



Official Notice

Meeting of Regional Council

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

Wednesday, January 30, 2019

9:30 AM

1. Roll Call

2. Declarations of Interest

3. Announcements

4. Presentations

- 4.1 Kevin Ashe, Chair, Durham Regional Police Services Board and Chief Paul Martin, re: DRPS Annual Update

5. Adoption of Minutes

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|-----|--|---------------|
| 5.1 | Regional Council meeting – December 19, 2018 | Pages 5 - 26 |
| 5.2 | Committee of the Whole meeting – December 13, 2018 | Pages 27 - 34 |
| 5.3 | Committee of the Whole meeting – January 16, 2019 | Pages 35 - 62 |

6. Communications

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|-----------------------|---|---------------|
| CC 01 | Correspondence received from M. Medeiros, Manager, Support Services, City of Oshawa re: Appointment to Durham Land Division Committee | Page 63 |
| CC 02 | Correspondence received from Association of Municipalities of Ontario (AMO) re: Appointment of 8 Delegates | Page 63 |
| CC 03 | Correspondence received from K. Enders, Executive Director, Ontario Farmland Trust, re: Ontario Farmland Trust's Submission on Bill 66, Restoring Ontario's Competitiveness Act, 2018 | Pages 65 - 69 |

- CC 04** Correspondence received from C. Jones, Director of Planning and Regulation, Provincial Planning Policy Branch, Ministry of Municipal Affairs and Housing, re: Central Lake Ontario Conservation Authority (CLOCA) Comments on Proposed Amendments to the Planning Act (Bill 66) Pages 70 - 86
- CC 05** Memorandum from S. Siopis, Commissioner of Works, re: the response to the referral of recommendation C of Report #2019-COW-2: 2019 Transportation Servicing and Financing Study Pages 87 - 91

7. Delegations

- 7.1** Mr. Toby Lennox, President & Chief Executive Officer, Toronto Global, and Ms. Janet Ecker, Vice-Chair, Board of Directors, Toronto Global, re: Report #2019-EDT-3, Toronto Global Effectiveness Evaluation and Funding Renewal. **Requires 2/3rds vote to be heard**
- 7.2** Mr. Robert Howard, Chief Possibility Officer & Vice President, External Relations, United Way Durham Region
- 7.3** Mr. Greg Milosh re: 2019 Budget
- 7.4** Ms. Lisa Dost, re: Bill 66, Restoring Ontario's Competitiveness Act, 2018 (2019-COW-6). **Requires 2/3rds vote to be heard**
- 7.5** Ms. Wendy Bracken, re: 2019 Solid Waste Management Servicing and Financing Study (2019-COW-3)
- 7.6** Ms. Linda Gasser, re: 2019 Solid Waste Management Servicing and Financing Study (2019-COW-3)

8. Notice of Motions

- 8.1** Consideration of Items Pulled from the Council Information Package (CIP) Page 92
- 8.2** Introduction of Motions at Standing Committee Meetings Page 92
- 8.3** Regional Council Member Appointments to Canadian National Exhibition Association and Royal Agricultural Winter Fair Association Page 92

9. Committee Reports

- 9.1** Finance and Administration Committee Pages 93 - 99
- 9.2** Health and Social Services Committee Planning Pages 100 - 101
- 9.3** and Economic Development Committee Page 102

- 9.4 Works Committee Pages 103 - 105
- 9.5 Committee of the Whole Pages 106 - 115

10. Unfinished Business

- 10.1 OPG Resolution Pages 116 -117

11. Other Business

- 11.1 Community Member Appointment to the Durham Regional Police Services Board Pages 119 - 123
- 11.2 Transit Executive Committee Resolution re: Composition of Transit Executive Committee Page 118

12. By-laws

- 01-2019 Being a by-law to adopt Amendment #173 to the Durham Regional Official Plan.
- This by-law implements the recommendations contained in Item #1 of the 1st Report of the Planning & Economic Development Committee presented to Regional Council on January 30, 2019.
- 02-2019 Being a by-law to approve and adopt the 2019 Business Plans and Budgets for Water purposes in the amount of \$182,212,245.
- This by-law implements the recommendations contained in Item #3 of the 1st Report of the Finance & Administration Committee presented to Regional Council on January 30, 2019.
- 03-2019 Being a by-law to approve and adopt the 2019 Business Plans and Budgets for Sanitary Sewage purposes in the amount of \$235,096,506.
- This by-law implements the recommendations contained in Item #3 of the 1st Report of the Finance & Administration Committee presented to Regional Council on January 30, 2019.
- 04-2019 Being a by-law to constitute and appoint a Land Division Committee.
- This by-law implements the recommendations contained in Item #11.1 of Other Business presented to Regional Council on December 19, 2018.

- 05-2019 Being a by-law to appoint a community member to serve as a member of the Durham Regional Police Services Board.
- This by-law implements the recommendations contained in Item #11.1 of Other Business presented to Regional Council on January 30, 2019.
- 06-2019 Being a by-law to amend By-law #44-2006 which regulates traffic and parking on roads under the jurisdiction of the Regional Municipality of Durham.
- This by-law implements the recommendations contained in Item #5 of the 1st Report of the Works Committee presented to Regional Council on January 30, 2019.

13. Confirming By-law

- 07-2019 Being a by-law to confirm the proceedings of Regional Council at their meeting held on January 30, 2019

14. 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, December 19, 2018

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

Regional Chair Henry assumed the Chair.

1. Roll Call

All members of Council were present with the exception of Councillors Bath-Hadden, Collier, Nicholson

Councillor Bath-Hadden attended the meeting at 9:40 AM

Councillor Collier attended the meeting at 9:40 AM

2. Declarations of Interest

There were no Declarations of Interest.

3. Announcements

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

It was announced with sadness the recent passing of the former Mayor of Whitby, Tom Edwards. His passing was days after his wife June's passing. He was elected to Whitby Town Council in 1964 and took over the Mayor's seat in 1991.

4. Presentations

4.1 Dr. Drouin, Commissioner of Social Services and Mr. Allan Ebedes, President and CEO of Excellence Canada presented the Social Services Department with the Gold Certification in the Excellence, Innovation and Wellness Standard (EIW). The Gold Certification in EIW Standard is a testament to the enthusiasm, skill and dedication that staff put forward each day through care, excellence, learning and leadership that has created a "massively human" workplace that always puts people first.

4.2 The Children from the Clara Hughes Early Learning and Child Care Centre entertained members of Regional Council with the signing of Christmas songs followed by a visit from Santa Clause.

5. Adoption of Minutes

Moved by Councillor Marimpietri, Seconded by Councillor Smith,

(224) That the minutes of the following meetings be adopted:

- Regular Regional Council meeting held on September 12, 2018;
- Inaugural Regional Council meeting held on December 5, 2018.

CARRIED

6. Communications

CC 19 A. Brouwer, City Clerk, City of Oshawa emailing Corporate Services – Legislative Services Division, advising at its December 3rd meeting, Oshawa City Council considered the matter “The Importance of Keeping General Motors Oshawa Assembly Plant Open” and adopted the attached resolution.
(Our File: C00)

Moved by Councillor Carter, Seconded by Councillor John Neal,
(225) That Council Correspondence CC 19 be endorsed.

CARRIED UNANIMOUSLY ON THE
FOLLOWING RECORDED VOTE:

<u>Yes</u>	<u>No</u>
Councillor Anderson	None
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 Marimpietri	
Councillor McLean	
Councillor Mitchell	
Councillor Mulcahy	
Councillor John Neal	
Councillor Joe Neal	
Councillor Pickles	
Councillor Roy	
Councillor Ryan	
Councillor Smith	
Councillor Wotten	
Councillor Yamada	
Regional Chair Henry	

Members Absent: Councillor Nicholson

Declarations of Interest: None

- CC 20 P. Verster, President & CEO, Metrolinx, writing to Corporate Services – Legislative Services Division, regarding Transit Oriented Development, Market Driven Approach. Metrolinx will be assessing the status of transit projects and determining the feasibility of applying a market driven approach to delivering transit infrastructure, starting with new GO stations. The current delivery process for new GO stations will be changed while working with municipalities and development partners to determine where there are opportunities for third party investment to deliver them. This review will include assessment of stations that are not yet in delivery, including those proposed with the Lakeshore East corridor extension to Bowmanville.
(Our File: T05)

Moved by Councillor Joe Neal, Seconded by Councillor John Neal,
(226) That Council Correspondence CC 20 be referred to consideration of Item #1 of the First Report of the Planning & Economic Development Committee.

CARRIED

- CC 21 Memorandum from Don Beaton, Commissioner of Corporate Services, re: Transit Commission and Budgeting Process.

Moved by Councillor Roy, Seconded by Councillor Drew,
(227) That Council Correspondence CC 21 be received for information.

CARRIED

7. Delegations

There were no delegations to be heard.

8. Notice of Motions

8.1 Discontinuation of Self-Invoicing for Bulk Water

Be it resolved that the Region's practice of permitting water companies to have access to the Region's un-metered hydrants, or other water facilities, whereby the water companies self-invoice for bulk water, be discontinued effective April 30, 2019.

Moved by Councillor Joe Neal, Seconded by Councillor John Neal,
(228) That the foregoing Notice of Motion of Councillors Joe Neal and John Neal be referred to consideration of the Works Committee portion of the meeting.

CARRIED

[Refer to page 9 of these minutes]

8.2 Consideration of Items Pulled from the Council Information Package (CIP)
[DEFERRED]

Be it resolved that where a Councillor pulls an item on the Council Information Package (CIP), the Councillor may elect to have the matter placed on the next Council agenda.

Moved by Councillor Joe Neal, Seconded by Councillor John Neal,
(229) That the foregoing Notice of Motion of Councillors Joe Neal and John Neal be deferred to a future meeting of Regional Council.

CARRIED

8.3 Introduction of Motions at Standing Committee Meetings
[DEFERRED]

Be it resolved that the Rules of Procedure provide for the introduction of motions at the four standing committees, (not including the Committee of the Whole) without notice, and with a seconder.

Moved by Councillor Joe Neal, Seconded by Councillor John Neal,
(230) That the foregoing Notice of Motion of Councillors Joe Neal and John Neal be deferred to a future meeting of Regional Council.

CARRIED

8.4 Ontoro Boulevard/Range Road Water Connection and Frontage Charges
[REFERRED]

Moved by Councillor Collier, Seconded by Councillor Dies,
(231) Whereas the access to clean drinking water is a fundamental human right;

Whereas the Ontoro Blvd/Range Road water issue dates back to 2001;

Whereas the residents of Ontoro Blvd/Range Road submitted a petition to the Region in 2005;

Whereas the Region did not respond to the petition of 2005 for nearly 1 year and in that time the Greenbelt Act was passed thereby changing the rules for the Region to provide municipal water;

Whereas in June 2018, Regional Council passed a resolution declaring the water quality on Ontoro Blvd/Range Road as a health issue;

Whereas the Regional cost recovery is now 100% and residents are now having to make a decision of clean water based on affordability;

Whereas the proposed 2019 water and sewer user rates are recommending further increases to water connection charges and frontage charges;

Therefore be it resolved that Regional Council apply the water connection and frontage charges at the rates as in the original petition submitted by the residents of Ontoro Blvd/Range Road in 2005;

And further that Regional Council require the 40% cost recovery method as in the original petition submitted by the residents of Ontoro Blvd/Range Road in 2005.

REFERRED

(See Following Motion)

Moved by Councillor Joe Neal, Seconded by Councillor Foster,
(232) That the foregoing Notice of Motion (231) of Councillors Collier and Dies be referred to the 2019 budget process.

CARRIED

9. Committee Reports

9.1 Report of the Finance and Administration Committee

1. Corporate Records Retention By-law (2018-A-1)
[CARRIED]

That Records Retention By-law #65-2017, be repealed and replaced with the Records Retention By-law in the form included as Attachment #1 to Report #2018-A-1.

2. OMERS Participation by Head of Council By-Law Amendment (2018-A-2)
[CARRIED]

A) That By-Law #16-2007 be amended to reflect the direction by Regional Council on February 11, 2004 to permit the voluntary participation of the Head of Council in OMERS; and

B) That the amending by-law as set out generally in the form included as Attachment #1 to Report #2018-A-2 of the Commissioner of Corporate Services be approved.

3. Temporary Borrowing By-Law for 2019 (2018-F-1)
[CARRIED]

A) That the Regional Chair and the Treasurer be authorized in 2019 to borrow funds not to exceed \$500 million in order to meet current expenditures and liabilities until such time as the general tax revenues and other revenues of the Region are received; and

B) That approval be granted for the requisite by-law(s).

4. 2019 Interim Regional Property Tax Levy (2018-F-2)
[CARRIED]

- A) That a 2019 Interim Regional Property Tax Levy be imposed on the Area Municipalities for all property tax classes;
- B) That the amount due from each Area Municipality is estimated to be equivalent to 50% of their respective share of the Regional Property Taxes collected in 2018;
- C) That the 2019 Interim Regional Property Tax Levy be paid by the Area Municipalities seven days subsequent to the instalment due dates established by each Area Municipality for the collection of their respective interim municipal property taxes;
- D) That the Regional Clerk be requested to advise the Area Municipalities of the imposition of the 2019 Interim Regional Property Tax Levy for all property tax classes; and,
- E) That approval be granted for the requisite by-law.

5. By-Law for the Appointment of Municipal Auditor (2018-F-3)
[CARRIED]

That the by-law for the appointment of Deloitte LLP as Municipal Auditor for a three (3) year term for the 2018 to 2020 fiscal years be approved and that the Legal Department be directed to submit the appropriate by-law.

6. Revised Timetable for the 2019 Regional Business Plans and Budgets (2018-F-4)
[CARRIED]

- A) That the Preliminary Timetable for the 2019 Regional Business Plans and Budgets adopted at the May 9, 2018 Regional Council meeting, be amended to reflect final Regional Council approval of the 2019 Water and Sewer Business Plans and Budgets on January 30, 2019 and approval of the 2019 Property Tax Supported Business Plans and Budgets on March 27, 2019;
- B) That the Revised 2019 Timetable for the 2019 Regional Business Plans and Budgets, outlined in Attachment #1 to Report #2018-F-4, be approved;
- C) That staff review the involvement and the scheduling of the Transit Commission in the budgeting process and report back prior to February 6, 2019; and

- D) That a copy of Report #2018-F-4 be forwarded to all Outside Boards and Agencies, including the Durham Regional Police Services Board, the five Conservation Authorities, Durham Region Transit Commission and Durham Regional Local Housing Corporation.

Moved by Councillor Foster, Seconded by Councillor Collier,

- (233) That the recommendations contained in Items 1 to 6 inclusive of the First Report of the Finance and Administration Committee be adopted.

CARRIED

9.2 Report of the Health and Social Services Committee

1. Durham Nuclear Health Committee Membership (2018-MOH-1)
[CARRIED]

- A) That the following individuals be appointed to the Durham Nuclear Health Committee as follows:

- i) Susan Ebata: Public Member – Whitby;
- ii) Jane Snyder: Public Member – Whitby;
- iii) Matthew Cochrane: Alternate Member – Oshawa; and
- iv) Alan Shaddick: Alternate Member – Whitby.

Moved by Councillor Chapman, Seconded by Councillor Pickles,

- (234) That the recommendations contained in Item 1 of the First Report of the Health and Social Services Committee be adopted.

CARRIED

9.3 Report of the Planning and Economic Development Committee

1. GO Rail Service Extension to Bowmanville
[CARRIED]

Whereas, the Regional Municipality of Durham has, for nearly 30 years, supported the easterly extension of the GO Rail service to Bowmanville, which has included a crossing of Highway 401 from the CNR Kingston line (now owned by GO) to the CPR Belleville line between Thornton Road and Stevenson Road, with a terminus in Bowmanville, west of Regional Road 57;

Therefore be it resolved:

1. That the Region of Durham Council requests the Provincial government and Metrolinx to confirm the commitment to extend GO Rail service north of Highway 401 through Oshawa to Bowmanville by 2024 and proactively resolve all pending negotiations with CN and CP rail, understanding that this project has substantial economic and

environmental benefits, will spur significant public and private investment, will create much needed job opportunities for the community both for the short and long term, has widespread community support - including from the residents, business community, development industry, Durham's post-secondary institutions, commuters, youth, and the agricultural community - and is embedded in the land use, transportation and transit plans of Oshawa, Clarington and the Region of Durham;

2. That the Region of Durham Council further requests Metrolinx to keep the Region apprised of the status of the aforementioned negotiations and the progress of the overall undertaking on a regular basis;
3. That Town of Whitby, City of Oshawa, Municipality of Clarington, County of Northumberland, Municipality of Port Hope, Town of Cobourg, County of Peterborough and City of Peterborough be forwarded a copy of this resolution and based on their support of the GO Rail Service Extension to Bowmanville that they also request that the Province and Metrolinx stand by the commitment to complete this project by 2024;
4. That Region of Durham staff be authorized to engage the other stakeholders such as area municipal councils, boards of trade, and the local development and business community by providing them a copy of this resolution and requesting that they join their municipal partners in calling upon the Province and Metrolinx to stand by the commitment to extend GO Rail service through Oshawa to Bowmanville by 2024; and
5. That copies of this resolution be forwarded to the Honourable Doug Ford, Premier of the Province of Ontario; the Honourable Jeff Yurek, Minister of Transportation; Durham MPPs; Durham MPs; the Durham area municipalities; David Piccini, MPP, Northumberland-Peterborough South; the Chair, and the President and Chief Executive Officer of Metrolinx.

