



# The Regional Municipality of Durham

## COUNCIL INFORMATION PACKAGE

### December 13, 2019

#### **Information Reports**

- [2019-INFO-92](#) Commissioner and Medical Officer of Health – re: Public Health and Emergency Health Services Modernization
- [2019-INFO-93](#) Commissioner and Medical Officer of Health – re: Bill 138, Plan to Build Ontario Together Act, 2019

#### **Early Release Reports**

There are no Early Release Reports

#### **Staff Correspondence**

1. [Memorandum from Dr. Robert Kyle, Commissioner and Medical Officer of Health](#) – re: Health Information Update – December 6, 2019

#### **Durham Municipalities Correspondence**

1. [Town of Whitby](#) – re: Resolution passed at their Council meeting held on November 25, 2019, regarding Update to the Heritage Property Tax Rebate Program

#### **Other Municipalities Correspondence/Resolutions**

1. [The Township of Greater Madawaska](#) – re: Resolution passed at their Council meeting held on November 18, 2019, requesting the Ministers' consideration and Municipalities support for the Ministers to allow for electronic delegations at conferences
2. [The Municipality of Hastings Highlands](#) – re: Resolution passed at their Council meeting held on December 4, 2019, in support of the Township of Springwater resolution regarding Joint and Several Liability Consultation

#### **Miscellaneous Correspondence**

There are no Miscellaneous Correspondence

**Advisory Committee Minutes**

1. 9-1-1 Management Board minutes – [November 18, 2019](#)
2. Energy From Waste – Waste Management Advisory Committee (EFW-WMAC) minutes – [November 26, 2019](#)

Members of Council – Please advise the Regional Clerk at [clerks@durham.ca](mailto:clerks@durham.ca), if you wish to pull an item from this CIP and include on the next regular agenda of the appropriate Standing Committee. Items will be added to the agenda if the Regional Clerk is advised by Wednesday noon the week prior to the meeting, otherwise the item will be included on the agenda for the next regularly scheduled meeting of the applicable Committee.

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. 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. 3111



# The Regional Municipality of Durham Information Report

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From: Commissioner & Medical Officer of Health  
Report: [#2019-INFO-92](#)  
Date: December 13, 2019

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**Subject:**

**Public Health and Emergency Health Services Modernization**

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**Recommendation:**

Receive for information

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**Report:**

**1. Purpose**

1.1 To provide an update on the status of the Province's public health and emergency health services modernization.

**2. Background**

2.1 The 2019 Provincial Budget announced significant changes to Ontario's public health system including the establishment of ten regional public health entities and ten new regional boards of health with one common governance model.

2.2 The 2019 Provincial Budget also announced the exploration of new models of care and delivery for emergency health services.

2.3 Following the budget announcement, the Province established three confidential technical tables to obtain input on key issues with respect to public health restructuring.

2.4 The Association of Local Public Health Agencies (ALPHA) issued a position statement on April 24, 2019 highlighting its concerns about the proposed funding cuts and restructuring. It urged the Province to extensively consult ALPHA, the Association of Municipalities of Ontario (AMO) and the City of Toronto before final decisions are made with respect to governance, management and administration of a regionalized public health system.

- 2.5 On May 3, 2019, aPHa issued a letter to the Minister of Health expressing concerns that the magnitude of proposed changes and related timelines will cause significant disruptions in every facet of the public health system.
- 2.6 The Ministry of Health (MOH) announced structural changes to its organization on September 12, 2019 and named Alison Blair as Assistant Deputy Minister of a new Emergency Health Services Division. Alison Blair was also named as the Executive Lead for Public Health Modernization.
- 2.7 On October 10, 2019, the Province announced [Jim Pine](#), Chief Administrative Officer, County of Hastings, as the advisor who will lead the MOH's engagements with municipal governments and the public health and emergency health services sectors. As part of the announcement, Jim Pine communicated his intention to develop a full consultation plan that will include the release of a discussion paper and a schedule of public health and emergency health services consultations.

### **3. Current Status**

- 3.1 On November 18, 2019, the MOH launched its next phase of renewed consultations on public health and emergency health services through a [webinar](#) and the release of the [Discussion Paper: Public Health Modernization](#) and [Discussion Paper: Emergency Health Services Modernization](#). The discussion papers identify key challenges and ask questions about how they can be addressed.
- 3.2 Through the webinar, the Province indicated that it is resetting the discussions with municipalities, public health and emergency health services to focus on how best to improve services. The previously announced timelines and plans for restructuring are being reconsidered through this consultation process.
- 3.3 The Discussion Paper: Public Health Modernization asks general questions about: addressing variable capacity; strengthening collaboration; services that should be provided locally versus provincially; identifying priorities for the sector; strengthening Indigenous representation and decision-making; and addressing the needs of Francophone communities.
- 3.4 The Discussion Paper: Emergency Health Services Modernization asks questions about: improving dispatch technologies; addressing ambulance offload delays; improving coordination among system partners; innovative models of care; and improving services to Francophone and Indigenous communities and rural areas.
- 3.5 Responses to the questions in the discussion papers are being collected through surveys which close on February 10, 2020. The Province will also accept written submissions.
- 3.6 The Province's next steps are to undertake in-person sessions throughout the province with public health, emergency health services and municipal stakeholders.

It will also conduct additional sessions with Indigenous communities and organizations.

- 3.7 Durham Region Health Department (DRHD) has received an invitation to an in-person consultation session scheduled for December 19, 2019 at Peterborough Public Health Main Office.

#### **4. Conclusion**

- 4.1 The Province has launched renewed consultations on public health and emergency health services modernization through a webinar and release of two discussion papers.
- 4.2 DRHD is preparing responses to the questions outlined in the discussion papers and will ensure representation at the in-person consultation session in Peterborough.

Respectfully submitted,

Original signed by

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R.J. Kyle, BSc, MD, MHSc, CCFP, FRCPC, FACPM  
Commissioner & Medical Officer of Health

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# The Regional Municipality of Durham Information Report

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From: Commissioner & Medical Officer of Health  
Report: [#2019-INFO-93](#)  
Date: December 13, 2019

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**Subject:**

***Bill 138, Plan to Build Ontario Together Act, 2019***

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**Recommendation:**

Receive for information

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**Report:**

**1. Purpose**

- 1.1 To provide an update on Bill 138, Plan to Build Ontario Together Act, 2019, which is also known as An Act to implement Budget measures and to enact, amend and repeal various statutes.
- 1.2 Bill 138 articulates changes to 40 acts including the Alcohol, Cannabis and Gaming Regulation and Public Protection Act, 1996 (ACGRPPA) and the Cannabis Licence Act, 2018 (CLA).

