

# DR QUINN & ASSOCIATES LTD.

VIA E-MAIL

August 27, 2020

Ontario Energy Board  
Attn: Kirsten Walli, Board Secretary  
P.O. Box 2319  
27<sup>th</sup> Floor, 2300 Yonge Street  
Toronto ON M4P 1E4

**RE: EB-2020-0160 – EGI Windsor Line – S101 Application – FRPO Reply to EGI**

We are writing on behalf of the Federation of Rental-housing Providers of Ontario (FRPO) in response to the EGI letter submitted August 26<sup>th</sup> in advance of the Board's decision on hearing the Motion.

We understand, as EGI points out in the referenced letter, that capacity was an issue in the EB-2019-0172 proceeding. But in that proceeding, the Board and intervenors were not made aware of the County of Essex concern with capacity. This concern only came to light with provision of evidence by the County. In our references to our interrogatories, we provide numerous references to this issue in the County's evidence. In addition, we attach the minutes of Essex County Council from 05/25/2020 which states Council's on-going concern (page 10/14).

We respect that the Board, in response to EGI's concerns, cautioned intervenors to the known scope of issues presented by the EGI evidence. However, on behalf of ratepayers, FRPO is concerned that the Board was not aware of the capacity issue when the procedural order was issued and believe that the Board would want to be fully informed on other potential risks to the adequacy of the pipe in considering the issues of costs associated with location, depth and manner of de-commissioning. In our view, whatever decision would be made would be under-informed if the County's concerns were realized and the pipe needed to be replaced due to inadequate sizing. We are further concerned with the ratepayer impact of such an occurrence.

In our respectful submission, the adequacy of the pipe capacity ought to be considered in making a decision in the public interest. If the Board believes that adequacy is a potential concern, we will continue to assist the Board in this assessment. However, with knowledge of this issue, the Board determines that this adequacy issue ought not be pursued further, we will withdraw our motion and focus on matters where we may assist the Board further.

Respectfully Submitted on Behalf of FRPO,



Dwayne R. Quinn  
Principal  
DR QUINN & ASSOCIATES LTD.  
Attachment

c. R. Torul, EGIRegulatoryProceedings – EGI



## **Essex County Council Regular Meeting Minutes**

**Wednesday, May 20, 2020**

**Meeting Time: 6:00 PM Closed Meeting; 7:00 PM Regular Meeting**

**<https://video.isilive.ca/countyofessex/live.html>**

Council:

- Gary McNamara, Warden, Mayor, Town of Tecumseh
- Joe Bachetti, Deputy Mayor, Town of Tecumseh
- Tracey Bailey, Deputy Mayor, Town of Lakeshore
- Tom Bain, Mayor, Town of Lakeshore
- Marc Bondy, Mayor, Town of LaSalle
- Aldo DiCarlo, Mayor, Town of Amherstburg
- Hilda MacDonald, Mayor, Municipality of Leamington
- Crystal Meloche, Deputy Mayor, Town of LaSalle
- Leo Meloche, Deputy Mayor, Town of Amherstburg
- Richard Meloche, Deputy Mayor, Town of Essex
- Nelson Santos, Deputy Warden, Mayor, Town of Kingsville
- Gord Queen, Deputy Mayor, Town of Kingsville
- Larry Snively, Mayor, Town of Essex
- Larry Verbeke, Deputy Mayor, Municipality of Leamington

Administration: Mary Birch, Director of Council & Community Services/Clerk  
Robin Greenall, CEO/Chief Librarian, Essex County Library  
Bruce Krauter, Chief, Essex Windsor EMS  
Rob Maisonville, Chief Administrative Officer  
Jane Mustac, Director of Infrastructure Services/County Engineer  
Greg Schlosser, Director Human Resources  
Sandra Zwiers, Director of Financial Services/Treasurer  
Renée Trombley, Manager Communications and Organizational Development  
Katherine Hebert, Deputy Clerk  
Jeanie Diamond Francis, Manager, Community Services  
Danielle Dunlop, Council and Community Services Administrative Assistant

### 1. Closed Meeting

A Closed Meeting was scheduled for 6:00 p.m.

94-2020

**Moved By** Tracey Bailey

**Seconded By** Aldo DiCarlo

That Council move into a closed meeting pursuant to Section 239 (2) (e) and (f) of the Municipal Act, 2001, as amended for the following reason(s):

- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality;
- advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

**Carried**

### 2. Moment of Reflection

Warden McNamara shared condolences for the family of Canadian Forces Snowbirds Capt. Jennifer Casey, who tragically lost her life while flying on a goodwill mission this past Sunday. Please keep the family, the Canadian Armed Forces, the Snowbird members and those in the pilot's hometown of Nova Scotia in your thoughts while you reflect.

