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## **The Regional Municipality of Durham**

### **MINUTES**

#### **REGIONAL COUNCIL**

**Wednesday, April 27 2022**

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

Regional Chair Henry assumed the Chair.

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

Regional Chair Henry read the following land acknowledgement:

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

Regional Chair Henry introduced Alexander Harras as the new Regional Clerk/Director of Legislative Services. He advised that Alec comes from the Town of Ajax where he was the Deputy Clerk and also filled in as the Acting Director of Legislative & Information Services/Town Clerk, prior to the Town of Ajax, Alec was the Deputy Clerk at the Township of King. Alec has been described as a strong leader, who creates a progressive culture of continuous improvement and innovative thinking.

Chair Henry further noted that Alec has a strong educational background including a Bachelor of Arts in Political Science, a Masters in Public Administration and the Municipal Administration Program certificate.

Regional Chair Henry thanked Cheryl Bandel, Deputy Clerk for her role as Acting Clerk.

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

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

Councillor Anderson

Councillor Ashe

Councillor Barton, left the meeting at 11:35 AM on municipal business

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 Roy  
Councillor Ryan\*  
Councillor Smith, attended the meeting at 10:19 AM  
Councillor Wotten  
Councillor Yamada  
Regional Chair Henry\*

**\* indicates members who participated in-person, all other members participated electronically**

All members of Council were present with the exception of Councillor Smith.

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

There were no declarations of interest made.

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

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

- Regular Regional Council meeting held on March 23, 2022;
- Regular Committee of the Whole meeting held on April 13, 2022.

CARRIED

### **5. Presentations**

#### **5.1 Allison Hector Alexander, Director, Diversity, Equity and Inclusion, re: Together we Count, Durham Employee Census**

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A. Hector-Alexander appeared before Council with respect to the Together we

Count, Durham Employee Census. A copy of the presentation was provided to members prior to the meeting. Highlights of the presentation included:

- Why is the Region of Durham conducting an employee census?
- Who has the Region contracted for the census?
- How can Durham Regional Staff complete the census?
- What information is being collected?
- How will confidentiality be maintained?
- Census Results

A. Hector-Alexander responded to questions from the members of Council.

## **6. Delegations**

### **6.1 Public Meeting regarding the Passage of a New Regional Transit Development Charge By-law**

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Regional Chair Henry advised that this portion of the Council meeting will be for a public meeting regarding a new Regional Transit Development Charge By-law and Background Study.

The Report is provided in “Other Business” of today’s agenda and will be discussed by Regional Council at that time.

This public meeting is required pursuant to Section 12 of the Development Charges Act, 1997 as part of the process that Council must follow before passing a development charge by-law. This process also included the public release of a supporting background study on April 12, 2022.

The purpose of the public meeting is twofold: first, to provide the public with information relating to the Regional Transit Development Charge Background Study and proposed by-law through Report #2022-F-11 which is provided under “Other Business” in today’s agenda; and second, to allow any person to make representation relating to the proposed by-law and study. Teleconference and video options have been made available to the public to facilitate public participation while social distancing.

Written submissions received by the Regional Clerk by 5:00 PM on June 3, 2022, including those opinions expressed verbally at today’s public meeting, will be considered in the preparation of the final development charge recommendations and by-law scheduled to be presented to Regional Council for approval on June 29, 2022.

Mary Simpson, Director of Risk Management, Economic Studies and Procurement provided a PowerPoint presentation on the Proposed 2022 Regional Transit Development Charge Background Study and By-law. Highlights of the presentation included:

- Purpose of Public Meeting

- Background
- Regional Transit DC Background Study
- Regional Transit DC – Ten-Year Growth Forecast
- Regional Transit DC – Ridership Forecast
- Regional Transit DC – Capital Forecast (2022-2032)
- DRT Capital – Fleet, Stops, and Transfer Hubs
- DRT Capital – Facilities, Terminals, Systems and Studies
- Regional Transit DC – Proposed Rates
- Regional Transit DC – Proposed Rates & Indexing
- Regional Transit DC – Municipal Comparison
- Regional Transit DC – Additional Highlights
- Next Steps

M. Simpson responded to questions from members of Council.

Regional Chair Henry advised that no members of the public have registered to speak on this matter, but in the interest of transparency he asked if there were any members of the public who wished to make a submission or ask any questions on this particular matter, or if Members were aware of an individual who wished to speak to this matter. He asked a second and third time. Being none, he advised the portion of the public meeting with regard to the proposed Regional Transit Development Charge By-law is closed.

6.2 Linda Gasser, Durham Resident, re: Report #2022-WR-3: Proposed Pilot of Mandatory Clear Garbage Bag Use in the Municipality of Clarington

Linda Gasser, Durham Resident, appeared before Council with respect to Report #2022-WR-3: Proposed Pilot of Mandatory Clear Garbage Bag Use in the Municipality of Clarington.

L. Gasser stated her opinion that the primary purpose of clear garbage bags is to minimize/reduce garbage, thus reducing the amount of waste requiring disposal; to incentivize residents to remove hazardous materials and electronics from the garbage; and prepare residents to improve sorting and participation in diversion programs in advance of the transition of the blue box program to producers in July 2024.