**2. Background**

- 2.1 The Ontario Public Health Standards: Requirements for Programs, Services and Accountability (OPHS), which are published by the Minister of Health as per Section 7 of the Health Protection and Promotion Act, identify the minimum expectations for public health programs and services to be delivered by Ontario's boards of health.
- 2.2 In accordance with the OPHS, Durham Region Health Department (DRHD) is required to implement a program of public health interventions that addresses risk and protective factors to reduce the burden of preventable injuries and substance use.
- 2.3 In accordance with the Substance Use Prevention and Harm Reduction Guideline, 2018, DRHD is required to develop programs and services that reduce the

burdens associated with substance use including: preventing or delaying substance use; preventing problematic substance use; and reducing harms associated with substance use.

### **3. Current Status**

- 3.1 Bill 138 received Royal Assent on December 10, 2019. It includes changes to the ACGRPPA and CLA, among other acts.
- 3.2 Amendments to the ACGRPPA include no longer requiring annual adjustments to the basic tax payable for purchases of beer under the Act and delaying increases in the basic tax on wine and wine cooler from January 1, 2020 to June 1, 2020.
- 3.3 DRHD is concerned about the amendments to ACGRPPA as evidence shows that the demand for alcohol is inversely related to price: when the price increases, sales decrease if other factors such as income are kept constant.
- 3.4 The impact of alcohol is far reaching and includes, but is not limited to:
  - a) acute health effects such as alcohol poisoning, falls and injuries
  - b) chronic health effects such as cardiovascular disease, gastrointestinal disease and fetal alcohol spectrum disorder
  - c) second-hand effects such as violent crime, child neglect, property damage and impaired driving.
- 3.5 Amendments to the CLA include allowing licensed cannabis stores to take cannabis orders by phone or internet for in store pick up.
- 3.6 DRHD is also concerned about the changes to the CLA as evidence indicates that increased access and availability of substances often results in increased patterns of use.
- 3.7 Research has closely examined online shopping patterns and results have shown that online shoppers are more spontaneous than those in bricks-and-mortar stores. Online marketing stimuli make purchasing impulsively easier and allow online shoppers to be less risk-averse.
- 3.8 Cannabis is not a benign substance and the following health risks are increased for individuals who use cannabis heavily or regularly:

- a) problems with thinking, memory or co-ordination
- b) impairment, which can lead to injuries including car crashes
- c) hallucination
- d) mental health problems, especially if the individual or a family member has had a mental health issue, like psychosis or an addiction
- e) cannabis addiction
- f) breathing or lung problems including lung cancer – from smoking
- g) accidentally taking too much, either by the person using or a child who finds the product
- h) cannabis smoke contains many of the same chemicals as cigarette smoke and several of these chemicals are known to cause cancer. While there is limited research at this time on the effects of second-hand cannabis smoke exposure, cannabis smoke should be avoided.

#### **4. Conclusion**

- 4.1 The Province passed Bill 138 on December 10, 2019 which includes changes to the ACGRPPA and CLA that enable increased sales of alcohol and cannabis.
- 4.2 DRHD will continue to strengthen programs and services to reduce the burdens associated with substance use and to help mitigate risks associated with amendments articulated in Bill 138.

Respectfully submitted,

Original signed by

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R.J. Kyle, BSc, MD, MHSc, CCFP, FRCPC, FACPM  
Commissioner & Medical Officer of Health





# Interoffice Memorandum

**Date:** December 13, 2019

**To:** Health & Social Services Committee

**From:** Dr. Robert Kyle

**Subject:** Health Information Update – December 6, 2019

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Health  
Department

Please find attached the latest links to health information from the Health Department and other key sources that you may find of interest. Links may need to be copied and pasted directly in your web browser to open, including the link below.

You may also wish to browse the online Health Department Reference Manual available at [Board of Health Manual](#), which is continually updated.

Boards of health are required to “superintend, provide or ensure the provision of the health programs and services required by the [Health Protection and Promotion] Act and the regulations to the persons who reside in the health unit served by the board” (section 4, clause a, HPPA). In addition, medical officers of health are required to “[report] directly to the board of health on issues relating to public health concerns and to public health programs and services under this or any other Act” (sub-section 67.(1), HPPA).

Accordingly, the Health Information Update is a component of the Health Department’s ‘Accountability Framework’, which also may include program and other reports, Health Plans, Quality Enhancement Plans, Durham Health Check-Ups (including performance reports), business plans and budgets; provincial performance indicators and targets, monitoring, compliance audits and assessments; RDPS certification; and accreditation by Accreditation Canada.

Respectfully submitted,

Original signed by

R.J. Kyle, BSc, MD, MHSc, CCFP, FRCPC, FACPM  
Commissioner & Medical Officer of Health

*“Service Excellence  
for our Communities*

**UPDATES FOR HEALTH & SOCIAL SERVICES COMMITTEE**  
**December 6, 2019**

**Health Department Media Releases/Publications**

**<https://tinyurl.com/wrceqhm>**

- National Ethambutol Shortage (Nov 14)

**<https://tinyurl.com/qv53ajo>**

- Video series highlights stigma associated with substance use disorders (Nov 25)

**<https://tinyurl.com/w6m8eco>**

- Alcohol and Cancer (Dec 3)

**GOVERNMENT OF CANADA**

**Health Canada**

**<https://tinyurl.com/rdth4vt>**

- International collaboration among Canadian, U.S. and Australian regulators leads to new options for the treatment of cancer (Dec 6)

**Prime Minister's Office**

**<https://tinyurl.com/w4l8xky>**

- Prime Minister welcomes new Cabinet (Nov 20)

**Public Health Agency of Canada**

**<https://tinyurl.com/sopq2fu>**

- Message from the Ministers of Health and Indigenous Services – Communities Make the Difference – World AIDS Day (Dec 1)

**GOVERNMENT OF ONTARIO**

**Ministry of Education**

**<https://tinyurl.com/qrln6y>**

- Ontario Takes New Actions to Combat Bullying in Schools (Nov 27)

**Ministry of the Environment, Conservation and Parks**

**<https://tinyurl.com/tymrmls>**

- Ontario Appoints Advisory Panel on Climate Change (Nov 28)

**<https://tinyurl.com/vktt45x>**

- Government Taking Action to Protect Ontario's Air Quality (Dec 3)

**Ministry of Health**

**<https://tinyurl.com/vpac44w>**

- Ontario Taking Next Steps to Integrate Health Care System (Nov 13)

**<https://tinyurl.com/yeppl6xq>**

- Ontario Expanding Digital and Virtual Health Care (Nov 13)

**<https://tinyurl.com/ulqcnmg>**

- New Durham Ontario Health Team to Provide Better Connected Care for Patients (Nov 29)

**<https://tinyurl.com/vfpj64z>**

- New Eastern York Region North Durham Ontario Health Team to Provide Better Connected Care for Patients (Dec 6)

### **Ministry of Municipal Affairs and Housing**

**<https://tinyurl.com/uj6hz4o>**

- Ontario Encouraging Innovative Housing (Dec 2)

### **Ministry of Natural Resources and Forestry**

**<https://tinyurl.com/vy52ean>**

- Ontario Releases Report from Special Advisor on Flooding (Nov 28)

