



19 February 2019

**Tribunal Registrar  
Tribunals Ontario – Environment & Land Division  
655 Bay Street, Suite 1500  
Toronto, ON  
M5G 1E5**

**Attention: Tamara Zwarycz**

**Re: Participant Statement, LPAT Appeal  
Proposed New Acute Care Hospital Facility  
City of Windsor**

**Dear Tamara Zwarycz:**

I am Richard C. Spencer, President of RC Spencer Associates Inc., Windsor-based Consulting Engineers, contracted by the owners of both shortlisted proposed hospital sites to provide site servicing reports for the proposed new acute care hospital facility.

I wish to be added as a Participant to the LPAT appeal launched by CAMPP Windsor-Essex Residents Association to address the zoning and Official Plan Amendment decisions of Windsor City Council.

I wish to provide evidence about material differences between our firm's analyses and those ultimately used in the site selection, as well as initial and ongoing road infrastructure that were not considered in the site evaluation criteria. These considerations would have been necessary in order to compare accurately the two short-listed hospital sites.

**Background**

Only two sites were short-listed by the Site Selection Committee for the New Acute Care Hospital Facility. Our firm completed and submitted site servicing reports on behalf of both properties: GEM Properties, located at 6550 Tecumseh Road East, and the O'Keefe property on County Road 42 at 9<sup>th</sup> Concession.

We were advised at the Phase 2 Site Selection Committee Meeting that Stantec Consulting, engaged by the Windsor Hospitals Program and Services Planning and Steering Committee, would review all reports to ensure consistency with estimates submitted and would liaise directly with our firm to obtain agreement on same.

We were also advised by Stantec Consulting that they were in agreement with our engineering and cost analyses.



At a media event hosted by Windsor Regional Hospital on January 6, 2016, and subsequently reported in the Windsor Star, it was revealed that the estimates used in the final site evaluation were significantly different from those prepared by our firm. These differences are described in our firm's letter dated January 25, 2016, attached below.

### **Submission**

Through my participation in CAMPP's LPAT appeal, I wish to make three points:

1. Following the submission of our firm's reports, I was assured by Stantec Consulting that they would subsequently liaise with me to obtain agreement on the final estimates. The analyses that our firm submitted for each property were materially different than those ultimately relied upon for the selection of the hospital site.
2. Neither the initial road upgrades for each site, nor the ongoing maintenance of these roads, was part of the evaluation criteria in the site selection process by the Committee. However, the City of Windsor was obliged to consider these significant initial and ongoing costs to be borne by their taxpayers, if and when they became aware of these total cost differences.
3. The final site evaluation was based on different arterial road access routes to the ultimately unsuccessful GEM site than I was asked to review as part of the vendors' original submission. This was a material departure from the original vendor submission pursuant to the RFP.

Windsor City Council's decisions were inconsistent with several provisions of the Provincial Policy Statement, 2014, which call for cost-effective use of existing infrastructure.

Windsor City Council's decisions were inconsistent with **Section 1.1.1** of the Provincial Policy Statement, 2014. Sections **1.1.1(a) and (e)** call in municipalities to promote "efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term; and "cost-effective development patterns and standards to minimize land consumption and servicing costs". As indicated in my letter, there was one other property available, the GEM property, which unlike the County Road 42 site, is already fully serviced (sewer, water, hydro, natural gas, drainage) and provides adequate redundancy required for a major health care institution.

Windsor City Council's decision was inconsistent with **Section 1.1.3.3 and 1.1.3.4** of the Provincial Policy Statement, 2014, which favour existing serviced sites and intensification of an existing area when possible, because it favoured a site lacking servicing, and any redundancy rather than accommodating an existing area that is already fully serviced with redundancy.

The decision was further inconsistent with **Section 1.6.1, 1.6.3 and 1.6.5** of the Provincial Policy Statement, 2014, because, the use of existing infrastructure was not optimized, and cost-effectiveness was not promoted through access to transit and active transportation.

**Documents**

My participation in the LPAT hearing would rely on the following documents, which are attached.

- Site servicing report for GEM Properties, dated May 25, 2015
- Letter dated January 25, 2016, written by me to my client, GEM Properties
- Alan Halberstadt article from February 2019 BizX Magazine

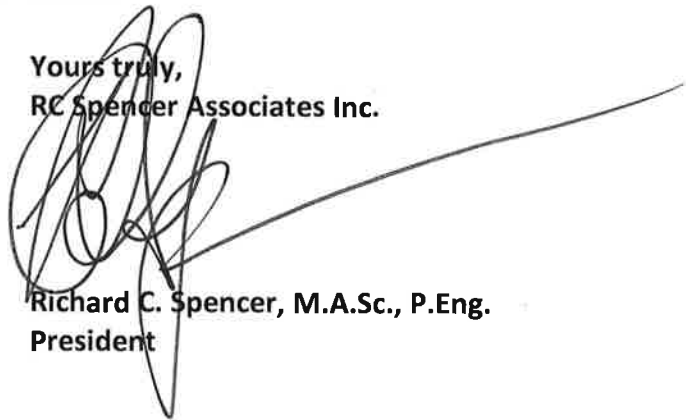
**Conclusion**

The issues raised by the appellant include concerns relating to the cost-effectiveness of greenfield site development and the additional long term municipal costs required to service the County Road 42 site for an Acute Care Hospital Facility. The information in the attached letter and as presented above explains how the selected site did not represent the more efficient or cost-effective of the choices available at the time of site selection.

Had our analyses been used as originally submitted by our firm, and if the significant cost of road improvements had been taken into account as outlined in our attached letter, it is my opinion that the County Road 42 property would not have been selected as the most efficient and cost-effective site for the proposed acute care hospital facility.

Furthermore, City Council should have been made aware of the differences between our firm’s servicing reports and the figures that were ultimately used for this project, in order for them to make an informed decision on the matter.

Yours truly,  
RC Spencer Associates Inc.



Richard C. Spencer, M.A.Sc., P.Eng.  
President