



## Official Notice

### Meeting of Regional Council

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

**Wednesday, December 16, 2020**

**9:30 AM**

Please note: In an effort to help mitigate the spread of COVID-19, and to generally comply with the directions from the Government of Ontario, it is requested in the strongest terms that Members participate in the meeting electronically. Regional Headquarters is closed to the public, all members of the public may view the Committee meeting via live streaming, instead of attending the meeting in person. If you wish to register as a delegate regarding an agenda item, you may register in advance of the meeting by noon on the day prior to the meeting by emailing [delegations@durham.ca](mailto:delegations@durham.ca) and will be provided with the details to delegate electronically.

**1. Traditional Territory Acknowledgement**

**2. Roll Call**

**3. Declarations of Interest**

**4. Adoption of Minutes**

- 4.1 Regional Council meeting – November 25, 2020 Pages 5 - 32
- 4.2 Committee of the Whole meeting – December 9, 2020 Under Separate Cover

**5. Presentations**

- 5.1 Video Presentation of Children from Various Early Learning Child Care Centres Singing Christmas Songs for Council
- 5.2 Chief Todd Rollauer, Durham Regional Police Services, re: Quarterly Update to Regional Council

## 6. Delegations

- 6.1 Susan deRyk, Interim President & Chief Executive Officer, Lakeridge Health re: Lakeridge Health Master Plan and Bowmanville Hospital Redevelopment

## 7. Reports related to Delegations/Presentations

There are no reports related to Delegations/Presentations

## 8. Communications

- CC 60 Correspondence from June Gallagher, Municipal Clerk, Municipality of Clarington, dated November 26, 2020 re: Amendment to Clarington's Support of a Ministerial Zoning Order (MZO) Changing the Zoning of 2423 Rundle Road Bowmanville Page 33

## 9. Committee Reports

- 9.1 Finance and Administration Committee Pages 43 - 47
- 9.2 Health and Social Services Committee Page 48
- 9.3 Planning and Economic Development Committee Page 49
- 9.4 Works Committee Pages 50 - 51
- 9.5 Committee of the Whole Pages 52 - 53

## 10. Notice of Motions

- 10.1 Regulatory Framework to Manage the Operation of Anaerobic Digestion Facilities Pages 54 - 55
- 10.2 Beaverton Supportive Housing Community Liaison Committee Page 55

## 11. Unfinished Business

- 11.1 Private Request for a Minister's Zoning Order to Permit a Home Hardware Building Centre in the Rural Area at the Southeast Corner of Rundle Road and Regional Highway 2 in the Municipality of Clarington (2020-P-25) Page 56

**12. Other Business**

- 12.1 Response to November 25, 2020 Notice of Motion regarding Minister's Zoning Orders (2020-P-30) Page 57
- 12.2 Pickering-Uxbridge Broadband Fibre Trunk Project (2020-EDT-11) Under Separate Cover

**13. Announcements**

**14. By-laws**

- 55-2020 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 2021.  
  
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 December 16, 2020
- 56-2020 Being a by-law to requisition, on an interim basis, from the lower-tier municipalities before the adoption of the 2021 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 2020.  
  
This by-law implements the recommendations contained in Item #2 of the 9<sup>th</sup> Report of the Finance & Administration Committee presented to Regional Council on December 16, 2020
- 57-2020 Being a by-law to approve and adopt the 2021 Business Plans and Budgets for Water purposes in the amount of \$153,588,765.  
  
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 December 16, 2020
- 58-2020 Being a by-law to approve and adopt the 2021 Business Plans and Budgets for Sanitary Sewage purposes in the amount of \$233,741,043.

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 December 16, 2020

59-2020 Being a by-law to amend the by-law respecting the Water Supply System in the Regional Municipality of Durham and the establishment of water rates and water charges and being By-law No. 89-2003 of The Regional Municipality of Durham.

This by-law implements the recommendations contained in Item #4 of the 9<sup>th</sup> Report of the Finance & Administration Committee presented to Regional Council on December 16, 2020

60-2020 Being a by-law to amend the by-law respecting the Water Pollution Control System and the Storm Sewer System in the Regional Municipality of Durham and the establishment of sewer surcharge rates and sewer charges and being By-law No. 90-2003 of The Regional Municipality of Durham.

This by-law implements the recommendations contained in Item #4 of the 9<sup>th</sup> Report of the Finance & Administration Committee presented to Regional Council on December 16, 2020

## 15. Confirming By-law

61-2020 Being a by-law to confirm the proceedings of Regional Council at their meeting held on December 16, 2020

## 16. Adjournment

Notice regarding collection, use and disclosure of personal information:

Written information (either paper or electronic) that you send to Durham Regional Council or Committees, including home address, phone numbers and email addresses, will become part of the public record. This also includes oral submissions at meetings. If you have any questions about the collection of information, please contact the Regional Clerk/Director of Legislative Services.

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

## **The Regional Municipality of Durham**

### **MINUTES**

#### **REGIONAL COUNCIL**

**Wednesday, November 25, 2020**

The Council of The Regional Municipality of Durham met in the Council Chambers, Regional Headquarters Building, 605 Rossland Road East, Whitby, Ontario at 9:30 AM. Electronic participation was offered for this meeting.

Regional Chair Henry assumed the Chair.

#### **1. Traditional Territory Acknowledgment**

Regional Chair Henry read the following land acknowledgement:

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

#### **2. Roll Call**

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

Councillor Anderson  
Councillor Ashe  
Councillor Barton  
Councillor Carter  
Councillor Chapman  
Councillor Collier  
Councillor Crawford  
Councillor Dies  
Councillor Drew  
Councillor Foster  
Councillor Highet  
Councillor Kerr  
Councillor Lee  
Councillor Marimpietri  
Councillor McLean  
Councillor Mitchell  
Councillor Mulcahy  
Councillor John Neal  
Councillor Joe Neal

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

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

Councillor Bath-Hadden was absent due to illness

Councillor Schummer appeared on behalf of Councillor Bath-Hadden as the alternate for the Township of Brock

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

Councillor Foster made a declaration of interest under the Municipal Conflict of Interest Act with respect to CC 48: Confidential Memorandum from Jason Hunt, Director of Legal Services, dated November 13, 2020 re: Mixed Waste Transfer and Pre-Sort Anaerobic Digestion Facility, Clarington Host Community Agreement Dispute, and CC 59: Supplementary Confidential Correspondence from the Municipality of Clarington dated November 24, 2020 regarding the Mixed Waste Transfer and Pre-Sort Anaerobic Digestion Facility Host Community Agreement Dispute. He indicated that he had received advice from the Integrity Commissioner suggesting that he would be unable to separate his responsibilities as a Regional Councillor and a Municipal Councillor in the matter of receiving legal advice that is subject to solicitor-client privilege with respect to this matter.

Councillor Anderson made a declaration of interest under the Municipal Conflict of Interest Act with respect to CC 48: Confidential Memorandum from Jason Hunt, Director of Legal Services, dated November 13, 2020 re: Mixed Waste Transfer and Pre-Sort Anaerobic Digestion Facility, Clarington Host Community Agreement Dispute, and CC 59: Supplementary Confidential Correspondence from the Municipality of Clarington dated November 24, 2020 regarding the Mixed Waste Transfer and Pre-Sort Anaerobic Digestion Facility Host Community Agreement Dispute. He indicated that he had received advice from the Integrity Commissioner suggesting that he would be unable to separate his responsibilities as a Regional Councillor and a Municipal Councillor in the matter of receiving legal advice that is subject to solicitor-client privilege with respect to this matter.

Councillor Marimpietri made a declaration of interest under the Municipal Conflict of Interest Act with respect to the CC 48: Confidential Memorandum from Jason Hunt, Director of Legal Services, dated November 13, 2020 re: Mixed Waste Transfer and Pre-Sort Anaerobic Digestion Facility, Clarington Host Community Agreement Dispute and CC 59: Supplementary Confidential Correspondence from the Municipality of Clarington dated November 24, 2020 regarding the Mixed Waste Transfer and Pre-Sort Anaerobic Digestion Facility Host Community Agreement Dispute. He indicated that family members own property and reside in the area and may be affected by a private Anaerobic Digestion facility in the area.

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

Moved by Councillor Lee, Seconded by Councillor Marimpietri,  
(337) That the minutes of the Regular Regional Council meeting held on October 28, 2020 be adopted.

CARRIED

Moved by Councillor Marimpietri, Seconded by Councillor Leahy,  
(338) That the minutes of the Closed Regional Council meeting held on October 28, 2020 be adopted.

CARRIED

Moved by Councillor Pickles, Seconded by Councillor Drew,  
(339) That the minutes of the Regular Committee of the Whole meeting held on November 12, 2020 be adopted.

CARRIED

#### **5. Presentations**

##### **5.1 Marusia Laschuk, Director, Family Services and John Riches, Assistant Director and Deputy Chief, Paramedic Services re: Non-Police-Led Mental Health Mobile Crisis Response in Durham Region**

Marusia Laschuk, Director, Family Services and John Riches, Assistant Director and Deputy Chief, Paramedic Services provided a PowerPoint Presentation with regards to Non-Police-Led Mental Health Mobile Crisis Response in Durham Region.

Highlights of the presentation included:

- Motion to Investigate Non-Police-Led Crisis Response Team in the Durham Region
- DRPS – Oshawa Downtown Report – June 2020
- Mental Health 911 calls in Durham Region
- DRPS Mental Health Support Unit
- Non-Police-Led Mobile Crisis Response
  - What It Is

- Non-Police-Led Mobile Crisis Response Models
  - Why It Is Important
  - Typical Features
- PAM: Non-Police-Led Crisis Response Model (Primary Response)
- PAM: Efficacy
- CAHOOTS: Non-Police-Led Crisis Response Model (Primary Response)
- CAHOOTS: Efficacy
- STAR: Non-Police-Led Crisis Response Model (Primary Response)
- CHP: Non-Police-Led Crisis Response Model (Primary Response)
- MHART: Non-Police-Led Mobile Response
- MHART: Efficacy
- Next Steps – Planning/Priorities

J. Riches and N. Laschuk responded to questions from Council.

Moved by Councillor Collier, Seconded by Councillor Chapman,  
(340) That the agenda be altered in order to consider Council Correspondence Items CC 51, CC 52, CC 53, CC 54, and CC 55, and Notice of Motion Item 10.1, after Item 6.1 Delegations and with Item 7.1 Report #2020-P-26.

CARRIED

## 6. Delegations

- 6.1 Chris Darling, Chief Administrative Officer, Central Lake Ontario Conservation Authority re: Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures) – Changes to the Conservation Authorities Act and Planning Act (2020-P-26) [Reports related to Delegations/Presentations – Item 7.1]

Chris Darling, Chief Administrative Office, Central Lake Ontario Conservation Authority, appeared before Regional Council regarding Report #2020-P-26: Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures) – Changes to the Conservation Authorities Act and Planning Act.

C. Darling advised that Bill 229 through Schedule 6 proposes amendments to the Conservation Authorities Act, that will significantly hinder the ability of conservation authorities to protect development from natural hazards; and will create more red tape and costs for the conservation authorities, our municipal partners, while causing delays in the development process.



