



Addendum to the Regional Council Agenda

Regional Council Chambers
Regional Headquarters Building
605 Rossland Road East, Whitby

Wednesday, October 27, 2021

9:30 AM

Note: Additional agenda items are shown in bold

1. Traditional Territory Acknowledgement
2. Roll Call
3. Declarations of Interest
4. Adoption of Minutes
 - 4.1 Regional Council meeting – September 29, 2021
 - 4.2 Closed Regional Council meeting – September 29, 2021
 - 4.3 Committee of the Whole meeting – October 13, 2021
5. Presentations
 - 5.1 Stella Danos-Papaconstantinou, Commissioner of Social Services, and Erin Valant, Program Manager, Housing Services, re: Durham's Homelessness Support and Coordinated Access System (2021-SS-10)
6. Delegations
 - 6.1 Public meeting pursuant to Section 12 of the Development Charges Act, 1997 regarding amendments to the Seaton Water Supply and Sanitary Sewerage Area Specific Development Charge By-law No. 38-2019. (Mary Simpson, Director of Risk Management, Economic Studies and Procurement to provide a presentation.)

7. Reports related to Delegations/Presentations

There are no reports related to Delegations/Presentations

8. Communications

CC 21 Report on Complaint from Guy Giorno, Regional Municipality of Durham Integrity Commissioner, re: Regional Municipality v. Neal and Schummer, 2021 ONMIC 15

9. Committee Reports and any Related Notice of Motions

9.1 Finance and Administration Committee

9.2 Health and Social Services Committee

9.3 Planning and Economic Development Committee

9.4 Works Committee

9.5 Committee of the Whole

10. Notice of Motions

10.1 Free Menstrual Products at Region Facilities

10.2 Natural Heritage Mapping

10.3 Consolidated Municipal Service Manager Commitment to a High Quality, Accessible and Strategically Planned Early Years and Child Care System

10.4 Capital Gains Tax Exemption on Principal Residences

11. Unfinished Business

There is no unfinished business

12. Other Business

12.1 Public Meeting Regarding Proposed Amendments to the Seaton Water Supply and Sanitary Sewerage Area Specific Development Charge By-law No. 38-2019 (2021-F-27)

New 12.2 **Revisions to the Seaton Specific Standard Subdivision Agreement (2021-W-37)**

13. Announcements

14. By-laws

29-2021 Being a by-law to to adopt Amendment #184 to the Durham Regional Official Plan.

This by-law implements the recommendations contained in Item #1 of the 7th Report of the Planning & Economic Development Committee presented to Regional Council on October 27, 2021

30-2021 Being a by-law to authorize the execution of an agreement with Her Majesty the Queen in right of the Province of Ontario as represented by the Minister of Municipal Affairs and Housing for National Disaster Mitigation Program (NDMP) intake 6.

This by-law implements the recommendations contained in Item #3 of the 5th Report of the Committee of the Whole presented to Regional Council on June 23, 2021

New **31-2021 Being a by-law to authorize the Regional Chair and Regional Clerk to execute subdivision agreements within the approved boundaries of the community of Seaton**

This by-law implements the recommendations contained in Item #12.2 of Other Business presented to Regional Council on October 27, 2021

15. Confirming By-law

32-2021 Being a by-law to confirm the proceedings of Regional Council at their meeting held on October 27, 2021

16. Adjournment

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If this information is required in an accessible format, please contact 1-800-372-1102 ext. 3540.



The Regional Municipality of Durham Report

To: Regional Council
From: Commissioner of Works
Report: #2021-W-37
Date: October 27, 2021

Subject:

Revisions to the Seaton-Specific Standard Subdivision Agreement

Recommendation:

It is recommended to Regional Council:

- A) That the Seaton-Specific Standard Subdivision Agreement requirement which currently states that the road works related to the extension of Concession 3 (Assignment 1B) into Seaton must be tendered, awarded and all approvals in place prior to the registration of any residential subdivision agreement north of Taunton Road (Regional Road 4) be revised to remove the requirement which necessitates that all approvals be in place;
- B) That the award of the construction contract for Assignment 1B be evidenced by an award letter to the contractor from the Trustee;
- C) That, specific to the Mattamy Whitevale plan of subdivision (File #S-P-2009-11):
 - a) Mattamy not accept any building permits until such time as (see Attachment #1):
 - All Assignment 6 land requirements are in the Regional Municipality of Durham's ownership or suitable access/easement agreements are in place between the Regional Municipality of Durham and the Province of Ontario.
 - Stage 1 of assignment 7C is open to traffic, with one lane in each direction.

