PLANNING, HERITAGE & ECONOMIC DEVELOPMENT STANDING COMMITTEE
AGENDA
(available also at www.citywindsor.ca)
Monday, January 11, 2016
4:30 PM
Council Chambers, 3rd Floor, Windsor City Hall

Members:

Councillor Bill Marra (Chairperson)
Councillor Chris Holt, Ward 4
Councillor Irek Kusmierczyk, Ward 7
Councillor Hilary Payne, Ward 9
Councillor Ed Sleiman, Ward 5

Member Lynn Baker
Member Barb Bjarneson
Member Simon Chamely
Member Michael DiMaio
Member Andrew Foot
Member Anthony Gyemi
Member John Miller
Member Dorian Moore
1. CALL TO ORDER

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

4. COMMUNICATIONS

5. ADOPTION OF THE PLANNING ACT MINUTES

6. PRESENTATION & DELEGATIONS (PLANNING ACT MATTERS)

7. PLANNING ACT MATTERS
   7.1. 1762643 Ontario Inc. (Dior Homes) - 1493 Parent Ave. - Zoning By-law Amendment to permit construction of a multi-unit residential building, Ward 4 (S 53/2015)
   7.2. 1849677 Ontario Ltd. - 5501 to 5533 Reginald Street - Condominium Conversion, Ward 8 (S 64/2015)

8. ADOPTION OF THE MINUTES

9. PRESENTATIONS AND DELEGATIONS (COMMITTEE & ADMINISTRATIVE MATTERS)
10. HERITAGE ACT MATTERS
   10.1. 446 Indian Road (Sandwich HCD) - Request for Demolition (S 58/2015)

11. ADMINISTRATIVE ITEMS

12. COMMITTEE MATTERS

13. QUESTION PERIOD

14. ADJOURNMENT
MISSION STATEMENT
“Our City is built on relationships – between citizens and their government, businesses and public institutions, city and region – all interconnected, mutually supportive, and focused on the brightest future we can create together”

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<th>REPORT #: S 53/2015</th>
<th>Report Date: 12/3/2015</th>
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<tr>
<td>Author’s Contact:</td>
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<tr>
<td>Justina Nwaesei, MCIP, RPP</td>
<td></td>
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<tr>
<td>Planner 11 - Development Review</td>
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<tr>
<td>519-255-6543 ext.6165</td>
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<tr>
<td><a href="mailto:jnwaesei@citywindsor.ca">jnwaesei@citywindsor.ca</a></td>
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<td>Date to PHEDSC: 1/11/2016</td>
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To: Planning, Heritage & Economic Development Standing Committee

Subject: Zoning By-law Amendment for the property known as 1493 Parent Avenue; File Z-017/15, ZNG/4574; Ward 4

RECOMMENDATION:
That an amendment to the Zoning By-law 8600 BE APPROVED to change the zoning of the land located on the northwest corner of the intersection of Parent Avenue and Shepherd Street East, described as Lots 162 and 163, Plan 937, from Institutional District 1.1 (ID1.1) to Residential District 3.1 (RD3.1), and by adding a special zoning provision as shown below:

(i) Notwithstanding the provisions of clause (a) of subsection (1) of Section 12 of By-law 8600, for the land described as Lots 162 and 163, Plan 937, situated on the northwest corner of the intersection of Parent Avenue and Shepherd Street east, a maximum of six dwelling units shall be permitted.

EXECUTIVE SUMMARY:

n/a
The applicant is requesting an amendment to Zoning By-law 8600 to permit the construction of a 6-unit residential building on the land located at the northwest corner of the intersection of Parent Avenue and Shepherd Street East and municipally known as 1493 Parent Avenue. The subject land is zoned Institutional District 1.1 (ID1.1). The land was previously used as a church (St. Anthony of Padua Roman Catholic Church).

City of Windsor construction permit records show that in August of 2011 a permit was issued for the demolition of the existing church on the site. The demolition permit was signed off as completed in March of 2012. The site is currently vacant.

The ID1.1 zoning category does not permit the proposed development of a 6-unit dwelling on the subject site and the applicant is requesting permission to change the zoning of the land to Residential District 3.1 (RD3.1). See Requested Zoning Amendment Map below.
REQUESTED ZONING AMENDMENT

APPLICANT: 1762643 Ontario Inc (Dior Homes).

DATE: November, 2015
FILE NO: 2-017/15,
ZNG/4574
DISCUSSION:

SITE INFORMATION:

<table>
<thead>
<tr>
<th>OFFICIAL PLAN</th>
<th>ZONING</th>
<th>CURRENT USE</th>
<th>PREVIOUS USE</th>
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</table>
| • Walkerville Planning District  
  • Residential Land Use     | Institutional District 1.1 (ID1.1) | Vacant land   | Church       |

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<tr>
<th>FRONTAGE</th>
<th>DEPTH</th>
<th>AREA</th>
<th>SHAPE</th>
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<tbody>
<tr>
<td>21.95m (72ft)</td>
<td>39.45m (129.42ft)</td>
<td>865.67m² (9318sq.ft.)</td>
<td>Rectangular</td>
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</table>

Note: All measurements are approximate.

NEIGHBOURHOOD CHARACTERISTICS:

Neighbourhood map

The subject land is within a low profile residential neighbourhood. The immediate neighbourhood contains single unit dwellings, duplex and semi-detached dwellings, combined use dwellings, churches, and auto repair shop.
At the southeast and southwest corners of the intersection of Parent Avenue and Shepherd Street East, there are combined use buildings containing some commercial uses on the lower level and residential units on the upper and lower levels. The combined use buildings are municipally known as 1500-1504 and 1501-1505 Parent Avenue. Another building known as 1506-1508 Parent Avenue appears to function as a combined use building with commercial use at the front and residential use behind.

Further east, at the northwest corner of the intersection of Shepherd and Langlois, there is a church at 1493 Langlois Avenue, with parking next north.

Further west, at the southeast corner of the intersection of Shepherd and Elsmere, there is an auto repair shop (Willy’s Auto) at 871 Shepherd Street East.

**Municipal Infrastructure/Services:**

- Parent 14 Transit Windsor Bus provides north and south bound service through Parent Avenue, between Erie Street east and Tecumseh Road east.
- Within a 5-minute walking distance (400m) of the subject land, there is Ottawa 4 Transit Windsor Bus providing east and west bound service along Ottawa Street between Parent Avenue and Walker Road.
- Within a 10-minute walking distance (800m) of the subject land, there is Transway 1C Transit Windsor Bus providing east and west bound service along Tecumseh Road East between Ouellette Avenue and Riverdale Avenue.
- The City’s records show that a combined sewer and storm sewer exist along the subject strip of Parent Avenue; therefore, there are municipal storm and sanitary sewers available to service the subject land.
- There is a municipal park (Gignac Park) within a 3-minute walking distance (250m) from the subject land.
- Parent Avenue is classified as a Class II collector Road in the Official Plan Volume 3, Schedule X, requiring a right-of-way width of 30.5m. The existing right-of-way width is approximately 30.5m.

**PLANNING ANALYSIS:**

**Provincial Policy Statement (PPS) 2014**

Policy 1.1.3.3 of PPS 2014 states, “Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.”

The proposed amendment is for the redevelopment of a previous church site. The proposed development of a 6-unit residential dwelling on the subject site constitutes
residential intensification. The neighbourhood characteristics, site information, and land use designation all make the subject land an appropriate location for the proposed residential intensification. The proposed amendment promotes redevelopment and intensification per policy 1.1.3.3 of PPS 2014.

Policy 1.4.3.(b)2 of PPS 2014 calls for Planning authorities to provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by permitting and facilitating all forms of residential intensification, including second units, and redevelopment in accordance with policy 1.1.3.3

The proposed 6-unit residential dwelling is an appropriate range and mix of housing types in the subject neighbourhood.

This amendment is consistent with PPS 2014.

Official Plan (OP)
The subject land is within the Walkerville Planning District, and is designated Residential in the Land Use Schedule of the Official Plan, Vol. 1.

s.6.3.2.1, Permitted Uses: “Uses permitted in the Residential land use designation identified on Schedule D: Land Use include Low, medium and High Profile dwelling units”. The subject land is within an area that is predominantly developed for small scale forms of low profile housing.

s.6.3.2.3, Types of Low Profile Housing: “(a) small scale forms: single detached, semi-detached, duplex and row and multiplexes with up to 8 units”. The proposed six-unit residential dwelling meets the above definition of a small scale form of low profile housing.

s.6.3.2.4, Locational Criteria: The information under Neighbourhood Characteristics in this report leads to the following conclusion:

That the proposed residential development on the subject land is being located where

a) There is access to a collector road (Parent Avenue);

b) Full municipal physical services are available and can be enhanced, if required;

c) Adequate community services and open spaces are available, including a municipal park (Gignac Park) within a 3-minute walking distance; and

d) Transit Windsor Buses are provided in front of, and in close proximity to, the subject land.

This amendment meets the locational criteria per s.6.3.2.4 of OP Volume 1.

A review of the Zoning By-law Amendment Policies, s.11.6.3 of OP Vol. 1, shows that the proposed Zoning By-law Amendment meets the evaluation criteria set out in s.11.6.3.3 of OP Vol. 1. This amendment conforms with the Official Plan (OP).
Zoning
The subject land is zoned Institutional District 1.1 (ID1.1) by Zoning By-law 8600. Appendix A, attached to this report, contains excerpts from the Zoning By-law 8600. The permitted uses in the ID1.1 zoning district can be found under Appendix A. The proposed 6-unit residential development is not permitted in the ID1.1 zoning district.

The applicant has proposed a new zoning district, Residential District 3.1 (RD3.1), in order to facilitate the proposed residential redevelopment. The uses permitted in the RD3.1 zoning district can be found under Appendix A. The RD3.1 zoning district encourages medium to high density residential developments. The subject land is within an area zoned mostly Residential District 2.1 (RD2.1), which permits low/medium density residential developments containing a maximum of two (2) dwelling units. The predominant housing type in the immediate area is low/medium density residential developments containing a maximum of 2 dwelling units. Therefore, the proposed medium density development (6-unit residential dwelling) should be capped at 6 dwelling units maximum to ensure that the redevelopment stays closer to the existing neighbourhood character.