Moved by Councillor Ryan, Seconded by Councillor Joe Neal,

(235) That the recommendations contained in Item 1 of the First Report of the Planning and Economic Development Committee be adopted.

CARRIED

9.4 Report of the Works Committee

1. Relief from Certain Requirements of the Seaton-Specific Subdivision Agreement for Seaton Plans of Subdivision Located South of Taunton Road (Regional Road 4) (2018-W-1)

[CARRIED]

That relief be provided from certain requirements of the Seaton-Specific Standard Subdivision Agreement to allow plans of subdivision, located south of Taunton Road (Regional Road 4), to proceed by:

- i) Providing the Landowners with the required sanitary sewer and water connection permits for the lots and blocks located within these plans of subdivision and indicated in the schedules provided by the Landowners for closings prior to the end of May 2019, on the condition that the Landowners agree to not submit or request a review by the Region of any of the Alexander Knox Drive designs until such time as the remainder of the Whites Road (Regional Road 38) project is in an executed construction contract.

Moved by Councillor Mitchell, Seconded by Councillor Marimpietri,
(236) That the recommendations contained in Item 1 of the First Report of the Works Committee be adopted.

CARRIED

8. Notice of Motion

8.1 Discontinuation of Self-Invoicing for Bulk Water

Be it resolved that the Region's practice of permitting water companies to have access to the Region's un-metered hydrants, or other water facilities, whereby the water companies self-invoice for bulk water, be discontinued effective April 30, 2019.

Moved by Councillor Drew, Seconded by Councillor Ryan,
(237) That the foregoing Notice of Motion be referred to Works Department staff for a report in the first quarter of 2019.

CARRIED

9.5 Report of the Committee of the Whole

1. 2019 Water Supply and Sanitary Sewerage Servicing and Financing Study (2018-COW-177)

[CARRIED ON A RECORDED VOTE]

- A) That the 2019 Capital Program and financing for the Water Supply and Sanitary Sewerage Systems, as set forth in Attachments #1 and #2 of Report #2018-COW-177 be received and provide the basis for the 2019 Water Supply and Sanitary Sewerage Capital Budgets to be presented to Regional Council during the 2019 Regional Business Planning and Budget process; and
- B) That the 2020-2028 Water Supply and Sanitary Sewerage Capital Forecast (Appendix #3 to Report #2018-COW-177) be received for information and planning purposes.

2. Recommended 2019 Water and Sanitary Sewer User Rates (2018-COW-178)
[CARRIED]

- A) That the 2019 Regional water rates increase by 1.1% and Regional sanitary sewer rates increase by 2.6% from the 2018 user rate levels as set out in Schedule 1 and Schedule 2 respectively to Report #2018-COW-178 (attached), effective January 1, 2019 (increase for an average residential customer of 1.8%);
- B) That the 2019 Raw Water rates for the Whitby raw water customers be increased by 7.4% as set out in Schedule 1 to Report #2018-COW-178 (attached), effective January 1, 2019;
- C) That the 2019 water charges to the Sun Valley Heights Homeowners Co-operative Water System be as set out in Schedule 3 to Report #2018-COW-178 (attached), effective January 1, 2019;
- D) That the 2019 Regional Water and Sanitary Sewer Systems Miscellaneous Fees and Charges be as set out in Schedule 4 to Report #2018-COW-178 (attached), effective January 1, 2019;
- E) That the 2019 fee schedule for laboratory services at the Regional Environmental Laboratory located at the Duffin Creek Water Pollution Control Plant be as set out in Schedule 5 to Report #2018-COW-178 (attached), effective January 1, 2019; and
- F) That the Director of Legal Services be instructed to prepare the necessary by-laws to implement the foregoing recommendations.

Moved by Councillor Foster, Seconded by Councillor Drew,
(238) That the recommendations contained in Item 1 of the Ninth Report of the Committee of the Whole be adopted.

CARRIED

Moved by Councillor Foster, Seconded by Councillor Drew,
(239) That the recommendations contained in Item 2 of the Ninth Report of the Committee of the Whole be adopted.

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

Moved by Councillor Joe Neal, Seconded by Councillor John Neal,
(240) That the foregoing motion (239) of Councillors Foster and Drew to adopt the recommendations contained in Item 2 of the Ninth Report of the Committee of the Whole be amended by adding the following as a new Part G):

- G) That staff report back to Committee of the Whole in May 2019 on a relief program for seniors and persons with disability with respect to water rate increases, similar to the City of Toronto program.

MOTION DEFEATED
ON THE FOLLOWING RECORDED VOTE:

Yes

Councillor Anderson
Councillor Ashe
Councillor Carter
Councillor Kerr
Councillor Leahy
Councillor Lee
Councillor Marimpietri
Councillor John Neal
Councillor Joe Neal
Councillor Smith
Councillor Yamada

No

Councillor Barton
Councillor Bath-Hadden
Councillor Chapman
Councillor Collier
Councillor Crawford
Councillor Dies
Councillor Drew
Councillor Foster
Councillor Highet
Councillor McLean
Councillor Mitchell
Councillor Mulcahy
Councillor Pickles
Councillor Roy
Councillor Ryan
Councillor Wotten
Regional Chair Henry

Members Absent: Councillor Nicholson

Declarations of Interest: None

The main motion (239) of Councillors Foster and Drew was then put to a vote and
CARRIED ON THE FOLLOWING RECORDED VOTE:

Yes

Councillor Anderson
Councillor Ashe
Councillor Barton
Councillor Bath-Hadden
Councillor Carter
Councillor Chapman
Councillor Collier
Councillor Crawford
Councillor Dies
Councillor Drew
Councillor Foster
Councillor Highet
Councillor Leahy
Councillor Lee
Councillor Marimpietri
Councillor McLean
Councillor Mitchell
Councillor Mulcahy
Councillor Pickles

No

Councillor John Neal
Councillor Joe Neal

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

Members Absent: Councillor Kerr
Councillor Nicholson

Declarations of Interest: None

10. Unfinished Business

10.1 OPG Resolution [TABLED TO NEXT REGIONAL COUNCIL MEETING]

At the September 12, 2018 Regional Council meeting, the following motion was tabled to the Regional Council meeting scheduled for December 19, 2018:

Whereas Ontario Power Generation's (OPG) Pickering nuclear station is one of Durham Region's largest employers with operations scheduled to end in 2024 when the reactor will be decommissioned; and

Whereas a full federal environmental assessment of the OPG Pickering site will allow governments to gather information and recommend measures to mitigate or eliminate potential environmental, social and economic impacts of the decision to close; and

Whereas reactor decommissioning was excluded from the list of projects required to undergo an environmental assessment under the revised 2012 Canadian Environmental Assessment Act (CEAA); and

Whereas Durham Region has asked the Canadian Nuclear Safety Commission (CNSC) to be engaged in an environmental assessment for the decommissioning of the Pickering nuclear station, but neither CNSC nor OPG are legally required to carry out such an assessment; and

Whereas the federal government is currently revising Canada's environmental assessment legislation with a public comment period in fall 2018 on what projects should be subject to an environmental assessment under the proposed Impact Assessment Act;

Therefore be it resolved:

That Durham Regional Council requests the Minister of Environment and Climate Change (Canada) designate reactor decommissioning, and, in particular, the decommissioning of the Pickering nuclear station, as a project requiring assessment under the proposed Impact Assessment Act; and

That a copy of this motion be sent to:

- Hon. Catherine McKenna, Minister of the Environment and Climate Change
- Hon. Amarjeet Sohi, Minister of Natural Resources
- Members of Parliament
 - Colin Carrie (Oshawa)
 - Celina Caesar-Chavannes (Whitby)
 - Jamie Schmale (Haliburton-Kawartha Lakes-Brock)
 - Hon. Mark Holland (Ajax)
 - Jennifer O'Connell (Pickering-Uxbridge)
 - Erin O'Toole (Durham)
 - Kimberly Rudd (Northumberland-Peterborough South)
- Hon. Rod Phillips, Minister of the Environment, Conservation and Parks
- Members of Provincial Parliament
 - Hon. Peter Bethlenfalvy (Pickering-Uxbridge)
 - Laurie Scott (Haliburton-Kawartha Lakes-Brock)
 - Lindsey Park (Durham)
 - Lorne Coe (Whitby)
 - David Piccini (Northumberland-Peterborough South)
 - Jennifer French (Oshawa)
- Canadian Environmental Assessment Agency
- Canadian Nuclear Safety Commission
- Ontario Power Generation

Moved by Councillor Marimpietri, Seconded by Councillor Collier,
(241) That the foregoing motion be tabled to the next Regional Council meeting
scheduled for January 30, 2019.

CARRIED

11. Other Business

11.1 Regional Council Member Appointments to Agencies, Boards and Committees [AMENDED]

Moved by Councillor Kerr, Seconded by Councillor Anderson,
(242) That the appointment of Regional Council members and individuals to the
following agencies, boards and committees, be approved and confirmed
for this term of Council:

CARRIED

	Committees	Appointment Details
a)	911 Management Board	One member of the Finance & Administration Committee and one Finance Department Staff Member, as recommended by the CAO.
	Finance & Administration Committee	Councillor Drew
	Finance Department Staff Member	M. Simpson

	Committees	Appointment Details
b)	Accessibility Advisory Committee Finance & Administration Committee	One member of the Finance & Administration Committee. Councillor Mulcahy
c)	Association of Local Public Health Agencies Health & Social Services Committee	One member of the Health & Social Services Committee. Note: Councillor Pickles was appointed by the Association of Local Public Health Agencies Board of Directors to represent the Central East Region for a two-year term on June 12, 2018. Councillor Pickles
d)	Business Advisory Centre Durham Planning & Economic Development Committee	One member of the Planning & Economic Development Committee. Councillor Joe Neal
e)	Canadian National Exhibition Association Planning & Economic Development Committee	One member of the Planning & Economic Development Committee, appointed for a one year term. Councillor Smith
f)	Development Charges Complaint Committee Regional Chair Finance & Administration Committee Health & Social Services Committee Planning & Economic Development Committee Works Committee	The Regional Chair and Chairs of the Standing Committees, appointed for the term of Council. Regional Chair Henry Councillor Foster Councillor Chapman Councillor Ryan Councillor Mitchell
g)	Durham Advisory Committee on Homelessness Health & Social Services Committee	The Chair of the Health & Social Services Committee. Councillor Chapman

	Committees	Appointment Details
h)	Durham Active Transportation Committee Planning & Economic Development Committee Planning & Economic Development Committee Alternate	One member of the Planning & Economic Development Committee and one member of the Planning & Economic Development Committee as an alternate. Councillor Kerr Councillor Lee
i)	Durham Agricultural Advisory Committee Planning & Economic Development Committee Planning & Economic Development Committee Alternate	One member of the Planning & Economic Development Committee and one member of Planning & Economic Development Committee as an alternate. Councillor Bath-Hadden Councillor Highet
j)	Durham Environmental Advisory Committee Planning & Economic Development Committee Planning & Economic Development Committee Alternate	One member of the Planning & Economic Development Committee and one member of the Planning & Economic Development Committee as an alternate. Councillor Yamada Councillor Lee
k)	Durham Region Child and Youth Advocate Health & Social Services Committee	One member of the Health and Social Services Committee. Councillor Anderson

	Committees	Appointment Details
l)	<p>Durham Regional Local Housing Corporation</p> <p>Regional Chair Health & Social Services Committee (3)</p> <p>Finance & Administration Committee (1) Planning & Economic Development Committee (1) Regional Council (1)</p>	<p>Seven members, the Regional Chair, three members from the Health & Social Services Committee, one member from the Finance & Administration Committee, one member from the Planning & Economic Development Committee, and one member from Regional Council.</p> <p>Regional Chair Henry Councillor Pickles Councillor Roy Councillor Wotten Councillor Ashe</p> <p>Councillor Bath-Hadden Councillor Chapman</p>
m)	<p>Durham Region Non-Profit Housing Corporation</p> <p>Regional Chair Chair of Finance & Administration Committee Chair of Health & Social Services Committee Chair of Planning & Economic Development Committee Chair of Works Committee Health & Social Services Committee (2)</p>	<p>Seven members, the Regional Chair, the Chairs of the Standing Committees, and two members of the Health & Social Services Committee.</p> <p>Regional Chair Henry Councillor Foster</p> <p>Councillor Chapman</p> <p>Councillor Ryan Councillor Mitchell Councillor Carter Councillor Dies</p>
n)	<p>Durham Region Roundtable on Climate Change</p> <p>Regional Chair Finance & Administration Committee</p>	<p>The Regional Chair as an ex-officio member, one member from each Standing Committee and one member from each Standing Committee as an alternate, and the Chief Administrative Officer of the Region and an alternate.</p> <p>Regional Chair Henry Councillor Leahy</p>

	Committees	Appointment Details
	Finance & Administration Committee Alternate Health & Social Services Committee Health & Social Services Committee Alternate Planning & Economic Development Committee Planning & Economic Development Committee Alternate Works Committee Works Committee Alternate Chief Administrative Officer Chief Administrative Officer Alternate	Councillor Collier Councillor Chapman Councillor Carter Councillor Highet Councillor Yamada Councillor Crawford Councillor Barton E. Baxter-Trahair B. Bridgeman
o)	Ganaraska Region Conservation Authority Municipality of Clarington (2)	Two members from the Municipality of Clarington, appointed for the term of Council. Nominations come from the local area municipality and Regional Council appoints. Councillor Joe Neal Councillor M. Zwart (Local)
p)	Golden Horseshoe Food & Farming Alliance Planning & Economic Development Committee Planning & Economic Development Committee Alternate	One member of the Planning & Economic Development Committee and one member of the Planning & Economic Development Committee as an alternate. Councillor Bath-Hadden Councillor Highet
q)	Kawartha Conservation Township of Brock (1) Municipality of Clarington (1) Township of Scugog (2)	Four members, one from the Township of Brock, one from the Municipality of Clarington, and two from the Township of Scugog, appointed for the term of Council. Nominations come from the local area municipalities and Regional Council appoints. Councillor Smith Councillor R. Hooper (Local) Councillor D. Kiezebrink (Local) Councillor A. Ross (Local)

	Committees	Appointment Details
r)	Lake Simcoe Region Conservation Authority Township of Brock Township of Scugog Township of Uxbridge	Three members, one from the Township of Brock, one from the Township of Scugog, and one from the Township of Uxbridge, appointed for the term of Council. Nominations come from the local area municipalities and Regional Council appoints. Councillor Bath-Hadden Councillor Drew Councillor Barton
s)	Land Division Committee Town of Ajax Township of Brock Municipality of Clarington City of Oshawa City of Pickering Township of Scugog Township of Uxbridge Town of Whitby	Eight members of the public, appointed for the term of Council or until their successors are appointed. Nominations come from each area municipality. Carolyn Molinari Kitty Bavington Steven Cooke (To Be Determined) Eric Hudson Donovan Smith Gerri Lynn O'Connor Alexander Georgieff
t)	Local Diversity and Immigration Partnership Council Health & Social Services Committee Commissioner of Social Services	The Chair of the Health & Social Services Committee and Commissioner of Social Services. Councillor Chapman H. Drouin
u)	Royal Agricultural Winter Fair Association Planning & Economic Development Committee	One member of the Planning & Economic Development Committee, appointed for a one year term. Councillor Lee
v)	Toronto Global Regional Chair or designate	Regional Chair or designate, appointed for the term of Council. Regional Chair Henry

	Committees	Appointment Details
w)	Toronto and Region Conservation Authority	Three members, one from the Town of Ajax, one from the City of Pickering, one from the Township of Uxbridge, appointed for the term of Council. Nominations come from the local area municipalities and Regional Council appoints.
	Town of Ajax	Councillor Dies
	City of Pickering	Councillor Ashe
	Township of Uxbridge	Councillor Hight

CARRIED LATER IN THE MEETING
(See Following Motion)

Moved by Councillor Ashe, Seconded by Councillor Ryan,
(243) That Asim Khan, the citizen member appointed to the Land Division Committee by the City of Pickering, be replaced with Eric Hudson.
CARRIED

The main motion (242) of Councillors Kerr and Anderson was then put to a vote and CARRIED AS AMENDED.

