



Official Notice

Meeting of Regional Council

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

Wednesday, December 22, 2021

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 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 24, 2021 Pages 6 - 38
- 4.2 Committee of the Whole meeting – December 15, 2021 Under Separate Cover

5. Presentations

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

6. Delegations

- 6.1 The Honourable Peter Van Loan, Aird & Berlis LLP, on behalf of Belmont Equity (Rossland Landing) Ajax Ltd., re: Employment Area Conversion Request CNR-14, Ajax (2021-P-25)
- 6.2 Wendy Bracken, Newcastle Resident, re: Memorandum from Susan Siopis dated December 8, 2021 regarding the Motion Related to AMESA Q2 Quarterly Report
- 6.3 Linda Gasser, Whitby Resident, re: Memorandum from Susan Siopis dated December 8, 2021 regarding the Motion Related to AMESA Q2 Quarterly Report

7. Reports related to Delegations/Presentations

- 7.1 Envision Durham – Recommendations on Employment Area Conversion Requests, File D12-01, OPA-2021-003 (2021-P-25)

8. Communications

- CC 25 Correspondence from Bianca Yurkoski, Whitby resident, re: Envision Durham (2021-P-25) Page 39
- CC 26 Correspondence from Greg Yurkoski, Whitby resident, re: Envision Durham (2021-P-25) Page 39
- CC 27 Correspondence from George Lysyk, Oshawa resident, re: Employment Area Conversion – Envision Durham (CNR-39 Request) (2021-P-25) Page 39
- CC 28 Correspondence from Guy Giorno, Regional Municipality of Durham Integrity Commissioner, re: Special Report on Notice of Application for Judicial Review Page 39

9. Committee Reports and any Related Notice of Motions

- 9.1 Finance and Administration Committee Pages 60 - 69
- 9.2 Health and Social Services Committee Pages 70 - 71
- 9.3 Planning and Economic Development Committee Pages 72 - 74
- 9.4 Works Committee Pages 75 - 78
- 9.5 Committee of the Whole Pages 79 - 84

10. Notice of Motions

10.1 Discrimination of Freedom of Religion in Quebec's Bill 21

Page 85

11. Unfinished Business

There is no unfinished business

12. Other Business

There is no other business

13. Announcements

14. By-laws

42-2021 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 2022.

This by-law implements the recommendations contained in Item #2 of the 10th Report of the Finance & Administration Committee presented to Regional Council on December 22, 2021

43-2021 Being a by-law to requisition, on an interim basis, from the lower-tier municipalities before the adoption of the 2022 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 2021.

This by-law implements the recommendations contained in Item #3 of the 10th Report of the Finance & Administration Committee presented to Regional Council on December 22, 2021

44-2021 Being a by-law to approve and adopt the 2022 Business Plans and Budgets for Water purposes in the amount of \$200,308,196.

This by-law implements the recommendations contained in Item #4 of the 10th Report of the Finance &

Administration Committee presented to Regional Council on December 22, 2021

- 45-2021 Being a by-law to approve and adopt the 2022 Business Plans and Budgets for Sanitary Sewage purposes in the amount of \$273,570,155.
- This by-law implements the recommendations contained in Item #4 of the 10th Report of the Finance & Administration Committee presented to Regional Council on December 22, 2021
- 46-2021 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 #5 of the 10th Report of the Finance & Administration Committee presented to Regional Council on December 22, 2021
- 47-2021 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 #5 of the 10th Report of the Finance & Administration Committee presented to Regional Council on December 22, 2021
- 49-2021 Being a by-law to adopt Amendment #186 to the Durham Regional Official Plan.
- This by-law implements the recommendations contained in Item #2 of the 9th Report of the Planning & Economic Development Committee presented to Regional Council on December 22, 2021
- 50-2021 Being a by-law to establish a Municipal Services Corporation for the purposes of establishing, creating, and operating a Regional Telecommunications and Broadband Network in the Regional Municipality of Durham.
- This by-law implements the recommendations contained in Item #2 of the 9th Report of the Committee

of the Whole presented to Regional Council on
December 22, 2021

- 51-2021 Being a by-law to authorize a Municipal Capital Facilities Agreement between The Regional Municipality of Durham and Durham OneNet Inc.
- This by-law implements the recommendations contained in Item #2 of the 9th Report of the Committee of the Whole presented to Regional Council on December 22, 2021
- 52-2021 Being a by-law to amend By-law No. 38-2019 to address the changes to the Development Charges Act, 1997, as a result of Bill 108, Bill 138, Bill 197 and O.Reg 454/19.
- This by-law implements the recommendations contained in Item #6 of the 10th Report of the Finance & Administration Committee presented to Regional Council on December 22, 2021
- 53-2021 Being a by-law to appoint a forester and designate as a municipal by-law enforcement officers for the Regional Municipality of Durham (the "Region") for the purpose of enforcing the Regional Woodland By-law #30-2020.
- This by-law implements the recommendations contained in Item #1 of the 4th Report of the Planning & Economic Development Committee presented to Regional Council on July 27, 2020

15. Confirming By-law

- 54-2021 Being a by-law to confirm the proceedings of Regional Council at their meeting held on December 22, 2021

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 24, 2021

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.

Regional Chair Henry asked Council to participate in a moment of reflection and recognize those affected by the flooding in British Columbia, remember the lives lost and the ongoing challenges being faced there.

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 Brenner
Councillor Carter
Councillor Chapman
Councillor Collier
Councillor Crawford
Councillor Dies
Councillor Drew
Councillor Foster
Councillor Grant
Councillor Highet
Councillor Kerr
Councillor Leahy
Councillor Lee, left the meeting at 3:45 PM for a medical appointment

Councillor Marimpietri
Councillor Mitchell
Councillor Mulcahy
Councillor John Neal
Councillor Joe Neal
Councillor Nicholson
Councillor Pickles
Councillor Ryan was absent on municipal business and attended the meeting at 10:34 AM
Councillor Smith
Councillor Wotten
Councillor Yamada, left the meeting at 10:58 AM on municipal business
Regional Chair Henry
*** all members of Council, except the Regional Chair, participated electronically**

All members of Council were present with the exception of Councillors Roy and Ryan.

3. Declarations of Interest

Councillor Grant made a declaration of interest under the Municipal Conflict of Interest Act with respect to Item 12.2 under Other Business, Report #2021-A-21: Beaverton Supportive Housing Development. He indicated that he will not attend any closed session regarding the Beaverton Supportive Housing Project as advised by the Integrity Commissioner.

Councillor Smith made a declaration of interest under the Municipal Conflict of Interest Act with respect to Item 12.2 under Other Business, Report #2021-A-21: Beaverton Supportive Housing Development. He indicated that he will not attend any closed session regarding the Beaverton Supportive Housing Project as advised by the Integrity Commissioner.

Councillor Anderson made a declaration of interest under the Municipal Conflict of Interest Act with respect to Item #2 of the 8th Report of the Health and Social Services Committee, Report #2021-SS-14: Unbudgeted Provincial funding from the Ministry of Long-Term Care for Increase in Staffing Hours and Supporting Professional Growth for the Four (4) Regional Municipality of Durham Long Term Care Homes. He indicated that his daughter is a nurse who works for the Region.

4. Adoption of Minutes

Moved by Councillor Marimpietri, Seconded by Councillor Chapman,
(249) That the minutes of the following meetings be adopted:

- Regular Regional Council meeting held on October 27, 2021; and
- Regular Committee of the Whole meeting held on November 10, 2021.

CARRIED

5. Presentations

There were no presentations.

6. Delegations

- 6.1 Councillor Deborah Kiezebrink, re: Bus Stops on Dead End Roads (Previously delegated at the June 2 Works Committee meeting and was requested to delegate at Council)

Councillor Deborah Kiezebrink, Township of Scugog, appeared with respect to bus stops on dead end roads.

D. Kiezebrink displayed a video titled Dead End Road Kids. The video contained commentary from families affected by the current school bussing situation on dead end and private roads.

Moved by Councillor Anderson, Seconded by Councillor Wotten,
(250) That Councillor Kiezebrink be granted a one-time two minute extension in order to finish her delegation.

CARRIED

D. Kiezebrink provided examples of children who have been injured or killed as a result of being hit by a vehicle while waiting for a school bus.

D. Kiezebrink advised that Scugog has written two motions with respect to the danger of the current bussing situation and has not received a response from the Ministry of Education. She added that they have been advised that Ontario Ministry of Transportation policy changes are “guidelines” only; and that municipalities should make appropriate road improvements to ensure safer services to children who live on private or dead-end roads. She noted that in Scugog alone those improvements would cost approximately \$13 million.

D. Kiezebrink advised that ten municipalities have passed resolutions endorsing Scugog’s resolutions. She added that Scugog is requesting that Durham Region ask the Ministry of Education and the Province of Ontario to amend policies requiring Student Transportation Services and School Boards around the Province to work with parents to facilitate the use of smaller buses, spotters, and 3-point turns or backing up where necessary, to provide safer service to dead-end and private road children and prevent the need for additional turnarounds to be constructed on municipal roads.

Councillor Kiezebrink responded to questions from members of Council.

Moved by Councillor Wotten, Seconded by Councillor Drew,
(251) That the Rules of Procedure be suspended in order to introduce a new motion with respect to bus stops on dead end roads.

CARRIED on a 2/3rds VOTE

Moved by Councillor Wotten, Seconded by Councillor Drew,
(252) Whereas Dead-End Road delegations have been received from parents in attached correspondence, website www.durhamdeadendroadkids.ca and video www.youtube.com/watch?v=pCVNLSUKk&t=18s noting approximately 386 Durham Region kids and families remain in crisis walking kilometres daily to wait on highspeed roadway shoulders with winter dark coming;

And whereas the Ontario Ministry of Transportation has responded and now amended their Policy to allow and provide guidelines for reversing a school bus on a dead end road <https://www.ontario.ca/document/official-ministry-transportation-mto-bus-handbook/special-safety-precautions-school-bus-drivers> which is in keeping with the previous historic practice of using smaller buses, doing 3-point turns and using a spotter in rural areas;

And whereas to date 10 municipalities across Ontario have passed a resolution endorsing Scugog's bus stops on dead end roads Resolutions CR-2021-086 (April 26, 2021) and CR-2021-175 (June 28, 2021), given family safety challenges exist on dead-end roads throughout the province;

And whereas Report PWIS-2021-022, Williams Point Road and Beacock Road School Bus Turnarounds, be received noting municipal cost for construction of school bus turnarounds is prohibitive with 178 dead end roads now not accessed by Durham District School Board alone not including hundreds of roads around province, and any funds invested in turnarounds would not be consistent with asset management priorities promoted by the Province of Ontario;

And whereas to date Durham Student Transportation Services have not re-considered the previous motions or adjusted their policies, citing Ontario Ministry of Transportation policy changes are "guidelines" only, <https://www.durhamregion.com/news-story/10445254-mto-tweaks-unlikely-to-reverse-scugog-route-changes-dsts/> are not "direction to school boards" <https://www.durhamregion.com/news-story/10445254-mto-tweaks-unlikely-to-reverse-scugog-route-changes-dsts/> , maintaining far-distanced highspeed roadside common stops are safer;

Now therefore be it resolved:

That Council request the Ministry of Education and the Province of Ontario to amend policies requiring Student Transportation Services and School Boards around the Province work with parents to facilitate the use of smaller buses, spotters, and 3-point turns or backing up where necessary, to provide safer service to dead-end and private road children and prevent the need for additional turnarounds to be constructed on municipal roads; and

That a copy of this motion and the staff report from the Township of Scugog be forwarded to Premier Doug Ford, Honorable Stephen Lecce (Minister of Education), Honorable Caroline Mulroney (Minister of Transport), Durham Student Transportation Services, Durham District School Board, Haliburton-Kawartha Lakes-Brock MPP Laurie Scott, all Durham MPPs, all Ontario Municipalities, Rural Ontario Municipal Association (ROMA), Ontario Good Roads Association (OGRA), and Association of Municipalities of Ontario (AMO).

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

Moved by Councillor Chapman, Seconded by Councillor Anderson,
(253) That the main motion (252) of Councillors Wotten and Drew be amended in the last paragraph by deleting the words "Durham District School Board" and replacing them with the words "all School Boards serving Durham Region".

CARRIED

The main motion (252) of Councillors Drew and Wotten was then put to a vote and CARRIED UNANIMOUSLY, 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 Grant	
Councillor Highet	
Councillor Kerr	
Councillor Leahy	
Councillor Lee	
Councillor Marimpietri	
Councillor McLean	
Councillor Mitchell	
Councillor Mulcahy	
Councillor John Neal	
Councillor Joe Neal	
Councillor Nicholson	
Councillor Pickles	

Councillor Ryan
Councillor Smith
Councillor Wotten
Councillor Yamada
Regional Chair Henry

Members Absent: Councillor Roy

Declarations of Interest: None

6.2 Wendy Bracken, Durham Resident, re: Memorandum and Quarterly Technical Report dated September 17, 2021 from S. Siopis, Commissioner of Works, re: Durham York Energy Centre Quarterly (Q2) Long-Term Sampling System Report

Wendy Bracken, participating electronically, appeared before Council with respect to Durham York Energy Center Quarterly (Q2) Long-Term Sampling System Report.

W. Bracken raised concerns that the characterization of the purpose of AMESA stated in the Durham York Energy Centre Quarterly (Q2) Long-Term Sampling System Report was incorrect.

W. Bracken displayed a flow diagram of a typical AMESA system and noted that all parts should be analyzed for how much dioxins and furans came in from the stack.

W. Bracken expressed her concerns that the AMESA reporting is missing the raw data, the laboratory report, the sampling report, accountability with respect to signatures by people with appropriate credentials, and a necessary explanation and context. She added that the annual report does not contain the underlying monthly AMESA reports.

Moved by Councillor Joe Neal, Seconded by Councillor Anderson (254) That Wendy Bracken be granted a one-time two minute extension in order to finish her delegation.

CARRIED ON THE FOLLOWING
RECORDED VOTE:

Yes
Councillor Anderson
Councillor Ashe
Councillor Barton
Councillor Carter
Councillor Crawford
Councillor Dies
Councillor Foster
Councillor Grant
Councillor Kerr
Councillor Leahy

No
Councillor Drew
Councillor McLean
Councillor Mitchell

Councillor Mulcahy
Councillor John Neal
Councillor Joe Neal
Councillor Nicholson
Councillor Pickles
Councillor Ryan
Councillor Smith
Councillor Wotten
Councillor Yamada
Regional Chair Henry

Members Absent: Councillor Chapman
Councillor Collier
Councillor Hight
Councillor Lee
Councillor Marimpietri
Councillor Roy

Declarations of Interest: None

W. Bracken made observations on a discussion regarding the underlying AMESA reports from the November 3, 2021 Works Committee meeting.

W. Bracken expressed concerns that Durham and York Regions' do not receive AMESA sampling lab reports. She questioned how proper oversight can be provided without accessing the data.