The applicant provided a conceptual site plan which appears to have zoning deficiencies. The conceptual site plan is attached to this report as Appendix B. It is understood that the site plan is merely conceptual in nature. The applicant would have to ensure that the site plan is later revised to comply with the zoning bylaw 8600.

Site Plan Control
The proposal is deemed a development according to Section 41(1) of the Planning Act and By-law 1-2004; therefore, Site Plan Approval is required.

The site plan approval process is the more appropriate tool for addressing the issues of corner cut-off and ramp/curb-cut location which were presented by the Transportation Planning Division in their comment attached to this report under Appendix “C”. In addition, the Alley contribution and Backwater Valve requirements of the Engineering Division of Public Works will also be addressed at the Site Plan Approval stage.

Issues to be resolved
None

Alternatives for consideration
n/a

RISK ANALYSIS:
No known risk.

FINANCIAL MATTERS:
None
CONSULTATIONS:

Comments from the municipal departments and external agencies are attached as Appendix C to this report. There are no objections to the subject amendment. Below are some important points arising from the comments shown in Appendix C:

Transportation Planning has requested the following:

1. A gratuitous land conveyance for a 4.6m x 4.6m corner cut-off at the intersection Parent Avenue and Shepherd Street East, per the Official Plan.

2. A curb cut or ramp designed and located to provide unobstructed access between an accessible parking space and the principal pedestrian building entrance and shown on the site plan.

Engineering Division of Public Works expects the following requirements to be addressed at the Site Plan Approval stage:

Alley Contribution – The owner/applicant is required to contribute the sum of $500.00 payable to the Publics Works and deposited in the General Fund intended for the upkeep of alleys within the City of Windsor.

Backwater Valve – The owner/applicant is required to install backwater valve or similar apparatus on any connection to municipal combined sewer, as a precaution and to mitigate possible damage from surcharge of the sewer to the satisfaction of the City Engineer, and the Chief Building Official.

Corner Cut-Off – The owner/applicant is required to gratuitously convey a [4.6m x 4.6m (15ft x 15ft)] corner cut-off at the intersection of Parent Avenue and Shepherd Street East in accordance with City of Windsor Standard Drawing AS-230.

Public Notice:
The official notice will be advertised in the Windsor Star Newspaper as mandated by the Planning Act.

All properties within 120m (400 feet) of the subject parcel will receive courtesy notice by mail prior to the Planning Heritage and Economic Development Standing Committee (PHEDSC) meeting.

CONCLUSION:

The proposed residential redevelopment of the former church site is consistent with the PPS 2014. The proposed level of intensification is appropriate for the subject site in the subject neighbourhood.

This amendment is in conformity with the Official Plan and constitutes good planning.

The Planning Division recommends approval of the applicant’s request subject to a cap on the number of dwelling units.
PLANNING ACT MATTERS:

I concur with the above comments and opinion of the Registered Professional Planner.

Don Wilson, MCIP, RPP   Thom Hunt, MCIP, RPP
Manager of Development Applications   City Planner

I am not a registered Planner and have reviewed as a Corporate Team Leader

SAH   HR

APPENDICES:

1. Appendix A - Excerpts from Zoning By-law 8600
2. Appendix B - Conceptual Site Plan
3. Appendix C - Comments from Municipal departments and External agencies
4. Appendix D - Site Photos
5. Draft Amending By-law
SECTION 13 - INSTITUTIONAL DISTRICTS 1. (ID1.)

(l) INSTITUTIONAL DISTRICT 1.1 (ID1.1)

(a) Permitted Uses

(i) A church; church hall;

(ii) A school; day nursery; a business office and other facilities of a non-profit or charitable organization;

(iii) Any one (i) or more of the following uses within an existing building which is owned and maintained by a public authority: a business office; professional studio.

(iv) Any use accessory to the foregoing use.

(b) Regulations

(i) Minimum lot area - 700 square metres

(ii) Minimum lot frontage - 20 metres

(iii) Maximum lot coverage - 50% of the lot area

(iv) Minimum front yard depth - 6 metres

(v) Minimum rear yard depth - 7.5 metres

(vi) Minimum side yard width - the greater of 50% of the building height or 3 metres.

(vii) Minimum landscaped open space yard - 20% of the lot area.

(viii) Maximum building height

Main Building - 14 metres

Accessory Building - 4.5 metres

(ix) Supplementary Regulations:

- See Section

21 re: Supplementary Use Regulations
22 re: Supplementary Lot Regulations
23 re: Supplementary Building Regulations
24 re: Parking Space Regulations
25 re: Parking Area Regulations
SECTION 12 - RESIDENTIAL DISTRICTS 3. (RD3.)

(l) Residential District 3.1 (RD3.1)

(a) Permitted Uses

(i) A double duplex dwelling; multiple dwelling; residential care facility; lodging house; convent; monastery; 

(ii) A townhome dwelling; semi-detached dwelling; duplex dwelling. 

(iii) Any existing single unit dwelling. 

(iv) Any use accessory to the foregoing uses. 

(v) Notwithstanding the provisions of clause (a) of subsection (l) of Section 12 of By-law 8600, for the lands comprising Lots 187 and 188, Registered Plan 548, situated on the north side of Brock Street, west of Bloomfield Road, a maximum of six dwelling units shall be permitted.

(b) Regulations

(i) Minimum lot frontage - 18 metres 

(ii) Minimum lot area - 550 square metres for the first 4 dwelling units; 85 square metres for each additional dwelling unit.

(iii) Notwithstanding the provisions of sub-paragraph (ii) of this paragraph, on a corner lot having a minimum frontage of 30 metres on each of the exterior lot lines, the maximum number of permitted dwelling units may be increased by 25%.

(iv) Maximum main building height

Interior Lot - 9 metres 

Corner Lot - 9 metres, where any exterior lot line is less than 30 metres in length; or 14 metres, where each exterior lot line is a minimum of 30 metres in length.

(v) Maximum lot coverage - 35% of the lot area 

(vi) Minimum landscaped open space yard - 35% of the lot area.

(vii) (DELETED by B/L 162-1998, June 24, 1998)
The minimum side yard width on each side shall be equal to 30% of the building height except:

1. Where a habitable room window of any dwelling unit faces a side lot line, the minimum side yard width on that side shall be 6.0 metres;

2. Where an access area is provided between a building wall having no habitable room windows and a side lot line, the minimum side yard width shall be the greater of 3.0 metres or 30% of the building height.

Minimum front yard depth - 6 metres

Minimum rear yard depth - 7.5 metres

Notwithstanding the provisions of sub-paragraphs (i) to (x) inclusive of this paragraph, SEMI-DETACHED OR DUPLEX DWELLING, A MULTIPLE DWELLING having a maximum of 4 dwelling units, double duplex dwelling or TOWNHOME DWELLINGS and any use accessory thereto shall be in accordance with the provisions of paragraph (b) of subsection (2), of Section 11, RD2.2 DISTRICT, of this by-law applicable thereto.

Notwithstanding the provisions of sub-paragraph (i) to (x) inclusive of this paragraph, any building used for a LODGING HOUSE for the accommodation of a maximum of ten (10) persons and any use accessory thereto shall be in accordance with the provisions of paragraph (b), of subsection (1), of Section 10, RD1.1 DISTRICT, of this by-law applicable thereto; provided, further, that the whole of the building shall be used for a lodging house and may also include any use accessory thereto.

Notwithstanding the provisions of sub-paragraphs (i) to (x) inclusive of this paragraph, any additions to an EXISTING SINGLE-UNIT DWELLING, EXISTING DUPLEX DWELLING, EXISTING SEMI-DETACHED DWELLING and any use accessory to the foregoing uses shall be in accordance with the provisions of paragraph (b), of subsection (2), of Section 11, RD2.2 DISTRICT, of this by-law applicable thereto.

Supplementary Regulations:

- See Section
  21 re: Supplementary Use Regulations
  22 re: Supplementary Lot Regulations
  23 re: Supplementary Building Regulations
  24 re: Parking Space Regulations
  25 re: Parking Area Regulations
Comments from Municipal Departments and External Agencies

**OPERATIONS DEPT–Manager of Environmental Services**, Anne Marie Albidone (Nov. 9, 2015)
No concerns from Environmental Services.

**FINANCE DEPARTMENT - Assessment Data Analyst**, Rick Murdoch (Nov. 9, 2015)
No objection to this proposal

**PLANNING DIVISION – (Site Plan Approval Officer)**, Melissa Gasic (Nov. 9, 2015)
Site plan approval will be required.

**PLANNING DIVISION – POLICY**, Chris Aspila (Nov. 16, 2015)
Planning Policy supports this proposed rezoning.

**Official Plan**
The proposed amendment from ID1.1 to RD3.1 is consistent with the existing ‘Residential’ land use designation in the Official Plan for this property.

The form of the proposed development is consistent with small scale residential as described in s. 6.3.2.3 of the Official Plan.

The locational criteria in s. 6.3.2.4 of the Official Plan are satisfied noting that the property is located adjacent to Transit Windsor service on Parent Avenue and is within 200m of open space on Shepherd Street.

This property is located within generally accepted walking distance (400 metres) of the western section of the Ottawa Street Neighbourhood Corridor designated on Official Plan Schedule ‘J’ – Urban Structure Plan.

The proposed development represents a redevelopment opportunity of this former church site.

The proposed development is consistent with the character of the existing medium density neighbourhood.

**PPS**
The proposed development in this application is consistent with the PPS (2014).

**PARKS & FACILITIES (Landscape Architect)** – Stefan Fediuk (Nov. 23, 2015)
No objections from a landscape architectural perspective. No additional studies required.

Application will be subject to Site Plan Review at which time detailed landscape comments will be made. At that time it will be requested that the applicant consider the access to the rear parking lot to be relocated from the back lane to Sheppard. Rationale: There are 3 trees on the property two along Sheppard and one along the back lane. The only one that is healthy is the one in the back lane which according to the plan will be removed to provide access to the parking lot. It is asked that the Site Plan Approvals officer consider this when pre-consulting with the applicant.
The applicant is requesting an amendment to the Zoning By-law to rezone the land to Residential District 3.1 (RD3.1) to facilitate construction of a multi unit residential building containing 6 units.

