



## Regular Council Meeting Revised Agenda

Monday, April 24, 2023, 7:00 p.m.

Council Chambers

Whitby Town Hall

This meeting will be held in a hybrid in-person and virtual format. In accordance with Section 7 of Procedure By-law # 7462-18, Members of Council may choose to attend in-person or participate virtually.

Should you wish to provide comments regarding a matter being considered below, please submit written correspondence and/or a Delegation Request Form.

- **To submit written correspondence**, please email your correspondence to the Office of the Town Clerk at [clerk@whitby.ca](mailto:clerk@whitby.ca) by noon on the day of the meeting. Correspondence must include your full name, address, and the item on the agenda that your correspondence is related to.
- **To speak during the Committee meeting either in-person or virtually**, please submit a Delegation Request Form online to the Office of the Town Clerk by noon on the Wednesday prior to the date of the meeting. Should you be unable to access a computer, please call 905.430.4315 to speak with a Staff Member in the Office of the Town Clerk.

The meeting will be available for viewing through the Town's **live stream feed at** [whitby.ca/CouncilCalendar](http://whitby.ca/CouncilCalendar) while the meeting is in progress.

In accordance with Procedural By-law # 7462-18, Closed Meeting Policy G 040, and the Municipal Act, 2001, Section 239 (2)(b) personal matters about an identifiable individual, including municipal or local board employees, parts of this meeting may be closed to the public.

A Revised Agenda may be published on a later date. Late items added or a change to an item will appear with an asterisk beside them.

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1. **Call To Order: The Mayor**
  2. **Call of the Roll: The Clerk**
  3. **Declarations of Pecuniary Interest**

#### **4. Adoption of Minutes**

Regular Council - March 20, 2023

Special Council - March 20, 2023

Special Council - March 23, 2023 (Confidential Minutes Under Separate Cover)

Special Council - April 13, 2023 (Confidential Minutes Under Separate Cover)

Recommendation:

That the Regular Council Minutes of March 20, 2023, and the Special Council Minutes of March 20, March 23 and April 13, 2023 be approved.

#### **5. Presentations**

- 5.1 Mike Hubble, Manager of Environmental Services Design, Region of Durham (In-Person Attendance)  
Re: Whitby Water Supply Plant (WSP) Project Update

#### **6. Delegations**

- \*6.1 Rick Sidler, Resident (In-Person Attendance)  
Re: PDP 20-23, Planning and Development (Planning Services) Department Report Official Plan and Zoning By-law Amendment Applications, 3 Cassels Road East, Brooklin, File Numbers: DEV-36-22 (OPA-2022-W/05, Z-23-22)

**Refer to Item 8.8, PDP 20-23**

- \*6.2 Brayden Libawski representing 2738183 Ontario Inc. (In-Person Attendance)  
Re: PDP 20-23, Planning and Development (Planning Services) Department Report Official Plan and Zoning By-law Amendment Applications, 3 Cassels Road East, Brooklin, File Numbers: DEV-36-22 (OPA-2022-W/05, Z-23-22)

**Refer to Item 8.8, PDP 20-23**

#### **7. Correspondence**

- 7.1 Correspondence

That the following request be endorsed:

- Multiple Sclerosis (MS) Awareness Month - May 2023
- Multiple Sclerosis (MS) Awareness Month - Flag Raising - May 26-30, 2023
- Provincial Day of Action on Litter - May 9, 2023
- Victorian Order of Nurses (VON) Week - May 22-28, 2023
- Bike Month - June 2023
- Longest Day of SMILES® - June 18, 2023



Recommendation:

That the proclamations for Multiple Sclerosis (MS) Awareness Month, Provincial Day of Action on Litter, Victorian Order of Nurses (VON) Week, Bike Month, and Longest Day of SMILES® and the flag raising for Multiple Sclerosis (MS) Awareness Month be endorsed.

## **8. Committee of the Whole Report - Planning and Development**

Planning and Development - April 3, 2023

- 8.1 PDP 16-23, Planning and Development (Planning Services) Department Report  
Re: Final Recommended Official Plan Amendment – Whitby Mature Neighbourhoods Study, File Number: OPA-2021-W/02

Recommendation:

1. That Council adopt Amendment 130 to the Whitby Official Plan, regarding the Whitby Mature Neighbourhoods Study, as outlined in Report PDP 16-23;
2. That the Clerk forward a copy of Planning Report PDP 16-23, two (2) copies of the adopted Amendment, and a copy of the by-law to adopt Amendment Number 130 to the Whitby Official Plan, to the Region of Durham's Commissioner of Planning and Economic Development; and,
3. That the Clerk send a Notice of Council's adoption of Amendment 130 to those persons and agencies who have requested further notification regarding the Mature Neighbourhoods Study.

- 8.2 PDP 13-23, Planning and Development (Planning Services) Department Report  
Re: Zoning By-law Amendment Application to Remove the Holding (H) Symbol, Menkes Champlain Inc., Champlain Avenue, File Number: DEV-33-21 (Z-23-21)

Recommendation:

1. That Council approve an Amendment to Zoning By-law # 1784 (File Number: Z-23-21) for the removal of the Holding (H) Symbol, as outlined in Planning Report PDP 13-23; and,
2. That a by-law to amend Zoning By-law # 1784 be brought forward for consideration by Council.

- 8.3 PDP 14-23, Planning and Development (Planning Services) Department Report  
Re: Zoning By-law Amendment Application, 1621 McEwen Drive, File Number: DEV-01-23 (Z-01-23)

Recommendation:

1. That Council approve an amendment to Zoning By-law # 1784 (Z-01-23) as outlined in Planning Report PDP 14-23; and,
2. That a Zoning By-law Amendment be brought forward for consideration by Council.

- 8.4 PDP 15-23, Planning and Development (Planning Services) Department Report  
Re: Draft Plan of Condominium Application, Brookfield Residential (ONT) Station No.  
3 Ltd., 201 Brock Street South, File Number: DEV-37-22 (CW-2022-04) - REVISED

Recommendation:

1. That Council approve the Draft Plan of Condominium (File Number: CW-2022- 04) subject to the comments included in Planning Report PDP 15-23 and the Conditions of Approval, included in Attachment #4;
2. That the Mayor and Clerk be authorized to execute the Condominium Agreement and any other necessary documents; and,
3. That the Clerk advise the Commissioner of Planning and Economic Development at the Region of Durham, of Council's decision.

- 8.5 PDP 17-23, Planning and Development (Planning Services) Department Report  
Re: Removal of 301 Colborne Street East from the Municipal Heritage Register

Recommendation:

1. That the property municipally known as 301 Colborne Street East be removed from the Town's Municipal Heritage Register; and,
2. That a full Heritage Documentation Report be prepared prior to demolition and submitted to the Planning and Development Department, to be deposited at the Whitby Archives.

- 8.6 PDP 18-23, Planning and Development (Planning Services) Department Report  
Re: Request for an Extension to Draft Approved Plan of Subdivision, Brookfield  
Homes (Ontario) Whitby Limited, Brock Street South, File Number: DEV-03-17 (SW-  
2017-05)

Recommendation:

That Council approve the extension of the Draft Approved Plan of Subdivision SW-2017-05 by an additional 3 years, to June 17, 2026.

- 8.7 PDP 19-23, Planning and Development (Planning Services) Department Report  
Re: Request for an Extension to Draft Approved Plan of Subdivision, Brookfield  
Homes (Ontario) Whitby Limited, 1900 Brock Street South, File Number: DEV-05-17  
(SW-2008-01) (MR-01-17)

Recommendation:

That Council approve the extension of the Draft Approved Plan of Subdivision SW-2008-01 (MR-01-17) by an additional 3 years, to June 17, 2026.

- \*8.8 PDP 20-23, Planning and Development (Planning Services) Department Report  
Re: Official Plan and Zoning By-law Amendment Applications, 3 Cassels Road East,  
Brooklin, File Numbers: DEV-36-22 (OPA-2022-W/05, Z-23-22)

**See also Memorandum from F. Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor and R. Saunders, Commissioner of Planning and Development dated April 24, 2023 regarding Additional Information regarding Planning Applications at 3 Cassels Road**

**Note:** This item was referred at the Committee of the Whole meeting on April 3, 2023 to the Council meeting on April 24, 2023. Council direction required.

**Recommendation:**

1. That Council approve Official Plan Amendment Number 131 to the Whitby Official Plan (File Number: OPA-2022-W/05), as shown on Attachment #7, and that a by-law to adopt Official Plan Amendment Number 131 be brought forward for consideration by Council;
  2. That the Clerk forward a copy of the Report PDP 20-23, two (2) copies of the adopted Amendment, and a copy of the by-law to adopt Amendment Number 131 to the Whitby Official Plan, to the Region of Durham's Commissioner of Planning and Economic Development;
  3. That Council approve an amendment to Zoning By-law # 1784, (File Number: Z-23-22), as outlined in Report PDP 20-23;
  4. That a by-law to amend Zoning By-law # 1784 be brought forward for consideration by Council; and,
  5. That the Clerk forward a Notice of Council's decision to those parties and agencies who requested further notification, including the Region of Durham's Commissioner of Planning and Economic Development.
- 8.9 PDP 21-23, Planning and Development (Planning Services) Department Report  
Re: Heritage Permit Application, Request for Demolition and New Dwelling at 404 Ontario Street West, Designated Under Part V of the Ontario Heritage Act, File Number: HP-01-23

**Recommendation:**

1. That Council approve the Heritage Permit application requesting demolition of the existing dwelling at 404 Ontario Street West (HP-01-23), in accordance with Section 42 of the Ontario Heritage Act; and,
2. That staff continue to work with the applicant to approve the Heritage Permit application (HP-01-23) for the replacement dwelling at 404 Ontario Street West, subject to the comments contained in report PDP 21-23, and the timelines required under the Ontario Heritage Act.

## **9. Committee of the Whole Report - General Government**

General Government - April 3, 2023

- 9.1 Memorandum from K. Narraway, Sr. Manager, Legislative Services/Deputy Clerk, dated March 28, 2023 re: Appointment to the Downtown Whitby Business Improvement Area Board of Management

Recommendation:

That Council appoint Stephanie Daga to the Downtown Whitby Business Improvement Area Board of Management for the term ending November 14, 2026.

- 9.2 CAO 10-23, Office of the Chief Administrative Officer Report  
Re: CUPE 53 Whitby Naming Rights Sponsorship of Arena 5 at Iroquois Park Sports Centre

Recommendation:

That Council approve entering into a second one (1) year sponsorship agreement effective May 1, 2023 with CUPE 53 Whitby for a Naming Rights Sponsorship at Iroquois Park Sports Centre (IPSC), including keeping Arena 5 as "CUPE 53 Whitby Arena 5", based on the sponsorship package and other terms and conditions identified in Report CAO 10-23.

- 9.3 LS 03-23, Legal and Enforcement Services Department Report  
Re: Review of the Noise Enforcement Pilot Program 2022

Recommendation:

1. That Report LS 03-23 be received for information;
2. That Council approve the continuation of the pilot after-hours parking and by-law enforcement program, as outlined in Report LS 03-23, at a cost \$17,558 funded from incremental 2023 parking infraction revenue and the Parking Reserve; and,
3. That Item GG-0014 be removed from the New and Unfinished Business List.

- 9.4 FS 12-23, Financial Services Department Report  
Re: 2023 Property Tax Rates and Final Billing Due Dates

Recommendation:

1. That the property tax rates for the year 2023, General Municipal Town Levies be approved as indicated in Attachment A to Report FS 12-23;
2. That the special tax levy and tax rates for the year 2023 for the properties located within the Downtown Whitby Business Improvement Area (BIA) be approved as indicated in Attachment B to Report FS 12-23;
3. That the final tax bill due dates for the Residential, Farmland, Pipeline and Managed Forest tax classes be June 26, 2023 and September 25, 2023;
4. That the final tax bill due dates for the capped tax classes (Commercial, Industrial and Multi-Residential) also be established for June 26, 2023 and September 25, 2023;
5. That prior to the issuance of the final tax bills, the Treasurer be authorized to adjust the due dates for the capped tax classes only and notify Council at the earliest opportunity; and,
6. That a by-law for the General Municipal Town Levies and a separate bylaw for the Special Tax Levy in support of the Downtown Whitby BIA, to set the due dates and levy rates for 2023 in accordance with the approved budgets and regulations, be brought forward at a future Council meeting.

9.5 FS 14-23, Financial Services Department Report  
Re: 2022 Annual Investment Report

Recommendation:

1. That Report FS 14-23, 2022, the 2022 Annual Investment Report, be received;
2. That the updated Investment Policy F 100, attached as Appendix C to report FS 14-23, be approved;
3. That the Treasurer be directed to sign a copy of the Investment Policy F100 to indicate Council's approval and to forward a copy of this Policy to the ONE Joint Investment Board; and,
4. That delegated authority be provided to the Commissioner of Financial Services/Treasurer to approve housekeeping amendments to Investment Policy F100 as recommended by the ONE JIB/ONE Investment, and that the Clerk be directed to update the Delegation of Powers and Duties Policy (G 020) and Standards for Town Policies and Procedures (CA 080) to reflect this delegated authority.

9.6 FS 16-23, Financial Services Department and Community Services Department Joint Report  
Re: Soccer Dome Replacement

Recommendation:

1. That a new 2023 Capital Project be approved, for the Soccer Dome Replacement Project, in the amount of \$250,000 funded from the Whitby Soccer Dome Reserve Fund;
2. That the Whitby Iroquois Soccer Club (operating as the Whitby Football Club (“WFC”)) be authorized to proceed with the coordination and procurement of the soccer dome replacement project; and,
3. That staff be authorized to reimburse the WFC within 30 days of receipt and acceptance of payment information, as outlined in Report FS 16-23, for WFC costs in excess of \$400,000.

9.7 Homelessness Crisis

Recommendation:

Whereas the homelessness crisis is taking a devastating toll on families and communities, undermining a healthy and prosperous Ontario; and,

Whereas the homelessness crisis is the result of the underinvestment and poor policy choices of successive provincial governments; and,

Whereas homelessness requires a range of housing, social services and health solutions from government; and,

Whereas homelessness is felt most at the level of local government and the residents that they serve; and,

Whereas municipalities and District Social Administration Boards are doing their part, but do not have the resources, capacity, or tools to address this complex challenge; and,

Whereas leadership and urgent action is needed from the provincial government on an emergency basis to develop, resource, and implement a comprehensive plan to prevent, reduce and ultimately end homelessness in Ontario.

Now therefore, be it resolved that the Town of Whitby calls on the Provincial Government to urgently:

1. Acknowledge that homelessness in Ontario is a social, economic, and health crisis;
2. Commit to ending homelessness in Ontario; and,
3. Work with AMO and a broad range of community, health, Indigenous and economic partners to develop, resource, and implement an action plan to achieve this goal.

And further that a copy of this motion be sent to the Premier, Minister of Municipal Affairs and Housing, the Minister of Children, Community and Social Services, the Minister of Health, and to the Association of Municipalities of Ontario.

**10. For information only - Committee of the Whole Minutes of April 3, 2023**

**11. Notice of Motion**

- 11.1 Gateway Maintenance Program  
Moved By: Councillor Bozinovski  
Seconded By: Councillor Leahy

Recommendation:

That Staff be directed to report to Council on the implementation of a gateway maintenance program, including additional resources required, to address the repair and rehabilitation of deteriorating gateway signage in subdivisions throughout the Town of Whitby.

- 11.2 Support for Bill 5, Stopping Harassment and Abuse by Local Leaders Act  
Moved By: Mayor Roy  
Seconded By: Councillor Lundquist

Recommendation:

WHEREAS currently the most severe penalty that can be imposed on an elected official is suspension and loss of pay for 90 days, even in cases of workplace harassment or abuse;

AND WHEREAS there is currently no process to remove an elected official from office, even in cases of confirmed workplace harassment or abuse;

AND WHEREAS a fundamental, underlying principle of broadening diversity, equity and inclusion in politics rests on the assumption that the workplace is safe;

AND WHEREAS Bill 5, the Stopping Harassment and Abuse by Local Leaders Act would require all elected officials to comply with the workplace violence and harassment policies of the municipality they represent, permit a municipality to direct the Integrity Commissioner to apply to the court to vacate a member's seat for failing to comply with the municipality's workplace violence and harassment policies as well as restrict officials whose seat has been vacated from seeking re-election in any resulting by-election;

AND WHEREAS at least 27 municipalities have formally endorsed and communicated public support for Bill 5, including Ajax, Ottawa, Hamilton, London, Barrie, Orillia, and Richmond Hill;

AND WHEREAS Bill 5 would both hold accountable and protect all municipal officials;

NOW THEREFORE BE IT RESOLVED:

1. THAT Whitby Council express its support for Bill 5, Stopping Harassment and Abuse by Local Leaders Act; and
2. THAT a copy of this motion be circulated to the Hon. Doug Ford, Premier of Ontario, Lorne Coe, MPP for Whitby, the Association of Municipalities of Ontario, and all Durham Region municipalities.

\*11.3 Preventing Intimate Partner Violence  
Moved By: Councillor Shahid  
Seconded By: Councillor Bozinovski



Recommendation:

WHEREAS every 48-Hours a woman is killed in Canada by her intimate partner;

AND WHEREAS one in five women experience some form of abuse in their intimate relationship; Intimate partner violence (IPV) is physical, sexual and emotional abuse and aggression that occurs in an intimate relationship;

AND WHEREAS on the morning of September 22, 2015, in Ottawa's Renfrew County, Carol Culleton, Anastasia Kuzyk and Nathalie Warmerdam were murdered by a former partner;

AND WHEREAS on June 28, 2022, a five-person jury established as part of a coroner's inquest into the events of September 22, 2015; Renfrew County delivered 86 recommendations in a unanimous verdict on the deaths of three local women, who were killed by their former partner on a single morning in 2015; the City of Ottawa, Renfrew County, and Lanark County have passed motions declaring an IPV epidemic, and acknowledging the 86 recommendations in the Renfrew County Inquest;

AND WHEREAS specific legislation addressing family and domestic violence has been passed by six provinces and three territories; however, Ontario has not implemented this type of legislation;

AND WHEREAS in Durham Region, the Violence Prevention Coordination Council of Durham (VPCC), which represents 35 local agencies including (and not limited to) Luke's Place, Herizon House, and the Durham Rape Crisis Centre, has seen a significant increase in demand for assistance from local IPV support providers.

Reporting in fiscal year 2021-22, Durham Victim Services supported 4,438 victims of Intimate Partner Violence (IPV) – up 32% over 4 years, and supported 916 victims of Sexual Violence, up 277% over four years.

AND WHEREAS Human Trafficking in Durham Region has risen by more than 320% since 2018. 85% of the victims supported by VSDR are women and children. VSDR alone supported almost 8,000 victims of gender-based violence in Durham in 2021-2022. Another unfortunate trend throughout the Durham Region as the level of brutality increases towards the victims.

AND WHEREAS Durham Region is home to many Indigenous women and girls who are continuing to be disproportionately impacted by violence. 75% of Indigenous females experience sexual violence before age 18, 50% before age 14 and 25% before age 7.

AND WHEREAS accessing shelter in Durham Region is becoming nearly impossible due to the shelters being at capacity. VSDR can access Victim Quick Response funding for eligible victims but this covers only a short term stay in hotel and the maximum amount provided is \$150/night. With inflation, there are no longer hotels available at this cost. Leaving some victims with the only option(s) to remain in their

IPV situation or become homeless.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Council of the Town of Whitby urge the Ontario Government to declare an IPV epidemic, as per recommendation #1 of the Renfrew County Inquest;
2. That the Council of the Town of Whitby urge the Region of Durham to declare an IPV epidemic and integrate IPV into the Region's Community Safety and Well-Being Plan, as per recommendation #10 of the Renfrew County Inquest; and,
3. This motion be distributed to MPP Lorne Coe, the Ministry of the Attorney General, the Provincial Office of Women's Social and Economic Opportunity, Durham Region municipalities, and the Association of Municipalities of Ontario.

**12. New and Unfinished Business**

**13. By-laws**

Recommendation:

That leave be granted to introduce By-laws # 7984-23 to # 7989-23 and to dispense with the reading of the by-laws by the Clerk and that the same be considered read and passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

**13.1 By-law # 7984-23**

Being a by-law to designate certain portions of a registered Plan of Subdivision (SW-2013-03) as not being subject of Part Lot Control.

**13.2 By-law # 7985-23**

Being a by-law to designate certain portions of a registered Plan of Subdivision (SW-2013-02) as not being subject of Part Lot Control.

**13.3 By-law # 7986-23**

Being a by-law to designate certain portions of a registered Plan of Subdivision (SW-2016-05) as not being subject of Part Lot Control.

**13.4 By-law # 7987-23**

Being a by-law to set and levy tax rates for the Business Improvement Area (BIA) and to set penalty and interest rates for unpaid taxes.

**Refer to FS 12-23, 2023 Property Tax Rates and Final Billing Due Dates and FS 11-23, Downtown Whitby Business Improvement Area (BIA)  
2023 Budget and 2022 Reporting**

**13.5 By-law # 7988-23**

Being a by-law to set and levy tax rates for the calendar year 2023 for the Town of Whitby and to set penalty and interest rates for unpaid taxes.

**Refer to FS 12-23, 2023 Property Tax Rates and Final Billing Due Dates**

13.6 By-law # 7989-23

Being a by-law to amend By-law #1784, as amended, being the Zoning By-law of the Town of Whitby.

**Refer to PDP 14-23, DEV-01-23: Zoning By-law Amendment Application, 1621 McEwen Drive File No. Z-01-23**

**14. Closed Session**

This portion of the agenda is closed to the public. [Refer to the Closed Agenda - Town Clerk has control and custody.]

14.1 Memorandum from C. Harris, Town Clerk dated April 17, 2023 regarding Recommendation for Appointments to the Accessibility Advisory Committee

14.2 Memorandum from C. Harris, Town Clerk dated April 19, 2023 regarding Recommendation for Appointments to the Active Transportation and Safe Roads Advisory Committee

**15. Rising and Reporting Out**

**16. Confirmatory By-law**

Recommendation:

That leave be granted to introduce a by-law and to dispense with the reading of the by-law by the Clerk to confirm the proceedings of the Council of the Town of Whitby at its regular meeting held on April 24, 2023 and the same be considered read and passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

**17. Adjournment**

Recommendation:

That the meeting adjourn.



## Regular Council Minutes

March 20, 2023, 7:00 p.m.  
Council Chambers  
Whitby Town Hall

Present: Mayor Roy  
Councillor Bozinovski  
Councillor Cardwell (Virtual Attendance)  
Councillor Leahy  
Councillor Lee  
Councillor Lundquist  
Councillor Mulcahy  
Councillor Shahid  
Councillor Yamada

Also Present: M. Gaskell, Chief Administrative Officer  
M. Hickey, Fire Chief  
S. Klein, Director of Strategic Initiatives  
J. Long, Head of Organizational Effectiveness  
J. Romano, Commissioner of Community Services  
F. Santaguida, Commissioner of Legal and Enforcement  
Services/Town Solicitor  
R. Saunders, Commissioner of Planning and Development  
F. Wong, Commissioner of Financial Services/Treasurer  
M. Dodge, Executive Advisor to the Mayor  
K. Narraway, Manager of Legislative Services/Deputy Clerk  
K. Douglas, Legislative Specialist (Recording Secretary)

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1. Call To Order: The Mayor
  2. Call of the Roll: The Clerk
  3. Declarations of Conflict of Interest

There were no declarations of conflict of interest.

4. Adoption of Minutes

Regular Council - January 30, 2023

Special Council - January 30, 2023

Special Council - February 6, 2023

Special Council - February 13, 2023

Special Council - February 16, 2023 (9:30 a.m.) (Confidential Minutes Under Separate Cover)

Special Council - February 16, 2023 (7:00 p.m.)

Special Council - February 27, 2023

Special Council - March 6, 2023 (9:30 a.m.) (Confidential Minutes Under Separate Cover)

Special Council - March 6, 2023 (5:30 p.m.) (Confidential Minutes Under Separate Cover)

**Resolution # 60-23**

Moved by Councillor Lee

Seconded by Councillor Bozinovski

That the Regular Council Minutes of January 30, 2023 and the Special Council Minutes of January 30, February 6, February 13, February 16 (9:30 a.m.), February 16 (7:00 p.m.), February 27, March 6 (9:30 a.m.) and March 6 (5:30 p.m.), 2023 be approved.

**Carried**

5. Presentations

5.1 Oshawa Vikings Rugby Club

Recognition: International Mixed Ability Rugby Tournament, 2nd Place Finishers

Mayor Roy attended the dais and was joined by Councillor Bozinovski. Members of the Oshawa Vikings Rugby Club were welcomed onto the dais and recognized for their 2nd place finish at the International Mixed Ability Rugby Tournament.

6. Delegations

Moved by Councillor Yamada  
Seconded by Councillor Lee

That the rules of procedure be suspended to hear the delegations from Michael Testaguzza, The Biglieri Group, representing the owner of 1085 Columbus Road and Rachelle Larocque, The Biglieri Group, representing the owner of 6373 Country Lane regarding Item 8.7, Planning and Development Department Report, PDP 10-23.

**Carried on a Two Thirds Vote**

- 6.1 Michael Testaguzza, The Biglieri Group, representing the owner of 1085 Columbus Road (In-Person Attendance)

**Refer to Item 8.7, PDP 10-23**

Michael Testaguzza, The Biglieri Group, representing the owner of 1085 Columbus Road provided a PowerPoint presentation regarding Envision Durham - Draft Regional Official Plan and the proposed land use designation for 1085 Columbus Road. Highlights of the presentation included:

- the land use designation proposed by Envision Durham, being major open space areas and employment areas with a Regional corridor overlay;
- a request from the owner to Durham Region that a portion of the lands be designated as community areas; and,
- the land use designations of neighbouring properties.

A question and answer period ensued between Members of Council and Michael Testaguzza regarding communication between the property owner and the Region of Durham.

- 6.2 Rachelle Larocque, The Biglieri Group, representing the owner of 6373 Country Lane (In-Person Attendance)

**Refer to Item 8.7, PDP 10-23**

Rachelle Larocque, The Biglieri Group, representing the owner of 6373 Country Lane provided a PowerPoint presentation regarding Envision Durham - Draft Regional Official Plan and the proposed land use designation for 6373 Country Lane. Highlights of the presentation included:

- the land use designation proposed by Envision Durham, being employment areas;
- a request from the owner to Durham Region that the lands be designated as community areas; and,
- the land use designations of neighbouring properties.

A question and answer period ensued between Members of Council, Rachelle Larocque, and Staff regarding:

- ownership of the adjacent properties to the north of the subject land;
- the number of residential units that the subject land may accommodate;
- communication between the owner and the Region of Durham; and,
- clarification regarding the process of requesting that the Region of Durham change the land use designation.

## 7. Correspondence

### 7.1 Correspondence

That the following requests be endorsed:

- International Dark Sky Week - April 15-22, 2023
- Earth Day - April 22, 2023
- Building Safety Month - May 2023
- Guillain-Barré Syndrome and Chronic Inflammatory Demyelinating Polyneuropathy Awareness Month - May 2023
- Fibromyalgia Awareness Day - May 12, 2023
- Menstrual Health Day - May 28, 2023
- Rett Syndrome Awareness Month - October 2023

### **Resolution # 61-23**

Moved by Councillor Lundquist

Seconded by Councillor Leahy

That the proclamations for International Dark Sky Week, Earth Day, Building Safety Month, Guillain-Barré Syndrome and Chronic Inflammatory Demyelinating Polyneuropathy Awareness Month, Fibromyalgia Awareness Day, Menstrual Health Day, and Rett Syndrome Awareness Month be endorsed.

**Carried**

- 7.2 Memorandum from J. Romano, Commissioner of Community Services, dated March 20, 2023 regarding 2023 Days of Significance for Proclamations (March-December)

**Resolution # 62-23**

Moved by Councillor Shahid  
Seconded by Councillor Cardwell

That the proclamations from March to December 2023 outlined in the Memorandum from J. Romano, Commissioner of Community Services, dated March 20, 2023, be endorsed.

**Carried**

8. Committee of the Whole Report - Planning and Development

Planning and Development - February 27 and March 6, 2023

- 8.1 2022-625 - Correspondence received by C. Harris, Town Clerk from D. Jones and W. Abel, residents, dated November 15, 2022 regarding Port Whitby Traffic Petition

**Resolution # 63-23**

Moved by Councillor Lee  
Seconded by Councillor Leahy

1. That Correspondence 2022-625 received by C. Harris, Town Clerk from D. Jones and W. Abel, residents, dated November 16, 2022 regarding a Port Whitby traffic petition be received for information; and,
2. That Staff be directed to review the need for traffic calming in the Port Whitby neighbourhood using data driven decision making as part of the development of a Town-wide traffic calming strategy.



**Carried**

8.2 PDP 61-22, Planning and Development (Planning Services) Department Report

Re: Final Recommended Official Plan Amendment, Downtown Whitby Community Secondary Plan, File Number: DEV-21-20 (OPA-2020-W/03)

**Resolution # 64-23**

Moved by Councillor Lee

Seconded by Councillor Leahy

1. That Council adopt Amendment 126 to the Whitby Official Plan, regarding the updated Downtown Whitby Community Secondary Plan, as outlined in Report PDP 61-22;
2. That the Clerk forward the necessary documentation for the Official Plan Amendment to the appropriate approval authority, within fifteen days of adoption of Amendment 126 to the Whitby Official Plan; and,
3. That the Clerk send a Notice of Council's adoption of Amendment 126 to those persons and agencies who have requested further notification regarding the Downtown Whitby Secondary Plan Update.

**Carried**

8.3 PDP 07-23, Planning and Development (Planning Services) Department Report

Re: Zoning By-law Amendment Application to Remove the Holding (H) Symbol, NF Hopkins Ltd., 901 Hopkins Street, File Number: DEV-29-22 (Z-20-22)

**Resolution # 65-23**

Moved by Councillor Lee

Seconded by Councillor Leahy

1. That Council approve an Amendment to Zoning By-law # 2585 (File No. Z-20-22) for the removal of the Holding (H) Symbol, as outlined in Planning Report PDP 07-23; and,

2. That a by-law to amend Zoning By-law # 2585 be brought forward for consideration by Council.

**Carried**

- 8.4 PDP 08-23, Planning and Development (Planning Services)  
Department and Office of the Chief Administrative Officer Joint Report  
Re: Affordable Housing Initiative – Hickory Street South and Dunlop Street East

**Resolution # 66-23**

Moved by Councillor Lee  
Seconded by Councillor Leahy

1. That Council direct staff to list the municipally owned property located at the northeast corner of Hickory Street and Dunlop Street East and a portion of the municipally owned property located on the south side of Dunlop Street East, as identified on Attachment #1 to Report No. PDP 08-23, on the Region of Durham's surplus land website for the potential creation of affordable housing; and,
2. That staff report back to Council on the interest received for affordable housing opportunities on the subject properties.

**Carried**

- 8.5 Municipal Housing Pledge

Discussion ensued between Members of Council regarding concerns with Envision Durham and the importance of public consultation.

**Resolution # 67-23**

Moved by Councillor Lee  
Seconded by Councillor Leahy

Whereas on October 25, 2022 the Minister of Municipal Affairs and Housing issued a letter to the Town of Whitby recognizing the Province's commitment to build 1.5 million homes by 2031 and assigning a Municipal Housing Target of 18,000 new homes in Whitby to assist with achieving this target.

And whereas, the Minister also requested the Town to demonstrate its commitment to accelerating housing supply by developing a Municipal Housing Pledge and take the necessary steps to facilitate the construction of 18,000 new homes in Whitby by 2031, and delivering that pledge to the Minister by March 22, 2023.

And whereas, the Town has a considerable inventory of housing units approved or in the approval process (i.e. 18,118 units), including 4,123 low density, 4,925 medium density and 9,070 high density units.

And whereas, the Town has additional greenfield land inventory within the West Whitby and Brooklin Community Secondary Plan areas to accommodate draft plan of subdivision applications, and considerable infill/intensification opportunities, which will further increase the potential housing yield.

And whereas, the Town has experienced a considerable increase in the number of building permits for residential units in the recent past, including 2,360 permits in 2021 and 1,777 permits in 2022, with an expectation to continue such volume of permits into the future.

Now therefore, the Town of Whitby Council pledges its commitment to facilitate the development of 18,000 new homes by 2031 through the following initiatives/activities:

- Implement and/or update Official Plan Policies, including the following:
  - Continue to implement recent Official Plan policy adjustments to increase the proportionate share of medium and high density residential units in strategic areas of the Town, such as designated Centers, Corridors and the Whitby GO Station and Port Whitby areas;
  - Initiate an update to the Town of Whitby Official Plan to comply with recent changes to the Growth Plan for the Greater Golden Horseshoe and pending new Official Plan for the Region of Durham;
  - Initiate an update to strengthen the policy basis for medium and high density residential units within the Whitby GO Major Transit Station Area (MTSA).
- Complete the on-going Comprehensive Review and Update of the Town's Zoning By-laws, including the following:

- Including permissive policies to support accessory units in ground related housing forms;
- Including contemporary regulations to accommodate a wide range of housing types as-of-right.
- Develop a Housing Acceleration Strategy and Implementation Plan, including such matters as the following:
  - Confirmation and/or expansion of strategic development areas designated in the Whitby Official Plan;
  - Recognition of updated/contemporary zoning regulations through the Comprehensive Zoning By-law Review and Update;
  - Development of municipal fiscal resources to support the cost of new housing and related infrastructure;
  - Co-ordinate with the Region of Durham to develop a servicing plan to accommodate new growth in Whitby;
  - Identification of public lands with development or redevelopment potential.
- Capitalize on funding sources, such as the Streamline Development Fund to further advance on-line portal development for Planning Act and Ontario Building Code Act related applications, recognizing the on-line application resources have been established and will continue to be expanded upon.
- Continue to collaborate with the Region of Durham to ensure major servicing infrastructure (water, sewer, roads) is available when needed.

Notwithstanding the Town of Whitby's Municipal Housing Pledge herein, it is recognized that there are many influences outside the control of the Town, which should not reflect upon the Town's performance to achieve the Municipal Housing Target of 18,000 homes by 2031, including but not limited to the following:

- Interest rates;
- Inflation;
- Supply chain issues;
- Availability of labour force/skilled trades in housing construction;

- Housing market;
- Developer's desire to proceed with construction;
- Provision of Regional infrastructure;
- Planning approvals shifting to the Provincial level from the Region of Durham;
- Additional, unforeseen legislative changes to planning and building approvals processes;
- Shortage of talent pool for Planning, Engineering and Building professionals required to review and process development applications.

The Council of the Town of Whitby makes this pledge recognizing that there is a shared responsibility with the development community to deliver on the creation of desirable communities where residents can live, work and play, not just live. Also recognizing that they Town's responsibility to support new and existing residents will remain long after the new housing is constructed.

The Council of the Town of Whitby requests further dialogue with the Province regarding definitions related to Bill 23 and regulations thereto, and looks forward to further discussions with the Minister of Municipal Affairs and Housing in April 2023 regarding the impacts of Bill 23, and related Development Charge shortfalls, what legislative provisions will be directed at the development community to pass along, dollar for dollar, any savings achieved through Bill 23, and legislative amendments to incent developers to "use it or lose it" with respect to approved development applications or permits.

That the Clerk be directed to circulate a copy of this resolution to the Minister of Municipal Affairs and Housing, the Regional Municipality of Durham, Durham Area Municipalities, and all Durham Region MPPs.

### **Carried**

#### **8.6 PDP 09-23, Planning and Development (Planning Services) Department Report**

Re: Draft Plan of Condominium Application, Garden Street Developments Inc., 4335 Garden Street, File Number: DEV-35-22 (CW-2022-02 and CW-2022-03)

## **Resolution # 68-23**

Moved by Councillor Lee

Seconded by Councillor Leahy

1. That Council approve a Draft Plan of Condominium – Common Element (File No. CW-2022- 02) subject to the comments included in Planning Report PDP 09-23 and the Conditions of Approval, included in Attachment #5;
2. That Council approve a Draft Plan of Condominium - Standard (File No. CW-2022-03) subject to the comments included in Planning Report PDP 09-23 and the Conditions of Approval, included in Attachment #5;
3. That the Mayor and Clerk be authorized to execute the Condominium Agreements and any other necessary documents; and,
4. That the Clerk advise the Commissioner of Planning and Economic Development at the Region of Durham, of Council's decision.

## **Carried**

### **8.7 PDP 10-23, Planning and Development (Planning Services) Department Report**

Re: Envision Durham – Draft Regional Official Plan

Discussion ensued between Members of Council regarding concerns with the land use designations proposed by Envision Durham - Draft Regional Official Plan.

A question and answer period ensued between Members of Council and Staff regarding:

- employment land that has been re-designated for residential use along Highway 407;
- improving access to employment lands along Highway 407 through the construction of a service road;
- the availability of land proposed by Envision Durham to accommodate residential growth;
- ensuring the protection of employment land;

- clarification regarding road access to the proposed new employment area within the vicinity of Highway 407, west of Country Lane to Lake Ridge Road;
- communication with Durham Region to address challenges faced in Downtown Whitby concerning the Rapid Transit Corridor;
- ensuring Envision Durham supports population and employment growth;
- confirmation that Envision Durham does not impact the Greenbelt Plan Area within Whitby;
- whether Envision Durham supports affordable housing initiatives; and,
- whether Envision Durham impacts the creation and/or modification of policies concerning affordable housing.

Moved by Councillor Lee

Seconded by Councillor Leahy

1. That Report PDP 10-23 be endorsed as the Town's comments on the Envision Durham draft Regional Official Plan; and,
2. That the Clerk forward a copy of Report PDP 10-23 to the Durham Region Planning and Economic Development Department and the Durham area municipalities.

**Carried later in the meeting (See following motion)**

Moved by Councillor Lee

Seconded by Councillor Leahy

That the main motion be amended to include a new Item 2 and that the remaining item be renumbered accordingly:

2. That the lands municipally known as 1085 Columbus Road and lands in the vicinity of 6373 Country Lane be designated Community Areas on Map 1. Regional Structure – Urban & Rural Systems, rather than Employment Areas as proposed in the new Regional Official Plan.

**Motion Lost**

The main motion was then carried as follows:

**Resolution # 69-23**

Moved by Councillor Lee

Seconded by Councillor Leahy

1. That Report PDP 10-23 be endorsed as the Town's comments on the Envision Durham draft Regional Official Plan; and,
2. That the Clerk forward a copy of Report PDP 10-23 to the Durham Region Planning and Economic Development Department and the Durham area municipalities.

**Carried**

8.8 PDP 11-23, Planning and Development (Planning Services) Department Report

Re: Temporary Use Zoning By-law Amendment Extension, Town Brewery Inc., 1632 Charles Street, File Number: DEV-03-23 (Z-02-23)

**Resolution # 70-23**

Moved by Councillor Lee

Seconded by Councillor Leahy

1. That Council approve a proposed Zoning By-law Amendment (Application #Z-02-23) for the extension of a temporary use at 1632 Charles Street. The temporary use is for the continuation of a craft brewery (Town Brewery) for an additional three year period; and,
2. That the Zoning By-law Amendment be brought forward for Council's consideration.

**Carried**

9. Committee of the Whole Report - General Government

General Government - February 27 and March 6, 2023

9.1 CAO 04-23, Office of the Chief Administrative Officer Report

Re: Memorandum of Understanding between the Town of Whitby and the Canadian Musicians Co-operative

**Resolution # 71-23**



Moved by Councillor Yamada  
Seconded by Councillor Shahid

1. That Report CAO 04-23 be received for information;
2. That the Town enter into a three-year Memorandum of Understanding with the Ontario Musicians Co-operative Inc. (operating as the Canadian Musicians Co-operative) effective January 1, 2023 to January 1, 2026;
3. That the CAO and Commissioner Financial Services/Treasurer be authorized to execute the Memorandum of Understanding, and be delegated the authority to make amendments thereto subject to such amendments being mutually agreed upon by the Canadian Musicians Co-operative and the Town; and,
4. That Council provide an exemption to the Public Nuisance By-law \$ 6714-13 for the duration of the Memorandum of Understanding with respect to the ability of Canadian Musicians Co-operative Performers to be able to receive a voluntary gratuity as part of the program.

**Carried**

9.2 CAO 05-23, Office of the Chief Administrative Officer Report

Re: Roebuck Street Placemaking Project

Discussion ensued between Members of Council regarding support for the Roebuck Street Placemaking Project. Members of Council also inquired about whether similar placemaking projects will take place in the future.

**Resolution # 72-23**

Moved by Councillor Yamada  
Seconded by Councillor Shahid

That Council approve the semi-permanent closure of Roebuck Street in Downtown Brooklin (June to mid-September) to support placemaking opportunities and create an outdoor community gathering space.

**Carried**

9.3 CAO 06-23, Office of the Chief Administrative Officer and Financial Services Department Joint Report

Re: Community Development Funds - 2022 Annual Report

**Resolution # 74-23**

Moved by Councillor Yamada

Seconded by Councillor Shahid

1. That Report CAO 06-23 regarding the 2022 Annual Report for the Mayor's Community Development Fund and the Performing Arts Community Development Fund be received for information; and,
2. That Council approve the updated Mayor's Community Development Fund and Performing Arts Community Development Fund Policy as shown in Attachment 4.

**Carried**

9.4 CAO 03-23, Office of the Chief Administrative Officer

Re: Public Art Policy Framework

**Resolution # 75-23**

Moved by Councillor Yamada

Seconded by Councillor Shahid

1. That Report CAO 03-23 be received for information;
2. That Council endorse the Public Art Policy Framework as presented in Report CAO 03-23; and,
3. That Staff be directed to prepare a final Public Art Policy to be presented to Council in Q4 2023.

**Carried**

9.5 Durham Meadoway – Green Energy Projects

A question and answer period ensued between Members of Council and Staff regarding the timeline for completion of the Durham Meadoway.

**Resolution # 76-23**

Moved by Councillor Yamada

Seconded by Councillor Shahid

1. That Whitby Town Council urge the Region of Durham to broaden the scope of the Durham Meadoway Visioning Study to include the possibility of green energy projects on the Gatineau Hydro Corridor through Durham in addition to the proposed multi-use path for active transportation; and,
2. That the Clerk be directed to forward a copy of this motion to the Region of Durham and Whitby Sustainability Advisory Committee.

**Carried**

9.6 Protecting Whitby's Urban Forest Canopy

Discussion ensued between Members of Council regarding the importance of protecting trees of significance.

**Resolution # 77-23**

Moved by Councillor Yamada  
Seconded by Councillor Shahid

That staff report back on the opportunity to protect trees of significance on private lands in order to preserve Whitby's urban forest canopy.

**Carried**

9.7 CAO 08-23, Office of the Chief Administrative Officer Report

Re: Ready Set Future: Durham Region's Five-Year Economic Development and Tourism Strategy and Action Plan

Discussion ensued between Members of Council and Staff regarding the importance of collaborating with the Region of Durham to ensure alignment with the Town's Economic Development Strategy and Destination Whitby Tourism Strategy.

**Resolution # 78-23**

Moved by Councillor Yamada  
Seconded by Councillor Shahid

That Report CAO 08–23 be received for information.

**Carried**

9.8 FS 11-23, Financial Services Department and Office of the Chief Administrative Officer Joint Report

Re: Downtown Whitby Business Improvement Area (BIA) 2023 Budget and 2022 Reporting

A question and answer period ensued between Members of Council and Staff regarding the financial impact of the special tax levy on businesses within the Downtown Whitby Business Improvement Area (BIA).

**Resolution # 79-23**

Moved by Councillor Yamada

Seconded by Councillor Shahid

1. That Council receive the proposed 2023 Detailed Program of Improvement, and Beautification and Maintenance and the 2022 Annual Report, (Attachments 2 and 3 of Report FS 11-23), from the Downtown Whitby Business Improvement Area Board; and,
2. That Council approve the Downtown Whitby Business Improvement Area Board's proposed 2023 Budget, (as outlined in Attachment 1 of Report FS 11-23), inclusive of a \$210,000 special tax levy for businesses within the Downtown Business Improvement Area.

**Carried**

9.9 FS 02-23, Financial Services Department Report

Re: 2022 Remuneration and Expenses for Mayor and Members of Council and Council Appointees to Boards

**Resolution # 80-23**

Moved by Councillor Yamada

Seconded by Councillor Shahid

That Report FS 02-23 regarding 2022 Remuneration and Expenses for Members of Council and Council Appointees to Boards be received for information.

	For	Against	Conflict
Mayor Roy	X		

Councillor Bozinovski	X		
Councillor Cardwell	X		
Councillor Leahy	X		
Councillor Lee	X		
Councillor Lundquist		X	
Councillor Mulcahy	X		
Councillor Shahid	X		
Councillor Yamada	X		
<b>Results</b>	<b>8</b>	<b>1</b>	<b>0</b>

**Carried on a Recorded Vote (8 to 1)**

9.10 FS 05-23, Planning and Development (Engineering Services) Department and Financial Services Department Joint Report

Re: T-25-2022 Streetlight Installation at Various Locations

**Resolution # 81-23**

Moved by Councillor Yamada

Seconded by Councillor Shahid

1. That Tender T-25-2022 be awarded to Hard-Co Construction Ltd., for Streetlight Installation at Various Locations, in the amount of \$354,825.33 (plus applicable taxes) to be funded from the capital project listed in Table 3 of Report FS 05-23; and,
2. That the Mayor and Clerk be authorized to execute the contract documents.

**Carried**

9.11 FS 09-23, Financial Services Department Report

Re: Procurement Policy

**Resolution # 82-23**

Moved by Councillor Yamada  
Seconded by Councillor Shahid

1. That Council approve and endorse the new Procurement Policy (Policy # F 080) included in Attachment 1 of Report FS 09-23;
2. That the existing Purchasing Policy be repealed; and,
3. That Council direct staff to review the Procurement Policy every 5 years.

**Carried**

9.12 FS 10-23, Financial Services Department Report

Re: Revision to Council Expense Policy (G 050)

**Resolution # 83-23**

Moved by Councillor Yamada  
Seconded by Councillor Shahid

That the revised Council Expense Policy (Policy # G050) be approved, in accordance with Report FS 10-23 and the Memorandum from F. Wong, Commissioner of Financial Services/Treasurer, dated March 15, 2023 regarding Council Expense Policy Correction - Revised on March 20, 2023.

**Carried**

9.13 Refrigerated Outdoor Ice Rinks or Skating Trails

**Resolution # 84-23**

Moved by Councillor Yamada  
Seconded by Councillor Shahid

Whereas the ongoing pilot project for natural outdoor ice rinks has proved challenging due to fluctuating winter temperatures; and,

Whereas outdoor ice rinks provide the community with an affordable opportunity to be active during the winter months; and,

Whereas building the Whitby Sports Complex will provide the potential to reuse the refrigeration plant at the Luther Vipond Memorial Arena to offset

some of the capital costs associated with a refrigerated outdoor ice facility.

Now therefore be it resolved:

That following the tender results for the Whitby Sports Complex and as part of the development of the Parks and Recreation Master Plan, that Staff be directed to report on opportunities to install refrigerated outdoor ice rinks or skating trails in the Town.

**Carried**

9.14 Ocean Pearl Park Shade Structure

**Note:** This item was referred at Committee.

9.15 School Zone Parking Enforcement Staff

Discussion ensued between Members of Council regarding support for enhanced school zone parking enforcement through additional staffing resources.

**Resolution # 85-23**

Moved by Councillor Yamada  
Seconded by Councillor Shahid

That Staff be directed to review the opportunity for enhanced school zone parking enforcement through additional staffing resources, and include an analysis of whether such resources would be revenue neutral.

**Carried**

9.16 Urging the Province to Require a Safe-Arrival Policy for Provincially Licensed Child Care Providers

**Resolution # 86-23**

Moved by Councillor Yamada  
Seconded by Councillor Shahid

Whereas the Government of Ontario instituted a Safe-Arrival Policy for schools in 1999 requiring each district school board, school authority, and the Provincial Schools Branch to develop a safe-arrival program to report unexplained student absences in a timely manner to parents, guardians, or caregivers; and,

Whereas there is no requirement for Provincially licensed child care providers to have safe-arrival programs in place; and,

Whereas requiring safe-arrival programs for Provincially licensed child care providers may help prevent avoidable tragedies involving children, such as the June 2022 death of a toddler who was unintentionally left in a hot car for a prolonged period of time when his parent reported to work after failing to deliver the child to his daycare provider.

Now therefore be it resolved:

1. That the Council of the Town of Whitby requests the Province of Ontario to require a Safe-Arrival Policy be developed and implemented by provincially licensed child care providers to enhance the safety of all children enrolled in their programs by reporting unexplained child absences in a timely manner to parents, guardians, or caregivers; and,
2. That the Clerk be directed to send this resolution to Premier Ford, the Minister of Education, the Regional Municipality of Durham, Durham Area Municipalities, and all Durham MPPs.

**Carried**

10. For information only - Committee of the Whole Minutes of February 27 and March 6, 2023.

11. Notice of Motion

There were no notices of motion.

12. New and Unfinished Business

There was no new and unfinished business.

13. By-laws

**Resolution # 87-23**

Moved by Councillor Bozinovski

Seconded by Councillor Lee

That leave be granted to introduce By-laws # 7967-23 to # 7982-23 and to dispense with the reading of the by-laws by the Clerk and that the same be considered read and passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.



## **Carried**

### **13.1 By-law # 7967-23**

Being a By-law to appoint Michael Hickey as Fire Chief.

**Refer to CAO 07-23, Appointment of Fire Chief**

### **13.2 By-law # 7968-23**

Being a By-law to amend By-law #2585, as amended, being the Zoning By-law for the Town of Whitby.

**Refer to PDP 07-23, Zoning By-law Amendment Application to Remove the Holding (H) Symbol, NF Hopkins Ltd., 901 Hopkins Street, File Number: DEV-29-22 (Z-20-22)**

### **13.3 By-law # 7969-23**

Being a By-law to amend By-law #2585, as amended, being the Zoning By-law of the Town of Whitby.

**Refer to PDP 04-23, Zoning By-law Amendment Application, 305 St. John Street West, File Number: DEV-26-22 (Z-18-22)**

### **13.4 By-law # 7970-23**

Being a By-law to designate certain portions of a registered Plan of Subdivision (SW-2018-03) as not being subject of Part Lot Control.

### **13.5 By-law # 7971-23**

Being a By-law to designate certain portions of a registered Plan of Subdivision (SW-2002-06, and S-204-89) as not being subject of Part Lot Control.

### **13.6 By-law # 7972-23**

Being a By-law to designate certain portions of a registered Plan of Subdivision (SW-2018-06) as not being subject of Part Lot Control.

### **13.7 By-law # 7973-23**

Being a By-law to designate certain portions of a registered Plan of Subdivision (SW-2017-03) as not being subject of Part Lot Control.

### **13.8 By-law # 7974-23**

Being a By-law to designate certain portions of a registered Plan of Subdivision (SW-2013-04) as not being subject of Part Lot Control.

13.9 By-law # 7975-23

Being a By-law to dedicate to dedicate Part 19 on Plan 40R-14106, as a Public Highway (McQuay Boulevard).

13.10 By-law # 7976-23

Being a By-law to designate the Malcolm McTaggart House on the property municipally known as 9455 Baldwin Street North, PLAN 111 PT LOT 28, 29, 32, 38, as being of cultural heritage value and interest.

13.11 By-law # 7977-23

Being a By-law to amend the Fees and Charges By-law # 7220-17, as amended.

**Refer to PDP 66-22, Ontario Bill 109, More Homes for Everyone Act, 2022, FS 06-23, Recommended 2023 Operating and Capital Budget and the Memorandum dated February 13, 2023 regarding Report FS 06-23 Recommended 2023 Operating and Capital Budget, User Fees Rates and Charges – Correction**

13.12 By-law # 7978-23

Being a By-law to adopt Amendment Number 127 to the Official Plan of the Town of Whitby.

**Refer to PDP 39-22, Official Plan Amendment, Draft Plan of Subdivision, and Zoning By-law Amendment Applications, Brookfield Residential, 100 Garden Street and 604 Dundas Street East, File Numbers: DEV-26-21 (OPA-2021-W/08, SW-2021-09, Z-16-21)**

13.13 By-law # 7979-23

Being a By-law to amend By-law #2585, as amended, being the Zoning By-law of the Town of Whitby.

**Refer to PDP 39-22, Official Plan Amendment, Draft Plan of Subdivision, and Zoning By-law Amendment Applications, Brookfield Residential, 100 Garden Street and 604 Dundas Street East, File Numbers: DEV-26-21 (OPA-2021-W/08, SW-2021-09, Z-16-21)**

13.14 By-law # 7980-23

Being a By-law to amend By-law # 2585, as amended, being the Zoning By-law for the Town of Whitby.

**Refer to PDP 11-23, Temporary Use Zoning By-law Amendment Extension, Town Brewery Inc., 1632 Charles Street, File Number: DEV-03-23 (Z-02-23)**

13.15 By-law # 7981-23

Being a By-law to adopt Amendment Number 126 to the Official Plan of the Town of Whitby.

**Refer to PDP 61-22, Final Recommended Official Plan Amendment, Downtown Whitby Community Secondary Plan, File Number: DEV-21-20 (OPA-2020-W/03)**

13.16 By-law # 7982-23

Being a By-law to dedicate Parts 1 and 4 on Plan 40R-31906, as a Public Highway (Dufferin Street).

14. Confirmatory By-law

**Resolution # 88-23**

Moved by Councillor Cardwell  
Seconded by Councillor Mulcahy

That leave be granted to introduce a by-law and to dispense with the reading of the by-law by the Clerk to confirm the proceedings of the Council of the Town of Whitby at its regular meeting held on March 20, 2023 and the same be considered read and passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

**Carried**

15. Adjournment

Moved by Councillor Yamada  
Seconded by Councillor Bozinovski

That the meeting adjourn.

**Carried**

The meeting adjourned at 8:02 p.m.

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Kevin Narraway, Deputy Clerk

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Elizabeth Roy, Mayor



## Special Council Minutes

March 20, 2023, 5:30 p.m.  
Council Chambers  
Whitby Town Hall

Present: Mayor Roy  
Councillor Bozinovski  
Councillor Cardwell (Virtual Attendance)  
Councillor Leahy  
Councillor Lee  
Councillor Lundquist  
Councillor Mulcahy  
Councillor Shahid  
Councillor Yamada

Also Present: M. Gaskell, Chief Administrative Officer  
M. Hickey, Fire Chief  
S. Klein, Director of Strategic Initiatives  
J. Long, Head of Organizational Effectiveness  
J. Romano, Commissioner of Community Services  
F. Santaguida, Commissioner of Legal and Enforcement  
Services/Town Solicitor  
R. Saunders, Commissioner of Planning and Development  
F. Wong, Commissioner of Financial Services/Treasurer  
M. Dodge, Executive Advisor to the Mayor  
K. Narraway, Manager of Legislative Services/Deputy Clerk  
K. Douglas, Legislative Specialist (Recording Secretary)

- 
1. Call To Order: The Mayor
  2. Call of the Roll: The Clerk
  3. Declarations of Conflict of Interest

There were no declarations of conflict of interest.

4. Presentations

#### 4.1 Paul Bumstead, Senior Project Engineer

Re: Highway 7/12 Alternative Route Status Update

Paul Bumstead, Senior Project Engineer, provided a PowerPoint presentation regarding the Highway 7/12 Alternative Route Status Update. Highlights of the presentation included:

- background information and the need for an Environmental Assessment (EA) Study;
- an overview of relevant policies and directions, including the Provincial Growth Plan, Regional Official Plan, Town of Whitby Official Plan, and the Memo of Understanding between the Town and Ontario Ministry of Transportation (MTO);
- a summary of Technical Studies, including the 2010 Whitby Transportation Master Plan, 2017 Brooklin Study, 2018 Feasibility Study, and the 2020-2023 Current Environmental Assessment;
- details of the Comprehensive Block Plan approved by Council in 2020;
- estimated project costs, which will be recovered through Development Charges;
- an overview of the MTO Class EA process;
- feedback received during the community open houses and public consultation;
- themes included in the problem statement, including support for growth, providing safe and efficient operations, and facilitating a complete street design;
- public feedback received through an interactive map that allowed interested parties to identify areas of concern within the Study Area;
- an overview of alternative corridors identified to provide an alternate route for Highway 7/12 to avoid Downtown Brooklin;
- a screening process applied to the list of six (6) alternative corridors carried forward from the Community Open House No. 1;
- the purpose, level of engagement, and outcome of the Community Open House No. 2;

- details of the Preliminary Preferred Alternative Route A;
- the level of engagement and feedback received during the Community Open House No. 3;
- the refined Preliminary Preferred Alternative Route B-R;
- direction from Council received on November 1, 2021 to consider the Thickson Road option and complete further consultation with the Region of Durham, MTO, and the Ministry of the Environment, Conservation and Parks;
- continued consultation with key stakeholders;
- details of the Alternative Route F on Thickson Road;
- emerging technical considerations, including the new hospital site and land use planning changes in northeast Pickering;
- a summary of consultation efforts with key stakeholders such as Ministry Agencies, Ashburn Community representatives, the Region of Durham, and residents;
- supplemental data collected in August 2022, including a transportation analysis and supplemental environmental review;
- the Regional Alternative Route on Goodwood Road;
- estimated capital costs associated with the Technically Preferred Alternative, Alternative F, and the Regional Alternative Route on Goodwood Road;
- status of the project budget; and,
- next steps in the determining the Highway 7/12 Alternative Route.

A question and answer period ensued between Members of Council and Staff regarding:

- clarification regarding the estimated capital costs associated with Alternative F;
- feedback received from Durham Region regarding the Regional Alternative Route on Goodwood Road;
- whether neighbouring communities are supportive of the Regional Alternative Route;

- monetary and other benefits associated with investing in a Highway 7/12 Alternative Route;
- whether the Highway 7/12 Alternative Route is anticipated to improve traffic capacity to service growth;
- clarification regarding infrastructure through the Oak Ridges Moraine and consultation with the MTO;
- the estimated project budget, capital costs, and the impact of inflation;
- the impact of Bill 23 and other Provincial changes;
- clarification regarding costs that would be incurred by the Town versus the Region of Durham concerning the Regional Alternative Route on Goodwood Road;
- discussions with the MTO regarding securing local control of Baldwin Street in Downtown Brooklin in advance of construction of the alternate route; and,
- implications of completing the project in a way that does not conform with the MTO's standards.

5. Adjournment

Moved by Councillor Shahid  
Seconded by Councillor Leahy

That the meeting adjourn.

**Carried**

The meeting adjourned at 6:27 p.m.

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Kevin Narraway, Deputy Clerk

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Elizabeth Roy, Mayor





## Special Council Minutes

March 23, 2023, 9:00 a.m.  
Council Chambers  
Whitby Town Hall

Present: Mayor Roy  
Councillor Bozinovski  
Councillor Cardwell  
Councillor Leahy (Virtual Attendance)  
Councillor Lee (Virtual Attendance)  
Councillor Mulcahy (Virtual Attendance, Left at 9:52 a.m.)  
Councillor Shahid  
Councillor Yamada (Virtual Attendance)

Regrets: Councillor Lundquist

Also Present: M. Gaskell, Chief Administrative Officer  
F. Santaguida, Commissioner of Legal and Enforcement  
Services/Town Solicitor  
F. Wong, Commissioner of Financial Services/Treasurer  
C. Harris, Town Clerk  
K. Douglas, Sr. Legislative Specialist (Recording Secretary)

- 
1. Call To Order: The Mayor
  2. Call of the Roll: The Clerk
  3. Declarations of Conflict of Interest

There were no declarations of pecuniary interest.

4. Closed Session

This portion of the minutes are closed to the public. [Refer to the Closed Minutes - Town Clerk has control and custody.]

Moved by Councillor Cardwell  
Seconded by Councillor Shahid

That Council move in-camera in accordance with Procedure By-law # 7462-18, Closed Meeting Policy G 040, and the Municipal Act, 2001, Section 239 (2)(i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization, (j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value, and (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

**Carried**

4.1 Jim Macpherson, Board Chair, Elexicon Group (In-Person Attendance)

Re: Elexicon Corp Strategic Update

5. Rising and Reporting

Moved by Councillor Bozinovski

Seconded by Councillor Cardwell

That Council rise from the closed portion of the meeting.

**Carried**

5.1 Reporting Out

The Clerk advised that during the closed portion of the meeting, Council received a presentation from Elexicon Group that contained commercial, financial, and other confidential information.

6. Adjournment

Moved by Councillor Bozinovski

Seconded by Councillor Shahid

That the meeting adjourn.

**Carried**

The meeting adjourned at 10:17 a.m.

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Christopher Harris, Town Clerk

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Elizabeth Roy, Mayor



## Special Council Minutes

April 13, 2023, 9:00 a.m.  
Council Chambers  
Whitby Town Hall

Present: Mayor Roy  
Councillor Bozinovski  
Councillor Cardwell  
Councillor Leahy  
Councillor Lee (Virtual Attendance)  
Councillor Lundquist  
Councillor Shahid  
Councillor Yamada

Regrets: Councillor Mulcahy

Also Present: M. Gaskell, Chief Administrative Officer  
F. Santaguida, Commissioner of Legal and Enforcement  
Services/Town Solicitor  
F. Wong, Commissioner of Financial Services/Treasurer  
C. Harris, Town Clerk  
K. Douglas, Legislative Specialist (Recording Secretary)

- 
1. Call To Order: The Mayor
  2. Call of the Roll: The Clerk
  3. Declarations of Conflict of Interest

There were no declarations of conflict of interest.

4. Closed Session

This portion of the minutes are closed to the public. [Refer to the Closed Minutes - Town Clerk has control and custody.]

Moved by Councillor Lundquist  
Seconded by Councillor Bozinovski

That Council move in-camera in accordance with Procedure By-law # 7462-18, Closed Meeting Policy G 040, and the Municipal Act, 2001, Section 239 (2)(i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization, (j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value, and (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

**Carried**

4.1 F. Wong, Commissioner of Financial Services/Treasurer

Re: Elexicon Strategic Update

5. Rising and Reporting

Motion to Rise

Moved by Councillor Cardwell

Seconded by Councillor Yamada

That Council rise from the closed portion of the meeting.

**Carried**

5.1 Reporting Out

Mayor Roy advised that during the closed portion of the meeting, Council received a presentation from Staff that contained commercial, financial, and other confidential information.

6. Adjournment

Moved by Councillor Leahy

Seconded by Councillor Bozinovski

That the meeting adjourn.

**Carried**

The meeting adjourned at 10:35 a.m.

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Christopher Harris, Town Clerk

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Elizabeth Roy, Mayor

# Town of Whitby

## Staff Report

[whitby.ca/CouncilCalendar](http://whitby.ca/CouncilCalendar)



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**Report Title:**     **Final Recommended Official Plan Amendment – Whitby Mature Neighbourhoods Study, File No. OPA-2021-W/02**

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**Report to:**     **Committee of the Whole**

**Date of meeting:**     April 3, 2023

**Report Number:**     **PDP 16-23**

**Department(s) Responsible:**

Planning and Development Department  
(Planning Services)

**Submitted by:**

R. Saunders, Commissioner of Planning  
and Development

**Acknowledged by M. Gaskell, Chief  
Administrative Officer**

**For additional information, contact:**

Kathryn Kram, MCIP, RPP

Supervisor, Zoning & Regulation &  
Principal Planner

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### 1. Recommendation:

1. That Council adopt Amendment 130 to the Whitby Official Plan, regarding the Whitby Mature Neighbourhoods Study, as outlined in Report PDP 16-23;
2. That the Clerk forward a copy of Planning Report PDP 16-23, two (2) copies of the adopted Amendment, and a copy of the by-law to adopt Amendment Number 130 to the Whitby Official Plan, to the Region of Durham's Commissioner of Planning and Economic Development; and
3. That the Clerk send a Notice of Council's adoption of Amendment 130 to those persons and agencies who have requested further notification regarding the Mature Neighbourhoods Study.

### 2. Highlights:

- The purpose of the Town-initiated Official Plan Amendment is to introduce additional policies to aid in managing residential infill and intensification in mature neighbourhoods in the Study Area.
- The Mature Neighbourhoods Study is a result of Interim Control By-laws passed in December 2020, which lapsed in December 2021.

- The Mature Neighbourhoods Study has been led by SGL Planning and Design and their consulting team. The final recommended Official Plan Amendment has been informed by a Background and Analysis Report, an Options Report, and a Recommendation Report.
- On November 21, 2022, Council held a Statutory Public Meeting regarding the Draft Proposed Official Plan Amendment for the Mature Neighbourhoods Study Area, and authorized staff to report back to Council at such time as input from the public, commenting agencies and departments had been received and assessed.
- Based on public, stakeholder and agency feedback to date, the Consultant team has made final revisions to the Recommended Official Plan Amendment 130 for Council consideration.

### **3. Background:**

Several factors, including increasing land costs and provincial legislation focusing on intensification have led to considerable pressure for infill and redevelopment of Whitby's mature neighbourhoods. These neighbourhoods often include large lot sizes and wide lot frontages. These areas are experiencing an increase in development of larger replacement homes as well as pressure for infill development. Types of infill development include severances to create new single detached or semi-detached dwelling lots, and denser forms of development such as townhouses or apartments on larger lots or consolidated lots. In some cases, the infill development may not reflect the character of the surrounding neighbourhood.

#### **Interim Control By-laws**

On December 7, 2020, Council passed Interim Control By-laws # 7699-20 and # 7720-20 (ICBLs), under Section 38 of the Planning Act. The ICBLs applied to residential lands generally located south of Taunton Road and north of Highway 401 excluding the new West Whitby community and intensification corridors/areas (refer to Attachment #1).

The ICBLs placed a one year pause on certain types of residential development. This pause was to allow for a review and study of related residential land use policies and regulations.

The ICBLs were set to lapse on December 7, 2021, unless an extension was approved by Council. On November 29, 2021, Council resolved to allow ICBLs # 7699-20 and # 7720-20 to lapse. At that meeting, Council also directed that staff and the consultant SGL continue with the ongoing study.

#### **Mature Neighbourhoods Study**

As part of the ICBL process, Council directed staff to undertake a study. SGL Planning & Design was retained in early 2021 to conduct the related study, which has been titled the Mature Neighbourhoods Study (the Study). The purpose of the Study is to:

- Inventory and describe the character of mature neighbourhoods in the Study Area;
- Identify redevelopment, infill and intensification trends and pressures affecting mature neighbourhoods;



- Identify options for managing those changes; and,
- Recommend revised Official Plan policies, zoning provisions and urban design guidelines to manage infill and intensification in mature neighbourhoods.

The work plan for the study was divided into three phases as follows:

- Phase 1: Background Research and Analysis of Existing Neighbourhood Conditions;
- Phase 2: Planning and Design Options; and,
- Phase 3: Planning and Design Recommendations.

Phase 1 of the Study was completed in the first quarter of 2021. A Background and Analysis Report was prepared by SGL outlining the findings of Phase 1.

Phase 2 of the Study was completed in the last quarter of 2021 and provided an assessment of the redevelopment, infill and intensification occurring within the Study Area. This includes new and replacement dwellings, severances, and multi-unit buildings. Phase 2 included a virtual community engagement session held on July 21, 2021, and the preparation of an Options Report, which was presented to Committee of the Whole on November 22, 2021.

Phase 3 of the Study is ongoing and includes the preparation of a Recommendation Report, which was presented to Committee of the Whole on June 6, 2022. The associated staff Report PDP 38-22 summarized the consultant's recommendations for Official Plan Amendments, Zoning By-law revisions and the creation of Urban Design Guidelines. This report noted that the Town is currently undertaking a Comprehensive Zoning By-law Review, and that the related zoning revisions are proposed to be considered through that process. As a result, Council directed staff to proceed with hosting a statutory Public Meeting for the proposed Official Plan Amendment, which was held on November 21, 2022.

Phase 1 through 3 materials are available on the Mature Neighbourhoods Study project page at: [connectwhitby.ca/matureneighbourhoods](https://connectwhitby.ca/matureneighbourhoods)

#### **4. Discussion:**

The Comment-Response Matrix provided in Attachment #2, summarizes comments from the Statutory Public Meeting held November 21, 2022, written public comment submissions and comments from external commenting agencies on the draft Proposed Official Plan Amendment for the Study area. Comments included the following issues, which have informed the final recommended amendment:

- Requests were made to clarify that medium and high density residential development may occur along arterial roads or abutting Intensification Corridors or Areas; that the site does not have to be both along an arterial road and abutting an Intensification Corridor or Area.
  - The policies were revised to clarify that medium and high density residential development may occur along arterial roads or abutting Intensification Corridors or Areas.

- A comment was made that the policies appear to require that new development provide lot sizes matching the existing adjacent development.
  - Wording has been revised in the third bullet of policy 4.4.3.13.16 to clarify that this is not a requirement. Wording has been changed from ...development should maintain the established character of lot sizes and frontages ... to ...development should complement the established character of lot sizes and frontages...

See Attachment #2 for additional detailed comments.

Other minor wording changes were made in response to comments received. See Attachment #2 for additional details.

#### **4.1 Recommended Amendment**

The following provides an overview of the recommended amendment (refer to Attachment #3)

The final recommended Official Plan Amendment is based on the recommendations contained in the Phase 3 Recommendation Report, prepared in the first quarter of 2022. The final recommended Amendment will introduce a new Section 4.4.3.13, which will apply only to the Study Area. A Mature Neighbourhood boundary has been added to Schedule B to indicate which lands are subject to this new section (refer to Attachment #3).

The final recommended Amendment will not change the land use designation in the Study Area, nor will it delete any existing policies. The new Section 4.4.3.13 will apply to the Study Area. Existing Official Plan policies will also continue to apply to the Study Area.

The final recommended policies are provided in Attachment #3 to this report. The following provides a summary of key policy highlights:

- Building heights for low density residential development shall generally be limited to 2-storeys, however the implementing Zoning By-law may consider areas where a third storey is permitted.
- High density residential development shall be directed to the edges of Mature Neighbourhoods along arterial roads and abutting Intensification Corridors and Areas. High density residential development in Mature Neighbourhoods shall have a maximum height of 4-storeys.
- An Official Plan Amendment would be required for heights greater than 4-storeys and would be subject to additional criteria contained in Section 4.4.3.13.17. These additional criteria include applying a 45-degree angular plane from any property line abutting a low density residential dwelling.
- New development permitted through a minor variance, severance or zoning by-law amendment is required to consider certain criteria related to character.

- Plans of Subdivision and Condominium will be subject to additional criteria to ensure they are compatible with the existing physical character of the Mature Neighbourhood.

## **4.2 Next Steps**

The final approved Official Plan Amendment for the Study area will inform the ongoing Comprehensive Zoning By-law Review.

The development of Urban Design Guidelines specific to the Study area in a future Town wide Urban Design Guideline document is recommended to support implementation of the final Recommended Official Plan Amendment.

