

# Municipality of Lakeshore – Report to Council

## Legal and Legislative Services

### Legal Services



**To:** Mayor and Members of Council  
**From:** Zachary Knox, Legal Counsel  
**Date:** March 10, 2025  
**Subject:** Municipal Restructuring of Monroe Island

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### Recommendation

Direct the Clerk to read By-law 25-2025, being a By-law to approve the annexation of the property municipally known as 440 Brighton Road and legally described in Appendix "A" ("Monroe Island") by the Town of Tecumseh ("Tecumseh") and authorize the execution of a Boundary Adjustment Agreement between the Municipality of Lakeshore ("Lakeshore"), Tecumseh, and the County of Essex (the "County"), that is satisfactory in content to the Corporate Leader – General Counsel; and

Authorize Administration to submit an application for municipal restructuring to the Minister of Municipal Affairs and Housing ("Minister") to facilitate the annexation of Monroe Island into Tecumseh, all as presented at the April 8, 2025 Council meeting.

### Strategic Objectives

This report does not directly align with a Strategic Objective; however, it serves as follow-up to the previous Report to Council regarding this matter presented on February 16, 2021, and the associated By-law 18-2021.

### Background

Monroe Island, as shown on the aerial map attached as Appendix "B", is a unique property which is geographically located in Lakeshore but has a single access via a bridge connecting to land located in Tecumseh. There is only one single residential dwelling on Monroe Island. Lakeshore and Tecumseh agree that it would be more efficient and cost-effective for services to Monroe Island to be provided by Tecumseh. As such, Lakeshore and Tecumseh have been working together to pursue the annexation of Monroe Island into the jurisdiction of Tecumseh through a formal municipal restructuring process, in accordance with the provisions set out under the *Municipal Act, 2001*.

Sections 171 to 173 of the *Municipal Act, 2001*, together with Ontario Regulation 216/96, establish a structured process for annexation that requires municipalities to pass a resolution detailing the lands to be annexed, the rationale, and the impact on residents and services. Affected municipalities, property owners, and stakeholders must be notified and given an opportunity to participate in a public meeting, which may be any open meeting where the public can address Council. For annexations within two-tiered municipal structures, such as Lakeshore, Tecumseh, and the County, each affected lower-tier Council and the upper-tier Council must hold a public meeting to gather input on the proposal. If an agreement is reached, the identical proposal must be approved by by-laws from each Council before being submitted to the Minister of Municipal Affairs and Housing (the “Minister”) for approval. If the Minister approves, an annexation order is issued.

Previously, on February 16, 2021, Council passed By-law 18-2021 which authorized the execution of a servicing agreement between Tecumseh, the registered owners of Monroe Island and Lakeshore (the “Interim Agreement”) to provide for the interim servicing of, and financial matters pertaining to, Monroe Island while it remains under the jurisdiction of Lakeshore. Resolution 60-02-2021 provided direction to Administration to “prepare a consultation plan and draft a municipal restructuring proposal for consultation with the community and stakeholders as required by Part V of the *Municipal Act, 2001*” (the “Proposal”).

The Interim Agreement further acknowledges the next steps to formalize the provision of services would include:

1. proceeding with the Proposal to bring Monroe Island formally into the jurisdiction of Tecumseh for tax purposes; and
2. collaboration of the parties to submit a formal application to the Minister.

## Comments

Administration, in consultation with Tecumseh, has negotiated the terms of a Boundary Adjustment Agreement to facilitate the orderly transfer of Monroe Island to Tecumseh. The draft agreement is attached as Appendix “C”.

The Boundary Adjustment Agreement is in keeping with the terms and conditions set in the Interim Agreement. In brief, the Boundary Adjustment Agreement provides for the following:

1. **Litigation Matters:** Lakeshore does not have any knowledge of any applications or appeals under the *Planning Act* for Monroe Island prior to the effective date of the Proposal. Any private initiated applications or appeals existing after the effective date will be the responsibility of Tecumseh. Any existing matter before the effective date will remain the obligation of Lakeshore.

2. **Transfer of Records:** Upon the request of Tecumseh, Lakeshore and the County, will transfer any records such as studies, designs or similar material that are associated with Monroe Island to comply with a Municipal Freedom of Information request under the *Municipal Freedom of Information and the Protection of Privacy Act*.
3. **Taxation:** Tecumseh shall apply to the Municipal Property Assessment Corporation (MPAC) for a new assessment roll number to identify the subject lands in Tecumseh within three months of the effective date.
4. **Emergency and Social Services:** Lakeshore will work with Tecumseh to update the Geographic Information System (GIS) mapping to revise and reflect the new municipal boundary. Both municipalities will work collectively with the County (EMS and social services), Windsor Fire and Rescue Services (fire dispatch) and the Ontario Provincial Police (police dispatch) to ensure that emergency medical services and social services are notified of the boundary adjustment.

The overall Proposal, which will contain the Boundary Adjustment Agreement, is expected to have minimal impact on the public, as it involves a small area with only one residential dwelling on Monroe Island. Additionally, the registered owners of Monroe Island support the Proposal. The primary objective is to streamline service delivery by transferring responsibility to Tecumseh, which already provides access to Monroe Island. All affected parties have been provided an opportunity to provide input during this public consultation, ensuring that their concerns are heard and addressed.

Administration is seeking approval for the Proposal to comply with the requirements under the *Municipal Act, 2001*. To coordinate with the municipal restructuring process, the Proposal is also being presented to Tecumseh's Council at their April 8, 2025, Council meeting for approval. If both Councils approve the Proposal, Tecumseh Administration will circulate the Proposal to the County for final approval prior to applying to the Minister for a Minister's Order to complete the restructuring process.

### **Others Consulted**

Town of Tecumseh

Ministry of Municipal Affairs and Housing

### **Financial Impacts**

Currently, Lakeshore collects property tax revenue for Monroe Island and pays Tecumseh annually for providing municipal services from such revenue pursuant to the Interim Agreement. Once the Minister's Order is issued, Tecumseh will apply to MPAC for a new assessment roll number for the lands, which will transfer the property tax collection responsibility from Lakeshore to Tecumseh.

## **Attachments**

Appendix “A” – Property Description

Appendix “B” – Aerial Photo of Monroe Island

Appendix “C” – Draft Boundary Adjustment Agreement

## **Report Approval Details**

Document Title:	Municipal Restructuring of Monroe Island.docx
Attachments:	- Appendix A – Legal Description.pdf - Appendix B – Aerial Photo of Monroe Island.pdf - Appendix C – draft Boundary Adjustment Agreement.pdf
Final Approval Date:	Mar 11, 2025

This report and all of its attachments were approved and signed as outlined below:

Prepared by Marco Villella

Submitted by Krystal Kalbol

Approved by the Corporate Leadership Team