11.2 Appointments to Central Lake Ontario Conservation Authority

Moved by Councillor Kerr, Seconded by Councillor Anderson,
(244) That the following Regional Council members and individuals be appointed to the Central Lake Ontario Conservation Authority for the term of Council:

Town of Ajax (1)	Councillor Lee
Municipality of Clarington (3)	Councillor Hooper (Local) Councillor Jones (Local) Councillor Traill (Local)
City of Oshawa (4)	Councillor Chapman Councillor Marimpietri Councillor John Neal Councillor Nicholson
City of Pickering (1)	Councillor Pickles
Township of Scugog (1)	Councillor McDougall (Local)
Township of Uxbridge (1)	Councillor Barton

A) That the following Regional Councillors from the Town of Whitby be appointed to the Central Lake Ontario Conservation Authority for a rotating one year term as follows:

Term	Appointments
January 1 – December 31, 2019	Councillor Mitchell Councillor Leahy Councillor Yamada Councillor Mulcahy
January 1 – December 31, 2020	Councillor Mitchell Councillor Leahy Councillor Roy Councillor Mulcahy
January 1 – December 31, 2021	Councillor Mitchell Councillor Yamada Councillor Roy Councillor Mulcahy
January 1 – November 14, 2022	Councillor Mitchell Councillor Leahy Councillor Yamada Councillor Roy

CARRIED

12. By-laws

- 55-2018 Being a by-law to Amend By-law 16-2007 being a by-law to authorize participation in the Ontario Municipal Employees Retirement System (OMERS) in respect of the Head of Council.

This by-law implements the recommendations contained in Item #2 of the 1st Report of the Finance & Administration Committee presented to Regional Council on December 19, 2018.

- 56-2018 Being a by-law to establish retention periods for records of The Regional Municipality of Durham.

This by-law implements the recommendations contained in Item #1 of the 1st Report of the Finance & Administration Committee presented to Regional Council on December 19, 2018.

- 57-2018 Being a by-law to authorize the Chair and Treasurer of the Regional Municipality of Durham to borrow from time to time by way of promissory notes, such sum or sums at any one time not exceeding the total amount of \$500,000,000 to meet current expenditures including liability of The Regional Municipality of Durham for the year 2019.

This by-law implements the recommendations contained in Item #3 of the 1st Report of the Finance & Administration Committee presented to Regional Council on December 19, 2018.

- 58-2018 Being a by-law to requisition, on an interim basis, from the lower-tier municipalities before the adoption of the 2019 Regional estimates, a sum equal to fifty percent of the taxes requisitioned for Regional purposes made by the Regional Council against the lower tier municipalities for all property classes in the year 2018.

This by-law implements the recommendations contained in Item #4 of the 1st Report of the Finance & Administration Committee presented to Regional Council on December 19, 2018.

- 59-2018 Being a by-law to amend the by-law respecting the Water Supply System in the Regional Municipality of Durham and the establishment of water rates and water charges and being By-law No. 89-2003 of The Regional Municipality of Durham.

This by-law implements the recommendations contained in Item #2 of the 9th Report of the Committee of the Whole presented to Regional Council on December 19, 2018.

- 60-2018 Being a by-law to amend the by-law respecting the Water Pollution Control System and the Storm Sewer System in the Regional Municipality of Durham and the establishment of sewer surcharge rates and sewer charges and being By-law No. 90-2003 of The Regional Municipality of Durham.

This by-law implements the recommendations contained in Item #2 of the 9th Report of the Committee of the Whole presented to Regional Council on December 19, 2018.

- 61-2018 Being a by-law to appoint the firm of Deloitte LLP as the Municipal auditor for the 2018 to 2020 fiscal years inclusive.

This by-law implements the recommendations contained in Item #5 of the 1st Report of the Finance & Administration Committee presented to Regional Council on December 19, 2018.

Moved by Councillor Ashe, Seconded by Councillor Anderson,
(245) That By-law Numbers 55-2018 to 61-2018 inclusive be passed.

CARRIED

13. Confirming By-law

- 62-2018 Being a by-law to confirm the proceedings of Regional Council at their meeting held on December 19, 2018.

Moved by Councillor Ashe, Seconded by Councillor Anderson,
(246) That By-law Number 62-2018 being a by-law to confirm the proceedings
of the Council of the Regional Municipality of Durham at their meeting
held on December 19, 2018 be passed.

CARRIED

14. Adjournment

Moved by Councillor Crawford, Seconded by Councillor Collier,
(247) That the meeting be adjourned.

CARRIED

The meeting adjourned at 11:55 AM

Respectfully submitted,

John Henry, Regional Chair & CEO

Ralph Walton, Regional Clerk

The Regional Municipality of Durham

MINUTES

COMMITTEE OF THE WHOLE

Thursday, December 13, 2018

A regular meeting of the Committee of the Whole was held on Thursday, December 13, 2018 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 Councillors Collier, Drew, Marimpietri, Roy, Ryan, and Wotten

Councillor Ashe left the meeting at 12:15 PM

Councillor Barton left the meeting at 12:21 PM due to municipal business

Councillor Collier attended the meeting at 9:40 AM and left the meeting at 11:49 AM due to municipal business

Staff

Present: E. Baxter-Trahair, G. Asselin, S. Austin, D. Beaton, B. Bridgeman, J. Demanuele, J. Hunt, R. Inacio, R. Jagannathan, G. Mueller, S. Munns, V. Patterson, S. Penak, J. Presta, M. Simpson, S. Siopis, N. Taylor, C. Tennisco and R. Walton

1. Declarations of Interest

2. Statutory Public Meetings

There were no statutory public meetings.

3. Delegations

There were no delegations to be heard.

4. Presentations

- 4.1 John Presta, Director, Environmental Services, Works Department; and Mary Simpson, Director, Financial Planning & Purchasing, Finance Department, re: 2019 Water Supply and Sanitary Sewerage Servicing and Financing Study (2018-COW-177) [Item 6. A)]
-

J. Presta and M. Simpson provided a PowerPoint presentation regarding the 2019 Water Supply and Sanitary Sewerage Servicing and Financing Study. A copy of their presentation was provided as a handout.

Highlights from the presentation included:

- Overview of Systems
- Sanitary Sewerage Capital Program
- Water Supply Capital Program
- 2019 Construction Program
- 2019 Capital Program
 - Major Projects: Sanitary Sewerage
 - Major Projects: Water Supply
- Climate Change
- Energy Management Initiatives
- Financial Planning
- Asset Condition Rating: Water and Sewer
- Development Forecast
- Proposed 2019 Capital Financing
 - Water Supply
 - Sanitary Sewerage
- Capital & Debt Charges Forecast (\$m)
- Water & Sewer Total Debt (\$m)
- Water & Sewer Debt Servicing (\$m)
- Units to Repay DC Debt
- Future User Rate Pressures
- Risks
- Future Directions

J. Presta responded to questions regarding the timelines to complete the construction along the Bloor Street Zone 1 Feedermain in Oshawa; the Bloor Street Zone 2 Feedermain in Courtice; and the Rossland Road Zone 1 Feedermain in Ajax. Councillor Joe Neal questioned the specifics for the Bloor Street Zone 2 Feedermain project in Oshawa. J. Presta advised he would look at the specifics and report back to Councillor Joe Neal directly.

M. Simpson responded to questions with respect to the reduction in the water and sewer revenues; and the potential for a zero percent increase in the 2019 rates to lessen the financial burden for residents.

Discussion ensued regarding the additional \$10.2 million funding for the expansion of the Newcastle Water Supply Plant in 2019; the increased 2019 budgeted Capital expenditures for the Area Municipality Road Programs; the Area Municipality Capital projects submitted under the Clean Water and Wastewater Fund (CWWF); the future project pressures considered in “poor or critical” condition; and the approved funding of approximately \$14.7 million for the 2019 Polybutylene Service Connection Replacement program to address rehabilitation / replacement needs identified in the Region’s Asset Management Study.

Councillor Foster inquired on the number of anticipated 2018 active projects that are behind schedule. J. Presta advised staff would look into this and report back to Councillor Foster directly.

Discussion ensued regarding the Safe Drinking Water Act, 2002, and the Region's 'duty of care' under the Act. J. Presta advised that staff will be holding a training session for all Regional Councillors on Friday, May 3, 2019 with respect to the obligations under the Safe Drinking Water Act, 2002.

Discussion also ensued regarding the Region's automated bulk water filling station services; the metering of usage; unaccounted water not recorded through a meter; the need for reading flows to ensure user cost recovery; the phase out of hydrant permits for use of fire hydrants; and the proposed 2019 bulk water filling station planned at the Zone 4 Reservoir Site for Seaton.

Councillor Joe Neal asked staff for a comparison of the collected revenues from hydrant permits for the years 2017 and 2018. Councillor Foster also asked that staff look at the bulk water revenues of the Region versus the Greater Toronto area municipalities. J. Presta advised he would provide this information to Councillor Joe Neal directly; and would also review the indicators for the bulk water revenues of the Region versus the Greater Toronto area municipalities.

M. Simpson and J. Presta responded to questions with respect to how the residential Development Charge (DC) forecasted activity from 2018 to 2028 is projected. Discussion followed on the how the potential DC receipts could impact future funds for capital programs; and how staff determine the growth rate utilized for the Region's Asset Management Study.

J. Presta reviewed the decrease in the Ministry of Transportation and GO Transit infrastructure funding as outlined in the 2019 Water Supply and Sanitary Sewerage Capital program.

Councillor Kerr inquired whether the issues of the sewer back-ups along Thomas Street in the City of Oshawa have been rectified. S. Siopis advised staff would look into that and follow up with Councillor Kerr directly.

Councillor Pickles inquired on the timelines for the trunk sanitary sewer improvements to the Central Duffin Collector on Valley Farm Road in Pickering; and if one (1) lane for traffic could remain open during the construction. J. Presta advised that the project is in the planning phases and once more details are established he would then look into the timelines, options to allow for traffic flow, and would follow up with Councillor Pickles directly.

Discussion also ensued on the station locations for the extension of water and sanitary services for Columbus; and the Environmental Assessment for the Zone 4 water supply project.

A numerical discrepancy was noted on pages 2 and 3 of the 2019 Water Supply and Sanitary Sewerage Servicing and Financing Study under the 2018 'Allowances and Other Provisions'. Staff advised they would review these numbers.

Moved by Councillor Kerr, Seconded by Councillor Highet,
(1) That the Committee of the Whole recess for 10 minutes.

CARRIED

The Committee recessed at 10:54 AM and resumed the meeting at 11:06 AM.

4.2 John Presta, Director, Environmental Services, Works Department; and Mary Simpson, Director, Financial Planning & Purchasing, Finance Department, re: Recommended 2019 Water and Sanitary Sewer User Rates (2018-COW-178) [Item 6. B)]

J. Presta and M. Simpson provided a PowerPoint presentation on the recommended 2019 Water and Sanitary Sewer User Rates. A copy of their presentation was provided as a handout.

J. Presta and M. Simpson advised that it is recommended that the combined 2019 water and sanitary sewer user rate increase by 1.8%.

Highlights from the presentation included:

- 2019 Regional Water & Sewer Highlights
- 2019 Estimated Costs
- Annual Water Customer Growth
- Residential Basic Usage Per Customer
- Water Consumption Growth
- Third Block Water Consumption
- Factors Impacting 2019 User Rates
- General Motors
- Impact of Recommended Increase
- How Do Our 2018 Rates Compare?
- How Do Our Annual Rates Compare?
- Water Supply System Performance Measures
- Sanitary Sewerage System Performance Measures
- Proposed Charges and Fees
- Conclusion/Recommendation

Discussion ensued regarding the status of the Range Road/Ontoro Boulevard area construction of a watermain; the previous request in 2001 to extend municipal services to this area; the existing water quality in private wells in the Range Road/Ontoro Boulevard area, the 2005 petition process; and opportunities for funding arrangements including the cost-sharing of these charges.

Councillor Collier inquired whether a provision could apply for the water connection and frontage charges to be grandfathered, as outlined in the petition submitted by the residents in 2005.

Councillor Collier provided notice that a Motion would be forthcoming at the Wednesday, December 19, 2018 Regional Council meeting in regard to the Range Road/Ontoro Boulevard area water connection and frontage charges.

Councillor Nicholson inquired what percentage of water the Oshawa Water Plant No. 1 supplies. J. Presta advised he would provide the data to Councillor Nicholson prior to the December 19, 2018 Council meeting.

Discussion ensued regarding a full cost recovery water and sewer system; how the Region's rates compare to the Region of Peel; the anticipated future consumption rates; and increases in the fee schedule for Laboratory services.

Councillor Joe Neal questioned the actual number of employees proposed to be hired. J. Presta advised he would look into that and provide the numbers to Councillor Joe Neal directly.

Councillor Joe Neal also asked which companies are provided permission for hook-up to water stations/hydrants. J. Presta advised he would follow-up and provide the information to Councillor Joe Neal directly.

5. Correspondence

There were no communications to consider.

6. Reports

A) 2019 Water Supply and Sanitary Sewerage Servicing and Financing Study (2018-COW-177)

Report #2018-COW-177 from N. Taylor, Commissioner of Finance; and S. Siopis, Commissioner of Works, was received.

Moved by Councillor McLean, Seconded by Councillor Leahy,
(2) That we recommend to Council:

- A) That the 2019 Capital Program and financing for the Water Supply and Sanitary Sewerage Systems, as set forth in Attachments #1 and #2 of Report #2018-COW-177 be received and provide the basis for the 2019 Water Supply and Sanitary Sewerage Capital Budgets to be presented to Regional Council during the 2019 Regional Business Planning and Budget process; and

- B) That the 2020-2028 Water Supply and Sanitary Sewerage Capital Forecast (Appendix #3 to Report #2018-COW-177) be received for information and planning purposes.

CARRIED

B) Recommended 2019 Water and Sanitary Sewer User Rates (2018-COW-178)

Report #2018-COW-178 from N. Taylor, Commissioner of Finance; and S. Siopis, Commissioner of Works, was received.

Moved by Councillor Smith, Seconded by Councillor Pickles,

(3) That we recommend to Council:

- A) That the 2019 Regional water rates increase by 1.1% and Regional sanitary sewer rates increase by 2.6% from the 2018 user rate levels as set out in Schedule 1 and Schedule 2 respectively to Report #2018-COW-178 (attached), effective January 1, 2019 (increase for an average residential customer of 1.8%);
- B) That the 2019 Raw Water rates for the Whitby raw water customers be increased by 7.4% as set out in Schedule 1 to Report #2018-COW-178 (attached), effective January 1, 2019;
- C) That the 2019 water charges to the Sun Valley Heights Homeowners Co-operative Water System be as set out in Schedule 3 to Report #2018-COW-178 (attached), effective January 1, 2019;
- D) That the 2019 Regional Water and Sanitary Sewer Systems Miscellaneous Fees and Charges be as set out in Schedule 4 to Report #2018-COW-178 (attached), effective January 1, 2019;
- E) That the 2019 fee schedule for laboratory services at the Regional Environmental Laboratory located at the Duffin Creek Water Pollution Control Plant be as set out in Schedule 5 to Report #2018-COW-178 (attached), effective January 1, 2019; and
- F) That the Director of Legal Services be instructed to prepare the necessary by-laws to implement the foregoing recommendations.

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

Moved by Councillor Nicholson, Seconded by Councillor Joe Neal,

- (4) That the main motion (3) of Councillors Smith and Pickles be amended by adding the following as a new Part G):

- G) That Finance Staff, in conjunction with other departments, investigate opportunities to provide relief to lower income users of water and sewer; and that the report be returned to Council in sufficient time to be included in the 2020 Water Supply and Sanitary Sewerage Servicing and Financing Study and the 2020 Water and Sanitary Sewer User Rates Reports.

MOTION DEFEATED

Moved by Councillor Joe Neal, Seconded by Councillor John Neal,
(5) That Report #2018-COW-178 be deferred to consideration of the 2019 Detailed Water and Sewer Business Plans and Budget.

MOTION DEFEATED

The main motion (3) of Councillors Smith and Pickles was then put to a vote and
CARRIED ON THE FOLLOWING RECORDED VOTE:

Yes

Councillor Bath-Hadden
Councillor Carter
Councillor Crawford
Councillor Dies
Councillor Foster
Councillor Highet
Councillor Kerr
Councillor Leahy
Councillor Lee
Councillor McLean
Councillor Mitchell
Councillor Mulcahy
Councillor Pickles
Councillor Smith
Councillor Yamada
Regional Chair Henry

No

Councillor Anderson
Councillor Chapman
Councillor John Neal
Councillor Joe Neal
Councillor Nicholson

Members Absent:

Councillor Ashe
Councillor Barton
Councillor Collier
Councillor Drew
Councillor Marimpietri
Councillor Roy
Councillor Ryan
Councillor Wotten

Declarations of Interest: None

7. Confidential Matters

There were no confidential matters to be considered.

8. Other Business

There were no other items of business to consider.

9. Adjournment

Moved by Councillor Bath-Hadden, Seconded by Councillor John Neal,
(6) That the meeting be adjourned.