After review of the subject lands pertinent to the subject application, Transportation Planning has the following comments:

- Parent Avenue is classified as a Class II Collector road that requires a right-of-way width of 30.5 metres. The current right-of-way width is 30.5 metres. No land conveyance is required. There are sidewalks on both sides of the road. There is an existing bicycle lane along Parent Avenue.

- Shepherd Street East is classified as a Local road that requires a right-of-way width of 20.1 metres. The current right-of-way width is 20.1 metres. There are sidewalks on both sides of the road.

- A gratuitous land conveyance for a 4.6m x 4.6m corner cut-off at the intersection Parent Avenue and Shepherd Street East is required, as per the Official Plan.

A curb cut or ramp shall be designed and located to provide unobstructed access between an accessible parking space and the principal pedestrian building entrance and shall be shown on the site plan.

ENGINEERING – PWD – Tony Ruffolo & Pat Winters (Nov. 27, 2015)

We have reviewed the servicing requirements of the subject lands relative to a rezoning application and have the following comments.

The site is located at the corner of Parent Avenue and Shepherd Street East. The nature of the application is a requested rezoning from ID1.1 to RD3.1 in order to facilitate construction of a multi unit residential building. We offer the following comments for consideration:

Sewers

The following sewers are available on Parent Avenue to the site:

- **Combined Sewer** – 750 x 1125mm brick pipe
- **Storm Sewer** – 2100mm concrete pipe

This property is the former site of St Anthony of Padua Roman Catholic Church which was demolished in 2010. As such, there may be existing private drain connection(s) available to the site. Existing connections shall be used whenever possible and redundant connections shall be abandoned in accordance with City Specifications. For site servicing design purposes the existing combined sewer on Parent Avenue shall be considered as the only available outlet to the site, as direct connection to the trunk storm sewer is not permitted. New sanitary and storm services shall be separated at the property line in accordance with City of Windsor Engineering Best Practice BP1.1.1 [Connections to Combined Sewers – Non Residential Developments]. A sanitary sampling manhole will be required at the property line of the subject lands. The capacity of the existing storm system is limited and therefore the applicant will be required to submit storm detention calculations showing that the runoff has been restricted to pre-development flows. A backwater valve(s) is/are recommended (if they can be installed in
compliance with the Ontario Building Code) for any proposed connection to the existing combined municipal sewer.

**Right-of-Way**
The City of Windsor’s official plan classifies Parent Avenue as a class 2 collector road requiring a right-of-way width of 22m. The current right-of-way is 30.5m in width and as such no land conveyance will be requested. Similarly, no conveyance is required on Shepherd Avenue which is classified as a local residential road and currently has the required right-of-way width of 20m. A corner cut off (15 feet x 15 feet) is requested at Parent and Shepherd.

There is a paved alley west of the property located midblock on Shepherd between Elsmere Avenue and Parent Avenue. The alley is used by adjacent residential properties, and as such an alley closure is not requested at this time. The alley is proposed to be used as access to the redevelopment at this site; therefore, an alley contribution is required for the maintenance of the alley by City forces.

In summary we have no objection to the proposed rezoning. Below are our preliminary requirements which should be addressed in greater detail at the time this application goes through site plan control:

**Site Plan Control Agreement** – The owner(s) agree to enter into an agreement with the City of Windsor for all requirements under the General Provisions of the Site Plan Control Agreement from Public Works

**Alley Contribution** – The owner(s) agrees, prior to the issuance of a Building Permit, to contribute the sum of $500.00 payable to the Public Works and deposited in the General Fund intended for the upkeep of alleys within the City of Windsor.

**Backwater Valve** – The applicant(s) agree to install backwater valve or similar apparatus on any connection to municipal combined sewer, as a precaution and to mitigate possible damage from surcharge of the sewer to the satisfaction of the City Engineer, and the Chief Building Official.

**Corner Cut-Off** – The owner(s) agrees, prior to the issuance of a construction permit, to gratuitously convey a [4.6 m x 4.6 m (15’ x 15’)] corner cut-off at the intersection of Parent Avenue and Shepherd Street East in accordance with City of Windsor Standard Drawing AS-230.

I trust that the above is satisfactory; however, should you have any questions or concerns, please contact Pat Winters of this office at (519) 255-6257 ext. 6462.

**UNION GAS** – Allison Branget (Dec. 1, 2015)
No objection

No objections.

**ENWIN UTILITIES (Hydro)** – J. Raniwsky (Dec. 1, 2015)
No objection.

**WINDSOR POLICE SERVICE**, Barry Horrobin (Dec. 3, 2015)
Generally speaking the proposed redevelopment for this site (a 6 unit residential dwelling) represents a positive re-use of vacant land. Vacant land tends to, over time, become increasingly attractive to
problematic behaviour that does not support the overall social health of a neighbourhood. Therefore, redevelopment will inject positive activity generation where none existed there in recent years. This is a sound public safety attribute for this neighbourhood.

A search of our records for the past three full years indicates the 1400 and 1500 blocks of Parent Avenue collectively generated an average of approximately 55 incidents annually requiring our response and intervention for a wide variety of activities, both criminal and non-criminal in nature. This is slightly above average but not really any cause for concern. While the proposal for a six unit dwelling represents a density well above what the immediate neighbourhood typically exhibits (mostly single unit residential dwellings), the proposal does not raise any concerns regarding compatibility in this particular instance. The reason is the site location is on a corner lot and therefore represents a sort of transitional residential use.

There are some specific public safety and security features we will want to ensure get implemented with this redevelopment but those can be addressed adequately during the site plan review stage of the application. The Windsor Police Service supports the application as an example of good planning.
Appendix D - Site Photos (taken on Nov. 19 & 20, 2015)

PICTURE #1
View of subject land & properties east of the subject land

PICTURE #2
View of subject land & properties north of the subject land

PICTURE #3:  View of subject land & properties west of the subject land
Appendix D - Site Photos (taken on Nov. 19 & 20, 2015)

Southwest corner

Northwest corner

Four Corners of the intersection of Parent Avenue and Shepherd Street East

Southeast Corner

Northeast corner
#9 View of Parent Ave. looking north from Shepherd Street

#10 View of Shepherd Street looking easterly from Parent Ave.

#11 View of Shepherd Street looking westerly from Parent Avenue

#12 View of north/south alley abutting west of subject land

#13 View of subject land looking north from Shepherd Street
A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW"

Passed the day of , 2016.

WHEREAS it is deemed expedient to further amend By-law Number 8600 of the Council of The Corporation of the City of Windsor, cited as the "City of Windsor Zoning By-law" passed the 31st day of March, 1986, as heretofore amended:

THEREFORE the Council of The Corporation of the City of Windsor enacts as follows:

1. By-law Number 8600 is further amended by changing the District Maps or parts thereof referred to in Section 3, of the by-law and made part thereof, so that the zoning district symbol of the lands described in Column 3 shall be changed from that shown in Column 5 to that shown in Column 6:

<table>
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<th>Zoning District Map Part</th>
<th>Lands Affected</th>
<th>Official Plan Amendment Number</th>
<th>Zoning Symbol</th>
<th>New Zoning Symbol</th>
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<td>Lots 162 and 163, Plan 937 located at the northwest corner of the intersection of Parent Avenue and Shepherd Street E.</td>
<td>n/a</td>
<td>ID1.1</td>
<td>RD3.1</td>
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2. That subsection 1 of Section 20, of said by-law, is amended by adding the following paragraph:

"328. For the lands described as Lots 162 and 163, Plan 937 located at the northwest corner of the intersection of Parent Avenue and Shepherd Street East, the following additional regulation shall:

(i) Notwithstanding the provisions of clause (a) subsection (1) of Section 12 of By-law 8600, for the lands described as Lots 162 and 163, Plan 937, situated on the northwest corner of the intersection of Parent Avenue and Shepherd Street East, a maximum of six dwelling units shall be permitted.[ZDM 7; ZNG-4574]"

3. The said by-law is further amended by changing the District Maps or parts thereof referred to in Section 3, of said by-law and made part thereof, so that the lands described in Column 3 are delineated by a broken line and further identified by the zoning symbol shown in Column 5:

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<td>1</td>
<td>7</td>
<td>Lots 162 and 163, Plan 937 located at the northwest corner of the intersection of Parent Avenue and Shepherd Street E.</td>
<td>S.20(1)328</td>
<td></td>
</tr>
</tbody>
</table>

DREW DILKENS, MAYOR

CLERK

First Reading - , 2016
Second Reading - , 2016
Third Reading - , 2016
1. By-law __________ has the following purpose and effect:

To amend the zoning of the lands described as Lots 162 and 163, Plan 937 located at the northwest corner of the intersection of Parent Avenue and Shepherd Street E., and municipally known as 1493 Parent Avenue, by changing the zoning of the subject property from Institutional District 1.1 (ID1.1) to Residential District 3.1 (RD3.1) and limiting the number of dwelling units to a maximum of 6 units on the subject land.

This amendment provides the opportunity for a residential redevelopment with appropriate level of intensification for the subject neighbourhood. This amendment will help make the subject intersection more vibrant and will facilitate the enhancement of the streetscape.