L. Gasser feels some of the benefits to Durham from waste minimization/reduction include reducing the pressure to expand the incinerator, and reducing air pollution by burning less toxic garbage.

L. Gasser provided data from Markham, York Region, Kawartha Lakes and Orillia supporting the use of clear bags.

Moved by Councillor John Neal, Seconded by Councillor Anderson,  
(59) That L. Gasser be granted a one-time, two minute extension to complete her delegation.

CARRIED

L. Gasser requested that Council consider providing interim direction to staff to commence the baseline audit of the proposed routes. She added that zero tolerance is unrealistic and unreasonable and the pilot should account for seasonal fluctuations in waste and baseline audits of the same routes over the same period should be conducted. L. Gasser further stated that Clarington should have input into all communications with Clarington residents.

6.3 Wendy Bracken, Durham Resident, re: Report #2022-WR-3: Proposed Pilot of Mandatory Clear Garbage Bag Use in the Municipality of Clarington

Wendy Bracken, Durham Resident, appeared before Council with respect to Report #2022-WR-3: Proposed Pilot of Mandatory Clear Garbage Bag Use in the Municipality of Clarington.

W. Bracken stated her opinion that a clear bag policy would be a positive step forward to reducing garbage and protecting health and the environment, and that the clear bag policy should be balanced and not punitive and is an opportunity to educate and increase participation in diversion.

W. Bracken stated that according to the Continuous Improvement Fund, 40 municipalities successfully implemented clear bag policies. She also feels that the clear bag project is a good way to get hazardous materials out of the waste stream that is burned in the incinerator.

W. Bracken provided excerpts from a report by the Waste Incineration & Public Health, National Research Council (US) Committee on Health Effects of Waste Incineration, supporting the reduction of toxic elements in the waste stream as a step to minimize emission creation from waste incinerators.

W. Bracken stated that she feels the pilot for the clear bag program should commence immediately.

Moved by Councillor Anderson, Seconded by Councillor John Neal,  
(60) That W. Bracken be granted a one-time, two minute extension to complete her delegation.

CARRIED

W. Bracken stated that she feels the baseline study should not be delayed; performance measures should include electronic waste; Clarington should be included especially in the development of promotion and education materials; the program should not be punitive; and residents should be informed as to why the program is being launched.

W. Bracken added that study comparisons should be “apples to apples” and study parameters should be more clearly defined to ensure the same appropriate routes and same time frames for the baseline determinations. She added that the rationale for the control groups was not provided and needs to be discussed.

**7. Reports related to Delegations/Presentations**

There are no reports related to Delegations/Presentations.

**8. Communications**

CC 06 Correspondence received from the Association of Municipalities of Ontario (AMO) re: Appointment of Regional delegates for the 2022 AMO Annual Conference being held August 14 – 17, 2022 in Ottawa, Ontario. (Our File: A10)

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Moved by Councillor Lee, Seconded by Councillor Smith,

(61) That the following be appointed as the voting Regional delegates for the 2022 AMO Annual Conference being held August 14 to 17, 2022:

Ajax	Councillor Lee
Brock	Councillor Grant
Clarington	Councillor Joe Neal
Oshawa	Councillor Marimpietri
Pickering	Councillor Pickles
Scugog	Councillor Drew
Uxbridge	Councillor Barton
Whitby	Councillor Mitchell

CARRIED

CC 07 Correspondence received from the Durham Regional Police Services Board attaching a Report from Environics Research regarding choosing its next Chief of Police entitled: “Durham’s Next Chief of Police: Public Consultations”

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Moved by Councillor Drew, Seconded by Councillor Barton,

(62) That Council Correspondence CC 07 from the Durham Regional Police Services Board attaching a Report from Environics Research regarding choosing its next Chief of Police entitled: “Durham’s Next Chief of Police: Public Consultations” be received for information.

CARRIED

Moved by Councillor Marimpietri, Seconded by Councillor Kerr,

(63) That Council recess for 15 minutes.

CARRIED

Council recessed at 10:53 AM and reconvened at 11:10 AM.

The Regional Clerk conducted a roll call following the recess and all members of Council were present with the exception of Councillors Grant and Kerr.

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

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

1. The Regional Municipality of Durham 2022-2025 Multi-Year Accessibility Plan (2022-A-7)  
[CARRIED]  
  
That the Regional Municipality of Durham 2022-2025 Multi-Year Accessibility Plan be received for information.
2. Community Member Appointment to the Durham Regional Police Services Board (2022-A-8)  
[REFERRED TO STAFF] [SEE MOTIONS (65), (66) AND (67) ON PAGE 9]
  - A) That the proposed Durham Regional Police Services Board Community Member Appointment Recruitment and Selection Policy included as Attachment #1 to Report #2022-A-8 of the Commissioner of Corporate Services be approved; and
  - B) That the term of appointment for the current community member on the Durham Regional Police Services Board be extended to no later than the date that a new community member is appointed by Regional Council.
3. Durham Region Anti-Racism Taskforce 2022 Workplan (2022-A-9)  
[CARRIED]  
  