W. Bracken questioned whether all parts of the AMESA system were measured and noted that there is no lab report and no raw data provided.

W. Bracken requested that Council direct staff to provide a report based on lab results, provide a complete description of sampling methodology and whether all parts of AMESA were tested, and provide lab results and data signed off by people with authority.

W. Bracken responded to questions from members of Council.

- 6.3 Linda Gasser, Durham Resident, re: Memorandum and Quarterly Technical Report dated September 17, 2021 from S. Siopis, Commissioner of Works, re: Durham York Energy Centre Quarterly (Q2) Long-Term Sampling System Report _____

Moved by Councillor Joe Neal, Seconded by Councillor John Neal,
(255) That the delegation from Linda Gasser be heard.

MOTION DEFEATED ON THE
FOLLOWING RECORDED VOTE
(A 2/3rds VOTE WAS NOT ATTAINED):

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

Members Absent: Councillor Collier
Councillor Highet
Councillor Roy

Declarations of Interest: None

In accordance with Section 15.7 (g) of the Procedural By-law, a 2/3rds vote was not attained, therefore L. Gasser was not permitted to delegate before Council.

6.4 Bill Pearce and Frank Pearce re: Application to Amend the Durham Regional Official Plan, submitted by Kyle Petrovich on behalf of Grainboys Holdings Inc., File: OPA 2021-004 (2021-P-24)

F. Pearce, participating electronically, appeared before Council in opposition to the application to amend the Durham Regional Official Plan, submitted by Kyle Petrovich on behalf of Grainboys Holdings Inc., File OPA 2021-004.

F. Pearce asked Council to consider pausing the current proceedings on this application in order to permit their appeal to proceed before the Ontario Land Tribunal. He stated that there should be compelling reasons to grant the application and there are none provided in the report.

F. Pearce noted that in accordance with Section 9A.2.3 of the Region's Official Plan, the use has to be exclusively devoted to the farming operation to be permitted and he does not believe that it is. He added that the provision was authorized by the Oak Ridges Moraine Plan and is consistent with the Provincial Policy Statement.

F. Pearce stated that Planners gave approval for the zoning by-law on the basis that it complied with the Official Plan, but it did not. He outlined the importance of maintaining the prime agricultural base in Ontario. He stated that the Region is part of the Greater Golden Horseshoe and in a report from the Ontario Federation of Agriculture it states 175 acres of agricultural land vanishes every day and this

happened between the years 2011 and 2016. He explained that the site includes Natural Linkage Areas, and this should not be compromised unless there is good reason to do so.

Moved by Councillor Collier, Seconded by Anderson,
(256) That Frank Pearce be granted a one-time two minute extension to finish his delegation.

CARRIED

F. Pearce stated that the application should be denied because the Applicant is an industry which has operated in an industrial park for the last 29 years, and sources grain from across Canada and around the world, therefore there is no need for it to be located on the present site. He added that it does not meet the definition of an agricultural use as it provides no products or services to farmers.

F. Pearce requested that the application be adjourned to allow the Ontario Land Tribunal to determine whether it meets the definition of an agricultural use.

F. Pearce responded to questions from the members of Council.

Moved by Councillor Kerr, Seconded by Councillor Foster,
(257) That Council recess for 15 minutes.

CARRIED

Council recessed at 11:13 AM and reconvened at 11:30 AM

The Regional Clerk conducted a roll call following the recess and all members of Council were present with the exception of Councillor Roy and Councillor Yamada. Councillor Yamada attended the meeting at 11:59 AM.

7. Reports related to Delegations/Presentations

There are no reports related to Delegations/Presentations.

8. Communications

CC 22 Correspondence from the Town of Whitby re: Noise Abatement at Oshawa Executive Airport

Moved by Councillor Mitchell, Seconded by Councillor Carter,
(258) That the correspondence from Mayor Dan Carter to the Honourable Omar Alghabra, Federal Minister of Transport, dated June 23, 2021 requesting that Transport Canada implement Federal noise abatement procedures and restrictions for the Oshawa Executive Airport, be endorsed.

CARRIED ON THE FOLLOWING
RECORDED VOTE:

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

Members Absent: Councillor Roy
Councillor Yamada

Declarations of Interest: None

CC 23 Correspondence from Bill Pearce and Frank Pearce re: Application to Amend the Durham Regional Official Plan, submitted by Kyle Petrovich on behalf of Grainboys Holdings Inc., File: OPA 2021-004 (2021-P-24)

CC 24 Correspondence dated November 21, 2021 and July 30, 2021 from Conrad Richter re: Comments on Application to Amend the Durham Regional Official Plan, submitted by Kyle Petrovich on behalf of Grainboys Holdings Inc., File: OPA 2021-004 (2021-P-24)

Moved by Councillor Chapman, Seconded by Councillor Foster,
(259) That Council Correspondence CC 23 and CC 24 be referred to consideration
of Item #1 of Report #8 of the Planning and Economic Development
Committee.

CARRIED

9. Committee Reports and any related Notice of Motions

9.1 Report of the Finance and Administration Committee

1. Durham Region Anti-Racism Taskforce Membership Appointments (2021-A-20)
[CARRIED]

A) That the following individuals be appointed as Citizen Members to the
Durham Region Anti-Racism Taskforce:

- i) Channon Oyeniran;
- ii) Fatouma Ahmed;
- iii) Gail Wilson-Beier;
- iv) Jeany Munawa;
- v) Kevin Vieneer;
- vi) Laura Francis;
- vii) Shauna Bookal;
- viii) Shrishma Dave;
- ix) Trynee Hancock;
- x) Zed Pickering;

B) That the following individuals be appointed as representatives from the
industry, association and public institutions to the Durham Region Anti-
Racism Taskforce:

- i) Jacqueline Williamson;
- ii) Kari Garside;
- iii) Nikhila Samuel;
- iv) Pita-Garth Case

- v) Sherry Caibaiosai; and
 - C) That the above individuals be advised of their appointment to the Durham Region Anti-Racism Taskforce.
2. Multi-Residential Property Tax Class Ratio (2021-F-28)
[CARRIED]
- A) That the Multi-Residential Property Tax Class Ratio remain at 1.8665 for 2022 and be reflected in the appropriate by-law; and
 - B) That the Region of Durham ask the Province of Ontario to extend the incentive for the New Multi-Residential Property Tax Class Ratio to include those properties which undertake significant renovation and modernization.
3. Optional Small Business Property Tax Subclass (2021-F-29)
[CARRIED]
- That the creation of a small business property tax subclass in the Region of Durham not be pursued at this time.
4. E-Mission Zero: Durham Region Transit Battery Electric Bus and Charging Infrastructure Demonstration Pilot Update (2021-F-30)
[CARRIED]
- A) That additional financing of \$2.0 million, from the one-time Federal Gas Tax revenues received in 2021, be approved to increase the total approved financing to \$2.9 million for the supply of electric bus charging equipment for the Oshawa Bus Depot, from Oshawa Power and Utilities Corporation (OPUC), for the purpose of DRT's electric bus pilot project;
 - B) That financing for the contract being negotiated with OPUC for the operation and maintenance of the charging equipment at the Oshawa Bus Depot for a period of five years, with a mutual option to renew for up to two one-year extensions, subject to the approval of the Commissioner of Finance and Legal Services, be included in the annual Durham Region Transit Business Plans and Budget; and
 - C) That a capital contribution of \$0.1 million from the one-time Federal Gas Tax revenues received in 2021 be approved to finance the design and construction of facility upgrades at the Oshawa Transit Maintenance Depot, to be performed by eCamion, necessary to implement integrated charging and energy storage equipment, for the purpose of DRT's electric bus pilot project.

5. The Audited Consolidated Financial Statements for the year ended December 31, 2020 and Recommended Use of the One-Time Property Tax Surplus (2021-F-31)

[CARRIED ON A RECORDED VOTE]

- A) That the 2020 Audited Consolidated Financial Statements for the year ended December 31, 2020 be received;
- B) That the current practice of setting aside the Supplementary Taxes received in the year in the Economic Development Reserve Fund (10 per cent of the net annual general supplementary taxation revenue) and the applicable Operating Impact Reserve Fund for General Operations, Transit and Solid Waste (balance of net annual supplementary taxes) be continued;
- C) That the following one-time initiatives that best advance the Region's strategic priorities and relieve pressure on the 2022 Business Plans and Budgets, in the aggregate amount of approximately \$13.3 million, to be funded from the 2020 Property Tax surplus that was transferred to the Operating Impact and Capital Impact Stabilization Reserve Funds, be approved:

Project	Strategic Priority	Amount
Homelessness Initiatives	Social Investment	\$700,000
Long-Term Care Capital	Social Investment / Asset Maintenance	\$777,909
Materials Testing Lab	Environmental Sustainability / Health and Safety	\$932,223
101 Consumers Drive	Environmental Sustainability / GHG Emission Reduction	\$8,389,868
Comprehensive Building Condition Assessments and Level 3 Energy Audits for Facilities	Environmental Sustainability / GHG Emission Reduction	\$2,500,000
TOTAL		\$13,300,000

- D) That the matching funding for the Materials Testing Lab be drawn at \$932,223 from each of the respective water supply rate stabilization reserve fund and the sanitary sewer rate stabilization reserve fund; and
- E) That the Commissioner of Finance be authorized to execute any required documents to put this into effect, subject to the concurrence of Legal Department as needed.

Moved by Councillor Foster, Seconded by Councillor Collier,
(260) That the recommendations contained in Items 2 to 4 of Report #9 of the Finance and Administration Committee be adopted.

CARRIED

Moved by Councillor Foster, Seconded by Councillor Collier,
(261) That the recommendations contained in Item 1 of Report #9 of the Finance and Administration Committee be adopted.

CARRIED

Moved by Councillor Foster, Seconded by Councillor Collier,
(262) That the recommendations contained in Item 5 of Report #9 of the Finance and Administration Committee be adopted.

CARRIED ON THE FOLLOWING
RECORDED VOTE:

Yes

Councillor Anderson
Councillor Ashe
Councillor Barton
Councillor Carter
Councillor Chapman
Councillor Collier
Councillor Crawford
Councillor Dies
Councillor Drew
Councillor Foster
Councillor Grant
Councillor Highet
Councillor Kerr
Councillor Leahy
Councillor Lee
Councillor Marimpietri
Councillor McLean
Councillor Mitchell
Councillor Mulcahy
Councillor Nicholson
Councillor Pickles

No

Councillor Joe Neal

Councillor Ryan
Councillor Smith
Councillor Wotten
Regional Chair Henry

Members Absent: Councillor John Neal
Councillor Roy
Councillor Yamada

Declarations of Interest: None

9.2 Report of the Health and Social Services Committee

1. Sole Source Award to Arxium Innovation Pharmacy Solutions and Approval for Unbudgeted Capital to Purchase Automated Dispensing Cabinets for the Region of Durham's Long Term Care Homes (2021-SS-13)
[CARRIED]

A) That unbudgeted capital purchases for 2021 in the amount of \$190,048 for the purchase of Automated Dispensing Cabinets at each of the four (4) Long Term Care Homes be approved;

B) That a sole source agreement with Arxium Innovation Pharmacy Solutions for the provision and maintenance of Automated Dispensing Cabinets at the Region of Durham's four (4) Long Term Care Homes be awarded at an estimated cost of \$190,048;

C) That financing in the amount of \$190,048 for the purchase of the Automated Dispensing Cabinets be provided as follows:

Medication Safety Technology Program Funding	\$183,402
--	-----------

Available surplus from Long-term care operations	<u>\$ 6,646</u>
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Total Financing	<u>\$190,048</u>
------------------------	-------------------------

D) That the Commissioner of Finance be authorized to execute the necessary agreements.

2. Unbudgeted Provincial funding from the Ministry of Long-Term Care for Increase in Staffing Hours and Supporting Professional Growth for the Four (4) Regional Municipality of Long Term Care Homes (2021-SS-14)
[CARRIED]

- A) That the 2021 portion of unbudgeted ongoing Provincial funding from the Ministry of Long-Term Care (MLTC) in the amount of \$1,206,856 for the period of November 1, 2021, to December 31, 2021, be expended in accordance with the Long-Term Care Staffing Increase Funding Policy;
- B) That the 2021 portion of unbudgeted ongoing Provincial funding from the Ministry of Long-Term Care (MLTC) in the amount of \$45,433 for the period of November 1, 2021, to December 31, 2021, be expended in accordance with the Supporting Professional Growth Funding Policy;
- C) That approval be granted to increase the Long-Term Care and Services for Seniors Staffing Complement by sixty (60) new full-time positions effective November 1, 2021, and increase part time staffing costs to account for 24/7 operations coverage within the four (4) long-term care homes;
- D) That the increases in 2021 will be funded entirely from the additional Provincial base funding allocation as follows:
 - i) Four (4) Registered Nurses at an estimated 2021 cost of \$94,844 (annualized cost of \$569,066);
 - ii) Fourteen (14) Registered Practical Nurses at an estimated 2021 cost of \$219,387 (annualized cost of \$1,316,323);
 - iii) Thirty-two (32) Personal Support Workers at an estimated 2021 cost of \$418,582 (annualized cost of \$2,511,490);
 - iv) One (1) Occupational Therapist at an estimated 2021 cost of \$22,221 (annualized cost of \$133,327);
 - v) Eight (8) Recreation Programmers at an estimated 2021 cost of \$104,646 (annualized cost of \$627,874);
 - vi) One (1) Registered Dietitian at an estimated 2021 cost of \$21,636 (annualized cost of \$129,814);
 - vii) Increase in part-time hours for Nursing and Personal Care of \$282,722 to account for 24/7 operations and coverage (annualized cost of \$1,696,337);
 - viii) Increase in part-time hours for Recreation Programmer of \$42,818 to account for 7 days per week programming (annualized cost of \$256,908); and
- E) That the unbudgeted base funding in the amount of \$45,433 to be used for the purpose of eligible staff training costs as outlined in the Provincial Supporting Professional Growth Fund Funding Policy.

Moved by Councillor Chapman, Seconded by Councillor Pickles,
(263) That the recommendations contained in Item 1 of Report #8 of the Health and Social Services Committee be adopted.

CARRIED

Moved by Councillor Chapman, Seconded by Councillor Pickles,
(264) That the recommendations contained in Item 2 of Report #8 of the Health and Social Services Committee be adopted.

