

**Regional Municipality of Waterloo
Administration and Finance Committee
Addendum Agenda**



Date: Tuesday, February 7, 2023
 Regular Session: 9:00 a.m.
 Location: Council Chambers/Electronic

Should you require an alternative format please contact the Regional Clerk at Tel.: 519-575-4400, TTY: 519-575-4605, or regionalclerk@regionofwaterloo.ca

		Pages
1.	Call to Order	
2.	Land Acknowledgement	
3.	Declarations of Pecuniary Interest under the “Municipal Conflict of Interest Act”	
4.	Presentations	
4.1	GRCA 2023 Budget Presentation	5
5.	Public Hearing of Development Charges Complaint under Subsection 20(4) of the “Development Charges Act”, 1997, as Amended	
5.1	COR-CFN-23-007, Development Charge Complaint- McLean-Peister Limited, 375 New Dundee Road, Kitchener	27
	Recommended Motion:	
	That The Regional Municipality of Waterloo dismiss the complaint of McLean-Peister Limited in relation to the Regional development charge imposed for its development at 375 New Dundee Road, Kitchener, as set out in report COR-CFN-23-007 dated February 7, 2023.	
*5.2	McLean-Peister Limited, Submissions	63
6.	Consent Agenda	
	Items on the Consent Agenda can be approved in one motion of Committee to save time. Prior to the motion being voted on, any member of Committee may request that one or more of the items be removed from the Consent Agenda and voted on separately.	
	Recommended Motion:	
	That the Consent Agenda items be received for information and approved.	
6.1	Strategic Focus – Responsive and Engaging Public Service	
6.1.1	COR-TRY-23-003, Quarterly Summary of Tenders, Quotations, Requests for Proposals and Consultant Selections Approved by the CAO	110

Recommended Motion:

For Information.

- 6.1.2 COR-TRY-23-004, Memberships with the Federation of Canadian Municipalities and the Association of Municipalities of Ontario 114

Recommended Motion:

That the Regional Municipality of Waterloo approve, for the duration of this term of Council, the Region's continued membership with the Federation of Canadian Municipalities and the Association of Municipalities of Ontario and the payment of associated annual membership fees subject to annual budget approval, as set out in Report COR-TRY-23-004 dated February 7, 2023.

7. Regular Agenda

7.1 Strategic Focus - Thriving Economy

- 7.1.1 COR-FFM-23-001, King-Victoria Transit Hub Project Update 119

Recommended Motion:

That the Regional Municipality of Waterloo take the following action with respect to the King-Victoria Transit Hub as outlined in Report COR-FFM-2- dated February 7, 2023:

- a. Authorize the Commissioner, Corporate Services to enter into an amended cost sharing agreement with Metrolinx to the satisfaction of the Regional Solicitor for Phase 1 of the King-Victoria Transit Hub project;
- b. Enter into an Agreement with WZMH Architects to complete consulting services for the realignment and roadway reallocation of Victoria Street and for additional scope related to the Phase 1 detailed design at an upset limit fee of \$450,000 plus all applicable taxes.

- 7.1.2 PDL-CUL-23-001, Kitchener-Waterloo Symphony One-Time Funding Request 132

Recommended Motion:

That the Regional Municipality of Waterloo take no action with respect to the request for one-time funding for the Kitchener-Waterloo Symphony as outlined in report PDL-CUL-23-001 dated February 7, 2023.

7.2 Strategic Focus – Healthy, Safe and Inclusive Communities

- 7.2.1 COR-ADM-23-001, All Saints Anglican Church Funding Request 141

Recommended Motion:

That the Regional Municipality of Waterloo take no action with

respect to the All Saints Anglican Church request for \$288,441 for the construction of a community centre as outlined in report COR-ADM-23-001 dated February 7, 2023.

*7.2.2 PDL-LEG-23-007, Camera-based Traffic Enforcement Programs and Processing Administration

161

Recommended Motion:

That the Regional Municipality of Waterloo take the following actions with respect to camera based traffic enforcement programs and processing administration as set out in report PDL-LEG-23-007 dated February 7, 2023:

- a. issue a joint Request for Information on behalf of collaborating municipalities for the development and implementation of an adjudicative case management system required for a Regional administrative penalties system; and
- b. authorize the Regional Solicitor to establish a Regional administrative penalties system for camera-based offences pursuant to Ontario Regulation 355/22, *Administrative Penalties for Contraventions Detected Using Camera Systems*, including preparation of the necessary bylaws and agreements with the Province, and to report back on associated staff resources and budget requirements; and
- c. direct staff to investigate the feasibility of accelerating the currently planned 2023 Automated Speed Enforcement Program to achieve a total of 32 sites in 2023 and report back to Council in the Spring; and
- d. direct staff to present a roadmap for a rapid implementation plan to expand automated speed enforcement to all eligible school locations across the Region, aligned with upcoming strategic planning and 2024 budget planning considerations, including costing for the infrastructure and programming of the camera technology, market capacity to respond, staff resources and budgets and administrative capacity required as well as options for increasing processing capacity.

8. Information/Correspondence

8.1 Council/Committee Tracking List

199

9. Other Business

9.1 Councillor Colleen James Notice of Motion

Recommended Motion:

Whereas the Police Budget is the single largest line in the Region of Waterloos operating budget;

Whereas the Police Services Act gives the Police Board exclusive authority to decide the detailed composition of the Budget and the Region of Waterloo can only either accept or reject the Police budget in its entirety;

And Whereas this budgeting arrangement is best managed between the Board and the Council on a collaborative basis;

Whereas the community needs an opportunity to provide input before the budget is finalized;

And Whereas it was until recently the practice that the Board and Chief would present their budget to Council prior to the Boards final budget approval;

And Whereas this new practice works counter to the preferred collaborative approach;

Therefore Be it resolved that the Region of Waterloo Council respectfully request that the Waterloo Regional Police Service Chief of Police return to its past practice and present its draft annual budget to Regional Council and to the community to allow time for both the Regional Council and the community to review and to provide comments prior to the Waterloo Regional Police Service Board finalizing its annual budget

10. Next Meeting- March 7, 2023

11. Closed Session

Recommended Motion:

That a closed meeting of the Planning and Works Committee be held on Tuesday, February 7, 2023 immediately following the Administration and Finance Committee in the Waterloo County Room, in accordance with Section 239 of the "Municipal Act, 2001", for the purposes of considering the following subject matters:

1. Receiving advice that is subject to solicitor-client privilege related to a potential acquisition of land
2. Receiving advice that is subject to solicitor-client privilege related to a potential acquisition of land

12. Adjourn

Recommended Motion:

That the meeting adjourn at x:xx x.m.

2023 Draft Budget

Region of Waterloo
February 7, 2023



About the Grand River Watershed

- The Grand River watershed is the largest in southern Ontario
- The Grand River and its tributaries lie at the heart of one of the richest, fastest growing regions in our province



About the Grand River Conservation Authority



- Local agency organized on a watershed basis
- Integrated watershed management
- Balance human, environmental, and economic needs

Strategic Priorities

**Protect life and
minimize property
damage**

- Seven dams and reservoirs are actively managed to reduce flood damages and maintain flows



Strategic Priorities



Protect life/property and improve watershed health

Planning and Development

- Through a Memorandum of Understanding with the Region, the GRCA provides technical advice on Planning Act applications and other planning documents

Strategic Priorities

Improve watershed health

Source Water Protection Program

- Ensure Region's drinking water systems are protected now and in the future
 - Ongoing support for municipal Source Protection Plan implementation
 - Update Grand River Source Protection Plan to reflect changes and new information



Strategic Priorities

Improve watershed health

- Region provides data to the Watershed-wide Wastewater Optimization Program for annual reporting
- Several regional plants have recently been recognized through the WWOP recognition program

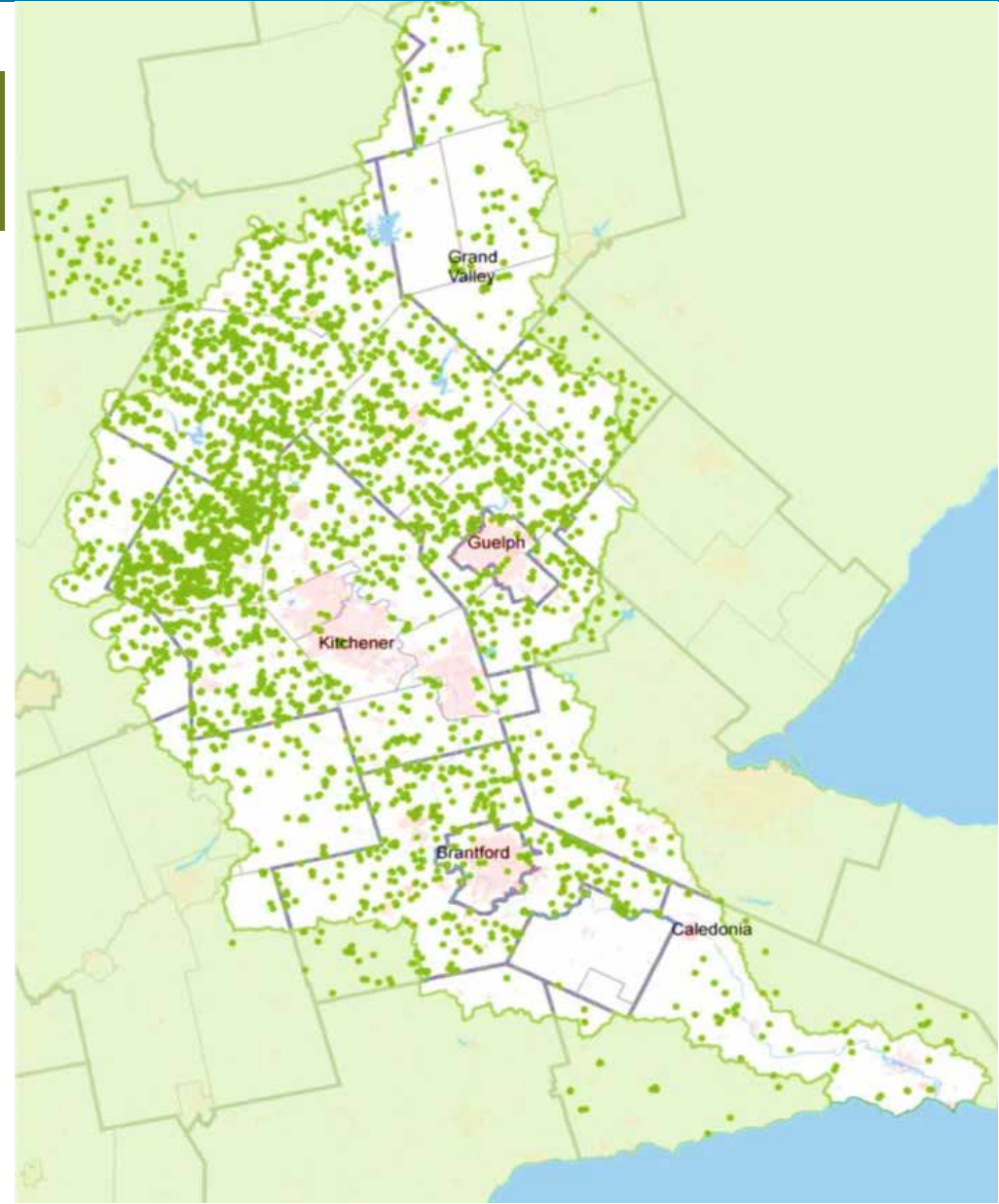


Strategic Priorities

Improve watershed health

Rural Water Quality Program (RWQP) watershed-wide success since 1998:

- Over 7,000 projects completed
- \$22 million in grants
- More than \$62 million invested



Strategic Priorities

Improve watershed health

RWQP in Region in 2022:

- 81 projects completed
- \$268,000 in grants
- Landowner contribution of \$454,000
- Total investment in water quality - \$722,000



Strategic Priorities



Connect people with the environment

- GRCA conservation areas and lands – a vital part of the watershed’s recreational infrastructure

Strategic Priorities

Responsible land management

- More than 48,000 acres of natural land
- Current initiatives include preparation of a Conservation Area Strategy and Land Inventory

2023 Draft Budget Challenges

- To manage current economic inflationary pressures.
- To incorporate staff restructuring given retirements in 2022 and new regulations.
- To manage increases in conservation area visitation and infrastructure costs.
- To develop a sustainable business model for the Environmental Education program incorporating the impact of the new regulations.



GRCA 2023 Draft Budget

Major Assumptions – Operating Budget

- Compensation & Benefits (rate increases, grid movements, benefits) 4% increase, plus staffing increase 3.0 FTE and additional students for Parks. Students will be eligible for OMERS.
- Property tax expense held constant
- Insurance expense - \$140,000 increase
- Administrative expenses held constant (IT expenses increased offset by travel & communications expense decreases)
- Operating expenses held constant
- Increased Park Activity - \$700,000 expense increase
- One time 2022 budget expense items not included in draft #1 budget 2023 - \$415,000

OUTCOME: Operating Expenses increased \$1,200,000 (4.5%)

GRCA 2023 Draft Budget vs. 2022 Budget

Expenditures

EXPENSES	2022	2023	Increase/ Decrease	Percentage Change
Operating	\$26,497,365	\$27,695,188	\$1,197,823	4.5%
% of Total	76%	80%		
Capital	\$5,102,000	\$4,579,000	\$(523,000)	-10.3%
% of Total	15%	13%		
Special Projects	\$3,275,000	\$2,540,000	\$(735,000)	-22.4%
% of Total	9%	7%		
TOTAL EXPENSES	\$34,874,365	\$34,814,188	\$(60,177)	-0.2%

GRCA 2023 Draft Budget

Expenditures

Operating Budget (\$27.7 Million)

- Watershed Management (dams, flood forecasting, planning, lands management)
- Conservation Areas
- Environmental Education
- Corporate Services and Communication



GRCA 2023 Draft Budget

Expenditures

Capital Budget (\$4.6 Million)

- Water Control Structures
- Conservation Areas
- Water Equipment
(Instrumentation, Gauges & Hardware)
- Motor Pool



GRCA 2023 Draft Budget

2023 Proposed Capital Projects:

Water Management Capital (\$1.5 million)

- Maintenance and repairs to dikes and dams

Conservation Areas (\$2.0 million)

- Estimate including carry forward projects from 2022



GRCA 2023 Draft Budget

Expenditures

Special Projects (\$2.5 Million)

- Source Protection Program
- Rural Water Quality Grants
- Species at Risk
- Sub-watershed plan
- Wastewater Optimization
- Water Festivals
- Ecological Restoration
- Conservation Services

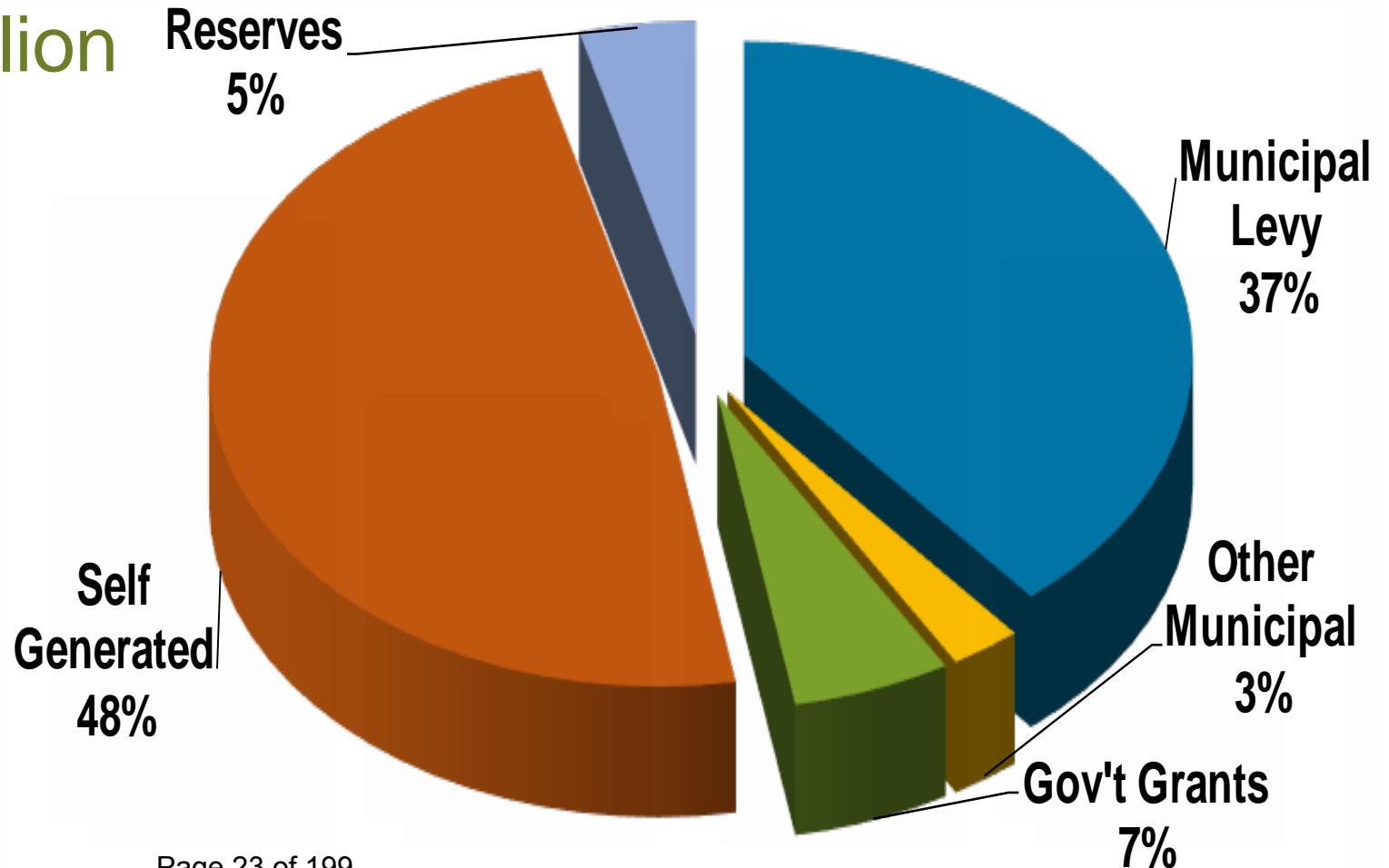


GRCA 2023 Draft Budget

Revenue by Category

2023 Budget: \$33.3 million

(2022: \$34.9 million)



GRCA 2023 Draft Budget

**General Municipal
Levy \$12,968,000
Increases:**

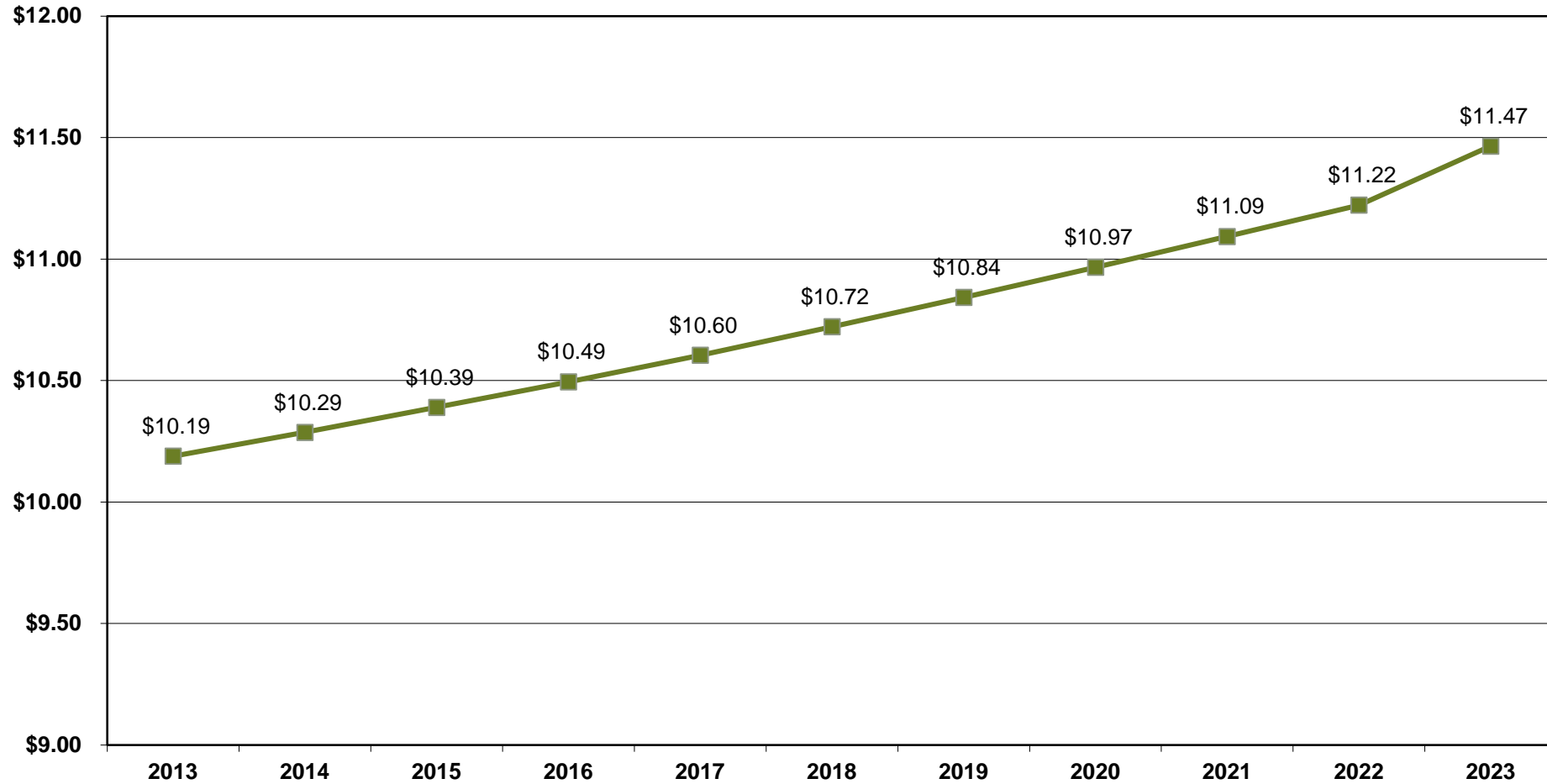
- 2021 - 2.5%
- 2022 - 2.5%
- **2023 - 3.5%**

**Region of
Waterloo – 3.4%
(from \$6,325,085
to \$6,542,324)**



GRCA 2023 Draft Budget

Per Capita General Levy 2013 to 2023



Questions?



Region of Waterloo

Corporate Services

Corporate Finance

To: Administration and Finance Committee

Meeting Date: February 7, 2023

Report Title: Development Charge Complaint - McLean-Peister Limited, 375 New Dundee Road, Kitchener

1. Recommendation

That The Regional Municipality of Waterloo dismiss the complaint of McLean-Peister Limited in relation to the Regional development charge imposed for its development at 375 New Dundee Road, Kitchener, as set out in report COR-CFN-23-007 dated February 7, 2023.

2. Purpose / Issue:

To respond to the complaint attached as Appendix A (the “Complaint”) of McLean-Peister Limited (the “Complainant”) dated October 27, 2022, pursuant to section 20 of the Development Charges Act (“DC Act”) in relation to the development charge (“DC”) that the Region applied to the Complainant’s development at 375 New Dundee Road, Kitchener (the “Development”). The Complainant alleges that it should have received the 60% “Industrial” discount pursuant to the Region’s DC By-law and a credit for works it completed for the Development.

3. Strategic Plan:

This report supports strategic objectives found in the Corporate Strategic Plan, and particularly section 5.4 Ensure the Region provides value for money and long term financial sustainability under Focus Area 5, Responsive and Engaging Public Service.

4. Report Highlights:

- Under the DC Act, a person required to pay a DC, or the person’s agent, may complain to the council of the municipality imposing the DC;
- Council has delegated the power to hold a DC complaint hearing to the Administration & Finance Committee;
- A complaint has been formally submitted by McLean-Peister Limited for its

development at 375 New Dundee Road, Kitchener;

- The complainant contends that the Region DC should be reduced to reflect the following:
 - Region’s 60% industrial discount;
 - Work undertaken by the complainant that is external to the development and was acquiesced to by the City of Kitchener; and
 - Reduction to the DC rate for services that are included in the overall rate that may not apply directly to the property;

- Staff recommend that the Complaint be dismissed on the basis that the Development does not meet the definition of “Warehousing”, that the Regional DC does not have a component for water distribution / water mains, and that the DC, as a form of tax, should not be reduced for services in relation to a specific property;

5. Background:

The Development and Complaint:

- The Development, as presented in the Complaint, consists of a multi-storey facility “whose primary use is for storage units of varying sizes” along with a “retail space and an adjacent parking area.” It is staff’s understanding that these are self-storage units that will be available to the public to store personal and other items. Staff are not aware of the retail component. The Development, according the Complaint, has “no ditches, sidewalks, sanitary, water, storm sewers, curbs, streetlights”. As part of the Development, the Complainant extended the nearest municipal water main at Pinnacle Drive across New Dundee Road (which is a Regional road) and into the subject property. The water connection then ran parallel to New Dundee Road within the subject property to the Development. The Complainant also constructed a private septic system. The Complainant submits that its cost for the water main extension (including within the road allowance as well as within the subject property) and private septic system was \$314,264.74 in total with the breakdown set out in the Complaint.

- The Complaint states that the DC for the Property should be recalculated so as to reflect: (a) the 60% discount for the “Industrial” discount; (b) the credit owed for the performance of certain work by the Complainant that is external to the Development and was acquiesced to by the municipality; and (c) a reduction in the DC rate charged given there are no ditches, sidewalks, sanitary, water, storm sewers, curbs, streetlights provided, as all contemplated in the Region’s DC Study.

The Legal Framework:

- Industrial Discount: The Region’s Development Charges By-law (“DC By-law”) has a discounted (60%) non-residential DC rate for developments that satisfy the criteria for "Industrial Building" which includes “Warehousing”. The Region’s DC By-law defines "Warehousing" as “a building in which the main use is the bulk storage of raw or semi-processed goods to be used in manufacturing and/or the wholesale distribution of manufactured goods or materials.”
- DC Credit: Section 38 of the DC Act states that “If a municipality agrees to allow a person to perform work that relates to a service to which a development charge by-law relates, the municipality shall give the person a credit towards the development charge in accordance with the agreement.” This provision is also reflected in the DC By-law. A recent OLT case¹ has held that the “section does not require a “written agreement” to provide the DC credit on the part of the municipality but rather, that it has “allowed” the work to be performed by the owner, demonstrated by some manner of conduct, be it formalized agreement, oral agreement, the circumstances of the arrangements relating to the work, acquiescence or a combination thereof.” The amount of the credit is the reasonable cost of doing the work as agreed by the municipality and the person who is to be given the credit.
- DC is a Tax: The Ontario Court of Appeal has confirmed that a development charge is a type of tax, as distinct from a “lot levy” which is intended to pay for specific services for a specific development. The Court held that, “...a development charge is not even collected to defray the capital costs attributable to a particular development. A development charge bears no relationship to the value to a developer of the capital expenditure it is intended to offset”.²

Regional Staff Response to the Complaint:

- The Development does not meet the criteria for “Warehousing” as per the DC By-law because it, as a self-storage facility with a retail store, is not for “the bulk storage of raw or semi-processed goods to be used in manufacturing and/or the wholesale distribution of manufactured goods or materials”. Regional staff submit that the definition of “Warehousing”, and the overall intention of the “Industrial” discount in the DC By-law, is for a warehouse that is directly linked and services a factory by either providing the materials for processing at the factory or receiving the manufactured goods from the factory to be distributed on a wholesale basis to retailers. In this regard, wholesale distribution is the method of delivering goods from a manufacturer to its customers through various distribution channels that

¹ Phantom Developments Inc. v Toronto (City), 2020 CanLII 55391 (ON LPAT), <<https://canlii.ca/t/j94hv>>

² Greater Toronto Airports Authority v. Mississauga (2000), 50 O.R. (3d) 641

make up a company's supply chain.

- The Complainant should not receive a credit from the Region for the extension of the distribution water main to the Development. Pursuant to the Municipal Act, 2001, the Region has jurisdiction over water production, treatment and storage while the City of Kitchener has jurisdiction over water distribution. For this reason, the Region's DC rate does not include a component for distribution water mains. It is also noted that part of the Complainant's claimed cost of \$314,264.74 was to run the water connection through its own property.
- The Region's DC for the Development has been reduced already by \$389,304 to reflect that the development has a private septic system.
- No other reduction is warranted in relation to ditches, sidewalks, curbs and streetlights in relation to New Dundee Road on the basis that development charges are a tax to raise revenue for development on an area wide basis and not a fee for actual Regional services provided to the subject property.

As set out in Section 20 of the DC Act, a person required to pay a development charge, or the person's agent, may complain to the council of the municipality imposing the development charge that,

(a) the amount of the development charge was incorrectly determined;

(b) whether a credit is available to be used against the development charge, or the amount of the credit or the service with respect to which the credit was given, was incorrectly determined; or

(c) there was an error in the application of the development charge by-law.

Pursuant to Report COR-FSD-19-29 dated June 19, 2019 Council delegated the power to hold a complaint hearing to this Committee. In holding such a hearing, this Committee should comply with principles of procedural fairness including providing the Complainant with an opportunity to provide representations at the hearing. After hearing the evidence and submissions of the complainant, Committee may dismiss the complaint or rectify any incorrect determination or error that was the subject of the complaint.

The key to this provision of the DC Act is that Committee must find that there has been an incorrect determination or error in the application of the DC By-law before it grants the requested remedy. That is, Committee must find that the provisions in the existing DC by-law were not applied as prescribed; Committee may not amend existing provisions in the by-law in order to grant the requested remedy. Decisions of this Committee are final and binding. Section 22 of the DC Act provides that a complainant

can appeal any decision of this Committee to the Ontario Land Tribunal.

The Region provided the Complainant 14 days notice of the hearing scheduled for February 27, 2023 pursuant to the notice requirements in the DC Act.

6. Area Municipality Communication and Public/Stakeholder Engagement:

Area Municipality Communication:

The City of Kitchener imposed DCs for the Development in the sum of \$440,208 pursuant to its DC By-law. The Complainant has made a complaint to the City in relation to the alleged DC credit. The City's DC By-law does not have a discounted rate for "Industrial" or "Warehousing". The City will be conducting its own Complaint hearing on February 13, 2023.

Public/Stakeholder Engagement: Nil.

7. Financial Implications:

The Region collected the sum of \$1,344,397 in DCs from the Complainant for the Development. The Complainant claims that it is owed a refund of \$806,638 on the basis that the Development meets the criteria for "Warehousing" with the 60% discount and a refund of \$314,265 on the basis the DC credit for the water main.

8. Conclusion / Next Steps:

Staff recommend that the Complaint be dismissed on the basis that the Development does not meet the definition of "Warehousing", that the Regional DC does not have a component for water distribution / water mains, and that the DC, as a form of tax, should not be reduced for services in relation to a specific property.

9. Attachments:

Appendix A: The Complaint

Appendix B: Overview of subject property

Appendix C: Applicable provisions of the Region's Development Charges By-law

Appendix D: Applicable provisions of the Development Charges Act

Prepared By: **Shane Fedy**, Manager, Infrastructure Financing

Richard Brookes, Senior Solicitor (Municipal & Litigation)

Reviewed By: **Jeff Schelling**, Regional Solicitor and Director of Legal Services

Approved By: **Craig Dyer**, Commissioner, Corporate Services and Chief Financial Officer

October 27, 2022

Via E-mail & Hand Delivered

Attention: Regional Clerk
Region of Waterloo
150 Frederick Street
Kitchener, ON N2G 4J3
regionalclerk@regionofwaterloo.ca

John Doherty
Direct +1 519 575 7518
Direct Fax +1 519 571 5018
john.doherty@gowlingwlg.com
File no. K0569889

Attention: City Clerk
City of Kitchener
PO Box 1118
Kitchener, ON N2G 4G7
clerks@kitchener.ca

Dear Sir/Madame:

Re: Our Client: McLean-Peister Limited
Property: 375 New Dundee Road, Kitchener
Dispute of DC Invoice for Permit Application No. 22 110771

We write to you as counsel for McLean-Peister Limited, a Kitchener-based developer who owns the property municipally known as 375 New Dundee Road, Kitchener, Ontario, and legally described as Part Lot 7 Beasley's Old Survey Twp of Waterloo, being Parts 1 to 9 on 58R-15763; Kitchener (all of PIN 03771-0017 (LT)) (the "**Property**").

The purpose of this letter is to formally file a complaint pursuant to s.20(1) of the *Development Charges Act*. The basis of our client's complaint is that:

- (a) the amount of the development charge was incorrectly determined;
- (b) that a credit is available to be used against the development charge; and
- (c) there was an error in the application of the development charge by-law.

We ask that you please forward this complaint to your respective municipal Councils and advise us as to the hearing date for our client to make representations before Council.

Background

Our client is currently developing a multi-storey industrial facility on the Property whose primary use is for storage units of varying sizes. The facility will also include retail space and an adjacent parking area.

As part of its development of the Property, our client received Invoice dated July 29, 2022 for development charges totalling \$2,019,341.12. A copy of the Invoice is attached hereto as **Appendix "A"**.

Our client paid said invoice under protest on August 25, 2022. A copy of the Payment Transaction is attached hereto as “**Appendix B**”.

The development charges collected from our client are as follows:

Suburban Area D.C.	\$422,291.18
Interest on Suburban DC	\$17,916.72
Wat Region Dist School Bd EDC	\$161,111.09
Wat Catholic Dist School Bd EDC	\$52,035.88
Region of Waterloo D.C.	\$1,344,397.25
Damage Deposit (Engineering)	\$21,120.00
Damage Deposit Inspection	\$469.00
Total:	\$2,019,341.12

Following payment, our client was issued a Building Permit for a multi-storey “industrial self-storage facility”, which is marked as “Type: Warehouse”. Copy of Building Permit No. 22 110771 for footing and foundation is attached hereto as **Appendix “C”**.

Industrial Facility

It is our client’s position that the multi-storey industrial facility slated for the Property fits within the definition of an “Industrial Building” as prescribed by the Region’s Development Charge By-law 19-037 (the “**Regional By-law**”). Thus, it is eligible for the sixty percent discounted development charge rate pursuant to s.4(11), but was incorrectly charged the Region’s standard Non-Residential Rate.

The Regional By-law definition of Industrial Building captures Warehousing, which is defined as “a building in which the main use is the bulk storage of raw or semi-processed goods to be used in manufacturing and/or the wholesale distribution of manufactured goods or materials.” The primary use of the Property fits within this definition.

Further, the Property is designated as Business Park Employment in the City of Kitchener Official Plan, which permits construction uses and contractor/services trades, industrial uses with a commercial component that require large areas for the storage of goods, and warehousing, storage, distribution and wholesaling. Further, the Property is zoned General Business Park Employment (EMP-5) in the City of Kitchener Zoning By-law 2019-051, which permits industrial administrative offices, major equipment supply and service, manufacturing that does not include a noxious use and warehousing that does not include a noxious use. The City zoning by-law defines warehouse as “the use of a building for the storage

and/or distribution of goods and can include self-storage warehouses, and facilities for the wholesaling of goods otherwise storage or manufactured in the building, but shall not include a transport truck terminal.” Ultimately, our client has been permitted to construct an industrial warehouse facility in a zoned-area that permits such industrial use — is it inconsistent and incorrect for the Region to characterize our client’s intended use of the Property as a non-Industrial Building.

Development Charge Credit

Generally, our client’s development of the Property represents passive industrial use in that the Property will be based on a septic system, rather than connecting to any municipal or regional sanitary lines, and public storm water runoff will be conveyed through the Property and through our client’s infiltration gallery. Notably, our client has no ditches, sidewalks, sanitary, water, storm sewers, curbs, streetlights, as all contemplated in the DC Study, which is the purpose for which the DC charges are applied. No such services, however, are provided or planned for this property or adjacent to it.

As part of its development of the Property, however, our client completed a watermain extension at its own cost.

The Regional By-law at s.8 contemplates the provisioning of development charge credits as required under ss. 38 to 41 inclusive of the *Development Charges Act*, and that they shall be applied against the development charge payable under the by-law on a site to a maximum of the development charge otherwise payable for the services to which the work relates and in a manner set forth in an agreement authorized by Council.

Section 8.3.6 of the Development Charge Background Study, prepared for the Region by Watson & Associates Economists on April 23, 2019, provides the following:

Sections 38 to 41 of the D.C.A. set out a number of credit requirements, which apply where a Region agrees to allow a person to perform work in the future that relates to a service in the D.C. by-law. These credits would be used to reduce the amount of D.C.s to be paid. The value of the credit is limited to the reasonable cost of the work which does not exceed the average level of service. The credit applies only to the service to which the work relates, unless the Region agrees to expand the credit to other services for which a D.C. is payable.

The City of Kitchener’s Development Charge By-law 2022-071 provides that the “City may by agreement permit the owner of land to which development charges apply to provide services for development or redevelopment of that land in lieu of the payment of all or any portion of a development charge, including services additional to or of a greater size or capacity than is required under this by-law (“services in lieu”). And that “[u]pon proof of the installation or construction of services in lieu to the satisfaction of the City’s Engineer, a credit, without interest, shall be applied against development charges payable for an amount equal to the reasonable cost to the owner of providing services in lieu, as determined by the City’s Engineer, not to exceed the total amount of the development charges otherwise payable.” This language is found at Appendix H of the City’s Development Charges Background Study, prepared for the City by Hemson on July 22, 2022.

Notwithstanding that our client’s site plan agreement with the City of Kitchener, attached hereto as **Appendix “D”**, is silent on development charges and development charge credits, the Ontario Land

Tribunal's predecessor recently held that s.38 of the *Development Charges Act* does not require a "written agreement" to provide a development charge credit. Rather, the municipality *shall* provide a credit if three pre-requisites are met:

- (a) The owner has performed certain work;
- (b) The municipality has agreed to allow the owner to perform the work; and
- (c) The work must relate to a service to which a DCBL relates.¹

Our client contends that each of these criteria are met with respect to the work it completed — particularly given that our client has incurred \$314,264.74 including HST to install the watermain and its own septic system, as set out in **Appendix "E"**, for which a credit ought to be granted.

We respectfully submit that the development charges for the Property be recalculated so as to reflect (1) the sixty percent discount from the Region's Non-Residential Rate; (2) the credit owed to our client for the performance of certain work by our client that is external to the development and was acquiesced to by the municipality; and (3) a reduction in the DC rate charged, given there are no ditches, sidewalks, sanitary, water, storm sewers, curbs, streetlights provided, as all contemplated in the DC Study.

We reserve our client's right to set out such further and other grounds for this complaint as counsel may advise in its submissions at the hearing of this complaint before Council.

Yours very truly,

Gowling WLG (Canada) LLP



John Doherty

JSD:kd

Encl.

¹ *Phantom Developments Inc. v Toronto (City)*, 2020 CanLII 55391 (ON LPAT).

APPENDIX “A”



Development Services Department
Building Division
200 King St. W., 5th Floor
Kitchener, ON N2G 4G7
Ph. 519-741-2312
TTY 1-866-969-9994
building@kitchener.ca
www.kitchener.ca

Invoice

July 29, 2022

Invoice for Permit Application: # 22 110771
Please remit invoice along with payment.

375 NEW DUNDEE RD
Foundation - Only - SURVEY BEASLEYS OLD PT LOT 7

Permit is for the footing and foundation, including site servicing, for a 3-storey industrial self-storage facility. See septic permit 22 116424. See balance of construction permit 2 112666.

