



REPORT

DEVELOPMENT SERVICES

TO: Planning and Economic Development Committee

FROM: Elizabeth Howson, Macaulay Shiomi Howson Ltd.

DATE: May 5, 2025

REPORT: DS 16/25

FILE NO. Uxbridge Urban Area
Residential Servicing
Allocation Reservation Policy
Plan of Subdivision
Capacity Reservation

SUBJECT: Uxbridge Urban Area Residential Servicing Allocation Reservation
Policy – Plan of Subdivision Capacity Reservation

BACKGROUND:

The Region of Durham is responsible for wastewater and water services under statute and has the ultimate authority over such services. However, the Township has had the “Uxbridge Urban Area Servicing Allocation Policy” in place since 2010 with a number of subsequent amendments (By-law 2010-085) (2010 Allocation Policy).

This policy was recently updated after a lengthy review. The review was delayed by Covid-19, ongoing changes to Provincial legislation and policies, the review of the Regional Official Plan, and changes in Downtown Uxbridge that affected the analysis, including the Township’s acquisition of multiple properties, a tornado in May 2022 that destroyed several properties, including a church, and an increase in funds made available to the Township through grants for the Downtown Revitalization Project. These factors led to the need to more carefully consider the potential for intensification in the existing Uxbridge Urban Area. In particular, the increase in available land for development in Downtown Uxbridge.

The “Uxbridge Urban Area Residential Servicing Allocation Reservation Policy 2025” (By-law 2025-017) (2025 Allocation Policy) was adopted by Township Council on March 24, 2025 (See Appendix A) after public consultation including a public open house in February 2025. However, the basis and key directions are similar to the 2010 Allocation Policy.

Section 1 of the 2025 Allocation Policy summarizes the basis for the Policy as follows:

“The Township of Uxbridge Official Plan establishes policies to guide planning of the Urban Area. New residential development in the Uxbridge Urban Area (See Schedule A, Uxbridge Urban Area boundary) is conditional on the availability of municipal wastewater treatment and water services in accordance with the requirements of the Township Official Plan. The capacity of the services, particularly municipal wastewater treatment, is extremely limited and must be regularly monitored to ensure development approvals do not exceed capacity.

The Region of Durham is responsible for wastewater and water services under statute and has ultimate authority over such services.....Wastewater and water servicing capacity is calculated and tracked by the Region on a per person basis, with different dwelling types being equal to an assumed number of persons per unit.....

The Residential Servicing Allocation Policy has been developed in conjunction with the Region of Durham and is to be used as a basis for the reservation of wastewater treatment and water servicing capacity by the Township for residential development to best meet the objectives of the Township, as determined by Township Council, and to implement Provincial, Regional and Township policies to manage development in a manner which efficiently uses land, existing resources, infrastructure and public service facilities.”

ALLOCATION APPROACH: PLANS OF SUBDIVISION:

The process for obtaining servicing allocation for a plan of subdivision previously was not a standalone process. Rather it was a determination made by Township Council after draft plan approval was given by the Region of Durham. The granting of allocation would be one of the conditions of draft plan approval and would be considered at the time all other conditions of draft plan approval were in the process of being cleared – not before the process of clearing the conditions has commenced.

Satisfying draft plan conditions typically takes several years. Once the proponent demonstrated that all the conditions had been met or could be met, the Township engineering consultant would verify that information and produce a report to the Township confirming that all conditions had been met with a summary of how they were fulfilled.

A draft zoning by-law lifting the holding (H) symbol on the subject plan would then be prepared. The draft by-law would be submitted to Township Council for consideration together with a staff report related to the conditions. If Council approved the report, then Township staff would be authorized to negotiate a subdivision agreement with the proponent. As part of this process, the Township would determine whether there was servicing capacity for the development, and if there was capacity the recommendation would be made that servicing be allocated to the development under the 2010 Allocation Policy.

The 2025 Allocation Policy has established a formal application process for the reservation of wastewater treatment and water servicing allocation, including a

separate application. With respect to plans of subdivision the 2025 Allocation Policy states:

“Allocation (system capacity) will be ‘reserved’ by the Township through the process of satisfying the conditions of the draft plan approval for a plan of subdivision or plan of condominium....

Prior to reserving capacity the Township shall evaluate the application with respect to the criteria/conditions established in conformity with the Township’s Allocation Policy, as well as other policies and regulations, including the Township Official Plan. The evaluation will also include consideration of the length of time required for fulfillment of the conditions of draft plan approval to ensure that the plan is close to proceeding and that all remaining conditions can be met in a timely manner. Generally, a reservation will be granted for a period of no more than one year.

The Township will consider applications for a reservation for a plan of subdivision or condominium once a year, generally in February, when the most recent updated capacity tracking information is available from the Region.”

2025 PLAN OF SUBDIVISION APPLICATIONS FOR ALLOCATION

Given the recent adoption of the 2025 Allocation Policy and related reservation application review process for plans of subdivision, an advertisement was placed on the Township website and the local newspaper advising that the Township would consider applications for servicing allocation reservation on Monday May 5, 2025 for applications submitted to the Township no later than Friday April 18, 2025.

Only one submission was received. A letter dated April 8, 2025 on behalf of Bridgebrook Corporation (Bridgebrook request) from their solicitor to Loopstra Nixon LLP, the Township’s solicitors. The letter states

“....further to our attendance at Divisional Court (the “Court”) on March 20, 2025, and the Court’s direction that the Township of Uxbridge (the “Township”) make a decision in respect of Bridgebrook’s request for reservation of servicing capacity by May 4, 2025.”

