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The Regional Municipality of Durham

MINUTES

COMMITTEE OF THE WHOLE

Wednesday, September 14, 2022

A regular meeting of the Committee of the Whole was held on Wednesday, September 14, 2022 in the Lower Level Boardroom (LL-C), Regional Headquarters Building, 605 Rossland Road East, Whitby, Ontario at 9:30 AM. Electronic participation was offered for this meeting.

Regional Chair Henry assumed the Chair.

1. Roll Call

Present: Councillor Anderson
Councillor Ashe
Councillor Barton
Councillor Carter
Councillor Chapman
Councillor Crawford
Councillor Dies
Councillor Drew
Councillor Foster
Councillor Highet
Councillor Kerr
Councillor Leahy
Councillor Lee
Councillor Marimpietri
Councillor Mitchell
Councillor Mulcahy
Councillor John Neal
Councillor Joe Neal
Councillor Nicholson
Councillor Pickles
Councillor Roy
Councillor Ryan
Councillor Smith
Councillor Wotten
Councillor Yamada
Regional Chair Henry

*** all members of Council, except the Regional Chair, participated electronically**

All members of Committee were present with the exception of Councillors Collier, Grant, and McLean.

Councillor Grant was absent on municipal business
Councillor Anderson attended the meeting at 9:40 AM
Councillor John Neal attended the meeting at 9:53 AM

Staff

Present: G. Anello*, C. Bandel, E. Baxter-Trahair*, D. Beaton, B. Bridgeman, S. Ciani, S. Danos-Papaconstantinou*, P. Frizado*, A. Harras, J. Hunt, R. Inacio, N. Kalotai*, R.J. Kyle*, L. McIntosh*, N. Prasad*, J. Presta*, J. Rankin*, A. Robins*, M. Simpson*, K. Smith, and N. Taylor*
*denotes staff participating electronically

2. Declarations of Interest

There were no declarations of interest.

3. Statutory Public Meetings

There were no statutory public meetings.

4. Delegations

4.1 Imtiaz Mohammed, Ajax Resident, re: Interim Suspension of Service Line Warranties of Canada Inc. Program (2022-COW-27) [Item 7. D)]

Imtiaz Mohammed, Ajax Resident, appeared before the Committee regarding Report #2022-COW-27: Interim Suspension of Service Line Warranties of Canada Inc. Program.

I. Mohammed expressed concerns regarding the letter that they and their neighbours received from Service Line Warranties Canada Inc. (SLWC) and the lack of communication from the Region that was provided to homeowners prior to the letter being sent out. They also expressed concerns that SLWC is a U.S. based company, and concerns with respect to certain wording in the SLWC's terms and condition documents.

I. Mohammed raised several questions including the following:

- Is SLWC incorporated?
- Was there a tender process before the Region of Durham accepted SLWC?
- Is the Region going to receive a royalty on annual sales during the two-year agreement and onward?
- Is extending a property owner's limit of responsibility from 1-metre outside the foundation of the home to a new limit at the property boundary to avoid liability by the Region of Durham?

Moved by Councillor Lee, Seconded by Councillor Foster,

- (42) That I. Mohammed be granted a one-time two-minute extension to finish their delegation.

CARRIED

I. Mohammed referenced an article by CBC dated October 4, 2019 titled, "Insurance Bureau of Canada says private company's sewer, water line warranty might not be worth it", the SLWC letter that was distributed to homeowners, the SLWC Exterior Water Service Line Terms and Conditions, the SLWC Exterior Sewer/Septic Line Terms and Conditions, and an article by The Telegraph dated May 19, 2022 titled, "Plumbing Business Founder and Wife to Land £500m fortune".

I. Mohammed responded to questions from the Committee.

5. Presentations

There were no presentations heard.

6. Correspondence

- A) Correspondence received from Andy Hendriks, Durham Resident, regarding Water Supply Letter

Moved by Councillor Drew, Seconded by Councillor Dies,

- (43) That correspondence received from Andy Hendriks, Durham Resident, regarding Water Supply Letter, be referred to consideration of Report #2022-COW-27.