The following fees are now due for this project:

Damage Deposit Inspection	\$469.00
Damage Deposit (Engineering)	\$21,120.00
Region of Waterloo D.C.	\$1,344,397.25
Wat Catholic Dist School Bd EDC	\$52,035.88
Wat Region Dist School Bd EDC	\$161,111.09
Suburban Area D.C.	\$422,291.18
Interest on Suburban DC	\$17,916.72
TOTAL:	\$2,019,341.12

The Interest on Suburban or Central DCs shown on this Invoice is only valid 30 days from the date of this invoice.

**Once Site Plan Approval has been granted and the fees have been paid,
the building permit can be issued.**

Note: The refund of the permit fee (Rebate Program) amount is eligible upon confirmation of the final building inspection and grading certification (if applicable) within one year of occupancy except for low-rise residential which must be within 270 'seasonal days' of occupancy.

We accept payments in the form of cash, debit or cheque to:
City Hall, P.O. Box 1118, 200 King St W, 5th floor, Building Division, N2G 4G7.
Cheques payable to the "City of Kitchener", and include your permit application number on the cheque, or copy of invoice.

APPENDIX “B”

PAYMENT TRANSACTION

Corporation of the City of Kitchener
200 King St. W, P.O.Box 1118
Kitchener, ON N2G 4G7



For faster service in person or by phone please refer to Project File#:

22 110771 IB

PROPERTY TAX ROLL #: 301206001015301

PAID BY:

PROJECT LOCATION: 375 NEW DUNDEE RD

MCLEAN-PEISTER LIMITED

SURVEY BEASLEYS OLD PT LOT 7

3328 KING ST E

KITCHENER ON N2A 1B3

TYPE: Warehouse

WORK: Foundation - Only

PROJECT DESCRIPTION: Permit is for the footing and foundation, including site servicing, for a 3-storey industrial self

APPLICANT: MAPLE REINDERS (KORY MAXFIELD)

Fees collected August 25, 2022

Suburban Area D.C.	\$422,291.18
Interest on Suburban DC	\$17,916.72
Wat Region Dist School Bd EDC	\$161,111.09
Wat Catholic Dist School Bd EDC	\$52,035.88
Region of Waterloo D.C.	\$1,344,397.25
Damage Deposit (Engineering)	\$21,120.00
Damage Deposit Inspection	\$469.00
TOTAL	\$2,019,341.12

Estimate (There may be additional fees due)

ADDITIONAL FEE TOTAL

Note: Permit Fee (Rebate Program) is eligible to be refunded provided the final building inspection and grading certification (if applicable) is completed within one year of occupancy. For new construction of single detached, duplex, semi-detached, townhouse and triplex dwelling units that are occupied after January 1, 2005 the final building inspection and grading certification (if applicable) will need to be completed within 270 'seasonal days' of occupancy.

APPENDIX “C”



BUILDING PERMIT

Permit #: 22 110771

Issue Date: Aug-25-2022

Site Address:
375 NEW DUNDEE RD

Legal Description:
SURVEY BEASLEYS OLD PT LOT 7

Type:
Warehouse

Work:
Foundation - Only

Description:
Permit Is For The Footing And Foundation, Including Site Servicing, For A 3-Storey Industrial Self-Storage Facility. See Septic Permit 22 116424. See Balance Of Construction Permit 2 112666.

Construction Value.....\$10,000,000
Total New Floor Area, incl. whole basement (Sq Ft).....0

Project People

ApplicantMAPLE REINDERS KORY MAXFIELD

Special Conditions and notes (Conditions also printed on back of permit)

All work shall comply with the 2012 Building Code
Applicant's responsibility to provide set of approved permit drawings, in colour, on site at all times

Permission is hereby granted for the above noted project in accordance with the plans reviewed and approved by the City of Kitchener and subject to any provisions thereon.

The following are the inspections applicable for this project. Depending on the scope of work, other inspections may apply. Call 519-741-2761 to request the applicable inspection or online at www.kitchener.ca/onlinepermits
Inspections requested for AM are prioritized by inspection type, if AM cannot be accommodated inspection will transfer to the PM.

<u>Code</u>	<u>Inspection Code Description</u>	<u>Code</u>	<u>Inspection Code Description</u>	<u>Code</u>	<u>Inspection Code Description</u>
01	Pre-Construction	11	Storm Sewer	47	Occupancy Only
02	Excavation Footing	13	On-Site Fire Hydrant	49	Final Building
03	Foundation Pre-Backfill	14	Backflow Preventor		
04	Steel Reinforcing	16	Underground Rough-in		
08	Erosion Control	17	Above Ground Rough-in		
09	Water Service Main	19	Final Plumbing		

The following reports are required prior to occupancy.

- Water Quality Test Report
- Architect's Final Review Report
- Mechanical Engineer's Final Report
- Structural Engineer's Final Report
- Soils Engineer Report
- Site Servicing Consultant's Review

Authorized by Michael Seiling, CET, CBCO,
Chief Building Official

Building Division | 200 King Street West | P.O. Box 1118, Kitchener ON N2G 4G7
Phone: (519) 741-2312 | Inspection Request Line (519) 741-2761 | www.kitchener.ca/onlinepermits

PLEASE READ CAREFULLY

This permit does not authorize work upon, under or over a street allowance or easement.

It is the owner's responsibility to determine the limits of his/her property and the existence of any easements or registered restrictions on this property.

The work authorized by this permit must commence within 6 months from the date of issuance.

This permit is transferable for change of ownership only. Separate application is required.

Any work covered before a mandatory inspection has been completed may be ordered to be uncovered by the building inspector.

Section 10.2-(1) of the Building Code Act requires notification for each stage of construction as specified in the Building Code when construction is ready to be inspected. The inspection will be performed within the prescribed period. Book your inspection(s) by 3 p.m. on the day before your inspection.

Applicable inspections are listed on front of permit. To schedule an inspection online go to www.kitchener.ca/onlinepermits

OR call 519-741-2761 to request inspections. You will need to enter the following:

1. 8-digit permit number
2. 2-digit inspection code
3. 1-digit number of business days
4. 1-digit preferred time of day, 1 = AM (9-1PM) 2 = PM (12-3PM) 3 = Anytime

All proposed construction must be completed in accordance with the approved plans and specifications. Construction must comply with the Building Code Act & the Building Code Regulations and all other applicable statutes and by-laws.

Section 11 of the Building Code Act states that any building or part thereof erected or installed is not to be used or occupied until a final inspection has been made and any order made by an inspector has been complied with.

When paid fees include a 'Permit Fee (Rebate Programs)', it is eligible to be refunded provided the final building inspection and grading certification (if applicable) is completed within one year of occupancy. For new construction of single family, duplex, semi-detached, townhouse and triplex dwelling units that are occupied after January 1, 2005, the final building inspection and grading certification (if applicable) will need to be completed within 270 'seasonal days' from occupancy date. Refunds are processed automatically and mailed to the payor. If you have not received your refund and think you are eligible please call 519-741-2530.

APPENDIX “D”

- 13

785809

City of Kitchener
Standard Development Agreement
Amended February, 1973.

AGREEMENT made this 7th day of February, A.D. 1984.

BETWEEN:

MACAPEE HOLDINGS LIMITED,

hereinafter called the OWNER,

of the FIRST PART,

- and -

THE CORPORATION OF THE CITY OF KITCHENER,

hereinafter called the CITY,

of the SECOND PART,

~~and~~

~~hereinafter called the PARTY,~~

~~of the THIRD PART.~~

WHEREAS the Owner represents it is the owner of the lands described in Schedule "A" to this agreement ~~subject to a mortgage in favour of the Party(ies) of the Third Part.~~

AND WHEREAS the Owner has agreed to perform the covenants herein contained in consideration of conditions imposed under (Zone Change Application Number 42/81/N /Committee of Adjustment Application Number -----) and of the rights and privileges conferred thereby.

NOW THEREFORE IN CONSIDERATION of the premises and the sum of ONE (\$1.00) DOLLAR paid by the City to the Owner and the Party(ies) of the Third Part and other consideration, the parties hereto covenant and agree as follows:

1. (a) In respect of all lands that are to be used for any purpose other than detached or semi-detached single family dwellings or multiple dwellings containing not more than six (6) units per building, the Owner agrees that no building will be

erected and no building permit will be available therefore until site and elevation plans have been approved by the Kitchener Planning Committee;

(b) Said site and elevation plans shall be in such detail as the Planning Committee requires and shall include:

- (i) location of proposed buildings
- (ii) height of proposed buildings
- (iii) location of entrance and exits
- (iv) area and location of lands to be used for off-street parking and driveways
- (v) use of lands not covered or to be covered by buildings
- (vi) architectural elevations of the proposed buildings specifying building material and colours
- (vii) in the case of residential buildings, the number and dimensions of each dwelling unit and the location of same in the buildings.

2. The Owner agrees that such building or buildings will be erected in accordance with the plans as approved, subject only to such changes as are approved.

3. Without limiting the powers of the Planning Committee, it is agreed that the Committee may refuse to approve any such plan upon aesthetic grounds or may approve it subject to conditions.

4. The Owner further agrees that:

- (a) final grades and elevations will be established to the satisfaction of the Commissioner of Planning and Development;
- (b) all surface and roof drainage will be controlled on site and taken to an outlet approved by the Commissioner of Public Works;
- (c) all necessary provisions for service connections on site will be made to the satisfaction of the City or the Hydro-Electric Commission of Kitchener-Wilmot, as the case

- may be, at the Owner's expense;
- (d) construction work will be carried forward expeditiously, in a good and workmanlike manner, in accordance with good trade practise and so as to cause a minimum of nuisance;
 - (e) all necessary precautions to avoid dust, noise and other nuisances and to provide for the public safety will, so far as possible, be taken;
 - (f) all necessary care will be taken to see that mud and soil is not tracked or spilled onto any public highway;
 - (g) garbage disposal facilities will be located and designed in a manner satisfactory to the Planning Committee;
 - (h) all parking lots and drives will be paved with hot mix asphalt or concrete and, where necessary in the opinion of the Commissioner of Public Works, curbed with concrete curbs;
 - (i) upon failure by it to do any act that the public safety or convenience requires, in accordance with this agreement, on reasonable notice, the City, in addition to any other remedy, may go in and do same at the owner's expense and collect the cost in like manner as municipal taxes;
 - (j) the City may treat any breach of this agreement as breach of the Building By-law and stop work until the breach is rectified;
 - (k) nothing in this agreement constitutes waiver of the owner's duty to comply with any By-law of the City or any other law;
 - (l) it will convey to the City without charge the easement described in Schedule "B" to this agreement;
 - (m) it will pay to the City for its capital purposes the lot levy as set out in Schedule "C";

- (n) it will pay to the City Park Density Trust Fund
 - (i) in the case of a rezoning which permits residential development to a higher density than permitted by the former zoning, the sum of Fifty (\$50.00) Dollars for each additional dwelling unit so permitted; or
 - (ii) in the case of a Committee of Adjustment variance which has the effect of permitting a higher density than would otherwise be allowed, the sum of Fifty (\$50.00) Dollars for each additional dwelling unit so permitted.
- (o) it will do all landscaping provided for in the approved plans or the amending By-law;
- (p) the City may require that any money payable under this agreement and any money payable for services or service connections be paid before issuance of a building permit.

5. The sums payable pursuant to clause (n) of paragraph 4 above, shall be payable to the City of Kitchener, whether or not the City hereafter is a part of a regional government and whether or not the responsibility for some or all of the works referred to in the lot levy resolution of October 11th, 1966, as amended, is transferred to another level of government.

6. The Owner agrees that he will not call into question directly or indirectly in any proceedings whatsoever in law or in equity or before any administrative tribunal the right of the City to enter into this Agreement and to enforce each and every term, covenant and condition herein contained and this agreement may be pleaded as our estoppel against the Developer in any such case.

7. The Owner charges the lands with the performance of this agreement.

8. So far as may be, the covenants of the owner herein shall be restrictive covenants running with the land for the benefit of the adjoining lands of the City or such of them as may be benefitted thereby and shall be binding on the owner, his heirs, executors, administrators, successors and assigns as owner and occupiers of the said land from time to time.

9. The Party(ies) of the Third Part join herein to consent hereto and to bind their interest in the lands hereto.

10. The Owner agrees to develop and maintain the site in compliance with the site plan, prepared by the City's Department of Planning and Development, dated Revised October 13, 1983 and attached hereto as Schedule "B". Minor changes to said plan, acceptable to the City's Commissioner of Planning and Development, may be permitted.
11. The Owner agrees to prepare a detailed Grading and Drainage Control Plan showing drainage details for the subject lands, abutting properties and public rights-of-way so as to ensure compatible drainage, to obtain approval thereof from the City's Commissioner of Public Works, the Ministry of Transportation and Communications and Commissioner of Engineering for the Regional Municipality of Waterloo, prior to applying for or being issued any building permits for the proposed development and to complete the site grading and drainage in accordance with the approved plan prior to occupancy of the proposed development.
12. The Owner agrees to prepare a Storm Water Management Plan and/or Storm Drainage Outlet Scheme in accordance with the Urban Drainage Policy and to obtain approval thereof from the City's Commissioner of Public Works prior to registration of the Section 40 Development Agreement.
13. The Owner agrees to show all required and approved storm water management facilities on an approved site plan to be attached to and form part of a Section 40 Development Agreement which shall be registered against title, prior to applying for or being issued any building permits for the proposed development. Further, the Owner agrees to maintain any required storm water management facilities for the life of the proposed development.
14. The Owner agrees to amend the site plan attached to and forming part of this Agreement should the approved storm water management plan necessitate a change thereto.
15. The Owner agrees to implement the storm water management plan as approved by the City's Department of Public Works, including the storm detention area as shown on the site plan attached hereto as Schedule "B" and to maintain the plan and the area in perpetuity.
16. The Owner agrees that the Regional Municipality of Waterloo shall notify the City by letter that all Regional requirements have been satisfied with respect to the proposed development prior to the third reading of the amending Zoning By-law at City Council.

17. The Owner agrees to obtain approval for the private water system, septic tank and tile bed from the Regional Health Unit and to provide a written copy of such approval to the City's Commissioner of Planning and Development, prior to the third reading of the amending Zoning By-law.

18. The Owner agrees to prepare landscaping plans showing planting and surfacing details for all areas not covered by structures or a parking lot, to obtain approval thereof from the City's Chief Building Official prior to applying for or being issued any building permits and to complete the landscaping in accordance with the approved plan prior to occupancy of the proposed development.

19. The Owner agrees to maintain the required and approved landscaping in an acceptable state for the life of the proposed development.

20. The Owner agrees to show on the required landscaping plan the location of existing trees and the methods to be employed in retaining those trees required to be protected and to implement all approved tree saving measures, prior to applying for or being issued any building permits for the proposed development and prior to conducting any on-site grading.

21. The Owner agrees to show on the required landscaping plan, planting and surfacing details for the portion of all, adjacent, City-owned property located between the roads or boulevards and the Owner's property line so as to ensure a contiguous landscaped area between the public road and the Owner's proposed development and to complete the landscaping on the said public lands in accordance with the approved landscaping plan prior to occupancy of the proposed development.

22. That, in the event that garbage containers are not provided within the buildings, the Owner agrees to show on the required landscaping plan the location and details of all garbage containers on site, which shall be located on a concrete pad and fully enclosed on all sides, save and except for the purposes of ventilation and access, by a structure having a height of 1.8 metres and to locate and construct the garbage containers in accordance with the approved plan and details prior to occupancy of the proposed development.

23. The Owner agrees to install 0.15 metre, raised curbing as indicated and in the locations shown on the site plan attached hereto as Schedule "B" prior to occupancy of the proposed development.

24. The Owner agrees that all outdoor lighting and signage shall be approved by the Ministry of Transportation and Communications prior to applying for or being issued any building permits for the proposed development. The Owner further acknowledges that, notwithstanding the Ministry's approval of signs, all signs shall comply with the City's Sign By-law.

25. The Owner agrees to pave all areas intended to facilitate on-site vehicular movement, parking and loading areas, as shown on the site plan attached hereto as Schedule "B", with hot-mixed asphalt or equivalent and to demarcate the parking on said pavement, prior to occupancy of the proposed development.

26. The Owner agrees to make arrangements, financial and otherwise, to the satisfaction of the City's Director of Utilities for the payment of the Owner's share of watermain charges prior to applying for or being issued any building permits.

27. The Owner agrees that "No Parking-Fire Route" signs shall be installed on the site at the Owner's expense as required by the City's Chief Fire Prevention Officer and further that By-law 77-92-P shall be amended so as to include said Fire Route by adding it to Appendix "B" of said By-law, prior to occupancy of the proposed development.

28. The Owner agrees that, as part of the Storm Water Management Plan and/or Storm Drainage Outlet Scheme, to include details relative to the provision and maintenance of an on-site emergency water supply for firefighting purposes, to obtain approval of the details thereof from the City's Commissioner of Public Works and the City's Chief Fire Prevention Officer, prior to the registration of the Section 40 Development Agreement and to implement the approved details, prior to occupancy of the proposed development. Further, the Owner agrees to maintain the required facilities until such time as a watermain is available to service the subject lands.

29. The Owner agrees to make arrangements to the satisfaction of the Kitchener-Wilmot Hydro Commission for the provision of permanent electrical services to the proposed development prior to applying for or being issued any building permits for the proposed development. The Owner further agrees, that should permanent installations be impractical at the time, to pay all costs incurred through the provision of temporary electrical services and the removal of such services when permanent installations are possible.

30. The Owner agrees that, in the event that the facilities or improvements required by Sections 11., 15., 18., 22., 23. and 25. are not completed prior to occupancy and specified in this Agreement due to adverse weather conditions or other extenuating circumstances as acknowledged by the City's Commissioner of Planning and Development, occupancy may be approved, if requested, based on a Letter of Credit for 100% of the estimated cost of the outstanding work which shall be submitted in a form and amount satisfactory to the City's Chief Building Official.

31. The City may give a Release of this Agreement as it applies to the lands or portions thereof. The Release shall not, however, release any of the conditions imposed by Sections 10., 15. and 19. hereof. The facilities or requirements provided for by the said Sections shall be maintained for the life of the proposed development and at the Owner's cost.

This Agreement shall enure to the benefit of and be binding upon the parties hereto, their heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF the Party of the First Part has hereunto (set his hand and seal) (caused to be affixed its corporate seal under the hands of its duly authorized officers in that behalf) and the Party of the Second Part has hereunto affixed its corporate seal under the hands of its Mayor and Clerk and the Party of the Third Part has hereunto (set his hand and seal) (caused to be affixed its corporate seal under the hands of its duly authorized officers in that behalf).

SIGNED SEALED & DELIVERED

in the presence of

[Handwritten signature]

) MACAPEE HOLDINGS LIMITED

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) THE CORPORATION OF THE CITY OF KITCHENER

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[Handwritten signature] Mayor
[Handwritten signature] Clerk

SCHEDULE "A"

All and singular that certain parcel or tract of land and premises situate, lying and being in the City of Kitchener, in the Regional Municipality of Waterloo, formerly in the Township of Waterloo, and being composed of Part of Lot 7 in Beasley's Old Survey for the City of Kitchener, which may be more particularly described as follows:

PREMISING that the westerly limit of Lot 7 of Beasley's Old Survey is on a bearing of North 13 degrees 41 minutes West and relating all bearings herein thereto.

COMMENCING at a point in the westerly limit of said Lot 7 where it is intersected by the westerly limit of the lands shown in Deposited Highway Plan 401;

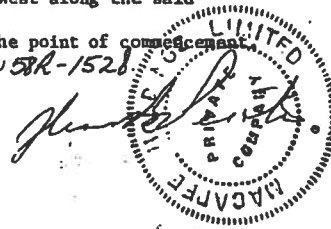
THENCE North 34 degrees 41 minutes West along the westerly limit of said Lot 7 a distance of 811.80 feet to a point where the said westerly limit is intersected by the southerly limit of the lands as shown in Deposited Highway Plan 675;

THENCE along the curve to the right having a radius of 1959.9 feet with an arc distance of 554.6 feet and a cord distance of 552.7 feet and said cord being on a bearing of north 56 degrees 20 minutes and 30 seconds east to a point in the southerly limit of County Road #6;

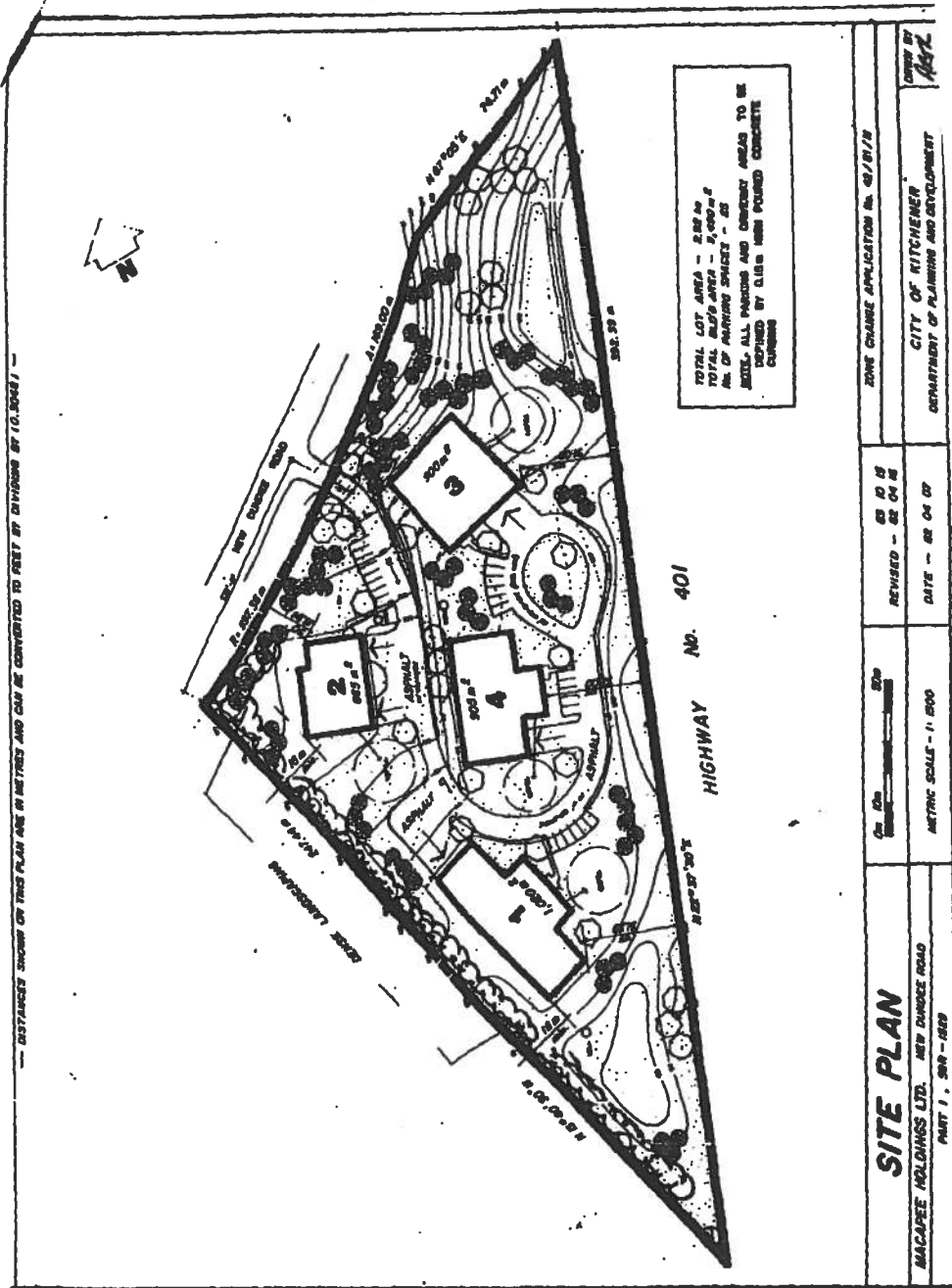
THENCE North 56 degrees 9 minutes 30 seconds East along the southerly limit of said County Road #6, 245.10 feet to a point where the said southerly limit of County Road #6, is intersected by the westerly limit of the lands in said Highway Plan 401;

THENCE South 22 degrees 37 minutes 30 seconds West along the said westerly limit a distance of 1287.38 feet to the point of commencement

DESIGNATED AS PART 1 ON OIA 58R-1528



SCHEDULE "B"



--- DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY (0.3048) ---

TOTAL LOT AREA - 2.82 Ha
 TOTAL BUILDING AREA - 2,600 m²
 NO. OF PARKING SPACES - 25
 NOTE: ALL PARKING AND CONCERNED AREAS TO BE
 SURFED BY 0.15m THICK POLISHED CONCRETE
 CURBS

HIGHWAY No. 401

SITE PLAN		ZONE CHANGE APPLICATION No. 01/01/17	
MACAPEE HOLDINGS LTD. NEW DANCE ROAD PART 1. SAR - 022	DATE - 02 04 07	REVISED - 02 04 07	DRAWN BY <i>[Signature]</i>
1:500 METRIC SCALE			

Revised March 1975
Revised March 1976.

SCHEDULE "C"

*
Lot Levy payable on lands
referred to in Schedule "A"
hereto

Class of Building

1.	Each Residential Dwelling Unit	\$1,000.00*
2.	Rooming or Lodging Houses, per bedroom unit	\$ 50.00
3.	Commercial Development, per acre	\$7,000.00*

Payments payable in accordance with this Schedule shall be by cash or certified cheque before issue of building permit for the building in respect of which it is payable.

Definitions, etc. are as set out in Lot Levy Resolution passed by Council October 11th, 1966, as amended.

*Per Council Resolution of March 8, 1976.

* DELETED PER COUNCIL RESOLUTION OF DECEMBER 19, 1983.

A: 785809

Co.

DATED: February 7th A.D. 1984

NO. Registry Division of Waterloo North (No. 59)
I CERTIFY that this instrument is registered on

'84 JUL -5 P2:53

MACAYZE HOLDINGS LIMITED

in the Land Registry Office at Kitchener, Ontario.

- and -

James Wallace
LAND SURVEYOR
THE CORPORATION OF THE CITY OF KITCHENER

PROPERTY OF LAND REGISTRY
OFFICE, WATERLOO NO. 514 (#18)

ABSTR.	CHECKED
<i>W</i>	<i>W</i>
LOT	7
PLAN	
CON.	Barney Old

DEVELOPMENT AGREEMENT

JAMES WALLACE
City Solicitor
Kitchener, Ontario.

16.00

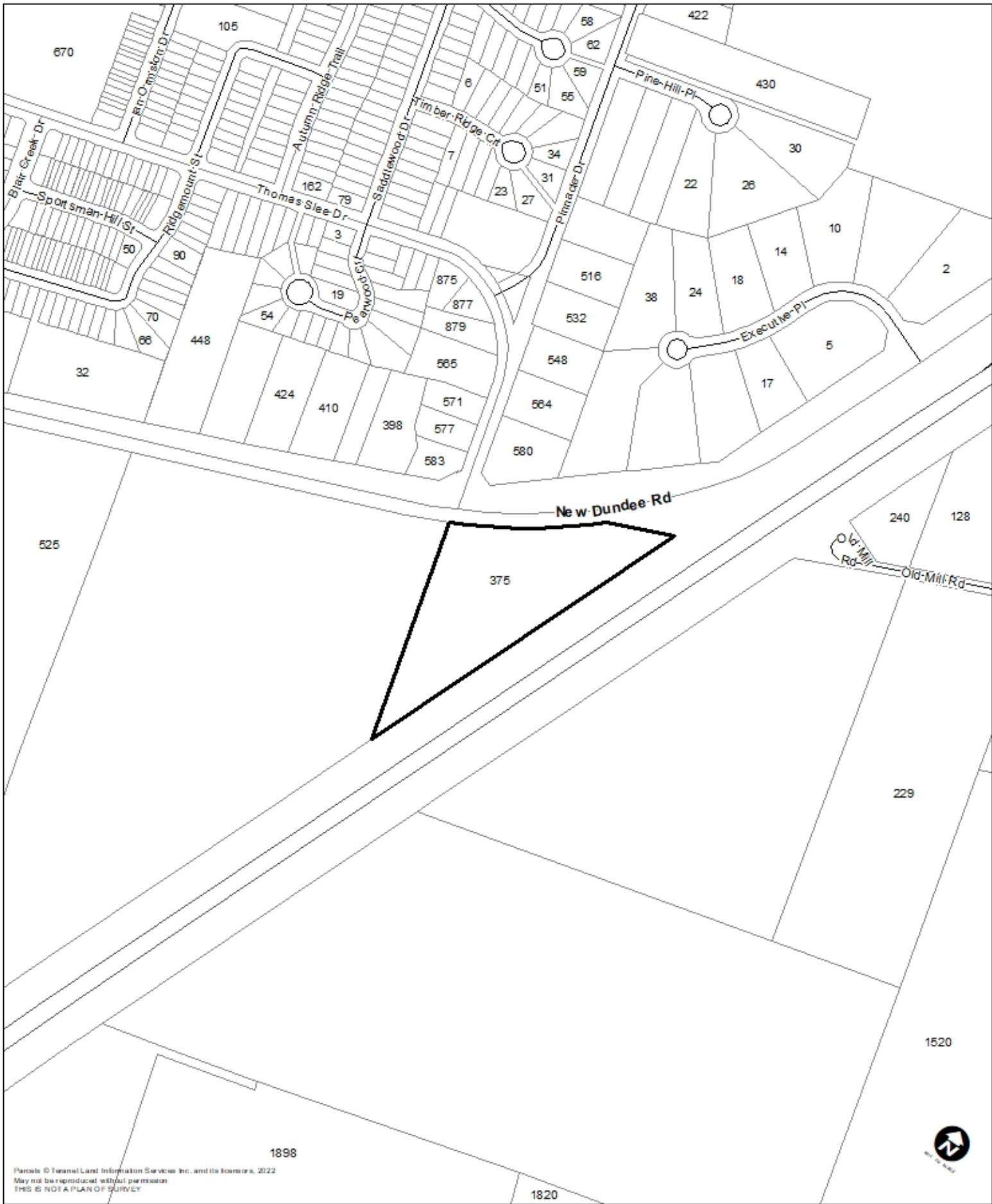
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APPENDIX “E”

375 New Dundee Road

Schedule of costs incurred in relation to providing private water and sanitary infrastructure

Item	Vendor	Amount
Offsite Works Watermain Extension	BEECH Infrastructure	\$ 110,038.14
Offsite Works Fee	City of Kitchener	\$ 9,730.65
Offsite Works Guarantee	City of Kitchener	\$ 25,149.00
Onsite Works Watermain Extension	Landworks	\$ 42,000.00
Soft Costs for Watermain Extension	MTE	\$ 30,914.40
Soft Costs for Design of Watermain	MTE	\$ 5,000.00
Septic System	Landworks	\$ 52,490.90
Soft Costs for Design & Inspection of Septic	MTE	\$ 6,800.00
Subtotal		\$ 282,123.09
Plus: 13% HST		\$ 32,141.65
Grand Total		\$ 314,264.74



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THIS IS NOT A PLAN OF SURVEY



Produced by:
Information and Technology Services - GIS
150 Frederick Street
Kitchener, Ontario N2G 4J3
© Regional Municipality of Waterloo, 2023
Author: E.Siddam

375 New Dundee Rd, Kitchener
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**APPENDIX C
APPLICABLE PROVISIONS OF THE REGION'S DEVELOPMENT CHARGES BY-
LAW**

"Industrial Building" means a building that is to be used for:

- (a) the production, compounding, processing, packaging, crating, bottling, packing or assembly of raw or semi-processed goods or materials ("manufacturing") or Warehousing;
- (b) research or development activities in connection with the manufacturing;
- (c) retail sales by a manufacturer, if retail sales are an Accessory Use at the Site where manufacturing is carried out; or,
- (d) office or administrative purposes if they are:
 - (i) carried out as an Accessory Use to the manufacturing or Warehousing; and

in or attached to the building or structure used for such manufacturing or Warehousing;

"Warehousing" means a building in which the main use is the bulk storage of raw or semi-processed goods to be used in manufacturing and/or the wholesale distribution of manufactured goods or materials.

- (11) The Development Charge for an Industrial Building shall be reduced by 60%.

Credits:

- 8. Credits may be given as required under sections 38 to 41 inclusive of the Act, and shall be applied against the Development Charge payable under this By-law on a Site to a maximum of the Development Charge otherwise payable for the services to which the work relates and in a manner set forth in an agreement authorized by Council. When such an agreement is entered into, the credit assigned to a Site shall not exceed the Development Charge payable calculated on the maximum density of Development permitted by a draft plan of subdivision condition or the municipal zoning by-law which pertains to the Site on that date, whichever is greater.

APPENDIX D
APPLICABLE PROVISIONS OF THE DEVELOPMENT CHARGES ACT

Complaint to council of municipality

20 (1) A person required to pay a development charge, or the person's agent, may complain to the council of the municipality imposing the development charge that,

- (a) the amount of the development charge was incorrectly determined;
- (b) whether a credit is available to be used against the development charge, or the amount of the credit or the service with respect to which the credit was given, was incorrectly determined; or
- (c) there was an error in the application of the development charge by-law. 1997, c. 27, s. 20 (1).

Time limit

(2) A complaint may not be made under subsection (1) later than 90 days after the day the development charge, or any part of it, is payable. 1997, c. 27, s. 20 (2).

Form of complaint

(3) The complaint must be in writing, must state the complainant's name, the address where notice can be given to the complainant and the reasons for the complaint. 1997, c. 27, s. 20 (3).

Hearing

(4) The council shall hold a hearing into the complaint and shall give the complainant an opportunity to make representations at the hearing. 1997, c. 27, s. 20 (4).

Notice of hearing

(5) The clerk of the municipality shall mail a notice of the hearing to the complainant at least 14 days before the hearing. 1997, c. 27, s. 20 (5).

Council's powers

(6) After hearing the evidence and submissions of the complainant, the council may dismiss the complaint or rectify any incorrect determination or error that was the subject of the complaint. 1997, c. 27, s. 20 (6).

Credits for work

38 (1) If a municipality agrees to allow a person to perform work that relates to a service to which a development charge by-law relates, the municipality shall give the person a

credit towards the development charge in accordance with the agreement. 1997, c. 27, s. 38 (1).

Amount of credits

(2) The amount of the credit is the reasonable cost of doing the work as agreed by the municipality and the person who is to be given the credit. 1997, c. 27, s. 38 (2).

Limitation: above average level of service

(3) No credit may be given for any part of the cost of work that relates to an increase in the level of service that exceeds the average level of service described in paragraph 4 of subsection 5 (1). 1997, c. 27, s. 38 (3).

Credit can be given before work completed

(4) A credit, or any part of it, may be given before the work for which the credit is given is completed.