CARRIED

9.3 Report of the Planning and Economic Development Committee

1. Application to Amend the Durham Regional Official Plan, submitted by Kyle Petrovich on behalf of Grainboys Holdings Inc. to permit the development of a grain processing facility in the Township of Uxbridge, File: OPA 2021-004 (2021-P-24)

[CARRIED]

 - A) That Amendment #185 to the Durham Regional Official Plan, to permit the development of a grain processing, milling, blending and storage facility, be adopted as contained in Attachment #2 to Report #2021-P-24 of the Commissioner of Planning and Economic Development; and
 - B) That “Notice of Adoption” be sent to the applicant, the applicant’s agent, the Township of Uxbridge, the Ministry of Municipal Affairs and Housing, and all other persons or public bodies who requested notification of this decision.
2. 2023 Ontario Parasport Games Bid (2021-EDT-8)

[CARRIED]

 - A) That Regional Council endorse a bid for the 2023 Ontario Parasport Games to be developed and submitted by the Economic Development and Tourism Division (Sport Durham) in November 2021;
 - B) That Regional Council endorse and support in principle the hosting of the 2023 Ontario Parasport Games, including the acknowledgement that if the Region is awarded and accepts the event, and enters into a hosting agreement for these Games, the Region would bear the responsibility for any financial deficit resulting from the Games;
 - C) That Regional Council approve in principle the Region’s financial contribution for this bid in the amount of \$106,000 (\$40,000 cash and approximately \$66,000 in-kind for all aspects of internal transportation planning and execution provided by Durham Region Transit), to be reallocated from the funding previously approved from the Operating

Impact Stabilization Reserve Fund for the Region's contribution to the 2021 Memorial Cup bid; and

- D) That if the 2023 Ontario Parasport Games are awarded to the Region, staff be directed to negotiate a hosting agreement, and that the Regional Chair and Clerk be authorized to execute such hosting agreement subject to approval of the Commissioner of Finance and Regional Solicitor.

Moved by Councillor Ryan, Seconded by Councillor Joe Neal,

- (265) That the recommendations contained in Item 1 of Report #8 of the Planning and Economic Development Committee be adopted.

CARRIED

Moved by Councillor Ryan, Seconded by Councillor Joe Neal,

- (266) That the recommendations contained in Item 2 of Report #8 of the Planning and Economic Development Committee be adopted.

CARRIED

9.4 Report of the Works Committee

1. Correspondence received from Dave Burton, President, Good Roads, dated October 19, 2021 re: Correspondence to the Ministry of Transportation with respect to discussion at a recent Board of Directors meeting regarding Modified Exhausts and Noisemakers
[CARRIED]

That Correspondence received from Dave Burton, President, Good Roads, dated October 19, 2021 re: Correspondence to the Ministry of Transportation with respect to discussion at a recent Board of Directors meeting regarding Modified Exhausts and Noisemakers be endorsed.

2. Renewal of Lease Agreement with Campbell Drive Professional Building Inc. for the Regional Municipality of Durham Social Services Department, Located at 2 Campbell Drive, Suites 301 – 305, in the Township of Uxbridge (2021-W-38)
[CARRIED]

- A) That the renewal of Lease Agreement with Campbell Drive Professional Building Inc., for the premises located at 2 Campbell Drive, Suites 301 – 305, in the Township of Uxbridge, and containing approximately 446.86 square metres (4,810 square feet) of office space be approved on the following terms and conditions:
- i) The term is for a period of two years commencing November 1, 2021 and ending October 31, 2023;

- ii) The annual rental rate for the term of the lease will be \$64,935.00* based on the rate of \$145.31* per square metre (\$13.50* per square foot) per annum;
 - iii) The additional rental rate for the term of the lease will be \$70,947.50* based on the rate of \$158.77* per square metre (\$14.75* per square foot) per annum to cover operating costs for the building, common areas and the leased premises. The per square foot dollar amount of additional rent is to be adjusted annually based on actual costs;
 - iv) The Regional Municipality of Durham will be invoiced \$600.00* annually by the Landlord for pylon sign rental;
 - v) The Regional Municipality of Durham shall have the option to extend the lease for an additional two years subject to the same terms and conditions; and
 - vi) That the Regional Chair and Clerk be authorized to execute all documents associated with this Lease Agreement.
(* before applicable taxes
3. Renewal of Lease Agreement with Port Perry Annex Corporation for Premises occupied by the Durham Region Health Department, Located at 181 Perry Street, in the Township of Scugog, in Port Perry (2021-W-39)
[CARRIED]
- A) That the renewal of the Lease Agreement with Port Perry Annex Corporation, for premises located at 181 Perry Street, in the Township of Scugog, in Port Perry, containing approximately 362 square metres (3,897 square feet) of office space be approved with the following terms and conditions:
 - i) The term is for a period of five years commencing October 1, 2021 and ending September 30, 2026;
 - ii) The annual rental rate for the five-year period is \$70,146* based on a rate of \$193.75* per square metre (\$18.00* per square foot) per annum;
 - iii) The Regional Municipality of Durham is responsible for a share of operating costs for the building, common areas and the leased premises including janitorial and utilities totaling approximately \$1,792.62* per month and its proportionate share of property taxes of approximately \$10,575 per annum;
 - iv) The Regional Municipality of Durham has the option to extend the lease for an additional five years subject to the same terms and conditions save and except the rental rate to be negotiated, upon providing four months prior written notice; and

- B) That the Regional Chair and Clerk be authorized to execute all documents associated with this Lease Agreement.
(*) before applicable taxes
4. Amendment and Extension of Lease Agreement with 513072 Ontario Inc. for Premises occupied by Social Services, Family Services Division located at 234 King Street East, in the Municipality of Clarington (2021-W-40)
[CARRIED]
- A) That the Amendment and Extension of the Lease Agreement with 1513072 Ontario Inc., for premises located at 234 King Street East, in the Municipality of Clarington containing approximately 180.25 square metres (1,940.3 square feet) of office space be approved with the following terms and conditions:
 - i) The term is for a period of two years commencing December 1, 2021 and ending November 30, 2023;
 - ii) The annual rental rate for the two-year period is \$23,283.60* based on a rate of \$129.16* per square metre (\$12.00* per square foot) per annum;
 - iii) The Regional Municipality of Durham will be responsible for all operating costs for the space including utilities, janitorial and security;
 - iv) The Regional Municipality of Durham will remain responsible for a proportionate share of property taxes which is estimated to be \$8,450 per annum;
 - v) The Regional Municipality of Durham have the option to extend the lease for an additional two years, under the same terms and conditions subject to the rental rate being negotiated; and
 - B) That the Regional Chair and Clerk be authorized to execute all documents associated with this Lease Agreement.
(*) before applicable taxes
5. Amendment and Extension of Lease Agreement with Michael Kassabian and Dikran Kassabian for premises occupied by Durham Region Paramedic Services located at 9 St. George Street, in the Municipality of Clarington (2021-W-41)
[CARRIED]
- A) That the Amendment and Extension of Lease Agreement with Michael Kassabian and Dikran Kassabian for premises located at 9 St. George Street in Municipality of Clarington, containing approximately 235.56 square metres (2,535.55 square feet) of space be approved with the following terms and conditions:

- i) The term is for a period of five years commencing November 1, 2021 and ending October 31, 2026;
 - ii) The annual rental rate for the five-year period is \$30,426.60* based on a rate of \$129.17* per square metre (\$12.00* per square foot) per annum;
 - iii) The Regional Municipality of Durham will be responsible for all operating costs for the building and the leased premises including utilities, janitorial, security, and grounds maintenance;
 - iv) The Regional Municipality of Durham is responsible for two third (2/3) of the property taxes. The Regional Municipality of Durham's share of property taxes is estimated to be \$8,796.21 per annum;
 - v) The Regional Municipality of Durham have the option to extend the lease for an additional three years subject to the same terms and conditions save and except the rental rate to be negotiated, upon providing six months prior written notice; and
- B) That the Regional Chair and Clerk be authorized to execute all documents associated with this Lease Agreement.
(*) before applicable taxes
6. Approval of Capital Works and Financing to be Incorporated into a Servicing Agreement with the Brooklin Centre Town Landowners Group, and in a Subdivision Agreement with Winash Partnership Limited and Brooklin Commercial Developments Limited, Including Cost Sharing in Accordance with the Region Share Policy, for the Extension and Oversizing of a Trunk Sanitary Sewer, in the Town of Whitby (2021-W-43)
[CARRIED]
- A) That capital works and financing estimated at \$6,945,700 for the Region share of a \$13,167,400 total cost trunk sanitary sewer in Brooklin in the Town of Whitby, be approved;
 - B) That the Regional Municipality of Durham be authorized to enter into a Servicing Agreement with a Region Share payment to the Brooklin Centre Town Landowners Group estimated at \$5,451,000 for the Region for the oversizing of a trunk sanitary sewer, east of Baldwin Street, in the Town of Whitby, at an estimated total project cost of \$10,437,700;
 - C) That the Regional Municipality of Durham be authorized to enter into a Subdivision Agreement with a Region Share payment to Winash Partnership Limited and Brooklin Commercial Developments Limited (collectively, Fieldgate) estimated at \$1,494,700 for the of oversizing of a

trunk sanitary sewer, west of Baldwin Street, in the Town of Whitby, at an estimated total project cost of \$2,729,700;

- D) That financing for the capital works, estimated at \$13,167,400, be provided from the following sources:

Developer’s Share – Sanitary Sewer

Brooklin Centre Town Landowners Group	\$4,986,700
Fieldgate	<u>\$1,235,000</u>

Total Developer’s Share **\$6,221,700**

Regional Costs – Sanitary Sewer

2021 Sanitary Sewerage System Capital Budget

Item 46: West Brooklin Trunk Sanitary Sewer

Residential Development Charges (Project ID: D2002)	\$4,389,255
Commercial Development Charges (Project ID: D2002)	273,585
User Rate (Project ID: D2002)	<u>1,284,660</u>
	<u>\$5,947,500</u>

2021 Sanitary Sewerage System Capital Budget

Item 148: Allowance for Regional share for works in conjunction with residential subdivision development:

Residential Development Charges (Project ID: M2110)	\$736,672
Commercial Development Charges (Project ID: M2110)	45,917
User Rate (Project ID: M2110)	215,611
	<u>\$998,200</u>

Total Regional Share – Sanitary Sewer **\$6,945,700**

Total Project Financing **\$13,167,400**

7. Renewal of Lease Agreement with the Incorporated Synod of the Diocese of Toronto for Premises Occupied by Durham Regional Police Service, located at 1173 Cedar Street, in the City of Oshawa (2021-W-44)
[CARRIED]

- A) That the renewal of the Lease Agreement with The Incorporated Synod of the Diocese of Toronto, for premises located at 1173 Cedar Street, in the City of Oshawa, containing a prefabricated building for use by Durham Regional Police Service be approved with the following terms and conditions:

- i) The term is for a period of five years commencing January 1, 2022 and ending December 31, 2026;

- ii) The annual rental rate for the five-year term is \$17,650.00* per annum;
 - iii) The Regional Municipality of Durham is responsible for all operating costs for the premises including cable, utilities, grounds maintenance, and janitorial services;
 - iv) The Regional Municipality of Durham has the option to extend the lease for three additional five-year terms, under the same terms and conditions subject to rent escalation; and
 - B) That the Regional Chair and Clerk be authorized to execute all documents associated with this Lease Agreement.
(*) before applicable taxes
- 8. Declaration of Lands as Surplus and Approval to Convey the Surplus Lands to the Adjacent Landowner as part of a Land Exchange for Regional Requirements (2021-W-45)
[CARRIED]
 - A) That property municipally known as 856 Arthur Street in the Municipality of Clarington, legally described as Part of Lot 27, Concession 2, Clarke, being Part 1 on 10R-833; subject to CK13490, Clarington, identified with PIN (Property Identification Number) 26653-0009 be declared surplus to Regional requirements;
 - B) That Regional staff be authorized to enter into a Land Exchange Agreement with the adjacent property owner as follows:
 - i) The Regional Municipality of Durham will provide lands legally described as Part of Lot 27, Concession 2, Clarke, being Part 1 on Registered Plan 10R-833; subject to CK13490, Clarington, identified with PIN 26653-0009 and having a Fair Market Value of \$504,000 to Smooth Run Developments Inc. (operating as DG Group), once the existing Newcastle Zone 1 reservoir on the site has been fully decommissioned;
 - ii) Smooth Run Developments Inc. (operating as DG Group) will provide lands located along Arthur Street in the Municipality of Clarington, identified as Part of Lot 27, Concession 2, Clarke, further described as Parts 1, 2 and 3 on Registered Plan 40R-31380, having a Fair Market Value of \$1,930,500;
 - C) That financing for the land acquisition will be provided from the approved project budget for the Newcastle Zone 1 Reservoir (Project ID: D1202); and
 - D) That the Commissioner of Works be authorized to execute all documents associated with this land exchange.

9. Confidential Report of the Commissioner of Works – Security of the Property of the Regional Corporation as it Relates to a Lease Agreement for Durham Regional Police Services (2021-W-42)
[CARRIED]

That the recommendations contained in Confidential Report #2021-W-42 of the Commissioner of Works be adopted.

- Moved by Councillor Mitchell, Seconded by Councillor Marimpietri,
(267) That the recommendations contained in Items 1 to 5, 8 and 9 of Report #9 of the Works Committee be adopted.
CARRIED

- Moved by Councillor Mitchell, Seconded by Councillor Marimpietri,
(268) That the recommendations contained in Item 6 of Report #9 of the Works Committee be adopted.
CARRIED

- Moved by Councillor Mitchell, Seconded by Councillor Marimpietri,
(269) That the recommendations contained in Item 7 of Report #9 of the Works Committee be adopted.
CARRIED

9.5 **Report of the Committee of the Whole**

1. Durham Region Community Safety and Well-Being (CSWB) Plan - Final Submission (2021-COW-29)
[CARRIED ON A RECORDED VOTE]
- A) That Council endorse Attachment #1 of Report #2021-COW-29 of the Commissioner of Planning & Economic Development, and the Commissioner of Social Services as the Region of Durham's Community Safety and Well-Being Plan;
 - B) That Report #2021-COW-29 be submitted to the Solicitor General of Ontario as the Region's final submission of the CSWB Plan;
 - C) That the Regional CAO be authorized to appoint a new interim Manager to lead the creation of the CSWB Plan Secretariat and commence the recommended Year One Implementation Plan;
 - D) That the Regional Chair and Regional CAO continue to advocate for CSWB Plan implementation funding from all levels of government; and
 - E) That a copy of Report #2021-COW-29 be sent to Durham MPs and MPPs, Area Municipalities, Durham Regional Police Service, and the CSWB Plan Steering Committee.

2. Update on Construction Cost Estimate for the Proposed Long-Term Care Home in North Pickering (2021-COW-30)
[CARRIED ON A RECORDED VOTE]

That staff continue to advocate for additional capital funding from the Provincial and Federal Governments, finalize the business case report to build a 200-bed long-term care home in North Pickering, and report back to Council in advance of the execution of the Development Agreement with the Province.

Moved by Councillor Pickles, Seconded by Councillor McLean,
(270) That the recommendations contained in Item 1 of Report #8 of the Committee of the Whole be adopted.