This letter (See Appendix B) would not normally be considered an application for servicing allocation reservation but was considered at the direction of the Township. Pursuant to a court order the Township’s decision on this letter must be made by May 5, 2025. No other applications have been submitted for approval of allocation for plans of subdivision or condominium.

The Bridgebrook submission requests that Township Council confirm a reservation of servicing allocation for the entirety of the Bridgebrook development which is estimated to be 1,848 persons or, as an alternative:

“Bridgebrook is prepared to consider reasonable phasing of the development of its lands in order to provide the Township with assurance that any servicing allocation will be used in a timely manner. In return, Bridgebrook would be seeking assurance from the Township that reservation of further allocation to accommodate future

phase(s) of the development will be given provided that there is sufficient uncommitted capacity when such further request(s) is/are made and that committed capacity is to be determined based only on existing or approved development, with the latter being defined as an application which has been given approval under the Planning Act. Moreover, any future request(s) for reservation of servicing allocation in respect of Bridgebrook's lands would be considered under the Township 2010 Servicing Allocation Policy, as it was the policy in effect at the time of Bridgebrook's initial request in May 2024."

Reviewing the alternative phased approach for evaluating committed capacity in the context of the other submissions made on behalf of Bridgebrook since their initial request in May 2024, it appears that the alternative approach would not follow the standard evaluation methodology developed by the Township and the Region. This position (proposing an alternative approach) reflects the ongoing submissions on behalf of Bridgebrook although the precise approach has varied.

In this case the proposed alternative approach would only:

- permit the assessment of committed capacity to be based on existing or approved development with no provision for reservations such as those for unconnected units/lots with existing sewers along frontage, longterm care facilities, and Downtown; and
- consider development on Bridgebrook's lands under the Township 2010 Servicing Allocation Policy in effect in May 2024.

It is not recommended that these conditions be agreed to or applied to Council's future determinations, as they would be inconsistent with the current 2025 Allocation Policy which is to be applied to all other sites. Additionally, no particular phasing has been proposed for review and consideration.

ALLOCATION REQUEST: REVIEW AND EVALUATION

2025 ALLOCATION POLICY

Applicability

The 2025 Allocation Policy was developed after a lengthy review process working with the Region of Durham who have the ultimate authority over servicing. The review process also included public consultation. The 2025 Allocation Policy reflects the current Provincial, Regional and Township policy and regulatory framework. Further, while it builds on the 2010 Allocation Policy, it establishes a more formal and transparent application process for the reservation of wastewater treatment and water servicing allocation. This process is critical and, like the 2010 Allocation Policy, has been developed to ensure that the limited servicing capacity available is used in a manner which best meets the objectives of the Township.

The original request from Bridgebrook was submitted on May 23, 2024. At that time, the process of updating the 2010 Allocation Policy was in progress. The updating of the Policy was made more urgent by the fact that the original request from

Bridgebrook exceeded the Township's and Region's calculations of capacity and even on Bridgebrook's own assessment of capacity the original request would remove all available capacity.

Further, the 2010 Allocation Policy was almost 15 years old and it had been developed under a very different planning policy framework. The Provincial Planning (or Policy as it was previously) Statement had been completely rewritten three times in that period. The Township and Region's official plans had also been fundamentally amended, including in direct response to Bridgebrook's settled appeal at the Ontario Land Tribunal (OLT).

The amendment with respect to the Bridgebrook appeal changes concepts that were fundamental to the allocation policy. Bridgebrook itself identified the fact that the allocation policy was outdated and implied that it was inappropriate for decision making. Good planning required the policy be updated and current before a material decision that would fundamentally affect wastewater and water availability was made. Fairness to all parties who would be affected by such a decision also requires that the policy be updated.

Therefore, it is my opinion that Bridgebrook's request for allocation should be evaluated in the context of the updated 2025 Allocation Policy.

This approach will ensure that going forward all applications are reviewed in a consistent manner. The Township has a number of planning applications under review which were filed prior to the adoption of the 2025 Allocation Policy. For the reasons outlined above, the Township will evaluate those applications and all subsequent applications for allocation utilizing the 2025 Allocation Policy. Township staff are currently developing procedures to ensure that current and new applicants are aware of the 2025 Allocation Policy and its implications.

Status of Bridgebrook Development

Through a settlement agreement of Bridgebrook's appeal to the OLT, the Township Official Plan, the Region of Durham Official Plan and the Township's Zoning By-law were amended to recognize the potential for development of the Bridgebrook lands. The Zoning By-law establishes a holding zone provision which includes as one of the conditions for lifting the hold a requirement that the Township has approved servicing allocation for the development in accordance with the Allocation Policy.

In addition, draft plan approval was granted for the proposed plan of subdivision subject to 45 conditions a number of which include sub sections. The conditions include Condition 37.5 with respect to allocation as follows:

“Servicing allocation has not, at the time of draft plan, been reserved or allocated for the development of lands in the draft plan of subdivision, and the draft plan approval does not constitute a commitment by the Township to provide servicing allocation in the future. Prior to final approval, the Township must be satisfied that sufficient water and wastewater plant capacity exists to adequately service this development, and

servicing must be formally allocated by Township Council for development, in accordance with the Township's Servicing Allocation Policy."

This is in addition to Condition 5 which states:

"Prior to entering into a Subdivision Agreement, the Region of Durham shall be satisfied that adequate water pollution control plan and water supply plant capacities are available to the proposed subdivision."

