colchester South, Ward 3**

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 2430 County Road 20 in the former township of Colchester South. The applicants are proposing to sever a  $\pm$  1.35 acre parcel from the existing  $\pm$  4.29 acre dual zoned Residential1.3 (R1.1) and Agricultural 1.1 (A1.1) lot. The applicant is proposing this consent for lot creation.

**Note:** An application for minor variance has also been received for the subject lands (**File Number: A-04-21**). The public notice for the minor variance application has been included with this notice

###### **6.1.1. Public Presentations (if any)**

**Official Plan Designation:** "Rural Residential" and "Agricultural"

**Zoning Category:** "Residential District 1.3 (R1.3)" – Rural residential - Low density residential in agricultural areas, and "Agricultural 1.1 (A1.1)" - general agriculture and farm production support activities

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 2430 County Road 20 in the former township of Colchester South. The applicants are proposing to sever a  $\pm$  1.35 acre parcel from the existing  $\pm$  4.29 acre parcel. The property is dual zoned Residential1.3 (R1.1) and Agricultural 1.1 (A1.1). The applicants are proposing this consent for lot creation within the "Rural Residential" designation portion of the lot, however due to the location of an existing accessory structure, the applicants are asking for the new lot to extend into the agricultural zone in order for the structure to remain with the existing dwelling.

Proposal Conformity with Town of Essex Official Plan Policies

In accordance with section 6.4 of the Official Plan, in considering an application for consent, the Committee of Adjustment should also have regard to:

*a) the proposal's consistency with Provincial legislation, policies and guidelines:*

Section 1.1.5.2 c) states that residential development, including lot creation, that is locally appropriate, is permitted on rural lands. Section 2.3.4 of the PPS states that lot creation in prime agricultural areas is discouraged. This property is located within both a rural residential area, and classified as a prime agricultural area. The majority of the proposed lot will however be situated within the "residential" designation, and the retained lot has not been utilized for agricultural purposes or cultivation. The location of this site is also just outside of the urban settlement area of Harrow. This area of rural residential and agricultural combined lots were identified historically as "Rural Residential" under the pre-amalgamation Harrow Official Plan. The PPS does permit lot adjustments within prime agricultural areas for legal or technical reasons. Extending the lot line into the agricultural zone can be considered as a technical reason for the lot adjustment.

*b) The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:*

The current Town of Essex Official Plan identifies this property as containing both a "Rural Residential" designation (south side) and an "Agricultural" designation (north side). The Official Plan policies encourage infilling within existing areas designated "Residential". Single detached dwellings are permitted uses in areas designated "Rural Residential" if the proposal meets the criteria for land severance policies of the Official Plan and PPS. The majority of the new lot area will be within the identified "Rural Residential" designation. The proposal can satisfy the consent policies of the Official Plan for size required for adequate services.

*c) The continuation of an orderly development pattern:*

The proposed lot compares in size and use to the residential lot located directly west of the subject lands. The areas west and east of this property, contain the same dual zone combination (rural residential/agricultural) with a typical narrow frontage along County Road 20, with a significant depth distance. These properties are located in a transitional zone between the rural agricultural areas and just outside the settlement boundary of the dense residential and industrial areas of Harrow. This proposal will meet the minimum lot size provisions required for a Residential 1.3 Zone.

*d) The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction:*

The proposed lot has an existing service connection to municipal water, and contains a private septic system. A septic system test will be required as condition of Consent approval. Storm water from this property is directed to the County Road 20 drain. Installation of a new access culvert for the retained lot, will be a requirement of Consent approval, and will be to the satisfaction of the County of Essex.

**Actions:**

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:
  - a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
  - b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
  - c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
  - d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
  - e) That the applicant pay the applicable parkland dedication fee in the amount of \$1250.00 in accordance with Town of Essex Policy No. 899-11-324 to be charged against the lot created by consent and that the payment be made prior to the stamping of the deeds and/or issuance of the certificate;
  - f) That an access culvert be installed to the satisfaction of the County of Essex.
  - g) That a septic test report be completed and filed with the municipality by a Certified Septic System Installer confirming that the septic system(s) meet Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the certificate;
  - h) That, prior to the granting of this consent, the corresponding variance be granted by the Committee of Adjustment to accommodate the reduction in minimum farm lot area.
  - i) That all of the above conditions be fulfilled on or before April 20, 2022.

**Requirement for Minor Variance: A-04-21**

As a result of the Consent application, relief from the agricultural lot size provision is required. The applicants wish to sever the existing dwelling and outbuilding, from the remaining parcel of vacant land. The majority of the proposed severance lies

within the rural residential zone but encroaches into the Agricultural Zone by approximately 73.76 metres (242 feet) to accommodate the applicants request to keep the accessory building with the dwelling lot. In accordance with Zoning By-law 1037, the minimum lot area within the Agricultural District 1.1 (A1.1) is 40 ha (100 acres) or as existing. Therefore, the severed and retained parcels will be reduced to  $\pm 1.35$  acres, and  $\pm 2.94$  acres respectively.

#### Proposal Conformity with Town of Essex Official Plan Policies

As per section 9.8 of the Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

a) *The general intent of this Plan and the Zoning Bylaw are maintained:* The Town of Essex Official Plan (OP) permits the creation of new lots within the residential designation when in accordance with the provisions of the Provincial Policy Statement (PPS), and the severance policies of the OP. In accordance with the Town OP, the proposed severed and retained lots will have access to County Road 20, municipal services, and are of a size sufficient to accommodate septic services acceptable to the Town. This application meets the criteria for lot creation in a rural residential designation.

b) *The variance(s) is minor and desirable for the appropriate use of the land:* Lots in the R1.3 zoning district vary greatly in lot area. The majority of the lot will be located within the Rural Residential designation and zoning district. The subject lot has not been utilized for agricultural production, and currently is planted in trees and grassed areas.

c) *The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:* The proposed new lot will compare in size to several lots located just west of the subject lands. Lot sizes in this area vary greatly, (some are long and skinny – many created some time ago) and the retained lot will require one new access bridge. No parking or traffic concerns were received from the County of Essex or Town of Essex Infrastructure Services.

d) *The variance deals with circumstances particular to the site and development:* The variance is necessary to accommodate the encroachment of the new lot into the Agricultural Zone, which will therefore reduce the agricultural portion's lot size. The dwelling, accessory structure and accompanying infrastructure are all existing on the severed lot. A new access culvert will be required for the retained parcel as a condition of the severance application. The County of Essex has confirmed that a new culvert would be permitted for the retained lot, subject to the necessary approvals and engineers report.

#### Agency and Public Comments

As a result of the giving of public notice, no phone calls or written correspondence have been received from members of the public as of April 16, 2021.

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections, however noted that a permit may be required for any works within the vicinity of the regulated Bassett Drain.

Comments were received from Mr. Kevin Carter, Manager of Building Services/Chief Building Official, he stated that approval be conditional on the septic system complying with Part 8 of the Ontario Building code.

Comments were received from the County of Essex stating: The minimum setback for any proposed structures on this property must be 110 feet from the centre of the original ROW of County Road 20 as this property fronts a Municipal Drain. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures. They further requested a copy of the Decision and revised survey plan once registered to update their mapping records.

No comments were received from circulated internal agencies as of April 16, 2021.

**Actions: To be determined by the Committee.**

**Essex Region Conservation Authority Comments from Vitra Vimalananthan, Resource Manager**

The following is provided as a result of our review of Application for Consent B-05-21 and Minor Variance A-04-21. The applicants are proposing to sever a + 1.35 acre parcel from the existing + 4.29 acre dual zoned Residential1.3 (R1.1) and Agricultural 1.1 (A1.1) lot. In accordance with Zoning By-law 1037, the minimum lot area within the Agricultural District 1.1 (A1.1) is 40 ha (100 acres) or as existing. As a result the severance application, the severed and retained parcels will be reduced to +1.35 acres, and + 2.94 acres respectively.

**DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT**

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Bassett Drain. The property owner will be required to obtain a Permit

and/or Clearance from the Essex Region Conservation Authority prior to any future construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.

#### **WATERSHED BASED RESOURCE MANAGEMENT AGENCY**

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

#### **SECTION 1.6.6.7 Stormwater Management (PPS, 2020)**

Our office has reviewed the proposal and has no concerns relating to stormwater management.

#### **PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020**

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the Planning Act. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

We note that the subject property is adjacent to (within 120 m of) a natural heritage feature that may meet the criteria for significance under the PPS. Section 2.1.8 of the PPS, 2020 states – “Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5 and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.”

Our information indicates that the subject property may support habitat of endangered species and threatened species. As per Section 2.1.7 of the PPS, 2020 – “Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements”. All species listed as endangered or threatened (aquatic species, plants, mammals, birds, reptiles, amphibians, etc.) as well as their related habitats, are protected under the Ontario Endangered Species Act. Prior to initiating any proposed works on this property, it is the proponent’s responsibility to contact the Species at Risk Branch of the Ontario Ministry of Environment, Conservation & Parks (MECP) to ensure all issues related to the Endangered Species Act are addressed. All inquiries regarding the Endangered Species Act should be made with Permissions and Compliance Section of the MECP (e-mail address: SAROntario@ontario.ca).

#### **FINAL RECOMMENDATION**

With the review of background information and aerial photograph, ERCA has no objection to the Minor Variance and Consent.

**Discussion:**

Corinne Chiasson, Secretary Treasurer explains the application

Ray Beneteau, stated that he understands that creating a new lot in agricultural areas are not permitted.

Corinne Chiasson, advised that the subject property is dual zoned and therefor permitted to be severed for lot creation.

He asked if there was access to the rear of the property to farm the agricultural area.

She stated that the rear of the property abuts onto an industrial parcel and therefor has no access to the agricultural area.

Rita Jabbour advised that the Provincial Policy Statement states that severances for lot creation are not permitted in prime agricultural lands. She continued to state that the subject parcel is not within the prime agricultural lands area and therefor is permitted under the Provincial Policy Statement and the Town of Essex Official Plan. She stated that the property is unique in nature with the dual zoning.

Phil Pocock asked if the proposed dwelling on the severed parcel will be on the agricultural property or the residential.

Eugenia Prado, applicant, advised that the dwelling to be erected will be in front of the driveway area on the severed lot.

Percy Dufour, asked if farm animals are permitted on the subject parcel as well as the agricultural accessory structures on the subject property. He stated his concern is that the proposed buyers can purchase the property and have farm animals and accessory structures placed on the subject property without proper setbacks to meet the needs of the residential zoning in the front of the subject property.

Rita advised that due to the zoning farm animals and accessory structures are permitted and are required to meet the setback requirements.

**COA21-04-20**

Moved by Percy Dufour

Seconded by Phil Pocock

**That** application B-04-21 be **granted** severe a  $\pm$  1.35 acre parcel from the existing  $\pm$  4.29 acre parcel. The purposes is to create one new lot within the rural residential designation.

**Carried**

**Reason for Decision:** The Application **is** in keeping with subsection 6.4 of the Town of Essex Official Plan respecting consents and subsection 6.5 Consents in Areas Designated "Agricultural".

**Actions:**

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) That the applicant pay the applicable parkland dedication fee in the amount of \$1250.00 in accordance with Town of Essex Policy No. 899-11-324 to be charged against the lot created by consent and that the payment be made prior to the stamping of the deeds and/or issuance of the certificate;
- f) That an access culvert be installed to the satisfaction of the County of Essex.
- g) That a septic test report be completed and filed with the municipality by a Certified Septic System Installer confirming that the septic system(s) meet Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the certificate;
- h) That, prior to the granting of this consent, the corresponding variance be granted by the Committee of Adjustment to accommodate the reduction in minimum farm lot area.
- i) That all of the above conditions be fulfilled on or before April 20, 2022.

## **6.2 Corinne Chiasson, Assistant Planner RE:**

### **Application A-04-21 Fernando & Maria Pedro 2430 County Road 20 Colchester South, Ward 3**

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 2430 County Road 20 in the former township of Colchester South. The subject property contains two zoning categories: Residential R1.3 located on the southern portion, and Agricultural District 1.1 on the northern portion. The applicants wish to sever the existing dwelling and outbuildings, from the remaining parcel of land (vacant). In accordance with Zoning By-law 1037, the minimum lot area within the Agricultural District 1.1 (A1.1) is 40 ha (100 acres) or as

existing. As a result of the severance application, the severed and retained parcels will be reduced to  $\pm 1.35$  acres, and  $\pm 2.94$  acres respectively

**Note:** An application for consent has also been received for the subject lands (**File Number: B-05-21**). The public notice for the consent application has been included with this notice.

#### **6.2.1. Public Presentations (if any)**

**Official Plan Designation:** "Rural Residential" and "Agricultural"

**Zoning Category:** "Residential District 1.3 (R1.3)" – Rural residential - Low density residential in agricultural areas, and "Agricultural 1.1 (A1.1)" - general agriculture and farm production support activities

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 2430 County Road 20 in the former township of Colchester South. The applicants are proposing to sever a  $\pm 1.35$  acre parcel from the existing  $\pm 4.29$  acre parcel. The property is dual zoned Residential 1.3 (R1.1) and Agricultural 1.1 (A1.1). The applicants are proposing this consent for lot creation within the "Rural Residential" designation portion of the lot, however due to the location of an existing accessory structure, the applicants are asking for the new lot to extend into the agricultural zone in order for the structure to remain with the existing dwelling.

#### Proposal Conformity with Town of Essex Official Plan Policies

In accordance with section 6.4 of the Official Plan, in considering an application for consent, the Committee of Adjustment should also have regard to:

*e) the proposal's consistency with Provincial legislation, policies and guidelines:*

Section 1.1.5.2 c) states that residential development, including lot creation, that is locally appropriate, is permitted on rural lands. Section 2.3.4 of the PPS states that lot creation in prime agricultural areas is discouraged. This property is located within both a rural residential area, and classified as a prime agricultural area. The majority of the proposed lot will however be situated within the "residential" designation, and the retained lot has not been utilized for agricultural purposes or cultivation. The location of this site is also just outside of the urban settlement area of Harrow. This area of rural residential and agricultural combined lots were identified historically as "Rural Residential" under the pre-amalgamation Harrow Official Plan. The PPS does permit lot adjustments within prime agricultural areas for legal or technical reasons. Extending the lot line into the agricultural zone can be considered as a technical reason for the lot adjustment.

*f) The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:*

The current Town of Essex Official Plan identifies this property as containing both a "Rural Residential" designation (south side) and an "Agricultural" designation (north side). The Official Plan policies encourage infilling within existing areas designated "Residential". Single detached dwellings are permitted uses in areas designated "Rural Residential" if the proposal meets the criteria for land severance policies of the Official Plan and PPS. The majority of the new lot area will be within the identified "Rural Residential" designation. The proposal can satisfy the consent policies of the Official Plan for size required for adequate services.

g) *The continuation of an orderly development pattern:*

The proposed lot compares in size and use to the residential lot located directly west of the subject lands. The areas west and east of this property, contain the same dual zone combination (rural residential/agricultural) with a typical narrow frontage along County Road 20, with a significant depth distance. These properties are located in a transitional zone between the rural agricultural areas and just outside the settlement boundary of the dense residential and industrial areas of Harrow. This proposal will meet the minimum lot size provisions required for a Residential 1.3 Zone.

h) *The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction:*

The proposed lot has an existing service connection to municipal water, and contains a private septic system. A septic system test will be required as condition of Consent approval. Storm water from this property is directed to the County Road 20 drain. Installation of a new access culvert for the retained lot, will be a requirement of Consent approval, and will be to the satisfaction of the County of Essex.

**Actions:**

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been

paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;

d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;

e) That the applicant pay the applicable parkland dedication fee in the amount of \$1250.00 in accordance with Town of Essex Policy No. 899-11-324 to be charged against the lot created by consent and that the payment be made prior to the stamping of the deeds and/or issuance of the certificate;

f) That an access culvert be installed to the satisfaction of the County of Essex.

g) That a septic test report be completed and filed with the municipality by a Certified Septic System Installer confirming that the septic system(s) meet Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the certificate;

h) That, prior to the granting of this consent, the corresponding variance be granted by the Committee of Adjustment to accommodate the reduction in minimum farm lot area.

i) That all of the above conditions be fulfilled on or before April 20, 2022.

**Requirement for Minor Variance: A-04-21**

As a result of the Consent application, relief from the agricultural lot size provision is required. The applicants wish to sever the existing dwelling and outbuilding, from the remaining parcel of vacant land. The majority of the proposed severance lies within the rural residential zone but encroaches into the Agricultural Zone by approximately 73.76 metres (242 feet) to accommodate the applicants request to keep the accessory building with the dwelling lot. In accordance with Zoning By-law 1037, the minimum lot area within the Agricultural District 1.1 (A1.1) is 40 ha (100 acres) or as existing. Therefore, the severed and retained parcels will be reduced to  $\pm 1.35$  acres, and  $\pm 2.94$  acres respectively.

**Proposal Conformity with Town of Essex Official Plan Policies**

As per section 9.8 of the Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

a) *The general intent of this Plan and the Zoning Bylaw are maintained:* The Town of Essex Official Plan (OP) permits the creation of new lots within the residential designation when in accordance with the provisions of the Provincial Policy Statement (PPS), and the severance policies of the OP. In accordance with the Town OP, the proposed severed and retained lots will have access to County Road 20, municipal services, and are of a size sufficient to accommodate septic services acceptable to the

Town. This application meets the criteria for lot creation in a rural residential designation.

b) *The variance(s) is minor and desirable for the appropriate use of the land:* Lots in the R1.3 zoning district vary greatly in lot area. The majority of the lot will be located within the Rural Residential designation and zoning district. The subject lot has not been utilized for agricultural production, and currently is planted in trees and grassed areas.

c) *The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:* The proposed new lot will compare in size to several lots located just west of the subject lands. Lot sizes in this area vary greatly, (some are long and skinny – many created some time ago) and the retained lot will require one new access bridge. No parking or traffic concerns were received from the County of Essex or Town of Essex Infrastructure Services.

d) *The variance deals with circumstances particular to the site and development:* The variance is necessary to accommodate the encroachment of the new lot into the Agricultural Zone, which will therefore reduce the agricultural portion's lot size. The dwelling, accessory structure and accompanying infrastructure are all existing on the severed lot. A new access culvert will be required for the retained parcel as a condition of the severance application. The County of Essex has confirmed that a new culvert would be permitted for the retained lot, subject to the necessary approvals and engineers report.

#### Agency and Public Comments

As a result of the giving of public notice, no phone calls or written correspondence have been received from members of the public as of April 16, 2021.

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections, however noted that a permit may be required for any works within the vicinity of the regulated Bassett Drain.

Comments were received from Mr. Kevin Carter, Manager of Building Services/Chief Building Official, he stated that approval be conditional on the septic system complying with Part 8 of the Ontario Building code.

Comments were received from the County of Essex stating: The minimum setback for any proposed structures on this property must be 110 feet from the centre of the original ROW of County Road 20 as this property fronts a Municipal Drain. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures. They further requested a copy of the Decision and revised survey plan once registered to update their mapping records.

No comments were received from circulated internal agencies as of April 16, 2021.

**Actions: To be determined by the Committee.**

**Essex Region Conservation Authority Comments from Vitra Vimalananthan,  
Resource Planner**

The following is provided as a result of our review of Application for Consent B-05-21 and Minor Variance A-04-21. The applicants are proposing to sever a + 1.35 acre parcel from the existing + 4.29 acre dual zoned Residential1.3 (R1.1) and Agricultural 1.1 (A1.1) lot. In accordance with Zoning By-law 1037, the minimum lot area within the Agricultural District 1.1 (A1.1) is 40 ha (100 acres) or as existing. As a result the severance application, the severed and retained parcels will be reduced to +1.35 acres, and + 2.94 acres respectively.

**DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN  
NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE  
CONSERVATION AUTHORITIES ACT**

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Bassett Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any future construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.

**WATERSHED BASED RESOURCE MANAGEMENT AGENCY**

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

**SECTION 1.6.6.7 Stormwater Management (PPS, 2020)**

Our office has reviewed the proposal and has no concerns relating to stormwater management.

**PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL  
HERITAGE POLICIES OF THE PPS, 2020**

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the

Planning Act. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

We note that the subject property is adjacent to (within 120 m of) a natural heritage feature that may meet the criteria for significance under the PPS. Section 2.1.8 of the PPS, 2020 states – “Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5 and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.”

Our information indicates that the subject property may support habitat of endangered species and threatened species. As per Section 2.1.7 of the PPS, 2020 – “Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements”. All species listed as endangered or threatened (aquatic species, plants, mammals, birds, reptiles, amphibians, etc.) as well as their related habitats, are protected under the Ontario Endangered Species Act. Prior to initiating any proposed works on this property, it is the proponent’s responsibility to contact the Species at Risk Branch of the Ontario Ministry of Environment, Conservation & Parks (MECP) to ensure all issues related to the Endangered Species Act are addressed. All inquiries regarding the Endangered Species Act should be made with Permissions and Compliance Section of the MECP (e-mail address: SAROntario@ontario.ca).

## **FINAL RECOMMENDATION**

With the review of background information and aerial photograph, ERCA has no objection to the consent or minor variance

### **Discussion:**

Corinne Chiasson, Secretary Treasurer explains the application

### **COA21-04-21**

Moved by Percy Dufour

Seconded by Phil Pocock

**That** application A-04-21 be **granted** to accommodate a minimum lot area of 5.83 acres for the retained parcel

**Carried**

**Reason for Decision:** The Application **is** in keeping with the general intent and purpose of the Town of Essex Zoning Bylaw and the prescribed criteria for Minor Variances under subsection 9.8 of the Town of Essex Official Plan:

a) the general intent of this Plan and the Zoning By-law are maintained;

- b) the variance(s) is minor and desirable for the appropriate use of the land;
- c) the variance is compatible with the established character of the neighbourhood, traffic and parking patterns;
- d) the variance deals with circumstances particular to the site and development

### **6.3 Corinne Chiasson, Assistant Planner RE:**

#### **Application B-06-21 Frank & Carol Miller 1277 Gore Road Colchester South, Ward 3**

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 1277 Gore Road in the former township of Colchester South. The applicants are proposing to sever a  $\pm 1$  acre parcel from the existing  $\pm 81.82$  acre Agricultural 1.1 (A1.1) farm lot. The applicant is proposing this consent due to the existing dwelling being surplus to the needs of the farming operation.

**Note:** An application for minor variance has also been received for the subject lands (**File Number: A-05-21**). The public notice for the minor variance application has been included with this notice

#### **6.3.1. Public Presentations (if any)**

**Official Plan Designation:** "Agricultural"

**Zoning:** Agricultural District 1.1 (A1.1) – general agriculture and farm production support activities

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 1277 Gore Road in the former township of Colchester South (Ward 3). The applicants are proposing to sever a 1.0 acre parcel from the existing  $\pm 81.82$  acre farm lot. The retained agricultural lot will be reduced to  $\pm 80.82$  ha. The applicant wishes to sever this lot as it is considered surplus to the needs of the farming operation.

The severed parcel contains an existing single detached dwelling, and one farm outbuilding. Access to the severed lot and retained lots will continue to be by way of Gore Road.

#### Proposal Conformity with Provincial and Town of Essex Policies

The Provincial Policy Statement (PPS) defines a residence surplus to a farming operation as an existing habitable farm residence that is rendered surplus as a result of farm consolidation. Farm consolidation is defined as the acquisition of additional farm parcels to be operated as one (1) farm operation. The applicant owns other

agricultural operations, therefore this application for consent is consistent with the PPS policies for farm consolidation and severance of a surplus dwelling.

