



## Official Notice

### Meeting of Regional Council

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

**Wednesday, December 18, 2019**

**9:30 AM**

**Please Note: Annual Christmas Lunch will be provided (by invitation only) in the Lower Level Boardroom (LL-C) at 12:15 PM**

**1. Roll Call**

**2. Declarations of Interest**

**3. Announcements**

**4. Presentations**

- 4.1 Children from Pickering Early Learning and Child Care Centre singing Christmas songs
- 4.2 Mathieu Goetzke, Chief Planning Officer, Metrolinx re: Status Update on the ongoing Highway 2 BRT Study

**5. Adoption of Minutes**

- 5.1 Regional Council meeting – [November 27, 2019](#) Pages 5 - 35

**6. Communications**

- CC 46 [Correspondence from the Eastern Ontario Mayors' Caucus re: Rising Water Levels](#) Page 36
- CC 47 [Correspondence from J. Gallagher, Deputy Clerk, Municipality of Clarington re: Appointment to Durham Land Division Committee](#) Page 36

## **7. Delegations**

- 7.1 Wendy Bracken, Clarington Resident, re: the AMESA Long-Term Sampling System
- 7.2 Linda Gasser, Whitby Resident, re: the AMESA Long-Term Sampling System
- 7.3 Joe Deschenes Smith, Trillium Housing, re: Report #2019-F-50: Request for Deferral of Regional Development Charges by Trillium Housing Non-Profit for a New Affordable Housing Project in the City of Pickering [Item 9.1 – Committee Reports – Finance and Administration Committee]

## **8. Notice of Motions**

There are no notices of motions

## **9. Committee Reports**

- 9.1 [Finance and Administration Committee](#) Pages 38 - 44
- 9.2 [Health and Social Services Committee](#) Page 45
- 9.3 [Planning and Economic Development](#) Pages 46 - 47
- 9.4 [Committee Works Committee](#) Pages 48 - 54
- 9.5 [Committee of the Whole](#) Pages 55 - 57

## **10. Unfinished Business**

There is no unfinished business

## **11. Other Business**

- 11.1 [Investigation Report dated September 30, 2019 from Deborah Anschell, ADRO Investigator, ADR Chambers Ombuds Office, re: Complaint Reference Number MUN-301-0618](#) Page 58
- 11.2 [Ombudsman Investigation Report – Complaint Reference Number: MUN-301-0618 \(2019-W-101\)](#) Page 58
- 11.3 [Repeal and Replacement of Durham Region Transit By-law No 27-2007, as amended \(2019-DRT-26\)](#) Page 58

## 12. By-laws

- 59-2019      Being a by-law to adopt Amendment #176 to the Durham Regional Official Plan.
- This by-law implements the recommendations contained in Item #2 of the 10<sup>th</sup> Report of the Planning & Economic Development Committee presented to Regional Council on December 18, 2019
- 60-2019      Being a by-law to adopt Amendment #177 to the Durham Regional Official Plan.
- This by-law implements the recommendations contained in Item #3 of the 10<sup>th</sup> Report of the Planning & Economic Development Committee presented to Regional Council on December 18, 2019
- 61-2019      Being a by-law to Amend By-law 44-2018 to adopt a quorum, govern the proceedings of council and its committees, the conduct of its members, and the calling of meetings.
- This by-law implements the recommendations contained in a Notice of Motion adopted by Regional Council on November 27, 2019
- 62-2019      Being a by-law to amend By-law Number 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 #9 of the 10<sup>th</sup> Report of the Works Committee presented to Regional Council on December 18, 2019
- 63-2019      Being a by-law to appoint an Acting Medical Officer of Health for The Regional Municipality of Durham.
- This by-law implements the recommendations contained in Item #1 of the 10<sup>th</sup> Report of the Health & Social Services Committee presented to Regional Council on December 18, 2019
- 64-2019      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 liabilities of The Regional Municipality of Durham for the year 2020.

This by-law implements the recommendations contained in Item #4 of the 10<sup>th</sup> Report of the Finance & Administration Committee presented to Regional Council on December 18, 2019

- 65-2019      Being a by-law to requisition, on an interim basis, from the lower-tier municipalities before the adoption of the 2020 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 2019.

This by-law implements the recommendations contained in Item #5 of the 10<sup>th</sup> Report of the Finance & Administration Committee presented to Regional Council on December 18, 2019

- 66-2019      Being a by-law to approve and adopt the 2020 Business Plans and Budgets for Water purposes in the amount of \$152,577,857

This by-law implements the recommendations contained in Item #10 of the 10<sup>th</sup> Report of the Finance & Administration Committee presented to Regional Council on December 18, 2019

- 67-2019      Being a by-law to approve and adopt the 2020 Business Plans and Budgets for Sanitary Sewage purposes in the amount of \$205,464,533

This by-law implements the recommendations contained in Item #10 of the 10<sup>th</sup> Report of the Finance & Administration Committee presented to Regional Council on December 18, 2019

### **13. Confirming By-law**

- 68-2019      Being a by-law to confirm the proceedings of Regional Council at their meeting held on December 18, 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, November 27, 2019**

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.

Prior to roll call, Regional Chair Henry read the following land acknowledgement:

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

#### **1. Roll Call**

##### Morning Session 9:30 AM to 11:58 AM

All members of Council were present with the exception of Councillors Bath-Hadden, Barton, Highet, Joe Neal, Roy, and Ryan

Councillor Highet was absent with regrets

Councillor Joe Neal attended the meeting at 9:39 AM

Councillor Roy attended the meeting at 10:24 AM

Councillor Ryan attended the meeting at 9:45 AM

Councillor Garrod appeared on behalf on Councillor Barton as the alternate for the Township of Uxbridge

##### Afternoon Session 12:46 PM to 2:17 PM

All members of Council were present with the exception of Councillors Bath-Hadden, Barton and Highet

Councillor Anderson left the meeting at 1:25 PM on municipal business

Councillor Collier left the meeting at 1:15 PM on municipal business

Councillor Highet was absent with regrets

Councillor McLean left the meeting at 1:30 PM on municipal business

Councillor Roy left the meeting at 1:25 PM

Councillor Garrod appeared on behalf on Councillor Barton as the alternate for the Township of Uxbridge

## **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.

Councillor Nicholson announced the passing of former Councillor Michael Breaugh. Michael Breaugh began his career in politics in 1973 and served on Oshawa City Council until 1975 when he was elected to the Ontario Legislature as a New Democrat. Council recognized his contribution and legacy to the community.

## **4. Presentations**

### **4.1 Don Beaton, Commissioner of Corporate Services and Louise O'Dell, Director of Human Resources, re: Civility and Respect**

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D. Beaton, Commissioner of Corporate Services and L. O'Dell, Director of Human Resources, provided a Presentation regarding the Region's new Civility and Respect Program.

D. Beaton advised that the Civility and Respect Program was launched as part of the Region's Healthy Workplace policy. He stated that the Healthy Workplace policy strives to do the following:

- provide a working environment that provides support to its employees by committing to integrating healthy workplace practices in all aspects of work;
- continuously create and provide programs which protect and enhance individual psychological safety, personal health practices, implement innovative leading practices in the delivery of health, safety and wellness programs; and
- openly declare a commitment, as employees, to demonstrate respectful, professional behaviours in interactions with each other and with clients.

D. Beaton stated that the Region remains committed to attracting and retaining a highly skilled diverse workforce to service the community and as part of that commitment, strives to enhance the experience of its employees in a manner that contemplates optimizing their overall health during the employee life cycle. He stated that as part of the launch, staff will be required to complete an e-learning module.

A promotional video was presented to Regional Council Members featuring volunteers from various departments and bargaining unit representatives. L. O'Dell introduced the volunteers present and acknowledged and thanked everyone who played a part in making the video.

## **5. Adoption of Minutes**

Moved by Councillor Marimpietri, Seconded by Councillor Leahy,  
(330) That the minutes of the Regular Regional Council meeting held on October 23, 2019 be adopted.

CARRIED

Moved by Councillor Ryan, Seconded by Councillor Smith,  
(331) That the minutes of the Regular Committee of the Whole meeting held on November 13, 2019 be adopted.

CARRIED

## **6. Communications**

CC 44 Memo from Susan Siopis, Commissioner of Works re: Lease Agreement with the Durham District School Board for Use of the Regionally Owned Premises Located within the Main Tract of the Durham Regional Forest, in the Township of Uxbridge

Moved by Councillor Foster, Seconded by Councillor Leahy,  
(332) That Council Correspondence CC 44 from Susan Siopis, Commissioner of Works re: Lease Agreement with the Durham District School Board for Use of the Regionally Owned Premises Located within the Main Tract of the Durham Regional Forest, in the Township of Uxbridge be referred to the consideration of Report #2019-W-79 (Item #5 of the 9<sup>th</sup> Report of the Works Committee).

CARRIED

CC 45 Correspondence from Kevin Ashe, Chair, Durham Regional Police Services Board re: Proposed Budget Increase for the Durham Regional Police in 2020

Moved by Councillor John Neal, Seconded by Councillor Collier,  
(333) That Council Correspondence CC 45 from Kevin Ashe, Chair, Durham Regional Police Services Board re: Proposed Budget Increase for the Durham Regional Police in 2020 be referred to the consideration of Report #2019-F-44 (Item #8 of the 9<sup>th</sup> Report of the Finance and Administration Committee).

CARRIED

## **7. Delegations**

There were no delegations to be heard.

## **8. Notice of Motions**

### **8.1 Territory Acknowledgment** **[CARRIED]**

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Moved by Councillor Collier, Seconded by Councillor Lee,  
(334) That whereas Regional Council believes that traditional territory acknowledgments are a respectful and fitting way to recognize that Durham Region spans a portion of the territories covered by the Williams Treaties, and that all eight area municipalities of Durham are home to Indigenous Peoples;

And whereas recognition and respect are essential elements of building healthy, reciprocal relationships with Indigenous Peoples;

And whereas Regional representatives engaged local Indigenous communities;

Now be it resolved that the Council Procedural By-law be amended to provide for the reading of a traditional territory acknowledgement at the beginning of every Council meeting.

**CARRIED**

## **9. Committee Reports**

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

#### **1. Legislative Services Business Continuity (2019-A-31)** **[CARRIED]**

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That a by-law authorizing a Deputy Clerk Pro Tem, generally in the form included as Attachment #1 to Report #2019-A-31 of the Commissioner of Corporate Services be approved.

#### **2. Esri Enterprise Agreement Extension (2019-A-32)** **[CARRIED]**

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- A) That an 8-month extension be executed for the Enterprise Agreement with Esri Canada Limited to July 2020 in the estimated total amount of \$305,000 plus applicable taxes, with \$205,927 paid by the Region with financing from the Corporate Services – Information Technology annual budget and the balance by the participating lower-tier municipalities and Durham Regional Police Services;
- B) That an affiliate cost sharing agreement be executed with the participating lower-tier municipalities and Durham Regional Police Services that have expressed intent to participate; and



- C) That the Commissioner of Finance be authorized to execute the Esri ELA Extension Amendment and any related agreements between the Region of Durham and Esri Canada Limited and between the Region of Durham and the local affiliates.

3. Appointment of Commissioner of Social Services (2019-A-33)  
[CARRIED]

That the Regional Clerk or designate prepare the necessary by-law to appoint Stella Danos-Papaconstantinou as the Commissioner of Social Services Department effective September 3, 2019.

4. 2018-2019 Climate Change Update (2019-A-34)  
[CARRIED ON A RECORDED VOTE] [SEE MOTION 339 ON PAGES 10 AND 11]

- A) That Regional Council receive this 2018-2019 Climate Change Update; and
- B) That Report #2019-A-34 of the Chief Administrative Officer be forwarded for information to the Durham Region Roundtable on Climate Change (DRRCC).

5. Award of Request for Proposals RFP 348-2019 for the provision of Natural Gas Consulting and Related Services for the Region of Durham (2019-F-40)  
[CARRIED]

- A) That the Proposal received from Blackstone Energy Services Inc. in response to Request for Proposals RFP 348-2019 to provide natural gas consulting and related services for a three year term (with an option to extend for up to two additional one year terms) for an estimated annual fee of less than \$10,000 per year, based on the current number of Regional accounts and subject to change over the contract term, be accepted;
- B) That Blackstone Energy Services Inc. be authorized to continue to act as an agent of the Region to execute transactions for the delivery, supply and balancing of natural gas on the Region's behalf in consultation with the Commissioner of Finance; and,
- C) That the Commissioner of Finance be authorized to execute the appropriate agreements with Blackstone Energy Services Inc. and, where required, execute supply agreements with subsequently approved natural gas suppliers to enable competitive bidding.

