



## Official Notice

### Meeting of Regional Council

Lower Level Boardroom (LL-C)  
Regional Headquarters Building  
605 Rossland Road East, Whitby

**Wednesday, September 28, 2022**

**9:30 AM**

Please note: This meeting will be held in a hybrid meeting format with electronic and in-person participation. It is encouraged that members of the public [view the Committee meeting](#) via live streaming, instead of attending the meeting in-person. If in-person attendance is required, arrangements must be made by emailing [clerks@durham.ca](mailto:clerks@durham.ca) prior to the meeting date.

**1. Traditional Territory Acknowledgement**

**2. Roll Call**

**3. Declarations of Interest**

**4. Adoption of Minutes**

- |     |   |                      |
|-----|---|----------------------|
| 4.1 | Regional Council meeting – June 29, 2022                      | Pages 6 - 47         |
| 4.2 | Committee of the Whole meeting – September 14, 2022           | Pages 48 - 60        |
| 4.3 | Closed Committee of the Whole meeting –<br>September 14, 2022 | Under Separate Cover |

**5. Presentations**

- 5.1 Bobbie Drew, Chair, Durham Regional Police Services Board and Todd Rollauer, Chief, Durham Regional Police Services, re: Quarterly Update to Regional Council

## 6. Delegations

- 6.1 Robert Horgan, Durham Resident, re: Lack of Regional and Community Supports for Men being Abused and their Children and Homelessness
- 6.2 Imtiaz Mohammed, Ajax Resident, re: Interim Suspension of Service Line Warranties of Canada Inc. Program (2022-COW-27) [Item #3 of Report #7 of the Committee of the Whole]

## 7. Reports related to Delegations/Presentations

- 7.1 Item #3 of Report #7 of the Committee of the Whole, re: Interim Suspension of Service Line Warranties of Canada Inc. Program (2022-COW-27) (See Pages 109 and 110 of Agenda)

## 8. Communications

- CC 108 Information Report #2022-INFO-55 from the Chief Administrative Officer, re: Assessing the Feasibility of a Potential Future District Energy System Page 61
- CC 109 Correspondence from the Municipality of Clarington, re: Resolution passed at their Council meeting held on June 20, 2022, regarding Community Warning Program similar to Amber Alert Page 61
- CC 110 Correspondence from the City of Oshawa, re: Resolution passed at their Council meeting held on June 20, 2022, requesting the Provincial Government for a Community Warning Program for Persons of Special Needs or Circumstances Page 61
- CC 111 Correspondence from the Town of Ajax, re: Resolution passed at their Council meeting held on June 20, 2022, regarding an Emergency Alert for Vulnerable Persons Who Go Missing Page 61
- CC 112 Information Report #2022-INFO-68 from the Commissioner of Finance, re: 2021 Annual Investment Report Pages 61-62
- CC 113 Correspondence from Debbie Leroux, Director of Legislative Services/Clerk, Township of Uxbridge, re: Oland Holdings (Uxbridge) Inc. Zoning By-law Amendment Application – 102 Prouse Road, Part Lots 16 & 17, Concession 1, Township of Uxbridge Page 62
- CC 114 Memorandum from Alexander Harras, Regional Clerk/Director of Legislative Services, Corporate Services – Legislative Services re: requesting Regional Council to repeal By-law 49-2017 Page 62

- CC 115 Correspondence from Marlene Boetto, Whitby resident, re: consideration of the Water and Sewer Line repairs and charges by the Region of Durham Page 62
- CC 116 Correspondence from Don White, Whitby resident, re: SLWC Insurance Inc. and the issues related to the Water and Sewer Lines which were previously controlled by The Region of Durham Page 63
- CC 117 Memorandum from Alexander McPherson, Solicitor, Corporate Services - Legal Services, dated September 20, 2022 re: Expropriation of Lands Required for Regional Road 3 Rehabilitation Project Page 63

**9. Committee Reports and any related Notice of Motions**

- 9.1 Planning and Economic Development Committee Page 104
- 9.2 Works Committee Pages 105 - 108
- 9.3 Committee of the Whole Pages 109 - 110

**10. Notice of Motions**

There are no notices of motions

**11. Unfinished Business**

There is no unfinished business

**12. Other Business**

There is no other business

**13. Announcements**

**14. By-laws**

- 46-2022 Being a by-law to Repeal By-law 49-2017  
This by-law implements the recommendations contained in CC #114 of the Memorandum presented to Regional Council on September 28, 2022
- 47-2022 Being a by-law to adopt Amendment #189 to the Durham Regional Official Plan

This by-law implements the recommendations contained in Item #1 of the 7<sup>th</sup> Report of the Planning & Economic Development Committee presented to Regional Council on September 28, 2022

- 48-2022      Being a by-law to stop up, close as a public highway, subject to any easements required by any utility, that portion of Stellar Drive (Regional Road 25) located in Part of Lot 20, Concession 1, designated as Part 15, Plan 40R-20137 and Part 2, Plan 40R-25848, in the Town of Whitby (the "Lands")

This by-law implements the recommendations contained in Item #7 of the 7<sup>th</sup> Report of the Works Committee presented to Regional Council on June 3, 2009

- 49-2022      Being a by-law to appoint the firm of Deloitte LLP as the Municipal Auditor for the 2021 to 2022 fiscal years inclusive

This by-law implements the recommendations contained in Item #8 of the 6<sup>th</sup> Report of the Finance & Administration Committee presented to Regional Council on June 23, 2021

- 50-2022      Being a by-law to expropriate all estate, right, title and interest in Part of Lots 33 and 34, Concession 7, designated as Part 3 and 5, 6 subject to DN19324, and 7 on Reference Plan 40R-31092, Darlington; in the Municipality of Clarington, in the Regional Municipality of Durham.

This by-law implements the recommendations contained in CC #117 of the Memorandum presented to Regional Council on September 28, 2022

## **15. Confirming By-law**

- 51-2022      Being a by-law to confirm the proceedings of Regional Council at their meeting held on September 28<sup>th</sup>, 2022

## **16. Adjournment**

Notice regarding collection, use and disclosure of personal information:

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.

**The Regional Municipality of Durham**

**MINUTES**

**REGIONAL COUNCIL**

**Wednesday, June 29, 2022**

The Council of The Regional Municipality of Durham met in the Council Chambers, 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. Traditional Territory Acknowledgment**

Regional Chair Henry read the following land acknowledgement:

We are currently located on land which has long served as a site of meeting and exchange among the Mississaugas Peoples and is the traditional and treaty territory of the Mississaugas of Scugog Island First Nation. We honour, recognize and respect this nation and Indigenous Peoples as the traditional stewards of the lands and waters on which we meet today.

**2. Roll Call**

A roll call was taken by the Regional Clerk and the following members were present:

Councillor Anderson

Councillor Ashe

Councillor Barton\*

Councillor Carter \*

Councillor Chapman\*

Councillor Collier

Councillor Crawford

Councillor Dies\*

Councillor Drew

Councillor Foster\*

Councillor Grant, left the meeting at 10:45 AM on municipal business and attended the meeting at 11:55 AM

Councillor Highet

Councillor Kerr

Councillor Leahy

Councillor Marimpietri\*

Councillor McLean

Councillor Mitchell

Councillor Mulcahy

Councillor John Neal  
Councillor Joe Neal  
Councillor Nicholson  
Councillor Pickles  
Councillor Roy  
Councillor Ryan  
Councillor Smith\*  
Councillor Tyler-Morin  
Councillor Wotten

Councillor Yamada, left the meeting at 12:38 PM on municipal business  
Regional Chair Henry\*

**\* indicates members who participated in-person, all other members participated electronically**

All members of Council were present with the exception of Councillor Ryan.  
Councillor Ryan joined the meeting later.

Councillor Tyler-Morin appeared on behalf of Councillor Lee as the alternate for the Town of Ajax.

### **3. Declarations of Interest**

Councillor Marimpietri made a declaration of interest under the Municipal Conflict of Interest Act with respect to Item #9 of the 6<sup>th</sup> Report of the Committee of the Whole, Report #2022-COW-22: Negotiated Request for Proposal Results for the Design, Build Operate and Maintain Contract for a Mixed Waste Pre-sort and Anaerobic Digestion Facility. He indicated that he has family members who own property and reside in an area affected by a similar facility.

Councillor Joe Neal made a declaration of interest under the Municipal Conflict of Interest Act with respect to Item #7 of the 6<sup>th</sup> Report of the Finance & Administration Committee, Report #2022-A-19: Appointment of an Integrity Commissioner for the Region of Durham. He indicated that there is a matter in court with the current Integrity Commissioner.

Councillor John Neal made a declaration of interest later in the meeting under the Municipal Conflict of Interest Act with respect to Item #7 of the 6<sup>th</sup> Report of the Finance & Administration Committee, Report #2022-A-19: Appointment of an Integrity Commissioner for the Region of Durham. He indicated that Councillor Joe Neal may be acting as legal counsel on a matter that could be before the Integrity Commissioner.

E. Baxter-Trahair, Chief Administrative Officer, announced that John Presta has been named as the new Commissioner of Works. E. Baxter-Trahair advised that J. Presta has had a career of over 18 years with the Region, is committed to lifelong learning, and has engaged in several courses and certificate programs over the years that demonstrate an approach to supporting a culture of

continuous improvement and innovative thinking, including completing a Master of Public Administration at Western while working. Most recently, John completed certificates in Indigenous Awareness through the Indigenous Relations Academy, and Diversity, Equity, and Inclusion in the Workplace through the University of South Florida.

#### **4. Adoption of Minutes**

Moved by Councillor Barton, Seconded by Councillor Carter,  
(113) That the minutes of the Regular Regional Council meeting held on May 25, 2022 be adopted.

CARRIED

Moved by Councillor Foster, Seconded by Councillor Marimpietri,  
(114) That the minutes of the Regular Committee of the Whole meeting held on June 22, 2022 be adopted.

CARRIED

#### **5. Presentations**

##### **5.1 Joe Maiorano, Deputy Chief, Durham Regional Police Services, re: Quarterly Update to Regional Council**

---

Councillor Drew, Chair of the Durham Regional Police Services Board (DRPSB), provided introductory remarks and outlined priorities for the Board from a governance perspective including the Chief of Police selection process, and the next Strategic Plan.

Deputy Chief Maiorano, Durham Regional Police Services (DRPS) appeared before Council to provide an operational update on the DRPS. A copy of the presentation was provided to members prior to the meeting. Highlights of the presentation included:

- Calls for Service
- Median Response Time – Year to Date (in Minutes)
- Violent Crime – Year to Date (May 31)
- Homicides
- 2023 Base Increase – Funding that supports current programs and activities
- Gun Crime
- Mental Health
- Property Crime
- Roadway Safety

Deputy Chief Maiorano and Stan McLellan, Chief Administrative Officer responded to questions from members of Council.



Moved by Councillor Foster, Seconded by Councillor Smith,  
(115) That Council recess for 15 minutes.  
CARRIED

Council recessed at 10:54 AM and reconvened at 11:10 AM.

The Regional Clerk conducted a roll call following the recess and all members of Council were present with the exception of Councillor Grant who was absent on municipal business.

5.2 Kiersten Allore-Engel, Manager of Community Safety and Well-being, Diversity, Equity, and Inclusion, re: Greater Toronto and Hamilton Area (GTHA) Community Safety and Well-being Symposium Summary

Kiersten Allore-Engel, Manager of Community Safety and Well-being, Diversity, Equity and Inclusion appeared with respect to the Greater Toronto and Hamilton Area (GTHA) Community Safety and Well-being Symposium. A copy of the presentation was provided to members prior to the meeting. Highlights of the presentation included:

- Community Safety and Well-Being (CSWB)
- An Illustration of Durham's Approach to Plan development
- Community Safety and Well-Being Plan
- Online Information Hub
- Background: GTHA CSWB Symposium
- Purpose: GTHA CSWB Symposium
- Agenda: GTHA CSWB Symposium
- Attendance: GTHA CSWB Symposium
- Action Items: GTHA CSWB Symposium
- Conclusion: GTHA CSWB Symposium

K. Allore-Engel responded to questions from members of Council.

Chair Henry congratulated K. Allore-Engel on being selected as the recipient of the 2022 Emerging Leader Award by the York University School of Public Policy and Administration Awards Committee.

5.3 Sarah Hickman, Policy Advisor, Local Immigration Partnership, Diversity, Equity and Inclusion, re: Durham Ukrainian Humanitarian Response

E. Baxter-Trahair, thanked Kiersten Allore-Engel and Sarah Hickman for their hard work in the Local Immigration Partnership, Diversity, Equity and Inclusion portfolio and noted that Report #2022-A-22 with respect to the Durham Ukrainian Humanitarian Response will be considered later in the agenda.

Sarah Hickman, Policy Advisor, Local Immigration Partnership, Diversity, Equity and Inclusion, appeared with respect to the Durham Ukrainian Humanitarian Response. A copy of the presentation was provided to members prior to the meeting. Highlights of the presentation included:

- Background
- Request to Regional Council
- Region of Durham Response
  - GTHA Coordination
  - Region of Durham Social Services – Temporary Emergency Accommodation
  - Community Coordination and Support

S. Hickman responded to questions from members of Council.

## **6. Delegations**

There were no delegations.

## **7. Reports related to Delegations/Presentations**

There are no reports related to Delegations/Presentations.

## **8. Communications**

CC 105 Correspondence from the Durham Region Anti-Racism Taskforce, re: War in Ukraine and the Government of Canada's Response to Welcome Ukrainian Citizens

---

Moved by Councillor Marimpietri, Seconded by Councillor Tyler-Morin,  
(116) That Council Correspondence CC 105 from the Durham Region Anti-Racism Taskforce regarding War in Ukraine and the Government of Canada's Response to Welcome Ukrainian Citizens, be endorsed.

CARRIED

CC 106 Correspondence from the Regional Clerk, re: Cancellation of October 2022 Council and Standing Committee Meetings

---

Moved by Councillor Chapman, Seconded by Councillor Barton,  
(117) That the October 2022 Standing Committee, Committee of the Whole and Regional Council Meetings be cancelled.

CARRIED

CC 107 Correspondence from Bobbie Drew, Board Chair, Durham Regional Police Services Board, re: DRPS 2021 Annual Report

---

Moved by Councillor Barton, Seconded by Councillor Smith,

- (118) That Council Correspondence CC 107 from Bobbie Drew, Board Chair, Durham Regional Police Services Board regarding DRPS 2021 Annual Report be received for information.

CARRIED

CC 108 Correspondence from Ben Drory, ADRO Investigator, ADR Chambers Ombuds Office, re: ADRO Investigation Report regarding a Complaint about the Region of Durham's Financial Planning & Purchasing Department respecting a Request for Proposal

---

Moved by Councillor Foster, Seconded by Councillor Barton,

- (119) That Council Correspondence CC 108 from Ben Drory, ADRO Investigator, ADR Chambers Ombuds Office, re: ADRO Investigation Report regarding a Complaint about the Region of Durham's Financial Planning & Purchasing Department respecting a Request for Proposal, be received for information.

CARRIED

## **9. Committee Reports and any related Notice of Motions**

### **9.1 Report of the Finance and Administration Committee**

1. Motion Regarding the Lake Scugog Enhancement Project (LSEP)  
[CARRIED ON A RECORDED VOTE]

That whereas a delegation consisting of representatives from the Township of Scugog, Kawartha Conservation Authority, and the Scugog Lake Stewards presented a request for \$2 million in support of the Lake Scugog Enhancement Project (LSEP) to the Finance and Administration Committee on January 14, 2020;

And whereas the objective of the LSEP is to significantly reduce the ecological decline of Lake Scugog by removing 15 acres of aquatic vegetation, establishing appropriate navigation depths in the Port Perry Harbour, creating a four-acre wetland to filter critical outlet stormwater and create native plant and wildlife habitat, and construct additional oil and grit separators, along with a 245-foot berm, complete with walking trail and fishing pods;

And whereas the LSEP has raised approximately \$3.59 million in financial support from the community and senior government programs toward the approximately \$5.48 million capital cost of the project, leaving an approximately \$1.89 million funding shortfall;

And whereas additional fundraising events, such as the Scugog Mayor's Gala and the upcoming launch of a community fundraising campaign, are planned to help close the funding gap;

And whereas the LSEP has received letters of support from the Mississaugas of Scugog Island First Nation and community organizations such as the Scugog Chamber of Commerce, Ontario Tech University, Ducks Unlimited Canada, and Ontario Streams, Port Perry BIA;

And whereas the environmental benefits associated with the LSEP align with the Region's strategic plan environmental sustainability objective to protect the environment for the future by demonstrating leadership in sustainability and addressing climate change;

Now therefore be it resolved that the Finance and Administration Committee recommends to Regional Council:

- A) That a contribution of \$1.2 million toward the LSEP be approved, with funding from any available 2021 surplus or any other reserve at the discretion of the Commissioner of Finance, under the condition that the project raises sufficient additional funding from other sources; and
  - B) That authorization be granted to the Regional Chief Administrative Officer to enter into a funding agreement with payments over a three-year time frame with milestones satisfactory to the Regional Commissioner of Finance and appropriate recognition of Regional financial support.
2. Correspondence from the Town of Ajax re: Resolution passed at their Council meeting held on February 28, 2022, in support of Bill C-229, the Banning Symbols of Hate Act  
[CARRIED]
- That the correspondence from the Town of Ajax, re: Resolution passed at their Council meeting held on February 28, 2022, in support of Bill C-229, the Banning Symbols of Hate Act, be endorsed.
3. Correspondence from the Town of Ajax re: Resolution passed at their Council meeting held on February 28, 2022, in support of the NCCM Anti-Islamophobia Municipal Recommendations  
[CARRIED]
- That the correspondence from the Town of Ajax, re: Resolution passed at their Council meeting held on February 28, 2022, in support of the NCCM Anti-Islamophobia Municipal Recommendations, be endorsed.
4. Durham Region's Membership in the Coalition of Inclusive Municipalities (2022-A-16)  
[CARRIED]

- A) That Durham Region become a member of the Canadian Commission for the United Nations Educational, Scientific and Cultural Organization (CCUNESCO)'s Coalition of Inclusive Municipalities;
  - B) That the Declaration to Join the Coalition of Inclusive Municipalities, included as Attachment #1 to Report #2022-A-16 of the Chief Administrative Officer be approved and signed by Regional Chair John Henry at a signing ceremony; and
  - C) That in accordance with CCUNESCO's requirements, the Regional Chair be selected as the "elected official focal point" and the Director of the Diversity, Equity and Inclusion Division be selected as the "municipal staff focal point", both to act as reconciliation, diversity, equity, and inclusion advocates.
5. Council Remuneration By-law (2022-A-17)  
[CARRIED ON A RECORDED VOTE]
- That By-law 08-2004, as amended, be repealed, and replaced with a new by-law to provide for the annual remuneration and benefits for Regional Council generally in the form attached to Report #2022-A-17 of the Commissioner of Corporate Services.
6. Community Member Appointment to the Durham Regional Police Services Board (2022-A-18)  
[CARRIED]
- A) That the proposed Durham Regional Police Services Board Community Member Appointment Recruitment and Selection Policy included as Attachment #1 to Report #2022-A-18 of the Commissioner of Corporate Services, be approved; and
  - B) That the term of appointment for the current community member on the Durham Regional Police Services Board be extended to no later than the date that a new community member is appointed by Regional Council.
7. Appointment of an Integrity Commissioner for the Region of Durham (2022-A-19)  
[CARRIED ON A RECORDED VOTE]
- A) That By-law 11-2019 be repealed and replaced with a By-law generally in the form included as Attachment #1 to Report #2022-A-19 of the Commissioner of Corporate Services to confirm the appointment of Principles Integrity as the provider of Integrity Commissioner services for the Regional Municipality of Durham; and

- B) The initial term of contract for the Integrity Commissioner shall be for the 2022-2026 term of Regional Council with the option to renew for an additional Council term.