## **5. Financial Considerations:**

There are no additional financial considerations at this time, as the Study is within the approved budget.

## **6. Communication and Public Engagement:**

The Study work plan included a virtual community engagement session, held in July 2021, as well as interactive online engagement and survey tools on the Connect Whitby project page: [connectwhitby.ca/matureneighbourhoods](https://connectwhitby.ca/matureneighbourhoods). A summary of this public engagement is included in the Phase 2 Options Report.

A statutory Public Meeting was held on November 21, 2022 in accordance with the Planning Act. This meeting provided the public and interested persons and agencies the opportunity to make representation in respect of the proposed Official Plan Amendment.

A Comment-Response Matrix is provided in Attachment #2, summarizing comments from the Statutory Public Meeting, written public comment submissions and comments from external commenting agencies. While longer comment submissions have been paraphrased in the attached Matrix, all comments have been taken into consideration.

## **7. Input from Departments/Sources:**

The following agencies reviewed the draft proposed Official Plan amendment and have no objection:

- Town of Whitby Engineering Services;
- Town of Whitby Development Finance;
- Central Lake Ontario Conservation Authority (CLOCA);
- Bell;
- Enbridge; and
- Durham District School Board

Refer to Attachment #2 for additional detailed comments.

## **Internal Departments**

### Community Advancements – Strategic Initiatives

Comments provided by Strategic Initiatives include that:

- The proposed Official Plan Amendment aligns with the Culture and Community Sustainable Design principle of Whitby Green Standard which focuses on nurturing local identity and heritage.
- The policies included to minimize the loss of mature trees and the need to consider the maintenance of existing mature trees will help protect the cultural heritage of mature neighbourhoods and aligns with the Land Use and Nature Sustainable Design principle of Whitby Green Standard which focuses on protecting land for the benefit of people and wildlife.

See Attachment #2 for additional detailed comments.

## **External Agencies**

### Region of Durham

Comments provided by the Region of Durham include:

- The proposed amendment conforms with the Regional Official Plan; and,
- The proposed amendment does not represent any Regional and/or Provincial concerns and would be exempt from Regional approval.

Refer to Attachment #2 for additional detailed comments.

## **8. Strategic Priorities:**

The Amendment aligns with the Town's strategic priorities to be a high performing, innovative, effective, and efficient organization, as well as goals for sustainability.

## **9. Attachments:**

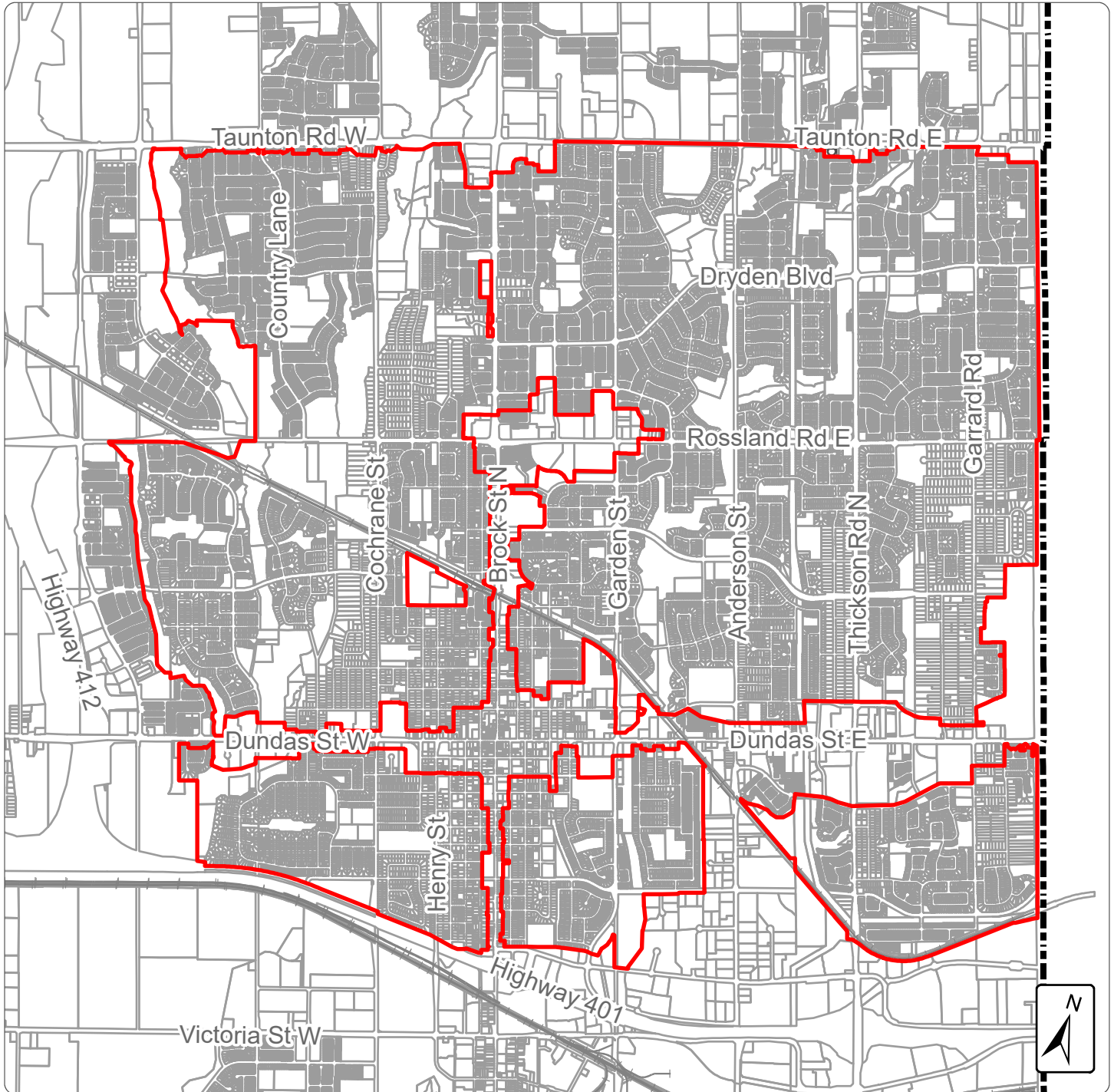
Attachment #1 Study Area

Attachment #2 Comments - Response Matrix

Attachment #3 Final Recommended Official Plan Amendment 130

# Attachment #1 Study Area

PDP 16-23



## Town of Whitby Planning and Development Department



Mature Neighbourhood Boundary



Whitby Boundary



Parcel Fabric

### External Data Sources:

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Whitby Mature Neighbourhood Study

Response Matrix for Comments and Submissions Received

Agency Comments				
Date Received	Format	From	Comment	Response
	Email	Town of Whitby Urban Design	<ul style="list-style-type: none"><li>It might be helpful to include a reference to the overlapping boundaries between the Secondary Plan and Mature Neighbourhood – showing the relationship between Secondary Plan Areas and Mature Neighbourhoods and acting as a reminder to refer to relevant policies.</li><li>Is there a reference to the hierarchy between the Secondary Plan and the Mature Neighbourhood policies? If there is a discrepancy, which section would override? For example, Downtown Whitby permits max 6 storeys for HD residential, whereas the Mature Neighbourhood policies permits 4 storeys.</li></ul>	<ul style="list-style-type: none"><li>The Downtown Whitby Secondary Plan delineates Low Density Mature Neighbourhoods on Schedule H. The policies of the Secondary Plan specify lands designated Low Density Mature Neighbourhoods shall be developed in accordance with the policies of Section 4.4.3.4 (New Mature Neighbourhoods Section).</li><li>Proposed Policy 4.4.3.13.2 states that notwithstanding any other provisions of the Official Plan, in instances where the policies and designations of the Official Plan (including Secondary Plans) vary from the Mature Neighbourhood policies, the Mature Neighbourhood policies will prevail.</li></ul>
	Email	Town of Whitby Sustainability and Climate Change	<ul style="list-style-type: none"><li>The proposed Official Plan Amendment aligns with the Culture and Community Sustainable Design principle of Whitby Green Standard which focuses on nurturing local identity and heritage.</li><li>The policies included to minimize the loss of mature trees and the need to consider the maintenance of existing mature trees will help protect the cultural heritage of mature neighbours and aligns with the Land Use and Nature Sustainable Design principle of Whitby Green Standard which focuses on protecting land for the benefit of people and wildlife.</li><li>The following policies of Section 4.4.3.13.17 of the proposed Official Plan Amendment regarding applications for High Density Residential development greater than 4-storeys in in Mature Neighbourhoods support specific criteria of the Whitby Green Standard:<ul style="list-style-type: none"><li>Development should be located close to existing or planned transit routes.</li><li>Development should be located in areas where community services and amenities are within walking distance.</li></ul></li><li>With the above in mind, the Sustainability Division is supportive of the Draft Proposed Official Plan Amendment (OPA-2021-W/02) Mature Neighbourhoods Study and appreciate the opportunity for review.</li></ul>	<ul style="list-style-type: none"><li>Noted. Thank you.</li></ul>
	Email	Town of Whitby Landscaping	<ul style="list-style-type: none"><li>Within Policy 4.4.3.13.14, consider substituting the word “maintenance” which implies “caring for” or “looking after” with “preservation” or “protection” to be consistent with policy language used elsewhere.</li><li>Within Policy 4.4.3.13.15, consider removing “as well as the loss of mature trees” and revising to “existing mature trees” – the goal is to</li></ul>	<ul style="list-style-type: none"><li>Wording will be changed to: <u>“Protection of mature trees”</u>.</li><li>Wording will be changed to the following: “New development shall minimize impacts to adjacent and surrounding properties in relation to privacy, overlook, shadowing, sun reflection, and</li></ul>



Agency Comments				
Date Received	Format	From	Comment	Response
			minimize impacts to trees versus minimizing impacts to loss of trees (which could imply it best to remove mature trees).	access <u>and existing mature trees</u> as well as loss of mature trees.
December 21, 2022	Email	Town of Whitby Engineering	No comments.	<ul style="list-style-type: none"><li>Noted. Thank you.</li></ul>
January 17, 2023	Letter Via Email	Region of Durham	<p><b>Living Areas, Regional Centres, and Regional Corridors</b></p> <ul style="list-style-type: none"><li>Lands within the Living Areas designation shall be developed with a mix of housing types, size and tenure to meet the diverse housing needs of the residents of Durham Region.</li><li>High density mixed-use developments are encouraged to locate within the Regional Centres designation and adjacent to Regional Corridors and arterial roads to support intensification and efficient transit services, as determined appropriate by the area municipalities. Lands located along Regional Corridors shall be protected for transit-supportive densities to promote pedestrian-friendly urban environment supporting active modes of transportation including walkable communities and cycling. Development proposals within these designations should support residential intensification to achieve the Region’s density targets and to optimize existing infrastructure and public services facilities.</li></ul> <p><b>Region’s Cultural Heritage Resources</b></p> <ul style="list-style-type: none"><li>The Study Area contains historic communities with cultural heritage significance that should be conserved. The proposed amendment provides policies that would maintain character of the mature neighbourhoods to protect cultural heritage resources. The Region supports preserving and fostering the attributes of communities and the historic and cultural heritage of the Region. We encourage cultural heritage policies which support preserve, improve, rehabilitate or redevelop older residential areas where there is cultural heritage value.</li><li>We recognize that the proposed amendment does not deter or preclude higher densities to be accommodated along Regional Corridors and arterial roads as contemplated by the ROP. Proposed land uses within the Study Area will be evaluated to meet the development criteria of the Study. The proposed amendment contributes to preserving and enhancing the character of residential communities to create a strong sense of place for community residents.</li></ul>	<ul style="list-style-type: none"><li>The proposed OPA meets the intent of the Region’s land use structure including providing for a mix of housing permissions within Living Areas, as well as focusing intensification towards Regional Centres and Corridors, as well as arterial roads.</li><li>Noted. Thank you.</li></ul>

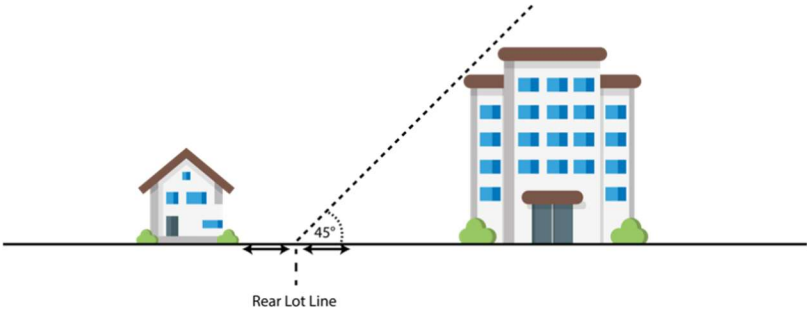
Agency Comments				
Date Received	Format	From	Comment	Response
			<ul style="list-style-type: none"> <li>The proposed amendment will help streamline the review of new infill developments or redevelopment proposals to ensure that developments reflect the character of the surrounding neighbourhoods.</li> <li>The proposed amendment supports infill and intensification within the Mature Neighbourhoods' boundary where development proposals are in keeping with the existing character of the neighbourhoods. The proposed amendment identifies areas where low density, medium and high densities are supported, and generally aligns with the policy directions of the ROP. The proposed amendment conforms with the ROP.</li> </ul> <p><b>Provincial Policy Statement</b></p> <ul style="list-style-type: none"> <li>The Provincial Policy Statement (PPS) supports providing a full range of housing and densities to meet current and future housing needs of the residents of Durham Region. The PPS encourages land use patterns be based on densities and mix of land uses which efficiently use land and resources and are appropriate and efficiently use infrastructure and public services facilities which are planned or available, and support active transportation and are transit-supportive.</li> <li>The proposed amendment is intended to manage appropriate locations within the Mature Neighbourhood boundary for future growth. The proposal supports a diverse mix of housing choices and promotes higher densities within transportation corridors to promote transit and to efficiently optimize the use of public infrastructure.</li> </ul> <p><b>Growth Plan</b></p> <ul style="list-style-type: none"> <li>The Growth Plan supports building healthy and balanced communities and providing a full range of housing to accommodate a range of incomes and household sizes and the use of active transportation.</li> <li>The Growth Plan encourages the development of complete communities to support quality of life and human health and encouraging the development of age-friendly communities. Communities built should provide high quality public open space, parkland recreation, and access to local and healthy food.</li> <li>The proposed amendment supports a diverse mix of housing options and promotes transit-supportive communities by supporting higher densities adjacent to transportation corridors. The proposed amendment focuses on managing growth within the Mature Neighbourhoods boundary and emphasizes orderly development patterns. The proposed amendment conforms with the Growth Plan.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. Thank you.</li> <li>Noted. Thank you.</li> </ul>



Agency Comments				
Date Received	Format	From	Comment	Response
			<p><b>Transportation</b></p> <ul style="list-style-type: none"><li>The Mature Neighbourhood boundary is located within a 5-10 minute walk (500-800 metres) from the Whitby GO Major Transit Station Area, Highway 2 Rapid Transit Spine, and High Frequency Transit Networks along Brock Street, Rossland Road, and Taunton Road. As the Mature Neighbourhood boundary is located in proximity to existing or proposed transit stops or stations in this area, it is recommended that the proposed amendment or related proposed Urban Design Guidelines include general reference to the promotion of an inviting and pedestrian oriented public realm to enhance connectivity to public transit and active transportation connections and amenities such as cycling routes, sidewalks, and trails.</li></ul> <p><b>Exemption Status</b></p> <ul style="list-style-type: none"><li>The proposed amendment implements the recommendations of the Mature Neighbourhood Study and will provide planning policies to guide development in specific locations within the boundary of the mature neighbourhoods study area. The proposed amendment is intended to manage urban growth to maintain the character of mature neighbourhoods by encouraging higher density developments to locate adjacent to Regional Corridors and arterial roads. The proposed amendment generally conforms with Regional Official Plan.</li><li>The proposed amendment does not represent any Regional and/or Provincial concerns and would be exempt from Regional approval.</li></ul>	<ul style="list-style-type: none"><li>The OPA directs higher density towards transit routes and stops. Its intent is to direct built form and site design that enhances the identity of existing residential neighbourhoods. There are other policies located throughout the Official Plan and Downtown Secondary Plan that speak to the design of the public realm and public transit and active transportation connections. Development of the future Town-wide Urban Design Guidelines will take this comment into consideration.</li><li>Noted. Thank you.</li></ul>
December 22, 2022	Email	CLOCA	No comments.	<ul style="list-style-type: none"><li>Noted. Thank you.</li></ul>
November 30, 2022	Letter Via Email	DDSB	No comments.	<ul style="list-style-type: none"><li>Noted. Thank you.</li></ul>
November 30, 2022	Email	Enbridge	No comments.	<ul style="list-style-type: none"><li>Noted. Thank you.</li></ul>
December 5, 2022	Email	Bell	No comments.	<ul style="list-style-type: none"><li>Noted. Thank you.</li></ul>

Public/Development Comments				
Date Received	Format	From	Comment	Response
November 21, 2022  June 6, 2022	Public Meeting Delegation and Letter  Letter via Email	Adam Layton, Evans Planning  <b>Subject Properties:</b> Icon Taunton Limited - 935 and 945 Taunton Road East, 3557 Garrard Road and Unaddressed Property '0' Garrard Road	<ul style="list-style-type: none"><li>• Pre-consultation has occurred and a development application is being prepared for a variety of townhouse dwellings and a mixed-use component on the properties, similar to the adjacent redevelopment on the east side of Sebastian Street.</li><li>• A portion of the property is identified within the Mature Neighbourhoods Study Area. The Study explicitly states that the new West Whitby community as well as Employment and Intensification Corridors Areas were excluded from Study.</li><li>• Based on the context of the site and existing policy framework (designated Mixed Use and within an Intensification Corridor), no portion of the subject property should be subject to the Mature Neighbourhoods Study or any associated future policy revisions.</li><li>• Matters of compatibility or transition can be appropriately addressed through the future development application process.</li></ul>	<ul style="list-style-type: none"><li>• The property in its entirety will be removed from the Mature Neighbourhoods Study Area.</li></ul>
Sept. 22, 2022  Nov. 21, 2022	Letter Via Email  Letter via Email	<b>Mark McConville,</b> Frontdoor Developments (Garrard) Inc.  <b>Subject Property:</b> 1.9 ha property located on the east side of Garrard Road between Donald Wilson Street and Eric Clark Drive. (Block 189, Plan 40M-1715, part of Lot 18, Concession 3)	<ul style="list-style-type: none"><li>• The policies of the proposed OPA should not apply to projects where the planning approvals process has already begun or applications have already been submitted. The OPA could include transition or grandfathering policies for sites where planning applications have already been filed.</li></ul>	<ul style="list-style-type: none"><li>• Development applications will be tested against the policy documents in effect at the date of the application.</li></ul>
Sept. 22, 2022  Nov. 21, 2022	Letter via Email  Letter via Email	<b>Mark McConville,</b> Frontdoor Developments (Garrard) Inc.  <b>Subject Property:</b> 400 Palmerston Avenue	<ul style="list-style-type: none"><li>• The policies of the proposed OPA should not apply to projects where the planning approvals process has already begun or applications have already been submitted. The OPA could include transition or grandfathering policies for sites where planning applications have already been filed.</li></ul>	<ul style="list-style-type: none"><li>• Development applications will be tested against the policy documents in place at the date of the application.</li></ul>

Public/Development Comments				
Date Received	Format	From	Comment	Response
Nov. 18, 2022	Email	Sheila Thomson 113 Raglan Street	<ul style="list-style-type: none"><li>Resident of a Mature Neighbourhood directly adjacent to an Intensification Corridor with an ongoing concern for what can be built along Dundas Street West.</li><li>What is the impact to my property in relation to an Intensification Corridor?</li><li>What does Policy 4.4.13.9 mean?</li><li>What does “applying a 45-degree angular plane from any property line abutting a low-density residential dwelling” mean? Has it relevance to potential development projects on the Intensification Corridor which abuts my property?</li></ul>	<ul style="list-style-type: none"><li>Dundas Street is identified as an Intensification Corridor. Properties along Dundas Street are outside of the Mature Neighbourhoods Study Area. Section 4.7.2 of the Whitby Official Plan contains existing policies for Intensification Corridors which would apply. According to Policy 4.2.7.3, heights for new residential and mixed use buildings may range from 2 storeys to 8 storeys.</li><li>Policy 4.4.13.9 states the following:  “The prevailing character along the edges of Mature Neighbourhoods (i.e., abutting arterial roads, Intensification Corridors and Intensification Areas) shall not be determinative of the existing character when considering new development in the interior of a Mature Neighbourhood.”  This policy notes that the character along the edges of Mature Neighbourhoods may be different than the character in the interior of Mature Neighbourhoods. That character along the edges should not be used to determine the character within the interior of the Mature Neighbourhoods. Development and redevelopment in the interior of Mature Neighbourhoods should consider its direct surroundings and not the building types and densities, lot patterns and other defining character elements of properties along arterial roads and adjacent Intensification Corridors and Areas as greater variation from the existing neighbourhood character is permitted in these instances.</li><li>The use of a 45-degree angular plane is one of several built form strategies that can help lessen the impact of a taller building on adjacent low rise dwellings and neighbourhoods. A 45 degree angular plane is measured from the adjacent property line of a low rise building to the top of the proposed building. It is one measurable method to ensure the proposed building provides transition down and mitigates impacts such as overlook, privacy and shadowing.</li></ul>

Public/Development Comments				
Date Received	Format	From	Comment	Response
			<ul style="list-style-type: none"><li>Is Official Plan Policy 4.2.7.3 the only relevant information for me on what can be built on Dundas Street West?</li></ul>	<div></div> <ul style="list-style-type: none"><li>A 45-degree angular plane is not a specific requirement for development on Intensification Corridors, however criteria set out within Policy 4.4.2.9.2 for Redevelopment and Intensification requires development to achieve an appropriate transition of height and density.</li><li>Partly, Policy 4.2.7.3 sets out what can be developed on Intensification Corridors (including Dundas Street West) which includes a range of building types between 2 and 8 storeys. This policy notes that taller buildings (Medium and High Density Residential development) must also meet the requirements of Section 4.4.3.9.2. However, the Land Use designation for each individual site (Residential, Commercial, Mixed Use) as illustrated on Official Plan Schedule A also dictates what can be developed.</li></ul>

Public/Development Comments				
Date Received	Format	From	Comment	Response
Nov. 20, 2022	Email	Linda Gasser 111 Ferguson Street	<ul style="list-style-type: none"><li>Work done on this Study predates recent Provincial proposals and does not consider the range of impacts arising from Bill 23.</li></ul> <p><b>Green Standards</b></p> <ul style="list-style-type: none"><li>In addition to Architectural Guidelines, there should be a focus on Green Building Standards for new and replacement buildings across Whitby – including within the Mature Neighbourhoods Study Area. Language on the Town’s website around Green Building Standards makes it unclear to determine their status.</li><li>What planning tools would allow for Architectural Guidelines and Green Standards to be required? If Bill 23 passes as written, Site Plan Control options may be limited. Would Council/Staff consider requiring both Architectural Guidelines and Green Standards via Zoning By-laws?</li></ul> <p><b>Tree Protection</b></p> <ul style="list-style-type: none"><li>We must protect our trees – they are an integral component of what makes mature neighbourhoods desirable and liveable – most on private property.</li><li>Whitby provides no protection for individual trees on private properties on sites less than 0.2 hectares – most lot sizes would be smaller.</li><li>The Town needs to consider and implement a Tree By-law, expanded to include all private properties to help guide the form of development – especially now that 3 units per property will be considered as-of-right.</li></ul> <p><b>Housing Affordability</b></p> <ul style="list-style-type: none"><li>Many of the small bungalows in Mature Neighbourhoods started as very affordable average family housing options. Larger replacement homes are in some cases built to flip and profit at unaffordable prices (e.g. large lot severances that result in two large houses that should be discouraged as they are not only out of character and scale, but often result in mature tree removal and are not affordable).</li><li>Duplexes and triplexes can take up less lot area, allowing for mature tree preservation and generally more affordable, while also providing for much needed rental units.</li></ul>	<ul style="list-style-type: none"><li>Bill 23 has not imposed any direct impacts to the proposed OPA.</li><li>The Whitby Green Standard (WGS) applies to Site Plan and Draft Plan of Subdivision applications. It would apply to any of these applications in the study area. The WGS does not apply to other types of development e.g. replacement dwellings.</li><li>The following motion was carried at the February 27, 2023 Committee of the Whole meeting: That staff report back on the opportunity to protect trees of significance on private lands in order to preserve Whitby’s urban forest canopy.</li><li>Comments noted. Thank you. The changes imposed by Bill 23 also now allow up to three units in all dwellings.</li></ul>

Public/Development Comments				
Date Received	Format	From	Comment	Response
Nov. 21, 2022	Letter via Email	<b>Alfiya Kakal,</b> Weston Consulting  <b>Subject Property:</b> 38 Elizabeth Crescent	<ul style="list-style-type: none"> <li>The subject property is located at the edge of a Mature Neighbourhood and adjacent to an Intensification Area. Pre-consultation occurred in early 2022 to discuss the proposed four-storey stacked townhouse block comprised of 16 units fronting onto Crawford Street.</li> <li>OPA Policy 4.4.3.13.11 and 4.4.3.13.12 require appropriate locations for Medium Density and High Density Residential development which is at the edges of Mature Neighbourhoods, along arterial roads and abutting Intensification Corridors or Intensification Areas. However, there are certain locations within the Study Area that would constitute an edge condition but are not specifically along an arterial road that would be appropriate for Medium or High Density Residential development. It is our understanding that Policies 4.4.3.13.11 and 4.4.3.13.12 do not preclude redevelopment on a site that constitutes an edge condition but is not along an arterial road, as long as the site abuts an Intensification Corridor or an Intensification Area.</li> <li>To provide for additional flexibility in the locational requirements, Policies 4.4.3.13.11 and 4.4.3.13.12 are recommended to be amended such that Medium Density and High Density Residential developments are permitted at the edges of Mature Neighbourhoods along arterial roads <b>and or</b> abutting Intensification Corridors and Intensification Areas.</li> </ul>	<ul style="list-style-type: none"> <li>Agreed. Policy 4.4.3.13.11 and 4.4.3.13.12 have been revised to clarify that Medium and High Density Residential development may occur along arterial roads or abutting Intensification Corridors/Areas</li> </ul> <p><i>Policy 4.4.3.13.11: "Medium Density Residential development shall be directed to the edges of Mature Neighbourhoods <u>which includes</u> along arterial roads <u>and or</u> abutting Intensification Corridors <u>or</u> Intensification Areas, <u>and development Development</u> shall be subject to the policies of Section 4.4.3.5 and 4.4.3.9 in addition to this section..."</i></p> <p><i>Policy 4.4.3.13.12: "High Density Residential development shall be directed to the edges of Mature Neighbourhoods <u>which includes</u> along arterial roads <u>and or</u> abutting Intensification Corridors <u>or</u> Intensification Areas, <u>and development Development</u> shall be subject to the policies of Section 4.4.3.6 and 4.4.3.9 in addition to this section..."</i></p>
Nov. 21, 2022	Letter via Email	Rodger Miller, <b>Miller Planning Services</b>  <b>Subject Property:</b> 1902 Rossland Road	<ul style="list-style-type: none"> <li>The subject property is located where there are a number of large lots that present opportunities for suitable redevelopment and intensification. Pre-consultation has occurred with plans to demolish the existing structure and provide additional ground-oriented dwellings.</li> <li>Current plans are considering some additional wide shallow single family lots fronting onto Garrard with single car driveways and typical rear yard depths. The property has the opportunity to produce a number of two storey dwellings.</li> <li>Concern for the proposed OPA; specifically Policy 4.4.3.13.5, 4.4.3.13.6, 4.4.3.13.8 and 4.4.3.13.14 which may make the current proposal not permissible.</li> <li>The proposal will not be able to match the lot depths, areas and coverages, density or front yard setback of those lots on either side of them. The Recommendation Report also speaks to maintaining established front yards, lot coverages, etc. in proposed amendments to the Comprehensive Zoning By-law.</li> </ul>	<ul style="list-style-type: none"> <li>Rossland Road is an arterial road and therefore greater variation in lot size and existing character is permitted from existing development.</li> <li>An appropriate transition in height and density can be accommodated in a variety of ways, to be dealt with on a site by site basis.</li> <li>The intent of the new Mature Neighbourhood policies is to work alongside the existing Redevelopment and Intensification policies of Section 4.4.3.9.2.</li> </ul>



Public/Development Comments				
Date Received	Format	From	Comment	Response
			<ul style="list-style-type: none"><li>Proposed Policy 4.4.3.13.8 suggests a “greater variation from the existing neighbourhood character may be permitted” abutting arterial roads and Intensification Corridors/Area, provided an “appropriate transition in height and density” is created. It is not clear what an appropriate transition would be. Official Plan Policy 4.4.3.9.2.h already provides consideration for redevelopment and intensification proposals.</li><li>Under the existing Official Plan policies, the applicant must make their case as to the appropriateness of their redevelopment and intensification proposals to be reviewed by Staff (per Section 4.4.3.9.2). The existing policies provide a sound policy basis to protect Mature Neighbourhoods.</li></ul>	
Nov. 21, 2022	Letter via Email	Rodger Miller, <b>Miller Planning Services</b> <b>Subject Property:</b> 780 Garden Street	<ul style="list-style-type: none"><li>Previous deputation was made at Planning Committee with respect to the ICBL and the intent to develop a portion of the lands as a condominium townhouse project, retaining the Thompson House on the northern portion. Commentary at Committee saw merit in the proposal for intensification, given it fronting two arterial roads and not needing to rely on local road connections. Pre-consultation has already occurred and applications are now nearing completion.</li></ul>	<ul style="list-style-type: none"><li>The edges of neighbourhoods are generally defined by arterial roads and abutting Intensification Areas and Corridors, where higher density development is permitted. The subject site is located at the corner of two arterial roads, where medium and high density up to 4 storeys is permitted by the OPA. Along these arterial roads, a greater transition in character from the existing dwelling types and lot fabrics is permitted.</li><li>An appropriate transition in height and density can be accommodated in a variety of ways, to be dealt with on a site by site basis.</li></ul>
Nov. 21, 2022	Public Meeting Delegation		<ul style="list-style-type: none"><li>Concern for the proposed OPA; specifically Policy 4.4.3.13.5, 4.4.3.13.6, 4.4.3.13.8, 4.4.3.13.14 and 4.4.3.13.16 which may make the current proposal not permissible.</li><li>Proposed Policy 4.4.3.13.5 and 4.4.3.13.16 could suggest that the existing character of the neighbourhood is single detached dwellings. This would depend on the definition for limits of the neighbourhood. Section 4.4.3.9 already provides appropriate tests for redevelopment and intensification proposals.</li><li>Proposed Policy 4.4.3.13.8 suggests a “greater variation from the existing neighbourhood character may be permitted” abutting arterial roads and Intensification Corridors/Area, provided an “appropriate transition in height and density” is created. It is not clear what an appropriate transition would be.</li><li>Proposed Policy 4.4.3.13.14 along with other proposed policies require new development conform to “the exist physical character of the immediate street block” as it relates to lot ranges, sizes, coverages, building type, etc. The term “immediate street block” is not defined and it is unclear how the policy is to be applied. This policy would seem to undermine the more progressive intentions of Policy 4.4.3.13.8 which permits Medium Density along arterial roads.</li></ul>	

Public/Development Comments				
Date Received	Format	From	Comment	Response
			<ul style="list-style-type: none"><li>Under proposed Policy 4.4.3.13.16, it seems to suggest that a road connection to local road Mayfield Crescent is encouraged. One of the strengths of the proposed development is that it provides transit supportive densities along two arterial roads, is within 500m of a Central Area and does not require any road connections to the adjacent road. This policy needs to be more permissive and allow for greater flexibility with respect to connecting to the existing road network.</li><li>The last bullet of Policy 4.4.3.13.16 states that within proposed condominium developments, a transition of lot sizes is required within the plan and adjacent to existing development. If we understand the application of this policy correctly to our client’s proposed development they would need one or some larger townhouse lots or even single detached units adjacent to Mayfield Crescent. An explanation for this requirement would be helpful. This proposed policy requirement appears to have eliminated previously accepted land use planning design solutions being applied to transitional areas of housing form and density by simply mandating a matching lot size within the new development. This policy also seems to run contrary to the proposed policies 4.4.3.13.4 and 4.4.3.15 where assurances are given that context-sensitive and compatible development does not mean that new development must “imitate or replicate” existing development. We have difficulty understanding this overly restrictive policy requirement when other solutions are likely available particularly in the context of an example such as our clients proposal for their lands.</li></ul>	<ul style="list-style-type: none"><li>The policy encourages a seamless extension of the surrounding grid patterns as much as possible, though an interconnected road network. However, this will be assessed on a site specific basis whether this is needed or appropriate – as also applicable for all bullets under this policy. Wording has been updated within this policy from the need to “maintain” the established character of lots to “complement.”</li></ul>



Public/Development Comments				
Date Received	Format	From	Comment	Response
December 19, 2022	Letter via Email	<p><b>Rob MacFarlane,</b> Zelinka Priamo Ltd. – Planning Consultants for Choice Properties REIT for the Town of Whitby Official Plan Review</p> <p><b>Subject</b> <b>Property:</b>3555 Thickson Road North</p>	<p><b>Height Restrictions</b></p> <ul style="list-style-type: none"><li>• Requiring an Official Plan Amendment for development over 4 storeys based on the criteria set out in Policy 4.4.3.13.17 is an overly onerous requirement, given the Draft OPA establishes there are instances where higher height is warranted.</li><li>• A Zoning By-law Amendment is a more appropriate process to consider applications for development beyond 4 storeys. We suggest Policy 4.4.13.13 be revised to replace “amendment to this Plan” with “amendment to the Zoning By-law”.</li><li>• As a result of Bill 23, we understand the Minister will eventually be the approval authority for future Amendments to the Town’s Official Plan – therefore the Minister will be required to approve any application along an arterial road within the Mature Neighbourhood Study Area for heights beyond 4 storeys</li><li>• We suggest Policy 4.4.3.13.12 should be revised to replace “shall” with “should generally” so that it reads: “High Density Residential development within Mature Neighbourhoods should generally have a maximum height of 4 storeys...”.</li></ul> <p><b>Criteria for Additional Height</b></p> <ul style="list-style-type: none"><li>• Certain criteria for development above 4 storeys set out in Policy 4.4.3.13.17 are inappropriate or overly onerous: <i>“High Density Residential development outside of Central Areas and/or Intensification Areas and Corridors should not compete or detract from the potential to establish these uses in areas designated for intensification”.</i> It is unclear how this criteria is to be measured or determined – in particular, how is one to measure “potential”. We suggest removal of this criteria.  <i>“Development shall be within a 45 degree angular plane from any property line abutting a Low Density Residential dwelling”.</i> This is an overly onerous standard, and we recommend that “shall” be replaced with “should generally”.</li></ul> <p><b>Lack of Clarity for Specific Policy</b></p> <ul style="list-style-type: none"><li>• Policy 4.4.3.13.11 and 4.4.3.13.12 are unclear as to where Medium Density and High Density development are to be directed. The policies should be revised to clarify that higher density development is directed to lands along arterial roads and at the edges of Mature</li></ul>	<ul style="list-style-type: none"><li>• The requirement for an Official Plan Amendment will ensure development is evaluated on a case-by-case basis based on the criteria set out for the location and transition. While there are instances where higher height is warranted, the proposed criteria will ensure this is carried out in such a way that is compatible with its surroundings.</li><li>• Until the regulations are passed, it is unclear who will be the approval authority for local OPAs.</li><li>• This revision would change the intent of the policy to only permit up to 4 storeys without an Official Plan Amendment.</li><li>• This criteria was extracted from existing Official Plan Policy 4.4.3.9.3.</li><li>• A 45-degree angular plane requirement is a standard tool used across municipalities to accommodate compatible built form. The size of the subject site would be able to achieve a 45-degree angular plane to adjacent properties.</li></ul>

Public/Development Comments				
Date Received	Format	From	Comment	Response
			<p>Neighbourhoods. The lack of punctuation in the policy modifies its interpretation, wherein it appears to be conditional upon being both along an arterial road and at the edge of the Mature Neighbourhood.</p> <ul style="list-style-type: none"><li>Revisions to the policy are suggested as follows (punctuation added with [,] notation) <b>Policy 4.4.3.13.11:</b> “Medium Density Residential development shall be directed to the edges of Mature Neighbourhoods[,]<u> along arterial roads[,]</u> and abutting Intensification Corridors and Intensification Areas[,]<u> and development shall be subject to the policies of Section 4.4.3.5 and 4.4.3.9[,]</u> in addition to this section...” <b>Policy 4.4.3.13.12:</b> “High Density Residential development shall be directed to the edges of Mature Neighbourhoods[,]<u> along arterial roads[,]</u> and abutting Intensifications Corridors and Intensification Areas[,]<u> and development shall be subject to the policies of Section 4.4.3.6 and 4.4.3.9[,]</u> in addition to this section...”</li></ul> <p><b>Implications of Bill 23 and Provincial Policy</b></p> <ul style="list-style-type: none"><li>We seek clarification if the Draft OPA will be amended as a result of Bill 23.</li><li>Based on our review, it is unclear how the Draft OPA, as currently proposed, is consistent with the Provincial Policy Statement or conforms to the Growth Plan, given the restrictive nature of the Draft OPA as it relates to strict limitations on height and inappropriate development standards, in light of Provincial policies that encourage intensification as a means of growth. We seek additional justification related to the PPS and Growth Plan.</li></ul>	<ul style="list-style-type: none"><li>Agreed. Policy 4.4.3.13.11 and 4.4.3.13.12 have been revised to clarify that Medium and High Density Residential development may occur along arterial roads or abutting Intensification Corridors/Areas</li></ul> <p><i>Policy 4.4.3.13.11: “Medium Density Residential development shall be directed to the edges of Mature Neighbourhoods <u>which includes</u> along arterial roads <u>and or</u> abutting Intensification Corridors <u>or</u> Intensification Areas, <u>and development Development</u> shall be subject to the policies of Section 4.4.3.5 and 4.4.3.9 in addition to this section...”</i></p> <p><i>Policy 4.4.3.13.12: “High Density Residential development shall be directed to the edges of Mature Neighbourhoods <u>which includes</u> along arterial roads <u>and or</u> abutting Intensification Corridors <u>or</u> Intensification Areas, <u>and development Development</u> shall be subject to the policies of Section 4.4.3.6 and 4.4.3.9 in addition to this section...”</i></p> <ul style="list-style-type: none"><li>Bill 23 does not pose any direct impacts to the OPA.</li><li>Both the Provincial Policy Statement and Growth Plan direct municipalities to identify appropriate locations and opportunities for intensification, as well as create appropriate development standards that facilitate intensification and compact built form. The Province directs intensification first to Strategic Growth Areas (areas outside of Mature Neighbourhoods) and does not note that intensification is unlimited. The Town has previously identified intensification areas and intensification corridors (the Strategic Growth Areas). Outside Strategic Growth Areas municipalities must take into account existing building stock and appropriate areas, as well as establish standards depending on the area and characteristics of different locations.</li></ul>

## Attachment # 3

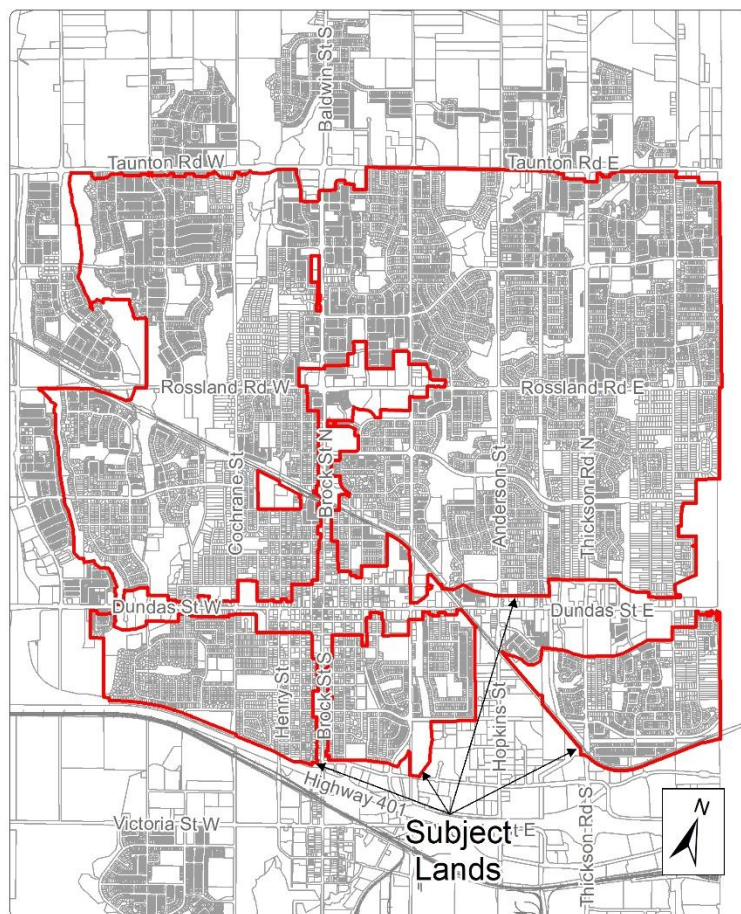
### Final Recommended Amendment # 130 to the Town of Whitby Official Plan

**Purpose:**

The purpose of this Amendment to the Town of Whitby Official Plan is to: introduce policies for managing intensification and infill development within mature neighbourhoods.

**Location:**

The subject lands to which the Official Plan Amendment applies are generally located south of Taunton Road, north of Highway 401, excluding Intensification Areas and Intensification Corridors and certain lands in West Whitby, as illustrated on the map below:



**Basis:**

The Amendment is based on a Town-initiated Official Plan Amendment (File: OPA-2021-W/02) based on the analysis, findings and recommendations of the Mature Neighbourhoods Study – Recommendation Report, prepared by SGL Planning and Design Inc. (January 2022), which would introduce policies in the Town of Whitby Official Plan for managing intensification and infill development within mature neighbourhoods. The Mature Neighbourhoods Study is a result of Interim Control By-laws #7699-20 and #7700-20 passed by Council on December 7, 2020. SGL Planning & Design Inc. was retained to conduct the related study and prepared a Background and Analysis Report and an Options Report in addition to the Recommendation Report.

The Amendment is consistent with the policies of the Provincial Policy Statement and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe and meets the overall goals and intent of the policies of the Regional Official Plan.

The Amendment also meets the overall intent of the policies of the Whitby Official Plan, in that it will aid in complementing and enhancing the character and identity of established residential neighbourhoods.

**Actual Amendment:**

The Town of Whitby Official Plan is hereby amended as follows:

- 1) By amending Schedule “B” – Intensification, of the Town of Whitby Official Plan, by identifying certain areas as “Mature Neighbourhoods”, as shown on the attached Exhibit ‘A’; and;
- 2) By adding the following new Section 4.4.3.13:

**“4.4.3.13 Mature Neighbourhoods**

- 4.4.3.13.1 The policies of this section apply only to the Mature Neighbourhoods identified on Schedule B: Intensification of the Official Plan.
- 4.4.3.13.2 Notwithstanding any other provisions in this Plan to the contrary, including Section 4.4.3.3, 9.3.1 and 10.2.1.5, in instances where the policies and designations contained in this Plan vary from the policies within Section 4.4.3.13, the more specific and detailed policies of Section 4.4.3.13 shall prevail.
- 4.4.3.13.3 Development and redevelopment on properties protected under the Ontario Heritage Act shall be evaluated in accordance with the policies of Section 4.4.3.13 and Section 6.1 of this Plan as well as applicable heritage designation by-laws. Where there is a conflict, the policies of Section 6.1 and/or the heritage designation by-laws shall prevail.
- 4.4.3.13.4 Mature Neighbourhoods are not static and will continue to gradually evolve. The Town recognizes the desirability of re-investment and gradual change over time in Mature Neighbourhoods. In view of these directives, infill and intensification shall be permitted within Mature Neighbourhoods, provided it fits in with, is context-sensitive to and is compatible with the existing physical character of the neighborhood.
- 4.4.3.13.5 Context-sensitive and compatible development does not mean it must imitate or replicate existing development; however, it must demonstrate that it can co-exist with its

surroundings and reinforce the stability of the existing physical character of the neighbourhood without negative impact to both immediate properties or to the character of the street.

- 4.4.3.13.6 The existing physical character of a Mature Neighbourhood is defined by the most frequently occurring form of development, which may include more than one lot pattern, building type or other defining element depending on each individual context.
- 4.4.3.13.7 The implementing Zoning By-law shall establish standards that acknowledge and protect the existing physical character of Mature Neighbourhood areas.
- 4.4.3.13.8 Greater variation from the existing character may be permitted abutting arterial roads as delineated on Schedule D and abutting Intensification Corridors and Intensification Areas as delineated on Schedule B, provided an appropriate transition in height and density is created to the abutting interior of the Mature Neighbourhood and impacts are mitigated.
- 4.4.3.13.9 The prevailing character along the edges of Mature Neighbourhoods (i.e., abutting arterial roads, Intensification Corridors and Intensification Areas) shall not be determinative of the existing character when considering new development in the interior of a Mature Neighbourhood.
- 4.4.3.13.10 Development in the interior of Mature Neighbourhoods shall be of a low density nature and is subject to the policies of Section 4.4.3.4 in addition to the policies of this Section. Low Density Residential development shall generally be limited to 2 storeys in height, however the implementing Zoning By-law may consider areas where a third storey above the roofline of a dwelling is permitted.
- 4.4.3.13.11 Medium Density Residential development shall be directed to the edges of Mature

Neighbourhoods which includes along arterial roads or abutting Intensification Corridors or Intensification Areas. Development shall be subject to the policies of Section 4.4.3.5 and 4.4.3.9 in addition to this section. New Medium Density Residential development shall be compatible with its surrounding context and provide a sensitive transition to adjacent Low Density Residential areas. The location and mass of buildings shall be oriented on the lot to minimize shadow and overlook.

4.4.3.13.12 High Density Residential development shall be directed to the edges of Mature Neighbourhoods which includes along arterial roads or abutting Intensifications Corridors or Intensification Areas. Development shall be subject to the policies of Section 4.4.3.6 and 4.4.3.9 in addition to this section. Notwithstanding Policy 4.4.3.9.3, High Density Residential development within Mature Neighbourhoods shall have a maximum height of 4 storeys and shall provide a compatible interface and transition in height and density to adjacent Low Density Residential areas. The location and mass of buildings shall be oriented on the lot to minimize shadow and overlook.

4.4.3.13.13 Notwithstanding Policy 4.4.13.12, greater heights may be considered through an amendment to this Plan, based on the criteria set out in Policy 4.4.3.13.17.

4.4.3.13.14 New development permitted through a minor variance, zoning by-law amendment or severance shall fit in with, be context sensitive to and be compatible with the existing physical character of the surrounding Mature Neighbourhood, with emphasis on the existing physical character of the immediate street block, and shall consider the following elements in that determination:

- Lot frontages;
- Lot sizes;
- Lot coverages;
- Front, side and rear yard setbacks;

- Separation distances between dwellings;
- Siting and orientation of dwellings;
- Building height,
- Building massing and scale;
- Building depth;
- Building type;
- Width and location of driveways;
- Conservation of cultural heritage resources;
- Amount of landscaped open space on a lot; and,
- Protection of existing mature trees.

4.4.3.13.15 New development shall minimize impacts to adjacent and surrounding properties in relation to privacy, overlook, shadowing, sun reflection, access, and existing mature trees.

4.4.3.13.16 In addition to the policies of this section, plans of subdivision and ground related condominium developments within Mature Neighbourhoods shall be assessed based on the following:

- Development should reflect the prevailing grid pattern of the surrounding neighbourhood, providing a seamless extension, as much as possible, through an interconnected block structure and extension of the existing road network;
- Traffic impacts on surrounding neighbourhoods should be mitigated through appropriate access and density;
- On small infill properties where only a few new units are being created, development should complement the established character of lot sizes and frontages of adjacent lots and consider the elements for determining compatibility in Section 4.4.3.13.14; and,
- On larger infill properties, the subdivision or condominium shall incorporate a transition in lot sizes, whether it is a freehold lot, parcel of tied land or that portion of a condominium containing a dwelling unit, with development reflecting the existing pattern of lot sizes abutting existing lots with greater



variation in lot sizes provided in the centre of the new subdivision or condominium.

4.4.3.13.17 Applications for High Density Residential development greater than 4 storeys in Mature Neighbourhoods shall be assessed based on the following:

- High Density Residential development outside of Central Areas and/or Intensification Areas and Corridors should not compete or detract from the potential to establish these uses in areas designated for intensification;
- Development should be located on arterial roads;
- The use of intervening Medium Density Residential built form is encouraged as a transition between existing Low Density Residential buildings and proposed High Density Residential buildings;
- Development should be located close to existing or planned transit routes;
- Development should be located in areas where community services and amenities are within walking distance;
- Development shall not cause traffic hazards or an unacceptable level of congestion on surrounding roads;
- Development should demonstrate that it will not create an adverse impact on adjacent Low Density Residential areas, parkland or the public realm from shadow, overlook or massing; and
- Development shall be within a 45 degree angular plane from any property line abutting a Low Density Residential dwelling.

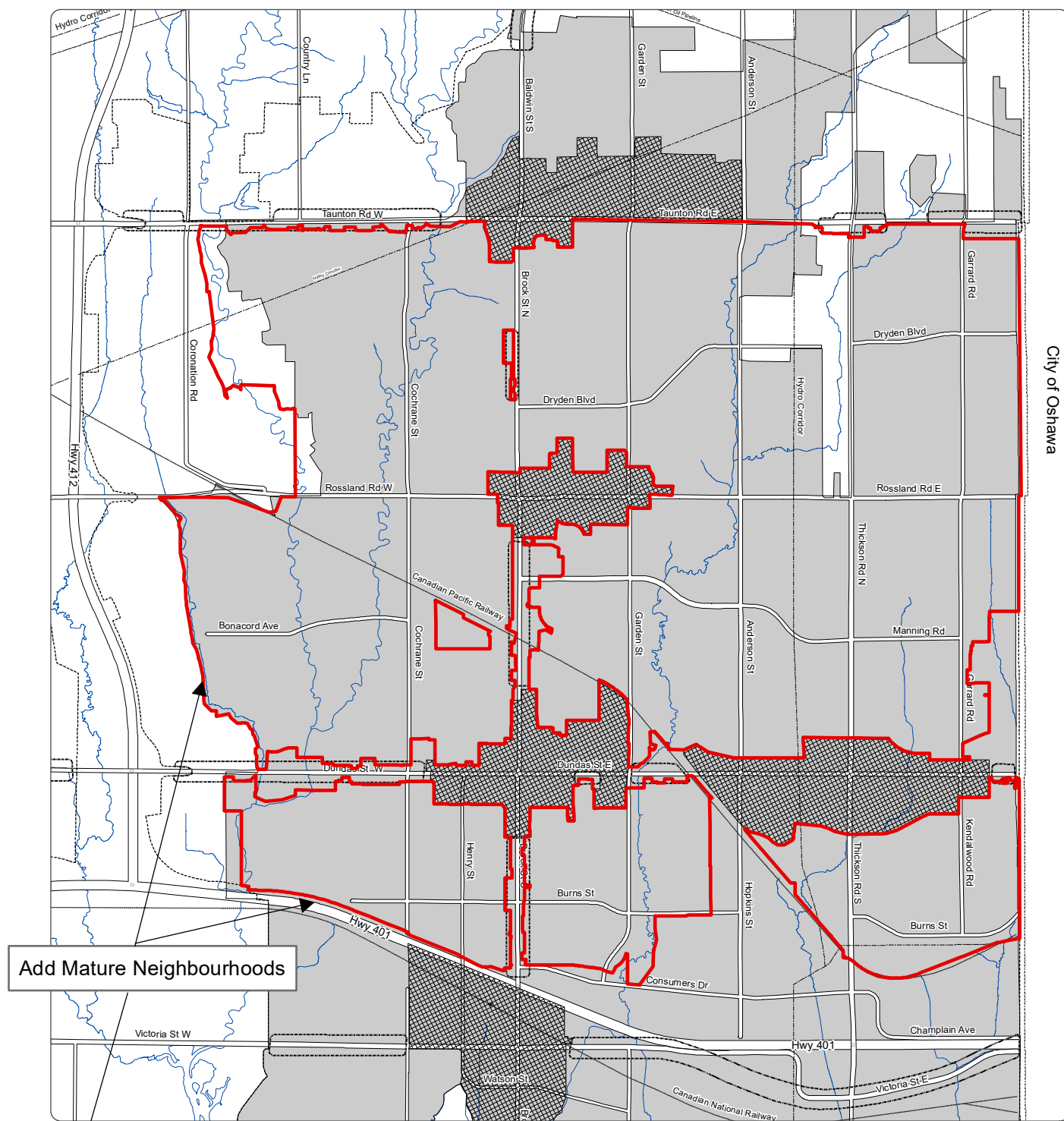
**Implementation:**

The provisions set forth in the Town of Whitby Official Plan, as amended, regarding the implementation of the Plan shall apply in regard to this amendment.

**Interpretation:**

The provisions set forth in the Town of Whitby Official Plan, as amended, regarding the interpretation of the Plan shall apply in regard to this amendment.

# Exhibit "A" to Final Recommended Official Plan Amendment #130 to the Town of Whitby Official Plan



Add Mature Neighbourhoods

## Legend

- Mature Neighbourhoods
- ✱ Major Transit Station
- 2031 Urban Area Boundary
- Municipal Boundary
- Built Boundary (2006)
- Intensification Area
- Intensification Corridor
- Lands Subject to Durham Regional Official Plan Policy 14.13.7

Note: Some legend items may not appear on the displayed figure extent.

## Intensification Areas:

- ① Downtown Brooklin
- ② Brock / Taunton
- ③ Rossland / Garden
- ④ Downtown Whitby
- ⑤ Dundas East
- ⑥ Port Whitby

## Official Plan - Town of Whitby

# Excerpt from Schedule 'B' Intensification

## Schedule

# B



0 550 1,100  
Metres

This schedule forms part of the Official Plan of the Town of Whitby and must be read in conjunction with the written text. For all intents and purposes, the elements within this schedule are to be considered conceptual.

# Town of Whitby

## Staff Report

[whitby.ca/CouncilCalendar](http://whitby.ca/CouncilCalendar)



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**Report Title:**     **Zoning By-law Amendment Application to Remove the Holding (H) Symbol, Menkes Champlain Inc., Champlain Avenue, File No. DEV-33-21 (Z-23-21)**

---

**Report to:**     **Committee of the Whole**

**Date of meeting:**     April 3, 2023

**Report Number:**     **PDP 13-23**

**Department(s) Responsible:**

Planning and Development Department  
(Planning Services)

**Submitted by:**

R. Saunders, Commissioner of Planning  
and Development

**Acknowledged by M. Gaskell, Chief  
Administrative Officer**

**For additional information, contact:**

L. Taylor, Planner II, x. 2902

---

### 1. Recommendation:

1. That Council approve an Amendment to Zoning By-law # 1784 (File No. Z-23-21) for the removal of the Holding (H) Symbol, as outlined in Planning Report PDP 13-23; and,
2. That a by-law to amend Zoning By-law # 1784 be brought forward for consideration by Council.

### 2. Highlights:

- A Zoning By-law Amendment Application has been submitted by Menkes Developments Ltd. on behalf of Menkes Champlain Inc. for the land located on the south side of Stellar Drive, east of Thickson Road South.
- The proposal is to remove the 'H' Holding Provision from the Holding - Prestige Industrial Zone - Exception 2 (H-M1A-2) zoned portion of the property.
- A Site Plan Application has been submitted to construct a 15,144 square metre (163,013 square foot) warehouse along the Stellar Drive frontage (Phase 1).

### **3. Background:**

#### **3.1. Site and Area Description**

The subject land includes land on the south side of Stellar Drive, east of Thickson Road South (refer to Attachment #1). The subject land is approximately 9.52 hectares (23.51 acres) in size.

Surrounding land uses include future industrial uses to the north and east, Highway 401 to the south and Durham College (Whitby Campus) to the west (refer to Attachment #2).

#### **3.2. Applications and Proposed Development**

A Zoning By-law Amendment Application (Z-23-21) has been submitted to remove the Holding (H) Symbol from the property.

A Site Plan Application has been submitted to permit the development of a 15,144 square metre (163,013 square foot) warehouse containing three (3) units along the Stellar Drive frontage (Phase 1) (refer to Attachment #3). The Site Plan Application will proceed through the Commissioner of Planning and Development once all agency comments have been received and addressed.

A future Site Plan Application will be required for future phases of the industrial development south of Stellar Drive.

The proponent also owns land north of Stellar Drive which will be subject to separate development applications.

#### **3.3. Documents Submitted in Support**

A number of documents were submitted in support of the application, including the following:

- A Site Plan prepared by Turner Fleisher Architects Inc., dated May 2, 2022 latest revision date December 18, 2022 (refer to Attachment #3);
- An Environmental Impact Study prepared by Stantec Consulting Ltd., dated October 25, 2021, revised December 19, 2022, which proposes to remove existing wetlands and associated buffers on the lands south and north of Stellar Drive and create a new wetland in the Open Space area on the lands south of Stellar Drive. The proposed wetland compensations result in a net gain of 0.10 ha in wetland with a corresponding net loss of 0.41 ha in buffer area;

- A Functional Servicing and Stormwater Management Report prepared by Stantec Consulting Ltd., dated October 25, 2021, revised December 13, 2022 which provides recommendations on site servicing, grading, floodplain, stormwater management and drainage. The hydraulic analysis and cut-fill balance demonstrates that there will be no impacts to the floodplain;
- A Hydrogeological Report prepared by DS Consultants Ltd., dated March 9, 2021, which provides an overview of the existing geological and hydrogeological conditions, provides an estimate of construction dewatering and associated impact assessment, as well as discharge permit requirements;
- A Noise Feasibility Study prepared by HGC Engineering, dated October 26, 2021, which concludes that no noise mitigation is required;
- A Phase 1 Environmental Impact Study (ESA) prepared by DS Consultants Ltd., dated March 3, 2021, which concludes that a Record of Site Condition is not required but that a Phase 2 ESA is required;
- A Phase 2 ESA prepared by DS Consultants Ltd., dated April 6, 2021, which concludes that applicable Site Condition Standards have been met and that any excess soils generated by the future development will be subject to O.Reg. 406/19;
- A Stormwater Management Pond and Rain Garden Operation and Maintenance Report prepared by Stantec Consulting Ltd., dated December 9, 2022 which outlines the maintenance responsibilities and procedures required to maintain the stormwater management pond and rain garden;
- A Sustainability Brief prepared by GHD, dated October 22, 2021, outlines how the proposed development meets the mandatory Tier 1 sustainability criteria of the Whitby Green Standard;
- A Transportation Impact Study prepared by LEA Consulting Ltd., dated November 11, 2021, concludes that the traffic associated with the planned development maintains acceptable conditions for the road network in the surrounding area, with minor optimizations for the network.

The above documents have been distributed to relevant internal departments and external agencies for review and comment.

#### **4. Discussion:**

##### **4.1. Region of Durham Official Plan**

The subject land is designated as “Employment Areas” on Schedule ‘A’ Map ‘A4” of the Regional Official Plan (ROP). Employment Areas are intended for manufacturing, assembly and processing of goods, service industries, research and development facilities, warehousing, offices and business parks, hotels, storage of goods and materials, freight transfer and transportation facilities.

The proposed development conforms to the ROP.

##### **4.2. Whitby Official Plan**

The majority of the subject land is designated Prestige Industrial on Schedule ‘A’ – Land Use and a portion of land along the west side is designated Major Open Space (refer to Attachment #4).

Lands designated Prestige Industrial permit uses including but not limited to light industrial uses within enclosed buildings, office uses, data processing centres, commercial or technical school, research, and development facilities. (4.7.3.2.2)

Official Plan Section 4.7.3.2.3 states: “Warehousing and wholesale distribution uses may be permitted on lands designated as Prestige Industrial, with the exception of Business Parks, subject to the following criteria:

- a) located in proximity to Highways 401, 407, or 412;
- b) separated from residential areas;
- c) does not create additional traffic through residential areas; and
- d) wholly enclosed in buildings with no outdoor storage.”

The proposed warehouse located in proximity to Highway 401 conforms to the policies of the Official Plan.

##### **4.3. Zoning By-law**

The subject land is zoned Holding – Prestige Industrial – Exception 2 Zone (H-M1A-2) and G – Greenbelt under By-law # 1784, which permits a variety of industrial uses, subject to removing the ‘H’ Holding Provision (refer to Attachment #5).

A Zoning By-law Amendment is required to lift the ‘H’ Holding Provision which was applied through site-specific By-law # 6893-14 until such time as a Noise Impact Study has been prepared and the Consumers Drive extension (now called Stellar Drive) has been constructed. The required Noise Impact Study has been completed and concluded that no noise mitigation is required. Stellar Drive has also been constructed.

A successful Minor Variance Application will be required to address the proposed parking in the front yard, along with any other non-compliance to By-law # 1784, as part of the Site Plan Application for Phase 1.

#### **4.4. Conclusion**

The majority of the subject land is designated for Prestige Industrial and a portion is designated for Major Open Space uses. Prestige Industrial areas are intended to support a variety of industrial uses.

The proposed development will serve to increase the range of employment opportunities available within the community.

The proposed building design and articulation will be dealt with through the Site Plan approval process and will be designed to be appropriate within the existing and planned built form context.

Development of the subject land for an industrial building is appropriate as it is situated within the built-up area, along an arterial road with access to transit facilities.

All of the commenting departments and external agencies have indicated support for, or no objection to, the proposed development subject to their comments and conditions, as outlined in Section 7.

Based on the detailed review of the applications and consideration of public and agency comments and requirements (refer to Section 6), it is concluded that the proposed development is in conformity with the Region and Town Official Plans. Therefore, it is recommended that Council approve the proposed Zoning By-law Amendment to lift the 'H' Holding Provision.

#### **5. Financial Considerations:**

Not applicable.

#### **6. Communication and Public Engagement:**

A statutory public meeting is not required for the removal of an 'H' Holding Provision, as per the *Planning Act*.

#### **7. Input from Departments/Sources:**

The following agencies have reviewed the application and have no objection:

- Town of Whitby Engineering Services;
- Canadian Pacific (CP) Railway;
- Central Lake Ontario Conservation Authority (CLOCA);
- Ministry of Transportation (MTO); and,
- Region of Durham.

Refer to Attachment #6 for additional detailed comments.

**8. Strategic Priorities:**

The development review process has provided opportunity for public and agency input. The recommendations contained in this report align with the objectives of the Organization Priority of the Corporate Strategic Plan.

This report is in a fully accessible format, which addresses the Town's strategic priority of accessibility. The application has been circulated to the Accessibility Advisory Committee for review and comment to ensure all accessibility requirements are met.

**9. Attachments:**

Attachment #1: Location Sketch

Attachment #2: Aerial Context Map

Attachment #3: Proponent's Proposed Site Plan

Attachment #4: Excerpt from the Town of Whitby Official Plan Schedule 'A'

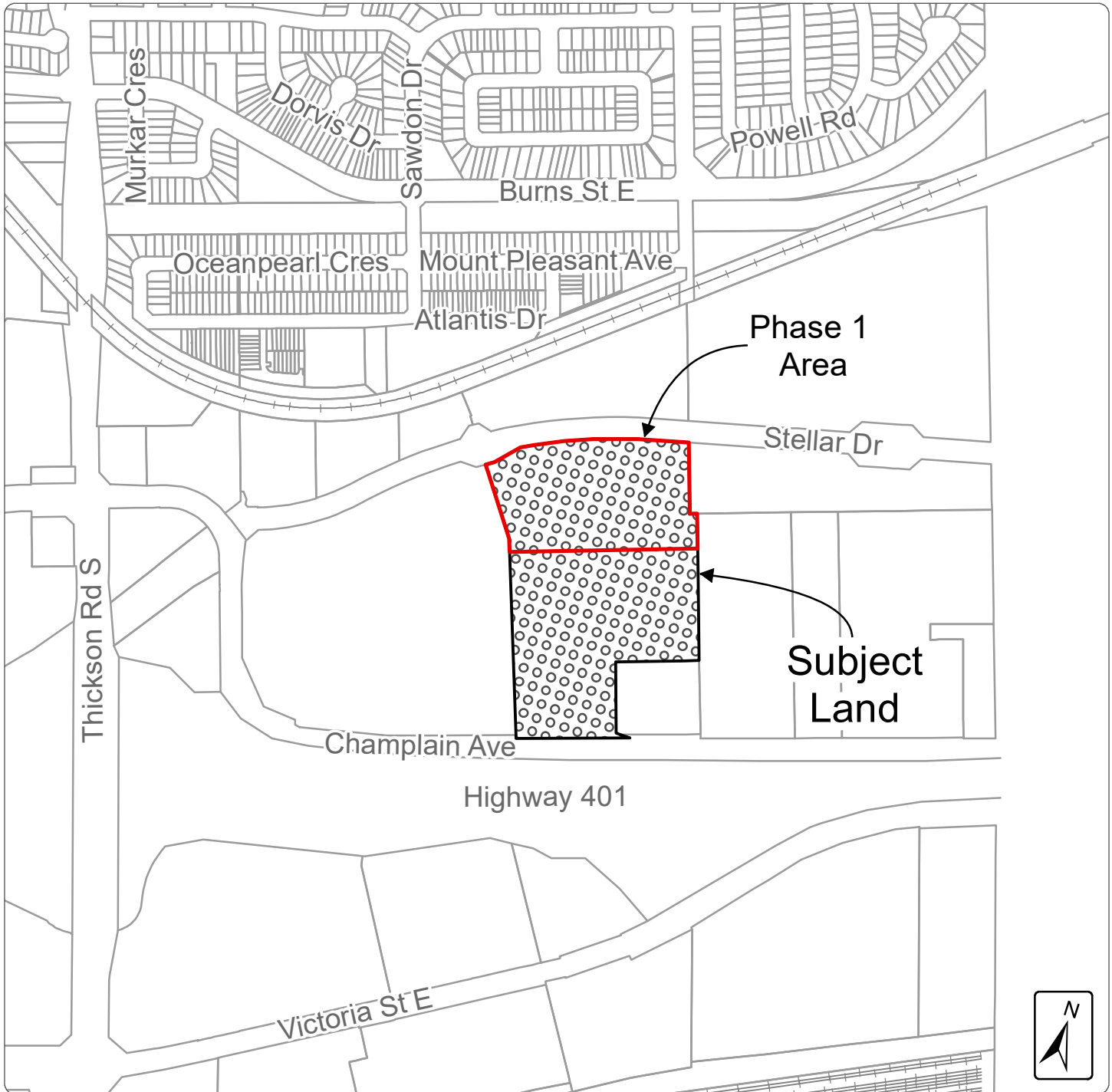
Attachment #5: Excerpt from Zoning By-law # 1784

Attachment #6: Agency & Stakeholder Detailed Comments



# Attachment #1 Location Sketch

PDP 13-23



## Town of Whitby Planning and Development Department

Proponent:  
**Menkes Champlain Inc.**

File Number:  
**DEV-33-21 (Z-23-21)**

Date:  
**April 2023**

External Data Sources:  
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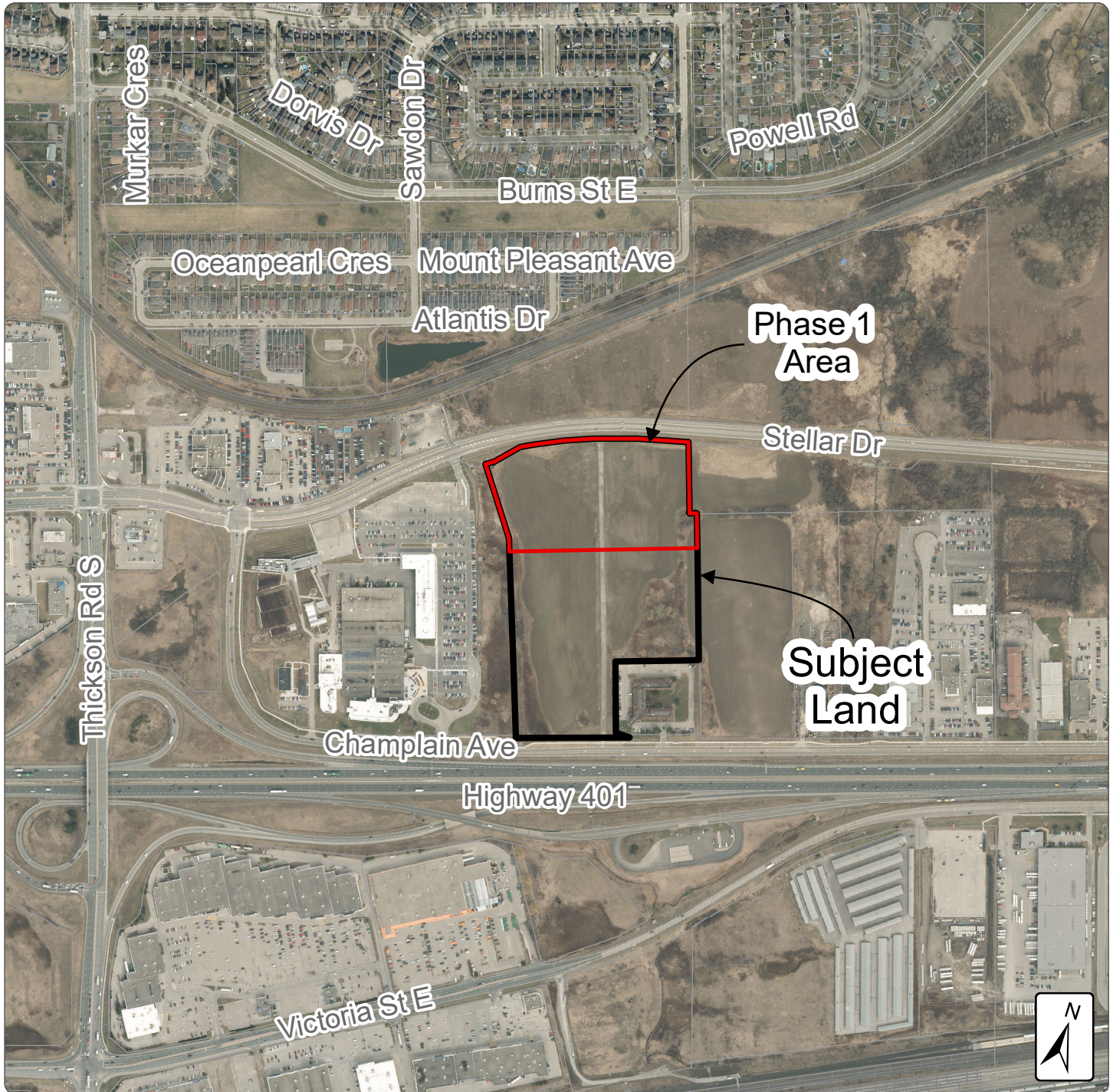
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## Attachment #2 Aerial Context Map

PDP 13-23



### Town of Whitby Planning and Development Department

Proponent:  
Menkes Champlain Inc.