CARRIED ON THE FOLLOWING
RECORDED VOTE:

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

Members Absent: Councillor Collier
Councillor Roy

Declarations of Interest: None

Moved by Councillor Pickles, Seconded by Councillor McLean,
(271) That the recommendations contained in Item 2 of Report #8 of the Committee
of the Whole be adopted.

CARRIED ON THE FOLLOWING
RECORDED VOTE:

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

Members Absent: Councillor Collier
Councillor Roy

Declarations of Interest: None

10. Notice of Motions

- 10.1 International Women's Day Recognition
[CARRIED AS AMENDED ON A RECORDED VOTE] [SEE MOTIONS (272) AND
(273) ON PAGES 27 AND 28]

Moved by Councillor Leahy, Seconded by Councillor Yamada,
(272) Whereas women are under-represented in elected politics in Canada;

And Whereas it wasn't until 1960 that all women in Canada were given the right to vote;

And Whereas the right to vote is inextricably linked to the electability of women;

And Whereas the Durham Regional Government strives to have fair representation in embracing diversity and inclusion regardless of gender, sexual orientation, religion, culture;

And Whereas women have made a significant contribution socially, culturally, politically and economically to life in Durham Region;

And Whereas council appreciates, values, and recognizes the challenges women faced in the struggle for fair and equitable treatment;

And Whereas the struggle for women's rights were hard fought and should be recognized;

And Whereas a woman's place is in the House of Parliament, the provincial legislature, and in the council chambers across Canada;

And Whereas women who have served the people of Durham Region at all levels of elected office should be recognized for standing as an inspiration to other young women to participate in the political discourse of Durham Region;

Now therefore be it resolved:

1. That the Chief Administrative Officer (CAO) and senior staff where appropriate be directed to develop a formal way to recognize Durham Region's former and current elected officials **and community leaders** at all levels as part of Durham's International Women's Day for 2022;
2. That the recognition may take the form of a social event, a plaque dedication, artistic expression, or some other method as appropriate; and
3. That the CAO, in consultation with any, and all, women members of Durham Regional Council, produce a report on this International Women's Day recognition for consideration by Council no later than the early part of the first quarter of 2022; and
4. That the motion be forwarded to all Durham Region municipalities.

CARRIED AS AMENDED
(See Following Motion)

Moved by Councillor Leahy, Seconded by Councillor Yamada,
(273) That the main motion (272) of Councillors Leahy and Yamada be amended in Clause 1) by adding the words “and community leaders” after the words “elected officials”.

CARRIED

The main motion (272) of Councillors Leahy and Yamada was then put to a vote and CARRIED AS AMENDED ON THE FOLLOWING RECORDED VOTE:

Yes

Councillor Anderson
Councillor Ashe
Councillor Barton
Councillor Carter
Councillor Chapman
Councillor Crawford
Councillor Foster
Councillor Grant
Councillor Highet
Councillor Kerr
Councillor Leahy
Councillor Lee
Councillor Marimpietri
Councillor McLean
Councillor Mitchell
Councillor Mulcahy
Councillor John Neal
Councillor Joe Neal
Councillor Nicholson
Councillor Pickles
Councillor Ryan
Councillor Smith
Councillor Wotten
Councillor Yamada
Regional Chair Henry

No

Councillor Dies

Members Absent: Councillor Collier
Councillor Drew
Councillor Roy

Declarations of Interest: None

11. Unfinished Business

There was no unfinished business to be considered.

Moved by Councillor Pickles, Seconded by Councillor Marimpietri,
(274) That Council recess until 2 pm.
CARRIED

Council recessed at 12:51 PM and reconvened at 2:00 PM

The Regional Clerk conducted a roll call following the recess and all members of Council were present with the exception of Councillors Carter, Collier, and Roy.

12. Other Business

12.1 Education and Training Information Session facilitated by Jeff Perera re: Building Bridges Between Us: Allies for Gender Equality

Elaine Baxter-Trahair introduced Jeff Perera and advised that he is a speaker, writer and facilitator on topics around gender equality and masculinity. He has spoken to tens of thousands of people across North America since 2008 and has delivered two TEDx talks on subjects related to ideas of gender, empathy-building, and men helping end gender-based violence. Whether in the workplace, on campus, the locker room, or on his website: HigherUnlearning.com, Jeff creates spaces for discussion, inspiring us to become models of possibility for others.

J. Perera provided a presentation with respect to Building Bridges Between Us: Allies for Gender Equality. Highlights of his presentation included:

- Conversations respecting differences between individuals
- Surfacing: truths, reactions and divides
- Storytelling
- Building bridges
- Paths forward
- Being better teammates
- Being the lesson in action
- What is your reputation? What do you want it to be?
- Same situation. Different experience. Learn to see one another.
- Facing hard truths
- Accountability
- Listening and Speaking Up
- Working towards change

Regional Chair Henry thanked J. Perera for his education and training session.

Moved by Councillor Marimpietri, Seconded by Councillor McLean,
(275) That Council recess for 45 minutes.
CARRIED

Council recessed at 3:02 PM and reconvened at 3:47 PM

The Regional Clerk conducted a roll call following the recess and all members of Council were present with the exception of Councillors Collier, Drew, Lee, Joe Neal, Roy and Wotten.

Moved by Councillor Chapman, Seconded by Regional Chair Henry,
(276) That the Rules of Procedure be suspended in order to introduce Report 2021-A-21 re: Beaverton Supportive Housing Development.
CARRIED on a 2/3rds VOTE

12.2 Beaverton Supportive Housing Development (2021-A-21)
[CARRIED UNANIMOUSLY ON A RECORDED VOTE]

Report #2021-A-21 from the Chief Administrative Officer and Regional Solicitor was received. A confidential attachment was received under separate cover.

Moved by Councillor Chapman, Seconded by Councillor Marimpietri,
(277) A) That the Minutes of Settlement as found in Confidential Attachment #1 to Report #2021-A-21 be approved;

- B) That the Regional Solicitor be authorized to execute the Minutes of Settlement as attached in Confidential Attachment #1 to Report 2021-A-21;
- C) That the Regional Solicitor be directed that upon approval and execution by Brock Township and the Region of Durham the Minutes of Settlement be made public; and
- D) That the Chief Administrative Officer be directed to do such things as are required to carry out the terms of the Minutes of Settlement.

CARRIED UNANIMOUSLY ON THE
FOLLOWING RECORDED VOTE:

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

Councillor John Neal
Councillor Nicholson
Councillor Pickles
Councillor Ryan
Councillor Smith
Councillor Yamada
Regional Chair Henry

Members Absent: Councillor Collier
Councillor Drew
Councillor Lee
Councillor Joe Neal
Councillor Roy
Councillor Wotten

Declarations of Interest: None

13. **Announcements**

There were no announcements made.

14. **By-laws**

33-2021 Being a by-law to adopt Amendment #185 to the Durham Regional Official Plan.

This by-law implements the recommendations contained in Item #1 of the 8th Report of the Planning & Economic Development Committee presented to Regional Council on November 24, 2021

34-2021 Being a by-law to authorize the borrowing upon instalment debentures in the aggregate principal amount of \$15,568,000.00 (\$990,000.00 principal amount of 15 year instalment debentures and \$14,578,000.00 principal amount of 20 year instalment debentures) for capital works of The Corporation of the City of Pickering.

This by-law implements the recommendations contained in Item #7 of the 7th Report of the Finance & Administration Committee presented to Regional Council on September 29, 2021

35-2021 Being a by-law to authorize the borrowing upon 10 year instalment debentures in the principal amount of \$1,500,000.00 for a capital work of The Corporation of the Township of Uxbridge.

This by-law implements the recommendations contained in Item #7 of the 7th Report of the Finance & Administration Committee presented to Regional Council on September 29, 2021

- 36-2021 Being a by-law to authorize the borrowing upon 10 year instalment debentures in the principal amount of \$63,867,000.00 for a capital work of The Regional Municipality of Durham.
- This by-law implements the recommendations contained in Item #7 of the 7th Report of the Finance & Administration Committee presented to Regional Council on September 29, 2021
- 37-2021 Being a by-law to authorize the borrowing upon instalment debentures in the principal amounts authorized by by-laws Numbers 34-2021, 35-2021 and 36-2021 in the aggregate principal amount of \$80,935,000.00 (\$65,367,000.00 principal amount of 10 year instalment debentures, \$990,000.00 principal amount of 15 year instalment debentures and \$14,578,000.00 principal amount of 20 year instalment debentures) and the issuing of one series of instalment debentures therefor.
- This by-law implements the recommendations contained in Item #7 of the 7th Report of the Finance & Administration Committee presented to Regional Council on September 29, 2021
- 38-2021 Being a by-law to authorize the borrowing upon 10 year instalment debentures in the aggregate principal amount of \$2,117,000.00 for capital works of The Corporation of the City of Oshawa.
- This by-law implements the recommendations contained in Item #7 of the 7th Report of the Finance & Administration Committee presented to Regional Council on September 29, 2021
- 39-2021 Being a by-law to designate the Normandy Towns affordable housing project as a municipal capital facility.
- This by-law implements the recommendations contained in Item #4 of the 6th Report of the Committee of the Whole presented to Regional Council on September 29, 2021
- 40-2021 Being a by-law to amend By-law Number 22-2018 by which the linear limits of the several roads comprising the Regional Road system are defined.
- This by-law implements the recommendations contained in Item #2 of the 8th Report of the Works Committee presented to Regional Council on October 27, 2021

Moved by Councillor Ashe, Seconded by Councillor Pickles,
(278) That By-law Numbers 33-2021 to 40-2021 inclusive be passed.

CARRIED

15. Confirming By-law

41-2021 Being a by-law to confirm the proceedings of Regional Council at their meeting held on November 24, 2021.

Moved by Councillor Ashe, Seconded by Councillor Pickles,
(279) That By-law Number 41-2021 being a by-law to confirm the proceedings of the Council of the Regional Municipality of Durham at their meeting held on November 24, 2021 be passed.

CARRIED

16. Adjournment

Moved by Councillor Chapman, Seconded by Councillor Dies,
(280) That the meeting be adjourned.

CARRIED

The meeting adjourned at 3:55 PM

Respectfully submitted,

John Henry, Regional Chair & CEO

Ralph Walton, Regional Clerk

Communications

December 22, 2021

CC 25 Correspondence from Bianca Yurkoski, Whitby Resident, writing to the Region of Durham regarding Envision Durham (2021-P-25) (Our File: D00)

Recommendation: Refer to consideration of Item 1 of Report #9 of the Planning and Economic Development Committee (Report #2021-P-25)

(See attached correspondence on page 40)

CC 26 Correspondence from Greg Yurkoski, Whitby Resident, writing to the Region of Durham regarding Envision Durham (2021-P-25) (Our File: D00)

Recommendation: Refer to consideration of Item 1 of Report #9 of the Planning and Economic Development Committee (Report #2021-P-25)

(See attached correspondence on page 41)

CC 27 Correspondence from George Lysyk, Oshawa Resident, writing to the Region of Durham regarding Employment Area Conversion – Envision Durham (CNR-39 Request) (2021-P-25) (Our File: D00)

Recommendation: Refer to consideration of Item 1 of Report #9 of the Planning and Economic Development Committee (Report #2021-P-25)

(See attached correspondence on pages 42-43)

CC 28 Guy Giorno, Regional Municipality of Durham Integrity Commissioner, Special Report on Notice of Application for Judicial Review (Our File: C17)

Recommendation: Receive for information

(See attached correspondence on pages 44-59)

From: biancay99 [REDACTED]
Sent: Sunday, December 05, 2021 4:39 PM
To: Clerks <Clerks@durham.ca>
Subject: Envision Durham

Dear Council,

I would like to ask that you support the ability to build more condos by the port. I am mother of two boys in their 20s and I don't know if they will be able to own a home. Prices are out of control and government has the opportunity to do something about it. It's hard to think that young people will be able to afford something here in town. The answer is simple, build more homes.

Older people will be looking for a place to downsize and there are not many options. My husband and I could buy a townhouse, but it would be easier in a condo. Please do the right thing and provide the opportunity for seniors and young people.

[REDACTED] Whitby, Ontario L1R 3N2.

Thanks,

Bianca Yurkoski

From: Greg Yurkoski [REDACTED]
Sent: Monday, December 06, 2021 5:17 PM
To: Clerks <Clerks@durham.ca>; Steve Yamada <yamadas@whitby.ca>; Sterling Lee <sterling.lee@ajax.ca>; Rick Kerr <rkerr@oshawa.ca>; Jneal@clarington.net; John Henry <John.Henry@durham.ca>; John.grant@whitby.ca; Dave Ryan <dryan@pickering.ca>
Subject: Envision Durham

Dear Durham Regional Council:

I would like to ask that you support the ability to build more condos by the port. I am father of two boys in their mid and late 20s. As I talk to them about the future I don't know if they will be able to own a home it is very concerning to me. Housing prices are out of control and our government has the opportunity to do something about it. Looking at the prices of housing It's hard to think that young people will be able to afford something here in town. The answer is simple, build more affordable homes.

Older people will be looking for a place to downsize and there are not many options for them. My wife and I could buy a townhouse, but it would be easier in a condo as we get older. Please do the right thing and provide the opportunity for seniors and young people to attain affordable housing

Regards,

Greg Yurkoski

From: George I. Lysyk [REDACTED]
Sent: December 7, 2021 8:05 AM
To: Clerks <Clerks@durham.ca>
Subject: Employment Area Conversion - Envision Durham (CNR-39 Request)

Good morning,

It was brought to my attention late last night that the Regional recommendations for the employment land conversions through the Envision Durham MCR process was being presented this morning at 9:30am at the Regional Planning and Economic Development Committee.

I am not in support of the recommendations being proposed as it does not appear that the employment land conversions have been fairly distributed throughout the Region of Durham. Of the currently recommended 396 hectares of employment lands to be converted, the majority are proposed within Pickering, Ajax and Clarington whereas only 34.64 hectares are recommended in Oshawa.

I ask that this report be sent back to staff for further review, especially as to how it relates to my request, CNR-39 located in the Main Central Area within the City of Oshawa. My parcel is for a 10.3 hectare property that fronts onto Highway 7 (Winchester Road E), Ritson Road N to the East, the Hydro One power lines to the North and Bridle Road to the West. All of the lands around us have a Main Central Area designation, except for ours. Our property is one of the first parcels people would see entering the City of Oshawa from the North/Highway 407 corridor. If you look at development around the 407 corridor throughout the GTA you will see a mix of high density residential, commercial and employment near every major transit intersection. It would be ridiculous that our parcel be solely developed under the current official plan designation of employment as it would be an awful underutilization of land so close to existing major infrastructure.

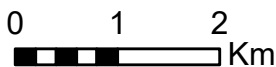
It seems to me that anyway you look at this, it is unfair. If you would like me to speak about this in front of the committee this morning, please call me at [REDACTED].