8. Municipal Ombudsman (2022-A-20)  
[CARRIED]

---

- A) That By-law 32-2016 appointing an Ombudsman for The Regional Municipality of Durham, be repealed, effective November 14, 2022; and
- B) That the Region utilize the services of the Provincial Ombudsman once the current contract for Ombudsman Services has expired as of November 14, 2022.

9. Transfer of Part III and IX Prosecutions from the Province of Ontario, Ministry of the Attorney General (MAG) to the Regional Municipality of Durham (2022-A-21)  
[CARRIED]

---

- A) That staff be authorized to negotiate the timing with the Province of Ontario, Ministry of the Attorney General (MAG) for the transfer of responsibility for prosecutions of Part III and Part IX charges to the Regional Municipality of Durham (the Region).
- B) That the full-time staffing complement of the Corporate Services Department – Legal Services, POA Prosecution division be increased by the addition of three (3) Prosecutors and two (2) Prosecution Assistants, at an estimated cost of \$201,500 for 2022 (annualized - \$602,600), commencing September 2022 plus initial one-time set-up costs of approximately \$20,350, to be financed from savings within the Corporate Services – Legal Services 2022 Business Plans and Budgets.
- C) That the Regional Chair and the Regional Clerk be authorized to execute the Interim Transfer Agreement in substantially the form attached as Attachment #1 to Report #2022-A-21 of the Commissioner of Corporate Services and any final Transfer Agreement; and
- D) That the Regional Solicitor be authorized to execute any accompanying Memoranda of Understanding, any required Local Side Agreement(s), or amendments thereto, and any other documentation required to implement the transfer of the prosecution of Part III and Part IX charges from MAG to the Region.

10. Final Recommendations Regarding the New Regional Transit Development Charge Bylaw (2022-F-15)  
[CARRIED]

- A) That pursuant to Section 10(1) of the Development Charges Act, 1997, the Regional Transit Development Charges Background Study dated April 12, 2022 be adopted;
- B) That the adoption of the underlying capital forecast included in the Regional Transit Development Charge Background Study provide indication of Regional Council's intention to ensure that such an increase in need for services will be met as required under paragraph 3 of Section 5(1) of the Development Charges Act, 1997 and Section 3 of Ontario Regulation 82/98;
- C) That the Regional Transit Residential Development Charge by unit type, as indicated in the following table, be imposed on a uniform Region-wide basis, effective July 1, 2022 as follows:

**Recommended Regional Transit Residential Development Charge  
Rates Per Dwelling Unit**

**Effective July 1, 2022**

<b>Service Category</b>	<b>Single / Semi-Detached (\$)</b>	<b>Medium Density Multiple (\$)</b>	<b>Apartments: 2 Bedrooms and Larger (\$)</b>	<b>Apartments: 1 Bedroom and Smaller (\$)</b>
<b>Regional Transit</b>	<b>2,184</b>	<b>1,720</b>	<b>1,221</b>	<b>750</b>

- D) That the Regional Transit Non-Residential Development Charge of \$0.99 per square foot for commercial, industrial, and institutional development, be imposed on a uniform Region-wide basis effective July 1, 2022;
- E) That the Development Charge policies for Regional Transit Development Charges, as contained in the proposed By-law provided in Attachment #1 to Report #2022-F-15 of the Commissioner of Finance, be approved for implementation on July 1, 2022;
- F) That the Local Services Policy for Transit Services, as provided in Attachment #2 to Report #2022-F-15 of the Commissioner of Finance, be adopted effective July 1, 2022;

- G) That, pursuant to Section 12(3) of the Development Charges Act, 1997 that requires Regional Council to determine whether a further public meeting is necessary when changes are made to a proposed development charges by-law following a public meeting, Regional Council resolve that a further public meeting is not necessary as no changes have been made to the Region's proposed development charges by-law following the public meeting on April 27, 2022;
  - H) That the Regional Solicitor be instructed to prepare the requisite Regional Transit Development Charge By-law for presentation to Regional Council and passage;
  - I) That the Regional Solicitor be instructed to revise future development agreements and any by-law(s) relating thereto to reflect any changes required to implement the foregoing recommendations and that any such revised by-law(s) be presented to Council for passage;
  - J) That the Treasurer be instructed to prepare the requisite Regional Development Charges pamphlet and related materials pursuant to the Development Charges Act, 1997; and
  - K) That the Regional Clerk be instructed to follow the notification provisions pursuant to the Development Charges Act, 1997.
11. E-Mission Zero – DRT Fleet Electrification Plan (2022-F-16)  
[CARRIED]
- That Durham Region Transit's Fleet Electrification Plan be received for information and referred to Durham Region Transit's long-term servicing and financing strategy to be presented to Committee and Council in advance of the 2023 Business Plans and Budget.
12. The Issuance of Debentures on Behalf of the City of Pickering, the City of Oshawa, the Municipality of Clarington and The Regional Municipality of Durham (2022-F-17)  
[CARRIED]
- A) That the Commissioner of Finance be authorized to issue external debentures, in a total principal amount not to exceed \$57,875,000 on behalf of the City of Pickering, the Municipality of Clarington and The Regional Municipality of Durham ("Region") over various terms, as set out below, with such terms not to exceed 20 years and at an average net yield not to exceed 5.00 per cent relating to the financing requirements as indicated below:



	<u>Amount</u> (Not to Exceed)	<u>Term</u> (Not to Exceed)
<b>City of Pickering</b>		
Chestnut Hill Developments Recreation Complex Generator Replacement	\$1,200,000	10 Years
Purchase of Land for the Construction of 401 Overpass	\$4,373,000	20 Years
Subtotal City of Pickering	<u>\$5,573,000</u>	
<b>Municipality of Clarington</b>		
Newcastle and Orono Arena Improvements	\$6,402,000	10 Years
South Bowmanville Recreation Centre	\$20,000,000	20 Years
Subtotal Municipality of Clarington	<u>\$26,402,000</u>	
<b>Region</b>		
Courtice Trunk Sanitary Sewer	\$25,900,000	15 Years
Subtotal Region	<u>\$25,900,000</u>	
<b>TOTAL EXTERNAL DEBENTURE REQUIREMENTS</b>	<u><b>\$57,875,000</b></u>	

- B) That authorization be given to issue an internal debenture for and on behalf of the City of Oshawa in an amount of \$700,000 on the basis that the City of Oshawa will purchase the Oshawa Debenture using reserve funds of the City of Oshawa as requested by the City;
  - C) That the Commissioner of Finance be authorized to amend the proposed terms and conditions of the external debenture issue as deemed necessary by the Fiscal Agents in order to successfully market the issue to prospective investors on the basis that the Region may purchase all or part of the debentures; and
  - D) That the Region be authorized to issue the external debentures through CDS Clearing and Depository Services Inc.'s "Book Entry Only" system.
13. Additional Community Investment Grant Funding for Grandview Children's Centre (2022-F-18)  
[CARRIED]
- A) That additional Community Investment Grant funding of \$1.5 million be approved for Grandview Children's Centre, increasing the Region's total Community Investment Grant funding from the previously approved \$5.035 million to \$6.535 million, to account for the significant cost escalations associated with the capital construction of the new Children's Treatment Centre; and
  - B) That additional Community Investment Grant Funding for the two hospices currently approved under the program be authorized at the discretion of the Commissioner of Finance to account for significant

cost escalations associated with the capital construction in accordance with the rules and accountability measures of the program; and

- C) That the Regional Chair and Regional Clerk be authorized to execute the funding agreements.

Moved by Councillor Foster, Seconded by Councillor Collier,

- (120) That the recommendations contained in Items 2 to 4 and 8 to 13 of Report #6 of the Finance and Administration Committee be adopted.

CARRIED

Moved by Councillor Foster, Seconded by Councillor Collier,

- (121) That the recommendations contained in Item 1 of Report #6 of the Finance and Administration Committee be adopted.

CARRIED ON THE FOLLOWING  
RECORDED VOTE:

Yes

Councillor Anderson  
Councillor Ashe  
Councillor Barton  
Councillor Carter  
Councillor Chapman  
Councillor Collier  
Councillor Crawford  
Councillor Dies  
Councillor Drew  
Councillor Foster  
Councillor Grant  
Councillor Highet  
Councillor Kerr  
Councillor Leahy  
Councillor Marimpietri  
Councillor McLean  
Councillor Mitchell  
Councillor Mulcahy  
Councillor John Neal  
Councillor Nicholson  
Councillor Pickles  
Councillor Roy  
Councillor Ryan  
Councillor Smith  
Councillor Tyler-Morin  
Councillor Wotten  
Councillor Yamada  
Regional Chair Henry

No

Councillor Joe Neal

Members Absent: None

Declarations of Interest: None

Moved by Councillor Foster, Seconded by Councillor Collier,  
(122) That the recommendations contained in Item 5 of Report #6 of the  
Finance and Administration Committee be adopted.

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

Moved by Councillor Joe Neal, Seconded by Councillor John Neal,  
(123) That the main motion (122) of Councillors Foster and Collier to  
adopt the recommendations contained in Item 5 of Report #6 of  
the Finance and Administration Committee be amended by  
changing the dates in Paragraphs 1 and 4 of the Proposed By-law  
from March 31, 2022 to March 31, 2023.

MOTION DEFEATED ON THE FOLLOWING  
RECORDED VOTE:

Yes

Councillor Anderson  
Councillor John Neal  
Councillor Joe Neal  
Councillor Wotten  
Regional Chair Henry

No

Councillor Ashe  
Councillor Barton  
Councillor Carter  
Councillor Chapman  
Councillor Crawford  
Councillor Dies  
Councillor Drew  
Councillor Foster  
Councillor Grant  
Councillor Highet  
Councillor Kerr  
Councillor Leahy  
Councillor Marimpietri  
Councillor McLean  
Councillor Mitchell  
Councillor Mulcahy  
Councillor Nicholson  
Councillor Pickles  
Councillor Roy  
Councillor Ryan  
Councillor Smith  
Councillor Tyler-Morin  
Councillor Yamada

Members Absent: Councillor Collier

Declarations of Interest: None

The main motion (122) of Councillors Foster and Collier to adopt the recommendations contained in Item #5 of Report #6 of the Finance and Administration Committee was then put to a vote and CARRIED ON THE FOLLOWING RECORDED VOTE:

Yes

Councillor Anderson  
Councillor Ashe  
Councillor Barton  
Councillor Carter  
Councillor Chapman  
Councillor Collier  
Councillor Crawford  
Councillor Dies  
Councillor Drew  
Councillor Foster  
Councillor Grant  
Councillor Highet  
Councillor Kerr  
Councillor Leahy  
Councillor Marimpietri  
Councillor McLean  
Councillor Mitchell  
Councillor Mulcahy  
Councillor Nicholson  
Councillor Pickles  
Councillor Roy  
Councillor Ryan  
Councillor Smith  
Councillor Tyler-Morin  
Councillor Yamada  
Regional Chair Henry

No

Councillor John Neal  
Councillor Joe Neal  
Councillor Wotten

Members Absent: None

Declarations of Interest: None

Moved by Councillor Foster, Seconded by Councillor Collier,  
(124) That the recommendations contained in Item 6 of Report #6 of the Finance and Administration Committee be adopted.

CARRIED  
LATER IN THE MEETING  
(See Following Motion)

Moved by Councillor Joe Neal, Seconded by Councillor John Neal,  
(125) That the main motion (124) of Councillors Foster and Collier to adopt the recommendations contained in Item 6 of Report #6 of the Finance and Administration Committee be amended by adding a new Section 5.2 to the Policy as follows:

“5.2 A community member is eligible for appointment to a maximum of two consecutive terms of Regional Council, up to a maximum of 8 years.”

MOTION DEFEATED ON THE FOLLOWING  
RECORDED VOTE:

Yes

Councillor Anderson  
Councillor Collier  
Councillor Crawford  
Councillor John Neal  
Councillor Joe Neal  
Councillor Tyler-Morin

No

Councillor Ashe  
Councillor Barton  
Councillor Carter  
Councillor Chapman  
Councillor Dies  
Councillor Drew  
Councillor Foster  
Councillor Grant  
Councillor Highet  
Councillor Kerr  
Councillor Leahy  
Councillor Marimpietri  
Councillor McLean  
Councillor Mitchell  
Councillor Mulcahy  
Councillor Nicholson  
Councillor Pickles  
Councillor Roy  
Councillor Ryan  
Councillor Smith  
Councillor Wotten  
Councillor Yamada  
Regional Chair Henry

Members Absent: None

Declarations of Interest: None

The main motion (124) of Councillors Foster and Collier to adopt the recommendations contained in Item #6 of Report #6 of the Finance and Administration Committee was then put to a vote and CARRIED.

At this point in the meeting, Councillor John Neal made a declaration of interest under the Municipal Conflict of Interest Act with respect to Item #7 of the 6<sup>th</sup> Report of the Finance & Administration Committee, Report #2022-A-19: Appointment of an Integrity Commissioner for the Region of Durham and indicated that Councillor Joe Neal may be acting as legal counsel on a matter that could be before the Integrity Commissioner.

Moved by Councillor Foster, Seconded by Councillor Collier,  
(126) That the recommendations contained in Item 7 of Report #6 of the Finance and Administration Committee be adopted.

CARRIED ON THE FOLLOWING  
RECORDED VOTE:

<u>Yes</u>	<u>No</u>
Councillor Anderson	None
Councillor Ashe	
Councillor Barton	
Councillor Carter	
Councillor Chapman	
Councillor Collier	
Councillor Crawford	
Councillor Dies	
Councillor Drew	
Councillor Foster	
Councillor Grant	
Councillor Highet	
Councillor Kerr	
Councillor Leahy	
Councillor Marimpietri	
Councillor McLean	
Councillor Mitchell	
Councillor Mulcahy	
Councillor Nicholson	
Councillor Pickles	
Councillor Roy	
Councillor Ryan	
Councillor Smith	
Councillor Tyler-Morin	
Councillor Wotten	
Councillor Yamada	
Regional Chair Henry	

Members Absent: None

Declarations of Interest: Councillor John Neal  
Councillor Joe Neal

## 9.2 Report of the Health and Social Services Committee

### 1. Canada-Wide Early Learning and Child Care System (2022-SS-6) [CARRIED]

- A) That unbudgeted provincial funding from the Ministry of Education in the amount of \$41,476,794 for the period to December 31, 2022, be expended in accordance with the Canada-wide Early Learning and Child Care (CWELCC) system guidelines and as outlined in Section 5 of Report #2022-SS-6 of the Commissioner of Social Services;
- B) That approval be granted to increase the Children's Services Division Staffing complement by six (6) new full-time positions effective July 1, 2022 and increase part time staffing costs to account for the additional program administration of the CWELCC program;
- C) That the proposed new positions in 2022 be funded entirely from the additional Provincial base funding allocation as follows:
  - i) One (1) Policy Advisor at an estimated 2022 cost of \$77,925 (annualized cost of \$155,026);
  - ii) One (1) Program Manager at an estimated 2022 cost of \$71,167 (annualized cost of \$141,690);
  - iii) One (1) Quality Assurance Advisor at an estimated 2022 cost of \$65,036 (annualized cost of \$129,589);
  - iv) One (1) Financial Analyst 2 at an estimated 2022 cost of \$54,826 (annualized cost of \$109,427);
  - v) One (1) Senior Accounting Clerk at an estimated 2022 cost of \$46,703 (annualized cost of \$93,196);
  - vi) One (1) Program Assistant at an estimated 2022 cost of \$46,703 (annualized cost of \$93,196);
  - vii) Increase in temporary hours of \$490,792 to assist with program implementation;
- D) That authorization to execute agreements related to Purchase of Service with Licensees for 2022 and future years, be delegated to the Director of Children's Services and the Director of Business Affairs and Financial Management; and

- E) That staff be authorized to adjust the 2022 and 2023 Regionally Operated Early Learning and Child Care fees in accordance with CWELCC guidelines.
2. Unbudgeted Funding from the Federal and Provincial Governments to Increase Homelessness Supports for Region of Durham Residents (2022-SS-8)  
[CARRIED]
- A) That the 2022 portion of unbudgeted Federal funding from Employment and Social Development Canada in the amount of \$3,057,979 for the period of April 1, 2022 to December 31, 2022, be expended in accordance with the Reaching Home program guidelines;
  - B) That the 2022 portion of unbudgeted Provincial funding from the Ministry of Municipal Affairs and Housing in the amount of \$772,483 for the period of April 1, 2022, to December 31, 2022, be expended in accordance with the Homelessness Prevention Program guidelines;
  - C) That the 2022 portion of unbudgeted Provincial funding from the Ministry of Municipal Affairs and Housing in the amount of \$2,769,200 for the period of April 1, 2022, to December 31, 2022, be expended in accordance with the Social Services Relief Phase 5 guidelines;
  - D) That the Commissioner of Social Services be authorized to enter into all necessary agreements related to the Reaching Home and Homelessness Prevention Programs; and
  - E) That the Commissioner of Social Services and Commissioner of Finance be authorized to enter into all necessary agreements related to the Social Services Relief Phase 5 Program.

