Clause 11 in Report No. 18 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on November 19, 2015.

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Teranet Easement Mapping Data Acquisition

Committee of the Whole recommends adoption of the following recommendations contained in the report dated October 28, 2015 from the

1.   Recommendations

It is recommended that:

1. Council approve the direct award of a contract to Teranet Enterprises Inc., to map and supply associated data for all registered easements held by York Region, for a four year term expiring December 31, 2019 and at a cost not to exceed $217,158 excluding HST.

2. The Commissioner, Corporate Services be authorized to negotiate and execute the agreement on behalf of the Region.

3. The Commissioner, Corporate Services be authorized to exercise the option to extend the agreement for a further term of five years, expiring on December 31, 2024, on the same terms.

2.   Purpose

The report seeks Council approval for the direct award of a contract to Teranet Enterprises Inc. to map and supply associated data for all registered easements held by York Region.

Teranet is the only authorized provider of land registry information, which includes easement mapping and associated information. Section 9.1(b) of the Purchasing Bylaw provides that deliverables may be procured through a direct purchase where there is only one entity reasonably capable of providing the deliverables.

Section 9.2 of the Purchasing Bylaw requires Council approval for the award of a direct purchase contract where the total cost of the contract exceeds $100,000.

3. Background

Teranet is the authoritative source of easement information

An easement is a legal right to use or enter onto a property owned by another, for a specified purpose. The authoritative source of property and ownership information, including easements, is Teranet. In 1991, Teranet became the agent of the Ontario Government for land registry and associated data and documents. This exclusive contract will expire in 2067.

Teranet does not provide easement mapping as a standard product available for purchase. Instead, Teranet offers a custom data creation service to identify and map registered easements held by York Region. Other municipalities in Ontario, including Peel Region, Halton Region and City of Brampton, have already contracted Teranet to identify and map their easements.

Existing agreements with Teranet provide property and ownership information

The Region has an agreement with Teranet for the delivery of land registration information. In 2004, Council approved the direct purchase contract for a monthly delivery of property and ownership information. Subsequently, in 2009 and 2014 Council approved additional five year renewals of the agreement.

Property and ownership information is accessible to the corporation through the Region's enterprise GIS database and through web-based applications such as YorkMaps and the Property Viewer. Staff use mailing lists generated from this information in Property Viewer to support timely communication to property owners affected by the delivery of Regional services, including service disruptions due to infrastructure maintenance or notification of public consultations. Property and ownership information is also used by all departments in support of property acquisition, right-of-way/easement and land access negotiations for road widening projects and sewer and water main installations and maintenance. For example, the advancement of the rapid transit program relied on knowing who owned a property for land acquisition or disposition.

4.   Analysis and Options

Registered easements protect the Region's land interests and infrastructure

The Region relies on easements to protect its land interests and infrastructure located on property not owned by the Region. Easements ensure staff, subcontractors, and equipment have the necessary rights to access infrastructure during routine and emergency maintenance, infrastructure replacement and new construction. Teranet estimates that there are approximately 5,000 properties subject to an easement held by York Region.

New contract for easement mapping helps minimize risk

Easements are a critical land asset. The Region already receives property and ownership information. Easement locations and registration information are an important next step in the knowledge of which land the Region owns or has an interest.

It is important to have a comprehensive inventory of all easements, including boundaries, held by York Region within the corporation. Having a comprehensive inventory of easement boundaries and associated legal registration information helps minimize risk associated with the uncertainty of easement locations by enabling the Region to:

- Provide field staff with reliable easement usage and location information through mobile devices, to determine access points to Regional infrastructure in a timely fashion.
- Perform gap analysis to identify infrastructure at risk of having insufficient access from a missing or deficient easement.
- Identify encroachment of Regional activities on private land or encroachment onto Regional land interests or infrastructure, thereby avoiding conflict with land owners.
- Make easement information available to all staff through a web-based application, reducing project delays and costs associated with obtaining and verifying information through requests to Legal or Property Services, visits to the Land Registry Office, and use of pay-per-use searches.
- Provide data to consultants working on Regional infrastructure projects, avoiding duplication of effort and costs.

Easement products enhance the value of the Region's property information investment

As the authoritative source of property and ownership information, Teranet will create and deliver mapping of all easements currently held by York Region in the provincial land registration system. The Region will also receive mapping updates of new or removed registrations on a quarterly basis for a four year term.

Deliverables will include:

- Registered easement mapping data in GIS format
- Report of easement registration and usage details
- Associated legal registration document images

The easement mapping, registration and usage details and legal registration document images will be made accessible to the corporation alongside existing property and ownership information through the Region's enterprise GIS database and applications such as YorkMaps and the Property Viewer. The value of the Region's investment in property information is enhanced by incorporating the new easement mapping and registration information with existing property and ownership information. It will provide all staff with a more complete understanding of what is happening on a particular property.

The legal registration documents included in the delivery provide essential legal details on the easements location and use conditions. This information is currently only available through Teraview, Teranet's pay-per-use application for access to Ontario's electronic land registry system, at an average cost of $25 per property search. Staff requiring easement information rely on Legal and Property Services, who have access to Teraview, to obtain this information.

Having an easement inventory that is available to all staff will reduce Teraview searches and the reliance on Legal and Property Services staff to confirm easement details, thereby reducing search costs. In addition, providing data to consultants working on Regional infrastructure projects will reduce consultant charges for information gathering and compiling base drawings from land registry office records.

Link to key Council-approved plans

Responsible management of the Region's land assets, which include easements, aligns with the Region's goals and objectives under the:

- *Corporate Asset Management Policy*
  - Improve decision –making accountability and transparency
  - Demonstrate the long term consideration of decisions

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- Improve customer service
- *2015 - 2019 Strategic Plan*
- Good government - stewardship of the Region's assets

5. Financial Implications

The value of the contract for the four year term is $217,158 excluding HST

The total contract amount is $217,158 exclusive of HST and includes the one time purchase and 4 years maintenance.

6. Local Municipal Impact

The terms of the agreement with Teranet allow for sharing of easement mapping and information with members of the YorkInfo Partnership, including nine local municipalities, two school boards and two conservation authorities. Local municipalities would benefit from access to Regional easement information to avoid encroachment on Regional interests and open a collaborative dialog to better facilitate future infrastructure need and placement.

7. Conclusion

The Region has an existing contract with Teranet for property and ownership information. That contract has been in place since 2004. Renewal of the contract for a 5 year term was approved by Council in April 2014.

Easements are a critical land asset, and as such, their locations and associated information are another important part of the knowledge of the land in which the Region has interest. Currently, Teranet is the only entity providing property and ownership information, including easements.

This report seeks Council approval for the direct award of a contract to Teranet Enterprises Inc. to identify, map and supply associated data for all York Region registered easements at a total cost of $217,158 excluding HST. After initial delivery, the agreement includes subsequent quarterly deliveries of new or released easements information for a period of four years.

As per Section 9.2 of the Purchasing Bylaw, Council approval is required for the award of a direct purchase contract where the total cost of the contract exceeds $100,000.

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For more information on this report, please contact John Houweling, Director, Geographic Information Services at ext. 71529.

The Senior Management Group has reviewed this report. October 28, 2015

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