There has been no indication to the Township that Bridgebrook has commenced the necessary work to satisfy the conditions. It is anticipated that it could take a number of years to satisfy the conditions including providing for the extension of sanitary sewer and water supply facilities external to the subject lands which are required to service the lands to the satisfaction of the Region of Durham.

The draft plan approval recognizes the potential for delays in satisfying the conditions and establishes in Condition 45 Lapse of Approval:

"This draft plan approval shall lapse for any portion of the plan that has not been registered upon the earlier of:

- a) 15 years after draft plan approval has been granted; or*
- b) 3 years after full servicing allocation for the entire development has been granted.*

Notwithstanding the above, the Owner may request in writing and the approval authority may grant in writing an extension of the date upon which the draft plan approval would otherwise lapse prior to any lapsing occurring."

2025 Allocation Policy Evaluation

Section 3.2 of the Allocation Policy, Reservation of Allocation for Plans of Subdivision and Condominium and Consents, establishes that:

"Prior to reserving capacity the Township shall evaluate the application with respect to the criteria/conditions established in conformity with the Township's Allocation Policy, as well as other policies and regulations, including the Township Official Plan."

Table 1 outlines the criteria/conditions in the 2025 Allocation Policy applicable to the evaluation of the Bridgebrook request for allocation. The review indicates that:

- The updated capacity tracking data identifies remaining capacity of 290 persons (+/- 83 single detached dwellings). This is significantly less capacity than required for the total development of the Bridgebrook plan (1,848 persons).
- There is no indication that the applicant has commenced work on satisfaction of the draft plan conditions a process that can typically take several years. The conditions would need to be satisfied even if the development is phased.

It would be premature therefore to grant allocation given that the policy directs that the development should be in position to proceed expeditiously – generally in one year at most two. The intent is that the allocation should be used as soon as possible not sitting unused when it could be allocated to other developments which are ready to proceed.

- It is also noted that at this early stage in the process it is not clear if the proposed plan of subdivision can satisfy any of the criteria which have been established for the evaluation by Council of applications for allocation reservation (ie. affordable housing, additional public facilities, proven technology or other mechanisms which will minimize the use of wastewater treatment and/or water servicing capacity).

2010 Allocation Policy Review

As indicated above, in my opinion any applications for allocation should be evaluated with respect to the 2025 Allocation Policy. However, it should be noted that with respect to the 2010 Allocation Policy, the evaluation process would be similar as would the resulting recommendation with respect to prematurity. In particular the following should be noted:

- **Capacity tracking**
The same methodology would be used to track capacity including provision for reservations. The reservations were more limited, and so the remaining capacity would be somewhat greater, nevertheless, it would still be significantly below that required for the entire Bridgebrook subdivision.

The reservations identified as part of the Policy include a reservation for 231 persons for long term care/hospital care (2019 Amendment). Also included was a reservation of 600 people for the Downtown which had lapsed but which was renewed in June 2024.

Finally, while not identified in the 2010 Allocation Policy, the methodology developed in conjunction with the Region for the evaluation of capacity under the 2010 Allocation Policy (as well as the 2025 Allocation Policy) identified a reserve of 555 persons for unconnected units/lots with existing sewers along frontage. In addition, the methodology also included a reservation for certain municipal lands which for the 2010 Allocation Policy included the former St John Training School (200 persons) and Herrema Park (150 persons).

Given that the Region is the ultimate authority with respect to the granting of allocation as reflected in the Township Official Plan, Section 2.2.7.2 (included below), in my opinion, these Regional reservations should be reflected in any evaluation of remaining capacity with respect to the 2010 Allocation Policy. Section 2.2.7.2 provides:

“Development Restrictions Related to Capacity

The land designated for development may exceed the servicing capability of the sewage treatment system. Development will not be permitted, even if the land is located in the Urban Area and is designated for development, unless there is available servicing capacity. The Regional Municipality of Durham shall determine the availability of servicing capacity and shall define committed capacity to include reserves for the servicing of lands in the Urban Area currently on private services.” (emphasis added)

- **Evaluation Criteria**

In terms of the criteria identified in the 2010 Allocation Policy to be used by Council for the evaluation of competing applications for allocation, these are largely similar to those in the 2025 Allocation Policy although they include some additional criteria as well (ie mixed use development, affordable housing as defined in the Provincial Policy Statement, significant new employment opportunities, developments that can be serviced immediately with minimal or no municipal investment in infrastructure, other significant public benefits as determined by the Township). Again, as with the 2025 Allocation Policy, at this early stage in the process it is not clear if the proposed plan of subdivision can satisfy any of the criteria which had been established for the evaluation by Council of applications for allocation reservation.

CONCLUSION

Based on the evaluation with respect to the 2025 Allocation Policy, and having regard to the 2010 Allocation Policy, the allocation of servicing capacity to the Bridgebrook Corporation for any portion of the draft plan of subdivision S-U-2021-01 is not recommended at this time. There is insufficient capacity currently for the full Bridgebrook development, and no particular phasing proposal for review; in any event, granting of allocation is premature until such time as the applicant can demonstrate that substantive progress has been made in addressing the draft plan conditions. In addition, at this early stage in the process it is not clear if the proposed plan of subdivision can satisfy any of the criteria which have been established for the evaluation by Council of applications for allocation reservation.