Sincerely,

George Lysyk



Requests for Employment Area Conversion – Oshawa and Whitby



Legend

- Lands Subject to Employment Conversion Request
 - Recommended
 - Withdrawn
 - Not Recommended

- Urban Area Boundary
- Prime Agricultural Areas
- Employment Areas
- Major Open Space Areas
- Waterfront Areas

- Municipal Boundary
- Living Areas
- Regional Corridors
- Regional Centres

Data Sources and Disclaimer

Regional Official Plan, Schedule 'A' composite, 2020 consolidation. This map has been produced from a variety of sources. The Region of Durham does not make any representations concerning the accuracy, likely results, or reliability of the use of the materials. The Region hereby disclaims all representations and warranties. Digital cartography by The Regional Municipality of Durham, Planning and Economic Development Department, 2021. All rights reserved. May not be reproduced without permission.

Integrity Commissioner for Durham Region Special Report

Summary

My recent Code of Conduct inquiry report to Regional Council is the subject of a judicial review application. The purpose of this special report is to inform Regional Council.

Background

On October 19, I issued an inquiry report in the Code of Conduct matter *Regional Municipality v. Neal and Schummer*, 2021 ONMIC 15.

The complainant was the Regional Municipality, represented by the Regional Clerk and Director of Legislative Services. The respondents were Councillor Joe Neal and Councillor Ralph Schummer. (Mr. Schummer for a period of time was an alternate representing the Township of Brock.)

On October 27, Regional Council received my report for information.

On November 22, I received an email from Councillor Joe Neal, attaching a pdf copy of a Notice of Application for Judicial Review that was issued by the Divisional Court on November 17.

The Applicant in the proceeding is Joseph Jeffrey Neal. The Respondent is identified as The Integrity Commissioner for the Regional Municipality of Durham.

The email from Councillor Joe Neal included an excerpt from email correspondence between the Divisional Court and Councillor Joe Neal. I was not given the entire email exchange and I was not included in the email exchange.

Attached to this report are the email from Councillor Joe Neal and the copy of the Notice of Application for Judicial Review.

My understanding is that email is not an acceptable method of service of a Notice of Application, though I decided that I should not object to this irregularity.

In my experience, it is typical that a judicial review application be served on all parties to the proceeding that gives rise to the application, so they can participate if they wish. In this case, those parties were the Regional Municipality, which was the complainant in the Code of Conduct inquiry that I conducted, and Mr. Schummer, who was the other respondent in the inquiry. Councillor Joe Neal chose not to include the Regional Municipality or Mr. Schummer in the Application for Judicial Review.

To remedy this omission, the same day that I received the Notice of Application, I shared it with the Mr. Hunt, the Regional Solicitor and Director of Legal Services. I have continued to keep Mr. Hunt updated throughout.

Responding to the Application

Under the *Municipal Act* and the terms of my agreement with the Regional Municipality, it is expected that I will respond to the Application. Subsection 223.3(6) of the *Municipal Act* provides for indemnification of an Integrity Commissioner for costs reasonably incurred in connection with the defence of a proceeding that relates to an act done in the performance of a duty or authority under Part V.1 or a by-law passed under it. This provision clearly contemplates responding to judicial review applications.

Further, my agreement with the Region requires me to “take any and all action and [do] and provide the services herein required to be provided in compliance with all laws, regulations or orders, including the order of any board or court of competent jurisdiction.”

The Application for Judicial Review

According to the Notice of Application for Judicial Review, Councillor Joe Neal is being represented by the law firm Neal & Mara. No individual lawyer is named as representative of the Applicant, but the contact information provided belongs to Councillor Joe Neal: namely, his email address (jneal@neallaw.ca) and his legal office phone number (905 436 9015).¹

Based on this information, and on the emails I have received, I believe that Councillor Joe Neal is representing himself in this legal proceeding.

According to the Notice of Application, Councillor Joe Neal is seeking the following:

- A court order that he be paid what are called substantial indemnity costs. (These are costs 1.5 times higher than would otherwise be awarded.² According to the Ontario Court of Appeal, substantial indemnity costs are a sanction for reprehensible conduct.³)
- A court order quashing my “decision” related to Councillor Joe Neal (but apparently not in relation to Mr. Schummer)

¹ My understanding is that lawyer Kevin Mara has a different phone number, 905 436 9014.

² Rules of Civil Procedure, rule 1.03(1).

³ *Davies v. Clarington (Municipality)*, 2009 ONCA 722 (CanLII), paras. 30-31, citing *Mortimer v. Cameron* (1994), 17 O.R. (3d) 1 (C.A.) at 23, and *McBride Metal Fabricating Corp. v. H. & W. Sales Co.* (2002), 59 O.R. (3d) 97 (C.A.), at para. 39.

- In the alternative, a court order remitting the Regional Municipality's complaint back to me for reconsideration of whether Councillor Joe Neal (but apparently not Mr. Schummer) breached the Code of Conduct

As I have noted, the Applicant is asking to be awarded legal costs if he succeeds. Under the *Municipal Act*, any cost award to him would ultimately be paid by the Region.

In Ontario, self-represented lawyers can be awarded legal costs.⁴ The basis for paying costs to a self-represented lawyer is "the 'time is money' or opportunity cost rationale."⁵ If he continues to be self-represented then what the Councillor Joe Neal is seeking is to be compensated, ultimately by the Region, for his lost time, should the Application be successful.

At this time, I will not address the substance of the Application, other than to state that I reject the Applicants's premise that I made a "decision." The structure of Part V.1 of the *Municipal Act* is clear. Integrity Commissioners do not make code of conduct decisions; they report findings and recommendations, and municipal councils are the decision makers.

Conclusion

I bring the Application for Judicial Review to the attention of Regional Council for information.

Respectfully submitted,



Guy Giorno
Integrity Commissioner

December 15, 2021

⁴ *Fong v. Chan*, 1999 CanLII 2052 (Ont. C.A.), at para. 23.

⁵ *Ibid.*

From: Joe Neal <jneal@neallaw.ca>
Sent: November-22-21 11:07 AM
To: Integrity Commissioner
Subject: [EXT] FW: DC-21-1268-00JR; NEAL v. THE INTREGRITY COMMISSIONER FOR THE REGIONAL MUNICIPALITY OF DURHAM - Directions from Justice Charney
Attachments: Notice of Application.pdf
Categories: Saved to file

Mr. Giorno: I am enclosing a Notice of Application for Judicial Review which has been issued, and I received the directions below by email.

Thanks

Joe Neal

Justice Charney directs me to advise you as follows:

The parties are to confer to agree upon a schedule for exchange of application materials and to provide their agreed schedule to the court by December 10, 2021. If a schedule cannot be agreed then the parties shall schedule a case management teleconference with the court.

Please let me know if you have any questions.

Jessica Roy
Court and Client Representative

Lieutenant-Colonel Samuel S. Sharpe, DSO,
M.P. Courthouse
Superior Court of Justice – Divisional Court
150 Bond Street East, Oshawa, ON L1G 0A2

(T)905-743-2800 ex.7156
Jessica.R.Roy@ontario.ca



Read the Notice to the Public and Profession for the Divisional Court:

<https://www.ontariocourts.ca/scj/notices-and-orders-covid-19/div-ct-feb2021/>

You can now file your documents online! Please visit:

<https://www.ontario.ca/page/file-small-claims-court-documents-online>

Information about common legal problems: [stepstojustice.ca](https://www.stepstojustice.ca)

Legal Aid Ontario: 1-800-668-8258 or online at [legalaid.on.ca](https://www.legalaid.on.ca)

For Lawyer Referral Services provided by The Law Society of Ontario: 416-947-3310 / 1-800-268-7568

Orient yourself to the Small Claims Court Process:

<https://www.attorneygeneral.jus.gov.on.ca/english/courts/guides/>

Access the forms you need in the Small Claims Court: <http://ontariocourtforms.on.ca/en/rules-of-the-small-claims-court-forms/>

Read the Notice to the Public and Profession for the Small Claims Court:

<https://www.ontariocourts.ca/sc/notices-and-orders-covid-19/suspension-small-claims-ops/>

**ONTARIO
DIVISIONAL COURT**

BETWEEN:

JOSEPH JEFFREY NEAL

Applicant

and

THE INTEGRITY COMMISSIONER FOR THE
REGIONAL MUNICIPALITY OF DURHAM

Respondent

APPLICATION UNDER SECTION 2(1) OF THE *JUDICIAL REVIEW PROCEDURE ACT*

**NOTICE OF APPLICATION TO DIVISIONAL COURT
FOR JUDICIAL REVIEW**

TO THE RESPONDENT

TO THE RESPONDENT A LEGAL PROCEEDING HAS BEEN COMMENCED by the applicant. The claim made by the applicant appears on the following page. THIS APPLICATION for judicial review will come on for a hearing before the Divisional Court on a date to be fixed by the registrar by the method of hearing requested by the applicant, unless the court orders otherwise. The applicant requests that this application be heard (choose one of the following):

- In person
- By telephone conference
- By video conference

at the following location 150 Bond Street East, Oshawa, Ontario, L1G 0A2

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or an Ontario lawyer acting for you must forthwith prepare a notice of appearance in Form 38A prescribed by the Rules of Civil Procedure, serve it on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant, and file it, with proof of service, in the office of the Divisional Court, and you or your lawyer must appear at the hearing.

IF YOU WISH TO PRESENT AFFIDAVIT OR OTHER DOCUMENTARY EVIDENCE TO THE COURT OR TO EXAMINE OR CROSS-EXAMINE WITNESSES ON THE APPLICATION, you or your lawyer must, in addition to serving your notice of appearance, serve a copy of the evidence on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant, and file it, with proof of service, in the office of the Divisional Court within thirty days after service on you of the applicant's application record, or at least four days before the hearing, whichever is earlier.

IF YOU FAIL TO APPEAR AT THE HEARING, JUDGMENT MAY BE GIVEN TO IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE. TAKE NOTICE:

THIS APPLICATION WILL AUTOMATICALLY BE DISMISSED if it has not been set down for hearing or terminated by any means within five years after the notice of application was filed with the court, unless otherwise ordered by the court.

Date NOV 17 2021 Issued by 
Registrar

Address of
court office: 150 Bond Street East, Oshawa, Ontario, L1G
0A2

TO: THE INTEGRITY COMMISSIONER FOR THE
REGIONAL MUNICIPALITY OF DURHAM
333 Bay St. #2400,
Toronto, ON M5H 2T6

AND TO: Attorney General of Ontario
Crown Law Office - Civil
720 Bay Street
8th Floor
Toronto, Ontario M7A 2S9

APPLICATION

1. The Applicant makes application for:
 - (a) an Order in the nature of *certiorari* setting aside and quashing the decision of the Respondent dated October 19, 2021 finding that the Applicant had breached the Code of Conduct for the Regional Municipality of Durham (the “Decision”);
 - (b) in the alternative, an Order remitting the complaint regarding the Code of Conduct to the Respondent for re-consideration as to whether the Applicant breached the Code of Conduct, with directions from this Honourable Court;
 - (c) an Order for the costs of this proceeding on a substantial indemnity basis, plus all applicable taxes; and,
 - (d) Such further and other relief as to this Honourable Court may seem just, including such abridgment or modification of the Rules as to this Honourable Court may seem just.

2. The grounds for the application are:

Overview

- (a) The Applicant is a Regional Councillor for Wards 1 and 2 for Clarington on Durham Regional Council.
- (b) The Respondent is the Integrity Commissioner for the Regional Municipality of Durham.

- (c) On July 29, 2020 Durham Regional Council approved in open session the building of a supportive housing project consisting of modular housing units (the “Project”) in Beaverton, Ontario which is located in Brock Township, and which is one of the local municipalities comprising the Region of Durham.
- (d) On October 26, 2020 Brock Township directed staff to prepare an Interim Control By-Law for modular construction and supportive housing in the Township of Brock.
- (e) On November 23, 2020 an email was distributed to members of Regional Council to which was attached an Interoffice Memorandum regarding the Project from the Regional lawyer Jason Hunt dated November 25, 2020 (the “Memo”).
- (f) At the November 25, 2020 meeting of Regional Council, the Memo was Agenda Item CC-57. Council did not go into closed session to discuss the Memo.
- (g) The Applicant directed questions at the November 25, 2020 meeting in open session to the Regional solicitor Jason Hunt as to when the action outlined in the Memo would take place and would be made public. Mr. Hunt indicated that the Region would be proceeding almost immediately. Mr. Hunt also stated that receiving advice on the next step was a “privileged exercise”, however depending on the nature of that litigation, taking that next step is not something that is done in confidence. Mr. Hunt also stated that when the step recommended is taken, it will become public.

- (h) At the same meeting of Regional Council on November 25, 2020 the chief administrative officer of the Region made statements in open session, which members of the public heard, and which disclosed what action the Region was planning to take.
- (i) The action that was to be taken by the Region in the Memo took place on November 26, 2020.

December 16, 2020 Council Meeting

- (j) At the December 16, 2020 meeting of Regional Council, a motion was placed on the agenda (the “Motion”) for community involvement in a community liason committee (“CLC”) for the Project, as Brock Township had declined to be involved in the CLC. The meeting was taking place by Microsoft Teams, such that only the Regional Chair and the Regional Clerk Ralph Walton were physically present in the council chambers.
- (k) On December 16, 2020 at 1:03 pm the Applicant emailed the Regional Clerk Ralph Walton an amendment to the Motion (the “Amendment”). No other person or councillor was sent a copy of the Amendment, and no discussion regarding the Amendment had taken place other than between the Applicant and Councillor Schummer, who seconded the Amendment. The Amendment stated as follows:

That the Region not seek an MZO and instead work with Brock Twp. to satisfy local concerns.

An “MZO” is a Minister’s Zoning Order, which exempts a development from local zoning bylaws.

- (l) At approximately 3:20 pm. the Applicant was recognized to speak to the Motion and he indicated that he had an amendment and which had been forwarded by email to the Regional Clerk Mr. Walton. Nothing was stated by the Regional Clerk, and the Applicant was then requested by the Regional Chair to read the Amendment, which he did.
- (m) The Regional Chair stated the following: “Councillor Neal I am going to rule your amendment out of order, the subject matter is confidential and deals with a matter that Council has already previously considered.”
- (n) The ruling of the Chair was challenged by the Applicant, and the ruling of the Chair was supported by Regional Council.

Code of Conduct Complaint

- (o) The Regional Clerk initiated a Code of Conduct complaint against the Applicant and Councillor Schummer. The Complaint was received from the Respondent on January 6, 2021.
- (p) On January 19, 2021 the Respondent stated in an email to the Applicant that “The language of the allegation corresponds to the text of paragraph 12.1(C) of the Code. That is the paragraph I will be considering in this inquiry.”
- (q) On March 4, 2021 the Respondent sent a further email to the Applicant, in which he stated as follows:

“My inquiry is into the allegation in the Complaint, which will cause me to consider the following questions:

1. Was a potential application for a Minister’s Zoning Order the subject of confidential legal advice and consequently did it constitute “confidential information” under the Code?
 2. If confidential information existed, what were its boundaries? In other words, what content was confidential information and what content if any was not?
 3. If confidential information existed, was that confidential information disclosed by the Respondents?
 4. If so, was the disclosure contrary to the Code?”
- (r) The Respondent had indicated in the January 9, 2021 Notice of Inquiry that:

Before making a finding that a Member has contravened the Code of Conduct, I will give the Member the opportunity to comment on the a (sic) draft report excluding the conclusions and recommendations sections of the Report.