CARRIED

The meeting adjourned at 12:33 PM

Respectfully submitted,

John Henry, Regional Chair

C. Tennisco, Committee Clerk

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
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)]

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]

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)]

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)]

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)]
-

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 ¹
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
TOTAL			345,320

¹ 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 ¹
Structures (i.e. bridges) replacements/rehabilitations	Pickering/Ajax/Whitby/Clarington/Uxbridge/Brock	2019 - Beyond 2028	115,780

¹ 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,

John Henry, Regional Chair

Committee Clerk

Communications

January 30, 2019

- CC 01 M. Medeiros, Manager, Support Services, City of Oshawa, advising that at their meeting held on December 18, 2018, the Council of the City of Oshawa nominated Mr. Alan Arnott as the City of Oshawa's representative on the Land Division Committee for the 2018-2022 term of Council.
(Our File: C14)
Recommendation: Motion to Appoint
- CC 02 Association of Municipalities of Ontario (AMO), Corporate Services – Legislative Services Division, advising of the upcoming 2019 AMO Annual Conference being held from August 18 – 21, 2019 in Ottawa, Ontario. Further details on the conference are available on AMO's website at amo.on.ca. (Our File: A10)
Recommendation: Motion to Appoint 8 Delegates
- CC 03 K. Enders, Executive Director, Ontario Farmland Trust, writing to Michael Helfinger, Intergovernmental Policy Coordination Unit, regarding Ontario Farmland Trust's Submission on Bill 66, Restoring Ontario's Competitiveness Act, 2018. Their submission details six specific threats to farmland and the farm sector, further explains why the proposed Open-for-Business Zoning By-law is unnecessary and suggests alternative actions to improve Ontario's business environment and attract investment in the agri-food sector. (Our File: L00)
(See attached correspondence on pages 65-69)
Recommendation: Refer to Consideration of Report #2019-COW-6: Durham's Response to Bill 66, Restoring Ontario's Competitiveness Act, 2018.
- CC 04 C. Jones, Director of Planning and Regulation, Central Lake Ontario Conservation Authority (CLOCA), writing to Mr. Ken Petersen, Provincial Planning Policy Branch, Ministry of Municipal Affairs and Housing, advising that at their meeting held on January 15, 2018, the CLOCA Board of Directors passed the following resolution regarding CLOCA Comments on Proposed Amendments to the Planning Act (Bill 66):
"That the CLOCA Board of Directors calls for Schedule 10 of Bill 66 to be amended to protect public health and safety and the integrity of the land use planning system;
That the Commentary in Staff Report 5616-19 and the proposed amendments in Attachment No. 2 be endorsed and submitted to the Province of Ontario as CLOCA's comments regarding Schedule 10 of Bill 66; and,
That Staff Report 5616-19 be circulated to Watershed Municipalities and adjacent Conservation Authorities for their information." (Our File: L00)
(See attached correspondence on pages 70-86)
Recommendation: Refer to Consideration of Report #2019-COW-6: Durham's Response to Bill 66, Restoring Ontario's Competitiveness Act, 2018.

CC 05 S. Siopis, Commissioner of Works, writing to all Members of Regional Council, regarding the response to the referral of recommendation C of Report #2019-COW-2: 2019 Transportation Servicing and Financing Study.

(See attached correspondence on pages 87-91)

Recommendation: Refer to Consideration of Report #2019-COW-2: 2019 Transportation Servicing and Financing Study



January 15, 2019

Michael Helfinger
Intergovernmental Policy Coordination Unit
900 Bay Street, Hearst Block, 7th floor
Toronto, ON
M6H 4L1

RE: EBR Registry # 013-4293 for input on the proposed Bill 66, *Restoring Ontario's Competitiveness Act*, 2018

Ontario Farmland Trust (OFT) is a not-for-profit organization whose mission is to protect and preserve Ontario farmlands and associated agricultural, natural, and cultural features of the countryside. OFT achieves this through direct land securement, stewardship, policy research and education to benefit all Ontarians.

Thank you for the opportunity to submit feedback on the proposed Bill 66, *Restoring Ontario's Competitiveness Act*, 2018. OFT has played an active stakeholder role in the development of policies that support a prosperous, sustainable and permanent farm sector, including those contained in the Growth Plan, Greenbelt Plan, and Oak Ridges Moraine Conservation Plan. In an effort to continue working with the Province to develop responsible planning policies that support the agri-food sector, OFT has detailed its concerns regarding Schedule 10 of the proposed Bill 66, *Restoring Ontario's Competitiveness Act*, 2018, in the following document.

Ontario's agri-food sector is a major economic engine for the province. In terms of job creation and economic growth, a 2018 report confirmed that the agri-food sector contributes over \$39 billion to Ontario's GDP and employs more than 820,000 Ontarians in the supply chain [1]. This contribution is overwhelmingly significant in rural areas, where roughly 12% of the GDP and 10% of rural jobs are attributed to the farm sector [2]. Ontario is also positioned favourably to attract agricultural and manufacturing investment because it is a global leader in the agri-food industry and houses one of the largest agri-food hubs in North America. This, in turn, generates growth in employment and GDP.

OFT believes that, as currently written, the Open-for-Business Zoning By-law proposed within Schedule 10 of Bill 66 places the agri-food sector and its substantial economic benefits at an unacceptable level of risk. If adopted it will jeopardize the economic contributions of the agri-food sector and expose rural areas to greater economic vulnerability. As such, **OFT recommends that Schedule 10 be removed from Bill 66.** It is critical that all Acts that protect the permanency, health, productivity, and profitability of Ontario's farmland and the agri-food sector are retained in full and without exception.

Ontario Farmland Trust, c/o University of Guelph, SEDRD, Guelph, ON N1G 2W1
(519) 824-4120 ext. 52654 | info@ontariofarmlandtrust.ca | www.ontariofarmlandtrust.ca



The following sections provide greater detail regarding Schedule 10's threats to the farm sector and suggests alternative actions to improve the province's business environment while attracting agri-food investment.

Threats to the Farm Sector

Schedule 10 of Bill 66 and the Open-for-Business Zoning By-law (OFB-ZBL) could open up for development farmland that is either currently protected (e.g. through the Greenbelt Plan) or is outside of projected municipal growth areas.

This negatively impacts the agricultural sector in a number of ways. Schedule 10 of Bill 66:

- **Threatens to pave over and permanently destroy productive farmland.** Only 5% of the Canadian land base is prime agricultural land, the majority of which is in southern Ontario and contributes to the success of the Province's agri-food sector. Ontario is already losing 175 acres of farmland every day, a rate that could increase under the proposed OFB-ZBL. The loss of this land to non-agricultural uses is irreversible and negatively impacts Ontario's economy, food security, and agri-food investment potential.
- **Risks farmland fragmentation and the dismantling of the agricultural system.** A successful agri-food sector relies on a healthy farm sector, which requires access to a contiguous agricultural land base with a system of supportive infrastructure, agricultural services, distributors, and processors. This requirement is recognized by, and is being addressed through, ongoing municipal-level processes to implement the Agricultural System for the Greater Golden Horseshoe. Development approvals outside of strategic growth areas that are delineated in Official Plans and in conformity with the Provincial Policy Statement, Growth Plan, Greenbelt Plan, etc. will fragment and destroy the systems required by the farm sector. As farmland and the agricultural system is fragmented by conflicting land uses, the viability of agricultural enterprises and the agri-food sector is reduced or eliminated.
- **Will dramatically inflate farmland prices as speculation and land banking increases and further reduce affordability for farmers.** Sustaining large swaths of contiguous, affordable farmland is crucial because land ownership provides the long-term, land use certainty that is required for farmers to make investments in their property and business. This contributes to a stronger agri-food sector and more attractive investment environment.
- **Introduces conflicting land uses adjacent to land used for agricultural purposes.** This disadvantages both producers and those on adjacent properties because of the nature of agricultural activity, which generates noise, odours, and dust, and involves the use of slow-moving farm machinery and hazardous materials. Ultimately, introducing incompatible land uses makes it more difficult for farmers to continue running financially



sustainable farm businesses, can interrupt normal farm practices, and can create conflict with neighbors.

- **Re-introduces uncertainty around the permanent protection of land for agriculture and agribusiness.** Uncertainty about the ongoing protection of land for agriculture discourages investment in agriculture and leads to a deterioration in the resource and the agricultural community associated with it. Given that the best agricultural land is largely located in areas experiencing growth pressures, this uncertainty and the resultant reluctance to invest in agribusiness, will weaken the agri-food sector. Furthermore, the lack of public consultation will result in farmers being unable to provide feedback, challenge decisions, and advocate for the ongoing viability of their business.
- **Increases the agricultural sector's vulnerability to the adverse effects of climate change.** Studies in Ontario indicate that the effects of climate change will be dramatically different across the province and that heat and water stress will likely have negative impacts on agricultural productivity [3,4]. The agricultural and natural lands threatened by the proposed OFB-ZBL help to offset these negative impacts by providing services including carbon storage and flood management. Re-introduced land use uncertainty would also reduce farmers' incentive to invest in on-farm adaptive and mitigative technologies and practices.

Actions to Improve Ontario's Business Environment

As currently proposed, the OFB-ZBL is unnecessary and does not appropriately solve the issues it seeks to address.

Numerous studies report that there is already enough employment land designated for growth out to 2031 and beyond, meaning the provisions within the OFB-ZBL meant to open up land previously unavailable for development are unnecessary. For example, a 2017 Neptis Report notes that 85% or 87,440 ha of Designated Greenfield Area in the Greater Golden Horseshoe is unbuilt [5], and a 2017 study from Simcoe County indicated that across its 16 municipalities, there were 1,514 ha of excess employment lands to accommodate anticipated growth out to 2031 [6]. These planning horizons can be extended well beyond 2031 when growth is managed through intensification [7].

Existing planning resources, including Official Plans, already allow municipalities to respond to employment opportunities on currently designated lands and direct growth in a strategic and appropriate manner. Municipal policies are developed based on substantive amounts of work supported by public consultation and should not be pre-empted by the OFB-ZBL.

The proposed OFB-ZBL disregards the importance and necessity of coordinated, comprehensive planning to maintain and protect the integrity of regional systems,

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including the agricultural system. Current provincial policies address strategic planning processes at a regional level and should not be bypassed or undermined under any condition.

While the OFT is opposed to the currently proposed Open-for-Business Zoning By-law we acknowledge that there are other actions that can be taken to improve the business environment in the province and attract investment in the agri-food sector, which include:

- Coordinating the actions of provincial ministries so they work as a team to facilitate appropriate development
- Adopting an online 'single portal' approach to planning applications, approvals, and communications between government agencies and applicants
- Providing greater recognition and promotion of the agri-food sector as an economic engine in the province
- Promoting job creation and investment opportunities that recognize and support agricultural business potential in rural areas. Farmland is rural employment land and employment in one sector should not place jobs at risk in another, which is the current reality of Schedule 10 given the risks it will create for agricultural viability.
- Creating land-use certainty by using existing planning or policy tools to permanently protect critical sector resources including farmland and the agricultural system.

The OFT is eager to work with the provincial government to achieve this vision.

Thank you for this opportunity to share our recommendations and feedback on the proposed Bill 66, *Restoring Ontario's Competitiveness Act, 2018*. We believe that Ontario has an opportunity to position itself as a national and global leader in strategies that blend environmental/farmland protection and economic growth and is capable of setting an example of how economic prosperity need not be at the expense of the environment. We invite discussion and welcome any questions you might have regarding our submission. We look forward to working with you further.

Most Sincerely,

Kathryn Enders
Executive Director
Ontario Farmland Trust



References:

- [1] Ontario Federation of Agriculture. 2018. *Agriculture Matters – A Guide for Municipal Councillors and Staff*. <https://ofa.on.ca/resources/guide-for-municipal-councillors-and-staff/>
- [2] Ontario Federation of Agriculture. 2013. *Economic Contribution of the Ontario Farm Sector 2013*. <https://ofa.on.ca/resources/economic-contribution-ontario-farm-sector-2013/>
- [3] Ontario Centre for Climate Impacts and Adaptation Resources. N.d. *Agriculture: in a changing climate*. <http://www.climateontario.ca/doc/factsheets/Agriculture-final.pdf>
- [4] Tant & Reynolds. 2003. Impacts of Recent Climate Trends on Agriculture in Southwestern Ontario, *Canadian Water Resources*, 28 (1).
- [5] The Neptis Foundation. 2017. *An update on the total land supply: even more land available for homes and jobs in the Greater Golden Horseshoe*. http://www.neptis.org/sites/default/files/land_supply_briefs_2016/an_update_on_the_total_land_supply_even_more_land_available_for_homes_and_jobs_in_the_ggh.pdf
- [6] County of Simcoe. 2017. *Phase 2 - Employment Land Budget 2017*. <https://www.simcoe.ca/dpt/pln/growth>
- [7] The Neptis Foundation. 2013. *Implementing the Growth Plan for the Greater Golden Horseshoe: Has the strategic regional vision been compromised?* http://www.neptis.org/sites/default/files/growth_plan_2013/theneptisgrowthplanreport_final.pdf



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Member of Conservation Ontario

January 17, 2019

via email and mail to PlanningConsultation@ontario.ca

Mr. Ken Petersen
Provincial Planning Policy Branch
Ministry of Municipal Affairs and Housing
777 Bay Street, 13th floor
Toronto ON M5G 2E5

Dear Mr. Petersen:

**Subject: Central Lake Ontario Conservation Authority Comments for
Bill 66, Restoring Ontario's Competitiveness Act, 2018 (Schedule 10)
Proposed open-for-business planning tool
New Regulation under the Planning Act for open-for-business planning tool
Environmental Registry of Ontario Notice Numbers 013-4293, 013-4125, 013-
4239 Respectively
CLOCA IMS No: PGDP22**

At their meeting of January 15, 2019 the Central Lake Ontario Conservation Authority (CLOCA) Board of Directors passed the following Resolution:

Res. #16 Moved by C. Leahy
 Seconded by D. Mitchell

THAT the CLOCA Board of Directors calls for Schedule 10 of Bill 66 to be amended to protect public health and safety and the integrity of the land use planning system;

THAT the Commentary in Staff Report 5616-19 and the proposed amendments in Attachment No. 2 be endorsed and submitted to the Province of Ontario and Conservation Ontario as CLOCA's comments regarding Schedule 10 of Bill 66; and,

THAT Staff Report 5616-19 be circulated to Watershed Municipalities and adjacent Conservation Authorities for their information.

CARRIED

1 of 2

What we do on the land is mirrored in the water



Ministry of Municipal Affairs and Housing

January 17, 2019

Accordingly, please find the Staff Report and attachments enclosed with this letter.

With respect to Bill 66, Schedule 10, (*ERO Posting 013-4293*), see specifically the requested amendments contained in Attachment 2 to the Staff Report.

With respect to the proposed "open-for-business planning tool," (*ERO Posting 013-4125*) CLOCA believes that:

- The Scope of the Amendment is Too Broad;
- The Amendment Undermines Land Use Planning; and,
- There is Support for Economic Development Alternatives.

With respect to proposed implementing regulation(s) (*ERO Posting 013-4239*), CLOCA requests that any implementing regulations:

- Prescribe minimum employment thresholds that are to be achieved and maintained as part of an Employment Agreement to be executed as a condition to any Section 34.1 approval;
- Prescribe a consultation activity to be undertaken by the Minister with prescribed public bodies including conservation authorities and others; and,
- Prescribe conservation authorities as public bodies with which the Minister will consult.

Yours truly,



Chris Jones, MCIP, RPP
Director of Planning and Regulation
CJ/

Encl. CLOCA Staff Report 5616-19 and attachments

cc: Hon. Rod Phillips, MPP (Ajax), Minister of the Environment, Conservation and Parks
rod.phillipsco@pc.ola.org
Lindsey Park, MPP (Durham) kindsey.parkco@pc.ola.org
Jennifer K. French, MPP (Oshawa) JFrench-CO@ndp.on.ca
Lorne Coe, MPP (Whitby – Oshawa) lorne.coeco@pc.ola.org
Hon. Peter Bethlenfalvy, MPP (Pickering-Uxbridge), President of the Treasury Board
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Ralph Walton, Regional Municipality of Durham, ralph.walton@durham.ca
Alec Harras, Town of Ajax, Alexander.harras@ajax.ca
Anne Greentree, Municipality of Clarington, agreentree@clarington.net

What we do on the land is mirrored in the water

2 of 2



Central Lake Ontario Conservation

Ministry of Municipal Affairs and Housing

January 17, 2019

Andrew Brouwer, City of Oshawa, clerks@oshawa.ca
Debbie Shields, City of Pickering, clerks@pickering.ca
JP Newman, Township of Scugog, jnewman@scugog.ca
Debbie Leroux, Township of Uxbridge, dleroux@town.uxbridge.ca
Chris Harris, Town of Whitby, harrisc@whitby.ca
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What we do on the land is mirrored in the water

2 of 2

REPORT

CENTRAL LAKE ONTARIO CONSERVATION AUTHORITY

DATE: January 15, 2019
FILE: PGDP25
S.R.: 5616-19

APPROVED BY C.A.O. 

MEMO TO: Chair and Members, CLOCA Board of Directors
FROM: Chris Jones, Director, Planning and Regulation
SUBJECT: CLOCA Comments on Proposed Amendments to the Planning Act (Bill 66)

The purpose of this report is to introduce recently proposed amendments to the *Planning Act* contained in Bill 66 and to seek Board of Directors' endorsement of draft comments on the Bill in relation to CLOCA's policy and regulatory interests and related recommendations.