Moved by Councillor Chapman, Seconded by Councillor Pickles,  
(127) That the recommendations contained in Items 1 and 2 inclusive of Report #4 of the Health and Social Services Committee be adopted.  
CARRIED

### **9.3 Report of the Planning and Economic Development Committee**

1. Correspondence from Richard Wannop, Resident of Stouffville, re: Reconsideration of Land Conversion Request CNR-17, Township of Scugog Employment Conversion Request  
[CARRIED]

That the correspondence from Richard Wannop, Resident of Stouffville, regarding reconsideration of land conversion request CNR-17, Township of Scugog, be received for information.



2. Application to Amend the Durham Regional Official Plan, submitted by Clark Consulting Services on behalf of Maltheb Farms 2000 Ltd., to permit the severance of a dwelling rendered surplus as a result of the consolidation of non-abutting farm parcels in the Township of Scugog, File: OPA 2021-008 (2022-P-14)

---

[CARRIED]
  - A) That Amendment #187 to the Durham Regional Official Plan, to permit the severance of a dwelling rendered surplus as a result of the consolidation of non-abutting farm parcels, be adopted as contained in Attachment #187, to Report #2022-P-14 of the Commissioner of Planning and Economic Development; and
  - B) That “Notice of Adoption” be sent to the applicant, the applicant’s agent, the Township of Scugog, the Ministry of Municipal Affairs and Housing, and all other persons or public bodies who requested notification of this decision.
3. Application to Amend the Durham Regional Official Plan, submitted by Werrcroft Farms Ltd., to permit the severance of a dwelling rendered surplus as a result of the consolidation of non-abutting farm parcels, in the Municipality of Clarington, File: OPA 2019-006 (2022-P-15)

---

[CARRIED]
  - A) That Amendment #188 to the Durham Regional Official Plan to permit the severance of a dwelling rendered surplus as a result of the consolidation of non-abutting farm parcels, be adopted as contained in Attachment #3 to Report #2022-P-15 of the Commissioner of Planning and Economic Development; and
  - B) That “Notice of Adoption” be sent to the applicant, the applicant’s agent, the Municipality of Clarington, the Ministry of Municipal Affairs and Housing, and all other persons or public bodies who requested notification of this decision.
4. Toronto Global Update and Membership Renewal Decision (2022-EDT-8)

---

[CARRIED]
  - A) That Durham Region advise Toronto Global that it does not accept the new terms proposed by Toronto Global for membership and corporate structure as proposed in Toronto Global’s “Draft Term Sheet” included as Attachment #1 to Report #2022-EDT-8 of the Commissioner of Planning and Economic Development;
  - B) That staff continue discussions with Toronto Global and other member municipalities in pursuit of more satisfactory terms for membership and

corporate structure and if successful, return to Committee and Council to recommend execution of a revised funding agreement; and

- C) That Report #2022-EDT-8 be sent to Toronto Global; the other funding member municipalities of Toronto Global; the Ontario Ministry of Economic Development, Job Creation, and Trade; the Federal Government; and Durham's area municipalities.

5. Growing Agri-Food Durham – A Five-Year Plan to Grow the Agri-Food Industry (2022-EDT-10)  
[CARRIED]
- 

That the Growing Agri-Food Durham Plan be endorsed.

- Moved by Councillor Ryan, Seconded by Councillor Joe Neal,  
(128) That the recommendations contained in Items 1 to 5 inclusive of Report #6 of the Planning and Economic Development Committee be adopted.  
CARRIED

#### 9.4 Report of the Works Committee

1. Petition for Construction of a Sanitary Sewer System on Meadow Street, in the City of Oshawa (2022-W-29)  
[CARRIED]
- 

That the construction of a sanitary sewer system on Meadow Street, from Avalon Street to Manor Drive, in the City of Oshawa, be considered in the proposed 2023 and 2025 Sanitary Sewerage System Business Plans and Budgets.

2. Sole Source of Engineering Services for the Rectification of Deficiencies at Port Darlington Water Pollution Control Plant, in the Municipality of Clarington (Bowmanville) (2022-W-30)  
[CARRIED ON A RECORDED VOTE]
- 

- A) That a sole source contract with CIMA+ for the provision of engineering services for the Port Darlington Water Pollution Control Plant Rectification of Deficiencies project in the amount of \$347,282\* be approved, with financing provided from within the 2022 Sanitary Sewage System Business Plans and Budgets (Project ID: D2216); and  
B) That the Commissioner of Finance be authorized to execute the professional services agreement and associated amendments.  
(\*before applicable taxes)

3. Sole Source Amendment to an Existing Contract for Additional Engineering Services for the Detailed Design of a Watermain on Liberty Street (Reg Rd 14) and Concession Road 3, in the Municipality of Clarington (2022-W-31)  
[CARRIED]
  - A) That a sole source amendment to the existing contract with Robinson Consultants Inc. be authorized for costs associated with additional engineering services for the Liberty Street (Regional Road 14) project, from Longworth Avenue to Concession Road 3 roundabout and rehabilitation, in the amount of \$275,190\*, not included in the approved contract upset limit of \$617,554\*, resulting in a revised upset limit not to exceed \$892,744\*; and
  - B) That the Commissioner of Finance be authorized to execute the amendment to the existing engineering services agreement.  
(\*before applicable taxes)
4. Approval to Award a Sole Source Agreement for Annual Preventative Maintenance on the Hydroxyl Generator Units installed at Various Locations throughout the Regional Wastewater Systems (2022-W-32)  
[CARRIED]
  - A) That staff be authorized to negotiate and award a sole source agreement with Purified Air Solutions at an upset limit of \$75,000\* per annum for a term of four years, to provide annual preventative maintenance of the hydroxyl generator units installed at various locations throughout the Regional wastewater systems, to be financed through the annual Sanitary Sewerage Business Plans and Budget; and
  - B) That the Commissioner of Finance be authorized to execute the necessary documents related to this sole source agreement.  
(\*before applicable taxes)
5. Subdivision Agreement with 2103386 Ontario Inc., Including Cost Sharing in Accordance with the Region Share Policy, for the Extension and Oversizing of a Sanitary Sewer in the Municipality of Clarington (2022-W-33)  
[CARRIED]
  - A) That the Regional Municipality of Durham be authorized to enter into a subdivision agreement with 2103386 Ontario Inc. for the construction of a 750 millimetre sanitary sewer, including cost sharing in accordance with the Regional Municipality of Durham's Regional Share Policy, located at the northwest quadrant of Regional Highway 2 and Ruddell Road in Newcastle, in the Municipality of Clarington, at an estimated total project cost of \$6,335,200; and

- B) That financing for the subdivision agreement be provided from the following sources:

**Developer's Cost – Sanitary Sewers and Watermain**

2103386 Ontario Inc. Sanitary Sewer Funding \$2,133,420

2103386 Ontario Inc. Watermain Funding \$2,340,980

**Total Developer Costs – Sanitary Sewers and Watermain \$4,474,400**

**Regional Costs - Sanitary Sewers**

Previously Approved - Sanitary Sewerage System Funding

Wilmot Creek Sanitary Sewer Ruddell Road to King Avenue, Newcastle  
(Project ID: D2007)

Residential Development Charges \$1,062,720

Commercial Development Charges \$66,240

User Revenues \$311,040

Total Previously Approved Funding \$1,440,000

2022 Sanitary Sewerage System Funding

Item 344 - Allowance for Regional Share for Works in Conjunction with  
Residential Subdivision Development (Project ID: M2210)

Residential Development Charges \$310,550

Commercial Development Charges \$19,358

User Revenues \$90,892

Total Additional Financing \$420,800

**Total Regional Costs – Sanitary Sewers \$1,860,800**

**Total Project Costs – Sanitary Sewers and Watermain \$6,335,200**

6. Approval of Unbudgeted Capital Work and Related Financing to Undertake the Geotechnical Investigations, Subsurface Utility Investigations and Detailed Design for the Watermain Replacement on Belton Court, in the

Town of Whitby, and Watermain Replacement on Mary Street, in the City of Oshawa (2022-W-34)

[CARRIED]

- A) That unbudgeted capital work in the amount of \$90,000\* for the geotechnical investigations, subsurface utility investigations and detailed design for the watermain replacement on Belton Court, in the Town of Whitby be approved;
- B) That financing for the unbudgeted capital work for the watermain replacement on Belton Court, in the Town of Whitby, be provided as follows:

2022 Water Supply Capital Budget

Item 3: Allowance for unknown requirements in conjunction with area municipality road programs in various locations  
(Project ID: M2203)

User Revenue	\$90,000
--------------	----------

- C) That unbudgeted capital work in the amount of \$65,000\* for subsurface utility investigations and detailed design for the watermain replacement on Mary Street from Rossland Road East to 150m north of Robert Street, in the City of Oshawa, be approved; and
- D) That financing for the unbudgeted capital work for the watermain replacement on Mary Street from Rossland Road East to 150m north of Robert Street, in the City of Oshawa, be provided as follows:

2022 Water Supply Capital Budget

Item 102: Replacement of watermain on R.R.56 (Farewell St.) from Canadian National Railway to Bloor St., Oshawa (Project ID: O1701)

Asset Management Reserve Fund	\$65,000
-------------------------------	----------

- 7. Approval of Capital Works and Financing to be Incorporated into a Servicing Agreement with Garrard Limited Partnership GP Inc., Garrard Limited Partnership, Garrard Coinvest Limited Partnership GP Inc. and Garrard Coinvest Limited Partnership, Including Cost Sharing in Accordance with the Region Share Policy, for the construction of a 600 millimetre Watermain, in the Town of Whitby (2022-W-35)

[CARRIED]

- A) That unbudgeted capital works and financing estimated at \$1,500,000 for the Region share of the construction of a 600 millimetre watermain, in the Town of Whitby, be approved;

- B) That the Regional Municipality of Durham be authorized to enter into a Servicing Agreement with a Region Share payment to Garrard Limited Partnership GP Inc., Garrard Limited Partnership, Garrard Coinvest Limited Partnership GP Inc. and Garrard Coinvest Limited Partnership estimated at \$1,500,000 for the construction of a 600 millimetre watermain, in the Town of Whitby; and
- C) That financing for the servicing agreement be provided by reallocation of funding from the following sources:

**Regional Costs – Watermain**

2022 Water Supply System Capital Budget

Item 155: Zone 3 feedermain on Anderson St. and Watford St. from Clair Ave. to Carnwith Dr., Whitby Region's share (Project ID: D2203)

Residential Development Charges	\$1,314,000
Commercial Development Charges	\$33,000
User Rate	<u>\$153,000</u>
Total Regional Costs	\$1,500,000
<b>Total Project Financing</b>	<b><u>\$1,500,000</u></b>

- 8. Sole Source Procurement of Additional Engineering Services for Construction Inspection for Complex Capital Construction Projects (2022-W-36)

---

[CARRIED]

- A) That staff be authorized to obtain sole source proposals and amend existing contracts with engineering consultants providing detailed design services for the provision of engineering and inspection services required during the construction of capital works containing complex construction techniques; and
- B) That the Commissioner of Finance be authorized to execute amendments to existing engineering services agreements.

Moved by Councillor Mitchell, Seconded by Councillor Marimpietri,

- (129) That the recommendations contained in Items 1, and 3 to 8 of Report #6 of the Works Committee be adopted.

CARRIED

Moved by Councillor Mitchell, Seconded by Councillor Marimpietri,

- (130) That the recommendations contained in Item 2 of Report #6 of the Works Committee be adopted.

CARRIED ON THE FOLLOWING  
RECORDED VOTE:

Yes

Councillor Anderson  
Councillor Ashe  
Councillor Barton  
Councillor Carter  
Councillor Chapman  
Councillor Collier  
Councillor Crawford  
Councillor Dies  
Councillor Drew  
Councillor Foster  
Councillor Grant  
Councillor Highet  
Councillor Kerr  
Councillor Leahy  
Councillor Mitchell  
Councillor Mulcahy  
Councillor Nicholson  
Councillor Pickles  
Councillor Roy  
Councillor Ryan  
Councillor Smith  
Councillor Tyler-Morin  
Councillor Wotten  
Regional Chair Henry

No

Councillor Marimpietri  
Councillor John Neal  
Councillor Joe Neal

Members Absent: Councillor McLean  
Councillor Yamada

Declarations of Interest: None

Moved by Councillor Crawford, Seconded by Councillor Tyler-Morin,  
(131) That the meeting be closed to the public, prior to the Announcements section of the Agenda, in order to receive advice that is subject to solicitor client privilege, as it pertains to the Region's waste collection contract with Miller Waste.

MOTION DEFEATED ON THE FOLLOWING  
RECORDED VOTE:

Yes

Councillor Anderson  
Councillor Collier  
Councillor Crawford  
Councillor Grant  
Councillor Kerr  
Councillor John Neal

No

Councillor Ashe  
Councillor Barton  
Councillor Carter  
Councillor Chapman  
Councillor Dies  
Councillor Drew

Councillor Joe Neal  
Councillor Smith  
Councillor Tyler-Morin  
Councillor Wotten  
Regional Chair Henry

Councillor Foster  
Councillor Highet  
Councillor Leahy  
Councillor Marimpietri  
Councillor McLean  
Councillor Mitchell  
Councillor Mulcahy  
Councillor Nicholson  
Councillor Pickles  
Councillor Roy  
Councillor Ryan

Members Absent: Councillor Yamada

Declarations of Interest: None

#### 9.5 Report of the Committee of the Whole

1. 2022 Asset Management Plan (2022-COW-14)  
[CARRIED]
  - A) That Regional Council endorse the 2022 Regional Municipality of Durham Asset Management Plan; and
  - B) That the Asset Management Plan be posted on the Region's website and the Ministry of Municipal Affairs and Housing be advised.
2. Proposed Wastewater Energy Transfer Project – Dockside Development in the Town of Whitby (2022-COW-15)  
[CARRIED]
  - A) That Regional Municipality of Durham staff be directed to work with Creative Energy and Brookfield Homes (Ontario) Whitby Limited to develop a Memorandum of Understanding and enter into a Waste Energy Transfer Agreement for the Dockside Development to the satisfaction of the Commissioner of Works, Commissioner of Finance, and the Regional Solicitor, and
  - B) That the Regional Chair and Clerk be authorized to execute any necessary documents or agreements relating to the Waste Energy Transfer project for the Dockside Development.
3. Updated Source Protection Plans and Assessment Reports for Proposed New Municipal Wells in the Hamlet of Blackstock, in the Township of Scugog, and the Communities of Cannington and Sunderland, in the Township of Brock (2022-COW-16)  
[CARRIED]



- A) That the proposed amendments to the Trent Source Protection Plan and Kawartha-Haliburton Assessment Report, as per Section 34 of the Clean Water Act, 2006, resulting from the proposed new municipal well for the Blackstock Drinking Water System, be endorsed;
  - B) That the proposed amendments to the South Georgian Bay Lake Simcoe Source Protection Plan and Lake Simcoe Assessment Report, as per Section 34 of the Clean Water Act, 2006, resulting from the proposed new municipal wells in the Cannington and Sunderland Drinking Water Systems, be endorsed;
  - C) That the commencement of the public consultation process by Trent Conservation Coalition and the South Georgian Bay Lake Simcoe Source Protection Region be authorized; and
  - D) That the new Wellhead Protection Areas (WHPAs) for Blackstock, Cannington and Sunderland Drinking Water Systems and associated mapping be incorporated into the Durham Official Plan following approval by the Minister of the Environment, Conservation and Parks, and be added to the Kawartha-Haliburton and Lake Simcoe Assessment Reports.
4. Revisions to the Seaton Phase 1 Regional Infrastructure Front Ending Agreement (2022-COW-17)  
[CARRIED]
- 
- A) That to accommodate the development of a proposed food manufacturing campus which requires approximately 60 acres (24 hectares) of Prestige Employment Land, located north of Highway 407, south of Highway 7 and west of Whites Road (Regional Road 38) which represents the first phase of the food campus development, the Seaton Phase 1 Regional Infrastructure Front Ending Agreement (Phase 1 RFEA) be amended to:
    - i) Modify the limits of the Seaton Phase 1 lands to expand the Phase 1 Prestige Employment Lands from 200 acres to 260 acres;
    - ii) Include a condition that the sanitary sewage flows resulting from the development of the balance of the Phase 1 Prestige Employment Lands be capped at the capacity of the downstream sanitary sewer;
    - iii) Require the Regional Attribution Prepayment, currently set at \$192,065 per hectare be applied to the new Phase 1 Prestige Employment Lands, at the rate in effect at the time of payment and that these Prepayments continue on the remaining Phase 1

Prestige Employment Lands until the full commitment contained in the Phase 1 RFEA is met;

