



## **The Regional Municipality of Durham**

### **Committee of the Whole Agenda**

**Wednesday, December 14, 2022, 9:30 a.m.**

**Regional Council Chambers**

**Regional Headquarters Building**

**605 Rossland Road East, Whitby**

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

Note: This meeting will be held in a hybrid meeting format with electronic and in-person participation. It is encouraged that members of the public view the Committee meeting via live streaming, instead of attending the meeting in-person. If in-person attendance is required, arrangements must be made by emailing [clerks@durham.ca](mailto:clerks@durham.ca) prior to the meeting date.

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#### **Pages**

- 1. Roll Call**
- 2. Declarations of Interest**
- 3. Statutory Public Meetings**  
There are no statutory public meetings
- 4. Delegations**  
There are no delegations
- 5. Presentations**
  - 5.1 Ian McVey, Manager of Sustainability, and Jacquie Hoornweg, Executive Director of the Brilliant Energy Institute at Ontario Tech University  
Re: Evolution of the Durham Region Roundtable on Climate Change (DRRCC) and Durham Environmental Advisory Committee (DEAC) (2022-COW-28)
  - 5.2 Jake Schabas, Head Sponsor, GO Expansion, and Rajesh Khetarpal, Vice President, Community Engagement, on behalf of Metrolinx  
Re: Update on the Approval of the Lakeshore East GO Extension to Bowmanville (2022-COW-30)
  - 5.3 Elaine Baxter-Trahair, Chief Administrative Officer, Nancy Taylor, Commissioner of Finance, and Brian Bridgeman, Commissioner of Planning & Economic Development

Re: Implications of Bill 23 on the Region of Durham (2022-COW-33) and  
Durham Region's Response to the Provincial Consultation on Proposed  
Amendments to the Greenbelt Plan (2022-COW-31)

**6. Correspondence**

**7. Reports**

7.1	Report #2022-COW-28 Evolution of the Durham Region Roundtable on Climate Change (DRRCC) and Durham Environmental Advisory Committee (DEAC)	3
7.2	Report #2022-COW-30 Update on the Approval of the Lakeshore East GO Extension to Bowmanville	32
7.3	Report #2022-COW-31 Durham Region's Response to the Provincial Consultation on Proposed Amendments to the Greenbelt Plan, ERO Postings #019-6216 and #019- 6238, File D12-01	40
7.4	Report #2022-COW-32 Time-Limited Construction Funding Subsidy Supplement - Update on the Proposed Long-Term Care Home in the City of Pickering	52
7.5	Report #2022-COW-33 Implications of Bill 23 on the Region of Durham	66

**8. Confidential Matters**

8.1	Report #2022-COW-29 Confidential Report of the Commissioners of Social Services, Planning and Economic Development and Finance – 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 an Employment Services Transformation Service System Manager Update	
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Under Separate Cover

**9. Other Business**

**10. Adjournment**



# The Regional Municipality of Durham Report

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To: Committee of the Whole  
From: Chief Administrative Officer  
Report: #2022-COW-28  
Date: December 14, 2022

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**Subject:**

Evolution of the Durham Region Roundtable on Climate Change (DRRCC) and Durham Environmental Advisory Committee (DEAC)

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**Recommendations:**

That the Committee of the Whole recommends to Regional Council:

- A) That Regional Council endorse the concept of transitioning the DRRCC from its current role as an advisory committee to Regional Council to a future role beginning in Q1 2023 as an independent multi-stakeholder entity based within OntarioTech University, as described within this report;
- B) That staff be directed to execute a collaboration agreement with OntarioTech University (included as Attachment #1 to this report) governing the mandate, deliverables and resourcing of the independent entity as well as roles and responsibilities of participating organizations;
- C) That the DRRCC be dissolved as an advisory committee to Regional Council effective upon approval of the recommendations in this report;
- D) That the DRRCC's current role as an advisory committee to Regional Council on climate change matters be subsumed within a revised name and mandate of the Durham Environmental Advisory Committee (DEAC), as reflected in the revised committee Terms of Reference included as attachment #2 to this report, and that the revised Durham Environment and Climate Advisory Committee (DECAC) Terms of Reference be approved; and
- E) That all applications received for the DRRCC and DEAC as part of the current recruitment process for the next term of Council (2023-2026) be considered for appointments to the Durham Environment and Climate Advisory Committee (DECAC).

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**Report:****1. Purpose**

- 1.1 The purpose of this report is to seek Regional Council endorsement of changes to two Council advisory committees – the Durham Region Roundtable on Climate Change (DRRCC) and the Durham Environmental Advisory Committee (DEAC).
- 1.2 For the DRRCC this report details a proposed evolution of the mandate, deliverables, and structure from its current role as an advisory committee to Regional Council to an independent entity based within OntarioTech University. Its mandate would be to provide strategic community-based oversight of progress towards climate targets established by the Region, local area municipalities, and other organizations; and to foster collaborative leadership to drive the implementation of climate action strategies.
- 1.3 To maintain advisory committee support for Regional Council on climate change matters, this report proposes that the name and mandate of the Durham Environmental Advisory Committee be changed to incorporate climate change issues.

**2. Background**

- 2.1 In 2009, Regional Council established the DRRCC to lead the development of the Region's first ever climate change plan. Released in 2012 [‘From Vision to Action: Region of Durham Community Climate Change Local Action Plan’](#) helped to position the Region of Durham as a leader in addressing climate change.
- 2.2 DRRCC has since supported the Region with the development of two Council-endorsed climate action plans: (1) the 2016 [Durham Community Climate Adaptation Plan](#) (DCCAP) and, (2) the 2019 [Durham Community Energy Plan](#) (DCEP). These plans articulate how Durham Region, and its local area municipal partners can collaborate to advance the transition to a low carbon, climate resilient future. The latter plan is based on a low carbon pathway, which includes a range of ambitious actions designed to achieve community GHG reduction targets set by both Durham Region and local area municipalities.
- 2.3 In early 2020 Regional Council adopted the DRRCC's recommendation to declare a climate emergency, joining local area municipal councils in Pickering, Ajax, Whitby, Oshawa, Clarington, and Brock ("local Councils") and more than 600 Canadian municipalities. Through these declarations Regional and local councils have accepted that urgent action is required to transition Durham Region towards a low carbon, and climate resilient future. The Region and most local area municipalities have established community-level GHG reduction targets that range from 80 per cent to 100 per cent (i.e. net zero) by 2050.

- 2.4 The Council-endorsed climate action plans and climate emergency declaration recognize that the Region has a key leadership role to play in climate action, but also that it needs to work in partnership with local area municipalities, energy utilities, post-secondary institutions, and other public and private sector stakeholders to be successful. For example, the DCEP called for the creation of a central entity to encourage leadership and coordination between municipalities, the Region, and other organizations within the community to ensure the implementation of the DCEP and to take advantage of economies of scale.
- 2.5 Collaborative governance structures are critical to successful implementation of the Region's climate action plans. In November 2020 the DRRCC recommended to Regional Council that "given the ambitious goals of the DCEP, and the need for ongoing coordination among stakeholders in order to achieve these goals, that Regional staff be directed to work with Ontario Tech University and other Durham-based institutions and companies on a needs assessment and scoping exercise, to identify a mandate for a renewed Durham Strategic Energy Alliance." This recommendation was [adopted by Regional Council in December 2020](#).
- 2.6 The Region has a comprehensive and ambitious strategy to reduce GHG emissions in the DCEP. Local area municipalities, energy utilities and other major stakeholders in the Region also have strategies underway to address climate change. There is a recognized need to coordinate efforts amongst various organizations while mobilizing the broader community. Thus, the Region is seeking to implement a community-wide collaborative governance structure that can help to:
- a. coordinate the implementation of Durham's climate strategies across partner organizations;
  - b. build trust and collaboration among partner organizations;
  - c. mobilize citizens and organizations to act; and
  - d. identify opportunities for collective action.

### **3. Process to evaluate Collaborative Governance Options**

- 3.1 The proposed concept for the evolution of the DRRCC that is described in this report was developed through extensive research and stakeholder engagement over the fall 2021 through to summer 2022.
- 3.2 Regional staff engaged academic researchers from Trent University to analyze collaborative governance models used by other municipalities and Regions across the Greater Golden Horseshoe. Research was complemented with key informant interviews to develop a set of case studies.
- 3.3 A multi-stakeholder Governance Task Force was established in January 2022 to work with Regional staff to recommend a community-based collaborative governance model. Regional staff supported the work of the Governance Task

Force, along with three university graduate students who were selected to participate in an Innovation Fellowship at the Region.<sup>1</sup>

- 3.4 A design sprint process was used to complete issue mapping, identify goals and success criteria, conduct interviews, sketch rough prototype models, discuss and vote on best solutions, and finally develop a governance model prototype.
- 3.5 Regional staff presented the proposed concept for the evolution of the DRRCC to the DRRCC advisory committee in June 2022, and to the Durham Environmental Advisory Committee (DEAC) in July 2022. Both committees endorsed the concept of transitioning the DRRCC from an advisory committee of Regional Council to an independent entity, as described in this report, as well as related changes to the mandate of DEAC.
- 4. Proposed Evolution of the Durham Region Roundtable on Climate Change – Mandate, Functions and Deliverables**
  - 4.1 The Governance Task Force arrived at a consensus on the need for an independent university-based entity to provide strategic community-based oversight of progress towards climate targets established by the Region, local area municipalities, and other organizations. Through this the new entity would help to foster collaborative leadership to drive the implementation of climate action strategies across the Region.
  - 4.2 This entity is envisioned as an evolution of the current DRRCC mandate and structure, moving from being an internal advisory committee reporting to Regional Council to becoming an independent voice with the capacity to provide authoritative information and advice to a wide range of organizations beyond the Regional Municipality, including local area municipalities, energy utilities and others.
  - 4.3 If approved, Regional staff will work with OntarioTech University's recently launched [Brilliant Energy Institute](#) on mechanisms to monitor progress related to GHG reduction targets established by Regional Council and local area municipal councils and recommend strategic actions to keep the community on track. Regional Staff and the University will also work with corporate entities located in Durham Region that have set GHG reduction targets to align reporting methodologies and progress tracking. An annual forum will be held where organizations within the Region can exchange ideas, research findings, information, and best practices on GHG reduction and climate resilience. The proposed DRRCC will deliver on the approved DCEP action item for a central

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<sup>1</sup> The Innovation Fellowship program, piloted this summer, aims to build capacity to innovate solutions to complex municipal challenges that improve the lives of Durham Region residents. Supported by Durham Region's Innovation Team, the program focuses on solving complex municipal challenges through design thinking, learning and cross-functional collaboration. Innovation fellows gain immersive and place-based workplace experience, engaging full time as a member of the team in a municipal setting. The Fellows from the inaugural year were drawn from Ontario Tech, Trent and York Universities.

entity to support leadership and coordination between the Region, local area municipalities, and other organizations in the community. This proposed update to the DRRCC's structure and mandate also responds to Council's direction to explore a renewed mandate for the former Durham Strategic Energy Alliance.

- 4.4 The DRRCC's role as an advisory committee to Regional Council on climate change matters is proposed to be subsumed within a revised Terms of Reference for the DEAC, a draft of which is included as attachment #2 to this report and is recommended for adoption. The proposed updates to the DEAC Terms of Reference include an updated committee name, an expanded scope to provide advice on environmental sustainability and climate change-related impacts of regional matters, and updates to the composition and technical expertise of members. The committee's reporting relationship to the Region's Planning and Economic Development Committee may also require updates following any key changes resulting from *Bill 23, More Homes Built Faster Act, 2022*, which is expected to have implications for upper-tier planning-related advisory committees.
- 4.5 The mandate of the updated DRRCC would be to:
- a. Build a sense of common ownership and shared responsibility regarding climate action, helping to turn an overwhelming challenge into practicable, deliverable activities.
  - b. Encourage inclusive processes that involve and empower participation from government, residents, businesses, and public institutions including academia.
  - c. Be a positive voice, emphasizing how climate action can be an opportunity to deliver on other social, economic, and environmental objectives.
  - d. Support the implementation of climate action by government and non-governmental actors.
  - e. Track progress towards GHG targets and promote transparency.
  - f. Review current activities, celebrate successes, and promote both the replication and upscaling of different forms of best practice.
  - g. Provide on-going, longer-term support for climate action that spans electoral cycles and variations in public awareness and business support.
- 4.6 The updated DRRCC will fulfill the following key functions and associated deliverables:
- a. Oversee the execution of the DCEP low carbon pathway and progress towards climate targets:
    - Produce an annual report evaluating progress across the Region towards GHG reduction targets, advising on future measures and updating community emissions data at the Region-wide scale, and by local area municipality;
    - Deliver an annual presentation to Regional Council and local area municipal Councils to share relevant results from the annual report; and

- Produce an Updated Low Carbon Pathway in alignment with the planned reassessment of the DCEP strategy in 2024.
  - b. Engage the community by facilitating multi-stakeholder dialogue:
    - Establish a communications platform which leverages a website and social media presence that will set out the DRRCC's objectives, outline its program and projects and provide key contact information;
    - Organize and host an annual multi-stakeholder forum where ideas and best practices are shared, and success is celebrated; and
    - Provide engagement opportunities for community and stakeholders to provide input on progress, programs, and initiatives.
  - c. Develop coordinated implementation plans
    - Develop a five-year implementation plan aligned with the DCEP low carbon pathway with clear roles and responsibilities established between the Region, local area municipalities, and others;
    - Develop a financing strategy to support the implementation plans; and
    - Develop monitoring and evaluation plans.
- 5. Proposed Evolution of the Durham Region Roundtable on Climate Change – Governance and Management Structure**
- 5.1 The functions and deliverables of the independent DRRCC are proposed to be executed through a governance and management framework, as described below and illustrated in attachment #3.
- 5.2 A **DRRCC Leadership Committee** is envisioned to be comprised of between 19 to 21 members as follows:
- a. Co-chairs (one from academia, and the Regional Chair or designate),
  - b. One Regional Councillor representative from each of the eight local area municipalities and the elected Council of the Mississaugas of Scugog Island First Nation
  - c. Eight to ten representatives from organizations based or operating within Durham Region that have demonstrated a commitment to advancing Durham's low carbon pathway, such as:
    - Public agencies focused on energy, housing, transportation and conservation (e.g., local electricity distribution companies, Durham Region Non-Profit Housing Corp, and/or Conservation Authorities)
    - Academia (e.g., Ontario Tech University, Durham College, Trent Durham University, and/or local school boards)
    - Professional and Industry Associations (e.g., Durham Labour Council, Durham Region Homebuilders Association, etc.)



- Community organizations (e.g., Durham Community Foundation, Community Development Council Durham, Rotary Club, Climate Justice Durham, etc.)
- 5.3 Regional Councillors will be solicited by Regional Staff for their interest in participating on the DRRCC Leadership Committee following endorsement of the recommendations in this report. Appointments of Regional Councillors are expected to be confirmed during the January 2023 Regional Council meeting.
- 5.4 Recommendations for Individuals representing key organizations will be developed by the University and Regional Staff and presented to Regional Council for endorsement at the January 2023 Regional Council meeting. Recommendations will be developed on the following basis:
- a. That they represent a significant organization or sector within the Region;
  - b. That they will engage with their organization and sector to make commitments to and promote the work of the DRRCC where possible;
  - c. That they can deliver useful, accurate and timely data to the DRRCC;
  - d. That they can demonstrate expertise, knowledge, leadership and skills to contribute effectively to the work of the DRRCC;
  - e. That they can commit a required amount of time to the DRRCC;
  - f. That they have access to networks and connections that will add value to the DRRCC; and
  - g. That they are available to attend meetings as required. Alternative representatives would not usually be allowed to attend, barring exceptional circumstances. If a member is absent for three successive meetings their membership will be reviewed and possibly revoked.
- 5.5 DRRCC Leadership Committee members will be appointed for a term that corresponds with the term of Regional Council (i.e. ending in November 2026).
- 5.6 The role of the Leadership Committee will be to receive the Annual Report produced by the University-based DRRCC secretariat, participate in the annual forum, and strive to develop a consensus around key priorities for action. Leadership Committee members are also envisioned to be champions of climate action within their respective Councils and organizations. It is anticipated that the Leadership Committee would meet a minimum of twice annually. Elected Officials representing Durham Region communities at senior levels of government (provincial and federal) would be invited to participate in these Leadership Committee meetings in an ex officio, non-voting capacity.
- 5.7 **A DRRCC Implementation Management Committee** will be formed and comprised of senior leadership level staff from the Region, local area municipalities, and energy utilities. The role of the Implementation Management Committee will be to provide executive level oversight and guidance regarding the strategic and change management elements of inter-organizational climate and energy transition initiatives. It will guide the work of a set of staff-level inter-

organizational working groups, organized around the key sources of GHG emissions sectors in the Region (e.g., buildings, transportation, and energy generation/distribution). These working groups will develop and maintain coordinated inter-organizational action plans. The Implementation Management Committee will act as champions within their respective organizations to ensure that assigned action items are delivered. It is anticipated that the Implementation Management Committee will meet a minimum of twice annually, and that its work would be supported by Regional Staff in the Office of the CAO.

## **6. Next Steps**

6.1 Upon Council endorsement of the proposed concept for the evolution of the DRRCC as described in this report, the next steps would include:

- a. Approve the revised DEAC Terms of Reference which integrate the DRRCC's current role as an advisory committee to Regional Council, and dissolve the DRRCC as currently constituted;
- b. Adjust the membership selection process currently underway for DEAC and DRRCC to consider all applications received for appointment to the Durham Environment and Climate Advisory Committee (DECAC);
- c. Execute a collaboration agreement between the Region and OntarioTech University to govern the mandate, deliverables, and resourcing of the independent entity as well as roles and responsibilities of participating stakeholder organizations. The attached agreement has been developed in collaboration with OntarioTech University, and has been reviewed by staff in the Regional Solicitors Office, Legislative Services, and Risk management.

## **7. Relationship to Strategic Plan**

7.1 This report aligns with/addresses the following strategic goals and priorities in the 2020-2024 Durham Region Strategic Plan:

- a. Goal #1 – Environmental Sustainability
  - Accelerate the adoption of green technologies and clean energy solutions through strategic partnerships and investment.
  - Demonstrate leadership in sustainability and addressing climate change.
- b. Goal #3 – Economic Prosperity
  - Position Durham Region as the location of choice for business.
- c. Goal #5 – Service Excellence
  - Optimize resources and partnerships to deliver exceptional quality services and value.
  - Demonstrate commitment to continuous quality improvement and communicating results.

