

## Council Agenda

1. Call to Order
2. National Anthem
3. Disclosures of Pecuniary Interest and General Nature Thereof
4. Approval of Council Minutes
  - 4.1. Minutes of the Council Meeting held May 8, 2017  
Pages 5 to 21
5. Business Arising Out of the Minutes
6. Court of Revision, Drainage

### Attendance

#### Members Present:

Deputy Mayor MacDonald, Chair

Councillors John Hammond, John Jacobs, Larry Verbeke, Tim Wilkinson

#### Others Present:

Mayor John Paterson

Councillor Bill Dunn

### Opening of Court of Revision, Drainage

#### Suggested Recommendation:

That the Court of Revision, Drainage held May 23, 2017, be opened

## Disclosures of Pecuniary Interest and General Nature Thereof

### Item for Consideration

#### 1. Engineer's Report, Reid Drain, New Access Culverts

- Notice of Public Meeting dated May 15, 2017  
Pages 22 to 23
- By-law 23-17 being a by-law to provide for the construction of two new access culverts over the Reid Drain 9<sup>th</sup> Concession West Branch in Part Lot 6, Concession 8 (Essex Road 14) in the Municipality of Leamington, County of Essex  
Pages 24 to 25
- Suggested Recommendation:  
  
That construction of two (2) new access culverts over the Reid Drain, 9<sup>th</sup> Concession West Branch in Part Lot 6, Concession 8 (Essex Road 14) in the Municipality of Leamington in the County of Essex in accordance with By-law 23-17, be confirmed.

#### Closing of Court of Revision, Drainage

Suggested Recommendation:

That the Court of Revision, Drainage held May 23, 2017, be closed

## 7. Reports of Staff and Delegation

- 7.1. Windsor-Essex Compassion Care Community Brochure  
Pages 26 to 27
  - Liz Daniel, Community Engagement Co-ordinator
- 7.2. Report LLS-25-17 dated May 1, 2017 regarding Noise By-law Exemption Request to Allow Street Evangelizing  
Pages 28 to 29
  - Javier and Patricia Amaya, Pastors, Casa de Oracio Cristo Viene Church
- 7.3. Report REC-02-17 dated May 15, 2017 regarding Leamington Triathlon Weekend  
Pages 30 to 31
  - Dave Campbell, Race Director, Leamington Triathlon Committee

- 7.4. Report LLS-22-17 dated April 25, 2017 regarding Cat Control  
Pages 32 to 39
  - Bill Gee, Feeding of Feral Cats
- 7.5. Report EDO-02-17 dated May 23, 2017 regarding Leamington Canada's 150th Anniversary Celebration  
Pages 40 to 42
- 7.6. Report DR-09-17 dated April 13, 2017 regarding Petition Drain, Lot 5, 7 Concession Possible Branch of the Goslin Drain  
Pages 43 to 52
- 7.7. Report DR-11-17 dated April 4, 2017 regarding Guyitt Drain - Repairs & Improvements & Updated Assessment  
Pages 53 to 55
- 7.8. Report ES-02-17 dated May 11, 2017 regarding LPCC Biosolids Management Facility Upgrades Tender Award  
Pages 56 to 58
- 7.9. Report PW-03-17 dated May 4, 2017 regarding Purchase of Diesel Cab and Chassis  
Pages 59 to 60
- 7.10. Report FIN-03-17 dated May 8, 2017 regarding Windsor Essex Provincial Offences Act (POA) Program, 2016 Annual Report  
Pages 61 to 92
- 7.11. Report FIN-04-17 2017 dated May 9, 2017 regarding Vacancy Rebate Program Review  
Pages 93 to 97
- 7.12. Report LLS-21-17 dated May 12, 2017 regarding Renewal of Courtroom Lease, 7 Clark Street West  
Pages 98 to 99

## 8. Matters for Approval

- 8.1. Minutes of the Mayor's Youth Advisory Committee Meeting held March 21, 2017  
Pages 100 to 104
- 8.2. Minutes of the Kingsville Leamington Joint Animal Control Committee Meeting held January 25, 2017  
Pages 105 to 109

**9. Other Matters for Consideration**

None

**10. Report on Closed Session**

None

**11. Consideration of By-laws**

11.1. By-law 30-17 being a by-law to provide for drainage works for Two Creeks Drain initiated by the Municipality of Chatham-Kent where the ratepayers are affected in the Municipality of Leamington in the County of Essex

11.2. By-law 31-17 being a by-law to provide for drainage works for the Irwin Drain - Griffin Bridge initiated by the Town of Kingsville where the ratepayers are affected in the Municipality of Leamington in the County of Essex

11.3. By-law 35-17 being a by-law to confirm the proceedings of the Council of The Municipality of Leamington at its meeting held May 23, 2017

**12. Notices of Motion**

None

**13. Open Session**

**14. Statement of Members (non-debatable)**

**15. Adjournment**

# The Corporation of the Municipality of Leamington

## Minutes of the Council Meeting

Monday, May 8, 2017 at 6:00 PM

Council Chambers, 111 Erie Street North, Leamington

---

Members Present: Mayor John Paterson  
Councillors: Bill Dunn, John Hammond, John Jacobs,  
Larry Verbeke and Tim Wilkinson

Members Absent: Deputy Mayor Hilda MacDonald

Staff Present: Clerk/Manager of Legislative Services, Brenda Percy  
Chief Administrative Officer, Peter Neufeld  
Director of Legal and Legislative Services, Ruth Orton  
Director of Finance and Business Services, Laura Rauch  
Director of Community and Development Services, Paul Barnable  
Manager of Economic and Community Development, Jeanine  
Lassaline-Berglund  
Manager of Engineering Services, Allan Botham  
Manager of Planning Services, Danielle Truax  
Manager of Recreation, Terry Symons  
Kyra Knapp, Culture & Tourism Developer  
Veronica Samek, Culture and Tourism Developer (Temporary  
Contract)  
Legal Assistant, Jennifer Bavetta

### Call to Order

Mayor Paterson called the Meeting to order at 6:00 PM.

### Disclosures of Pecuniary Interest and General Nature Thereof:

(Regular Council Meeting Matters)

None noted.

### Approval of Council Minutes:

**No. C-104-17**

Moved by: Councillor Jacobs  
Seconded by: Councillor Dunn

That the Minutes of the Council Meeting held April 24, 2017 be approved.

**Carried**

**No. C-105-17**

Moved by: Councillor Dunn  
Seconded by: Councillor Hammond

That the Minutes of the Special Closed Meeting held April 24, 2017 be approved.

**Carried**

**Business Arising Out of the Minutes:**

None noted.

**Public Meeting, Planning:**

**1. Notice of a Complete Application and Public Meeting to consider Consent Application (B/03/04/17) and Zoning By-law Amendment (ZBA #142)**

Manager of Planning Services Danielle Truax, reviewed the report noting the application does not create any new residential lots. Ms. Truax confirmed the application conforms to the Official Plan and Provincial Policy Statements and satisfies the criteria to be considered when amending the Zoning By-law.

Mayor Paterson confirmed there was no one in attendance to speak on the matter.

**No. C-106-17**

Moved by: Councillor Wilkinson  
Seconded by: Councilor Verbeke

1. Provisional approval of Consent Application B-03-17 to create a new 10.692 ha (26.42 acre) farm parcel from the farm located at 1821 -1827 Deer Run Road be supported by Council subject to the conditions listed in "Schedule A";
2. Zoning By-law Amendment Application ZBA#142 to change the zone of a portion of the severed farm parcel at 1827 Deer Run Road from A1 to EP be approved by Council;
3. Amending By-law #27-17 be forwarded to Council for approval; and
4. The provisional approval of Consent Application B-04-17 to add 3.319 ha (8.2 acre) of land from 1821 Deer Run Road to the abutting farm parcel to the north located at 382 Mersea Road 19 be supported by Council subject to the conditions listed in "Schedule A". (PLA-10-17)

**Carried**

## **Public Meeting, Planning:**

### **2. Notice of a Complete Application and Public Meeting to consider a Zoning By-law Amendment, ZBA #145 - 1328 Mersea Road 6**

Manager of Planning Services, Danielle Truax reviewed the report noting that 1330 Mersea Road 6 is subject to a site plan agreement that was approved in 2005. Ms. Truax further noted the applicants have submitted a site plan application to construct 120 parking spaces and a gymnasium addition to the existing sanctuary.

Ms. Truax noted the purpose of the Public Meeting is to receive comments from residents regarding the Zoning By-law Amendment application.

In response to an inquiry from Council, Ms. Truax confirmed the site plan application must receive approval from the Engineering department and that there may be permits and clearances required from outside agencies.

Mayor Paterson confirmed there was no one in attendance to speak on the matter.

### **No. C-107-17**

Moved by: Councillor Jacobs  
Seconded by: Councillor Hammond

1. Zoning By-law Amendment Application ZBA #145 to change the zoning of 1328 Mersea Road 6 from Agricultural Residential (A5) Zone to Institutional (I) Zone be approved;
2. Amending By-law #28-17 be presented at the Monday, May 8, 2017 Council meeting for Council consideration;
3. Council approve revisions to the 2005 site plan for New Reinland Mennonite Church of Ontario for the consolidated properties located at 1328 and 1330 Mersea Road 6; and
4. The Manager of Planning Services be authorized to execute the necessary amendment to the site plan control agreement upon final approval of the storm water management system. (PLA-11-17)

**Carried**

### **3. Notice of a Complete Application and Public Meeting to consider a Zoning By-law Amendment, ZBA #85, 523 - 525 Mersea 3 (AMCO Produce)**

Manager of Planning Services, Danielle Truax reviewed the report noting the proposal will result in a total of ten loading bays in the front. It was further noted the property was the subject of a 1996 decision by the Ontario Municipal Board (OMB).

Ms. Truax reviewed the changes that would be made to the site plan for the property and noted the applicant has submitted a noise assessment which contains recommendations for attenuating the noise reaching the neighbouring properties.

It was noted that Council has received written comments and a petition from neighbouring property owners.

Ms. Truax noted that the applicant, Fausto Amicone, and his Planner, Cindy Prince, were in attendance to answer any questions Council may have.

Ms. Prince informed Council that the applicant has proposed the construction of a noise abatement fence to replace the existing fence and noted it will reach the fence that is proposed for the front of the property.

Ms. Truax noted Highway 77 is the shortest route to the approved truck route.

In response to an inquiry from Council, Colin Novak, PhD, P.Eng, Acoustical Engineer, explained the sound attenuation could be comprised of a fence or berm or a combination of both. He further explained the attenuation must meet a minimum surface density and that typically they will ask their clients to determine what types of material they would like to use and they will determine if it will meet the minimum requirements of the Ministry of the Environment.

Fausto Amicone informed Council the current problem with respect to truck parking is the limited space available. He noted the proposed design will reduce waiting time for the trucks. Mr. Amicone further noted there will be the same number of trucks, just a reduction in congestion and waiting time.

In response to an inquiry from Council, Mr. Amicone explained the trucks that are headed to the market in Toronto tend to load their deliveries later, however a secluded area has been built for them. He further explained the drivers have been encouraged to avoid waiting on the premises.

Ms. Truax confirmed it is difficult for the Municipality to enforce noise and traffic at night. She noted residents call the OPP to report that a truck is running. Ms. Truax explained it is believed that a sound attenuation wall will reduce noise at all hours of the day.

Ms. Truax confirmed normal farm practices do not restrict the coming and going of trucks at all hours.

Ms. Prince explained the expectation right now is that there will be a small earthen berm and a solid, thick wooden fence. She further explained a company will be hired to design the fence and the design will be submitted to Mr. Novak for review to determine if it will meet Ministry of Environment minimum standards. Ms. Prince noted this process will be a part of the site plan approval process.

Mr. Novak confirmed the proposal must meet a minimum noise barrier and that trees will not meet this standard.

In response to an inquiry from Council, Ms. Prince suggested the site plan agreement specify that the fence design must be stamped by an acoustical engineer.

Ms. Prince stated that expanding the warehouse would allow the operation to be more efficient which will benefit the neighbours.

Ms. Truax clarified the site plan approval process is not yet complete and that administration is still working with the applicant. She further clarified that Council has the authority to advise Administration of any items they would like included in the site plan agreement.

In response to an inquiry from Council, Dan Amicone of Architectura provided an overview of the proposed fencing.

Dan Amicone provided an overview of the proposed fence to be constructed along Wilkinson Drive, noting the highest point will be four metres and it will step down to 2.5 metres. He further noted it will be constructed of two solid layers of solid fence with no gaps. Mr. Amicone noted there will be a three to four foot high stepping wall with landscaping in order to soften the effect.

In response to an inquiry from Council, Mr. Fausto Amicone explained that if the product to be shipped is pre-cooled, the truck reefers do not have as big of a job to keep the product cool and confirmed the new warehouse will be cooled. Mr. Amicone noted the cooling units have already been accounted for in the noise report.

Mr. Fausto Amicone confirmed he can speak to the truck drivers and request that they turn off the reefers while waiting in the lot, however it will be difficult to enforce. Mr. Amicone noted the proposed site plan includes a great deal of signage directing drivers to do so.

Mayor Paterson noted it was a Public Meeting and asked any members of the public in attendance who wished to speak, to approach the podium.

Harold Puyda, 526 Mersea Road 3 and representing his son at 528 Mersea Road 3, stated he had great concerns over the operation as no requirements have been adhered to. Mr. Puyda reviewed the petition that was submitted to Council.

Mr. Puyda stated there are trucks at the operation all hours of the night and referred Council to the section in the Municipal Act that deals with public nuisance.

In response to an inquiry from Council, Ms. Truax explained the property is designated as agricultural in the Official Plan and that some of the lands are zoned agricultural, agricultural hobby farm, agricultural residential and R-1. She confirmed the underlying designation is agricultural.

In response to an inquiry from Council regarding dust, Ms. Truax explained a large portion of the area is currently hard surfaced and the site plan will further extend the hard surface.

Mr. Harold Puyda stated he has called the Municipality several times with regard to the late night noise, however no one has returned his call to advise him of the results of meetings with Mr. Amicone. He further stated he contacted the Ontario Municipal Board who advised him it is the responsibility of the Municipality to enforce the decision. Mr. Puyda stated they have been putting up with the noise for a number of years and that some are dealing with diesel fuel fumes. Mr. Puyda stated the gates that were installed were never used.

Ms. Orton clarified she reviewed the 1996 OMB decision and it appears that the Municipality was attempting to work with Mr. Amicone and the neighbours in an effort to address concerns and perhaps that is why some operational provisions were included in the site plan agreement. Ms. Orton noted these are not typical items that are included in site plans. Ms. Orton further explained the OMB tweaked the provisions contained in the site plan agreement.

With respect to Mr. Puyda's reference to nuisance in the Municipal Act, Ms. Orton explained that while the disturbances may be a nuisance, they are protected as normal farm practices and the provisions of the Municipal Act with regard to noise do not apply.

Mr. Puyda stated the Municipality may be subject to litigation and a lawsuit. He further stated they are all paying taxes and deserve some respect. Mr. Puyda stated Mr. Amicone has shown no concern for his neighbours.

Further to Ms. Orton's comments, Mr. Neufeld explained while some of the activities being carried on at the property may fall under normal farm practice legislation, the residents still have an opportunity to appear before the Normal Farm Practices Board to determine if the activities are considered normal farm practices. Mr. Neufeld further explained some of the activities the neighbours are complaining about are protected by the legislation, but the Board may determine that they are excessive.

Keith Derbyshire, 538 Mersea Road 3, stated he was in attendance to support his neighbours. He further stated that noise and fumes are a real concern, noting the operation was granted a burning permit a number of years ago. Mr. Derbyshire stated at this time of year they would like to leave their windows open, however they are burning plastic, which creates cyanide gas. Mr. Derbyshire inquired whether they had to appear before the Normal Farm Practices Board or seek legal action in order to remedy the situation and requested help from Council.

In response to an inquiry from Council, Mr. Derbyshire noted he was not sure what type of plastic is being burned, but stated he is sure that it is plastic.

In response to an inquiry from Council, Fausto Amicone explained his operation has a Certificate of Approval for a biomass plant and that they burn wood and waxed cardboard. He noted there is a chance that some plastics may still be present in the material to be burnt as a great deal of it comes from the landfill. Mr. Amicone stated the materials are separate and are not supposed to be contaminated. Mr. Amicone further stated they do not burn plastics.

Mr. Fausto Amicone explained the operation used to burn wood to heat the greenhouses, however now that the price of natural gas is decreasing they do not burn the material as often. Mr. Amicone noted they do conduct testing from time to time.

Mr. Derbyshire noted he would like the same consideration regarding parking on the road that was given to the previous public meeting matter.

Jeff Puyda, 526 Mersea Road 3, noted he sent in a letter outlining his concern, which have been ongoing for a number of years.

Ms. Truax confirmed the properties in the front are designated in the Official Plan as agricultural and there is a portion of the greenhouse land that is zoned agricultural residential.

Jeff Puyda stated if the property is zoned residential agricultural then normal farm practices would not apply.

Ms. Orton clarified that normal farm practice legislation only refers to how a property is used, and does not refer to how it is zoned or designated.

Jeff Puyda reviewed his letter regarding fumes, noting diesel fumes are carcinogenic and we are dealing with a community safety and health issue. Mr. Puyda stated people utilizing the trail smell the diesel fumes.

Mr. Jeff Puyda stated Road 3 is too narrow in this location and trucks turning out of the Amco property encroach three feet onto the grass in front of his home and are only ten feet from a gas meter, posing a danger of explosion.

Mr. Puyda noted Mr. Amicone owns the property where the former Heinz warehouse is located and inquired whether that property can be used as a driveway to the Amco property.

Mr. Puyda stated his disagreement with the proposal as it will cause more headaches for the neighbours. He noted he has concerns with drainage as there has been an ongoing drainage issue on his side of the road which the Drainage Superintendent has been looking into.

Walter Branco, in attendance to represent his parents Manuel and Fatima Branco who own 531 and 533 Mersea Road 3, noted his understanding that Mr. Amicone is operating a growing business that creates jobs and supports the community, however his parents have concerns. Mr. Branco explained that trucks park 240 feet from his parent's window and noise is a concern. He further explained the proposed service building will be 25 feet from the property line.

Mr. Branco explained that twenty five years ago vegetables were grown on the property and packed there, however now much of the produce being packed is grown off site and he inquired whether the operation is a farm or packing facility.

Mr. Branco stated he does not believe the service bay has an agricultural use and suggested the site plan has some amendments that must be addressed. Mr. Branco further stated the current zoning has a fifty foot setback and the applicant is seeking a reduction.

Mr. Branco noted reefers are on the tops of trucks, not at the bottom, and the reefer is higher than the highest point of the fence.

Mr. Branco stated he has concerns about the proposed setbacks, as 25 feet is narrower than a road and suggested the setbacks should be at least fifty feet.

Mr. Branco stated he appreciates Mr. Amicone's honesty that he cannot be there twenty-four hours a day to ensure that trucks are turned off and suggested that instead of the loading docks facing Road 3, the building can be located closer to the road and the loading docks be located at the rear. He noted trucks would not be seen and there would be a buffer created.

Angela Puyda, 528 Mersea Road 3, requested Council consider the possibility of the former Heinz warehouse property driveway as an exit. She noted many people, including herself, use the trail often and want to listen to music or walk with children and it is difficult to see when a truck is exiting the current driveway. Ms. Puyda stated the pathway is supposed to be safer than the road and at the Heinz property people have full view of trucks.

Jeff Puyda stated when trucks are exiting the subject property headlights shine into his house which has resulted in the front room no longer being used as a bedroom.

Ms. Truax explained a number of these issues were brought up at the Public Open House and she has had the opportunity to discuss them with Mr. Amicone and Ms. Prince. Ms. Truax noted the issue regarding burning plastic was not brought up before, however all other issues have been considered. With respect to the use of the Amco warehouses previously used by Heinz, Ms. Truax asked Ms. Prince to explain why this is not ideal.

Ms. Prince clarified Mr. Amicone is not seeking an amendment to construct more greenhouses, but rather to enhance the current operation in order to run more efficiently. Mr. Prince stated the better design will improve the situation in the neighbourhood.

With respect to moving the driveway, Ms. Prince explained the greenhouses are close together and there is an environmentally sensitive area due to a creek. She noted a bridge was removed and ERCA will not allow it to be reconstructed.

Ms. Prince stated all commercial trucks must have emission testing done and her client requires that certificates for all vehicles be presented to him in order to allow them to carry his produce. She further stated Mr. Amicone has authorized some air quality testing to be undertaken in order to ensure they are operating within Ministry limits. Ms. Prince noted the testing has been delayed due to rain and they are waiting for a northwesterly wind in order to mimic what the neighbours are experiencing.

Ms. Prince explained it would not be feasible to locate the loading area on the other side of the building due to the layout of the existing operation.

Fausto Amicone noted they reviewed a number of different options, however the proposed site plan allows for the most maneuverability.

In response to an inquiry from Council, Ms. Prince explained that if the reduction in setbacks is not approved, her client would not likely construct the service bay. Ms. Prince reminded Council that the current setbacks exceed the current Zoning By-law and they are not requesting a further reduction.

Councillor Verbeke noted there is a large pile of plastic in front of 530 Wilkinson Drive and requested that staff clean it up.

In response to an inquiry from Council regarding a blind spot where the driveway enters onto Wilkinson Drive, Ms. Truax explained it must be determined whether the cedar trees causing the blind spot are on the Amco property or the abutting residential property.

Ms. Prince clarified the cedar trees were planted by Mr. Amicone who will remove the first five or six in order to improve the blind spot.

Ms. Prince noted when the noise study was completed, they tested for the maximum number of trucks the site can handle and the noise attenuation will be designed based on this number.

With respect to the location of reefers on top of trucks, Mr. Novak confirmed his report did address this and explained the noise source is relatively high but the receiver is low and if you were to draw a line from the source to the receiver the noise barrier will break that.

In response to an inquiry from Council, Ms. Truax explained when the property received a site specific zoning designation, the side yard setback was five feet. She further explained that when an in-depth analysis was undertaken, the property does not meet the current greenhouse provision for 65% coverage as it has 68% coverage. Ms. Truax noted pursuant to the property's current zoning provisions, they are only required to have five foot setbacks so the proposed twenty five foot setback is much better.

Ms. Truax stated the proposal meets the intent of greenhouse setbacks and that there will be a solid wall and a driveway. She further stated there will be no parking along the driveway, no outdoor storage and no reefers running in that location.

In response to an inquiry from Council, Ms. Orton confirmed there is always an opportunity to appeal a decision regarding a zoning by-law amendment. She explained anyone who has appeared before Council or the applicant may appeal a decision.

Ms. Orton informed Council that the neighbours have the ability to make an application to the Normal Farm Practices Protection Board to determine whether an operation going on at the greenhouse is a normal farm practice. She further informed Council that they must make a decision regarding the zoning by-law amendment based on planning considerations, not operational ones.

