

By-law Number 51-2021
of The Regional Municipality of Durham

Being a by-law to authorize a Municipal Capital Facilities Agreement between The Regional Municipality of Durham and Durham OneNet Inc.

Whereas section 110(1) of the Municipal Act, 2001, SO 2001, c. 25, as amended (the “Act”), provides that the council of a municipality may enter into an agreement for the provision of municipal capital facilities by any person.

And Whereas paragraph 5 of section 2 of Ontario Regulation 603/06, as amended (the “Regulation”), provides that such an agreement can be entered into with respect to municipal facilities for the provision of telecommunications systems.

And Whereas The Regional Municipality of Durham (the “Region”) owns certain telecommunications facilities, including, without limitation, broadband fibre facilities (the “Facilities”) through which the Region utilizes for internal broadband connectivity within the Region.

And Whereas the Region has determined that it is in the public interest for the Facilities, in whole or in part, to be owned, operated, maintained, and expanded by Durham OneNet Inc. (“DON”).

And Whereas WHEREAS the Region intends to transfer the Facilities, in whole or in part, to DON and to provide certain financial and other assistance to DON to assist DON to own, operate, maintain, and expand the Facilities.

And Whereas it is the intention of both the Region and DON that the financial and other assistance to be provided by the Region to DON under this Agreement be for the provision of municipal capital facilities under section 110 of the Act and the Regulation.

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

1. The Council hereby designates the Facilities as municipal capital facilities for telecommunications purposes.
2. The Region is authorized to enter into a Municipal Capital Facilities Agreement with DON in the form attached as Schedule “A” to this Bylaw (the “Agreement”).
3. The Regional Clerk and Regional Chair are hereby authorized to execute the Agreement on behalf of the Region.
4. In accordance with section 110(5) of the Act, the Clerk is hereby directed to give written notice of this Bylaw to the Minister of Finance and any other party to whom notice is required to be given pursuant to the Act or Regulations.
5. Schedule “A” attached is incorporated into and shall form part of this Bylaw.

This By-law Read and Passed on the 22nd day of December, 2021.

J. Henry, Regional Chair and CEO

R. Walton, Regional Clerk