THE CITY OF WINDSOR
ONTARIO, CANADA
Office of the Municipal Auditor General,
The Corporation of the City of Windsor

February 2, 2025

ERRORS AND MISLEADING REPRESENTATION IN AN ADMINISTRATION REPORT TO A STANDING COMMITTEE OF COUNCIL AND CITY COUNCIL
AUDITOR GENERAL COMPLAINT INVESTIGATION

REPORT

Executive Summary

Background

An allegation was received indicating that the Administration had provided a Standing Committee of Council and City Council with erroneous and misleading information in a report related to Roseland:

1. Report S161/2024 was presented as part of the report at the January 6, 2025, Heritage and Development Committee meeting. City Administration presented inaccurate information, and the report and attachments were riddled with errors.
2. There is information that the City has that they do not want the public to know.
3. The information the complainant requests is vital to the taxpayers and the Council to make a well-informed decision.

Investigation Approach

1. Read/review report S161/2024 and determine if it appears that there are any errors present or issues of misrepresentation.
2. Watch the meeting recording to understand if additional or contextual information was generated.
3. Review the allegations (three high-level and thirty-six specific areas) made by the complainant, consider the report and meeting discussion, and decide based on those findings.
4. Consider the outcomes of activities 1, 2 and 3 regarding the Administration not sharing information..
5. Review the email exchange provided by the complainant and assess if the allegation appears warranted in the context of City general practices.
6. Before drafting the report, communicate recommendations to Administration for their consideration.

Note: Items were communicated to Administration wherein Administration indicated that they were aware of some of the concerns and had already undertaken actions to address them before submission to Council.

Scope Limitation

This investigation was constrained to the public material (agenda, meeting recording and minutes) published on the City website and email documents provided by the complainant. Internet-based research regarding Heritage Impact Assessments and the Ontario Heritage Act was also leveraged.

Summary of Procedures and Findings

Support was found for partial elements of Allegation #1 but not for Allegation #2 nor Allegation #3.

Regarding Allegation #1, the findings were not as pervasive as the allegation outlines. One error was noted (already publicly identified during the January 6, 2025 standing committee meeting), and points of clarification to enhance clarity and transparency were noted.

Recommendations for Administration regarding:

1. Clarifying key elements of the report and correcting one error should be conducted before presenting the material to Council.

2. Clarity as to the elements and rationale for heritage and non-heritage valued items being included in the boundaries of the amendment should be clear, especially if a reason for the amendment is correction and not all items end up being corrected before presenting the material to Council.

3. An Administration investigation, analysis and corrective action related to past building/development activity on/adjacent to Roseland should be conducted by Administration and reported to the Auditor General and Council.

Management has provided responses to address the findings.

Summary of Investigation Approach Results

#	Approach	Summary of Findings
1	Read/review report S161/2024 and determine if it appears that there are any errors present or issues of misrepresentation.	In a straight read of report s 161/2024 no errors were noted. However, the reason/initiating circumstance for proposing the bylaw amendment was not apparent to the reader.
2	Watch the meeting to understand if additional or contextual information was generated.	In observing the recorded video of the complaint, five items were noted: 1) An error - A boundary line error in one of the maps, page 18 of the Heritage Impact Assessment - however, it was the hardest to read/see, and other correct maps were included in the package, which provided greater clarity. 2) Impetus for report/clarity - The discussions implied some reasons for the report's genesis but are still based on the interpretation of the attendee or observer. There are items such as: a) Demolishing the Roseland Clubhouse via this process might be more manageable. b) Building a new clubhouse with this might be more manageable. c) There might be some corrections to remove non-historical areas from the designation. d) In listening, the City Planner acknowledges that the bylaw amendment provides for a and b above and possible development considerations. The reader also noted the discussion with the Administration where the possibilities of EOI on (1) clubhouse, (2) development, and (3) together would be possible then. 3) Clarity - Confusion was introduced between the acreage mentioned in the report (approximately ten) and a discussion of four later in the meeting.

		4) Clarity - Discussion as to why Par 3 was or was not included in the boundaries (either) or Heritage Impact Assessment was unclear. 5) Compliance - The meeting noted that no HIA was done for the 2018 drainage/water work. Administration should consider: a) Should an HIA have been completed for prior drainage/sewer/water work, and why was it not completed? b) How can/should this be corrected if one should have been prepared? c) What mechanisms will the City implement to ensure that future development on or near heritage-designated sites includes HIA/required heritage considerations?
3	Review the allegations (three high-level and thirty-six specific areas) made by the complainant, consider the report and meeting discussion, and decide based on those findings.	Several items noted in this analysis correlate to the items mentioned in #2 above, and four of the specific thirty-six areas assessed relate directly to the results indicated in #2 above.
4	Consider the outcomes of activities 1, 2 and 3 regarding the Administration not sharing information.	While concerns about the clarity of information presented were noted, no evidence of hiding information was detected.
5	Review the email exchange provided by the complainant and assess if the allegation appears warranted in the context of City general practices.	Given the city's responses, ongoing interactions, council questions, and public forums, information has been made available, and the Administration has indicated that more is coming.