In response to an inquiry from Council, Ms. Orton explained the 1996 OMB hearing was the result of an appeal by neighbours regarding a zoning by-law amendment. She further explained a site plan agreement was entered into between the Municipality and Amco which included operational considerations. In an effort to facilitate consensus on how to mitigate operational concerns of the residents, the OMB tweaked the items contained in the site plan agreement and dismissed the appeal of the amendment. Ms. Orton noted there are no real reasons for dismissing the appeal noted in the decision. Ms. Orton noted the Municipality ultimately won the appeal as the decision to allow the Zoning By-law amendment remained in effect.

In response to an inquiry from Council, Ms. Truax confirmed that from a planning perspective, if Council were to deny the Zoning By-law amendment application they would be going against the Municipality's planning recommendations and the proponent could appeal to the Ontario Municipal Board (OMB). If an appeal is made to the OMB, Ms. Truax would not be able to represent the Municipality and another Planner would have to be hired to defend Council's position.

Jeff Puyda stated he had one more comment to make, noting diesel fumes are a known toxin and carcinogen. Mr. Puyda stated the neighbours are getting sick to their stomach from the diesel fumes.

Ms. Prince explained air quality is provincially-regulated and stated they are undertaking the air quality testing to ensure the health and safety of the residents and the employees. Ms. Prince noted they want to be sure they are not exceeding the regulated levels and using a third party professional to undertake the testing. Ms. Prince further noted the results will be made available for viewing.

Mr. Neufeld cautioned Council that amending the recommendation to include specific stipulations in the site plan agreement regarding fencing height may result in the stipulations not meeting the requirements of the acoustic engineers. Mr. Neufeld suggested Council may want to stipulate that the acoustic engineers report meet Ministry standards.

In response to an inquiry from Council, Ms. Truax explained after a decision is made that evening there is an appeal period. If following the appeal period the application and by-law are approved, the applicant cannot proceed without an approved site plan. Ms. Truax noted that the Municipality is not required to notify the neighbours regarding the site plan agreement as this process has now been delegated to staff. Mr. Neufeld noted Administration has made a commitment that site plan agreements with contentious issues will be presented to Council for approval and suggested this application would fall into that criteria.

#### **No. C-108-17**

Moved by: Councillor Jacobs  
Seconded by: Councillor Wilkinson

1. Zoning By-law Amendment Application ZBA #85 to the amend the zoning on a portion of the property located at 523 Mersea Road 3 from A5-30 to A2-1 and to amend the zoning of the property located at 525 Mersea Road 3 from A5 to A2-1, to allow the expansion of the existing greenhouse operation, be approved by Council; and
2. Amending By-law #29-17 be forwarded to Council for approval. (PLA-15-17)

**Carried**

## Reports of Staff and Delegations:

### 1. Report EDO-01-17 dated May 8th, 2017 regarding Designation of Sip and Savour as an Event of Municipal Significance

Kyra Knapp, Culture & Tourism Developer introduced her maternity leave replacement, Veronica Samek and explained the purpose of the report is to request Council deem the Sip and Savour event as an “Event Having Municipal Significance”.

Ms. Knapp informed Council that cancellation insurance has been purchased for this year’s event.

Mayor Paterson welcomed Veronica to the Municipality.

#### No. C-109-17

Moved by: Councillor Wilkinson  
Seconded by: Councillor Hammond

The Sip and Savour event to be held August 18, 19 and 20, 2017 be designated as an event having municipal significance for the purposes of the application for special occasion permit. (EDO-01-17)

**Carried**

### 2. Report ENG-05-17 dated April 26, 2017 regarding Public Transit Infrastructure Fund, Transfer Payment Agreement

Manager of Engineering Services, Allan Botham reviewed the report, noting the funding application was approved in 2016 and approval to enter into the funding agreement is now required.

In response to an inquiry from Council, Mr. Botham explained the site plan agreement for the new Leamington District Secondary School requires the construction of a new sidewalk from the municipal trail to Nicholas Street. He noted he believed the sidewalk will be set off of the road, but he was unsure if it would be located behind the pole line.

Mayor Paterson confirmed the sidewalk is not being funded from recently announced County of Essex funding.

#### No. C-110-17

Moved by: Councillor Dunn  
Seconded by: Councillor Hammond

The Mayor and Clerk be authorized to execute the Public Transit Infrastructure Fund Transfer Payment Agreement. (ENG 05-17)

**Carried**

### 3. Report REC-01-17 dated April 27, 2017 regarding LKRC Arena Dehumidification System

Terry Symons, Manager of Recreation reviewed the report noting there have been continuous problems with the current system. He explained a condition assessment was conducted in 2016 which resulted in a recommendation to either repair or replace the existing unit, each of which would have approximately the same cost.

Mr. Symons informed Council that once the dehumidification work is complete, they can look at other repairs, such as flaking paint, which is caused by a humid environment. He noted other work that can be considered is the installation of a low-e ceiling for noise attenuation.

In response to an inquiry from Council, Mr. Symons noted that six contractors attended the mandatory site meeting and only one of those contractors submitted a bid. He further noted of the five bidders that did not submit tenders, one or two of them could definitely complete the work.

Mr. Symons informed Council that the low bidder, CIMCO Refrigeration, has assisted with other maintenance work at the Kinsmen Recreation Complex.

Mr. Neufeld noted the Municipality has worked with CIMCO Refrigeration before and they may have some insight into the facility that other contractors may not have.

**No. C-111-17**

Moved by: Councillor Hammond

Seconded by: Councillor Dunn

1. The tender for the replacement of the dehumidification system at the Leamington Kinsmen Recreation Complex be awarded to CIMCO Refrigeration, 651 Wilton Grove Road, London, ON N6N 1N7, in the amount of \$169,000, plus applicable taxes; and
2. The Mayor and Clerk be authorized to execute the necessary agreement.  
(REC-01-17)

**Carried**

**4. Report LLS-04-17 dated April 25, 2017 regarding Open and Closed Council Meetings**

Manager of Legislative Services, Brenda Percy reviewed the report, noting such reporting provides greater accountability and transparency.

Ms. Percy noted the report includes a paragraph regarding the Municipality's Integrity Commissioner. She further noted she received one complaint in 2016, which was dismissed as it did not relate to Council's Code of Conduct.

Chief Administrative Officer, Peter Neufeld clarified the numbers contained in the report relate only to time spent in Council Meetings and do not account for the hours spent preparing for the meetings and attendance at various other meetings such as the Leamington Police Services Board and the Union Water Joint Board of Management.

**No. C-112-17**

Moved by: Councillor Dunn  
Seconded by: Councillor Verbeke

That the annual report on open and closed meetings for 2016 be received (LLS-04-17).

**Carried**

**5. Report LLS-24-17 dated April 28, 2017 regarding Access Agreement, South Essex Fabricating**

Director of Legal and Legislative Services, Ruth Orton reviewed the report noting Mr. John Newland from South Essex Fabricating was in attendance to answer any questions Council may have.

Ms. Orton explained South Essex Fabricating is constructing the new track at the new Leamington District Secondary School, however access for machinery to the track area is limited due to the almost completed school. Ms. Orton further explained representatives from South Essex Fabricating have requested permission to cross a portion of the Municipality's trail lands to access the work site.

Mayor Paterson asked Mr. Newland to thank Mr. Quiring for stepping up to design and build the much needed track, noting he will extend his personal thanks the next time they speak.

Councillor Dunn noted the project will benefit students and the community as a whole and is much appreciated.

In response to an inquiry from Council, Mr. Newland confirmed Mr. Quiring has obtained permission to access the lands to the east of the municipal lands in order to access the portion of the trail.

Councillor Hammond expressed his appreciation for Mr. and Mrs. Quiring for offering to construct the track.

Mr. Newland thanked Mr. Neufeld and Ms. Orton for their assistance throughout the process of obtaining access over the trail lands.

**No. C-113-17**

Moved by: Councillor Jacobs  
Seconded by: Councillor Hammond

1. Council approve the use of a portion of the municipal trail lands described as Concession 1, Part of Lots 5 and 6, designated as Part of Part 1 on 12R-19220, Leamington (PIN: 751371043), by South Essex Fabricating for the purpose of ingress and egress to the lands located to the east and to the west of the said lands;
2. Council authorize the entering into the necessary agreement with South Essex Fabricating in a form consistent with the contents of this report and acceptable to the Municipality's solicitor;
3. That the Mayor and Clerk be authorized to execute the agreement. (Report LLS-24-17)

**Carried**

**Matters for Approval:**

**No. C-114-17**

Moved by: Councillor Dunn  
Seconded by: Councillor Verbeke

That the Minutes of the Leamington Accessibility Advisory Committee held March 29, 2017, be approved.

**Carried**

**Other Matters for Consideration:**

None.

**Report on Closed Session:**

None.

**Notices of Motion:**

None.

## Consideration of By-laws:

### No. C-115-17

Moved by: Councillor Wilkinson  
Seconded by: Councilor Dunn

That the following by-laws be read a first, second and third time and finally enacted:

By-law 27-17 being a by-law to amend the Comprehensive Zoning By-law No. 890-09 for the Municipality of Leamington, which pertains to the subject lands ZBA #142 (1827 Deer Run Road 3) (PLA-10-17)

By-law 28-17 being a by-law to amend the Comprehensive Zoning for the Municipality of Leamington, which pertains to the subject lands ZBA #145 (1328 Mersea Road 6 ) (PLA-11-17)

By-law 29-17 being a by-law to amend the Comprehensive Zoning By-law No. 890-09 for the Municipality of Leamington, which pertains to the subject lands, ZBA #85 (523 and 525 Mersea Road 3) (PLA-15-17)

By-law 32-17 being a by-law to levy taxes for the year 2017

By-law 33-17 being a by-law to appoint Municipal Law Enforcement Officers for the purpose of Enforcing Dog Registration Compliance for the Municipality of Leamington

By-law 34-17 being a by-law to confirm the proceedings of the Council of The Municipality of Leamington at its meeting held May 8, 2017

**Carried**

## Open Session:

Councillor Dunn stated his appreciation for the Drainage Superintendent, Lu-Ann Marentette, and Administration for responding so quickly to the flooding that occurred on Point Pelee Drive.

Councillor Wilkinson requested an update on the trail along County Road 20. Chief Administrative Officer Peter Neufeld explained that on March 23, 2017 municipal staff met with Administration from the County of Essex to discuss the trail. He further explained they drove along the road to look at the state of the curbs, which has been a point of contention all along as they need replacement. Mr. Neufeld noted the County stated they would not be replacing the curbs if a bike path is constructed, despite the fact they are between eighty and one hundred percent beyond their useful life. Mr. Neufeld further noted he has requested an update from the County CAO as they discussed moving forward with a different funding formula as the curbs are infrastructure of the County. Mr. Neufeld noted the funding application deadline is in June and they would like to apply if they can reach some mutually agreeable terms.

Councillor Verbeke provided a brief report regarding the recent Ontario Small Urban Municipalities (OSUM) conference, noting the sessions regarding municipal infrastructure, the Ontario budget, unloading of medicine to municipalities and hydro were all excellent.

Councillor Hammond thanked McDonalds for the recent McHappy Day, noting he and Councillor Dunn both spent time assisting with the fundraiser. Mayor Paterson thanked Councillor Hammond and Councillor Dunn for attending as he was away on that date.

Councillor Dunn stated he had a great time assisting with the fundraiser noting there were a large number of donations. He further stated it was a lot of work but a great experience.

Chief Administrative Officer, Peter Neufeld noted Leamington hosted the Junior National Racquetball Championships from April 26 to April 29 at the Leamington Kinsmen Recreation Complex. He explained a group of citizens, including Andrew Dick and Paul Bateman made an application to secure the event and organized the tournament. Mr. Neufeld noted the event corresponds with Leamington Council's strategic plan to increase amateur sport tourism. He further noted steps were taken to make sure Leamington put its best foot forward, including sanding and refinishing of some of the wood floor in the courts, replacement of some of the floor, and restoration of the second floor viewing area. Mr. Neufeld stated the coaches, players and league organizers spoke highly of the facility. Mr. Neufeld thanked the organizers for all of their hard work in securing and organizing the tournament and acknowledged the efforts of Terry Symons, Gary Emery, Geoff Stephenson and Paul Barnable for making the tournament a success.

Mayor Paterson noted Paul Bateman and Andrew Dick invited him to say a welcome speech and he was very surprised that there were athletes from all over the Country.

Mayor Paterson informed those in attendance that on April 30 he and Mr. Neufeld attended an "Aqua Hacking" session at the University of Waterloo during which teams were formed to try and tackle the issues facing the Great Lakes, such as plastics and invasive species. He noted the group had been at the Municipal Offices on an earlier date and invited them to make a presentation about what is going on in Leamington. Mayor Paterson noted he presented for more than an hour and answered a number of questions. He stated his hope the group will be able to come up with ideas on how to promote the construction of sewer lines to upper levels of government. Mayor Paterson noted as he was leaving the session one gentleman inquired about fairly significant investment opportunities in Leamington.

Mayor Paterson noted he also recently attended the OSUM conference and that they connected with the Minister of Municipal Affairs, during which they discussed the issues Leamington is facing. Mayor Paterson further noted he received a number of compliments on Leamington.

**Statement of Members:** non-debatable

Councillor Jacobs congratulated the Leamington Horticultural Society, noting there was a large number of people in attendance at their event on Saturday.

Councillor Wilkinson thanked Chartwell for the invitation to their open house, noting they have an impressive facility.

**Adjournment:**

**No. C-116-17**

Moved by: Councillor Jacobs  
Seconded by: Councillor Wilkinson

That the meeting adjourn at 8:56 PM.

**Carried**

John Paterson, Mayor

Brenda M. Percy, Clerk

Minutes approved at Council Meeting held  
May 23, 2017, Resolution C-XX-17,  
Confirmation By-law XX-17

## Court of Revision

May 15, 2017

To: All Affected Owners

Dear Sir or Madam:

**Re: Engineer's Report - Reid Drain - 9<sup>th</sup> Concession West Branch  
Two New Access Culverts  
Municipality of Leamington, County of Essex**

Please find enclosed By-law Number 23-17, to provide for the installation of two (2) access culverts on the Reid Drain - 9<sup>th</sup> Concession West Branch in the Municipality of Leamington in the County of Essex.

Please note that the Engineer's Report was forwarded to you on April 7, 2017.

**DATE: Tuesday, May 23, 2017**

**TIME: 6:00 p.m.**

**LOCATION: Council Chambers of the Municipal Building  
111 Erie Street North, Leamington, Ontario**

**Notice** is hereby given for the hearing and trial of appeals made against the said assessment or any part thereof, in the same manner prescribed by The Municipal Drainage Act, any notice of such appeal to be served on the Clerk of the Municipality at least ten days before the meeting of the said Court.

**Further notice** is hereby given that any owner of land or any public utility affected by a drainage works, if dissatisfied with the report of an Engineer, may appeal therefrom to the Drainage Referee and in every such case a written notice of appeal shall be served upon the Head of the Council of the initiating Municipality or the Clerk thereof within forty days after the date of

mailing of the copy of the Engineer's Report and Notice under Section 40 or 41 of The Drainage Act R.S.O. 1990.

Further notice is hereby given that any owner of land, public utility, Conservation Authority or local municipality affected by a drainage works, if dissatisfied with the report of the Engineer, may appeal to the Ontario Drainage Tribunal, and in every case a written notice of appeal shall be served upon the Mayor and Clerk of the initiating Municipality within forty days after the date of mailing of the copy of the Engineer's Report and Notice under Section 40 or 41 of The Drainage Act R.S.O. 1990.

Further notice is hereby given that anyone intending to apply to have such bylaw or any part thereof quashed must, not later than ten days after the final passing thereof, serve a notice in writing upon the Mayor and Clerk of the initiating Municipality of his intention to make application for that purpose to the Drainage Referee, during the six weeks ensuing the final passing of the said Bylaw, or where a notice of intention has been given, an application to quash must be made to the Drainage Referee within three months after the final passing of the said By-law.

Should you have any further questions, please contact the Drainage Department at 519-326-5761 extension 1315.

Yours truly,



Brenda Percy

Clerk

/ls

Enclosed

# The Corporation of the Municipality of Leamington

## By-Law 23-17

Being a by-law to provide for the construction of two (2) new access culverts over the Reid Drain -9<sup>th</sup> Concession West Branch in Part Lot 6, Concession 8 (Essex Road 14) in the Municipality of Leamington in the County of Essex

**Whereas** the Council of The Corporation of the Municipality of Leamington has procured a report under Section 78 of the Drainage Act for the construction of two (2) new access culverts over the Reid Drain -9<sup>th</sup> Concession West Branch.

And whereas the report dated March 15, 2017 has been authored by Baird AE Inc. and the attached report forms part of this by-law;

And whereas there is no amount to be contributed by the Municipality of Leamington for the drainage works;

And whereas the Council is of the opinion that the drainage of the area is desirable.

**Now therefore**, the Council of The Corporation of the Municipality of Leamington hereby enacts as follows:

### 1. Authorization

The attached report is adopted and the drainage works are authorized and shall be completed as specified in the report.

### 2. Assessed Costs

If the actual cost of the drainage works varies from the estimated cost as set out in the Schedule of Assessment contained in the engineer's report, and as included herewith and forming part of this by-law, the actual cost shall be assessed, levied and collected upon and from the said parcels of lands and roads and parts of parcels in the same proportions and in the same manner as provided in the Schedule of Assessment contained in the Engineer's report, or as revised by the Court of Revision or some higher court of appeal.

**3. Citation**

This by-law comes into force on the passing thereof and may be cited as the “Two (2) New Access Culverts over the Reid Drain - 9<sup>th</sup> Concession West Branch By-law”.

Read a first and second time this 24<sup>th</sup> day of April, 2017.

*Signature on File*

John Paterson, Mayor

*Signature on File*

Brenda M. Percy, Clerk

Read a third time and finally enacted this 26<sup>th</sup> day of June, 2017.

John Paterson, Mayor

Brenda M. Percy, Clerk

## If you are a person needing care:

- with a disability, of any kind
- are elderly OR
- are a senior who lives alone or feels isolated

If you are a caregiver of someone who needs life-long care...

WE WANT TO HEAR  
**FROM YOU!**



## EVERYONE NEEDS HELP... YOUR HELP NOW CAN MAKE A REAL DIFFERENCE IN THIS COMMUNITY!

Your information is valuable. By sharing your outcomes, you'll help to make sure our community care system works for you and your family.

### FOR MORE INFORMATION CONTACT

Compassion Care  
Community Office

 Tel: 519-974-2581 Ext: 2420

 [info@weccc.ca](mailto:info@weccc.ca)

 [www.weccc.ca](http://www.weccc.ca)



*This initiative is supported by the Erie St. Clair LHIN and the Greenshield Canada Foundation*

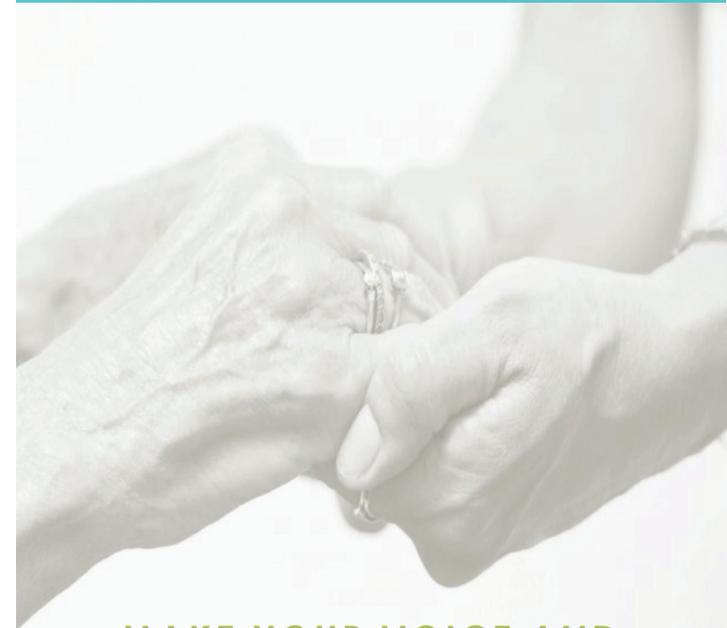
PRINTING  
DONATED BY



WINDSOR-ESSEX  
**Compassion**  
Care Community

## JOIN THE COMPASSION CARE COMMUNITY

This community is committed to measure  
**OUR impact** on  
**YOUR quality of life**  
and experience of care.



**MAKE YOUR VOICE AND  
YOUR EXPERIENCE COUNT!**

At least once each year, you will be asked about your quality of life and your care experiences using a simple survey that should take less than ½ hour to complete.

You may also be asked to help test new tools such as the neighbourhood exchange, or compassionate care coaching.

This is completely free and will not affect access to the regular care you receive.

*This project has received clearance from the University of Windsor Research Ethics Board.*

## ABOUT THE COMPASSION CARE COMMUNITY

The Windsor-Essex Compassion Care Community is citizens, families, neighbours, service providers, businesses and community leaders who believe in the power of community.

**We are building Canada's most compassionate community.**

**OUR GOAL IS TO RAISE HAPPINESS, IMPROVE QUALITY OF LIFE AND GAIN FAIR ACCESS TO CARE FOR OLDER ADULTS AND VULNERABLE CITIZENS IN WINDSOR-ESSEX.**

## BY REGISTERING WITH THE NEW COMMUNITY SYSTEM, YOU:

- Will be more aware of your health and care experiences
- Will receive information about quality of life findings you can easily share with your providers to help them organize your care
- Your non-identifying outcome data will be used to keep track of community progress to improve quality of life.
- Earn community credit for compassion

Help us by sharing your outcomes!





## Report

**To:** Mayor and Members of Council

**From:** Ruth Orton, Director of Legal and Legislative Services

**Date:** May 1, 2017

**Re:** Noise By-law Exemption Request to Allow Street Evangelizing

---

### Recommendation:

It is recommended that:

1. The application for a Noise By-law Exemption submitted by Javier and Patricia Amaya to allow for street evangelizing be denied (Report LLS-25-17).

### Background:

The Municipality has received a request for an exemption from the Municipality's Noise By-law 431-03. The applicants, who are the Pastors at the Casa de Oracion Cristo Viene (House of Prayer Christ is Coming) Church, are requesting permission to evangelize, utilizing a megaphone, at the corner of Erie Street and Talbot Street on Sunday afternoons. The applicants wish to evangelize for a period of time between 2:00 PM and 3:00 PM or 2:30 PM to 3:30 PM.

### Comments:

According to Section 2(1) of By-law 431-03, no person shall create "unnecessary noise" which is defined as "sound that is of such loud volume or continuous duration that it creates a nuisance." Section 5 of this by-law permits an application to Council for an exemption from the provisions of this by-law. If an exemption is granted, it is to specify the time period and conditions required by Council.