The Respondent failed to provide a draft report to the Applicant prior to submitting his final report on October 19, 2021.

- (s) The Respondent erred in failing to follow his own procedural and substantive directions in adjudicating the complaint.
- (t) The Respondent erred in law in ruling that once Regional Council determines that a matter is confidential, the *Municipal Act* gives him no authority to overrule that determination.
- (u) The Respondent erred in law in ruling that an Integrity Commissioner cannot rule on what is “lawfully confidential” under the definition of “confidential information” contained in Section 5 of the Region’s Code of Conduct.
- (v) The Respondent erred in law in ruling that he was required for the purposes of the inquiry into the Complaint to accept the determination of the Regional Chair on December 16, 2020 that the Amendment contained confidential information.
- (w) The Respondent declined to accept the proper jurisdiction afforded to him under the *Municipal Act* and the Region’s Code of Conduct to determine independently and in his sole discretion, all issues relating to a complaint under the Region’s Code of Conduct, and thereby committed an error of law.
- (x) The Respondent erred in failing to consider whether the actual request made by the Region on November 26, 2020 was confidential.

- (y) The Respondent erred in failing to consider that there was public disclosure of the Region's planned actions on November 25, 2020 by the Regional chief administrative officer.
 - (z) The Respondent erred in law in failing to find that the Region's Code of Conduct cannot over-ride the provisions of the *Municipal Act*, including Sections 224 and 239(2).
 - (aa) The Respondent's rulings on the Complaint on the foregoing matters of law were unreasonable.
 - (bb) This application is commenced and is to be heard in Oshawa, Ontario.
 - (cc) *Judicial Review Procedure Act*, R.S.O. 1990, c. J.1.
 - (dd) *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194, and in particular rule 68.
 - (ee) Sections 223.1, 223.2, 223.3, 224, and 239 of the *Municipal Act*
 - (ff) Such further and other grounds as the lawyers may advise and this Honourable Court permit.
3. The following documentary evidence will be used at the hearing of the application: (List the affidavits or other documentary evidence to be relied on.)
- (a) The affidavit of Joseph Jeffrey Neal;
 - (b) Such further and other evidence as the lawyers may advise and this Honourable Court permit.

NEAL & MARA

Barristers & Solicitors

142 Simcoe St. North

Oshawa, Ontario

L1G 4S7

jneal@neallaw.ca

Tel: 905-436-9015

Fax: 905-436-6098

Lawyers for the Applicant

JOSEPH JEFFERY NEAL

and THE INTEGRITY COMMISSIONER
FOR THE
REGIONAL MUNICIPALITY OF
DURHAM

Court File No.

Applicant

Respondent

ONTARIO
(DIVISIONAL COURT)

Proceeding commenced at OSHAWA

**NOTICE OF APPLICATION FOR JUDICIAL
REVIEW**
(APPLICATION UNDER SECTION 2(1) OF THE
JUDICIAL REVIEW PROCEDURE ACT)

NEAL & MARA
Barristers & Solicitors
142 Simcoe St. North
Oshawa, Ontario
L1G 4S7
jneal@neallaw.ca
Tel: 905-436-9015
Fax: 905-436-6098

Lawyers for the Applicant

Report #10 of the Finance & Administration Committee

For consideration by Regional Council

December 22, 2021

The Finance & Administration Committee recommends approval of the following:

1. Sole Source Purchase of Meeting Management Software (2021-A-22)
 - A) That approval be granted for sole source purchase of meeting management software from eSCRIBE Software Ltd. (“eSCRIBE”) at a total estimated cost of \$594,461 (inclusive of one-time \$34,190 implementation fee and estimated total \$560,271 annual fees for the entire 5-year term of the contract) with \$130,590 in implementation and one year licensing costs to be funded from the approved capital project for the Council Chamber Modernization and the annual licensing costs for 2023 to 2026 totalling \$463,871 to be funded from future annual Corporate Services Business Plans and Budgets; and
 - B) That the Commissioner of Finance be authorized to execute the necessary agreement and amendments to the agreement.
2. Temporary Borrowing By-law for 2022 (2021-F-32)
 - A) That the Regional Chair and the Treasurer be authorized in 2022 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).
3. 2022 Interim Regional Property Tax Levy (2021-F-33)
 - A) That a 2022 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 2021;
 - C) That the 2022 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 2022 interim regional property tax levy for all property tax classes; and,

- E) That approval be granted for the requisite by-law.
4. 2022 Business Plans and Budget and Nine Year Capital Forecast for the Consolidated Water Supply and Sanitary Sewerage Systems (2021-F-34)
- A) That the 2022 Business Plans and Budgets for the Water Supply System, with a total gross expenditure of \$200.3 million (net user rate supported expenditure of \$118.2 million) and related financing as set out below, be approved:

	2021 Gross Budget (\$ 000's)	2022 Gross Budget (\$ 000's)	Variance Incr/(Decr) (\$ 000's)
<u>EXPENDITURES</u>			
Operations:			
Watermain Cleaning and Repairs	3,691	3,545	(146)
Valves and Hydrants	3,042	3,255	213
Water Connections	4,281	4,725	444
Water Meter Repair and Testing	562	594	32
Depot Operations	6,163	6,220	57
Water Supply Plants - Plants East	3,368	3,332	(36)
Water Supply Plants - Plants Central	14,226	14,601	375
Water Supply Plants - Plants North	2,882	3,011	129
Sun Valley Co-Operative Water System	29	30	1
Engineering and Staff Support	7,835	8,293	458
Facilities Management	7,514	8,184	670
Administration	335	342	7
Headquarters Shared Costs	1,125	1,153	28
Utility Finance	3,449	3,552	103
Share of Regional Corporate Costs	12,534	13,043	509
Subtotal Operations	71,036	73,880	2,844
Capital/Debt Charges:			
TCA Capital	4,905	6,812	1,907
Construction of Municipal Services	76,337	118,304	41,967
Debt Charges	1,311	1,312	1
Subtotal Capital/Debt Charges	82,553	126,428	43,875
TOTAL EXPENDITURES	153,589	200,308	46,719
<u>FINANCING</u>			
Contributions from Reserve Funds:			
Residential Development Charges - Growth Related Capital	26,536	63,793	37,257
Commercial Development Charges - Growth Related Capital	714	2,420	1,706
Industrial Development Charges - Growth Related Capital	1,460	1,607	147
Industrial Development Charges - Debt Charges	415	415	-
Institutional Development Charges - Debt Charges	22	22	-
Water Rate Stabilization Reserve Fund	-	4,265	4,265
Asset Management Reserve Fund	5,486	5,623	137
Servicing of Employment Lands	250	500	250
Equipment Replacement Reserve	-	63	63
Fees and Service Charges	3,185	3,240	55
Financing From Others:			
Federal Grant	-	67	67
Financing From Non-User Revenue Sources	38,068	82,015	43,947
User Revenues Financing (including frontage charges)	115,521	118,293	2,772
TOTAL FINANCING	153,589	200,308	46,719

B) That the Nine Year Capital Forecast for 2023 to 2031 inclusive, in the amount of \$1.4 billion as detailed in the Water Supply System Capital Budget, be received for information;

C) That the 2022 Current and Capital Business Plans and Budgets for the Sanitary Sewerage System with a total gross expenditure of \$273.6 million (net user rate supported expenditure of \$117.5 million) and related financing as set out below, be approved:

	2021 Gross Budget (\$ 000's)	2022 Gross Budget (\$ 000's)	Variance Incr/(Decr) (\$ 000's)
<u>EXPENDITURES</u>			
Operations:			
Cleaning, Repairs and Maintenance Holes	2,143	2,188	45
Sewer Connections	3,418	3,567	149
Depot Operations	3,407	3,492	85
WPCPs and Pumping Stations	25,496	25,240	(256)
Duffin Creek WPCP	38,043	38,399	356
Regional Environmental Laboratory	3,083	3,213	130
Engineering and Staff Support	7,461	8,076	615
Facilities Management	8,595	9,516	921
Administration	338	345	7
Headquarters Shared Costs	1,125	1,153	28
Utility Finance	3,450	3,552	102
Share of Regional Corporate Costs	15,783	16,436	653
Subtotal Operations	112,342	115,177	2,835
Capital/Debt Charges:			
Duffin Creek WPCP - TCA Capital	1,767	3,044	1,277
Regional Environmental Lab - TCA Capital	196	1,057	861
TCA Capital	2,536	4,804	2,268
Construction of Municipal Services	92,418	136,460	44,042
Debt Charges	14,482	13,028	(1,454)
Subtotal Capital/Debt Charges	111,399	158,393	46,994
TOTAL EXPENDITURES	223,741	273,570	49,829
<u>FINANCING</u>			
Contributions from Reserve Funds:			
Residential Development Charges - Growth Related Capital	22,581	25,703	3,122
Residential Development Charges - Debt Charges	8,103	7,836	(267)
Commercial Development Charges - Growth Related Capital	1,455	2,341	886
Commercial Development Charges - Debt Charges	873	820	(53)
Industrial Development Charges - Growth Related Capital	1,707	192	(1,515)
Industrial Development Charges - Debt Charges	532	532	-
Institutional Development Charges - Debt Charges	8	8	-
Sanitary Sewer Rate Stabilization Reserve Fund	-	7,632	7,632
Asset Management Reserve Fund	9,049	9,275	226
Servicing of Employment Lands	968	503	(465)
Equipment Replacement Reserve	-	44	44
Regional Environmental Lab Equipment Replacement Reserve	160	750	590
Fees and Service Charges	6,870	7,044	174
Financing From Others:			
Federal Grant	15	27	12
Region of York - TCA	1,387	2,505	1,118
Region of York - Construction of Municipal Services	14,285	60,883	46,598
Oversizing Costs Related to Seaton/Federal Lands	14,792	-	(14,792)
Region of York - Operating	29,142	29,488	346
Region of York Environmental Lab Operations	441	456	15
Financing From Non-User Revenue Sources	112,368	156,039	43,671
User Revenues Financing (including frontage charges)	111,373	117,531	6,158
TOTAL FINANCING	223,741	273,570	49,829

- D) That the Nine Year Capital Forecast for 2023 to 2031 inclusive, in the amount of \$1.8 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 2022 capital projects detailed in the 2022 Capital Project Appendices within the 2022 Consolidated Water Supply and Sanitary Sewerage Systems Business Plans and Budget, where contract awards are compliant with the Regional Budget Management Policy; and
- F) That the necessary By-laws with respect to the 2022 Current and Capital Business Plans and Budgets for the Consolidated Water Supply and Sanitary Sewerage Systems be presented to Regional Council.

5. Recommended 2022 Water and Sanitary Sewer User Rates (2021-F-35)

- A) That the 2022 Regional Water and Sanitary Sewer User Rates increase by 1.8 per cent for an average residential customer effective January 1, 2022, with the Regional water rates increasing by 0.5 per cent and the Regional sanitary sewer rates increasing by 3.1 per cent from the 2021 user rate levels as set out in Schedule 1 and Schedule 2 of Report #2021-F-35 of the Commissioner of Finance respectively;
- B) That the 2022 Raw Water rates for the Whitby raw water customer be increased by 0.5 per cent as set out in Schedule 1 of Report #2021-F-35, effective January 1, 2022;
- C) That the 2022 water charges for the Sun Valley Heights Homeowners Co-operative Water System be as set out in Schedule 3 to Report #2021-F-35, effective January 1, 2022;
- D) That the 2022 Regional Water and Sanitary Sewer Systems Miscellaneous Fees and Charges be as set out in Schedule 4 of Report #2021-F-35, effective January 1, 2022;
- E) That the 2022 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 #2021-F-35, effective January 1, 2022; and
- F) That the Regional Solicitor be instructed to prepare the necessary by-laws to implement the foregoing recommendations.

6. Final Recommendations Regarding Amendments to the Seaton Water Supply and Sanitary Sewerage Area Specific Development Charge By-law No. 38-2019 (2021-F-36)

- A) That Pursuant to Section 10(1) of the Development Charges Act, 1997, the

Seaton Water Supply and Sanitary Sewerage Area Specific Development Charge Background Study dated October 12, 2021 be adopted;

- B) That effective January 1, 2022, Seaton Water Supply and Sanitary Sewerage Area Specific Development Charge By-law No. 38-2019 be amended, as set out in the amending by-law (Attachment No. 1 to Report #2021-F-36 of the Commissioner of Finance) to address the changes to Development Charges Act, 1997, resulting from Bill 108: *More Homes, More Choice Act, 2019*, Bill 138: *Plan to Build Ontario Together Act, 2019*, Bill 197, *COVID-19 Economic Recovery Act 2020* and O. Reg. 454/19 and to modify the development charge calculations for updated capital costs estimates;
- C) That the Seaton Residential Development Charges for Water Supply and Sanitary Sewerage as indicated in Table 1 below be imposed, effective January 1, 2022 (including indexing):

Table 1

Region of Durham			
Recommended Seaton Residential Development Charges			
\$ Per Dwelling Unit			
Service Category	Single Detached & Semi-Detached	Medium Density Multiples	Apartments
Sanitary Sewerage	\$	\$	\$
(i) Seaton Landowners Constructed Works	6,087	4,809	2,801
(ii) Regional Constructed Works	2,551	2,016	1,173
(iii) Regional Attribution	2,541	2,007	1,169
Subtotal – Sanitary Sewerage	11,179	8,832	5,143
Water Supply			
(i) Seaton Landowners Constructed Works	2,526	1,996	1,162
(ii) Regional Constructed Works	6,066	4,793	2,790
(iii) Regional Attribution	4,312	3,406	1,983
Subtotal – Water Supply	12,904	10,195	5,935
Total Development Charges	\$24,083	\$19,027	\$11,078

- D) That the Seaton Institutional Development Charges as indicated in Table 2 below be imposed, effective January 1, 2022 (including indexing):

Table 2
Region of Durham

Recommended Seaton Institutional Development Charges	
\$ Per Square Foot Of Gross Floor Area	
Service Category	\$
Sanitary Sewerage	
(i) Seaton Landowners Constructed Works	0.62
(ii) Regional Constructed Works	0.25
(iii) Regional Attribution	0.58
Subtotal – Sanitary Sewerage	1.45
Water Supply	
(i) Seaton Landowners Constructed Works	0.08
(ii) Regional Constructed Works	0.21
(iii) Regional Attribution	0.46
Subtotal – Water Supply	0.75
Total Development Charges	<u>\$2.20</u>