C. Darling highlighted the following concerns:

- The Province is proposing to allow the Minister to issue an order to take over and decide on permit applications for activities in regulated areas, similar to a Minister Zoning Order. This new proposed power to issue permits removes any transparency to the decision-making process and more importantly it removes local technically sound decision making that conservation authorities provide, putting people and property at risk to flooding and erosion
- The amendments also propose new appeal avenues for permit applications giving applicants the ability to appeal decisions to the Minister and the Local Planning Appeal Tribunal. These new appeal avenues will add complexity to the permitting process, add more red tape, result in delays in processing applications and increase conservation authority legal expenses
- Schedule 6 will remove the unproclaimed provision which would allow conservation authorities to issue stop work orders to persons carrying out activities that are contravening the Act
- The proposal to remove conservation authorities as public bodies under the Planning Act which means their ability to appeal planning decisions or be a party to a planning appeal is lost and CA's will no longer be able to participate in negotiated settlements
- Schedule 6 also includes a number of proposed clauses that allow the Minister to dictate standards and requirements for programs and services that Conservation Authorities provide on behalf of our municipal partners

C. Darling concluded that at the recent CLOCA Board of Directors meeting, they considered a staff report on Schedule 6 to Bill 229 and approved a resolution asking the Province to simply remove Schedule 6 from Bill 229.

C. Darling responded to questions from Council.

## **8. Communications**

CC 51 Alisa Mahrova, Clerk and Manager, Policy, Toronto and Region Conservation Authority, dated November 17, 2020 re: Impact of Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020

[See Motion (340) on page 4 of these minutes]

CC 52 Correspondence from Chris Darling, Chief Administrative Officer, Central Lake Ontario Conservation Authority re: Bill 229 An Act to implement Budget Measures and to enact, amend and repeal various statutes

[See Motion (340) on page 4 of these minutes]

CC 53 Correspondence from Mike Walters, Chief Administrative Officer, Lake Simcoe Region Conservation Authority re: Provincial Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020

[See Motion (340) on page 4 of these minutes]

CC 54 Correspondence from David Crombie, Chair, Greenbelt Council re: Removal of Schedule 6 from Ontario Bill 229

[See Motion (340) on page 4 of these minutes]

CC 55 Correspondence from Linda Laliberte, Chief Administrative Officer/Secretary-Treasurer, Ganaraska Region Conservation Authority re: Provincial Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020

[See Motion (340) on page 4 of these minutes]

## 10. Notice of Motions

### 10.1 Proposed Changes to the Conservation Authorities Act (Bill 229)

Councillors Collier and Dies advised they would not be proceeding with the Notice of Motion and the motion was WITHDRAWN.

## 7. Reports related to Delegations/Presentations

### 7.1 Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures) – Changes to the Conservation Authorities Act and Planning Act (2020-P-26) [CARRIED AS AMENDED] [SEE MOTION (342) ON PAGE 7]

Moved by Councillor Leahy, Seconded by Councillor Lee,

(341) A) That Report #2020-P-26 of the Commissioner of Planning and Economic Development be endorsed and submitted to the Minister of Environment, Conservation and Parks, and the Minister of Natural Resources and Forestry as Durham Region's response to Schedule 6 – Conservation Authorities Act, including the consequential amendment of the Planning Act, of Bill 229, Protect, Support and Recover from COVID-19 Act. Key recommendations are that the province:

- i) Reconsider the passing of Schedule 6 of Bill 229, Protect, Support and Recover from COVID 19 Act;
- ii) Work with the conservation authorities and municipalities to address their concerns related to the proposed amendments to the Conservation Authorities Act and the Planning Act, and then make a subsequent determination whether these changes need to be made;

- iii) Fund any non-mandatory programs or services that the Ministry of Natural Resources and Forestry puts forward in regulation, for the province's purposes, so that the funding commitment does not become the responsibility of the CA municipal funding partners;
  - iv) Have the CA Act specify that municipally elected officials appointed to the conservation authority Board of Directors must be representatives from the municipal corporations who are responsible for providing the funding to the conservation authority;
  - v) If Bill 229 with Schedule 6 is passed, provide a transition period until December 2022 to enable coordination of CA-municipal budget processes;
  - vi) Recognize the province's long-standing partnership with the conservation authorities and provide conservation authorities with the tools and financial resources they need to effectively implement their watershed management role; and
- B) That a copy of Report #2020-P-26 be forwarded to Durham's MPPs, Conservation Ontario, the Region's five partner conservation authorities and the area municipalities.

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

Moved by Councillor Chapman, Seconded by Councillor Mitchell,

(342) That the main motion (341) of Councillors Leahy and Lee be amended in Part A) i) to delete the words, "Reconsider the passing of" and to add the words, "be removed" to the end of the sentence, so that it now reads as follows:

- i) Schedule 6 of Bill 229, Protect, Support and Recover from COVID 19 Act, be removed;

CARRIED ON THE FOLLOWING RECORDED  
VOTE:

Yes

Councillor Anderson  
Councillor Barton  
Councillor Chapman  
Councillor Collier  
Councillor Crawford  
Councillor Dies  
Councillor Drew  
Councillor Foster  
Councillor Highet  
Councillor Kerr

No

Councillor Ashe  
Councillor Joe Neal  
Councillor Pickles  
Councillor Ryan  
Councillor Schummer

Councillor Leahy  
Councillor Lee  
Councillor Marimpietri  
Councillor McLean  
Councillor Mitchell  
Councillor Mulcahy  
Councillor John Neal  
Councillor Nicholson  
Councillor Roy  
Councillor Smith  
Councillor Wotten  
Councillor Yamada  
Regional Chair Henry

Members Absent: Councillor Carter

Declarations of Interest: None

The main motion (341) of Councillors Leahy and Lee was then put to a vote and  
CARRIED AS AMENDED ON THE FOLLOWING RECORDED VOTE:

Yes

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

No

Councillor Ashe  
Councillor Joe Neal  
Councillor Pickles  
Councillor Ryan  
Councillor Schummer

Members Absent: None

Declarations of Interest: None

## 8. Communications

CC 48 Confidential Memorandum from Jason Hunt, Director of Legal Services, dated November 13, 2020 re: Mixed Waste Transfer and Pre-Sort Anaerobic Digestion Facility, Clarington Host Community Agreement Dispute

Moved by Councillor Drew, Seconded by Councillor Smith,  
(343) That Council Correspondence CC 48 from Jason Hunt, Director of Legal Services, dated November 13, 2020 re: Mixed Waste Transfer and Pre-Sort Anaerobic Digestion Facility, Clarington Host Community Agreement Dispute be deferred until the end of the meeting.

CARRIED

CC 49 Correspondence from Kevin Ashe, Chair, Durham Regional Police Services Board, dated November 18, 2020 re: Durham Regional Police Services Action Plan for Enhancing Trust and Confidence in Policing in Durham Region

Moved by Councillor Crawford, Seconded by Councillor Kerr,  
(344) That Council Correspondence CC 49 from Kevin Ashe, Chair, Durham Regional Police Services Board, dated November 18, 2020 re: Durham Regional Police Services Action Plan for Enhancing Trust and Confidence in Policing in Durham Region, be referred to the new Diversity, Equity and Inclusion Division of the Chief Administrative Office and include discussions with local diversity groups.

CARRIED

CC 50 Don Beaton, Commissioner of Corporate Services, writing to Regional Chair Henry and Members of Regional Council regarding Follow-up to Report 2020-A-22: Additional Lieu Time in Compensation of Overtime – Management/Exempt – COVID-19 Related

Moved by Councillor Chapman, Seconded by Councillor Barton,  
(345) That Council Correspondence CC 50 from Don Beaton, Commissioner of Corporate Services, writing to Regional Chair Henry and Members of Regional Council regarding Follow-up to Report 2020-A-22: Additional Lieu Time in Compensation of Overtime – Management/Exempt – COVID-19 Related be referred to consideration of Report 2020-A-22.

CARRIED

- CC 51 Alisa Mahrova, Clerk and Manager, Policy, Toronto and Region Conservation Authority, dated November 17, 2020 re: Impact of Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures)

This item was considered with earlier in the meeting. See motion (340) on page 4 of these minutes.

- CC 52 Correspondence from Chris Darling, Chief Administrative Officer, Central Lake Ontario Conservation Authority re: Bill 229 An Act to implement Budget Measures and to enact, amend and repeal various statutes

This item was considered with earlier in the meeting. See motion (340) on page 4 of these minutes.

- CC 53 Correspondence from Mike Walters, Chief Administrative Officer, Lake Simcoe Region Conservation Authority re: Provincial Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures)

This item was considered with earlier in the meeting. See motion (340) on page 4 of these minutes.

- CC 54 Correspondence from David Crombie, Chair, Greenbelt Council re: Removal of Schedule 6 from Ontario Bill 229

This item was considered with earlier in the meeting. See motion (340) on page 4 of these minutes.

- CC 55 Correspondence from Linda Laliberte, Chief Administrative Officer/Secretary-Treasurer, Ganaraska Region Conservation Authority re: Provincial Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures)

This item was considered with earlier in the meeting. See motion (340) on page 4 of these minutes.

- CC 56 Correspondence from Linda Gasser, Whitby Resident re: Report #2020-A-22: Additional Lieu Time in Compensation of Overtime – Management/Exempt – COVID-19 Related

Moved by Councillor Chapman, Seconded by Councillor Drew,  
(346) That Council Correspondence CC 56 from Linda Gasser, Whitby Resident re: Report #2020-A-22: Additional Lieu Time in Compensation of Overtime – Management/Exempt – COVID-19 Related, be referred to consideration of Report 2020-A-22.

CARRIED

- CC 57 Confidential Memorandum from Jason Hunt, Director of Legal Services, dated November 25, 2020 re: Beaverton Supportive Housing Project Potential Litigation

Moved by Councillor Leahy, Seconded by Councillor Crawford,  
(347) That Council Correspondence CC 57 from Jason Hunt, Director of Legal Services, dated November 25, 2020 re: Beaverton Supportive Housing Project Potential Litigation be deferred until the end of the meeting.

CARRIED

- CC 58 Correspondence from Greg Milosh, Oshawa Resident re: Report #2020-A-22: Additional Lieu Time in Compensation of Overtime – Management/Exempt – COVID-19 Related

Moved by Councillor Chapman, Seconded by Councillor Mulcahy,  
(348) That Council Correspondence CC 56 from Greg Milosh, Oshawa Resident re: Report #2020-A-22: Additional Lieu Time in Compensation of Overtime – Management/Exempt – COVID-19 Related, be referred to consideration of Report 2020-A-22.

CARRIED

Moved by Councillor Kerr, Seconded by Councillor Drew,  
(349) That Council recess for 15 minutes.

CARRIED

Council recessed at 11:10 AM and reconvened at 11:25 AM

The Regional Clerk conducted a roll call following the recess and all members of Council were present.

- CC 59 Supplementary Confidential Correspondence from the Municipality of Clarington dated November 24, 2020 regarding the Mixed Waste Transfer and Pre-Sort Anaerobic Digestion Facility Host Community Agreement Dispute

Moved by Councillor Crawford, Seconded by Councillor Barton,  
(350) That Council Correspondence CC 59 from the Municipality of Clarington dated November 24, 2020 regarding the Mixed Waste Transfer and Pre-Sort Anaerobic Digestion Facility Host Community Agreement Dispute be deferred until the end of the meeting.