In accordance with Town of Essex Official Plan policies relating to consents in areas designated "Agricultural", one (1) lot creating consent will be permitted for a surplus dwelling on the condition that:

a) *No new dwelling will be permitted on the retained farm parcel:* A restricted development layer will be applied to the property upon provisional consent approval on the Town's Geographic Information System (GIS);

b) *The size of the surplus dwelling lot should not be greater than one (1) hectare, however, the choice of consolidating outbuildings with the surplus dwelling will also be considered when the size and boundaries of the surplus dwelling lot are determined and approved by consent:*

the size of the proposed surplus dwelling lot will not exceed one (1) hectare and the accessory structure will be kept with the main use dwelling;

c) *the lot to be created has provision for sewage disposal, a potable water supply and stormwater management systems satisfactory to the Town and other statutory approval authority having jurisdiction:* the surplus dwelling lot has access to municipal water and road side swales. A condition of this consent will be that the owner confirms with the Building Department that the septic system satisfies Part 8 of the Ontario Building Code (OBC);

d) *the severed dwelling lot will satisfy Minimum Distance Separation 1 (MDS 1) provisions of the Official Plan:* the lot to be severed contains an existing dwelling. No additional dwellings will be permitted on this lot. No livestock facilities will be impacted by the proposed development;

e) *the severed dwelling lot has frontage on a public road:* the severed dwelling lot has frontage on Gore Road, a public road which is owned and assumed by the Town of Essex.

f) *the surplus dwelling is in habitable condition, as determined by the Town or certified by a qualified building inspector:* no objections to the application were received from the Building Department

**Actions:**

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:

a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;

- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) That a septic test report be completed and filed with the municipality by a Certified Septic System Installer confirming that the septic system(s) meet Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the certificate;
- f) That, prior to the granting of this consent, the requested variance should be granted by the Committee of Adjustment to accommodate the reduction in minimum lot area for the retained and severed parcel.
- g) That all of the above conditions be fulfilled on or before April 20, 2022.

**Requirement for Minor Variance A-05-21**

An application for minor variance has also been received by the Town of Essex Committee of Adjustment for the lands located at 1277 Gore Road in the former township of Colchester South. In accordance with Zoning By-law 1037, the minimum lot area within the Agricultural District 1.1 (A1.1) is 40 ha (100 acres) or as existing and the minimum width required is 200 feet. As a result of a proposed severance for surplus dwelling, the lot area for the severed parcel is proposed to be 1 acre, and the retained lot will be  $\pm$  80.82 acres. The proposed width of the surplus lot will be 165 feet, therefore a variance of 35 feet is required.

**Proposal Conformity with Provincial and Town of Essex Policies**

As per section 9.8 of the Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

- a) *The general intent of this Plan and the Zoning Bylaw are maintained:* The Town of Essex Official Plan (OP) permits the creation of surplus dwelling lots when in accordance with the provisions of the Provincial Policy Statement (PPS). In accordance with the Town OP, the proposed surplus dwelling lot is of a size sufficient to accommodate septic services acceptable to the Town. This application meets the criteria for being considered surplus to the needs of the farming operation.

b) *The variance(s) is minor and desirable for the appropriate use of the land:* Lots in the A1.1 zoning district vary greatly in lot area. No new development is proposed on the severed or retained parcel;

c) *The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:* The dwelling and accompanying infrastructure are existing and there will be a prohibition against the construction of any new dwelling on the retained agricultural land.

d) *The variance deals with circumstances particular to the site and development:* The variance is necessary in order to accommodate a surplus dwelling application.

#### Agency and Public Comments

As a result of the giving of public notice, no phone calls or written correspondence have been received from members of the public as of April 16, 2021.

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections.

Comments were received from Mr. Kevin Carter, Manager of Building Services/Chief Building Official, he stated that approval be conditional on the septic system complying with Part 8 of the Ontario Building code.

No comments were received from circulated internal agencies as of April 16, 2021.

**Actions:** To be determined by the Committee

#### **Essex Region Conservation Authority Comments from Vitra Vimalananthan, Resource Planner**

The following is provided as a result of our review of Application for Consent B-06-21 and Minor Variance A-05-21. The applicant is proposing to sever a 1 acre parcel from the existing 81.82 acre Agricultural 1.1 (A1.1) farm lot and this severance will require a Minor Variance for the retained lot size as it would be under 100 acres.

#### **DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT**

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the Conservation Authorities Act). As a result, a permit is not required

from ERCA for issues related to Section 28 of the Conservation Authorities Act, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservations Authorities Act, (Ontario Regulation No. 158/06).

#### **WATERSHED BASED RESOURCE MANAGEMENT AGENCY**

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

#### **SECTION 1.6.6.7 Stormwater Management (PPS, 2020)**

Our office has reviewed the proposal and has no concerns relating to stormwater management.

#### **PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020**

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the Planning Act. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

The subject property is within, and/or is adjacent to (within 120 metres of), a natural heritage feature that is identified as a significant woodland under the Provincial Policy Statement (PPS).

Section 2.15 of the PPS states - Development and site alterations shall not be permitted in significant woodland...unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

We note that the subject property is adjacent to (within 120 m of) a natural heritage feature that may meet the criteria for significance under the PPS. Section 2.1.8 of the PPS, 2020 states –

“Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5 and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.”

Notwithstanding the above noted references to the PPS policies, we note that the purpose of this application for consent is to sever off a surplus dwelling lot only, and that there will be no change in land use. We also acknowledge that the retained lot will be subject to a re-zoning that will prohibit future dwellings on the subject parcel.

Based upon this, therefore it is our recommendation to the Municipality that a further demonstration of no negative impact is not required.

## **FINAL RECOMMENDATION**

With the review of background information and aerial photograph, ERCA has no objection to the Minor Variance and Consent.

### **Discussion:**

Corinne Chiasson, Secretary Treasurer explains the application

### **COA21-04-22**

Moved by Ray Beneteau

Seconded by Percy Dufour

**That** application B-06-21 be **granted** sever a  $\pm$  1.0 acre parcel from the existing  $\pm$  81.82 acre farm lot. The residence is deemed surplus to the needs of the farming operation and that a condition be added to Schedule A that states that the most southern barn on the severed parcel will be removed by the condition fulfilment date.

**Carried**

**Reason for Decision:** The Application **is** in keeping with subsection 6.4 of the Town of Essex Official Plan respecting consents and subsection 6.5 Consents in Areas Designated "Agricultural".

### **Actions:**

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) That a septic test report be completed and filed with the municipality by a Certified Septic System Installer confirming that the septic system(s) meet Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the certificate;

- f) That, prior to the granting of this consent, the requested variance should be granted by the Committee of Adjustment to accommodate the reduction in minimum lot area for the retained and severed parcel.
- g) That the most southern barn on the severed parcel will be removed by the condition fulfilment date.
- h) That all of the above conditions be fulfilled on or before April 20, 2022.

#### **6.4 Corinne Chiasson, Assistant Planner RE:**

##### **Application A-05-21 Frank & Carol Miller 1277 Gore Road Colchester South, Ward 3**

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 1277 Gore Road in the former township of Colchester South. In accordance with Zoning By-law 1037, the minimum lot area within the Agricultural District 1.1 (A1.1) is 40 ha (100 acres) or as existing. As a result of a proposed severance for surplus dwelling, the lot area for the severed parcel is proposed to be  $\pm 1$  acres, and the retained lot will be  $\pm 80.82$  acres.

**Note:** An application for consent has also been received for the subject lands (**File Number: B-06-21**). The public notice for the consent application has been included with this notice.

##### **6.4.1. Public Presentations (if any)**

**Official Plan Designation:** "Agricultural"

**Zoning:** Agricultural District 1.1 (A1.1) – general agriculture and farm production support activities

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 1277 Gore Road in the former township of Colchester South (Ward 3). The applicants are proposing to sever a 1.0 acre parcel from the existing  $\pm 81.82$  acre farm lot. The retained agricultural lot will be reduced to  $\pm 80.82$  ha. The applicant wishes to sever this lot as it is considered surplus to the needs of the farming operation.

The severed parcel contains an existing single detached dwelling, and one farm outbuilding. Access to the severed lot and retained lots will continue to be by way of Gore Road.

##### Proposal Conformity with Provincial and Town of Essex Policies

The Provincial Policy Statement (PPS) defines a residence surplus to a farming operation as an existing habitable farm residence that is rendered surplus as a result of

farm consolidation. Farm consolidation is defined as the acquisition of additional farm parcels to be operated as one (1) farm operation. The applicant owns other agricultural operations, therefore this application for consent is consistent with the PPS policies for farm consolidation and severance of a surplus dwelling.

In accordance with Town of Essex Official Plan policies relating to consents in areas designated "Agricultural", one (1) lot creating consent will be permitted for a surplus dwelling on the condition that:

a) *No new dwelling will be permitted on the retained farm parcel:* A restricted development layer will be applied to the property upon provisional consent approval on the Town's Geographic Information System (GIS);

b) *The size of the surplus dwelling lot should not be greater than one (1) hectare, however, the choice of consolidating outbuildings with the surplus dwelling will also be considered when the size and boundaries of the surplus dwelling lot are determined and approved by consent:*

the size of the proposed surplus dwelling lot will not exceed one (1) hectare and the accessory structure will be kept with the main use dwelling;

c) *the lot to be created has provision for sewage disposal, a potable water supply and stormwater management systems satisfactory to the Town and other statutory approval authority having jurisdiction:* the surplus dwelling lot has access to municipal water and road side swales. A condition of this consent will be that the owner confirms with the Building Department that the septic system satisfies Part 8 of the Ontario Building Code (OBC);

d) *the severed dwelling lot will satisfy Minimum Distance Separation 1 (MDS 1) provisions of the Official Plan:* the lot to be severed contains an existing dwelling. No additional dwellings will be permitted on this lot. No livestock facilities will be impacted by the proposed development;

e) *the severed dwelling lot has frontage on a public road:* the severed dwelling lot has frontage on Gore Road, a public road which is owned and assumed by the Town of Essex.

f) *the surplus dwelling is in habitable condition, as determined by the Town or certified by a qualified building inspector:* no objections to the application were received from the Building Department

**Actions:**

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:

a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan

prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;

b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;

c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;

d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;

e) That a septic test report be completed and filed with the municipality by a Certified Septic System Installer confirming that the septic system(s) meet Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the certificate;

f) That, prior to the granting of this consent, the requested variance should be granted by the Committee of Adjustment to accommodate the reduction in minimum lot area for the retained and severed parcel.

g) That all of the above conditions be fulfilled on or before April 20, 2022.

#### **Requirement for Minor Variance A-05-21**

An application for minor variance has also been received by the Town of Essex Committee of Adjustment for the lands located at 1277 Gore Road in the former township of Colchester South. In accordance with Zoning By-law 1037, the minimum lot area within the Agricultural District 1.1 (A1.1) is 40 ha (100 acres) or as existing and the minimum width required is 200 feet. As a result of a proposed severance for surplus dwelling, the lot area for the severed parcel is proposed to be 1 acre, and the retained lot will be  $\pm$  80.82 acres. The proposed width of the surplus lot will be 165 feet, therefore a variance of 35 feet is required.

#### **Proposal Conformity with Provincial and Town of Essex Policies**

As per section 9.8 of the Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

a) *The general intent of this Plan and the Zoning Bylaw are maintained:* The Town of Essex Official Plan (OP) permits the creation of surplus dwelling lots when in accordance with the provisions of the Provincial Policy Statement (PPS). In accordance with the Town OP, the proposed surplus dwelling lot is of a size sufficient to accommodate septic services acceptable to the Town. This application meets the criteria for being considered surplus to the needs of the farming operation.

b) *The variance(s) is minor and desirable for the appropriate use of the land:* Lots in the A1.1 zoning district vary greatly in lot area. No new development is proposed on the severed or retained parcel;

c) *The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:* The dwelling and accompanying infrastructure are existing and there will be a prohibition against the construction of any new dwelling on the retained agricultural land.

d) *The variance deals with circumstances particular to the site and development:* The variance is necessary in order to accommodate a surplus dwelling application.

#### Agency and Public Comments

As a result of the giving of public notice, no phone calls or written correspondence have been received from members of the public as of April 16, 2021.

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections.

Comments were received from Mr. Kevin Carter, Manager of Building Services/Chief Building Official, he stated that approval be conditional on the septic system complying with Part 8 of the Ontario Building code.

No comments were received from circulated internal agencies as of April 16, 2021.

**Actions:** To be determined by the Committee

#### **Essex Region Conservation Authority Comments from Vitra Vimalananthan, Resource Planner**

The following is provided as a result of our review of Application for Consent B-06-21 and Minor Variance A-05-21. The applicant is proposing to sever a 1 acre parcel from the existing 81.82 acre Agricultural 1.1 (A1.1) farm lot and this severance will require a Minor Variance for the retained lot size as it would be under 100 acres.

#### **DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT**

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the Conservation Authorities Act). As a result, a permit is not required

from ERCA for issues related to Section 28 of the Conservation Authorities Act, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservations Authorities Act, (Ontario Regulation No. 158/06).

#### **WATERSHED BASED RESOURCE MANAGEMENT AGENCY**

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

#### **SECTION 1.6.6.7 Stormwater Management (PPS, 2020)**

Our office has reviewed the proposal and has no concerns relating to stormwater management.

#### **PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020**

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the Planning Act. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

The subject property is within, and/or is adjacent to (within 120 metres of), a natural heritage feature that is identified as a significant woodland under the Provincial Policy Statement (PPS).

Section 2.15 of the PPS states - Development and site alterations shall not be permitted in significant woodland...unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

We note that the subject property is adjacent to (within 120 m of) a natural heritage feature that may meet the criteria for significance under the PPS. Section 2.1.8 of the PPS, 2020 states –

“Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5 and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.”

Notwithstanding the above noted references to the PPS policies, we note that the purpose of this application for consent is to sever off a surplus dwelling lot only, and that there will be no change in land use. We also acknowledge that the retained lot will be subject to a re-zoning that will prohibit future dwellings on the subject parcel.

Based upon this, therefore it is our recommendation to the Municipality that a further demonstration of no negative impact is not required.

## **FINAL RECOMMENDATION**

With the review of background information and aerial photograph, ERCA has no objection to the Minor Variance and Consent.

### **Discussion:**

Corinne Chiasson, Secretary Treasurer explains the application

### **COA21-04-23**

Moved by Ray Beneteau

Seconded by Phil Pocock

**That** application A-06-21 be **granted** To accommodate a minimum lot area of 5.83 acres for the retained parcel

**Carried**

**Reason for Decision:** The Application **is** in keeping with the general intent and purpose of the Town of Essex Zoning Bylaw and the prescribed criteria for Minor Variances under subsection 9.8 of the Town of Essex Official Plan:

- a) the general intent of this Plan and the Zoning By-law are maintained;
- b) the variance(s) is minor and desirable for the appropriate use of the land;
- c) the variance is compatible with the established character of the neighbourhood, traffic and parking patterns;
- d) the variance deals with circumstances particular to the site and development

## **6.5 Corinne Chiasson, Assistant Planner RE:**

### **Application B-08-21 Albert Jeffery (Agent Kenneth Derbyshire) 5342 5<sup>th</sup>**

### **Concession Colchester South, Ward 3**

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 5342 5<sup>th</sup> Concession Road in the former township of Colchester South. The applicants are proposing to sever a  $\pm 0.79$  acre parcel from the existing  $\pm 5.83$  acre Agricultural 1.1 (A1.1) farm lot. The applicant is proposing this consent for lot addition purposes. The severed parcel is proposed to be merged with the property to the east known municipally as 5383 County Road 11.

**Note:** An application for minor variance has also been received for the subject lands (**File Number: A-07-21**). The public notice for the minor variance application has been included with this notice

### 6.7.1. Public Presentations (if any)

**Official Plan Designation:** "Agricultural"

**Zoning Category:** "Agricultural 1.1 (A1.1) – General agriculture and farm production support activities"

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 5342 5<sup>th</sup> Concession Road in the former township of Colchester South. The applicants are proposing to sever a  $\pm$  0.79 acre parcel from the existing  $\pm$  5.83 acre Agricultural 1.1 (A1.1) farm lot. The applicant is proposing this consent for lot addition purposes. The severed parcel is proposed to be merged with the property to the east known municipally as 5383 County Road 11.

#### Proposal Conformity with the PPS and Town of Essex Official Plan Policies

In accordance with section 6.4 of the Town of Essex Official Plan, in considering an application for consent, the Committee of Adjustment should have regard to:

##### *a) the proposal's consistency with Provincial legislation, policies and guidelines:*

The Provincial Policy Statement (PPS) states that lot adjustments in prime agricultural areas may be permitted for legal or technical reasons. Legal or technical reasons include minor boundary adjustments which do not result in the creation of a new lot. As a condition of this consent, the applicants will be responsible for submitting evidence that indicates the severed parcel will be consolidated with the property at 5383 County Road 11.

The minimum lot area required for lots zoned A1.1 under Bylaw 1037 is the lesser of 40 hectares (100 acres) or the existing lot size. As a result of the proposed severance, the lot area for the retained farm parcel will be reduced by 0.79 acres. As such, a variance to accommodate a reduction in lot area for the retained farm parcel is required.

##### *b) The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:*

Section 6.4 of the Town of Essex Official Plan states that consents should only be granted for lot adjustments or minor boundary changes provided both parcels comply with the provisions of the implementing zoning bylaw or such variances granted through the Committee of Adjustment and the consent is granted in accordance with section 50(3) of the Planning Act. The applicant has submitted a Minor Variance application to accommodate the reduction in lot area for the retained parcel.

##### *c) The continuation of an orderly development pattern:*

The lot addition is not irregular in shape, and will not take agricultural land out of production as it currently contains a grassed meadow area. The retained parcel has not been utilized for agricultural cultivation is a long length of time. Access to the retained parcel will continue to be by way of an existing access bridge on 5<sup>th</sup> Concession Road. The proposed severance will have no adverse impact on access to the retained lot.

- d) The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction:*

Water supply, and stormwater management is not required as the proposal will not result in the creation of a new vacant buildable lot.

#### **REQUIREMENT FOR MINOR VARIANCE: A-07-21**

As a result of the proposed severance, the lot area for the severed parcel is proposed to be  $\pm 0.79$  acres, and the retained lot will be  $\pm 5.04$  acres. The severed parcel is proposed to be merged with the property to the east known as 5383 County Road 11, owned by Kenneth Derbyshire.

#### Proposal Conformity with the Town of Essex Official Plan Policies

As per section 9.8 of the Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

- a) The general intent of this Plan and the Zoning Bylaw are maintained:*

The main use of the retained farm parcel will remain agricultural. The severed parcel will also be utilized for agricultural (orchard).

- b) The variance(s) is minor and desirable for the appropriate use of the land:*

No agricultural land will be taken out of production as a result of this severance.

- c) The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:*

Agricultural lot sizes vary greatly in the agricultural district. No new lot is being created therefore there are no impacts to parking patterns or traffic.

- d) The variance deals with circumstances particular to the site and development:*

The variance is necessary to accommodate an application for consent to facilitate a lot addition.

#### Public and Agency Comments

As a result of the giving of public notice, no written correspondences have been received from members of the public as of April 16, 2021. Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections.

No further comments were received from circulated agencies or internal departments.

**Actions:**

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) That the severed parcel be consolidated with the lands owned by Kenneth Derbyshire, 5383 County Road 11. In accordance with Subsection 3 of Section 50 of the Planning Act, the applicant shall submit to the Secretary-Treasurer satisfactory evidence that the transferee of the severed portion of the property and the owner of the abutting property are identical, together with an undertaking from the applicant's solicitor to consolidate the severed portion and the abutting into one parcel. Within thirty days of the issuance of the certificate of consent to sever, the applicant shall provide evidence to the Secretary-Treasurer that an application to consolidate parcels has been filed with the Land Registry Office.
- f) That all of the above conditions be fulfilled on or before April 20, 2022.

**Essex Region Conservation Authority Comments from Vitra Vimalananthan, Resource Planner**

A-07-21/B-08-21: In accordance with Zoning By-law 1037, the minimum lot area within the Agricultural District 1.1 (A1.1) is 40 ha (100 acres) or as existing. As a result of a proposed severance, the lot area for the severed parcel is proposed to be + 0.79acres,

and the retained lot will be + 5.04 acres. The severed parcel is proposed to be merged with the property to the east known municipally as 5383 County Road 11.

#### **DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT**

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the Conservation Authorities Act). As a result, a permit is not required from ERCA for issues related to Section 28 of the Conservation Authorities Act, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservations Authorities Act, (Ontario Regulation No. 158/06).

#### **WATERSHED BASED RESOURCE MANAGEMENT AGENCY**

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

#### **SECTION 1.6.6.7 Stormwater Management (PPS, 2020)**

Our office has reviewed the proposal and has no concerns relating to stormwater management.

#### **PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020**

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the Planning Act. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the PPS. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.

#### **FINAL RECOMMENDATION**

With the review of background information and aerial photograph, ERCA has no objection to the Consent and Minor Variance

**Discussion:**

Corinne Chiasson, Secretary Treasurer explains the application

**COA21-04-24**

Moved by Ray Beneteau

Seconded by Phil Pocock

**That** application B-08-21 be **granted** sever a  $\pm$  0.79 acre parcel from the existing  $\pm$  5.83 acre property for the purposes of a lot addition in favour of the property identified as 5383 County Road 11.

**Carried**

**Reason for Decision:** The Application **is** in keeping with subsection 6.4 of the Town of Essex Official Plan respecting consents and subsection 6.5 Consents in Areas Designated "Agricultural".

**Actions:**

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) That the severed parcel be consolidated with the lands owned by Kenneth Derbyshire, 5383 County Road 11. In accordance with Subsection 3 of Section 50 of the Planning Act, the applicant shall submit to the Secretary-Treasurer satisfactory evidence that the transferee of the severed portion of the property and the owner of the abutting property are identical, together with an undertaking from the applicant's solicitor to consolidate the severed portion and the abutting into one parcel. Within thirty days of the issuance of the certificate of consent to sever, the applicant shall provide evidence to the Secretary-Treasurer that an application to consolidate parcels has been filed with the Land Registry Office.
- f) That all of the above conditions be fulfilled on or before April 20, 2022.

## 6.6 Corinne Chiasson, Assistant Planner RE:

### **Application A-07-21 Albert Jeffery (Agent Kenneth Derbyshire) 5342 5<sup>th</sup>**

#### **Concession Colchester South, Ward 3**

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 5342 5<sup>th</sup> Concession in the former township of Colchester South. In accordance with Zoning By-law 1037, the minimum lot area within the Agricultural District 1.1 (A1.1) is 40 ha (100 acres) or as existing. As a result of a proposed severance, the lot area for the severed parcel is proposed to be  $\pm 0.79$  acres, and the retained lot will be  $\pm 5.04$  acres. The severed parcel is proposed to be merged with the property to the east municipally known as 5383 County Road 11.

**Note:** An application for consent has also been received for the subject lands (**File Number: B-08-21**). The public notice for the consent application has been included with this notice.

#### **6.8.1. Public Presentations (if any)**

**Official Plan Designation:** "Agricultural"

**Zoning Category:** "Agricultural 1.1 (A1.1) – General agriculture and farm production support activities"

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 5342 5<sup>th</sup> Concession Road in the former township of Colchester South. The applicants are proposing to sever a  $\pm 0.79$  acre parcel from the existing  $\pm 5.83$  acre Agricultural 1.1 (A1.1) farm lot. The applicant is proposing this consent for lot addition purposes. The severed parcel is proposed to be merged with the property to the east known municipally as 5383 County Road 11.

#### Proposal Conformity with the PPS and Town of Essex Official Plan Policies

In accordance with section 6.4 of the Town of Essex Official Plan, in considering an application for consent, the Committee of Adjustment should have regard to:

*a) the proposal's consistency with Provincial legislation, policies and guidelines:*

The Provincial Policy Statement (PPS) states that lot adjustments in prime agricultural areas may be permitted for legal or technical reasons. Legal or technical reasons include minor boundary adjustments which do not result in the creation of a new lot. As a condition of this consent, the applicants will be responsible for submitting evidence that indicates the severed parcel will be consolidated with the property at 5383 County Road 11.