6. Authorization to Undertake a Review to Amend the Region's Development Charge By-laws and implement new Community Benefits Charges in response to Bill 108 *More Homes, More Choice Act, 2019* and to implement a new Development Charge By-law for Waste Diversion Services (2019-F-41)  
[CARRIED]

- A) That a review be undertaken to amend the Region's current Development Charge By-laws and prepare new Community Benefits Charges in response to Bill 108 *More Homes, More Choice Act, 2019*;
- B) That the preparation of a new development charge by-law for waste diversion services be undertaken;
- C) That the consulting firm of Watson & Associates Economists Ltd. and legal firm of WeirFoulds LLP be retained to assist staff with this Development Charge review and preparation of the Development Charge Background Studies and By-laws and the new Community Benefits Charges at a cost of up to \$200,000, to be financed as follows:

Development Charge Studies Reserve Fund	\$124,000	62%
Property Taxes	38,000	19%
Water and Sewer User Revenue	<u>38,000</u>	19%
Total	<u>\$200,000</u>	

with the property tax and water and sewer user revenue portions to be funded at the discretion of the Commissioner of Finance; and that the Commissioner of Finance be authorized to adjust the allocation of financing, subject to any future restrictions on the use of development charges in the new legislation; and

- D) That the Commissioner of Finance be authorized to execute the necessary agreements.
7. Participation and Shareholder Agreement with HealthPro Procurement Services Inc. (2019-F-43)  
[CARRIED]

- A) That Participation and Shareholder Agreement be extended with HealthPro Procurement Services Inc., a Group Purchasing Organization (GPO), in which the Region of Durham currently maintains membership, for a further five (5) year period, from 2019 to 2024, with the option to extend the Agreement for a further term of up to five (5) additional one (1) year terms;

- B) That any contracts offered to the Region as a member of the GPO Healthpro continue to be leveraged, conditional on those contracts being established through a competitive method similar to that noted in the Region's By-law and through organizations that meet the requirements of the Broader Public Sector Procurement Directive and the Procurement requirements established in the Canadian Free Trade Agreement (CFTA) and the Comprehensive Economic and Trade Agreement (CETA);
  - C) That where more than one supplier is identified by HealthPro through their competitive bid process, the Designated Official (under the Purchasing By-law #68-2000 (Amended)) in consultation with the user Department, may utilize one or more of the following parameters to determine a final source of supply:
    - a) The Supplier is already under contract with the Region (for other goods/services) and it has been confirmed that they can provide consistently acceptable service, favourable payment and/or contract terms;
    - b) The Supplier has proven their ability through an existing contract to meet the delivery and service requirements and/or response times of the Region's user departments, and offers the Region additional value-added incentives or customer services;
    - c) The Supplier's ability to maintain continuity of source of supply of required products and/or services;
    - d) Work with the Department to standardize on products if possible, obtain samples for review and evaluation from a functional and/or clinical performance perspective, to select which HealthPro contract best suits their needs; and
  - D) That the Commissioner of Finance be authorized to execute any necessary Agreements, including any amendments with HealthPro Procurement Services Inc.
8. 2020 Regional Business Plans and Property Tax Supported Budget Guideline Update (2019-F-44)  
[CARRIED ON A RECORDED VOTE] [SEE MOTION 336 ON PAGES 8 TO 10]
- A) That the following detailed direction and guidelines for the 2020 Business Plans and Budgets for the Durham Regional Police Services Board, Conservation Authorities, Regional Operations and other Outside Agencies be approved:

- i) The 2020 Property Tax Guideline not exceed an overall tax impact of 2.5 per cent compared to the 2019 approved budget including an additional 0.50 per cent over the 2019 approved budget to maintain current service levels in response to provincial funding reductions, changes in provincial funding formulas and potential provincial downloading;
  - ii) The 2020 Business Plans and Budgets for the Durham Regional Police Services Board not exceed \$213.225 million, an increase of approximately 3.2 per cent compared to the 2019 approved budget; and
  - iii) The 2020 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 2020 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 2019 approved budget;
- B) That the preliminary timetable for the 2020 Regional Business Plans and Budgets be approved as outlined in Attachment #2 to Report #2019-F-44 of the Commissioner of Finance, which includes the following key dates:
- i) December 18, 2019 – final Regional Council approval of the 2020 Water Supply and Sanitary Sewerage Business Plans and Budgets;
  - ii) February 26, 2020 – final Regional Council approval of all 2020 Property Tax Supported Business Plans and Budgets; and
- C) That a copy of Report #2019-F-44 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 2020 Business Plans and Budgets.

Moved by Councillor Foster, Seconded by Councillor Collier,

- (335) That the recommendations contained in Items 1, 2, 3, 5, 6, and 7 of the Ninth Report of the Finance and Administration Committee be adopted.

CARRIED

Moved by Councillor Foster, Seconded by Councillor Collier,

- (336) That the recommendations contained in Item 8 of the Ninth Report of the Finance and Administration Committee be adopted.

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

Moved by Councillor Ashe, Seconded by Councillor Anderson,  
(337) That the main motion (336) of Councillors Foster and Collier to adopt the recommendations contained in Item 8 of the Ninth Report of the Finance and Administration Committee be amended in Parts A) i) and ii) as follows:

That the budget guideline be amended by an increase of 0.22% to an upper limit of 2.72%, this amount to include the hiring of 20 additional officers for the DRPS at a cost of \$1.5 million; and that other modifications within the recommendations be made as necessary.

REFERRED TO THE 2020 BUDGET  
PROCESS ON A RECORDED VOTE (See  
Following Motion)

Moved by Councillor Roy, Seconded by Regional Chair John Henry,  
(338) That the foregoing amending motion (337) of Councillors Ashe and Anderson be referred to the 2020 budget process.

CARRIED ON THE FOLLOWING RECORDED  
VOTE:

Yes

Councillor Carter  
Councillor Chapman  
Councillor Collier  
Councillor Crawford  
Councillor Dies  
Councillor Drew  
Councillor Foster  
Councillor Garrod  
Councillor Kerr  
Councillor Leahy  
Councillor Lee  
Councillor McLean  
Councillor Mitchell  
Councillor Mulcahy  
Councillor Joe Neal  
Councillor John Neal  
Councillor Roy  
Councillor Ryan  
Councillor Smith  
Councillor Wotten  
Councillor Yamada  
Regional Chair Henry

No

Councillor Anderson  
Councillor Ashe  
Councillor Marimpietri  
Councillor Nicholson  
Councillor Pickles

Members Absent: Councillor Bath-Hadden  
Councillor Highet

Declarations of Interest: None

The main motion (336) of Councillors Foster and Collier to adopt the recommendations contained in Item 8 of the Ninth Report of the Finance and Administration Committee was then put to a vote and CARRIED ON THE FOLLOWING RECORDED VOTE:

Yes

Councillor Anderson  
Councillor Ashe  
Councillor Carter  
Councillor Chapman  
Councillor Collier  
Councillor Crawford  
Councillor Dies  
Councillor Drew  
Councillor Foster  
Councillor Garrod  
Councillor Kerr  
Councillor Leahy  
Councillor Lee  
Councillor Marimpietri  
Councillor McLean  
Councillor Mitchell  
Councillor Mulcahy  
Councillor Nicholson  
Councillor Pickles  
Councillor Roy  
Councillor Ryan  
Councillor Smith  
Councillor Wotten  
Councillor Yamada  
Regional Chair Henry

No

Councillor Joe Neal  
Councillor John Neal

Members Absent: Councillor Bath-Hadden  
Councillor Highet

Declarations of Interest: None

Moved by Councillor Foster, Seconded by Councillor Collier,  
(339) That the recommendations contained in Item 4 of the Ninth Report of the Finance and Administration Committee be adopted.

CARRIED ON THE FOLLOWING RECORDED  
VOTE:

Yes

Councillor Anderson  
Councillor Ashe  
Councillor Carter  
Councillor Chapman  
Councillor Collier  
Councillor Crawford  
Councillor Dies  
Councillor Drew  
Councillor Foster  
Councillor Garrod  
Councillor Kerr  
Councillor Leahy  
Councillor Lee  
Councillor Marimpietri  
Councillor McLean  
Councillor Mitchell  
Councillor Mulcahy  
Councillor John Neal  
Councillor Nicholson  
Councillor Pickles  
Councillor Roy  
Councillor Ryan  
Councillor Smith  
Councillor Wotten  
Councillor Yamada  
Regional Chair Henry

No

Councillor Joe Neal

Members Absent: Councillor Bath-Hadden  
Councillor Highet

Declarations of Interest: None

Moved by Councillor Ashe, Seconded by Councillor Leahy,  
(340) That Council recess for 45 minutes for lunch.

CARRIED

Council recessed at 11:58 AM and reconvened at 12:46 PM.

**9.2 Report of the Health and Social Services Committee**

1. Extension of Agreement with Intrahealth Canada Ltd. for Continued Use of  
Public Health Electronic Client Records and Registry Software (2019-MOH-9)  
[CARRIED]

- A) That authorization be granted to extend the existing agreement with Intrahealth Canada Ltd. for support and maintenance services for Durham Region Health Department's electronic health record software for a period of three (3) years from March 1, 2020 to February 28, 2023 at an estimated total cost of \$317,000 (inclusive of estimated annual Consumer Price Index (CPI) increases); and
  - B) That the Commissioner of Finance be authorized to execute the negotiated Extension Agreement and all related Amendment Agreements with Intrahealth Canada Ltd.
2. Region of Durham Paramedic Services (RDPS) – Standardization and Sole Source of Teleflex Medical Canada Inc.'s EZ-IO Intraosseous Vascular Access Equipment and Supplies (2019-MOH-10)  
[CARRIED]
- A) That Teleflex Medical Canada Inc.'s EZ-IO intraosseous vascular access equipment be adopted as the standard for the Region of Durham Paramedic Services (RDPS) for a period of five (5) years;
  - B) That authorization be granted to award a five (5) – year sole source contract to Teleflex Medical Canada Inc. in the total estimated amount of \$425,000 for EZ-IO intraosseous vascular access equipment and supplies, to enable paramedics to initiate intraosseous access in critically ill and injured patients, when intravenous (IV) access is not a viable option; and
  - C) That authorization be granted to negotiate and execute the agreement for the purchase of cyclical replacements for 36 IO drivers and the EZ-IO equipment supplies, through a sole source agreement with Teleflex Medical Canada Inc. in the amount of \$14,365, to be financed from the annual operating budgets.
3. Information Report #2019-INFO-73: An Update on the Financial Empowerment Framework/Poverty Reduction efforts underway within the Social Services Department  
[CARRIED]

That Report #2019-INFO-73 of the Commissioner of Social Services regarding An Update on the Financial Empowerment Framework/Poverty Reduction efforts underway within the Social Services Department be received for information.



4. On Point Pilot Project (2019-SS-18)  
[CARRIED]

That one-time unbudgeted funding in the amount of \$36,400 from the City of Oshawa be received as supplementary to the 2019 Regional Business Plans and Budgets for the Community Homelessness Prevention Initiative (CHPI) program to expand the On Point Pilot program budget to \$98,400.

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

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

1. Region of Durham Woodland Conservation and Management By-law  
(Regional Woodland By-law) (2019-P-44)  
[REFERRED BACK] [SEE MOTION 344 ON PAGE 15]

- A) That the Regional Woodland By-law, as contained in Attachment #1 to Report #2019-P-44 of the Commissioner of Planning and Economic Development, be passed, with the Regional Woodland By-law coming into effect on the date of passing;
- B) That the Director of Legal Services be authorized to submit an application to the Regional Senior Justice of the Province of Ontario seeking Part 1 offences to this By-law for set fines and short form wordings; and
- C) That a copy of Report #2019-P-44 and the By-law be forwarded to the Ministry of Natural Resources and Forestry (MNRF); the Region's Conservation Authorities; the Region's Area Municipalities including area municipal staff and By-law enforcement officers; the Durham Environmental Advisory Committee (DEAC); the Durham Agricultural Advisory Committee (DAAC); local forest practitioners; and members of the public who have expressed interest.

2. Durham Region 2019 Ontario Parasport Games Final Report and Legacy Fund (2019-EDT-17)  
[CARRIED]

- A) That Durham Region 2019 Ontario Parasport Games Legacy Fund of \$111,900 be distributed as follows in support of the continued growth of parasport in the Region:

- i) Their Opportunity – \$30,000. This Oshawa-based registered national organization provides lower income families with the means to enrol their children in local sport and recreation programs. Their Opportunity will use these funds to provide grants that support youth participation in parasports;
  - ii) Parasport School Grow It Program – \$30,000. Sport Durham, together with the newly formed Durham Adaptive Sport Collective will partner with the Abilities Centre to develop and deliver a two-year school program;
  - iii) Parasport Festival – \$15,000. In collaboration with partners, a Parasport Festival will be developed to showcase parasport opportunities available in Durham Region. Leading up to the Festival, potential new parasport programs will be identified and established. As such, the Festival will not only foster the growth of existing programs but will also support the expansion of adaptive sport programming in the Region. These funds would support the Festival for two years;
  - iv) The Town of Whitby's Iroquois Park Sports Centre Arena 3 Sledge Hockey Accessibility Upgrades – \$30,000. Recommended upgrades will provide a premium playing experience for Sledge Hockey players, including the Durham Steelhawks and visiting teams; and
  - v) Durham Adaptive Sport Collective Initiatives – \$6,900. These funds would be kept in reserve by Economic Development & Tourism for future initiatives of the Collective and may also be directed toward one or more of the four initiatives above at the discretion of the Commissioner of Planning and Economic Development and Commissioner of Finance;
- B) That, prior to the distribution of funding from the 2019 Ontario Parasport Games Legacy Fund, the Region enter into Memorandums of Understanding with each agency receiving funding, which prescribe appropriate reporting requirements, and which are otherwise in a form satisfactory to the Commissioner of Finance; and
- C) That the Commissioner of Planning and Economic Development and the Commissioner of Finance be authorized to execute the necessary agreements.

Moved by Councillor Ryan, Seconded by Councillor Joe Neal,  
(342) That the recommendations contained in Item 2 of the Ninth Report of the Planning and Economic Development Committee be adopted.