CARRIED

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

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

1. Additional Lieu Time in Compensation of Overtime – Management/Exempt – COVID-19 Related (2020-A-22)  
[CARRIED ON A RECORDED VOTE]

That approval be given to the Commissioner of Corporate Services, in consultation with the Chief Administrative Officer, to authorize an additional 70 hours of lieu time to Management Employees, up to the Director role, to compensate them for their additional documented time and efforts incurred in maintaining Regional operations during the Emergency Declaration period and the COVID-19 Response efforts to date.

2. Extension of Belden Cabling Standardization, to Meet Certifications Established for Networking and Voice Over Internet Protocol Installations (2020-A-23)  
[CARRIED]

That the standardization of Belden for replacement, upgrade, addition, and new implementation of networking and Voice over Internet Protocol cabling for Regional facilities be extended for an additional five years, until November 30, 2025.

3. Correspondence from the Municipal Finance Officers' Association of Ontario re: One-year extension of deadlines in O. Reg. 588/17: Asset Management Planning for Municipal Infrastructure under the Infrastructure for Jobs and Prosperity Act, 2015 and Sample Resolution  
[CARRIED]

Whereas the COVID-19 pandemic has had significant financial and operational impacts on Ontario municipalities;

And whereas municipalities have had to divert resources towards addressing the immediate needs of the pandemic and maintaining service delivery standards despite evolving restrictions and limited funds;

And whereas the Government of Ontario has delayed timelines with respect to several pieces of legislation;

And whereas the Government of Ontario has regulated municipal asset management through O. Reg. 588/17: Asset Management Planning for Municipal Infrastructure under the Infrastructure for Jobs and Prosperity Act, 2015;

And whereas O. Reg. 588/17 mandates that every municipality shall prepare an asset management plan in respect of its core municipal infrastructure assets by July 1, 2021, and in respect of all of its other municipal infrastructure assets by July 1, 2023;

And whereas the key components of an asset management plan as required by the regulation are:



1. Infrastructure asset inventory
2. Levels of service
3. Lifecycle management and financial strategy

And whereas there is a concern amongst Municipal Finance Officers' Association of Ontario (MFOA) members and their municipalities that current capacity challenges (redeployment of staff, and lack of available resources) will result in limitations for purposeful asset management planning;

And whereas Ontario municipalities do not anticipate the current capacity challenges to be resolved in the short-term;

Now therefore be it resolved that the Region of Durham supports MFOA's letter to the Ministry of Infrastructure requesting a one-year extension of deadlines in O. Reg. 588/17: Asset Management Planning for Municipal Infrastructure under the Infrastructure for Jobs and Prosperity Act, 2015; so that all municipalities can focus on the immediate needs of the pandemic and engage in municipal asset management planning when capacity challenges are resolved.

4. Banking Agreement, Bank Signing Authority and Electronic Banking Transactions By-law Update and Repeal of Petty Cash By-law (2020-F-21)  
[CARRIED]
  - A) That the Regional Chair and Regional Clerk be authorized to sign the Royal Bank of Canada Resolution regarding Banking form;
  - B) That a replacement by-law to designate persons for the purpose of signing cheques issued by the Region of Durham and to authorize electronic banking activities, generally in the form outlined in Attachment #1 to Report #2020-F-21 of the Commissioner of Finance, be approved and By-law #57-2008 be repealed;
  - C) That By-law #18-73, as amended by By-law #108-88, being a by-law governing the petty cash and imprest funds, be repealed; and,
  - D) That the Director of Legal Services be directed to prepare the necessary by-law.

Moved by Councillor Foster, Seconded by Councillor Collier,  
(351) That the recommendations contained in Items 2, 3 and 4 of the Eighth Report of the Finance and Administration Committee be adopted.

CARRIED

Moved by Councillor Foster, Seconded by Councillor Collier,  
(352) That the recommendations contained in Item 1 of the Eighth Report of the  
Finance and Administration Committee be adopted.

CARRIED ON THE FOLLOWING RECORDED  
VOTE:

Yes

Councillor Anderson  
Councillor Ashe  
Councillor Barton  
Councillor Carter  
Councillor Chapman  
Councillor Collier  
Councillor Crawford  
Councillor Dies  
Councillor Drew  
Councillor Foster  
Councillor Highet  
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 Schummer  
Councillor Smith  
Councillor Wotten  
Councillor Yamada  
Regional Chair Henry

No

Councillor Joe Neal

Members Absent: None

Declarations of Interest: None

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

1. Durham Environmental Advisory Committee (DEAC) Membership  
Appointments (2020-P-23)  
[CARRIED]
-

- A) That Christine Doody-Hamilton be appointed as an At-Large member to the Durham Environmental Advisory Committee and that she be so advised of her appointment; and
  - B) That a copy of Report #2020-P-23 of the Commissioner of Planning and Economic Development be forwarded to the area municipalities and the Durham Environmental Advisory Committee.
2. Envision Durham – Framework for a New Regional Official Plan (2020-P-24)  
[CARRIED]
- A) That Regional Council endorse the framework for the new Regional Official Plan as outlined in Report #2020-P-24 of the Commissioner of Planning and Economic Development; and
  - B) That a copy of Report #2020-P-24 be forwarded to Durham’s area municipalities, conservation authorities, the Envision Durham Interested Parties List and the Ministry of Municipal Affairs and Housing.
3. Private Request for a Minister’s Zoning Order to Permit a Home Hardware Building Centre in the Rural Area at the Southeast Corner of Rundle Road and Regional Highway 2 in the Municipality of Clarington (2020-P-25)  
[DEFERRED] [SEE MOTION (356) ON PAGE 16]
- A) That Regional Council advise the Minister of Municipal Affairs and Housing that it does not support the use of a Minister’s Zoning Order to permit the establishment of a Home Hardware Building Centre in the rural area at the southeast corner of Rundle Road and Highway 2 in the Municipality of Clarington; and
  - B) That a copy of Report #2020-P-25 of the Commissioner of Planning and Economic Development be forwarded to the Municipality of Clarington.

Moved by Councillor Ryan, Seconded by Councillor Joe Neal,  
(353) That the recommendations contained Items 1 and 2 of the Seventh Report of the Planning and Economic Development Committee be adopted.

CARRIED

Moved by Councillor Ryan, Seconded by Councillor Joe Neal,  
(354) That the recommendation contained in Item 3 of the Seventh Report of the Planning and Economic Development Committee be adopted.  
DEFERRED LATER IN THE MEETING (See Following Motions)

Moved by Councillor Joe Neal, Seconded by Councillor Yamada,  
(355) That the recommendations contained in Item 3 of the Seventh Report of  
the Planning and Economic Development Committee be tabled.

MOTION DEFEATED ON THE FOLLOWING  
RECORDED VOTE:

Yes

Councillor Anderson  
Councillor Joe Neal  
Councillor Yamada

No

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

Members Absent: None

Declarations of Interest: None

Moved by Councillor Anderson, Seconded by Councillor Collier,  
(356) That the recommendations contained in Item 3 of the Seventh Report of  
the Planning and Economic Development Committee be deferred to the  
December 16, 2020 Regional Council meeting.

CARRIED

### 9.3 Report of the Works Committee

1. Amendment and Renewal of Lease for Premises with First Capital Holdings (Ontario) Corporation and 1615 Dundas St. E. Commercial Centre Inc. at 1615 Dundas Street East in the Town of Whitby for the Regional Municipality of Durham Health Department, Dental Clinic and Breast-Feeding Clinic (2020-W-49)
- 

[CARRIED]

- A) That an Amendment and Renewal of Lease for 437.84 square metres (4,713 square feet) of office space for the Dental Clinic located at 1615 Dundas Street East, in the Town of Whitby be approved with the following terms and conditions:
  - i) The term is for a period of one year commencing September 1, 2020, ending August 31, 2021;
  - ii) The annual rental rate for the term of the lease is \$65,982\* based on a rate of \$150.69\* per square metre (\$14.00 per square foot);
- B) That an Amendment and Renewal of Lease for 128.59 square metres (1,384.2 square feet) of office space for the Breast-Feeding Clinic located at 1615 Dundas Street East, in the Town of Whitby be approved with the following terms and conditions:
  - i) The term is for a period of three years commencing September 1, 2020, ending August 31, 2023;
  - ii) The annual rental rate for the three-year term of the lease is \$17,300\* based on a rate of \$134.53\* per square metre (\$12.50 per square foot);
- C) That in addition to the terms noted in Recommendations A and B, the following terms apply to the lease renewals:
  - i) The Regional Municipality of Durham is responsible for all operating costs for the leased premises, including janitorial services, repairs and maintenance for the premises at approximately \$6.59\* per square foot and a proportionate share of property taxes;
  - ii) The Landlord is responsible for repairs and maintenance for the structure of the building, the premises and for the parking lot; and

- D) That the Regional Chair and Clerk be authorized to execute all documents associated with the Amendment and Renewal of Lease agreement.  
(\* ) before applicable taxes in all instances

Moved by Councillor Mitchell, Seconded by Councillor Barton,  
(357) That the recommendations contained in Item 1 of the Eighth Report of the Works Committee be adopted.

CARRIED

#### 9.4 Report of the Committee of the Whole

1. Master Housing Strategy (2020-COW-27)  
[CARRIED AS AMENDED] [SEE MOTION (360) ON PAGE 22]

- A) That the Region of Durham's Master Housing Strategy (Attachment #1 to Report #2020-COW-27) be approved;
- B) That \$2 million from the Housing Development Charge (DC) Reserve Fund and \$1 million from the Social Housing Reserve Fund (\$3 million) total be allocated to facilitate the development of affordable housing through the issuance of a Request for Proposal (RFP) for affordable rental housing development, under terms and conditions satisfactory to the Commissioner of Finance and the Commissioner of Social Services, with recommended rental housing projects being brought forward to Regional Council for approval;
- C) That to support the sustainability of community housing a one-time contribution of \$1 million from the surplus sharing portion of the Social Housing Reserve Fund be allocated to establish a new Community Housing Sustainability Revolving Loan Fund, under terms and conditions satisfactory to the Commissioner of Finance;
- D) That to further support the sustainability of community housing, community housing providers be allowed to maintain 100 per cent of their calculated operating surplus effective for fiscal years starting after December 31, 2019, and housing providers be required to direct at least 50 per cent (equivalent to the Region's previous share) into their capital reserve fund, subject to the same capital spending requirements; and
- E) That to ensure full federal/provincial funding is utilized, \$75,000 of Ontario Priorities Housing Initiative (OPHI) year 2 funding, previously allocated to Home Ownership (Report #2019-COW-13) be reallocated to Rental Development, and that this amount be added to the \$2,137,535 previously approved for the expedited supportive housing development project located in Beaverton (Report #2020-SS-9).