**MCLEAN-PEISTER LIMITED
375 NEW DUNDEE ROAD**

**DEVELOPMENT CHARGES
COMPLAINT**

Delegates: John Doherty and Kevin Dias

February 2023



BACKGROUND: MCLEAN-PEISTER LIMITED

- **Kitchener-based family operated group of companies;**
- **Business activities include development and operation of:**
 - **Golf courses;**
 - **Self-storage facilities in Waterloo Region;**
 - **Residential and commercial property development;**

BACKGROUND: 375 NEW DUNDEE ROAD

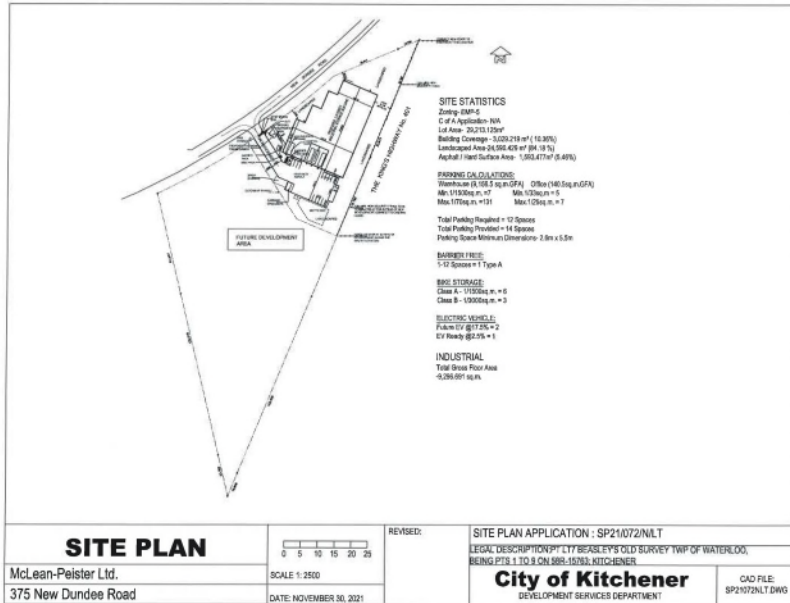


BACKGROUND: 375 NEW DUNDEE ROAD

- **Development of multi-storey self-storage facility with retail space and adjacent parking area – 100,024.96 sq ft gross floor area;**
- **Site plan agreement with City of Kitchener dated February 3, 2022;**

BACKGROUND: 375 NEW DUNDEE ROAD

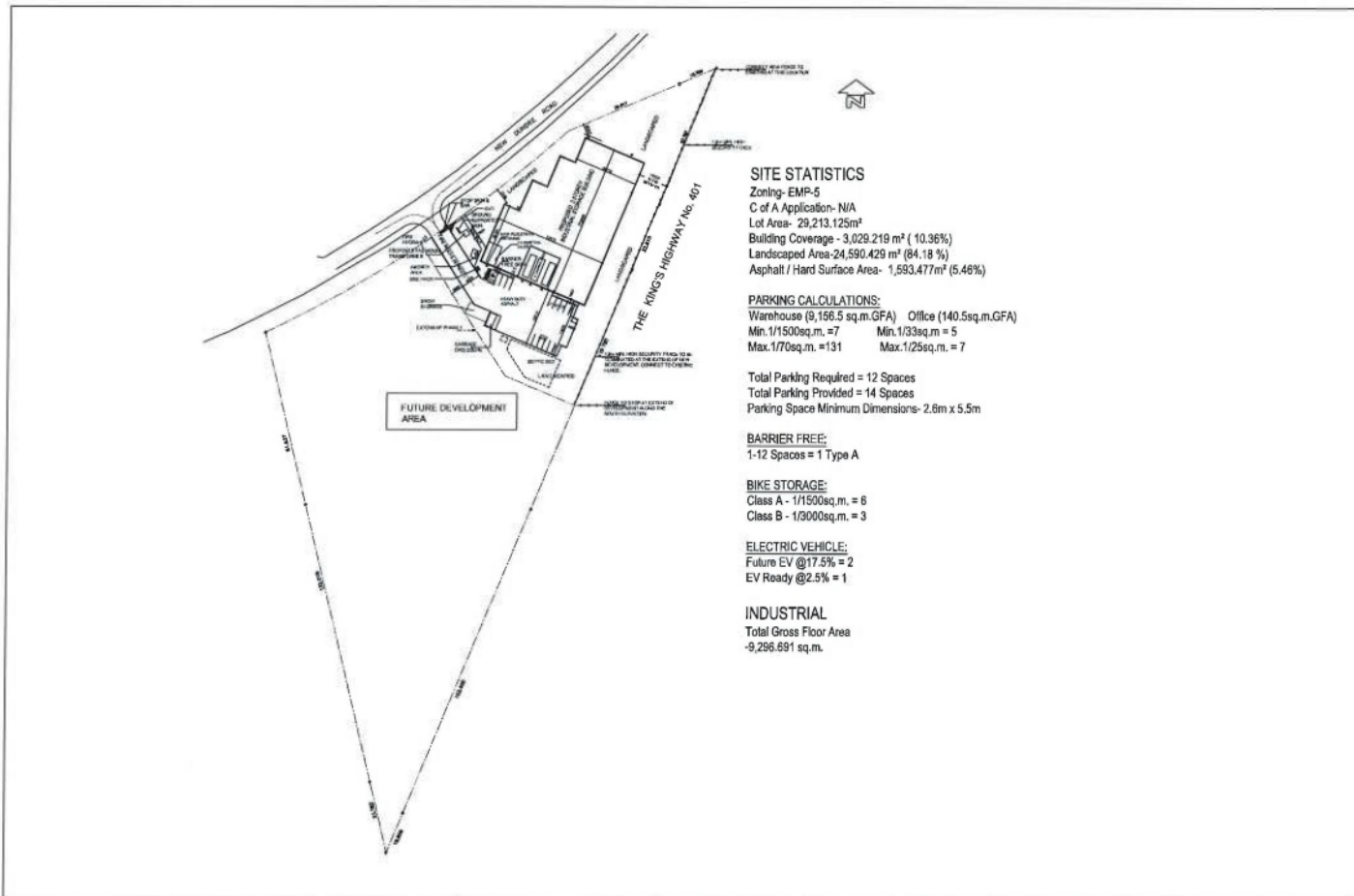
Site plan agreement with City of Kitchener dated February 3, 2022;



SCHEDULE B



SCHEDULE B(1)



SITE STATISTICS
 Zoning- EMP-5
 C of A Application- N/A
 Lot Area- 29,213.125m²
 Building Coverage - 3,029.219 m² (10.36%)
 Landscaped Area-24,590.429 m² (84.18 %)
 Asphalt / Hard Surface Area- 1,593.477m² (5.46%)

PARKING CALCULATIONS:
 Warehouse (9,156.5 sq.m.GFA) Office (140.5sq.m.GFA)
 Min.1/1500sq.m.=7 Min.1/33sq.m = 5
 Max.1/70sq.m.=131 Max.1/25sq.m.= 7

Total Parking Required = 12 Spaces
 Total Parking Provided = 14 Spaces
 Parking Space Minimum Dimensions- 2.6m x 5.5m

BARRIER FREE:
 1-12 Spaces = 1 Type A

BIKE STORAGE:
 Class A - 1/1500sq.m.= 6
 Class B - 1/3000sq.m.= 3

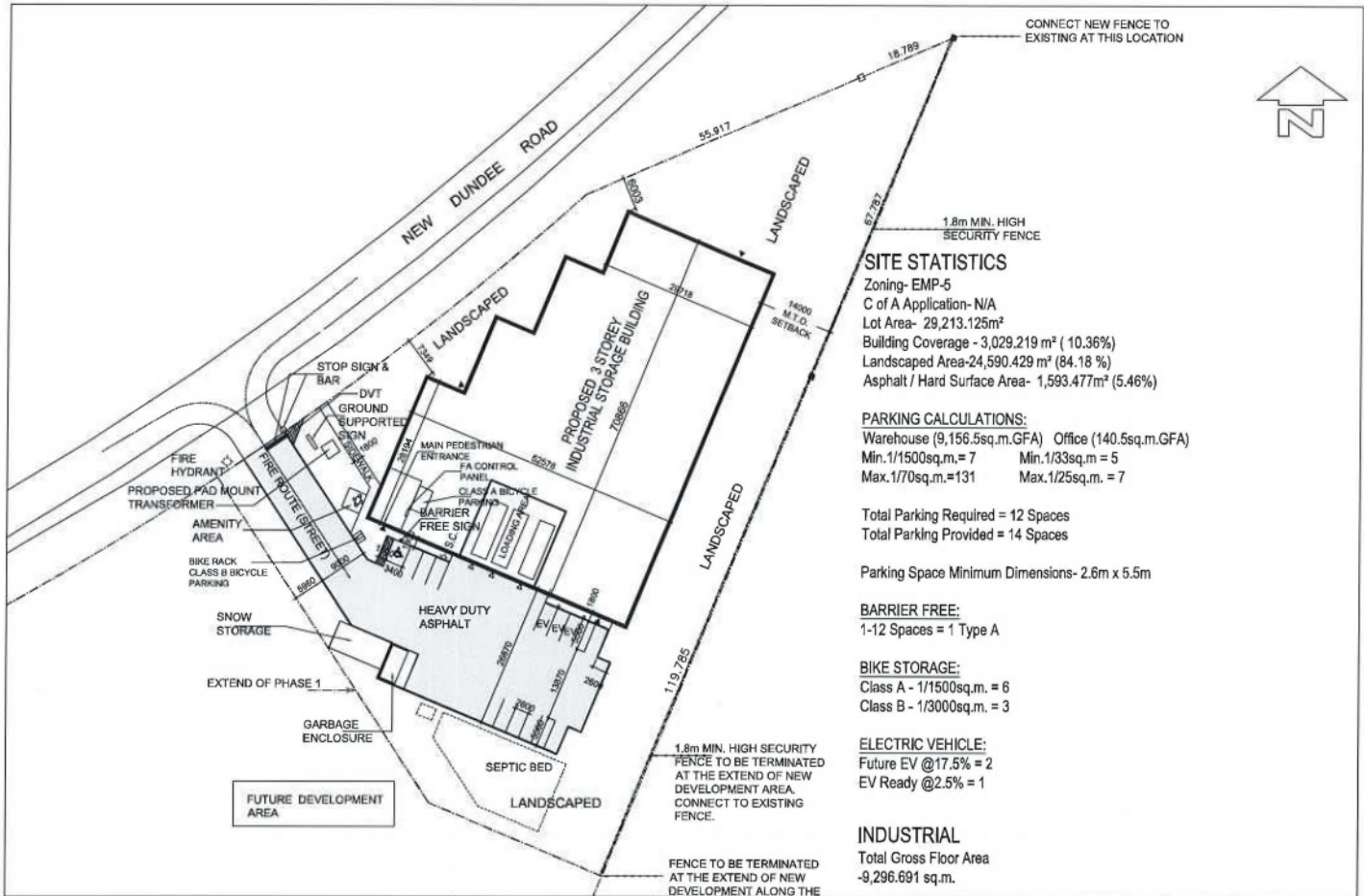
ELECTRIC VEHICLE:
 Future EV @17.5% = 2
 EV Ready @2.5% = 1

INDUSTRIAL
 Total Gross Floor Area
 -9,296.691 sq.m.

SCHEDULE B

SITE PLAN		REVISED: SITE PLAN APPLICATION : SP21/072/N/LT LEGAL DESCRIPTION: PT L17 BEASLEY'S OLD SURVEY TWP OF WATERLOO, BEING PTS 1 TO 9 ON 58R-15763; KITCHENER	City of Kitchener DEVELOPMENT SERVICES DEPARTMENT	CAD FILE: SP21072NLT.DWG
	McLean-Peister Ltd. 375 New Dundee Road			

Handwritten signature/initials



SITE STATISTICS
 Zoning- EMP-5
 C of A Application- N/A
 Lot Area- 29,213.125m²
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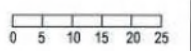
ELECTRIC VEHICLE:
 Future EV @17.5% = 2
 EV Ready @2.5% = 1

INDUSTRIAL
 Total Gross Floor Area
 -9,296.691 sq.m.

SCHEDULE B(1)

DETAIL SITE PLAN

McLean-Peister Ltd.
 375 New Dundee Road



SCALE 1: 1000
 DATE: NOVEMBER 30, 2021

REVISED:

SITE PLAN APPLICATION : SP21/072/NLT
 LEGAL DESCRIPTION:PT L17 BEASLEY'S OLD SURVEY TWP OF WATERLOO,
 BEING PTS 1 TO 9 ON 58R-15/763; KITCHENER

City of Kitchener
 DEVELOPMENT SERVICES DEPARTMENT

CAD FILE:
 SP21072NLT.DWG

RP

BACKGROUND: 375 NEW DUNDEE ROAD

- Invoice dated July 29, 2022 for development charges totaling \$2,019,341.12:

Damage Deposit Inspection	\$469.00
Damage Deposit (Engineering)	\$21,120.00
Region of Waterloo D.C.	\$1,344,397.25
Wat Catholic Dist School Bd EDC	\$52,035.88
Wat Region Dist School Bd EDC	\$161,111.09
Suburban Area D.C.	\$422,291.18
Interest on Suburban DC	\$17,916.72
<hr/>	
TOTAL:	\$2,019,341.12

BACKGROUND: 375 NEW DUNDEE ROAD

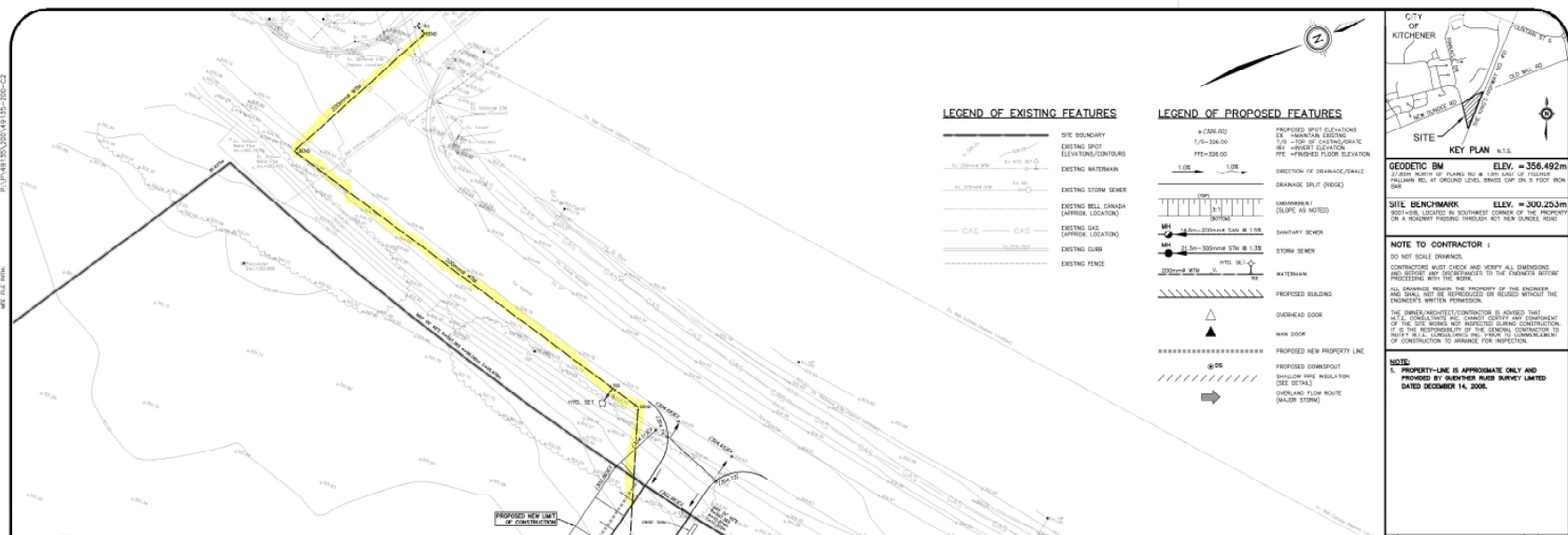
- **Region used non-residential, general services plus water DC rate;**
- **City used non-residential, no sanitary Suburban DC rate;**
- **McLean-Peister paid invoice under protest on August 25, 2022;**
- **Building permit for multi-storey “industrial self-storage facility” issued following payment.**

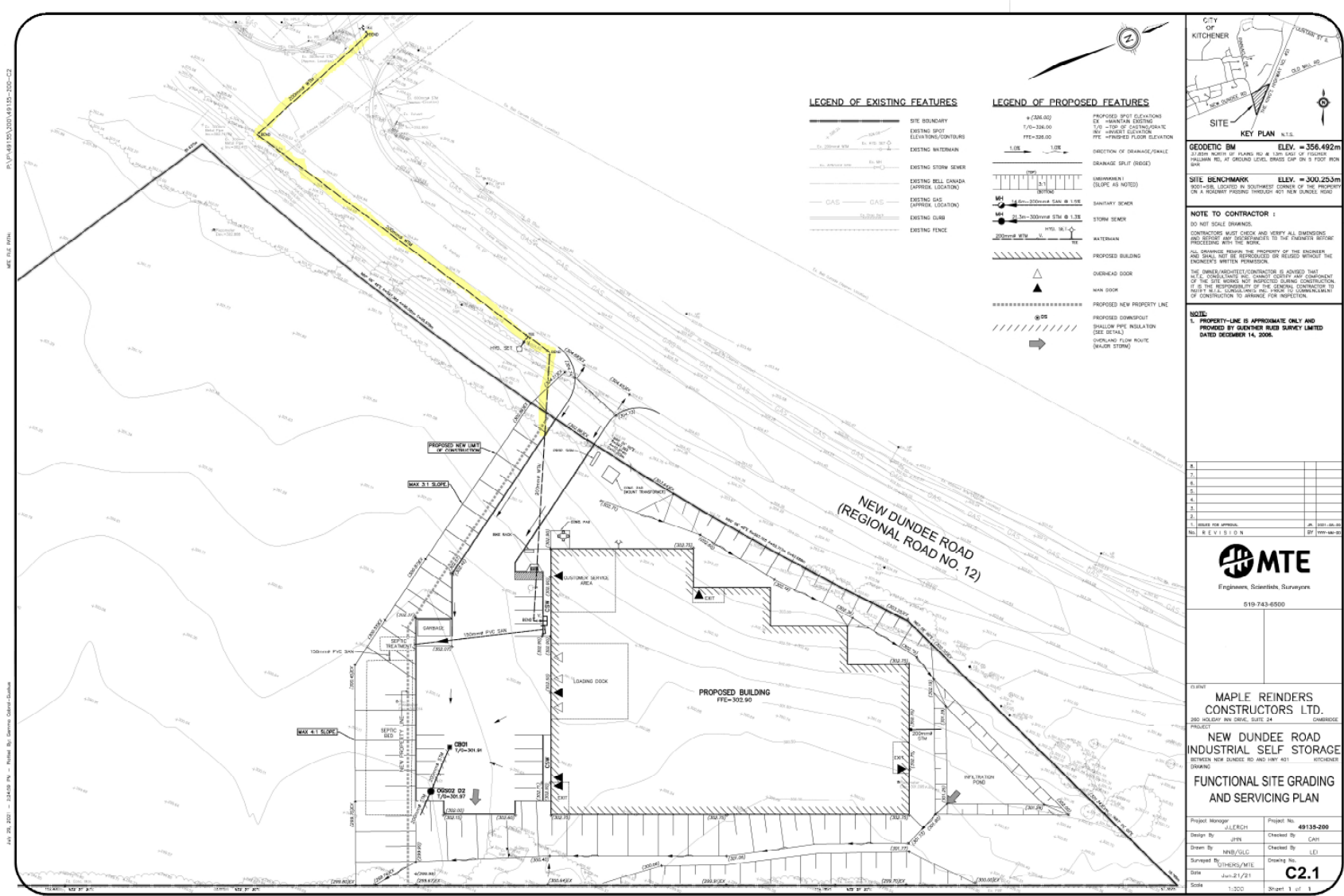
BASIS OF DC COMPLAINT: 375 NEW DUNDEE ROAD

- **No municipal water services at property line – unusual for there to be no watermain connection point on frontage of site; yet DC rates included water.**
- **Refused connection to 450mm transmission watermain;**
- **McLean-Peister required to bring water services from 300mm watermain at Pinnacle Drive to property;**

BASIS OF DC COMPLAINT: 375 NEW DUNDEE ROAD

- Reasonable expectation for new 200mm watermain to be located in regional right-of-way;





LEGEND OF EXISTING FEATURES

- SITE BOUNDARY
- EXISTING SPOT ELEVATION/CONTOURS
- EXISTING WATERMAN
- EXISTING STORM SEWER
- EXISTING BELL CANADA (APPROX. LOCATION)
- EXISTING GAS (APPROX. LOCATION)
- EXISTING CURB
- EXISTING FENCE

LEGEND OF PROPOSED FEATURES

- ▲ (C&G) PROPOSED SPOT ELEVATIONS
- EX. HATCHED EXISTING
- (T) TOP OF CURB/PAVEMENT
- (M) PROPOSED SUBGRADE
- (F) PROPOSED FLOOR ELEVATION
- DIRECTION OF DRAINAGE/SWALE
- DRAINAGE SPLIT (BROOK)
- (E) EMBANKMENT (GRADE AS NOTED)
- SANITARY SEWER
- STORM SEWER
- WATERMAN
- PROPOSED BUILDING
- OVERHEAD DOOR
- MAIN DOOR
- PROPOSED NEW PROPERTY LINE
- PROPOSED DOWNSLOUT
- SHALLOW PIPE INSULATION (SEE DETAIL)
- OVERLAP FLOOR ROUTE (MAJOR STORM)



GEODETIC BM ELEV. = 356.492m
 3.25m NORTH OF PLAINS RD. 1.30m EAST OF FOSTER FALLS RD. 4' ABOVE LEVEL CROSSING ON A ROADWAY PASSING THROUGH 401 MAIN DUNDEE ROAD

SITE BENCHMARK ELEV. = 300.253m
 300+00, LOCATED IN SOUTHWEST CORNER OF THE PROPERTY ON A ROADWAY PASSING THROUGH 401 MAIN DUNDEE ROAD

NOTE TO CONTRACTOR :
 DO NOT SCALE DIMENSIONS.
 CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND RECORDS AND DISCREPANCIES TO THE SURVEY BEFORE PROCEEDING WITH THE WORK.
 ALL DIMENSIONS MEASURED TO THE PROPERTY OF THE OWNER AND SHALL NOT BE REPRODUCED OR RELEASED WITHOUT THE ENGINEER'S WRITTEN PERMISSION.
 THE OWNER/ARCHITECT/CONTRACTOR IS ADVISED THAT THIS CONSTRUCTION AND FINISHING DESIGN IS NOT A COMPLETE SET OF THE SITE WORKS NOT INSPECTED DURING CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE OWNER/CONTRACTOR TO HAVE THE CONSTRUCTION AND FINISHING DESIGN REVIEWED BY A REGISTERED PROFESSIONAL ENGINEER PRIOR TO COMMENCEMENT OF CONSTRUCTION TO AVOID DELAYS FOR INSPECTION.

NOTE:
 1. PROPERTY LINE IS APPROXIMATE ONLY AND PROVIDED BY GEORGE REID SURVEY LIMITED DATED DECEMBER 14, 2006.

No.	REVISION	Date
1.	ISSUE FOR APPROVAL	Jan. 2007 (06-20)
2.	REVISED	07/10/07 (06-20)



CLIENT:
MAPLE REINDERS CONSTRUCTORS LTD.
 280 HOLLYBURN ROAD, SUITE 24
 GERRYSBURG, ONTARIO

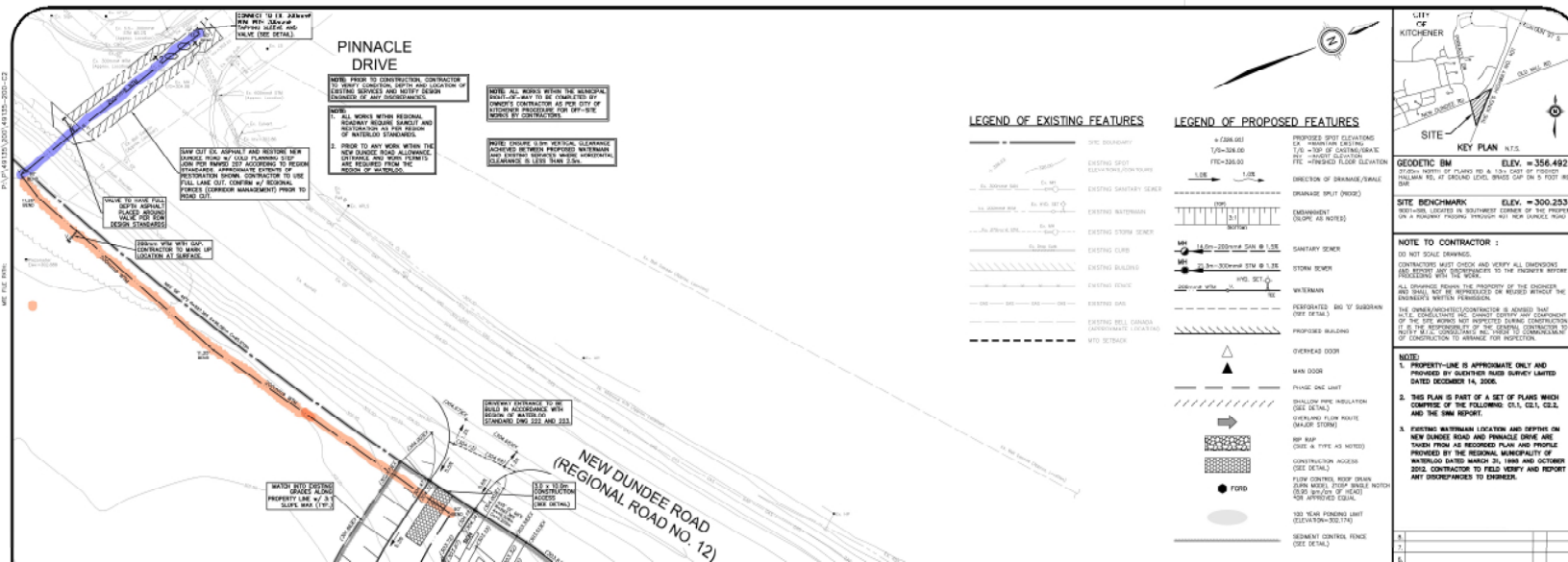
PROJECT:
NEW DUNDEE ROAD INDUSTRIAL SELF STORAGE
 BETWEEN NEW DUNDEE RD AND HWY 401

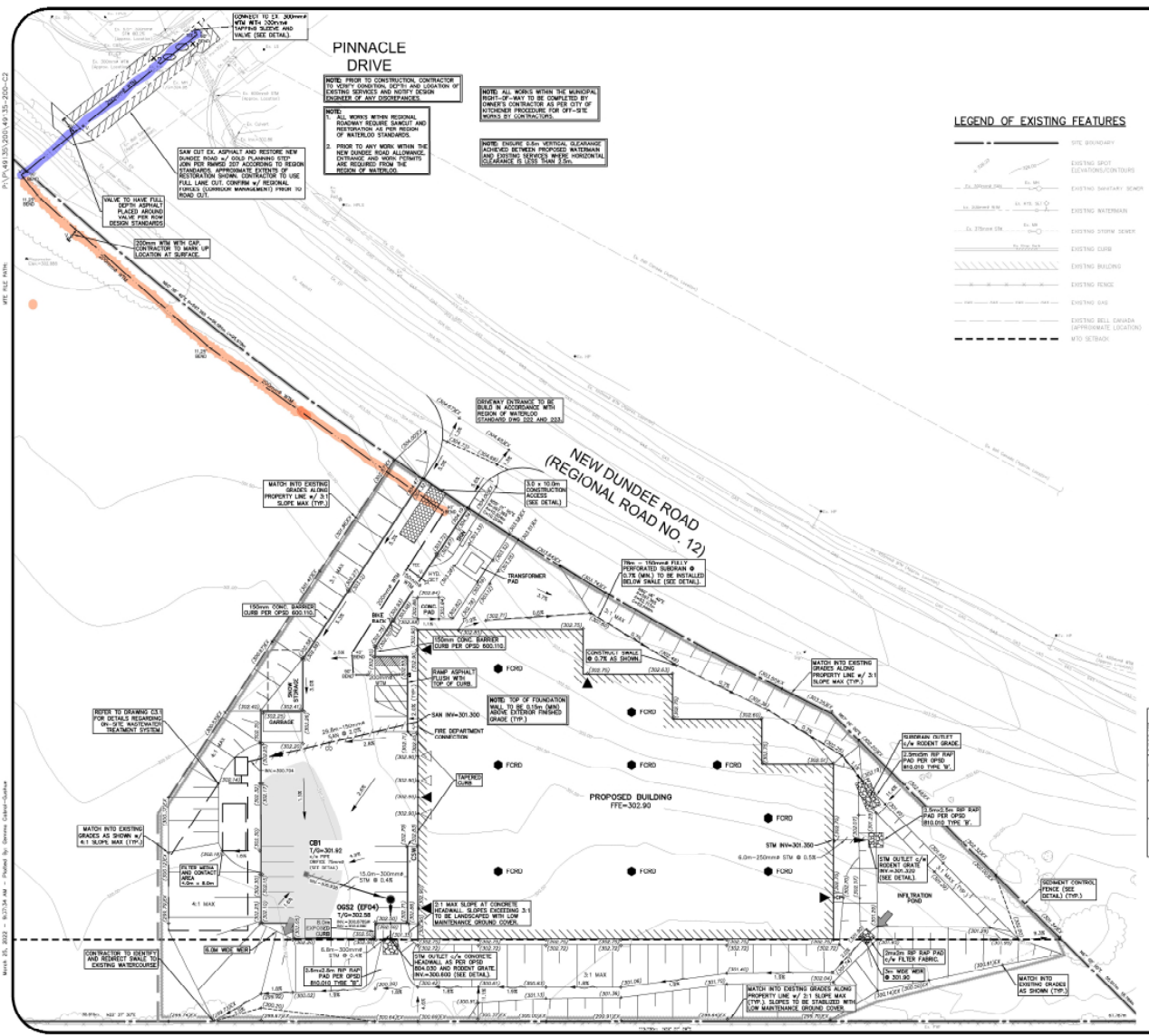
DRAWING:
FUNCTIONAL SITE GRADING AND SERVICING PLAN

Project Manager: J.L. ERCH
Design: JPN
Drawn by: MNB/SJC
Checked by: CATI
Checked by: LEI
Supervised by: OTHERS/MTE
Date: Jun-21/21
Scale: 1:500
Sheet: 1 of 1

BASIS OF DC COMPLAINT: 375 NEW DUNDEE ROAD

- Timing constraints (including MTO detour) forced McLean-Peister to install 200mm watermain within its property line – plan approved by City in March 2022.

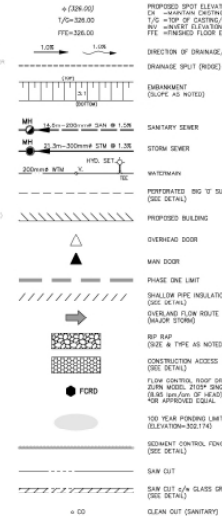




LEGEND OF EXISTING FEATURES



LEGEND OF PROPOSED FEATURES



SEWER CROSSING CHART

EXISTING	PROPOSED	PROGRAM ELEVATION	NOTES
EX. STM 300	EX. NW-302.024		DETECT NW TO MAINTAIN PROPOSED WATERMAIN CLEARANCE BETWEEN STM AND NW
EX. STM 450	EX. NW-302.454		
EX. STM 200	EX. NW-302.204		

I hereby certify that this site plan, including and including all attachments, complies with the Land Use Bylaw for this project.

Signature: *[Signature]* Date: March 11, 2022

Signature: *[Signature]* Date: March 11, 2022



KEY PLAN N.T.S.

GEODEIC BM ELEV. = 356.482m

SITE BENCHMARK ELEV. = 300.283m

NOTE TO CONTRACTOR:

- PROPERTY-LINE IS APPROXIMATE ONLY AND PROVIDED BY QUENNER RUES SURVEY LIMITED DATED DECEMBER 14, 2020.
- THIS PLAN IS PART OF A SET OF PLANS WHICH COMPOSE OF THE FOLLOWING: C-1, C-2, C-3, AND THE SIM REPORT.
- EXISTING WATERMAIN LOCATION AND DEPTHS ON NEW DUNDEE ROAD AND PINNACLE DRIVE ARE TAKEN FROM AS RECORDED PLAN AND PROFILE PROVIDED BY THE REGIONAL MUNICIPALITY OF WATERLOO DATED MARCH 31, 1998 AND OCTOBER 2002. CONTRACTOR TO FIELD VERIFY AND REPORT ANY DISCREPANCIES TO ENGINEER.

MTE
Engineers, Scientists, Surveyors
919-743-6500

APPROVED
Nail Melanson
2022-03-02

CLIENT
MAPLE REINDERS
CONSTRUCTORS LTD.
260 HURON PARK DRIVE, SUITE 24
CAMBRIDGE

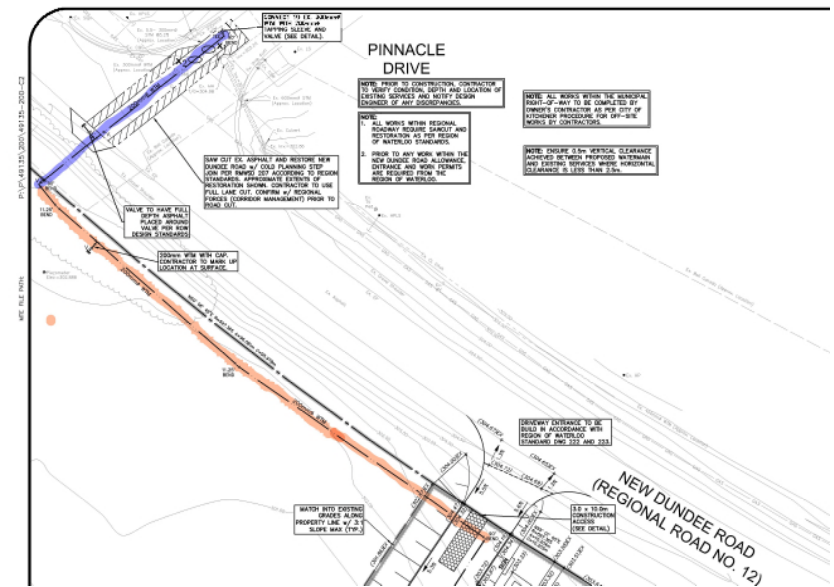
PROJECT
NEW DUNDEE
INDUSTRIAL SELF STORAGE
370 NEW DUNDEE ROAD

**SITE GRADING, SERVICING
SWM AND EROSION AND
SEDIMENT CONTROL PLAN**

Project Manager: MERCH
Project No: 49135-200
Design By: JAH/JEL
Checked By: CAD/JEL
Drawn By: NMB/OLC
Checked By: JAH
Surveyed By: OTHERS/MTE
Drawing No.:
Date: Jun. 21/21
Scale: 1:500 Sheet 2 of 5

BASIS OF DC COMPLAINT: 375 NEW DUNDEE ROAD

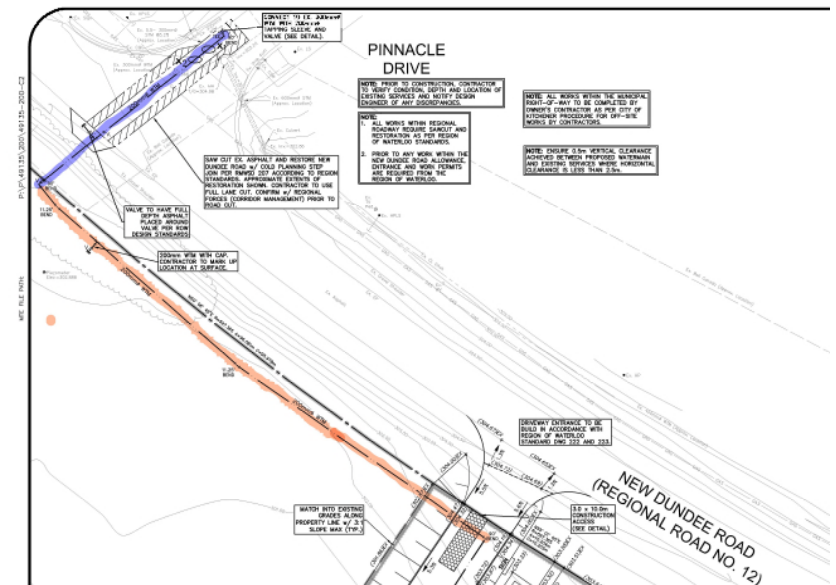
- City requested McLean-Peister to install tee-connection on 200mm watermain for benefit of future development located west of property;
- City now owns 200mm watermain crossing New Dundee Road up to property line while McLean-Peister owns and maintains watermain within its property;



BASIS OF DC COMPLAINT: 375 NEW DUNDEE ROAD

- Costs of 200mm watermain incurred by McLean-Peister, excluding maintenance costs:

Off-site soft costs	\$34,118.68
Off-site works watermain extension	\$110,038.14
Off-site works fee	\$9,730.65
Off-site works guarantee	\$25,149.00
On-site soft costs	\$1,795.72
On-site works watermain extension	\$42,000.00
Total:	<u>\$222,832.19</u>



BASIS OF DC COMPLAINT: 375 NEW DUNDEE ROAD

- **Section 38 of the *Development Charges Act***
 - ***“[i]f a municipality agrees to allow a person to perform work that relates to a service to which a development charge by-law relates, the municipality shall give the person a credit towards the development charge in accordance with the agreement.” The amount of the credit is “the reasonable cost of doing the work as agreed by the municipality and the person who is to be given the credit”.***
- **Reflected in Section 8 of the Region’s DC By-law and Sections 6.5 and 6.6 of the City’s DC By-law.**

BASIS OF DC COMPLAINT: 375 NEW DUNDEE ROAD

- **Region's DC By-law 19-037**
 - **Section 8: Credits may be given as required under sections 38 to 41 inclusive of the Act, and shall be applied against the Development Charge payable under this By-law on a Site to a maximum of the Development Charge otherwise payable for the services to which the work relates and in a manner set forth in an agreement authorized by Council. When such an agreement is entered into, the credit assigned to a Site shall not exceed the Development Charge payable calculated on the maximum density of Development permitted by a draft plan of subdivision condition or the municipal zoning by-law which pertains to the Site on that date, whichever is greater.**

BASIS OF DC COMPLAINT: 375 NEW DUNDEE ROAD

- **City DC By-law 2019-086**
 - **Section 6.5: The City may by agreement permit the owner of land to which development charges apply to provide services for development of that land in lieu of the payment of all or any portion of a development charge, including services additional to or of a greater size or capacity than is required under this by-law ("services in lieu").**
 - **Section 6.6: Upon proof of the installation or construction of services in lieu to the satisfaction of the City's Engineer, a credit, without interest, shall be applied against development charges payable for an amount equal to the reasonable cost to the owner of providing services in lieu, as determined by the City's Engineer, not to exceed the total amount of the development charges otherwise payable.**

BASIS OF DC COMPLAINT: 375 NEW DUNDEE ROAD

- ***Phantom Developments Inc. v Toronto (City)*, 2020 CanLII 55391 (ON LPAT) at paras 77-78 provides three pre-requisites to be satisfied before a developer can be given a credit “...in accordance with the agreement”:**
 1. **The owner has performed certain work;**
 2. **The municipality has agreed to allow performance of the work;
and**
 3. **The work must relate to a service to which a DCBL relates.**

BASIS OF DC COMPLAINT: 375 NEW DUNDEE ROAD

- ***Phantom Developments Inc. v Toronto (City), 2020 CanLII 55391 (ON LPAT) at paras 77-78 continued:***
 - ***The section does not require a ‘written agreement’ to provide the DC credit on the part of the municipality but rather, that it has “allowed” the work to be performed by the owner, demonstrated by some manner of conduct, be it formalized agreement, oral agreement, the circumstances of the arrangements relating to the work, acquiescence or a combination thereof. That is very different, in the Tribunal’s mind, from an agreement to grant the DC credit...***
 - ***[A]n owner should not be unfairly burdened with the responsibility of paying for services which are external to the development and the type of works for which DC charges are to be collected under the DCBL, as benefiting the City as a whole, as ‘growth pays for growth’ ...***

BASIS OF DC COMPLAINT: 375 NEW DUNDEE ROAD

- **Local Services Guidelines / Policies in DC Background Studies of Region and City provide that installation of the 200mm watermain would be at the cost of and the responsibility of McLean-Peister;**
- **However – the Local Service Rules (i.e., Section 59 of the Development Charges Act) apply only in respect of subdivision and consent applications, not development approved under Section 41 of the Planning Act.**

REMEDY SOUGHT: 375 NEW DUNDEE ROAD

- 1. Municipality to credit McLean-Peister for bringing water services to property (i.e., \$222,832.19) as the reasonable cost of doing the work; and for benefit received by City by way of installed tee-connection that will service future development to west of 375 New Dundee Road (an amount to be determined); and either**

REMEDY SOUGHT: 375 NEW DUNDEE ROAD

- 2. (a) Municipality to compensate McLean-Peister for land value of 200mm watermain impacted land calculated as an easement (i.e., \$56,250.00) plus estimated ongoing and exceptional maintenance cost (i.e., \$45,000); or**
- 2. (b) Municipality to take full ownership of 200mm watermain by way of easement, including maintenance easement \$56,250.00).**

REMEDY SOUGHT: 375 NEW DUNDEE ROAD

Note: Amount of \$56,250.00 is based on standard easement calculation, being 50% of land value, which is calculated to be \$112,500.00 (i.e., estimated area of 0.15 acres at appraised value of \$750,000.00 per acre).



GOWLING WLG (CANADA) LLP

345 King Street West
Suite 600
Kitchener, ON N2G 0C5

John S. Doherty

Partner
519-575-7518
John.Doherty@gowlingwlg.com

Kevin Dias

Associate
519-575-7527
Kevin.Dias@gowlingwlg.com



GOWLING WLG

Properties

PIN 03771 - 0017 LT
Description PT LT 7 BEASLEY'S OLD SURVEY TWP OF WATERLOO, BEING PTS 1 TO 9 ON 58R-15763; KITCHENER
Address NEW DUNDEE ROAD
KITCHENER

Consideration

Consideration \$0.00

Applicant(s)

The notice is based on or affects a valid and existing estate, right, interest or equity in land

Name THE CORPORATION OF THE CITY OF KITCHENER
Address for Service P.O. Box 1118
200 King Street West
Kitchener, ON N2G 4G7

This document is not authorized under Power of Attorney by this party.

This document is being authorized by a municipal corporation Berry Vrbanovic, Mayor and Amanda Fusco, Clerk.

Statements

This notice is pursuant to Section 71 of the Land Titles Act.

This notice is for an indeterminate period

Schedule: See Schedules

Signed By

Beverly Jayne Grant-Campbell 200 King St. W. acting for Signed 2022 08 22
Kitchener Applicant(s)
N2G 4G7

Tel 519-741-2268

Fax 519-741-2702

I have the authority to sign and register the document on behalf of the Applicant(s).

Submitted By

CITY OF KITCHENER 200 King St. W. 2022 08 22
Kitchener
N2G 4G7

Tel 519-741-2268

Fax 519-741-2702

Fees/Taxes/Payment

Statutory Registration Fee \$66.30
Total Paid \$66.30

File Number

Applicant Client File Number : 3.5.2187

AGREEMENT made this 3rd day of February, A.D. 2022.

B E T W E E N:

MCLEAN-PEISTER LTD.

hereinafter called the OWNER,

of the FIRST PART,

- and -

THE CORPORATION OF THE CITY OF KITCHENER

hereinafter called the CITY,

of the SECOND PART.

- and -

N/A

hereinafter called the PARTY,

of the THIRD PART.

WHEREAS the Owner represents that it is the owner of the lands described in Schedule A to this Agreement, subject to a mortgage in favour of the Party of the Third Part.

AND WHEREAS the City passed By-law Number 86-137 (now incorporated as Chapter 683 of The City of Kitchener Municipal Code, as amended by By-law 92-248) on the 14th day of July, 1986, pursuant to the provisions of Section 40. of The Planning Act, S.O. 1983 (now Section 41. of the Planning Act, R.S.O. 1990 c.P.13) and has designated all the lands within the boundaries of the City of Kitchener as a Site Plan Control Area.

