

## **The Regional Municipality of Durham**

### **MINUTES**

#### **COMMITTEE OF THE WHOLE**

**Wednesday, January 16, 2019**

A regular meeting of the Committee of the Whole was held on Wednesday, January 16, 2019 in the Council Chambers, Regional Headquarters Building, 605 Rossland Road East, Whitby, Ontario at 9:30 AM

Regional Chair Henry assumed the Chair.

Present: All Committee members were present with the exception of Councillor McLean.  
Councillor Anderson left the meeting at 3:38 PM  
Councillor Foster left the meeting at 3:36 PM  
Councillor Leahy left the meeting at 1:48 PM on municipal business and returned at 3:14 PM  
Councillor Marimpietri left the meeting at 11:57 AM and returned at 3:20 PM  
Councillor Ryan left the meeting at 11:35 AM on municipal business, returned at 1:46 PM and left at 4:34 PM  
Councillor Smith left the meeting at 10:41 AM on municipal business,  
Councillor Wotten left the meeting at 4:19 PM  
Councillor Yamada left the meeting on municipal business at 1:48 PM and returned at 3:14 PM

#### **Staff**

Present: E. Baxter-Trahair, G. Anello, G. Asselin, S. Austin, C. Bartlett, D. Beaton, B. Bridgeman, J. Demanuele, C. Drimmie, H. Drouin, J. Finlayson, J. Hunt, R. Inacio, R. Jagannathan, M. Januszkiewicz, B. Kelly, G. Mueller, S. Munns, J. Paquette, V. Patterson, S. Penak, N. Prasad, J. Presta, S. Rashad, A. Robins, M. Simpson, S. Siopis, N. Taylor, and R. Walton

#### **1. Declarations of Interest**

There were no declarations of interest.

#### **2. Statutory Public Meetings**

There were no statutory public meetings.

#### **3. Delegations**

- 3.1 Linda Gasser, re: 2019 Solid Waste Management Servicing and Financing Study (2019-COW-3) [Item 6.2 C)]
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L. Gasser appeared before the Committee regarding Report #2019-COW-3 of the Commissioner of Works and Commissioner of Finance. A copy of the presentation was provided as a handout. She requested that the Committee:

- Complete a review of the Region's materials management programs, what others are doing, and a review of the Region's metrics led by independent facilitators, guided by research produced by both independent experts and staff;
- Refer recommendation B to staff asking for additional information, including:
  - an updated boiler performance report covering calendar years of 2016, 2017 and 2018, similar to HDR's, indicating the reasons for outages, planned or unplanned, and reasons for maintenance/repairs;
  - stack test results summary from 2016 – 2018 highlighting exceedances;
  - a summary of all CEMS exceedances from 2016 – 2018;
  - a list of all ambient air exceedances from 2016- - 2018;
  - total amount of consultant and legal expenses over the course of the Environmental Assessment from inception of the EA in 2001 to January 2016 when incinerator commercial operations began;
  - a summary of consulting, legal and other expenses from January 2016 to present;
  - estimate of consulting, legal fees and other expenses regarding the increase from 140,000 tonnes to 160,000 tonnes;
  - estimate of all additional operating costs as well as operating fee to Covanta including any settlements and reconciliation adjustments;
  - who covers ash disposal above 140,000 tonnes? In not Covanta, how much?
  - Tonnages of bypass and unacceptable waste since inception in February 2015 to 2018; and
  - the expected additional pollution loading with increasing from 140,000 to 160,000 tonnes per year.
- Refer recommendation C to staff asking for additional information, including:
  - estimated capital costs to expand to 250,000 tonnes per year;
  - estimated operating costs and additional operating fee to Covanta and others;
  - estimated construction period;
  - explanation of how expansion might impact current operations over any period during construction and contingency plans;
  - estimated consulting, legal fees, other costs from new Terms of Reference for expansions through construction to start-up of expanded operations; and
  - ash disposal costs if not paid by Covanta.

- Through recommendation D, consider including options for contract extension with Miller Waste Systems for 7-10 years; and
- Through recommendation I, request an explanation of the term “beneficial uses”.

L. Gasser stated that a complete review of the Region’s programs/options to expand recycling beyond the Blue Box is needed; separation at the source must be a cornerstone and available to all Durham residents including the multi-residential sector; an evidence based, coherent and engaging promotion and education plan is required to drive and support public participation; and that further consideration be made before expanding the incinerator.

3.2 Carmela Marshall, on behalf of Ontario Soil Regulation Task Force, re: Durham’s Response to Bill 66, Restoring Ontario’s Competitiveness Act, 2018 (2019-COW-6) [Item 6.2 F]

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C. Marshall appeared before the Committee regarding Durham’s Response to Bill 66, Restoring Ontario’s Competitiveness Act, 2019. A copy of the presentation was provided as a handout.

C. Marshall, on behalf of the Ontario Soil Regulation Task Force requested that the Committee of the Whole direct staff, through resolution, to add the following sections to the Report:

Under “Recommendations”, add the following as a new Part D) x):

- D) x. That development approved under an Open for Business Planning By-law should conform to:
  - i. Provincial plans, policies and legislation; and
  - ii. Municipal and Regional Official Plans; and

Under Section 12 of the Report, to add the following as a new Section 12.17 to the body of the report:

The purpose of overarching Provincial plans, policies and legislation is to provide a foundation for local decision making that protects the environment, supports the principles of strong communities, provides opportunities for economic growth and protects the health and safety of all Ontarians.

The proposed legislation would exempt new major employment uses from complying with key environmental protections and strategic growth policies and legislation:

- Exemption from environmental plans such as the Greenbelt Plan and Oak Ridges Moraine Conservation Plan means that new major employment uses would not need to comply with protections provided to agricultural lands, and ecological and hydrological features within these landscapes.

These landscapes contain the headwaters of major watercourses within Durham Region that originate and flow through its various lower tier municipalities, providing habitat for plant and animal species including species at risk, and providing recreational opportunities.