File Number:  
DEV-33-21 (Z-23-21)

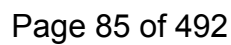
Date:  
April 2023

External Data Sources:  
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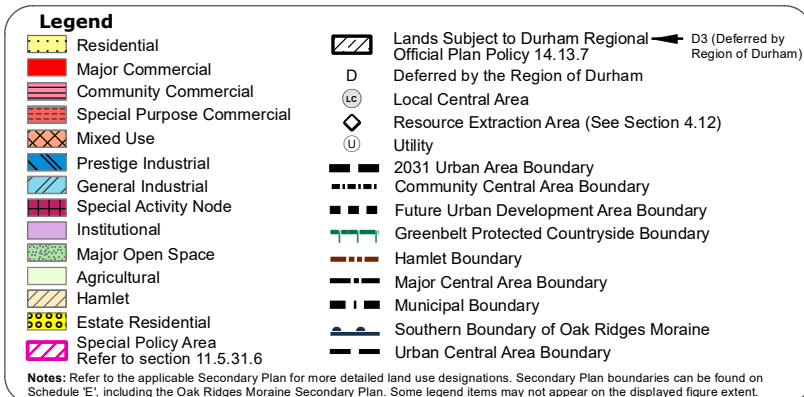
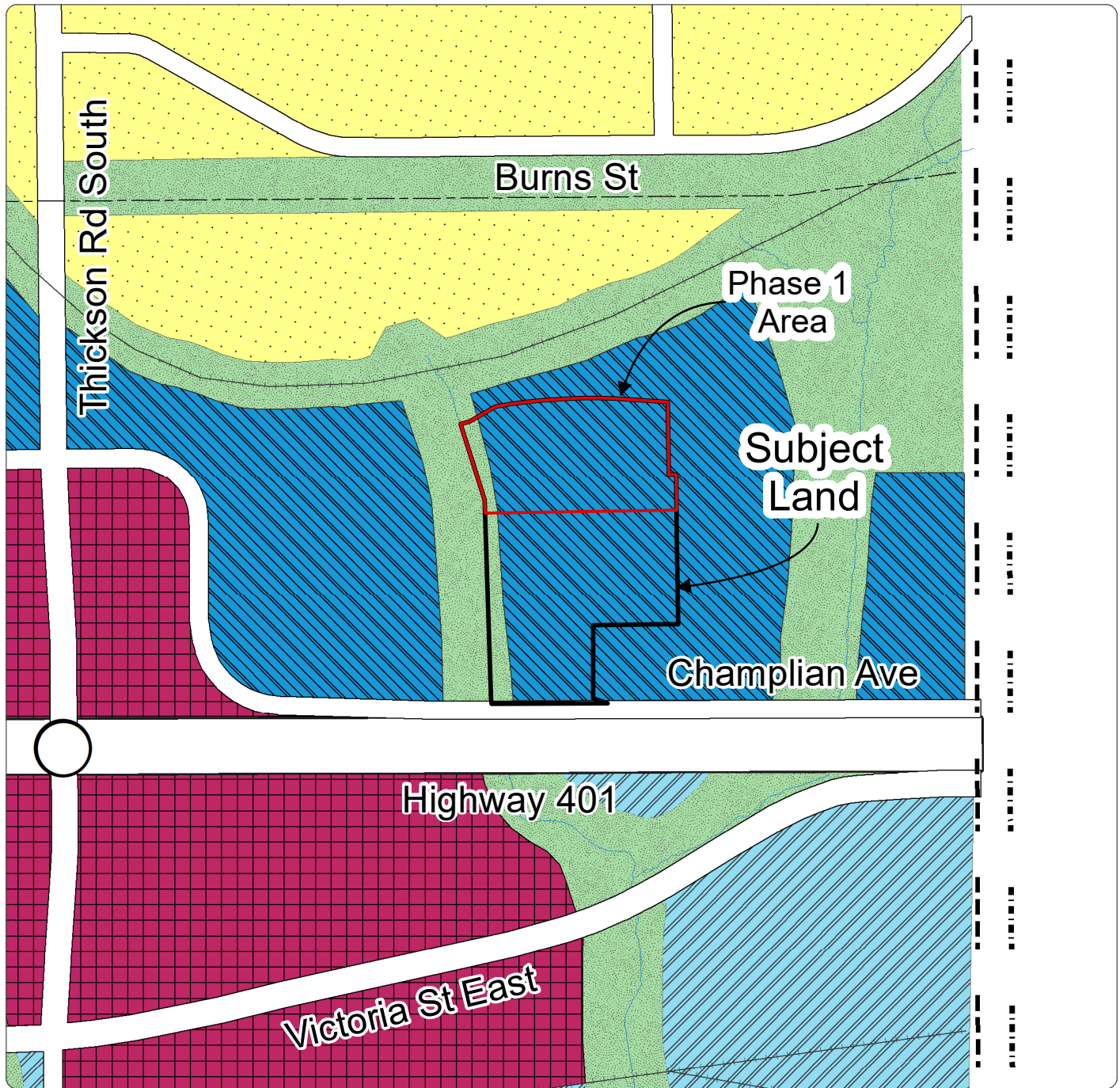
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## Excerpt from the Town of Whitby Official Plan Schedule 'A'

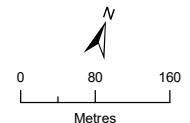


Official Plan - Town of Whitby

Schedule

# Excerpt from Schedule 'A' Land Use

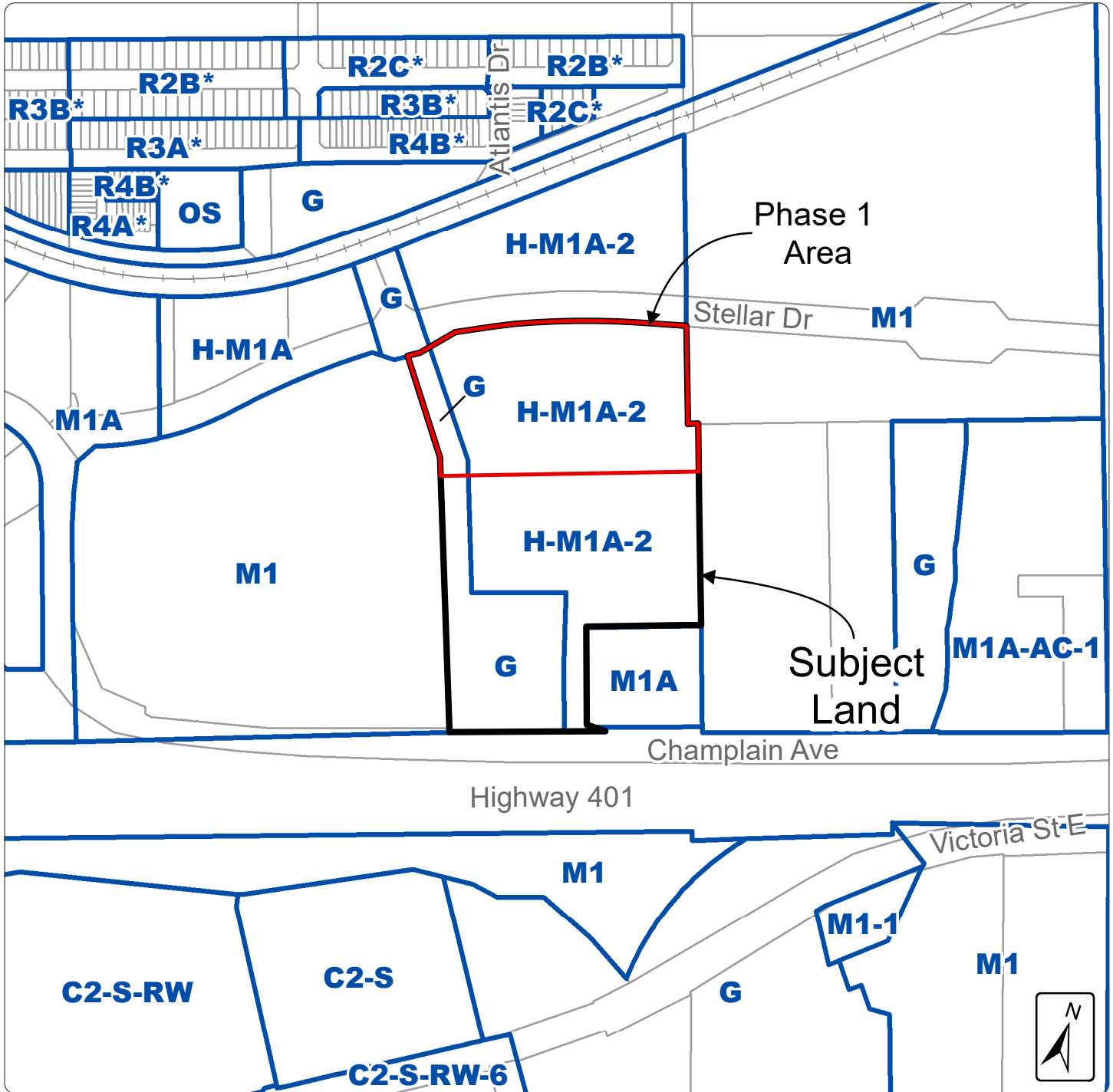
# A



This schedule forms part of the Official Plan of the Town of Whitby and must be read in conjunction with the written text. For all intents and purposes, the elements within this schedule are to be considered conceptual.

# Attachment #5 Excerpt from Zoning By-Law 1784

PDP 13-23



## Town of Whitby Planning and Development Department

Proponent:  
Menkes Champlain Inc.

File Number:  
DEV-33-21 (Z-23-21)

Date:  
April 2023

External Data Sources:  
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PDP 13-23

Attachment #6  
Agency & Stakeholder Detailed Comments  
File DEV-33-21 (Z-23-21)

## **Internal Departments**

### **Engineering Services**

Engineering Services has no concerns with the lifting of the 'H' Holding Provision.

## **External Agencies**

### **Canadian Pacific (CP) Railway**

Given the setback to active CP track, we have no comment on this application.

### **Central Lake Ontario Conservation Authority (CLOCA)**

There is no objection to the lifting of the Holding Symbol for this property.

### **Ministry of Transportation (MTO)**

The proposed warehouse (Building A) at 1650 Champlain Avenue in Whitby is outside of the Ministry's permit control area.

### **Region of Durham**

The Region of Durham has no further issues related to archaeology and noise requirements related to Rezoning Z-23-21.

The previous related subdivision application S-W-2013-06 cleared the archaeology requirement for the site.



# Town of Whitby

## Staff Report

[whitby.ca/CouncilCalendar](http://whitby.ca/CouncilCalendar)



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**Report Title:**     **DEV-01-23: Zoning By-law Amendment Application,  
1621 McEwen Drive  
File No. Z-01-23**

---

**Report to:**     **Committee of the Whole**

**Date of meeting:**   April 3, 2023

**Report Number:**   **PDP 14-23**

**Department(s) Responsible:**

Planning and Development Department  
(Planning Services)

**Submitted by:**

R. Saunders, Commissioner of Planning  
and Development

<b>Acknowledged by M. Gaskell, Chief Administrative Officer</b>
---

**For additional information, contact:**

M. Wianecki, Planner II, x. 2932

---

### 1. Recommendation:

1. That Council approve an amendment to Zoning By-law # 1784 (Z-01-23) as outlined in Planning Report PDP 14-23; and,
2. That a Zoning By-law Amendment be brought forward for consideration by Council.

### 2. Highlights:

- An Application for a Zoning By-law Amendment has been submitted by 1351789 Ontario Limited for land municipally known as 1621 McEwen Drive;
- The proposal is to amend Zoning By-law # 1784 to permit and operate a hydrolysis facility within an existing unit located on the subject land.

### 3. Background:

#### 3.1. Site and Area Description

The subject land is located at 1621 McEwen Drive (refer to Attachment #1). The subject land is approximately 1.61 hectares (3.99 acres) in size.

Surrounding land uses include industrial uses to the north and west, and open space and vacant land to the south and east (refer to Attachment #2). The subject land currently consists of five (5) single-storey industrial buildings.

### **3.2. Application and Proposed Development**

A Zoning By-law Amendment Application has been submitted by 1351789 Ontario Limited to amend Zoning By-law # 1784 to permit and operate a hydrolysis facility within an existing unit located on the subject land.

The hydrolysis facility will utilize aquamation, which is a flameless type of cremation. Hydrolysis facilities are generally associated with funeral home facilities. However, the applicant has confirmed that there will be no funeral home or funeral home services operating out of the proposed unit.

The proposal does not involve any external alterations or site development. The proposed use will be contained within Unit #1 of Building A (refer to Attachment #3). Unit #1 of Building A includes a reception area, three (3) offices, a board room, a kitchen, a washroom, a utility room, and a loading bay/storage area (refer to Attachment #4). The hydrolysis machine will be located within the loading bay/storage area. The minimum space requirements for the hydrolysis machine are 9 feet in height, 8.3 feet in width, and 19 feet in length (refer to Attachment #5).

### **3.3. Documents Submitted in Support**

The following documents were submitted in support of the application:

- A Planning Rationale Report prepared by Batory: Urban Planning & Project Management, dated December 2022, which contains an overview of the subject land, the proposed development, and provides a detailed rationale regarding the application.
- A formerly approved Site Plan (1988), which illustrates the location of the unit associated with the application.
- A Floor Plan, which displays the proposed internal layout of the unit associated with the application.
- Minimum Space Requirements associated with the hydrolysis machine.

The above documents have been distributed to relevant internal departments and external agencies for review and comment.

## **4. Discussion:**

### **4.1. Region of Durham Official Plan**

The subject land is designated as “Employment Areas” in the Regional Official Plan (ROP). Employment Areas permit a variety of industrial, manufacturing, processing, and service industry related uses.

The proposed use conforms to the ROP.



## **4.2. Whitby Official Plan**

The subject land is designated as “General Industrial” on Schedule A of the Whitby Official Plan (refer to Attachment #6). General Industrial areas permit a variety of manufacturing, processing, servicing, and storage related activities. Because there are no funeral home activities associated with the hydrolysis facility, the use is considered to be an acceptable permitted use in the General Industrial designation.

## **4.3. Zoning By-law**

The subject land is zoned Prestige Industrial (M1A) Zone within Zoning By-law # 1784 (refer to Attachment #7). The M1A Zone permits manufacturing, assembly and warehousing type uses, but does not permit uses such as a hydrolysis facility.

Therefore, a Zoning By-law Amendment is required to permit and operate a hydrolysis facility within an existing industrial unit located on the subject land.

## **4.4. Conclusion**

Considering the nature of the proposed use within a designated employment/industrial area, it is concluded that the site can adequately accommodate the hydrolysis facility. Therefore, it is recommended that Council approve an amendment to Zoning By-law # 1784 to permit and operate a hydrolysis facility within an existing industrial unit located on the subject land.

All of the commenting departments and external agencies have indicated support for, or no objection to, the proposed application subject to their comments and conditions, as outlined in Section 7.

## **5. Financial Considerations:**

Not applicable.

## **6. Communication and Public Engagement:**

A Statutory Public Meeting was held on February 13, 2023 in accordance with the Town of Whitby Official Plan and the Planning Act. This meeting provided the public and interested persons and agencies an opportunity to comment on the Zoning By-law Amendment application. No public submissions were received at the Public Meeting regarding this zoning application (refer to Attachment #8).

Enquiries received via email prior to the Public Meeting related to the nature of the aquamation use, including the number of units proposed on the site, clientele, potential pollutants and/or byproducts and noise.

Responses provided by the applicant’s agent confirmed the following:

- There will only be one (1) machine within the unit;

- The hydrolysis facility will utilize aquamation, which is a flameless type of cremation. The applicant has confirmed that there will be no funeral home or funeral home services operating out of the proposed unit;
- The facility is intended to service the clients of Newcastle Funeral Home and specifically Whitby families that request this service;
- The equipment will be approved by the Ministry of Government and Consumer Services, there are no emissions produced, and the facility renders a completely sterile by-product; and,
- No noise will be emitted outside of the existing unit.

## **7. Input from Departments/Sources:**

The following internal departments/divisions have reviewed the application and have no objection:

- Whitby Engineering Services;
- Whitby Fire and Emergency Services;
- Whitby Policy and Heritage Planning;
- Whitby Planning and Development; and,
- Whitby Building Division.

Refer to Attachment #9 for detailed comments.

The following external agencies have reviewed the application and have no objection:

- Region of Durham Planning and Economic Development;
- Region of Durham Works Department; and,
- City of Oshawa.

Refer to Attachment #9 for detailed comments.

## **8. Strategic Priorities:**

The development review process is a public process that has provided the opportunity for input on the proposed application, which aligns with the objectives of the Corporate Strategic Plan to provide a consistent, optimized, and positive customer service experience.

This report is in a fully accessible format, which addresses the Town's strategic priority of accessibility.

## **9. Attachments:**

Attachment #1: Location Sketch

Attachment #2: Aerial Context Map

Attachment #3: Site Plan – Unit Location

Attachment #4: Unit #1 Floor Plan

Attachment #5: Hydrolysis Facility – Minimum Space Requirements

Attachment #6: Excerpt from the Town of Whitby Official Plan – Schedule A

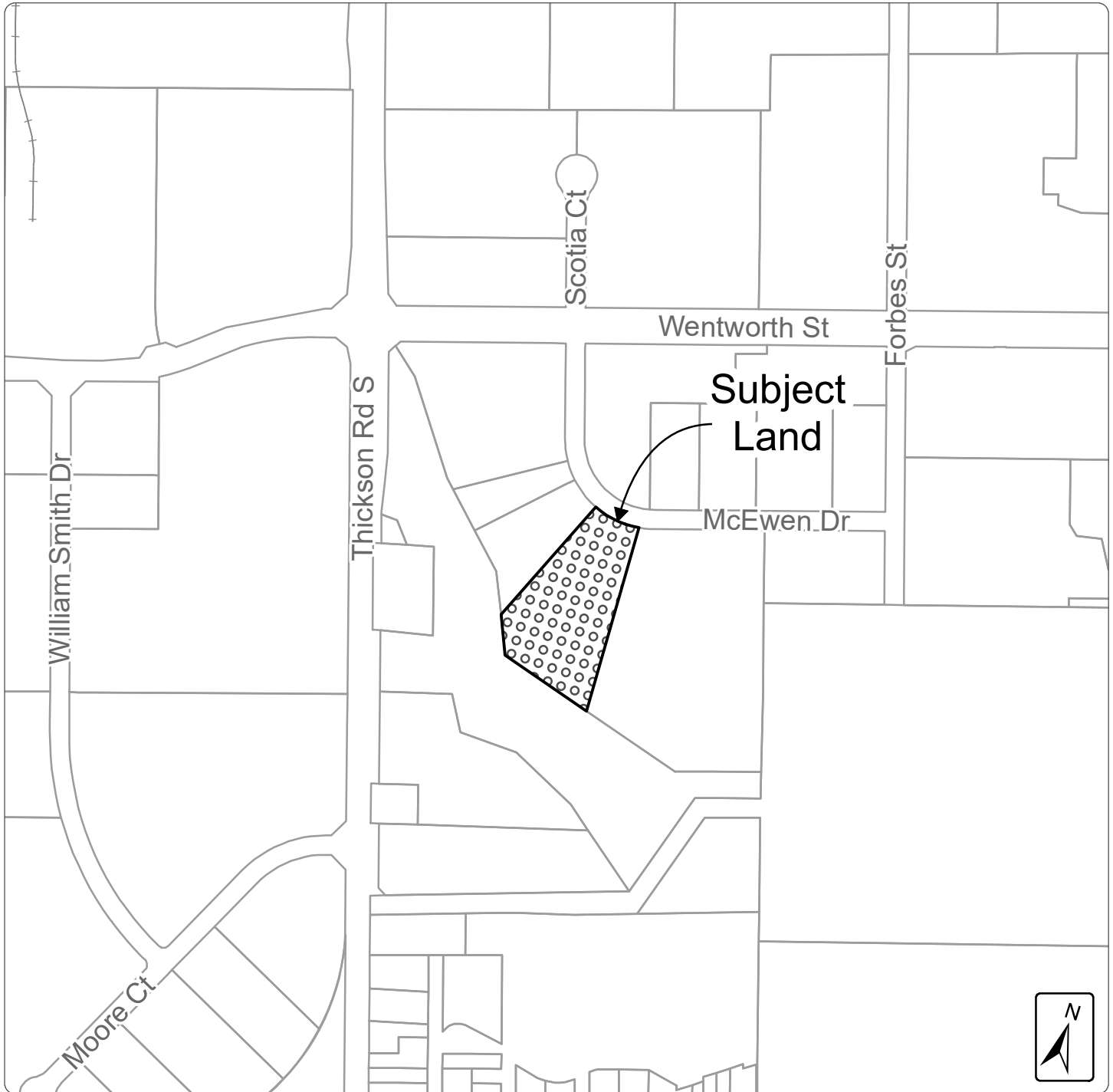
Attachment #7: Excerpt from Zoning By-law # 1784

Attachment #8: Public Meeting Minutes – February 13, 2023

Attachment #9: Internal and External Agency Comments

# Attachment #1 Location Sketch

PDP 14-23



## Town of Whitby Planning and Development Department

Proponent:

1351789 ONTARIO LIMITED

File Number:

DEV-01-23 / Z-01-23

Date:

April 2023

External Data Sources:

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# Attachment #2 Aerial Context Map

PDP 14-23



## Town of Whitby Planning and Development Department

Proponent:  
**1351789 ONTARIO LIMITED**

File Number:  
**DEV-01-23 / Z-01-23**

Date:  
**April 2023**

External Data Sources:  
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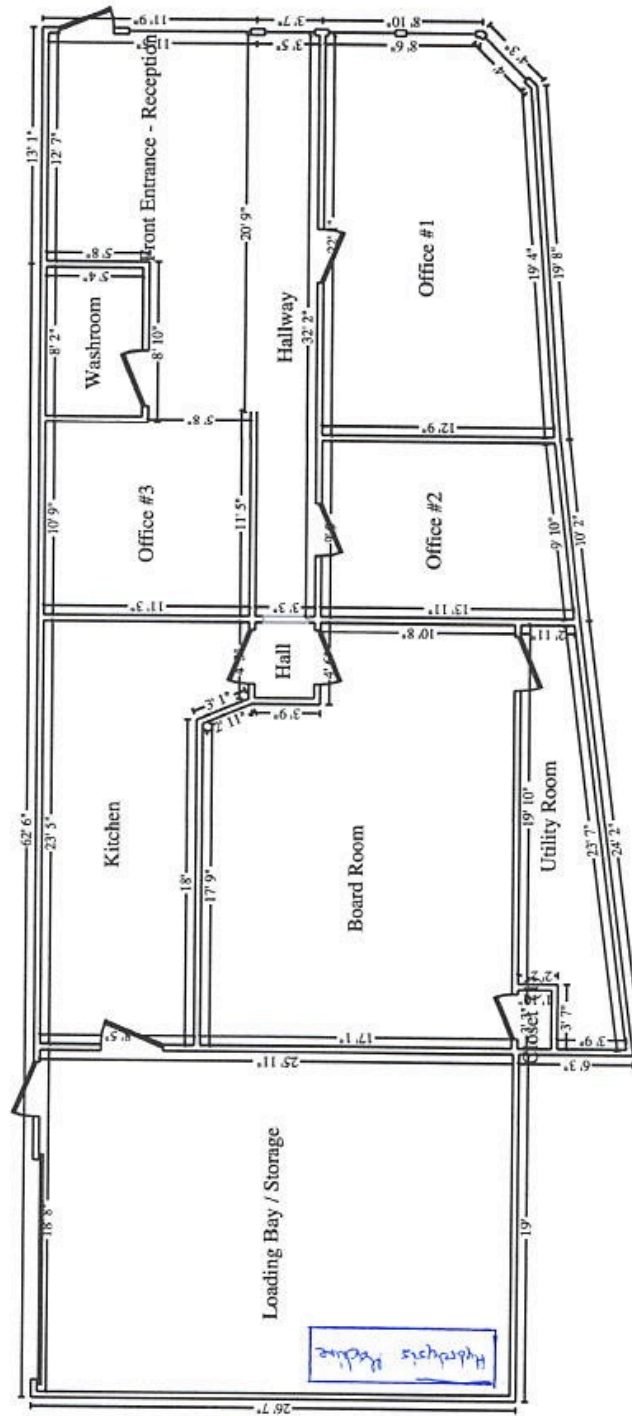




# Attachment #4 Unit #1 Floor Plan

PDP 14-23

1621 McEwen Dr. - Unit #1

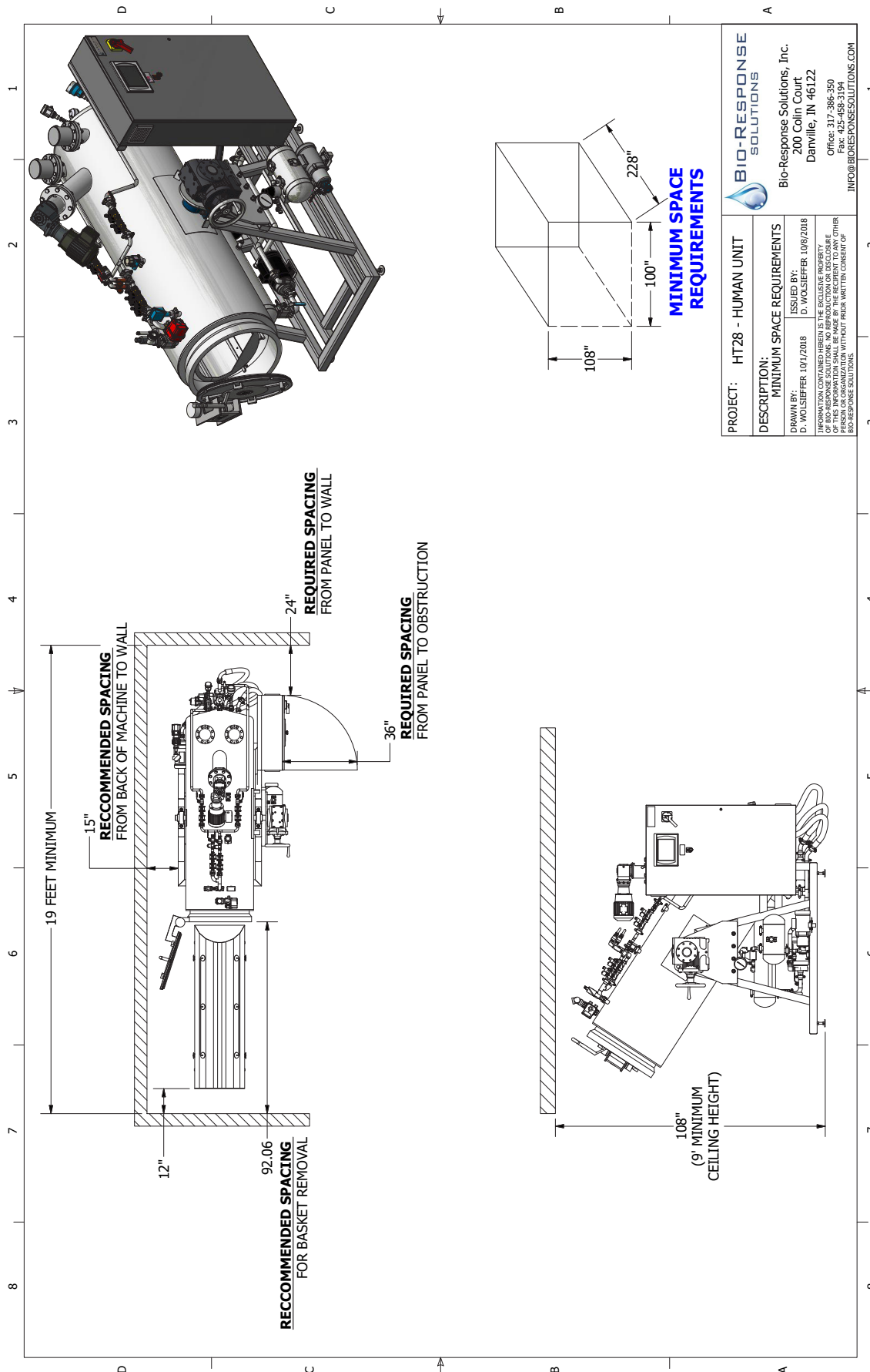


1621 McEwen Dr. - Unit #1

2020-05-22 Page: 11

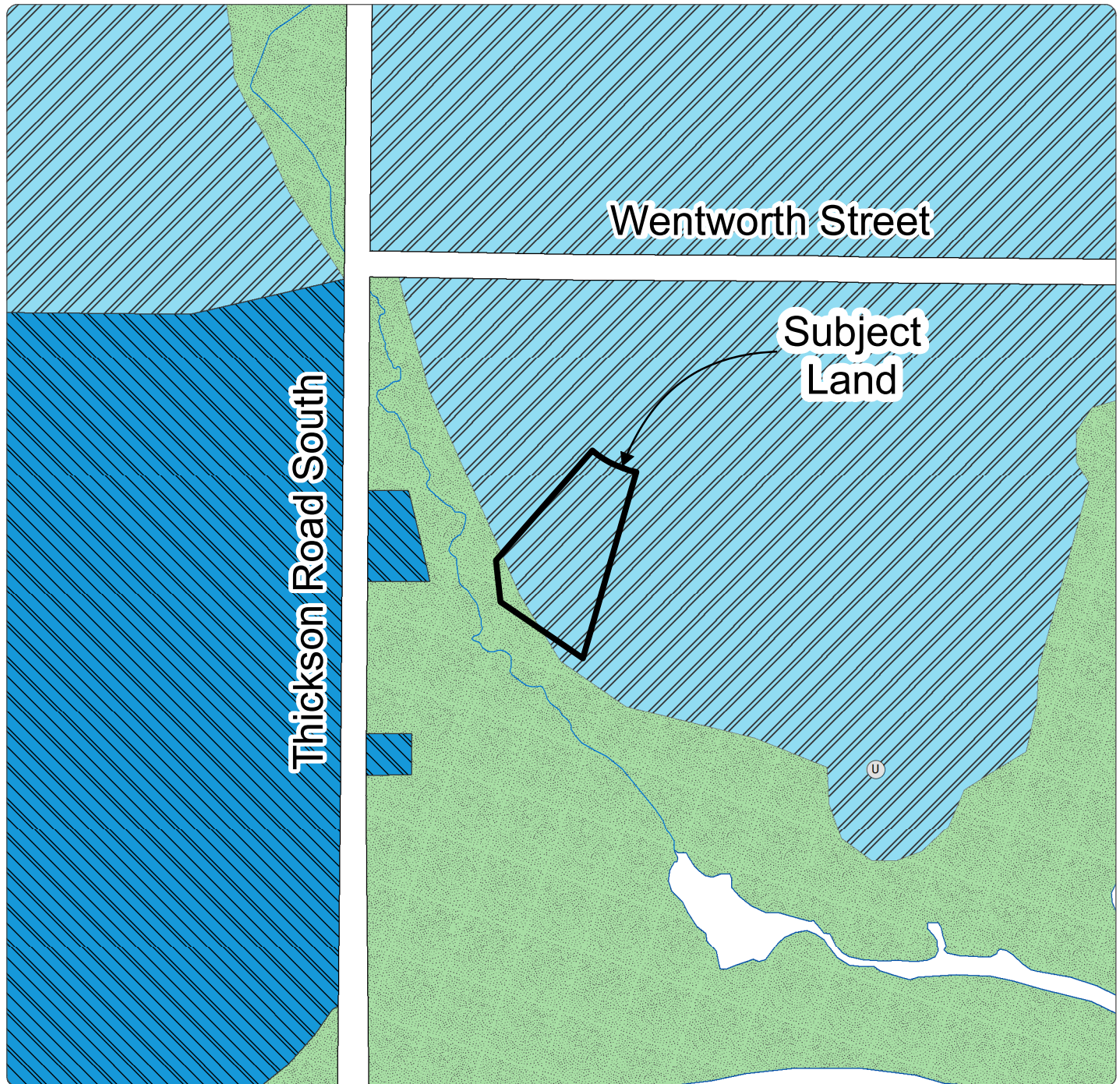
1351789-UNIT#1

## Hydrolysis Facility - Minimum Space Requirements





## Excerpt from the Town of Whitby Official Plan - Schedule 'A'

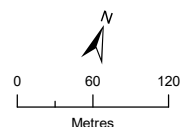
**Legend**

- |                            |   |                                   |
|----------------------------|---|-----------------------------------|
| Residential                | Lands Subject to Durham Regional Official Plan Policy 14.13.7 | D3 (Deferred by Region of Durham) |
| Major Commercial           | D Deferred by the Region of Durham                            |                                   |
| Community Commercial       | Local Central Area  |                                   |
| Special Purpose Commercial | Resource Extraction Area (See Section 4.12)                   |                                   |
| Mixed Use                  | Utility   |                                   |
| Prestige Industrial        | 2031 Urban Area Boundary                                      |                                   |
| General Industrial         | Community Central Area Boundary                               |                                   |
| Special Activity Node      | Future Urban Development Area Boundary                        |                                   |
| Institutional              | Greenbelt Protected Countryside Boundary                      |                                   |
| Major Open Space           | Hamlet Boundary   |                                   |
| Agricultural               | Major Central Area Boundary                                   |                                   |
| Hamlet                     | Municipal Boundary  |                                   |
| Estate Residential         | Southern Boundary of Oak Ridges Moraine                       |                                   |
| Special Policy Area        | Urban Central Area Boundary                                   |                                   |
| Refer to section 11.5.31.6 |   |                                   |

**Notes:** Refer to the applicable Secondary Plan for more detailed land use designations. Secondary Plan boundaries can be found on Schedule 'E', including the Oak Ridges Moraine Secondary Plan. Some legend items may not appear on the displayed figure extent.

Official Plan - Town of WhitbySchedule

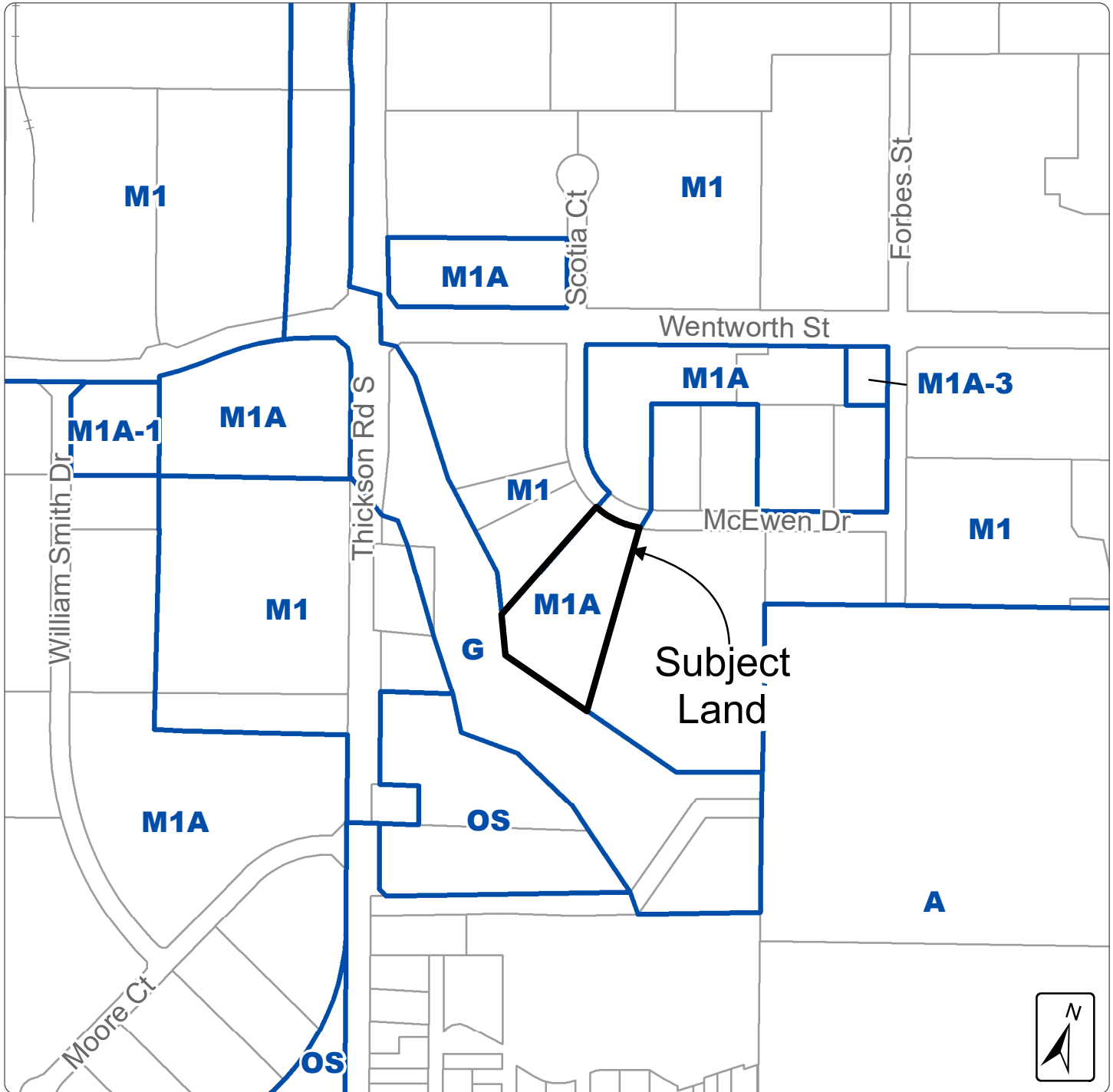
## Excerpt from Schedule 'A' Land Use



This schedule forms part of the Official Plan of the Town of Whitby and must be read in conjunction with the written text. For all intents and purposes, the elements within this schedule are to be considered conceptual.

# Attachment #7 Excerpt from Zoning By-Law 1784

PDP 14-23



## Town of Whitby Planning and Development Department

Proponent:  
1351789 ONTARIO LIMITED

File Number:  
DEV-01-23 / Z-01-23

Date:  
April 2023

External Data Sources:  
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Attachment #8  
Public Meeting Minutes – February 13, 2023

DEV-01-23 (Z-01-23)

PDP 05-23, Planning and Development (Planning Services) Department Report

Re: Zoning By-law Amendment Application, 1351789 Ontario Limited, 1621 McEwen Drive, File Number: DEV-01-23 (Z-01-23)

Matthew Wianecki, Planner II, provided a PowerPoint presentation which included an overview of the application.

Paul Demczak, representing 1351789 Ontario Limited, provided a PowerPoint presentation which included a detailed overview of the application.

There were no submissions from the public.

## Attachment #9

### Internal and External Agency Comments

DEV-01-23 (Z-01-23)

#### **Whitby Engineering Services**

The purpose of the zoning by-law amendment application is to permit and operate a hydrolysis facility within an existing unit located on the subject land. It is the understanding of Engineering Services that no physical changes are proposed to the building or site. As such, Engineering Services does not object to the Zoning Amendment.

#### **Whitby Fire and Emergency Services**

Whitby Fire has no comments on the application.

#### **Whitby Policy and Heritage Planning**

No further comments. The applicant has confirmed that no funeral home services will be provided at this location.

#### **Whitby Building Division**

Whitby Building has no concerns or comments.

#### **Region of Durham Planning and Economic Development**

No objections to the rezoning application.

#### **Region of Durham Works Department**

The Regional Works Department does not have any comments or objection to the proposed application.

#### **City of Oshawa**

No comments or objections.

# Town of Whitby Staff Report

[whitby.ca/CouncilCalendar](http://whitby.ca/CouncilCalendar)



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**Report Title:**     **DEV-37-22: Draft Plan of Condominium Application  
CW-2022-04, Brookfield Residential (ONT) Station No.  
3 Ltd., 201 Brock Street South - REVISED**

---

**Report to:**     **Committee of the Whole**

**Date of meeting:**     April 3, 2023

**Report Number:**     **PDP 15-23**

**Department(s) Responsible:**

Planning and Development Department  
(Planning Services)

**Submitted by:**

R. Saunders, Commissioner of Planning  
and Development

**Acknowledged by M. Gaskell, Chief  
Administrative Officer**

**For additional information, contact:**

C. Robertson, Planner I, x 1936

---

## 1. Recommendation:

1. That Council approve the Draft Plan of Condominium (File No. CW-2022-04) subject to the comments included in Planning Report PDP 15-23 and the Conditions of Approval, included in Attachment #4;
2. That the Mayor and Clerk be authorized to execute the Condominium Agreement and any other necessary documents; and,
3. That the Clerk advise the Commissioner of Planning and Economic Development at the Region of Durham, of Council's decision.

## 2. Highlights:

- A Site Plan (SP-03-19) was approved for the development on February 9, 2021.
- The intent of the Draft Plan of Condominium application (CW-2022-04) is to facilitate the transfer of title from the Subdivider (Brookfield Residential (ONT) Station No. 3 Ltd.) to the future condominium purchasers and to

have the future condominium corporation assume responsibility of administering the conditions of site plan approval.

### **3. Background:**

#### **3.1 Site and Area**

The subject land is municipally known as 201 Brock Street South (refer to Attachments #1 and #2). The subject land is approximately 4.0 hectares (10.0 acres) in size.

Surrounding land uses to the subject land, include:

- A municipal parking lot to the east;
- Low rise mixed commercial and residential uses to the north and west; and,
- low rise commercial uses to the south.

#### **3.2 Application and Development Proposal**

A Site Plan Application (SP-03-19) for the development of 160 condominium apartments was approved by Council on February 9, 2021. Each condominium apartment has a minimum of 1 dedicated parking space. There are 24 parking spaces provided for visitor parking, 1 of which is an accessible parking space. The intent of the Draft Plan of Condominium application (CW-2022-04) is to facilitate the transfer of title from the Subdivider (Brookfield Residential (ONT) Station No. 3 Ltd.) to the future condominium purchasers and to have the future condominium corporation assume responsibility of administering the conditions of site plan approval (refer to attachment #3).

### **4. Discussion:**

#### **4.1. Planning Conformity**

The subject land has previously been considered through a number of planning applications, specifically a Zoning By-law Amendment (Z-04-19) and a Site Plan Application (SP-03-19). This application has been circulated to the appropriate departments and agencies and all comments and concerns have since been addressed.

The proposed development conforms to the Region of Durham Official Plan, the Town of Whitby Official Plan and Zoning By-law # 2585, as amended.

Therefore, it is recommended that the proposed Draft Plan of Condominium be approved, subject to the comments included in this report and the Conditions of Draft Plan of Condominium Approval included in Attachment #4.

### **5. Financial Considerations:**

- Not applicable.

## **6. Communication and Public Engagement:**

- Not applicable.

## **7. Input from Departments/Sources:**

### **Internal Departments**

#### **Engineering Services**

Engineering Services has no objection to the above application, provided that the conditions of the executed Site Plan Agreement for File SP-03-19 are included in the Condominium Agreement with the Developer's responsibilities and obligations transferred to the Condominium Corporation where appropriate. Refer to Attachment #5 for additional detailed comments.

#### **Financial Services**

From a Development Charges / Parkland Cash-in-Lieu standpoint there are no comments / concerns. The applicant paid both fees prior to building permit issuance in full.

### **External Departments**

#### **Durham Region Planning**

The Region has no objection to the draft approval of the condominium application. The conditions of draft approval must be complied with prior to clearance by the Region for registration of the plan.

## **8. Strategic Priorities:**

The development review process has provided opportunity for agency input. The recommendations contained in this report align with the objectives of the Organization Priority of the Corporate Strategic Plan.

This report is in a fully accessible format, which addresses the Town's strategic priority of accessibility. The Site Plan Application was circulated to the Accessibility Advisory Committee for review and comment to ensure all accessibility requirements are met.

The proposed residential development increases the density on the subject land which provides a better use of existing infrastructure, which implements the Town's strategic priority of sustainability.

## **9. Attachments:**

Attachment #1: Location Sketch

Attachment #2: Aerial Context Map

Attachment #3: Proponent's Proposed Common Element Condominium Plan

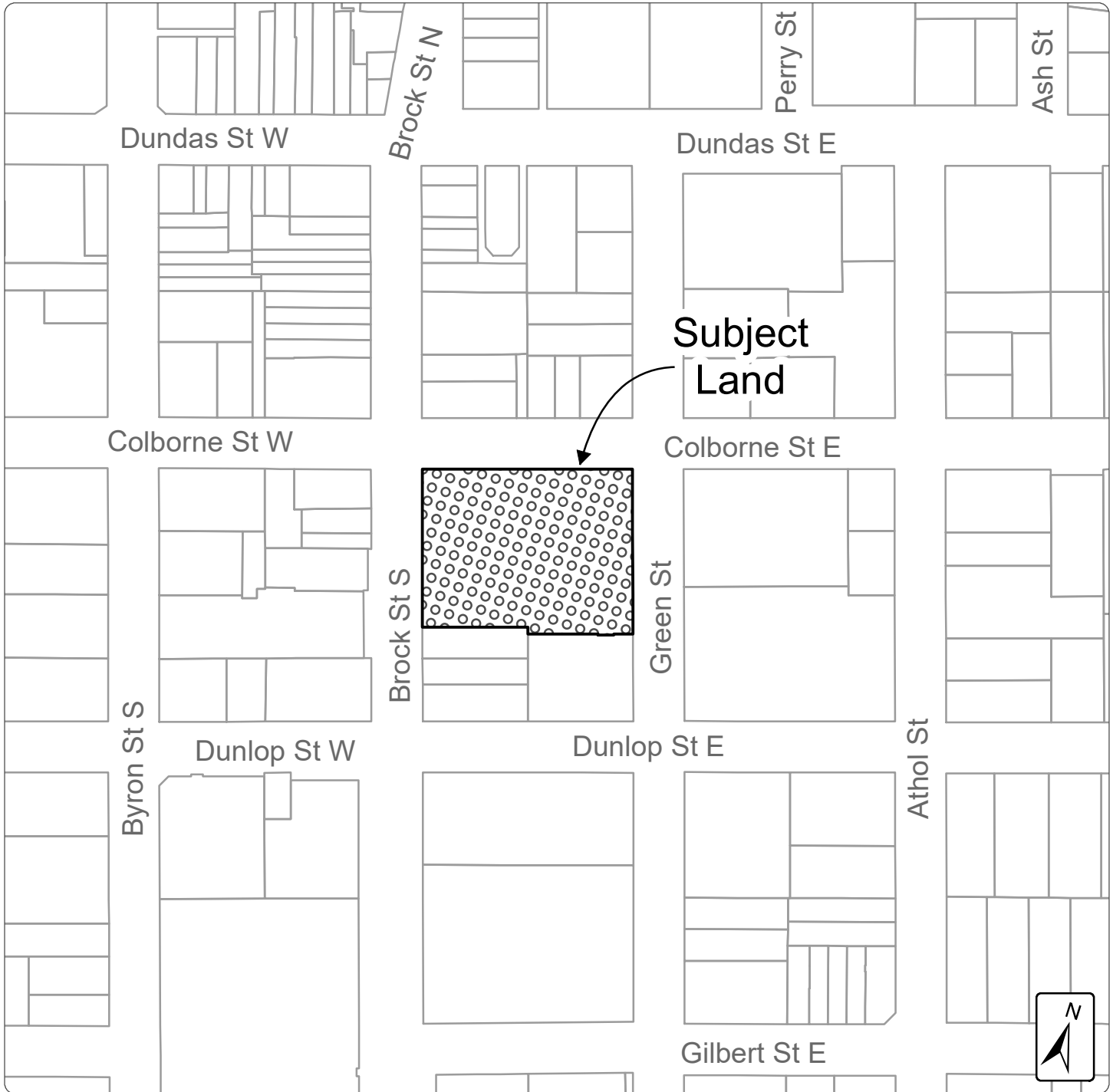
Attachment #4: Conditions of Draft Plan of Condominium Approval

Attachment #5: Agency & Stakeholder Detailed Comments



# Attachment #1 Location Sketch

PDP 15-23



## Town of Whitby Planning and Development Department

Proponent:  
Brookfield Residential (Ontario)  
Station No. 3 Limited

File Number:  
DEV-37-22 (CW-2022-04)

Date:  
April 2023

External Data Sources:  
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# Attachment #2 Aerial Context Map

PDP 15-23



## Town of Whitby Planning and Development Department

Proponent:  
Brookfield Residential (Ontario)  
Station No. 3 Limited

File Number:  
DEV-37-22 (CW-2022-04)

Date:  
April 2023

External Data Sources:  
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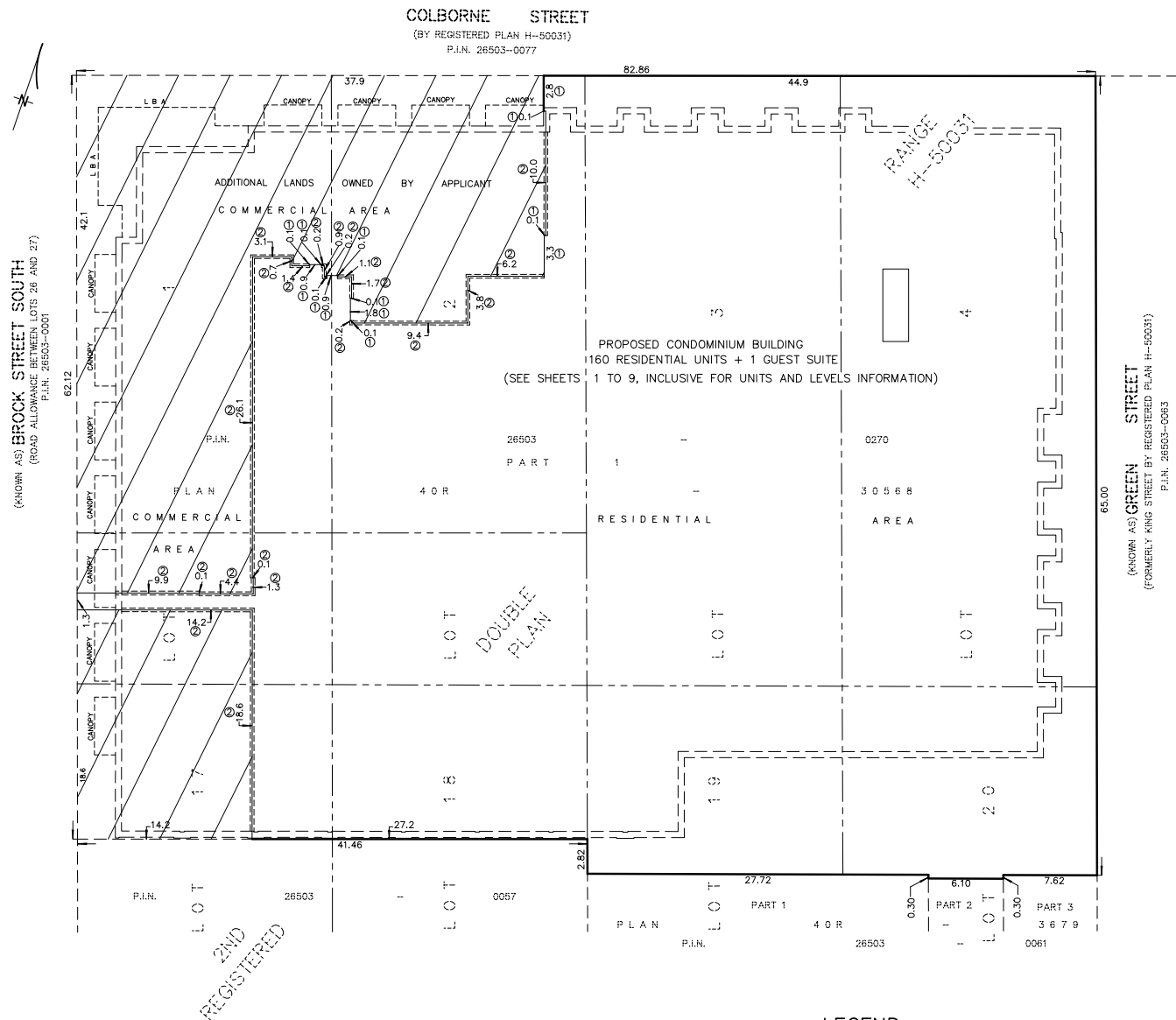
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## Proponent's Proposed Standard Condominium Plan

SHEET 1 OF 9 SHEETS



**DRAFT PLAN OF STANDARD CONDOMINIUM OF  
ALL OF LOTS 3 AND 4 AND  
PART OF LOTS 1, 2, 17, 18, 19 AND 20  
2ND DOUBLE RANGE  
REGISTERED PLAN H-50031  
TOWN OF WHITBY  
REGIONAL MUNICIPALITY OF DURHAM**

**SITE PLAN**

RESIDENTIAL UNITS 1 TO 10, INCLUSIVE, LEVEL 1 – REFER TO SHEET 2  
EXTENT OF RESIDENTIAL UNITS 1 TO 10, INCLUSIVE, LEVEL 1 (UPPER FLOOR) – REFER TO SHEET 3  
NO UNITS, LEVEL 2 – REFER TO SHEET 4  
RESIDENTIAL UNITS 1 TO 28, INCLUSIVE, LEVEL 3 – REFER TO SHEET 5  
RESIDENTIAL UNITS 1 TO 42, INCLUSIVE, LEVEL 4 – REFER TO SHEET 6  
RESIDENTIAL UNITS 1 TO 41, INCLUSIVE,  
GUEST SUITE UNIT 42, LEVEL 5 – REFER TO SHEET 7  
RESIDENTIAL UNITS 1 TO 20, INCLUSIVE, LEVEL 6 – REFER TO SHEET 8  
RESIDENTIAL UNITS 1 TO 19, INCLUSIVE, LEVEL 7 – REFER TO SHEET 9

**R-PE SURVEYING LTD.**  
ONTARIO LAND SURVEYORS  
643 Chrislea Road, Suite 7  
Woodbridge, Ontario L4L 8A3  
Tel. (416) 635-5000 Fax (416) 635-5001  
Tel. (905) 264-0881 Fax (905) 264-2099  
Website: www.r-pe.ca  
DRAWN: E.G. CHECKED: Y.W.  
JOB No. 18-144 CAD FILE No. 18-144-SHEET 1(SP)

**Attachment #4**  
**Draft Plan of Condominium Conditions**  
**File CW-2022-04**

PDP-15-23

1. The Owner shall prepare the final plan on the basis of the approved draft plan of condominium, prepared by R-PE Surveying Ltd., identified as Job No.: 18-144, which illustrates a condominium building with 160 residential units and 1 guest suite.
2. The Proponent shall agree in the Town of Whitby's Condominium Agreement to implement the noise recommendations from the "Noise Impact Study," prepared by HGC Engineering Ltd., dated February 20, 2019 which specifies noise attenuation measures for the development. These measures shall be included in the Condominium Agreement and must also contain a full and complete reference to the noise report (i.e. author, title, date and any revisions/addenda) and shall include warning clauses identified in the study.
3. The proponent shall provide the Town with the fees and legal costs incurred for the preparation and registration of the Condominium Agreement including the Release Fee in the amount of \$3,661.43.
4. The proponent covenants and agrees to implement the provisions of Site Plan Agreement (SP-03-19) and to confirm the same through the Condominium Agreement.
5. Prior to final approval, the proponent shall provide the Commissioner of Planning and Development for the Town of Whitby with a copy of the Condominium Corporation documents, demonstrating that all relevant Site Plan conditions of approval have been included in said documents. This shall include all clauses in all offers of purchase and sale or lease and registered upon the title of the dwellings within the block, to advise potential purchasers of the following:
  - a. The proponent covenants and agrees to implement the provisions of the Site Plan Agreement (SP-03-19) and to confirm the same through the Condominium Agreement;
  - b. The maintenance of all common elements such as, but not limited to, the internal roads, water meter room, hydro transformer, internal sidewalks, lighting, fencing, landscaping, driveway and visitor parking area;
  - c. The collection and disposal of residual garbage, recycling, yard waste and organic materials shall be the responsibility of the Condominium Corporation;
  - d. The allocation of visitor/accessible parking spaces of the condominium are to be owned and maintained by the Condominium Corporation, shall contain a clause in the condominium documents clearly specifying that the visitor/accessible parking spaces shall be properly signed and be solely for the use of visitors to the proposed condominium;

Attachment #4  
Draft Plan of Condominium Conditions  
File CW-2022-04

PDP-15-23

- e. Any changes or alterations to the building elevations, roof shingles, colours or materials require the approval of the condominium board;
- 6. The Proponent shall prepare the final plan on the basis of the approved draft plan of condominium, prepared by R-PE Surveying Ltd., identified as Job No.: 18-144, which illustrates a condominium building with 160 residential units and 1 guest suite.
- 7. Prior to final approval of the plan of condominium, the Commissioner of Planning and Development for the Town of Whitby shall be advised in writing by:
  - a. The Regional Municipality of Durham how conditions 1, 2, 3 and 4 have been satisfied.

PDP-15-23

**Attachment #5**  
**Agency & Stakeholder Detailed Comments**  
**File CW-2022-04**

## **Internal Departments**

### **Engineering Services**

Engineering Services has no objection to the above application, provided that the conditions of the executed Site Plan Agreement for file SP-04-20 shall be included in the Condominium Agreement with the Developer's responsibilities and obligations transferred to the Condominium Corporation where appropriate.

### **Financial Services**

From a Development Charges / Parkland Cash-in-Lieu standpoint there are no comments / concerns. The applicant paid both fees prior to building permit issuance in full.

## **External Agencies**

### **Durham Region Planning and Economic Development Department**

On May 9, 2019, the Region commented on the applicant's related Area Municipal Official Plan Amendment application (OPA-2019-W/01) which sought an increase in the maximum density to allow the development of the proposed building. On February 3, 2020, Whitby Council adopted Amendment #115 to the Whitby Official Plan which permits the proposed residential building.

The Region's previous comments with respect to the OPA as they relate to the conformity of the proposed condominium application with the Regional Official Plan and Provincial Plans and Policies, and our delegated Provincial Plan Review responsibilities have been addressed.

Accordingly, the Region has no objection to the draft approval of the condominium application. The condition of draft approval must be complied with prior to clearance by the Region for registration of the plan.

The Proponent must also provide a land use table prepared by an Ontario Land Surveyor to the Region's satisfaction. The land use table must provide lot area calculations for the proposed land use(s) allocated within the draft plan of condominium.

# Memorandum to Council

Planning and Development Department

Development Control, Design and Technical Services



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**To:** Mayor and Members of Council

**CC:** Roger Saunders, Commissioner, Planning and Development  
Chris Harris, Town Clerk

**Acknowledged by M. Gaskell,  
Chief Administrative Officer**

**From:** John Austin, Sr. Manager, Development Control, Design & Technical Services

**Date:** April 3, 2023

**File #:** PDP 15-23 (DEV-37-22, CW-2022-02)

**Subject:** Revision to Committee of the Whole Staff Report PDP 15-23 Draft Plan of Condominium, Brookfield Residential (ONT) Station No. 3 Ltd.

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Please be advised that Attachment #4 to the above captioned report has been revised to include the corrected draft conditions from the Region of Durham. There are no other changes to the Report.

# Town of Whitby

## Staff Report

[whitby.ca/CouncilCalendar](http://whitby.ca/CouncilCalendar)



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### Report Title: Removal of 301 Colborne St. E. from the Municipal Heritage Register

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**Report to:** Committee of the Whole

**Date of meeting:** April 3, 2023

**Report Number:** PDP 17-23

**Department(s) Responsible:**

Planning and Development Department  
(Planning Services)

**Submitted by:**

Roger Saunders, Commissioner of  
Planning and Development

**Acknowledged by M. Gaskell, Chief  
Administrative Officer**

**For additional information, contact:**

Dave Johnson, Planner II – Heritage, ext.  
3166

---

#### 1. Recommendation:

1. That the property municipally known as 301 Colborne Street East be removed from the Town's Municipal Heritage Register; and,
2. That a full Heritage Documentation Report be prepared prior to demolition and submitted to the Planning and Development Department, to be deposited at the Whitby Archives.

#### 2. Highlights:

- GHD on behalf of Vandeenboom Properties has submitted an Application for Removal of a Non-designated Property from the Municipal Heritage Register in order to develop the site for residential uses.
- A Cultural Heritage Impact Assessment (CHIA) submitted along with the application has determined that the property does not exhibit cultural heritage value.
- The Heritage Whitby Advisory Committee has reviewed the application and do not object to the subject property being removed from the Town's Municipal Heritage Register.
- A Heritage Documentation Report is required to be submitted before demolition takes place for deposit into the Whitby Archives.



### 3. Background:

The subject property is located at the southeast corner of Colborne Street East and Athol Street and is municipally known as 301 Colborne St. E (refer to Attachment #1). The site is approximately 0.10 ha (0.24 acres) in size and is listed on the Town's Municipal Heritage Register. There is currently one structure on the property.

#### **Overview of the Cultural Heritage Impact Assessment (CHIA)**

The applicant submitted a Cultural Heritage Impact Assessment (CHIA), prepared by Letourneau Heritage Consulting (LHC), dated April 2022 (refer to Attachment #2).

According to the CHIA, the main structure was constructed in 1876 as a late Victorian vernacular residence with influences of the Gothic Revival Style. The structure is a two-storey residential building. The building is vinyl-clad with a medium-pitch, front-facing gable roof and vinyl soffits. The gable roof is interrupted twice with a lancet window and a two-storey bay window. There is a front facing porch of vinyl construction with some wooden features of decorative bargeboard. The CHIA notes that the two-bay window and off-centred entrance and front gable peak are not characteristic of Gothic Revival cottage design.

The CHIA includes interior and exterior descriptions, background research and analysis, an overview of the historical context and a property morphology of ownership over time since before construction until the 1980s.

### 4. Discussion:

GHD on behalf of Vandenboom properties is requesting the removal of the subject lands from the Town's Municipal Heritage Register, in order to develop the site for residential uses. In order to demolish the existing structure on the lands, the applicant is required to de-list the property. As part of the de-listing process, the applicant is required to determine its historical significance through a CHIA.

#### **Ontario Regulation 9/06 Evaluation**

The lands have been assessed in accordance with Ontario Regulation 9/06, which provides criteria for determining cultural heritage value or interest related to design or physical value, historical or associative value, and contextual value, as follows:

- The property has design value or physical value because it:
  - is a rare, unique, representative, or early example of a style, type, expression, material, or construction method;
  - displays a high degree of craftsmanship or artistic merit; or
  - demonstrates a high degree of technical or scientific achievement.
- The property has historical or associative value because it:

- has direct associations with a theme, event, belief, person, activity, organization, or institution that is significant to a community;
  - yields, or has the potential to yield, information that contributes to an understanding of a community or culture; or
  - demonstrates or reflects the work or ideas of an architect, artist, builder, designer, or theorist who is significant to a community.
- The property has contextual value because it:
  - is important in defining, maintaining, or supporting the character of an area;
  - is physical, functionally, visually, or historically linked to its surroundings; or
  - is a landmark.

Through a review of the information and images of the structure, the applicant's heritage consultant, LHC Heritage Planning & Archaeology Inc. (LHC) determined that the property met 0 of 9 criteria for cultural heritage value or interest, as summarized in Table 2 of Attachment #2.

It is LHC's opinion that based upon background research, analysis and LHC's understanding of current conditions the property located at 301 Colborne Street:

- does not have design or physical value as a rare, unique, representative, or early example of a style, type, expression, material, or construction method. Nor does it demonstrate a high degree of craftsmanship, artistic merit, or technological or scientific achievement;
- does not have historical or associative value; and,
- does not have contextual value.

As a result, it is LHC's opinion that the subject lands do not exhibit cultural heritage value or interest as the lands do not meet any of the criteria of Ontario Regulation 9/06.

### **Consultation with Heritage Whitby Advisory Committee**

The applicant and their heritage consultant attended the February 14th, 2023 meeting of the Heritage Whitby Advisory Committee (HWAC).

At the meeting, the applicant and consultant presented the CHIA to HWAC.

The Committee passed the following motion:

"That the Heritage Whitby Advisory Committee supports the Application to Remove a Property (301 Colborne Street East) from the Municipal Heritage Register."

Refer to Attachment #3 for minutes of the February 14<sup>th</sup>, 2023 HWAC meeting.

## **Conclusion**

Based on a review of the application, photographs, and the CHIA submitted in support of the request to de-list the property located at 301 Colborne St. East, the subject lands have been significantly altered architecturally. Architecturally, the lands no longer exhibit Gothic Revival influences as many unsympathetic alterations have taken place.

Accordingly, it is recommended that Council remove the subject lands from the Town's Municipal Heritage Register.

It is further recommended that a Heritage Documentation Report be submitted before demolition takes place for deposit into the Whitby Archives. The Heritage Documentation report must contain the following:

- a statement of cultural heritage value;
- overview of scope and methods used to document the lands;
- as-built floor plan drawings;
- photo documentation of the property;
- elevation photo documentation;
- drawings of the exterior of the house; and,
- interior views of all rooms and features.

## **5. Financial Considerations:**

Not applicable

## **6. Communication and Public Engagement:**

The Town of Whitby Heritage Register will be updated accordingly. The Register is available for public review. A copy of this staff report is available on the Town's website.

## **7. Input from Departments/Sources:**

Not applicable.

## **8. Strategic Priorities:**

The recommendations contained in this report align with the objectives of the Corporate Strategic Plan.

This report is in a fully accessible format, which addresses the Town's strategic priority of accessibility.

## **9. Attachments:**

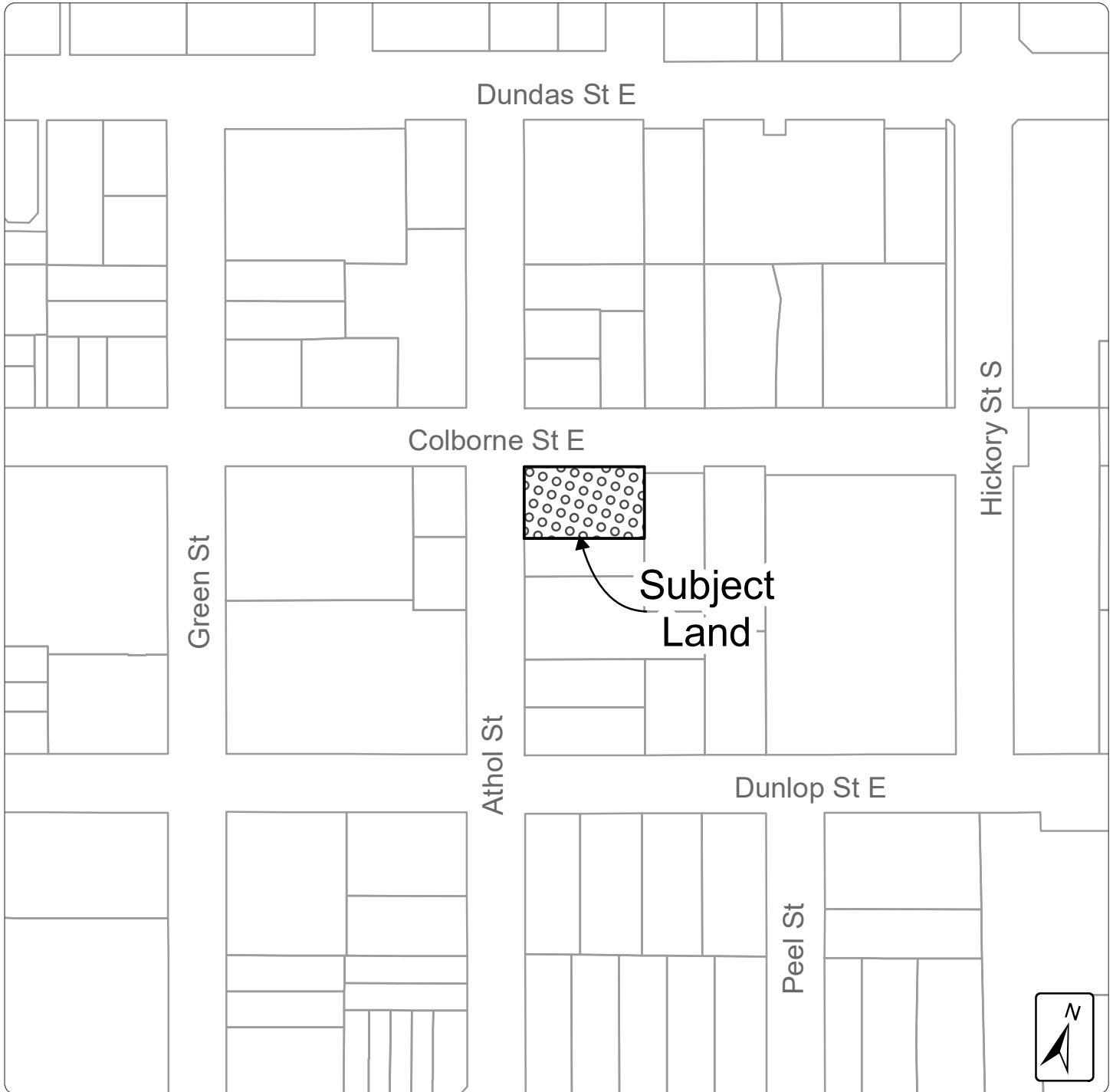
Attachment #1 – Location Sketch – 301 Colborne Street East

Attachment #2 – Cultural Heritage Impact Assessment, prepared by Letourneau Heritage Consultants (LHC)

Attachment #3 – Minutes of February 14, 2023 HWAC meeting

# Attachment #1 Location Sketch

PDP 17-23



## Town of Whitby Planning and Development Department

Address:

301 Colborne Street East

Date:

March 2023

External Data Sources:

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# FINAL REPORT

## Cultural Heritage Impact Assessment

301 Colborne Street East  
Whitby, Ontario



(Whitby Archives)

**LHC | Heritage  
Planning and  
Archaeology**

837 Princess Street,  
Suite 400  
Kingston, ON  
K7L 1G8

Phone: 613-507-7817  
Toll Free: 1-833-210-7817  
E-mail: [info@lhcheritage.com](mailto:info@lhcheritage.com)

April 2022

Project # LHC0233

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**Report prepared for:** Despina Kirk, CEO  
Vandenboom Properties  
7742 Ashburn Road Whitby, Ontario  
L1M 1L5

**Report prepared by:** Colin Yu, M.A  
Hayley Devitt Nabuurs, MPI

**Graphics prepared by:** Jordan Greene, BA

**Reviewed by:** Christienne Uchiyama, M.A, CAHP  
Marcus Létourneau, PhD, MCIP, RPP, CAHP



## Report Limitations

The qualifications of the heritage consultants who authored this report are provided at the end of this report. All comments regarding the condition of the structure relate only to observed materials and structural components that are documented in photographs and other studies. The findings of this report do not address any structural or condition-related issues associated with the structure.