The by-law does not apply to any facilities or activities of any level of government or any of the listed traditional, festive or religious and other activities, namely: ringing of church bells, religious events, religious processions or events sponsored by an ethnic club that promotes ethnic culture. Evangelizing on the street does not fall into one of these exemptions.

In 2016 the Municipality received a number of complaints from uptown business owners and residents regarding the evangelizing from the upstairs window of a building at the corner of Erie Street and Talbot Street through the use of a megaphone.

Given that the location proposed by the applicants is Erie and Talbot and the level of traffic that would occur during those hours, the exemption from the Municipality's noise by-law for this purpose would create a potential public safety issue. Loud noises at a major intersection may result in crowds or distracted drivers. In exercising its power to refuse an exemption to the noise bylaw, Council would be preventing a matter that could become or cause a public nuisance.

There is a set fine of \$100 for creating unnecessary noise as prohibited by the by-law.

### **Financial Impact:**

There is no financial impact on the Municipality in connection with this matter.

Respectfully submitted,

Peter Neufeld, Chief  
Administrative Officer



Digitally signed by Peter Neufeld, Chief  
Administrative Officer  
DN: cn=Peter Neufeld, Chief Administrative Officer,  
o=ou,email=pneufeld@learnington.ca, c=CA  
Date: 2017.05.18 14:46:36 -0400

Ruth Orton  
Director of Legal and Legislative Services

initials

Attachments: None.

T:\Corporate\A00-Administration\A00-Council Reports\2017 Legal and Legislative Reports\LLS2517-Noise By-law Request-Street Evangelizing.doc



## Report

**To:** Mayor and Members of Council  
**From:** Terry Symons, Manager of Recreation  
**Date:** May 15, 2017  
**Re:** Leamington Triathlon Weekend

---

### Recommendation:

It is recommended that:

1. The Leamington Triathlon Weekend be exempt from the 2017 Tariffs of Fees By-law as it relates to fees associated with renting the LKRC Pool (in-kind value \$400) and use of the steel special event fencing (in-kind value \$350) (REC-02-17).

### Background:

The Municipality received a request from the Race Directors of the Leamington Triathlon Committee (Mr. Ben Balkwill and Mr. David Campbell) requesting permission to stage the annual Leamington Triathlon Weekend on June 10 and 11, 2017. Typically 500 - 600 athletes participate.

Some of the highlights are as follows:

- Saturday June 10, 2017, 9:00 a.m. at the LKRC includes the Pure Kids (ages 3-15), Adult Try-a-Tri (beginners triathlon) and Adult Do-a-Du (beginners duathlon),
- Sunday June 11, 2017, at the Waterfront Promenade and Municipal Marina Triathlon, Duathlon and Open Water Swim (1.5k and 3k).

The races held on both days will attract many participants to Leamington from across Ontario, as well as Michigan.

The Race Directors have requested the usual considerations respecting the use of the LKRC facilities, Municipal Parking Lot at the Erie St. Promenade Plaza, various street closures and OPP assistance for the races.

Administration estimates that the annual economic impact of hosting the Leamington Triathlon Weekend is approximately \$125,000.00, based on 500 participants spending \$250.00 each (entry fees, travel/fuel, food/beverages and accommodations).

Previous commitments for 2016 and 2017 included the purchase of the cadence metres for the spin bikes at the LKRC.

**Comment:**

Administration has no objection to the request for the use of the Municipal Parking Lot, the Promenade/Marina, and the LKRC facilities for staging this event.

It is the responsibility of the Organizing Committee to notify those business entities, which may be impacted by the proposed running/biking routes and events schedules.

**Financial Impact:**

As in the past, since proceeds from the above event are re-invested into the municipality, namely the LKRC. Administration is recommending the following in-kind items:

- LKRC Pool Rental of approximately \$400,
- Use of steel special event fencing of approximately \$350.

The coordinators of the Leamington Triathlon Weekend pay for all policing costs associated with the event.

The financial contributions from this event, as approved in Council Resolution (RES C-113-16 for REC 0716), will be coordinated with the Triathlon Committee and Administration.

Respectfully submitted,

Terry Symons, Digitally signed by Terry Symons, Manager of Recreation  
Date: 2017.05.16 11:07:58 -04'00'  
Manager of Recreation

Terry Symons  
Manager of Recreation

Paul Barnable, Digitally signed by Paul Barnable  
DN: cn=Paul Barnable, o=Municipality of Leamington, ou, email=pbarnable@leamington.ca, c=US  
Date: 2017.05.16 14:45:11 -04'00'

Paul Barnable  
Director of Community Services

/ts

Peter Neufeld, Chief Digitally signed by Peter Neufeld, Chief Administrative Officer  
DN: cn=Peter Neufeld, Chief Administrative Officer, o, ou, email=pneufeld@leamington.ca, c=CA  
Date: 2017.05.18 14:44:04 -04'00'  
Administrative Officer



## Report

**To:** Mayor and Members of Council

**From:** Brenda M. Percy, Manager of Legislative Services/Clerk

**Date:** April 25, 2017

**Re:** Cat Control

---

### Recommendation:

It is recommended that:

1. The current Trap Program established with the Public Works department be maintained and that educational information on how to humanely deter cats from a property be placed on the municipal website (Report LLS-22-17)

### Background:

Currently, Administration fields routine calls about cats running-at-large and nuisance cats. A large amount of callers identify the cats as neighbourhood cats with no identifiable owners. Currently, Public Works provides a trap to residents for a small fee. Once the cat is trapped, the complainant contacts Public Works who picks up the cage and cat and delivers it to the local vet office. The cat remains at the vets for three days until it is claimed by its owner. If the cat is not claimed, the cat is euthanized. The budget allocated for this service for 2017 is \$500. Leamington residents also have the option of dropping of a stray cat at the Windsor-Essex County Humane Society in Windsor for a fee of \$30.

### Comments:

Historically, dogs but not cats, have been regulated by municipalities. However, for the purpose of controlling cat populations, keeping cats healthy and safe, reducing nuisance of trespassing cats and also protecting local wildlife, there are municipalities in Ontario that attempt to regulate and licence cats. Some of the purported benefits include reduced complaints regarding cat nuisance and cat noise, improved neighbour relations,

improved health and welfare for owned cats and protecting the community from cat related nuisances or health risks.

Administration has surveyed a number of municipalities and found that each municipality has a different model of cat control. Some models include:

- Provisions for live trapping of cats by general public
- Mandatory licensing and identification
- Limit of number of cats per household
- Spaying and neuter programs
- Voluntary registration
- Cat restraint (leash, harness or similar device)
- Feral cat caretaker registration programs
- Enforcement programs and fines impose
- Exceptions for rural areas

There are a number of matters that must be considered when deciding whether or not to establish a program that requires the licensing and regulating of cats including:

- Enforcement difficulties
- Licensing fees (cat tag) & including low compliance rates
- Regulating number of cats per dwelling
- Provision of Grandfathering Clause
- Urban vs. Rural
- Spaying/Neutering
- Feral cats/stray cats
- Public opinion (euthanasia versus trap neuter release programs)
- Shelter (where do cats that have been trapped go)
- Costs associated with implementing a program including staffing costs, program costs, enforcement costs, and time associated

### **Difficulties with Enforcing a Cat By-law**

Those municipalities that regulate cats vary in their programs. Most municipalities surveyed do not carry out pro-active enforcement regarding cats at large or cats trespassing on private property but instead respond to complaints. Further, some municipalities do not dispatch animal control officers but require that the cat be brought to the animal shelter by the complainant. Enforcing a cat by-law has a number of challenges including:

- Unlike dogs, cats cannot be easily captured or secured. Cats are much more agile than dogs and able to get into smaller spaces, quickly climb trees, fences, etc. and are more apprehensive about being approached by an individual. The ability of an enforcement officer to capture a cat at large can be virtually impossible
- Difficult and often impossible to identify a cat (dogs identified easier)
- Rural areas are more difficult

- Complainants are often unwilling to file a complaint
- Complainants are often unwilling to attend court for the purpose of giving evidence

### **Licensing Fees (Cat Tag)**

Cat licensing fees are similar or the same as fees for dog tags. To encourage responsible pet ownership, some municipalities offer a reduced rate for owners who have spayed or neutered their pet. Licensing fees that are set too high discourage voluntary compliance and result in a need for greater enforcement.

### **Regulating the Number of Cats Permitted Per Dwelling**

Many municipalities restrict the number of cats permitted in a dwelling to ensure health and safety of those pets. Irresponsible maintenance of a large number of cats in a dwelling is often the source of a variety of complaints. The number of cats permitted per dwelling ranges with each municipality with the average (of those surveyed) being four cats per dwelling unit. Some municipalities provide exceptions for those premises registered as providing temporary foster care, cats being kept on a temporary basis, cats used for breeding by kennel or breeder, and some municipalities permit more cats in a dwelling if the cats are spayed or neutered. Often it is the refuge centres that create the majority of complaints by the public due to the large number of cats being kept. The Municipality of Leamington's Zoning By-law does not establish the number of cats permitted per household; however, in the event that the number of cats within a dwelling is a health concern, then by-law enforcement officers may issue an order under the Property Standards By-law.

### **Grandfathering Clause**

Some communities include a grandfathering clause within their cat by-law that allows those owners who currently have more than the regulated number of cats, to keep that number of cats until such time as determined by that by-law. When the Town of LaSalle implemented a restriction on the number of cats permitted (to four per dwelling), it provided an exception (grandfathering clause) for those persons that were lawfully keeping more than four cats. Those who had more cats than what was permitted under the new by-law were allowed to keep the cats but were required to complete and file an affidavit that should the cat be removed from ownership (death, given away) that it could not be replaced.

### **Urban vs. Rural**

Some communities differentiate between rural and urban areas and either do not regulate and control cats located in rural areas (only in urban areas) or permit a larger number of cats to be kept at a rural dwelling. The Town of Milton for example permits a maximum of three cats per dwelling in an urban area, five in rural area and excludes barn cats in rural areas (as barn cats claimed to help control rodents on farms). Consideration should also be made for those rural property owners who become

involuntary cat shelters due to the “dropping off” of cats on their farms as a means of disposing of an unwanted pet.

### **Spay or Neutering**

Cat overpopulation and number of strays are a major problem in most communities. A municipality can help by encouraging pet owners to spay or neuter their cats. The Town of Kingsville, Town of Amherstburg, Town of LaSalle, and Town of Tecumseh have all implemented a program to encourage pet owners to spay/neuter their pets by providing a limited number of coupons or vouchers to low income pet owners and/or rescue organizations.

### **Feral Cats/Stray Cats**

Feral cats are free roaming cats; they have no owner, no dependable food source or home, and little, if any human interaction. Wild cats, stray cats, and some barn cats fall into this group. Typically, feral cats exist in colonies and are found in alleys, restaurants, mobile home parks, school properties, vacant lots, and apartment complexes. Feral cats reproduce, and compete with each other for food. The colonies have high birth rates due to uncontrolled reproduction and also high death rates due to harshness of life, fighting for food, avoiding predators, and regularly being exposed to disease often resulting in short and difficult lives.

The issue of feral cats is not an isolated problem and the issue of controlling feral cats has become one of the most controversial issues in animal control and animal welfare organizations. Most communities have feral cat populations which are a source of a number of problems. Unfortunately, the actual number of feral cats within the Municipality of Leamington cannot be accurately estimated with any degree of confidence. The dilemma is how to deal with those feral cats. Although a variety of approaches have been used by other municipalities, including public education campaigns and trap-neuter-return programs there are no easy solutions. Reducing the number of feral cats requires a community wide effort that needs to involve everyone including feral cat organizations, veterinarians, animal shelters and rescue groups, municipal officials, public health officials, wildlife advocates, and feral cat caretakers.

### **Public Opinion (Euthanasia)**

There are many views on how to address cat over population and free roaming cats. Some believe that the best method is to trap, neuter and release (TNR) feral cats while others believe in euthanizing all stray cats. The topic is a highly debated issue with no easy answers.

### **Shelter**

The Windsor-Essex Humane Society accepts cats dropped off at its location for a fee, but will not dispatch an animal control officer to respond to citizen complaints (unless the cat is deemed by the OSPCA to be in ‘distress’). If considering a cat control program, it

would be important to contact the Windsor/Essex Humane Society to confirm capacity levels of the current shelter and to determine whether or not the shelter could manage an increase of relinquished cats.

### **Costs Associated with Implementing a Program or By-law**

The Municipality of Leamington currently has one animal control contract which is for the provision of dog control. The current animal control contract does not include services for the control of cats. Should Council consider a cat control program, Council must give serious consideration to the costs of a program and also the additional resources associated with enacting and maintaining a cat control program. Implementing a cat control program would require additional staff to enforce the by-law and funding of the program. The average cost of a cat control program and enforcement is difficult to determine as some communities actively enforce their by-law but most rely on voluntary compliance and respond only to cat control issues on a complaint basis.

### **Conclusion**

Municipalities have taken a variety of approaches in attempting to deal with cat overpopulations (stray and feral) however, most programs have realized limited success and low compliance rates. Those municipalities which have experienced some degree of success are those programs in which cat control forms part of an overall animal control program and that program has adequate resources available, including the appropriate funding and staffing levels. The number of complaints and concerns raised by citizens should be weighed against the associated costs and issues related to implementing a program.

Alternative methods available to address cat control issues include:

- a) Education Program - there are several programs currently delivered by the Ontario Society for the Prevention of Cruelty to Animals and various community groups to increase the public's awareness of the community cat concern and how the public can assist.

The Municipality can also include educational information on the municipal website on how to humanely deter cats from a property and offer educational pamphlets. Ally Cat Allies (Cat Advocacy Group - <https://www.alleycat.org>) has created a pamphlet "How to Live with Cats in Your Neighbourhood" for general public use.

- b) Spay and Neuter Voucher Program - Administration brought forward a report in February, 2016 recommending a Spay and Neuter Voucher program for feral cats and low income families caring for cats. \$10,000 was also set aside in the 2016 budget for this initiative, however, the initiative did not move forward as Council had reservations about the number of vouchers to issue to low income families and staff resources were committed to other projects.

c) Maintain the current Trap Program established with the Public Works department.

**Financial Impact:**

There is \$500 budgeted in the 2017 for veterinary fees for cats. In addition, there is \$100 budgeted for cat traps. The amount set aside for the Spay and Neuter Voucher program is a favourable variance to the 2016 budget for the Animal Control budget.

Implementing an education program would have no financial impact.

Respectfully submitted,

Brenda M. Percy, CMO  
Manager, Legislative Services/Clerk

Ruth Orton,  
Director, Legal & Legislative Services

Attachment: None

Peter Neufeld, Chief  
Administrative Officer

Digitally signed by Peter Neufeld, Chief  
Administrative Officer  
DN: cn=Peter Neufeld, Chief Administrative Officer,  
o, ou, email=pneufeld@leamington.ca, c=CA  
Date: 2017.05.18 14:49:32 -0400



## 5 Easy Steps for Detering Cat Behaviors

- 1** Talk to your neighbors. Determine whether the cat is a pet, stray, or feral, and if he has been neutered. If not, get it done!
- 2** Apply nontoxic deterrents around your yard.
- 3** Put a tight lid on your trash can.
- 4** Block gaps in the foundation of all sheds and outbuildings.
- 5** Use a car cover.

Local Organization Contact:

# How to Live With Cats in Your Neighborhood



## What is a Community Cat?

Community cats, also called feral cats, are members of the domestic cat species just like pet cats, but are usually not socialized to people and therefore are not adoptable. Cats have been living outdoors near us for more than 10,000 years. They typically live in groups called colonies and have strong social bonds with their colony members.

### So, you're seeing cats in your yard...

Like all animals, community cats make their home where they find shelter and food, often in close proximity to people. We understand that not everyone enjoys having cats in their yards, and these simple tips will help you divert outdoor cats away from certain areas. You may also want the cats to stick around; some ideas in this brochure will help make areas attractive to the cats. Coupled with Trap-Neuter-Return and ongoing care, these quick steps will help you coexist with your neighborhood cats!

Because feral cats are not socialized and not adoptable, they do not belong in animal pounds or shelters, where virtually 100% of them are killed. Instead, they should be neutered, vaccinated, and returned to their outdoor home.

### Trap-Neuter-Return

Trap-Neuter-Return is the only effective and humane way to stabilize community cat populations. Cats are humanely trapped and taken to a veterinarian, where they are neutered and vaccinated. Kittens and socialized cats are placed into loving homes. Healthy, adult cats are returned to their colony site, where they are often provided continuing care by volunteers.

Trap-Neuter-Return works. No more kittens. Cats' lives and health are improved, and the population stabilizes and declines over time. The behaviors and stresses associated with mating, such as yowling and fighting, stop.

### The Vacuum Effect

Animal control's traditional approach to community cats—catch and kill—won't keep an area free of cats for long. Catch and kill is cruel, inhumane, and creates a vacuum, as do attempts to "relocate" cats. Once the cats are removed from a territory, other cats move in to take advantage of the newly available resources and breed, forming a new colony. Known as the vacuum effect, this is a documented phenomenon in a variety of animals throughout the world. Catch and kill is an endless and costly cycle.



# Easy Solutions to Cat Behaviors

## Cats are getting into my trash.

**Explanation:** Cats are scavengers and are looking for food.

**Quick Solutions:**

- Place a tight lid on your trash can. Exposed trash bags will attract wildlife as well.
- See if neighbors are feeding the cats. If they are, make sure they are doing so on a regular schedule.
- Start feeding the cats yourself if you find no regular feeder—at a set time, during daylight hours, in an out-of-the-way place. Feeding cats regularly and in reasonable quantities, which can be eaten in less than 30 minutes or so, will help ensure they don't get so hungry they turn to the trash.

## There are cat paw prints on my car.

**Explanation:** Cats like to perch on high ground.

**Quick Solutions:**

- Gradually move cats' shelters and feeding stations away to discourage cats from climbing on cars.
- Purchase a car cover.
- Use deterrents listed in the next section.

## Cats are digging in my garden.

**Explanation:** It is a cat's natural instinct to dig and deposit in soft or loose soil, moss, mulch, or sand.

**Quick Solutions:**

- Scatter fresh orange and lemon peels or spray with citrus scented fragrances. Coffee grounds, vinegar, pipe tobacco, or oil of lavender, lemongrass, citronella, or eucalyptus also deter cats.
- Plant the herb rue to repel cats, or sprinkle dried rue over the garden.
- Use plastic carpet runners spike-side up, covered lightly in soil. They can be found at local hardware or office supply stores. Or, set chicken wire firmly into the dirt with sharp edges rolled under.
- Artfully arrange branches in a lattice-type pattern or wooden or plastic lattice fencing material over soil. You can disguise these by planting flowers and seeds in the openings. You can also try embedding wooden chopsticks, pinecones, or sticks with dull points deep into the soil with the tops exposed eight inches apart.



- Obtain Cat Scat™, a nonchemical cat and wildlife repellent consisting of plastic mats that are cut into smaller pieces and pressed into the soil. Each mat has flexible plastic spikes that are harmless to cats and other animals, but discourage digging. Available at [www.gardeners.com](http://www.gardeners.com).

- Cover exposed ground in flower beds with large, attractive river rocks to prevent cats from digging. They have the added benefit of deterring weeds.

- Establish a litter box by tilling the soil or placing sand in an out-of-the-way spot in your yard. Keep it clean and free of deposits.



## Cats are lounging in my yard or on my porch.

**Explanation:** Cats are territorial and will remain close to their food source.

**Quick Solutions:**

- Apply cat repellent fragrances liberally around the edges of the yard, the tops of fences, and on any favorite digging areas or plants.
- Install an ultrasonic animal repellent or a motion-activated water sprinkler, such as CatStop™ or the ScareCrow™. Available at [www.contech-inc.com](http://www.contech-inc.com).



## Cats are sleeping under my porch or in my shed.

**Explanation:** The cats are looking for a dry, warm shelter away from the elements.

**Quick Solutions:**

- Physically block or seal the location the cats are entering with chicken wire or lattice once you are certain the cats are not inside. Be sure to search for kittens before confirming that the cats have left—especially during spring and summer, prime kitten season.
- Provide a shelter (similar to a small doghouse). Or, if they are feral and part of a nearby managed colony, ask the caregiver to provide a shelter for the cats. Shelters should be hidden to keep the cats safe, and placing them in secluded areas can help guide the cats away from unwanted areas.

## Feeding the cats attracts insects and wildlife.

**Explanation:** Cats are to be fed under proper guidelines. Leaving food out can attract other animals.

**Quick Solutions:**

- Keep the feeding area neat and free of leftover food and trash.
- Feed cats at the same designated time each day, during daylight hours. They should be given only enough food for them to finish in one sitting, and all remaining food should be removed after 30 minutes. If another person is feeding, ask them to follow these guidelines too. For a more thorough list of colony management guidelines, visit [www.alleycat.org/ColonyCare](http://www.alleycat.org/ColonyCare).

## Cats are yowling, fighting, spraying, roaming, and having kittens.

**Explanation:** These are all mating behaviors displayed by cats who have not been spayed and neutered, and they will continue to breed.

**Quick Solutions:**

- Spaying or neutering and vaccinating the cats will stop these behaviors. Male cats will no longer compete, fight, spray, or roam. Females will stop yowling and producing kittens. After sterilization, hormones leave their system within three weeks and the behaviors usually stop entirely.
- To combat the urine smell, spray the area thoroughly with white vinegar or with products that use natural enzymes to combat the smell, such as Nature's Miracle®, Fizzion Pet Stain & Odor Remover, or Simple Solution®, available at pet supply stores.
- You can find local resources and help at our website: [www.alleycat.org](http://www.alleycat.org). To have a list of local feral cat experts—Feral Friends—in your area emailed to you, use our request form at [www.alleycat.org/Response](http://www.alleycat.org/Response).





## Report

**To:** Mayor and Members of Council

**From:** Kyra Knapp & Veronica Samek, Culture and Tourism Developers

**Date:** May 23, 2017

**Re:** Leamington Canada's 150<sup>th</sup> Anniversary Celebration Update

---

### Recommendation:

It is recommended that:

1. Council receive the report for information purposes (EDO-02-17).

### Background:

Traditionally, the Municipality of Leamington, through the Department of Recreation, hosts a community event on Canada Day at Seaciff Park, including a fireworks show and live entertainment. This year, the Municipality has expanded its Canada Day programming to commemorate Canada's 150<sup>th</sup> Anniversary. Special celebrations have been coordinated across Leamington to recognize our community's role in the fabric of Canadian society and our unique contributions to Canada's history. These events have been planned internally between Recreation Services and Tourism & Culture/Community Development as well as through partnerships with the Chamber of Commerce and the Uptown Business Improvement Association.

### Comments:

The events planned for Canada's 150<sup>th</sup> year include:

#### **Mill Street Market and Block Party hosted by the Leamington BIA**

June 30, 2017, 5:00pm-11:00pm on Mill St, Leamington.