- Drive organizational success through innovation, a skilled workforce, and modernized services.

## 8. Conclusion

- 8.1 Implementation of Durham's climate action strategies requires deep engagement and collaboration between the Region, local area municipalities, energy utilities, conservation authorities and other key public and private sector organizations. Current governance and management structures do not fully support the level of coordination and collaboration required, thus limiting community mobilization towards a low carbon and climate resilient future.
- 8.2 Following Regional Council direction, staff have convened a multi-stakeholder task force to evaluate options to evolve Durham's climate and energy governance structure to better suit the current and forward-looking Regional context.
- 8.3 Staff recommend that the DRRCC be dissolved in its current form as an advisory committee to Regional Council and be re-established as an independent entity based within OntarioTech University. The DRRCC's role as an advisory committee to Regional Council is proposed to be subsumed within an update to the mandate and Terms of Reference for the DEAC, which has historically integrated climate change and sustainability in its programming and workplan (e.g. [DEAC climate resilience guide for residents](#)). The DRRCC and DEAC have both endorsed the concept presented in this report.

## 9. Attachments

- Attachment #1: Durham Region Roundtable on Climate Change Collaborative Agreement
- Attachment #2: Proposed Update to DEAC Terms of Reference
- Attachment #3: Proposed DRRCC Governance and Management Framework

Prepared by: Ian McVey, Sustainability Manager, at 905-668-7711, extension 3803.

Approved by: Sandra Austin, Director of Strategic Initiatives, 905-668-7711, extension 2449.

Respectfully submitted,

Original signed by

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Elaine C. Baxter-Trahair  
Chief Administrative Officer

# Durham Region Roundtable on Climate Change Collaboration Agreement

**THIS** Durham Region Roundtable on Climate Change **COLLABORATIVE AGREEMENT** (the “Agreement”) made the \_\_\_\_ day of \_\_\_\_, \_\_\_\_ (the “Effective Date”)

**BETWEEN:**

**Ontario Tech University**

(herein referred to as the “University”)

**and**

**The Regional Municipality of Durham**

(herein referred to as “the Regional Municipality”)

**RECITALS**

- A. WHEREAS the University and the Regional Municipality have a shared commitment to take a leadership role locally as part of the global effort to transition towards net zero greenhouse gas (GHG) emissions by mid-century;
- B. AND WHEREAS achieving net zero GHG emissions in Durham Region requires leadership and coordinated action by many actors, including all levels of government, public institutions, energy utilities, and non-governmental actors and an annual assessment of progress towards targets;
- C. AND WHEREAS while many public and private sector organizations in Durham Region, including the Regional Municipality and the University have made commitments to take action on climate change, there does not exist a standardized platform to track progress towards climate targets and enable evaluation, comparison and continuous improvement;
- D. AND WHEREAS the Regional Municipality and the University wish to establish a collaboration platform that enables assessment of progress towards net zero GHGs and to work collaboratively to identify strategic priorities and coordinated actions that can accelerate climate ambition.

**1. PURPOSE**

This Agreement shall formally establish the Durham Region Roundtable on Climate Change (DRRCC) as an independent entity hosted within the University with a mandate to enhance leadership capacity, transparency and mutual accountability of progress towards net zero GHG emissions by mid-century (see Schedule A – Durham Region Roundtable on Climate Change Terms of Reference – for more details).

**2. TERM AND TERMINATION**

- 2.1.** This agreement will commence on the Effective Date and will end on the 14<sup>th</sup> day of November 2026 (the “Term”). Unless otherwise terminated in accordance with the provisions of the Agreement, the Regional Municipality will seek Council approval to renew this Agreement for another four-year term. Upon Council approval, this Agreement will renew automatically. Either

party may provide written notice that it does not wish for the Agreement to renew, 30 days prior to the end of the Term.

**2.2.** Each Party may terminate this Agreement for convenience upon sixty (60) calendar days prior written notice to the other Party. Each Party may terminate this Agreement for the other Party's material breach of the Agreement, on thirty (30) calendar days prior written notice to the other Party. If the material breach is not cured or waived within the thirty (30) calendar day notice period, the effective date of termination is the end of such thirty (30) calendar day period.

**2.3.** This Agreement may be amended or terminated on mutual agreement by the Parties at any time.

### **3. FINANCIAL CONTRIBUTIONS**

#### **3.1. FEES PAYABLE**

Subject to sections 3.2 and 3.3 hereof, the Region will provide the University with financial contributions to support the fulfilment of its responsibilities and deliverables as outlined in Schedule A.

Total financial contributions provided by the Region to the University in the initial year following execution of this agreement shall be One Hundred Thousand Dollars (\$100,000.00) per annum, plus all applicable taxes. Increases or decreases to financial contributions from the Region to the University will be considered based on the performance review described in section 3.2.

#### **3.2. PERFORMANCE REVIEW AND INCREASES AND DECREASES TO FEES**

After the initial year of this Agreement and not later than July 31<sup>st</sup>, 2024, the Region will conduct a performance review of the University in fulfilling the scope and deliverables outlined Schedule A, including but not limited to, timeliness and quality of deliverables, delivering certain outputs such as events, meetings, reports, and maintenance of a website and social media presence. The University agrees to provide the Region with such information and documentation as may be necessary for the purposes of such performance review. Upon completion of such review the University shall submit a budget forecast for the 2024 – 2026 period. It is understood that any change in annual funding provided by the Region under this Agreement is subject to approval of Regional Council.

#### **3.3. INVOICING**

Throughout the term of this Agreement, the University shall submit quarterly invoices for one quarter of the total fees payable annually in a form acceptable to the Region. The Region shall pay all invoices within 30 days of receipt provided that the University is in compliance with the terms and conditions of this Agreement.

### **4. COLLECTION AND USE OF DATA**

Both parties agree to establish data acquisition or data sharing agreements to govern the collection of data from any third party. Both parties will immediately advise all relevant parties of any breach of agreements, where a breach includes but is not limited to: (i) any unauthorized use of the data; (ii) any loss or stolen data files by the University, or by a third party for whom the University is responsible, together with information of the breach and steps taken to correct the breach; or (iii) any loss or stolen data files by the Region, or by a third party for whom the Region is responsible, together with information

of the breach and steps taken to correct the breach; or (iv) any loss or stolen data files by the DRRCC, or by a third party for whom the DRRCC is responsible, together with information of the breach and steps taken to correct the breach.

## **5. INTELLECTUAL PROPERTY**

- 5.1.** Any materials or documentation written, designed, or produced by or for the University pursuant to or in connection with this Agreement in any medium or format, including but not limited to, reports, studies, templates, compilations and collections of data, and related documentation (herein the “Intellectual Property”), shall be owned by the University.
- 5.2.** The University grants to the Regional Municipality a perpetual, world-wide, non-exclusive, irrevocable, transferable, royalty-free, right and licence to use any of the Intellectual Property and to incorporate the same as part of any derivative works created by or for the Regional Municipality. This license includes the right for the Regional Municipality to transfer any of the Intellectual Property to any of the other levels of government, public institutions, energy utilities, and non-governmental actors who are members of the DRRCC, for their use.
- 5.3.** In its fulfillment of its responsibilities outlined in Section 6.1, the University shall not incorporate or develop anything that would restrict the right of the Region to modify, further develop or otherwise use the Intellectual Property.

## **6. CONFIDENTIALITY**

- 6.1.** The Region and the University shall treat as confidential any information received concerning the other party which is not generally known to the public. Each party shall use reasonable precautions to prevent any confidential information from being acquired by an unauthorized person. Confidential information should only be limited to that which the disclosing party marks or otherwise identifies as confidential at the time of disclosure.

## **7. INDEMNITY**

- 7.1.** Each party shall defend, indemnify and save harmless the other party and its elected officials, officers, employees and agents from and against all claims of any nature, actions, causes of action, losses, expenses, fines, costs, interest or damages of every nature and kind whatsoever, arising out of or allegedly attributable to the negligent acts, errors, omissions, misfeasance, nonfeasance, fraud or willful misconduct of the indemnifying party, its directors, officers, employees, agents, contractors and subcontractors, or any of them, in connection with or in any way related to the delivery or performance of this Agreement. This indemnity shall be in addition to and not in lieu of any insurance in accordance with this Agreement and shall survive this Agreement.

## **8. INSURANCE**

- 8.1.** The University shall continuously maintain throughout the term of the Agreement and pay for the following insurance coverage:

- Commercial General Liability insurance including personal injury, broad form contractual liability, owners and contractors protective, completed operations, and non-owned automotive liability in an amount of not less than five million dollars (\$5,000,000.00) applying to all contracts for claims arising out of one occurrence, and,
- Professional Liability (Errors and Omissions) in an amount of not less than two million dollars (\$2,000,000.00) per claim.

The Commercial General Liability policy shall include the Region as an additional insured and be endorsed to endeavour to provide the owner with not less than thirty (30) days written notice in advance of any cancellation. The University shall provide a Certificate of Insurance to the Region.

**8.2.** The Region shall continuously maintain throughout the term of the Agreement and pay for the following insurance coverage:

- Commercial General Liability insurance including personal injury, broad form contractual liability, owners and contractors protective, completed operations, and non-owned automotive liability in an amount of not less than five million dollars (\$5,000,000.00) applying to all contracts for claims arising out of one occurrence, and,
- Professional Liability (Errors and Omissions) in an amount of not less than two million dollars (\$2,000,000.00) per claim.

The Commercial General Liability policy shall include the University as an additional insured and be endorsed to endeavour to provide the owner with not less than thirty (30) days written notice in advance of any cancellation. The Region shall provide a Certificate of Insurance to the University.

## **9. GENERAL**

**9.1.** This Agreement, including any amendments and supplements hereto, constitutes the entire agreement between the parties with respect to the subject matter hereof. This Agreement supersedes all prior or contemporaneous agreements, negotiations, representations, proposals, discussions and understandings, oral or written, relating to the subject matter hereof. This Agreement may be amended, supplemented or modified in writing only.

**9.2.** This Agreement shall be governed by and interpreted in accordance with the laws of the Province of Ontario and the laws of Canada applicable therein.

**9.3.** All notices required or permitted to be given under this Agreement shall be in writing and either delivered personally or by pre-paid courier or transmitted by confirmed electronic communication:

To the Regional Municipality at:

Attention: Ian McVey, Manager of Sustainability  
Address:

e-mail:           Ian.McVey@durham.ca

To the University at:

Attention:

Address:

e-mail:

or to such other address and as either party may notify to the other from time to time. All notices shall be effective when actually received.

- 9.4.** Nothing in this Agreement shall be interpreted to create any partnership, joint venture, or similar relationship, or subject the parties to any implied duties or obligations respecting the conduct of their affairs which are not expressly stated herein.
- 9.5.** This Agreement shall be binding upon and inure to the benefit of each of the parties hereto. This Agreement may not be assigned.
- 9.6.** The failure of either party at any time to require performance of any provision shall not affect the right to require performance at any other time, nor shall the waiver by either party of a breach of any provision be a waiver of any succeeding breach or a waiver of the provision itself.
- 9.7.** If any provision of this Agreement is declared illegal, void or unenforceable for any reasons, such provision shall be severed from the balance of this agreement and the remaining provisions hereof shall continue in full force and effect.

IN WITNESS WHEREOF the parties hereto have executed this Agreement by their duly authorized officers in that behalf.

ONTARIO TECH UNIVERISTY

Per: \_\_\_\_\_

I/We have authority to bind the Corporation

THE REGIONAL MUNICIPALITY OF DURHAM

Per: \_\_\_\_\_

I have authority to bind the Corporation.



# Schedule A – Durham Region Roundtable on Climate Change

## Terms of Reference

### 1. BACKGROUND

- 1.1. The Durham Region Roundtable on Climate Change was formed by Regional Council in 2009 to help develop climate action plans that position the Region of Durham as a leader in addressing climate change issues. It was formed as an advisory committee to Regional Council composed of Regional Councillors, the Chief Administrative Officer (CAO) of the Region, citizen members, and industry representatives.
- 1.2. DRRCC has since supported the Region with the development of three Council-endorsed climate action plans: the Community Climate Change Local Action Plan (LAP) endorsed by Council in 2012, the Durham Community Climate Adaptation Plan (DCCAP), endorsed by Council in 2016 and, the Durham Community Energy Plan (DCEP), endorsed by Regional and Local Councils in 2019.
- 1.3. These plans articulate how Durham Region, and its local area municipal partners can collaborate to advance the transition to a low carbon, climate resilient future. The latter plan is based on a low carbon pathway, which includes a range of ambitious actions designed to achieve community GHG reduction targets set by both Durham Region and local area municipalities.
- 1.4. Endorsement of Durham's low carbon pathway by Regional and Local Councils recognizes the important role of municipal climate action as part of a coordinated multi-level government effort to transition to a decarbonized clean energy economy. Local governments are estimated to have direct or indirect control over more than half of Canada's greenhouse gas (GHG) emissions – with particularly high influence in sectors like buildings and transportation.
- 1.5. Through the course of 2019 to 2021 Regional Council and Local Councils in Pickering, Ajax, Whitby, Oshawa, Clarington, and Brock declared climate emergencies, joining more than 600 Canadian municipalities. Through these declarations Regional and Local Councils have accepted that very urgent action is required to make a meaningful contribution to transitioning Durham towards a low carbon, and climate resilient future. The Region and most Local Area Municipalities have established GHG reduction targets that range from 80 per cent to 100 per cent by 2050. These targets are complemented by targets set by the Province of Ontario and Government of Canada, as well as the United Nations brokered Paris Agreement to limit global temperature increases below 2°Celsius, which has been ratified by more than 190 countries across the globe.
- 1.6. The Council-endorsed climate action plans and climate emergency declarations recognize that the Region has a key leadership role to play in climate action, but also that it needs to work in partnership with local area municipalities, energy utilities, post-secondary institutions, and other public and private sector stakeholders to be successful in reducing energy consumption and enabling fuel shifting to low or zero carbon sources of energy. Accordingly, the DCEP called for the creation of a central entity to encourage leadership and coordination between municipalities, the Region, and other organizations within the community to ensure the implementation of the DCEP and to take advantage of economies of scale.

- 1.7.** As the focus shifts from developing climate plans towards implementation by the Region, Local Area Municipalities, and a wide range of collaborating organizations across the Region, the role of the DRRCC must likewise shift if it is to fulfill its objectives. This means evolving from its original role as an advisory committee to Regional Council, to becoming an entity independent of the Region with a mandate to enhance the leadership capacity, transparency, and mutual accountability of a wide range of organizations across the Region of Durham.

## **2. OBJECTIVE**

- 2.1.** The objective of the Durham Region Roundtable on Climate Change (DRRCC) is to support the leadership and coordination between the Region, Local Area Municipalities, the University, and other key organizations within the community on actions required to transition towards a net zero clean energy economy in the Region.
- 2.2.** More specifically, as an entity independent of the Region and Local Area Municipalities and hosted by the University, the DRRCC will serve to foster collaborative leadership and strategic, community-based oversight of the implementation of Durham's low carbon pathway. The DRRCC will monitor progress related to carbon reduction targets established by Regional Council and Local Councils and recommend strategic actions to keep the Region and Local Area Municipalities on track. Moreover, the DRRCC will provide a forum where organizations within the community can exchange ideas, research findings, information and best practice on carbon reduction and climate resilience. As such, the DRRCC will support leadership and coordination between the Region, Local Area Municipalities, other levels of government, and community organizations and will thus play an integral role in supporting the shift to a clean energy economy in Durham Region.
- 2.3.** At a high level, the purpose of the DRRCC shall be to:
- a. Build a sense of common ownership and shared responsibility among government and non-governmental actors in Durham Region regarding climate action, helping to turn an overwhelming challenge into practicable, deliverable activities.
  - b. Encourage inclusive processes that involve and empower participation from government, residents, academia, and the private sector.
  - c. Be a positive voice, emphasizing how climate action can be an opportunity to deliver on other social, economic, and environmental objectives.
  - d. Support the implementation of climate action by government and non-governmental actors.
  - e. Track progress towards GHG targets set by the Region and Local Area Municipalities and promote transparency.
  - f. Review current activities, celebrate successes, and promote both the replication and upscaling of different forms of best practice through inter-jurisdictional benchmarking that looks at comparator communities outside of Ontario and Canada.
  - g. Provide on-going, longer-term support for climate action that spans electoral cycles and variations in public awareness and business support.

## **3. FUNCTIONS AND DELIVERABLES**

- 3.1.** The DRRCC will aim to fulfill the following key functions and associated deliverables:
- 3.1.1.** Monitor action and report measurable results:

- a. An annual report evaluating progress across the Region towards GHG emissions reduction targets, advising on future measures and updating data on emissions at the Region-wide scale, by sector and by local area municipality.
- b. An annual presentation to Regional Council and Local Councils on request to share relevant results from the annual report.
- c. A strategic reassessment and update of Durham's Low Carbon Pathway in 2024.

**3.1.2.** Engage the community by facilitating multi-stakeholder dialogue:

- a. Establish a communications platform which leverages a website and social media presence that will set out the DRRCC's objectives, outline its programme and projects and provide key contact information;
- b. Organize an annual multi-stakeholder forum where organizations and community members can receive an update on progress towards GHG targets, share ideas and best practices, and celebrate successes.
- c. Provide engagement opportunities for community and stakeholders to provide input on progress, programs, and initiatives

## **4. GOVERNANCE**

### **4.1. DRRCC Leadership Committee**

**4.1.1.** A DRRCC Leadership Committee will be formed comprised of 19 to 21 members as follows:

- Co-chairs (Regional Chair and an official from the University)
- One Regional Councillor representing each local area municipality (eight in total)
- One representative of the Mississauga's of Scugog Island Band Council
- Eight to ten representatives from organizations based or operating within Durham Region that have demonstrated a commitment to advancing Durham's low carbon pathway.

**4.1.2.** Recommendations for representatives from organizations based or operating within Durham Region will be developed by the University and presented to the DRRCC Leadership Committee for selection. Recommendations will be developed on the following basis:

- They represent a significant organization or sector within the Region;
- They will engage with their organization and sector to make commitments to and promote the work of the DRRCC where possible;
- They can deliver useful, accurate and timely data to the DRRCC;
- They can demonstrate expertise, knowledge, leadership and skills to contribute effectively to the work of the DRRCC;
- They can commit the required amount of time to the DRRCC;
- They have access to networks and connections that will add value to the DRRCC; and
- They are available to attend meetings as required. Alternative representatives would not usually be allowed to attend, barring exceptional circumstances. If a member is absent for three successive meetings their membership will be reviewed and possibly revoked.