The minimum lot area required for lots zoned A1.1 under Bylaw 1037 is the lesser of 40 hectares (100 acres) or the existing lot size. As a result of the proposed severance,

the lot area for the retained farm parcel will be reduced by 0.79 acres. As such, a variance to accommodate a reduction in lot area for the retained farm parcel is required.

- e) The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:*

Section 6.4 of the Town of Essex Official Plan states that consents should only be granted for lot adjustments or minor boundary changes provided both parcels comply with the provisions of the implementing zoning bylaw or such variances granted through the Committee of Adjustment and the consent is granted in accordance with section 50(3) of the Planning Act. The applicant has submitted a Minor Variance application to accommodate the reduction in lot area for the retained parcel.

- f) The continuation of an orderly development pattern:*

The lot addition is not irregular in shape, and will not take agricultural land out of production as it currently contains a grassed meadow area. The retained parcel has not been utilized for agricultural cultivation in a long length of time. Access to the retained parcel will continue to be by way of an existing access bridge on 5<sup>th</sup> Concession Road. The proposed severance will have no adverse impact on access to the retained lot.

- g) The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction:*

Water supply, and stormwater management is not required as the proposal will not result in the creation of a new vacant buildable lot.

#### **REQUIREMENT FOR MINOR VARIANCE: A-07-21**

As a result of the proposed severance, the lot area for the severed parcel is proposed to be  $\pm 0.79$  acres, and the retained lot will be  $\pm 5.04$  acres. The severed parcel is proposed to be merged with the property to the east known as 5383 County Road 11, owned by Kenneth Derbyshire.

#### **Proposal Conformity with the Town of Essex Official Plan Policies**

As per section 9.8 of the Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

- e) The general intent of this Plan and the Zoning Bylaw are maintained:*

The main use of the retained farm parcel will remain agricultural. The severed parcel will also be utilized for agricultural (orchard).

*f) The variance(s) is minor and desirable for the appropriate use of the land:*

No agricultural land will be taken out of production as a result of this severance.

*g) The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:*

Agricultural lot sizes vary greatly in the agricultural district. No new lot is being created therefore there are no impacts to parking patterns or traffic.

*h) The variance deals with circumstances particular to the site and development:*

The variance is necessary to accommodate an application for consent to facilitate a lot addition.

#### Public and Agency Comments

As a result of the giving of public notice, no written correspondences have been received from members of the public as of April 16, 2021. Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections.

No further comments were received from circulated agencies or internal departments.

#### **Actions:**

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) That the severed parcel be consolidated with the lands owned by Kenneth Derbyshire, 5383 County Road 11. In accordance with Subsection 3 of Section 50 of the Planning Act, the applicant shall submit to the Secretary-Treasurer satisfactory evidence that the transferee of the severed portion of the property and the owner of

the abutting property are identical, together with an undertaking from the applicant's solicitor to consolidate the severed portion and the abutting into one parcel. Within thirty days of the issuance of the certificate of consent to sever, the applicant shall provide evidence to the Secretary-Treasurer that an application to consolidate parcels has been filed with the Land Registry Office.

f) That all of the above conditions be fulfilled on or before April 20, 2022.

**Essex Region Conservation Authority Comments from Vitra Vimalananthan, Resource Manager**

A-07-21/B-08-21: In accordance with Zoning By-law 1037, the minimum lot area within the Agricultural District 1.1 (A1.1) is 40 ha (100 acres) or as existing. As a result of a proposed severance, the lot area for the severed parcel is proposed to be + 0.79 acres, and the retained lot will be + 5.04 acres. The severed parcel is proposed to be merged with the property to the east known municipally as 5383 County Road 11.

**DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT**

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the Conservation Authorities Act). As a result, a permit is not required from ERCA for issues related to Section 28 of the Conservation Authorities Act, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservations Authorities Act, (Ontario Regulation No. 158/06).

**WATERSHED BASED RESOURCE MANAGEMENT AGENCY**

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

**SECTION 1.6.6.7 Stormwater Management (PPS, 2020)**

Our office has reviewed the proposal and has no concerns relating to stormwater management.

**PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020**

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the Planning Act. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the PPS. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.

#### **FINAL RECOMMENDATION**

With the review of background information and aerial photograph, ERCA has no objection to the Consent and Minor Variance

#### **Discussion:**

Corinne Chiasson, Secretary Treasurer explains the application

#### **COA21-04-25**

Moved Ray Beneteau

Seconded by Phil Pocock

**That** application A-07-21 be **granted** accommodate a minimum lot are of 5.04 acres for the retained parcel.

**Carried**

**Reason for Decision:** The Application **is** in keeping with the general intent and purpose of the Town of Essex Zoning Bylaw and the prescribed criteria for Minor Variances under subsection 9.8 of the Town of Essex Official Plan:

- a) the general intent of this Plan and the Zoning By-law are maintained;
- b) the variance(s) is minor and desirable for the appropriate use of the land;
- c) the variance is compatible with the established character of the neighbourhood, traffic and parking patterns;
- d) the variance deals with circumstances particular to the site and development

#### **6.7 Corinne Chiasson, Assistant Planner RE:**

##### **Application B-07-21 Albert Jeffery (Agent Kenneth Derbyshire) 5342 5<sup>th</sup>**

##### **Concession Colchester South, Ward 3**

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 5342 5<sup>th</sup> Concession Road in the former township of Colchester South. The applicants are proposing to sever a  $\pm$  0.34 acre parcel from the existing  $\pm$  5.83 acre Agricultural 1.1 (A1.1) farm lot. The applicant is proposing this

consent for lot addition purposes. The severed parcel is proposed to be merged with the property to the east known municipally as 5375 County Road 11.

**Note:** An application for minor variance has also been received for the subject lands (**File Number: A-06-21**). The public notice for the minor variance application has been included with this notice

#### **6.5.1. Public Presentations (if any)**

**Official Plan Designation:** "Agricultural"

**Zoning Category:** "Agricultural 1.1 (A1.1) – General agriculture and farm production support activities

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 5342 5<sup>th</sup> Concession Road in the former township of Colchester South. The applicants are proposing to sever a  $\pm 0.34$  acre parcel from the existing  $\pm 5.83$  acre Agricultural 1.1 (A1.1) farm lot. The applicant is proposing this consent for lot addition purposes. The severed parcel is proposed to be merged with the property to the east known municipally as 5375 County Road 11, owned by Darrin Miller.

#### Proposal Conformity with the PPS and Town of Essex Official Plan Policies

In accordance with section 6.4 of the Official Plan, in considering an application for consent, the Committee of Adjustment should have regard to:

a) *the proposal's consistency with Provincial legislation, policies and guidelines:*

The Provincial Policy Statement (PPS) states that lot adjustments in prime agricultural areas may be permitted for legal or technical reasons. Legal or technical reasons include minor boundary adjustments which do not result in the creation of a new lot. As a condition of this consent, the applicants will be responsible for submitting evidence that indicates the severed parcel will be consolidated with the property at 5375 County Road 11.

The minimum lot area required for lots zoned A1.1 under Bylaw 1037 is the lesser of 40 hectares (100 acres) or the existing lot size. As a result of the proposed severance, the lot area for the retained farm parcel will be reduced by 0.34 acres. As such, a variance to accommodate a reduction in lot area for the retained farm parcel is required.

b) *The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:*

Section 6.4 of the Town of Essex Official Plan states that consents should only be granted for lot adjustments or minor boundary changes provided both parcels comply

with the provisions of the implementing zoning bylaw or such variances granted through the Committee of Adjustment and the consent is granted in accordance with section 50(3) of the Planning Act. The applicant has submitted a Minor Variance application to accommodate the reduction in lot area for the retained parcel.

c) *The continuation of an orderly development pattern:*

The lot addition is not irregular in shape, and will not take agricultural land out of production as it has remained a grassed yard for a length of time. Access to the retained parcel will continue to be by way of an existing access bridge on 5<sup>th</sup> Concession Road. The proposed severance will have no adverse impact on access to the retained lot.

d) *The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction:*

Water supply, and stormwater management is not required as the proposal will not result in the creation of a new vacant buildable lot.

**REQUIREMENT FOR MINOR VARIANCE: A-06-21**

As a result of the proposed severance, the lot area for the severed parcel is proposed to be  $\pm 0.34$  acres, and the retained lot will be  $\pm 5.49$  acres. The severed parcel is proposed to be merged with the property to the east known as 5375 County Road 11.

Proposal Conformity with the Town of Essex Official Plan Policies

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

a) *The general intent of this Plan and the Zoning Bylaw are maintained:*

The main use of the retained farm parcel will not change and remain agricultural. The lot addition parcel will be used for agricultural uses (hobby farm).

b) *The variance(s) is minor and desirable for the appropriate use of the land:*

No agricultural land will be taken out of production as a result of this severance. (Property has not been cultivated in a long period of time)

c) *The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:*

Agricultural lot sizes vary greatly in the agricultural district. The subject lands are not utilized for crop cultivation. No new lots are proposed, resulting in no affects to traffic or parking patterns.

d) *The variance deals with circumstances particular to the site and development:*

The variance is necessary to accommodate an application for consent to facilitate a lot addition.

### **Public and Agency Comments**

As a result of the giving of public notice, no written correspondences have been received from members of the public as of April 16, 2020.

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections.

No further comments were received from circulated agencies or internal departments.

### **Actions:**

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) That the severed parcel be consolidated with the lands owned by Darrin Miller, 5375 County Road 11. In accordance with Subsection 3 of Section 50 of the Planning Act, the applicant shall submit to the Secretary-Treasurer satisfactory evidence that the transferee of the severed portion of the property and the owner of the abutting property are identical, together with an undertaking from the applicant's solicitor to consolidate the severed portion and the abutting into one parcel. Within thirty days of the issuance of the certificate of consent to sever, the applicant shall provide evidence to the Secretary-Treasurer that an application to consolidate parcels has been filed with the Land Registry Office.
- f) That all of the above conditions be fulfilled on or before April 20, 2022.

**Essex Region Conservation Authority Comments from Vitra Vimalananthan,  
Resource Manager**

**DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN  
NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE  
CONSERVATION AUTHORITIES ACT**

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the Conservation Authorities Act). As a result, a permit is not required from ERCA for issues related to Section 28 of the Conservation Authorities Act, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservations Authorities Act, (Ontario Regulation No. 158/06).

**WATERSHED BASED RESOURCE MANAGEMENT AGENCY**

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

**SECTION 1.6.6.7 Stormwater Management (PPS, 2020)**

Our office has reviewed the proposal and has no concerns relating to stormwater management.

**PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL  
HERITAGE POLICIES OF THE PPS, 2020**

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the Planning Act. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the PPS. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.

**FINAL RECOMMENDATION**

With the review of background information and aerial photograph, ERCA has no objection to the Consent and Minor Variance

**Discussion:**

Corinne Chiasson, Secretary Treasurer explains the application

**COA21-04-26**

Moved by Percy Dufour

Seconded by Ray Beneteau

**That** application B-07-21 be **granted** a  $\pm$  0.34 acre parcel from the existing  $\pm$  5.83 acre property for the purpose of a lot addition in favour of the property identified as 5375 County Road 11.

**Carried**

**Reason for Decision:** The Application **is** in keeping with subsection 6.4 of the Town of Essex Official Plan respecting consents and subsection 6.5 Consents in Areas Designated "Agricultural".

**Actions:**

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) That the severed parcel be consolidated with the lands owned by Darrin Miller, 5375 County Road 11. In accordance with Subsection 3 of Section 50 of the Planning Act, the applicant shall submit to the Secretary-Treasurer satisfactory evidence that the transferee of the severed portion of the property and the owner of the abutting property are identical, together with an undertaking from the applicant's solicitor to consolidate the severed portion and the abutting into one parcel. Within thirty days of the issuance of the certificate of consent to sever, the applicant shall provide evidence to the Secretary-Treasurer that an application to consolidate parcels has been filed with the Land Registry Office.
- f) That all of the above conditions be fulfilled on or before April 20, 2022.

## 6.8 Corinne Chiasson, Assistant Planner RE:

### **Application A-06-21 Albert Jeffery (Agent Kenneth Derbyshire) 5342 5<sup>th</sup>**

#### **Concession Colchester South, Ward 3**

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 5342 5<sup>th</sup> Concession in the former township of Colchester South. In accordance with Zoning By-law 1037, the minimum lot area within the Agricultural District 1.1 (A1.1) is 40 ha (100 acres) or as existing. As a result of a proposed severance, the lot area for the severed parcel is proposed to be  $\pm$  0.34 acres, and the retained lot will be  $\pm$  5.49 acres. The severed parcel is proposed to be merged with the property to the east municipally known as 5375 County Road 11.

**Note:** An application for consent has also been received for the subject lands (**File Number: B-07-21**). The public notice for the consent application has been included with this notice.

#### **6.6.1. Public Presentations (if any)**

**Official Plan Designation:** "Agricultural"

**Zoning Category:** "Agricultural 1.1 (A1.1) – General agriculture and farm production support activities"

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 5342 5<sup>th</sup> Concession Road in the former township of Colchester South. The applicants are proposing to sever a  $\pm$  0.34 acre parcel from the existing  $\pm$  5.83 acre Agricultural 1.1 (A1.1) farm lot. The applicant is proposing this consent for lot addition purposes. The severed parcel is proposed to be merged with the property to the east known municipally as 5375 County Road 11, owned by Darrin Miller.

#### Proposal Conformity with the PPS and Town of Essex Official Plan Policies

In accordance with section 6.4 of the Official Plan, in considering an application for consent, the Committee of Adjustment should have regard to:

- e) *the proposal's consistency with Provincial legislation, policies and guidelines:*

The Provincial Policy Statement (PPS) states that lot adjustments in prime agricultural areas may be permitted for legal or technical reasons. Legal or technical reasons include minor boundary adjustments which do not result in the creation of a new lot. As a condition of this consent, the applicants will be responsible for submitting evidence that indicates the severed parcel will be consolidated with the property at 5375 County Road 11.

The minimum lot area required for lots zoned A1.1 under Bylaw 1037 is the lesser of 40 hectares (100 acres) or the existing lot size. As a result of the proposed severance, the lot area for the retained farm parcel will be reduced by 0.34 acres. As such, a variance to accommodate a reduction in lot area for the retained farm parcel is required.

*f) The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:*

Section 6.4 of the Town of Essex Official Plan states that consents should only be granted for lot adjustments or minor boundary changes provided both parcels comply with the provisions of the implementing zoning bylaw or such variances granted through the Committee of Adjustment and the consent is granted in accordance with section 50(3) of the Planning Act. The applicant has submitted a Minor Variance application to accommodate the reduction in lot area for the retained parcel.

*g) The continuation of an orderly development pattern:*

The lot addition is not irregular in shape, and will not take agricultural land out of production as it has remained a grassed yard for a length of time. Access to the retained parcel will continue to be by way of an existing access bridge on 5<sup>th</sup> Concession Road. The proposed severance will have no adverse impact on access to the retained lot.

*h) The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction:*

Water supply, and stormwater management is not required as the proposal will not result in the creation of a new vacant buildable lot.

**REQUIREMENT FOR MINOR VARIANCE: A-06-21**

As a result of the proposed severance, the lot area for the severed parcel is proposed to be  $\pm 0.34$  acres, and the retained lot will be  $\pm 5.49$  acres. The severed parcel is proposed to be merged with the property to the east known as 5375 County Road 11.

Proposal Conformity with the Town of Essex Official Plan Policies

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

*e) The general intent of this Plan and the Zoning Bylaw are maintained:*

The main use of the retained farm parcel will not change and remain agricultural. The lot addition parcel will be used for agricultural uses (hobby farm).

*f) The variance(s) is minor and desirable for the appropriate use of the land:*

No agricultural land will be taken out of production as a result of this severance.

(Property has not been cultivated in a long period of time)

*g) The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:*

Agricultural lot sizes vary greatly in the agricultural district. The subject lands are not utilized for crop cultivation. No new lots are proposed, resulting in no affects to traffic or parking patterns.

*h) The variance deals with circumstances particular to the site and development:*

The variance is necessary to accommodate an application for consent to facilitate a lot addition.

### **Public and Agency Comments**

As a result of the giving of public notice, no written correspondences have been received from members of the public as of April 16, 2020.

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections.

No further comments were received from circulated agencies or internal departments.

### **Actions:**

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:

a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;

b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;

c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;

d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;

- e) That the severed parcel be consolidated with the lands owned by Darrin Miller, 5375 County Road 11. In accordance with Subsection 3 of Section 50 of the Planning Act, the applicant shall submit to the Secretary-Treasurer satisfactory evidence that the transferee of the severed portion of the property and the owner of the abutting property are identical, together with an undertaking from the applicant's solicitor to consolidate the severed portion and the abutting into one parcel. Within thirty days of the issuance of the certificate of consent to sever, the applicant shall provide evidence to the Secretary-Treasurer that an application to consolidate parcels has been filed with the Land Registry Office.
- f) That all of the above conditions be fulfilled on or before April 20, 2022.

**Essex Region Conservation Authority Comments from Vitra Vimalananthan,  
Resource Manager**

**DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN  
NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE  
CONSERVATION AUTHORITIES ACT**

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the Conservation Authorities Act). As a result, a permit is not required from ERCA for issues related to Section 28 of the Conservation Authorities Act, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservations Authorities Act, (Ontario Regulation No. 158/06).

**WATERSHED BASED RESOURCE MANAGEMENT AGENCY**

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

**SECTION 1.6.6.7 Stormwater Management (PPS, 2020)**

Our office has reviewed the proposal and has no concerns relating to stormwater management.

**PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL  
HERITAGE POLICIES OF THE PPS, 2020**

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the Planning Act. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the PPS. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.

#### **FINAL RECOMMENDATION**

With the review of background information and aerial photograph, ERCA has no objection to the Consent and Minor Variance

#### **Discussion:**

Corinne Chiasson, Secretary Treasurer explains the application

#### **COA21-04-27**

Moved Ray Beneteau

Seconded by Phil Pocock

**That** application A-06-21 be **granted** accommodate a minimum lot area of 5.83 acres for the retained parcel.

**Carried**

**Reason for Decision:** The Application **is** in keeping with the general intent and purpose of the Town of Essex Zoning Bylaw and the prescribed criteria for Minor Variances under subsection 9.8 of the Town of Essex Official Plan:

- a) the general intent of this Plan and the Zoning By-law are maintained;
- b) the variance(s) is minor and desirable for the appropriate use of the land;
- c) the variance is compatible with the established character of the neighbourhood, traffic and parking patterns;
- d) the variance deals with circumstances particular to the site and development

#### **6.9 Corinne Chiasson, Assistant Planner RE:**

##### **Application B-09-21 Gregory & Lavena Horoky (Agent Peggy Golden) Colchester South, Ward 3**

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 157 Crystal Lane in the former township of Colchester South. The applicants are proposing to sever a  $\pm$  525.64 square metre parcel from the existing  $\pm$  1051.29 square metre Residential 1.1 (R1.1) lot. The applicant is proposing this consent for lot creation

### 6.9.1. Public Presentations (if any)

**Official Plan Designation:** "Lakeshore Residential"

**Zoning Category:** Residential District 1.1 (R1.1) –Low density housing on urban lots

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 157 Crystal Lane in the former township of Colchester South. The applicants are proposing to sever a  $\pm$  525.64 square metre parcel from the existing  $\pm$  1051.29 square metre Residential 1.1 (R1.1) lot. The applicant is proposing this consent for lot creation.

#### Proposal Conformity with Town of Essex Official Plan Policies

In accordance with section 6.4 of the Town of Essex Official Plan, in considering an application for consent, the Committee of Adjustment should also have regard to:

*a) the proposal's consistency with Provincial legislation, policies and guidelines:*

This proposal does not conflict with the policies of the PPS.

*b) The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:*

The Town of Essex Official Plan encourages infilling within the existing areas designated "Residential". Single detached dwellings are permitted uses in areas designated "Lakeshore Residential".

*c) The continuation of an orderly development pattern:*

Lots located along Crystal Beach Road are a mixture of smaller cottage sized lots on the opposite side of the street, and similar size lots north and south of the existing lot. The new lot will accommodate a driveway and will not affect parking or traffic patterns.

*d) The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction:*

The proposed lot has access to municipal water, storm and sanitary sewers.

#### Public Comment

As a result of the giving of public notice, no phone calls or written correspondence have been received from members of the public as of April 16, 2021.

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections.

No comments were received from circulated agencies or internal departments as of April 16, 2021.

**Actions:**

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:
  - a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
  - b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
  - c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
  - d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
  - e) That the applicant pay the applicable parkland dedication fee in the amount of \$1250.00 in accordance with Town of Essex Policy No. 899-11-324 to be charged against the lot created by consent and that the payment be made prior to the stamping of the deeds and/or issuance of the certificate;
  - f) That all of the above conditions be fulfilled on or before April 20, 2022.

**Essex Region Conservation Authority Comments from Vitra Vimalananthan, Resource Manager**

The following is provided as a result of our review of Application for Consent B-09-21. The applicants are proposing to sever a + 525.64 square metre parcel from the existing + 1051.29 square metre Residential 1.1 (R1.1) lot. The applicant is proposing this consent for lot creation.

**DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT**

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the Conservation Authorities Act). As a result, a permit is not required from ERCA for issues related to Section 28 of the Conservation Authorities Act, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act, (Ontario Regulation No. 158/06).

#### **WATERSHED BASED RESOURCE MANAGEMENT AGENCY**

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

#### **SECTION 1.6.6.7 Stormwater Management (PPS, 2020)**

Our office has reviewed the proposal and has no concerns relating to stormwater management.

#### **PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020**

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the Planning Act. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the PPS. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.

#### **FINAL RECOMMENDATION**

With the review of background information and aerial photograph, ERCA has no objection to the Consent

#### **Discussion:**

Corinne Chiasson, Secretary Treasurer explains the application

#### **COA21-04-28**

Moved by Ray Beneteau

Seconded by Phil Pocock

**That** application B-09-21 be **granted** to sever a  $\pm$  525.64 square metre parcel from the existing  $\pm$  1051.29 square metre lot for the purposes of creating one new residential lot.

**Carried**

**Reason for Decision:** The Application is in keeping with subsection 6.4 of the Town of Essex Official Plan respecting consents.

**Actions:**

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) That the applicant pay the applicable parkland dedication fee in the amount of \$1250.00 in accordance with Town of Essex Policy No. 899-11-324 to be charged against the lot created by consent and that the payment be made prior to the stamping of the deeds and/or issuance of the certificate;
- f) That all of the above conditions be fulfilled on or before April 20, 2022.

**6.10 Corinne Chiasson, Assistant Planner RE:**

**Application B-10-21 Julia Gomes (Agent Arthur Gomes) 648 Queen Street Harrow Centre, Ward 4**

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 648 Queen Street in Harrow Centre. The applicants are proposing to sever a  $\pm 0.5$  acre parcel from the existing  $\pm 25.31$  acre "Holding Residential 2.1 (HR2.1)" lot. The severed parcel is proposed to be merged with the property to the west known municipally as 600 Queen Street

**6.10.1. Public Presentations (if any)**

**Official Plan Designation:** "Residential and Highway Commercial"

**Zoning Category:** "Residential (HR2.2) and Commercial (C1.3)" – transitional commercial/residential uses

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 648 Queen Street in Harrow Centre. The applicants are proposing to sever a  $\pm 0.5$  acre parcel from the existing  $\pm 25.31$  acre "Holding Residential 2.2 (HR2.2)" lot. The severed parcel is proposed to be merged with the property to the west known municipally as 600 Queen Street.

The subject property is dual zoned whereas the western portion fronting Queen Street is under Commercial (C1.3) and the eastern portion is under Holding Residential 2.2. The Holding Zone Symbol in place on the vacant portion of the subject lands is to ensure that any future development proceeds through specific preconditions of the development process. Prior to any development proceeding, an application for Removal of holding provisions will be required.

