



OFFICIAL NOTICE

Meeting of Regional Council Agenda

Wednesday, May 29, 2024, 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. 2054.

Note: This meeting will be held in a hybrid meeting format with electronic and in-person participation. Committee meetings may be [viewed via live streaming](#).

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5.3 Steve Gregoris, Chief Nuclear Officer (CNO), Ontario Power Generation re: Ontario Power Generation (OPG) Station and Project Update	42
6. Delegations	
6.1 Bobby McBride, Chair, Board of Directors, Durham Community Foundation (In-Person Attendance) and Vivian Curl, Executive Director, Durham Community Foundation (Virtual Attendance)	

re: Durham Community Foundation Vital Signs Report - Together We Thrive

Referred to Council from May 9, 2024 Health & Social Services Committee meeting

7. Communications

- 7.1 CC 12 Correspondence from The Association of Municipalities of Ontario (AMO) 52
re: Call for Nominations: 2024 - 2026 AMO Board of Directors

Recommendation: Motion to nominate

- 7.2 CC 13 Memorandum dated May 29, 2024 from Adnan Naeem, Solicitor 55
re: By-law to repeal and replace By-law 211-79

Recommendation: Receive for information

- 7.3 CC 14 Correspondence from Brock Board of Trade 60
re: Bridge Closure on Durham Region Road 15 (Simcoe Street), Beaverton, Township of Brock

Recommendation: Refer to consideration of Report #2024-COW-19 [Item #10.2 on the agenda]

- 7.4 CC 15 Confidential Correspondence from Mayor Dan Carter, City of Oshawa
re: A proposed or pending acquisition or disposition of land with respect to the new Oshawa/Whitby Depot Project

Recommendation: Refer to consideration of Report #2024-F-11 [Item #9.1 on the agenda]

Under Separate Cover

- 7.5 CC 16 Confidential Correspondence from Jason King, Chief Executive Officer, Greater Oshawa Chamber of Commerce
re: A proposed or pending acquisition or disposition of land with respect to the new Oshawa/Whitby Depot Project

Recommendation: Refer to consideration of Report #2024-F-11 [Item #9.1 on the agenda]

Under Separate Cover

8. Reports related to Delegations/Presentations

There are no Reports related to Delegations/Presentations

9. Committee Reports

- 9.1 Finance and Administration Committee 62

- 9.2 Health and Social Services Committee 74

9.3	Planning and Economic Development Committee	75
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10.	Departmental Reports and Other Resolutions	
10.1	Report #2024-COW-18 The Region of Durham’s comments on Bill 185, the new Provincial Planning Statement, and the Affordable Residential Units Bulletin	79
10.2	Report #2024-COW-19 Beaver River Bridge Replacement on Behalf of the Ministry of Transportation, Regional Road 15, Township of Brock	156
11.	Notice of Motions There are no Notice of Motions	
12.	Unfinished Business There is no Unfinished Business	
13.	Announcements	
14.	By-laws	
14.1	2024-028 Being a by-law to designate all roads or parts thereof that constitute the Regional Road System as controlled-access roads and to regulate the construction or use of any private road, entranceway, structure or facility as a means of access to all Regional roads and to remove or restrict the common law right of passage by the public over a highway and the common law right of access to a highway pursuant to Section 35 of the Municipal Act, 2001. This by-law implements the recommendations contained in Council Correspondence CC 13, Item #7.2 presented to Regional Council on May 29, 2024.	
14.2	2024-029 Being a by-law to establish Area-Specific Development Charges for the Seaton Community – Water Supply and Sanitary Sewerage Services. This by-law implements the recommendations contained in Item #3 of the 4th Report of the Finance & Administration Committee presented to Regional Council on May 29, 2024.	
15.	Confirming By-law	
15.1	2024-030 Being a by-law to confirm the proceedings of the Council of The Regional Municipality of Durham at its meeting on the 29th day of May, 2024.	
16.	Adjournment Notice regarding collection, use and disclosure of personal information:	

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

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

The Regional Municipality of Durham

MINUTES

REGIONAL COUNCIL

Wednesday, April 24, 2024

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

Regional Chair Henry assumed the Chair.

1. Traditional Territory Acknowledgment

Regional Chair Henry read the following land acknowledgement:

The Region of Durham exists on lands that the Michi Saagiig Anishinaabeg inhabited for thousands of years prior to European colonization. These lands are the traditional and treaty territories of the Nations covered under the Williams Treaties, including the Mississaugas of Scugog Island First Nation, Alderville First Nation, Hiawatha First Nation, Curve Lake First Nation, and the Chippewa Nations of Georgina Island, Beausoleil and Rama.

We honour, recognize, and respect Indigenous Peoples as rights holders and stewards of the lands and waters on which we have the privilege to live. In our efforts towards reconciliation, we continue to build and strengthen relationships with First Nations, as well as the large Métis communities and growing Inuit communities here in Durham. We commit to learning from Indigenous values and knowledge, building opportunities for collaboration, and recognizing that we are all connected.

Chair Henry advised that as part of the Ontario Good Roads Association Conference, two meetings were held with Chair Henry, The Honourable Prabmeet Sarkaria, Minister of Transportation, Ramesh Jagannathan, Commissioner of Works, and Alison Burgess, Director of Communications and Engagement.

The first meeting with the Minister was on the topic of the status of rapid transit projects in Durham Region including the GO Lakeshore East Extension and the request from Durham Regional Council to remove tolls on the provincially-owned portion of the 407.

The second meeting was a joint meeting with Mayor Schummer, Councillor Jubb, and members of Brock Council to request that the Ministry fund the cost of a temporary and a permanent replacement for the Beaver Ridge bridge in Beaverton. MPP Scott joined the Minister for this meeting.

Chair Henry advised that they were both positive meetings and the Minister was responsive to the Region's requests and agreed to take back the concerns and opportunities that the Region raised and consider them further.

Chair Henry further advised that as part of the conference, the Region and the Region's contractor, Soncin Construction, were presented the Municipal Concrete Award for the Cochrane Street Bridge replacement project that was completed last year in Whitby. The award is given out for conformance to specifications based on testing, aesthetics, workmanship, innovation, and other considerations such as effective traffic management and public engagement. Chair Henry congratulated the Works team on this award.

Chair Henry congratulated the Sunderland Ringette Association under 14 A team in Brock Township on winning Gold at this year's Ringette Ontario Provincial "A" Championships that took place in Kitchener on March 14th to 17th. The team competed and won against 22 other teams from across Ontario and secured the top prize.

Chair Henry added that Sunderland Ringette has been a key member of the Brock community, providing ringette programming to North Durham communities since 1982 and is 100% volunteer run.

2. Roll Call

Councillor Anderson
Councillor Ashe
Councillor Barton
Councillor Brenner
Councillor Carter
Councillor Chapman
Councillor Collier*
Councillor Crawford
Councillor Dies
Councillor Foster
Councillor Garrod
Councillor Jubb*
Councillor Kerr
Councillor Leahy*
Councillor Lee
Councillor Mulcahy
Councillor Nicholson*
Councillor Pickles
Councillor Roy*
Councillor Schummer*
Councillor Shahid
Councillor Woo

Councillor Wotten
Councillor Yamada*
Regional Chair Henry

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

All members of Council were in attendance with the exception of Councillors Cook, Marimpietri, McDougall and Neal.

Councillor Cook was absent, with regrets, on business travel.

Councillors Marimpietri and McDougall were absent on municipal business.

Councillor Jubb left the meeting at 11:00 AM on municipal business.

3. Declarations of Pecuniary Interest

Councillor Ashe made a declaration of interest, later in the meeting, under the Municipal Conflict of Interest Act with respect to Item 9.1 Report #2024-A-6: Confidential Report of the Commissioner of Corporate Services – Labour Relations/Employee Negotiations with respect to CUPE, Local 1785. He indicated that his son works for the Works Department.

4. Adoption of Minutes

Moved by Councillor Garrod, Seconded by Councillor Wotten,
(63) That the minutes of the following meetings be adopted:

- Regular Regional Council meeting held on March 27, 2024;
- Regular Committee of the Whole meeting held on April 10, 2024.

CARRIED

Moved by Councillor Anderson, Seconded by Councillor Pickles,
(64) That the order of the agenda be altered to consider Delegation Items 6.1, 6.2 and 6.5 prior to Presentation Item 5.1.

CARRIED

6. Delegations

6.1 Wendy Bracken, Clarington resident (In Person Attendance), re: 2024 Annual Climate Change Progress Report (2024-COW-12)

Wendy Bracken, Clarington resident, appeared with respect to the 2024 Annual Climate Change Progress Report. Highlights of the delegation included:

- If you're serious about addressing climate change, move away from incineration

- Biogenic emissions are released from burning biomass
- Non-Biogenic emissions are released from burning the fossil fuel-based fraction
- Greenhouse gas emissions (GHG) from the Durham York Energy Center (DYEC) have increased
- GHG Emissions in Report #2024-COW-12 differ from the Durham Environmental Screening Report from December 2021
- 2024-COW-12 doesn't report DYEC biogenic GHG emissions to Council and residents
- The practice of not counting biogenic emissions has been debunked by numerous studies
- Incineration has higher GHG emissions than coal-fired plants
- Request that Council act to get a full DYEC GHG accounting and reporting. Stop spending tax dollars on incineration that hurts our climate, our environment and our health
- Should not consider burning biomass as being carbon neutral
- Waste to energy is responsible for more emissions than all other forms of waste management
- Send the report back for accurate emissions numbers
- Time to phase out incineration
- Incinerators are being closed globally

6.2 Linda Gasser, Whitby resident (In Person Attendance), re: 2024 Annual Climate Change Progress Report (2024-COW-12)

Linda Gasser, Whitby resident, appeared with respect to the 2024 Annual Climate Change Progress Report. Highlights of the delegation included:

- DYEC's impact on Durham's Corporate GHG emissions should have the same details reported annually as shown in Figure 2 from Report #2021-A-3
- Why does Report 2024-COW-12 chart depict DYEC's non-biogenic GHGs as relatively constant when the National Pollution Release Inventory (NPRI) shows increasing non-biogenic reported emissions through to 2021
- Ask why GHG's are increasing with relatively stable waste tonnage
- DYEC's total GHG emissions should be reported to Regional Council, as they are to the Ontario government
- Need traceable accounting of all GHG data reported
- Investing in Transit should be a Council priority to reduce GHGs, and address affordability/accessibility crises and improve air quality
- Successive Councils have not taken consistent and meaningful actions to reduce Durham's GHGs

6.5 Lisa-Marie Wilson, Women of Ontario Say No (Virtual Attendance), re: Legislation to Stop Harassment and Abuse by Local Leaders

Lisa-Marie Wilson, Women of Ontario Say No, participating virtually, appeared with regards to legislation to stop harassment and abuse by local leaders. Highlights of the delegation included:

- The lack of tools in the Municipal Act for holding councillors accountable for workplace harassment
- Asking the government to introduce legislation in-line with the call from the Association of Municipalities of Ontario (AMO) on March 27, 2023, before the summer break 2024
- The AMO recommendations:
 - Update Codes of Conduct to account for workplace safety and harassment;
 - Create a flexible administrative penalty regime, adapted to the local financial circumstances of the municipality;
 - Increase Integrity Commissioner (IC) training to enhance consistency of investigations and recommendations across the province;
 - Allow municipalities to apply to a member of the judiciary to remove a sitting member if recommended through an IC report; and
 - Prohibit a member so removed from sitting for election in the term of removal and the subsequent term of office
- The Women of Ontario Say No are calling on municipalities to support government allocation of resources to prioritize this before summer recess

L-M. Wilson stated that this is a non-partisan advocacy effort and added that in workplaces in Ontario, employees are held accountable through violence in the workplace and harassment policies, while elected representatives can perpetrate harassment and retain their positions.

L-M. Wilson responded to questions from members of Council.

5. Presentations

5.1 Ian McVey, Manager, Sustainability re: December 2023 Ontario Energy Board (OEB) Enbridge Gas Inc. decision and Proposed Amendments to the Ontario Energy Board Act (2024-A-7) [Item #8.1]

Ian McVey, Manager, Sustainability provided a presentation regarding the December 2023 Ontario Energy Board (OEB) Enbridge Gas Inc. decision and Proposed Amendments to the Ontario Energy Board Act. Highlights of the presentation included:

- Natural gas use in buildings is a major source of climate warming pollution in Durham Region
- Energy Transition is underway – driven by climate policy at all levels of government
- The future of natural gas in Ontario?
- Enbridge rate re-basing application
- OEB decision summary
- But what about RNG or hydrogen?
- Staff analysis of OEB’s Enbridge decision

6. Delegations

6.1 Wendy Bracken, Clarington resident re: 2024 Annual Climate Change Progress Report (2024-COW-12)

Wendy Bracken, Clarington resident, appeared earlier in the meeting with respect to the 2024 Annual Climate Change Progress Report. See Item 6.1 on Pages 3 and 4.

6.2 Linda Gasser, Whitby resident re: 2024 Annual Climate Change Progress Report (2024-COW-12)

Linda Gasser, Whitby resident, appeared earlier in the meeting with respect to the 2024 Annual Climate Change Progress Report. See Item 6.2 on Page 4.

6.3 Keith Brooks, Programs Director, Environmental Defense (Virtual Attendance), re: December 2023 Ontario Energy Board (OEB) Enbridge Gas Inc. decision and proposed amendments to the Ontario Energy Board Act (2024-A-7) [Item #8.1]

Keith Brooks, Programs Director, Environmental Defense, participating virtually, appeared with respect to the December 2023 Ontario Energy Board (OEB) Enbridge Gas Inc. decision and proposed amendments to the Ontario Energy Board Act (2024-A-7). Highlights of the delegation included:

- OEB decision was a good decision and should stand
- Encourage Council to pass a motion in support of the OEB
- Bill 165 is troubling and undermines decision making power of an independent regulator. Will lead to increased costs for existing gas users, increase home costs and increase GHG emissions in Ontario
- Subsidy would increase Enbridge’s profits. Getting rid of subsidy would not pass higher costs to home buyers
- OEB decision is important as the province is trying to build many new homes, if they were all connected with gas, it would result in increased GHG emissions
- The OEB Decision does not stop use of gas – just changes incentives for new homes

- Join other municipalities passing motions in support of the OEB
- Energy transition is happening, and new technology is available. Heat pumps are superior technology and are less costly to operate

6.4 Devanshi Kukadia, Communications Manager, Clean Air Partnership re: December 2023 Ontario Energy Board (OEB) Enbridge Gas Inc. decision and proposed amendments to the Ontario Energy Board Act (2024-A-7) [Item #8.1]

Devanshi Kukadia was unable to appear.

6.5 Lisa-Marie Wilson re: Women of Ontario Say No

Lisa-Marie Wilson appeared earlier in the meeting with respect to legislation to stop harassment and abuse by local leaders. See Item 6.5 on Page 5.

6.6 Christine Drimmie, Whitby resident, (In-Person Attendance) re: December 2023 Ontario Energy Board (OEB) Enbridge Gas Inc. decision and proposed amendments to the Ontario Energy Board Act (2024-A-7) [Item #8.1]

Christine Drimmie, Whitby resident, appeared with respect to the December 2023 Ontario Energy Board (OEB) Enbridge Gas Inc. decision and proposed amendments to the Ontario Energy Board Act (2024-A-7). Highlights of the delegation included:

- Many households are making efforts to reduce fossil fuel consumption
- Appreciate Durham's commitment to climate change by declaring a climate emergency
- Thank staff for the Report, which is a concise, digestible summary of a long process
- The OEB is a provincial regulatory body whose principal goal is protection
- The environmental cost and benefits were not discussed but, are recognized
- It is not rational to have an over-built under-utilized gas system in the face of an energy transition
- The OEB is proposing that growth pays for growth
- With Bill 185 the government is undermining expert panels
- The province claims that Bill 185 is about affordability but for whom?
- Full electric households would enjoy long term, lower energy costs
- Urge Council to support the OEB decision for sound economic and environmental reasons
- Can streamline servicing requirements in new areas
- Prevent higher costs for existing gas users
- Have better, cheaper electrical options
- Supporting the OEB decision will help the Region reach climate goals

- 6.7 Alyssa Scanga, Youth Organizer, Climate Justice Durham (Virtual Attendance) re: December 2023 Ontario Energy Board (OEB) Enbridge Gas Inc. decision and proposed amendments to the Ontario Energy Board Act (2024-A-7) [Item #8.1]

Alyssa Scanga, Youth Organizer, Climate Justice Durham, participating virtually, appeared with respect to December 2023 Ontario Energy Board (OEB) Enbridge Gas Inc. decision and proposed amendments to the Ontario Energy Board Act (2024-A-7). Highlights of the delegation included:

- Ask Council to support the OEB decision
- Made after more than a year of extensive public hearing process
- Gas connections are not consistent with climate plans and create stranded assets
- There is a net zero energy transition happening in Canada
- Enbridge is the only one who wins with this scenario
- The impacts of the climate crisis and housing affordability are already happening in our community
- There is an issue of inter-generational justice – leaving behind stranded assets and high energy costs

7. Communications

- CC 10 Correspondence from Alexander Harras, Director of Legislative Services and Regional Clerk re: Joint Nomination of a Candidate to the CTC Source Protection Committee

Moved by Councillor Lee, Seconded by Councillor Pickles,
(65) That Tavis Nimmo, Manager of Water Resource Monitoring & Protection, be nominated to the CTC Source Protection Committee.

CARRIED

- CC 11 Memorandum dated April 24, 2024 from Nancy Taylor, Commissioner of Finance re: Administrative Updates to Regional Surety Bond Acceptance Policy

Moved by Councillor Brenner, Seconded by Councillor Foster,
(66) A) That Council adopt the proposed policy revisions to the Surety Bond Acceptance Policy as outlined in the Memorandum to Council dated April 24, 2024 from the Commissioner of Finance and Treasurer; and
B) That Council delegate authority to the Commissioner of Finance and Treasurer to make further updates to the Surety Bond Acceptance Policy as required.

CARRIED

8. Reports related to Delegations/Presentations

1. December 2023 Ontario Energy Board (OEB) Enbridge Gas Inc. decision and Proposed Amendments to the Ontario Energy Board Act (2024-A-7)
[CARRIED]

Moved by Councillor Foster, Seconded by Councillor Woo,
(67) That staff be directed to participate in any generic Ontario Energy Board (OEB) hearings related to the energy transition pending the adoption of the proposed legislative amendments.

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

Moved by Councillor Barton, Seconded by Councillor Ashe,
(68) That the main motion (67) of Councillors Foster and Woo be amended so that Report #2024-A-7 is Received for Information.

MOTION DEFEATED
ON THE FOLLOWING RECORDED VOTE:

Yes

Councillor Ashe
Councillor Barton
Councillor Collier
Councillor Garrod
Councillor Jubb
Councillor Roy
Councillor Shahid
Councillor Yamada

No

Councillor Anderson
Councillor Brenner
Councillor Crawford
Councillor Dies
Councillor Foster
Councillor Kerr
Councillor Leahy
Councillor Lee
Councillor Mulcahy
Councillor Nicholson
Councillor Pickles
Councillor Schummer
Councillor Woo
Councillor Wotten
Regional Chair Henry

Members Absent: Councillor Carter
Councillor Chapman
Councillor Cook
Councillor Marimpietri
Councillor McDougall
Councillor Neal

Declarations of Interest: None

The main motion (67) of Councillors Foster and Woo was then put to a vote and CARRIED ON THE FOLLOWING RECORDED VOTE:

Yes

Councillor Anderson
Councillor Crawford
Councillor Dies
Councillor Foster
Councillor Kerr
Councillor Leahy
Councillor Lee
Councillor Mulcahy
Councillor Pickles
Councillor Roy
Councillor Schummer
Councillor Shahid
Councillor Woo
Councillor Wotten
Regional Chair Henry

No

Councillor Ashe
Councillor Barton
Councillor Brenner
Councillor Carter
Councillor Chapman
Councillor Collier
Councillor Garrod
Councillor Jubb
Councillor Nicholson

Members Absent: Councillor Cook
Councillor Marimpietri
Councillor McDougall
Councillor Neal
Councillor Yamada

Declarations of Interest: None

Moved by Councillor Lee, Seconded by Councillor Carter,
(69) That Council recess for 15 minutes.

CARRIED

Council recessed at 10:56 AM and reconvened at 11:15 AM.

A roll call was conducted following the recess and all members of Council were present with the exception of Councillors Cook, Jubb, Marimpietri, McDougall and Neal.

At this point in the meeting, Councillor Ashe made a declaration of interest under the Municipal Conflict of Interest Act with respect to Item 9.1 Report #2024-A-6: Confidential Report of the Commissioner of Corporate Services – Labour Relations/Employee Negotiations with respect to CUPE, Local 1785. He indicated that his son works for the Works Department.

9. Committee Reports and any related Notice of Motions

9.1 Report of the Finance and Administration Committee

1. Prudent Investor: Adoption with ONE Joint Investment Board & Investment Policy Update (2024-F-6)
[CARRIED]
 - A) That the proposed Investment Policy Statement, attached to the Prudent Investor Enabling By-law, be approved;
 - B) That the Commissioner of Finance/Treasurer be authorized to execute the ONE Joint Investment Board Agreement, attached to Prudent Investor Enabling By-law, subject to the final form and content being to the satisfaction of the Commissioner of Finance/Treasurer and the Regional Solicitor;
 - C) That the draft Investment Plan (“IP”) attached to Report #2024-F-6 of the Commissioner of Finance be received for information; and
 - D) That the Prudent Investor Enabling By-law be enacted to authorize investing under the Prudent Investor standard as required by Ontario Regulation 438/97 and authorize execution of the ONE Joint Investment Board Agreement delegating control and management of the Region’s money not required immediately to the ONE Joint Investment Board.
2. The Regional Municipality of Durham 2023 Accessibility (2024-A-4)
[CARRIED]

That the Regional Municipality of Durham 2023 Accessibility Report as contained in Attachment #1 to Report #2024-A-4 of the Chief Administrative Officer be received for information.
3. Redacting Public Records Policy (2024-A-5)
[CARRIED]

That the Redacting Online Public Records Policy generally in the form included as Attachment #1 to Report #2024-A-5 of the Commissioner of Corporate Services, be approved.
4. Region of Durham Water Financial Plan #003-301A (2024-F-7)
[CARRIED]

- A) That in accordance with Provincial Regulation 453/07, the Water Financial Plan (Provincial #003-301A) as provided in Appendix #1 of Report #2024-F-7 of the Commissioner of Finance, which has been prepared in the Public Sector Accounting Standards format employing tangible capital asset methodology, be approved;
 - B) That a copy of the Water Financial Plan and Council Resolution approving the plan be submitted to the Ministry of Municipal Affairs and Housing as prescribed by Ontario Regulation 453/07 under the Safe Drinking Water Act, 2002 which requires owners of municipal drinking water systems to submit a Water Financial Plan to the Province in order to obtain or maintain a Municipal Drinking Water Licence; and
 - C) That notification be placed on the Region's website and on the Public Notification section of the Metroland website to advise the public of the availability of Durham's Water Financial Plan, as prescribed by Ontario Regulation 453/07.
5. Sole Source Approval of Standing Agreements for the Purchase of Proprietary Durham Region Transit Bus Parts, Farebox and Associated Parts, and Extended System Warranty and Support for the GFI Fare Collection System (2024-F-8)
[CARRIED]
- A) That a three-year extension from July 1, 2024 to June 30, 2027 to the existing standing agreement with New Flyer Industries and Prevost (Nova Bus) to continue the sole source purchases of proprietary bus parts at an estimated annual cost of \$700,000 for New Flyer Industries, and \$300,000 for Prevost, to be funded from the annual Durham Region Transit Business Plans and Budget be approved;
 - B) That a three-year extension from July 1, 2024 to June 30, 2027 to the existing standing agreement with Garival to continue to sole source the purchase, repairs, required proprietary parts and equipment for fareboxes at an estimated annual cost of \$75,000, to be funded from the annual Durham Region Transit Business Plans and Budget be approved;
 - C) That a three-year extension from July 1, 2024 to June 30, 2027 to the existing standing agreement with Garival Inc. to continue to sole source for system warranty and support for the GFI system at an estimated annual cost of \$50,700, to be funded from the annual Durham Region Transit Business Plans and Budget be approved; and
 - D) That the Commissioner of Finance be authorized to execute the necessary agreements.

6. Confidential Report of the Commissioner of Corporate Services – Labour Relations/Employee Negotiations with respect to CUPE, Local 1785
(2024-A-6)

[CARRIED ON A RECORDED VOTE]

That the recommendations contained in Confidential Report #2024-A-6 of the Commissioner of Corporate Services be adopted.

Moved by Councillor Leahy, Seconded by Councillor Garrod,

- (70) That the recommendations contained in Items 1 to 5 inclusive of Report #3 of the Finance and Administration Committee be adopted.

CARRIED

Moved by Councillor Leahy, Seconded by Councillor Garrod,

- (71) That the recommendation contained in Item 6 of Report #3 of the Finance and Administration Committee be adopted.

CARRIED ON THE FOLLOWING RECORDED
VOTE:

Yes

No

Councillor Anderson

None

Councillor Barton

Councillor Brenner

Councillor Carter

Councillor Chapman

Councillor Collier

Councillor Crawford

Councillor Dies

Councillor Foster

Councillor Garrod

Councillor Kerr

Councillor Leahy

Councillor Lee

Councillor Mulcahy

Councillor Nicholson

Councillor Pickles

Councillor Roy

Councillor Schummer

Councillor Shahid

Councillor Woo

Councillor Wotten

Councillor Yamada

Regional Chair Henry

Members Absent: Councillor Cook
Councillor Jubb

Councillor Marimpietri
Councillor McDougall
Councillor Neal

Declarations of Interest: Councillor Ashe

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

1. Region of Durham Community Security and Clean-up Policy (2024-SS-3)
[CARRIED ON A RECORDED VOTE]

- A) That Regional Council endorse the Community Security and Clean-up Policy (Attachment #1 to Report #2024-SS-3 of the Commissioner of Social Services); and
- B) That in those limited areas where there is demonstrated need for additional services and supports for vulnerable populations, staff be instructed to meet with local officials to discuss area-specific requirements, should the need arise, and to report to Council on the outcomes of such discussions.

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

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

Moved by Councillor Yamada, Seconded by Councillor Nicholson,
(73) That the main motion (72) of Councillors Roy and Dies be amended by adding the following as a new Part C):

- C) That 100% of the costs be borne by the Region of Durham with a cap of up to \$400,000.

MOTION DEFEATED ON THE FOLLOWING
RECORDED VOTE:

Yes

Councillor Anderson
Councillor Collier
Councillor Leahy
Councillor Mulcahy
Councillor Shahid
Councillor Yamada

No

Councillor Ashe
Councillor Barton
Councillor Brenner
Councillor Carter
Councillor Chapman
Councillor Crawford
Councillor Dies
Councillor Foster
Councillor Garrod

Councillor Kerr
Councillor Lee
Councillor Nicholson
Councillor Pickles
Councillor Roy
Councillor Schummer
Councillor Woo
Councillor Wotten
Regional Chair Henry

Members Absent: Councillor Cook
Councillor Jubb
Councillor Marimpietri
Councillor McDougall
Councillor Neal

Declarations of Interest: None

The main motion (72) of Councillors Roy and Dies was then put to a vote and
CARRIED ON THE FOLLOWING RECORDED VOTE:

Yes
Councillor Anderson
Councillor Ashe
Councillor Barton
Councillor Brenner
Councillor Carter
Councillor Chapman
Councillor Collier
Councillor Crawford
Councillor Dies
Councillor Foster
Councillor Garrod
Councillor Kerr
Councillor Leahy
Councillor Lee
Councillor Mulcahy
Councillor Pickles
Councillor Roy
Councillor Shahid
Councillor Woo
Councillor Wotten
Regional Chair Henry

No
Councillor Nicholson
Councillor Schummer
Councillor Yamada

Members Absent: Councillor Cook
Councillor Jubb

Councillor Marimpietri
Councillor McDougall
Councillor Neal

Declarations of Interest: None

9.3 Report of the Planning and Economic Development Committee

1. Application to Amend the Durham Official Plan, submitted by Clark Consulting Services, on behalf of Thornlea Holsteins Ltd., to permit the severance of a farm dwelling rendered surplus as a result of the consolidation of non-abutting farm properties, in the Municipality of Clarington, File: OPA 2023-002 (Regional Official Plan Amendment #198 (2024-P-8))
-

[CARRIED]

- A) That Amendment #198 to the Durham Regional Official Plan, to permit the severance of a dwelling rendered surplus as a result of the consolidation of nonabutting farm parcels, be adopted as contained in Attachment #3 to Report #2024-P-8 of the Commissioner of Planning and Economic Development;
- B) That “Notice of Adoption” be sent to the applicant, the applicant’s agent, the Municipality of Clarington, the Ministry of Municipal Affairs and Housing and all other person or public bodies who requested notification of this decision; and
- C) That the Minister of Municipal Affairs and Housing be requested to modify the Council adopted Durham Regional Official Plan as shown on Attachment 4 to Report #2024-P-8 so that the approvals granted by Regional Council through Amendment #198 are carried forward and properly reflected in the Region’s new Official Plan which is currently pending approval by the Minister.

2. Re-Nomination to the Board of Directors of the Greater Toronto Airports Authority (2024-P-9)
-

[CARRIED]

- A) That Mr. Johan van ‘t Hof be re-nominated to the Greater Toronto Airports Authority (GTAA) Board of Directors as Durham Region’s municipal representative for a term ending on October 17, 2026; and and
- B) That a copy of Report #2024-P-9 of the Commissioner of Planning and Economic Development be forwarded to the GTAA.

3. Durham Active Transportation Committee Resolution regarding June Bike Month
[CARRIED]

Whereas June is Bike Month;

And whereas Durham Regional Planning Staff have organized numerous bike friendly activities annually for over a decade to educate residents about cycling safety, promote the benefits of cycling, and encourage residents to bike more by participating in Bike Month throughout the month of June; and

And whereas the Durham Active Transportation Committee fully supports the Region's planned Bike Month activities.

Now therefore be it resolved that the Durham Active Transportation Committee request Regional Council's support of the planned Regional Bike Month activities and proclaim the month of June as Bike Month in the Region of Durham.

4. Durham Agricultural Advisory Committee Resolution regarding Stormwater Management Fees
[CARRIED]

Whereas Stormwater Management fees are intended for urban infrastructure needs and flood prevention, the Durham Agricultural Advisory Committee (DAAC) believes that bona fide farmers on agricultural properties should be exempt from paying Stormwater Management fees in the Region of Durham; and, that this resolution be circulated to Durham's area municipalities for their information.