RECOMMENDATION:

THAT Report DS 16/25, Uxbridge Urban Area Residential Servicing Allocation Reservation Policy – Plan of Subdivision Capacity Reservation be received for information;

AND THAT Council be resolved that no servicing allocation is reserved this year (2025) for draft plan of subdivision approvals;

AND THAT Council be resolved that, in particular, no reservation of allocation is provided this year to Bridgebrook Corporation in response to its application for draft plan of subdivision S-U-2021-01 or any portion thereof, because:

- i. there is currently insufficient capacity available to service the entire draft plan of subdivision;
- ii. there is no specific phasing plan proposed for consideration by Council; and
- iii. the applicant has not satisfied the requirements for reservation of allocation, including demonstration that fulfilment of other conditions of approval are anticipated to occur within one year.

Submitted by:



Elizabeth Howson MCIP, RPP
Macaulay Shiomi Howson Ltd.

Table 1 2025 Allocation Policy Evaluation		
Sec- tion No.	Criteria/Direction	Evaluation
2.	<i>Reservation of wastewater treatment and water servicing capacity will be at the sole and absolute discretion of Township Council, in consultation with the Region of Durham particularly with regard to capacity tracking data established by the Region of Durham. All reservations of wastewater treatment and water servicing capacity shall be confirmed by resolution of Township of Uxbridge Council, in accordance with this policy.....</i>	<p>With respect to the capacity tracking data, Table 2 attached reflects updated capacity tracking data based on the methodology as developed by the Region and Township. It should be noted that the Table 2 includes reservations for Downtown, Long Term Care, Township lands and Unconnected units/lots with existing sewers along frontage as established in Section 4 of the 2025 Allocation Policy.</p> <p>Table 2 also establishes an interim service population limit of 15,000 persons for the Water Pollution Control Plant (WPCP). It should be noted that the Region has confirmed (email A. Christie April 28, 2025)</p> <p><i>“that adequate water supply is currently in place to service up to the 15,000 service population limit that they have currently defined for the Water Pollution Control Plant.”</i></p> <p>As such capacity of the WPCP is the</p>

Table 1 2025 Allocation Policy Evaluation		
Sec- tion No.	Criteria/Direction	Evaluation
		<p>determining factor with respect to allocation of servicing capacity.</p> <p>The updated capacity tracking data identifies remaining capacity of 290 persons.</p>
<p>2.</p> <p>3.2</p>	<p><i>Servicing capacity shall only be reserved for a period of time as determined by Council and set out in a resolution of Council. Such a period of time for specific developments shall generally be no longer than one year, but if reserved for longer than one year shall generally be no longer than two years....”</i></p> <p><i>Allocation (system capacity) will be ‘reserved’ by the Township through the process of satisfying the conditions of the draft plan approval for a plan of subdivision....</i></p> <p><i>Prior to reserving capacity the Township shall evaluate the application The evaluation will include consideration of the length of time required for fulfillment of the conditions of draft plan approval to ensure the plan is close to proceeding and that all remaining conditions can be met in a timely manner. Generally a reservation will be granted for no more than one year.</i></p>	<p>There has been no indication that the applicant has commenced work on satisfaction of the draft plan conditions a process which typically can take several years. Further, draft plan approval provides that such approval will only lapse 3 years after full servicing allocation for the entire development has been granted (or 15 years from approval, whichever is sooner) and an extension can be requested. This condition recognizes the potential for delays in satisfying the conditions and initiation of development. In addition, although no particular phasing proposal has been provided for consideration, it is noted that prior to approval of any phase the draft plan conditions would still need to be satisfied which again will require several years.</p>
3.4	<p><i>All reservations of allocation will require that if development does not proceed in a specified period of time, the reservation can be withdrawn, and where applicable, a</i></p>	<p>Reinforces direction that the Township needs to be satisfied that the development will proceed expeditiously – that allocation is going to be utilized within one year.</p>

Table 1 2025 Allocation Policy Evaluation		
Section No.	Criteria/Direction	Evaluation
Table 1 Plan of Sub-division	<p><i>holding zone re-imposed on the site.</i></p> <p><i>Application when fulfillment of other conditions of approval anticipated to occur one year from consideration of application in February of any given years. Application may be for phase of the subdivision.</i></p> <p><i>Subject to expiration established by Council generally a maximum of one year but can potentially be extended by Council.</i></p>	
4.	<p><i>As a basis for the review of applications for residential servicing allocation reservation, the Township will determine, in consultation with the Region, the remaining capacity in the wastewater treatment system in January each year. In addition, the Region will provide an update on the water servicing capacity. The servicing capacity available for allocation shall be established by the Region, including the following system capacity reservations established by Township Council and the Region:</i></p> <p><i>i) Downtown 1,000 people</i> <i>ii) Uxbridge Cottage Hospital Rebuild/Expansion and associated Hospital Long Term Care Facility, as well as other Long Term Care Facilities</i> <i>200 people</i> <i>iii) Township lands 150 people</i> <i>iv) Unconnected units/lots with existing sewers along frontage 555 people</i></p> <p><i>These reservations will be</i></p>	<p>The reservations were confirmed in late 2024 and no changes have occurred that would require modification.</p>