### **Ministry of Seniors and Accessibility**

**<https://tinyurl.com/wgp6jqj>**

- Keeping Seniors Healthy, Safe and Active in Durham Region (Nov 15)

### **Ministry of Transportation**

**<https://tinyurl.com/qs7cfdh>**

- Government of Ontario to Expand Use of Off-Road Vehicles (Nov 22)

**<https://tinyurl.com/v5q6n3o>**

- Ontario Announces E-Scooter Pilot to Help Grow Ontario's Economy (Nov 27)

**<https://tinyurl.com/w5mb7zn>**

- Highway 418 and 407 Extension Opens Monday (Dec 6)

### **Office of the Premier**

**<https://tinyurl.com/tas42jq>**

- Ontario Launches Free Routine Dental Care for Low-Income Seniors (Nov 20)

**<https://tinyurl.com/vf5de35>**

- Ontario Developing New Strategy to Fight Human Trafficking (Nov 28)

**<https://tinyurl.com/u4yq37f>**

- Premier Ford, Premier Higgs and Premier Moe Sign Agreement on the Development of Small Modular Reactors (Dec 1)

**<https://tinyurl.com/ufq4dvx>**

- Premier Doug Ford Calls for Unity and Collaboration with the Federal Government at Premier's Meeting (Dec 2)

## **OTHER ORGANIZATIONS**

### **Association of Local Public Health Agencies**

<https://tinyurl.com/r9bzn8m>

- Economic Outlook Note (Nov 6)

<https://tinyurl.com/v2ptaky>

- Statement of Principles (Nov 15)

<https://tinyurl.com/rbalkr2>

- Public Health Modernization Launch Notes (Nov 19)

<https://tinyurl.com/wxjw3ww>

- Ontario Seniors Dental Care Letter (Nov 21)

### **Campaign 2000**

<https://tinyurl.com/v2ko8fz>

- 30 YEARS LATE: Ending Poverty for the Next Generation (Nov 25)

### **Canadian Institute for Health Information**

<https://tinyurl.com/sqqf9dy>

- Almost 12,000 Canadian children and youth readmitted to hospital last year (Nov 28)

<https://tinyurl.com/yxy5jly6>

- Despite progress, Canada's organ supply still isn't meeting demand (Dec 5)

### **Canadian Task Force on Preventive Health Care**

<https://tinyurl.com/ur4m6tw>

- Screening for thyroid dysfunction in patients without symptoms: don't routinely check that box (Nov 18)

### **Council of Canadian Academies**

<https://tinyurl.com/yxy4qz3y>

- Antimicrobial resistance poses significant risk to the people, the economy (Nov 12)

### **Financial Accountability Office of Ontario**

<https://tinyurl.com/wome8rn>

- FAO Releases Q2 Expenditure Monitor for 2019-20 (Dec 2)

### **IC/ES**

<https://tinyurl.com/r9fr6fj>

- New drug containing omega-3 fatty acid found fish oil may help one in four high-risk patients avoid heart attacks and strokes (Nov 16)

<https://tinyurl.com/ulbogd3>

- First-of-its kind report on First Nations and diabetes shows better prevention needed (Nov 25)

<https://tinyurl.com/uuqdqg9>

- Death risk up to 12 times higher for mothers with prenatal opioid use (Nov 26)

### **Nuclear Waste Management Organization**

**<https://tinyurl.com/s5xzscr>**

- The NWMO advances Canada's plan for safe, long-term management of used nuclear fuel; siting process continues in two areas (Nov 26)

### **Office of the Auditor General of Ontario**

**<https://tinyurl.com/vb92z4b>**

- Expanded Annual Report Focuses on Health and Safety of Ontarians, Corrections and Justice System, and on the Environment (Dec 4)

### **Ontario Power Generation**

**<https://tinyurl.com/u3krlxh>**

- Darlington to Become New Source of Life-saving Medical Isotope (Nov 29)

### **Public Health Ontario**

**<https://tinyurl.com/tt5mh79>**

- PHO Connections (Nov 27)



**Town of Whitby**

**Office of the Town Clerk**

575 Rossland Road East, Whitby, ON L1N 2M8

[www.whitby.ca](http://www.whitby.ca)

November 29, 2019

VIA Email:

Honourable Rod Phillips, Minister of Finance

[rod.phillips@pc.ola.org](mailto:rod.phillips@pc.ola.org)

Ralph Walton, Regional Clerk

Region of Durham

[clerks@durham.ca](mailto:clerks@durham.ca)

Re: Planning and Development Department Report, PL 90-19  
Update to the Heritage Property Tax Rebate Program

Please be advised that at a meeting held on November 25, 2019, the Council of the Town of Whitby adopted the following as Resolution # 321-19:

1. That Council repeal By-law Nos. 5642-05, 6437-11, 6520-11 and 6602-12 and replace with the Proposed By-law included as Attachment #5 to Report PL 90-19, which consolidates previous By-laws and adds lands within the Werden's Plan Neighbourhood Heritage Conservation District as being eligible for the Heritage Property Tax Rebate Program; and,
2. That the Clerk forward a copy of the approved By-law and Report PL 90-19 to the Minister of Finance and the Region of Durham as required by Section 365.2(5) and (6) of the Municipal Act, 2001.

Should you require further information, please do not hesitate to contact the Planning and Development Department at 905.430.4306.

Kevin Narraway   
Manager of Legislative Services/Deputy Clerk

Attach: By-law # 7576-19 and Planning and Development Department Report, PL 90-19

Copy: K. Nix, Commissioner of Corporate Services/Treasurer  
R. Saunders, Commissioner of Planning and Development



# Town of Whitby By-law # 7576-19

## Heritage Property Tax Rebate Program

Being a By-law to update a program to provide tax rebate or reductions in respect to eligible heritage properties.

Whereas, Subsection 365.2 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a local municipality may establish a program to provide tax reductions or refunds in respect of eligible heritage property.

And whereas, the Council of The Corporation of the Town of Whitby deems it advisable and in the public interest to provide financial assistance on the terms set out in this by-law as an incentive to encourage property owners to renovate, restore and maintain heritage properties in the Town of Whitby;

And whereas, the Council of The Corporation of the Town of Whitby considers it desirable to repeal and replace By-law # 5642-05, 6437-11, 6520-11, 6602-12.

Now therefore, the Council of The Corporation of the Town of Whitby hereby enacts as follows:

### 1. Definitions

- 1.1. "contravention" means an offence under any Act or regulation or municipal by-law, for which enforcement proceedings have been commenced that relates specifically to the property or land for which a Heritage Property Tax Rebate is being sought of has been given;
- 1.2. "Council" means the Council of The Corporation of the Town of Whitby;
- 1.3. "eligible heritage property" means a property or portion of a property located in the Town of Whitby
  - 1.3.1. That is designated under Part IV of the Ontario Heritage Act; or,
  - 1.3.2. That is designated under Part V of the Ontario Heritage Act as part of the Brooklin Heritage Conservation District and has been given a classification of Good (G), Very Good (VG) or Excellent (E) as stated in the Brooklin Heritage Conservation Study; or,
  - 1.3.3. That is designated under Part V of the Ontario Heritage Act as part of the Werden's Neighbourhood Plan Heritage Conservation District and has been given a classification of 'Complementary (Exemplary)' or 'Historic' as stated in the Werden's Neighbourhood Plan Heritage Conservation District Plan.



