



## The Regional Municipality of Durham

### Works Committee Agenda

Council Chambers  
Regional Headquarters Building  
605 Rossland Road East, Whitby

**Wednesday, April 6, 2022**

**9:30 AM**

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Please note: In an effort to help mitigate the spread of COVID-19, and to generally comply with the directions from the Government of Ontario, it is requested in the strongest terms that Members participate in the meeting electronically. Regional Headquarters is closed to the public, all members of the public may [view the Committee meeting](#) via live streaming, instead of attending the meeting in person. If you wish to register as a delegate regarding an agenda item, you may register in advance of the meeting by noon on the day prior to the meeting by emailing [delegations@durham.ca](mailto:delegations@durham.ca) and will be provided with the details to delegate electronically.

**1. Roll Call**

**2. Declarations of Interest**

**3. Adoption of Minutes**

A) Works Committee meeting – March 2, 2022

Pages 6 - 16

**4. Statutory Public Meetings**

There are no statutory public meetings.

**5. Delegations**

There are no delegations.

## 6. Presentations

- 6.1 Gioseph Anello, Director, Waste Management Services re: Proposed Pilot of Mandatory Clear Garbage Bag Use in the Municipality of Clarington (2022-WR-3) [Item 7.2 A)]

## 7. Waste

### 7.1 Correspondence

- A) Correspondence from the Municipality of Clarington regarding the Use of Incinerator Waste

Recommendation: Refer to Staff for a Response 17 - 18

### 7.2 Reports

- A) Proposed Pilot of Mandatory Clear Garbage Bag Use in the Municipality of Clarington (2022-WR-3)

19 - 38

## 8. Works

### 8.1 Correspondence

- A) Presentation Material from the Association of Municipalities of Ontario re: Waste Management Task Force Meeting (provided at the request of the Regional Chair)

39 - 47

Recommendation: Receive for Information

- B) Information Report #2022-INFO-26 of the Commissioner of Works and Commissioner of Corporate Services re: Modified Vehicle Mufflers and Noisemakers

48 - 55

**Pulled from March 25, 2022 Council Information Package by Councillor John Neal**

Recommendation: Receive for Information

### 8.2 Reports

- A) Standardization of Programmable Logic Traffic Controllers and Related Control Equipment to be used for the Installation, Operation and Maintenance of Traffic Control Signals (2022-W-19)

56 - 60

- |    |  |         |
|----|--|---------|
| B) | Memorandum of Understanding with the Town of Whitby for the Construction of Regional Infrastructure at 270 Water Street Associated with the Construction of the Whitby Water Supply Plant Expansion, in the Town of Whitby (2022-W-20) | 61 - 73 |
| C) | Declaration of Lands as Surplus and Approval to Convey the Surplus Lands to the Adjacent Landowner as part of a Land Exchange for Regional Requirements (2022-W-21)  | 74 - 78 |
| D) | Renewal of Lease Agreement with Hand-In-Hand Corporation for the Regional Municipality of Durham Social Services Department, Located at 339 Westney Road South, in the Town of Ajax (2022-W-22)  | 79 - 82 |
| E) | Renewal of Lease Agreement with 3414493 Canada Inc. for Works Department Supervisory Control and Data Acquisition Antenna, Located at 200 White Oaks Court, in the Town of Whitby (2022-W-23)  | 83 - 86 |

**9. Advisory Committee Resolutions**

There are no advisory committee resolutions to be considered

**10. Confidential Matters**

10.1 Reports

- |    |  |                      |
|----|--|----------------------|
| A) | Confidential Report of the Acting Commissioner of Works – Litigation or Potential Litigation, including matters before Administrative Tribunals, affecting the Regional Corporation, with respect to a s. 24 Settlement Agreement under the Expropriations Act, R.S.O. 1990, c. E.26, for Lands Acquired to Facilitate the Reconstruction of Highway 2 (Kingston Road), in the City of Pickering (2022-W-24) | Under Separate Cover |
|----|--|----------------------|

**11. Other Business**

A) Modified Vehicles in Durham Region

Councillors Crawford and McLean gave Notice that the following motion will be presented at the April 6, 2022 meeting:

WHEREAS Regional and Area Municipal Councils are receiving an increasing number of community complaints and negative feedback regarding increased noise due to modified vehicles in the Region;

AND WHEREAS the Durham Regional Police Service have laid over 300 tickets for vehicles making unnecessary noise and over 500 tickets for vehicles with prohibited mufflers or mufflers making excessive noise in the Region over the last two years under the *Highway Traffic Act (HTA)*;

AND WHEREAS on October 28, 2019, the Province of Ontario introduced *Bill 132, Better for People, Smarter for Business Act, 2019*, which creates a new section 75.1 in the HTA that makes it an offence to tamper with motor vehicles by (a) removing, bypassing, defeating or rendering inoperative all or part of a motor vehicle's emission control system or (b) modifying a motor or motor vehicle in any way that results in increased emissions from the level to which it was originally designed or certified by the manufacturer of the motor or motor vehicle, as well as prohibit the sale of tampering devices;

AND WHEREAS section 75.1 of the HTA will help reduce noise from vehicles by reducing modifications to emission systems that can lead to unnecessary noise and prohibit the sale of tampering devices to emission systems in Ontario;

AND WHEREAS although *Bill 132* received Royal Assent on December 10, 2019, the Lieutenant Governor has not yet proclaimed section 75.1 of the *HTA* and therefore is currently not in force;

AND WHEREAS Regional Council want all legislative options available to assist the Durham Regional Police Service and Local Area Municipalities to enforce the HTA and reduce unnecessary noise from Regional and local roads;

NOW THEREFORE BE IT RESOLVED:

1. THAT Regional Council requests that the Province of Ontario proclaim section 75.1 of the *Highway Traffic Act (Better for People, Smarter for Business Act, 2019, S.O. 2019, c. 14, Sched. 16, s. 11)* immediately;
2. That Regional Council request that funding for approved decibel monitoring devices and supporting legislation be provided by the Province, outfitting police services in Ontario with the necessary tools for enhanced enforcement;
3. That Regional Council request that updates be provided by the Province as to the timing of when section 75.1 of the *Highway Traffic Act* will be proclaimed and what steps the Province will take to limit the import and sale of modified exhaust systems in Ontario; and
4. That a copy of this motion be sent to The Honourable Caroline Mulroney, Minister of Transportation; all Durham Region Members of Provincial Parliament; Durham Regional Police Service; Durham Local Area Municipalities; and the Ontario Provincial Police.

**12. Date of Next Meeting**

Wednesday, May 4, 2022 at 9:30 AM

**13. Adjournment**

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Written information (either paper or electronic) that you send to Durham Regional Council or Committees, including home address, phone numbers and email addresses, will become part of the public record. This also includes oral submissions at meetings. If you have any questions about the collection of information, please contact the Regional Clerk/Director of Legislative Services.

If this information is required in an accessible format, please contact 1-800-372-1102 ext. 2097.

## The Regional Municipality of Durham

### MINUTES

#### WORKS COMMITTEE

Wednesday, March 2, 2022

A regular meeting of the Works Committee was held on Wednesday, March 2, 2022 in Council Chambers, Regional Headquarters Building, 605 Rossland Road East, Whitby, Ontario at 9:33 AM. Electronic participation was offered for this meeting.

#### 1. Roll Call

Present: Councillor Mitchell, Chair attended the meeting at 9:34 AM  
Councillor Marimpietri, Vice-Chair  
Councillor Barton  
Councillor Crawford  
Councillor McLean  
Councillor John Neal  
Councillor Smith  
Regional Chair Henry left the meeting at 10:45 AM on municipal business

Also

Present: Councillor Collier  
Councillor Dies  
Councillor Foster left the meeting at 10:46 AM  
Councillor Grant  
Councillor Pickles

Staff

Present: E. Baxter-Trahair, Chief Administrative Officer  
G. Anello, Director of Waste Management  
B. Bridgeman, Commissioner of Planning & Economic Development  
J. Demanuele, Director of Business Services, Works Department  
W. Holmes, General Manager, DRT  
L. Fleury, Legislative Officer and Deputy Clerk Pro Tem, Corporate Services – Legislative Services  
J. Hunt, Regional Solicitor/Director of Legal Services, Corporate Services – Legal Services  
R. Inacio, Systems Support Specialist, Corporate Services – IT  
R. Jagannathan, Director of Transportation and Field Services  
J. Presta, Director of Environmental Services  
S. Siopis, Commissioner of Works  
N. Prasad, Assistant Secretary to Council, Corporate Services – Legislative Services  
P. Veiga, Manager of Waste Management Services

In the absence of the Committee Chair, Councillor Marimpietri, Vice-Chair, chaired the meeting.

**2. Declarations of Interest**

There were no declarations of interest.

**3. Adoption of Minutes**

Moved by Councillor McLean, Seconded by Councillor Smith,  
(21) That the minutes of the regular Works Committee meeting held on  
Wednesday, February 2, 2022, be adopted.

CARRIED

**4. Statutory Public Meetings**

There were no statutory public meetings.

**5. Delegations**

There were no delegations to be heard.

**6. Presentations**

6.1 Peter Veiga, Manager of Waste Management Services, re: Blue Box Transition Impacts on Waste Management Collection Operations and Small Business Recycling Options (2022-WR-2) [Item 7.2 A]

Peter Veiga, Manager of Waste Management Services, provided a PowerPoint presentation regarding Blue Box Transition Impacts on Waste Management Collection Operations and Small Business Recycling Options. A copy of the presentation material was provided to members in advance of the meeting.

Highlights of the Presentation included:

- Blue Box Regulation
- What will change?
- Roles and Responsibilities
- What are eligible sources after July 1, 2024
- Blue Box system on January 1, 2026
  - materials collected
  - residential service standards
  - facilities and public spaces

P. Veiga advised that the province passed the Resource Recovery and Circular Economy Act in 2016 which changes the responsibility of the Blue Box Program from municipalities to those producers and the first importers of the products and packaging materials that are managed by the Blue Box Program. He advised that municipalities will no longer be responsible financially or operationally, for collection, processing or marketing and all Ontario municipalities and First Nations will transition over a three-year period beginning in 2023. The Durham Region area municipalities will transition to the new regulation on July 1, 2024.

P. Veiga provided an overview of the major changes and provided an overview of the following roles and responsibilities of the Producer Responsibility Organizations:

- responsible for arranging for collection and processing residential blue box material;
- determine the frequency and day of collection and type of container used (carts vs box); and
- report all required data to Resource Recovery and Productivity Authority (RPRA) to determine if management targets are being met.

P. Veiga stated that single family homes, seasonal residence and multi-residential buildings will continue to be eligible for the Blue Box Program. He stated that schools, non-profit retirement and long-term care homes and public spaces will become eligible. He also stated that Business Improvement Areas (BIAs) and industrial, commercial, institutional sources will not be eligible to transition. He advised that staff is looking to see if there is an opportunity to continue to service businesses outside of the legislation.

P. Veiga stated that the same materials will be accepted province wide and provided an overview of the materials that will be collected in the Blue Box Program as of January 1, 2026. He also provided an overview of the residential service standards as well as the facilities and public spaces that will be included and not included in the program.

Staff provided an overview of the recommendations listed in Report #2022-WR-2 of the Commissioner of Works.

Staff responded to questions with regards to the names of interested Producer Responsibility Organizations (PROs); whether the BIAs would be charged for collection or whether it would be absorbed in the budget if the PROs decided to not continue collection and collection has to be contracted out; clarification as to why the BIAs were not included in the program; whether collection times will be maintained by the PROs; and clarification as to why the Sunderland area is not noted under the designated business areas.



Staff also responded to questions with regards to the needs to have discussions with the BIAs regarding solutions; the use of larger garbage containers; clarification regarding collection contracts in the City of Oshawa and Town of Whitby; the need for public engagement; the integration of notifications; discussions with the PROs regarding contaminated recyclables; the transition to Durham311; and the importance of a communication strategy.

It was requested that newly formed businesses along Kingston Road in the City of Pickering be added to the list of small business locations outside designated business areas (Attachment #2 to the Report).

At this time in the meeting, Chair Mitchell attended the meeting and proceeded to Chair the meeting.

## **7. Waste**

### **7.1 Correspondence**

There were no items of correspondence to consider.

### **7.2 Reports**

#### **A) Blue Box Transition Impacts on Waste Management Collection Operations and Small Business Recycling Options (2022-WR-2)**

Report #2022-WR-2 from S. Siopis, Commissioner of Works, was received.

Detailed discussion ensued with regards to the 2 options provided in Recommendation C) of the Report and the importance of consultation with the local municipalities.

Moved by Councillor McLean, Seconded by Councillor Smith,  
(22) That we recommend to Council:

- A) That staff be authorized to extend Standing Agreement C002459 with Miller Waste for the Curbside Collection of Non-Hazardous Waste, Recyclables and Organics from residences and multi-residential properties in the City of Pickering and the Town of Ajax, for one year commencing July 1, 2023 and ending on June 30, 2024, to align this agreement with the Regional Municipality of Durham's transition from the Blue Box program (July 1, 2024), at an annual cost of approximately \$8.5 million annually, resulting in a net cost increase of approximately \$0.8 million annually, to be funded from the Solid Waste Management Business Plan and Budgets;

- B) That staff be authorized to negotiate with Producer Responsibility Organizations of the new Blue Box program and report back on the financial implications to include the collection of recyclables from the small businesses identified in Report #2022-WR-2 of the Commissioner of Works in both Attachments #1 and #2 in the Producer Responsibility Organizations collection programs, on a cost recovery basis, as well as alternative options and recommendations for Regional Council to consider if negotiations with the Producer Responsibility Organizations fail;
- C) That Regional Council provide direction to staff with regards to **Option 2** of the following two options:
- i) Option 1 – to initiate the phase-out of the collection of Non-Hazardous Waste, Recyclables and Organics in the Townships of Brock, Uxbridge, Scugog, the Municipality of Clarington and in the City of Pickering and Town of Ajax (under Standing Agreements C003008 and C002459 respectively) and the collection of Recyclables in the Town of Whitby and the City of Oshawa (under Standing Agreement C002667) for the small businesses listed in Attachment #2 to Report #2022-WR-2; or
  - ii) **Option 2 – to formally amend the Standing Agreements to include these small businesses on an interim basis until such time as a further recommendation is brought to Regional Council, at no additional cost to the Regional Municipality of Durham; and**
- D) That the Commissioner of Finance be authorized to execute all documents related to the contract amendments.

CARRIED LATER IN THE MEETING ON A  
RECORDED VOTE (See Following Motion)

Moved by Councillor John Neal, Seconded by Councillor Marimpietri,  
(23) That Report #2022-WR-2 of the Commissioner of Works be referred to the Committee of the Whole.

DEFEATED ON THE FOLLOWING  
RECORDED VOTE

Yes  
Councillor Marimpietri  
Councillor John Neal

No  
Councillor Barton  
Councillor Crawford  
Councillor McLean  
Councillor Smith  
Chair Mitchell

Members Absent: Regional Chair Henry

Declarations of Interest: None

The main motion (22) of Councillors McLean and Smith was then put to a vote and CARRIED ON THE FOLLOWING RECORDED VOTE:

Yes

Councillor Barton  
Councillor Crawford  
Councillor McLean  
Councillor Smith  
Chair Mitchell

No

Councillor Marimpietri  
Councillor John Neal

Members Absent: Regional Chair Henry

Declarations of Interest: None

**8. Works**

8.1 Correspondence

There were no items of correspondence to consider.

8.2 Reports

A) The Regional Municipality of Durham's Drinking Water Systems 2021 Summary Report (2022-W-14)

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Report #2022-W-14 from S. Siopis, Commissioner of Works, was received.

Moved by Councillor McLean, Seconded by Councillor Marimpietri,  
(24) That we recommend to Council:

- A) That the 2021 Summary Report for the Regional Municipality of Durham's Drinking Water Systems be received for information;
- B) That receipt of Report #2022-W-14 of the Commissioner of Works be confirmed by resolution of Regional Council; and
- C) That a copy of this resolution be forwarded to the Ontario Ministry of the Environment, Conservation and Parks' York-Durham District Office to indicate the conditions of Schedule 22 of Ontario Regulation 170/03 have been fulfilled.

CARRIED

- B) Authorization of Subdivision Agreement with Beaverton Lake Homes Inc., Including Cost Sharing in Accordance with the Region Share Policy, for the Extension and Oversizing of Regional Services in the Township of Brock (2022-W-15)
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Report #2022-W-15 from S. Siopis, Commissioner of Works, was received.

Moved by Councillor McLean, Seconded by Councillor Marimpietri  
(25) That we recommend to Council:

- A) That financing estimated at \$987,300 for the Regional Municipality of Durham's share of the construction of sanitary sewers and watermains in the Township of Brock, at an estimated total project cost of \$4,992,700 be approved;
- B) That the Regional Municipality of Durham be authorized to enter into a subdivision agreement with a Regional Share payment to Beaverton Lake Homes Inc. estimated at \$987,300 for the construction of sanitary sewers and watermains in the Township of Brock, at an estimated total project cost of \$4,992,700;
- C) That financing for the subdivision agreement be provided from the following sources:

**Developer's Share – Sanitary Sewer and Watermain**

Beaverton Lake Homes Inc.	<u>\$3,261,900</u>
<b>Total Developer's Share</b>	<b><u>\$3,261,900</u></b>

**Regional Share - Sanitary Sewer and Watermain**

2022 Sanitary Sewerage System Capital Budget

Item 66: Sanitary Sewer on Concession Road 5 to service the westerly portion of the Beaverton Avenue Employment Area A, Brock

Servicing of Employment Lands and key Locations Reserve Fund (Project ID: D2040)	\$500,000
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Item 344: Allowance for Regional share for works in conjunction with residential development

Commercial Development Charge (Project ID: M2210)	\$192,249
Residential Development Charge (Project ID: M2210)	11,983
User Rate (Project ID: M2210)	<u>56,268</u>

**Total Regional Sanitary Sewerage Financing** **\$760,500**

2022 Water Supply System Capital Budget

Item 125: Watermain on Concession Road 5 to service the westerly portion of the Beaverton Avenue Employment Area A, Brock

    Servicing of Employment Lands and Key Locations Reserve Fund  
    (Project ID: D2040) **\$226,800**

**Total Regional Water Supply Financing** **\$226,800**

**Total Regional Costs – Sanitary Sewer and Watermain** **\$987,300**

**Total Project Costs – Sanitary Sewer and Watermain** **\$4,992,700**

CARRIED

C) Ontario Government – Improving Wastewater and Stormwater Discharges in Lake Ontario Program (2022-W-16)

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Report #2022-W-16 from S. Siopis, Commissioner of Works, was received.