Recommendations:

1. Administration should ensure that the map boundary error on one page (page 18) of the Heritage Impact Assessment is corrected before the submission to Council.

Administration Response			
The area boundary error on Page 18 of the Heritage Impact Assessment (HIA) that was identified and verbally corrected at the Development & Heritage Standing Committee has been corrected in the Heritage Impact Assessment (HIA). The revised boundary on Page 18, titled 2440_455 Kennedy Drive West - HIA Report_2025.01.07 – Page 18.pdf, is attached to this response (Appendix A).. This corrected version ensures that the area being removed from the designating bylaw (By-law 281-2003) is accurately represented and reflects the most up-to-date information. Administration is committed to maintaining accuracy in heritage documentation and will implement additional review measures to prevent similar mapping inconsistencies in future reports.			
Responsible Party:	The HSMFW Project Lead (Economic Development) & Consultant Team (A+Link & Archon)	Due Date:	Tues, Feb 4

2. Administration should provide a more concise explanation of the impetus for the bylaw amendment and its possible next steps/implications.

Administration Response
As indicated in Administration's report (S161/2024), the purpose of removing the designation by-law from this portion of lands is to facilitate the demolition of the existing clubhouse building, to permit the construction of a new clubhouse, and to provide lands for residential development potential (pg. 4 – Report S161/2024). Previous Council decisions (B 14/2023 and CR 337/2023) cited in the original report (S161/2024) directed Administration to explore redevelopment options, conduct public consultations, and create conceptual drawings for Council's review. Clarification of the benefits of correcting the legal description to remove a portion of lands from the designated property instead of pursuing multiple heritage permit applications is provided in the supplemental Additional Information Memo to Report S 161/2024: Amendment to Heritage Designation By-law No. 281-2003 – 455 Kennedy Drive West, Roseland Golf Course that will accompany the original report (S161/2024) when it is presented to City Council. The Additional Information Memo states: *Removing lands that do not possess heritage value or interest from the designation streamlines the approval process by eliminating the need for multiple heritage permit applications for future changes such as alterations, new construction, or demolitions. This approach enhances efficiency by reducing the frequency of reporting to the DHSC and City Council on similar*

matters, ultimately optimizing staff resources, Council's time, and public funds. The amendment to the heritage designation by-law is proposed to streamline approvals by removing non-heritage lands from the designation, facilitating the clubhouse demolition, new clubhouse construction, and potential construction of a residential development. The amendment to Roseland designating bylaw (By-law 281-2003) requires a Heritage Impact Assessment (see Appendix D), an updated survey plan (see Appendix C), and an amendment to By-law 281-2003. The results of the Heritage Impact Assessment support the recommendations of the original report to amend the legal property description for By-law 281-2003 to remove the specified non-heritage features (i.e. Roseland parking lot and clubhouse – B 14/2023) from the legal description.

Responsible Party:	Economic Development Department & Planning Department	Due Date:	Tues, Feb 4

3. Administration should clarify how the ten acres in the Heritage Impact Assessment and the four acres mentioned in the meeting relate to one another and the proposed bylaw amendment.

Administration Response
Administration recognizes the inconsistency in Report S 161/2024 regarding the size of the area proposed for removal from the heritage designation. The correct removal area is 4.09 acres, encompassing the clubhouse building, adjacent practice putting green, and parking lot. This aligns with Council Decision B14/2023, which directed Administration to examine redevelopment opportunities for these elements only and did not include the Par-3 course. The 10-acre figure originally cited in the HIA referred to all non-contributing features, including the Par-3 course. However, only the 4.09-acre portion is recommended for removal per Council's direction under B14/2023. To avoid further confusion, Administration will ensure that all future reports and Council materials consistently reference the correct 4.09-acre figure, with updated maps illustrating this area provided in Appendix 'A' of the Additional Information report (AI 5/2025).