#### Proposal Conformity with Provincial and Town of Essex Policies

In accordance with section 6.4 of the Town of Essex Official Plan, in considering an application for consent, the Committee of Adjustment should have regard to:

- a) *the proposal's consistency with Provincial legislation, policies and guidelines:* This application is consistent with the policies of the Provincial Policy Statement.
- b) *The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:* The lot addition will be merged with the property identified as 600 Queen Street, owned by Mr. Arthur Gomes. Mr. Gomes is requesting this lot addition in order to construct an accessory structure on the property for storage. The construction of a storage building is to resolve a property standards issue. As this application is for the purpose of a lot addition only, no traffic patterns or parking issues will result.
- c) *The continuation of an orderly development pattern:*  
The proposed lot addition is not of a shape that would hinder adjoining land uses. The size of the extended lot is comparable in character to neighbouring lots.
- d) *The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction:* the severed portion will be added to a lot that has full municipal services.

#### Agency and Public Comments

As a result of the giving of public notice, no phone calls or written correspondence have been received from members of the public as of April 16, 2021.

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections.

No comments were received from circulated internal agencies as of April 16, 2021.

**Actions:**

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) Property standards condition to be rectified to the satisfaction of the Building and By-law Enforcement Division.
- f) That the holding zone provision be removed on the severed portion.
- g) That the severed parcel be consolidated with the lands identified municipally as 600 Queen Street. In accordance with Subsection 3 of Section 50 of the Planning Act, the applicant shall submit to the Secretary-Treasurer satisfactory evidence that the transferee of the severed portion of the property and the owner of the abutting property are identical, together with an undertaking from the applicant's solicitor to consolidate the severed portion and the abutting into one parcel. Within thirty days of the issuance of the certificate of consent to sever, the applicant shall provide evidence to the Secretary-Treasurer that an application to consolidate parcels has been filed with the Land Registry Office.
- f) That all of the above conditions be fulfilled on or before April 20, 2022.

**Essex Region Conservation Authority Comments from Vitra Vimalananthan, Resource Manager**

The following is provided as a result of our review of Application for Consent B-10-21 & B-11-21.

B-10-21: The applicants are proposing to sever a + 0.5acre parcel from the existing +25.31 acre

"Holding Residential 2.1 (HR2.1)" lot. The severed parcel is proposed to be merged with the property to the west known municipally as 600 Queen Street.

B-11-21: The applicants are proposing to sever a + 23.43 acre parcel from the existing + 25.31 acre dual zoned "Holding Residential 2.1 (HR2.1)" and "Commercial District 3.1 (C3.1)" lot. The proposed consent is for the purposes of lot creation.

#### **DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT**

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the Conservation Authorities Act). As a result, a permit is not required from ERCA for issues related to Section 28 of the Conservation Authorities Act, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservations Authorities Act, (Ontario Regulation No. 158/06).

#### **WATERSHED BASED RESOURCE MANAGEMENT AGENCY**

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

#### **SECTION 1.6.6.7 Stormwater Management (PPS, 2020)**

Our office has reviewed the proposal and has no concerns relating to stormwater management.

#### **PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020**

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the Planning Act. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the PPS. Based on our review, we have

no objection to the application with respect to the natural heritage policies of the PPS.

## **FINAL RECOMMENDATION**

With the review of background information and aerial photograph, ERCA has no objection to the Consent

### **Discussion:**

Corinne Chiasson, Secretary Treasurer explains the application

### **COA21-04-29**

Moved by Percy Dufour

Seconded by Ray Beneteau

**That** application B-10-21 be **granted** to sever a  $\pm$  0.5 acre parcel from the existing  $\pm$  25.31 acre parcel for the purposes of a lot addition in favour of the property identified as 600 Queen Street and that the subject parcel be brought up to property standards and approved by the By-law enforcement officer prior to the condition fulfillment.

**Carried**

**Reason for Decision:** The Application **is** in keeping with subsection 6.4 of the Town of Essex Official Plan respecting consents.

### **Actions:**

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) Property standards condition to be rectified to the satisfaction of the Building and By-law Enforcement Division.
- f) That the holding zone provision be removed on the severed portion.
- g) That the severed parcel be consolidated with the lands identified municipally as 600 Queen Street. In accordance with Subsection 3 of Section 50 of the Planning Act, the applicant shall submit to the Secretary-Treasurer satisfactory evidence that the

transferee of the severed portion of the property and the owner of the abutting property are identical, together with an undertaking from the applicant's solicitor to consolidate the severed portion and the abutting into one parcel. Within thirty days of the issuance of the certificate of consent to sever, the applicant shall provide evidence to the Secretary-Treasurer that an application to consolidate parcels has been filed with the Land Registry Office.

f) That all of the above conditions be fulfilled on or before April 20, 2022.

#### **6.11 Corinne Chiasson, Assistant Planner RE:**

##### **Application B-11-21 Julia Gomes (Agent Arthur Gomes) 648 Queen Street Harrow Centre, Ward 4**

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 648 Queen Street in Harrow Centre. The applicants are proposing to sever a  $\pm 23.43$  acre parcel from the existing  $\pm 25.31$  acre dual zoned "Holding Residential 2.1 (HR2.1)" and "Commercial District 3.1 (C3.1)" lot. The proposed consent is for the purposes of lot creation.

##### **6.11.1.Public Presentations (if any)**

**Official Plan Designation:** "Residential and Highway Commercial"

**Zoning Category:** "Residential (HR2.2) and Commercial (C1.3)" - transitional commercial/residential uses

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 648 Queen Street in Harrow Centre. The applicants are proposing to sever a  $\pm 23.43$  acre parcel from the existing  $\pm 25.31$  acre dual zoned "Holding Residential 2.2 (HR2.2)" and "Commercial District 3.1 (C3.1)" lot. The proposed consent is for the purposes of lot creation.

The subject property is dual zoned whereas the western portion fronting Queen Street is under Commercial (C1.3) and the eastern portion is under Holding Residential 2.2. The Holding Zone Symbol in place on the vacant portion of the subject lands is to ensure that any future development proceeds through specific preconditions of the development process. Prior to any development proceeding, an application for Removal of holding provisions will be required.

The purpose of the severance is to separate the existing dwelling and outbuildings from the vacant land that is designated for future residential development. This property is located in a transitional zone that contains both a Commercial C3.1 Zone and the Holding Residential Zone. The existing dwelling and outbuildings on the retained parcel are a lawfully existing use in the C3.1 zone.

### Proposal Conformity with Town of Essex Official Plan Policies

In accordance with section 6.4 of the Town of Essex Official Plan, in considering an application for consent, the Committee of Adjustment should also have regard to:

- a) *the proposal's consistency with Provincial legislation, policies and guidelines:*

This proposal does not conflict with the severance policies of the PPS.

- b) *The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:*

The Town of Essex Official Plan encourages infilling within the existing areas designated "Residential". This property is located within the "settlement area" of Harrow. No development is proposed at this time on the severed or retained parcels. A "Removal of Holding" zone symbol is currently in place over the subject parcel. Prior to any future development proceeding on the severed lands a Removal of Holding" application will be required, along with any applicable Planning Act approvals. This application satisfies the Official Plan policies for severances in a residential designation.

- c) *The continuation of an orderly development pattern:*

The owners wish to sever the vacant land from the main dwelling and outbuildings located at 648 Queen Street. The extents of the retained lot will be similar in character to the deep lots located on the opposite side of the street and north and south of the subject lot.

- d) *The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction:*

The proposed lot has access to municipal water, storm and sanitary sewers.

### Public Comment

As a result of the giving of public notice, no phone calls or written correspondence have been received from members of the public as of April 16, 2021.

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections.

No comments were received from circulated internal agencies as of April 16, 2021.

### **Actions:**

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) Property standards condition to be rectified to the satisfaction of the Building and By-law Enforcement Division.
- f) That the holding zone provision be removed on the retained portion.
- g) That all of the above conditions be fulfilled on or before April 20, 2022.

**Essex Region Conservation Authority Comments from Vitra Vimalananthan, Resource Manager**

The following is provided as a result of our review of Application for Consent B-10-21 & B-11-21.

B-10-21: The applicants are proposing to sever a + 0.5acre parcel from the existing +25.31 acre

"Holding Residential 2.1 (HR2.1)" lot. The severed parcel is proposed to be merged with the property to the west known municipally as 600 Queen Street.

B-11-21: The applicants are proposing to sever a + 23.43 acre parcel from the existing + 25.31 acre dual zoned "Holding Residential 2.1 (HR2.1)" and "Commercial District 3.1 (C3.1)" lot. The proposed consent is for the purposes of lot creation.

**DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT**

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the Conservation Authorities Act). As a result, a permit is not required from ERCA for issues related to Section 28 of the Conservation Authorities Act, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act, (Ontario Regulation No. 158/06).

#### **WATERSHED BASED RESOURCE MANAGEMENT AGENCY**

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

#### **SECTION 1.6.6.7 Stormwater Management (PPS, 2020)**

Our office has reviewed the proposal and has no concerns relating to stormwater management.

#### **PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020**

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the Planning Act. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the PPS. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.

#### **FINAL RECOMMENDATION**

With the review of background information and aerial photograph, ERCA has no objection to the Consent

#### **Discussion:**

Corinne Chiasson, Secretary Treasurer explains the application

#### **COA21-04-30**

Moved by Ray Beneteau

Seconded by Percy Dufour

**That** application B-11-21 be **granted** to sever a  $\pm$  23.45 acre parcel from the existing  $\pm$  25.31 acre parcel for the purposes of creating one new lot and that the subject parcel be brought up to property standards and approved by the By-law enforcement officer prior to the condition fulfillment.

**Carried**

**Reason for Decision:** The Application **is** in keeping with subsection 6.4 of the Town of Essex Official Plan respecting consents.

**Actions:**

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) Property standards condition to be rectified to the satisfaction of the Building and By-law Enforcement Division.
- f) That the holding zone provision be removed on the retained portion.
- g) That all of the above conditions be fulfilled on or before April 20, 2022

## **7. Correspondence**

## **8. New Business**

### **8.1 OACA Conference Attendance**

Corinne advises the members that the OACA Conference will be held electronically June 8<sup>th</sup> and is requesting if there is any interest, members will be able to attend via zoom.

Rita states that there are topics that pertain to the Town of Essex and encourages two (2) members to attend.

Phil Pocock and Brian Gray advise that they will attend the OACA training via zoom on June 8<sup>th</sup> 2021

### **8.2 Second Dwelling Units**

Rita advises that there was public meeting on April 6<sup>th</sup> with regards to Second Dwelling Units within an accessory structure in Residential and Agricultural districts. She stated that a survey was well received and there was interest from the residence in implementing these policies.

April 19<sup>th</sup> Council approved an amendment to By-law 1037 with regards to Second Dwelling Units. She advised that administration is waiting on County and approval from Council on regulations so that an appropriate By-law can be brought forward.

She stated that she will update the members at the next Committee meeting.

**8.3 Committee of Adjustment Member**

Rita advised that the request for application to be a member on the Committee of Adjustment closed April 13<sup>th</sup>. She stated that the striking committee will be meeting on April 26<sup>th</sup> to discuss the applications received and to make their selection on the committee member. The chosen applicant will be brought forward to Council for approval at the May 3<sup>rd</sup> Council meeting. She stated that the committee will be aware of the new member prior to the May 18<sup>th</sup> committee meeting.

**9. Notices of Motion**

**9.1 Cost Sharing on Bridge Installation Review**

**COA21-04-31**

Moved by Percy Dufour  
Seconded by Ray Beneteau

**That** administration contacts a third-party engineer to determine what the cost sharing should be for the farmer who is utilizing the access bridge with heavy equipment and the cost for the resident who is utilizing the access bridge with a personal vehicle in an agricultural district and to provide an update at the May 18<sup>th</sup> meeting.

**Carried**

**10. Adjournment**

**COA21-04-32**

Moved by Ray Beneteau  
Seconded by Phil Pocock

**That** the meeting be adjourned at 5:39 PM.

**Carried**

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Secretary Treasurer

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Co Chair



## **Essex Police Services Board (EPSB)**

Regular Meeting Minutes

Thursday, May 6<sup>th</sup>, 2021 - 4:30 PM

Location: This meeting is being held electronically via Zoom

Accessible formats or communication supports are available upon request.

Please contact the Recording Secretary at [saubin@essex.ca](mailto:saubin@essex.ca) or 519-776-7336 extension 1128

Present:

Councillor Kim Verbeek, Chair  
Katie McGuire Blais, Vice Chair  
Richard Tapping  
Councillor Morley Bowman  
Karen Robertson

Also Present:

A/Staff Sergeant Todd Lavigne  
Media Relations Officer Constable Steven Duguay  
Inspector Glenn Miller  
Chris Nepszy, Chief Administrative Officer  
Doug Sweet, Director, Community Services/  
Deputy CAO  
Sarah Aubin, Recording Secretary

Regrets:

### **1. Call to Order**

The Chair called the meeting to order at 4:29 PM

## **2. Closed Meeting Report**

## **3. Declarations of Conflict of Interest**

There were no declarations of conflict interest noted at this time

## **4. Adoption of Published Agenda**

### **4.1 Essex Police Service Board Regular Meeting Agenda for May 6th, 2021**

#### **EPSB-21-05-23**

Moved by Karen Robertson

Seconded by Councillor Bowman

**That** the published agenda for the May 6<sup>th</sup> 2021 Essex Police Service Board regular meeting be adopted as presented.

## **5. Adoption of Minutes**

### **5.1 Essex Police Service Board Regular Meeting Minutes for April 1<sup>st</sup>, 2021**

#### **EPSB-21-05-23**

Moved by Richard Tapping

Seconded by Councillor Bowman

**That** the minutes of the April 1<sup>st</sup>, 2021 Essex Police Service Board Regular Meeting be adopted as circulated.

## **6. Public Presentations**

None

## **7. Unfinished Business**

Chair Councillor Verbeek, advised that members that administration has sent out the Golden Helmets event application and is waiting to hear back.

She advised that the tentative dates are July 11<sup>th</sup> & August 8<sup>th</sup>, 2021.

She stated that the dates may change due to COVID and the availability of the Golden Helmets.

## **8. Reports and Announcement from Committee Members**

### **8.1 Verbal Update by Inspector Miller**

Inspector Glenn Miller introduced the new Media Relations Officer Constable Steven Duguay.

He advised that April 16<sup>th</sup> 2021 the Emergency Orders went into effect and stated that it will be held at least until May 20<sup>th</sup> 2021. He stated that majority of residence are adhering to the order. However, if the community does see those noncompliant to contact the non-emergency line at 1-888-310-1122 and the Towns By-law Officer.

He continued to advise members that fraud is on the rise. He stated that zoom is being utilized and it has become easier for those hackers to steal sensitive information. He stated that no one should be providing any personal information to anyone and if you feel this has happened to contact the non-emergency line.

He advised that there is an increase in impaired driving since the current lockdown. He urged anyone who sees someone who is intoxicated while driving to contact the emergency services immediately.

## **9. Reports from Administration**

### **9.1 Monthly Reports**

#### **February**

9.1.2 Police Services Board Report for Essex

9.1.3 Police Services Board Monthly Overview March 2021

9.1.4 OPP Detachment Board Report

9.1.5 Windsor and Essex County Crime Stoppers Report

#### **EPSB-21-05-24**

Moved by Richard Tapping

Seconded by Councillor Bowman

That the Reports listed in Agenda Item 9.1 be received

#### **Discussion:**

Staff Sergeant Todd Lavigne advised the members that there were 43 Property checks completed nightly along Colchester South to ensure nothing has been compromised. He stated prior to the current lockdown there were 33 Kiss and Rides completed at the Schools.

He advised that 31 traffic stops transpired in the hot spot areas and special requested locations. He continued to state that 26 were from Essex Centre with the 3<sup>rd</sup> and 4<sup>th</sup> Concessions being high areas.

He stated that there was 17 mental health calls that were 50 /50 between adults and teens. He advised that there were three (3) attempted suicides that were stopped, and medical assistants received due to the O.P.P. mental health units.

Chair Councillor Verbeek thanked the Ontario Provincial Police and the Mental Health Units for saving the three (3) lives.

Sergeant Lavigne advised that there were 7 individuals apprehended for violent crimes, 4 of the individuals were for a robbery that transpired.

He stated that 3 of the 4 motor vehicle accidents that transpired were minor in nature. He advised that there were 7 R.I.D.E programs for the month of March completed. He advised that 4 impaired drivers were apprehended by routine stops done by the officers outside of the R.I.D.E programs.

## **10. Correspondence**

### **10.1 Information Purposes Only**

- 10.1.1** 21-0032 All Chiefs Memo Highway Traffic Act Regulatory Amendments to Remove Paper Barriers for the Commercial Vehicle Industry
- 10.1.2** 21-0032 Amendments to Several Highway Traffic Act regulations to remove paper barriers for the Commercial Vehicle Industry
- 10.1.3** 21-0034 2021 COVID-19 Relief Funding for M
- 10.1.4** 21-0037 Reduced Suspension with Ignition Interlock Conduct Review Program and Measures as a Result of COVID-19
- 10.1.5** 21-0037- Attachments Reduced Suspension with Ignition Interlock Conduct Review Program and measures as a result of COVID-19
- 10.1.6** 21-0037- Attachments 2 Reduced Suspension with Ignition Interlock Conduct Review Program and measures as a result of COVID-19
- 10.1.7** 21-0038 Amendments to Order under the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020
- 10.1.8** 21-0039 Administrative Forfeiture
- 10.1.9** 21-0039 Attachments Administrative Forfeiture
- 10.1.10** 21-0039 Attachments 2 Administrative Forfeiture
- 10.1.11** 21-0044 Declaration of Provincial Emergency under the Emergency Management and Civil Protection Act and Amendments to the Reopening Ontario Act
- 10.1.12** 21-0045 Police Week 2021- May 9 – 15, 2021 Provincial Theme “Working Together to Keep our Communities Safe”

**10.1.13** 21-0046 Enhanced Enforcement and New Order under the Emergency Management and Civil Protection Act

**10.1.14** 21-0046 Attachment Enhanced Enforcement and New Order under the Emergency Management and Civil Protection Act

**10.1.15** 21-0047 Proposed Regulations under the Community and Policing Act, 2019

**EPSB-21-05-25**

Moved by Katie McGuire-Blais

Seconded by Richard Tapping

That the Reports listed in Agenda Item 10.1 be received.

**11. New Business**

**12. Announcements / Notices of Motion**

**12.1 Hunter Park Recreation Vehicles**

Councillor Bowman advised the members that the proposal for design, supply and install of playground equipment at Hunter Park has been approved by Council at the May 3<sup>rd</sup> Regular Council meeting. He advised that currently Hunter Park has recreational vehicles driving through it and requested that the Ontario Provincial Police show their presence at the location to stop this type of use.

**13. Adjournment**

Moved by Richard Tapping

Seconded by Karen Robertson

**That** the meeting be adjourned at 5:18 PM

**14. Future Meetings**

**14.1** June 3, 2021, at 4:30 PM, Location: Electronic Meeting



## Essex Accessibility Advisory Committee Meeting Minutes

April 14, 2021, 10:30 AM

Location: Electronic Meeting

Accessible formats or communication supports are available upon request. Please contact the Clerk's Office at [clerks@essex.ca](mailto:clerks@essex.ca) or 519-776-7336 extension 1100 or 1101.

Present: Lisa Wallace, Chair

Fern Welsh, Co-Chair

Julia Welsh

Richard Kokovai

Geraldine Dozois

Sherry Bondy, Council Representative

Also Present: Doug Sweet, Director, Community Services/Deputy CAO

Jeff Morrison, Director, Corporate Services

Jared Garon, Administrative Assistant Intern

Janice Aloisio, Recording Secretary

Regrets: Claudette Gauthier

Absent: Ron McDermott

### 1. **Call to Order**

The Chair, Lisa Wallace called the meeting to order at 11:02 AM

2. **Delegate: Rita Jabbour, Manager, Planning Services**

Deferred until next meeting

3. **Declarations of Conflict of Interest**

There were no declarations of conflict of interest noted at this time.

4. **Adoption of Published Agenda**

**4.1 Essex Accessibility Advisory Committee Meeting Agenda for May 10, 2021**

**EAAC21-05-005**

Moved by Richard Kokovai

Seconded by Fern Welsh

That the published agenda for the May 10, 2021 Essex Accessibility Advisory Committee Meeting be adopted as presented.

**Carried**

5. **Adoption of Minutes**

**5.1 Essex Accessibility Advisory Committee Meeting Minutes for April 14, 2021**

**EAAC 21-05 -006**

Moved by Julia Walsh

Seconded by Geraldine Dozois

**That** the minutes of the Essex Accessibility Advisory Committee Meeting held April 14, 2021 be adopted as circulated.

**Carried**

## **6. Unfinished Business**

### **6.1 Retail Council of Canada named EnAbling Change for Retailers: Make your Store Accessible**

Promotional material was promoted by the Communication's Department with the Town's Accessible CIP Grant information;

Chair would like to see the brochure link permanently posted to the Accessibility Committee's information resource page on the Town's website.

Mr. Sweet to speak to the Communication's department manager regarding the permanent link and access to the resource.

### **6.2 AccessNow App thoughts and opinions from Town's Manager, Strategic Communications and the Economic Development Officer**

Mr. Sweet advised the Manager, Strategic Communications and the Economic Development Officer have met and created a 5 point strategic roll-out for the AccessNow app which will include the following:

- i. Adding verbiage around the AccessNow App to the next business email blast as a call to action for businesses to register (coming soon).
- ii. Promoting the Accessibility grant through the CIP in tandem with the AccessNow App.
- iii. Social posts promoting AccessNow app with call to action for businesses to sign up.
- iv. Discuss with BIA and Chamber how to include AccessNow App promotion in their upcoming social posts.
- v. Possibly registering some of our municipal facilities/points of interest on the App that are accessible as motivation for others to join.

### **6.3 Review of Essex AAC Initiatives Plan**

The chair reviewed the list of twelve items in the Accessibility Plan to ensure the committee is staying on track for completion of the committee initiatives as set out in the 5 year plan.

Discussion regarding the application NaviLink and another app called Be my Eyes; Further research on NaviLink is required and an update to be brought forward at a future meeting.

## **7. Correspondence**

### **7.1 Amended Committee of Adjustment Agency Package of May 18, 2021 meeting received via email on May 3, 2021 for comments.**

**EAAC 21-05 -007**

Moved by Geraldine Dozois

Seconded by Richard Kokovai

**That** Agenda Item 7.1 be received.

**Carried**

## **8. New Business**

### **8.1 Accessibility Flag and other Promotional Items**

Information was brought forward indicating Lakeshore's Accessibility Advisory Committee were working on obtaining an Accessibility flag and other promotional items pertaining to promoting Accessible Ontarians.

Discussion ensued to further investigate costs related to at least 2 Accessible Flags and potentially tear-drop or banner flags and tablecloths for promotion during National Accessibility week and any other relevant promotional events and an update will be brought forward at the next meeting.

## **8.2 EAAC 2021 Budget**

Committee reviewed the 2021 budget and received it for information purposes only.

## **8.3 Accessible issues in Ward One**

Councillor Bondy advised that she has received a number of complaints of sidewalk issues in Ward One.

Committee discussion ensued regarding the curb-cut issue at Cranberry Court and the update received last month from Mr. Sweet that he has had discussions with appropriate department who are further investigating the situation as it involves private property as well as town owned property.

## **8.4 National AccessAbility Week**

Mr. Sweet reminded the committee that National AccessAbility Week is the week of May 31, 2021 to June 4, 2021;

Mr. Sweet advised the Strategic Communication Manager has social media cued-up for that week's celebration;

Committee discussion ensued;

The Committee Chair will ask to appear as a delegate before Council at the 1<sup>st</sup> meeting in June to provide a committee update of completed and active committee endeavours and initiatives and will further submit the AccessAbility proclamation for media promotion.

### **EAAC 21-05 -008**

Moved by Geraldine Dozois

Seconded by Sherry Bondy

**That** the new business listed in Agenda Item 8 be received and that the Chair, Lisa Wallace submit the National AccessAbility proclamation to the Clerks department on behalf of the Committee.