Table 1 2025 Allocation Policy Evaluation		
Sec- tion No.	Criteria/Direction	Evaluation
	<i>reviewed each year in March by the Township in consultation with the Region and modified to reflect changes in the status of development. In particular to the Downtown....</i>	
5.	<p><i>“....all applications for development which require allocation will be evaluated by the Township based on achievement of the following criteria:</i></p> <p><i>i)Conforms to the Township Official Plan including any amendments to the Plan; and,</i></p> <p><i>ii) Application has been refined to address all Township and agency comments in a manner satisfactory to the Township;”</i></p>	Through a settlement agreement of Bridgebrook’s appeal to the OLT, the Township Official Plan, the Region of Durham Official Plan and the Township’s Zoning By-law were amended to recognize the potential for development of the Bridgebrook lands. As such the application is deemed to meet the criteria.
5.	<p><i>“....Council shall make a determination on allocation based on achievement of two or more of the following criteria:</i></p> <p><i>i)Development which contributes significantly to the achievement of the Downtown Revitalization Strategic Plan & Action Plan and/or Community Improvement Plan in particular new significant residential development in the Downtown;</i></p> <p><i>ii) Provision of non-profit and/or assisted housing including dedication of land to non-profit housing organizations as well as a monetary or in -kind contribution toward the construction of units;</i></p> <p><i>iii) Provision of major new or enhanced public facilities or benefits beyond those facilities or benefits which are required by legislation including the development of a public park, significant additions to the trails</i></p>	At this early stage in the process, it is not clear if the proposed plan of subdivision can satisfy any of the criteria which have been established for the evaluation by Council of applications for allocation reservation (ie. affordable housing, additional public facilities, proven technology or other mechanisms which will minimize the use of wastewater treatment and/or water servicing capacity).

Table 1 2025 Allocation Policy Evaluation		
Section No.	Criteria/Direction	Evaluation
	<p><i>system in the Urban Area, recreational facility or other key elements of public infrastructure; and/or</i></p> <p><i>iv) Development which will incorporate proven technology or other mechanisms which will minimize the use of wastewater treatment and/or water servicing capacity without being difficult to implement and operate, in particular, development which contributes to the reduction of phosphorous in wastewater (i.e. reuse of grey water) but shall not involve phosphorous trading.</i></p>	

TABLE 2 UXBRIDGE BROOK WPCP CAPACITY TRACKING

Per Capita Flow Rate = 348 lpcd

WPCP Rated Capacity as per ECA = 5,221 m³/d

Interim Service Population Limit = 15,000 persons

Design Per Capita is 375 lpcd however 348 is being used based on the XCG analysis and report

Last updated: By the Township of Uxbridge April 29, 2025

	Map ID	sub total	Uxbridge	POPULATION Cumulative	Limit	Remaining	NOTES
EXISTING CONNECTIONS AND ALLOCATIONS							
Existing Served Population (as of December 31, 2024)		12,240					Updated as per Aaron Christie's email of April 10, 2025
Allocation to former St John Training School (aka - Kennedy House) - This has been reviewed and it appears that allocation for 200 people for this site is not required.							Uxbridge notes - Meeting of October 1/24: Removal of 200 units from the allocation for St. Johns training school Region has provided map which shows unconnected lots As per Township Residential Servicing Allocation Reservation Policy 2025 As per Township Residential Servicing Allocation Reservation Policy 2025
Allocation to unconnected units/lots with existing sewers along frontage		555					
Allocation for Downtown - Uxbridge		1,000					
Allocation for Long Term Care - Uxbridge		200					
Allocation for Herrema Park - 50 Townhouse Units		150					
TOTAL EXISTING CONNECTIONS AND ALLOCATIONS				14,145	15,000	855	

Region Design Criteria	Persons/Unit
Single Family Dwelling, Semi-Detached, and Links	3.5
Townhouses	3.0
Apartments	
-1 Bedroom or Bachelor	1.5
-2 Bedroom	2.5
-3 Bedroom	3.5
-4 Bedroom or larger	4.5

Current Planning Status

UNBUILT DEVELOPMENT WITH CAPACITY ALLOCATED BY REGION (REGISTERED / AGREEMENT)			Uxbridge Updates				
Butternut Phase 2 - Site Plan Amendment not received yet - intent to submit for 62 units - as of Oct. 1/24 (1 bedroom apts. Free of care)	1	93					Allocation already confirmed for this development by Township
John Harvey Street (12,14, 16, 18 John Harvey) - 4 Semi-Detached dwellings	2	14					
Evendale Developments - Apartment Building - SPD 2021-01 Conditional (25 1 Bedroom (37.5) 26 are 2 bedroom (65) and 8 3 bedroom (28)	3	131					Site Plan Approval stage
				14,383	15,000	617	

April 28/25 - Site Plan Amendment to be provided - No application received yet; pre-consultation completed

April 28/25 Building permits issued - This application processed through a re-zoning and land severance applications but no site plan application

April 28/25 Site Plan Approved - awaiting Building Permit Submission

PLANNED DEVELOPMENT WITH CAPACITY RESERVED BY TOWNSHIP (CONDITIONAL)							
62 Mill Street (Mosaik Homes-Ontario Inc. 2373521) SPD 2014-01; Condo 2022-1 (23 Units Single Family Dwelling)	5	81					41 units (1 Bedroom), 49 units (2 Bedrooms), 5 units (3 Bedroom) 5 residential units (2 Bedroom)
29 Maple Street - Apt. Building - SPD 2024-03 (6 2 Bedroom Apts. And 4 1 Bedroom Apts.)	6	21					
34&36 Brock St. (John Rodych) - SPD 2022-08 (4 Units -2 Bedrooms) (10)	7	10					
Kindred Works (15-23 Main Street - 20 First Avenue) - SPD 2024-06 - 95 total units	8	202					
Evendale Developments Commercial Block with Residential	4	13					
				14,710	15,000	290	

April 28/25 OMB approved, Draft Conditions (Condo) approved, Site Plan approved - Next steps building permit submission

April 25/25 - Site Plan Application submitted - in review stages

April 28/25 Site Plan approved - Building Permit issued; construction started

April 28/25 Site Plan submission - in review stages

April 28/25 Plan of Subdivision Approved - Next steps Site Plan Application Submission

Appendix A
2025 Allocation Policy



TOWNSHIP OF UXBRIDGE UXBRIDGE URBAN AREA RESIDENTIAL SERVICING ALLOCATION RESERVATION POLICY 2025

1. INTRODUCTION

The Township of Uxbridge Official Plan establishes policies to guide the planning of the Urban Area. New residential development in the Uxbridge Urban Area (See Schedule A , Uxbridge Urban Area boundary) is conditional on the availability of municipal wastewater treatment and water services in accordance with the requirements of the Township Official Plan. The capacity of the services, particularly municipal wastewater treatment, is extremely limited and must be regularly monitored to ensure development approvals do not exceed capacity.