- 1.3.4. That is subject to,
  - 1.3.4.1 An easement agreement with the Town under Section 37 of the Ontario Heritage Act, or
  - 1.3.4.2 An easement agreement with the Ontario Heritage Trust, under Section 22 of the Ontario Heritage Act, and
- 1.3.5. That complies with the additional eligibility criteria set out in the By-law.
- 1.4. "Heritage Property Tax Rebate Program" means the financial assistance program adopted by the Town to help owners of heritage properties maintain and restore their properties for the benefit of the entire community by providing tax relief to owners of eligible heritage properties in accordance with this By-law;
- 1.5. "Heritage Property Tax Rebate" means the amount of property tax reduction in respect to an eligible heritage property;
- 1.6. "MPAC" means the Municipal Property Assessment Corporation;
- 1.7. "owner" includes a corporation and partnership and the heirs, executors, administrators, and other legal representatives of a person to whom the context can apply according to law;
- 1.8. "person" includes a corporation and partnership and the heirs, executors, administrators and other legal representatives of a person to whom the context can apply according to law;
- 1.9. "School Board" means the Durham Catholic District School Board (DCDSB) and the Durham District School Board (DDSB).
- 1.10. "tax capping" refers to taxation adjustments pursuant to provisions of Part IX of the Municipal Act, 2001, as amended;
- 1.11. "Town" means The Corporation of the Town of Whitby.
- 1.12. "Upper-tier" means The Regional Municipality of Durham.

## **2. General**

- 2.1. The amount of a Heritage Property Tax Rebate shall be 40% of the taxes for Town and School Board purposes levied on the property that are attributable to:
  - 2.1.1. The building or structure or portion of the building or structure that is the eligible heritage property; and

- 2.1.2. The land used in connection with the eligible heritage property, as determined by the Town;
- 2.2. The above taxes for Town purposes does not include any amounts related to local improvements, business improvement areas or other similar special area rates or levies;
- 2.3. There is no cap or limit on the annual amount of relief that an eligible heritage property may receive;
- 2.4. The minimum threshold amount of the heritage property tax rebate shall be established at \$100.00 annually per eligible heritage property;
- 2.5. If the Regional Municipality of Durham passes a by-law to match the Town's Heritage Property Tax Rebate Program then the amount under Subsection 2.1 shall include 40% of the taxes for Town, upper-tier and School Board purposes;
- 2.6. This rebate, once approved, will be automatically applied to the property tax account and taxes owing, if any, and a refund will only be issued to the property owner if the tax account is in a credit position.
- 2.7. Subject to the conditions set out in this by-law, one Heritage Property Tax Rebate may be paid annually for each eligible heritage property in the property tax class of Residential, Multi-Residential, Farm, Commercial and Industrial as defined by the Assessment Act, R.S.O 1990, c. A. 31 and Ontario Regulation 282/98 thereunder, both as amended.
- 2.8. MPAC, at the request of the Town, shall determine the portion of a property's total assessment that is attributable to the eligible heritage property.
- 2.9. In order to be eligible for a Heritage Property Tax Rebate, owners of a property must apply in writing and provide proof, satisfactory to the Treasurer of the Town of Whitby, of the following:
  - 2.9.1. A Heritage Easement Agreement as referred to in the definition of eligible heritage property has been registered, at the expense of the property owner;
  - 2.9.2. The property is not the subject of any contravention, work orders or outstanding municipal requirements or liens; and
  - 2.9.3. The property, to the satisfaction of the Commissioner of Planning and Development, is in a good and habitable condition and meets all of the Town's requirements related to heritage property.

- 2.10. All applications must be made in writing as specified by the Treasurer of the Town of Whitby and must include the following to be considered for the rebate program:
  - 2.10.1. A completed Heritage Property Tax Rebate Application Form;
  - 2.10.2. A signed Heritage Easement Agreement with respect to the eligible heritage property;
  - 2.10.3. Photographs of all elevations of the eligible heritage property; and,
  - 2.10.4. Proof of adequate insurance on the eligible heritage property.
- 2.11. Applications must be submitted annually on or before the last day of January of the year following the tax year for which relief is sought.
- 2.12. The Heritage Property Tax Rebate Program set out in this By-law is subject at all times to the availability of funding for the program. Nothing in this By-law requires the Town to provide funding for this program and the Heritage Property Tax Rebate contemplated in this By-law may be eliminated by Council through repeal of the By-law at any time without notice.
- 2.13. The Heritage Property Tax Rebate Program is subject to any regulations that the Minister of Finance or the Province of Ontario may make governing by-laws on tax refunds and reductions for heritage properties.
- 2.14. Where multiple easement and/or preservation and maintenance agreements are registered on one parcel of land, multiple refunds will not be provided in respect of the same heritage features.
- 2.15. Upon application, the owner must consent to the Town conducting an inspection of the interior and exterior of the eligible heritage property at any reasonable time, if required, to ensure that the relevant heritage easement agreement is being complied with and to ensure that the eligibility criteria can be met.
- 2.16. No Heritage Property Tax Rebate will be given under this By-law where the relevant heritage easement agreement is not complied with to the satisfaction of the Town.
- 2.17. Heritage Property Tax Rebate shall be calculated using the assessed value of the property, as returned, for the taxation year for which the application is made.
- 2.18. If the property is in a tax class that is subject to any tax capping legislation then the amount of the rebate shall be calculated proportionally based on the amount of eligible assessment compared to the amount of total assessment applied against the net level of taxation after all tax capping calculations.

- 2.19. If the assessment of a property for a year changes as a result of proceedings under the Assessment Act or Municipal Act or a judicial decision, the Heritage Property Tax Rebate shall be recalculated using the new assessment value and resulting taxation level for that year.
- 2.20. The Heritage Property Tax Rebate shall be repaid in full by the owner, or subsequent owner for every year where there is an outstanding contravention or where there are outstanding municipal fines, fees or penalties assessed against the owner.
- 2.21. If the property is tenanted, it is expected that the rebate shall be retained by the property owner to provide funds directly to the property owner to compensate them for expenses they incur in maintaining their properties.
- 2.22. If the owner of an eligible heritage property demolishes an eligible heritage property or breaches the terms of the relevant heritage easement, the Town may require the owner to repay part or all of any Heritage Property Tax Rebate(s) provided to the owner for one or more years under this By-law.
- 2.23. The Town may require the owner to pay interest on the amount of any repayment required under Section 2.22, at a rate not exceeding the lowest prime rate reported to the Bank of Canada by any of the banks listed in Schedule I of the Bank Act (Canada), calculated from the date or dates the Heritage Property Tax Rebate(s) were provided. Any amount repaid under this section will be shared by the Town, School Boards and the Regional Municipality of Durham (if applicable) in the same proportion as their respective shares of the Heritage Property Tax Rebate(s) on the property.
- 2.24. If the Regional Municipality of Durham chooses to pass a by-law to match this by-law, then the amount of the rebate shall be calculated in accordance with Section 2.5 and the cost of the rebate shall be shared by the Town, upper-tier and School Boards in the same proportion as they share in the tax revenues.
- 2.25. If the Region of Durham chooses not to pass a by-law to match this by-law, then the amount of the rebate shall be calculated in accordance with Section 2.1 and the cost of the rebate shall be shared between the Town and School Boards in the same proportion as they share in the tax revenue without affecting the upper tier taxes.