Moved by Councillor Chapman, Seconded by Councillor Pickles,
(74) That the recommendations contained in Items 1 to 4 inclusive of Report #4 of the Planning and Economic Development Committee be adopted.

CARRIED

9.4 Report of the Works Committee

1. Sole Source of Promotion and Education Services to be Provided by The Regional Municipality of Durham for Circular Materials Ontario for the Blue Box Program under Extended Producer Responsibility (2024-WR-3)
[CARRIED]

A) That staff be authorized to negotiate a sole source agreement with Circular Materials Ontario, for the Regional Municipality of Durham to provide promotion and education services for the Blue Box program for an initial term of eighteen months, from July 1, 2024, to December 31, 2025, with the option to extend the agreement for three additional one-

year periods, for an estimated revenue of \$159,000 for the initial contract term and \$480,000 over the full term; and

- B) That the Commissioner of Finance be authorized to execute the necessary documents for the negotiated agreement.

2. Proposed Automated Cart-Based Garbage Collection Pilot Project (2024-WR-4)

[CARRIED]

- A) That Regional Council direct staff to implement a one-year pilot project to assess the impacts of an automated cart-based residential garbage collection pilot project;
- B) That staff be authorized to procure the necessary carts that are compatible with the automated collection vehicle to be used in the proposed pilot project from Miller Waste at a cost not to exceed \$49,500;
- C) That the estimated cost of \$50,000 for this pilot project be financed from within the 2024 Waste Management Business Plans and Budget; and
- D) That staff be required to report back to Regional Council on the results and recommended next steps for the project.

3. Declaration of Lands as Surplus and Approval to Transfer the Surplus Lands to the Hamilton-Oshawa Port Authority's wholly owned subsidiary Great Lakes Port Management Inc. (2024-W-9)

[CARRIED]

- A) That Part of Lot 5, Broken Front Concession, in the Geographic Township of East Whitby, now in the City of Oshawa, in the Regional Municipality of Durham, identified as part of the PIN 16378-0001 (LT) and described further as Part 1 on Reference Plan 40R-32006 (the Lands) be declared as surplus to Regional Municipality of Durham requirements;
- B) That sections 3 and 4 (1) of Regional By-law #52-95 be waived to facilitate the land transfer from the Regional Municipality of Durham to Great Lakes Port Management Inc.;
- C) That Regional staff be authorized to transfer the Lands to Great Lakes Port Management Inc., a wholly owned subsidiary of the Hamilton Oshawa Port Authority (HOPA), for a compensation amount of \$433,000;

- D) That the transfer authorized by Recommendation C) in Report #2024-W-9 of the Acting Commissioner of Works be subject to the following being registered on title to the Lands:
 - i. Easements for the landowner, McAsphalt Industries Limited, of the adjacent properties at 1221 Farewell Street and 1241 Farewell Street for access to the Lands; and
 - ii. Easements for municipal services and existing utilities/services provided by Bell Canada, Enbridge Gas, Oshawa Power and Utilities Commission, and the Regional Municipality of Durham for access, maintenance, and repairs;
 - E) That authority be granted to the Commissioner of Works to execute all documents associated with this land transfer;
 - F) That the Regional Road By-law #22-2018 be amended to remove the Lands from the by-law, and that Regional staff prepare the required amending bylaw and present it to Regional Council for passage to give effect thereto;
 - G) That Regional Council pass a stop-up and close by-law with the consent of HOPA being obtained pursuant to Section 34(2) (b) of the Municipal Act, 2001, to permit the transfer of the Lands per the requirements under the Municipal Act. The draft bylaw is attached as Attachment #3 to Report #2024-W-9; and
 - H) That a copy of Report #2024-W-9 be provided to the City of Oshawa and Hamilton Oshawa Port Authority for information.
4. Tender Award and Additional Financing for Regional Municipality of Durham Contract #D2023-24 for the Stage 3 Liquids and Miscellaneous Remedial Works at the Duffin Creek Water Pollution Control Plant in the City of Pickering (2024-W-11)
[CARRIED]
- A) That the lowest compliant bid of Kenaidan Contracting Ltd., in the amount of \$45,388,258*, be awarded for Regional Municipality of Durham Contract #D2023-24 for the Stage 3 Liquids and Miscellaneous Remedial Works at the Duffin Creek Water Pollution Control Plant in the City of Pickering, for a total project cost of \$68,557,350;
 - B) That the previously approved project budget of \$55,000,000 for Regional Municipality of Durham Contract #D2023-24 be increased by \$13,557,350 to a revised total project budget of \$68,557,350;

- C) That the additional financing of \$2,711,470, representing Durham Region's 20 per cent share, be provided from the following sources:

Previously Approved Financing

Sanitary Sewer Capital Budget - Duffin Creek Water Pollution Control Plant

(Project ID: Y2001):

User Rate	\$11,000,000
York Region Financing	30,800,000
York Capital Asset Share	<u>\$13,200,000</u>
Total Approved Financing	\$55,000,000

Additional Financing

2024 Sanitary Sewerage Budget
 Item No.24, Sanitary Sewerage Works to Rectify Identified System Deficiencies (Project ID: M2499)

User Rate	\$425,623
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2024 Sanitary Sewerage Budget

Item #35 Replacement of sanitary sewer on Mary Street from Rossland Rd to Robert Street., Oshawa (Project ID: O2202)

User Rate	\$321,400
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Item #46 Replacement of sanitary sewer on Roselawn Avenue and Bickle Drive, Oshawa (Project ID: O2305)

User Rate	\$1,700,000
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Corbett Creek Water Pollution Control Plant Emergency Digester (Project ID: D1932)

User Rate	264,447
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Durham Region Additional Financing	\$2,711,470
------------------------------------	-------------

York Region Additional Financing	<u>\$10,845,880</u>
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Total Additional Financing \$13,557,350

Total Revised Project Financing \$68,557,350

- D) That a copy of Report #2024-W-11 of the Acting Commissioner of Works be provided to York Region.
(*) before applicable taxes

5. Sole Source Procurement of Equipment, Maintenance Service and Parts for Equipment Installed at Various Water and Wastewater Facilities throughout the Regional Municipality of Durham (2024-W-12)
[CARRIED]

- A) That staff be authorized to negotiate and award sole source agreements in 2024 for the unanticipated or end of life replacement of existing equipment installed at various Water and Wastewater Facilities throughout the Regional Municipality of Durham, but not for new construction or new installations, where using a different manufacturer would require significant structural, electrical, mechanical, communication, instrumentation and other modifications;
- B) That financing for the sole source agreements be provided from the approved annual Water Supply Operating Budget;
- C) That staff be authorized to negotiate and award sole source agreements for maintenance service and parts supply for the existing equipment installed as components of various water facilities throughout the Regional Municipality of Durham, with terms not to exceed five years;
- D) That financing for the sole source maintenance service and/or parts supply agreements be provided from the approved annual Water Supply Operating Budget at an estimated annual cost of \$2,550,000;
- E) That the negotiated sole source agreements be awarded as follows:

Authorized Supplier	Manufacturer	Estimated Annual Costs (excluding HST)
Syntec	Fontaine; Tideflex; Netzsch; Trueline; Val-Matic; Red Valve; Singer	\$250,000
Westburne	Allen Bradley	\$100,000
Benshaw	Benshaw	\$100,000
Cutler-Hammer / Eaton	Cutler-Hammer / Eaton	\$250,000
SCG Process	ProMinent; De Nora	\$125,000
Bisan	Watson-Marlow	\$100,000
Vissers Sales	Pulsafeeder	\$100,000
Evoqua	Wallace & Tiernan	\$250,000
SPD Sales	MSA	\$100,000
Lakeside Process Controls	Emerson; Fisher Control; Rosemount	\$100,000
Endress+Hauser	Endress+Hauser	\$100,000
ACG-Envirocan	KROHNE	\$100,000
Franklin Empire	Siemens	\$100,000
Rotork	Rotork	\$150,000
Troy-Ontor	AUMA	\$150,000
H2Flow	Trojan Technologies	\$275,000
Hach Canada Sales and Service	Hach Canada Sales and Service	\$100,000
Flowpoint Systems	Flowpoint	\$100,000
-	TOTAL	\$2,550,000*

F) That the Commissioner of Finance be authorized to execute the necessary maintenance service and parts supply agreements.

6. Additional Financing for the Award of Request for Proposal #1088-2023 for Engineering Services for Ajax Zone 1 Water Storage Facility, Harwood Avenue Water Pumping Station - modifications to maximize water supply availability from Whitby-Oshawa-Courtice System and the potential for additional onsite storage for the pumping station to manage transient pressures in the Town of Ajax (2024-W-13)
 [CARRIED]

That financing for Engineering Services for the Ajax Zone 1 Water Storage Facility, Harwood Avenue Water Pumping Station modification project, in the Town of Ajax be provided from the approved project budget and the reallocation of funds as follows:

Previously Approved Funding Zone 1 Water Storage Facility
 (Project ID: D1911)

Residential Development Charges	\$1,812,000
Commercial Development Charges	\$52,400
Industrial Development Charges	\$45,600
User Revenue	\$90,000
Total Approved Financing	\$2,000,000

Reallocation of funding from the following source:

Zone 3 feedermain on Garrard Rd. from north of the Mid-Block Arterial to Winchester Rd., Whitby (Region's Share) (Project ID: D2409)

Residential Development Charges	\$2,870,600
Commercial Development Charges	\$89,900
Industrial Development Charges	\$117,800
User Revenue	<u>\$21,700</u>

Total Additional Financing \$3,100,000

Total Revised Project Financing \$5,100,000

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

CARRIED

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

1. 2024 Annual Climate Change Progress Report (2024-COW-12)
 [CARRIED]

- A) That Regional Council receive this 2024 Climate Change Progress Report for information; and
 - B) That a copy of Report #2024-COW-12 of the Chief Administrative Officer be sent to all Durham MPs and MPPs, local area municipalities, Conservation Authorities, and local energy utilities, for their information and consideration.
2. Sole Source Procurement for the Economic Study to undertake the analysis necessary to prepare the Region of Durham for the future prescribed Bill 131 Background Study (2024-COW-13)
[CARRIED]
- A) That a sole source contract for the preparation of an Economic Study to explore using the new Station Contribution Charge through the GO Transit Station Funding Act, 2023, to deliver four new GO stations along the Lakeshore East GO Extension to Bowmanville, which will build on the work completed for the Region's Station Implementation Strategy by N. Barry Lyon Consultants (NBLC), be awarded to a consultant team led by NBLC and including Watson & Associates Economists Limited, with an upset limit of \$285,000, to be financed through the approved 2024 Transit Oriented Development Division budget or at the discretion of the Commissioner of Finance; and
 - B) That the Commissioner of Finance be authorized to execute the necessary documents related to the contract.
3. The Region of Durham's response to the Ontario Regulatory Registry posting related to the "Proposal to create regulation to support implementation of the GO Transit Station Funding Act, 2023" (2024-COW-14)
[CARRIED]
- A) That the letter from Regional staff to the Ministry of Infrastructure as contained in Attachment 2 of Report #2024-COW-14 of the Commissioners of Finance and Planning and Economic Development, be endorsed as the Region of Durham's response to Ontario's Regulatory Registry post regarding the proposal to create regulation to support the implementation of the GO Transit Station Funding Act, 2023; and
 - B) That a copy of Report #2024-COW-14 and Council resolution be sent to all area municipalities within the Region of Durham.
4. Recommendations for Eligible Projects Under the At Home Incentive Program for Affordable Housing (2024-COW-15)
[CARRIED]

- A) That Otter Creek Co-operative Homes Inc. located at 835 McQuay Boulevard in the Town of Whitby be supported through a re-allocation of the 2023 At Home Incentive Program funding in the amount of \$2,500,000 (or \$138,889 per affordable rental unit) to support the construction of 18 deeply affordable housing units which have been approved for funding under federal and provincial affordable housing programs and require additional funds from the Region due to construction cost escalation (Attachment #1 to Report #2024-COW-15);
- B) That the existing Municipal Housing Contribution Agreement with Otter Creek Co-operative Homes Inc. be amended to reflect the Municipal Capital Housing Facilities Bylaw requirements, and additional funding, and that the funding be advanced based on the following key construction milestones:
 - i) 50 per cent at the signing of the revised Municipal Housing Contribution Agreement and registration of security;
 - ii) 40 per cent at confirmation of fully enclosed building; and
 - iii) 10 per cent at confirmation of occupancy;
- C) That following affordable rental housing projects and allocations be approved under the At Home Incentive Program (AHIP):
 - i) Ledim Developments located at 310 Kingston Road East in the Town of Ajax in the amount of \$5,000,000 (or \$64,103 per affordable rental unit) to support the development and construction of 78 units of affordable rental housing in the Town of Ajax (Attachment #2 to Report #2024-COW-15) from the 2023 AHIP funds;
 - ii) Kindred Works located at 15-23 Main Street in the Township of Uxbridge in the amount of \$2,750,000 (or \$110,000 per affordable rental unit) to support the development and construction of 25 units of affordable rental housing (Attachment #3 to Report #2024-COW-15) from the 2024 AHIP funds;
- D) That financing for the projects listed in Recommendation C) be provided from the At Home Incentive Program Reserve Fund (AHIPRF) and advanced based on the following key construction milestones:
 - i) 50 per cent at the signing of the Municipal Capital Housing Facilities and Contribution Agreement and registration of security;
 - ii) 40 per cent at confirmation of fully enclosed building; and

- iii) 10 per cent at confirmation of occupancy;
 - E) That the Region enter into a Municipal Capital Housing Facilities and Contribution Agreement with each of the recommended parties, at the appropriate time, to:
 - i) maintain affordable rents for the specified affordability period;
 - ii) continue to use the eligibility requirements for tenants;
 - iii) to enable the use of capital grants for eligible purpose-built affordable rental housing projects; and
 - iv) provide accountability and reporting requirements; and
 - F) That the Regional Solicitor be directed to prepare the necessary by-laws and any amendments required to the AHIP Reserve Fund By-law.
5. Request for Funding from Kawartha Conservation Authority for the Acquisition of Land in the Township of Scugog (PT LT 19 Con 14, Reach; parts 2, 3, and 5, Plan 40R32476) (2024-COW-16)
[CARRIED]
- A) That in response to the request for funding from Kawartha Conservation Authority, that funding in the amount of \$3,971, representing 40 per cent of the estimated eligible acquisition costs for approximately 4.92 hectares (12.16 acres) of land located in the Township of Scugog (PT LT 19 Con 14, Reach; parts 2, 3 and 5, Plan 40R32476), be approved and financed from the Region's Land Conservation and Protection Reserve; and
 - B) That the Commissioner of Finance be authorized to adjust the total payment amount to Kawartha Conservation Authority pending a review of the eligibility of final costs incurred pursuant to the Region's Land Acquisition Funding Policy.

Moved by Councillor Shahid, Seconded by Councillor Garrod,
(76) That the recommendations contained in Items 2 to 5 inclusive of Report #3 of the Committee of the Whole be adopted.
CARRIED

Moved by Councillor Shahid, Seconded by Councillor Garrod,
(77) That the recommendations contained in Item 1 of Report #3 of the Committee of the Whole be adopted.
CARRIED

10. Departmental Reports & Other Resolutions

10.1 Call for Nominations to the Federation of Canadian Municipalities (FCM) 2024 Board of Directors
[CARRIED]

Moved by Councillor Roy, Seconded by Councillor Crawford,
(78) Whereas the Federation of Canadian Municipalities (FCM) represents the interests of member municipalities on policy and program matters that fall within federal jurisdiction;

Whereas FCM's Board of Directors is comprised of elected municipal officials from all regions and sizes of communities to form a broad base of support and provide FCM with the united voice required to carry the municipal message to the federal government; and

Whereas FCM's Annual General Meeting (AGM) will be held in conjunction with the Annual Conference and Trade Show, June 6 to 9, 2024, followed by the election of FCM's Board of Directors;

Be it Resolved that Council of The Regional Municipality of Durham endorse Maleeha Shahid to stand for election on FCM's Board of Directors for the period starting in June 2024 and ending June 2025; and

Be it Further Resolved that Council assumes all costs associated with Maleeha Shahid attending FCM's Board of Directors meetings.

CARRIED

10.2 Confidential Report of the Commissioners of Works and Finance, and General Manager of Transit – Proposed or Pending Acquisition or Disposition of Land for Regional Corporation Purposes as it relates to the Future Windfields Farm Transit Terminal (2024-COW-17)
[CARRIED]

Moved by Councillor Anderson, Seconded by Councillor Foster,
(79) That the recommendations contained in Confidential Report #2024-COW-17 from the Commissioners of Works and Finance, and General Manager of Transit be approved.

CARRIED

10.3 Notice Regarding Appointment of Representative to the Canadian National Exhibition Association (CNEA) Membership – 2024/2025 Term
[CARRIED]

Moved by Councillor Chapman, Seconded by Councillor Roy,
(80) That Councillor Shahid be nominated to the Canadian National Exhibition
Association (CNEA) Membership for the 2024/2025 Term.

CARRIED

11. Notice of Motions

There were no notice of motions.

12. Unfinished Business

There was no unfinished business to be considered.

13. Announcements

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

14. By-laws

2024-018 Being a by-law to adopt Amendment #198 to the Durham Regional
Official Plan.

This by-law implements the recommendations contained in Item #1
of the 4th Report of the Planning & Economic Development
Committee presented to Regional Council on April 24, 2024.

2024-019 Being a by-law to amend By-law Number 22-2018 by which the
linear limits of the several roads comprising the Regional Road
system are defined.

This by-law implements the recommendations contained in Item #3
of the 4th Report of the Works Committee presented to Regional
Council on April 24, 2024.

2024-020 Being a by-law to stop up and close as a public highway and to
convey, that portion of Farewell Street (Regional Road 56) legally
described as Part of Lot 5, Broken Front Concession, in the
Geographic Township of East Whitby, now in the City of Oshawa, in
the Regional Municipality of Durham, identified as part of PIN 16378-
0001 (LT) and described further as Part 1 on Reference Plan 40R-
32006 (the Lands).

This by-law implements the recommendations contained in Item #3
of the 4th Report of the Works Committee presented to Regional
Council on April 24, 2024.

- 2024-021 Being a by-law to authorize The Regional Municipality of Durham to invest its money and investments that it does not require immediately in the Prudent Investment Program of ONE Joint Investment Board (“ONE JIB”) pursuant to section 418.1 of the Municipal Act, 2001, to approve various documents, the entering into of specific agreements and the delegation of certain powers and duties.

This by-law implements the recommendations contained in Item #1 of the 3rd Report of the Finance & Administration Committee presented to Regional Council on April 24, 2024.

- 2024-022 Being a by-law to establish a Reserve Fund to be known as the At Home Incentive Program Reserve Fund to assist in the provision of funding for affordable rental housing.

This by-law implements the recommendations contained in Item #1 of the 3rd Report of the Committee of the Whole presented to Regional Council on March 23, 2022.

- 2024-023 Being a by-law to establish a Reserve Fund to be known as the Growth Related Sanitary Sewer Infrastructure Reserve Fund to assist in the provision of Regional sanitary sewer infrastructure.

This by-law implements the recommendations contained in Item #5 of the 9th Report of the Finance & Administration Committee presented to Regional Council on December 20, 2023.

- 2024-024 Being a by-law to establish a Reserve Fund to be known as the Growth Related Water Infrastructure Reserve Fund to assist in the provision of Regional water supply infrastructure.

This by-law implements the recommendations contained in Item #5 of the 9th Report of the Finance & Administration Committee presented to Regional Council on December 20, 2023.

- 2024-025 Being a by-law to establish a Reserve Fund to be known as the Growth Related General Infrastructure (Property Tax) Reserve Fund to assist in the provision of Regional General Infrastructure.

This by-law implements the recommendations contained in Item #5 of the 2nd Report of the Finance & Administration Committee presented to Regional Council on March 27, 2024.

Moved by Councillor Ashe, Seconded by Councillor Barton,
(81) That By-law Numbers 2024-018 to 2024-025 inclusive be passed.

CARRIED

15. Confirming By-law

2024-026 Being a by-law to confirm the proceedings of the Council of The Regional Municipality of Durham at its meeting on the 24th day of April, 2024.

Moved by Councillor Ashe, Seconded by Councillor Barton,
(82) That By-law Number 2024-026 being a by-law to confirm the proceedings of the Council of the Regional Municipality of Durham at their meeting held on April 24, 2024 be passed.

CARRIED

16. Adjournment

Moved by Councillor Wotten, Seconded by Councillor Mulcahy,
(83) That the meeting be adjourned.

CARRIED

The meeting adjourned at 12:24 PM

Respectfully submitted,

John Henry, Regional Chair & CEO

Alexander Harras, Regional Clerk



2023 Safe Driver Awards

May 29, 2024



2023 Safe Driver Awards



2023 Safe Driver Awards

5 Years

- Mark Stone
- Ian Carney
- Matthew Mandzy
- Susan Hawkins
- Darcy Benedet
- Nicolas Jones
- Asif Anwar-Ali
- Virginia Stothers

10 Years

- Kim Anderson
- Ishwar Dass
- Richedean Delapenha
- Ohannes Telian
- Christopher Harper
- Jason Wagg
- George Veljanovski
- Kevin Adams
- Brian Martins
- Walter Waugh
- Krikor Telian
- Ryan Fenton
- Dragan Damcevski
- Edward Foley

2022 Safe Driver Awards – cont'd

15 Years

- Steve Welham
- Haydn Streeter
- William Estruch
- Angela Watt
- Donna Shemmans
- Ian Boyce
- Sherry Kimmerly
- Esther Sluys

20 Years

- Jerry Fudge

25 Years

- Tom Carrier

30 Years

- Wes Matula

Ian Carney

**Safe Driver Award Recipient
5 Years**



Thank You!

Durham Region Transit
605 Rossland Road East
Whitby, Ontario L1N 6A3
Phone: 1-866-247-0055
durhamregiontransit.com



Project Search – Durham Region

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*Electrifying
life*

Ontario Power Generation

Steve Gregoris

Chief Nuclear Officer

Ontario Power Generation



Decarbonizing Ontario's electricity System

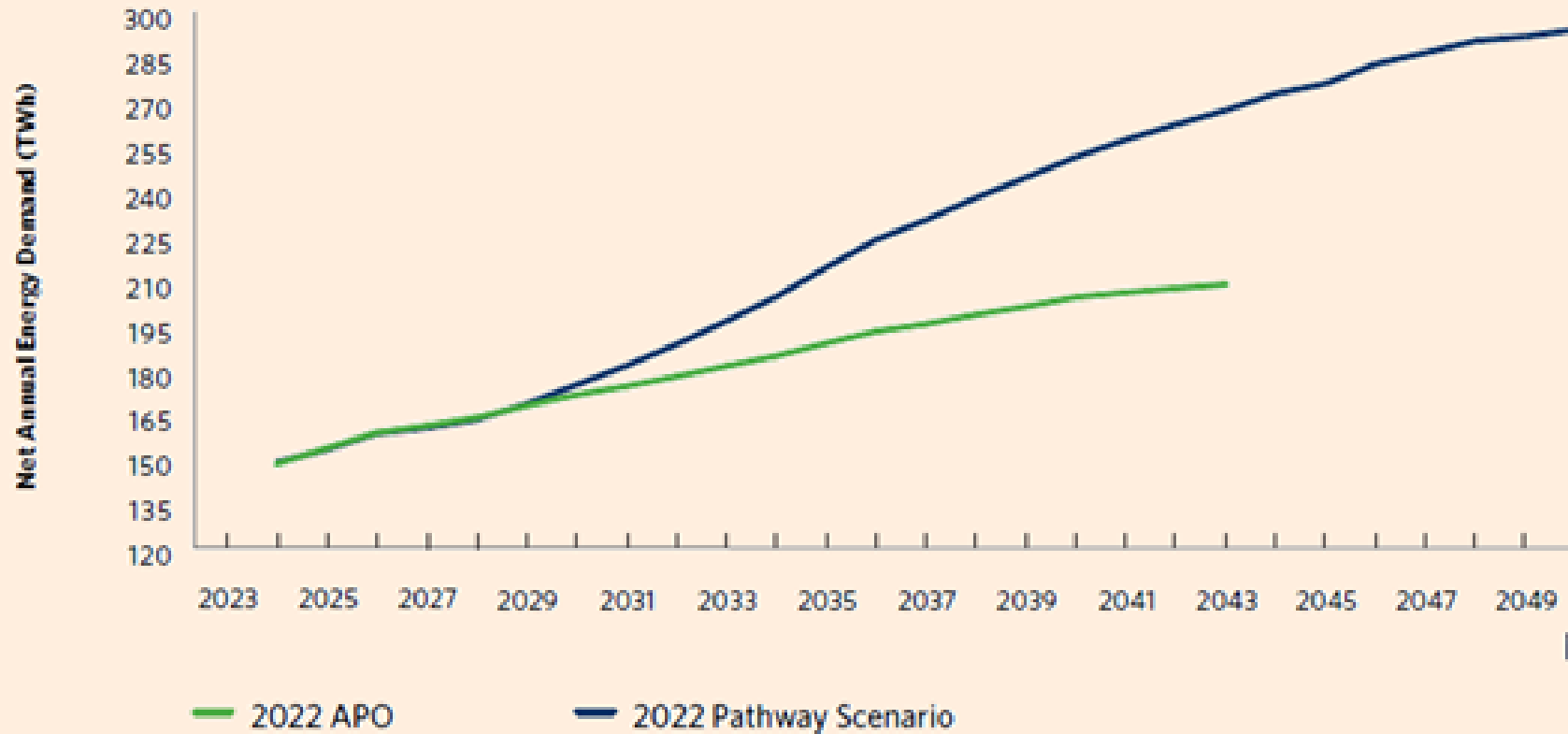
System Capacity Today

42,000
MW

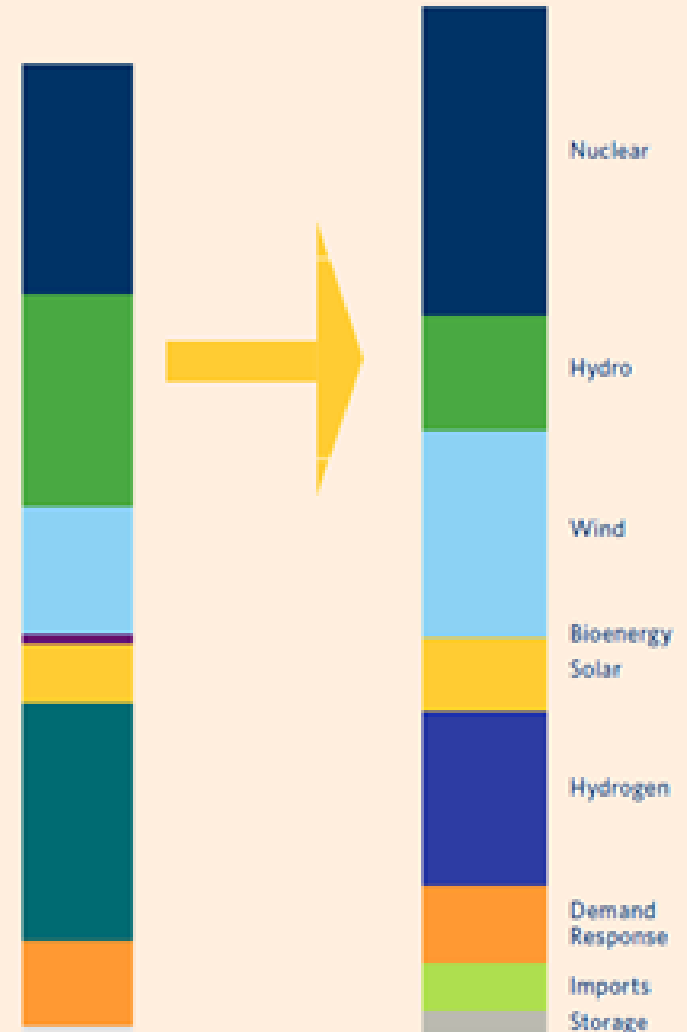
Pathways to Decarbonization
2050 Scenario

88,000
MW

Decarbonizing Energy Demand Forecast



Natural Gas



Darlington Nuclear

- One of the world's top-performing nuclear stations.
- Four-unit station generates 3,512 megawatts.
- 20% of Ontario's electricity or enough power for about 2 million homes.
- Gold Level certification from the Wildlife Habitat Council (WHC).
- Recognized for performing to exceptionally high levels of safety, operational performance and equipment reliability by the World Association of Nuclear Operators (WANO).
- Only site in Canada licensed for new nuclear build with completed and accepted environmental assessment.

Isotope Production

The unique design of Darlington's CANDU reactors allow isotopes to be removed while the reactor is still online.

- Co-60
- Molybdenum-99 (Mo-99)
- Helium-3 (He-3)



Darlington Refurbishment Economic Impact



\$12.8B investment



20-year project: 10 years of planning, 10 years of work. 35-44 months per unit.



14,200 jobs per year.



\$89.9B dollars into Ontario's GDP.



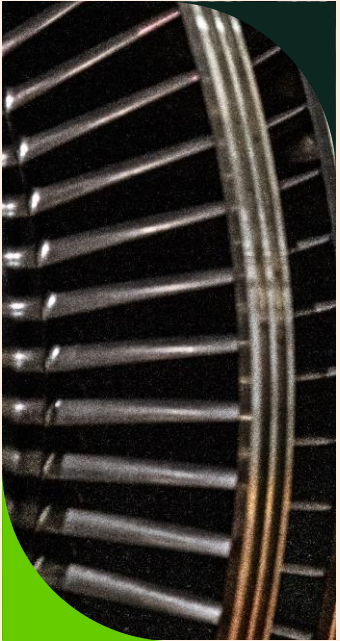
96% of expenditures spent within Ontario.

With support from across Durham Region, local suppliers are helping to ensure the success of the 12.8B Darlington Refurbishment; Canada's largest clean energy project:

Durham-based companies include:

- Acklands Grainger Inc.
- Badger Daylighting Inc.
- B&D Tractor Services
- Black & McDonald
- Crosby Dewar Inc
- Dewar Industrial Services
- Worley Parsons Canada Services Inc.
- A&C Tool Inc
- Coco Paving Ltd.
- Detox Environmental Services Ltd.
- Dufferin Construction Co.
- Peacock Lumber Ltd
- Hertz Equipment Rental Ltd

Darlington New Nuclear Project



Based on existing technology



Provides safe, reliable, low carbon power



Flexible, scalable and modular



Strong economic benefits

Building four 300MW SMRs in Ontario:

Create and sustain
+2,600 jobs

\$13.7 billion to Ontario's GDP

Reliable power to
1.2 million homes

One SMR will offset
~160,000 cars worth of carbon emissions

Darlington New Nuclear Roadmap

BIG things start **small**.