- All Assignment 7C land requirements are in the Regional Municipality of Durham's ownership or suitable access/easement agreements are in place between the Regional Municipality of Durham and the Province of Ontario.
 - All necessary internal and external sanitary sewer and water supply infrastructure is complete and operational.
- b) Mattamy not allow any occupancies until such time as:
- Assignment 6 is complete and open to traffic;
- D) That the Regional Solicitor be directed to prepare a by-law to authorize the Regional Chair and Clerk to execute Seaton Phase 1 subdivision agreements provided that they are in the revised standard form; and,
- E) That a copy of this report be sent to the City of Pickering for their file.
-

Report:**1. Purpose**

- 1.1 The purpose of this report is to seek approval to revise the Seaton-Specific Standard Subdivision Agreement to remove the requirements which necessitate that all approvals must be in place prior to development occurring north of Taunton Road.

2. Background

- 2.1 Works Committee Report #2016-W-62 approved a standard Seaton-Specific Subdivision Agreement. This agreement required all of the works needed to service the Seaton Phase 1 employment lands, including the extension of Concession 3 (Rossland Road) into Seaton, be complete prior to registering any plans of subdivision.
- 2.2 The requirements which allow the registration of plans of subdivision within Seaton have been reduced several times since the original report. Committee of the Whole Report #2017-COW-143 most recently set the requirement as "the extension of Concession 3 (Rossland Road) into Seaton must be tendered, awarded and all approvals in place prior to the registration of any residential subdivision agreement north of Taunton Road (Regional Road 4)".
- 2.3 The extension of Rossland Road (Regional Road 28) is a Landowner Constructed Project (referred to as Assignment 1B, see Attachment #1) in the Phase 1 Seaton

Regional Front Ending Agreement (RFEA) and as such, the Landowner's Group is fully responsible for the design, the acquisition of all approvals, tendering, award, and the construction of the project.

- 2.4 The extension of Rossland Road from Brock Road (Regional Road 1) into the south end of the Seaton Community, is currently out for tender and the Landowners' Group plan to award the contract in November. All other Landowner constructed projects required to service the Phase 1 employment lands are complete.
- 2.5 All approvals have not yet been acquired with several still outstanding. These outstanding approvals include:
 - a. Ministry of Environment Conservation and Parks (MECP) storm outfall Environmental Compliance Approval (ECA);
 - b. MECP stormwater management facility relocation ECA;
 - c. MECP culvert extension ECA;
 - d. Hydro One Networks Permission to Enter approval;
 - e. Toronto Region Conservation Authority Section 28 approvals (2); and
 - f. MECP Endangered Species Act (Redside Dace) approval
- 2.6 The Seaton Landowners' Group RFEA Trustee has requested (Attachment #2) that all of the individual Landowners be allowed to register their plans of subdivision while they seek these final approvals, subject to certain conditions.

3. Discussion

- 3.1 The RFEA Trustee's request is driven by the Mattamy Whitevale plan of subdivision (374 units) located on the north and south side of Whitevale Road (see Attachment 1). Mattamy is anxious to register this plan of subdivision because they have house closings scheduled in the spring of 2022.
- 3.2 In order to have reasonable road access to this Mattamy plan of subdivision, both Peter Matthews Drive from Taunton Road to Whitevale Road (known as Assignment 6) and Whitevale Road from Peter Matthews Drive easterly to the easterly most entrance to the Mattamy Plan of subdivision (known as Stage 1 of Assignment 7C) need to be open to traffic.
- 3.3 Assignment 6 is planned to be complete prior to the end of the year, however the Provincial lands required to open the road have not yet been transferred to the

Regional Municipality of Durham (Region). The Province has stated that the Region will receive these lands before the end of the year.

