



**PORT COLBORNE**

**Subject: Westwood Estates Subdivision, Phase 2 Stage 1-3 (Plan 59M-428)- Assumption**

**To: Council**

**From: Planning and Development**

Report Number: 2026-51

Meeting Date: April 14, 2026

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### **Recommendation:**

That Planning and Development Department Report 2026-51 be received; and

That the By-law assuming the Primary and Secondary Services in the assumption of Westwood Estates Subdivision Phase 2, Stage 1-3 (Plan 59M-428), attached hereto as Appendix A, be brought forward for Council's consideration.

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### **Purpose:**

The purpose of this report is to advance assumption of municipal infrastructure constructed as part of Westwood Estates subdivision. Lester Shoalts Limited (the "Developer") has satisfied the obligations and requirements set out in the Subdivision Agreement with respect to the assumption of municipal services for the Westwood Estates Phase 2, Stage 1–3 Subdivision. Accordingly, the Developer has requested that the City assume the primary and secondary services for phase 2, stages 1–3 of the subdivision.

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### **Background:**

Construction of the Westwood Estates Subdivision phase 2, located in the southwest end of Port Colborne, began in February 2017 and includes 87 new homes built in Ward 1. The developer has requested the assumption of the primary and secondary services for phase 2, stage 1-3. The assumption process is to occur in accordance with the Amended Subdivision Agreement signed on June 15, 2016 (Appendix B).

Section 11.8 of the Subdivision Agreement provides that municipal services shall be assumed by the City through Council passing an Assumption By-law for primary and

secondary services after the City Engineer has approved the Certificate of Final Acceptance for the Services. Specifically, City Council is required to approve the assumption of the Subdivision to formalize the transfer of the public infrastructure assets.

Section 11 of the *Municipal Act*, 2001, S.O. c.25, as amended, authorizes the Council of a municipality to pass by-laws respecting matters within its jurisdiction, including public services such as water, sewage, stormwater, and roads.

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## **Discussion:**

The City's Engineer has approved the Certificates of Final Acceptance for primary and secondary services for phase 2, stage 1-3 of the Westwood Estates subdivision, confirming that all such primary and secondary services have been completed and maintained in accordance with the terms of the Subdivision Agreement and the approved servicing plans.

Staff confirm there are no outstanding deficiencies, and all necessary documentation has been received. It is therefore appropriate and in the public interest to assume the primary and secondary services installed pursuant to the Subdivision Agreement. Assumption of the subdivision and adoption of the corresponding By-Law (Appendix A) will allow the release of all securities associated with the subdivision.

## **Primary & Secondary Services**

The following primary services for Phase 2, Stage 1-3 of the Westwood Estates Subdivision are to be assumed by the City of Port Colborne into its ownership and responsibility:

- a) water distribution system;
- B) fire hydrants;
- C) sanitary sewer system;
- D) storm sewer and storm sewer manholes; and
- E) street lighting

Pursuant to the Certificates of Final Acceptance for Primary Services dated November 21, 2022.

The following secondary services for Phase 2, Stage 1-3 of the Westwood Estates Subdivision are to be assumed by the City of Port Colborne into its ownership and responsibility:

- a) municipal roads (including boulevards);

- b) driveway aprons;
- c) sidewalks; and;
- d) any other works identified as secondary services in the Subdivision Agreement and approved by the City's Engineer.

Pursuant to the Certificates of Final Acceptance for Secondary Services dated December 16, 2025.

### **Public Streets**

City Staff have received and reviewed all documents required through the Subdivision Agreement for the streets to be assumed by the City. The streets are as follows;

1. Clarence Street (Part of)
2. Renfield Street
3. Limestone Court
4. Landcaster Drive (Part of)
5. Hickory Court
6. Stanley Street (Part of)

All documentation and inspections for these sections of the subdivision are complete. Therefore, Staff recommend that the primary and secondary services for Westwood Estates phase 2, stage 1-3 Subdivision be assumed. The associated by-law is attached in Appendix A of this report.

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### **Internal Consultations:**

City staff within the Planning and Development Division are working collaboratively with the Corporate Services and Recreation Department to coordinate the release of Letters of Credit and applicable security holdbacks to the developer, in accordance with the provisions of the subdivision agreement. In addition, City staff have consulted with the Public Works Department to confirm that all primary and secondary municipal services are in satisfactory condition prior to the City assuming responsibility for these assets.

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### **Financial Implications:**

As the City is assuming the primary and secondary services, the City will be responsible for the long-term operations and maintenance of the services of the underground and above ground infrastructure moving forward, which will be incorporated into the City's annual operating budgets. Construction of this subdivision will increase the City's service area and wastewater systems and increase the net book value on the City's

financial statements.

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### **Strategic Plan Alignment:**

The initiative contained within this report supports the following pillars of the strategic plan:

- Welcoming, Livable, Healthy Community
  - Economic Prosperity
  - Sustainable and Resilient Infrastructure
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### **Conclusion:**

Staff confirm all requirements of the Subdivision Agreement for Westwood Estates phase 2, stage 1-3 have been met. All infrastructure associated with these stages of the subdivision has been inspected and deemed acceptable for municipal assumption. Certifications of Final Acceptance have been issued by the developer's consulting engineer for primary and secondary services. Assumption of the public roads will enable the City to formally undertake ongoing operations and maintenance in accordance with standard municipal practices.

Accordingly, staff recommend that Council approve the assumption of the primary and secondary services for Westwood Estates phase 2, stage 1-3 (Plan 59M-428), as set out in the accompanying by-law, enclosed in Appendix A.

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### **Appendices:**

- a. By-law for the Assumption of the Primary & Secondary Services for Phase 2, Stage 1-3 of the Westwood Estates Subdivision (Plan 59M-428)
- b. Subdivision Agreement for phase 2, Stage 1-3 of the Westwood Estates Subdivision (Plan 59M-428)

Respectfully submitted,

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**Report Approval:**

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.