With respect to historical research, the purpose of this report is to obtain sufficient material to evaluate the CHVI of the property. The authors are fully aware that there may be additional historical information not treated here. Nevertheless, the consultants believe that the information collected, reviewed, and analyzed is sufficient to conduct the CHIA.

This report reflects the professional opinion of the authors and the requirements of their membership in various professional and licensing bodies.

On the day of the site visit, access to the interior was granted by the proponent; however, due to privacy concerns, images from this interior are limited within this report.

Due to the COVID-19 pandemic, physical access to archives, including the Whitby Public Library, Whitby Archives, and Archives of Ontario was limited.

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In addition, this assessment is subject to the understanding that soundscapes, cultural identity, and sense of place analysis were not integrated into this report. The review of the policy/legislation was limited to that information directly related to cultural heritage management; it is not a comprehensive planning review.

## EXECUTIVE SUMMARY

LHC was retained by Despina Kirk of Vandeenboom Properties to undertake a Cultural Heritage Impact Assessment (**CHIA**) for 301 Colborne Street East in the Town of Whitby, Ontario. The property is currently '*listed*' on the Town of Whitby's Heritage Register as a non-designated property under Section 27, Part IV of the *Ontario Heritage Act* (**OHA**).

The purpose of this CHIA is to provide a review of the proposed activity which might result in adverse impacts on heritage attributes and to provide, as necessary, recommendations to mitigate any identified impacts

LHC has prepared this CHIA according to the Town of Whitby's (**the Town**) *Cultural Heritage Impact Assessment Terms of Reference* (n.d.).

A site visit was undertaken by Colin Yu on 12 November 2020.

The subject property located at 301 Colborne Street East was evaluated against *Ontario Regulation 9/06 Criteria for Determining Cultural Heritage Value or Interest* under the *Ontario Heritage Act* (**O.Reg.9/06**).

Based upon background research, analysis and our understanding of current conditions the property located at 301 Colborne Street:

- does not have design or physical value as a rare, unique, representative or early example of a style, type, expression, material or constructions method. Nor does it demonstrate a high degree of craftsmanship, artistic merit, or technological or scientific achievement;
- does not have historical or associative value; and,
- does not have contextual value.

As a result, it is LHC's opinion that the property does not meet the criteria outlined under O.Reg.9/06.

As such, the proposed development seeks to remove the main building on the Subject Property; the early 20<sup>th</sup> century, two-storey frame residence.

The development proposal results in the total loss of the early 20<sup>th</sup> century residential structure. Although the Subject Property was reviewed against O.Reg. 9/06 and found not to meet the criteria, the loss of early 20<sup>th</sup> century building stock should be mitigated through salvage and documentation. This is preferred to demolition and disposal of materials in landfill. It is further recommended that this report be provided to the Whitby Archives for documentation purposes.

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# 1 INTRODUCTION

LHC was retained by Despina Kirk of Vandeenboom Properties to undertake a Cultural Heritage Impact Assessment (**CHIA**) for 301 Colborne Street East (**the Subject Property**) in the Town of Whitby, Ontario.

The property is currently 'listed' on the Town of Whitby's Heritage Register as a non-designated property under Section 27, Part IV of the *Ontario Heritage Act (OHA)*. This CHIA was prepared according to the Town of Whitby's (**the Town**) *Cultural Heritage Impact Assessment Terms of Reference*.

The purpose of this CHIA is to:

- understand the cultural heritage value or interest of the property;
- articulate the significance and heritage attributes of the cultural heritage resource(s), if applicable;
- identify potential impacts from the proposed development or alteration on the cultural heritage value or interest of the property; and,
- consider alternatives and mitigation options, and recommend a preferred conservation strategy.

## 1.1 Study Area

The Subject Property is located at 301 Colborne Street East in Whitby, Ontario (Figure 1). It is legally described as Plan H-50031, Part Lot 9,10 10794.32SF 136.00FR 79.37D. The Subject Property is at the southeast corner of the intersection of Colborne Street East and Athol Street. The primary resource on the property is the vernacular, two-storey frame residential building fronting Colborne Street East.

## 1.2 Site Visit

A site visit was conducted on 12 November 2020 by Colin Yu. Access to the Subject Property was granted by the proponent. The purpose of this site visit was to document the current conditions of the property, its structure(s), and its surrounding context.

## 1.3 Historic Research

Historic research was undertaken to outline the history and development of the Subject Property and place it in its broader community context. Primary historic materials, including air photos, Fire Insurance Plans, and mapping were obtained from:

- Whitby Public Library Archives (digital);
- The Town of Whitby online Interactive Maps;
- Archives of Ontario; and,
- Natural Resources Canada.

Secondary research was based on the research files/resources held by LHC (e.g., historical atlases, local histories, and architectural reference texts) and available online sources.

Due to the COVID-19 pandemic, access to archives, including the Whitby Public Library, Whitby Archives, and Archives of Ontario was limited.

#### **1.4 Consultation**

The Whitby Library Archives were contacted via email on 23 November 2020 to inquire about available information on the Subject Property.






Legend

● Subject Property

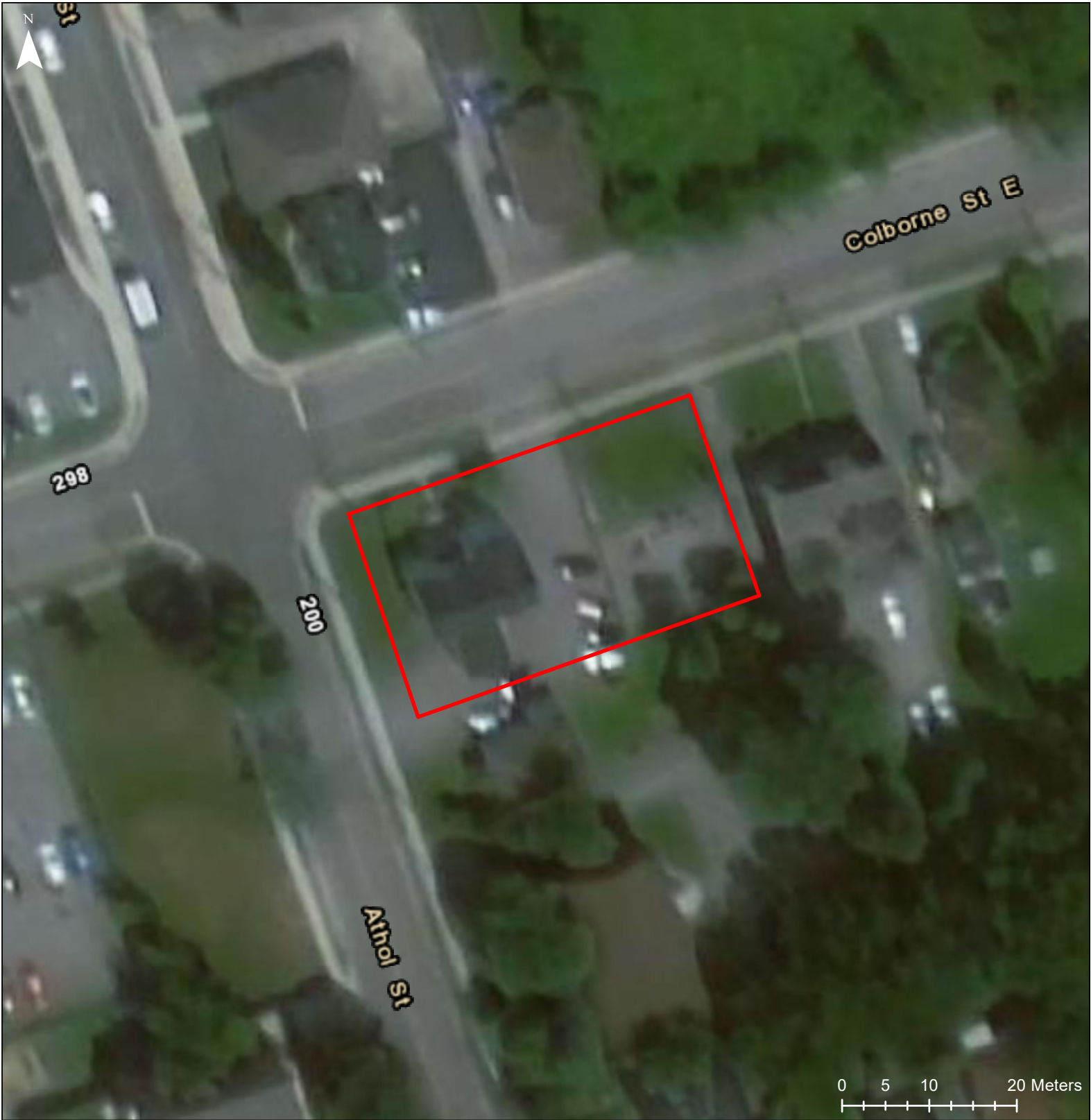
NOTE(S)  
1. All locations are approximate.

REFERENCE(S)  
1. Service Layer Credits: Sources: Esri, Here, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community  
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TITLE Location Plan of Subject Property		
CLIENT Despina Kirk, CEO Vandenboom Properties		
PROJECT Cultural Heritage Impact Assessment 301 Colborne Street, Whitby, ON		PROJECT NO. LHC0233

CONSULTANT	YYYY-MM-DD	2020-11-18
	PREPARED	LHC
	DESIGNED	JG
	FIGURE #	1






**Legend**

 Subject Property

**NOTE(S)**  
1. All locations are approximate.

**REFERENCE(S)**  
1. Service Layer Credits: Sources: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community  
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TITLE Current Conditions of Subject Property		
CLIENT Despina Kirk, CEO Vandebloom Properties		
PROJECT Cultural Heritage Impact Assessment 301 Colborne Street, Whitby, ON		PROJECT NO. LHC0233
CONSULTANT	YYYY-MM-DD	2020-11-18
	PREPARED	LHC
	DESIGNED	JG
	FIGURE #	2

## 2 POLICY AND LEGISLATIVE CONTEXT

### 2.1 Provincial Planning Framework

In Ontario, cultural heritage is considered a matter of provincial interest and cultural heritage resources are managed under Provincial legislation, policy, regulations and guidelines. Cultural heritage is established as a key provincial interest directly through the provisions of the *OHA*, the *Planning Act*, and the *Provincial Policy Statement 2020 (PPS)*. Other provincial legislation deals with cultural heritage indirectly or in specific cases. The *Environmental Assessment Act* and *Environmental Protection Act* use a definition of “environment” that includes cultural heritage resources, and the *Funeral, Burial and Cremation Services Act* addresses historic cemeteries and processes for identifying graves that may be prehistoric or historic. These various acts and policies under these acts indicate broad support for the protection of cultural heritage by the Province. They also provide a legal framework through which minimum standards for heritage evaluation are established. What follows is an analysis of the applicable legislation and policy regarding the identification and evaluation of cultural heritage.

#### 2.1.1 Planning Act, R.S.O. 1990, c.P.13

*The Planning Act* is the primary document for municipal and provincial land use planning in Ontario. This Act sets the context for provincial interest in heritage. It states under Part I (2, d):

The Minister, the council of a municipality, a local board, a planning board and the Municipal Board, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as...the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest.<sup>1</sup>

Under Section 1 of *The Planning Act*:

A decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Tribunal, in respect of the exercise of any authority that affects a planning matter...shall be consistent with [the PPS].<sup>2</sup>

Details about provincial interest as it relates to land use planning and development in the province are outlined in the *PPS* which makes the consideration of cultural heritage equal to all other considerations concerning planning and development within the province.

#### 2.1.2 Provincial Policy Statement (2020)

The *PPS* provides further direction for municipalities regarding provincial requirements and sets the policy foundation for regulating the development and use of land in Ontario. Land use planning decisions made by municipalities, planning boards, the Province, or a commission or agency of the government must be consistent with the *PPS*. The Province deems cultural

---

<sup>1</sup> Province of Ontario, “Planning Act, R.S.O. 1990, c. P.13,” December 8, 2020, <https://www.ontario.ca/laws/statute/90p13>, Part I (2, d).

<sup>2</sup> Province of Ontario, “Planning Act,” 2020, Part I S.5.

heritage and archaeological resources to provide important environmental, economic, and social benefits, and *PPS* directly addresses cultural heritage in Section 1.7.1e and Section 2.6.

Section 1.7 of the *PPS* regards long-term economic prosperity and promotes cultural heritage as a tool for economic prosperity. The relevant subsection states that long-term economic prosperity should be supported by:

1.7.1e encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes.

Section 2.6 of the *PPS* articulates provincial policy regarding cultural heritage and archaeology. Subsection's state:

2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

2.6.4 Planning authorities should consider and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources.

2.6.5 Planning authorities shall engage with Indigenous communities and consider their interests when identifying, protecting and managing cultural heritage and archaeological resources.<sup>3</sup>

The definition of significance in the *PPS* states that criteria for determining significance for cultural heritage resources are determined by the Province under the authority of the *OHA*.<sup>4</sup> The *PPS* makes the consideration of cultural heritage equal to all other considerations and recognizes that there are complex interrelationships among environmental, economic, and social factors in land use planning. It is intended to be read in its entirety and relevant policies applied in each situation.

The definition of significance in the *PPS* states that criteria for determining significance for cultural heritage resources are determined by the Province under the authority of the *OHA*.

---

<sup>3</sup> Province of Ontario, "Provincial Policy Statement," 2020, 29.

<sup>4</sup> Province of Ontario, "Provincial Policy Statement," 2020, 51.

### 2.1.3 Ontario Heritage Act, R.S.O. 1990, c.O18

The OHA and associated regulations establish the protection of cultural heritage resources as a key consideration in the land-use planning process, set minimum standards for the evaluation of heritage resources in the province, and give municipalities power to identify and conserve individual properties, districts, or landscapes of cultural heritage value or interest.

Part I (2) of the OHA enables the Minister to determine policies, priorities, and programs for the conservation, protection, and preservation of the heritage of Ontario. The OHA and associated regulations establish the protection of cultural heritage resources as a key consideration in the land-use planning process, set minimum standards for the evaluation of heritage resources in the province, and give municipalities power to identify and conserve individual properties, districts, or landscapes of cultural heritage value or interest. O. Reg. 9/06 and Ontario Regulation 10/06 (O. Reg. 10/06) outline criteria for determining cultural heritage value or interest and criteria for determining cultural heritage value or interest of provincial significance.

Individual heritage properties are designated by municipalities under Section 29, Part IV of the OHA. A municipality may list a property on a municipal heritage register under Section 27, Part IV of the OHA. A municipality may designate heritage conservation districts under Section 41, Part V of the OHA. An OHA designation applies to real property rather than individual structures.

Amendments to the OHA were announced by the Province under Bill 108: More Homes, More Choices Act and came into effect on July 1, 2021. Previously, municipal council's decision to protect a property determined to be significant under the OHA was final with appeals being taken to the Conservation Review Board, who played an advisory role. With Bill 108 proclaimed, decisions are appealable to the Ontario Land Tribunal for adjudication.

Sections 33 and 34 Part IV and Section 42 Part V of the OHA require owners of designated heritage properties to obtain a permit or approval in writing from a municipality/municipal council to alter, demolish or remove a structure from a designated heritage property. These sections also enable a municipality to require an applicant to provide information or material that council considers it may need to decide which may include a CHIA.

Under Section 27(3), a property owner must not demolish or remove a building or structure unless they give council at least 60 days notice in writing. Under Section 27(5) council may require plans and other information to be submitted with this notice which may include a CHIA.

*O.Reg. 9/06* identifies the criteria for determining cultural heritage value or interest under Section 29 of the *OHA* and is used to create a Statement of Cultural Heritage Value or Interest (**SCHVI**). These criteria are used in determining if an individual property has CHVI. The regulation has three criteria, each with three sub-criteria:

1. The property has design value or physical value because it,
  - i. is a rare, unique, representative or early example of a style, type, expression, material or construction method;
  - ii. displays a high degree of craftsmanship or artistic merit, or
  - iii. demonstrates a high degree of technical or scientific achievement.

2. The property has historical value or associative value because it,
  - i. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community;
  - ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or
  - iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
3. The property has contextual value because it,
  - i. is important in defining, maintaining or supporting the character of an area;
  - ii. is physically, functionally, visually or historically linked to its surroundings, or
  - iii. is a landmark.

If a property has been determined to meet the criteria of *O.Reg. 9/06*, and the decision is made to pursue designation, the *OHA* prescribes the process by which a designation must occur. Municipal council may choose to protect a property determined to be significant.

#### **2.1.4 Places to Grow Act, 2005, S.O. 2005**

The *Places to Grow Act* guides growth in the province and was consolidated 1 June 2021. It is intended:

- a) to enable decisions about growth to be made in ways that sustain a robust economy, build strong communities and promote a healthy environment and a culture of conservation;
- b) to promote a rational and balanced approach to decisions about growth that builds on community priorities, strengths and opportunities and makes efficient use of infrastructure;
- c) to enable planning for growth in a manner that reflects a broad geographical perspective and is integrated across natural and municipal boundaries;
- d) to ensure that a long-term vision and long-term goals guide decision-making about growth and provide for the co-ordination of growth policies among all levels of government.<sup>5</sup>

This act is administered by the Ministry of Infrastructure and enables decision making across municipal and regional boundaries for more efficient governance in the Greater Golden Horseshoe area.

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<sup>5</sup> Province of Ontario, "Places to Grow Act, 2005, S.O. 2005, c. 13," last modified April 19, 2021, <https://www.ontario.ca/laws/statute/05p13>, 1.



### 2.1.5 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

The Properties are located within the area regulated by *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the Growth Plan)* which came into effect on 16 May 2019 and was consolidated on 28 August 2020.

In Section 1.2.1, the *Growth Plan* states that its policies are based on key principles, which includes:

Conserve and promote cultural heritage resources to support the social, economic, and cultural well-being of all communities, including First Nations and Métis communities.<sup>6</sup>

Section 4.1 Context, in the *Growth Plan* describes the area it covers as containing:

...a broad array of important hydrologic and natural heritage features and areas, a vibrant and diverse agricultural land base, irreplaceable cultural heritage resources, and valuable renewable and non-renewable resources.<sup>7</sup>

It describes cultural heritage resources as:

The *GGH* also contains important cultural heritage resources that contribute to a sense of identity, support a vibrant tourism industry, and attract investment based on cultural amenities. Accommodating growth can put pressure on these resources through development and site alteration. It is necessary to plan in a way that protects and maximizes the benefits of these resources that make our communities unique and attractive places to live.<sup>8</sup>

Policies specific to cultural heritage resources are outlined in Section 4.2.7, as follows:

1. Cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas;
2. Municipalities will work with stakeholders, as well as First Nations and Métis communities, in developing and implementing official plan policies and strategies for the identification, wise use and management of cultural heritage resources; and,
3. Municipalities are encouraged to prepare archaeological management plans and municipal cultural plans and consider them in their decision-making.<sup>9</sup>

Amendment 1 to *A Place to Grow* aligns the definitions of *A Place to Grow* with PPS 2020.

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<sup>6</sup> Province of Ontario, "A Place to Grow: Growth Plan for the Greater Golden Horseshoe," last modified 2020, <https://files.ontario.ca/mmah-place-to-grow-office-consolidation-en-2020-08-28.pdf>, 6.

<sup>7</sup> Province of Ontario, "A Place to Grow: Growth Plan for the Greater Golden Horseshoe," 2020, 39.

<sup>8</sup> Province of Ontario, "A Place to Grow: Growth Plan for the Greater Golden Horseshoe," 2020, 39.

<sup>9</sup> Province of Ontario, "A Place to Grow: Growth Plan for the Greater Golden Horseshoe," 2020, 47.

### 2.1.6 Municipal Act, 2001, S.O. 2001, c.25

The *Municipal Act* was consolidated on 19 April 2021 and enables municipalities to be responsible and accountable governments with their jurisdiction.<sup>10</sup> The *Municipal Act* authorizes powers and duties for providing good government and is administered by the Ministry of Municipal Affairs and Housing.

Amongst the many powers enabled by the *Municipal Act* is the power to create By-laws within the municipalities sphere of jurisdiction.<sup>11</sup> Under Section 11 (3) lower and upper tier municipalities are given the power to pass by-laws on matters including culture and heritage.<sup>12</sup> Enabling municipalities to adopt a by-law or a resolution by Council to protect heritage, which may include requirements for an HIA.

### 2.1.7 Provincial Planning Context Summary

In summary, cultural heritage resources are considered an essential part of the land use planning process with their own unique considerations. As the province, these policies and guidelines must be considered by the local planning context. In general, the province requires significant cultural heritage resources to be conserved.

Multiple layers of municipal legislation enable a municipality to require a CHIA for alterations, demolition or removal of a building or structure from a listed or designated heritage property. These requirements support the conservation of cultural heritage resources in Ontario following provincial policy direction.

## 2.2 Local Planning Framework

### 2.2.1 Durham Region Official Plan (1991, last consolidated 2020)

The *Durham Regional Official Plan (ROP)* adopted by Regional Council on June 5, 1991 and approved by the Ministry of Municipal Affairs and Housing on 24 November 1993. The ROP was most recently consolidated on 26 May 2020. The ROP serves to guide growth and land use decisions to 2031.

Section 2 includes on policy for cultural heritage resource policies with the goal “to preserve and foster the attributes of communities and the historic and cultural heritage of the Region”.<sup>13</sup> Policy 2.3.49, states that:

Regional Council shall encourage Councils of the area municipalities to utilize the Ontario Heritage Act to conserve, protect, and enhance the built and cultural heritage resources of the municipality, to establish Municipal Heritage Committees to consult regarding matters relating to built and cultural heritage

<sup>10</sup> Province of Ontario, “Municipal Act, 2001, S.O. 2001, c.25,” last modified April 19, 2021, <https://www.ontario.ca/laws/statute/01m25>.

<sup>11</sup> Province of Ontario, “Municipal Act,” 2021, 11.

<sup>12</sup> Province of Ontario, “Municipal Act,” 2021, 11(3).

<sup>13</sup> Durham Region, “Durham Regional Official Plan,” consolidated May 26, 2020, 3.

resources planning and, the designation of heritage conservation districts and properties as provided for in the Ontario Heritage Act.<sup>14</sup>

The ROP does not include a section dedicated to cultural heritage resources and directs the development of these policies to the lower tier municipalities.

### 2.2.2 Town of Whitby Community Strategic Plan

The Community Strategic Plan, produced in 2002, seeks to provide a clear direction and vision for the municipality and offer a series of objectives to assist the Town in realizing their vision. The document provides the vision statement for Whitby, which states:

Whitby will be the "Community of Choice" for family and business, embracing the future while respecting our proud heritage and natural environment, and promoting our strong sense of community identity.<sup>15</sup>

As stated within the document, part of the strength and identity of the community comes through respect for their heritage resources. Additionally, one of the six main objectives presented within the plan is to preserve and enhance Whitby's heritage, culture and natural environment, with a goal presented within the objective to identify and promote the conservation and management of heritage and natural resources. In sum, the Strategic Plan demonstrates the importance of the conservation and management of heritage resources, and for how these resources are meaningful to the community.

### 2.2.3 Town of Whitby Official Plan

The *Town of Whitby Official Plan (OP)* addresses cultural heritage in Section 6.1 (Heritage Resources). Section 6.1 states the objectives of its cultural heritage policies are, as follows:

#### 6.1.2 Objectives

6.1.2.1 To *identify, conserve, and enhance cultural heritage resources* in accordance with the *Ontario Heritage Act* and to ensure that such resources are protected through the *development* approval process in accordance with applicable legislation, plans, programs, and guidelines.

6.1.2.2 To *conserve* and enhance the *character* of Heritage Conservation Districts through the careful consideration of plans for change within and adjacent to the District.

6.1.2.3 To identify archaeological resources to ensure that such resources are conserved through the development approval process in accordance with applicable legislation.

6.1.2.4 To encourage the development of a municipal-wide culture of conservation by promoting cultural heritage initiatives as part of a comprehensive economic, environmental, and social strategy to recognize that *cultural heritage*

<sup>14</sup> Durham Region, "Durham Regional Official Plan," consolidated May 26, 2020, 15.

<sup>15</sup> Town of Whitby, "Town of Whitby Community Strategic Plan," 2002, 4.



*resources* contribute to achieving a *sustainable*, healthy, and prosperous community.

The OP outlines Town policies related to cultural heritage resources in Section 6.1.3. This includes policies relating to site development and adjacent heritage property in Section 6.1.3.8. Section 6.1.3.8 states:

The Municipality may require a cultural heritage impact assessment that describes the cultural heritage resource and potential impacts of *development* and recommends strategies to mitigate negative impacts, where the alteration, *development*, or *redevelopment* of property is proposed on, or adjacent to cultural heritage resources that are designated under Part IV or Part V of the *Ontario Heritage Act*.

The OP outline Town policies relating to Urban Design and cultural resources in Section 6.2.3.11 *Cultural Heritage*. Policy 6.2.3.11 reads:

6.2.3.11.1 *Development* and *redevelopment* in or adjacent to Heritage Conservation Districts or adjacent to designated *cultural heritage resources* shall be sensitively designed to complement and reflect the form and *massing*, and surrounding heritage *character*, including landscape features, through the selection of appropriate architectural features, materials, colours, and lighting, in accordance with the provisions of a Heritage Conservation District Plan, where they exist, and/or Cultural Heritage Impact Assessment and Section 6.1 of this Plan.

6.2.3.11.2 Negative impacts on significant *cultural heritage resources* shall be minimized to the greatest extent possible in the design and construction of road improvements and other public works.

This CHIA has been prepared in response to these policies.

## **2.2.4 Downtown Whitby Secondary Plan**

The subject property is located within the Downtown Whitby Secondary Plan (the Secondary Plan) area. With respect to cultural heritage, the Secondary Plan identifies the following objective:

11.3.2.4 To preserve buildings of architectural and historical significance and encourage their rehabilitation where necessary.

Section 11.3.9 *Architectural and Historical Preservation* outlines several policies related to the conservation of cultural heritage, as follows:

11.3.9.1 Council shall request the Local Architectural Conservation Advisory Committee to maintain a complete and up-to-date inventory of all buildings of architectural and/or historic interest within the Secondary Plan Area.

11.3.9.2 Buildings named in the inventory referred to in Section 11.3.9.1 shall be encouraged to be designated under Part IV of the Ontario Heritage Act.

11.3.9.3 Where redevelopment takes place, Council shall encourage developers to incorporate buildings of architectural and/or historic interest satisfactorily into new development.

11.3.9.4 Where a building of architectural and/or historic interest cannot be incorporated satisfactorily into a new development, Council shall consider proposals to relocate the building to another site within the Municipality with priority given to the Secondary Plan Area.

11.3.9.5 Council may, by By-law passed pursuant to Part V of the Ontario Heritage Act, define the Secondary Plan Area or a portion thereof as an area to be examined for designation as a Heritage Conservation District.

The Secondary Plan is currently under review to address increased growth and sustainable development.<sup>16</sup>

## **2.2.5 Downtown Whitby Community Improvement Plan**

The subject property is located within the Downtown Whitby Community Improvement Plan (the CIP) area. The CIP was adopted by Council on 25 June 2018. The stated objectives of the CIP are to:

- Encourage the retention, restoration and protection of the existing cultural heritage resources in a safe and attractive form;
- Increase the population in Downtown Whitby to support the commercial core;
- Develop more office and mixed use buildings in Downtown Whitby;
- Redevelop under-utilized and/or vacant land in Downtown Whitby to achieve intensification targets and increase the liveability of the Downtown;
- Bring more people and visitors to enjoy Downtown Whitby as a destination;
- Support internal and external building upgrades and restoration;
- Upgrade and enhance business signage throughout the Downtown to compliment the heritage character of the area;
- Remove barriers and increase accessibility to support all user groups;
- Maximize the efficient use of the existing public infrastructure;
- Preserve and enhance the viability of existing commercial and employment areas;
- Balance heritage conservation with development/redevelopment at key sites;
- Maximize the use of funding from various levels of government;
- Provide additional public services and amenities in existing developed areas;
- Provide a range of incentive programs to encourage, support and assist with improvements to private property; and

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<sup>16</sup> Town of Whitby. "Have Your Say on the Downtown Whitby Secondary Plan." News. December 3, 2020. <https://www.whitby.ca/en/news/have-your-say-on-the-downtown-whitby-secondary-plan.aspx>

- Demonstrate municipal leadership and commitment to community improvement.

The subject property is not located within the Historic Downtown Whitby Priority Area outlined in the CIP.

## 2.2.6 Cultural Heritage Impact Assessment Terms of Reference

The Town of Whitby has prepared a guidance document entitled Cultural Heritage Impact Assessment Terms of Reference (**ToR**). This document has formed the basis for the format and content of the current CHIA report. The ToR describe a CHIA as follows:

A Cultural Heritage Impact Assessment is a study to determine the impact of a proposed development on the cultural heritage value of a property and to recommend an overall approach to the conservation of the heritage resources.

This CHIA includes the following sections:

- Heritage Planning and Policy Framework – relevant cultural heritage policies and legislation are outlined as they apply to the development proposal in Section 2;
- Introduction to Development Site – a visual and textual description of the subject property and its surrounding context is provided in Section 3, as required by the CHIA guidelines’
- Background Research and Analysis - a comprehensive review of the history of the property and its surroundings is provided in Section 4 along with an evaluation of the cultural heritage value or interest of the property and its resources, as required by the CHIA guidelines;
- Assessment of Existing Condition – a comprehensive written and visual description of the condition of the property’s key resource is provided in Section 3.6 as required by the CHIA guidelines;
- A statement of significance identifying the cultural heritage value or interest and heritage attributes of the property is included as Section 6, as required by the CHIA guidelines;
- Description of the Proposed Development or Site Alteration – the development proposal is described in Section 7, as required by the CHIA guidelines, Required Contents (e);
- Impact of Development on Heritage Attributes – impacts on cultural heritage value and heritage attributes of the adjacent property are identified and assessed per Town of Whitby and Ontario Ministry of Tourism, Culture, and Sport guidance in Section 8, as required by the CHIA guidelines, Required Contents (f);
- Considered Alternatives and Mitigation Strategies –considered alternatives provides mitigative measures to lessen or avoid potential adverse impacts are outlined in Section 9, as required by the CHIA guidelines, Required Contents (g); and,
- Recommended Conservation Strategy – recommendations for next steps and a preferred alternative and mitigation strategy are provided in Section 9.1.1, as required by the CHIA guidelines, Required Contents (h).

### **2.2.7 Local Planning Context Summary**

In summary, subject property falls within the area of several documents concerning cultural heritage resource conservation. These documents provide direction for land use, development, policies, and goals for the conservation of cultural heritage resources which are consistent with provincial framework and policies. The overarching message of these documents is the value of cultural heritage resources in the community and the need for development to be complementary to these resources.

### 3 INTRODUCTION TO THE DEVELOPMENT SITE

#### 3.1 Property Location

The Subject Property is located at 301 Colborne Street East in Whitby, Ontario (Figure 1). The Subject Property is legally described as Plan H-50031, Part Lot 9,10 10794.32SF 136.00FR 79.37D. The Subject Property is situated at the southeast corner of the intersection of Colborne Street East and Athol Street. The main building on the property is the vernacular, two-storey residential building which fronts Colborne Street East. Observed land use in the area is a mixture of single residence, apartments, and commercial buildings. The Athol Green Co-Operative Homes and Cormack Station-Heritage Community Housing apartment buildings are three- and six-storeys in height, respectively.

#### 3.2 Property Description

301 Colborne Street East is located on part of Lot 26, Concession 1, Town of Whitby, Municipality of Durham (Figure 2). The Subject Property is zoned as H-R6-DT (Residential Type 6 – Downtown Zone).

The main structure situated on the property is the two-storey, vinyl-clad residential building with a one-storey addition. The Subject Property can be accessed from the north via Colborne Street or from the west, via Athol Street. The front yard is bounded on all sides by a metal wired fence.

Towards the rear of the property is an enclosed area with a wire fence. The enclosed area was formerly a private playground for a daycare which operated on site until it was relocated to a new property in 2015. A driveway traverses the property in an “L” shape and divides the Subject Property between the two-storey residence and playground, and outbuilding.

#### 3.3 Existing Heritage Designation

The property is currently ‘*listed*’ on the Town of Whitby Heritage Register – Inventory of Listed Properties (not designated) under Section 27 Part IV of the OHA. The property is described on the Town’s inventory sheet as follows:

301 Colborne Street East was built in 1902 in the Gothic Revival Style.

The house is two-storey of frame construction and has an L-shaped plan with a rear wing. An archival photo from circa 1927 provides the original detail. The house has a medium pitched roof with overhanging eaves. There is a side gable with a steeply pitched dormer with a pointed arch window on the upper storey and a front facing gable. There is a two-storey bay window in the front facing gable. There was a front porch similar in shape and size to the present main entrance porch. The windows had wood surroundings painted a darker contrasting colour with lighter wood exterior siding. The windows were double hung two-over-two sashes. The exterior finish and the window have been altered.<sup>17</sup>

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<sup>17</sup> Town of Whitby Planning. n.d. Property of Cultural Heritage or Interest. Inventory Sheet for 301 Colborne Street.

### 3.4 Adjacent Heritage Properties

The *Town of Whitby Municipal Heritage Register – Inventory of Listed Properties (not designated)* (2020) and *Town of Whitby Municipal Heritage Register Inventory of Part IV Designated Properties – Individual Property Designation* (2020) were reviewed.<sup>18</sup>

The Town of Whitby OP does not define adjacency with respect to cultural heritage; therefore, the *PPS* term of adjacency was used.

**Adjacent Lands** means for the purposes of cultural heritage those lands contiguous to a protected heritage property or as otherwise defined in the municipal official plan.

No adjacent properties are '*listed*' or '*designated*' in either Municipal Heritage Registers.

### 3.5 Surrounding Context

Observed land use in the surrounding area comprises both residential and commercial uses (Figure 3 and Figure 4). To the east are open lots. Commercial buildings can be found along Colborne Street and are more numerous on Brock Street. The commercial structures are generally two to three-storeys in height with brick cladding on the upper levels. The lower levels are more modern in appearance with modern intervention. These structures are arranged side by side with no room for infill structures. To the east of Brock Street, commercial structures are more spaced out and asphalt parking lots are more abundant.

East of Athol Street is a mix of single detached houses and apartment buildings (Figure 5). Generally, residential structures range from one to two-storeys in height – with the exceptions of the six-storey apartment, located east of Peel Street, and five-storey Canada Post building. Cladding is typically vinyl or brick. Roofs are either side gabled or hipped.

Colborne Street and Athol Street are two-laned streets with opposing traffic (Figure 6). Side walks can be found on both sides of the street. Hydro poles and streetlights can be found on one side of the street.

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<sup>18</sup> Town of Whitby 2020. Heritage Properties. Accessed from <https://www.whitby.ca/en/play/heritage-registry.aspx>





Figure 3: Intersection of Colborne Street and Athol Street, looking west. Canada Post Office to the right (CY 2020).



Figure 4: View of Colborne Street, looking west (CY 2020).





Figure 5: Intersection of Colborne and Athol Street, looking north (CY 2020).



Figure 6: View of Athol Street, looking south (CY 2020).



## 3.6 Existing Conditions

### 3.6.1 Exterior

Located on the Subject Property is a wood frame, two-storey residence with a one-storey rear addition (Figure 9 to Figure 8). The two-storey, vinyl-clad residence has an “L” shaped floor plan with a medium-pitch front facing gable roof and vinyl soffits. The gable roof is interrupted twice, for the lancet window and the two-storey bay window. The roof is asphalt shingle and includes an interior, east elevation single-stacked brick chimney. The front facing porch has an asphalt shingled gabled roof and is constructed vinyl with some wooden elements; the decorative bargeboard, in particular (Figure 10). A wooden ramp has been added to the porch (Figure 11).

The front entrance has a plain wooden casing and modern door (Figure 12). All window openings appear to have been replaced with vinyl and most are configured in one-over-two sashes with modern glazings (Figure 13). Of note are the two-storey bay window (Figure 14), lancet window, and vertical one-over-one window above the porch.

The one-storey rear addition has a rectangular floor plan and shares many design elements with the two-storey portion of the residence (Figure 7 and Figure 8). There are three window openings; two located on the west elevation and one located on south elevation. There are two entrances to the addition; one located centrally on the west elevation and a modern glass sliding door on the east elevation.



Figure 7: View of west elevation (CY 2020).



Figure 8: View of southeast elevation (CY 2020).





Figure 9: View of north elevation (CY 2020).



Figure 10: View front porch (CY 2020).





Figure 11: Wooden ramp to front porch (CY 2020).



Figure 12: Main entrance (CY 2020).



Figure 13: Typical window configuration and glazing (CY 2020).



Figure 14: North elevation, view of two-storey bay window (CY 2020).

### 3.6.2 Interior

The interior is accessed via the main entrance, located on the north elevation. The structure has been converted into a two-unit apartment. Generally, the interior has been altered by recent renovations including; replacement of windows, installation of new ventilation system, and new drywalling.

The front entrance leads into a foyer, approximately 3 x 3 m in size. Baseboards and crown moulding are visible from the foyer. The main opening has a wooden casing (Figure 15); however, the door has been replaced (Figure 16). Two other openings can be found on the ground floor; one on the east and one on the west elevation. These two additional openings share similar attributes to the main entrance. A large wooden staircase with a railing provides access to the second floor (Figure 18); with an additional smaller wooden staircase leading into the upper floor apartment (Figure 19). New carpeting has been placed over the staircase with a decorative skirtboard (Figure 20). A returning rail starts on the first floor, attached to a large decorative newel post and newel cap (Figure 21).

The ground floor apartment has been sectioned into a living room, kitchen, bathroom, and bedroom. This space has been subject to recent renovations including: dropped ceiling, installation of drywall, and laminate floors. A fireplace was noted in the lower-level apartment (Figure 17). Wainscotting can be found in the hallway leading to the bathroom and bedroom (Figure 22).

The second-floor apartment has similar features to the ground floor. This apartment is divided into a living room/foyer and two bedrooms. From the second floor, the window casings are more visible (Figure 23). A singular lancet window is located on the upper floor and fronts onto Colborne Street (Figure 24). The interior of the bay window can be seen from the eastern bedroom (Figure 25).

The basement is accessed on the south elevation and is being renovated (Figure 26). The ceiling has been dropped and the floor is poured concrete (Figure 27). Drywall covers most of the walls except the western portion of the basement, where fieldstone and mortar and a brick wall are present (Figure 28 and Figure 29).

A one-storey rear addition shares similar interior features as the main residence (Figure 30). The one-storey addition comprises of a large living space with an attached kitchen and separate bathroom. Florescent lights, a dropped ceiling, carpeted and/or tiled flooring are found throughout the addition.



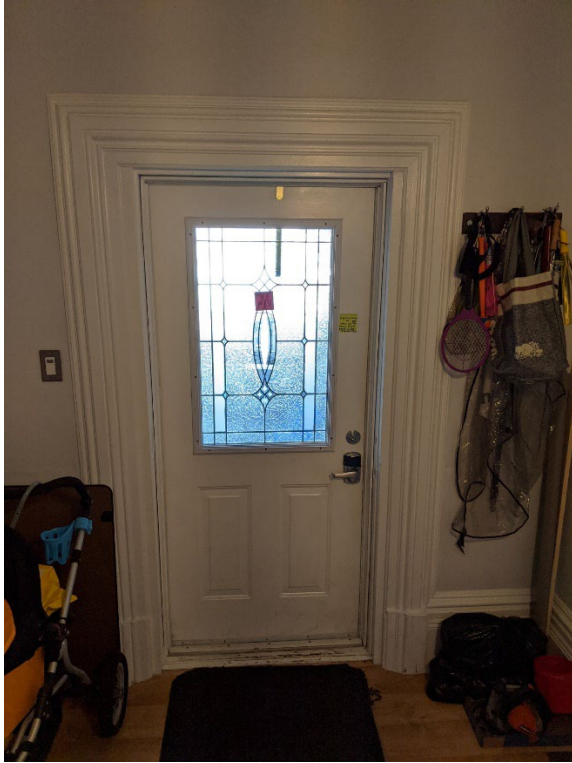


Figure 15: View of main entrance (CY 2020).



Figure 16: View of main entrance casing and replacement door (CY 2020).



Figure 17: View of first floor room showing interior door casing, crown moulding and fireplace mantel (CY 2020).



Figure 18: View of staircase (CY 2020).





Figure 19: View of upper-level staircase (CY 2020).



Figure 20: Decorative skirtboard (CY 2020).



Figure 21: Detailed view of newel post and newel cap (CY 2020).



Figure 22: Hallway of ground floor apartment (CY 2020).





Figure 23: Example of upper floor room and window openings (CY 2020).

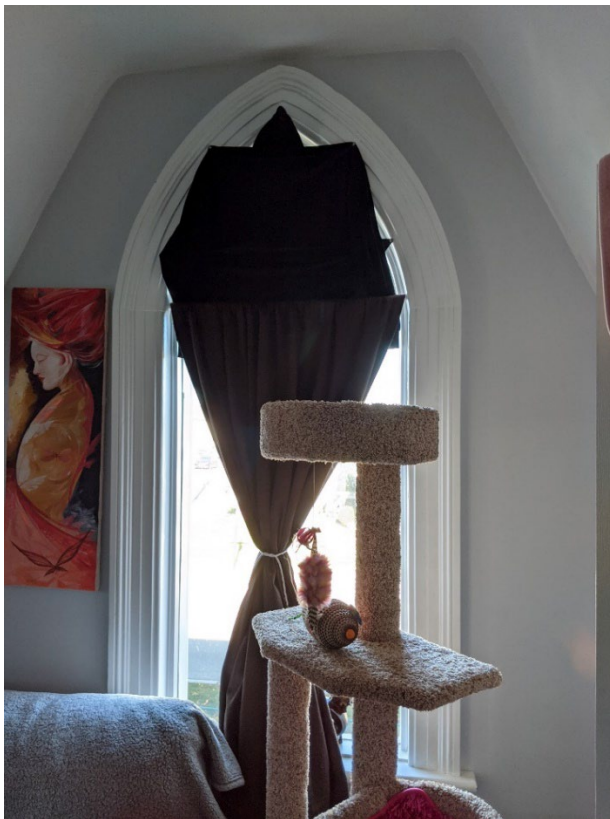


Figure 24: Lancet window found on upper level (CY 2020).



Figure 25: View of upper level room and bay window (CY 2020).



Figure 26: View of basement (CY 2020).





Figure 27: View of basement (CY 2020).



Figure 28: Fieldstone and mortar wall, located in basement (CY 2020).



Figure 29: Brick wall, located in basement (CY 2020).



Figure 30: Interior view of rear addition (CY 2020).

## 4 BACKGROUND RESEARCH AND ANALYSIS

### 4.1 Natural History and Early Indigenous Land Use

The pre-European contact (pre-contact) history of this area is long and diverse. Archaeologists generally divide the chronology of pre-contact land use in Southern Ontario into three primary periods based on characteristics of settlement patterns and material culture: Palaeo; Archaic; and, Woodland.

The cultural history of southern Ontario began around 11,000 years ago, following the retreat of the Wisconsin glacier. During this archaeological period, known as the Paleo period (9500-8000 BCE), the climate was similar to the modern sub-arctic; and vegetation was dominated by spruce and pine forests. The initial occupants of the province, distinctive in the archaeological record for their stone tool assemblage, were nomadic big-game hunters (i.e., caribou, mastodon and mammoth) living in small groups and travelling over vast areas of land, possibly migrating hundreds of kilometers in a single year.<sup>19</sup>

During the Archaic archaeological period (8000-1000 BCE) the occupants of southern Ontario continued to be migratory in nature, although living in larger groups and transitioning towards a preference for smaller territories of land – possibly remaining within specific watersheds. The stone tool assemblage was refined during this period and grew to include polished or ground stone tool technologies. Evidence from Archaic archaeological sites point to long distance trade for exotic items and increased ceremonialism with respect to burial customs towards the end of the period.<sup>20</sup>

More notably, during the latter part of the Middle Archaic archaeological period (6000-4500 BCE) a Laurentian Archaic archaeological culture appeared in southeastern Ontario, northern New York and Vermont, and western Quebec. The Laurentian Archaic archaeological culture appeared around 6000-5500 BCE and lasted for more than a thousand years. This period is associated with the Canadian biotic province, which was characterised by a unique species community based in mixed deciduous-coniferous forest. A diversity of tool types can be found in Laurentian Archaic sites, including broad bladed projectile points, various chipped stone artifacts, and a range of ground and polished stone tools such as semi-lunar knives, adzes, gouges, and un-grooved axes. A variety of bone tools including needles, barbed harpoons, fish hooks, and bi-pointed gorges along with associated faunal remains provides evidence of specialised fishing and hunting practices.<sup>21</sup> The appearance of copper by the Middle Archaic is indicative of an extensive trade network, while less extensive territories were utilized for subsistence.

The Woodland period in southern Ontario (1000 BCE–CE 1650) represents a marked change in subsistence patterns, burial customs and tool technologies, as well as the introduction of pottery making. The Woodland period is sub-divided into the Early Woodland (1000–400 BCE), Middle

<sup>19</sup> Chris Ellis and D. Brian Deller, "Paleo-Indians," in *The Archaeology of Southern Ontario to A.D. 1650*. Edited by Chris J. Ellis and Neal Ferris. Occasional publication of the London Chapter, Ontario Archaeological Society, No. 5 (1990): 37.

<sup>20</sup> Chris Ellis *et. al.*, "The Archaic," in *The Archaeology of Southern Ontario to A.D. 1650*. Edited by Chris J. Ellis and Neal Ferris. Occasional publication of the London Chapter, Ontario Archaeological Society, No. 5 (1990): 65-124.

<sup>21</sup> Norman Clermont, "The Archaic Occupation of the Ottawa Valley," in Pilon ed., *La préhistoire de l'Outaouais/Ottawa Valley Prehistory*. Outaouais Historical Society. pp. 47-53. 1999: pp 47-49.



Woodland (400 BCE–CE 500) and Late Woodland (500–1650 CE). During the Early and Middle Woodland, communities grew in size and were organized at a band level. Subsistence patterns continued to be focused on foraging and hunting. There is evidence for incipient horticulture in the Middle Woodland as well as the development of long-distance trade networks.<sup>22</sup>

Woodland populations transitioned from a foraging subsistence strategy towards a preference for agriculturally based communities around 500–1000 CE. It was during this period that corn (maize) cultivation was introduced into southern Ontario. The Late Woodland period is divided into three distinct stages: Early Iroquoian (1000–1300 CE); Middle Iroquoian (1300–1400 CE); and Late Iroquoian (1400–1650 CE). The Late Woodland is generally characterized by an increased reliance on cultivation of domesticated crop plants, such as corn, squash, and beans, and a development of palisaded village sites which included more and larger longhouses. These village communities were commonly organized at the tribal level.<sup>23</sup> By the 1500s, Iroquoian communities in southern Ontario – and northeastern North America, more widely – were politically organized into tribal confederacies. South of Lake Ontario, the Five Nations Iroquois Confederacy comprised the Mohawk, Oneida, Onondaga, Cayuga, and Seneca, while Iroquoian communities in southern Ontario were generally organized into the Petun, Huron and Attawandaron (or Neutral) Confederacies

The Late Woodland period (ca. 500–1650 CE) is marked by the establishment of larger village sites, sometimes containing dozens of longhouses and fortified with palisade walls. Agriculture increased during this period, as did regional warfare

The subject property currently lies within the Johnson-Butler Purchase. This treaty is also known as the ‘Gunshot Treaty’ and was entered into in 1787.<sup>24</sup> The Treaty contained no exact description of the land covered and was meant to cover land as far as one can hear a gunshot from the shoreline.<sup>25</sup> An approximately 52,000 km<sup>2</sup> territory was subsequently covered by the Williams Treaties, which were signed by seven Anishinaabe Nations and Crown representatives in 1923, to address lands that had not been surrendered.<sup>26</sup> However, Clause 2 of the treaty, where the current subject property lies, is not under dispute by any First Nations group.

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<sup>22</sup> Michael Spence *et. al.*, “Cultural Complexes of the Early and Middle Woodland Periods,” in *The Archaeology of Southern Ontario to A.D. 1650*. (1990): 125–169.

<sup>23</sup> William Fox, “The Middle Woodland to Late Woodland Transition,” in *The Archaeology of Southern Ontario to A.D. 1650*. (1990): 171–188 and David Smith, “Iroquoian Societies in Southern Ontario: Introduction and Historical Overview,” in *The Archaeology of Southern Ontario to A.D. 1650*. (1990): 279–290.

<sup>24</sup> Ontario.ca 2019. Map of Ontario Treaties and Reserves. Johnson-Butler Purchase. Accessed from <https://www.ontario.ca/page/map-ontario-treaties-and-reserves#t4>

<sup>25</sup> Ibid.

<sup>26</sup> William Treaties First Nations, *Maps of our Treaties*. 2018 <https://williamstreatiesfirstnations.ca/maps-of-our-treaties/> and Indigenous and Northern Affairs Canada (INAC), *Treaty Research Report, The Williams Treaties (1923)*. 2018 Accessed online at <https://www.aadnc-andc.gc.ca/eng/1100100029000/1100100029002>



Figure 31: Location of subject property within Williams Treaty (Clause 2)  
(williamstreatyfirstnations.ca 2019)

#### 4.2 Historical Context - Survey and Early European Settlement

The Town of Whitby is located on a natural harbour on the north shore of Lake Ontario which made it a popular area for settlement. The first European settlements in the Township of Whitby were quite scattered, but John Farewell mentions it was Benjamin Wilson, a United Empire Loyalist from Vermont, who settled in 'East Whitby' in 1778.<sup>27</sup>

Early settlements along historic Kingston Road and Windsor Bay were common. These areas were chosen because of their proximity to water sources and ability to access trade routes from navigable water sources.<sup>28</sup>

In 1819, John Scadding received a large tract of land in and around present-day Whitby Harbour for his service to Upper Canada's first Lieutenant-Governor John Graves Simcoe.<sup>29</sup> Scadding began exporting local grain and lumber from his land and helped Whitby become a large commercial hub. Whitby experienced a major commercial boom in 1836, with the arrival of Peter Perry. Brian Winter describes Perry as "a man of action whose energy and foresight brought untold growth and prosperity to the Whitby area".<sup>30</sup> Perry became an influential member of Whitby, he opened six stores in the area and was a member of the County of York legislature.<sup>31</sup>

<sup>27</sup> J.E. Farewell 1907. Ontario County. Canadiana. Accessed from <http://www.canadiana.ca/view/oocihm.81578/1?r=0&s=1>

<sup>28</sup> Brian Winter 1967. A Town Called Whitby. p1

<sup>29</sup> Brian Winter 1978. Windsor. *Whitby Free Press*.

<sup>30</sup> Brian Winter 1967. A Town Called Whitby. p1

<sup>31</sup> Ibid. p1

In 1848, Perry's Corners, Hamer's Corners, and Windsor Bay amalgamated to form Whitby. The name was adopted from the seaside town of Whitby in Yorkshire, England.<sup>32</sup>

In 1848, a plank road was built from Whitby to Port Perry, facilitating additional shipping of grain down to Whitby Harbour.<sup>33</sup> Peter Perry leveraged his influence to ensure the harbour's improvements.<sup>34</sup> Although Whitby prospered, it was not immune to fire; like many Canadian towns at the time. In 1857 fire broke out near four corners and burned down a portion of the town.

Brian Winter describes Whitby at the time of Confederation as a designated County Town of over 2,800 people. Some notable amenities that Whitby had were: "9 hotels, 3 banks, 2 newspapers, 15 dry goods stores, 3 doctors, 3 dentists, 2 carriage factories, 2 hardware stores, 2 undertakers, 1 foundry, 3 bakeries, 2 drug stores, 5 shoe stores, 2 photographers, 1 jeweler, 1 piano factory, 11 lawyers, and agents operating for 12 different insurance companies, 6 churches, 1 grammar school, and 3 common schools".<sup>35</sup>

A historical sketch published by J.H. Beers & Co. indicated that by 1877, Whitby Township covered 12,812 hectares and had a population of 3,220. The value of real and personal property was set at \$1,768,155 with the principal villages being Brooklin, Ashburn and Myrtle.<sup>36</sup>

In 1917, Kingstone Road between the Rouge River and Port Hope was designated Highway 2.<sup>37</sup> Highway 2 traversed through Whitby and provided access to and from the town. By 1922, Highway 12 was opened and the commercial core of what is today the Werden Plan HCD became the centre for Whitby's growth.<sup>38</sup> The construction of Highway 2A, later renamed Highway 401, further increased access to Whitby from the already congested Highway 2.<sup>39</sup> Taking advantage of easy access to Whitby, industrial plants began constructing their facilities south of Highway 401, along the lakefront.<sup>40</sup>

In 1974, when the County of Ontario was dissolved, Whitby was incorporated into the new Regional Municipality of Durham.<sup>41</sup>

### 4.3 Property Morphology

In 1802, John Scadding was granted the Crown patent for the entirety of Lot 26, Concession 1.<sup>42</sup> In 1821, Asa Werden purchased the north half (likely 100 acres) of Lot 26<sup>43</sup> from Joseph Losie,

<sup>32</sup> Gerald Stortz. 2015. Whitby. The Canadian Encyclopedia. Accessed from <https://www.thecanadianencyclopedia.ca/en/article/whitby>

<sup>33</sup> Brian Winter 1967. A Town Called Whitby.

<sup>34</sup> J.E. Farewell 1907. Ontario County. Canadiana. Accessed from <http://www.canadiana.ca/view/oocihm.81578/1?r=0&s=1>

<sup>35</sup> Brian Winter 1967. A Town Called Whitby.

<sup>36</sup> H. Belden. 1878. *History of Northumberland and Durham*.

<sup>37</sup> Goldsmith Borgal & Compnay Ltd. Architects (GBCA). 2017. Heritage Conservation District Plan for Werden's Plan Neighbourhood, Whitby Volume One. p. 16

<sup>38</sup> Ibid. p.16-17

<sup>39</sup> Ibid. p17

<sup>40</sup> Ibid.

<sup>41</sup> G. Stortz. 2015. "Whitby". *The Canadian Encyclopedia*.

<sup>42</sup> Land Registry Ontario (LRO). n.d. Durham (40), Whitby, Book 252. Concession 1; Lot 21 to 35. Instrument No. Patent.

<sup>43</sup> Instrument No. illegible, refer to p. 55 of LRO

who purchased it from Scadding a year prior.<sup>44</sup> Werden would later purchase an additional 100 acres from Lot 27, Concession 1.<sup>45</sup>

In 1854, Werden commissioned John Shier to subdivide his 200-acres into equal parts.<sup>46</sup> The subdivision resulted in 64 full sized blocks and eight half blocks. Each block was further divided into 1.06 by 2.46 chain parcels (Figure 31).<sup>47,48</sup> As a result of the Werden Plan, the current Subject Property was placed in Plan H-50031, part of Lot 9, 10 as described in the 1877 historic atlas. Specifically, the new block is known as North Half 26, 1<sup>st</sup> Concession, Lot No. 9, 2<sup>nd</sup> Double Range, East of Brock Street.<sup>49</sup>

In 1877, John Ballyntine<sup>50</sup> purchased the entirety of Lot 9 from Asa Werden for \$375.<sup>51</sup> In 1881, Margaret Parie purchased Lot 9.<sup>52</sup> The Town of Whitby Heritage Register provides a date of construction of 1902.<sup>53</sup> Based on a review of the archival record and the building itself, the structure was likely constructed circa 1900-1910.<sup>54</sup>

In 1914, Charles Dill purchased the entirety of Lot 9 from Styles Gorman Gowdy<sup>55</sup> who sold the property in 1919 to Charles MacGrotty for \$2000.<sup>56</sup> In 1921, MacGrotty sold the property to Joseph Parrott for \$1500.<sup>57</sup>

The 1921 census describes Charles MacGrotty as the owner of a single detached wooden house with six rooms on Heystone Park.<sup>58</sup> The same census lists Joseph Parrott as living in the two-storey residence at 203 Colborne Street.<sup>59</sup> At the time, Joseph Parrott (1864-1948)<sup>60</sup>, 56, was

<sup>44</sup> Instrument No. illegible, refer to p. 55 of LRO

<sup>45</sup> Instrument No. 4111

<sup>46</sup> Goldsmith Borgal & Compnay Ltd. Architects (GBCA). 2017. Heritage Conservation District Plan for Werden's Plan Neighbourhood, Whitby Volume One. p. 15

<sup>47</sup> Ibid.

<sup>48</sup> One chain is equal to 20.1168 metres.

<sup>49</sup> Land Registry Ontario (LRO). n.d. Durham (40), Durham, Book 288. Plan H-50031; Range 2 to 4

<sup>50</sup> Sometimes spelt Ballantyne or Ballantine

<sup>51</sup> Land Registry Ontario (LRO). n.d. Durham (40). Instrument No. 2259

<sup>52</sup> Ibid. Instrument No. illegible, refer to p. 93 (digital page 32) of LRO

<sup>53</sup> Town of Whitby Planning. n.d. Property of Cultural Heritage or Interest. Inventory Sheet for 301 Colborne Street.

<sup>54</sup> Legibility issues with LRO between the last transaction in 1890 to 1910. An increase in amounts paid for the property suggests a structure was present.

<sup>55</sup> Ibid. Instrument No. 7011

<sup>56</sup> Ibid. Instrument No. 8160

<sup>57</sup> Ibid. Instrument No. 8557

<sup>58</sup> Ancestry.ca. 1921 Census of Canada. Reference Number: RG 31; Folder Number: 75; Census Place: 75, Ontario South, Ontario; Page Number: 10. Accessed February 11, 2021

[https://www.ancestry.ca/discoveryui-content/view/2243372:8991?tid=&pid=&queryId=65d3b845f8704431337b3788658390cd&\\_phsrc=JKL588&\\_phstart=successSource](https://www.ancestry.ca/discoveryui-content/view/2243372:8991?tid=&pid=&queryId=65d3b845f8704431337b3788658390cd&_phsrc=JKL588&_phstart=successSource)

<sup>59</sup> Ancestry.ca Joseph Parrot [sic] in the 1921 Census of Canada. Reference Number: RG 31; Folder Number: 75; Census Place: 75, Ontario South, Ontario; Page Number: 16. Accessed February 11, 2021 [https://www.ancestry.ca/discoveryui-content/view/2223831:8991?tid=&pid=&queryId=349389790c394237be88a90041dfcb7e&\\_phsrc=JKL589&\\_phstart=successSource](https://www.ancestry.ca/discoveryui-content/view/2223831:8991?tid=&pid=&queryId=349389790c394237be88a90041dfcb7e&_phsrc=JKL589&_phstart=successSource)

<sup>60</sup> Ancestry.ca Joseph Parrott in the Canada, Find a Grave Index, 1600s-Current. Ancestry.com. Canada, Find a Grave Index, 1600s-Current [database on-line]. Provo, UT, USA: Ancestry.com Operations, Inc., 2012. Accessed February 16, 2021 [https://www.ancestry.ca/discoveryui-content/view/2223831:8991?tid=&pid=&queryId=349389790c394237be88a90041dfcb7e&\\_phsrc=JKL589&\\_phstart=successSource](https://www.ancestry.ca/discoveryui-content/view/2223831:8991?tid=&pid=&queryId=349389790c394237be88a90041dfcb7e&_phsrc=JKL589&_phstart=successSource)

living with his wife Elizabeth, 57, in a single detached frame house with six rooms. Joseph and Elizabeth's children: Harold Fred, Reginald P, Donatiane, Leslie, and Sidney also lived in the house.<sup>61</sup> Joseph Parrott's entire family except Sidney, who was born in Ontario, immigrated to Canada from England in 1907. Several members of the Parrott family were working; among them was Joseph, a tinsmith; Harold, a farmer; Reginald, a plumber; and Donatiane, a folder.<sup>62</sup>

The 1923 FIP<sup>63</sup> does not extend as far as the Subject Property, which appears for the first time on revised 1934 FIP. The 1934 FIP shows the two-storey wooden building (Figure 32). The structure described in the FIP depicts a "L" shaped structure with a rear addition.

In 1939, Parrott sold the Subject Property to Annie Shortt for \$1800.<sup>64</sup> Shortt owned the Subject Property for only two years and sold it to Purcell Walter Rodd in 1941.<sup>65</sup> In 1945, Josephine Smith purchased Lot 9 for \$3400<sup>66</sup> and eventually sold it to Wilma Davidson in 1969 for \$14,800.<sup>67</sup> Historic City Directories of the Town of Whitby confirm the Smiths were living in the residence until 1969 when the address, 301 Colborne Street East, was described as vacant.<sup>68</sup>

Between 1969-1989, the Subject Property changed ownership four times and was eventually purchased by James and Elizabeth Jaap in 1989.<sup>69</sup> Table 1 provides a summary of owners until 1989; the last date available from the LRO.

Table 1: Ownership of Subject Property

Instrument Number	Grantor	Grantee	Date
Patent	Crown	John Scadding	1802
Illegible, refer to p. 55 of LRO	Joseph Losie	Asa Werden	1821
Werden Subdivision Created in 1854			1854
2259	Asa Werden	John Ballyntine	1877

content/view/165783303:60527?tid=&pid=&queryId=033acaead71c617b251fb2fe46fec76d&\_phsrc=JKL618&\_phstart=successSource

<sup>61</sup> Ancestry.ca Joseph Parrot *[sic]* in the 1921 Census of Canada.

<sup>62</sup> Ancestry.ca Joseph Parrot *[sic]* in the 1921 Census of Canada.

<sup>63</sup> Information was provided by Sarah Ferencz, Archivist, Whitby Public Library.

<sup>64</sup> Ibid. Instrument No. 11738

<sup>65</sup> Ibid. Instrument No. 12105

<sup>66</sup> Ibid. Instrument No. 12941

<sup>67</sup> Ibid. Instrument No. 187802

<sup>68</sup> Vernon Directories Limited. 1969 *City of Oshawa and Town of Whitby Directory 1969* (Hamilton: Griffin & Richmond Co., Ltd.) p799

<sup>69</sup> Ibid. Instrument No. D314617



Instrument Number	Grantor	Grantee	Date
Illegible, refer to p. 93 (digital page 32) of LRO	John Ballyntine	Margaret Parie	1881
7011	Charles Dill	Styles Gorman Gowdy	1914
8160	Styles Gorman Gowdy	Charles MacGrotty	1919
8557	Charles MacGrotty	Joseph Parrott	1921
11738	Joseph Parrott	Annie Shortt	1939
12105	Annie Shortt	Purcell Walter Rodd	1942
12941	Purcell Walter Rodd	Josephine Smith	1945
187802	Josephine Smith	Wilma Davidson	1969
191736	Wilma Davidson	Joseph and Alma Luck	1969
D85669	Joseph and Alma Luck	V & T Iantomasi Ltd. and Luvano Investments Ltd.	1979
D123485	V & T Iantomasi Ltd. and Luvano Investments Ltd	Peter Tilston	1981
D158811	Peter Tilston	Wilhelmus Manshanden and Colleen Burns	1983
D253836	Wilhelmus Manshanden and Colleen Burns	Alan Taylor and Chapman and Kay Ltd	1987
D314617	Alan Taylor and Chapman and Kay Ltd	James and Elizabeth Jaap	1989

A historic photograph of the residence provides detail of the two-storey structure c.1927 (Figure 33). The porch in the image, since removed, is wooden with three openings and a modestly sized entryway. The image also shows two outbuildings; a one-storey and a two-storey structure, located south of the main residence.

Topographic maps from 1930 through 1976 were consulted and a structure is identified in the 1930 map (Figure 34). Aerial photographs from 1954-1978 were consulted, but due to the tree cover, it is difficult to identify any noticeable changes to the structure (Figure 35). The residence was used as a daycare centre c.2003-2015.

#### 4.4 Analysis

The residence on the property is a late Victorian vernacular residence with influences of the Gothic Revival style.

Victorian houses are not of a particular homogenous style, rather the term denotes a time period. Victorian houses were built during the reign of Queen Victoria, who was Queen of Britain from 1819-1901.<sup>70</sup> Victorian architecture tends to be a catchall term for houses that cannot be attributed to a particular category.<sup>71</sup> Victorian houses can be built using brick, stone, and timber, and borrow features from the Classical and Gothic styles.<sup>72</sup> These types of houses were commonly found in urban centres and included residential and commercial buildings. Additional features of the Victorian house may include, bay windows, stain glass, ornamentation and ornate entrances.<sup>73</sup>

The Gothic Revival style became common in the 19<sup>th</sup> century rural villages and characteristic features of the Ontario Cottage include; rectangular floor plan, three bays-wide, centralized entrance, symmetrical openings, one-and-a-half storeys, and side-gables.<sup>74</sup> The kitchen addition to the country house was common and acted as a way to extend the available space for the cottage.<sup>75</sup>

The extant two-storey residence is an early 20<sup>th</sup> century Victorian house with influences of Gothic Revival features. The current structure exhibits the following elements: a cross-gable roof and lancet window. However, the two-bay window and off-centered entrance and front gable peak are not characteristic of Gothic Revival cottage design.

---

<sup>70</sup> Kyles, Shannon. n.d. Victorian. Accessed <http://www.ontarioarchitecture.com/Victorian.htm>

<sup>71</sup> Heritage Resources Centre. 2009. Ontario Architectural Style Guide. p. 15

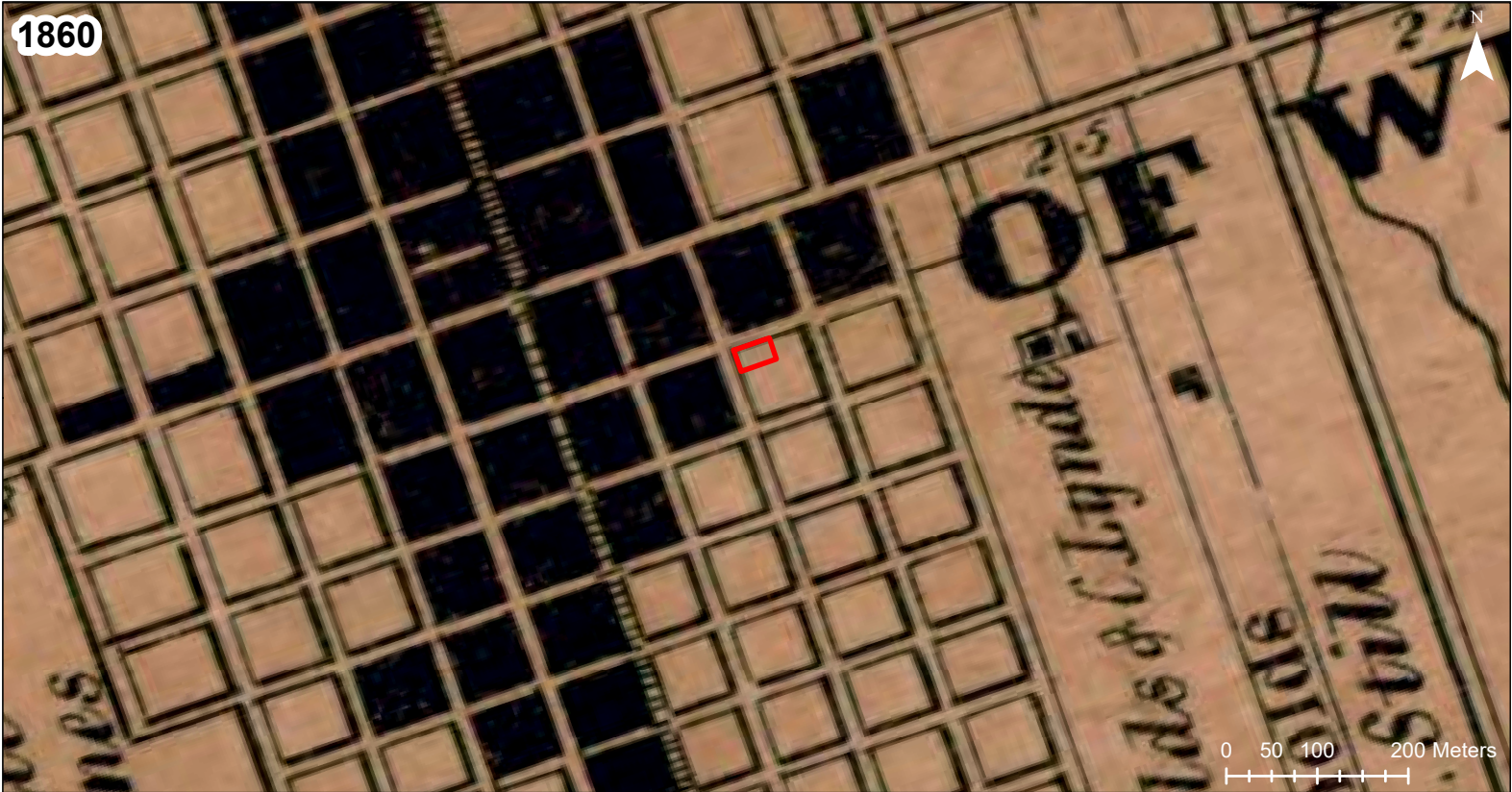
<sup>72</sup> Ibid.

<sup>73</sup> Ibid.