Background

On December 6, 2018 the Minister of Economic Development, Job Creation and Trade introduced Bill 66, *Restoring Ontario's Competitiveness Act, 2018*. The Bill contains amendments to various Acts administered by 12 ministries. This report focuses exclusively on the amendments to the *Planning Act* proposed in Schedule 10 of the Bill (reproduced as Attachment No. 1 to this Report).

A new Section 34.1 of the *Planning Act* is proposed, which would give new by-law making powers to lower-tier municipalities. Subject to approval by the Minister of Municipal Affairs and Housing, municipalities would be able to pass an "Open-for-business planning by-law." These new Section 34.1 by-laws would override existing land use policy and controls contained in the *Planning Act* and other legislation including Provincial Policy Statements, Provincial Plans, Drinking Water Source Protection Plans, Official Plans, Zoning by-laws and Site Plan Control. Section 34.1 by-laws would be similar to a site-specific zoning by-law in that they would regulate land use and the erection, location or use of buildings or structures for a specific development site and could impose certain conditions to approval. Passage of such a by-law may be subject to satisfaction of criteria that may be prescribed by the Minister of Municipal Affairs and Housing.

While the proposed amendment to the *Planning Act* is silent on the specific purpose and types of development that could be approved under the Section 34.1 process, it is understood from government news releases and consultation materials that the intent of Section 34.1 would be to provide a development approval mechanism to quickly respond and expedite emerging 'major' business investments. Subject to specific provincial criteria and approval, municipalities would have the option to use the process to attract major employers seeking development sites.

Regulations setting out the specific criteria to be considered by the Minister have not been published, but it is understood from the consultation materials that the criteria could include confirmation that the benefitting proposal is for a "new major employment use" and evidence that a minimum job creation threshold would be met. It is suggested that the job creation thresholds could be 50 jobs for municipalities with a population of less than 250,000 and 100 jobs for municipalities with a population of more than 250,000 people. Other criteria would include the need to identify the specific land uses, buildings or structures that would be subject to approval and details regarding how notice is to be given by the municipality to the Minister.

Cont'd

Environmental Bill of Rights Consultation

The proposed Bill 66 amendments to the *Planning Act* and concepts for an implementing regulation have been posted to the Environmental Registry for a comment period ending on January 20th. Conservation Ontario is coordinating a response on behalf of all 36 conservation authorities in addition to the individual submissions made by individual conservation authorities.

Analysis: Proposed Amendments are Too Broad, Undermine Land Use Planning, Alternatives Recommended

Following a review of the proposed amendment and in considering the land use context in the CLOCA Watershed and CLOCA's land use planning and regulatory interests, staff have identified the following issues with the proposed Section 34.1 by-law process:

1. Scope of Amendment is Too Broad

As currently drafted, a Section 34.1 by-law could be enacted anywhere in a municipality without regard for any existing land uses, environmental hazards, features, constraints or established land use planning. The only scoping or conditions would be established by the Minister of Municipal Affairs and Housing. However, there is no requirement that the minister provide any scoping or conditions. Neither the minister nor the municipality is required to conduct any consultation to determine what might be appropriate scoping or limitations to a Section 34.1 by-law prior to enactment. The stated intent of a Section 34.1 by-law is for 'major' employment investments, which it is understood would be any investment that could provide 50 or more jobs in the Durham Region context, however there are no provisions in the draft legislation that Section 34.1 by-laws would be limited to employment related development in the future. If Schedule 10 of Bill 66 is to be enacted, amendments are required to address the purpose and scope of Section 34.1 by-laws directly in the *Planning Act*.

Further, Subsection 34.1 (6) of the proposed amendment would exempt a Section 34.1 by-law from every fundamental land use planning requirement that would otherwise be applicable. The following table summarizes the critical land use planning requirements related to CLOCA's regulatory and policy interests that are proposed for exemption under Subsection 34.1 (6), as currently drafted:

Exempted Planning Requirement	Purpose	Relevance to CLOCA
Subsection 3 (5) of the <i>Planning Act</i>	Requires land use and development decisions to be consistent with the Provincial Policy Statement and to conform to provincial land use plans.	This section is the keystone to Ontario's policy-led land use planning system and ensures that land use decisions are made in the public interest; specifically this section requires that public health and safety is protected, that resources are managed and used wisely and that communities are built in a manner that is economically, socially and environmentally strong and healthy.
Section 24 of the <i>Planning Act</i>	Requires public works (i.e. roads and servicing infrastructure) and the enactment of by-laws to be undertaken in accordance with a municipal Official Plan.	This section gives legal effect to municipal Official Plans and ensures that infrastructure priorities and decisions are made in conformity with land use planning. Official Plans have been created in the CLOCA watershed to focus growth into Settlement Areas, which furthers the protection of our environmental and agricultural land base and watersheds.

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Exempted Planning Requirement	Purpose	Relevance to CLOCA
Subsections 34 (10.0.0.1) to (34) of the <i>Planning Act</i>	Provides for due process including pre-application consultation, public meetings, open houses, notice, appeal rights, conditions, written and oral submissions, and dispute resolution in relation to the enactment and amendment of zoning by-laws.	As a public commenting body with responsibility for the provincial interest in relation to protecting people and property from flooding and erosion natural hazards, CLOCA relies upon these provisions of the <i>Planning Act</i> to provide the necessary policy and technical input into the passage of zoning by-laws and to have appeal rights, as necessary.
Section 36 of the <i>Planning Act</i>	Provides for the use of holding provisions in zoning by-laws to ensure that certain matters are addressed prior to the lifting of a holding symbol in a zoning by-law.	Holding by-laws are often used to ensure that technical matters related to CLOCA's roles such as stormwater management and natural hazards are addressed prior to the zoning coming into force.
Section 39 of the <i>Clean Water Act, 2006</i>	Gives legal effect to Drinking Water Source Protection plans. Requires that planning and development decisions conform with significant drinking water threat policies and designated Great Lakes policies. Requires that planning and development decisions have regard to other relevant policies in a Drinking Water Source Protection Plan.	CLOCA is a drinking water Source Protection Authority under this Act. The Credit Valley, Toronto and Region and Central Lake Ontario (CTC) Source Protection Plan has Significant Drinking Water Threat policies that apply to land use decisions. For example the CTC Source Protection Plan has policies related to Hazardous Waste Management, Septic Systems, Stormwater Management Facilities, Sanitary Sewers, Storage of Sewage, Industrial Effluent Discharges, Application of Road Salt, Water Takings and Groundwater Infiltration Protection that involve land use and development decisions.
Section 20 of the <i>Great Lakes Protection Act, 2015</i>	Ensures that planning and development decisions conform with Great Lakes protection initiatives.	There are no active Great Lakes initiatives in the CLOCA watershed under this Act. However it is desirable that future shoreline management projects be protected, for example.
Section 7 of the <i>Greenbelt Act, 2005</i>	Gives legal effect to the Greenbelt Plan. Requires planning and development decisions made under the <i>Planning Act</i> to conform to the Greenbelt Plan.	The Greenbelt Plan establishes a protected countryside across approximately 53% of the CLOCA watershed area – primarily in headwater regions of the watersheds. All major environmentally sensitive areas in the protected countryside have been included in a regional scale Greenbelt Natural Heritage System. The agricultural land base is protected and all conflicting land uses, including major employment uses, are directed to Rural Settlements or to Urban Settlement Areas. The plan provides a fixed and permanent urban boundary.

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Exempted Planning Requirement	Purpose	Relevance to CLOCA
Section 7 of the <i>Oak Ridges Moraine Conservation Act, 2001</i>	Gives legal effect to the Oak Ridges Moraine Conservation Plan. Requires planning and development decisions made under the <i>Planning Act</i> to conform to the Oak Ridges Moraine Conservation Plan.	The Oak Ridges Moraine Conservation Plan provides permanent land use designations in order to protect the ecological and hydrological integrity of the Oak Ridges Moraine. This plan protects the headwaters of the major watersheds within CLOCA's jurisdiction. Development is directed to Settlement Areas in order to protect agricultural lands and natural heritage systems.
Subsection 14 (1) of the <i>Places to Grow Act, 2005</i>	Gives legal effect to the Growth Plan. Requires planning and development decisions made under the <i>Planning Act</i> to conform to the Growth Plan for the Greater Golden Horseshoe.	This plan provides for where development should take place in rural and urban Settlement Areas that are properly serviced. The Growth Plan also provides for economic development and competitiveness in employment planning including an employment target for Durham Region of 430,000 jobs by 2041. The Growth Plan further guides how the land base and supporting infrastructure for these jobs should be identified and protected while protecting watersheds and the broader environment.
Any prescribed provision.	Subsection 34.1 (6) gives the Minister of Municipal Affairs and Housing the broad regulation making ability to make a regulation identifying any other provision in provincial law and exempt Section 34.1 by-laws from it.	If enacted, the Minister could exercise this power at any time, further enhancing the extremely broad scope of the exemptions for Section 34.1 by-laws to any fundamental land use planning requirements that exist in provincial law, which could also apply to Section 28 permits under the <i>Conservation Authorities Act</i> .

It is understood that the minister could establish conditions to the approval of a Section 34.1 by-law that might re-establish some of the policy direction contained in the fundamental planning requirements set out in the table above. However, that would be undertaken at the complete discretion of the minister in the absence of any legislated obligation on the minister to consult the public or agencies with technical and site-specific knowledge such as conservation authorities.

Section 34.1, as currently drafted, automatically exempts critical public health and safety provisions related to drinking water source protection, land use policies that direct new development away from flooding and erosion natural hazards, including areas that would be unsafe for people in the event of a natural disaster and basic environmental protections for natural heritage including wetlands, woodlands, valleylands and watercourses. The section is too broad, provides the minister with too much unchecked discretion, and should be re-drafted to require the minister to apply all relevant health and safety and environmental protection policies, as a condition to any approval of a Section 34.1 by-law. Finally, if the proposed section is to be enacted, its use should be limited to lands that are currently within an urban or rural Settlement Area in order to maintain the integrity of land use planning in the Province of Ontario.

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2. The Amendment Undermines Land Use Planning

Land use planning involves balancing often competing social, economic and environmental needs and desires in order to provide for sustainable prosperity. Our society and economy cannot reach their potential in the face of a degraded and declining environment. Locally, Durham Region has made long-term strategic investments in sound land use planning dating to the adoption of the first Regional Official Plan in 1976 and even prior. We have a sophisticated policy-led land use planning system, worthy of an advanced nation, which has evolved over time to recognize the need to balance social, economic and environmental imperatives.

At the broadest level in the CLOCA watershed, the Greenbelt Plan protects nearly 53% of the watershed land base as a protected countryside that supports the agricultural land base, the agricultural economy, rural settlements and the supporting natural heritage and water resource systems necessary to support and secure our economic future in a sustaining environment. The Growth Plan calls for ambitious population and employment growth to be focused and accommodated on the rest of the watershed landscape up to 2042.

The Regional Official Plan defines our urban structure with a firm Urban Boundary to focus growth in Regional Centres, Corridors, Living Areas and Employment Areas and allows the rational planning of supporting infrastructure. Local municipal official plans provide all of the detailed designations and policy necessary to provide healthy liveable communities. The proposed amendment undermines all of this prior work by treating existing land use planning as an obstacle that may be overridden in pursuit of certain prioritized investments.

As currently set out, it is not clear that once Section 34.1 by-laws are enacted, that employment gains will be guaranteed. The proposed by-laws are not structured to require an employment agreement as an explicit condition of approval. Further, the proposed concept may serve as an incentive for multiple competing municipalities in Ontario to offer up lands that are not intended for employment uses leading to a competitive incentive to erode land use planning across multiple jurisdictions. Both municipalities and investors require the certainty provided by a stable land use system that is informed by sound environmental planning principles, where, at a minimum, employment lands will not be encumbered by unsafe natural hazards, environmental features or within vulnerable areas associated with our drinking water sources.

Investors and participants in the land development process, such as CLOCA, also require due process in order to ensure that critical issues, such as the presence of flood plains, are raised during the approval sequence. The proposed Section 34.1 does not provide for pre-application consultation, notice, review and appeal processes, which deprives all parties other than the owner, municipality and Minister with any due process.

3. Support for Economic Development Alternatives

CLOCA Planning and Regulation staff currently take an active role in supporting and prioritizing employment related land use planning applications. In 2018, CLOCA staff held a focused working meeting with Town of Whitby Economic Development staff to review all of the vacant employment lands in the town that have CLOCA regulatory and policy interests in order to raise awareness of any potential issues in a proactive manner and to build contacts with economic development staff. Also in 2018,

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CLOCA Planning and Regulation staff participated in the Clarington Board of Trade and Office of Economic Development's *Invest Clarington* event including a tour of employment lands in the municipality and strengthened our contacts with economic development staff. CLOCA is a member of the Oshawa Chamber of Commerce and participates in Chamber Events. Every year, CLOCA staff facilitate free pre-application consultation meetings with various potential investors or developers of employment lands with a view to explaining the development and permit process in a manner that seeks solutions and facilitates understanding.

As an alternative to the Section 34.1 by-law, several other steps could be undertaken that would maintain the integrity of the land use planning system, protect public health and safety and natural environment, while promoting development and redevelopment of employment lands. Options include greater provincial support for implementing the employment related policies of the Growth Plan, provincial infrastructure funding for servicing of employment lands, proactive release of Ministry of Transportation owned lands within Settlement Areas along the 412/407/418 highway corridors, provincial infrastructure investments such as the GO Train Lakeshore East Line extension to Bowmanville and support of municipal employment zoning by-law updates.

Finally, the *Planning Act* already contains a focused instrument, which is used in rare circumstances to secure large-scale employment investments: the Minister's Zoning Order. This power is enabled by Clause 47 (1) (a) of the *Planning Act* and has been used to site a Canadian Tire Distribution Centre in Caledon Ontario and the Toyota Automobile Plant in Woodstock Ontario, for example.

Recommended Amendments to Address Identified Issues

Attachment No. 2 to this report contains staff's recommended amendments to the Bill. This report along with the proposed amendments are recommended for endorsement as CLOCA's submission to Conservation Ontario and directly to the province. The staff recommended amendments would continue to enable the concept of an Open-for-business planning by-law, as proposed, but would add critical provisions:

- to ensure that Section 34.1 by-laws deliver the promised employment gains;
- to maintain the integrity of the planning system and protect agricultural lands and environmental areas by directing uses to settlement areas;
- to confirm that the by-law power is only to be used for employment uses;
- to provide for consultation by the province with public bodies that have relevant technical expertise, such as conservation authorities prior to granting approval; and,
- to ensure that the province is responsible for ensuring that its approval criteria uphold environmental protections related to public health and safety, the environment and drinking water sources.

The proposed changes also seek to ensure that the implementing regulations provide for a streamlined consultation due process.

RECOMMENDATION

THAT the CLOCA Board of Directors calls for Schedule 10 of Bill 66 to be amended to protect public health and safety and the integrity of the land use planning system;

THAT the Commentary in Staff Report 5616-19 and the proposed amendments in Attachment No. 2 be endorsed and submitted to the Province of Ontario and Conservation Ontario as CLOCA's comments regarding Schedule 10 of Bill 66; and,

THAT Staff Report 5616-19 be circulated to Watershed Municipalities and adjacent Conservation Authorities for their information.

CJ/ms

Attach. No. 1: Text of Schedule 10, Bill 66

Attach. No. 2: Text of Proposed Amendments to Schedule 10, Bill 66 for the Province of Ontario Environmental Bill of Rights Conservation Ontario

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

1ST SESSION, 42ND LEGISLATURE, ONTARIO
67 ELIZABETH II, 2018

Bill 66

An Act to restore Ontario's competitiveness by amending or repealing certain Acts

The Hon. T. Smith

Minister of Economic Development, Job Creation and Trade

Government Bill

1st Reading December 6, 2018

2nd Reading

3rd Reading

Royal Assent



SCHEDULE 10
MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING
PLANNING ACT

1 The *Planning Act* is amended by adding the following section:

Open-for-business planning by-law

34.1 (1) A local municipality may pass a by-law to which this section applies (hereinafter referred to as an open-for-business planning by-law) that,

- (a) involves the exercise of the municipality's powers under section 34; and
- (b) may impose one or more of the conditions specified in subsection (8) on the use of land or the erection, location or use of buildings or structures.

Conditions

(2) A local municipality shall not pass an open-for-business planning by-law unless the following conditions are satisfied:

- 1. The municipality has received approval in writing by the Minister to pass an open-for-business planning by-law.
- 2. The prescribed criteria, if any, have been met.

Request by municipality

(3) The approval by the Minister referred to in paragraph 1 of subsection (2) must have been requested by the municipality by resolution, and the request must have been accompanied by the prescribed information.

Approval subject to conditions

(4) The approval by the Minister referred to in paragraph 1 of subsection (2) is subject to such conditions as the Minister may provide.

Purposes of open-for-business planning by-law

(5) An open-for-business planning by-law shall not authorize the use of land, buildings or structures except for a prescribed purpose.