Moved by Councillor McLean, Seconded by Councillor Marimpietri,  
(26) That we recommend to Council:

- A) That the one-time Ontario funding in the amount of \$836,590, approved for the Region of Durham's (Region) Improving Wastewater and Stormwater Discharges in Lake Ontario program project, be accepted;
- B) That the Regional Chair and Clerk be authorized to approve and pass any required by-law authorizing the municipality to enter into the funding agreement with the Provincial Government and be authorized to approve and execute any agreements or other related documents required by the Province;
- C) That the Government of Ontario be respectfully requested to extend the timelines under the program guidelines for Improving Wastewater and Stormwater Discharges in Lake Ontario Fund Program, to beyond March 31, 2024 in order to acknowledge the existing industry challenges municipalities will face in ensuring the project is substantially completed within the program deadline; and

- D) That the unbudgeted works for effective process control and infrastructure upgrades to reduce the likelihood of potential overflows, bypasses, and lower phosphorus discharge be approved and added to the scope of work for the Newcastle Water Pollution Control Plant project and the Commissioners of Works and Finance be authorized to execute any agreements related to the project approved under Improving Wastewater and Stormwater Discharges in Lake Ontario Program.

CARRIED

- D) Standardization of Air Conditioning Equipment Manufactured by Liebert for the Durham Regional Police Service Facilities (2022-W-17)

Report #2022-W-17 from S. Siopis, Commissioner of Works, was received.

Moved by Councillor McLean, Seconded by Councillor Marimpietri,  
(27) That we recommend to Council:

- A) That air conditioning equipment manufactured by Liebert be approved as the standard to match systems installed at Durham Regional Police Service facilities where currently installed for a period of ten years; and  
B) That Liebert Air Conditioning Equipment be included in tender specifications for Durham Regional Police facilities where appropriate.

CARRIED

- E) Road Rationalization: Transfer of Roads Between the Regional Municipality of Durham and the Town of Whitby (2022-W-18)

Report #2022-W-18 from S. Siopis, Commissioner of Works, was received.

Moved by Councillor McLean, Seconded by Councillor Marimpietri,  
(28) That we recommend to Council:

- A) That the Town of Whitby Report #PW-29-19 (Attachment #1 of Report #2022-W-18 of the Commissioner of Works) approved by Whitby Council on October 28, 2019, be received for information;  
B) That in keeping with the intent of the Road Rationalization Plan to realign responsibility for the road network between the Regional Municipality of Durham and the Local Area Municipalities, By-law #22-2018 be amended to give effect to the jurisdictional transfers described below and that Regional staff be authorized to execute all agreements and take all steps necessary to give effect thereto, including, but not limited to any fee simple transfers of subject road network property PINS to correspond and synchronize ownership of the road network with any jurisdictional transfers of the road network:

- Cochrane Street (Regional Road 43) from Dundas Street to Rossland Road (Regional Road 28) including the CP Rail structure which is in the Regional Municipality of Durham's Capital Program for replacement, and Henry Street (Regional Road 45) from Victoria Street (Regional Road 22) to Dundas Street, from the Regional Municipality of Durham to the Town of Whitby, effective July 1, 2022; and
  - Rossland Road from Des Newman Boulevard to Cochrane Street (Regional Road 43), from the Town of Whitby to the Regional Municipality of Durham, effective July 1, 2022;
- C) That the responsibility for the maintenance of Rossland Road from Lake Ridge Road (Regional Road 23) to Des Newman Boulevard, the segment that is under Ministry of Transportation of Ontario's ownership, be transferred from the Town of Whitby to the Regional Municipality of Durham, effective July 1, 2022;
- D) That the Region's commitment to replace the CP Rail structure on Cochrane Street (Regional Road 43), in the 2022/23 timeframe (i.e., after the proposed transfer date), be acknowledged;
- E) That Regional staff continue to advance further discussions with applicable Local Area Municipalities to realize full road rationalization within the Regional Municipality of Durham; and
- F) That a copy of Report #2022-W-18 of the Commissioner of Works be forwarded to the Town of Whitby and the Ministry of Transportation of Ontario.

CARRIED

## 9. **Advisory Committee Resolutions**

There were no advisory committee resolutions to be considered.

## 10. **Confidential Matters**

There were no confidential matters to be considered.

### Questions to Works

With regards to community safety zones, Councillor John Neal inquired about areas where roads are split (regional and municipal) and how consistency with speed limits are ensured.

## 11. Other Business

### A) Update on Vision Zero

Councillor Crawford provided the following update on the program:

- With regards to red light cameras, which started in 2020, the total incidences since 2020 are 4,348 with total charges of 3,221 (a 74% charge rate);
- With regards to Automated Speed Enforcement cameras, which started earlier than the red light cameras, the total incidences is 121,000 with total charges of over 61,000 (a 51% charge rate);
- Fatal collisions from 2018 went from 24 to 20 in 2021;
- Injury collisions went from 1,649 in 2018 to 1,070 in 2021 (down by 35%); and
- Personal property damage went from 7,987 in 2018 to 6,377 in 2021 (down by 20%).

Councillor Crawford advised that the summary report would be provided to committee members subsequent to the meeting.

It was requested that the costs to administer the program be clarified when the Vision Zero Report is presented to Committee.

## 12. Date of Next Meeting

The next regularly scheduled Works Committee meeting will be held on Wednesday, April 6, 2022 at 9:30 AM in Council Chambers, Regional Headquarters Building, 605 Rossland Road East, Whitby.

## 13. Adjournment

Moved by Councillor Barton, Seconded by Councillor Smith,  
(29) That the meeting be adjourned.

CARRIED

The meeting adjourned at 11:29 AM

Respectfully submitted,

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D. Mitchell, Chair

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N. Prasad, Assistant Secretary to Council



# Clarington

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March 15, 2022

Cheryl Bandel, Acting Regional Clerk  
Regional Municipality of Durham  
Via Email: [clerks@durham.ca](mailto:clerks@durham.ca)

To Cheryl Bandel:

**Re:** Use of Incinerator Waste

**File Number:** PG.25.06

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At a meeting held on March 14, 2022, the Council of the Municipality of Clarington approved the following Resolution #GG-103-21:

Whereas the Region of Durham proposes to run a pilot project using Durham York Energy Centre waste in Phase 2 of the reconstruction of Regional Road 18 (Newtonville Road);

And whereas this is not a proven technology;

And whereas the Municipality of Clarington wishes to protect the health of the environment and our residents;

And whereas the Municipality of Clarington is fast becoming a “dumping ground” for the Region of Durham’s waste;

Now therefore be it resolved that the Municipal of Clarington is vehemently opposed to the Region of Durham’s proposal to run a pilot project using

incinerator ash and/or plastics and/or other waste materials anywhere in Clarington.

Yours truly,



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John Paul Newman  
Deputy Clerk

JPN/cm

c: R. Windle, Director of Planning and Development Services

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



# The Regional Municipality of Durham Report

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To: Works Committee  
From: Acting Commissioner of Works  
Report: #2022-WR-3  
Date: April 6, 2022

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**Subject:**

Proposed Pilot of Mandatory Clear Garbage Bag Use in the Municipality of Clarington

**Recommendations:**

That the Works Committee recommends to Regional Council:

A) That the implementation of a clear garbage bag pilot program in the Municipality of Clarington be approved with the following implementation parameters:

- i) That the clear garbage bag pilot project be implemented for a period of six months;
- ii) That the six month clear garbage bag pilot project commence in the second quarter of 2023 include a four week transition period until participation in the program becomes mandatory;
- iii) That the six month clear garbage bag pilot project commence after the four week transition period, implemented in a manner that reflects how the clear garbage bag program would be implemented on a permanent basis, meaning that where any visible Blue Box material, food or household hazardous waste is detected in the garbage bag during the mandatory phase, the bag will not be collected and will be left at the curb;
- iv) That the six month clear garbage bag pilot project be conducted with the following performance measures to determine the effectiveness of the program as compared to a 2022 baseline, and to other Regional Municipality of Durham municipalities that are not part of the pilot:

- 
1. Garbage generation rates compared to baseline data;
  2. Quantity of Blue Box, Green Bin and/or household hazardous material found in the garbage bag compared to baseline data;
  3. Collection contractor injury rate;
  4. Collection route impacts (collection time, etc.); and
  5. Incidence of illegal dumping complaints.
- B) That external resources (consulting or other) to support the implementation of the clear garbage bag pilot project be retained in 2022 at a cost not to exceed \$125,000\* to provide:
- i) An initial communication strategy and support in the planning and operating phases of the clear garbage bag pilot, including the distribution of educational material to residents in the Municipality of Clarington and retail outlets related to the supply of clear garbage bags; and
  - ii) Waste audits to establish the 2022 baseline for the performance measures and measure performance in the Municipality of Clarington and other Regional Municipality of Durham municipalities.
- C) That financing for the incremental cost of the clear garbage bag pilot project background work required in 2022 at an estimated cost of \$125,000\* be provided at the discretion of the Commissioner of Finance; and
- D) That the remaining pilot program costs currently estimated at \$405,000\* reflecting anticipated additional collection contractor costs, ongoing waste audits to evaluate the results of the clear garbage bag pilot program and continued educational and promotional efforts to support the pilot be included as part of the proposed 2023 Business Plans and Budgets for Waste Management Services and subject to the approval of the new Council.
-

**Report:****1. Purpose**

- 1.1 At the Regional Municipality of Durham (Region) Council meeting of January 26, 2022, a motion to implement a pilot program for the use of clear garbage bags for one year in the Municipality of Clarington (Clarington) was referred to staff for a report to detail “how the clear bag program will be done, when, what the cost is, etcetera” to be brought to the April 2022 Council meeting. This report is now being provided as requested and provides Regional Council with information on the learnings from the Region’s clear garbage bag pilot conducted in 2009 and learnings from the use of clear garbage bags in other municipalities.
- 1.2 The report also provides a summary of the common issues related to the implementation of a clear garbage bag program; implications of a clear garbage bag requirement for all of Durham Region; and outlines the purpose, proposed parameters and costs for conducting a six-month pilot program mandating clear garbage bag use Clarington.
- 1.3 Dollar amounts followed by an asterisk (\*) exclude applicable taxes.

**2. Previous Reports and Decisions**

- 2.1 Report #2008-WR-20 titled “Clear Plastic Bags for the Collection of Garbage” requested Regional Council approval for a three-month clear garbage bag pilot program for the Clarington and City of Pickering (Pickering) to be conducted in 2009.
- 2.2 Report #2009-WR-12 titled “Results of Clear Bags Pilot Study in the Municipality of Clarington and City of Pickering” provided Regional Council with an overview of the efforts undertaken by staff to conduct a clear garbage bag pilot and the results of the pilot program. Details of the results of the pilot are provided in Attachment #1.
- 2.3 Report #2014-WR-10 titled “Update Report on Clear Plastic Bags for the Curbside Collection of Garbage” provided a review of the results of the 2009 pilot conducted by the Region and details on clear garbage bag programs and results in other municipalities.
- 2.4 Report #2017-COW-114 titled “Clear Bag Update Report” provided an update on clear bag usage for curbside garbage collection.
- 2.5 Report #2017-COW-172 titled “City of Markham Clear Garbage Bag Experience” outlines the implementation of the clear garbage bag program in the City of Markham and the objectives and results of the program.

### **3. Clear Garbage Bag Programs in other Municipalities**

- 3.1 The Continuous Improvement Fund (CIF) developed a [Clear Garbage Bag Program Implementation Toolkit \(CIF Toolkit\)](#) for municipalities considering a clear garbage bag requirement. The toolkit includes case study information from nine Ontario municipalities. Programs implemented in other municipalities are summarized in Attachment #1.
- 3.2 As highlighted in the CIF Toolkit, many of the clear bag programs in Ontario are not found in larger municipalities that are providing multiple curbside collection options for residents. Over half of the case studies in the CIF Toolkit operate depot or 100 per cent pay-as-you-throw programs. For depot programs, residents must deliver all waste materials to a municipal-run transfer station where an attendant inspects the waste for compliance prior to accepting it for disposal. This allows for easy enforcement of a clear garbage bag program and maintains some additional privacy compared to clear bags left for pick-up in a resident's neighbourhood.
- 3.3 When reviewing provincial diversion rates in municipalities that have implemented curbside clear garbage bag programs, typically there is an increase in diversion immediately after the implementation. However, the diversion rate generally stagnates or returns to pre-clear garbage bag levels. Details of municipal clear garbage bag programs in Ontario and Halifax with corresponding diversion rates are provided in Attachment #1.
- 3.4 The Region conducted a clear garbage bag pilot in 2009. The Region's pilot resulted in a three per cent increase in Blue Box diversion and a 14 per cent increase in Green Bin participation. However, based on the extensive promotion and education of the clear garbage bag program (\$35 per household), the results of the pilot could not be attributed solely to the clear garbage bag requirement. Observations and results of the 2009 pilot are provided in Attachment #1.
- 3.5 As reported in Works Committee Report #2008-WR-20, common concerns with clear garbage bag mandates include privacy, clear bag availability, enforcement of the mandate, impacts to operating costs and increased illegal dumping. The proposed clear garbage bag pilot is a modified approach from the 2009 pilot to address these concerns and build on the lessons learned. Details of these concerns and common methods to address them are provided in Attachment #1.

### **4. Clear Garbage Bag Pilot for Clarington in 2023**

- 4.1 As noted, at its meeting of January 26, 2022, Regional Council directed staff to report on the parameters and costs for a full year clear garbage bag pilot in Clarington. The clear garbage bag pilot will evaluate changes in resident diversion behaviour by measuring the quantity of Blue Box, Green Bin or hazardous materials in clear garbage bags, to measure the impact on collector injury rates and to measure the impact on incidences of illegal dumping compared to status quo. The results of the pilot project will inform decisions on expansion or

discontinuation of the clear garbage bag program as part of the Region's waste collection operations.

- 4.2 Staff recommends undertaking a six-month pilot that allows for a longer planning period starting in 2022 to communicate the upcoming pilot to residents and retailers. A six-month pilot would start mid-to-late spring 2023 and continue to mid-to-late fall 2023. The pilot will be conducted on selected routes within Clarington with a focus on urban routes. The specific routes have not been selected.
- 4.3 Work for a pilot project should commence immediately and will include pre-requisite tasks such as completing the baseline audit for Clarington and developing promotion and education material. The approach for the clear garbage bag pilot will be informed by the CIF [Clear Garbage Bag Program Implementation Toolkit](#).
- 4.4 Audits will be completed to assess the change in diversion rates and participation rates for the both the Blue Box and Green Bin in a sample of homes in Clarington. Homes located in the City of Pickering (Pickering) and the Township of Scugog (Scugog) will act as control samples. Collector injury rates and illegal dumping complaints will also be tracked in all three municipalities.
- 4.5 Communication with retailers and residents is necessary in advance of the launch of the pilot. A minimum of six months notice is recommended to allow residents to use up existing supplies of traditional garbage bags and allow retailers time to stock adequate quantities of clear garbage bags. Staff will commence promotion and education for the pilot in Fall 2022.

## **5. Proposed 2023 Pilot Program Parameters**

- 5.1 To reflect an operational clear garbage bag program more accurately, staff recommend that following a short voluntary transition period, the use of clear garbage bags becomes mandatory with non-compliant bags left at the curb on collection days. The mandatory phase would start four weeks after the pilot launch.
- 5.2 During the pilot timeframe, residents will be limited to one opaque privacy bag within each clear garbage bag. Garbage bags with more than one privacy bag will be tagged and left at the curb during the mandatory phase of the pilot.
- 5.3 Staff recommend that clear garbage bags be visually inspected for the presence of recyclable materials that should be placed in the Blue Box and food and kitchen waste that should be in the Green Bin. Bags containing any visible divertible material will be rejected at the curb. Inspections will also include hazardous materials such as batteries, paint and oil. Any quantity of hazardous materials will result in the bag being rejected at the curb.

- 5.4 Waste collection contractors can be injured by sharp objects (e.g., broken glass, needles) improperly disposed of in opaque garbage bags and by lifting overweight garbage bags. Clear garbage bags should make these hazards more visible and easier to avoid. Bags containing protruding, sharp or heavy items will also be rejected at the curb. Contractor injury rates will also be tracked to measure the impact of clear garbage bags compared to status quo.
- 5.5 Zero tolerance is recommended for non-garbage materials to reduce the ambiguity for the collection worker who must evaluate if a clear bag is compliant in a few seconds at each stop. Zero tolerance is a more straightforward threshold than estimating if a bag contains 10 or 20 per cent non-garbage material.
- 5.6 To support the enforcement of the clear garbage bag mandate at the curb and to better reflect a functioning clear garbage bag program, staff recommend the collection contractor receive compensation for the additional time spent at each stop inspecting the clear bag. This cost will be based on the routes selected for the pilot and the number of stops. Staff will negotiate with the contractor to determine the compensation rate. Based on the estimated additional time required for each stop and annualized cost estimates, compensation during the pilot program will not exceed \$125,000\*.

#### **Pilot Project Promotion and Education**

- 5.7 The 2009 clear garbage bag pilot included approximately \$35 per household for promotion and education. This significant promotion and education effort made it impossible to separate the impact of clear garbage bags from the impact of extensive resident education on diversion options. For the 2023 pilot, a more sustainable and representative promotion and education approach will be used.
- 5.8 Staff recommend a promotion and education effort that includes a print and social media advertising campaign, Waste App notifications and a printed notice and explanation of the pilot program delivered to each household. The promotion and education effort will focus on the new requirement for residents to place all garbage in a clear plastic bag during the pilot and remind residents of the existing diversion programs available to them.
- 5.9 Unlike the 2009 pilot, staff do not recommend providing residents with clear garbage bags to use for the duration of the pilot due to the quantity required for the pilot duration and the logistics and cost of providing such a quantity of bags.
- 5.10 This approach will reduce costs significantly from the \$35 per household spent in 2009 and reflect a promotion and education approach that is more consistent with the implementation of changes to other programs such as the introduction of a larger Blue Box or the inclusion of additional plastics in the Blue Box program.
- 5.11 Contracted waste collection staff will require training on the implementation of the clear garbage bag pilot and the parameters for rejecting bags at the curb.



## Waste Audits to Establish Baseline

- 5.12 To measure the impact of a mandatory clear garbage bag pilot program on waste set outs and generation rates, audits are required. A baseline audit will be conducted in 2022 to establish the current quantity of Blue Box material, Green Bin organics, household hazardous waste and other improperly disposed materials in Clarington residential curbside garbage.
- 5.13 In addition to auditing garbage set outs in the Clarington, audits will also be conducted in Pickering and Scugog. Routes in these local municipalities will act as a control group to measure any external impacts on set outs and waste diversion behaviour. External impacts could include economic changes, pandemic response, weather events, etc.
- 5.14 Staff recommend three audits be completed during the pilot in 2023, to measure the impact of the clear garbage bag program on residents' garbage generation and waste diversion. Staff recommend a third-party consultant be retained to complete the waste audits and report results as outlined below.
- 5.15 Data on collection contractor injury and reports of illegal dumping will be retained for 2022 and 2023 to measure any changes from status quo in both performance indicators that could be attributed to the clear garbage bag pilot.
- 5.16 It should be noted that previous waste audits (2018 Composition Study) have indicated that residential garbage contains approximately 19 per cent non-recyclable plastics. This plastic is primarily film plastic which will make quick visual inspection of clear garbage bags at the curb difficult.
- 5.17 The Region is currently participating in a garbage audit in partnership with the Continuous Improvement Fund (CIF). This audit is jointly funded by CIF and Stewardship Ontario and is focused on Blue Box materials in the garbage prior to the blue box transition to producer responsibility. Although this audit is for a different purpose, staff will investigate opportunity to expand this audit's parameters to include organics and household hazardous waste, such that the CIF audit could be used as the Clarington baseline audit. Staff expect that there will be a cost to the Region for an audit expansion. It is unknown at this time if this additional cost will be greater than that of a dedicated baseline audit.