AND WHEREAS the Owner has agreed to enter into this Agreement pursuant to the provisions of said Section 41.

NOW THEREFORE IN CONSIDERATION of the premises and the sum of TWO (\$2.00) DOLLARS now paid by the City to each of the Owners and of the Party of the Third Part (receipt whereof is hereby acknowledged) and other good and valuable consideration, the parties hereto covenant and agree as follows:

1. The Owner agrees to fulfil each of the **general conditions** which follow:
 - (a) to develop and maintain the site in compliance with the Site Plan, attached hereto as

Schedule B and related Schedule B(1) attached hereto and each dated November 30, 2021 and hereinafter collectively referred to as the "Site Plan" and the Plans and Drawings set out in Schedule C. The related Schedule B(1) attached hereto is subject to the terms and conditions of Schedule B. Minor changes to the Site Plan and other approved Plans and Drawings and to the provisions of this Agreement, acceptable to the City's Manager of Development Review, may be permitted without an amendment to this Agreement. Such changes shall be permitted only upon written approval from the said Manager.

- (b) where the construction or demolition of a building, or buildings, or site development works are, in the opinion of the City's Chief Building Official or the City's Manager of Development Review, substantially suspended or discontinued for more than six months, the Owner shall forthwith provide suitable ground cover to prevent soil erosion by wind, rain and snow for the protection of adjoining lands to the satisfaction of the City's Chief Building Official and the City's Manager of Development Review.
- (c) the Owner acknowledges that garbage collection for the proposed development shall be in accordance with the applicable municipal by-law.
- (d) that the City may give a Release of this Agreement as it applies to the lands or portions thereof except for this clause and any of the conditions related to site works which are required by Section 5 to be maintained for the life of the proposed development.
- (e) in the event the Site Plan Approval for the proposed development has not been issued by six months from the date of Site Plan Approval in Principle, revisions, additional conditions or changes to the approved site plan may be required by the City's Manager of Development Review, in said Manager's sole discretion as a result of new City policies or changes to zoning by-law or standard City conditions.

2. **Maintenance During Construction**, the Owner agrees to fulfil each of the conditions which follow:

- (a) to take all necessary steps to prevent the raising of dust and the erosion of soil from the Lands onto adjacent lands or onto abutting City, Regional and Provincial roads

during construction of the Development. To eliminate dust, the Owner may be required to apply dust suppressants, cover stockpiles with tarps or apply ground cover to the areas that have been stripped and left undeveloped. Should such an incident(s) occur, the Owner will take all necessary steps forthwith to correct said problems upon the direction of the City's Director of Engineering Services.

- (b) to conduct, at a minimum and more frequently as conditions dictate, scraping of the roadway on a weekly basis and daily sweeping of the roadway using methods approved by the City. Should the Owner fail to conduct scraping and sweeping of the roadway to keep it clean and free of excessive dirt, mud, dust, grit and other materials, the City may, without notice to the Owner, take the necessary action to clean up the roadway at the Owner's cost and the Owner agrees to forthwith pay the same upon demand to the City. If the Owner does not pay the City immediately upon written demand for such payment, it is agreed that performance securities with the City may be drawn upon by the City to satisfy the required payment, and the Owner shall replace or increase said monies or securities to its original value within fifteen (15) business days of receiving notice of such draw or draws.
- (c) to be fully liable for all costs and any damages incurred as a result of the raising of dust or the erosion, spillage or tracking of soil or other debris from the Lands onto adjacent lands and municipal highways, and will indemnify the City and the Region against any claim made as a result of such problems.
- (d) to regularly inspect the property for discarded waste material or items that may accumulate on lands. The Owner shall collect and dispose of said waste forthwith in an appropriate manner to the satisfaction of the City's Director of Engineering Services, all to prevent unsightly conditions.
- (e) to install and maintain erosion and sediment control and tree protection devices in accordance with the approved plans in Schedule C to this Agreement including those that incorporate measures to prevent the discharge of silt to waterways, open channels or City and Regional storm sewers and highways. The Owner shall provide and regularly inspect and maintain these measures to ensure their continued effectiveness throughout the construction period and until such time as hard

surfacing or vegetative cover has stabilized the Lands or area under development. The Owner shall provide inspection reports to the City's Director of Engineering Services and the City's Manager of Development Review upon request and the Owner shall immediately repair any deficiencies identified in the inspection reports or required by the City's Director of Engineering Services or the City's Manager of Development Review, in their sole discretion.

- (f) manage any impacts to any neighbouring properties resulting from construction of the Works to the satisfaction of the City's Director of Engineering Services in their sole discretion. The Owner acknowledges and agrees that they are solely responsible for such impacts notwithstanding any approval of the City. The Owner shall fully indemnify and save harmless the City from any liability resulting from such impacts.
 - (g) maintain, at all times, encumbered sight lines and travel routes to and from the Lands based on the approved plans and drawings.
 - (h) install and maintain tree preservation fencing on the Lands for the duration of construction.
3. **Prior to occupancy** of the proposed development the Owner agrees to fulfil each of the conditions which follow:
- (a) to install, at the Owner's cost and to the Regional Municipality of Waterloo's standards, new driveway ramps at grade with the future sidewalk.
 - (b) to make arrangements, financial or otherwise, for the relocation of any existing City owned street furniture, transit shelters, signs, hydrants, utility poles, wires or lines, street trees and shrubs as required due to the location of buildings, structures, walkways, boulevards, driveways, curbing or parking, to the satisfaction of the appropriate City Department.
 - (c) that any required "Emergency/Fire Routes" and associated signage shall be installed at the Owner's cost and to the satisfaction of the City's Chief Fire Official.
 - (d) to install, at the Owner's cost, all required traffic signs, including directional, visitor parking and barrier-free parking signs, to the satisfaction of the City's Director of Transportation Services.

- (e) to install at the Owner's cost, any fire hydrant required by the Ontario Building Code as directed by the City's Chief Building Official.
 - (f) to implement the conceptual building design in accordance with the approved building elevation drawings to the satisfaction of the City's Manager of Development Review.
4. **Within six months of occupancy, or as soon as weather conditions permit** of the proposed development, the Owner agrees to fulfil each of the conditions which follow:
- (a) to complete the site grading and drainage scheme in accordance with the Grading and Drainage Control Plan that was satisfactory to the City.
 - (b) to complete any storm water management scheme and all related drainage control facilities in accordance with the Plan accepted by the City's Director of Engineering Services.
 - (c) to complete the tree management requirements for the lands in accordance with the Tree Preservation/Enhancement Plan.
 - (d) to complete the landscaping in accordance with the approved Landscape Plan.
 - (e) to install or demarcate on-site any vaults, central storage and collection areas, or other facilities for the storage of garbage and recyclable material, including those which may be internal to a proposed or existing building or to locate and construct the supporting concrete pad (and roofed enclosure if required) for any outdoor garbage and recyclable material containers in accordance with the approved Landscape Plan.
 - (f) to install all fencing and visual barriers as indicated on the Site Plan in accordance with the approved Landscape Plan and so as not to obstruct the visibility of vehicular or pedestrian traffic.
 - (g) to complete, at the Owner's cost, the landscaping on all adjacent public property in accordance with the approved Landscape Plan.
 - (h) to install 0.15 metre raised curbing in the locations shown on the Site Plan.
 - (i) to implement the approved Site Lighting Plan.
 - (j) to pave all areas intended to facilitate on-site vehicular movement, parking and loading as shown on the Site Plan, with hot-mixed asphalt or equivalent and to

demarcate the parking on said pavement.

(k) for the purpose of this Agreement "Site Development Works" to be done by the Owner shall include the following:

(a) On-Site works:

storm water management facilities and rough grading; plant material; landscape paving essential to the functioning of the site, landscape structures including but not limited to fencing, screen walls, retaining walls, roofed enclosures for garbage and recyclable materials, planters; fine grading; sodding and seeding; lighting; curbing; concrete sidewalks; paving for vehicular traffic and parking and demarcation of parking on pavement; and

(b) Off-Site works:

closure of redundant driveways; fine grading and sodding or other approved landscaping within the boulevard. Additional required off-site works may be done by the City at the Owner's cost, as specified in this Agreement.

(l) to submit to the City's Director of Engineering Services (for storm water management, site grading) and the City's Manager of Development Review (for all other site development works) Site Development Works Certification Forms prepared by the appropriate Consultants certifying that the site development works required under this Agreement have been completed in accordance with the respective plans prepared by such consultant and accepted by the City. The Letter of Credit posted by the Owner will not be reduced until such time as 50% of the value of the site development works have been completed in conformity with the approved design and a Site Development Works Certification Form has been submitted by the Owner and found acceptable by the City's Director of Engineering Services for all storm water management and/or grading works, including landscaping integral to such works, required under this Agreement. Upon receipt of all other Site Development Works Certification Forms required under this Agreement and same being submitted by the Owner and found acceptable by the City's Manager of Development Review, further reductions for other site development works completed in conformity with the approved design, in amounts in accordance with

the cost estimate, may be permitted by the City according to the Performance Securities Policy.

- (m) despite the foregoing, the City may, at its sole option, permit the Owner to provide security for the completion of the site development works required in this Agreement in accordance with the City's Performance Securities Policy in effect on the date that the Owner has completed all other requirements for issuance of the first building permit for development of the lands in accordance with this Agreement.
- (n) the Letter of Credit shall be kept in force until the completion of the required site development works in conformity with the approved design and the requirements of this Agreement. If the Letter of Credit is about to expire without renewal thereof and the works have not been completed in conformity with their approved designs, the City may draw all of the funds so secured and hold them as security to guarantee completion unless the City Solicitor is provided with a renewal of the Letter of Credit forthwith.
- (o) in the event that the Owner fails to complete, to the satisfaction of the City's Manager of Development Review, the required site development works in conformity with its approved design and the other requirements of this Agreement within the time required by this Agreement, then it is agreed by the Owner that the City, its employees, agents or contractors may, at the City's sole option and in addition to any other remedies that the City may have, enter on the lands and so complete the required site development works to the extent of monies received under the Letter of Credit. The cost of completion of such works shall be deducted from the monies obtained from the Letter of Credit. In the event that there is a surplus, the City shall pay it forthwith to the Owner. In the event that there are required site development works remaining to be completed, the City may by by-law exercise its authority under the Municipal Act to have such works completed and to recover the expense as permitted by law.
- (p) other forms of security may be substituted for Letters of Credit, at the request of the Owner, provided that approval is obtained from the City Treasurer and the City Solicitor.

(q) With regards to works required in accordance with Section 53 of the Ontario Water Resources Act, the Owner agrees:

- (i) to obtain an Environmental Certificate of Approval for storm sewage works for the on-site oil grit separator in accordance with Section 53 of the Ontario Water Resources Act;
- (ii) to install said works in accordance with City approved plans to the satisfaction of the City's Director of Engineering Services;
- (iii) to provide proof to the City's Director of Engineering Services that the Certificate of Approval has been granted by the Ministry of the Environment, Conservation and Parks.
- (iv) to submit to the City's Director of Engineering Services, site development works certification forms prepared by the appropriate consultant certifying that the site development works required under this section have been completed in accordance with the respective plans prepared by such consultant and accepted by the City.
- (v) that the City shall not provide a partial release of the letter of credit held at 100% of the cost of said works.
- (vi) in the event that the Environmental Certificate of Approval has not been granted by the time of Final Inspection for all other site development works, the City shall be entitled to utilize the letter of credit to secure approval and/or install the said works in this sub-section in accordance with such approval, and to the satisfaction of the City's Director of Engineering Services.
- (vii) indemnify the City and hold the City harmless in the event that, as part of the Environmental Certificate of Approval process, the Ministry of the Environment, Conservation and Parks requires adjustments to any portion of this project, including but not limited to structures, footings, foundations, layout and servicing, and
- (viii) indemnify the City with respect to any costs arising from required adjustments in the site plan due to obtaining the Environmental Certificate of

Approval and any causes of actions arising from the lack of installation of any works that are the subject of any Environmental Certificate of Approval.

- (r) (i) that, the Owner's Engineer will be required to inspect and certify, at the Owner's sole cost, to the City's Director of Engineering Services that all internal and external services, grading, and storm water management requirements have been constructed in accordance with the approved Engineering Drawings and Reports, prior to the reduction of the Letter of Credit held for the Site Development Works. The Letter(s) of Certification shall be in a format acceptable to the City's Director of Engineering Services. The City's Director of Engineering Services may, upon pre-qualification of such, accept the use of other qualified professionals for certain components of the design, inspection and certification process.
- (ii) that, the Owner's Landscape Architect and the Owner's Lighting Consultant will be required to inspect and certify, at the Owner's sole cost, to the City's Manager of Development Review that all planting, surfacing details, fencing, visual barriers, site lighting and other site facilities shown on the Landscape and Lighting Plans have been constructed in accordance with the approved Landscape and Lighting Plans prior to the reduction of the Letter of Credit held for Site Development Works. The Letter(s) of Certification shall be in a format acceptable to the City's Manager of Development Review. The City's Manager of Development Review may, upon pre-qualification of such, accept the use of other qualified professionals for certain components of the design, inspection and certification process.

5. **For the life** of the proposed development, the Owner agrees to fulfil each of the conditions which follow and further agrees that the City shall not release this Section or any of the conditions related to site works required to be maintained for the life of the proposed development:

- (a) to maintain any required storm water management scheme, in accordance with the

scheme that was satisfactory to the City's Director of Engineering Services for the life of the proposed development. To ensure such maintenance the Owner agrees:

- (i) to inspect all parts of the storm water system at least once annually and remove all debris and sediment therefrom.
- (ii) to make all repairs and replacements necessary to assure proper operation of the storm water system.
- (iii) to ensure that no alterations are made to the storm water management ponds, outlet controls and their appurtenances unless prior written consent is obtained from the City's Director of Engineering Services.
- (iv) to ensure that no alterations are made to the approved grading and drainage system that was satisfactory to the City, unless prior written consent is obtained from the City's Director of Engineering Services.
- (v) that no material used to surface any parking or loading area shall be changed or additional areas paved, unless prior written consent is obtained from both the City's Director of Engineering Services and the City's Manager of Development Review.
- (b) to maintain the grading and drainage scheme in a state acceptable to the City's Director of Engineering Services.
- (c) to maintain the approved landscaping in a state acceptable to the City's Manager of Development Review.
- (d) to maintain the approved outdoor lighting in a state acceptable to the City's Manager of Development Review.
- (e) to maintain all required emergency, fire route and traffic signs, including directional, visitor and barrier free parking, and multiple unit identification signs, to the satisfaction of the City's Chief Fire Official and the City's Director of Transportation Services.
- (f) to maintain the existing treed area(s) in accordance with the approved Tree Preservation/Enhancement Plan. Any future cutting of trees which have been identified for preservation on the approved Landscape Plan will require either a further plan or study, as determined and approved by the City's Manager of

Development Review. Such study shall detail the impact of tree removals on the trees to remain.

- (g) to maintain all approved garbage and recycling methods as approved by the City's Manager of Development Review.
 - (h) the Owner acknowledges that snow storage will be stored on site as the identified location(s) on the Site Plan and/or grading plan. Where snow storage is not identified on the Site Plan and/or grading plan or in situations when accumulated snow exceeds the capacity of the identified location(s), the Owner agrees that due to limited site area, accumulated snow that cannot be managed on site will be hauled off site to a suitable location by the Owner's site maintenance contractor.
 - (i) to maintain the building design in accordance with the approved building elevation drawings in Schedule C to the satisfaction of the City's Manager of Development Review.
 - (j) to maintain all paved areas intended to facilitate on-site vehicular movement, parking and loading, as shown on the Site Plan, with hot-mixed asphalt or equivalent and the demarcation of the parking on said pavement.
6. The Owner agrees that all the facilities and matters required by this Agreement shall be provided and maintained at its risk and expense and to the satisfaction of the City and that in default thereof the City may perform such requirements at the expense of the Owner and such expense may be recovered by the City in like manner as municipal taxes.
 7. The Owner acknowledges that, where the approval of a City employee is required herein, the City reserves the right to substitute the approval of any other employee at any time and without notice.
 8. The Owner and the Party of the Third Part hereby authorize and direct the City and its solicitor to register electronically notice of this Agreement on title to the lands described in Schedule A attached hereto.
 9. The Party of the Third Part joins herein to consent hereto and to bind its interest in the lands hereto.
 10. This Agreement shall enure to the benefit of and be binding upon the parties hereto, their heirs, executors, administrators, successors and assigns.

- 11. The City's Manager of Development Review may waive the default or the performance of any provision hereof to be performed by the Owner, provided that such waiver is in writing and that it shall not constitute a waiver of any other default or of the performance of any other provision nor a continuing waiver of the same default or of the subsequent performance of the same provision.

IN WITNESS WHEREOF the Party of the First Part has hereunto caused to be affixed its corporate seal under the hands of its duly authorized officers in that behalf, the Party of the Second Part has hereunto affixed its corporate seal under the hands of its Mayor and Clerk and the Party of the Third Part has hereunto affixed their hand and seal.

Signed, Sealed & Delivered
in the presence of

MCLEAN-PEISTER LTD.

AL PEISTER

NAME: AL PEISTER
TITLE: PRESIDENT

BRANDON PEISTER

NAME: BRANDON PEISTER
TITLE: CFO

I/WE HAVE AUTHORITY TO BIND THE CORPORATION

THE CORPORATION OF THE CITY OF KITCHENER

[Signature]

MAYOR

[Signature]

CLERK

[Handwritten mark]

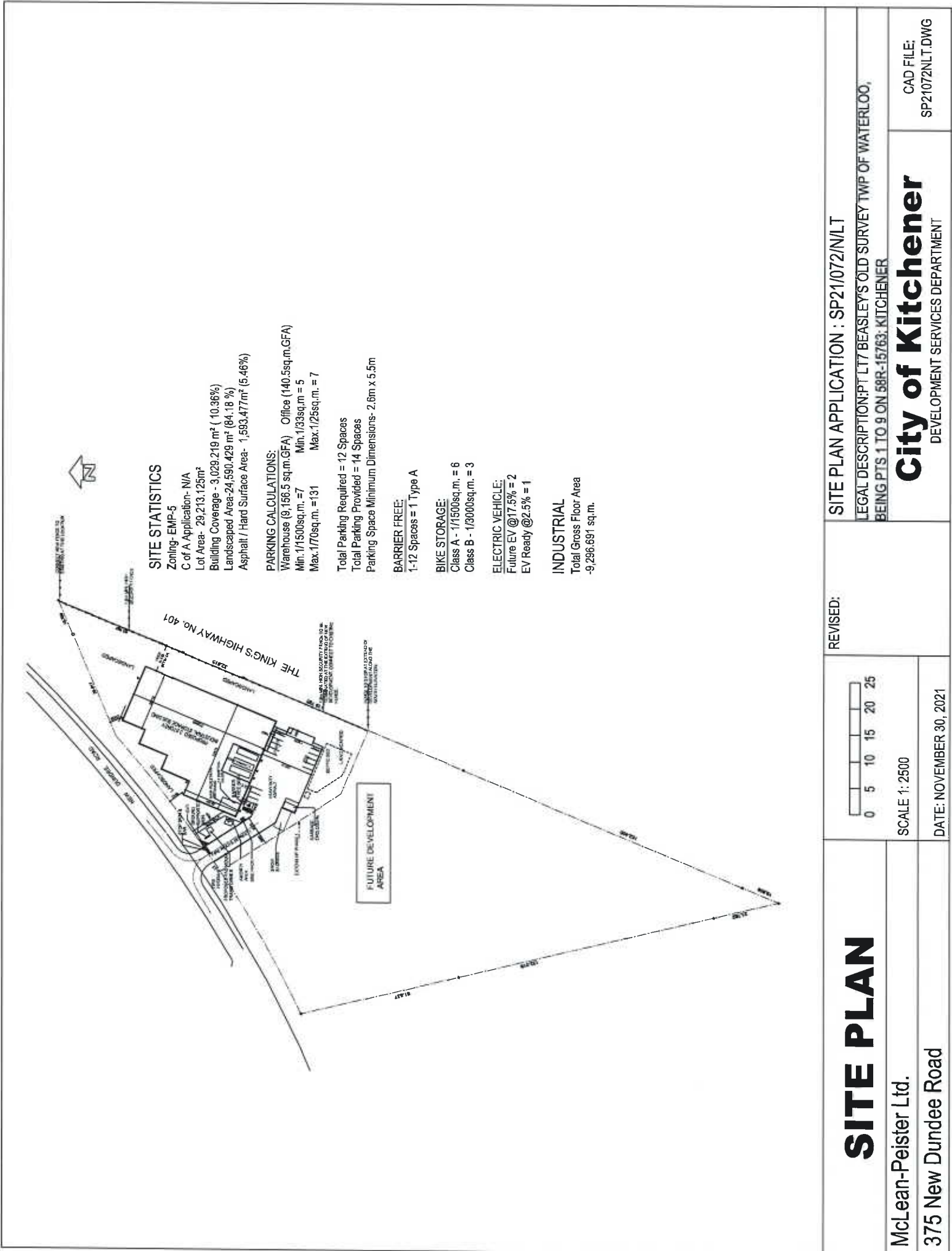
SCHEDULE A

Part Lot 7, Beasley's Old Survey, Township of Waterloo being Parts 1 to 9 on Reference Plan 58R-15763, City of Kitchener, Regional Municipality of Waterloo

PIN: 03771-0017 (LT)



SCHEDULE B



SITE STATISTICS

Zoning- EMP-5
 C of A Application- N/A
 Lot Area- 29,213.125m²
 Building Coverage - 3,029,219 m² (10.36%)
 Landscaped Area-24,590.429 m² (84.18 %)
 Asphalt / Hard Surface Area- 1,593,477m² (5.46%)

PARKING CALCULATIONS:

Warehouse (9,156.5 sq.m.GFA) Office (140.5sq.m.GFA)
 Min. 1/1500sq.m. = 7 Min. 1/33sq.m. = 5
 Max. 1/70sq.m. = 131 Max. 1/25sq.m. = 7

Total Parking Required = 12 Spaces
 Total Parking Provided = 14 Spaces
 Parking Space Minimum Dimensions- 2.6m x 5.5m

BARRIER FREE:

1-12 Spaces = 1 Type A

BIKE STORAGE:

Class A - 1/1500sq.m. = 6
 Class B - 1/3000sq.m. = 3

ELECTRIC VEHICLE:

Future EV @17.5% = 2
 EV Ready @2.5% = 1

INDUSTRIAL

Total Gross Floor Area
 -9,296,691 sq.m.

REVISED:



SCALE 1: 2500

DATE: NOVEMBER 30, 2021

SITE PLAN APPLICATION : SP21/072/N/LT

LEGAL DESCRIPTION: PT LT7 BEASLEY'S OLD SURVEY TWP OF WATERLOO,
 BEING PTS 1 TO 9 ON 58R-15763, KITCHENER

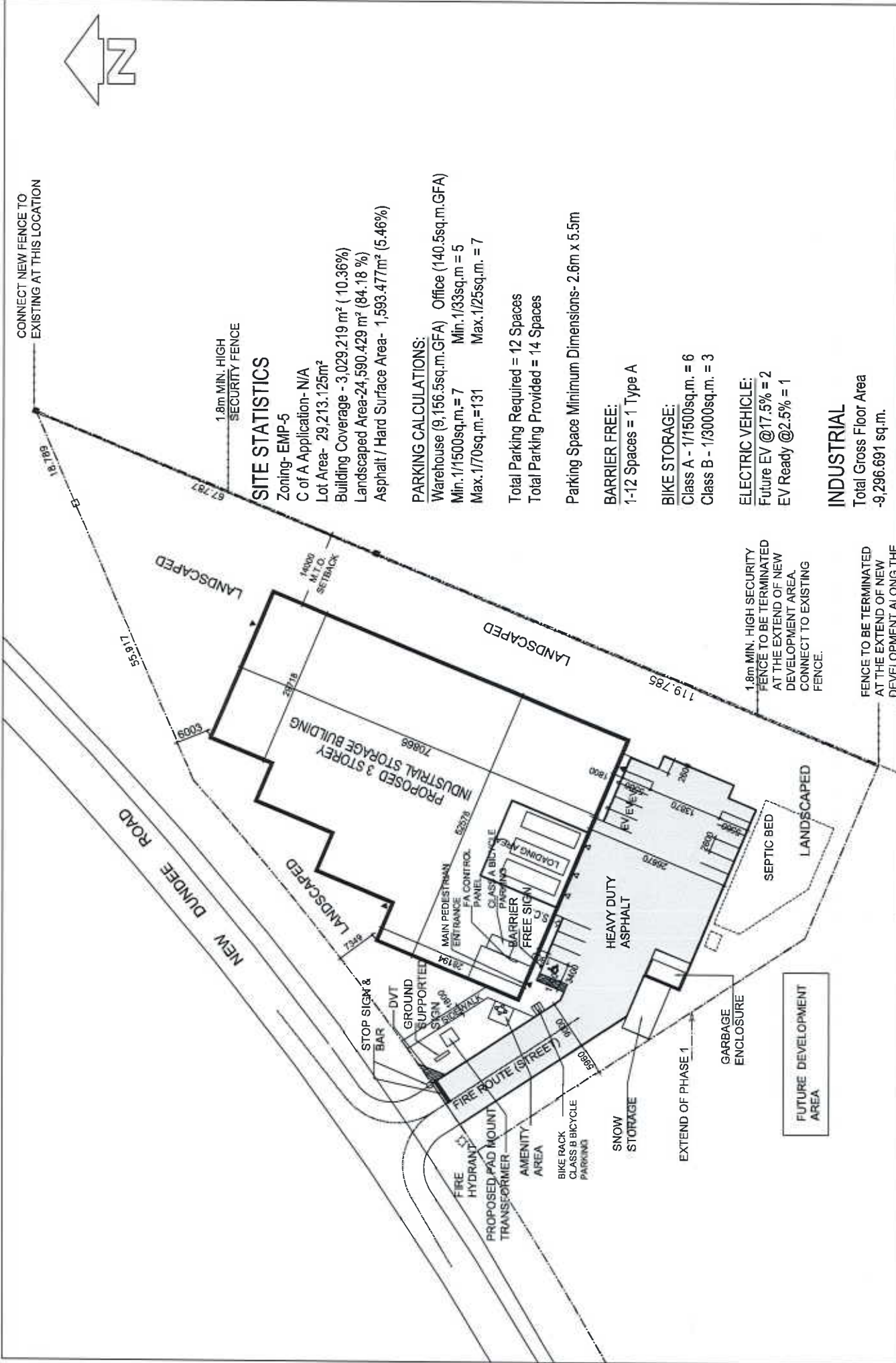
City of Kitchener
 DEVELOPMENT SERVICES DEPARTMENT

CAD FILE:
 SP21072NLT.DWG

SITE PLAN

McLean-Peister Ltd.
 375 New Dundee Road

SCHEDULE B(1)



DETAIL SITE PLAN

McLean-Peister Ltd.
 375 New Dundee Road

SITE PLAN APPLICATION : SP21/072/IN/LT

LEGAL DESCRIPTION: PT L17 BEASLEY'S OLD SURVEY TWP OF WATERLOO, BEING PTS 1 TO 9 ON 58R-15763; KITCHENER

City of Kitchener
 DEVELOPMENT SERVICES DEPARTMENT

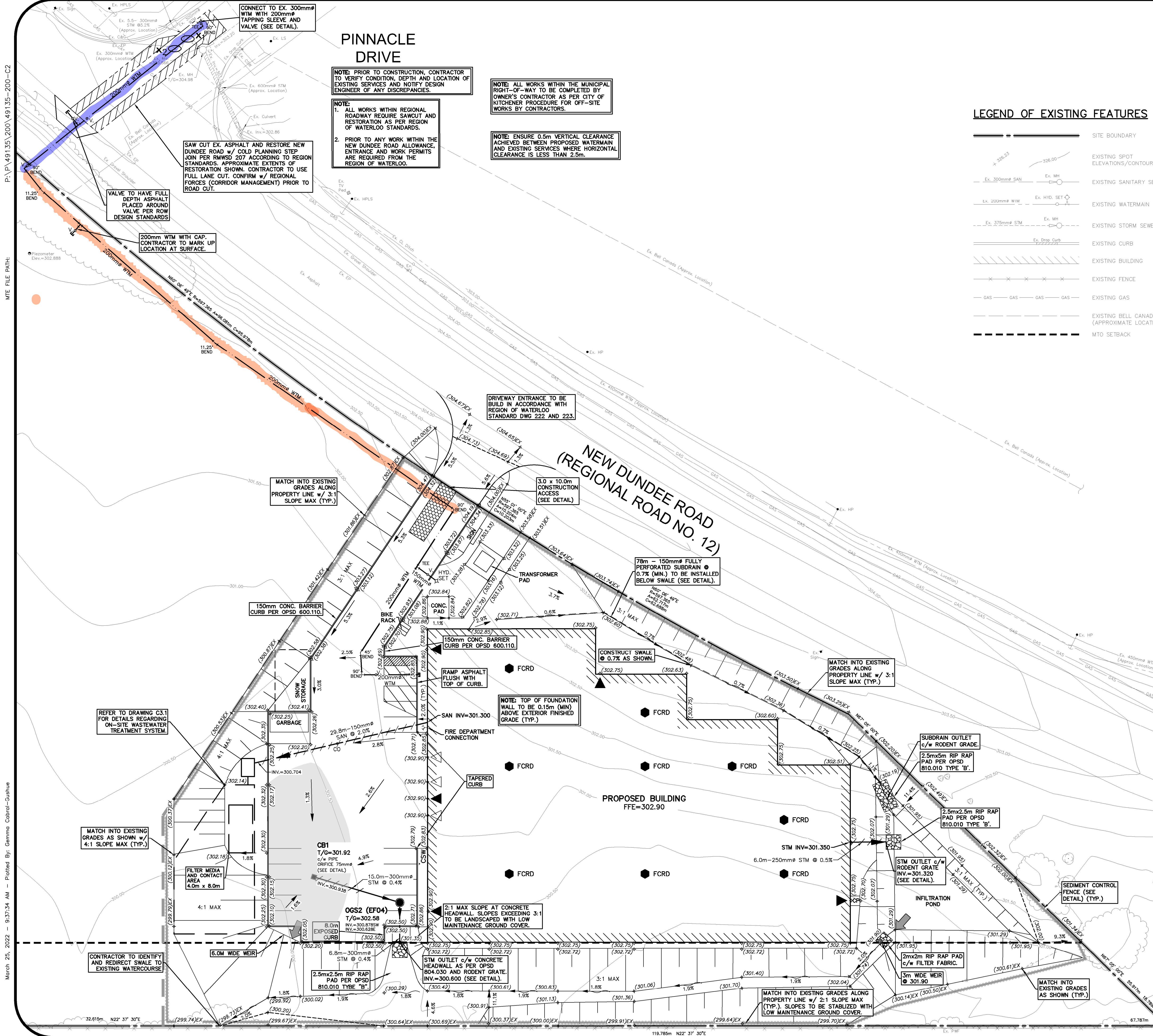
CAD FILE:
 SP21072NLT.DWG

SCHEDULE "C"

Address: 375 New Dundee Rd

SP#: SP21/072/N/LT

Approved Plan/Report	Prepared By	Revision Date	Rev#
Grading Plan	Jeff Lerch, Mte Consultants Inc.	Mar 25, 2022	3
SWM Report	Jeff Lerch, Mte Consultants Inc.	Mar 11, 2022	3
Servicing Plan	Jeff Lerch, Mte Consultants Inc.	Mar 25, 2022	3
Landscaping Plan	Aaron Hill, Hill Design Studio	Apr 25, 2022	3
Lighting Plan	Paul Gubbels, MNE Engineering Inc	May 05, 2022	3
Elevation Plan	Kory Maxfield, Maple Reinders	May 09, 2022	2
Tree Management Plan	Aaron Hill, Hill Design Studio	Apr 25, 2022	4



PINNACLE DRIVE

NOTE: PRIOR TO CONSTRUCTION, CONTRACTOR TO VERIFY CONDITION, DEPTH AND LOCATION OF EXISTING SERVICES AND NOTIFY DESIGN ENGINEER OF ANY DISCREPANCIES.

NOTE: ALL WORKS WITHIN THE MUNICIPAL RIGHT-OF-WAY TO BE COMPLETED BY OWNER'S CONTRACTOR AS PER CITY OF KITCHENER PROCEDURE FOR OFF-SITE WORKS BY CONTRACTORS.

NOTE: ENSURE 0.5m VERTICAL CLEARANCE ACHIEVED BETWEEN PROPOSED WATERMAIN AND EXISTING SERVICES WHERE HORIZONTAL CLEARANCE IS LESS THAN 2.5m.

NOTE: 1. ALL WORKS WITHIN REGIONAL ROADWAY REQUIRE SAWCUT AND RESTORATION AS PER REGION OF WATERLOO STANDARDS.
2. PRIOR TO ANY WORK WITHIN THE NEW DUNDEE ROAD ALLOWANCE, ENTRANCE AND WORK PERMITS ARE REQUIRED FROM THE REGION OF WATERLOO.

NOTE: SAW CUT EX. ASPHALT AND RESTORE NEW DUNDEE ROAD w/ COLD PLANNING STEP JOIN PER RWSD 207 ACCORDING TO REGION STANDARDS. APPROXIMATE EXTENTS OF RESTORATION SHOWN. CONTRACTOR TO USE FULL LANE CUT. CONFIRM w/ REGIONAL FORCES (CORRIDOR MANAGEMENT) PRIOR TO ROAD CUT.

NOTE: VALVE TO HAVE FULL DEPTH ASPHALT PLACED AROUND VALVE PER ROW DESIGN STANDARDS.

NOTE: 200mm WTM WITH CAP. CONTRACTOR TO MARK UP LOCATION AT SURFACE.

NOTE: DRIVEWAY ENTRANCE TO BE BUILT IN ACCORDANCE WITH REGION OF WATERLOO STANDARD DWG 222 AND 223.

NOTE: MATCH INTO EXISTING GRADES ALONG PROPERTY LINE w/ 3:1 SLOPE MAX (TYP.).

NOTE: 3.0 x 10.0m CONSTRUCTION ACCESS (SEE DETAIL).

NOTE: 78m - 150mm FULLY PERFORATED SUBDRAIN @ 0.7% (MIN.) TO BE INSTALLED BELOW SWALE (SEE DETAIL).

NOTE: MATCH INTO EXISTING GRADES ALONG PROPERTY LINE w/ 3:1 SLOPE MAX (TYP.).

NOTE: MATCH INTO EXISTING GRADES ALONG PROPERTY LINE w/ 3:1 SLOPE MAX (TYP.).

NOTE: MATCH INTO EXISTING GRADES ALONG PROPERTY LINE w/ 2:1 SLOPE MAX (TYP.). SLOPES TO BE STABILIZED WITH LOW MAINTENANCE GROUND COVER.

NOTE: TOP OF FOUNDATION WALL TO BE 0.15m (MIN) ABOVE EXTERIOR FINISHED GRADE (TYP.).

NOTE: 2:1 MAX SLOPE AT CONCRETE HEADWALL. SLOPES EXCEEDING 3:1 TO BE LANDSCAPED WITH LOW MAINTENANCE GROUND COVER.

NOTE: CONTRACTOR TO IDENTIFY AND REDIRECT SWALE TO EXISTING WATERCOURSE.

LEGEND OF EXISTING FEATURES

- SITE BOUNDARY
- - - EXISTING SPOT ELEVATIONS/CONTOURS
- - - EX. 300mm SAN
- - - EX. 200mm WTM
- - - EX. 375mm STM
- - - EX. HYD. SET
- - - EX. MH
- - - EX. DROP CURB
- - - EXISTING WATERMAIN
- - - EXISTING STORM SEWER
- - - EXISTING CURB
- - - EXISTING BUILDING
- - - EXISTING FENCE
- - - EXISTING GAS
- - - EXISTING BELL CANADA (APPROXIMATE LOCATION)
- - - MTO SETBACK

LEGEND OF PROPOSED FEATURES

- ◆ (326.00) PROPOSED SPOT ELEVATIONS
- EX = MAINTAIN EXISTING
- T/G=326.00
- FF=326.00
- 1.0% → 1.0%
- DIRECTION OF DRAINAGE/SWALE
- DRAINAGE SPLIT (RIDGE)
- EMBANKMENT (SLOPE AS NOTED)
- MH 14.6m-200mm SAN @ 1.5%
- MH 21.3m-300mm STM @ 1.3%
- HYD. SET
- 200mm WTM
- SANITARY SEWER
- STORM SEWER
- WATERMAIN
- PERFORATED BIG 'O' SUBDRAIN (SEE DETAIL)
- PROPOSED BUILDING
- △ OVERHEAD DOOR
- ▲ MAN DOOR
- PHASE ONE LIMIT
- SHALLOW PIPE INSULATION (SEE DETAIL)
- OVERLAND FLOW ROUTE (MAJOR STORM)
- RIP RAP (SIZE & TYPE AS NOTED)
- CONSTRUCTION ACCESS (SEE DETAIL)
- FLOW CONTROL ROOF DRAIN ZURN MODEL Z105* SINGLE NOTCH (8.95 lpm/cm OF HEAD) *OR APPROVED EQUAL
- 100 YEAR PONDING LIMIT (ELEVATION=302.174)
- SEDIMENT CONTROL FENCE (SEE DETAIL)
- SAW CUT
- SAW CUT c/w GLASS GRID (SEE DETAIL)
- CO CLEAN OUT (SANITARY)

City of Kitchener
Engineering Division
APPROVED

Niall Melanson
Niall Melanson
Date: 03/29/2022

SEWER CROSSING CHART

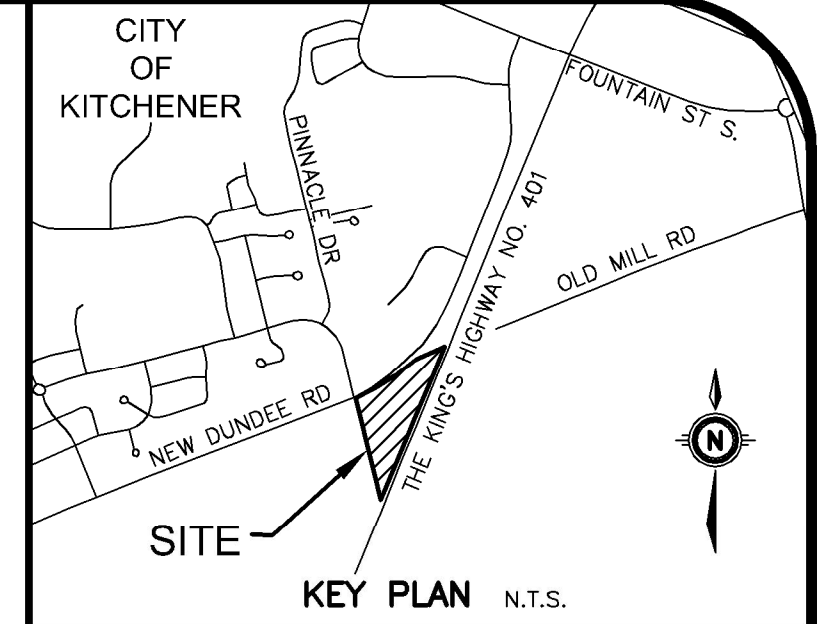
NOTE:
1) Maintain minimum 0.5m vertical clearance between all watermain and sewers. Where watermain is deflected, ensure 2.0m cover is achieved or watermain is isolated.
2) Maintain vertical clearance at all other crossings.
3) Existing and proposed watermain depths are approximate only. Notify Design Engineer of any discrepancies.
4) Contractor to verify all existing inverts prior to product ordering. Notify Design Engineer of any discrepancies.