2. Key map showing the location of the lands to which By-law __________ applies.
MISSION STATEMENT
“Our City is built on relationships – between citizens and their government, businesses and public institutions, city and region – all interconnected, mutually supportive, and focused on the brightest future we can create together”

REPORT #: S 64/2015
Report Date: 12/7/2015
Author’s Contact: Tom Cadman, MCIP, RPP
Planner III, Subdivisions
tcadman@citywindsor.ca
519-255-6543, ext. 6457

Date to Council: January 11, 2016
Clerk’s File #: ZP/12403

To: Mayor and Members of City Council

Subject: CDM-006/15 [CDM/4526] - 1849677 Ontario Ltd. - 5501 to 5533 Reginald Street - Condominium Conversion Ward 8

RECOMMENDATION:
I That the application of 1849677 Ontario Limited for approval of a draft plan of condominium for a property legally described as Part of Lot 114, Concession 1, City of Windsor, known municipally as 5501 to 5533 Reginald Street, to permit the conversion of a rental townhome complex containing 17 residential dwelling units to condominium tenure, as shown on the attached Map No. CDM-006/15-2, BE APPROVED subject to the following:

A. The owner shall enter into a condominium agreement to provide for the following together with all items contained in the Consultation section of this report;
B. That the draft plan approval shall lapse on ___________ (3 years from the date of approval);
C. Existing tenants shall be given a right of first-refusal to purchase the dwelling unit they presently occupy;
D. In the event that existing tenants do not exercise their option to purchase their dwelling unit, they shall be offered a life time non-transferable lease which shall be registered on title and binding on all subsequent owners. Such lease shall be satisfactory in form to the City Solicitor;
E. The owner shall agree to comply with and remedy all site/building defects and deficiencies, including submission of applicable certificates, as contained in the:
   1. Building Condition Assessment report prepared by TSS Building Science (London) Incorporated, completed April 3, 2015, with all corrections and improvements to be cleared as completed by a Professional Engineer retained by the owner; and
   2. Building Department’s Order to Repair dated December 2, 2015, as included in Appendix ‘A’ of this report.
All corrections and improvements shall be to the satisfaction of the Chief Building Official.

F. The owner shall agree to comply with and address any requirements identified in the Public Works Department – Engineering -Development, Projects & Right-of-Way October 26, 2015 comments (in Appendix ‘A’), as indicated below, to the satisfaction of the City Engineer or designate:

1. Submission of Site Servicing Plans for storm, sanitary and water services;
2. Installation of a sanitary sewer-sampling manhole, if one does not exist, at the property line;
3. Removal and replacement of the existing lead-in walk in the Reginald Street right-of-way;
4. Removal of the existing driveway approaches and reconstruction in such width and location as approved by the City Engineer, including provision of straight flare driveway approaches and termination of raised curbs so that the raised curbs do not extend into the driveway approaches, outside the subject property;
5. All non-residential driveway approaches of concrete shall be in compliance with City of Windsor Satandard Drawing AS-204;
6. Apply for street opening permits for sewer taps, drain taps, flatworks, landscaping, curb cuts and driveway approaches prior to commencement of any construction on the public highway; and
7. Execution of a reciprocal agreement with the abutting property owners, if required, for services.

G. The owner shall agree to remedy all safety and security deficiencies identified in the Windsor Police Services October 27, 2015 comments (in Appendix ‘A’), as indicated below, to the satisfaction of the Director of Planning for Windsor Police Services:

1. Installation of locks of higher security (i.e. Medeco, Primus) with a key design that is patent protected and where unauthorized key duplication is restricted, on all exterior doors of each building;
2. Installation of a one-way privacy viewing port on the entry door of each residential unit;
3. Installation of a locking ring/and or post attached to the patio floor or adjacent wall for all residential units to prevent theft of items;
4. Removal of the temporary chain link fence by the dwelling units at the far south end of the property that extends to the wooden privacy fence on the property line, to provide access to the surrouinding amenity area; and
5. Trimming and thinning of all trees and shrubbery located on the site, particularly along the west property line, to provide appropriate visibility for security purposes;

H. The owner shall agree to submit a photometric plan to both the Corporation’s Landscape Architect and the Director of Planning for Windsor Police Services for approval, prior to final approval and registration of the condominium plan. The photometric plan shall be prepared by a qualified lighting consultant (i.e. lighting engineer, landscape architect, etc.) in accordance with the City Guidelines found in CR228/2005 Lighting Intensity Standards Study, showing all anticipated lighting improvements, including replacement of existing fixtures that are not of “Full Cut-Off” type. The photometric plan shall include any manufacturer product data sheets and verification that any proposed fixtures are ‘Full Cut-Off’, with the following minimum and maximum illumination levels measured in foot-candles (Fc):
a. uncovered parking areas - 0.5 min./4.0 max.;
b. walkways - 0.5 min./2.0 max.;
c. building entrances - 3.5 min./8.0 max.;
d. loading and outdoor garbage storage areas - 1.0 min./2.5 max.; and
e. after hours lighting (11:00pm to 5:00am) - 0.5min./2.0max.

I. The owner shall agree to address the requirements identified in the comments from the Corporation’s Landscape Architect’s October 26, 2015 comments (in Appendix ‘A’), as indicated below, to the satisfaction of the Corporation’s Landscape Architect:

1. Submission of a Landscape Plan (3 full-size copies of all plans) prior to final approval and registration of the condominium plan. The Landscape Plan shall be prepared by a Landscape Architect registered with the OALA, complete with plant material, surface treatments, site amenities, proposed exterior lighting (including wall mounted luminaries) and all details. The Landscape Plan shall include the location of all existing and proposed light fixtures and any manufacturer product data sheets and verification that any replacement or proposed fixtures are ‘Full Cut-Off’.

The plan is to address the following issues:

a. Consideration of a wider diversity of Genus when selecting species, in order to reduce total loss during a pathogen epidemic as seen with the Emerald Ash Beetle and Dutch Elm Disease;

b. Selection of plant species capable of withstanding the Windsor/Essex County climatic including cold and heat hardiness, soil conditions, and any other environmental conditions that may affect the sustainability of a plants health; and

c. Coordination of trees and light poles/signs to reduce conflict.

J. The owner shall agree to provide a minimum of 1 Type ‘A’ (3.5m x 5.5m) accessible parking space, as per By-law 8600, in the complex parking area, designated with appropriate signage and with access aisles that meet the specifications as set out in the Integrated Accessibility Standards under the AODA. All improvements are to be to the satisfaction of the City Engineer and Chief Building Official;

K. The owner shall agree to provide adequate storage space for appropriate and approved garbage, recycling and yard waste containers, in compliance with municipal by-laws, to the satisfaction of the Manager of Environmental Services and Chief Building Official;

II. That the owner shall remove the existing sign encroaching into the Reginald Street right-of-way or alternatively, enter into an Encroachment Agreement with the City to provide for the encroachment, to the satisfaction of the Civic Engineer and Chief Building Official.

III. Final approval of the plan of condominium shall not be considered until all of the required works or undertakings identified in ‘I. Recommendations I’ of this report have been completed to the satisfaction of the respective agencies and departments, and a Condominium Agreement has been registered against the subject lands.

EXECUTIVE SUMMARY:

N/A
BACKGROUND:

APPLICATION INFORMATION:

LOCATION: South side of Reginald Street between Ford Boulevard and Ferndale Avenue and is known municipally as 5501 to 5533 Reginald Street (Lot 114 Concession 1, City of Windsor).

WARD: 8  PLANNING DISTRICT: 4  ZDM: 10

APPLICANT: 1849677 ONTARIO LIMITED

AUTHORIZED AGENT: MHBC Planning, Urban Design & Landscape Architecture

PROPOSAL: The applicant is applying for approval to permit the conversion of a rental townhome complex constructed in 1978, containing 17 two-storey townhome dwelling units, to condominium tenure.

MAP OF SUBJECT LANDS
SITE INFORMATION:

<table>
<thead>
<tr>
<th>OFFICIAL PLAN</th>
<th>ZONING</th>
<th>CURRENT USE</th>
<th>AVAILABLE PARKING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>Residential District RD3.4</td>
<td>17 Residential Dwelling Units</td>
<td>Total of 23 spaces</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>WIDTH</th>
<th>DEPTH</th>
<th>AREA</th>
<th>PARKING @ 1.25 SPACES PER UNIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>36.71 m</td>
<td>112.04 m</td>
<td>0.404 hectares</td>
<td>Total 21 spaces</td>
</tr>
<tr>
<td>120.43 ft</td>
<td>367.57 ft</td>
<td>0.998 acres</td>
<td></td>
</tr>
</tbody>
</table>

*All measurements are approximate.*

NEIGHBOURHOOD CHARACTERISTICS:

The subject property has frontage on south side of Reginald Street. The surrounding uses are comprised of single detached residential dwellings to the east and a Windsor-Essex Community Housing Corporation townhome complex to the north, south and west.

TRAFFIC, ACCESS AND PARKING:

The townhome complex has access from Reginald Street, a Local Road.

Section 11.5.4.3 (h) of the Official Plan stipulates that applications for conversion of rental buildings to condominium, must address the adequacy of on-site parking. The parking supply is discussed further under the Planning Act Matters - ‘Zoning By-law’ Section of this report.

RELATIONSHIP TO MUNICIPAL SERVICES:

Windsor Transit operates the Ottawa 4 bus route on Ford Boulevard, one block to the west of the subject property.

DISCUSSION:

N/A

RISK ANALYSIS:

N/A

FINANCIAL MATTERS:

N/A

CONSULTATIONS:

Comments received from municipal departments, service units and external agencies are included in Appendix ‘A’.

As required in the Planning Act, notice was provided by advertisement in the Windsor Star. In addition, a courtesy notice to all property owners and tenants within 120 metres (400 feet) of the subject parcel were sent by mail.
PLANNING ACT MATTERS:

PLANNING ANALYSIS:

OFFICIAL PLAN:
The subject property is designated “Residential” in the City of Windsor Official Plan. The use is a permitted use.

The City of Windsor has established policies for conversion that are set out in the Official Plan. The policies cover a variety of items including site and building upgrading and tenant accommodation and notification, and rental vacancy rate benchmarks (see attached Appendix ‘B’). These City of Windsor policies are designed to protect the interests of tenants and future condominium owners.

EVALUATION OF STRUCTURAL INTEGRITY, LANDSCAPING AND SAFETY OF TENANTS:
Comments have been prepared by the appropriate individuals and municipal divisions regarding items such as structural integrity of the building and property standard compliance, upgrading of landscaping, the appropriateness of the site, and safety issues related to the building and safety of the residents. Comments on these items are contained in this report and have been included in the recommendations section.

