

**COMMUNICATION 132131**

Received From: Niki Dwyer, MCIP RPP, Director of Development Services  
Addressed To: Committee of the Whole  
Date: October 26, 2021  
Topic: Pre-Servicing Agreement (On and Offsite Works)  
Mississippi Shores Subdivision

**BACKGROUND**

Cavanagh Developments Ltd. has requested a revision to the scope of work of the pre-servicing agreement authorized by Council on September 21, 2021. The developer was issued their Environmental Compliance Approval (ECA) on August 20, 2021 for all the designs associated with the sanitary and stormwater system. The proponent's intent is to commence work on the site on October 28, 2021.

Cavanagh has advised that the scope of the work associated with the pre-servicing agreement will include construction of the stormwater management pond and ancillary infrastructure in Captain A Roy Brown Park, and construction of the sanitary forcemain and watermain within Lake Avenue.

Acknowledging that the County's consideration of the redline amendment to the lotting fabric of the Plan of Subdivision is imminent, staff would also suggest including the tentative approval of the pre-servicing agreement to include those works which have, and are still subject to construction within the subdivision site. By executing the agreement for the private lands, the Town secures its ability to collect securities, insurance and inspection rights for the works.

**COMMENTS**

The Town commonly executes Pre-Servicing Agreements with developers to permit early site preparation while outstanding conditions of the draft conditions of approval are finalized. The purpose of a Pre-Servicing Agreement is to shift liability from the municipality to the proponent should the works described in the agreement require replacement or alteration before final approvals.

For "Off-site Works" (those which are constructed on municipal property), the proponent is required to post 100% security deposits for the value of the work and provide \$5 Million commercial general liability insurance. "On-site Works" (those which are constructed on private property) are secured at a fixed value determined by the Town.

The Pre-Servicing Agreement contains provisions which will subsequently be replaced by the conditions of the subdivision agreement when fully executed, but in the meantime provides sufficient direction and delegation for the scope of the works specified therein to be completed prior to registration of the Subdivision Agreement.

Council should be aware that the use of Pre-Servicing Agreements is an industry best practice but is not a legal obligation of the Municipality to agree to.

**STAFF RECOMMENDATION:**

THAT Committee authorize staff to amend the scope of the Pre-Servicing Agreement with 1384341 Ontario Ltd (Cavanagh Developments Ltd.) to include the construction of all on-site and off-site works associated with the Mississippi Shores Subdivision.