CROSSING #	SEWER TYPE	SEWER SIZE (mm)	CROSSING ELEVATION	NOTES
X1	EX. STM	300	EX. INV=303.65±	DEFLECT WTM TO MAINTAIN MIN 0.5m VERTICAL CLEARANCE BETWEEN STM AND WTM.
	WTM	200	OBV=303.00±	
X2	EX. WTM	450	EX. OBV=302.45±	
	WTM	200	OBV=302.84±	

I hereby certify that this Site Grading, Servicing and Storm Water Management Plan conforms to the Landscape Plans for this project.

Signature: *[Signature]*
Date: *March 11, 2022*

Signature: *[Signature]*
Date: *March 11, 2022*



GEODETIC BM ELEV. = 356.492m
37.85m NORTH OF PLAINS RD & 13m EAST OF FISCHER HALLMAN RD, AT GROUND LEVEL BRASS CAP ON 5 FOOT IRON BAR

SITE BENCHMARK ELEV. = 300.253m
9001=SIB, LOCATED IN SOUTHWEST CORNER OF THE PROPERTY ON A ROADWAY PASSING THROUGH 401 NEW DUNDEE ROAD

NOTE TO CONTRACTOR :
DO NOT SCALE DRAWINGS.
CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND REPORT ANY DISCREPANCIES TO THE ENGINEER BEFORE PROCEEDING WITH THE WORK.
ALL DRAWINGS REMAIN THE PROPERTY OF THE ENGINEER AND SHALL NOT BE REPRODUCED OR REUSED WITHOUT THE ENGINEER'S WRITTEN PERMISSION.
THE OWNER/ARCHITECT/CONTRACTOR IS ADVISED THAT M.T.E. CONSULTANTS INC. CANNOT CERTIFY ANY COMPONENT OF THE SITE WORKS NOT INSPECTED DURING CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO NOTIFY M.T.E. CONSULTANTS INC. PRIOR TO COMMENCEMENT OF CONSTRUCTION TO ARRANGE FOR INSPECTION.

- NOTE:**
- PROPERTY LINE IS APPROXIMATE ONLY AND PROVIDED BY GUENTHER RUEB SURVEY LIMITED DATED DECEMBER 14, 2006.
 - THIS PLAN IS PART OF A SET OF PLANS WHICH COMPRISE OF THE FOLLOWING: C1.1, C2.1, C2.2, AND THE SWM REPORT.
 - EXISTING WATERMAIN LOCATION AND DEPTHS ON NEW DUNDEE ROAD AND PINNACLE DRIVE ARE TAKEN FROM AS RECORDED PLAN AND PROFILE PROVIDED BY THE REGIONAL MUNICIPALITY OF WATERLOO DATED MARCH 31, 1998 AND OCTOBER 2012. CONTRACTOR TO FIELD VERIFY AND REPORT ANY DISCREPANCIES TO ENGINEER.

NO.	REVISION	BY	DATE
3.	Revised per City Comments	JPL	2022-03-25
2.	ISSUED FOR SPA	JPL	2022-01-20
1.	ISSUED FOR AP	JPL	2021-08-05

MTE
Engineers, Scientists, Surveyors

519-743-6500

CLIENT
MAPLE REINDERS CONSTRUCTORS LTD.
260 HOLIDAY INN DRIVE, SUITE 24 CAMBRIDGE

PROJECT
NEW DUNDEE INDUSTRIAL SELF STORAGE
375 NEW DUNDEE ROAD KITCHENER

SITE GRADING, SERVICING SWM AND EROSION AND SEDIMENT CONTROL PLAN

Project Manager	J.LERCH	Project No.	49135-200
Design By	JHN/JPL	Checked By	CAD/JPL
Drawn By	NNB/GLC	Checked By	JHN
Surveyed By	OTHERS/MTE	Drawing No.	
Date	Jun.21/21		C2.1
Scale	1:300	Sheet	2 of 5

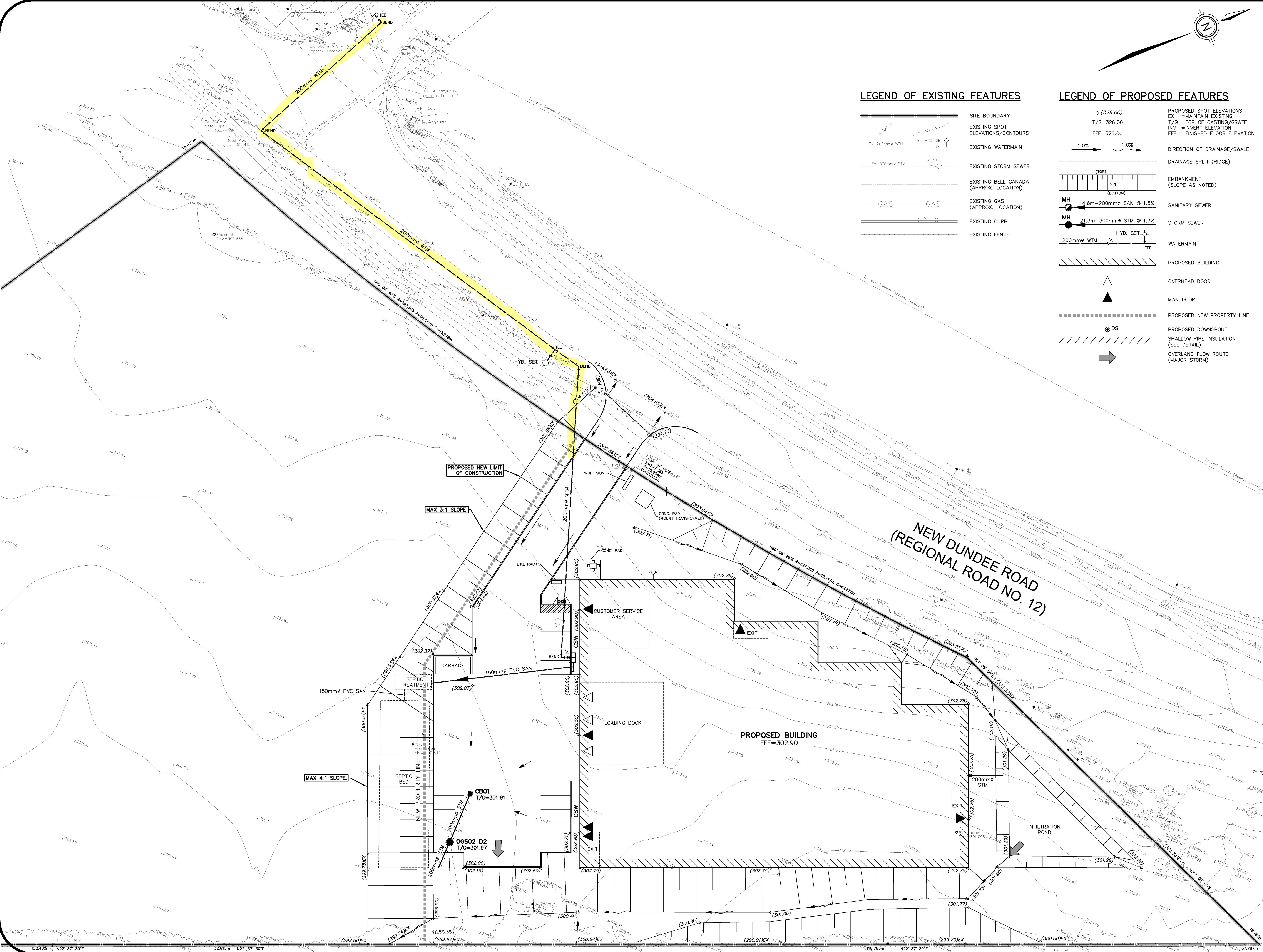
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MTE FILE PATH:

March 25, 2022 - 9:37:34 AM - Plotted By: Gemma Cabral-Guahan

P:\P\49135\200\49135-200-C2

July 29, 2021 - 2:24:59 PM - Plotted By: Gemma Cabral-Guahu

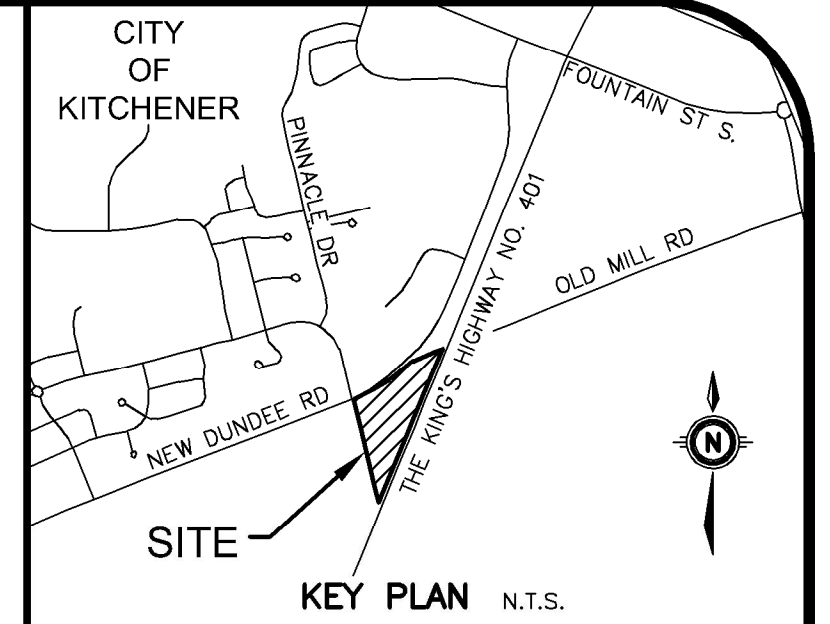


LEGEND OF EXISTING FEATURES

- SITE BOUNDARY
- EXISTING SPOT ELEVATIONS/CONTOURS
- EXISTING WATERMAIN
- EXISTING STORM SEWER
- EXISTING BELL CANADA (APPROX. LOCATION)
- EXISTING GAS (APPROX. LOCATION)
- EXISTING CURB
- EXISTING FENCE

LEGEND OF PROPOSED FEATURES

- PROPOSED SPOT ELEVATIONS
- DIRECTION OF DRAINAGE/SWALE
- DRAINAGE SPLIT (RIDGE)
- EMBANKMENT (SLOPE AS NOTED)
- SANITARY SEWER
- STORM SEWER
- WATERMAIN
- PROPOSED BUILDING
- OVERHEAD DOOR
- MAN DOOR
- PROPOSED NEW PROPERTY LINE
- PROPOSED DOWNSPOUT
- SHALLOW PIPE INSULATION (SEE DETAIL)
- OVERLAND FLOW ROUTE (MAJOR STORM)



GEODETIC BM ELEV. = 356.492m
 37.85m NORTH OF PLAINS RD & 13m EAST OF FISCHER HALLMAN RD, AT GROUND LEVEL BRASS CAP ON 5 FOOT IRON BAR

SITE BENCHMARK ELEV. = 300.253m
 8001=SIB, LOCATED IN SOUTHWEST CORNER OF THE PROPERTY ON A ROADWAY PASSING THROUGH 401 NEW DUNDEE ROAD

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 ALL DRAWINGS REMAIN THE PROPERTY OF THE ENGINEER AND SHALL NOT BE REPRODUCED OR REUSED WITHOUT THE ENGINEER'S WRITTEN PERMISSION.

NOTE:
 1. PROPERTY-LINE IS APPROXIMATE ONLY AND PROVIDED BY GUENTHER RUEB SURVEY LIMITED DATED DECEMBER 14, 2006.

8.	
7.	
6.	
5.	
4.	
3.	
2.	
1.	ISSUED FOR APPROVAL
No.	REVISION



519-743-6500

CLIENT
MAPLE REINDERS CONSTRUCTORS LTD.
 260 HOLIDAY INN DRIVE, SUITE 24 CAMBRIDGE
 PROJECT
NEW DUNDEE ROAD INDUSTRIAL SELF STORAGE
 BETWEEN NEW DUNDEE RD AND HWY 401 KITCHENER
 DRAWING

FUNCTIONAL SITE GRADING AND SERVICING PLAN

Project Manager	J.LERCH	Project No.	49135-200
Design By	JHN	Checked By	CAH
Drawn By	NNB/GLC	Checked By	LEI
Surveyed By	OTHERS/MTE	Drawing No.	C2.1
Date	Jun.21/21	Scale	1:300
Sheet	1 of 1		

Region of Waterloo

Corporate Services

Treasury Services (Procurement)

To: Administration and Finance Committee

Meeting Date: February 7, 2023

Report Title: Quarterly Summary of Tenders, Quotations, Requests for Proposals and Consultant Selections Approved by the CAO

1. Recommendation:

For Information.

2. Purpose / Issue:

To provide Council with the details of the tenders/quotations, proposals and consultant proposals awarded by the Chief Administrative Officer (CAO) under authority of the Purchasing By-law effective October 1, 2022 – December 31, 2022.

3. Strategic Plan:

Award of these contracts meets the 2019-2023 Corporate Strategic Plan objective to ensure regional programs and services are efficient, effective and provide value for money under Strategic Focus Area 5, Responsive and Engaging Government Services.

4. Report Highlights:

The criteria for CAO approval during this reporting period are set out below:

- Administrative awards of tenders between \$1,000,000 and \$10,000,000 can occur if the following criteria are met: the bid is compliant, award to the lowest bidder, and the bid amount is within budget.
- For proposals/consultant proposals between \$1,000,000 and \$10,000,000, the criteria to enable an administrative award are that the proposal is compliant, that it best meets the criteria as established, and price is within budget.
- The Chief Administrative Officer By-law #20-027 (as amended and effective July 1, 2022) allows for the CAO to award tenders and RFPs when Council is not in session, providing that the terms of the Purchasing By-law have been followed.

5. Background:

The Region's Purchasing By-law authorizes the Region's CAO to award certain tenders, Request for Proposals (RFPs) and Consultant Proposals based on specified criteria.

Administrative awards allow for an efficient and timely procurement process. A summary report is submitted on a quarterly basis to the Administration and Finance Committee outlining all tenders, RFPs and consultant proposals approved by the Chief Administrative Officer.

6. Area Municipality Communication and Public/Stakeholder Engagement:

Nil.

7. Financial Implications:

All awards are consistent with the procurement by-law, including sufficient funding in the approved operating and/or capital budgets, as applicable.

8. Conclusion / Next Steps:

Nil.

9. Attachments:

Appendix 1: CAO Tender/Quotation Awards

Appendix 2: CAO Proposal Awards

Prepared By: Tina Reay, Supervisor, Procurement

Reviewed By: Cathy Deschamps, Director, Treasury Services/Deputy Treasurer

Approved By: Craig Dyer, Commissioner, Corporate Services/Chief Financial Officer

Appendix 1: CAO Tender and Quotation Awards

Tender/Quotation Number & Name	Number of Bidders	Successful Bidder: Company Name and price (excludes HST)	Bid price range (excl. HST)	Notes
T2022-180 Supply and Delivery of 12% Sodium Hypochlorite	4	Lavo \$1,055,000.00	\$1,055,000.00 - \$1,370,500.00	
T2022-191 WRH Bathroom Renovations Phase 2 - Tender D (Under PQ2020-08)	2	Joe Pace & Sons Contracting Inc. \$1,407,000.00	\$1,407,000.00 - \$1,596,369.00	Only two bids were received due to workload. A number of the pre-qualified companies stated that they were too busy to submit bids at that time.

Appendix 2: CAO Request for Proposal Awards

Proposal Number & Name	Number of Bidders	Successful Bidder: Company Name and price (excludes HST)	Notes
P2022-22 Grand River Transit (GRT) Northfield Facility Electric Bus Charging Equipment and Software	6	Siemens Canada Limited \$1,347,046.98	6 proposals were received, 3 proposals were shortlisted. 1 proposal was disqualified.
P2022-10 Supportive Housing Health Initiative For a two (2) year period with the option to renew for two (2) additional one (1) year periods.	3	Sanguen Health Centre Foundation \$1,798,472.00 (\$899,236.00 per year)	3 proposals were received, 1 proposal was shortlisted

Region of Waterloo

Corporate Services

Treasury Services

To: Administration and Finance Committee

Meeting Date: February 7, 2023

Report Title: Memberships with the Federation of Canadian Municipalities and the Association of Municipalities of Ontario

1. Recommendation

That the Regional Municipality of Waterloo approve, for the duration of this term of Council, the Region's continued membership with the Federation of Canadian Municipalities and the Association of Municipalities of Ontario and the payment of associated annual membership fees subject to annual budget approval, as set out in Report COR-TRY-23-004 dated February 7, 2023.

2. Purpose / Issue:

To recommend continued membership and invoice payment authority for the Federation of Canadian Municipalities (FCM) and the Association of Municipalities of Ontario (AMO).

3. Strategic Plan:

Nil

4. Report Highlights:

- This report recommends continued membership and invoice payment authority for FCM and AMO, subject to annual budget approval, for the duration of the term of Council.
- The Region has historically covered the FCM membership for both the Region and the Area Municipalities, and the FCM fee noted in this report covers both the Region and the Area Municipalities.

5. Background:

The Region of Waterloo has received invoices from FCM and AMO for 2023 membership fees. The FCM invoice is attached as Appendix A and the AMO invoice is attached as Appendix B.

The cost of the 2023 FCM membership is \$129,549.25 based on a flat fee of \$5,540 and

21.12 cents per capita for a population of 587,165 plus applicable taxes. The cost of the 2023 AMO membership is \$12,645.52 based on \$8,355 for the first 30,000 households and 2.19 cents per household above 30,000 (total number of households 225,914) plus applicable taxes.

The following table compares the 2022 and 2023 costs for both the FCM and AMO memberships excluding applicable taxes:

	2022	2023	\$ Increase	% Increase
FCM*	\$114,584.93	\$129,549.25	\$14,964.32	13.1%
Base fee*	\$5,360	\$5,540	\$180	3.4%
Per capita fee*	\$0.2041	\$0.2112	\$0.0071	3.5%
Population	535,154	587,165	52,011	9.7%
AMO *	\$12,276.98	\$12,645.52	\$368.54	3.0%
Fee on first 30,000 households*	\$8,151	\$8,355	\$204	2.5%
Fee on households in excess of 30,000*	\$4,125.98 \$0.0214 x 192,803	\$4,290.52 \$0.0219 x 195,914	\$164.54	3.9%
Total households	222,803	225,914	3,111	1.4%

* Before net H.S.T. of 1.76%

The Region has historically covered the FCM membership for both the Region and the Area Municipalities and the FCM fee noted above includes both the Region and the Area Municipalities. The cost to the Region including the Area Municipalities is less than the total cost if the Region and the Area Municipalities each paid their own memberships. The AMO fee is solely for the Region's membership. AMO bills each municipality individually and has separate fee categories for upper and lower tier municipalities.

6. Area Municipality Communication and Public/Stakeholder Engagement:

Area Municipality Communication: Nil

Public/Stakeholder Engagement: Nil

7. Financial Implications:

Funds sufficient to cover the cost of the memberships have been included in the Region's preliminary 2023 operating budget. The provision will be adjusted annually as required throughout the term of Council.

8. Conclusion / Next Steps:

It is recommended that the annual membership fees for FCM and AMO be approved for the duration of the current term of Council, subject to annual budget approval. This approach allows Council to deal with this matter in the first year of each Council term and enable the Region to pay these invoices on a timely basis.

9. Attachments:

Appendix A: 2023 FCM membership invoice

Appendix B: 2023 AMO membership invoice

Prepared By: Tijana Barisic, Financial Analyst

Reviewed By: Cathy Deschamps, Director, Treasury Services/Deputy Treasurer

Approved By: Craig Dyer, Commissioner, Corporate Services/Chief Financial Officer



FEDERATION
OF CANADIAN
MUNICIPALITIES

FÉDÉRATION
CANADIENNE DES
MUNICIPALITÉS

Membership Invoice 2023-2024 Facture d'adhésion

24, rue Clarence Street
Ottawa, Ontario K1N 5P3
T. 613-241-5221
F. 613-241-7440

Bruce Lauckner
Regional Municipality of Waterloo
1-150 Frederick Street
Kitchener, ON, N2G 4J3
Attn: Chief Administrative Officer

INVOICE / FACTURE: INV-33729-M4P7B3
DATE: 11/30/2022
ACCOUNT / COMPTE: 24579
DUE DATE / DATE LIMITE: 04/01/2023

ITEM / DESCRIPTION	QTY / QTE	RATE / TAUX	SUB-TOTAL / SOUS-TOTAL	HST / TVH	TOTAL
Base fee per your population/ Taux de base selon votre population	1	\$5,540.00	\$5,540.00	\$720.20	\$6,260.20
Per capita dues calculated per your population/Frais de cotisation calculés selon votre population	587,165	\$0.2112	\$124,009.25	\$16,121.20	\$140,130.45
TOTAL			\$129,549.25	\$16,841.40	\$146,390.65

PAID AMOUNT / MONTANT PAYÉ: \$0.00
BALANCE DUE / MONTANT DÛ: \$146,390.65

PAYMENT / PAIEMENT

Cheque payable to / Chèque à l'ordre de
Federation of Canadian Municipalities
Fédération canadienne des municipalités

Electronic Funds Transfer / Transfert électronique de fonds

Royal Bank of Canada (RBC)
90 Sparks St, Ottawa, ON K1P 5T7
Transit Number/Numéro de transit: 00006

New / Nouveau

Account Number / Numéro de compte: **1113307**

accountsreceivable@fcm.ca/comptesrecevables@fcm.ca

Your FCM membership helps empower local leaders with
new tools to support their communities and drive
Canada's growth.
Learn more at <https://fcm.ca/membership>.



Association of Municipalities of Ontario

2023 MEMBERSHIP INVOICE

Accounts Payable

Waterloo, Region of
 150 Frederick Street

 Kitchener, ON N2G 4J3

Invoice No.: MEM008518
Invoice Date: January 1, 2023
Due Date: January 31, 2023

BILLED TO		AMOUNT
Supporter Category:		
Supporter fee for the period:	January 1 to December 31, 2023	\$12,645.52
Harmonized Sales Tax (13%):		\$1,643.93
TOTAL:		\$14,289.45
HST number 106732944RT001		

Your municipality's fee is based on a total of households as reported by MPAC. The Board of Directors approved a 2.50% increase in membership which province-wide raises about \$56,695

Please direct inquiries to:

Anita Surujdeo at 416-971-9856 Ext. 344
 asurujdeo@amo.on.ca
 200 University Avenue, Suite 801, Toronto, ON M5H 3C6
 Tel: 416-971-9856 Toll Free: 1-877-426-6527 Fax: 416-971-6191

Region of Waterloo
Corporate Services
Facilities and Fleet Management

To: Administration and Finance Committee
Meeting Date: February 7, 2023
Report Title: King-Victoria Transit Hub Project Update

1. Recommendation:

That the Regional Municipality of Waterloo take the following action with respect to the King-Victoria Transit Hub as outlined in Report COR-FFM-23-001 dated February 7, 2023:

- a) Authorize the Commissioner, Corporate Services to enter into an amended cost sharing agreement with Metrolinx to the satisfaction of the Regional Solicitor for Phase 1 of the King-Victoria Transit Hub project;
- b) Enter into an Agreement with WZMH Architects to complete consulting services for the realignment and roadway reallocation of Victoria Street and for additional scope related to the Phase 1 detailed design at an upset limit fee of \$450,000 plus all applicable taxes.

2. Purpose / Issue:

The purpose of this report is to provide an update on the progress of the King-Victoria Transit Hub (KVTH) Project.

3. Strategic Plan:

The KVTH project supports the Thriving Economy, Sustainable Transportation, and Environment and Climate Action focus areas in the 2019-2023 Strategic Plan by creating a competitive business-supportive community to help attract, retain and grow employers, talent and investments in Waterloo Region (Objective 1.1); enhancing the transit system to increase ridership and ensure it is accessible and appealing to the public (Objective 2.1); improving and better integrating roads and rail transportation services to and from Waterloo Region (Objective 2.2); and reducing greenhouse gas emissions (Objective 3.1).

4. Report Highlights:

- The Phase 1 KVTH project design has been updated to 30% completion and is shown in Appendices A-C. These drawings will be shared publicly on the engageWR platform in mid-February for public viewing.
- The current Transfer Payment Agreement (TPA) with the Provincial Ministry of Transportation (MTO) is sufficient to cover the \$43 million estimate for Phase 1. Region and Metrolinx staff are in the process of negotiating a cost sharing agreement amendment for the additional works to be completed by Metrolinx within the rail corridor in support of the Region's Phase 1 construction.
- A revised cost estimate has been completed for the entire project based on the current design. The overall cost estimate is now \$130 million which represents an increase of \$23.9 million from the 2020 estimate. This increase is fully attributed to cost escalation in the current environment. The Business Case prepared to support necessary amendments to the Phase 1 TPA and the Investing in Canada Infrastructure Program (ICIP) application is viable up to the current estimate of \$130 million.
- Regional staff submitted an ICIP application in December 2022 per Council direction (COR-CFN-22-030 dated December 14, 2022). The preliminary 2023-2032 Capital Program has been prepared to include updates for the KVTH project in terms of costing and expected ICIP funding.
- The current design team, WZMH Architects, has been engaged by the Region since 2019. Staff recommend an upset limit fee of \$450,000 for design work to support Metrolinx to be completed by November 2023.

5. Background:

The KVTH site is planned to be a landmark development and train station connecting the Region to the Toronto-Waterloo Region Innovation Corridor. It will be a focal point for higher order transit service in Waterloo Region, connecting passengers seamlessly through the co-location of ION (LRT), GO Transit (rail and bus service), VIA rail service, intercity bus, passenger vehicles and GRT. The Transit Hub is also expected to generate ION ridership as an anchor development along the Central Transit Corridor (CTC) with transit station functions integrated with a privately developed mixed-use destination.

As part of Phase 1, Metrolinx will deliver track modifications, platforms and amenities, and station underpasses while the Region delivers bus infrastructure, passenger waiting areas, bike storage, passenger pickup and drop off facilities, parking, segregated cyclist

and pedestrian trails and a new pedestrian bridge over King Street. The Region will deliver the transit hub building and public square and transit plaza in a subsequent Phase 2.

As outlined in report COR-FFM-21-04/COR-CFN-21-09 dated February 9, 2021 the overall KVTH Project is currently paused pending funding availability. Metrolinx is committed to moving forward with the work within the adjacent rail corridor to relocate their platform to the KVTH site in support of the Region's plans and the Kitchener Line expansion in preparation for two-way all-day GO service. As outlined in Report COR-FFM-21-09 dated June 22, 2021, some elements of the Region's site design are moving forward as a Phase 1 development in parallel with the Metrolinx design work in order to ensure that site circulation, parking, bus loop and passenger pick up and drop off area are coordinated and can be ready for use when Metrolinx is ready to move to the new platform.

Design Update

Working in parallel with Metrolinx, the design for Phase 1 has been updated to approximately 30% completion to include feedback from public consultation, the project Joint Design Review Panel and other stakeholders. The attached drawings (Appendix A) show the current state of the design. Of particular note, the design of multi-use trails and King Street crossing are significantly more developed based on community feedback. The site access has also changed to minimize impact on traffic flow on Victoria Street. All buses will now use the signalized intersection at Duke Street, on-site parking will be provided for short stays only and commuter parking has been moved off-site to a nearby property (Appendix B).

The Metrolinx design for in-corridor work has also evolved to 95% design as shown in the attached site plan (Appendix C). The design of Region and Metrolinx scope will continue to proceed in parallel to ensure coordination between the designs.

Schedule Update

The timing of the Region's Phase 1 work is driven by Metrolinx's construction schedule. In the updated project schedule, based on the 95% design, it is anticipated that Metrolinx will start construction in late 2023 and be fully complete in 2027. The Region understands the updates to the schedule are related to further development of the construction staging plan as the design advanced, as well as utility work and unforeseen geotechnical conditions associated with recent changes in the site layout.

Due to the complex nature and close adjacent sites, construction cannot be completed concurrently. Based on the current Metrolinx schedule, Region's work will begin spring/summer 2024 with completion in April 2027. The Region and Metrolinx will work collaboratively together to expedite and confirm the schedule in upcoming months.

Metrolinx Memorandum of Understanding (MOU)

Region and Metrolinx staff are in the process of negotiating a cost sharing agreement amendment for the additional works to be completed by Metrolinx within the rail corridor in support of the Region's Phase 1 construction. This includes:

- The multi-use trail underpass at Duke Street;
- The retaining wall on the south side of the rail corridor between Region and Metrolinx lands;
- Space for bike storage rooms, bus shelters and service rooms under the South Platform (equipment installation and fit-out of the space is not included); and
- Structural work for the station tunnel near King Street to provide direct access to the Phase 2 Transit Hub building from the North platform (equipment installation and fit-out of the tunnel is not included).

It is expected that the cost of this work will be covered by the \$10 million allocation within the MTO Transfer Payment Agreement (TPA) for in-corridor work and will be confirmed with the schedule confirmation. The TPA is expected to be amended to transfer these funds directly from MTO to Metrolinx for completion of the work. Ownership of this infrastructure will remain with Metrolinx. The agreement provides provisions for future licence, operations and maintenance agreements for the Region's long term use of this infrastructure. The agreement also includes provisions for dispute resolution, access, insurance requirements and clearly identifies roles and responsibilities of both parties in relation to the cost shared scope as well as the overall project.

Increased Cost Estimate & Business Case

A revised project cost estimate has been completed based on the current design for both Phase 1 and Phase 2. As with most projects in the current environment, significant cost escalation has occurred. The total project cost is now estimated at \$130 million compared to the previous estimate of \$106.1 million in 2020.

The current Phase 1 estimate is \$43 million including the work to be completed by Metrolinx as described above. This cost can be accommodated through the existing TPA with the Province. The current Phase 2 estimate is \$102 million (in 2023\$), which represents an increase of \$28.9 million over the previous estimate. This increase can be entirely attributed to escalation as no design activity has occurred between the two estimates.

An updated Business Case has been prepared for the overall project to support necessary amendments to the TPA and submission of an ICIP application as directed by Council in report COR-FFM-21-04/COR-CFN-21-09 dated February 9, 2021. Although the Business Case was prepared based on the 2020 estimates, staff have

confirmed that it remains viable at the current project estimate of \$130 million (inflated\$ based on estimated construction years).

Design Assignment

As outlined in report COR-FFM-19-13 dated October 1, 2019, the current design team, WZMH Architects have been approved as the project design team. Staff recommends an upset limit fee of \$450,000 for this limited phase of design work to support Metrolinx and to be completed by November. Based on the nature of the project and similar experience, staff feel this fee is reasonable and appropriate.

Procurement

Section 21(1)(g) of the Purchasing By-Law 16-032 allows for acquisition by negotiation where the extension of an existing or previous contract would prove more cost effective or beneficial for the Region.

6. Area Municipality Communication and Public/Stakeholder Engagement:

Area Municipality Communication: The project Joint Design Review Panel has provided input into the design process and includes representation from the City of Kitchener and Metrolinx. In addition, City of Kitchener staff are consulted regularly on various design elements.

Public/Stakeholder Engagement: The drawings attached to this report will be posted on the KVTH page on the engageWR platform in early 2023 for public viewing. The project's Joint Design Review Panel met on January 25, 2022 to review the Phase 1 design as well as the Metrolinx design for in-corridor work. In general, the feedback was positive about the current design with some comments about ensuring that the future development potential of the historic Rumpel Felt building is not negatively impacted. The group did, however, express strong concern about ensuring that the project continues to move forward into the Phase 2 development of the Transit Hub building and public square to ensure that the Region builds a public realm that the community can take pride in for years to come.

There have been a wide range of stakeholders involved in the development of the current design. These include transit providers such as Metrolinx, VIA, GRT and various intercity bus providers. These also include area businesses, neighbourhood groups as well as active transportation groups.

7. Financial Implications:

The current Phase 1 estimate is \$43 million which is provided for under the current TPA with the Province of which \$33 million is for the Region's scope and \$10 million is for

Metrolinx's scope. The Phase 2 estimate (in 2023\$) has been reflected in the Region's preliminary 2023-2032 capital program as set out in the table below:

CAPITAL PLAN (\$000s)	2027	2028	2029	Total
Expenditure				
Phase 2 (current \$)	\$2,500	\$30,240	\$69,260	\$102,000
Funded by:				
Investing in Canada Infrastructure Program	1,825	22,075	50,560	74,460
20 Year Property Tax Supported Debentures	400	4,839	11,081	16,320
20 Year Development Charge Supported Debentures	275	3,326	7,619	11,220
Total Funding	\$2,500	\$30,240	\$69,260	\$102,000

The Investing in Canada Infrastructure Program includes federal contributions of up to 40% of project expenditure, and provincial contributions up to 33.33% of project expenditure. The remainder will be financed by development charge and property tax supported Regional debt. A total of \$27.5M in debt will need to be issued for Phase 2. Incremental debt servicing costs to be reflected in future operating budgets are estimated to be \$2.2M annually (over a period of 20 years at an estimated cost of borrowing of 5.0%), of which \$0.9M will be recovered from development charges annually over the 20 year period and the remaining \$1.3M will be funded from future property tax levies. In addition, future operating budgets would include an estimated provision of \$1.3 million for ongoing operating and maintenance costs for the Transit Hub

Regional staff submitted an ICIP application for Phase 2 to the Investing in Canada Infrastructure Program (ICIP) in mid-December, pursuant to report COR-CFN-22-030 dated December 14, 2022.

8. Conclusion / Next Steps:

Subject to approval of this report, staff will finalize the cost sharing agreement with Metrolinx for Phase 1 and update the business case to reflect the current costs estimates for Phase 2. Staff will also continue to work with the design team and MTO to finalize and implement the scope of work necessary to support the Metrolinx corridor design activity.