### **3. Schedule(s)**

- 3.1. Schedule 'A' to this By-law is the Heritage Easement Agreement that will be registered on title of participating property owners, at the expense of the property owner.

#### **4. Enforcement and Penalties**

- 4.1. Each participating property owner will be required to adhere to the provisions of the Heritage Easement Agreement which is regulated by Section 22 of the Ontario Heritage Act, R.S.O. 1990, O. 18, as amended.
- 4.2. Enforcement and penalties are outlined in the Heritage Easement Agreement and are subject to Section 69 of the Ontario Heritage Act.

#### **5. Short Title**

- 5.1. This By-law shall be known as the "Heritage Property Tax Rebate By-law".

#### **6. Repeal of Existing By-law**

- 6.1. This By-law shall repeal By-law Nos. 5642-05, 6437-11, 6520-11 and 6602-12.

#### **7. Effective Date**

- 7.1. This By-law shall come into force and take effect on the 25th day of November, 2019

By-law read and passed this 25th day of November, 2019.

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Don Mitchell, Mayor

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Christopher Harris, Town Clerk



Council Resolution Form

Date: 18 Nov 2019 No: Resolution No.261-19  
 Moved By: Councillor Rigelhof Seconded by Councillor MacPherson Disposition: CARRIED.  
 Item No: 9.11.1

Description: Support for ministers to allow for electronic delegation

**RESOLUTION:**

WHEREAS Council has discussed lobbying the provincial ministers to allow for electronic delegation;

AND WHEREAS Council feel that it is unjust to have to attend expensive conferences to be able to have a delegation with Ministers or the Premier;

AND THEREFORE, Council requests that the Ministers and the Premier offer electronic delegations to small and rural Municipalities that do not have sufficient budget to attend conferences;

FURTHERMORE, that this resolution be sent to all Ontario Municipalities to request their support and sent to the Premier and all the Ministries for their consideration.

Recorded Vote Requested by:		
	Yea	Nay
B. Hunt	_____	_____
L. Perrier	_____	_____
C. Rigelhof	_____	_____
J. Frost	_____	_____
G. MacPherson	_____	_____

  
 \_\_\_\_\_  
**MAYOR**

Declaration of Pecuniary Interest:

.....

Disclosed his/her/their interest(s), vacated he/her/their seat(s), abstained from discussion and did not vote



# Hastings Highlands

Beautiful By Nature

The Municipality of Hastings Highlands  
P.O. Box 130, 33011 Hwy 62, Maynooth, ON K0L 2S0  
613 338-2811 Ext 277 Phone  
1-877-338-2818 Toll Free

December 9, 2019

**VIA EMAIL**

Ministry of the Attorney General  
McMurtry-Scott Building  
720 Bay St., 11th Floor  
Toronto, ON  
M7A 2S9  
[attorneygeneral@ontario.ca](mailto:attorneygeneral@ontario.ca)

**Re: Joint and Several Liability Consultation – Town of Springwater Support**

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At its meeting on December 4, 2019 the Council of the Municipality of Hastings Highlands supported the Township of Springwater with the following resolution:

**Resolution 774-2019**

THAT Council supports the Township of Springwater in its concern for joint and several liability consultation.

cc:  
Doug Ford, Premier of Ontario  
Association of Ontario Municipalities (AMO)  
Ontario Municipalities  
Daryl Kramp, MPP, Hastings-Lennox and Addington  
Derek Sloan, MP, Hastings-Lennox and Addington  
Jeff Schmidt, Township of Springwater

Encl: Correspondence – Joint and Several Liability Consultation – Township of Springwater

Regards,

Suzanne Huschilt

Municipal Clerk  
[shuschilt@hastingshighlands.ca](mailto:shuschilt@hastingshighlands.ca)

September 26, 2019

Ministry of the Attorney General  
McMurtry-Scott Building  
720 Bay Street, 11th Floor  
Toronto ON, M7A 2S9

**Re: Joint and Several Liability Consultation**

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Please be advised that in response to your letter dated July 12, 2019, the Township of Springwater provides the following comments in regards to Joint and Several Liability.

***1. Please describe the nature of the problem as you see it?***

In response to the Province's request for consultation, the Township has a significant issue with Joint and Several Liability (JSL) and the impact it has on the municipality.

***a. No Requirement of Proof***

JSL is a tool that is used by the legal industry without any discretion to the point that this municipality feels that its use is negligent and in fact unethical. Most law suits that municipalities see are frivolous and vexations as lawyers cast their nets wide and attempt to use shotgun justice for their clients that are more than often the sole cause of a claim. A statement of claim does not require any proof that there is fault. A plaintiff only has to state who they think is involved and a significant amount of court time is spent determining who should be a party to the legal claim.

***b. No Consequence for Being Wrongly Identified in a Statement of Claim***

To add to this, there is no consequence that lawyers and their clients face for submitting a claim against a municipality when it is clear that a municipality is not involved. Municipalities incur significant administrative costs in managing these claims and the municipalities and their insurers pay significant costs to go through a lengthy process to prove that a claim was made in error (intentionally) only to find that a judge sees no reason to compensate a municipality for cost for incorrectly being named in a lawsuit by a plaintiff. Municipalities are seen as having deep pockets by the legal industry as well as the judicial system that makes decisions on these claims. Proof of innocence is often furnished to the plaintiff and lawyer by a municipality immediately upon notification of a pending legal action of statement of claim. This information is ignored by the plaintiff's lawyer. A plaintiff and their lawyer should have to reimburse a municipality for



all administrative and legal costs when the municipality is cleared of liability. Judges rarely compensate municipalities for being wrongly named in a legal action.

A recent example from 2019 occurred when a statement of claim was made against the Township of Springwater for an accident on a County Road (not the jurisdiction of Springwater). After legal and administrative costs totaling more than \$5,000, Springwater was dismissed from the claim. Unfortunately no costs were assigned to the plaintiff for wrongly naming Springwater in the statement of claim. The current system is broken and Springwater tax payers are left paying the bill.

**2. What are the problems that you need addressed to benefit your community?**

*a. Ethical Standard of Due Diligence Required Before Submitting a Legal Action*

Lawyer's representing plaintiff's should be required to submit documentation that provides significant research into why a claim is being made and a municipality is being named in a law suit. The claim should clearly prove authority and responsibility. The current practice of naming every party under the sun in a legal claim is negligent and unethical.