**Revised OPHI Year 2 (2020-2021) Investment Plan**

		Component	Year 2 2020 - 2021 Alloc ation  (\$)	Revi sed Year 2 2020 - 2021 Alloc ation  (\$)	Differ ence  (\$)
(i)	COCHI Capital	Repair	287, 730	287, 730	0
		<b>COCHI Subtotal</b>	<b>287, 730</b>	<b>287, 730</b>	<b>0</b>
	OPHI Capital	Home Repair	0	0	0
	OPHI Capital	Home Ownership	100, 000	25,0 00	(75,0 00)
	OPHI Capital	Rental	2,13 7,53 5	2,21 2,53 5	75,00 0
		<b>OPHI Subtotal</b>	<b>2,23 7,53 5</b>	<b>2,23 7,53 5</b>	<b>0</b>
		Administra tion	117, 765	117, 765	0
		<b>TOTAL</b>	<b><u>2,64</u> <u>3,03</u> <u>0</u></b>	<b><u>2,64</u> <u>3,03</u> <u>0</u></b>	<b><u>0</u></b>

- F) That as part of the revitalization plans of the Regionally owned Durham Regional Local Housing Corporation (DRLHC) portfolio as identified in the Master Housing Strategy, a comprehensive consultation plan involving DRLHC tenants, neighbouring property owners and elected officials that includes, but is not limited to form, size and type of development, be presented to Regional Council for endorsement.

2. Community Housing Projects in Difficulty as at September 30, 2020 (2020-COW-28)  
[CARRIED]

That in order to ensure the sustainability of affected Community Housing Providers, the costs for receivership for the management of projects in difficulty be funded from the Social Housing Reserve Fund and that this policy be applied on a retroactive basis.

3. Durham Broadband Stage Two Funding Application for the Provincial Improving Connectivity for Ontario (ICON) Program (2020-COW-29)  
[CARRIED]

- A) That staff take the necessary steps to enter into new partnerships with additional project partner(s) for the Region's Improving Connectivity for Ontario (ICON) Stage 2 application;
- B) That Council authorize the Chief Administrative Officer to execute necessary agreements with co-applicant(s) in order to support the ICON Stage 2 application, in a form satisfactory to the Director of Legal Services; and
- C) That due to the recent information provided by the Province of Ontario regarding a change to the evaluation criteria for Stage 2 applications under the Provincial ICON program, authorization be granted to expand the scope of the current consulting contract with IBI Group (RC00002456). The expanded scope should include an analysis of last mile broadband connectivity to unserved/underserved communities within Durham Region, with additional financing not to exceed \$75,000 to be financed at the discretion of the Commissioner of Finance.

4. Environmental Registry of Ontario (ERO) #019-2579 Proposed Blue Box Regulation (2020-COW-30)  
[CARRIED]

- A) That the attached comments (Attachment #2 to Report #2020-COW-30) be endorsed by Regional Council and submitted to the Ministry of Environment, Conservation and Parks as official comments on the draft Blue Box Regulation under the Resource Recovery and Circular Economy Act, 2016 to make producers responsible for municipal Blue Box programs;
- B) That staff be authorized to work with the Producer Responsibility Organization(s) when established to develop options for the future collection of Blue Box materials from the local Business Improvement Areas currently receiving municipal Blue Box collection and report back to Regional Council on the available options, if any; and



- C) That staff be directed to undertake a valuation of the Regional Municipality of Durham's Material Recovery Facility, located at 4590 Garrard Road in the Town of Whitby and options for its future use, after the Regional Municipality of Durham has transitioned its Blue Box program, and report back to Regional Council.
5. Extension of Existing Agreements and required Amendments with Bell Canada for Wide Area Network and Internet Access Services (2020-COW-32)  
[CARRIED]

That the existing agreement with Bell Canada for the provision of Wide Area Network and Internet Access Services be extended for an additional five years plus two optional one-year extensions at an estimated annual value of \$1,590,000, in order to allow for the Regional Network to transition to the Regional Broadband project without interruption to services currently provided.

6. Impact of the Business Education Tax (BET) Reductions on Municipalities with Payment in Lieu (PIL) Properties  
[CARRIED]

Whereas the 2020 Ontario Budget was tabled in the Ontario Legislature on November 5, 2020;

Whereas the Provincial Budget proposes to lower all Business Education Tax (BET) rates to a rate of 0.88 percent for commercial and industrial properties beginning in 2021;

Whereas the Province has indicated that they will adjust payments to school boards to offset the reduction in education property taxes;

Whereas the current 2020 BET rates in Durham are 0.98 percent for commercial and 1.25 percent for industrial;

Whereas a substantial reduction will occur in the BET rates in Durham, to the benefit of all commercial and industrial property owners during these challenging economic times;

Whereas the Region of Durham, for example the Municipality of Clarington and the City of Pickering, are host to two nuclear facilities which fall under the Payment in Lieu (PIL) category of property taxation with significant assessed values in the commercial and industrial tax classes;

Whereas under the current property tax regulations, the education share of the majority of PIL properties are retained by the host local municipality;

Whereas the proposed reduction in the BET will have a significant negative financial impact to both the Municipality of Clarington and the City of Pickering, along with all Durham municipalities with PILs;

Now therefore be it resolved that the Province of Ontario be requested to review the impact of the BET reductions on municipalities with PIL properties within their boundaries and implement appropriate mitigation measures to offset the lost education taxation funds retained by municipalities such as direct funding, exclusion of PIL properties from the BET reductions or some other mechanism to keep those municipalities financially whole;

And that this resolution be forwarded to the Premier of Ontario, Durham MPP's, Minister of Finance and Minister of Municipal Affairs, Durham Region Municipalities, Association of Municipalities of Ontario, Municipal Finance Officers Association of Ontario, and Ontario Municipal Tax and Revenue Association.

Moved by Councillor Carter, Seconded by Councillor Pickles,  
(358) That the recommendations contained in Items 2 to 6 inclusive of the Sixth Report of the Committee of the Whole be adopted.

CARRIED

Moved by Councillor Carter, Seconded by Councillor Pickles,  
(359) That the recommendations contained in Item 1 of the Sixth Report of the Committee of the Whole be adopted.

CARRIED AS AMENDED ON A RECORDED  
VOTE (See Following Motion)

Moved by Councillor Nicholson, Seconded by Councillor Chapman,  
(360) That the main motion (359) of Councillors Carter and Pickles to adopt the recommendations contained in Item 1 of the Sixth Report of the Committee of the Whole be amended by adding the following as a new Part F):

F) That as part of the revitalization plans of the Regionally owned Durham Regional Local Housing Corporation (DRLHC) portfolio as identified in the Master Housing Strategy, a comprehensive consultation plan involving DRLHC tenants, neighbouring property owners and elected officials that includes, but is not limited to form, size and type of development be presented to Regional Council for endorsement.

CARRIED

The main motion (359) of Councillors Carter and Pickles was then put to a vote and CARRIED AS AMENDED ON THE FOLLOWING RECORDED VOTE:

<u>Yes</u>	<u>No</u>
Councillor Anderson	None
Councillor Ashe	
Councillor Barton	
Councillor Carter	
Councillor Chapman	
Councillor Collier	
Councillor Crawford	
Councillor Dies	
Councillor Drew	
Councillor Foster	
Councillor Highet	
Councillor Kerr	
Councillor Leahy	
Councillor Lee	
Councillor Marimpietri	
Councillor McLean	
Councillor Mitchell	
Councillor Mulcahy	
Councillor Joe Neal	
Councillor John Neal	
Councillor Nicholson	
Councillor Pickles	
Councillor Roy	
Councillor Ryan	
Councillor Schummer	
Councillor Smith	
Councillor Wotten	
Councillor Yamada	
Regional Chair Henry	

Members Absent: None

Declarations of Interest: None

**10. Notice of Motions**

- 10.1 Proposed Changes to the Conservation Authorities Act (Bill 229)  
[MOTION WITHDRAWN EARLIER IN THE MEETING] [SEE ITEM 10.1 ON  
PAGE 6 OF THESE MINUTES]

10.2 Clarification on Minister's Zoning Orders (MZO)

[REFERRED] [SEE MOTION (363) ON PAGE 24 OF THESE MINUTES]

Moved by Councillor Joe Neal, Seconded by Councillor Lee,  
(361) That the Rules of Procedure be suspended in order to introduce a motion regarding Minister Zoning Orders.

CARRIED ON A 2/3rds VOTE

Moved by Councillor Joe Neal, Seconded by Councillor Lee,  
(362) Whereas increasingly applicants are requesting Minister's Zoning Orders (MZO), in order to bypass the public planning process and to expedite development projects; and

Whereas there is no defined MZO process to ensure that the appropriate technical issues are fully addressed before an MZO is enacted; and

Whereas Regional Council wishes to ensure that all planning-related decisions affecting lands in the Region of Durham are sound and in the public interest;

Now Therefore Be it Resolved That:

1. Durham Region request that the Minister of Municipal Affairs and Housing define what are matters of Provincial priority for consideration of MZO's; and
2. Durham Region request the Minister of Municipal Affairs and Housing to clarify when MZOs will (and will not) be used to expedite development, and to clarify what safeguards can and will be put in place to ensure that future land use decisions made by way of an MZO represent good planning and are in the public interest.

REFERRED (See Following Motion)

Moved by Councillor Foster, Seconded by Councillor Crawford,  
(363) That the main motion (362) of Councillors Joe Neal and Lee be referred back to staff for consideration, with a report to be brought back to the December 16, 2020 Regional Council meeting.

CARRIED

10.3 Motion re: Authorization to be Absent from Council

Moved by Councillor Smith, Seconded by Regional Chair Henry,  
(364) That the Rules of Procedure be suspended in order to introduce a motion regarding a request for authorization to be absent from Council.

CARRIED ON A 2/3rds VOTE

Moved by Councillor Smith, Seconded by Regional Chair Henry,  
(365) That whereas Section 259(1) of the Municipal Act, 2001, provides that the office of a member of council of a municipality becomes vacant if the member is absent from the meetings of council for three successive months without being authorized to do so by a resolution of council;

Now therefore be it resolved that Durham Regional Council authorizes Councillor Bath-Hadden to be so absent;

And be it further resolved that Durham Regional Council authorizes Councillor Bath-Hadden to be absent should a further resolution be required under Section 259(1) for an ongoing absence.

CARRIED

Moved by Councillor Leahy, Seconded by Councillor Pickles,  
(366) That Council recess for one hour for lunch.

CARRIED

Council recessed at 12:32 PM and reconvened at 1:34 PM

The Regional Clerk conducted a roll call following the recess and all members of Council were present, with the exception of Councillors Ashe and Pickles who attended later in the meeting.

## **8. Communications**

CC 48 Confidential Memorandum from Jason Hunt, Director of Legal Services, dated November 13, 2020 re: Mixed Waste Transfer and Pre-Sort Anaerobic Digestion Facility, Clarington Host Community Agreement Dispute

Moved by Councillor Chapman, Seconded by Councillor Barton,  
(367) That Council Correspondence CC 48 from Jason Hunt, Director of Legal Services, dated November 13, 2020 re: Mixed Waste Transfer and Pre-Sort Anaerobic Digestion Facility, Clarington Host Community Agreement Dispute, be received for information.

CARRIED

CC 57 Confidential Memorandum from Jason Hunt, Director of Legal Services, dated November 25, 2020 re: Beaverton Supportive Housing Project Potential Litigation

Moved by Councillor Chapman, Seconded by Councillor Leahy,  
(368) That Council Correspondence CC 57 from Jason Hunt, Director of Legal Services, dated November 25, 2020 re: Beaverton Supportive Housing Project Potential Litigation, be received for information.

