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The Regional Municipality of Durham

MINUTES

SPECIAL MEETING OF

REGIONAL COUNCIL

Wednesday, June 14, 2023

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 Acknowledgement

Regional Chair Henry read the following land acknowledgement:

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

2. Roll Call

The following members were present:

Councillor Anderson
Councillor Ashe
Councillor Barton
Councillor Brenner*
Councillor Carter
Councillor Chapman
Councillor Collier
Councillor Cook*
Councillor Crawford
Councillor Dies
Councillor Foster
Councillor Garrod
Councillor Jubb*
Councillor Leahy
Councillor Lee*
Councillor Marimpietri
Councillor McDougall
Councillor Mulcahy left the meeting at 9:46 AM due to personal matters

Councillor Neal*
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 present with the exception of Councillor Kerr.

Chair Henry advised that this is National Public Service week and acknowledged Regional employees for all they do by providing vital services to the community. Regional Council extended sincere appreciation to all public servants.

3. Declarations of Pecuniary Interest

There were no declarations of interest made.

4. Delegations

4.1 Mark McConville, Director of Planning, Frontdoor Developments (Palmerston) Inc. and Frontdoor Developments (Garrard) Inc., re: Final Recommendations Regarding the New Regional Development Charge By-law (2023-F-13)

Mark McConville, Director of Planning, Frontdoor Developments (Palmerston) Inc. and Frontdoor Developments (Garrard) Inc, appeared with respect to the final recommendations regarding the new Regional Development Charge By-law, Report #2023-F-13. Highlights of the delegation included:

- Frontdoor Developments (Palmerston) Inc. is requesting that the project at 400 Palmerston Avenue in Whitby proceed under the transition policy for early payment of development charges under the current development charge rates
- An Early Payment Agreement has already been entered into for 8 units and there are 63 more units to be built; Frontdoor Developments (Palmerston) Inc. is requesting another early payment agreement be prepared for the remaining units
- An application for stage 2 pre-consultation has been submitted to the Town of Whitby

- Frontdoor Developments (Garrard) Inc. is requesting that the project of 67 units at 0 Garrard Road in Whitby also be allowed to proceed with an early payment agreement under the current development charge rates

M. McConville asked that Council move a motion to apply an exception to the Development Charge policy for the two sites (Palmerston and Garrard) so that staff can process the early payment agreements.

M. McConville responded to a question from Council.

5. Communications

5.1 CC 46 Correspondence from Michael Cook, Davies Howe LLP, re: Proposed Region of Durham Development Charges

Moved by Councillor Chapman, Seconded by Councillor Pickles,
(134) That Council Correspondence CC 46 from Michael Cook, Davis Howe LLP, re: Proposed Region of Durham Development Charges, be referred to consideration of Report #2023-F-13.

CARRIED

5.2 CC 47 Correspondence from Signe Leisk, Cassel Brock & Blackwell LLP, re: New Regional Development Charge By-laws

Moved by Councillor Chapman, Seconded by Councillor Pickles,
(135) That Council Correspondence CC 47 from Signe Leisk, Cassel Brock & Blackwell LLP, re: New Regional Development Charge By-laws, be referred to consideration of Report #2023-F-13.

CARRIED

5.3 CC 48 Correspondence from Victoria Mortelliti, BILD re: Final Recommendations Regarding the New Regional Development Charge By-law

Moved by Councillor Chapman, Seconded by Councillor Pickles,
(136) That Council Correspondence CC 48 from Victoria Mortelliti, BILD, re: Final Recommendations Regarding the New Regional Development Charge By-law, be referred to consideration of Report #2023-F-13.

CARRIED

5.4 CC 49 Correspondence from Stacey Hawkins, Durham Region Home Builders' Association, re: Final Recommendations Regarding the New Regional Development Charge By-law

Moved by Councillor Chapman, Seconded by Councillor Pickles,
(137) That Council Correspondence CC 49 from Stacey Hawkins, Durham Region Home Builders Association, re: Final Recommendations Regarding the New Regional Development Charge By-law, be referred to consideration of Report #2023-F-13.