- 4.1.3.** The DRRCC Leadership Committee will meet formally 2 times per year. At each formal meeting, the Chair, or in their absence, the Vice-Chair, shall preside. A formal meeting will be quorate if at least half of the total sitting members are present. The DRRCC Leadership Committee will establish a meeting schedule at its inaugural meeting, considering the business needs and schedule of participating members. Unless otherwise determined, all meetings will be open to the public.
- 4.1.4.** The term of membership shall correspond with the term of Regional Council (i.e. ending in November 2026). If a member chooses to resign the University will recommend a replacement to the DRRCC Leadership Committee in accordance with Section 6.1.2. At the discretion of the DRRCC Leadership Committee, non-attendance of three consecutive meetings will be sufficient grounds for replacement.
- 4.1.5.** Decisions reached by the DRRCC Leadership Committee will be made jointly with a preference for a consensus-based approach to decision-making. If a vote is taken, each member of the DRRCC Leadership Committee will be entitled to one vote, with a majority being required to issue deliverables, make substantive changes to any reports, or make any other decision that has bearing on the operation of the DRRCC or may impact its members.

## **5. RESPONSIBILITIES OF THE REGION**

The Region shall be responsible for the following:

- 5.1.** Providing annual funding contributions to the University, as set out in the Durham Region Roundtable on Climate Change Collaboration Agreement, to enable it to fulfill its responsibilities, as outlined in section 5;
- 5.2.** Appointing the Regional Chair as a representative of Regional Council to serve as Co-Chair of the DRRCC Leadership Committee, as set out in section 6.1;
- 5.3.** Appointing one Regional Councillor to represent each of the eight local area municipalities to participate on the DRRCC Leadership Committee as set out in section 6.1;
- 5.4.** Providing the University with, or facilitating its access to, relevant data to assist in fulfilling the functions and deliverables described in section 3, including but not limited to:
  - 5.4.1.** Data on building permits issued across the Region
  - 5.4.2.** Utility energy consumption data for buildings (electricity and natural gas)
  - 5.4.3.** Transportation data (e.g. traffic counts, fuel consumption, vehicle registrations, mode share, vehicular kilometres travelled, transit trips, etc.)
  - 5.4.4.** Data on waste generation and wastewater treatment volumes
- 5.5.** Such further and other obligations as may be mutually agreed upon by all parties hereto in writing

## **6. RESPONSIBILITIES OF THE UNIVERSITY**

The University shall be responsible for the following:

- 6.1.** Developing an annual GHG inventory for the Region, with data disaggregated by local area municipalities and by sector, prepared according to global best practices (e.g. Global Protocol for Community-Scale Greenhouse Gas Inventories)
- 6.2.** Publishing an annual report with the annual GHG inventory data and accompanying sectoral and jurisdictional analysis, as well as key recommendations for the Region and local area

municipalities. This report should be prepared by the 1<sup>st</sup> day of September each year, subject to availability and timeliness of data provision from the Region and relevant third parties.

**6.3.** Providing a communications platform described in provision 3.1.2a

**6.4.** Organizing and hosting an annual forum described in provision 3.1.2b. This forum shall be planned as an *in-person* event hosted at the University unless stipulated otherwise.

**6.5.** Designate a university representative to participate as a Co-Chair of the DRRCC Leadership Committee.

**6.6.** Coordinating recruitment of members of the DRRCC Leadership Committee as outlined in sections 6.1.1. and 6.1.2.

## **7. RESPONSIBILITIES OF LOCAL AREA MUNICIPALITIES AND OTHER ORGANIZATIONS REPRESENTED ON THE DRRCC LEADERSHIP COMMITTEE**

**7.1.** Providing the University with, or facilitating its access to, relevant data to assist in fulfilling its deliverables.

**7.2.** Designating a representative to participate on the DRRCC Leadership Committee

## **8. EXTERNAL COMMUNICATIONS**

**8.1.** In any external communications (ex. website, presentation slides, and printed material) the parties involved with this collaborative organization will be referred to by the primary name of: *“Durham Region Roundtable on Climate Change”*. The DRRCC may also be described as: *“a leadership accelerator hosted by OntarioTech University with a mandate to track progress towards a low carbon, climate resilient future in Durham Region and promote accountability amongst local organizations and stakeholders”*. All external communication should clearly and prominently display the logos of the Region, the University, and branded logo of the DRRCC, and any additional funding partners brought into a project or opportunity. Any usage of logos and names must be used in accordance with branding or design guidelines of each respective organization.

**8.2.** With the exception of media releases or requests from media organizations, either the Region or the University may speak on behalf of the DRRCC using good judgement to communicate in a way that does not undermine the objectives of the DRRCC or negatively impact the other party, either directly or indirectly. For improved coordination, media releases referencing reports prepared by the University must be forwarded by the University to the chair and vice chair and must be approved in writing by the corporate communications division of the Region. Any interview requests made by the media or other third-party organizations to the Region, or the University will be dealt with in a manner as agreed upon by all parties to this Agreement, acting reasonably.



# Durham Environmental and Climate Advisory Committee

## Terms of Reference

March-September 2022

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### 1. Goal

- 1.1 To provide advice to the Region of Durham on environmental sustainability and climate change-related impacts of planning-Regional matters, as expressed in Regional policies and plans including the Durham Regional Official Plan and climate declaration.

### 2. Mandate

- 2.1 The Durham Environmental Advisory Committee (DEAC) is a volunteer Advisory Committee established by Regional Council in accordance with these Terms of Reference. Committee members are guided by these Terms of Reference.
- 2.2 The Terms of Reference provide for a balance between activities referred from ~~the Planning and Economic Development a Regional Department, or the Standing Committee, or Council~~ Planning and Economic Development Committee and a provision for DEAC to be proactive and advise on matters identified on its own initiative.

~~2.3 Environmental matters may be referred to the DEAC from the Regional Planning and Economic Development Department or the Planning and Economic Development Committee Regional staff or Council. DEAC shall report directly to the Regional Planning and Economic Development Committee and/or Regional Planning and Economic Development Department, as appropriate.~~

~~2.3.2.4~~ Regional staff, Standing Committees, or Council may refer environmental sustainability and climate change-related matters to DEAC. DEAC shall report directly to the Planning and Economic Development Committee and/or the Regional Planning and Economic Development Department.

### 3. Scope of Activities

- 3.1 The scope of the DEAC may include activities such as:
- a) providing advice on environmental and climate-change related policy directions and initiatives pursued by the Region. This may include providing advice, feedback, and guidance to Regional staff and Council on official plan policies through Official Plan amendments ~~related to environmental policies~~

~~or providing advice on Regional environmental policies or through via~~ an Official Plan review process, or providing advice on Durham's climate change-related plans and initiatives;

- b) providing advice in the identification and implementation of new or existing programs, approaches, or policies relating to the protection, sustainability, and enhancement of natural resources and systems, and climate change adaptation and mitigation within the Region in co-operation with other organizations where appropriate. This may include investigating conservation easements, land trusts, tree planting, environmental stewardship, new provincial directions, and funding grants; or providing advice, feedback, and guidance to Regional staff and Council on Durham's climate change plans;
- c) providing advice in identifying and implementing community outreach activities which support the growth of environmental awareness and appreciation in Durham Region in co-operation with other organizations where appropriate. This may include recommending and assisting with educational workshops or homeowner guides which can be used by the public in areas such as tree cutting, fertilizer use, erosion control and general enhancement of the environment;
- d) providing advice on Regional environmental data in co-operation with other organizations where appropriate;
- e) providing advice on the state of environmental resources such as water resources and natural heritage features such as wetlands, forests, and wildlife within Durham Region in co-operation with other organizations where appropriate;
- f) appointing a member of DEAC to participate on steering committees for environmental impact studies related to Regional Official Plan Amendment applications. In accordance with the Region's approved EIS Guideline, a DEAC representative would participate in Regionally co-ordinated EIS's and peer reviews; and
- g) at the request of ~~the Planning and Economic Development Committee~~ Regional Standing Committees or departments ~~or the Regional Planning and Economic Development Department~~, provide advice on miscellaneous matters as they arise.

#### **4. Composition**

4.1 The DEAC will be comprised of ~~thirteenseventeen~~ members in total, as follows:

- ~~ThirteenTen~~ (1~~03~~) citizen members ~~(eight (8) municipally appointed, two (2) at-large).~~
- One (1) Post-Secondary Student member.
- ~~TwoOne~~ (~~21~~) youth members.
- One (1) member of the Planning and Economic Development Committee.

4.2 All members are regarded as private citizens and do not represent their respective employers or advocacy group in their capacity as a DEAC member.

4.3 Membership for citizen members shall correspond with the term of Regional Council. However, citizen members shall continue to serve until their replacements are appointed by Regional Council. If a member chooses to resign, the Region will seek a replacement in accordance with Section 5.

4.4 Membership for Post-Secondary Student members shall be up to a 4-year term, generally corresponding with the length of their college or university program.

4.5 Membership for youth members shall be up to a 3-year term, generally corresponding with the school year.

4.6 At the discretion of the DEAC, non-attendance of three consecutive meetings will be sufficient grounds for replacement.

4.7 DEAC will strive to maintain a high level of relevant technical expertise and competence in environmental issues within its membership.

#### **5. Membership Selection**

5.1 Durham Region will place an advertisement seeking individuals interested in volunteering for appointment to the DEAC. For post-secondary student and youth members, the Region shall also contact colleges, universities, and secondary schools in Durham Region to request that students be notified about the opportunity to volunteer with DEAC. Interested individuals will be required to submit an application form to the Regional Clerk outlining their interest and qualifications.



- 5.2 The Regional Planning and Economic Development Department will review the applications received. Applications from qualified applicants will be forwarded to the respective area municipality with a request that the local Council nominate one representative. The Regional Planning and Economic Development Department, from the remaining applications received, will nominate a sufficient number of citizen members at large in order to bring the citizen membership to ~~tenthirteen~~. The Regional Planning and Economic Development Department will also nominate one Post- Secondary Student member and two youth members from the applications received.
- 5.3 In nominating citizen members to the DEAC, regard shall be given to the aim of achieving a combination of technical experts and community representatives with knowledge of environmental and land use planning matters. Regard shall also be given to residency within the Region and availability to attend meetings. An elaboration of the selection criteria is provided in Appendix 1 of the Terms of Reference. The nomination of members at large will help to achieve the desire of a diverse and balanced DEAC. All residents of Durham Region are eligible for membership.
- 5.4 In nominating a Post-Secondary Student member, consideration shall be given to the individual's interests, level of participation and knowledge of environmental issues in Durham Region and the planning process. The member must be enrolled full-time in a college or university program and express an interest in environmental matters. The relevance of their interests to the mandate of DEAC will be an important consideration. Regard shall also be given to residency within Durham Region for the school year and availability to attend meetings. An elaboration of the selection criteria is provided in Appendix 1 of the Terms of Reference.
- 5.5 In nominating youth members, consideration shall be given to ensure representation from both the urban and rural communities. An elaboration of the selection criteria is provided in Appendix 1 of the Terms of Reference.
- 5.6 All members of the DEAC shall be appointed by the Regional Planning and Economic Development Committee and Regional Council.
- 5.7 Regional Council shall appoint a representative and an alternate to the DEAC from the members of the Planning and Economic Development Committee. The role of the Council representative will be to champion DEAC's mandate, support and advocate DEAC's interests at Planning and Economic Development Committee and Council meetings, and take a lead role in presenting updates to the Planning and Economic Development Committee and Council, including, but not limited to, DEAC's annual report and workplan in partnership with DEAC's chair.
- 5.8 In the case of a vacancy, the approach described in Section 5 will generally be followed.

**6. Officers**

- 6.1 A chair and two vice-chairs (first and second) will be elected annually by the membership of the DEAC. The Planning and Economic Development Committee representative will chair the inaugural DEAC meeting.
- 6.2 Post-Secondary Student members and youth members are not eligible to sit as chair or vice-chair.

**7. Support Services**

- 7.1 The Commissioner of Planning and Economic Development or designate shall serve as staff liaison to the DEAC. The staff liaison will provide administrative, procedural and technical support to the DEAC.
- 7.2 The staff liaison will co-ordinate all requests for advice from the DEAC, through meeting agendas. DEAC responses to such requests shall be co-ordinated by the staff liaison to the Planning and Economic Development Department.
- 7.3 The Region will provide secretarial and other support services. Regional Council will provide a budget to cover the operational expenses of the DEAC, and this budget will be administered by the Planning and Economic Development Department.

**8. Meetings**

- 8.1 Regularly scheduled meetings of DEAC will be held at the Durham Regional Headquarters. The DEAC, will establish a meeting schedule taking into account the business needs and the schedule of Regional Council and the Planning and Economic Development Committee. Special meetings may be held at the call of the Chair.
- 8.2 Unless otherwise determined, all meetings will be open to the public. As a formal Advisory Committee to the Region, the DEAC is subject to the Regional Procedural By-law, unless otherwise specified in the Terms of Reference.
- 8.3 A quorum for DEAC meetings shall be a majority of the sitting DEAC members.

**9. Delegations of Committee Meetings**

- 9.1 Any person(s) wishing to appear before the DEAC as a delegate must submit a request to [delegations@durham.ca](mailto:delegations@durham.ca), advising of the topic or item to which they wish to speak, which will then be forwarded to the staff liaison in the Regional Planning and Economic Development Department. All requests for delegations must be received at least one week prior to the meeting to ensure that the delegation is included on the agenda. Any person wishing to address the DEAC as a delegate, who has not previously arranged to do so, may be granted permission to do so only by Committee resolution.

**10. Minutes and Agenda**

- 10.1 The minutes of each DEAC meeting will be approved at the following meeting. The unapproved minutes will be circulated to members of Council as part of the Council Information Package (CIP) by the Regional Clerk.
- 10.2 The DEAC agendas will be prepared by the staff liaison and the DEAC chair or vice-chair with input from other DEAC members. At the beginning of every meeting, the Committee shall approve its agenda.

**11. Committee Resolutions**

- 11.1 The DEAC will seek to achieve consensus on decisions. Recommendations are “carried” if supported by a majority. Only resolutions as they appear in the adopted Minutes may be considered as officially representing the position of the DEAC.

**12. Annual Reports and Workplan**

- 12.1 An annual report summarizing the activities completed in the previous year shall be prepared by the DEAC. The annual report shall be forwarded to the Planning and Economic Development Committee.
- 12.2 An annual workplan with an estimate of the resources necessary and any suggested revisions to the Terms of Reference for the coming year shall also be prepared by the DEAC for consideration and approval by the Planning and Economic Development Committee and Regional Council. To avoid duplication, the DEAC shall ensure that the workplan is co-ordinated with other environmental initiatives in the Region.
- 12.3 An annual review of the DEAC by the Planning and Economic Development Committee will be completed to examine the effectiveness of the Committee and to ensure continued improvements.

## **Appendix 1: Membership Eligibility Criteria**

### **1. Citizen Membership Eligibility Criteria**

1.1 To facilitate the nomination and appointment of new citizen members to the DEAC, the following criteria will be considered:

A) Residency

Members should reside in Durham Region.

B) Technical Expertise

A high level of technical expertise is required within the Committee. Applicants with academic qualifications and/or work experience in environmentally ly and climate change-related disciplines, such as, energy, housing, transportation, and conservation, will be an important consideration. Applicants are also encouraged to have experience within a range of industries, including public agencies, academia, professional and industry associations, and community and socially focused organizations, in order to bring a diverse and holistic range of perspectives to DEAC.

C) Community Representatives

Consideration shall be given to the individual's level of participation and knowledge of environmental issues and the planning process. The relevance of their interests to the mandate of DEAC will be an important consideration.

D) Availability

It is important that an applicant be able to attend as many DEAC meetings as possible and undertake work outside of the regular monthly meetings. An applicant should be able to be contacted or reached during the day in order for meetings to be arranged.

1.2 The aim is to achieve a diverse committee with a combination of technical experts and community representatives.

### **2. Post-Secondary Student Membership Eligibility Criteria**

2.1 To facilitate the nomination and appointment of new Post-Secondary Student members to the DEAC, the following criteria will be considered:

A) Residency

Members should reside in Durham Region for the school year.

B) Education

Members must be accepted into, or enrolled in a full-time College or University program and express an interest in environmental matters.

Consideration shall be given to the individual's interests, level of participation and knowledge of environmental issues in Durham Region and the planning process.

The relevance of their interests to the mandate of DEAC will be an important consideration.

C) Availability

It is important that an applicant be able to attend as many DEAC meetings as possible and undertake work outside of the regular monthly meetings. An applicant should be able to be contacted or reached during the day in order for meetings to be arranged.

**3. Youth Membership Eligibility Criteria**

3.1 To facilitate the nomination and appointment of new youth members to the DEAC, the following criteria will be considered:

A) Residency

Youth members should reside in Durham Region.

B) Education

Youth members must be enrolled in Grade 10, 11, or 12 and express an interest in environmental matters.