The Region of Durham is responsible for wastewater and water services under statute and has the ultimate authority over such services. The Region of Durham(the Region) typically confirms final allocation of servicing capacity for residential developments upon execution of a servicing or subdivision agreement. For planning applications that do not require a Regional servicing or subdivision agreement (i.e. service connection application, consent, rezoning for an existing lot of record), the Region may provide clearance to the Township of Uxbridge at the appropriate point in the approval process.

The Region may place a hold on any final allocations of servicing capacity in its sole discretion (i.e. due to unforeseen and/or emergency circumstances) to ensure the health and safety of Township residents and protection of the environment.

Wastewater and water servicing capacity is calculated and tracked by the Region on a per person basis, with different dwelling types being equal to an assumed number of

persons per unit. Table A1 found in Appendix A identifies the number of persons per unit type which the Region assumes for the purposes of all wastewater/water servicing tracking calculations related to reservation/allocation.

This Residential Servicing Allocation Policy has been developed in conjunction with the Region of Durham and is to be used as a basis for the reservation of wastewater treatment and water servicing capacity by the Township for residential development to best meet the objectives of the Township, as determined by Township Council, and to implement Provincial, Regional and Township policies to manage development in a manner which efficiently uses land, existing resources, infrastructure and public service facilities.

2. APPLICABILITY OF ALLOCATION POLICY

Final approval of all residential development¹ which requires any approval under the Planning Act or which requires a building permit, including removal of an “H” holding zone symbol, shall be conditional on reservation of wastewater treatment and water servicing capacity by the Township. This will include any amendments to existing development approvals (i.e. zoning by-law amendment) which will result in an increase in the need for servicing allocation.

Reservation of wastewater treatment and water servicing capacity will be at the sole and absolute discretion of Township Council, in consultation with the Region of Durham particularly with regard to capacity tracking data established by the Region of Durham. All reservations of wastewater treatment and water servicing capacity shall be confirmed by a resolution of Township of Uxbridge Council, in accordance with this policy. However, Council may delegate authority by by-law the reservation of servicing for development anticipated to have potential for 20 persons or less to Township staff.

Servicing capacity shall only be reserved for a period of time as determined by Council and set out in a resolution of Council. Such period of time for specific developments shall generally be no longer one year, but if reserved for longer than one year shall generally be for no longer than two years. Reservations for Township or other public initiatives such as Downtown² revitalization and affordable and seniors housing may be established for up to five years.

¹ Note: Development applications such as new additions or interior renovations to existing residential buildings which do not create any new dwelling units are exempt from the Residential Servicing Allocation Policy.

² Note: The area of the Downtown shall be as designated within the Official Plan of the Township of Uxbridge which is in force at the time of reading this policy.

3. ALLOCATION PROCESS

3.1 Overview

An Application for reservation of wastewater treatment and water servicing allocation will be submitted to the Township's Development Services Department (See Application Template in Appendix B) by the Applicant prior to obtaining final approval for a plan of subdivision/condominium or consent, for site plan or lifting a holding zone or other similar approval processes.

The request will be reviewed by Township staff for completeness within 30 days of being submitted. Should the application be deemed incomplete, Township staff will advise the applicant what remains outstanding.

Once deemed complete, staff will review, in the context of this Policy, as well as considering the type of application and other factors, and prepare a recommendation for Council consideration, unless approval has been delegated to staff. See Table 1 for summary of review approach.

3.2 Reservation of Allocation for Plans of Subdivision and Condominium and Consents

A condition of draft plan approval or consent will establish that the Township must be satisfied that sufficient wastewater treatment and water servicing capacity exists to adequately service the proposed development and servicing must be formally reserved by resolution of Township Council for such development in accordance with the Residential Servicing Allocation Policy.

Allocation (system capacity) will be 'reserved' by the Township through the process of satisfying the conditions of the draft plan approval for a plan of subdivision or plan of condominium, or through the process of satisfying the conditions for a consent. This process will also apply where amendments are being sought to such approvals.

Prior to reserving capacity the Township shall evaluate the application with respect to the criteria/conditions established in conformity with the Township's Allocation Policy, as well as other policies and regulations, including the Township Official Plan. The evaluation will include consideration of the length of time required for fulfilment of the conditions of draft plan approval to ensure that the plan is close to proceeding and that all the remaining conditions can be met in a timely manner. Generally a reservation will be granted for a period of no more than one year.

The Township will consider applications for a reservation for a plan of subdivision or condominium once a year, generally in February, when the most recent updated capacity tracking information is available from the Region. Applications for consents may be considered when fulfilment of the other conditions is anticipated to occur within one year.

3.3 Reservation of Allocation for Other Development Applications

For developments which are not part of a plan of subdivision or a plan of condominium or which do not involve a consent, and which will involve the creation of one or more dwelling units, any rezoning will be subject to a holding zone which requires the reservation of allocation prior to lifting the holding provision. Regardless of whether a holding zone is established, allocation will be reserved as part of the site plan process, where required, or prior to submission of a building permit application. This process will also apply where amendments are being sought to such approvals.

