

If this information is required in an accessible format, please contact 1-800-372-1102 ext. 3540.



The Regional Municipality of Durham Report

To: Works Committee
From: Acting Commissioner of Works
Report: #2023-W-27
Date: June 7, 2023

Subject:

Approval of Capital Works and Financing to be Incorporated into a Servicing Agreement with Whitby Con Seven Developments Limited, Including Cost Sharing in Accordance with the Region Share Policy for Regional Infrastructure crossing the intersection of Ashburn Road and Winchester Road to 300 metres east of Ashburn Road in the Brooklin Urban Area, in the Town of Whitby

Recommendation:

That the Works Committee recommends to Regional Council:

- A) That capital works and financing estimated at \$1,699,100 for the Region's share of the extension and oversizing of a sanitary sewer project in the Town of Whitby with a total cost of \$5,608,100 be approved;
- B) That the Regional Municipality of Durham be authorized to enter into a Servicing Agreement with a Region share payment to Whitby Con Seven Developments Limited estimated at \$1,699,100 for the Region's share of the costs for the construction and oversizing of a sanitary sewer, in the Town of Whitby, in accordance with the Regional Municipality of Durham's Region Share Policy at an estimated total project cost of \$5,608,100; and
- C) That financing for the servicing agreement be provided from the following sources:

Developer's Share – Sanitary Sewer

Whitby Con Seven Developments Limited	<u>\$3,909,000</u>
---------------------------------------	--------------------

Total Developer's Share	<u>\$3,909,000</u>
--------------------------------	---------------------------

Regional Share – Sanitary Sewer

2022 Sanitary Sewage System Capital Budget

Item 62: West Brooklin Trunk Sanitary Sewer from west of Cochrane St. to east of Highway #12, Whitby Region's share (Project ID: D2002)

Residential Development Charges	\$1,253,900
Commercial Development Charges	\$78,200
User Rate	<u>\$367,000</u>
Total Regional Share	<u>\$1,699,100</u>
Total Project Financing	<u>\$5,608,100</u>

Report:**1. Purpose**

- 1.1 The purpose of this report is to obtain approval to enter into a servicing agreement with Whitby Con Seven Developments Limited for the construction of a proposed sanitary sewer in the Town of Whitby (Attachment #1). The report also seeks approval for the capital work and financing for the Regional Municipality of Durham's (Region) cost sharing in accordance with the Region's Share Policy.

2. Background

- 2.1 Whitby Con Seven Developments Limited is a member of the Brooklin North Landowners Group (BNLG). They have proposed the construction of a sanitary sewer through the Winash North Subdivision lands, extending sanitary sewer servicing to the Brooklin North lands and servicing their development. Whitby Con Seven Developments Limited has requested permission to construct the project through a servicing agreement with the Region and to cost share with the Region in accordance with the Region's Share Policy (Attachment #2).
- 2.2 The Region's Share Policy requires the developer to pay for the works required to service the subject development, with the Region responsible for any oversizing cost. In this case, the subject development includes all the lands owned by BNLG. This approach is appropriate in this case and minimizes the portion of oversizing costs to be paid by the Region. Whitby Con Seven Developments Limited would be responsible to pay for the cost to construct a 675 millimetre (mm) diameter local sanitary sewer, and the Region would be required to pay the cost of oversizing to a 1050 mm diameter sanitary sewer.

- 2.3 Regional staff do not have standing authority to approve cost sharing in Servicing Agreements where Regional costs exceed \$500,000. Regional Council's approval is required for the Region Share payments within this Servicing Agreement.
- 2.4 All other requirements of the Regional Servicing Agreement will be in place, including the posting of a letter of credit for 100 percent of the cost of the works, Regional inspection requirements and the two-year infrastructure maintenance period.

3. Previous Reports and Decisions

- 3.1 There are no previous reports/decisions related to this report.

4. Financing

- 4.1 Financing of \$5,608,100, including the Developer's share of \$3,909,000 and the Region's share of \$1,699,100 for the oversizing costs can be provided from the following sources:

Developer's Share – Sanitary Sewer

Whitby Con Seven Developments Limited	<u>\$3,909,000</u>
---------------------------------------	--------------------

Total Developer's Share	<u>\$3,909,000</u>
--------------------------------	---------------------------

Regional Share – Sanitary Sewer

2022 Sanitary Sewage System Capital Budget

Item 62: West Brooklin Trunk Sanitary Sewer from west of Cochrane St. to east of Highway No. 12, Whitby Region's share (Project ID: D2002)

Residential Development Charges	\$1,253,900
---------------------------------	-------------

Commercial Development Charges	\$78,200
--------------------------------	----------

User Rate	<u>\$367,000</u>
-----------	------------------

Total Regional Share	<u>\$1,699,100</u>
-----------------------------	---------------------------

Total Project Financing	<u>\$5,608,100</u>
--------------------------------	---------------------------

5. Relationship to Strategic Plan

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

- a. Goal 5 Service Excellence – to provide exceptional value to Durham taxpayers through responsive, effective and fiscally sustainable services delivery.
- b. Priority 5.1 – Optimize resources and partnerships to deliver exceptional quality services and value.

6. Conclusion

- 6.1 It is recommended that Regional Council enter into a Servicing Agreement with Whitby Con Seven Developments Limited containing the foregoing provisions and that the capital works be approved as identified in the report.
- 6.2 This report has been reviewed by the Finance Department and the Commissioner of Finance concurs with the financial recommendation.
- 6.3 For additional information, contact: Charlotte Pattee, Development Approvals Engineer, at 905-668-7711, extension 3435.