- Exemption from the Growth Plan means that major employment development could be located in areas that would undermine the Growth Plan's intent of focusing growth in strategic areas with existing and planned infrastructure and services, and have financial impacts required to extend services and infrastructure into new areas.

To ensure objectives for protecting the environment and creating healthy, complete communities are met, it is recommended that development approved under an Open for Business Planning By-law should conform to:

- i. Provincial plans, policies and legislation; and
- ii. Municipal Official Plans.

3.3 Wendy Bracken, Newcastle resident, re: 2019 Solid Waste Management Servicing and Financing Study (2019-COW-3) [Item 6.2 C)]

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W. Bracken provided a PowerPoint presentation regarding her concerns over the recommendations contained in Report #2019-COW-3: 2019 Solid Waste Management Servicing and Financing Study. A copy of the presentation was provided as a handout.

W. Bracken stated her concerns regarding upsizing the incinerator to be able to process 250,000 tonnes per year and the problems associated with recommendation B and C of Report #2019-COW-3. She also stated that the public, advisory committees, the host community, and municipalities were by-passed during the decision-making process.

W. Bracken expressed further concerns regarding inadequate stack and ambient air monitoring; the numerous dioxin/furan exceedances at the DYEC; and unresolved problems with the long-term sampling system (AMESA).

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

- (1) That W. Bracken be granted a one-time 2-minute extension in order to finish her delegation.

CARRIED

W. Bracken stated that to plan to more than double the size of the incinerator with the knowledge that exceedances will occur and that the air shed is already overburdened for Durham residents, is irresponsible. She requested that the Committee not approve to commence the Environmental Assessment to more than double the size of the incinerator; and to remove recommendations B and C from Report #2019-COW-3.

W. Bracken responded to questions of the Committee.

#### **4. Presentations**

##### **4.1 Ramesh Jagannathan, Director, Transportation and Field Services, Works Department; and Mary Simpson, Director, Financial Planning and Purchasing, Finance Department, re: 2019 Transportation Servicing and Financing Study (2019-COW-2) [Item 6.2 B]**

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R. Jagannathan, Director, Transportation and Field Services, and M. Simpson, Director, Financial Planning and Purchasing, provided a PowerPoint presentation on the 2019 Transportation Servicing and Financing Study.

Highlights from the presentation included:

- Servicing and Financing Framework
- Proposed 2019 Roads Capital Program
- Proposed 2019 Growth-Related Projects
- Proposed 2019 Road Rehabilitation Projects
- Proposed 2019 Structures Rehabilitation and Replacement Projects
- Proposed 2019 Traffic Programs
- Cycling Facilities
- Major (Regional "Type A" Arterials) Growth-Related Projects in 2019-2028 Forecast
- Financing Overview
- Proposed 2019 Roads Capital Financing
- Proposed Capital Program & Forecast
- Risks and Uncertainties

R. Jagannathan stated that \$94.5 million has been designated to the Transportation Capital Road Program. He also stated that 19 road rehabilitation projects have been identified and that \$7,585,000 is proposed for a number of structure rehabilitation and replacement projects.

R. Jagannathan advised that the Regional Cycling Plan (RCP) facilities proposed to be constructed in conjunction with Regional projects in the 2019 Program will include: 1.7 km of multi-use path on Victoria Street; 795 m of multi-use path on Rossland Road; and 825 m of cycling paved shoulders on Brock Road.

M. Simpson stated that the proposed 2019 capital program of \$94.5 million represents an increase of \$1.7 million or 1.8% over 2018. She also stated that the proposed 2019 Roads Capital program includes all road expansion projects that are anticipated to be ready for tendering in 2019.

Mr. Simpson further stated that the practice of using special transportation levies for growth related and rehabilitation projects, based on asset management best practices will continue; and that avoiding debt financing for transportation infrastructure will contribute towards a Triple A credit rating.

R. Jagannathan responded to questions from the Committee regarding how road projects are prioritized; informing the new government on the Harmony Road/Bloor Street intersection issue; timelines of completion for various road projects; outreach to the individual municipalities in regards to their specific road concerns; location and cost-sharing of multi-use paths; use of Strava Heat Maps for determining future cycling paths; various road expansion projects; and overall pavement conditions.

R. Jagannathan agreed to provide Councillor Joe Neal with information regarding the paving quality on Regional Road 42.

R. Jagannathan agreed to provide Councillor Collier with further information on the status of the Rossland Road to Taunton Road project, including how much of the design phase is complete.

In response to a concern from Councillor Anderson, R. Jagannathan advised he would follow-up with the Ministry of Transportation (MTO) regarding the interchanges of Waverley Road, Liberty Street, Lambs Road and Bennett Road in the Municipality of Clarington and report back to him directly.

M. Simpson responded to questions from the Committee regarding advantages of financing without using debt; background on the federal gas tax funding; current status of the reserve funds and the future projections; impact of the annual construction costs; consultation being undertaken for long term rehabilitation projects; and status of the Public Transit Infrastructure Fund (PTIF).

Moved by Councillor Marimpietri, Seconded by Councillor Collier,  
(2) That the Committee recess for lunch at 12 PM for 1 hour after the presentation on the 2019 Solid Waste Management Servicing and Financing Study.

CARRIED

- 4.2 Mirka Januszkiewicz, Director, Waste Management, Works Department; and Mary Simpson, Director, Financial Planning and Purchasing, Finance Department, re: 2019 Solid Waste Management Servicing and Financing Study (2019-COW-3) [Item 6.2 C)]
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M. Januszkiewicz, Director, Waste Management, and M. Simpson, Director, Financial Planning and Purchasing, provided a PowerPoint presentation on the 2019 Solid Waste Management Servicing and Financing Study.

Highlights from the presentation included:

- Waste Management Servicing and Financing Study
- Drivers:
  - Facility capacity
  - Growth
  - Regional Council direction for 70% diversion
  - Legislation changes
- Budget operational pressures
- Financial risks
- Financial next steps
- Conclusion – 2019 Servicing and Financing Study

M. Januszkiewicz provided a brief overview of what the Waste Management Services division does. She stated that the existing Waste Management Services division service contracts and programs require \$75 million to operate in the proposed 2019 budget.