- B) That the Regional Chair and Clerk be authorized to execute an amendment to the Seaton Phase 1 Regional Infrastructure Front Ending Agreement, in a form satisfactory to the Regional Solicitor; and
  - C) That a copy of Report #2022-COW-17 of the Acting Commissioner of Works, the Commissioner of Finance and the Commissioner of Corporate Services, be sent to the City of Pickering.
5. Next Steps for the Restoration and Redevelopment of 300 Ritson Road South, in the City of Oshawa (2022-COW-18)  
[CARRIED]
- A) That the overview of the proposed project plan for the restoration and redevelopment of the former Ritson Public School located at 300 Ritson Road South in the City of Oshawa be received for information;
  - B) That financing for the detailed site investigation work estimated at \$550,000 be provided to support advancing the building and site development at the discretion of the Commissioner of Finance; and
  - C) That the Commissioner of Finance be authorized to execute any necessary agreements with respect to the grant funding associated with the implementation of GHG reduction measures at this location.
6. At Home in Durham, the Durham Housing Plan 2014-2024 Annual Report (2022-COW-19)  
[CARRIED]
- A) That Report #2022-COW-19 of the Commissioner of Finance, Commissioner of Social Services and Commissioner of Planning and Economic Development, be received for information as the legislatively required annual report on the progress of At Home in Durham, the Durham Housing Plan 2014-2024;
  - B) That in order to advance the goals of At Home in Durham:
    - i) The Commissioner of Social Services be authorized to shift funding within the current funding envelope between all service level standard eligible units and financial housing benefits, including commercial rent supplement, Durham Rent Supplement, community housing provider programs, the Durham Portable Housing Benefit, and future municipally funded housing benefits that may be developed, in order to be more responsive to local needs and maximize the number of available housing units;

- ii) The facilitation currently undertaken to remove certain projects with fully discharged mortgages from the Housing Services Act be discontinued, and instead Regional staff be authorized to explore opportunities to partner with the community housing providers that operate these projects to continue to provide affordable housing under Part VII.1 of the Housing Services Act; and
  - C) That a copy of Report #2022-COW-19 be forwarded to the Ministry of Municipal Affairs and Housing (MMAH).
- 7. Employment Services Transformation Service System Manager Update (2022-COW-20)

---

[CARRIED]
- That subject to a successful award from the Province of Ontario, authorization to execute a funding agreement and any other necessary documentation to establish and operate as an Employment Service Manager for the Durham Region catchment area through a consortium led by the Region of Durham, be delegated to the Chief Administrative Officer over the summer and fall of 2022 subject to the concurrence of the Regional Commissioner of Social Services, the Regional Treasurer, and the Regional Solicitor.
- 8. Modified Payment Schedule for the Brooklin North Landowner Group under the 2012 Regional Official Plan Amendment 128 Minutes of Settlement (2022-COW-21)

---

[CARRIED]
- A) That a further extension for the payment of \$10.7 million by the Brooklin North Landowners Group under the Regional Official Plan Amendment 128 Minutes of Settlement due on November 4, 2022 (with interest from November 4, 2019) be provided with \$2.5 million due on November 4, 2022 and a series of payments to December 31, 2023 with the specific terms to be approved by the Chief Administrative Officer with the concurrence of the Commissioners of Planning and Economic Development, Works, and Finance, and the Regional Solicitor; and
  - B) That the Regional Solicitor be authorized to execute any necessary agreements.
- 9. Negotiated Request for Proposal Results for the Design, Build, Operate and Maintain Contract for a Mixed Waste Pre-sort and Anaerobic Digestion Facility (2022-COW-22)

---

[CARRIED ON A RECORDED VOTE]

That Regional Council cancel the Region's Mixed Waste Pre-sort and Anaerobic Digestion Facility ("AD Project") procurement process at this juncture in accordance with the requirements of the Negotiated Request for Proposal, NRFP 1080-2021 ("NRFP").

10. Confidential Report of the Commissioner of Finance, Commissioner of Social Services and Acting Commissioner of Works – Closed Matter with respect to information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency or any of them, regarding a financing opportunity (2022-COW-13)  
[CARRIED ON A RECORDED VOTE]

That the recommendations contained in Confidential Report #2022-COW-13 of the Commissioner of Finance, Commissioner of Social Services, and Acting Commissioner of Works, be adopted.

- Moved by Councillor Chapman, Seconded by Councillor Foster,  
(132) That the recommendations contained in Items 1 to 4 and 6 to 8 of Report #6 of the Committee of the Whole be adopted.  
CARRIED

- Moved by Councillor Chapman, Seconded by Councillor Foster,  
(133) That the recommendations contained in Item 5 of Report #6 of the Committee of the Whole be adopted.  
CARRIED

- Moved by Councillor Chapman, Seconded by Councillor Foster,  
(134) That the recommendations contained in Item 9 of Report #6 of the Committee of the Whole be adopted.  
CARRIED ON THE FOLLOWING  
RECORDED VOTE:

<u>Yes</u>	<u>No</u>
Councillor Anderson	None
Councillor Ashe	
Councillor Barton	
Councillor Carter	
Councillor Chapman	
Councillor Collier	
Councillor Crawford	
Councillor Dies	
Councillor Drew	
Councillor Foster	
Councillor Grant	
Councillor Highet	
Councillor Kerr	

Councillor Leahy  
Councillor McLean  
Councillor Mitchell  
Councillor Mulcahy  
Councillor John Neal  
Councillor Joe Neal  
Councillor Nicholson  
Councillor Pickles  
Councillor Roy  
Councillor Ryan  
Councillor Smith  
Councillor Wotten  
Regional Chair Henry

Members Absent: Councillor Tyler-Morin  
Councillor Yamada

Declarations of Interest: Councillor Marimpietri

Moved by Councillor Chapman, Seconded by Councillor Foster,  
(135) That the recommendations contained in Item 10 of Report #6 of the  
Committee of the Whole be adopted.

CARRIED ON THE FOLLOWING  
RECORDED VOTE:

<u>Yes</u>	<u>No</u>
Councillor Anderson	None
Councillor Ashe	
Councillor Barton	
Councillor Carter	
Councillor Chapman	
Councillor Collier	
Councillor Crawford	
Councillor Dies	
Councillor Drew	
Councillor Foster	
Councillor Grant	
Councillor Highet	
Councillor Kerr	
Councillor Leahy	
Councillor Marimpietri	
Councillor Mitchell	
Councillor Mulcahy	
Councillor John Neal	
Councillor Joe Neal	
Councillor Nicholson	

Councillor Pickles  
Councillor Roy  
Councillor Ryan  
Councillor Smith  
Councillor Wotten  
Regional Chair Henry

Members Absent: Councillor McLean  
Councillor Tyler-Morin  
Councillor Yamada

Declarations of Interest: None

## **10. Notice of Motions**

### **10.1 Temporary Replacements at Committee** **[DEFERRED ON A RECORDED VOTE] [SEE MOTION (139) ON PAGE 35]**

Moved by Councillor Collier, Seconded by Councillor Foster,  
(136) Whereas 268 of the Municipal Act provides for the appointment of an alternative member of a local municipal council to act in place of a member of an upper-tier council in their absence from a meeting thereof;

And Whereas the Region of Durham's Policy governing Temporary Replacements establishes in Sec. 4.1 that "Alternate Council Member attendance is limited to Regional Council meetings only.";

And Whereas the Region's literal interpretation of the words "meeting of the upper-tier Council" under Sec. 268 of the Act is overly dogmatic and has no regard to the broader context or purpose of Sec. 268;

And Whereas the purpose of Sec. 268, and the allowance for temporary replacements, are to ensure that a local municipality is sufficiently represented at the upper-tier municipality where there is a temporary unavailability;

And Whereas Sec. 268 replacements are critical in ensuring adequate representation for lower-tier municipalities and their residents in the decision-making process, overall;

And Whereas the Region's Standing Committees, and Committee of the Whole, deal with substantive regional business, deliberate and make recommendations to Regional Council, and are integral to the overall decision-making process;

And Whereas a broader interpretation of the words 'meeting of the upper-tier Council' by the Region, in respect to the 'temporary replacement'

provisions within the Act, would enhance rather than detract from the purpose of Sec. 268;

Now therefore be it resolved that Regional Council direct staff to amend the Temporary Replacement Policy to permit temporary replacements under Section 268 of the Municipal Act at meetings of the Region's Standing Committees including Committee of the Whole, in time for the commencement of the new term of Council.

DEFERRED LATER IN THE MEETING  
(See Following Motions)

Moved by Councillor Chapman, Seconded by Councillor Marimpietri,  
(137) That the main motion (136) of Councillors Collier and Foster be referred to the first business meeting of the new Council.

MOTION DEFEATED ON THE FOLLOWING  
RECORDED VOTE:

Yes

Councillor Barton  
Councillor Carter  
Councillor Chapman  
Councillor Foster  
Councillor Highet  
Councillor Kerr  
Councillor Leahy  
Councillor McLean  
Councillor Pickles  
Councillor Ryan  
Regional Chair Henry

No

Councillor Anderson  
Councillor Ashe  
Councillor Collier  
Councillor Crawford  
Councillor Dies  
Councillor Drew  
Councillor Grant  
Councillor Marimpietri  
Councillor Mulcahy  
Councillor Joe Neal  
Councillor Nicholson  
Councillor Roy  
Councillor Smith  
Councillor Wotten

Members Absent: Councillor Mitchell  
Councillor John Neal  
Councillor Tyler-Morin  
Councillor Yamada

Declarations of Interest: None

Moved by Councillor Collier, Seconded by Councillor Crawford,  
(138) That the main motion (136) of Councillors Collier and Foster be amended by inserting the following clause, before the last clause:

"Now therefore legal staff be directed to reach out to the province for a definitive direction on what is meant by Section 268 of the Municipal Act and if that interpretation comes back that the use of alternates is suitable

at both Standing Committees and Council, then the following therefore  
clause be enacted.”

MOTION DEFEATED ON THE FOLLOWING  
RECORDED VOTE:

<u>Yes</u>	<u>No</u>
Councillor Anderson	Councillor Barton
Councillor Ashe	Councillor Carter
Councillor Collier	Councillor Chapman
Councillor Crawford	Councillor Grant
Councillor Dies	Councillor Highet
Councillor Drew	Councillor Kerr
Councillor Foster	Councillor Leahy
Councillor McLean	Councillor Marimpietri
Councillor Mulcahy	Councillor Mitchell
Councillor Joe Neal	Councillor John Neal
Councillor Pickles	Councillor Nicholson
Councillor Smith	Councillor Roy
Councillor Wotten	Councillor Ryan
Regional Chair Henry	Councillor Yamada

Members Absent: Councillor Tyler-Morin

Declarations of Interest: None

Moved by Councillor Foster, Seconded by Councillor Chapman,  
(139) That the main motion (136) of Councillors Collier and Foster be  
deferred to the upcoming review of the Procedural By-law.

CARRIED ON THE FOLLOWING  
RECORDED VOTE:

<u>Yes</u>	<u>No</u>
Councillor Anderson	None
Councillor Ashe	
Councillor Barton	
Councillor Carter	
Councillor Chapman	
Councillor Collier	
Councillor Crawford	
Councillor Dies	
Councillor Foster	
Councillor Grant	
Councillor Highet	
Councillor Kerr	
Councillor Leahy	
Councillor Marimpietri	



Councillor McLean  
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

Members Absent: Councillor Drew  
Councillor Tyler-Morin

Declarations of Interest: None

Moved by Councillor Foster, Seconded by Councillor Smith,  
(140) That Council recess for 10 minutes.  
CARRIED

Council recessed at 1:54 PM and reconvened at 2:05 PM.

The Regional Clerk conducted a roll call following the recess and all members of Council were present with the exception of Councillors McLean and Tyler-Morin.

## **11. Unfinished Business**

There was no unfinished business to be considered.

## **12. Other Business**

### **12.1 2022 Durham Regional Local Housing Corporation Annual Shareholder Meeting** **[CARRIED]**

Moved by Councillor Chapman, Seconded by Councillor Ryan,  
(141) That pursuant to the Ontario Business Corporations Act, RSO 1990 (the "OBCA"), the Council of the Regional Municipality of Durham, in its capacity as the sole shareholder of the Durham Regional Local Housing Corporation (the "Corporation"), resolve that:

- A) The financial statements of the Corporation which comprise the Statement of Financial Position as at December 31, 2021, and the Statements of Operations and Accumulated Surplus, Change in Net Financial Assets and Cash Flows for the year ended December 31,

2021, and the independent auditor's report thereon, all as submitted to the shareholder by the board of directors, be received;

- B) The shareholder hereby waives its right to receive general or special notice of an annual meeting of the shareholder of the Corporation;
- C) The shareholder hereby waives its right to receive an advance copy of the corporation's 2021 financial statements and independent auditor's report;
- D) All by-laws, resolutions, contracts, acts and proceedings of the board of directors of the Corporation enacted, passed, made, done or taken since the last annual meeting of the shareholder of the Corporation as set forth or referred to in the minutes of the meetings and resolutions of the board of directors in the minute and record books of the Corporation or in the financial statements of the Corporation are hereby approved, ratified and confirmed; and,
- E) The Regional Chair and Clerk be authorized to sign the shareholder's resolution evidencing the approval of the aforementioned matters.

CARRIED

12.2 Amending Agreement to the Metrolinx – 905 PRESTO Operating Agreement (2022-F-19)

[CARRIED]

Moved by Councillor Chapman, Seconded by Councillor Ryan,

(142) A) That the Regional Chair and Regional Clerk execute an amendment to the PRESTO Operating Agreement between Metrolinx and the 905 transit agencies to provide the Region with the necessary revenue protection to enable the implementation of open payment fare transactions on Durham Region Transit vehicles; and

- B) That the Regional Chair and Clerk be authorized to execute any further documents or subsequent amendments related to the PRESTO Operating Agreement.

CARRIED

12.3 Ukrainian Humanitarian Response in Durham (2022-A-22)

[CARRIED]

Moved by Councillor Chapman, Seconded by Councillor Ryan,

(143) A) That Regional Council approve a request for up to \$1,000,000 to provide supports to individuals and families arriving in Durham via the Canada-Ukraine Authorization for Emergency Travel (CUAET) without independent financial means and are at risk of being

precariously housed or homeless, with financing to be provided at the discretion of the Commissioner of Finance;

- B) That Regional staff be authorized to enter into a Memorandum of Understanding (MoU) with the Community Development Council of Durham (CDCD) to provide the needed supports for these individuals;
- C) That Regional staff be delegated authority or utilize existing delegated authorities to execute any transfer payment agreements, expend funds in accordance with the program guidelines, make any modifications to the program(s) to ensure desired outcomes are achieved, that the Purchasing By-law and Budget Management Policy be waived for this project as applicable and to receive any federal and/or provincial funds should they become available for this response;
- D) That Regional staff be directed to pursue full recovery from federal and/or provincial levels of government for the costs associated with the Region of Durham's (Region) Ukrainian humanitarian response, and that staff report back on the outcome of this undertaking; and,
- E) That a copy of Report #2022-A-22 of the Chief Administrative Officer be circulated to the Minister of Immigration Refugees and Citizenship Canada, Durham Members of Parliament (MPs), Durham Members of Provincial Parliament (MPPs), the Federation of Canadian Municipalities (FCM), and the Association of Municipalities of Ontario (AMO) for their information.

CARRIED

- 12.4 Servicing Agreement with OPB Realty Inc. for the Relocation and Oversizing of a Sanitary Sewer and Watermains from an Easement on Private Property onto Glenanna Road and Pickering Parkway, in the City of Pickering (2022-W-28)  
[CARRIED]

Moved by Councillor Chapman, Seconded by Councillor Ryan,

- (144) A) That financing estimated at \$689,400 for the Regional Municipality of Durham's share of the construction of sanitary sewers in the City of Pickering be approved;
- B) That the Regional Municipality of Durham be authorized to enter into a servicing agreement with OPB Realty Inc. for the relocation and upsizing of sanitary sewers and watermains in the City of Pickering, including a Regional Share amount estimated at \$689,400 for the oversizing of the sanitary sewer, for an estimated total project cost of \$3,984,480;

- C) That financing for the servicing agreement, including the Regional Share amount, be provided from the following sources:

**OPB Realty Inc. Share – Sanitary Sewer and Watermain**

OPB Realty Inc. Sanitary Sewers	\$1,603,500
OPB Realty Inc. Watermains	<u>\$1,691,580</u>
<b>Total OPB Realty Inc.</b>	<b><u>\$3,295,080</u></b>

**Regional Share – Sanitary Sewer**

2022 Sanitary Sewerage System Capital Budget

Item Number 343 Allowance for Regional Share for works in conjunction with non-residential development (Project ID: M2211):

Commercial Development Charges	\$ 18,400
Residential Development Charges	295,200
User Rates	<u>86,400</u>
	\$400,000

Item Number 344 Allowance for Regional Share for works in conjunction with residential development (Project ID: M2210):

Commercial Development Charges	\$ 13,312
Residential Development Charges	213,578
User Rates	<u>62,510</u>
	\$289,400

**Total Regional Sanitary Sewerage Financing** **\$689,400**

Total Project Costs – Sanitary Sewer and Watermain **\$3,984,480**

- D) That the Acting Commissioner of Works be authorized to execute the necessary documents related to the Servicing Agreement.

CARRIED

**13. Announcements**

Various announcements were made relating to activities and events within the Region and area municipalities.

**14. By-laws**

31-2022 Being a by-law to authorize the borrowing upon instalment debentures in the aggregate principal amount of \$5,573,000.00

(\$1,200,000.00 principal amount of 10 year instalment debentures and \$4,373,000.00 principal amount of 20 year instalment debentures) for capital works of The Corporation of the City of Pickering.

This by-law implements the recommendations contained in Item #12 of the 6<sup>th</sup> Report of the Finance & Administration Committee presented to Regional Council on June 29, 2022

- 32-2022 Being a by-law to authorize the borrowing upon instalment debentures in the aggregate principal amount of \$26,402,000.00 (\$6,402,000.00 principal amount of 10 year instalment debentures and \$20,000,000.00 principal amount of 20 year instalment debentures) for capital works of The Corporation of the Municipality of Clarington.