The event will be fully licensed and feature live music by the 519 Band, local foods by uptown merchants and artisan vendors. Mill Street will be closed off to car traffic for this event, the execution of this coordinated with Municipal departments.

## **Canada's 150th Parade hosted by the Leamington and District Chamber of Commerce**

July 1, 2017, 4:00pm-5:00pm

The parade route exits Leamington Fairgrounds, heading south on Erie Street and finishing at Leamington Roma Club. The parade will feature bands as well as floats from across the community decorated in "Canada's 150<sup>th</sup>" themes. In addition to the parade, the Leamington Farmer's Market (194 Erie Street North) will be open late for a variety of pre-parade snacks. Community organizations are encouraged to decorate a float to promote their understanding of Canadiana and Canada's history. Float submissions are still being accepted by Leamington District Chamber of Commerce.

## **Canada's 150th Fireworks Celebration**

July 1, 2017 6:00pm-10:30pm at Seacliff Park with live entertainment and the pavilion dedicated to Leamington's history as a settlement community. This year's firework show will be shot from a barge on the Lake, commencing at 10:05pm. The celebration has been a collaborative effort with several internal departments and committees including communications, recreation, and the Leamington Municipal Heritage Advisory Committee as well as supporting community organizations providing entertainment and programming.

Though, not themed as part of Canada's 150<sup>th</sup> Celebrations, the South Essex Arts Association/Leamington Arts Centre is also presenting its 25th annual Arts @ the Marina outdoor arts and crafts show July 1st and July 2nd, 10am - 5pm at the Leamington Municipal Marina and Rick Atkin Park. The event features dozens of artisans on display, live local music, children's activities, food and refreshments.

This year's fireworks have also received additional funding as recipients of the Windsor Essex Community Foundation Grant through the Ontario 150 fund with \$3,000 in matching funds, and \$7,000 from the Canada 150 fund provided by the Department of Canadian Heritage. Sponsorship has also been secured for this event. Further sponsorship requests are still being solicited and are welcomed.

## **Financial Impact:**

Canada Day Programming that is hosted municipally has been budgeted for in the 2017 budget. \$30,000 directed from the Council Services budget, and \$3000 from the Library and culture Budget.

Respectfully submitted,

Kyra Knapp & Veronica Samek  
Culture and Tourism Developers

Jeanine Lassaline-Berglund  
Manager of Community and Economic  
Development

Paul Barnable  
Director, Community and Development  
Services

Peter Neufeld,  
Chief Administrative Officer

Attachments: (none)

Insert file path name e.g. T:\ EDO-02-17 Leamington Canada's 150<sup>th</sup> Anniversary Celebration Update

## Report

**To:** Mayor and Members of Council  
**From:** Lu-Ann Marentette, Drainage Superintendent  
**Date:** April 13, 2017  
**Re:** Petition Drain - Lot 5-6, Concession  
Possible Branch of the Goslin Drain

---

### Recommendation:

It is recommended that:

1. Council receive and proceed with the Petition received on February 21, 2017, from the landowners as noted on the 'Petition for Drainage Works by Owners', relating to Part Lots 16 & 17, Concession 7, pursuant to Section 4, of the Drainage Act R.S.O. 1990;
2. Council direct Administration to notify the petitioners, landowners affected, Essex Region Conservation Authority, Ministry of Environment and the Ministry of Natural Resources of their intention to proceed with the creation of a new drainage works;
3. If no response is received as a result the notification, Rood Engineering be appointed as Engineer to prepare a Preliminary Report for the drainage works for the purpose of determining the extent of the work required, possible alternatives for construction of a drain and approximate cost; and
4. The cost of this project be charged to Goslin Drain - Branch - Petition Account in the Drainage Capital Budget. (DR 09-17)

### Background:

Pursuant to Section 5. (1) of The Drainage Act, Council can choose whether or not to proceed with a petition. Section 5 states:

Drainage works constructed on petition

5. (1) Where a petition in accordance with section 4 has been filed, the council shall forthwith consider the petition and shall, within thirty days after the filing of the petition,

(a) if it decides not to proceed with the drainage works, give written notice of its decision to each petitioner; or

(b) if it decides to proceed with the drainage works, give written notice of the petition and of its decision to each petitioner, the clerk of each local municipality that may be affected, and the conservation authority that has jurisdiction over any lands in the area or, if no such conservation authority exists, the Minister of Natural Resources. R.S.O. 1990, c. D.17, s. 5 (1).

Administration has reviewed the petition for new drainage works, received from the Tec-Land Inc. (Ernie Taves) and Kevin Flood (Petition provided under separate cover), and are satisfied that the petition meets the basic requirements of Section 4 of the Act. Council must decide whether or not to proceed.

If Council decides not to proceed, then written notice of its decision must be sent to each petitioner (s.5.(1)(a)). It must be noted that a petitioner may appeal to the Ontario Drainage Tribunal if Council decides not to proceed, or if Council does not act on the petition within thirty days after filing (s.5(2)).

If the Municipality decides to proceed, then a written notice of its decision must be given to:

- a) Each petitioner;
- b) Clerk of each local municipality that may be affected;
- c) the conservation authority
- d) Ministry of Natural Resources;
- e) Ministry of the Environment.

Notice allows the opportunity for input and/or request for an Environmental Appraisal from the Conservation Authority and Ministry of Natural Resources. The agency that requests the appraisal must pay for the cost of the study.

Subject to comments received from the Ministries and other municipalities, Council should then appoint a Drainage Engineer (s.8). Upon appointment of the Engineer, Council must decide whether a final or preliminary report should be prepared. If an environmental appraisal has been requested by other agencies, then a preliminary report must be prepared. (s.10(1)).

The Engineer must hold an on-site meeting. At this meeting the engineer obtains information from all affected parties. The Engineer at this meeting must also determine the area requiring drainage and determine if the petition is sufficient based upon the new information. If the Engineer is of the opinion that the petition is not sufficient, then the Engineer must report to Council stating where the petition is deficient, the outstanding engineering fees and who should pay them. Council must send a copy of the opinion to the petitioners (s.9(4)). The petitioners have sixty days (s.9(5)) to comply with Section 4.

Council may want a preliminary report prepared for a number of reasons. The preliminary report is intended to be a less expensive way to provide information to the petitioners who may not be sure of the extent of work required, the possible alternatives for the construction of a drain, or the general cost of the alternatives to be considered. Also, an Environmental Appraisal or a Cost/Benefit Study may be requested making the preliminary report a necessity.

In deciding whether or not a preliminary report should be prepared, Council may seek the advice of the appointed engineer and the drainage superintendent.

If a preliminary report is required, then after the Engineer files the preliminary report, the report and notice shall be sent to (s.10(2)):

- a) every owner in the area requiring drainage as determined by the engineer or described in the petition;
- b) any public utility or road authority affected;
- c) any local municipality and conservation authority and if no authority, the Ministry of Natural Resources;
- d) the Ministry of Agriculture and Food.

At the "Meeting to Consider" the preliminary report, the Engineer presents the information contained in the report, including all the alternatives considered. The landowners and Council are given the opportunity to consider the report. Any person who signed the petition is provided an opportunity to withdraw their name by putting the withdrawal in writing and filing it with the Clerk. Any person who is in the area requiring drainage and has not signed the petition, is to be given the opportunity to add their names to the petition (s.10(3)).

If at the end of the "Meeting to Consider" the petition does not comply with Section 4, then the original petitioners (those on the petition prior to the meeting) are responsible for the total cost to date in equal shares. The total cost to date excludes the costs for an environmental appraisal and cost benefit statement. These costs are to be paid by the party requesting the appraisal or statement. The petitioners' share of the cost is eligible for grant (s.10(4)). No distinction is made between agricultural and non-agricultural assessments when a preliminary report is prepared.

If the petition contains sufficient signatures then Council may instruct the Engineer to prepare the final report (s.10(5)). If Council fails to do so, any petitioner has the right to appeal to the Tribunal (s.10(6)).

If the application proceeds, then the next step is preparation of a final report. The procedures from this point forward are the same as the Repairs & Improvements requests.

### **Comments:**

Mr. Ernie Taves (Tec-Land Inc.), advised the Municipality that an existing ditch east of his farm, which has been used for several years as his outlet to the Goslin Drain, has become overgrown and filled in. Mr. Taves has spoken with the owners of the land on which the ditch is situated and they have decided not to clean the ditch. Therefore, Mr. Taves asked municipal staff for assistance. (Please refer to attached Schedule 'A')

Administration began a review of the area and determined that there are 4 farm parcels downstream of Mr. Taves land, all of which have portions of the subject open ditch across their properties.

The Drainage Superintendent reviewed options with the landowners and they agree that the best option is to petition to make the ditch a municipal drain. Status as a municipal drain will create a municipally managed outlet for the 60 Ha (150 acres) west of the ditch and formalize future maintenance and cost sharing.

Once created, the report will be forwarded to Council for consideration.

### **Financial Impact:**

Design and engineering of the drain under the Act is estimated to cost \$10,000.

This project is not included in the 2017 budget, as it was received shortly after the 2017 municipal budget was finalized. All costs will be assessed to the landowner(s) determined in the newly created watershed.

At this time Administration feels confident that the Municipal Roads will not be assessed into this project since the nearby portion of Mersea Road 8 drains into the 8<sup>th</sup> Concession Road Drain and the Goslin Drain.

Respectfully submitted,

Peter Neufeld, Chief  
Administrative Officer

Digitally signed by Peter Neufeld, Chief  
Administrative Officer  
DN: cn=Peter Neufeld, Chief Administrative Officer,  
o=ou, email=pneufeld@leamington.ca, c=CA  
Date: 2017.05.18 14:52:19 -0400

Lu-Ann Marentette  
Drainage Superintendent

Allan Botham, P.Eng  
Manager of Engineering

Robert Sharon, CMO  
Director of Infrastructure Services

/LB attachments - Schedule 'A' - Area requiring drainage

File: T:\Community Services\Community Services\Community Services Council Reports\2017  
Report\Drainage\DR-09-17 - Petition Drain - Ext of Goslin\DR-09-17 Petition - Goslin Dr Ext.doc



Petition for Drainage Works by Owners  
Form 1

Drainage Act, R.S.O. 1990, c. D.17, clause 4(1)(a) or (b)

This form is to be used to petition municipal council for a new drainage works under the *Drainage Act*. It is not to be used to request the improvement or modification of an existing drainage works under the *Drainage Act*.

To: The Council of the Corporation of the Municipality of Leamington

The area of land described below requires drainage (provide a description of the properties or the portions of properties that require drainage improvements)

Pt. Lot 16 & 17 Concession 7.

Approx 150 AC of land req drainage as per plan attached.

In accordance with section 9(2) of the *Drainage Act*, the description of the area requiring drainage will be confirmed or modified by an engineer at the on-site meeting.

As owners of land within the above described area requiring drainage, we hereby petition council under subsection 4(1) of the *Drainage Act* for a drainage works. In accordance with sections 10(4), 43 and 59(1) of the *Drainage Act*, if names are withdrawn from the petition to the point that it is no longer a valid petition, we acknowledge responsibility for costs.

Purpose of the Petition (To be completed by one of the petitioners. Please type/print)

Contact Person (Last Name) <u>Ernie Taves</u>	(First Name) <u>Taves, Gary</u>	Telephone Number <u>519-322-8837</u>
Address Road/Street Number <u>1305 Talbot Trail</u>	Road/Street Name <u>RR #1 Wheatley ON N0P2P0</u>	<u>519-324-1288</u>

Location of Project Lot <u>16+17</u>	Concession <u>7</u>	Municipality <u>Leamington</u>	Former Municipality (if applicable) <u>Mersea</u>
--	------------------------	-----------------------------------	--

What work do you require? (Check all appropriate boxes)

- Construction of new open channel
- Construction of new tile drain
- Deepening or widening of existing watercourse (not currently a municipal drain)
- Enclosure of existing watercourse (not currently a municipal drain)
- Other (provide description ▼)

Outlets into Goslin Drain.

Name of watercourse (if known)

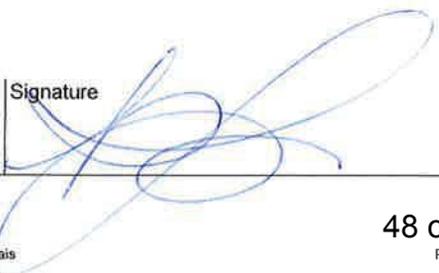
Estimated length of project  
1100 m

General description of soils in the area  
Brockston Clay / Small Sand

What is the purpose of the proposed work? (Check appropriate box)

- Tile drainage only
- Surface water drainage only
- Both

Petition filed this 21<sup>st</sup> day of Feb, 2017.

Name of Clerk (Last, first name) <u>ORTON, Ruth, Deputy Clerk</u>	Signature 
--	---

- Your municipal property tax bill will provide the property description and parcel roll number.
- In rural areas, the property description should be in the form of (part) lot and concession and civic address.
- In urban areas, the property description should be in the form of street address and lot and plan number if available.
- If you have more than two properties, please take copy(ies) of this page and continue to list them all.

Number	Property Description
	Pt Lot 16 + 17 Con 7
Ward or Geographic Township	Parcel Roll Number
	74-01500

I hereby petition for drainage for the land described and acknowledge my financial obligations.

Ownership

Sole Ownership

Owner Name (Last, First Name) (Type/Print)	Signature	Date (yyyy/mm/dd)
--	-----------	-------------------

Partnership (Each partner in the ownership of the property must sign the petition form)

Owner Name (Last, First Name) (Type/Print)	Signature	Date (yyyy/mm/dd)

Corporation (The individual with authority to bind the corporation must sign the petition)

Name of Signing Officer (Last, First Name) (Type/Print)	Signature
Ernie Taves	
Name of Corporation	I have the authority to bind the Corporation.
Tec-Land Inc.	Date (yyyy/mm/dd)
Position Title	2017/02/01
President	

Number	Property Description
	Pt Lot 16 + 17 Con 7
Ward or Geographic Township	Parcel Roll Number
Leamington	740-01500 ✓

I hereby petition for drainage for the land described and acknowledge my financial obligations.

Ownership

Sole Ownership

Owner Name (Last, First Name) (Type/Print)	Signature	Date (yyyy/mm/dd)
--	-----------	-------------------

Partnership (Each partner in the ownership of the property must sign the petition form)

Owner Name (Last, First Name) (Type/Print)	Signature	Date (yyyy/mm/dd)

Corporation (The individual with authority to bind the corporation must sign the petition)

Name of Signing Officer (Last, First Name) (Type/Print)	Signature
Name of Corporation	I have the authority to bind the Corporation.
	Date (yyyy/mm/dd)
Position Title	

Check here if additional sheets are attached -- Ariel plan. Clerk initial

- Petitioners become financially responsible as soon as they sign a petition.**
- Once the petition is accepted by council, an engineer is appointed to respond to the petition. *Drainage Act*, R.S.O. 1990, c. D. 17 subs. 8(1).
  - After the meeting to consider the preliminary report, if the petition does not comply with section 4, the project is terminated and the original petitioners are responsible in equal shares for the costs. *Drainage Act*, R.S.O. 1990, c. D. 17 subs. 10(4).
  - After the meeting to consider the final report, if the petition does not comply with section 4, the project is terminated and the original petitioners are responsible for the costs in shares proportional to their assessment in the engineer's report. *Drainage Act*, R.S.O. 1990, c. D. 17 s. 43.
  - If the project proceeds to completion, a share of the cost of the project will be assessed to the involved properties in relation to the assessment schedule in the engineer's report, as amended on appeal. *Drainage Act*, R.S.O. 1990, c. D. 17 s. 61.

**Notice of Collection of Personal Information**  
 Any personal information collected on this form is collected under the authority of the *Drainage Act*, R.S.O. 1990, c. D.17 and will be used for the purposes of administering the Act. Questions concerning the collection of personal information should be directed to: where the form is addressed to a municipality (*municipality to complete*)

- Your municipal property tax bill will provide the property description and parcel roll number.
- In rural areas, the property description should be in the form of (part) lot and concession and civic address.
- In urban areas, the property description should be in the form of street address and lot and plan number if available.
- If you have more than two properties, please take copy(ies) of this page and continue to list them all.

Number	Property Description
	PT Lot 16 Conc 7
Ward or Geographic Township	Parcel Roll Number
	74001300

I hereby petition for drainage for the land described and acknowledge my financial obligations.

Ownership

Sole Ownership

Owner Name (Last, First Name) (Type/Print) Signature Date (yyyy/mm/dd)

Partnership (Each partner in the ownership of the property must sign the petition form)

Owner Name (Last, First Name) (Type/Print) Signature Date (yyyy/mm/dd)

Kevin Flood [Signature] 2017/02/02

Corporation (The individual with authority to bind the corporation must sign the petition)

Name of Signing Officer (Last, First Name) (Type/Print) Signature

Name of Corporation

Position Title

I have the authority to bind the Corporation.  
Date (yyyy/mm/dd)

Number	Property Description
	PT Lot 16 Conc 7
Ward or Geographic Township	Parcel Roll Number
Leamington	74001300 ✓

I hereby petition for drainage for the land described and acknowledge my financial obligations.

Ownership

Sole Ownership

Owner Name (Last, First Name) (Type/Print) Signature Date (yyyy/mm/dd)

Partnership (Each partner in the ownership of the property must sign the petition form)

Owner Name (Last, First Name) (Type/Print) Signature Date (yyyy/mm/dd)

Corporation (The individual with authority to bind the corporation must sign the petition)

Name of Signing Officer (Last, First Name) (Type/Print) Signature

Name of Corporation

Position Title

I have the authority to bind the Corporation.  
Date (yyyy/mm/dd)

Check here if additional sheets are attached Ariel plan Clerk initial [Signature]

**Petitioners become financially responsible as soon as they sign a petition.**

- Once the petition is accepted by council, an engineer is appointed to respond to the petition. *Drainage Act*, R.S.O. 1990, c. D. 17 subs. 8(1).
- After the meeting to consider the preliminary report, if the petition does not comply with section 4, the project is terminated and the original petitioners are responsible in equal shares for the costs. *Drainage Act*, R.S.O. 1990, c. D. 17 subs. 10(4).
- After the meeting to consider the final report, if the petition does not comply with section 4, the project is terminated and the original petitioners are responsible for the costs in shares proportional to their assessment in the engineer's report. *Drainage Act*, R.S.O. 1990, c. D. 17 s. 43.
- If the project proceeds to completion, a share of the cost of the project will be assessed to the involved properties in relation to the assessment schedule in the engineer's report, as amended on appeal. *Drainage Act*, R.S.O. 1990, c. D. 17 s. 61.

**Notice of Collection of Personal Information**

Any personal information collected on this form is collected under the authority of the *Drainage Act*, R.S.O. 1990, c. D.17 and will be used for the purposes of administering the Act. Questions concerning the collection of personal information should be directed to: where the form is addressed to a municipality (*municipality to complete*)

- Your municipal property tax bill will provide the property description and parcel roll number.
- In rural areas, the property description should be in the form of (part) lot and concession and civic address.
- In urban areas, the property description should be in the form of street address and lot and plan number if available.
- If you have more than two properties, please take copy(ies) of this page and continue to list them all.

Number	Property Description
	PT Lot 16 Conc 7
Ward or Geographic Township	Parcel Roll Number
	74001310

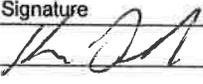
I hereby petition for drainage for the land described and acknowledge my financial obligations.

Ownership

Sole Ownership

Owner Name (Last, First Name) (Type/Print)	Signature	Date (yyyy/mm/dd)

Partnership (Each partner in the ownership of the property must sign the petition form)

Owner Name (Last, First Name) (Type/Print)	Signature	Date (yyyy/mm/dd)
Kevin Flood		2017/02/02

Corporation (The individual with authority to bind the corporation must sign the petition)

Name of Signing Officer (Last, First Name) (Type/Print)	Signature
Name of Corporation	I have the authority to bind the Corporation. Date (yyyy/mm/dd)
Position Title	

Number	Property Description
	PT Lot 16 Conc 7
Ward or Geographic Township	Parcel Roll Number
Leamington	74001310 ✓

I hereby petition for drainage for the land described and acknowledge my financial obligations.

Ownership

Sole Ownership

Owner Name (Last, First Name) (Type/Print)	Signature	Date (yyyy/mm/dd)

Partnership (Each partner in the ownership of the property must sign the petition form)

Owner Name (Last, First Name) (Type/Print)	Signature	Date (yyyy/mm/dd)

Corporation (The individual with authority to bind the corporation must sign the petition)

Name of Signing Officer (Last, First Name) (Type/Print)	Signature
Name of Corporation	I have the authority to bind the Corporation. Date (yyyy/mm/dd)
Position Title	

Check here if additional sheets are attached Must follow Clerk initial 

- Petitioners become financially responsible as soon as they sign a petition.**
- Once the petition is accepted by council, an engineer is appointed to respond to the petition. *Drainage Act*, R.S.O. 1990, c. D. 17 subs. 8(1).
  - After the meeting to consider the preliminary report, if the petition does not comply with section 4, the project is terminated and the original petitioners are responsible in equal shares for the costs. *Drainage Act*, R.S.O. 1990, c. D. 17 subs. 10(4).
  - After the meeting to consider the final report, if the petition does not comply with section 4, the project is terminated and the original petitioners are responsible for the costs in shares proportional to their assessment in the engineer's report. *Drainage Act*, R.S.O. 1990, c. D. 17 s. 43.
  - If the project proceeds to completion, a share of the cost of the project will be assessed to the involved properties in relation to the assessment schedule in the engineer's report, as amended on appeal. *Drainage Act*, R.S.O. 1990, c. D. 17 s. 61.

**Notice of Collection of Personal Information**  
 Any personal information collected on this form is collected under the authority of the *Drainage Act*, R.S.O. 1990, c. D.17 and will be used for the purposes of administering the Act. Questions concerning the collection of personal information should be directed to: where the form is addressed to a municipality (*municipality to complete*)



# Interactive Mapping Site



- Legend**
- Archeological/Historical/Cultural
    - Site Boundary
    - Protective Buffer
  - Swales
    - ERCA Drains
      - Channelized
      - Natural
      - Tiled
    - BreakWall
  - LTVCA Drains
    - Channelized
    - Natural
    - Tiled
  - Parcel

1:10,492



533.0  
2/27/2017 8:26 AM

**Notes**

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

**THIS MAP IS NOT TO BE USED FOR NAVIGATION**



## Report

**To:** Mayor and Members of Council

**From:** Lu-Ann Marentette, Drainage Superintendent

**Date:** April 4, 2017

**Re:** Guyitt Drain - Repairs & Improvements & Updated Assessment Schedule

---

### Recommendation:

It is recommended that:

1. N.J. Peralta Engineering be appointed to prepare a new report for the repairs and improvements and maintenance schedule for the Guyitt Drain as per Section 78 of the Drainage Act (DR-11-17).