<sup>74</sup> Kalman, H. A History of Canadian Architecture p604

<sup>75</sup> Ibid. p606





## Legend

Subject Property

**NOTE(S)**  
1. All locations are approximate.

**REFERENCE(S)**  
1. John Shier Esq. P.L.S. & County Engineer. Tremaine's Map of the County of Ontario, Upper Canada. Scale 1:39,600. Toronto: Geo. C. Tremaine, 1860.  
2. J.H. Beers. Whitby. Scale 1:9,504. Toronto: J.H. Beers & Co., 1877  
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**TITLE**  
1860 and 1877 Historical Maps of the Subject Property

**CLIENT**  
Despina Kirk, CEO Vandebloom Properties

**PROJECT**  
Cultural Heritage Impact Assessment  
301 Colborne Street E, Whitby, ON

PROJECT NO. LHC0233

**CONSULTANT** YYYY-MM-DD 2020-11-23

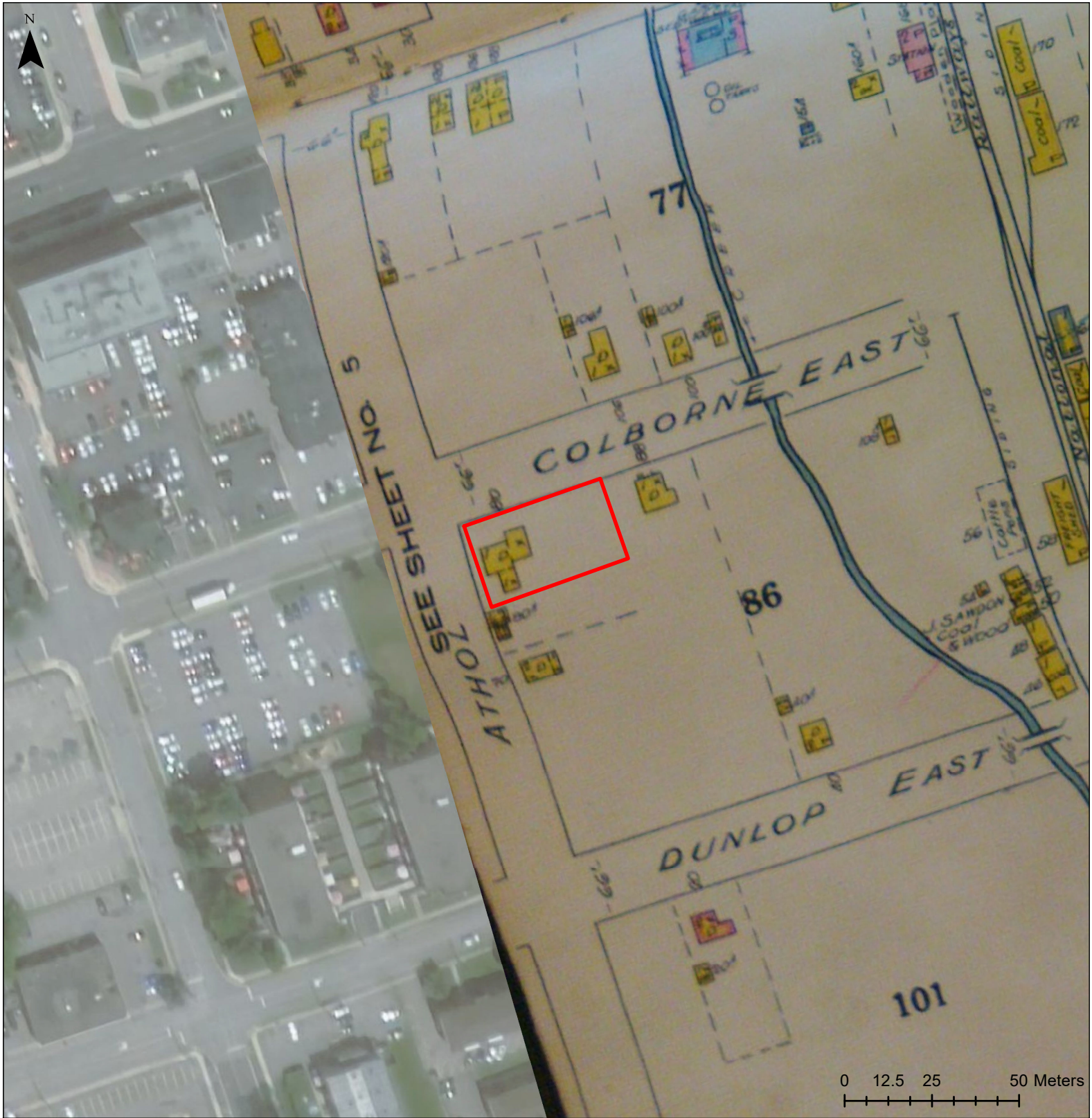
**PREPARED** LHC

**DESIGNED** JG

**FIGURE #** 32







## Legend

Subject Property

## NOTE(S)

1. All locations are approximate.

## REFERENCE(S)

1. Underwriters' Survey Bureau Ltd. *Whitby, Ont.*, Scale 1:1,200. Toronto ; Montreal : Underwriters' Survey Bureau Ltd., 1934.  
 Portions of this document include intellectual property of Esri and its licensors and are used under license.  
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## TITLE

**1934 Fire Insurance Plan of Subject Property**

## CLIENT

Despina Kirk, CEO Vandenboom Properties

## PROJECT

Cultural Heritage Impact Assessment  
 301 Colborne Street, Whitby, ON

PROJECT NO. LHC0233

## CONSULTANT



YYYY-MM-DD

2020-12-01

PREPARED

LHC

DESIGNED

JG

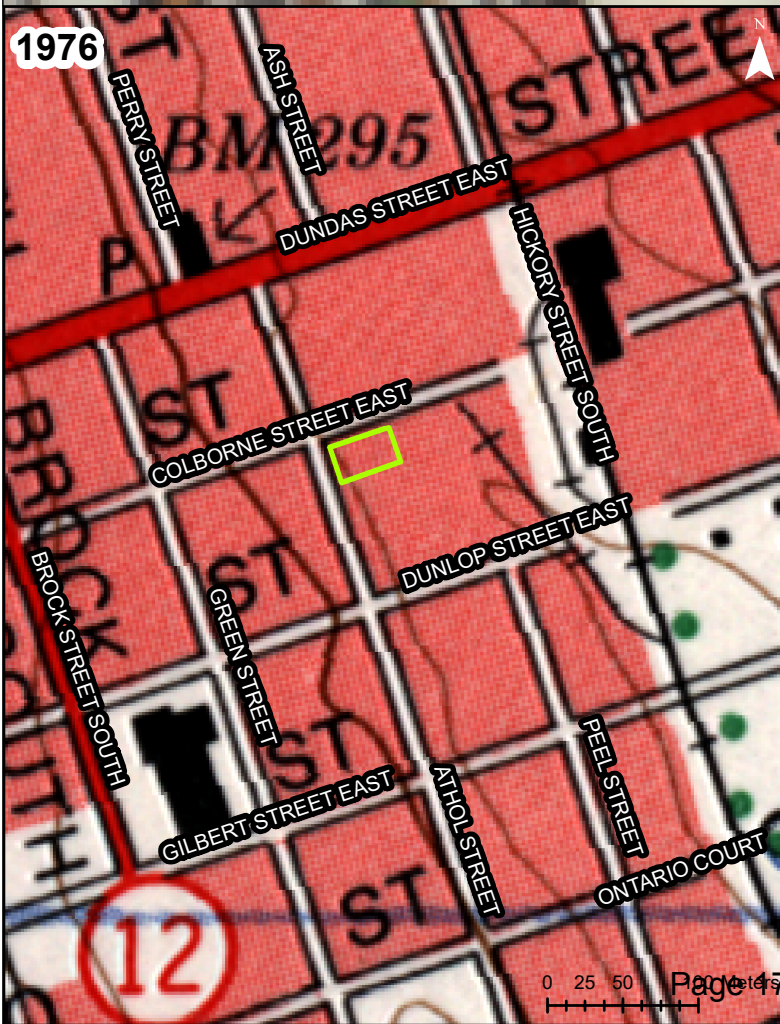
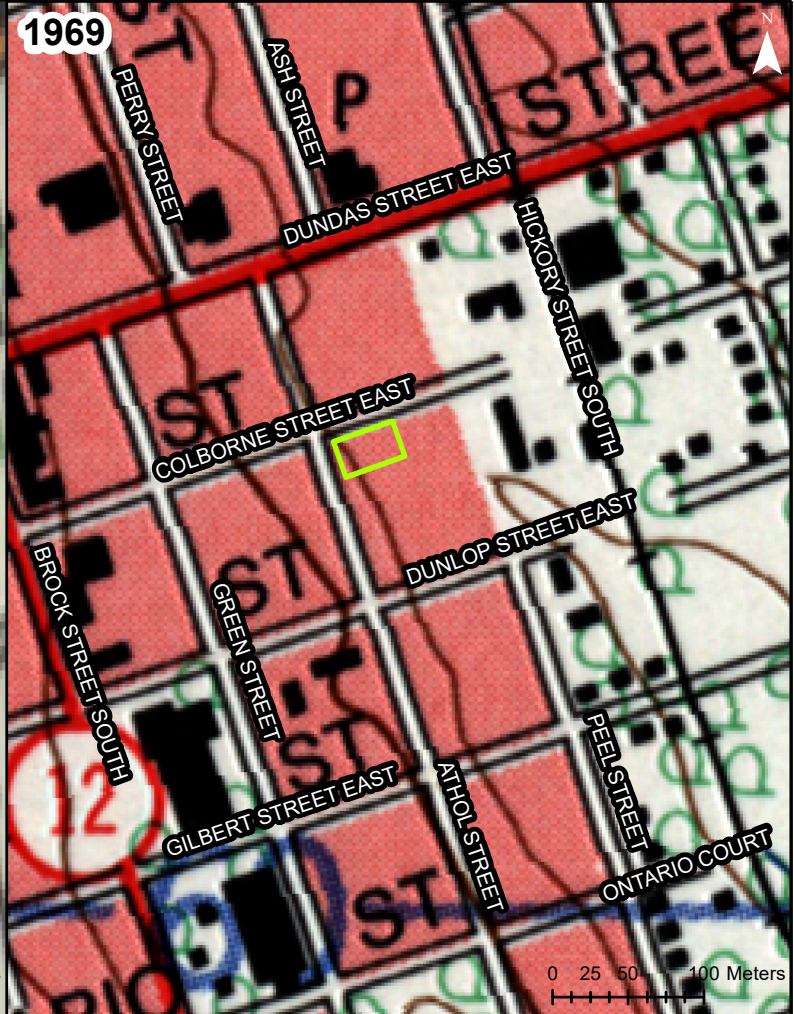
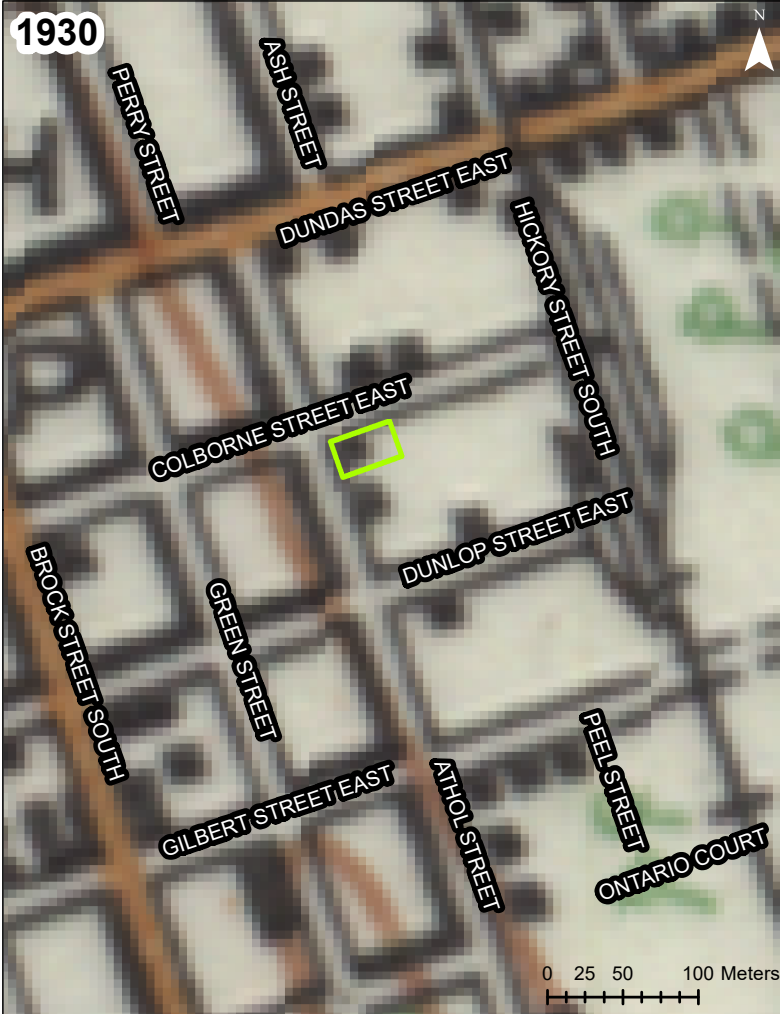
FIGURE #

**33**




Figure 34: 301 Colborne Street, c.1927 (Whitby Archives)





## Legend

 Subject Property

TITLE  
**1930, '69, and '76 Topographic Maps of the Subject Property**

CLIENT  
Despina Kirk, CEO Vandenboom Properties

PROJECT  
Cultural Heritage Impact Assessment  
301 Colborne Street E, Whitby, ON

PROJECT NO. LHC0233

NOTE(S)  
1. All locations are approximate.

REFERENCE(S)  
1. Geographical Section, General Staff, Department of General Defence. *Topographic Map, Ontario, Oshawa Sheet*. Scale 1:63,360. Unattributed, Geographical Section, G.S., 1930.  
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CONSULTANT

YYYY-MM-DD

2020-11-23



PREPARED

LHC

DESIGNED

JG


FIGURE #

**35**



## Legend

- Ontario Road Network (ORN) Segment With Address
- Subject Property

TITLE 1954, '71, and '78 Aerial Photographs of the Subject Property		
CLIENT Despina Kirk, CEO Vandenboom Properties		
PROJECT Cultural Heritage Impact Assessment 301 Colborne Street E, Whitby, ON		PROJECT NO. LHC0233
NOTE(S) 1. All locations are approximate.		
REFERENCE(S) 1. 1954 - Archives of Ontario. 1954-R21-4340-168, B820866, FRI-0062, 438784. 2. 1971 - Archives of Ontario. 1971-R35-4336-139, B820871, FRI-0055, 437784 3. 1978 - Archives of Ontario. 1978-R41-4361-117, B820864, FRI-0065, 438794 4. Ontario Road Network (ORN) Segment With Address. URL: <a href="https://geohub.lio.gov.on.ca/datasets/mnrf::ontario-road-network-orn-segment-with-address">https://geohub.lio.gov.on.ca/datasets/mnrf::ontario-road-network-orn-segment-with-address</a> Portions of this document include intellectual property of Esri and its licensors and are used under license. Copyright (C) Esri and its licensors. All rights reserved.		
CONSULTANT	YYYY-MM-DD	2020-11-19
 3 of 492	PREPARED	LHC
	DESIGNED	JG
	FIGURE #	36



## 5 EVALUATION OF CULTURAL HERITAGE VALUE OR INTEREST

The property located at 301 Colborne Street East is listed on the *Town of Whitby Municipal Heritage Register – Inventory of Listed Properties (not designated)*. Based on analysis of the information presented in Sections 3 and 4 of this report, the Subject Property was evaluated against *Ontario Regulation 9/06 Criteria for Determining Cultural Heritage Value or Interest under the Ontario Heritage Act* (O. Reg. 9/06). The results of the evaluation are presented in Table 2.

Table 2: Evaluation of O.Reg 9/06

O. Reg. 9/06 Criteria	Criteria Met	Justification
1. The property has design value or physical value because it,		
i. is a rare, unique, representative or early example of a style, type, expression, material, or construction method,	No	<p>The two-storey Victorian vernacular residence, constructed in the early 20<sup>th</sup> century has influence of the Gothic Revival style and is a late example of this style popular throughout Ontario from the 1830s to 1890s.</p> <p>Typically, Gothic Revival features include: a rectangular shaped floor plan, lancet window, symmetrical window placement and central entrance.</p> <p>The residence exhibits the following attributes:</p> <ul style="list-style-type: none"> <li>• lancet window</li> <li>• cross-gable roof</li> </ul> <p>This early 20<sup>th</sup> century residence has a two-storey bay window and “L” shaped floor plan.</p> <p>As described in the Municipal Register entry for the property, many of the features that would typify this period of construction – beyond the structure’s scale, massing and “L” shaped plan have been removed, such as the front porch, windows, and exterior siding.</p> <p>The vernacular residence is neither rare, unique, or representative of a style.</p>
ii. displays a high degree of craftsmanship or artistic merit, or	No	The vernacular residence does not display a high degree of craftsmanship or artistic merit. The structure was constructed using

O. Reg. 9/06 Criteria	Criteria Met	Justification
		commonly available materials and using methods typical at the time of construction.
iii. demonstrates a high degree of technical or scientific achievement.	No	The vernacular residence does not exhibit a high degree of technical or scientific achievement. The two-storey residence was built using commonly available materials and methods at the time.
2. The property has historical or associative value because it,		
i has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,	No	The structure is most directly associated with the Parrott family. The Property was purchased by Joseph Parrott in 1921. Joseph Parrott was a tinsmith from England and immigrated to Canada in 1907. Joseph lived with his wife, Elizabeth, and five children in the two-storey frame house on the Subject Property.  Background research did not identify Joseph Parrott or other owners that were significant to the community.
ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or	No	The vernacular residence was built using commonly available materials and methods at the time of construction. The property does not have potential to yield information that contributes to the understanding of the community.
iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.	No	No individual, significant to the community, is known to be associated with the design or construction of the two-storey residence.  Although the structure is associated with Joseph Parrott, he was not identified as a significant member of the community.
3. The property has contextual value because it,		
i. is important in defining, maintaining or supporting the character of an area,	No	The two-storey residence is located in an area of mixed residential and commercial use. Most structures north of Colborne Street are modern commercial structures,



O. Reg. 9/06 Criteria	Criteria Met	Justification
		<p>and buildings south of Colborne Street are residential.</p> <p>The character of the area was identified in Section 3.5. The area has a mix of residential and commercial structures, which vary in height, massing, and building material. Commercial structures tend to be two-to-three-storeys in height and tightly grouped; especially at the intersection of Brock Street and Dundas Street.</p> <p>Residential properties tend to be one-and-a-half to two-storeys in height and clad in brick or vinyl. The area can be said to not exhibit a specific character.</p> <p>The Subject Property is not important in defining or maintaining a specific character of the area.</p>
ii. is physical, functionally, visually or historically linked to its surroundings, or	No	No links were identified which would satisfy this criterion.
iii. is a landmark.	No	<p>The two-storey residence is not a landmark. Although it is located at the corner of Colborne and Athol Street, several other structures are more easily identifiable from the street. The six-storey apartment building, or five-storey Canada Post Office are stronger candidates as landmarks.</p>

## 6 RECOMMENDATIONS

The Property was evaluated against Ontario Regulation 9/06 Criteria for Determining Cultural Heritage Value or Interest under the *Ontario Heritage Act*.

Based upon the foregoing research, analysis the property located at 301 Colborne Street:

- does not have design or physical value as a rare, unique, representative or early example of a style, type, expression, material or constructions method. Nor does it demonstrate a high degree of craftsmanship, artistic merit, or technological or scientific achievement;
- does not have historical or associative value; and,
- does not have contextual value.

As a result, it is LHC's opinion that the property does not meet the criteria outlined under O.Reg.9/06.

As such, the proposed development seeks to remove the main building on the Subject Property; the early 20<sup>th</sup> century, two-storey frame residence.

The proposed development seeks to remove the early 20<sup>th</sup> century two-storey residence on the Subject Property. The removal of the structure will result in the total loss of the early 20<sup>th</sup> century two-storey residence. In order to mitigate this loss of vernacular building stock:

- Salvage and documentation are preferred to demolition and disposal of materials in landfill.
- Reuse of materials from the Property in a commemorative element interpreting the cultural heritage of the neighbourhood/broader area is recommended. Consultation with the Heritage Advisory Committee on the content of any interpretive element is strongly recommended.
- It is recommended that this report be provided to the Whitby Archives for documentation purposes.

## 7 SIGNATURE

A handwritten signature in black ink, appearing to read 'CU' with a stylized flourish extending to the right.

Christienne Uchiyama, MA, CAHP  
Principal | Manager Heritage Consulting Services

## 8 QUALIFICATIONS

### **Christienne Uchiyama, M.A. CAHP – Principal, LHC**

Christienne Uchiyama MA CAHP is Principal and Manager - Heritage Consulting Services with Letourneau Heritage Consulting. She is a Heritage Consultant and Professional Archaeologist (P376) with more than a decade of experience working on heritage aspects of planning and development projects. She is a member of the Board of Directors of the Canadian Association of Heritage Professionals and received her MA in Heritage Conservation from Carleton University School of Canadian Studies. Her thesis examined the identification and assessment of impacts on cultural heritage resources in the context of Environmental Assessment.

Since 2003 Chris has provided archaeological and heritage conservation advice, support and expertise as a member of numerous multi-disciplinary project teams for projects across Ontario and New Brunswick, including such major projects as: all phases of archaeological assessment at the Canadian War Museum site at LeBreton Flats, Ottawa; renewable energy projects; natural gas pipeline routes; railway lines; hydro powerline corridors; and highway/road realignments. She has completed more than 100 cultural heritage technical reports for development proposals at all levels of government, including cultural heritage evaluation reports, heritage impact assessments, and archaeological licence reports. Her specialties include the development of Cultural Heritage Evaluation Reports, under both *O. Reg. 9/06* and *10/06*, and Heritage Impact Assessments.

### **Marcus R. Létourneau, PhD, Dipl (PACS), MCIP, RPP, CAHP – Managing Principal, Senior Heritage Planner**

Marcus Létourneau is the Managing Principal and Senior Heritage Planner for LHC. He is also a Senior Associate with Bray Heritage; an Adjunct Assistant Professor in the Department of Geography and Planning at Queen's University; and, a Contributing Associate for the Heritage Resources Centre at the University of Waterloo. Marcus currently serves as Past President of the Ontario Association of Heritage Professionals, Past President of the Kingston Historical Society, and on the Interim Board of Directors for the Heritage Resources Centre at the University of Waterloo. He is a professional member of the Canadian Institute of Planners (MCIP), a Registered Professional Planner (RPP) and a full Canadian Association of Heritage Professionals (CAHP) member.

Marcus was previously the Manager for the Sustainability and Heritage Management Discipline Team (Ottawa/Kingston) and a Senior Cultural Heritage Specialist for Golder Associates Limited (2011-2015). His other positions included: serving as a contract instructor teaching heritage planning at the University of Waterloo from Summer 2016 to Summer 2018; serving as a contract professor at Carleton University in both the Department of Geography and Environmental Studies and School of Canadian Studies (Heritage Conservation); as the senior heritage planner for the City of Kingston (2004-2011) where he worked in both the Planning & Development and Cultural Services Departments; and, in various capacities at Queen's University at Kingston (2001-2007). He previously served on the Board of Directors for Community Heritage Ontario. Marcus has a PhD in Cultural/Historical Geography; a MA in Cultural Geopolitics; BA (Hons) in Geography with a History Minor; a Diploma in Peace and Conflict Studies; a Professional Certificate in Heritage Conservation Planning; a Certificate in Museum Studies; and training in Marine/ Foreshore Archaeology.

Marcus brings over 20 years of experience to his practice, which is particularly focused on heritage legislation, process, and heritage planning. He has been involved in over 230 projects as either the project manager or the senior heritage planner. He has been qualified as an expert heritage witness at the OMB, CRB, and for a judicial inquiry for the *Public Lands Act*. He is the co-author of the second edition of the textbook “Heritage Planning: Principals and Process” (Routledge, 2020)

### **Colin Yu, M.A. – Cultural Heritage Specialist and Archaeologist**

Colin Yu is a Cultural Heritage Specialist and Archaeologist with Letourneau Heritage Consulting Inc. He holds a BSc with a specialist in Anthropology from the University of Toronto and a M.A. in Heritage and Archaeology from the University of Leicester. He has a special interest in identifying socioeconomic factors of 19th century Euro-Canadian settlers through quantitative and qualitative ceramic analysis.

Colin has worked in the heritage industry for over eight years, starting out as an archaeological field technician in 2013. He currently holds an active research license (R1104) with the Ministry of Heritage, Sport, Tourism, and Culture Industries (MHSTCI). In 2020, he was accepted as an intern member at the Canadian Association of Heritage Professionals (CAHP). He is currently working with Marcus Létourneau and Christienne Uchiyama in developing a stronger understanding of the heritage industry.

At Letourneau Heritage Consulting Inc., Colin has worked on numerous projects dealing with all aspects of Ontario’s cultural heritage. He has completed over thirty cultural heritage technical reports for development proposals and include Cultural Heritage Evaluation Reports, Heritage Impact Statements, Environmental Assessments, and Archaeological Assessments. Colin has worked on a wide range of cultural heritage resources including; cultural landscapes, institutions, commercial and residential sites as well as infrastructure such as bridges, dams, and highways.

He specializes in built heritage, historic research, and identifying cultural heritage value and/or interest though *O. Reg. 9/06* under the *Ontario Heritage Act*.

### **Hayley Devitt Nabuurs, M.Pl. – Heritage Planner**

Hayley Devitt Nabuurs is a Heritage Planner with LHC. She holds a Bachelor of Arts in Anthropology from Trent University and a Masters of Urban and Regional Planning from Queen’s University. Hayley’s master’s report research concerned the reconciliation of heritage and accessibility in community centres.

Hayley has over a decade of experience in the heritage field through her work in both the public and private planning sector and the museum sector. She has previously worked as a Heritage Planning Research Assistant with the City of Guelph, completing a heritage plaque inventory for the City and property designation research. At LHC Hayley has worked on over thirty cultural heritage reports including cultural heritage evaluation reports, planning strategy reports, heritage impact assessments, environmental assessments, and peer reviews. Hayley has experience writing official plan policies and specializes in policy research and property history research. She is a Candidate Member of the Ontario Professional Planners Institute, a Candidate Member of

the Canadian Institute of Planners, and an Intern Member of the Canadian Association of Heritage Professionals.

### **Jordan Greene, B.A. – Mapping Technician**

Jordan Greene is a mapping technician with Letourneau Heritage Consulting Inc. (LHC). She holds a Bachelor of Arts in Geography with a Certificate in Geographic Information Science and a Certificate in Urban Planning Studies from Queen's University. The experience gained through the completion of the Certificate in Geographic Information Science allowed Jordan to volunteer as a research assistant contributing to the study of the extent of the suburban population in America with Dr. David Gordon.

Prior to her work at LHC, Jordan spent the final two years of her undergraduate degree working in managerial positions at the student-run Printing and Copy Centre as an Assistant and Head Manager. Jordan has had an interest in heritage throughout her life and is excited to build on her existing professional and GIS experience as a part of the LHC team.

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William Treaties First Nations

- 2018 *Maps of our Treaties*. Accessed online at <https://williamstreatiesfirstnations.ca/maps-of-our-treaties/>

Winter, B.

- 1967 A Town Called Whitby. Raymond Huff Productions: Whitby
- 1976 Chester Draper. *Whitby Free Press*.
- 1977 Whitby in 1914. *Whitby Free Press*.
- 1978 Windsor. *Whitby Free Press*.

## 10 GLOSSARY

Definitions are based on those provided in the *Ontario Heritage Act (OHA)* and the *Provincial Policy Statement (PPS)* (2020), *Regional Municipality of Durham Official Plan (ROP)* (2017), and the *Corporation of the Town of Whitby Official Plan (WOP)* (2018).

**Adjacent Lands** means for the purposes of cultural heritage those lands contiguous to a protected heritage property or as otherwise defined in the municipal official plan. (*PPS*).

**Alter** means to change in any manner and includes to restore, renovate, repair, or disturb and “alteration” has a corresponding meaning (“transformer”, “transformation”) (*OHA*).

**Areas of Archaeological Potential** means areas with the likelihood to contain archaeological resources. Criteria to identify archaeological potential are established by the Province. The *Ontario Heritage Act* requires archaeological potential to be confirmed by a licensed archaeologist. (*PPS*).

**Archaeological Resources** include artifacts, archaeological sites, marine archaeological sites, as defined under the *Ontario Heritage Act*. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the *Ontario Heritage Act*. (*PPS*).

**Built Heritage Resource** means a building, structure, monument, installation or any manufactured or constructed part or remnant that contributes to a property’s cultural heritage value or interest as identified by a community, including an Indigenous community. Built heritage resources are located on property that may be designated under Parts IV or V of the Ontario Heritage Act, or that may be included on local, provincial, federal, and/or international registers. (*PPS*).

**Character** means the collective qualities, features, and attributes that comprise the physical and natural aspects of a particular place, area, or neighbourhood. (*WOP*).

**Community Infrastructure** means lands, buildings, and structures that support the quality of life for people and communities by providing public services for health, education, recreation, socio-cultural activities, security and safety, and affordable housing. (*ROP*).

**Conserved** means the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment that has been approved, accepted or adopted by the relevant planning authority and/or decisionmaker. Mitigative measures and/or alternative development approaches can be included in these plans and assessments. (*PPS 2020*).

**Conserve/Conserved** as it relates to cultural heritage resources, means the identification, protection, management, and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained under the *Ontario Heritage Act*. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or Heritage Impact Assessment. (*WOP*).

**Cultural Heritage Resources** are resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, event, or a people and include built heritage, cultural heritage landscapes, archaeological resources, and documentary heritage left by people. (WOP).

**Heritage Attribute** means, in relation to real property, and to the buildings and structures on the real property, the attributes of the property, buildings and structures that contribute to the property's cultural heritage value or interest ("attributs patrimoniaux") (OHA).

**Heritage Attributes** means the principal features or elements that contribute to a protected heritage property's cultural heritage value or interest, and may include the property's built, constructed, or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (e.g., significant views or vistas to or from a protected heritage property). (PPS).

**Infill** means development on vacant lots or through redevelopment to create additional new residential units and/or commercial space. (WOP).

**Significant** means in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the *Ontario Heritage Act*. (PPS).

Attachment #3  
Excerpts from HWAC Minutes Feb 14

4.2 Steve Edwards, Project Director, GHD

Re: 301 Colborne Street East, Application to Remove a Property from the Municipal Heritage Register

Christienne Uchiyama provided a presentation of the Application to Remove a Property from the Municipal Heritage Register. Highlights of the presentation included:

- an overview of the Cultural Heritage Assessment for the property;
- the physical characteristics of the building representing a two-story Victorian vernacular residence with influence of Gothic Revival style;
- the association of the building with the Parrott family;
- the contextual assessment indicated that the residence was not identified as a landmark, nor was it unique;
- a request to remove the early 20th Century two-storey residence on the subject property;
- a proposal to salvage materials and documentation for commemoration; and,
- requesting the Committee to recommend delisting of the property from the Municipal Heritage Register.

A question-and-answer period ensued between Members of the Committee and Christienne Uchiyama regarding:

- whether there was a garage situated on the property;
- the exterior materials used on the building;
- the uniqueness of the bay windows for a house of that style;
- whether the double bay windows feature could be incorporated into the proposed building design as a tribute feature to the original building;
- the proposed designs for a future building on the site; and,
- whether the stone bungalow on Dunlop Street would be impacted by the proposed future building.



Recommendation:

Moved by Vincent Santamaura

That the Heritage Whitby Advisory Committee supports the Application to Remove a property (301 Colborne Street East) from the Municipal Heritage Register.

**Carried**

- 4.3 Dustin DeNoble, Junior Project Coordinator, DeNoble Homes, Vasco Jeronimo, Architectural Designer, and Rebecca Sciarra, Partner and Principal Heritage Specialist

Re: 404 Ontario Street West, Application for Demolition

Steve DeNoble provided an overview of the application for Demolition for 404 Ontario Street West. Highlights of the presentation included:

- the setback of the proposed building;
- land coverage of the proposed building; and,
- the design of the proposed building.

A question-and-answer period ensued between Members of the Committee and Mr. DeNoble regarding:

- what the applicant was seeking from the Committee;
- whether the proposed building met all zoning requirements;
- the measurements of the side yard for the proposed building, and the ratio of the building to the lot size;
- considering a shed roof as an alternative to the current design plan;
- whether the proposed building complemented the existing streetscape;
- whether the applicant would consider a design that better complemented the character of the Werden's Plan HCD; and,
- whether there was a rear garage on the property.

Recommendation:

Moved by Vincent Santamaura

That the Heritage Whitby Advisory Committee recommends to defer the application for demolition for 404 Ontario Street West to the March 14, 2023 Committee meeting to allow the applicant to prepare a redesign of the replacement building that is more in keeping with the district conservation plan with respect to lot coverage, front and side yard building setbacks, and respecting the existing architecture that is onsite including the roofline.

**Carried**

# Town of Whitby

## Staff Report

[whitby.ca/CouncilCalendar](http://whitby.ca/CouncilCalendar)



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**Report Title:**     **DEV-03-17: Request for an Extension to Draft  
Approved Plan of Subdivision SW-2017-05, Brookfield  
Homes (Ontario) Whitby Limited, Brock Street South**

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**Report to:**     **Committee of the Whole**

**Date of meeting:**     April 3, 2023

**Report Number:**     **PDP 18-23**

**Department(s) Responsible:**

Planning and Development Department  
(Planning Services)

**Submitted by:**

R. Saunders, Commissioner of Planning  
and Development

**Acknowledged by M. Gaskell, Chief  
Administrative Officer**

**For additional information, contact:**

L. Taylor, Planner II, x2902

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### 1. Recommendation:

1. That Council approve the extension of the Draft Approved Plan of Subdivision SW-2017-05 by an additional 3 years, to June 17, 2026.

### 2. Highlights:

- Section 51(33) of the Planning Act enables Council to extend draft approval for a time period as determined by the Town, as long as the approval has not yet lapsed.

### 3. Background:

Draft Plan of Subdivision SW-2017-05 is located on the east side of Brock Street South, north of Water Street (refer to Attachments #1 & #2). The proposed Draft Plan of Subdivision consists of one high density residential mixed use block to accommodate a maximum of 681 residential units, with ground floor commercial floorspace, an open space block, and a private road. In advance of a formal site plan submission, approval for a draft plan of subdivision is being sought to create the development block, which will enable a future site plan submission (refer to Attachment #3).

**4. Discussion:**

Section 51(32) of the Planning Act states that the municipality may provide that the approval lapses at the expiration of a time period being not less than three years. The Draft Plan of Subdivision approval for this application will expire on June 17, 2023.

The applicant has advised that they are not ready to proceed with the registration of the Draft Plan of Subdivision (refer to Attachment #4), so they have requested an extension to the expiry date. Section 51(33) of the Planning Act enables Council to extend draft approval for a time period as determined by the Town, as long as the approval has not yet lapsed.

It is recommended that the Draft Plan of Subdivision approval be extended by an additional three years, with a new expiry date of June 17, 2026. The original Draft Plan Conditions would continue to apply (refer to Attachment #5).

**5. Financial Considerations:**

Not applicable.

**6. Communication and Public Engagement:**

Not applicable.

**7. Input from Departments/Sources:**

Not applicable.

**8. Strategic Priorities:**

The development review process provided opportunity for public and agency input. The recommendations contained in this report align with the objectives of the Organization Priority of the Corporate Strategic Plan.

This report is in a fully accessible format, which addresses the Town's strategic priority of accessibility.

The approved infill development increases the density on the subject land which provides a better use of existing infrastructure, which implements the Town's strategic priority of sustainability.

**9. Attachments:**

Attachment #1: Location Sketch

Attachment #2: Aerial Map

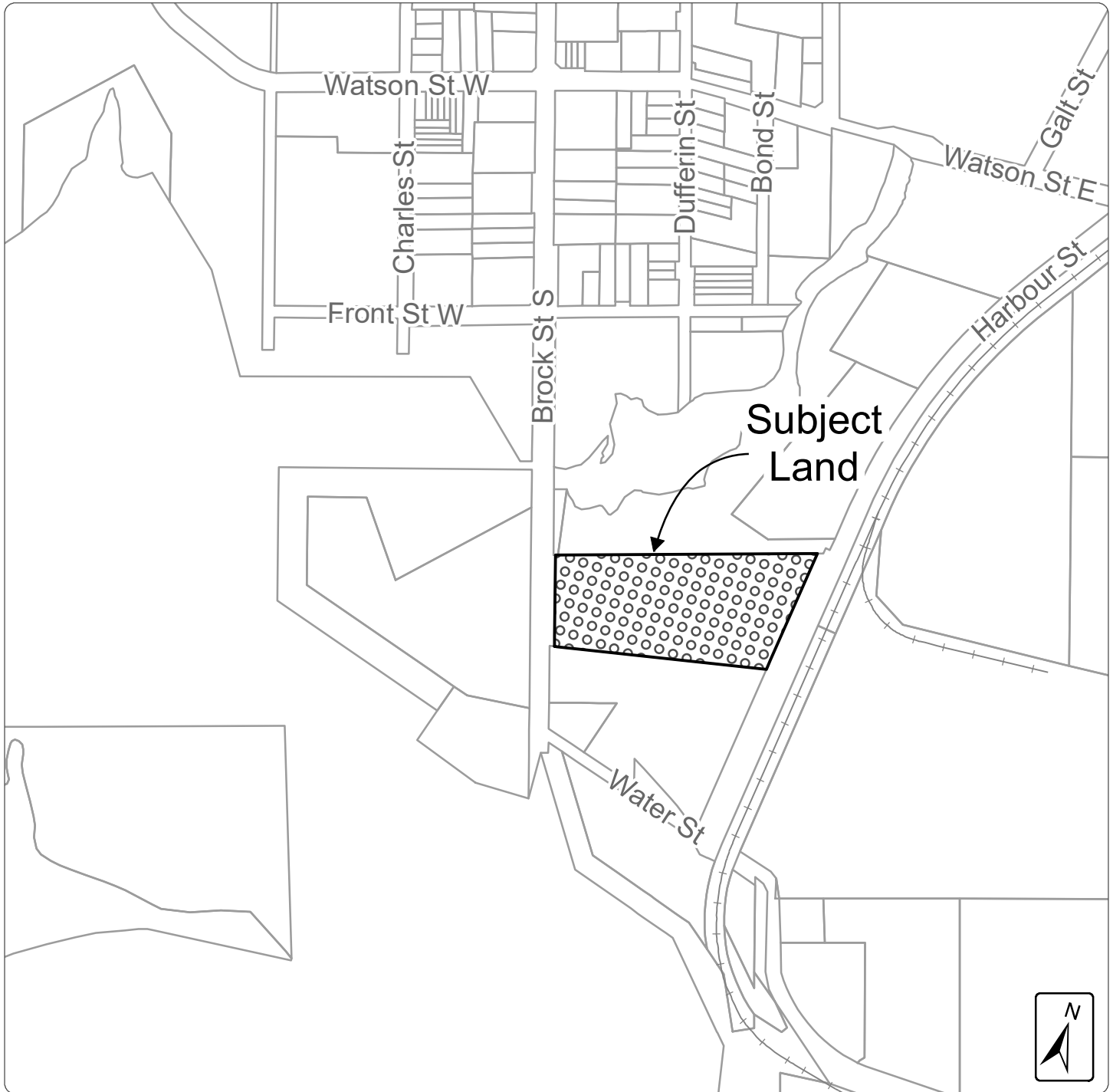
Attachment #3: Approved Draft Plan of Subdivision

Attachment #4: Correspondence requesting an Extension to the Draft Plan of Subdivision Approval

Attachment #5: Conditions of Draft Approval

# Attachment #1 Location Sketch

PDP 18-23



## Town of Whitby Planning and Development Department

Proponent:

**Brookfield Homes (Ontario) Whitby Limited**

File Number:

**DEV-03-17  
(SW-2017-05 / Z-15-17)**

Date:

**April 2023**

External Data Sources:

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# Attachment #2 Aerial Context Map

PDP 18-23



## Town of Whitby Planning and Development Department

Proponent:  
**Brookfield Homes (Ontario) Whitby Limited**

File Number:  
DEV-03-17  
(SW-2017-05 / Z-15-17)

Date:  
**April 2023**

External Data Sources:  
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# Correspondence Requesting an Extension to the Draft Plan of Subdivision Approval



## Gatzios Planning + Development Consultants Inc.

February 7, 2023

### Planning and Development Department

Town of Whitby  
575 Rossland Road East  
Whitby, Ontario  
L1N 2M8

File No: 40WB-1318

Attention: Mr. John Austin  
Senior Manager of Development Control, Design and Technical Services

**Regarding: REQUEST FOR EXTENSION OF DRAFT PLAN APPROVAL  
DRAFT PLANS OF SUBDIVISION SW-2017-05 & SW-2008-01(MR-01-17)  
BROOKFIELD HOMES (ONTARIO) WHITBY LIMITED  
DOCKSIDE MIXED USE DEVELOPMENT IN PORT WHITBY  
1900 & 1846 BROCK STREET SOUTH  
TOWN OF WHITBY  
DEV-05-17 (SW-2008-01/MR-01-17)  
TOWN FILE #: DEV-03-17 (SW-2017-05)**

Dear Mr. Austin:

As you know, we are the planning consultants for Brookfield Homes (Ontario) Whitby Limited and our client owns two properties located on opposites sides of Brock Street South in Port Whitby, municipally known as 1900 and 1846 Brock Street South.

Applications for a Zoning By-law Amendment and two Draft Plans of Subdivision (east and west) were approved by the Council of the Town of Whitby on June 24, 2019 to permit a predominantly residential condominium development with some at grade commercial uses for the subject properties, known as DOCKSIDE.

The east Draft Plan of Subdivision (SW-2017-05) contains a high-density residential mixed-use development block and an open space block.

The west Draft Plan of Subdivision (SW-2008-01/MR-01-17) contains a high-density residential mixed-use development block, a parkland/waterfront walkway block, an open space water block, and a road widening block.

The Notice of Decision for both Draft Plans of Subdivision is dated June 17, 2020 and as per the approval letter and condition of draft approval, the three-year deadline to receive final approval for registration is June 17, 2023.

Since this time the landowner's consulting team has been working through the detailed engineering and design work to address the draft plan conditions for both Plans of Subdivision.

The landowner's engineering team at SCS Consulting Group Ltd. has made numerous separate submissions to the Town of Whitby with detailed engineering drawings and materials to implement both the east Draft Plan of Subdivision (SW-2017-05) and the west Draft Plan of Subdivision (SW-2008-01/MR-01-17).

A Subdivision Agreement application for the east Draft Plan of Subdivision (SW-2017-05) has been submitted to the Town of Whitby and is under review.

The landowner's consulting team is continuing to work through the detailed draft plan conditions and on behalf of our client we are kindly requesting extension of draft plan approval for both Draft Plans of Subdivision as the landowner is not yet ready to proceed with registration of the Draft Plans of Subdivision.

Please kindly advise of any further requirements to process the requested draft plan approval extension for both Draft Plans of Subdivision.

Sincerely,

Gatzios Planning + Development Consultants Inc.

A handwritten signature in cursive script, reading "J Koutsovitis".

James Koutsovitis, MCIP RPP

Copy to: Sarah Mitchell & Victor Chan,  
Brookfield Homes (Ontario) Whitby Limited.

## Attachment # 5

### Conditions of Approval

### File SW-2017-05

1. The Subdivider shall prepare the final plan for the development on the basis of the approved draft plan of subdivision, prepared by Gatzios Planning + Development Consultants Inc. identified as Project & Drawing No. 1318.0 dated April 17, 2017, revised January 30, 2019, which illustrates: one high density residential mixed use block and one open space block.
2. The Subdivider shall submit to the Regional Municipality of Durham for review and approval, a revised acoustic report prepared by an acoustic engineer based on projected traffic volumes provided by the Region of Durham Planning and Economic Development Department, and recommending noise attenuation measures for the draft plan in a development agreement in accordance with the Ministry of the Environment, Conservation and Parks guidelines. The Subdivider shall agree in the Subdivision Agreement to implement the recommended noise control measures. The agreement shall contain a full and complete reference to the noise report (i.e., author, title, date, and any revisions/addenda thereto) and shall include any required warning clauses in the acoustic report. The Subdivider shall provide the Region with a copy of the Subdivision Agreement containing such provisions prior to final approval of the plan.
3. Prior to the finalization of this plan of subdivision, the Subdivider must provide satisfactory evidence to the Regional Municipality of Durham in accordance with the Region's Site Contamination Protocol to address site contamination matters. Such evidence may include the completion of a Regional Reliance Letter and Certificate of Insurance. Depending on the nature of the proposal or the findings of any Record of Site Condition (RSC) Compliant Phase One Environmental Site Assessment (ESA), an RSC Compliant Phase Two ESA may also be required. The findings of the Phase Two ESA could also necessitate the requirement for an RSC through the Ministry of the Environment, Conservation and Parks, accompanied by any additional supporting information.
4. The Subdivider shall submit plans showing any proposed phasing to the Region for review and approval if this subdivision is to be developed by more than one registration.
5. The Subdivider shall grant to the Region, any easements required to provide Regional services for this development and these easements shall be in locations and of such widths as determined by the Region.

6. The Subdivider shall provide for the extension of such sanitary sewer and water supply facilities which are external to, as well as within, the limits of this plan that are required to service this plan. In addition, the Subdivider shall provide for the extension of sanitary sewer and water supply facilities within the limits of the plan, which are required to service other developments external to this subdivision. Such sanitary sewer and water supply facilities are to be designed and constructed according to the standards and requirements of the Regional Municipality of Durham. All arrangements, financial and otherwise for said extensions are to be made to the satisfaction of the Regional Municipality of Durham, and are to be completed prior to final approval of this plan.
7. Prior to entering into a subdivision agreement, the Regional Municipality of Durham shall be satisfied that adequate water pollution control plant and water supply plant capacities are available to the proposed subdivision.
8. The Subdivider shall satisfy all requirements, financial and otherwise, of the Regional Municipality of Durham. This shall include, among other matters, the execution of a Subdivision Agreement between the Subdivider and the Region concerning the provision and installation of sanitary sewers, water supply, roads, bridge works and other services.
9. That prior to any on-site grading or construction or final approval of the plan, the Subdivider shall submit to, and obtain approval from, the Town of Whitby and Central Lake Ontario Conservation Authority for reports describing the following:
  - a) The intended means of conveying stormwater flow from the site, including use of stormwater techniques which are appropriate and in accordance with provincial guidelines; The stormwater management systems must be designed and implemented in accordance with the recommendations of the Pringle Creek Master Drainage Study.
  - b) A peer review of the Dockside Coastal Assessment (June 2017) prepared by Shoreplan Engineering Limited be completed by a qualified coastal engineer to the satisfaction of Central Lake Ontario Conservation Authority.
  - c) The intended means to floodproof the developable lands to result in the provision of safe access/egress and no negative impact to any adjacent lands. This shall include additional hydraulic analysis, the results of the approved detailed design of the Brock Street Bridge Environmental Assessment, as well as any required improvements to Water Street to provide safe access/egress.
  - d) The intended means to maintain appropriate water balance to the adjacent hydrologic features (i.e., wetlands and watercourse) as part of this development.

- e) The intended means whereby groundwater recharge shall be maintained at predevelopment levels over the site, especially within Ecologically Sensitive Groundwater Recharge Areas (ESGRA's) through the use of Low Impact Development measures (LID's). LID's shall be designed to the satisfaction of the Central Lake Ontario Conservation Authority. Where infiltration trenches are proposed, the design shall be supported with insitu infiltration tests.
  - f) A long-term monitoring plan to evaluate the effectiveness of LID measures being utilized on the site for a minimum of two years, or continued monitoring until monitoring results are available from 4 rain events greater than 15mm, and 2 rain events greater than 25mm.
  - g) The intended means whereby erosion and sedimentation and their effects will be minimized on the site during and after construction, in accordance with provincial guidelines. The report must outline all actions to be taken to prevent an increase in the concentration of solids in any water body because of on-site, or other related works.
  - h) The intended means of site remediation related to the identified contaminated soils, including dewatering, mitigation of any anticipated impacts to adjacent hydrologic features such as wetlands and watercourses, as well as planting/restoration plans. Any development or site alteration within an area regulated through Ontario Regulation 42/06 will require a permit from CLOCA.
  - i) The intended means to minimize, mitigate and compensate for any unavoidable natural heritage impacts related to the installation of sanitary services within the future Harbour Street Extension right of way.
  - j) Landscape restoration and buffer planting plans.
  - k) The means whereby recommendations within the Environmental Impact Study (CIMA April 2018) related to Aquatic Habitat Enhancement, Bird Friendly Building Design, Landscaping/Streetscaping, Homeowner Education and Road Signage will be incorporated into the building and site design.
  - l) The intended means to develop and implement a monitoring program for bird and building interactions.
10. The Subdivider shall covenant and agree in the Subdivision Agreement or in the Pre-Servicing Agreement, whichever comes first, that a report assessing the flood hazard and erosion risk will be submitted to CLOCA which demonstrates, to CLOCA's satisfaction, that the completion of the following activities during the Brock Street Bridge removal and replacement process, including prior to removal, will not affect the control of flooding, erosion, or in the event of a natural



hazard, will not jeopardize the health or safety of persons or result in the damage or destruction of property:

- a) any proposed earthworks, grading, placing of fill or removal of fill within Block A
- b) below ground servicing infrastructure within Block A
- c) below ground building construction within Block A

No earthworks, grading, placing of fill, removal of fill, below ground servicing or below ground building construction shall be undertaken until CLOCA is satisfied with this report, and the Town shall not issue its approval for any such site works until CLOCA has notified it in writing of satisfaction of this condition.

11. The Subdivider shall covenant and agree in the Subdivision Agreement and in the Site Plan Agreement, whichever comes first, that:
  - a) Full building permits for above ground structures will not be issued until such time as the commissioning date for the replacement Brock Street Bridge, in accordance with the approved Environmental Assessment Report, has been confirmed in writing by the Region of Durham or Town of Whitby as the case may be, and, the Subdivider has provided written confirmation with an accompanying land survey to CLOCA that the property has been floodproofed as per a CLOCA approved floodproofing plan and safe access for vehicular and pedestrian traffic is available to the satisfaction of the Central Lake Ontario Conservation Authority.
  - b) Occupancy permits for any building or structure will not be issued until such time as the replacement Brock Street Bridge is operational and accessible to the public.
12. The Subdivider shall obtain all necessary permits from Central Lake Ontario Conservation Authority required through Ontario Regulation 42/06 of the Conservation Authorities Act.
13. The Subdivider shall satisfy all financial requirements of the Central Lake Ontario Conservation Authority. This shall include Application Processing Fees and Technical Review Fees owing as per the approved Authority Fee Schedule.
14. Block B shall be dedicated to an appropriate public body.
15. The subdivision agreement between the Subdivider and the Town of Whitby shall contain, among other matters, the following provisions:
  - a) The Subdivider agrees to complete any site restoration and buffer planting plans in conformity with the recommendations within the Environmental Impact Study (CIMA, April 2018) within one (1) year of completion of the soil remediation plan or as otherwise agreed to with CLOCA.

- b) The Subdivider agrees to develop Block A through site plan control in accordance with the recommendations within the Environmental Impact Study (CIMA, April 2018) to the satisfaction of CLOCA.
  - c) The Subdivider agrees that prior to any street connection or extension to Harbour Street, that an appropriate comprehensive environmental study will be completed through the Environmental Assessment Act or other appropriate comprehensive environmental study to the satisfaction of CLOCA.
  - d) The Subdivider agrees to carry out the works referred to in Conditions 9 a) to l) to the satisfaction of the Central Lake Ontario Conservation Authority.
  - e) The Subdivider agrees to maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period, in a manner satisfactory to the Central Lake Ontario Conservation Authority.
  - f) The Subdivider agrees to advise the Central Lake Ontario Conservation Authority 48 hours prior to commencement of grading or the initiation of any on-site works.
16. That the Subdivider provide cash-in-lieu of parkland dedicated at a rate of 1 hectare per 312 dwelling units, which is consistent with the Town's Official Plan policy 4.9.4.3 a) and the Department's standard practice. In the alternative, should the draft plan of subdivision be approved after such date as the relevant provisions of the "More Homes, More Choices Act, 2019 S.O. 2019, C. 9-Bill 108" take effect regarding cash-in-lieu of parkland and community benefits charges, then the Subdivider shall satisfy its parkland contribution through payment pursuant to the Town's Community Benefit Charge By-law as permitted by the Planning Act and its regulations. Parks Division staff recommend that the monetary amount of cash-in-lieu of parkland dedication generated from the proposed development be utilized within the Port Whitby community and potentially be used to fund future Port Whitby parks capital projects that would include Shirley Scott Park and the waterfront trail.
17. The Subdivider shall convey Block B as Open Space to the Town. The land shall be conveyed free and clear of any soil contamination or environmental concerns. The conveyance of these blocks would not contribute to parkland dedication calculations.
18. The Parks Division will require a 1.2 metre high black vinyl chain link standard park fencing to be installed, where appropriate, between dedicated public open space blocks, environmental sensitive areas, and private lots.
19. The Waterfront Parks and Open Space Master Plan adopted by Council identifies a potential secondary trail connection through the length of Harbour Street / spur line corridor to Water Street. If this connection is to be created, a three (3) metre

wide asphalt multi-use path from Brock Street South, along an internal street on the north side of Block A, to Harbour Street extension shall be installed by the Subdivider.

20. That the Subdivider enter into a Subdivision Agreement, and a future Site Plan Agreement and a future Condominium Agreement with the Municipality and be responsible for the fees associated with the preparation and registration of the Agreement, including any review required by Legal Services.
21. The required noise mitigation measures and warning clauses shall be included in the Subdivision and Site Plan Agreements.
22. The Subdivider shall provide a Canada Post approved Community Mail Box/Postal Distribution Plan for the development.
23. The Subdivider shall provide a tree preservation plan and install protective fencing in advance of any on-site grading works.
24. The Subdivider shall prepare and implement the following reports and plans in accordance with the applicable guidelines to the satisfaction of the agencies noted:

<b>Report</b>	<b>Town</b>	<b>Region</b>	<b>CLOCA</b>
Environmental Impact Study and Addendums	Yes	Yes	Yes
Functional Servicing Report and Addendums	Yes	Yes	Yes
Geotechnical Investigation	Yes	Yes	Yes
Hydrogeological Study	Yes	Yes	Yes
Noise Feasibility Study	Yes	Yes	-
Phase One and Two Environmental Site Assessment	Yes	Yes	-
Stage 1 Archaeological Assessment	Yes	Yes	-
Transportation Study and Addendums	Yes	Yes	-
Urban Design Guidelines	Yes	-	-

25. The Subdivider shall provide a Firebreak / Block Plan to the satisfaction of the Whitby Fire and Emergency Services Department.
26. The Subdivider shall satisfy all requirements, financial and otherwise, of the Town of Whitby, including among other matters, the execution of a subdivision agreement between the Subdivider and the Town of Whitby concerning the provision and installation of services, drainage, and other local services.

27. Prior to final approval of this plan for registration, the Town of Whitby shall be advised in writing by:
- a) The Regional Municipality of Durham, how conditions 1, 2, 3, 4, 5, 6, 7 and 8 have been satisfied.
  - b) The Central Lake Ontario Conservation Authority, how conditions 9, 10, 11, 12, 13, 14 and 15 have been satisfied.

**Note:**

Please be advised that the approval of this draft plan will lapse three (3) years after the date the plan is draft approved. The approval may be extended pursuant to Section 51(33) of the Planning Act, but no extension can be granted once the approval has lapsed.

If final approval is not given to this plan within three (3) years of the draft approval date, and no extensions have been granted, draft approval will lapse under 51 (32) of the Planning Act, RSO, 1990, as amended. If the owner wishes to request an extension to the draft approval, a written request and explanation must be received by the Commissioner of Planning and Development 120 days prior to the lapsing date. A processing fee in effect at the time of request, shall apply.

# Town of Whitby

## Staff Report

[whitby.ca/CouncilCalendar](http://whitby.ca/CouncilCalendar)



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**Report Title: DEV-05-17: Request for an Extension to Draft Approved Plan of Subdivision SW-2008-01 (MR-01-17), Brookfield Homes (Ontario) Whitby Limited, 1900 Brock Street South**

---

**Report to:** Committee of the Whole

**Date of meeting:** April 3, 2023

**Report Number:** PDP 19-23

**Department(s) Responsible:**

Planning and Development Department  
(Planning Services)

**Submitted by:**

R. Saunders, Commissioner of Planning  
and Development

<b>Acknowledged by M. Gaskell, Chief Administrative Officer</b>
---

**For additional information, contact:**

C. Geiger, Supervisor & Principal  
Planner, x2821

---

### 1. Recommendation:

1. That Council approve the extension of the Draft Approved Plan of Subdivision SW-2008-01 (MR-01-17) by an additional 3 years, to June 17, 2026.

### 2. Highlights:

- Section 51(33) of the Planning Act enables Council to extend draft approval for a time period as determined by the Town, as long as the approval has not yet lapsed.

### 3. Background:

Draft Plan of Subdivision SW-2008-01 is located on the west side of Brock Street South, north of Water Street, municipally known as 1900 Brock Street South (refer to Attachments #1 & #2). The proposed Draft Plan of Subdivision consists of two high density residential blocks, one mixed use block, a walkway block, an open space water lot block, a road widening block and private roads, in order to accommodate up to 1,200 residential units in buildings up to 33-storeys in height. In advance of a formal site plan submission, approval for a draft plan of subdivision is being sought to create the development block, which will enable a future site plan submission (refer to Attachment #3).

**4. Discussion:**

Section 51(32) of the Planning Act states that the municipality may provide that the approval lapses at the expiration of a time period being not less than three years. The Draft Plan of Subdivision approval for this application will expire on June 17, 2023.

The applicant has advised that they are not ready to proceed with the registration of the Draft Plan of Subdivision (refer to Attachment #4), so they have requested an extension to the expiry date. Section 51(33) of the Planning Act enables Council to extend draft approval for a time period as determined by the Town, as long as the approval has not yet lapsed.

It is recommended that the Draft Plan of Subdivision approval be extended by an additional three years, with a new expiry date of June 17, 2026. The original Draft Plan Conditions would continue to apply (refer to Attachment #5).

**5. Financial Considerations:**

Not applicable.

**6. Communication and Public Engagement:**

Not applicable.

**7. Input from Departments/Sources:**

Not applicable.

**8. Strategic Priorities:**

The development review process provided opportunity for public and agency input. The recommendations contained in this report align with the objectives of the Organization Priority of the Corporate Strategic Plan.

This report is in a fully accessible format, which addresses the Town's strategic priority of accessibility.

The approved infill development increases the density on the subject land which provides a better use of existing infrastructure, which implements the Town's strategic priority of sustainability.

**9. Attachments:**

Attachment #1: Location Sketch

Attachment #2: Aerial Map

Attachment #3: Approved Draft Plan of Subdivision

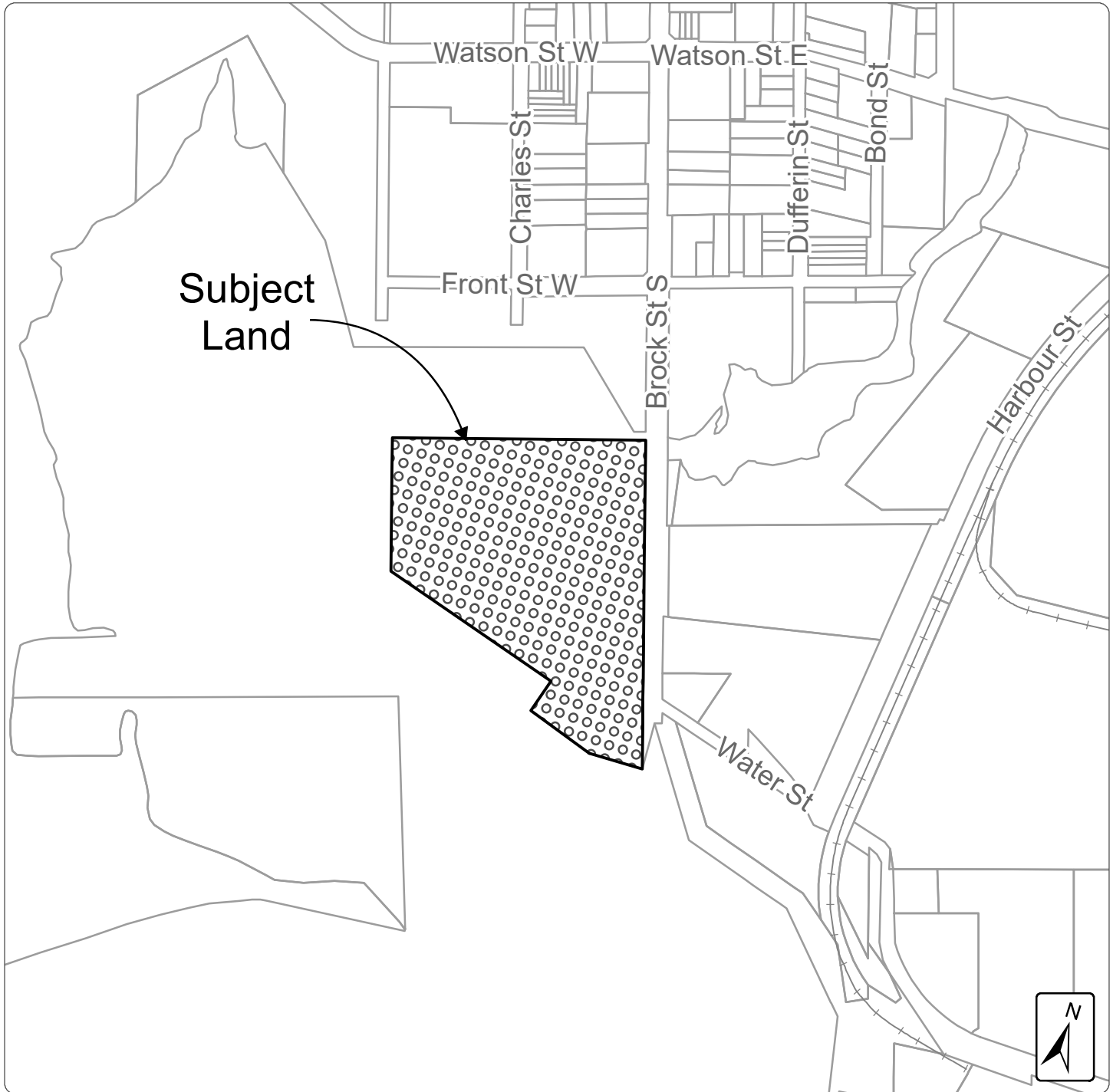
Attachment #4: Correspondence requesting an Extension to the Draft Plan of Subdivision Approval

Attachment #5: Conditions of Draft Approval



# Attachment #1 Location Sketch

PDP 19-23



## Town of Whitby Planning and Development Department

Proponent:

Brookfield Homes (Ontario) Whitby Limited

File Number:

DEV-05-17  
(SW-2008-01 / MR-01-17)

Date:

April 2023

External Data Sources:

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# Attachment #2 Aerial Context Map

PDP 19-23



## Town of Whitby Planning and Development Department

Proponent:  
**Brookfield Homes (Ontario) Whitby Limited**

File Number:  
DEV-05-17  
(SW-2008-01 / MR-01-17)

Date:  
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# Correspondence Requesting an Extension to the Draft Plan of Subdivision Approval



## Gatzios Planning + Development Consultants Inc.

February 7, 2023

### Planning and Development Department

Town of Whitby  
575 Rossland Road East  
Whitby, Ontario  
L1N 2M8

File No: 40WB-1318

Attention: Mr. John Austin  
Senior Manager of Development Control, Design and Technical Services

**Regarding: REQUEST FOR EXTENSION OF DRAFT PLAN APPROVAL  
DRAFT PLANS OF SUBDIVISION SW-2017-05 & SW-2008-01(MR-01-17)  
BROOKFIELD HOMES (ONTARIO) WHITBY LIMITED  
DOCKSIDE MIXED USE DEVELOPMENT IN PORT WHITBY  
1900 & 1846 BROCK STREET SOUTH  
TOWN OF WHITBY  
DEV-05-17 (SW-2008-01/MR-01-17)  
TOWN FILE #: DEV-03-17 (SW-2017-05)**

Dear Mr. Austin:

As you know, we are the planning consultants for Brookfield Homes (Ontario) Whitby Limited and our client owns two properties located on opposites sides of Brock Street South in Port Whitby, municipally known as 1900 and 1846 Brock Street South.

Applications for a Zoning By-law Amendment and two Draft Plans of Subdivision (east and west) were approved by the Council of the Town of Whitby on June 24, 2019 to permit a predominantly residential condominium development with some at grade commercial uses for the subject properties, known as DOCKSIDE.

The east Draft Plan of Subdivision (SW-2017-05) contains a high-density residential mixed-use development block and an open space block.

The west Draft Plan of Subdivision (SW-2008-01/MR-01-17) contains a high-density residential mixed-use development block, a parkland/waterfront walkway block, an open space water block, and a road widening block.

The Notice of Decision for both Draft Plans of Subdivision is dated June 17, 2020 and as per the approval letter and condition of draft approval, the three-year deadline to receive final approval for registration is June 17, 2023.

---

701 Mount Pleasant Road, 3<sup>rd</sup>. Floor  
Toronto, Ontario  
M4S 2N4

gatziosplanning.com  
† 647.748.9466

Since this time the landowner's consulting team has been working through the detailed engineering and design work to address the draft plan conditions for both Plans of Subdivision.

The landowner's engineering team at SCS Consulting Group Ltd. has made numerous separate submissions to the Town of Whitby with detailed engineering drawings and materials to implement both the east Draft Plan of Subdivision (SW-2017-05) and the west Draft Plan of Subdivision (SW-2008-01/MR-01-17).

A Subdivision Agreement application for the east Draft Plan of Subdivision (SW-2017-05) has been submitted to the Town of Whitby and is under review.

The landowner's consulting team is continuing to work through the detailed draft plan conditions and on behalf of our client we are kindly requesting extension of draft plan approval for both Draft Plans of Subdivision as the landowner is not yet ready to proceed with registration of the Draft Plans of Subdivision.

Please kindly advise of any further requirements to process the requested draft plan approval extension for both Draft Plans of Subdivision.

Sincerely,

Gatzios Planning + Development Consultants Inc.

A handwritten signature in cursive script, reading "J Koutsovitis".

James Koutsovitis, MCIP RPP

Copy to: Sarah Mitchell & Victor Chan,  
Brookfield Homes (Ontario) Whitby Limited.

**Attachment #5**  
**Conditions of Approval**  
**SW-2008-01 (MR-01-17)**

1. The Subdivider shall enter into a subdivision agreement and provide all relevant fees for the preparation and registration of said agreement, including a review by the Town's legal services;
2. The Subdivider shall prepare the final plan for the development on the basis of the approved draft plan of subdivision, prepared by Gatzios Planning + Development Consultants Inc. identified as Project & Drawing No. 1318.0 dated April 17, 2017, revised July 3, 2019, which illustrates: one high density residential mixed use block, one parkland / waterfront walkway block, one open space block and one road widening block.
3. The Subdivider shall submit to the Region of Durham, for review and approval, a revised acoustic report prepared by an acoustic engineer based on projected traffic volumes provided by the Region of Durham Planning and Economic Development Department, and recommending noise attenuation measures for the draft plan in accordance with the Ministry of the Environment, Conservation and Parks guidelines. The Subdivider shall agree in the Subdivision Agreement to implement the recommended noise control measures. The agreement shall contain a full and complete reference to the noise report (i.e., author, title, date, and any revisions/addenda thereto) and shall include any required warning clauses identified in the acoustic report. The Subdivider shall provide the Region with a copy of the Subdivision Agreement containing such provisions prior to final approval of the plan.
4. Prior to the finalization of this plan of subdivision, the Subdivider must provide satisfactory evidence to the Regional Municipality of Durham in accordance with the Region's Site Contamination Protocol to address site contamination matters. Such evidence may include the completion of a Regional Reliance Letter and Certificate of Insurance. Depending on the nature of the proposal or the findings of any Record of Site Condition (RSC) Compliant Phase One Environmental Site Assessment (ESA), an RSC Compliant Phase Two ESA may also be required. The findings of the Phase Two ESA could also necessitate the requirement for an RSC through the Ministry of the Environment, Conservation and Parks, accompanied by any additional supporting information.
5. The Subdivider shall submit plans showing any proposed phasing to the Region for review and approval if this subdivision is to be developed by more than one registration. Block 'D' is to be conveyed to the Region for road widening purposes.



6. The Subdivider shall grant to the Region, any easements required to provide Regional services for this development and these easements shall be in locations and of such widths as determined by the Region.
7. The Subdivider shall provide for the extension of such sanitary sewer and water supply facilities which are external to, as well as within, the limits of this plan that are required to service this plan. In addition, the Subdivider shall provide for the extension of sanitary sewer and water supply facilities within the limits of the plan which are required to service other developments external to this subdivision. Such sanitary sewer and water supply facilities are to be designed and constructed according to the standards and requirements of the Regional Municipality of Durham. All arrangements, financial and otherwise for said extensions are to be made to the satisfaction of the Regional Municipality of Durham and are to be completed prior to final approval of this plan.
8. Prior to entering into a Subdivision Agreement, the Regional Municipality of Durham shall be satisfied that adequate water pollution control plant and water supply plant capacities are available to the proposed subdivision.
9. The Subdivider shall satisfy all requirements, financial and otherwise, of the Regional Municipality of Durham. This shall include, among other matters, the execution of a Subdivision Agreement between the subdivider and the Region concerning the provision and installation of sanitary sewers, water supply, roads, bridge works and other services.
10. The plan shall be subject to potential redline revision to the satisfaction of the Central Lake Ontario Conservation Authority in order to confirm an appropriate setback to development from the shoreline as part of Blocks B and C.
11. That prior to any on-site grading or construction or final approval of the plan, the Subdivider shall submit to, and obtain approval from, the Town of Whitby and Central Lake Ontario Conservation Authority for reports describing the following:
  - a) The intended means of conveying stormwater flow from the site, including use of stormwater techniques which are appropriate and in accordance with provincial guidelines; The stormwater management systems must be designed and implemented in accordance with the recommendations of the Pringle Creek Master Drainage Study.
  - b) A peer review of the Dockside Coastal Assessment (June 2017) prepared by Shoreplan Engineering Limited completed by a qualified coastal engineer to the satisfaction of Central Lake Ontario Conservation Authority.
  - c) The intended means to floodproof the developable lands to result in the provision of safe access/egress and no negative impact to any adjacent lands. This should include the results of the approved detailed design of

the Brock Street Bridge Environmental Assessment, as well as any required improvements to Water Street to provide safe access/egress.