### 3. Singing of 'O Canada'

#### **4. Recording of Attendance**

Warden McNamara attended the meeting at the Council Chambers. All other members of Council, with the exception of Hilda MacDonald participated in the meeting via video conferencing, from remote locations. It was noted that Hilda MacDonald was not present in the electronic meeting.

#### **5. Disclosure of Pecuniary Interest**

There were no conflicts of pecuniary interest declared.

#### **6. Adoption of Regular Meeting Minutes**



May 6, 2020, Essex County Council Regular Meeting Minutes  
97-2020

**Moved By** Marc Bondy

**Seconded By** Gord Queen

That the minutes of the May 6, 2020 Regular Meeting of Essex County Council be adopted as presented.

**Carried**

## 7. County Warden's Welcome and Remarks

Warden McNamara shared the following remarks:

"I would like to express my condolences on behalf of the County of Essex to the family and friends of those who have died from COVID-19. Our thoughts are with you during this challenging time.

To the residents of Essex County, I would like to again say thank you. Thank you for staying home and slowing the spread of COVID-19. Your selfless efforts saved lives. You helped flatten the curve and you prevented our hospital system from being overwhelmed.

I know it hasn't been easy and I know you are longing to visit in person with family and friends. Please, hang on just a little bit longer so we don't undo all the good that we've done. As the weather warms and more and more businesses reopen, we need to be extra vigilant about physical distancing to ensure we don't cause a spike in COVID-19 cases.

Enjoy our trails and our golf courses and get those boats on the water, but don't forget to stay at least six feet away from other people.

And when you go shopping or into crowded places where physical distancing might prove challenging, wear a cloth mask. Wearing a mask can help keep you from infecting other people. It is a simple, selfless act that can keep our community safe.

We saw on the weekend how vulnerable we are to elevated water levels. We anticipate more instances of flooding this season and I urge all residents to be aware and be prepared.

Pack an emergency kit. Make an emergency plan. Contact your local municipality about sandbag distribution and flood mitigation programs.

We can't stop rising water levels but we can all take steps to protect our properties and prepare for an emergency situation."

## 8. Delegations and Presentations

There were no delegations for May 20, 2020.

## 9. Communications

### 9.1 Correspondence

98-2020

**Moved By** Joe Bachetti

**Seconded By** Richard Meloche

That the correspondence listed on the regular agenda for May 20, 2020, be received and any noted action approved.

**Carried**

#### 9.1.1 Verbeke Family

A note of thanks for the kindness shown during their time of loss.

**9.1.2 Pathway to Potential**

Spotlight on Drouillard Place (<http://drouillardplace.ca/>) a multi-service provider dedicated to improving the quality of life of residents of the Drouillard and Grandview communities in Windsor, Ontario

**9.1.3 Windsor-Essex Regional Chamber of Commerce**

May 5, 2020 Member Resources - COVID-19 Member Resource Update (<https://www.windsorsexchamber.org/enewsletter/>)

**9.1.4 Windsor-Essex Regional Chamber of Commerce**

May 13, 2020 Member Resources - COVID-19 Member Resource Update  
([https://business.windsorsexchamber.org/events?utm\\_source=Master+List&utm\\_campaign=1b6a67de65-EMAIL\\_CAMPAIGN\\_2020\\_03\\_23\\_12\\_55\\_COPY\\_01&utm\\_medium=1b6a67de65-71054617](https://business.windsorsexchamber.org/events?utm_source=Master+List&utm_campaign=1b6a67de65-EMAIL_CAMPAIGN_2020_03_23_12_55_COPY_01&utm_medium=1b6a67de65-71054617))

**9.1.5 Essex-Windsor Solid Waste Authority (EWSWA)**

Windsor and Kingsville Public Drop-Off Depots to Re-Open on Tuesday May 19, 2020

**9.1.6 Canada Ontario Housing Benefit (COHB) - Information Sheet**

The COHB is a jointly-funded, federal-provincial housing allowance program. The purpose of the COHB is to increase the affordability of rental housing.