- 3.4 Stage 1 of Assignment 7C is planned to have one lane in each direction (of a 4-lane road) completed by the end of the year. The balance of the 7C project is planned to have one lane in each direction from both east and west of the Mattamy plan of subdivision for the balance of the construction project. The estimated completion date of the Assignment 7C project is the end of 2023.
- 3.5 The Provincial lands required for Assignment 7C have not been transferred to the Region. The Province cannot transfer these lands in 2021 and the transfer date is unknown in 2022 due to the upcoming Provincial election. This issue can be temporarily addressed through an Access/Easement agreement between the Region and the Province until such time as the lands can be transferred.
- 3.6 In order to ensure that adequate protections are in place for both the Region and the home purchasers, the Trustee and Mattamy are proposing the following conditions specific the Mattamy Whitevale plan of subdivision:
- a. The RFEA Trustee and Mattamy agree that Mattamy will not accept any building permits until such time as:
 - All Assignment 6 land requirements are in the Region's ownership or suitable access/easement agreements are in place between the Region and the Province.
 - Stage 1 of Assignment 7C be open to traffic with one lane in each direction.
 - All Assignment 7C land requirements are in the Region's ownership or suitable access/easement agreements are in place between the Region and the Province.
 - All necessary internal and external sanitary sewer and water supply infrastructure is complete and operational.
 - b. The RFEA Trustee and Mattamy also agree that Mattamy will not allow any occupancies until such time as:
 - Assignment 6 is complete and open to traffic.
- 3.7 The City of Pickering's Chief Building Official will assist the Region in enforcing these conditions (Attachment #3).

4. Risks

- 4.1 There are several outstanding approvals required for Assignment 1B. While the Landowners Group are aggressively pursuing these approvals, there is no guarantee when, or if, they will acquire these approvals. All Seaton existing residents will continue to only have access to, and will continue to impact traffic on, Taunton Road until such time as an access from the south can be completed by the Landowners.
- 4.2 All new residents in the Mattamy plan of subdivision and any required emergency vehicles required to service these residents will only be able to access their homes through an active construction site (Assignment 7C) until at least the end of 2023. The completion of the 7C project will also likely require some temporary closures, which will leave all residents in the plan of subdivision with only one access route during such closures.

5. Previous Reports and Decisions

- 5.1 Report #2016-W-62 “Seaton-Specific Standard Subdivision Agreement”.
- 5.2 Report #2017-COW-143 “Revisions to the Seaton-Specific Standard Subdivision Agreement”.

6. Financial Implications

- 6.1 All costs associated with the access/easement agreements required due to the delay in the Province transferring the necessary lands to the Region will be funded by the Seaton Landowners Group.

7. Relationship to Strategic Plan

- 7.1 This report aligns with/addresses the following strategic goals and priorities in the Durham Region Strategic Plan:
- 7.2 Goal 2: Community Vitality

Objective: To foster an exceptional quality of life with services that contribute to strong neighbourhoods, vibrant and diverse communities, and influence our safety and well-being, specifically; and,

Priority 2.1: Revitalize existing neighbourhoods and build complete communities that are walkable, well-connected, and have a mix of attainable housing.

8. Conclusion

- 8.1 It is recommended that the revisions discussed in this report be incorporated into the Seaton-Specific Standard Subdivision Agreement.
- 8.2 This report has been reviewed by the Legal Division of the Corporate Services Department, the Planning and Economic Development and the Finance Department.
- 8.3 For additional information, contact: Paul Gillespie. Manager of Development Approvals, at 905-668-7711, extension 3443.