*b. Frivolous and Vexatious Suits are Costing Taxpayers*

The Township of Springwater is seeing a significant waste of administrative time and cost in managing legal claims against the municipality that are predominantly frivolous and vexatious due to JSL. Over the last seven years, the municipality has had 55 claims made against the municipality. These claims range from trips/falls resulting in broken eyeglasses to cases that unfortunately involve loss of life. The Township has no problem dealing with claims that the municipality is responsible for; however the Township does have a problem dealing with claims it does not have any responsibility for. Of the 55 claims against the municipality, 42 of these claims are frivolous and vexatious. Claims that the municipality has no responsibility for. Over the past 7 years, Springwater has paid more than \$100,000 on these frivolous and vexatious claims as they work themselves through the legal process. Many of these files are still open. This does not include additional costs paid by Springwater's insurance company that are beyond the municipality's deductible.

*c. Negligent Legal Actions (Beyond Frivolous and Vexatious)*

The Township of Springwater is currently named in 4 legal actions and an additional legal action (recently abandoned) for claims that occurred in another municipality (no where near Springwater). The Township is currently named in 3 claims that occurred in the Township of Clearview west of Stayner and one claim in the Township of Brock that have nothing to do with the Township. Springwater was named in a claim that occurred

in Wasaga Beach that was abandoned recently. All of these claims cost the Springwater taxpayer in administrative and legal costs as they work their way through the process.

*d. Triage System for Claims*

Before a claim makes it to a court date, the file should be triaged. It is at this stage that negligent of frivolous and vexatious claims will be filtered or thrown out. This process will trigger the reimbursement of costs to municipalities by unethical law firms.

*e. Law Society of Ontario Charges*

Lawyers that use JSL in an unethical way should be charged by the Law Society of Ontario. If a lawyer names a municipality in a legal action that should not be named, these lawyers should be suspended and potentially lose their license to practice law. There is a significant commonality when comparing frivolous and vexatious claims and the law firms/lawyers that submit them. The current code of ethics of the Law Society of Ontario should be updated by the Province to reprimand lawyers and law firms that negligently use JSL. The Province of Ontario should be involved in creating a new Code of Ethics for Ontario's legal industry.

**3. Is it increased premiums? Rising deductibles?**

A recent survey by CAO's in Simcoe County shows that insurance premiums are going up between 10% at the lowest to 59% being the highest in 2019. The Township of Springwater experienced a 10.8% increase in its 2019 insurance renewal. The area that typically sees an annual increase is related to the Municipal General Liability and Excess Liability lines of the business. The municipality was advised by its insurance broker that "over the past several years, insurance companies' appetite for Municipal Insurance has remained fairly stable. Insurance rates across all lines have seen only modest increases intended to simply keep pace with inflation and the rising cost of claims. Larger rate increases have been reserved for those accounts experiencing adverse claims development; either in frequency or severity (or both). However, starting in June 2018, the insurance market as a whole has shown clear signs of "hardening". Insurance companies for all sectors are putting stricter rules in place regarding the amount and breadth of coverage they will provide, and to which clients. Since the overall insurance supply is being reduced, the demand for insurer capacity is increasing, and as such, prices are elevating."

The table below provides at a high level (includes all lines of coverage) the Township's annual insurance premiums over the past five years.

2015	2016	2017	2018	2019
\$234,942	\$247,262	\$254,388	\$274,936	\$304,688

The Township continues to consult with its insurance broker in an effort to ensure that Springwater's constituents are receiving the best value for their tax dollar; however, the rising costs of insurance are not sustainable over the long run. Staff and its insurance broker have looked at increasing our deductibles in an effort to reduce the overall premium; however this has led to minimal reductions in the overall annual premium to the Township.

**4. *Being unfairly named in lawsuits?***

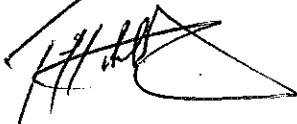
As detailed above, Springwater continues to be unfairly named in legal actions. Issues here range from a complete absence of research by legal firms on causality to the municipality being named in legal action in completely separate jurisdictions (other municipalities).

**5. *Feeling you cannot offer certain services because of liability risks?***

More recently, with the advice of the Township's insurance broker, the Township has changed the way in which it delivers some of its recreational programs/services, especially as it relates to children's programs/activities. For example, the Township in partnership with its Community Recreation Associations will host a number of community based events throughout the year, which includes children's activities. In order to allow inflatable Bouncy castles at community events, the Township now requires the service provider to indemnify the Township and to also provide staff to monitor the safety of participants while in the inflatable Bouncy castle. Some vendors are reluctant to take on this risk.

Thank you for allowing the Township to participate in this consultation. We are open to further dialogue should you feel it necessary.

Yours truly,



Jeff Schmidt, CPA, CGA, B.A.S.  
Chief Administrative Officer

Cc: Ontario Municipalities

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

## **The Regional Municipality of Durham**

### **MINUTES**

#### **9-1-1 MANAGEMENT BOARD**

**November 18, 2019**

A regular meeting of the 9-1-1 Management Board was held in Meeting Room 1-M, Regional Municipality of Durham Headquarters, 605 Rossland Road East, Whitby, at 9:01 A.M.

Present: J. Galipeau, Durham Regional Police (Chair)  
T. Cheseboro, Region of Durham Paramedic Services  
M. Simpson, Director of Financial Planning and Purchasing, Durham Region  
G. Weir, Clarington Emergency & Fire Services  
J. Wichman, Communications/9-1-1 Technical Manager

Absent: B. Drew, Durham Regional Council, was absent due to municipal business  
L. Kellett, Oshawa Central Ambulance Communications Centre, Ministry of Health & Long Term Care – Emergency Health Program Management & Delivery Branch

#### **Staff**

Present: L. Nash, 9-1-1 Communications Training Coordinator, Durham Regional Police  
J. Whittaker, Sergeant, Communications, Durham Regional Police  
T. Fraser, Legislative Services Division – Corporate Services Department

#### **1. Declarations of Interest**

There were no declarations of interest.

#### **2. Approval of Minutes**

Moved by G. Weir, Seconded by M. Simpson,

- (1) That the minutes of the 9-1-1 Management Board meeting held on June 25, 2019, be adopted.

CARRIED

#### **3. Appointment of 9-1-1 P.P.S.A.P. Manager**

T. Fraser advised that in accordance with the provisions contained in the 9-1-1 Joint Powers Agreement, the 9-1-1 Management Board is responsible for appointing the 9-1-1 P.P.S.A.P. Manager as a Board Member.

Moved by M. Simpson, Seconded by G. Weir,

- (2) That Jerrett Wichman, Communications/9-1-1 Technical Manager, be appointed to the 9-1-1 Management Board.