CARRIED

Moved by Councillor Ryan, Seconded by Councillor Joe Neal,  
(343) That the recommendations contained in Item 1 of the Ninth Report of the Planning and Economic Development Committee be adopted.

REFERRED BACK TO STAFF

(See Following Motion)

Moved by Joe Neal, Seconded by John Neal,  
(344) That Item 1 of the Ninth Report of the Planning and Economic Development Committee, and the proposed By-law, be referred back to staff to review the use of the definitions used in the By-law and report back to the Planning and Economic Development meeting in January 2020.

CARRIED

#### 9.4 Report of the Works Committee

1. Acquisition of Property Required for the Victoria/Bloor Street (Regional Road 22) Rehabilitation Project, in the City of Oshawa and Town of Whitby (2019-W-75)

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[CARRIED]

- A) That the purchase agreement for the Victoria/Bloor Street Rehabilitation Project be approved:

938255 Ontario Inc.	747 Bloor Street West	\$59,400
	Part of Lot 16, Broken Front	
	Concession	
	City of Oshawa	

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

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

2. Expropriation of Lands Required for Road Improvements in Connection with the Durham Live Development, in the City of Pickering (2019-W-76)

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[CARRIED]

- A) That authority be granted to Regional Municipality of Durham staff to initiate expropriation proceedings, if necessary, where negotiations are unsuccessful with respect to the acquisition of property for the construction of road improvements required as part of the Durham Live Development on Regional Road 1 (Brock Road) and Regional Road 22 (Bayly Street), in the City of Pickering as are generally depicted in Attachment # 1 of Report #2019-W-76 of the Commissioner of Works, and for such other property requirements as may be determined and identified by Regional Municipality of Durham staff required for the Project;
- B) That authority be granted to Regional Municipality of Durham staff to serve and publish Notices of Application for Approval to Expropriate the property requirement as described in Recommendation A) of Report #2019-W-76, and to forward to the Chief Inquiry Officer any requests for hearing that are received, to attend the hearings to present the Regional Municipality of Durham's position, and to report the Inquiry Officer's recommendations to Regional Council for its consideration;
- C) That authority be granted to the Regional Clerk and Regional Chair to execute any notices and forms as may be statutorily mandated by the Expropriations Act R.S.O. 1990, c. E.26 to give effect to Recommendation B) of Report #2019-W-76, including the Notices of Application of Approval to Expropriate;
- D) That all agreements and reports required for amicable property acquisitions and all agreements and reports required for settlements pursuant to the Expropriations Act R.S.O. 1990, c. E.26 related to the acquisition of property for the construction of road improvements required as part of the Durham Live Development on Regional Road 1 (Brock Road) and Regional Road 22 (Bayly Street), in the City of Pickering remain confidential in accordance with Section 239 (2)(c) of the Municipal Act as it relates to a proposed or pending acquisition or disposition of land for Regional Corporation purposes, and only be released publicly by the Commissioner of Works once all claims for compensation have been resolved on a complete and full and final basis; and

- E) That the Regional Municipality of Durham enter into an agreement with Pickering Developments (401) Inc. and Pickering Developments (Bayly) Inc. and any other party as may be required or appropriate, for full cost recovery related to the acquisition or expropriation of lands required in connection with Durham Live Development, and that Pickering Developments (401) Inc. and Pickering Developments (Bayly) Inc. and any other party as may be added to the agreement, post security in favour of the Regional Municipality of Durham in an amount as determined by the Regional Municipality of Durham to cover the costs of the acquisitions and/or expropriations.
3. Lease Agreement to Use a Portion of Metrolinx Parking Lot at the Ajax GO Station for Additional Bus Parking at O'Brien Court in the Town of Ajax for Durham Region Transit (2019-W-77)  
[CARRIED]
- A) That a lease agreement with Metrolinx for 2,509.05 square metres (0.62 acres) of required parking space, being part of the overall parent parcel area being 14,528.21 square metres (3.59 acres) at O'Brien Court, in the Town of Ajax, to accommodate Bus Parking for Durham Region Transit be approved with the following terms and conditions:
    - i) The term is for a period of five years commencing August 1, 2019, ending July 31, 2024, with an option to extend for an additional two years subject to the rental rate being negotiated;
    - ii) The annual rental rate for the five-year period of the agreement is \$38,703\* based on an internal evaluation;
    - iii) The Regional Municipality of Durham is responsible for snow removal of the licensed area;
    - iv) Metrolinx is responsible for any adjacent grass-cutting and lighting of the lot; and
  - B) That the Regional Chair and Clerk be authorized to execute all documents associated with the lease agreement.  
(\*) before applicable taxes in all instances
4. Lease with Ivanhoe Cambridge II Inc. and 7503067 Canada Inc. for the Regional Municipality of Durham Health Department at 419 King Street East, in the City of Oshawa (2019-W-78)  
[CARRIED]

- A) That the lease with Ivanhoe Cambridge II Inc and 7503067 Canada Inc. for 235.88 square metres (2,539 square feet) of office space, being part of the building located at 419 King Street East, in the City of Oshawa be approved with the following terms and conditions:
    - i) The term is for a period of five years commencing November 1, 2019 and ending October 31, 2024;
    - ii) The annual rental rate for the first three-years of the lease is \$34,276.50\* based on a rate of \$145.31\* per square metre (\$13.50\* per square foot); the annual rate for the fourth and fifth years of the lease is \$35,546.00\* based on a rate of \$150.69\* per square metre (\$14.00\* per square foot);
    - iii) The Region is responsible for all operating costs for the building, common areas and the leased premises;
    - iv) The Region is responsible for a proportionate share of any applicable property taxes; and
  - B) That the Regional Chair and Clerk be authorized to execute all documents associated with the lease agreement.  
(\*) before applicable taxes
5. Lease Agreement with the Durham District School Board for Use of the Regionally Owned Premises Located within the Main Tract of the Durham Regional Forest, in the Township of Uxbridge (2019-W-79)  
[CARRIED]
- A) That the Regional Municipality of Durham enter into a new lease agreement with the Durham District School Board for their use of approximately 2.02 hectares (5 acres) including existing buildings in the Main Tract of the Durham Regional Forest, in the Township of Uxbridge, on the following terms and conditions:
    - i) The annual rent is a nominal sum (\$2.00);
    - ii) The term to be for a period of five years commencing January 1, 2019, and ending on December 31, 2023, together with an option to renew under the same terms and conditions for a further period of five years;
    - iii) The Durham District School Board be responsible for the cost of all maintenance and repairs of the buildings, including items of a capital nature, together with all operating costs including utilities, any applicable taxes and the cost of snow removal; and

- B) That the Regional Chair and Clerk be authorized to execute all documents associated with the Lease Agreement.

And further:

- C) That a meeting be arranged between the Township of Uxbridge, representatives from the Durham District School Board (DDSB), and Durham staff, to address concerns with respect to the possible underutilization of the regionally owned property, and that staff subsequently be directed to prepare a memorandum for Regional Council with the outcome of that discussion.

6. Increase in the Regional Municipality of Durham's Share for the Existing Servicing Agreement with Medallion Developments (Harmony) Limited for the Extension and Oversizing of a Trunk Sanitary Sewer and the Construction of Pedestrian Facilities on Harmony Road (Regional Road 33), in the City of Oshawa (2019-W-80)

[CARRIED]

- A) That an increase in the Regional Municipality of Durham's Share in the amount of \$752,400 be approved for the existing Servicing Agreement with Medallion Developments (Harmony) Limited for the extension and oversizing of a trunk sanitary sewer and the construction of Pedestrian Facilities on Harmony Road (Regional Road 33), in the City of Oshawa, at a new estimated total Regional Municipality of Durham Share of \$2,301,600;
- B) That financing for the increase in the Regional Municipality of Durham's Share for the Sanitary Sewerage Component of the Servicing Agreement be provided from the following Regional sources:

**Regional Costs – Sanitary Sewer**

2019 Sanitary Sewerage System Capital Budget

Item #142 – Allowance for Regional Share for works in conjunction with residential subdivision development (M1910)

Residential Development Charge Reserve Fund	\$533,057
Commercial Development Charge Reserve Fund	\$33,226
User Rate	<u>\$156,017</u>

**Total Regional Share – Sanitary Sewer** **\$722,300**

- C) That financing for the increase in Regional Municipality of Durham's Share for the Regional Road Component of the Servicing Agreement be provided from the following Regional sources:

**Regional Costs – Roads**

2019 Capital Road Program

Item #78 – Harmony Road from Coldstream to Conlin (R1723)

Residential Development Charges	\$23,066
Commercial Development Charges	\$2,693
Roads Capital Reserve	\$4,341

**Total Regional Share – Roads** **\$30,100**

**Total Increase in Regional Share** **\$752,400**

Total City of Oshawa's Share – Roads **\$115,500**

- D) That the Regional Chair and Clerk be authorized to execute any necessary documents or agreements.
7. Approval of Request for Pre-Qualification RFPQ #1065-2019 of General Contractors for the Construction of the Seaton Zone 4 Water Reservoir and Zone 5 Pumping Station in the City of Pickering (2019-W-81)  
[CARRIED]
- A) That in accordance with Request for Pre-Qualification RFPQ #1065-2019, the following general contractors be pre-qualified for the tendering of the construction of the Seaton Zone 4 Reservoir and Zone 5 Pumping Station in the City of Pickering:
- Graham Construction and Engineering LP
  - Kenaidan Contracting Ltd.
  - Maple Reinders Constructors Ltd.
  - Matheson Constructors Ltd.
  - North America Construction (1993) Ltd.
  - Peak Engineering and Construction Ltd.
- B) That the tender documents for the construction of the Seaton Zone 4 Reservoir and Zone 5 Pumping Station Tender (D2019-050) be issued only to the above noted general contractors.



8. Sole Source Award to ASL Roteq Ltd. and Approval for Unbudgeted Capital to Undertake Detailed Design and Construction for the Replacement of Pump #1 and Pump #3 and the Supply of a Spare Pump at the Madawaska Sanitary Sewage Pumping Station, in the City of Oshawa (2019-W-82)  
[CARRIED]

- A) That unbudgeted capital work in the amount of \$200,000 to undertake the detailed design and construction for replacement of Pump #1 and Pump #3 and the supply of a spare pump at the Madawaska Sanitary Sewage Pumping Station (SSPS), located at 239 Madawaska Ave, in the City of Oshawa be approved;
- B) That the Regional Municipality of Durham enter into a sole source agreement with ASL Roteq Ltd., for the supply of Grundfos pumps for the Madawaska Sanitary Sewage Pumping Station in the City of Oshawa at an upset limit of \$73,000; and
- C) That financing in the amount of \$200,000 for the detailed design, construction and supply of the proposed pump replacements be provided as follows:

2019 Sanitary Sewerage Capital Budget

Item #11E Municipality of Clarington Road Program (C1999)	
User Revenue	\$68,990

Item 14 Works to rectify identified system deficiencies independent of road programs in various locations (M1999) User Revenue	\$131,010
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<b>Total Financing</b>	<b><u>\$200,000</u></b>
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9. Reallocation of Funding for Construction of the Church Street Sanitary Sewer from Harrisview Street to Hurst Drive, in the Town of Ajax (2019-W-83)  
[CARRIED]

That financing of additional commitments for the Church Street Sanitary Sewer (Project A1704) in the amount of \$400,000 be provided from the 2019 Sanitary Sewerage System Budget Item 75, Foster Creek Trunk Sanitary Sewer on Sunset Boulevard/Lakeview Road from Rudell Road to Church Street, Newcastle (Project C1002) as follows:

<b>Financing</b>	<b>Approved Project Budget \$</b>	<b>Proposed Reallocation from C1002 \$</b>	<b>Revised Project Budget \$</b>
Residential Development Charges	482,950	295,200	778,150
Commercial Development Charges	37,700	18,400	56,100
Industrial Development Charges	124,150	-	124,150
User Revenue	5,200	86,400	91,600
<b>Total Financing (A1704)</b>	<b><u>650,000</u></b>	<b><u>400,000</u></b>	<b><u>1,050,000</u></b>

10. Award of Request for Proposal #1078-2019 for Engineering Services for the Detailed Design for the Rehabilitation of Bowmanville Avenue (Regional Road 57) and the Rehabilitation of Robins Bridge and Two (2) Culverts, in the Municipality of Clarington (2019-W-84)

[CARRIED]

A) That Request for Proposal #1078-2019 be awarded to CIMA Canada Inc. to provide engineering services for the detailed design for the rehabilitation of Bowmanville Avenue (Regional Road 57) and the rehabilitation of Robins Bridge and two culverts, in the Municipality of Clarington. The total upset limit not to exceed \$309,960\* to be funded from the approved project budget of \$422,000; and

B) That the Commissioner of Finance be authorized to execute the professional services agreement.  
(\*) includes disbursements and are before applicable taxes

11. Sole Source Award to CIMA Canada Inc. and Approval for Unbudgeted Capital to Undertake Detailed Design of Pump Replacement at the Taunton Road Water Pumping Station Located on Grandview Street North in the City of Oshawa for Interim Capacity Increase to the Zone 4 Water Supply Service Area (2019-W-85)

[CARRIED]

A) That approval be granted for unbudgeted capital work in the amount of \$250,000 to undertake the detailed design to replace two existing pumps at the Taunton Road Water Pumping Station to provide an interim capacity increase to the Zone 4 water supply;

- B) That the Regional Municipality of Durham enter into a sole source engineering services agreement with CIMA Canada Inc. for the detailed design of the pump replacement at the Taunton Road Water Pumping Station located on Grandview Street North in the City of Oshawa for Interim Capacity Increase to the Zone 4 Water Supply Service Area at an upset limit not to exceed \$250,000; and
- C) That financing in the amount of \$250,000 for the detailed design of the new pumps and appurtenances be provided as follows:

**2019 Water Supply System Capital Budget**

Item 157 – Proposed Zone 4 Pumping Station at Harmony Road Reservoir, Oshawa (Project D1507)

Residential Development Charges	\$189,750
Commercial Development Charges	4,775
User Revenue	<u>55,475</u>
<b>Total Financing</b>	<b><u>\$250,000</u></b>

- 12. Confidential Report of the Commissioner of Works – Acquisition or Disposition of Land for Regional Corporation Purposes with Respect to the Purchase of Lands Required for the Bus Rapid Transit Project, in the City of Pickering (2019-W-74)

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[CARRIED]

That the recommendations contained in Confidential Report #2019-W-74 of the Commissioner of Works, be adopted.

