COUNCIL QUESTIONS & ANSWERS

Council Questions – Standing Committee Meeting November 2, 2027

1. **Infrastructure Transfer, Operation, and Maintenance Agreement – Kwanlin Dün First Nation**

a. *Can you explain the dispute resolution process? What would that look like and how would this process solve issues that come forward? (Councillor Gallina)*

The dispute resolution process outlined in the proposed Infrastructure Transfer, Operation, and Maintenance Agreement with KDFN generally follows the process established under the Municipal Services and Infrastructure Agreement, with some adjustments to timelines.

Should a dispute arise, the party identifying the issue would provide written notice to the other party outlining the matter and its position. KDFN's Executive Director, or designate, and the City Manager, or designate, would then meet to negotiate a resolution.

If the parties are unable to reach an agreement, they would jointly select an arbitrator. If an arbitrator cannot be agreed upon within seven days, either party may apply to the Supreme Court of Yukon to appoint one. The arbitrator would have 60 days to issue a final and binding decision, subject to the Arbitration Act.

The costs of arbitration would be shared equally between the City and KDFN, with each party responsible for its own legal expenses. If the matter cannot be resolved through arbitration, it may proceed to the courts for resolution.

b. *Was there any discussion about using existing dispute resolution processes under KDFN's Final Agreement and Self-Government Agreement? (Mayor Cameron)*

Administration confirmed that while the KDFN Final Agreement and Self-Government Agreement contain broader dispute resolution provisions, these do not specifically address infrastructure matters. The Municipal Services and Infrastructure Agreement, which is authorized under those agreements and deals more directly with the development of community use parcels, was considered a more appropriate reference for the dispute resolution provisions in the proposed Infrastructure Transfer, Operation and Maintenance Agreement.

2. **New Business – Interactive Trail Map Waiver**

a. *What was the cost to develop the Interactive Trail Map? (Councillor Morris)*

The final cost for the trail map was $36,440.

3. New Business – Whitehorse Legion Partnership Requirements

a. For organizations running large events, how do they go about procuring and servicing waste bins? (Councillor Morris)

In response to increasing waste generated at large scale events, and to support the City's Solid Waste Action Plan and waste diversion goals, Parks has worked with event organizers to implement enhanced waste management requirements.

The City provides waste stations and regular servicing of existing park bins, and organizers supplemented these services according to their event size and needs.

Options for obtaining and servicing additional waste bins included renting additional bins, purchasing supplementary containers; or arranging commercial compost or waste collection services.

4. Commencement Report – Canada Games Centre Roof Upgrade

a. Can solar panels be put on the CGC roof in the future given the new work being done? (Councillor Boyd)

The proposed insulated metal panel roofing system does not accommodate the additional load of solar panels without significant modifications and associated costs. Solar panels on lower roof sections or building walls could be explored as part of a separate future project.

5. Two Unit Condominium Prohibition – For Information Only

a. Is it a reasonable option that we could create a servicing agreement for one service which would provide service to two houses that were originally built on one lot?(Councillor Boyd)

Based on the applicable requirements, a servicing agreement would not appear to be a reasonable way to allow two individually titled lots to share a single service.

The requirement for separate servicing flows from the National Plumbing Code. The City's Servicing Standards Manual and Water Utility Bylaw reflect and implement that underlying plumbing-code framework through the City's subdivision, development and utility requirements, ensuring that newly created freehold parcels are provided with separate services to municipal standards.

While an agreement or easement can address private rights and responsibilities between owners, including allowing a service to cross another property and providing access, it does not override the applicable technical servicing requirements or fully address the challenges associated with shared infrastructure. When essential infrastructure serving one property is located on or shared with

another property, it creates ongoing questions around liability, access, maintenance, repairs, replacement costs and responsibility between independent owners.

Requiring separate services is therefore not simply a matter of City preference; it follows from the plumbing-code framework and provides a clear, independently maintainable servicing arrangement for each freehold lot.

Where two dwellings remain on one lot and share common plumbing infrastructure, a condominium arrangement is required to provide the appropriate ownership structure, allowing the common infrastructure to remain a shared asset with a formal legal mechanism for its ownership and maintenance. If the intent is instead to create separate freehold titles, separate services would be required.