CARRIED

CC 59 Supplementary Confidential Correspondence from the Municipality of Clarington dated November 24, 2020 regarding the Mixed Waste Transfer and Pre-Sort Anaerobic Digestion Facility Host Community Agreement Dispute

Moved by Councillor Chapman, Seconded by Councillor Pickles,  
(369) That Council Correspondence CC 59 from the Municipality of Clarington dated November 24, 2020 regarding the Mixed Waste Transfer and Pre-Sort Anaerobic Digestion Facility Host Community Agreement Dispute, be received for information.

CARRIED

## 11. Unfinished Business

There was no unfinished business to be considered.

## 12. Other Business

12.1 Pending Provincial Decision on Upper York Sewage Solutions Environmental Assessment (2020-W-50)

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[CARRIED]

Moved by Councillor Foster, Seconded by Councillor Smith,  
(370) A) That Regional Council supports the preferred servicing alternative as documented in the Upper York Solutions Environmental Assessment which includes an advanced treatment system in the Lake Simcoe watershed within the Regional Municipality of York; and

B) That Regional Council provide authority for the Chief Administrative Officer, the Commissioners of Works and Finance and the Regional Solicitor to enter into discussions with the Ministry of Municipal Affairs and Housing and other ministries as required and the Region of York related to the potential provincially preferred solution involving the Duffin Creek Water Pollution Control Plant, with the purpose of these discussions to, among other things, understand the rights and responsibilities of each party under existing agreements and legislation, understand the rationale of the decision for a Lake Ontario alternative and to ensure that the interests of the Region of Durham are protected in whatever solution is selected.

CARRIED

## 13. Announcements

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

**14. By-laws**

52-2020 Being a by-law to adopt and delegate the authority for enforcement of sign by-laws enacted by area municipalities, to those area municipalities, on Regional Roads within their jurisdiction; and to repeal By-law #76-2017, as amended, being a by-law to regulate temporary signs and banners and devices on or adjacent to Regional roads.

This by-law implements the recommendations contained in Item #10.1 of the Notice of Motions presented to Regional Council on October 28, 2020

53-2020 Being a by-law to designate persons for the purpose of signing cheques issues by The Regional Municipality of Durham and to authorize persons for the conduct of day to day electronic banking transactions.

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 November 25, 2020

Moved by Councillor Ashe, Seconded by Councillor Lee,  
(371) That By-law Numbers 52-2020 and 53-2020 inclusive be passed.  
CARRIED

**15. Confirming By-law**

54-2020 Being a by-law to confirm the proceedings of Regional Council at their meeting on November 25, 2020.

Moved by Councillor Ashe, Seconded by Councillor Lee,  
(372) That By-law Number 54-2020 being a by-law to confirm the proceedings of the Council of the Regional Municipality of Durham at their meeting held on November 25, 2020 be passed.  
CARRIED

**16. Adjournment**

Moved by Councillor Schummer, Seconded by Councillor McLean,  
(373) That the meeting be adjourned.  
CARRIED

The meeting adjourned at 3:35 PM

Respectfully submitted,

---

John Henry, Regional Chair & CEO

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Ralph Walton, Regional Clerk



## Communications

December 16, 2020

CC 60 June Gallagher, Municipal Clerk, Municipality of Clarington, writing to The Honourable Steve Clark, Minister of Municipal Affairs and Housing re: Amendment to Clarington's Support of a Ministerial Zoning Order (MZO) Changing the Zoning of 2423 Rundle Road Bowmanville and attached revised letter and rescinded letter (Our File: D18)

---

Recommendation: Refer to the consideration of Item 11.1 under Unfinished Business (2020-P-25)

(See attached correspondence on pages 34-42)

# Clarington

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

November 26, 2020

The Honourable Steve Clark, M.P.P.  
Minister of Municipal Affairs and Housing  
Via Email: [minister.mah@ontario.ca](mailto:minister.mah@ontario.ca)

Dear Minister:

**Re:** Amendment to Clarington's Support of a Ministerial Zoning Order (MZO) Changing the Zoning of 2423 Rundle Road Bowmanville

**File Number:** PG.25.06

---

At a meeting held on November 23-24, 2020, the Council of the Municipality of Clarington approved the following Resolution #C-467-20:

That, in accordance with subsection 10.12.17 of the [Procedural By-Law](#), Resolution #C-418-20, regarding Council's support of the Ministerial Zoning Order to change the zoning of 2423 Rundle Road Bowmanville, previously adopted by Council at the Special Council Meeting of October 26, 2020, be amended to delete Paragraph 3, which reads:

"That the Province commit to reviewing the lands south of Highway 2 between Hwy 418 and Maple Grove Road for inclusion in the Greenbelt based on their contributions to the systems of agriculture, natural heritage and water resources;"

That the Minister of Municipal Affairs and Housing be advised of:

- (i) the foregoing deletion;
- (ii) that the letters which were forwarded to the Minister regarding Resolution C-418-20 be withdrawn and rescinded; and
- (iii) a replacement letter be sent advising the Minister of Resolution C-418-20, but not containing the language in the foregoing paragraph requesting the Province to review the said lands for inclusion in the Greenbelt.

Accordingly, we rescind Anne Greentree's previous letter to you dated October 27, 2020, a copy of which is enclosed, and replace it with the attached letter dated November 26, 2020. Additionally, we rescind Mayor Foster's letter dated November 3, 2020 (attached).

Later in the meeting, a related resolution was passed to refer another amendment to resolution C-418-20 to the December 14, 2020 Council meeting. The referred amendment is a proposed motion to remove all remaining conditions of support, which include the following:

That the applicant carrying out the necessary studies and implementing the recommended works from:

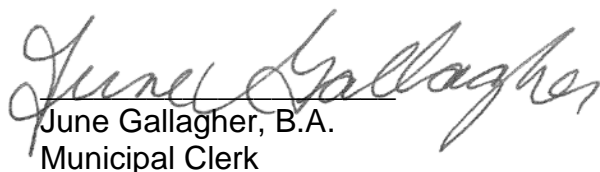
- Traffic Study;
- Hydrological/Hydrogeological study;
- Environmental Impact Study;
- Servicing Study; and
- Storm water management plan;

That should the Bowmanville site be redeveloped, the applicant commit that 25% of the units be developed as affordable housing units (for low income families).

Accordingly, Clarington will forward another letter following the December 14, 2020 Council meeting advising of the final decision regarding the conditions of support.

If you have any questions, please let me know.

Yours sincerely,



June Gallagher, B.A.  
Municipal Clerk

JG/cm

Encl.

c: See attached list

**Copy List**

Cheryl Bandel, Deputy Regional Clerk, Regional Municipality of Durham –  
[clerks@durham.ca](mailto:clerks@durham.ca)

Brian Bridgeman, Commissioner of Planning, Regional Municipality of Durham,  
Planning Department - [Brian.Bridgeman@durham.ca](mailto:Brian.Bridgeman@durham.ca)

Dan Moulton, Home Hardware - [Dan.Moulton@homehardware.ca](mailto:Dan.Moulton@homehardware.ca)

Jim Hamilton

Carl Van Belle

Martha Vandepol

Clarington Members of Council

F. Langmaid, Acting Director of Planning and Development Services

R. Maciver, Director of Legislative Services/Municipal Solicitor

B. Radomski, Corporate Communications Officer

C. Salazar, Manager of Community Planning & Design

P. Wirch, Senior Planner

Interested Parties (list available from Planning & Development Services Department)

# Clarington

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

November 26, 2020

The Honourable Steve Clark, M.P.P.,  
Minister of Municipal Affairs and Housing  
Via Email: [minister.mah@ontario.ca](mailto:minister.mah@ontario.ca)

Dear Minister:

**Re:** Support of a Ministerial Zoning Order (MZO) Changing the Zoning of 2423 Rundle Road Bowmanville

**File Number:** PG.25.06

---

This letter rescinds and replaces the previous letter dated October 27, 2020. Please be advised that the Council of the Municipality of Clarington passed the following resolution:

The Municipality of Clarington supports a Ministerial Zoning Order (MZO) to be issued by the Province of Ontario, changing the zoning of 2423 Rundle Road Bowmanville from a C4-6 to a C4 designation, allowing Bowmanville Home Hardware to expand their business in the Municipality of Clarington;

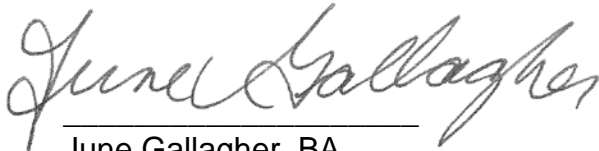
That the applicant carrying out the necessary studies and implementing the recommended works from:

- Traffic Study;
- Hydrological/Hydrogeological study;
- Environmental Impact Study;
- Servicing Study; and
- Storm water management plan;

That should the Bowmanville site be redeveloped, the applicant commit that 25% of the units be developed as affordable housing units (for low income families).

If you have any questions, please let me know.

Yours sincerely,



June Gallagher, BA  
Municipal Clerk

- c. Cheryl Bandel, Deputy Regional Clerk, Regional Municipality of Durham – [clerks@durham.ca](mailto:clerks@durham.ca)
- Brian Bridgeman, Commissioner of Planning, Regional Municipality of Durham, Planning Department - [Brian.Bridgeman@durham.ca](mailto:Brian.Bridgeman@durham.ca)
- Dan Moulton, Home Hardware - [Dan.Moulton@homehardware.ca](mailto:Dan.Moulton@homehardware.ca)
- Jim Hamilton
- Carl Van Belle
- Martha Vandepol
- Clarington Members of Council
- F. Langmaid, Acting Director of Planning and Development Services
- R. Maciver, Director of Legislative Services/Municipal Solicitor
- P. Wirch, Senior Planner
- B. Radomski, Corporate Communications Officer
- C. Salazar, Manager of Community Planning & Design
- Interested Parties (list available from Planning & Development Services Department)

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

October 27, 2020

The Honourable Steve Clark, M.P.P.,  
Minister of Municipal Affairs and Housing  
Via Email: [minister.mah@ontario.ca](mailto:minister.mah@ontario.ca)

Dear Minister:

**Re:** Support of a Ministerial Zoning Order (MZO) Changing the Zoning of 2423 Rundle Road Bowmanville

**File Number:** PG.25.06

---

At a special meeting held on October 26, 2020, the Council of the Municipality of Clarington passed the following Resolution #C-418-20:

The Municipality of Clarington supports a Ministerial Zoning Order (MZO) to be issued by the Province of Ontario, changing the zoning of 2423 Rundle Road Bowmanville from a C4-6 to a C4 designation, allowing Bowmanville Home Hardware to expand their business in the Municipality of Clarington;

That the applicant carrying out the necessary studies and implementing the recommended works from:

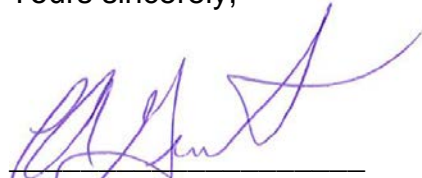
- Traffic Study;
- Hydrological/Hydrogeological study;
- Environmental Impact Study;
- Servicing Study; and
- Storm water management plan;

That the Province commit to reviewing the lands south of Highway 2 between Hwy 418 and Maple Grove Road for inclusion in the Greenbelt based on their contributions to the systems of agriculture, natural heritage and water resources; and

That should the Bowmanville site be redeveloped, the applicant commit that 25% of the units be developed as affordable housing units (for low income families).