9. Attachments / Links:

Appendix A: Site Plans

Appendix B: Off-Site Parking

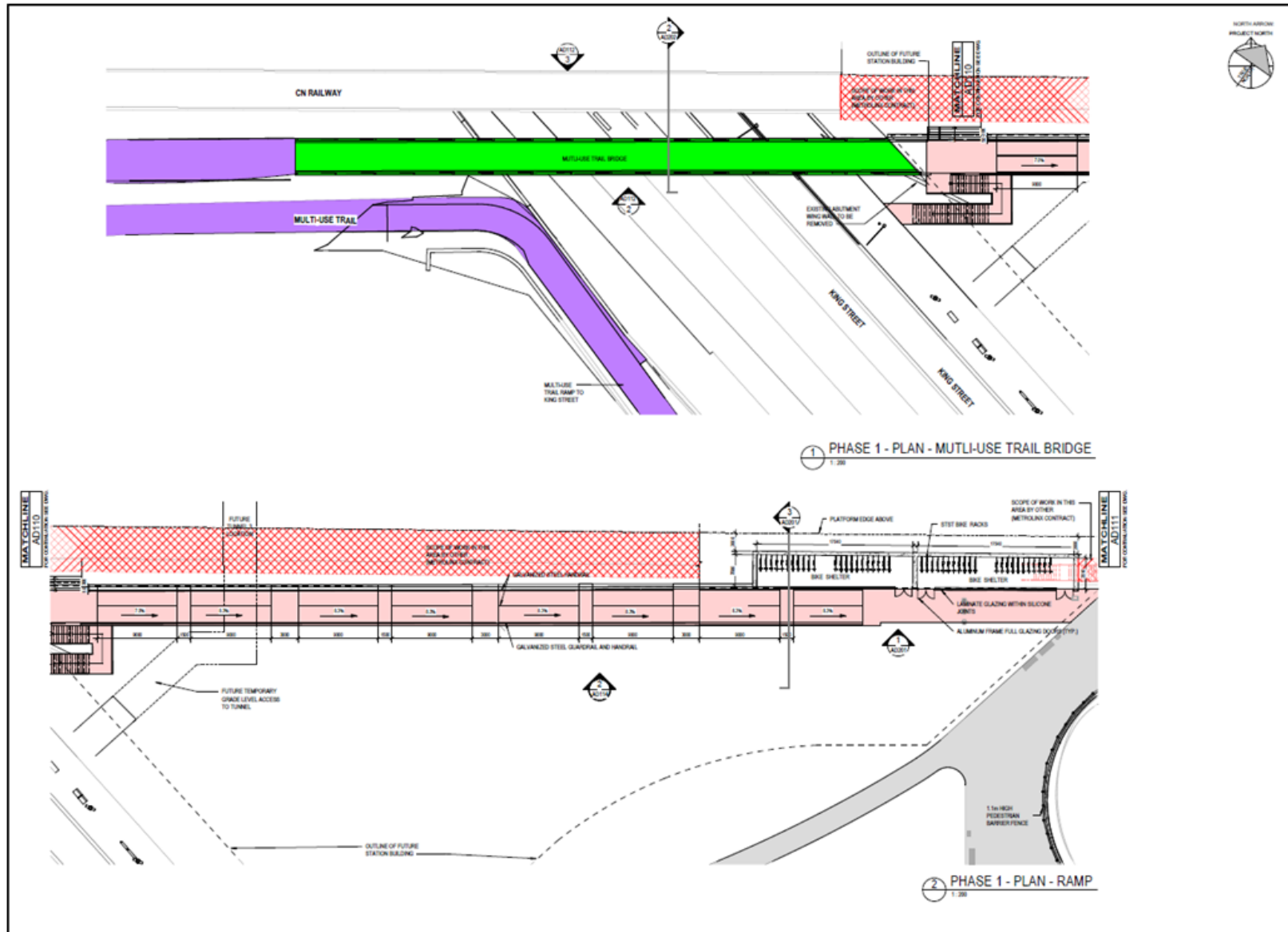
Appendix C: Metrolinx Site Plan

Prepared By: Kimberly Lane, Senior Project Manager, Facilities Project Management

Reviewed By: Cheryl Braan, Director of Corporate Finance

Ellen McGaghey, Director, Facilities & Fleet Management

Approved By: Craig Dyer, Commissioner, Corporate Services/Chief Financial Officer



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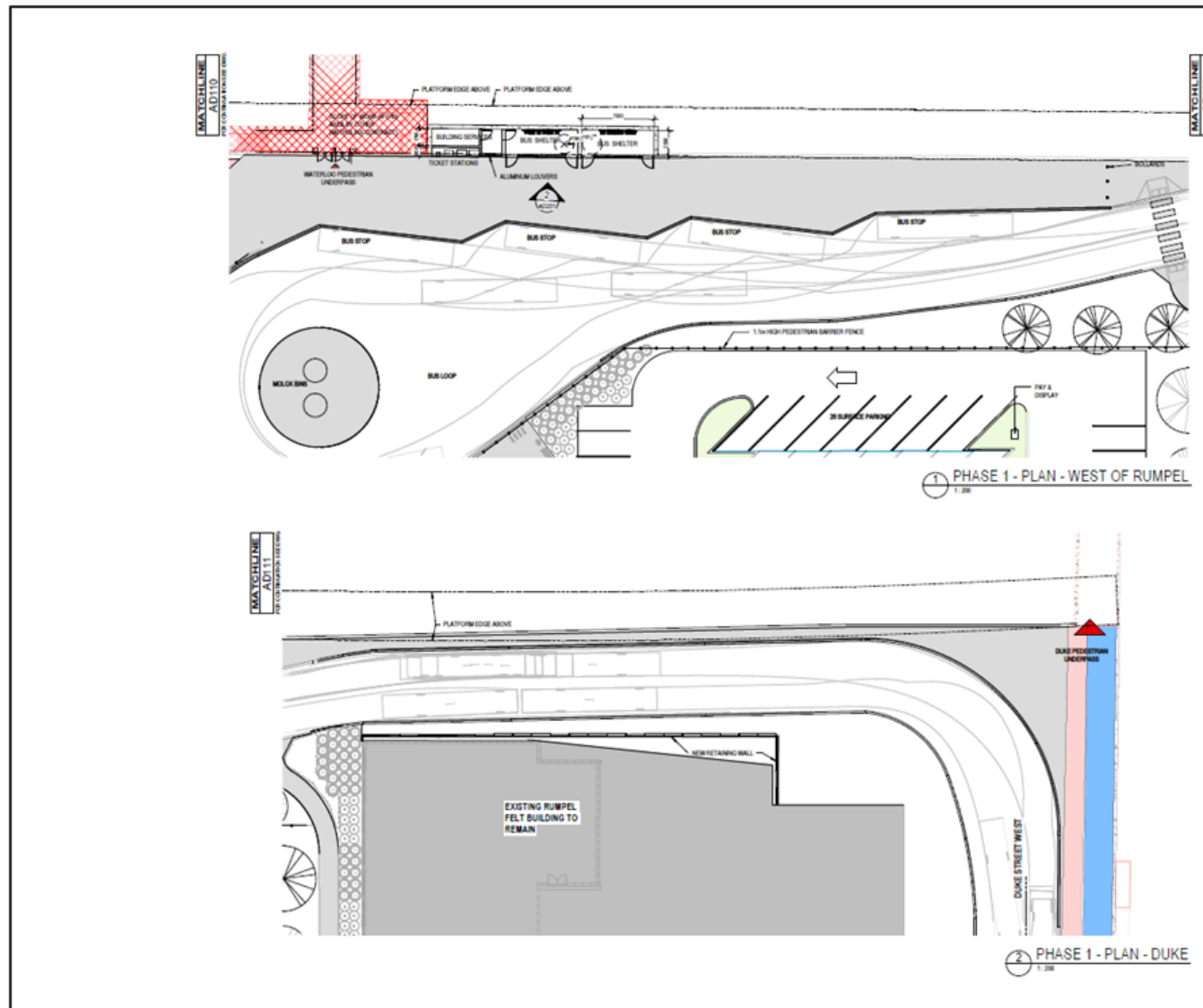
SCALE: _____

NO. DATE REVISION PROJECT

ISSUED TITLE

FLOOR PLAN - PHASE 1 - WEST OF WATERLOO

PROJECT NO. **AD110**



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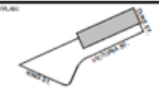
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NO. DATE REVISION

DRAWING TITLE
FLOOR PLAN - PHASE 1 - EAST OF WATERLOO

DRAWING NO. **AD111**

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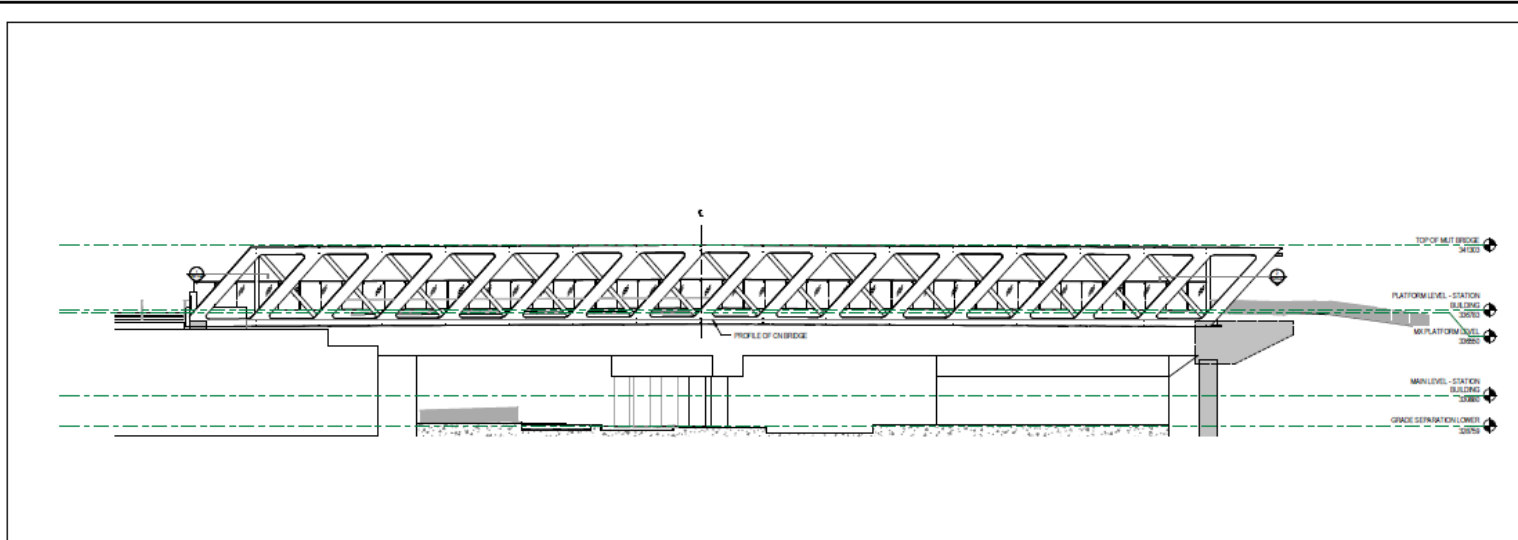
2023-025 RON HAMBERSON
 WZMH

DRAWING TITLE

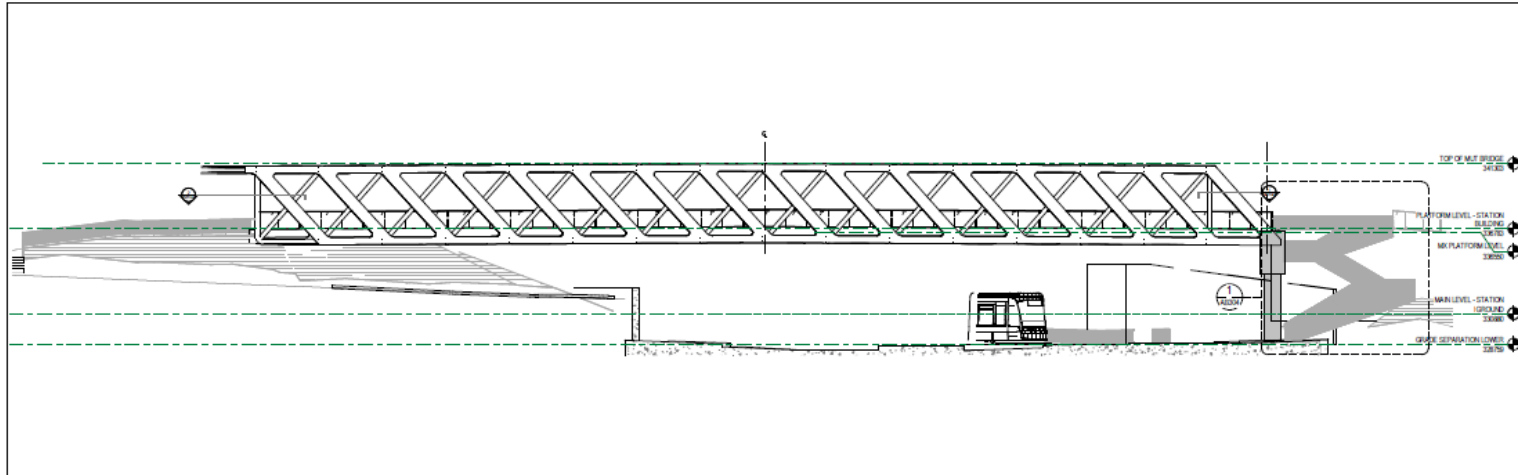
ELEVATION - PEDESTRIAN BRIDGE

DRAWING NO. **AB200**

FILED DATE: 2023-02-07 09:58



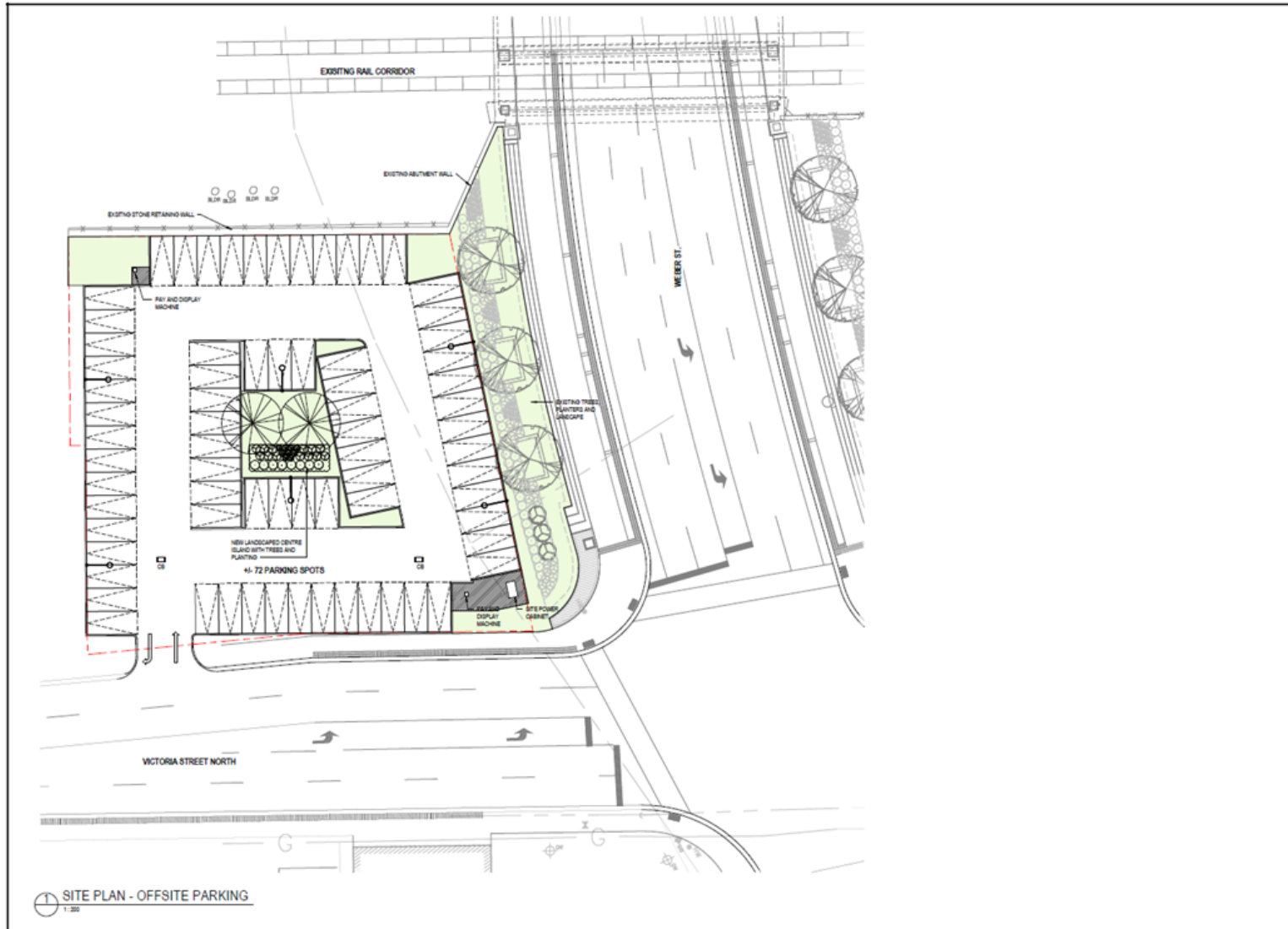
2 ELEVATION - MUT BRIDGE LOOKING SOUTH
 1/32"



1 ELEVATION - MUT BRIDGE LOOKING NORTH
 1/32"

ARCH 01 2023-02-07 09:58

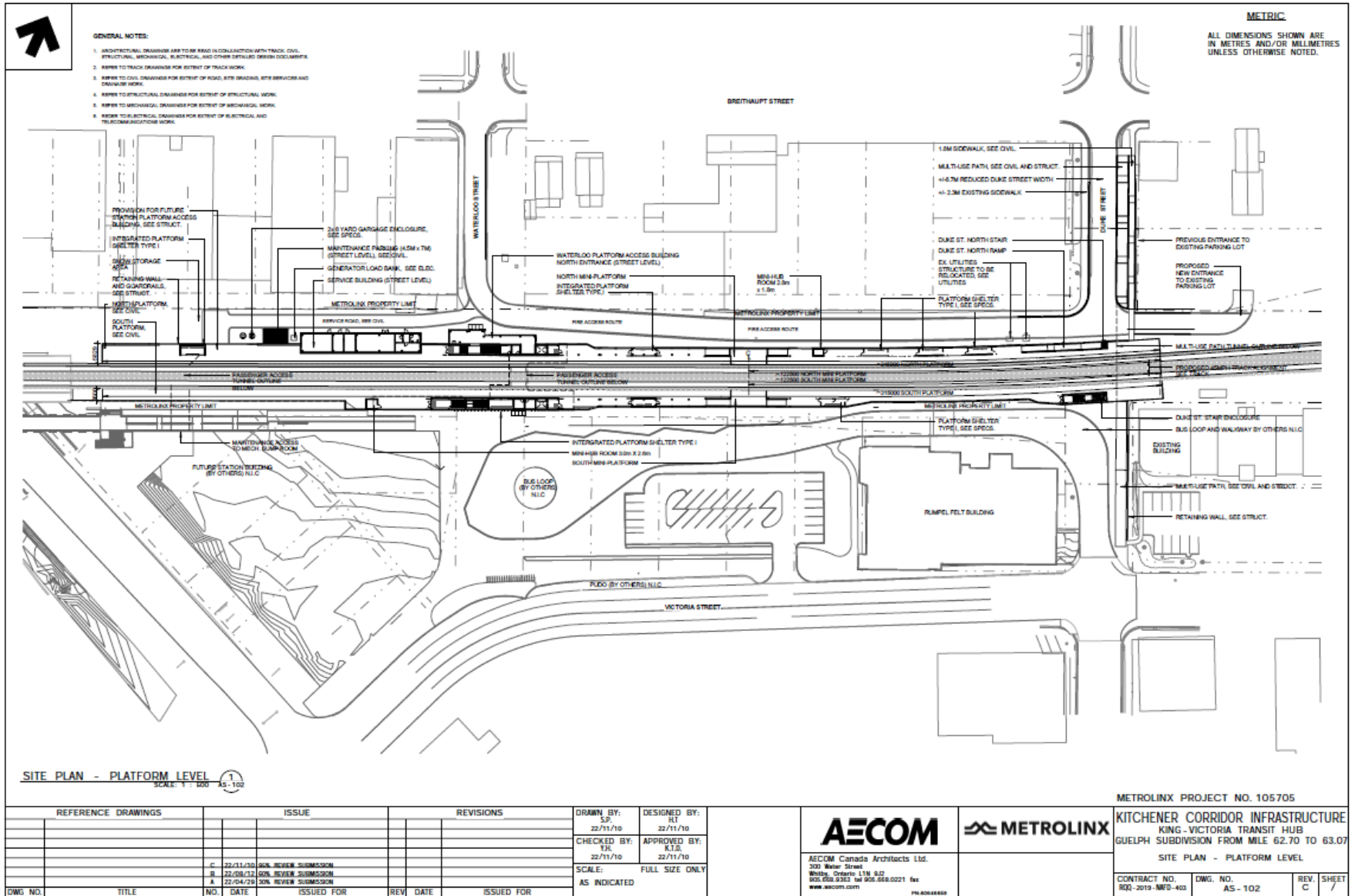
Appendix B – Off Site Parking



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REVISION
NO. DATE REVISION
PROJECT
DRAWING TITLE
OFFSITE PARKING
DRAWING NO. **AS014**

Appendix C – Metrolinx Site Plan



Region of Waterloo
Planning, Development, and Legislative Services
Cultural Services

To: Administration and Finance Committee
Meeting Date: February 7, 2023
Report Title: Kitchener-Waterloo Symphony One-Time Funding Request

1. Recommendation

That the Regional Municipality of Waterloo take no action with respect to the request for one-time funding for the Kitchener-Waterloo Symphony as outlined in report PDL-CUL-23-001 dated February 7, 2023.

2. Purpose / Issue:

To respond to a one-time funding request from the Kitchener-Waterloo Symphony (KWS).

3. Strategic Plan:

Thriving Economy: The KWS plays a role in attracting talent and investment and creates a foundation for innovation and economic success, enriching the lives of residents and attracting visitors to Waterloo Region.

4. Report Highlights:

- Due to COVID closures, the KWS has had a reduced capacity to generate income. During the pandemic closures, KWS relied on the federal wage subsidy programs to cover the revenues lost from not being able to perform.
- Now that restrictions are lifted, audiences are returning. However, audience patterns for performing arts events across the country have changed. There has been a notable shift from ticket subscription purchases to single ticket sales. In pre-pandemic seasons, subscriptions sales were around \$1 million or 65% of annual ticket sales and provided a cash boost in spring of each year. Subscription sales for the 2022-23 season were less than \$400,000.
- One of the key considerations for KWS's financial model is the sale of subscriptions for the following season, which takes place from February preceding

the season in question. Though the single ticket sales for this season will go some way to offset that gap in income, those sales come closer to the date of the event, leaving a funding gap to fill. Though KWS made significant adjustments to control expenses and explore alternative revenue streams, the lack of revenue for two years and the change in ticket sale patterns has created a significant gap in KWS’s cash flow. KWS has a plan to adapt to new audience patterns and the resulting cash-flow rhythms.

- The Symphony has submitted a one-time funding request for \$100,000 to support their operations while they transition from their traditional business model. The preliminary 2023 Operating Budget includes \$771,450 for the Key Cultural Institutions Grant Stream.
- Staff recommend that the Region take no action on the request. The Region already provides annual operating funding for the KWS and is facing a significant 2023 budget increase.

5. Background:

About KWS

The KWS was established in 1945 and is now the third-largest orchestra in Ontario. As one of Waterloo Region’s largest cultural organizations, KWS strives to push boundaries, build community, and cultivate world-class talent in this community and continues to be the largest employer of artists and cultural workers in Waterloo Region. KWS presents a diverse concert season of over 2000 concerts annually, performing for over 90,000 audience members each year. It has received national and international attention for its artistry, musicianship and innovative programming.

Regional Funding to KWS

The Region of Waterloo has provided an annual grant allocation to KWS for over 25 years. In 2022, KWS received an operating grant of \$385,725 from the Region of Waterloo. This represented 7 percent of their overall annual revenues.

15 Year Funding History to KW Symphony

2008	65,000	2015	370,900
2009	65,000	2016	370,900
2010	165,000	2017	378,100
2011	360,000	2018	385,662
2012	370,900	2019	385,662
2013	370,900	2020	385,662
2014	370,900	2021	385,725
		2022	385,725

Since 2016, their grant has been allocated through the Key Cultural Institutions (KCI) Grant Stream which is administered through Cultural Services. In 2016, municipal staff (Kitchener, Waterloo and the Region) initiated a collaborative funding and assessment process for the four Key Cultural Institutions (KCI) (PDL-CUL-17-04). KCIs are large organizations that contribute to the social and economic prosperity of the Region, creating jobs, wealth, attracting visitors and stimulating creative thought and activity. Reliable municipal operating funding is necessary to sustain the impact of these organizations and to leverage funding from other levels of government and private sources.

Impact of Pandemic on KWS

For the two years from March 2020, performances for live audiences were prohibited and, in spring 2022, restricted in terms of numbers of which could attend. KWS is confident that audiences will return in the next one to two years, however, a significant segment of KWS's core audience is currently not attending.

During the pandemic, KWS received funding through federal support programs. This support allowed KWS to keep delivering to their community while live performances were not permitted. In 2021/22, KWS recorded a loss of around \$170,000 (about 3 per cent), in the context of annual revenue of approximately \$5 million.

The majority of KWS's costs are accounted for in its salaries paid to 52 professional musicians and the compact administrative team. The costs of a live concert are not lower when only a limited number of audience members can attend. Also, symphonies make programming commitments to artists around two years ahead of the performance.

6. Area Municipality Communication and Public/Stakeholder Engagement:

Area Municipality Communication: The Key Cultural Institutions grant program is a collaborative funding initiative between the Region of Waterloo, the City of Kitchener and the City of Waterloo. The 2022 municipal contributions to KWS were: Region of Waterloo \$385,725 , City of Kitchener \$272,626 and City of Waterloo \$98,000. Regional staff are working with area municipal staff to assess submitted applications. Contributions for 2023 are processed by each municipality within their respective budget processes.

Public/Stakeholder Engagement: Nil

7. Financial Implications:

In 2022, KWS received an operating grant of \$385,725 from the Region of Waterloo, and their application for their 2023 annual operating grant through the Key Cultural Institutions grant program is currently being assessed. If Council wished to approve the request, the additional \$100,000 would be added to the 2023 Property Tax levy, or alternatively, could be funded from the Tax Stabilization Reserve.

8. Conclusion / Next Steps:

Nil

9. Attachments:

Appendix A: December 21, 2022 letter from KWS

Appendix B: December 13, 2022 Letter to Minister Lumsden

Appendix C: December 13, 2022 Letter to Minister Rodriguez

Prepared By: Helen Chimirri-Russell, Director, Cultural Services

Approved By: Craig Dyer, Commissioner, Corporate Services/Chief Financial Officer
and Rod Regier Commissioner, Planning, Development & Legislative Services

December 21st 2022

Karen Redman
Chair
Region of Waterloo
150 Frederick St
Kitchener ON N2G 4J3

Dear Karen

Further to my letter in November and our subsequent meeting, I am writing with an exceptional, one-time request to the Regional Council.

The recent history: Success during the pandemic, but big challenges remain for the Symphony

For the two years from March 2020, performances for live audiences were prohibited and, in spring 2022, restricted in terms of numbers who could attend. KWS was acclaimed within this community for the online service we provided during the time of maximum restrictions and hailed beyond for success in monetizing that work. But in reality this ‘success’ translated into only a trickle of sales income and a loss of connection with some of our audience. Today some audiences are not ready to convene in a concert hall or other venue. We are confident that audiences will return in the next one to two years, but we know that a significant tranche of the Symphony’s core audience is currently not attending.

The federal supports which allowed KWS to keep the organization whole – and thus keep delivering to our community through innovative other means during COVID19 and subsequently be ready immediately to re-start public performances – dwindled to nothing at the end of the previous season. The level of support that KWS received through THRP, the successor to CEWS that was designed for the tourism and culture sectors, declined through spring 2022, though fortunately it continued at the lower levels just to the end of KWS’s seasonal contract with its musicians in May. For the first time in seven years, in 2021/22 KWS recorded a loss (of around \$170,000, in the context of annual revenue of approximately \$5 million). The vast majority of KWS’s costs are accounted for in its salaries paid to 52 professional musicians and the compact administrative team. The costs of a live concert are not lower when only a limited number of audience members can attend. Whereas CEWS covered the income gap in the previous year, the lower income from the revised wage subsidy scheme in 2021/22 did not.

The 2021/22 season

All the performing arts across Canada – and further afield – have been impacted by slow post-pandemic recovery in the current season. Most of the challenges faced by KWS are mirrored across the country. Some elements of our season are attracting audiences at a similar level to pre-pandemic, but some are not. The pattern is far from predictable, but initial experience suggests that concerts with a well known

'brand' or household name attached are proportionally more successful. Some of KWS's more enterprising work, such as working with contemporary Canadian composers or guest artists from equity-seeking groups (both of which are key to the orchestra's mandate) are harder to sell. Moreover, although the pandemic showcased KWS's capacity to be agile in its planning, the most stable and successful approach to programming involves making commitments to artists around two years ahead of the performance.

One of the key considerations for KWS's financial model is the sale of subscriptions for the following season, which takes place from February preceding the season in question. In pre-pandemic seasons that accounted for around \$1 million or 65% of annual ticket sales and provided a cash boost in spring of each year. Even if audience numbers are strong for many concerts in the remainder of the current season, we suspect that subscription sales in spring 2023 for the 2023/24 season will not come close to 2019 numbers, the last year with sales not impacted by the pandemic. Subscriptions purchased in February 2020 were largely refunded and no subscriptions were sold in 2021. Subscription sales for the current season were less than \$400,000. Though the single ticket sales for this season will go some way to offset that gap in income, those sales come closer to the date of the event, leaving a cash gap to fill.

Local factors

To make matters worse for KWS, COVID19-related complications for refurbishment work at Centre In The Square meant that the season opening could not take place at the only venue in the Region designed for symphony orchestra performances, and which attracts audiences from right across the Region. We were grateful to Drayton Entertainment's Hamilton Family Theatre in Cambridge which accommodated the opening weekend of the season, even with its much smaller audience capacity. Though it was good to add to KWS's performance statistics in Cambridge and better than cancelling the start of the season, the reputation of Centre In The Square as a facility and patron confidence in the ability of KWS to deliver concerts at its principal venue were undermined. This factor is gradually being erased from patrons' minds, but it is impossible now to make up for low ticket sales in September and October.

KWS Plans for the future

In 2022 KWS completed a new Strategic Plan to increase yet further the reach of the orchestra across our community, embracing the opportunity brought by a larger and increasingly diverse population. The Plan involves securing and strengthening partnerships, connecting with new audiences and increasing further the representation of all parts of the community in KWS's decision-making. Even this season projects such as Thorgy Thor, video games music and Murdoch Mysteries in concert have shown that the Symphony can connect in a new way to large new audiences. For all these performances, at least 50% of the people buying tickets were new to KWS. We are ready to scale up education and community work, such as the weeks of community outreach concerts as well as the Bridge to Music instrumental training for families whose economic circumstances would prohibit such opportunities for talented youngsters. Meanwhile, we are commencing conversations with partners to further foster KWS's reputation for

exploring the many links between music and the mathematical sciences, building on the region's excellent reputation in that field.

Our request

The challenge now is to construct a bridge to the opportunities ahead. The financial reality in the current season (which is also KWS's financial year) shows a considerable deficit, which is gradually being reduced through better-than-expected ticket sales for some concerts and increased commitments from several key KWS donors. Moreover, the likelihood of reduced subscription sales in spring 2023 (compared to pre-pandemic numbers) creates a cash crunch. An exceptional, one-time additional support of \$100,000 would help the Symphony to navigate the current season.

As the flagship performing arts organization serving the whole region, KWS has proven over the last three years that it has the enduring capacity to bring joy and solace to our community at times of celebration and reflection. We create a space for individual creativity and collective experience. Though the challenges we face at the moment are common in our field, the role of the orchestra in this community is unique and hugely valued. We have a bright future in a growing and diversifying region, delivering on your Council's strategic goals. We now need some extra support to get to the point where sustainability can be restored.

KWS has registered for a delegation to make a presentation to Regional Council on 18 January 2023. I very much look forward to a productive discussion at that meeting.

Please let me know if any further information would be helpful before that meeting.

Season's greetings



Andrew Bennett
Executive Director



OFFICE OF THE REGIONAL CHAIR
Karen Redman

150 Frederick Street
Kitchener ON N2G 4J3 Canada
Telephone: 519-575-4585
TTY: 519-575-4608
Fax: 519-575-4440
kredman@regionofwaterloo.ca
www.regionofwaterloo.ca

The Honourable Neil Lumsden
Minister of Tourism, Culture and Sport
6th Floor, 438 University Avenue
Toronto, Ontario M7A 1N3

December 13, 2022

Dear Minister Lumsden,

For years the Kitchener-Waterloo Symphony has provided exceptional musical programming, events, and opportunities for Ontarians. As you know, cultural and arts organizations were severely impacted by the pandemic and continue to feel the force of the economic aftershocks. We recognize that the provincial government has stepped up on numerous occasions to support this sector.

I am writing today to back requests by local organizations such as the KW Symphony for continued support for this sector. While the worst of the economic impacts may be behind us, there are lagging trends such as slow ticket sales that limit recovery. On behalf of our residents, I would ask that your government continue to work with local members of provincial parliament and organizations like the KW Symphony to stabilize the sector.

Thank you for your attention to this matter and for your continued support of our local arts and culture organizations.

Sincerely,

Karen Redman
Chair, Regional Municipality of Waterloo

cc: Andrew Bennet, Executive Director, Kitchener-Waterloo Symphony
Jess Dixon, MPP Kitchener South–Hespeler
Catherine Fife, MPP Waterloo
Mike Harris Jr., MPP Kitchener–Conestoga
Laura Mae Lindo, MPP Kitchener–Centre
Brian Riddell, MPP Cambridge



OFFICE OF THE REGIONAL CHAIR
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The Honourable Pablo Rodriguez
Minister of Canadian Heritage
15 Eddy Street, 12th Floor
Gatineau, Quebec K1A 0M5

December 13, 2022

Dear Minister Rodriguez,

For years the Kitchener-Waterloo Symphony has provided exceptional musical programming, events, and opportunities for Canadians. As you know, cultural and arts organizations were severely impacted by the pandemic and continue to feel the force of the economic aftershocks. We recognize that your government has stepped up on numerous occasions to support this sector.

I am writing today to back requests by local organizations such as the KW Symphony, as well as national organizations such as Orchestras Canada, for continued support for this sector. While the worst of the economic impacts may be behind us, there are lagging trends such as slow ticket sales that limit recovery. On behalf of our residents, I would ask that your government continue to work with local members of parliament and organizations like the KW Symphony to stabilize the sector.

Thank you for your attention to this matter and for your continued support of our local arts and culture organizations.

Sincerely,

Karen Redman
Chair, Regional Municipality of Waterloo

cc: Andrew Bennet, Executive Director, Kitchener-Waterloo Symphony
Valerie Bradford, MP Kitchener South–Hespeler
Hon. Bardish Chagger, MP Waterloo
Tim Louis, MP Kitchener–Conestoga
Bryan May, MP Cambridge
Mike Morrice, MP Kitchener–Centre

Region of Waterloo

Corporate Services

Corporate Finance

To: Administration and Finance Committee

Meeting Date: February 7, 2023

Report Title: All Saints Anglican Church Funding Request

1. Recommendation

That the Regional Municipality of Waterloo take no action with respect to the All Saints Anglican Church request for \$288,441 for the construction of a community centre as outlined in report COR-ADM-23-001 dated February 7, 2023.

2. Purpose / Issue:

To respond to a funding request from the All Saints' Anglican Church.

3. Strategic Plan:

Healthy, Safe and Inclusive Communities: 4.5 Enhance community safety and wellbeing in Waterloo Region.

4. Report Highlights:

- A representative from the All Saints Anglican Church (All Saints) appeared as a delegation at the December 6, 2022 Committee meeting and requested grant funding of \$288,441, which is equivalent to the amount paid in Regional Development Charges for the construction of a new church and community centre. Committee referred the matter to staff to review options and report back during the 2023 budget process.
- Staff recommend that no action be taken with respect to the request. There is no direct connection with regional services. The Region has historically not provided funding for faith-based organizations and the provisions of recreation and community centres is a lower-tier responsibility within the regional two-tier structure. There is no provision for such a grant in the Region's preliminary 2023 Budget. Furthermore, the Region has a long history of applying its Development Charges by-law in a consistent matter without exemptions, waivers or refunds.

5. Background:

Representatives from All Saints appeared as a delegation at the December 6, 2022 Committee meeting to request Regional funding to assist with the capital cost of constructing a community centre. In 2021 All Saints sold a portion of the church's property to allow it to relocate the church and create space for a community centre. The community centre is intended to blend an arts studio, recreation amenities, a community kitchen, and multi-purpose meeting rooms, enabling a range of programs, services and events to be delivered to residents regardless of their religious affiliations. The property will include gym space, an industrial community kitchen, meeting rooms, a café, a reconciliation walkway and a pride walkway. The facility will include space for partners to deliver services to community members.

The total project budget is \$6,626,700. All Saints is committed to raising \$1,031,900 through donor contributions. All Saints has requested funding from the Region of Waterloo in the amount equivalent to the amount of Regional Development Charges paid upon building permit issuance, being \$288,441. The church has made a similar request for funding to the City of Waterloo.

There is no direct service delivery connection with services provided by the Region. The Region has historically not provided funding for faith-based organizations and the provisions of recreation and community centres is a lower-tier responsibility. The church does work with not-for-profits which are supported by the Region to deliver services.

While this is not a request for a development charge exemption or waiver, the grant amount requested is equivalent to the Regional Development Charges paid. Appendix D sets out Regional Development Charge collections from not-for-profits, charitable organizations, places of worship and community/cultural organizations over the last two development charge by-laws. Furthermore, the Region has a long history of applying its Development Charges by-law in a consistent matter without exemptions, waivers or refunds.

The Region has provided community funding from a health care/public health perspective in the past. A list of organizations that have received capital funding are listed in Appendix E.

6. Area Municipality Communication and Public/Stakeholder Engagement:

A similar funding request has been made to the City of Waterloo (approx. \$117,000). To date the matter has not been discussed at City of Waterloo Council.

7. Financial Implications:

There is no provision for funding for the All Saints' Anglican Church in the Region's Preliminary 2023 Budget. Should Council wish to provide a grant, it would be added to the 2023 Budget and funded from the 2023 property tax levy.

8. Conclusion / Next Steps:

Nil

9. Attachments:

Appendix A: Presentation re: All Saints Community Centre

Appendix B: Email to the Region from Marty Levesque dated December 15, 2022

Appendix C: Various Letters of Support for the All Saints' Community Centre

Appendix D: 2014-2022 Regional Development Charge Collections - Not-for-Profit, Charitable, Places of Worship and Community/Cultural Organizations

Appendix E: Health care related capital grants

Prepared and Approved By: Craig Dyer, Commissioner, Corporate Services/Chief Financial Officer



All Saints Community Centre

A CARING
COMMUNITY FOR
ALL CAMPAIGN



About the Project

“As humans, we have both a desire and a need to gather. People are more attracted to spaces that are nearby and in their neighbourhood. While there is plenty of outdoor space available in city parks and Laurel Creek Conservation Area, indoor community space is not near. **Programs in community space will invigorate and help the community.**”

- Mayor Dave Jaworsky, City of Waterloo

North Waterloo is changing and growing. The needs of our neighbourhood and our local not-for-profit partners have never been greater. As a pillar of the North Waterloo community, All Saints Anglican Church is uniquely positioned to support these changing needs through the development of a **vibrant and diverse community centre.**

In 2021, after a decade-long reorganization involving many courageous conversations with parishioners and community partners, All Saints sold a portion of the church’s property. This decision allowed us to relocate the church and pave the way for a community-serving community centre.

The community centre will be a **state-of-the art, accessible, inclusive facility.** This significant and much-needed investment in the North Waterloo area will support the physical, mental, and emotional wellness of our community as a whole. It will blend an **arts studio, recreation amenities, a commercial-level community kitchen, and multi-purpose meeting rooms,** enabling a range of diverse programs, services and events to be delivered locally to all residents, regardless of their religious affiliations. The facility will include **space for community partners** like Lutherwood Children’s Mental Health, The Food Bank of Waterloo Region, Sunnydale Community Centre, House of Friendship, and Carizon Family and Community Services to deliver services to community members. The property will also include a reconciliation walkway and a pride walkway. These design features will highlight the inclusiveness of the space and **welcome all to enjoy the amenities and services available at the community centre.**

Top 5 Building Features



Gym space for physical activity and recreational programming



Industrial community kitchen



Meeting rooms for community organizations and individuals



Café



Pride and Reconciliation walkways to create inclusive spaces

Why Now



Waterloo needs neighbourhood community centres.

The City of Waterloo does not build or maintain neighbourhood community centres. Not-for-profit organizations like All Saints need to fill this gap.

Lakeshore North needs community space.

There is currently no neighbourhood community space in Lakeshore North. The All Saints community centre will serve the residents of Lakeshore North.

Waterloo needs free gym space.

All existing gym space in Waterloo is currently pay-to-play. The All Saints community centre will provide free gym space and physical activity and recreation programming.

Waterloo needs access to mental health and wellness programs and services.

The COVID-19 pandemic has taken a toll on mental health. People across Ontario are seeking mental health services more now than ever. The All Saints community centre will make services more accessible to community members.

Waterloo is a growing and diverse community.

With many newcomers to Canada living in the Lakeshore neighbourhoods, the programs and services offered at All Saints will assist with their transition to Canada.

Impact



Over **10,000 community members** will have access to the community centre space every year for diverse activities such as youth gym nights, newcomer cooking classes, seniors groups, and youth programs.

To start, **five community organizations** will make use of the space to provide their programming to community members seeking mental health services, youth programming, recreation, emergency food distribution, social connection, and community development services.

All Saints is seeking additional partnerships with community members and organizations to make use of the space to serve the wellbeing of the community.

“Lutherwood recognizes the physical, mental and social benefits of community programming and the potential positive impact that a local Community Centre that is accessible to everyone could have on the health and well-being of children and youth at risk... All Saints has been intentional about identifying and engaging with community partners in the creation of the plan for their community centre. The team has actively sought out our feedback, as well as the feedback of other stakeholders, around the gaps in local services and the needs of the North Waterloo community. **The programming available through the Community Centre will positively impact the lives of local residents.**”

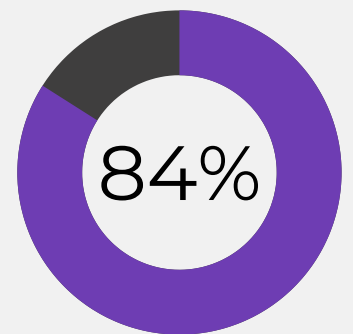
-Alison Willetts Assistant Director, Mental Health Services, Lutherwood



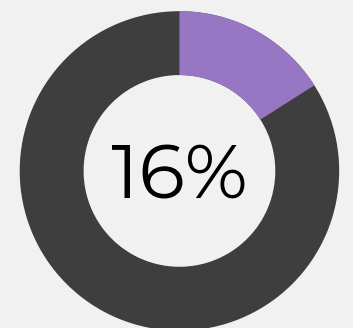
Opportunity

With your help, All Saints Anglican Church will raise \$1,031,900 to serve the growing needs of our community.

The total project budget is \$6,626,700. To date, All Saints Anglican Church has invested \$5,594,800 to bring this facility to life. We are committed to raising an additional \$1,031,900 through donor contributions to help ensure the new facility is fully accessible and equipped to meet the needs of our community now and into the future.



Investment by All Saints



Community Investment



“We are thankful for All Saints' collaborative, networked approach to ensuring the physical space, as well as its utility, aligns with community wants and needs. **The neighbours depend on initiatives like All Saints** for easy-to-access spaces and activities, and it is an important contribution to their overall well-being.” - Tracy Elop, CEO, Carizon

How to Get Involved:

HELP US GROW A CARING COMMUNITY

Sponsorship Opportunities

Sponsorship opportunities are available, including naming partnerships. A naming partnership gives individuals and corporations the opportunity to elevate your visibility, linking your name or brand with positive, memorable, and impactful experiences for community members. Naming partnerships also generate extensive earned media coverage when events, programs, and activities at the facility are advertised. This sponsorship opportunity can help you further your personal or corporate social responsibility goals while building the infrastructure to create a caring community for all.

Available **naming partnership opportunities** for a 25-year exclusive term:

- **Community Centre: \$250,000**
- **Gym: \$100,000**
- **Community Kitchen: \$50,000**

Donations

Your gift will help children, youth, families, and people of all ages, cultures, races, religious backgrounds, sexual orientations, and abilities in North Waterloo to access local programs and services and experience a caring community.