CARRIED

- B) Correspondence received from Lorne Terry, Whitby Resident, re: Sewer Services

Moved by Councillor Drew, Seconded by Councillor Dies,

- (44) That correspondence received from Lorne Terry, Whitby Resident, regarding Sewer Services, be referred to consideration of Report #2022-COW-27.

CARRIED

- C) Correspondence received from Dariuz Witold Kulczynski, Oshawa Resident, re: Interim Suspension of Service Line Warranties of Canada Inc. Program (2022-COW-27)

Moved by Councillor Drew, Seconded by Councillor Dies,

- (45) That correspondence received from Dariuz Witold Kulczynski, Oshawa resident, regarding Interim Suspension of Service Line Warranties of Canada Inc. Program (2022-COW-27), be referred to consideration of Report #2022-COW-27

CARRIED

Moved by Councillor Nicholson, Seconded by Councillor Lee,
(46) That the agenda be altered in order to consider Item 7. D) Report #2022-COW-27: Interim Suspension of Service Line Warranties of Canada Inc. Program next.

CARRIED

7. Reports

D) Interim Suspension of Service Line Warranties of Canada Inc. Program (2022-COW-27)

Report #2022-COW-27 from E. Baxter-Trahair, Chief Administrative Officer, and J. Presta, Commissioner of Works was received.

Detailed discussion ensued regarding Report #2021-W-31 of the Commissioner of Works, which was adopted by Council in September 2021, communication to residents of Durham regarding the change in the property owner's new limit of responsibility for residential sanitary service connections, and whether Service Line Warranties of Canada Inc. (SLWC) will still be able to offer water line protection to residents. Discussion also ensued regarding the concerns received from residents and the potential costs that would be placed on the residents because of the policy change, the cost of a public education program, and how education material would be distributed to those that do not have access to online services.

Staff responded to questions from the Committee regarding whether SLWC is registered with the Ontario Insurance Commission and whether this information could be provided to Council members prior to the September 28, 2022, Regional Council meeting, if all residents of Durham Region will be advised if regular sewer line coverage will resume when SLWC will be advised that the agreement is being terminated, and whether residents on a septic tank system or well would be affected if the recommendations in Report #2021-W-31 are repealed.

Moved by Councillor Lee, Seconded by Councillor Ryan,
(47) That we recommend to Council:

- A) That to the extent possible, the recommendations approved in Report #2021-W-31 of the Commissioner of Works be suspended until the completion of a public education program in 2023;
- B) That Regional staff be directed to contact Service Line Warranties of Canada Inc. to request that they do not accept any new clients in Durham until the completion of a public education program in 2023;
- C) That Regional staff are directed to continue to carry out repairs to sanitary sewer service connections on private property in accordance with By-law

#90-2003 as it existed prior to the amendments approved in Report #2021-W-31;

- D) That Regional staff are directed to reimburse residential customers for repairs carried out pursuant to Council's direction in Recommendation C) of Report #2022-COW-27 with appropriate documentation with funding from user rate financing at the discretion of the Commissioner of Finance;
- E) That Regional staff report to Regional Council upon completion of the public education program prior to any communications to the residential water and sanitary sewer customers; and
- F) That copy of Report #2022-COW-27 be forwarded to the Durham Local Area Municipalities for information.

CARRIED AS AMENDED LATER IN THE
MEETING
(See Following Motions)

It was ruled that the following amending motion of Councillors Nicholson and Marimpietri is a reconsideration of a previous decision of Council made on September 29, 2021. Therefore, in order to proceed with consideration of the amendment, the following motion to reconsider Council's decision was required, subject to a 2/3rds majority vote of members present and voting:

Moved by Councillor Nicholson, Seconded by Councillor Marimpietri,

- (48) That subject to a two-thirds vote, the motion passed at the September 29, 2021, Regional Council meeting with respect to Report #2021-W-31: Amendment to Regional Water Pollution Control System and Storm Sewer System By-Law #90-2003 and Residential Water and Sanitary Service Connection Protection Plans, and By-law #90-2003 passed at the April 27, 2022, Regional Council meeting be reconsidered.