9. Attachments

Attachment #1: Key Plan

Attachment #2: Request letter from Seaton Landowners Group Trustee

Attachment #3: Letter from the City of Pickering's Chief Building Official

Respectfully submitted,

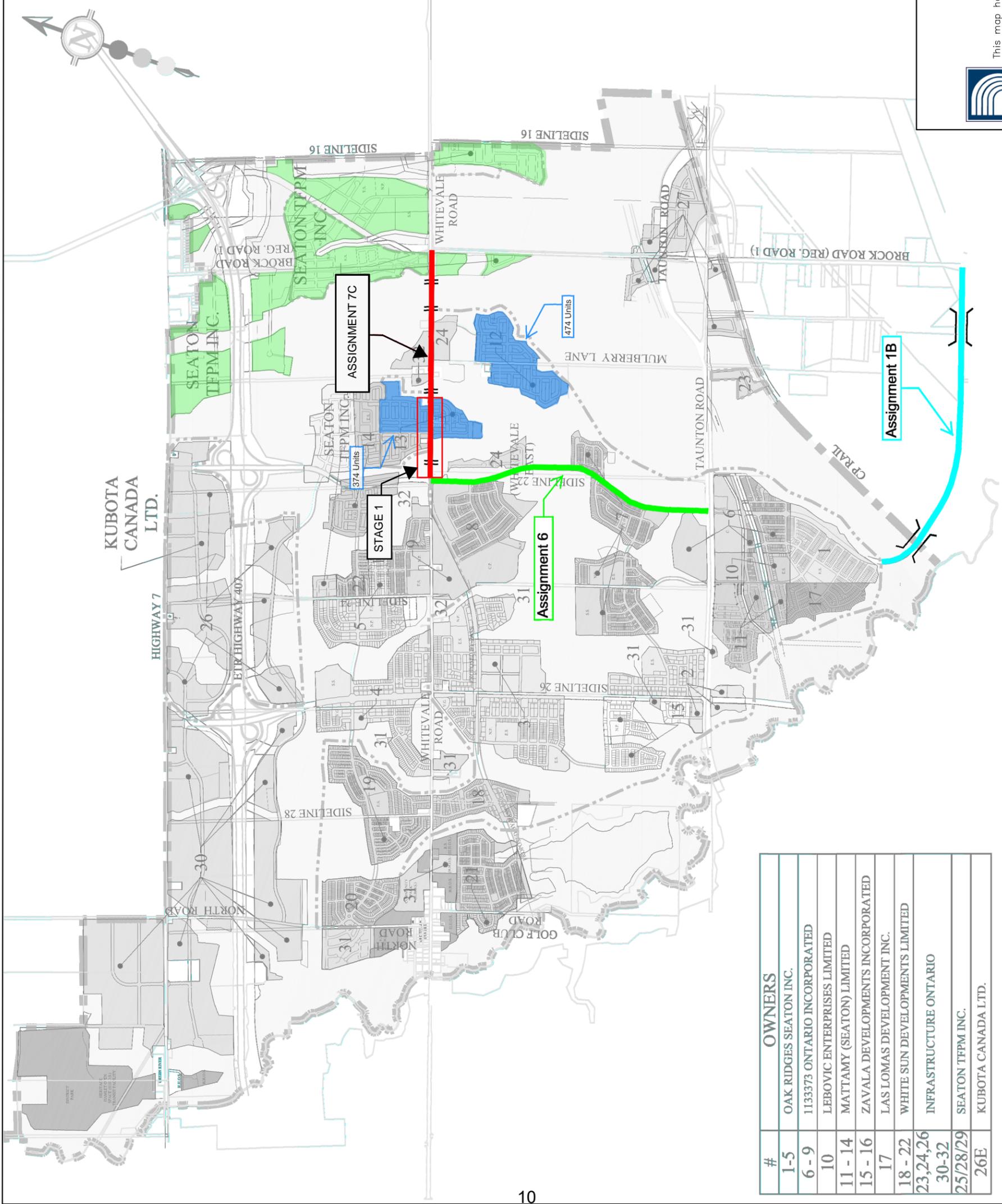
Original signed by:

Susan Siopis, P.Eng.
Commissioner of Works

Recommended for Presentation to Committee

Original signed by:

Elaine C. Baxter-Trahair
Chief Administrative Officer



#	OWNERS
1-5	OAK RIDGES SEATON INC.
6-9	1133373 ONTARIO INCORPORATED
10	LEBOVIC ENTERPRISES LIMITED
11-14	MATTAMY (SEATON) LIMITED
15-16	ZAVALA DEVELOPMENTS INCORPORATED
17	LAS LOMAS DEVELOPMENT INC.
18-22	WHITE SUN DEVELOPMENTS LIMITED
23,24,26	INFRASTRUCTURE ONTARIO
30-32	SEATON TFPM INC.
25/28/29	SEATON TFPM INC.
26E	KUBOTA CANADA LTD.