- E) That the Seaton Non-Institutional Development Charges for each service as indicated in Table 3 below be imposed, effective January 1, 2022 (including indexing):

Table 3

Region of Durham	
Recommended Seaton Non-Institutional Development Charges	
\$ Per Square Foot Of Gross Floor Area	
Service Category	\$
Sanitary Sewerage	
(i) Seaton Landowners Constructed Works	1.76
(ii) Regional Constructed Works	0.74
(iii) Regional Attribution	1.70
Subtotal – Sanitary Sewerage	4.20
Water Supply	
(i) Seaton Landowners Constructed Works	0.25
(ii) Regional Constructed Works	0.59
(iii) Regional Attribution	1.34
Subtotal – Water Supply	2.18
Total Development Charges	<u>\$6.38</u>

- F) That the Seaton Prestige Employment Land Area Development Charges as indicated in Table 4 below be imposed, effective January 1, 2022 (including indexing):

Table 4

Region of Durham	
Recommended Seaton Prestige Employment Land Area	
Development Charges	
\$ Per Net Hectare	
Service Category	\$
Sanitary Sewerage	
(i) Seaton Landowners Constructed Works	85,624
(ii) Regional Constructed Works	35,920
(iii) Regional Attribution	81,299
Subtotal – Sanitary Sewerage	202,843
Water Supply	
(i) Seaton Landowners Constructed Works	12,511
(ii) Regional Constructed Works	28,983
(iii) Regional Attribution	64,247
Subtotal – Water Supply	105,741
Total Development Charges	<u>\$308,584</u>

- G) That any complete submission for the preparation of a subdivision agreement received by the Development Approvals Division of the Regional Works Department on or before December 31, 2021 be given the option of being processed under the rates of the current Development Charges By-Law No. 38-2019, where a complete submission requires all of the following to have been submitted to, and received by, the Development Approvals Division in a form satisfactory to the Region:
- i) Ministry of the Environment and Climate Change approval;
 - ii) Detailed cost estimate;
 - iii) Three (3) copies of the proposed Final Plan (M-Plan);
 - iv) Regional Planning approval of the Final Plan;
 - v) Three (3) copies of all proposed Reference Plans (R-Plans);
 - vi) Three (3) copies of approved General Plan of Services (signed by the Local Municipality and the Region); and
 - vii) Regional Subdivision Agreement Information Checklist.

Subdivision agreements which have been processed according to By-Law No. 38-2019, excluding the impact from the recommended amendments,

must be executed within three months following the effective date of the amendments, which are recommended to take effect on January 1, 2022. Otherwise, the subdivision agreements shall be deemed cancelled and will be replaced with a subdivision agreement processed according to By-law No. 38-2019 as amended. The execution of the subdivision agreements requires all of the following to have been submitted to, and received by, the Regional Legal Department in a form satisfactory to the Region:

- i) signed Subdivision Agreement, including all schedules;
 - ii) payments of fees identified in the agreement;
 - iii) securities identified in the agreement;
 - iv) prepayment of Development Charges for Sanitary Sewerage, Water Supply and Regional Roads, and
 - v) Insurance Certificate.
- H) That Regional Council determine that no further public meeting is required;
- I) That the Regional Solicitor be instructed to prepare the requisite amending Development Charge By-law for presentation to Regional Council and passage;
- J) That the Regional Solicitor be instructed to revise future development agreements and any by-law(s) relating thereto to reflect any changes required to implement the foregoing recommendations, and that any such revised by-law(s) be presented to Council for passage;
- K) That the Regional Treasurer be instructed to prepare the requisite development charge pamphlet and related materials pursuant to the Development Charges Act, 1997; and
- L) That the Regional Clerk be instructed to follow the notification provisions pursuant to the Development Charges Act, 1997.

7. Durham Region Transit U-Pass Agreement Update (2021-F-37)

That the existing U-Pass agreement with Durham College, Ontario Tech University and Trent University (Durham Campus) be extended through the 2022-2023 academic year, including a 1.9 per cent increase in the fee per eligible student from \$144.50 per semester to \$147.25 per semester for the period of September 1, 2022 to August 31, 2023.

8. Request from the Durham Regional Police Services Board for 2022 Pre-Budget Approval for the Purchase of New Replacement Vehicles (2021-F-38)

That the request from the Durham Regional Police Services Board for 2022 pre-budget approval for the purchase of 55 new vehicles, at a total cost not to exceed \$2,340,536 be approved provided that this expenditure will be financed within the 2022 DRPS budget guideline established by Regional Council.

Respectfully submitted,

A. Foster, Chair, Finance & Administration Committee

Report #9 of the Health & Social Services Committee

For consideration by Regional Council

December 22, 2021

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

1. Naloxone Administration in Income and Employment Support Offices
(2021-SS-15)

 - A) That authorization be provided for naloxone nasal spray kits to be purchased and made available in each Income and Employment Support office for a one-year pilot to assess utilization and effectiveness in having access to these kits permanently at an estimated cost of \$2,200 to be funded from the approved Social Services Business Plans and Budget; and
 - B) That authorization be provided to allow corporate Health and Safety training to be provided to First Aid certified personnel in Income and Employment Support Division (IESD) and Business Affairs and Financial Management (BAFM), on a voluntary basis, to administer naloxone to counteract the effects of an opioid overdose at an estimated cost of \$805 to be funded from the approved Social Services Business Plans and Budget.
2. Authorization to Extend the Existing Laundry Management Services Standing Agreement (C002104) with K-BRO Linen Systems (Ontario) Limited
(2021-SS-16)

 - A) That a single source extension be authorized to extend the standing agreement (C002104) with K-BRO Linen Systems (Ontario) Limited on the same terms and conditions at an estimated cost of \$493,000, to be funded from the annual Social Services Business Plans and Budget, for a six (6) month term from November 1, 2021 to April 30, 2022 for the supply and delivery of laundry management services to the Region of Durham's four (4) Long-Term Care Homes in order to develop the necessary scope of work to facilitate a competitive bid process; and
 - B) That the Commissioner of Finance be authorized to execute any related, required agreements and amendment agreements.
3. Correspondence from the Municipality of Chatham-Kent dated November 10, 2021 regarding: Support Resolution from the Council of Huron County passed October 20th re: Homelessness Task Force

WHEREAS on November 8, 2021 the Council for the Municipality of Chatham-Kent supported the following resolution:

"THAT the County of Huron, due to the substantial increase in chronic homelessness not only in Huron County but across Ontario and Canada,

requests the Province of Ontario and the Government of Canada to identify Homelessness a “Provincial” and “National Crisis” across the Province of Ontario and Canada.

AND FURTHER THAT the Province of Ontario and Government of Canada acknowledge that lack of resources to support addiction and mental health programs to be a leading cause of homelessness.

AND FURTHER THAT the County of Huron requests the Province of Ontario and Government of Canada to provide further financial support for housing and homelessness programs as well as increase funding to mental health and addiction services.”;

And whereas the Region of Durham has seen a significant increase in the incidence of homelessness since 2020 which has been highlighted by the COVID-19 pandemic;

And whereas the increase of homelessness is impacting the entire community both socially and economically;

And whereas the Region is responding to urgent homelessness issues with a cross-sector task force of key stakeholders that includes: the health sector, social services, law enforcement, community partners, local municipalities, and business groups and those with lived experience;

Now therefore be it resolved that the Region of Durham supports and endorses the November 8, 2021 Chatham-Kent resolution;

And further that the Province of Ontario and Government of Canada expedite meaningful measures to appropriately support local Service Managers and District Social Services Administration Boards address the immediate homelessness crises;

And further that the Province of Ontario create a cross-ministerial task force which would include the Ministry of Housing, Ministry of Health, Ministry of Children, Community and Social Services and Ministry of Finance in partnership with local Service Managers and District Social Services Administration Boards to create a fulsome strategy to address homelessness and the root cause of homelessness, mental health and addictions;

And further that the motion be forwarded to all Durham Region municipalities, Ministry of Housing, Ministry of Health, Ministry of Children, Community and Social Services, Ministry of Finance, Ontario Big City Mayors (OBCM), and Association of Municipalities Ontario (AMO).”

Respectfully submitted,

B. Chapman, Chair, Health & Social Services Committee

Report #9 of the Planning & Economic Development Committee

For consideration by Regional Council

December 22, 2021

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

1. Envision Durham – Recommendations on Employment Area Conversion Requests, File: D12-01, OPA 2021-003 (2021-P-25)
 - A) That the following Employment Area conversion requests be endorsed so as to enable Protected Major Transit Station Areas through Regional Official Plan Amendment (OPA-2021-003) and the new Regional Official Plan:
 - i) CNR-03, CNR-21, CNR-22 and ADD-01 in the Town of Ajax; and
 - ii) CNR-11, CNR-26, CNR-37, CNR-41 (lands within the existing Urban Area Boundary only) in the Municipality of Clarington;
 - B) That the following Employment Area conversion requests be endorsed and advanced through Envision Durham, and reflected in the land budget being prepared through the ongoing Land Needs Assessment, to be implemented as part of the new Regional Official Plan:
 - i) In the Town of Ajax:
 - a) CNR-04;
 - b) CNR-09 so as to allow for a grocery store;
 - c) CNR-15;
 - d) CNR-19
 - e) CNR-33;
 - f) ADD-02;
 - g) CNR-07; and
 - h) CNR-20.
 - ii) In the Township of Brock:
 - a) CNR-01;
 - b) CNR-32; and

- c) ADD-03 subject to site specific servicing policies and conditions.
 - iii) In the Municipality of Clarington:
 - a) CNR-27;
 - b) CNR-40; and
 - c) Southeast Courtice (CNR-30, CNR-38, CNR-41, CNR-42, and CNR-44).
 - iv) In the City of Oshawa:
 - a) CNR-18;
 - b) CNR-45;
 - c) CNR-46; and
 - d) CNR-39.
 - v) City of Pickering:
 - a) CNR-10.
 - vi) In the Town of Whitby:
 - a) CNR-06.
 - vii) In the Township of Scugog:
 - a) CNR-17.
- C) That the remaining Employment Area conversion requests, outside those referenced in Part A) or B), not be supported; and
- D) That a copy of Report #2021-P-25 of the Commissioner of Planning and Economic Development be forwarded to Durham’s area municipalities, Indigenous communities, conservation authorities, the Building Industry and Land Development Association, Durham Region Homebuilders Association, agencies and service providers that may have an interest in where and how long term growth in the region is being planned for (school boards, hospitals, utility providers, as specified in Appendix 3 to Report #2021-P-25), the Ministry of Municipal Affairs and Housing, the Envision Durham Interested Parties List, and any persons that have made a submission for an Employment Area conversion request.

2. Durham Regional Official Plan Amendment #186 to establish the policy framework for Protected Major Transit Station Areas, File: OPA 2021-003 [\(2021-P-26\)](#)
-
- A) That Amendment #186 to the Durham Regional Official Plan to implement a policy framework, density target and delineations for Protected Major Transit Station Areas, be adopted as contained in Attachment #1 to Report #2021-P-26 of the Commissioner of Planning and Economic Development;
- B) That the necessary by-law be passed, and once adopted, that Amendment #186 be forwarded to the Minister of Municipal Affairs and Housing for approval under Sections 17 and 26 of the Planning Act; and
- C) That the “Notice of Adoption” be sent to the Minister of Municipal Affairs and Housing, the area municipalities, the Ministry of Transportation, Ministry of Economic Development, Job Creation and Trade, Metrolinx, the Envision Durham Interested Parties contact list, and all other persons or public bodies who requested notification of this decision.

Respectfully submitted,

D. Ryan, Chair, Planning & Economic Development Committee

Report #10 of the Works Committee

For consideration by Regional Council

December 22, 2021

The Works Committee recommends approval of the following:

1. Energy from Waste-Waste Management Advisory Committee 2021 – 2022 Workplan (2021-WR-11)
 - A) That the Energy from Waste-Waste Management Advisory Committee's 2021 – 2022 Workplan, as outlined in Attachment #1 of Report #2021-WR-11 of the Commissioner of Works, be approved; and
 - B) That a copy of Report #2021-WR-11 be forwarded to the Municipality of Clarington for information.

2. Expropriation of Lands Required for the Proposed Manning-Adelaide Connection Project, in the Town of Whitby/City of Oshawa (2021-W-46)
 - A) That authority be granted to Regional Municipality of Durham staff to initiate expropriation proceedings where necessary for the property requirements related to the proposed Manning Road-Adelaide Avenue (Regional Road 58) Connection project (Project) in the Town of Whitby and the City of Oshawa as depicted in Attachment #1, Attachment #2, and Attachment #3 of Report #2021-W-46, and as such other property requirements as may be determined and identified by Regional Municipality of Durham staff for the Project;
 - B) That authority be granted to the Regional Clerk and Regional Chair to execute any notices and forms as may be statutorily mandated by the *Expropriations Act R.S.I. 1990, c. E.26* to give effect to Recommendation C) of Report #2021-W-46, including the Notices of Application of Approval to Expropriate;
 - C) That authority be granted to Regional Municipality of Durham staff to serve and publish Notices of Application for Approval to Expropriate the property requirements as described in Recommendation A) of Report #2021-W-46, and to forward to the Chief Inquiry Officer/Ontario Land Tribunal any requests for hearing that is received, to attend the hearings to present the Regional Municipality of Durham's position, and to present the Inquiry Officer's recommendations to Regional Council for consideration; and

- D) That despite seeking approval to commence expropriation pursuant to the recommendations in Report #2021-W-46, that should amicable agreements be reached for any required property acquisitions that such agreements and reports required for settlements pursuant to the *Expropriations Act RSO 1990, c. E.26* related to the Manning Road-Adelaide Avenue (Regional Road 58) Connection Project that are approved in accordance with the Delegation of Authority By-Law 29-2020, that they remain confidential in accordance to Section 239 (2)(c) of the Municipal Act, 2001 as it relates to a proposed or pending acquisition or disposition of land for Regional Corporate purposes and only be released publicly by the Commissioner of Works once all compensation claims have been resolved on a full and final basis, for the Manning Road-Adelaide Avenue (Regional Road 58) Connection Project where appropriate.
3. Extension of Lease Agreement with 447110 Ontario Limited for premises occupied by Social Services Department, Income and Employment Support Division at 126, 138, and 140 Commercial Avenue, in the Town of Ajax (2021-W-47)
- A) That the extension of Lease Agreement with 447110 Ontario Limited, for premises located at 126, 138, and 140 Commercial Avenue in the Town of Ajax, containing approximately 1,660.59 square metres (17,875 square feet) of office space be approved with the following terms and conditions:
- i) The term is for a period of five years commencing January 1, 2022 and ending December 31, 2026;
 - ii) The annual rental rate for the five-year term is \$160,875.00* based on a rate of \$96.88* per square metre (\$9.00* per square foot) per annum;
 - iii) The Regional Municipality of Durham will continue to be responsible for all operating costs for the leased premises including utilities, janitorial services, security, and its proportionate share of common area maintenance costs;
 - iv) The Regional Municipality of Durham will remain responsible for its proportionate share of property taxes which is estimated to be \$42,918 per annum;
 - v) The Regional Municipality of Durham will have the option to extend the lease for an additional five years, under the same terms and conditions subject to the rental rate being negotiated, as well as the option to terminate the lease after three years; and
- B) That the Regional Chair and Clerk be authorized to execute all documents associated with this Lease Agreement.
(* before applicable taxes