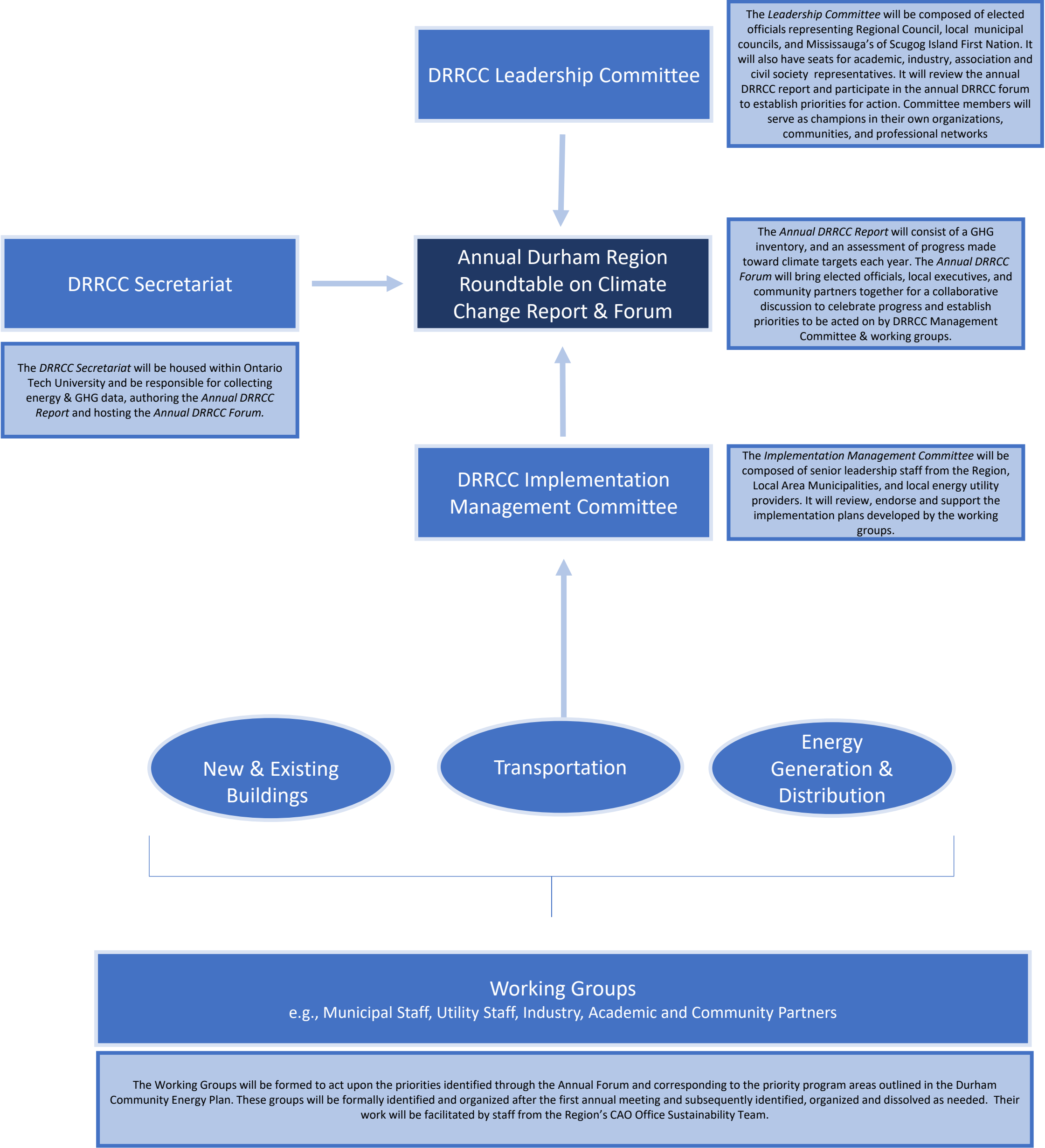
C) Availability

It is important that an applicant be able to attend as many DEAC meetings as possible. An applicant should be able to be contacted or reached during the day in order for meetings to be arranged.

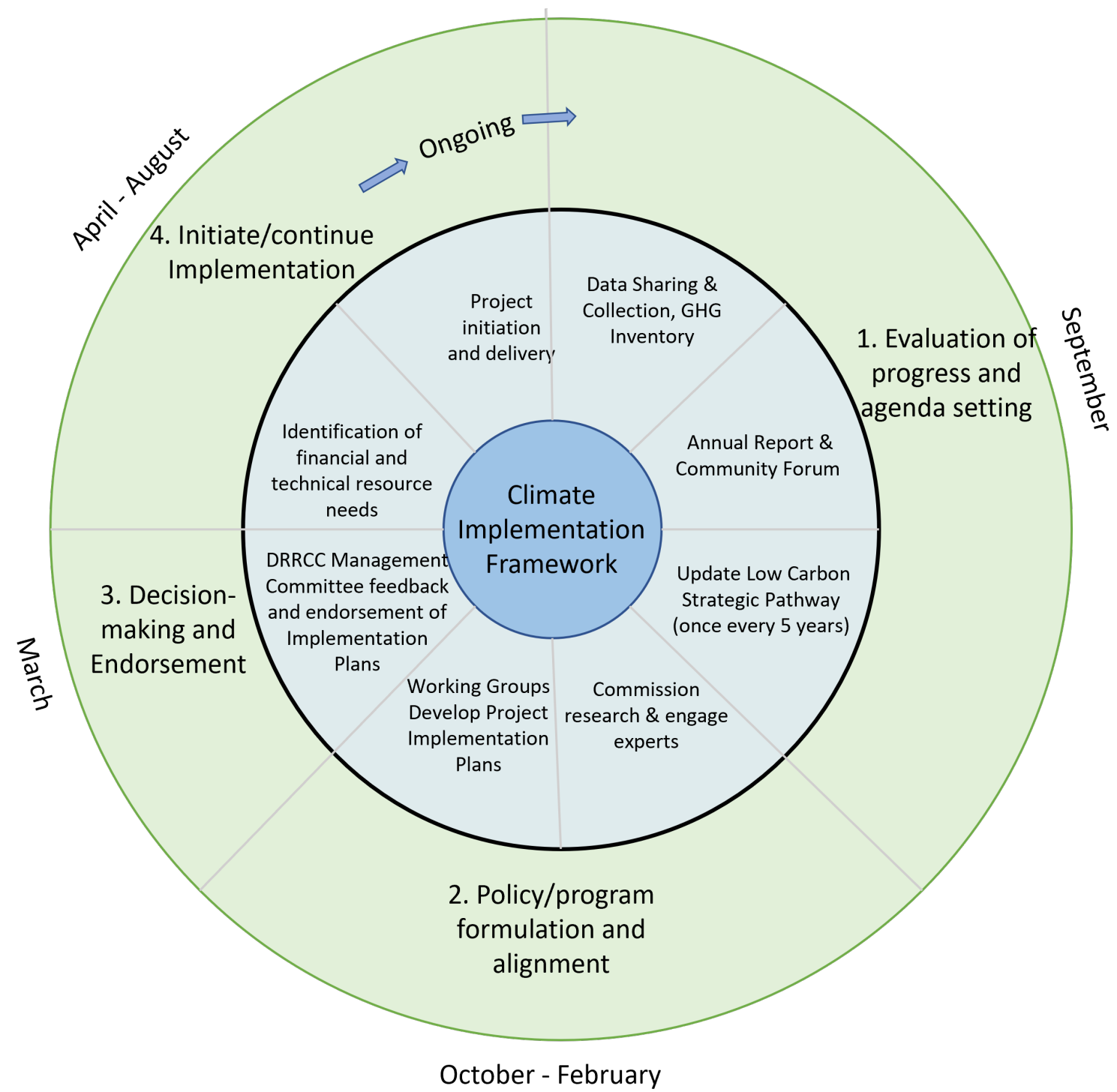
D) Letter of Reference/Support

Applicants for youth membership must include a letter of reference from their school and a letter of parental/guardian support with their expression of interest.

# Attachment 3 - Durham Region Roundtable on Climate Change – Proposed Governance and Management Framework



Proposed DRRCC Annual Implementation and Reporting Cycle





# The Regional Municipality of Durham Report

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To: Committee of the Whole  
From: Commissioner of Planning and Economic Development  
Report: #2022-COW-30  
Date: December 14, 2022

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**Subject:**

Update on the Approval of the Lakeshore East GO Extension to Bowmanville

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**Recommendation:**

That the Committee of the Whole recommends to Regional Council:

That this report be received for information.

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**Report:**

**1. Purpose**

- 1.1 The purpose of this report is to provide Regional Council information on the status of the approval and procurement of the Lakeshore East GO Extension to Bowmanville (the Extension) and the Preliminary Design Business Case that was released by Metrolinx to the public on April 28, 2022.

**2. Background**

- 2.1 The Extension has a long history dating back over 30 years, when GO Transit carried out its first Environmental Assessment (EA) Study for heavy rail train service to Bowmanville.
- 2.2 A chronology of the Extension prior to 2019 is set out in Attachment 1.



### 3. Previous Reports and Decisions

- 3.1 On May 6, 2022, Council received report 2022-INFO-38 [Lakeshore East GO Extension to Bowmanville](#), notifying Council of the tabling of the provincial budget and posting of the procurement for the Lakeshore East GO Extension to Bowmanville. The report also notified Council of the public release of the Preliminary Design Business Case (PDBC) for the Extension project, along the Council preferred CP rail corridor alignment.
- 3.2 On November 13, 2019, Committee of the Whole received a report [Advancing Rapid Transit Implementation and Transit Oriented Development in Durham Region](#) (Report #2019-COW-26), reporting to Council on the Extension and the Transit Oriented Development (TOD) Evaluation. Council subsequently resolved, among other matters;
- a. That Metrolinx be advised that Durham Region supports the extension of all day GO train service along the Lakeshore East line, including new stations at Thornton's Corners, Central Oshawa, Courtice and Central Bowmanville.
  - b. That Regional Planning staff be directed to accelerate the review and development of policies, including delineations and density targets for Major Transit Station Areas under "Envision Durham".
  - c. That a Rapid Transit Implementation/Transit Oriented Development Office be established for Durham Region.
- 3.3 On June 12, 2019, Committee of the Whole received a report [2019-COW-19 GO East Extension Update and Transit Oriented Development Evaluation](#) regarding the status of the Extension. Council subsequently resolved, among other matters:
- a. That a Transit Oriented Development (TOD) Evaluation exercise be undertaken to examine the potential impact of route alignments on private sector investment at proposed GO Station locations along the GO East Extension to Bowmanville.
  - b. That Metrolinx and the Province be requested to reaffirm their commitment to the CP alignment approved in 2011 through the Oshawa to Bowmanville Rail Service Expansion and Rail Maintenance Facility Transit Project Assessment Process Environmental Assessment.

#### 4. Approval of the Extension

- 4.1 On December 22, 2021, Regional Council adopted Amendment No. 186 to the Durham Regional Official Plan which establishes Protected Major Transit Station Areas (PMTSAs) around seven of the Region's existing and future GO Train Stations. The amendment provides supporting implementation policies including a minimum density target of 150 persons and jobs per hectare, and housing types and built form that will support intensification and transit-oriented mixed-use development. The amendment is currently pending approval by the Minister of Municipal Affairs and Housing.
- 4.2 On April 28, 2022, the Minister of Finance tabled a Budget Communication document, and within the Capital Plan announced planned investments over the next 10 years totaling \$158.8 billion, including \$20.0 billion in the current 2022–23 fiscal year. The Extension to Bowmanville was included in this list of investments.
- 4.3 On April 28, 2022, Metrolinx posted the [Bowmanville Rail Service PDBC](#) dated April, 2020 and related [Technical Memorandum](#) dated March 2021. Additional information is available on the [BMV Extension webpage](#).
- 4.4 The PDBC identifies, among other matters, the minimum service levels, preferred alignment, planned station stops, and reflects the updated Initial Business Case and Regional Council's November 2019 resolution.
- 4.5 The primary change in the PDBC, (as documented in the Technical Memorandum), is that the project now includes twinning the existing GM spur over Highway 401 resulting in the Thornton's Corners Station shifting to the east.
- 4.6 On April 28, 2022, Metrolinx posted a Request for Proposal (RFP) on a public bidding website (Merx), to procure a Construction Management at Risk contract for the Bowmanville Expansion Project (RFP-2021-CMLE-347).
- 4.7 Schedule 5 of the RFP contains the scope of work. It sets out generally all the works in the rail corridor that would result in the Extension. This means that Metrolinx has contracted out the full value of the project, except for the stations that are to be delivered through the Metrolinx Market Driven Strategy. This Strategy requires third parties design and pay for the stations. The stations can be added into the Metrolinx contract if third parties are identified.

- 4.8 On August 9, 2022, the province approved the provincial budget that was tabled on April 28, 2022, including the Extension project.
- 4.9 On October 28, 2022, the RFP for the Construction Management at Risk contract for the Bowmanville Expansion Project (RFP-2021-CMLE-347) closed where a short list of bidders will be qualified, and the procurement will proceed to Step 2 of the RFP.

## **5. Benefits of the Extension**

- 5.1 The benefits of the Extension for the region are significant, and have taken on even greater import as Durham plans for post pandemic economic recovery:
- Enables an unprecedented level of new housing, jobs, employment space, and private sector investment in Durham Region at future transit-oriented communities.
  - Provides an opportunity to increase housing supply and create jobs and economic development.
  - Directs transit investment to planned growth areas that reflect provincial and local planning policy.
  - Contains strong ridership projections that will provide much needed congestion relief along Highway 401, allowing for higher productivity and more efficient movement of goods.
  - Uses transit to encourage private-sector housing construction and aligns closely with the province's commitment to increasing housing supply.
  - Supports significant provincial investment in three post-secondary institutions: Durham College, Ontario Tech University, and Trent University Durham.

## **6. Relationship to Strategic Plan**

- 6.1 The Extension will improve mobility and travel options, supports transit-oriented development in the Protected Major Transit Station Areas and aligns with/addresses the following strategic goals and priorities in the Durham Region Strategic Plan:

- a. Goal 1 Environmental Sustainability: Objective 1.5: Expand sustainable and active transportation.
- b. Goal 2 Community Vitality: Objective 2.1: Revitalize existing neighbourhoods and build complete communities that are walkable, well-connected, and have a mix of attainable housing.
- c. Goal 3 Economic Prosperity: Objective 3.3: Enhance communications and transportation networks to better connect people and move goods efficiently.
- d. Goal 4 Social Investment: Objective 4.1: Revitalize community housing and improve housing choice, affordability and sustainability.

## **7. Conclusion**

- 7.1 The Region will continue to collaborate with its municipal and provincial partners, through established Working Groups, seeking Council approval for matters as necessary.
- 7.2 The Region will continue to support Oshawa and Clarington in advancing planning policy and zoning work for the Protected Major Transit Station Areas.

## **8. Attachments**

Attachment #1: Project Chronology

Respectfully submitted,

Original signed by

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Brian Bridgeman MCIP, RPP  
Commissioner of Planning and Economic  
Development

Recommended for Presentation to Committee

Original signed by

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Elaine C. Baxter-Trahair  
Chief Administrative Officer

## Project Chronology

- 1.1 Since 1991, the Regional Official Plan (ROP) has recognized an easterly extension of the GO Rail service to Bowmanville. The extension includes a crossing of Highway 401 from the CN Kingston line to the CPR Belleville line between Thornton Road and Stevenson Road, with a terminus in Bowmanville, west of Regional Road 57. This alignment was based on an Environmental Assessment (EA) study completed by GO Transit in the early 1990s.
- 1.2 In November 2008, the Regional Transportation Plan for the Greater Toronto and Hamilton Area, 'The Big Move,' was adopted by Metrolinx. The easterly extension of GO Rail service to Bowmanville was included in The Big Move as one of the top transit priorities for Metrolinx within the first 15 years.
- 1.3 In February 2011, the "Oshawa to Bowmanville Rail Service Expansion and Rail Maintenance Facility Transit Project Assessment Process (TPAP) EA" was approved. The EA identified the preferred alignment for the extension, including four new stations (Thornton's Corners, Central Oshawa, Courtice and Bowmanville), a potential station site at Grandview Street/Bloor Street, train lay-over sites as well as the location of the proposed East Rail Maintenance Facility. The CP Belleville corridor, running north of Highway 401, was identified as the preferred alignment for the Extension consistent with the ROP. The crossing of Highway 401 was proposed at a location further to the west than was identified through the previous EA study and shown in the ROP.
- 1.4 In February 2013, in its comments on The Big Move Update and Next Wave, Regional Council recommended that "the extension of GO Rail service to connect to the Oshawa Mobility Hub and to Bowmanville remain as the top priority Regional Transit expansion project for the Region of Durham."
- 1.5 In July 2014, Metrolinx acquired the former Knob Hill Farms property to accommodate part of the future Central Oshawa GO Station site.
- 1.6 In June 2016, the Province announced the Lakeshore East GO Rail extension to Bowmanville by 2024, with service in the morning and afternoon peak periods in the peak direction of travel (i.e., four trains westbound in the morning and four trains eastbound in the afternoon).
- 1.7 In May 2017, the Province released the updated Provincial Growth Plan for the Greater Golden Horseshoe (2017), which included a newly modified transit schedule (Schedule 5) showing the Oshawa to Bowmanville GO Rail service extension as a "Committed GO Transit Rail Extension project".
- 1.8 In October 2017, Metrolinx officially began work on the EA Addendum for the extension, updating the 2011 EA study. Preliminary design work undertaken by Metrolinx determined that an EA Addendum was necessary due to shifts in new track alignment and corresponding bridges/culverts, redesign of the new stations and layover facility based on updated design and operation standards and adding the additional grade separation for Thornton Road across the CP Belleville line.
- 1.9 In December 2017, the Durham Transportation Master Plan (TMP) was approved by Regional Council. The TMP includes a Higher Order Transit Network, in which the Extension is a critical component and is well integrated with other transit service and road infrastructure improvements.

- 1.10 In March 2018, the Metrolinx Board of Directors unanimously adopted the 2041 Regional Transportation Plan (2041 RTP) for the Greater Toronto and Hamilton Area (GTHA). The GO Train Expansion to Bowmanville on the north side of Highway 401 is identified as an In Delivery Transit Project, meaning that it is either under construction or in the engineering design stage.
- 1.11 In April 2018, Metrolinx announced that park and ride lots will be constructed at the future Central Oshawa and Courtice GO Station sites as interim facilities until the GO Stations are opened for the Extension in 2024. These park and ride lots opened in February 2019.
- 1.12 In November 2018, Metrolinx released the GO Expansion Full Business Case for the overall GO Rail network, which indicates that another Business Case is required to re-evaluate the Extension. Work on the EA Addendum and design was subsequently halted.
- 1.13 On November 29, 2018 Metrolinx provided a letter to its municipal partners regarding its Transit Oriented Development, Market Driven Approach advising that this review would include an assessment of stations that are not yet in delivery, including those proposed with the Lakeshore East GO Rail extension to Bowmanville. Among other matters, the letter states that:

*"Metrolinx has consistently planned for the integration of transit and land- use, and this new approach is an exciting opportunity to move this plan forward with each new GO station. Not only can this approach save tax dollars and exponentially grow transit ridership, it will create and leverage the true value of transit and deliver much more than just transit stations; it will deliver local integrated built environments that offer the services people want at the doorstep of where people will live, work and play."*
- 1.14 On December 6, 2018 the Metrolinx Board received a presentation "Delivering More: A Market Driven Strategy to Delivering Transit Infrastructure". Through this approach, Metrolinx would partner with third parties (e.g. municipalities, land developers, etc.) to deliver new or improved transit infrastructure wherein third parties would fund the design and construction of infrastructure, and Metrolinx would operate it.
- 1.15 In December 2018, Regional Council endorsed a Motion passed at the Planning and Economic Development Committee requesting the Provincial Government and Metrolinx to confirm the commitment to extend GO Rail service north of Highway 401 through Oshawa to Bowmanville by 2024 and proactively resolve all pending negotiations with CN and CP Rail, understanding this project has substantial economic and environmental benefits, will spur significant public and private investment, will create much needed job opportunities for the community both for the short and long term, has widespread community support - including from the residents, business community, development industry, Durham's post- secondary institutions, commuters, youth, and the agricultural community, and is embedded in the land use, transportation and transit plans of Oshawa, Clarington and the Region of Durham.
- 1.16 In February 2019, a Metrolinx report on major capital projects listed the Bowmanville Extension as a project in the EA and design phase with an approved budget for capital construction of \$550 M (2014\$) and an in-service date of 2024.
- 1.17 On April 10, 2019 the Metrolinx Board of Directors directed Metrolinx staff to advance the TOD Program. The implementation of the TOD Program, in partnership with Infrastructure Ontario (IO), will be initiated by soliciting third party interest for TOD at 12 new station locations that were identified through preliminary

design business cases in 2018. Six of the twelve stations are located in the City of Toronto along the Stouffville, Lakeshore East and Kitchener GO Rail lines tied to the SmartTrack program, while the other six are outside of Toronto on the Kitchener and Barrie GO Rail lines. None of the twelve stations are in Durham Region.