### Background:

In the fall of 2016, the Drainage Superintendent became aware of a flooding issue along Pelee Drive in the vicinity of Mersea Park (please see attached Schedule 'A'). It was determined that the tile drain had collapsed and required immediate repair. During the repair it was further determined that an additional 15 metres of the drain also required repair. Due to the impediment of the on-going sanitary sewer construction project along Pelee Drive, much of the repair work must wait and therefore, a minor emergency repair was made. Final repairs are anticipated on the full 15 metre section in 2017.

### Comments:

It is Administration's opinion that the numerous changes to properties in the area, by way of severances and alterations, over time are not reflected in the latest assessment schedule, and therefore maintenance costs would not be fairly assessed.

It is also Administration's opinion that the current configuration of the Guyitt Drain does not adequately address and satisfy drainage needs of the area.

The last report on file for this drain was prepared by C.G.R. Armstrong in June 18, 1965.

Administration is recommending that a review of the entire drain be completed by an engineer. Along with the review, a new assessment schedule will be created to fairly assess all landowners within the watershed.

**Financial Impact:**

The preparation of a new report, estimated at approximately \$8,000 to initiate the project in 2017, is not included in the current year Drainage Budget. Once the project is completed and passed under bylaw all costs associated will be billed to the landowners in the Guyitt Drain watershed.

There is a municipal share of assessment to Mersea Park and Mersea Road C.

Respectfully submitted,

Peter Neufeld, Chief Administrative Officer  
Digitally signed by Peter Neufeld, Chief Administrative Officer  
DN: cn=Peter Neufeld, Chief Administrative Officer, o=ou,  
email=pneufeld@leamington.ca, c=CA  
Date: 2017.05.18 14:53:26 -0400

Lu-Ann Marentette      Allan Botham P.Eng  
Drainage Superintendent    Manager of Engineering

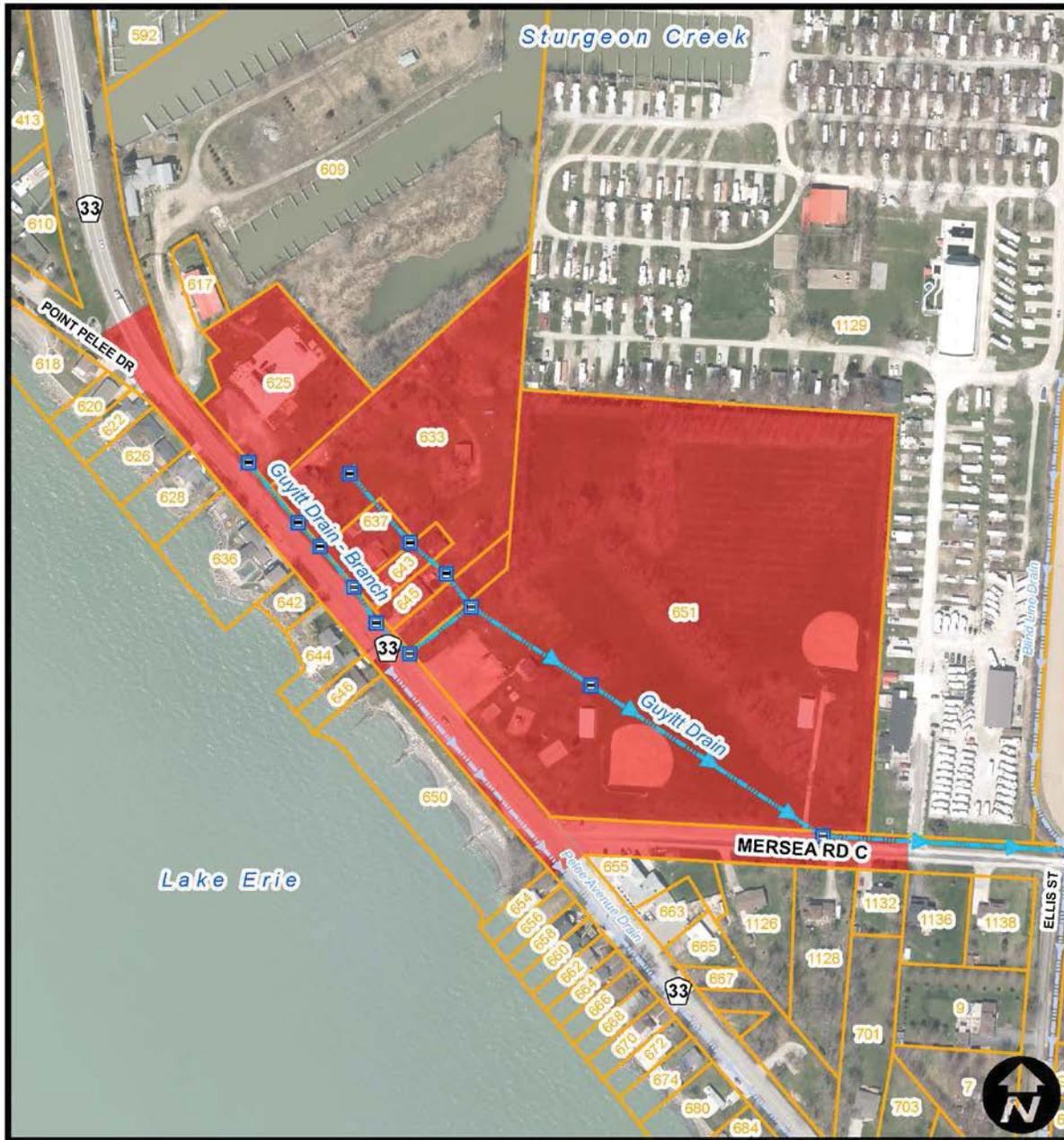
Robert Sharon CMO  
Director of Services  
Infrastructure Services

/LB

**Attachments: Schedule 'A' - Guyitt Drain**

File: T:\Community Services\Community Services\Community Services Council Reports\2017 Report\Drainage\DR-11-17 - Guyitt Dr - New ReportDR 11-17 - Guyitt Dr - New Report.doc

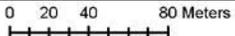
Schedule 'A'



**Legend**

-  Drain Catch Basins
-  Guyitt Drain
-  Municipal Drains
-  Parcel Lines
-  Subject Parcels

\*2015 Aerial Photograph

<b>Title:</b> DR-11-17 Guyitt Drain	
	Scale: 1:3,000 
Prepared For: Drainage Dept.	Date: April 4, 2017
Prepared By: GIS Services	File No: DR-11-17
Notes:	This map is the property of the Corporation of the Municipality of Leamington and may not be reproduced without expressed permission and authorization. 111 Erie Street North, Leamington, Ontario N9H 2Z9 TEL: (519) 326-5761 FAX: (519) 326-2481

**COPYRIGHT**  
This document is not a Legal Plan of Survey and the user of this map assumes all risks associated with it. All efforts have been made to ensure completeness and accuracy, however no guarantees can be made.

Scale is correct if original paper size of letter is still intact and has not changed in any way. The Municipality of Leamington will not be held responsible for any damages due to scale errors from paper size changes.



## Report

**To:** Mayor and Members of Council

**From:** Shannon Belleau, Manager of Environmental Services

**Date:** May 11, 2017

**Re:** LPCC Biosolids Management Facility Upgrades Tender Award

---

### Recommendation:

It is recommended that:

1. The contract for the Leamington Pollution Control Centre Biosolids Management Facility Upgrades be awarded to Baseline Constructors Inc. in the amount of \$4,688,000 plus applicable taxes;
2. The Mayor and Clerk be authorized to execute the contract;
3. The potential shortfall of \$202,179 be funded from the PCC Reserve account; and
4. The services of CH2M Hill Canada Limited, for contract administration and on-site supervision, be retained, in accordance with the proposal from CH2M Hill Canada Limited, dated May 15, 2017, in the amount of \$280,768 excluding HST. (ES-02-17)

### Background:

The biosolids management facility is used to dewater and stabilize raw sludge from the wastewater treatment process prior to land application. The original building was constructed in 1995, with a building addition completed in 2005 and upgrades to the dewatering system, both centrifuges and polymer system, completed in 2008. Beyond minor maintenance and repairs, the lime stabilization process equipment currently being used is original (over 20 years in age) and has reached its useful life.

### Comments:

The biosolids management facility upgrades will include: replacing the lime stabilization process equipment, improved odour control, heating and ventilation upgrades, LED lighting, a new bypass conveyor which will allow PCC to bypass the dryer in the warmer months, thereby reducing our natural gas usage, and other electrical, architectural and

instrumentation and controls upgrades. In addition to work on the biosolids management facility, this project will also include: concrete repairs in the chemical building and screw pumps, and installation of fire detection systems in various buildings as recommended by the Municipality's insurers. With the demolition project nearing completion, the biosolids management facility upgrades will be the final phase of upgrades required at the Leamington Pollution Control Centre.

During the course of this project, PCC will still be required to manage raw sludge generated from the treatment process. PCC will use the two centrifuges to dewater sludge, but rather than continuing through the lime stabilization process, the dewatered sludge will be transferred to a collection bin prior to off-site transfer. The dewatered sludge will be transferred to one of two landfills for final disposal. The Municipality will manage the landfill tipping fees separate from the contract.

The project was tendered in April and five submissions from qualified contractors were received on May 10, 2017. A summary of the tenders received is presented below.

Baseline Constructors Inc. 550 Conestogo Road Waterloo, ON N2L 4E3	\$ 4,688,000 Excluding HST
BGL Contractors Corp. 608 Colby Drive Waterloo, ON N2V 1A2	\$ 4,998,200 Excluding HST
W.S. Nicholls Construction 48 Cowansview Road Cambridge, ON N1R 7N3	\$ 5,352,482 Excluding HST
Facca Incorporated 2097 County Road 31 Ruscom, ON N0R 1R0	\$ 5,550,000 Excluding HST
H.I.R.A. General Contractors 63 Gaylord Road St.Thomas, ON N5P 3R9	\$ 6,116,198 Excluding HST

CH2M Hill Canada Limited has reviewed the tenders and has confirmed the accuracy of all tenders and adjusted one mathematical error found in the W.S. Nicholls Construction tender. The mathematical error does not modify the order of tenders as initially received. The consultant recommends that the contract for this project be awarded to the lowest tender of Baseline Constructors Inc., in the amount of \$4,688,000 plus applicable taxes.

The Municipality has not worked with Baseline Constructors Inc. in the past, however, the consultant has discussed the contract with Baseline, as well as had discussions with the list of references provided in the tender submission. Based on those discussions, Baseline Constructors Inc. has successfully completed projects that were similar in size and scope within the wastewater industry in the past and has performed well.

## Financial Impact:

The biosolids management facility project is approved under the PCC 2017 Capital Budget GL account 20-7-0660-8130-303330-400000. A summary of the allocated budget for this project is provided below.

<b>Demolition Project Breakdown</b>	<b>2017 Capital Budget (incl. net HST)</b>
Biosolids Management Facility Contract (Baseline)	\$4,770,509
Contract Administration/Supervision (CH2M Hill)	\$285,710
Dewatered Sludge Disposal	\$60,000
<b>Total Estimated PCC Demolition Project Costs</b>	<b>\$5,116,219</b>
2017 Approved Capital Budget	\$4,825,000
Deficit	\$291,219

The contract price includes a \$500,000 contingency. Assuming all of the contingency budget is consumed, the project will have a potential shortfall of \$202,179. The additional costs are proposed to be funded from the PCC Reserve account which is estimated to have an account balance of \$6.1 million at the end of 2017. Utilizing \$202,179 from the PCC Reserve account will not have a significant impact on the balance and will still allow for funding of future PCC Capital projects from this account.

Respectfully submitted,

Peter Neufeld, Chief  
Administrative Officer

Digitally signed by Peter Neufeld, Chief Administrative Officer  
DN: cn=Peter Neufeld, Chief Administrative Officer, o=  
ou=email=pneufeld@leamington.ca, c=CA  
Date: 2017.05.18 14:51:42 -0400

Shannon Belleau, P.Eng.  
Manager of Environmental Services

Robert Sharon, CMO  
Director of Infrastructure Services

:sb

Attachments: None

<T:\Community Services\Community Services\Community Services Council Reports\2017 Report\Environmental\ES-02-17 Biosolids Upgrades Tender Award\ES-02-17 LPCC Biosolids Upgrades Tender Award.doc>



## Report

**To:** Mayor and Members of Council

**From:** Ken Brown, P.Eng, Manager of Public Works

**Date:** May 4, 2017

**Re:** Purchase of Diesel Cab and Chassis

---

### Recommendation:

It is recommended that:

1. The purchase of one (1) 2017 Freightliner 108SD diesel cab and chassis in the amount of \$116,500 (plus applicable taxes) from Team Truck Centres, Kitchener ON be approved. (PW-03-17)

### Background:

During the 2017 capital budget deliberations, the following funds were approved to replace Public Works five ton single axle combination dump truck (unit #31):

Asset ID	Vehicle for Replacement	Total Budget	Reserves	Asset Sale	Net From Revenue
22959	2007 Sterling LT8500	\$230,000	\$172,000	\$5,000	\$53,000

Administration posted tenders on the Municipal website and notified local and known suppliers.

Three (3) tenders were received and opened on April 13, 2017.

### Comments:

Administration reviewed the tenders received and determined that two bids did not meet the minimum required specifications and were therefore disqualified.

The following table summarizes the compliant tenders received:

Bidder	Bidder Location	Bid Amount (excluding HST)	Bid Amount (including HST)
Team Truck Centres	Kitchener	\$116,500	\$131,645

The lowest compliant bid is Team Truck Centres at \$131,645 including HST. An optional trade in allowance was included in the tender but was lower than expected. Administration will sell the existing asset at auction once the new vehicle has been received.

Team Truck Centres is offering a 2017 Freightliner 108SD. This purchase is a replacement to an existing asset and within the budgeted amount.

**Financial Impact:**

The following table summarizes the purchase price (including net HST) that will be charged to the Public Works capital account, as well as the current asset disposal:

Capital Account	New Truck Tendered	Purchase Price (incl. net HST)	Total Budget
10-7-0630-8040-263031	2017 Freightliner 108SD	\$118,550	\$230,000

Additional costs will be incurred to purchase a box, slide-in salter, snow plows and other fit outs, such as lettering and emergency lighting. A tender will be issued for these additional purchases.

Respectfully submitted,

Peter Neufeld, Chief Administrative Officer  
Digitally signed by Peter Neufeld, Chief Administrative Officer  
 DN: cn=Peter Neufeld, Chief Administrative Officer, o, ou, email=pneufeld@leamington.ca, c=CA  
 Date: 2017.05.18 14:45:16 -0400'

Ken Brown, P.Eng  
 Manager of Public Works

Robert Sharon, CMO  
 Director of Infrastructure Services

Attachments: None



## Report

**To:** Mayor and Members of Council

**From:** Laura Rauch, Director of Finance and Business Services

**Date:** May 8, 2017

**Re:** Windsor Essex Provincial Offences Act (POA) Program - 2016 Annual Report

---

### Recommendation:

It is recommended that:

1. That the Windsor Essex Provincial Offences Act (POA) Program - 2016 Annual Report be received. (FIN-03-17)

### Background:

In 1998, legislation transferred the responsibilities of the POA Court Systems to municipalities.

Under the transfer the City of Windsor was designated as the service delivery agent for Windsor Essex by the Province of Ontario. An Inter-municipal Service Agreement (ISA) between the City of Windsor and the nine municipalities that constitute the Windsor-Essex court service area was also required. On December 31, 2006 the ISA was automatically extended for a second five-year term ending December 31, 2011. In 2011 all parties to the ISA agreed to and executed a further extension agreement ending December 31, 2016. In 2016, the City of Windsor provided the Municipality of Leamington, the County of Essex, and the other seven (7) municipalities with a second extension renewal agreement. On October 24, 2016, Council authorized, through By-law 73-16, the execution of an additional five (5) year term from January 1, 2017 to December 31, 2021 (FIN-11-16).

Section 2.5 of the ISA provides that:

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

The POA Program is responsible for the collection and enforcement of 'ticketable' offences pursuant to Parts 1 and 3 of the Provincial Offences Act, such as violations in regard to the Highway Traffic Act, Liquor Control Licensing Act, fines issued under various statutes, etc. The POA program excludes Part 2 offences (parking) which are administered by each municipality directly.

Revenues generated from the program are redistributed to the participating municipalities on a weighted assessment basis, which is adjusted annually.

### Comments:

The 2016 Annual Report of the Windsor Essex Provincial Offences Act Program, as compiled by the Manager of Provincial Offences, Corporation of the City of Windsor, is transmitted for information as attached. This report was presented and supported to the POA Liaison Committee members at their meeting of April 27, 2017.

### Financial Impact:

2016 POA net revenues totalled \$1.99 million (2015 - \$1.88 million) and were allocated to partnering municipalities based on weighted assessment. The Municipality of Leamington was allocated approximately \$120,000 in POA revenues for 2016 (2015 - \$113,000).

Respectfully submitted,

Laura Rauch,  
CPA, CMA

Digitally signed by Laura Rauch, CPA, CMA  
DN: cn=Laura Rauch, CPA, CMA, o=Municipality of Leamington, ou=Finance and Business Services, email=lrauch@leamington.ca, c=CA  
Date: 2017.05.18 13:25:58 -04'00'

Peter Neufeld, Chief  
Administrative Officer

Digitally signed by Peter Neufeld, Chief  
Administrative Officer  
DN: cn=Peter Neufeld, Chief Administrative  
Officer, o, ou, email=pneufeld@leamington.ca,  
c=CA  
Date: 2017.05.18 14:51:06 -04'00'

Laura Rauch, CPA, CMA  
Director of Finance and Business Services

LR

Attachments: Windsor Essex Provincial Offences (POA) Annual Report  
KPMG's City of Windsor Provincial Offences Act - Statement of  
Revenues and Expenses Year ended December 31, 2016

T:\Finance\Reports\2017\FIN-03-17 Windsor Essex Provincial Offences Act (POA) Annual Report

# Windsor/Essex Provincial Offences (POA) Annual Report

# 2016

---

The 2016 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 5, 2017

## Table of Contents

<b>Message to our Municipal Partners</b> .....	1
<b>Section A - Background &amp; Operational Activities</b> .....	2-4
Chart A-1: Organizational Chart.....	5
<b>Section B - Liaison Committee</b> .....	6
<b>Section C – Caseloads &amp; Statistics</b> .....	7
TABLE C-1: Absolute Charging Volumes .....	8
External Benchmarking of Caseloads (TABLE C-2) .....	9
<b>Section D - Defaulted POA Fines Enforcement</b> .....	10
Active Collection Efforts.....	11
Garnishments of Wages/3 <sup>rd</sup> Party Collections.....	12
Outstanding POA Fines .....	13
<b>Section E - Financial Results</b> .....	14
TABLE E-1: 2016 POA Financial Results.....	15-16
TABLE E-2: Annual Financial Results – Five Year Summary .....	17
TABLE E-3: Cumulative Annual Net Revenue Distributions (\$000's) .....	18
<b>Section F - Revenue Distribution Details</b> .....	19
<b>APPENDIX A – Glossary of Terms</b> .....	20-21

## MESSAGE TO OUR MUNICIPAL PARTNERS

On March 5, 2016, the Windsor/Essex Provincial Offences department celebrated its 15<sup>th</sup> year of service. This year was marked by another exceptional performance across the board. Despite experiencing the lowest charging volumes since taking over from the Ministry in 2001, we had one of our best financial performances since 2012. Our active collection efforts continued to be robust which helped us exceed all performance metrics, both operationally as well as financially.

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

- Renegotiated and signed the Windsor/Essex Area Intermunicipal Court Service Agreement for another 5 year term
- Finalized and executed the Tax Roll Agreement and Tax Roll Procedure document
- Developed and launched a new POA website
- Renegotiated terms and an extension of the lease at the Westcourt Building
- Took advantage of external funding and grants, as the POA court office was upgraded to meet accessibility door standard requirements.
- Improved operational efficiencies by reducing the number of court days scheduled in 2016, thereby reducing the number of court hours by 7%.
- Through various active collection efforts, revenue increased by more than \$500,000 year over year
- The Windsor/Essex POA program ended the year with a net operating profit of \$1,993,982, which positively exceeded the budget by \$357,251. The net operating profit was split \$966,210 (48.46%) to the County & Pelee and the remaining \$1,027,771 (51.54%) to the City of Windsor
- The 2016 financial statement audit was successfully completed by KPMG on March 16, 2017 without any concerns. The audited financial statements have been sent to the committee members via email on March 23, 2017.

As our Mission, Vision and Values statements continue to guide us in every decision we make, we are optimistic about the direction that we are heading towards. We will continue to build on the successes from prior years and we look forward to building stronger relationships, not just with our clients but also our community.

Sincerely,

*Andrew Daher*

Manager of Provincial Offences

## SECTION A - BACKGROUND & OPERATIONAL ACTIVITIES

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

The Windsor/Essex Provincial Offences Program (“POA Program”) was created as a special-purpose vehicle to accept the transfer of POA responsibilities from the province. It functions as a self-funding, net revenue positive operating division of the City of Windsor (“City”), having been established for the express purpose of locally implementing the POA Transfer at the regional level. The bulk of the POA Program’s revenues are generated from fines received from persons having violated public protection *legislation*.

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

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

The ISA provided for an initial term of six fiscal years, commencing on the date of the POA Transfer. The first fiscal year constituted the period March 5, 2001 (the live transfer date) through December 31, 2001, with the following five fiscal years coinciding with the successive full calendar years, thus the initial term commenced March 5, 2001 and expired on December 31, 2006. The ISA was renewed for a further 5-year term, expiring December 31, 2011. In 2011 by mutual agreement it was extended for another 5-year term which expired on December 31, 2016. In the fall of 2016, the Liaison Committee unanimously agreed “in principal” to renew

the ISA for another five (5) years, commencing on January 1, 2017 and terminating on December 31, 2021. All Municipal Council's have approved and signed the agreement.

The POA Program occupies leased premises in Suite 300 of the Westcourt Place, located at 251 Goyeau Street, in the City of Windsor. The POA Program also has responsibility for various POA Court operations at the Leamington courthouse, where the POA Court presides the 1<sup>st</sup>, 3<sup>rd</sup> and 5<sup>th</sup> Thursday of every month. It should be noted that in July of 2016, the lease was renewed for another two (2) years, effective January 1, 2017.