- Moved by Councillor Mitchell, Seconded by Councillor Marimpietri,  
(345) That the recommendations contained in Items 1, 3, 4, 5, 7, 8, 10, 11, and 12 the Ninth Report of the Works Committee be adopted.  
CARRIED

- Moved by Councillor Mitchell, Seconded by Councillor Marimpietri,  
(346) That the recommendations contained in Item 2 of the Ninth Report of the Works Committee be adopted.  
CARRIED

- Moved by Councillor Mitchell, Seconded by Councillor Marimpietri,  
(347) That the recommendations contained in Item 6 of the Ninth Report of the Works Committee be adopted.  
CARRIED

Moved by Councillor Mitchell, Seconded by Councillor Marimpietri,  
(348) That the recommendations contained in Item 9 of the Ninth Report of the  
Works Committee be adopted.  
CARRIED

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

1. At Home in Durham, the Durham Housing Plan 2014-2024 – Five-year Review (2019-COW-25)  
[CARRIED]

That Report #2019-COW-25 of the Commissioner of Finance, Social Services, and Planning & Economic Development, be received for information.

2. Advancing Rapid Transit Implementation and Transit Oriented Development in Durham Region (2019-COW-26)  
[CARRIED ON A RECORDED VOTE] [SEE MOTION 350 ON PAGES 26 AND 27]
  - A) That Metrolinx be advised that Durham Region supports the extension of all day GO train service along the Lakeshore East line with a connection to the CP Rail Line, including new stations at Thornton's Corners, Central Oshawa, Courtice and Central Bowmanville;
  - B) That the Province of Ontario be urged to commit the necessary funding for the timely implementation of the alignment and four new stations along the CP Rail Line;
  - C) That Regional Planning staff be directed to accelerate the review and development of policies, including delineations and density targets for Major Transit Station Areas under "Envision Durham", the Region's Municipal Comprehensive Review of the Durham Regional Official Plan, in accordance with 2.2.4.5 of the Provincial Growth Plan for the Greater Golden Horseshoe, and section 16 of the Planning Act;
  - D) That the Commissioner of Planning and Economic Development, the Commissioner of Works and the General Manager, Durham Region Transit be directed to establish a Rapid Transit Implementation/Transit Oriented Development Office for Durham Region and that a senior level staff position to lead the design and establishment of the Office, with administrative support, be included for consideration within the 2020 Regional Business Planning and Budgeting process; and

- E) That a copy of Report #2019-COW-26 be sent to the Minister of Transportation; the Minister of Municipal Affairs; the Minister of Economic Development, Job Creation and Trade; the President and Chief Executive Officer at Metrolinx, the Metrolinx Board of Directors; Durham Members of Provincial Parliament and Durham area municipalities.
3. Award of Request for Proposal #1087-2019 for Consulting Services for Modernization, Optimization and Master Accommodation Planning Research at Regional Headquarters, in the Town of Whitby (2019-COW-27)  
[CARRIED ON A RECORDED VOTE] [SEE MOTION 351 ON PAGES 27 AND 28]
- A) That Request for Proposal #1087-2019 be awarded to DIALOG to provide professional services to undertake space needs analysis and master accommodation planning research for all departments within Regional Headquarters and to provide full architectural and engineering services for the modernization and optimization of Regional Headquarters, in the Town of Whitby, at a total upset limit not to exceed \$2,819,218\*;
  - B) That 2020 pre-budget approval for the space needs analysis, master accommodation planning research and architectural and engineering services in the amount of \$2,505,709 be granted, to be financed from the Capital Project Reserve (\$2,087,255), the Sewer Rate Stabilization Reserve Fund (\$209,227) and the Water Rate Stabilization Reserve Fund (\$209,227), bringing the total funding approved for the Regional Headquarters Optimization project to \$2,955,709; and
  - C) That the Commissioner of Finance be authorized to execute the professional services agreement.  
(\*) include disbursements and are before applicable taxes
4. 2020 Transportation Strategic Issues and Financial Forecast (2019-COW-28)  
[CARRIED]
- That the 2020 Transportation Strategic Issues and Financial Forecast Overview be received and forwarded to the 2020 Business Planning and Budget deliberations including the practice of using the existing special reserves for growth related and rehabilitation projects, and use of Federal Gas Tax Funding, based on asset management best practices to address the needs of Regional transportation infrastructure.

5. 2020 Social Housing Strategic Issues and Financial Forecast Report (2019-COW-29)  
[CARRIED]

- A) That the Province of Ontario be requested to provide permanent sustainable funding of approximately \$1.44 million annually (for approximately 151 households) to maintain the Strong Communities Rent Supplement Program beyond March 31, 2023 to safeguard tenancies of those at high risk of homelessness; and
- B) That the Province of Ontario be requested to provide long-term sustainable funding to maintain the housing stability (for approximately 579 households) supported under the Investment in Affordable Housing (IAH) and IAH Extension programs.

6. One-Time Federal Gas Tax Funding (2019-COW-31)  
[CARRIED]

That the following transformative capital projects, expected to contribute significantly towards corporate strategic objectives, be approved to be funded 100% from the unanticipated one-time Federal Gas Tax funding received in 2019 (\$19.73 million):

- Electric Buses and Infrastructure (\$10.1 million);
- Durham Region Local Housing Corporation (DRLHC) Energy Efficiency Retrofits (\$5.4 million);
- Road Building Pilot Project with Regional Waste Materials (\$3.5 million); and
- Regional Smart City Traffic Pilot (\$0.73 million)

Moved by Councillor Foster, Seconded by Councillor Leahy,  
(349) That the recommendations contained in Items 1, 5 and 6 of the Sixth Report of the Committee of the Whole be adopted.  
CARRIED

Moved by Councillor Foster, Seconded by Councillor Leahy,  
(350) That the recommendations contained in Item 2 of the Sixth Report of the Committee of the Whole be adopted.  
CARRIED ON THE FOLLOWING RECORDED  
VOTE:

<u>Yes</u>	<u>No</u>
Councillor Ashe	
Councillor Carter	
Councillor Chapman	
Councillor Crawford	
Councillor Dies	
Councillor Drew	
Councillor Foster	
Councillor Garrod	
Councillor Kerr	
Councillor Leahy	
Councillor Lee	
Councillor Marimpietri	
Councillor McLean	
Councillor Mitchell	
Councillor Mulcahy	
Councillor John Neal	
Councillor Joe Neal	
Councillor Nicholson	
Councillor Pickles	
Councillor Ryan	
Councillor Wotten	
Councillor Yamada	
Regional Chair Henry	

Members Absent: Councillor Anderson  
Councillor Bath-Hadden  
Councillor Collier  
Councillor Highet  
Councillor Roy  
Councillor Smith

Declarations of Interest: None

Moved by Councillor Foster, Seconded by Councillor Leahy,  
(351) That the recommendations contained in Item 3 of the Sixth Report of the  
Committee of the Whole be adopted.

CARRIED ON THE FOLLOWING RECORDED  
VOTE:

Yes

Councillor Ashe  
Councillor Carter  
Councillor Chapman  
Councillor Crawford  
Councillor Dies  
Councillor Drew  
Councillor Foster  
Councillor Garrod  
Councillor Kerr  
Councillor Leahy  
Councillor Lee  
Councillor Marimpietri  
Councillor Mitchell  
Councillor Mulcahy  
Councillor Nicholson  
Councillor Pickles  
Councillor Ryan  
Councillor Wotten  
Councillor Yamada  
Regional Chair Henry

No

Councillor Joe Neal  
Councillor John Neal

Members Absent: Councillor Anderson  
Councillor Bath-Hadden  
Councillor Collier  
Councillor Highet  
Councillor McLean  
Councillor Roy  
Councillor Smith

Declarations of Interest: None

Moved by Councillor Foster, Seconded by Councillor Leahy,  
(352) That the recommendations contained in Item 4 of the Sixth Report of the  
Committee of the Whole be adopted.

CARRIED

**10. Unfinished Business**

There was no unfinished business to be considered.

**11. Other Business**

There was no other business to be considered.



## **12. By-laws**

- 51-2019 Being a by-law to appointment a Commissioner of Social Services for the Regional Municipality of Durham.

This by-law implements the recommendations contained in Item #3 of the 9<sup>th</sup> Report of the Finance & Administration Committee presented to Regional Council on November 27, 2019.

- 52-2019 Being a by-law to appoint a Deputy Clerk (Pro Tem) for The Regional Municipality of Durham.

This by-law implements the recommendations contained in Item #1 of the 9<sup>th</sup> Report of the Finance & Administration Committee presented to Regional Council on November 27, 2019.

- 53-2019 Being a by-law to authorize the borrowing upon instalment debentures in the aggregate principal amount of \$6,400,000.00 (\$2,400,000.00 principal amount of 5 year instalment debentures and \$4,000,000.00 principal amount of 10 year instalment debentures, \$1,694,000.00 of which 5 year instalment debentures may be raised by the issue of refinancing instalment debentures on or before the maturity date) for a capital work of The Corporation of the Township of Uxbridge.

This by-law implements the recommendations contained in Item #4 of the 8<sup>th</sup> Report of the Finance & Administration Committee presented to Regional Council on October 23, 2019.

- 54-2019 Being a by-law to authorize the borrowing upon 15 year instalment debentures in the principal amount of \$6,360,000.00 for a capital work of The Corporation of the Town of Ajax.

This by-law implements the recommendations contained in Item #4 of the 8<sup>th</sup> Report of the Finance & Administration Committee presented to Regional Council on October 23, 2019.

- 55-2019 Being a by-law to authorize the borrowing upon instalment debentures in the aggregate principal amount of \$4,531,000.00 (\$369,000.00 principal amount of 5 year instalment debentures, \$3,472,000.00 principal amount of 10 year instalment debentures and \$690,000.00 principal amount of 20 year instalment debentures) for capital works of The Corporation of the City of Pickering.

This by-law implements the recommendations contained in Item #4 of the 8<sup>th</sup> Report of the Finance & Administration Committee presented to Regional Council on October 23, 2019.

- 56-2019      Being a by-law to authorize the borrowing upon instalment debentures in the principal amounts authorized by by-laws Number 53-2019, 54-2019 and 55-2019 in the aggregate principal amount of \$17,291,000.00 (\$2,769,000.00 principal amount of 5 year instalment debentures, \$7,472,000.00 principal amount of 10 year instalment debentures, \$6,360,000.00 principal amount of 15 year instalment debentures and \$690,000.00 principal amount of 20 year instalment debentures, \$1,694,000.00 of which 5 year instalment debentures may be raise by the issue of refinancing instalment debentures on or before the maturity date) and the issuing of one series of instalment debentures therefor.

This by-law implements the recommendations contained in Item #4 of the 8th Report of the Finance & Administration Committee presented to Regional Council on October 23, 2019.

- 57-2019      ~~Being a by-law to prohibit or regulate the Destruction or Injury of Trees in Woodlands in the Regional Municipality of Durham.~~

~~This by-law implements the recommendations contained in Item #1 of the 9<sup>th</sup> Report of the Planning and Economic Development Committee presented to Regional Council on November 27, 2019.~~

Moved by Councillor Ashe, Seconded by Councillor Garrod,  
(353) That By-law Numbers 51-2019 to 57-2019 inclusive be passed.

CARRIED

NOTE: Item #1 of the 9th Report of the Planning & Economic Development Committee was referred back to staff therefore By-law 57-2019 is null and void.  
[See pages 13 to 15 of these minutes]

### **13. Confirming By-law**

- 58-2019      Being a by-law to confirm the proceedings of Regional Council at their meeting held on November 27, 2019.

Moved by Councillor Ashe, Seconded by Councillor Garrod,  
(354) That By-law Number 58-2019 being a by-law to confirm the proceedings of the Council of the Regional Municipality of Durham at their meeting held on November 27, 2019 be passed.

CARRIED

### **14. Adjournment**

Moved by Councillor Garrod, Seconded by Councillor Chapman,  
(355) That the meeting be adjourned.