This by-law implements the recommendations contained in Item #12 of the 6<sup>th</sup> Report of the Finance & Administration Committee presented to Regional Council on June 29, 2022

- 33-2022 Being a by-law to authorize the borrowing upon 15 year instalment debentures in the principal amount of \$25,900,000.00 for a capital work of The Regional Municipality of Durham.

This by-law implements the recommendations contained in Item #12 of the 6<sup>th</sup> Report of the Finance & Administration Committee presented to Regional Council on June 29, 2022

- 34-2022 Being a by-law to authorize the borrowing upon instalment debentures in the principal amounts authorized by by-laws Numbers 31-2022, 32-2022 and 33-2022 in the aggregate principal amount of \$57,875,000.00 (\$7,602,000.00 aggregate principal amount of 10 year instalment debentures, \$25,900,000.00 principal amount of 15 year instalment debentures and \$24,373,000.00 aggregate principal amount of 20 year instalment debentures) and the issuing of one series of instalment debentures therefore.

This by-law implements the recommendations contained in Item #12 of the 6<sup>th</sup> Report of the Finance & Administration Committee presented to Regional Council on June 29, 2022

- 35-2022 Being a by-law to authorize the borrowing upon 10 year instalment debentures in the principal amount of \$700,000.00 for a capital work of The Corporation of the City of Oshawa.

- This by-law implements the recommendations contained in Item #12 of the 6<sup>th</sup> Report of the Finance & Administration Committee presented to Regional Council on June 29, 2022
- 36-2022      Being a by-law to adopt Amendment #187 to the Durham Regional Official Plan.
- This by-law implements the recommendations contained in Item #2 of the 6<sup>th</sup> Report of the Planning & Economic Development Committee presented to Regional Council on June 29, 2022
- 37-2022      Being a by-law to adopt Amendment #188 to the Durham Regional Official Plan.
- This by-law implements the recommendations contained in Item #3 of the 6<sup>th</sup> Report of the Planning & Economic Development Committee presented to Regional Council on June 29, 2022
- 39-2022      Being a by-law regarding development charges for transit services.
- This by-law implements the recommendations contained in Item #10 of the 6<sup>th</sup> Report of the Finance & Administration Committee presented to Regional Council on June 29, 2022
- 40-2022      Being a by-law to constitute and appoint a Compliance Audit Committee for The Regional Municipality of Durham pursuant to the requirements of section 88.37 of the Municipal Elections Act, 1996.
- This by-law implements the recommendations contained in Item #1 of the 1<sup>st</sup> Report of the Finance & Administration Committee presented to Regional Council on January 26, 2022
- 41-2022      Being a by-law to confirm the appointment of Principles Integrity as the Integrity Commissioner for the Regional Municipality of Durham (Regional Integrity Commissioner).
- This by-law implements the recommendations contained in Item #7 of the 6<sup>th</sup> Report of the Finance & Administration Committee presented to Regional Council on June 29, 2022
- 42-2022      Being a by-law to provide for the determining, fixing and paying of annual, other remuneration and benefits to the Chair, members of the Regional Council and to each Chair of the other Standing Committees, Transit Executive Committee and members of the Police Services Board.

This by-law implements the recommendations contained in Item #5 of the 6<sup>th</sup> Report of the Finance & Administration Committee presented to Regional Council on June 29, 2022

- 43-2022      Being a by-law to amend By-law Number 22-2018 by which the linear limits of the several roads comprising the Regional Road system are defined.

This by-law implements the recommendations contained in Item #6 of the 3<sup>rd</sup> Report of the Works Committee presented to Regional Council on March 23, 2022

Moved by Councillor Ashe, Seconded by Councillor Foster,  
(145)    That By-law Numbers 31-2022 to 43-2022 inclusive be passed.  
CARRIED

**15.    Confirming By-law**

- 44-2022      Being a by-law to confirm the proceedings of Regional Council at their meeting held on June 29, 2022.

Moved by Councillor Ashe, Seconded by Councillor Foster,  
(146)    That By-law Number 44-2022 being a by-law to confirm the proceedings of the Council of the Regional Municipality of Durham at their meeting held on June 29, 2022 be passed.  
CARRIED

**16.    Adjournment**

Moved by Councillor Kerr, Seconded by Councillor Chapman,  
(147)    That the meeting be adjourned.  
CARRIED

The meeting adjourned at 2:27 PM

Respectfully submitted,

---

John Henry, Regional Chair & CEO

---

Alexander Harras, Regional Clerk

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

## **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

## **Communications**

September 28, 2022

- CC 108    Information Report #2022-INFO-55 from the Chief Administrative Officer, re: Assessing the Feasibility of a Potential Future District Energy System
- Pulled from the June 24, 2022 Council Information Package by  
Councillor Collier
- Recommendation: Receive for information
- (See attached correspondence on pages 64-70)
- CC 109    Correspondence from the Municipality of Clarington, re: Resolution passed at their Council meeting held on June 20, 2022, regarding Community Warning Program similar to Amber Alert (Our File: P00)
- Pulled from the June 30, 2022 Council Information Package by  
Councillor Nicholson
- Recommendation: Receive for information
- (See attached correspondence on pages 71-74)
- CC 110    Correspondence from the City of Oshawa, re: Resolution passed at their Council meeting held on June 20, 2022, requesting the Provincial Government for a Community Warning Program for Persons of Special Needs or Circumstances (Our File: P00)
- Pulled from the June 30, 2022 Council Information Package by  
Councillor Nicholson
- Recommendation: Receive for information
- (See attached correspondence on pages 75-76)
- CC 111    Correspondence from the Town of Ajax, re: Resolution passed at their Council meeting held on June 20, 2022, regarding an Emergency Alert for Vulnerable Persons Who Go Missing (Our File: P00)
- Pulled from the June 30, 2022 Council Information Package by  
Councillor Nicholson
- Recommendation: Receive for information
- (See attached correspondence on pages 77-78)
- CC 112    Information Report #2022-INFO-68 from the Commissioner of Finance, re: 2021 Annual Investment Report

Pulled from the August 19, 2022 Council Information Package by  
Councillor Collier

Recommendation: Receive for information

(See attached correspondence on pages 79-84)

- CC 113 Correspondence from Debbie Leroux, Director of Legislative Services/Clerk, Township of Uxbridge, re: Oland Holdings (Uxbridge) Inc. Zoning By-law Amendment Application – 102 Prouse Road, Part Lots 16 & 17, Concession 1, Township of Uxbridge (Our File: D12)
- 

THAT Report DS 44/22 of Elizabeth Howson, Macaulay Shiomi Howson Ltd. Regarding Oland Holdings (Uxbridge) Inc; be received for information;

AND THAT Council approve the Zoning By-law Amendment Application by Oland Holdings (Uxbridge) Inc; 102 Prouse Road, Part Lots 16 & 17, Concession 1, Township of Uxbridge;

AND THAT Council adopt the implementing Zoning By-law subject to the approval of the Regional Official Plan Amendment;

AND THAT Council direct that the Regional Municipality of Durham be advised, prior to the meeting of Regional Council on September 28, 2022, that the Township of Uxbridge is in support of the proposal by Oland Holdings (Uxbridge) Inc; for a soil remediation and processing use on the lands described as 102 Prouse Road, Part Lots 16 & 17, Concession 1, Township of Uxbridge.

Recommendation: Refer to Item #1 of the 7<sup>th</sup> Report of the Planning & Economic Development Committee

(See attached correspondence on pages 85-86)

- CC 114 Memorandum from Alexander Harras, Regional Clerk/Director of Legislative Services, Corporate Services – Legislative Services, re: requesting Regional Council to repeal By-law 49-2017 (Our File: C14)
- 

Recommendation: Refer to By-law 46-2022 of the September 28, 2022 Regional Council Meeting

(See attached correspondence on page 87)

- CC 115 Correspondence from Marlene Boetto, Whitby resident, re: consideration of the Water and Sewer Line repairs and charges by the Region of Durham (Our File: D04)
- 

Recommendation: Refer to Item #3 of Report #7 of the Committee of the

Whole (See attached correspondence on pages 88-89)

CC 116 Correspondence from Don White, Whitby resident, re: SLWC Insurance Inc. and the issues related to the Water and Sewer Lines which were previously controlled by The Region of Durham (Our File: D04) \_\_\_\_\_

Recommendation: Refer to Item #3 of the 7<sup>th</sup> Report of the Committee of the Whole

(See attached correspondence on page 90)

CC 117 Memorandum from Alexander McPherson, Solicitor, Corporate Services - Legal Services, dated September 20, 2022 re: Expropriation of Lands Required for Regional Road 3 Rehabilitation Project (Our File: T00) \_\_\_\_\_

Recommendation: Motion to Adopt Recommendations A), B), C) and D) contained in CC 117

(See attached correspondence on pages 91-103)



# The Regional Municipality of Durham Information Report

---

From: Chief Administrative Officer  
Report: #2022-INFO-55  
Date: June 24, 2022

---

**Subject:**

Assessing the Feasibility of a Potential Future District Energy System

---

**Recommendation:**

Receive for information

---

**Report:**

**1. Purpose**

- 1.1 This report introduces district energy (DE) systems and provides an update on the work underway to assess the feasibility of integrating a low carbon DE system into new development.
- 1.2 The opportunity could be applied in a number of areas, with south Courtice being examined as one potential opportunity due to (1) the existence of Regional facilities that could serve as future energy sources, and (2) plans for higher density transit-oriented development surrounding the proposed Courtice GO Station area. The report also identifies next steps to develop a business case and value proposition.

**2. Background**

- 2.1 The building sector in Durham Region accounts for 30 per cent of greenhouse gas (GHG) emissions community-wide, largely generated from energy consumption for heating and cooling. With projected urban growth in Durham Region there will be increasing pressure to decarbonize the heating and cooling of buildings – especially in new development.
- 2.2 The Council-endorsed Durham Community Energy Plan (DCEP) prioritizes the implementation of low carbon energy solutions in Durham, including DE systems which are projected to account for 16 per cent of total GHG emissions reductions within the Region's low carbon pathway.

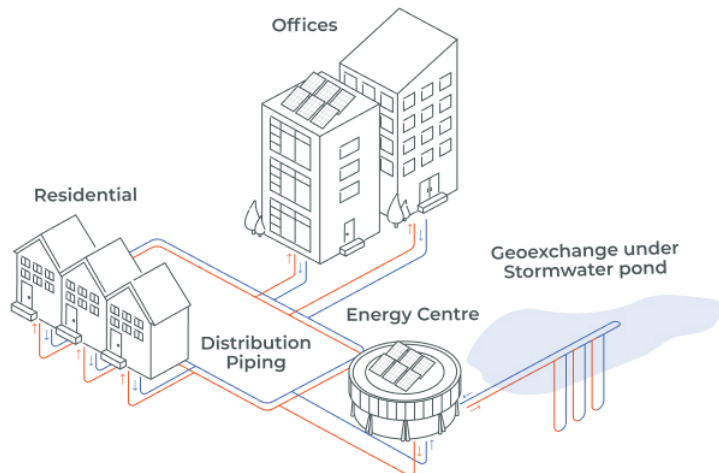


### 3. Previous Reports and Decisions

- 3.1 Through the development of the Durham York Energy Centre (DYEC), Durham Region and the Municipality of Clarington signed a [Host Community Agreement](#) in 2010. Item 13.1.5 of that agreement states that Clarington and Durham will “strongly encourage and promote development within the Clarington Energy Business Park and other areas of Clarington to utilize district heating and cooling provided by the EFW Facility.”
- 3.2 Through Envision Durham, the Municipal Comprehensive Review of the Regional Official Plan, staff developed a set of [Proposed Policy Directions](#) under the theme of “Supportive Infrastructure” which support the implementation of DE systems, including:
- a. Encourage the development of DE systems, especially those based on leveraging Regional infrastructure (e.g. sewer heat recovery) low carbon and renewable energy and provide direction to the area municipalities to promote and facilitate DE through their official plans and zoning by-laws.
  - b. Encourage new development and municipally owned facilities to connect to existing and planned DE networks, whenever feasible.
  - c. Complete a DE Feasibility Study, in consultation with the area municipalities that identifies locations with potential for DE systems.
- 3.3 Through the Land Need Assessment component of Envision Durham’s Growth Management Study, Regional Council adopted a set of recommendations on May 25, 2022 which include the following:
- “That future Regional Official Plan policies for the required settlement area boundary expansion area address sustainability practices to reduce greenhouse gas emissions, energy and water consumption, and waste generation through measures including...the use of low-carbon and smart energy systems and technologies at the district scale or building-scale in these new areas”
- 3.4 Report [#2022-INFO-16](#) provided Regional Council with information on a proposed district energy system within Brookfield’s Dockside Development in the Port of Whitby area. The district energy system proposed for Dockside would be privately owned and operated, and use heat exchange from the Region’s sanitary trunk sewer system to meet most of the space heating and cooling needs for the ~2 million sq ft. of development planned for the site. If implemented, the district energy system would reduce GHG emissions from the site by 70% compared to a system based on natural gas boilers and chillers.

### 4. District Energy Systems

DE systems are centralized systems where thermal energy (i.e., heating and cooling) is distributed via underground pipes to multiple buildings in a neighbourhood, downtown district, or campus (See Figure 1 below).



**Figure 1: Example of a DE System<sup>1</sup>**

- 4.1 Buildings connected to the thermal grid do not need their own boilers or furnaces, chillers, or air conditioners. Examples of buildings commonly connected to a thermal grid can include commercial buildings, residences, condominiums, hotels, sports facilities, educational institutions, and government buildings. The improved efficiencies and potential for low-carbon fuel sources in DE systems make them a key part of climate change and renewable energy strategies in urban areas.
- 4.2 DE systems are well developed in many European cities, largely as a legacy of the 1970's energy crises. For example, in Nordic countries such as Denmark, Sweden and Finland, DE accounts for 50-60 percent of the total heating market nationally, much of which is supplied with heat from municipal energy-from-waste facilities.
- 4.3 DE systems are less prevalent in North America due to several factors, including the relatively lower cost of energy relative to European markets. However, interest in community-scale DE systems in North America is growing due to its benefits from an energy security and environmental sustainability perspective, and several Canadian cities are emerging as leaders in this space. Select examples include:
  - a. **Toronto's Deep Lake Water Cooling system** – draws cold water from Lake Ontario to provide air conditioning to buildings in the downtown core. The System has been operating since 2004, and is currently [undergoing an expansion](#) to meet continued growth in demand.
  - b. **Vancouver's False Creek Neighbourhood Energy Utility (NEU)** – began operations in 2010 providing heat to the Olympic Village and surrounding areas. It has rapidly expanded and now serves more than 6.4 million ft<sup>2</sup> of residential, commercial and institutional floor space.
  - c. **Edmonton's Blatchford Energy Utility** – aims to be a carbon neutral community developed on the site of the City's decommissioned City Centre Airport. Blatchford features a DE system launched in 2019 which utilizes geo-

<sup>1</sup> Image Source: City of Edmonton, Blatchford Energy Utility <https://blatchfordutility.ca/district-energy-sharing/>

thermal energy supply. Future expansions to the system will use sewer heat recovery and other zero carbon sources of energy.

- 4.4 Durham Region is home to several smaller scale DE systems, including Durham College's [Energy Innovation Centre](#) which uses geothermal energy to provide heating and cooling to buildings at the Oshawa campus. There are currently no examples of community scale DE systems operating in Durham Region, however as indicated in section 3.4 of this report there is interest amongst private sector developers in advancing such systems to meet growing investor and market demand for sustainability.
- 4.5 DE systems can be based on a central energy centre or use a combination heat sources as part of a distributed network. Heating or cooling can be captured and added to the network from any process that produces waste heat including power generation, industrial processes, solar thermal panels, biomass generation and geothermal processes.
- 4.6 DE systems are typically run as a thermal utility by a company that operates the heating and cooling network, ensures quality service, and manages metering and billing. Ownership models for DE systems range from wholly municipally owned, to public private partnerships, to wholly privately owned.

### **Benefits of district energy?**

- 4.7 **Economies of scale** – A DE network allows for reduced overall energy consumption and GHG emissions, since generating heat in few larger plants and capturing and using waste heat is more efficient than having boilers, furnaces and air conditioners heating and cooling individual buildings.
- 4.8 **Price Stability** – DE systems can source heat from a mix of conventional, clean, and renewable waste sources. Sourcing energy locally and from a variety of sources reduces price volatility and increases reliability.
- 4.9 **Revenue Generation** – DE can generate a significant amount of revenue through heating/cooling sales, power sales, connection charges, ancillary services, and capacity payments. As an investment, DE can provide stable investment returns to the community for many decades. Since most heat sources are local, more energy dollars remain within the local economy.
- 4.10 **Enhanced Comfort** – A DE system allows building operators to manage and control their own indoor environments. DE is available whenever a building needs heat. In addition, DE reduces vibrations and noise problems that may disturb building occupants.
- 4.11 **Flexible Building Design** – The elimination of the conventional or traditional HVAC system requirement expands the number of possible building design options. A building free of boilers and chillers provides architects with greater building design flexibility.

## **5. Summary of Pre-Feasibility Study (Attachment #1)**

- 5.1 The pre-feasibility study found that conditions in South Courtice are favourable for the implementation of DE. Sources of low carbon heat are located in the Clarington Energy Business Park which is in close proximity to transit-oriented mixed-use development planned for the Courtice Major Transit Station Area.
- 5.2 Regional facilities in south Courtice provide a good test case, since they generate heat which may be captured and used in a potential future low carbon DE system. These potential sources of heat include:
  - a. Steam extraction from the DYEC
  - b. Combustion of excess digester gas from the Courtice Water Pollution Control Plant
  - c. Wastewater Heat Recovery at the Courtice Water Pollution Control Plant (WPCP)
- 5.3 The establishment of DE has the potential to significantly reduce GHG emissions, dependence on fossil fuels, and community energy expenses, while increasing community energy stability and resilience, and creating a new revenue stream for participating municipalities.
- 5.4 As candidate DE areas are identified, underground utility infrastructure would need to be designed, costed, and installed. When DE projects are considered in undeveloped areas, the concurrent planning of DE system infrastructure with other utility infrastructure allows for more efficient capital planning, design, and implementation processes.