That the 2022 Durham Region Anti-Racism Taskforce Workplan, as outlined in Attachment #1 to Report #2022-A-9 of the Chief Administrative Officer, be approved.
4. Council Approval of Procedures for Electronic Participation at Committee and Regional Council (2022-A-10)  
[CARRIED]
  - A) That the attached procedures/practices for Electronic Participation be approved; and
  - B) That the Regional Clerk, in consultation with the Regional Chair, be given the authority to make future revisions to the procedures for Electronic Participation, as required.
5. Policy regarding Appointments to Conservation Authorities (2022-A-11)  
[CARRIED]
  - A) That the Regional policy regarding appointments to Conservation Authorities be amended by deleting the words “or appoint a citizen representative” so that the policy would read as follows:  
  
“That only elected officials be appointed to the Conservation Authorities and further, that only members of Regional Council be appointed unless the municipalities have insufficient Regional Council representation, they

shall be permitted to appoint a local Councillor to the Conservation Authority.”; and

- B) That a copy of Report #2022-A-11 of the Commissioner of Corporate Services be forwarded to the area municipalities for information.

6. Appointment of Regional Clerk for the Regional Municipality of Durham (2022-A-12)

[CARRIED]

- A) That Alexander Harras be appointed as Regional Clerk, effective April 27, 2022; and

- B) That the necessary by-law to give effect to the foregoing appointment be prepared by Corporate Services – Legal Services.

7. Resolution regarding DRART Letter of Support for Racialized Ukrainian Immigrants

[CARRIED]

That a letter be sent from the Durham Region Anti-Racism Taskforce to Regional Council and Durham MPs regarding the Federal government’s decision to open the immigration programs in response to the war to Ukrainian citizens only and leave other groups who live in Ukraine who are refugees and immigrants, and who are mostly racialized, that do not have access to come to Canada.

Moved by Councillor Foster, Seconded by Councillor Collier,

- (64) That the recommendations contained in Items 1 and 3 to 7 inclusive of Report #4 of the Finance and Administration Committee be adopted.

CARRIED

Moved by Councillor Foster, Seconded by Councillor Collier,

- (65) That the recommendations contained in Item 2 of Report #4 of the Finance and Administration Committee be adopted.

REFERRED TO STAFF  
(See Following Motions)

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

- (66) That the main motion (65) of Councillors Foster and Collier to adopt the recommendations contained in Item 2 of Report #4 of the Finance and Administration Committee, be amended so that there shall be a term limit of two terms for the community representative.

REFERRED TO STAFF  
(See Following Motion)

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



- (67) That the foregoing amending motion (66) of Councillors Joe Neal and John Neal be referred to the May 10, 2022 Finance & Administration Committee meeting.

CARRIED

## 9.2 Report of the Health and Social Services Committee

1. Provincial Policy Framework for Community Paramedicine (2022-MOH-3)  
[CARRIED]

A) That in alignment with advocacy efforts by the Association of Municipalities of Ontario (AMO) and the Ontario Association of Paramedic Chiefs (OAPC), the Region of Durham advocates for the provincial government to introduce legislative measures to formalize community paramedicine, and provide full and sustained provincial funding to municipalities for community paramedicine programs; and

B) That a letter from the Regional Chair on behalf of Regional Council, along with a copy of Report #2022-MOH-3 of the Commissioner and Medical Officer of Health be sent to the Minister of Health, Minister of Long-Term Care, all Durham MPPs, AMO, and OAPC, for their information and consideration.

2. 2021 Durham Access to Social Housing (DASH) Wait List Statistics and Critical Priority (2022-SS-3)  
[CARRIED]

That Regional Council revoke Critical Priority on the Durham Access to Social Housing (DASH) wait list, and the needs of such priority applicants be instead addressed through portable housing benefits, like the Durham Portable Housing Benefit (Durham PHB).

3. Confidential Report of the Commissioner of Social Services – Closed Matter with respect to information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them, regarding Capital Projects Submitted under the Ontario Priorities Housing Initiative (OPHI) (2022-SS-5)  
[CARRIED]

That the recommendations contained in Confidential Report #2022-SS-5 of the Commissioner of Social Services be adopted.

Moved by Councillor Chapman, Seconded by Councillor Pickles,

- (68) That the recommendations contained in Item 3 of Report #3 of the Health and Social Services Committee be adopted.

CARRIED

Moved by Councillor Chapman, Seconded by Councillor Pickles,  
(69) That the recommendations contained in Item 1 of Report #3 of the Health and Social Services Committee be adopted.

CARRIED

Moved by Councillor Chapman, Seconded by Councillor Pickles,  
(70) That the recommendations contained in Item 2 of Report #3 of the Health and Social Services Committee be adopted.

CARRIED

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

1. Durham Environmental Advisory Committee (DEAC) Membership  
Appointments, (2022-P-8)  
[CARRIED]

- A) That Azzam Abu-Rayash be appointed as an At-Large member to the Durham Environmental Advisory Committee;
- B) That the above-named citizen volunteer be advised of their appointment to the Durham Environmental Advisory Committee; and
- C) That a copy of Report #2022-P-8 of the Commissioner of Planning and Economic Development be forwarded to the area municipalities.