Prior to “reserving” capacity, the Township shall evaluate the application with respect to the criteria/conditions established in the Township’s Allocation Policy, as well as other policies and regulations, including the Township Official Plan. The evaluation will include consideration of the length of time to be granted for fulfilment of the approval to ensure that if the development does not proceed in a timely manner, the reservation of allocation can be withdrawn.

Where a Zoning By-law Amendment or Minor Variance facilitates a residential development which will require a future site plan agreement, an application for reservation shall be submitted and assessed during the site plan process.

3.4 Final Allocation

In accordance with the servicing allocation procedures of the Region of Durham, system capacity will be finally allocated for development via: :

- i) execution and registration of a subdivision or condominium agreement; or
- ii) providing clearance to the Township of Uxbridge for approval of a service connection application for a consent, zoning by-law amendment, site plan approval, variance that creates a new dwelling unit, or an existing lot of record.

Conditions of draft plan of subdivision or condominium approval or provisional consent for development will contain a clause indicating that the Township is not obligated to provide reservation of wastewater treatment or water servicing allocation within the term of the draft approval or provisional consent and that the final allocation of wastewater treatment and water servicing capacity will only occur following confirmation of such capacity by the Region .

A holding zone will be applied where a rezoning is required which holding zone will require, as a condition of lifting the holding zone that:

- ii) the Township of Uxbridge Council has passed a resolution reserving allocation for wastewater treatment and water services for the development; and,
- iii) a site plan agreement has been executed with the Township, where applicable.

All reservations of allocation will require that if development does not proceed within a specified period of time , the reservation can be withdrawn and, where applicable, a holding symbol re-imposed on the site.

Table 1: Reservation of Allocation Process Summary

Development/Application Type	Application for Reservation of or Allocation	Expiry Date	Potential Extension
Building Permits	Apply prior to Building Permit Application Submission where reservation has not already been granted.	If Building Permit revoked by Chief Building Official (CBO), reservation of allocation is automatically revoked.	
Consent	Application when fulfillment of other conditions of approval anticipated to be addressed within one year	Subject to expiration established by Council	If extended by Council
Draft Plan of Subdivision Approval	Application when fulfillment of other conditions of approval anticipated to occur in one year from consideration of application in February of any given year. Application may be for a phase of the subdivision.	Subject to expiration established by Council generally a maximum of one year	If extended by Council
Draft Plan Approval of Plan of Condominium	Application when fulfillment of other	Subject to expiration	If extended by Council

Development/Application Type	Application for Reservation of or Allocation	Expiry Date	Potential Extension
	conditions of approval anticipated to occur in one year from consideration of application in February of any given year	established by Council generally a maximum of one year	
Site Plan	Application during site plan application process	One year from granting of reservation	If extended by Council
Minor Variance resulting in creation of new dwelling unit	Apply at time of minor variance application	Conditional on approval of variance and building permit issuance with one year	If extended by Council
Zoning By-law Amendment	Apply upon approval of zoning bylaw amendment	Conditional on lifting holding zone and building permit issuance in one year	If extended by Council
Official Plan Amendment	Not applicable		

4. DETERMINATION OF AVAILABLE SERVICING CAPACITY

As a basis for the review of applications for residential servicing allocation reservation, the Township will determine, in consultation with the Region, the remaining capacity of the wastewater treatment system in January of each year. In addition, the Region will provide an update on the water servicing capacity. The servicing capacity available for allocation shall be as established by the Region, including the following system capacity reservations established by Township Council and the Region:

i)	Downtown	1,000 people ³
ii)	Uxbridge Cottage Hospital Rebuild/Expansion and associated Hospital/Long Term Care Facility, as well as other Long Term Care Facilities	200 people
iii)	Township lands	150 people
iv)	Unconnected units/lots with existing sewers along frontage	555 people

These reservations will be reviewed each year in March by the Township in consultation with the Region and modified to reflect changes in the status of development. In particular to the Downtown, a reduction in the reservation will be considered when significant developments (more than 100 people) have been built and occupied in the Downtown.

5. EVALUATION OF APPLICATIONS FOR ALLOCATION RESERVATION

Given the limited availability of waste water treatment and water servicing capacity in the Uxbridge Urban Area, all applications for development which require allocation will be evaluated by the Township based on achievement of the following criteria:

- i) Conforms with the Township Official Plan, including any amendments to the Plan; and,
- ii) Application has been refined to address all Township and agency comments in a manner satisfactory to the Township;

Where these criteria have been satisfied, and there is sufficient remaining capacity available for the proposed development which will generate 20 people or more, Council shall make a determination on allocation based on achievement of two or more of the following criteria:

- i) Development which contributes significantly to the achievement of the Downtown Revitalization Strategic Plan & Action Plan and/or Community Improvement Plan in particular new significant residential development in the Downtown;
- ii) Provision of non-profit and/or assisted housing including dedication of land to non-profit housing organizations as well as a monetary or in-kind contribution toward the construction of units;
- iii) Provision of major new or enhanced public facilities or benefits beyond those facilities or benefits which are required to be provided by legislation including the

³ Reflects results of Uxbridge Urban Area Housing Analysis Update, October 2024, Hemson Consulting Ltd. which identifies an estimated population for the Downtown of 1,300. This estimate has been adjusted to reflect reservation of capacity for three projects in the Downtown (Kindred Works, 34/36 Brock, 29 Maple).

development of a public park, significant addition to the trails system in the Urban Area, recreational facility or other key elements of public infrastructure; and/or

- iv) Development which will incorporate proven technology or other mechanisms which will minimize the use of wastewater treatment and/or water servicing capacity without being difficult to implement and operate, in particular development which contributes to the reduction of phosphorus in wastewater (i.e. reuse of grey water) but shall not involve phosphorous trading.