CARRIED

6. Departmental Reports and Other Resolutions

6.1 Final Recommendations Regarding the New Regional Development Charge By-law (2023-F-13)

[CARRIED ON A RECORDED VOTE]

Moved by Councillor Chapman, Seconded by Councillor Pickles,

(138) A) That pursuant to Section 10(1) of the Development Charges Act, 1997 (DCA), the Regional Development Charge (DC) Background Study, dated March 28, 2023, be adopted;

B) That the adoption of the underlying capital forecast included in the Regional DC Background Study provide indication of 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 DCA and Section 3 of Ontario Regulation 82/98;

C) That the Regional Residential DC's by unit type, as indicated in the following table, be imposed on a uniform Region-wide basis, effective July 1, 2023 as follows:

Recommended Residential Development Charges, with Phase In Effective July 1, 2023 (per unit)

Service Category	Single / Semi Rate	Medium Density	2 bdr apt	1 bdr apt
Water Supply ⁽¹⁾⁽²⁾	\$20,894	\$16,640	\$12,165	\$7,473
Sanitary Sewer ⁽¹⁾⁽²⁾	\$19,086	\$15,200	\$11,112	\$6,825
Regional Roads	\$21,598	\$17,201	\$12,574	\$7,723
Regional Police Services	\$782	\$622	\$455	\$279
Long Term Care	\$438	\$349	\$255	\$157
Paramedic Services	\$353	\$281	\$206	\$126
Waste Diversion	\$75	\$60	\$44	\$27
Recommended Total	\$63,226	\$50,353	\$36,811	\$22,610
Notes:				

- (1) These charges are payable only in areas where the services are, or will be, available in an area designated for the particular service in the Region's Official Plan.
 (2) Not applicable to the Seaton area as defined in Appendix A of the Background Study and Schedule F of the proposed by-law.
 (3) Additional Regional development charges exist for GO Transit and Regional Transit under By-law #86-2001 and By-law #39-2022, respectively.

- D) That the Regional Non-residential DC's for each service, as indicated in the table below, be imposed on a uniform Region-wide basis, on commercial, industrial, and institutional development, effective July 1, 2023:

**Recommended Non-Residential Development Charges, with Phase In
Effective July 1, 2023
(\$ per square foot of Gross Floor Area)**

Service Category	Commercial	Industrial	Institutional
Water Supply ⁽¹⁾⁽²⁾	\$6.01	\$3.89	\$1.62
Sanitary Sewer ⁽¹⁾⁽²⁾	\$9.65	\$5.65	\$2.34
Regional Roads	\$17.53	\$6.07	\$13.29
Recommended Total	\$33.19	\$15.61	\$17.25

Notes:

- (1) These charges are payable only in areas where the services are, or will be, available in an area designated for the particular service in the Region's Official Plan.
 (2) Not applicable to the Seaton area as defined in Appendix A of the Background Study and Schedule F of the proposed by-law.
 (3) Additional Regional development charges exist for Regional Transit under by-law #39-2022

- E) That the proposed Regional DC By-law, provided in Attachment #7 to Report #2023-F-13 of the Commissioner of Finance, be approved for implementation on July 1, 2023, including all the policies and provisions contained within, such as exemptions, discounts (rental and industrial), payment of development charges (timing and rate determination), and redevelopment credits;
- F) That with regard to front-ending agreements, any credit or payment provided be applied only against the applicable service component(s) of the Regional DC's with any further details of a front ending agreement subject to Council approval;
- G) That the Region Share Policy, provided in Attachment #2 to Report #2023-F-13, with the exception of Sanitary Sewerage and Water Supply services in Seaton, be adopted effective July 1, 2023;