## Consultant Support

- 5.18 The 2009 clear garbage bag pilot was supported by a consultant that conducted surveys, completed waste audits and collected pilot program data. Staff recommend a similar level of consultant support for the proposed pilot.
- 5.19 The consultant scope of work, with an estimated cost of \$300,000\*, will include:
- a. Contact with retailers in Clarington and large retail outlets in adjacent municipalities beginning in 2022. Retailers will be advised of the upcoming

clear garbage bag pilot and requested to increase their stock of clear bags that could be used for garbage.

- b. Delivery of promotional and education material to every residence in the pilot area in Clarington.
- c. Conduct training sessions with the collection contractor including refresher or follow-up training as necessary during the pilot.
- d. Complete waste audits as outlined above and report data and trends.

**5.20** Waste management staff in cooperation with the Corporate Communications Office will develop promotional and education material for residents and contractors. Waste management staff will also coordinate print and social media advertising campaigns, curbside signage and Waste app notifications. Resident education for the pilot is anticipated to begin in the Fall of 2022.

**5.21** Waste management staff will also provide support to the collections contractor in administering the clear garbage bag requirements.

5.22 The purpose of conducting a pilot of any new waste management approach is to evaluate it for implementation Region wide. Should the clear garbage bag pilot in Clarington be deemed successful, staff would recommend that Regional Council establish a permanent Region-wide clear garbage bag program, along with the costs and timeframes to implement this program change.

## **6. Region-Wide Implications of Clear Garbage Bag Program**

6.1 The Region has expended significant effort and cost to establish consistent waste management diversion and disposal requirements throughout the Region, including the City of Oshawa (Oshawa) and Town of Whitby (Whitby) which provide most waste collection services for their residents directly.

6.2 All residences receiving curbside collection are subject to a four-garbage bag limit every other week, provided with weekly collection service for Blue Box and Green Bin source-separated wastes and seasonal leaf and yard waste collection.

6.3 Special collections for additional recyclable items such as scrap metal, electronics, porcelain and batteries are also available. There are some variations among local municipalities for additional services for bulky garbage items with Whitby and Oshawa establishing their own requirements for these materials. This expansion of curbside services has resulted in a significant diversion rate increase from 30 per cent in 2000 to 63 per cent currently.

6.4 A standardized Region-wide waste management program is the best way to reduce resident confusion and ensure simple, consistent messaging for program compliance. As Oshawa and Whitby provide garbage collection in their municipalities, both would also need to agree to implement clear plastic garbage bag programs to maintain a Region-wide and consistent program.

- 6.5 The Region's Waste Management By-law #2011-42 will also require amendment to reflect a mandatory clear garbage bag program. Both Oshawa and Whitby will need to adopt and enforce a similar lower-tier by-law within their municipality. The Region's waste management by-law enforcement staff do not currently, and would not in the future, enforce a Whitby or Oshawa waste management by-law.
- 6.6 The 2018 residential waste audit determined curbside garbage bags contained less than one per cent household hazardous waste, indicating the existing diversion programs for household hazardous wastes work well.
- 6.7 The 2018 audit also measured Blue Box materials at less than four per cent of the garbage collected at the curb, indicating there is little room for improvement with a clear garbage bag program.

## **7. Multi-Residential Building Impacts**

- 7.1 Most multi-residential buildings use a waste chute system and large waste bins to manage residents' waste. This allows residents to dispose of garbage anonymously and eliminates any inspection and enforcement possibilities. Clear garbage bags are not effective to address multi-residential waste management issues because the nature of waste collection systems in multi-residential buildings makes it impossible to address individual resident compliance with waste diversion programs.
- 7.2 Many multi-residential buildings also use compaction systems to compress garbage to manage space constraints. This further negates any opportunity for inspection of garbage bags prior to collection.
- 7.3 A clear garbage bag program cannot address the provincial policy direction to divert food and organic waste from disposal in multi-residential homes. Provincial policy requires 50 per cent food and organic waste diversion in multi-residential buildings by 2025.

## **8. Implications for the Mixed Waste Pre-sort and Anaerobic Digestion Project**

- 8.1 Clear garbage bag programs in other municipalities have resulted in small and short-term increases in diversion. For the municipal programs described in Attachment #1, reported diversion data has remained relatively constant or has decreased.
- 8.2 A clear garbage bag program is not an effective enforcement mechanism for multi-residential buildings where garbage disposal remains anonymous. Therefore, it is anticipated that such a program would have no effect on multi-residential tonnage required for processing at the Region's proposed Mixed Waste Pre-sort and Anaerobic Digestion (AD) facility.
- 8.3 The Mixed Waste Pre-Sort portion of the facility is designed to remove recyclable materials and organic material from the garbage bag. This facility will target all

garbage collected by the Region, not just single-family garbage, and will remove recyclable materials consistently, regardless of residents' fatigue with an enforcement program. The 2018 garbage composition audit indicated that up to 49 per cent of garbage is composed of organic material including material from the multi-residential sector.

- 8.4 The AD portion of the facility will be capable of handling a more contaminated source-separated organics stream. AD will allow residents to divert materials such as diapers, pet waste and sanitary waste to the Green Bin Program. Staff will prepare a promotion campaign to 're-launch' the Green Bin and educate all Durham Region residents about new waste diversion options with the launch of the AD facility. This promotion program is expected to result in increased participation and use of the Green Bin Program to increase diversion in single-family homes. It is expected that a greater than 14 per cent increase in Green Bin participation can be achieved with a re-launched Green Bin Program. As shown above, this cannot be accomplished with a clear garbage bag program alone.
- 8.5 The proposed Mixed Waste Pre-sort and AD facility will allow the Region to meet its diversion obligations for multi-residential buildings under the provincial Food and Organic Waste Policy Statement. As detailed below, clear garbage bags will not address any diversion requirements in the multi-residential sector.
- 8.6 The recently approved Long-term Waste Management Plan (2022 – 2040) includes diversion targets to increase Green Bin organics diversion up to 10 per cent by 2026 with the commissioning of a Mixed Waste Pre-Sort and AD facility. As seen from diversion rates in other municipalities, this diversion cannot be accomplished with a clear garbage bag program alone.

## 9. Financial Impacts

- 9.1 A clear garbage bag pilot in Clarington was not included in the 2022 Business Plans and Budgets for Waste Management Services. As outlined above, staff recommend work on the 2023 pilot commence in 2022 to ensure residents, retailers and the Region's collection contractor are aware and prepared for the launch of the pilot in 2023.

**Table 1: Clear Garbage Bag Pilot Cost Estimate**

<b>Clear Garbage Bag Pilot Task</b>	<b>Estimated Cost*</b>
<b>Consultant to conduct waste audits and develop communications strategy</b>	\$300,000
<b>Promotion and Education Campaign</b>	\$105,000
<b>Contractor Collection Costs</b>	\$125,000

<b>Clear Garbage Bag Pilot Task</b>	<b>Estimated Cost*</b>
<b>Total Project Costs</b>	\$530,000

9.2 The clear garbage bag pilot project cost is estimated to be \$530,000\* as outlined in Table 1, with up to \$125,000\* expected to be spent in 2022 for the initial promotion and education and the baseline audits. Financing for the 2022 costs is not included in the approved 2022 Business Plans and Budgets for Waste Management Services and will be provide at the discretion of the Commissioner of Finance.

9.3 The balance of \$405,000\* will be included in the proposed 2023 Business Plans and Budget for Waste Management Services and subject to the approval of the new Council.

**10. Relationship to Strategic Plan**

10.1 This report aligns with/addresses the following strategic goals and priorities in the Durham Region Strategic Plan:

a. Environmental Sustainability:

Goal 1.2: Increase waste diversion and resource recovery.

**11. Conclusion**

11.1 The previous clear garbage bag pilot conducted in Pickering and Clarington in 2009 resulted in approximately three per cent increase in diversion and a 14 per cent increase in the Green Bin participation rate. However, based on the extensive promotion and education program provided to residents participating in the pilot, the impact of additional resident education and awareness could not be distinguished from the impact of clear garbage bags.

11.2 Results from other municipalities with clear garbage bag programs are varied, with diversion rate increases that are temporary or inconsistent.

11.3 Conducting a clear garbage bag pilot will require significant effort and support from staff including consultant support. Staff recommend shortening the duration of the pilot to allow for additional planning efforts which must commence in 2022. Further activities will be subject to 2023 budget approval by the new Council.

11.4 A successful pilot will be one input into a decision to expand this program throughout Durham Region. Implementing a clear bag program in one municipality will produce a minor impact to diversion rates.

11.5 This report has been reviewed by the Finance Department.

11.6 For additional information, contact Gioseph Anello, Director, Waste Management Services, at 905-668-7711, extension 3445.

**12. Attachments**

Attachment #1: Summary of Clear Garbage Bag Program Experiences

Respectfully submitted,

**Original signed by:**

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Jenni Demanuele, CPA, CMA  
Acting Commissioner of Works

Recommended for Presentation to Committee

**Original signed by:**

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Elaine C. Baxter-Trahair  
Chief Administrative Officer

## **Attachment 1: Summary of Clear Garbage Bag Program Experiences**

### **Continuous Improvement Fund Clear Bag Implementation Toolkit**

In 2015 the Continuous Improvement Fund (CIF) published a [Clear Bag Implementation Toolkit](#) (CIF Toolkit) that included case studies from nine Ontario municipalities that implemented or attempted to implement clear garbage bag requirements. Details of the programs included in the CIF Toolkit are summarized below.

Four of the nine municipalities studied do not provide curbside collection. Residents must bring all waste to a municipal depot or transfer station where an attendant inspects the clear garbage bag before accepting it. These municipalities also require some form of proof of residency prior to accepting waste materials.

Two of the nine municipalities provide curbside collection of garbage provided it is in a clear bag and every bag must have a municipal tag. Residents must purchase a tag for every garbage bag placed at the curb – with no free bag allowance.

Two municipalities implemented traditional clear garbage bag mandates with residents receiving curbside collection of garbage, Blue Box and Green Bin materials on a prescribed schedule. All garbage must be placed in clear bags.

Finally, one municipality received Council direction to implement a clear garbage bag program and began promotion of the program. When staff returned to Council for final approval of the clear garbage bag requirement, Council decided not to proceed. Several Councillors were newly elected in the municipal election that occurred during the initial promotion of the clear garbage bag proposal and did not support the program.

Many of the successful clear bag programs in Ontario are not found in larger municipalities providing multiple curbside collection options for residents. Over half of the case studies in the CIF Toolkit are depot or 100 per cent pay-as-you-throw programs in addition to mandating clear garbage bags. In depot programs, residents must deliver all waste materials to a municipal-run transfer station where an attendant inspects waste for compliance prior to accepting it for disposal. This allows for easy enforcement of a clear bags program and privacy to be maintained.

### **Experience of other Municipalities**

Municipalities operating curbside programs typically see an increase in diversion in the year immediately following the implementation of a clear garbage bag requirement. However, within a short time, the diversion rate stagnates or returns to pre-clear garbage bag levels.

## Attachment #1: Summary of Clear Garbage Bag Program Experience

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### City of Markham, Ontario

The City of Markham in York Region implemented a clear garbage bag program and removed its three-garbage bag limit in April 2013. The stated objectives of the clear garbage bag program in Markham are to encourage diversion and address worker health and safety concerns due to improper disposal of hazardous materials. Markham is one of the municipal case studies in the CIF Toolkit.

City of Markham staff stress the importance of a political champion and strong Council support when implementing a clear garbage bag mandate. To address resident concerns about privacy, an unlimited number of opaque privacy bags are permitted within the clear garbage bag.

The clear garbage bag program was not implemented in multi-residential buildings in Markham and all garbage bags are collected unless there are visible hazardous materials or electronics in a clear bag. Garbage bags are not left behind for blue box or organic material unless it is obviously full of these divertible items.

Based on information available in the 2020 York Region Waste Diversion Report, in the past five years Markham had consistently higher green bin diversion and lower residual waste generation per capita than the other two southern cities in York Region. Blue Box diversion data was not reported separately for lower tier municipalities in York Region.

York Region has reported a ten per cent increase in its diversion rate since Markham launched the clear garbage bag program, in 2013. The Regional Municipality of Durham (Durham Region) experienced a nine per cent increase in its diversion rate over the same time.

### City of Guelph, Ontario

The City of Guelph launched a clear garbage bag program in 2003. Guelph has since transitioned to a three-cart system for waste collection and residents use a grey cart for garbage. However, garbage must be placed loose in the cart or bagged in a clear bag.

The purpose of the clear garbage bag program in Guelph was to boost recycling and increase organics diversion.

A 2016 waste audit for the City of Guelph indicated that 38 per cent of waste generated in single family homes could still be diverted from the gray cart to the blue or green cart for recycling or composting respectively despite the implementation of a clear bags program. The City of Guelph had a 58.7 per cent Resource Productivity and Recovery



## Attachment #1: Summary of Clear Garbage Bag Program Experience

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Authority (RPRA) verified diversion rate in 2016 and a 49.9 per cent diversion rate in 2020. Durham Region's verified diversion rate in 2020 was 62.8 per cent

### City of Kawartha Lakes, Ontario

The City of Kawartha Lakes launched a clear garbage bag program on January 1, 2017. Residents must place all garbage in clear bags with a limit of two bags every week. One small, opaque privacy bag may be placed in each clear garbage bag.

Garbage bags are left at the curb if they are not clear, if they contain more than 10 per cent recyclable material, if they contain hazardous materials, if they contain needles or other sharp objects, or if the garbage is in a 95-gallon cart. Collection drivers are tasked with determining if a resident's waste set out meets City of Kawartha Lakes requirements for clear garbage bags and divertible material content.

The City of Kawartha Lakes does not have a Green Bin program for source separated organics but does provide curbside leaf and yard waste collection.

The City of Kawartha Lakes' RPRA verified diversion rate increased from 39.1 percent in 2016 to 43.1 percent in 2017 after the introduction of clear garbage bags, but it has since dropped to 34.8 per cent in 2020, which is lower than the pre-clear garbage bag diversion rate in 2016.

### City of Orillia, Ontario

The City of Orillia launched a clear garbage bag program on February 7, 2022. The goal of the program is to increase diversion to prolong the life of their landfill. Currently 36 per cent of waste placed in the garbage bag in Orillia could be diverted for Blue Box recycling or Green Bin composting. In 2020, the City of Orillia had a 60 per cent diversion rate.

The clear garbage bag program in Orillia will allow up to two privacy bags and up to 10 per cent of the contents of the clear garbage bag may be divertible material. This allowance is intended to account for soiled recyclables that should not be placed in the Blue Box and pet waste which can be wrapped in newspaper prior to putting in the garbage. Collection drivers are tasked with determining if a resident's waste set out meets City of Orillia requirements for clear garbage bags and divertible material content.

Before the launch of clear garbage bag program, Orillia staff contacted local stores to inform them of the change to clear bags and request that they stock clear garbage

## **Attachment #1: Summary of Clear Garbage Bag Program Experience**

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bags. The City of Orillia website includes a list of the seven stores stocking clear garbage bags and their location.

There is currently an online petition started by an Orillia resident asking City of Orillia Council to reconsider the clear garbage bag program. As of February 1, 2022, there were over 1,200 signatures on the petition. Resident concerns listed in the petition include lack of availability of kitchen size clear garbage bags; lack of recycled plastic content in clear bags as compared to some black/green bag manufacturers offering recycled content; and the use of 'garbage police' and shame tactics to enforce the clear garbage bag policy and diversion as inspections at the curb will result in bags not being collected.

### **City of Halifax, Nova Scotia**

On August 1, 2015, the City of Halifax, Nova Scotia, began a clear garbage bag program. Halifax experienced a 31 per cent drop in waste generation and a 20 per cent increase in Blue Box collection in the initial months of the clear garbage bag program. With no other changes to the waste management program, clear garbage bags are considered the reasons for the changes.

Halifax has a different approach than many municipalities and allows one full size, opaque, privacy bag each collection period. Residences are allowed up to six bags every other week and only five must be clear.

Transparent blue bags are used for Halifax's two stream recycling program and carts are provided for source separated organic waste. For additional privacy all clear bags can be placed in a garbage can.

### **2009 Durham Region Pilot**

In 2008, Durham Region Council approved a three-month pilot program to require residents to place garbage in clear bags for collection at the curb. The pilot was conducted on two collection routes for a total of approximately 1,500 households. One route in the Municipality of Clarington and one route in the City of Pickering were chosen for the pilot.

The clear garbage bag pilot had two objectives: to assess the effect of clear garbage bags on the diversion rate and to assess the effect of clear garbage bags on the participation levels in the recycling and compost program.

## Attachment #1: Summary of Clear Garbage Bag Program Experience

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The pilot was divided into three phases: voluntary participation with no interaction with residents beyond the initial pilot launch package, voluntary participation with encouragement with educational material provided to non-participating homes and mandatory participation with enforcement including tagging and leaving non-compliant garbage bags at the curb with no additional outreach from waste management staff.

The clear garbage bag pilot study concluded that a clear garbage bag program had the potential to increase Durham Region's overall diversion rate up to three per cent compared to 2008 data. It also concluded that clear bags had no impact on Blue Box participation, but participation in the Green Bin program for food waste increased by 14 per cent. Surveys conducted after the pilot indicate 53 per cent of residents supported a clear garbage bag requirement.

The final 2009 clear bag pilot report notes that inspection of the clear garbage bag at the curb by the contractor was hampered by the quantity of film plastic in the bag. Visual inspection of the clear garbage bags alone was not a good indicator of unacceptable materials in the bag. As a result, most non-compliant clear bags continued to be collected. Waste audits conducted during the mandatory phase of the pilot indicated that clear garbage bags continued to contain 31 per cent divertible material. This is a decrease from the baseline of 43 per cent in the garbage before clear bags but was still a significant amount.

An extensive promotion and education (P&E) campaign was conducted immediately before and during the clear garbage bag pilot. Staff conducted several door-to-door information sessions, a Public Information Centre was held in each local municipality and there was a multi-media advertising campaign that included radio and newspaper advertisements and roadside signage on the selected pilot collection routes. The cost of promotion, training for collections staff and resident education was estimated to be \$35 per household over the three-month pilot.

Due to the extensive P&E campaign conducted for the pilot, the effects of clear garbage bags on the overall diversion and participation rates could not be distinguished from the effects of the extensive promotion and education for the pilot.

## Attachment #1: Summary of Clear Garbage Bag Program Experience

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### Common Clear Garbage Bag Concerns

#### Privacy

Residents' concerns around clear bags for garbage relate predominantly to privacy issues. Some municipalities allow residents to put one or more opaque grocery bags inside their larger clear plastic bag to address this issue.