M. Januszkiewicz advised that there are shifting revenues due to the Chinese National Sword Policy and the international markets no longer accepting certain waste; and that the contracted organics composting facility is near capacity. She advised that there is unused capacity at the DYEC that has already been paid for by tax payers and using this capacity will help to address growth related charges.

M. Simpson highlighted the budget operational pressures that include: lost market revenues; collection stop growth; inflationary adjustments; tangible capital assets/asset management; and service level objectives.

M. Simpson stated that \$165.3 million is projected for organics management. She advised that the financial next steps include: long-term planning to ensure stable, predictable and affordable property taxes; providing for contingencies to manage risks, long-term liabilities and potential for emergencies and/or service disruptions; and long-term financial planning to ensure the best/most sustainable financing strategies.

M. Januszkiewicz concluded that the 2019 Waste Management Servicing and Financing Study reflects status quo system with no new diversion initiatives.

The Committee recessed for lunch at 11:57 AM and reconvened at 1 PM.

Staff responded to questions from the Committee regarding providing a Council Education Session; the amount in the waste reserve fund and whether that money could be used; projected costs for the expansion of the DYEC; the continuation of only accepting waste from York and Durham Region; whether staff has considered an additional waste management facility to service the south municipalities; the potential of installing a small dumpster in Oshawa for use by private citizens; where the \$60,000 to start the environmental assessment is being financed from; the cost of the anaerobic digestion consultants to date; the final cost of the incinerator; and whether Durham is obligated to partner with York on the expansion to the DYEC.

It was requested that staff arrange a meeting with the Clarington councillors and staff to answer further questions as well as look into a Council Education Session that would include a historical overview of waste management.

## **5. Correspondence**

There were no communications to consider.

## **6. Reports**

### **A) Provincial Consultation on Increasing Housing Supply in Ontario (2019-COW-1)**

Staff responded to questions with regards to whether there was a consultation process with landlord and tenant representatives as well as lower and upper tier municipalities; rental affordability for seniors and single non-seniors; and the importance of finding and promoting innovative housing solutions.

Councillor Foster requested that staff provide a consolidated list of development charges incentives from the Region as well as the area municipalities.

Moved by Councillor Chapman, Seconded by Councillor Collier,  
(3) That we recommend to Council:

- A) That Report #2019-COW-1 be endorsed and submitted to the Ministry of Municipal Affairs and Housing as Durham Region's response to Environmental Bill of Rights Registry #013-4190 regarding Increasing Housing Supply in Ontario, including the following key comments and recommendations:
  - i) That the Province account for all factors impacting housing affordability in their action plan, including but not limited to, land costs, construction costs, housing demand by type, real interest rates, availability of mortgage financing, speculation, income levels, consumer confidence, government regulations and broader economic conditions. A narrow focus on supply is expected to produce only a limited set of options and potential solutions;



- ii) That the Province recognize that all levels of government need to work in consultation together to develop solutions that achieve housing affordability, while respecting the limited revenue options for municipalities to recover the costs of infrastructure;
- iii) That the Province work with the federal government to increase the total funding available for the development of affordable rental units and take additional measures to provide direct support for low to moderate income households to make rental housing more affordable;
- iv) That the Province respect the following when making decisions that may impact municipal revenues:
  - a. The Development Charge framework is a cost recovery mechanism for growth-related infrastructure;
  - b. That there are many factors that determine the cost of housing and development charges represent a relatively small component of overall housing costs;
  - c. Development charges are the primary fiscal tool available to municipalities to fund growth-related infrastructure;
  - d. There should be flexibility for municipalities that wish to use development charges as a tool to promote a certain type or area of development in line with local circumstances (for example, Durham Region Council passed a new development charge by-law in June 2018 with modifications to promote the development of secondary units, infill apartment units and social and affordable housing);
  - e. Increases in development charges are driven by general cost escalation, and new provincial legislation and regulations;
  - f. Economic growth in the housing sector relies on municipal investment in infrastructure required to service land. Any discount or waiver of municipal development charges may defer these municipal investments in infrastructure needed to accommodate future development;
  - g. Municipal investment in infrastructure contributes to economic growth and job creation via the purchase of material and utilization of contractors to improve the road, water supply, sanitary sewerage, police, paramedic and transit infrastructure;

- h. Any discount or waiver of municipal development charges would undermine the concept of “growth-pays-for-growth” and would continue to impact housing affordability, as one-time growth-related costs would be passed on to existing and future homeowners and businesses through higher property taxes and user rates on an ongoing basis to fund the municipal revenue shortfall, as well as delay servicing; and
- i. There is no mechanism to ensure that any reduction in development charges will be reflected in lower housing prices;
- v) That the Province maintain the Non-Resident Speculation Tax and consider increasing the rate above the current 15% as another way to further control increases in home prices in the future if necessary;
- vi) That the Province reaffirm its commitment to extend GO Rail service to Bowmanville and build the critical infrastructure along the Lakeshore East GO line, including new stations in Oshawa, Courtice and Bowmanville;
- vii) That the Province allow municipalities to have discretion to determine what actions to take, including implementing financial and planning tools to increase housing supply where it is needed;
- viii) That the Province consider further changes to the Building Code to make it less onerous for developers to rough in secondary units during the construction of new homes, without compromising the safety of future residents;
- ix) That the Province maintain rent control and vacancy decontrol for all rental housing units, but review rent control guidelines and caps to be more reflective of actual operating costs such as maintenance, property taxes, heat and electricity rates;
- x) That the Province increase resources at the Landlord and Tenant Board (LTB) and make further process improvements, including:
  - a. Allowing landlords to pursue unpaid utility arrears and related costs at the LTB;
  - b. Encouraging mediation as a first step in LTB action;
  - c. Providing for dedicated mediation resources at the LTB to support smaller landlords;

