



# Staff Report

## Planning & Development Services

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**Report To:** COW-Operations\_Planning\_and\_Development\_Services  
**Meeting Date:** November 19, 2024  
**Report Number:** PDS.24.143  
**Title:** Allocation Policy By-Law Update  
**Prepared by:** Adam Smith, Director of Planning & Development Services

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### A. Recommendations

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THAT Council receive Staff Report PDS.24.143, entitled "Allocation Policy By-Law Update";

AND THAT Council enact a revised by-law implementing a Water and Sewage Allocation Policy for the purpose of allocating water and wastewater services to new developments;

AND THAT Council approve the transitional provisions identified in PDS.24.081 for the purpose of implementing the Water and Sewage Allocation Policy in a fair and transparent manner;

AND THAT Council direct staff to review the by-law 18 months following its enactment and recommend further revisions to the Water and Sewage Allocation Policy and associated Evaluation Framework.

### B. Overview

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The purpose of this report is to respond to the correspondence received by Great Gulf and Goodmans LLP representing Great Gulf regarding the proposed Water and Sewer Allocation By-law. Based on reviewing the materials submitted, a revision is suggested to the proposed by-law

### C. Background

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At the September 30, 2024 Council meeting, two letters were received from Great Gulf and Goodmans LLP expressing concerns on the legality of the proposed by-law and potential impacts to Great Gulf's Lora Bay Phase 4b development. Town staff subsequently reviewed the correspondence in conjunction with the Town's solicitor.

The issues include but are not limited to the ambiguities associated with implementation of the policy, conflicts with Planning Act approvals and perceived lack of fairness. Specifically, to the Great Gulf lands in Lora Bay, there is concern around applicability of the by-law recognizing the agreements in place including the Master Development Agreement and Municipal Infrastructure Agreement specific to drainage works in Lora Bay.

## **D. Analysis**

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Based on the input received by the Town's solicitor and further review by staff, there remains confidence in the applicability of the by-law in governing allocation decisions at the Town including Great Gulf lands in Lora Bay.

The only substantial change recommended since the correspondence has been received is to expand the definition of development agreement to include Development Charge (DC) Front-Ending Agreements. This amendment is reflective of the expense associated with constructing external works and the risk that comes with committing to these improvements in the absence of water and sewage allocation.

In reviewing both the Lora Bay MDA and Municipal Infrastructure Agreement neither deal with matters of allocation and thus, do not form sufficient basis for providing an exemption under the by-law.

Despite the claims by Goodmans LLP questioning the legality of the by-law, there continues to be confidence in the Town's statutory authority to proceed with enactment. Staff do not believe there is sufficient rationale to warrant additional investigation and consultation regarding the by-law.

## **E. Strategic Priorities**

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### **1. Communication and Engagement**

We will enhance communications and engagement between Town Staff, Town residents and stakeholders

### **2. Organizational Excellence**

We will continually seek out ways to improve the internal organization of Town Staff and the management of Town assets.

## **F. Environmental Impacts**

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N/A

## **G. Financial Impacts**

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N/A

## **H. In Consultation With**

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Corrina Giles, Town Clerk

## **I. Public Engagement**

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The topic of this Staff Report has not been the subject of a Public Meeting and/or a Public Information Centre as neither a Public Meeting nor a Public Information Centre are required. However, any comments regarding this report should be submitted to Adam Smith, [directorplanningdevelopment@thebluemountains.ca](mailto:directorplanningdevelopment@thebluemountains.ca)

## **J. Attached**

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1. Revised Water and Sewage Allocation By-law
2. Great Gulf Deputation
3. Resolution B.9.2

Respectfully submitted,

Adam Smith  
Director of Planning & Development Services

For more information, please contact:  
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### Report Approval Details

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|----------------------|--|
| Document Title:      | PDS.24.143 Allocation Policy By-Law Update.docx  |
| Attachments:         | - Attachment 1 - Revised Water and Sewage Allocation By-Law.pdf<br>- Attachment 2 - Great Gulf Deputation.pdf<br>- Attachment 3 - Resolution B.9.2.pdf |
| Final Approval Date: | Nov 13, 2024   |

This report and all of its attachments were approved and signed as outlined below:

**Adam Smith - Nov 13, 2024 - 12:52 PM**