In the 2009 clear garbage bag pilot, Durham Region allowed residents to use one opaque privacy bag inside each clear garbage bag. Clarington residents were still allowed three garbage bags each week.

Additional measures may be necessary for residents generating home medical waste and incontinence products as the volume of these items may exceed what an opaque carry-out privacy bag can hold. However, permitting large opaque garbage bags for large volumes of excessive waste on an application basis can result in other resident privacy concerns if one home is allowed opaque garbage bags while neighbours are not.

#### Enforcement

Enforcement is essential for the long-term success of a clear garbage bag program and can come from several levels of government. Typically, clear garbage bag programs are enforced by municipal bylaws and collection contracts.

While collection workers' roles already require them to leave behind non-acceptable materials, current policy includes clearly defined weight limits and clear descriptions of non-acceptable waste such as grass clippings. The clear bag garbage programs described in this report introduce ambiguity to the collection worker's role by allowing up to ten per cent divertible materials in clear bags. Without conducting a waste audit at every stop with divertible materials in clear bags, the collection worker has no way to assert that a clear bag has more or less than ten per cent in a clear bag. This ambiguity either puts the collection worker in direct dispute with non-compliant residents, which the worker is not trained to resolve, or it leads the collection worker to simply collect the bag to avoid the dispute. This challenge is a likely contributor to the long-term flat lining or decline in diversion rates experienced in the municipal case studies outlined in this report.

## Attachment #1: Summary of Clear Garbage Bag Program Experience

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### Impact on Operating Costs

Inspection of each garbage bag prior to collection will require additional time to complete each collection route. Tagging rejected bags prior to leaving them at the curb will also require additional collector time as will the dispute resolution process to address resident complaints of non-collected garbage. Additional contract costs are anticipated for the additional collection time required for the clear bag enforcement efforts by the collection contractor. A five second delay in garbage collection at each house in Clarington is the equivalent of over \$125,000 in additional time annually.

The increased number of rejected garbage bags left at the curb is also expected to lead to more resident complaints and questions resulting in an increased demand for call centre and by-law compliance resources. Residents also always have the option to elevate complaints to elected municipal officials.

### Illegal Dumping

Illegal dumping is an ongoing problem in many municipalities. There is a risk with a clear garbage bag program that, as requirements are enforced and non-compliant bags are left at the curb, there will be an increase in illegal dumping. Dumping is already a concern in rural areas.

Durham Region waste management by-law enforcement officers follow up on dumping incidents and complaints. By-law officers collect dumped garbage, sort through it for identifying information and then follow up with the offending resident. This follow up may result in the resident being charged for illegal dumping. Implementation of clear garbage bag requirements could increase the time by-law enforcement officers spend on illegal dumping.

Durham Region waste management by-law enforcement officers follow up on dumping incidents on regional roads and when called to a residence. Dumping on municipal roads is the responsibility of by-law enforcement of each local municipality.

### Clear Bag Availability

Since clear garbage bags are not widely used by residents on a voluntary basis, availability of clear garbage bags at retailers may be an issue.

After staff outreach by calling local stores, only seven retail outlets are currently listed on the City of Orillia's webpage as selling clear garbage bags. Retail outlets in Clarington and retailers in neighbourhoods bordering the Municipality of Clarington

## Attachment #1: Summary of Clear Garbage Bag Program Experience

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would need to stock clear garbage bags to ensure there is adequate supply. Staff have not conducted research on the availability of clear garbage bags in various sizes to meet resident needs.

### Education

Education is key to the success of a clear garbage bag program. Retailers and residents require adequate notice of the implementation of a clear garbage bag program so existing supplies of opaque garbage bags can be used up and retailers can stock sufficient supply of clear garbage bags. At least three months notice should be provided to the public before the start of the pilot program.

For the 2009 clear garbage bag pilot, Durham Region spent an estimated \$35 per household on resident and contractor education for a three-month pilot. Extensive resident education was provided to give residents information on the purpose of the pilot and to encourage participation. Contractor education was necessary to ensure collection workers knew what to inspect in each clear garbage bag and when to tag and leave bags at the curb for non-compliance.

\$35 per household for promotion and education for one three-month waste management program is not practical or financially sustainable. This cost is equivalent to \$140 per household per year, or \$30M annually if such a promotion and education program was implemented Durham Region-wide. A more balanced education approach is required for a longer-term clear garbage bag pilot.

### Single Use Plastics Implications

Canada is currently consulting on a regulation to ban certain single use plastics including store provided carry out bags. This regulation is expected to be finalized in 2022 with implementation starting in 2023.

Many clear garbage bag programs allow the use of smaller privacy bags within the clear outer bag. These are frequently the opaque carry-out bags provided at many retail outlets and which many residents also use as in-home garbage receptacles. A clear garbage bag program, coupled with the impending ban on single use plastic carry out bags, could have the unintended consequence of increasing the demand for single use plastics by requiring residents to purchase additional single use small garbage bags to use as privacy bags.

**End**

# AMO Waste Management Task Force

March 2, 2022



# Agenda

1. Welcome/Roundtable introductions
2. Presentation to AMO Board of Directors on Task Force Priorities
3. Blue Box Transition Update
4. New Items for Designation Under RRCEA
5. Food Waste Reduction Campaign
6. Other Updates
7. Other Business



# Update to AMO Board of Directors

- Chair MacDonald and Dave Gordon presented to the Board
- The priorities established by the Task Force were supported
- Significant discussion on blue box transition process challenges with disposal capacity and cost/time to secure new capacity
- Board interested in future updates from the Task Force on progress



# Blue Box Transition

- Providing PROs operational data to assist with operational planning for common collection system and processing
- Minister met w/ PROs on Feb 17th to discuss rule making and allocation table
- All 3 PROs have written requesting Minister's intervention in the process
- Minister has told us they will maintain transition schedule and know importance of timeline



# New Items for Full Producer Responsibility

- Continuing research on items best suited for designation based on impact (environmental & economic), commitments, other jurisdictions
- Intent is to produce a series of short discussion papers highlighting each new designation/expansion
- Have draft for feedback using Electronics and Electrical Equipment



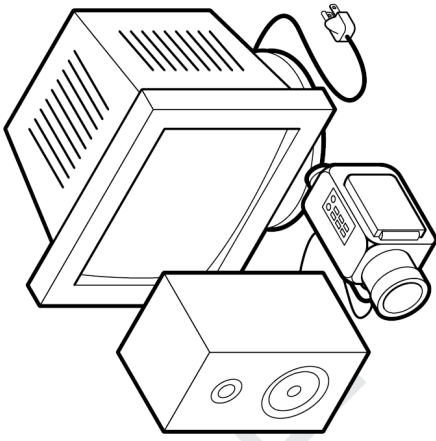
# Additional Electronics

## Context

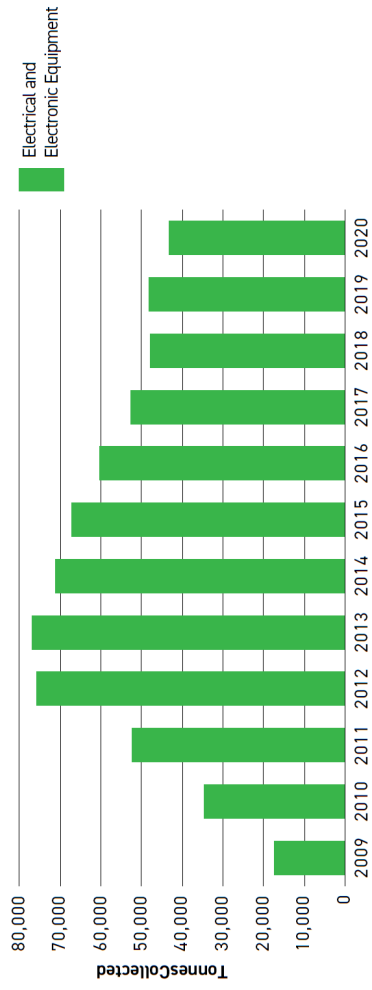
Ontario has had regulations requiring producers of a number of different types of electronic products to collect and recycle their products at end-of-life since 2008.

### Products Currently Captured in Ontario

- computers
- printers (desktop and floor-standing)
- printer cartridges
- video gaming devices
- telephones, including cellular phones
- display devices
- radios and stereos (including after-market vehicle stereos)
- headphones
- speakers
- cameras, including security cameras
- video recorders
- drones with audio or visual recording equipment
- peripherals and cables used to support the function of information technology
- telecommunications and audiovisual equipment (including charging equipment)
- parts of information technology
- telecommunications and audiovisual equipment sold separately (such as hard drives)
- handheld point-of-sale terminals or devices
- musical instruments
- audio recording equipment



Ontario Collection Performance (2009-2020)



A study by the Ontario government in 2009 indicated that the recycling regulation for electronic generated \$61 million in GDP, 835 full time jobs and a gross output of \$144 million.

## Why Designate Electronics?

Considerations	Impact
<b>Impact on disposal capacity</b>	Relatively small. While the amount of electronic waste is rapidly growing, it still remains a small percentage of the overall Ontario waste stream.
<b>Toxicity</b>	Heavy metals contained in electronic equipment can cause them to be considered hazardous waste if not recycled properly. Large appliances can often contain refrigerants and ozone depleting substances that need to be properly managed.
<b>Economic</b>	61.1 jobs created for every 1,000 tonnes of electronics recycled. \$6,000 of value add for every tonne of electronics diverted.

## Other Jurisdictions

There are many other types of electronics captured in other Canadian jurisdictions but not in Ontario:

Material Type	Where Designated in Canada
<b>Electronic and battery powered toys</b>	BC, AB (pilot)
<b>Medical and monitoring equipment</b>	BC
<b>Countertop microwave ovens</b>	BC, AB (pilot), SK, MB, NS, PE, NL, YT
<b>Kitchen countertop appliances</b>	BC, AB (pilot), PE, YT
<b>Power tools</b>	BC, AB (pilot) . PE, YT
<b>Time measurements devices</b>	BC, AB (pilot), PE, YT
<b>Weight measurement devices</b>	BC, AB (pilot), PE, YT
<b>Garment care devices</b>	BC, AB (pilot), PE, YT
<b>Air treatment devices</b>	BC, AB (pilot), PE, YT
<b>Person care appliances</b>	BC, AB (pilot), PE, YT
<b>Floor cleaning devices (small and full-size)</b>	BC, AB (pilot), PE, YT
<b>Large appliances (e.g., fridges, freezers, stoves, dishwashers, washing machines, air conditioners)</b>	BC, QU
<b>Laboratory refrigeration units</b>	BC, QU (proposed)
<b>Outdoor power equipment</b>	BC
<b>Solar panels</b>	BC (proposed), AB (pilot)
<b>Electric vehicle batteries</b>	BC (proposed), QU (proposed)

The 2017 Strategy for a Waste-Free Ontario committed to designate small appliances, electrical tools by 2020 or 2023 but no consultation has occurred to date.

## Opportunity

The tonnages currently captured in Ontario are unknown but it is likely some may be captured and recycled at a cost to property taxpayers.

	Potential Tonnage	Economic Impact	Environmental Impact
<b>Small appliances</b>	15,000 tonnes	906 full time jobs. \$14.8 million in GDP.	39,350 tonnes eCO <sub>2</sub>
<b>Large appliances</b>	96,000 tonnes (1.6 million units)	5,865 full time jobs. \$576 million in GDP.	315,840 tonnes eCO <sub>2</sub>
<b>Electronic tools</b>	5,000 tonnes	305 full time jobs. \$30 million in GDP.	16,450 tonnes eCO <sub>2</sub>
<b>Electronic toys</b>	700 tonnes	42.77 full time jobs. \$4.2 million in GDP.	2,303 tonnes eCO <sub>2</sub>

# Food Waste Reduction Campaign



- Have members from Ontario Food Collaborative, Dufferin, Guelph, Peel, Wellington, Toronto, York working on a food waste campaign
- York led development of creative that could be used by communities under their Blue Box in kind advertising allocations
- Will update and instructions on how to place ads out to members by end of March



# ALL *taste* ZERO *waste*

Save your leftovers to save time, money and food going to waste. Label the containers and eat within two to three days.



# ALL *taste* ZERO *waste*

Shop your cupboards, fridge and freezer before buying more food. Enjoy being creative, saving money and wasting less food.



# Other Updates

- BNQ Standard for Compostable Plastic
- Federal Single Use Bans
- Federal recycled content requirements for plastics
- Advanced recycling facilities ERO Posting

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



# The Regional Municipality of Durham Information Report

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From: Commissioner of Works and Commissioner of Corporate Services  
Report: #2022-INFO-26  
Date: March 25, 2022

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**Subject:**

Modified Vehicle Mufflers and Noisemakers

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**Recommendation:**

Receive for information

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**Report:**

**1. Purpose**

1.1 The purpose of this report is to provide an overview of the legislative framework governing modified vehicle mufflers and noisemakers.

**2. Background**

2.1 On November 3, 2021, Works Committee endorsed correspondence received from Dave Burton, President, Ontario Good Roads Association (OGRA), dated October 19, 2021, Re: Correspondence to the Ministry of Transportation regarding Modified Exhausts and Noisemakers, which discussed the community noise concerns emerging because of individuals modifying their vehicles with louder exhausts.

2.2 The OGRA correspondence highlighted that the Province of Ontario has already taken steps to address the issue by amending the *Highway Traffic Act* (HTA), section 75.1, to make it an offence to tamper with or sell tampering devices used to modify emissions systems on motor vehicles. However, that section remains un-proclaimed and is not yet in force. The correspondence explains that the OGRA Board of Directors passed a resolution asking that section 75.1 be proclaimed as soon as possible and goes on to request that the Ministry of



Transportation prohibit the sale of exhaust systems with the capability of exceeding 80 decibels.

- 2.3 During Works Committee, Councillor Crawford noted that the Town of Ajax has also passed a motion on the subject and suggested that a motion be drafted by the Region to determine next steps.

### 3. Legislation Addressing Vehicle Mufflers / Noisemakers

#### Provincial - Highway Traffic Act

- 3.1 The HTA contains provisions regarding mufflers and unnecessary noise from vehicles. Section 75(1) sets out that mufflers are to be:

- ...in good working order and in constant operation to prevent excessive or unusual noise and excessive smoke, and no person shall use a muffler cut-out, straight exhaust, gutted muffler, hollywood muffler, by-pass or similar device...<sup>1</sup>

- 3.2 In addition, section 75(4) of the HTA sets out that:

- ...a driver of any motor vehicle shall not permit any unreasonable amount of smoke to escape from the motor vehicle, nor shall the driver at any time cause the motor vehicle to make any unnecessary noise...<sup>2</sup>

- 3.3 Noise requirements in the HTA are subjective. There is no decibel level established under the HTA to measure “excessive”, “unusual”, or “unnecessary” noise, and there is no identified measure in the HTA by which enforcement can be used to objectively lay charges. Courts often have to rely on an officer’s description of how the noise caused by the muffler was excessive.

- 3.4 Since January 2020, DRPS has issued approximately 502 section 75(1) muffler tickets and 348 section 75(4) unnecessary noise tickets. The charges carry a set fine of \$85, and the total payable amount with the victim fine surcharge comes to \$110. There are no demerit points associated with these charges. However, if the defendant decides to have a trial, the set fine no longer applies and the general penalties under s.214(1) of the *HTA* apply, which are a minimum fine of \$60 to a maximum fine of \$1,000.

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<sup>1</sup> *Highway Traffic Act*, RSO 1990, c H8, s 75 (1).

<sup>2</sup> *Ibid* at s 75 (4).

## The Amendment to HTA

- 3.5 *Bill 132, Better for People, Smarter for Business Act, 2019* proposed to amend the HTA by adding section 75.1, which relates to emission control systems and specifically sets out offences for tampering with emission control systems or selling tampering devices. The section 75.1 amendment is not in force yet until the Province takes the step to proclaim the amendment. There is no public information available indicating when the Province might take this step.
- 3.6 Once proclaimed, the amended *Act* will prohibit motor vehicles that do not comply with emissions regulations<sup>3</sup>, as well as prohibit the tampering with or causing to be tampered with by “removing, bypassing, defeating or rendering inoperative all or part of a motor vehicle’s emission control system; or modifying a motor or motor vehicle in any way that results in increased emissions from the level to which it was originally designed or certified by the manufacturer of the motor or motor vehicle.”<sup>4</sup> Moreover, the updated *Act* will prohibit the sale or offering for sale of a system or device whose main purpose is to carry out any of the actions described above.<sup>5</sup>
- 3.7 The amendment will introduce offences for emissions contraventions for non-commercial motor vehicles to a fine of not less than \$300 and not more than \$1,000, and for commercial motor vehicles to a fine of not less than \$400 and not more than \$20,000.<sup>6</sup> The amendment will also introduce offences for tampering or the sale of tampering devices to a fine of not less than \$400 and not more than \$20,000.<sup>7</sup> There will also be penalties for tampering with multiple items and such an offence will carry the maximum fine that would be imposed, multiplied by the number of emission control systems, motors, motor vehicles, systems or devices.<sup>8</sup>
- 3.8 The amendment will also enable the Minister to make regulations governing emissions “...including governing emission control equipment standards, emission control performance standards and tests to be used to determine compliance with regulations respecting emissions...”.<sup>9</sup> These new provisions will provide a more detailed framework which police services can rely on to enforce sanctions against

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3 *Supra* note 1, HTA s 75.1 (1)

4 *Ibid* at s 75.1 (2)

5 *Ibid* at s 75.1 (3).

6 *Ibid* at s 75.1 (4).

7 *Ibid* at s 75.1 (5).

8 *Ibid* at s 75.1 (6).

9 *Ibid* at s 75.1 (7).

those who tamper with or cause to be tampered with a motor vehicle's emission control system and will expand the enforcement mechanisms.

### **Municipal - Municipal Act, 2001**

3.9 Section 129 of the *Municipal Act, 2001* gives local municipalities the ability to:

- a. prohibit and regulate with respect to noise, vibration, odour, dust and outdoor illumination, including indoor lighting that can be seen outdoors; and
- b. prohibit the matters described in clause (a) unless a permit is obtained from the municipality for those matters and may impose conditions for obtaining, continuing to hold and renewing the permit, including requiring the submission of plans.<sup>10</sup>

3.10 With this authority, local municipalities can design their own noise bylaws to delineate what types of noise are prohibited. This jurisdiction applies to local area municipalities, but not to upper-tier municipalities such as the Region.

3.11 Local area municipalities in the Region have enacted noise by-laws that prohibit excessive noise from vehicles. This includes loud and nuisance noises from engines, exhaust, tires, and horns. Below are a few examples of noise by-laws passed by municipalities to deal with excess noise from vehicles.

#### **Example: City of Oshawa**

3.12 The City of Oshawa developed a noise bylaw which contains specific provisions regarding "the noise made by the discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorcycle except through a muffler or other device which effectively prevents loud or explosive noises"<sup>11</sup> to deal with modified mufflers and noisemakers by deeming them "noises likely to disturb the inhabitants."<sup>12</sup>

3.13 The Oshawa Bylaw sets out offences and penalties and includes a tiered and escalating administrative penalty system. For those who make or cause to be made any noise prohibited by the bylaw and who contravenes any provision of the bylaw, a penalty of no more than \$5,000 exclusive of costs shall be imposed.<sup>13</sup>

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<sup>10</sup> *Municipal Act, 2001*, SO 2001, c 25, [s 129](#).