- d. Requiring tenants to disclose to the landlord any issues they intend to raise at rental arrears eviction hearings and provide reasonable time for the landlord to address these issues;
  - e. Allowing a stay of eviction only if all arrears have been paid; and
  - f. Simplifying LTB forms so landlords and tenants can better understand rights, responsibilities and LTB processes;
- xi) That the Province consider the following when evaluating innovative housing options:
  - a. Shared ownership - Government investment in shared ownership will not increase the housing supply or otherwise contribute to a social benefit. Shared ownership has always been permissible;
  - b. Shared equity models, such as Trillium Housing, have a second mortgage tied to appreciation which is repayable when the property is sold, or when the mortgage is refinanced;
  - c. Shared rental – roommate matching services should be operated outside of landlord or municipal government environment; and
  - d. Investing in the non-profit housing sector will provide affordable units in perpetuity through funding of financial incentives to offset development costs, regeneration initiatives, and operational subsidies to support reduced rents; and
- B) That a copy of Report #2019-COW-1 of the Commissioners of Planning and Economic Development, Finance and Social Services be forwarded to Durham's area municipalities.

CARRIED

B) 2019 Transportation Servicing and Financing Study ([2019-COW-2](#))

Discussion ensued with regards to the Harmony-401 Road/Highway Interchange being an unsafe and problematic intersection.

Moved by Councillor Ashe, Seconded by Councillor Barton,

(4) That we recommend to Council:

- A) That the 2019 Transportation Servicing and Financing Study be received and forwarded to the 2019 Business Planning and Budget deliberations including the practice of using the existing special reserves for growth related and rehabilitation projects, based on asset management best practices to address the needs of Regional transportation infrastructure;

- B) That the Region's higher order Type "A" Arterial roads outlined in the table below be acknowledged as priority corridors for road expansion investments over the 2019 to 2028 period:

**Table 1: Proposed Investments for Expansion Projects on Regional Type "A" Arterial Road Corridors (\$000's)**

Capital Projects	Municipality	Proposed Year of Construction	Proposed 2019-2028 Gross Costs <sup>1</sup>
Brock Road (Reg. Rd. 1)	Pickering/Uxbridge	2020-Beyond 2028	57,300
Simcoe Street (Reg. Rd. 2)	Scugog	2027	4,250
Taunton Road (Reg. Rd. 4)	Pickering/Ajax/Whitby/Clarington	2020 - Beyond 2028	54,900
Bayly/Victoria/Boor Street (Reg. Rd. 22)	Pickering/Ajax/Whitby/Oshawa/Clarington	2019 - Beyond 2028	89,320
Lake Ridge Road (Reg. Rd. 23)	Ajax/Whitby	2019 - 2022	12,500
Thickson Road (Reg. Rd. 26)	Whitby	2020 - Beyond 2028	49,400
Harmony Road (Reg. Rd. 33)	Oshawa	2019 - Beyond 2028	5,900
Whites Road (Reg. Rd. 38)	Pickering	2024 - Beyond 2028	21,800
Bowmanville Avenue (Reg. Rd. 57)	Clarington	2019 - 2025	37,450
Region Hwy. 47	Uxbridge	2022 - 2026	12,500
<b>TOTAL</b>			<b>345,320</b>

<sup>1</sup> Proposed 2019-2028 gross costs do not include funding from prior years.

- C) That the following structures program be acknowledged as a priority over the 2019 to 2028 forecast period:

**Table 2: Structures Program 2019-2028 (\$000's)**

Capital Projects	Municipality	Proposed Year of Construction	Proposed 2019-2028 Gross Costs <sup>1</sup>
Structures (i.e. bridges) replacements/rehabilitations	Pickering/Ajax/Whitby/Clarington/Uxbridge/Brock	2019 - Beyond 2028	115,780

<sup>1</sup> Proposed 2019-2028 gross costs do not include funding from prior years

- D) That the Federal Gas Tax funding allocation for the rehabilitation of roads increase by \$2.7 million, from \$4.8 million in 2018 to \$7.5 million for the 2019 capital program.

CARRIED AS AMENDED  
(SEE FOLLOWING MOTIONS)

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

- (5) That the main motion (4) of Councillors Ashe and Barton be amended adding the following as a new Part E):

- E) That the Region write to the Minister of Transportation with all Durham MPPs being copied, requesting that the Province proceed with the Region's interim solution for the Harmony Road/Hwy. 401 Interchange as Durham's top roads related project under provincial jurisdiction; and that a copy of this resolution be forwarded to the Municipality of Clarington and the City of Oshawa.

CARRIED UNANIMOUSLY  
ON THE FOLLOWING RECORDED VOTE:

Yes

No

Councillor Anderson  
Councillor Ashe  
Councillor Barton  
Councillor Bath-Hadden  
Councillor Carter  
Councillor Chapman  
Councillor Collier  
Councillor Crawford  
Councillor Dies  
Councillor Drew  
Councillor Foster  
Councillor Hight  
Councillor Kerr  
Councillor Lee  
Councillor Mitchell  
Councillor Mulcahy  
Councillor John Neal  
Councillor Joe Neal  
Councillor Nicholson  
Councillor Pickles  
Councillor Roy  
Councillor Ryan  
Councillor Wotten  
Regional Chair Henry

Members Absent:

Councillor Leahy  
Councillor Marimpietri  
Councillor McLean  
Councillor Smith  
Councillor Yamada

Declarations of Interest: None

Moved by Councillor John Neal, Seconded by Councillor Joe Neal,  
(6) That Harmony Road (Regional Road 33) be widened to five lanes from north of Coldstream Drive to south of Winchester Road in the City of Oshawa to address growth in the area.

MOTION REFERRED TO STAFF  
(SEE FOLLOWING MOTION)

Moved by Councillor Nicholson, Seconded by Councillor Joe Neal,  
(7) That the foregoing motion (6) of Councillors John Neal and Joe Neal be referred to staff for further investigation to determine where this fits in to the overall construction priorities for expansion projects within the City of Oshawa.