CARRIED

The meeting adjourned at 2:17 PM

Respectfully submitted,

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John Henry, Regional Chair & CEO

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Ralph Walton, Regional Clerk

## Communications

December 18, 2019

- CC 46     [Correspondence from the Eastern Ontario Mayors' Caucus re: Rising Water Levels \(Our File: E00\)](#)
- 

Recommendation: Receive for information

(See attached correspondence on page 37)

- CC 47     J. Gallagher, Deputy Clerk, Municipality of Clarington writing to Ralph Walton, Regional Clerk, advising that at their meeting held on December 9, 2019, the Council of the Municipality of Clarington nominated Anna Composeo as the Municipality of Clarington's representative on the Land Division Committee for the 2018-2022 term of Council (Our File: C14)
- 

Recommendation: Motion to appoint

## **Eastern Ontario Mayors' Caucus Motion RE: Rising Water Levels Nov 20, 2019**

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**MOVED BY:** Mitch Panciuk, Mayor, City of Belleville

**SECONDED BY:** Brett Todd, Mayor, Town of Prescott

**WHEREAS** Lake Ontario has reached record or near-record high water levels in the spring of 2019 as a result of heavy precipitation and the International Joint Commission's (IJC) plan 2014, which then resulted in record high inflows from Lake Erie and above-average runoff within the Lake Ontario basin;

**WHEREAS** the IJC is disputing claims that Plan 2014 is responsible for historically high water levels in the area, but has said that they plan to "investigate options" that could now be taken to reduce water levels before next spring;

**WHEREAS** the EOMC recognizes that continually rising local water levels have impacted many communities along Lake Ontario and the St. Lawrence Seaway as well as residents with shoreline properties experiencing erosion;

**WHEREAS** property owners and municipalities have been required to take extraordinary measures to protect their properties, and that all work along shoreline properties requires owners to obtain permission from local Conservation authorities;

**THEREFORE BE IT RESOLVED THAT** the EOMC call upon the International Joint Commission (IJC) to immediately take action to repeal Plan 2014 and revert to Plan 1958-DD to control the water flowing from Lake Ontario and into the St. Lawrence Seaway, which has the effect of keeping water levels lower in the lower lakes;

**AND THAT** EOMC call on the Provincial and Federal governments to provide support and financial assistance for municipalities and property owners affected by rising water levels;

**AND THAT** the EOMC send correspondence to the members of the ICJ, local Members of Parliament and Members of Provincial Parliament, the Eastern Ontario Warden's Caucus, the Association of Municipalities of Ontario and the Great Lakes and St. Lawrence Cities Initiative -a coalition of U.S. and Canadian mayors and local officials working to advance the protection and restoration of the Great Lakes and St. Lawrence River.

**AND THAT** the IJC commit to a regular flow of communication with municipalities and property owners affected by rising water levels in Eastern Ontario.

**CARRIED**

Signed by: Bryan Paterson, Chair  
November 20, 2019

## **Report #10 of the Finance & Administration Committee**

For consideration by Regional Council

December 18, 2019

The Finance & Administration Committee recommends approval of the following: 1.

### **Renewal of Ontario Parcel Master Agreement Products ([2019-A-35](#))**

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- A) The following four agreements with Teranet Enterprises Inc. be extended at an annual cost of \$149,376 plus applicable taxes, for each year of the agreement, for a total cost of \$746,880 plus applicable taxes for a term of 5 years: the End User Data License Agreement; Ontario Parcel Master Agreement (OPMA) Products Delivery Agreement; the General Municipal License Agreement – OPMA Ownership Mapping Data Products; and the Value Added Relicensor (“VAR”) Agreement;
- B) A renewal of the Region of Durham OPMA partner cost sharing agreement with the eight participating lower-tier municipalities that have expressed interest through a letter of intent be executed;
- C) Financing for the Region’s share of the agreements for 2020 and future years is allocated in Corporate Services – Information Technology Division GIS Services base budget, and;
- D) The Commissioner of Finance be authorized to execute any and all documents necessary to give effect to the actions herein approved, provided all are in a form satisfactory to the Commissioner of Finance, the Director of Legal Services and the Director of Legislative Services.

### **2. The Regional Municipality of Durham’s 2018 Accessibility Report ([2019-A-36](#))**

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That the Regional Municipality of Durham’s 2018 Accessibility report be adopted.

### **3. Sanitary Sewer Surcharge Appeal by the Ministry of Natural Resources and Forestry for Darlington Provincial Park, 1600 Darlington Park Road, Bowmanville ([2019-F-45](#))**

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That the Sanitary Sewer Surcharge Appeal in the name of Ministry of Natural Resources and Forestry, be granted in the amount of \$21,812.53, on the basis that there is sufficient flow differential to qualify for a one-time sanitary sewer surcharge appeal.

### **4. Temporary Borrowing By-law for 2020 ([2019-F-46](#))**

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- A) The Regional Chair and the Treasurer be authorized in 2020 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).

5. 2020 Interim Regional Property Tax Levy (2019-F-47)

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A) That a 2020 interim Regional property tax levy be imposed on the lower-tier municipalities for all property tax classes;

B) That the amount due from each lower-tier municipality is estimated to be equivalent to 50% of their respective share of the Regional property taxes collected in 2019;

C) That the 2020 interim Regional property tax levy be paid by the lower-tier municipalities seven days subsequent to the installment due dates established by each lower-tier municipality for the collection of their respective interim municipal property taxes;

D) That the Regional Clerk be requested to advise the lower-tier municipalities of the imposition of the 2020 interim Regional property tax levy for all property tax classes; and,

E) That approval be granted for the requisite by-law.

6. Request from the Durham Regional Police Services Board for 2020 Pre-Budget Approval for the Purchase of New Vehicles (2019-F-48)

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That the request from the Durham Regional Police Services Board for 2020 pre-budget approval for the purchase of 36 vehicles, at a total cost not to exceed \$1,612,192 be approved provided that this expenditure will be financed within the 2020 DRPS budget guideline established by Regional Council.

7. Regional Agreement with CSH Ballycliffe Lodge Inc. and the Corporation of the Town of Ajax for the Advancement of Regional Development Charge Demolition Credits for a Long-Term Care Facility, in the Town of Ajax (2019-F-49)

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A) That the Regional Municipality of Durham be authorized to enter into an Agreement with CSH Ballycliffe Lodge Inc. and the Corporation of the Town of Ajax for the advancement of Regional development charge (DC) demolition credits for a Long-Term Care Facility in the Town of Ajax in order to allow the subsequent demolition of the existing facility with a letter of credit required to the satisfaction of the Commissioner of Finance and Director of Legal Services;

B) That in order to administratively streamline and expedite the process for advancing Regional DC demolition credits for structures with planned and phased demolition and/or new facility construction commencing prior to demolition of existing structures, the Region be authorized to enter into

similar future agreements with the applicable area municipality and developer to ensure the application of planned DC demolition credits to newly constructed structures at building permit issuance to be secured by a Letter of Credit, with the necessary terms and conditions to be considered and incorporated in the 2023 Regional DC By-laws and Background Study; and

- C) That the Regional Chair and the Regional Clerk be authorized to execute any necessary documents or agreements.

8. Request for Deferral of Regional Development Charges by Trillium Housing Non-Profit for a New Affordable Housing Project in the City of Pickering (2019-F-50)

- A) That the Region enter into an agreement with Trillium Housing Non-Profit (Trillium) for the deferral of Regional development charges from time of the first building permit issuance to twelve (12) months after occupancy for each phase of the project (two phases) for an affordable housing project in the City of Pickering and payable at the rate in effect at the first building permit of each phase;
- B) That the agreement contain the appropriate terms and conditions to reasonably assure the Region of full payment of applicable Regional development charges for the proposed project; and
- C) That the Commissioner of Finance be authorized to negotiate and execute the necessary agreement in a form acceptable to Corporate Services –Legal Services.

9. Request for Regional Financial Assistance under the Regional Revitalization Program for the Development of Lands surrounding Markham Stouffville Cottage Hospital known as 4 Campbell Drive in the Township of Uxbridge to support the new Uxbridge Health Centre (2019-F-51)

- A) That the application submitted by the Township of Uxbridge, on behalf of Uxmed Inc. under the Regional Revitalization Program (RRP), requesting Regional financial assistance for the development of lands surrounding Markham Stouffville Cottage Hospital known as 4 Campbell Drive in the Township of Uxbridge for a new physician-owned health care campus facility, be approved, subject to the following conditions:
  - i) The Region to provide \$114,350 for the development, with funding provided from the Regional Revitalization Reserve Fund and transferred to the Township of Uxbridge for distribution to Uxmed Inc., in accordance with the timing and flow of funds under the RRP:

Full building permit issued to Uxmed Inc 50%

Framing inspection (or equivalent structural completion), 40%



passed by the area municipal building inspection authority

Occupancy permit received from the area municipal building authority or passed preoccupancy inspection of those municipalities which do not issue an occupancy permit 10%

- ii) Uxmed Inc. must pay all applicable Regional Development Charges due at building permit issuance;
  - iii) Uxmed Inc. enter into a servicing agreement with the Region to construct new water and sewer connections and Uxmed Inc. will post a security in the form of a letter of credit and be responsible for 100 per cent of the servicing costs;
  - iv) All costs associated with works for the development of the lands will be borne by the developer, Uxmed Inc., in keeping with Regional policies;
  - v) Satisfying any performance criteria outlined in agreements between the Township of Uxbridge and Uxmed Inc. regarding incentives (financial or other) provided under the Toronto Street Corridor Community Improvement Plan and applicable Township By-laws;
  - vi) The Township of Uxbridge enter into an agreement with the Region that outlines the terms and conditions for Regional financial assistance to ensure accountability for Regional funding;
  - vii) The Township of Uxbridge agrees to annual post-project reviews and audits for five years after substantial occupancy of the development of vacant lands, in conjunction with the Region, to provide accountability and ensure effective utilization of Regional resources; and
- B) That as per the RRP, the increased property tax revenue generated from the increased current value assessment of the development of lands surrounding the Markham Stouffville Cottage Hospital known as 4 Campbell Drive in the Township of Uxbridge be used to replenish the Regional Revitalization Reserve Fund for five years after substantial occupancy.
10. 2020 Current and Capital Business Plans and Budgets and Nine Year Capital Forecasts for the Water Supply and Sanitary Sewerage Systems (2019-F-52)
- A) That the 2020 Current and Capital Business Plans and Budgets for the Water Supply System, with a total gross expenditure of \$152.6 million be approved as set out below, and that the Commissioner of Finance be authorized to make the necessary changes to the proposed financing of the gross expenditures for the 2020 Water Supply System Business Plans and

Budgets as outlined in Report 2019-F-52 as may be required by any amendments to Report 2019-COW-33: Recommended 2020 Water and Sanitary Sewer User Rates, including additional contributions from reserves and reserve funds, with a subsequent information report to be provided to Council:

	2019 Gross Budget (\$ 000's)	2020 Gross Budget (\$ 000's)	Variance Incr/(Decr) (\$ 000's)
<b><u>EXPENDITURES</u></b>			
Operations:			
Watermain Cleaning and Repairs	3,572	3,493	(79)
Valves and Hydrants	3,211	2,991	(220)
Water Connections	4,370	4,186	(184)
Water Meters	666	542	(124)
Depot Operations	5,758	5,824	66
Plants East	2,926	3,151	225
Plants Central	13,263	14,131	868
Plants North	3,026	3,080	54
Sunvalley	29	29	-
Engineering and Staff Support	7,335	7,455	120
Facilities Management	6,603	7,615	1,012
Administration	315	319	4
Headquarters Shared Costs	1,073	1,100	27
Utility Finance	3,658	3,943	285
Share of Regional Corporate Costs	11,379	12,083	704
Subtotal Operations	<u>67,184</u>	<u>69,942</u>	<u>2,758</u>
Capital/Debt Charges:			
TCA Capital	3,361	4,732	1,371
TCA Construction	109,973	76,209	(33,764)
Debt Charges	1,694	1,694	-
Subtotal Capital/Debt Charges	<u>115,028</u>	<u>82,635</u>	<u>(32,393)</u>
<b>TOTAL EXPENDITURES</b>	<b><u>182,212</u></b>	<b><u>152,577</u></b>	<b><u>(29,635)</u></b>

- B) That the Nine Year Capital Forecast for 2021 to 2029 inclusive, in the amount of \$1.1 billion as detailed in the Water Supply System Capital Budget, be received for information;
- C) That the 2020 Current and Capital Business Plans and Budgets for the Sanitary Sewerage System with a total gross expenditure of \$205.5 million be approved as set out below, and that the Commissioner of Finance be authorized to make the necessary changes to the proposed financing of the gross expenditures for the 2020 Sanitary Sewerage System Business Plans and Budgets as outlined in Report 2019-F-52 as may be required by any amendments to Report 2019-COW-33: Recommended 2020 Water and Sanitary Sewer User Rates, including any additional contributions from reserves and reserve funds, with a subsequent information report to be provided to Council:

	2019 Gross Budget (\$ 000's)	2020 Gross Budget (\$ 000's)	Variance Incr/(Decr) (\$ 000's)
<b><u>EXPENDITURES</u></b>			
Operations:			
Cleaning, Repairs and Maintenance Holes	2,112	2,033	(79)
Sewer Connections	2,944	3,254	310
Depot Operations	3,198	3,228	30
WPCPs and Pumping Stations	23,236	23,999	763
Duffin Creek WPCP	35,551	37,197	1,646
Regional Environmental Laboratory	2,571	2,864	293
Engineering and Staff Support	6,769	6,886	117
Facilities Management	7,075	8,273	1,198
Administration	318	322	4
Headquarters Shared Costs	1,073	1,100	27
Utility Finance	3,658	3,943	285
Share of Regional Corporate Costs	14,333	15,199	866
Subtotal Operations	<u>102,838</u>	<u>108,298</u>	<u>5,460</u>
Capital/Debt Charges:			
Duffin Creek WPCP - TCA Capital	1,480	947	(533)
Regional Environmental Lab - TCA Capital	172	586	414
TCA Capital	2,409	5,673	3,264
TCA Construction	106,437	68,950	(37,487)
Debt Charges	21,761	21,011	(750)
Subtotal Capital/Debt Charges	<u>132,259</u>	<u>97,167</u>	<u>(35,092)</u>
<b>TOTAL EXPENDITURES</b>	<b><u>235,097</u></b>	<b><u>205,465</u></b>	<b><u>(29,632)</u></b>

- D) That the Nine Year Capital Forecast for 2021 to 2029 inclusive, in the amount of \$1.5 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 2020 capital projects detailed within the 2020 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 2020 Current and Capital Business Plans and Budgets for the Water Supply and Sanitary Sewerage Systems be presented to Regional Council.
11. Award for RFP 240-2019 for the Rental of Multi-Functional Devices and Related Services for the Regional Municipality of Durham (2019-F-53)
- A) That subject to a successful product evaluation, the proposal received from 4 Office Automation Ltd., in response to RFP 240-2019 for the Rental of Multi-Functional Devices (MFD's) and Related Services for the Regional Municipality of Durham, be accepted and 4 Office Automation Ltd. (4 Office) be awarded a contract for a forty-eight (48) month term, with the option to extend for an additional 48-month term at an estimated annual cost of

\$300,000, including support based on current equipment inventory and copy usage levels;

- B) That funding be provided from departmental operating budgets as approved; and
- C) That the Commissioner of Finance be authorized to execute the agreement and any required amendments.