Non-application of listed provisions

(6) The following provisions do not apply to an open-for-business planning by-law:

- 1. Subsection 3 (5).
- 2. Section 24.
- 3. Subsections 34 (10.0.0.1) to (34).
- 4. Section 36.
- 5. Section 37.
- 6. Section 39 of the *Clean Water Act*, 2006.
- 7. Section 20 of the *Great Lakes Protection Act*, 2015.
- 8. Section 7 of the *Greenbelt Act*, 2005.
- 9. Section 6 of the *Lake Simcoe Protection Act*, 2008.
- 10. Subsection 31.1 (4) of the *Metrolinx Act*, 2006.
- 11. Section 7 of the *Oak Ridges Moraine Conservation Act*, 2001.
- 12. Section 13 of the *Ontario Planning and Development Act*, 1994.
- 13. Subsection 14 (1) of the *Places to Grow Act*, 2005.
- 14. Section 12 of the *Resource Recovery and Circular Economy Act*, 2016.
- 15. Any prescribed provision.

Application of site plan control

(7) Section 41 of this Act and section 114 of the *City of Toronto Act*, 2006 do not apply in respect of land that is subject to an open-for-business planning by-law. However, those sections do apply if the by-law has been amended, other than in circumstances where the amendment relates only to a condition imposed in accordance with subsection (8).

Conditions that may be imposed

(8) One or more of the following conditions may be imposed in accordance with clause (1) (b):

1. A requirement that any use of land or the erection, location or use of buildings or structures be undertaken in accordance with,
 - i. plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works as may be required by a condition imposed under paragraph 2, including facilities designed to have regard for accessibility for persons with disabilities, and
 - ii. drawings showing plan, elevation and cross-section views for any building to be erected, which drawings are sufficient to display,
 - A. the massing and conceptual design of the proposed building,
 - B. the relationship of the proposed building to adjacent buildings, streets and exterior areas to which members of the public have access,
 - C. the provision of interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings, and
 - D. facilities designed to have regard for accessibility for persons with disabilities.
2. Any condition that can be imposed by a municipality under subsection 41 (7).
3. Any condition that can be imposed by an upper-tier municipality under subsection 41 (8).
4. Any requirement that is reasonable for and related to the appropriate use of the land and that the municipality considers necessary for the protection of public health and safety.
5. A requirement that the owner of the land to which the by-law applies enter into one or more agreements with the municipality respecting one or more conditions imposed under this subsection.

Same

(9) The following matters are not subject to a condition imposed under paragraph 1 of subsection (8) with respect to a building:

1. The colour, texture and type of materials, window detail, construction details, architectural detail and interior design.
2. The layout of interior areas, excluding interior walkways, stairs, elevators and escalators referred to in sub-paragraph 1 ii C of subsection (8).
3. The manner of construction and construction standards.

Same

(10) If an agreement is entered into in accordance with a requirement imposed under paragraph 5 of subsection (8),

- (a) the agreement may be registered against the land to which it applies; and
- (b) the municipality may enforce the agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land.

Notice

(11) No notice or hearing is required prior to the passing of an open-for-business planning by-law, but the municipality shall give notice of the by-law,

- (a) within three days of the passing thereof to the Minister in the prescribed manner; and
- (b) within 30 days of the passing thereof to any persons or public bodies the municipality considers proper in such manner as the municipality considers proper.

Coming into force of by-law

(12) An open-for-business planning by-law comes into force on,

- (a) the 20th day after it is passed, even if that day is a holiday; or
- (b) such later day as may be specified by the Minister, if the Minister notifies the municipality of that day in writing before the day on which the by-law would otherwise come into force.

Minister may modify, revoke

(13) The Minister may by order modify or revoke an open-for-business planning by-law at any time before it comes into force.

Non-application of *Legislation Act, 2006*, Part III to order

(14) Part III of the *Legislation Act, 2006* does not apply to an order made under subsection (13).

Order provided to municipality

(15) If the Minister makes an order under subsection (13), the Minister shall provide a copy of the order to the municipality.

Deeming rule for modified by-law

(16) If the Minister makes an order modifying an open-for-business planning by-law under subsection (13), the by-law is deemed to have been passed by the municipality with the modifications specified in the order.

Deeming rule for revoked by-law

(17) If the Minister makes an order revoking an open-for-business planning by-law under subsection (13), the by-law is deemed never to have been passed by the municipality.

Amendment and revocation

(18) An open-for-business planning by-law may be amended or revoked by a by-law passed by the local municipality in accordance with section 34. However, any provision of the by-law that imposes a condition in accordance with subsection (8) may be amended or revoked by a by-law passed by the local municipality if the municipality has given notice, in such manner as the municipality considers proper, to the owner of the land to which the open-for-business planning by-law applies.

Conflict

(19) In the event of a conflict between an open-for-business planning by-law and a by-law passed under section 34 or 38, or under a predecessor of either of those sections, the by-law that was passed later prevails to the extent of the conflict, but in all other respects the other by-law remains in effect.

2 Subsection 77 (3) of the Act is amended by striking out “34, 36” and substituting “34, 34.1, 36”.

Commencement

3 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

Central Lake Ontario Conservation Authority Recommended Amendments to:

Bill 66

SCHEDULE 10

MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING

PLANNING ACT

1 The *Planning Act* is amended by adding the following section:

Open-for-business planning by-law

34.1 (1) A local municipality may pass a by-law to which this section applies (hereinafter referred to as an open-for-business planning by-law) that,

(a) involves the exercise of the municipality's powers under section 34; ~~and~~

(b) may impose one or more of the conditions specified in subsection (8) on the use of land or the erection, location or use of buildings or structures; and

(c) is approved subject to the execution of an Employment Agreement that permits the use of land on condition that minimum prescribed employment thresholds are achieved and maintained.

Conditions

(2) A local municipality shall not pass an open-for-business planning by-law unless the following conditions are satisfied:

1. The municipality has received approval in writing by the Minister to pass an open-for-business planning by-law.

2. The prescribed criteria, ~~if any,~~ have been met.

3. The lands to which the by-law would apply are located within an area of settlement.

Request by municipality

(3) The approval by the Minister referred to in paragraph 1 of subsection (2) must have been requested by the municipality by resolution, and the request must have been accompanied by the prescribed consultation activity and any other prescribed information.

Approval subject to conditions

(4) The approval by the Minister referred to in paragraph 1 of subsection (2) is subject to such conditions as the Minister may provide following a period of consultation by the Minister with prescribed public bodies.

Purposes of open-for-business planning by-law

(5) An open-for-business planning by-law shall not authorize the use of land, buildings or structures except for ~~a prescribed purpose~~ an area of employment use as defined in subsection 1 (5) of this Act.

~~Non-application~~ Application of listed provisions

(6) The following provisions ~~do not~~ apply to an open-for-business planning by-law:

1. Subsection 3 (5).
2. Section 24.
3. ~~Subsections 34 (10.0.0.1) to (34).~~
4. Section 36.
5. Section 37.
6. Section 39 of the *Clean Water Act*, 2006.
7. Section 20 of the *Great Lakes Protection Act*, 2015.
8. Section 7 of the *Greenbelt Act*, 2005.
9. Section 6 of the *Lake Simcoe Protection Act*, 2008.
10. Subsection 31.1 (4) of the *Metrolinx Act*, 2006.
11. Section 7 of the *Oak Ridges Moraine Conservation Act*, 2001.
12. Section 13 of the *Ontario Planning and Development Act*, 1994.
13. Subsection 14 (1) of the *Places to Grow Act*, 2005.
14. Section 12 of the *Resource Recovery and Circular Economy Act*, 2016.
15. Any prescribed provision.

Application of site plan control

(7) Section 41 of this Act and section 114 of the *City of Toronto Act*, 2006 do not apply in respect of land that is subject to an open-for-business planning by-law. However, those sections do apply if the by-law has been amended, other than in circumstances where the amendment relates only to a condition imposed in accordance with subsection (8).

Conditions that may be imposed

(8) One or more of the following conditions may be imposed in accordance with clause (1) (b):

1. A requirement that any use of land or the erection, location or use of buildings or structures be undertaken in accordance with,
 - i. plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works as may be required by a condition imposed under paragraph 2, including facilities designed to have regard for accessibility for persons with disabilities, and
 - ii. drawings showing plan, elevation and cross-section views for any building to be erected, which drawings are sufficient to display,
 - A. the massing and conceptual design of the proposed building,

B. the relationship of the proposed building to adjacent buildings, streets and exterior areas to which members of the public have access,

C. the provision of interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings, and

D. facilities designed to have regard for accessibility for persons with disabilities.

2. Any condition that can be imposed by a municipality under subsection 41 (7).
3. Any condition that can be imposed by an upper-tier municipality under subsection 41 (8).
4. Any requirement that is reasonable for and related to the appropriate use of the land and that the municipality considers necessary for the protection of public health and safety.
5. A requirement that the owner of the land to which the by-law applies enter into one or more agreements with the municipality respecting one or more conditions imposed under this subsection.

Same

(9) The following matters are not subject to a condition imposed under paragraph 1 of subsection (8) with respect to a building:

1. The colour, texture and type of materials, window detail, construction details, architectural detail and interior design.
2. The layout of interior areas, excluding interior walkways, stairs, elevators and escalators referred to in sub-subparagraph 1 ii C of subsection (8).
3. The manner of construction and construction standards.

Same

(10) If an agreement is entered into in accordance with a requirement imposed under paragraph 5 of subsection (8),

- (a) the agreement may be registered against the land to which it applies; and
- (b) the municipality may enforce the agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land.

Notice

(11) ~~No 30 days~~ notice ~~or~~ and a hearing is required prior to the passing of an open-for-business planning by-law, ~~but~~ and the municipality shall give notice of the by-law,

- (a) within three days of the passing thereof to the Minister in the prescribed manner; and
- (b) within 30 days of the passing thereof to any persons or public bodies the municipality considers proper in such manner as the municipality considers proper.

Coming into force of by-law

(12) An open-for-business planning by-law comes into force on,

- (a) the 20th day after it is passed, even if that day is a holiday; or

(b) such later day as may be specified by the Minister, if the Minister notifies the municipality of that day in writing before the day on which the by-law would otherwise come into force.

Minister may modify, revoke

(13) The Minister may by order modify or revoke an open-for-business planning by-law at any time before it comes into force.

Non-application of Legislation Act, 2006, Part III to order

(14) Part III of the *Legislation Act, 2006* does not apply to an order made under subsection (13).

Order provided to municipality

(15) If the Minister makes an order under subsection (13), the Minister shall provide a copy of the order to the municipality.

Deeming rule for modified by-law

(16) If the Minister makes an order modifying an open-for-business planning by-law under subsection (13), the by-law is deemed to have been passed by the municipality with the modifications specified in the order.

Deeming rule for revoked by-law

(17) If the Minister makes an order revoking an open-for-business planning by-law under subsection (13), the by-law is deemed never to have been passed by the municipality.

Amendment and revocation

(18) An open-for-business planning by-law may be amended or revoked by a by-law passed by the local municipality in accordance with section 34. However, any provision of the by-law that imposes a condition in accordance with subsection (8) may be amended or revoked by a by-law passed by the local municipality if the municipality has given notice, in such manner as the municipality considers proper, to the owner of the land to which the open-for-business planning by-law applies.

Conflict

(19) In the event of a conflict between an open-for-business planning by-law and a by-law passed under section 34 or 38, or under a predecessor of either of those sections, the by-law that was passed later prevails to the extent of the conflict, but in all other respects the other by-law remains in effect.

2 Subsection 77 (3) of the Act is amended by striking out “34, 36” and substituting “34, 34.1, 36”.

Commencement

3 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.



Interoffice Memorandum

Date: January 23, 2019

To: All Members of Regional Council

From: Susan Siopis, P.Eng., Commissioner of Works

Copy: Elaine Baxter-Trahair, Chief Administrative Officer

Subject: Response to Motion Referred to Staff
Report #2019-COW-2
2019 Transportation Servicing and Financing Study

Works Department

Background and Purpose

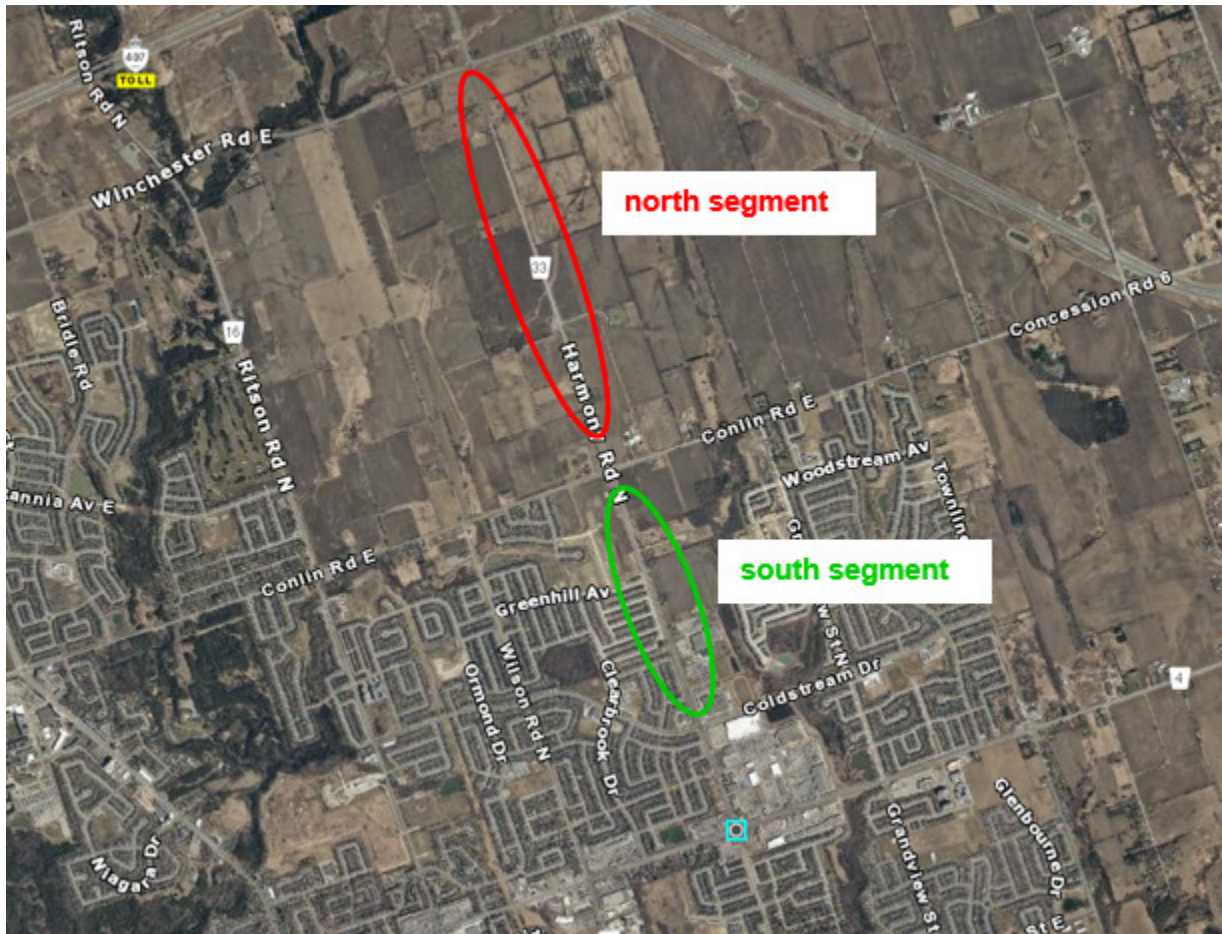
The Regional Municipality of Durham's (Region) 2019 Transportation Servicing and Financing Study, Report #2019-COW-2 (the Study) was presented to the Committee of the Whole (Committee) on January 16, 2019. The Study outlined the proposed growth-related road expansions and road/structural rehabilitation projects for the 2019-28 period.

The proposed 2019 capital program includes the following two separate and distinct projects along Harmony Road (Regional Road 33), between Coldstream Drive and Winchester Road, in the City of Oshawa:

- Widening of Harmony Road to five lanes, from north of Coldstream Drive to south of Conlin Road, approximately one kilometre (km) in length (the south segment).
- Road rehabilitation of Harmony Road, from 0.5 km north of Conlin Road to 0.4 km south of Winchester Road, approximately 1.4 km in length (the north segment).

Figure 1 (schematic) below shows the locations of the south and north segments.

Figure 1 – South and north segments, Harmony Road, City of Oshawa



In its deliberations of the Study, the Committee directed staff to investigate and determine whether the scope of work for the north segment could be revised to provide for widening to five lanes, thereby achieving a continuous five-lane cross section between Coldstream Drive and Winchester Road. Staff were also directed to advise where such a widening project would fit into the overall construction priorities for expansion projects within the City of Oshawa.

This memo is a submission in response to Committee's direction.

Analysis

The project drivers and scope of work as currently proposed in the 2019 program for the south and north segments are fundamentally different (see Table 1). In summary, it is staff's opinion that the widening of the north segment is not recommended, nor is it feasible at this time.