2024

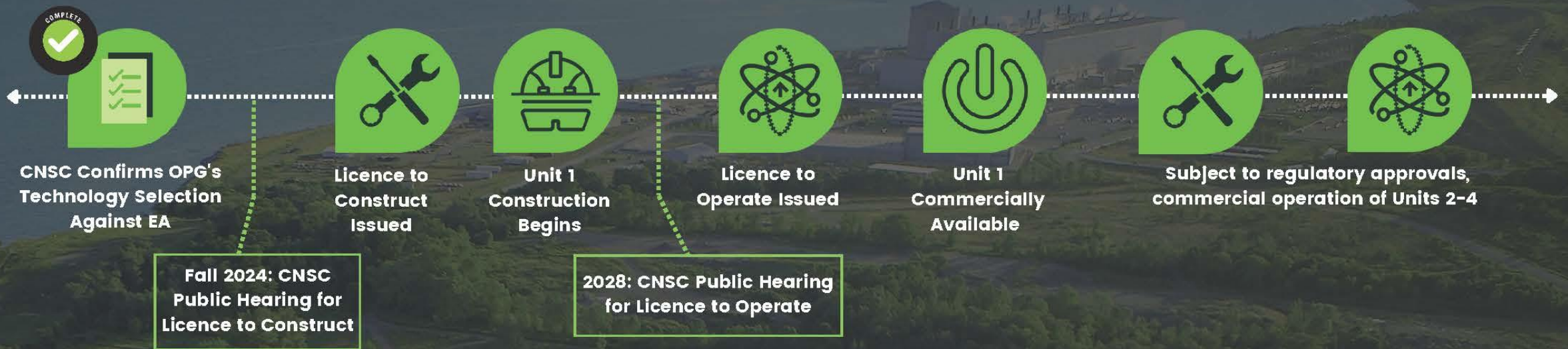
2025

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2029

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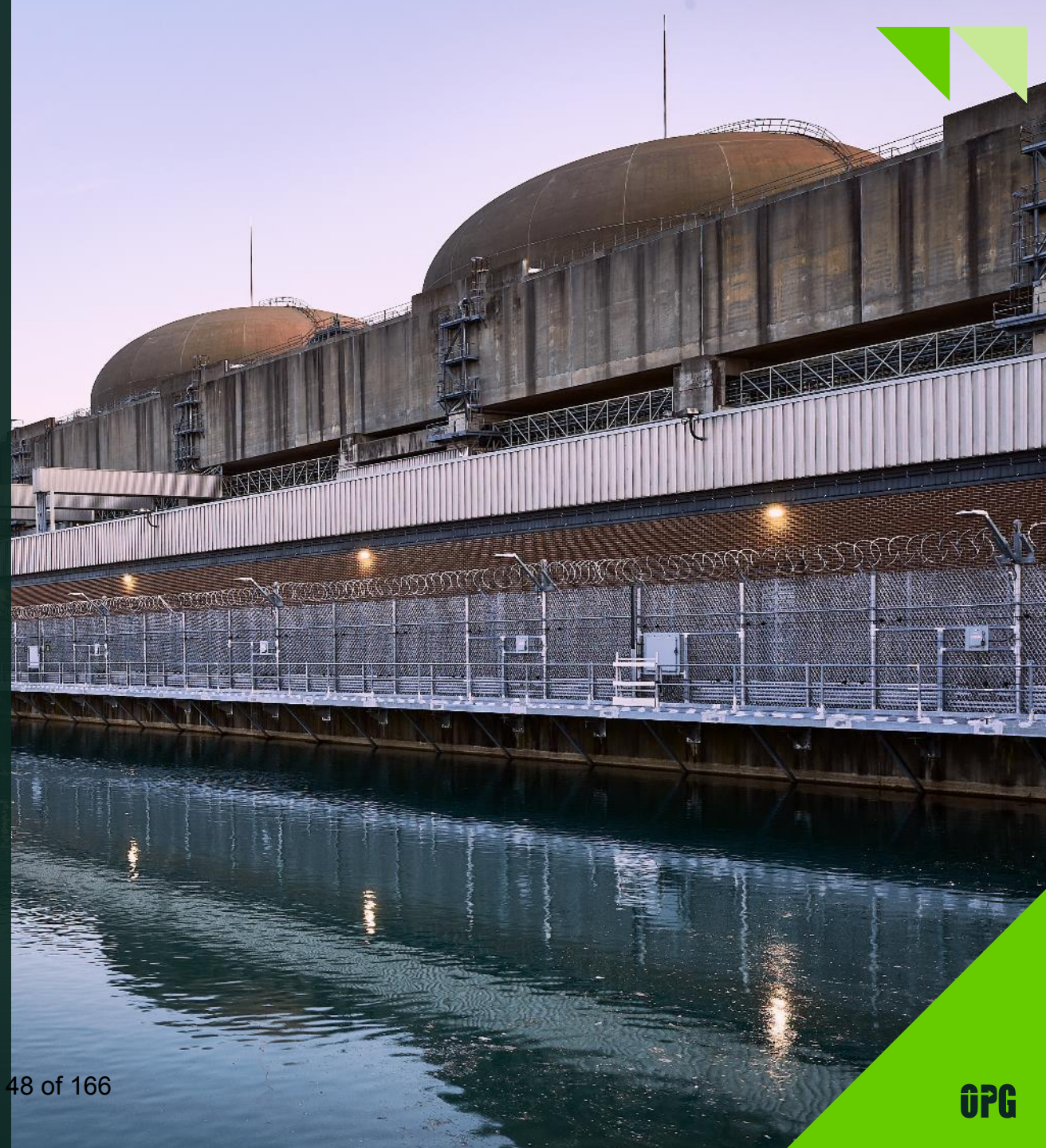
2036



All dates are estimated based on current project schedules

Pickering *Operations*

- Pickering Nuclear is one of the world's largest nuclear stations
- Six operating units provide 3,100 MW
- It meets 14% of Ontario's electricity needs
- Supports 4,500 jobs across Durham Region
- Units 1 and 4 will retire at the end of 2024 as planned
- Unit 2 and 3 in safe storage
- Licence Amendment Public Hearing in June 2024 to operate Units 5 – 8 to 2026



Pickering *Refurbishment*

- **On Jan. 31, 2024, the Ontario government announced their support** for OPG to proceed with the next steps toward refurbishing Pickering Nuclear Generating Station's "B" units (units 5 – 8)
- **OPG will now proceed with the Project Initiation Phase of refurbishment**
- **With the support of the Province of Ontario, OPG is planning for the refurbishment of Pickering Nuclear's Units 5 to 8 starting 2028**, which will provide many benefits to customers, the economy, and the environment.



Working with our Community



Autofest 2023



Parasport Games 2023

Tripled our donations to **SIX** local shelters

6,500 Trees and shrubs planted through community planting initiatives

Supported **149** non-profit organizations in **Durham Region** through the **Corporate Citizenship Program**

Donated life-saving equipment to local hospitals

Released **579** Atlantic Salmon

into local streams through the **Bring Back the Salmon** initiative

3,000 meals donated by employees for **Feed the Need Durham**

Donated **\$11,000** to the **Royal Canadian Legion** Poppy Campaign

370 local families attended **"Tuesdays on the Trail"** programming

2,400+ people attended **OPG's Community Open House**

Generously supported the **Durham Regional Police Service** **Food and Toy Drive**

Assembled **Holiday care packages** for **local seniors**

More than **\$248,000** donated to **369** local charities through the employee **Charity Campaign**

Donated over **100** meals and winter warmth kits to local Indigenous organizations

63k students registered for **Virtual Power Kids**

Thank you.

Questions?



From: AMO Communications < >
Sent: Tuesday, April 23, 2024 10:01 AM
To: Alexander Harras < >
Subject: Call for Nominations: 2024-2026 AMO Board of Directors

Nominations are now open for the 2024-2026 AMO Board of Directors!



Call for Nominations: 2024-2026 AMO Board of Directors

****Note for Municipal Clerks****

This email has been shared with all Elected Officials and Chief Administrative Officers/City Managers on AMO's distribution list. Some individuals may not have received due to removal requests or spam/junk filters.

Please share the Election Guide and Nomination Form with your Council members and municipal colleagues who may have interest in serving on the AMO Board.

In accordance with [AMO By-law No. 1](#), nominations are now open for the 2024-2026 AMO Board of Directors! Elections for all open offices will occur in person at the AMO Annual Conference, hosted by the City of Ottawa in August 2024.

AMO encourages candidates from across Ontario who reflect the diversity of our residents to seek election to the Board of Directors.

AMO's Board of Directors is responsible for setting annual strategic objectives, setting the annual budget, establishing corporate policies/procedures, and reviewing, discussing, and approving AMO's policy and program initiatives.

Below you will find:

- A list of offices open for election as of Tuesday, April 23, 2024
- Eligibility requirements to serve on the AMO Board of Directors
- Requirements to submit your nomination

[Click here for the full Election Guide and Nomination Form.](#)

Offices Open for Election

- President: One (1) municipal elected official
- Secretary-Treasurer: One (1) municipal employee
- County Caucus: Three (3) municipal elected officials and one (1) municipal employee
- Large Urban Caucus: Five (5) municipal elected officials and one (1) municipal employee
- Northern Caucus: Two (2) municipal elected officials from Northeastern Ontario and two (2) municipal elected officials from Northwestern Ontario
- Regional and Single Tier Caucus: Six (6) municipal elected officials
- Rural Caucus: Four (4) municipal elected officials and one (1) municipal employee
- Small Urban Caucus: Four (4) municipal elected officials and one (1) municipal employee

Eligibility

To run for a position on the AMO Board of Directors, you must be an elected official or an employee of a member municipality in good standing.

From AMO By-law No. 1, Directors shall also:

- Be an individual of eighteen (18) or more years of age;
- Not have the status of bankrupt;
- Not have been found under the *Substitute Decisions Act, 1992* or under the *Mental Health Act, 1990* to be incapable of managing property; and
- Not have been found to be incapable by any court in Canada or elsewhere.

In addition to the above, no member municipality may be represented on the Board by more than one Director elected to the Board, except where the Director is appointed to the AMO Board due to another position (i.e. Chair or President of: AFMO, EOWC, FONOM, MARCO, NOMA, OBCM, OSUM, ROMA, WOWC). As such, only one individual may be nominated by a member municipality.

Nomination Requirements

To file your nomination you must submit:

- A completed [nomination form](#)
- A resolution that indicates your municipal Council's acknowledgement or support of your nomination. Please review the Elections Guide for suggested wording for the Council resolution.

The nomination period begins on Tuesday, April 23, 2024 and ends on Monday, June 24, 2024 at 12:00 p.m. (ET). Late submissions will not be accepted.

You must file your nomination electronically by sending your documents to amoelections@amo.on.ca.

Election Oversight

AMO Board elections are coordinated by AMO staff and overseen by the City of Brampton Clerk's Office. The City of Brampton Clerk is the appointed Chief Returning Officer (CRO).

List of Certified Candidates

The CRO reviews each nomination package for accuracy and completeness. Candidates are certified when they are deemed eligible, and their name will be added to the [List of Certified Candidates on AMO's website](#). A report containing the complete list of certified candidates will be circulated to all members, no later than Friday, July 19, 2024.

*Disclaimer: The Association of Municipalities of Ontario (AMO) is unable to provide any warranty regarding the accuracy or completeness of third-party submissions. Distribution of these items does not imply an endorsement of the views, information or services mentioned.

ssociation of Municipalities of Ontario

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55 University Ave Suite 800 | Toronto, ON M5H 3B7 CA



Interoffice Memorandum

The Regional
Municipality of Durham
Chief Administrative
Office – Legal Services
Division

605 ROSSLAND RD. E.
LEVEL 1
PO BOX 623
WHITBY, ON L1N 6A3
CANADA
905-668-7711
1-800-372-1102

durham.ca

Jason Hunt
Regional Solicitor and
Director of Legal
Services

Date: May 29, 2024
To: Regional Council
From: Adnan Naeem, Solicitor, Legal Services
Subject: By-law to repeal and replace By-law 211-79

Regional staff in the Legal Services Division have worked with the Works Department roads group staff to update By-law 211-79 the Region's All Roads Control Access By-law.

Upon review of By-law 211-79, Regional staff noted that several updates were required to make the by-law current including references to the legislative authority being updated to the applicable sections under the Municipal Act, S.O. 2001 from the now repealed Regional Municipality of Durham Act, the ability for Regional staff to close problematic driveway entrances leading onto Regional Roads that may be deemed "unsafe" by today's current road design and safety standards, including driveways and entrances that may be within the functional zone of a Regional intersection.

Regional staff have also updated the fees and charges in the by-law which have not changed since 1979 and updated references to the use of Entranceway Permits as is the Region's current permitting system.

Recommendation to Regional Council is to pass the attached draft updated All Roads Control Access By-law which upon passage shall repeal the previous All Roads Control Access By-law 211-79

Adnan Naeem

Solicitor

/km

Enc.

By-law Number 2024-***

of The Regional Municipality of Durham

Being a by-law to designate all roads or parts thereof that constitute the Regional Road System as controlled-access roads and to regulate the construction or use of any private road, entranceway, structure or facility as a means of access to all Regional roads and to remove or restrict the common law right of passage by the public over a highway and the common law right of access to a highway pursuant to Section 35 of the Municipal Act, 2001.

Whereas sections 8, 9 and 11 of the Municipal Act, 2001, S.O. 2001, c. 25 (the "Municipal Act, 2001") authorize The Regional Municipality of Durham to pass by-laws necessary or desirable for municipal purposes, and in particular paragraphs 5, 6, 8 of subsection 11(2) authorize by-laws respecting the economic, social and environmental well-being of the municipality; the health, safety and well-being of persons, and the protection of persons and property;

Whereas Section 35 of the Municipal Act, 2001 provides that a municipality may pass by-laws removing or restricting the common law right of passage by the public over a highway and the common law right of access to the highway;

Whereas Section 128 of the Municipal Act, 2001 authorizes a municipality to prohibit and regulate public nuisances, including matters that, in the opinion of the Council of The Regional Municipality of Durham are or could become or cause public nuisances;

Whereas by definition, a public nuisance may include something that by its presence may pose a danger to the public, compromising health and safety;

Whereas it is the opinion of the Regional Municipality of Durham that certain driveway entrances or common law rights of access to private properties along the Regional Road network are considered and classified as being within the functional area of an intersection which may pose a danger to the public;

Whereas formerly under Subsection I of Section 48 of The Regional Municipality of Durham Act, as amended, provided that the Regional Council may by by-law designate any road in the Regional Road System, or any portion thereof, as a controlled-access road;

Whereas formerly under Section 49 of the said Act provided that the Regional Council passed by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a Regional controlled-access road;

Where, it is the wish and intent of the Council of The Region for Durham for all Regional roads to remain as controlled access highways as established by previous bylaws that were passed and that The Region of Durham continue regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a Regional controlled-access road and that in doing so the Region is further regulating matters that are or could become or cause a public nuisance or pose a danger to the public.

Now therefore, the Council of The Regional Municipality of Durham hereby enacts as follows:

1. In this by-law, "close up" includes the removal, replacement or elimination of any

culvert, curb and gutter, gravel, asphalt, curb ramping material or any other facility constructed or used as a means of access to a Regional road.

2. That all roads or parts thereof that from time to time constitute the Regional Road System are hereby designated as controlled-access roads (Controlled Access Highway).
3. That no person shall construct, use, relocate, or alter any private road, entranceway, structure or facility as a means of access to a Regional road except in accordance with the conditions of a Entranceway Permit issued by the Commissioner of Works of the Regional Municipality of Durham (hereinafter called the "Commissioner") or his designated representative.
4. That in determining whether or not a Entranceway Permit shall be granted, the Commissioner shall consider the Transportation Section of the Regional Municipality of Durham Official Plan, the location, width and proposed use of the private road, entranceway, structure or facility to be constructed or used as a means of access to the Regional road and shall have regard to the sight distance along the road, the location of trees and public utility services and the Entranceway Policy of the Regional Municipality of Durham as adopted by Council.
5. That all costs pertaining to the construction of the private road, entranceway, structure or facility constructed or used as a means of access to a Regional road including the installation of culverts and catchbasins, the removal of concrete curbs and gutter and the replacement with concrete curbs and gutter with or without concrete drop curb sections, the saw cutting of existing concrete curb to provide a drop curb section and other associated works shall be paid by the person applying for Entranceway Permit (hereinafter called the 'Applicant').
6. That all works undertaken within a Regional road allowance shall be carried out by the Regional Works Department unless otherwise authorized by the Commissioner.
7. That any existing drop curb sections fronting or abutting the Applicant's property which have no further use for access shall be removed and replaced with concrete barrier-type curb and gutter at his expense.
8. That any existing culverts fronting or abutting the Applicant's property which have no further use for access shall be removed and replaced with ditching at his expense.
9. That a sum of money being the flat rate charge for either,
 - a. a culvert installation type access of up to 600 millimetres diameter by 12.2 metres long, or
 - b. any curb cut type accesswill be paid to the Region at the time the application is made for an Entranceway Permit.
10. That any access or closure to be constructed in excess of those stated in subsection 4 is to be carried out as an actual cost installation. A deposit based upon the estimated cost of the work is to be given to the Region at the time of application for a Entranceway Permit. If the sum deposited, being the estimated cost of constructing the means of access or closing up an existing means of access within a Regional road allowance is more than the actual cost, then the Region will refund the excess to the applicant. Should the fund deposited be less than the actual cost, then the applicant shall pay the difference between the sum deposited and the actual cost.
11. That no person shall tile or cover a roadside ditch except in accordance with the conditions of a Entranceway Permit.

12. That any person applying an asphalt, concrete or any other type of surface to any portion of the driveway situated on a Regional road allowance, in accordance with the conditions of the Entranceway Permit, shall do so at his own expense. That person shall be responsible for the maintenance and repair of same and all costs of such maintenance and repair.
13. That the provisions of this By-law shall apply to any private road, entranceway, structure or facility constructed or used as a means of access to a Regional road before the day on which this By-law takes effect.
14. That if the owner of any land constructs an access which the Commissioner deems hazardous, the Region will remove that access. Any expense or costs incurred by the Region in removing the access shall be paid by that person.
15. That the Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a Regional road in contravention of this by-law at the Regional Corporations sole discretion.
16. That every notice given under Section 15 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail, shall be deemed to have been received on the fifth day following the mailing thereof.
17. That where the person to whom notice is given under Section 15 fails to comply with the notice within thirty (30) days after its receipt, the Regional Council may by resolution direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility constructed or used as a means of access to a Regional road, as required by the notice and any expense or cost incurred by the Region in closing up a private road, entranceway, structure or facility shall be paid by that person.
18. That every person who fails to comply with a notice given under Section 15 is guilty of an offence and on a summary conviction is liable to a fine of not less than \$20.00 and not more than \$190.00 for a first offence and to a fine of not less than \$100.00 and not more than \$950.00 for a second or subsequent offence.
19. That the Regional Municipality of Durham shall maintain and replace from time to time as required all culverts and curb and gutter installed pursuant to this By-law. The maintenance or repair of the driving surface of the driveway necessitated by the above mentioned work shall be the responsibility of the owner of the land for which the entranceway provides access.
20. That this by-law shall apply to those boundary roads between the Region of York and the Region of Durham and the City of Kawartha Lakes and the Region of Durham which are under the jurisdiction of the Regional Municipality of Durham.
21. That every person who contravenes any Section of this by-law, with the exception of Section 15, is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,900.00.
22. No person shall use, construct, relocate or alter or cause to be used constructed, relocated or altered an Access onto a Regional Road without a Permit having been issued by the Commissioner under this By-law for such Access.
23. No Owner shall use any Access onto a Regional Road except in strict compliance

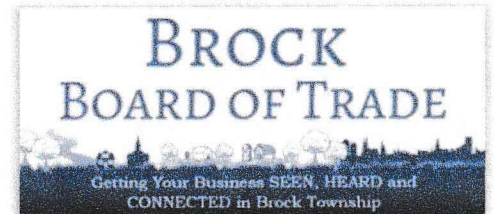
with all terms and conditions of the Permit issued by the Commissioner under this By-law for such Access.

24. That the Regional Municipality of Durham may close certain driveway entrances or common law rights of access to private properties along the Regional Road network that are considered and classified by the Region of Durham as being a risk to public health and safety and therefore constitute being a public nuisance.
25. That this bylaw and the closure of driveways and common law rights of access to private properties along the Regional Road network may be administered by Regional staff at all times, as well their agents and contractors constructing and administering road construction projects.
26. By-law 211-79 is hereby repealed and this by-law takes effect on the day of its passing by Regional Council.

This By-law Read and Passed on the 29th day of May, 2024.

J. Henry, Regional Chair and CEO

A. Harras, Regional Clerk



April 3, 2024

The Honourable Prabmeet Sarkaria,
Minister of Transportation Ontario,
777 Bay St., 5th Floor,
Toronto, ON M7A 1Z8

Dear Minister Sarkaria:

Re; Bridge Closure on Durham Region Road 15

Last November 2023 the Province of Ontario ordered the closure of the bridge on Durham Regional Road 15 (Simcoe Street), Beaverton, Township of Brock. The bridge is located adjacent to and west of Provincial Highway 12. It remains closed to this day. No announced plan or timelines for repair or replacement **have been communicated to residents. It is imperative that the Province be transparent with the status and action plans and timelines for the people of the Township of Brock.**

It is our understanding that the bridge has been maintained, until recent times, by The Region of Durham. The bridge was closed by the Region in the latter part of 2020 for approximately three months for repairs and reopened early in 2021. Further, the Region is scheduled to repair or replace the bridge in 2025. We have now learned that the Province re-established ownership, inspected, and decided to close the bridge. It remains closed to this date.

This letter is to express **our very serious concerns created with this sudden closure.** We wish to draw to your attention that the bridge and road are the main entrances to the small town of Beaverton. The result has been adverse changes in shopping patterns. There was a noticeable decrease in store patronage during the holiday shopping season that continues to this day. Those who visited the town for daily shopping needs are now finding alternatives. The changes are likely to be permanent if the bridge is not opened before the cottage owners and tourists arrive on Victoria Day Weekend. We fear that some local business owners will be forced into closure.

Please also be aware, that EMS, Fire, and Police are located in the village of Beaverton and no longer have direct access to emergency calls on Highway 12 and east. The delayed response time places people's lives in increased danger and causes unnecessary property damage.

Box 29, 397 Simcoe Street
Beaverton, ON L0K 1A0

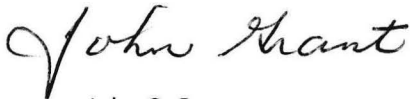
Tel. 705-426-2051
brockboardoftrade@gmail.com

www.brockboardoftrade.com

In the last few days, we have learned of other bridge repairs on Highway 12, a few kilometers north of Durham Road 15. Please be aware that the area already has high vehicle accident calls during cottage and summer holiday seasons. That there are already weekly emergency calls. The bridge closure and any other bridge repairs will result in even higher volumes of accidents and place people at risk.

On behalf of all residents, visitors, and business owners, please provide an immediate public response on the course of action and timelines for a bridge opening. **Please confirm that funds are currently allocated to repair/replace this critical infrastructure for Beaverton and The Township of Brock.**

Yours truly,



John C. Grant
President,
Brock Board of Trade

Cc:

Doug Ford, Premier Province of Ontario
Laurie Scott, MPP, Haliburton-Kawartha Lakes-Brock
Chair John Henry and Council, Region of Durham
Mayor Walter Schummer and Council, Township of Brock
Ontario Chamber of Commerce
Durham Business Alliance

Box 29, 397 Simcoe Street
Beaverton, ON L0K 1A0

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www.brockboardoftrade.com

Report #4 of the Finance & Administration Committee

For consideration by Regional Council

May 29, 2024

The Finance & Administration Committee recommends approval of the following:

1. Upgrades of Existing Bell Internet and Wide Area Network Speed and Internet Edge Firewalls (2024-A-8)
 - A) That staff be authorized to negotiate and execute an amendment to the existing agreement with Bell Canada for the upgrade of the Region's Internet and wide area network services at Regional Headquarters from 1 gigabit per second (Gbps) to 10 Gbps, including the distributed denial of service protection, at an estimated one-time capital cost of \$42,000 and estimated annual operating costs of \$459,000, to accommodate the increasing Internet usage from various digital initiatives and demand for high-quality content (audio, 4K video, collaboration, etc.);
 - B) That the 2024 unbudgeted costs for the upgrade of the Region's Internet and wide area network services at Regional Headquarters estimated at \$501,000 (including \$459,000 in annual operating costs) be approved with funding to be provided at the discretion of the Commissioner of Finance, with future annual costs to be included in the Region's annual Business Plans and Budgets; and
 - C) That the 2024 unbudgeted costs for the replacement of the two Internet Edge Cisco firewalls estimated at \$404,000 (including \$148,000 in annual operating costs) be approved with funding to be provided at the discretion of the Commissioner of Finance, with future annual costs to be included in the Region's annual Business Plans and Budgets.
2. Correspondence from The Township of Brudenell, Lyndoch and Raglan, re: Resolution passed at their Council meeting held on May 1, 2024, in support of the resolution by the Town of Bracebridge regarding the request to the Province of Ontario for New Provincial-Municipal Fiscal Framework

That the resolution from the Town of Bracebridge regarding the Province of Ontario committing to undertaking with the Association of Municipalities of Ontario a comprehensive social and economic prosperity review to promote the stability and sustainability of municipal finances across Ontario, be endorsed.
3. Final Recommendations Regarding Seaton Water Supply and Sanitary Sewerage Area Specific Development Charges (2024-F-9)
 - A) That pursuant to Section 10(1) of the Development Charges Act, 1997, the Seaton Water Supply and Sanitary Sewerage Area Specific Development Charges Background Study dated March 12, 2024 be adopted, including

the forecasts of anticipated development, the underlying capital forecasts, the development charges calculations and policies contained in the Background Study, and further, that the approval of the capital forecasts in the Background Study indicate Regional Council's intention to ensure that such an increase in need for services will be met as required under paragraph 3 of Section 5(1) of the Development Charges Act, 1997 and Section 3 of Ontario Regulation 82/98;

- B) That the Seaton Residential and Non-residential Development Charges for Water Supply and Sanitary Sewerage be imposed, effective July 1, 2024, as set out in one of the following two sets of schedules depending on the timing of the Royal Assent for Bill 185 (Cutting Red Tape to Build More Homes Act, 2024):
 - i. If Bill 185 (Cutting Red Tape to Build More Homes Act, 2024) does not receive Royal Assent prior to June 30th 2024:

Table 1
Region of Durham
Recommended Seaton Residential Development Charges
\$ Per Dwelling Unit

Service Category	Phase In	Single Detached & Semi-Detached	Medium Density Multiples	Apartments
Sanitary Sewerage		\$	\$	\$
(i) Seaton Landowners Constructed Works	80%	6,165	4,870	2,836
(ii) Regional Constructed Works	80%	1,832	1,447	842
(iii) Regional Attribution	80%	2,120	1,675	975
Subtotal – Sanitary Sewerage		10,117	7,992	4,653
Water Supply				
(i) Seaton Landowners Constructed Works	80%	2,129	1,682	979
(ii) Regional Constructed Works	80%	5,529	4,368	2,543
(iii) Regional Attribution	80%	4,302	3,398	1,978
Subtotal – Water Supply		11,960	9,448	5,500
Total Development Charges (July 1, 2024 to June 30, 2025)	80%	<u>\$22,077</u>	<u>\$17,440</u>	<u>\$10,153</u>
July 1, 2025 to June 30, 2026 (85%)	85%	23,456	18,532	10,788
July 1, 2026 to June 30, 2027 (90%)	90%	24,835	19,621	11,425
July 1, 2027 to June 30, 2028 (95%)	95%	26,216	20,712	12,058

Table 2
Region of Durham
Recommended Seaton Institutional Development Charges
\$ Per Square Foot Of Gross Floor Area

Service Category	Phase In	\$
Sanitary Sewerage		
(i) Seaton Landowners Constructed Works	80%	0.68
(ii) Regional Constructed Works	80%	0.22
(iii) Regional Attribution	80%	0.58
Subtotal – Sanitary Sewerage		1.48
Water Supply		
(i) Seaton Landowners Constructed Works	80%	0.09
(ii) Regional Constructed Works	80%	0.22
(iii) Regional Attribution	80%	0.54
Subtotal – Water Supply		0.85
Total Development Charges (July 1, 2024 to June 30, 2025)	<u>80%</u>	<u>\$2.33</u>
July 1, 2025 to June 30, 2026	<u>85%</u>	2.47
July 1, 2026 to June 30, 2027	90%	2.62
July 1, 2027 to June 30, 2028	95%	2.77

Table 3
Region of Durham
Recommended Seaton Non-Institutional Development Charges
\$ Per Square Foot Of Gross Floor Area

Service Category	Phase In	\$
Sanitary Sewerage		
(i) Seaton Landowners Constructed Works	80%	2.05
(ii) Regional Constructed Works	80%	0.66
(iii) Regional Attribution	80%	1.76
Subtotal – Sanitary Sewerage		4.47
Water Supply		
(i) Seaton Landowners Constructed Works	80%	0.26
(ii) Regional Constructed Works	80%	0.64
(iii) Regional Attribution	80%	1.64
Subtotal – Water Supply		2.54
Total Development Charges (July 1, 2024 to June 30, 2025)	<u>80%</u>	<u>\$7.01</u>
July 1, 2025 to June 30, 2026 (85%)	<u>85%</u>	7.45
July 1, 2026 to June 30, 2027 (90%)	90%	7.89
July 1, 2027 to June 30, 2028 (95%)	95%	8.32

Table 4

Region of Durham Recommended Seaton Prestige Employment Land Area Development Charges \$ Per Net Hectare		
Service Category	Phase In	\$
Sanitary Sewerage		
(i) Seaton Landowners Constructed Works	80%	107,931
(ii) Regional Constructed Works	80%	34,155
(iii) Regional Attribution	80%	89,211
Subtotal – Sanitary Sewerage		231,297
Water Supply		
(i) Seaton Landowners Constructed Works	80%	13,229
(ii) Regional Constructed Works	80%	32,766
(iii) Regional Attribution	80%	86,657
Subtotal – Water Supply		132,652
Total Development Charges		<u>\$363,949</u>
July 1, 2025 to June 30, 2026	(85%)	386,696
July 1, 2026 to June 30, 2027	(90%)	409,443
July 1, 2027 to June 30, 2028	(95%)	432,188

ii. If Bill 185 (Cutting Red Tape to Build More Homes Act, 2024) receives Royal Assent prior to June 30th, 2024 and eliminates the phase in of development charge rates:

Table 5
Region of Durham
Recommended Seaton Residential Development Charges
\$ Per Dwelling Unit

Service Category	Single Detached & Semi-Detached	Medium Density Multiples	Apartments
Sanitary Sewerage	\$	\$	\$
(i) Seaton Landowners Constructed Works	7,706	6,088	3,545
(ii) Regional Constructed Works	2,290	1,809	1,053
(iii) Regional Attribution	2,650	2,094	1,219
Subtotal – Sanitary Sewerage	12,646	9,991	5,817
Water Supply			
(i) Seaton Landowners Constructed Works	2,661	2,102	1,224
(ii) Regional Constructed Works	6,911	5,460	3,179
(iii) Regional Attribution	5,377	4,248	2,473
Subtotal – Water Supply	14,949	11,810	6,876
Total Development Charges	<u>27,595</u>	<u>21,801</u>	<u>12,693</u>

Table 6
Region of Durham
Recommended Seaton Institutional Development Charges
\$ Per Square Foot Of Gross Floor Area

Service Category	\$
Sanitary Sewerage	
(i) Seaton Landowners Constructed Works	0.85
(ii) Regional Constructed Works	0.27
(iii) Regional Attribution	0.73
Subtotal – Sanitary Sewerage	1.85
Water Supply	
(i) Seaton Landowners Constructed Works	0.11
(ii) Regional Constructed Works	0.27
(iii) Regional Attribution	0.68
Subtotal – Water Supply	1.06
Total Development Charges	<u>2.91</u>

Table 7
Region of Durham
Recommended Seaton Non-Institutional Development Charges
\$ Per Square Foot Of Gross Floor Area

Service Category	\$
Sanitary Sewerage	
(i) Seaton Landowners Constructed Works	2.56
(ii) Regional Constructed Works	0.82
(iii) Regional Attribution	2.20
Subtotal – Sanitary Sewerage	5.58
Water Supply	
(i) Seaton Landowners Constructed Works	0.33
(ii) Regional Constructed Works	0.80
(iii) Regional Attribution	2.05
Subtotal – Water Supply	3.18
Total Development Charges	<u>8.76</u>

Table 8
Region of Durham
Recommended Seaton Prestige Employment Land Area
Development Charges
\$ Per Net Hectare

Service Category	\$
Sanitary Sewerage	
(i) Seaton Landowners Constructed Works	134,914
(ii) Regional Constructed Works	42,694
(iii) Regional Attribution	111,514
Subtotal – Sanitary Sewerage	289,122
Water Supply	
(i) Seaton Landowners Constructed Works	16,536
(ii) Regional Constructed Works	40,957
(iii) Regional Attribution	108,321
Subtotal – Water Supply	165,814
Total Development Charges	<u>454,936</u>

- C) That the Development Charge policies for the Seaton Water Supply and Sanitary Sewerage Area Specific Development Charges as contained in the proposed By-law as Appendix #3 to Report #2024-F-9 of the Commissioner of Finance, including those related to collection policy and indexing be approved;
- D) That the Seaton Well Interference Policy as provided in Appendix #1 to Report #2024-F-9 be adopted as of July 1, 2024;

- E) That any complete submission for the preparation of a subdivision agreement received by the Development Approvals Division of the Regional Works Department on or by June 30, 2024 be given the option of being processed under the policies and rates of the current Seaton Area Specific Development Charges By-Law #19-2019 or the proposed replacement by-law, where a complete submission requires all of the following to have been submitted to the Development Approvals Division in a form satisfactory to the Region:
- Ministry of the Environment, Conservation and Parks approval is received;
 - Detailed cost estimate received;
 - Three (3) copies of the proposed Final Plan (M-Plan) received;
 - Regional Planning approval of the Final Plan received;
 - Three (3) copies of all proposed Reference Plans (R-Plans) received;
 - Three (3) copies of approved General Plan of Services received (signed by the Local Municipality and the Region); and
 - Regional Subdivision Agreement Information Checklist;
- F) Subdivision agreements which have been processed according to By-Law #19-2019 must be executed within three months following the termination of By-Law #19-2019, otherwise they shall be deemed cancelled and will be replaced with a subdivision agreement processed according to the replacement by-law, where execution requires all of the following to have been submitted to the Regional Legal Services in a form satisfactory to the Region:
- Signed Subdivision Agreement received, including all schedules;
 - Payments of fees identified in the agreement received;
 - Securities identified in the agreement received;
 - Prepayment of Development Charges for Sanitary Sewerage, Water Supply and Regional Roads received; and
 - Insurance Certificate received;
- G) That the existing complaint procedure as provided in Regional By-law #52-2014 continue for the purpose of conducting hearings, regarding complaints made under Section 20 of the Development Charges Act, 1997;
- H) That Section 12(3) of the Development Charges Act, 1997 requires Regional Council to determine whether a further public meeting is necessary when changes are made to a proposed development charges by-law following a public meeting, and whereas changes were made to the Seaton proposed development charge by-law following the public meeting on March 27, 2024, it is recommended that Regional Council resolve that a further public meeting is not necessary and therefore Council indicate that

a second public meeting is not required prior to the passage of the recommended Seaton Area Specific Development Charge By-law;

- I) That the Regional Solicitor be instructed to finalize the proposed Seaton Area Specific Development Charge By-law for presentation to Regional Council for passage and be authorized to modify the by-law if minor changes are required to accommodate the implications of Bill 185;
- J) That the Regional Solicitor be instructed to revise future development agreements and any by-law(s) relating thereto to reflect any changes required to implement the foregoing recommendations and that such revised by-law(s) be presented to Council for passage;
- K) That the Regional Clerk be instructed to follow the notification provisions pursuant to the Development Charges Act, 1997; and
- L) That the Treasurer be instructed to prepare the requisite development charge pamphlet pursuant to the Development Charges Act, 1997 and related materials.

4. Recommended Amendments to Regional Development Charges By-law #42-2023 to Remove Phase-in Rates ([2024-F-10](#))

- A) That the Regional Development Charges (DC) By-law #42-2023 be amended to remove the phase-in provisions as set out in the amending by-law (as contained in Attachment #1 to Report #2024-F-10 of the Commissioner of Finance) and the Regional Transit DCs under By-law #39-2022 return to the full rates both at a future date as set out in Part B);
- B) That the Commissioner of Finance and the Regional Solicitor be instructed to prepare the requisite amendment to the DC By-law for presentation to Regional Council for passage upon Schedule 6 of Bill 185, Cutting Red Tape to Build More Homes Act, 2024 coming into force to give effect to Part A), with the full rates coming into effect five business days after Council approves the amending By-law;
- C) That the Regional Solicitor be instructed to revise future development agreements and any by-law(s) relating thereto to reflect any changes required to implement the foregoing recommendations and that any such revised by-law(s) be presented to Council for passage;
- D) That any complete submission for the preparation of a subdivision agreement received by the Development Approvals Division of the Regional Works Department on or prior to the effective date of Schedule 6 of Bill 185 be given the option of being processed under the policies and rates of the current Development Charges By-Law #42-2023 (i.e. without the changes recommended in the amending by-law) or the proposed replacement by-law, where a complete submission requires all of the following to have been

submitted to the Development Approvals Division in a form satisfactory to the Region:

- Ministry of the Environment, Conservation and Parks approval is received;
 - Detailed cost estimate received;
 - Three (3) copies of the proposed Final Plan (M-Plan) received;
 - Regional Planning approval of the Final Plan received;
 - Three (3) copies of all proposed Reference Plans (R-Plans) received;
 - Three (3) copies of approved General Plan of Services received (signed by the Local Municipality and the Region); and
 - Regional Subdivision Agreement Information Checklist;
- E) Subdivision agreements which have been processed according to By-Law #42-2023 (i.e. without the changes recommended in the amending by-law) must be executed within three months following the date when the Region re-instates the full rates, otherwise they shall be deemed cancelled and will be replaced with a subdivision agreement processed according to the replacement by-law, where execution requires all of the following to have been submitted to the Regional Legal Services in a form satisfactory to the Region:
- signed Subdivision Agreement received, including all schedules;
 - payments of fees identified in the agreement received;
 - securities identified in the agreement received;
 - prepayment of Development Charges for Sanitary Sewerage, Water Supply and Regional Roads received; and
 - Insurance Certificate received;
- F) That the Regional Treasurer be instructed to prepare the requisite DC pamphlet pursuant to the Development Charges Act, 1997 (DCA) and related materials;
- G) That the Regional Clerk be instructed to follow the notification provisions pursuant to the DCA, should it be required; and
- H) That a copy of Report #2024-F-10 of the Commissioner of Finance be forwarded to the area municipalities.
5. Confidential Report of the Commissioner of Finance – Regarding a Proposed or Pending Acquisition of Land with respect to Additional Debenture Financing to Support Land Acquisition for the New Oshawa/Whitby Depot Project (2024-F-11)
- That the recommendations contained in Confidential Report #2024-F-11 of the Commissioner of Finance be adopted.

6. Impacts of Bill 23

That the Regional Chair be authorized, on behalf of Regional Council, to write a letter to the Province with respect to reimbursement (being made whole) as a result of the loss of Development Charge revenue the Region experienced due to the phase-in of Development Charges resulting from Bill 23.

Respectfully submitted,

K. Ashe, Chair, Finance & Administration Committee

Report #4 of the Health & Social Services Committee

For consideration by Regional Council

May 29, 2024

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

1. Unbudgeted Provincial Funding from the Ministry of Education for the Canada-wide Early Learning and Child Care System (2024-SS-4)

That unbudgeted Provincial funding from the Ministry of Education in the amount of \$4,351,437, be expended in accordance with the 2024 Canada-Wide Early Learning and Child Care Guidelines.

2. Unbudgeted One-Time Provincial Funding from the Ministry of Long-Term Care for the Four (4) Regional Municipality of Durham Long Term Care Homes (2024-SS-5)

- A) That the one-time unbudgeted Provincial funding from the Ministry of Long-Term Care in the amount of \$2,153,921, be expended in accordance with the program guidelines; and
- B) That the following unbudgeted capital projects related to the Region's Long-Term Care Homes in the estimated amount of \$2,153,921 be approved and financed from Provincial Subsidy:

Long-Term Care Homes	(\$)
Flooring Replacement – Hillsdale Estates	762,900
Parking Lot Replacement – Hillsdale Terraces	508,600
7 Tub Replacements – Fairview Lodge	220,000
Kitchen Renovations – Fairview Lodge	200,000
Combination Oven Replacement – Fairview Lodge	45,000
21 Laundry Cart Replacements – Fairview Lodge	28,414
Bariatric Stretcher – Fairview Lodge	10,100
Parking Lot Replacement – Lakeview Manor	296,907
Carpet Tile Replacement – Lakeview Manor	50,000
Main Hall Flooring – Lakeview Manor	20,000
Accessible Walkway – Lakeview Manor	12,000
TOTAL	<u>2,153,921</u>

Respectfully submitted,

E. Roy, Chair, Health & Social Services Committee

Report #5 of the Planning & Economic Development Committee

For consideration by Regional Council

May 29, 2024

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

1. 2024 Durham Transit-Oriented Development (TOD) Strategy ([2024-P-10](#))
 - A) That the 2024 Durham Transit-Oriented Development (TOD) Strategy be endorsed as a toolbox of common reference points in the process of planning and designing TOD Places in Durham Region; and
 - B) That the guidelines within the 2024 Durham TOD Strategy that have implications on designing and constructing Regional infrastructure be considered as part of future annual business plans and budget processes for those capital projects.

Respectfully submitted,

B. Chapman, Chair, Planning & Economic Development Committee

Report #5 of the Works Committee

For consideration by Regional Council

May 29, 2024

The Works Committee recommends approval of the following:

1. Durham York Energy Centre – Analysis of Ambient Air and Emissions Monitoring to Identify Local Airshed Impacts ([2024-WR-5](#))

That Report #2024-WR-5 of the Commissioner of Works be received for information.

2. Sole Source Agreement with Circular Materials for Collection, Haulage, Processing and Marketing of Blue Box Recyclables Collected at the Regional Municipality of Durham Waste Management Facilities ([2024-WR-6](#))

A) That staff award a sole source agreement to Circular Materials for the collection and management of blue box recyclables at Regional Municipality of Durham Waste Management Facilities from July 1, 2024, to December 31, 2025, with three optional one-year extension periods. The estimated revenue to the Regional Municipality of Durham for 2024 is \$212,820 (or \$425,280 annually), totalling \$1.9 million over the contract term, including optional extensions; and

B) That the Commissioner of Finance be authorized to execute the necessary documents related to this sole source agreement.

3. Tender Award and Additional Financing for Regional Municipality of Durham Contract #D2023-55 for the Blackstock Well #7 Upgrades in the Township of Scugog (Blackstock) ([2024-W-15](#))

A) That the lowest compliant bid of W.A. Stephenson Mechanical Contractors Limited, in the amount of \$1,591,150, be awarded for Regional Municipality of Durham Contract #D2023-55 for the Blackstock Well #7 Upgrades in the Township of Scugog (Blackstock) for a total project cost of \$3,350,000;

B) That the previously approved project budget of \$2,750,000 for Regional Municipality of Durham Contract #D2023-55 be increased by \$600,000 to a revised total project budget of \$3,350,000; and

C) That the additional financing of \$600,000 be provided from the following sources:

Previously Approved Financing

Water Supply Capital Budget

Blackstock Well #7 Upgrades, Project ID# D1838	
Water Asset Management Reserve Fund	\$100,000
User Revenue	<u>2,650,000</u>

Total Previously Approved Financing 2,750,000

Additional Financing

Item #123: Watermain on Bickle Drive and Roselawn Avenue, Oshawa (Sun Valley) (Project ID# O2305)	
User Revenue	<u>600,000</u>

Total Additional Financing 600,000

Total Revised Project Financing \$3,350,000

4. Update on the New Provincial Housing-Enabling Water Systems Fund, Approval to Negotiate Sole Source Agreements, and Approval of Unbudgeted Capital Work and Related Financing for the Structural Rehabilitation, Equipment Replacement, and System Redundancy Improvements that Supports Regional System Expansion at the Oshawa Water Supply Plant, City of Oshawa ([2024-W-16](#))

- A) That Regional Council receive for information the details regarding the new Provincial Housing-Enabling Water Systems Fund;
- B) That staff be authorized to negotiate and award the following sole source agreements:
 - i) With Jacobs Consultancy Canada Inc. for the engineering services related to the rehabilitation of filters 1 to 4, replacement of Low Lift Pumping Station pump # 1 and all shut off and check valves in the station, replacement of the valve chamber, replacement of the Motor Control Centre (MCC), and installation of a standby blower at the Oshawa Water Supply Plant, at a cost not to exceed \$2,650,000*; and
 - ii) With B.J. Tworzyanski Ltd. for the engineering services related to Generator Control System upgrades at the Oshawa Water Supply Plant, at a cost not to exceed \$200,000*;
- C) That financing of \$2,850,000 for the engineering services at the Oshawa Water Supply Plant for the rehabilitation of filters 1 to 4, replacement of Low Lift Pumping Station pump # 1 and all shut-off and check valves in the station, replacement of the valve chamber, replacement of the Motor Control Centre (MCC), installation of a standby blower, and the upgrades to the Generator Control System at the Oshawa Water Supply Plant, in the City of Oshawa, be provided as follows:

Previously Approved Financing

Water Supply Capital Budget – Oshawa Water Supply Plant Valve Chamber Upgrades Project ID#: D1923

User Revenue \$400,000

Water Supply Capital Budget – Oshawa Water Supply Plant Filter 1 to 4 and associated works Project ID# D2424

Asset Management Reserve Fund 1,000,000

Water Supply Capital Budget – installation of second blower Project ID# D2425

User Revenue 200,000

Total Approved Financing \$1,600,000

Additional Financing

2024 Water Supply Capital Budget:

Item # 123 Watermain on Bickle Drive and Roselawn Avenue, Oshawa, Project ID #: O2305

User Revenue \$1,100,000

2024 Water Supply Capital Budget:

Item # 87: Replacement of Watermain on Mary Street from Rossland Road to Robert Street, Oshawa Project ID#: O2202

User Revenue \$150,000

Total Additional Financing \$1,250,000

Total Revised Project Financing \$2,850,000

- D) That the Commissioner of Finance be authorized to execute any necessary related agreements.
(* before applicable taxes)

Respectfully submitted,

T-D. Marimpietri, Vice-Chair, Works Committee



The Regional Municipality of Durham Report

To: Regional Council
From: Commissioner of Finance, Commissioner of Planning and Economic Development and Commissioner of Works
Report: #2024-COW-18
Date: May 29, 2024

Subject:

The Region of Durham's comments on Bill 185, the new Provincial Planning Statement, and the Affordable Residential Units Bulletin

Recommendation:

That the comments contained in the recent letters from the Chief Administrative Officer to the province in Attachment #1, Attachment #2, Attachment #3, and Attachment #4 be endorsed as the Region of Durham's response to the Affordable Residential Units Bulletin and ERO postings related to Bill 185, Cutting Red Tape to Build More Homes Act, and the new Provincial Planning Statement.

Report:

1. Purpose

- 1.1 On April 10, 2024, the province posted [ERO 0198366](#), [ERO 019-8368](#), [ERO 019-8369](#), [ERO 019-8370](#), and [ERO 019-8371](#), under Bill 185, Cutting Red Tape to Build More Homes Act. Additionally, the province posted [ERO 019-8462](#) a proposed new Provincial Planning Statement (PPS). Comments were open for a period of 30 days and 32 days respectively.
- 1.2 In addition to proposed policy and legislative changes that were posted to the Environmental Registry of Ontario, the province also released an Affordable Residential Units Bulletin that will come into effect June 1, 2024. While outside the scope of Bill 185 and the PPS, staff provided comments to the province on the bulletin.
- 1.3 The purpose of this report is to seek Council endorsement of Regional staff comments contained in the letters in Attachment #1, Attachment #2, Attachment #3 and Attachment #4. Regional staff will advise the province of any changes made to the comments by Council.

2. Background

Provincial Planning Statement (PPS)

- 2.1 The current Provincial Policy Statement (PPS) was last updated in 2020. The PPS applies province-wide and provides that land-use planning in Ontario operates on the basis of a policy-led system.
- 2.2 The PPS generally provides policy direction on land use planning matters including:
- a. growth management, intensification, efficient use of land and infrastructure, housing and economic development;
 - b. infrastructure planning, including sewage, water, and stormwater management services, transportation, transit, energy supply and corridor protection;
 - c. protection and management of resources, including prime agricultural areas, aggregates, natural heritage, water, and cultural heritage; and
 - d. protection of public health and safety, such as mitigating potential risks due to natural and human-made hazards.
- 2.3 The province released a new Provincial Planning Statement (new PPS) for comment in April 2023. The Region submitted comments which were included in Report [#2023-P-19](#) and endorsed by the Planning and Economic Development Committee on June 6, 2023. The report was later ratified by Regional Council on June 28, 2023.
- 2.4 On April 10, 2024, the province re-released the proposed new PPS, with additional refinements based on feedback received during the 2023 consultation, which was open for comment for 32 days. Given the short posting period, staff submitted comments on the new PPS and indicated that Council endorsement would be sought.

Bill 185 and the Affordable Residential Units Bulletin

- 2.5 On April 10, the province introduced Bill 185, Cutting Red Tape to Build More Homes Act, its most recent omnibus housing bill. Bill 185 notably proposes changes to planning processes and if passed would reverse the phase-in portion of development charges introduced through Bill 23, More Homes Built Faster Act, 2022. Given the short posting period of 30 days, staff submitted comments and indicated that Council endorsement would be sought.
- 2.6 While not part of the Bill 185 ERO postings, staff also commented on the province's Affordable Residential Units Bulletin that will come into effect June 1, 2024. This bulletin sets out the market-based (that is, average purchase prices and market rents) and income-based thresholds that are to be used to determine

the eligibility of a residential unit for an exemption from development charges and exclusions from the maximum community benefits charge and parkland dedication.

- a. Bill 23 introduced development charge exemptions for affordable housing units in 2022 with 'affordable housing units' to be defined at a later date.

3. Regional Comments on the Provincial Planning Statement

3.1 Staff comments on the new PPS can be found in Attachment #1. Key staff comments include:

- a. Ministry of Finance projections have been significantly different from Growth Plan forecasts for many municipalities, including Durham and are insufficient for planning purposes as they do not include jobs projections. The Ministry of Municipal Affairs and Housing should consider transit and infrastructure investments, employment and jobs forecasts and supply, and constraints to growth when prescribing targets for municipalities, instead of simply basing them on historical trends.
- b. The removal of a requirement for watershed planning prior to the consideration of an urban area boundary expansion would remove the ability to fully understand the impacts of development on the natural environment and water resources.
- c. The reintroduction of the requirement for planning authorities to use an agricultural system approach, based on provincial guidance, is appreciated, and is reflected in Durham's submitted Regional Official Plan.
- d. Proposed private appeal limitations for Settlement Area Boundary Expansion into protected Greenbelt Areas may be impossible to enforce in the absence of an accompanying policy framework that includes for example an ability to review proposed amendments to the Greenbelt Plan.

3.2 As noted in Report 2023-P-19, the introduction of the new PPS also triggers the elimination of the Growth Plan for the Greater Golden Horseshoe and with it, virtually all of the growth management provisions that have been in place for nearly 20 years to ensure growth takes place in an orderly fashion with an emphasis on the efficient use of municipal infrastructure. In staff's view, questions remain as to whether these proposed planning-related changes and the new PPS will result in better planning outcomes, get housing built more quickly, or make housing more affordable.

4. Regional Comments on Bill 185

4.1 In responding to the multiple ERO postings under Bill 185, feedback was provided under three identical covering letters (included as Attachment #2, Attachment #3 and Attachment #4 to this report).

4.2 Key staff comments included:

- a. The Region continues to express deep concerns with the proposal to remove its upper-tier planning authority through the Regional Official Plan. If this approach is to be implemented, then as a minimum, the province is urged to introduce a new provision into the Planning Act to allow Durham, as an upper-tier municipality, to prepare and maintain a statutory planning document to guide the financing and delivery of regional infrastructure and services.
- b. Include upper-tier municipalities as specified persons with appeal rights in alignment with the treatment of utility providers that have a direct interest in infrastructure and servicing planning.
- c. Maintain settlement area boundary expansions consideration with upper-tier municipalities as the jurisdiction responsible for the infrastructure and servicing.
- d. Include upper-tier municipalities in Minister's Zoning Orders (MZO) consultations because of the Region's role in the provision of municipal infrastructure.
- e. Ensure Regions are consulted on additional dwelling unit enhancements to ensure appropriate servicing and infrastructure.
- f. Mandatory pre-application consultations are a good planning practice that is in the best interest of the applicant, municipality and residents; these pre-consultations ultimately expedite the approval process and should be maintained to minimize risk to all parties. Allowing challenging "complete" application requirements to be appealed to the Ontario Land Tribunal would result in a less transparent and comprehensive public review process.
- g. The proposed elimination of the phase-in of development charges and the proposed inclusion of studies as an eligible expense are supported and will improve the Region's ability to fund growth-related capital costs and reduce funding requirements from property taxes and water and sewer user rates.

5. Regional Comments on the Affordable Residential Units Bulletin

5.1 Comments on the Affordable Residential Units Bulletin were included in comments on Bill 185 covering letters (included in Attachment #2, Attachment #3 and Attachment #4 to this report).

5.2 Key staff comments on the Affordable Residential Units Bulletin included:

- a. Regional staff support:
 - That the affordability criteria for rental and ownership units varies across unit types (i.e., single, semi-detached, townhomes, and apartments by number of bedrooms), except for the Income-based purchase price criteria which is consistent across unit types; and
 - That the affordable purchase price and rental rate thresholds are established specific to geographic regions to reflect the respective housing and rental market conditions.
- b. Regional staff recommend:

- Measures should be put in place to ensure that the exemption from municipal development-related charges is passed onto homeowners and renters to preserve the integrity of the Province's proposed definition of affordable residential unit;
- The Province provide a template for the 25-year agreement between the developer and the area municipality (as required under the DCA); and
- The Province provide support regarding the challenges municipalities will face in the collection of development charges at building permit and / or at subdivision stage which is far in advance of knowing the final purchase price or rental rate. A refund and/or later payment collection mechanism that would allow municipalities to verify the final purchase price or rental rate should be added to the allowable DC collection process. In addition, the process will require an annual verification process to ensure that affordability is maintained, and if not, then a DC payment is required.
- The income-based approach for affordable ownership units could be improved by taking into account household size for each unit type instead of applying a consistent value across all unit types. This would provide incentive to build a range of housing options.
- The Province confirm the timelines for when the Bulletin will be updated (e.g. updated June 1 every year).

6. Previous Reports and Decisions

- 6.1 Council endorsed staff comments on the province's previous proposed Provincial Planning Statement in report [#2023-P-19](#) in June 2023.
- 6.2 Staff comments and direction to request the province pass further legislation to revise Bill 23 in report [#2022-COW-33](#) in December 2022.

7. Relationship to Strategic Plan

- 7.1 This report aligns with/addresses the following strategic goals and priorities in the Durham Region Strategic Plan:
- a. Objective 1.3, protect, preserve, and restore the natural environment, including greenspaces, waterways, parks, trails, and farmlands;
 - b. Objective 2.5 Build a healthy, inclusive, age-friendly community where everyone feels a sense of belonging
 - c. Objective 5.1 Optimize resources and partnerships to deliver exceptional quality services and value

8. Conclusion

- 8.1 On April 10, the province posted [ERO 0198366](#), [ERO 019-8368](#), [ERO 019-8369](#), [ERO 019-8370](#), [ERO 019-8371](#), under Bill 185, The Cutting Red Tape to Build

More Homes Act and also [ERO 019-8462](#) a proposed new Provincial Planning Statement (PPS). The province also recently released an Affordable Residential Units Bulletin to define 'affordable housing' under Bill 23.

- 8.2 Regional staff are seeking Council endorsement of the comments sent to the province to meet the May 10, and May 12, 2024 commenting deadlines (Attachment #1, Attachment #2, Attachment #3 and Attachment #4). Staff will communicate any changes from Council to the province.
- 8.3 Staff will continue to keep Council informed of new developments on the PPS and Bill 185 as well as implementation and financial impacts of the Affordable Residential Units Bulletin.
- 8.4 This report was prepared in consultation with Planning and Economic Development, Works, and Finance departments with staff providing comments on the ERO posting and the Bulletin as appropriate.

9. Attachments

- Attachment #1: Region of Durham staff comments on the Provincial Planning Statement
- Attachment #2: Region of Durham staff comments on ERO 019-8366, 019-8369, and 019-8370 under Bill 185
- Attachment #3: Region of Durham staff comments on ERO 019-8368 under Bill 185
- Attachment #4: Region of Durham staff comments on ERO 019-8371 under Bill 185

Respectfully submitted,

Original signed by

Nancy Taylor
Commissioner of Finance and Acting
Chief Administrative Officer

Original signed by

Brian Bridgeman
Commissioner of Planning and Economic
Development

Original signed by

Ramesh Jagannathan
Commissioner of Works



Sent by Email

May 10, 2024

Provincial Land Use Plans Branch
13th Flr, 777 Bay St
Toronto, ON
M7A 2J3
growthplanning@ontario.ca

**The Regional
Municipality of
Durham**

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

Re: Region of Durham staff comments on the proposed policies for a new provincial planning policy instrument.

On April 10, an updated proposed Provincial Planning Statement that incorporates feedback received through the previous consultation on the proposed Provincial Planning Statement was posted for comment on the Environmental Registry of Ontario.

Thank you for the opportunity to comment on the proposed changes. Given the limited posting period of 32 days, please note that the following comments are those of Durham Regional staff, which will be provided to Regional Council for endorsement at an upcoming Council meeting. Regional staff will advise the province of any changes made to these comments by Council following the meeting.

The Council endorsed comments that Durham provided during the first round of consultation are attached and remain as Durham Region's position on the proposed PPS.

Appendix 1 provides further detailed comments on the various amendments being considered. We offer the following key recommendations and considerations:

- Ministry of Finance projections have been significantly different from Growth Plan forecasts for many municipalities, including Durham and are insufficient for planning purposes as they do not include jobs projections. The Ministry of Municipal Affairs and Housing should consider transit and infrastructure investments, employment and jobs

If you require this information in an accessible format, please contact Planning Division at 1-800-372-1102, ext. 2548.

forecasts and supply, and constraints to growth when prescribing targets for municipalities, instead of simply basing them on historical trends.

- The removal of a requirement for watershed planning prior to the consideration of an urban area boundary expansion would remove the ability to fully understand the impacts of development on the natural environment and water resources.
- The reintroduction of the requirement for planning authorities to use an agricultural system approach, based on provincial guidance, is appreciated, and is reflected in Durham's submitted Regional Official Plan.
- Proposed private appeal limitations for Settlement Area Boundary Expansion into protected Greenbelt Areas may be impossible to enforce in the absence of an accompanying policy framework that includes for example an ability to review proposed amendments to the Greenbelt Plan.

