



Office of the Municipal Auditor General,
The Corporation of the City of Windsor

AUDITOR GENERAL COMPLAINT INVESTIGATION REPORT

Safety Concerns and Responsibility Dispute Over Municipal Road Closure

Febrary 6, 2026

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Executive Summary

Background

The Office of the Auditor General received a complaint concerning public safety risks associated with a municipal road closure for service work on Jefferson Boulevard. The complainant reported that temporary, moveable barriers intended to restrict access were being shifted by drivers outside normal construction hours, allowing vehicles to enter the closed area at unsafe speeds. These actions were described as hazardous to pedestrians, residents, and workers. Other neighbours expressed similar concerns, and photos provided by the complainant illustrated repeated unauthorized access.

Investigation Approach

The investigation examined whether appropriate traffic control measures, oversight practices, and communication processes were in place during the Jefferson Boulevard construction project, and whether the circumstances described in the complaint were supported by available evidence. The Office reviewed Traffic Control Plans, tender documents, contractual obligations, Letters of Understanding, inspection logs, site visit records, and incident correspondence. The investigation assessed communication with residents, compliance with MTO Book 7 standards, ongoing monitoring of the construction site, and any reported incidents of injury, damage, or unauthorized access.

Summary of Procedures and Findings

Evidence confirmed that temporary barriers were moved after hours and that vehicles entered the construction zone when the site was unattended. While several near misses were reported, no injuries or property damage were substantiated. Required controls were in place, including approved Traffic Control Plans, detour signage, and biweekly site inspections. Continuous surveillance is not required under City or MTO standards. Roles and responsibilities for safety compliance were clearly established contractually; however, communication gaps contributed to resident uncertainty about whom to contact when issues occurred. Incident information was captured informally through email correspondence, which is consistent with current City practices but limits the ability to trend and analyze recurring concerns.

Overall conclusion: The allegation is **partially warranted**—unauthorized access occurred despite required controls being in place, creating a recurring safety risk during after-hours periods.

Recommendations:	Two recommendations are issued for management action: 1. Enhance communication protocols for construction delays. Project delays contributed to resident frustration and repeated barrier movement. A formal process for notifying residents of changes to timelines and for encouraging reporting of safety concerns is needed. 2. Strengthen protocols for transferring responsibility between parties during multi-entity construction work. Letters of Understanding should explicitly reference applicable Traffic Control Plans, outline safety and compliance obligations, clarify responsibility for maintaining barriers, and require documentation of incidents during transfer periods.
Assessment of Administration's Proposed Actions	Administration has provided action plans to address the recommendations which are expected to address the findings. One item is action dependent (Recommendation #2) and the event or a directive govern the event will be required to close the action plan.
Complaint Disposition	Based on the evidence reviewed, the complaint is partially warranted with respect to unauthorized after-hours access to the construction zone; required traffic control measures were in place and no injuries or property damage were substantiated.

Context and Approach

The Office of the Auditor General received a complaint concerning public safety risks associated with a municipal road closure for service work. The complainant reported that temporary, moveable barriers intended to restrict access to the construction area were being shifted by drivers outside normal working hours, allowing vehicles to pass through the closed section of roadway at unsafe speeds. These actions were described as creating hazards for pedestrians, workers, and local residents. The complainant also noted that neighbours had raised similar concerns. The complainant provided photos and images to illustrate the barrier conditions and instances of unauthorized access.

Scope & Limitations

Scope of Review

The investigation focused on the Jefferson Boulevard construction project and the circumstances described in the complaint related to the movement of temporary road barriers, unauthorized vehicle access, and potential safety risks. The scope included:

- The City's communication processes for notifying residents of road closures and construction activities.
- The review and approval of Traffic Control Plans for the 2024 and 2025 construction periods.
- The design and implementation of traffic control measures, including signage, barriers, and detour arrangements.
- Contractor responsibilities and accountability for safety and compliance under the construction contract and related agreements, including the Letter of Understanding with Enbridge Gas Inc.
- The City's monitoring activities during the construction period, including site visit records, inspection logs, and meeting minutes.
- Incident correspondence documenting reports of unauthorized access, near misses, and safety concerns.
- Any available reports or evidence relating to injury, damage, or harm.

The investigation assessed whether the events described in the complaint occurred, whether existing controls functioned as intended, and whether oversight practices aligned with applicable standards and expectations.