2. Appointment of DEAC Representative on the Friends of Second Marsh Board of Directors  
[CARRIED]

That Gwen Layton be appointed as the DEAC member on the Friends of the Second Marsh Board of Directors.

Moved by Councillor Ryan, Seconded by Councillor Joe Neal,  
(71) That the recommendations contained in Items 1 and 2 of Report #4 of the Planning and Economic Development Committee be adopted.

CARRIED

### 9.4 Report of the Works Committee

1. Standardization of Programmable Logic Traffic Controllers and Related Control Equipment to be used for the Installation, Operation and Maintenance of Traffic Control Signals (2022-W-19)  
[CARRIED]

- A) That the Regional Municipality of Durham's Programmable Logic Traffic Controllers and related control equipment manufactured by Econolite Canada Incorporated continue to be adopted as the Regional standard for the installation, maintenance and operation of traffic control signals;

- B) That staff be authorized to negotiate and award a sole source agreement with Econolite Canada Incorporated for the provision of Programmable Logic Traffic Controller equipment at an annual net cost not to exceed \$770,000\* for a term of up to five years, to be financed through the annual Works Department Business Plans and Budget; and
  - C) That the Commissioner of Finance or designate be authorized to execute the necessary documents related to the sole source agreement.
2. Memorandum of Understanding with the Town of Whitby for the Construction of Regional Infrastructure at 270 Water Street Associated with the Construction of the Whitby Water Supply Plant Expansion, in the Town of Whitby (2022-W-20)
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- [CARRIED]
- A) That a Memorandum of Understanding with the Town of Whitby be authorized for the construction of Regional Municipality of Durham infrastructure associated with expansion of the Whitby Water Supply Plant, in the Town of Whitby, in the general form and content as provided in Attachment #2 to Report #2022-W-20 of the Acting Commissioner of Works; and
  - B) That the Regional Chair and Clerk be authorized to execute this Memorandum of Understanding, and any necessary documents and/or final agreements, in a form satisfactory to the Acting Commissioner of Works and the Regional Solicitor, required to implement the project requirements detailed within the Memorandum of Understanding.
3. 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 (2022-W-21)
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- [CARRIED]
- A) That a portion of the property municipally known as 3375 Liberty Street North in the Municipality of Clarington, legally described as Part of Lot 10, Concession 3, (Geographic Township of Darlington), Municipality of Clarington, further described as Part 7 on Registered Plan 40R-31645 be declared surplus to Regional Municipality of Durham requirements;
  - B) That Regional Municipality of Durham staff be authorized to enter into a Land Exchange Agreement with the adjacent property owner under the following terms:
    - i) The Regional Municipality of Durham will transfer lands legally described as Part of Lot 10, Concession 3, (Geographic Township of Darlington), Municipality of Clarington, further described as Part 7 on Registered Plan 40R-31645 and having a Fair Market Value of \$2,097,000 to Jayzee Properties Inc. for nominal consideration;

- ii) Jayzee Properties Inc. will transfer lands legally described as Part of Lot 10, Concession 3, (Geographic Township of Darlington), Municipality of Clarington, further described as Parts 1, 2, 3, and 5 on Registered Plan 40R-31645 having a Fair Market Value of \$2,122,000 to the Regional Municipality of Durham for nominal consideration;
  - C) That the requirements of Sections 3 and 4(1) of Regional By-law #52-95 be waived to facilitate the land exchange between the Regional Municipality of Durham and Jayzee Properties Inc.; and
  - D) That the Acting Commissioner of Works be authorized to execute all documents associated with this land exchange.
- 4. Renewal of Lease Agreement with Hand-In-Hand Corporation for the Regional Municipality of Durham Social Services Department, Located at 339 Westney Road South, in the Town of Ajax (2022-W-22)  
[CARRIED]
  - A) That the Renewal of Lease Agreement with Hand-In-Hand Corporation for the premises located at 339 Westney Road South, in the Town of Ajax, containing approximately 337.97 square metres (3,638 square feet) of office space be approved on the following terms and conditions:
    - i) The term is for a period of five years commencing June 1, 2022, and ending May 31, 2027;
    - ii) The annual rental rate for the term of the lease will be \$49,113.00\* 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 \$36,852.94\* based on the rate of \$109.04\* per square metre (\$10.13\* 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; and
  - B) That the Regional Chair and Clerk be authorized to execute all documents associated with this Lease Agreement.
- 5. Renewal of Lease Agreement with 3414493 Canada Inc. for Works Department Supervisory Control and Data Acquisition Antenna, Located at 200 White Oaks Court, in the Town of Whitby (2022-W-23)  
[CARRIED]
  - A) That the extension of Lease Agreement with 3414493 Canada Inc. for the Supervisory Control and Data Acquisition Antenna located at 200 White Oaks Court, in the Town of Whitby, for a portion of the

telecommunications tower and part of the penthouse mechanical room, be approved under the following terms and conditions:

- i) The term is for a period of two years commencing May 1, 2022, and ending April 30, 2024;
- ii) The annual rental rate for the two-year term is \$14,780.00\* which includes the cost of hydro;
- iii) The Regional Municipality of Durham will be responsible for the maintenance and repair of the site and the antenna system; and

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

6. Confidential Report of the Acting Commissioner of Works – Litigation or Potential Litigation, including matters before Administrative Tribunals, affecting the Regional Corporation, with respect to a s. 24 Settlement Agreement under the Expropriations Act, R.S.O. 1990, c. E.26, for Lands Acquired to Facilitate the Reconstruction of Highway 2 (Kingston Road), in the City of Pickering (2022-W-24)  

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[CARRIED]

That the recommendations contained in Confidential Report #2022-W-24 of the Acting Commissioner of Works be adopted.