Yours truly,

Original signed by

Brian Bridgeman, MCIP, RPP, PLE
Commissioner of Planning and Economic Development, Region of Durham

CC: Elaine Baxter-Trahair, Chief Administrative Officer, Region of Durham

Attachment 1: Region of Durham Submission on the Proposed Provincial Planning Statement

Policy Update	Comment
Planning for People and Homes	
<p>Require municipalities to base growth forecasts on MOF population/employment projections, with transition for municipalities within the GGH to continue to use Growth Plan forecasts until more current forecasts are available to 2051.</p>	<p>The Region previously requested the province base population/employment forecasts on a standard methodology.</p> <p>Despite the province amending policy to require the use of MOF projections, the need for the Region to have a key role in this process, regardless of planning approval authority, remains the same because of our role in the provision of infrastructure, namely roads, transit, water and wastewater. Involvement of the upper tier municipality should be achieved through the maintenance of the Regional Official Plan.</p> <p>An alternative could be a scoping of the Regional Official Plan to focus on integrated growth management and to facilitate the provision of services provided by the upper-tier. This model would eliminate the perception of duplication that exists between upper and lower tier official plans and would serve as an integrated growth management tool to guide Regional spending on Regional infrastructure and services. If the Region is not involved early, a significant risk, in addition to compromising orderly/efficient infrastructure provision, is the ability of the area municipalities to allocate forecasts in a balanced way.</p> <p>MOF projections have been significantly different from Growth Plan forecasts for many municipalities, including Durham. MMAH should consider transit and infrastructure investments, land supply, and constraints to growth when prescribing targets for municipalities, instead of simply basing them on historical trends.</p>
Housing	
<p>Require municipalities to provide a range and mix of housing</p>	<p>The addition of direction to explicitly plan for affordable housing</p>

Policy Update	Comment
options with an expanded definition to include multi-unit types (laneway, garden suites, low and mid-rise apartments) and typologies (affordable, multi-generational, seniors, student housing)	is appreciated.
Updated policy does not outline affordable housing targets. It does, however, enable planning authorities to establish their own.	As the Region becomes a municipality without planning responsibilities, it remains unclear how these policies will be implemented through the Region's role as a Housing Service Manager to facilitate coordinated delivery of affordable housing.
Definitions for "affordable" and "low- and moderate-income household" have been added. The definitions are largely the same as those within the 2020 PPS, however the area measurement for each definition has changed from "regional market area" to "municipality".	It is appropriate to base housing affordability thresholds at the municipal level. This is in line with how the Region's 10 Year Housing and Homelessness Plan is set up.
Settlement Areas and Settlement Area Boundary Expansions	
Require municipalities to support general intensification (e.g., through the redevelopment of plazas and shopping malls for mixed-use residential development, and encourage municipalities to establish and implement minimum targets for intensification in built-up areas	Direction for the establishment of minimum intensification targets and general strengthening of intensification policies is appreciated. However, maintaining the Growth Plan's 50% intensification target is preferred.
Encourage large and fast-growing municipalities to plan for 50 people and jobs per hectare in designated growth areas.	Density targets for large and fast-growing municipalities should be higher than other municipalities in the province to support transit and reflect market demand for housing in the GGH.
Encourage municipalities to establish phasing strategies to align growth with infrastructure needs in designated growth areas and only identify new settlement areas where infrastructure is planned or available.	It should be more clearly established how upper tier municipalities, as the supplier of a lot of this infrastructure, are involved.
Settlement area boundary changes permitted at any time, with requirements for municipalities to consider additional criteria related to need for the expansion to accommodate growth, infrastructure capacity, phasing of growth, achievement of housing objectives, consideration of alternative locations to prime ag. areas, and impacts on agricultural systems.	<p>The Region previously requested that the province reconsider allowing requests for SABEs to happen outside of a municipal comprehensive review.</p> <p>Concern remains with the piecemeal approach, outside of a municipal comprehensive review. While review criteria are being expanded, notably absent is consideration for the natural</p>

Policy Update	Comment
	<p>heritage system and water resources system. It is recommended that this be added.</p> <p>Further exacerbating the issue, watershed planning is not proposed to be required prior to consideration of an urban area boundary expansion, outside of a municipal comprehensive review. This removes the ability to fully understand impacts of development on the natural environment and water resources.</p>
Strategic Growth Areas	
<p>Encourage all municipalities to focus growth and development in strategic growth areas to achieve higher density outcomes.</p>	<p>Noted. No comment.</p>
<p>Removal of requirement for large and fast-growing municipalities to identify and set out density targets within SGAs.</p>	<p>Seek clarification on why this requirement was removed. Combined with the removal of the Growth Plan's 50% intensification target and relatively low target for DGAs within large and fast-growing municipalities, will likely continue with low density greenfield areas.</p>
<p>Removal of direction for planning for urban growth centres (Growth Plan), with simplified direction to plan for downtowns as strategic growth areas.</p>	<p>The Region supports continued planning for urban growth centres as SGAs with a prescribed density target. Envision Durham, the Region's Council adopted Regional Official Plan, includes UGCs (Pickering/Oshawa) as SGAs with a prescribed density target.</p>
<p>Encourage municipalities to promote supportive land uses and built forms, including affordable, accessible and equitable housing within major transit station areas to achieve minimum density targets.</p>	<p>It is requested that the province provide a definition and guidance on what is meant by "equitable housing" to support municipalities in achieving this goal.</p>
<p>Require municipalities to plan for intensification on lands that are adjacent to existing and planned frequent transit corridors.</p>	<p>The addition of this policy is consistent with the High Frequency Transit Network that is in the Council Adopted Regional Official Plan and what Durham Region Transit considers "frequent transit routes" in their network currently. Durham has SGAs in the form of Regional Centres that are on this network</p>

Policy Update	Comment
	(Brock/Taunton in Whitby, Baldwin/Winchester in Whitby, Downtown Ajax, etc.). These SGAs are not on the Rapid Transit Spines that are sections of Highway 2 and Simcoe Street, but are located on one or more frequent routes where, for certain roads, there are planned HOV lanes and where transit signal priority is supported.
Rural Lands in Municipalities	
Removal of permissions for multi-lot residential development on rural lands.	This change is appreciated.
Employment	
Require municipalities to address transition and land use compatibility between employment areas and sensitive land uses.	Noted. The province should provide the Region with direction as to whether Durham will continue with its provincial review responsibilities, which include land use compatibility.
Update to specify that employment area conversions must demonstrate that sufficient employment land is available to accommodate employment growth.	More guidance is needed to understand what the province believes is “sufficient” employment land. Flexibility to remove employment lands and allow residential development may compromise future economic opportunities.
Require municipalities to protect airports from land uses that may cause a potential aviation safety hazard.	Noted. No comment.
Sewage, Water and Stormwater	Comments
Require all municipalities to consider allocation or potentially reallocation of unused servicing capacity to accommodate projected needs for housing.	Re-allocation of capacity is rarely/never an issue in Durham because we allocate at the time of signing a development agreement, which is much later in the process than other municipalities.
Provide flexibility for municipalities to service residential development in rural settlement areas by permitting partial services where new development will be serviced by on-site water services in combination with municipal sewage services or private communal sewage services.	Communal systems are not preferred, but issues have been addressed through “responsibility agreements” in the past. It would be reasonable from a financial and environmental perspective for the province to include stronger policy safeguards for if/when these systems fail.
Water	Comments
Encourage municipalities, and require large and fast-growing	It is unclear if the intention of this policy is to remove the Region

Policy Update	Comment
<p>municipalities, to undertake watershed planning to inform sewage and water services, among other things.</p>	<p>from watershed planning, leaving it solely the responsibility of the area municipalities. If so, it is difficult to see how the Region can be divested because we provide sewage and water services and are the primary funders of watershed planning, and conservation authorities as a whole. Additionally, watersheds cross area municipal boundaries, so there remains a regional interest. In the absence of a Regional role, at minimum, coordination across municipalities within the watershed should be required.</p>
Agriculture	Comments
<p>The province has reintroduced the requirement for planning authorities to use an agricultural system approach, based on provincial guidance.</p>	<p>This change is appreciated based on the extensive work undertaken by OMAFRA to establish a provincial agricultural system and its implementation into the new Regional Official Plan, through Envision Durham.</p>
<p>Not carry forward proposed policies permitting lot creation in prime agricultural areas.</p>	<p>This change is appreciated.</p>
<p>Permit up to two additional residential units on farms to support farmers, farm families and farm workers, without creating new lots.</p>	<p>There is potential that property owners will build these additional residential units and apply for severances in the future, resulting in agricultural system fragmentation. It would be helpful to gather feedback from the Durham Agricultural Advisory Committee, however the tight consultation deadline does not afford this opportunity.</p>
<p>Support local food and facilitate near-urban and urban agriculture.</p>	<p>While proposed policy defines “urban agriculture”, there is no definition for “near urban agriculture”. It is recommended that the provide a definition and guidance material on what is meant by “near urban agriculture” to allow municipalities to fully understand property tax and land use compatibility implications of facilitating such uses.</p>
Other	Comments
<p>Require municipalities to collaborate with publicly supported post-secondary institutions on early and integrated planning for student housing and encourage collaboration on the development of student housing strategies.</p>	<p>Supportive of this approach. Provincial guidance is requested for the development of a student housing strategy.</p>
<p>30-day commenting timeline.</p>	<p>This short window for providing comments on such sweeping</p>

Policy Update	Comment
<p>A consequential administrative amendment to the Greenbelt Plan would maintain existing Greenbelt Plan standards and clarify that existing policy connections in the Greenbelt Plan to the Provincial Policy Statement, 2020 and Growth Plan remain in effect.</p>	<p>legislation is inadequate.</p> <p>While it was indicated that subsequent changes to the Greenbelt Plan would be necessary to maintain policy connections, it would be beneficial for stakeholders to review proposed amendments to the Greenbelt Plan in concert with the new PPS (i.e., to help identify any potential policy conflicts or concerns, particularly given the proposed repeal of the Growth Plan).</p> <p>For example, policies restricting SABEs within the Protected Countryside of the Greenbelt Area are currently embedded within the Growth Plan (Policy 2.2.8.3 k). However, the proposed new PPS does not carry-over the Growth Plan policies that restrict SABEs into the Greenbelt.</p> <p>Given that the new PPS is intended to subsume the Growth Plan, unless the Greenbelt Plan is amended to fully consider how SABEs will be restricted within the Greenbelt Area, there will be no policies regulating the scope and scale of a SABE into the Greenbelt Area.</p> <p>Bill 185 proposes amendments that would permit an appeal by private applicants for an official plan amendment or zoning by-law amendment that facilitates a SABE, unless the SABE includes expansion into the protected Greenbelt Area. However, without the ability to review proposed amendments to the Greenbelt Plan, while considering changes to the PPS and the repeal of the Growth Plan, it is unclear what policy framework will be in place to regulate potential SABEs in the Greenbelt (i.e., notwithstanding limits on private appeal rights, an absence of policies has the potential to create a policy “loophole”.</p>

If this information is required in an accessible format, please contact 1-800-372-1102 ext. 2564



The Regional Municipality of Durham Report

To: Planning and Economic Development Committee
From: Commissioner of Planning and Economic Development
Report: #2023-P-19
Date: June 6, 2023

Subject:

Durham Region's response to provincial consultation on Bill 97 – the Helping Homeowners, Protecting Tenants Act, 2023, the proposed Provincial Planning Statement, and related ERO Postings [#019-6821](#), [#019-6822](#), [#019-6813](#).

Recommendation:

That the Planning and Economic Development Committee recommends to Regional Council:

- A) That the letter dated May 5, 2023 (see Attachment #1) from the Commissioner of Planning and Economic Development to the Minister of Municipal Affairs and Housing be endorsed as Durham Region's comments on Bill 97;
- B) That the following recommendations form the Region's comments on the proposed Provincial Planning Statement, namely that the province:
 - i) make stable and predictable funding available to Indigenous communities to facilitate their fulsome participation in the planning process.
 - ii) require municipalities to develop population and employment forecasts to a common 25 to 30-year time horizon based on a standard methodology provided by the province.

- iii) continue to require that settlement area boundary expansions be permitted only through municipal comprehensive reviews, informed by a standardized methodology. Within a regional context, the implications of infrastructure and servicing on settlement area boundary expansions collectively should continue to rest with upper-tier municipalities as the jurisdiction responsible for the infrastructure and servicing, regardless of planning approval responsibility.
- iv) continue to consult on the implementation framework so that municipalities within the Greenbelt Plan area can understand how they will be affected by the proposed policy changes.
- v) permit municipalities to designate Strategic Growth Areas (SGAs) in their official plans and clarify if the Highway-2 BRT in Durham would be captured as a higher order transit corridor following repeal of the Growth Plan.
- vi) continue to support intensification targets and approaches to calculation within municipal official plans.
- vii) continue to consult with upper-tier municipalities that may no longer have planning approval authority under Bill 23 on how the proposed new PPS can be implemented through their role as a Housing Service Manager to facilitate the coordinated delivery of affordable housing.
- viii) provide definitions (e.g. affordable and attainable) and establish clear policy that enables the delivery of affordable housing and include targets, definitions and policies in the proposed new PPS.
- ix) uphold agricultural systems planning and strengthen language in the proposed new PPS to require municipalities to use an agricultural systems approach.
- x) allow the ability for limited lot creation on rural lands, but only if it is locally appropriate while discouraging residential lot creation in prime agricultural areas, aside from those created through surplus farm dwellings.
- xi) not permit light industrial, manufacturing and small-scale warehousing within SGAs as it would undermine the ability for sensitive uses, particularly residential uses, to locate within SGAs.
- xii) include policy language that will strengthen a municipalities' ability to require mixed use developments in SGAs, and not solely residential developments, which could undermine the province's objectives related to complete communities.

- xiii) clarify the general intent of the proposed policy that requires municipalities to “leverage the capacity of development proponents” in planning for infrastructure and public service facilities as it may be interpreted to mean that municipalities will be compelled to enter into agreements with proponents for the provision of infrastructure and public service facilities;
 - xiv) release proposed natural heritage policies and definitions as soon as possible and in turn allow stakeholders time to comment on the proposed new PPS holistically;
 - xv) develop policy approaches to intensification and settlement area boundary expansions within the context of a changing climate;
 - xvi) include a policy framework for natural hazards within the final proposed new PPS to support municipalities in their efforts to ensure public health and safety, protect property, and avoid the creation of new or aggravate existing natural hazards;
 - xvii) retain policy direction for on-site and local reuse of excess soil, and provide planning authorities with guidance on how to accommodate expected increases in excess soil generated as residential development accelerates; and
- C) That a copy of this report be forwarded to Durham’s area municipalities, conservation authorities, and neighbouring municipalities for information.
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Report:

1. Purpose and Background

1.1 On April 6, 2023, the province released Bill 97, the “Helping Homebuyers, Protecting Tenants Act”, as well as a proposed new Provincial Planning Statement (referred to in this report as the proposed new PPS) to replace the existing Provincial Policy Statement (referred to in this report as the existing or current PPS). It is proposed that the existing PPS and the document commonly known as the Growth Plan (formally titled “A Place to Grow: Growth Plan for the Greater Golden Horseshoe”) will be consolidated. As proposed, the existing Growth Plan would be eliminated. Together, Bill 97 and the new PPS represent a major shift in the land use planning regime in Ontario, especially in the Greater Golden Horseshoe.

- 1.2 The deadline for comments on Bill 97 was May 6, 2023 (a 30-day commenting period). On May 5, 2023, the Commissioner of Planning and Economic Development (the Commissioner), on behalf of Durham Region, provided preliminary comments to the province on Bill 97, stating they had not yet been endorsed by Regional Council (see Attachment #1). The purpose of this report is two-fold, the first one being to recommend that Council endorse the comments on Bill 97 previously provided to the province by the Commissioner.
- 1.3 The deadline for comments on the new PPS is August 4, 2023, (a 120-day commenting period). The second purpose of this report, therefore, is to recommend that Council endorse the comments provided herein on the new PPS.
- 1.4 It is expected that the proposed new PPS will come into force in the fall 2023. While decisions on planning matters will need to be consistent with the new PPS as of its effective date, Bill 97 would allow for the Minister to make regulations which could address different transition rules.
- 1.5 The release of the proposed new PPS follows a provincially initiated housing-focused policy review of the current PPS and Growth Plan that occurred in the fall 2022 that sought input on how to integrate the two policy documents ([ERO #019-6177](#)).
- 1.6 The current PPS first came into effect in 1997. It has been updated several times. It was updated in 2017 and most recently in 2020. It applies province-wide and provides that land-use planning in Ontario operates on the basis of a policy-led system.
- 1.7 The current Growth Plan first came into effect on June 16, 2006. It was updated in 2017, again in 2019, and once again in 2020.
- 1.8 The Region's new Official Plan ("Envision Durham") which was adopted by Council on May 17, 2023, is based on the directions provided under the existing PPS and Growth Plan as well as other relevant provincial plans and policies. Envision Durham enables the coordination of high-level service and infrastructure investment, and guides decision-making on growth management. Envision Durham is intended to achieve complete communities, prioritize intensification in strategic growth areas, and support a range and mix of housing options. Land needs have been informed by the Growth Plan's population and employment forecasts to 2051, and the land needs analysis was prepared using a standard methodology involving intensification and density targets, and feasibility criteria.

1.9 Report [#2023-INFO-29](#) dated April 21, 2023 provides a detailed summary of Bill 97 and the changes proposed under the proposed new PPS. In brief, all the directive policies of the current Growth Plan, (e.g. forecasts, intensification and density targets) are proposed to be eliminated except for those requiring minimum densities around major transit station areas (MTSAs).

2. Previous Reports

2.1 An overview of Bill 97 – The Helping Homebuyers, Protecting Tenants Act, 2023 and the Proposed Provincial Planning Statement was provided in Report [#2023-INFO-29](#) in April 2023.

2.2 Initial preliminary comments from the Chief Administrative Officer on Bill 23 were presented in Report [#2022-INFO-93](#) in November 2022.

2.3 Implications of Bill 23 on the Region of Durham were presented in Report [#2022-COW-33](#) in December 2022 with FAQs on the impacts of Bill 23 provided to residents through www.durham.ca/Bill23.

2.4 Durham Region's response to the provincial consultation on Proposed Amendments to the Greenbelt Plan, including the removal of lands from the Greenbelt, were presented in Report [#2022-COW-31](#) in December 2022.

2.5 Comments from the Region of Durham on the Report of the Provincial Housing Affordability Task Force were presented in Report [#2022-INFO-12](#) in February 2022.

3. Regional Comments on the Proposed Provincial Planning Statement

3.1 The current PPS and Growth Plan both generally provide policy direction on land use planning matters including:

- a. growth management, intensification, efficient use of land and infrastructure, housing and economic development;
- b. infrastructure planning, including sewage, water, and stormwater; management services, transportation, transit, energy supply and corridor protection;
- c. protection and management of resources, including prime agricultural areas, aggregates, natural heritage, water, and cultural heritage; and
- d. protection of public health and safety, such as mitigating potential risks due to natural and human-made hazards.

3.2 The proposed new PPS can be described as a re-write of a significant amount of provincial policy guiding land use planning particularly for lands the Greater Golden Horseshoe. The intent of the exercise is to combine the existing PPS and the Growth Plan into a single document while introducing a number of foundational policy shifts. The proposed new PPS includes a set of policies that would only apply to 29 municipalities considered to be the largest and fastest growing, with the greatest need for housing. Within Durham Region, Pickering, Ajax, Whitby, Oshawa and Clarington are included in the list of large and fast-growing municipalities.

Indigenous Engagement

3.3 The proposed new PPS would require planning authorities to undertake early engagement with Indigenous communities and coordinate on land use planning matters to facilitate knowledge-sharing, support consideration of Indigenous interests in land use decision-making and support the identification of potential impacts of decisions on the exercise of Aboriginal or treaty rights. The province's Duty to Consult would benefit from regular engagement. The Region has been working diligently to foster good working relationships with the Williams Treaty communities over the past several years. To support ongoing engagement, **it is recommended that the province make stable and predictable funding available to Indigenous communities to facilitate their fulsome participation in the planning process.**

Growth Management

3.4 The current Growth Plan requires municipalities to plan for population and employment forecasts to 2051 and includes density and intensification targets. The proposed repeal of the Growth Plan will remove these forecasts and targets except for density around Major Transit Station Areas (MTSAs). However, the coordination of population and employment forecasts, as well as density and intensification targets to enable service and infrastructure planning is guided by upper tier plans. A provincial role on a standardized methodology is suggested to assist municipalities in developing subsequent official plans along with direction on developing forecasts to a common 25 or 30-year timeframe based on a common methodology provided by the province. A common forecast period shared between jurisdictions will:

- a. enable better infrastructure planning for projects that cross municipal boundaries;
- b. facilitate coordinated and efficient transportation and infrastructure modelling; and

- c. reduce duplication and delay by not requiring a calibration of forecasts across municipalities back to a common time horizon to inform infrastructure planning.
- 3.5 Although forecasts and targets for MTSA's would not be affected, within Durham these locations only account for a relatively small share of overall forecasted growth. Planning for transit-oriented communities in all other Strategic Growth Areas (SGAs) could be affected, since approval authorities could no longer require development to be implemented based on densities that optimize the use of transit. **It is recommended that the province require municipalities to develop population and employment forecasts to a common 25 or 30-year time horizon based on a standard methodology provided by the province.**
- 3.6 The proposed new PPS removes the requirement that settlement area boundary expansions only be considered through a municipal comprehensive review, and there would be no limitation or guidance on when landowners could apply for an expansion. A standard methodology for the conduct of settlement area boundary expansions should be maintained to ensure the land use and fiscal impacts from ad hoc urban boundary expansions are properly understood. Additionally, requirements for consideration of settlement area boundary expansions have been softened since the demonstration of land need would no longer have to be undertaken when applying for an expansion.
- 3.7 The fundamental shift being proposed regarding settlement area boundary expansion requests could invite speculation and ad-hoc submissions which could destabilize the agricultural land base. A clearer evaluation approach would reduce the likelihood of lengthy appeals to the OLT where methodology could be at issue. If unneeded expansions are allowed, a further expectation for extending municipal services to these areas is likely to ensue. This approach creates unnecessary challenges to long term servicing and infrastructure planning. **It is recommended that the province continue to require that settlement area boundary expansions be permitted only through municipal comprehensive reviews, informed by a standardized methodology. Within a regional context, the implications of infrastructure and servicing on settlement area boundary expansions collectively, should continue to rest with upper-tier municipalities as the jurisdiction responsible for the infrastructure and servicing, regardless of planning approval responsibility.**

- 3.8 There are various instances where the Greenbelt Plan defers to the Growth Plan and the current PPS. For example, the Growth Plan allows settlement area boundary expansions up to a 5 percent increase in size to a maximum of 10 hectares for urban areas within the Greenbelt Plan area. This 10-hectare cap policy does not form part of the proposed new PPS and, therefore, appears to enable further development in the Greenbelt Plan area. Although the implementation framework provided with the consultation materials on the proposed new PPS appears to indicate that an amendment is being proposed to the Greenbelt Plan to have the policies of the Growth Plan and current PPS related to rural settlement growth (including Urban Areas within the Greenbelt and restrictions on Hamlet expansion) continue to be applied within the Greenbelt Plan area, these materials have not yet been provided. **It is recommended that the province continue to consult on the implementation framework so that municipalities within the Greenbelt Plan area can understand how they will be affected by the proposed policy changes.**
- 3.9 The Growth Plan introduced the concept of Strategic Growth Areas (SGAs), which includes MTSAs, which now form part of the proposed new PPS. The Growth Plan requires the delineation of SGAs and the application of minimum density targets along identified priority transit corridors. Within Durham, eight MTSAs were identified along the Lakeshore East GO line, four surrounding existing GO Stations and four surrounding planned stations. The proposed policies indicate that SGAs are not a land use designation but are still to be delineated at the discretion of the municipality. The proposed 2023 PPS would require the delineation of MTSAs along higher order transit corridors, which includes the Highway-2 Bus Rapid Transit Corridor (BRT) and Regional Centres along the BRT. **It is recommended that the province permit municipalities to designate SGAs in their official plans and clarify if the Highway-2 BRT in Durham would be captured as a higher order transit corridor following repeal of the Growth Plan.**
- 3.10 The 50 percent intensification target under the Growth Plan, requiring municipalities to plan for this target within a prescribed Built Boundary would be removed under the proposed new PPS. The removal is likely to contribute to an increase in urban expansion pressures and could detract from other goals of creating complete communities or efficient use of planned infrastructure and public service facilities. In addition, the ability to measure intensification consistently over time based on consistent benchmarks to inform long term service planning would be removed. **It is recommended that the province continue to support intensification targets and approaches to calculation within municipal official plans.**

Housing

- 3.11 The requirement that planning authorities establish and implement minimum targets for affordable to low- and- moderate income households has been removed in the 2023 PPS. It has been replaced with a requirement to co-ordinate land use planning and planning for housing with Service Managers to address the full range of housing options including housing affordability needs. Although this may align with the 2016 Service Manager Housing and Homelessness Plans Policy Statement, which provides policy direction to reflect a coordinated approach within Ontario’s land use planning framework, it is unclear how this is to be achieved from a practical perspective, given pending changes under Bill 23 to remove upper-tier planning approval authority, and the absence of clear direction on affordable housing within the proposed new PPS.
- 3.12 As a Housing Services Manager, the Region’s familiarity with local conditions make it well-equipped to inform the development of municipal housing policies and action plans. However, the ability to require the inclusion of any policies pertaining to housing affordability through an upper-tier official plan would be lost. **It is recommended that the province continue to consult with upper-tier municipalities that may no longer have planning approval authority under Bill 23 on how the proposed 2023 PPS can be implemented through their role as a Service Manager to facilitate the coordinated delivery of affordable housing.**
- 3.13 The term “low- and- moderate income households”¹ is proposed to be removed within the 2023 PPS and a definition for affordable housing has not been carried over from the existing Growth Plan or PPS. Although it is a provincial objective to increase housing supply, ostensibly to improve housing affordability, the absence of any definition or clarity on how affordable housing is identified or defined will make it difficult for municipalities to achieve meaningful or commonly understood affordable housing goals. Further, with housing affordability being an issue of ever-growing concern, it is suggested that the province also provide affordable housing targets within the proposed new PPS in consultation with municipalities. **It is recommended that the province provide definitions (e.g. affordable and attainable) and establish clear policy that enables the delivery of affordable housing and include definitions, policies and targets in the proposed new PPS.**

1 low- and- moderate income households, as defined within the current PPS, means:

- a) in the case of ownership housing, households with incomes in the lowest 60 percent of the income distribution for the *regional market area*; or
- b) in the case of rental housing, households with incomes in the lowest 60 percent of the income distribution for renter households for the *regional market area*.

Agriculture and Rural Lands

- 3.14 The agri-food industry is a key economic driver in the Region. With over 12,000 hectares of Durham in production, agriculture is one of the largest primary goods producing sectors within the region. Rural lot creation is a complex matter where the economic needs of the agricultural community are balanced with the preservation of agricultural land to ensure the viability of the Rural System. In southern Ontario where prime agricultural soils predominate, it is necessary to take steps to protect the agricultural land base by minimizing fragmentation and minimize the introduction of uses that are incompatible with efficient farming practices.
- 3.15 The Growth Plan identifies a Provincial Agricultural System that municipalities are required to implement. The proposed new PPS does not include this requirement, and instead “encourages” municipalities to use an agricultural systems approach. The Region has implemented the Provincial Agricultural System through its recently adopted ROP by completing a combination desktop exercise and on-the-ground assessment of the region’s rural area. This process validated many provincial determinations of additional prime agricultural areas and supported the retention of Major Open Space Areas to provide flexibility for some non-farming uses (Report [#2022-P-16](#)).
- 3.16 The proposed departure from Provincial Agricultural System mapping will result in less protection for prime agricultural areas and would make mapping in municipal official plans and protection of agricultural land in the long term more difficult. **It is recommended that the province uphold agricultural systems planning strengthen language in the proposed new PPS to require municipalities to use an agricultural systems approach.**
- 3.17 The proposed 2023 PPS would introduce a new policy framework allowing residential lot creation on rural lands and prime agricultural areas, including multi-lot residential development on rural lands and up to three new lots within prime agricultural areas. The ability to support the long-term stability and viability of agricultural lands would be eroded, due to increased conflict between sensitive uses and normal farm operations. The maintenance of rural character would also be at risk under this policy framework. **It is recommended that the proposed new PPS should allow the ability for limited lot creation on rural lands, but only if it is locally appropriate while discouraging residential lot creation in prime agricultural areas, aside from those created through surplus farm dwellings.**

Employment Areas

- 3.18 The proposed new PPS would permit the introduction of light industrial, manufacturing, and small-scale warehousing in SGAs, subject to them not having adverse effects near sensitive land uses. It does not address the impacts of having potentially higher volumes of truck traffic to/from and within SGAs. Allowing these employment uses within SGAs increases the potential for more conflicts between goods movement-focused traffic and transit. Introducing these uses outside of employment areas works against the benefits of transit investments and intensification in SGAs. **It is recommended that the province not permit light industrial, manufacturing and small-scale warehousing within SGAs as it would undermine the ability for sensitive uses, particularly residential uses, to locate within SGAs.**
- 3.19 It is recognized that the province views the introduction of housing into employment areas that do not need to be set aside for heavier industrial uses as a mechanism to increase housing supply and create mixed use, complete communities. However, **it is recommended that the province include policy language that will strengthen a municipalities' ability to require mixed use developments in these areas, and not solely residential developments, which could undermine the province's objectives related to complete communities.**

Infrastructure and Public Service Facilities

- 3.20 The proposed new PPS retains policy direction that requires that planning for infrastructure and public service facilities to be coordinated and integrated with land use planning and growth management. The retention of these policies are key to the delivery of growth-related infrastructure. Additional direction has been introduced that requires leveraging the capacity of development proponents when planning for infrastructure and public service facilities. It is unclear what the term "leverage the capacity of development proponents" means. The Region ensures a sustainable network of transportation, water and wastewater infrastructure, and public service facilities such as paramedic and police stations. These are provided in the appropriate locations and in an efficient and cost-effective manner to achieve Council's goal through the ROP of supporting orderly, sequential and phased development in Durham. There is inherent risk to introducing proponent-led projects to this process. **It is recommended that the province clarify the general intent of this proposed policy as it may be interpreted to mean that municipalities will be compelled to enter into agreements with proponents for the provision of infrastructure and public service facilities.**

Natural Heritage, Climate Change and Natural and Human-Made Hazards

- 3.21 According to the posted materials, natural heritage policies have not been included within the proposed new PPS as they are still under consideration by the province. Further, once proposed policies and definitions are ready for review and input, they will be made available through a separate posting on the ERO. It is concerning that natural heritage policies have been left out of the proposed new PPS because they are fundamentally linked to all other policy areas. Without them, the full impact of the proposed policy changes is unknown. **It is recommended that the province release proposed natural heritage policies and definitions as soon as possible and in turn allow stakeholders time to comment on the proposed new PPS holistically.**
- 3.22 Policies requiring municipalities to plan for climate change remain in the proposed 2023 PPS. However, language has been softened from “planning authorities shall” to “planning authorities shall plan to” address the impacts of a changing climate. Additionally, the proposed 2023 PPS is less prescriptive in how planning authorities can implement this direction. Reducing the importance of intensification to achieve complete communities, being more permissive related to settlement area boundary expansions, and providing less climate change specific direction for planning authorities, does not support the goals of achieving greenhouse gas emission reductions and preparing for the impacts of a changing climate.
- 3.23 In January 2020 Durham Regional Council declared a climate emergency that recognizes environmental sustainability and climate change as strategic priorities in Durham Region’s Strategic Plan and as a factor in the decisions of Regional Council. The Region is implementing programs to build more resilient infrastructure, communities and natural systems and reduce greenhouse gas emissions. The Region’s brand new Official Plan adopted May 17, 2023 includes policies to support these goals, but without directive policies within the proposed new PPS, they may be challenging to defend. **It is recommended that the province develop policy approaches to intensification and settlement area boundary expansions within the context of a changing climate.**
- 3.24 Proposed policies within the 2023 PPS related to natural hazards are consistent with those in the current PPS. The Region is supportive of this approach and will continue to work closely with our partner conservation authorities to direct development away from natural hazard lands. **It is recommended that the province include a policy framework for natural hazards within the final 2023 PPS to support municipalities in ensuring public health and safety, protecting property, and avoiding the creation of new or aggravation of existing natural hazards.**

3.25 The current PPS requires planning authorities to support, where feasible, on-site and local reuse of excess soil through planning and development approvals, while protecting human health and the environment. This policy direction has not been carried over into the proposed new PPS. **It is recommended that the province retain policy direction for on-site and local reuse of excess soil and provide planning authorities with guidance on how to accommodate expected increases in excess soil generated as residential development accelerates.**

4. Regional Comments on Bill 97 – the Helping Homebuyers, Protecting Tenants Act, 2023

4.1 Comments from the Commissioner of Planning and Economic Development dated May 5, 2023, are provided within Attachment 1 to this report. **It is recommended that these comments be endorsed as the Region’s comments on Bill 97.**

5. Other Comments

5.1 Bill 23 made changes to the Planning Act that, upon proclamation, would remove statutory approval authority under the Planning Act for the Region of Durham, along with six other upper-tier municipalities. The proposed approach to implementing the proposed new PPS indicates that this change will not take effect until “winter 2024 at the earliest”. The lack of certainty associated with this timeline is a challenge. **It is recommended that the province provide more definitive information about how and when legislation changes not yet proclaimed under Bill 23 are to be expected.**

5.2 The Region has submitted the new ROP that was adopted by Council on May 17, 2023, to the Minister of Municipal Affairs and Housing for approval. **It is recommended that the Minister approve the Region’s new ROP prior to bringing the proposed new PPS into effect, or alternatively, include specific mention within any transition provision regulations that the current PPS and Growth Plan continue to apply to Durham’s new ROP until such time that area municipal official plans are adopted.**

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. Objective 1.3, protect, preserve and restore the natural environment, including greenspaces, waterways, parks, trails and farmland;
- b. Objective 1.4, demonstrate leadership in sustainability and addressing climate change;

- c. Objective 2.1, revitalize existing neighbourhoods and build complete communities that are walkable, well-connected, and have a mix of attainable housing;
- d. Objective 3.5, provide a supportive environment for agriculture and agri-food industries; and
- e. Objective 4.1, revitalize community housing and improve housing choice, affordability and sustainability.