**9.1.7 Association of Municipalities of Ontario (AMO) - Communication**

May 1, 2020 - Province Allowing Certain Businesses to Reopen  
May 4th – Including Municipal Construction Projects  
(<https://amo.informz.ca/informzdataservice/onlineversion/ind/bWF>)

**9.1.8 Association of Municipalities of Ontario (AMO) - Communication**

May 1, 2020 - AMO releases OPP Detachment Boards Discussion Paper  
(<https://amo.informz.ca/informzdataservice/onlineversion/ind/bWF>)

**9.1.9 Association of Municipalities of Ontario (AMO) - Events**

May 2, 2020 - AMO Launches Virtual 2020 Conference  
(<https://amo.informz.ca/informzdataservice/onlineversion/ind/bWF>)

**9.1.10 Association of Municipalities of Ontario (AMO) - Watchfile**

May 7, 2020 - AMO Watchfile Online

(<https://amo.informz.ca/informzdataservice/onlineversion/ind/bWF>)

**9.1.11 Association of Municipalities of Ontario (AMO) - Communication**

May 8, 2020 - COVID-19 Update – Municipal Financial Stabilization Needed, Safe Reopening – Guidelines & Webinar, and Long-Term Care Review Coming

(<https://amo.informz.ca/informzdataservice/onlineversion/ind/bWF>)

**9.1.12 Association of Municipalities of Ontario (AMO) - Communication**

May 11, 2020 - AMO COVID-19 Update: Child Care, Enforcement Reporting and Provincial Parks

(<https://amo.informz.ca/informzdataservice/onlineversion/ind/bWF>)

**9.1.13 Association of Municipalities of Ontario (AMO) - Reminder**

May 11, 2020 - Reminder Memo RE Mental Health

(<https://amo.informz.ca/informzdataservice/onlineversion/ind/bWF>)

**9.1.14 Association of Municipalities of Ontario (AMO) - Communication**

May 12, 2020 - AMO COVID-19 Update: Emergency period extended and Building Code amendments

(<https://amo.informz.ca/informzdataservice/onlineversion/ind/bWF>)

**9.1.15 Association of Municipalities of Ontario (AMO) - Conference**

May 14, 2020 - Virtual AMO 2020 Conference Program Information

(<https://amo.informz.ca/informzdataservice/onlineversion/ind/bWF>)

**9.1.16 Association of Municipalities of Ontario (AMO) - Watchfile**

May 14, 2020 - AMO Watchfile Online

(<https://amo.informz.ca/informzdataservice/onlineversion/ind/bWF>)

**9.1.17 Association of Municipalities of Ontario (AMO) - Communication**

May 14, 2020 - AMO COVID-19 Update: Continued Fiscal Stabilization Request + Re-opening Start

(<https://amo.informz.ca/informzdataservice/onlineversion/ind/bWF>)



### **9.1.18 Township of North Frontenac**

Resolution - Framework for Reopening our Province -  
Residential Construction in Rural Areas

### **9.2 Resolutions**

There are no resolutions for May 20, 2020.

### **10. Consent Agenda**

There were no items for the Consent Agenda for May 20, 2020.

### **11. Reports and Questions**



### **11.1 Housing with Supports Service Provider Ownership Changes**



Report Number 2020-0520-CS-R001-JDF, dated May 20, 2020, from Jeanie Diamond-Francis, Manager, Community Services.

Jeanie Diamond-Francis outlined the details of the report, Housing with Supports Service Provider Ownership Changes. She explained that Heritage Court of Amherstburg was going to be under new ownership and wished to continue to be a provider with the Housing with Supports Program and had expressed his desire to continue the contractual relationship with the County. As well, it was noted that the new owner indicated a desire to increase the number of available subsidized beds, should there be additional residents looking for placement. It was further noted that the operations of the facility would remain status quo.

Mrs. Diamond-Francis further advised that Village Lodge, located in McGregor, was another contracted service provider for Housing with supports and has also undergone an ownership change effective April 1, 2020. She noted that the business had transferred from father to son, and would be continuing to operate as the same Corporation and under the current legal name, therefore, a new contract was not necessary. She further noted that facility had capacity for 18 residents. She advised that both Homes were in good standing, meeting the County Standards. It was recommended that County Council adopt By-law Number 2020-22, authorizing the Warden and Clerk to enter into an agreement with the new owner of Heritage Court of Amherstburg, being WYZ Holdings Inc., to provide subsidized housing with supports care.

99-2020

**Moved By** Aldo DiCarlo

**Seconded By** Leo Meloche

That County Council adopt By-law Number 2020-22, authorizing the Warden and Clerk to enter into an agreement with the new owner of Heritage Court of Amherstburg, being WYZ Holdings Inc., to provide subsidized housing with supports care.