7. Modified Vehicles in Durham Region  
[CARRIED UNANIMOUSLY ON A RECORDED VOTE]

WHEREAS Regional and Area Municipal Councils are receiving an increasing number of community complaints and negative feedback regarding increased noise due to modified vehicles in the Region;

AND WHEREAS the Durham Regional Police Service have laid over 300 tickets for vehicles making unnecessary noise and over 500 tickets for vehicles with prohibited mufflers or mufflers making excessive noise in the Region over the last two years under the *Highway Traffic Act (HTA)*;

AND WHEREAS on October 28, 2019, the Province of Ontario introduced *Bill 132, Better for People, Smarter for Business Act, 2019*, which creates a new section 75.1 in the HTA that makes it an offence to tamper with motor vehicles by (a) removing, bypassing, defeating or rendering inoperative all or part of a motor vehicle's emission control system or (b) modifying a motor or motor vehicle in any way that results in increased emissions from the level to which it was originally designed or certified by the manufacturer of the motor or motor vehicle, as well as prohibit the sale of tampering devices;

AND WHEREAS section 75.1 of the HTA will help reduce noise from vehicles by reducing modifications to emission systems that can lead to unnecessary

noise and prohibit the sale of tampering devices to emission systems in Ontario;

AND WHEREAS although *Bill 132* received Royal Assent on December 10, 2019, the Lieutenant Governor has not yet proclaimed section 75.1 of the *HTA* and therefore is currently not in force;

AND WHEREAS Regional Council want all legislative options available to assist the Durham Regional Police Service and Local Area Municipalities to enforce the HTA and reduce unnecessary noise from Regional and local roads;

NOW THEREFORE BE IT RESOLVED:

1. THAT Regional Council requests that the Province of Ontario proclaim section 75.1 of the *Highway Traffic Act (Better for People, Smarter for Business Act, 2019, S.O. 2019, c. 14, Sched. 16, s. 11)* immediately;
2. That Regional Council request that funding for approved decibel monitoring devices and supporting legislation be provided by the Province, outfitting police services in Ontario with the necessary tools for enhanced enforcement;
3. That Regional Council request that updates be provided by the Province as to the timing of when section 75.1 of the *Highway Traffic Act* will be proclaimed and what steps the Province will take to limit the import and sale of modified exhaust systems in Ontario;
4. That a copy of this motion be sent to The Honourable Caroline Mulroney, Minister of Transportation; all Durham Region Members of Provincial Parliament; Durham Regional Police Service; the Ontario Provincial Police; and, the Durham Region Roundtable on Climate Change Committee; and
5. That a copy of this motion be forwarded to the Durham Local Area Municipalities for endorsement.

Moved by Councillor Mitchell, Seconded by Councillor Marimpietri,  
(72) That the recommendations contained in Items 1 to 6 inclusive of Report #4 of the Works Committee be adopted.

CARRIED

Moved by Councillor Mitchell, Seconded by Councillor Marimpietri,  
(73) That the recommendations contained in Item 7 of Report #4 of the Works Committee be adopted.

CARRIED UNANIMOUSLY ON THE  
FOLLOWING RECORDED VOTE:

<u>Yes</u>	<u>No</u>
Councillor Anderson	None
Councillor Ashe	
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 Roy	
Councillor Ryan	
Councillor Smith	
Councillor Wotten	
Councillor Yamada	
Regional Chair Henry	

Members Absent: Councillor Barton

Declarations of Interest: None

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

1. Regional Electric Kick Scooter By-law (2022-COW-9)  
[CARRIED]

That the Electric Kick Scooter By-law, provided as Attachment #1 to Report #2022-COW-9 of the Commissioners of Planning and Economic Development and Works be adopted.

2. Advisory Committee Recruitment and Selection Policy (2022-COW-10)  
[CARRIED]

A) That the proposed Advisory Committee Recruitment and Selection Policy included as Attachment #1 to Report #2022-COW-10 of the Commissioner of Corporate Services be approved;

- B) That the revised terms of reference for the following advisory committees be approved:
- i) Accessibility Advisory Committee (Attachment #2)
  - ii) Durham Active Transportation Committee (Attachment #3)
  - iii) Durham Agricultural Advisory Committee (Attachment #4)
  - iv) Durham Environmental Advisory Committee (Attachment #5)
  - v) Durham Region Anti-Racism Taskforce (Attachment #6)
  - vi) Durham Region Roundtable on Climate Change (Attachment #7)
  - vii) Energy from Waste – Waste Management Advisory Committee (Attachment #8); and
- C) That a copy of Report #2022-COW-10 be forwarded to the area municipalities for information.