ATTACHMENT 1: KEY PLAN



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ORIGINAL

October 25, 2021

Regional Municipality of Durham
Works Department
Development Approvals Division
Regional Headquarters – 4th Floor
605 Rossland Rd. E.
Whitby, Ontario
L1N 6A3

Attachment #2 to Report #2021-W-37

Attention: Mr. Paul Gillespie, P. Eng.,
Manager - Development Approvals
Works Department

Dear Sir:

**RE: Seaton Phase 1 Regional Infrastructure Front Ending
Agreement dated November 26, 2015 (“RFEA”)
Mattamy (Seaton) Limited – Whitevale Phase 1
Part of Lots 21 and 22, Concession 4 and
Part of Lots 21, 22 and 23, Concession 5
Draft Plan SP-2009-11
Region of Durham Committee of the Whole Report #2017-COW-143
Revision to Seaton-Specific Standard Subdivision Agreement
RFEA, Section 3.2.3
City of Pickering
Region of Durham**

I am the President of and an Authorized Signing Officer for North Pickering Community Management Inc. (“NPCMI”), the Trustee appointed pursuant to the provisions of the Seaton Phase 1 Regional Infrastructure Front Ending Agreement dated November 26, 2015 (the “RFEA”). For the purposes of the RFEA, NPCMI acts on behalf of various landowners in the Seaton Community (the “Seaton Landowners Group”).

Background

I am in receipt of Region of Durham Committee of the Whole Report 2017-COW-143 dated June 7, 2017. I note therein the Committee of the Whole’s recommendation to Regional Council that the Seaton-Specific Standard Subdivision Agreement (as approved by Works Committee Report 2016-W-62) “requirement that the road works related to the extension of Concession 3 (Rossland Road) into Seaton must be tendered, awarded and all approvals in place ‘prior to the registration of any subdivision agreement’ be revised to ‘prior to the registration of any residential subdivision agreement north of Taunton Road (Regional Road 4)’”.

... 2

Mattamy (Seaton) Limited (“Mattamy”) is in a position to register its Whitevale Phase 1 draft plan of subdivision (SP-2009-11), which draft plan is located north of Taunton Road (Regional Road 4). I am advised that road works related to the extension of Concession 3 (Rossland Road) into Seaton (aka Landowner Constructed Project Assignment No. 1B) have been tendered and the contract is expected to be awarded in November of this year but not all approvals are yet in place. Accordingly, it is my understanding that the Regional Works Commissioner, Chief Administrative Officer, and Regional Solicitor have determined that additional Regional Council approval is required to remove the requirement that all Assignment No. 1B approvals be in place prior to permitting registration of any residential subdivision agreement north of Taunton Road (Regional Road 4), including that submitted by Mattamy.

Commitment of the Trustee and the Seaton Landowners Group

Based on all of the above, and in my capacity as Trustee and on behalf of the Seaton Landowners Group, I therefore request that the Seaton-Specific Standard Subdivision Agreement be modified to permit registration of any residential subdivision agreement north of Taunton Road (Regional Road 4) once i) the construction contract related to the extension of Concession 3 (Rossland Road) into Seaton is tendered and awarded; and ii) the requirement to have signed contracts and all approvals in place is waived.

In support of the above, I am advised by Mattamy that it will not accept any building permits in its Whitevale Phase 1 subdivision until such time as:

- All Assignment No. 6 (Peter Matthews Drive from Taunton Road to Alexander Knox Road) land requirements are in the Region’s ownership or suitable access/easement agreements are in place between the Region and the Province of Ontario.
- Stage 1 of Assignment No. 7C (Alexander Knox Road from Peter Matthews Drive to Stillmeadow Lane) is complete and open to traffic, with one (1) lane in each direction.
- All Assignment No. 7C land requirements are in the Region’s ownership or suitable access/easement agreements are in place between the Region and the Province of Ontario.
- All necessary internal and external sanitary sewerage and water supply infrastructure is complete and operational.

