



## The Corporation of the Town of Fort Erie By-law 25-2026

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### Being a By-law to Assume Ownership and Responsibility for the Secondary Services for The Oaks at Six Mile Creek Subdivision, Phases 1, 2, & 3 (Registered Plan 59M-455) (Westwind Niagara Developments Inc. – Alfred Beam)

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**Whereas** 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; and

**Whereas** the Council of The Corporation of the Town of Fort Erie entered into a Subdivision Agreement with Westwind Niagara Developments Inc (the “Developer”) pursuant to By-law 134-2017, to provide for the development of the lands known as The Oaks at Six Mile Creek Phases 1, 2, & 3 Plan 59M-455 (the “Subdivision”); and

**Whereas** Section 10.8 of the Subdivision Agreement provides that municipal services shall be assumed by the Town in two stages, namely:

- a) by Council passing an Assumption By-law for Primary Services after the Director of Infrastructure Services has approved the Certificate of Final Acceptance for Primary Services; and
- b) by Council passing an Assumption By-law for Secondary Services after the Director of Infrastructure has approved the Certificate of Final Acceptance for Secondary Services; and

**Whereas** the Assumption By-law for Primary Services, By-law 75-2025, was passed by Council on 25<sup>th</sup> day of August 2025; and

**Whereas** the Director of Infrastructure Services has approved the Certificate of Final Acceptance for Secondary Services for the phases 1, 2, & 3 of the Subdivision, confirming that all such Secondary Services including finished streets and roadways as constructed by the Developer, have been completed, maintained and accepted in accordance with the terms of Subdivision Agreement and the approved servicing plans; and

**Whereas** it is deemed appropriate and in the public interest for the Town to assume the Secondary Services for the said Subdivision;

**Now therefore** the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the following Secondary Services, as defined and constructed in accordance with the Subdivision Agreement between the Town and the Developer, and shown on the approved servicing plans for The Oaks at Six Mile Creek Phases 1, 2, & 3, are hereby assumed by the Town of Fort Erie into its ownership and responsibility, pursuant to the Certificate of Final Acceptance of Secondary Services namely:
  - a) all finished streets and roadways within the Plan of Subdivision;
  - b) all surface course asphalt paving;
  - c) all boulevards, sodding, trees, and landscaping works;
  - d) all sidewalks and driveway aprons;
  - e) all fencing, retaining walls, and other features required under the Subdivision Agreement; and
  - f) any other works identified as Secondary Services in the Subdivision Agreement and approved by the Director of Infrastructure Services.

- 2. That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 27 day of April 2026.

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Mayor

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Clerk