CARRIED

The main motion (4) of Councillors Ashe and Barton was then put to a vote and CARRIED AS AMENDED.

C) 2019 Solid Waste Management Servicing and Financing Study (2019-COW-3)

Extensive discussion ensued with regards to the process for the expansion of the Durham York Energy Centre.

Moved by Councillor Drew, Seconded by Councillor Mitchell,  
(8) That we recommend to Council:

- A) Whereas the Regional Municipality of Durham's current Long-Term Waste Management Strategy Plan expires in 2020:
- That staff be authorized to commence a process in 2019 to update the Regional Municipality of Durham's Long-Term Waste Management Strategy;
  - That a consultant be retained through a competitive procurement process for a two-year assignment to develop and support the consultation and communication components of a Long-Term Waste Management Strategy 2021 – 2040, with the cost of this assignment not to exceed \$200,000, subject to the finalization of the 2019 Solid Waste Management Business Plans and Budgets; and
  - That Regional Council endorse a vision for the Long-Term Waste Management Strategy 2021 – 2040 that continues and enhances the reduce, reuse, recycle principles and incorporates the vision of waste as a resource as a foundation of the plan;

- B) That staff be authorized to pursue an administrative amendment with the Ministry of Environment, Conservation and Parks (MECP) to revise the existing Environmental Compliance Approval for Durham York Energy Centre (DYEC) processing limit of 140,000 tonnes per year to 160,000 tonnes per year to reduce the need to utilize other disposal options and to optimize the operation of the facility;
- C) That staff be authorized to commence the Environmental Assessment (EA) for the DYEC expansion to process 250,000 tonnes per year, including retaining consulting assistance at a cost not to exceed \$60,000, subject to the finalization of the 2019 Solid Waste Management Business Plans and Budgets;
- D) That whereas the Region's Request for Pre-Qualification 1095-2018 for the receipt, transfer and haulage and processing of organics from the Region's source separated green bin collection program resulted in only one bidder, being Miller Waste Systems, that staff be authorized to enter into negotiations for a sole source contract with Miller Waste Systems for this service, with up to a five-year term and that the Commissioner of Finance, in consultation with the Commissioner of Works, the Region's Solicitor and CAO, be authorized to execute the contract to be funded from the 2019 and subsequent annual Waste Management Business Plan and Budget;
- E) That whereas the Oshawa Waste Management Facility (WMF) has exceeded its design capacity to accommodate the increased users of the site, that staff be authorized through a competitive procurement process to install an additional inbound weigh scale at the Oshawa Waste Management Facility at a cost not to exceed \$100,000 subject to the finalization of the 2019 Solid Waste Management Business Plans and Budgets;
- F) That staff be authorized to retain a consultant to optimize the Oshawa Waste Management Facility to accommodate the future needs of the Region, at a cost not to exceed \$60,000 subject to the finalization of the 2019 Solid Waste Management Business Plans and Budgets;
- G) That the 2019 Business Plan and Budget include effective July 1, 2019, a new \$250 per tonne charge for fill material (such as soils, concrete and mixed construction materials) and mixed loads containing fill material at Regional WMFs to manage the fill material received on a full cost recovery basis (a cost \$125 per tonne higher than the current mixed load fee);

- H) That whereas the *Waste Free Ontario Act, 2016* will require changes or replacements to existing program plans and revised agreements for municipalities to participate in the programs for Tires and for Waste Electrical and Electronic Equipment (WEEE), that the Regional Chair and Regional Clerk, in consultation with the Commissioners of Works and Finance, be authorized to amend or replace existing contracts, as applicable, for the Region to be able to participate in the new programs and obtain any available funding; and
- I) That a consultant be retained to explore alternate beneficial uses and markets for problematic blue box materials (such as glass, plastics and paper) within the Region of Durham at a cost not to exceed \$60,000 subject to the finalization of the 2019 Solid Waste Management Business Plans and Budgets.

CARRIED AS AMENDED  
LATER IN THE MEETING  
(SEE FOLLOWING MOTIONS)

Moved by Councillor Collier, Seconded by Councillor Joe Neal,

- (9) That the main motion of (8) of Councillors Drew and Mitchell be amended as follows:

- a) That Part C) of the recommendations be referred back to staff;
- b) That staff report back to the Committee of the Whole with the full financing, timeframe and detailed process/justification for expansion of the Durham York Energy Centre to 250,000 tonne capacity;
- c) That staff respond back on the results of the 10 tonne pre-sort test and cost analysis for a Material Recovery Facility and anaerobic digestion facility as an alternative to expanding the Durham York Energy Centre, and that this be a project by Durham Region alone.

MOTION WITHDRAWN  
LATER IN THE MEETING  
(SEE FOLLOWING MOTIONS)

Moved by Councillor Foster, Seconded by Councillor John Neal,

- (10) That the Rules of Procedure be suspended to allow debate and discussion of the foregoing referral motion (9) of Councillors Collier and Joe Neal.

CARRIED ON THE FOLLOWING RECORDED  
VOTE (a 2/3rds was obtained)

Yes  
Councillor Anderson  
Councillor Barton  
Councillor Carter

No  
Councillor Ashe  
Councillor Bath-Hadden  
Councillor Mitchell



Councillor Chapman  
Councillor Collier  
Councillor Crawford  
Councillor Dies  
Councillor Drew  
Councillor Foster  
Councillor Highet  
Councillor Kerr  
Councillor Lee  
Councillor John Neal  
Councillor Joe Neal  
Councillor Roy  
Councillor Wotten

Councillor Mulcahy  
Councillor Nicholson  
Councillor Pickles  
Councillor Ryan  
Regional Chair Henry

Members Absent:

Councillor Leahy  
Councillor Marimpietri  
Councillor McLean  
Councillor Smith  
Councillor Yamada

Declarations of Interest: None

Moved by Councillor Foster, Seconded by Councillor John Neal,  
(11) That the Committee recess for 5 minutes.

CARRIED

The Committee recessed at 2:49 PM and reconvened at 3:02 PM.

