

Clause 8 in Report No. 8 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on May 25, 2017.

8

Water and Wastewater Services from City of Toronto to Developments in City of Vaughan

Committee of the Whole recommends adoption of the following recommendations contained in the report dated April 20, 2017 from the Commissioner of Environmental Services:

1. Council approve the proposed cross-regional water and wastewater services from the City of Toronto to Woodbridge Park Limited development located at the northeast corner of Steeles Avenue and Gihon Spring Drive, Smith Farm Property Holdings Inc. development located at 7233 Highway 27, and 407 ETR Concession Company Limited development located at 6200 Steeles Avenue West in City of Vaughan.
2. Council approve entering into necessary agreements with the City of Toronto, City of Vaughan and the Owners to provide for these services.
3. Council authorize the Commissioner of Environmental Services to execute on behalf of York Region necessary agreements with City of Toronto, City of Vaughan and Owners for supply of municipal water and wastewater services from City of Toronto to each development under the principles as outlined in Section 4 of this report.
4. The Regional Clerk circulate a copy of this report to Woodbridge Park Limited, Smith Farm Property Holdings Inc., 407 ETR Concession Company Limited, and the City of Vaughan and City of Toronto.

Report dated April 20, 2017 from the Commissioner of Environmental Services now follows:

1. Recommendations

It is recommended that:

1. Council approve the proposed cross-regional water and wastewater services from the City of Toronto to Woodbridge Park Limited

Water and Wastewater Services from City of Toronto to Developments in City of Vaughan

development located at the northeast corner of Steeles Avenue and Gihon Spring Drive, Smith Farm Property Holdings Inc. development located at 7233 Highway 27, and 407 ETR Concession Company Limited development located at 6200 Steeles Avenue West in City of Vaughan.

2. Council approve entering into necessary agreements with the City of Toronto, City of Vaughan and the Owners to provide for these services.
3. Council authorize the Commissioner of Environmental Services to execute on behalf of York Region necessary agreements with City of Toronto, City of Vaughan and Owners for supply of municipal water and wastewater services from City of Toronto to each development under the principles as outlined in Section 4 of this report.
4. The Regional Clerk circulate a copy of this report to Woodbridge Park Limited, Smith Farm Property Holdings Inc., 407 ETR Concession Company Limited, and the City of Vaughan and City of Toronto.

2. Purpose

This report seeks Council approval for the provision of water and wastewater services from the City of Toronto to the three proposed developments in City of Vaughan owned by Woodbridge Park Limited, Smith Farm Property Holdings Inc. and 407 ETR Concession Company Limited and to authorize Commissioner of Environmental Services to enter into necessary servicing agreements with the City of Toronto, City of Vaughan and the Owner of each development. Locations of these developments are presented in Attachment 1.

3. Background

Providing water and wastewater services to these developments through the City of Toronto is currently the only viable alternative

Both City of Vaughan and the Region have no existing or planned municipal sanitary sewers or watermains along Steeles Avenue between Highway 427 and Kipling Avenue where the subject sites are located.

City of Toronto currently owns watermains and sanitary sewers on Steeles Avenue along frontage of subject lands. Servicing these developments through

Water and Wastewater Services from City of Toronto to Developments in City of Vaughan

connection to the existing City of Toronto system requires no additional infrastructure except for installation of connections. Through respective planning applications, Owners of the subject sites have requested for provision of water and wastewater services to their developments through City of Toronto.

City of Vaughan has requested cross-regional services for three developments abutting Steeles Avenue

Section 89 of the *Municipal Act, 2001* requires consent of the Region where a local municipality purchases water from any municipality other than the Region.

On February 21, 2017, City of Vaughan Council passed a resolution approving their staff report (Attachment 2) requesting the Region enter into a cross-regional servicing agreement for each development noted below to facilitate the provision of water and wastewater services from City of Toronto.

- Woodbridge Park Limited residential and commercial development at the northeast corner of Steeles Avenue West and Gihon Spring Drive.
- Smith Farm Property Holdings Inc. development of two industrial buildings at 7233 Highway 27.
- The 407 ETR Concession Company Limited patrol yard facility expansion to include a new maintenance building, a truck wash enclosure and a future salt storage building at 6200 Steeles Avenue West.

Recommendations contained in this report address *Municipal Act* requirements and City of Vaughan request

In keeping with the requirements of the *Municipal Act* and in response to the request from the City of Vaughan, staff is requesting Council authorization to enter into servicing agreement with Toronto for servicing the above noted developments.

Council previously authorized similar servicing agreements for adjacent developments

Existing developments in the subject area are currently serviced by City of Toronto. On [June 26, 2003](#) Council authorized the Commissioner of Transportation and Works to enter into an agreement with the City of Toronto, City of Vaughan and Minglehaze Investors Inc. for the supply of the municipal water and sanitary services from the City of Toronto to the Minglehaze Investors Inc. development located at 5400 Steeles Avenue West. Similarly, Council also provided authorization on [March 31, 2005](#) for the supply of municipal water and sanitary services from the City of Toronto to Sadr Investment Inc. development

Water and Wastewater Services from City of Toronto to Developments in City of Vaughan

located at 5690 Steeles Avenue West. Locations of these developments are provided in Attachment 1.

4. Analysis and Implications

Principles of servicing agreements are required to outline responsibilities of each party

Based on very preliminary estimates, new infrastructure required to permit municipal services to these sites will cost in the order of \$80 million. Given the proximity of the existing Toronto water and wastewater infrastructure, staff recommends that the subject sites be permitted to obtain these services directly from the City of Toronto.