I am further advised by Mattamy that it will not allow occupancy in its Whitevale Phase 1 subdivision until such time as Assignment No. 6 construction is complete and open to traffic.

I trust the above is satisfactory. However, should you have any questions or require further information please do not hesitate to contact the undersigned.

Please confirm receipt of this letter.

... 3

Thank you.

Yours truly,

NORTH PICKERING COMMUNITY MANAGEMENT INC.



Andrew Orr
President/Trustee

- cc. Mattamy – Mr. Roy Werner
- Group Project Manager/Engineer – Mr. Glenn Pitura (via email only)
- SCS Consulting – Ms. Julie Bottos (via email only)
- SCS Consulting – Ms. Claire MacDonald (via email only)
- CSA Solicitor – Mr. Daniel Steinberg (via email only)
- CSA Accountant – Mr. Joseph Di Ilio (via email only)
- North Pickering Landowners (via email only)

H:\North Pickering\Trustee Letter to Region, Mattamy Whitevale Phase 1, Change to Seaton-Specific Standard Subdivision Agreement - FINAL
- 25.Oct.2021.docx

Sent by Email

October 26, 2021

Paul Gillespie, P.Eng.
Manager Development Approvals
Works Department
The Regional Municipality of Durham
605 Rossland Rd. East
Whitby, ON L1N 6A3

Subject: Mattamy Whitevale Phase 1 Draft Plan of Subdivision
File: SP-2009-11

Thank you for meeting with City staff and Mattamy Homes last week to discuss the above noted project. At this meeting, Mattamy expressed their desire to register the Whitevale subdivision plans as quickly as possible, which would enable City staff to receive and process building permit applications, and specifically, to enter correct pin numbers and addressing into our system. In order to facilitate this request, the Region of Durham would be required to amend a number of conditions outlined in the Region's Front Ending Agreement with the Landowner's Group.

To this end, Regional staff will be bringing a report to their Council this Wednesday, recommending approval of a number of proposed conditions developed by Regional staff and Mattamy. While building permit applications would be submitted to the City for processing, it is my understanding that Mattamy will not accept any building permits from the City until the following has actions have been completed:

- All Assignment 6 (Peter Matthews Drive from Taunton Road to Alexander Knox Road) land requirements are in the Region's ownership or suitable access/easement agreements are in place between the Region and the Province of Ontario.
- Stage 1 of assignment 7C (Alexander Knox Road from Peter Matthews Drive to Stillmeadow Lane) is open to traffic, with one lane in each direction.
- All Assignment 7C land requirements are in the Region's ownership or suitable access/easement agreements are in place between the Region and the Province of Ontario.
- All necessary internal and external sanitary sewer and water supply infrastructure is complete and operational.

Based on this mutual agreement, please accept this letter as my confirmation that the City will **not** issue any building permits related to this subdivision unless or until we have received written confirmation from the Region of Durham that these above noted conditions have been successfully met to the Region's satisfaction. Additionally, from a City perspective, I advise that building permit issuance will also be subject to successful confirmation that the City's Fire Services Department is satisfied that adequate fire protection has been provided; and finally that the applicant execute a subdivision agreement with the City and provide all financial obligations.

In addition to the above, I also understand that Mattamy will not allow any occupancies until Assignment 6 is complete and open to traffic. This letter will serve as notice to City staff of this commitment from Mattamy for their review and coordination. City staff will assist the Region, where possible, to facilitate this objective.

I trust this letter is of assistance to the Region. However, please do not hesitate to contact me by email at kbentley@pickering.ca or by telephone at 905.420.4660, extension 2070, if you have any questions or concerns.

Yours truly,



Kyle Bentley, P.Eng.
Director, City Development & CBO

KB:so

J:\Documents\Development\ID-3200\2009\SP-2009-11, A 12-09\Letter to Region - Mattamy Whitevale Phase 1.docx

Copy: Commissioner, Works Department, Region of Durham

Director, Engineering Services
Fire Chief
(Acting) Division Head, Water Resources & Development Services
Manager, Building Services & Deputy CBO
Supervisor, Building Permits
Supervisor, Building Inspections
Principal Planner, Strategic Initiatives