**Carried**

## **11.2 Tender Summary for the Culvert on County Road 14 - Lovelace Drain**



Report Number 2020-0520-isd-R018-JM, dated May 20, 2020, from Jane Mustac, Director of Infrastructure Services/County Engineer.

Jane Mustac presented the report, Tender Summary for the Culvert on County Road 14 - Lovelace Drain. She advised that the Culvert was scheduled for complete replacement, taking 4 weeks to complete, with a full road closure (scheduled to start mid-July). She further advised that the County received 10 submissions within the range of the Engineers estimate and the lowest bid received was reviewed for compliance and accuracy.

In response to a question, Ms. Mustac advised that the culvert was a pre-cast concrete culvert, and that the fabrication time for that type of culvert was typically 8 weeks, with the time to completion of that type of project usually being 4 weeks once dropped in place.

100-2020

**Moved By** Marc Bondy

**Seconded By** Larry Snively

That the tender for Project Number 114-2020 County Road 14 Culvert over Lovelace Drain be awarded to Matassa Incorporated for a total tender amount of \$520,696.00 plus H.S.T.

**Carried**

### 11.3 Road User Agreement - Enbridge



Report Number 2020-0520-isd-R019-JM, dated May 20, 2020, from Jane Mustac, Director of Infrastructure Services County Engineer.

Jane Mustac presented the report for Road User Agreement - Enbridge (formally Union Gas). It was explained that the Windsor Pipeline Project along CR 46 from the Town of Tecumseh limits (at 8th Concession) through to Chatham was to replace the 10" pipe, installed through the right-of way, because there were concerns with the integrity of the pipeline. Ms. Mustac explained that the replacement material proposed had a smaller diameter pipe of 6" but a higher pressure, therefore Enbridge indicated that there will be no change to the capacity in delivery. She explained that the project also included the removal of the existing 10" pipe from the roadway by Enbridge, as well as any contaminated soil, should there be any discovered in the process.

Ms. Mustac further noted that the report indicated the proposed timelines that had been discussed since it was brought to Council last year. She explained that an extensive review of the proposed plans had been undertaken, given that County Road 46 was a heavily travelled roadway, within the County of Essex and that the safety and security of the residents utilizing that roadway was of the utmost importance. She explained that County Administration wanted to ensure the integrity of the pipeline under the roadway, taking into consideration safety standards and guidelines for this type of installation. Council was advised that there were ongoing discussion regarding the depth of the placement of the pipeline under the roadway, with the proposed agreement prepared by the County solicitor and County Engineer requiring a 1.5 meter depth.

Members of Council expressed disappointment the Enbridge had not taken into consideration future growth, including the new hospital, when sizing the pipe and capacity of this replacement pipe.

Council was requested to adopt a by-law authorizing the execution of a Road User Agreement with Enbridge once terms and conditions agreeable to the County Engineer and Solicitor were negotiated.

101-2020

**Moved By** Tracey Bailey

**Seconded By** Crystal Meloche

That Council adopt By-law 2020-23, authorizing the execution of the Road User Agreement with Enbridge - Windsor Pipeline Project on CR 46 by the Warden and Clerk, at such time that County Administration, with the assistance of the County Solicitor, is satisfied that the terms and conditions of the Road User Agreement can be met.

**Carried**

## 11.4 COVID-19 Update



Report Number 2020-0520-ADM-R07-RM, dated May 20, 2020, from Robert Maisonville, Chief Administrative Officer.

Robert Maisonville presented the report on COVID-19 impact on County operations, which highlighted key dates, challenges, service delivery accommodations and the potential financial impact.

The report, focusing on the first quarter of 2020, outlined the emergency declaration by the County of Essex (March 22, 2020 which included a flooding emergency).

Mr. Maisonville highlighted that most serviced provided by the County of Essex were essential services and thus, had continued during the pandemic. He provided highlights of actions taken by County Administration since the emergency declaration including:

- A partial Emergency Operations Centre (EOC) was activated on March 12, 2020.
- County Administration developed work from home protocols, rotation shifts and cohorts to eliminate cross-contamination.
- Enhanced infection controls, implemented electronic meetings and closed the physical offices to the public (while keeping services open).
- Developed tracking system of all COVID-19 related costs and staffing hours.
- Developed regular transparent and timely communications to staff and the public.
- Collaboration with the City of Windsor had resulted in regional efforts to roll out a Regional Flood Awareness campaign. Promotion of awareness and preparedness to ensure that people in the region had a 72-hour kit, as well as an evacuation location established, should it be necessary to implement such a plan.
- Ongoing communication and engagement with all levels of government and working through various issues, which would be brought to Council as needed.