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 initiation of proceedings against defendants alleged to have violated regulatory or "public protection" *legislation*, the defendants themselves as well as their legal representatives, victims of such violations, various provincial authorities, as well as an independent and impartial judiciary. Operations of the POA Program fall into four functional categories. These four sections together constitute the operational aspects of the POA Program:

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

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

**Prosecution:** The municipal prosecutors appear in POA Court to call the trial list and to conduct trials, to deal with motions, to set trial dates; they meet with defendants and their representatives in conjunction with the Early Resolution process with a view to resolving matters; they review law enforcement files to ensure that matters should be proceeded with and assist with disclosure to defendants and their representatives and they appear in the higher courts on both prosecution and defence appeals. All area municipalities continue to

prosecute their own by-laws and “local” statutes such as the Building Code Act. Part III matters under the POA remain the prosecutorial responsibility of the Crown Attorney’s office &/or specialist prosecutors provided by various ministries. As highlighted early in the report, the prosecution of City of Windsor By-laws has now been transferred from the Legal Department to the POA municipal prosecutors, consistent with industry practice. Also, it is a condition of employment in this Area that the prosecutors, who report directly to the City Solicitor, be duly qualified Ontario lawyers.

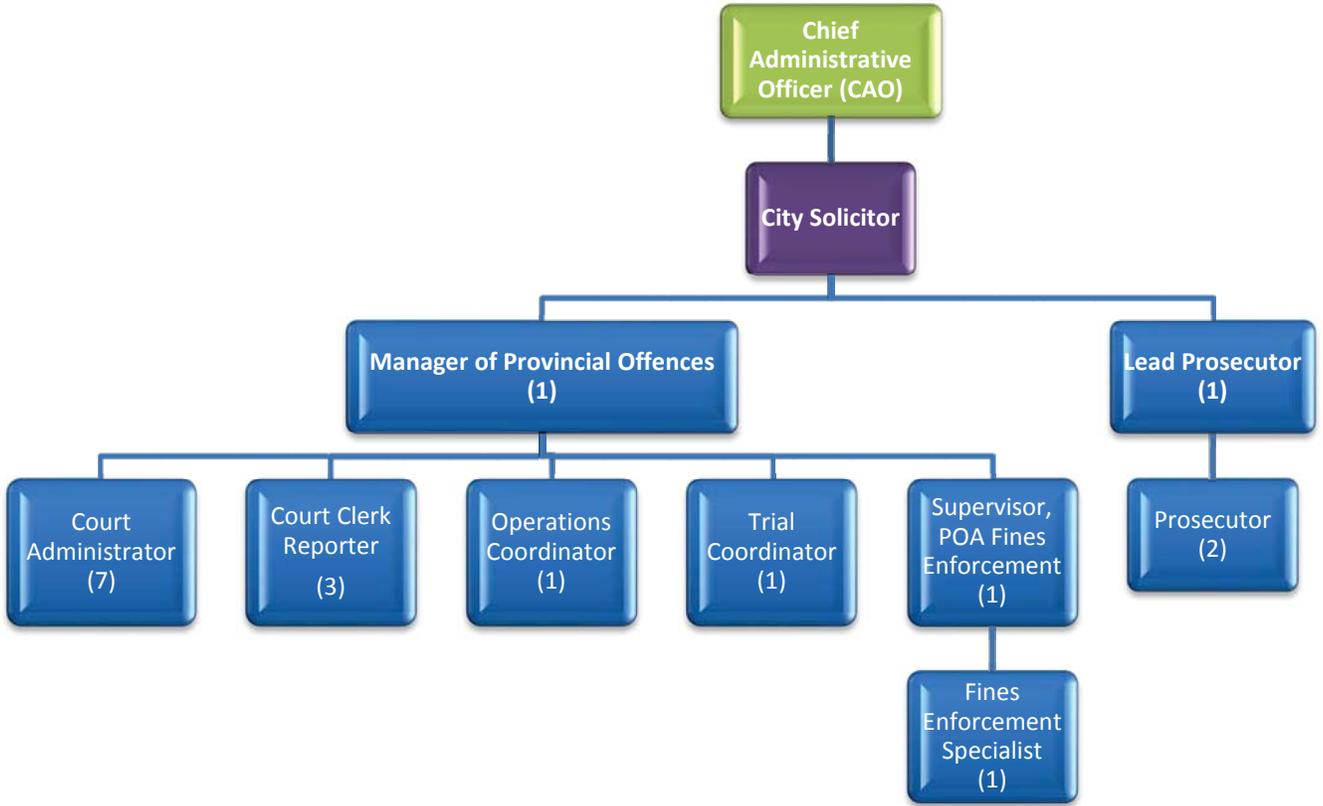
**Fines Enforcement (Collections):** One POA Fines Enforcement Supervisor along with one POA Fines Enforcement Specialists is responsible for ensuring that POA Court judgments, being orders imposing monetary penalties, are honoured by defendants including seeing to it that certificates of default are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

The Windsor Westcourt POA facility also houses a satellite office of the police court services branch. Among other things, that office works closely with the prosecutors to ensure that law enforcement files are available for use at trials, at Early Resolution meetings and on appeals, advises police officers of trial dates, summonses lay witnesses, arranges for personal service of court documents, provides disclosure to defendants and their legal representatives, and procures necessary official documentation for use in court as evidence.

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

# CHART A-1

## ORGANIZATIONAL CHART OF THE WINDSOR/ESSEX POA OFFICE



## SECTION B - LIAISON COMMITTEE

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

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

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

For 2016, the final composition of the POA Liaison Committee was as follows:

MUNICIPALITY	MEMBER	POSITION
Amherstburg	Justin Rousseau	Treasurer
Essex (County)	Mary Brennan	Director of Council Services/Clerk
Essex (Town)	Robert Auger	Clerk/Deputy Treasurer
Kingsville	Sandra Ingratta	Director of Financial Services
Lakeshore	Steve Salmons	Director of Community and Development
LaSalle	Dale Langlois	Manager of Finance/Deputy Treasurer
Leamington	Ginny Campbell	Director of Finance & Business Services
Pelee	Wayne Miller	CAO/Clerk/Treasurer
Tecumseh	Luc Gagnon	Director of Financial Services & Treasurer
Windsor	Shelby Askin Hager (Chair)	City Solicitor
Windsor	Andrew Daher	Manager of Provincial Offences

The Liaison Committee is mandated by the ISA to convene at least twice annually. In 2016, there were two meetings that were held on the following dates and locations:

<u>Date</u>	<u>Location</u>
February 23, 2016	City of Windsor – Meeting Room 409
September 27, 2016	Essex County Civic Centre – Committee Room E

During the September 27th meeting, the Committee agreed “in principal” to renew the ISA for another five (5) years, commencing on January 1, 2017. Subsequent to the meeting, each municipality took the report back to their respective Council’s for final approval and signatures.

## SECTION C – CASELOADS & STATISTICS

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

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

In 2016, the POA Program took in a total of 28,856 charging documents, for a monthly average intake of approximately 2,405 tickets. This was down 2.0% from the prior year and as previously noted the lowest volume levels in our history at POA. TABLE C-1 which follows below depicts the absolute charging volume and the percentage of total volume over a three year period, by enforcement agency.

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

**TABLE C-1: ABSOLUTE CHARGING VOLUMES**

Agency	2016 YTD	% of Total Volume	2015	% of Total Volume	2014	% of Total Volume	2013 YTD	% of Total Volume
Windsor Police	11,416	39.6%	11,556	39.3%	12,102	39.6%	13,909	37.5%
Ministry of Transportation	2,288	7.9%	3,018	10.3%	3,640	11.9%	3,731	10.0%
Amherstburg Police Force	3,357	11.6%	2,438	8.3%	1,837	6.0%	2,153	5.8%
Essex OPP	2,790	9.7%	2,292	7.8%	2,131	7.0%	2,676	7.2%
Tecumseh OPP	1,587	5.5%	1,729	5.9%	1,741	5.7%	2,570	6.9%
Leamington OPP	1,408	4.9%	1,567	5.3%	1,561	5.1%	2,125	5.7%
Lakeshore OPP	1,204	4.2%	1,397	4.7%	1,378	4.5%	2,860	7.7%
Essex Town OPP	792	2.7%	1,250	4.2%	1,292	4.2%	2,060	5.5%
Kingsville OPP	1,296	4.5%	1,184	4.0%	1,316	4.3%	1,531	4.1%
LaSalle Police	926	3.2%	1,034	3.5%	1,480	4.8%	1,159	3.1%
Essex Detachment Heat Unit	458	1.6%	541	1.8%	640	2.1%	456	1.2%
Canadian Pacific Rail Police	244	0.8%	302	1.0%	326	1.1%	830	2.2%
Ministry of Natural Resources	164	0.6%	218	0.7%	306	1.0%	293	0.8%
Windsor Fire Department	165	0.6%	142	0.5%	153	0.5%	67	0.2%
Casino OPP	103	0.4%	130	0.4%	130	0.4%	199	0.5%
Windsor Essex County Health Unit	45	0.2%	124	0.4%	46	0.2%	37	0.1%
Windsor Bylaw	166	0.6%	115	0.4%	106	0.3%	122	0.3%
Ministry of Finance	52	0.2%	103	0.3%	60	0.2%	67	0.2%
Ministry of Labour	146	0.5%	82	0.3%	60	0.2%	68	0.2%
Ministry of Environment	89	0.3%	66	0.2%	41	0.1%	86	0.2%
Miscellaneous	17	0.1%	29	0.1%	33	0.1%	27	0.1%
Ontario College of Trades	26	0.1%	28	0.1%	45	0.1%	3	0.0%
Lakeshore Fire	6	0.0%	18	0.1%	8	0.0%	2	0.0%
Humane Society – Windsor	25	0.1%	16	0.1%	31	0.1%	17	0.0%
Amherstburg Bylaw	14	0.0%	9	0.0%	13	0.0%	11	0.0%
Lakeshore Bylaw	4	0.0%	8	0.0%	4	0.0%	2	0.0%
Canadian Heritage Parks	18	0.1%	7	0.0%	0	0.0%	5	0.0%
Electrical Safety Authority	7	0.0%	5	0.0%	16	0.1%	20	0.1%
Kingsville Bylaw	0	0.0%	5	0.0%	0	0.0%	0	0.0%
Ontario Motor Vehicle Industry Coun	0	0.0%	4	0.0%	19	0.1%	21	0.1%
Tarion Warranty Corp	8	0.0%	4	0.0%	0	0.0%	0	0.0%
Kingsville Fire	0	0.0%	3	0.0%	0	0.0%	0	0.0%
Essex Bylaw	4	0.0%	3	0.0%	4	0.0%	1	0.0%
Essex Fire Department	5	0.0%	0	0.0%	0	0.0%	0	0.0%
Ministry of Municipal Affairs & Hous	0	0.0%	2	0.0%	3	0.0%	1	0.0%
Leamington Bylaw	0	0.0%	2	0.0%	1	0.0%	0	0.0%
Canadian National Rail Police	1	0.0%	0	0.0%	0	0.0%	0	0.0%
Ontario New Home Warranties	4	0.0%	0	0.0%	0	0.0%	2	0.0%
Leamington Fire	1	0.0%	2	0.0%	4	0.0%	2	0.0%
Workplace Safety & Insurance Board	3	0.0%	1	0.0%	0	0.0%	3	0.0%
Tecumseh Bylaw	0	0.0%	1	0.0%	0	0.0%	0	0.0%
Private Complaints	3	0.0%	0	0.0%	1	0.0%	7	0.0%
LaSalle Fire	3	0.0%	0	0.0%	9	0.0%	1	0.0%
Major Crime Squad	0	0.0%	0	0.0%	6	0.0%	12	0.0%
Ministry of Agriculture & Food	0	0.0%	0	0.0%	1	0.0%	0	0.0%
Childrens Aid Society	0	0.0%	0	0.0%	1	0.0%	0	0.0%
Probation Office - Windsor	2	0.0%	0	0.0%	0	0.0%	0	0.0%
Royal Canadian Mounted Police	9	0.0%	0	0.0%	1	0.0%	1	0.0%
<b>TOTALS</b>	<b>28,856</b>	<b>100.0%</b>	<b>29,435</b>	<b>100.0%</b>	<b>30,546</b>	<b>100.0%</b>	<b>37,137</b>	<b>100.0%</b>

## EXTERNAL BENCHMARKING OF CASELOADS

When comparing the year over year charging volume (2016 vs. 2015) against a number of different municipalities sampled throughout Ontario, it is evident by TABLE C-2 below that the percentage variances fluctuated from municipality to municipality. Although Windsor experienced another year over year decline in charging volume of 2.0%, the percentage decline was significantly less the average for our MBNCanada comparators (-5.8%). It should also be noted that Windsor was below the Provincial average decline of -2.9%. Although the overall charging volumes continue to decline annually, it is apparent that this is a trend across the province.

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

Municipality	MBN Canada	2016	% Change '16 vs. '15	2015	% Change '15 vs. '14	2014
Windsor	Yes	28,856	-2.0%	29,435	-3.6%	30,546
Barrie	Yes	71,723	-5.1%	75,561	2.6%	73,654
Durham	Yes	64,376	0.1%	64,288	-5.4%	67,957
Hamilton	Yes	83,764	-2.7%	86,048	-10.6%	96,283
London	Yes	41,065	-12.9%	47,166	5.1%	44,889
Niagara	Yes	38,676	-19.4%	47,981	-10.2%	53,432
Ottawa	Yes	76,759	-7.2%	82,709	1.8%	81,240
Thunderbay	Yes	21,284	-11.5%	24,055	5.7%	22,754
Toronto	Yes	349,011	1.7%	343,174	7.9%	318,031
Waterloo	Yes	59,209	0.4%	58,950	15.2%	51,150
York	Yes	145,140	-5.8%	154,096	-1.8%	156,891
Brampton	No	66,328	-5.6%	70,227	-8.7%	76,915
Brantford	No	12,433	16.6%	10,665	-17.7%	12,960
Caledon	No	34,295	-10.3%	38,232	25.6%	30,443
Chatham	No	13,623	-30.0%	19,465	25.7%	15,488
Guelph	No	21,765	7.0%	20,346	-17.4%	24,629
Lambton	No	12,685	-8.3%	13,834	2.7%	13,470
Provincial	N/A	1,599,115	-2.9%	1,647,601	-0.4%	1,654,032

## Other Operational Statistics

In addition to having accepted and dealt with the filings of almost 29,000 charges over the course of the year, the POA Program processed approximately:

- 9,075 Early Resolution meetings (Part I)
- 115 Appeals from convictions/acquittals/sentences (Parts I & III)
- 733 Re-opening applications of convictions in absentia (Parts I & III)
- 7,379 Applications to extend the time to pay fines (Parts I, II & III)

## SECTION D - DEFAULTED POA FINES ENFORCEMENT

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

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

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

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

- Examinations-in-Aid of Execution, whereby judgment debtors may be examined in depth as to their abilities and means to make good their monetary obligations including being compelled to fully disclose their assets, liabilities, sources of income, bank accounts, RRSP's etc.
- Contempt Hearings where debtors have refused or neglected to attend on examinations-in-aid.
- Garnishment proceedings whereby bank accounts, rentals from tenants, RRSP's etc. are attached as information and used for enforcement.
- Monitoring of death notices in the hopes of collecting from estates
- Encouraging revocation of CVOR certificates in liaison with the Ministry of Transportation, respecting businesses making use of commercial motor vehicles which operations perennially default on fines.

## ACTIVE COLLECTION EFFORTS

In January of 2016, a significant change in direction and vision was undertaken. Recognizing the fact that the POA department has little to no control over charging volume, considerable efforts and resources were redirected towards implementing an active and aggressive collection model and procedures. These included an increased focus on adding fines to municipal taxes, garnishment of wages and the use of additional collection agencies to the operating mix. 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.

Although Tax Rolling is not new and has been used in previous years, a revised collection process was initiated in early 2016 to take advantage of this inexpensive and effective collection method. The first step as part of our internal collection process is to review for property ownership. If the offender owns any property (as a sole owner), the fine is automatically added to the municipal tax roll. As can be noted by Table D-1 below, this change in process resulted in a year over year increase in tax roll revenue of 550% and a 410% increase in the number of new tax roll accounts added.

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

Description	As of Dec 31/16	As of Dec 31/15	Inc./ (Dec.)	% Inc./ (Dec.)
Revenues Collected from Tax Rolling	\$ 93,263.81	\$ 14,360.50	\$ 78,903.31	549.4%
# of New Tax Roll Accounts Added	107	21	86	409.5%

At the Liaison Committee meeting held on September 27, 2016, the members unanimously approved “in principal” a formal Municipal Tax Roll Agreement along with Tax Roll Procedures. Each municipality then took the report back to their respective Council’s for final approval and signatures. These documents will continue to guide our collections efforts in future years.

## Garnishment of Wages

The process of finding employment is one of the most challenging tasks due to the limited amount of information that is available to our staff. To make matters more difficult, in many cases, the offender's are either unemployed, working for cash, or on some other form of assistance which can't be garnished. However when employment is confirmed and the garnishment documents are in place, it becomes one of the most effective enforcement tools as it ensures a steady stream of income. Recognizing this significant advantage, changes were made to our internal collection process in early 2016 which included the expansion of our research capabilities and methods. It is evident by TABLE D-2 that these changes positively affected our financial performance in 2016.

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

Description	As of Dec 31/16	As of Dec 31/15	Inc./ (Dec.)	% Inc./ (Dec.)
Revenues Collected from Garnishments	\$ 378,973	\$ 10,919	\$ 368,053	3370.7%
# of New Garnishments Issued	328	38	290	763.2%

As can be seen in the table above, the results were significant as the revenues collected increased by over 3300% and the number of new garnishments issued increased by 763%, year over year. Going forward, the Fine Enforcement Staff will continue to focus on wage garnishments with an emphasis on further expanding these efforts.

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

Prior to 2016, the Windsor/Essex POA court office operated with only one collection agency (NCO Financials). Realizing the significant benefits of having multiple collection agencies competing against each other, in mid 2015, a Request for Proposal (RFP) was issued for additional 3rd Party collection agencies. The RFP resulted in the hiring of three new collection agencies (CBV, ARO and Gatestone), which went into effect on January 1, 2016. Table D-3 summarizes the year over year results.

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

Description	As of Dec 31/16	As of Dec 31/15	Inc./ (Dec.)	% Inc./ (Dec.)
Revenues Collected from 3rd Party Agencies	\$830,655.66	\$ 743,850.52	\$86,805.14	11.7%
# of 3rd Party Accounts Outstanding	69,994	72,707	(2713)	-3.7%

The end result was a year over year increase in revenue of approximately \$87K which represented an 11.7% increase. It also had a positive effect on the number of outstanding fines in collections as it decreased by almost 4% (meaning more fines were collected in 2016). Going forward, we do not anticipate any further increases. Projections for 2017 are ranging anywhere between the 2015 and 2016 annual levels.

## OUTSTANDING POA FINES

Regardless of how effective the active collection efforts are, there still remains a significant number of outstanding fines. As of December 31, 2016, there were approximately 69,766 records of unpaid fines for a total outstanding amount of \$42,114,458. This represents over 33,000 unique individuals and organizations in default (See Table D-3 and D-4 for further details). The \$42M in outstanding fines is not just a Windsor specific issue; it's a province wide epidemic. In 2011, the Ontario Association of Police Board Services issued a White paper entitled, *Provincial Offences Act – Unpaid Fines A \$Billion Problem*, which clearly identifies the ballooning crisis and stresses the importance of affirmative action. The purpose of the paper was to seek the assistance of the Government of Ontario to institute stronger and meaningful collection sanctions for fine defaulters. Although the Province has passed some *legislation* to improve collection efforts, there is still a long ways to go.

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

	2016		2015	
	#	% Chg	#	% Chg
Pre-Transfer	30,986	-2.0%	31,604	-1.3%
Post-Transfer	38,780	0.6%	38,543	-1.1%
<b>Total</b>	<b>69,766</b>	<b>-0.5%</b>	<b>70,147</b>	<b>-1.2%</b>

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

	\$ Value of Fines			
	2016		2015	
	\$	% Chg	\$	% Chg
Pre-Transfer	\$ 5,831,898	-2.3%	\$ 5,971,490	-3.8%
Post-Transfer	36,282,560	0.0%	36,281,155	-0.8%
<b>Total</b>	<b>\$ 42,114,458</b>	<b>-0.3%</b>	<b>\$ 42,252,645</b>	<b>-1.2%</b>

Many of these older fines (i.e. pre-transfer) have been 'scrubbed' multiple times and all reasonable and appropriate measures to collect these unpaid defaulted fines 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 late 2017 or early 2018, which will be vetted through the Liaison Committee first and subsequently submitted to Windsor City Council for final approval. **It's important to note that a write-off policy refers to the cessation of active fine collections and is done for accounting purposes only. It does not absolve a convicted offender from the requirement to pay a fine, as debts to the Crown are owed in perpetuity and are never forgiven.**

POA municipalities throughout Ontario have been pressuring the Liberal government to pass *legislation* to provide them with additional enforcement tools. One change being proposed in the spring of 2017 relates to Bill 31, Making Ontario's Roads Safer Act. Offenders who have not paid fines for driving-based offences, such as speeding and careless driving, won't be able to get or renew their plates. This additional enforcement tool will help POA municipalities increase their collection efforts.

**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 \$1.636 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 2016, the net profit was allocated as follows:

County Contribution	48.16%
Pelee Contribution	0.29%
<u>City of Windsor Contribution</u>	<u>51.54%</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 endures a successful self-funding model, delivering a net positive revenue budget which benefits all of our local taxpayers. Each benefiting municipality is free to allocate its respective portion to such municipal purposes as deemed appropriate by the elected council thereof.

TABLE E-1 depicts the POA Program’s operating results for the reporting year, specifically detailing out every operating expense and revenue account. The Provincial Offences program ended the year with a net operating profit of \$1,993,982, which is 6% higher than 2015 net operating profit of \$1,878,701. When comparing this to the 2016 annual budget of \$1,636,731, the department ended the year with a positive variance of \$357,251 or 21.8%.