## **6. Next steps: Business Case Development**

- 6.1 The pre-feasibility study outlined above is relatively high-level in nature, exploring the maximum potential for DE in one area of the Region (specifically southeast and southwest Courtice and the Courtice MTSA). While the pre-feasibility study demonstrated very promising high-level conditions for DE, further analysis is needed to determine viability of integrating it as part of the development of Regional sites in the Energy Park and how it could serve future higher density transit oriented development envisioned for the Courtice MTSA. Such analysis could also help to inform the business case and model for district energy systems elsewhere in the Region.
- 6.2 Regional Staff will be advancing the development of a more detailed technical and financial assessment and business case to inform decision making and next steps for a district energy system serving the Courtice MTSA. Key tasks to be undertaken as part of this subsequent phase include:
  - a. Exploring various project delivery and business model options, including public, private, and hybrid/joint venture ownership models and potential partnerships with neighbouring entities.
  - b. Recommending policy and planning approaches and processes to mitigate potential risks associated with DE system development.

- c. Further due diligence on a DE system with a focus on the Courtice MTSA, including further examination of low carbon heat opportunities.
  - d. Refining the Phase 1 business case and value proposition, with estimates and sensitivity analysis to key parameters including but not limited to: energy prices, carbon pricing, capital costs, and development load forecasts.
- 6.3 Once complete, the Region would then be better positioned to make informed decisions on how to pursue DE development in South Courtice and other areas across the Region, including:
- a. Identifying potential utility partners that could help deliver DE systems;
  - b. Engaging with the development community to build understanding of DE and its value proposition, and discuss options for encouraging connection; and
  - c. Identifying potential senior government and/or other agency funding opportunities to support design and construction (e.g., Canada Infrastructure Bank).

## **7. Relationship to Strategic Plan**

- 7.1 This report aligns with/addresses the following strategic goals and priorities in the Durham Region Strategic Plan:
- a. Environmental Sustainability
    - Goal 1.1 - Accelerate the adoption of green technologies and clean energy solutions through strategic partnerships and investment
    - Goal 1.4 - Demonstrate leadership in sustainability and addressing climate change
  - b. Economic Prosperity
    - Goal 3.4 - Capitalize on Durham's strengths in key economic sectors to attract high-quality jobs

## **8. Conclusion**

- 8.1 The Region is examining DE as a way of delivering low or zero carbon energy supply to new community areas. Such systems could reduce community GHG emissions and improve overall energy security. A test case is being examined in the South Courtice area, where sources of low carbon thermal energy are in proximity that could supply affordable, low carbon heat. The establishment of DE in new development areas has the potential to significantly reduce fossil-fuel consumption and related GHG emissions, reduce community energy expenses, increase community energy stability, and create a new revenue stream.
- 8.2 Based on the favourable results of the pre-feasibility study attached to this report, Regional Staff will advance a more detailed feasibility study which will be reported to Regional Council in late 2022 or early 2023.

8.3 Staff in the CAO's Office, Finance, Works and Planning and Economic Development departments are engaged in this work and have reviewed the content of this report.

8.4 Report approved by: Sandra Austin, Director of Strategic Initiatives.

8.5 For additional information, contact: Ian McVey, Manager of Sustainability, at 905-668-7711, extension 3803.

## **9. Attachments**

Attachment #1: [Clarington District Energy Feasibility Study](#)

Respectfully submitted,

Original Signed by

---

Elaine Baxter-Trahair  
Chief Administrative Officer

# Clarington

If this information is required in an alternate format, please contact the Accessibility Co-ordinator at 905-623-3379 ext. 2131


June 23, 2022

The Honourable Doug Ford, M.P.P.  
Premier of Ontario  
Via Email: [premier@ontario.ca](mailto:premier@ontario.ca)

To Premier Ford:

**Re:** Community Warning Program similar to Amber Alert

**File Number:** PG.25.06

 Corporate Services Department Legislative Services Division	
Date & Time Received:	June 24, 2022 8:55 am
Original To:	CIP
Copies To:	
Take Appropriate Action	<input type="checkbox"/> File <input type="checkbox"/>
Notes/Comments:	

At a meeting held on June 20, 2022, the Council of the Municipality of Clarington passed the following resolution #C-145-22:

Whereas we have all become aware of the recent tragic death of Draven Graham, an 11 year old child on the autistic spectrum, after walking away from the family home; and

Whereas the Amber Alert has been very effective in announcing to the public children who have been abducted;

Whereas a similar alert program for those who have special needs who leave family custody would be seem to be warranted in the Province of Ontario;

Therefore Be it Resolved that the Council of the Municipality of Clarington request the Province of Ontario to develop and implement a community warning program similar to Amber Alert for those persons of special needs or circumstance who leave the care givers or locations and potentially themselves at risk; and

That copies of this resolution be forwarded to Premier Ford, the leaders of the Opposition parties in Ontario, all Durham MPs and MPPs, Durham Region, the

District School Boards in Durham Region, all Durham municipalities, and the Durham Regional Police Service to ask them to support the resolution.

Yours truly,



---

John Paul Newman  
Deputy Clerk

JPN/cm

c: See attached list of interested parties



**Interested Parties**

The Honourable Colin Carrie, P.C., M.P., Oshawa – [colin.carrie@parl.gc.ca](mailto:colin.carrie@parl.gc.ca)  
The Honourable Mark Holland, P.C., M.P., Ajax – [mark.holland@parl.gc.ca](mailto:mark.holland@parl.gc.ca)  
The Honourable Philip Lawrence, P.C., M.P., Northumberland—Peterborough South –  
[Philip.Lawrence@parl.gc.ca](mailto:Philip.Lawrence@parl.gc.ca)  
The Honourable Jennifer O’Connell, P.C., M.P., Pickering-Uxbridge –  
[Jennifer.oconnell@parl.gc.ca](mailto:Jennifer.oconnell@parl.gc.ca)  
The Honourable Erin O’Toole, P.C., M.P., Durham - [Erin.OToole@parl.gc.ca](mailto:Erin.OToole@parl.gc.ca)  
The Honourable Jamie Schmale, P.C., M.P., Haliburton-Kawartha Lakes-Brock –  
[jamie.schmale@parl.gc.ca](mailto:jamie.schmale@parl.gc.ca)  
The Honourable Ryan Turnbull, P.C., M.P., Whitby – [Ryan.Turnbull@parl.gc.ca](mailto:Ryan.Turnbull@parl.gc.ca)  
The Honourable Andrea Horwath, M.P.P., Leader of the Official Opposition - [horwatha-gp@ndp.on.ca](mailto:horwatha-gp@ndp.on.ca)  
The Honourable Patrice Barnes, M.P.P., Ajax – [Patrice.Barnes@pc.ola.org](mailto:Patrice.Barnes@pc.ola.org)  
The Honourable Peter Bethlenfalvy, M.P.P., Pickering-Uxbridge –  
[Peter.Bethlenfalvy@pc.ola.org](mailto:Peter.Bethlenfalvy@pc.ola.org)  
The Honourable Lorne Coe, M.P.P., Whitby – [Lorne.Coe@pc.ola.org](mailto:Lorne.Coe@pc.ola.org)  
The Honourable Jennifer K. French, M.P.P., Oshawa – [JFrench-CO@ndp.on.ca](mailto:JFrench-CO@ndp.on.ca)  
The Honourable Todd McCarthy, M.P.P., Durham – [Todd.McCarthy@pc.ola.org](mailto:Todd.McCarthy@pc.ola.org)  
The Honourable David Piccini, M.P.P., Northumberland-Peterborough South -  
[david.piccini@pc.ola.org](mailto:david.piccini@pc.ola.org)  
The Honourable Laurie Scott, M.P.P., Haliburton-Kawartha Lakes-Brock –  
[Laurie.Scott@pc.ola.org](mailto:Laurie.Scott@pc.ola.org)  
Susan Cassel, City Clerk, City of Pickering - [clerks@pickering.ca](mailto:clerks@pickering.ca)  
Nicole Cooper, Director of Legislative & Information Services, Town of Ajax -  
[clerks@ajax.ca](mailto:clerks@ajax.ca)  
Alexander Harras, Regional Clerk, The Regional Municipality of Durham -  
[clerks@durham.ca](mailto:clerks@durham.ca)  
Christopher Harris, Town Clerk, Town of Whitby - [clerk@whitby.ca](mailto:clerk@whitby.ca)  
Becky Jamieson, Director of Corporate Services/Municipal Clerk, Township of Scugog –  
[bjamieson@scugog.ca](mailto:bjamieson@scugog.ca)  
Fernando Lamanna, Clerk/Deputy CAO, Township of Brock -  
[fernando.lamanna@brock.ca](mailto:fernando.lamanna@brock.ca)  
Debbie Leroux, Director of Legislative Services/Clerk, Township of Uxbridge -  
[dleroux@uxbridge.ca](mailto:dleroux@uxbridge.ca)  
Mary Medeiros, City Clerk, City of Oshawa - [clerks@oshawa.ca](mailto:clerks@oshawa.ca)  
Durham Regional Police Services Board  
Conseil scolaire catholique MonAvenir – c/o Andre Blais, Director of Education and  
Secretary Treasurer – [ablais@cscmonavenir.ca](mailto:ablais@cscmonavenir.ca)  
Conseil Scolaire Viamonde – c/o Michel Laverdière, Acting Director of Education –  
[laverdierem@csviamonde.ca](mailto:laverdierem@csviamonde.ca)  
Durham Catholic District School Board – c/o Tracy Barill, Director of Education  
Durham District School Board – c/o Norah Marsh, Director of Education


Kawartha Pine Ridge School Board – c/o Rita Russo, Director of Education and  
Secretary to the Board - [Director\\_Education@kprdsb.ca](mailto:Director_Education@kprdsb.ca)

Peterborough Victoria Northumberland and Clarington Catholic District School Board –  
c/o Joan Carragher, Director of Education/Secretary Treasurer -  
[jcarragher@pvnccdsb.on.ca](mailto:jcarragher@pvnccdsb.on.ca)

File: 03-05

June 22, 2022

**DELIVERED BY E-MAIL**  
**([premier@ontario.ca](mailto:premier@ontario.ca))**Honourable Doug Ford  
Premier of Ontario

 Corporate Services Department Legislative Services Division	
Date & Time Received:	June 28, 2022 9:49 am
Original To:	CIP
Copies To:	
Take Appropriate Action	<input type="checkbox"/> File <input type="checkbox"/>
Notes/Comments:	

Re: Request for Community Warning Program for Persons of Special Needs or  
Circumstances

Oshawa City Council considered and passed the following Resolution at its meeting of June 20, 2022:

"Whereas the recent tragic death of Draven Graham, an 11 year old child on the autistic spectrum, after walking away from the family home; and,

Whereas the Amber Alert has been very effective in announcing to the public children who have been abducted; and,

Whereas a similar alert program for those who have special needs who leave family custody would be seem to be warranted in the Province of Ontario;

Be it resolved that the Council of the City of Oshawa request the Province of Ontario:

- 1) To develop and implement a community warning program similar to Amber Alert for those persons of special needs or circumstance who leave the care givers or locations and potentially put themselves at risk; and,
- 2) That copies of this resolution be forwarded to Premier Ford, the Leaders of the Opposition Parties in Ontario, all Durham MPs and MPPS, Durham Regional Municipality, the District School Boards in Durham Region, all Durham Regional municipalities, and the Durham Regional Police Service to ask them to support the resolution."

If you need further assistance concerning the above matter, please contact me at the address listed below or by telephone at 905-436-3311.



Mary Medeiros  
City Clerk


/jl

- c. Ian Hall, Executive Director, Ontario Liberal Party - [ihall@ontarioliberal.ca](mailto:ihall@ontarioliberal.ca)
- Janelle Brady, President, Ontario NDP – [info@ontariondp.ca](mailto:info@ontariondp.ca)
- M. Schreiner, Leader of the Ontario Green Party – [Mschreiner@ola.org](mailto:Mschreiner@ola.org)
- Durham Members of Parliament
- Durham Members of Provincial Parliament
- Durham Region Area Municipalities
- Durham District School Board
- Durham District Catholic School Board
- Durham Regional Police Services

The Honorable Doug Ford  
Premier of Ontario  
Legislative Building Queen's Park  
Toronto ON M7A 1A1  
[premier@ontario.ca](mailto:premier@ontario.ca)

**Sent by E-Mail**

June 23, 2022

 <b>Corporate Services Department Legislative Services Division</b>	
Date & Time Received:	June 28, 2022 9:54 am
Original To:	CIP
Copies To:	
Take Appropriate Action <input type="checkbox"/> File <input type="checkbox"/>	
Notes/Comments:	

**Re: An Emergency Alert for Vulnerable Persons Who Go Missing**

The following resolution was passed by Ajax Town Council at its meeting held on June 20, 2022:

**WHEREAS** we have all become aware of the recent tragic death of Draven Graham, an 11-year-old child from Lindsay, Ontario on the autistic spectrum, after walking away from the family home,

**AND WHEREAS** the Amber Alert has been very effective in announcing to the public children who have been abducted, and

**AND WHEREAS** a similar alert for vulnerable persons who leave family or caregiver custody would be warranted in the Province of Ontario,

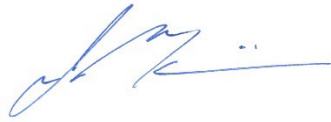
**AND WHEREAS** several online petitions are calling for the creation of the Draven Alert program, including a change.org petition with more than 67,000 signatures, and Councillor Brian Nicholson will introduce a motion at Oshawa Council on June 20, 2022 calling for a Draven Alert;

**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Town of Ajax request the Province of Ontario to review the current Amber Alert program and criteria to include missing and at-risk vulnerable persons, or establish a new program; and
2. This motion be circulated to Premier Doug Ford, the Ministry of the Solicitor General, MPP-Elect Patrice Barnes, the Region of Durham, all Durham Region lower tier municipalities, the Durham Regional Police Service, and the Durham and Durham Catholic District School Boards.

If you require further information please contact me at 905-619-2529 ext. 3342 or [Jason.McWilliam@ajax.ca](mailto:Jason.McWilliam@ajax.ca).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jason McWilliam', with a long horizontal stroke extending to the right.

Jason McWilliam  
Manager of Legislative Services/Deputy Clerk

Copy: Councillor L. Bower  
Regional Councillor S. Lee  
Ministry of the Solicitor General  
MPP-Elect Patrice Barnes  
Region of Durham  
All Durham Region municipalities  
Durham Regional Police Service  
Durham District School Board  
Durham Catholic District School Board



# The Regional Municipality of Durham Information Report

---

From: Commissioner of Finance  
Report: #2022-INFO-68  
Date: August 19, 2022

---

**Subject:**

2021 Annual Investment Report

---

**Recommendation:**

Receive for information

---

**Report:**

**1. Purpose**

- 1.1 In accordance with the *Municipal Act, 2001*, *Ontario Regulation 438/97*, and the Region's "Statement of Investment Policy and Goals" (Policy), the Treasurer is required to report annually on the Region's investment portfolio following the end of each fiscal year, generally to report on performance of the portfolio and its compliance with investment policies and goals.
- 1.2 This report summarizes the performance of the investment portfolio for 2021 and provides the required statement of the Treasurer, based on the Investment Policy in effect for 2021.

**2. Background**

- 2.1 The Region's Statement of Investment Policy and Goals sets a low risk tolerance level, and the overall investing approach emphasizes security of principal while maintaining liquidity. The Policy permits investment in a variety of securities that meet or exceed the high credit ratings thresholds established therein.
- 2.2 Similar to the past few years, the investment landscape continued to be characterized by low returns. Consequently, the performance of the Region's investment portfolio reflects the lower yields that were available in the investment marketplace and compliant with Policy guidelines.
- 2.3 The Region prioritizes liquidity by investing available cash not required for immediate use in its operations, reserve funds, and capital program. Earnings from the investment portfolio are allocated to each of these areas in proportion to the

cash balances invested.

### **3. Previous Reports and Decisions**

- 3.1 An investment report is prepared annually by the Treasurer to report on the performance of the investment portfolio for the prior fiscal year and compliance with the Region's investment policies and goals.
- 3.2 The 2020 Annual Investment Report (#2021-INFO-90) was provided to Council in August 2021.

### **4. Performance of the Investment Portfolio**

#### Investment Returns

- 4.1 The approved Statement of Investment Policy and Goals specifically recognizes the Region's role as custodian of taxpayer's money, with safeguarding of funds being of utmost importance. The Policy also recognizes that trade-offs among investment objectives will occur to emphasize security of principal, provide overall liquidity, and, at the same time, maximize investment returns. While investment returns are an important measure of the performance of the portfolio, they are a function of the investment objectives adopted by the Region, as well as market conditions.
- 4.2 The Region's overall investment returns were lower than those obtained in the prior year, reflecting the continuing low returns available in the marketplace for investments and interest bearing accounts. For 2021, the return on the portfolio averaged 1.512% (2020 – 1.942%).
- 4.3 The average rate of return for investments stratified by the remaining term is shown in the following table:

**Investment Returns by Remaining Term**

<b>Remaining Term of Investment</b>	<b>2021</b>	<b>2020</b>
Less than 6 months	1.34%	1.55%
6 months to 1 year	2.14%	1.97%
1 year up to 5 years	1.34%	2.09%
5 years up to 10 years	2.49%	2.63%
10 years up to 20 years	4.31%	4.30%



### Investment Terms

- 4.4 The Statement of Investment Policy and Goals provides guidelines for the stratification of the Region's portfolio over investment terms ranging from less than six months up to twenty years.
- 4.5 At December 31, 2021, 41.6% (2020 – 49.1%) of the portfolio was invested in securities maturing in one year or less, 56.4% (2020 – 48.7%) of the portfolio was maturing within one to five years and the remaining 2.0% (2020 – 2.2%) had maturities due beyond five years.
- 4.6 The liquidity guideline ensures ready access to funds in order to meet the financial obligations of the Region as they come due and suggests a minimum of 50% of the Region's investments should have a term of one year or less. Short-term investment holdings were slightly below this minimum target at the end of 2021.
- 4.7 An additional term-related objective of the Policy is to hold all investments until maturity unless cash flow is required for operational purposes. This practice continued for 2021 as Regional staff actively monitor cash requirements and inflows to ensure sufficient balances are held for day to day operations.