TENANT ACCOMMODATION:
The requirements of the Official Plan policies for satisfying the “feasibility of accommodation of existing residents of the rental housing development within the proposed condominium development”, will be addressed by the applicant offering all tenants in the complex who do not wish to purchase their unit, a lifetime lease. No tenant will be required to vacate their unit by reason of sale of the unit. However, tenants will remain subject to all applicable rental legislation.

RESIDENTIAL RENTAL MARKET VACANCY RATE:
The Official Plan policies specify that if the vacancy rate is above 3%, conversions may be allowed. The most recent figures from Canada Mortgage and Housing (October 2014) indicate that the vacancy rate for the City of Windsor is approximately 4.3%.

IMPACT ON RENTAL HOUSING SUPPLY & RENTAL AFFORDABILITY:
The Official Plan policies specify that the conversion of rental housing to condominium status will not have an adverse impact on the supply of rental housing in the City and as it relates to affordable housing. The proposed conversion, when totalled with any other dwelling units which have been approved for conversion in the previous two-year period, cannot result in the conversion of 5% or more of the existing rental stock. Currently, the percentage of units approved for conversion in the last two years, is 0.6 percent of the existing rental supply.

The Rent Roll indicates that rents for the townhomes within this complex range from $570.20 to $795.00 per month, for an overall average of $731.80 per month. The 2014 CMHC Rental Market Report indicates the average rent for townhomes with 2-bedrooms in Windsor is $846.00 and with 3+ bedrooms is $967.00. The average monthly rental for the townhome units within this complex is below the average rental rate for Windsor.
**TAXATION IMPLICATIONS:**

Unrelated to consideration of planning issues, there are tax implications that Council has requested on previous condominium conversion applications to be included as part of administration’s reports. This information can be found under the Taxation section in Appendix ‘A’.

**ZONING BY-LAW**

The property is zoned Residential District 3.4 (RD3.4) in By-law 8600 (See attached Appendix ‘C’). The existing townhomes are permitted under this zoning category.

The evaluation criteria for development listed in 6.3.2.5 (d) of the Official Plan, states that a development must have adequate off street parking. There are a total of 23 parking spaces available on the site. This represents a ratio greater than 1.25 parking spaces per dwelling unit, as required under Section 24 – Parking Space Regulations of By-law 8600.

There currently does not appear to be a parking problem with this property. Therefore, given the proximity to a Transit Windsor bus route on Ford Boulevard, as well as the availability of on-street parking on Reginald Street, 23 parking spaces would appear to be adequate to meet the needs of condominium owners and tenants.

In addition, Section 24.10.15.1 of By-law 8600 stipulates that a deficiency does not have to be made up if the existing building had insufficient parking spaces, visitor parking spaces, accessible parking spaces or bicycle parking spaces, prior to the adoption of By-law 8600. Such is the case with this property.

However, despite this, it is recommended that a minimum of one (1) Type ‘A’ (3.5m x 5.5m) accessible parking space be designated with appropriate signage within complex parking area. Provision of a bicycle rack facility accommodating a minimum of 3 bicycles for the property, does not appear warranted, given Section 24.10.15.1 of By-law 8600 and since Windsor Police Services has requested a locking facility be installed for each townhome dwelling unit that could accommodate bicycles, BBQs et cetera.

**PARKLAND CONVEYANCE/PAYMENT-IN-LIEU:**

The requirement for parkland conveyance/cash-in-lieu thereof, was addressed for this property at the time the building permit was issued in 1978 (refer to Council Resolution CR416/2007 in Appendix ‘B’).

**ACCESSIBILITY:**

Pursuant to the Accessibility for Ontarians with Disabilities Act 2005, the Province of Ontario is developing mandatory standards for the built environment.

The City of Windsor does not warrant or confirm that approval of a condominium conversion will be sufficient to achieve compliance with future built environment standards.

**ISSUES TO BE RESOLVED:**

The applicant will be responsible for the completion of all the improvements and corrections to the building and property, as identified in the Recommendation and Consultation sections of this report.
CONCLUSION:
The application has been processed and evaluated considering the Ontario Planning Act and Condominium Act, City of Windsor Official Plan policies and comments received from municipal staff and outside agencies. Administration is recommending that the draft plan be approved based upon the relevant legislation and policies of the Official Plan.

Approval is to be granted upon the satisfactory completion of the improvements and corrections to the property related to the dwelling units, safety, security and amenity features, as identified in the Recommendation and Consultation sections of this report. All physical improvements to the site and building are to be completed prior to final approval by the City and registration of the condominium plan.

I concur with the above comments and opinion of the Registered Professional Planner.

Don Wilson, Manager of Development Applications
Thom Hunt, City Planner/Executive Director

I am not a registered Planner and have reviewed as a Corporate Team Leader

SAH   HR

APPENDICES:

1. APPENDIX A - Agency Comments
2. APPENDIX B - Excerpts from City of Windsor Official Plan
3. APPENDIX C - Excerpts from Zoning By-law 8600
4. APPENDIX D - Plan of Condominium
5. APPENDIX E - Site Photos
APPENDIX ‘A’
COMMENTS FROM DEPARTMENTS AND EXTERNAL AGENCIES

BUILDING INSPECTION DIVISION:

To: 1849677 ONTARIO LTD
    C/O MIKE MEDAOUI
    470 DUNDAS ST SUITE 106
    LONDON ON N6B 1W3

Description: CON 1 PT LOT 114;
              IRREG; 120.43 FR  367.57 D

Property Address: 5501 – 5533 REGINALD ST

Roll Number: 070-500-09700-0000

Date of Inspection: December 2, 2015

Violation Number: 15  214506

WHEREAS Section 15.1(3) of the Building Code Act, S.O. 1992, c.23, as amended, authorizes municipalities to enact by-laws prescribing standards for the maintenance and occupancy of all property within the municipality and for prohibiting the occupancy or use of such property that does not conform to the standards; and for requiring any property that does not conform with the standards to be repaired and maintained to conform with the standards as described herein or the site to be cleared of all buildings, structures, debris or refuse and the lands left in a graded and levelled condition;

AND WHEREAS the Official Plan for The Corporation of the City of Windsor includes provisions relating to property conditions as required by section 15.1(3) of the Building Code Act, S.O. 1992, c.23, as amended;

AND WHEREAS The Corporation of the City of Windsor has passed By-law 147-2011 as amended by by-law 213-2011, being a By-law to establish Standards for the Maintenance and Occupancy of Property in the City of Windsor;

TAKE NOTICE that the property, owned by you, situated at: 5501 REGINALD ST
Does not conform to the standards set forth in By-law Number 147-2011as amended by By-law 213-2011

DESCRIPTION OF PROPERTY:

ROW I TOWN HOUSE RENTAL COMPLEX 17 UNITS TOTAL

DEFECT 1 (ELECTRICAL) Section 1.1
Every owner of a residential property shall maintain the property or part thereof they occupy or control in a clean, sanitary and safe condition in accordance with municipal by-laws.

CORRECTION
The owner shall request an Electrical Safety Authority inspector to carry out an inspection of the electrical wiring for the entire property and prepare a report listing the existing hazards or unsafe conditions and deficiencies. The owner shall obtain the services of a competent Licensed Electrical Contractor to make all necessary repairs to the electrical systems and provide a letter from the Electrical Authority stating that inspections have been carried out and the building is safe to occupy.
DEFECT 2 (ROOFS) Section 1.12
All roofs shall be maintained in good repair and in a watertight condition.

CORRECTION
Vegetation is growing out of some eaves troughs, preventing proper drainage.
Clean out eaves troughs accordingly so as to allow proper rain water drainage.

DEFECT 3 (UNSAFE CONDITIONS) Section 1.23
All properties and every yard shall be kept clean and free from rubbish, brush or other debris and from objects or conditions, such as holes or excavations, that might create a fire hazard or unsafe conditions.

CORRECTION
Concrete sidewalk facing the parking has cracked and lifted creating a trip hazard. Remove and replace concrete sidewalk facing the parking lot to create a safe condition to access the buildings.

DEFECT 4 (EXTERIOR WALLS) Section 1.7
All exterior walls shall be maintained in a watertight condition and in good repair so that they remain straight, level and plumbed (unless otherwise designed), presenting an appearance that is uniform and neat in the opinion of the Officer and free from any damaged, defective, unsecured or deteriorated materials and any conditions that may result in the infestation of rodents, vermin or insects.

CORRECTION
1 - Wood trim around many of the main entrance doors (1"x6") to the units has deteriorated. It must be repaired and painted to be protected from the elements. Any deteriorated wood must be replaced.

2 - Cracked and/or failed sealant was noted at the interface between exterior brick cladding and exterior siding, and brick veneer and metal capping around windows. Apply new weather-resistant caulking around all exterior gaps where required, around windows, doors, and siding and any cables penetrating through the exterior walls.

3- Many of the Air Conditioning Unit penetrations or sleeves are exposed to the elements, and have not been properly closed or sealed to prevent the potential of water infiltration through the building envelope. All AC units to be sealed with a weather-tight cover, and any material due to moisture damage to be replaced.

4 - There is localized cracking in the brick masonry facade. Mortar joints are to be re-pointed where required as identified in the Engineers report by TSS Inc.

DEFECT 5 (FOUNDATION) Section 1.6
In every building or structure, the foundations, piers, posts or other similar supports shall be maintained in good repair and structurally sound. Where necessary, foundation walls shall be extended below the frost line, provided with subsoil drains at the footings, shored, waterproofed, and treated or repaired to prevent moisture penetration or footing settlement. Every foundation wall, basement, cellar or crawlspace shall be maintained so as to protect the building against deterioration, including that due to weather, water entry, dry rot, and infestation by rodents, vermin or insects. The perimeter of slab on grade type foundations shall be maintained to prevent rodent infestation.

CORRECTION
1- A vertical crack was noted in the concrete block foundation wall of Unit 5515. It appears an attempt was
made to clean the staining on the walls identified by the engineer. However, there is no evidence to suggest
the foundation walls were repaired or dam proofed as required in the engineers report by TSS Inc. Provide
proof wall has been repaired as per the Engineers report OR expose the foundation wall and properly
reinstate the exterior waterproofing around the foundation of Unit 5515, and schedule required inspections.