Moved by Councillor Collier, Seconded by Councillor Joe Neal,  
(12) That the foregoing referral motion (9) of Councillors Collier and Joe Neal  
be withdrawn.

CARRIED

Moved by Councillor Collier, Seconded by Councillor Joe Neal,  
(13) That consideration of Part C) of the recommendations contained in  
Report #2019-COW-3 be deferred until staff report back on the results of  
the multi-thousand tonne pre-sort testing to confirm the tonnage drivers  
for the pre-sort anaerobic digester (AD) as an alternative to expanding  
the Durham York Energy Centre (DYEC); and that it be a project by  
Durham Region alone.

CARRIED LATER IN THE MEETING  
(SEE FOLLOWING MOTIONS)

Moved by Councillor Nicholson, Seconded by Councillor Wotten,  
(14) That the foregoing motion (13) of Councillors Collier and Joe Neal be  
divided in order to vote on each item separately.

MOTION DEFEATED

The foregoing deferral motion (13) of Councillors Collier and Joe Neal was then put to a vote and CARRIED.

Moved by Councillor Joe Neal, Seconded by Councillor John Neal,  
(15) That the main motion (8) of Councillors Drew and Mitchell be amended by adding the following as a new Part J):

- J) That staff proceed to present the business case for anaerobic digestion by no later than May 31, 2019.

MOTION DEFEATED

Moved by Councillor Joe Neal, Seconded by Councillor John Neal,  
(16) That the main motion (8) of Councillors Drew and Mitchell be amended by deleting Part B) of the recommendations contained in Report #2019-COW-3 in its entirety.

MOTION DEFEATED ON THE FOLLOWING  
RECORDED VOTE:

Yes

Councillor Anderson  
Councillor John Neal  
Councillor Joe Neal

No

Councillor Ashe  
Councillor Barton  
Councillor Bath-Hadden  
Councillor Carter  
Councillor Chapman  
Councillor Collier  
Councillor Crawford  
Councillor Dies  
Councillor Drew  
Councillor Foster  
Councillor Highet  
Councillor Kerr  
Councillor Leahy  
Councillor Lee  
Councillor Mitchell  
Councillor Mulcahy  
Councillor Nicholson  
Councillor Pickles  
Councillor Roy  
Councillor Ryan  
Councillor Wotten  
Councillor Yamada  
Regional Chair Henry

Members Absent:

Councillor Marimpietri  
Councillor McLean  
Councillor Smith

Declarations of Interest: None

Moved by Councillor Foster, Seconded by Councillor Drew,  
(17) That consideration of Part B) of the recommendations contained in  
Report #2019-COW-3 be deferred pending an Energy from Waste  
Educational Session to Members of Council.

MOTION DEFEATED ON THE FOLLOWING  
RECORDED VOTE:

Yes  
Councillor Bath-Hadden  
Councillor Drew  
Councillor Foster  
Councillor Highet  
Councillor Kerr  
Councillor Leahy  
Councillor Lee  
Councillor John Neal  
Councillor Joe Neal

No  
Councillor Anderson  
Councillor Ashe  
Councillor Barton  
Councillor Carter  
Councillor Chapman  
Councillor Collier  
Councillor Crawford  
Councillor Dies  
Councillor Mitchell  
Councillor Mulcahy  
Councillor Nicholson  
Councillor Pickles  
Councillor Roy  
Councillor Ryan  
Councillor Wotten  
Councillor Yamada  
Regional Chair Henry

Members Absent: Councillor Marimpietri  
Councillor McLean  
Councillor Smith

Declarations of Interest: None

The main motion (8) of Councillors Drew and Mitchell was then put to a vote and  
CARRIED AS AMENDED ON THE FOLLOWING RECORDED VOTE:

Yes  
Councillor Ashe  
Councillor Barton  
Councillor Bath-Hadden  
Councillor Carter  
Councillor Chapman  
Councillor Collier  
Councillor Crawford  
Councillor Dies

No  
Councillor Anderson  
Councillor John Neal  
Councillor Joe Neal

Councillor Drew  
Councillor Foster  
Councillor Highet  
Councillor Kerr  
Councillor Leahy  
Councillor Lee  
Councillor Marimpietri  
Councillor Mitchell  
Councillor Mulcahy  
Councillor Nicholson  
Councillor Pickles  
Councillor Roy  
Councillor Ryan  
Councillor Wotten  
Councillor Yamada  
Regional Chair Henry

Members Absent: Councillor McLean  
Councillor Smith

Declarations of Interest: None

D) 2019 Regional Social Housing Servicing and Financing Study ([2019-COW-4](#))

Moved by Councillor Chapman, Seconded by Councillor Ryan,  
(18) That we recommend to Council:

- A) That the federal and provincial governments be requested to expedite long-term, predictable and sustainable funding to municipalities – i.e. non-application-based funding similar to the Federal and Provincial Gas Tax – in order to support long-term housing plans, like At Home in Durham, the Durham Housing Plan 2014-2024;
- B) That in order to address local needs and incorporate more flexibility to maintain the Region's legislated service level standard of 4,446 Rent-Geared-to-Income (RGI) units, staff develop a Portable Housing Benefit (PHB) framework to support the introduction and implementation of a total of 70 PHBs, consisting of 35 PHBs within the Region's legislated service level standard and 35 PHBs above the Region's service level standard, at no additional cost to the Region with a report to Regional Council on the outcomes of this pilot by fall 2019;
- C) That the existing authority of the Commissioner of Social Services and Commissioner of Finance be extended to include the execution of Durham Rent Supplement – Shared Delivery agreements to support Housing First programs administered by community partners, with funding previously approved by Regional Council (Report #2017-COW-257);

- D) That in order to maximize provincial funding for the Strong Communities Rent Supplement (SCRS) program and to address the affordable housing needs of people who are homeless or at high risk of homelessness, the current level of 151 SCRS units be maintained until 2020 at a total annual cost of approximately \$1.44 million funded by the Province, and that staff report back to Regional Council in the 2020 Regional Social Housing Servicing and Financing Study on a strategy to address end of program in 2023;
- E) That the Province of Ontario be requested to provide permanent sustainable funding of approximately \$1.44 million annually for 151 households to maintain the current SCRS Program beyond March 31, 2023 to safeguard tenancies of those at high risk of homelessness;
- F) That Regional Council endorse the implementation of non-smoking policies throughout the Durham Regional Local Housing Corporation (DRLHC) portfolio in 2019; and
- G) That the Regional Chair and Regional Clerk be authorized to enter into a service agreement with the Government of Canada to flow 100 per cent federal funding in an annual estimated amount of \$418,000 under the Reaching Home initiative to approved community programs to assist people who are homeless or at risk of becoming homeless.