Responsible Party:	Economic Development Department & Planning Department	Due Date:	Tues, Feb 4

4. Administration should clarify why the Par 3 remains included in the Heritage Designated Area if it has not yet been shown to have historical/heritage value, and one of the reasons for the proposed amendment is a correction/clarification.

Administration Response
The Par 3 is a non-contributing feature of the Roseland Golf Course that was removed from the 10 acres based on Council Decision B14/2023 from April 3, 2023. The decision directed Administration to explore redevelopment options for the parking lot, clubhouse, and future of curling.

The impetus for the bylaw amendment is outlined above (see Q.2). The area identified for the redevelopment of the clubhouse and possible future development excludes the area of the Par 3 course.			
Responsible Party:	Economic Development Department & Planning Department	Due Date:	Tues, Feb 4

5. If the amendment is identified as a correction of past items that should not have been designated as heritage, then Administration should either ensure that all non-heritage items are included in the amendment or a clear basis as to how and why non-heritage items are being left in the designated area and how such a modification supports the correction.

Administration Response			
See "Which portion of the property is proposed for removal from the designation by-law?" section of the AI Report AI 5/2025 dated January 23, 2025. Specifically, the basis for leaving non-heritage items in the designated area is from Council Direction through Council Decision B14/2023 directing Administration to explore redevelopment options for the parking lot, clubhouse, and future of curling. The HIA assessed the whole golf course property for areas or features of no heritage contribution which identified the 10 acres, however, the designation by-law amendment is scoped to 4.09 acres per Council Direction. It is not uncommon for designated heritage properties across Ontario to undergo similar processes and procedures.			
Responsible Party:	Economic Development Department	Due Date:	Tues, Feb 4

6. The meeting discussions noted that no Heritage Impact Assessment was performed for the 2018 drainage/water work. Administration should assess and respond to the following questions:

    a. Should an HIA have been completed for prior drainage/sewer/water work, and why was it not completed?
    b. How can/should this be corrected if one should have been prepared?
    c. What mechanisms will the City implement to ensure that future development on or near heritage-designated sites includes HIA/required heritage considerations?

    This Administration investigation, analysis and the proposed corrective actions (or responses) should be provided to the Auditor General and City Council.

Administration Response
a. See "When a HIA is Required" section of the AI Report AI 5/2025 dated January 23, 2025. A HIA would not have been required for drainage/ sewer/ water works. Most of the staff that worked on the Lennon Drain project (the reference to "past building/development activity") have retired but Administration has since been able to review the project files, specifically getting access to the retired employee's email records. This additional research found that the Heritage Planner of the day was consulted about the Lennon Drain project and a determination was made that the

proposed scope of work did not require a Heritage Alteration Permit. Per past practice certain classes of heritage applications have been addressed by Administration, specifically when the proposed work is 1) considered minor or non-substantive; 2) verified by City staff to be acceptable and appropriate to the Heritage context and according to Heritage Standards (including but not limited to Standards and Guidelines for the Conservation of Historic Places in Canada and other broadly accepted/recognized heritage conservation resources and practices); and, 3) determined by City staff to not result in negative disruption or displacement to the cultural heritage value or interest of the property, or adversely impact the heritage designation of the property. This approach has been codified in a more formal way through the City Planner Bylaw 139-2013 which delegates authority to the City Planner to process and consent to categories of alterations to designated heritage properties pursuant to s.33 of the Ontario Heritage Act subject to the criteria list above. Report C 158/2016 “Lennon Drain Repairs and Improvements” brought forward to City Council on October 3, 2016, indicated that Engineering had consulted with the Heritage Planner regarding the golf course construction and heritage matters. Further discussions between the General Manager of Roseland Golf & Curling Club, Essex Region Conservation Authority (ERCA), and the Heritage Planner yielded the determination that no heritage permit application was required because the work proposed avoids having a negative impact on the heritage features identified within the Designation By-law 281-2003.

b. See “When a HIA is Required” section of the AI Report AI 5/2025 dated January 23, 2025. An HIA would not have been required for drainage/ sewer/ water works. A heritage permit application was not required for the project. See answer to 6(a.) above.

c. All heritage properties are mapped on the corporate Enterprise Information System (EIS) to allow for easy identification of municipally-owned heritage properties. Ongoing communication between the Engineering Department and the Planning Department will continue to allow for city projects on heritage properties to be flagged and the appropriate heritage approvals secured.

By including the detailed management response in this report, Administration is providing the Auditor General and Council with its analysis and responses.

Responsible Party:	a. & b. Economic Development Department & Planning Department c. City-wide internal departments that conduct work on municipally-owned heritage properties & Planning Dept	Due Date:	Tues, Feb 4