- 1.18 On May 9, 2019 the Regional Chair sent a letter to the Minister of Transportation and the Chair and Members of the Metrolinx Board that summarized the commitments made by the province and the rationale for the Bowmanville extension on the CP alignment.
- 1.19 On May 16, 2019 A Place to Grow, the revised Growth Plan for the Greater Golden Horseshoe (Growth Plan, 2019) came into effect, which shows the GO East extension to Bowmanville as a "Committed GO Transit Rail Extension".
- 1.20 On May 17, 2019 Metrolinx hosted a briefing with representatives from Durham Region, Clarington, Oshawa and Whitby to discuss four options now being proposed by Metrolinx for the Lakeshore East GO Rail Extension and advised that an updated Initial Business Case is in progress.
- 1.21 On May 21, 2019 Councils for the City of Oshawa and the Municipality of Clarington passed separate resolutions regarding the Lakeshore East GO Rail Extension, citing concerns with other route options being considered. Among other matters, they requested an open and transparent process for obtaining input from municipalities, residents, the development industry and other stakeholders; and requested information on the criteria and metrics to be used to evaluate options.

If this information is required in an accessible format, please contact 1-800-372-1102 ext. 3001.



# The Regional Municipality of Durham Report

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To: Committee of the Whole  
From: Chief Administrative Officer  
Report: #2022-COW-31  
Date: December 14, 2022

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## **Subject:**

Durham Region's Response to the Provincial Consultation on Proposed Amendments to the Greenbelt Plan, ERO postings #019-6216 and #019-6238, File D12-01

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## **Recommendation:**

That the Committee of the Whole recommends to Regional Council:

- A) That the letter contained in Attachment #2 to this report be endorsed as the Region's formal comments on the proposed amendments to the Greenbelt Plan, ERO postings #019-6216 and #019-6238; and
  - B) That a copy of this report be sent to the Minister of Municipal Affairs and Housing, the area municipalities and the MPPs in Durham.
- 

## **Report:**

### **1. Purpose**

- 1.1 The purpose of this report is to request endorsement of staff's comments related to the proposed changes to the Greenbelt Plan.

### **2. Background**

- 2.1 On November 4, 2022 the Ministry of Municipal Affairs and Housing announced that it was seeking feedback on proposed changes to the Greenbelt Plan, the Greenbelt Area boundary regulation and the Oak Ridges Moraine Conservation Plan (see ERO posting [#019-6216](#)) to enable the construction of approximately 50,000 new units in the GGH. The deadline for comments was December 4, 2022 (a 30-day comment period).



### **3. Previous Reports and Decisions**

- 3.1 On November 10, 2022, Report [#2022-INFO-92](#) was released to advise outgoing and incoming Council of the proposed changes to the Greenbelt Plan.

### **4. Overview of Greenbelt Removals and Process**

- 4.1 The province is proposing to remove 15 areas of land across the Greater Golden Horseshoe (GGH) totaling approximately 3,000 hectares (7,400 acres) from the Greenbelt Area, while adding approximately 3,800 ha (9,400 acres) of land to the Greenbelt in the Paris Galt Moraine in Wellington County. Previously announced was the addition of 13 Urban River Valleys across the GGH. In Durham Region, this includes approximately 1,820 hectares (4,500 acres) of land in three locations (see Attachment #1):
- a. In the City of Pickering – lands located south of Highway 407, west of West Duffins Creek and north of the CP Belleville rail line, and east of York-Durham Line, known as the Duffins Rouge Agricultural Preserve (1,736 ha/4,289 ac);
  - b. In the Town of Ajax – lands located on the south side of Kingston Road East, north of Highway 401 and west of Lake Ridge Road, at 765 and 775 Kingston Road East (52 ha/128 ac); and
  - c. In the Municipality of Clarington – lands located at the northeast corner of Nash Road and Hancock Road, west of Highway 418 (35 ha/86 ac).
- 4.2 To achieve the government's objective of advancing housing supply, the proposal indicates that:
- a. significant progress on approvals is to be achieved by the end of 2023;
  - b. construction of new homes is to begin by no later than 2025;
  - c. proponents will fully fund the necessary infrastructure upfront; and
  - d. if the above conditions are not met, the government will begin the process to return the properties back to the Greenbelt.

### **5. Regional Staff Comments**

- 5.1 On December 1, 2022, the Region's Chief Administrative Officer submitted staff comments (see Attachment #2.)
- 5.2 The following concerns were identified:
- a. It is unclear if the additional population and employment that would be produced in the Greenbelt removal areas would be assigned additional growth or whether the removal areas would be considered part of the province's existing growth forecast;
  - b. Servicing solutions for these lands have not been developed. No plans have been developed, and downstream infrastructure has not been sized to accommodate extensive development within these areas;

- c. The availability of electricity, and community services to support this growth has not been contemplated in any other plans to date;
- d. It is unclear whether proponents would be required bear all capital costs for infrastructure, including major infrastructure;
- e. Financial arrangements with the Region to fund infrastructure would need to be negotiated to ensure the appropriate mechanisms are put in place including development charges, front-end financing, and cost recovery;
- f. Accelerating units already within the planning process, rather than redirecting attention by removing areas of the Greenbelt that have not been contemplated to accommodate growth may bring new housing to market quickly and satisfy the province's objectives to build homes faster; and
- g. The removals compromise the Region's environmental sustainability objectives – including climate change resilience and biodiversity protection which require conservation and restoration of natural areas such as those in the Greenbelt.

## **6. Relationship to Strategic Plan**

6.1 This report aligns with/addresses the following strategic goals and priorities in the Durham Region Strategic Plan:

- a. Goal 1 Environmental Sustainability
- b. Goal 2 Community Vitality

## **7. Conclusion**

7.1 It is recommended that Regional Council endorse the letter contained in Attachment #2 as the Region's formal comments on the proposed changes to the Greenbelt Plan.

7.2 This report and the comment letter were prepared in consultation with the Planning and Economic Development Department, Works Department and Finance Department.

## **8. Attachments**

Attachment #1: Greenbelt Plan Areas in Durham proposed for removal – Provincial maps 6, 7 and 8

Attachment #2: Letter from Elaine Baxter-Trahair to Minister Steve Clark, Minister of Municipal Affairs and Housing (Dec. 1, 2022)

Recommended for Presentation to Committee

Original signed by

---

Elaine C. Baxter-Trahair  
Chief Administrative Officer

For further information, you may contact:

Brian Bridgeman, Commissioner of Planning and Economic Development  
[Brian.Bridgeman@durham.ca](mailto:Brian.Bridgeman@durham.ca); or

John Presta, Commissioner of Works  
[John.Presta@durham.ca](mailto:John.Presta@durham.ca)

LEGEND

 Greenbelt Area\*

 Protected Countryside

 Natural Heritage System

 Towns/Villages

 Urban River Valleys

 Settlement Areas Outside the Greenbelt

 Municipal Boundary

 Road or Highway

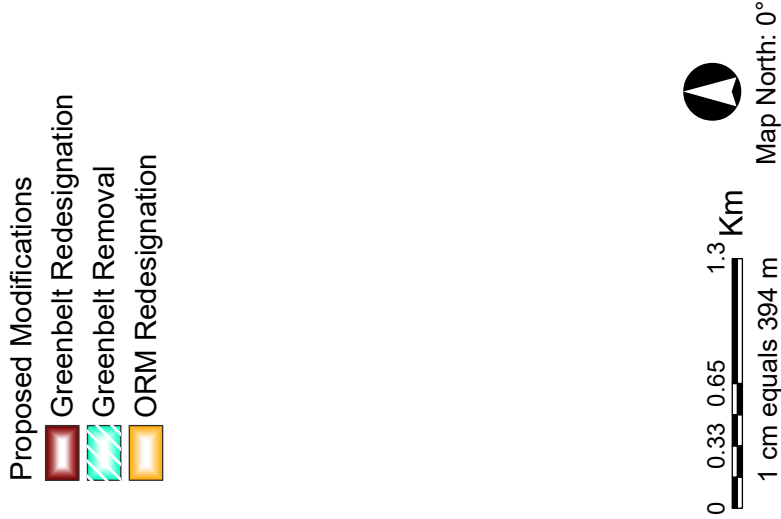
Proposed Modifications

 Greenbelt Redesignation

 Greenbelt Removal

 ORM Redesignation

Ontario



Note: While every effort has been made to accurately depict the information, this map should not be relied on as being a precise indicator of locations of features or roads. For precise boundaries and locations of Settlement Areas, including Towns/Villages and Hamlets, the appropriate municipalities should be consulted.

Produced by and using data sources from the: Ministry of Municipal Affairs and Housing; Ministry of Northern Development, Mines, Natural Resources and Forestry; Ministry of the Environment, Conservation and Parks; and, the Ministry of Agriculture, Food and Rural Affairs.

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## LEGEND



Green

Greenbelt Area\*

## Protected Countryside

# Natural Heritage System

Towns/Villages


## Urban River Valleys

## Settlement Areas Outside the Greenbelt


## Municipal Boundary

Road or Highway

## Proposed Modifications



Greenbelt Redesignation

 Greenbelt Removal

ORM Redesignation

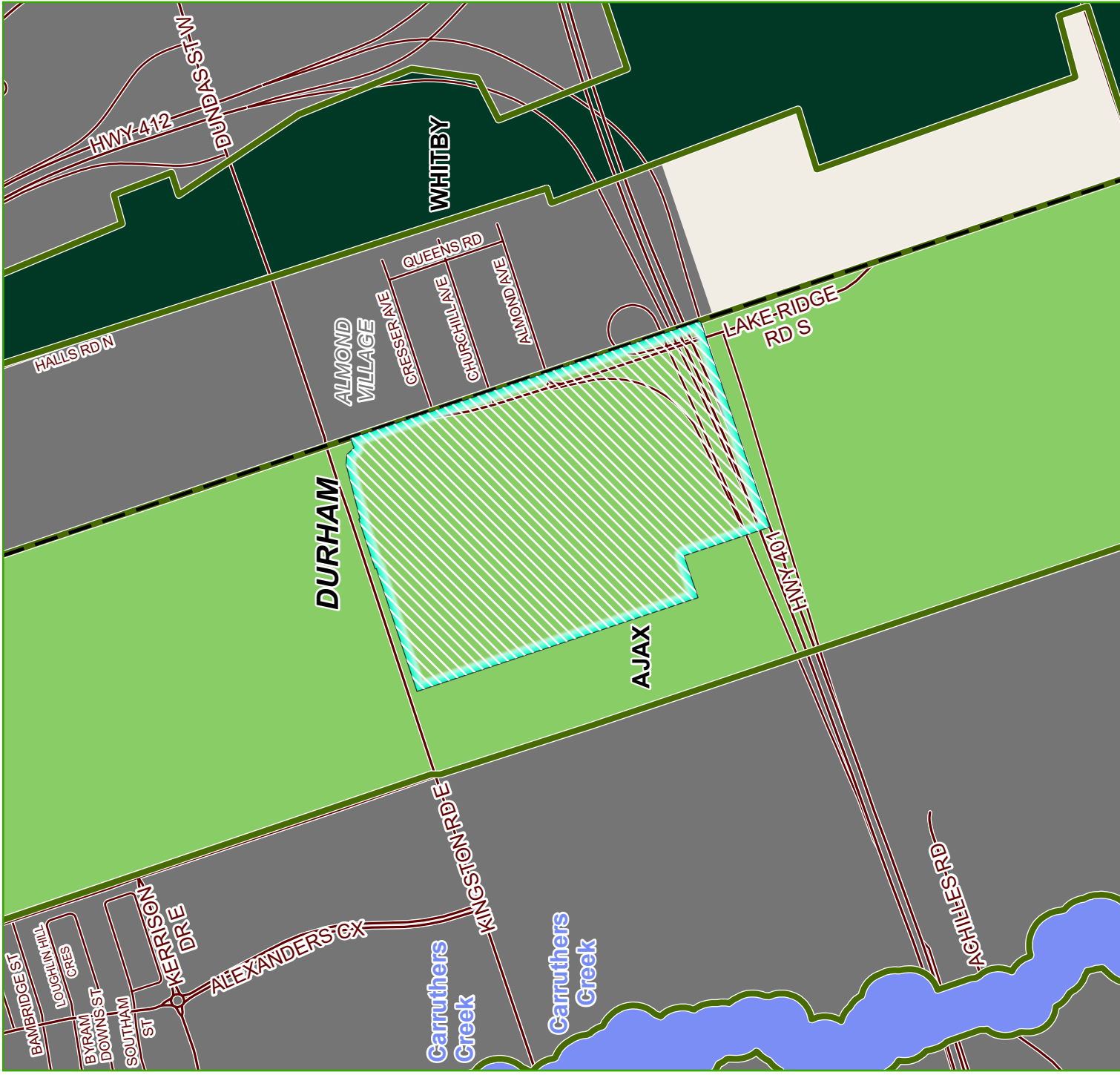
Page 45 of 79

**Note:** While every effort has been made to accurately depict the information, this map should not be relied on as being a precise indicator of locations of features or roads. For precise boundaries and locations of Settlement Areas, including Towns/Villages and Hamlets, the appropriate municipalities should be consulted.

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LEGEND


Ontario


- 


Greenbelt Area\*
- 


Protected Countryside
- 

Natural Heritage System
- 

Towns/Villages
- 

Urban River Valleys
- 

Settlement Areas Outside the Greenbelt
- 

Municipal Boundary
- 

Road or Highway

- Proposed Modifications
- 

Greenbelt Redesignation
- 

Greenbelt Removal
- 

ORM Redesignation

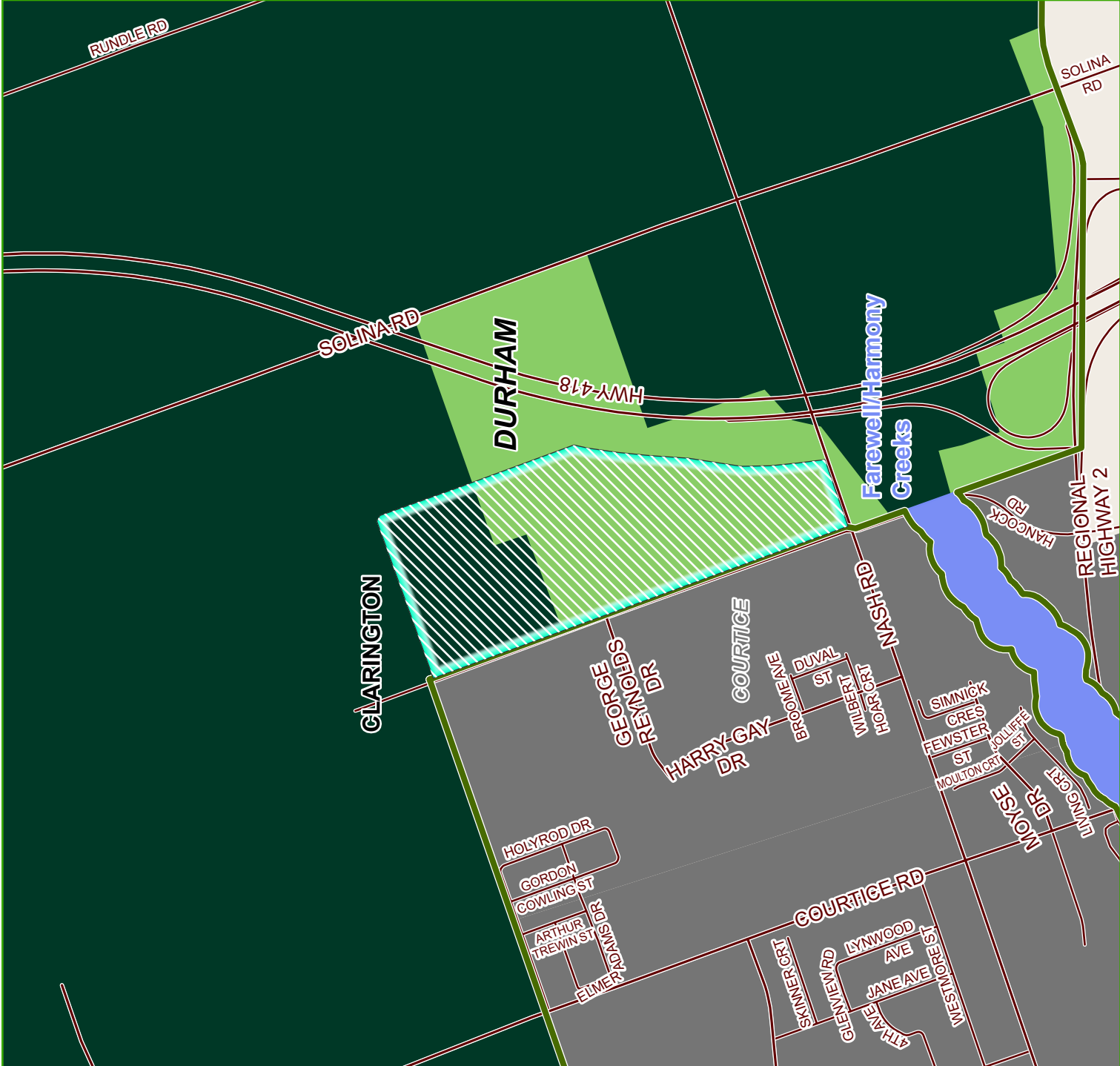


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Sent Via Email

December 1, 2022

**The Regional  
Municipality of  
Durham**  
Office of the Chief  
Administrative Officer

605 Rossland Rd. E.  
Level 5  
PO Box 623  
Whitby, ON L1N 6A3  
Canada  
905-668-7711  
1-800-372-1102  
durham.ca  
**Elaine Baxter-Trahair**  
**B.M. Edu, MBA**  
Chief Administrative  
Officer

The Honourable Steve Clark  
Minister of Municipal Affairs and Housing  
777 Bay Street, 17<sup>th</sup> Floor  
Toronto, ON M5G 2E5  
Email: [minister.mah@ontario.ca](mailto:minister.mah@ontario.ca)

Dear Minister Clark:

**RE: Provincial consultation on proposed amendments to the  
Greenbelt Plan, ERO postings #019-6216 and #019-6238, Our File:  
D12-01**

---

On November 4, 2022 it was announced you were seeking feedback on proposed changes to the Greenbelt Plan, the Greenbelt Area boundary regulation, and the Oak Ridges Moraine Conservation Plan that would remove 15 areas of land across the Greater Golden Horseshoe (GGH), including three in Durham Region, while adding lands to the Greenbelt in the Paris Galt Moraine in Wellington County, to enable the construction of approximately 50,000 new units in the GGH.