<sup>11</sup> City of Oshawa, bylaw No 112-82, [Noise Bylaw](#), s 2(f).

<sup>12</sup> *Ibid* at s 2.

<sup>13</sup> *Ibid* at s 4.

3.14 Administrative penalties are issued per the City's separate Administrative Penalty Process By-law 63-2013 on an escalating basis in conjunction with the issuance of penalty notices for noise violations. These additional administrative penalties range from \$125 to \$325 depending on the number of continued noise bylaw contraventions.<sup>14</sup>

**Example: City of Toronto**

3.15 The City of Toronto has adopted into its Municipal Code a chapter on noise which regulates noise from motorcycles and motor vehicles, including unnecessary noise made by modified mufflers, among other things. The chapter sets out definitions for "motorcycle", "motor vehicle", "noise", and "point of reception", all terms used to outline the parameters of acceptable noise and to give officers some benchmarks for enforcement.<sup>15</sup>

3.16 The chapter contains specific provisions for motor vehicles and states:

- No person shall emit or cause or permit the emission of sound resulting from unnecessary motor vehicle noise, such as the sounding of a horn, revving of an engine, squealing of tires, banging, clanking or any like sound that is clearly audible at a point of reception.
- No person shall emit or cause or permit the emission of sound resulting from the repairing, rebuilding, modifying or testing of a vehicle if the sound is clearly audible at a point of reception from 9 p.m. until 7 a.m. the next day, except until 9 a.m. on Saturdays, Sundays and statutory holidays.
- No person shall emit or cause or permit the emission of sound from a motorcycle, if the motorcycle emits any sound exceeding 92 dB(A) from the exhaust outlet as measured at 50 cm, while the motorcycle engine is at idle.<sup>16</sup>

3.17 The Toronto municipal code sets out a maximum fine of \$100,000 for offences.<sup>17</sup>

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<sup>14</sup> *Ibid* at s 4.2.

<sup>15</sup> City of Toronto, [Toronto Municipal Code Chapter 591, Noise](#) (28 May 2021) at s 591-1.1.

<sup>16</sup> *Ibid* at s 591-2.5.

<sup>17</sup> *Ibid* at s 591-4.1.

**Example: City of New York**

3.18 This year, the New York State Senate passed Bill S784B, amending their Vehicle and Traffic Law to “increase enforcement against motorists and repair shops that illegally modify mufflers and exhaust systems to make them excessively noisy for motor vehicles and motorcycles.”<sup>18</sup> The Bill, coming into effect April 2022, will introduce the following changes:

- make it illegal to sell, offer for sale, or install a cut-out, bypass or similar device for the muffler or exhaust system of a motor vehicle or motorcycle and increase the fine for a violation from a maximum of \$150 to up to \$1000;
- raise the fine to \$500 for a violation of the law prohibiting operating a motorcycle with altered exhaust systems;
- authorize the Commissioner of Transportation to suspend or revoke the certificate of inspection stations upon a third or subsequent willful violation, all within a period of eighteen months, of any rule or regulation of the commissioner requiring an inspection station to inspect the muffler or exhaust system of a motorcycle; and
- authorize the Commissioner of Transportation to suspend or revoke the operating certificate of repair shops that willfully violate the amending provisions.

**4. What are local municipalities asking the Province to do?**

4.1 On June 24, 2021, Ajax Town Council put forth a resolution on the following issues:

- Urging that the Province of Ontario work with the Lieutenant Governor to expedite the proclamation of section 75.1 of the HTA;
- Requesting that the Ministry of Transportation set a maximum decibel count for exhaust systems to ensure that exhaust systems with the capability of exceeding 80 decibels will not be available for sale and will

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<sup>18</sup> [Bill S784B](#), *An act to amend the vehicle and traffic law, in relation to certain equipment violations and fines; and to amend the executive law, in relation to requiring police vehicles to be equipped with a decibel reader, 2021-2022* Legislative Session, New York State Senate.

not be permitted in the Province, and consider reviewing and increasing associated penalties for non-compliance; and,

- Requesting that the Province provide funding for police services in Ontario to be equipped with approved decibel monitor devices to aid in effective enforcement efforts.<sup>19</sup>

4.2 The City of Pickering adopted Ajax’s resolution, as described above, on July 29, 2021, and in doing so, sent a copy of the endorsement to provincial Ministers, local MPPs, and the Regional Clerk.<sup>20</sup>

4.3 In the City of Oshawa’s September 9, 2019 Council meeting, Councillor Neal moved that the City of Oshawa’s Corporate Services Committee recommend to Council “that staff be directed to review complaints received related to excessive noise from motor vehicles, motorcycles and other equipment, undertake municipal benchmarking, discuss enforcement options with Durham Regional Police Service and report back to the Corporate Services Committee with the results of the review.”<sup>21</sup> This exercise was undertaken and a public report setting out the recommendation that Council approve the bylaw amendment “...to establish tiered and escalating Administrative Monetary Penalties to enhance compliance with the City’s standards relating to noise”<sup>22</sup> was released in September of 2020.

## 5. Conclusion

5.1 The provincial Highway Traffic Act currently makes it an offence for motor vehicles to make excessive, unusual, or unnecessary noise. Durham Police Services have issued over 800 charges relating to noise and modified mufflers since January 2020. The Province has made further amendments to the Highway Traffic Act to impose additional requirements on emissions systems and prohibit tampering of emission systems on motor vehicles. The amendments to the Highway Traffic Act are not yet in force.

5.2 Municipalities in Ontario have enacted noise by-laws through their jurisdiction under the *Municipal Act, 2001* that address excessive noise from motor vehicles, including noise from exhaust, engines, tires and horns.

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19 [Ajax Town Council Resolution](#), Re: *Vehicle Noisemaker Muffler Systems*, 24 June 2021

20 City of Pickering, [Vehicle Noisemaker Muffler Systems](#), 29 July 2021 at pg 68.

21 City of Oshawa [Corporate Services Committee Meeting minutes](#) at pg. 12.

22 City of Oshawa Corporate Services Cmte, [Noise By-law 112-82 and Noisy Vehicles](#), 30 Sept 2020.

Respectfully submitted,

**Original signed by:**

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Susan Siopis, P. Eng.  
Commissioner of Works

**Original signed by:**

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Don Beaton, BCom, M.P.A.  
Commissioner of Corporate Services

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



# The Regional Municipality of Durham Report

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To: Works Committee  
From: Acting Commissioner of Works  
Report: #2022-W-19  
Date: April 6, 2022

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**Subject:**

Standardization of Programmable Logic Traffic Controllers and Related Control Equipment to be used for the Installation, Operation and Maintenance of Traffic Control Signals

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**Recommendations:**

That the Works Committee recommends to Regional Council:

- A) That the Regional Municipality of Durham's Programmable Logic Traffic Controllers and related control equipment manufactured by Econolite Canada Incorporated continue to be adopted as the Regional standard for the installation, maintenance and operation of traffic control signals;
- B) That staff be authorized to negotiate and award a sole source agreement with Econolite Canada Incorporated for the provision of Programmable Logic Traffic Controller equipment at an annual net cost not to exceed \$770,000\* for a term of up to five years, to be financed through the annual Works Department Business Plans and Budget; and
- C) That the Commissioner of Finance or designate be authorized to execute the necessary documents related to the sole source agreement.



**Report:****1. Purpose**

- 1.1 The purpose of this report is to seek Regional Municipality of Durham (Region) Council approval to standardize the Programmable Logic Traffic Controllers and related control equipment (PLTC equipment) for the installation, operation and maintenance of traffic control signals for the Regional signal installation, modernization and operating programs, and for related works undertaken on behalf of the local area municipalities, private developers and the Province of Ontario (Province).
- 1.2 The report also seeks approval to negotiate a sole source contract with Econolite Canada Incorporated (Econolite) for the provision of the standardized PLTC equipment to serve the Region's servicing needs for a period of up to five years. Dollar amounts followed by an asterisk (\*) are before applicable taxes.

**2. Background**

- 2.1 The Region operates 642 traffic control signals, all of which are controlled by PLTC equipment supplied by Econolite. PLTCs form the electronic and central processing backbone of the Region's traffic signal control network and are designed to operate in harsh environmental conditions under strict industry and regulatory requirements.
- 2.2 For over two decades, PLTCs manufactured by Econolite have undergone considerable specification refinement and development to improve operational compatibility and integration with the Region's Advanced Traffic Management System (ATMS). PLTCs supplied by other manufacturers are not fully compatible with the Region's ATMS systems and operations or the Province's Traffic Management System, Centracs, which the Region operates and maintains.
- 2.3 Standardization on a single manufacturer's product line is essential, to ensure a robust traffic control signal system with consistent and dependable performance.

**3. Previous Reports and Decisions**

- a) Report #2005-W-129 – Regional Council approved sole source procurement of PLTCs with Econolite Canada for an initial term of three years.

- b) Report #2009-W-90 – Regional Council approved sole source contract of PLTCs with Econolite Canada for a further term of five years.
- c) Report #2013-W-27 – Regional Council approved the standardization and sole source procurement of PLTCs with Econolite Canada for a term of five years.
- d) Report #2017-COW-87 – Regional Council approved the ongoing standardization and sole source procurement of PLTCs with Econolite Canada for a further term of five years.

#### **4. Reasons for Standardization and Justification to Sole Source**

- 4.1 PLTCs are very complex products that must meet or exceed requirements set out by the National Electrical Manufacturers Association (NEMA). These standards ensure the safe and efficient movement of pedestrians, cyclists and vehicular traffic through a traffic control signal. The Region, Econolite and the Region's main traffic control system vendor, Fortran Traffic Systems Ltd., have invested considerable effort to improve PLTC functionality, reliability and compatibility through hardware and software upgrades to meet changing requirements and to improve operational compatibility and overall system performance. The Econolite product line offers seamless "plug and play" migration with newer PLTC versions allowing for retention of past and present Regional investments in software development.
- 4.2 PLTC components are not easily interchangeable or fully compatible between the various manufacturer's products. The use of multiple manufacturers will have a negative impact on peripheral equipment functionality, standard operating procedure documentation, training, staff proficiency, product inventory levels, maintenance, and operating cost. Standardization ensures uniformity and consistency with established programming and process methods, operations, and replacement part inventories. Standardization allows for a high degree of staff technical knowledge resulting in reduced maintenance service time and cost, training requirements and operational risk.
- 4.3 PLTCs use manufacturer specific software protocols that makes the integration and mixing of hardware processes amongst different PLTC manufacturers very complex. The use of PLTCs from various manufacturers will place the Region into the undesirable role of system integrator. Standardization allows for risk, liability,

compatibility, and warranty responsibilities to reside with the vendor, where it belongs.

- 4.4 The Region entered into a service agreement in 1995 with the Ontario Ministry of Transportation (Ministry) for the maintenance and operation of 49 Ministry-owned traffic control signals. This agreement was amended in 2012 to integrate the Province's Centrac's Transportation Management System with Regional ATMS operations. Centrac's is a proprietary Econolite product for which only Econolite's PLTCs are fully compatible.
- 4.5 Econolite has offered the Region access to proprietary firmware and software information thereby reducing the need for additional peripheral equipment and unconventional rewiring of electrical paneling and systems. In maintaining uniformity and standardized PLTC wiring practices, the Region has experienced fewer traffic signal hardware failures and realized lower operating and maintenance costs.
- 4.6 The ability of downward compatibility and conformance to industry standards of Econolite's PLTC also defers premature obsolescence of existing equipment and increases expected equipment service life.

## **5. Financial Implications**

- 5.1 Section 7.0 of the Region's Purchasing By-law 16-2020 permits acquisition of goods and services through a negotiation process under certain circumstances, including situations where the extension of an existing contract would prove most cost effective or beneficial. The By-law requires Regional Council approval for any negotiated purchase of \$100,000 and greater in value.
- 5.2 Financing for the purchase of PLTCs and related control equipment, estimated at an annual cost of \$770,000\* will be funded from the annual Works Department Business Plans and Budget. Work undertaken on behalf of local area municipalities, private developers and the Province is 100 per cent recoverable.

## **6. Relationship to Strategic Plan**

- 6.1 This report aligns with/addresses the following strategic goals and priorities in the Durham Region Strategic Plan:
  - a) Service Excellence Goal #5.1: Optimize resources and partnerships to deliver exceptional quality services and value.

- b) Service Excellence Goal #5.4: Drive organizational success through innovation, a skilled workforce, and modernized services.

## **7. Conclusion**

- 7.1 It is recommended that Regional Municipality of Durham Council authorize the ongoing standardization and sole source negotiations with Econolite Canada Incorporated for the provision of programmable logic traffic controllers and related control equipment to be used in Regional contracts for the installation of new traffic control signals, signal replacement, modernization, maintenance requirements and the seamless integration with the Region's and the Province's transportation management systems.
- 7.2 This report has been reviewed by the Finance Department and the Commissioner of Finance concurs with the financial recommendations.
- 7.3 For additional information, contact Steven Kemp, Manager, Traffic Engineering and Operations, at 905-666-8116 extension 4701.

Respectfully submitted,

### **Original signed by:**

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Jenni Demanuele, CPA, CMA  
Acting Commissioner of Works

Recommended for Presentation to Committee

### **Original signed by:**

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Elaine C. Baxter-Trahair  
Chief Administrative Officer

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# The Regional Municipality of Durham Report

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To: Works Committee  
From: Acting Commissioner of Works  
Report: #2022-W-20  
Date: April 6, 2022

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**Subject:**

Memorandum of Understanding with the Town of Whitby for the Construction of Regional Infrastructure at 270 Water Street Associated with the Construction of the Whitby Water Supply Plant Expansion, in the Town of Whitby

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**Recommendations:**

That the Works Committee recommends to Regional Council:

- A) That a Memorandum of Understanding with the Town of Whitby be authorized for the construction of Regional Municipality of Durham infrastructure associated with expansion of the Whitby Water Supply Plant, in the Town of Whitby, in the general form and content as provided in Attachment #2; and
  - B) That the Regional Chair and Clerk be authorized to execute this Memorandum of Understanding, and any necessary documents and/or final agreements, in a form satisfactory to the Acting Commissioner of Works and the Regional Solicitor, required to implement the project requirements detailed within the Memorandum of Understanding.
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**Report:**

**1. Purpose**

- 1.1 The purpose of this report is to seek Regional Municipality of Durham (Region) Council approval of a Memorandum of Understanding (MOU) with the Town of Whitby (Whitby) for Regional infrastructure which will be constructed on lands

owned by Whitby known municipally as 270 Water Street required in conjunction with the Whitby Water Supply Plant (WSP) expansion.

## **2. Background**

- 2.1 The Whitby WSP requires a planned expansion to support significant growth in the Town of Whitby, City of Oshawa and Courtice, in the Municipality of Clarington.
- 2.2 A Municipal Class Environmental Assessment (EA) was completed for the proposed expansion, and an addendum is required to address revisions to the proposed works associated with the expansion being constructed on lands owned by Whitby, known municipally as 270 Water Street.
- 2.3 Two design charette engagement exercises were conducted to ensure the interests of all stakeholders were identified and considered. The outcome of this collaboration effort was the development of the vacant lands at 270 Water Street versus the encroachment onto the Heydenshore Park adjacent to the existing Whitby WSP.
- 2.4 Regional and Whitby staff have agreed, in principle, to the general layout and arrangement for the infrastructure proposed on 270 Water Street.
- 2.5 The Region and Whitby have been strategizing with Elexicon to ensure that the power supply interests of the Region, Whitby and local developments are considered.
- 2.6 The background work for the EA Addendum is underway, and a notice of EA Addendum Completion is expected in 2022.
- 2.7 The works on 270 Water Street are currently forecasted for tendering in 2023 with construction in 2024. The Whitby WSP expansion construction will follow once the works on 270 Water Street are complete.
- 2.8 The Region and Whitby will continue to work with all approving agencies, utility companies and adjacent landowners to acquire permits, relocate utilities and obtain easements for planned works on 270 Water Street.
- 2.9 The proposed MOU is required to provide the framework for the construction of Regional infrastructure on the 270 Water Street lands and the use of the lands during construction.

### 3. Memorandum of Understanding

3.1 The Memorandum of Understanding (MOU) (Attachment # 2) is being finalized between the Region and Whitby staff, in consultation with Regional and Whitby solicitors.

3.2 The Region and Whitby agree that the following planned works, as shown on Attachment #1, will be addressed by the MOU:

- Constructing a contractor laydown area over the entire parcel with the exception of the areas designated for the proposed WSP Energy Centre and Elexicon Substation to provide for equipment and material storage, contractor parking, construction site trailers, etc.
- Constructing a temporary parking area to replace public parking for the Whitby waterfront;
- Constructing a backup power facility to service the Whitby WSP and the Breakwater Sanitary Sewage Pumping Station (SSPS);
- Coordinating with Elexicon to provide a power supply including a substation to the Whitby WSP, the Breakwater SSPS and proposed nearby developments at the discretion of Whitby;
- Constructing a shared secured parking area for Regional and Whitby employees which will include electric vehicle charging stations for fleet vehicles;
- Coordinating with Whitby to abandon the contractor laydown area after construction is complete to provide a space for a future Whitby Parks maintenance facility building and a new public parking facility which will include electric vehicle charging stations for public use; and
- Coordinating with Whitby for stormwater management measures, additional easement requirements, water and sanitary services, as well as landscaping, security, lighting, electric vehicle charging stations, design, cost apportionment, contract administration, permitting and approvals, etc. as required.

3.3 The MOU will also provide the Region with access to construct, operate, maintain, improve, and expand Regional infrastructure including granting of access and

parking allocations for the lands located on 270 Water Street that will support the Whitby WSP and Breakwater SSPS in a form to be agreed to by the parties. When finalized, the applicable agreements for the Region's use of 270 Water Street (i.e., lease or easement agreement) will be prepared to the satisfaction of the Acting Commissioner of Works, Commissioner of Finance, and the Regional Solicitor, and executed by the Regional Chair and Clerk.

- 3.4 Whitby has agreed in principle to provide the Region with a permission to enter to permit site investigation services (i.e., geotechnical drilling and surveying) required to support the detailed design of the Regional infrastructure located on 270 Water Street.
- 3.5 Whitby staff plan to take a report regarding this MOU to their Council simultaneously with the Region.

#### **4. Financial Implications**

- 4.1 Discussions related to cost sharing for the development costs including design, construction, operating, permits and legal agreements at 270 Water Street is on-going with all parties involved. The final arrangements, along with the funding of the Regional infrastructure proposed on 270 Water Street, will be detailed in final agreements to be finalized by the Region and Whitby and total costs will be subject to normal reporting requirements in accordance with the Budget Management Policy.