**Carried**

9. **Next Meeting**

Dates and times for a meeting next month were discussed by the committee.

The next meeting will be held on Monday, June 21, 2021 at 10:00 AM virtually via Zoom.

10. **Adjournment**

**EAAC 21-05-09**

Moved by Richard Kokovai

Seconded by Geraldine Dozois

**That** the meeting be adjourned at 11:42 AM

**Carried**

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Chair

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Recording Secretary

# 2021 Capital Variance as at March 31, 2021



Project Number	Project Name	Project Status	Actuals		2021 Budget	Post Budget Approval	Unspent Budget Amount (\$)	Budget Spent (%)	Director/Managers Comments
			Actual Costs as at March 31, 2021	Actual Revenues as at March 31, 2021					
GG-20-0008	Harrow Streetscaping	In Progress	3,432		5,492,018		5,488,586	0%	Construction started.
GG-21-0001	Essex Streetscaping - Engineering	In Progress			460,000		460,000	0%	Engineer has been awarded. Detailed Design underway.
GG-21-0002	Council Contingency	Not Started	2,035		50,000		47,965	4%	
Total - Council			5,467	-	6,002,018	-	5,996,551	0%	
<b>Division: Office of the CAO</b>									
GG-21-0006	Ductless HVAC for Director, Infrastructure Office	Not Started			4,621		4,621	0%	
Total - Office of the CAO			-	-	4,621	-	4,621	0%	
<b>Division: Police</b>									
PD-20-0002	New Dustless Air Conditioning Units for OPP Satellite Office at ECC	Not Started				29,557	29,557	0%	
PD-21-0001	Contingency	Not Started			25,000		25,000	0%	
PD-21-0002	Roof Access Ladder Harrow OPP Station	Not Started			10,750		10,750	0%	Project occurred in 2020
Total - Police			-	-	35,750	29,557	65,307	0%	
<b>Division: Cemeteries</b>									
HS-21-0001	Remesh Fence at Erie Cemetery	In Progress			16,790		16,790	0%	This project is now completed.
HS-21-0002	Sign Replacement	Not Started			5,000		5,000	0%	Ongoing
HS-21-0003	Parking at Colchester Memorial	Not Started	1,601		5,000		3,399	32%	This project is now completed.
Total - Cemeteries			1,601	-	26,790	-	25,189	6%	
Total - Other			7,068	-	6,069,179	29,557	6,091,668	0%	
<b>Department: Corporate Services</b>									
<b>Division: Information Technology</b>									
CS-19-0021	Wireless Radio Upgrade	In Progress			10,405		10,405	0%	In progress - in conjunction with Wireless Network Upgrade GG-20-003

# 2021 Capital Variance as at March 31, 2021



Project Number	Project Name	Project Status	Actuals		2021 Budget	Post Budget Approval	Unspent Budget Amount (\$)	Budget Spent (%)	Director/Managers Comments
			Actual Costs as at March 31, 2021	Actual Revenues as at March 31, 2021					
CS-21-0014	Replace Intercom/PA System at Essex Recreation Complex	Not Started			2,386		2,386	0%	To be completed Aug 2021
CS-21-0029	Projector Replacement at Essex Centre Sports Complex	Not Started			4,344		4,344	0%	Projector and wireless connection is on order
GG-19-0003	Clerk Counter Renovations	Not Started				6,115	6,115	0%	
GG-19-0012	Network Security Audit	Not Started				27,000	27,000	0%	Will follow the IT Strategic Plan
GG-19-0013	New Town Hall	Not Started	5,495			28,599	23,104	19%	
GG-19-0017	Fees and Charges Review	In Progress				30,000	30,000	0%	In Progress. Presented to Council in May
GG-19-0027	Server Room UPS Replacement	In Progress			-	12,000	12,000	0%	In progress - in conjunction with Wireless Network Upgrade GG-20-003
GG-19-0028	Fibre Optic Install and New Switch Hardware	In Progress			-	19,000	19,000	0%	In progress - in conjunction with Wireless Network Upgrade GG-20-003
GG-20-0003	Wireless Network Upgrade All Essex Locations (Pool\ Arena\ Fire\ Water Tower \ Gesto	In Progress			-	50,000	50,000	0%	In progress - in conjunction with Wireless Network Upgrade GG-20-003
GG-21-0004	SAN Upgrade	Not Started			45,000		45,000	0%	Reviewing system configurations and pricing - to be completed Fall 2021
GG-21-0005	IT Strategic Plan	Not Started			40,000		40,000	0%	Fall 2021

# 2021 Capital Variance as at March 31, 2021



Project Number	Project Name	Project Status	Actuals		2021 Budget	Post Budget Approval	Unspent Budget Amount (\$)	Budget Spent (%)	Director/Managers Comments
			Actual Costs as at March 31, 2021	Actual Revenues as at March 31, 2021					
GG-21-0007	Microsoft Software Deployment	Not Started			39,000		39,000	0%	In progress - half of the licenses have been ordered, deploying them to users
Total -Information Technology			5,495	-	141,135	172,714	308,354	2%	
<b>Division: Human Resources</b>									
GG-21-0008	HRIS System	Not Started			40,000		40,000	0%	In progress
Total -Human Resources			-	-	40,000	-	40,000	0%	
<b>Total - Corporate Services</b>			<b>5,495</b>	<b>-</b>	<b>181,135</b>	<b>172,714</b>	<b>348,354</b>	<b>2%</b>	
<b>Department: Community Services</b>									
<b>Division: Fire</b>									
FD-19-0012	Replace Rescue 3 Station 3	In Progress				359,932	359,932	0%	In Progress - Delivery date is late June/early July
FD-19-0015	Fire Station 2 Replacement	In Progress	252,077		3,399,031		3,146,954	7%	In Progress - Occupancy July 2021
FD-20-0014	Firefighter Recruitment (6)	In Progress				49,710	49,710	0%	In Progress
FD-21-0002	Personal Protective Equipment	In Progress			32,837		32,837	0%	In Progress
FD-21-0003	Carbon Monoxide Detector Replacement	Not Started			3,006		3,006	0%	
FD-21-0004	Replace Cutter component of Jaws of Life Station 1	In Progress			18,500		18,500	0%	
FD-21-0007	Hose Replacement Program	In Progress	2,667		15,150		12,483	18%	Completed - all invoices processed
FD-21-0008	Pager Replacement Program	Not Started			5,682		5,682	0%	In Progress - ordered
FD-21-0009	Replace Deputy Fire Chief's Vehicle	In Progress			45,000		45,000	0%	In Progress - ordered
FD-21-0010	Replace Air Bag Kits at Each Station	In Progress			16,860		16,860	0%	Completed - Invoice processed

# 2021 Capital Variance as at March 31, 2021



Project Number	Project Name	Project Status	Actuals		2021 Budget	Post Budget Approval	Unspent Budget Amount (\$)	Budget Spent (%)	Director/Managers Comments
			Actual Costs as at March 31, 2021	Actual Revenues as at March 31, 2021					
FD-21-0013	Replace Portable Generator at Station 1	Not Started			1,064		1,064	0%	
FD-21-0015	Replace Engine 3A for Station 2	Not Started			639,685		639,685	0%	In Progress - went to Council 05-17-2021 need purchase order
FD-21-0016	Ice Water Rescue Equipment (PPE for Ice/Water Team)	Not Started	725		4,200		3,475	17%	Completed
Total - Fire			255,469	-	4,181,015	409,642	4,335,188	6%	
<b>Division: Parks</b>									
CS-19-0056	Splashpad and Change House in Essex Centre forward CS-18-0049/CS-19-0112)	In Progress			103,494		103,494	0%	Near completion
CS-19-0075	Colchester Parking - Town Lot Phase 1 of 2 (Dunn & Cty Rd 50)	Not Started				212,845	212,845	0%	Cancelled as lot was purchased
CS-19-0100	Planters for Heritage Gardens and Sadler's Park (cfwd CS-18-0046)	Not Started			5,000		5,000	0%	
CS-19-0101	Hard surface Trails Hard surface Trails (cfwd CS-18-0071/CS-17-0061)	Not Started			18,514		18,514	0%	
CS-19-0120	Park Signage (Carry forward CS-18-0074/CS-17-0111/CS-16-0039)	Not Started			8,293		8,293	0%	In progress
CS-19-0121	Waterfront Access Upgrades (cfwd CS-18-0076/CS-17-0127)	Not Started			15,237		15,237	0%	
CS-19-0124	Beautification Colchester Centre	Not Started			5,000		5,000	0%	
CS-19-0125	Beautification Harrow Centre	Not Started			25,386		25,386	0%	
CS-20-0042	Essex Tennis Courts	Not Started			240,000		240,000	0%	Tendered. Evaluating proposals.
CS-20-0066	Fence Around Harrow Tennis Courts	Not Started			11,300		11,300	0%	
CS-20-0067	Field Sprayer (Laser) Replacement for Harrow Soccer Complex	Not Started			2,600		2,600	0%	In progress
CS-20-0070	Replace Rubber Surface at Colchester Playground	Not Started			140,000		140,000	0%	Tendered. Approved by Council. In progress
CS-20-0104	Aerifier-Verti Quake	In Progress			26,000		26,000	0%	Tendered. PO Sent. Waiting for unit to be delivered

# 2021 Capital Variance as at March 31, 2021



Project Number	Project Name	Project Status	Actuals		2021 Budget	Post Budget Approval	Unspent Budget Amount (\$)	Budget Spent (%)	Director/Managers Comments
			Actual Costs as at March 31, 2021	Actual Revenues as at March 31, 2021					
CS-21-0016	Replace 4 wheel tractor - 2011 Kioti -859	In Progress			54,500		54,500	0%	Tendered. PO Sent. Waiting for unit to be delivered
CS-21-0019	Ball Diamond Rehabilitation (Annual)	Not Started			15,000		15,000	0%	in progress
CS-21-0020	Soccer Park Rehabilitation (Annual)	Not Started			15,000		15,000	0%	
CS-21-0022	Replacement of Picnic Tables for Parks	Not Started			15,000		15,000	0%	In progress
CS-21-0043	New Public Washrooms/Change Room at Harrow Splash pad	Not Started			150,000		150,000	0%	report to Council for engineering
CS-21-0046	Parks Equipment and Tools Contingency	In Progress			58,130		58,130	0%	In progress
CS-21-0065	Hunter Park Replace Playground Equipment	Not Started			200,000		200,000	0%	Tendered. Approved by Council. In progress
CS-21-0066	Replacement of Harrow Park Fence along Walnut St	Not Started			25,000		25,000	0%	
CS-21-0067	Replace 1984 John Deere 955 Tractor #879	In Progress			35,000		35,000	0%	Tendered. PO Sent. Waiting for unit to be delivered
CS-21-0069	Replacement of Leaf and Turf Vacuum for Parks Maintenance	Not Started			29,300		29,300	0%	
CS-21-0070	Replacement of Cedar Shingles Train Station Shed	Not Started			7,000		7,000	0%	
CS-21-0071	Install of new sidewalk to playset at Hunter Park	Not Started			15,000		15,000	0%	
CS-21-0081	Dugouts at Harrow Diamonds	Not Started			15,000		15,000	0%	
CS-21-0083	Upgrade/replacement of community garbage disposals in Parks	Not Started			14,878		14,878	0%	
CS-21-0088	Move Tot Park to Essex Splashpad area	Not Started			100,000		100,000	0%	
CS-21-0089	Drainage at Liberto Park	Not Started	801		10,000		9,199	8%	Completed.
CS-21-0090	Remove recirculation equipment from Harrow and Colchester Splash Pads	Not Started			20,000		20,000	0%	

# 2021 Capital Variance as at March 31, 2021



Project Number	Project Name	Project Status	Actuals		2021 Budget	Post Budget Approval	Unspent Budget Amount (\$)	Budget Spent (%)	Director/Managers Comments
			Actual Costs as at March 31, 2021	Actual Revenues as at March 31, 2021					
CS-21-0091	Drainage improvements at Townsview Park	Not Started			7,500		7,500	0%	Completed.
CS-21-0092	Replace Sidewalks in Sadlers Park	Not Started			35,000		35,000	0%	
CS-21-0093	Replace Unit 857 Ford F350 Water Truck	In Progress			54,000		54,000	0%	Tendered. PO Sent. Waiting for unit to be delivered
CS-21-0094	New Snow Push Box	Not Started			4,000		4,000	0%	Waiting for unit to be delivered
CS-21-0102	Replacement Snowplow for Kioti Tractor	Not Started			9,000		9,000	0%	
CS-21-0103	Drop Salter for UTV in Harrow	Not Started			4,500		4,500	0%	Completed.
CS-21-0107	Co-An Park Capital Contribution	Not Started			15,000		15,000	0%	
Total - Parks			801	-	1,508,632	212,845	1,720,676	0%	
<b>Division: Miscellaneous Recreation Programs</b>									
CS-19-0032	Colchester Community Centre Upgrades	Not Started			23,469		23,469	0%	
CS-19-0082	New A/C Furnaces at Colchester Community Centre	In Progress			24,000		24,000	0%	Tenered. PO issued waiting on contractor to install
CS-19-0097	Washroom Upgrades at Lions Hall	Not Started			20,000		20,000	0%	
CS-19-0109	Heritage Garden Development	Not Started			13,620		13,620	0%	
CS-19-0111	Parks, Recreation and Culture Master Plan	Not Started			8,912		8,912	0%	
CS-19-0122	Colchester Community Garden	Not Started			3,296		3,296	0%	In progress
CS-20-0051	Painting, Interior Essex Community Centre	Not Started	601		10,000		9,399	6%	Completed.
CS-20-0053	Dog Agility Items	In Progress			8,840		8,840	0%	Product on site. Waiting to install. In progress.
CS-20-0055	Flag Poles McGregor	In Progress			10,500		10,500	0%	In progress

## 2021 Capital Variance as at March 31, 2021



Project Number	Project Name	Project Status	Actuals		2021 Budget	Post Budget Approval	Unspent Budget Amount (\$)	Budget Spent (%)	Director/Managers Comments
			Actual Costs as at March 31, 2021	Actual Revenues as at March 31, 2021					
CS-20-0056	Heritage Train Station landscaping	Not Started			8,000		8,000	0%	
CS-20-0075	Heritage Train Station Caboose	Not Started			14,339	8,000	22,339	0%	
CS-21-0073	New Dustless Air Conditioning Units for Three Program Room	Not Started			32,250		32,250	0%	
CS-21-0074	Paint Interior McGregor Community Center	Not Started			10,000		10,000	0%	Completed.
CS-21-0075	New Ceiling Lights in Four Program Rooms, and Halls ECC	Not Started			20,000		20,000	0%	
Total - Miscellaneous Recreation Programs			601	-	207,226	8,000	214,625	0%	
<b>Division: Arena</b>									
CS-20-0038	Ice Resurfacer at Harrow Centre Sports Complex	In Progress			90,900		90,900	0%	Completed.
CS-20-0083	Replace Ice Resurfacer 850-00 at Essex Centre Sports Complex	In Progress			92,000		92,000	0%	Completed.
CS-20-0086	Shower/Dressing Room Updates-Harrow Arena	Not Started			40,000		40,000	0%	
CS-20-0116	Replace 4 condensing boilers	In Progress	19,130			19,130	0	100%	
CS-21-0035	Automatic Door Replacement at Essex Centre Sports Complex	Not Started		10,000	50,000	15,149	65,149	0%	Tendered. Awaiting installation
CS-21-0042	Ice Maintenance Level Laser	Not Started			12,000		12,000	0%	
CS-21-0044	Replace Rubber Tiles in Two dressing rooms and the Main Hall of Libro Rink	Not Started			66,700		66,700	0%	Tendered. Awaiting approval at May 17 council meeting
CS-21-0057	Two New Screw Compressor and Motor for the Compressor Room in Twin Pad Arenas	In Progress			86,000		86,000	0%	Sole sourced. Awaiting installation
CS-21-0095	Replace the Condenser Holding Tank in Compressor Room	In Progress			21,000		21,000	0%	Sole sourced. Awaiting installation
CS-21-0096	Replacement of Kick Board - Dashers at Libro Rink	Not Started			21,940		21,940	0%	
CS-21-0097	Ice Resurfacer Hot Water Boilers (2)	Not Started			58,000		58,000	0%	

# 2021 Capital Variance as at March 31, 2021



Project Number	Project Name	Project Status	Actuals		2021 Budget	Post Budget Approval	Unspent Budget Amount (\$)	Budget Spent (%)	Director/Managers Comments
			Actual Costs as at March 31, 2021	Actual Revenues as at March 31, 2021					
CS-21-0098	Mortar Block Repairs for Essex Centre Sports Complex	Not Started			4,900		4,900	0%	
CS-21-0099	Replacement of Fuel Makers to fill Olympias	Not Started			12,000		12,000	0%	
CS-21-0100	Baffle Ceiling Essex Centre Sports Complex	Not Started			15,000		15,000	0%	
CS-21-0101	Replace the Douglas Control Lighting dialogue System	Not Started			13,740		13,740	0%	
Total - Arenas			19,130	10,000	584,180	34,279	599,329	3%	
<b>Division: Essex Recreation Complex</b>									
CS-19-0115	LED Lights at Aquatics Centre	Not Started			15,445		15,445	0%	
CS-20-0108	NEW - Cameras for ERC	Not Started			28,500		28,500	0%	
CS-21-0013	Replace Pump for lap pool at Essex Recreation	Not Started	2,656		3,049		393	87%	
CS-21-0104	Essex Pool Office	Not Started			30,000		30,000	0%	In progress - work tendered out
CS-21-0106	HVAC Replacement ay Essex Recreation Complex	Not Started			175,000		175,000	0%	
Total - Essex Recreation Complex			2,656	-	251,994	-	249,338	1%	
<b>Division: Harbour</b>									
CS-19-0106	Dock B Power Upgrade	Not Started			5,335		5,335	0%	
CS-20-0007	Float B - 30 Finger Docks Replacement	In Progress			178,059		178,059	0%	Completed.
CS-21-0086	Install Gates and FOBS at each Colchester Dock Entrance	Not Started			40,000		40,000	0%	in progress
CS-21-0105	Public Washroom Upgrades Colchester Harbour	Not Started			9,000		9,000	0%	in progress
Total - Harbour			-	-	232,394	-	232,394	0%	
<b>Division: Arts, Culture and Tourism</b>									
CS-19-0064	Mural/Sculpture	Not Started			10,000		10,000	0%	
Total - Arts, Culture and Tourism			-	-	10,000	-	10,000	0%	
<b>Total - Community Services</b>			<b>278,656</b>	<b>10,000</b>	<b>6,975,441</b>	<b>664,766</b>	<b>7,361,550</b>	<b>4%</b>	

# 2021 Capital Variance as at March 31, 2021



Project Number	Project Name	Project Status	Actuals		2021 Budget	Post Budget Approval	Unspent Budget Amount (\$)	Budget Spent (%)	Director/Managers Comments
			Actual Costs as at March 31, 2021	Actual Revenues as at March 31, 2021					
Department - Development Services									
Division: Planning									
PZ-19-0007	New Development Standards Manual Update	In Progress			79,576	(48,343)	31,233	0%	Work with the consultant is ongoing. Final invoice expected in Q3.
PZ-20-0002	Official Plan Review - Phase 1	Not Started			50,424		50,424	0%	RFP is currently being prepared. RFP to be posted in Q3, with a goal to award the project in Q4. Some work will carry over to 2022.
PZ-21-0002	CWATS	Not Started			4,650		4,650	0%	Funds to be used for education programs, bike camps, and bike fix station by year-end.
PZ-21-0003	Amendment to DC By-Law and Background Study	In Progress	1,056		35,000		33,944	3%	
Total - Planning			1,056	-	169,650	(48,343)	120,252	1%	
Division: Building									
BD-21-0001	Field Software & Tablets	Not Started	1,353		15,000		13,647	9%	Work is ongoing to integrate and configure Cloudpermit. Funds for tablets and start-up costs expected to be used in Q3.
Total - Building			1,353	-	15,000	-	13,647	9%	
Division: Economic Development									
ED-21-0001	Agri-Tourism Strategy	In Progress	24,332	17,500	55,000		30,668	44%	Agri-Tourism Strategy completed in March at a cost of \$33,433.88; Remaining \$21,566.12 to be used towards an extension of contract for the same consultant to initiate implementation phase.
GG-19-0016	Wayfinding Signage Project	Not Started	1,196			4,247	3,051	28%	Project is ongoing; remaining funds to be utilized for installation following completion of the Harrow Streetscape Project.
GG-19-0024	Economic Development Initiatives	Not Started				19,161	19,161	0%	Funds to be used by year-end for marketing of new video, blog, photo content; new window signage for What You're Made Of campaign.
Total - Economic Development			25,528	17,500	55,000	23,408	52,880	33%	

# 2021 Capital Variance as at March 31, 2021



Project Number	Project Name	Project Status	Actuals		2021 Budget	Post Budget Approval	Unspent Budget Amount (\$)	Budget Spent (%)	Director/Managers Comments
			Actual Costs as at March 31, 2021	Actual Revenues as at March 31, 2021					
Total - Development Services			27,937	17,500	239,650	(24,935)	186,778	13%	
Department - Public Works									
Division: Equipment									
PW-20-0001	15-ton Dump/Plow Unit #532	Not Started			280,000		280,000	0%	
PW-20-0038	Essex Operations Yard (Capital Equipment Stock)	Not Started			7,458		7,458	0%	
PW-20-0039	Building Expansion and Washroom Upgrade	Not Started			495,241		495,241	0%	
PW-21-0001	Pickup Truck	In Progress			45,000		45,000	0%	
PW-21-0002	Minor Equipment	Not Started			15,000		15,000	0%	
PW-21-0003	Annual Door Replacement Program	Not Started			10,000		10,000	0%	
PW-21-0005	Grader Unit 505	In Progress			450,000		450,000	0%	
PW-21-0036	Pickup Truck	In Progress			45,000		45,000	0%	
PW-21-0041	5-ton Roll-off/Plow	In Progress			280,000		280,000	0%	
Total - Equipment and Administration			-	-	1,627,699	-	1,627,699	0%	
Division: Roads and Roadside									
PW-19-0036	LED Conversion of Streetlights	Not Started	3,896		368,013		364,117	1%	
PW-19-0066	Development Partnerships	Not Started			10,800		10,800	0%	
PW-21-0006	Old Malden Road (14th Conc to 12th Conc)	Not Started			220,000		220,000	0%	

# 2021 Capital Variance as at March 31, 2021



Project Number	Project Name	Project Status	Actuals		2021 Budget	Post Budget Approval	Unspent Budget Amount (\$)	Budget Spent (%)	Director/Managers Comments
			Actual Costs as at March 31, 2021	Actual Revenues as at March 31, 2021					
PW-21-0007	Sidewalks/Trails	Not Started			50,000		50,000	0%	
PW-21-0013	Overlay 6km (Approximately \$25,000/km) (Maintenance)	Not Started			150,000		150,000	0%	
PW-21-0033	Victor (from Victoria to Laird)	In Progress			445,000		445,000	0%	Engineer has been awarded. Detailed Design underway.
PW-21-0035	Gore Rd- surface treatment	Not Started			80,000		80,000	0%	
PW-21-0037	Maidstone-Arthur-Gosfield Intersection Improvements	In Progress			450,000		450,000	0%	Engineer has been awarded. Detailed Design underway.
PW-21-0038	4th Concession- surface treatment	Not Started			95,000		95,000	0%	
PW-21-0039	8th Concession- surface treatment	Not Started			75,000		75,000	0%	
PW-21-0042	3rd Concession- paved shoulder	Not Started			120,000		120,000	0%	
PW-21-0043	Viscount Rehabilitation	In Progress			200,000		200,000	0%	Engineer has been awarded. Detailed Design underway.
Total - Roads and Roadside			3,896	-	2,263,813	-	2,259,917	0%	
<b>Division: Stormwater Management</b>									
PW-19-0048	Stormwater Partnership Improvements-Main	Not Started			197,995		197,995	0%	
PW-19-0050	Rain Gauges in Partnership with ERCA	Not Started			11,000		11,000	0%	
PW-19-0064	Ward 1 Storm Improvements	In Progress			4,559,912		4,559,912	0%	
PW-20-0021	Engineering for Various Bridges and Culverts	Not Started	1,427		50,372		48,945	3%	
PW-20-0030	McCormick Sideroad and 4th Concession Culvert 208002	Not Started	286			286	0	100%	