If you have been copied on this letter and have questions, please contact Paul Wirch or Carlos Salazar at 905-623-3379 or by email at [pwirch@clarington.net](mailto:pwirch@clarington.net).

Yours sincerely,



C. Anne Greentree, BA, CMO  
Municipal Clerk

CAG/cm

- c. Cheryl Bandel, Deputy Regional Clerk, Regional Municipality of Durham – [clerks@durham.ca](mailto:clerks@durham.ca)
- Brian Bridgeman, Commissioner of Planning, Regional Municipality of Durham, Planning Department - [Brian.Bridgeman@durham.ca](mailto:Brian.Bridgeman@durham.ca)
- Dan Moulton, Home Hardware - [Dan.Moulton@homehardware.ca](mailto:Dan.Moulton@homehardware.ca)
- R. Albright, Manager of Infrastructure
- F. Langmaid, Acting Director of Planning and Development Services
- Interested Parties (list available from Planning & Development Services Department)





# Clarington

**RESCINDED**

Mayor Adrian Foster

November 3, 2020

Ms. Alex Earthy, Senior Policy Advisor, Housing  
Office of The Honourable Steve Clark  
Minister of Municipal Affairs and Housing  
17<sup>th</sup> Floor, 777 Bay Street  
Toronto, Ontario M7A 2J3  
Via Email: [Alex.Earthy@ontario.ca](mailto:Alex.Earthy@ontario.ca)

Dear Ms. Earthy,

Thank you for the opportunity to speak with you recently about the proposed MZO at 2423 Rundle Road in Courtice. Council recently passed a resolution to support, with conditions, an MZO on the property.

*The Municipality of Clarington supports a Ministerial Zoning Order (MZO) to be issued by the Province of Ontario, changing the zoning of 2423 Rundle Road Bowmanville from a C4-6 to a C4 designation, allowing Bowmanville Home Hardware to expand their business in the Municipality of Clarington;*

*That the applicant carrying out the necessary studies and implementing the recommended works from:*

- *Traffic Study;*
- *Hydrological/Hydrogeological Study;*
- *Environmental Impact Study;*
- *Servicing Study; and*
- *Storm water management plan;*

*That the Province commit to reviewing the lands south of Highway 2 between Hwy 418 and Maple Grove Road for inclusion in the Greenbelt based on their contributions to the systems of agriculture, natural heritage and water resources; and*

*That should the Bowmanville site be redeveloped, the applicant commit that 25% of the units be developed as affordable housing units (for low income families).*

.../2

Ms. Alex Earthy

- 2 -

November 3, 2020

The reference to studies highlights our interest in ensuring that environmental mitigation and compensation be considered if the MZO is issued. It is our understanding that the applicant would be subject to site plan control and other applicable law including parkland dedication and/or cash-in-lieu.

Reviewing the lands south of Highway 2 between the subject property and Maple Grove Road will bring clarity to property owners, the public and Clarington. It would indicate as to which areas, based on the criteria noted, could be included in the Greenbelt and which will be available for development once included in future urban boundary expansions into the "whitebelt".

The final item outlines the commitment made by the proponent that should they redevelop the existing Home Hardware in Bowmanville, affordable housing units would be included in any mixed-used redevelopment. We understand that the MZO on the Rundle Road property cannot enforce this.

Yours sincerely,



Adrian Foster  
Mayor

## Report #9 of the Finance & Administration Committee

For consideration by Regional Council

December 16, 2020

The Finance & Administration Committee recommends approval of the following:

1. Temporary Borrowing By-law for 2021 (2020-F-22)
  - A) That the Regional Chair and the Treasurer be authorized in 2021 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).
2. 2021 Interim Regional Property Tax Levy (2020-F-23)
  - A) That a 2021 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 2020;
  - C) That the 2021 interim Regional property tax levy be paid by the lower-tier municipalities seven days subsequent to the instalment 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 2021 interim Regional property tax levy for all property tax classes; and
  - E) That approval be granted for the requisite by-law.
3. 2021 Business Plans and Budgets and Nine Year Capital Forecasts for the Consolidated Water Supply and Sanitary Sewerage Systems (2020-F-24)
  - A) That the 2021 Business Plans and Budgets for the Water Supply System, with a total gross expenditure of \$153.6 million (net user rate supported expenditure of \$115.5 million) and related financing as set out below, be approved:

	2020 Gross Budget (\$ 000's)	2021 Gross Budget (\$ 000's)	Variance Incr/(Decr) (\$ 000's)
<b><u>EXPENDITURES</u></b>			
Operations:			
Watermain Cleaning and Repairs	3,493	3,691	198
Valves and Hydrants	2,991	3,042	51
Water Connections	4,186	4,281	95
Water Meters	542	562	20
Depot Operations	5,824	6,163	339
Plants East	3,151	3,368	217
Plants Central	14,131	14,226	95
Plants North	3,080	2,882	(198)
Sunvalley	29	29	-
Engineering and Staff Support	7,455	7,835	380
Facilities Management	7,615	7,514	(101)
Administration	319	335	16
Headquarters Shared Costs	1,100	1,125	25
Utility Finance	3,797	3,449	(348)
Share of Regional Corporate Costs	12,229	12,534	305
Subtotal Operations	69,942	71,036	1,094
Capital/Debt Charges:			
TCA Capital	4,732	4,905	173
Construction of Municipal Services	76,209	76,337	128
Debt Charges	1,694	1,311	(383)
Subtotal Capital/Debt Charges	82,635	82,553	(82)
<b>TOTAL EXPENDITURES</b>	<b>152,577</b>	<b>153,589</b>	<b>1,012</b>
<b><u>FINANCING</u></b>			
Contributions from Reserve Funds:			
Residential Development Charges - Growth Related Capital	20,823	26,536	5,713
Commercial Development Charges - Growth Related Capital	678	714	36
Industrial Development Charges - Growth Related Capital	-	1,460	1,460
Industrial Development Charges - Debt Charges	536	415	(121)
Institutional Development Charges - Debt Charges	28	22	(6)
Water Rate Stabilization Reserve Fund	952	-	(952)
Asset Management Reserve Fund	5,234	5,486	252
Servicing of Employment Lands	-	250	250
Equipment Replacement Reserve	35	-	(35)
Fees and Service Charges	2,910	3,185	275
Financing From Others:			
Region of York - Construction of Municipal Services	225	-	(225)
Oversizing Costs Related to Seaton/Federal Lands	7,540	-	(7,540)
Frontage Charges - Petition Recoverable	1,864	-	(1,864)
<b>Financing From Non-User Revenue Sources</b>	<b>40,825</b>	<b>38,068</b>	<b>(2,757)</b>
<b>User Revenues Financing (including frontage charges)</b>	<b>111,752</b>	<b>115,521</b>	<b>3,769</b>
<b>TOTAL FINANCING</b>	<b>152,577</b>	<b>153,589</b>	<b>1,012</b>

- B) That the Nine Year Capital Forecast for 2022 to 2030 inclusive, in the amount of \$1.3 billion as detailed in the Water Supply System Capital Budget, be received for information;

C) That the 2021 Current and Capital Business Plans and Budgets for the Sanitary Sewerage System with a total gross expenditure of \$223.7 million (net user rate supported expenditure of \$111.3 million) and related financing as set out below, be approved:

	2020 Gross Budget (\$ 000's)	2021 Gross Budget (\$ 000's)	Variance Incr/(Decr) (\$ 000's)
<b><u>EXPENDITURES</u></b>			
Operations:			
Cleaning, Repairs and Maintenance Holes	2,033	2,143	110
Sewer Connections	3,254	3,418	164
Depot Operations	3,228	3,407	179
WPCPs and Pumping Stations	23,999	25,496	1,497
Duffin Creek WPCP	37,197	38,043	846
Regional Environmental Laboratory	2,864	3,083	219
Engineering and Staff Support	6,886	7,461	575
Facilities Management	8,273	8,595	322
Administration	322	338	16
Headquarters Shared Costs	1,100	1,125	25
Utility Finance	3,796	3,450	(346)
Share of Regional Corporate Costs	15,346	15,783	437
Subtotal Operations	108,298	112,342	4,044
Capital/Debt Charges:			
Duffin Creek WPCP - TCA Capital	947	1,767	820
Regional Environmental Lab - TCA Capital	586	196	(390)
TCA Capital	5,673	2,536	(3,137)
Construction of Municipal Services	68,950	92,418	23,468
Debt Charges	21,011	14,482	(6,529)
Subtotal Capital/Debt Charges	97,167	111,399	14,232
<b>TOTAL EXPENDITURES</b>	<b>205,465</b>	<b>223,741</b>	<b>18,276</b>
<b><u>FINANCING</u></b>			
Contributions from Reserve Funds:			
Residential Development Charges - Growth Related Capital	20,013	22,581	2,568
Residential Development Charges - Debt Charges	11,521	8,103	(3,418)
Commercial Development Charges - Growth Related Capital	1,275	1,455	180
Commercial Development Charges - Debt Charges	1,552	873	(679)
Industrial Development Charges - Growth Related Capital	-	1,707	1,707
Industrial Development Charges - Debt Charges	532	532	-
Institutional Development Charges - Debt Charges	8	8	-
Sanitary Sewer Rate Stabilization Reserve Fund	2,702	-	(2,702)
Asset Management Reserve Fund	8,646	9,049	403
Servicing of Employment Lands	-	968	968
Equipment Replacement Reserve	35	-	(35)
Regional Environmental Lab Equipment Replacement Reserve	-	160	160
Fees and Service Charges	7,001	6,870	(131)
Financing From Others:			
Federal Grant	-	15	15
Region of York - TCA	16,566	1,387	(15,179)
Region of York - Construction of Municipal Services	1,040	14,285	13,245
Oversizing Costs Related to Seaton/Federal Lands	-	14,792	14,792
Region of York - Operating	28,444	29,142	698
Region of York Environmental Lab Operations	168	441	273
<b>Financing From Non-User Revenue Sources</b>	<b>99,503</b>	<b>112,368</b>	<b>12,865</b>
<b>User Revenues Financing (including frontage charges)</b>	<b>105,962</b>	<b>111,373</b>	<b>5,411</b>
<b>TOTAL FINANCING</b>	<b>205,465</b>	<b>223,741</b>	<b>18,276</b>

- D) That the Nine Year Capital Forecast for 2022 to 2030 inclusive, in the amount of \$1.7 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 2021 capital projects detailed in the Appendixes within the 2021 Consolidated 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 2021 Current and Capital Business Plans and Budgets for the Consolidated Water Supply and Sanitary Sewerage Systems be presented to Regional Council.

4. Recommended 2021 Water and Sanitary Sewer User Rates (2020-F-25)

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- A) That the 2021 Regional Water and Sanitary Sewer User Rates increase by 0.75 per cent for an average residential customer effective January 1, 2021, with the Regional water rates increasing by 0.40 per cent and the Regional sanitary sewer rates increasing by 1.06 per cent from the 2020 user rate levels as set out in Schedule 1 and Schedule 2 of Report #2020-F-25 of the Commissioner of Finance respectively;
- B) That the 2021 Raw Water rates for the Whitby raw water customer be increased by 0.40 per cent as set out in Schedule 1 of Report #2020-F-25 of the Commissioner of Finance, effective January 1, 2021;
- C) That the 2021 water charges for the Sun Valley Heights Homeowners Co-operative Water System be as set out in Schedule 3 of Report #2020-F-25 of the Commissioner of Finance, effective January 1, 2021;
- D) That the 2021 Regional Water and Sanitary Sewer Systems Miscellaneous Fees and Charges be as set out in Schedule 4 of Report #2020-F-25 of the Commissioner of Finance, effective January 1, 2021;
- E) That the 2021 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 of Report #2020-F-25 of the Commissioner of Finance, effective January 1, 2021; and
- F) That the Regional Solicitor be instructed to prepare the necessary by-laws to implement the foregoing recommendations.

