

By-law Number 2026-030
of The Regional Municipality of Durham

Being a by-law for the provision of municipal housing facilities.

Whereas The Regional Municipality of Durham is a service manager under the Housing Services Act, 2011, S.O. 2011, c. 6, Sched. 1;

And Whereas, the Region has approved certain affordable rental housing projects under the At Home Incentive Program (AHIP);

And Whereas pursuant to section 110 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, the council of a municipality may enter into agreements for the provision of municipal capital facilities by any person;

And Whereas Ontario Regulation 603/06, as amended, sets out the classes of municipal capital facilities for which municipal councils may enter into agreements pursuant to section 110 of the Act;

And Whereas Ontario Regulation 603/06, as amended, provides that municipal housing project facilities is a class of municipal capital facilities for the purpose of section 110 of the Act;

And Whereas Ontario Regulation 603/06, as amended, provides that the council of a municipality may not enter into an agreement under section 110 of the Act, unless it first enacts a municipal housing facility by-law;

And Whereas Section 23.1(1) of the Municipal Act, 2001, S.O. 2001, c. 25 as amended permits a municipality to delegate its powers, duties under this or any other Act to a person or body subject to certain restrictions, including the passage of a by-law pursuant to Section 23.1(3)1.

And Whereas Council is desirous of enacting a municipal housing facility by-law to permit Council to enter into agreements for the provision of municipal housing project facilities and to facilitate the provision of Affordable Housing in the Region;

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

1. In this by-law:
 - a) "Act" means the Municipal Act, 2001 S.O. 2001, c.25, as amended, and its regulations;
 - b) "Affordable housing" means affordable rental housing as set out in section 2 of this by-law;
 - c) "Region" means The Regional Municipality of Durham;
 - d) "Area municipality" means the municipality or corporation of the Town of Ajax, the Town of Whitby, the Township of Brock, the Township of Uxbridge, the Township of Scugog, the City of Pickering, the Municipality of Clarington, and the City of Oshawa;
 - e) "Commissioners" means the Commissioners of Finance and Social Services, or their Commissioner delegates;
 - f) "Council" means the Regional Council of The Regional Municipality of Durham;
 - g) "Clerk" means the person appointed by Council pursuant to section 228 of the Act;

- h) "Household" means individuals and families who will be or are residing in a housing unit within a municipal housing project facility;
 - i) "Household Income" means the annual income from all sources of all persons who comprise a Household;
 - j) "Household Income Limit" means the maximum household income that a household can have to be eligible for placement on the wait list;
 - k) "Housing Project" means a project or part of a project designed to provide or facilitate the provision of residential accommodation, with or without any public space, recreational facilities and commercial space or buildings appropriate thereto;
 - l) "Housing Unit" means a unit in a housing project for use as residential accommodation;
 - m) "Unit Type" means the type of housing unit within a municipal housing project facility or potential municipal housing project facility, measured by the number of bedrooms;
 - n) "Housing Provider" means a person who operates a housing project and with whom the Region has entered into or will enter into a municipal housing project facilities agreement under section 3;
 - o) "Wait List" means the Durham Access to Social Housing wait list or such other wait list as may be adopted by the Region for the purposes of selecting households for community or affordable housing;
 - p) "Municipal Housing Project Facilities" or "Municipal Housing Project Facility" means the class of municipal capital facilities prescribed by paragraph 18 of section 2 of Ontario Regulation 46/94, as amended;
 - q) "Municipal Housing Project Facilities Agreement" means a municipal housing project facilities agreement, also referred to as Municipal Capital Housing Facilities and Contribution Agreement between the Region and a housing provider for the provision of municipal housing project facilities pursuant to a by-law passed by Council pursuant to subsection 110(1) of the Act;
2. For the purposes of this by-law, and of all municipal housing project facilities agreements, "affordable housing" and "affordable rental housing" mean units with monthly occupancy costs that are less than or equal to the average monthly rent for that unit type as determined in the Ministry of Municipal Affairs and Housing's Affordable Residential Units for the purposes of the Development Charges Act, 1997 Bulletin for area municipality in which the municipal housing project is situated.
 3. Subject to section 4, Council may pass by-laws permitting the Region to enter into municipal housing project facilities agreements with housing providers, pursuant to subsection 110(1) of the Act, for the provision of the municipal housing project facilities.
 4. The Region shall not enter into a municipal housing project facilities agreement unless it has determined that:
 - a) Council has enacted a by-law authorizing the entering into of the municipal housing project facilities agreement for the provision of the municipal housing project facility;
 - b) All of the housing units to be provided to households that are eligible for housing units as part of the municipal housing project facilities agreement meet the definition of affordable housing as set out in section 2;
 - c) The Region is a service manager under the Housing Services Act, 2011; and