# 2021 Capital Variance as at March 31, 2021



Project Number	Project Name	Project Status	Actuals		2021 Budget	Post Budget Approval	Unspent Budget Amount (\$)	Budget Spent (%)	Director/Managers Comments
			Actual Costs as at March 31, 2021	Actual Revenues as at March 31, 2021					
PW-20-0031	Coulter Sideroad and 9th Concession Culvert 102205	Not Started	286			286	0	100%	
PW-20-0034	Richmond Drain Bank Stabilization	Not Started	72,059		275,000		202,941	26%	
PW-20-0044	Queen Street	In Progress				20,243	20,243	0%	
PW-21-0011	Engineering for Various Bridges and Culverts	Not Started			50,000		50,000	0%	
PW-21-0018	3rd Concession and County Road 23 Bridge 200204	Not Started	1,346		30,000		28,654	4%	
PW-21-0025	South Malden Rd and Mole Sideroad Bridge 103904	Not Started	1,346		305,000		303,654	0%	
PW-21-0026	Walker Sideroad/North Malden 106101	Not Started	1,346		225,000		223,654	1%	
PW-21-0028	Rizzo Nicola Rd. Guiderail	Not Started	611		35,000		34,389	2%	
PW-21-0034	Victor (from Victoria to Laird) Storm Sewers	Not Started			275,000		275,000	0%	
PW-21-0040	Victoria/South Talbot Culvert Replacement	Not Started			350,000		350,000	0%	
Total - Stormwater Management			78,706	-	6,364,279	20,815	6,306,388	1%	
<b>Total - Public Works</b>			<b>82,602</b>	<b>-</b>	<b>10,255,791</b>	<b>20,815</b>	<b>10,194,004</b>	<b>1%</b>	
<b>Total - Property Tax Supported</b>			<b>401,758</b>	<b>27,500</b>	<b>23,721,196</b>	<b>862,917</b>	<b>24,182,355</b>	<b>2%</b>	

User Rated Supported									
<b>Division:</b>		<b>Drainage</b>							
AR-21-0001	Drainage Costs that are recoverable	Not Started	326,593	(58,189)			(326,593)	Costs to be collected by Owners	
Total - Drainage			326,593	(58,189)	-	-	(326,593)	Costs to be collected by Owners	

# 2021 Capital Variance as at March 31, 2021



Project Number	Project Name	Project Status	Actuals		2021 Budget	Post Budget Approval	Unspent Budget Amount (\$)	Budget Spent (%)	Director/Managers Comments
			Actual Costs as at March 31, 2021	Actual Revenues as at March 31, 2021					
Department: Environmental Services									
Division: Water									
WW-19-0009	Queen Street (Phillip Ferris to Concession 3) Main Replacement	Not Started				165,520	165,520	0%	
WW-19-0012	Water Rate Study	In Progress	11,882			23,572	11,690	50%	Project completed. Waiting on final invoice.
WW-20-0004	Gordon, Wilson, Station Street Phase 1 (Construction)	Not Started	1,669			320,044	318,375	1%	
WW-20-0010	OWCA Capital Recommendations	Not Started				540,000	540,000	0%	
WW-20-0012	Irwin Watermain (Ward 1)	Not Started				335,000	335,000	0%	
WW-20-0013	Victor Watermain (Ward 1)	Not Started			165,000		165,000	0%	Engineer has been awarded. Working on detailed design.
WW-21-0001	Equipment Contingency Wards 1 and 2 Distribution and Transmission (50%)	Not Started			8,500		8,500	0%	
WW-21-0002	Equipment Contingency Wards 3 and 4 Distribution and Transmission (50%)	Not Started			8,500		8,500	0%	
WW-21-0003	Harrow Colchester South Water Treatment Plant Contingency Wards 3 and 4	Not Started	10,043		177,500		167,457	6%	
WW-21-0005	Backflow Prevention and Monitoring Program Wards 1/2 (Maintenance)	Not Started			10,000		10,000	0%	
WW-21-0006	Backflow Prevention and Monitoring Program Wards 3/4 (Maintenance)	Not Started			10,000		10,000	0%	

# 2021 Capital Variance as at March 31, 2021

Project Number	Project Name	Project Status	Actuals		2021 Budget	Post Budget Approval	Unspent Budget Amount (\$)	Budget Spent (%)	Director/Managers Comments
			Actual Costs as at March 31, 2021	Actual Revenues as at March 31, 2021					
WW-21-0007	OWCA Capital Recommendations	Not Started			442,000		442,000	0%	
WW-21-0008	Meter Reading Software	Not Started			34,000		34,000	0%	
WW-21-0009	Viscount Watermin Replacement	Not Started			160,000		160,000	0%	
WW-21-0010	Ward 1 Water Supply West of Highway 3	Not Started				148,570	148,570	0%	
Total - Water			23,594	-	1,015,500	1,532,706	2,524,612	1%	
<b>Division: Sanitary Sewer</b>									
SS-19-0004	Treatment - Ward 4 Cell Treatment	Not Started			500,000		500,000	0%	
SS-19-0008	Sanitary Sewer Masterplan Ward 3	In Progress	2,836		79,518		76,682	4%	Ongoing project.
SS-19-0012	Harrow Sanitary Optimization Study (cfwd SS-18-0010)	In Progress			43,046		43,046	0%	
SS-19-0013	Treatment - Ward 4 Cell Treatment (cfwd SS-18-0017/SS-17-0007)	Not Started			500,000		500,000	0%	
SS-19-0014	CWWF Funding Projects	Not Started				2,592	2,592	0%	
SS-19-0015	CWWF Funding Projects, Upgrades to Ward 3 Lagoons and Pump Station (cfwd SS-18-0007)	Not Started	52,040			52,040	-	100%	
SS-19-0016	CWWF Upgrades to Harrow Lagoon and Pump Station (cfwd SS-18-0016)	Not Started	334,855			334,855	-	100%	
SS-21-0001	Treatment - Ward 1 Contingency	Not Started			77,500		77,500	0%	
SS-21-0002	Treatment - Ward 3 Contingency	Not Started			42,500		42,500	0%	

# 2021 Capital Variance as at March 31, 2021



Project Number	Project Name	Project Status	Actuals		2021 Budget	Post Budget Approval	Unspent Budget Amount (\$)	Budget Spent (%)	Director/Managers Comments
			Actual Costs as at March 31, 2021	Actual Revenues as at March 31, 2021					
SS-21-0003	Treatment - Ward 4 Contingency	Not Started			42,500		42,500	0%	
SS-21-0004	Collection and Conveyance - Ward 1	In Progress			40,000		40,000	0%	
SS-21-0005	Collection and Conveyance - Ward 3	Not Started			42,500		42,500	0%	
SS-21-0008	Collection and Conveyance - Ward 4	Not Started			37,500		37,500	0%	
SS-21-0009	OWCA Capital Recommendations - Ward 1	Not Started			138,000		138,000	0%	
SS-21-0010	OWCA Capital Recommendations - Ward 3	Not Started			96,000		96,000	0%	
SS-21-0011	OWCA Capital Recommendations - Ward 4	Not Started			39,600		39,600	0%	
Total - Sanitary Sewer			389,731	-	1,678,664	389,487	1,678,420	19%	
<b>Total - Environmental Services</b>			<b>413,324</b>	<b>-</b>	<b>2,694,164</b>	<b>1,922,193</b>	<b>4,203,033</b>	<b>9%</b>	
<b>Total - User Rate Supported</b>			<b>739,918</b>	<b>(58,189)</b>	<b>2,694,164</b>	<b>1,922,193</b>	<b>3,876,439</b>	<b>16%</b>	
<b>TOTAL - Property Tax and User Rate Supported</b>			<b>1,141,676</b>	<b>(30,689)</b>	<b>26,415,360</b>	<b>2,785,110</b>	<b>28,058,794</b>	<b>4%</b>	



## **April 2021 Bank Payments Report**

### Contents Include

General Account Cheque Register

Pre-Authorized Payments

Payroll



General Account Cheque Register for April 2021

Cheque Number	Vendor ID	Vendor Cheque Name	Cheque Date	Amount
52806	222043	2220435 Ontario Ltd.	April 1, 2021	\$5,827.50
52807	538436	538436 Ontario Ltd.	April 1, 2021	\$56.50
52808	AMA004	A.M.A. Horticulture Inc.	April 1, 2021	\$84.75
52809	CTR001	Canadian Tire #172	April 1, 2021	\$308.36
52810	DWA001	D. Warkentin Distributing	April 1, 2021	\$342.96
52811	ERC001	Essex Region Conservation Auth	April 1, 2021	\$6,230.00
52812	ESS017	Essex Free Press	April 1, 2021	\$1,009.94
52813	GIB002	James Gibb Signs	April 1, 2021	\$158.20
52814	HEW001	Jeffrey J. Hewitt, Lawyer	April 1, 2021	\$2,570.75
52815	JOH017	Johnson Controls #T6067	April 1, 2021	\$3,821.10
52816	LEN002	Len Taylor & Sons Ltd	April 1, 2021	\$3,147.05
52817	MAR109	Marunic, Aleksandar	April 1, 2021	\$500.00
52818	OKT001	O.K. Tire & Auto Service	April 1, 2021	\$99.44
52819	OKT003	OK Tire	April 1, 2021	\$396.40
52820	ONT017	Ontario Municipal Water Associ	April 1, 2021	\$971.80
52821	QUI003	Quinlan Inc.	April 1, 2021	\$81,595.94
52822	QUI008	Quimby Financial Group Ltd.	April 1, 2021	\$12,615.48
52823	REM004	Rempel, Donald	April 1, 2021	\$250.00
52824	SHO005	The Shoe Network Inc.	April 1, 2021	\$937.90
52825	SHR001	Shred-it International ULC	April 1, 2021	\$189.10
52826	SOU033	South Howard Animal Clinic	April 1, 2021	\$75.00
52827	AMC002	AMCTO	April 8, 2021	\$1,412.50
52828	BEA017	Beaulieu, Alfred	April 8, 2021	\$500.00
52829	BEL003	Bell Canada	April 8, 2021	\$2,772.91
52830	CFI002	CF Industrial	April 8, 2021	\$1,139.04
52831	CUS003	CUSTOM ELECTRONICS & AUTOMATIO	April 8, 2021	\$5,141.50
52832	DAR001	Darch Fire	April 8, 2021	\$1,463.18
52833	DEP002	Dependable Emergency Vehicles	April 8, 2021	\$302.84
52834	DES028	Desjardins, Dan	April 8, 2021	\$200.00
52835	ELK002	E.L.K. Energy Inc	April 8, 2021	\$246.34
52836	GRE029	Greenlight General Contracting	April 8, 2021	\$585.00
52837	JIR001	Jireh Tools	April 8, 2021	\$64.91
52838	LIN006	Linde Canada Inc.	April 8, 2021	\$570.72
52839	MAN014	Managed Print Solutions	April 8, 2021	\$852.34
52840	MEG001	Mega-Tech	April 8, 2021	\$2,513.12
52841	MIN001	Minister of Finance	April 8, 2021	\$263,768.44
52842	RFG002	RFG Electrical	April 8, 2021	\$231.65
52843	SNG001	Stop N Go	April 8, 2021	\$626.19
52844	STE038	Sterling Ridge Infrastructure	April 8, 2021	\$239,360.36
52845	SUP010	Superior Sport Stitch	April 8, 2021	\$101.70
52846	4IM001	4imprint, Inc.	April 15, 2021	\$1,128.07
52847	ANN001	Annex Business Media	April 15, 2021	\$106.68
52848	CCD001	Essex Countryside Chrysler-Dod	April 15, 2021	\$212.87
52849	CEN015	CentralSquare Canada Software	April 15, 2021	\$2,034.00
52850	CFC003	CFC Supply	April 15, 2021	\$354.82
52851	COT006	Cottam Radiator	April 15, 2021	\$1,466.00
52852	CUE001	Cuerrier, Kelly	April 15, 2021	\$323.00
52853	DAN012	Dan Boudreau Designs	April 15, 2021	\$5,005.00
52854	ESS004	Essex Foodland	April 15, 2021	\$125.59
52855	FIS002	Fisher's Regalia	April 15, 2021	\$458.51
52856	FOU009	Fournier, Amy (Lottery)	April 15, 2021	\$486.00
52857	GYO002	Gyori Farms, Inc	April 15, 2021	\$169.50
52858	HAY007	Hayes, Alaina	April 15, 2021	\$239.82
52859	JCY001	JC Yard Maintenance	April 15, 2021	\$220.35
52860	KAL003	Kal Tire	April 15, 2021	\$250.84
52861	LAS014	Laslett, Mary	April 15, 2021	\$116.00
52862	LEA025	Leathem, Kirsty	April 15, 2021	\$175.00
52863	LIN006	Linde Canada Inc.	April 15, 2021	\$61.70
52864	LON013	Loncke, John	April 15, 2021	\$35.50
52865	MEL045	Meloche, Robert James	April 15, 2021	\$200.00
52866	MUN012	Munger Plumbing & Electric	April 15, 2021	\$339.00
52867	MYE004	Myers, Kimberly	April 15, 2021	\$117.00
52868	RIL002	Riley Manufacturing	April 15, 2021	\$723.27
52869	SIM012	Simic, Steven	April 15, 2021	\$60.00
52870	STJ005	St. John, Melanie	April 15, 2021	\$93.00



General Account Cheque Register for April 2021

Cheque Number	Vendor ID	Vendor Cheque Name	Cheque Date	Amount
52871	WAF003	Waffle, Julie	April 15, 2021	\$177.00
52872	2153424	2153424 Ontario Ltd.	April 22, 2021	\$2,500.00
52873	ABE001	Abell Pest Control	April 22, 2021	\$73.45
52874	ANS002	Anson, Margaret	April 22, 2021	\$1,435.63
52875	AUC001	Auclair, Paige	April 22, 2021	\$20.00
52876	BAL027	Bald, Allan	April 22, 2021	\$20.00
52877	BUT004	Butler, James	April 22, 2021	\$500.00
52878	CAN028	CANADIAN SAFETY EQUIPMENT INC	April 22, 2021	\$2,700.14
52879	CEN015	CentralSquare Canada Software	April 22, 2021	\$1,500.08
52880	COD001	Code 4 Fire & Rescue	April 22, 2021	\$20,390.85
52881	COM008	Computer Plug Inc.	April 22, 2021	\$83.79
52882	COM038	Community Support Services of	April 22, 2021	\$10,000.00
52883	GOO007	Goodwill Industries	April 22, 2021	\$2,398.31
52884	KPM001	KPMG LLP	April 22, 2021	\$11,865.00
52885	LAB018	Dr. Laba-Kaczmarek Medical Gro	April 22, 2021	\$3,500.00
52886	LIN006	Linde Canada Inc.	April 22, 2021	\$292.74
52887	NEW013	New World Park Solutions	April 22, 2021	\$3,752.17
52888	PED002	Pedro, Patricia	April 22, 2021	\$200.00
52889	SAL005	The Salvation Army	April 22, 2021	\$1,219.81
52890	SOC002	Society of St. Vincent de Paul	April 22, 2021	\$3,062.42
52891	STE038	Sterling Ridge Infrastructure	April 22, 2021	\$38,632.55
52892	STO004	Story Book Early Learning Cent	April 22, 2021	\$406.26
52893	TAL002	Talbot Street Animal Hospital	April 22, 2021	\$75.00
52894	TUR010	Turton, Richard	April 22, 2021	\$200.00
52895	WOO024	Woodland Mills Inc.	April 22, 2021	\$4,843.18
52896	YOU010	Young, Tammy	April 22, 2021	\$96.00
52897	ANN001	Annex Business Media	April 29, 2021	\$94.82
52898	BAL028	Bale, Terry	April 29, 2021	\$207.50
52899	BEA016	Bear Construction & Engineerin	April 29, 2021	\$293,314.16
52900	BRI025	Bridgewood Farms	April 29, 2021	\$1,000.00
52901	BRO052	Brown, Jeremy Christopher	April 29, 2021	\$250.00
52902	BSE001	b & s emblem limited	April 29, 2021	\$3,189.99
52903	CFC003	CFC Supply	April 29, 2021	\$580.82
52904	CRI004	Cribley, Dane	April 29, 2021	\$270.00
52905	CTR001	Canadian Tire #172	April 29, 2021	\$119.71
52906	DIG003	Bart DiGiovanni Construction L	April 29, 2021	\$2,966.15
52907	ESS004	Essex Foodland	April 29, 2021	\$25.76
52908	ESS017	Essex Free Press	April 29, 2021	\$1,470.40
52909	ESS052	Essex Area Food Bank	April 29, 2021	\$500.00
52910	FOX010	Fox, Matthew	April 29, 2021	\$90.00
52911	FRO005	Froese, Susanne	April 29, 2021	\$75.00
52912	GYO002	Gyori Farms, Inc	April 29, 2021	\$262.73
52913	JIR001	Jireh Tools	April 29, 2021	\$541.27
52914	JOH027	Johnson, Shantal	April 29, 2021	\$69.00
52915	KIN023	Kinsmen, Eleanor & Don	April 29, 2021	\$1,794.54
52916	KIN025	Kinsmen, Rebecca	April 29, 2021	\$598.18
52917	KTE001	K-Ten Construction Inc.	April 29, 2021	\$500.00
52918	LOS001	Loscher, Kari	April 29, 2021	\$354.00
52919	MAR110	Marontate, Cynthia	April 29, 2021	\$200.00
52920	MEL042	Meloche, Tim	April 29, 2021	\$250.00
52921	MIN001	Minister of Finance	April 29, 2021	\$244,043.00
52922	PCO001	Orkin Canada Corporation	April 29, 2021	\$322.05
52923	POO002	Pook, William	April 29, 2021	\$500.00
52924	PRO019	Project Hope Windsor Essex	April 29, 2021	\$500.00
52925	REA019	Reaume, Matt	April 29, 2021	\$276.00
52926	REV002	Revait Investigations Inc.	April 29, 2021	\$236.74
52927	SAM002	Sampietro, Analisa	April 29, 2021	\$115.00
52928	STV002	St. Vincent de Paul - Harrow F	April 29, 2021	\$500.00
52929	TRE008	Tremco Weatherproofing Technol	April 29, 2021	\$2,203.50
52930	TRO010	Troy Life & Fire Safety Ltd.	April 29, 2021	\$1,067.85
52931	WIN056	Windsor Body Magazine	April 29, 2021	\$974.06
52932	YOU010	Young, Tammy	April 29, 2021	\$193.00
52933	YOU013	Young, Erica	April 29, 2021	\$305.26
EFT004371	AGR002	Agris Co-Operative Ltd.	April 1, 2021	\$3,995.74
EFT004372	AJS001	A. J. Stone Company Ltd.	April 1, 2021	\$492.03



General Account Cheque Register for April 2021

Cheque Number	Vendor ID	Vendor Cheque Name	Cheque Date	Amount
EFT004373	AUT001	Auto Barn Parts	April 1, 2021	\$1,028.22
EFT004374	BEZ001	Bezaire, Mike	April 1, 2021	\$3,849.53
EFT004375	BJO002	Bjorkman, Mary-Anne & Stephen	April 1, 2021	\$1,000.00
EFT004376	CIM001	CIMCO Refrigeration	April 1, 2021	\$425.16
EFT004377	CLA007	Classic Displays	April 1, 2021	\$2,911.33
EFT004378	CLS001	Canadian Linen and Uniform Ser	April 1, 2021	\$405.68
EFT004379	COL001	Colenutt Signs Limited	April 1, 2021	\$2,260.00
EFT004380	COR004	Corporate Billing	April 1, 2021	\$3,397.89
EFT004381	CTY002	County of Essex	April 1, 2021	\$1,433.89
EFT004382	DEL013	Delta Power Equipment	April 1, 2021	\$113.97
EFT004383	DUN008	Dunk & Associates	April 1, 2021	\$28,532.50
EFT004384	EMC002	EMCO Corporation	April 1, 2021	\$915.30
EFT004385	ESO001	eSolutions Group	April 1, 2021	\$949.20
EFT004386	FAS002	Fastenal Canada, LTD	April 1, 2021	\$214.69
EFT004387	FOR001	Forest Machine & Mfg. Inc	April 1, 2021	\$39.55
EFT004388	GRE001	Great Lakes Safety Products	April 1, 2021	\$45.09
EFT004389	GUN003	Gunning, Katherine and Gunning	April 1, 2021	\$5,981.80
EFT004390	GUN004	Gunning, Katherine	April 1, 2021	\$8,972.71
EFT004391	HOL001	Holland Cleaning Solutions Ltd	April 1, 2021	\$604.55
EFT004392	IGL001	IGLOO Inc.	April 1, 2021	\$1,692.29
EFT004393	JUT001	Jutzi Water Technologies	April 1, 2021	\$96.05
EFT004394	KEL015	Kelcom - Radio Division	April 1, 2021	\$2,778.67
EFT004395	KEN002	Ken Lapain & Sons Ltd.	April 1, 2021	\$710.33
EFT004396	LAS001	Laser Art Inc	April 1, 2021	\$375.61
EFT004397	LEK001	Lekter Industrial Services Inc	April 1, 2021	\$364.99
EFT004398	MLS001	M & L Supply Fire & Safety	April 1, 2021	\$8,496.11
EFT004399	NJP001	N.J. Peralta Engineering Ltd	April 1, 2021	\$9,534.94
EFT004400	NSF001	NSF International Strategic	April 1, 2021	\$1,921.00
EFT004401	PUR001	Purolator Inc.	April 1, 2021	\$142.09
EFT004402	RCA001	RCAP Leasing Inc.	April 1, 2021	\$394.77
EFT004403	REG001	Reg Clark Truck Ltd	April 1, 2021	\$68,781.80
EFT004404	ROO002	Rood Engineering	April 1, 2021	\$10,878.51
EFT004405	SAF002	Safedesign Apparel Ltd	April 1, 2021	\$1,880.50
EFT004406	SNY001	Snyder Automotive	April 1, 2021	\$744.51
EFT004407	SOU041	Southpoint Equipment	April 1, 2021	\$53.38
EFT004408	STI007	Stinson Equipment	April 1, 2021	\$1,852.52
EFT004409	THY001	Thyssenkrupp Elevator	April 1, 2021	\$813.60
EFT004410	VAL009	Valvoline Express Care	April 1, 2021	\$93.51
EFT004411	VOL001	E.R. Vollans Ltd.	April 1, 2021	\$73.81
EFT004412	VOL003	Vollmer	April 1, 2021	\$28,826.87
EFT004413	WAD001	Waddick Fuels	April 1, 2021	\$752.86
EFT004414	WAT002	Watson & Associates Economists	April 1, 2021	\$1,791.90
EFT004415	WAV002	Wave Direct Telecommunications	April 1, 2021	\$63.20
EFT004416	WOL004	Wolseley Canada Inc	April 1, 2021	\$1,981.39
EFT004417	WUR001	Würth Canada Limited	April 1, 2021	\$438.08
EFT004418	GUN004	Gunning, Katherine	April 1, 2021	\$26,954.74
EFT004419	AJS001	A. J. Stone Company Ltd.	April 8, 2021	\$110.07
EFT004420	ANC001	Anchem Sales	April 8, 2021	\$1,074.36
EFT004421	AUT001	Auto Barn Parts	April 8, 2021	\$57.57
EFT004422	CAR011	Carrier Centers	April 8, 2021	\$323.51
EFT004423	CAR019	Cardinal Services Group	April 8, 2021	\$181.93
EFT004424	CIM001	CIMCO Refrigeration	April 8, 2021	\$4,728.30
EFT004425	CIN001	Cintas Canada Limited	April 8, 2021	\$52.68
EFT004426	CLS001	Canadian Linen and Uniform Ser	April 8, 2021	\$123.62
EFT004427	COL001	Colenutt Signs Limited	April 8, 2021	\$1,293.85
EFT004428	COR004	Corporate Billing	April 8, 2021	\$721.36
EFT004429	COU023	CountrySide Drilling Ltd.	April 8, 2021	\$1,892.75
EFT004430	CTS001	County Towing Inc.	April 8, 2021	\$339.00
EFT004431	CUL004	Culinary Tourism Alliance	April 8, 2021	\$6,686.78
EFT004432	DAV013	Davey Tree Expert Co. of Canad	April 8, 2021	\$960.50
EFT004433	DEL013	Delta Power Equipment	April 8, 2021	\$13.39
EFT004434	EMC002	EMCO Corporation	April 8, 2021	\$1,642.73
EFT004435	GRA040	Graybar Canada	April 8, 2021	\$599.22
EFT004436	GRE001	Great Lakes Safety Products	April 8, 2021	\$105.63
EFT004437	GRE003	Greater Essex County District	April 8, 2021	\$408.48