Moved by Councillor Marimpietri, Seconded by Councillor Anderson,  
(74) That the recommendations contained in Items 1 and 2 of Report #4 of the Committee of the Whole be adopted.

CARRIED

## 10. Notice of Motions

- 10.1 Rescind Requirement for Council to be Vaccinated  
[CLAUSE 1 CARRIED] [CLAUSE 2 REFERRED TO STAFF] [SEE MOTIONS (76) AND (77) ON PAGE 17]

Moved by Councillor Chapman, Seconded by Councillor Pickles,  
(75) That subject to a 2/3rds majority vote, the following motion as adopted by Council on September 29, 2021 be rescinded in its entirety:

“That Durham Regional Council request that Durham Regional Police Services (DRPS) establish a similar COVID-19 vaccination policy; and

That all members of Regional Council be required to be fully vaccinated and provide proof of vaccination to Council Services by October 20, 2021, such requirements subject to exemption for certain medical conditions and other protected grounds to ensure compliance with the Ontario Human Rights Code, and that non-compliance would result in the denial of the member to access a Regional facility.”

CLAUSE 1 CARRIED ON A 2/3rds VOTE  
CLAUSE 2 REFERRED TO STAFF  
LATER IN THE MEETING  
(See Following Motions)

Moved by Councillor Nicholson, Seconded by Councillor Kerr  
(76) That the main motion (75) of Councillors Chapman and Pickles be divided in order to allow voting on Clause 1 and Clause 2 separately.

CARRIED



Clause 1 of the main motion (75) of Councillors Chapman and Pickles was then put to a vote CARRIED ON A 2/3rds VOTE

Moved by Councillor Nicholson, Seconded by Councillor Collier (77) That Clause 2 of the main motion (75) of Councillors Chapman and Pickles be referred to staff for a report back at the appropriate time.

CARRIED

## 10.2 Endorse No Urban Expansion for Community Area in Durham

Councillors Collier and Dies advised that they will bring the following motion forward at the May 25, 2022 meeting of Regional Council:

Whereas the Region of Durham is in the process of undertaking Envision Durham, the Municipal Comprehensive Review (MCR) of the Regional Official Plan to accommodate a population of 1.3 million and 460,000 jobs by 2051;

And Whereas the Region is completing its MCR by looking at how and where our cities and towns may grow, how to use and protect our land and resources, what housing types and job opportunities are needed for our residents, and how people and goods will move across our region and beyond;

And Whereas in March 2022 the Region released Five Community Area Land Need Scenarios (Land Needs Scenarios Assessment Summary Report) to test a broad range of options for accommodating the 2051 forecast growth across Durham;

And Whereas the Land Needs Assessment report indicates that population growth can be accommodated in Durham with an intensification rate of 55% and a Greenfield area density of 64 people and jobs per hectare with 0 hectares of urbanization (see Scenario 5);

And Whereas scenarios that promote low density residential do not comply to the Growth Plan, 2020, and continue land consumptive sprawl that eliminates agricultural land, increases flooding, and impacts the natural environment;

And Whereas by increasing the intensification target and shifting the unit mix towards medium- and high-density dwellings, the total Community Area land needed to accommodate residential uses decreases from 5,400 hectares to a “no-urban-expansion” scenario to accommodate population growth;

And Whereas a “no-urban-expansion” scenario to accommodate population growth provides the necessary time to evaluate our evolving growth needs, as the official plan process calls for review and possible amendments every five years;

And Whereas by voting to grow within the existing urban footprint for residential uses, elected leaders end the threat to arable farmland, support local food production, combat climate change, protect natural heritage systems (rivers, wetlands, and agricultural lands), introduce new and balanced housing options, emphasize higher densities, and create more walkable, transit-friendly communities;

And Whereas in January 2020 Regional Council declared a climate emergency to acknowledge the impacts of climate change and reaffirm our commitment to mitigate and adapt to those impacts wherever possible, and in March 2021, subsequently adopted greenhouse gas (GHG) emissions reduction targets to become Net Zero by 2045, in alignment with the Federal Government's commitment under the Paris Agreement;

And Whereas the Impact of Land-use Scenarios on GHG Emissions report, presented at the March 18, 2022 Durham Region Roundtable on Climate Change Committee (DRRCC) by consulting firm Sustainability Solutions Group, referred to land-use policy as "the most cost-effective action a municipality can take" in reducing GHG emissions;

And Whereas the DRRCC will consider a subcommittee recommendation on April 22, 2022 calling on the Region to adopt Scenario 5, noting the further the Region moves away from Scenario 5, the more challenging and costly it will be to reduce emissions (Net Zero GHG emissions will not be feasible without a shift to a higher density urban form in Durham Region);

And Whereas the Town of Ajax has supported no urban expansion onto farmland for residential purposes in Durham Region's MCR process;

And Whereas municipalities including the City of Hamilton, City of Burlington, Town of Oakville, and Halton Region have endorsed "no-urban-expansion" scenarios as part of the MCR processes in their respective communities;

Now therefore be it resolved that:

1. Durham Regional Council supports no urban expansion onto farmland for residential purposes in Durham Region's MCR process (up to 2051);
2. Durham Regional Council strongly recommends that the Carruthers Creek Headwaters be put in the Greenbelt and not considered for urban expansion under Durham Region's MCR due to the ecological sensitivity of the area and significant flood and erosion risks posed to Ajax; and
3. This motion be circulated to the Hon. Steve Clark, Minister of Municipal Affairs and Housing, the Hon. David Piccini, Minister of Environment Conservation and Parks, and all Durham area MPPs and municipalities.