CARRIED ON THE FOLLOWING RECORDED
VOTE (A 2/3rds VOTE WAS ATTAINED):

Yes

Councillor Anderson
Councillor Carter
Councillor Chapman
Councillor Crawford
Councillor Dies
Councillor Drew
Councillor Foster
Councillor Highet
Councillor Kerr
Councillor Leahy
Councillor Lee

No

Councillor Ashe
Councillor Barton
Councillor Mitchell

Councillor Marimpietri
Councillor Mulcahy
Councillor John Neal
Councillor Joe Neal
Councillor Nicholson
Councillor Pickles
Councillor Roy
Councillor Ryan
Councillor Smith
Councillor Wotten
Councillor Yamada
Regional Chair Henry

Members Absent: Councillor Collier
Councillor Grant
Councillor McLean

Declarations of Interest: None

Committee proceeded to consider the following amending motion of Councillors Nicholson and Marimpietri:

Moved by Councillor Nicholson, Seconded by Councillor Marimpietri,
(49) That the main motion (47) of Councillors Lee and Ryan be amended as follows:

- In Part A) deleting the words “be suspended until the completion of a public education program in 2023” and replacing them with the words “be repealed”;
- By deleting Part B) in its entirety;
- In Part C) by deleting the words “as it existed prior to the amendments approved in Report #2021-W-31”; and
- By deleting Part E) in its entirety.

CARRIED LATER IN THE MEETING
(See Following Motions)

Moved by Councillor Joe Neal, Seconded by Councillor Smith,
(50) That the foregoing main motion (47) of Councillors Lee and Ryan, and the amending motion (49) of Councillors Nicholson and Marimpietri, be referred back to legal staff to report back at the September 28, 2022, Regional Council meeting to advise if the passing of the foregoing amendment would place the Region in breach of the agreement/contract with Service Line Warranties Canada Inc.

DEFEATED ON THE FOLLOWING RECORDED
VOTE (TIE VOTE DEEMS QUESTION DECIDED
IN THE NEGATIVE):

Yes

Councillor Anderson
Councillor Barton
Councillor Chapman
Councillor Dies
Councillor Highet
Councillor Kerr
Councillor Lee
Councillor Mitchell
Councillor Mulcahy
Councillor Joe Neal
Councillor Smith
Councillor Wotten
Regional Chair Henry

No

Councillor Ashe
Councillor Carter
Councillor Crawford
Councillor Drew
Councillor Foster
Councillor Leahy
Councillor Marimpietri
Councillor John Neal
Councillor Nicholson
Councillor Pickles
Councillor Roy
Councillor Ryan
Councillor Yamada

Members Absent: Councillor Collier
Councillor Grant
Councillor McLean

Declarations of Interest: None

Moved by Councillor Joe Neal, Seconded by Councillor Lee,
(51) That the meeting be closed to the public in order to consider closed
matters subject to advice that is subject to solicitor-client privilege.

CARRIED

[Refer to the Closed Committee of the Whole Minutes of September 14, 2022]

Chair Henry advised that during the Closed session there were no motions made
or directions given.

Moved by Councillor Kerr, Seconded by Councillor Ryan,
(53) That the Committee recess for 10 minutes.

CARRIED

The Committee recessed at 11:33 AM and reconvened at 11:43 AM

Following the recess, the Clerk conducted a roll call, and all members of
Committee were present with the exceptions of Councillors Barton, Collier, Grant,
and McLean.

Moved by Councillor Joe Neal, Seconded by Councillor John Neal,

- (54) That the main motion (47) of Councillors Lee and Ryan, and the amending motion (49) of Councillors Nicholson and Marimpietri be referred to staff to report back at the September 28, 2022, Regional Council meeting on the cancellation of the contract with Service Line Warranties Canada Inc. and compensation for any residents that have signed up for the sewer line coverage.