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

**TABLE E-1: 2016 POA Financial Results - As of December 31, 2016**

Acct. #	Account Description	Account Description	2016 Budget	2016 Actuals	Surplus/ (Deficit)
			A	B	C = A - B
<b>REVENUES</b>					
6485	Bylaw Fines - Courts	Provincial Fines	\$ 5,990,000	\$ 6,247,203	\$ 257,203
6485	Bylaw Fines - Courts	Bylaw Fines	22,593	48,988	26,395
6485	Bylaw Fines - Courts	Transcript Revenue	10,000	17,740	7,740
6650	User Fee	STD - Provincial Offences	-	141	141
<b>TOTAL REVENUES</b>			<b>\$ 6,022,593</b>	<b>\$ 6,314,072</b>	<b>\$ 291,479</b>
<b>EXPENSES</b>					
<b>Total Salary &amp; Benefits</b>			<b>\$ 1,674,764</b>	<b>\$ 1,598,789</b>	<b>\$ 75,975</b>
<b>Materials &amp; Services</b>					
2145	Housekeeping Supplies	STD - Provincial Offences	\$ 3,420	\$ 2,713	\$ 707
3176	Facility Operations - Internal	Caretaking	52,080	52,626	(546)
2215	Bldg. Maintenance Services	STD - Provincial Offences	5,000	1,850	3,150
2920	Legal Services	STD - Provincial Offences	5,000	2,008	2,992
2950	Other Professional - External	STD - Provincial Offences	15,420	14,994	426
2950	Other Professional - External	Security Services - Internal	259,960	259,960	-
2950	Other Professional - External	Security Services - External	8,000	7,617	383
2995	Other Purchased Services	Language Line	15,000	8,555	6,445
<b>Total Materials &amp; Services</b>			<b>\$ 363,880</b>	<b>\$ 350,323</b>	<b>\$ 13,557</b>
<b>Administrative Overhead</b>					
2010	Office Supplies	STD - Provincial Offences	\$ 18,000	\$ 10,656	\$ 7,344
2020	Postage & Courier	STD - Provincial Offences	28,500	26,765	1,735
2070	Outside Printing	STD - Provincial Offences	20,000	5,958	14,042
2085	Publications	STD - Provincial Offences	9,000	11,271	(2,271)
2610	Travel Expense	STD - Provincial Offences	2,000	2,617	(617)
2620	Car Allowance	STD - Provincial Offences	3,400	2,102	1,298
2710	Telephone Equipment - General	STD - Provincial Offences	9,660	8,392	1,268
2711	Cell Phones	STD - Provincial Offences	950	553	397
2914	Non Occ Medical	STD - Provincial Offences	-	150	(150)
2917	Ergonomic Assessments	STD - Provincial Offences	-	61	(61)
2990	Business Meeting Expense	STD - Provincial Offences	-	176	(176)
3120	Rental Expense - External	STD - Provincial Offences	4,000	1,410	2,591
3175	Facility Rental - External	STD - Provincial Offences	312,520	318,742	(6,222)
3210	Building Insurance	STD - Provincial Offences	1,706	1,706	-
3230	Liability Insurance	STD - Provincial Offences	638	638	-
4020	Membership Fees & Dues	STD - Provincial Offences	8,900	7,633	1,267
4050	Training Courses	STD - Provincial Offences	5,000	368	4,632
4155	Registrations & Conferences	STD - Provincial Offences	2,500	2,006	494
4520	Cashiers' Short & Over	STD - Provincial Offences	-	(30)	30
4540	Bank Charges	STD - Provincial Offences	59,500	57,520	1,980
4560	Collection Charges	STD - Provincial Offences	130,900	203,653	(72,753)
5125	Computers - PCs	STD - Provincial Offences	9,950	5,212	4,738
5126	Computer Software	STD - Provincial Offences	-	55	(55)
2925	Computer Maintenance	STD - Provincial Offences	20,560	18,480	2,080
2927	Computer & SW Maint-External	STD - Provincial Offences	4,000	6,463	(2,463)
3180	Computer Rental - Internal	STD - Provincial Offences	12,800	12,800	-
5130	Office Furniture & Equipment	STD - Provincial Offences	5,000	5,886	(886)
<b>Total Administrative Overhead</b>			<b>\$ 669,484</b>	<b>\$ 711,243</b>	<b>\$ (41,759)</b>

**TABLE E-1: Continued**

Acct. #	Account Description	Account Description	2016 Budget A	2016 Actuals B	Surplus/ (Deficit) C = A - B
<b>Provincial Charges</b>					
2950	Other Professional - External	ICON Fees	\$ 65,521	\$ 56,269	\$ 9,252
2950	Other Professional - External	Adjudication Services	415,362	351,834	63,528
2950	Other Professional - External	Prosecution Fees	37,999	50,162	(12,163)
2950	Other Professional - External	Quality Assurance	45,748	44,350	1,398
2950	Other Professional - External	Victim Fines	1,048,104	1,109,025	(60,921)
2950	Other Professional - External	Dedicated Fines	65,000	48,096	16,904
<b>Total Provincial Charges</b>			<b>\$ 1,677,734</b>	<b>\$ 1,659,736</b>	<b>\$ 17,998</b>
<b>TOTAL EXPENSES (BEFORE COST SHARING)</b>			<b>\$ 4,385,862</b>	<b>\$ 4,320,090</b>	<b>\$ 65,772</b>
<b>Total Net Operating Revenue</b>			<b>\$ 1,636,731</b>	<b>\$ 1,993,982</b>	<b>\$ 357,251</b>

<b>RECONCILIATION</b>					
<b>Cost Sharing Payments</b>					
4295	County Contribution (48.16%)	STD - Provincial Offences	\$ 787,351	\$ 960,341	\$ 172,990
4295	Pelee Contribution (0.29%)	STD - Provincial Offences	4,812	5,869	1,057
<b>Total Cost Sharing Payments</b>			<b>\$ 792,163</b>	<b>\$ 966,210</b>	<b>\$ 174,047</b>
Balance to City of Windsor (51.54%)			\$ 844,568	\$ 1,027,771	\$ 183,203
<b>Total Net Operating Revenue</b>			<b>\$ 1,636,731</b>	<b>\$ 1,993,982</b>	<b>\$ 357,251</b>

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

<b>Description</b>	<b>2016 Actuals (\$)</b>	<b>2015 Actuals (\$)</b>	<b>2014 Actuals (\$)</b>	<b>2013 Actuals (\$)</b>	<b>2012 Actuals (\$)</b>
<b>Revenue:</b>					
Court Fines	\$ 6,264,943	\$ 5,925,542	\$ 5,518,821	\$ 6,248,765	\$ 6,781,112
User Fees	141	528	900	14,193	14,103
By-Law Fines	48,988	-	-	-	-
Trfs from Reserve	-	-	33,315	-	-
Recovery of Internal Staff	-	20,089	79,522	-	-
<b>TOTAL REVENUE</b>	<b>\$ 6,314,072</b>	<b>\$ 5,946,160</b>	<b>\$ 5,632,558</b>	<b>\$ 6,262,958</b>	<b>\$ 6,795,215</b>
<b>% Inc./ (Dec.) YOY</b>	<b>6.19%</b>	<b>5.57%</b>	<b>-10.07%</b>	<b>-7.83%</b>	<b>-1.53%</b>
<b>Expenditures:</b>					
Salaries & Wages	1,598,789	1,642,847	1,722,345	1,825,963	2,010,637
Administrative Overhead	392,501	333,210	263,887	359,561	401,816
Materials & Services	350,323	350,984	363,477	327,320	322,725
Provincial Charges	1,659,736	1,414,710	1,444,759	1,554,165	1,669,429
Facility Rental	318,742	325,708	298,037	310,013	310,073
<b>TOTAL EXPENDITURES</b>	<b>\$ 4,320,090</b>	<b>\$ 4,067,459</b>	<b>\$ 4,092,505</b>	<b>\$ 4,377,022</b>	<b>\$ 4,714,680</b>
<b>NET SURPLUS</b>	<b>\$ 1,993,982</b>	<b>\$ 1,878,701</b>	<b>\$ 1,540,053</b>	<b>\$ 1,885,936</b>	<b>\$ 2,080,535</b>
<b>% Inc./ (Dec.) YOY</b>	<b>6.14%</b>	<b>21.99%</b>	<b>-18.34%</b>	<b>-9.35%</b>	<b>-18.11%</b>

Since the local POA Transfer date of March 5, 2001 through to the end of the subject reporting year, this Area's POA Program has realized a total combined net revenue of \$42,477,459. 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
<b>Total</b>	<b>2,156</b>	<b>1,776</b>	<b>1,997</b>	<b>3,848</b>	<b>2,808</b>	<b>2,408</b>	<b>3,188</b>	<b>117</b>	<b>24,179</b>	<b>42,477</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 law enforcement activities decline so do current fine revenues. This has been a consistent trend not just in Windsor but also in the province over the past five years. Although the POA Program has other sources of revenue (notably aggressive enforcement efforts targeting old or defaulted fines) the bulk of receipts is highly dependent upon the number, type and quality of newly charges laid, as well as the attendance of trained officers at trials in disputed cases
- Another significant and uncontrollable external revenue factor is the number of fines imposed by an independent and impartial judiciary in the exercise of their discretionary sentencing functions, in the event of the entering of conviction
- The POA Program is highly vulnerable to certain uncontrollable external expenses, notably the provincial charges for Victim Fines Surcharges, adjudication and those for Part III prosecutions, both of which payments are mandated by the Transfer Agreement

## SECTION F - REVENUE DISTRIBUTION DETAILS

In accordance with the approved weighted assessment formula for 2016, 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: 2016 NET REVENUE DISTRIBUTION SUMMARY**

Weighted Assessment (\$)	(%)	% of County	2016 Budget	2016 Actuals	Surplus/ (Deficit)
Net County & Pelee Revenue			\$ 792,163.00	\$ 966,210.44	\$ 174,047.44
Net City of Windsor Revenue			\$ 844,568.00	\$ 1,027,771.34	\$ 183,203.34
<b>TOTAL</b>			<b>\$ 1,636,731.00</b>	<b>\$ 1,993,981.78</b>	<b>\$ 357,250.78</b>
<u>Allocation/Payment Summary</u>					
Amherstburg	2,158,707,216	11.70%	\$ 92,143.30	\$ 112,388.26	\$ 20,244.96
Essex	1,753,078,731	9.50%	74,829.26	91,270.12	16,440.86
Kingsville	2,199,072,329	11.92%	93,866.27	114,489.78	20,623.51
LaSalle	2,882,695,869	15.63%	123,046.38	150,081.11	27,034.72
Lakeshore	4,340,579,170	23.53%	185,275.38	225,982.54	40,707.16
Leamington	2,312,287,057	12.54%	98,698.78	120,384.05	21,685.27
Tecumseh	2,799,421,216	15.18%	119,491.85	145,745.60	26,253.75
Total County	18,445,841,588	48.16%	\$ 787,351.22	\$ 960,341.45	\$ 172,990.23
Pelee	112,729,076	0.29%	\$ 4,811.78	\$ 5,868.99	\$ 1,057.20
Windsor	19,741,007,152	51.54%	\$ 844,568.00	\$ 1,027,771.34	\$ 183,203.34
<b>TOTAL</b>	<b>38,299,577,816</b>	<b>100.0%</b>	<b>\$ 1,636,731.00</b>	<b>\$ 1,993,981.78</b>	<b>\$ 357,250.78</b>

Details of the quarterly payments are itemized below:

Quarter	Cheque Issuance Date	\$ Amount - County	\$ Amount - Pelee
Q1	May 12, 2016	\$332,865.50	\$2,060.53
Q2	August 19, 2016	\$433,327.54	\$2,621.95
Q3	November 21, 2016	\$196,988.87	\$1,203.87
Q4*	N/A	(\$2,840.46)	(\$17.36)
<b>TOTAL</b>		<b>\$960,341.45</b>	<b>\$5,868.99</b>

\* Due to the timing of cash flows (revenue and expenses), a minor overpayment situation occurred in Q4. A receivable was set up in 2016 and this amount will be offset against the Q1 2017 payment to recognize the overpayment.

## APPENDIX A – GLOSSARY OF TERMS

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

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

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

**Council** ~ the elected City of Windsor Municipal Council

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

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

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

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

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

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

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

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

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

**OMBI** ~ The Ontario Municipal Benchmarking Initiative (OMBI) 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

Statement of Revenue and Expenditures of

**THE CITY OF WINDSOR**  
PROVINCIAL OFFENCES ACT

Year ended December 31, 2016



KPMG LLP  
618 Greenwood Centre  
3200 Deziel Drive  
Windsor, ON N8W 5K8  
Telephone (519) 251-3500  
Fax (519) 251-3530  
www.kpmg.ca

## INDEPENDENT AUDITORS' REPORT

To the Ministry of the Attorney General of Ontario

We have audited the accompanying statement of revenue and expenditures of the Provincial Offences Office for Windsor/Essex Court Service Area for the year ended December 31, 2016, and notes, comprising a summary of significant accounting policies and other explanatory information (together "the financial statement").

### *Managements Responsibility for the Financial Statements*

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

### *Auditors' Responsibility*

Our responsibility is to express an opinion on this financial statement based on our audit. We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statement is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statement. The procedures selected depend on our judgment, including the assessment of the risks of material misstatement of the financial statement, whether due to fraud or error. In making those risk assessments, we consider internal control relevant to the entity's preparation and fair presentation of the financial statement 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. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statement.

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



*Basis for Qualified Opinion*

The financial records of the Windsor/Essex Court Service Area operations are maintained and generated by the Integrated Courts Offences Network ("ICON") system, maintained by the Province of Ontario. The scope of our audit did not include a review over the controls of this system nor was a service auditor's report made available to us. Accordingly, we were not able to determine whether any adjustments might be necessary to fines and miscellaneous revenue collected.

Included in the revenue for the year ended December 31, 2016, is \$230,697 (2015 - \$256,940) received on behalf of the Windsor/Essex Court Service Area by other courts located throughout the Province of Ontario. The scope of our audit did not include a review of the systems or controls over cash collections and deposits at these other court locations. Accordingly, we were not able to determine whether any adjustments might be necessary to fines and miscellaneous revenue collected.

*Qualified Opinion*

In our opinion, except for the possible effects of the matters described in the Basis for Qualified Opinion paragraphs, the financial statement present fairly, in all material respects the operations of Provincial Offences Office for Windsor/Essex Court Service Area for the year ended December 31, 2016, in accordance with Canadian public sector accounting standards.

A handwritten signature in black ink that reads 'KPMG LLP'. The signature is written in a cursive, slightly slanted style. Below the signature is a horizontal line that starts under the 'K' and ends under the 'P'.

Chartered Professional Accountants, Licensed Public Accountants

March 14, 2017  
Windsor, Canada

# THE CITY OF WINDSOR

## PROVINCIAL OFFENCES ACT Statement of Revenue and Expenditures

Year ended December 31, 2016, with comparative information for 2015

	2016	2015
Revenue:		
Fines and fees collected	\$ 5,156,951	\$ 4,876,221
Expenditures and disbursements:		
Salary and benefits	1,598,789	1,622,758
General administration	392,501	333,210
Materials and services	350,323	350,983
Provincial administration charges	502,615	364,860
Occupancy	318,742	325,708
	<u>3,162,970</u>	<u>2,997,519</u>
Income before disbursements to area municipalities	1,993,981	1,878,702
Disbursements to area municipalities	966,210	903,282
<u>Excess of revenue over expenditures and disbursements</u>	<u>\$ 1,027,771</u>	<u>\$ 975,420</u>

See accompanying notes to statement of revenue and expenditures.

# THE CITY OF WINDSOR

## PROVINCIAL OFFENCES ACT

### Notes to Statement of Revenue and Expenditures

Year ended December 31, 2016

---

#### 1. Provincial offences administration and background:

The City of Windsor (the “City”) under the authority of Part X of the Provincial Offences Act (“POA”), provides for and administers the POA courts in the Windsor/Essex Court Service Area, arranges for court support, has carriage of Part I prosecutions and associated appeals, and is responsible for the collection of related fines and fees. The POA is a procedural statute for administering and prosecuting provincial offences, including those committed under the Highway Traffic Act, Compulsory Automobile Insurance Act, Trespass to Property Act, Liquor Licence Act, and municipal by-laws; by virtue of the Contraventions Act of Canada, certain federal offences also fall under the POA umbrella. The POA governs all aspects of legal process from serving notice on a defendant, to conducting trials, including sentencing and appeals.

The Ministry of the Attorney General (“MAG”) has entered into a Memorandum of Understanding (“MOU”) pursuant to Part X of the POA, leading to the transfer of POA responsibilities to the City. The MOU contains terms and conditions that apply to every “Municipal Partner” in Ontario. It was recognized that there are certain considerations that are specific to individual court service areas. Therefore, a Local Side Agreement (“LSA”) has also been entered into between MAG and the City, setting out those specific terms and conditions. Taken together, the MOU and LSA constitute the Transfer Agreement.

In addition, an Intermunicipal Service Agreement (“ISA”) was entered into by the City with the other nine area municipalities. The City’s role under the ISA is to provide the transferred responsibilities on its own behalf as well as on behalf of the other municipalities. The revenue generated therefrom, less expenses, is shared on the basis of weighted assessment, with quarterly disbursements of net revenue or operating profit amongst the participants.

# THE CITY OF WINDSOR

PROVINCIAL OFFENCES OFFICE

Notes to Statement of Revenue and Expenditures (continued)

Year ended December 31, 2016

---

## 2. Significant accounting policies:

The statement of revenue and expenditures for the City's Provincial Offences Office is prepared by management in accordance with generally accepted accounting principles for local governments as recommended by the Public Sector Accounting Board of the Chartered Professional Accountants Canada. Significant aspects of the accounting policies adopted in the preparation of this financial statement are as follows:

### (a) Revenue:

In accordance with policies adopted by other Provincial Offence offices and as a result of the nature of business activities, revenue is recognized on the cash basis. The revenue of the court office consists of fines levied under Parts I, II and III (including delay penalties) for POA charges filed at the court located at the Westcourt Place, 300-251 Goyeau Street, Windsor, Ontario. Offenders may pay their fines at any court office in Ontario, at which time their receipt is recorded in the Integrated Courts Offences Network ("ICON") mainframe system operated by the Province of Ontario.

Uncollected fines and fees outstanding at the date of transfer were assigned by the Province to the City of Windsor. These amounts will be recorded as revenue upon receipt.

Payments received for Victim Fine Surcharge and Dedicated Fines collected on behalf of the Province of Ontario in the amount of \$1,109,025 and \$48,096 respectively (2015 - \$1,004,976 and \$44,874) are recorded as net liabilities payable to the Province of Ontario by the City of Windsor and are consequently not recorded in the statement of revenue and expenditures.

### (b) Expenditures:

Expenditures are recorded on the accrual basis of accounting which recognizes expenditures as they are incurred and measurable as a result of the receipt of goods or services and creation of a legal obligation to pay.

### (c) Tangible capital assets:

Tangible capital asset expenditures are reported separately and are not included in this financial statement.

# THE CITY OF WINDSOR

PROVINCIAL OFFENCES OFFICE

Notes to Statement of Revenue and Expenditures (continued)

Year ended December 31, 2016

---

## 2. Significant accounting policies (continued):

(d) Use of estimates:

The preparation of a financial statement requires management to make estimates and assumptions that affect the reported amounts of revenue and expenditures for the period being reported on and disclosure of contingencies at the date of the statement. Actual results could vary from those estimates.

## 3. Pension agreements:

The City of Windsor makes contributions to the Ontario Municipal Employees Retirement System ("OMERS"), which is a multi-employer plan on behalf of all permanent, full-time members of its staff. The plan is a defined benefit plan, which specifies the amount of the retirement benefit to be received by the employees based on length of service and rates of pay.

## 4. Commitment:

The City of Windsor has entered into an agreement to lease the premises for the City's Provincial Offences offices through 2018. The annual rental payments over the remaining term of the lease are as follows:

---

2017	\$ 281,144
2018	281,144

---

**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 of 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



## Report

**To:** Mayor and Members of Council

**From:** Laura Rauch, Director of Finance and Business Services

**Date:** May 9, 2017

**Re:** 2017 Vacancy Rebate Program Review

---

### Recommendation:

It is recommended that:

1. That the 2017 Vacancy Rebate Program Review Report be received. (FIN-04017)

### Background:

Since 1998, Section 364 of the Ontario Municipal Act, 2001 (the Act) has legislated that every local municipality shall have a program to provide tax rebates for vacant portions. Rebate programs apply to owners of property in the commercial at 30% and industrial class at 35%.

Section 313 states that the tax rates for certain sub-class of land shall be reduced. Within the sub-classes are vacant and excess commercial and industrial land. Previously, the only flexibility municipalities had was to establish a discount percent at 30% of commercial properties and 35% for industrial properties or set a single rate that is no less than 30% and no more than 35%.

Essex County Council has historically adopted a 30% discount for commercial properties and a 35% discount for industrial properties. In other words a property owner with a vacant parcel of commercial property would pay taxes equal to 70% of the full commercial tax rate.

Commercial or industrial property owners whose property is partially or entirely vacant, may be eligible for a rebate of taxes for the period of the vacancy. The owner of a property, a building or portion of a building, that satisfies the following conditions qualify for the rebate.

Buildings that are entirely vacant are eligible for a rebate if the entire building was unused for at least 90 consecutive days. Buildings that are partially vacant are eligible for the rebate if the suite or unit within the commercial or industrial building was, for at least 90 consecutive days, unused and clearly delineated or physically separated from the used portions of the building. The three (3) property exclusions that are not eligible for the rebate are:

- a) Seasonal Property: Businesses that operate on a seasonal basis are not eligible for a rebate for the seasons closed.
- b) Leased Property: Buildings or portions of buildings that are vacant but are leased to a tenant are not eligible for a rebate.
- c) Vacant Land Sub-Class: Buildings that are included in a vacant land sub-class (e.g. new buildings that have never been occupied) are not eligible for a rebate. How the Program Works You must complete an annual application for this program.

The deadline for submitting the annual application is February 28 of the year following the taxation year to which the application relates. The applicant must agree to provide further information requested by the Provincial Land Tax Office or the Municipal Property Assessment Corporation (MPAC) in order to demonstrate that eligibility requirements have been met. The Municipality collects the applications, forwards the applications to MPAC to assess the value attributable to the vacant area and then calculates the rebate once the value is provided.

On November 2016, Bill 70 Building Ontario Up for Everyone Act, was introduced. This Bill provided flexibility for the municipalities to review their vacancy rebate program and discounts for vacancy/excess land sub-classes to reflect community needs and circumstances, while considering the interests of local business.

On December 10, 2016 changes to the Act were made which allow municipalities to notify the Minister of Finance (Minister) of their intent to utilize the new provisions. Upper- and single-tier municipalities that have decided to change the programs can notify the Minister of their intent to utilize this flexibility and provide details of the proposed changes along with a resolution from council. All changes to existing programs require the Minister's approval. Changes to the programs will be implemented through regulation in response to municipal requests.

For two tiered municipalities, any program changes to be implemented is an upper tier decision, consistent with the flexibility currently available to upper tier municipalities, to determine the rebate and reduction percentage between 30% and 35%. Lower tier municipalities may have different vacancy rebate programs however the decision remains with the upper tier and Minister approval is still required.

Submissions to the Minister, which outline the proposed changes for the 2017 taxation year can be made prior to July 1, 2017. Municipalities will be notified by the Minister when the regulation implementing the requested changes has been enacted. Municipalities will

have the opportunity after July 1, 2017 to submit a request for changes to the programs for future years.

Tax policy, which includes both the vacancy rebate and the discounts for vacancy/excess land sub-classes programs, is established by County Council with consultation from the lower tier. In the 2017 Property Tax Policy Recommendations report submitted to County Council on March 15, 2017, a resolution that the commercial and industrial sub-class discounts for vacant/excess land program remain in effect for the 2017 taxation year at 30% and 35% respectively was adopted. And further that for the 2018 taxation year, an analysis will be undertaken and options for altering the discounts will be presented County Council.