12. Resolution regarding 9-1-1 Management Board Signing Authority

That signing authority for the 9-1-1 Management Board be given to the 9-1-1 Technical Manager and the Finance Department Regional Staff representation.

Respectfully submitted,

A. Foster, Chair, Finance & Administration Committee

## **Report #10 of the Health & Social Services Committee**

For consideration by Regional Council

December 18, 2019

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

1. A By-law to Appoint an Acting Medical Officer of Health ([2019-MOH-11](#))  
That Regional Council approve and pass the by-law to appoint an Acting Medical Officer of Health for The Regional Municipality of Durham in the form attached to Report #2019-MOH-11.
2. Appointment of an Associate Medical officer of Health ([2019-MOH-12](#))
  - A) That the appointment of Dr. Elspeth McTavish as Associate Medical Officer of Health for The Regional Municipality of Durham be confirmed; and
  - B) That the Commissioner & Medical Officer of Health be authorized to seek approval of the appointment by the Minister of Health, in accordance with section 64 of the *Health Protection and Promotion Act*.

Respectfully submitted,

B. Chapman, Chair, Health & Social Services Committee

## **Report #10 of the Planning & Economic Development Committee**

For consideration by Regional Council

December 18, 2019

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

1. Envision Durham – Housing Policy Planning Discussion Paper ([2019-P-47](#))
  - A) That Report #2019-P-47 of the Commissioner of Planning and Economic Development be received for information; and
  - B) That a copy of Report #2019-P-47 be forwarded to Durham's area municipalities; Clarington Task Force on Affordable Housing; Scugog Housing Advisory Committee; Durham Advisory Committee on Homelessness; Social Housing Advisory Committee; BILD; and the Ministry of Municipal Affairs and Housing, for review and comment.
2. Application to Amend the Durham Regional Official Plan, submitted by Jerrann Farms, to permit the severance of a dwelling rendered surplus as a result of the consolidation of non-abutting farm parcels, in the Township of Brock, File: OPA 2019-004 ([2019-P-45](#))
  - A) That Amendment #176 to the Durham Regional Official Plan, to permit the severance of a dwelling rendered surplus as a result of the consolidation of non-abutting farm parcels, be adopted as contained in Attachment #3 to Report #2019-P-45 of the Commissioner of Planning and Economic Development; and
  - B) That "Notice of Adoption" be sent to the applicant, the applicant's agent, the Township of Brock, the Ministry of Municipal Affairs and Housing, and all other persons or public bodies who requested notification of this decision.
3. Application to Amend the Durham Regional Official Plan, submitted by Daryl Phoenix, to permit the severance of a dwelling rendered surplus as a result of the consolidation of non-abutting farm parcels, in the Township of Brock, File: OPA 2019-005 ([2019-P-46](#))
  - A) That Amendment #177 to the Durham Regional Official Plan, to permit the severance of a dwelling rendered surplus as a result of the consolidation of non-abutting farm parcels, be adopted as contained in Attachment #3 to Report #2019-P-46 of the Commissioner of Planning and Economic Development; and
  - B) That "Notice of Adoption" be sent to the applicant, the applicant's agent, the Township of Brock, the Ministry of Municipal Affairs and Housing, and all other persons or public bodies who requested notification of this decision.

4. Financial Commitment to Host Federation of Canadian Municipalities Board Meeting ([2019-EDT-19](#))
- 
- A) That support-in-principle be provided to host the Federation of Canadian Municipalities (FCM) Board Meeting in 2022 or 2023;
- B) That Regional Council endorse a financial commitment for this event not to exceed \$40,000 with financing at the discretion of the Commissioner of Finance; and
- C) That the Commissioner of Finance be authorized to execute a host municipality agreement with FCM in the event that the bid is successful.

Respectfully submitted,

D. Ryan, Chair, Planning & Economic Development Committee

## Report #10 of the Works Committee

For consideration by Regional Council

December 18, 2019

The Works Committee recommends approval of the following:

1. Award of Request for Proposal #528-2019 for Consulting Services to Conduct the Annual Environmental Monitoring Programs at the Regional Municipality of Durham's Seven Landfill Sites and the Durham York Energy Centre for Reporting Years 2020, 2021, and 2022 ([2019-WR-12](#))
- 

- A) That Request for Proposal #528-2019 be awarded to RWDI Inc. for consulting services to conduct all field work and reporting required under the annual monitoring programs for groundwater, surface water, soil, and subsurface gas, at the Regional Municipality of Durham's seven landfill sites and the Durham York Energy Centre for the 2020, 2021 and 2022 reporting years, at a combined upset limit not to exceed \$217,204.00\*; and
- B) That the Commissioner of Finance be authorized to execute the necessary agreements.  
(\* ) before applicable taxes

2. Award of Request for Proposal #1080-2019 Consulting Services for the Development of a New Long-Term Waste Management Master Plan 2021-2040 for the Regional Municipality of Durham ([2019-WR-13](#))
- 

- A) That Request for Proposal #1080-2019 be awarded to HDR Corporation to provide consulting services to develop a new Long-Term Waste Management Master Plan to guide the Region through to 2040 at a contract price of \$199,971.00\*; and
- B) That the Commissioner of Finance be authorized to execute the necessary agreements.  
(\* ) before applicable taxes

3. Acquisition of Land Required for the Construction of a Sanitary Sewer and Watermain North/South of Rossland Road and West of Des Newman Boulevard, in the Town of Whitby ([2019-W-86](#))
- 

- A) That the purchase agreement for lands required for sanitary sewer and watermain north/south of Rossland Road and west of Des Newman Boulevard in the Town of Whitby be approved:

HER MAJESTY THE QUEEN in right of the Province of Ontario, Represented by the	Part of Lot 34, Concession 3, being part of PIN 26548-3331 shown as Parts 2 and 3 on 40R-30043	\$337,067
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Minister of  
Transportation for the Province of Ontario     Part of Lot 34, Concession 2,  
being part of PIN 26547-1268  
shown as Part 4 on 40R-30533  
Town of Whitby

- B) That the acquisition be financed from securities provided to the Regional Municipality of Durham by the West Whitby Landowners Group included as part of the approved project budget; and
- C) That the Regional Chair and Clerk be authorized to execute all documents associated with the agreement.
4. Sole Source Award and Approval for the Unbudgeted Capital Purchase of a Xylem Pump for the Harmony Creek Sanitary Sewage Pumping Station, in the City of Oshawa (2019-W-88)
- A) That approval be granted for the unbudgeted capital purchase of a Xylem Pump for the Harmony Creek Sanitary Sewage Pumping Station in the City of Oshawa, estimated at \$110,000\*;
- B) That the Regional Municipality of Durham enter into a sole source agreement with Xylem Canada Company for the supply of the Xylem Pump for the Harmony Creek Sanitary Sewage Pumping Station; and
- C) That financing in the amount of \$110,000 for the purchase be provided as follows:
- 2019 Works Sanitary Sewerage System Capital Budget as follows:
- |   |                         |
|---|-------------------------|
| Item #63 Raw Sludge Pumps Harmony Creek Water Pollution Control Plant – User Revenues | \$50,000                |
| Item #21 Digester Mechanical Repair Courtice WPCP - User Revenues                     | <u>60,000</u>           |
| <b>Total Reallocated Financing</b>  | <b><u>\$110,000</u></b> |
- (\*) before applicable taxes and including disbursements
5. Additional Information Regarding Imposition of a Maximum Chargeable Frontage Length for Sanitary Sewer and Water Supply Petition Projects (2019-W-89)

**The following recommendation is submitted for Council's consideration without recommendation:**

That the Regional Municipality of Durham maintain full cost recovery for petition projects as outlined in current policies and by-laws and not implement maximum chargeable frontage lengths.

6. Amendment and Extension of Lease for Premises with 1513072 Ontario Inc. at 234 King Street East, in the Municipality of Clarington for the Regional Municipality of Durham Social Services Department (2019-W-90)
- A) That the amendment and extension of lease for 180.254 square metres (1,940.3 square feet) of office space, being part of the building located at 234 King Street East, in the Municipality of Clarington be approved with the following terms and conditions:
- i) The term is for a period of two years commencing December 1, 2019, ending November 30, 2021, with an option to extend for an additional two years subject to the rental rate being negotiated;
  - ii) The annual rental rate for the two-year period of the lease is \$23,283.60\* based on a rate of \$129.17\* per square metre (\$12.00\* per square foot);
  - iii) The Region is responsible for all operating costs for the space;
  - iv) The Region is responsible for a proportionate share of any applicable property taxes; and
- B) That the Regional Chair and Clerk be authorized to execute all documents associated with the amendment and extension of lease agreement.  
(\* ) before applicable taxes in all instances
7. Award of Request for Proposal #1006-2019 for Engineering Services to Undertake the Detailed Design for the Gibb Street (Regional Road 59) – Olive Avenue (Regional Road 59) Connection, in the City of Oshawa and Expropriation of Lands Required for the Project (2019-W-91)
- A) That Request for Proposal #1006-2019 be awarded to R.V. Anderson Associates Limited to provide engineering services to undertake the detailed design for the Gibb Street (Regional Road 59) – Olive Avenue (Regional Road 59) Connection, in the City of Oshawa, with a total upset limit not to exceed \$996,932\* funded from the approved project budget of \$7,267,350;
- B) That the Commissioner of Finance be authorized to execute the engineering services agreement;
- C) That authority be granted to Regional Municipality of Durham staff to initiate Expropriation proceedings, if necessary, where negotiations are unsuccessful with respect to the property requirements for the Gibb Street (Regional Road 59) – Olive Avenue (Regional Road 59) Connection project in the City of Oshawa as are generally depicted in Attachment #1 to Report #2019-W-91 of the Commissioner of Works, and for such other property

requirements as may be determined and identified by Regional Municipality of Durham staff required for the project;

- D) That authority be granted to Regional Municipality of Durham staff to serve and publish Notices of Application for Approval to Expropriate the property requirement as described in Recommendation C) in Report #2019-W-91, and to forward to the Chief Inquiry Officer any requests for hearing that are received, to attend the hearings to present the Regional Municipality of Durham's position, and to report the Inquiry Officer's recommendations to Regional Council for its consideration;
- E) That authority be granted to the Regional Clerk and Regional Chair to execute any notices and forms as may be statutorily mandated by the Expropriations Act R.S.O. 1990, c. E.26 to give effect to Recommendation D) in Report #2019-W-91, including the Notices of Application of Approval to Expropriate; and
- F) That all agreements and reports required for amicable property acquisitions and all agreements and reports required for settlements pursuant to the Expropriations Act R.S.O. 1990, c. E.26 related to the acquisition of property for the construction of road improvements required as part of the Gibb Street (Regional Road 59) – Olive Avenue (Regional Road 59) Connection project in the City of Oshawa remain confidential on a go-forward basis in accordance with Section 239 (2)(c) of the Municipal Act as it relates to a proposed or pending acquisition or disposition of land for Regional Corporation purposes, and only be released publicly by the Commissioner of Works once all claims for compensation have been resolved on a complete and full and final basis.  
(\* ) before applicable taxes and includes disbursements

8. Approval to Award a Sole Source Agreement for Annual Vehicle Hoist Inspection and Periodic Preventative Maintenance of Steril Koni Vehicle Hoists in Use at the Durham Region Transit Facilities (2019-W-92)

- A) That a sole source agreement be authorized to Novaquip Lifting Systems to perform annual vehicle hoist inspection and manufacturer recommended preventative maintenance effective January 1, 2020 for a term not to exceed six (6) years to ensure safety and reliability of the vehicle hoists at the Durham Region Transit facilities at an estimated total contract value of \$311,175\* for a period of six years; and
- B) That the Commissioner of Finance be authorized to execute the necessary documents related to this sole source agreement.  
(\* ) before applicable taxes

9. Amendments to Regional Traffic and Parking By-Law #44-2006 (2019-W-93)

- A) That Corporate Services - Legal Services be directed to prepare a by-law to amend By-Law #44-2006, generally in the form included as Attachment #1 to Report #2019-W-93 of the Commissioner of Works, for presentation to Regional Council for consideration; and
- B) That staff be authorized to take all steps required and necessary to implement the amendments contemplated to By-Law #44-2006 as indicated in the form included as Attachment #1 to Report #2019-W-93.