Limitations

The investigation was conducted using the information, documentation, and correspondence available for the Jefferson Boulevard project. The following limitations were noted:

- No formal incident reporting system exists for this project; incident information was obtained through email correspondence rather than standardized incident reports.
- After-hours activities were not monitored, and the City does not maintain surveillance footage or other continuous monitoring records for construction sites.
- The investigation did not include re-performance of controls or independent site observation, as construction activities had concluded by the time of review.
- The assessment did not include testing beyond the documentation provided, and no additional interviews were conducted beyond those documented in the working papers.
- The investigation was limited to this specific project and did not assess broader City-wide practices unless necessary for contextual understanding.

No material limitations prevented the Office from reaching a conclusion on the complaint based on the evidence available.

Contextual Information

The complaint relates to the Jefferson Boulevard construction project, a major municipal undertaking initiated in February 2024 and extending through May 2025, with a planned pause between construction seasons. The project involved multiple phases and contractors, required both full and partial road closures, and relied on temporary barriers and detour signage installed in accordance with two City-approved Traffic Control Plans (one for each construction period) and Ministry of Transportation Ontario (MTO) Book 7 standards.

Advance notices were distributed to affected residents outlining the scope, timelines, and safety measures, and providing contact information for reporting concerns. City personnel noted that, except for special circumstances, construction projects are not required to have continuous enforcement or after-hours monitoring, and neither CCTV footage nor surveillance is expected under City or MTO standards.

Incident reports indicated several close calls involving vehicles and pedestrians, as well as one reported assault of a contractor employee. While no injuries or property damage were substantiated, project delays and prolonged restricted access led to repeated after-hours movement of temporary roadblocks by residents seeking to regain access to their homes.

A Letter of Understanding (July 15, 2024) between the City of Windsor and Enbridge Gas Inc. permitted Enbridge to complete utility work within the existing construction zone while the City temporarily suspended its drainage improvement work. This collaboration was intended to minimize total construction costs and required Shearock Construction Group Inc. (the City's contractor) to demobilize and remobilize around the utility work. Despite these coordinated efforts, the project experienced significant delays, contributing to increasing frustration among residents and repeated instances of unauthorized access as documented in email chains and complaints.

Regulatory context

MTO Book 7, part of the Ontario Traffic Manual, establishes the provincial standard for temporary traffic control in construction zones. It requires a site-specific Traffic Control Plan detailing signage, barriers, pedestrian routing, visibility requirements, and detour arrangements. These standards are incorporated into City contracts and are mandatory for municipal road projects.

Legal context

The investigation was also informed by **R. v. Greater Sudbury (City)**, which clarified the obligations of municipal owners under the Occupational Health and Safety Act (OHSA), particularly regarding due diligence when delegating responsibilities to contractors. In light of this precedent, the investigation examined the City's controls, oversight practices, and contractor-management processes to determine whether similar liability risks existed in the Jefferson project.

Why This Matters

Unauthorized movement of temporary road barriers can create significant safety risks for residents, workers, and pedestrians when vehicles enter active construction zones outside of supervised hours. Although no injuries or property damage were substantiated, the incident correspondence shows repeated close calls and ongoing public concern, highlighting a need for clear communication, consistent controls, and timely oversight.

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Construction projects rely on well-designed and properly implemented traffic control plans, with responsibilities clearly delegated between the City and its contractors. When roles or expectations are unclear—or when incident information is not captured in a structured manner—the City may be exposed to avoidable safety, liability, and reputational risks.

This investigation matters because it provides assurance to Council and the public that the controls governing construction safety were reviewed, that due diligence expectations under MTO Book 7 and OHSA were considered, and that opportunities exist to strengthen communication and incident documentation for future projects. Ensuring clarity, consistency, and accountability in these areas supports public safety, effective project delivery, and confidence in municipal oversight practices.

Investigation Approach

The Office of the Auditor General conducted this investigation to determine whether appropriate controls, oversight practices, and communication processes were in place during the Jefferson Boulevard construction project, and to assess whether the circumstances described in the complaint were supported by available evidence.