#### **5. Relationship to Strategic Plan**

- 5.1 This report aligns with the following strategic goals and priorities in the Durham Region Strategic Plan:
  - a. Goal 1 – Environmental Sustainability
  - b. Goal 2 – Community Vitality
  - c. Goal 3 – Economic Prosperity
  - d. Goal 5 – Service Excellence

#### **6. Conclusion**

- 6.1 It is recommended that the Regional Municipality of Durham and the Town of Whitby enter into the Memorandum of Understanding for the construction of Regional infrastructure in the general form and content that is provided in Attachment #2, and any necessary documents and/or final agreements required to



implement the project requirements within the Memorandum of Understanding, in a form satisfactory to the Acting Commissioner of Works and the Regional Solicitor.

6.2 This report has been reviewed by Corporate Services – Legal Services and the Finance Department.

6.3 For additional information, please contact Mike Hubble, Manager, Environmental Services Design, at 905-668-7711, extension 3460.

**7. Attachments**

Attachment #1: 270 Water Street Proposed Layout

Attachment #2: Draft Memorandum of Understanding

Respectfully submitted,

**Original signed by:**

---

Jenni Demanuele, CPA, CMA  
Acting Commissioner of Works

Recommended for Presentation to Committee

**Original signed by:**

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Elaine Baxter-Trahair  
Chief Administrative Officer

**LEGEND**

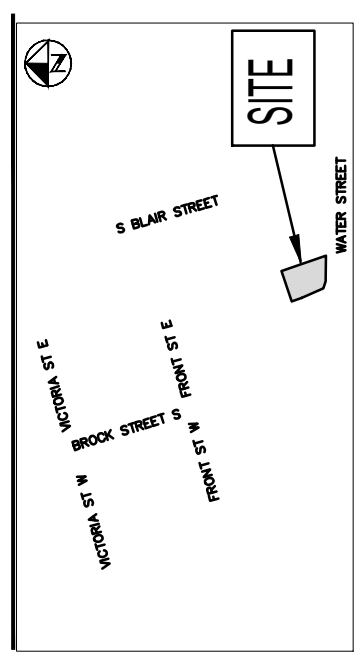
□ CB	EX. CATCHBASIN
□ DCB	EX. DITCH INLET CATCHBASIN
• WC	EX. WATER CHAMBER
□ HJB	EX. HYDRO JUNCTION BOX
○ MH	EX. MANHOLE
○ WWH	EX. WATER MANHOLE
• BGL	EX. BOLLARD
• HP	EX. HYDRO POLE
• LS	EX. LIGHT STANDARD
■ PED	EX. TELEPHONE PEDDESTAL
† H	EX. FIRE HYDRANT
→ WK	EX. WATER KEY
→ WV	EX. WATER VALVE
— OC	EX. OVERHEAD CABLE
▨	PR. BUILDING FOOTPRINT
▨	PR. CONCRETE SIDEWALK
▨	PR. LANDSCAPING STRIP
▨	PR. ASPHALT
— X	PROPOSED FENCE

**REGISTRATION**

**ISSUE/REVISION**

IR	DATE	DESCRIPTION
0	11/JAN/2022	WSP PRE-DESIGN

**KEY PLAN**



**PROJECT NUMBER**

60322759

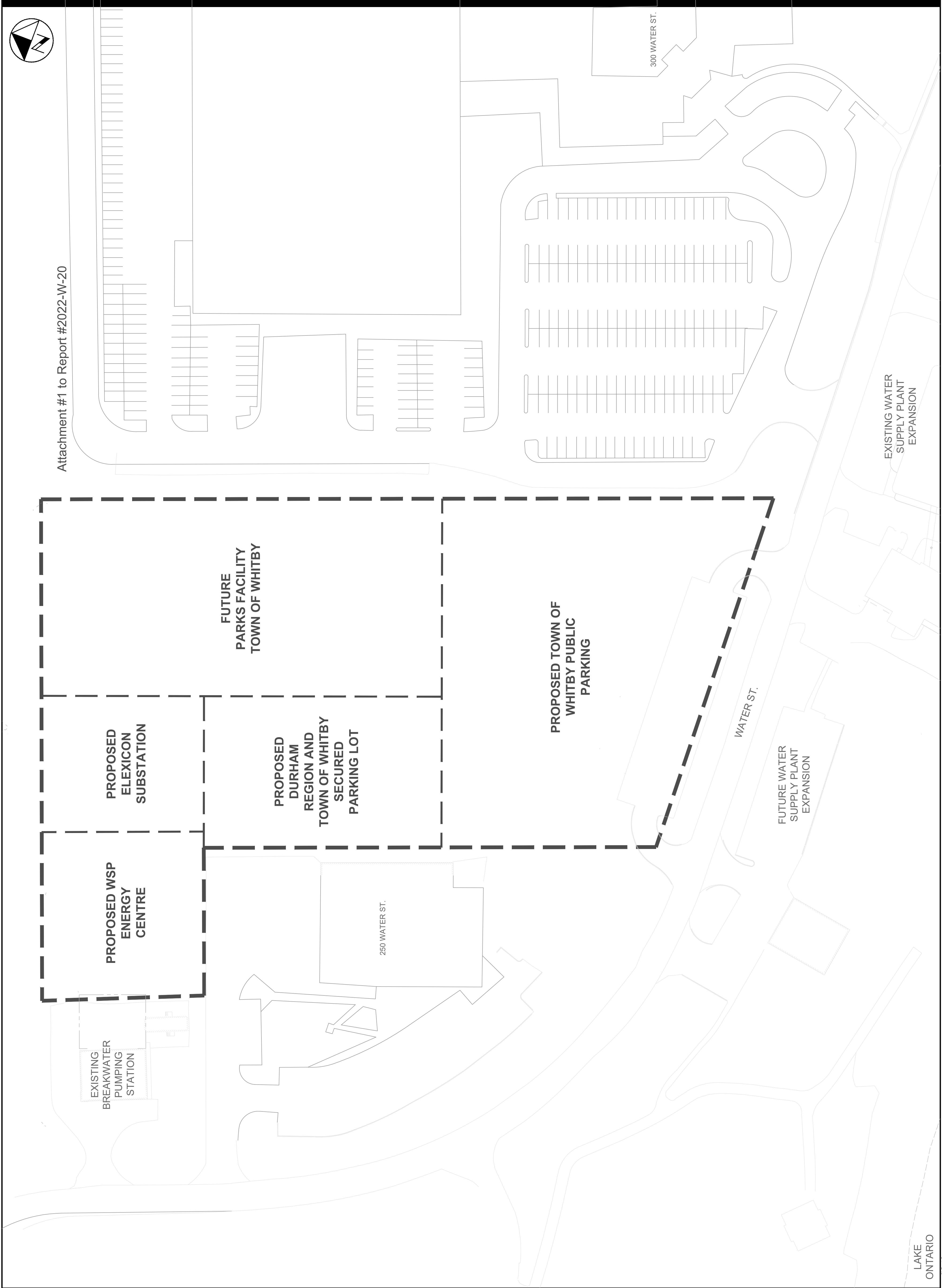
**SHEET TITLE**

WHITBY WSP EXPANSION  
 270 WATER STREET PROPERTY SITE PLAN

**SHEET NUMBER**

1 OF 2

Attachment #1 to Report #2022-W-20



## MEMORANDUM OF UNDERSTANDING

**THIS MEMORANDUM OF UNDERSTANDING** made on the \_\_\_\_\_ day of \_\_\_\_\_, 2022 ("**Effective Date**")

BETWEEN:

**THE REGIONAL MUNICIPALITY OF DURHAM**  
(hereinafter the "**Region**")

-and-

**THE CORPORATION OF THE TOWN OF WHITBY**  
(hereinafter the "**Town**")

### PURPOSE

1. The Region owns and operates the Whitby Water Supply Plant, which is located at 289 Water Street, Whitby Ontario ("**Whitby WSP**"). The Region is taking steps to expand the Whitby WSP and is expected to tender the project in 2023.
2. The Town owns the property municipally known as 270 Water Street, Whitby Ontario (the "**Town Lot**") and legally described as Part Lots 25 and 26, Broken Front Concession Whitby; Part 2, Plan 40R-19743; Whitby (PIN 26486-0196 (LT)), as outlined in blue on the sketch attached as **Schedule "A"**. Currently, the Town Lot is vacant except for a small public parking area located on the south end of the Town Lot. The Town anticipates using the subject lands for a future maintenance facility, secured municipal parking, and expanded public parking.
3. The Region and Town wish to enter into this Memorandum of Understanding ("**MOU**") to coordinate the use and access of the Town Lot by the Region for the purposes of construction, operation and maintenance of Regional infrastructure on the Town Lot, Regional use of the Town Lot associated with the construction of the Whitby WSP expansion, and the Town's future development (see attachment).

## PERMISSION TO ENTER

4. As of the Effective Date, the Town agrees to provide the Region and its contractors, consultants, agents, and employees (collectively the “**Region Contractors**”) permission to enter the Town Lot (the “**Permission to Enter**”) for the purpose of the following:
  - a) to conduct site investigations, including but not limited to geotechnical and environmental investigations, for purposes of constructing a backup power facility and related infrastructure on the Town Lot to service the Whitby WSP, the Breakwater Sanitary Sewage Pumping Station (“**Breakwater SSPS**”) adjacent to the Town Lot and the balance of the Town Lot for its proposed municipal staff building and public parking areas; and,
  - b) to use as a construction staging area for the Whitby WSP expansion, including but not limited to use as an equipment and material storage area, parking for Regional Contractors during the construction of the Whitby WSP expansion, and for the location for temporary construction site trailers and other construction related facilities (i.e. portable washrooms) (the “**Works**”).
5. The Town agrees to close the existing public parking area on the Town Lot during the aforementioned construction staging period referenced in paragraph 4 b) provided the Region constructs and maintains a temporary public parking area during the use of the Town Lot by the Region as a construction staging area, on terms agreeable to both parties.
6. The Region acknowledges that the Town has made no representations or warranties as to the state of repair or suitability of the Town Lot for any activity or purpose whatsoever and the Region hereby agrees to accept the Town Lot on an “as is” basis. The Town accepts no liability for the condition of the Town Lot, or for any damage caused to the Region’s property as a result of accessing the Town Lot in the “as is” condition.
7. All Works under this Permission to Enter will be agreed upon by the Town prior to implementation, and the Town’s approval shall not be unreasonably withheld. All field work and any restoration work, where applicable, shall be scheduled annually with the Town in advance by Region staff. In accordance with the Occupational Health and Safety Act standards, the Region shall comply with measures implemented to control the spread of COVID-19.

## **REGIONAL INFRASTRUCTURE ON TOWN LOT**

8. Subject to the results of the Region's investigations, the Region and the Town shall work cooperatively to enter into a further agreement to provide the Region permission to enter the Town Lot for the construction, operation and maintenance of a backup power facility and associated electrical infrastructure (i.e. underground electrical duct banks) that will service the Whitby WSP, and Breakwater SSPS. The Town shall enter into a lease agreement with, or grant an easement to, the Region for the portion of the Town Lot where the backup power facility and related infrastructure will be constructed, on terms which are satisfactory to both parties.

## **FUTURE TOWN DEVELOPMENT OF TOWN LOT**

9. Upon completion of the Works, the Region will construct: (i) a permanent public parking area; and (ii) a secured shared municipal staff parking area for use by both Town and Regional staff on the Town Lot. The parties will work cooperatively to agree on terms for the Region's construction of the parking facilities and the operations and maintenance of the parking facilities, as well as a lease agreement to grant the Region and its employees access to the secured shared municipal staff parking area and allocating a designated number of parking spaces to the Region.

10. The Region agrees that upon completion of the Works, the Region shall coordinate with the Town to abandon the construction staging area for the Town's construction of a public works maintenance building. The Region shall restore that part of the Town Lot utilized for construction staging to a standard satisfactory to the Town as practically and as reasonably as possible and appropriate for usage for the parking facilities and maintenance building. The Region will only be responsible to restore the Town Lot to a similar condition as existed prior to the Region's use of the property as a construction staging area.

11. The Region agrees to cooperate with the Town with respect to the future construction of a separate electrical substation and associated electrical infrastructure (i.e. underground electrical duct banks) by Elexicon Energy Inc. on the Town Lot that will service the Whitby WSP, Breakwater SSPS and other nearby residential developments.

## **COORDINATION AND COOPERATION**

12. The Parties agree to cooperate and work to finalize terms agreeable to both parties that are required for purposes of this MOU, relating to the Region's use of the Town Lot for the backup power facility and construction staging area, and the construction, operation and maintenance of the secured shared municipal staff and

public parking areas. The Region agrees to provide reasonable assistance to the Town for purposes of this MOU, which may include:

- a) coordinating with the Town for servicing for the Town Lot required by the Region's use, including stormwater management, water supply, sanitary services;
- b) coordinating with the Town for servicing for the Town Lot required by Elexicon Energy Inc.;
- c) coordinating with the Town for local improvements to Town infrastructure on Water Street required to be replaced and/or upgraded in order to support the development on the Town Lot;
- d) assisting with design and contract administration of the shared secured municipal staff and public parking areas, including landscaping, security, lighting, electric vehicle charging stations;
- e) assisting with the obtainment of any required permits and approvals; and,
- f) assisting with cost apportionment for the shared secured municipal staff and public parking areas on terms agreeable to the parties.

## INDEMNITY

13. The Region agrees to defend, indemnify and save harmless the Town and its past, present and future elected officials, appointed officials, and employees ("**Town Indemnified Parties**"), from and against all losses, claims, damages, actions, causes of action, costs or expenses (including but not limited to legal fees, disbursements and taxes on a solicitor client basis) (the "**Losses**") that the Town Indemnified Parties or any one of them, may sustain, incur, suffer or be put to at any time, arising out of or occurring directly or indirectly out of this MOU, including the Region's use of the Town Lot, any act or omission of the Region or the Region's agent, volunteer, participant, employee, officer, director or subcontractor as it relates to Works conducted as part of the Permission to Enter, and for any and all additional work completed by the Region or by the Region's contractors as part of this MOU, except where such Losses arise as a result of the negligent acts or willful misconduct of the Town.

14. The Town agrees to defend, indemnify and save harmless the Region and its present, present and future elected officials, appointed officials, and employees ("**Region Indemnified Parties**"), from and against all Losses that the Region Indemnified Parties or any one of them, may sustain, incur, suffer or be put to at any time, arising out of or occurring directly or indirectly out of from this MOU, including any act or omission of the Town or the Town's agent, volunteer, participant, employee,

officer, director, contractor or subcontractor as it relates to any work completed by the Town as part of the MOU, except where such Losses arise as a result of the negligent acts or willful misconduct of the Region.

## **INSURANCE**

15. Each party shall continuously maintain and pay for Commercial General Liability insurance including personal injury, broad form contractual liability, owners and contractors protective, completed operations, and non-owned automotive liability in an amount of not less than five million dollars (\$5,000,000.00) applying to all contracts for claims arising out of one occurrence with the other party added as an additional insured.

16. The Region shall continuously maintain and pay for automobile liability insurance including all vehicles and commercial trailers owned or leased by the Region, for an amount not less than Two Million dollars (\$2,000,000) on forms meeting statutory requirements covering all vehicles and commercial trailers used in any manner in connection with this MOU.

17. Each party shall provide a Certificate of Insurance evidencing the insurance requirements set out in clauses 15 and 16.

18. The policies shown above will not be cancelled or permitted to lapse unless the Insurer endeavours to provide thirty (30) days' notice to the other party prior to the effective date of cancellation or expiry.

19. The Region must ensure that all contractors, sub trades and any other individual or company they hire and/or assign, in relation to this Permission to Enter meet or exceed the requirements and limits of insurance requested and provide Certificates of Insurance which name The Corporation of the Town of Whitby as additional insured.

## **MISCELLANEOUS**

20. The Parties agree that this MOU may be reviewed periodically at the request of either Party.

21. This MOU may be amended at any time by the mutual consent of the Parties. All amendments shall be made in writing and signed by both Parties.

22. This MOU may be executed in two or more counterparts, each of which together shall be deemed an original, but all of which together shall constitute one and the same instrument. If the signature is delivered by fax transmission or by email delivery of a scanned data file (Adobe PDF or otherwise), such signature shall create a valid and binding obligation on the party executing the MOU with the same force and effect as if the fax or scanned data file (Adobe PDF or otherwise) were an original thereof.

**IN WITNESS THEREOF**, the Parties have respectively executed and delivered this MOU as of the Effective Date set out above.

\_\_\_\_\_ **THE REGIONAL MUNICIPALITY OF DURHAM**  
Date

Per \_\_\_\_\_

Name:

Title:

Per \_\_\_\_\_

Name:

Title:

I/We have the authority to bind the Region.

\_\_\_\_\_ **THE CORPORATION OF THE TOWN OF WHITBY**  
Date

Per \_\_\_\_\_

Name: Don Mitchell

Title: Mayor

Per \_\_\_\_\_

Name: Christopher Harris

Title: Town Clerk

We have the authority to bind the Town.



SCHEDULE "A" – THE TOWN LOT



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



# The Regional Municipality of Durham Report

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To: Works Committee  
From: Acting Commissioner of Works  
Report: #2022-W-21  
Date: April 6, 2022

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**Subject:**

Declaration of Lands as Surplus and Approval to Convey the Surplus Lands to the Adjacent Landowner as part of a Land Exchange for Regional Requirements

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**Recommendations:**

That the Works Committee recommends to Regional Council:

- A) That a portion of the property municipally known as 3375 Liberty Street North in the Municipality of Clarington, legally described as Part of Lot 10, Concession 3, (Geographic Township of Darlington), Municipality of Clarington, further described as Part 7 on Registered Plan 40R-31645 be declared surplus to Regional Municipality of Durham requirements;
- B) That Regional Municipality of Durham staff be authorized to enter into a Land Exchange Agreement with the adjacent property owner under the following terms:
  - i) The Regional Municipality of Durham will transfer lands legally described as Part of Lot 10, Concession 3, (Geographic Township of Darlington), Municipality of Clarington, further described as Part 7 on Registered Plan 40R-31645 and having a Fair Market Value of \$2,097,000 to Jayzee Properties Inc. for nominal consideration;
  - ii) Jayzee Properties Inc. will transfer lands legally described as Part of Lot 10, Concession 3, (Geographic Township of Darlington), Municipality of Clarington, further described as Parts 1, 2, 3, and 5 on Registered Plan

40R-31645 having a Fair Market Value of \$2,122,000 to the Regional Municipality of Durham for nominal consideration;

- C) That the requirements of Sections 3 and 4(1) of Regional By-law #52-95 be waived to facilitate the land exchange between the Regional Municipality of Durham and Jayzee Properties Inc.; and
- D) That the Acting Commissioner of Works be authorized to execute all documents associated with this land exchange.

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**Report:****1. Purpose**

- 1.1 The purpose of this report is to declare lands owned by the Regional Municipality of Durham (Region) surplus to the Region's requirements and to authorize staff to enter into an agreement with Jayzee Properties Inc. (Jayzee) for a land exchange to facilitate the construction of the Zone 1 Reservoir and Zone 2 Pumping Station facility to serve the Bowmanville Urban Area, in the Municipality of Clarington.