Appendix A Regional Design Criteria

Region of Durham Design Criteria	Persons/Unit
Single Family Dwelling Semi-Detached, and Links	3.5
Townhouses	3.0
Apartments	
- 1 Bedroom or Bachelor	1.5
- 2 Bedroom	2.5
- 3 Bedroom	3.5
- 4 Bedroom or larger	4.5

APPENDIX B – Wastewater and Water Residential Allocation Reservation Application Form

Wastewater and Water Residential Allocation Reservation Request

Development Services Department
Township of Uxbridge

Attention:

The Township of Uxbridge, in conjunction with the Region of Durham, in an effort to manage and maintain wastewater treatment and water infrastructure for the Township, requires that this application be completed and submitted to the above noted address for residential wastewater and water allocation reservation consideration.

Section 1) Applicant requesting allocation (Party to receive allocation letter)

Name: _____
Company: _____
Full
Address: _____
Phone: _____
Email: _____

Section 2) Property Owner Information

Name: _____
Company: _____
Full
Address: _____
Phone: _____
Email: _____

Section 3) Property Information

Project/Business Name: _____
Project Address: _____

For Office Use Only		
Date Received: _____	File Number: _____	Associated Project Number(s) _____

Section 4) Scope of project

Development: ☐ New ☐ Existing ☐ Change

Proposed Use(s) _____ Existing Use(s) _____

Brief Description of Project: _____

Proposed Connection Details: _____

Previous Flow (in L/s if applicable) _____

Gross Area (ha): _____

Low Density Number of Units: _____ Requested Allocation (L/s) _____

(eg. Single and Semi-Detached)

Medium Density Number of Units: _____ Requested Allocation (L/s) _____

(eg. Townhomes and Row houses)

High Density Number of Units: _____ Requested Allocation (L/s) _____

(eg. Apartments)

Section 5) Supporting Documentation

The following must be provided to consider this request for wastewater allocation request complete electronically as well as paper copies (*Regardless if supporting information was submitted prior to this request*):

- I. A Site Plan (11x17") showing properties requesting allocation.

- II. A Servicing Plan (11x17") showing the proposed sewer network as well as the proposed connection point to municipally owned sewers.
- III. Supporting documentation/justification of above requested allocation.

Applicant Affidavit

I/We, the Undersigned, do hereby make application to the Township of Uxbridge to approve the requested wastewater treatment and water reservation. I hereby certify that I have full legal right to request such action and that the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Township of Uxbridge and will not be returned.

Print Name

Signature of Applicant

Date

Appendix B

Bridgebrook April 2025 Letter

April 8, 2025

By E-Mail to *clee@LN.law* and *rsmith@LN.law*

Christopher R. Lee and Ryan Smith
Loopstra Nixon LLP
Barristers and Solicitors
135 Queens Plate Drive, Suite 600
Toronto, ON M9W 6V7

Dear Sirs:

**Re: Bridgebrook Corporation v. The Corporation of the Township of Uxbridge
Court File No. DC-24-00001571-00JR**

As you know, together with Paliare Roland Rosenberg Rothstein LLP, we are co-counsel to Bridgebrook Corporation ("Bridgebrook"), the applicant in the above matter.

We are writing further to our attendance at Divisional Court (the "Court") on March 20, 2025, and the Court's direction that the Township of Uxbridge (the "Township") make a decision in respect of Bridgebrook's request for reservation of servicing capacity by May 4, 2025.

For the reasons articulated in Bridgebrook's materials that were filed with the Court, our client maintains that there is indeed sufficient uncommitted residual servicing capacity to accommodate the full development of Bridgebrook's lands. Accordingly, we request that Township Council confirm a reservation of servicing allocation for the entirety of the Bridgebrook development, which is estimated at 1,848 persons.

That said, as an alternative proposal, Bridgebrook is prepared to consider reasonable phasing of the development of its lands in order to provide the Township with assurance that any servicing allocation will be used in a timely manner. In return, Bridgebrook would be seeking assurance from the Township that reservation for further allocation to accommodate future phase(s) of the development will be given provided that there is sufficient uncommitted capacity when such further request(s) is/are made and that committed capacity is to be determined based only on existing or approved development, with the latter being defined as an application which has been given approval under the *Planning Act*. Moreover, any future request(s) for reservation of servicing allocation in respect of the Bridgebrook lands would be considered under the Township's 2010 Servicing Allocation Policy, as it was the policy in effect at the time of Bridgebrook's initial request in May 2024.

We ask that you present this alternative proposal to Township Council when it considers this matter on or before May 4, 2025. Further, kindly ensure that we are notified once the Township has confirmed the date/time for the Council meeting where this item will be considered.

In the meantime, please do not hesitate to contact us if you wish to discuss this alternative proposal, or any other potential resolution, in advance of Township Council making its decision in respect of Bridgebrook's request.

To be clear, if the parties are unable to reach an acceptable resolution of this matter, Bridgebrook will continue to pursue its request for a reservation of servicing allocation, for the full extent of its development, through the Court proceeding.

Yours truly,
DAVIES HOWE LLP



Mark R. Flowers
Professional Corporation

copy: Chris Paliare and Tina Lie, Paliare Roland Rosenberg Rothstein LLP
Client