How to Give:

1. **Multi-year pledge**
2. **One time cash contribution**
3. **Sponsorship**
4. **Life Insurance Policy or RRSP**
5. **A bequest in your will**

All Saints also welcomes **donations of all sizes** from individuals or corporations to support the building of the community centre and church. No donation is too small, and all donations above \$10 are tax deductible.

To get involved, please contact Marty Levesque at (519) 884-6600 or rector@allsaintswaterloo.ca.



About Us

All Saints is a growing and vibrant community and not-for profit organization located in North Waterloo. We strive to bring people together in new ways to explore what is important to them. Our members continually live their faith in their homes, places of work, and with their friends and neighbours. **At All Saints, all are Saints, all are Welcome, all are Loved.**

We celebrate diversity, values, ideas and activities and our mission is guided by the 5 Marks of Mission:

Tell: We strive to proclaim the Good News of the Kingdom

Teach: We strive to teach, baptize and nurture new believers

Tend: To respond to human need by loving service

Transform: To seek to transform unjust structures of society, to challenge violence of every kind and to pursue peace and reconciliation

Treasure: To strive to safeguard the integrity of creation and sustain and renew the life of the earth

"It's a joy for the whole diocese when a parish community can develop their home in new ways to serve their 'neighbourhood'" - Bishop Townshend

Email from Marty Levesque sent December 15, 2022 at 12:33pm

I am attaching our case for support that details the project and some of the letters of support from various not-for-profits that we are working with.

All Saints is seeking funding from the region in support of the development of the capital piece of infrastructure that will deliver social services to the ratepayers of North Waterloo. All Saints is constructing the building that other not-for-profits will be able to deliver social services locally. This type of in-community support helps with the social determinants of health for the residents of Lakeshore North and South. It allows for better and easier access to services, and is about raising up residents by lowering the barriers of access. For instance, currently 40-50 families in Lakeshore North access the foodbank, but have to travel long distances by bus or car to a pick-up location. We will be able to lower this barrier of access by bringing services directly into the neighbourhood.

The community centre will become a hub of nonprofit activity for various organizations who will be able to deliver services in the neighbourhood, and thereby help with the mental, physical and spiritual well being of the community.

Our current partners are:

Lakeshore North Neighbourhood Association
Lakeshore South Community Association
Sunnydale Community Centre and House of Friendship
Lutherwood Mental Health
Carizon Family and Community Services
Boy Scouts of Canada
Girl Guides of Canada
Region of Waterloo Foodbank

Also, launching in the New Year, ahead of the completion of the building, the site will become a food distribution centre for the Region of Waterloo FoodBank. Once the building is complete, the food distribution program will move into the building.

We are currently in dialogue with others not for profits about use of the community centre space.

They are:

AFRO (African Family Revival Organization)
Adventure for Change
Community Kitchen Cooperative Kitchener Waterloo

All Saints, as we seek to support other not-for-profits, is committing **free space** for any not-for-profit, charity or gov't agency that is delivering social services to residents.

Not-for-profits who deliver services through user fees would see a modest rental charge.

We understand that development fees cannot be waived, but we are hoping that the region would see this as a 3P partnership opportunity and look for a one-time investment of \$288,441.06. This is the amount we paid in development fees.

In the case for support, it details that we are about 1 million dollars short in our budget, as we have self funded this project. Over 85% of the funding is in place and we have lowered that deficit through additional fundraising, donations and control of construction costs. Our current deficit is projected at \$800 000. With support from the Region of Waterloo and the City of Waterloo, we will be able to halve the deficit as we continue to fundraise.

As mentioned at the council meeting, this is an active project. Construction continues and we anticipate opening in the fall 2023. All funds received would be directed to the cost of the infrastructure piece as we look to support not-for-profits and the delivery of social services.

Our dialogue with many not-for-profits have all said the same thing. They need community kitchen space, gym space and space to deliver programs and services. That is what we are providing.

It would be beneficial to receive any funding in 2023. Having said that, if funding were to arrive in 2024 it would be applied to our mortgage, which we anticipate having to make up the deficit.

Please let me know if you have any questions or are in need of more details. Also, I would be happy to meet with staff anytime

Cheers

Marty



Catherine Fife

MPP Waterloo

Mayor Dorothy McCabe
100 Regina Street South
PO Box 337, Station Waterloo
Waterloo, ON N2J 4A8

RE: All Saints Community Centre

Tuesday, November 8, 2022

Dear Mayor McCabe and Council Members,

I am writing to you today to express my support for the All Saints Community Centre. I recently had the opportunity to meet with Pastor Marty and to hear the vision for this community centre, which is inspiring and will offer important opportunities for connection and community.

As Waterloo, and North Waterloo specifically, continues to grow, the need for accessible, inclusive, indoor community space has never been greater. With features including a gym, industrial community kitchen, meeting rooms, and café, the All Saints Community Centre will be a hub for the community. These amenities and free, accessible community space are even more important considering that the City of Waterloo currently does not offer “free to play” neighbourhood community centres.

The All Saints Community Centre will also include space for local community partners including Lutherwood Children’s Mental Health, The Food Bank of Waterloo Region, Sunnydale Community Centre, House of Friendship, and Carizon Family and Community Services. The way this proposal brings together existing, experienced community services will serve the community well. What stands out about this project is a meaningful commitment to community engagement and ensuring the space will align with what the community needs.

The thoughtful and inclusive design and community-oriented vision for this new community space has so much potential to support the physical, mental, and emotional well-being of our community. I am hopeful that the City will join me in supporting this project by easing financial barriers.

Sincerely,

A handwritten signature in blue ink, appearing to read "C. Fife".

Catherine Fife, MPP
Waterloo



All Saints Anglican Church
400 Northfield Dr. W
Waterloo, Ontario
N2L 0A6

Dear Pastor Marty,

I want to start by saying that I look forward to seeing you again in person. Thank you for your leadership during these trying times, bringing hope and vision to the congregation of All Saints' Anglican Church.

I am pleased to hear of the new progress on the Community Centre. As humans, we have both a desire and a need to gather. People are more attracted to spaces that are nearby and in their neighbourhood. While there is plenty of outdoor space available in city parks and Laurel Creek Conservation Area, indoor community space is not near. Programs in community space will invigorate and help the community. Youth gym nights can instill a healthy lifestyle in our kids. Homework clubs can give each student that extra chance to do their best and succeed. Meeting space is vital as people get together to pursue their cause.

I pass along my thanks to Pastor Marty and All Saints' Anglican Church for your outward vision, embracing the community, and being a neighbourhood leader.

Sincerely,

A handwritten signature in black ink that reads 'Dave Jaworsky'.

Mayor Dave



June 7, 2022

To Whom it May Concern:

Lutherwood is pleased to submit this letter of support for the *All Saints Community Centre*.

Lutherwood is a progressive, not-for-profit health and social service organization that strengthens people's lives by providing mental health, employment and housing services to more than 15,000 people annually in Waterloo Region and Wellington County. For over 50 years, Lutherwood has provided a range of services to assist children, youth and their families coping with mental health challenges, including live-in treatment, assessment services and community and school-based interventions.

Lutherwood recognizes the physical, mental and social benefits of community programming and the potential positive impact that a local Community Centre that is accessible to everyone could have on the health and well-being of children and youth at risk. The availability of open gym time in particular supports the physical and mental well-being, socialization and development of the twenty-four youth in our live-in mental health treatment programming annually.

All Saints has been intentional about identifying and engaging with community partners in the creation of the plan for their community centre. The team has actively sought out our feedback, as well as the feedback of other stakeholders, around the gaps in local services and the needs of the North Waterloo community. The programming available through the Community Centre will positively impact the lives of local residents.

We look forward to continuing to follow the progress of this initiative. If you have any questions, please don't hesitate to contact me.

Sincerely,

Alison Willetts
Assistant Director, Mental Health Services
519-884-1666 ext. 1155

June 22, 2022

This letter is to support the development of a community centre in the Northlake Woods neighbourhood by All Saints Anglican Church (All Saints).

Carizon Family and Community Services (Carizon) is a large multiservice agency in Waterloo Region with the mission to help families thrive in their communities by strengthening their mental health and wellbeing. Carizon has been in partnership with All Saints since 2017 as part of Carizon's creation of a townhouse community space (The Erb West Share and Care House) in the City of Waterloo. Over the years, All Saints has supported our work through fundraising, volunteering, collaborative planning, and promotion. As All Saints embarks on its own journey to create community space, we are proud of their collaborative, networked approach to ensuring the physical space, as well as its utility, aligns with community wants and needs. As partners, Carizon and All Saints support each other through creative problem solving, interpreting population data, and navigating municipal processes.

The City of Waterloo is a smaller city that has implemented two large recreation facilities to serve its residents. In recent years it has also developed a neighbourhood strategy to support localized, place-based initiatives such as Carizon's and All Saints (alongside many other nonprofits). This strategy creates opportunities and spaces for neighbours to gather, connect and contribute to the larger good. The neighbours depend on initiatives like All Saints for easy-to-access spaces and activities, and is an important upstream contribution to their overall wellbeing.

As an agency that strives toward hope, wellness, and community, we continually celebrate and support our partners as we collaboratively create community space. This project will root All Saints as an organization and congregation in the community and Carizon is excited be part of the growth. Should you require any further information about the relationship between Carizon and All Saints, please do not hesitate to reach out to me or to Lisa Armstrong at larmstrong@carizon.ca.

Sincerely,



Tracy Elop
CEO

“We help families thrive in their communities by strengthening their mental health and wellbeing.”

400 Queen Street South, Kitchener ON N2G 1W7 ▪ 519.743.6333 ▪ www.carizon.ca
Charitable Registration: #10688 0115 RR0001



LETTER OF SUPPORT

OCTOBER 14TH, 2022


To whom it may concern,

In Waterloo region, the Community Food Assistance Network is a system of 100+ agencies and community programs working together to ensure no one goes hungry. As the need for emergency food assistance services continue to rise, organizations like All Saints' Anglican Church mindfully consider how their building design can be used to support community members.

Establishing themselves as a neighbourhood-based space for community gathering, the All Saints' Anglican Church can be poised to connect community members to vital supports and services. As service providers part of the Community Food Assistance Network have shown, neighbourhood-based services provide centralized access to multiple services at the same time and same place making it easier and convenient for people to actively participate in their community. Ease of entry to program locations works to remove potential obstacles or barriers, such as lack of transportation, and increases the likelihood that people will access programs.

Throughout the Community Food Assistance Network, food is often the first step in connecting families with other vital programs, services, and supports. As an example, from the Victoria Hills Community Centre, area residents in need of food assistance can access a three-to-four-day supply of fresh, frozen, and non-perishable food items from the House of Friendship's Neighbourhood Hamper Program. As a neighbourhood-based service, operating from a centralized location is more accessible to people in need of support and is an opportunity to connect community members to other outreach services and community development programs.





As the All Saints' Anglican Church prepares to open as a neighbourhood-based space for community members to gather, cook, and be nourished, they have the potential to play a critical role in supporting community members with access to food assistance, as well as additional supports and services that support a person's overall health, well-being and connection to community.

X 

Rebecca Jeschke
Network Support Coordinator



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Email: info@thefoodbank.ca

   @FoodBankWatReg
 @FoodBankWaterlooRegion
thefoodbank.ca

Region of Waterloo
2014-2022 Regional Development Charge Collections
Not-for-Profit, Charitable, Places of Worship and Community/Cultural Organizations

Organization	Gross RDC	*Exemptions/ Allowances	Net RDC
7191 Rd 116 Wellesley	44,526	-	44,526
Baptist Church Temple	75,624	-	75,624
Canadian Conference of Brethren in Christ Church	15,670	-	15,670
Church of the Holy Saviour	26,764	-	26,764
Countryside Mennonite Fellowship Church	19,852	-	19,852
Elmira Distric Community Living	3,431	-	3,431
Elmira Pentecostal Assembly	9,288	-	9,288
Fellowship Bible Church	6,702	-	6,702
First Christian Reformed Church	83,103	2,640	80,464
Floridale Mennonite Church	1,194	-	1,194
Glencairn Mennonite Church	122,410	78,917	43,493
Islamic Centre of Cambridge	296,184	-	296,184
Kitchener-Waterloo Christian Fellowship	28,988	11,945	17,043
Langs Community Development	87,474	-	87,474
Lutheran Church Canada, East District	726	-	726
Martin's Mennonite Church	48,906	46,507	2,399
Muslim Association of Canada	29,831	14,251	15,580
New Apostolic Church Canada	164,003	-	164,003
New Life Penticostal Assembly of Canada	8,333	-	8,333
Ontario Christian Gleaners	1,936	1,936	-
Pentecostal Assemblies	48,492	-	48,492
Radha Krishna Mandir and Cultural Centre	374,433	-	374,433
Rockway Mennonite Church	19,680	-	19,680
Romanian Christian Fellowship Inc.	11,450	7,195	4,255
Roseville Church	15,401	6,519	8,882
Shantz Mennonite Church	221,368	-	221,368
St Andrews Galt Presbyterian Church	9,170	-	9,170
St Mary Coptic Orthodox Church	293,289	37,984	255,305
St Mary of the Visitation Church	11,132	11,132	-
St. Paul's Lutheran Church	79,170	79,170	-
The Carmel of St. Joseph	642	-	642
The Incorporated Synod Of The Diocese (All Saints Anglican Church)	288,441	-	288,441
Trustees Of Cedar Hill United	21,185	-	21,185
Trustees of the Siri Guru	2,245	-	2,245
Ukrainian Catholic Church of the Transfiguration	5,789	-	5,789
Wallenstein Bible Chapple	45,635	-	45,635
Women's Crisis Services of Waterloo Region	328,983	-	328,983
Woolwich Community Services	106,274	11,262	95,013
	2,957,724	309,456	2,648,268

*Exemptions and allowances are primarily redevelopment and in some instances, downtown core

Appendix E: Health care related capital grants

The following is a summary of health care related capital grants, all funded from property taxes:

- 2004: Hospice of Waterloo (\$100k)
- 2006: McMaster University Satellite School of Medicine on the University of Waterloo Kitchener Health Sciences Campus (\$15m)
- 2009: Conestoga College Health Sciences building (\$2.35m)
- 2017: Hospice Waterloo Region (\$250k)
- 2022: University of Waterloo School of Optometry & Vision Science - Waterloo Eye Institute (\$1.0m)

Region of Waterloo

Planning, Development, and Legislative Services

Legal Services

To: Administration and Finance Committee

Meeting Date: February 7, 2023

Report Title: Camera-based Traffic Enforcement Programs and Processing Administration

1. Recommendation

That the Regional Municipality of Waterloo take the following actions with respect to camera based traffic enforcement programs and processing administration as set out in report PDL-LEG-23-007 dated February 7, 2023:

- a) issue a joint Request for Information on behalf of collaborating municipalities for the development and implementation of an adjudicative case management system required for a Regional administrative penalties system; and
- b) authorize the Regional Solicitor to establish a Regional administrative penalties system for camera-based offences pursuant to Ontario Regulation 355/22, *Administrative Penalties for Contraventions Detected Using Camera Systems*, including preparation of the necessary bylaws and agreements with the Province, and to report back on associated staff resources and budget requirements; and
- c) direct staff to investigate the feasibility of accelerating the currently planned 2023 Automated Speed Enforcement Program to achieve a total of 32 sites in 2023 and report back to Council in the Spring; and
- d) direct staff to present a roadmap for a rapid implementation plan to expand automated speed enforcement to all eligible school locations across the Region, aligned with upcoming strategic planning and 2024 budget planning considerations, including costing for the infrastructure and programming of the camera technology, market capacity to respond, staff resources and budgets and administrative capacity required as well as options for increasing processing capacity.

2. Purpose / Issue:

To update Regional Council on the necessity of implementing an administrative penalty system (APS) for camera-based offences to allow for the expansion of the Region's Automated Speed Enforcement (ASE) Program.

To respond to Council's desire to expand automated speed enforcement to more school locations across the Region.

3. Strategic Plan:

This report supports Strategic Objective 5.2 providing excellent citizen centered services that enhance service satisfaction and Strategic Objective 5.4 ensuring the Region provides value for money and long term financial sustainability.

It also supports Strategic Objective 2.3: Increase participation in active forms of transportation (cycling and walking), Strategic Objective 2.4: Improve road safety for all users/drivers, cyclists, pedestrians, horse and buggies and Strategic Objective 4.1: Improve child and youth wellbeing in Waterloo Region.

4. Report Highlights:

What is an "Administrative Penalty System" and why it is required?

- The Ministry of Attorney General downloaded the administration of the *Provincial Offences Act* (POA) to the Region of Waterloo in 2000. The current backlog of POA trials waiting to be scheduled in the Region of Waterloo is approximately 3,500 as a result of COVID-19 and continued reduction of judiciary resources. While the projected increase in automated speed enforcement (ASE) related offences can be accommodated by Regional staff in 2023 and 2024 with minimal staff increases required, a significant increase in volume requires additional judicial and court administration or the implementation of an alternative penalty system.
- Ontario Regulation 355/22 "*Administrative Penalties for Vehicle Owner Contraventions Detected Using Camera Systems*" came into effect on July 1, 2022 establishing an Administrative Penalty regulatory framework for camera-based automated enforcement programs. This is an opt-in regulation, administered by the municipality without the requirement of utilizing the POA court.
- The Provincial Offences Court currently processes red light camera (RLC) charges and ASE charges. Both of these offences could be processed under this new regulatory framework.
- The current regime of the Provincial Offences Court has many challenges and limitations including lack of judicial resources, increasing adjudication costs and Ministry required processing fees. Moving to an administrative penalty system (APS) provides an alternative lower cost solution for case management, payment processing, and adjudication, removing these charges from the traditional POA system by eliminating the offences that go to the early resolution and trial stream. Accordingly, appealed offences would be processed by a municipally-employed "screening officer" versus a Justice of the Peace as per the status

quo.

Implementation of an Administrative Penalty System

- An internal working group comprised of staff from Legal, POA Court Administration, Transportation and Information Services is collaborating on the development of a Region of Waterloo APS.
- The implementation timeline of APS is dependent upon the procurement of a case management system with the capacity to integrate with existing systems and incorporate scheduling, payment processing, ticket tracking, collections, remittance of victim component, and reporting to the Ministry of the Attorney General and Ministry of Transportation. The Region is leading a consortium of municipalities through an RFI process and potential RFP for a case management system.

Status of current processing and potential growth

- The City of Toronto's Joint Processing Centre (JPC) currently processes the Region's camera-based infractions. However, with the potential rapid expansion of the Region's camera-based enforcement programs staff are currently exploring all options for additional processing capacity including: negotiating additional capacity through the JPC, collaboration with AMO member municipalities on possible new processing centres, and investigating a Region of Waterloo processing centre.

Automated Speed Enforcement Program and options for expansion in 2023/2024

- The current camera-based traffic enforcement programs align with the Region's comprehensive Road Safety Program objective to eliminate road-related injuries and deaths that occur as a result of excessive speed.
- Based on 2021 data, the ASE project has proved successful by reducing speeds at the ASE sites by 5km/h on average, with some sites experiencing a 9 km/h reduction.
- The current Region of Waterloo Automated Speed Enforcement includes 16 sites as per Phase 1A and 1B, with sites located at key locations in all seven area municipalities.
- Pending Regional Council approval, the 2023 Transportation Services budget includes the plan for 8 new ASE sites in 2023, and staff plan an additional 8 more locations in 2024. This expansion, known as Phase 2 of the ASE Program is compatible with the current available offence-processing capacity from the JPC and what the Region can accommodate through the existing POA system.
- If directed by Council, staff will explore the opportunity to accelerate the expansion of the program by adding 16 new sites in 2023, rather than the 8 new sites currently planned.

Proposals for any technical or financial requirements will be outlined in a report back to Council in the Spring. Any further expansion requires the administrative penalty system implemented.

- Staff also plan, in alignment with upcoming strategic planning and 2024 budget planning considerations, to develop a rapid implementation plan to expand automated speed enforcement to all eligible school locations across the region. There are approximately 175 schools in the region that would be eligible for ASE. The rapid implementation plan would consider several completion scenarios, including a scenario that would complete the full implementation in five years, starting in 2024. This plan will include costing for the infrastructure and equipment, additional staff resources required by all departments involved, and the administrative capacity required within the future administrative penalty system to accommodate. The plan will also outline options for opportunities to increase processing capacity along with any known constraints and budget requirements.

5. Background:

Red Light Camera Program

Red light cameras were introduced in the region in 2000 as a tool to help reduce the number of vehicles running red lights. The Region of Waterloo is responsible for the administration of the RLC program on Regional and area municipal roadways. The camera will take photographs of vehicles that enter the intersection against a red signal. Cameras are installed at a total of 15 intersections located within Cambridge, Kitchener and Waterloo.

The five year average for the number of tickets filed is 6,489 per year, and net revenue is approximately \$1 million.

Automated Speed Enforcement Program

In January 2019, the provisions of Bill 65, the *Safer School Zones Act*, amended the *Highway Traffic Act* to permit municipalities to use ASE exclusively in school and community safety zones. ASE is a safety tool that involves the use of cameras triggered by speed sensors that take photographs of the license plates of vehicles that are travelling in excess of the posted speed limit. It has been shown to influence driver behaviour to help decrease speeding and increase safety as a cost-effective tool supplementing traditional speed enforcement.

The Region's ASE program went live in September 2021. The Region and all area municipalities worked in partnership to develop the program to reduce speeding and to increase safety in school zones across the Region. All parties agreed on an operating model and implementation plan that involves Regional staff administering ASE on Regional roads and

on area municipality roads on behalf of all area municipalities subject to Regional and local area municipal council approvals and legal agreements.

Table 1 below summarizes all sixteen sites approved and implemented as part of Phase 1A and Phase 1B.

Table 1

Phase 1A	School	Location
	Laurentian Public School	Westmount Road, Kitchener
	New Dundee Public School	Bridge Street, Wilmot
	Foundation Christian School	Katherine Street, Woolwich
	St. Clements Catholic School	Lobsinger Line, Wellesley
	Cedar Creek Public School	Hilltop Drive, North Dumfries
	St. Gabriel Catholic School	Guelph Avenue, Cambridge
	Keatsway Public School	Keats Way, Waterloo
	Franklin Avenue Public School	Franklin Avenue, Kitchener
Phase 1B	Sandhills Public School	Victoria Street, Kitchener
	Sir Adam Beck Public School	Snyder's Road West, Wilmot
	Wellesley Public School	Queen's Bush Road, Wellesley
	Clearview Mennonite School	Three Bridges Road, Woolwich
	St. Brigid Catholic School	Broom Street, North Dumfries
	Elgin Street Public School	Elgin Street N, Cambridge
	Westheights Public School	Westheights Drive, Kitchener
	St. Nicholas Catholic School	Laurelwood Drive, Waterloo

Tickets issued increased from 2,244 tickets in 2021 to 9,788 in 2022. Based on the anticipated Council approval of an additional eight sites in each of 2023 and 2024, tickets filed are expected to increase to 20,000 in 2023 and 30,000 in 2024 based on the increase in ASE locations and limited by ticket processing and administrative capacity in the POA Court.

Current Situation

Processing a significant increase in volume of offences beyond the projected increase to 30,000 charges in 2024 within the *Provincial Offences Act* (POA) Court poses challenges resulting from limitations on judicial resources supplied by the Ministry of Attorney General, increasing adjudication costs and Ministry required processing fees.

What is an Administrative Penalty System?

Moving to APS would take these charges out of the traditional POA system and would provide

a front-facing system for citizens to make a payment or to dispute the charge without the involvement of a judicial officer and valuable court time. The individual municipality issues the penalty order rather than a certificate of offence using the POA authority. Individuals wishing to dispute the administrative penalty will do so through a designated municipal employee rather than a Justice of the Peace.

Administrative penalties are not considered offences and do not go on a driving record; demerit points are not imposed.

This model has been successful in parking where many municipalities transferred over parking adjudication to APS. The cities of Kitchener and Waterloo have a similar administrative monetary penalty system in place for parking services.

Moving these charges away from the traditional in-court early resolution and trial setting would free up court time for more serious charges that can be scheduled in a timely manner. The cost of adjudication by the judiciary and involvement of municipal prosecutions would be reduced.

Provincial Offences Administration Capacity

Currently, the Region's POA court administration has the capacity to process approximately 55,000 total charges. The five-year average for total number of charges filed is just over 53,000. Just over 44,000 charges were filed in 2021 and over 47,500 charges were filed in 2022. Additional prosecution court staff are required once the number charges exceed the 60,000 threshold in the current POA regime. This capacity is controlled by the amount of staff resources as well as the "stream" to which offences proceed once registered (paid at onset, request for early resolution or trial, fail to respond). However, there are still variables outside of the Regions control which include limitations of court appearances and availability of Justices, as set out by the Province

Generally, for all charges:

- 48 per cent are paid outright;
- 31 per cent go to the early resolution stream;
- 8 per cent go to the trial stream; and
- 13 per cent are not responded to resulting in enforcement and collections activities.

Early resolution and trial streams require significant staff time for many work items such as scheduling, notifications, prepping for cases and in-court support and prosecution.

Joint Processing Center Operations & Capacity

Processing of camera based offences (red-light cameras and automated speed enforcement cameras):

After the automated speed enforcement camera captures an image of a vehicle exceeding the speed limit, the image is sent to the processing centre where it is reviewed by a Provincial Offences Officer. If they determine that the offence has been committed, a ticket is mailed to the registered vehicle licence holder, which contains a digitized copy of the image and an enlargement of the licence plate image.

The City of Toronto implemented a centralized municipal processing centre pursuant to the *Safer School Zones Act, 2017* in agreement with the Cities of Mississauga, Burlington, Ottawa, London, Brampton, Hamilton; the Regions of Peel, Durham, Waterloo; the Town of Ajax and the County of Oxford. The 12 municipalities came to a cost sharing arrangement for start up funds of approximately \$100,000 by each partnering municipality, with the City of Toronto operating the JPC on behalf of Toronto and the joint municipalities.

The Region has agreements with the JPC to process RLC and ASE infractions based on early projected volumes assumed in the initial program years that do not take into account the natural decrease as driver behaviours adjust and less infractions occur in subsequent years. All participating municipalities pay the standard start up fee, a standard administrative cost including facility rent, and then each partner is charged their unique share of costs using a formula based on the specific number of infractions reviewed.

For Q3 2022 the Region of Waterloo's number of charges was approximately 2 per cent of the total JPC volume, while Toronto (44 per cent), Ottawa (27 per cent) and Durham Region (7 per cent) represent the largest volumes processed.

Joint Processing Centre Capacity

At the JPC, one Provincial Offences Officer has the capacity to process 35,000-40,000 infractions in one year.

The City of Toronto has confirmed their openness to grow capacity, provided it is within their range to plan and budget. The Region's request to increase from 10,000 charges per year in 2022 to 20,000 in 2023 and 30,000 in 2024 has been approved. These increases were forecasted based on our request to add 8 new sites in 2023 and 8 new sites in 2024.

Should a municipal partner of the JPC introduce their own processing centre, the potential exists for more capacity for the Region and other municipalities to increase their projected infractions using the City of Toronto's JPC.

With the potential for Council to approve rapid ASE growth, staff are currently exploring options to process the estimated increase in infractions:

- through our current agreement with the City of Toronto's JPC;

- in discussions with other innovative partners;
- as an independent processing centre as agreed to by the Province.

The establishment of an independent processing centre would require additional budget and staff resources, POA Officer hiring and training, obtaining a secure location, and signed agreements with the Province.

6. Area Municipality Communication and Public/Stakeholder Engagement:

Regional and area municipal staff continue to collaborate during all steps of the implementation of ASE and for each new location identified as part of any future program expansion.

7. Financial Implications:

The projected operating and capital costs associated with an expansion of 8 sites in 2023 and 8 sites in 2024 are shown in Table 2 and Table 3 below. The 2023 figures in Table 2 are reflected in the Preliminary 2023 Regional Operating Budget.

Table 2

	2023	2024	Annualized
Operating Costs			
Engineering Technologist (1 FTE in Sep 2023 and 1 FTE in Apr 2024)	\$42,200	\$203,400	\$232,500
Technology costs	100,000	10,000	10,000
Operating Costs Savings due to Technology implementation		(98,000)	(98,000)
External Hearing Officer		20,000	20,000
Ticket Processing Costs	100,000	189,300	189,300
Camera Operations	<u>44,000</u>	<u>171,700</u>	<u>262,800</u>
Total Operating Costs	\$286,200	\$496,400	\$616,600
Revenue			
Ticket Revenue	\$500,000	\$900,000	\$900,000
Contribution from (to) Reserve for One Time Costs	<u>100,000</u>	(100,000)	
Total Revenue	<u>\$600,000</u>	<u>\$800,000</u>	<u>\$900,000</u>

	2023	2024	Annualized
Net Revenue	<u>\$313,800</u>	<u>\$303,600</u>	<u>\$283,400</u>

A significant acceleration of the plan to double the Region’s ASE program would require more resources than are currently contemplated in the 2023 budget.

As part of the recommended Spring 2023 report, staff will identify the additional resource requirements and proposed timing and costs to achieve a total of 32 sites in 2023.

In addition, a full analysis of capital and operating costs associated will be included in the roadmap for a rapid implementation plan to expand automated speed enforcement to all eligible school locations across the region.

Table 2

	2023	2024	Total
Expenditure:			
07660 Automated Speed Enforcement	<u>\$660,000</u>	<u>\$470,000</u>	<u>\$1,130,000</u>
Financed by:			
Transportation Capital Reserve	<u>\$660,000</u>	<u>\$470,000</u>	<u>\$1,130,000</u>

8. Conclusion / Next Steps:

The APS internal working group will continue to drive the development of a Region of Waterloo APS system with the goal of implementation in late 2023/early 2024 dependent on the case management technology and signed agreements with the Province.

Transportation staff will report back in Spring 2023 on the feasibility and resourcing required for an immediate acceleration of the expansion of the ASE program, to add 16 new sites in 2023, rather than the 8 new sites currently planned, to achieve a total of 32 operating sites by the end of 2023.

Staff will also develop a roadmap towards a rapid implementation plan to increase automated speed enforcement to all eligible school locations (175 schools in total) across the Region in advance of the 2024 strategic planning and in time for the 2024 budget planning considerations. This report back will include costing for the infrastructure and programming of the additional camera technology, additional staff resources required by all departments

involved, and the administrative capacity required within the future administrative penalty system to accommodate. The report will also outline detailed options for opportunities to increasing processing capacity along with any known constraints and budget requirements.

9. Attachments:

Appendix A: Report TES-TRP-22-04, May 10, 2022 ASE Program Update

Appendix B: Report TES-TRP-21-16, September 14, 2021, ASE Program – Recommended Location Selection Methodology

Appendix C: Report TES-TRP-21-18/PDL-CAS-21-15, September 14, 2021, Acceleration of the Region’s Automated Speed Enforcement Program

Prepared By: Theresa Mendler, Manager, Strategic Community Planning Initiatives
Patti McCauley, Manager, Provincial Offences Court Administration

Reviewed By: Steve van De Keere, Director, Transportation
William Short, Director, Council and Administrative Services/Regional Clerk
Jeff Schelling, Director, Legal Services/Regional Solicitor

Approved By: Rod Regier, Commissioner, Planning, Development & Legislative Services
Mathieu Goetzke, Commissioner, Transportation Services

Region of Waterloo

Transportation and Environmental Services

Transportation

To: Vice-Chair Sue Foxtan and Members of the Planning and Works Committee

Meeting Date: May 10, 2022

Report Title: Automated Speed Enforcement Program Update

1. Recommendation:

For information.

2. Purpose / Issue:

To update Regional Council on the progress and effectiveness of the Automated Speed Enforcement (ASE) program and planned next steps.

3. Strategic Plan:

This report supports Strategic Objective 2.3 Increase participation in active forms of transportation (cycling and walking), Strategic Objective 2.4 Improve road safety for all users/drivers, cyclists, pedestrians, horse and buggies and Strategic Objective 4.1 Improve child and youth wellbeing in Waterloo Region.

4. Key Considerations:

- a) Sixteen ASE sites have been approved. Thirteen of those sites are being used for active enforcement and the remaining sites will be ready for active enforcement by the end of June 2022.
- b) Overall speeds have been reduced when compared to speeds before the introduction of ASE. Depending on the location, reductions have ranged from 1 km/h (2%) to 9 km/h (15%) with an overall average reduction of 5 km/h (9%). Rural school zones have in general seen more speed reductions.
- c) A total of 2673 tickets were issued which is approximately what was estimated before the program was implemented.
- d) Capital costs were higher than expected. This was caused primarily by the cost of providing the necessary electrical service and additional signage. Offsetting savings on other projects are being sought to address this.

- e) Operational costs appear to be in line with what was anticipated but it is too early to be definitive and this will continue to be monitored. Regional staff time is in addition to the direct operating costs. One FTE of staff time is currently required to administer the program. If reduction of this workload is not possible as the ASE program matures it will be necessary to add staff resources to maintain service levels.
- f) The Region reported a net revenue of \$93,463 for the period of October 2021 to March 31, 2022. This revenue is in line with Regional staff anticipated estimates of \$200,000 per annum.

5. Background:

- a) **Active ASE Locations** – The Region’s ASE program (Phase 1A) was launched in September 2021 at its first site on Westmount Road near Laurentian Public School. The Westmount Road site was one of eight sites approved during Phase 1A. All eight sites were commissioned before the end of 2021.

In March 2021, Regional Council approved the expansion of the ASE program to include eight additional locations (Phase 1B) for a total of 16 sites. Of the additional eight sites, five are ready for active enforcement, and the remaining three sites are planned to be ready for active enforcement by the end of June 2022.

The following lists the three remaining ASE sites to be installed by the summer.

- Elgin Street Public School, City of Cambridge;
- Westheights Public School, City of Kitchener; and
- St. Nicholas Catholic School, City of Waterloo.

Table 1 below summarizes all sixteen sites approved as part of Phase 1A and Phase 1B.

- b) **Impacts on Driver Speed** - Speed data obtained from active ASE locations indicates that the average travel speed of motorists has been reduced following the implementation of ASE. Observed speed reductions at ASE sites ranged between 1 km/h (2%) and 9 km/h (15%) with an overall average reduction of 5 km/h (9%). Driver speed data also revealed that the 85th percentile speed (speed at which 85% of motorists were driving at or below) of motorists reduced by an average of 4 km/h (6%). The 85th percentile operating speed reductions ranged between 2 km/h (3%) and 8 km/h (12%). On average 41% of motorists were traveling at or below the posted speed limit before ASE. After the implementation of ASE, 67% of drivers were recorded travelling at or below the posted speed limit, representing a 63% increase in compliance with speed limits in school zones.

Table 1 – Automated Speed Enforcement Locations

Phase	School	Roadway	Municipality
1A	Laurentian Public School	Westmount Road	Region of Waterloo
	New Dundee Public School	Bridge Street	Township of Wilmot
	Foundation Christian School	Katherine Street	Township of Woolwich
	St. Clements Public School	Lobsinger Line	Township of Wellesley
	Cedar Creek Public School	Hilltop Drive	Township of North Dumfries
	St. Gabriel Catholic Elementary	Guelph Avenue	City of Cambridge
	Keatsway Public School	Keats Way	City of Waterloo
	Franklin Avenue Public School	Franklin Avenue	City of Kitchener
	1B	Sandhills Public School	Victoria Street
Sir Adam Beck Public School		Snyder's Road West	Township of Wilmot
Wellesley Public School		Queen's Bush Road	Township of Wellesley
Clearview Mennonite School		Three Bridges Road	Township of Woolwich
St. Brigid Catholic School		Broom Street	Township of North Dumfries
Elgin Street Public School		Elgin Street North	City of Cambridge
Westheights Public School		Westheights Drive	City of Kitchener
St. Nicholas Catholic School		Laurelwood Drive	City of Waterloo

Regional staff also assessed the distribution of motorist speeds (uniformity) through school zones before and after the installation of ASE. More uniform traffic flow generally

results in less “tailgating” and unsafe passing and as a result fewer collisions. Prior to the installation of ASE, 95% of motorists were travelling through school zones at an average speed of 51 km/h \pm 17 km/h respectively. Following the implementation ASE, 95% of motorists were travelling through school zones at an average speed of 47 km/h \pm 17 km/h. It is clear that drivers lowered their speeds following the introduction of ASE in school zones, however the difference between the upper and lower ranges of driver speed remained consistent at 17 km/h. Table 2 below illustrates these results.

Table 2 – Travel Speed Uniformity

Variable	Before ASE	After ASE
Average Speed	52km/h	47 km/h
68% of drivers observed travelling between	43 km/h and 61 km/h	38 km/h and 56 km/h
95% of drivers observed travelling between	35 km/h and 69 km/h	30 km/h and 64 km/h

When comparing the data before and after ASE implementation, rural school zones appear to have benefitted from the greatest speed reductions.

- c) **Volume of Tickets Issued** – A total of 2,673 were filed at the POA Court between October 2021 and March 2022, as reported by the Region’s Provincial Offences Administration (POA) staff. The number of tickets being issued is tracking in line with Regional staff estimates.
- d) **Capital Costs** –Capital costs for the installation of ASE infrastructure includes but is not limited to contractual installation costs for Redflex ASE equipment (concrete pole bases, poles, ASE housing etc.) local hydro authority connections, Joint Municipal Processing Centre start-up costs, hydro meters, contractor fees to install underground electrical infrastructure and ASE related signage, etc. As outlined in Report TES-TRP-21-18/PDL-CAS-21-15. The Region’s 2021-2030 Transportation Capital Program in 2021 included \$664,000 for Phase 1A (\$360,000) and Phase 1B (\$304,000), funded from the Transportation Capital Reserve. To date, \$459,500 has been spent on capital costs and there is a remaining budget of \$205,000. It is currently anticipated that remaining costs will be approximately \$300,000 resulting in a variance of \$95,000. This variance is mainly a result of an unanticipated need to hire an electrical contractor to facilitate the Hydro service connections. There was additional costs resulting from Regional signage and signal works. Staff will continue to monitor the Transportation Capital Budget for offsetting savings.
- e) **Operating Costs** – Regional operating costs for ASE include hydro fees, Redflex

contractual fees to administer ASE equipment and transfer images from the units, MTO costs for tracing licence plates, and Municipal Joint Processing Centre fees to administer and process ASE related offences. It was anticipated that these costs would be approximately \$140,000 and this was included in the Transportation Operating Budget in 2021. Since the program only began in late 2021, many of these operational costs have not been realized by the Region yet. Staff will continue to monitor the budget to actuals for 2022 and make any adjustments as needed.

It should be noted however that operating costs do not account for Regional staff time to administer the ASE program. It is estimated that it takes approximately one full-time position to administer the ASE program on behalf of the Region and seven area municipalities. Responsibilities to administer the ASE program include:

- Coordinate the installation of new ASE equipment;
- Procuring equipment and services;
- Create applicable by-laws;
- Coordinate local hydro works;
- Preparing ASE operational reports for MTO;
- Preparing purchase orders and processing invoices;
- Site documentation requirements; and
- Coordinate the same for local area municipal staff.

f) **Revenue** - The Region reported a net revenue of \$ 93,463 for the period of October 2021 to March 31, 2022. This revenue is in line with Regional staff anticipated estimates of \$200,000 per annum.

Please refer to Reports TES-TRP-21-16 and TES-TRP-21-18/PDL-CAS-21-15 (attached in Appendices A and B) for additional information on this report.

6. Area Municipality Communication and Public/Stakeholder Engagement:

Regional and area municipal staff continue to collaborate during all steps of the implementation of ASE for each location as identified through the unified selection process.