10. Sole Source Engineering Services Agreement for the Class Environmental Assessment and Preliminary Design of Bloor Street East (Regional Road 22) from East of Harmony Road South (Regional Road 33) to Grandview Street South, in the City of Oshawa (2019-W-94)

- A) That the Regional Municipality of Durham enter into a sole source engineering services agreement with AECOM Canada Limited to undertake the Class Environmental Assessment and Preliminary Design of Bloor Street East (Regional Road 22) from east of Harmony Road South (Regional Road 33) to Grandview Street South, in the City of Oshawa at an amount not to exceed \$602,160\*; and
- B) That the funding for the project in the amount of \$602,160 be provided as outlined below:

Residential Roads Development Charges	\$415,490
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Commercial Roads Development Charges	48,173
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At the discretion of the Commissioner of Finance (non-DC portion)	<u>138,497</u>
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<b>Total</b>	<b><u>\$602,160</u></b>
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(\*) before applicable taxes and including disbursements

11. Approval of Pre-Qualified Consultants resulting from Pre-Qualification #1002-2019 for Consulting Services for Preliminary and Detailed Design of Segments of Whites Road (Regional Road 38), from Finch Avenue (Regional Road 37) to Taunton Road (Regional Road 4), in the City of Pickering (2019-W-95)

- A) That in accordance with Request for Pre-Qualification #1002-2019, the following consultants be pre-qualified for preliminary and detailed design of segments of Whites Road (Regional Road 38), from Finch Avenue (Regional Road 37) to Taunton Road (Regional Road 4), in the City of Pickering:
  - CH2M Hill Canada Ltd. (operating as Jacobs)
  - GHD Limited

- HDR Corporation
  - R.V. Anderson Associates Limited; and
- B) That the Request for Proposal documents for preliminary / detail design of the Whites Road (Regional Road 38) Realignment, from 300 metres south of Pickering Concession Road 3 to Taunton Road (Regional Road 4), including any preliminary design of Whites Road (Regional Road 38) from Finch Avenue (Regional Road 37) to 300 metres south of Concession Road 3 which is required to facilitate this design, be issued only to the above noted consultants.
12. Class Environmental Assessment to Assess Outfall Capacity Limitations at the Duffin Creek Water Pollution Control Plant – Minister of the Environment Conservation and Parks Decision ([2019-W-96](#))
- That Regional staff implement the conditions imposed by the Minister of the Environment Conservation and Parks decision regarding the Class Environmental Assessment to Assess Outfall Capacity Limitations at the Duffin Creek Water Pollution Control Plant in the City of Pickering in collaboration with the Region of York, Town of Ajax and the City of Pickering.
13. Lead Water Service Replacement and Lead Monitoring Programs – The Regional Municipality of Durham ([2019-W-97](#))
- That Report #2019-W-97 of the Commissioner of Works be received for information.
14. Extension of the York Durham Sewage System Operating Agreement ([2019-W-99](#))
- A) That the current York Durham Sewage System Operating Agreement between the Regional Municipality of Durham and the Regional Municipality of York for the operations of the York Durham Primary System components be extended for a six-month term commencing January 1, 2020 under the existing terms; and
- B) That the Regional Chair and Clerk be authorized to execute the associated documents related to a six-month extension of the current York Durham Sewage System Operating Agreement.
15. Acquisition of Property Required for the Expansion of Sanitary Sewerage Services in the Township of Brock (Cannington) ([2019-W-100](#))
- A) That the purchase agreement for the expansion of sanitary sewerage services in the Township of Brock (Cannington) be approved:

2382109 Ontario Inc.	12 Laidlaw Street North	\$895,000
	Part of Lot 21, Concession 12	
	Brock	

- B) That financing for the acquisition be provided at the discretion of the Commissioner of Finance; and
  - C) That the Regional Chair and Clerk be authorized to execute all documents associated with the agreement.
16. Confidential Report of the Commissioner of Works – Litigation or Potential Litigation, including matters before Administrative Tribunals, affecting the Regional Corporation, with Respect to Settlement Agreement for a Claim under Section 1(1) of the Expropriations Act, R.S.O. 1990, c. E.26, Related to the Replacement of Watermains and Sanitary Sewers and the Construction of a Cycle Track on Athol Street East, in the City of Oshawa (2019-W-87)

That the recommendations contained in Confidential Report #2019-W-87 of the Commissioner of Works, be adopted.

Respectfully submitted,

D. Mitchell, Chair, Works Committee

## **Report #7 of the Committee of the Whole**

For consideration by Regional Council

December 18, 2019

The Committee of the Whole recommends approval of the following:

1. 2020 Water Supply and Sanitary Sewerage Strategic Issues and Financial Forecast ([2019-COW-32](#))

That the 2020 Water Supply and Sanitary Sewerage Strategic Issues and Financial Forecast be received and forwarded to the 2020 Business Planning and Budget deliberations for Water Supply and Sanitary Sewerage Services, including the practice of using existing asset management reserve funds, based on asset management best practices to address the needs of the Regional water supply and sanitary sewer systems.

2. Recommended 2020 Water and Sanitary Sewer User Rates ([2019-COW-33](#))

- A) That the 2020 Regional water rates increase by 2.3% and Regional sanitary sewer rates increase by 2.3% from the 2019 user rate levels as set out in Schedule 1 and Schedule 2, as amended, respectively to Report #2019-COW-33 (attached), effective January 1, 2020 (increase for an average residential customer of 2.3%);
- B) That the 2020 Raw Water rates for the Whitby raw water customers be increased by 5.0% as set out in Schedule 1 to Report #2019-COW-33 (attached), effective January 1, 2020;
- C) That the 2020 water charges for the Sun Valley Heights Homeowners Co-operative Water System be as set out in Schedule 3 to Report #2019-COW-33 (attached), effective January 1, 2020;
- D) That the 2020 Regional Water and Sanitary Sewer Systems Miscellaneous Fees and Charges be as set out in Schedule 4 to Report #2019-COW-33 (attached), effective January 1, 2020;
- E) That the 2020 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 #2019-COW-33 (attached), effective January 1, 2020;
- F) That the Director of Legal Services be instructed to prepare the necessary by-laws to implement the foregoing recommendations; and

- G) That the Commissioner of Finance be authorized to make the necessary changes to the proposed financing of the gross expenditures for the 2020 Sanitary Sewerage Business Plans and Budgets, outlined in Report #2019-F-52 as required by the amendment to the recommended User Rate increase, including additional contributions from reserve and reserve funds, with a subsequent information report to be provided.
3. Oral Health Clinic Relocation and Expansion to Meet the Needs of the Ontario Senior Dental Care Program (2019-COW-34)
- A) That That authorization be granted to proceed with a competitive process and award a contract to retain a consultant in accordance with Purchasing By-Law #68-2000, as amended, to determine detailed capital costs to relocate and expand the current Oral Health Clinic from the Whitby Mall at 1615 Dundas St. E. in the Town of Whitby to the Midtown Centre at 200 John St. W. in the City of Oshawa to accommodate up to 4,000 new low-income senior clients;
- B) That financing for the cost of the consultant be funded from within the 2019 approved 100 per cent Provincial operating funding for the Ontario Seniors Dental Care Program as articulated in the 2019 Public Health Funding and Accountability Agreement;
- C) That authorization be granted to negotiate a lease agreement with 2381502 Ontario Inc., o/a Midtown Centre to relocate the Oral Health Clinic, conditional upon funding approval from the Province for capital costs related to the Ontario Seniors Dental Care Program and Council approval;
- D) That the pre-consultant estimated cost of \$2.3 million to relocate and expand the Oral Health Clinic be included for consideration in the 2020 Health Department Business Plans and Budget to be funded from anticipated Provincial capital funding;
- E) That beginning the work to relocate and expand the Oral Health Clinic be subject to Provincial funding and Council approval; and
- F) That the Commissioner of Finance be authorized to execute any necessary Agreements.
4. Authorization to Initiate a Comprehensive Review for the Design of a Proposed Community Improvement Plan for Durham Region (2019-COW-35)
- A) That funding in the amount of \$125,000 for consulting services in support of a comprehensive review for the design of a proposed Regional Community Improvement Plan be included for consideration as part of the Region's 2020 Business Planning and Budgeting process;



- B) That subject to budget approval, that Regional staff be authorized to commence the process for developing a Regional Community Improvement Plan, as authorized under Section 28 of the Planning Act; and
- C) That Report #2019-COW-35 be circulated to Durham Region's local area municipalities for information.

Respectfully submitted,

J. Henry, Regional Chair and CEO

## Other Business

December 18, 2019

- 11.1 Investigation Report dated September 30, 2019 from Deborah Anschell, ADRO Investigator, ADR Chambers Ombuds Office, re: [Complaint Reference Number MUN-301-0618](#)
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Recommendations to Council: Motion for direction

(See attached report on pages 59 - 63)

- 11.2 Ombudsman Investigation Report – Complaint Reference Number: [MUN-301-0618 \(2019-W-101\)](#)
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Recommendations to Council:

- A) That the recommendations within the Investigation Report for Complaint Reference Number: MUN-301-0618 not be implemented;
- B) That the Region's Water Supply System By-law #89-2003 and Sanitary Sewer System By-law #90-2003 continue to be applied for all work on private property; and
- C) That ADR Chambers Ombudsman's Office be so advised.

(See attached report on pages 64 - 69)

- 11.3 Repeal and Replacement of Durham Region Transit By-law No 27-2007, as amended ([2019-DRT-26](#))
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**Recommendations to Council:**

- A) That the current Durham Region Transit Commission By-law No. 27-2007, as amended by By-law No. 23-2018 and By-law No. 07-2019, be repealed; and**
- B) That a new Durham Region Transit Commission By-law for the purpose of operating the Regional transit system known as Durham Region Transit (DRT), generally in the form as set out in Report #2019-DRT-26 of the General Manager of Durham Region Transit, be approved.**



## INVESTIGATION REPORT

**Complaint Reference Number: MUN-301-0618**

**Complaint Opened: July 16, 2018**

**Date Required Information Received: January 17, 2019**

**Report Date: September 30, 2019**

**Investigator: Deborah Anschell**

### Complaint

This Complaint relates to the Regional Municipality of Durham (“Durham Region”). The Complainant previously received a letter from Durham Region indicating that Durham Region was planning to remove the existing sewer system and water lines in his area. The project was a Town of Whitby project for the reconstruction of James Street. Six months later, the Complainant received correspondence advising that lead was found in the water service line. The Complainant was subsequently advised that the water service line is on his private property, and therefore he was responsible for the replacement cost. The Complainant maintains that Durham Region should look after the connection costs.

### Durham Region’s Response

Durham Region states that the Complainant needs to replace existing water service pipes on private property that contain lead. Furthermore, the water sample test results do not confirm that the lead in the Complainant’s water supply is at a dangerous level.

### ADR Chambers Ombuds Office Investigation

We reviewed the documentation provided by the Complainant and conducted telephone interviews with the Complainant and the Director, Environmental Services, Durham Region (“Director”).

### ADR Chambers Ombuds Office Analysis

The essence of the Complainant’s position is stated in his Complaint Submission Form dated July 11, 2018. The Complainant advised that on June 30, 2016 he and others on his street received a letter advising that the Town of Whitby was proposing the reconstruction of James Street from King Street to Centre Street in 2018. This communication also indicated that this work would include the replacement of the watermain and sanitary sewer, as required by Durham Region.

On November 29, 2016 the Complainant and his neighbors received communication that stated as follows:

“As part of the Town of Whitby James Street Reconstruction project, the Region of Durham is proposing to construct a new sanitary sewer on James Street, from King Street to Centre Street. We want to eliminate the rear yard sanitary sewer connections presently on your homes and connect them to the proposed sanitary sewer on James Street. We will be required to obtain basement floor elevations in your home and will need access to your property and basement to obtain this information.

We need to determine the elevation of your basement floor and location of your sanitary cleanout to complete the study, we need to set up a time with you to complete these measurements. Please call Kevin Johnston at the telephone number noted below to set up a convenient time for entry into your home. Kevin may also knock on your door if he is in the area and you are home.”

In late spring 2017, a representative from Durham Region came to the properties on James Street and had discussions with the residents informing them that the work was going forward, and they would need access to their driveways. .

In September 2017 when no construction had begun, the residents of James Street were told that the project had been postponed to the summer of 2018.

On January 8, 2018 the Complainant and his neighbors received correspondence advising that the water service connection from the watermain to his home was made of lead material. The correspondence advised that Durham Region was currently installing new watermain and sanitary sewers along James Street. The residents on James Street were advised to replace the portion of the watermain that they owned, between the property line and their water meters.

The Complainant and his neighbors on James Street are of the view that the costs should not fall upon them to replace the existing infrastructure.

According to the Complainant, on May 22, 2018 two representatives from Durham Region met with the Complainant and his neighbor. During this meeting they were told that the previous project did not exist. When the Complainant provided some confirming information, a representative of Durham Region indicated that they would not work on private property. Durham Region denies that the statement “the project did not exist” was made.