7. Conclusion

- 7.1 The province has released a suite of legislative and policy proposals through Bill 97 and the proposed new PPS that reflect a fundamental change to the Ontario planning framework. The underlying intent to get more homes built is understood, but questions remain as to whether these changes will result in better planning outcomes or make housing more affordable.
- 7.2 While efforts to streamline the current PPS and the Growth Plan, introduced through these proposals, are appreciated, staff have concerns surrounding how fundamentally growth planning, in particular is proposed to change. Key concerns include:
- a. removal of population and employment forecasts;
 - b. relaxed requirements for settlement area boundary expansions;
 - c. increased permissions for rural residential development;
 - d. changing policy framework for employment areas; and
 - e. absence of natural heritage policies and definitions.
- 7.3 It is recommended that this report and its recommendations be endorsed and submitted to the Ministry of Municipal Affairs and Housing as Durham Region's formal response to the proposals.
- 7.4 Regional staff will keep Committee and Council apprised when Bill 97 receives Royal Assent and the 2023 PPS is finalized, and what changes are made.
- 7.5 This report has been prepared in consultation with the Regional Works Department, Corporate Services – Legal Services, Social Services – Housing Services, Durham Region Transit, and the CAO's Office.

8. Attachments

Attachment #1: Letter to the Ministry of Municipal Affairs and Housing – Durham Region Staff Comments on Environmental Registry of Ontario Postings #019-6821 and #019-6822, Proposed Bill 97 – the Helping Homebuyers, Protecting Tenants Act, 2023.

Respectfully submitted,

Original signed by

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

Recommended for Presentation to Committee

Original signed by

Elaine C. Baxter-Trahair
Chief Administrative Officer



May 5, 2023

**The Regional Municipality
of Durham**

**Planning and Economic
Development Department**

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**Brian Bridgeman, MCIP,
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Commissioner of Planning and
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The Honourable Steve Clark
Ministry of Municipal Affairs and Housing
777 Bay Street, 17th Floor
Toronto, Ontario
M7A 2J3

Dear Minister Clark:

**RE: Region of Durham Staff Response to Environmental
Registry of Ontario Postings #019-6821 and #019-6822
related to proposed Bill 97 – the Helping Homebuyers,
Protecting Tenants Act, 2023**

On April 6, 2023, the Helping Homebuyers, Protecting Tenants Act, 2023 (Bill 97) was released for comment on the Environmental Registry of Ontario (Postings #019-6821 and #019-6822). At the date of sending this letter, the Bill reached Second Reading (April 20, 2023). Bill 97 would make changes to the following pieces of legislation:

- Building Code Act, 1992
- City of Toronto Act, 2006
- Development Charges Act, 1997
- Ministry of Municipal Affairs and Housing Act
- Municipal Act
- Planning Act
- Residential Tenancies Act, 2006

The key changes proposed by this legislation include:

- various amendments to support the implementation of the More Homes Built Faster Act, 2022 (Bill 23);

- new fee refund provisions;
- new regulation-making authority for site plan control for 10 or less residential units;
- changes to rules surrounding appeals of interim control bylaws;
- new authority for Minister's Zoning Orders (MZOs);
- ministerial authority to require development agreements;
- changes to support the review of provincial policies and regulation-making authority for a new provincial policy document; and
- changes to employment area protections.

The comment period for this legislation closes prior to our next Council meeting. Please accept the following staff comments, which will be presented to the Regional Planning and Economic Development Committee at its June 6, 2023 meeting.

- 1) Bill 97 proposes changes pertaining to the conversions of residential rental properties and site plan control. These changes are applicable to the City of Toronto and local municipalities only. Regional staff have no comment.
- 2) Bill 97 proposes that the Minister of Municipal Affairs and Housing be provided the authority to exempt lands that are the subject of MZOs from complying with provincial policies and official plans, when other planning approvals are applied for, such as plans of subdivision. It is our understanding that this would give the Minister the ability to address circumstances where an MZO permits residential uses in an area where the official plan does not.

The Region previously provided recommendations to the province that, if implemented, would provide greater clarity as to how and when the MZO tool would be used (Report [#2020-P-30](#)).

With the increasing frequency of MZO requests, the Bill 97 proposal introduces further uncertainty related to ensuring future land use decisions made by way of an MZO represent good planning and in the public interest. It is recommended that the province not proceed with proposed expansions to Ministerial authority for MZOs and clarify what safeguards are in place to ensure that the aforementioned principles continue to be protected.

- 3) Bill 23 introduced exclusions to site plan control for developments consisting of less than 10 residential units. It is proposed through Bill 97 that site plan control may still be applied where these developments are proposed within 120 metres of a shoreline or 300 metres of a railway line. These measures will allow the approval authorities to include measures within a site plan agreement pertaining to noise and vibration from rail facilities, or flood risks in proximity to shorelines.

Although Regional staff are supportive of expanding the conditions under which site plan control may be applied, there are other factors that should be included. For example, in the case of small developments less than 10 units along existing arterial roads, a right-of-way widening may be required in favour of the municipality having jurisdiction (and in the case of higher order arterials, the upper-tier municipality, or where a development fronts a provincial highway, the Ministry of Transportation). Developments along arterial roads may also be susceptible to road noise, and requirements for mitigation of noise to achieve Ministry of Environment noise criteria are normally implemented through site plan agreements. It is recommended that the province either expand the criteria as noted above or continue to leave the application of site plan control to the discretion of the area municipalities. Other opportunities, including green infrastructure or low impact development approaches may also be provided in consultation with municipalities.

- 4) In April 2022, under Bill 109 – the More Homes for Everyone Act, 2022 a requirement was introduced that, as of January 1, 2023, municipalities were required to refund application fees if they failed to meet statutory deadlines for decisions on zoning bylaw amendments or site plan applications. The Region previously recommended that the province not proceed with the requirement to refund planning application fees (Report [#2022-P-9](#)). Bill 97 proposes to delay the commencement of these refund provisions to July 1, 2023.

Although Regional staff generally support a six-month extension to these provisions, staff recommend that the province reconsider this requirement entirely. The notion of the refund imposed through Bill 109 can lead to other unintended consequences, including adding to a backlog of cases at the Ontario Land

Tribunal (OLT), extending timelines through litigation, forcing decisions on applications without the benefit of considering the best information, adversely affecting the ability to negotiate better outcomes, and potentially undermining good working relationships between applicants and stakeholders.

- 5) Bill 97 would narrow the scope of “areas of employment” under the Planning Act to mean lands designated in an official plan for clusters of business and economic uses including (but not limited to) manufacturing uses, warehousing uses, but excluding institutional uses and commercial uses (which includes retail and office uses not associated with primary industrial uses). Although the Bill would allow lands within areas of employment that are used for other purposes to continue, there are instances where larger scale institutional uses are appropriate within Employment Areas. For example, college campuses (e.g., [Durham College - Whitby Campus](#)) and hospitals are land extensive and high employment generators. Other types of land extensive land uses may also be appropriate.

Regional staff are not supportive of this approach. It is recommended that the province continue to consult with the affected municipalities to arrive at a policy suite for areas of employment that better reflects the range of uses attributed to these areas. Further, it is recommended that transition provision regulations indicate that privately initiated employment area conversions not be permitted until such time as municipalities, in consultation with the province, are able to identify and assess how these core employment areas are to be protected.

- 6) Bill 97 proposes to make changes to section 38 of the Planning Act pertaining to ability to appeal the passing of an interim control by-law enacted by a local municipality. The Region was previously not able to appeal such a by-law due to the prior enactment of Bill 139, resulting in the delay of a needed supportive housing project. Although Bill 23 would, upon proclamation of Planning Act related provisions, restrict the ability of Durham to appeal such a decision, the removal of the appeal restrictions in Bill 23 for upper-tier municipalities together with the changes proposed through Bill 97 could help remove barriers to the delivery of Regional housing projects or facilities.

- 7) Amendments to the Municipal Act grant the Minister authority to make regulations governing certain powers of a local municipality, including regulations that would impose restrictions, limits and conditions on the power of a local municipality to prohibit and regulate the demolition and conversion of residential rental properties. The province should limit the scope of this authority to developments where there is a net benefit to the community including impacts to housing affordability and additional needs housing.

Thank you for the opportunity to provide input into Bill 97. Following the June 28, 2023 Regional Council meeting, staff will advise of any changes to the above noted comments.

Staff comments on the related proposed Provincial Planning Statement will be provided prior to the June 5, 2023 commenting deadline.

Sincerely,

Brian Bridgeman

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



Sent by Email

May 10, 2024

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Elaine Baxter-Trahair
Regional CAO

Re: Region of Durham staff comments on ERO 019-8366, 019-8369, and 019-8370 pertaining to Cutting Red Tape to Build More Homes Act, 2024 (Bill 185)

On April 10, proposed amendments to the Planning Act, Ontario Regulation 73/23: Municipal Planning Data Reporting, Municipal Act, 2001 and Development Charges Act were posted to the Environmental Registry of Ontario as part of the proposed Cutting Red Tape to Build More Homes Act.

Thank you for the opportunity to comment on the proposed changes. The majority of the proposed changes are welcomed, however there remains some outstanding questions related to implementation. Given the limited posting period of 30 days, please note that the following comments are those of Durham Regional staff, which will be provided to Regional Council for endorsement at an upcoming Council meeting. Regional staff will advise the province of any changes made to these comments by Council following the meeting.

The attached appendix provides detailed comments on the various amendments being considered. We offer the following key recommendations and considerations:

- Durham is an upper-tier municipality that provides water and wastewater services across 8 municipalities in addition to other cross boundary Regional infrastructure and services. In order to deliver on Regional service objectives and facilitate a coordinated and integrated approach to growth management, the following is recommended:

If you require this information in an accessible format, please contact Communications and Engagement at CorporateCommunications@durham.ca or 311, extension 3743.



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Regional CAO

- The Region continues to express deep concerns with the proposal to remove the Regional Official Plan from the Region's jurisdiction. If this approach is to be implemented, then as a minimum, the province is urged to introduce a new provision into the Planning Act to allow Durham, as an upper-tier municipality, to prepare and maintain a statutory planning document to guide the financing and delivery of regional infrastructure and services.
- Include upper-tier municipalities as specified persons with appeal rights in alignment with the treatment of utility providers that have a direct interest in infrastructure and servicing planning.
- Maintain settlement area boundary expansions consideration with upper-tier municipalities as the jurisdiction responsible for the infrastructure and servicing.
- Include upper-tier municipalities in MZO consultations because of Regions' role in the provision of municipal infrastructure.
- Ensure Regions are consulted on additional dwelling unit enhancements to ensure appropriate servicing and infrastructure.
- Mandatory pre-application consultations are a good planning practice that is in the best interest of the applicant, municipality and residents; these pre-consultations ultimately expedite the approval process and should be maintained to minimize risk to all parties. Allowing challenging "complete" application requirements to be appealed to the Ontario Land Tribunal would result in a less transparent and comprehensive public review process.
- The proposed elimination of the phase-in of development charges and the proposed inclusion of studies as an eligible expense are supported and will improve the Region's ability to fund growth-related capital costs and reduce funding requirements from property taxes and water and sewer user rates.

Although the proposed implementation of municipal development-related charge exemptions for affordable residential units (rental and ownership) is not part of Bill 185, Regional staff have reviewed the Affordable Residential Units Bulletin (in effect as of June 1, 2024) that provide the rental / price thresholds to determine if a unit meets the affordable definition and offer the following comments:

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Regional CAO

- Regional staff support:
 - That the affordability criteria for rental and ownership units varies across unit types (i.e., single, semi-detached, townhomes, and apartments by number of bedrooms), except for the Income-based purchase price criteria which is consistent across unit types; and
 - That the affordable purchase price and rental rate thresholds are established specific to geographic regions to reflect the respective housing and rental market conditions.
- Regional staff recommend:
 - Measures should be put in place to ensure that the exemption from municipal development-related charges is passed onto homeowners and renters to preserve the integrity of the Province's proposed definition of affordable residential unit;
 - The Province provide a template for the 25-year agreement between the developer and the area municipality (as required under the DCA); and
 - The Province provide support regarding the challenges municipalities will face in the collection of development charges at building permit and / or at subdivision stage which is far in advance of knowing the final purchase price or rental rate. A refund and/or later payment collection mechanism that would allow municipalities to verify the final purchase price or rental rate should be added to the allowable DC collection process. In addition, the process will require an annual verification process to ensure that affordability is maintained, and if not, then a DC payment is required.
 - The income-based approach for affordable ownership units could be improved by taking into account household size for each unit type instead of applying a consistent value across all units types. This would provide incentive to build a range of housing options.
 - The Province confirm the timelines for when the Bulletin will be updated (e.g. updated June 1 every year).

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Sincerely,

Original signed by

Elaine Baxter-Trahair
Chief Administrative Officer

CC: Brian Bridgeman, Commissioner of Planning and Economic
Development
Ramesh Jagannathan, Commissioner of Works
Nancy Taylor, Commissioner of Finance

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Attachment 1 – Region of Durham Submission on Bill 185

Summary and comments regarding Bill 185 (Cutting Red Tape to Build More Homes Act, 2024)

ERO Posting	Region of Durham Comment
<p>019-8366</p> <p>Seeking feedback on zoning by-law barriers to the creation of additional residential units</p>	<p>Bill 185 proposes to widen the scope of the Minister's authority in subsection 35.1(2) of the Planning Act to regulate not only a second or third residential unit, but any ARU within a house, as well as the land on which such ARUs are located and the building or structure within which such ARUs are located.</p> <p>The Region recognizes that ARUs are an important tool in contributing to the supply of private sector affordable, rental housing options. This housing form contributes to affordability by optimizing the use of the existing housing stock and infrastructure, while also providing an income stream for homeowners, including younger and older homeowners, who may respectively have a greater need for income to help finance and/or remain in their homes.</p> <p>Through Envision Durham, the Region introduced a broad suite of policies that encourage area municipalities (AMs) to reduce barriers and support provisions that would:</p> <ul style="list-style-type: none"> • Require AMs to adopt policies and zoning provisions that permit the use of up to three ARUs in detached, semi-detached and/or townhouse units (inclusive of an ARU within an ancillary building to that unit); • Increase opportunities for ARUs by not applying minimum unit sizes and not requiring more than one parking space per unit; and • Encourage the removal of parking requirements for ARUs in areas intended to support existing and planned higher order transit service (i.e. MTSAs). <p>Given that the new ROP has yet to receive Ministerial approval, and zoning by-law provisions are the responsibility of the AMs, Regional Planning staff are unable to measure the effectiveness of the already adopted policy changes and/or identify additional barriers to developing ARUs at this time.</p>
<p>019-8368</p> <p>Proposed amendments to O. Reg. 73/23: Municipal Planning Data Reporting</p>	<p>The availability of good data and analytics are a critical resource for understanding housing supply in Durham Region. The Region is presently exploring a comprehensive growth model for data collection and analysis, and have the following comments:</p> <ul style="list-style-type: none"> • Consistency and completeness of data sources, reporting frequency, and broad acceptance of interpretation among data users are continued challenges, and hinder the ability to obtain buy-in from all of our eight area municipalities. It will continue to pose as

ERO Posting	Region of Durham Comment
	<p>a challenge until, or unless a transparent set of Guiding Principles are established. A good example of these challenges were recently demonstrated in Clarington wherein the municipality stated in Staff Report CAO-002-24 that it has been deemed ineligible for approximately \$4 million in “Building Faster Funding (BFF)” from the province due to a calculation error by the CMHC on the municipality’s housing starts, based on differing interpretations of what constitutes a “housing start”.</p> <ul style="list-style-type: none"> • In late 2022, as part of Bill 23, the province indicated it would develop and publish a centralized data collection initiative as part of the Minister’s (MAH) Bulletin which sets out the average market rents and average purchase prices by locale. This was a welcome announcement for establishing data and source consistency, and the Region anticipates its release. Furthermore, the Region recommends a phased-in approach, starting with a focus on housing supply by type and approval status, with future expansion of other types of data collection. • The province is proposing that geospatial data addressing designated serviced land supply will be required from municipalities, including the lakeshore municipalities in Durham. • It is unclear what the term “serviced” is meant to encompass. Is it water/wastewater? Or, will it take into account electricity, natural gas, and other utilities. • In Durham, the water/wastewater infrastructure is owned/operated by the Region from the lake to the lot line/house. The sanitary sewer and water supply systems have also been constructed without regard for individual lower tier municipal boundaries. Rather, the systems have been designed with the wider Region in mind, with piping crossing municipal boundaries, interconnecting municipalities, to provide very robust and efficient systems. <p>Determining if a lot is “serviced” is complicated. “Serviced” cannot be defined by geography alone. For instance, lands in Oshawa Water Pressure Zone 4 and Brooklin Water Pressure Zone 4 can proceed up to a certain number of units before a second pumping station is required. These units can be located anywhere in Zone 4, but the entirety of Zone 4 cannot be shown as serviced at this time.</p>

ERO Posting	Region of Durham Comment
	<p>Recommendation</p> <ul style="list-style-type: none"> • A phased approach to the province’s centralized data collection initiative should be used. It should start with a focus on housing supply by type and approval status, with future expansion of other types of data collection. • The definition of a “serviced lot” should be broader than geography and consider capacity.
<p>019-8369</p> <p><u>Schedule 9 – Proposed changes to the Municipal Act 2001</u></p>	<p><u>Schedule 9: Section 86.1</u></p> <p>From a growth management perspective, there is general support for these policies as an incentive for builders and developers to move forward with approved applications, resulting in greater certainty when determining housing and land supply.</p> <p>However, Durham is unique in that it, with the exception of Seaton, does not assign servicing until a development agreement is signed or a connection permit is issued (where there is no agreement), so there are no stranded servicing allocations in Durham. As such, the Region does not intend to change its procedures for allocating capacity using the new Servicing Management Tool proposed in Bill 185.</p> <p>A recognition that all municipalities do not assign allocation the same way should be included in the policy.</p> <p>Additionally, in regard to draft plans of subdivision, updates will be required to the Region’s draft plan conditions, Subdivision and Servicing agreements, and connection permits to include a timeline for when the capacity must be used; along with considerations for Front-Ending Agreements where capacity is allocated for larger areas.</p> <p>Recommendation</p> <p>The policy providing for the allocation of water supply and sewage capacity should recognize that not all municipalities assign allocation the same way.</p> <p><u>Schedule 9: Section 106</u></p>

ERO Posting	Region of Durham Comment
	<p>If the province is going to introduce this new provision, care must be taken to ensure that it does not pit once municipality against another. Further details are needed before Regional support can be provided.</p>
<p>019-8369</p> <p><u>Schedule 12 – Proposed changes to the Planning Act 2001</u></p>	<p><u>12.1 Upper-tier Planning Responsibilities</u></p> <p>While the Region appreciates the flexibility granted to Durham, Waterloo, Simcoe, and Niagara, to bring changes to the removal of planning responsibilities at a future date, clarity is required regarding the statement that “the government intends to move forward with bringing the changes into effect for the remaining upper-tier municipalities by the end of 2024.” Does this imply that a proclamation date will be identified by the province (i.e. January 1, 2025), or will the effective date be dependant upon the individual ability of each of the four upper tier regions to transition responsibilities to their respective lower-tiers?</p> <p>Lower-tier municipalities are currently using Durham’s Council-adopted Regional Official Plan (ROP), “Envision Durham”, as they commence their municipal comprehensive review processes. It is imperative that the Region receive ministerial approval of its new ROP, in advance of the effective date of the new Provincial Policy Statement and upper-tier planning changes, to allow the lower-tier municipalities a higher degree of confidence to rely on this body of work as they update their own official plans.</p> <p>Furthermore, in preparation for becoming an “upper-tier municipality without planning responsibilities”, additional clarity is sought regarding the future role of the Region as it relates to the planning review responsibilities currently undertaken on behalf of the province. Specifically, the Region is seeking clarity around the province’s expectations for Regional Planning to continue its provincial plan review responsibilities post-Bill 23. It is understood that the Region will be able to continue to provide comments on local development application; however, without a statutory planning document to guide the comments, it is unclear what weight Regional comments would have on development activity. At present, Regional Planning coordinates comments provided, not just by the Regional Planning Division, but by other Regional departments such as Works, Health, Emergency Services, and Transit (i.e. a one-window approach). To manage the demands for Regional infrastructure, the Region anticipates continuing with development application commenting post-Bill 23; however, it cautions that a</p>

ERO Posting	Region of Durham Comment
	<p>commenting role is not a replacement for having a Planning Act-approved land use policy document that sets out the Region’s objectives for its services and facilitates a coordinated and integrated approach to growth management in the region where it can direct area municipalities accordingly.</p> <p>Recommendation Introduce a statutory planning document that sets out the Region’s objectives for its services and facilities a coordinated and integrated approach to growth management. Such a statutory document would clarify the Regional planning role in commenting on development proposals.</p> <p><u>12.2 Parking Requirements in MTSAs</u></p> <p>The Region recognizes that the provision of alternative development standards to support transit-oriented development, including reduced minimum parking requirements, be encouraged in SGAs and tailored to the level of transit service proposed.</p> <p>Through Envision Durham, the Region’s Council adopted Regional Official Plan (ROP), the Region introduced a suite of policies that encourage area municipalities (AMs) to:</p> <ul style="list-style-type: none"> • remove parking space requirements for ARUs in areas intended to support existing and planned higher order transit service; • prepare detailed policies for MTSAs that support the efficient use of land, including requirements for structured parking, shared parking and/or reduced parking as part of new development; and • adopt provisions within SGAs to reduce minimum parking requirements and encourage potential redevelopment of existing surface parking. <p>Given that the new ROP has yet to receive Ministerial approval, and parking and zoning by-law provisions are the responsibility of the AMs, Regional Planning staff are unable to measure the effectiveness of the already adopted policy changes at this time.</p> <p><u>12.3 Limit Third Party Appeals for Official Plans, OPAs, ZBs, and ZBAs</u></p> <p>The Region generally supports the added limitation on some appeals; however there is concern that, once Durham is proclaimed to be “without planning responsibilities”, the municipality could</p>

ERO Posting	Region of Durham Comment
	<p>lose its ability to appeal and/or meaningfully participate in major land use planning decisions, despite being a key stakeholder with direct interests in growth management, infrastructure and service planning and delivery. Furthermore, there appears to be an inconsistency wherein utility providers are included as a “specified person” as introduced in Bill 185 who has appeal rights, while the Region, who is also a utility provider for water and sewer, is not. As such, utility providers will have stronger tools (including appeal rights) to protect their infrastructure compared to upper-tier municipalities.</p> <p>This issue is further exacerbated by the proposed changes allowing privately requested settlement area boundary expansions (SABEs) outside of a municipal comprehensive review, while also allowing applicants to appeal a municipality’s refusal or failure to make a decision on the SABE request.</p> <p>Recommendation Given their direct interests in growth management, infrastructure and service planning; include upper-tier municipalities as “specified persons” with appeal rights in alignment with the appeal rights granted to other utility providers.</p> <p><u>12.4 Voluntary Pre-application Consultation and 12.5 Removing timelines for OLT appeals</u></p> <p>Removing the requirement for a pre-consultation introduces unnecessary risk into the planning process, as does allowing applicants to challenge “complete” application requirements to the Ontario Land Tribunal at any time. Pre-consultations should be viewed not only as good planning practice, but in the best interests of the applicant, municipality, and residents while ultimately expediting the development approval process.</p> <p>Furthermore, the provision for complete applications were introduced in Bill 51 in 2007 to preclude applicants from submitting a “bare bones” application with no supporting studies, and subsequently appealing the matter to the Ontario Land Tribunal (then Ontario Municipal Board) for a hearing. The purpose of complete applications are to ensure that a fulsome, transparent, and public process occurs as part of the development process.</p> <p>Recommendation</p>

ERO Posting	Region of Durham Comment
	<p>Keep the requirement for pre-consultations to minimize risk and do not allow challenging “complete” application requirements to be appealed to the OLT to ensure a transparent and comprehensive public review process.</p> <p><u>12.6 Allow individual SABE appeals</u></p> <p>Bill 185 proposes to allow a private applicant to appeal an approval authority’s refusal of non-decision to the Ontario Land Tribunal, so long as the proposed boundary expansion does not include any lands within the Greenbelt Area.</p> <p>Permitting individual appeals on settlement area boundary expansions (SABEs) through the OLT results in a piecemeal approach that could result in more land being designated beyond what was identified by municipalities in their municipal comprehensive review (MCR), undermining the Region’s overall growth management objectives.</p> <p>Recommendation</p> <p>The Region, in its initial comments on the proposed Planning Statement in June 2023 through Report #2023-P-19 recommended that SABEs continue to be permitted only through a municipal comprehensive review informed by standardized methodology. Furthermore, within a regional context, the implications of infrastructure and servicing on settlement area boundary expansions collectively should continue to rest with upper-tier municipalities as the jurisdiction responsible for the infrastructure and servicing, regardless of planning approval responsibility.</p> <p><u>12.8 Remove CIHA from the Planning Act and permit transition rules for CIHA orders already made</u></p> <p>In a December 2023 news release, the province announced it would be launching consultations on a go-forward framework for how MZOs would be received and considered and that no new MZOs would be considered until the completion of that consultation. However, it does not appear that the province is accepting comments on the MZO Framework.</p> <p>Generally, this MZO Framework returns us to a pre-CHIA environment, but provides a more transparent framework for how requests for MZOs are submitted and considered. The CHIA tool is removed to avoid duplication.</p>

ERO Posting	Region of Durham Comment
	<p>A key difference between the CHIA tool and MZO Framework is that the CHIA tool only permitted requests from municipalities, while anyone can submit an MZO request.</p> <p>The Region previously provided feedback to the province on how the MZO process could be improved (Report #2020-P-30). While the province has listed out submission expectations, the specifics of how MZOs will be evaluated are still unclear. It should also be noted that, the new framework for MZOs excludes the requirement for input and/or support from upper-tier municipal councils. This could result in discrepancies between servicing allocations.</p> <p>Recommendation It is recommended that, where applicable, upper-tier municipalities should be consulted on MZOs because of Regions' role in the provision of infrastructure.</p> <p><u>12.9 Enhancing framework for ARUs</u></p> <p>While there is general support for this framework, the Region should be consulted to ensure appropriate servicing and infrastructure to support additional residential units is monitored and achieved.</p> <p><u>12.10-12.12 Use it or Lose it Tools</u></p> <p>From a growth management perspective, there is general support for these policies as an incentive for builders and developers to move forward with approved applications, resulting in greater certainty when determining housing and land supply.</p> <p>However, Durham's practice is unique in that, with certain exceptions like Seaton, it does not allocate servicing until a development agreement is signed or a connection permit is issued (where there is no agreement). With the developer by then having to commit to significant investment including paying 50% of the hard Development Charges, the risk of stranded servicing allocations in Durham remains minimal. As such, the new Servicing Management Tool proposed in Bill 185 will not benefit the Region given its current diligent practice for allocating capacity. To this effect, a recognition that all municipalities do not assign allocation the same way should be included in the policy.</p>

ERO Posting	Region of Durham Comment
	<p>Additionally, in regard to draft plans of subdivision, updates will be required to the Region's draft plan conditions, Subdivision and Servicing agreements, and connection permits to include a timeline for when the capacity must be used; along with considerations for Front-Ending Agreements where capacity is allocated for larger areas.</p> <p><u>12.13 Exempting universities from the Planning Act for student housing</u></p> <p>The Region should be consulted to ensure appropriate servicing and infrastructure to support student housing projects is monitored and achieved. Moreover, in cases where a university or college campus is located on lands designated for employment purposes, there is a concern that allowing student accommodation has the potential to adversely impact existing industrial uses and future employment opportunities due to the introduction of sensitive uses into an employment area. Exempting universities from the Planning Act for student housing should not be permitted where the lands are designated for employment purposes.</p> <p><u>12.14 Expedited approval for community facilities</u></p> <p>The Region is in general support of expediting the approval process for community service facilities contributing to complete and walkable communities.</p>
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Sent by Email

May 10, 2024

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Elaine Baxter-Trahair
Regional CAO

**Re: Region of Durham staff comments ERO 019-8368
pertaining to Cutting Red Tape to Build More Homes Act, 2024 (Bill
185)**

On April 10, proposed amendments to the Planning Act, Ontario Regulation 73/23: Municipal Planning Data Reporting, Municipal Act, 2001 and Development Charges Act were posted to the Environmental Registry of Ontario as part of the proposed Cutting Red Tape to Build More Homes Act.