CARRIED

**4. Presentation of Plaque of Appreciation – DRCISST K9 Crisis Program**

M. Simpson provided the Board with a Plaque of Appreciation received from the Durham Region Critical Incident Stress Support Team (DRCISST) K9 Crisis Program. It was requested that a presentation be made at a future Regional Council meeting and that the plaque be displayed at Regional Headquarters.

J. Galipeau provided an update on the K-9 Proactive Wellness Program pilot and she advised that they are hoping to formalize it into a permanent program going forward.

Discussion ensued with respect to the possibility of including the K-9 Proactive Wellness Program in the 2020 budget; and the need to prepare a business case. J. Galipeau agreed to provide Board members with a breakdown of annual expenses and the K9 visits for 2018 and 2019.

**5. 9-1-1 Call Statistics**

J. Wichman provided the 2019 statistics on calls transferred as a handout and he advised that the Recorded Announcement Report indicates that the percentage of calls going to the recorded announcement decreased in October. He also advised that the overall volume of 9-1-1 calls have increased from 2018.

J. Wichman responded to questions with respect to the breakdown of calls transferred by agency. A question was raised regarding the increase in non-PSAP calls received in June 2019. J. Wichman agreed to review and provide an update at the next meeting.

Discussion ensued with respect to the increase in wireless hang up calls and it was suggested that communications be included on the agenda for the next 9-1-1 Management Board meeting.

**6. 9-1-1 Management Board Signing Authority**

M. Simpson advised that signing authority for the 9-1-1 Management Board was last updated in May 2019 and at that meeting it was suggested consideration be given to delegating signing authority to specific positions on the Board instead of specific individuals, so that the authority transfers automatically as members of the Board change.

She explained that it has been the past practice of the 9-1-1 Management Board to provide two Board members with signing authority and she recommended that the Board delegate signing authority to the 9-1-1 Technical Manager and the Finance Department Regional Staff representative.

Moved by G. Weir, Seconded by T. Cheseboro,  
(3) That we recommend to the Finance & Administration Committee for approval and subsequent recommendation to Regional Council:

That signing authority for the 9-1-1 Management Board be given to the 9-1-1 Technical Manager and the Finance Department Regional Staff representative.  
CARRIED

**7. 9-1-1 Management Board 2020 Budget**

M. Simpson advised that the proposed 2019 Emergency 9-1-1 Telephone System Budget has been reviewed by Durham Regional Police and Regional Finance Department staff; however, Regional Council has not yet approved the guidelines for the 2020 Business Plans and Budgets. She recommended that approval of the proposed 2020 Emergency 9-1-1 Telephone System Budget be deferred to the next 9-1-1 Management Board meeting in January 2020.

**8. 2020 Meeting Schedule**

The 9-1-1 Management Board members discussed and agreed to the following meeting dates for 2020:

- January 16, 2020
- April 28, 2020
- June 23, 2020
- September 29, 2020
- November 24, 2020

**9. Region of Durham E9-1-1 P.E.R.S. Policy and Procedure Manual**

J. Wichman advised that he has reviewed and is proposing updates to the E9-1-1 P.E.R.S. Policy and Procedure Manual and 9-1-1 Joint Powers Agreement. He circulated a draft copy of the Policy and Procedure Manual and 9-1-1 Joint Powers Agreement to members of the Board.

T. Fraser outlined the process for approving alterations to the Policy and Procedure Manual and the process for reviewing the 9-1-1 Joint Powers Agreement.

Discussion ensued with respect to the proposed changes in the Policy and Procedure Manual; the process for adding or altering procedures; the existing minimum staffing requirement; and next steps.

It was requested that approval of the E9-1-1 P.E.R.S. Policy and Procedure Manual be added to the agenda for the next 9-1-1 Management Board

meeting and that Board members review the draft manual and provide any feedback or changes to J. Wichman prior to the next meeting.

It was also suggested that Durham Regional Police and Regional Finance Department staff meet to review the proposed 9-1-1 Joint Powers Agreement and discuss next steps with Corporate Services – Legal Services.

**10. Other Departments - Comments/Concerns**

a) Comments/Concerns – Regional Council

There were no comments.

b) Comments/Concerns – Durham Regional Police

There were no comments.

c) Comments/Concerns – Fire Departments

There were no comments.

d) Comments/Concerns – Ministry of Health

There were no comments.

e) Comments/Concerns – Durham Region Finance

There were no comments.

f) Comments/Concerns – Region of Durham Paramedic Services

T. Cheseboro advised that the Ontario government has selected Bell Mobility/Motorola to upgrade the Public Safety Radio Network. He advised that the timeline for transitioning to the new network is in 2021 and it is anticipated to begin in Durham Region in the fall of 2020.

**11. Other Business**

There was no other business.

**12. Date of Next Meeting**

The next meeting of the 9-1-1 Management Board will be held on Thursday, January 16, 2020 at Region of Durham Paramedic Services, 4040 Anderson Street, Whitby, Ontario.

**13. Adjournment**

Moved by M. Simpson, Seconded by G. Weir,  
(4) That the meeting be adjourned.  
CARRIED

The meeting adjourned at 10:29 AM

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J. Galipeau, Chair

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T. Fraser, Committee Clerk



## **The Regional Municipality of Durham**

### **Minutes**

#### **Energy From Waste – Waste Management Advisory Committee**

**Tuesday, November 26, 2019**

A meeting of the Energy From Waste – Waste Management Advisory Committee was held on Tuesday, November 26, 2019 in Room LLC, Regional Headquarters, 605 Rossland Road East, Whitby, at 7:00 PM.

Present: G. Rocoski, Oshawa, Chair  
S. Elhajjeh, Clarington, Vice-Chair  
W. Basztyk, Brock  
W. Bracken, Clarington  
A. Burrows, Ajax  
T. Farrell, Brock  
C. McLean, Ajax  
K. Meydam, Clarington

Absent: H. Sukhu, Clarington

#### **Non-Voting Members**

Present: A. Burke, Senior Planner, Special Projects, Municipality of Clarington  
Councillor Janice Jones, Local Councillor, Municipality of Clarington  
Councillor Joe Neal, Regional Councillor, Municipality of Clarington  
M. Neild, Facility Manager, Covanta

#### **Also**

Present: Regional Chair Henry, left the meeting at 7:47 PM  
Councillor John Neal

#### **Staff**

Present: G. Anello, Manager, Waste Planning and Technical Services  
S. Penak, Committee Clerk, Corporate Services – Legislative Services  
M. White, Systems Support Specialist – Information Technology

#### **1. Declarations of Interest**

There were no declarations of interest.

**2. Adoption of Minutes**

Moved by A. Burrows, Seconded by S. Elhajjeh,  
That the minutes of the EFW-WMAC meeting held on  
Thursday, September 24, 2019, be adopted.  
CARRIED

**3. Announcements**

There were no announcements made.

**4. Presentations**

A) Wendy Bracken, EFW-WMAC Member, re: concerns with air quality and air standards as they pertain to the incinerator; and concerns with the incinerator's AMESA Long-Term Sampling System

W. Bracken provided a PowerPoint presentation regarding her concerns with ambient air quality and standards as they pertain to the incinerator. A copy of her presentation will be retained in Legislative Services.