With respect to the vacancy rebate, in the same report to County Council it was resolved that representatives from each Essex County municipality be requested to meet and commence a review of the vacant unit rebate program, develop a work plan, including community consultation, and prepare recommendations for changes to the existing program by July 1, 2017.

There are many alternatives that may be considered for the vacancy rebate program. Some of the alternatives include:

- Imposing a phase-out period for the program;
- Imposing a phased reduction in allowable rebates for multi-year applications;
- Elimination of the program;
- Refining the eligibility criteria;
- Implementing a self-funding mechanism to limit the cost to other municipal taxpayers;
- Imposing a fee to assist in the cost of administering the program;
- Restricting what the rebate can be used for.

The County Tax Collectors and Treasurers working group met on May 8, 2017 to discuss the vacancy rebate program.

### **Comments:**

Some of the advantages of the vacancy rebate program are:

- 1) The vacancy rebate program provides financial relief to property owners that do not have rental income.
- 2) Reductions in property taxes can be reinvested in the property to improve the rental viability.
- 3) Reduces the incentive of demolishing vacant properties with future rental potential.

Some of the disadvantages of the vacancy rebate program are:

- 1) There is no limitation to the number of times that a property can apply for the rebate which may incent the owner to not complete the necessary improvements to

encourage occupancy. Several property owners apply every year which suggests the program is not working as intended.

- 2) Tax relief may discourage incentive to provide affordable rental rates.
- 3) Seasonal renting is discouraged with the ninety (90) day vacancy period.
- 4) Applications require administrative resources for collecting, reviewing, and calculating the rebates. Periodic inspections have recently been undertaken to ensure the application is accurate and the program conditions are satisfied as established.
- 5) Rebate program is for commercial and industrial property owners and is recovered through general taxation.

The discussion at the County Tax Collectors and Treasurers group meeting was very much in favour of the elimination of the vacancy rebate program. It was agreed at this meeting to provide background information to each of the municipalities respective Councils and to seek direction from each Council on the elimination of the vacancy rebate program.

The Ministry has provided a checklist to make changes to vacancy rebate and reduction programs. The Ministry requires public engagement with the business community prior to formally passing the required County by-law and submission to the Minister. The goal of the public consultation is to make sure that all potential impacts of the proposed changes have been considered and provides for an opportunity for these potential impacts to be communicated to the business community.

The recommendation from the County Tax Collectors and Treasurers group meeting was to have one open house for all Essex County municipalities. Given the deadline of July 1, 2017 for 2017 taxation year, it is recommended that the local business community be engaged this year and the proposed elimination of the vacancy rebate take place for the 2018 taxation year. This will allow for the data to be gathered, analyzed and provided back to Council for consideration.

During the public consultation process, alternative ways to provide incentive such as expanding the Community Improvement Plan (CIP) will be explored with business owners to provide incentive and encourage occupancy.

### **Financial Impact:**

The Municipality of Leamington has provided the vacancy rebate program primarily to commercial properties within the urban area. The Municipality's portion of the vacancy rebates from 2009 - 2016 has totalled \$215,654 as outlined below.

Year	Total Value of Vacancy Rebates	Leamington Portion	# of Applicants
2009	\$95,967	\$34,377	52
2010	\$47,439	\$17,624	41
2011	\$40,432	\$15,472	23
2012	\$89,967	\$33,835	36
2013	\$88,279	\$33,120	28
2014	\$106,637	\$37,682	38
2015	\$64,518	\$24,599	32
2016	\$48,549	\$18,945	29
<b>Total</b>	<b>\$581,788</b>	<b>\$215,654</b>	<b>279</b>

Overall, there is a downward trend in the number and dollar amount being rebated to property owners under the current program. This can be attributed in part to improvement in the economy and development opportunities as well as the uptown revitalization strategy as part of this Council’s strategic direction. The total value of vacancy rebates includes the municipality’s portion as well as the county and education portion of the rebate which are fully recovered. The Municipality’s portion is annually expensed in General Government tax adjustment account.

Respectfully submitted,

**Laura Rauch, CPA, CMA**  
Digitally signed by Laura Rauch, CPA, CMA  
 DN: cn=Laura Rauch, CPA, CMA, o=Municipality of Leamington, ou=Finance and Business Services, email=lrauch@leamington.ca, c=CA  
 Date: 2017.05.18 13:22:14 -04'00'

**Peter Neufeld, Chief Administrative Officer**  
Digitally signed by Peter Neufeld, Chief Administrative Officer  
 DN: cn=Peter Neufeld, Chief Administrative Officer, o, ou, email=pneufeld@leamington.ca, c=CA  
 Date: 2017.05.18 14:50:38 -04'00'

Laura Rauch, CPA, CMA  
 Director of Finance and Business Services

LR

Attachments: None

T:\Finance\Reports\2017\FIN-04-17 Vacancy Rebate Program Review



## Report

**To:** Mayor and Members of Council

**From:** Ruth Orton, Director of Legal and Legislative Services

**Date:** May 12, 2017

**Re:** Renewal of Courtroom Lease, 7 Clark Street West

---

### Recommendation:

It is recommended that:

1. That a five year lease extension agreement, from January 1, 2018 to December 31, 2022, with Her Majesty the Queen in Right of Ontario as Represented by the Minister of Infrastructure for the Courtroom located at 7 Clark Street West be approved, pursuant to the terms described in Report LLS-21-17.
2. The Mayor and Clerk be authorized to sign the lease extension agreement.

### Background:

On January 1, 1996, the Town of Leamington entered into an agreement with the Province for the usage of the court facilities located at 7 Clark Street West for a term of two years. Over the next 18 years, there have been five extensions to the lease.

### Comments:

The current lease agreement will expire on December 31, 2017 and terms for a new agreement have been provided by CBRE Limited, the agent acting on behalf of the Province. The proposed extension agreement will have a term of five years, expiring on December 31, 2022.

The proposed agreement includes an option to further extend the lease for an additional term of five years upon six months written notice. The option is subject to the parties agreeing to any rent adjustments.

Having court facilities in Leamington is beneficial to both the Municipality and the Province. By having the ability to hear cases in Leamington, there is a substantial

reduction in the time Leamington OPP officers must spend travelling to and attending at the courthouse in Windsor.

### **Financial Impact:**

A rate of \$187.00 per day has been set for the renewal, which is an increase of 1.85% over the current rate of \$183.60 per day.

The agreement prescribes equal monthly installments of \$1,558.33 based on one hundred (100) days of use at a rate of \$187.00 per day. The Municipality will receive a minimum of \$18,700.00 in lease payments per year for the five year term. Any additional days will be paid for by the Province at the daily rate upon receipt of an invoice from the Municipality at the end of each year.

The Municipality is responsible for all utilities for the court facilities. Despite the modest increase in the rent payable, it is anticipated that the Municipality will remain in a positive revenue position for the duration of the term of this lease.

Respectfully submitted,

Peter Neufeld, Chief  
Administrative Officer



Digitally signed by Peter Neufeld, Chief  
Administrative Officer  
DN: cn=Peter Neufeld, Chief Administrative Officer, o=  
ou, email=pneufeld@leamington.ca, c=CA  
Date: 2017.05.18 14:49:56 -0400

Ruth Orton  
Director of Legal and Legislative Services

/jb

Attachments: None.

T:\Corporate\A00-Administration\A00-Council Reports\2017 Legal and Legislative Reports\LLS2117-Renewal of Courtroom Lease.doc

# The Corporation of the Municipality of Leamington

## Minutes of Mayor's Youth Advisory Committee Meeting

Tuesday, March 21, 2017 at 7:15 PM

West End Meeting Room, Leamington Municipal Office

---

Members Present: Gillian Marocko  
Alisha Bapoo  
Cameron Stockton  
Matthew Prebeg  
Kiara Clement  
Julia Savo  
Amber Buston-White

Members Absent: Alexandria Dossantos

Members Present: Mayor John Paterson  
(Non-voting) Councillor Larry Verbeke  
Council Services Assistant Mary Ann Manley  
Customer Service Representative Pamela Malott

Members Absent: Constable Stephanie Moniz  
(Non-voting)

Chair, K. Clement called the meeting to order at 7:20 PM

### Adoption of Council Minutes:

Moved by: C. Stockton  
Seconded by: G. Marocko

That the Minutes of the Mayor's Youth Advisory Committee held February 14, 2017 be adopted.

**Carried**

### Business Arising Out of the Minutes:

None noted.

## Items for Consideration:

### 1. MYAC Innovation Fair (Creativity Expo):

There was Committee discussion on the upcoming Creativity Exposition. The following comments were noted:

- MYAC members got together during March break and prepared a draft sponsorship letter and brochure. K. Clement presented the draft for the group to review and discuss. The brochure is similar to the Art Gallery example design.
- It was agreed to change the name of the event to the Creativity Exposition.
- Members asked the Mayor if he would be willing to sign the sponsorship letter. The Mayor agreed he would sign the letter to be done on municipal letterhead with the MYAC logo. K. Clement will forward a copy to Pam Malott via email [pmalott@leamington.ca](mailto:pmalott@leamington.ca) when the letter has been finalized.
- Councillor Verbeke asked how the buzz was at school concerning the event and has there been any feedback about the event? Discussion took place regarding the Art Gallery event which is getting attention from the Art Teachers.
- Discussion took place on the production of a poster for the event and who might create the poster.
- Questions were raised concerning what should be requested from sponsors. Options of cash and the possibility of gift cards were suggested. Discussion took place and the group agreed that they would ask for money from sponsors. The possibility of offering various sponsorship levels such as Bronze, Silver and Gold was discussed. All agreed that they would accept a combination of gift cards and/or cash if offered and it would be determined how best way to distribute to the winners.
- Suggestion was made to reach out to the Kingsville and Leamington BIA for business contacts to enable the group to send emails to all businesses through email. Mayor Paterson noted that he prefers to be approached in person.
- Mayor Paterson suggested that setting a target level and committing to this target would be appropriate. An example was given of setting a target of \$ 1000.00 and getting ten sponsors to commit. Mayor Paterson also noted that it is important to be clear on what the funds raised will be used for. The sponsorship letter should include the dollar value of prizes to be awarded and the charity which will receive proceeds from the event. Mayor Paterson suggested that parents are a good starting point as they may know who operates a business that may be willing to sponsor. Councillor Verbeke confirmed he would be willing to knock on some doors to assist in the efforts.

- The group discussed how many prizes would be offered and if there would be recognition for different grade levels. After discussion it was agreed that cash or equivalent gift card values of \$100, \$75, \$50, and \$25 would be offered. The group agreed all would be dependent on the sponsorship dollars raised.
- Discussion took place on the number of participants and how many entries could reasonably be accommodated in the lobby space. It was realized that the number and size of entries may determine the amount of space needed for display. It was suggested that perhaps applicants could be asked the amount of space they may need for display. It was suggested that tables could be shared if necessary. The group agreed that 15 to 20 tables seemed an appropriate number. The group agreed on accepting a maximum of 40 entries total. Discussion took place on the number of entries each participant could submit for the \$ 5.00 entry fee. It was suggested two was an appropriate number.
- Discussion took place around the possible use of easels to make the entries more visible and appealing. It was suggested that some entrants may be able and willing to bring an easel. Mayor Paterson noted that the Municipality's easels (approximately six) could be borrowed for the event.
- The group agreed that the \$ 5.00 entry fee would be refundable on presentation of the receipt given from the application registration. This would be refunded when the entry is brought to the event.
- In response to questions from the Committee on how the entry fee would be collected, Mayor Paterson suggested that it would be appropriate to nominate a Treasurer who would record monies collected and paid out. C. Stockton volunteered to be the Treasurer. It was agreed that one person from Leamington District Secondary and one from Cardinal Carter Secondary School would do the collecting and receipting of entry fees.
- A. Bapoo and M. Prebeg joined the meeting at 7:15 PM.
- It was suggested that the entrant could do something to identify and describe the entry and it could be attached to the back of the entry.
- MYAC members confirmed that the theme for the event as 'Identity'. What does identity mean to them? They discussed identify could be in a cultural way or other ways. All members agreed with the decision on the topic.
- MYAC members agreed to arrange a time to go thru the floor plan with Terry Symons, Manager of Recreation at the Leamington Kinsmen Recreation Complex. Councillor Verbeke agreed to accompany K. Clement. Background music might be a suggestion to raise with Mr. Symons. The time slot of 11:00 PM to 2:00 PM (three hours) has been booked. All agreed the event should be kept simple, so no need for food or water. What refreshment may be available on premises can be discussed with Mr. Symons.

- Questions were raised on the liability of the group for loss or damage. It was agreed that a statement could be put on the brochure or application that the group assumes no responsibility for loss or damage of entries. Entrants may want to remain on site for the duration of event. Mayor Paterson confirmed that the event would be covered under the general Municipal insurance for any bodily injuries.
- M. Prebeg confirmed he would complete the poster to use for advertisement by end of day Friday March 31<sup>st</sup>, 2017.
- The group agreed to exposure for the event by advertising the poster and brochure online, and by talking to the art teachers to spread the word. The possibility of advertising on the Municipal Website was raised. Councillor Verbeke suggested sending a letter to the Editor of the Southpoint Sun describing the event and the charitable cause.
- Physical forms or electronic copies were discussed for the applications. All agreed hard copies were best to be kept together with receipts given.
- The group discussed and confirmed a Mental Health Charity for the proceeds of the event. Possibly Mental Health Windsor-Essex.
- A deadlines date of Friday March 31<sup>st</sup>, 2017 end of day was agreed for the Sponsorship Letter, the Application/Brochure and the Poster.
- A discussion took place on how the entries would be judged. It was agreed that members would reach out to the Art Teacher at each school and Chad Riley (Art Gallery) would be asked to judge the entries.

## 2. Skateboard Park Committee:

K. Clement asked the group for the time frame for forming the Skateboard Park Committee. Does the Committee need to meet this year?

In response to a question from the Committee, Mayor Paterson explained that Councillor Wilkinson moved the construction of the Skateboard Park to the 2018 budget year. This means planning for the Park needs to occur in 2017.

The Skateboard Park Committee will provide input and ideas to Municipal staff regarding the Park design.

In response to a question from the Committee, Mayor Paterson suggested that the Deputy Mayor may want to be part of the Committee, as well as the Chief Administrative Officer and the Director of Community Services and/or Infrastructure.

The members agreed that by the end of May they could come up with some candidate names for the Skateboard Committee. It was suggested that a sign-up sheet could be provided at the Creativity Exposition. The group discussed 6-8 members being a good number for the Skateboard Committee.

**New Business:**

The Mayor shared the following information with the group:

The Municipality of Leamington is close to signing the contract for the Leamington Dock. It will be turned into a pedestrian walkway. The Municipality will be going in and scraping the old speed bumps, possibly installing new surface. A local firm has donated safety railings. The walkway will have a fishing area and a viewing area.

The Amphitheatre contract has been tendered and will be built at the foot of the Seaclyff Park hill. It will be a massive structure and will be significantly complete by July 1<sup>st</sup>, 2017. The Municipality has also purchased two properties across from Royal Bank which will be opened up and turned into green space between Mill Street and Talbot West. Also, \$ 200,000 will be spent to refurbish Mill Street. Queen Street will be refurbished in the following year.

**Adjournment:**

Moved by: C. Stockton  
Seconded by: J. Savo

That the meeting adjourn at 8:15 PM.

**Carried**

*Signature on File*

---

Chair, MYAC

**Date of Next Meeting:**

Tuesday, April 11, 2017 at 7:15 PM

# Minutes of the Kingsville Leamington Animal Control Committee

Wednesday, January 25, 2017 at 10:00 AM

Leamington Ante Room

---

Members Present: Kingsville Councillor Sandy McIntyre  
Leamington Councillors John Hammond, Tim Wilkinson

Members Absent: Kingsville Councillor Susanne Coghill

Staff Present: Leamington Clerk/Manager of Legislative Services, Brenda Percy  
Kingsville Deputy Clerk, Jennifer Alexander  
Leamington By-law Enforcement Officer, Kyle Reive  
Animal Control Officer, Larry Wood  
Leamington Council Services Assistant, Mary Ann Manley

Leamington Clerk, Brenda Percy called the meeting to order at 10:08 AM and welcomed the Committee members.

## Disclosures of Pecuniary Interest:

None noted.

## Election of Chairperson:

Ms. Percy advised that the Committee could move to extend Councillor Hammond as chair until the end of the Committee's term or elect a new chairperson.

Moved by: Councillor Wilkinson  
Seconded by: Councillor McIntyre

That Councillor Hammond be the Chairperson until the end of the Kingsville Leamington Animal Control Committee term.

**Carried**

In response to a question from Councillor Wilkinson regarding a tethering by-law, Ms. Percy said given the other priorities and lack of resources in the planning department a review of Leamington's current dog by-law would not be undertaken this year.

Councillor Wilkinson asked if tethering by-laws from other municipalities could be used as examples for developing a Leamington by-law. Ms. Percy confirmed that other tethering by-laws would be reviewed. She advised that changing the limit from two to three dogs per household would require an amendment to the current zoning by-law.

In response to Chair Hammond, Kingsville Deputy Clerk, Jennifer Alexander replied that Kingsville has a three dog limit per household.

Ms. Percy said Leamington would take into consideration that usually residents owning three dogs are responsible dog owners and currently Leamington residents may not be reporting a third dog in their household.

**Adoption of Minutes:**

Moved by: Councillor Wilkinson  
Seconded by: Councillor McIntyre

That the minutes of the Kingsville Leamington Animal Control Committee meeting held January 27, 2016 be adopted.

**Carried**

**Business Arising from the Minutes:**

Already noted.

**Business:**

**Draft Animal Control Budget 2017 and Actuals for 2016:**

The Committee reviewed the budget figures.

In response to a question from the Committee regarding the maintenance budget, Mr. Wood said Essex County laid down asphalt for the driveway and the dog pound was painted last year.

Ms. Percy advised that the increase to the maintenance account was to give consideration to repairing the dog pound roof. She noted a quote for shingles and a steel roof was provided in the agenda. Mr. Wood reported that shingles blew off the west end of the dog pound during a wind storm last year. The roof was repaired and it was Mr. Wood's opinion that the roof should last a couple of more years.

Councillor Wilkinson noted that he would like to see the condition of the dog pound roof.

Ms. Percy suggested the Committee could approve the repair of the dog pound roof with the addition of the following condition "only if it is required." Ms. Percy said that with the tender option in question another Committee meeting would need to be scheduled this year.

Councillor Hammond suggested that local roof repair quotes for both shingles and a metal roof be obtained.

In response to a question regarding the 2016 actuals, Mr. Wood said the only veterinary services required would be for an injured cat, as the partnership with St. Clair College provides all surrendered dogs with medical attention.

There was discussion regarding the issue with the City of Windsor and the Humane Society and how it might affect Animal Control Services' partnership with St. Clair College.

In response to a Committee question regarding this issue, Ms. Percy said she would follow-up with the City of Windsor.

Councillor Hammond asked if St. Clair College had submitted a report for 2016. Ms. Percy to confirm and forward the St. Clair College report to Committee members. Mr. Wood advised that he receives a report from St. Clair College for each dog surrendered to them. He keeps this report on file for the inspector to review.

Moved by: Councillor Wilkinson  
Seconded by: Councillor McIntyre

That the Kingsville Leamington Animal Control Committee approve the draft 2017 Animal Control Budget.

**Carried**

**Report LLS-58-16 dated January 10, 2017 regarding Animal Control Services Tender**

There was Committee discussion on the tender options for Animal Control Services. In response from a Committee question, Mr. Wood said he was still looking to continue working for 1 to 2 years. It was suggested that the Committee continue with Mr. Wood's service and postpone the tendering for another year. Councillor Wilkinson's opinion was supported by Councillor McIntyre.

Councillor Hammond asked Mr. Wood if the tendering process would benefit him and if there were changes he would like to see. Mr. Wood suggested the following additions to the tender, provide a 24 hour service and the addition of chickens and rabbits.

In response to a Committee question, Mr. Wood said he would retire the end of December 2017.

In response to a question from the Committee, Ms. Alexander said there was a request for increased accountability and transparency in the awarding of the Animal Control Service contract.

Councillor Wilkinson questioned the amount of administrative time required to tender the service.

Chair Hammond asked Larry Wood to leave the meeting while the Committee discussed the report.

Larry Wood left the room at 10:40 AM.

Ms. Percy advised that Mr. Wood would be allowed to submit a tender bid and the Committee takes the risk that he submits a higher price.

There was Committee discussion on the timeline for a tender.

Ms. Percy advised that a report would need to be prepared for Leamington and Kingsville's Council to consider regarding tendering the Animal Control Service.

Moved by: Councillor McIntyre  
Seconded by: Councillor Wilkinson

That Animal Control Services be tendered for 2018 and that Larry Wood provide the Committee by October 1, 2017 with a letter of intent to retire by December 31, 2017.

**Carried**

Mr. Wood returned to the meeting at 10:55 AM.

Moved by: Councillor McIntyre  
Seconded by: Councillor Wilkinson

That the Animal Control Officer wages be increased by 1% for 2017.

**Carried**

Moved by: Councillor Wilkinson  
Seconded by: Councillor McIntyre

That the Kingsville Leamington Animal Control Committee approved the draft 2017 Animal Control Budget, as amended.

**Carried**

In response to a Committee question regarding the stress on the animals in the pound from the noise of rain hitting a metal roof, Mr. Wood said the metal roof is placed over the existing roof so it should not be loud.

Moved by: Councillor Hammond  
Seconded by: Councillor McIntyre

That two additional quotes for metal and shingle roof replacement of the Dog Pound roof be obtained.

**Carried**

Ms. Percy and Ms. Alexander will check the procurement by-laws for their respective municipalities in regards to quotes for the dog pound roof.

A tentative date of Wednesday, April 19, 2017 at 4:00 PM was suggested for the next Committee meeting to consider the roof tenders.

Mr. Wood advised that there has been an increase in wildlife fees as Essex County Road employees are not picking up road kill on County roads. Mr. Wood used to pick up road kill on County Roads when a resident calls to request such a pick-up. He now frequently picks up road kill he sees on County Roads as the County is not.

The Committee provided direction Ms. Percy and Ms. Alexander to bring the matter to their respective Mayors so it could be discussed at the Essex County Council meeting being held Wednesday, January 25, 2017.

Councillor Wilkinson arranged to meet Mr. Wood at the Dog Pound on Saturday, February 10, 2017 after lunch to tour the pound. It was noted that any other members wishing to tour the facility are also invited.

**Adjournment:**

Moved by: Councillor Wilkinson  
Seconded by: Councillor McIntyre

That the meeting of the Kingsville Leamington Municipal Animal Control Advisory Committee adjourn at 11:05 AM.

**Carried**

*Signature on file*

---

Chairman, K-L Animal Control Advisory Committee