## 11. Unfinished Business

### 11.1 Correspondence from The Honourable Omar Alghabra, Minister of Transport, re: High Frequency Rail (HFR) Project

This matter was referred to the April 27, 2022 Regional Council meeting at the March 23, 2022 Regional Council meeting.

Moved by Councillor Foster, Seconded by Councillor Ryan,  
(78) That Council Correspondence CC 04 from The Honourable Omar Alghabra, Minister of Transport dated March 9, 2022 regarding the High Frequency Rail (HFR) Project be received for information.

CARRIED

## 12. Other Business

### 12.1 Durham Region's response to Bill 109, More Homes for Everyone Act, 2022 (2022-P-9)

[CARRIED AS AMENDED ON A RECORDED VOTE] [SEE MOTIONS (79) AND (80) ON PAGES 23 TO 24]

Moved by Councillor Marimpietri, Seconded by Councillor Lee,

(79) A) **That Council of the Region of Durham Request that Bill 109 be repealed, and in failing that,** that Report #2022-P-9 be endorsed and submitted to the Ministry of Municipal Affairs and Housing as Durham Region's response to Environmental Registry of Ontario (ERO) and Regulatory Registry postings regarding Bill 109, More Homes for Everyone Act, 2022 despite the legislation receiving Royal Assent on April 14, 2022, more than two weeks in advance of the deadline for comments. Key comments and recommendations are that the province:

- i) provide upper-tier municipalities with the opportunity to review and comment on any proposed regulations regarding complete site plan applications, or allowable conditions on plans of subdivision;
- ii) permit upper-tier municipalities to stop the clock on all planning application review periods, including site plans, where it is necessary for the proponent to address technical issues identified in the processing of the application;
- iii) not proceed with the requirement to refund planning application fees as this punitive strategy is sure to have unintended consequences including adding to the backlog of cases at the Ontario Land Tribunal, and undermining the ability to maintain good planning relationships with applicants;
- iv) as an alternative to refunding planning application fees, introduce incentives to accelerate targeted, affordable housing projects;

- v) not proceed with providing discretionary authority to the Minister to pause or refer official plan matters, such as conformity amendments, to the Ontario Land Tribunal;
- vi) if recommendation A) v) is not accepted by the province, then establish an annual fund to compensate municipalities for the staff time and legal expenses in cases where the Minister has referred a new official plan or conformity amendment to the Ontario Land Tribunal;
- vii) distinguish the difference between the Community Infrastructure and Housing Accelerator (CIHA) and Minister's Zoning Order (MZO) tools and clarify the need for two separate tools;
- viii) prepare guidelines that refine the process and use of MZOs, instead of a duplicate tool through the CIHA;
- ix) require the support from the affected upper-tier municipality in advance of a lower-tier municipality submitting a formal request to the Minister for a housing accelerator order, and:
  - a. permit upper-tier municipalities to impose conditions for their support of the request;
  - b. provide the upper-tier municipality the opportunity to enter into an agreement with the proponent or area municipality with respect to these conditions, as part of the CIHA guidelines; and
  - c. permit municipalities that are service managers under the Housing Services Act, to make requests for housing accelerator orders to use the CIHA tool for community housing, or rental affordable housing;
- x) that the province apply the objectives of the Provincial Policy Statement when considering the types of development that would be suitable with the use of the CIHA and MZO tools;
- xi) permit the use of the CIHA tool to advance development within Towns/Villages as defined in the Greenbelt Plan Area, such as the Urban Areas of Beaverton, Cannington, Sunderland, Uxbridge, and Port Perry while upholding the environmental protection policies of the Greenbelt Plan;
- xii) ensure that if a CIHA tool or MZO is used for market-based rental housing in unique and extraordinary circumstances, the development must contain a minimum of 20 per cent of affordable housing units, and additionally still be required to follow the public consultation process which has regard for the policies in the Regional and area municipal official plans as well

as provincial policy and legislation, including the Provincial Policy Statement (PPS) and the Growth Plan, and demonstrate a clear urgency to deliver priority development on lands that are designated and serviced or serviceable;

- xiii) provide further assurances that the changes through Bill 109 will not negatively impact the environment, including provincially significant wetlands, through the development approvals process;
- xiv) clarify the type of information that is required to meet the province's new data standards, and identify who is responsible for reporting and publishing site plan data in the case of a two-tier municipal system to meet these new data standards;
- xv) ensure there is no additional administrative and reporting burden for municipalities resulting from the amendments to O. Reg. 82/98 under the Development Charges Act, 1997;
- xvi) make surplus provincial lands and properties available to municipalities, including municipal service managers under the Housing Services Act, and non-profit providers at no cost or below fair-market value for the purposes of developing affordable rental housing;
- xvii) allocate revenues generated from the increased non-resident speculation tax to affordable housing and for financial incentives to encourage housing solutions for low- and moderate-income households;
- xviii) prioritize incentives and policies that would facilitate housing that is not well provided by the market, including community, supportive, affordable, and rental housing;
- xix) include representatives from both upper and lower-tier municipalities, including the Region of Durham, on the housing supply working group;
- xx) streamline the Environmental Compliance Approval and Municipal Class Environmental Assessment processes and timelines where they impact the ability of the municipality to provide required municipal services to new developments in a timely manner;
- xxi) recognize that unit typologies and density of the "missing middle" and "gentle density" varies based on local context, and should be defined locally;