An ASE information page is available on the Region's website, [Automated Speed Enforcement. This information page](#) provides general information to the public and includes answers to frequently asked questions and links to other information resources in Ontario.

7. Financial Implications: Nil.**8. Conclusion / Next Steps:**

In summary, this assessment of the Region's ASE program indicates that the introduction of ASE in Waterloo Region school zones has resulted in the following benefits:

- The average speed of drivers has been reduced an average of 5 km/h (9%);
- The 85% percentile operating speed of drivers has been reduced an average of 4 km/h (6%);
- Higher speed rural school zones appear to see the greatest reduction in speed; and
- Increased compliance by drivers with posted speed limits.

Regional staff fully anticipate further reductions in speed over time as has been demonstrated in other municipalities operating ASE. The Region will continue to monitor the impacts of the Region's ASE program and will provide a more comprehensive report in May 2023. This will provide sufficient time to include more details including impacts on motor vehicle, cycling and pedestrian collisions.

Regional staff are considering expansion of the ASE program subject to future funding and removal of constraints as noted in previous report TES-TRP-21-18/PDL-CAS-21-15 attached to this report.

Processing efficiencies have been realized at POA through electronic transfer of ticket data and a dedicated on-line payment page for ASE charges. Based on current charge volume, POA could process 10,000 ASE tickets annually within existing resources. Administrative Monetary Penalties for Vehicle-Based Infractions Captured by Automated Cameras could be implemented in early 2023. It is anticipated that a report will go to Council in the fall of 2022 once more information is available.

9. Attachments / Links:

Appendix A: Report TES-TRP-21-16 (Docs 3712994)

Appendix B: Report TES-TRP-21-18 (Docs 3799904)

Prepared By: Jyoti Nair, Engineering Technologist (Traffic)

Bob Henderson, Manager of Transportation Engineering

Reviewed By: Steve van De Keere, Director, Transportation

Approved By: Thomas Schmidt, Commissioner, Transportation and Environmental Services

Region of Waterloo
Transportation and Environmental Services
Transportation

To: Committee of the Whole
Meeting Date: September 14, 2021
Report Title: Automated Speed Enforcement Program – Recommended Location Selection Methodology

1. Recommendation:

That the Regional Municipality of Waterloo adopt the Automated Speed Enforcement (ASE) location selection methodology as outlined in Report TES-TRP-21-16, dated September 14, 2021.

2. Purpose / Issue:

To develop a scientific methodology for determining priority locations for the application of Automated Speed Enforcement in phases subsequent to the original installations completed in Phase 1 in 2021.

3. Strategic Plan:

This report addresses the Region’s goal to increase participation in active forms of transportation (Strategic Objective 2.3). In addition, this proposal supports improved road safety for all users (Strategic Objective 2.4).

4. Key Considerations:

a) Objective of a science-based site selection methodology:

A science-based selection methodology identifies and prioritizes school zones in Waterloo Region that have the greatest risk of future potential pedestrian collisions. These identified school zones would receive Automated Speed Enforcement (ASE) as a countermeasure to reduce motorist speeds and to mitigate the probability and severity of pedestrian collisions.

b) Factors that contribute to the severity of pedestrian collisions in school zones:

i. Operating speed

Operating speed is the primary factor that influences the severity of a pedestrian collision. The severity of a pedestrian collision increases as operating speed increases.

ii. Motor vehicle type

Literature suggests that the mass and the design of a vehicle can influence the severity of a pedestrian injury in lower speed environments. While considered a potential factor, it may not be as reliable as operating speed to predict the severity of a pedestrian injury.

c) Factors that contribute to the probability of a pedestrian collision:

i. Roadway Design

Roadway design elements can influence the probability of a pedestrian collision. These elements often subject vulnerable pedestrians to an increased or decreased probability of being struck by a motor vehicle. For example, the number of lanes that a pedestrian must cross influences the probability of a pedestrian being struck by a vehicle. Other roadway elements can influence the probability of a pedestrian collision and include but may not be limited to:

- Width of the roadway; and
- Sight distance (how far ahead a driver can see).

ii. Presence of Pedestrian Amenities

The presence of pedestrian amenities or lack thereof can influence the probability of pedestrian collisions. The following pedestrian amenities generally assist in reducing the probability of pedestrian collisions:

- Sidewalks / Shoulders / Multi-use trails;
- Pedestrian refuge islands / medians; and
- Crossing guards.

iii. Exposure

Exposure is a measure of the number of interactions between motorists and pedestrians and or cyclists over time. The probability of a collision will increase as the volume of road users increases as well. For example, a roadway having 100 pedestrians and 1000 vehicles a day would have less exposure compared to a roadway with 100 pedestrians and 5000 vehicles. Therefore, as exposure increases the probability of a pedestrian collision increases.

d) Risk-Based Scientific Model:

Staff developed a risk-based scientific ASE model that accounts for a number of factors described above that influence the probability and severity of pedestrian collisions. It is essential that the model be easy to use and populate for staff in all municipalities and the Region to ensure consistent application and logical results. The factors that the Region and Area Municipal staff have agreed upon to be included in the model are as follows:

- Operating Speed;
- Posted Speed;
- Presence of Sidewalk / Shoulder;
- Median / Pedestrian Refuge Island within 100m of school;
- Crossing guard;
- Number of Lanes;
- Historical pedestrian and cyclist collisions (non-intersection related);
- Pedestrian Volume;
- Cycling Volume;
- Roadway Volume; and
- School Type.

e) University of Waterloo Peer Review:

The University of Waterloo has reviewed the risk-based scientific model and confirmed that the factors used in the model are appropriate. The University is also interested in collaborating with Regional and local municipal staff to further pursue a more comprehensive statistical ASE risk model. Preliminary findings indicate that both models are producing similar results. The Region and local municipalities intend to continue working with the University to refine the University ASE risk model for potential future use.

f) Recommended Two-Step Process

Staff from each local area municipality and the Region worked collaboratively as part of a Working Group to develop the risk-based scientific ASE model. While there was agreement amongst the Working Group that the model used appropriate factors, there was also an acknowledgement that no model is perfect. The Working Group discussed the model potentially biasing roadways having higher operating speeds (that are more likely to experience severe/fatal pedestrian collisions, as in rural locations) over roadways with lower operating speeds (that are more likely to experience more pedestrian collisions but predominantly of lower severity, as in urban locations).

In order to mitigate potential bias in the model, the Working Group is recommending a two-step process to prioritize school zones in Waterloo Region. The recommended two-step process involves:

1. Allocation of ASE Funding by Municipality based on number of schools; and
2. Prioritizing Schools Zones by Municipality using the risk-based scientific model.

Step 1 – Allocation of ASE Sites by Municipality

The Working Group reviewed two alternative options to determine the distribution of ASE sites: by the number of publicly funded schools and by municipal population. This review determined that there was little difference in outcome between options. Please refer to Appendix A for a table that outlines the comparison of fund allocation by the two

different methods. The Working Group agreed upon recommending the allocation of funds for future ASE sites based on the number of publicly funded schools per municipality. An example of how this would work is:

- I. Of the total of 175 schools in the region, 71 (40%) are located in the City of Kitchener and 7 (4%) are located in the Township of Wilmot; and therefore
- II. In any given year when funding has been allocated toward expanding the ASE system, 40% of the funding would be allocated to schools in the City of Kitchener and 4% would be allocated to schools in the Township of Wilmot.

In this way of allocation of funds proportionally by number of schools, as the system is expanded, each area municipality would see its schools included into the system at the same proportional rate.

Step 2 – Prioritizing Schools Zones By Municipality

Staff from each area municipality would be responsible for maintaining and updating a list of prioritized school zones based on the risk-based scientific model agreed upon by the Working Group. Using the distribution of ASE funding assigned in Step 1, each municipality would review its prioritized list of school zones and advise Regional staff the school zones to be considered for ASE in any given year when system expansion is planned. The sites prioritized by area municipality and Regional staff are subject to revision based on a number of factors including but not limited to any revisions to the scientific model, engineering judgement, available space in right-of-way, utility constraints, property owner concerns, etc. The Working Group also agreed that this risk-based scientific model should be reviewed and modified from time to time as necessary in conjunction with any further developments of the University of Waterloo model. Please refer to Appendix B for the lists of prioritized schools for each municipality based on the risk-based scientific model and current input parameters.

5. Background:

Regional Committee of the Whole directed Regional staff to provide a report to Committee regarding a science-based selection methodology.

6. Area Municipality Communication and Public/Stakeholder Engagement:

The Working Group met a number of times to discuss various models and results. All members of the Working Group agreed that the two-step process and risk-based scientific model would allocate expansion funds and prioritize schools appropriately.

7. Financial Implications:

Financial implications would be dependent on decisions by Regional Council regarding future expansions to the ASE program. Any additional costs would be addressed as part of future budget deliberations.

8. Conclusion / Next Steps:

Staff recommend that any future expansions of the ASE Program be developed using the two-step process and risk-based scientific method as described in this report. Regional staff continue to plan the implementation of Phase 1B as approved by Regional Council. Future ASE expansion plans would be dependent on future upcoming Regional budget deliberations.

9. Attachments / Links:

Appendix A – Proportion of ASE Sites by Municipality (DOCS# 3716910)

Appendix B - Automated Speed Enforcement Site Rankings by Municipality (DOCS# 3716910)

Prepared By: **Bob Henderson**, Manager, Transportation Engineering

Reviewed By: **Steve van De Keere**, Director, Transportation

Approved By: **Thomas Schmidt**, Commissioner, Transportation and Environmental Services

Region of Waterloo

Transportation and Environmental Services

Transportation

Planning, Development & Legislative Services

Council & Administrative Services

To: Committee of the Whole

Meeting Date: September 14, 2021

Report Title: Acceleration of the Region's Automated Speed Enforcement Program

1. Recommendation:

For information.

2. Purpose / Issue:

The Region's current Automated Speed Enforcement (ASE) Program in 2021 includes eight semi-fixed sites and one camera and an additional eight semi-fixed sites, designated as Phases 1A and 1B respectively. A semi-fixed site includes a permanent and fixed pole with a camera housing and a camera that can be moved from one site to another. At the March 9, 2021 Committee of the Whole meeting, Council requested that staff bring a report back that explores the feasibility of accelerating the current ASE Program, beyond what is included in Phases 1A and 1B, including the addition of more sites in 2021 and 2022, the feasibility of using mobile units and the use of a more science-based methodology for determining ASE sites. This report serves to address the request for consideration of accelerating the current ASE Program. A companion report is being provided on September 14, 2021 to the Committee of the Whole (COTW) regarding a science-based methodology for ASE site selection. The question of using mobile units will be addressed as part of a future report to COTW on ASE, to be presented in 2022.

3. Strategic Plan:

The ASE Program supports Strategic Objective 2.3: Increase participation in active forms of transportation (cycling and walking), Strategic Objective 2.4 Improve road safety for all users/drivers, cyclists, pedestrians, horse and buggies and Strategic Objective 4.1 Improve child and youth wellbeing in Waterloo Region.

4. Key Considerations:

a) Goals and Keys to Success of the ASE Program

The initial goal of the Region's ASE Program is to get motorists to drive slower near schools where ASE has been implemented; whereas the greater goal is to get motorists to drive slower in all areas in the vicinity of schools. It can also be said that the ultimate goal is get drivers to drive slower in all built-up areas in the region, for the improved safety of all. The greater and ultimate goals may be achieved when all motorists consider the Program to be widespread on all roads in the Region.

The key to success is to get most motorists to expect to be served with an offence notice or "speeding ticket" if they drive faster than the posted speed limit in the vicinity of any school; then this will result in the desired behaviour of driving slower. To create that desired expectation the following conditions need to exist:

- Sufficient number of operating sites (people see them and talk about them); and
- Increased public awareness of the issuance of more speeding tickets through personal experience or discussion in the community (including word-of-mouth and in the media).

Based on the foregoing, the key to achieving the ultimate goal is to implement and gradually expand an ASE system that is sufficiently visible to the driving public and that generates a sufficient number of speeding tickets that can be successfully processed and prosecuted within the existing enforcement, legal and administrative framework.

b) Options to Address Process Capacity "Bottlenecks"

In order to successfully process a sufficient number of speeding tickets, sufficient capacity needs to exist in all four of the key steps of the process: sites/cameras capacity, processing centre capacity, Region POA capacity and court capacity. Please refer to Appendix A for a process flow diagram and descriptions of each of the key steps in the detection and processing of a speeding ticket.

Sites/Cameras Capacity

There are no capacity limitations regarding the number of sites or cameras that can be implemented as the vendor contract includes provisions to add semi-fixed or fixed sites and cameras. Therefore, the number of cameras that can be successfully implemented is controlled by other key bottlenecks in the system as noted further below in this report.

Planned Action: Consider adding additional cameras (semi-fixed or mobile) when all capacity bottlenecks have been addressed. This is likely not to occur before January 2023.

Processing Centre Capacity

The Toronto Joint Processing Centre (JPC) has a capacity in 2021 to process 5,000 Region of Waterloo infraction events annually. Additional capacity could be obtained in 2022 through one of these options:

- 1) Purchase more capacity from Toronto JPC;
- 2) Purchase processing capacity from another municipality which is implementing its own processing centre; or
- 3) Implement a Region of Waterloo processing centre.

In discussions with City of Toronto staff, Regional staff have determined that some additional capacity (additional 5,000 charges in total annually) may be available from the Toronto JPC in 2022; however, obtaining this additional capacity will yield little benefit if the other capacity bottlenecks are not addressed. Staff consider this to be the best option for the near future and the latter two options to be longer-term possibilities.

Planned Action: Purchase more capacity from Toronto JPC in 2022 and continue to consider other options for future years.

Provincial Offences Administration Capacity

Currently, the Region's POA Group has the capacity to process approximately 55,000 to 60,000 charges annually including approximately 5,000 ASE charges. The five year average for total number of charges filed is just over 53,000. 2021 is trending to approximately 54,000 charges without ASE. Additional court staff would have to be hired once the number charges exceed the 60,000 threshold. This capacity is controlled by the amount of staff resources as well as the "stream" to which offences proceed once registered (paid at onset, request for early resolution or trial, fail to respond). Generally:

- 48% of charges are paid outright;
- 31% of offences go to the early resolution stream;
- 8% go to the trial stream; and
- 13% are not responded to resulting in enforcement and collections activities.

Early resolution and trial streams require significant staff time for many work items such as scheduling, notifications, prepping for cases and in-court support and prosecution.

Based on red-light camera history, staff expect that in the early period of ASE implementation, more than the typical amount of offences will go through the early resolution and trial streams, and as a result, will place a greater burden on POA resources. While adding more staff resources could help with processing capacity, the capacity of the system will be controlled to a large degree by the capacity of the judicial process (court capacity). Please refer to Appendix B for a flowchart showing the "life of a Part 1 ticket – certificate of offence" and more detail regarding the POA court and judicial processes.

The moving of ASE offences from a Provincial Offence Administration System to the Administrative Monetary Penalty System (AMPS) could help address this bottleneck by eliminating the offences that go to the early resolution and trial stream. ASE charges would be administered outside of the POA Court but an AMPS Centre would have to be established including staff and hearing officers. Please refer to Appendix C for more detail on the AMPS. The Province of Ontario has agreed to extend the AMPS to include red-light camera, ASE and school-bus stop-arm camera offences, but this change is not anticipated to come into effect until the end of 2022 at the earliest.

Planned Action: Plan to develop an AMPS Centre outside of POA to process and adjudicate these charges with a hearing officer for the implementation of AMPS in early 2023.

Court Capacity

Currently there are two courts running five days per week for first appearance/case management, trials, and early resolution. The judicial resources for courts are controlled by the Ministry of the Attorney General, who has recently notified the Region that these resources will not be increased in the near future, despite the fact there is a backlog of over 7,000 cases resulting from the pandemic in addition to new cases waiting to be scheduled. Court resumption will consist of virtual trials and appearances which are slower, less efficient, and require more staff resources. There is no approval to resume in-person appearances in the foreseeable future. There were 25 to 35 cases scheduled per day on an in-person trial list before the pandemic; the zoom trial list starting in June 2021 will only have 10 cases per day and this could be lowered after review.

Planned Action: No action. Wait for AMPS.

c) Overall Planned Course of Action

Staff are planning the following to address the request by Council to consider the feasibility of accelerating the Region's current ASE Program:

- 1) Continue to implement Phases 1A and 1B of the ASE Program in 2021 as previously directed by Council, resulting in 16 semi-fixed sites and one camera;
- 2) As part of Phase 2 to be implemented in 2023, plan for 16 new sites and one additional camera subject to all capacity bottlenecks being addressed and the implementation of AMPS;
- 3) Negotiate with the City of Toronto to purchase additional processing capacity at the JPC in 2022 and beyond sufficient to support an additional camera in 2023. Continue to consider other more longer-term options to add more processing capacity;
- 4) POA Group to plan to increase staff in 2023 to support additional charges by hiring two additional court staff at an annual staffing cost of \$170,000. Additional office space will be required as office space at 77 Queen (POA Court) is at capacity;

- 5) Transportation to plan to increase staff in 2023 to support additional charges at an annual staffing cost of \$100,000; and
- 6) Plan to develop an AMPS Centre outside of POA to process and adjudicate these charges with a hearing officer with projected implementation of AMPS by the early 2023.

5. Background:

Please refer to Reports TES-TRP-21-02 and TES-TRP-20-08 (attached in Appendices D and E) for additional information on this topic.

6. Area Municipality Communication and Public/Stakeholder Engagement:

Area Municipality Communication:

Regional and area municipal staff have collaborated extensively over the last two years to coordinate the implementation of ASE on Regional and area municipality roadways. This collaboration is continuing through staff discussions at the working group.

Public/Stakeholder Engagement:

An ASE information page has been added to the Region's website [Automated Speed Enforcement](#) which provides general information, answers to frequently asked questions and links to other information resources in Ontario. Staff will implement additional notifications to the general public just prior to the start of camera operations.

7. Financial Implications:

For Phase 1A, revenues of \$75,000 and expenses of \$140,000 have been incorporated into the Region's 2021 Operating Budget. Additionally, the Region's Transportation Capital Program includes \$664,000 for Phase 1A (\$360,000) and Phase 1B (\$304,000), funded from the Transportation Capital Reserve. No additional revenue or operating expenses are currently anticipated in 2021 for Phase 1B.

There is currently no provision for additional capital costs in future years for ASE in the 2021-2030 Transportation Capital Plan. The additional 16 semi-fixed sites in 2023 will have a capital cost of \$800,000. The additional camera in 2023 will have an operating cost of \$54,000. The additional cost in 2022 for increased processing capacity at the Toronto JPC is estimated to be \$25,000.

In order to administer and to accommodate the increased workload of the expanded Program, additional staff would be required in Transportation and in the POA Group starting in 2023 as follows:

One Traffic Technologist - \$100,000 (salary, benefits, office space, and equipment)

One Court Administration Clerk - \$100,000 (salary, benefits, office space, and equipment)

One Court Clerk/Monitor - \$100,000 (salary, benefits, office space, and equipment)

Additional capital and operating costs for an expanded ASE Program will be developed by staff and submitted for Council's deliberation as part of upcoming budget processes.

8. Conclusion / Next Steps:

Staff are continuing the implementation of Phases 1A and 1B in 2021 as previously directed by Council.

Staff's next steps are:

- a) Monitor the effectiveness and required staff resources of Phases 1A and 1B;
- b) Work with area municipality staff to identify sites and an implementation plan for future phases;
- c) Report back to Regional Council in 2022 with the following information:
 1. Effectiveness of the Phase 1 installations;
 2. Impacts of initial phases on staff resources;
 3. Feasibility and timing of adding additional semi-fixed or mobile camera(s) as part of future phases; and
 4. Recommendations for Phase 2 to be implemented in 2023.

9. Attachments / Links:

- Appendix A: Key Steps in the Detection and Processing of a "Speeding Ticket" (DOCS 3801723)
- Appendix B: "Life of a Part 1 Ticket"; Detail Regarding Court and Judicial Processes (DOCS 3801723)
- Appendix C: Administrative Monetary Penalty System (AMPS) (DOCS 3801723)
- Appendix D: Report TES-TRP-21-02 (DOCS 3555664)
- Appendix E: Report TES-TRP-20-08 (DOCS 3235866)

Prepared By: Steve van De Keere, Director, Transportation

Patti McCauley, Manager, Provincial Offences Court Administration

Reviewed By: William Short, Director, Council & Administrative Services

Approved By: Thomas Schmidt, Commissioner, Transportation and Environmental Services

Rod Regier, Commissioner, Planning, Development & Legislative Services

Region of Waterloo
Transportation and Environmental Services
Transportation

To: Committee of the Whole
Meeting Date: September 14, 2021
Report Title: Automated Speed Enforcement Program – Recommended Location Selection Methodology

1. Recommendation:

That the Regional Municipality of Waterloo adopt the Automated Speed Enforcement (ASE) location selection methodology as outlined in Report TES-TRP-21-16, dated September 14, 2021.

2. Purpose / Issue:

To develop a scientific methodology for determining priority locations for the application of Automated Speed Enforcement in phases subsequent to the original installations completed in Phase 1 in 2021.

3. Strategic Plan:

This report addresses the Region’s goal to increase participation in active forms of transportation (Strategic Objective 2.3). In addition, this proposal supports improved road safety for all users (Strategic Objective 2.4).

4. Key Considerations:

a) Objective of a science-based site selection methodology:

A science-based selection methodology identifies and prioritizes school zones in Waterloo Region that have the greatest risk of future potential pedestrian collisions. These identified school zones would receive Automated Speed Enforcement (ASE) as a countermeasure to reduce motorist speeds and to mitigate the probability and severity of pedestrian collisions.

b) Factors that contribute to the severity of pedestrian collisions in school zones:

i. Operating speed

Operating speed is the primary factor that influences the severity of a pedestrian collision. The severity of a pedestrian collision increases as operating speed increases.

ii. Motor vehicle type

Literature suggests that the mass and the design of a vehicle can influence the severity of a pedestrian injury in lower speed environments. While considered a potential factor, it may not be as reliable as operating speed to predict the severity of a pedestrian injury.

c) Factors that contribute to the probability of a pedestrian collision:

i. Roadway Design

Roadway design elements can influence the probability of a pedestrian collision. These elements often subject vulnerable pedestrians to an increased or decreased probability of being struck by a motor vehicle. For example, the number of lanes that a pedestrian must cross influences the probability of a pedestrian being struck by a vehicle. Other roadway elements can influence the probability of a pedestrian collision and include but may not be limited to:

- Width of the roadway; and
- Sight distance (how far ahead a driver can see).

ii. Presence of Pedestrian Amenities

The presence of pedestrian amenities or lack thereof can influence the probability of pedestrian collisions. The following pedestrian amenities generally assist in reducing the probability of pedestrian collisions:

- Sidewalks / Shoulders / Multi-use trails;
- Pedestrian refuge islands / medians; and
- Crossing guards.

iii. Exposure

Exposure is a measure of the number of interactions between motorists and pedestrians and or cyclists over time. The probability of a collision will increase as the volume of road users increases as well. For example, a roadway having 100 pedestrians and 1000 vehicles a day would have less exposure compared to a roadway with 100 pedestrians and 5000 vehicles. Therefore, as exposure increases the probability of a pedestrian collision increases.

d) Risk-Based Scientific Model:

Staff developed a risk-based scientific ASE model that accounts for a number of factors described above that influence the probability and severity of pedestrian collisions. It is essential that the model be easy to use and populate for staff in all municipalities and the Region to ensure consistent application and logical results. The factors that the Region and Area Municipal staff have agreed upon to be included in the model are as follows:

- Operating Speed;
- Posted Speed;
- Presence of Sidewalk / Shoulder;
- Median / Pedestrian Refuge Island within 100m of school;
- Crossing guard;
- Number of Lanes;
- Historical pedestrian and cyclist collisions (non-intersection related);
- Pedestrian Volume;
- Cycling Volume;
- Roadway Volume; and
- School Type.

e) University of Waterloo Peer Review:

The University of Waterloo has reviewed the risk-based scientific model and confirmed that the factors used in the model are appropriate. The University is also interested in collaborating with Regional and local municipal staff to further pursue a more comprehensive statistical ASE risk model. Preliminary findings indicate that both models are producing similar results. The Region and local municipalities intend to continue working with the University to refine the University ASE risk model for potential future use.

f) Recommended Two-Step Process

Staff from each local area municipality and the Region worked collaboratively as part of a Working Group to develop the risk-based scientific ASE model. While there was agreement amongst the Working Group that the model used appropriate factors, there was also an acknowledgement that no model is perfect. The Working Group discussed the model potentially biasing roadways having higher operating speeds (that are more likely to experience severe/fatal pedestrian collisions, as in rural locations) over roadways with lower operating speeds (that are more likely to experience more pedestrian collisions but predominantly of lower severity, as in urban locations).

In order to mitigate potential bias in the model, the Working Group is recommending a two-step process to prioritize school zones in Waterloo Region. The recommended two-step process involves:

1. Allocation of ASE Funding by Municipality based on number of schools; and
2. Prioritizing Schools Zones by Municipality using the risk-based scientific model.

Step 1 – Allocation of ASE Sites by Municipality

The Working Group reviewed two alternative options to determine the distribution of ASE sites: by the number of publicly funded schools and by municipal population. This review determined that there was little difference in outcome between options. Please refer to Appendix A for a table that outlines the comparison of fund allocation by the two

different methods. The Working Group agreed upon recommending the allocation of funds for future ASE sites based on the number of publicly funded schools per municipality. An example of how this would work is:

- I. Of the total of 175 schools in the region, 71 (40%) are located in the City of Kitchener and 7 (4%) are located in the Township of Wilmot; and therefore
- II. In any given year when funding has been allocated toward expanding the ASE system, 40% of the funding would be allocated to schools in the City of Kitchener and 4% would be allocated to schools in the Township of Wilmot.

In this way of allocation of funds proportionally by number of schools, as the system is expanded, each area municipality would see its schools included into the system at the same proportional rate.

Step 2 – Prioritizing Schools Zones By Municipality

Staff from each area municipality would be responsible for maintaining and updating a list of prioritized school zones based on the risk-based scientific model agreed upon by the Working Group. Using the distribution of ASE funding assigned in Step 1, each municipality would review its prioritized list of school zones and advise Regional staff the school zones to be considered for ASE in any given year when system expansion is planned. The sites prioritized by area municipality and Regional staff are subject to revision based on a number of factors including but not limited to any revisions to the scientific model, engineering judgement, available space in right-of-way, utility constraints, property owner concerns, etc. The Working Group also agreed that this risk-based scientific model should be reviewed and modified from time to time as necessary in conjunction with any further developments of the University of Waterloo model. Please refer to Appendix B for the lists of prioritized schools for each municipality based on the risk-based scientific model and current input parameters.

5. Background:

Regional Committee of the Whole directed Regional staff to provide a report to Committee regarding a science-based selection methodology.

6. Area Municipality Communication and Public/Stakeholder Engagement:

The Working Group met a number of times to discuss various models and results. All members of the Working Group agreed that the two-step process and risk-based scientific model would allocate expansion funds and prioritize schools appropriately.

7. Financial Implications:

Financial implications would be dependent on decisions by Regional Council regarding future expansions to the ASE program. Any additional costs would be addressed as part of future budget deliberations.

8. Conclusion / Next Steps:

Staff recommend that any future expansions of the ASE Program be developed using the two-step process and risk-based scientific method as described in this report. Regional staff continue to plan the implementation of Phase 1B as approved by Regional Council. Future ASE expansion plans would be dependent on future upcoming Regional budget deliberations.

9. Attachments / Links:

Appendix A – Proportion of ASE Sites by Municipality (DOCS# 3716910)

Appendix B - Automated Speed Enforcement Site Rankings by Municipality (DOCS# 3716910)

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Region of Waterloo

Transportation and Environmental Services

Transportation

Planning, Development & Legislative Services

Council & Administrative Services

To: Committee of the Whole

Meeting Date: September 14, 2021

Report Title: Acceleration of the Region's Automated Speed Enforcement Program

1. Recommendation:

For information.

2. Purpose / Issue:

The Region's current Automated Speed Enforcement (ASE) Program in 2021 includes eight semi-fixed sites and one camera and an additional eight semi-fixed sites, designated as Phases 1A and 1B respectively. A semi-fixed site includes a permanent and fixed pole with a camera housing and a camera that can be moved from one site to another. At the March 9, 2021 Committee of the Whole meeting, Council requested that staff bring a report back that explores the feasibility of accelerating the current ASE Program, beyond what is included in Phases 1A and 1B, including the addition of more sites in 2021 and 2022, the feasibility of using mobile units and the use of a more science-based methodology for determining ASE sites. This report serves to address the request for consideration of accelerating the current ASE Program. A companion report is being provided on September 14, 2021 to the Committee of the Whole (COTW) regarding a science-based methodology for ASE site selection. The question of using mobile units will be addressed as part of a future report to COTW on ASE, to be presented in 2022.

3. Strategic Plan:

The ASE Program supports Strategic Objective 2.3: Increase participation in active forms of transportation (cycling and walking), Strategic Objective 2.4 Improve road safety for all users/drivers, cyclists, pedestrians, horse and buggies and Strategic Objective 4.1 Improve child and youth wellbeing in Waterloo Region.

4. Key Considerations:

a) Goals and Keys to Success of the ASE Program

The initial goal of the Region's ASE Program is to get motorists to drive slower near schools where ASE has been implemented; whereas the greater goal is to get motorists to drive slower in all areas in the vicinity of schools. It can also be said that the ultimate goal is get drivers to drive slower in all built-up areas in the region, for the improved safety of all. The greater and ultimate goals may be achieved when all motorists consider the Program to be widespread on all roads in the Region.

The key to success is to get most motorists to expect to be served with an offence notice or "speeding ticket" if they drive faster than the posted speed limit in the vicinity of any school; then this will result in the desired behaviour of driving slower. To create that desired expectation the following conditions need to exist:

- Sufficient number of operating sites (people see them and talk about them); and
- Increased public awareness of the issuance of more speeding tickets through personal experience or discussion in the community (including word-of-mouth and in the media).

Based on the foregoing, the key to achieving the ultimate goal is to implement and gradually expand an ASE system that is sufficiently visible to the driving public and that generates a sufficient number of speeding tickets that can be successfully processed and prosecuted within the existing enforcement, legal and administrative framework.

b) Options to Address Process Capacity "Bottlenecks"

In order to successfully process a sufficient number of speeding tickets, sufficient capacity needs to exist in all four of the key steps of the process: sites/cameras capacity, processing centre capacity, Region POA capacity and court capacity. Please refer to Appendix A for a process flow diagram and descriptions of each of the key steps in the detection and processing of a speeding ticket.

Sites/Cameras Capacity

There are no capacity limitations regarding the number of sites or cameras that can be implemented as the vendor contract includes provisions to add semi-fixed or fixed sites and cameras. Therefore, the number of cameras that can be successfully implemented is controlled by other key bottlenecks in the system as noted further below in this report.

Planned Action: Consider adding additional cameras (semi-fixed or mobile) when all capacity bottlenecks have been addressed. This is likely not to occur before January 2023.

Processing Centre Capacity

The Toronto Joint Processing Centre (JPC) has a capacity in 2021 to process 5,000 Region of Waterloo infraction events annually. Additional capacity could be obtained in 2022 through one of these options:

- 1) Purchase more capacity from Toronto JPC;
- 2) Purchase processing capacity from another municipality which is implementing its own processing centre; or
- 3) Implement a Region of Waterloo processing centre.

In discussions with City of Toronto staff, Regional staff have determined that some additional capacity (additional 5,000 charges in total annually) may be available from the Toronto JPC in 2022; however, obtaining this additional capacity will yield little benefit if the other capacity bottlenecks are not addressed. Staff consider this to be the best option for the near future and the latter two options to be longer-term possibilities.

Planned Action: Purchase more capacity from Toronto JPC in 2022 and continue to consider other options for future years.

Provincial Offences Administration Capacity

Currently, the Region's POA Group has the capacity to process approximately 55,000 to 60,000 charges annually including approximately 5,000 ASE charges. The five year average for total number of charges filed is just over 53,000. 2021 is trending to approximately 54,000 charges without ASE. Additional court staff would have to be hired once the number charges exceed the 60,000 threshold. This capacity is controlled by the amount of staff resources as well as the "stream" to which offences proceed once registered (paid at onset, request for early resolution or trial, fail to respond). Generally:

- 48% of charges are paid outright;
- 31% of offences go to the early resolution stream;
- 8% go to the trial stream; and
- 13% are not responded to resulting in enforcement and collections activities.

Early resolution and trial streams require significant staff time for many work items such as scheduling, notifications, prepping for cases and in-court support and prosecution.

Based on red-light camera history, staff expect that in the early period of ASE implementation, more than the typical amount of offences will go through the early resolution and trial streams, and as a result, will place a greater burden on POA resources. While adding more staff resources could help with processing capacity, the capacity of the system will be controlled to a large degree by the capacity of the judicial process (court capacity). Please refer to Appendix B for a flowchart showing the "life of a Part 1 ticket – certificate of offence" and more detail regarding the POA court and judicial processes.

The moving of ASE offences from a Provincial Offence Administration System to the Administrative Monetary Penalty System (AMPS) could help address this bottleneck by eliminating the offences that go to the early resolution and trial stream. ASE charges would be administered outside of the POA Court but an AMPS Centre would have to be established including staff and hearing officers. Please refer to Appendix C for more detail on the AMPS. The Province of Ontario has agreed to extend the AMPS to include red-light camera, ASE and school-bus stop-arm camera offences, but this change is not anticipated to come into effect until the end of 2022 at the earliest.

Planned Action: Plan to develop an AMPS Centre outside of POA to process and adjudicate these charges with a hearing officer for the implementation of AMPS in early 2023.

Court Capacity

Currently there are two courts running five days per week for first appearance/case management, trials, and early resolution. The judicial resources for courts are controlled by the Ministry of the Attorney General, who has recently notified the Region that these resources will not be increased in the near future, despite the fact there is a backlog of over 7,000 cases resulting from the pandemic in addition to new cases waiting to be scheduled. Court resumption will consist of virtual trials and appearances which are slower, less efficient, and require more staff resources. There is no approval to resume in-person appearances in the foreseeable future. There were 25 to 35 cases scheduled per day on an in-person trial list before the pandemic; the zoom trial list starting in June 2021 will only have 10 cases per day and this could be lowered after review.

Planned Action: No action. Wait for AMPS.

c) Overall Planned Course of Action

Staff are planning the following to address the request by Council to consider the feasibility of accelerating the Region's current ASE Program:

- 1) Continue to implement Phases 1A and 1B of the ASE Program in 2021 as previously directed by Council, resulting in 16 semi-fixed sites and one camera;
- 2) As part of Phase 2 to be implemented in 2023, plan for 16 new sites and one additional camera subject to all capacity bottlenecks being addressed and the implementation of AMPS;
- 3) Negotiate with the City of Toronto to purchase additional processing capacity at the JPC in 2022 and beyond sufficient to support an additional camera in 2023. Continue to consider other more longer-term options to add more processing capacity;
- 4) POA Group to plan to increase staff in 2023 to support additional charges by hiring two additional court staff at an annual staffing cost of \$170,000. Additional office space will be required as office space at 77 Queen (POA Court) is at capacity;

- 5) Transportation to plan to increase staff in 2023 to support additional charges at an annual staffing cost of \$100,000; and
- 6) Plan to develop an AMPS Centre outside of POA to process and adjudicate these charges with a hearing officer with projected implementation of AMPS by the early 2023.

5. Background:

Please refer to Reports TES-TRP-21-02 and TES-TRP-20-08 (attached in Appendices D and E) for additional information on this topic.

6. Area Municipality Communication and Public/Stakeholder Engagement:

Area Municipality Communication:

Regional and area municipal staff have collaborated extensively over the last two years to coordinate the implementation of ASE on Regional and area municipality roadways. This collaboration is continuing through staff discussions at the working group.

Public/Stakeholder Engagement:

An ASE information page has been added to the Region's website [Automated Speed Enforcement](#) which provides general information, answers to frequently asked questions and links to other information resources in Ontario. Staff will implement additional notifications to the general public just prior to the start of camera operations.

7. Financial Implications:

For Phase 1A, revenues of \$75,000 and expenses of \$140,000 have been incorporated into the Region's 2021 Operating Budget. Additionally, the Region's Transportation Capital Program includes \$664,000 for Phase 1A (\$360,000) and Phase 1B (\$304,000), funded from the Transportation Capital Reserve. No additional revenue or operating expenses are currently anticipated in 2021 for Phase 1B.

There is currently no provision for additional capital costs in future years for ASE in the 2021-2030 Transportation Capital Plan. The additional 16 semi-fixed sites in 2023 will have a capital cost of \$800,000. The additional camera in 2023 will have an operating cost of \$54,000. The additional cost in 2022 for increased processing capacity at the Toronto JPC is estimated to be \$25,000.

In order to administer and to accommodate the increased workload of the expanded Program, additional staff would be required in Transportation and in the POA Group starting in 2023 as follows:

One Traffic Technologist - \$100,000 (salary, benefits, office space, and equipment)

One Court Administration Clerk - \$100,000 (salary, benefits, office space, and equipment)

One Court Clerk/Monitor - \$100,000 (salary, benefits, office space, and equipment)

Additional capital and operating costs for an expanded ASE Program will be developed by staff and submitted for Council's deliberation as part of upcoming budget processes.

8. Conclusion / Next Steps:

Staff are continuing the implementation of Phases 1A and 1B in 2021 as previously directed by Council.

Staff's next steps are:

- a) Monitor the effectiveness and required staff resources of Phases 1A and 1B;
- b) Work with area municipality staff to identify sites and an implementation plan for future phases;
- c) Report back to Regional Council in 2022 with the following information:
 1. Effectiveness of the Phase 1 installations;
 2. Impacts of initial phases on staff resources;
 3. Feasibility and timing of adding additional semi-fixed or mobile camera(s) as part of future phases; and
 4. Recommendations for Phase 2 to be implemented in 2023.

9. Attachments / Links:

- Appendix A: Key Steps in the Detection and Processing of a "Speeding Ticket" (DOCS 3801723)
- Appendix B: "Life of a Part 1 Ticket"; Detail Regarding Court and Judicial Processes (DOCS 3801723)
- Appendix C: Administrative Monetary Penalty System (AMPS) (DOCS 3801723)
- Appendix D: Report TES-TRP-21-02 (DOCS 3555664)
- Appendix E: Report TES-TRP-20-08 (DOCS 3235866)

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Council Enquiries and Requests for Information

Administration and Finance Committee

Meeting date	Requestor	Request	Assigned Department(s)	Anticipated Response Date
May 10/22	K. Redman	Direct staff to develop a lobbyist registry including a lobbyist policy with a Code of Conduct, Lobbyist Registry By-Law and a comprehensive online registry. And that staff develop the proposed lobbyist registry program in consultation with area municipalities and through public engagement	CAS	2023
August 9, 2022	A&F	Staff to work with Union Co-operative to consider the use of a municipality capital facilities agreement to preserve rental affordability for the 475-477 Lancaster Street West property and report back to Council within a month or two, with a recommendation as to whether to proceed with this agreement and the implications	CS/Finance/Legal	
06-Dec-22	A&F	<p>In response to All Saints' Anglican Church delegation regarding development charges:</p> <p>The Committee directed staff to come back with a report during the 2023 budget process with other funding options that may be considered, as well as information on how many other groups may have similar asks.</p>	Finance	2023
10-Jan-23	A&F	The committee directed staff to report to back on a policy regarding Councillors hiring external support staff, which includes setting parameters around communications, and comparisons to similar municipalities in respect to policy and staff support provided.	CAO	Mar-2023