Highlights of her presentation included:

- Meeting Ambient Air Quality Criteria and/or Regulatory Standards ≠ Protection of Public Health
- Some Ministry of Environment, Conservation and Parks (MECP) Standards Relevant to the Projects are Very Out of Date
- 2007 Report Done by Dr. Pengelly for Municipality of Halton When They Were Considering an Incinerator
  - Reference to Page 7 of Dr. Pengelly's Report
- Air Quality in Ontario Report 2015
- New Canadian Council of Ministries of Environment (CCME) Standards
  - Dramatic Differences Between Ontario and CCME Ambient Air Quality Criteria/Objectives
- From 2007 Study done for Environmental Assessment (EA) Site Selection
- From 2011 Bowmanville Doctors and Nurse Practitioners' Petition
- Durham York Energy Centre (DYEC) Ambient Air Monitoring
  - No Breathing Room: National Illness Costs of Air Pollution, Canadian Medication Association (CMA) August 2008
  - CMA Report: 21,000 will die from pollution in 2008
- Air Pollution as Bad as Asbestos, Cigarettes as Cause of Cancer, says World Health Organization (WHO)
- Incineration – Health Impacts

W. Bracken responded to questions from the Committee regarding whether there are current air quality comparisons to see if the DYEC has caused any dramatic increase in pollution; St. Marys Cement's proposal to burn waste at their facility; and whether the Ministry of Health receives the ambient air monitoring data.

Moved by K. Meydam, Seconded by A. Burrows,  
That the Rules of Procedure be suspended in order to give W. Bracken 10 minutes for a second presentation, regarding her concerns with the incinerator's AMESA Long-Term Sampling System.

CARRIED on a 2/3rds Vote

B) Wendy Bracken, EFW-WMAC Member, re: concerns with the incinerator's AMESA Long-Term Sampling System

W. Bracken provided a PowerPoint presentation regarding her concerns with the incinerator's AMESA Long-Term Sampling System. A copy of her presentation will be retained in Legislative Services.

Highlights of her presentation included:

- Environmental Compliance Approval (ECA) Condition 7. (3)
  - Long-Term Sampling for Dioxins and Furans
- ECA Condition 14. (4)(g)
  - Monitoring and Testing Records
- Four Years In: AMESA Issues Remain Unresolved, Monthly Data Withheld
- Durham Staff Are Not Reviewing the Monthly AMESA Data
- My Freedom of Information (FOI) Requests
- Dr. Jahnke Document Received Through FOI on Continuous Sampling for Dioxins and Furans
  - Jahnke Document (Page 11) on AMESA
  - Jahnke Document (Pages 25-26) on Common Problem of Correlation Issues
  - Jahnke Document (Page 26) on Success in Europe for Monitoring Trends
- FOI Document: Email from Manufacturer to Region Consultant Regarding Big Differences Between Stack and AMESA Results
- DYEC has had Major Dioxin/Furan Stack Exceedances
  - Dioxin/Furan ambient Air Exceedance May 26, 2018
  - Questions and Concerns Still Remain: Very Calm Day
- Ministry Review Was Limited: Did Not Review AMESA Data, nor Profiles
- Four Years In: AMESA Issues Remain Unresolved Monthly Data Withheld

W. Bracken responded to questions from the Committee regarding a news article that was recently released with respect to a whistleblower at the Durham York Energy Centre (DYEC); ultra fine particulate (nanoparticles) not being captured in the data; and whether other countries are required to correlate their data.

G. Anello responded to questions from the Committee regarding when the AMESA results are made available to the public; the annual report that is sent to the Ministry of the Environment, Conservation and Parks (MECP) and who facilitates the meetings between Durham staff and the MECP; the acceptable variance being increased from 10% to 100%; the purpose of collecting the AMESA data; and the cost of the stack test versus the correlation test.

W. Bracken advised that she will email her presentations and Dr. Jahnke's document to the Committee.

**5. Delegations**

There were no delegations to be heard.

**6. Correspondence**

There were no correspondence items to be considered.

**7. Administrative Matters**

There were no administrative matters to be considered.

**8. Other Business**

A) Update by Gio Anello, Manager, Waste Planning and Technical Services, The Regional Municipality of Durham, re: The Durham York Energy Centre (DYEC)

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G. Anello provided an update regarding the Durham York Energy Centre (DYEC).

G. Anello advised that in the last quarter of 2019, the focus is on meeting the throughput capacity and managing what's coming into the facility and processed, to not exceed the 140,000 tonne per year limit. He also advised that the draft results for the source test were received and no issues were reported. He further advised that there was minor cleaning done to the boilers, and some maintenance on the switch yard.

In response to a question with respect to the AMESA data, G. Anello advised that a report will be brought forward once the AMESA workplan is complete.

B) Update by Gio Anello, Manager, Waste Planning and Technical Services, The Regional Municipality of Durham, re: Organics Management

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G. Anello provided an update regarding Organics Management.

G. Anello advised that staff are continuing to work on the development of the Request for Qualifications (RFQ). He advised that the companies that qualify for the RFQ would then respond to the Request for Proposal (RFP).

G. Anello responded to questions from the Committee regarding the development of the RFQ; the timelines of the RFQ and RFP process; and whether Durham would be looking at selling the electricity generated from the anaerobic digestion process back on the grid.

C) Update by George Rocoski, EFW-WMAC Chair, regarding the EFW-WMAC Annual Report

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G. Rocoski provided an update regarding the EFW-WMAC Annual Report.

G. Rocoski advised that the EFW-WMAC Annual Report will be presented to the Works Committee on December 4, 2019 and to Clarington Council on December 9, 2019 and asked for any comments or suggestions on the draft slide deck. He advised that he will circulate the slide deck a final time and requested that any further comments or suggestions be submitted to him by Friday, November 29, 2019.

Discussion ensued regarding the Committee's interest and availability in touring Regional Waste Management Facilities including the Material Recovery Facility, the Oshawa Transfer Station and the Pickering Compost Facility. It was the consensus of the Committee to tour all three facilities on January 13, 2020.

G. Anello responded to questions regarding the environmental assessment process for the potential increase in waste processed at the DYEC from 140,000 tonnes per year to 160,000 tonnes per year, and what standards will be used; and Durham Region's Long Term Waste Strategy, and whether the public will be notified of and able to contribute to the strategy.

**9. Next Meeting**

The next regularly scheduled meeting of the EFW-WMAC will be held on Tuesday, February 25, 2020 in the Lower Level Boardroom (LL-C), at 7:00 PM, Regional Headquarters, 605 Rossland Road East, Whitby.

**10. Adjournment**

Moved by T. Farrell, Seconded by K. Meydam,  
That the meeting be adjourned.

CARRIED

The meeting adjourned at 8:19 PM.

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G. Rocoski, Chair, Energy from Waste –  
Waste Management Advisory Committee

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S. Penak, Committee Clerk