**2. Background**

- 2.1 The 1.88-hectare (4.64-acre) property located at 3375 Liberty Street North, Clarington (Parts 6 and 7 on Registered Plan 40R-31645, PIN 266920022) (Attachment #1) was acquired by the Region on August 31, 1993, for \$405,000 to facilitate the anticipated construction of the Zone 1 Reservoir and Zone 2 Pumping Station facility for the Bowmanville Urban Area. The Region's property at 3375 Liberty Street North is surrounded to the north and the east by two properties owned by Jayzee municipally known as 3403 Liberty Street North, and the parcel to the south, municipally known as 3347 Liberty Street North (Parts 1, 2, 3, 4 and 5 on Registered Plan 40R-31645, PIN 266920021) (Attachment #1).
- 2.2 A review of the potential modifications to the location of the proposed reservoir to the north will allow for the protection of the environmentally sensitive features to the north, provide more flexibility for the land use options that will be considered as part of the Soper Springs Secondary Plan process, as well as increase the development potential of the neighbouring properties.
- 2.3 To achieve these benefits a land exchange with Jayzee involving 3403 Liberty Street North is proposed.

2.4 The current concept plan requires that the +/- 1.2-hectare (+/- 3.03-acre) southern portion of the Region's property located at 3375 Liberty Street North (identified as Part 7 on Registered Plan 40R-31645) (Attachment #1) to be declared surplus and be exchanged with the +/- 2.3-hectare (+/- 5.58-acre) northern and eastern portions of Jayzeee's property located at 3403 Liberty Street North (identified as Parts 1, 2, 3, and 5 on Registered Plan 40R-31645) (Attachment #1).

### **3. Property Disposition**

3.1 The Region's property at 3375 Liberty Street North is situated on the east side of Liberty Street North between Concession Road 4 to the north and Concession Road 3 to the south, in the Municipality of Clarington. The property is within the vicinity of an existing low-density residential development.

3.2 Regional By-law #52-95 established the procedures governing the sale of real property. The initial step in the disposal process is to declare the real property as surplus to Regional requirements. Internally, notice has been circulated and responses have confirmed that the Region does not require Part 7 on Registered Plan 40R-31645 (Attachment #1). Therefore, the lands can be declared surplus and offered to Jayzeee.

3.3 Jayzeee is the adjacent landowner to the Region's surplus lands at 3375 Liberty Street North and has expressed an interest in acquiring them as part of a land exchange involving the Region's requirements. The Region's surplus lands at 3375 Liberty Street North consist of approximately 1.2 hectares (3.03 acres) which an external appraiser estimated at a Fair Market value of \$2,097,000. The lands required from Jayzeee consist of approximately 1.2 hectares (2.96 acres) of developable land and 1.1 hectares (2.62 acres) of non developable land, which an external appraiser estimated at a Fair Market Value of \$2,122,000.

3.4 During the Site Plan approval stage between the Region and Jayzeee, it will be determined if the environmentally sensitive lands (namely Part 2 on 40R-31645) (Attachment #1) will remain in Region's ownership or be transferred to the Municipality of Clarington as Open Space.

3.5 In order to facilitate this land exchange, Sections 3 and 4(1) of Regional By-law #52-95 must be waived.

#### **4. Financial Implications**

- 4.1 Costs associated with the completion of the land exchange will be provided by the approved project budget for the Zone 1 Reservoir and Zone 2 Pumping Station facility for the Bowmanville Urban Area (Project ID: D1106).

#### **5. Relationship to Strategic Plan**

- 5.1 This report aligns with the following strategic goals and priorities in the Durham Region Strategic Plan:
- a. Service Excellence Goal #5.1: Optimize resources and partnerships to deliver exceptional quality services and value.

#### **6. Conclusion**

- 6.1 Regional staff recommends that the lands noted within this report be declared surplus to Regional needs, and that a land exchange agreement be entered into with Jayzee Properties Inc.
- 6.2 This report has been reviewed by the Finance Department and Corporate Services - Legal Services.
- 6.3 For additional information, please contact Christine Dunkley, Manager, Financial Services and Corporate Real Estate Services, at 905-668-7711 extension 3475.

#### **7. Attachments**

Attachment #1: Registered Plan 40R-31645

Respectfully submitted,

#### **Original signed by:**

---

Jenni Demanuele, CPA, CMA  
Acting Commissioner of Works

Recommended for Presentation to Committee

#### **Original signed by:**

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Elaine Baxter-Trahair  
Chief Administrative Officer

I HEREBY DEPOSIT THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

DATE: JAN 20, 2022

RECEIVED AND DEPOSITED

DATE: JAN 21, 2022

BY: R. SHANUGARAJAH  
 REPRESENTATIVE FOR THE LAND REGISTRAR FOR THE MUNICIPALITY OF DURHAM (NO. 40)

SCHEDULE		NAME OF MOST RECENT TRANSFEREE	
PART	CONCESSION	AREA	AREA
1		5337.7 m <sup>2</sup>	
2		5074.3 m <sup>2</sup>	
3		11797.0 m <sup>2</sup>	JAYZEEE PROPERTIES INC.
4		7152.2 m <sup>2</sup>	
5		188.8 m <sup>2</sup>	
6		6468.3 m <sup>2</sup>	
7		12287.0 m <sup>2</sup>	

**PLAN OF SURVEY OF PART OF LOT 10, CONCESSION 3 (GEOGRAPHIC TOWNSHIP OF DARLINGTON) MUNICIPALITY OF CLARINGTON REGIONAL MUNICIPALITY OF DURHAM**

SCALE 1:500

THAM SURVEYING LIMITED, O.L.S.

METRIC

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

- LEGEND**
- DENOTES MONUMENT SET
  - DENOTES IRON PIPES
  - DENOTES STAINLESS STEEL IRON BAR
  - DENOTES SHORT STANDARD IRON BAR
  - DENOTES IRON BAR CONTROL POINT
  - DENOTES PLAN 10R-14505
  - DENOTES PLAN 10R-1853
  - DENOTES SURVEYOR'S REAL PROPERTY REPORT BY IVAN B. WALLACE LTD., O.L.S., DATED MAY 13<sup>th</sup>, 2016 (S-11300 SPRR)
  - DENOTES PLAN OF SURVEY BY IVAN B. WALLACE LTD., O.L.S., DATED MAY 13<sup>th</sup>, 2016 (FILE NAME: A-022852 P0501-14)
  - DENOTES PLAN 10R-134
  - DENOTES J.D. BARNES LIMITED, O.L.S.
  - DENOTES IVAN B. WALLACE LTD., O.L.S.
  - DENOTES H. FLEMING LTD., O.L.S.
  - DENOTES CARL F. FESCHMANN, O.L.S.
  - DENOTES MERRELL D. BROWN LIMITED, O.L.S.
  - DENOTES WITNESS
  - DENOTES POINT ESTABLISHED BY INTERSECTION METHOD
  - DENOTES NORTH AMERICAN DATUM
  - DENOTES PROPERTY IDENTIFIER NUMBER
  - DENOTES MEASURED
  - DENOTES CHAIN LINK FENCE
  - DENOTES CHAIN LINK FENCE

**NOTES**

DISTANCES SHOWN HEREIN ARE GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY A COMBINED SCALE FACTOR OF 0.9999948. BEARINGS SHOWN HEREIN ARE GRID BEARINGS AND ARE DERIVED FROM SPECIFIED CONTROL POINTS OSTC0001 AND OSTC00080808 AS SHOWN ON THIS PLAN AND ARE BASED ON U.T.M. ZONE 17, CENTRAL MERIDIAN 81° 00' WEST LONGITUDE, INDECS (ORIGINAL).

BEARINGS ON THE FOLLOWING PLAN HAVE BEEN ROTATED COUNTER-CLOCKWISE BY 135.00° TO ACCOUNT FOR DIFFERENT REFERENCE MERIDIANS - PL. P11.

POINT ID	NORTHING	EASTING
SPP 0511020001	484380.158	684450.728
SPP 0830058008	4872807.804	682132.121

PLAN COORDINATES, UTM NAD83 (ORIGINAL)	
POINT ID	EASTING
1	488447.885
2	685103.743
3	488285.128
4	488180.751

**SURVEYOR'S CERTIFICATE**

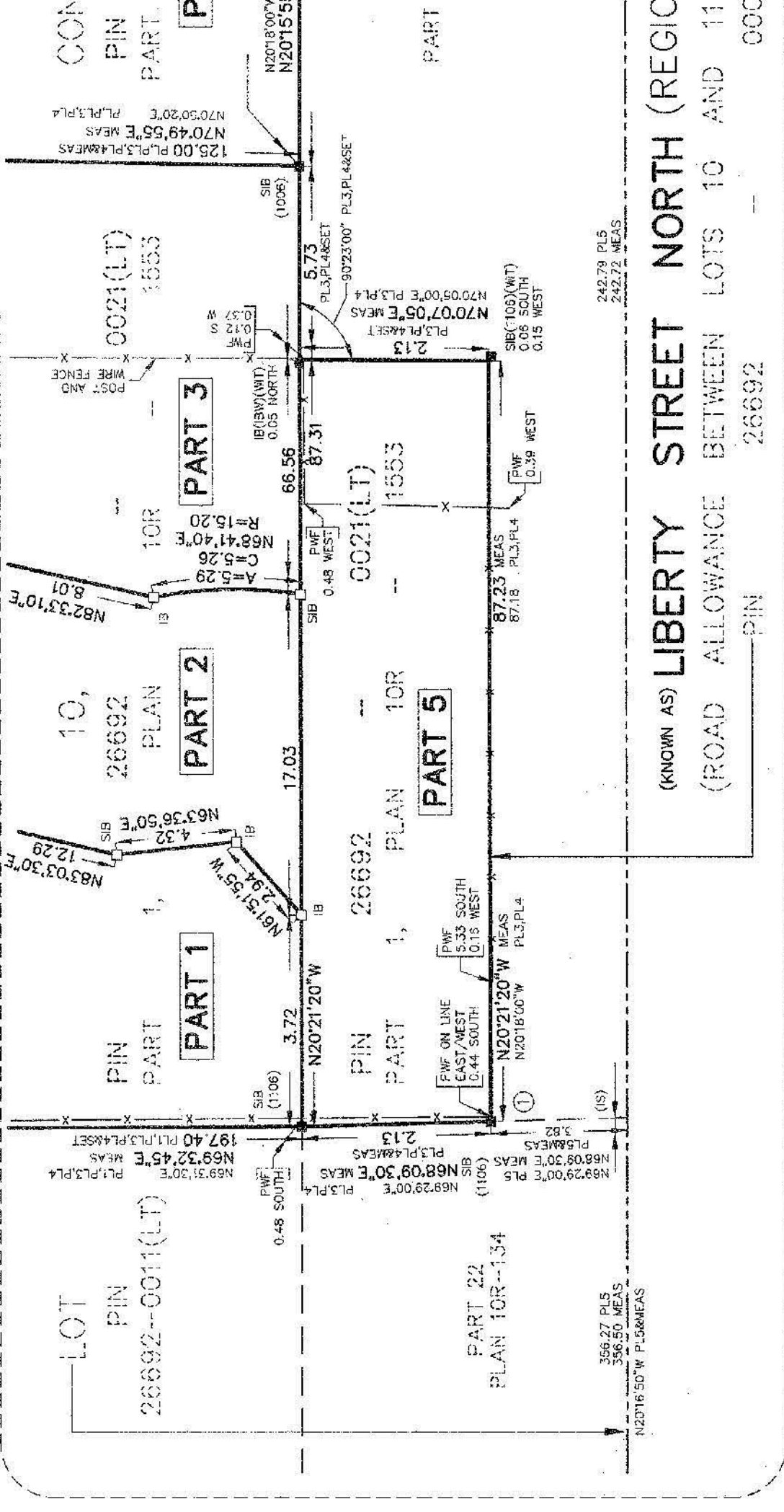
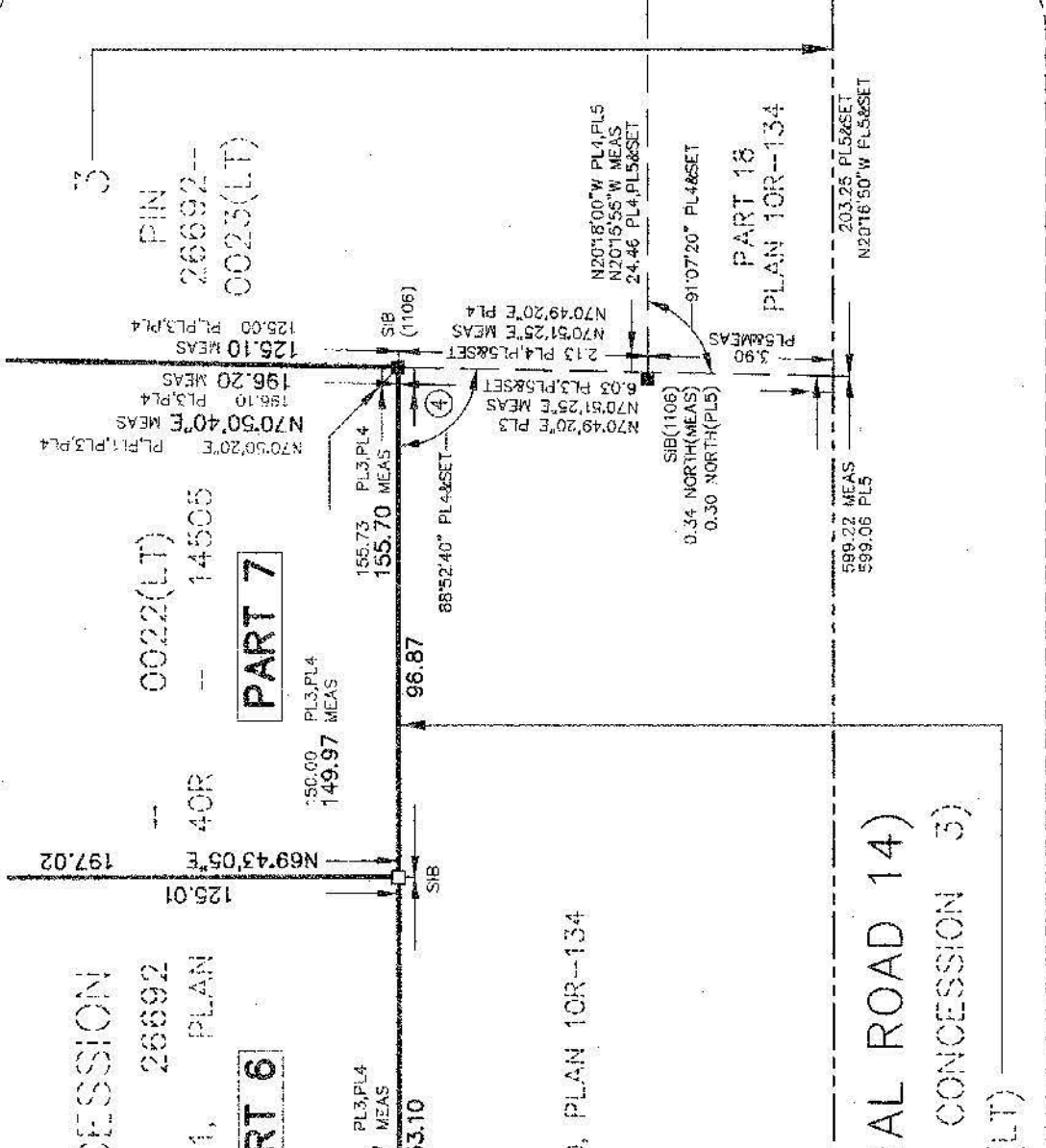
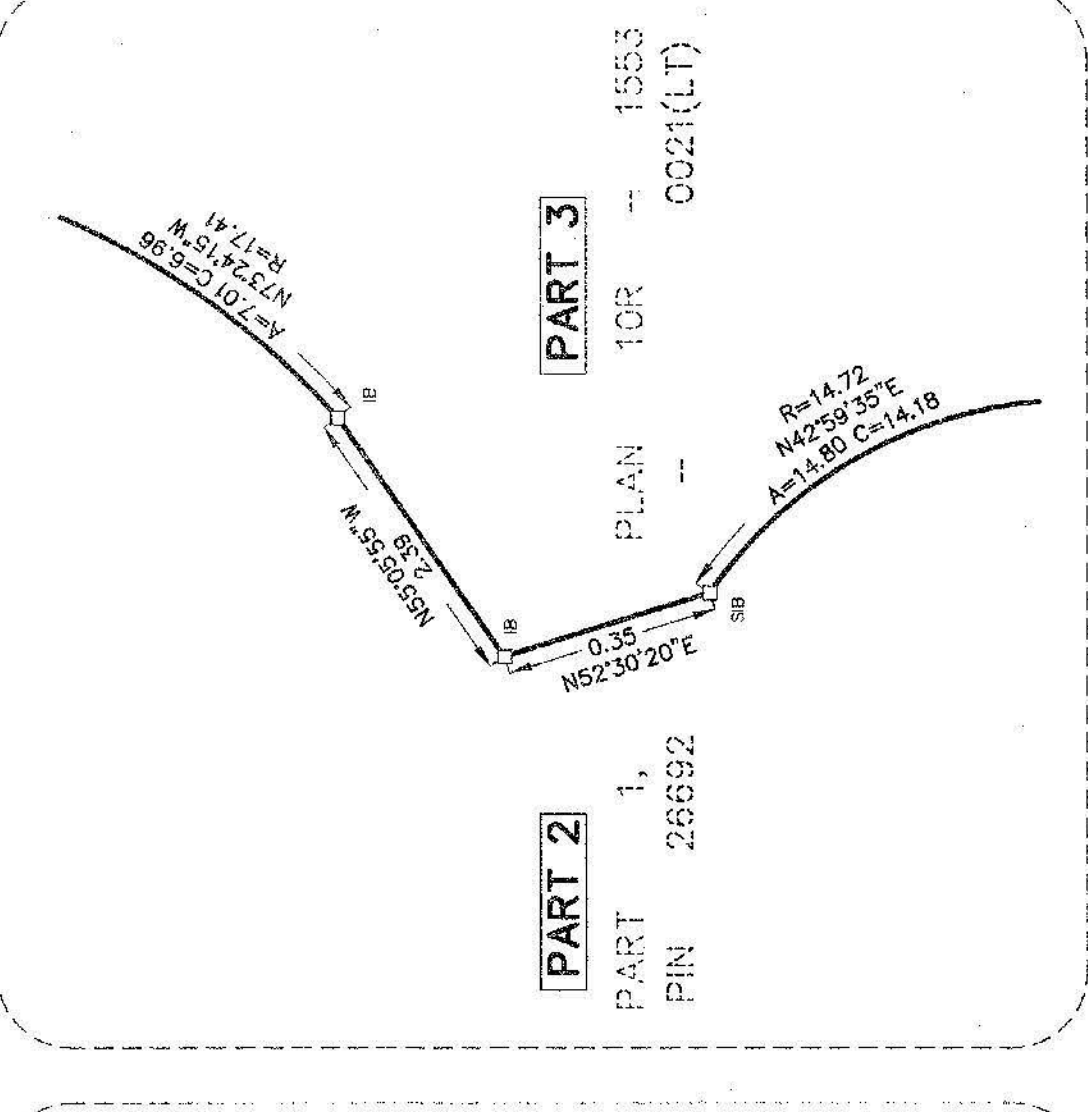
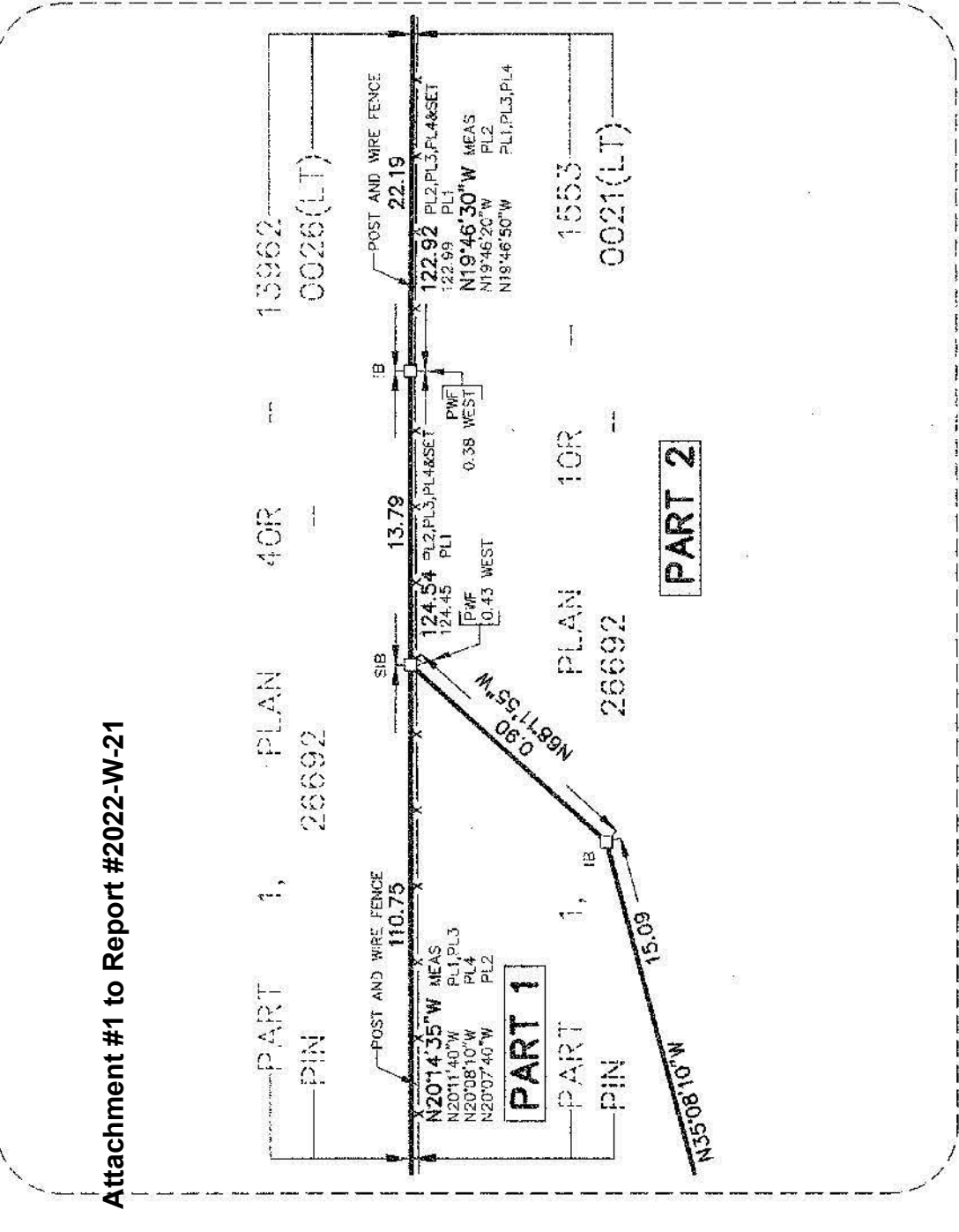
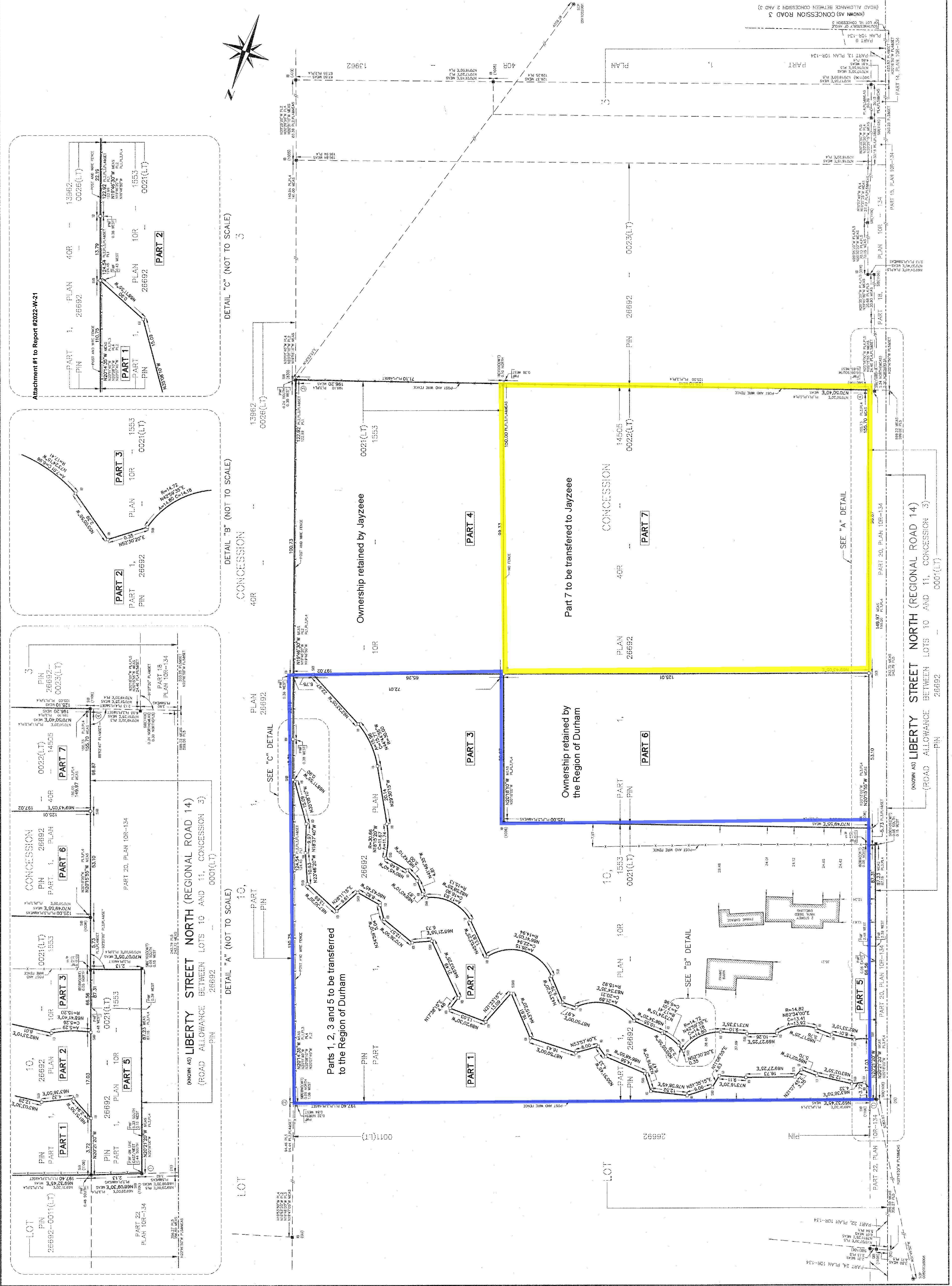
I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 18<sup>th</sup> DAY OF JANUARY, 2022.