2- Several concrete patio slabs by the patio doors in the rear of the units have settled over time, creating
negative drainage where rain water drains towards the foundation. Lift/modify the slabs to create positive
drainage OR parge and seal area under the patio door to redirect the rain water.

**NOTE:** ALL PERTINENT PERMITS MUST BE OBTAINED PRIOR TO
COMMENCING WORK ON THIS ORDER TO REPAIR.

YOU ARE HEREBY REQUIRED, by this Order, to do the work required to repair the defects set forth in
this Order and make the said property conform to the standards set forth in the said By-law

ON OR BEFORE: November 1, 2016

Dated at Windsor, Ontario, on December 2, 2015

John Revell, MCIP, RPP
Chief Building Official

Per:

________________________________________________________________________

Oliver Pozar
Inspector/Property Standards Officer

Building Department
Telephone: 519-255-6611 x6184
e-mail: opozar@citywindsor.ca

NOTICE:

1. If the owner or person against whom an Order has been made or their agent wishes to appeal such Order, they
must within FOURTEEN (14) DAYS from the service of the Order upon him, file a Notice of Appeal,
duly completed, with the Secretary of the Property Standards Committee.
2. Attached hereto is a Notice of Appeal form.
3. In the event that you do not appeal this Order, the said Order shall be deemed confirmed.
4. A photocopy of this document may be offered in evidence to the Court, should a trial result from a charge,
which may be filed in an enforcement procedure. Copies of these documents may be obtained or examined at
Building Department, City Hall, on workdays between 8:30 a.m. and 4:30 p.m.
5. If such repair or clearance is not done within the time specified in this Order, the Corporation may carry out
the repair or clearance at the expense of the owner.
6. This Order is pursuant to Section 15.2(2) of the BUILDING CODE ACT, S.O. 1992, c.23, as amended.

WINDSOR POLICE SERVICES:

5501 – 5533 Reginald Street

Conversion to Condominium Status Application

Results of Safety & Security Inspection

prepared by: Barry Horrobin, M.A., CLEG, CMM-III - Director of Planning & Physical Resources

WINDSOR POLICE SERVICE
BACKGROUND

The Windsor Police Service has no objection to the proposed plan of condominium application for the property located at 5501-5533 Reginald Street (file CDM-006/15) to convert the existing townhome dwelling units from rental status to condominium status. Support of the application is however subject to the applicant adequately addressing and correcting all the various safety and security issues/deficiencies identified in this inspection report prior to a rezoning being granted.

The inspection is in accordance with sections 11.5.4.3(h) and 11.5.4.3(k) of the official plan dealing with the need to consider rental to condominium conversions based on certain conditions and criteria. Specifically, subsection (h) addresses the need for the applicant to provide adequate on site parking, Zoning By-law compliance, vehicular and emergency access and screening of adjacent land uses. Subsection (k) addresses the condition of the development as it relates to the safety and security for residents and the public according to the principles of Crime Prevention Through Environmental Design (CPTED) as stipulated by the Windsor Police Service.

RESULTS OF SITE INSPECTION

The safety and security inspection for the subject property was carried out in consultation with the onsite property manager on Thursday October 15th, 2015 with the following findings:

1. The main exterior doors used for common building entry are secured with just simple locks that are easily duplicable at a local hardware store. This leaves buildings vulnerable to unauthorized access by non-residents, breaching building security. **Recommendation:** These doors need to have locks installed on them that are of higher security and cannot be easily duplicated (such as MEDECO of PRIMUS) to establish proper building entry security for all tenants.

2. The main entry doors for each apartment unit do not have one-way privacy viewing ports to allow residents to screen visitors before unlocking and opening their doors. This increases vulnerability. **Recommendation:** All residential units need to have their front doors outfitted with a one-way privacy viewing port.

3. Dwelling units located on the ground floor of all buildings do not have railings or similar structures present to permit residents to properly secure valuables such as bicycles or BBQ’s, making them more susceptible to theft. **Recommendation:** All ground floor residential units need to have a heavy duty eye bolt/lock ring installed on the exterior wall or concrete pad to facilitate the proper securing of bicycles, BBQ’s, etc.

4. The dwelling units located at the far south end of the property appear to have extended a temporary-looking chain link fence all the way to the wood privacy fence on the property line. This has effectively closed off the public common/amenity space surrounding the buildings and restricts mobility. **Recommendation:** This make-shift section of chain link fencing needs to be removed, restoring the access to the surrounding amenity space.

5. On site vehicular parking around the perimeter of the building is somewhat confusing due to inadequate pavement marking and signage. The inspection revealed evidence of cars parked somewhat haphazardly at differing angles, creating a potential for blocked capability for emergency vehicle response capability and unnecessary site congestion. It also appears as though total parking availability and maneuvering aisle widths may be deficient. **Recommendation:** Better signage and improved pavement markings are required to properly direct drivers where to park on the site and the total number of required parking spaces, plus proper maneuvering aisle widths need to be confirmed.
6. Parking lot has no painted space demarcation to properly organize vehicle parking on the property. This creates confusion for users. **Recommendation:** The paved parking lot needs to be re-painted to clearly distinguish where available parking spaces are situated on the site.

7. Soft landscaping is overgrown and encroaching on certain areas of the property, limiting sight lines and creating pockets of “unobservable” space. This potentially reduces safety for residents. Sections along the west chain link fence were found to be particularly in need of trimming. **Recommendation:** The owner needs to trim all shrubs appropriately to restore visibility of parked vehicles and to eliminate hiding spots in other areas of the property where intruders can take refuge.

8. The refuse bin(s) on the site were not properly secured/housed in an enclosure that meets the City standard. This leaves them vulnerable to nuisance access. **Recommendation:** The refuse bin area needs to be provided with a fenced enclosure that meets the City standard.

9. There did not appear to be any provision for the parking of bicycles on the site. Without a proper rack to lock bicycles, vulnerability to theft increases. **Recommendation:** Owner needs to provide an area with a proper rack where bicycles can be properly parked and secured. Its location needs to be highly visible, near the centre of the site so that it is accessible by all tenants.

10. Lighting for the property does not appear to be adequate in many locations and it is unclear if illumination levels meet recognized industry standards for establishing good safety and security. Some fixtures exist, however they are not full cut off (which is the City standard) and total illumination output is not known. The owner needs to ensure lighting for the property is adequate.

**Recommendations:**

- Surface parking spaces along the west side of the property need to be properly illuminated to a minimum lighting level of at least 1.75 foot-candles, using cut off style lighting (to eliminate glare). Metal halide or LED fixtures are highly recommended as they produce a clean, bright, white luminosity that will enhance visibility and witnessing potential.
- Every dwelling’s main exterior entry door should have a fully operational porch light to create illumination levels of at least 3.0 foot-candles.
- A photometric plan showing all anticipated lighting improvements is required prior to final approval.

**SUMMARY**

The current physical condition of the property is generally acceptable; however the safety deficiencies noted in this report are important and warrant correction prior to approval of the change in status from rental to condominium.

As a point of reference, the subject address does generate a modest to regular number of calls requiring police response and intervention on an annual basis. A review of the police incident history at the property has been made for the past four complete years plus the current year to date and is summarized below. These calls are predominantly for such incidents as theft, disorderly conduct, domestic disputes, break and enter, threats/harassment, neighbor trouble, assault, and suspicious persons/vehicles.
<table>
<thead>
<tr>
<th>YEAR</th>
<th>5501 – 5533 Reginald Street</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>15</td>
</tr>
<tr>
<td>2012</td>
<td>7</td>
</tr>
<tr>
<td>2013</td>
<td>37</td>
</tr>
<tr>
<td>2014</td>
<td>9</td>
</tr>
<tr>
<td>2015 (as of Oct 15&lt;sup&gt;th&lt;/sup&gt;)</td>
<td>14 (extrapolates to 18 annually)</td>
</tr>
<tr>
<td><strong>Average</strong></td>
<td><strong>17.2 incidents per year</strong></td>
</tr>
</tbody>
</table>

Therefore our recommendation would be to grant approval of the application subject to the successful resolution of all safety and security deficiencies noted. This would be confirmed in a follow up inspection after the applicant makes all necessary corrections.

**WINDSOR FIRE & RESCUE SERVICES:**

WFRS has no concerns regarding the conversion to condos.

John Lee  
Chief Fire Prevention Officer  
Windsor Fire & Rescue Services

**PLANNING – LANDSCAPE ARCHITECT:**

Pursuant to the application for a zoning amendment (CDM-006/15) for approval of a plan of condominium to permit the conversion on the subject, please note no objections. Please also note the following comments:

**Landscape Plan:**

Owner is **REQUIRED** to provide a landscape plan with landscape improvements along the internal parking areas and backyards of the units facing Reginald Street, prepared by a qualified professional, to the satisfaction of the Corporation’s Landscape Architect.

**Photometric Plan:**

The current exterior lighting on the units and around the parking lot are substandard and do not comply with the CR228/2005 Lighting Intensity Standards of the City.

**REQUIRED a total Outdoor Lighting Photometric Plan** and Manufacturers’ Product Data Sheets for each light fixture proposed verifying ‘Full Cut Off’ (night sky Friendly), prepared by a qualified lighting consultant (i.e. lighting engineer, landscape architect, etc.), in accordance with the City Guidelines found in CR228/2005, for review to the satisfaction of the City’s Landscape Architect in consultation with Police Services prior to issuance of **any permits are administered** with the following minimum and maximum illumination levels measured in foot-candles (Fc):

- a. uncovered parking areas 0.5 min./4.0 max.,
- b. walkways 0.5 min./2.0 max.,
- c. building entrances 3.5 min./8.0 max.,
- d. loading and outdoor garbage storage areas 1.0 min./2.5 max.,
- e. after hours lighting (11:00pm to 5:00am) 0.5min./2.0max.
**Parkland Dedication:**

**REQUIRED IF APPLICABLE, Parkland Conveyance** as per the Planning Act Section 42 (1) at a rate of 2% for Commercial and Industrial uses and 5% for all other uses (including residential). As per the Planning Act Section 42 (6), Payment in the form of cash-in-lieu may be acceptable where land is not required by the City for parks or other recreational purposes (i.e. public greenspace, bikeways, trails, streetscape development etc.) to be determined at the time of issuance of a permit by the Building Department. As land is not available on this property, cash-in-lieu is an acceptable option for parkland development.

