The Regional Municipality of Durham
To: The Works Committee
From: Commissioner of Works
Report: 2012-W-99
Date: September 26, 2012

SUBJECT:
Site Lease with Oshawa General Racing Pigeon Club Incorporated for a Portion of Lands Located on the South East Corner of Rundle Road and Baseline Road, in the Municipality of Clarington

RECOMMENDATIONS:
THAT the Works Committee recommends to Regional Council that:

a) The Site Lease Agreement with Oshawa General Racing Pigeon Club Incorporated for a portion of lands located in the Municipality of Clarington be approved based on the following terms and conditions:

i) The term to be for a period of five years commencing November 1, 2012, and ending October 31, 2017, with the option to extend the term of the lease for a further period of up to five years, upon notice to the Landlord;

ii) The Regional Municipality of Durham shall have the right to terminate the site lease after the fourth year of the term, upon providing four months prior written notice to the Landlord;

iii) The rental rate for the term of the lease to be $4,800* per annum;

iv) The Regional Municipality of Durham to be responsible for all costs of installation, repairs, utilities and maintenance of the monitor and the leased lands; and

b) The Regional Chair and Clerk be authorized to execute all documents associated with the Site Lease Agreement.

(* net HST)
REPORT:

1. PURPOSE

This report seeks authorization to lease a portion of land for the proposed installation of an ambient air monitoring station to be located in the Municipality of Clarington.

2. BACKGROUND

The Regional Municipalities of Durham (Region) and York are constructing the Durham York Energy Centre otherwise known as the Energy from Waste (EFW) Facility located on the west side of Osborne Road, south of Highway 401, in the Municipality of Clarington.

A requirement of both the Ministry of the Environment (MOE), Notice of Approval to Proceed and the Region’s Committee of the Whole Report 2009-COW-01 is for the installation of an ambient monitoring station to supplement stack emissions testing at the facility. Based on the MOE requirements and Council report, the ambient air monitoring station must be operational for a minimum of three years following commissioning of the facility. The Region is required to have the monitoring station in operation approximately one year prior to the commissioning of the EFW Facility to capture baseline data, thereby necessitating a minimum four year lease. The anticipated facility commissioning is in the latter half of 2014, therefore, the baseline data collection must start in early 2013.

3. DISCUSSION

The proposed term is for a period of five years commencing November 1, 2012, and ending October 31, 2017, with the option to extend the term of the lease for a further period of up to five additional years, upon notice to the Landlord.

The rental rate for the term of the lease to be $4,800* per annum.

In addition to rent, the Region shall be responsible for all costs of installation, repairs, utilities and maintenance of the monitoring station and the leased lands. To allow for access to the site, Regional staff will apply for an entrance permit, with the Municipality of Clarington and once approved, will arrange for the construction of an entrance to the site.
4. **FINANCING**

Financing for the annual lease payment that totals $4,800* will be provided from within the annual Solid Waste Management Operating Budget.

5. **CONCLUSION**

In order to accommodate the requirement by the Ministry of the Environment for the installation of an ambient air monitoring station, it is recommended that Regional Council approve the Site Lease agreement.

This report has been reviewed by the Legal Department.

Clifford Curtis, P.Eng., MBA
Commissioner of Works

Recommended for Presentation to Committee

G.H. Cubitt, M.S.W.
Chief Administrative Officer

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