DEFEATED ON THE FOLLOWING RECORDED
VOTE:

Yes

Councillor Anderson
Councillor Crawford
Councillor Dies
Councillor Kerr
Councillor Lee
Councillor Mitchell
Councillor John Neal
Councillor Joe Neal
Councillor Smith
Councillor Wotten

No

Councillor Ashe
Councillor Carter
Councillor Chapman
Councillor Drew
Councillor Foster
Councillor Leahy
Councillor Marimpietri
Councillor Mulcahy
Councillor Nicholson
Councillor Pickles
Councillor Roy
Councillor Ryan
Councillor Yamada
Regional Chair Henry

Members Absent: Councillor Barton
Councillor Collier
Councillor Grant
Councillor Highet
Councillor McLean

Declarations of Interest: None

Moved by Councillor Foster, Seconded by Councillor Marimpietri,

- (55) That the Committee recess for 10 minutes.

CARRIED

The Committee recessed at 11:48 AM and reconvened at 11:58 AM

Following the recess, the Clerk conducted a roll call, and all members of Committee were present with the exceptions of Councillors Barton, Collier, Grant, and McLean.

Moved by Councillor Joe Neal, Seconded by Councillor John Neal,

- (56) That the foregoing amending motion (49) of Councillors Nicholson and Marimpietri be further amended to include the following as a new Part E):

- E) That the Region compensate any residents that have signed up for the sewer line coverage and be paid back for any insurance premiums they have paid to date.

REFERRED LATER IN THE MEETING
(See Following Motion)

Moved by Councillor Nicholson, Seconded by Councillor Marimpietri,
(57) That the foregoing amendment (56) by Councillors Joe Neal and John Neal to the amending motion (49) of Councillors Nicholson and Marimpietri be referred back to staff for an update at the September 28, 2022 Regional Council meeting.

MOTION REFERRED ON THE FOLLOWING
RECORDED VOTE:

Yes

Councillor Ashe
Councillor Barton
Councillor Carter
Councillor Chapman
Councillor Crawford
Councillor Dies
Councillor Drew
Councillor Highet
Councillor Kerr
Councillor Leahy
Councillor Lee
Councillor Marimpietri
Councillor Mitchell
Councillor Mulcahy
Councillor Nicholson
Councillor Roy
Councillor Ryan
Councillor Smith
Councillor Wotten
Councillor Yamada
Regional Chair Henry

No

Councillor Foster
Councillor John Neal
Councillor Joe Neal
Councillor Pickles

Members Absent: Councillor Anderson
Councillor Collier
Councillor Grant
Councillor McLean

Declarations of Interest: None

The foregoing amending motion (49) of Councillors Nicholson and Marimpietri was then put to a vote and CARRIED ON THE FOLLOWING RECORDED VOTE:

Yes

Councillor Ashe
Councillor Carter
Councillor Chapman
Councillor Crawford
Councillor Dies
Councillor Drew
Councillor Foster
Councillor Highet
Councillor Kerr
Councillor Leahy
Councillor Lee
Councillor Marimpietri
Councillor Mulcahy
Councillor John Neal
Councillor Joe Neal
Councillor Nicholson
Councillor Pickles
Councillor Roy
Councillor Ryan
Councillor Yamada
Regional Chair Henry

No

Councillor Barton
Councillor Mitchell
Councillor Smith

Members Absent: Councillor Anderson
Councillor Collier
Councillor Grant
Councillor McLean
Councillor Wotten

Declarations of Interest: None

The main motion (47) of Councillors Lee and Ryan was then put to a vote and
CARRIED AS AMENDED ON THE FOLLOWING RECORDED VOTE:

Yes

Councillor Ashe
Councillor Barton
Councillor Carter
Councillor Chapman
Councillor Crawford
Councillor Dies
Councillor Drew
Councillor Foster
Councillor Highet
Councillor Kerr
Councillor Leahy