Since the comment period on the legislation will close prior to our initial Council meeting to consider the postings, please accept these staff comments which will be presented to Regional Council for endorsement at our earliest opportunity in December.

To be clear, the comments expressed in this letter are those of staff and do not represent a formal Region of Durham Council position.

In Durham Region, the proposal includes the removal of over 1,820 hectares (4,500 acres) of land from the Greenbelt Area in three locations in Pickering, Ajax and Whitby.

To achieve the government's objective of advancing housing supply, the proposal indicates that:

- significant progress on approvals is to be achieved by the end of 2023;
- construction of new homes is to begin by no later than 2025;
- proponents will fully fund the necessary infrastructure upfront; and
- if the above conditions are not met, the government will begin the process to return the properties back to the Greenbelt.

## **Planning for Growth across Durham**

The existing Growth Plan assigns an aspirational forecast of 1.3 million people and 460,000 jobs by 2051 for Durham, which is more than double the region's historic growth rate.

It is unclear if the additional population and employment that would be produced in the Greenbelt removal areas would be assigned additional growth beyond the forecasts already allocated to Durham, or whether the removal areas would be considered part of the province's existing growth forecast.

Durham is planning for and experiencing significant population and employment growth. The Region has been working diligently with our partners in the development community, other service providers and our lower-tier municipalities to plan for and execute the servicing required to support this planned growth in a manner that supports the Region's environmental sustainability objectives.

The rationale for proposed removals – i.e., the need for land to build 1.5 million homes over the next ten years – was not supported by the province's Ontario Housing Affordability Task Force which, in its [February 2022 report](#) stated that “a shortage of land isn't the cause of the problem. Land is available, both inside the existing built-up areas and on developed land outside of the greenbelts.” (p. 10)

As of year-end 2021, there were over 33,000 units across Durham within draft approved plans of subdivision and condominium. This represents a conservative estimate of approved unit supply, as it does not include units within approved site plans, nor lots in subdivision applications that are in-process but not yet draft approved (which would add another approximately 30,000 units). Durham is poised for growth within designated areas, as well as through intensification at transit-supportive densities, where there is the highest potential to deliver housing within the next decade. Due to current extensive infrastructure demands and commitments, the Region's pre-existing urban land areas and draft approved lot supply, the ability to develop within the proposed Settlement Area Boundary Expansions (SABEs) or the Greenbelt removal areas is challenging in the short term.



## **Servicing Implications**

The ERO posting states that the Greenbelt removal areas across the GGH are “serviced or adjacent to services”. Since the expectation was that the Greenbelt was to be protected in perpetuity, servicing solutions for these lands have simply not been developed. Therefore, our Works Department has advised that no plans have been developed to extend services to these areas, and downstream infrastructure has not been oversized to accommodate extensive development within these areas.

If Environmental Assessments for roads, water or sewage servicing are required to support growth in the Greenbelt removal areas, the timeline for design and construction of the required servicing in advance of housing by 2025 may not be adequate.

There are also concerns related to the provision of other services such as the availability of electricity, and community services to support this growth, that has not been contemplated in any other plans to date.

Timing set out in the ERO posting is aggressive and does not appear to reflect whether the areas can be serviced within that timeline. In the absence of detailed information about the amount and type of development being proposed on the sites, the Region’s ability to provide a more fulsome reply is limited.

## **Implementation Timing and Financial Implications**

The ERO posting states that “significant progress” on approvals is to be achieved by the end of 2023, just over one year from now. However, the term “significant progress” lacks clarity and is open to broad interpretation.

It is requested that the term “significant progress” be defined for consistent application to the Greenbelt removal areas. It is suggested that the term be defined to include the completion of a secondary plan (or equivalent) that is accompanied by the appropriate technical and environmental studies to the satisfaction of the lower and upper tier municipality, and the submission of proposed plans of subdivision. Significant progress should also include detailed roads, water and wastewater servicing plans that are deemed acceptable to the Region, and the advancement of an agreement that ensures the development of these lands will not impose a financial hardship on the Region’s taxpayers and water and sewer ratepayers. An analysis should be completed to look at the upfront capital costs and corresponding long-term lifecycle costs to service these new lands which will be needed to be included in future long-term servicing and asset management plans by the Region.

The ERO posting also states that it is the province's expectation that proponents would fully fund the necessary infrastructure upfront. The term "fully fund the necessary infrastructure upfront" requires clarification. The language appears to indicate that the proponents would bear all capital costs for infrastructure, including major infrastructure.

If however, it is intended that major infrastructure and facilities are to be implemented through a future front-ending arrangement for development charge funded infrastructure, then it should be made clear that the necessary infrastructure will include both the linear infrastructure and the capital costs associated with expanding the water supply and wastewater treatment plants to provide the necessary servicing capacity, as well as the Regional infrastructure associated with other Regional services such as roads, transit, social services and emergency services. Financial arrangements with the Region would need to be negotiated to ensure appropriate mechanisms are put in place including development charges, front-end financing, and cost recovery.

## **Environmental Impacts**

There are concerns that these proposed removals will compromise the Region's environmental sustainability objectives – including climate change resilience and biodiversity protection which require conservation and restoration of natural areas such as those in the Greenbelt.

The Greenbelt Plan was introduced in 2005 to protect land from development across the GGH. The Greenbelt Plan works with the Growth Plan, to define where and how future growth should be accommodated and where urbanization should not occur. It was intended to provide permanent protection to the agricultural land base and the ecological and hydrological features, areas and functions occurring on the landscape. The province recently recognized this in its [March 2022 consultation](#) on the Greenbelt which included a key principle that "no removal or land exchanges are proposed...this proposal is about growing the size and quality of the Greenbelt, and the government will not consider the removal of any lands from the Greenbelt."

A stable Greenbelt supports the implementation of climate change mitigation and adaptation strategies from all levels of government. The continued protection of agricultural lands, water resources and natural areas will support long-term environmental sustainability and climate resilience for communities across the Greater Golden Horseshoe, including those in Durham Region. We share the provincial goal to achieve healthy and complete communities that are compact, walkable, and transit-supportive, and help reduce greenhouse gas emissions. These proposed Greenbelt removals are inconsistent with that objective.

## Conclusion

The proposed Greenbelt removals raise several servicing, timing, financial and environmental impacts, and may not, in fact, advance the province's stated desire to build more homes faster by 2025. Regional staff respectfully recommend that the province focus on collaborating with all affected parties, including the development community, upper and lower tier municipalities, to redouble efforts on accelerating units already within the planning process, rather than redirecting attention by removing areas of the Greenbelt that have not been contemplated to accommodate growth.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Elaine Baxter-Trahair', with a long horizontal flourish extending to the right.

Elaine Baxter-Trahair  
Chief Administrative Officer



# The Regional Municipality of Durham Report

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To: Committee of the Whole  
From: Commissioner of Finance, Commissioner of Works and  
Commissioner of Social Services  
Report: #2022-COW-32  
Date: December 14, 2022

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**Subject:**

Time-Limited Construction Funding Subsidy Supplement - Update on the Proposed Long-Term Care Home in the City of Pickering

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**Recommendation:**

That the Committee of the Whole recommends to Regional Council that:

- A) A Statement of Readiness to proceed with construction under the Long-Term Care Home Capital Development Funding Policy, 2022 be executed for additional capital funding from the Ministry of Long-Term Care to build an expedited 200-bed long-term care home in Seaton, City of Pickering;
  - B) That the updated overall capital cost estimate for the new long-term care home in North Pickering of \$126,025,000 be approved, with a financing plan to be provided as part of the 2023 Business Plans and Budget;
  - C) That the budget of \$9,900,000 be approved for the retention of architectural design and contract administration services, with financing to be provided at the discretion of the Commissioner of Finance; and
  - D) That the Commissioner of Finance and CAO be authorized to execute any contracts and waive any Regional policy requirements to facilitate an expedited construction approach, with actions summarized at significant milestones to Council.
-

**Report:****1. Purpose**

- 1.1 The purpose of this report is to provide information and seek approval from Regional Municipality of Durham (Region) Council on an intent and desire to continue to advance the next steps related to the Region's successful application for a 200-bed long-term care (LTC) home in Seaton, within the City of Pickering including endorsement of the project estimate, retention of architectural design and contract administration services and approval to execute the Statement of Readiness with the provincial government.

**2. Background**

- 2.1 In response to the window of interest opened by the Ministry of Long-Term Care (MLTC) in 2019 for the creation of 15,000 new long-term beds in Ontario within the subsequent five-year period, the Region prepared a detailed application for a new 200-bed long-term care home in Seaton, located along Whitevale Road west of Brock Road. The design of the proposed 200 bed new long-term care home in the application considered the challenges associated with an aging population that can be difficult to place.
- 2.2 On March 18, 2021, the Ontario Government announced a further investment of \$933 million in 80 new LTC projects to add 7,510 new beds and upgrade 4,197 beds. On the same date, the Minister of Long-Term Care advised the Region that the Ministry of Long-Term Care (MLTC) will allocate 200 long-term care beds to the Region's Pickering Project.
- 2.3 In November 2021, Regional Council approved Report #2021-COW-30, directing staff to continue to advocate for additional funding from the Province, advance the development of the business case, and report back to Council in advance of the execution of the Development Agreement with the Province.
- 2.4 CAO's office staff worked with AdvantAge Ontario, the association representing not-for-profit and municipal senior care, to compare the projected costs with construction of new long-term care homes across the province. It was determined that the cost of the proposed long-term care facility in Pickering is in line with other municipally operated homes in Ontario.
- 2.5 At the August 2022 Association of Municipalities of Ontario (AMO) conference, a Regional delegation met with the Minister of Long-Term Care to advocate for

additional funding to address rising project costs due to construction cost escalations and changes in infection prevention and control (IPAC).

### **3. Previous Reports and Decisions**

- 3.1 In June 2019, Regional Council approved Report #2019-SS-7, authorizing the Regional Chair and Regional Clerk to sign the application for submission to the MLTC indicating the Region's endorsement of the application to build a new 200-bed Long-Term Care Home in North Pickering and its acceptance of the terms and conditions as outlined in the Long-Term Care Home Development and Redevelopment Application Declaration and Application Form.
- 3.2 In April 2021, Regional Council received Report #2021-INFO-37, advising Regional Council of the allocation for 200 long-term care beds to the Region, subject to the approval by the Ministry of Long-Term Care of the project and meeting all conditions and requirements as set out in the Long-Term Care Homes Act 2007 with respect to licensing and operation of the beds and other conditions to be stipulated by the Ministry.
- 3.3 In June 2021, Regional Council approved Report #2021-COW-17, authorizing staff to advance the preliminary work outlined in the report to inform the business case related to the Seaton Long-Term Care Home at an estimated cost of \$280,000 with financing to be provided at the discretion of the Commissioner of Finance.
- 3.4 In November 2021, Regional Council approved Report #2021-COW-30, which provided updated project cost estimates for the Seaton long-term care facility construction and directed staff to continue to advocate for additional funding from the Province, advance the development of the business case, and report back to Council in advance of the execution of the Development Agreement with the Province.

### **4. Ongoing Tasks and Updated Capital Cost Estimate**

- 4.1 As approved in Report #2021-COW-17, to inform the business case, staff completed the following studies:
  - Geotechnical investigations
  - Environmental Site Assessments/Impact Studies
  - Topographical and legal survey work

- Arborist reviews
  - Preliminary assessment and costing for mandatory base design requirements and IPAC design enhancements (COVID impacts)
  - Energy and GHG feasibility studies
  - Other reviews as deemed necessary
  - Community consultation
- 4.2 The initial construction estimate presented in the application to the MLTC for the facility was \$67.610 million (excluding a provision of \$14.875 million for land). The estimate, based on 2018 values, was built around the design concept of the recently constructed Fairview Lodge, in the Town of Whitby (Whitby), but adjusted for the planned 200-bed capacity.
- 4.3 This initial estimate had been refined as a part of the business case development to reflect construction cost escalations, changes in infection prevention and control (IPAC) best practices and other standards resulting from the pandemic, and design changes for measures to reduce operational carbon emissions through enhanced energy efficiency that were not reflected in the application's initial capital cost estimate. Report #2021-INFO-115 in the November 5, 2021, Council Information Package speaks in greater detail to the current economic trends impacting construction costs.
- 4.4 Updated project costing was received in June 2022 to ensure the cost of the project was in line with inflation currently being experienced. The cost reported in Report #2021-COW-30 for the 16-bed IPAC design that included zero GHG options and readiness totalled \$110.44 million. The updated costing based on the same assumptions and reflecting forecasted pricing to Q1 of 2024 is \$123.96 million. As outlined in Section 9 of this report this budget estimate increases by \$2.07 million to \$126.03 million to accelerate project delivery to meet the required provincial timing.

## **5. Construction Funding Subsidy Enhancements and Top Ups Available for Capital**

### **5.1 Development Grants**

- a. Total Development Grants from the Province are estimated at \$10,525,200. This includes a one-time planning grant provided by the MLTC in the amount of \$250,000 and a development grant of \$51,376 per bed (total of \$10,275,200).

### **5.2 Construction Funding Subsidy**

- a. Construction funding subsidy is currently provided by the MLTC at a rate of \$23.78 per bed per day for a 25-year period. The Region would expect to receive an annual subsidy of approximately \$1,735,940 per year or \$43,398,500 over the 25-year period regardless of the build option chosen. This funding would be applied to the repayment and debt servicing costs of approximately \$24.6 million in debenture capital financing.

### **5.3 Construction Funding Subsidy Supplement (CFS-S)**

- a. On November 25, 2022, the Ontario government announced that it will be implementing a fixed, time-limited construction funding subsidy supplement to support the cost of developing or redeveloping a long-term care home. It was noted that this additional funding will help fast-track the construction of new long-term care beds before August 31, 2023, recognizing the shift in the economic environment since the release of the Long-Term Care Home Capital Development Funding Policy, 2020.
- b. Under this program the province is offering up to an additional \$35 per bed per day for a 25-year period based on certain construction timelines being met. The Region could expect to receive up to an additional \$2,555,000 per year or \$63,875,000 over the 25-year period. Similar to the existing Construction Funding Subsidy, this incremental funding would be applied to the repayment and debt servicing costs of approximately \$36.2 million in debenture capital financing.
- c. Eligible not-for-profit operators, including the Region of Durham, can also request to convert up to \$15 per bed per day of the \$35 per day, per bed CFS top-up to a CFS Construction Grant. Any amount converted to a CFS Construction Grant is discounted to net present value and would be



deducted from the \$35 per day per bed CFS supplement. The CFS Construction Grant may be used for eligible construction costs, eligible land costs and development charges as well as indirect costs such as building permits, architect and professional fees, financing, site survey, etc.

- d. Given the current economic climate the discount factor applied by the Province when converting a portion of the CFS top-up to a CFS Construction Grant is significant and based on information currently available and the Region's current situation this may not be in the Region's best interests. Staff will advise Regional Council should additional information and context change, and the Region opt to convert a portion of the CFS top-up to a CFS Construction Grant.

5.4 The following table summarizes the current provincial funding available for the new long-term care home and the estimated balance to be funded by the Region including the associated estimated annual debt servicing costs.

	Capital	Estimated Annual Debt Servicing Cost
<b>Total Estimated Capital Cost (excluding land)</b>	<b>126,025,000</b>	
<b>Provincial Funding:</b>		
Upfront Provincial Development Grant	10,525,200	
Debenture - funded by Construction Funding Subsidy	24,600,000	1,735,940
Debenture - funded by new Construction Funding Subsidy Supplement	36,200,000	2,555,000
<b>Subtotal Provincial Funding</b>	<b>71,325,200</b>	<b>4,290,940</b>
<b>Balance to be Funded by the Region:</b>		
Debenture	54,699,800	5,226,900 *
<b>Total Financing</b>	<b>126,025,000</b>	<b>9,517,840</b>

\* a portion of this debt servicing costs may be eligible for funding from development charges

5.5 A final financing strategy will be included in the 2023 Business Plans and Budget that considers debt, development charges and available reserve/reserve funds for Council's consideration.

## 6. Operational Costs

- 6.1 Preliminary annual operating costs are estimated at between \$50 million and \$55 million with provincial and resident funding covering approximately 55 per cent of these costs. The balance of the net operating costs, estimated at between \$22.5 million and \$24.8 million, would need to be funded from annual property taxes which approximates an increase on the levy of between 3 per cent and 4 per cent. This increase would likely be phased in over the two years leading up to operations.
- 6.2 The energy efficiency measures included in the proposed facility design will reduce exposure to energy price volatility moving forward and reduce the future carbon tax obligations related to the operation of this facility.

## 7. Eligibility and Requirement for CFS Top-up

- 7.1 Eligibility period for the CFS supplement (top-up) is between April 1, 2022, and August 31, 2023.
- 7.2 To be considered for this funding, the Region will be required to:
- a. Declare intent to obtain approval to construct by completing a **Statement of Readiness** to be submitted to the ministry by December 20, 2022;
  - b. Complete the requirements under the Development Agreement and obtain approval to construct between April 1, 2022, and August 31, 2023; and
  - c. Be ready to start construction of the project in accordance with the project application, any applicable project approval, and the project development agreement by August 31, 2023.