Thank you for the opportunity to comment on the proposed changes. The majority of the proposed changes are welcomed, however there remains some outstanding questions related to implementation. Given the limited posting period of 30 days, please note that the following comments are those of Durham Regional staff, which will be provided to Regional Council for endorsement at an upcoming Council meeting. Regional staff will advise the province of any changes made to these comments by Council following the meeting.

The attached appendix provides detailed comments on the various amendments being considered. We offer the following key recommendations and considerations:

- Durham is an upper-tier municipality that provides water and wastewater services across 8 municipalities in addition to other cross boundary Regional infrastructure and services. In order to deliver on Regional service objectives and facilitate a coordinated and integrated approach to growth management, the following is recommended:

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- The Region continues to express deep concerns with the proposal to remove the Regional Official Plan from the Region's jurisdiction. If this approach is to be implemented, then as a minimum, the province is urged to introduce a new provision into the Planning Act to allow Durham, as an upper-tier municipality, to prepare and maintain a statutory planning document to guide the financing and delivery of regional infrastructure and services.
- Include upper-tier municipalities as specified persons with appeal rights in alignment with the treatment of utility providers that have a direct interest in infrastructure and servicing planning.
- Maintain settlement area boundary expansions consideration with upper-tier municipalities as the jurisdiction responsible for the infrastructure and servicing.
- Include upper-tier municipalities in MZO consultations because of Regions' role in the provision of municipal infrastructure.
- Ensure Regions are consulted on additional dwelling unit enhancements to ensure appropriate servicing and infrastructure.
- Mandatory pre-application consultations are a good planning practice that is in the best interest of the applicant, municipality and residents; these pre-consultations ultimately expedite the approval process and should be maintained to minimize risk to all parties. Allowing challenging "complete" application requirements to be appealed to the Ontario Land Tribunal would result in a less transparent and comprehensive public review process.
- The proposed elimination of the phase-in of development charges and the proposed inclusion of studies as an eligible expense are supported and will improve the Region's ability to fund growth-related capital costs and reduce funding requirements from property taxes and water and sewer user rates.

Although the proposed implementation of municipal development-related charge exemptions for affordable residential units (rental and ownership) is not part of Bill 185, Regional staff have reviewed the Affordable Residential Units Bulletin (in effect as of June 1, 2024) that provide the rental / price thresholds to determine if a unit meets the affordable definition and offer the following comments:

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- Regional staff support:
 - That the affordability criteria for rental and ownership units varies across unit types (i.e., single, semi-detached, townhomes, and apartments by number of bedrooms), except for the Income-based purchase price criteria which is consistent across unit types; and
 - That the affordable purchase price and rental rate thresholds are established specific to geographic regions to reflect the respective housing and rental market conditions.
- Regional staff recommend:
 - Measures should be put in place to ensure that the exemption from municipal development-related charges is passed onto homeowners and renters to preserve the integrity of the Province's proposed definition of affordable residential unit;
 - The Province provide a template for the 25-year agreement between the developer and the area municipality (as required under the DCA); and
 - The Province provide support regarding the challenges municipalities will face in the collection of development charges at building permit and / or at subdivision stage which is far in advance of knowing the final purchase price or rental rate. A refund and/or later payment collection mechanism that would allow municipalities to verify the final purchase price or rental rate should be added to the allowable DC collection process. In addition, the process will require an annual verification process to ensure that affordability is maintained, and if not, then a DC payment is required.
 - The income-based approach for affordable ownership units could be improved by taking into account household size for each unit type instead of applying a consistent value across all units types. This would provide incentive to build a range of housing options.
 - The Province confirm the timelines for when the Bulletin will be updated (e.g. updated June 1 every year).

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Sincerely,

Original signed by

Elaine Baxter-Trahair

Chief Administrative Officer

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CC: Brian Bridgeman, Commissioner of Planning and Economic
Development
Ramesh Jagannathan, Commissioner of Works
Nancy Taylor, Commissioner of Finance

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Attachment 1 – Region of Durham Submission on Bill 185

Summary and comments regarding Bill 185 (Cutting Red Tape to Build More Homes Act, 2024)

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<p>019-8366</p> <p>Seeking feedback on zoning by-law barriers to the creation of additional residential units</p>	<p>Bill 185 proposes to widen the scope of the Minister's authority in subsection 35.1(2) of the Planning Act to regulate not only a second or third residential unit, but any ARU within a house, as well as the land on which such ARUs are located and the building or structure within which such ARUs are located.</p> <p>The Region recognizes that ARUs are an important tool in contributing to the supply of private sector affordable, rental housing options. This housing form contributes to affordability by optimizing the use of the existing housing stock and infrastructure, while also providing an income stream for homeowners, including younger and older homeowners, who may respectively have a greater need for income to help finance and/or remain in their homes.</p> <p>Through Envision Durham, the Region introduced a broad suite of policies that encourage area municipalities (AMs) to reduce barriers and support provisions that would:</p> <ul style="list-style-type: none"> • Require AMs to adopt policies and zoning provisions that permit the use of up to three ARUs in detached, semi-detached and/or townhouse units (inclusive of an ARU within an ancillary building to that unit); • Increase opportunities for ARUs by not applying minimum unit sizes and not requiring more than one parking space per unit; and • Encourage the removal of parking requirements for ARUs in areas intended to support existing and planned higher order transit service (i.e. MTSAs). <p>Given that the new ROP has yet to receive Ministerial approval, and zoning by-law provisions are the responsibility of the AMs, Regional Planning staff are unable to measure the effectiveness of the already adopted policy changes and/or identify additional barriers to developing ARUs at this time.</p>
<p>019-8368</p> <p>Proposed amendments to O. Reg. 73/23: Municipal Planning Data Reporting</p>	<p>The availability of good data and analytics are a critical resource for understanding housing supply in Durham Region. The Region is presently exploring a comprehensive growth model for data collection and analysis, and have the following comments:</p> <ul style="list-style-type: none"> • Consistency and completeness of data sources, reporting frequency, and broad acceptance of interpretation among data users are continued challenges, and hinder the ability to obtain buy-in from all of our eight area municipalities. It will continue to pose as

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	<p>a challenge until, or unless a transparent set of Guiding Principles are established. A good example of these challenges were recently demonstrated in Clarington wherein the municipality stated in Staff Report CAO-002-24 that it has been deemed ineligible for approximately \$4 million in “Building Faster Funding (BFF)” from the province due to a calculation error by the CMHC on the municipality’s housing starts, based on differing interpretations of what constitutes a “housing start”.</p> <ul style="list-style-type: none"> • In late 2022, as part of Bill 23, the province indicated it would develop and publish a centralized data collection initiative as part of the Minister’s (MAH) Bulletin which sets out the average market rents and average purchase prices by locale. This was a welcome announcement for establishing data and source consistency, and the Region anticipates its release. Furthermore, the Region recommends a phased-in approach, starting with a focus on housing supply by type and approval status, with future expansion of other types of data collection. • The province is proposing that geospatial data addressing designated serviced land supply will be required from municipalities, including the lakeshore municipalities in Durham. • It is unclear what the term “serviced” is meant to encompass. Is it water/wastewater? Or, will it take into account electricity, natural gas, and other utilities. • In Durham, the water/wastewater infrastructure is owned/operated by the Region from the lake to the lot line/house. The sanitary sewer and water supply systems have also been constructed without regard for individual lower tier municipal boundaries. Rather, the systems have been designed with the wider Region in mind, with piping crossing municipal boundaries, interconnecting municipalities, to provide very robust and efficient systems. <p>Determining if a lot is “serviced” is complicated. “Serviced” cannot be defined by geography alone. For instance, lands in Oshawa Water Pressure Zone 4 and Brooklin Water Pressure Zone 4 can proceed up to a certain number of units before a second pumping station is required. These units can be located anywhere in Zone 4, but the entirety of Zone 4 cannot be shown as serviced at this time.</p>

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	<p>Recommendation</p> <ul style="list-style-type: none"> • A phased approach to the province’s centralized data collection initiative should be used. It should start with a focus on housing supply by type and approval status, with future expansion of other types of data collection. • The definition of a “serviced lot” should be broader than geography and consider capacity.
<p>019-8369</p> <p><u>Schedule 9 – Proposed changes to the Municipal Act 2001</u></p>	<p><u>Schedule 9: Section 86.1</u></p> <p>From a growth management perspective, there is general support for these policies as an incentive for builders and developers to move forward with approved applications, resulting in greater certainty when determining housing and land supply.</p> <p>However, Durham is unique in that it, with the exception of Seaton, does not assign servicing until a development agreement is signed or a connection permit is issued (where there is no agreement), so there are no stranded servicing allocations in Durham. As such, the Region does not intend to change its procedures for allocating capacity using the new Servicing Management Tool proposed in Bill 185.</p> <p>A recognition that all municipalities do not assign allocation the same way should be included in the policy.</p> <p>Additionally, in regard to draft plans of subdivision, updates will be required to the Region’s draft plan conditions, Subdivision and Servicing agreements, and connection permits to include a timeline for when the capacity must be used; along with considerations for Front-Ending Agreements where capacity is allocated for larger areas.</p> <p>Recommendation</p> <p>The policy providing for the allocation of water supply and sewage capacity should recognize that not all municipalities assign allocation the same way.</p> <p><u>Schedule 9: Section 106</u></p>

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	<p>If the province is going to introduce this new provision, care must be taken to ensure that it does not pit once municipality against another. Further details are needed before Regional support can be provided.</p>
<p>019-8369</p> <p><u>Schedule 12 – Proposed changes to the Planning Act 2001</u></p>	<p><u>12.1 Upper-tier Planning Responsibilities</u></p> <p>While the Region appreciates the flexibility granted to Durham, Waterloo, Simcoe, and Niagara, to bring changes to the removal of planning responsibilities at a future date, clarity is required regarding the statement that “the government intends to move forward with bringing the changes into effect for the remaining upper-tier municipalities by the end of 2024.” Does this imply that a proclamation date will be identified by the province (i.e. January 1, 2025), or will the effective date be dependant upon the individual ability of each of the four upper tier regions to transition responsibilities to their respective lower-tiers?</p> <p>Lower-tier municipalities are currently using Durham’s Council-adopted Regional Official Plan (ROP), “Envision Durham”, as they commence their municipal comprehensive review processes. It is imperative that the Region receive ministerial approval of its new ROP, in advance of the effective date of the new Provincial Policy Statement and upper-tier planning changes, to allow the lower-tier municipalities a higher degree of confidence to rely on this body of work as they update their own official plans.</p> <p>Furthermore, in preparation for becoming an “upper-tier municipality without planning responsibilities”, additional clarity is sought regarding the future role of the Region as it relates to the planning review responsibilities currently undertaken on behalf of the province. Specifically, the Region is seeking clarity around the province’s expectations for Regional Planning to continue its provincial plan review responsibilities post-Bill 23. It is understood that the Region will be able to continue to provide comments on local development application; however, without a statutory planning document to guide the comments, it is unclear what weight Regional comments would have on development activity. At present, Regional Planning coordinates comments provided, not just by the Regional Planning Division, but by other Regional departments such as Works, Health, Emergency Services, and Transit (i.e. a one-window approach). To manage the demands for Regional infrastructure, the Region anticipates continuing with development application commenting post-Bill 23; however, it cautions that a</p>

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	<p>commenting role is not a replacement for having a Planning Act-approved land use policy document that sets out the Region’s objectives for its services and facilitates a coordinated and integrated approach to growth management in the region where it can direct area municipalities accordingly.</p> <p>Recommendation Introduce a statutory planning document that sets out the Region’s objectives for its services and facilities a coordinated and integrated approach to growth management. Such a statutory document would clarify the Regional planning role in commenting on development proposals.</p> <p><u>12.2 Parking Requirements in MTSAs</u></p> <p>The Region recognizes that the provision of alternative development standards to support transit-oriented development, including reduced minimum parking requirements, be encouraged in SGAs and tailored to the level of transit service proposed.</p> <p>Through Envision Durham, the Region’s Council adopted Regional Official Plan (ROP), the Region introduced a suite of policies that encourage area municipalities (AMs) to:</p> <ul style="list-style-type: none"> • remove parking space requirements for ARUs in areas intended to support existing and planned higher order transit service; • prepare detailed policies for MTSAs that support the efficient use of land, including requirements for structured parking, shared parking and/or reduced parking as part of new development; and • adopt provisions within SGAs to reduce minimum parking requirements and encourage potential redevelopment of existing surface parking. <p>Given that the new ROP has yet to receive Ministerial approval, and parking and zoning by-law provisions are the responsibility of the AMs, Regional Planning staff are unable to measure the effectiveness of the already adopted policy changes at this time.</p> <p><u>12.3 Limit Third Party Appeals for Official Plans, OPAs, ZBs, and ZBAs</u></p> <p>The Region generally supports the added limitation on some appeals; however there is concern that, once Durham is proclaimed to be “without planning responsibilities”, the municipality could</p>

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	<p>lose its ability to appeal and/or meaningfully participate in major land use planning decisions, despite being a key stakeholder with direct interests in growth management, infrastructure and service planning and delivery. Furthermore, there appears to be an inconsistency wherein utility providers are included as a “specified person” as introduced in Bill 185 who has appeal rights, while the Region, who is also a utility provider for water and sewer, is not. As such, utility providers will have stronger tools (including appeal rights) to protect their infrastructure compared to upper-tier municipalities.</p> <p>This issue is further exacerbated by the proposed changes allowing privately requested settlement area boundary expansions (SABEs) outside of a municipal comprehensive review, while also allowing applicants to appeal a municipality’s refusal or failure to make a decision on the SABE request.</p> <p>Recommendation Given their direct interests in growth management, infrastructure and service planning; include upper-tier municipalities as “specified persons” with appeal rights in alignment with the appeal rights granted to other utility providers.</p> <p><u>12.4 Voluntary Pre-application Consultation and 12.5 Removing timelines for OLT appeals</u></p> <p>Removing the requirement for a pre-consultation introduces unnecessary risk into the planning process, as does allowing applicants to challenge “complete” application requirements to the Ontario Land Tribunal at any time. Pre-consultations should be viewed not only as good planning practice, but in the best interests of the applicant, municipality, and residents while ultimately expediting the development approval process.</p> <p>Furthermore, the provision for complete applications were introduced in Bill 51 in 2007 to preclude applicants from submitting a “bare bones” application with no supporting studies, and subsequently appealing the matter to the Ontario Land Tribunal (then Ontario Municipal Board) for a hearing. The purpose of complete applications are to ensure that a fulsome, transparent, and public process occurs as part of the development process.</p> <p>Recommendation</p>

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	<p>Keep the requirement for pre-consultations to minimize risk and do not allow challenging “complete” application requirements to be appealed to the OLT to ensure a transparent and comprehensive public review process.</p> <p><u>12.6 Allow individual SABE appeals</u></p> <p>Bill 185 proposes to allow a private applicant to appeal an approval authority’s refusal of non-decision to the Ontario Land Tribunal, so long as the proposed boundary expansion does not include any lands within the Greenbelt Area.</p> <p>Permitting individual appeals on settlement area boundary expansions (SABEs) through the OLT results in a piecemeal approach that could result in more land being designated beyond what was identified by municipalities in their municipal comprehensive review (MCR), undermining the Region’s overall growth management objectives.</p> <p>Recommendation</p> <p>The Region, in its initial comments on the proposed Planning Statement in June 2023 through Report #2023-P-19 recommended that SABEs continue to be permitted only through a municipal comprehensive review informed by standardized methodology. Furthermore, within a regional context, the implications of infrastructure and servicing on settlement area boundary expansions collectively should continue to rest with upper-tier municipalities as the jurisdiction responsible for the infrastructure and servicing, regardless of planning approval responsibility.</p> <p><u>12.8 Remove CIHA from the Planning Act and permit transition rules for CIHA orders already made</u></p> <p>In a December 2023 news release, the province announced it would be launching consultations on a go-forward framework for how MZOs would be received and considered and that no new MZOs would be considered until the completion of that consultation. However, it does not appear that the province is accepting comments on the MZO Framework.</p> <p>Generally, this MZO Framework returns us to a pre-CHIA environment, but provides a more transparent framework for how requests for MZOs are submitted and considered. The CHIA tool is removed to avoid duplication.</p>

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	<p>A key difference between the CHIA tool and MZO Framework is that the CHIA tool only permitted requests from municipalities, while anyone can submit an MZO request.</p> <p>The Region previously provided feedback to the province on how the MZO process could be improved (Report #2020-P-30). While the province has listed out submission expectations, the specifics of how MZOs will be evaluated are still unclear. It should also be noted that, the new framework for MZOs excludes the requirement for input and/or support from upper-tier municipal councils. This could result in discrepancies between servicing allocations.</p> <p>Recommendation It is recommended that, where applicable, upper-tier municipalities should be consulted on MZOs because of Regions' role in the provision of infrastructure.</p> <p><u>12.9 Enhancing framework for ARUs</u></p> <p>While there is general support for this framework, the Region should be consulted to ensure appropriate servicing and infrastructure to support additional residential units is monitored and achieved.</p> <p><u>12.10-12.12 Use it or Lose it Tools</u></p> <p>From a growth management perspective, there is general support for these policies as an incentive for builders and developers to move forward with approved applications, resulting in greater certainty when determining housing and land supply.</p> <p>However, Durham's practice is unique in that, with certain exceptions like Seaton, it does not allocate servicing until a development agreement is signed or a connection permit is issued (where there is no agreement). With the developer by then having to commit to significant investment including paying 50% of the hard Development Charges, the risk of stranded servicing allocations in Durham remains minimal. As such, the new Servicing Management Tool proposed in Bill 185 will not benefit the Region given its current diligent practice for allocating capacity. To this effect, a recognition that all municipalities do not assign allocation the same way should be included in the policy.</p>

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<p>019-8370</p> <p><u>Regulatory changes to modernize public notice requirements under Planning Act and DC Act</u></p>	<p>This a welcome and positive update for parameters around providing public notice, and modernizes the planning process with current technology, especially as local Durham newspapers have begun to phase out the printing of physical newspapers towards an online model.</p> <p>The Region recognizes that public consultation is a central and mandatory element of Ontario's land use planning system. Through Envision Durham, the Region's Council adopted Regional Official Plan (ROP), the Region introduced policy that would ensure, wherever possible, that efforts be made to promote broad community awareness of planning issues and provide enhanced opportunities for input through both traditional (i.e. in-person) and innovative methods, which may include electronic media or other emerging technologies.</p>
<p>019-8371</p> <p><u>Changes to the DC Act Enhance Municipalities'</u></p>	<p>Regional Staff support the proposed elimination of the phase-in of DCs and the re-introduction of studies being an eligible capital cost to be funded by DCs. These measures will have a significant impact on the Region's ability to fund growth-related capital costs from DCs and reduce funding requirements from property taxes and water and sewer user rates.</p>

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**Re: Region of Durham staff comments on ERO 019-8371
pertaining to Cutting Red Tape to Build More Homes Act, 2024 (Bill
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Elaine Baxter-Trahair
Regional CAO

- The Region continues to express deep concerns with the proposal to remove the Regional Official Plan from the Region's jurisdiction. If this approach is to be implemented, then as a minimum, the province is urged to introduce a new provision into the Planning Act to allow Durham, as an upper-tier municipality, to prepare and maintain a statutory planning document to guide the financing and delivery of regional infrastructure and services.
- Include upper-tier municipalities as specified persons with appeal rights in alignment with the treatment of utility providers that have a direct interest in infrastructure and servicing planning.
- Maintain settlement area boundary expansions consideration with upper-tier municipalities as the jurisdiction responsible for the infrastructure and servicing.
- Include upper-tier municipalities in MZO consultations because of Regions' role in the provision of municipal infrastructure.
- Ensure Regions are consulted on additional dwelling unit enhancements to ensure appropriate servicing and infrastructure.
- Mandatory pre-application consultations are a good planning practice that is in the best interest of the applicant, municipality and residents; these pre-consultations ultimately expedite the approval process and should be maintained to minimize risk to all parties. Allowing challenging "complete" application requirements to be appealed to the Ontario Land Tribunal would result in a less transparent and comprehensive public review process.
- The proposed elimination of the phase-in of development charges and the proposed inclusion of studies as an eligible expense are supported and will improve the Region's ability to fund growth-related capital costs and reduce funding requirements from property taxes and water and sewer user rates.

Although the proposed implementation of municipal development-related charge exemptions for affordable residential units (rental and ownership) is not part of Bill 185, Regional staff have reviewed the Affordable Residential Units Bulletin (in effect as of June 1, 2024) that provide the rental / price thresholds to determine if a unit meets the affordable definition and offer the following comments:

If you require this information in an accessible format, please contact Communications and Engagement at CorporateCommunications@durham.ca or 311, extension 3743.



**The Regional
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Durham**

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- Regional staff support:
 - That the affordability criteria for rental and ownership units varies across unit types (i.e., single, semi-detached, townhomes, and apartments by number of bedrooms), except for the Income-based purchase price criteria which is consistent across unit types; and
 - That the affordable purchase price and rental rate thresholds are established specific to geographic regions to reflect the respective housing and rental market conditions.
- Regional staff recommend:
 - Measures should be put in place to ensure that the exemption from municipal development-related charges is passed onto homeowners and renters to preserve the integrity of the Province's proposed definition of affordable residential unit;
 - The Province provide a template for the 25-year agreement between the developer and the area municipality (as required under the DCA); and
 - The Province provide support regarding the challenges municipalities will face in the collection of development charges at building permit and / or at subdivision stage which is far in advance of knowing the final purchase price or rental rate. A refund and/or later payment collection mechanism that would allow municipalities to verify the final purchase price or rental rate should be added to the allowable DC collection process. In addition, the process will require an annual verification process to ensure that affordability is maintained, and if not, then a DC payment is required.
 - The income-based approach for affordable ownership units could be improved by taking into account household size for each unit type instead of applying a consistent value across all units types. This would provide incentive to build a range of housing options.
 - The Province confirm the timelines for when the Bulletin will be updated (e.g. updated June 1 every year).

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Sincerely,

Original signed by

Elaine Baxter-Trahair
Chief Administrative Officer

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Elaine Baxter-Trahair
Regional CAO

CC: Brian Bridgeman, Commissioner of Planning and Economic
Development
Ramesh Jagannathan, Commissioner of Works
Nancy Taylor, Commissioner of Finance

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Engagement at CorporateCommunications@durham.ca or 311, extension 3743.

Attachment 1 – Region of Durham Submission on Bill 185

Summary and comments regarding Bill 185 (Cutting Red Tape to Build More Homes Act, 2024)

ERO Posting	Region of Durham Comment
<p>019-8366</p> <p>Seeking feedback on zoning by-law barriers to the creation of additional residential units</p>	<p>Bill 185 proposes to widen the scope of the Minister's authority in subsection 35.1(2) of the Planning Act to regulate not only a second or third residential unit, but any ARU within a house, as well as the land on which such ARUs are located and the building or structure within which such ARUs are located.</p> <p>The Region recognizes that ARUs are an important tool in contributing to the supply of private sector affordable, rental housing options. This housing form contributes to affordability by optimizing the use of the existing housing stock and infrastructure, while also providing an income stream for homeowners, including younger and older homeowners, who may respectively have a greater need for income to help finance and/or remain in their homes.</p> <p>Through Envision Durham, the Region introduced a broad suite of policies that encourage area municipalities (AMs) to reduce barriers and support provisions that would:</p> <ul style="list-style-type: none"> • Require AMs to adopt policies and zoning provisions that permit the use of up to three ARUs in detached, semi-detached and/or townhouse units (inclusive of an ARU within an ancillary building to that unit); • Increase opportunities for ARUs by not applying minimum unit sizes and not requiring more than one parking space per unit; and • Encourage the removal of parking requirements for ARUs in areas intended to support existing and planned higher order transit service (i.e. MTSAs). <p>Given that the new ROP has yet to receive Ministerial approval, and zoning by-law provisions are the responsibility of the AMs, Regional Planning staff are unable to measure the effectiveness of the already adopted policy changes and/or identify additional barriers to developing ARUs at this time.</p>
<p>019-8368</p> <p>Proposed amendments to O. Reg. 73/23: Municipal Planning Data Reporting</p>	<p>The availability of good data and analytics are a critical resource for understanding housing supply in Durham Region. The Region is presently exploring a comprehensive growth model for data collection and analysis, and have the following comments:</p> <ul style="list-style-type: none"> • Consistency and completeness of data sources, reporting frequency, and broad acceptance of interpretation among data users are continued challenges, and hinder the ability to obtain buy-in from all of our eight area municipalities. It will continue to pose as

ERO Posting	Region of Durham Comment
	<p>a challenge until, or unless a transparent set of Guiding Principles are established. A good example of these challenges were recently demonstrated in Clarington wherein the municipality stated in Staff Report CAO-002-24 that it has been deemed ineligible for approximately \$4 million in “Building Faster Funding (BFF)” from the province due to a calculation error by the CMHC on the municipality’s housing starts, based on differing interpretations of what constitutes a “housing start”.</p> <ul style="list-style-type: none"> • In late 2022, as part of Bill 23, the province indicated it would develop and publish a centralized data collection initiative as part of the Minister’s (MAH) Bulletin which sets out the average market rents and average purchase prices by locale. This was a welcome announcement for establishing data and source consistency, and the Region anticipates its release. Furthermore, the Region recommends a phased-in approach, starting with a focus on housing supply by type and approval status, with future expansion of other types of data collection. • The province is proposing that geospatial data addressing designated serviced land supply will be required from municipalities, including the lakeshore municipalities in Durham. • It is unclear what the term “serviced” is meant to encompass. Is it water/wastewater? Or, will it take into account electricity, natural gas, and other utilities. • In Durham, the water/wastewater infrastructure is owned/operated by the Region from the lake to the lot line/house. The sanitary sewer and water supply systems have also been constructed without regard for individual lower tier municipal boundaries. Rather, the systems have been designed with the wider Region in mind, with piping crossing municipal boundaries, interconnecting municipalities, to provide very robust and efficient systems. <p>Determining if a lot is “serviced” is complicated. “Serviced” cannot be defined by geography alone. For instance, lands in Oshawa Water Pressure Zone 4 and Brooklin Water Pressure Zone 4 can proceed up to a certain number of units before a second pumping station is required. These units can be located anywhere in Zone 4, but the entirety of Zone 4 cannot be shown as serviced at this time.</p>

ERO Posting	Region of Durham Comment
	<p>Recommendation</p> <ul style="list-style-type: none"> • A phased approach to the province’s centralized data collection initiative should be used. It should start with a focus on housing supply by type and approval status, with future expansion of other types of data collection. • The definition of a “serviced lot” should be broader than geography and consider capacity.
<p>019-8369</p> <p><u>Schedule 9 – Proposed changes to the Municipal Act 2001</u></p>	<p><u>Schedule 9: Section 86.1</u></p> <p>From a growth management perspective, there is general support for these policies as an incentive for builders and developers to move forward with approved applications, resulting in greater certainty when determining housing and land supply.</p> <p>However, Durham is unique in that it, with the exception of Seaton, does not assign servicing until a development agreement is signed or a connection permit is issued (where there is no agreement), so there are no stranded servicing allocations in Durham. As such, the Region does not intend to change its procedures for allocating capacity using the new Servicing Management Tool proposed in Bill 185.</p> <p>A recognition that all municipalities do not assign allocation the same way should be included in the policy.</p> <p>Additionally, in regard to draft plans of subdivision, updates will be required to the Region’s draft plan conditions, Subdivision and Servicing agreements, and connection permits to include a timeline for when the capacity must be used; along with considerations for Front-Ending Agreements where capacity is allocated for larger areas.</p> <p>Recommendation</p> <p>The policy providing for the allocation of water supply and sewage capacity should recognize that not all municipalities assign allocation the same way.</p> <p><u>Schedule 9: Section 106</u></p>

ERO Posting	Region of Durham Comment
	<p>If the province is going to introduce this new provision, care must be taken to ensure that it does not pit once municipality against another. Further details are needed before Regional support can be provided.</p>
<p>019-8369</p> <p><u>Schedule 12 – Proposed changes to the Planning Act 2001</u></p>	<p><u>12.1 Upper-tier Planning Responsibilities</u></p> <p>While the Region appreciates the flexibility granted to Durham, Waterloo, Simcoe, and Niagara, to bring changes to the removal of planning responsibilities at a future date, clarity is required regarding the statement that “the government intends to move forward with bringing the changes into effect for the remaining upper-tier municipalities by the end of 2024.” Does this imply that a proclamation date will be identified by the province (i.e. January 1, 2025), or will the effective date be dependant upon the individual ability of each of the four upper tier regions to transition responsibilities to their respective lower-tiers?</p> <p>Lower-tier municipalities are currently using Durham’s Council-adopted Regional Official Plan (ROP), “Envision Durham”, as they commence their municipal comprehensive review processes. It is imperative that the Region receive ministerial approval of its new ROP, in advance of the effective date of the new Provincial Policy Statement and upper-tier planning changes, to allow the lower-tier municipalities a higher degree of confidence to rely on this body of work as they update their own official plans.</p> <p>Furthermore, in preparation for becoming an “upper-tier municipality without planning responsibilities”, additional clarity is sought regarding the future role of the Region as it relates to the planning review responsibilities currently undertaken on behalf of the province. Specifically, the Region is seeking clarity around the province’s expectations for Regional Planning to continue its provincial plan review responsibilities post-Bill 23. It is understood that the Region will be able to continue to provide comments on local development application; however, without a statutory planning document to guide the comments, it is unclear what weight Regional comments would have on development activity. At present, Regional Planning coordinates comments provided, not just by the Regional Planning Division, but by other Regional departments such as Works, Health, Emergency Services, and Transit (i.e. a one-window approach). To manage the demands for Regional infrastructure, the Region anticipates continuing with development application commenting post-Bill 23; however, it cautions that a</p>

ERO Posting	Region of Durham Comment
	<p>commenting role is not a replacement for having a Planning Act-approved land use policy document that sets out the Region’s objectives for its services and facilitates a coordinated and integrated approach to growth management in the region where it can direct area municipalities accordingly.</p> <p>Recommendation Introduce a statutory planning document that sets out the Region’s objectives for its services and facilities a coordinated and integrated approach to growth management. Such a statutory document would clarify the Regional planning role in commenting on development proposals.</p> <p><u>12.2 Parking Requirements in MTSAs</u></p> <p>The Region recognizes that the provision of alternative development standards to support transit-oriented development, including reduced minimum parking requirements, be encouraged in SGAs and tailored to the level of transit service proposed.</p> <p>Through Envision Durham, the Region’s Council adopted Regional Official Plan (ROP), the Region introduced a suite of policies that encourage area municipalities (AMs) to:</p> <ul style="list-style-type: none"> • remove parking space requirements for ARUs in areas intended to support existing and planned higher order transit service; • prepare detailed policies for MTSAs that support the efficient use of land, including requirements for structured parking, shared parking and/or reduced parking as part of new development; and • adopt provisions within SGAs to reduce minimum parking requirements and encourage potential redevelopment of existing surface parking. <p>Given that the new ROP has yet to receive Ministerial approval, and parking and zoning by-law provisions are the responsibility of the AMs, Regional Planning staff are unable to measure the effectiveness of the already adopted policy changes at this time.</p> <p><u>12.3 Limit Third Party Appeals for Official Plans, OPAs, ZBs, and ZBAs</u></p> <p>The Region generally supports the added limitation on some appeals; however there is concern that, once Durham is proclaimed to be “without planning responsibilities”, the municipality could</p>