On May 24, 2018 Durham Region had a representative attend at the Complainant’s home to test the water for lead. The Complainant’s position is that the results of this testing were invalid because the inspector ran the water for thirty minutes before taking the samples. The Complainant subsequently had his own testing done, and the results were different than that obtained by Durham Region.

The Complainant summarized his Complaint as follows:

1. The residents of James Street note that the water line has been used and serviced by Durham Region for the past seventy years. Accordingly, Durham Region should rectify any issues and incur the cost.
2. The James Street residents believe there was a misrepresentation by Durham Region.

3. Finally, the lead piping that services these homes is the Region's responsibility. The residents pay for clean safe drinking water, and sewer systems as part of their taxes. The Complainant believes that the way the lead testing was performed did not produce an accurate result.

The essence of Durham Region's position can be found in the Director's email communication of July 10, 2018. The Director noted that the existing water service connection services five homes and is not compliant with current standards. The Region found that the existing water service is made of lead material. The Director recommended that the Complainant replace the existing water service pipe on the Complainant's private property. Based on the Regional Water Supply By-Law, the property owner is responsible for the water service pipes on private property. In conjunction with the reconstruction of James Street, new water and sanitary sewer connections were installed along the James Street right of way.

The Director apologized for the earlier representations made that led the Complainant to believe that the Region would connect the water services from his home to the water line at the front of his property. The Director advised me that the original project was not postponed; it was always intended to be completed in 2018, subject to council approval. In fact, it was completed in 2018. Further, the Director advised that when he apologized, he did not have all the project information, nor had he had an opportunity to speak with staff. He listened to the Director's concerns and ensured him that he would follow up and respond.

With respect to the Region's water sampling procedures, the Director advised that the Region took two water samples from the Complainant's property and the results for lead from these tests were 4.9 ug/l and 4.6 ug/l. The sample results that the Complainant obtained privately were 5.84 ug/l and 3.72 ug/l. These results were very similar. The Region followed the procedure found in O.Reg 170. The Director noted that Durham Region's staff followed the Region's Water Supply By-Law. Further, the quantity of lead met the requirements stipulated in the Health Canada guideline, that indicates that lead should be less than 5 ug per litre.

I spoke directly to both the Complainant and the Director. The Director referenced the November 29, 2016 Notice provided to residents. He acknowledged that this was a miscommunication, and he had previously apologized to the Complainant for the Region's error. The Director advised that for the James Street residents, they had the option of continuing with the non-standard service from their respective backyards or paying for a connection to the front of their homes.

In our discussion, the Complainant advised that he estimated the cost to be \$30,000 - \$40,000 for each home on James Street. On the other hand, the Director has suggested that the typical average estimate to install a standard size service pipe on private property will range from \$5000 to \$15,000 subject to property landscaping and constraints. In order to conduct a proper estimate, a plumber and contractor would need to visit the property.

In addition to speaking with the Complainant and the Director, I have reviewed By-Law Number 89-2003, as Amended. Part V of the By-Law deals with the Connection to the Regional Water Supply System. Section 23 (9) provides as follows:

*“(9) Where the Region replaces a substandard Water Service Connection as part of a construction project, the Consumer shall be responsible for the cost of replacing the Service Pipe and shall have a period of thirty days from the date of written notice from the Commissioner of Works to connect the Consumer’s building to the new Water Service connection.”*

Section 24 of the By-Law provides as follows:

*“24. The Consumer shall be responsible for the installation of a Service Pipe.”*

Service Pipe is a defined term in the By-Law and means “*that part of a Water Service from the street line, property line or easement limit to a building*”.

Based on this analysis, Durham Region has correctly applied the By-Law to insist that the Complainant pay for any water service from the street or property line to his home. It appears clear that Durham Region must pay for replacing the water line on the Region’s side of the property line, with property owners having the responsibility to pay for the portion on their side of the property line.

With respect to the issue of the level of lead in the Complainant’s drinking water, I am not satisfied based on a balance of probabilities that the level is at a dangerous level. I accept the Director’s information that the level of lead in the Complainant’s drinking water complies with national guidelines in place, and below the provincial water quality standards.

However, on the other hand, I am concerned that there was initially a misrepresentation made to the Complainant and his neighbors on James Street with respect to who would look after the water connection to his home. Certainly, in the communication of November 29, 2016 the Complainant was advised that Durham Region would be providing a new sanitary sewer connection at the front of his property. Thus, he was led to believe that this work would be done at no cost to himself. This was further confirmed in the spring of 2017 when a representative of the Region visited the Complainant’s property to inform the James Street residents that the Region would be removing their driveways and replacing the infrastructure.

Had the Complainant understood from the outset that it was his responsibility to pay for replacing the service line on his side of his property, he may have put into place a plan to have his service line replaced while Durham Region was undertaking its work. I understand from the Director’s communication to the Complainant that new water and sanitary sewer connections have already been installed along the James Street right of way.

The Director has acknowledged the initial representations made to the Complainant with respect to who would pay for the new water and sanitary sewer connections on his property and has apologized. It is my view that the Complainant was harmed by Durham Region’s representations, when he did not undertake to replace the connections on his property when the Region was undertaking its work.

In balancing the strict wording of the By-Law, together with the harm caused by Durham Region’s representations, I find that there should be a cost-sharing with respect to the work on the Complainant’s property. I find that Durham Region and the Complainant should share equally in the cost to connect the Complainant’s home to the Durham water and sewer supply at the front of his property. In other words, the Complainant should receive a 50% subsidy for the cost of a new Service Pipe on his property.

I would also recommend that Durham Region provide assistance if the Complainant requests such assistance with respect to arranging for and facilitating the work by a general contractor.

**Recommendation**

My recommendation is that Durham Region will pay half of all of the Complainant's expenses relating to the installation of new copper service lines between the property line and the Complainant's water meter.

Deborah Anschell  
Investigator

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



# The Regional Municipality of Durham Report

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To: Regional Council  
From: Commissioner of Works  
Report: [#2019-W-101](#)  
Date: December 18, 2019

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**Subject:**

Ombudsman Investigation Report - Complaint Reference Number: MUN-301-0618

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**Recommendations:**

That Regional Council recommends that:

- A) The recommendations within the Investigation Report for Complaint Reference Number: MUN-301-0618 not be implemented;
  - B) The Region's Water Supply System By-Law #89-2003 and Sanitary Sewer System By-Law #90-2003 continue to be applied for all work on private property; and
  - C) That ADR Chambers Ombudsman's Office be so advised.
- 

**Report:**

**1. Purpose**

- 1.1 The purpose of this report is to provide Regional Council with further details and comments regarding the findings of the Ombudsman's Investigation Report for Complaint Reference Number: MUN-301-0618.

**2. Background**

- 2.1 On October 23, 2019, Regional Council referred Investigation Report for Complaint Reference Number: MUN-301-0618 to staff for a report.



- 2.2 The complaint originates from a resident (Complainant) who is advocating the position that the Regional Municipality of Durham (Region) is responsible for the full cost for the replacement of a water service connection on private property made of lead.

### **3. James Street Road Reconstruction Project**

- 3.1 The Town of Whitby (Town) planned the reconstruction of James Street. This project was coordinated with the Region to plan for the replacement of the sanitary sewer and watermain on James Street. The services were previously installed on an easement through the rear of the yards.
- 3.2 Residents on James Street were informed of the project in June 2016 by the Town for planned construction in 2018. In November 2016, the Region followed with a notice related to conducting survey work to confirm the basement elevations for the design of the sanitary sewer.
- 3.3 In 2017 survey field work and detailed design was completed on the James Street project by both the Town and the Region.
- 3.4 In January 2018, the Region notified residents on James Street that their common water service connections were made of lead. The risk of exposure and a resource source was provided to each resident. The Region strongly encouraged that the water service connections on private property be replaced. Each resident was provided contact information to receive a free certified water filter to reduce existing levels of lead from their plumbing system. In addition, the Region offered to conduct free water samples to indicate the lead levels for the individual homes. The Complainant was provided a certified filter on January 8, 2018.
- 3.5 In May 2018, the Complainant contacted the Region to undertake a water sample at their home. Water testing was completed by the Region with samples taken at the Complainant's home by a certified Water Quality Analyst following the procedure found in O.Reg. 170. The samples were tested at an accredited laboratory under Provincial legislation. The Region took two water samples at the home; the results of the tests for lead were 4.9  $\mu\text{g/l}$  and 4.6  $\mu\text{g/l}$  (microgram per litre - $\mu\text{g/l}$ ). The Ontario water standard for lead is 10  $\mu\text{g/l}$ , and the Health Canada Guideline in 2018 was 10  $\mu\text{g/l}$ .
- 3.6 Further communication occurred between the Complainant and several Regional staff regarding the construction of municipal services, water sampling and the Regional Water Supply By-law.

3.7 The Complainant undertook their own independent water sampling and testing. The results of these tests were 5.84  $\mu\text{g/l}$  and 3.72  $\mu\text{g/l}$  and therefore, were very similar and confirmed the Region's previous results.

3.8 In June 2018, the Complainant submitted a complaint against the Region.

3.9 In July 2018, the Region responded to the complaint. The Complainant was not satisfied with the Region's response and referred the complaint to the Region's Ombudsman, ADR Chambers. A file was opened on the complaint and an investigation was initiated.

#### **4. Investigation Report**

4.1 Between July 2018 and September 2019, the Region's Ombudsman completed an investigation related to the complaint noted above.

4.2 The investigation was conducted through the submission of documents by the Region and the Complainant. Interviews were conducted with the Works Department's Director of Environmental Services and the Complainant. An initial report on the findings of the investigation was provided to the Region in April and in June of 2019.

4.3 The Region commented on both versions of the initial findings and reports. The comments from Regional staff included the clarification of information presented, the concerns with regards to misinterpretation of project communications, the requirements of the Regional Water Supply By-Law #89-2003 and the recommendations presented by the Ombudsman.

4.4 The Ombudsman's report concluded that harm was caused by the Region, finding that the Region misrepresented who would be responsible for the cost of the water connection. The report recommends that the Complainant should receive a 50 per cent subsidy for the cost of replacing the existing lead water service pipe and sanitary sewer connection on private property to facilitate the connection to both services now available at the front of the property.

#### **5. Regional Response to Investigation Report**

5.1 Further to a review of the project file and staff interviews, Regional staff do not concur with the conclusions and recommendation within the Ombudsman's Investigation Report related to Complaint Reference Number: MUN-301-0618 dated September 30, 2019.

5.2 The following provides the Region's comments on the contents of the investigation report:

- a) The statement that the Complainant's lead sampling and testing results did not produce an accurate result is not correct. The two tests produced similar results, demonstrating that the level of lead in the Complainant's drinking water was well below the guideline levels.
- b) The Region does not agree that there was a misrepresentation of information to the Complainant. As previously commented to the investigator, the Region's notice dated November 29, 2016 does not make any reference to water service connections, or any reference that the Region would replace water services on private property. This notice refers exclusively to obtaining survey information related to the sanitary sewer connection design relocation from the rear yard. In addition, when the lead service was found, the Complainant was notified and advised to replace the portion of the water service that they owned, between the property line and their water meter, as the Region was installing a new watermain with copper connections on James Street. This correspondence clearly indicated the responsibility for costs.
- c) The Region identified to the Complainant in January 2018 that there was a lead service pipe servicing the property. Based on the project schedule information made available to the property owner, there was ample time to coordinate work on private property with the construction of a new water service connection on James Street in the Spring and Summer of 2018. This fact does not support the recommendations of the investigator's report.
- d) The Complainant made the decision to continue using the existing lead service connection. The investigation report notes, "With respect to the issue of the level of lead in the Complainant's drinking water, I am not satisfied based on a balance of probabilities that the level is at a dangerous level. I accept the Director's information that the level of lead in the Complainant's drinking water complies with national guidelines in place and below the provincial water quality standards." This statement does not support the recommendations of the report.

- e) The investigation report notes, “Based on this analysis, Durham Region has correctly applied the By-Law to insist the Complainant pay for any service from the street or property line to his home. It appears clear that Durham Region must pay for replacing the water line on the Region’s side of the property line, with property owners having the responsibility to pay for the portion on their side of the property line.” This statement does not support the recommendations of the report.
- f) The Region does not agree with the report’s conclusion that harm was caused. The drinking water is within safe levels and a new copper service connection has been made available to the property owner should they choose to connect in accordance with the Region’s by-law requirements. The Complainant was notified upon discovery of the lead service connection and had ample time to make arrangements to connect to the new watermain and water service installed on James Street.

## **6. Conclusion**

- 6.1 Based on the review of the Investigation Report for the Complainant, Regional staff do not recommend the implementation of the report’s recommendation of the Region providing a 50 per cent subsidy from user rate customers to fund the replacement of the water service pipe or a new sanitary sewer connection on private property owned by the Complainant.
- 6.2 Regional Council has denied similar requests where property owners have asked for a subsidy to replace water service pipes on private property due to the material used such as lead, galvanized steel or polybutylene.
- 6.3 To ensure a consistent application of Regional policy, it is recommended that the Region’s Water Supply System By-Law #89-2003 and Sanitary Sewer System By-Law #90-2003 continue to be applied for all work on private property.

6.4 For additional information, please contact John Presta, P.Eng., Director, Environmental Services Branch, at 905-668-7711, extension 3520.

Respectfully submitted,

**Original signed by**

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Susan Siopis, P.Eng.  
Commissioner of Works

Recommended for Presentation to Committee

**Original signed by**

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Elaine C. Baxter-Trahair  
Chief Administrative Officer