5. PRESTO Device Replacement (2020-F-26)

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That financing estimated at \$3.2 million be provided at the discretion of the Commissioner of Finance for the replacement of the Region's PRESTO infrastructure, including devices on all buses.

6. Durham Region Transit U-Pass Agreement Extension (2020-F-27)

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That the General Manager of Durham Region Transit (DRT) and the Commissioner of Finance be authorized to execute an amendment to the existing U-Pass Agreement with Durham College, Ontario Tech University and Trent University to extend the existing U-Pass agreement with Durham College, Ontario Tech University and Trent University (Durham Campus), including an approximate 1.9 per cent increase in the fee per eligible student from \$141.75 per semester to \$144.50 per semester for the period of September 1, 2021 to August 31, 2022.

7. Sole Source for Supplemental Operational Requirements for the On Demand Pilot for Durham Region Transit (2020-F-28)

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That three sole source agreements totaling \$1,010,000 be approved to support the On Demand pilot between September 28, 2020 and February 28, 2021 including agreements with:

- Taxi Tab (a division of Coventry Connections Inc.): \$496,000;
- Circle Taxi Inc.: \$161,000; and
- Marleen Esufali (dba Island Taxi): \$353,000.

8. Mandate for a Renewed Durham Strategic Energy Alliance

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That given the ambitious goals of the Durham Community Energy Plan, and the need for ongoing coordination among stakeholders in order to achieve these goals, that Regional staff be directed to work with Ontario Tech University and other Durham-based institutions and companies on a needs assessment and scoping exercise, to identify a mandate for a renewed Durham Strategic Energy Alliance.

9. Confidential Report of the Commissioner of Corporate Services – Labour Relations/Employee Negotiations with respect to the Canadian Union of Public Employees (“CUPE”), Local 1785 (2020-A-24)

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That the recommendations contained in Confidential Report #2020-A-24 of the Commissioner of Corporate Services be adopted.

Respectfully submitted,

A. Foster, Chair, Finance & Administration Committee

## Report #5 of the Health & Social Services Committee

For consideration by Regional Council

December 16, 2020

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

1. Federal Rapid Housing Initiative (RHI) (2020-SS-17)

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  - A) That funding previously approved by Regional Council to issue a Request for Proposal for affordable housing development be utilized to support local Rapid Housing Initiative (RHI) applications, through the provision of forgivable loans under the Region's Municipal Capital Facility By-law, under terms and conditions satisfactory to the Commissioner of Finance and the Commissioner of Social Services;
  - B) That in order to support the ongoing affordability of units created under the Rapid Housing Initiative existing benefits such as rent supplements and/or portable housing benefits be utilized and that, if necessary, the Durham Portable Housing Benefit be expanded beyond the existing 35 non-service level subsidies to accommodate this program, and
  - C) That in the event that there is excess Regional funding available, the excess will be made available for affordable housing development under the original direction contained within the Master Housing Strategy.

Respectfully submitted,

B. Chapman, Chair, Health & Social Services Committee



## Report #8 of the Planning & Economic Development Committee

For consideration by Regional Council

December 16, 2020

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

1. Carruthers Creek Watershed Plan Update, Public Consultation Process (2020-P-28)
  - A) That, subject to a two-thirds majority vote, Council be requested to rescind its previous decision to pause the public comment period for the Carruthers Creek Watershed Plan Update until the COVID-19 emergency state is lifted by all levels of government and to hold an in-person Public Open House once the emergency state is lifted by all levels of government;
  - B) That the public consultation and comment period for the Carruthers Creek Watershed Plan be resumed, starting on January 4, 2021 and concluding on March 19, 2021;
  - C) That the proposed dates and format for two virtual Public Open Houses as described in Attachment #1 to Report #2020-P-28 of the Commissioner of Planning and Economic Development be endorsed; and
  - D) That a copy of Report #2020-P-28 be forwarded to the City of Pickering, Town of Ajax, and to the Toronto and Region Conservation Authority for further distribution to the Carruthers Creek Watershed Update interested parties list.
2. Re-Nomination to the Board of Directors of the Greater Toronto Airports Authority (2020-P-29)
  - A) That Mr. Johan van 't Hof be re-nominated to the Greater Toronto Airports Authority (GTAA) Board of Directors as Durham Region's municipal representative for a three-year term; and
  - B) That a copy of Report #2020-P-29 of the Commissioner of Planning and Economic Development be forwarded to the GTAA.

Respectfully submitted,

D. Ryan, Chair, Planning & Economic Development Committee

## Report #9 of the Works Committee

For consideration by Regional Council

December 16, 2020

The Works Committee recommends approval of the following:

1. Sole Source Engineering Assignment for Transition Programming of the Programmable Logic Controllers and Human Machine Interface Controls in Blower Buildings 1 and 2 at the Duffin Creek Water Pollution Control Plant, in the City of Pickering (2020-W-51)
- 

- A) That Eramosa Engineering Incorporated be retained to provide transition programming for the Programmable Logic Controllers (PLCs) and Human Machine Interface (HMI) controls located in Blower Buildings 1 and 2 at the Duffin Creek Water Pollution Control Plant (WPCP) at an upset limit not to exceed \$204,000\*;
- B) That the cost of this assignment will be funded from the approved 2020 Sanitary Sewage System Business Plan and Budget, cost shared with the Regional Municipality of York, as estimated below:

Durham Region Share (18.42%) User Rate	\$37,577
York Region Share (81.58%)	<u>166,423</u>
Total Upset Limit	<u><b>\$204,000</b></u>

- C) That the Commissioner of Finance be authorized to execute the necessary engineering services agreement.  
(\* ) including disbursements and before applicable taxes

2. Approval to Enter into a Sole Source Agreement with SNF Canada Limited for the Supply and Delivery of Liquid Emulsion Polymer to the Duffin Creek Water Pollution Control Plant, in the City of Pickering (2020-W-52)
- 

- A) That the Regional Municipality of Durham enter into a sole source agreement with SNF Canada Limited for the supply and delivery of liquid emulsion polymer to the Duffin Creek Water Pollution Control Plant for a six-month term at an estimated maximum contract value of \$1,000,000\*;
- B) That the sole source agreement be funded from the annual Sanitary Sewerage Business Plans and Budget, with costs shared proportionally between the Regional Municipalities of Durham and York based on the estimated utilization as follows:

Durham Region Share (18.67%) User Rate	\$186,700
York Region Share (81.33%)	<u><b>\$813,300</b></u>

Total Upset Limit

**\$1,000,000**

- C) That the Commissioner of Finance be authorized to execute the necessary documents related to the sole source agreement.  
(\* ) before applicable taxes
3. Request from the Region of Durham that the Region of York affirm by Resolution its support for the Lake Simcoe Solution as Documented in the Upper York Sewage Solutions (UYSS) Environmental Assessment
- 

Whereas the Council of the Region of Durham supports the Lake Simcoe Solution for the proposed servicing solution for the Upper York Sewage Solutions (UYSS) Environmental Assessment;

Now therefore be it resolved that the Region of Durham request that the Council of the Region of York affirm by resolution its support for the Lake Simcoe Solution as documented in the Upper York Sewage Solutions (UYSS) Environmental Assessment, and that the resolutions from York and Durham be circulated to the Premier, all MPPs in the Region of Durham and York Region, to the leaders of the opposition, and to the local municipalities in the Region of Durham.

Respectfully submitted,

D. Mitchell, Chair, Works Committee

## Report #7 of the Committee of the Whole

For consideration by Regional Council

December 16, 2020

The Committee of the Whole recommends approval of the following:

1. Follow Up Report including Regional Response to the Provincial Flooding Strategy (2020-COW-33)
  - A) That in keeping with its constitutional responsibilities for managing flooding, the Province of Ontario should:
    - i) develop a detailed workplan identifying specific deliverables, leadership, partners and timelines for implementation of Ontario's Flooding Strategy; and
    - ii) clearly identify its multi-year financial commitment to supporting the workplan described above;
  - B) That, where such workplans and commitments are developed by the province, the Region offer to share its expertise on provincially led multidisciplinary and/or cross-jurisdictional teams to update and develop related flood policies, guidance documents and programs;
  - C) That Regional staff be directed to develop a proposed workplan and budget for the development of a Durham Region Flood Risk Management Strategy, with a focus on increasing property owner education and awareness of their role in the management of flood risks; and
  - D) That a copy of Report #2020-COW-33 of the Chief Administrative Officer be forwarded to the Ministry of Natural Resources and Forestry, Ministry of Environment, Conservation and Parks, the Association of Municipalities of Ontario (AMO), local area municipalities and conservation authorities (CAs) within Durham Region.
2. Proposed Treatment of the Cash Advance Provided to Community Housing Providers in Response to the COVID-19 Pandemic (2020-COW-34)

That, to support the sustainability of Community Housing, the Community Housing Providers be advised that the Region will not recover the cash advances, in the total amount of \$2,863,581, provided on March 25, 2020 in response to the COVID-19 pandemic and that the Community Housing Providers be requested to invest the funds in their capital reserves if the funds are not required for pandemic response related purposes.

3. Report to Council with a Status Update on the Regional Recovery Framework and Action Plan (2020-COW-35)

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That Report #2020-COW-35 of the Chief Administrative Officer be received for information;

**Committee of the Whole deferred consideration of the following motion for Council’s consideration:**

**“And further:**

**That Durham Region request that the Province exclude nursing home COVID cases in determining Durham’s COVID classification.”**

Respectfully submitted,

J. Henry, Regional Chair and CEO

## Notice of Motions

December 16, 2020

### 10.1 Regulatory Framework to Manage the Operation of Anaerobic Digestion Facilities

Councillors Carter and Mitchell gave Notice that the following motion will be presented at the December 16, 2020 meeting, or subsequent meeting of Regional Council:

Whereas the Ministry of the Environment, Conservation and Parks has recently released draft revisions to the Food and Organic Waste Policy Statement;

And Whereas, this policy requires diversion targets to be met for food and organic waste in Ontario;

And Whereas, anaerobic digestion is one technology that is available to assist in meeting these regulatory requirements;

And Whereas, the capture of methane biogas for conversion into renewable natural gas or other forms of energy will be a model for the future to create a carbon neutral resource from the residential organics stream and help mitigate the current climate crisis if properly regulated, developed and managed;

And Whereas, fulsome Provincial oversight and regulations are required to manage the operation of anaerobic digestion facilities to ensure that any potential impacts on neighbouring properties, including but not limited to odour, noise and traffic, are mitigated;

And Whereas, fulsome Provincial oversight and regulations are required to manage the impact on the environment including impacts associated with emissions to air, soil, surface water and groundwater;

And Whereas, as an emerging industry, numerous projects have been proposed in a short timeframe within the Province, including within the Regional Municipality of Durham;

And Whereas, it is important to ensure that public sector anaerobic digestion facilities and private sector anaerobic digestion facilities are evaluated against a common regulatory framework to ensure a consistent approach;

Now therefore be it resolved;

1. That the Council of the Regional Municipality of Durham requests the Ministry of the Environment, Conservation and Parks to develop a regulatory framework to manage the operation of anaerobic digestion facilities, whether public sector or private sector owned and operated, and apply a consistent approach across the Province in order to ensure host communities of these facilities are protected from land use planning and environmental impacts;

2. That the regulatory framework apply equally to public sector anaerobic digestion facilities and private sector anaerobic digestion facilities;
3. That the regulatory framework address land use planning matters, such as, but not limited to, odour, noise and traffic;
4. That the regulatory framework address environmental matters, such as, but not limited to, emissions to air, soil, surface water and groundwater and that the impacts are properly mitigated; and
5. That a copy of this resolution be forwarded to all Durham Area M.P.Ps and all Durham area municipalities.