ERO Posting	Region of Durham Comment
	<p>lose its ability to appeal and/or meaningfully participate in major land use planning decisions, despite being a key stakeholder with direct interests in growth management, infrastructure and service planning and delivery. Furthermore, there appears to be an inconsistency wherein utility providers are included as a “specified person” as introduced in Bill 185 who has appeal rights, while the Region, who is also a utility provider for water and sewer, is not. As such, utility providers will have stronger tools (including appeal rights) to protect their infrastructure compared to upper-tier municipalities.</p> <p>This issue is further exacerbated by the proposed changes allowing privately requested settlement area boundary expansions (SABEs) outside of a municipal comprehensive review, while also allowing applicants to appeal a municipality’s refusal or failure to make a decision on the SABE request.</p> <p>Recommendation Given their direct interests in growth management, infrastructure and service planning; include upper-tier municipalities as “specified persons” with appeal rights in alignment with the appeal rights granted to other utility providers.</p> <p><u>12.4 Voluntary Pre-application Consultation and 12.5 Removing timelines for OLT appeals</u></p> <p>Removing the requirement for a pre-consultation introduces unnecessary risk into the planning process, as does allowing applicants to challenge “complete” application requirements to the Ontario Land Tribunal at any time. Pre-consultations should be viewed not only as good planning practice, but in the best interests of the applicant, municipality, and residents while ultimately expediting the development approval process.</p> <p>Furthermore, the provision for complete applications were introduced in Bill 51 in 2007 to preclude applicants from submitting a “bare bones” application with no supporting studies, and subsequently appealing the matter to the Ontario Land Tribunal (then Ontario Municipal Board) for a hearing. The purpose of complete applications are to ensure that a fulsome, transparent, and public process occurs as part of the development process.</p> <p>Recommendation</p>

ERO Posting	Region of Durham Comment
	<p>Keep the requirement for pre-consultations to minimize risk and do not allow challenging “complete” application requirements to be appealed to the OLT to ensure a transparent and comprehensive public review process.</p> <p><u>12.6 Allow individual SABE appeals</u></p> <p>Bill 185 proposes to allow a private applicant to appeal an approval authority’s refusal of non-decision to the Ontario Land Tribunal, so long as the proposed boundary expansion does not include any lands within the Greenbelt Area.</p> <p>Permitting individual appeals on settlement area boundary expansions (SABEs) through the OLT results in a piecemeal approach that could result in more land being designated beyond what was identified by municipalities in their municipal comprehensive review (MCR), undermining the Region’s overall growth management objectives.</p> <p>Recommendation</p> <p>The Region, in its initial comments on the proposed Planning Statement in June 2023 through Report #2023-P-19 recommended that SABEs continue to be permitted only through a municipal comprehensive review informed by standardized methodology. Furthermore, within a regional context, the implications of infrastructure and servicing on settlement area boundary expansions collectively should continue to rest with upper-tier municipalities as the jurisdiction responsible for the infrastructure and servicing, regardless of planning approval responsibility.</p> <p><u>12.8 Remove CIHA from the Planning Act and permit transition rules for CIHA orders already made</u></p> <p>In a December 2023 news release, the province announced it would be launching consultations on a go-forward framework for how MZOs would be received and considered and that no new MZOs would be considered until the completion of that consultation. However, it does not appear that the province is accepting comments on the MZO Framework.</p> <p>Generally, this MZO Framework returns us to a pre-CHIA environment, but provides a more transparent framework for how requests for MZOs are submitted and considered. The CHIA tool is removed to avoid duplication.</p>

ERO Posting	Region of Durham Comment
	<p>A key difference between the CHIA tool and MZO Framework is that the CHIA tool only permitted requests from municipalities, while anyone can submit an MZO request.</p> <p>The Region previously provided feedback to the province on how the MZO process could be improved (Report #2020-P-30). While the province has listed out submission expectations, the specifics of how MZOs will be evaluated are still unclear. It should also be noted that, the new framework for MZOs excludes the requirement for input and/or support from upper-tier municipal councils. This could result in discrepancies between servicing allocations.</p> <p>Recommendation It is recommended that, where applicable, upper-tier municipalities should be consulted on MZOs because of Regions' role in the provision of infrastructure.</p> <p><u>12.9 Enhancing framework for ARUs</u></p> <p>While there is general support for this framework, the Region should be consulted to ensure appropriate servicing and infrastructure to support additional residential units is monitored and achieved.</p> <p><u>12.10-12.12 Use it or Lose it Tools</u></p> <p>From a growth management perspective, there is general support for these policies as an incentive for builders and developers to move forward with approved applications, resulting in greater certainty when determining housing and land supply.</p> <p>However, Durham's practice is unique in that, with certain exceptions like Seaton, it does not allocate servicing until a development agreement is signed or a connection permit is issued (where there is no agreement). With the developer by then having to commit to significant investment including paying 50% of the hard Development Charges, the risk of stranded servicing allocations in Durham remains minimal. As such, the new Servicing Management Tool proposed in Bill 185 will not benefit the Region given its current diligent practice for allocating capacity. To this effect, a recognition that all municipalities do not assign allocation the same way should be included in the policy.</p>

ERO Posting	Region of Durham Comment
	<p>Additionally, in regard to draft plans of subdivision, updates will be required to the Region's draft plan conditions, Subdivision and Servicing agreements, and connection permits to include a timeline for when the capacity must be used; along with considerations for Front-Ending Agreements where capacity is allocated for larger areas.</p> <p><u>12.13 Exempting universities from the Planning Act for student housing</u></p> <p>The Region should be consulted to ensure appropriate servicing and infrastructure to support student housing projects is monitored and achieved. Moreover, in cases where a university or college campus is located on lands designated for employment purposes, there is a concern that allowing student accommodation has the potential to adversely impact existing industrial uses and future employment opportunities due to the introduction of sensitive uses into an employment area. Exempting universities from the Planning Act for student housing should not be permitted where the lands are designated for employment purposes.</p> <p><u>12.14 Expedited approval for community facilities</u></p> <p>The Region is in general support of expediting the approval process for community service facilities contributing to complete and walkable communities.</p>
<p>019-8370</p> <p><u>Regulatory changes to modernize public notice requirements under Planning Act and DC Act</u></p>	<p>This a welcome and positive update for parameters around providing public notice, and modernizes the planning process with current technology, especially as local Durham newspapers have begun to phase out the printing of physical newspapers towards an online model.</p> <p>The Region recognizes that public consultation is a central and mandatory element of Ontario's land use planning system. Through Envision Durham, the Region's Council adopted Regional Official Plan (ROP), the Region introduced policy that would ensure, wherever possible, that efforts be made to promote broad community awareness of planning issues and provide enhanced opportunities for input through both traditional (i.e. in-person) and innovative methods, which may include electronic media or other emerging technologies.</p>
<p>019-8371</p> <p><u>Changes to the DC Act Enhance Municipalities'</u></p>	<p>Regional Staff support the proposed elimination of the phase-in of DCs and the re-introduction of studies being an eligible capital cost to be funded by DCs. These measures will have a significant impact on the Region's ability to fund growth-related capital costs from DCs and reduce funding requirements from property taxes and water and sewer user rates.</p>

ERO Posting	Region of Durham Comment
<p>Ability to Invest in Housing-Enabling Infrastructure</p>	<p><u>Impact on Regional DC By-laws</u></p> <ul style="list-style-type: none"> • DC By-law #42-2023 (Roads, water, sewer and other services) – amending by-law required through the streamlined process to: <ul style="list-style-type: none"> ○ Remove the phase-in provisions ○ Include the cost of studies • Transit DC By-law #39-2022 - No amending by-law required: <ul style="list-style-type: none"> ○ Existing By-law does not include phase-in provisions ○ By-law includes the cost of studies since By-law was approved prior to November 28, 2022 (When Bill 23 came into effect) • New Seaton By-law to be presented to Regional Council on May 29, 2024 for approval: <ul style="list-style-type: none"> ○ Given the uncertainty to the effective date of Bill 185, the by-law and final report are written to provide flexibility to implement the by-law under the following two scenarios: <ul style="list-style-type: none"> ▪ New By-law approved after Bill 185 is in effect; or ▪ New By-law approved prior to effective date of Bill 185 • Go Transit DC By-law #86-2001 – no action required. By-law was not impacted by Bill 23. <p>Assuming Bill 185 is in effect by July 1, 2024, this will result in the following:</p> <ul style="list-style-type: none"> • The full rates under the Transit DC By-law (Transit services) will be implemented two years ahead of the current schedule; • The full rates under Regional DC By-law #42-2023 (i.e. water, sewer, roads, police, paramedic etc.) will be implemented three years ahead of the current schedule; • The full rates for the Seaton Water and Sewer Area Specific DCs will be implemented on July 1, 2024 and will not be subject to any phase in • Will avoid approximately <u>\$205 million in lost revenue</u> over the next four years related to the phase-in requirements

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The Regional Municipality of Durham Report

To: Regional Council
From: Commissioner of Works and Commissioner of Finance
Report: #2024-COW-19
Date: May 29, 2024

Subject:

Beaver River Bridge Replacement on Behalf of the Ministry of Transportation, Regional Road 15, Township of Brock

Recommendation:

That Regional Council:

- A) Advise the Ministry of Transportation that the Regional Municipality of Durham strongly disagrees with their decision to transfer ownership of the closed Beaver River Bridge, located on Regional Road 15 over Beaver River immediately west of Highway 12, in the Township of Brock, to the Regional Municipality of Durham, prior to the design and construction of the replacement bridge by the Ministry;
- B) Authorize Regional staff to design, tender and construct a temporary and permanent bridge replacement on behalf of the Ministry of Transportation, with all project costs including design, tendering, construction, temporary bridge rental, staff time, consultant costs and associated expenditures reimbursed by the Ministry;
- C) Authorize Regional staff to negotiate and award a sole source agreement with Algonquin Bridge, a member of the Atlantic Industries Limited group of companies, for the supply and rental of a temporary bridge until a new permanent bridge can be opened to traffic, expected to be for a period of approximately 2.5 years, at an estimated cost of \$950,000*;
- D) Declare the bridge closure an emergency and authorize the award of the existing bridge demolition, temporary bridge assembly/installation and approach roadwork

project through the RFP 347 2024 Contracting Services Registry on a Time and Materials basis to Elirpa Construction and Materials Limited with sub-contracting services from Nick Carchidi Excavating Limited;

- E) Authorize the Commissioner of Works to execute all documents with the Ministry of Transportation, including management of liabilities, associated with the transfer of the bridge and road right-of-way for the works described above;
 - F) Authorize the Commissioner of Finance to execute the necessary documents related to the sole source agreement with Algonquin Bridge; and
 - G) Provide a copy of this report to Laurie Scott, MPP-Haliburton-Kawartha Lakes-Brock, and Prabmeet Sarkaria, Minister of Transportation, the Ministry of Transportation, and the Township of Brock.
-

Report:

1. Purpose

- 1.1 The Beaver River Bridge is a three-span post-tensioned concrete continuous solid slab bridge located in the Township of Brock. The structure carries Regional Road 15 over the Beaver River, approximately 100 metres west of Highway 12 near Beaverton (Attachment #1). On November 16, 2023, the Ministry of Transportation (MTO) closed the bridge. On April 4, 2024, [Report #2024-W-14](#) was presented to Works Committee and was referred back to staff for additional information with respect to obtaining a guarantee from the MTO that they will fund all related costs before the Regional Municipality of Durham (Region) undertakes any work. The purpose of this report is to provide information on what has transpired since that time and seek approval for Region staff to proceed with the construction of a temporary and permanent bridge on behalf of the MTO.
- 1.2 Dollar amounts followed by an asterisk (*) are before applicable taxes.

2. Background

- 2.1 [Report #2024-W-14](#) provides background information on the Beaver River Bridge, including the ownership, inspections, maintenance, replacement design status, closure and impacts, discussions with the MTO, and an explanation of the temporary bridge concept.
- 2.2 In a letter provided on March 26, 2024, the MTO advised that the Region is in the best position to replace the bridge in a timely manner by continuing design work

under the current engineering consultant assignment. In addition, they planned to begin the process of transferring ownership of the bridge and additional Regional Road 15 right-of-way (Attachment #1) to the Region and seek approvals to provide funding to the Region for the completion of the design and construction of the new bridge.

- 2.3 Regional staff disagree with the position the MTO took in their letter dated March 26, 2024, and recommend that Regional Council advise MTO accordingly. However, to avoid further delay staff reluctantly accept the responsibility and seek authorization to proceed with the design and construction of a temporary and permanent bridge on behalf of the MTO.
- 2.4 On April 8, 2024, the Township of Brock sent a letter (Attachment #2) to the Region requesting the assistance of Region staff to replace the bridge. They noted the critical importance of the bridge for the community, including the impacts of the closure on response times for Brock Township Fire.

3. Cost Estimate and MTO Funding Approval

- 3.1 Since the last Works Committee report, at the request of the MTO, Region staff estimated the cost for the temporary and permanent replacement bridge projects. This cost included design, tendering, construction, temporary bridge rental, staff time, consultant costs and associated expenditures. This includes historical costs since the commencement of the Request for Proposal and Consulting Agreement for the design of the permanent replacement bridge. It also made an allowance for a bridge rental of up to 3 years. The estimate was \$2.76M for the temporary bridge and \$13.84M for the permanent bridge, totalling \$16.6M. It was identified to the MTO that actual costs were expected to be reimbursed.
- 3.2 The MTO prepared a report that went before the provincial Treasury Board on May 7, 2024. The report used the estimate provided by the Region, and input from various sources including the Township of Brock Fire Department, Brock Board of Trade, and local business owners, to support the justification for the temporary bridge. On May 17, 2024, the Region received a letter (Attachment #3) from the MTO advising of the approval of up to the \$16.6M requested.
- 3.3 Given that the estimate was prepared prior to the design being completed, and with construction pricing subject to change prior to tender of the permanent bridge, there is some resulting risk. However, prior to the tender of the permanent bridge, the costs will be reassessed and discussed with MTO if there is a potential for exceeding the approved funding.

4. Temporary Bridge Procurement

- 4.1 A temporary bridge concept has been reviewed for the site, which would consist of a pre-engineered modular bridge system. These portable, prefabricated, truss bridges are commonly used for permanent or temporary applications such as staging during bridge replacements or emergency rental bridges.
- 4.2 Regional staff have contacted local prefabricated modular bridge suppliers to confirm the feasibility of a temporary bridge installation at the Beaver River Bridge site. There are two local suppliers of modular temporary bridges. However only one supplier (Algonquin Bridge, part of the Atlantic Industries Limited group of companies) designs, fabricates, and supplies both temporary bridge and foundation components. Furthermore, Regional staff were initially unable to reach the Emergency Contacts at the second supplier, after multiple attempts. Due to the urgency of procuring the temporary bridge, the design services for the prefabricated bridge and abutments is in the process of being procured through Algonquin Bridge (Algonquin) for \$57,525*, considering this company to be a sole provider of the combined services.
- 4.3 Atlantic Industries Limited is one of the prominent Canadian manufacturers of corrugated structural plate bridges, tunnels, corrugated steel pipes, MSE walls, prefabricated bridges and noise barriers. They have delivered these products across Canada for the past 50 years, including within the Region. Working closely with the supplier is also anticipated to provide the option to design the modular bridge to be coordinated with the staged construction of the new permanent Beaver River Bridge, to maintain traffic during construction. The bridge components are readily available from Algonquin in London.
- 4.4 Regional Council is requested to authorize staff to negotiate and award a sole source agreement with Algonquin for the supply and rental of a temporary bridge until a new permanent bridge can be opened to traffic, expected to be for a period of approximately 2.5 years, at an estimated cost of \$950,000*.

5. Temporary Bridge Construction

- 5.1 The goal would be to design the temporary bridge and stage the new bridge to keep a crossing open to traffic during construction. However, there is a possibility that this may not be technically and economically feasible.

- 5.2 To construct the temporary bridge, the existing bridge will be entirely removed, and temporary foundations will be built. In addition, roadworks to tie into the temporary bridge will be needed.
- 5.3 Using the RFP 347 2024 Contracting Services Registry on a Time and Materials basis for this work would minimize the requirement for detailed contract drawings and documents, leverage the input from the contractors, and eliminate the need for a tender period, thereby allowing the work to be completed sooner and more efficiently. Therefore, Region staff recommend that Regional Council declare the bridge closure an emergency and authorize the award of the existing bridge demolition, temporary bridge assembly/installation and approach roadwork project through the RFP 347 2024 Registry on a Time and Materials basis to Elirpa Construction and Materials Limited (ECL) with sub-contracting services from Nick Carchidi Excavating Limited (NCE). ECL and NCE's combined past experience on bridge construction, combined resources, competitively bid equipment and labour rates on the recently awarded RFP 347 2024 Contracting Services Registry, provides the best option for success with respect to the proposed aggressive schedule, while maintaining high quality standards at fair market value.

6. Timing and Next Steps

- 6.1 It is anticipated that the construction of the temporary bridge will commence this summer and be completed by early Fall. The permanent bridge is planned for tender in the Fall of 2025, with construction commencing in the Spring of 2026 and being completed by Summer 2027.
- 6.2 Algonquin could begin the design of the temporary bridge immediately. Regional staff would complete the roadworks design and all other temporary bridge tasks, including coordination and approvals with the MTO, Lake Simcoe Region Conservation Authority, and Transport Canada.
- 6.3 An agreement with Algonquin for the supply and rental would be negotiated and the selected Q347 contractor would be retained to begin planning resources and providing input into the bridge removal and construction methodology and approvals.
- 6.4 Under the current consulting assignment with WSP, design work for the permanent bridge replacement would advance simultaneous with the temporary bridge design.

6.5 Regional staff will work with the MTO to develop the Transfer Payment Agreement, Legal Agreement, and Encroachment Permit needed to carry out the work as identified by the MTO.

7. Relationship to Strategic Plan

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

a. Goal 2: Community Vitality

- 2.2 Enhance community safety and well-being.

b. Goal 3: Economic Prosperity

- 3.3 Enhance communication and transportation networks to better connect people and move goods more effectively.

c. Goal 5: Service Excellence

- 5.1 Optimize resources and partnerships to deliver exceptional quality services and value.

8. Conclusion

8.1 It is recommended that the Ministry of Transportation be advised that the Regional Municipality of Durham strongly disagrees with their decision to transfer the closed Beaver River Bridge, located on Regional Road 15 over Beaver River immediately west of Highway 12, prior to the design and construction of the replacement bridge. However, to avoid further delays it is recommended that the Regional Municipality of Durham proceed with the design and construction of a temporary and permanent bridge replacement on behalf of the Ministry of Transportation, utilizing sole sourcing, and declaring an emergency for the temporary bridge supply and construction.

8.2 This report has been reviewed by Legal Services – Office of the CAO.

8.3 For additional information, contact: Paul Gee, Manager, Transportation Infrastructure, at 905-668-7711, extension 3441, or Megan Duhig, Project Manager, Transportation Infrastructure, at 905-668-7711, extension 3276.

9. Attachments

Attachment #1: Location Map – Showing the Beaver River Bridge Location and the Right-of-Way to be Transferred from the MTO to Durham Region

Attachment #2: Letter to John Henry, Regional Chair and CEO, Durham Region, from Walter Schummer, Mayor of the Township of Brock, regarding the Beaver River Bridge Closure and Replacement, dated April 8, 2024

Attachment #3: Letter to Ramesh Jagannathan, Commissioner of Works, Durham Region, from Becca Lane, Director, Central Operations, MTO, providing Notice of the Beaver River Bridge Replacement Funding Approval, dated May 17, 2024

Respectfully submitted,

Original signed by:

Ramesh Jagannathan, MBA., M.Eng., P.Eng., PTOE
Commissioner of Works

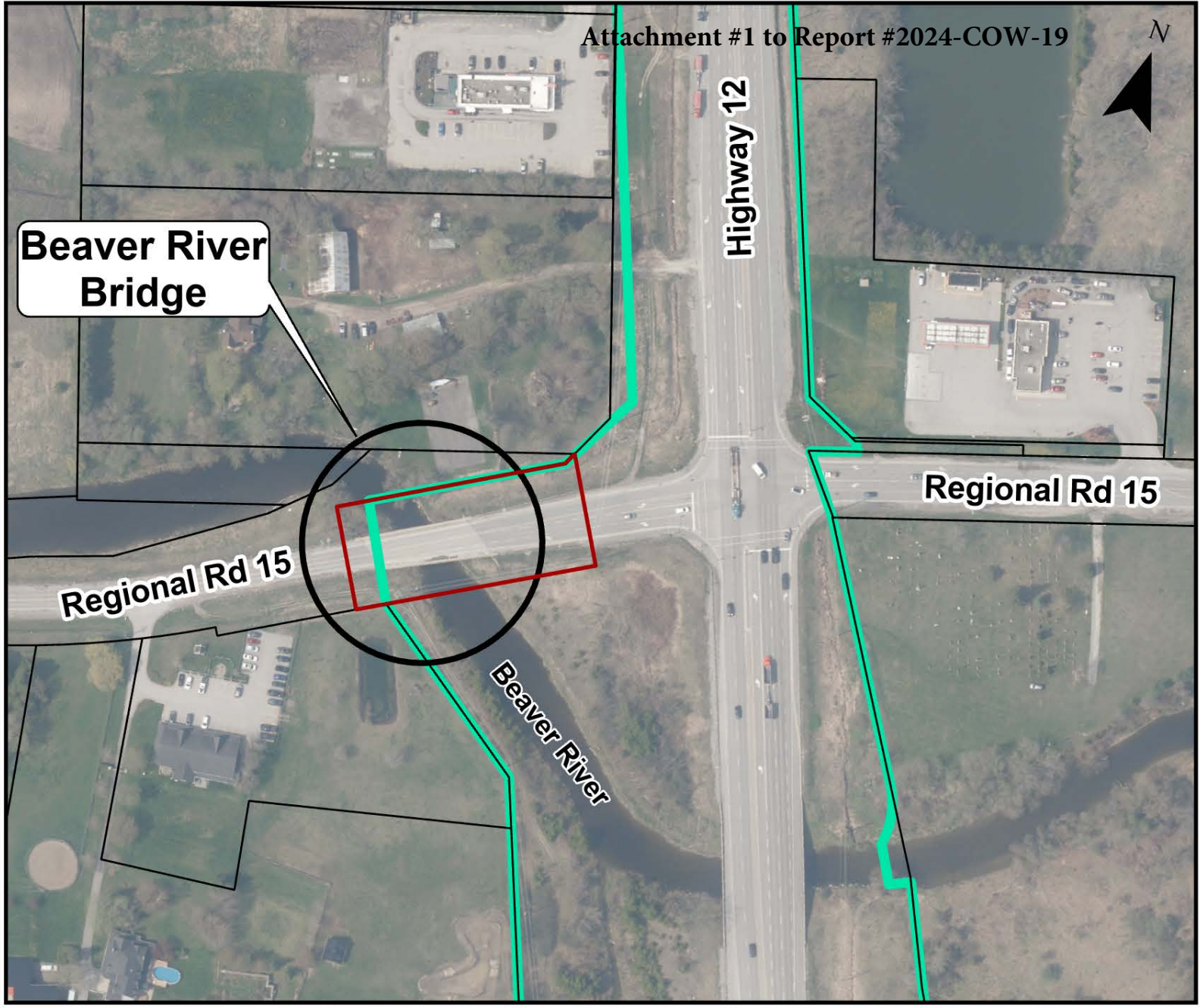
Original signed by:

Nancy Taylor, CPA, CA
Commissioner of Finance/Treasurer

Recommended for Presentation to Council

Original signed by Nancy Taylor
for

Elaine C. Baxter-Trahair
Chief Administrative Officer

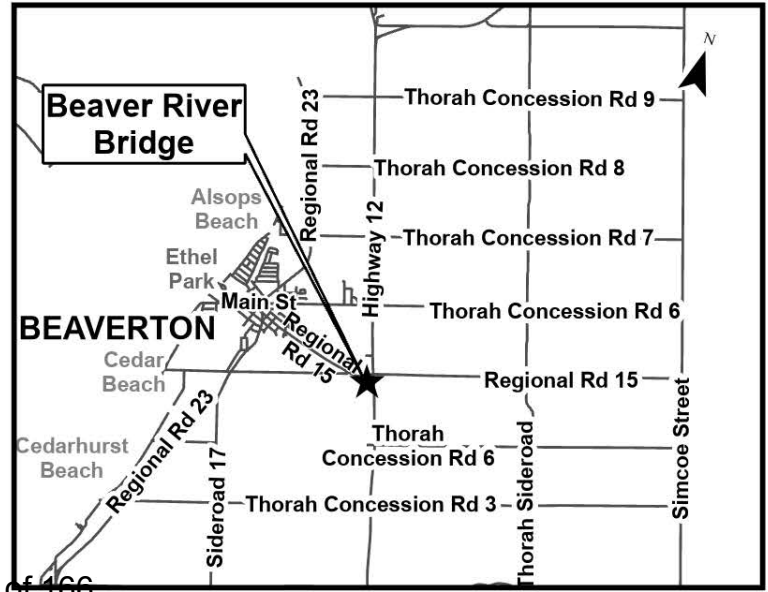


Location Map Beaver River Bridge Township of Brock

- Right-of-Way to be Transferred from the Ministry of Transportation to the Region of Durham
- Ministry of Transportation Controlled Access Highway
- Ownership Parcel



GIS Data: Produced by Durham Region, 2024.
 2023 Orthophotography provided by © First Base Solutions Inc.
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Office of The Mayor

The Corporation of
The Township of Brock
1 Cameron St. E., P.O. Box 10
Cannington, ON L0E 1E0
(705) 432-2355

April 8, 2024

John Henry, Regional Chair and CEO
Regional Municipality of Durham

Dear Chair Henry:

RE: Beaver River Bridge Closure & Replacement, Regional Road 15, Township of Brock

I am reaching out on behalf of the Township of Brock with a request for the assistance of the Region of Durham's Public Works Department in the crucial task of rebuilding the Regional Road 15 Bridge. This project is vital for our community and requires a collaborative approach to ensure its success.

The Region has prudently conducted fiscal responsibility for this capital asset, which they were under the impression of having ownership. Whereas, MTO has only recently, as of August 22, 2023, come forth with the right of ownership to this bridge, yet having no allocated funding for the bridge replacement or maintenance since construction. Once completed The Region will "reacquire" this asset and save significant infrastructure funds by not having to rehabilitate this bridge on its own.

Before any work commences, it is imperative to have confirmation from the Ministry of Transportation (MTO) that 100% funding, encompassing design, project management, and construction costs for both the temporary and permanent bridges, will be provided. We understand the complexity and time frames involved, acknowledging that the installation of the temporary bridge may take some time on its own, while the construction of the permanent structure could extend into years. Regional Councillor Jubb and I have already started discussions with Treasury Board officials and welcome your additional support in those conversations.

We recognize that this extensive project, due to its scale and duration, may at times appear to be in a dormant state. However, we appreciate the long-term benefits it will bring to our community and the region. We commit to maintaining a positive and supportive stance towards regional staff and elected representatives throughout this period, irrespective of any political changes so long as there is positive and productive action on this critical project.

If this information is required in an accessible format,
please contact the Township at 705-432-2355.

The Township of Brock through the Fire Chief has raised concerns with the Honorable Minister Sarkaria as well as staff with The Treasury Board, that response times for Brock Township Fire to the area surrounding the bridge have increased significantly and given that the intersection of Highway 12 and Regional Road 15 sees an increase in the flow of traffic with summer cottage country travelers, the concern in responding to emergency calls at this intersection is even more significant. The alternate emergency access from the Beaverton Fire station to this busy intersection is along Main Street which is a narrow road with very little shoulder space for vehicles to pull over for emergency vehicles.

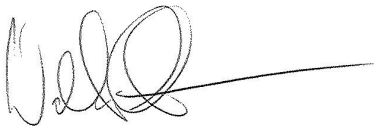
Additionally, I would like to highlight that the Brock Council has unanimously endorsed this letter and our request for The Region to add its voice to ours with respect to advocacy on this project. This unified stance underscores the importance of this project to our township and the collective commitment of our elected officials to its success.

This initiative is a significant undertaking, and we are grateful for the opportunity to collaborate on such a critical infrastructure project. Your support and the expertise of the Regional Public Works Department will be invaluable to its successful realization. As the Mayor of Brock Township, the safety of our residents as well as those individuals travelling through our municipality are of utter importance.

We look forward to your response and hope to engage in further discussions to outline the next steps towards this collaborative effort.

Yours truly,

The Township of Brock

A handwritten signature in black ink, appearing to read 'Walter Schummer', with a long horizontal line extending to the right.

Walter Schummer
Mayor

Cc: Dave Barton, Mayor, Township of Uxbridge & Chair, Durham Region Works Committee
Elaine C. Baxter-Trahair, CAO, Durham Region

Ministry of Transportation

Central Operations
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Ministère des Transports

Opérations - Centre
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May 17, 2024

Ramesh Jagannathan, Commissioner of Works
Regional Municipality of Durham
605 Rossland Road East
Whitby, Ontario, L1N 6A3

Dear Ramesh,

Further to the March 26, 2024, letter from the Ministry's Chief Engineer, I am pleased to confirm with the Regional Municipality of Durham that the ministry can provide funding of up to \$16.6M for the Beaver River Bridge replacement project.

The project will include the implementation of a temporary bridge, if feasible, as well as the design and construction of a permanent structure. The ministry is working on an Order in Council to transfer jurisdiction of the section of Regional Road 15, which includes the bridge asset, formally to the Region.

We propose a meeting at your earliest convenience to initiate discussions in developing the Transfer Payment Agreement, the Legal Agreement, and the Encroachment Permit needed for carrying out this work. Please inform us of your availability to discuss these next steps.

The Ministry of Transportation looks forward to working with the Region to resolve this matter successfully and in a timely manner.

Sincerely,

A handwritten signature in blue ink that reads "Becca Lane". The signature is written in a cursive, flowing style.

Becca Lane, P.Eng.
Director, Central Operations