CARRIED

- E) Durham Region Comments on the “Preserving and Protecting our Environment for Future Generations A Made-in-Ontario Environment Plan” (2019-COW-5)

Discussion ensued with regards to suggesting that the province undertake a pilot with regards to implementing measures to protect the air quality.

Staff responded to questions regarding reducing water costs to both municipal and individual users; the rising water levels of the Great Lakes and the increase in erosion; as well as the need for the province to take stronger action to address the rising water levels in the Great Lakes. Staff responded to further questions with regards to service levels, maintenance and clean up of Regional roads and was requested to review the possibility of a program to maintain and clean Regional roads on a regular basis.

Moved by Councillor Marimpietri, Seconded by Councillor Foster,  
(19) That we recommend to Council:

- A) That Report #2019-COW-5 of the Chief Administrative Officer be submitted to the Provincial government in response to Preserving and Protecting our Environment for Future Generations: a made-in-Ontario Environment Plan; and

- B) That a copy of Report #2019-COW-5 be forwarded to Durham MPPs and area municipalities for their information.

CARRIED

- F) Durham's Response to Bill 66, Restoring Ontario's Competitiveness Act, 2018 (2019-COW-6)
- 

Discussion ensued with regards to the open-for-business planning by-law proposed under Bill 66. Staff responded to questions regarding how an open-for-business by-law would work within 2 tiered municipalities; the importance of not putting restrictions in place that would neuter the Act; the importance of continuing to focus on the Greenbelt; and conformity of the Act with the Region's Official Plan.

It was requested that correspondence be sent to the appropriate provincial Ministers and to the Premier regarding the release of lands and tolls on Highways 412, 418 and 407.

Moved by Councillor John Neal, Seconded by Councillor Wotten,  
(20) That we recommend to Council:

- A) That Report #2019-COW-6 of the Chief Administrative Officer be forwarded to the relevant ministry contacts following the Committee of the Whole on January 16, 2019 with a cover letter indicating these recommendations will not be ratified by Council until January 30, 2019;
- B) That with respect to Schedule 2 of Bill 66, which would repeal the Pawnbrokers Act, that the Attorney General be encouraged to explore an alternative provincial policy approach to reduce the criminal activity related to pawnshops and sale of second-hand goods;
- C) That with respect to Schedule 7 of Bill 66 relating to the Technical Standards and Safety Act, the Region recommends that the Minister of Government and Consumer Services ensure:
- i) That appropriate consultation and advanced communications to affected sectors should be the first step in the introduction of "alternate rules"; and
  - ii) Oversee and reinforce that the principle of protection of public safety is the key goal in the design of Technical Standards and Safety Authority inspection and compliance regimes;
- D) That with respect to Schedule 10 of Bill 66 and proposed Open-for-Business Planning By-law tool, the following recommendations be made to the Minister of Municipal Affairs:

- i) That an open-for-business planning by-law proposed under Bill 66 not be exempt from Section 3(5) of the Planning Act requiring consistency with the Provincial Policy Statement;
- ii) That pre-consultation should be a requirement to ensure timely information sharing. Similarly, applications filed under this process should include complete information as determined by the area municipality to enable informed decision making;
- iii) That open for business by-laws remain subject to the provisions of the Clean Water Act and Source Protection Plans to ensure public health and safety;
- iv) That the Province clarify how the summary site plan review process would enable a municipality to require or implement off-site development related conditions, in the absence of the use of Holding (H) provisions;
- v) That the Province afford either the Minister or the local municipality the ability to require employment performance measures on the developments approved under an open-for-business planning by-law and monitor its effectiveness;
- vi) That there should be a mechanism for the open-for-business planning by-law to automatically lapse without having to formally repeal the by-law (e.g. if a building permit is not issued for the project within a specified time such as 24 months);
- vii) The Province clarify how Greater Golden Horseshoe municipalities should plan for these open-for-business planning by-laws within the context of the required Employment Strategy, that upper tier municipalities must undertake to implement the Growth Plan;
- viii) That the Province strengthen the restrictions on permissible secondary uses to only employment-generating uses to ensure that the focus is maintained on targeted employment uses;
- ix) That the Province impose a time limit on the open-for-business planning tools and require a formal review within three years of them coming into full force and effect; and

- E) That the Regional Clerk notify Durham MPPs, the local area municipalities, and the Association of Municipalities of Ontario of the adoption of these recommendations by Regional Council and forward them a copy of Report #2019-COW-6 and recommendations.

CARRIED AS AMENDED  
LATER IN THE MEETING  
(SEE FOLLOWING MOTIONS)

Moved by Councillor John Neal, Seconded by Councillor Wotten,

- (21) That the main motion (20) of Councillors John Neal and Wotten be amended by adding the following as a new Part D) x):

- D) x) That development approved under an Open for Business Planning by-law should conform to:
- i. Provincial plans, policies and legislation; and
  - ii. Municipal and Regional Official Plans.

