

Notice of Public Hearing – Committee of Adjustment Application

File # B-052/25

Date Mailed: August 20, 2025

Electronic hearing:

By videoconference on September 4, 2025 at 3:30 PM

Why am I receiving this notice?

As an adjacent property owner you are receiving this courtesy notice of hearing because an application has been submitted for consent and/or minor variance to a property located close to you. Formal notice of the hearing was given by publication of the Committee of Adjustment’s Agenda Record in the Windsor Star on August 20, 2025. as required by the Planning Act.

Sections 45(1) & 54(5) of the Planning Act authorize the Committee of Adjustment to consider these requests.

Application details are posted on the City of Windsor website along with the Administrative recommendation(s). For the latest Administrative comments check the City’s website page for **Committee of Adjustment-Meeting Agenda** after 12:00 noon on the Friday prior to the hearing date.

APPLICANT AND PROPERTY INFORMATION

**LEGAL DESCRIPTION:** PT OF VICTORIA AVE CLOSED,;PLAN 83 ADJACENT TO LOTS 14;15 16 17 & 18 EAST SIDE VICT;AVE RP 254 & PT 19 RP 281

OFFICIAL PLAN DESIGNATION	ZONING OF SUBJECT LAND(S)
Mixed Use	Commercial CD3.6

Applicant/Owner(s)	Authorized Agent(s)	Subject Property
<p><b>Owner Name:</b> WINDSOR ESSEX COUNTY Y FOUNDATION</p> <p><b>Applicant Name:</b> Siskinds LLP</p>		500 VICTORIA AVE

PURPOSE OF APPLICATION

Consent - Validation of Title.



## BACKGROUND INFORMATION

The application is for a Validation Certificate under s. 57 of the *Planning Act*.

The subject property, 500 Victoria Avenue, Windsor, is comprised of two parcels (as illustrated below):

A. PIN 01193-0487

B. PIN 01193-0513



### Merger:

On April 2, 1964, Parcel "A" was acquired by "The Windsor-Essex County Family Young Men's Christian Association".

On June 23, 1992, Parcel "B" was acquired by The Windsor-Essex County Family Young Men's Christian Association" from the City of Windsor.

At this point, since the adjoining parcels were owned under the same name, the parcels would have merged under the *Planning Act*.

### Change of Corporate Ownership and Inadvertent Severance (without consent):

On November 10, 2010, Parcel A was transferred to "Windsor-Essex County Y Foundation" as part of winding down the corporate entity known as "The Windsor-Essex County Family Young Men's Christian Association". However, Parcel B was mistakenly not included in this transfer, in violation of Section 50 of the *Planning Act*. The result is that technically the transfer of Parcel A is invalid.

### **Escheats to the Crown:**

While this issue might normally be rectified by transferring Parcel B into the same name as Parcel A (undoing the impermissible severance), this is not currently possible because the entity that owned Parcel B -- "The Windsor-Essex County Family Young Men's Christian Association" -- no longer exists.

When a corporation is dissolved, and their real property is not transferred to another person, the property reverts to Crown ownership under Ontario's *Escheats Act, 2015*.

While we are working with Infrastructure Ontario to have ownership of Parcel B returned to "The Windsor-Essex County Y Foundation," to truly fix the problem requires the municipality exercising its power to issue a Certificate of Validation for the 2010 transfer under section 57 of the Planning Act, which reads:

#### Validation certificate

57 (1) A council authorized to give a consent under section 53, other than a council authorized to give a consent pursuant to an order under section 4, may issue a certificate of validation in respect of land described in the certificate, providing that the contravention of section 50 or a predecessor of it or of a by-law passed under a predecessor of section 50 or of an order made under clause 27 (1) (b), as it read on the 25th day of June, 1970, of *The Planning Act*, being chapter 296 of the Revised Statutes of Ontario, 1960, or a predecessor of it does not have and shall be deemed never to have had the effect of preventing the conveyance of or creation of any interest in such land.