- d) The municipal housing project facilities agreement to be entered into contains the provisions set out in section 8 and 9.
5. Upon passing of a by-law referred to in section 3, the Clerk shall give written notice of the by-law to the Minister of Finance or successor, as set out in the Act.
6. A household shall be eligible for a housing unit within a municipal housing project facility if, at the time the household is selected for the unit, it is on the wait list, or is not on the wait list but has household income within the allowable limit to be on the wait list.
7. Housing units subject to a municipal housing project facilities agreement shall not be rented or sold to the officer or director of the housing provider, or any individual not at arm's length to the housing provider or shareholder, officer or director of the housing provider unless the housing provider is a non-profit co-operative as defined in the Co-Operative Corporations Act, R.S.O. 1990, c. C35, as amended.
8. The municipal housing project facilities agreements shall include, but shall not be limited to, the following general provisions:
 - a) the term of the agreement;
 - b) the number of affordable housing units being provided;
 - c) each affordable housing unit to be provided in the municipal housing project facility meets the definition of affordable housing set out in section 2;
 - d) each housing unit to be provided shall be made available only to eligible households, in accordance with sections 6 and 7;
 - e) the Region may register the agreement on title;
 - f) the conditions attached to the financial or other assistance given to the housing provider;
 - g) the conditions respecting the sale, transfer, mortgage, or assignment of the municipal housing project facility;
 - h) the housing provider shall be required to report annually and submit documentation to the satisfaction of the Commissioners;
 - i) the consequences if the housing provider fails to comply with the terms and conditions of the agreement, which may include that the housing provider pay to the Region the financial assistance that has been provided to the housing provider; and
 - j) other terms and conditions satisfactory to the Commissioners and the Regional Solicitor, which may include, but which are not limited to, any and all forms of property transactions together with any and all general or specific security as the Commissioners and the Regional Solicitor consider necessary or desirable.
9. A municipal housing project facilities agreement may, with respect to the provision, lease, operation or maintenance of the municipal housing project facilities that are subject to the agreement further include, but shall not be limited to, the following specific provisions:
 - a) For the applications for affordable rental housing projects that have been approved under the At Home Incentive Program (AHIP) for
 - (i) ACA Housing Corp. to build 10 units of affordable rental housing at 82 River Street in Sunderland, Township of Brock
 - (ii) Athol Green Inc. to build 96 units of affordable rental housing at 0

Athol Street in the City of Oshawa

- b) That the Region provide upfront capital funding to support the development and construction of affordable rental housing projects in the total amount of \$8,000,000 broken down as follows:
 - (i) \$750,000 to ACA Housing Corp.
 - (ii) \$7,250,000 to Athol Green
 - c) That up-front capital funding be provided from the At Home Incentive Program Reserve Fund (AHIPRF) and advanced based on the following key construction milestones:
 - (i) 50 percent at the signing of the Municipal Capital facilities and Contribution Agreement and registration of security
 - (ii) 40 percent at confirmation of fully enclosed building
 - (iii) 10 percent at the confirmation of occupancy
 - d) That the up-front capital funding provided by the Region be conditional upon each proponent ACA Housing Corp and Athol Green Inc. providing written confirmation of final funding by third-party financiers (if applicable) and any outstanding documentation prior to execution of the Municipal Capital Housing Facilities and Contribution Agreement.
 - e) That the Region enter into a Municipal Capital Housing Facilities and Contribution Agreement with ACA Housing Corp and Athol Green Inc. to
 - (i) Maintain affordable rents for the specified affordability period;
 - (ii) Continue to use the eligibility requirements for tenants; and
 - (iii) Enable the use of Region funding for eligible purpose-built affordable rental housing projects;
 - (iv) Provide accountability and reporting requirements.
10. Upon Council enacting this by-law, and subject to the requirements of any such by-law, authority is delegated to the Commissioners to:
- a) enter into municipal housing facilities agreements with non-profit and private developers of affordable housing ACA Housing Corp and Athol Green Inc.
 - b) apply for and enter into agreements with the federal and provincial governments to receive provincial and/or federal financial or other support for the municipal housing project facility;
 - c) enter into agreements with area municipalities for the purposes of funding, which may include financial or other assistance, from the area municipality to the Region to facilitate the delivery of the municipal housing project facility.
 - d) pass amending by-laws, including a repeal and place, to this by-law to facilitate any further amendments as maybe required to facilitate entering into the Municipal Capital Housing Facilities and Contribution Agreements as identified in Paragraph 9(e).
11. The provisions of this by-law shall enable the entering into municipal housing project facility agreements as herein described.

This by-law may be cited as the Municipal Housing Facilities Agreement By-law, 2026.

This By-Law Read and Passed on the 24th day of June, 2026.

J. Henry, Regional Chair and CEO

A. Harras, Regional Clerk