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Cheque Number	Vendor ID	Vendor Cheque Name	Cheque Date	Amount
EFT004438	GRE005	Green Shield Canada	April 8, 2021	\$53,816.06
EFT004439	HOL001	Holland Cleaning Solutions Ltd	April 8, 2021	\$28.53
EFT004440	HUR007	Hurricane SMS Inc.	April 8, 2021	\$1,011.92
EFT004441	INL001	Inland Liferrafts & Marine Limi	April 8, 2021	\$3,369.45
EFT004442	JEF001	Jeff Shepley Excavating Ltd.	April 8, 2021	\$5,184.69
EFT004443	JEF003	Jeffrey, Ed	April 8, 2021	\$320.00
EFT004444	KEL001	Kelcom - Windsor Copier Inc.	April 8, 2021	\$783.49
EFT004445	KLI003	Klie, Rodney	April 8, 2021	\$12.00
EFT004446	LEA001	Leamington Equipment Rentals	April 8, 2021	\$548.28
EFT004447	LEK001	Lekter Industrial Services Inc	April 8, 2021	\$619.83
EFT004448	MAR083	Martin & Levesque Inc	April 8, 2021	\$766.84
EFT004449	NEL002	Nella Cutlery (Hamilton) Inc.	April 8, 2021	\$39.55
EFT004450	ONT016	Ontario Clean Water Agency	April 8, 2021	\$3,844.24
EFT004451	REG001	Reg Clark Truck Ltd	April 8, 2021	\$448.56
EFT004452	ROO002	Rood Engineering	April 8, 2021	\$9,141.70
EFT004453	SOS001	SOS 4 Kids Inc	April 8, 2021	\$491.45
EFT004454	SUN002	Sun Life Assurance Company of	April 8, 2021	\$21,456.73
EFT004455	SWE004	Sweet, Doug	April 8, 2021	\$350.46
EFT004456	TUR010	Turton, Richard	April 8, 2021	\$12.00
EFT004457	VOL001	E.R. Vollans Ltd.	April 8, 2021	\$100.59
EFT004458	WAT002	Watson & Associates Economists	April 8, 2021	\$1,909.42
EFT004459	WOL004	Wolseley Canada Inc	April 8, 2021	\$1,697.24
EFT004460	AIR001	Air Liquide Canada Inc.	April 15, 2021	\$22.42
EFT004461	AJS001	A. J. Stone Company Ltd.	April 15, 2021	\$590.37
EFT004462	APP005	Applied Computer Solutions Inc	April 15, 2021	\$1,800.94
EFT004463	AQU001	Aquam Inc	April 15, 2021	\$510.55
EFT004464	BEZ001	Bezaire, Mike	April 15, 2021	\$5,506.76
EFT004465	BOW001	Bowman, Morley	April 15, 2021	\$138.49
EFT004466	BRA029	Brandt	April 15, 2021	\$108.11
EFT004467	CHE003	Checker Industrial Ltd	April 15, 2021	\$52.39
EFT004468	CIN001	Cintas Canada Limited	April 15, 2021	\$2,562.84
EFT004469	CLS001	Canadian Linen and Uniform Ser	April 15, 2021	\$61.81
EFT004470	COL001	Colenutt Signs Limited	April 15, 2021	\$977.45
EFT004471	COR004	Corporate Billing	April 15, 2021	\$937.59
EFT004472	CUL001	Culligan Water	April 15, 2021	\$31.58
EFT004473	ELK001	E.L.K. Solutions Inc	April 15, 2021	\$2,160.36
EFT004474	EMC002	EMCO Corporation	April 15, 2021	\$1,211.09
EFT004475	EMP003	Empire Communications	April 15, 2021	\$730.31
EFT004476	ESC001	eSCRIBE Software Ltd.	April 15, 2021	\$5,687.52
EFT004477	ESS030	Essex Windsor Solid Waste Auth	April 15, 2021	\$62,781.25
EFT004478	ESS084	Essex County K9 Services	April 15, 2021	\$158.20
EFT004479	EVA001	Evans Utility & Municipal Prod	April 15, 2021	\$22,745.42
EFT004480	GFL001	GFL Environmental Inc.	April 15, 2021	\$95.58
EFT004481	GIL008	Gillett Roofing Inc.	April 15, 2021	\$2,022.70
EFT004482	HER005	Hernandez Sanitation Services	April 15, 2021	\$2,347.22
EFT004483	JAC001	Jack's Auto Service	April 15, 2021	\$1,646.90
EFT004484	JEF001	Jeff Shepley Excavating Ltd.	April 15, 2021	\$2,111.98
EFT004485	LAS001	Laser Art Inc	April 15, 2021	\$88.71
EFT004486	MON001	Monarch Office Supply Inc.	April 15, 2021	\$1,095.70
EFT004487	NEL002	Nella Cutlery (Hamilton) Inc.	April 15, 2021	\$79.10
EFT004488	OND001	Ondic, Dale	April 15, 2021	\$290.02
EFT004489	ONT026	Ontario One Call Ltd	April 15, 2021	\$311.94
EFT004490	PUR001	Purolator Inc.	April 15, 2021	\$22.97
EFT004491	RES002	Resurface Corp.	April 15, 2021	\$180,174.40
EFT004492	ROO002	Rood Engineering	April 15, 2021	\$9,676.19
EFT004493	SCL001	Stantec Consulting Ltd.	April 15, 2021	\$9,303.72
EFT004494	SEC002	Security One Alarm Systems Ltd	April 15, 2021	\$486.32
EFT004495	SKY004	SkyMobile	April 15, 2021	\$4,059.53
EFT004496	SUN010	Sunparlour Locksmiths Mobile S	April 15, 2021	\$827.73
EFT004497	TAN003	Tang, Kam Yui	April 15, 2021	\$35.40
EFT004498	VOL001	E.R. Vollans Ltd.	April 15, 2021	\$33.99
EFT004499	WAS004	Waste Connections of Canada In	April 15, 2021	\$1,276.62
EFT004500	WIN010	Windsor-Essex County Humane So	April 15, 2021	\$50.00
EFT004501	WIN058	WINDSOR TIRE INC	April 15, 2021	\$146.56
EFT004502	WOL004	Wolseley Canada Inc	April 15, 2021	\$149.33



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Cheque Number	Vendor ID	Vendor Cheque Name	Cheque Date	Amount
EFT004503	XER001	Xerox Canada	April 15, 2021	\$809.49
EFT004504	183943	1839431 Ontario Ltd	April 22, 2021	\$2,627.25
EFT004505	AGR002	Agris Co-Operative Ltd.	April 22, 2021	\$4,944.14
EFT004506	APP005	Applied Computer Solutions Inc	April 22, 2021	\$5,491.51
EFT004507	BEZ001	Bezaire, Mike	April 22, 2021	\$1,759.48
EFT004508	CAN037	Canadian Diesel Services	April 22, 2021	\$1,915.23
EFT004509	CAR011	Carrier Centers	April 22, 2021	\$20.33
EFT004510	CIM001	CIMCO Refrigeration	April 22, 2021	\$401.15
EFT004511	CIN001	Cintas Canada Limited	April 22, 2021	\$52.69
EFT004512	CLS001	Canadian Linen and Uniform Ser	April 22, 2021	\$402.19
EFT004513	COR004	Corporate Billing	April 22, 2021	\$185.45
EFT004514	COU023	CountrySide Drilling Ltd.	April 22, 2021	\$2,768.50
EFT004515	CTS001	County Towing Inc.	April 22, 2021	\$339.00
EFT004516	CUP001	Canadian Union of Public Emplo	April 22, 2021	\$2,641.25
EFT004517	DIL001	Dillon Consulting Ltd.	April 22, 2021	\$27,138.34
EFT004518	EMP006	Empire Business Continuity Con	April 22, 2021	\$536.07
EFT004519	FEE001	The Feed Store	April 22, 2021	\$40.51
EFT004520	FIR005	Fireservice Management Ltd	April 22, 2021	\$182.28
EFT004521	GRE003	Greater Essex County District	April 22, 2021	\$9,526.48
EFT004522	JAC001	Jack's Auto Service	April 22, 2021	\$1,306.81
EFT004523	LAS001	Laser Art Inc	April 22, 2021	\$40.34
EFT004524	LEA001	Leamington Equipment Rentals	April 22, 2021	\$438.44
EFT004525	LIF001	Lifesaving Society	April 22, 2021	\$116.63
EFT004526	MLS001	M & L Supply Fire & Safety	April 22, 2021	\$158.61
EFT004527	OME001	OMERS	April 22, 2021	\$98,291.34
EFT004528	PLA008	Plant Products Inc.	April 22, 2021	\$1,131.15
EFT004529	PUR001	Purolator Inc.	April 22, 2021	\$136.37
EFT004530	SEC002	Security One Alarm Systems Ltd	April 22, 2021	\$2,292.97
EFT004531	SWA006	Swayze, Robert J.	April 22, 2021	\$8,524.16
EFT004532	TRE004	Tremblar Building Supplies	April 22, 2021	\$39.55
EFT004533	WAL024	Walker Aggregates Inc.	April 22, 2021	\$712.67
EFT004534	WHI019	White's Wearparts Ltd.	April 22, 2021	\$1,090.45
EFT004535	WIN010	Windsor-Essex County Humane So	April 22, 2021	\$150.00
EFT004536	WIN027	Windsor Starter's Powerhouse	April 22, 2021	\$138.43
EFT004537	XER001	Xerox Canada	April 22, 2021	\$959.72
EFT004538	AGR002	Agris Co-Operative Ltd.	April 29, 2021	\$1,332.43
EFT004539	ARC004	Architecttura	April 29, 2021	\$2,754.38
EFT004540	AUT001	Auto Barn Parts	April 29, 2021	\$10.36
EFT004541	BRA029	Brandt	April 29, 2021	\$57.46
EFT004542	CAR011	Carrier Centers	April 29, 2021	\$3,183.70
EFT004543	CIM001	CIMCO Refrigeration	April 29, 2021	\$2,096.15
EFT004544	CIN001	Cintas Canada Limited	April 29, 2021	\$261.64
EFT004545	CLS001	Canadian Linen and Uniform Ser	April 29, 2021	\$178.94
EFT004546	COL001	Colenutt Signs Limited	April 29, 2021	\$101.70
EFT004547	COM030	Commercial Cleaning Services	April 29, 2021	\$7,378.90
EFT004548	COR004	Corporate Billing	April 29, 2021	\$12.37
EFT004549	CTS001	County Towing Inc.	April 29, 2021	\$339.00
EFT004550	DEL013	Delta Power Equipment	April 29, 2021	\$130.64
EFT004551	DEM007	DeMars, Logan	April 29, 2021	\$1,000.00
EFT004552	ELK001	E.L.K. Solutions Inc	April 29, 2021	\$5,395.52
EFT004553	EMC002	EMCO Corporation	April 29, 2021	\$1,341.88
EFT004554	ESS019	Essex Home Hardware	April 29, 2021	\$2,437.43
EFT004555	ESS084	Essex County K9 Services	April 29, 2021	\$2,629.86
EFT004556	FEE001	The Feed Store	April 29, 2021	\$331.81
EFT004557	GRA025	Grand & Toy	April 29, 2021	\$89.72
EFT004558	GRE001	Great Lakes Safety Products	April 29, 2021	\$311.07
EFT004559	GRE004	Greg Bailey Limited	April 29, 2021	\$305.09
EFT004560	HAR001	The Harrow News & County Print	April 29, 2021	\$1,296.07
EFT004561	HEA002	Heaton Sanitation	April 29, 2021	\$3,305.25
EFT004562	HHH001	Harrow Home Hardware	April 29, 2021	\$7,546.50
EFT004563	HOM006	Homenuik, Jeff	April 29, 2021	\$397.20
EFT004564	HUR007	Hurricane SMS Inc.	April 29, 2021	\$1,525.50
EFT004565	KEL015	Kelcom - Radio Division	April 29, 2021	\$2,778.67
EFT004566	KEN002	Ken Lapain & Sons Ltd.	April 29, 2021	\$79.31
EFT004567	LAC007	Lacasse Spg	April 29, 2021	\$423.08



General Account Cheque Register for April 2021

Cheque Number	Vendor ID	Vendor Cheque Name	Cheque Date	Amount
EFT004568	LAN010	Landscape Effects Group	April 29, 2021	\$9,689.75
EFT004569	LEA001	Leamington Equipment Rentals	April 29, 2021	\$951.80
EFT004570	NEL002	Nella Cutlery (Hamilton) Inc.	April 29, 2021	\$79.10
EFT004571	NEP002	Nepszy, Chris	April 29, 2021	\$85.55
EFT004572	NEX002	NEXGEN MUNICIPAL	April 29, 2021	\$4,295.65
EFT004573	OEC001	OE Canada Inc.	April 29, 2021	\$1,111.92
EFT004574	PUR001	Purolator Inc.	April 29, 2021	\$80.72
EFT004575	RCS001	RC Spencer Associates Inc.	April 29, 2021	\$9,051.31
EFT004576	REA016	Realtax Inc.	April 29, 2021	\$14,520.50
EFT004577	RES002	Resurfice Corp.	April 29, 2021	\$878.58
EFT004578	ROL004	Rollie's Rotary Ditching Inc.	April 29, 2021	\$16,808.77
EFT004579	SCL001	Stantec Consulting Ltd.	April 29, 2021	\$16,208.75
EFT004580	SNI001	Snively, Lawrence	April 29, 2021	\$299.72
EFT004581	TOU002	Tourism Windsor Essex Pelee Is	April 29, 2021	\$1,610.25
EFT004582	VIG001	Vigneux, Gerry	April 29, 2021	\$325.43
EFT004583	WAS004	Waste Connections of Canada In	April 29, 2021	\$1,274.75
EFT004584	WAT007	Water & Ice North America Inc	April 29, 2021	\$1,419.38
EFT004585	WAV002	Wave Direct Telecommunications	April 29, 2021	\$379.34
EFT004586	WIN010	Windsor-Essex County Humane So	April 29, 2021	\$585.00
Total Cheques				\$2,337,962.86



Preauthorized Payments for April 2021

Date	Vendor	Description	Amount
April 5, 2021	API Alarm Monitoring	Miscellaneous Payment	\$22.60
April 15, 2021	957590 Global Leasing	Bill Payment	\$319.89
April 26, 2021	Allstream	Bill Payment	\$45.66
April 5, 2021	Allstream	Bill Payment	\$65.81
April 5, 2021	Allstream	Bill Payment	\$65.81
April 5, 2021	Allstream	Bill Payment	\$65.90
April 12, 2021	Allstream	Bill Payment	\$66.56
April 5, 2021	Allstream	Bill Payment	\$69.72
April 5, 2021	Allstream	Bill Payment	\$69.72
April 5, 2021	Allstream	Bill Payment	\$71.52
April 5, 2021	Allstream	Bill Payment	\$73.63
April 5, 2021	Allstream	Bill Payment	\$74.85
April 5, 2021	Allstream	Bill Payment	\$76.73
April 12, 2021	Allstream	Bill Payment	\$102.22
April 5, 2021	Allstream	Bill Payment	\$120.38
April 5, 2021	Allstream	Bill Payment	\$128.20
April 5, 2021	Allstream	Bill Payment	\$170.45
April 12, 2021	Allstream	Bill Payment	\$225.97
April 15, 2021	BAM Fee	Lease Payment	\$12.90
April 26, 2021	Bell Canada	Bill Payment	\$68.77
April 26, 2021	Bell Canada	Bill Payment	\$81.38
April 23, 2021	Bell Canada	Bill Payment	\$102.52
April 23, 2021	Bell Canada	Bill Payment	\$155.27
April 13, 2021	Bell Canada	Bill Payment	\$163.10
April 23, 2021	Bell Canada	Bill Payment	\$164.92
April 23, 2021	Bell Canada	Bill Payment	\$200.10
April 19, 2021	Bell Canada	Bill Payment	\$226.96
April 5, 2021	Bell Canada	Bill Payment	\$385.80
April 21, 2021	Cogeco Connexion	Bill Payment	\$101.64
April 6, 2021	Cogeco Connexion	Bill Payment	\$124.24
April 27, 2021	Cogeco Connexion	Bill Payment	\$124.24
April 29, 2021	Cogeco Connexion	Bill Payment	\$124.24
April 9, 2021	Cogeco Connexion	Bill Payment	\$137.74
April 7, 2021	Cogeco Connexion	Bill Payment	\$141.13
April 6, 2021	Cogeco Connexion	Bill Payment	\$169.44
April 1, 2021	Cogeco Connexion	Bill Payment	\$208.99
April 5, 2021	Dell Finance	Lease Payment	\$87.22
April 16, 2021	Dell Finance	Lease Payment	\$699.43
April 20, 2021	Dell Finance	Lease Payment	\$4,589.96
April 21, 2021	Dell Finance	Lease Payment	\$164.77
April 26, 2021	Dell Finance	Lease Payment	\$2,490.73
April 20, 2021	ELK Energy	Bill Payment	\$15.08
April 20, 2021	ELK Energy	Bill Payment	\$16.42
April 20, 2021	ELK Energy	Bill Payment	\$16.42
April 20, 2021	ELK Energy	Bill Payment	\$16.42
April 20, 2021	ELK Energy	Bill Payment	\$17.75
April 20, 2021	ELK Energy	Bill Payment	\$18.19
April 20, 2021	ELK Energy	Bill Payment	\$19.72
April 20, 2021	ELK Energy	Bill Payment	\$19.72
April 20, 2021	ELK Energy	Bill Payment	\$19.72
April 20, 2021	ELK Energy	Bill Payment	\$19.72
April 20, 2021	ELK Energy	Bill Payment	\$19.73
April 20, 2021	ELK Energy	Bill Payment	\$22.38
April 20, 2021	ELK Energy	Bill Payment	\$24.56
April 20, 2021	ELK Energy	Bill Payment	\$26.41
April 20, 2021	ELK Energy	Bill Payment	\$26.55
April 20, 2021	ELK Energy	Bill Payment	\$33.61
April 20, 2021	ELK Energy	Bill Payment	\$34.30
April 20, 2021	ELK Energy	Bill Payment	\$39.08
April 20, 2021	ELK Energy	Bill Payment	\$40.43
April 20, 2021	ELK Energy	Bill Payment	\$40.43



Preauthorized Payments for April 2021

Date	Vendor	Description	Amount
April 20, 2021	ELK Energy	Bill Payment	\$40.53
April 20, 2021	ELK Energy	Bill Payment	\$43.38
April 20, 2021	ELK Energy	Bill Payment	\$46.17
April 20, 2021	ELK Energy	Bill Payment	\$52.43
April 20, 2021	ELK Energy	Bill Payment	\$54.44
April 20, 2021	ELK Energy	Bill Payment	\$55.32
April 20, 2021	ELK Energy	Bill Payment	\$59.95
April 20, 2021	ELK Energy	Bill Payment	\$66.47
April 20, 2021	ELK Energy	Bill Payment	\$77.75
April 20, 2021	ELK Energy	Bill Payment	\$126.30
April 20, 2021	ELK Energy	Bill Payment	\$126.93
April 20, 2021	ELK Energy	Bill Payment	\$127.15
April 20, 2021	ELK Energy	Bill Payment	\$162.38
April 20, 2021	ELK Energy	Bill Payment	\$162.38
April 20, 2021	ELK Energy	Bill Payment	\$163.18
April 20, 2021	ELK Energy	Bill Payment	\$209.16
April 20, 2021	ELK Energy	Bill Payment	\$213.78
April 20, 2021	ELK Energy	Bill Payment	\$215.33
April 20, 2021	ELK Energy	Bill Payment	\$248.23
April 20, 2021	ELK Energy	Bill Payment	\$267.23
April 20, 2021	ELK Energy	Bill Payment	\$270.79
April 20, 2021	ELK Energy	Bill Payment	\$282.47
April 20, 2021	ELK Energy	Bill Payment	\$477.02
April 20, 2021	ELK Energy	Bill Payment	\$683.10
April 20, 2021	ELK Energy	Bill Payment	\$737.92
April 20, 2021	ELK Energy	Bill Payment	\$811.96
April 20, 2021	ELK Energy	Bill Payment	\$891.12
April 20, 2021	ELK Energy	Bill Payment	\$1,107.12
April 20, 2021	ELK Energy	Bill Payment	\$2,052.66
April 20, 2021	ELK Energy	Bill Payment	\$2,127.46
April 20, 2021	ELK Energy	Bill Payment	\$3,723.06
April 20, 2021	ELK Energy	Bill Payment	\$4,595.74
April 20, 2021	ELK Energy	Bill Payment	\$7,740.46
April 20, 2021	ELK Energy	Bill Payment	\$9,996.93
April 20, 2021	ELK Energy	Bill Payment	\$10,351.87
April 20, 2021	ELK Energy	Bill Payment	\$29,888.55
April 1, 2021	Enbridge Gas Inc. (Union Gas)	Bill Payment	\$81.27
April 26, 2021	Enbridge Gas Inc. (Union Gas)	Bill Payment	\$83.43
April 26, 2021	Enbridge Gas Inc. (Union Gas)	Bill Payment	\$101.97
April 6, 2021	Enbridge Gas Inc. (Union Gas)	Bill Payment	\$109.65
April 6, 2021	Enbridge Gas Inc. (Union Gas)	Bill Payment	\$124.08
April 6, 2021	Enbridge Gas Inc. (Union Gas)	Bill Payment	\$128.91
April 28, 2021	Enbridge Gas Inc. (Union Gas)	Bill Payment	\$147.34
April 1, 2021	Enbridge Gas Inc. (Union Gas)	Bill Payment	\$183.18
April 26, 2021	Enbridge Gas Inc. (Union Gas)	Bill Payment	\$307.31
April 27, 2021	Enbridge Gas Inc. (Union Gas)	Bill Payment	\$343.73
April 26, 2021	Enbridge Gas Inc. (Union Gas)	Bill Payment	\$349.05
April 26, 2021	Enbridge Gas Inc. (Union Gas)	Bill Payment	\$419.44
April 5, 2021	Enbridge Gas Inc. (Union Gas)	Bill Payment	\$430.13
April 1, 2021	Enbridge Gas Inc. (Union Gas)	Bill Payment	\$603.57
April 1, 2021	Enbridge Gas Inc. (Union Gas)	Bill Payment	\$619.94
April 5, 2021	Enbridge Gas Inc. (Union Gas)	Bill Payment	\$875.29
April 28, 2021	Enbridge Gas Inc. (Union Gas)	Bill Payment	\$943.74
April 1, 2021	Enbridge Gas Inc. (Union Gas)	Bill Payment	\$1,985.41
April 28, 2021	Enbridge Gas Inc. (Union Gas)	Bill Payment	\$3,815.80
April 26, 2021	GFL (WDS)	Miscellaneous Payment	\$158.20
April 26, 2021	GFL (WDS)	Miscellaneous Payment	\$56,537.39
April 13, 2021	Hydro One	Bill Payment	\$7.27
April 26, 2021	Hydro One	Bill Payment	\$30.03
April 19, 2021	Hydro One	Bill Payment	\$493.11