No other conditions are proposed by the Landscape Architect.

*Stefan Fediu*  
*Landscape Architect*

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**PWD – ENGINEERING - DEVELOPMENT, PROJECTS & RIGHT-OF-WAY:**

We have reviewed the servicing requirements of the subject lands pertinent to the rezoning amendment application. The applicant is requesting approval of a Plan of Condominium conversion of 17 two-storey townhome dwelling units from rental to condominium tenure. The subject lands are located on the south side of Reginald Street between Ford Boulevard and Ferndale Avenue.

The site may be serviced by a 1050mm diameter reinforced concrete storm sewer which is located on the north side of Reginald Street. A site servicing plan and sampling manhole will be required for the subject property given that there is no record of a sanitary or water services. If services cross onto adjacent private property, easements and reciprocal access agreements will be required.

Reginald Street right-way-widths meet City Official Plan Schedule X requirements therefore, no land conveyance is required. The existing driveway approach is asphalt with raised curbs, and City Standard requires a concrete approach without raised curbs. An existing sign is encroaching in the Reginald Street right-of-way, therefore the applicant will be required to remove the encroachment, or enter into an encroachment agreement with the City of Windsor for the sign. During a site visit it was noted the existing lead walk poses a potential trip hazard and needs to be replaced.

In summary, we have no objections to the Plan of Condominium application, subject to the following requirements:

**Site Servicing Plans** – The owner agrees to submit a site servicing plan (storm, sanitary, water) for the subject lands to the satisfaction of the Chief Building Official, the City Engineer and ERCA in regulated areas, prior to the issuance of any construction permits for the subject lands.

**Sanitary Sampling Manhole** – The owner agrees to install a sanitary sampling manhole accessible at the property line of the subject lands to the City Engineer at all times. The determination of the requirement or interpretation if a sampling manhole exists or exceptions to such, will be to the satisfaction of the City Engineer.

**Lead Walk** – The owner agrees to remove and replace the lead in the Reginald Street right-of-way to the satisfaction of the City Engineer.

**Driveway Approaches** – The Owner further agrees:

(a) To construct driveway approaches in such width and location as approved by the City Engineer;

(b) To provide straight flare driveway approaches and to terminate the raised curbs at the property line, to the satisfaction of the City Engineer. Raised curbs shall not
extend into the driveway approaches, outside the subject lands.

(c) Unless otherwise noted, to construct all non-residential driveway approaches of concrete in accordance with City of Windsor Standard Drawing AS-204.

**Encroachment Agreement** – The owner agrees to submit application for and execute an agreement with the Corporation for the proposed sign encroachment into the right-of-way, or remove the said encroachment from the right-of-way.

**Street Opening Permits** – The owner agrees to obtain street opening permits for sewer taps, drain taps, flatworks, landscaping, curb cuts, and driveway approaches from the City Engineer, prior to commencement of any construction on the public highway.

**Reciprocal Services** – The owner agrees to enter into a reciprocal agreement with the abutting property owners for services, if required.

If you have any further questions or concerns, please contact Adam Pillon, of this department at 519-255-6257, ext. 6612.

Tony Ruffolo, Right-of-Way Supervisor

**PWD - TRANSPORTATION PLANNING:**

The above noted application is for approval of a plan of condominium to permit the conversion of 17 two-storey town home dwelling units to condominium tenure. There are a total of 23 surface parking spaces available on the site. The property is designated Mixed Use and is zoned CD2.1.

After review of the subject lands, Transportation Planning has the following comments:

- Reginald Street is classified as a Local road with a required right-of-way width of 20m, as per the Official Plan. The current right-of-way width is 20.1m; therefore, a land conveyance is not required.

- Based on parking requirements set out in the Zoning By-Law, a minimum of 1 Type A accessible parking space is required.

- Based on parking requirements set out in the Zoning By-Law, a minimum of 3 bicycle parking spaces provided on the subject property is required.

- The proposed change from apartment to condominium tenure will not have a negative impact on the transportation system.

**PWD - ENVIRONMENTAL SERVICES:**

With respect to the above noted application for condominium status, we have no concerns with the application.

Anne-Marie Albidone, Manager, Environmental Services
DIVERSITY and ACCESSIBILITY OFFICER:

In addition to complying with any necessary legislation and regulations made thereunder including but not limited to the Ontario Building Code, the Highway Traffic Act, and the AODA my conditions are as follows:

Accessible Parking and Access aisles

1. Four per cent of the total number of parking spaces for the use of persons with disabilities, where there are between 13 and 100 parking spaces in accordance with the following ratio, rounding up to the nearest whole number:
   
   i. Where an even number of parking spaces for the use of persons with disabilities are provided in accordance with the requirements of this paragraph, an equal number of parking spaces that meet the requirements of a Type A parking space and a Type B parking space must be provided.
   
   ii. Where an odd number of parking spaces for the use of persons with disabilities are provided in accordance with the requirements of this paragraph, the number of parking spaces must be divided equally between parking spaces that meet the requirements of a Type A parking space and a Type B parking space, but the additional parking space, the odd-numbered space, may be a Type B parking space.

   Type A, parking space which has a minimum width of 4.6 m and signage that identifies the space as “van accessible”.

   Type B, a standard parking space which has a minimum width of 4.6 m.

   --With access aisles that meet the specifications as set out in the Integrated Accessibility Standards under the AODA.

2. Any Conditions tied to these comments should be to the approval of the Chief Building Official and the Diversity and Accessibility Officer.
Any Conditions tied to these comments should be to the approval of the Chief Building Official and the Diversity and Accessibility Officer.

Gayle M. Jones,
Diversity and Accessibility Officer

**TAXATION:**
Finance / Assessment Division has no objection to this proposal. In the scenario presented, the entire property would be taxed at the Residential Tax Rate.

IF...The values remained the same, the Tax loss could be...

2015 Assessment of $620,000 @ Multi-Res Tax Rate (.04347812) = $26,956.43 (without penalty/interest charges etc.)

2015 Assessment of $620,000 @ Residential Tax Rate (.01829756) = $11,344.48 (without penalty/interest charges etc.)

This would be the worst case scenario with a Tax Loss of... $15,611.95

The tax reduction implication takes effect on the date of registration and would therefore be pro-rated accordingly.
The financial impact would result from the differential - pro-rated between the time the facility remained at Multi-Residential Tax Rate, to the time it converted to Residential Tax Rate. The later this date is within the calendar year, the less financial impact it has.

The potential implications of the approval of this condominium conversion on the City of Windsor tax revenues, has been provided by the Taxation & Financial Projects Department and are summarized as follows:

<table>
<thead>
<tr>
<th>Location</th>
<th>No of Units</th>
<th>2015 Multi-Res. Assessment prior to conversion</th>
<th>CVA Tax @ Multi-residential Rate*</th>
<th>Assessment per unit after conversion</th>
<th>CVA Taxes/unit @ Residential rate*</th>
<th>Total CVA Taxes/unit @ Residential rate*</th>
<th>2015 Annualized Tax loss*</th>
</tr>
</thead>
<tbody>
<tr>
<td>3580 Seminole St.</td>
<td>17</td>
<td>$574,000</td>
<td>$24,956</td>
<td>$33,765</td>
<td>$618</td>
<td>$10,503</td>
<td>- $14,454</td>
</tr>
</tbody>
</table>

* Values Rounded up

All questions relating to the tax revenue implications should be addressed to the Taxation & Financial Projects Department.

_Rick Murdoch,
Assessment Data Analyst_

_Transit Windsor, Union Gas, Windsor Utilities (Water) and ENWIN Powerlines have not responded or have indicated they have no concerns or objection to the proposal._
APPENDIX ‘B’

OFFICIAL PLAN POLICIES & COUNCIL RESOLUTION REGARDING CONDOMINIUM CONVERSIONS

11.5.4 Rental Housing Conversion to Condominium Policies
(added by OPA#63, June 21, 2007, B/L 100/2007)

Rental housing conversion to condominium refers to the change in tenure of a rental housing property to condominium status.

**NOTIFICATION** 11.5.4.1 Prior to the consideration of a condominium application by Council or any of its subcommittees, the following notification shall be given:

(a) the owner shall notify all current tenants to provide them with the details of the application. The notice is to be mailed by first class mail within 60 days of the time the application is deemed to be complete by the Department of Building and Development. Furthermore, a copy of the notice is to be submitted to the Manager of Development for approval prior to mailing;

(b) at the time the notice referenced in (a) is mailed, the owner shall post copies of the notice at locations within the subject building that are highly visible to tenants, including but not limited to: entrances, mail rooms and elevator lobbies.

(c) the owner shall notify all prospective tenants that an application has been submitted to convert the building(s) subject of the application to condominium. Such notice shall be given prior to the signing of a lease or the occupancy of a rental unit.

**AFFORDABILITY** 11.5.4.2 City Council shall ensure that the conversion of rental housing to condominium status will not have an adverse impact on the supply of rental housing in the City, particularly as it relates to affordable housing. For the purpose of this Plan, the definition of affordability shall be consistent with the definition contained in the Provincial Policy Statement (March 2005) being:

(a) the definition of affordable rental housing is the least expensive of:
   (i) a unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households; or
   (ii) a unit for which the rent is at or below the average market rent of a unit in the regional market area (Windsor and Essex County).
(b) low and moderate income households as referenced above, shall mean households with incomes in the lowest 60th percentile of the income distribution for renter households in the regional market area (Windsor and Essex County).

