

Section I – Items for Board of Directors Action

TO: Chair and Members of the Executive Committee
Friday, October 7, 2022 Meeting

FROM: Sameer Dhalla, Director, Development and Engineering Services

RE: **SERVICE LEVEL AGREEMENTS FOR INFRASTRUCTURE PLANNING
AND PERMITTING PLAN REVIEW SERVICES**

KEY ISSUE

Update on service level agreements for infrastructure planning and permitting plan review services, environmental assessment and development application review services with provincial and other agencies undertaking infrastructure and utility projects.

RECOMMENDATION:

WHEREAS Toronto and Region Conservation Authority (TRCA) is a conservation authority established under the *Conservation Authorities Act* (“Act”) with a permitting jurisdiction related to the control of flooding, erosion, dynamic beaches, pollution and the conservation of land, including conditions or circumstances that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property;

AND WHEREAS TRCA works collaboratively with provincial and other public and private agencies undertaking infrastructure and utility projects to support approved growth and development in areas under TRCA’s permitting jurisdiction;

AND WHEREAS TRCA has over the years entered into various Service Level Agreements (SLAs) with provincial and other agencies for infrastructure planning and permit review services, including permit and voluntary permit review services for agencies that are exempt from the Act, alongside review and advisory services in respect of *Environmental Assessment Act* and *Planning Act* applications;

AND WHEREAS although these services are related to mandatory programs and services under the Act (Category 1), the services provided under the SLAs fall under the category of non-mandatory services a conservation authority may provide to further the purposes of the Act (Category 3);

AND WHEREAS the Act does not impose any requirements in respect of agreements with non-municipal entities for Category 3 programs and services;

IT IS RECOMMENDED THAT this update report be received;

THAT TRCA continue to work with provincial and other public and private sector agencies undertaking infrastructure and utility projects to develop and execute SLAs with such entities, including Metrolinx, Infrastructure Ontario, Enbridge Gas Inc., Ministry of Transportation, and other entities undertaking infrastructure and utility projects within TRCA’s permitting jurisdiction;

AND FURTHER THAT staff report back on these agreements on an annual basis.

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BACKGROUND

Since 2005, TRCA has entered into dedicated service level agreements (SLAs) with provincial agencies and other public and private sector partners for permit review services (including Voluntary Project Review), as well as environmental assessment and plan review services.

The SLAs each provide dedicated planning and technical review teams, expedited service delivery standards, detailed project tracking and reporting, monthly or quarterly partnership review meetings, defined communications procedures, and commitments for TRCA staff to work remotely from the partner office up to one day per week. Typically, the SLA sets out the general terms and conditions governing the services being provided, and a detailed Schedule appended to the agreement provides the scope of work, service delivery commitments and cost recovery fee estimates.

RATIONALE

Entering into SLAs with provincial and other agencies undertaking infrastructure and utility projects aligns with TRCA's framework for implementing the amendments to the Act in respect of the three categories of programs and services, being: Category 1 – legislated as mandatory by the Province, Category – 2 requested by partner municipalities, and Category 3 – other programs and services that the conservation authority determines are advisable to further the purpose of the Act.

The provision of IPP permit and other review services under SLAs to advance infrastructure and utility projects furthers the purposes of the Act in several ways. Entering into the SLAs supports delivery of TRCA's flood/hazard role and permitting mandate as it relates to TRCA's regulatory and policy interests, as well as its provincially delegated responsibilities. The SLA framework is designed to allow the agencies the opportunity for comprehensive project review based on TRCA's expertise as a watershed management agency, and its interests related to natural hazards, natural heritage, including aquatic and terrestrial species and habitats, and water management, to provide an opinion as to whether the interests, objectives, and tests of TRCA's Ontario Regulation 166/06 of Development, Interference with Wetlands and Alteration to Shorelines and Watercourses will be satisfied.

There are no other requirements under the Act for agreements for Category 3 services unless municipal financing is involved.

Staff are currently working to develop new or update existing SLAs with the following agencies:

Metrolinx (Update)

Metrolinx is undertaking various transit expansion projects that have been discussed in a recent Board report that could be linked here. The current SLA, which has been in place since 2020, provides for voluntary permit review (VPR) services for several transit infrastructure projects. An updated SLA agreement is anticipated to be executed this fall.

Infrastructure Ontario (New)

Infrastructure Ontario is planning and undertaking various projects within TRCA's permitting jurisdiction. A new SLA will be entered into for the Ontario Place redevelopment and is anticipated to be executed this fall. The SLA will provide for voluntary permit review (VPR) services, as well as review services related to development applications and environmental assessment studies to support the project.

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Enbridge Gas (Update)

Enbridge Gas is a natural gas storage, transmission and distribution company. The current SLA, which has been in place since 2013, facilitates permit review and approval for new utility projects and utility relocation projects required to facilitate other infrastructure projects. An updated SLA agreement is anticipated to be executed this fall. The updated SLA will carry forward the existing framework provided by the current agreement for permit review services, as well as review services related to development applications and environmental assessment studies.

Ministry of Transportation (New)

The Ministry of Transportation is undertaking an environmental assessment and study process for its Greater Toronto Area (GTA) West Corridor highway project. A new SLA has been proposed to provide voluntary project review (VPR) and environmental assessment review services to support the study process, and the SLA is currently under development.

Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan

This report supports the following strategy set forth in the TRCA 2013-2022 Strategic Plan:
Strategy 7 – Build partnerships and new business models

FINANCIAL DETAILS

Services provided under the SLAs will be charged based on service delivery full-cost recovery consistent with TRCAs fee policy.

DETAILS OF WORK TO BE DONE

TRCA staff will continue to develop and execute SLAs with provincial and federal agencies, and other infrastructure and utility providers.

Report prepared by: Beth Williston

Email: beth.williston@trca.ca

For Information contact: Beth Williston, (437) 880-2385

Email: beth.williston@trca.ca

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