For each development a cross-regional servicing agreement between York Region, City of Toronto and City of Vaughan and the Owner is required to outline responsibilities of each party for provision of these services.

Owners have agreed to recommended principles of cross-regional servicing agreements at no cost to the Region

It is recommended that the following principles be adopted for these agreements. The Owners of the three properties have confirmed in writing that they agree with these principles (Attachment 3).

- a) Provision of City of Toronto services to each development is subject to approval by City of Toronto Council, City of Vaughan Council and Regional Council.
- b) The Owners have agreed that they will undertake at their own cost any necessary construction work required to connect their properties to the Toronto watermain and sewers on Steeles Avenue. All costs associated with the approval and inspection of the above construction works as well as the administrative and legal cost for the preparation of cross-regional servicing agreements shall be borne by the Owners.
- c) The services provided under the cross-regional servicing agreement are only to service the subject development.
- d) When Regional or local municipal watermains and/or sewers become available for connection for the subject development in future, the services provided through this agreement will be terminated at the discretion of York Region. New service connections will be owned and operated by City of Vaughan and will be installed at no cost to the Region.

Water and Wastewater Services from City of Toronto to Developments in City of Vaughan

- e) The Owner is responsible for paying Regional and City of Vaughan development charges, including the water and wastewater components. The water and wastewater components of the Development Charges will be used towards paying City of Toronto for the infrastructure (including water supply and transmission, and wastewater conveyance and treatment) they have in place to service these sites.
- f) The water and wastewater amount to be reimbursed to the City of Toronto will not exceed the amount equivalent to the City's water and wastewater development charges applicable to developments in Toronto.
- g) The water and wastewater amount to be reimbursed by York Region to the City of Toronto will not exceed the respective water and wastewater development charges received by York Region.
- h) The Owner will be solely responsible for all costs associated with the usage of water and wastewater services provided by City of Toronto.
- i) City of Toronto will own, operate and maintain the watermains and sewers. York Region is not responsible for any future costs associated with the inspection, replacement and rehabilitation of these services.
- j) Use of water and wastewater services is subject to the City of Toronto sewer use by-law and other requirements as stipulated by City of Toronto.

Toronto staff agreed to provide requested services subject to City of Toronto Council approval

City of Toronto staff has agreed, in principle, to provide the services to the subject properties, subject to their Council approval. A copy of the City of Toronto staff report, which was recommended by the Public Works and Infrastructure Committee is included as Attachment 4.

Owners are responsible for all construction works to connect their sites to City of Toronto water and wastewater systems

All construction works inside the Owners properties are the sole responsibility of the Owners. All construction works within the Steeles Avenue right-of-way required to facilitate a physical service connection from property lines of the subject sites to existing Toronto water and wastewater system on Steeles Avenue will be carried out by the Owners at the sole cost of the Owners.

City of Toronto has requested compensation to the City for the capital cost of existing City's water and wastewater infrastructure required to support the subject properties (including water supply and transmission as well as wastewater conveyance and treatment.) City staff have indicated that this

Water and Wastewater Services from City of Toronto to Developments in City of Vaughan

amount will be equivalent to development charges they would impose on developments within City of Toronto boundaries.

Toronto requests reimbursement of capital costs of existing City infrastructure required to support the subject properties

As York Region will be receiving development charge revenue from the developments, it is recommended that a portion of the water and wastewater component of the development charge collected from the developments be used to reimburse the City of Toronto for the use of their built infrastructure that would otherwise be constructed by York Region.

City of Vaughan staff advised that the City only includes a water component in their development charges for this service area. City of Vaughan staff agreed in principle to share the cost with York Region for reimbursing City of Toronto for their water infrastructure required to support the servicing of these sites, subject to City of Vaughan Council approval.

City of Toronto staff are currently working on the exact reimbursement amount and will advise regional staff in the coming months. York Region and City of Vaughan staff will determine their proportionate share of the reimbursement to Toronto based on the amount of development charges collected.

Region's water supply agreement with Toronto does not include water service to these individual developments

York Region and City of Toronto have a water supply servicing agreement under which Toronto will supply up to 509 million litres per day (MLD) to York Region by 2031. This water supply is transmitted through twelve designated connection points across the York-Toronto boundary. It should be noted that any water supply from Toronto to the three subject sites is not part of the 509 MLD water supply that York Region receives from Toronto. Water supply to these sites is transmitted through direct connection to Toronto water system, and is independent of, and in addition to, the 509 MLD water supply under the York-Toronto servicing agreement.

After water and wastewater services commence, the City of Toronto will invoice York Region for the water and wastewater usage by the subject properties at rates established by the City. The Owners will be solely responsible for costs associated with these invoices. The administration of the invoice payment process will be detailed in the cross-regional servicing agreements.

Water and Wastewater Services from City of Toronto to Developments in City of Vaughan

5. Financial Considerations

Entering into these three cross-regional agreements makes efficient use of existing Toronto infrastructure

The proposed cross-regional agreements will allow these developments in Vaughan to proceed and generate development charges without additional regional water and wastewater infrastructure beyond what is currently planned.

The Owners have agreed to be responsible for the construction of the water and wastewater connection to the Toronto system and all costs associated with the proposed connections. Accordingly, the water and wastewater services provided through City of Toronto under these agreements are cost neutral to the Region.

6. Local Municipal Impact

The proposed developments support residential and employment growth in City of Vaughan. The cross-regional water and wastewater connections will allow the subject developments to secure municipal services, without the need for City of Vaughan to extend its local water and wastewater systems to the subject areas, which is not economically feasible at this time.

7. Conclusion

This report recommends that water and wastewater services be provided by City of Toronto to three proposed developments in the City of Vaughan. This permits development in City of Vaughan where no Regional and City water and wastewater services are currently available and benefits the Region, City and the development industry.

For more information on this report, please contact Stephen Fung, Director of Infrastructure Asset Management at 1-877-464-9675 ext. 73025.

**Water and Wastewater Services from City of Toronto
to Developments in City of Vaughan**

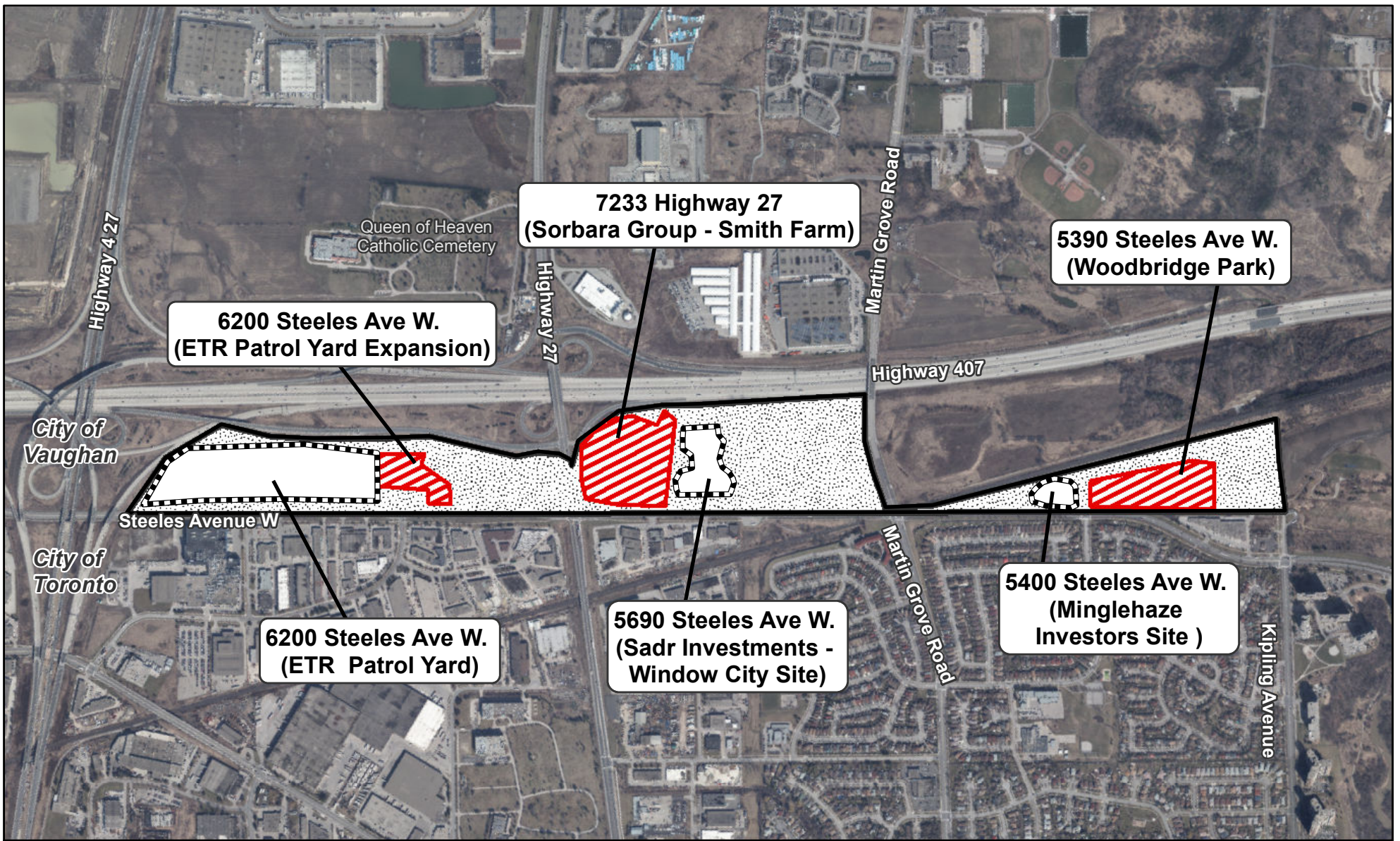
The Senior Management Group has reviewed this report.

April 20, 2017

Attachments (4)

#7587505

Accessible formats or communication supports are available upon request



Water and Wastewater Services from City of Toronto to Three Developments in City of Vaughan




Woodbridge Park Limited, Smith Farm Property Holdings Inc., and 407 ETR Concession Company Limited

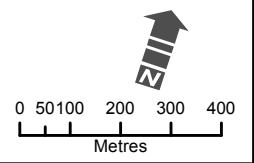
May 11, 2017



Produced by:
Infrastructure Asset Management,
Environmental Services Department
The Regional Municipality of York
April 2017

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-  Existing Development
-  Proposed Development
-  Unserved Area



CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 21, 2017

Item 2 Report No. 8, of the Special Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 21, 2017.

2

**TRI-PARTY SERVICING AGREEMENT
SITE DEVELOPMENT FILE DA.12.042
SMITH FARM PROPERTY HOLDINGS INC.
SITE DEVELOPMENT FILE DA.16.044 / DRAFT PLAN OF SUBDIVISION FILE 19T-16V005
WOODBIDGE PARK LIMITED
SITE DEVELOPMENT FILE DA.16.029
407 ETR
WARDS 2, 3, 4 AND 5 - STEELES AVENUE WEST CORRIDOR**

The Special Committee of the Whole recommends approval of the recommendation contained in the following report of the Deputy City Manager, Planning & Growth Management, Interim Director of Development Planning, and Senior Manager of Development Planning, dated February 21, 2017:

Recommendation

The Deputy City Manager, Planning & Growth Management, Interim Director of Development Planning, and Senior Manager of Development Planning in consultation with the Director of Development Engineering and Infrastructure Planning recommend:

1. THAT City of Vaughan Council formally request York Region, in conjunction with the City of Vaughan and the City of Toronto, to enter into a Tri-Party Servicing Agreement for each of the three (3) sites being Smith Farm Property Holdings Inc., 407 ETR, and Woodbridge Park Limited in order to allow servicing of the respective development sites that are located along the Steeles Avenue West corridor.
2. THAT City of Vaughan Council resolve that York Region and the City of Toronto be advised that the City of Vaughan consents to the initiation of additional Tri-Party Servicing Agreements, subject to a request from the Deputy City Manager of Planning and Growth Management, as may be required for future developments on other lands located in the City of Vaughan that are reliant on servicing from the City of Toronto.

Contribution to Sustainability

The applications implement the following Goals and Objectives of Green Directions Vaughan:

Goal 2: To ensure sustainable development and redevelopment

- Objective 2.1: To achieve sustainable growth and development by completing and implementing Vaughan Tomorrow, the City's Consolidated Growth Management Strategy - 2031, and by ensuring that the strategy is subject to periodic review and renewal

Goal 4: To create a vibrant community where citizens, business and visitors thrive

- Objective 4.2: Ensure that the City of Vaughan attracts businesses and investment that will result in well-paying jobs for Vaughan citizens, a sustainable tax base and continuing prosperity into the 21st Century

Economic Impact

There are no requirements for new funding associated with this report.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 21, 2017

Item 2, SP CW Report No. 8 – Page 2

Communications Plan

N/A

Purpose

The purpose of this report is to seek City of Vaughan Council's formal request to York Region, in conjunction with the City of Toronto, to enter into a Tri-Party Servicing Agreement with Smith Farm Property Holdings Inc., 407 ETR, and Woodbridge Park Limited in order to allow servicing of the respective development sites that are located along the Steeles Avenue West corridor. This report also includes a request to initiate future Tri-Party Servicing Agreements, as may be required, for future developments on other lands located in the City of Vaughan that are reliant on servicing from the City of Toronto.

Background - Analysis and Options

Synopsis:

A formal request to York Region, in conjunction with the City of Vaughan and the City of Toronto, is required to enter into a Tri-Party Servicing Agreement with Smith Farm Property Holdings Inc., 407 ETR, and Woodbridge Park Limited in order to allow servicing of the respective development sites that are located along the Steeles Avenue West corridor. Additionally, the report seeks York Region to initiate additional Tri-Party Servicing Agreements, as may be required, for future developments for other lands located in the City of Vaughan that rely on servicing from the City of Toronto subject to a request from the Deputy City Manager of Planning and Growth Management.

Location

The lands subject to the Tri-Party Agreements, shown on Attachment #1, are generally located on the north side of Steeles Avenue West, east of Regional Road 27, and west of Kipling Avenue.

York Region Request for a Council Resolution

York Region is in receipt of requests from landowners to execute Tri-Party Servicing Agreements with the City of Toronto to facilitate development. In order to align our schedules and to facilitate timely development of these projects, staff have brought forward this report.

York Region has requested a formal resolution from Vaughan Council to enter into a Tri-Party Servicing Agreement for each of the three (3) development proposals.

Site Development Applications Requiring a Tri-Party Agreement

On October 19, 2016, Vaughan Council ratified the decision of the Committee of the Whole approving Site Development File DA.12.042 (Smith Farm Property Holdings Inc.) to permit the development of a 20,855.73 m² employment building.

On December 13, 2016, Vaughan Council ratified the decision of the Committee of the Whole approving Site Development File DA. 16.044 and Draft Plan of Subdivision File 19T-16V005 (Woodbridge Park Limited) to permit a residential development comprised of 249 townhouse units, 26 rental apartment units and 868 m² of at-grade commercial uses.

Site Development Application File DA.16.029 (407 ETR) will facilitate an expansion of the existing 407 ETR site with a new 2,565 m² maintenance building, 3,067 m² covered enclosure to accommodate plough trucks, and the addition of 103 new parking spaces. The application, which was filed in March 2016, has been in review with the Ministry of Transportation, City of Toronto,

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 21, 2017

Item 2, SP CW Report No. 8 – Page 3

Toronto and Region Conservation Authority, York Region, and various Departments in the City of Vaughan. Development Planning Department staff will provide final approval of the plans and will administer the required implementing agreement(s) in accordance with By-law 123-2013 (Site Plan Control By-law) which delegates approval authority to staff in certain instances.

Relationship to Term of Council Service Excellence Strategy Map (2014-2018)

This report supports the following priority set forth in the Term of Council Service Excellence Strategy Map (2014-2018):

- Invest, renew and manage infrastructure and assets
- Attract investment and create jobs
- Continue to cultivate an environmentally sustainable City

Regional Implications

York Region has been working diligently with the City of Toronto, the various landowners, and the City of Vaughan in trying to finalize a Tri-Party Servicing Agreement that would allow for servicing of the respective development sites that are located along the Steeles Avenue West corridor. York Region has also advised the Vaughan Development Planning Department that it requires a formal resolution from Vaughan Council to enter into a Tri-Party Servicing Agreement for each of the three (3) development proposals.

Conclusion

York Region has requested a resolution from Vaughan Council to enter into a Tri-Party Servicing Agreement for each of the three (3) development sites that is required in order to allow the development sites to proceed to final approval, thereby creating shared economic benefits and housing for both the City of Vaughan and York Region. Should Vaughan Council approve the recommendations of this report, the Tri-Party Servicing Agreements necessary to facilitate the three affected development proposals can be initiated, which would allow the City of Vaughan to be in a position to issue Building Permits for Spring 2017. Vaughan Development Planning staff are also recommending that Vaughan Council adopt the recommendation to advise York Region to initiate additional Tri-Party Servicing Agreements, as may be required, subject to a receipt of a request from the Deputy City Manager of Planning and Growth Management, for future developments for other lands located in the City of Vaughan that rely on servicing from the City of Toronto.

Attachments

1. Location Map

Report prepared by:

Bill Kiru, Senior Manager of Development Planning, ext. 8633

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

**TRI-PARTY SERVICING AGREEMENT
SITE DEVELOPMENT FILE DA.12.042
SMITH FARM PROPERTY HOLDINGS INC.
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Recommendation

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Communications Plan

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- Attract investment and create jobs
- Continue to cultivate an environmentally sustainable City

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Conclusion

York Region has requested a resolution from Vaughan Council to enter into a Tri-Party Servicing Agreement for each of the three (3) development sites that is required in order to allow the development sites to proceed to final approval, thereby creating shared economic benefits and housing for both the City of Vaughan and York Region. Should Vaughan Council approve the recommendations of this report, the Tri-Party Servicing Agreements necessary to facilitate the three affected development proposals can be initiated, which would allow the City of Vaughan to be in a position to issue Building Permits for Spring 2017. Vaughan Development Planning staff are also recommending that Vaughan Council adopt the recommendation to advise York Region to initiate additional Tri-Party Servicing Agreements, as may be required, subject to a receipt of a request from the Deputy City Manager of Planning and Growth Management, for future developments for other lands located in the City of Vaughan that rely on servicing from the City of Toronto.

Attachments

1. Location Map

Report prepared by:

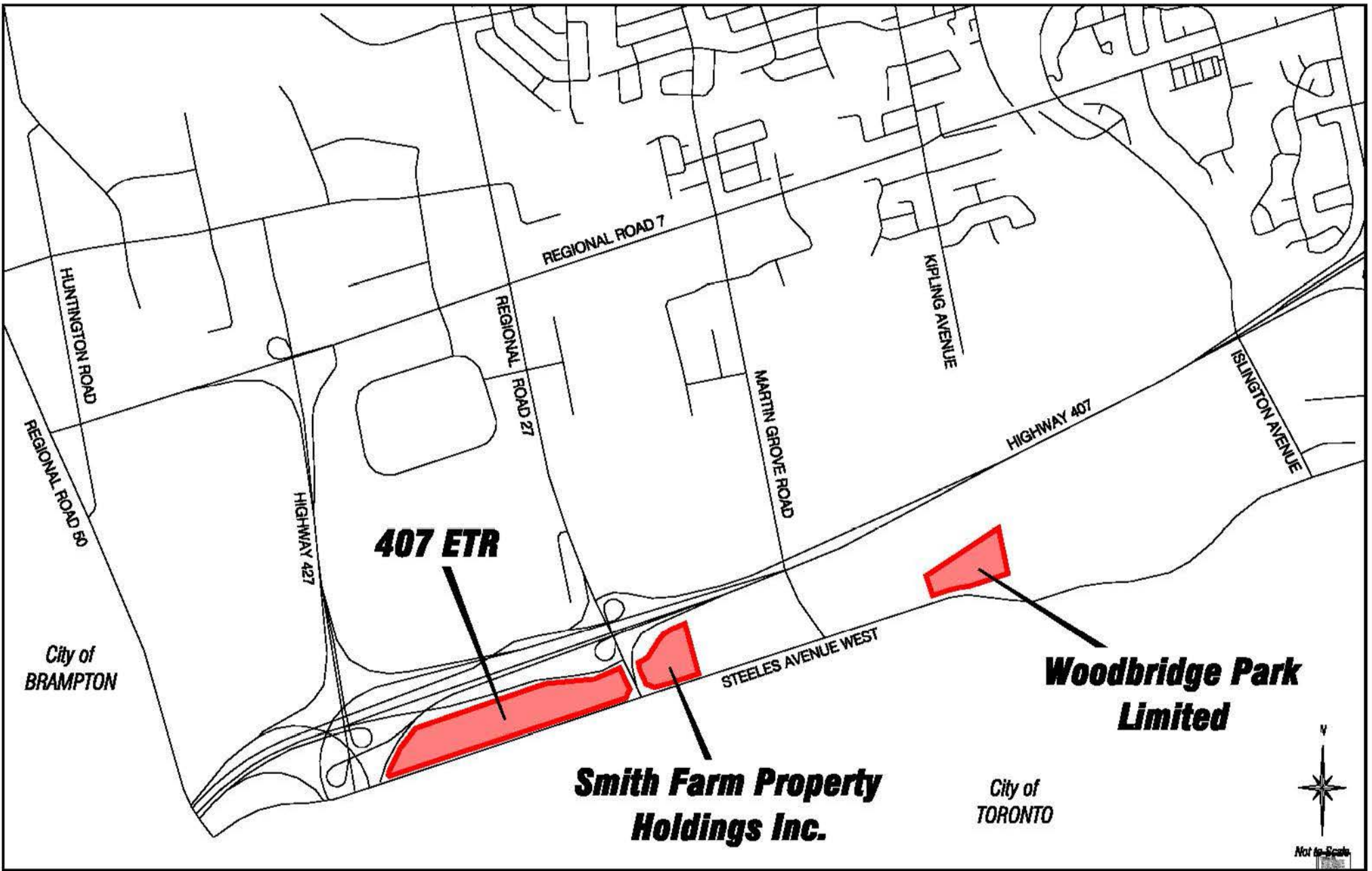
Bill Kiru, Senior Manager of Development Planning, ext. 8633

Respectfully submitted,

JOHN MACKENZIE
Deputy City Manager
Planning & Growth Management

MAURO PEVERINI
Interim Director of Development Planning

/CM



Location
Map



Attachment

1

DATE:
February 16, 2017



February 17, 2017

Regional Municipality of York
Community Planning and Development Services Branch
17250 Yonge St, 4th Flr
Newmarket, ON L3Y 6Z1

Attention: Ms. Katy Modaresi, Ph.D., P. Eng. | Manager, Capacity Monitoring and Development
Approval, Infrastructure Asset Management | Environmental Services

Re: 407 ETR Steeles Patrol Yard Expansion,
6200 Steeles Avenue West, Woodbridge Ontario
NW 407 & Steeles Ave
Region file No. SP-V-048-16, Vaughan # DA.16.029

In order for the Regional Municipality of York staff to take the report to Regional Council, the Region requires a written confirmation from the Owner agreeing to the following. As such, further to our recent discussions, 407ETR Concession Company Limited is in general agreement with the following principals with regards to the above project.

1. The Provision of City of Toronto services to the development is subject to approval by City of Toronto, City of Vaughan and Regional Council and execution of a tri-party agreement.
2. The Owner will be responsible for all reasonable or customary costs associated with the cross-regional services, including but not limited to watermain, sanitary sewer connections, connection charges, or any other customary fees required by the City of Toronto, reasonable legal expenses, and Regional and local municipal administrative costs associated with the preparation and administration of the agreement
3. The cross regional services provided under the servicing agreement is only to service the subject development. Any extension of the services to other development will require a new servicing agreement subject to Council approval.

4. When Regional or local municipal services become available for the subject development in the future, the services provided through this agreement will be terminated.
5. The Owner is responsible for paying the regional Development Charges including water and wastewater components as set out in the current Development Charges By-Law. Water and wastewater development charges requested by City of Toronto will be transferred to the City of Toronto up to the limit received by the Region.

If you have any questions, please do not hesitate to contact the undersigned.

Sincerely,



Tony J. Angelo, P.Eng.,
Manager, Structures

407ETR Concession Company Limited

6300 Steeles Avenue West

Woodbridge, Ontario

L4H 1J1

Cell: 416 936 0499

Phone: 905 265 4070, ext 5346

fax: 905 264 5379

email: tangelo@407ETR.com

Web: www.407etr.com

.cc Megan Rind, P.Eng, BROWN|CO

Woodbridge Park Limited
156 Duncan Mill Road, Suite 23A
Toronto, Ontario
M3B 3N2

February 15, 2017

Katy Modaressi Ph. D., P. Eng.
Manager, Capacity Monitoring and Development Approval
The Regional Municipality of York
17250 Yonge Street
Newmarket, Ontario
L3Y 6Z1

RE: Woodbridge Park Limited – Regional Requirements Regarding Tri-Party Servicing Agreement

Katy Mondaressi:

Woodbridge Park Limited agrees to the following requirements, in order for Regional staff to take a report regarding the Tri-party Servicing Agreement associated with lands owned by Woodbridge Park Limited to Regional Council:

- Provision of City of Toronto services to the development is subject to approval by City of Toronto, City of Vaughan and Regional Council and execution of a tri-party agreement.
- The Owner will be responsible for all costs associated with the cross-regional services, including but not limited to watermain, sanitary sewer connections, connection charges, or any other fees required by the City of Toronto, legal expenses, and Regional and local municipal administrative costs associated with the preparation and administration of the agreement.
- The cross regional services provided under the servicing agreement is only to service the subject development. Any extension of the services to other development will require a new servicing agreement subject to Council approval.
- When Regional or local municipal services become available for the subject development in the future, the services provided through this agreement will be terminated.
- The Owner is responsible for paying the regional Development Charges including water and wastewater components as set out in the current Development Charges By-Law. Water and wastewater development charges requested by City of Toronto will be transferred to the City of Toronto up to the limit received by the Region.

Should you have any additional requirements, please do not hesitate to contact the undersigned directly at (416) 642 – 0032 x 310.

Regards,



Patrick Smith, Vice President
Woodbridge Park Limited

SORBARA

— group of companies —

February 15, 2017

via email

The Regional Municipality of York
Infrastructure Asset Mgmt. Environmental Services
17250 Yonge Street
Newmarket, Ontario
L3Y 6Z1

Attn: Ms. Katy Modaresi, Manager of Capacity Monitoring and Development Approval

**Re: 7233 Regional Road 27, in part of Lot 1, Concessions 8, City of Vaughan
City of Vaughan File # DA.12.042 Site plan application
Smith Farms Property Holdings Inc.
Servicing Agreement**

As per our telephone discussions on February 14, 2017 our property at 7233 Regional Road 27 in the City of Vaughan, will be specifically included in your report going forward to the Regional Council in April 2017. The report to Regional Council will be seeking permission to allow the Region to enter into a servicing agreement for the property owned by Smith Farms Holdings Inc.

As requested the Region requires confirmation that Smith Farms Holdings Inc. agrees with the five stipulations noted below in order for your report to be brought forward to April's Council meeting. Please accept this letter as confirmation to the following Regional provisions:

- 1) Provision of City of Toronto services to the development is subject to approval by City of Toronto, City of Vaughan and Regional Council and execution of a tri-party agreement;
- 2) The Owner will be responsible for all costs associated with the cross-regional services, including but not limited to watermain, sanitary sewer connections, connection charges, or any other fees required by the City of Toronto, legal expenses, and Regional and local municipal administrative costs associated with the preparation and administration of the agreement;
- 3) The cross regional services provided under the servicing agreement is only to service the subject development. Any extension of the services to other development will require a new servicing agreement subject to Council approval;
- 4) When Regional or local municipal services become available for the subject development in the future, the services provided through this agreement will be terminated;

SORBARA

— group of companies —

- 5) The Owner is responsible for paying the regional Development Charges including water and wastewater components as set out in the current Development Charges By-Law. Water and wastewater development charges requested by City of Toronto will be transferred to the City of Toronto up to the limit received by the Region.

We trust all is in order to proceed to the April 2017 Regional Council and to move forward with the servicing agreement.

Sincerely,



Anna Fagyas, Development Manager



PW20.7

REPORT FOR ACTION

Water and Sewage Cross Boundary Servicing Requests

Date: March 31, 2017
To: Public Works and Infrastructure Committee
From: General Manager, Toronto Water
Wards: All

SUMMARY

The City of Vaughan and the respective landowners have requested water and sewage services (i.e. sanitary and storm water and other drainage from land) from Toronto Water for three active development applications located north of Steeles Avenue. The City of Vaughan has advised that it is not feasible for them to provide water and sewage servicing to the three developments due to the distance from existing municipal services and impediments such as Highway 407 and rail corridors.

The City of Toronto Act, 2006 requires, prior to the provision of a service in another municipality, that one of the purposes for doing so is for its own purposes and that the consent of the applicable lower and upper tier municipalities be obtained. Accordingly, a multi-party agreement among the City, the Regional Municipality of York, the City of Vaughan, and respective owner of property would be required for the provision of water and sewage services from the City to the three developments in the City of Vaughan.

Engineering Construction Services and Toronto Water staff have reviewed the three development proposals and have concluded that water and sewage services could be provided by the City, subject to a multi-party agreement being negotiated to provide these services on terms and conditions acceptable to the City. To facilitate future cross-boundary water and sewer servicing requests, staff recommend that the authority to negotiate and, where appropriate, enter into water and sewer servicing cross-boundary agreements be delegated to the General Manager of Toronto Water. This would assist in expediting the approval process for servicing such developments.

RECOMMENDATIONS

The General Manager of Toronto Water recommends:

1. City Council authorize the General Manager, Toronto Water, to negotiate and, where appropriate as determined by the General Manager, enter into and execute on behalf of the City agreements for the provision of water and sewage

services by the City to three properties located at 6200 Steeles Avenue West, 7233 Highway No. 27, and 5390 Steeles Avenue West, all within the City of Vaughan, with the Regional Municipality of York, the City of Vaughan and the owners of the respective properties; including without limitation any amendments, extensions or renewals thereof; on terms and conditions satisfactory to the General Manager; and in a form satisfactory to the City Solicitor; subject to the following conditions:

- a) one of the purposes for doing so is for the City's own purposes;
 - b) the consent of the Regional Municipality of York and City of Vaughan, where the subject properties are located and the services are to be provided, is obtained prior to entry into the respective agreement;
 - c) the City has a sufficient supply of water to service the subject property and sufficient sewer capacity available for handling the sewage from the subject property, as determined at the sole discretion of the General Manager; and
 - d) the owner of the subject property shall comply with Chapter 681, Sewers, and Chapter 851, Water Supply, of the City of Toronto Municipal Code and the City's Wet Weather Flow Management Guidelines, each as amended from time to time.
2. City Council authorize the General Manager, Toronto Water, to negotiate and, where appropriate as determined by the General Manager, enter into and execute on behalf of the City agreements for the provision of water and/or sewage servicing by the City to properties outside of the City of Toronto and within the 'unserved area' designated on the map set out in Attachment # 1 to this Report with the Regional Municipality of York, the City of Vaughan and the owners of the respective properties, when and where requested from time to time by York and Vaughan; including without limitation any amendments, extensions or renewals thereof; on terms and conditions satisfactory to the General Manager; and in a form satisfactory to the City Solicitor; subject to the following conditions:
- a) one of the purposes for doing so is for the City's own purposes;
 - b) the consent of the lower tier and upper tier municipalities having jurisdiction where the subject property is located or service is provided, as the case may be, is obtained prior to entry into the agreement;
 - c) the City has a sufficient supply of water to service the subject property and/or sufficient sewer capacity available for handling the sewage from the subject property, as applicable to the service provided and as determined at the sole discretion of the General Manager;
 - d) the owner of the subject property shall comply with Chapter 681, Sewers, and Chapter 851, Water Supply, of the City of Toronto Municipal Code and the City's Wet Weather Flow Management Guidelines, each as amended from time to time; and
 - e) The delegation of this authority to the General Manager, is on a pilot project basis and for the 'unserved area' designated on the map set out in Attachment 1 to this Report, and shall expire on December 31, 2022, unless otherwise extended by Council.

FINANCIAL IMPACT

There are no financial impacts with this report. The implementation cost for the servicing would be offset by water bill and financial contributions from the owner of property.

DECISION HISTORY

In July 2003, City Council authorized the negotiation and entering into an agreement among the City of Toronto, the City of Vaughan, the Regional Municipality of York, and Minglehaze Investors for the provision of water and sewage services to the Minglehaze site at 5400 Steeles Avenue West for a period of 20 years. The Council decision is at:

<http://www.toronto.ca/legdocs/2003/agendas/council/cc030722/wks6rpt/cl009.pdf>

In July 2005, City Council authorized the negotiation and entering into an agreement between the City, the City of Vaughan, the Regional Municipality of York, and Sadr Investments Inc., for the provision of water and sewage services for the Window City site at 5690 Steeles Avenue West, The Window City site was pre-serviced through an original agreement with the former City of Etobicoke. However, a multi-party agreement has not been executed to date. The Council decision is at:

<http://www.toronto.ca/legdocs/2005/agendas/council/cc050719/wks7rpt/cl013.pdf>

COMMENTS

There are presently three active development applications north of Steeles Avenue West, in the City of Vaughan that have requested water and sewage servicing from Toronto Water. These development sites are as follows and are shown in Attachment 1.

- 6200 Steeles Avenue West (ETR Patrol yard) - new salt management buildings, new 2,565 m² maintenance building, new 3,067 m² covered enclosure to accommodate 12 plough trucks, future salt storage building
- 7233 Highway No. 27 (Sorbara Group - Smith Farm) - comprised of a one-storey employment building with a two-storey office component.
- 5390 Steeles Avenue West (Woodbridge Park) - total of 275 units including 89 conventional townhouses and 160 back to back townhouses; 26 apartment units and two commercial buildings.

This area of the City of Vaughan presently does not have water or sewage servicing. City of Vaughan staff have advised that it is not feasible to provide water and/or sewage services from the City of Vaughan to these locations due to the distance to existing services and impediments, such as Highway 407 and rail corridors. As a result, the City of Vaughan has requested that the City of Toronto provide the necessary servicing.

City of Vaughan Council has consented to the provision of water, sewage services from the City of Toronto for the aforementioned three developments.

The City of Toronto Act, 2006 requires, prior to the provision of a service in another municipality, that one of the purposes for doing so is for its own purposes and that the consent of the applicable lower and upper tier municipalities be obtained. Accordingly, a multi-party agreement among the City, the Regional Municipality of York, the City of Vaughan, and respective owner of property would be required for the provision of water and sewage services from the City to the three developments in the City of Vaughan. The City's own purpose to serve these lands is to support development in the area and it will provide direct and indirect benefits to the City and local communities.

The multi-party agreements for these and any future requests would identify the terms, conditions and obligations of the respective parties which would include, but not be limited to, such matters as any construction requirements, capital infrastructure cost contributions, water and sewer service fees and charges and their collection, indemnification, disconnection, monitoring and compliance. Some of the general conditions would include but not be limited to the following:

- The owner of the property will be responsible for all City costs and fees associated with the City's provision of the cross boundary services.
- The owner of the property shall comply with the City of Toronto Sewers By-law (Chapter 681), the Water Supply By-law (Chapter 851), and the City's Wet Weather Flow Management Guidelines as well as any applicable Provincial and Federal environmental legislation and regulations.
- The owner of the property shall be responsible for arranging for all approvals and permits required for the construction of the works, unless performed directly by the City.
- All works related to the service connections must be to the City of Toronto standards
- The City of Toronto shall invoice the Regional Municipality of York for water and sewer usage by the subject property at water and sewer rates established by City Council from time to time. This will cover operation and maintenance cost incurred by providing services to the properties. Should there be any changes to City of Toronto's water and sewer rates or manner of charging for such services including any implementation of separate stormwater charges, as approved by the City, these changes shall be applied to the subject properties.

- If required, easement rights shall be granted to the City to access/inspect/monitor control maintenance chambers and bulk water meters which are located outside of the City. The owner of the property would be responsible for all costs associated with the easement acquisition.
- The water and sewage services, which includes storm sewer and other drainage works shall be solely for the use of the subject property and current land use and shall not service other properties.
- The capital costs of any City infrastructure required to service the subject property shall be paid to the City prior to installation of services.

Upon Regional or local municipal water and/or sewage services, as applicable, become available in the future, the applicable services provided under the agreement would terminate.

In the event, to expedite construction, that the developers propose to undertake any of the necessary City works within the public road allowance such requests and, where acceptable, approvals will be addressed in accordance with the existing provisions of Chapters 681 (Sewers) and 851 (Water Supply) of the Municipal Code.

Future Cross Boundary Servicing Requests

It is expected that Toronto Water will receive future requests for water and sewage servicing from neighbouring municipalities. For example, the City of Vaughan Official Plan designates much of the lands on the north side of Steeles Avenue West as Low to High Rise Residential, mid-Rise Mixed Use, and General Employment.

Granting delegated authority to the General Manager of Toronto Water to negotiate and, where appropriate, to enter into and execute on behalf of the City such cross-boundary agreements would expedite the approval process. These requests are typically similar in nature and approval by the General Manager would be subject to the conditions noted in the Recommendations.

Acknowledging that owners of undeveloped land in the remaining area in Vaughan between Highway 427 and Kipling Avenue, identified as 'unserved area' on Attachment 1, may make similar requests for servicing, delegated authority to administer future requests is recommended to be given for a limited 5 year period expiring on December 31, 2022.

CONTACT

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SIGNATURE

Lou Di Gironimo
General Manager, Toronto Water

ATTACHMENTS

Attachment 1 – Three Proposed Development Sites in the City of Vaughan

Attachment 1: Three Proposed Development Sites in the City of Vaughan