Mr. Maisonville provided a summary of the various issues and impacts on operations of County departments.

Recognition was given in particular to the exceptional work of the staff at the Sun Parlor Home and Essex Windsor EMS

He noted that with respect to external commitments and COVID-19 related costs, unbudgeted expenditures for Social Services and Public Health were a concern for the County as it was not currently known if the Province would be providing additional funding to offset the costs. Warden McNamara extended best wishes and appreciation for everything that front line staff were doing to keep everyone safe. He recognized the guidance and assistance provided by County Administration.

102-2020

**Moved By** Larry Verbeke

**Seconded By** Nelson Santos

That the COVID-19 Update Report Number 2020-0520-ADM-R07-RM,  
be received for information.

**Carried**

## **12. Unfinished Business**

There was no unfinished business to report.

## **13. New Business**

### **13.1 Public Reporting of Closed Meeting**

Warden McNamara reported that a Closed Meeting was held following the regular meeting of Council on March 6, 2020, pursuant to Sections 239 (2)(e) and (f) of the Municipal Act, 2001 as amended. Council was provided with an update on a contractual matter involving potential litigation.

He further advised that a Closed Meeting of Essex County Council was also held at 6:00 p.m., prior to the May 20th regular meeting, also pursuant to Sections 239 (2)(e) and (f) of the Municipal Act, 2001, as amended. Council was provided with legal advice subject to solicitor-client privilege. Council was also provided with information related to a contractual matter involving litigation.

### **13.2 SWIFT Broadband**

Richard Meloche raised the issue of poor internet connectivity in more rural communities and brought forth a request to have Administration review the status of the SWIFT project and report back with any updates.

Mr. Maisonville reported that RFPs were sent out and that SWIFT is moving forward. The program that we've entered into is just a small component of something much larger that is required in our area. There is also an unknown factor of support and funding from the provincial government. A timeline for a presentation to Council will be sorted shortly. The intention is to provide Council with some information on the status of the project and what opportunities exist for moving forward. There have been some developments with the CRTC and private ISPs who are interested in opportunities to develop access to internet across the whole country. Some areas have been addressed already, but there have been delays due to the interruption of work recently. Connecting Windsor-Essex group is in discussions with SWIFT and we will continue to move it forward as quickly and efficiently as possible.

Warden McNamara advised that the cross-country pandemic has had an impact on timing and implementation of these projects. The Western Ontario Warden's Caucus sent a request to the Federal Government for a recovery package and broadband expansion. AMO has also sent correspondence to this regard. We are extremely dependent on good broadband.

Richard Meloche raised the issue of education and the difficulties facing teachers and students as the lack of connectivity is rampant. He further expresses a lack of confidence in getting high speed internet in a timely manner, and the recent delays are not the biggest delays. Residents have a strong desire to move this along.

Mr. Maisonville advised that the delays are not a result of SWIFT efforts, but rather the result of the upper levels of government. This is a group effort in terms of all parties coming to the table.

### **13.3 COVID-19 Related Regional Communications**

Joe Bachetti suggested that there should be some consultation between the City of Windsor and the county municipalities and Windsor Essex County Health Unit, surrounding what community amenities opened and when to eliminate confusion. He cited the example of dog parks opening in one municipality but not in another.

Robert Maisonville advised that conversations are taking place at the Provincial and Municipal levels, and that meetings are taking place on a regular basis with CAOs and the Health Unit. He noted that the suggestion would be brought forward at their next meeting.

## 14. Adoption of By-Laws

103-2020

**Moved By** Tom Bain

**Seconded By** Leo Meloche

That By-law(s) 2020-22 through 2020-24, having been read a first, second and third time, be finally passed and enacted.

**Carried**

### 14.1 By-law Number 2020-22



Being a By-law authorizing the execution of an agreement between WYZ Holdings Inc. and the Corporation of the County of Essex to provide subsidized housing with supports care.

### 14.2 By-law Number 2020-23



A By-Law authorizing the execution of a Road User Agreement with Enbridge Gas Inc. ("Enbridge").

### 14.3 By-law Number 2020-24



Being a By-law to confirm the proceedings of the Council of the Corporation of the County of Essex. (May 20, 2020)

## 15. Notice of Motion

## 16. Adjournment

That the Essex County Council meeting for May 20, 2020 be adjourned at 7:55 PM.

104-2020

**Moved By** Joe Bachetti

**Seconded By** Richard Meloche

That the Essex County Council meeting for May 20, 2020 be adjourned at 7:55 PM.

**Carried**