



Town of Niagara-on-the-Lake

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REPORT #: OPS-24-031

COMMITTEE DATE: 2025-04-15

DUE IN COUNCIL: 2025-04-29

REPORT TO: COTW-General

SUBJECT: Servicing Agreement – 9 Dee Road Watermain Extension

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 Council **APPROVE** the Servicing Agreement (attached as **Appendix I**), for the extension of the Dee Road watermain, and forward to the Owner(s) for signature; and
- 1.2 The Lord Mayor and Town Clerk be authorized to **EXECUTE** an Agreement with the Owner(s)s of 9 Dee Road for the extension of the Dee Road watermain, including deposits and fees for engineering, construction, inspection, and costs associated with the Agreement, all at the Owner(s)'s expense.

2. EXECUTIVE SUMMARY

- The Owner(s) of 9 Dee Road is responsible for the extension of the existing watermain on Dee Road approximately 40 metres west of the existing watermain limit in order to satisfy a condition of consent.
- Staff recommend approval of the watermain extension as per the terms of the Servicing Agreement (attached as **Appendix I**) and approved Servicing Plan (attached as **Appendix II**) between the Town and the Owner(s).
- All costs associated with the Agreement preparation and the engineering design, construction and inspection of the infrastructure are borne by the Owner(s) of 9 Dee Road.

3. PURPOSE

The purpose of this report is to enter into a Servicing Agreement with the Owner(s) of 9 Dee Road to extend the Dee Road watermain approximately 40 metres west of the existing watermain limit. The request arises from Consent applications conditionally approved by the Ontario Land Tribunal. An Agreement is required to permit the Owner(s)/applicant to install a municipal watermain fronting the new lots created by the severance.

4. BACKGROUND

In 2021, the Owner(s) of 9 Dee Road submitted Consent applications to the Town under the *Planning Act* for the creation of two new vacant lots on Dee Road. A lot with an existing single-detached dwelling (9 Dee Road) is to be retained.

The Committee of Adjustment ("COA") considered Staff Report COA-70-2021 (attached as **Appendix III**) for the Consent Applications B-14-21 and B-15-21 on November 18, 2021. Town Planning Staff recommended that the Consent Applications be approved.

The COA refused the applications. Following the Notice of Decision, the applicant appealed the applications to the Ontario Land Tribunal (OLT).

On May 25, 2023, the OLT issued a Decision (attached as **Appendix IV**), which allowed appeal and approved the Consents subject to the satisfaction of several conditions.

As the two new proposed residential lots do not have frontage on an existing municipal watermain, the Consent approvals included conditions requiring the Owner(s)/applicant to enter into a Servicing Agreement with the Town to permit the extension of the watermain. The Servicing Agreement (attached as **Appendix I**) ensures that the applicants can fulfil these conditions as per the approved Servicing Plan (attached as **Appendix II**).

5. DISCUSSION / ANALYSIS

Town By-law 2024-072, Section 1.6.1 states that "No water shall be supplied to any property, unless a 150mm Diameter Water Main or greater, extends in front of the property, within the Urban Town Boundary according to Town Policy PW-WAT-002B and is brought past the property line not less than three (3) metres from the interior property line." Accordingly, the extension of the existing Dee Road watermain from the current terminus to a point 3 metres within the eastern boundary of the new western lot was requested as a condition of severance by Town staff, and included in the approval decision of the Ontario Land Tribunal.

Entering into the Servicing Agreement with the Town permits the Owner(s) to complete the Consent application in a timely manner. All conditions of Consent must be cleared within two years of the date of the OLT decision (on or before May 24, 2025).

Following the execution of the Agreement, Staff will arrange for a pre-construction meeting with the developer's engineer and contractor to review, schedule and complete the works.

Operations Staff support the installation of the watermain through the attached Agreement, and the Town will assume ownership and maintenance of the watermain when it has been completed and commissioned.

6. STRATEGIC PLAN

The content of this report supports the following Strategic Plan initiatives:

Pillar

3. Enrich Community Assets, Environment, & Infrastructure

Priority

3.3 Infrastructure

Action

3.1 a) Assets

7. OPTIONS

7.1 **Option 1:** Council approves the watermain extension Servicing Agreement.
(Recommended)

7.2 **Option 2:** Council refuse the watermain extension Servicing Agreement.
(Not Recommended)

8. FINANCIAL IMPLICATIONS

The Servicing Agreement for the watermain extension requires that all costs associated with the Agreement and the proposed works be borne by the Owner(s). The estimated costs of the project amount to \$80,774.90 per Schedule B of **Appendix I** of the Servicing Agreement.

9. ENVIRONMENTAL IMPLICATIONS

There are no environmental impacts associated with this report.

10. COMMUNICATIONS

Upon Council approval of this report, Staff will advise the property Owner(s) of Council's decision and execute the Servicing Agreement.

11. CONCLUSION

Council approval of the Servicing Agreement (attached as **Appendix I**) will ensure that the new watermain is installed and inspected at the Owner(s)' expense in accordance with Town standards and policies as detailed through a Servicing Agreement between the Town and the property Owner(s). The Town will assume ownership and maintenance of the watermain upon its completion.

12. PREVIOUS REPORTS

- Staff Report COA-70-2021
- Staff Report CDS-22-001
- Order of the Ontario Land Tribunal - OLT-21-001826

13. APPENDICES

- **Appendix I** – Servicing Agreement for 9 Dee Road
- **Appendix II** – Approved Servicing Plan
- **Appendix III** – Staff Report - COA-70-2021
- **Appendix IV** – Ontario Land Tribunal order – OLT-21-001826

Respectfully submitted:

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