Preauthorized Payments for April 2021

Date	Vendor	Description	Amount
April 19, 2021	Hydro One	Bill Payment	\$30.81
April 28, 2021	Hydro One	Bill Payment	\$33.68
April 26, 2021	Hydro One	Bill Payment	\$36.67
April 21, 2021	Hydro One	Bill Payment	\$41.97
April 19, 2021	Hydro One	Bill Payment	\$48.37
April 29, 2021	Hydro One	Bill Payment	\$50.16
April 13, 2021	Hydro One	Bill Payment	\$64.68
April 19, 2021	Hydro One	Bill Payment	\$74.50
April 29, 2021	Hydro One	Bill Payment	\$100.72
April 19, 2021	Hydro One	Bill Payment	\$114.75
April 29, 2021	Hydro One	Bill Payment	\$114.75
April 29, 2021	Hydro One	Bill Payment	\$122.69
April 29, 2021	Hydro One	Bill Payment	\$152.66
April 8, 2021	Hydro One	Bill Payment	\$161.63
April 29, 2021	Hydro One	Bill Payment	\$206.74
April 29, 2021	Hydro One	Bill Payment	\$252.20
April 12, 2021	Hydro One	Bill Payment	\$306.21
April 14, 2021	Hydro One	Bill Payment	\$391.63
April 27, 2021	Hydro One	Bill Payment	\$495.13
April 26, 2021	Hydro One	Bill Payment	\$572.12
April 19, 2021	Hydro One	Bill Payment	\$704.04
April 19, 2021	Hydro One	Bill Payment	\$1,090.96
April 12, 2021	Hydro One	Bill Payment	\$3,892.67
April 12, 2021	Hydro One	Bill Payment	\$7,395.32
April 12, 2021	Hydro One	Bill Payment	\$7,858.43
April 15, 2021	Hydro One	Bill Payment	\$9,874.28
April 12, 2021	Ontario Clean Water	Miscellaneous Payment	\$91,235.02
April 30, 2021	Reliance Comfort	Bill Payment	\$16.95
April 27, 2021	Reliance Comfort	Bill Payment	\$22.60
April 26, 2021	Reliance Comfort	Bill Payment	\$28.70
April 29, 2021	Reliance Comfort	Bill Payment	\$28.70
April 30, 2021	Reliance Comfort	Bill Payment	\$28.70
April 20, 2021	Reliance Comfort	Bill Payment	\$33.90
April 30, 2021	Reliance Comfort	Bill Payment	\$159.10
April 29, 2021	Superpass	Bill Payment	\$420.38
April 19, 2021	Telus Mobility	Bill Payment	\$2,853.25
April 9, 2021	US Bank	Bill Payment	\$26,464.83
April 1, 2021	Union Water WBP	Bill Payment	\$38,897.06
Total Pre-Authorized Payments			\$354,078.65



Payroll for April 2021

Pay Week Ending	Pay Date	Amount
March 27, 2021	April 1, 2021	\$87,451.79
April 3, 2021	April 8, 2021	\$86,564.06
April 10, 2021	April 15, 2021	\$83,697.20
April 17, 2021	April 22, 2021	\$79,529.74
April 24, 2021	April 29, 2021	\$79,516.07
Council Remuneration	April 29, 2021	\$13,069.92
Total		\$429,828.78

# **The Corporation of the Town of Essex**

## **By-Law Number 2000**

### **Being a by-law to provide for the Barrette Drain: Repair and Improvements, Geographic Township of Colchester North, Project REI2020D009, Town of Essex, County of Essex**

**Whereas** the Town of Essex Drainage Department recommended that Council appoint a Drainage Engineer to prepare a drainage report for the Barrette Drain: Repair and Improvements, Geographic Township of Colchester North, Project REI2020D009, Town of Essex, County of Essex;

And Whereas Section 78 of the Drainage Act, R.S.O. 1990, Chapter D. 17, as amended 2010, states that the Council of any municipality whose duty it is to maintain and repair the drainage works or any part thereof, may on the report of an Engineer appointed by it, complete the drainage works as set forth in such report;

**And Whereas** an Engineers Drainage report dated January 25, 2021 and considered by the Drainage Board at its March 17, 2021 Consideration of Report meeting, has been procured and made by Gerard Rood, Professional Engineer, Rood Engineering Inc. and that the said report is attached hereto and forms part of this by-law as Schedule "A" hereto;

And Whereas the Council of The Corporation of the Town of Essex is of the opinion that the said drainage works and/or improvements are warranted and desirable;

Now therefore the Council of The Corporation of the Town of Essex pursuant to the Drainage Act enacts as follows:

1. That the Engineers Drainage report dated January 21, 2021 and considered by the Drainage Board at its March 17, 2021 Consideration of Report meeting and attached hereto as Schedule A to this By-law is hereby adopted and that the said drainage works and/or improvements as therein indicated and set forth are hereby authorized and shall be completed in accordance therewith.
2. That the Corporation of the Town of Essex may borrow on the credit of the Corporation the amount of \$153,650.00, the amount necessary for the construction of the said drainage works.

3. That the Corporation may issue debentures for the amount borrowed less the total amount of:

- Grants received under Section 85 of the Drainage Act, R.S.O. 1990, Chapter D. 17, as amended, 2010;
- Commuted payments made in respect of lands and roads assessed within the Municipality;
- Money paid under Section 61(3) of the Drainage Act, R.S.O. 1990, Chapter D. 17, as amended 2010;

and such debentures shall be made payable: a) in the case of assessments in value of between \$1,500.00 and \$7,499.99 within (5) five years from the date of the debenture and shall bear interest at a rate not higher than 2% more than the municipal lending rates as posted by Infrastructure Ontario on the date of sale of such debenture(s); or b) in the case of assessments in value of \$7,500.00 and greater, within (10) ten years from the date of the debenture and shall bear interest at a rate not higher than 2% more than the municipal lending rates as posted by Infrastructure Ontario on the date of sale of such debenture(s).

4. That a special equal annual rate sufficient to redeem the principal and interest on the debentures shall be levied upon the lands and roads as set forth in the Schedule, to be collected in the same manner as other taxes collected in each year for (5) five or (10) ten years (as applicable) after the passing of this by-law.
5. For paying the amount assessed upon the lands and roads belonging to or controlled by the Municipality, a special rate sufficient to pay the amount assessed plus interest thereon, shall be levied upon the whole rateable property in the Town of Essex, in each year for five years after the passing of this by-law to be collected in the same manner and at the same time as other taxes are collected.
6. All assessments of \$1,499.99 or less are payable in the first year in which the assessment is imposed.
7. The by-law comes into force on the passing thereof and may be cited as "Barrette Drain: Repair and Improvements".

**Read a first and a second time and provisionally adopted on April 6, 2021.**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

**Read a third time and finally passed on**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

# **The Corporation of the Town of Essex**

## **By-Law Number 2020**

### **Being a by-law to confirm the proceedings of the May 17, 2021, Regular Meeting of Council of The Corporation of the Town of Essex**

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 a by-law be passed to authorize the execution of Agreements and other documents and that the proceedings of the Council of The Corporation of the Town of Essex at its meetings be confirmed and adopted by by-law.

Now therefore be it resolved that the Council of The Corporation of the Town of Essex enacts as follows:

1. That the actions of the Council of The Corporation of the Town of Essex in respect of all recommendations in reports and minutes of committees, all motions and resolutions and all other actions passed and taken by the Council of The Corporation of the Town of Essex, documents and transactions entered into during the May 17, 2021 meeting of Council, are hereby adopted and confirmed as if the same were expressly contained in this by-law.
2. That the Mayor and proper officials of The Corporation of the Town of Essex are hereby authorized and directed to do all the things necessary to give effect to the actions of the Council of The Corporation of the Town of Essex during the said May 17, 2021 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 actions 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 Essex to all documents referred to in said paragraph 1.

**Read a first and a second time and provisionally adopted on May 17, 2021.**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

**Read a third time and finally adopted on June 7, 2021.**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

## **The Corporation of the Town of Essex**

### **By-Law Number 2026**

#### **Being a by-law to Appoint Municipal By-Law Enforcement Officers for the Town of Essex**

**Whereas** Section 224 (d) of the Municipal Act, 2001, S. O. 2001, c. 25 and amendments thereto provides that one of the roles of Council is to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;

**And Whereas** Section 227 of the Municipal Act, 2001. S.O. 2001, c 25 and amendments thereto provides that it is the role of the officers and employees of the municipality:

- a) To implement council's decisions and establish administrative practices and procedures to carry out council's decisions;
- b) To undertake research and provide advice to council on the policies and programs of the municipality; and
- c) To carry out other duties required under this or any Act and other duties assigned by the municipality.

And whereas, Section 15 of the Police Services Act, R.S.O. 1990 and amendments thereto allows for Councils to appoint persons to enforce the By-Laws of the Municipality;

And whereas, the Town of Essex is desirous of appointing designated members of the Canadian Corps of Commissioners Ottawa as Municipal By-Law Enforcement Officers for the Town of Essex for the purposes of enforcing its municipal by-laws, regulations, fire routes and assessable parking areas;

Now therefore be it resolved that the Council of The Corporation of the Town of Essex enacts as follows:

1. That the Canadian Corps of Commissioners Ottawa and its members designated (such designations as may be amended from time to time) be duly appointed as Municipal By-Law Enforcement Officers with full authority to enforce all assigned municipal by-laws, regulations, fire routes and accessible parking areas;
2. That the term of this appointment shall commence effective immediately and shall continue at the pleasure of the Council of the Corporation of the Town of

Essex pursuant to the terms and conditions of the Agreement attached hereto and marked as Schedule "A" to this By-law;

3. That this By-Law shall come into full force and effect upon the final passage thereof.

**Read a first, a second and a third time and finally passed on June 7, 2021.**

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Mayor

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Clerk

## Schedule "A" to By-Law Number 2026

**The Canadian Corps of Commissionaires Ottawa  
24 Colonnade Road, Ottawa, Ontario, K2E 7J6**

### **AGREEMENT TO PROVIDE PARKING ENFORCEMENT SERVICES**

THIS AGREEMENT MADE this 19<sup>th</sup> day of April, 2021

BETWEEN:

**TOWN OF ESSEX  
33 TALBOT STREET SOUTH  
ESSEX, ONTARIO  
N8M 1A8**

Herein after called the "Company,"

OF THE FIRST PART

**AND**

**COMMISSIONAIRES OTTAWA  
24 COLONNADE ROAD  
OTTAWA, ONTARIO  
K2E 7J6**

Herein called the "Commissionaires Ottawa"

OF THE SECOND PART

WITNESSETH THAT the parties hereto, in consideration of the covenants and conditions herein contained, understand, and agree with each other as follows:

#### **1.0 NATURE OF THE AGREEMENT**

Commissionaires Ottawa – Windsor Regional Office shall furnish Parking Enforcement services for the Town of Essex from June 1 until September 15, 2021 around the Colchester Beach and Harbour area.

- 1.1 The assigned Commissionaires shall be suitable for the work required. If a Commissionaire is found to be unsuitable, the Company shall immediately inform Commissionaires Ottawa and provide written substantiation for that decision. Commissionaires Ottawa will provide a replacement as soon as possible.
- 1.2 The Commissionaires will provide services as listed in Appendix "A" – "Scope of Work".

## 2.0 FINANCIAL PROVISIONS

### 2.1

DESCRIPTION	REGULAR RATE	OVERTIME RATE	STAT HOLIDAY RATE
Guard Rate			

- Taxes are not included in above pricing

2.2 The Company shall, when having called a Commissionaire in to work, pay the Commissionaires Ottawa for a minimum of four (4) hours at the rate applicable for that day, notwithstanding that the hours actually worked may have been less than four (4) hours.

2.3 Company authorized Overtime shall be at one-and-one half times the Regular Rate. Overtime is payable when our personnel works more than forty four (44) hours per week.

2.4 The Company authorized Public Holidays and Civic Holidays will be:

- |                              |                     |                    |
|------------------------------|---------------------|--------------------|
| a. New Year's Day            | d. Canada Day       | g. Remembrance Day |
| b. Good Friday               | e. Labour Day       | h. Christmas Day   |
| c. The Queen's Birthday      | f. Thanksgiving Day | i. Boxing Day      |
| (May 24 or preceding Monday) |                     | j. Family Day      |

2.5 The Company shall pay Commissionaires Ottawa for the aforementioned Public Holidays as follows:

- a. For hours **Worked**: Two-and-half times the Regular Billing Rate

2.6 For other than at paragraph 2.1, the rate per hour shall not be increased during the period of this Agreement without the prior approval of the Company.

2.7 The Company agrees to pay to Commissionaires Ottawa as per conditions outlined in Article 2.1 and Article 9.

### 3.0 PAYMENTS AND INVOICING

3.1 Invoices for the services prescribed in this Agreement shall be rendered by Commissionaires Ottawa bi-weekly on the basis of the number of hours actually worked, and in accordance with the Rates set out in the Financial Provisions portion of this Agreement and Terms set out in Section 3.0.

3.2 Invoices for services rendered shall be payable by the Company within 30 days of the invoice(s) date, in accordance with the terms of this Agreement.

3.3 If the Company has any objection to the charges contained in any invoice(s), the Company shall, within twenty-five (25) days of invoice date, notify Commissionaires Ottawa of the nature of the objection.

- 3.4 An amount is overdue when it remains unpaid for a period of forty-five (45) days after the date of the invoice, except in those cases where the Company has raised an objection. In those cases, the amount shall be considered overdue forty-five (45) days after the date on which the objection has been resolved to the satisfaction of both parties.
- 3.5 The Client shall be liable to pay, without demand from Commissionaires Ottawa, simple interest at the Bank of Canada Prime Business Rate in effect plus three (3) percent per annum on any amount which is overdue; from the day such amount became overdue, until the day prior to the day payment is received.
- 4.0 **PRICE ESCALATION**
- 4.1 In the event that, during the continuance of this Agreement, the costs to Commissionaires Ottawa were to increase as a result of the actions of the Provincial Legislature of Ontario and/or the Government of Canada, the rates set out in Paragraph 2.1 above shall be adjusted by an amount which will ensure that Commissionaires Ottawa, a non-profit organization, will fully recover any such cost increases.
- 5.0 **EMPLOYER/EMPLOYEE RELATIONSHIP**
- 5.1 The Commissionaires shall remain the employees of Commissionaires Ottawa, which shall be responsible for the arrangement of fill-in and substitutions of present personnel, pay, supervision, discipline, leave, and all other matters arising out of the relationship between employer and employee.
- 5.2 The Company shall be responsible to prepare the Post Orders covering security requirements. These Orders must be submitted to Commissionaires Ottawa for review and approval prior to implementation. Amendments to and/or verbal instructions altering those Orders must be confirmed in writing, as soon as possible after the change, and submitted to Commissionaires Ottawa for review and approval.
- 5.3 The Company shall appoint an official to whom the Senior Commissionaire shall report. This official shall provide all orders and instructions concerning the specific duties of Commissionaires, insofar as the Company is concerned, to the person designated by Commissionaires Ottawa as the Senior Commissionaire.
- 6.0 **PUBLIC LIABILITY, WORKERS COMPENSATION AND PROPERTY DAMAGE INSURANCE**
- 6.1 Commissionaires Ottawa agrees to carry sufficient public liability, workers compensation and property damage insurance to cover reasonable claims for damages and injuries against Commissionaires Ottawa, resulting from any wilful act or omission by Commissionaires Ottawa or its employees, in connection with the performance of their assigned duties.
- 6.2 Commissionaires Ottawa disclaims any responsibility resulting from the performance of any

duties not contained in relevant Post Orders, notwithstanding the fact that they may have been assigned to our personnel on duty by the Company or its representative.

- 6.3 Commissionaires Ottawa shall arrange, pay and maintain, during the Term of his Agreement, public liability workers compensation and property damage insurance in an amount not less than five million dollars (\$5,000,000.00) which insurance shall protect Commissionaires Ottawa against all claims from damages or injury, including death, to any person or persons, and for damage to any property of the Company or any other public and private property resulting from the execution of any work pursuant to the terms of this Agreement. Commissionaires Ottawa covenants and agrees at all times during and throughout the Term to maintain on file with the Company Certificates of Insurance containing: (i.e.) proof of insurance coverage for both its own equipment and that of its employees and of others who may perform services, from time to time, or hire for the purpose of performing the work required under this Agreement; (ii) payment of premiums; (iii) an undertaking of the Commissionaires Ottawa's insurer to notify the Company within (30) days prior to any cancellation or lapse of insurance coverage; and (iv) proof that the Company is named as a co-insured on all insurance policies resulting from all insurance coverage required under this Agreement. All insurance required under this Agreement shall exclude the exercise of any claim of Commissionaires Ottawa's insurers against the Company by subrogation.
- 6.4 Commissionaires Ottawa shall indemnify the Company and save it harmless from and against all loss, claims, actions, damages, liability and expense in connection with loss of life, personnel injury, damage to property or any other loss or injury whatsoever arising from or out of this Agreement or any occurrence in, at or upon the site or any part thereof, occasioned wholly or in part by any act or omission of Commissionaires Ottawa, its agents, employees, servants and sub-companies. If the Company shall without fault on its part, be made a party to any litigation commenced by or against Commissionaires Ottawa, then Commissionaires Ottawa shall protect, indemnify and hold the Company harmless and shall pay to the company, upon demand thereof, all costs and expenses, including reasonable legal fees (on a solicitor and his client basis) incurred or paid by the Company in connection with such litigation.

**6.5 HEALTH AND SAFETY OBLIGATIONS**

**6.5.1 COMPANY HEALTH AND SAFETY OBLIGATIONS**

Before commencing any work on a project or site, the Company shall provide information in writing, notifying Commissionaires Ottawa of potential or actual exposure to biological, chemical or physical agents to protect the health or safety of the Commissionaires Ottawa employees.

The Company shall ensure that such facilities are maintained to the provincial Occupational Health and Safety Act regulations as prescribed. The company shall promptly and suitably correct all health and safety related deficiencies and hazards, including those that may be identified by Commissionaires.

Before beginning a contract, the company shall present a list of all designated substances that are present at the site to Commissionaires Ottawa.

#### **6.5.2 COMMISSIONAIRES OTTAWA HEALTH AND SAFETY OBLIGATIONS**

Commissionaires Ottawa and the Company agree to observe the same precautions for their safety while on duty and pursuant to this Agreement, as they do for their own employees. Commissionaires Ottawa agrees to report any known deficiency or hazardous conditions to the Company immediately. Commissionaires Ottawa will comply with provincial Occupational Health and Safety laws and Commissionaires Ottawa OHS policy and programs.

#### **7.0 DRESS**

- 7.1 Commissionaires Ottawa shall provide our site personnel with uniforms in accordance with the standard Order of Dress. Unless otherwise requested by the Company and agreed to by Commissionaires Ottawa, uniforms shall be worn at all times while on duty.

#### **8.0 AVAILABILITY**

- 8.1 Commissionaires Ottawa, subject to availability of personnel, shall provide additional personnel as requested by the Company, at the then current rates.

#### **9.0 TERMINATION/CANCELLATION**

- 9.1 In the event that either party is dissatisfied with the conditions and/or quality of service provided, this Agreement may be terminated, upon either party giving the other party **at least 30 days'** notice, in writing.
- 9.2 In the event the client cancels approximately 8 hours or less before the Commissionaires services are requested, the client will be required to pay for the hours that were pre-booked. All cancellations must be sent in writing to [mbellefleur@commissionaires-ottawa.on.ca](mailto:mbellefleur@commissionaires-ottawa.on.ca) and to [kbossman@commissionaires-ottawa.on.ca](mailto:kbossman@commissionaires-ottawa.on.ca).

#### **10.0 GENERAL**

##### **Notice**

- 10.1 Any notice or other written communication required or permitted hereunder shall be in writing and:
- (a) advance copy of communication emailed.
  - (b) delivered personally to the Party or , if the Party is a corporation, an officer of the Party to whom it is directed; or

- (c) sent by registered mail, postage prepaid, return receipt requested (provided that such notice or other written communication shall not be forwarded by mail if on the date of mailing there exists an actual or imminent postal service disruption in the city from which such communication is to be mailed or in which the address of the recipient is found); or
- (d) sent by commercial overnight courier; or
- (e) sent by confirmed facsimile.

10.2 All such notices shall be addressed to the party to whom it is directed at the following addresses:

If to: Commissionaires Ottawa – Windsor Regional Office  
3063 Walker Road, Suite 102  
Windsor, Ontario  
N8W 3R4

**Attention:** Matthew Bellefleur, Regional Manager – Southern Ontario  
**Phone Number:** (519) 966-9651 Ext. 200  
**Cell Number:** (519) 890-4996  
**Email:** [mbellefleur@commissionaires-ottawa.on.ca](mailto:mbellefleur@commissionaires-ottawa.on.ca)

If to: Town of Essex  
33 Talbot Street South  
Essex, Ontario  
N8M 1A8

**Attention:** Doug Sweet, Director of Community Services/Deputy CAO  
**Phone:** (519) 776-8811  
**Email:** [dsweet@essex.ca](mailto:dsweet@essex.ca)

11.0 AGREEMENT

11.1 This agreement shall be binding upon the parties hereto, their heirs and their respective successors and assigns, respectively.

IN WITNESS WHEREOF the parties hereto have signed, sealed and delivered these presents by their respective authorized officers.

Signed, Sealed and Delivered

Commissionaires Ottawa

By: [Signature]  
Name: Matthew Bellefleur  
Date: April 20, 2021  
Title: Regional Manager

Town of Essex

By: [Signature]  
Name: Doug Sweet  
Date: April 20, 2021  
Title: Dir. of Community Services / Deputy CAO

## Schedule "B" to By-Law Number 2026

### APPENDIX "A" – "SCOPE OF WORK"

To provide parking By-Law enforcement services for the Town of Essex. The By-law Officer will educate the public on parking zones.

One officer will be provided per shift unless otherwise agreed upon.

**Location of Services:** Colchester Beach and Harbour area

**Dates of coverage:** June 1 until September 15, 2021

**Hours of work:** 1030-1845hrs unless otherwise agreed upon

**INVOICE DIRECTION:**

**Attention:** Doug Sweet, Director of Community Services  
Town of Essex  
33 Talbot Street South  
Essex, Ontario  
N8M 1A8

**Phone:** (519) 776-7336 ext. 1130

**Email:** [dsweet@essex.ca](mailto:dsweet@essex.ca)

# **The Corporation of the Town of Essex**

## **By-Law Number 2027**

### **Being a by-law to confirm the proceedings of the June 7, 2021, Regular Meeting of Council of The Corporation of the Town of Essex**

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 a by-law be passed to authorize the execution of Agreements and other documents and that the proceedings of the Council of The Corporation of the Town of Essex at its meetings be confirmed and adopted by by-law.

Now therefore be it resolved that the Council of The Corporation of the Town of Essex enacts as follows:

1. That the actions of the Council of The Corporation of the Town of Essex in respect of all recommendations in reports and minutes of committees, all motions and resolutions and all other actions passed and taken by the Council of The Corporation of the Town of Essex, documents and transactions entered into during the June 7, 2021 meeting of Council, are hereby adopted and confirmed as if the same were expressly contained in this by-law.
2. That the Mayor and proper officials of The Corporation of the Town of Essex are hereby authorized and directed to do all the things necessary to give effect to the actions of the Council of The Corporation of the Town of Essex during the said June 7, 2021 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 actions 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 Essex to all documents referred to in said paragraph 1.

**Read a first and a second time and provisionally adopted on June 7, 2021.**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

**Read a third time and finally adopted on June 21, 2021.**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk