

THE REGIONAL MUNICIPALITY OF YORK

**REPORT NO. 2
OF THE REGIONAL
COMMISSIONER OF TRANSPORTATION AND WORKS
COMMISSIONER OF CORPORATE AND LEGAL SERVICES AND THE
COMMISSIONER OF FINANCE**

**For Consideration by
The Council of The Regional Municipality of York
on September 20, 2001**

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**ASSUMPTION OF THE JANE RUTHERFORD SANITARY TRUNK SEWER
CITY OF VAUGHAN**

1. RECOMMENDATIONS

It is recommended that:

1. Regional Council assume the Jane Rutherford Sanitary Trunk Sewer Phase I and Phase II and the Connecting Sewer from the City of Vaughan, effective September 20, 2001; and,
2. The Regional Solicitor be authorized to prepare the necessary by-law; and,
3. Notice be provided to the area municipalities, the Urban Development Institute (“UDI”) and other interested parties that the assumption of these works will result in an increase to the Regional residential development charge rates, effective October 25, 2001, in accordance with the Regional Development Charge By-law.

2. PURPOSE

On June 28, 2001, Regional Council approved the enactment of a by-law to assume the Jane Rutherford Sanitary Trunk Sewer and the sewer connecting the Jane Rutherford Trunk Sewer to the Regional collection, disposal and treatment system (“the Connecting Sewer”), subject to certain conditions being satisfied before July 31, 2001. The deadline for the assumption by-law to be enacted is September 28, 2001, after which time the development charge credit agreement between the Region, the City of Vaughan and the contributing land owners pertaining to the sewer, becomes null and void. This report outlines the resolution of these conditions and seeks authorization to enact the by-law to assume these works.

3. BACKGROUND

On March 3, 1999, the City of Vaughan forwarded a resolution to the Region requesting the Region assume the Jane Rutherford Sanitary Trunk Sewer Phase I and Phase II from the City of Vaughan. Regional Council endorsed the assumption of the sewer, subject to the Region amending its development charge by-law to incorporate the capital costs of the Jane Rutherford Sanitary Trunk Sewer, and the execution of a Development Charge Credit Agreement with the City of Vaughan and the landowners who financed the construction of the Sewer, at a cost of \$6.8 million.

On June 28, 2001, Regional Council authorized the assumption the Jane Rutherford Sanitary Trunk Sewer and the Connecting Sewer from the City of Vaughan, subject to the following conditions being satisfied before July 31, 2001:

1. The City of Vaughan provides the Region with a clean final engineering report, prepared by the consulting engineer and addressed to the Region, indicating there are no defects or deficiencies in the Jane Rutherford Sanitary Trunk Sewer Phase I and Phase II and the Connecting Sewer;
2. The City of Vaughan conducts video inspections for the Jane Rutherford Sanitary Trunk Sewer Phase I and Phase II and corrects any outstanding deficiencies that may arise from such inspections;
3. The City of Vaughan transfers easements for the entirety of the Jane Rutherford Sanitary Trunk Sewer Phase I and Phase II and the Connecting Sewer to the Region free of all charges, encumbrances, liens or other registered interests;
4. Solicitors for the City of Vaughan provide an opinion to the Region that the transfer of the easements is duly authorized by the City of Vaughan in accordance with the requirements of applicable law and that the Region has good and marketable title to the easements free of all charges, encumbrances, liens or other registered interests;
5. The City of Vaughan enacts a by-law transferring ownership of the Connecting Sewer and transferring and assigning easements covering the Connecting Sewer to the Region;
6. The City of Vaughan repeals its Special Service Area Development Charge By-laws; and,
7. A Development Charge Credit Agreement is executed by contributing landowners who financed the construction of the Jane Rutherford Sanitary Trunk Sewer Phase I and Phase II, the City of Vaughan, and the Region.

Condition 2, that a video inspection be completed and deficiencies corrected, was not satisfied by July 31, 2001. Therefore, Council authority to enact the assumption by-law must be obtained once again in order to assume the Sewer. All other conditions have been satisfied.

4. ANALYSIS AND OPTIONS

Subsequent to the July 31, 2001 deadline, efforts have been made to satisfy the outstanding condition. Efforts to correct the deficiencies, at an estimated cost of \$64,800, are currently ongoing. In order to ensure these deficiencies are corrected, the landowners have authorized the Region to withhold \$64,800 from their reimbursement amount entitled under the

Development Charge Credit Agreement, until such time as the deficiencies have been certified by an independent engineer as being rectified. This is considered acceptable by staff, and it is recommended that the Region proceed with the assumption of the Sewer and Connecting Sewer.

5. FINANCIAL IMPLICATIONS

In accordance with the Regional Development Charge By-law, thirty days after the Region enacts a by-law to assume the Jane Rutherford Sanitary Trunk Sewer, the capital costs associated with the Sewer will be included in the Development Charge By-law. The residential development charge will increase by \$28 per single family dwelling, effective October 25, 2001. The non-residential development charge rate is not impacted, as the full cost recovery development charge rate has been reduced by Council.

6. LOCAL MUNICIPAL IMPACT

The Jane Rutherford Sanitary Trunk Sewer and Connecting Sewer service residential and non-residential lands within the Urban Village I Expansion Area of the City of Vaughan, with a population of approximately 40,000 persons.

7. CONCLUSION

On June 28, 2001, Regional Council authorized the assumption of the Jane Rutherford Sanitary Trunk Sewer and the Connecting Sewer from the City of Vaughan, subject to certain conditions being satisfied before July 31, 2001. These conditions were not met within the July 31, 2001 timeframe. As these conditions have now been met by the withholding of funds necessary to correct the remaining deficiencies, Council authorization is recommended to enact the by-law to assume the Sewer. Enactment of the assumption by-law will trigger an increase to the Regional Development Charge of \$28 per single family dwelling, effective October 25, 2001 .

Respectfully submitted,

K. Schipper
Commissioner of
Transportation and Works

P. Carlyle
Commissioner of
Corporate and Legal Services

S. Cartwright
Commissioner of Finance

September 19, 2001
Newmarket, Ontario

(Report No. 2 of the Commissioner of Transportation and Works, Commissioner of Corporate and Legal Services and Commissioner of Finance was adopted, without amendment, by Regional Council at its meeting on September 10, 2001.)