

Report to Council

Report Title: Walker West Phase 2 Amendment to Conditional Building Permit Agreement

Prepared By: Dieter Weltz, Building and Planning Manager/CBO

Department: Building and Planning

Date: September 14, 2021

Report Number: BLDG2021-26 **File Number:** C11BU, D12WA

Attachments: Walker West Conditional Permit Agreement Amended September 2, 2021

Recommendation:

That the Council of the Municipality of Brockton hereby receives Report Number BLDG2021-26 – Walker West Phase 2 Amendment to Conditional Building Permit Agreement, prepared by Dieter Weltz, Building and Planning Manager/CBO and in doing so approves an amending By-Law for the Conditional Building Permit Agreement come forward and further authorizes staff to enter into an agreement for lands within Phase 2 of the Walker West Subdivision upon receipt of a building permit application prior to the water booster pumping station being complete and operational for the purposes of a Conditional Building Permit prohibiting Occupancy.

Report:

Background:

Since the last Council meeting staff have continued discussions with Mr. Bill Clancy on behalf of Walker West Estates Inc. on the terms and conditions contained within the Conditional Building Permit Agreement. Through these discussions with Mr. Clancy, we have been able to address and clarify the areas of concern within the approved conditional building permit agreement. Confirmation has been provided by Mr. Clancy to staff on the amended agreement. The applicable legislative requirements of the Building Code Act are still satisfied within the amended agreement.

The following is a summary of the proposed amendments:

Removed RECITAL

~~**AND WHEREAS** Section 8.9 of the Subdivision Agreement provides that the Developer, or anyone claiming title from it or under its authority, shall not apply for any building permits for Lots or Blocks within the Plan until certain requirements have been carried out to the satisfaction of the Municipality, which include Preliminary Acceptance being granted by the Municipality for Stage 1 servicing for that phase of the Subdivision; and the~~

~~Developer agreeing that the requirements listed in Section 8.9 are in addition to and not in substitution of the requirements of the BCA with respect to the issuance of Building Permits.~~

Amended RECITAL

~~AND WHEREAS the Municipality's Engineers have inspected the Stage 1 servicing for Phase 2 and have recommended that the Municipality issue Preliminary Acceptance for the entire Phase 2 on two conditions: namely, that any building permits issued be issued conditionally on no occupancy being granted and no connection shall be permitted to the municipal water distribution system until such time as the Walker West Water Booster Pumping Station ("Pumping Station") being constructed on Block 49 on Plan 3M-249 has been completed and has been commissioned.~~

Amended 5. OWNER'S COVENANTS

- ~~(d) to take any and all measures necessary, if requested by the CBO in writing, to remove the subject construction and restore the site if all necessary approvals have not been obtained and the Pumping Station has not been constructed and commissioned within one (1) year from the date of the issuance of the Conditional Building Permit;~~
- (d) if construction is immediately stopped and sites are secured as outlined in clause (c), the Owner shall commence investigating options for providing a drinking water system for all lands where a conditional building permit has been issued. The CBO shall ensure that prior to requesting the removal of the subject construction and site restoration if all necessary approvals have not been obtained by May 1st, 2022 to allow the Owner the opportunity to find an acceptable solution by May 1st, 2023 to supply the Lands with a drinking water system that will comply with all applicable legislation;
- (e) if no acceptable solution has been found by May 1st, 2023 as per clause (d), the Owner at its own expense shall, if requested by the CBO in writing, remove the subject construction and restore the site;

Amended 10. SECURITY

Reduced security amount from \$2500.00 to \$500.00.

Other areas of the Conditional Building Permit Agreement were discussed and reviewed, however no other amendments are proposed at this time to the other areas.

Analysis:

The amended agreement is an available option as an interim solution for the issuance of conditional building permits should the owner/applicant wish to proceed with obtaining permits and commencing construction in areas noted within Phase 2 of the Walker West Subdivision that require the Walker West Booster Pumping Station for supply water.

Sustainability Checklist:

What aspect of the Brockton Sustainable Strategic Plan does the content/recommendations in this report help advance?

- Do the recommendations help move the Municipality closer to its Vision? Yes
- Do the recommendations contribute to achieving Cultural Vibrancy? N/A
- Do the recommendations contribute to achieving Economic Prosperity? Yes
- Do the recommendations contribute to Environmental Integrity? N/A
- Do the recommendations contribute to the Social Equity? N/A

Financial Impacts/Source of Funding:

- Do the recommendations represent a sound financial investment from a sustainability perspective?
N/A

There are no financial impacts on the Municipality related to this report.

Reviewed By:



Trish Serratore, Chief Financial Officer

Respectfully Submitted by:



Dieter Wetz, Building and Planning Manager/CBO

Reviewed By:



Sonya Watson, Chief Administrative Officer