4. Amendment and Extension of Lease Agreement with 2381502 Ontario Inc., Operating as Midtown Centre for Premises occupied by Social Services Department, Income & Employment Support Division, located at 200 John Street in the City of Oshawa (2021-W-48)

- A) That the Amendment and Extension of Lease Agreement with 2381502 Ontario Inc., for premises located at 200 John Street in the City of Oshawa, containing approximately 1,755.21 square metres (18,893 square feet) of office space and 235.87 square metres (2,540 square feet) of storage space be approved with the following terms and conditions:
- i) The term is for a period of five years commencing January 1, 2022 and ending December 31, 2026;
 - ii) The annual rental rate for the five-year period is \$282,502* based on a rate of \$150.69* per square metre (\$14.00 per square foot) per annum for the office space, and \$76.21* per square metre (\$7.08* per square foot) per annum for the storage space;
 - iii) The Regional Municipality of Durham will be responsible for all operating costs for the leased space including utilities, security and its proportionate share of the common area maintenance costs;
 - iv) The Regional Municipality of Durham will remain responsible for its proportionate share of property taxes which is estimated to be \$32,185 per annum;
 - v) The Regional Municipality of Durham have the option to renew the lease for an additional two years subject to the same terms and conditions save and except the rental rate to be negotiated, upon providing six months prior written notice; and
- B) That the Regional Chair and Clerk be authorized to execute all documents associated with this Lease Agreement.
(*) before applicable taxes

5. Approval of Lease Agreement with Whitby Professional Centre for use by the Health Department, Located at 10 Sunray Street, Unit 23, in the Town of Whitby (2021-W-49)

- A) That the Lease Agreement with Whitby Professional Centre, for premises located at 10 Sunray Street, Unit 23, in the Town of Whitby, containing approximately 255.95 square metres (2,755 square feet) of office space be approved with the following terms and conditions:
- i) The lease term is for three years, two and a half months commencing January 15, 2022, and ending March 31, 2025;

- ii) The annual rental rate for the lease term is \$48,000.00* based on a rate of \$4,000.00* per month;
 - iii) The lease is based on a gross rate that includes the Region's proportionate share of realty taxes, condominium fees, building insurance, utilities, and management fees in any;
 - iv) The Regional Municipality of Durham will have the option to renew the lease for an additional two years subject to the same terms and conditions save and except the rental rate to be negotiated, upon providing six months prior written notice; and
- B) That the Regional Chair and Clerk be authorized to execute all documents associated with this Lease Agreement.
(* before applicable taxes
6. Unbudgeted Capital Acquisition of Vehicle and Equipment Training Simulators (2021-W-50)
-
- A) That the unbudgeted capital acquisition of two vehicle and equipment training simulators and ancillary equipment with an estimated value of \$650,000 be approved; and
 - B) That financing for the unbudgeted capital acquisition of the vehicle and equipment training simulators and ancillary equipment be provided from surplus funds available from the provision for Technical Training within 2021 Works Department Business Plans and Budgets for Depot Operations (funded proportionally in accordance with the 2021 budget between General Tax, Water Supply and Sanitary Sewer) in the amount of \$650,000.

Respectfully submitted,

D. Mitchell, Chair, Works Committee

Report #9 of the Committee of the Whole

For consideration by Regional Council

December 22, 2021

The Committee of the Whole recommends approval of the following:

1. Request for Funding from Central Lake Ontario Conservation Authority for the Acquisition of Land adjacent to the Stephen's Gulch Conservation Area in the Municipality of Clarington (2021-COW-31)

 - A) That in response to the request for funding from Central Lake Ontario Conservation Authority, that notwithstanding the Land Acquisition Funding Policy for Conservation Authorities, the amount to be funded be increased to \$615,500 representing 50.6 per cent of the estimated eligible acquisition cost, for approximately 41.3 hectares (102 acres) of land located adjacent to the Stephen's Gulch Conservation Area in the Municipality of Clarington due to the significant size of this acquisition being in excess of 100 acres and its contiguous location to an existing CLOCA property, be approved and financed from the Region's Land Conservation and Protection Reserve Fund.
 - B) That the Commissioner of Finance be authorized to adjust the total payment amount of Central Lake Ontario Conservation Authority pending a review of the eligibility of final costs incurred pursuant to the Region's land Acquisition Funding Policy.
2. Establishing a Municipal Services Corporation to Build and Operate the Regional Broadband Network (2021-COW-32)

 - A) That the Region establish a Regional Broadband Network (the "Network") through developing, constructing, and commercially operating a fibre optic network to provide open access fibre connectivity across Durham Region to deliver Regional services and to enable economic development and innovation across the Durham Region through improved broadband connectivity;
 - B) That staff be authorized the incorporate a wholly-owned Municipal Services Corporation ("MSC", or the "Corporation"), being an Ontario Business Corporation Act ("OBCA") corporation pursuant to Section 203 of the Municipal Act, 2001 to develop, construct, and commercially operate the Network;

- C) That the following documents, substantially in the form attached to Report #2021-COW-32 of the Commissioner of Planning and Economic Development, Commissioner of Works, Commissioner of Corporate Services, and Commissioner of Finance, be approved and adopted to incorporate and support the establishment of the MSC:
- i) MSC Enabling By-law (Attachment #2)
 - ii) Name Consent (Attachment #3)
 - iii) MSC By-law No. 1 (Attachment #4)
 - iv) Organizational Resolutions (Attachment #5)
 - v) Consent to Act as First Director (Attachment #6)
 - vi) Authorization to file Articles of Incorporation (Attachment #7)
 - vii) Articles of Incorporation (Attachment #8)
 - viii) Municipal Capital Facilities By-law (Attachment #9)
 - ix) Municipal Capital Facilities Agreement (Attachment #10)
 - x) Asset Transfer Policy (Attachment #11)
 - xi) Shareholder’s Direction (Attachment #12)
 - xii) Shareholder Resolution for Election of Director (Attachment #13);
- D) That the Initial Business Plan for the MSC (Confidential Attachment #14 to Report #2021-COW-32, under separate cover) for the purposes outlined in the Shareholder’s Direction be approved;
- E) That in order to support the establishment and operations of the new MSC, capital expenditures for the planned first-year 60km build of the Network in the estimated amount of \$5.1M and related operating expenditures in the estimated amount of \$1.1M be referred to the 2022 Business Plans and Budgets process;
- F) That Council authorize expenditures up to \$500,000 to support the early establishment and network pre-build activities of the new corporation prior to the approval of the 2022 Business Plan and Budgets process, with financing to be provided at the discretion of the Commissioner of Finance;
- G) That staff be authorized to negotiate a Municipal Access Agreement with the MSC;

- H) That staff be authorized to negotiate a Corporate Services Agreement as outlined in Section 6.3 of the Shareholder’s Direction with the MSC to the satisfaction of the Regional Solicitor, the Commissioner of Finance, and the Chief Administrative Officer;
 - I) That the Regional Chair and Clerk be authorized to execute any required documentation to implement the recommendations of Report #2021-COW-32; and
 - J) That a copy of Report #2021-COW-32 be provided to the Area Municipalities, Innovation Science and Economic Development Canada, Ontario Ministry of Infrastructure, and Infrastructure Ontario.
3. Approval to Award a Five-Year Sole Source Negotiated Agreement with Yardi Canada Ltd. for Upgrading Property Management Software and Data Migration to Cloud-based Storage System for Durham Regional Local Housing Corporation (DRLHC) (2021-COW-34)
- A) That approval be granted to enter into a sole source negotiated agreement with Yardi Canada Ltd. (“Yardi”) for the upgrade of, and data migration to a cloud-based property management software for the Durham Regional Local Housing Corporation (DRLHC) for a term of five years, at an estimated initial upgrade/implementation cost (excluding HST) not to exceed \$310,535 and annual license, support, and maintenance service fees of \$110,640 for a total estimated contract value of \$863,735;
 - B) That financing for the initial upgrade/implementation costs and first year license, support, and maintenance service fees in the amount of \$421,175 be provided from the existing capital project budget;
 - C) That the financing for the annual license, support, and maintenance service fees for years two (2) to five (5) of the contract with the total amount of \$442,560 to be provided from the annual Business Plans and Budgets of the DRLHC; and,
 - D) That the Commissioner of Finance be authorized to execute the Agreements and Amendments to the Agreement.
4. Durham Region Local Housing Corporation (DRLHC) Seniors Building Portfolio Energy Retrofit Funding Strategy (2021-COW-35)

- A) That, pending confirmation from Federation of Canadian Municipalities (FCM) regarding whether the Region or the Durham Region Local Housing Corporation (DRLHC) should be the eligible lead applicant for this project, the Chief Administrative Officer be authorized to submit a funding application to the Federation of Canadian Municipalities' (FCM) Green Municipal Fund (GMF) Sustainable Affordable Housing (SAH) Program for up to \$10 million in combined grant and loan financing to be used towards the implementation of deep energy retrofits on DRLHC properties at (1) 1910 Faylee Cres., Pickering; (2) 655 Harwood Ave. S, Ajax; (3) 315 Colborne St. W, Whitby; and (4) 850 Green St., Whitby under either lead applicant option;
- B) That the Chief Administrative Officer provide a letter of support on behalf of the Regional Municipality of Durham and DRLHC that confirms regional support for the FCM/GMF SAH loan and grant funding application; and
- C) That upon approval of the loan and grant funding application and confirmation of the final terms of the FCM/GMF funding, staff report back to obtain approval for the final funding strategy, loan directives, and execution of the funding agreement.

5. 2021 Canada Community-Building Fund Allocation (2021-COW-36)

That the \$19.7 million in unanticipated one-time Canada Community-Building Fund (formerly the Federal Gas Tax Program) funding for 2021, along with \$5.8 million from the regular 2021 Canada Community-Building Fund allocation, be allocated toward the following priority projects:

PROJECT	ESTIMATED COST (\$, 2021)
Aerobic Digester	10,000,000
Broadband	3,000,000
DRT Battery Electric Bus and Charging Infrastructure Demonstration Pilot	2,100,000
DRLHC Deep Energy Retrofits	6,800,000
Corporate Strategic Priorities	3,600,000
Total	25,500,000

And further, that consideration of the following amendment be deferred for consideration at Regional Council:

That \$3.0 million be designated from the Corporate Strategic Priorities project to go towards creating additional childcare spaces.

6. Durham Region Nuclear Sector Strategy 2022-2032 (2021-COW-37)
- A) That Regional Council approve Durham Region’s Nuclear Sector Strategy 2022-2032, as the framework to guide and support the Region’s role and effective participation in the nuclear sector;
 - B) That a copy of Report #2021-COW-37 of the Chief Administrative Officer and the Durham Region Nuclear Sector Strategy 2022-2032, be sent to local area municipalities, the Mississaugas of Scugog Island First Nation, Curve Lake First Nation, Natural Resources Canada, Environment and Climate Change Canada, the Ontario Ministry of Energy, the Ontario Ministry of Economic Development, Job Creation and Trade, the Canadian Association of Nuclear Host Communities, and Ontario Power Generation (OPG); and
 - C) That Regional staff notify key stakeholders in the community, the nuclear sector, local post-secondary institutions, and other organizations contacted through the engagement process once the strategy has been approved and posted at Durham.ca.
7. Unbudgeted Provincial Funding from the Ministry of Long-Term Care to Develop and Maintain a Community Paramedicine Program (2021-COW-38)
- A) That the October 1, 2021 to March 31, 2022 portion of unbudgeted ongoing Provincial funding from the Ministry of Long-Term Care (MLTC) in the amount of \$1.5 million, be expended in accordance with the budget submitted to the MLTC and as outlined in Section 4.2 of Report #2021-COW-38 of the Commissioner and Medical Officer of Health and Commissioner of Finance;
 - B) That approval be granted to increase the Paramedic Services staffing complement by the following eleven (11) new full-time positions effective January 1, 2022 to implement the Community Paramedicine Program and that the increase be funded entirely from the additional provincial funding as follows:
 - i) Five (5) Primary Care Paramedics at an estimated cost of \$166,300 (annualized cost of \$665,200);
 - ii) Five (5) Advanced Care Paramedics at an estimated cost of \$186,000 (annualized cost of \$744,000);
 - iii) One (1) Superintendent of Community Paramedicine at an estimated cost of \$43,000 (annualized cost of \$172,000);
 - C) That approval be granted to work with the Finance Department to acquire all capital purchases such as vehicles and patient care equipment in accordance with Provincial and Municipal guidelines; and

- D) That the Commissioner of Finance/Regional Treasurer be authorized to approve any sole source purchases to expedite implementation of the program to meet MLTC guidelines and to sign any agreements under the Community Paramedicine for Long-Term Care (CPLTC) program.
- 8. Confidential Report of the Commissioners of Works and Finance – Proposed or Pending Acquisition or Disposition of Land for Regional Corporation Purposes as it relates to the Acquisition of Property in the City of Oshawa (2021-COW-33)

That the recommendations contained in Confidential Report #2021-COW-33 of the Commissioner of Works and Commissioner of Finance be adopted.

Respectfully submitted,

J. Henry, Regional Chair and CEO

Notice of Motions

December 22, 2021

10.1 Discrimination of Freedom of Religion in Quebec's Bill 21

Councillors Yamada and Leahy gave Notice that the following motion will be presented at the December 22, 2021 meeting, or subsequent meeting of Regional Council:

Whereas Durham Region consists of a diverse community, many of whom wear religious symbols including turbans, hijabs, Kippa, the cross and many others;

And Whereas the fundamental right of religious freedom is protected by the Charter of Rights and Freedoms;

And Whereas Durham Region, as one of Canada's fastest growing and most multicultural and diverse regional municipalities, stands firmly to support religious freedom as this is aligned with our Freedom of Rights under the Canadian Charter of Rights;

And Whereas Durham Region stands in solidarity with National Council of Canadian Muslims (NCCM) and the Canadian Civil Liberties Association (CCLA) in their legal challenge against Bill 21 in Quebec;

And Whereas Durham Regional Council believes that our region is the cultural centre for diversity and Canadian multiculturalism and Council bears a responsibility to stand up in defence of the Canadian multicultural mosaic;

Now therefore be it resolved that the Durham Regional Council support in principle the legal challenge against the discrimination of freedom of religion in Quebec's Bill 21; and

That staff be directed to report back on ways Durham Region could financially support the legal challenge by providing one-time funding not to exceed \$50,000.