Table 1 – South and north segments, distinction in backgrounds and status

Detail	South Segment (Harmony Road from Coldstream Drive to Conlin Road)	North Segment (Harmony Road from Conlin Road to Winchester Road)
Scope of project work as proposed in the Study for construction in 2019	Road expansion, in response to growth	Road rehabilitation consisting of asphalt overlay and partially paved shoulders, geared to increasing the asset service life and exempting road section from seasonal weight restrictions.
Recommended timing in the Region's Transportation Master Plan for Growth-related road expansion	2017 to 2021	2027 to 2031 from Conlin Road to future Britannia Avenue East Beyond 2031 from future Britannia Avenue East to Winchester Road
Is the road expansion identified in the Regional Development Charge Background Study?	Yes	Yes (Conlin Road to future Britannia Avenue East) No (future Britannia Avenue East to Winchester Road)

Detail	South Segment (Harmony Road from Coldstream Drive to Conlin Road)	North Segment (Harmony Road from Conlin Road to Winchester Road)
Status of project readiness for growth-related road expansion	<p>Environmental Assessment completed</p> <p>Design is 30 per cent complete</p> <p>Property acquisition well under way</p> <p>Utility relocations pending</p> <p>Tender award for construction anticipated in late fall 2019</p>	No preparatory work commenced to date.
Cost estimate for the project as proposed in the Study for construction in 2019	\$5.9 million (including \$0.5 million budgeted in previous years)	\$400,000
Cost estimate for change in scope of work towards a road expansion	Not applicable	<p>Not readily available.</p> <p>For reference, the estimated total capital cost for the comparable road widening project on Simcoe Street (Conlin Road to Winchester Road) is \$10 million.</p>

Road expansion (i.e. widening) on the north segment would be inconsistent with the recently approved Transportation Master Plan (2017) and the Development Charge Background Study (2018) and would result in significant ‘leapfrogging’ ahead of other established priorities across the Region. To put this in context, just within the City of Oshawa, such a project would be ‘jumping ahead’ of 14 other road expansion projects (including intersection modification projects) that are currently proposed for construction commencement just within the 2020 to 2028 forecast period.

Once a road expansion project is identified as a priority and introduced into the Region's business planning cycle, its lifecycle involves the following:

- Completion and filing of an Environmental Assessment;
- Design completion;
- Acquisition of properties required;
- Relocation of aboveground and underground utilities; and
- Construction.

The lifecycle span for these activities is at least five years. Notwithstanding the impact on other project priorities, the widening of the north segment is many years away.

The estimated cost for the proposed rehabilitation of the north segment is \$400,000, whereas its widening to five lanes is estimated to cost several millions.

Conclusion

Changing the scope of work for the north segment from rehabilitation to a full expansion project is not feasible at this time. Staff will continue to monitor this segment over the upcoming years and update its priority and timing as required through future Transportation Master Plan and Development Charge updates.

Sincerely,

Original signed by:

Susan Siopis, P.Eng.
Commissioner of Works

Notice of Motions

January 30, 2019

8.1 Consideration of Items Pulled from the Council Information Package (CIP)

Councillors Joe Neal and John Neal gave Notice that the following motion will be presented at the December 19, 2018 meeting, or subsequent meeting of Regional Council:

Be it resolved that where a Councillor pulls an item on the Council Information Package (CIP), the Councillor may elect to have the matter placed on the next Council agenda.

8.2 Introduction of Motions at Standing Committee Meetings

Councillors Joe Neal and John Neal gave Notice that the following motion will be presented at the December 19, 2018 meeting, or subsequent meeting of Regional Council:

Be it resolved that the Rules of Procedure provide for the introduction of motions at the four standing committees, (not including the Committee of the Whole) without notice, and with a seconder.

8.3 Regional Council Member Appointments to Canadian National Exhibition and Royal Association and Royal Agricultural Winter Fair Association

Councillors S. Lee and T. Smith gave Notice that the following motion will be presented at the January 30, 2019 meeting, or subsequent meeting of Regional Council:

A) That the following appointments at the December 19, 2018 Regional Council meeting be considered:

- i) Appointment of Councillor Smith to the Canadian National Exhibition Association; and
- ii) Appointment of Councillor Lee to the Royal Agricultural Winter Fair Association; and

B) That subject to Part A) being passed on two thirds vote, that Councillor Lee be appointed to the Canadian National Exhibition Association for a one-year term; and Councillor Smith be appointed to the Royal Agricultural Winter Fair Association for a one-year term.

Report #1 of the Finance & Administration Committee

For consideration by Regional Council

January 30, 2019

The Finance & Administration Committee recommends approval of the following:

1. Appointment of Citizen Members to the Durham Region Roundtable on Climate Change (DRRCC) (2019-A-3)

 - A) That the following citizen members be reappointed to the DRRCC:
 - i) Celina Desbiens – University Student
 - ii) Todd Hall – President at Environment & Risk Assurance Services Inc.
 - iii) Daniel Hoornweg – Professor and Research Chair, University of Ontario Institute of Technology
 - iv) June Kinniburgh – Durham Food Policy Council
 - v) Carol Mee – Public Health
 - vi) Ruben Plaza – Corporate Environmental Manager, St Marys Cement
 - vii) Kent Shadwick – Environmental and Office Services at York Catholic District School Board
 - viii) Martin Vroegh – Citizen Representative
 - B) That the following new citizen members be appointed to the DRRCC:
 - i) One representative from BILD-Durham.
2. 2019 Regional Business Plans and Property Tax Budget Guideline (2019-F-1)

That the following detailed direction and guidelines for the 2019 Business Plans and Budgets for the Durham Regional Police Services Board, Durham Region Transit Commission, Conservation Authorities, Durham Region Local Housing Corporation, Regional Operations and other Outside Agencies be approved:

 - A) That the 2019 Property Tax Guideline not exceed an overall tax impact of 2.2 per cent compared to the 2018 approved budget incorporating the following specific guidelines:
 - i) The 2019 Business Plans and Budget for the Durham Regional Police Services Board not exceed \$206.65 million, an increase of approximately 3.9 per cent compared to the 2018 approved budget;

- ii) The 2019 Business Plans and Budget for the Durham Region Transit Commission not exceed \$58.15 million, an increase of approximately 4.2 per cent compared to the 2018 approved budget;
 - iii) The 2019 Operating Budget for each Conservation Authority not exceed an increase of 2.5 per cent, plus or minus any current value assessment adjustments, and the 2019 Special Benefitting Programs Budget for each Conservation Authority not exceed an increase of 1.5 per cent, plus or minus any current value assessment adjustments, compared to the 2018 approved budget; and
 - iv) The 2019 Budget for the Durham Regional Local Housing Corporation not exceed an increase of 3.0 per cent for operations and 25.0 per cent for the capital program compared to the 2018 approved budget;
 - B) That the Commissioner of Finance provide the background for a Reserve Fund financing strategy including the purposes of the reserve funds, future requirements and recommendations for future contributions and uses as identified in the Servicing and Financing studies, with an interim report to be provided in February 2019 outlining the steps towards a final recommended Regional Long-Term Financial Planning Strategy prior to the 2020 business planning and budget deliberations; and
 - C) That copies of Report #2019-F-1 be forwarded to the Durham Regional Police Services Board, Durham Region Transit Commission, Conservation Authorities, Durham Regional Local Housing Corporation and other Outside Agencies to guide the development of detailed 2019 Business Plans and Budgets.
3. 2019 Current and Capital Business Plans and Budgets and Nine-Year Capital Forecasts for the Water Supply and Sanitary Sewerage Systems (2019-F-2)
- A) That the 2019 Current and Capital Business Plans and Budgets for the Water Supply System, with a total gross expenditure of \$182.21 million (net user rate supported expenditure of \$107.93 million) and related financing as set out below, be approved:

	2018 Gross Budget (\$ 000's)	2019 Gross Budget (\$ 000's)	Variance Incr/(Decr) (\$ 000's)
<u>EXPENDITURES</u>			
Operations:			
Watermain Cleaning and Repairs	3,649	3,572	(77)
Valves and Hydrants	3,208	3,211	3
Water Connections	4,217	4,370	153
Water Meters	755	666	(89)
Depot Operations	5,724	5,758	34
Plants East	2,780	2,926	146
Plants Central	13,118	13,263	145
Plants North	2,879	3,026	147
Sunvalley	28	29	1
Engineering and Staff Support	6,676	7,335	659
Facilities Management	6,532	6,603	71
Administration	304	315	11
Headquarters Shared Costs	1,050	1,073	23
Utility Finance	3,440	3,658	218
Share of Regional Corporate Costs	6,347	6,145	(202)
Contribution to Asset Management Reserve Fund	4,985	5,234	249
Subtotal Operations	65,692	67,184	1,492
Capital/Debt Charges:			
TCA Capital	2,359	3,361	1,002
TCA Construction	114,533	109,973	(4,560)
Debt Charges	-	1,694	1,694
Subtotal Capital/Debt Charges	116,892	115,028	(1,864)
TOTAL EXPENDITURES	182,584	182,212	(372)
<u>FINANCING</u>			
Contributions from Reserve Funds:			
Residential Development Charges - Growth Related Capital	27,245	57,358	30,113
Commercial Development Charges - Growth Related Capital	2,417	1,769	(648)
Industrial Development Charges - Growth Related Capital	1,400	-	(1,400)
Industrial Development Charges - Debt Charges	-	536	536
Institutional Development Charges - Debt Charges	-	28	28
Water Rate Stabilization Reserve Fund	-	2,000	2,000
Asset Management Reserve	4,509	4,985	476
Fees and Service Charges	2,708	2,791	83
Financing From Others:			
Region of York - TCA Construction	1,550	325	(1,225)
Oversizing Costs Related to Seaton/Federal Lands	18,785	4,488	(14,297)
Debenture Proceeds:			
Newcastle Water Supply Plant, Clarington	17,580	-	(17,580)
Financing From Non-User Revenue Sources	76,194	74,280	(1,914)
User Revenues Financing (including frontage charges)	106,390	107,932	1,542
TOTAL FINANCING	182,584	182,212	(372)

- B) That the Nine-Year Capital Forecast for 2020 to 2028 inclusive, in the amount of \$1.05 billion as detailed in the Water Supply System Capital Budget, be received for information;

- C) That the 2019 Current and Capital Business Plans and Budgets for the Sanitary Sewerage System with a total gross expenditure of \$235.10 million (net user rate supported expenditure of \$102.12 million) and related financing as set out below, be approved:

	2018 Gross Budget (\$ 000's)	2019 Gross Budget (\$ 000's)	Variance Incr/(Decr) (\$ 000's)
<u>EXPENDITURES</u>			
Operations:			
Cleaning, Repairs and Maintenance Holes	2,025	2,112	87
Sewer Connections	2,882	2,944	62
Depot Operations	3,091	3,198	107
WPCPs and Pumping Stations	22,786	23,236	450
Duffin Creek WPCP	35,353	35,551	198
Regional Environmental Laboratory	2,413	2,571	158
Engineering and Staff Support	6,261	6,769	508
Facilities Management	6,810	7,075	265
Administration	307	318	11
Headquarters Shared Costs	1,050	1,073	23
Utility Finance	3,440	3,658	218
Share of Regional Corporate Costs	5,894	5,687	(207)
Contribution to Asset Management Reserve Fund	8,234	8,646	412
Subtotal Operations	100,546	102,838	2,292
Capital/Debt Charges:			
Duffin Creek WPCP - TCA Capital	1,880	1,480	(400)
Regional Environmental Lab - TCA Capital	480	172	(308)
TCA Capital	2,582	2,409	(173)
TCA Construction	49,518	106,437	56,919
Debt Charges	21,434	21,761	327
Subtotal Capital/Debt Charges	75,894	132,259	56,365
TOTAL EXPENDITURES	176,440	235,097	58,657
<u>FINANCING</u>			
Contributions from Reserve Funds:			
Residential Development Charges - Growth Related Capital	8,625	11,859	3,234
Residential Development Charges - Debt Charges	11,167	11,499	332
Commercial Development Charges - Growth Related Capital	737	1,266	529
Commercial Development Charges - Debt Charges	1,440	1,439	(1)
Industrial Development Charges - Growth Related Capital	1,800	1,000	(800)
Asset Management Reserve	6,900	8,234	1,334
Regional Environmental Lab Equipment Replacement Reserve	460	135	(325)
Fees and Service Charges	6,066	6,811	745
Financing From Others:			
Region of York - TCA	1,468	1,132	(336)
Region of York - TCA Construction	11,498	23,514	12,016
Developer Contribution	-	13,080	13,080
Region of York - Operating	26,964	27,109	145
Debt Proceeds:			
Courtice Trunk Sanitary Sewer, Clarington	-	25,900	25,900
Financing From Non-User Revenue Sources	77,125	132,978	55,853
User Revenues Financing (including frontage charges)	99,315	102,119	2,804
TOTAL FINANCING	176,440	235,097	58,657

- D) That the Nine-Year Capital Forecast for 2020 to 2028 inclusive, in the amount of \$1.32 billion as detailed in the Sanitary Sewerage System Capital Budget, be received for information;
 - E) That capital project approval be granted for expenditures and financing for the 2019 capital projects detailed within the 2019 Water Supply and Sanitary Sewerage Systems Business Plans and Budgets where contract awards are consistent with the Regional Budget Management Policy; and
 - F) That the necessary By-laws with respect to the 2019 Current and Capital Business Plans and Budgets for the Water Supply and Sanitary Sewerage Systems be presented to Regional Council.
4. Proposed End-User Maintenance Agreement with INIT Innovations in Transportation, Inc. (INIT) (2019-F-3)
- A) That an End-User Maintenance Agreement with INIT Innovations in Transportation, Inc. be negotiated in order to minimize risks associated with critical system failures, at a total cost not to exceed \$1,458,970 over five years (July 1, 2018 to June 30, 2023) before applicable taxes, increasing the current contract value from \$5,792,731 (before taxes) to \$7,251,700, with the estimated 2019 cost of \$265,571 to be included in DRT's 2019 Business Plan and Budget; and
 - B) That the Commissioner of Finance be authorized to execute the necessary agreements.
5. Recommendation to Leverage Ontario Education Collaborative Marketplace (OECM) – Production and Multi-Function Printing Equipment RFP (2019-F-4)
- A) That the current term of Xerox contract for the print shop equipment managed by the Finance Department as originally established through the Region's RFP-627-2014 be cancelled early effective April 1, 2019 at a cost of approximately \$19,000;
 - B) That the Production and Multi-Function Printing Equipment RFP issued by Ontario Education Collaborative Marketplace (OECM) and awarded through a competitively bid RFP to Xerox, be leveraged to replace the Region's existing Xerox print shop printing equipment Agreement for the provision of updated Xerox equipment for a period of 7 years beginning April 1, 2019 until 2026 at an estimated total cost of \$980,000 to be funded from individual Regional departments' printing budgets; and,
 - C) That the Commissioner of Finance be authorized to execute any applicable agreements.

6. Amendment to Vehicle Advance and Casual Travel Reimbursement Rates
(2019-F-5)

That the rates for reimbursement for the use of a personal vehicle while on Regional business be as set out in Attachment #1 to Report #2019-F-5, effective January 1, 2019.

7. Confidential Report of the Commissioner of Corporate Services – Labour
Relations/Employee Negotiations with respect to the Ontario Nurses Association
Local 92 – Hillsdale Estates (ONA 92-HE) (2019-A-1)

That the recommendations contained in Confidential Report #2019-A-1 of the Commissioner of Corporate Services be adopted.

Respectfully submitted,

A. Foster, Chair, Finance & Administration Committee

Report #1 of the Health & Social Services Committee

For consideration by Regional Council

January 30, 2019

The Health & Social Services Committee recommends approval of the following:

1. Motion re: Cannabis Use in Public Places

- A) Whereas the use of cannabis became legalized in Canada on October 17, 2018; and
- B) Whereas every time cannabis is used it can adversely affect learning and remembering, mental health, and mood and feelings; and
- C) Whereas regular cannabis use over a prolonged period of time can injure the lungs, adversely affect mental health, and lead to physical dependence or addiction; and
- D) Whereas cannabis use in public places combined with its known health effects can adversely affect community safety, such as through impaired driving, etc.; and
- E) Whereas Section 11 of Schedule 1 (*Cannabis Act, 2017*) of *The Cannabis, Smoke-Free Ontario and Road Safety Statute Law Amendment Act, 2017*, S.O. 2017, c. 26 – Bill 174 prohibited the use of cannabis in public places; and
- F) Whereas Section 11 of Schedule 1 (Amendments to the Cannabis Act, 2017 and Other Acts) repealed Section 11 (Restrictions on places of consumption) of the *Cannabis Act, 2017*; and
- G) Whereas Section 12 of the *Smoke-Free Ontario Act, 2017* prohibits the smoking or holding of lighted cannabis in only enclosed public places and workplaces; and
- H) Whereas it is desirable to mitigate the human health effects of cannabis use and to de-normalize the use of cannabis in all public places, particularly with respect to children and youth; and
- I) Whereas it is also desirable to mitigate the community safety impacts of cannabis use in all public places;
- J) Now therefore be it resolved that the Council of the Regional Municipality of Durham urges the Government of Ontario to amend the *Smoke-Free Ontario Act, 2017* such that the smoking or holding of lighted cannabis is prohibited in all public places; and

- K) Now be it further resolved that the Councils of Durham's lower-tier municipalities are requested to endorse this resolution; and
- L) Now be it further resolved that the Premier of Ontario, Deputy Premier & Minister of Health and Long-Term Care, Attorney General of Ontario, Minister of Finance, Durham's MPPs, Chief Medical Officer of Health, AMO, aIPHa and all Ontario Boards of Health be so advised.