7. Attachments

- 7.1 Attachment #1: Location Plan
- 7.2 Attachment #2: Whitby Con Seven Developments Limited Request Letter

Respectfully submitted,

Original signed by:

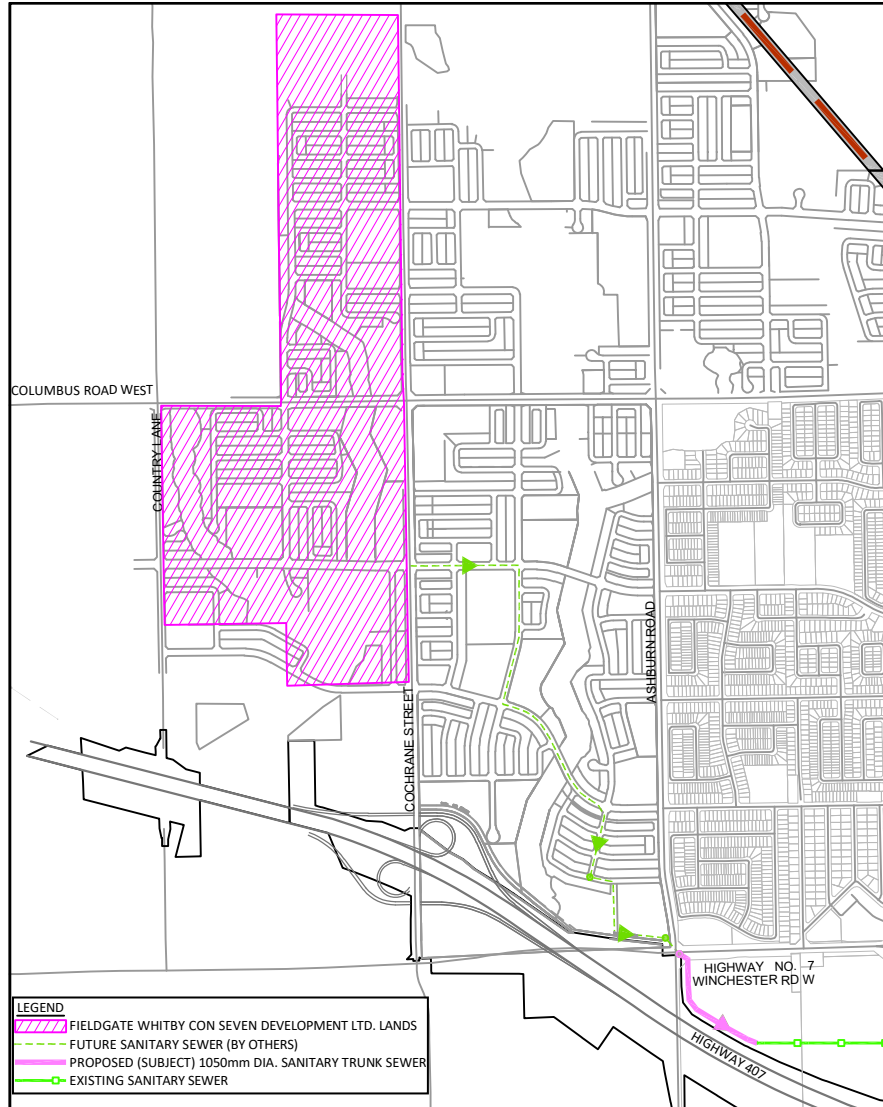
Ramesh Jagannathan
MBA, M.Eng., P.Eng., PTOE
Acting Commissioner of Works

Recommended for Presentation to Committee

Original signed by:

Elaine C. Baxter-Trahair
Chief Administrative Officer

ATTACHMENT 1: KEY PLAN





Matthew Cory
905 513 0170 x116
MCory@mgp.ca

April 4, 2023

MGP File: 17-2666

Mr. Paul Gillespie, P.Eng
Manager, Development Approvals
The Regional Municipality of Durham
605 Rossland Road East
Whitby, Ontario
L1N 6A3

via email: paul.gillespie@durham.ca

Dear Mr. Gillespie:

RE: Extension of the 1050mm diameter Northwest Brooklin Trunk Sanitary Sewer to the North Brooklin Comprehensive Block Plan Area

The Brooklin North Landowners Group Inc., has considered the need to provide sanitary servicing to the west portion of the Community Block Plan lands and is requesting that the Region allow Whitby Con Seven Developments Limited to design and construct the extension of the 1050mm diameter Northwest Brooklin Trunk Sanitary Sewer shown as Item #227 in the 2018 Regional Development Charges Background Study.

We are requesting the Region fund the Region Share of this sewer based on the assumptions below:

1. Whitby Con Seven Developments Limited will enter into a Servicing Agreement with the Region on behalf of the benefitting landowners in the group to provide the sewer.
2. The minimum sewer size to be used in the Region Share calculations is 675mm diameter sewer which accounts for all of the lands in the drainage area owned by the benefitting landowners of the BLG.
3. Whitby Con Seven Developments Limited is prepared to have this Servicing Agreement registered on title of their lands and will be the entity to deal with on all matters related to the work, including any payments/contributions.
4. All other rights and responsibilities of Whitby Con Seven and the Region will be based on the Region's standard servicing agreements, including registration on the Whitby Con Seven Land.

It would be appreciated if we could receive a response to this request as quickly as possible so that the works can be initiated. Please let me know if you require any additional information at this time.

Should you have any questions, please do not hesitate to contact the undersigned.

Attachment #2 to Report #2023-W-27

Yours very truly,
Malone Given Parsons Ltd.



Matthew Cory, MCIP, RPP, PLE, PMP

Principal, Planner, Land Economist, Project Manager

cc.

C. Pattee, Regional Municipality of Durham
P. Angelo, Town of Whitby
Brooklin Landowners Group Inc.