### Investment Portfolio Composition

- 4.8 The Investment Policy establishes general guidelines for minimum and maximum investment targets by type of financial instrument and by issuers, as well as minimum credit ratings for issuers. The portfolio composition at any one point in time tends to reflect the availability of safe investments at rates of return that exceed those being received on surplus operating cash balances.
- 4.9 The composition of the Region's investment portfolio at year end by type of financial institution is shown in the following table:

**Investment Portfolio Composition**

Financial Institution / Instrument	Guidelines		Actual at Dec 31/21 %
	Target Minimum %	Target Maximum %	
Government of Canada	25	100	0.0
Provincial Governments	15	50	0.9
Large Urban Municipal Debentures	0	25	0.4
Schedule 1 Banks (GIC's, bonds and high interest accounts)	0	50	95.5
ONE Investment	0	20	3.2

- 4.10 Canadian interest rates continued to be historically low in 2021. Investing in high interest accounts and term deposits remained the primary investment vehicles for the Region.
- 4.11 The Investment Policy also permits the Region to invest in its own debt issuances, with the requirement to report such investments in each annual investment report. The following table provides details of \$13,837,196 Region of Durham debentures held in the investment portfolio as at December 31, 2021:

**Investment in Own Debt**

<b>Broker</b>	<b>Coupon Rate</b>	<b>Maturity Amount</b>	<b>Issue Date</b>	<b>Purchase Date</b>	<b>Maturity Date</b>
RBC	4.588%	\$5,474,196*	Oct. 6/05	Feb. 14/11	Oct. 6/28
RBC	4.15%	\$1,538,000	Oct. 16/13	Oct. 16/13	Oct. 16/29
RBC	4.20%	\$1,602,000	Oct. 16/13	Oct. 16/13	Oct. 16/30
RBC	4.25%	\$1,669,000	Oct. 16/13	Oct. 16/13	Oct. 16/31
RBC	4.30%	\$1,740,000	Oct. 16/13	Oct. 16/13	Oct. 16/32
RBC	4.30%	\$1,814,000	Oct. 16/13	Oct. 16/13	Oct. 16/33

\*Amortizing bond – amount will reduce over the term

- 4.12 The total value of the Region's investment portfolio was \$3,533,158,767 as at December 31, 2021. Below is a summary of the portfolio composition by type of security at year end:

**Portfolio Composition by Type of Security**

<b>Type of Investment</b>	<b>\$ ('000's)</b>	<b>Yield % Range</b>	<b>Maturity Range</b>
<b>Bonds / Coupons / Deposit Notes / GICs</b>			
Provinces	32,726	2.66 – 2.88	2022
Municipalities	15,051	1.725 – 4.75	2022 - 2033
Schedule 1 Banks	3,000,000	0.96 – 2.60	2022 - 2025
<b>High Interest Accounts</b>	429,887	0.715 – 0.85	On demand
<b>ONE Canadian Equity Fund</b>	55,495	Not applicable	not applicable

## **5. Compliance with Investment Policies and Goals**

- 5.1 Internal controls established by Finance Department staff are an integral component in ensuring that all investment transactions are made in accordance with the Region's Statement of Investment Policies and Goals. They include those outlined in the Policy as well as the ethics and conflict of interest guidelines.
- 5.2 The Region's investments are also audited annually by Deloitte LLP, the independent external auditor, as part of the audit of the Region's Consolidated Financial Statements.

## **6. Forecast**

- 6.1 The low interest rate environment of the past few years has made it exceedingly difficult to earn returns at or above the rate of inflation. However, the Bank of Canada has increased the target for the overnight rate on several occasions in 2022 (with additional increases anticipated for Bank of Canada announcements in September and October). The interest rate increases are anticipated to reduce excessive consumer demand, decrease inflationary pressures and return to historical Consumer Price Index (CPI) norms over late 2022 and 2023. These rate increases will positively impact investment earnings on the Region's available cash balances and investments, as well as benefit reserve funds and capital programs that rely on investment earnings to supplement funding for tangible capital asset investments.
- 6.2 In January 2022, Regional Council approved an update to Durham's Statement of Investment Policy and Goals. Changes were made to allow access to a broader range of legislated securities, support the strategy of diversifying the Region's investments to improve portfolio returns, enhance the ability to achieve stated objectives, and facilitate the implementation of a more active investment strategy. The updated Policy is expected to improve access to higher yielding investments while demonstrating the Region's commitment to its fiduciary duty when investing public funds. This added flexibility supports a process where long-term financial plans inform cash flow forecasts associated with approved growth capital projects or asset management requirements, ultimately improving the quality of investment decisions.

## **7. Relationship to Strategic Plan**

- 7.1 This report aligns with/addresses the following strategic goals and priorities in the Durham Region Strategic Plan:
  - a) Goal 5.4 Service Excellence – This investment report demonstrates the commitment to financial stability and transparency by communicating the annual performance of the portfolio along with compliance results.

**8. Conclusion**

- 8.1 The Region continues to invest in a diverse portfolio of high credit quality securities delivering a suitable rate of return considering the 2021 market conditions.
- 8.2 In my opinion, all investment transactions for 2021 continue to conform to the Region's investment policies and goals as adopted by Regional Council, reflecting a low risk tolerance and overall conservative investing approach to emphasize the security of principal, while maintaining ample liquidity.

Respectfully submitted,

Original Signed By

\_\_\_\_\_  
Nancy Taylor, BBA, CPA, CA  
Commissioner of Finance

# MEMORANDUM

**To:** Lino Trombino, Secretary/Treasurer - Land Division  
David Perkins, Planner – Planning & Economic Development

**From:** Debbie Leroux, Director of Legislative Services/Clerk

**Date:** September 12, 2022

**Subject:** Report DS-44/22 of Elizabeth Howson, Macaulay Shiomi Howson Ltd.  
  
re Oland Holdings (Uxbridge) Inc. Zoning By-law Amendment  
Application - 102 Prouse Road, Part Lots 16 & 17, Concession 1,  
Township of Uxbridge

---

The following is for your information and/or action:

**11.13 Report DS-44/22 of Elizabeth Howson, Macaulay Shiomi  
Howson**

re Oland Holdings (Uxbridge) Inc., Zoning By-law Amendment  
Application - 102 Prouse Road, Part Lots 16 & 17, Concession 1, Uxbridge

**Moved by** Councillor Highet  
**Seconded by** Councillor Garrod

THAT Report DS 44/22 of Elizabeth Howson, Macaulay Shiomi  
Howson Ltd. regarding Oland Holdings (Uxbridge) Inc., be received  
for information;

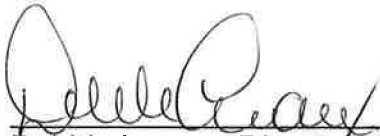
AND THAT Council approve the Zoning By-law Amendment  
Application by Oland Holdings (Uxbridge) Inc., 102 Prouse Road,  
Part Lots 16 & 17, Concession 1, Township of Uxbridge;

AND THAT Council adopt the implementing Zoning By-law subject  
to the approval of the Regional Official Plan Amendment;

AND THAT Council direct that the Regional Municipality of Durham  
be advised, prior to the meeting of Regional Council on September  
28, 2022, that the Township of Uxbridge is in support of the  
proposal by Oland Holdings (Uxbridge) Inc., for a soil remediation  
and processing use on the lands described as 102 Prouse Road,  
Part Lots 16 & 17, Concession 1, Township of Uxbridge.

**Carried**

A copy of Report DS-44/22 from Elizabeth Howson, Macaulay Shiomi Howson Ltd. has been attached for your convenience.

A handwritten signature in cursive script, appearing to read "Debbie Leroux", written over a horizontal line.

Debbie Leroux, Director of Legislative Services/Clerk



# Memorandum

The Regional  
Municipality of Durham  
Corporate Services  
Department –  
Legislative Services  
Division

605 ROSSLAND RD. E.  
LEVEL 1  
PO BOX 623  
WHITBY, ON L1N 6A3  
CANADA

905-668-7711  
1-800-372-1102

durham.ca

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

**Date:** September 28, 2022

**To:** Regional Chair Henry and Members of Regional Council

**From:** Alexander Harras, Regional Clerk

**Subject:** Repeal of By-law 49-2017

---

With the appointment of John Presta as Commissioner of Works, it is necessary to repeal By-law 49-2017 which previously appointed Susan Siopis to the position.

Moving forward the Region will not be requiring appointment by-laws for senior positions, with the exception of those positions considered to be “officers” of the corporation in accordance with the Municipal Act.

Council is being requested to approve the By-law to Repeal By-law 49-2017 as included in the September 28, 2022 Council Agenda.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'AH', written over a horizontal line.

Alexander Harras  
Regional Clerk

**From:** Marlene B  
**Sent:** September 16, 2022 11:11 AM  
**To:** Clerks <[Clerks@durham.ca](mailto:Clerks@durham.ca)>  
**Subject:** Water & Sewer Lines - SLWC

Dear Regional Clerk,

Please forward to all Regional Councillors - to include for Committee of the Whole Meeting on September 28, 2022.

Dear Regional Councillors:

We received a letter in our mailbox on September 2, 2022, and we're checking out this company, which is endorsed by the Region of Durham. It is not an insurance company, but an independent company trying to sell the homeowner a 'Service Plan'.

Our Whitby Shores subdivision was built in 2000 - so the underground lines are now 22 years old and not made of lead & soldered, but are the PVC pressure pipe. The following is what I read up on the PVC pipe.

"In most cases, adopting an "out of sight, out of mind" attitude is perfectly reasonable. Depending upon what the pipe is made of, water lines will usually last anywhere from **20 to 100 years**. Many people will live in the same home for decades without even knowing where the line is located!"

"Based on stress regression, slow crack growth and fatigue testing, the service life of PVC pressure pipe should exceed **100 years**. The Water Research Foundation reported that 100 years is a conservative estimate for a properly designed and installed PVC pipe."

Following quote from SLWC - vice-president Myles Meehan.

\* "In Ontario, it's a non-insurance product, so we don't have to follow the same rules as if we would be offering a product backed by an insurance policy," said Meehan, describing the program as a service plan.

Myles Meehan, vice-president of public relations for SLWC and Pennsylvania-based parent company Homeserve, said his company's rates are competitive with insurance providers, but added that there are some caveats.

For instance, homeowners must wait 30 days to submit a claim."

"And the reason why we have that on there is to help make the plan the most affordable as possible," Meehan said. "We don't pre-inspect anything. We take anyone who wants to sign up as long as they are an eligible homeowner."

My home insurance policy covers flood, surface waters and ground water including underground water and sewer back-up and installation of a backwater valve attached to



the main line and I am paying an extra of \$75.00 per year on my home insurance policy, but there is a \$2,000 deductible on my policy. My insurance company will send out someone to inspect and then hire appropriate licenced contractors to do the necessary repairs.

Please consider a recommendation: That the Region of Durham be responsible to complete all repairs to the water and sewer lines that run underground from the resident property which connects to the Region property at the expense of the Regional Municipality of Durham. The costs to be covered by the Region and applied to the quarterly charges to all residents of Durham under the resident's home billing for 'Water Service Charge' and 'Sewer Service Charge'. If we all share in the cost, then the amount per resident will be minimized.

Please consider holding a public meeting to discuss any recommendations so that the residents of Durham may have input into how to manage these costs in the future and also obtain information on how the water and sewer lines are installed into their homes and what kind of damage can occur in the future ownership of their home.

Thank you for your considerations,  
Marlene Boetto

\*Link from the City of Windsor.

<https://www.cbc.ca/news/canada/windsor/service-line-warranties-canada-windsor-sewer-water-warranty-insurance-1.5308086>

**From:** don white  
**Sent:** September 19, 2022 4:59 PM  
**To:** Clerks <[Clerks@durham.ca](mailto:Clerks@durham.ca)>  
**Cc:** chair <[chair@durham.ca](mailto:chair@durham.ca)>  
**Subject:** Re 2022-COW-27

I was shocked and disappointed with The Region regarding a sewer back-up on Sept 2. I left a message on the Works answering machine and stopped using water till Tuesday Sept 6 because of the long weekend. I knew the blockage was on the Region side because I have had this before. I had my line repaired years ago with a Nuflo liner which has been problematic (untrimmed installation wires). I talked to Your Works people on Tuesday and she said they didn't cover repairs anymore and to get a camera shot from someone I have to hire to prove it was past my property line. She mentioned a letter offering insurance was sent which I received later in the week. I contacted Central Drain Service and they cleared the drain 56 ft from the main cleanout , Newflo/Durham Region territory. They mentioned the problems and cost of pictures and I hadn't had water for 3 days so they cleared it for \$ 280.24.

I talked to another Regional Works person and they said they would review my case but I have yet to hear back.

On receipt of this letter with a Region logo on it I wondered why you would deal with an insurance company from Pennsylvania covering Regional work that I have been receiving and paying for in taxes. What does CUPE1764 think about farming out their work ? Why would you give them my address ?

In any event , half the sewers have collapsed in my neighbourhood of Lynde Creek and the rest WILL eventually. Everyone I have talked to on the street are unaware of this and think the letter is a scam and are wide open for massive liability. I refuse to believe Councillors Leahy , Mulcahy Yamada and Roy would vote for a bill that effectively threw their constituents under the bus. I have taken real insurance on my homeowners plan and my company DOES know of SLWC Inc.

Please ensure Regional Council gets this as well as Works.

Don White

Thank you for your attention.

Sent from Windows Mail



# Interoffice Memorandum

The Regional  
Municipality of Durham  
Corporate Services –  
Legal Services

605 ROSSLAND RD. E.  
LEVEL 1  
PO BOX 623  
WHITBY, ON L1N 6A3  
CANADA

905-668-7711  
1-800-372-1102

durham.ca

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

**Date:** September 20, 2022

**To:** Alexander Harras, Regional Clerk

**From:** Alexander McPherson, Solicitor

**Re:** Expropriation of lands required for Regional Road 3  
Rehabilitation project (2021-W-28) (Our File: 2022-2062)

---

On September 29, 2021, Regional Council authorized staff to begin expropriation proceedings for lands required for the Regional Road 3 Rehabilitation project that cannot be acquired through negotiations (Report #2021-W-28).

**IN THE MATTER OF** an application by The Regional Municipality of Durham for approval to expropriate land being

Part of Lots 33 and 34, Concession 7, designated as Parts 3 and 5, 6 subject to DN19324, and 7 on Reference Plan 40R-31092, Darlington; in the Municipality of Clarington,

for the purposes of construction of Regional Road 3 in the Municipality of Clarington, in the Regional Municipality of Durham, and all related construction activities as ancillary to the construction.

All estate, right, title and interest in the lands described as follows:

Part of Lots 33 and 34, Concession 7, designated as Part 3 and 5, 6 subject to DN19324, and 7 on Reference Plan 40R-31092, Darlington; in the Municipality of Clarington

Notices of Application for Approval to Expropriate had been served in accordance with the Expropriations Act.

A registered owner requested a hearing before the Ontario Land Tribunal according to section 7 of the Expropriations Act. This hearing took place on July

15, 2022. In its report and decision issued July 27, 2022, the Ontario Land Tribunal recommended that the expropriation as proposed by the Region of Durham is reasonably defensible in the achievement of the Region's objectives of a road upgrade and all construction activities ancillary to the construction and is recommending the expropriation.

I enclose four documents:

1. Report of a Hearing of Necessity
2. Form of Resolution approving this expropriation;
3. Expropriation By-law; and
4. Certificate of Approval.

Please present the Hearing of Necessity report for Council's consideration. Regional staff are recommending per the decision in the Hearing of Necessity report the four recommendations below to Regional Council for their consideration and approval. If Regional Council gives approval to expropriate, please present the draft Expropriation By-law to Regional Council for approval.

- A) That Regional Council, as approving authority under the Expropriations Act, approve the property requirements for the expropriation of the property as described in the registered reference plan as Parts 3, 5, 6 and 7 on Plan 40R-31092, deposited in the Land Registry Office on October 20, 2020.
- B) That Regional Council, as expropriating authority under the Expropriations Act, authorize all steps necessary to comply with the Expropriations Act, including, but not limited to, the preparation and registration of expropriation plans and the service of notices of expropriation, notice of election as to a date for compensation and notices of possession.
- C) That Regional Council grant authority to the Regional Chair and Clerk to execute any notices and forms as may be statutorily mandated by the Expropriations Act, R.S.O. 1990, c. E.26, to give effect to recommendation B), including the notices of expropriation, notices of election as to a date for compensation and notices of possession, including the certificate of approval to be affixed to the expropriation plan.
- D) That the necessary expropriation by-law be presented to Regional Council for adoption.

Alexander McPherson  
Solicitor

**Ontario Land Tribunal**  
Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** July 27, 2022

**CASE NO(S).:**

OLT-22-003573

**PROCEEDING COMMENCED UNDER** subsection 6(2) of the *Expropriations Act*,  
R.S.O. 1990, c. E.26, as amended

Owner:	Edwin and Sofija Allenspach
Expropriating Authority:	Regional Municipality of Durham
Property Address/Description:	Part of Lot 22, Concession 7,
Municipality:	Durham
OLT Case No.:	OLT-22-003573
OLT Case Name:	Allenspach v. Durham (Region)

**Heard:** July 15, 2022 by video hearing

**APPEARANCES:**

**Parties**

**Counsel**

Region of Durham

A. McPherson

Edwin and Sofija Allenspach

*In absentia*

**DECISION DELIVERED BY G. BURTON AND ORDER OF THE TRIBUNAL**

[1] This is the Report of a Hearing of Necessity held under section 7 of the *Expropriations Act*, R.S.O. 1990, Chapter E.26 as amended (the "Act"). Informal inquiries are held in order to determine whether the proposed taking by the expropriating authority of an owner's land is "fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority" as the Act states. The

courts have interpreted this test to be whether the proposed taking is “reasonably defensible”.