- d) The intended means to maintain appropriate water balance to the adjacent hydrologic features (e.g., wetlands and watercourse) as part of this development.
  - e) The intended means whereby groundwater recharge shall be maintained at pre-development levels over the site, especially within Ecologically Sensitive Groundwater Recharge Areas (ESGRA's) through the use of Low Impact Development measures (LID's). LID's shall be designed to the satisfaction of the Central Lake Ontario Conservation Authority. Where infiltration trenches are proposed, the design shall be supported with insitu infiltration tests.
  - f) A long-term monitoring plan to evaluate the effectiveness of LID measures being utilized on the site for a minimum of two years, or continued monitoring until monitoring results are available from 4 rain events greater than 15mm, and 2 rain events greater than 25mm.
  - g) The intended means whereby erosion and sedimentation and their effects will be minimized on the site during and after construction, in accordance with provincial guidelines. The report must outline all actions to be taken to prevent an increase in the concentration of solids in any water body because of on-site, or other related works.
  - h) A detailed riparian restoration plan, including the design of the waterfront promenade.
  - i) A detailed shoreline protection plan, approved by the Department of Fisheries and Oceans under the Fisheries Act.
  - j) Landscape restoration and buffer planting plans.
  - k) The intended means whereby recommendations within the Environmental Impact Study (CIMA April 2018) related to Aquatic Habitat Enhancement, Bird Friendly Building Design, Landscaping/Streetscaping, Homeowner Education and Road Signage will be incorporated into the building and site design.
  - l) The intended means to develop and implement a monitoring program for bird and building interactions.
12. The Subdivider shall covenant and agree in the Subdivision Agreement or in the Pre-Servicing Agreement, whichever comes first, that:
- a) A report assessing the flood hazard, shoreline stability and erosion risk will be submitted to CLOCA which demonstrates, to CLOCA's satisfaction,

that the completion of the following activities during the Brock Street Bridge removal and replacement process, including prior to removal, will not affect the control of flooding, erosion, or in the event of a natural hazard, will not jeopardize the health or safety of persons or result in the damage or destruction of property:

- i) any proposed earthworks, grading, placing of fill or removal of fill within Blocks A and B
- ii) below ground servicing infrastructure within Blocks A and B
- iii) below ground building construction within Blocks A and B

No earthworks, grading, placing of fill, removal of fill, below ground servicing or below ground building construction shall be undertaken until CLOCA is satisfied with this report, and the Town shall not issue its approval for any such site works until CLOCA has notified it in writing of satisfaction of this condition.

- b) The flood hazard, shoreline stability and erosion report will provide guidance to the satisfaction of CLOCA on the required timing of implementation of all shoreline stabilization works in relation to the following construction activities and implementation of the required stabilization works will coincide with the recommended timeline.
  - i) any proposed earthworks, grading, placing of fill or removal of fill within Blocks A and B
  - ii) below ground servicing infrastructure within Blocks A and B
  - iii) below ground building construction within Blocks A and B

13. The Subdivider shall covenant and agree in the Subdivision Agreement and in the Site Plan Agreement, whichever comes first, that:

- a) Full building permits for above ground structures will not be issued until such time as the commissioning date for the replacement Brock Street Bridge, in accordance with the approved Environmental Assessment Report, has been confirmed in writing by the Region of Durham or Town of Whitby as the case may be, and, the Subdivider has provided written confirmation with an accompanying land survey to CLOCA that the property has been floodproofed in accordance with a CLOCA approved floodproofing plan and safe access for vehicular and pedestrian traffic is available to the satisfaction of the Central Lake Ontario Conservation Authority.
- b) Occupancy permits for any building or structure will not be issued until such time as the replacement Brock Street Bridge is operational and accessible to the public.

14. The Subdivider shall covenant and agree in the Subdivision Agreement and in the Site Plan Agreement that all shoreline protection works, aquatic habitat enhancement and riparian restoration construction and plantings shall be completed prior to the issuance of any above ground building permits, to the satisfaction of the Central Lake Ontario Conservation Authority, and the Town shall not issue its approval for building permits for any such site works until CLOCA has notified it in writing of satisfaction of this condition.
15. The Subdivider shall obtain all necessary permits from Central Lake Ontario Conservation Authority required through Ontario Regulation 42/06 of the Conservation Authorities Act.
16. The Subdivider shall satisfy all financial requirements of the Central Lake Ontario Conservation Authority. This shall include Application Processing Fees and Technical Review Fees owing as per the approved Authority Fee Schedule.
17. Blocks B and C (i.e., the Waterfront Walkway and Open Space Water Lot) shall be dedicated to an appropriate public body.
18. The subdivision agreement between the Subdivider and the Town of Whitby shall contain, among other matters, the following provisions:
  - a) The Subdivider agrees to develop Block A through site plan control in accordance with the recommendations within the Environmental Impact Study (CIMA, April 2018) to the satisfaction of CLOCA.
  - b) The Subdivider agrees to carry out the works referred to in Condition 11 a) to l) to the satisfaction of the Central Lake Ontario Conservation Authority.
  - c) The Subdivider agrees to maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period, in a manner satisfactory to the Central Lake Ontario Conservation Authority.
  - d) The Subdivider agrees to advise the Central Lake Ontario Conservation Authority 48 hours prior to commencement of grading or the initiation of any on-site works.

In order to expedite clearance of Conditions 12, 13, 14 & 18 a copy of the fully executed subdivision agreement between the area municipality and the subdivider should be submitted to the Authority.

19. That parkland dedication for the proposed revised development plan shall be satisfied as a combination of land through the dedication of Block B, Parkland / Waterfront Walkway to the Town and the Subdivider being responsible to undertake the design, external agency approvals and construction of the landscape elements and amenities, including the trail and trail connections, within Block B, Parkland / Waterfront Walkway to the satisfaction of the Town.

20. Prior to the conveyance of Block B, Parkland / Waterfront Walkway the Subdivider shall provide to the Town for its approval, an engineering study dealing with the shoreline stability, soil contamination from past uses, condition of existing shore wall including the location of all tiebacks, and vegetation to ensure shoreline stability, discourage geese and minimize maintenance.
21. Block B, Parkland/Waterfront Walkway shall be provided to the Town free and clear as parkland dedication, satisfying the standards for grading, drainage, amenities, and other requirements as stipulated in the Subdivision Agreement.
22. Block C, Open Space Water Lot shall be retained by the Subdivider until future discussions with the Town of Whitby are undertaken to determine the ownership and use of the block.
23. The Subdivider shall be responsible to supply and install temporary signage which meets accessibility standards for users of the Waterfront Trail during temporary closures for construction activities.
24. The development site is located in an area known to attract migratory birds. The Parks Division requires that an Environmental Impact Study be undertaken to establish recommendations to reduce bird injury and fatalities.
25. The Parks Division requests a Shoreline Management Plan to address two important issues:
  - a) Coastal Engineering and Soil Report: To analyze shore stability, soil contamination from past uses, the condition of the existing shore wall and the cost to repair or replace it, including estimated future replacement costs, areas prone to erosion, and any other issues pertinent to the site's safety and capability to accommodate the uses proposed in the revised plan of subdivision.
  - b) Landscaping treatment at the shoreline must be designed to CMS approval to discourage geese and to require minimal maintenance. The shoreline at Windsor Bay Park may be a good model for reference where geese barriers were installed.
26. That the Subdivider ensure drawings are submitted to scale.
27. That the Subdivider revise the Draft Plan to extend further south the proposed road widening, Block 'D', to the south limit of Block 'B' (parkland/waterfront walkway).
28. Parkland/Waterfront walkway Block 'B' includes sections of existing Steel Sheet Pile (SSP) walls. Should Block 'B' be conveyed to the Town, the Subdivider shall provide an acceptable remediation design of the SSP walls to the Town's satisfaction. The design shall be peer reviewed and approved by the Town prior to the transfer of Block 'B' to the Town.

29. The Town is currently in the process of undertaking a Municipal Class Environmental Assessment (EA) for the Water Street corridor to ensure future mobility needs are safely accommodated and to address drainage issues. The limits of the EA include the frontage of the subject development along Brock Street. Subject to the final recommendation of the EA, should modifications be recommended at the entrance points to the subject development to address operational needs/issues (which may include a roundabout solution), the Subdivider will commit to working with the Town in the implementation of such improvements.
30. Confirmation of a recent Record of Site Condition (RSC) shall be provided to the Town's satisfaction.
31. The Subdivider shall prepare and implement the following reports and plans in accordance with the applicable guidelines to the satisfaction of the agencies noted:

Report	Town	Region	CLOCA
Environmental Impact Study and Addendums	Yes	Yes	Yes
Functional Servicing Report and Addendums	Yes	Yes	Yes
Geotechnical Investigation	Yes	Yes	Yes
Hydrogeological Study	Yes	Yes	Yes
Noise Feasibility Study	Yes	Yes	
Coastal Assessment	Yes		Yes
Phase One and Two Environmental Site Assessment	Yes	Yes	
Stage 1 Archaeological Assessment	Yes	Yes	
Transportation Study and Addendums	Yes	Yes	
Urban Design Guidelines	Yes		

32. The Subdivider shall provide a Firebreak Lot/Block Plan to the satisfaction of the Whitby Fire and Emergency Services Department.
33. The Subdivider shall satisfy all requirements, financial and otherwise, of the Town of Whitby, including among other matters, the execution of a subdivision agreement between the Subdivider and the Town of Whitby concerning the provision and installation of services, drainage, and other local services.



34. Prior to final approval of this plan for registration, the Town of Whitby shall be advised in writing by:
- a) The Regional Municipality of Durham, how conditions 2, 3, 4, 5, 6, 7, 8 and 9 have been satisfied.
  - b) The Central Lake Ontario Conservation Authority, how conditions 10, 11, 12, 13, 14, 15, 16, 17 and 18 have been satisfied.

**Note**

Please be advised that the approval of this draft plan will lapse three (3) years after the date the plan is draft approved. The approval may be extended pursuant to Section 51(33) of the Planning Act, but no extension can be granted once the approval has lapsed.

If final approval is not given to this plan within three (3) years of the draft approval date, and no extensions have been granted, draft approval will lapse under 51 (32) of the Planning Act, RSO, 1990, as amended. If the owner wishes to request an extension to the draft approval, a written request and explanation must be received by the Commissioner of Planning and Development 120 days prior to the lapsing date. A processing fee in effect at the time of request, shall apply.

# Town of Whitby

## Staff Report

[whitby.ca/CouncilCalendar](http://whitby.ca/CouncilCalendar)



**Report Title: DEV-36-22: Official Plan Amendment Application OPA-2022-W/05, Zoning By-law Amendment Application Z-23-22 – 3 Cassels Road East, Brooklin**

**Report to:** Committee of the Whole

**Date of meeting:** April 3, 2023

**Report Number:** PDP 20-23

**Department(s) Responsible:**

Planning and Development Department  
(Planning Services)

**Submitted by:**

Roger Saunders, Commissioner of  
Planning and Development

**Acknowledged by M. Gaskell, Chief  
Administrative Officer**

**For additional information, contact:**

Dave Johnson, Planner II – Heritage, ext.  
3166

### 1. Recommendation:

1. That Council approve Official Plan Amendment Number 131 to the Whitby Official Plan (File No. OPA-2022-W/05), as shown on Attachment #7, and that a by-law to adopt Official Plan Amendment Number 131 be brought forward for consideration by Council;
2. That the Clerk forward a copy of the Report PDP 20-23, two (2) copies of the adopted Amendment, and a copy of the by-law to adopt Amendment Number 131 to the Whitby Official Plan, to the Region of Durham's Commissioner of Planning and Economic Development;
3. That Council approve an amendment to Zoning By-law # 1784, (File No. Z-23-22), as outlined in Report No. PDP 20-23;
4. That a by-law to amend Zoning By-law # 1784 be brought forward for consideration by Council; and
5. That the Clerk forward a Notice of Council's decision to those parties and agencies who requested further notification, including the Region of Durham's Commissioner of Planning and Economic Development.

## **2. Highlights:**

- Applications for an Official Plan Amendment and a Zoning By-law Amendment have been submitted by Biglieri Group. on behalf of 2738183 Ontario Inc. for lands municipally known as 3 Cassels Road East in Brooklin.
- The proposal is to change the land use designation from Mixed Use to Residential and change the zoning to an appropriate residential zone category to permit the construction of a single detached dwelling on a new, severed lot.
- The property is located within the Brooklin Heritage Conservation District (HCD) Plan area. The existing building at 3 Cassels Road East would be maintained as a commercial use, and the proposed construction of the new dwelling on the severed lot would require a successful severance (Land Division) as well as a Heritage Permit.

## **3. Background:**

### **3.1. Site and Area Description**

The subject land is located at the southeast corner of Cassels Road East and Durham Street (refer to Attachment #1). The subject land is approximately 0.18 hectares in size. The subject land currently has one 2-storey building situated on the northern section of the property that fronts onto Cassels Road East, with driveway access on both Cassels Road East and Durham Street. The existing building was constructed in 1890 as a residence and has since been converted to commercial use.

Surrounding land uses include the following:

- commercial and residential uses to the east;
- residential uses to the south;
- mixed-use to the west; and
- a public park to the north (refer to Attachment #2).

### **3.2 Application and Proposed Development**

An Official Plan Amendment Application has been submitted to change the Mixed-Use designation in the Official Plan and Brooklin Community Secondary Plan to Residential. A Zoning By-law Amendment Application has been submitted to change the zoning to an appropriate zone category. The applications seek to permit the construction of a single detached dwelling on a proposed severed lot.

### 3.2. Documents Submitted in Support

A number of documents were submitted in support of the applications including the following:

- A proposed conceptual severance plan, dated September 26, 2022 (refer to attachment #3);
- An Arborist Report, dated August 19, 2022, prepared by DAWhiteTreecare.com, which identifies the health of existing trees on the subject land and provides recommendations for preservation and/or removal;
- An Archaeological Assessment (Stage 1-2) prepared by WSP, dated August 17, 2022, which concludes that the location meets the requirements for a Stage 3 Assessment;
- A Cultural Heritage Impact Assessment prepared by WSP, dated August 2022, which provides a summary of the historic context of the subject land and the surrounding area. The Assessment concludes that both Municipal and Provincial policies have been met with respect to the proposed development. The Assessment provides alternative and mitigative strategies and recommendations regarding alternative placement of a new proposed driveway;
- A Functional Servicing and Stormwater Management Report prepared by T.Y.LIN International Canada Inc., dated September 2022, which concludes that the proposed development can be serviced by existing and future external infrastructure and internal proposed infrastructure. The report also concludes that a hydrogeology study is required to determine the infiltration rates of soils to confirm if the proposed stormwater management strategy will be adequate;
- A Noise Impact Study prepared by Sonair Environmental, dated August 22, 2022, which recommends that no noise attenuation or clauses are needed as both transportation and stationary noise both fall within guideline limits;
- A Phase 1 Environmental Assessment prepared by Palmer, dated September 7, 2022, which concludes that potentially contaminating activities were not identified and based on the findings no further assessment or remediation is required;
- A Planning Rationale Report prepared by Biglieri Group, dated October 2022, which concludes that the proposed applications are consistent with Provincial, Regional and Local policies and that the proposed infill development represents appropriate and desirable development;

- A Sustainability Rationale Report prepared by the Biglieri Group, dated October 2022, which states that the infill development will achieve and commit to Tier 1 of the Whitby Green Standard; and,
- A Traffic Impact Brief, prepared by Paradigm, dated September 7, 2022, which concludes that the subject land is forecast to generate no more than 4 trips in both the AM and PM peak hours. The report also concludes that the infill development may proceed without any requirements for off-site transportation improvements.

The above documents were circulated to relevant internal departments and external agencies for review and comment.

#### **4. Discussion:**

##### **4.1 Region of Durham Official Plan**

The subject land is designated “Regional Centre” within the Urban System, as depicted on Schedule ‘A’ Map A4 of the Durham Regional Official Plan (ROP). Regional Centres are focal points of urban activities. They are to provide a fully integrated array of institutional, commercial, major retail, residential, recreational, cultural, entertainment and major office uses. The subject land is also located within the boundary of the Brooklin Heritage Conservation District Plan. The ROP encourages the conservation, protection and enhancement of Durham's built and cultural heritage resources. The applications conform to the Durham Regional Official Plan.

##### **4.2 Whitby Official Plan**

The subject land is designated Mixed-Use in the Town of Whitby Official Plan (refer to Attachment #4). The goal of a Mixed-Use area is to encourage mixed residential and commercial development and redevelopment to ensure an intensive, transit-supportive, and efficient use of land (Policy 4.6.1.1) and to provide new opportunities for housing and employment that support the redevelopment of Mixed-Use areas (Policy 4.6.2.1). Lands designated Mixed-Use permit integrated mixed-use development and redevelopment that include residential, office, retail, restaurant, personal service, and community and/or institutional uses.

The subject land is located within the Brooklin Intensification Area and the Downtown Brooklin Major Central Area. Although those areas are intended for more intensive development, the Official Plan also recognizes that new buildings in the Downtown Brooklin Intensification / Major Central Area, including within the HCD, should complement each other in terms of design, massing, and use of building materials. New buildings should be designed in a manner that defines the Brooklin Community and complements the Brooklin Heritage Conservation District (Policy 4.3.3.3.5.2 d)).

The subject land is designated as Mixed-Use 2-HCD (refer to Attachment #5a) and is located within the Major Central Area of the Brooklin Community Secondary Plan (refer to Attachment 5b). Lands designated as Mixed-Use 2-HCD recognize the unique heritage character of the Brooklin Heritage Conservation District (HCD) Plan area.

The subject land is located within the Brooklin Heritage Conservation District. Whitby Official Plan policies regarding development within the HCD seek to conserve cultural heritage resources within HCD's (Policy 6.2.3.1.4 g)). The existing building at 3 Cassels will be retained. The Whitby OP also allows for consideration of new construction within the HCD, which shall be guided by the Brooklin HCD Plan guidelines and policies (Policy 6.1.3.7) and subject to recommendations of a required Cultural Heritage Impact Assessment (Policy 6.1.3.8).

Within Mixed-Use areas, lands are to contain two or more of the permitted uses. An Official Plan Amendment is required to permit the development of a single detached dwelling on the proposed severed lot.

It is recommended that Council approve the Official Plan Amendment to change the land use designation to Low Density Residential to accommodate the proposed development as discussed in more detail in Section 4.6.

The Draft Proposed Official Plan Amendment # 131 is shown on Attachment #6.

#### **4.3 Zoning By-law**

The subject land is zoned Mixed-Use Residential – Village of Brooklin (H MUR-VB) - Exception 5 in Zoning By-law # 1784 (refer to Attachment #7). The H MUR-VB-Exception 5 zone permits a variety of uses including a Bed and Breakfast establishment in an existing dwelling, converted dwelling, boarding, or lodging house in an existing dwelling, bakeshop or confectionary shop, personal service establishment, photocopy shop and a retail store.

A Zoning By-law Amendment is required to change the zoning to permit the proposed infill development of a single detached dwelling on the severed lot.

#### **4.4 Heritage**

The subject land is designated under Part V of the Ontario Heritage Act, as it is located within the Brooklin Heritage Conservation District (HCD) Plan area. The proposed infill development will be required to follow the policies of the Brooklin HCD, specifically Section 6 for guidance on design and construction of new development. In general, the policies of the Brooklin HCD Plan seek to allow new compact redevelopment between heritage



buildings, where the orientation of new buildings matches the dominant orientation of the street and require that front and side yard setbacks must comply with the zoning by-law.

The OPA and ZBA applications were considered by Heritage Whitby Advisory Committee (HWAC) at its meeting on March 14, 2023. In considering the applications HWAC passed the following motion:

“That the Heritage Whitby Advisory Committee supports the applications.”

Minutes of the March 14, 2023 HWAC meeting are provided in Attachment #8.

Should the applications be approved, the Cultural Heritage Impact Assessment would have to be updated to address the Brooklin HCD Plan requirements for the single detached dwelling once there is a more detailed proposed design. This would need to be submitted with a Heritage Permit Application for further consideration.

#### **4.5 Conclusion**

The applications for Official Plan Amendment and Zoning By-law Amendment for the proposed development meet the overall intent of the Whitby Official Plan being a minor adjustment in the existing land use designations; by providing an efficient and effective use of land and municipal services; by providing a built form that is an appropriate scale and massing within the historic downtown and Brooklin Heritage Conservation District; and, by providing an appropriate and compatible transition to the adjacent land uses without detracting from the Central Area.

Should the applications be approved, the proposed development will be subject to a future Land Division Application (severance) and Heritage Permit application, which would also require building design, elevations, and siting plan, as well as Letter of Undertaking (in lieu of Site Plan Agreement).

Site design matters, such as building elevations, location of proposed driveway access, engineering requirements, protection/preservation of mature trees wherever possible, or replacement, etc., would be considered through the Land Division application as well as through the Heritage Permit application processes.

The Heritage Permit application will have to demonstrate conformity with the Brooklin Heritage Conservation District plan policies for New Construction. Heritage planning staff and Community Advancement staff agree with the Cultural Heritage Impact Assessment that an alternative driveway location should be considered in order to preserve two (2) town-owned boulevard trees.

The amending Zoning By-law would change the zoning to an appropriate Zone category with provisions to accommodate the development of the single detached dwelling on the proposed severed lot.

**5. Financial Considerations:**

Not applicable

**6. Communication and Public Engagement:**

A Public Meeting was held on February 13, 2023 in accordance with the Town of Whitby Official Plan and the *Planning Act*. This meeting provided the public and interested persons and agencies the opportunity to make comments in respect of the Official Plan Amendment and Zoning By-law Amendment Applications. The meeting minutes are included in Attachment #9.

All individuals who registered as an interested party at the statutory public meeting and individual who provided written correspondence to the Town have been provided notice of the April 3, 2023 Committee of the Whole meeting.

A summary of the issues raised at the Public Meeting are as follows:

- Impact of the development on property values;
- Concern that a proposed building on the severed lot would block views from the neighbouring property;
- Concern that the zoning amendment to residential would impact the mixed-use zoning of surrounding properties; and,
- Concern that the fence between the subject land and adjacent property was not on the property line.

Written public correspondence was received from one resident. The written correspondence raised various questions/concerns/comments including:

- Timeline of development of land after severance;
- Additional traffic volume; and,
- There are no public sidewalks on Durham St. between Highway 7 and Cassels Rd. E.

The oral and written submissions by the public have been considered in determining the recommendation for approval of the proposed Official Plan Amendment and Zoning By-law Amendment Applications. As previously noted, the proposed development meets the overall intent of the Whitby Official Plan and is a minor adjustment in the land use designation. The proposed infill proposed an appropriate transition from the Mixed Use to the low density residential. The applicant's transportation consultant concluded that there is minimal traffic impact and no further off-site improvements are required. Issues related to fencing will be considered/resolved through the Land Division (severance) process, which will require completion of an updated land survey.

## **7. Input from Departments/Sources:**

The following agencies have reviewed the application and have no objection:

- Enbridge Gas;
- Rogers Communications; and
- Whitby Fire and Emergency Services.

Refer to Attachment #8 for additional detailed comments.

## **Internal Departments**

### **Community Advancements – Strategic Initiatives – Sustainability**

Comments provided by the Sustainability Division more detail is required from the Sustainability Rationale Report as to how all mandatory criteria of Tier 1 are being followed. It is encouraged that consideration be given for advanced sustainability criteria through the uptake of voluntary Tiers 2-4.

For additional detailed comments please refer to Attachment #10.

### **Community Advancements – Strategic Initiatives – Downtown Development**

Comments provided by Downtown Development include:

- concern regarding loss of mature street tree canopy (in particular the black walnut tree) and landscaped open space as a result of the creation of the new proposed residential lot and the relocation of the driveway access aisle of the retained lot.
- consideration of various options for developments to avoid or reduce adverse impacts to the heritage attributes of the properties at 3 Cassels Rd E and 24 Princess St in the Brooklin Heritage Conservation District.

For additional detailed comments please refer to Attachment #10.

## **Engineering Services**

Comments from Engineering Services include:

- Engineering Services does not object to the proposed Official Plan Amendment application or the Zoning By-law Amendment application.
- The Stormwater Management Report, Grading/Service Plan(s) and Construction Management Reports will be reviewed in detail at the engineering review stage as a part of the subsequent application circulations.

For additional detailed comments please refer to Attachment #10.

## **Financial Services – Tax**

Financial Services staff have advised that there are no taxes owing on the property.

## Fire and Emergency Services

No comments

## External Agencies

### Region of Durham

Comments provided by the Region include:

- The proposed development is consistent with the Provincial Policy Statement and the Growth Plan and conforms to the Regional Official Plan.
- The proposal to convert the southern portion of the commercial property to a residential use will require a Record of Site Condition to be filed with the Ministry of the Environment, Conservation and Parks (MECP) to support the proposed application.
- No additional noise assessment is recommended for the proposed development.
- The north existing service connections shall remain to service the existing commercial lot.
- Water supply and sanitary sewer capacity are available to service the proposed development.
- The proposed amendment does not represent any Regional and/or Provincial concerns and would be exempt from Regional approval.

For additional detailed comments please refer to Attachment #10.

## 8. Strategic Priorities:

The development review process has provided opportunity for public and agency input. The recommendations contained in this report align with the objectives of the Organization Priority of the Corporate Strategic Plan.

This report is in a fully accessible format, which addresses the Town's strategic priority of accessibility. The future Site Plan Application(s) will be circulated to the Accessibility Advisory Committee for review and comment to ensure all accessibility requirements are met.

The proposed Official Plan and Zoning By-law Amendments incrementally increases the density on the subject land which provides a better use of existing infrastructure, which implements the Town's strategic priority of sustainability.

## 9. Attachments:

- Attachment #1 – Location Sketch
- Attachment #2 – Aerial Context Map

- Attachment #3 – Proponent’s Conceptual Severance Plan
- Attachment # 4 – Excerpt from Whitby Official Plan – Schedule A – Land Use
- Attachment # 5a – Excerpt from Whitby Official Plan – Schedule K – Brooklin Community Secondary Plan
- Attachment # 5b – Excerpt from Whitby Official Plan – Schedule K1 – Downtown Brooklin Major Central Area
- Attachment # 6 – Excerpt from Zoning By-law # 1784
- Attachment # 7 – Draft Proposed Official Plan Amendment # 131
- Attachment # 8 – Minutes of March 14, 2023 HWAC meeting
- Attachment # 9 – Minutes of February 13, 2023 Statutory Public Meeting
- Attachment # 10 – Agency and Stakeholder Detailed Comments

# Attachment #1 Location Sketch

PDP 20-23



## Town of Whitby Planning and Development Department

Proponent:  
**2738183 Ontario Inc.**

File Number:  
DEV-36-22  
(OPA-2022-W/05, Z-23-22)

Date:  
**December 2022**

External Data Sources:  
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# Attachment #2 Aerial Context Map

PDP 20-23



## Town of Whitby Planning and Development Department

Proponent:  
2738183 Ontario Inc.

File Number:  
DEV-36-22  
(OPA-2022-W/05, Z-23-22)

Date:  
December 2022

External Data Sources:  
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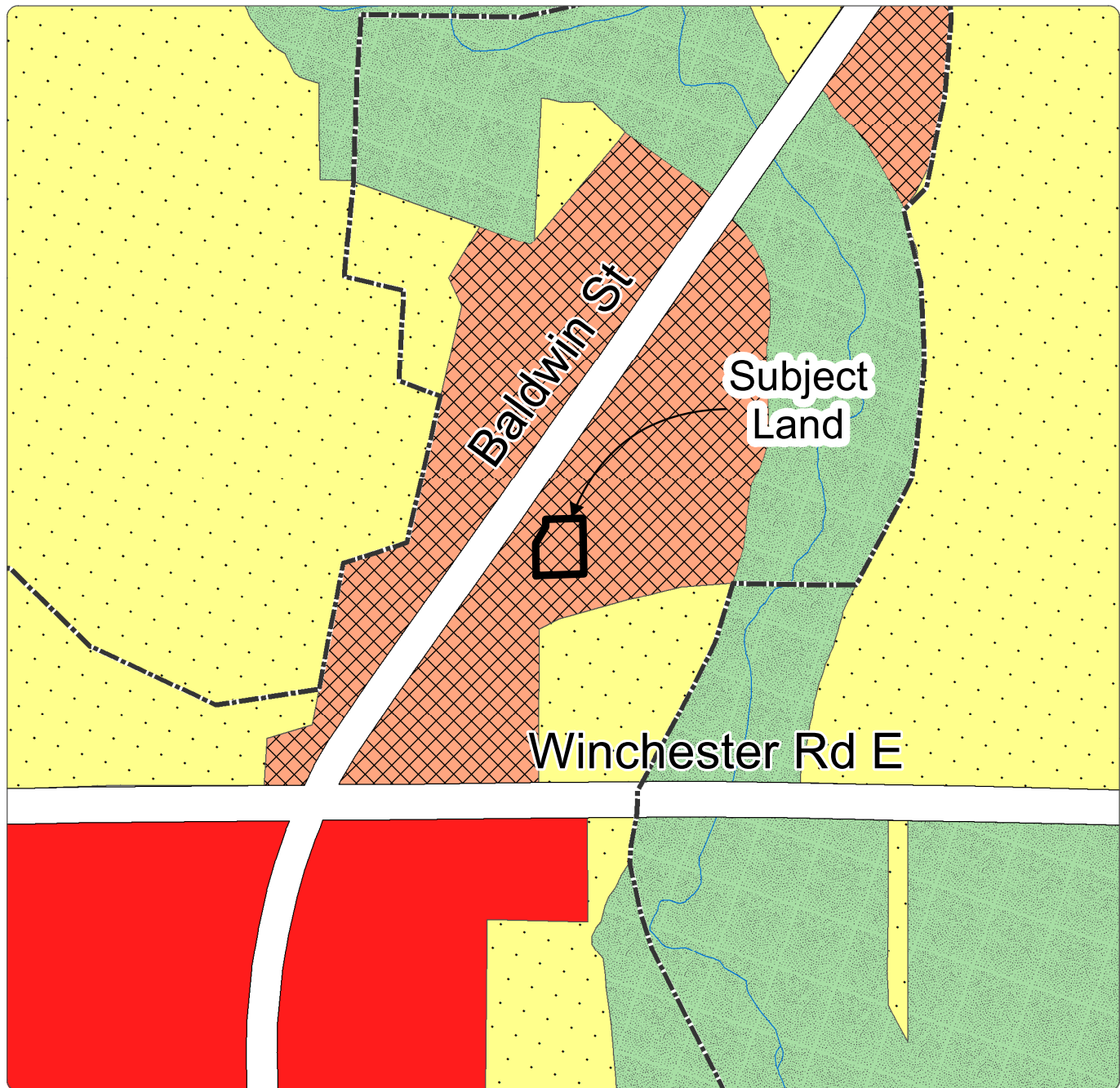
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## Excerpt from the Town of Whitby Official Plan Schedule 'A'

**Legend**

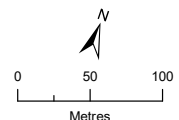
- |                            |   |                                   |
|----------------------------|---|-----------------------------------|
| Residential                | Lands Subject to Durham Regional Official Plan Policy 14.13.7 | D3 (Deferred by Region of Durham) |
| Major Commercial           | D Deferred by the Region of Durham                            |                                   |
| Community Commercial       | Local Central Area  |                                   |
| Special Purpose Commercial | Resource Extraction Area (See Section 4.12)                   |                                   |
| Mixed Use                  | Utility   |                                   |
| Prestige Industrial        | 2031 Urban Area Boundary                                      |                                   |
| General Industrial         | Community Central Area Boundary                               |                                   |
| Special Activity Node      | Future Urban Development Area Boundary                        |                                   |
| Institutional              | Greenbelt Protected Countryside Boundary                      |                                   |
| Major Open Space           | Hamlet Boundary   |                                   |
| Agricultural               | Major Central Area Boundary                                   |                                   |
| Hamlet                     | Municipal Boundary  |                                   |
| Estate Residential         | Southern Boundary of Oak Ridges Moraine                       |                                   |
| Special Policy Area        | Urban Central Area Boundary                                   |                                   |
| Refer to section 11.5.31.6 |   |                                   |

Notes: Refer to the applicable Secondary Plan for more detailed land use designations. Secondary Plan boundaries can be found on Schedule 'E', including the Oak Ridges Moraine Secondary Plan. Some legend items may not appear on the displayed figure extent.

**Official Plan - Town of Whitby****Schedule**

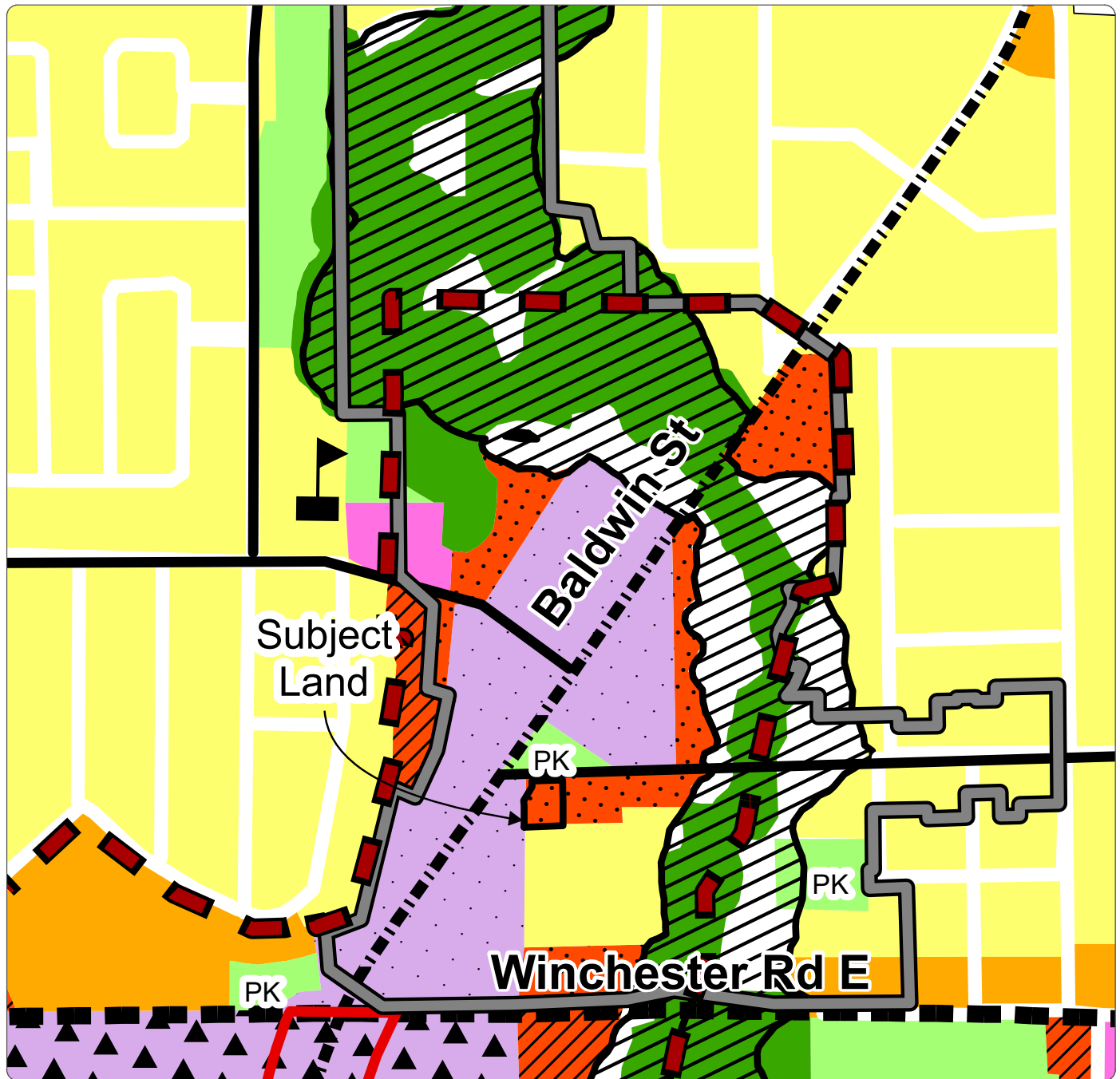
# Excerpt from Schedule 'A' Land Use

# A



This schedule forms part of the Official Plan of the Town of Whitby and must be read in conjunction with the written text. For all intents and purposes, the elements within this schedule are to be considered conceptual.

## Excerpt from the Town of Whitby Secondary Plan Schedule 'K'

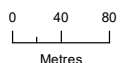


## LEGEND

Low Density Residential	Major Open Space	Natural Hazards	Grade Separation
Medium Density Residential	DP District Park	Utility	Potential Grade Separation
High Density Residential	LP Local Park	Health Precinct Special Policy Area	Future Transitway Station
Local Commercial	PK Parkette	Community Central Area	Controlled Access Highway (Freeway)
Special Purpose Commercial	TP Town Park	Major Central Area	Type A Arterial
Heritage Commercial	Institutional	Heritage Conservation District Boundary	Type B Arterial
Major Commercial	Secondary Schools	Secondary Plan Boundary	Type C Arterial
Mixed-Use 1 - Community Central Area	Elementary Schools	Special Policy Area - Refer to Section 11.5.31.6	Collector Road
Mixed-Use 2 - HCD	Natural Heritage System	Full Interchange	Greenbelt Plan Boundary
Mixed-Use 3	L Linkage in NHS	Potential Interchange (Subject to Further Study)	
Prestige Industrial	D1 Deferred by the Region of Durham		
Business Park	Lands subject to Durham Regional Official Plan Policy 14.13.7 - D2		
General Industrial			

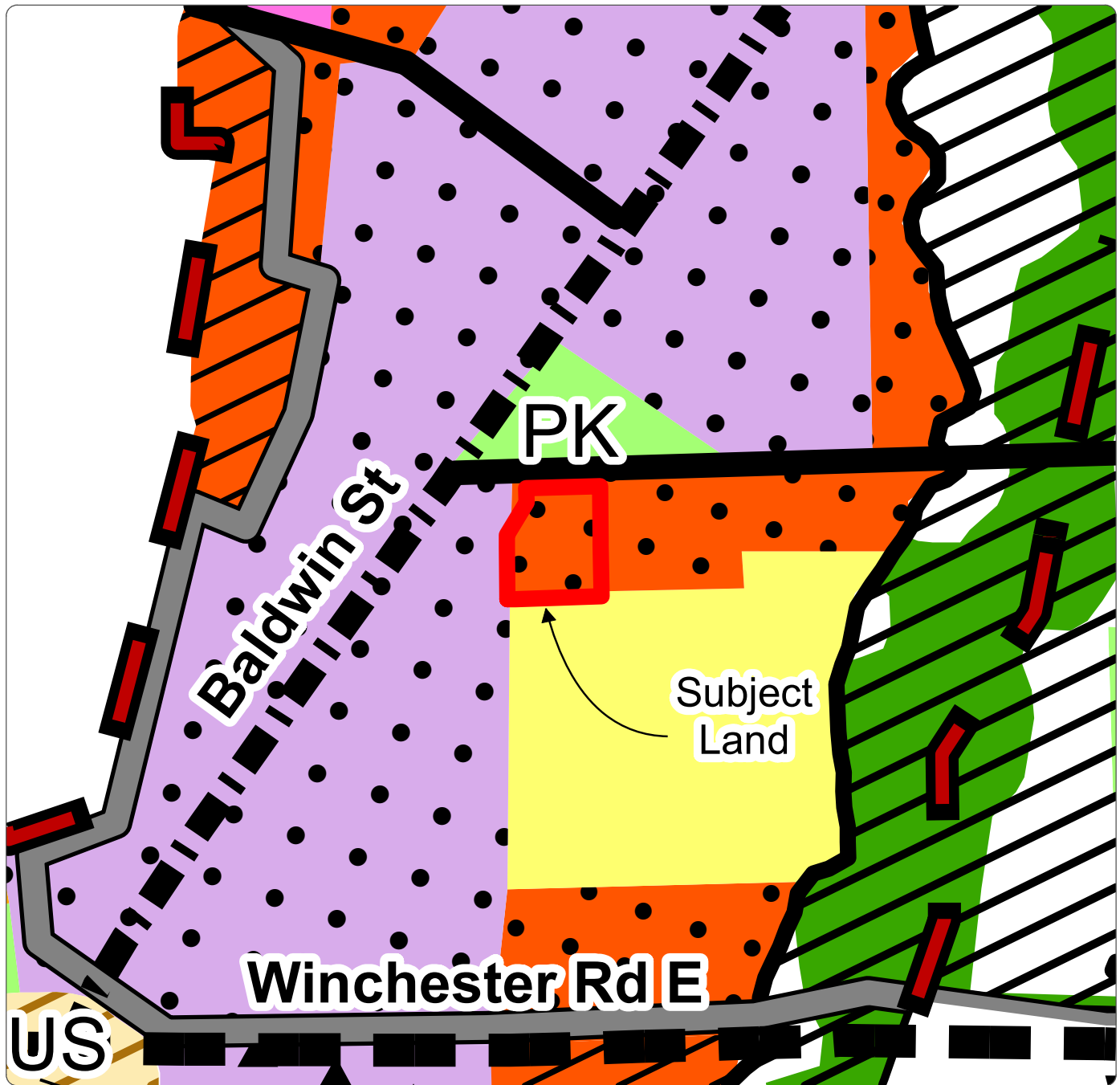
Excerpt from: Schedule  
**Brooklin Community Secondary Plan**  
**K**

Town of Whitby





## Excerpt from the Town of Whitby Secondary Plan Schedule 'K1'

**Legend**

- Low Density Residential
- Medium Density Residential
- High Density Residential
- Heritage Commercial
- Major Commercial
- Mixed-Use 2 - HCD
- Mixed-Use 3
- Major Open Space

- Natural Heritage System
- Natural Hazards
- PK Parkette
- Urban Square
- Institutional
- Major Central Area
- Heritage Conservation District Boundary
- Pedestrian Promenade with Ground Floor Animation

- Controlled Access Highway (Freeway)
- Type B Arterial
- Type C Arterial
- Collector Road
- Full Interchange
- Grade Separation
- Future Transitway Station

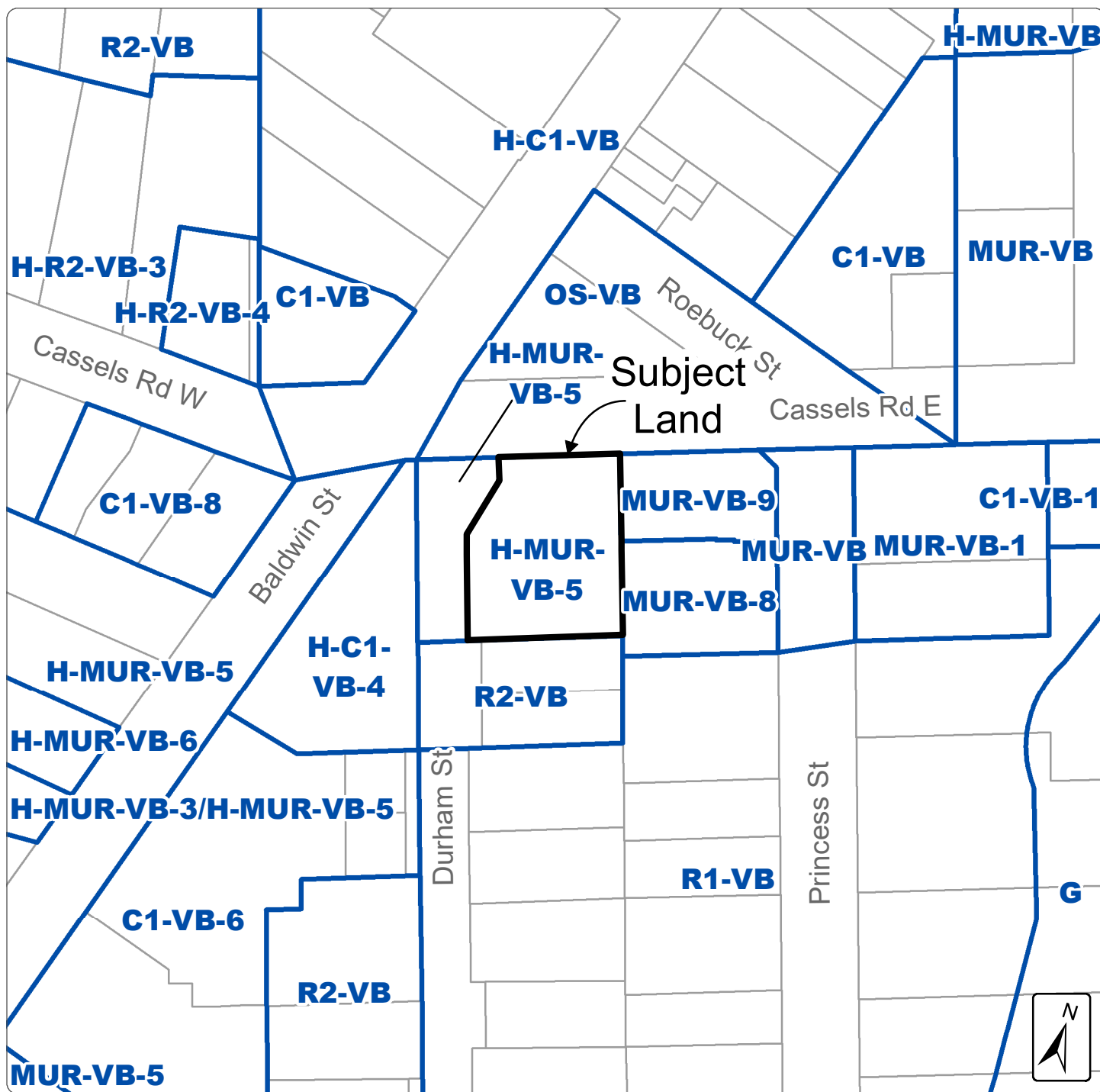
Excerpt from:  
**Downtown Brooklin  
 Major Central Area**  
**Brooklin  
 Community  
 Secondary Plan**  
 Town of Whitby

Schedule

**K1**

Attachment #6  
Excerpt from Zoning By-Law 1784

PDP 20-23



## Town of Whitby Planning and Development Department

Proponent:  
2738183 Ontario Inc.

File Number:  
DEV-36-22  
(OPA-2022-W/05, Z-23-22)

Date:  
December 2022

External Data Sources:  
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## Attachment # 7

**Draft Proposed Amendment # 131  
to the Town of Whitby Official Plan**

- Purpose:** The purpose of this Amendment to the Whitby Official Plan and the Brooklin Community Secondary Plan is to change the land use designation from Mixed Use to Residential on the subject lands.
- Location:** The lands subject to the Amendment are generally located at the southeast corner of Cassels Road East and Durham Street, municipally known currently as 3 Cassels Road East.
- Basis:** The Amendment is based on an application to amend the Town of Whitby Official Plan (File: DEV-36-22 (OPA-2022-W/05)), as submitted by the Biglieri Group on behalf of 2738183 Ontario Inc. The Amendment would change the land use designation on the subject lands, within the Brooklin Community Secondary Plan, from “Mixed Use 2 – Heritage Conservation District” to “Low Density Residential” to permit the proposed development of a two-storey, single detached dwelling on a severed lot.
- The proposed development is consistent with the policies of the Provincial Policy Statement, in that it provides infill development with regard for cultural heritage resources.
- The proposed development conforms to the Growth Plan and Regional Official Plan regarding appropriate scale and compatibility of infill development.
- The application and proposed development meets the overall intent of the Whitby Official Plan being a minor adjustment in the existing land use designations; by providing an efficient and effective use of land and municipal services; by providing a built form that is an appropriate scale and massing within the historic downtown and Brooklin Heritage Conservation District; and, by providing an appropriate and compatible transition to the adjacent land uses without detracting from the Central Area.
- Development of the subject lands would be subject to future Land Division application, Heritage Permit, and the provisions in the implementing Zoning By-law.

**Actual Amendment:**

The Town of Whitby Official Plan is hereby amended as follows:

- 1) By changing the land use designation on Schedule 'A' – Land Use of the Town of Whitby Official Plan, from “Mixed Use” to “Residential”, as indicated on the attached Exhibit 'A';
- 2) By changing the land use designation on Schedule 'K' – Brooklin Community Secondary Plan of the Town of Whitby Official Plan, from “Mixed Use 2 – Heritage Conservation District” to “Low Density Residential”, as indicated on the attached Exhibit 'B'; and
- 3) By changing the land use designation on Schedule 'K1' – Downtown Brooklin Major Central Area of the Town of Whitby Official Plan, from “Mixed Use 2 – Heritage Conservation District” to “Low Density Residential”, as indicated on the attached Exhibit 'C'.

**Implementation:**

The provisions set forth in the Town of Whitby Official Plan, as amended, regarding the implementation of the Plan shall apply in regard to this amendment.

**Interpretation:**

The provisions set forth in the Town of Whitby Official Plan, as amended, regarding the interpretation of the Plan shall apply in regard to this amendment.



## Heritage Whitby Advisory Committee Minutes

March 14, 2023, 7:00 p.m.  
Hybrid Meeting  
Whitby Town Hall

Present: Margaret Clayton  
Deanna Hollister, Chair  
Lisa Johnson  
Richard Klingler  
Rick McDonnell  
Don Mitchell  
Paul Rolland, Vice-Chair  
Vincent Santamaura  
Terry Standish

Regrets: Brian Winter, Honourary Member

Also Present: Sarah Ferencz, Library Archivist  
Edward Belsey, Senior Manager, Policy & Heritage Planning  
David Johnson, Staff Liaison, Planner II Heritage  
Heather Ellis, Council and Committee Coordinator (Recording Secretary)

- 
1. Call to Order
  2. Declarations of Conflict of Interest

There were no declarations of conflict of interest.

3. Approval of Previous Minutes

Rick McDonnell requested that the Heritage Whitby Advisory Committee minutes of February 14, 2023 be amended to include Sarah Ferencz, Library Archivist, to the attendance list.

Recommendation:

Moved by Paul Rolland

That the Heritage Whitby Advisory Committee minutes of February 14, 2023, as amended, be approved.

**Carried**

4. Presentations

4.1 Gillian Smith, Urban Planner, MHBC Planning, Urban Design and Landscape Architecture

Re: 305 Mary Street East, Application to Remove a Property from the Municipal Heritage Register

Gillian Smith provided a presentation regarding an application to remove 305 Mary Street East from the Municipal Heritage Register. Highlights of the presentation included:

- an overview of the subject property;
- a proposal to redevelop the property with two three-storey multiple unit residential buildings;
- renderings of the proposed development; and,
- an overview of the Heritage Impact Assessment (HIA) report including a cultural heritage evaluation of the property.

A question and answer period ensued regarding:

- limited information on the original owners of the property such as Roderick Frederick Mowat (1892-1970) and Joseph Thompson;
- whether consideration was given to the vegetation on the property; and,
- whether there was an early form of rusticated concrete block in the foundation.

Recommendation:

Moved by Vincent Santamaura

That the Heritage Whitby Advisory Committee supports the removal of 305 Mary Street East from the Municipal Heritage Register.

**Carried**

- 4.2 Dustin DeNoble, Junior Project Coordinator, DeNoble Homes, Vasco Jeronimo, Architectural Designer, and Rebecca Sciarra, Partner and Principal Heritage Specialist

Re: 404 Ontario Street West, Application for Demolition

Rebecca Sciarra provided a presentation regarding the application for demolition of 404 Ontario Street West. Highlights of the presentation included:

- an overview of the subject property;
- the location of the property within the Werden's Plan Neighbourhood Heritage Conservation District (HCD);
- guidelines for new construction to complement the HCD;
- maintaining green frontage, minimizing parking in the front yard, and maintaining the driveway location at the side yard; and,
- guidelines for a complementary property, new dwellings, and new accessory buildings within the HCD.

A question and answer period ensued regarding:

- whether a single car garage or tandem garage was considered in the design;
- clarification on building to lot ratio guidelines for HCD properties being 22 percent versus the 32.95 percent of the proposed building (excluding porches);
- the minimum garage width and lot coverage permitted based on zoning;
- whether there was a rendering of the streetscape elevation that included the proposed building and neighbouring properties;
- whether a more suitable colour palate and design, such as red brick and arches would be considered;
- whether there was a willingness to compromise to a one and a half car garage rather than two car garage;
- whether the size of the side yards could be increased by reducing the size of the garage space and each of the principal rooms in the front; and,

- whether a detached garage in the rear yard would be considered.

Recommendation:

Moved by Rick McDonnell

That the Heritage Whitby Advisory Committee supports the demolition of 404 Ontario Street West, and requests that the applicant continue to work with staff to alter the colour palate and materials to better reflect the Heritage Conservation District, and create a design that increases the side yard by either:

- building a detached garage in the rear yard; or,
- decreasing the width of the garage by one foot and decreasing each principal room in the front of the house design by six inches while extending the house to the rear of the property to maintain the proposed square footage.

**Carried**

#### 4.3 Roman Halkiewicz, Landscape Architect Technician

Re: King Street Community Garden

Roman Halkiewicz provided an overview of a draft information sign to be installed at the King Street Community Garden. Mr. Halkiewicz requested feedback from the Committee regarding the sign.

Discussion ensued regarding:

- replacing the house images with images that historically existed in the Werden's Plan Neighbourhood Heritage Conservation District (HCD);
- replacing the store images with images of buildings that were architecturally significant;
- recommending that the park name honour Asa Werden;
- including the name of Asa Werden's sister in the write-up;
- including a QR code on the sign;
- whether there would be a separate sign with the park name;
- the method for mounting the sign;



- increasing the size and font of the sign; and,
- protecting the sign from graffiti or damage.

4.4 Brayden Libawski, Planning Consultant, The Biglieri Group, and Emily Game, Heritage Consultant

Re: 3 Cassels Road East, OPA-2022-W/05, Z-23-22, Applications for Official Plan Amendments and Zoning By-law Amendment

Brayden Libawski provided a presentation regarding applications for official plan amendments and a zoning by-law amendment pertaining to 3 Cassels Road East. Highlights of the presentation included:

- an overview of the subject site and the proposed building;
- surrounding uses and the planning policy framework of the site;
- an overview of the Cultural Heritage Impact Assessment (CHIA) as a Victorian era property, and design and contextual value; and,
- redesigning the driveway to protect two heritage trees along Durham Street.

A question and answer period ensued regarding:

- why the assessment was conducted without a design for the proposed land;
- the shorter setback on the west side and how that would impact the view of the streetscape;
- whether 'Option Two' of the proposed design would allow for the preservation of the two heritage trees;
- ensuring replacement trees for the two heritage trees would be an appropriate size; and,
- whether on-street parking was considered as an option to prevent removing the existing mature trees.

Recommendation:

Moved by Vincent Santamaura

That the Heritage Whitby Advisory Committee supports the proposed applications for 3 Cassels Road East.

## **Carried**

### 4.5 Paul Jones, Chair, Groveside Cemetery Board

#### Re: Pioneer Baptist Cemetery Name Change Proposal

Paul Jones provided a presentation regarding a proposed name change for the Pioneer Baptist Cemetery. Highlights of the presentation included:

- an overview of the cemeteries in Whitby managed by the Groveside Cemetery Board;
- the cost of maintaining the cemeteries;
- requesting a name change to reflect that the cemetery is non-denominational;
- requesting feedback from the Committee regarding a name change; and,
- proposing the name 'Olde Winchester'.

Discussion ensued regarding:

- potential confusion with the name Olde Winchester due to its association with Winchester Road;
- the possibility of renaming the cemetery 'Dryden Public Cemetery'; and,
- honouring the previous name via a commemorative plaque that would include the Baptist and Dryden affiliations.

### 5. Delegations

There were no delegations.

### 6. General Business and Reports

#### 6.1 Grass Park Improvements Update

David Johnson advised that the Grass Park improvements would be taking place this year.

### 7. Council Update

There was no Council update.

### 8. Other Business

8.1 Naming of King Street Community Garden Park

Rick McDonnell requested that Staff provide information regarding naming procedures for parks and provide a status update to the Committee regarding the name of the King Street Community Garden Park.

8.2 16 & 18 Durham Street

Margaret Clayton requested an update regarding the March 6, 2023 Special Council Meeting where Council recommended that the Town not purchase the properties.

8.3 Indigenous Member

Vincent Santamaura requested information regarding procedures for extending an invitation to the Indigenous Community to have a representative sit on the Heritage Whitby Advisory Committee.

9. Next Meeting

Tuesday, April 11, 2023 at 7:00 p.m.

10. Adjournment

Recommendation:

Moved by Terry Standish

That the meeting adjourn.

**Carried**

The meeting adjourned at 9:42 p.m.

**Attachment #9**  
**Public Meeting Minutes from February 13, 2023**  
**File: DEV-36-22 (OPA-2022-W/05, Z-23-22)**

PDP 06-23, Planning and Development (Planning Services) Department Report

Re: Official Plan Amendment and Zoning By-law Amendment Applications, 2738183 Ontario Inc., 3 Cassels Road East, File Number: DEV-36-22 (OPA-2022-W/05, Z-23-22)

Dave Johnson, Planner II, provided a PowerPoint presentation which included an overview of the applications.

Brayden Libawski, representing 2738183 Ontario Inc., provided a PowerPoint presentation which included a detailed overview of the applications.

The Chair indicated that comments would now be received by members of the public.

Rick Sidler, Resident, raised concerns about the impact of the development on the value of his property and stated that the proposed building would be located directly in front of his windows. Mr. Sidler raised concerns regarding the zoning and whether the residential zoning of the severed lot would impact the mixed-use zoning of his property.

Staff answered questions regarding:

- The zoning of the proposed severed lot and surrounding properties; and,
- The heritage status of 3 Cassels Road

David Breen, Resident, requested images of the proposed development and stated that the fence between the subject land and his property was not on the property line.

Brayden Libawski answered questions regarding:

- Renderings of the proposed building; and,
- The process for addressing the fence line issue through reviewing land surveys.

There were no further submissions from the public.

## **Attachment #10**

### **Agency and Stakeholder Detailed Comments**

**File: DEV-36-22 (OPA-2022-W/05, Z-23-22)**

#### **Internal Departments**

#### **Strategic Initiatives**

#### **Sustainability Comments**

The Sustainability Section has reviewed the proposed development and wishes to provide the following comments.

The Sustainability Team appreciates that the Whitby Green Standard Checklist and Sustainability Rationale Report have been submitted but will require a more detailed description as to how all mandatory criteria of Tier 1 are being followed. In the Applicant Comments column of the Checklist, please state that each applicable Tier 1 Criteria will be met and provide a brief description of how it will be met.

Please note that only Town of Whitby staff can determine if criteria can be determined not applicable and this decision is made based on the explanations provided within the completed Green Standard Checklist.

It is encouraged that consideration be given for advanced sustainability criteria through the uptake of voluntary Tiers 2-4. These standards support sustainable site design for development and redevelopment on public and private property, enhancing the Municipality's natural heritage, economic vitality, cultural heritage, and social aspects.

For criteria # LUN1.2 please describe how this development meets the environmental management policies of the Official Plan.

For criteria # SW1.1 please also state the Ministry of the Environment, Town Design Criteria and Master Drainage Plans, and Central Lake Ontario Conservation Authority guidelines have been met.

Although we appreciate that the proposed residential dwelling and existing commercial building has capabilities to provide renewable energy opportunities, to meet the requirements of # ECC1.2 "Determine the feasibility of energy generation from renewable resources" please include a brief description in the Sustainability Rational Report of the feasibility assessment conducted for the use of renewable energy opportunities for this development.

## **Downtown Development Comments**

The subject property is prominently located within the heart of Downtown Brooklin and acts as an anchor to the south side of Grass Park. The property is located within the Brooklin Heritage Conservation District (HCD) and is listed as 'VG' - Significant Heritage Value.

As noted on page 6 of the Brooklin HCD Plan, it states

“One of Brooklin’s defining heritage characteristics is the inter-twining of landscape and buildings. The spaces between buildings offer glimpses of trees or the creek, while the spaces around buildings form small parks and open spaces that contrast with the built portions of the District. The purpose of the following plan is to retain this sense of “porosity” in the District streetscape so that buildings are never so dominant that they shut out views of natural elements.”

Furthermore, the HCD Plan identifies the character defining elements of the district (pg. 27) including:

- street trees and landscaping in side yards
- modest individual buildings with open side yard
- oddly shaped lots caused by the diagonal street alignment (in the rest of the central area)
- balance of buildings and landscape (i.e. large lots and gardens, small buildings)
- views between buildings of trees/creek

Downtown Development staff are concerned with the proposal as presented due to the loss of mature street tree canopy (in particular the black walnut tree) and landscaped open space as a result of the creation of the new proposed residential lot and the relocation of the driveway access aisle of the retained lot.

Staff also have found a discrepancy in the proposed conceptual site plan being used in several of the reports and would like clarification on which concept design is to be referenced. In particular, pg. 96 of the Cultural Heritage Impact Assessment (CHIA) shows the parking spaces 7, 8, and 9 located behind the existing dwelling at 3 Cassels Rd E. Whereas the Planning Rational Report and the Arborist Report show only 1 parking space (number 6) behind the dwelling, while parking spaces number 7, 8 and 9 are shown closer to Durham Street. In addition, there is a discrepancy between the CHIA and the other two studies referenced here, as an additional large mature deciduous tree is shown beside parking space number 9 (on page 96).

Furthermore, the recommendations in the CHIA indicate three options to be considered to avoid or reduce adverse impacts to the heritage attributes of the properties at 3 Cassels Rd E and 24 Princess St in the Brooklin Heritage Conservation District. They include:



- 1) Preserve and maintain the property at 3 Cassels Rd E as is with no further development.
- 2) Develop 3 Cassels Rd E and redesign the proposed driveway location.
- 3) Develop 3 Cassels Rd E as proposed.

Based on this recommendation, staff would like to better understand which option the applicant is proposing and rationale to support this.

The information in the Planning Rationale Report indicates the following:

#### Section 3.6.4 Streetscapes and Landscapes (pg 51)

“The existing commercial lot has regard for streetscaping and landscaping guidelines and policies. There are existing mature trees located along Durham Street and Cassels Road East. The proposal development will result in the removal of two (2) trees along Durham Street to facilitate the construction of a driveway access to the parking area in the rear of the building.”

Downtown Development Staff do not support this planning rationale as the west side of Durham Street does not contain any mature street trees, while the black walnut that is proposed to be removed to create the new driveway appears to be one of the largest, most mature street trees along the east side, with the canopy reaching over the street.

### **Engineering Services**

#### Official Plan Amendment Application (OPA-2022-W/05)

The subject lands are currently designated Mixed Use under the Official Plan. The purpose of the proposed Official Plan Amendment application is to change the Official Plan Designation from Mixed Use to Residential on the Severed Lot.

Engineering Services has no objection to the proposed Official Plan Amendment.

#### Zoning By-Law Amendment Application (Z-23-22)

The subject lands are currently zoned H-MUR-VB-5 under Zoning By-law 1784. The purpose of the zoning by-law amendment is to change the zoning from H-MUR-VB5 under By-law 1784 to an appropriate zone category to permit the construction of a two-storey single detached dwelling.

Engineering Services has no objection to the proposed Zoning Amendment.

#### Stormwater Management

A preliminary review of the Stormwater Management Brief finds that the assumptions and recommendations are acceptable to Engineering Services.

The Stormwater Management Report, Grading/Servicing Plan(s) and Construction Management Reports will be reviewed in detail at the engineering review stage as a part of the subsequent application circulations.

Engineering Services will require the following for the subsequent application circulations:

1. Grading and Servicing Plan drawings showing all existing and proposed works required for this development.
2. Revised Stormwater Management Brief addressing the information comments provided above.
3. A Construction Management Report will be required including a pre-construction survey/assessment on any adjacent buildings/structures/properties that may be affected by the construction activity. Please see attached the Town of Whitby Construction Management Report Guidelines.

### **External Agencies**

#### **Rogers Communications**

With respect to the above-mentioned proposal, please be aware that Rogers Communications has no objections to the proposal.

#### **Enbridge Gas**

Enbridge Gas Inc. does not object to the proposed application however, we reserve the right to amend our development conditions.

The applicant will contact Enbridge Gas Inc.'s Customer Connections department by emailing [AreaPlanning40@Enbridge.com](mailto:AreaPlanning40@Enbridge.com) prior to any site construction activities to determine if existing piping facilities need to be relocated or abandoned.

#### **Whitby Fire and Emergency Services**

No Comment

#### **Heritage Whitby Advisory Committee**

#### **Region of Durham**

#### **Conformity to the Regional Official Plan**

The subject lands are designated as "Regional Centres" in the Regional Official Plan (ROP). Regional Centres are intended to function as the main concentration of urban activities and shall provide a fully integrated array of institutional, commercial, major retail, residential, recreational, cultural, entertainment and major office uses.

Development proposals must support a long-term density target of at least 75 residential units per gross hectare (upgh) and a floor space index of 2.5. The built form should be an appropriate mix of high-rise and mid-rise developments.

New development proposals shall support higher density and include mixed-uses that are transit-supportive and promote the intensification of the Brooklin Community Regional Centre as the main concentration for urban activities.

The subject lands are located in the boundary of the Brooklin Heritage Conservation District Plan. The ROP encourages the conservation, protection and enhancement of Durham's built and cultural heritage resources.

The Region of Durham recognizes that due to the location of the subject lands within the Brooklin Heritage Conservation District, high-density development may not be unachievable for this site. The proposed development generally conforms with the ROP.

We continue to encourage the Town of Whitby to support a mix of uses and higher density land uses within the Regional Centres. It will be the responsibility of the area municipality to compensate for the density deficit on another site located elsewhere within the Brooklin Community Regional Centre.

## **Provincial Plans and Policies**

### **Provincial Policy Statement**

The Provincial Policy Statement (PPS) encourages the building of strong, liveable, and healthy communities that promote compact development patterns and efficient use of land. The PPS supports appropriate mix of residential types to meet current and future housing needs. The proposed amendment supports mix-uses and compact development, consistent with PPS.

### **Growth Plan**

The Growth Plan encourages developments that support a range and mix of housing options to serve all sizes, incomes, and ages of households. The Growth Plan supports efficient use of land and infrastructure. The proposed residential infilling development supports new housing opportunities and efficient use of existing infrastructure. The proposal generally conforms with the Growth Plan.

### **Delegated Provincial Plan Review Responsibilities**

We have reviewed the application for delegated Provincial Plan Review responsibilities.

### **Phase One Environmental Site Assessment**

Palmer TM has prepared a “Phase One Environmental Site Assessment,” (Phase One ESA) to support the proposed application, dated September 7, 2022. The Phase One ESA did not identify any areas of potential environmental concern at the site.

The subject land is currently occupied by an existing commercial building. The proposal to convert the southern portion of the commercial property to a residential use will require a Record of Site Condition to be filed with the Ministry of the Environment, Conservation and Parks (MECP) to support the proposed application.

#### Noise Impact Study

Traffic noise from Baldwin Street and Winchester Road, and the stationary noise from the existing commercial building has the potential to impact the proposed new dwelling.

Sonair Environmental Inc. has completed a “Noise Impact Study”, dated August 22, 2022, to support the proposed development. The report indicated that traffic noise is below the MECs’ noise guidelines and the existing commercial use is not expected to have any impact on the proposed new dwelling. No additional noise assessment is recommended for the proposed development.

#### Regional Servicing

The subject lands are located within the Zone 3 Water Pressure District of the water supply system for Whitby (Brooklin). The estimated static water pressure for this site is approximately 579 kPa (84.0 psi). Where the static pressure exceeds 550 kPa, a private pressure reducing valve shall be -4- installed to limit the maximum static pressure to not more than 550 kPa.

The subject lands have frontage along Cassels Road East and Durham Street. Our records indicate the existing property is currently provided with two water service connections and two sanitary service connections off Durham Street. The north existing service connections shall remain to service the existing commercial lot.

For the new severed south lot fronting Durham Street, water supply is available from the existing 150 mm PVC watermain and sanitary servicing is available the existing 200 mm PVC sanitary sewer off Durham Street. A private pressure reducing valve shall be required and installed to limit the maximum static pressure to not more than 550 kPa.

Any existing service connections that are not utilized must be located, surveyed, recorded and plugged at the mainline at the applicant’s expense.

No foundation drains (foundation weepers) or roof leaders are permitted to connect into the sanitary sewer system, as per the Regional Sewer Use By-Law.

## Functional Servicing Report

We have reviewed the “Functional Servicing Report,” prepared by T.Y. Lin International Canada Inc., dated September 2022. We offer comments for Drawing GP01, as follows:

- Existing water service connections that are not utilized must be located, surveyed, recorded and plugged at the mainline; and
- Existing sanitary servicing connections that are not utilized must be located, surveyed, recorded and plugged at the mainline.

Water supply and sanitary sewer capacity are available to service the proposed development. Our servicing comments are based on the known information at this time and are subject to change. Additional comments will be provided upon subsequent submission and through the review of the related site plan application.

## Exemption status

The proposed development is compatible with the existing low-density neighbourhood along Durham Street.

The proposed amendment does not represent any Regional and/or Provincial concerns and would be exempt from Regional approval.

Please advise the Commissioner of Planning and Economic Development of your Council’s Decision. If Council adopts an amendment, please forward a record to this Department within 15 days or the date of adoption. This should include the following:

- Two (2) copies of the adopted amendment;
- A copy of the adopting by-law; and
- A copy of the staff report and any relevant materials.

# Joint Memorandum to Council

Legal and Enforcement Services

Legal Services Division



**To:** Mayor and Members of Council  
**CC:** None  
**From:** Francesco Santaguida, Commissioner of  
Legal and Enforcement Services/Town  
Solicitor

**Acknowledged by M. Gaskell,  
Chief Administrative Officer**

Roger Saunders, Commissioner of  
Planning and Development

**Date:** April 24, 2023

**File #:** N/A

**Subject:** Additional Information regarding Planning  
Applications at 3 Cassels Road

## Background

The Committee heard a deputation at its meeting on April 3<sup>rd</sup>, 2023. The deputant indicated that there were conditions of approval from the previous severance applications from the mid-1990s. The conditions that were purported to have been included in the Durham Land Division Committee's previous decision related to:

- Restrictions regarding backyard parking;
- Restrictions regarding future severances of 3 Cassels Road.

At the April 3<sup>rd</sup> meeting, Town staff had only just had an opportunity to review title to the property, and did not have any materials related to the previous Land Division Committee decision from the mid-1990s.

## Staff have reviewed title to 3 Cassels Road

Staff have searched title to the properties and have not found any restrictions registered on the property related to the future severability of the parcels. No other agreements (e.g. a development agreement) or documents related to the severance were registered on title.



### **There is no indication of any restrictions in the Land Division Committee Minutes and Decisions received by the Town**

Staff have recently received the minutes and decisions from the August 12, 1996 and October 7, 1996 Land Division Committee meetings related to the applications to create 15 and 17 Durham Street. Neither the minutes nor the conditions of approval reference a restriction related to backyard parking, nor future severances. A copy of the Land Division Committee's Minutes and Decisions are attached to this Memorandum.

The only objections noted by the Land Division Committee were that only single detached dwellings be permitted on 15 and 17 Durham Street.

There is reference in the decision to satisfying the requirements of the Town of Whitby and Regional Municipality of Durham prior to the consent for severance being finalized. Based on the materials that the Town has received and reviewed, there is no indication that the requirements of the Town and Region included any restrictions on the properties.

### **Staff Recommendations related to the Official Plan and Zoning By-law Amendment remain unchanged**

Given that no restrictions have been found, staff's recommendations regarding the Planning Applications to be considered by Council at its April 24, 2023 meeting remain unchanged.

Attachment 1 – Minutes and Decision related to LD56-94, dated October 7, 1996

M I N U T E S   &   D E C I S I O N S

DURHAM LAND DIVISION COMMITTEE

As per : the Planning Act,  
          the Durham Act  
and in accordance with the Provincial Rules of Procedure

CONSENT APPLICATION heard on : Mon, 07 Oct 1996

LD 056/94   Submission B 167/96

Owner .....: Rosanna Moniz  
Location .....: Part Lot 24, Conc. 6  
                  Town of Whitby

Municipality ...: Town of Whitby

Consent to sever 2 562.8m2 vacant residential lots  
retaining a 1923.8m2 lot in area supporting a  
house.