**EVALUATION CRITERIA**

11.5.4.3 Council will evaluate the approval of a plan of condominium for the conversion of an existing residential rental building to condominium status according to the following criteria:

(a) the proposal satisfies the intent of policy 11.5.3.1;

(b) the proposal satisfies the intent of policy 11.5.4.2;

(c) the rental vacancy rate for private apartments in the City of Windsor as defined and reported yearly through Canada Mortgage and Housing Corporation has been at or above 3 per cent for the preceding two-year reporting period. Consideration is to be given to the vacancy rate data as it applies to building characteristics including: structure type, location, age and size;

(d) the proposed conversion, when totalled with any other dwelling units which have been approved for conversion in the previous two-year period, will not result in the conversion of 5% or more of the existing rental stock;

(e) the proposed accommodation of existing tenants of the rental housing development within the proposed condominium development or, if accommodation within the proposed condominium is not feasible, the plan for relocating existing tenants to other rental housing developments;

(f) the structural integrity of the building and the condition of the development as it relates to the health and safety of the residents and the public under the requirements of the Ontario Building Code as prescribed by the Corporation of the City of Windsor's Property Standard and Maintenance By-law, all as ascertained by a professional engineer;

(g) the condition or proposed provision of landscaping areas, playground equipment and other amenities;

(h) the appropriateness of the site for the type of development, including such considerations as the provision of adequate on-site parking, compliance with the Zoning By-law, vehicular and emergency access and screening of adjacent land uses;

(i) the condition of the development as it relates to the safety and security of residents under the requirements of the Ontario Fire Code;

(j) the condition of public and private infrastructure including sidewalks and sewerage systems.
(k) the condition of the development as it relates to the safety and security of residents and the public according to the principles of Crime Prevention Through Environmental Design (CPTED) as stipulated by the Windsor Police Service.

**CONDITIONS OF APPROVAL**

11.5.4.4 Council may attach such conditions as it deems appropriate to the approval of a plan of condominium. The applicant may be required to satisfy these conditions within a specific time period not being less than three years, failing which, draft plan approval shall lapse. Such conditions may include, but are not limited to:

(a) the owner providing information to the tenants as to the timing of the transition from rental units to condominium units and the means by which leases, if any, are to be terminated;

(b) the owner agreeing to provide existing tenants with the right of first refusal to purchase their unit or other unit in the development so as to minimize residential relocation problems;

(c) the owner agreeing to offer any tenant who does not wish to purchase the unit they occupy a lifetime non-transferable lease which shall be registered on title and binding on all subsequent owners;

(d) the owner agrees to provide required plans including but not limited to: site plans, parking plans, elevation plans, lighting plans and landscaping plans that may be required to show features and details of the site and shall be included in the condominium agreement as deemed necessary;

(e) the owner agrees to the conveyance of land and provision of easements as required by the municipality;

(f) the fulfilment of any financial requirement to the City; and

(g) the owner agrees to the conveyance of lands for public open space purposes or payments-in-lieu thereof in accordance with the Open Space policies of this Plan.

(h) the owner agrees to enter into a condominium agreement with the Corporation of the City of Windsor and to complete all required improvements and/or corrections to the satisfaction of the municipality prior to the registration of the final plan of condominium.
Parkland Contribution for Condominium Conversions


I That the evaluation criteria contained in Appendix ‘A’ (below) concerning the conveyance of parkland or payment in lieu, for applications involving the conversion of rental properties to condominium BE APPROVED;

II That the Acting City Planner BE DIRECTED to include the evaluation criteria as part of the Official Plan review.

APPENDIX ‘A’
(to CR416/2007)

Evaluation Criteria
Parkland Conveyance/Payment in lieu
For Rental to Condominium Conversions

1. If the subject property is within Registered Plans 1465 to 1644 (inclusive) or is within a registered 12M Plan that follows Plan 12M-002, then parkland conveyance or a cash-in-lieu payment thereof would have been a requirement of the original plan of subdivision approval. For these plans, no additional conveyance or payment in lieu would be required as a condition of approval, to convert the building from rental to condominium status.

2. If the subject property is not within the plans referenced in item 1 (above) but contains a building that was issued a building permit on or after August 10, 1970, then parkland conveyance or a payment in lieu would have been a requirement of the issuance of the building permit. For these properties, no additional conveyance or payment in lieu would be required as a condition of approval, to convert the building from rental to condominium status.

3. If the subject property or building does not fall into either of the items listed above, then parkland conveyance or a payment in lieu has never been collected and should be collected as a condition of draft plan of condominium approval.
APPENDIX ‘C’
Excerpt Zoning By-law 8600

SECTION 12 - RESIDENTIAL DISTRICTS 3. (RD3.)

(4) Residential District 3.4 (RD3.4)

(a) Permitted Uses

(i) A townhome dwelling;
   (AMENDED by B/L 33-2001, October 23, 2001, OMB Decision/Order No. 1716, OMB Case No. PL010233)

(ii) A multiple dwelling; residential care facility; lodging house; convent; monastery;

(iii) Any use accessory to the foregoing uses.

(b) Regulations

(i) The minimum lot frontage, maximum number of dwelling units, maximum building height, minimum front yard, rear yard and side yard widths and minimum landscaped open space area shall be as existing.

(ii) Supplementary Regulations:

   - See Section
   21 re: Supplementary Use Regulations
   22 re: Supplementary Lot Regulations
   23 re: Supplementary Building Regulations
   24 re: Parking Space Regulations
   25 re: Parking Area Regulations
APPENDIX ‘D’ – Plan of Condominium

LOCATION MAP
APPLICANT: 1849677 Ontario Ltd.

SUBJECT LANDS: 5501-5533 Reginald St

PLANNING & BUILDING DEPARTMENT

SCALE: N.T.S
DATE: August 2015
FILE NO: CDM-008/15
PLAN OF CONDOMINIUM (CONVERSION)

APPLICANT: 1849677 Ontario Ltd.

SCALE: N.T.S
DATE: August, 2015
FILE NO: CDM-058415-1

PLANNING & BUILDING DEPARTMENT
CROSS SECTION 'A'-'A' TO ILLUSTRATE UNIT EXTERIOR BOUNDARIES

TYPICAL FOR ALL UNITS

PLAN OF CONDOMINIUM (CONVERSION)

APPLICANT: 1849677 Ontario Ltd.
APPENDIX “E” – Site Photos (November 12, 2015)

Street View – looking south at north end of property

View from Adjacent Property – looking southeast at west side of property

View from Adjacent Property – looking east at west side of property

View from Adjacent Property – looking northeast at south end of property
View from south end of Subject Property – looking northeast

View from south end of Subject Property – looking northwest
MISSION STATEMENT
“Our City is built on relationships – between citizens and their government, businesses and public institutions, city and region – all interconnected, mutually supportive, and focused on the brightest future we can create together”

REPORT #: S 58/2015
Report Date: 12/14/2015

Author’s Contact:
John R. Calhoun
jcalhoun@citywindsor.ca
519-255-6543x6179

Date to Council: January 11, 2016
Clerk’s File #: MBA/10319

To: Mayor and Members of City Council

Subject: 446 Indian Road (Sandwich HCD) - Request for Demolition

RECOMMENDATION:
That the request to demolish the house at 446 Indian Road, in the Sandwich Heritage Conservation District, BE DENIED, pending the outcome of outstanding litigation concerning this and other properties.

EXECUTIVE SUMMARY:
N/A

BACKGROUND:
This property is included in the Sandwich Heritage Conservation District (HCD), which became effective in October 2012. Council had passed designation By-law No. 22-2009 in January 2009, along with related by-laws. As provided by the Sandwich HCD guidelines, a Heritage Alteration Permit (HAP) is required for certain proposed modifications, including demolition; these are reviewed by the Planning, Heritage & Economic Development Standing Committee before being considered by City Council.

On December 3, 2014, a heritage alteration permit application to demolish 446 Indian Road was submitted by Osler, Hoskin & Harcourt LLP, legal counsel for the owner, Canadian Transit Company (CTC), the owner of the Ambassador Bridge. Included was the statement, “CTC wanted to commence the Application process as soon as possible, given the safety concerns associated with the Property”, which had been damaged by fire in October, 2014.
On March 13, 2015, the City Planner responded, stating the requirements for a full application for demolition within the Sandwich Heritage Conservation District. Included was the statement “The Building Inspector has determined that the property, while damaged by fire, does not threaten public safety. Therefore no waiver of the above requirements will be granted to expedite the demolition process. Please note that documentation must be prepared by a qualified heritage consultant.”

On November 20, 2015, another heritage alteration permit application for demolition was submitted to the Planning & Building Services Department. A qualified heritage consultant prepared a Heritage Impact Assessment.

**DISCUSSION:**

**Proposal:**

The request is to demolish the house, which is the only remaining building on the property, resulting in cleared, level ground. No proposal for redevelopment of this single lot was submitted, although reference is made to the owner’s desire to demolish neighbouring houses for an extended green park that would eventually be replaced by a second Ambassador Bridge span.

**Legal provisions:**

Under Windsor’s by-laws, the property is subject to provisions of the Sandwich Heritage Conservation District, property standards and demolition control. This property and many others held by the same owner were included as part of an “Order to Repair” issued September 20, 2103 by the Inspections Division pursuant to Property Standards By-Law No. 147-2011. That order and others issued around that time for other CTC properties in the area were appealed by CTC to the Property Standards Committee, and subsequently to the Superior Court of Justice. This appeal has been stayed pending the resolution of another separate, but related action which was also commenced by CTC. The related litigation concerns the applicability of municipal by-laws to CTC. The City was recently given leave to appeal the related action to the Supreme Court of Canada. The outcome of this litigation, scheduled to be heard in April 2016, will have an impact upon the rights of both the City and the CTC.

The recommendation of this report is to deny the application at the present time without dealing with the merits of the application as it applies to this property. If it is determined that municipal by-laws do in fact apply to CTC, then this application will be revived and considered further.

**RISK ANALYSIS:**

The Building Inspector has determined that the building does not threaten public safety. A decision that permits the owner to make changes to the property would be premature in light of pending litigation before the Supreme Court of Canada.
FINANCIAL MATTERS:

All costs of property changes are to be borne by the owner.

CONSULTATIONS:

Legal was consulted about the response to the demolition request while related litigation is pending.

CONCLUSION:

The application to demolish the house at 446 Indian Road should be denied at the present time. No changes to the property should be permitted before the Supreme Court of Canada makes its decision.