- H) That the Well Interference Policy, provided in Attachment #3 to Report #2023-F-13, be adopted effective July 1, 2023;
- I) That the Intensification Servicing Policy, provided in Attachment #4 to Report #2023-F-13, which provides an allowance in the sanitary sewerage DC capital program to support future intensification projects, be adopted effective July 1, 2023;

Indexing of the Development Charges

- J) That the Regional Residential and Non-residential DC's be indexed annually as of July 1st of each year for the most recently available annual period ending March 31 in accordance with the prescribed index, defined in O.Reg. 82/98 s.7 as "The Statistics Canada Quarterly Building Construction Price Statistics, catalogue number 62-007", with the first indexing to occur on July 1, 2024;

General

- K) That the transition policies provided in Section 9 of Report #2023-F-13 be approved and implemented on July 1, 2023;
- L) That the existing complaint procedure, as provided in Regional By-law #52-2014, continue for the purposes of conducting hearings regarding complaints made under Section 20 of the DCA;
- M) That, pursuant to Section 12(3) of the DCA that requires Regional Council to determine whether a further public meeting is necessary when changes are made to a proposed DC by-law following a public meeting, Regional Council resolve that a further public meeting is not necessary as no substantive changes have been made to the Region's proposed DC by-law following the public meeting on April 12, 2023;
- N) That the Regional Solicitor be instructed to prepare the requisite Regional DC By-law for presentation to Regional Council and passage;
- O) 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;
- P) That the Treasurer be instructed to prepare the requisite Regional DC pamphlet and related materials pursuant to the DCA;

- Q) That the Regional Clerk be instructed to follow the notification provisions pursuant to the DCA;
- R) That the Province be requested to ensure that municipalities are made whole from the lost DC revenue resulting from the More Homes Built Faster Act (Bill 23); and
- S) That a copy of Report #2023-F-13 of the Commissioner of Finance be forwarded to the area municipalities.

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

Moved by Councillor Leahy, Seconded by Councillor Yamada,

(139) That the main motion (138) of Councillors Chapman and Pickles be amended by adding the following as a new Part T):

- T) Whereas the development of properties greater than 100,000 square feet contributes significantly to the economic vitality and growth of our community;

And whereas unpredictable changes in development charge rates can present unforeseen financial challenges to these larger-scale projects, particularly those currently in stage 2 of the pre-consultation development process;

And whereas it is in the best interest of economic stability and fairness to provide a degree of certainty and predictability to these projects with respect to development charges;

Now\ therefore be it resolved that:

1. Properties currently in stage 2 of the pre-consultation development process with a total area greater than 100,000 square feet be locked in at their current development charge rates;
2. The exemption shall remain in effect for a period of two years from the date of this resolution's passage or until project is complete, whichever occurs first; and
3. The Director of Planning and Development Services be directed to implement this resolution and notify affected property owners of the new policy.

MOTION DEFEATED ON THE FOLLOWING
RECORDED VOTE:

Yes

Councillor Leahy
Councillor Marimpietri
Councillor Yamada

No

Councillor Anderson
Councillor Ashe
Councillor Barton
Councillor Brenner
Councillor Carter
Councillor Chapman
Councillor Collier
Councillor Cook
Councillor Crawford
Councillor Dies
Councillor Foster
Councillor Garrod
Councillor Jubb
Councillor Lee
Councillor McDougall
Councillor Nicholson
Councillor Pickles
Councillor Roy
Councillor Schummer
Councillor Shahid
Councillor Woo
Councillor Wotten
Regional Chair Henry

Members Absent: Councillor Kerr
Councillor Mulcahy
Councillor Neal

Declarations of Interest: None

The main motion (138) of Councillors Chapman and Pickles 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 Cook
Councillor Crawford
Councillor Dies
Councillor Foster

No

Councillor Jubb

Councillor Garrod
Councillor Leahy
Councillor Lee
Councillor Marimpietri
Councillor McDougall
Councillor Neal
Councillor Nicholson
Councillor Pickles
Councillor Roy
Councillor Schummer
Councillor Shahid
Councillor Woo
Councillor Wotten
Councillor Yamada
Regional Chair Henry