LD 056/94 and LD 057/94 were tabled from the August 12, 1996 meeting.

Mr. T. Lall, agent, attended on behalf of the owner. Mr. Andrew Wood, 24 Princess St., P.O. Box 118, Brooklin ON L0B 1C0 was present in opposition to the proposals.

No further representation was present in favour of or opposed to the applications.

Mr. Lall had read agency comments and found requested conditions satisfactory. He was ready to proceed.

Mr. Wood's concern was that although the present owner had said that only single family houses would be built, a future owner might build semi-detached or other more intense housing. He would be opposed to other than single-family dwellings. He and a neighbour have appealed approved Zoning By-law 3760-95.

The Committee Chairman explained that the type of housing to be built would be determined by the Zoning By-law. Appealed Zoning By-law 3760-95 would permit the creation of single detached dwelling lots with 12.0 metre frontages.

Mr. Lall requested decisions, since agency comments were favourable.

The Committee had for information purposes reports received from the Regional Works, Planning and Health Services Departments, the Town of Whitby Works and Planning Departments and the Central Lake Ontario Conservation Authority.

All the above written comments from the agencies were handed to Mr. T. Lall.

DECISION OF THE COMMITTEE  
-----

APPLICANT/OWNERS ARE RESPONSIBLE FOR FULFILLING ALL CONDITIONS.

MOVED : D. Sullivan

SECONDED : M.V. Hedge

That Application LD 056/94 be approved as recirculated, subject to:

- 1/ That the applicant satisfy all the requirements of the Regional Municipality of Durham concerning the provision of Regional services, financially and otherwise.
- 2/ That the applicant satisfy the requirements of the Town of Whitby, financially and otherwise.
- 3/ That the applicant submit two copies of a registered reference plan on the subject parcel.
- 4/ That the consent be subject to the following time periods :

Last Date for fulfilling Conditions is Fri, 17 Oct 1997.


Expiry Date of Application LD 056/94 is Mon, 17 Nov 1997.

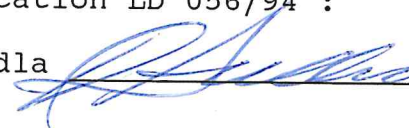
CLEARING AGENCIES  
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- 5/ That prior to the signing of the certificate given by the Secretary/Treasurer that the consent has been given, the Secretary/Treasurer is to be advised in writing by the Regional Municipality of Durham Works Department that condition #1 has been carried out to its satisfaction.
- 6/ That prior to the signing of the certificate given by the Secretary/Treasurer that the consent has been given, the Secretary/Treasurer is to be advised in writing by the Town of Whitby that condition #2 has been carried out to its satisfaction.
- 7/ That prior to the signing of the certificate given by the Secretary/Treasurer that the consent has been given, the Secretary/Treasurer has to be satisfied that the time periods outlined in condition #4 have been adhered to.

CARRIED UNANIMOUSLY

Signed Mon, 07 Oct 1996 by all members  
present and concurring in this Decision  
of Application LD 056/94 :

  
\_\_\_\_\_  
W. A. Kudla  
Chairman

  
\_\_\_\_\_  
D. Sullivan  
Vice Chairman

Robert Martin

R. Martin

S. Dorrell

S. Dorrell

I. McCully

I. McCully

M. V. Hedge

M. V. Hedge

J. Collins

J. Collins

W. Evans

W. Evans

Assistant Secretary-Treasurer

Last Date of Appeal of this Decision  
or any of the conditions contained therein

Fri, 15 Nov 1996

# Town of Whitby

## Staff Report

[whitby.ca/CouncilCalendar](http://whitby.ca/CouncilCalendar)



**Report Title: Heritage Permit Application, request for demolition and new dwelling at 404 Ontario Street West., designated under Part V under the Ontario Heritage Act; HP-01-23**

**Report to:** Committee of the Whole

**Date of meeting:** April 3, 2023

**Report Number:** PDP 21-23

**Department(s) Responsible:**

Planning and Development Department  
(Planning Services)

**Submitted by:**

Roger Saunders, Commissioner of  
Planning and Development

**Acknowledged by M. Gaskell, Chief  
Administrative Officer**

**For additional information, contact:**

Dave Johnson, Planner II – Heritage, ext.  
3166

### 1. Recommendation:

1. That Council approve the Heritage Permit application requesting demolition of the existing dwelling at 404 Ontario Street West (HP-01-23), in accordance with Section 42 of the Ontario Heritage Act; and
2. That staff continue to work with the applicant to approve the Heritage Permit application (HP-01-23) for the replacement dwelling at 404 Ontario Street West, subject to the comments contained in report PDP 21-23, and the timelines required under the Ontario Heritage Act.

### 2. Highlights:

- DeNoble Homes has submitted a Heritage Permit Application (HP-01-23) to permit the demolition of the existing dwelling and construct a new dwelling at 404 Ontario Street West, which is located within the Werden's Plan Neighbourhood Heritage Conservation District.
- DeNoble Homes submitted a Heritage Permit Application (HP-01-23) to permit the demolition of the existing dwelling and construct a new dwelling.
- A Cultural Heritage Impact Assessment was submitted along with the application.
- The Heritage Whitby Advisory Committee reviewed the application on February 14<sup>th</sup> and deferred the item to the next available meeting of March 14<sup>th</sup>, 2023, at which time they supported the application.

### **3. Background:**

#### **3.1 Site and Area Description**

The subject land is located at 404 Ontario Street West, between King Street and Henry Street, and is approximately 0.08 ha in size (refer to Attachment #1). The subject land is located within the Werden's Plan Neighbourhood Heritage Conservation District (Werden's Plan HCD) and is designated under Part V of the Ontario Heritage Act.

#### **3.2 Heritage Permit Application**

A Heritage Permit Application has been submitted to request demolition of the existing dwelling at 404 Ontario St. W., designated under Part V of the Ontario Heritage Act, within the Werden's Plan HCD.

#### **3.3 Documents Submitted in Support**

A number of documents were submitted in support of the application, including the following:

- A Cultural Heritage Impact Assessment (CHIA), prepared by Archaeological Services Inc. (refer to Attachment #2) dated September 2018 and an addendum dated October 31, 2022. According to the CHIA, the building was constructed sometime between 1954 and 1960. The building is a typical post-war bungalow and sits on a square floor plan and features a gable roof with asphalt shingles, a gabled roofed front porch and a shed dormer at the rear. The foundation is poured concrete and showing signs of spalling. The main portion of the building utilizes long grey bricks in a running bond. Aluminum siding is found beneath the gables and cladding of the shed dormer.

The CHIA includes interior and exterior descriptions, background research and analysis, an overview of the historical context and an evaluation of the proposed demolition of the existing dwelling and the replacement dwelling.

- Plans and Drawings prepared by VASCAN Design Build (refer to Attachment #3)

### **4. Discussion:**

#### **4.1 Werden's Plan HCD Plan**

The subject land is designated under Part V of the Ontario Heritage Act and is located within the Werden's Plan (HCD). The goal of the Werden's Plan HCD Plan is to preserve the neighbourhood's small-town historic character through the conservation of cultural heritage resources. The Werden's Plan HCD Plan identifies the subject property as being "Complementary Usual" (refer to Attachment #4).



## 4.2 Heritage Permit Application and Review Process

The applicant, Denoble Homes, has submitted a Heritage Permit Application (HP-01-23) for 404 Ontario St. W., to permit the demolition of the existing structure to facilitate the construction of a new residential structure, as required by Section 42 of the Ontario Heritage Act, for properties designated under Part V of the Act.

As part of the review process, the applicant is required to determine the site's historical significance through a Cultural Heritage Impact Assessment.

Under Section 42 of the Ontario Heritage Act, a decision to permit the demolition of a property designated under Part V of the Act must be made by Council. Further, where Council has established a municipal heritage committee, they are required to consult with the municipal heritage committee before making a decision.

The subject Heritage Permit Application was considered by the Heritage Whitby Advisory Committee on February 14, 2023, and March 14, 2023.

Should Council not render a decision by April 24, 2023, the Heritage Permit Application will be 'deemed' approved in accordance with Section 42 (4) of the Ontario Heritage Act.

## 4.3 Evaluation of proposed demolition and replacement dwelling

The applicant's CHIA provided an evaluation of the proposed demolition of the existing dwelling in accordance with the Werden's Plan HCD Plan policies for Demolition of "Complementary" classes of property within the District (Section 5.2.2). The Werden's Neighbourhood Plan HCD Plan indicates a preference to retain "Complementary" properties within the District. However, if demolition is proposed, any new dwelling must provide greater harmony with the neighbourhood's residential streetscapes, and it must conform to the policies and guidelines for new construction.

The applicant's heritage consultant, ASI, has provided information as to how this application would meet the intent of the HCD Plan, including the following:

- The building at 404 Ontario Street West reflects the cultural heritage value of the W.P.N.H.C.D. However, the way it reflects these values is limited to very basic attributes (such as building height, roof type and building material) rather than substantial architectural features that would be associated with "historic" buildings within the district and could be a candidate for replacement. As such, the demolition of the existing building could be permitted provided that a replacement dwelling can demonstrate greater harmony with the neighbourhood's residential streetscape and if the proposed building is consistent with the policies and guidelines for new buildings in the W.P.N.H.C.D. Furthermore, the new residence can be designed in a manner

that meets the guidelines set within the W.P.N.H.C.D. Plan, while maintaining the existing vegetation and green envelope.

The applicant's CHIA also provided an assessment of the proposed new dwelling, as follows:

- Building on the conclusions presented in the 2018 [CHIA], the primary issue to consider is whether the proposed new building achieves a level of compatibility within the W.P.N.H.C.D. The 2018 [CHIA] noted that impacts of the new building should consider existing landscape features on the property. However, further review of 404 Ontario Street confirms that there are not any specific landscaping treatments on the property that require further assessment or consideration from a heritage perspective. Additionally, a further review of the W.P.N.H.C.D. confirms that adjacent properties to 404 Ontario Street, have not been categorized as "historic". Accordingly, the primary issue for assessment herein, is whether the proposed new building achieves a level of compatibility with other complementary buildings located with the W.P.N.H.C.D.
- Assessment of compatibility can be considered by comparing the proposed new residence with other "complementary" buildings in the W.P.N.H.C.D. and also analyzing its physical and contextual fit within the existing streetscape. For purposes of this assessment, A.S.I. has assessed physical and contextual fit through consideration of complementary properties in various nearby locations of the W.P.N.H.C.D. and by comparing the proposal to existing fabric within the block surrounding 404 Ontario Street West, and as defined by lands shown in the block diagram. In doing so, this assessment considers how the new residence will relate to and build on established lotting conditions, such as front yard setbacks, orientation on the lot, and building to lot coverage ratios.

The applicant's CHIA drew some comparisons to other recently developed properties within the District that are considered complementary properties.

The applicant's CHIA has also provided an overview and evaluation of the proposed attached 2-car garage as policy 4.3.3.2 speaks to minimizing parking in the front yard, as follows:

- As part of the design refinement process, the proposed two-car garage was reviewed to assess how this component relates to the proposal's objective to be considered "complementary" with the District's architectural patterns. To better understand how the integration, presence and siting of garages permeates the W.P.N.H.C.D. Plan area, select examples of historic and complementary buildings featuring either single or 2-car garages were identified. A review of these examples demonstrates that there are a range of siting approaches for integrating garages as part of new development

projects. “Historic” properties within the W.P.N.H.C.D. feature integrated garages as exemplified at 700 Brock Street South. In this instance, the garage features two bays and is integrated with, but recessed from the front elevation. In other instances of newer residential buildings considered “complementary”, single, or double car garages are featured, typically either recessed, or where flush with the front elevation, other built form approaches are utilized to minimize their visual intrusion or dominance within the streetscape.

The applicant’s CHIA also provided an analysis of how the new dwelling will fit into the Werden’s Plan HCD streetscape, as follows:

- Assessment of how the new residential building will “fit” into the existing streetscape and block confirms that the proposal will not result in significantly adverse changes to existing lotting patterns within the streetscape. The new residential building will continue to be oriented to Ontario Street. The proposed new building will be sited minimally closer to the Ontario Street West road right-of-way. While the building to lot coverage ratio will change from a lot coverage of approximately 8.75% to 39.13%, the new proposed building to lot ratio is more compatible with extant buildings on adjacent lots as compared to the currently extant building at 404 Ontario Street West.

As a result of the analysis, ASI concluded that the proposal is not anticipated to have significant adverse impacts on the Werden’s Plan Neighbourhood HCD.

#### **4.4 Consultation with Heritage Whitby Advisory Committee (HWAC)**

The applicant attended the February 14th, 2023 meeting of the Heritage Whitby Advisory Committee.

At the meeting, the applicant presented to Committee and the HWAC passed the following motion:

“That the Heritage Whitby Advisory Committee recommends to defer the application for demolition for 404 Ontario Street West to the March 14, 2023 Committee meeting to allow the applicant to prepare a redesign of the replacement building that is more in keeping with the district conservation plan with respect to lot coverage, front and side yard building setbacks, and respecting the existing architecture that is onsite including the roofline.” (refer to Attachment #5)

After the HWAC meeting of February 14th, 2023 staff discussed HWAC’s concerns regarding lot coverage/opens space; roof pitch; streetscape; proposed garage, with the applicant. The applicant then submitted a revised plan showing a reduced roof pitch and revised colour palette to be more in keeping with the HCD. The applicant and their heritage consultant attended the March 14th, 2023

meeting and presented the CHIA and analysis, as well as the revised plans to HWAC.

At the March 14, 2023 HWAC meeting, the Committee passed the following motion:

“That the Heritage Whitby Advisory Committee supports the demolition and that the applicant continue to work with staff to alter the colour palate and materials to better reflect the Heritage Conservation District, and create a design that increases the side yard by either:

- building a detached garage in the rear yard; or,
- decreasing the width of the garage by one foot and decreasing each principle room in the front of the house design by six inches while extending the house in the back to maintain the proposed square footage.” (refer to Attachment #6)

#### **4.5 Conclusion**

The applicant’s Heritage Consultant (ASI) has concluded that the proposed demolition and re-construction is in keeping with good heritage practice, and that the new building will be sympathetic to the attributes and character of the Werden’s Neighbourhood Plan HCD. HWAC has accepted the conclusions of ASI, with further considerations related to the location/orientation of the proposed garage to increase the side yard setback, in consultation with staff.

Accordingly, it is recommended that Council approve the Heritage Permit application requesting demolition of the existing dwelling at 404 Ontario Street West (HP-01-23), in accordance with Section 42 of the Ontario Heritage Act; and, that staff continue to work with the applicant to address the outstanding concerns of HWAC related to side yard setbacks.

#### **5. Financial Considerations:**

Not applicable

#### **6. Communication and Public Engagement:**

Not applicable

#### **7. Input from Departments/Sources:**

Not applicable

#### **8. Strategic Priorities:**

This report is in a fully accessible format, which addresses the Town's strategic priority of accessibility.

The Heritage Permit review process has provided the opportunity for input on the proposed application, which aligns with the objectives of the Corporate Strategic Plan to provide a consistent, optimized, and positive customer service experience.

**9. Attachments:**

Attachment #1 – Location Sketch – 404 Ontario St. W

Attachment #2 – Cultural Heritage Impact Assessment, prepared by  
Archeological Services Inc. (ASI)

Attachment #3 – Plans and Drawings, prepared by VASCAN

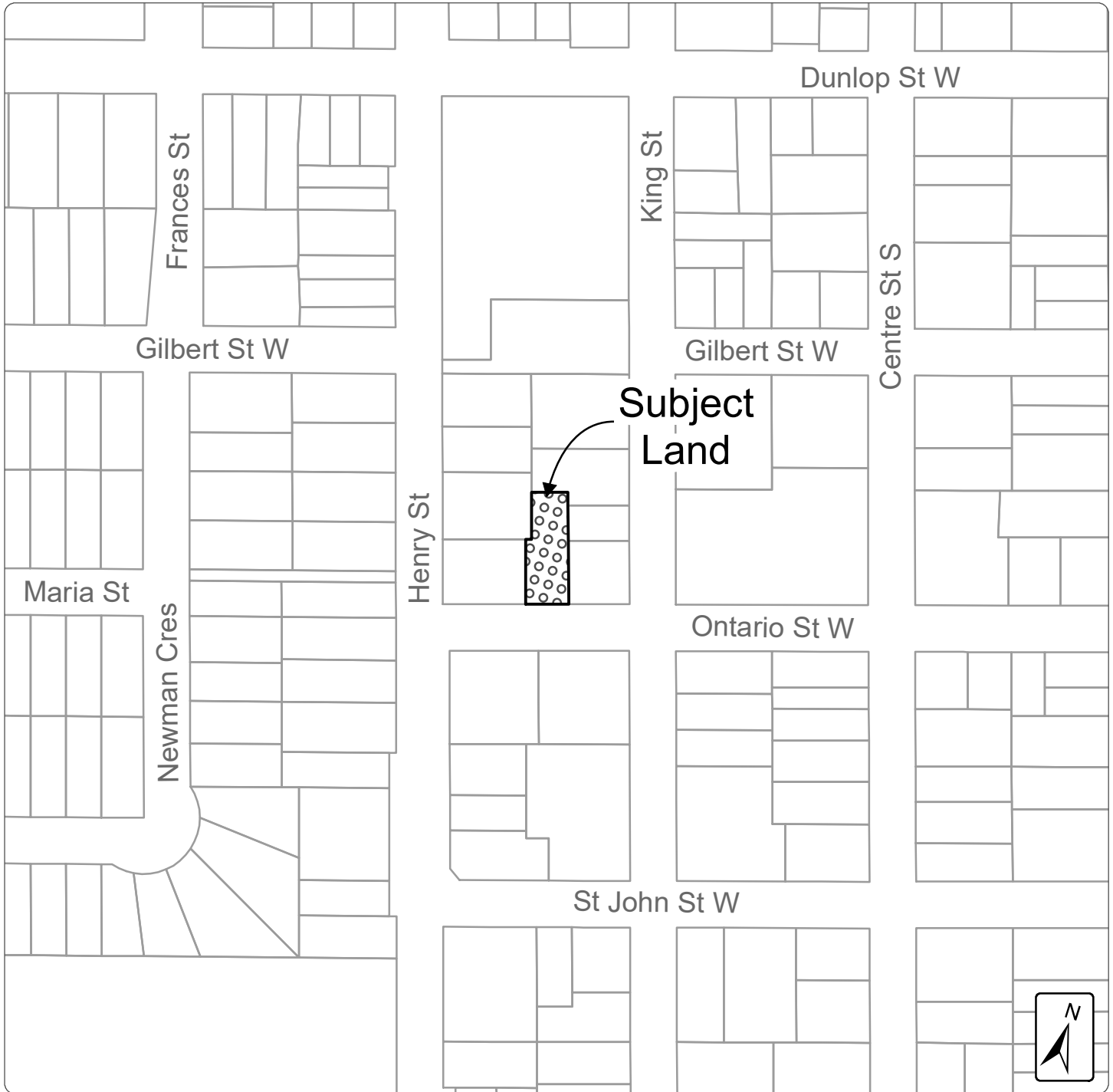
Attachment #4 – Werden's Plan Property Information Sheet for 404 Ontario St. W

Attachment #5 – Minutes of February 14th, 2023, HWAC meeting

Attachment #6 – Minutes of the March 14th, 2023, HWAC meeting

# Attachment #1 Location Sketch

PDP 21-23



## Town of Whitby Planning and Development Department

Address:

404 Ontario Street West

Date:

March 2023

External Data Sources:

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October 31<sup>st</sup>, 2022

**To:** Dustin DeNoble  
Project Coordinator, DeNoble Homes

**From:** Rebecca Sciarra  
Partner and Principal Heritage Specialist, Archaeological Services Inc.

**RE:** **Proposed Plans for a New Single-Detached Dwelling at 404 Ontario Street West, Town of Whitby**

---

**File: 18CH-059**

## 1.0 Introduction

This memorandum has been prepared as an addendum to the Heritage Impact Assessment for 404 Ontario Street, Town of Whitby, Ontario (Archaeological Services Inc. 2018). This memorandum presents the applicant's proposed plans for constructing a detached bungalow at 404 Ontario Street West, a property located within the Werden's Plan Neighbourhood Heritage Conservation District (W.P.N.H.C.D.). This memorandum discusses the impacts of the proposed plans in the context of objectives, policies and guidelines contained in the Werden's Plan Neighbourhood H.C.D. Plan. This memorandum should be read in conjunction with the Heritage Impact Assessment for 404 Ontario Street, Town of Whitby, Ontario prepared in 2018 by Archaeological Services Inc. (A.S.I.). ASI understands that a draft of this memorandum has been submitted to Planning staff at the Town of Whitby and staff are satisfied that the proposed undertaking will not result in significantly adverse impacts to the W.P.N.H.C.D..

**2.0 Summary Discussion of Heritage Impact Assessment Findings**

The property at 404 Ontario Street West expresses the district's cultural heritage value and is an example of a "complementary" property that is compatible with the district's architectural and landscape patterns. The property's approximate boundaries conform to the Werden's Plan Neighbourhood of subdivision. The property contains a detached residential building constructed in the mid-twentieth century and which utilized architectural patterns typical of the time and which are complementary and deferential to the surrounding "historic" buildings, and which form a "historic" streetscape typical within the area.

The Plan's statement of cultural heritage value relates to these specific qualities of the subject property in the following ways:

<b>W.P.N.H.C.D. Attributes</b>	<b>404 Ontario Street</b>
<b>Built form</b> In Werden's Plan Neighbourhood District, almost all the buildings are single-detached houses.	404 Ontario Street is a single-detached house.
<b>Placement on Lot</b> Houses are set in a green envelope. The main façade paralleling the street is set back behind the front yard. There is some variation in front yard depth along the street. The majority of houses have deeper backyard than front yard. Many houses have ample side yards.	404 Ontario Street is surrounded by vegetation, is set back behind a front yard and contains a deeper backyard than front yard. The property is narrow but has a driveway within the east sideyard.
<b>Height and Size</b> Houses stand one to one-and-a-half or two storeys tall. Rarely does a house reach two-and-a-half storeys. Many houses are modest in size, several are small, and a number are generously	404 Ontario Street is one-and-a-half storeys tall and is modestly sized.



# Memorandum

Proposed Plans for New Single-Detached Dwelling at 404 Ontario Street West  
Town of Whitby

Page 3

W.P.N.H.C.D. Attributes	404 Ontario Street
sized. The mix of house sizes indicates a social mixing characteristic of small towns.	
<b>Roof Shape, Pitch and Covering</b> Gable or hip roofs of varying pitch predominate. These are also unusual types suited to a particular architectural style, e.g., a mansard on a Second Empire, a crenellated parapet on a Picturesque Gothic, and a gambrel on a Dutch Colonial Revival. The common choice of roof covering is asphalt shingle in earth tones.	404 Ontario Street has a gable roof and grey asphalt shingles.
<b>Wall Material Cladding</b> Where brick is used as wall cladding, shades of red, or less frequently buff, brick predominate. There are a few examples of dichromatic brick, where red brick is in the body and buff brick is for the trim. In addition, other colours of brick from the twentieth century – brown, light grey, and charcoal – are present. Other types of historical wall cladding include clapboard, flush horizontal board, shingle, and roughcast plaster.	404 Ontario Street is clad in light grey brick.
<b>Fenestration</b> Commonly, some form of front porch – either open or enclosed – shelters the entrance to the house. A variety of authentic porch designs is found throughout the district. A flat-headed doorway (or sometimes a doorway headed by a shallow segmental arch) is often placed in or near the centre of the front facade. Windows are usually flat headed or headed by a shallow segmental arch. There are a small number of bay	404 Ontario Street has a sheltered front porch comprised of a front-facing gable. Flat-headed doorways and windows are present.



# Memorandum

Proposed Plans for New Single-Detached Dwelling at 404 Ontario Street West  
Town of Whitby

Page 4

W.P.N.H.C.D. Attributes	404 Ontario Street
windows, very few accent windows and very few dormer windows.	
<b>Architectural Style</b> The district contains a diverse collection of styles –an array from the mid-nineteenth century onward. Good contemporary design is still apparent in the district, as exemplified by the house at 611 King Street. Although the stylistic expression of houses varies widely, common architectural patterns unify them.	404 Ontario Street is a Mid-Twentieth Century Victory Bungalow.
<b>Landscaping and Vegetation</b> Large lots and green envelopes surrounding houses are supported by treed landscapes and mature specimens on lawns. A variety of deciduous trees, tulip trees and coniferous trees including Norway spruce and larch are present throughout the W.P.N.H.C.D. Wood fences have traditionally marked the boundaries of lots, though they are primarily restricted to side and rear boundaries today. Garages and stables were located at the back of houses and a lane was present along the sideyard of many houses. The district has several frame outbuildings and one detached brick garage.	404 Ontario Street is situated on an approximately quarter acre lot surrounded by vegetation. The property boundary is demarcated by a fence. No garage is present.

The W.P.N.H.C.D. Plan provides clear intent to conserve properties identified as “complementary”:

- One of the Plan’s specified “Objectives” is “to retain houses erected during Whitby’s historic period, to retain exemplary houses which were built after the mid-twentieth century, *and to favour the retention of the neighbourhood’s remaining single-detached houses which to some degree complement houses erected during Whitby’s historic period.*” (37; emphasis added)



- Policy 4.2.2.3 states that “For all other houses on complementary property, retention of the house is preferred. Demolition and replacement are not. If the property owner proposes replacement, the proposed replacement dwelling will demonstrate greater harmony with the neighbourhood’s historic residential streetscapes than exists on the site, and it will conform to the plan’s policies and guidelines on new construction.” (44)
- Policy 5.2.2 states that many complementary properties are “perfect fits” while “others could take modest improvement, and a few may be candidates for replacement”.

Based on the above analysis, the building at 404 Ontario Street West reflects the cultural heritage value of the W.P.N.H.C.D. However, the way it reflects these values is limited to very basic attributes (such as building height, roof type and building material) rather than substantial architectural features that would be associated with “historic” buildings within the district and could be a candidate for replacement. As such, the demolition of the existing building could be permitted provided that a replacement dwelling can demonstrate greater harmony with the neighbourhood’s residential streetscape and if the proposed building is consistent with the policies and guidelines for new buildings in the W.P.N.H.C.D. Furthermore, the new residence can be designed in a manner that meets the guidelines set within the W.P.N.H.C.D. Plan, while maintaining the existing vegetation and green envelope.

Based on the foregoing, the 2018 H.I.A. recommended the following:

- The proposed demolition of the building at 404 Ontario Street West will have a minimal impact on the W.P.N.H.C.D., provided that a replacement residence be designed to be compatible with the cultural heritage value of complementary buildings within the W.P.N.H.C.D., and provided that there are no significant impacts to adjacent “historic” properties and the existing landscaping on the property.

### **3.0 Current Proposal**

The current site plan application proposes construction of a single detached dwelling on the current property (See Figure 1 and Figure 2). The existing lot



# Memorandum

Proposed Plans for New Single-Detached Dwelling at 404 Ontario Street West  
Town of Whitby

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dimensions and property configuration will not change as no severances or changes in vehicular access are proposed.



Figure 1: Proposed Front Elevation for New Building at 404 Ontario Street.



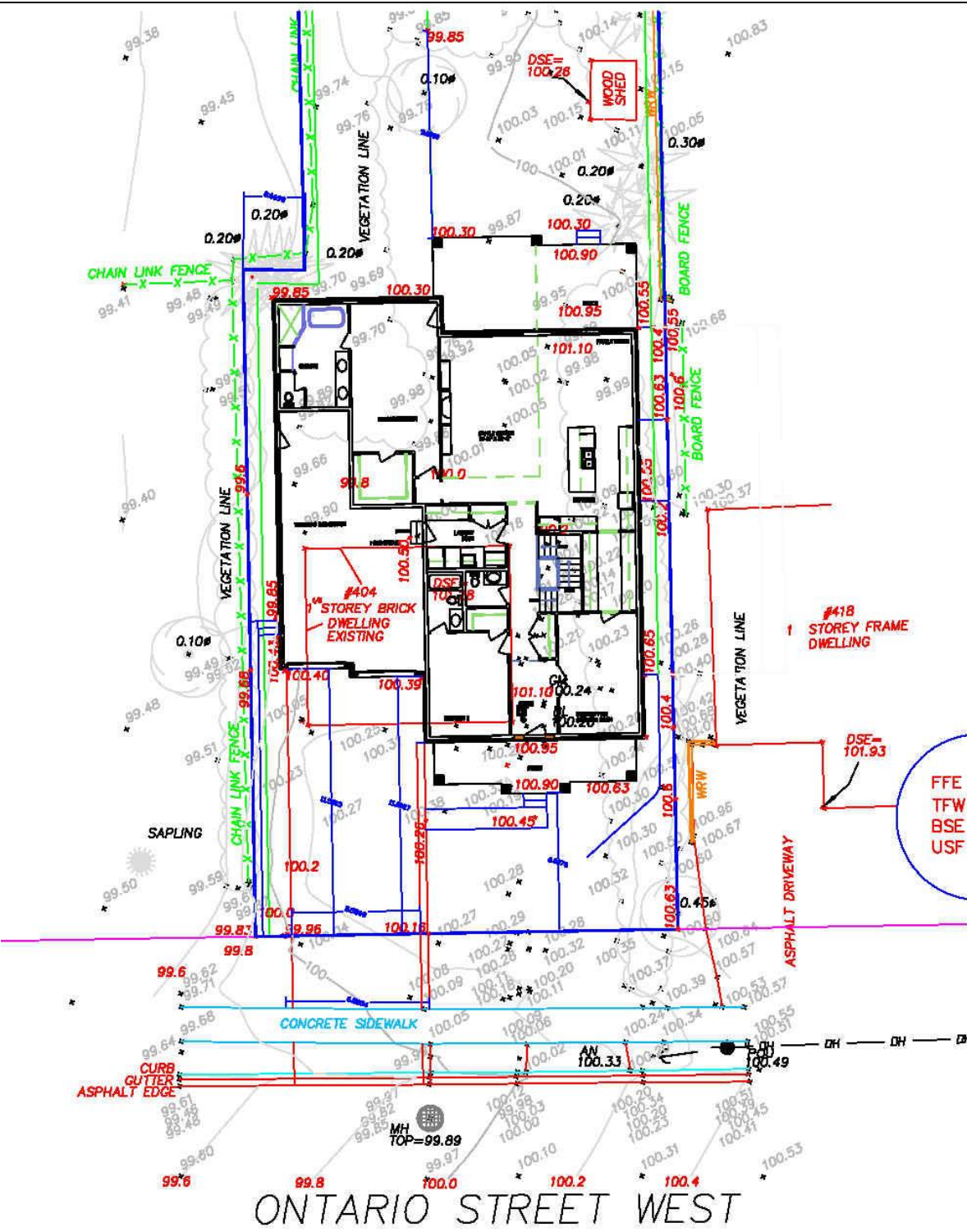


Figure 2: Proposed Site Plan for New Building at 404 Ontario Street.





#### **4.0 Key Issues for Assessment and Discussion of Current Proposal**

Building on the conclusions presented in the 2018 H.I.A., the primary issue to consider is whether the proposed new building achieves a level of compatibility within the W.P.N.H.C.D. The 2018 H.I.A. noted that impacts of the new building should consider existing landscape features on the property. However, further review of 404 Ontario Street confirms that there are not any specific landscaping treatments on the property that require further assessment or consideration from a heritage perspective. Additionally, a further review of the W.P.N.H.C.D. confirms that adjacent properties to 404 Ontario Street, have not been categorized as “historic”. Accordingly, the primary issue for assessment herein, is whether the proposed new building achieves a level of compatibility with other complementary buildings located within the W.P.N.H.C.D.

Assessment of compatibility can be considered by comparing the proposed new residence with other “complementary” buildings in the W.P.N.H.C.D. and also analyzing its physical and contextual fit within the existing streetscape. For purposes of this assessment, A.S.I. has assessed physical and contextual fit through consideration of complementary properties in various nearby locations of the W.P.N.H.C.D. and by comparing the proposal to existing fabric within the block surrounding 404 Ontario Street West, and as defined by lands shown in the block diagram (see Figure 7). In doing so, this assessment considers how the new residence will relate to and build on established lotting conditions, such as front yard setbacks, orientation on the lot, and building to lot coverage ratios.

The W.P.N.H.C.D. provides some benchmarks to characterize types of new interventions that may be considered complementary. 315 King Street (built 1948) (Figure 3), 505 King Street (built 2012) (Figure 4) and 611 King Street (built 1992) (Figure 5) are properties that include primary residential structures constructed more recently, and which have been classified in the W.P.N.H.C.D. Plan as “complementary”, and in the case of 611 King Street, “complementary (exemplary)”. These three properties have been selected for discussion as they are located in the general vicinity of the subject proposal, located along King Street south of Dunlop Street West and north of Trent Street West.





Figure 3: Residence at 315 King Street (built 1942) (Google Earth, 2022).



Figure 4: Residence at 505 King Street (Built 2012) (Google Earth, 2022).





Figure 5: Residence at 611 King Street (built 1992) (Google Earth, 2022).

These three structures share various characteristics such as:

- 1.5 to 2.5 storey building heights;
- contrasting cross gable roof lines, sometimes punctuated with gabled dormers;
- predominant exterior cladding utilizing brick or masonry materials and intermingled with cedar shake shingles, vinyl siding, or Hardie board cladding in various instances;
- clearly articulated front entrances with porticos or porches; and
- generally consistent front yard setbacks in relation to adjacent properties.

The proposed new residential structure proposed at 404 Ontario Street integrates design features that are consistent with these other buildings including:

- contrasting use of masonry cladding, intermingled with cedar shake shingles;
- clearly articulated front entrance with portico;
- vertically oriented windows;
- varying roof line profiles achieved by staggering the two- car garage at different intervals in relation to the primary entrance façade; and
- similar front yard setback in relation to adjacent properties.



Within this context, the proposed new residence conforms to similar standards demonstrated as part of design and construction of “newer” buildings introduced into the W.P.N.H.C.D. and which, as part of the H.C.D. Plan process, were considered to be “complementary”.

As part of the design refinement process, the proposed two-car garage was reviewed to assess how this component relates to the proposal’s objective to be considered “complementary” with the District’s architectural patterns. To better understand how the integration, presence and siting of garages permeates the W.P.N.H.C.D. Plan area, select examples of historic and complementary buildings featuring either single or 2-car garages were identified<sup>1</sup>. A review of these examples demonstrates that there are a range of siting approaches for integrating garages as part of new development projects. “Historic” properties within the W.P.N.H.C.D. feature integrated garages as exemplified at 700 Brock Street South (See Figure 6: Residence at 700 Brock Street South with integrated garage (Google Earth, 2022).). In this instance, the garage features two bays and is integrated with, but recessed from the front elevation. In other instances of newer residential buildings considered “complementary”, single or double car garages are featured, typically either recessed, or where flush with the front elevation, other built form approaches are utilized to minimize their visual intrusion or dominance within the streetscape.

---

<sup>1</sup> The following addresses were reviewed: 417 Henry Street, 711 Henry Street, 603 King Street, 311 Ontario Street West, and 407 Ontario Street West.





Figure 6: Residence at 700 Brock Street South with integrated garage (Google Earth, 2022).

Finally, assessment of how the new residential building will “fit” into the existing streetscape and block confirms that the proposal will not result in significantly adverse changes to existing lotting patterns within the streetscape. The new residential building will continue to be oriented to Ontario Street. The proposed new building will be sited minimally closer to the Ontario Street West road right-of-way. While the building to lot coverage ratio will change from a lot coverage of approximately 8.75% to 39.13%, the new proposed building to lot ratio is more compatible with extant buildings on adjacent lots as compared to the currently extant building at 404 Ontario Street West (see Figure 7).

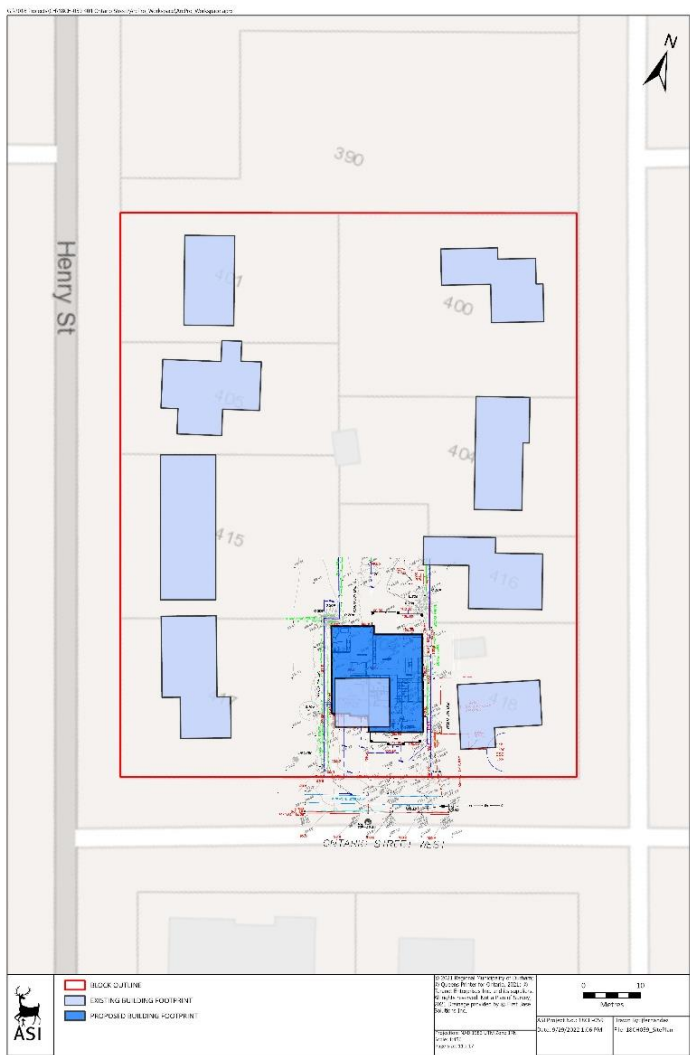


Figure 7: Proposed Site Plan for 404 Ontario Street overlaid on the existing residence and shown in relation to existing buildings and lotting patterns (A.S.I., 2022).

5.0 Summary

Based on the foregoing discussion and assessment, the current proposal is not anticipated to have significantly adverse impacts on the W.P.N.H.C.D. Plan. The scale, lotting patterns, materiality, and massing of the proposal is generally consistent or compatible with other newer buildings introduced into the W.P.N.H.C.D. and which have been recognized as complementary within the Plan document.





## HERITAGE IMPACT ASSESSMENT

**404 ONTARIO STREET WEST  
TOWN OF WHITBY, ONTARIO**

Prepared for:

Dustin Denoble  
DeNoble Homes  
404 Ontario Street  
Whitby, ON L1N 1P7

ASI File: 18CH-059

September 2018



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## **HERITAGE IMPACT ASSESSMENT**

**404 ONTARIO STREET WEST  
TOWN OF WHITBY, ONTARIO**

The following Heritage Impact Assessment is intended to inform heritage staff of the direction of the proposed development and to receive feedback based on this preliminary evaluation. A final draft will be submitted to the town addressing the impact of the proposed plans on the Downtown Whitby Heritage Conservation District and will include plans and drawings for a proposed replacement structure.

### **EXECUTIVE SUMMARY**

ASI was contracted by Denoble Homes to prepare a Heritage Impact Assessment (HIA) of the property at 404 Ontario Street West in the Town of Whitby, Ontario. This HIA is structured to provide an evaluation of the cultural heritage value of the property at 404 Ontario Street West as it pertains to the cultural heritage value, policies and guidelines of the Downtown Whitby Heritage Conservation District (DWHCD), and to evaluate the impact of the proposed demolition of the building. An evaluation of the proposed replacement structure will follow if it is determined that the existing building can be demolished.

The proposed planning application involves the demolition of the building at 404 Queen Street West. Based on an analysis of the property's contribution to the cultural heritage value of the Downtown Whitby Heritage Conservation District, it has been determined that the removal of the building will not have a significant impact on the cultural heritage value of the Heritage Conservation District.

The proposed replacement residence has not been designed as of the completion of this report. Upon conditional approval of the demolition, this HIA will be updated with an addendum to address how the new residence will address the guidelines of the DWHCD.

Upon consultation and conditional approval of the demolition by the Town of Whitby, the following recommendations are proposed:

1. That an addendum to this report be provided to the Town of Whitby referencing plans and drawings for a new residence on the property, addressing how the proposed building will impact the DWHCD.
2. Full documentation of the property should be conducted prior to demolition including measured drawings and photographs submitted to the Town of Whitby.

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## 1.0 INTRODUCTION

ASI was contracted by Denoble Homes to prepare a Heritage Impact Assessment (HIA) for the property at 404 Ontario Street West in the Town of Whitby, Ontario. This HIA has been prepared as part of an application proposing to demolish the existing building at 404 Ontario Street West and replace it with a residential structure.

The subject property at 404 Ontario Street West is located on the north side of Ontario Street West, between King Street to the east and Henry Street to the west. The property is in the Downtown Whitby Heritage Conservation District (DWHCD), which was adopted by Town Council on 26 June 2017 (Resolution # 354-17). The DWHCD is currently under appeal and not in full force.

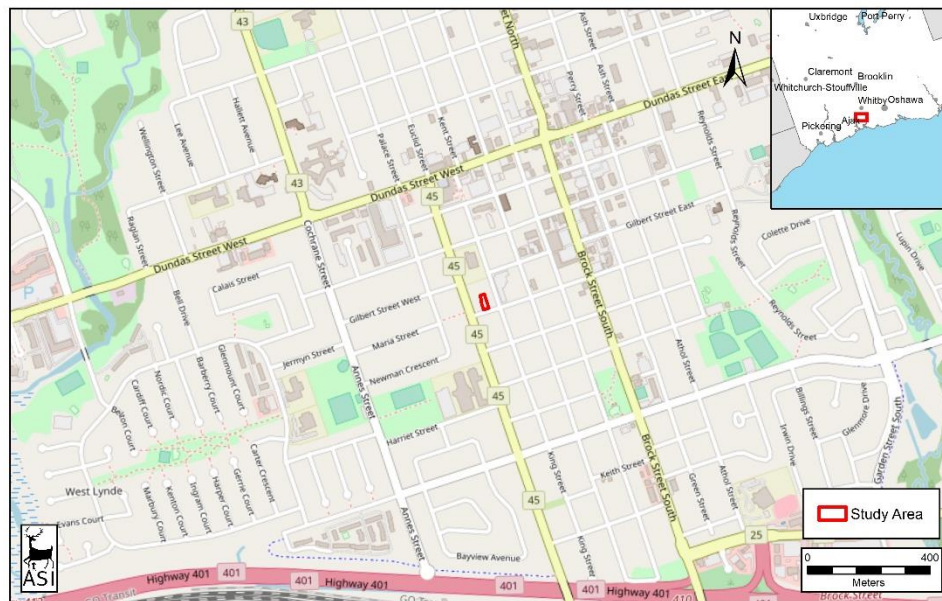


Figure 1: Location map of 404 Ontario Street West (Base Map: Open Street Maps)

The research, analysis, and site visit were conducted by James Neilson under the project direction of Annie Veilleux, Manager of the Cultural Heritage Division, ASI. The present heritage impact assessment follows the Ministry of Tourism, Culture and Sports' *Ontario Heritage Toolkit* (2006), the Town of Whitby Cultural Heritage Impact Assessment Terms of Reference, and the *Standards and Guidelines for the Conservation of Historic Places in Canada* (2010). Research was completed to investigate, document, and evaluate the cultural heritage resources within and adjacent to the study area.

This document will provide:

- a description of the cultural heritage resources, including location, a detailed land use history of the site, and photographic documentation;
- an analysis of the property's contribution to the cultural heritage value of the Downtown Whitby Heritage Conservation District based on archival research, site analysis, and the guidelines and policies set within the District Plan; and
- an assessment of impacts of the proposed undertaking.



## 1.1 Location and Study Area Description

The study area consists of 404 Ontario Street West, located on the north side of Ontario Street West between King Street to the east and Henry Street to the west. The subject property contains a one-storey, detached, post-war residential building located within a residential neighbourhood. The property is accessed by a driveway from Ontario Street West (Figures 2-3).

The surrounding area is one of the earliest parts of Whitby to develop and consists of detached residential buildings spanning several eras. The former R.A. Sennett Public School (designated under Part IV of the Ontario Heritage Act, Town of Whitby By-law #7074-15) is located to the north, and the Town of Whitby Centennial Building (designated under Part IV of the Ontario Heritage Act, Town of Whitby By-law #887-79) is to the east. The original commercial core of Whitby is situated approximately 500m north along Dundas Street.

The property is located within the Downtown Whitby Heritage Conservation District, which is currently under appeal.

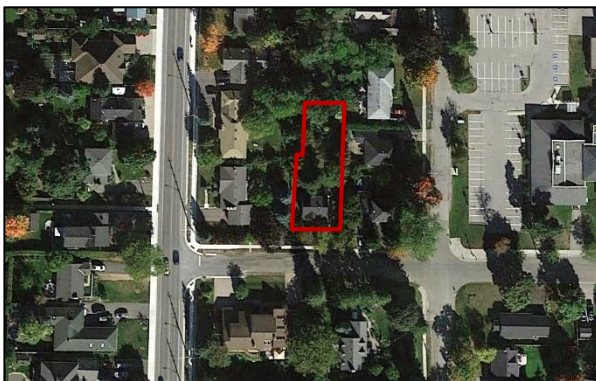


Figure 2: Aerial view of 404 Ontario Street



Figure 3: 404 Ontario Street

## 1.2 Owner Contact information

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## 1.3 Policy Framework

The authority to request this heritage impact assessment arises from the *Ontario Heritage Act*, Section 2(d) of the *Planning Act*, the *Provincial Policy Statement* (2014), and the Town of Whitby's *Official Plan* (consolidated September 2016).

The *Ontario Heritage Act* (OHA) enables designation of properties and districts under Part IV and Part V, Sections 26 through 46 and provides the legislative bases for applying heritage easements to real property.

The *Planning Act* (1990) and related *Provincial Policy Statement* (PPS 2014) make several provisions relating to heritage conservation. One of the general purposes of the *Planning Act* is to integrate matters of provincial interest in provincial and municipal planning decisions. To inform all those involved in planning activities of the scope of these matters of provincial interest, Section 2 of the *Planning Act* provides an extensive listing. These matters of provincial interest shall be regarded when certain authorities, including the council of a municipality, carry out their responsibilities under the *Act*. One of these provincial interests is directly concerned with:

- 2 (i) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest.

The *PPS* indicates in Section 4 - Implementation/Interpretation, that:

- 4.7 The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans.

Official plans shall identify provincial interests and set out appropriate land use designations and policies. To determine the significance of some natural heritage features and other resources, evaluation may be required.

Official plans should also coordinate cross-boundary matters to complement the actions of other planning authorities and promote mutually beneficial solutions. Official plans shall provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas.

In order to protect provincial interests, planning authorities shall keep their official plans up-to-date with this Provincial Policy Statement. The policies of this Provincial Policy Statement continue to apply after adoption and approval of an official plan.

Those policies of relevance for the conservation of heritage features are contained in Section 2, *Wise Use and Management of Resources*, in which the preamble states that “Ontario’s long-term prosperity, environmental health, and social well-being depend on protecting natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits.”

Accordingly, in Subsection 2.6, *Cultural Heritage and Archaeology* makes the following relative provisions:

- 2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.
- 2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

This provides the context not only for discrete planning activities detailed in the *Planning Act* but also for the foundation of policy statements issued under Section 3 of the *Planning Act*.

The following relevant policies, outlined in Section 6.1 of the Town of Whitby's *Official Plan* (consolidated September 2016), direct the management of heritage resources within the City:

**6.1.1 Goal**

6.1.1.1 To identify and preserve heritage resources such as buildings, other structures and sites which are of historical, architectural and archaeological significance.

**6.1.2 Objectives**

6.1.2.1 To achieve sound growth management through an effective balance between preserving the significant elements of the community's cultural and natural heritage and providing the opportunity for new development and growth.

6.1.2.2 To ensure all new development permitted by the policies and designations of this Plan has regard for heritage resources and shall whenever possible, incorporate these resources into any plan that may be prepared.

6.1.2.4 To encourage the preservation of buildings and sites of architectural, archaeological or historical significance and historical monuments, on the original site, wherever possible, and to preserve historical documents and materials.

**6.1.3 Policies**

6.1.3.1 Council, in co-operation with the Local Architectural Conservation Advisory Committee, shall:

- a) identify and preserve, where possible, buildings and other structures which are of historical and/or architectural significance;
- b) encourage new development which is sympathetic to the existing settlement fabric;

and

6.1.3.3 Council shall encourage and support the recognition and preservation of its significant heritage resources by designating, under Part IV and Part V of the *Ontario Heritage Act*, buildings and other structures identified as being architecturally and/or historically significant. The Municipality shall also encourage the rehabilitation of such heritage buildings and other structures where necessary.

6.1.3.4 Council shall not restrict the right of the owner to alterations to a property designated under the *Ontario Heritage Act*, provided such alterations do not affect the reasons for designation and that such alterations conform to the policies of this Plan and the Zoning By-law.

6.1.3.5 Council shall encourage all new development and redevelopment within historic settlement areas to develop in contextual harmony with the overall character of these areas. Existing buildings and other features of architectural or historical significance which are located on lands to be developed shall be conserved whenever possible and their conservation may be a requirement in any development agreement or approval.

6.1.3.6 Council in consultation with L.A.C.A.C. shall encourage the designation and retention of buildings of architectural and/or historical significance on the original site.

6.1.3.7 Where a designated structure is in danger of being demolished or removed from the original site, Council shall consult with the L.A.C.A.C. and the owners to examine available opportunities to preserve and protect the structure. In addition, Council may consider alternative uses in accordance with Section 4.2.3.1(c) of this Plan, subject to any amendment to the Zoning By-law.

#### **1.4 Downtown Whitby Heritage Conservation District**

The property at 404 Ontario Street is situated within the Downtown Whitby Heritage Conservation District, which was adopted by Town of Whitby Council on 26 June 2017 (Resolution #354-17). The plan was initiated in 2012 through a Heritage Conservation District Study for Downtown Whitby that identified three potential Heritage Conservation Districts: Werden's Plan Neighbourhood, Perry's Plan Neighbourhood, and the Four Corners Heritage District.

At the 8 September 2014 Council meeting (Resolution #367-14), Council directed that staff develop the Guidelines for Werden's Plan Neighbourhood District with community input, prior to Council's consideration of the adoption of a Heritage Conservation District Plan. The Heritage Conservation District Plan for Werden's Plan Neighbourhood was developed through a collaborative process with input from residents, the community, advisory committees', agencies, staff, and the consultant. The process resulted in the development of policies and guidelines that reflect both neighbourhood input and larger community goals.

The DWHCD is currently under appeal and not in full force. The property will be designated under Part V of the *Ontario Heritage Act* once all appeals have been finalized. See Appendix A for the property inventory sheet for 404 Ontario Street.



Figure 4: Downtown Whitby Heritage Conservation District Map (Town of Whitby)

## 1.5 Project Consultation

The following organizations, websites, online heritage documents, online heritage mapping tools were reviewed, and heritage staff were contacted to confirm the level of significance of the subject property, the location of additional previously identified cultural heritage resources adjacent to the study area, and to request additional information generally:

- Downtown Whitby Heritage Conservation District Plan [Accessed 14 June, 2018] at <https://www.mississauga.ca/portal/services/property?DPSLogout=true>
- Town of Whitby Planner, Christy Chrus (communication sent 3 July 2018, response received 5 July 2018)
- Canadian Register of Historic Places [Accessed 14 June, 2018] at <http://www.historicplaces.ca/en/pages/about-apropos.aspx>;
- Parks Canada website (national historic sites) [Accessed 14 June, 2018] at <http://www.pc.gc.ca/eng/progs/lhn-nhs/index.aspx>;
- Ontario Heritage Trust *Ontario Heritage Plaque Guide*, an online, searchable database of Ontario Heritage Plaques [Accessed 14 June, 2018] at <http://www.heritagetrust.on.ca/en/index.php/online-plaque-guide>
- Federal Heritage Buildings Review Office (FHBRO) [these properties are recognized under the Treasury Board Policy on the Management of Real Property (TBPMRP)];
- Whitby Public Library and Archives. The Archives was closed for two weeks and as such no discussions with the Archivist took place. The Town's librarian provided access to local history materials.;
- Durham Region Land Registry Office.

## 2.0 HISTORICAL RESEARCH

A review of available primary and secondary source material was undertaken to produce a contextual overview of the study area, including a general description of Euro-Canadian settlement and land-use, and the development of transportation infrastructure. The following section provides the results of this research.

The subject property is located on Lot 27 Concession 1 in the Town of Whitby, Ontario.

### 2.1 Township and Settlement History

#### *Town of Whitby*

When surveyed in the 1790s, the Town of Whitby (known as Whitby Township) was designated Township 9. However, the name was changed shortly thereafter to Norwich. The first survey of this township was made in 1791 and the first settler arrived in 1794 (Armstrong 1985:148). That settler is believed to be Benjamin Wilson, a Loyalist from Vermont who settled along the lakeshore east of Oshawa (Farewell 1907:18). Wilson's house, built on Lot 4 in the Broken Front, was a landmark depicted in several early township surveys and patent plans. Whitby was quickly settled by a mixture of Loyalists, disbanded British troops, and emigrants from the United States, United Kingdom, and Ireland. By 1851, Smith described Whitby Township as a town of 5,714 people and "an exceedingly fine



township...considered in point of value of property and agricultural productions, the first township in the County. (...) There are eight grist and twenty-five saw mills in the township.” (Smith 1851:26).

The two major settlements of Whitby and Oshawa were soon established in the southern half of the township. These communities were advantageously located where watersheds such as Lynde Creek were crossed by the Kingston Road. Whitby further benefited from its harbour and from the construction of the Grand Trunk Railway in the 1850s. In 1852, Whitby was chosen as the seat of government for the newly formed County of Ontario (Winter 1999:42). In 1856, at the peak of the town’s Nineteenth Century growth, plans were made to construct a railway from Whitby Harbour to Georgian Bay (Winter 1999: 81). The railway never came to fruition due to the economic crash of 1857 and Whitby’s economic status regressed for the next thirty years. The population fell from 3500 to 2500 people and Whitby would soon be eclipsed in size and stature by neighbouring Oshawa.

By 1935, Whitby’s population stood at just 4000 people (Winter 1999:344) and it took another three decades for that population to double. On January 1, 1968, when the township was given town status, the population reached 8000. On January 1, 1974, the Town of Whitby became part of the Regional Municipality of Durham (Mika and Mika 1977).

## **2.2 Land Use History: 404 Ontario Street West**

The subject property at 404 Ontario Street West is located on Lot 27, Concession 1 in the Town of Whitby, Ontario.

The patent for Lot 27, Concession 1 was granted to John Scadding in 1802. Scadding served as clerk to Upper Canada’s first Lieutenant Governor John Graves Simcoe. Scadding was an early settler in York and built Scadding Cabin, the oldest remaining building in the City of Toronto. Scadding moved back to England in 1796, and returned to Upper Canada in 1818. The following year, Scadding established Port Windsor, situated to the south of Lot 27 on the harbour. Perhaps opting to focus on Port Windsor, he sold the north half of Lot 27 to Joseph J. Losie in 1820. Losie soon sold the property to Asa Werden in 1821. In 1854, Werden established the road layout of Whitby Township, creating a gridded town plan with a series of blocks divided into eight lots each (known as double ranges). The subject property is located within Part Lots 18 and 19 in the fourth double-range (Figure 5).

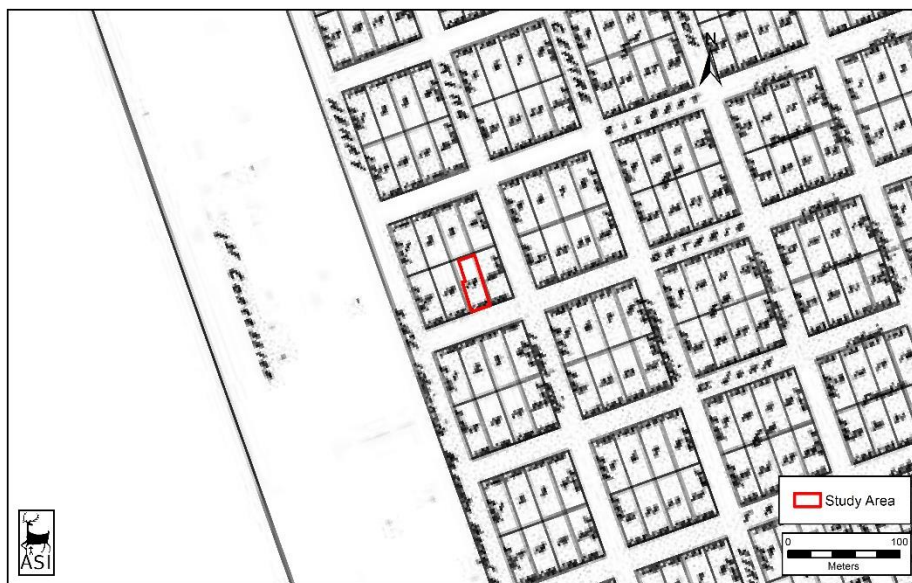


Figure 5: 1854 Werden's Plan (Durham Land Registry Office)

Part Lots 18 and 19 of the fourth double-range have a similar history. The 1860 *Tremaine Map* shows the property on the periphery of the developed Town of Whitby (Figure 6). When Hannah Helmer purchased both lots in 1877, the Town had seen additional growth with the arrival of the Grand Trunk Railway (Figure 7). The properties were sold to James Boreham in 1887. Boreham was a market gardener who lived at 400 King Street in a home situated approximately 60m north of the subject property. The extant Boreham home is visible on the 1923 Fire Insurance Plan (Figure 8). The properties remained in the Boreham family until James' death in 1910 when it was sold to the County of Ontario.

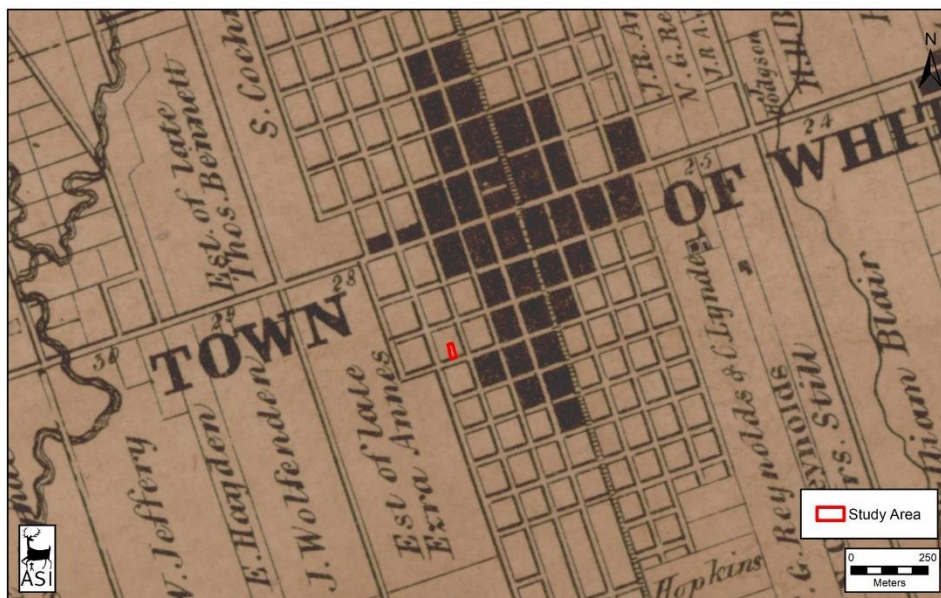


Figure 6: 1860 *Tremaine Map of the County of Ontario* (Tremaine 1860)



Figure 7: 1877 *Illustrated County Atlas of the County of Ontario* (Beers 1877)



Figure 8: 1923 *Fire Insurance Map* (Ontario Archives, C234, N-640, F006760)

In 1953, Elizabeth Gibson purchased the properties from the County and, in the same year, sold them to William Bradley. According to aerial photography from 1954, the existing house was not yet constructed (Figure 9). It is assumed that the existing house was built by Bradley sometime after 1954, though the house does not appear in the City Directory until 1960. The house remained in the Bradley family until 2017.





Figure 9: 1954 aerial photo (University of Toronto)

### 3.0 EXISTING CONDITIONS

#### 3.1 Introduction

A field review was conducted by James Neilson and John Sleath of ASI, on July 5, 2018 to survey and document the study area and environs.

#### 3.2 404 Ontario Street West

##### 3.2.1 Exterior

The property at 404 Ontario Street is an approximately quarter acre lot containing a 1.5-storey grey brick post-war bungalow built between 1954 and 1960 (Figure 10-13). The building sits on a square floorplan and has a gable roof with asphalt shingles, a gable-roofed front porch, and a shed dormer at the rear (Figure 14-15). A brick internal chimney with metal flashing and a precast concrete cap is visible at the ridgeline of the roof (Figure 16). The house has several vines and vegetative growth on its walls. Entrances with wooden doors are found on the front elevation (accessed by a poured concrete landing, see Figure 10) and on the east side (where a wood landing has been constructed, see Figure 11). The foundation is poured concrete and shows signs of spalling (Figure 17). The main portion of the building utilizes long grey bricks in a running bond (Figure 18). Aluminium siding is found beneath the gables and cladding the shed dormer (Figure 13-15).

The windows are original wooden double-hung windows behind wood or aluminium storm windows (Figure 19-21). The windows sit within flatheaded openings with concrete precast sills and brick soldier or vinyl clad lintels. The building's windows are arranged in singles or pairs with the exception of the front where a large picture window is flanked by double-hung windows.





Figure 10: 404 Ontario Street, front elevation



Figure 11: 404 Ontario Street, east elevation



Figure 12: 404 Ontario Street, rear elevation



Figure 13: 404 Ontario Street, west elevation

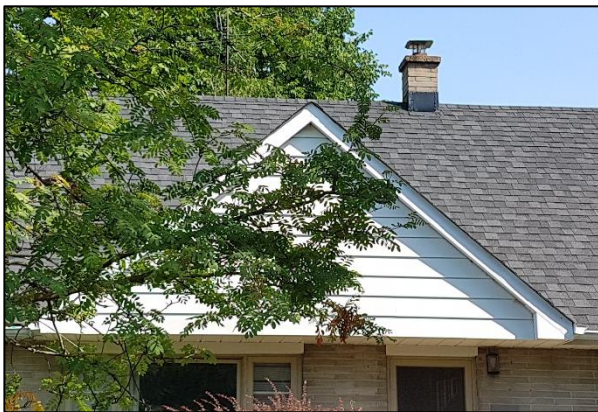


Figure 14: Front porch gable and roof detail



Figure 15: Rear shed dormer





Figure 16: Chimney detail



Figure 17: Spalled concrete foundation

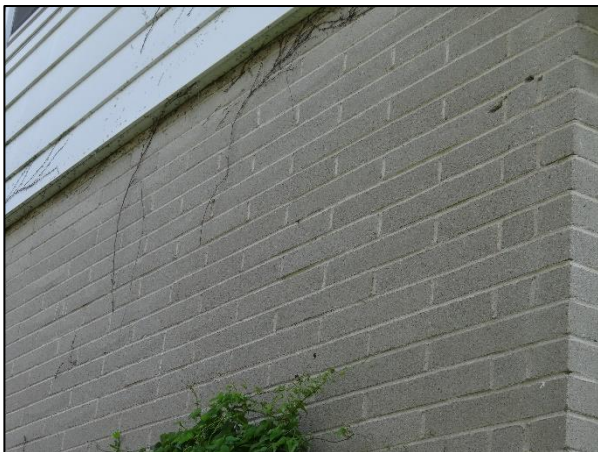


Figure 18: Brick detail



Figure 19: Window detail, rear elevation



Figure 20: Window detail, rear elevation



Figure 21: Window detail, west elevation



### **3.2.2 Interior**

The building at 404 Ontario Street is accessed from Ontario Street by a poured concrete front porch (Figure 22). The first storey is comprised of a foyer, which leads to a bedroom, the living room (Figure 23), and a staircase to the second floor (Figure 28). The floors in the living room are hardwood (Figure 24), and the original wood mouldings and trim are present along with the stucco ceiling (Figure 25). The bedroom could not be accessed due to its occupancy at the time. The rear of the first floor contains the kitchen, which retains original cabinets and a vinyl floor (Figure 26). The first-floor bedroom can also be accessed from the kitchen.

The second storey is comprised of three rooms: two bedrooms (Figure 29-30 Figure 30) and a bathroom (Figure 31-32). Both bedrooms have hardwood floors and sloped ceilings that reflect the slope of the roof. The bathroom consists of tile on bottom half of the walls and vinyl tile floors.

The basement is accessed from the kitchen via a wooden staircase (Figure 33). The basement is partitioned into three spaces. The first space has a carpeted floor and has been finished with drywall, wood panelling, and a panelled ceiling (Figure 34). The remainder of the basement is unfinished with exposed poured concrete walls and floors (Figure 35). Brick pillars are visible (Figure 36), as are the joists and first floor wood flooring (Figure 37).



Figure 22: Front porch



Figure 23: Living room

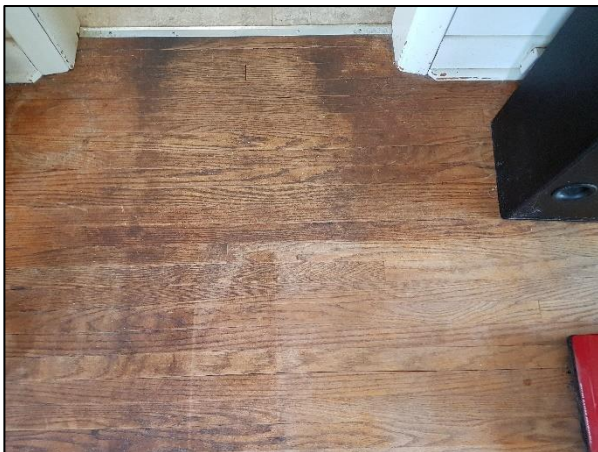


Figure 24: Living room floor



Figure 25: Mouldings and stucco ceiling detail



Figure 26: Kitchen

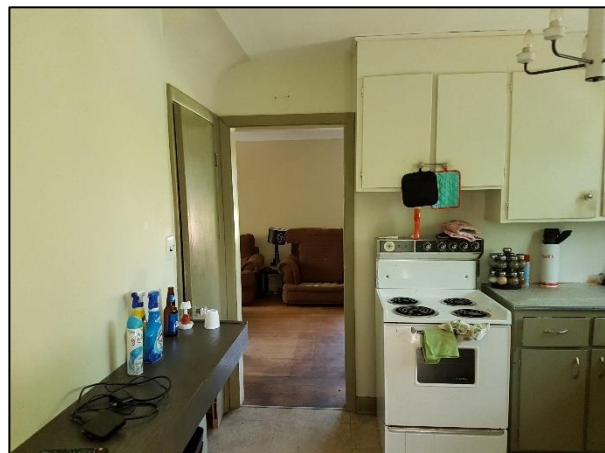


Figure 27: Kitchen



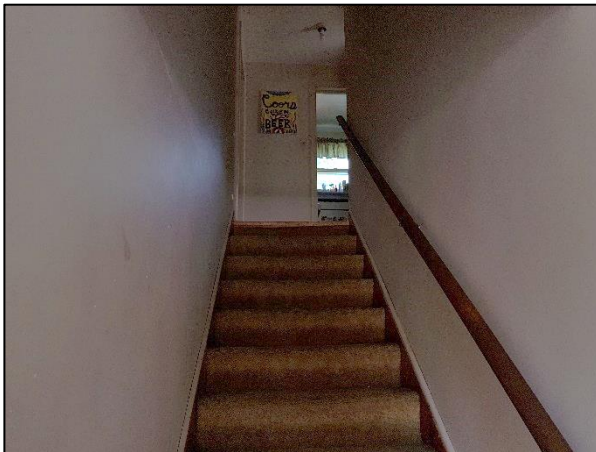


Figure 28: Staircase to second floor



Figure 29: Second floor bedroom

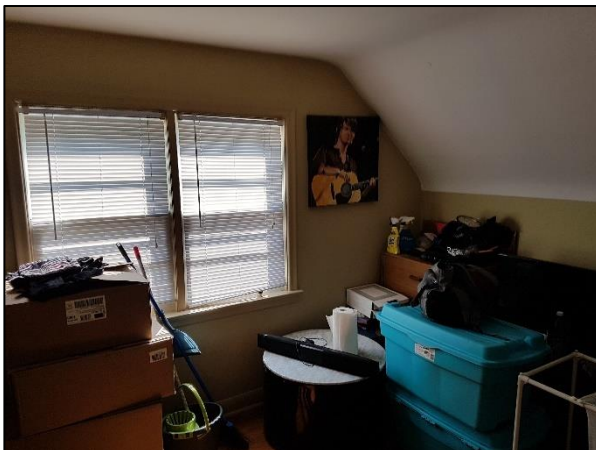


Figure 30: Second floor bedroom



Figure 31: Bathroom

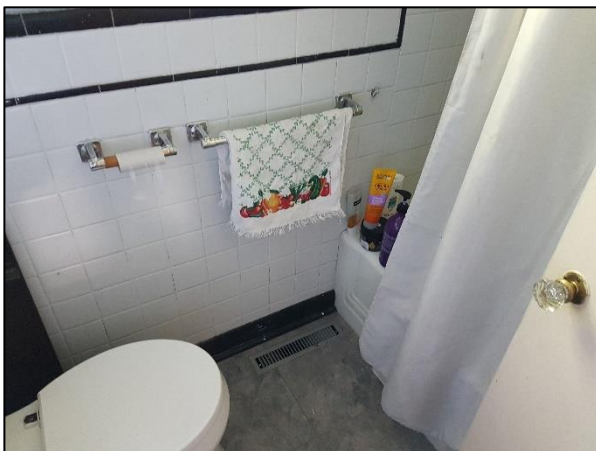


Figure 32: Bathroom

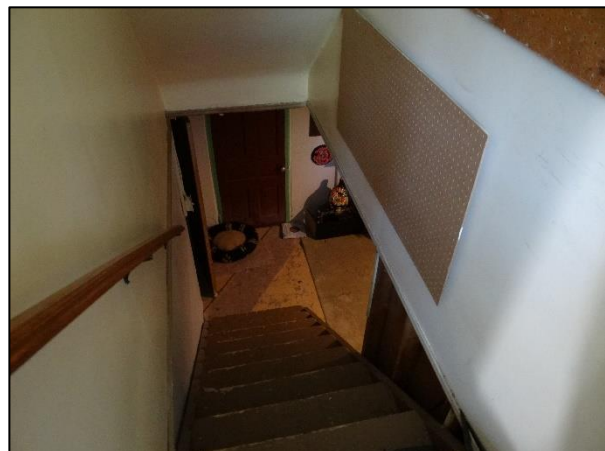


Figure 33: Staircase to basement



Figure 34: Finished portion of basement



Figure 35: exposed foundation and floors in basement



Figure 36: Brick column and utilities



Figure 37: Exposed floor and joists

### 3.2.3 Landscape Features

The property at 404 Ontario Street is accessed via a gravel driveway extending from Ontario Street that runs along the east side of the house (Figure 38). The property is heavily landscaped with bushes and trees along the side and rear property boundaries and throughout the front and rear of the house (Figure 39). The rear of the house features a garden and patio area with wooden benches (Figure 40-41). Construction was occurring along the front portion of the property at the time of ASI's site visit.