Respectfully submitted,

B. Chapman, Chair, Health & Social Services Committee

Report #1 of the Planning & Economic Development Committee

For consideration by Regional Council

January 30, 2019

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

1. Application to Amend the Durham Regional Official Plan, submitted by Mike Kennedy, to permit the severance of a dwelling rendered surplus as a result of the consolidation of non-abutting farm parcels in the Township of Uxbridge, File OPA 2018-003 ([2019-P-1](#))

 - A) That Amendment #173 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 Commissioner's Report #2019-P-1; 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.
2. Toronto Global Effectiveness Evaluation and Funding Renewal ([2019-EDT-3](#))
 - A) That Durham Region continue to partner with Toronto Global with respect to international investment attraction activities under a 5-year funding agreement, subject to satisfactory performance by Toronto Global and subject to funding being approved annually through the Region's annual Business Plans and Budget process;
 - B) That funding of Toronto Global for 2019, in the amount of \$206,397, be approved through the 2019 Business Plans and Budget process;
 - C) That the Regional Chair and Regional Clerk be authorized to execute the appropriate funding agreement with Toronto Global upon budget approval;
 - D) That a copy of Report #2019-EDT-3 be forwarded to Toronto Global, the Area Municipalities, and all members of the Durham Economic Development Partnership for information; and
 - E) That Toronto Global report to the Durham Region Planning & Economic Development Committee once a year, or upon request, and to Regional Council upon request.

Respectfully submitted,

J.J. Neal, Vice-Chair, Planning & Economic Development Committee

Report #1 of the Works Committee

For consideration by Regional Council

January 30, 2019

The Works Committee recommends approval of the following:

1. Issuance of an Encroachment Agreement within the Road Allowance at the Corner of Westney Road North (Regional Road 31) and Kingston Road West (Regional Highway #2), in the Town of Ajax ([2019-W-1](#))

 - A) That an Encroachment Agreement with Durham Condominium Corporation 102 permitting the encroachment of a walkway located at 2 Westney Road North, in the Town of Ajax extending 7.5 metres (24.6 feet) within the Kinston Road (Regional Highway #2) road allowance be approved; and
 - B) That the Regional Chair and Clerk be authorized to execute all documents associated with this agreement.
2. Site Plan Agreement for the Construction of the Newcastle Water Supply Plant, in the Municipality of Clarington ([2019-W-2](#))

That the Regional Chair and Clerk be authorized to execute all documents associated with the site plan agreement and building permit process for the construction of the new Newcastle Water Supply Plant, in the Municipality of Clarington.
3. Report on Tenders and Additional Financing for Regional Municipality of Durham Contract D2018-005 for Townline Road (Regional Road 55) and Pebblestone Road Intersection Modifications in the City of Oshawa and Municipality of Clarington ([2019-W-5](#))

 - A) That the low compliant bid of Hard-Co Construction Ltd., in the amount of \$1,166,186*, be awarded for Regional Municipality of Durham Contract D2018-005 resulting in a total estimated project cost of \$2,124,000;
 - B) That the previously approved project budget of \$1,662,000 be increased by \$462,000 to a revised total project budget of \$2,124,000;
 - C) That the funding for the additional project commitments in the amount of \$462,000 be provided from the following source:
Reallocation from Contingencies within Project R1402 Taunton Road and Enfield Road Intersection Modifications:

Residential Development Charges	\$282,744
Commercial Development Charges	\$41,580

Roads Capital Reserve \$137,676

Total Reallocated Financing **\$462,000**

- D) That the Regional Chair and Clerk be authorized to execute Regional Municipality of Durham Contract D2018-005.
(*) before applicable taxes
4. Approval to Award Sole Source Engineering Services for Phase II of the Supervisory Control and Data Acquisition System and Process Optimization Data Integration Services for the York-Durham Duffin Creek Water Pollution Control Plant, in the City of Pickering ([2019-W-6](#))
-
- A) That the Works Department be provided approval to award a sole source engineering agreement to Eramosa Engineering Inc. to provide Phase II of the Supervisory Control and Data Acquisition System and Process Optimization Data Integration Services for the York-Durham Duffin Creek Water Pollution Control Plant at an upset limit not to exceed \$125,000* to be contingent on approval of funding within the 2019 Duffin Creek Water Pollution Control Plant Budget; and
- B) That the Commissioner of Finance be authorized to execute the necessary engineering services agreement.
(*) before applicable taxes
5. New Community Safety Zone and Speed Limit Reduction – Simcoe Street Between Niagara Drive/Selleck Lane and the Campus Ice Centre Access – University of Ontario Institute of Technology and Durham College ([2019-W-8](#))
-
- A) That Corporate Services – Legal Services be directed to prepare an amending by-law to amend By-Law 44-2006, generally in the form included as Attachment #2 to Report #2019-W-8, for presentation to Regional Council for passage; and
- B) That staff be authorized to take all steps required and necessary to give effect to the amendments contemplated to By-Law 44-2006 as indicated in the form includes as Attachment #2 to Report #2019-W-8.

6. Purchase of Land Required for the Adelaide Avenue (Regional Road 58)
Extension Project, in the Municipality of Clarington ([2019-W-9](#))

A) That the following purchase agreement be approved:

Adelaide Avenue (Regional Road 58) Extension Project – Townline Road
(Regional Road 55) to Trulls Road, Municipality of Clarington

Estate of Barbara	18 Lawson Road	\$476,500
Anita Butters	Part of Lot 35, Concession 3	
	Municipality of Clarington	
	Identified as PIN 26707-0034	

B) That additional costs, estimated to be \$35,000, for the demolition of the
house be approved, if necessary;

C) That financing for the acquisition be provided from the funds allocated in the
approved project budget; and

D) That the Regional Chair and Clerk be authorized to execute all documents
associated with the agreement.

Respectfully submitted,

D. Mitchell, Chair, Works Committee

Report #1 of the Committee of the Whole

For consideration by Regional Council

January 30, 2019

The Committee of the Whole recommends approval of the following:

1. Provincial Consultation on Increasing Housing Supply in Ontario ([2019-COW-1](#))
 - 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.

2. 2019 Transportation Servicing and Financing Study (2019-COW-2)

- 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 ¹
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
TOTAL			345,320

¹ 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 ¹
Structures (i.e. bridges) replacements/rehabilitations	Pickering/Ajax/Whitby/Clarington/Uxbridge/Brock	2019 - Beyond 2028	115,780

¹ 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.
- 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-401 Interchange as Durham's top roads related project under provincial jurisdiction and a copy of this resolution be forwarded to the Cities of Clarington and Oshawa.

3. 2019 Solid Waste Management Servicing and Financing Study ([2019-COW-3](#))

- 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.

Committee of the Whole deferred Recommendation C) of Report #2019-COW-3 for staff to 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.

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

- 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.
5. Durham Region Comments on the “Preserving and Protecting our Environment for Future Generations A Made-in-Ontario Environment Plan” (2019-COW-5)
- 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.
6. Durham’s Response to Bill 66, Restoring Ontario’s Competitiveness Act, 2018 (2019-COW-6)
- 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 Great Lakes Protection Act, the Lake Simcoe Protection Act, 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; and
 - 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.

F) And further:

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

Respectfully submitted,

J. Henry, Regional Chair and CEO

Unfinished Business

January 30, 2019

10.1 OPG Resolution

At the December 19, 2018 Regional Council meeting, the following motion was tabled to the Regional Council meeting scheduled for January 30, 2019:

Whereas Ontario Power Generation's (OPG) Pickering nuclear station is one of Durham Region's largest employers with operations scheduled to end in 2024 when the reactor will be decommissioned; and

Whereas a full federal environmental assessment of the OPG Pickering site will allow governments to gather information and recommend measures to mitigate or eliminate potential environmental, social and economic impacts of the decision to close; and

Whereas reactor decommissioning was excluded from the list of projects required to undergo an environmental assessment under the revised 2012 Canadian Environmental Assessment Act (CEAA); and

Whereas Durham Region has asked the Canadian Nuclear Safety Commission (CNSC) to be engaged in an environmental assessment for the decommissioning of the Pickering nuclear station, but neither CNSC nor OPG are legally required to carry out such an assessment; and

Whereas the federal government is currently revising Canada's environmental assessment legislation with a public comment period in fall 2018 on what projects should be subject to an environmental assessment under the proposed Impact Assessment Act;

Therefore be it resolved:

That Durham Regional Council requests the Minister of Environment and Climate Change (Canada) designate reactor decommissioning, and, in particular, the decommissioning of the Pickering nuclear station, as a project requiring assessment under the proposed Impact Assessment Act; and

That a copy of this motion be sent to:

- Hon. Catherine McKenna, Minister of the Environment and Climate Change
- Hon. Amarjeet Sohi, Minister of Natural Resources
- Members of Parliament
 - Colin Carrie (Oshawa)
 - Celina Caesar-Chavannes (Whitby)
 - Jamie Schmale (Haliburton-Kawartha Lakes-Brock)
 - Hon. Mark Holland (Ajax)
 - Jennifer O'Connell (Pickering-Uxbridge)
 - Erin O'Toole (Durham)

- Kimberly Rudd (Northumberland-Peterborough South)
- Hon. Rod Phillips, Minister of the Environment, Conservation and Parks
- Members of Provincial Parliament
 - Hon. Peter Bethlenfalvy (Pickering-Uxbridge)
 - Laurie Scott (Haliburton-Kawartha Lakes-Brock)
 - Lindsey Park (Durham)
 - Lorne Coe (Whitby)
 - David Piccini (Northumberland-Peterborough South)
 - Jennifer French (Oshawa)
- Canadian Environmental Assessment Agency
- Canadian Nuclear Safety Commission
- Ontario Power Generation

Other Business

January 30, 2019

11.1 Community Member Appointment to the Durham Regional Police Services Board
(2019-A-4)

Recommendation to Council:

That Karen Fisher be appointed as the community member on the Durham Regional Police Services Board for the term of Council or until such time as her successor is appointed.

(See attached Report #2019-A-4 on pages 119-123)

11.2 Transit Executive Committee Resolution Re: Composition of Transit Executive
Committee

- A) That the composition of the Transit Executive Committee be amended so that the Regional Chair can appoint a Regional designate to the Committee, and that the designate shall be the Chair of the Executive Committee; and
- B) That the Regional Clerk be directed to prepare the requisite by-law for approval by Regional Council.



The Regional Municipality of Durham Report

To: Regional Council
From: Selection Committee for the Durham Regional Police Services Board
Community Member Appointment
Report: [#2019-A-4](#)
Date: January 30, 2019

Subject:

Community Member Appointment to the Durham Regional Police Services Board

Recommendation:

That Karen Fisher be appointed as the community member on the Durham Regional Police Services Board for the term of Council or until such time as her successor is appointed.

Report:

1. Purpose

- 1.1 To recommend a community member for appointment to the Durham Regional Police Services Board.

2. Background

- 2.1 The Durham Regional Police Services Board is a seven member board made up of the following:
- a) the head of the municipal council or, if the head chooses not to be a member of the board, another member of the council appointed by resolution of the council;
 - b) two members of the council appointed by resolution of the council;
 - c) one person appointed by resolution of the council, who is neither a member of the council nor an employee of the municipality; and
 - d) three persons appointed by the Lieutenant Governor in Council.
- 2.2 On June 13, 2018, Report #2018-COW-104 of the Commissioner of Corporate Services was adopted providing for an advertisement to be placed in local newspapers, review of applications by a Selection Committee, interviews of qualified applicants by the Selection Committee, and a recommendation by the Selection Committee for consideration by Regional Council in early 2019.

- 2.3 An advertisement (Attachment #1) inviting residents having an interest in serving on the Police Services Board was placed in local newspapers on September 20, 2018. Individuals were required to submit their applications to the Regional Clerk no later than November 15, 2018.
- 2.4 In total, 63 applications were received (Attachment #2). The applications were reviewed by the Selection Committee and 7 candidates were selected for an interview.

3. Recommendation

- 3.1 Based on interviews that were held on January 10 and January 17, 2019, it is the Selection Committee's unanimous decision that Karen Fisher be recommended for appointment as the community member on the Durham Regional Police Services Board.
- 3.2 This report is respectfully submitted by the Selection Committee to the Members of Regional Council for their consideration and subsequent appointment.

4. Attachments

Attachment #1: Newspaper Advertisement

Attachment #2: Listing of Applications Received

Respectfully submitted,

Original signed by

J. Henry, Regional Chair

Original signed by

Councillor Chapman, Chair
Health & Social Services Committee

Original signed by

Councillor Ryan, Chair
Planning & Economic Development Committee

Original signed by

Councillor Mitchell, Chair
Works Committee



The Regional Municipality of Durham is Accepting Applications for the Appointment of a Community Member to the Durham Regional Police Services Board

The Police Services Act requires that the Durham Regional Police Services Board include a community member appointed by resolution of the Regional Council who is neither a member of Regional Council nor an employee of The Regional Municipality of Durham.

The Region is accepting applications from citizens interested in serving in this position.

Responsibilities will include regular monthly board meetings, attending training sessions, zone meetings, conferences and sub-committee meetings. This will involve more than 20 hours per month. The term of this appointment is four years and coincides with the term of Regional Council. Remuneration paid to the community member will be at the same rate paid to the Provincial appointees.

The successful candidate will possess the following qualifications:

- Good communication skills, both written and verbal;
- Experience in budgeting and finance;
- Experience in contract negotiation and dispute resolution;
- Volunteer service in the community;
- Previous experience on boards and committees; and
- Reside, or own a business in the Region of Durham, is preferred.

If you would like to commit your time and skills to this challenging appointment, you are invited to submit an application form. Application forms can be obtained from The Regional Municipality of Durham website, www.durham.ca, or by contacting the Legislative Services Division at 905-668-7711 or by email at clerks@durham.ca.

Further details regarding the Durham Regional Police Services Board can be obtained by visiting their link on the Durham Regional Police Service website, www.drps.ca.

Completed applications must be submitted to the Regional Clerk by **4:30 p.m. on Thursday, November 15, 2018**, at the address shown below or by email to clerks@durham.ca:

Ralph Walton
Regional Clerk/Director of Legislative Services
The Regional Municipality of Durham
605 Rossland Road East, P.O. Box 623
Whitby, Ontario L1N 6A3
Phone Number: 905-668-7711, extension 2012

If this information is required in an accessible format, please contact the Regional Clerk/Director of Legislative Services at 1-800-372-1102, extension 2012.

**Durham Regional Police Services Board
Community Member Appointment
Applications Received**

Application #	Name of Applicant
1	Alam, Kazi
2	Allaire, Normand
3	Amla, Aamir
4	Ashton, Dave
5	Baillie, Sean
6	Ballinger, John (Jack)
7	Basztyk, William (Bill)
8	Blair, Gillian
9	Bruce, Fennella
10	Chornobay, Yvonne
11	Conte, Jane
12	Corless, Theresa
13	Cubitt, Garry
14	deBoer, Steve
15	Dixon, Eldon
16	Dodge, Meredith
17	D'Souza, Bianca
18	Farr, Jake
19	Felgemacher, Vera
20	Ferguson, Ayrin
21	Fernandes, Wayne
22	Fisher, Karen
23	Fleck, John
24	Garant, Kelly
25	Gazarek, Tricia
26	Gibbons, Marc
27	Gleed, Derrick
28	Goulding, Mike
29	Heywood, Aisha
30	Joss, Linda
31	Koseck, Thorsten
32	Linton, Stephen
33	Liscio, Mike
34	MacAskill, Deanna
35	MacCharles, Tracy
36	MacLeod, Sarah
37	Mackey, Diane
38	McDonald, Andrew

Application #	Name of Applicant
39	Moenster, Steven
40	Mohammed, Farah
41	Nyberg, Gail
42	Quintyn, Esrick
43	Rahimi, Mustafa
44	Rajanayagam, Sasinayagam
45	Rawnsley, Michelle
46	Rebek, Peter
47	Rennick, Paige
48	Sandhu, Mandeep
49	Sebestyen, Joseph
50	Seres, Richard
51	Sethi, Bandini
52	Smith, Karrie
53	Smith, Tracey
54	Snyder, Jane
55	Voroskolevska, Vera
56	Wade, Geraldine
57	Wall, Thomas
58	Watt, John (Mike)
59	Wilcox, Amy
60	Wilson, Randall
61	Wyger, Joseph
62	Young, Warren
63	Zander, Detlev (Ted)