- xxii) provide educational materials and support to municipalities to better equip staff and Councils with countering common concerns of residents related to density and intensification;
  - xxiii) acknowledge that adequate sanitary sewer and water capacity be available to allow intensification and development to proceed to support addressing “the missing middle”; xxiv) identify and incorporate rural housing needs in provincial policy and legislation, where it relates to long-term growth and density; and
- B) That a copy of Report #2022-P-9 of the Commissioner of Planning and Economic Development be forwarded to Durham’s area municipalities for their information.

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

Moved by Councillor Mitchell, Second by Councillor Anderson,  
(80) That the main motion (79) of Councillors Marimpietri and Lee be amended in Part A) by adding the following to the beginning:

“That Council of the Region of Durham Request that Bill 109 be repealed, and in failing that,”.

CARRIED ON THE FOLLOWING RECORDED  
VOTE:

<u>Yes</u>	<u>No</u>
Councillor Anderson	None
Councillor Ashe	
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 Mitchell	
Councillor Mulcahy	
Councillor John Neal	
Councillor Joe Neal	
Councillor Nicholson	
Councillor Pickles	
Councillor Roy	
Councillor Ryan	

Councillor Smith  
Councillor Wotten  
Councillor Yamada  
Regional Chair Henry

Members Absent: Councillor Barton  
Councillor Collier  
Councillor McLean

Declarations of Interest: None

The main motion (79) of Councillors Marimpietri and Lee was then put to a vote and CARRIED AS AMENDED ON THE FOLLOWING RECORDED VOTE:

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

Members Absent: Councillor Barton  
Councillor Collier  
Councillor McLean

Declarations of Interest: None

12.2 Public Meeting Regarding Proposed New Regional Transit Development Charge  
By-law and Background Study (2022-F-11)  
[CARRIED]

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Moved by Councillor Marimpietri, Seconded by Councillor Foster,

(81) A) That Report #2022-F-11 of the Commissioner of Finance be received for information; and

B) That all submissions received by Regional Council, including those opinions expressed verbally at the April 27, 2022 public meeting and any written submissions received by the Regional Clerk by 5 p.m. on June 3, 2022, be received and referred to Regional staff for consideration in the preparation of the final Regional Transit Development Charge recommendations and By-law scheduled to be presented to the Finance and Administration Committee on June 14, 2022 and to Regional Council for approval on June 29, 2022.

CARRIED

**13. Announcements**

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

Chair Henry proclaimed May 1<sup>st</sup> to May 7<sup>th</sup> as Emergency Preparedness Week in Durham Region and thanked James Kilgour, Director, Durham Emergency Management Office, and team, along with other Regional employees for their hard work throughout the COVID-19 pandemic.

**14. By-laws**

22-2022 Being a by-law to appoint a Regional Clerk for The Regional Municipality of Durham.

This by-law implements the recommendations contained in Item #6 of the 4<sup>th</sup> Report of the Finance & Administration Committee presented to Regional Council on April 27, 2022

23-2022 Being a by-law to regulate the operation and use of electric kick-scooters, including electric kick-scooters in The Regional Municipality of Durham.

This by-law implements the recommendations contained in Item #1 of the 4<sup>th</sup> Report of the Committee of the Whole presented to Regional Council on April 27, 2022

24-2022 Being a by-law to amend By-law No. 89-2003.

This by-law implements the recommendations contained in Item #9 of the 6<sup>th</sup> Report of the Works Committee presented to Regional Council on June 23, 2021



25-2022 Being a by-law to amend By-law No. 90-2003.

This by-law implements the recommendations contained in Item #4 of the 7<sup>th</sup> Report of the Works Committee presented to Regional Council on September 29, 2021 and Item #9 of the 6th Report of the Works Committee presented to Regional Council on June 23, 2021.

Moved by Councillor Ashe, Seconded by Councillor Lee,  
(82) That By-law Numbers 22-2022 to 25-2022 inclusive be passed.  
CARRIED

**15. Confirming By-law**

26-2022 Being a by-law to confirm the proceedings of Regional Council at their meeting held on April 27, 2022.

Moved by Councillor Ashe, Seconded by Councillor Lee,  
(83) That By-law Number 26-2022 being a by-law to confirm the proceedings of the Council of the Regional Municipality of Durham at their meeting held on April 27, 2022 be passed.  
CARRIED

**16. Adjournment**

Moved by Councillor Kerr, Seconded by Councillor Ryan,  
(84) That the meeting be adjourned.  
CARRIED

The meeting adjourned at 1:09 PM

Respectfully submitted,

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John Henry, Regional Chair & CEO

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C. Bandel, Acting Regional Clerk