[2] The parcel in question is located at 7398 Langmaid Road in Hampton, Ontario, in the municipality of Clarington, Regional Municipality of Durham (“Region”). The Region proposes to acquire Part of Lots 33 and 34, Concession 7, designated as Part 3 and 5, 6 subject to DN19324, and 7, on Plan 40R-31092, and all related construction activities ancillary to the construction, for a road upgrade.

[3] It appeared from their correspondence that the property owners had requested a Hearing under section 7 of the Act, following a notice of expropriation served on them, although the request was not clearly set out. The owners, Mr. and Mrs. Edwin and Sofija Allenspach (“Requestors”), did not appear at the Hearing. The Tribunal’s Case Coordinator had connected with them, or at least with Mrs. Allenspach, throughout the prior week. Mrs. Allenspach informed him that she would not be joining the Hearing because of communication difficulties. She was told again of the possibility of a telephone connection rather than by internet, but she did not react positively in any respect. Counsel for the expropriating authority the Region of Durham advised that they had not heard from the Requestors recently about the Hearing.

[4] The Tribunal considers that the owners have constructively abandoned their request for a Hearing, and provides its finding on the proposed expropriation only for the record.

[5] Alexander McPherson appeared for the Region, and the owners were not represented. The Region presented the engineering rationale by the evidence of Nga Nguyen, a Project Manager in the Transportation Design Division of the Region’s Works Department. She is a professional engineer.

[6] The Region plans to upgrade Regional Road 3 in the Municipality of Clarington, from 75 metres (“m”) east of Townline Road to 150 m east of Enfield Road. The general area can be seen in Exhibit 1, the Region’s Document Book, Map 2, and Plan 40R-31092 is there as well. Upgrades will reduce future maintenance and expense.

[7] The existing right-of-way is about 20 m, the pavement in poor condition. Regional standards are for a 30- to 36 m right of way. The road floods repeatedly. The current road was built with non-traversable slopes next to the road. If vehicles access these they are less likely to recover and are much more likely to overturn. There are also collision hazards such as trees, berms and utility poles close to the road. The upgrade would allow the Region to improve the safety and long-term durability of Regional Road 3.

[8] The Region's Official Plan and Transportation Master Plan, as well as national, provincial and regional road design standards all require widening of the existing 20-m road allowance to 30 m. The Region must widen the road to improve road safety, cycling and large farm vehicle accessibility, access in and out of properties, and stormwater management.

[9] The Region requires the proposed portions of the owners' land for the widening: first, to put in clear zones for improved safety, especially for the design speed of 90 km/hr; and second, to build ditches for stormwater management and flood control. Clear zones are unobstructed, travelable areas beside the road, available for errant vehicles. They are one of the most effective crash-reduction designs available. Clear zone width depends on traffic volumes, design speed and roadside geometry. Here, the required clear zone is 9 m on each side.

[10] For stormwater management and flood control, the Region requires space beside the road to carry overland flow to a suitable outlet. To minimize land needs, the Region has designed the steepest slopes possible outside the clear zone for the ditch backslope, and a flat bottom. This requires an added 2 to 3 m width on each side.

[11] Thus the 30-metre road will have a 2-3 m ditch on each side, then a 9-m clear zone, and two 3.5-m lanes.

[12] The proposed taking was identified through the detailed design of Regional Road 3 (Exhibit 1, Document 1). The proposed works meet the criteria of a Municipal Class Environmental Assessment, Schedule A+. The rebuilt road will be in the same place, for



the same purpose and capacity. Thus the risk of adverse environmental impacts is low. The Region has not needed a full environmental assessment nor environmental study reports.

[13] Negotiations for a purchase of the required portions of the parcel failed, so the Region served a Notice of Expropriation for portions of the Allenspach lands required for the project as shown on Exhibit 1, Map 2 and Reference Plan 40R-31092.

[14] Ms. Nguyen testified that a move of the roadway further north as some had suggested would be unfair, and adversely impact those on the north side.

### **Findings and Opinion**

[15] A review of the document book and Ms. Nguyen's testimony makes it clear there is no other choice for the road location and design. The Region requires these portions of the owners' land to construct the proposed upgrades. To prevent problems in the future in the maintenance of the culvert and the road, it is requiring a minor taking. There is no doubt in the Tribunal's view there is a need, and the owners have not advised of their objection to this proposal. They merely complained about non-payment in a previous private sales transaction.

[16] After considering all of the evidence and arguments, the Tribunal concludes that the proposal meets the test in the Act and the summation of it as set out by the courts. The test in s. 7(5) of the Act is whether the proposed taking is "fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority". Court decisions such as *Parkin v. The Queen in right of Ontario et al*, 19 O.R. (2d) 473 determined that the test that the inquiry officer must apply can be expressed as to whether the proposal is "reasonably defensible in the achievement of the City's objectives".

[17] For the reasons given above, the Tribunal finds that the taking of Part of Lots 33 and 34, Concession 7, designated as Part 3 and 5, 6 subject to DN19324, and 7 on Plan 40R-31092, the municipality of Clarington, Regional Municipality of Durham is

reasonably defensible in the achievement of the Region's objectives of a road upgrade and all related construction activities ancillary to the construction.

*"G. Burton"*

G. BURTON  
VICE-CHAIR

**Ontario Land Tribunal**

Website: [www.olt.gov.on.ca](http://www.olt.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

## **RESOLUTION**

RE: Expropriation of lands required for Regional Road 3 Rehabilitation project

All estate, right, title and interest in the lands described as follows:

Part of Lots 33 and 34, Concession 7, designated as Part 3 and 5, 6 subject to DN19324, and 7 on Reference Plan 40R-31092, Darlington; in the Municipality of Clarington,

- A) That Regional Council, as approving authority under the Expropriations Act, approve the property requirements for the expropriation of the property as described in the registered reference plan as Parts 3, 5, 6 and 7 on Plan 40R-31092, deposited in the Land Registry Office on October 20, 2020.
- B) That Regional Council, as expropriating authority under the Expropriations Act, authorize all steps necessary to comply with the Expropriations Act, including, but not limited to, the preparation and registration of expropriation plans and the service of notices of expropriation, notice of election as to a date for compensation and notices of possession.
- C) That Regional Council grant authority to the Regional Chair and Clerk to execute any notices and forms as may be statutorily mandated by the Expropriations Act, R.S.O. 1990, c. E.26, to give effect to recommendation B), including the notices of expropriation, notices of election as to a date for compensation and notices of possession, including the certificate of approval to be affixed to the expropriation plan.
- D) That the necessary expropriation by-law be presented to Regional Council for adoption.

MOVED:

SECONDED:

Whereas Regional staff served and published notices of application for approval to expropriate,

And whereas an owner or other party having interest in the lands notified the approving authority of their desire to have a hearing within thirty days after the registered owner was served by the notice;

And whereas the Region, as expropriating authority, forwarded this request to the Ontario Land Tribunal for a hearing of necessity;

And whereas there was a hearing before the Ontario Land Tribunal on July 15, 2022;

And whereas by a decision of the Tribunal issued on July 27, 2022, the Tribunal found that the taking of Part of Lots 33 and 34, Concession 7, designated as Part 3 and 5, 6 subject to DN19324, and 7 on Plan 40R-31092, is reasonably defensible in the achievement of the Region's objective's of a road upgrade and all related construction activities ancillary to the construction,

And whereas no other owner or other party having interest in the lands has notified the approving authority of its desire to have a hearing within thirty days after the first publication of the notice of application, as required by the Expropriations Act,

Therefore the Council of The Regional Municipality of Durham approves the proposed expropriation and grants a certificate of approval.

**By-law Number \*\*\*-2022**  
**of The Regional Municipality of Durham**

Being a by-law to expropriate all estate, right, title and interest in Part of Lots 33 and 34, Concession 7, designated as Part 3 and 5, 6 subject to DN19324, and 7 on Reference Plan 40R-31092, Darlington; in the Municipality of Clarington, in the Regional Municipality of Durham.

Whereas the Expropriations Act, R.S.O. 1990, c. E.26 requires an expropriating authority to seek approval from its approving body to expropriate property.

And whereas under the Expropriations Act, The Regional Municipality of Durham is the expropriating authority, and the approving body is Regional Council.

And whereas the authority for such approval to expropriate is obtained by Regional Council's passing of the required by-law.

Now therefore, the Council of The Regional Municipality of Durham hereby enacts as follows:

1. That an estate in fee simple in the lands described as Part of Lots 33 and 34, Concession 7, designated as Part 3 and 5, 6 subject to DN19324, and 7 on Reference Plan 40R-31092, Darlington; in the Municipality of Clarington is hereby taken and expropriated for the purposes of construction of Regional Road 3 in the Municipality of Clarington, in the Regional Municipality of Durham, and for all related construction activities as ancillary to the construction.
2. That Regional Council authorize all steps necessary to comply with the Expropriations Act, including, but not limited to, the preparation and registration of expropriation plans and the service of notices of expropriation, notice of election as to a date for compensation and notices of possession.
3. That Regional Council grants authority to the Regional Chair and Regional Clerk to prepare, execute and register any notices and forms as may be statutorily mandated by the Expropriations Act, R.S.O. 1990, c. E.26, to give effect to clause 1, including the notices of expropriation, notices of election as to a date for compensation and notices of possession, including the certificate of approval to be affixed to the expropriation plan.

This By-law Read and Passed on the 28th day of September, 2022.

---

J. Henry, Regional Chair and CEO

---

A. Harras, Regional Clerk

**EXPROPRIATIONS ACT, R.S.O. 1990, c. E.26**

**CERTIFICATE OF APPROVAL**

**In the matter** of an application by The Regional Municipality of Durham for approval to expropriate land being Part of Lots 33 and 34, Concession 7, designated as Part 3 and 5, 6 subject to DN19324, and 7 on Reference Plan 40R-31092, Darlington; in the Municipality of Clarington for the purposes of construction of Regional Road 3 in the Municipality of Clarington, in the Regional Municipality of Durham, and all related construction activities as ancillary to the construction:

The Council of The Regional Municipality of Durham hereby certifies that approval was given to The Regional Municipality of Durham on the 28th day of September, 2022 to expropriate all estate, right, title and interest in the following lands:

Part of Lots 33 and 34, Concession 7, designated as Part 3 and 5,  
6 subject to DN19324, and 7 on Reference Plan 40R-31092,  
Darlington; in the Municipality of Clarington,

being the lands described in the application.

Dated at Whitby, this 28th day of September, 2022.

THE COUNCIL OF THE REGIONAL MUNICIPALITY OF DURHAM

Per: \_\_\_\_\_

Alexander Harras, Regional Clerk

## **Report #7 of the Planning & Economic Development Committee**

For consideration by Regional Council

September 28, 2022

The Planning & Economic Development Committee recommends approval of the following:

1. Application to Amend the Durham Regional Official Plan, submitted by Malone Given Parsons on behalf of Oland Holdings (Uxbridge) Inc., in association with TACC Developments to permit soil remediation and processing uses in the Township of Uxbridge, File: OPA 2022-001 (2022-P-18)

---

  - A) That Amendment #189 to the Durham Regional Official Plan, to permit soil remediation and processing uses, as contained in Attachment #2 to Report #2022-P-18 of the Commissioner of Planning and Economic Development be forwarded to Regional Council for adoption upon receipt of correspondence from the Township of Uxbridge that it is in support of the proposal; and
  - B) That “Notice of Adoption” be sent to the applicant, the applicant’s agent, the Township of Uxbridge, the Ministry of Municipal Affairs and Housing, and all other persons or public bodies who requested notification of this decision.

Respectfully submitted,

D. Ryan, Chair, Planning & Economic Development Committee



## Report #7 of the Works Committee

For consideration by Regional Council

September 28, 2022

The Works Committee recommends approval of the following:

1. Sole Source of Ultraviolet Disinfection Units at the Newcastle Water Pollution Control Plant, in the Municipality of Clarington (2022-W-37)

---

- A) That staff be authorized to enter into a sole source agreement with Trojan Technologies for the provision of ultraviolet disinfection units at the Newcastle Water Pollution Control Plant for the Rerating and Upgrades Project (D1117) in the amount of \$422,000\*; to be financed within the approved project from the Sanitary Sewage System Capital Budget; and
- B) That the Commissioner of Finance or designate be authorized to execute the required agreements.  
(\* ) before applicable taxes.

2. Sole Source Approval for the Supply of Replacement Primary Treatment Scum Collectors and Equipment Required to Refurbish Existing Travelling Bridges at the Duffin Creek Water Pollution Control Plant, in the City of Pickering (2022-W-38)

---

- A) That staff be authorized to negotiate and award a sole source agreement with OVIVO Water Technologies at an upset limit of \$12,500,000\* for the supply of replacement primary treatment scum collectors and equipment to refurbish the existing travelling bridges;
- B) That financing be provided from within the approved project budget in accordance with the approved cost sharing with the Region of York as follows:

	Cost Split (%)	Cost Allocation*
Durham Region	20	\$2,500,000
York Region	80	\$10,000,000
Total	100	\$12,500,000

- C) That the Commissioner of Finance be authorized to execute the necessary documents related to this sole source agreement.  
(\* ) before applicable taxes

3. Sole Source Engineering Services Agreement for the Detailed Design of Bloor Street East (Regional Road 22), from East of Harmony Road South (Regional Road 33) to Grandview Street South, in the City of Oshawa (2022-W-39)
  - A) That staff be authorized to negotiate a sole source engineering services agreement with AECOM Canada Limited to undertake the detailed design of Bloor Street East (Regional Road 22) from east of Harmony Road South (Regional Road 33) to Grandview Street South, in the City of Oshawa, at an amount not to exceed \$1,737,140\*; to be financed through the approved project budget; and
  - B) That the Commissioner of Finance be authorized to execute the necessary documents related to the sole source agreement.  
(\* ) before applicable taxes
4. Update on Servicing Options for Property Owners on Bickle Drive and Roselawn Avenue, including the Sun Valley Heights Homebuilders Co-op, in the City of Oshawa (2022-W-40)
  - A) That Report #2022-W-40 of the Commissioner of Works be received for information; and
  - B) That a copy of Report #2022-W-40 be provided to the residents on Bickle Drive and Roselawn Avenue; Sun Valley Homebuilders Co-op; the City of Oshawa; and The Ministry of the Environment, Conservation and Parks York-Durham office.
5. Approval of Capital Works and Financing to be Incorporated into a Servicing Agreement with Universal City Developments Inc., Including Cost Sharing in Accordance with the Region Share Policy, for the Extension and Oversizing of a Sanitary Sewer and the Extension of a Watermain in the City of Pickering (2022-W-41)
  - A) That capital works and financing estimated at \$167,200 for the Region's share of the Universal City Developments Inc. sanitary sewer and watermain project in the City of Pickering with a total cost of \$657,500 be approved;
  - B) That the Regional Municipality of Durham be authorized to enter into a Servicing Agreement with a Region Share payment to Universal City Developments Inc. estimated at \$167,200 for the Region share of the oversizing of a sanitary sewer, and watermain on Celebration Drive, located north of Bayly Street (Regional Road 22) and west of Sandy Beach Road in the City of Pickering, at an estimated total project cost of \$657,500; and
  - C) That financing for the sanitary capital works, estimated at \$345,000, be provided from the following sources:

**Sanitary Sewer**

**Developer's Share – Sanitary Sewer**

Universal City Developments Inc. \$277,500

**Total Developer's Sanitary Sewer Share \$277,500**

**Regional Costs – Sanitary Sewer**

2022 Sanitary Sewerage System Capital Budget

Item 154: Allowance for Regional share for works in conjunction with  
residential subdivision development:

Residential Development Charges (Project ID: M2210) \$49,815

Commercial Development Charges (Project ID: M2210) 3,105

User Rate (Project ID: M2210) 14,580

\$67,500

**Total Regional Share – Sanitary Sewer \$67,500**

**Total Sanitary Sewer \$345,000**

**Watermain:**

**Developer's Share – Watermain**

Universal City Developments Inc. \$212,800

**Total Developer's Watermain Share \$212,800**

**Regional Costs – Watermain**

2022 Water Supply System Capital Budget

Item 249 Allowance for Regional share for works in conjunction with  
residential subdivision development:

Residential Development Charges (Project ID: M2210) \$87,337

Commercial Development Charges (Project ID: M2210) 2,194

User Rate (Project ID: M2210) 10,169

\$99,700

**Total Regional Share – Watermain \$99,700**

**Total Watermain \$312,500**

**Total Developer's Share \$490,300**

**Total Regional Share \$167,200**

**Total Project Financing**

**\$657,500**

Respectfully submitted,

D. Mitchell, Chair, Works Committee

## Report #7 of the Committee of the Whole

For consideration by Regional Council

September 28, 2022

The Committee of the Whole recommends approval of the following:

1. Agreement to Allow the Commencement of the Seaton Phase 2 Landowner Constructed Project Designs by the Seaton Landowners Group (2022-COW-25)
  - 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.
2. Additional Allocation of Canada Community-Building Fund Program Funds to the Durham Regional Local Housing Corporation Energy Efficiency Retrofits (2022-COW-26)
  - 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.
3. Interim Suspension of Service Line Warranties of Canada Inc. Program (2022-COW-27)
  - A) That to the extent possible, the recommendations approved in Report #2021-W-31 of the Commissioner of Works be **repealed**;
  - B) 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;

- C) That Regional staff are directed to reimburse residential customers for repairs carried out pursuant to Council's direction in Recommendation B) of Report #2022-COW-27 with appropriate documentation with funding from user rate financing at the discretion of the Commissioner of Finance;
- D) That a copy of Report #2022-COW-27 be forwarded to the Durham Local Area Municipalities for information.

Respectfully submitted,

J. Henry, Regional Chair and CEO