No

Councillor Mitchell

Councillor Lee
Councillor Marimpietri
Councillor Mulcahy
Councillor John Neal
Councillor Joe Neal
Councillor Nicholson
Councillor Pickles
Councillor Roy
Councillor Ryan
Councillor Smith
Councillor Yamada
Regional Chair Henry

Members Absent: Councillor Anderson
Councillor Collier
Councillor Grant
Councillor McLean
Councillor Wotten

Declarations of Interest: None

7. Reports

A) Completion of the Pickering-Uxbridge Broadband Fibre Trunk Project (2022-COW-24)

Report #2022-COW-24 from B. Bridgeman, Commissioner of Planning & Economic Development, J. Presta, Commissioner of Works, N. Taylor, Commissioner of Finance and D. Beaton, Commissioner of Corporate Services was received.

Staff responded to questions from the Committee regarding what the revenue would be on a monthly basis for the Pickering-Uxbridge Broadband Fibre Trunk Project; and whether the Hamlets of Columbus and Raglan in the City of Oshawa are included in the greater plan for broadband fibre.

Moved by Councillor Ryan, Seconded by Councillor Barton,
(58) That Report #2022-COW-24 of the Commissioners of Planning and Economic Development, Works, Finance and Corporate Services be received for information.

CARRIED

B) Agreement to Allow the Commencement of the Seaton Phase 2 Landowner Constructed Project Designs by the Seaton Landowners Group (2022-COW-25)

Report #2022-COW-25 from J. Presta, Commissioner of Works, N. Taylor, Commissioner of Finance, and D. Beaton, Commissioner of Corporate Services was received.

Moved by Councillor Ryan, Seconded by Councillor Barton,
(59) That we recommend to Council:

- A) That the Regional Municipality of Durham enter into an agreement with the Seaton Landowners Group to allow the detailed design of specific Landowner Constructed Projects to proceed in exchange for future Development Charge credits, with the specifics of how and when these credits will be acquired and used, to be addressed in a future Seaton Phase 2 Front-Ending Agreement;
- B) That the Regional Chair and Clerk be authorized to execute the above noted agreement, in a form satisfactory to the Regional Solicitor; and
- C) That a copy of Report #2022-COW-25 be sent to the City of Pickering.

CARRIED

- C) Additional Allocation of Canada Community-Building Fund Program Funds to the Durham Regional Local Housing Corporation Energy Efficiency Retrofits (2022-COW-26)
-

Report #2022-COW-26 from N. Taylor, Commissioner of Finance, J. Presta, Commissioner of Works, and S. Danos-Papaconstantinou, was received.

Moved by Councillor Ryan, Seconded by Councillor Barton,
(60) That we recommend to Council:

- A) That \$2.4 million of the 2021 Canada Community-Building Fund financing previously allocated to the Anaerobic Digestion (AD) facility project be redirected to the Durham Regional Local Housing Corporation (DRLHC) Energy Efficiency Retrofit project at 155 King St., City of Oshawa, for total Canada Community-Building Fund financing of \$6.9 million for the project;
- B) That the Commissioner of Finance be authorized to adjust the Canada Community-Building Fund as required based on total project costs to be updated on the award of the tender and to report back on the final costs and financing for this project; and
- C) That the Commissioner of Finance be authorized to execute any required documents.

CARRIED

- D) Interim Suspension of Service Line Warranties of Canada Inc. Program (2022-COW-27)
-

This matter was dealt with earlier in the meeting. See pages 4 of 11 of these minutes.

8. Confidential Matters

There were no confidential matters to be considered.

9. Other Business

There was no other business to be considered.

10. Adjournment

Moved by Councillor Chapman, Seconded by Councillor Barton,
(61) That the meeting be adjourned.

CARRIED

The meeting adjourned at 12:55 PM

Respectfully submitted,

John Henry, Regional Chair

Committee Clerk