## 8. Accelerated Construction Required

- 8.1 For the Region to meet the construction readiness requirement of August 31, 2023, the procurement, design and tendering process timelines must be significantly accelerated. The MLTC typical approval timeframe for development agreements is 30 days, meaning that the following work must be completed and be ready to submit to the MLTC no later than July 31, 2023:
- a. Completed design and construction documents;
  - b. Competitive public tender; and

- c. the Region's request to commence construction, including supporting documentation (site plan approval, building permits, etc.).
- 8.2 To determine the feasibility of achieving this accelerated timeframe, the Region reviewed and evaluated the construction delivery methods available against the requirements. Four options were considered:
- a. Integrated Project Delivery (IPD), an approach that involves the owner, designer and contractor working together collaboratively from the onset of the project, aligned by a single contract.
  - b. Design Build, an approach where the owner works with a design-builder who takes on the role of both architect and general contractor, with design and construction completed in overlapping phases, decreasing overall project timeframes.
  - c. Design Bid Build, (Traditional design) where the design and tendering process are separate and sequential. This is the typical model for the many Regional construction projects. Construction starts after a fixed price through tendering is received for the project.
  - d. Construction Management contract, an approach where a third party is hired (typically a Contractor) by the owner to oversee the construction of the project, including tendering the work in stages through competitive bidding. The owner typically issues an RFP that includes the preliminary schematic designs to procure the Construction Manager, and they will work together to complete the final detailed designs. There is no firm total project cost with this approach until tendering is complete. The Region has complete and unfettered insight into the contractor's and subcontractors' costs.
- 8.3 The MLTC does not accept IPD or Design Build construction contracts for long-term care builds. The only options left to evaluate are the traditional design bid build approach and the construction management approach.
- 8.4 The design bid build approach, or the CCDC 2 Stipulated Price (Construction) Contract typically has a 17-month timeframe for the design and approval phase, followed by the construction phase. All phases are competitively bid, which increases the timeframe to accommodate the procurement process. Although the Region is very familiar with this approach, it cannot be considered for the North Pickering project given the August 31, 2023, deadline to be construction ready.

8.5 The only other form of contract accepted by MLTC is the Construction Manager approach that is based on the CCDC 5B Construction Management Contract. This approach can be accelerated under certain conditions, and by using Early Work Tendering (site services, rough grading, electrical and communication duct banks, excavation and backfilling, concrete foundations), there is a potential to have construction commence within seven months after the start of the design. MLTC have confirmed that this would satisfy the requirements for the 2022 CFS Top Up. To meet the August 31, 2023 “construction ready” requirement, an extremely aggressive schedule would be necessary, reducing the traditional 17-month procurement, design and approval process to 7 months. There are requirements and deadlines that must be met to achieve the accelerated timelines as follows:

- a. January 2023:
- b. The RFP for the Architectural Consultant must be issued by January 3, 2023 and must be awarded by January 31, 2023.
- c. February 2023:
- d. On February 8, 2023, the Region must:
- e. Issue a Letter of Intent to the Architectural Consultant to start work on the project. The Architectural Consultant's schematic design work would commence immediately and must be completed by April 7, 2023. To achieve this, dedicated Regional staff from Works (1 FTE) and Social Services (1 FTE) must be assigned to this project full time to work collaboratively with the Architectural Consultant, and must be authorized to make quick design decisions to keep advancing the work.
- f. Commence the development of Supplementary General Conditions for the CCDC 5B contract which is new to the Region. The drafting of these conditions must be completed by April 3, 2023.
- g. March 2023:
- h. Construction Manager RFP is developed.
- i. Site Plan Application is developed.
- j. Design work ongoing.
- k. Supplemental General Condition development ongoing.

- l. Work with City of Pickering staff to develop an expedited review schedule for the Site Plan Application and issuance of a Partial Building Permit.
- m. April 2023:
- n. By April 10, 2023, the Region must:
- o. Submit the Preliminary Plan Submission to the MLTC for comment. The commenting period for MLTC has a 30-day turnaround; meaning that comments would be expected by May 8, 2023.
- p. Submit a formal request to the MLTC for approval of the Early Works Tendering process, with approval expected by May 8, 2023.
- q. Submit the Site Plan Application to the City of Pickering for approval, which must be received no later than June 9, 2023.
- r. Issue the Construction Manager RFP, which will close May 1, 2023. The letter of intent must be issued by May 9, 2023, to onboard the Construction Manager.
- s. May 2023:
- t. By May 19, 2023, the Region must:
- u. Submit Working Drawings for the Early Works packages to the MLTC for comments. With the 30-day turnaround, comments will be expected by June 16, 2023.
- v. Submit the Partial Building Permit application to the City of Pickering for the Early Works packages. The Partial Building Permit will be required by July 14, 2023.
- w. June 2023:
- x. By June 16, 2023, the Construction Manager must issue the Early Work Tendering construction document subcontractor packages for pricing, with quotations to be received by July 14, 2023.
- y. By July 21, 2023, the Construction Manager updates the construction estimates based on the tendering received and provides this information to the Region.

- z. July 2023
  - aa. By July 31, 2023, the Region must submit to the MLTC, requesting approval to construct:
  - bb. the Construction Manager's bid results for only one Early Works subcontractor package including the Region's Initial Estimate of Costs;
  - cc. the Region's proof of public advertising for the Early Works Tendering and Construction Manager RFP along with the evaluation of the proponent submissions in that process;
  - dd. Partial Building Permits for the Early Work;
  - ee. Construction Manager proof of bonding and insurance; and
  - ff. the Region's operational plan.
- 8.6 In this accelerated process, only the front end of the procurement, design and Early Work Tendering process is expedited. This schedule, if achieved without any delay, will allow the Region to meet the timeframe of August 31, 2023, required to secure the additional CFS funding. The construction period will reflect that of traditional project delivery, with occupancy of the facility in late 2025.
- 8.7 The accelerated construction schedule will require quick decision making to remain on schedule. Dedicated staff from Works, Social Services, Finance and Legal will be required at various stages of this project to meet the demands of this approach. Works staff will be involved in the project full time from its initiation to completion, and Social Services staff's role will reduce as the project moves into construction. Resourcing impacts will need to be considered and addressed to manage the accelerated process. Staff at the City of Pickering will also need to be fully engaged and available to expedite all approvals necessary to meet the accelerated schedule.

## **9. Premiums to Accelerate Project Work**

- 9.1 Updated project costing was received in June 2022 to ensure the cost of the project was in line with inflation currently being experienced. The cost reported in Report #2021-COW-30 for the 16-bed IPAC design that included zero GHG options and readiness totalled \$110.44 million. The updated costing based on the same assumptions and reflecting escalation to Q1 of 2024 is \$123.96 million.

- 9.2 Architectural fees for a project are typically set at 6 per cent of the project's construction value. As the project acceleration relates to the design process exclusively, and the need for the Architectural Consultant's team to produce multiple bid packages, a premium on this work is expected. It is anticipated that the design costs for the accelerated Construction Manager model will be in the 9 per cent of construction value range, adding approximately \$3.36 million to the updated June 2022 estimate.
- 9.3 Although the duration of construction is not accelerated, the Construction Manager does take on additional roles as the tender time period for subcontractor work is divided over multiple stages. The typical premium for a project delivered under this approach is 1 per cent of the construction cost. Under an accelerated scenario, that premium will add approximately \$1.04 million to the updated June 2022 estimate.
- 9.4 Given that the tender time period will occur prior to Q1 2024 due to the accelerated timelines, escalation costs previously included in the June 2022 estimate will not be incurred, and a reduction to that estimate of \$2.33 million can be expected.
- 9.5 The net result of the accelerated Construction Manager approach is an increase of \$2.06 million to the updated June 2022 estimate, resulting in a revised estimated project cost of \$126.025 million.
- 9.6 In order to meet the aggressive timelines set by the Province for the additional funding it is recommended that staff retain architectural design and contract administration services at an estimated cost of \$9.9 million to be financed at the discretion of the Commissioner of Finance.

## **10. Risks and Uncertainties:**

- 10.1 As with any project of this scope, there are several risks to be considered. Because of the significant time pressures related to the Ministry funding requirements, the most significant risk involves failing to meet the required time frames. As noted in Section 8.5 of the report, the timeframe outlined reflects a very aggressive approach where even minor slippage in the schedule can have significant impacts to achieving the deadline. The Region may have to incur additional costs both to keep the project on schedule and may not be eligible for the enhanced funding due to not meeting the requirements. Should this occur, the Region would make all attempts to get extensions to any components that are resulting from project milestone dates. If an extension is not granted and

timeframes are not met, the incurred costs would have to be covered by the Region. If it is the Region's goal to provide the additional new beds, the costs would have to be incurred regardless (except the expedited cost).

- 10.2 Other risks revolve around cost uncertainties due to the type of contracting method as noted in Section 8.2 (d). Staff will work closely to mitigate impacts of this different type of contract delivery. Until the full project tenders for all components are in, there will be uncertainty in the final project costs. Staff will report at significant milestones to keep Council apprised.
- 10.3 It is also worth noting that the operating impact once the facility opens are currently estimates and the cost of borrowing will not be known until the time of debenture issuance in the marketplace. There are reports that are required when debt is issued to keep Council informed.

## **11. Relationship to Strategic Plan**

- 11.1 This report aligns with/addresses the following strategic goals and priorities in the Durham Region Strategic Plan:
- a. Goal #2 – Community Vitality
  - b. Support a high quality of life for all through human services delivery.
  - c. Goal #5 – Service Excellence:
    - Optimize resources and partnerships to deliver exceptional quality services and value.
    - Collaborate for a seamless service experience.
    - Drive organizational success through innovation, and skilled workforce, and modernized services.

## **12. Conclusion**

- 12.1 As noted within the recommendation, staff are seeking approval to complete a Statement of Readiness to submit to the Ministry of Long-Term Care for the Region to take advantage of this time-limited construction funding subsidy supplement along with all necessary delegated approvals to comply with the Ministry requirements. The supplement will support the carrying costs for a debenture of approximately \$36.2 million additional funding to the project.



- 12.2 This supplement would allow the project to proceed but will result in the requirement to onboard operating cost impacts in a range of 3 to 4 percent additional on the levy to bring on the increased service level of 200 additional long-term care beds. There will also be short term resourcing challenges to accomplish the accelerated commencement of construction. The additional capital construction funding subsidy is a critical step to accomplish the needed additional long-term care beds in Durham.

Respectfully submitted,

**Original signed by**

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Nancy Taylor, BBA, CPA, CA  
Commissioner of Finance/Treasurer

**Original signed by**

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John Presta, P.Eng., MPA  
Commissioner of Works

**Original signed by**

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Stella Danos-Papaconstantinou  
Commissioner of Social Services

Recommended for Presentation to Committee

**Original signed by**

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Elaine C. Baxter-Trahair  
Chief Administrative Officer



# The Regional Municipality of Durham Report

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To: Committee of the Whole  
From: Chief Administrative Officer  
Report: #2022-COW-33  
Date: December 14, 2022

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**Subject:**

Implications of Bill 23 on the Region of Durham

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**Recommendations:**

That the Committee of the Whole recommends to Regional Council:

- A) That Council endorse staff-level feedback and recommendations on Bill 23 as provided in 2022-INFO-93;
- B) That the Province of Ontario be requested to pass further legislation to revise Bill 23, the More Homes Built Faster Act, 2022 in light of the unintended property tax implications that it will impose on existing and future property taxpayers, and due to the community planning impacts that will affect our communities;
- C) That the Province of Ontario be requested to engage with all affected municipalities through meaningful dialogue in the spirit of collaboration, to achieve our shared goal of achieving significant increases in housing supply while directly investing in measures to improve housing affordability; and
- D) That staff be directed to work with local area municipalities on a communications and public education campaign that details the impacts of Bill 23 on residents in the Region of Durham, with information regarding all property tax increases stemming from Bill 23 being included in the upcoming 2023 and future Regional property tax bills.

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**Report:****1. Purpose**

1.1 The purpose of this report is to:

- a. Provide an overview of Bill 23, the More Homes, Built Faster Act, 2022; and
- b. Summarize the anticipated impacts of Bill 23 on the Region, and to Region of Durham taxpayers and ratepayers.

1.2 The initial commenting deadline was November 25, 2022 (a 30-day commenting window). An overview of staff-level comments on various Environmental Registry of Ontario (ERO) postings on Bill 23 was included in the Council Information Report [2022-INFO-93](#) on November 10, 2022. The report also included letters from the CAO to the Minister of Municipal Affairs and Housing and the Minister of the Environment outlining areas of concerns with Bill 23. Key concerns include:

- a. Removing Regional Council's role as an approval authority in land use planning decisions, and the Regional Official Plan as the guiding document for integrating land use, infrastructure and financial planning; or the ability to act as an approval authority for major planning decisions with Regional implications;
- b. Reducing development charge funding and other development financing necessary to pay for the infrastructure required to support significant growth of new housing;
- c. Removing the ability to collect development charges to support the delivery of critical assisted housing for vulnerable populations;
- d. Requiring York and Durham Region to build capacity in the York Durham Sewage System (YDSS) and the Duffin Creek Water Pollution Control Plant to service development known as Upper York (Aurora, East Gwillimbury, Newmarket); and
- e. Servicing impacts of additional unplanned densification.

1.3 The commenting deadline on Bill 23 was subsequently extended to December 9, 2022, but the Bill passed third reading and received royal assent in the provincial legislature on November 28, 2022. Given this timing, the newly elected Durham Regional Council, like most Councils across the province, were unable to provide formal feedback on the Bill prior to it being enacted.

1.4 Bill 23 introduces sweeping changes to the Development Charges Act, the Planning Act, and other legislation. Some changes were made to the Bill through Second Reading on November 22 after debate and consideration by the Standing Committee on Heritage, Infrastructure and Cultural Policy, but the fundamental

concerns raised by the Region and other municipalities through their submissions did not materially influence the overall outcome. Neither the Association of Municipalities of Ontario, nor the Municipal Finance Officers of Ontario were granted a delegation at the Standing Committee.

- 1.5 The Bill also makes a series of related changes to the jurisdiction of the conservation authorities as well as changes to parkland dedication requirements, site plan control, community benefits changes, changes to the Heritage Act which are administered by local area municipalities. The financial, community planning and environmental implications of these changes are not covered in this report.

## **2. Background**

- 2.1 Regional governments perform a critical role in infrastructure planning and integration to ensure that growth-related infrastructure is planned, funded and in place to support new development. Decisions to invest in infrastructure and services are based on the coordination of planning permissions, long range infrastructure planning, and capital financing so that required water, sewer, roads and other infrastructure and services will be made available to enable new housing construction.
- 2.2 On October 25, 2022, the provincial government introduced: 'More Homes, Built Faster: Ontario's Housing Supply Action Plan 2022-2023', which is intended to advance the government's commitment to getting 1.5 million homes built across Ontario over the next 10 years. It makes a series of changes intended to support the Provincial objective of building more homes, reduce construction costs and fees and streamline development approvals, in an effort to help future new homebuyers.
- 2.3 Requirements to deliver new affordable housing do not form part of the Bill. The legislation is predicated on the assumption that significant additional housing supply will be sufficient to drive down overall housing prices. Municipalities have no ability to set the price of market housing, and do not control when private building permit applications are submitted.
- 2.4 In summary, Bill 23 makes the following changes that are of Regional concern:
  - a. Reducing development charge funding and other development financing necessary to pay for the infrastructure required to support new housing as detailed in Paragraph 4.14;
  - b. Eliminating the ability to collect development charges to support the delivery of critical assisted housing for vulnerable populations;
  - c. Significantly altering roles, responsibilities and processes within the land use planning system that do not have a clear or direct connection to increasing the supply of housing, while removing the ability to influence other land use planning interests;
  - d. Removing Regional Council's role in land use planning by eliminating the Regional Official Plan as a principal document for integrating land use,

- infrastructure and financial planning, and by removing Region's ability to act as an approval authority to ensure that significant land use and transportation planning decisions can occur in the broad Regional interest, and in a coordinated manner with local municipal planning; and
- e. Eliminating the Region's ability to appeal a lower tier planning decision.
- 2.5 Bill 23 also requires York and Durham Region to build capacity in the York Durham Sewage System (YDSS) and the Duffin Creek Water Pollution Control Plant to service development known as Upper York (Aurora, East Gwillimbury, Newmarket).
- 2.6 Some changes were made to the Bill through Second Reading on November 22 after debate and consideration by the Standing Committee on Heritage, Infrastructure and Cultural Policy. However, fundamental concerns were not addressed. Key amendments include:
- a. Moving up the transition date relating to the 4-year reduction of development charges (DCs) to a DC by-law passed on or after January 1, 2022, instead of June 1, 2022. This further reduces DC revenue.
  - b. Keeping considerations for exterior requirements related to sustainability through site plan control, such as green roofs, alternative roof services or other environmental standards in the construction of buildings. This means municipalities can have green building standards.

### **3. Previous Reports and Decisions**

- 3.1 Comments from the Chief Administrative Officer were presented in [2022-INFO-93](#).
- 3.2 Council confirmed its preferred alternative to the Upper York Sewage Solution as an advanced treatment system in the Lake Simcoe watershed within the Regional Municipality of York ([#2021-COW-28](#)).

### **4. Summary of Impacts of Bill 23**

#### **Executive Summary**

- 4.1 Bill 23 will have significant impacts on the Region's ability to coordinate and finance capital infrastructure investments for growth. A partial estimate of the total lost revenue is \$281 million over five years; this does not include the impact of exemptions for affordable and yet-to-be defined attainable housing nor does it include lost revenues at the area municipal level.
- 4.2 Moving away from the principle that growth pay for growth by reducing developer contributions to fund growth-related infrastructure including improvements to Regional roads, water supply and sewage treatment plant expansions, and other services, will result either in increased property taxes and water and sewer rates

to maintain the current pace of planned investments, or will impact the scale or timing of capital investments by the Region that are required to support housing growth. The Bill has no mechanism to oblige developers to pass on any savings realized from lower DCs onto new homebuyers.

- 4.3 The Region's ability to coordinate infrastructure and service planning (e.g., roads, transit, water and sewer) and ensure that long-term servicing coincides with development will be impacted by the elimination of upper tier planning approval responsibilities. The removal of an overall Regional Official Plan will further complicate coordination efforts. Such changes may also limit the Region's ability to coordinate infrastructure investment in a timely and cost-effective manner and could serve to delay potential housing growth.