THAM SURVEYING LIMITED  
 ONTARIO LAND SURVEYORS  
 8888 KEELE STREET, UNIT 7, PHONE: 905-761-6521 FAX: 905-761-6523  
 VAUGHAN, ONTARIO, L4K 2N2, 1-855-761-6521

DATE: JAN 20, 2022

BY: R. SHANUGARAJAH  
 REPRESENTATIVE FOR THE LAND REGISTRAR FOR THE MUNICIPALITY OF DURHAM (NO. 40)



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



# The Regional Municipality of Durham Report

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To: Works Committee  
From: Acting Commissioner of Works  
Report: #2022-W-22  
Date: April 6, 2022

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**Subject:**

Renewal of Lease Agreement with Hand-In-Hand Corporation for the Regional Municipality of Durham Social Services Department, Located at 339 Westney Road South, in the Town of Ajax

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**Recommendations:**

That the Works Committee recommends to Regional Council:

- A) That the Renewal of Lease Agreement with Hand-In-Hand Corporation for the premises located at 339 Westney Road South, in the Town of Ajax, containing approximately 337.97 square metres (3,638 square feet) of office space be approved on the following terms and conditions:
  - i) The term is for a period of five years commencing June 1, 2022, and ending May 31, 2027;
  - ii) The annual rental rate for the term of the lease will be \$49,113.00\* based on the rate of \$145.31\* per square metre (\$13.50\* per square foot) per annum;
  - iii) The additional rental rate for the term of the lease will be \$36,852.94\* based on the rate of \$109.04\* per square metre (\$10.13\* per square foot) per annum to cover operating costs for the building, common areas and the leased premises. The per square foot dollar amount of additional rent is to be adjusted annually based on actual costs; and
- B) That the Regional Chair and Clerk be authorized to execute all documents associated with this Lease Agreement.

**Report:****1. Purpose**

- 1.1 The purpose of this report is to obtain approval to renew the lease with Hand-In-Hand Corporation for space occupied by the Regional Municipality of Durham (Region) Social Services Department located at 339 Westney Road in the Town of Ajax (Ajax) as per the terms and conditions outlined herein. Dollar amounts followed by an asterisk (\*) are before applicable taxes.

**2. Background**

- 2.1 The Social Services Department has occupied the subject office space since 1990. The current lease was negotiated for a period of five years from June 1, 2012, to May 31, 2017, with an option to renew for a further five-year term. A renewal of the lease for a five-year term was approved by Regional Council with the term commencing June 1, 2017, ending May 31, 2022.
- 2.2 The Family Services Division has requested the renewal of the lease at this location.
- 2.3 The subject facility contains approximately 337.97 square metres (3,638 square feet) of office space and is used for the Region's Family Services Division of the Social Services Department. The rental rate for the current lease is \$13.00\* per square foot.

**3. Previous Reports and Decisions**

- 3.1 Report #2012-W-55, approved by Regional Council on June 6, 2012, approved the lease for this location for a five-year term commencing June 1, 2012, ending May 31, 2017, with an option to renew the lease agreement for a further five-year term under the same terms and conditions save and except the amount of basic rent to be negotiated.
- 3.2 Report #2017-COW-80, approved by Regional Council on April 12, 2017, approved the renewal of the lease at this location for a five-year term starting June 1, 2017, and ending May 31, 2022.

**4. Renewal of Lease**

- 4.1 The proposed lease renewal is for a term of five years. The proposed rental rate for the term of the lease will be \$49,113.00\* based on the rate of \$145.31\* per square metre (\$13.50\* per square foot) per annum, paid in monthly instalments of \$4,092.75\*. This represents an increase of \$5.38\* per square metre



(\$0.50\* per square foot) per annum over the existing rate of \$139.93\* per square metre (\$13.00\* per square foot).

- 4.2 The Region is responsible for a monthly charge of \$3,071.07\* representing its proportionate share of the operating costs for the building, common areas and the leased premises including utilities.
- 4.3 The Region is responsible for its proportionate share of the property taxes imposed against the building and for the common areas of the building estimated at \$12,075 per annum.
- 4.4 The Region will continue to be responsible for insurance, janitorial, waste collection and other facility costs related to the leased space estimated at approximately \$35,000 per annum.

## **5. Financial Implications**

- 5.1 Financing of this Renewal of Lease Agreement will continue to be provided within the Family Services Division of the Social Services Department's Operating Budgets for this facility.
- 5.2 Since approval of this lease renewal requires a long-term financial obligation for which payment is required beyond the term for which Regional Council was elected, the Regional Treasurer has updated the Region's financial debt and obligation limit. In accordance with Section 4 of the Ontario Regulation 403/02, the Region's Treasurer has calculated an updated long-term debt/financial limit and has determined that the limit has not been exceeded. Therefore, this lease renewal does not require the approval of the Local Planning Appeal Tribunal.

## **6. Relationship to Strategic Plan**

- 6.1 This report aligns with the following strategic goals and priorities in the Durham Region Strategic Objectives:
  - a. Goal #2 Community Vitality
    - 2.4 To support a high quality of life for all through human services delivery
  - b. Goal #4: Social Investment
    - 4.2 Build awareness and community capacity to address poverty
    - 4.3 Demonstrate leadership in poverty prevention
    - 4.4 Expand access to existing life stabilization programs

- c. Goal #5: Service Excellence
- 5.1 Optimize resources and partnerships to deliver exceptional quality services and value
  - 5.2 Collaborate for a seamless service experience

## 7. Conclusion

- 7.1 The Social Services Department has advised that they wish to renew the lease at 339 Westney Road South, in the Town of Ajax. It is recommended that the Renewal of Lease Agreement be approved based on the above noted terms and conditions.
- 7.2 This report has been reviewed by Finance Department.
- 7.3 For additional information, contact Christine Dunkley, Manager, Financial Services and Corporate Real Estate, at 905-668-7711, extension 3475.

Respectfully submitted,

**Original signed by:**

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Jenni Demanuele, CPA, CMA  
Acting Commissioner of Works

Recommended for Presentation to Committee

**Original signed by:**

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Elaine C. Baxter-Trahair  
Chief Administrative Officer

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



# The Regional Municipality of Durham Report

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To: Works Committee  
From: Acting Commissioner of Works  
Report: #2022-W-23  
Date: April 6, 2022

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**Subject:**

Renewal of Lease Agreement with 3414493 Canada Inc. for Works Department Supervisory Control and Data Acquisition Antenna, Located at 200 White Oaks Court, in the Town of Whitby

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**Recommendations:**

That the Works Committee recommends to Regional Council:

- A) That the extension of Lease Agreement with 3414493 Canada Inc. for the Supervisory Control and Data Acquisition Antenna located at 200 White Oaks Court, in the Town of Whitby, for a portion of the telecommunications tower and part of the penthouse mechanical room, be approved under the following terms and conditions:
    - i) The term is for a period of two years commencing May 1, 2022, and ending April 30, 2024;
    - ii) The annual rental rate for the two-year term is \$14,780.00\* which includes the cost of hydro;
    - iii) The Regional Municipality of Durham will be responsible for the maintenance and repair of the site and the antenna system; and
  - B) That the Regional Chair and Clerk be authorized to execute all documents associated with this Lease Agreement.
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**Report:****1. Purpose**

- 1.1 The purpose of this report is to obtain approval to renew the lease with 3414493 Canada Inc. for the rooftop Supervisory Control and Data Acquisition (SCADA) antenna operated by the Regional Municipality of Durham (Region) Works Department located at 200 White Oaks Court, in the Town of Whitby. Dollar amounts followed by an asterisk (\*) are before applicable taxes.

**2. Background**

- 2.1 The Works Department's SCADA antenna has been housed on the rooftop of 200 White Oaks Court since 1997. The antenna links the communications systems at sanitary sewage pumping stations to the Corbett Creek Water Pollution Control Plant (WPCP) in the Town of Whitby for monitoring purposes by Regional staff. Due to the height of the building at 200 White Oaks Court, the location is the ideal communication relay point for the antenna.
- 2.2 Regional Council's last approved renewal of the lease at this location was for a two-year term starting May 1, 2020, to April 30, 2022.

**3. Previous Reports and Decisions**

- 3.1 Works Committee Report #2007-W-43, approved by Regional Council on May 30, 2007, approved the site Lease Agreement for part of the rooftop of the premises located at 200 White Oaks Court for a five-year term commencing May 1, 2007.
- 3.2 Works Committee Report #2012-W-56, approved by Regional Council on June 6, 2012, approved the site Lease Agreement for a portion of the telecommunications tower and part of the penthouse mechanical room located at 200 White Oaks Court for a five-year term commencing May 1, 2012.
- 3.3 Committee of the Whole Report #2017-COW-155, approved by Regional Council on June 14, 2017, approved the site Lease Agreement for a portion of the telecommunications tower and part of the penthouse mechanical room located at 200 White Oaks Court for a three-year term commencing May 1, 2017, and ending April 30, 2020.
- 3.4 Delegated Authority granted under Regional By-law #17-2020 was exercised to renew the site Lease Agreement with 34514493 Canada Inc. for the SCADA

Antenna System located at 200 White Oaks Court for a two-year term commencing May 1, 2020.

#### **4. Renewal of Lease**

- 4.1 The proposed renewal of Lease Agreement is for a term of two years commencing May 1, 2022 and ending April 30, 2024.
- 4.2 The proposed annual rental rate for the term of the lease will be increased to \$14,780.00\* and due on the first day of May each year of the Term. This reflects a 3.0 per cent increase from the previous annual rental rate of \$14,336.00\*.
- 4.3 The Region will continue to be responsible for any maintenance and repair to the site and the antenna system, including removal of debris and repair to any damage caused to the property. Historically, these costs have been minimal.

#### **5. Financial Implications**

- 5.1 Financing of this renewal of Lease Agreement will continue to be provided within the annual Works Department's Sanitary Sewerage Business Plans and Budget.
- 5.2 Section 5.4 of the Budget Management Policy requires Regional Council approval where a proposed lease is considered material, defined in the Policy as when the lease extends beyond the term of Regional Council and/or requires annual lease payments of \$150,000 or greater.
- 5.3 Since approval of this agreement requires a long-term financial obligation for which payment is required beyond the term for which Council was elected, the Regional Treasurer has updated the Region's financial debt and obligation limit. In accordance with Section 4 of the Ontario Regulation 403/02, the Region's Treasurer has calculated an updated long-term debt/financial limit and has determined that the limit has not been exceeded. Therefore, this lease extension does not require the approval of the Local Planning Appeal Tribunal.

#### **6. Relationship to Strategic Plan**

- 6.1 This report aligns with the following strategic goals and priorities in the Durham Region Strategic Plan:
  - Goal #5: Service Excellence
    - 5.1 Optimize resources and partnership to deliver exceptional quality services and value.

- 5.4 Drive organizational success through innovation, a skilled workforce and modernized services.

**7. Conclusion**

- 7.1 It is recommended that the renewal of the Lease Agreement be approved based on the above noted terms and conditions.
- 7.2 This report has been reviewed by Finance Department.
- 7.3 For additional information, contact Christine Dunkley, Manager, Financial Services and Corporate Real Estate Services, at 905-668-7711, extension 3475.

Respectfully submitted,

**Original signed by:**

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Jenni Demanuele, CPA, CMA  
Acting Commissioner of Works

Recommended for Presentation to Committee

**Original signed by:**

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Elaine C. Baxter-Trahair  
Chief Administrative Officer