

Meeting Date: May 6, 2024
Department: Building, By-law & Planning
Report No.: BBP-2024-49
Prepared by: Jake DeRidder, Senior Development Co-ordinator
Submitted by: Jennifer Huff, Director of Building & Planning
Approved by: Trisha McKibbin, Chief Administrative Officer

SUBJECT: Pre-Servicing Agreement – Westdell Subdivision, Mount Brydges

RECOMMENDATION: THAT: Council receive report BBP-2024-49 titled “Pre-Servicing Agreement – Westdell Subdivision, Mount Brydges” for information, and further;

THAT: By-law No. 47-24 which authorizes the execution of a pre-servicing agreement with 1960726 Ontario Inc. (Westdell Development Corporation) not be forwarded/ be forwarded to the Consideration of By-laws section of the agenda for approval.

BACKGROUND:

The Edgewood Subdivision, developed by 1960726 Ontario Inc. (Westdell Development Corporation), is located in the south end of Mount Brydges, north of Parkhouse Drive, east of Rougham Road. A location map is attached to this report below. The subdivision is broken into two separate phases; only phase one as shown on the location map and is subject to this pre-servicing agreement. Phase two is a separate application with separate approvals that will be subject to Council’s approval in the future. Phase one contains 83 single detached residential building lots, the extension of the existing Trillium Way and Edgewood Lane, a new Street, and a Stormwater Management block.

The Edgewood draft plan of subdivision File No. 39T-SC1702 was first approved September 11, 2018 with a lapsing date of September 11, 2021. In 2020, due to applicant initiated red-line revisions, the draft plan approval was revised on December 16, 2020. Council has approved various extension to the draft plan approval following the December 2020 redline approval.

The intent of the pre-servicing agreement is to allow the developer to proceed with the installation of underground services and the stormwater management pond prior to the execution of the subdivision agreement. The subdivision agreement is largely complete, however there are a few minor outstanding items to be worked out prior to its execution. The pre-servicing allows the developer to

get started on servicing while the last details of the subdivision agreement are being completed. The subdivision agreement will be subject to Council's approval at a future meeting, and once executed, the pre-servicing agreement becomes invalid.

Servicing capacity (sanitary, water, storm) for the site would have been reviewed and confirmed prior to the approval of the subdivision back in September 2018. Generally speaking, the reason capacity is reviewed early on in the process is so that if there are capacity limitations identified, there is sound justification for denying an application at that time. There were no capacity limitations identified at the time of approval.

In regards to the Mount Brydges Waste Water Treatment Facility ("WWTF"), on March 18th, 2024 Council approved an interim solution for the WWTF. Regarding water capacity, a Servicing Master Plan is currently underway that will review old capacity numbers against the current demands and the system. The master plan will also provide potential options on any water system upgrades that may be required. Information on the status of sanitary and water capacity, relative to future demand projections has been provided by RVA as part of the Servicing Master Plan and is attached to this report below.

CONSULTATION:

The pre-servicing agreement has been drafted in consultation with the municipality's legal counsel, engineering staff and planning staff. All parties are satisfied with the current draft of the pre-servicing agreement.

STRATEGIC PLAN ALIGNMENT:

This matter is in accord with the following strategic priorities:

- 1) Growth Management: Strathroy-Caradoc will be an inclusive community where growth is managed to accommodate a range of needs and optimize municipal resources.

FINANCIAL IMPLICATIONS:

The pre-servicing requires that the municipality make a financial contribution to the developer in the sum of Three Hundred Eighty Four Thousand Nine Hundred Twenty and Twenty Nine Cents (\$384,920.29) for the municipal share of the storm water management facility. This contribution was previously brought to Council and is included in the 2023 & 2024 budget under the Parkhouse Drive Reconstruction line item.

This payment is broken down into three different phases,

1. 25% of the total is to be paid within 30 days of the municipality issuing interim completion. This is issued when underground services are first installed, once issued it also allows the developer to obtain full building permits.
2. 25% of the total is to be paid within 30 days of the municipality issuing the certificate of acceptance. This is issued once at least 90% of the dwellings have been constructed. It signifies the start of the warranty period.

3. The remaining 50% of the total is to be paid within 30 days of the municipality passing an assumption by-law for the SWM facility.

The Municipality, through the pre-servicing agreement will receive sufficient security for the infrastructure being installed at this point.

Assuming the subdivision agreement is passed, the Parkhouse Drive Reconstruction project will follow sometime shortly after the completion of Edgewood servicing. The Parkhouse Drive Reconstruction was approved as part of the 2023 budget.

While staff are supportive of moving this agreement forward, it is noted that the developer has a number of outstanding invoices related to peer review and legal fees incurred by the Municipality related to development process (approximately \$75,000.00). The pre-servicing agreement obliges the developer to pay all outstanding fees / charges, however, the invoices remain outstanding. Staff have advised the developer of the outstanding invoices and have not received a response to date.

ATTACHMENTS:

Signed Pre-Servicing Agreement