### **Details of Financial Impacts**

- 4.4 Changes to the Development Charges Act (DCA), made by the More Homes Built Faster Act, 2022 (Bill 23), reduce the amount of DCs that municipalities can recover from new development by implementing a number of reductions and exemptions.
- 4.5 Development Charges must follow the prescribed approach set out in the DCA. DCs are the main revenue tool for municipalities to recover the growth-related capital costs of infrastructure, such as for water, sewer and roads, from the growth that has triggered the need for the capital projects. In 2021, the Region of Durham collected approximately \$112.4 million in residential DCs (from 4,358 units) for growth related costs. In Durham Region, any costs of growth-related capital, that are not funded by DCs, become a cost to property taxpayers or, for water and sewer, user ratepayers. Property taxpayers and ratepayers also fund all the ongoing operating costs, along with the capital costs associated with maintenance and replacement.
- 4.6 Prior to Bill 23, almost 60 per cent of the \$41,528 Regional Residential DC rate for single and semi-detached units was for water and sewer. Approximately 50 per cent of the \$24.45 per square foot Regional Commercial DC rate was for water and sewer. The new exemptions, discounts and ineligible capital costs will transfer roughly that same percentage of lost Regional DC revenue to the user rates for water and sewer. Water and sewer system costs, in Durham Region, are fully funded by DCs and user revenue with no property tax contribution.
- 4.7 Bill 23 may also require municipalities to delay the construction of infrastructure needed to service new housing or assume additional risk by taking on more long-term debt. It could also lead to the consideration of service level reductions. With reduced funding from DCs, municipalities will have to make choices to allocate limited property tax and water and sewer user rate funding between their asset management needs with the increasing costs of infrastructure required to accommodate future development.
- 4.8 Certain changes in the More Homes Built Faster Act, 2022 are primarily aimed at

reducing the rates that developers pay. However, DC rates in Durham Region are relatively low in comparison to other jurisdictions within the province. The total cost of DCs in Durham Region, including Regional, local, and educational, range between \$65,188 - \$85,633 per single detached unit. There are no mechanisms in Bill 23 to ensure that developers will use savings from reduced fees to reduce housing costs.

- 4.9 It should also be noted that the DCA already requires municipalities to put all DC revenue into reserve funds set aside for the purposes of growth-related capital costs. In addition, the DC calculations undertaken for the Region of Durham acknowledge any existing uncommitted DC reserve funds by netting off the outstanding reserve balances from the total DC eligible capital costs for all service areas. This effectively reduces the calculated DC rates.
- 4.10 The use and accumulation of DCs are subject to a number of legislative restrictions and disclosure requirements, such as:
- Under DCA legislation, DCs can only be collected for growth-related capital infrastructure and can only be applied to the specific growth-related infrastructure projects identified in the corresponding DC Background Study.
  - Municipalities are required, under Section 43 of the DCA, to produce an annual financial statement on development charges, which includes reserve fund balances (opening and closing) and commitments. Municipal financial statements are also independently audited on an annual basis, including DC reserve funds (reflected as deferred revenue in audited financial statements).
- 4.11 The various reductions and exemptions included in Bill 23 will require a larger portion of infrastructure costs to be paid from property taxes and water and sewer user rates, impacting both existing residents and businesses. The current estimates of the combined increased burden on property taxes and user rates totals approximately \$52.3 million over the next five years. This \$52.3 million includes the known impacts to the Region's current DC by-law, over the next five years, and reflect only the following changes to the DCA that came into force immediately after the passage of Bill 23:
- a. Removal of Housing Services as a DC eligible service: estimated impact of \$16.5 million over the next five years.
- The Region has been collecting DCs for Housing Services since 2018, with accumulated funds allocated to support affordable housing developments throughout the Region. In 2021, the Region allocated \$1.8 million in Housing Services DCs to support a 24-unit affordable housing project in Oshawa. In 2022, the Region allocated \$1.95 million to support a 52-unit affordable housing project in Clarington. Removing housing services as a DC eligible service eliminates the Region's ability to collect any additional

DC money for similar affordable housing projects in the future.

b. Mandatory five-year phase-in of new development charge rates: estimated impact of \$6.3 million over the next five years.

- Development charge rates, for by-laws passed as of January 1, 2022, would be subject to a mandatory five-year phase-in. The first year of a by-law would see rates reduced by 20 per cent, followed by 15 per cent in year two, 10 per cent in year three, and five per cent in year four. The full rate will be realized in year five. This phase-in applies to both residential and non-residential DCs.
- Currently, this mandatory phase-in would only impact the Region's Transit DC as the phase-in only applies to new by-laws establish on, or after, January 1, 2022. The \$6.3 million estimated impact over the next five years reflects only the reduction in the Regional Transit DC rate.

c. Exemptions for non-profit housing development: estimated impact of \$7.2 million over the next five years.

- Prior to Bill 23, the DCA provided non-profit housing developments with a 20-year DC payment deferral where the total amount of DCs owing were paid in equal installments over a 20-year period. The changes in Bill 23 now provide non-profit developments with a full exemption, meaning any current non-profit development paying DCs over a 20-year period would be exempt from making any future payments. Future payments are estimated at \$7.2 million.

d. Fifteen to twenty-five per cent discount for purpose-built rental units (that are not considered "affordable"): estimated impact of \$22.3 million over the next five years.

- The DCA currently provides rental housing developments with a 5-year DC payment deferral where the total amount of DCs owing are paid in equal installments over a 5-year period. The changes in Bill 23 now provide a further discount on DC rates, depending on the number of bedrooms. Discounts are 25 per cent for rentals with three-bedrooms or more, 20 per cent for two-bedrooms, and 15 per cent for one-bedroom or less.
- These additional discounts only apply to rental units that have not received a building permit as of the date Bill 23 came into force (November 28, 2022).
- Note that the financial impacts of this change are difficult to quantify as its difficult to estimate the number of non-affordable rental units to be built in the Region.

4.12 In addition to the above noted changes, Bill 23 includes changes that will have significant impacts over the long run, beyond the next five years. Although these changes came into force on the day Bill 23 was enacted, the changes apply to



capital cost estimates for future DC by-laws. Therefore, the financial impacts of these changes will not be realized until the Region completes its next DC by-law update later in 2023. The current estimated financial impact of these changes (once realized) ranges between \$44.6 and \$60.6 million and reflect the following changes to the DCA from Bill 23:

- a. Removal of studies as an eligible capital cost: estimated potential impact of \$25.4 million over the next five years
    - Based on the approved 2022-2031 Property Tax and Water and Sewer Business Plans and Budgets, the estimated value of DC recoverable growth-related studies (master plans and future development charge studies) over the next five years is \$9.4 million. If environmental assessments (EA's) are also considered ineligible, the cost of removing studies could increase to \$25.4 million. Staff continue to review the legislation to confirm whether EA's remain an eligible capital cost.
    - As mentioned, the removal of studies will pertain only to new by-laws enacted after Bill 23 comes into force. The Region will not experience a financial impact until the current by-law is renewed.
  - b. Removal of Land Costs as an eligible capital cost: estimated potential impact of \$35.2 over the next five years.
    - Bill 23 proposes that, at some point in the future, a regulation-making authority would enable services to be prescribed for which the cost of land would not be an eligible capital cost that could be recovered through DCs. Based on the approved 2022-2031 Property Tax and Water and Sewer Business Plans and Budgets, the estimated value of the DC recoverable growth-related land acquisition costs is estimated at \$35.2 million (Residential and Non-residential DCs) over the next five years.
    - As mentioned, the removal of land would pertain only to new by-laws enacted after Bill 23 comes into force. The Region will not experience a financial impact until the current by-law is renewed
- 4.13 Assuming the Region had to phase in all current DC rates (residential and non-residential) over the next five years (and assuming annual indexing of 5 per cent), this would add an additional \$167.7 million in lost DC recovery. The combined impact would be a potential loss of \$280.6 million.
- 4.14 The total potential losses in DC recovery are summarized in the table below. The table shows the potential loss in DC revenue, as well as the amounts that will need to be transferred on to property taxes and user rate

**Table 1: Summary of Potential Losses**

<b>DCA Measure Restricting DC Collections</b>	<b>Potential Loss Revenue</b>	<b>Property Tax Share<sup>(1)</sup></b>	<b>Water and Sewer Share<sup>(2)</sup></b>	<b>Timing<sup>(3)</sup></b>
<b>(Millions)</b>				
<b>Known Impacts (under current DC By-law)</b>				
Removal of Housing Services	\$16.5	\$16.5	-	2023-27
Phasing in of New Transit DC Rates	\$6.3	\$6.3	-	2023-27
Exemption of Non-profit Developments - based on existing 4 projects constructed / under construction which qualified for 20-year deferral	\$7.2	\$2.9	\$4.3	2020-40
DC discount for rental apartments	\$22.3	\$8.9	\$13.4	2023-27
<b>Subtotal</b>	<b>\$52.3</b>	<b>\$34.6</b>	<b>\$17.7</b>	
<b>Potential Impacts (future DC By-law)</b>				
Ineligibility of Studies	\$25.4	\$8.2	\$17.2	2023-27
Ineligibility of Land	\$35.2	\$19.7	\$15.5	2023-27
DC discount from phasing in of DC rates from New DC By-law	\$167.7	\$67.1	\$100.6	2023-27
<b>Subtotal</b>	<b>\$228.3</b>	<b>\$95.0</b>	<b>\$133.3</b>	
<b>Total</b>	<b>\$280.6</b>	<b>\$129.6</b>	<b>\$151.0</b>	
<b>Unknown Impacts</b>				
Exemptions for future non-profit housing developments	unknown	unknown	unknown	
Exemptions for attainable units (not yet defined)	unknown	unknown	unknown	
Exemptions for affordable units (rental and ownership) - not yet in effect	unknown	unknown	unknown	
Broadening of exemptions for secondary units	unknown	unknown	unknown	
Historical level of service increase from 10 to 15 years	unknown	unknown	unknown	

Notes:

1. A 1% property tax increase equates to \$7.6 million
2. A 1% water and sewer user rate increase equates to \$2.3 million
3. The estimated loss DC revenue is for a five-year period except for the non-profit housing

- 4.15 In addition to the measures noted above, there are a number of other changes included in Bill 23 that will have future impacts on Regional DC collection. These changes include:
- a. Exemptions for affordable (rental and ownership), attainable, and inclusionary zoning units.
    - Bill 23 provides exemptions for affordable (rental and ownership) units, with the threshold for affordability determined by the province through a bulletin posted on the website for the Ministry of Municipal Affairs and Housing. The definition of attainable housing will also be provided at a later date.
    - The financial impact to the Region is difficult to quantify as the definitions have not been finalized and the provisions do not come into force until a future date to be proclaimed by the province.
  - b. Extending the historic level of service calculation for DC-eligible capital costs from 10 years to 15 years.
    - The extension of the historic level of service timeframe will likely reduce the maximum value of the capital program (for certain soft services) that can be included in the DC study. This change will impact the Region when a new DC by-law is established. This change also does not apply to Transit.
  - c. Municipalities are now required to spend or allocate at least 60 per cent of DC reserves for priority services (water, wastewater and roads). This 60 per cent threshold must be spent or allocated each year, beginning with water, wastewater, and roads, with more services potentially added in the future. This will have no financial impact to the Region as DCs are already being collected (allocated) for specific projects.
- 4.16 The Region is currently developing an implementation strategy for the changes to the DCA from Bill 23. This implementation strategy includes various components, including:
- Coordinating with local area municipalities on the administration of the various new exemptions (affordable housing, attainable housing, inclusionary zoning).
  - Reviewing existing rental deferral agreements to determine if any adjustments are required for future payments.
  - Reviewing all DCs paid in the days since the implementation of Bill 23 (November 28, 2022) to ensure the changes have been properly addressed.
- 4.17 In addition, it is uncertain how the new exemptions, discounts and ineligible capital costs will impact the Region's ability to honour the existing commitments under the Seaton Front-Ending Agreement. The Seaton landowners front funded a considerable amount of Regional infrastructure required for the Seaton

community (approximately \$200 million) in exchange for future Area Specific DCs credits. These Seaton Water and Sewer Area Specific DC by-laws are routinely updated by the Region to ensure that the developers who front-funded the required Water and Sewer Regional infrastructure for Seaton are receiving the correct amount of DC credits based on the actual costs that they have funded. As well, these changes to the DCA may impact the Region's ability to enter into future front ending agreements which can be an effective financing tool to allow development since the DC credits may be considerably reduced with cost recovery now transferred to user revenue (for water and sewer growth related capital) and property tax.

### **Details of Planning Impacts**

4.18 At a date still to be determined, the Region of Durham and the six other regional governments will be defined as an "Upper-Tier Municipality without Planning Responsibilities". This means that:

- a. The Regional Official Plan will become the official plan for the lower-tier municipalities who could repeal or amend it.
- b. Local municipalities will assume approval authority for all Planning Act decisions, except official plans, which will need Ministerial approval. The Minister's decision would not be subject to appeal.
- c. Local municipalities will have approval authority over Official Plan Amendments, subdivisions, land division, and part lot control exemptions.

Commenting responsibilities on all land use planning applications and related matters will continue to be performed by the Region.

4.19 Changes to the Planning Act have the potential to impact the Region's interests in the following ways:

- a. The ability to require area municipalities to plan on the basis of Regionally prescribed population and employment forecasts would be removed. Significant reductions in population or employment where higher densities were envisioned could result in infrastructure being over-built. Additionally, reductions in DC revenue could result in infrastructure not being built when needed. The Region's ability to plan and finance servicing works in a coordinated and cost-effective manner are reduced without the Regionally prescribed population and employment forecasts and related capital requirements.
- b. Planning and servicing initiatives for employment areas could be affected, since employment area conversions would no longer require Regional approval.
- c. Planning for transit-oriented communities, either along higher order transit routes or within Major Transit Station Areas would be affected, since the Region could no longer require development to be implemented at densities that optimize the use of transit.

- d. There would be no ability to protect for Type C arterial roads across the Region, which would affect road connectivity and travel options, and would place pressure on the existing arterial road network to channel increased levels of traffic.
  - e. The Region could no longer control intersection spacing through arterial road designations. Along Type A arterial roads, traffic flows and capacity could be reduced.
  - f. The ability to require the implementation of site plan designs that allow for access by publicly operated waste management vehicles would be removed.
- 4.20 To advance station delivery for the Lakeshore East GO Extension to Bowmanville, the Region has developed a land value capture strategy. The Strategy is based, in part, on the Region's pre-Bill 23 approval authority under the Planning Act. Bill 23 removes this authority from the Region. Bill 23 also introduces a level of fiscal uncertainty that did not exist previously.
- 4.21 Regional staff are assessing how best to address the matters of jurisdiction and risk to enable station delivery for the Lakeshore GO East Extension as part of a transit-oriented communities approach. The extension of GO Train service to Bowmanville and the establishment of vibrant, sustainable transit-oriented communities at the proposed GO stations can help to catalyze housing options and are an essential part of Durham's future prosperity.
- 4.22 Up to three additional residential units will be permitted on an urban property. This could be two residential units in a principal building, one in an ancillary building or three residential units in a principal building. This will affect the amount of reserve sanitary sewerage and water supply capacity that must be set aside within urban areas to enable this form of development. The effect on system capacity as a result of this change is not yet known, however this will affect the ability of small urban areas to accommodate additional growth.
- 4.23 Exterior design of buildings will be removed from site plan control. Changes put in place after Second Reading would still allow local area municipalities to implement green development standards, such as green roofs, alternative roof services or other environmental standards in the construction of buildings, but aesthetic and design considerations have been removed.
- 4.24 The requirement to hold a public meeting before approving a draft plan of subdivision has been removed. This would not normally be a Regional concern, since these meetings are normally conducted by the local area municipality in conjunction with a related rezoning application, but would not be the case if developments proceed by way of Minister's Zoning Order.

## **5. Upper York Sewage System**

- 5.1 Schedule 10 within Bill 23 provides the provincial direction for the wastewater servicing of the Upper York Sewage Solution by the Lake Ontario option of conveying wastewater south to the York Durham Sewage System. This

development growth located entirely within York Region will be serviced by the Duffin Creek Water Pollution Control Plant in the City of Pickering.

- 5.2 A detailed review of the proposed servicing option will need to be conducted in consultation with York Region to determine infrastructure planning impacts.

## **6. Relationship to Strategic Plan**

- 6.1 This report aligns with/addresses the following strategic goals and priorities in the Durham Region Strategic Plan:

- a. Goal 1 Environmental Sustainability
- b. Goal 2 Community Vitality
- c. Goal 4 Social Investment

## **7. Next Steps**

- 7.1 Staff will continue to monitor the financial and other impacts of the More Homes Built Faster Act including the impacts to effective planning, and financial impacts to the Region including any related delays or scaling back of planned Regional infrastructure.
- 7.2 Staff will work with local area municipalities to explore development of a communications and public education campaign to communicate the impacts of Bill 23 on residents in the Region of Durham to ensure understanding of any impacts on user rates and property taxes.
- 7.3 Staff will continue to monitor the impacts of Bill 23 on the delivery of Regional priorities such as Transit Oriented Communities (TOC), affordable housing targets and the creation of liveable communities and report back to Council as appropriate.
- 7.4 Through the provincial budget process, the Region will advocate for provincial funding to mitigate the negative financial impacts of the More Homes Built Faster Act to property taxpayer and rate payers in the Region.

## **8. Conclusion**

- 8.1 Bill 23 has significant impacts to planning processes and to the Region's ability to fund infrastructure related to growth. There remain many unknowns about how Bill 23 will affect coordination between Regional and Regional and local infrastructure planning, and the delivery of Regional capital projects such as growth-related road projects as certain aspects of the Bill still need to be defined.
- 8.2 The Region submitted staff-level feedback on Bill 23 to the province through a letter and direct comment to the ERO postings. Council endorsement of this feedback is being sought with a further recommendation that Regional Council call on the province to amend the Act to address the unintended and financially harmful consequences noted in this report. As enacted, it remains doubtful if this legislation

will result in more homes being built faster. Builders will typically charge whatever the market will bear for a new home, regardless of any financial breaks they may receive, so the impact of this legislation on affordability is similarly questionable. The focus of this legislation is on supply, but more emphasis could be made on demand to address whether the right types of units will be built to accommodate the needs of the current and future population.

- 8.3 It is important that the Region's taxpayers understand the impacts of Bill 23. Recent public comments by the province imply that there is either current capacity to absorb these costs or that the costs could be borne by the additional assessment revenue stream from the new homes. That would have the unfortunate result of not leaving assessment growth capacity for the operating impacts of that growth such as paramedics, policing, road maintenance as well as all other Regional services impacted by population service levels. An information campaign will support accountability to property taxpayers and ratepayers about potential increases in tax increases and fees, and impacts on the delivery of Regional infrastructure.

Respectfully submitted,

Recommended for Presentation to Committee

Original signed by

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Elaine C. Baxter-Trahair  
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