MOTION DEFEATED ON THE FOLLOWING  
RECORDED VOTE

Yes

Councillor Dies  
Councillor Leahy  
Councillor Lee  
Councillor Mitchell  
Councillor Mulcahy  
Councillor John Neal  
Councillor Nicholson  
Councillor Wotten

No

Councillor Ashe  
Councillor Barton  
Councillor Bath-Hadden  
Councillor Chapman  
Councillor Collier  
Councillor Crawford  
Councillor Drew  
Councillor Highet  
Councillor Kerr  
Councillor Joe Neal  
Councillor Pickles  
Councillor Roy  
Councillor Ryan  
Councillor Yamada  
Regional Chair Henry

Members Absent:

Councillor Anderson  
Councillor Carter  
Councillor Foster  
Councillor Marimpietri  
Councillor McLean  
Councillor Smith

Declarations of Interest: None



Moved by Councillor Joe Neal, Seconded by Councillor Ashe,  
(22) That the main motion (20) of Councillors John Neal and Wotten be amended by adding the following as a new Part F):

F) That the Province be requested to dispense with Class Environmental Assessments with regards to the expansion of existing roads.

CARRIED ON THE FOLLOWING RECORDED  
VOTE

Yes

Councillor Ashe  
Councillor Barton  
Councillor Bath-Hadden  
Councillor Carter  
Councillor Chapman  
Councillor Collier  
Councillor Crawford  
Councillor Drew  
Councillor Highet  
Councillor Leahy  
Councillor Marimpietri  
Councillor Mitchell  
Councillor Mulcahy  
Councillor John Neal  
Councillor Joe Neal  
Councillor Nicholson  
Councillor Roy  
Councillor Yamada

No

Councillor Dies  
Councillor Kerr  
Councillor Lee  
Councillor Pickles  
Councillor Ryan  
Regional Chair Henry

Members Absent:

Councillor Anderson  
Councillor Foster  
Councillor McLean  
Councillor Smith  
Councillor Wotten

Declarations of Interest: None

Moved by Councillor Drew, Seconded by Councillor Bath-Hadden,  
(23) That the main motion (20) of Councillors John Neal and Wotten be amended in Part D) iii) by adding the words, "the Great Lakes Protection Act, the Lake Simcoe Protection Act" before the words, "the Clean Water Act".

CARRIED

Moved by Councillor Collier, Seconded by Councillor John Neal,  
(24) That the main motion (20) of Councillors John Neal and Wotten be amended in Part D) i) by deleting the words, "not be exempt" and replacing them with the words, "should conform to".

MOTION DEFEATED LATER IN THE MEETING ON  
A RECORDED VOTE  
(SEE FOLLOWING MOTION)

Moved by Councillor Mitchell, Seconded by Councillor Chapman,  
(25) That the question be now put.

CARRIED ON A 2/3rds VOTE

The foregoing amending motion (24) of Councillors Collier and John Neal was then put to a vote and DEFEATED ON THE FOLLOWING RECORDED VOTE:

Yes  
Councillor Ashe  
Councillor Barton  
Councillor Collier  
Councillor Crawford  
Councillor Highet  
Councillor Kerr  
Councillor Leahy  
Councillor Marimpietri  
Councillor John Neal

No  
Councillor Bath-Hadden  
Councillor Carter  
Councillor Chapman  
Councillor Dies  
Councillor Drew  
Councillor Lee  
Councillor Mitchell  
Councillor Mulcahy  
Councillor Joe Neal  
Councillor Nicholson  
Councillor Pickles  
Councillor Roy  
Councillor Yamada  
Regional Chair Henry

Members Absent: Councillor Anderson  
Councillor Foster  
Councillor McLean  
Councillor Ryan  
Councillor Smith  
Councillor Wotten

Declarations of Interest: None

Moved by Councillor John Neal, Seconded by Councillor Nicholson,  
(26) That the main motion (8) of Councillors John Neal and Wotten be amended by adding the following statement at the end of the recommendations contained in Report #2018-COW-6:

That the purpose of overarching Provincial plans, policies and legislation is to provide a foundation for local decision making that protects the environment, supports the principles of strong communities, provides opportunities for economic growth and protects the health and safety of all Ontarians.

The proposed legislation would exempt new major employment uses from complying with key environmental protections and strategic growth policies and legislation:

- Exemption from environmental plans such as the Greenbelt Plan and Oak Ridges Moraine Conservation Plan means that new major employment uses would not need to comply with protections provided to agricultural lands, and ecological and hydrological features within these landscapes.
- These landscapes contain the headwaters of major watercourses within Durham Region that originate and flow through its various lower tier municipalities, providing habitat for plant and animal species including species at risk, and providing recreational opportunities.
- Exemption from the Growth Plan means that major employment development could be located in areas that would undermine the Growth Plan's intent of focusing growth in strategic areas with existing and planned infrastructure and services, and have financial impacts required to extend services and infrastructure into new areas.

MOTION DEFEATED ON THE FOLLOWING  
RECORDED VOTE

Yes

Councillor Dies  
Councillor Marimpietri  
Councillor John Neal  
Councillor Joe Neal

No

Councillor Ashe  
Councillor Barton  
Councillor Bath-Hadden  
Councillor Carter  
Councillor Chapman  
Councillor Collier  
Councillor Drew  
Councillor Highet  
Councillor Kerr  
Councillor Leahy  
Councillor Lee  
Councillor Mitchell  
Councillor Mulcahy  
Councillor Nicholson  
Councillor Pickles  
Councillor Roy  
Councillor Yamada

Regional Chair Henry

Members Absent: Councillor Anderson  
Councillor Crawford  
Councillor Foster  
Councillor McLean  
Councillor Ryan  
Councillor Smith  
Councillor Wotten

Declarations of Interest: None

Moved by Councillor Ashe, Seconded by Councillor Marimpietri,  
(27) That the question be now put.

CARRIED ON A 2/3rds VOTE

The main motion (20) of Councillors John Neal and Wotten was then put to a put  
to a vote and CARRIED AS AMENDED.

**7. Confidential Matters**

There were no confidential matters to be considered.

**8. Other Business**

There was no other business to be considered.

**9. Adjournment**

Moved by Councillor Chapman, Seconded by Councillor Roy,  
(28) That the meeting be adjourned.

CARRIED

The meeting adjourned at 4:53 PM

Respectfully submitted,

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John Henry, Regional Chair

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Committee Clerk