## 10.2 Beaverton Supportive Housing Community Liaison Committee

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Councillors Chapman and Pickles gave Notice that the following motion will be presented at the December 16, 2020 meeting, or subsequent meeting of Regional Council:

Whereas at the meeting of October 28, 2020 Regional Council passed a motion that in part said:

“That in order to improve communication with area residents, a Beaverton Supportive Housing Community Liaison Committee be created, consisting of up to 10 local resident representatives selected by the Council of the Township of Brock, for the purpose of sharing information, identifying issues, concerns and mitigation strategies and to promote the successful integration of this project and its residents within the broader Brock community”;

And Whereas the Council of the Township of Brock has chosen not to support this project including not wishing to select representatives of the community to participate in a Beaverton Supportive Housing Community Liaison Committee;

And Whereas Regional Council believes a Beaverton Supportive Housing Community Liaison Committee created for the purpose of sharing information, identifying issues, concerns and mitigation strategies would greatly assist to promote the successful integration of this project and its residents within the broader Brock community;

Now therefore be it resolved that staff reach out to local Beaverton community groups such as, but not limited to the Legion, Lions Club, Board of Trade, Lakeview Manor Family Committee, Gillespie Gardens, the Library Board, Brock Community Health Centre and Local church groups to invite these groups to nominate a representative for a Beaverton Supportive Housing Community Liaison Committee; and

That the Beaverton Supportive Housing Community Liaison Committee have up to 10 members from the Brock community as noted above; it be co-chaired by the Director of Housing Services and a community member selected by the committee; and, meet at least monthly.

## Unfinished Business

December 16, 2020

- 11.1 Private Request for a Minister's Zoning Order to Permit a Home Hardware Building Centre in the Rural Area at the Southeast Corner of Rundle Road and Regional Highway 2 in the Municipality of Clarington (2020-P-25)  
[DEFERRED]
- 

At the November 25, 2020 Regional Council meeting, the following motion was deferred to the Regional Council meeting scheduled for December 16, 2020:

- A) That Regional Council advise the Minister of Municipal Affairs and Housing that it does not support the use of a Minister's Zoning Order to permit the establishment of a Home Hardware Building Centre in the rural area at the southeast corner of Rundle Road and Highway 2 in the Municipality of Clarington; and
- B) That a copy of Report #2020-P-25 of the Commissioner of Planning and Economic Development be forwarded to the Municipality of Clarington.

Moved by Councillor Anderson, Seconded by Councillor Collier,

- (356) That the recommendations contained in Item 3 of the Seventh Report of the Planning and Economic Development Committee be deferred to the December 16, 2020 Regional Council meeting.

CARRIED



## Other Business

December 16, 2020

12.1 Response to November 25, 2020 Notice of Motion regarding Minister's Zoning Orders (2020-P-30)

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Recommendations to Council:

That Report #2020-P-30 of the Commissioner of Planning and Economic Development be received for information.

(See attached Report #2020-P-30 on pages 58-62)

12.2 Pickering-Uxbridge Broadband Fibre Trunk Project (2020-EDT-11)

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Recommendations to Council:

(Report to be provided under separate cover)



# The Regional Municipality of Durham Report

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To: Regional Council  
From: Commissioner of Planning and Economic Development  
Report: #2020-P-30  
Date: December 16, 2020

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**Subject:**

Response to November 25, 2020 Notice of Motion regarding Minister's Zoning Orders

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**Recommendation:**

It is recommended to Regional Council:

That this report be received for information.

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**Report:**

**1. Purpose**

1.1 At its meeting on November 25, 2020, Regional Council considered a Notice of Motion moved by Councillor Joe Neal and seconded by Councillor Lee that sought clarification as to when Minister's Zoning Orders (MZOs) will and will not be used to expedite development. The text of the Motion is as follows:

*Whereas increasingly applicants are requesting Minister's Zoning Orders in order to bypass the public planning process and to expedite development projects;*

*Whereas there is no defined MZO process to ensure that the appropriate technical issues are fully addressed before an MZO is enacted; and*

*Whereas Regional Council wishes to ensure that all planning-related decisions affecting lands in the Region of Durham are sound and in the public interest.*

*Now therefore be it resolved that:*

1. *Durham Region request that the Minister of Municipal Affairs and Housing to define what are matters of Provincial priority for consideration of MZO's; and*
  2. *Durham Region request that the Minister of Municipal Affairs and Housing to clarify when MZOs will (and will not) be used to expedite development, and to clarify what safeguards can and will be put in place to ensure that future land use decisions made by way of an MZO represent good planning and are in the public interest.*
- 1.2 The motion was referred back to staff for consideration, with a report to be brought back to the December 16, 2020 Regional Council meeting. This report responds to that Council direction.

## **2. Previous Reports/Decisions**

- 2.1 The following Regional correspondence and staff reports have been produced recently related to MZOs:

- Support for an MZO for a long-term care home in Clarington;
- Support for an MZO for a long-term care home in Ajax;
- Dorsay Development Corporation's request for an MZO for lands in Northeast Pickering, Report #[2020-P-15](#);
- Request by the owner of the Durham Live Lands for an MZO in the City of Pickering, Reports #[2020-A-19](#) and #[2020-A-21](#); and
- Request for an MZO to permit a Home Hardware Building Centre in the Rural Area of Clarington, Report #[2020-P-25](#).

## **3. Background**

- 3.1 The COVID-19 pandemic has hit the global economy hard. The creation of new jobs and investment is a major priority for all levels of government in Canada, including the Region of Durham. Additionally, there is a critical need for more long-term care facilities, affordable housing, and various forms of supportive housing across the Greater Golden Horseshoe, with Durham being no exception.
- 3.2 In order to enable certain development projects to proceed more quickly, the Minister of Municipal Affairs and Housing has been making frequent use of Minister's Zoning Orders. An MZO is a planning tool available under section 47 of the Planning Act that allows the Minister of Municipal Affairs and Housing to enact zoning regulations and grant consents without any public consultation, public notice, or public right of appeal. When an MZO is enacted, it quickly advances a

development proposal to the site plan and building permit stage, or possibly straight to the building permit stage of development if the MZO exempts the project from site plan control<sup>1</sup>.

- 3.3 At present, there is no established process or criteria that the Minister is required to follow to enact an MZO. With the increasing frequency of MZO requests, some have wondered if clarification or criteria around the use of MZOs might be appropriate.
- 3.4 Over the summer of 2020, the province introduced Bill 197, the COVID-19 Economic Recovery Act. With regard to MZOs, the legislation enables the province to require a landowner to enter into an agreement with the relevant Municipality related to the development, and to set conditions required for the approval of the site plan application. The legislation also provides the ability for the Minister to give direction on agreements with the municipality, either before or after those agreements have been entered into by the parties.
- 3.5 While an MZO agreement may be an effective way to ensure certain conditions are met prior to development taking place, MZOs themselves may not include conditions or holding provisions.

#### **4. Suggested improvements to the current MZO approach**

- 4.1 In addition to the clauses contained in Councillor Neal's Notice of Motion, the following suggestions have been developed by staff as ways the Minister of Municipal Affairs and Housing could offer greater clarity as to how and when the MZO tool will be used:
- a. That the Minister consult with the upper tier municipalities during the consideration of any MZO that affects land in the Region. Since any new development affects Regional infrastructure, (i.e. sewer, water, roads), this consultation with the Region is imperative.
  - b. That the Minister consider whether the proposal conforms to provincial planning policy and consider whether the proposed development would adversely affect any matter of provincial interest set out in Section 2 of the Planning Act.

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<sup>1</sup> Exemption from site plan control through an MZO is not permitted within the Greenbelt Plan Area.

- c. That the Minister consider whether the proposal conforms to Regional planning policy and facilitates uses that advance Provincial and regional priorities.
- d. That the Minister consider whether new development permitted by an MZO adversely affects uses in the vicinity of the area.
- e. That the Minister assess whether the project is “shovel-ready” and will be constructed in a timely manner. In that regard, the MZO could include a lapsing provision so that if a building permit has not been issued for the proposal within a specified timeframe, the MZO could be repealed.
- f. That prior to the issuance of an MZO, the required technical studies have been, or will be, completed to demonstrate there will not be any unacceptable impacts on the natural environment.
- g. That prior to the issuance of an MZO, the required technical studies have been, or will be, completed to demonstrate that the Regional infrastructure is sufficient to accommodate the proposal, and where necessary that a development agreement has been executed prior to the enactment of the MZO to secure the necessary infrastructure works and ensure that any fiscal impacts on the Region have been addressed.
- h. That the affected municipality/municipalities be reimbursed by the proponent for time spent by municipal staff on the basis that a significant amount of staff time is required to assist affected Councils when considering MZO requests, to compensate for the foregone planning application fee revenue that would otherwise have been collected.

## **5. Relationship to Strategic Plan**

### **5.1 All the objectives of the Strategic Plan are relevant to this subject:**

- a. Goal 1: Environmental Sustainability. To protect the environment for the future by demonstrating leadership in sustainability and addressing climate change.
- b. Goal 2: Community Vitality. To foster an exceptional quality of life with services that contribute to strong neighbourhoods, vibrant and diverse communities, and influence over our safety and well-being.
- c. Goal 3: Economic Prosperity. To build a strong and resilient economy that maximizes opportunities for business and employment growth, innovation and partnership.
- d. Goal 4: Social Investment. To ensure a range of programs, services and supports are available and accessible to those in need, so that no individual is left behind.

- e. Goal 5: Service Excellence. To provide exceptional value to Durham taxpayers through responsive, effective and fiscally sustainable service delivery.

## 6. Conclusion

- 6.1 MZOs have the effect of establishing land use permissions and development controls that can be implemented in any area of the province regardless of the underlying Regional or local municipal official plan designation.
- 6.2 Regional Council has asked staff to suggest ways the Minister of Municipal Affairs and Housing could provide a greater degree of openness and transparency to the future use of the MZO tool. This report has been prepared in response to that request.
- 6.3 This report has been prepared in consultation with Corporate Services – Legal Services.

Respectfully submitted,

Original signed by

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Brian Bridgeman, MCIP, RPP  
Commissioner of Planning and  
Economic Development

Recommended for Presentation to Committee

Original signed by

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Elaine C. Baxter-Trahair  
Chief Administrative Officer