Members Absent: Councillor Kerr
Councillor Mulcahy

Declarations of Interest: None

6.2 Final Recommendations Regarding Amendments to GO Transit Development
Charges By-law #86-2001 (2023-F-14)

[CARRIED]

Moved by Councillor Chapman, Seconded by Councillor Pickles,

- (140) A) That Pursuant to Section 10(1) of the Development Charges Act, 1997 (DCA), the Regional Development Charge (DC) Background Study Supporting Proposed Amendments to GO Transit DC By-law #86-2001 dated March 28, 2023 be adopted;
- B) That effective July 1, 2023, GO Transit DC By-law #86-2001 be amended to ensure that various policy and implementation matters are consistent with the proposed Region-wide DC by-law (which is being recommended concurrently in Report #2023- F-13 of the Commissioner of Finance), as set out in the amending by-law (Attachment #1 to Report 2023-F-14 of the Commissioner of Finance);
- C) That the Regional Solicitor be instructed to prepare the requisite DC By-law for presentation to Regional Council and passage;
- D) 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;

- E) That the Regional Treasurer be instructed to prepare the requisite DC pamphlet pursuant to the DCA and related materials; and
- F) That the Regional Clerk be instructed to follow the notification provisions pursuant to the DCA.

CARRIED

6.3 Final Recommendations Regarding Amendments to Regional Transit Development Charges By-law #39-2022 (2023-F-15)

[CARRIED]

Moved by Councillor Chapman, Seconded by Councillor Pickles,

- (141) A) That pursuant to Section 10(1) of the Development Charges Act, 1997 (DCA), the Regional Development Charge (DC) Background Study Supporting Proposed Amendments to Regional Transit DC By-law #39-2022 dated March 28, 2023 be adopted;
- B) That effective July 1, 2023, Regional Transit DC By-law #39-2022 be amended to ensure that various policy and implementation matters are consistent with the proposed Region-wide DC by-law (which is being recommended concurrently in Report #2023-F-13 of the Commissioner of Finance), as set out in the amending by-law (Attachment #1 to Report #2023-F-15 of the Commissioner of Finance);
- C) That the Regional Solicitor be instructed to prepare the requisite DC By-law for presentation to Regional Council and passage;
- D) 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;
- E) That the Regional Treasurer be instructed to prepare the requisite DC pamphlet pursuant to the DCA and related materials; and
- F) That the Regional Clerk be instructed to follow the notification provisions pursuant to the DCA.

CARRIED

7. **By-laws**

42-2023 Being a by-law regarding the imposition of development charges

This by-law implements recommendations contained in Item #6.1 presented to Regional Council on June 14, 2023

43-2023 Being a by-law to amend By-law Number 86-2001

This by-law implements recommendations contained in Item #6.2
presented to Regional Council on June 14, 2023

44-2023 Being a by-law to amend By-law Number 39-2022

This by-law implements recommendations contained in Item #6.3
presented to Regional Council on June 14, 2023

Moved by Councillor Ashe, Seconded by Councillor Barton,
(142) That By-law Numbers 42-2023 to 44-2023, inclusive be passed.

CARRIED

8. Confirming By-law

45-2023 Being a by-law to confirm the proceedings on the Council of The
Regional Municipality of Durham at its meeting on the 14th day of
June, 2023.

Moved by Councillor Ashe, Seconded by Councillor Barton,
(143) That By-law Number 45-2023 being a by-law to confirm the proceedings
of the Council of the Regional Municipality of Durham at their meeting
held on June 14, 2023 be passed.

CARRIED

9. Adjournment

Moved by Councillor Marimpietri, Seconded by Councillor Shahid,
(144) That the meeting be adjourned.

CARRIED

The meeting adjourned at 10:26 AM

Respectfully submitted,

John Henry, Regional Chair & CEO

Alexander Harras, Regional Clerk