The approach focused on evaluating the City's due diligence before and during construction, the effectiveness of traffic control measures, and the clarity of accountability between the City and its contractors. The investigation relied on documentation review, interviews with relevant City personnel, and analysis of incident correspondence. Specifically, the Office examined the following:

1. **Communication procedures for upcoming construction.** Reviewed the templates and processes used to notify residents of road closures, detours, construction timelines, and site access restrictions, including advance notices and communication protocols in effect for the Jefferson project.
2. **Traffic Control Plan (TCP) approval and compliance.** Reviewed the Traffic Control Plans for the 2024 and 2025 construction periods and assessed the City's procedures for reviewing and approving TCPs in accordance with Ministry of Transportation Ontario (MTO) Book 7 standards.
3. **Controls to prevent unauthorized access to construction zones.** Examined contractor agreements and provisions related to perimeter safety measures, placement of barriers, signage, and other deterrents used to restrict public access to active construction areas.
4. **Clarity of roles and accountability for safety and compliance.** Reviewed tender documents, contractual obligations, and Letters of Understanding to assess the delegation of responsibilities between the City, its contractors, and Enbridge Gas Inc., and to confirm alignment with applicable safety and legal requirements.
5. **Ongoing monitoring of the construction site.** Reviewed inspection logs, site visit records, and meeting minutes to evaluate the frequency and nature of on-site monitoring and oversight, including how issues were identified, documented, and escalated.
6. **Reports of unauthorized vehicle access.** Analyzed incident emails and resident correspondence documenting vehicles entering the construction zone after hours, and assessed how such concerns were communicated to the City and the contractor.
7. **Reports of injury, damage, or safety incidents.** Reviewed available incident reports and correspondence to determine whether any injuries, property damage, or safety-related claims were substantiated during the period covered by the investigation.

This approach allowed the Office to assess whether the circumstances described in the complaint occurred, the degree to which existing controls mitigated safety risks, and the extent of the City's due diligence under relevant standards and legal expectations.

Findings by Allegation

Allegation

A resident alleged that temporary road barriers placed to restrict access to a municipal construction zone on Jefferson Boulevard were being moved by drivers outside normal construction hours. The complainant expressed concerns that unauthorized access allowed vehicles to travel through the closed area at unsafe speeds, creating risks to residents, pedestrians, and workers. The complainant also questioned whether the City or the contractor would be responsible should an incident occur.

Evidence Reviewed

The investigation reviewed the documentation and correspondence available for the Jefferson Boulevard project, including:

Construction and Traffic Control Documentation

- 2024 and 2025 Traffic Control Plans (TCPs)
- Tender documents and contractual requirements for safety compliance
- Letter of Understanding with Enbridge Gas Inc. regarding work coordination
- Pre-construction, resuming construction, and site visit meeting minutes
- Inspection logs showing biweekly monitoring (15 site visits)

Communication and Resident Engagement Materials

- Advance construction notices and detour communications
- Notice templates and procedures for notifying affected residents

Safety and Incident Information

- Email correspondence from residents and councillors reporting:
 - barriers being moved
 - vehicles entering the construction zone
 - near misses involving children and pedestrians
- an assault on a contractor employee
- City staff responses and follow-up communications with the contractor
- Confirmation from City personnel that after-hours monitoring is not standard practice

No formal incident reports existed; all safety concerns were documented through email chains.

Investigator's Understanding

Based on the evidence reviewed:

Barrier Movement and Unauthorized Access

- Multiple incidents confirm that temporary barriers were moved after hours.

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- Vehicles did enter the restricted construction area when the site was unattended.
- Several near misses were reported; however, no confirmed injury or damage claims were filed.

Controls and Compliance With Standards

- Required controls were in place: approved TCPs, detour signage, and barriers meeting MTO Book 7 minimum standards.
- The vulnerability of temporary barriers to being moved was a known limitation.
- Continuous surveillance is not required under City standards or MTO Book 7.

Oversight and Accountability

- Contractual documents clearly assign responsibility for safety compliance to the contractor.
- The City maintained oversight through biweekly inspections and on-site supervision during working hours.
- Communication gaps existed: residents were uncertain whether to contact the City or the contractor when issues occurred.

Incident Documentation

- Safety issues were captured informally through email correspondence rather than a structured incident-reporting system, limiting trend analysis and escalation consistency.

Allegation is *partially warranted*.

- Unauthorized access did occur, and the movement of temporary barriers was confirmed through multiple independent sources.
- Required controls and oversight were in place, but after-hours vulnerability of temporary barriers created a recurring safety risk.
- No injuries or damage were substantiated.
- Roles and responsibilities were clear in contractual documents, though communication with residents could be strengthened.

Recommendations

1. Enhance communication protocols for notifying local residents of anticipated delays.

The subject project identified that prolonged and unanticipated delays led to increased frustration among local residents. The lack of timely and effective communication regarding these delays contributed to agitation, resulting in repeated incidents of unauthorized access to construction zones and heightened safety risk.

While advance notices regarding the initiation and expected duration of projects are provided to residents impacted by construction, there is no formal protocol for communicating subsequent delays or changes to project timelines.

It is recommended that the City of Windsor develop and implement formal communication protocols for notifying local residents of construction delays and changes to project timelines. These protocols should include timely updates regarding anticipated/actual delays, clear explanations, contact information for inquiries, and multiple communication channels (e.g., mail, website, and signage) to ensure broad reach.

Furthermore, residents should be encouraged, by updating the template notification that is sent announcing a construction project, to report safety concerns or report instances of barrier tampering.

Management Response:			
Management agrees with this recommendation. A standard operating procedure/communications plan will be developed for all standard project notifications. The department has updated the pre-construction notification template to encourage residents to report safety concerns or barrier tampering. This updated template will be implemented for projects commencing in Q2 2026. In addition, the department has established processes for communicating construction delays and timeline changes, including issuance of updated notices and coordination with Communications to ensure website and social media updates.			
Responsible Party/ Title	Executive Directors of Engineering & Operations	Due Date:	Q2 2026

2. Enhance protocols for transferring responsibility for construction site and traffic risk.

To ensure accountability, safety, and regulatory compliance during periods when control of a municipal construction site is transferred between parties (e.g., between the City, contractors, or utility companies), the Letter of Understanding should include the following mandatory elements:

- **Reference to Traffic Control Plan (TCP):** The LoU should reference the specific Traffic Control Plan (TCP) in effect at the time of transfer, including any amendments made to accommodate the new party's activities. If the TCP is updated or modified for the hand-off, the LoU should attach or cite the revised plan, ensuring all parties are aware of the current safety and traffic management requirements.

- **Summary of Safety and Compliance Obligations:** The LoU should reiterate each party's obligations under the Ministry of Transportation Ontario (MTO) Book 7 standards and the Occupational Health and Safety Act (OHSA).
- **Responsibility for Safety Measures:** It should specify who is responsible for maintaining barriers, signage, and other safety measures during the transfer period.
- **Communication Protocols:** The LoU should outline how changes to the TCP or site access will be communicated to affected residents and stakeholders, including contact information for reporting concerns.
- **Recordkeeping and Incident Reporting:** The LoU should require documentation of any incidents or safety concerns during the transfer period, using standardized reporting templates where possible.

Management Response:			
Management agrees with these recommendations.			
Responsible Party/Title (accountable executive with authority, budget and staff to implement the change.):	City Solicitor/ Executive Director of the respective Department for which the LoU is being prepared	Due Date::	N/A – will be implemented the next time an LoU is completed for this purpose.

Considerations for Improvement

The recommendations presented in this report reflect specific control gaps or areas where the investigation identified a need for strengthened processes. These items require a formal management response and an action plan. In contrast, the Opportunities for Consideration outlined below are not findings of deficiency. Instead, they represent optional enhancements that Administration may choose to explore based on practicality, resource availability, and alignment with broader operational priorities. These opportunities are offered to support continuous improvement but do not require a commitment to implement.

1. Consider enhanced deterrents for after-hours access in high-risk areas.

Repeated incidents of unauthorized after-hours access to active construction zones were confirmed. Based on incident records, temporary barriers were moved by residents, allowing access which increased risk of injury and property damage.

City of Windsor may consider working with contractors to implement enhanced deterrents for after-hours access in high-risk construction zones when projects are delayed.

2. Standardizing incident reporting templates

Incident and safety concerns were frequently documented through informal channels, such as emails chains, rather than through a formalized reporting process. This lack of standardized incident reporting limits the City's ability to systematically track, analyze, and respond to safety data over time.

To strengthen oversight and support continuous improvement in road construction safety, City Administration may wish to consider implementing standardized incident reporting templates for all municipal construction projects.

These templates should capture key details including date and time, parties involved, nature of the incident, actions taken, resolution, and lessons learned. Formalizing this process will enhance consistency and completeness of incident documentation, enable more effective trend analysis and risk identification, support timely escalation and resolution, and provide a clear audit trail.

3. Incorporate post-construction resident surveys.

The Jefferson Boulevard project highlighted the importance of effective communication with local residents throughout the construction lifecycle. While advance notices and updates were provided, there is no mechanism to assess resident satisfaction with communication or identify areas for improvement.

The city may wish to incorporate a post-construction resident survey for all major municipal construction projects. The survey should be designed to assess satisfaction with communication, identify gaps or issues faced during the project, and gather suggestions for improving communication and engagement.