Figure 38: Driveway and sideyard vegetation



Figure 39: Front lawn landscaping



Figure 40: Backyard landscaping

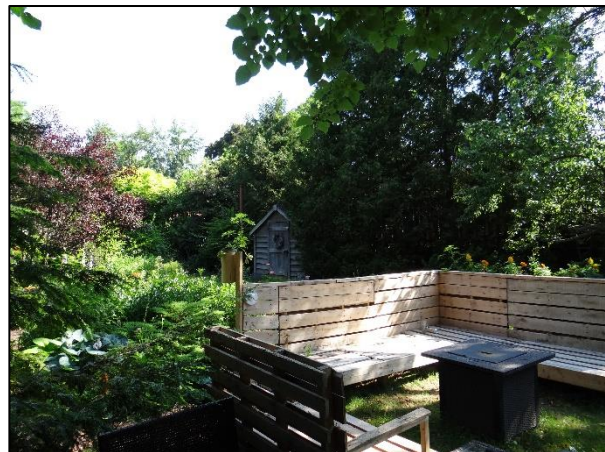


Figure 41: Backyard landscaping

### 3.2.4 Surrounding Context

The property at 404 Ontario Street is situated on the north side of Ontario Street within a residential neighbourhood. Ontario Street is a paved road with curbs and a sidewalk along the north side of the street. The street was undergoing construction work at the time of the site visit. Both sides of the road contain substantial vegetation that dominates the streetscape both the east and west of the subject property, obscuring views of 404 Ontario Street and other surrounding buildings in the area due to their setbacks (Figure 42 and Figure 43).

The residences in the surrounding area are a mix of various styles, heights and massing. To the west is a two-storey brick Edwardian house (Figure 44), while a one-storey bungalow is situated to the east (Figure 47). Two houses are situated across the street: a two-storey frame house at the corner of King Street and Ontario Street (Figure 45) and a two-and-a-half-storey modern residence at the corner of Henry Street and Ontario Street (Figure 46). To the west of the property is Henry Street, a paved road oriented north-south with curbs, bike lanes and sidewalks. Single-storey bungalows line the west side of the street and maintain a common architectural aesthetic (Figure 47). The east side of the road has a mix of styles, heights and massing (Figure 49 and Figure 48). The vegetation on Henry Street is not as dense as the vegetation on Ontario Street and as a result the residences are visible and prominent, despite having



deeper setbacks th(Figure 49). King Street runs north-south to the east of the property and exhibits a mixture of styles, heights and massing (Figure 50 and Figure 51). Houses are set back from the street and vegetation dominates the views along the street, particularly in front of houses built before World War II.



Figure 42: View facing east on Ontario Street



Figure 43: View facing west on Ontario Street



Figure 44: 418 King Street



Figure 45: 500 King Street





Figure 46: 407 Ontario Street



Figure 47: Bungalow on the east side of Henry Street



Figure 48: Houses on the west side of Henry Street



Figure 49: Houses on the west side of Henry Street



Figure 50: View north on King Street



Figure 51: View south on King Street

## **4.0 PROPOSED DEVELOPMENT**

### **4.1 Proposed Work**

Interventions proposed at 404 Ontario Street involve the demolition of the existing residential building and construction of a new residence. Plans and drawings for the replacement residence have not been developed at this time and are pending approval of the demolition due to associated costs.

### **4.2 Impact Assessment**

The proposed development involves the demolition of the existing residential building at 404 Ontario Street West and the construction of a new residence on site. Plans and drawings for the proposed replacement residence have not been developed at this time. As such, this impact assessment will only address the proposed demolition, and if the demolition application is approved, an assessment of a replacement residence would follow as an addendum to this report.

The property is situated within the DWHCD and is classified as a “complementary” property within the heritage district. According to the DWHCD Plan Volume II, complementary properties are compatible with the district’s historic character, though the degree of compatibility varies from property to property and depends on how well the property relates to the district’s architectural and landscape patterns and immediate context. Complementary properties include properties dating, or appearing to date, from the mid-twentieth century or later. This sub-class of property excludes any “exemplary” complimentary buildings, which is a separate and more significant property tier within the DWHCD plan.

The guidelines for complementary properties are described in Section 5.2.2 of the DWHCD plan and state that complementary properties exhibit varying degrees of compatibility with the district’s architectural and landscape patterns. The level of alteration permitted for complimentary houses depends on the house’s compatibility within the District and ranges from “perfect fit” to “modest improvements” to “candidate for replacement.” However, no guidelines are provided to determine the degree of compatibility that any specific complementary property possesses, nor does this section provide guidance for determining the level of alteration permitted for a specific property.

To assess impacts of the proposed interventions, the DWHCD Plan was reviewed to identify how well the subject property relates to the district’s statement of cultural heritage values, architectural and landscape patterns and immediate context. The Plan was also reviewed to identify goals, policies, objectives, and guidelines that apply to the property at 404 Ontario Street. Although the Plan is not in full force, the impact assessment has been prepared to evaluate whether the application complies with the proposed policies and intent of the Plan.

The property at 404 Ontario Street expresses the district’s cultural heritage value and is an example of a “complementary” property that is compatible with the district’s architectural and landscape patterns. The property’s approximate boundaries conform to the Werden Plan of subdivision and it contains a detached residential building constructed in the mid-twentieth century and which utilized architectural patterns typical of the time and which are complementary and deferential to the surrounding “historic” buildings and which form a “historic” streetscape typical within the area. The Plan’s Statement of Cultural Heritage Value ascribes cultural heritage value to these specific qualities of the subject property:

**Table 1: DWHCD Attributes**

<b>DWHCD Attributes</b>	<b>404 Ontario Street</b>
<p><b>Built Form</b> In Werden's Plan Neighbourhood District, almost all the buildings are single-detached houses.</p>	404 Ontario Street is a single-detached house.
<p><b>Placement on Lot</b> Houses are set in a green envelope. The main façade paralleling the street is set back behind a front yard. There is some variation in front yard depth along the street. The majority of houses have a deeper backyard than front yard. Many houses have ample side yards.</p>	404 Ontario Street is surrounded by vegetation, is set back behind a front yard and contains a deeper backyard than front yard. The property is narrow but has a driveway within the east sideyard.
<p><b>Height and Size</b> Houses stand one to one-and-a-half or two storeys tall. Rarely does a house reach two-and-a-half storeys. Many houses are modest in size, several are small, and a number are generously sized. The mix of house sizes indicates a social mixing characteristic of small towns.</p>	404 Ontario Street is one-and-a-half storeys tall and is modestly sized
<p><b>Roof Shape, Pitch and Covering</b> Gable or hip roofs of varying pitch predominate. These are also unusual types suited to particular architectural styles, e.g., a mansard on a Second Empire, a crenellated parapet on a Picturesque Gothic, and a gambrel on a Dutch Colonial Revival. The common choice of roof covering is asphalt shingle in earth tones.</p>	404 Ontario Street has a gable roof and grey asphalt shingles.
<p><b>Wall Material Cladding</b> Where brick is used as wall cladding, shades of red, or less frequently buff, brick predominate. There are a few examples of dichromatic brick, where red brick is in the body and buff brick is for the trim. In addition, other colours of brick from the twentieth century – brown, light grey and charcoal – are present. Other types of historical wall cladding include clapboard, flush horizontal board, shingle, and roughcast plaster.</p>	404 Ontario Street is clad in light grey brick.
<p><b>Fenestration</b> Commonly, some form of front porch – either open or enclosed – shelters the entrance to the house. A variety of authentic porch designs is found throughout the district. A flat-headed doorway (or sometimes a doorway headed by a shallow segmental arch) is often placed in or near the centre of the front facade. Windows are usually flat headed or headed by a shallow segmental arch. There are a small number of bay windows, very few accent windows and very few dormer windows.</p>	404 Ontario Street has a sheltered front porch comprised of a front-facing gable. Flat-headed doorways and windows are present.



<p><b>Architectural Style</b> The district contains a diverse collection of styles – an array from the mid-nineteenth century onward. Good contemporary design is still apparent in the district, as exemplified by the house at 611 King Street. Although the stylistic expression of houses varies widely, common architectural patterns unify them.</p>	<p>404 Ontario Street is a Mid-Twentieth Century Victory Bungalow.</p>
<p><b>Landscaping and Vegetation</b> Large lots and green envelopes surrounding houses are supported by treed landscapes and mature specimens on lawns. A variety of deciduous trees, tulip trees and coniferous trees including Norway spruce and larch are present throughout the DWHCD. Wood fences have traditionally marked the boundaries of lots, though they are primarily restricted to side and rear boundaries today. Garages and stables were located at the back of houses and a lane was present along the sideyard of many houses. The district has several frame outbuildings and one detached brick garage.</p>	<p>404 Ontario Street is situated on an approximately quarter acre lot surrounded by vegetation. The property boundary is demarcated by a fence. No garage is present.</p>

The DWHCD Plan provides clear intent to conserve properties identified as “complementary”:

- One of the Plan’s specified “Objectives” is to “to retain houses erected during Whitby’s historic period, to retain exemplary houses which were built after the mid-twentieth century, *and to favour the retention of the neighbourhood’s remaining single-detached houses which to some degree complement houses erected during Whitby’s historic period.*” (37; emphasis added)
- Policy 4.2.2.3 states that “For all other houses on complementary property, retention of the house is preferred. Demolition and replacement is not. If the property owner proposes replacement, the proposed replacement dwelling will demonstrate greater harmony with the neighbourhood’s historic residential streetscapes than exists on the site, and it will conform to the plan’s policies and guidelines on new construction.” (44)
- Policy 5.2.2 states that many complementary properties are “perfect fits” while “others could take modest improvement, and a few may be candidates for replacement”.

Based on the above analysis, the building at 404 Ontario Street reflects the cultural heritage values of the DWHCD. However, the way it reflects these values is limited to very basic attributes (such as building height, roof type and building material) rather than substantial architectural features that would be associated with “historic” buildings within the district and could be a candidate for replacement. As such, the demolition of the existing building could be permitted provided that a replacement dwelling can demonstrate greater harmony with the neighbourhood’s residential streetscape and if the proposed building is consistent with the policies and guidelines for new buildings in the DWHCD. Furthermore, the new residence can be designed in a manner that meets the guidelines set within the DWHCD plan, while maintaining the existing vegetation and green envelope.

## **5.0 CONCLUSION AND RECOMMENDATIONS**

The proposed demolition of the building at 404 Ontario Street will have a minimal impact on the DWHCD, provided that a replacement residence is designed to be compatible with the cultural heritage value of complementary buildings within the DWHCD, and provided that there are no significant impacts to adjacent “historic” properties and the existing landscaping on the property.

### **5.1 Recommendations**

Upon consultation and conditional approval of the demolition by the Town of Whitby, the following recommendations are proposed:

1. That an update to this report be provided to the Town of Whitby referencing plans and drawings for a new residence on the property, addressing how the proposed building will impact the DWHCD, and proposing alternatives and mitigation strategies that may be considered.
2. Full documentation of the property should be conducted prior to demolition including measured drawings and photographs. This document should be submitted to the Town of Whitby.

## 6.0 REFERENCES

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Winter, Brian

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## APPENDIX A: 404 Ontario Street West – Inventory Sheet

### Werden's Plan Neighbourhood District

**No.** 404      **Street** Ontario Street West

**Legal Description**      PLAN H-50032 PT LOT 18,19

#### Representative Photo



#### Classification

Complementary

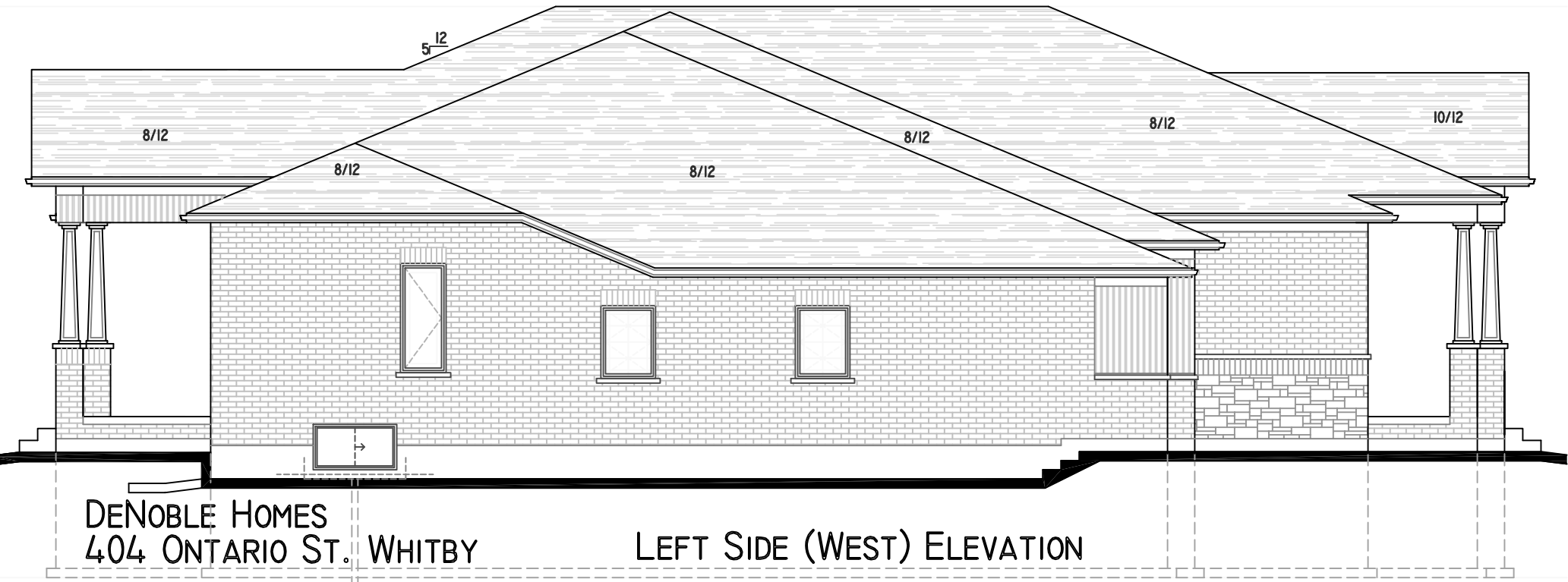
#### Description

The bungalow at 404 Ontario Street West follows the district's architectural patterns in a number of ways.

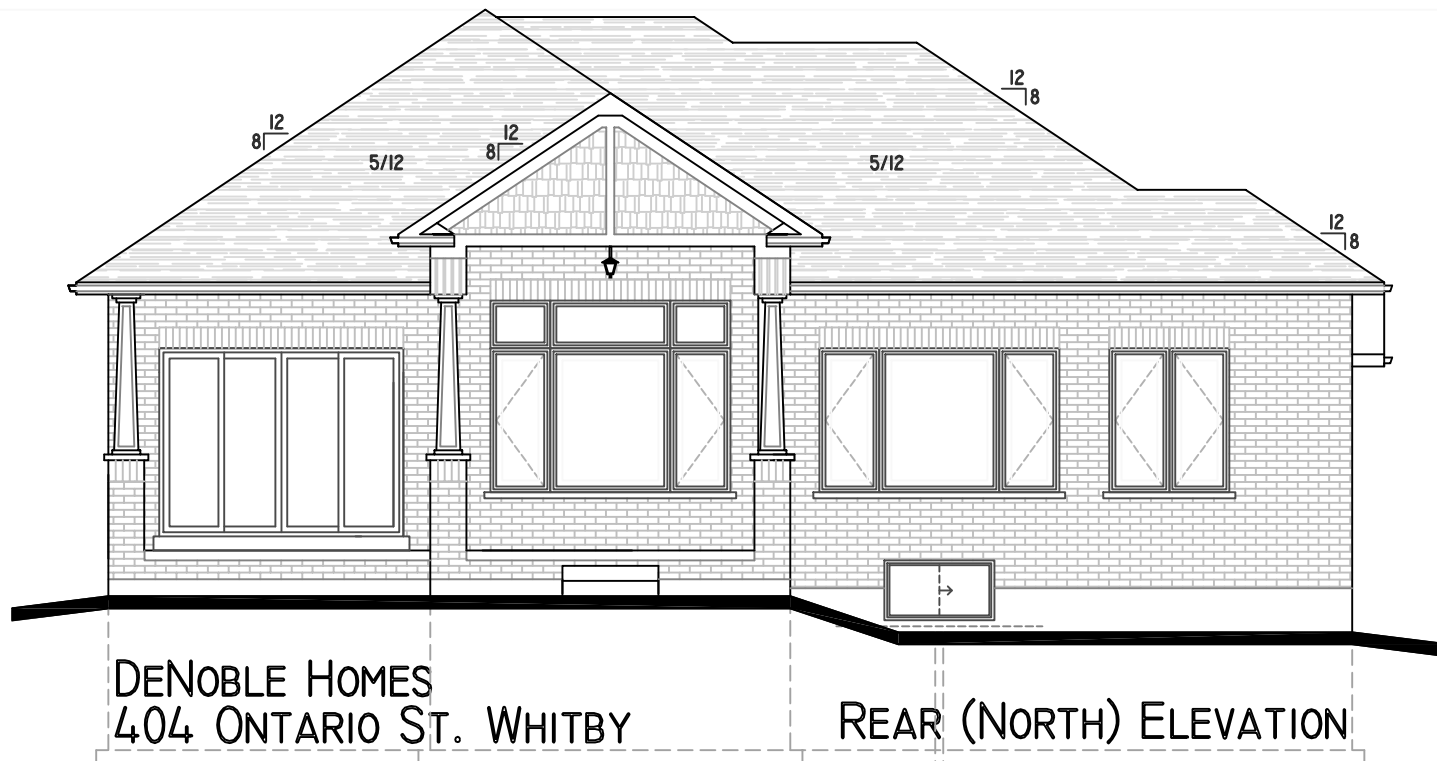
404 Ontario St. W. - Front Elevation



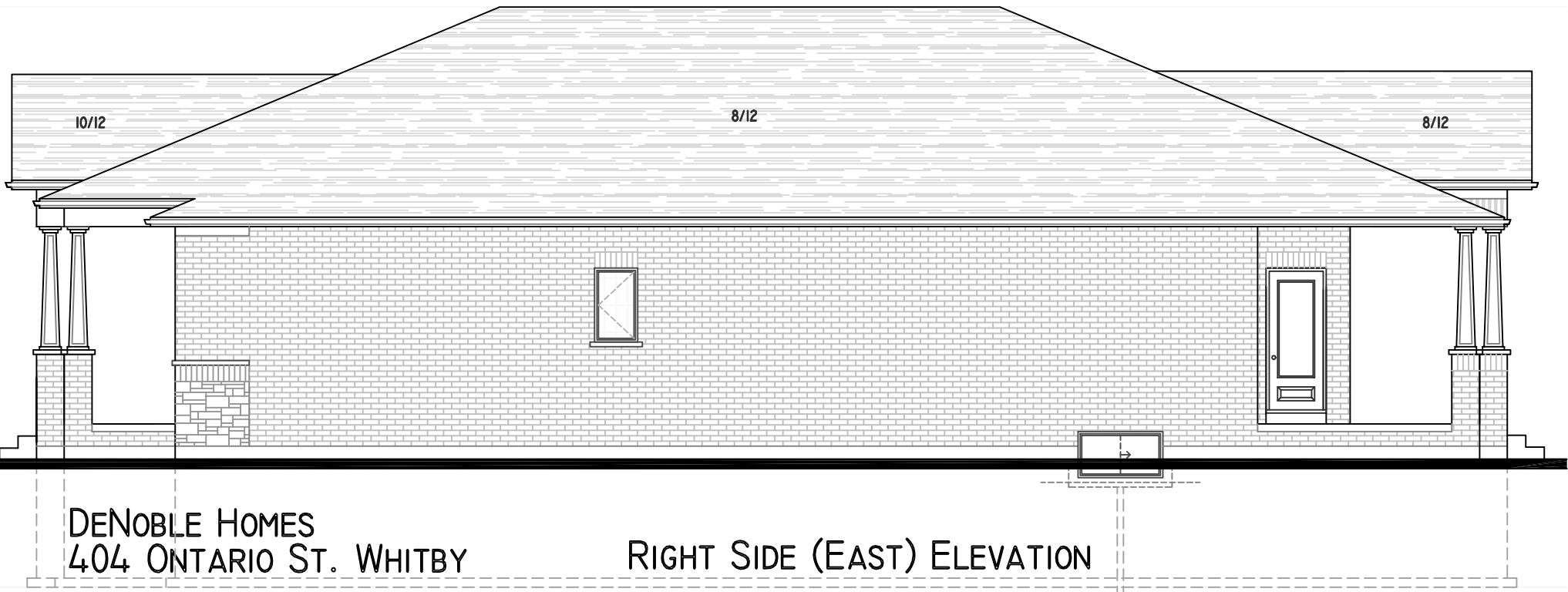
404 Ontario St W - Left Elevation



404 Ontario St W - Rear Elevation



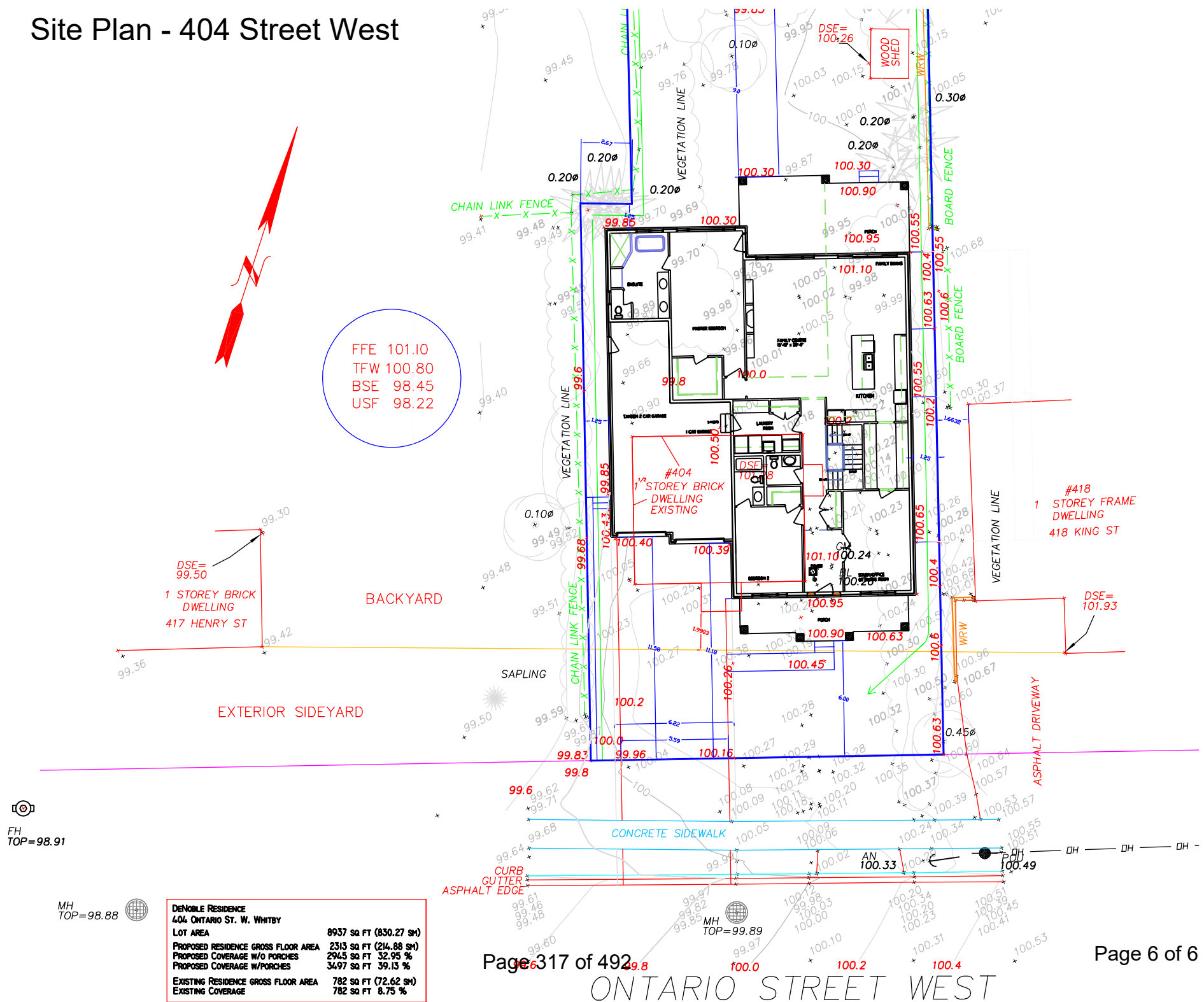
404 Ontario St. W. - Right Elevation







# Site Plan - 404 Street West





## Werden's Plan Neighbourhood District

**No.** 404      **Street** Ontario Street West

**Legal Description**      PLAN H-50032 PT LOT 18,19

### Representative Photo



### Classification

Complementary

### Description

The bungalow at 404 Ontario Street West follows the district's architectural patterns in a number of ways.

Attachment #5  
Excerpts from HWAC Minutes Feb 14

4.2 Steve Edwards, Project Director, GHD

Re: 301 Colborne Street East, Application to Remove a Property from the Municipal Heritage Register

Christienne Uchiyama provided a presentation of the Application to Remove a Property from the Municipal Heritage Register. Highlights of the presentation included:

- an overview of the Cultural Heritage Assessment for the property;
- the physical characteristics of the building representing a two-story Victorian vernacular residence with influence of Gothic Revival style;
- the association of the building with the Parrott family;
- the contextual assessment indicated that the residence was not identified as a landmark, nor was it unique;
- a request to remove the early 20th Century two-storey residence on the subject property;
- a proposal to salvage materials and documentation for commemoration; and,
- requesting the Committee to recommend delisting of the property from the Municipal Heritage Register.

A question-and-answer period ensued between Members of the Committee and Christienne Uchiyama regarding:

- whether there was a garage situated on the property;
- the exterior materials used on the building;
- the uniqueness of the bay windows for a house of that style;
- whether the double bay windows feature could be incorporated into the proposed building design as a tribute feature to the original building;
- the proposed designs for a future building on the site; and,
- whether the stone bungalow on Dunlop Street would be impacted by the proposed future building.

Recommendation:

Moved by Vincent Santamaura

That the Heritage Whitby Advisory Committee supports the Application to Remove a property (301 Colborne Street East) from the Municipal Heritage Register.

**Carried**

- 4.3 Dustin DeNoble, Junior Project Coordinator, DeNoble Homes, Vasco Jeronimo, Architectural Designer, and Rebecca Sciarra, Partner and Principal Heritage Specialist

Re: 404 Ontario Street West, Application for Demolition

Steve DeNoble provided an overview of the application for Demolition for 404 Ontario Street West. Highlights of the presentation included:

- the setback of the proposed building;
- land coverage of the proposed building; and,
- the design of the proposed building.

A question-and-answer period ensued between Members of the Committee and Mr. DeNoble regarding:

- what the applicant was seeking from the Committee;
- whether the proposed building met all zoning requirements;
- the measurements of the side yard for the proposed building, and the ratio of the building to the lot size;
- considering a shed roof as an alternative to the current design plan;
- whether the proposed building complemented the existing streetscape;
- whether the applicant would consider a design that better complemented the character of the Werden's Plan HCD; and,
- whether there was a rear garage on the property.

Recommendation:

Moved by Vincent Santamaura

That the Heritage Whitby Advisory Committee recommends to defer the application for demolition for 404 Ontario Street West to the March 14, 2023 Committee meeting to allow the applicant to prepare a redesign of the replacement building that is more in keeping with the district conservation plan with respect to lot coverage, front and side yard building setbacks, and respecting the existing architecture that is onsite including the roofline.

**Carried**





## Heritage Whitby Advisory Committee Minutes

March 14, 2023, 7:00 p.m.  
Hybrid Meeting  
Whitby Town Hall

Present: Margaret Clayton  
Deanna Hollister, Chair  
Lisa Johnson  
Richard Klingler  
Rick McDonnell  
Don Mitchell  
Paul Rolland, Vice-Chair  
Vincent Santamaura  
Terry Standish

Regrets: Brian Winter, Honourary Member

Also Present: Sarah Ferencz, Library Archivist  
Edward Belsey, Senior Manager, Policy & Heritage Planning  
David Johnson, Staff Liaison, Planner II Heritage  
Heather Ellis, Council and Committee Coordinator (Recording Secretary)

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1. Call to Order

2. Declarations of Conflict of Interest

There were no declarations of conflict of interest.

3. Approval of Previous Minutes

Rick McDonnell requested that the Heritage Whitby Advisory Committee minutes of February 14, 2023 be amended to include Sarah Ferencz, Library Archivist, to the attendance list.

Recommendation:

Moved by Paul Rolland

That the Heritage Whitby Advisory Committee minutes of February 14, 2023, as amended, be approved.

**Carried**

4. Presentations

4.1 Gillian Smith, Urban Planner, MHBC Planning, Urban Design and Landscape Architecture

Re: 305 Mary Street East, Application to Remove a Property from the Municipal Heritage Register

Gillian Smith provided a presentation regarding an application to remove 305 Mary Street East from the Municipal Heritage Register. Highlights of the presentation included:

- an overview of the subject property;
- a proposal to redevelop the property with two three-storey multiple unit residential buildings;
- renderings of the proposed development; and,
- an overview of the Heritage Impact Assessment (HIA) report including a cultural heritage evaluation of the property.

A question and answer period ensued regarding:

- limited information on the original owners of the property such as Roderick Frederick Mowat (1892-1970) and Joseph Thompson;
- whether consideration was given to the vegetation on the property; and,
- whether there was an early form of rusticated concrete block in the foundation.

Recommendation:

Moved by Vincent Santamaura

That the Heritage Whitby Advisory Committee supports the removal of 305 Mary Street East from the Municipal Heritage Register.

**Carried**

- 4.2 Dustin DeNoble, Junior Project Coordinator, DeNoble Homes, Vasco Jeronimo, Architectural Designer, and Rebecca Sciarra, Partner and Principal Heritage Specialist

Re: 404 Ontario Street West, Application for Demolition

Rebecca Sciarra provided a presentation regarding the application for demolition of 404 Ontario Street West. Highlights of the presentation included:

- an overview of the subject property;
- the location of the property within the Werden's Plan Neighbourhood Heritage Conservation District (HCD);
- guidelines for new construction to complement the HCD;
- maintaining green frontage, minimizing parking in the front yard, and maintaining the driveway location at the side yard; and,
- guidelines for a complementary property, new dwellings, and new accessory buildings within the HCD.

A question and answer period ensued regarding:

- whether a single car garage or tandem garage was considered in the design;
- clarification on building to lot ratio guidelines for HCD properties being 22 percent versus the 32.95 percent of the proposed building (excluding porches);
- the minimum garage width and lot coverage permitted based on zoning;
- whether there was a rendering of the streetscape elevation that included the proposed building and neighbouring properties;
- whether a more suitable colour palate and design, such as red brick and arches would be considered;
- whether there was a willingness to compromise to a one and a half car garage rather than two car garage;
- whether the size of the side yards could be increased by reducing the size of the garage space and each of the principal rooms in the front; and,

- whether a detached garage in the rear yard would be considered.

Recommendation:

Moved by Rick McDonnell

That the Heritage Whitby Advisory Committee supports the demolition of 404 Ontario Street West, and requests that the applicant continue to work with staff to alter the colour palate and materials to better reflect the Heritage Conservation District, and create a design that increases the side yard by either:

- building a detached garage in the rear yard; or,
- decreasing the width of the garage by one foot and decreasing each principal room in the front of the house design by six inches while extending the house to the rear of the property to maintain the proposed square footage.

**Carried**

#### 4.3 Roman Halkiewicz, Landscape Architect Technician

Re: King Street Community Garden

Roman Halkiewicz provided an overview of a draft information sign to be installed at the King Street Community Garden. Mr. Halkiewicz requested feedback from the Committee regarding the sign.

Discussion ensued regarding:

- replacing the house images with images that historically existed in the Werden's Plan Neighbourhood Heritage Conservation District (HCD);
- replacing the store images with images of buildings that were architecturally significant;
- recommending that the park name honour Asa Werden;
- including the name of Asa Werden's sister in the write-up;
- including a QR code on the sign;
- whether there would be a separate sign with the park name;
- the method for mounting the sign;

- increasing the size and font of the sign; and,
- protecting the sign from graffiti or damage.

4.4 Brayden Libawski, Planning Consultant, The Biglieri Group, and Emily Game, Heritage Consultant

Re: 3 Cassels Road East, OPA-2022-W/05, Z-23-22, Applications for Official Plan Amendments and Zoning By-law Amendment

Brayden Libawski provided a presentation regarding applications for official plan amendments and a zoning by-law amendment pertaining to 3 Cassels Road East. Highlights of the presentation included:

- an overview of the subject site and the proposed building;
- surrounding uses and the planning policy framework of the site;
- an overview of the Cultural Heritage Impact Assessment (CHIA) as a Victorian era property, and design and contextual value; and,
- redesigning the driveway to protect two heritage trees along Durham Street.

A question and answer period ensued regarding:

- why the assessment was conducted without a design for the proposed land;
- the shorter setback on the west side and how that would impact the view of the streetscape;
- whether 'Option Two' of the proposed design would allow for the preservation of the two heritage trees;
- ensuring replacement trees for the two heritage trees would be an appropriate size; and,
- whether on-street parking was considered as an option to prevent removing the existing mature trees.

Recommendation:

Moved by Vincent Santamaura

That the Heritage Whitby Advisory Committee supports the proposed applications for 3 Cassels Road East.

## **Carried**

### 4.5 Paul Jones, Chair, Groveside Cemetery Board

#### Re: Pioneer Baptist Cemetery Name Change Proposal

Paul Jones provided a presentation regarding a proposed name change for the Pioneer Baptist Cemetery. Highlights of the presentation included:

- an overview of the cemeteries in Whitby managed by the Groveside Cemetery Board;
- the cost of maintaining the cemeteries;
- requesting a name change to reflect that the cemetery is non-denominational;
- requesting feedback from the Committee regarding a name change; and,
- proposing the name 'Olde Winchester'.

Discussion ensued regarding:

- potential confusion with the name Olde Winchester due to its association with Winchester Road;
- the possibility of renaming the cemetery 'Dryden Public Cemetery'; and,
- honouring the previous name via a commemorative plaque that would include the Baptist and Dryden affiliations.

### 5. Delegations

There were no delegations.

### 6. General Business and Reports

#### 6.1 Grass Park Improvements Update

David Johnson advised that the Grass Park improvements would be taking place this year.

### 7. Council Update

There was no Council update.

### 8. Other Business



8.1 Naming of King Street Community Garden Park

Rick McDonnell requested that Staff provide information regarding naming procedures for parks and provide a status update to the Committee regarding the name of the King Street Community Garden Park.

8.2 16 & 18 Durham Street

Margaret Clayton requested an update regarding the March 6, 2023 Special Council Meeting where Council recommended that the Town not purchase the properties.

8.3 Indigenous Member

Vincent Santamaura requested information regarding procedures for extending an invitation to the Indigenous Community to have a representative sit on the Heritage Whitby Advisory Committee.

9. Next Meeting

Tuesday, April 11, 2023 at 7:00 p.m.

10. Adjournment

Recommendation:

Moved by Terry Standish

That the meeting adjourn.

**Carried**

The meeting adjourned at 9:42 p.m.

# Memorandum to Council

Office of the Town Clerk



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**To:** Mayor and Members of Council

**CC:** C. Harris, Director, Legislative Services/Town Clerk  
S. Klein, Director, Strategic Initiatives  
C. Chrus, Manager, Creative Communities

**Acknowledged by M. Gaskell,  
Chief Administrative Officer**

**From:** K. Narraway, Sr. Manager, Legislative Services/Deputy Clerk

**Date:** March 28, 2023

**File #:** n/a

**Subject:** Appointment to the Downtown Whitby Business Improvement Area Board of Management

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At the February 27, 2023 Downtown Whitby Business Improvement Area (BIA) Board of Management meeting, the Board recommended that the following individual be appointed to the BIA Board for the remainder of the 2022-2026 Term of Council:

Stephanie Daga – Tenant (BlushPretty) – 117 Brock Street South

The BIA's Terms of Reference require recommended directors for the Board to be confirmed by Council and directors on the Board are required to be members of the BIA. Stephanie Daga is eligible for appointment to the Board.

At present, the BIA Board is comprised of seven members and Stephanie Daga would join the Board as the eighth member.

It is recommended that Council adopt the following resolution to confirm the appointment of the new director:

That Council appoint Stephanie Daga to the Downtown Whitby Business Improvement Area Board of Management for the term ending November 14, 2026.

# Town of Whitby

## Staff Report

[whitby.ca/CouncilCalendar](http://whitby.ca/CouncilCalendar)



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### Report Title: CUPE 53 Whitby Naming Rights Sponsorship of Arena 5 at Iroquois Park Sports Centre

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**Report to:** Committee of the Whole

**Date of meeting:** April 3, 2023

**Report Number:** CAO 10-23

**Department(s) Responsible:**

Office of the Chief Administrative Officer

**Submitted by:**

Sarah Klein, Director, Strategic Initiatives

**Acknowledged by M. Gaskell, Chief Administrative Officer**

**For additional information, contact:**

Paul Pirri, Senior Manager of Economic Development, [pirrip@whitby.ca](mailto:pirrip@whitby.ca)

Heather Ellis, Acting Advertising and Sponsorship Sales Manager, [ellish@whitby.ca](mailto:ellish@whitby.ca)

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## 1. Recommendation:

1. That Council approve entering into a second one (1) year sponsorship agreement effective May 1, 2023 with CUPE 53 Whitby for a Naming Rights Sponsorship at Iroquois Park Sports Centre (IPSC), including keeping Arena 5 as “CUPE 53 Whitby Arena 5”, based on the sponsorship package and other terms and conditions identified in Report CAO 10-23.

## 2. Highlights:

- The Advertising and Sponsorship Division of Economic Development actively solicits the community for sponsorship participation in Town recreational facilities. Top-level sponsorship packages include ‘Naming Rights’ to certain facilities, subject to Council approval.

- The purpose of this report is to seek Council's approval to continue with the proposed Naming Rights Sponsorship by CUPE 53 for Arena 5 at Iroquois Park Sports Centre (IPSC) for a one (1) year term.
- The sponsorship of Arena 5 at IPSC has been occupied by CUPE 53 Whitby since May 1, 2022.
- Subject to Council's approval, IPSC Arena 5 would remain "CUPE 53 Whitby Arena 5" for the term of the sponsorship. The total revenue that would accrue to the municipality over the term of the sponsorship would be \$15,000 + HST.
- The proposed name, "CUPE 53 Whitby Arena 5", would continue to be used in Town of Whitby publications, promotional materials, rental permits, and the website as appropriate.
- CUPE 53 Whitby is responsible for the production and installation costs associated with any updates to the sponsorship materials. This is standard practice with the Town's sponsorship program. Along with the naming rights, a suite of signage and other marketing benefits form part of the naming rights sponsorship package.

### **3. Background:**

Currently named "CUPE 53 Whitby", Arena 5 will be vacant beginning May 1, 2023 if it is not renewed for one (1) more year.

Under the Municipal Property and Facility Naming Policy (Policy MS 250), staff are required to report to Council for approval of corporate naming rights to Town property or property features.

Advertising and Sponsorship, part of the Economic Development Division, Strategic Initiatives, is responsible for sponsorship sales initiatives, which include naming rights (title) to certain Town property features. This program began in 2000 at IPSC and expanded to include the Civic Recreation Complex in 2003, McKinney Centre in 2024, the new Port Whitby Marina (PWM) Clubhouse banquet room and the McKinney Youth Drop-in Centre in 2005, and the new Brooklin Community Centre and Library in 2010.

In February 2009, Council approved the naming of Scotiabank Arena 1 at IPSC, which remains active until 2024. The balance of the arenas at IPSC currently have the following naming rights sponsorships: Whitby Orthodontics Arena 2, Owasco Arena 3, Okanagan Arena 4 and Booster Juice Arena 6. CUPE 53 Whitby, Arena 5 will become available on May 1, 2023, if it is not renewed.

### **4. Discussion:**

CUPE 53 Whitby represents over 500 full-time and part-time Town of Whitby employees. Town of Whitby staff represented by CUPE 53 Whitby serve valuable occupations throughout our municipality and specifically within our facilities as clerks, janitorial staff, lifeguards, gardeners, labourers, program coordinators, and many other professions ensuring that the facilities are welcoming, fun, and safe for the community to enjoy. CUPE 53 Whitby annually supports many charitable organizations, mainly focusing on local charities and groups within our community,

including Feed the Need Durham, the Bethesda House, the Denise House, and the Whitby Toy Drives.

The proposed fee for the sponsorship package reflects current market conditions and is in line with the sponsorship range of fees currently available and sold within IPSC. The proposed CUPE 53 Whitby naming rights sponsorship package is the same as the current package, which includes the following components at IPSC:

**Arena 5 Corporate Branding:**

- Two (2) 7' x 7' full-door graphics wrapped on each set of double arena entrance doors;
- One (1) illuminated logo above each set of entrance doors;
- One (1) 8' x 16' backlit sign in featured position under score clock;
- One (1) 4' x 12' backlit sign behind visitors' bench wall;
- Full graphics wrap on IPSC Zamboni;
- One (1) 30" x 192" double-size, premium placement rink board sign;
- One (1) Center Ice 35' x 20' in-ice logo;
- Two (2) Neutral Zone Logos 15' x 2' in-ice logos; and
- Four (4) 11" x 17" dressing room door signs.

\*Note: CUPE has the option to choose as few or as many branded items from this list. Production costs are additional and are covered by the sponsor. Additional Exposure and Benefits:

- Host one (1) free public community skate (open to the first 250 participants) per year, promoted on the Town's corporate channels;
- Five (5) CUPE Rink board signs. One in each of the remaining rinks at IPSC;
- Two (2) CUPE Rink board signs (if available). One in each of the two hockey rinks at McKinney Centre;
- One (1) complimentary, 20-second digital ad displayed on IPSC lobby TVs;
- CUPE logo and sponsorship recognition on Town of Whitby website; and
- Promotion on the Town's social media platforms. i.e., Promotion of free public skate.

The sponsorship package summarized would be incorporated into the Town's standard Sponsorship Agreement and follow all guidelines and requirements outlined in the Paid Advertising and Sponsorship Policy MS 390.

**5. Financial Considerations:**

The total revenue over the one (1) year sponsorship term would be \$15,000 + HST. The client is responsible for the cost of the design, production and installation of the sponsorship signage and materials.

Net revenue generated by the Advertising and Sponsorship program directly benefits the public by reducing the net cost of providing municipal services at Town facilities and, therefore, the overall property tax burden.

**6. Communication and Public Engagement:**

The Advertising and Sponsorship Division will engage the Communication and Creative Services Division to incorporate appropriate sponsorship opportunities, i.e., free skate, communications, and social calendar.

**7. Input from Departments/Sources:**

This report has been reviewed by internal departments, including Community Services, the Communications and Creative Services Division, and Finance.

**8. Strategic Priorities:**

This initiative is consistent with the Town's Corporate Strategic Plan (CSP) objectives and takes accessibility standards into account when determining locations of advertising and sponsorship materials.

**9. Attachments:**

Not Applicable



# Town of Whitby

## Staff Report

[whitby.ca/CouncilCalendar](http://whitby.ca/CouncilCalendar)



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### Report Title: Review of the Noise Enforcement Pilot Program 2022

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**Report to:** Committee of the Whole

**Date of meeting:** April 3, 2023

**Report Number:** LS 03-23

**Department(s) Responsible:**

Legal and Enforcement Services

**Submitted by:**

Francesco Santaguida, Commissioner of  
Legal and Enforcement Services/Town  
Solicitor

**Acknowledged by M. Gaskell, Chief  
Administrative Officer**

**For additional information, contact:**

Andre Gratton, Manager of Enforcement  
Services

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#### 1. Recommendation:

1. That Report LS 03-23 be received for information;
2. That Council approve the continuation of the pilot after-hours parking and by-law enforcement program, as outlined in Report LS 03-23, at a cost \$17,558 funded from incremental 2023 parking infraction revenue and the Parking Reserve;
3. That Item GG-0014 be removed from the New and Unfinished Business List.

#### 2. Highlights:

- Option # 2 of Report LS-05-22 recommended that Enforcement Services implement a pilot program to respond to afterhours noise concerns from May-November of 2022.
- An Enforcement Services Officer was hired and implemented on 16<sup>th</sup> of May 2022 which responded to after hour concerns and assisted with parking enforcement for a six (6) month period until November 14th, 2022.
- Enforcement services set up an afterhours phone system which allowed residents to speak directly with an Officer who was on duty Thursday-Sunday nights from 9pm-3am.

- Staff also implemented a communication strategy to promote and educate the community on the existence of the new program.
- The seasonal enforcement service officer was responsible for issuing \$26,000 in Parking infraction revenue during the six (6) month pilot.
- In staff's view, the pilot project was successful, and Staff recommend continuing the seasonal Enforcement Services Officer project for 2023.
- Staff will investigate the feasibility of including a seasonal Enforcement Services Officer as a permanent position as a part of the 2024 budget.

### 3. Background:

On April 11, 2022, Council adopted the following motion:

#### **Resolution # GG-0013**

Legal and Enforcement Services Department Report, LS 05-22 Re: Noise By-law Review and Proposed Amendments

4. That Staff report back to Committee on the success/outcome of the pilot project by Q2 of 2023.

This report is to provide an update to Council regarding the outcome of the pilot project and next steps.

#### **The Pilot Project was introduced to address Council and Community concerns related to noise enforcement.**

As noted in Report LS 05-22, Staff recognize that operations within the Enforcement Services Division need to be modified to better accommodate the needs of the community and its residents, and in particular services provided outside of the core operational hours of the Enforcement Services (i.e., 8:30am to 4:30p.m.). As Durham Regional Police typically consider municipal by-law matters as lower priority, staff recognize the need to address the needs of our residents related to noise matters after hours.

Staff have reviewed the metrics associated with noise concerns, which illustrate that the majority of after-hours noise complaints occur between 7p.m. and 2a.m. from May to October, and primarily on weekends.

Report LS 05-22 also reviewed programs in similar sized municipalities within the Region, the Town of Ajax, City of Pickering, and City of Oshawa and noted that all have resources in place to address after-hours matters. The Town of Ajax has a stand-by system, which supports after-hours noise by-law concerns. The City of Pickering addresses noise related matters in a similar fashion to the pilot project. The City of Oshawa is able to address complaints 24 hours a day as staff rotate a 3-shift rotation as contained in their Collective agreement.

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**4. Discussion:****Highlights of 2022 pilot project**

Report LS 05-22 recommended the implementation of a pilot project for a seasonal enforcement officer. A temporary Officer was hired who worked from Thursday evening to Monday morning every weekend from May 16<sup>th</sup>, 2022 to November 14<sup>th</sup>, 2022. A phone tree system was implemented that allowed residents to speak directly with the enforcement Officer from 9:00 p.m. to 3:00 a.m. This pilot project did not impact current operations, nor affect current service levels.

In addition to making observations for noise infractions (both reported and as a result of formal complaints), the Officer issued parking infractions and assisted with managing overnight parking complaints.

The dual responsibilities of this position demonstrated how the position costs can be fully mitigated through parking infraction revenue. It also assisted the parking operations with an additional option of assistance. The 2022 pilot project fully mitigated the financial impacts as the parking enforcement responsibilities of the Officer generated \$26,000 in parking infraction revenue. Staff are of the view that the 2022 revenue is on the low end of expected revenue on an annual basis and anticipate greater revenue numbers annually. The anticipated costs calculated as part of Report LS 05-22 was \$18,000 to \$22,000 which utilized 2022 Legal and Enforcement Services salary savings.

**Staff recommend that the seasonal pilot program continue for 2023 and will investigate implementing the program on a permanent basis as a part of the 2024 budget.**

As noted in Report LS 05-22, staff have reviewed the operational challenges of addressing after hours noise concerns and do not believe it can be affectively addressed utilizing current staffing. Attempting to re-deploy existing staff just adds further pressure on existing operations, which will lead to service level delays.

As noted, the pilot project was successful in addressing noise and parking complaints within the community. Additionally, the seasonal position demonstrated its ability to mitigate any financial impacts as the cost of the program was offset by parking infraction revenue.

Legal and Enforcement Services continues to review its operations and will investigate the feasibility of implementing this program on a permanent basis for the 2024 budget cycle.

**5. Financial Considerations:**

Staff anticipate that the cost of a seasonal Enforcement Services Officer, to continue the pilot program in 2023, to be approximately \$17,558, including benefits. The costs associated with this option may be mitigated by incremental parking infraction revenue based on results from the 2022 pilot program. Further, for the 2023 pilot, it is recommended that any net costs of the position be funded from the Parking Reserve to avoid any property tax impacts.

**6. Communication and Public Engagement:**

Staff have worked and will continue to work collaboratively with Communications and Creative Services to develop an appropriate communication strategy to promote awareness of the enhanced service.

**7. Input from Departments/Sources:**

Legal and Enforcement Services worked collaboratively with both the Financial Services and Communications and Creative Services Department for this report.

**8. Strategic Priorities:**

The recommendations contained in Report LS 03-23 support the Corporate Strategic Plan objective to “continually improve how we do things by fostering innovation and focusing on making our processes better”.

**9. Attachments:**

None.

# Town of Whitby

## Staff Report

[whitby.ca/CouncilCalendar](http://whitby.ca/CouncilCalendar)



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### Report Title: 2023 Property Tax Rates and Final Billing Due Dates

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**Report to:** Committee of the Whole

**Date of meeting:** April 3, 2023

**Report Number:** FS 12-23

**Department(s) Responsible:**

Financial Services Department

**Submitted by:**

Fuwing Wong, Commissioner, Financial Services, Treasurer

**Acknowledged by M. Gaskell, Chief Administrative Officer**

**For additional information, contact:**

Janet Battersby, Manager of Revenue  
ext. 2815

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#### 1. Recommendation:

1. That the property tax rates for the year 2023, General Municipal Town Levies be approved as indicated in Attachment A to Report FS 12-23;
2. That the special tax levy and tax rates for the year 2023 for the properties located within the Downtown Whitby Business Improvement Area (BIA) be approved as indicated in Attachment B to Report FS 12-23;
3. That the final tax bill due dates for the Residential, Farmland, Pipeline and Managed Forest tax classes be June 26, 2023 and September 25, 2023;
4. That the final tax bill due dates for the capped tax classes (Commercial, Industrial and Multi-Residential) also be established for June 26, 2023 and September 25, 2023;
5. That prior to the issuance of the final tax bills, the Treasurer be authorized to adjust the due dates for the capped tax classes only and notify Council at the earliest opportunity; and,
6. That a by-law for the General Municipal Town Levies and a separate bylaw for the Special Tax Levy in support of the Downtown Whitby BIA,

**to set the due dates and levy rates for 2023 in accordance with the approved budgets and regulations, be brought forward at a future Council meeting.**

## **2. Highlights:**

- The Town of Whitby levies property taxes to fund programs and services. The annual municipal priorities are established through the annual budget process and the amount of property taxes required to be levied are established at the same time.
- These tax rates are calculated based on the Current Value Assessments (“**CVA**”) as determined by the Municipal Property Assessment Corporation (“**MPAC**”) and the tax ratios set by the Region of Durham.
- The Town also levies a Special Tax Levy from properties within the Downtown Whitby Business Improvement Area (“**BIA**”) to fund programs and services provided by the Downtown Whitby BIA Board of Management (“**BIA Board**”).

## **3. Background:**

### **Municipal Levy:**

The Town of Whitby adopted its 2023 Current and Capital Budgets at a meeting held on February 16, 2023.

As of the drafting of this report (March 27, 2023), the Region of Durham’s 2023 budget has not been approved yet. However, the Region of Durham is planning to adopt its 2023 Current and Capital Budgets for General Tax Purposes on March 29, 2023. As the Town also collects property taxes on behalf of the Region of Durham, final 2023 property tax bills (issued by the Town) will be subject to approved Regional by-laws related to their 2023 general tax rates, tax rates for Transit Commission, and Solid Waste Management purposes and property tax ratios.

The final Education tax rates for all classes are established by regulation by the Province of Ontario.

Section 312(2) of the Municipal Act, S.O. 2001 c 25, as amended provides that for purposes of raising the general local municipal levy, a local municipality shall, each year, pass a by-law levying a separate tax rate, as specified in the by-law, on the assessment in each property class in the local municipality ratable for local municipal purposes.

### **Special Tax Levy for the Downtown Whitby Business Improvement Area (BIA):**

By-law 7268-17 established a Downtown Whitby BIA in accordance with Subsection 204 of the Municipal Act.



Section 208 (1) of the Municipal Act, provides that the municipality shall annually raise the amount required for the purposes of a board of management, including any interest payable by the municipality on money borrowed by it for the purposes of the board of management.

The amount to be raised for the Downtown Whitby BIA will be a special tax levy, which is payable by property owners within the defined Downtown Whitby Business Improvement Area, in addition to the Town's general tax levy.

The Whitby Downtown BIA's 2023 budget was approved by Town of Whitby Council on March 20, 2023 as part of Staff Report FS 11-23. The proposed Special Tax Levy rates outlined in Attachment B attached to this report is in addition to the Town, Region, and Education property taxes. Funds collected from the Special Tax levy will be transferred to the Downtown Whitby BIA Board for the provision of enhanced services and events in the Downtown Whitby Business Improvement Area.

#### **4. Discussion:**

The property tax rates for the Town of Whitby have been calculated as indicted in Attachment A, attached to this report. Further, tax rates for a Special Tax Levy, in support of the Downtown Whitby BIA, are included in Attachment B, attached to this report.

The tax rates for the Region of Durham general purposes, Region of Durham, Transit Commission and Region of Durham waste purposes are anticipated to be passed by Regional Council on March 29, 2023.

The tax rate for Education purposes have been regulated by the Province.

The final tax rates for 2023 are based on the reassessment values completed by MPAC in 2016. The reassessment that was scheduled to be completed in 2020 to update these values was delayed by the Provincial government due to the COVID-19 pandemic. Accordingly, 2023 property taxes will be calculated with the same assessment base as 2020, 2021 and 2022.

#### **Due Dates:**

The Final Tax Billing for the Residential, Farmland, Pipeline and Managed Forest tax classes will be issued with tax installment due dates of June 26, 2023 and September 25, 2023.

It is also recommended that properties in capped tax classes, e.g., Commercial, Industrial, and Multi-Residential tax classes, have the same property tax due dates of June 26, 2023 and September 25, 2023. However, the Commercial, Industrial, and Multi-Residential tax classes may require later payment due dates as these tax classes require additional Region-wide capping calculations to be completed before final tax bills may be issued. That is, the Region of Durham is not able to finalize these calculations until each of the eight lower tier

municipalities have finalized their annual tax rates and signed off on their individual capping verifications. Once these are completed by all of the lower tier municipalities in Durham, the Region of Durham, and the Province, through the Online Property Tax Analysis system, can verify and finalize the capping calculations. The final capping calculations are required by the Town before calculating and issuing final tax bills for the Commercial, Industrial, and Multi-Residential tax classes.

The Municipal Act requires tax bills to be sent a minimum of 21 prior to the due date. Accordingly, any delays in the capping calculations (noted above) may require a change in the payment due dates for properties in the capped tax classes. It is recommended that the Treasurer be authorized to adjust the due dates, for the capped tax classes only, should this be required. This adjustment would be known prior to the issuance of the final 2023 tax bills for properties in the capped tax classes so the final tax bills will reflect the appropriate dates. Adjustments will be communicated to Council at the earliest opportunity.

As in prior years, the Special Tax Levy for the Downtown Whitby BIA will also be issued (only to properties within the Downtown Whitby Business Improvement Area) as part of the capped billing with the same due dates as the commercial, industrial, and multi-residential property tax classes.

## 5. Financial Considerations:

The property tax levies for Town purposes, as per the approved 2023 budget requirements for the Town of Whitby are \$118,836,304.00. Tax rates based on this levy, current value assessments for the various tax classes, and tax ratios expected to be approved by the Region on March 29, 2023 have been calculated (as shown in Attachment A) and will be included in a future by-law for Council adoption. Should Regional tax ratios change from what is currently proposed for the March 29, 2023 Region of Durham meeting, Town of Whitby staff will re-calculate the Town's general tax levy and special tax levy rates based on the approved tax ratios.

The Special Tax Levy for Downtown Whitby Business Improvement Area purposes is included in Attachment B to this report and will also be included in a future by-law for Council adoption.

Similar to the 2020, 2021 and 2022 taxation years, the average residential property CVA in Whitby is \$503,000. The Town's portion of property taxes on the average residential tax bill in 2023 is \$2,096.87, or \$416.87 per \$100,000 of residential CVA.

The Special Tax Levy for the Downtown Whitby Business Improvement Area is \$176.07 per \$100,000 of commercial CVA for the impacted properties.

**6. Communication and Public Engagement:**

In addition to mailing tax bills, the Town will advertise the tax installment due dates on the Town's page in both the Whitby this Week newspaper and the Brooklin Town Crier prior to each non-capped due date. Town staff will also utilize the website and social media to assist with this communication.

**7. Input from Departments/Sources:**

N/A

**8. Strategic Priorities:**

By levying these taxes it will continue to support Council's Goal to continue the Whitby tradition of responsible financial management and respect for taxpayers.

**9. Attachments:**

Attachment A - 2023 General Municipal Town Tax Rates

Attachment B – 2023 Downtown Whitby BIA Special Tax Levy Rates

## 2023 General Municipal Town Tax Rates

Tax Class	Taxable Assessment	General Municipal Tax Rate	Tax Levy
CT - Commercial Full Rate	\$1,400,757,313	0.00604464	\$ 8,467,073.68
CU - Commercial Excess Land	\$18,652,542	0.00604464	\$ 112,747.90
CX - Commercial Vacant Land	\$95,004,500	0.00604464	\$ 574,268.00
DT - Office Full Rate	\$19,088,298	0.00604464	\$ 115,381.89
FT - Farmlands	\$89,841,700	0.00083374	\$ 74,904.62
GT - Parking Lots	\$8,939,100	0.00604464	\$ 54,033.64
IT - Industrial Full Rate	\$139,555,663	0.0084354	\$ 1,177,207.84
IU - Industrial-Excess Land	\$3,624,795	0.0084354	\$ 30,576.60
IX - Industrial Vacant Land	\$84,217,900	0.0084354	\$ 710,411.67
JT - New Industrial Full Rate	\$0	0.0084354	\$ -
KT - New Large Industrial Full Rate	\$0	0.0084354	\$ -
LT - Large Industrial Full Rate	\$123,679,600	0.0084354	\$ 1,043,286.90
LU - Large Industrial Excess Land	\$6,669,100	0.0084354	\$ 56,256.53
MT - Multi-Res - Full Rate	\$563,942,200	0.00778092	\$ 4,387,989.14
NT - New Multi-Res - Full Rate	\$22,567,000	0.00458559	\$ 103,483.01
PT - Pipeline	\$41,783,000	0.00512502	\$ 214,138.71
RT - Residential Full Rate	\$23,180,893,071	0.00416872	\$ 96,634,649.86
R1 - Residential Farmland Awaiting Development 75%	\$0	0.00312654	\$ -
ST - Shopping Full Rate	\$601,911,391	0.00604464	\$ 3,638,337.67
SU - Shopping Excess Land	\$677,300	0.00604464	\$ 4,094.03
TT - Managed Forests	\$3,704,500	0.00104218	\$ 3,860.76
XT - New Commercial Full Rate	\$0	0.00604464	\$ -
XU - New Commercial VU/Excess Land	\$0	0.00604464	\$ -
ZT - New Shopping Centre Full Rate	\$0	0.00604464	\$ -
ZU - New Shopping Cent VU/Excess Land	\$0	0.00604464	\$ -
CF - Commercial Full Rate (PIL)	\$45,017,900	0.00604464	\$ 272,117.00
CG - Commercial General Rate (PIL)	\$143,633,300	0.00604464	\$ 868,211.59
CH - Commercial Tax Shared (PIL)	\$6,176,000	0.00604464	\$ 37,331.70
CP - Commercial Full Prov Tenant (PIL)	\$144,700	0.00604464	\$ 874.66
CQ - Commercial Full Excess Land Prov Tenant (PIL)	\$355,100	0.00604464	\$ 2,146.45
CW - Commercial General Excess Land (PIL)	\$2,161,900	0.00604464	\$ 13,067.91
CZ - Commercial General Vacant Land (PIL)	\$6,859,000	0.00604464	\$ 41,460.19
DG - Office Building General Rate (PIL)	\$376,400	0.00604464	\$ 2,275.20
DW - Office General Excess Land (PIL)	\$187,900	0.00604464	\$ 1,135.79
IR -Industrial Tax Tenant Prov- Full Rate (PIL)	\$0	0.0084354	\$ -
IH - Industrial Taxable Shared PIL	\$4,903,000	0.0084354	\$ 41,358.77
IJ - Industrial Taxable Vacant Land Shared (PIL)	\$90,000	0.0084354	\$ 759.19
IZ - Industrial General Vacant Land (PIL)	\$6,701,500	0.0084354	\$ 56,529.83
FG - Farm General PIL	\$0	0.00083374	\$ -
FP - Farm Full Prov Tenant (PIL)	\$1,216,500	0.00083374	\$ 1,014.24
RG - Residential Full Rate (PIL)	\$21,200,800	0.00416872	\$ 88,380.20
RP - Residential Full Prov Tenant (PIL)	\$1,664,500	0.00416872	\$ 6,938.83
RF - Residential Full Rate (PIL)	\$0	0.00416872	\$ -
E - Exempt	\$1,124,886,454		
<b>Total</b>	<b>\$27,771,083,927</b>		<b>\$118,836,304.00</b>







**Attachment B to Staff Report FS 12-23**

**2023 Downtown Whitby BIA Special Tax Levy Rates**

	<b>Assessment</b>	<b>Tax Rate</b>	<b>Taxes by Class</b>
CT - Commercial Full Rate	\$107,621,600	0.00176073	\$ 189,492.00
CU - Commercial Excess Land	\$0	0.00176073	\$ -
CX - Commercial Vacant Land	\$1,511,000	0.00176073	\$ 2,660.46
DT - Office Full Rate	\$4,201,100	0.00176073	\$ 7,397.00
E - Exempt	\$21,314,200	0	\$ -
CF - Commercial Full Rate (PIL)	\$5,093,500	0	\$ -
GT - Parking Lots	\$2,835,000	0.00176073	\$ 4,991.67
IT - Industrial Full Rate	\$1,301,200	0.00245712	\$ 3,197.20
JT - New Industrial Full Rate	\$0	0.00245712	\$ -
MT - Multi-Res - Full Rate	\$21,513,200	0	\$ -
RT - Residential Full Rate	\$57,637,700	0	\$ -
ST - Shopping Full Rate	\$1,284,500	0.00176073	\$ 2,261.66
XT - New Commercial Full Rate	\$0	0.00176073	\$ -
	<b><u>\$224,313,000</u></b>		<b><u>\$ 210,000.00</u></b>





# Town of Whitby

## Staff Report

[whitby.ca/CouncilCalendar](http://whitby.ca/CouncilCalendar)



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**Report Title: 2022 Annual Investment Report**

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**Report to: Committee of the Whole**

**Date of meeting:** April 4, 2023

**Report Number:** FS 14-23

**Department(s) Responsible:**

Financial Services Department

**Submitted by:**

Fuwing Wong, Commissioner, Financial Services & Treasurer, Ext. 4314

**Acknowledged by M. Gaskell, Chief Administrative Officer**

**For additional information, contact:**

Bren Bozzer, Senior Investment and Financial Analyst

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### 1. Recommendation:

1. THAT Report FS 14-23, 2022, the 2022 Annual Investment Report, be received;
2. THAT the updated Investment Policy F 100, attached as Appendix C to report FS 14-23, be approved;
3. That the Treasurer be directed to sign a copy of the Investment Policy F100 to indicate Council's approval and to forward a copy of this Policy to the ONE Joint Investment Board; and,
4. That delegated authority be provided to the Commissioner of Financial Services/Treasurer to approve housekeeping amendments to Investment Policy F100 as recommended by the ONE JIB/ONE Investment, and that the Clerk be directed to update the Delegation of Powers and Duties Policy (G 020) and Standards for Town Policies and Procedures (CA 080) to reflect this delegated authority.

### 2. Highlights:

- This annual investment report summarizes the performance of the Short-Term portfolio, managed by municipal staff, and the Long-Term portfolio, managed by the ONE Joint Investment Board ("ONE JIB").

- The Town's consolidated investment portfolio had average investment returns 2.55%, or \$10.4M of investment income. Average returns were:
  - 2.74%, or \$6.7M for the Short-Term investment portfolio; and
  - 2.27%, or \$3.7M for the Long-Term portfolio.
- Earnings were allocated proportionately to the General Fund (\$1.1M) and Trust & Reserves (\$9.3M) per the Town's interest allocation methodology.
- Long-Term funds or Money Not Required Immediately ("**MNRI**") transferred, on June 22, 2022, to the ONE JIB totalled \$25M.
- Investment transactions & portfolio details are provided in Appendix A of this report.
- As part of Staff's annual review of the Town's Investment Policy:
  - A number of updates to definitions and clarification of wording were made based on discussions with ONE JIB;
  - An updated Investment Policy is attached as Appendix C to this report. Details of the proposed changes to the Investment Policy are identified in a tracked changes version of the policy attached as Appendix D.

### 3. Background:

Ontario Regulation 438/97 Section 8 of the *Municipal Act, 2001* and the Town's Investment Policy require the Treasurer to provide an annual investment report to the Council. The investment report shall contain:

- a) a statement about the performance of the portfolio of investments of the municipality during the period covered by the report;
- b) a description of the estimated proportion of the total investments of a municipality that are invested in its own long-term and short-term securities to the total investment of the municipality and a description of the change, if any, in that estimated proportion since the previous year's report;
- c) a statement by the treasurer as to whether or not, in his or her opinion, all investments are consistent with the investment policies and goals adopted by the municipality;
- d) a record of the date of each transaction in or disposal of its own securities, including a statement of the purchase and sale price of each security; and

- e) such other information that the council may require or that, in the opinion of the treasurer, should be included.

#### 4. Discussion:

The Town's investment objectives are defined in the Town's Investment Policy ("IPS"). At least annually, Council shall review the IPS and update it, if required. This review provides an opportunity to update the Town's investment objectives and risk tolerances for short-term and long-term investments for changes in municipal circumstances.

The Town's Investment Policy was significantly updated and approved by Council in March 2020 to reflect the Town proceeding with the Prudent Investor ("PI") standard for long-term investments. In conjunction with preparing the Annual Investment Report, staff have completed the annual Investment Policy review in collaboration with ONE JIB and recommend the following the following update to the IPS for administrative matters:

- general maintenance of policy; removing unnecessary or redundant sections
- additional definitions and clarification of various sections of the policy to aid general understanding.
- removal of the Short-Term Funds: Eligible Investment section (as it is already covered in detail in the appendices).
- Purpose of the Policy previously found under section 2 moved to first page.

An updated IPS recommended for approval is attached to this report as Schedule C. Details of the proposed changes to the Investment Policy are identified in a tracked changes version of the policy attached as Appendix D.

#### **Portfolio Composition**

As at December 31, 2022, the Town's portfolio comprised 60% short-term and 40% long-term investments.

The short-term portfolio mix was 38% cash and cash equivalents and a 62% Guaranteed Investment Certificate ("GIC"). In comparison, the long-term portfolio comprised 99% invested with ONE Investment Pools and 1% Principal Protected Notes ("PPN").

As at December 31, 2022, the Town's total investment portfolio, by maturity date, is as follows:

	<b><u>2022</u></b>	<b><u>2021</u></b>
<b>Under 1 month</b>	25%	34%
<b>1 month to 2 years</b>	37%	26%
<b>2 to 5 years</b>	12%	13%



<b>5 to 10 years</b>	14%	16%
<b>Over 10 years</b>	12%	11%

### **Short-Term Investments (Managed by Town Staff)**

In accordance with the Town's IPS, short-term investments do not extend beyond 24 months. Short-Term investment objectives include cash flow management and income generation to fund budgetary revenues while ensuring the preservation of capital, stable returns, and high liquidity.

As at December 31, 2022, the market value of the short-term investments totaled \$245,167,931 (2021 - \$229,531,028), which represents a year-over-year increase of \$15,636,903 (see details in Appendix A).

The Short-Term portfolio generated an interest income of \$6.7M (2021 - \$2.6M), resulting in an average rate of return of 2.74% (2021 – 1.15%).

- Cash on hand at Royal Bank earned interest of \$2.63M (2021 - \$1.1M). The additional interest earned of \$1.53M (compared to 2021) is mainly due to higher interest rates, which started at 0.75% in January 2022 and increased to 4.75% by December 2022.
- Meridian GIC totalling \$4.75M invested on September 1, 2021, maturing in March 2023, earned interest of \$0.05M in 2022.
- Scotiabank high-interest savings account (“**HISA**”) earned a total of \$0.33M in interest over 2022. ONE Investment HISA earned \$0.22M in 2022.
- Royal Bank GIC totalling \$15M matured in April 2022, earning interest income of \$0.04M. The principal was reinvested into two Royal Bank GIC's (\$10M and \$5M), earning a total of \$0.07M interest income for the period April to August 2022.
- Scotiabank Notice Plan account totalling \$93.7M earned interest of \$0.45M during the first half of 2022.
- Scotiabank Notice Plan balance was reinvested in \$104M Scotiabank Cashable GIC on June 24, 2022, and was later redeemed on August 11, 2022, earning a total of \$0.37M in interest.
- Funds from the redeemed Scotiabank GIC, Scotiabank HISA balance and matured Royal Bank GIC's were combined into two Scotiabank GIC investments of \$72.25M each in August 2022. One of which will mature in 2023 and earned \$1.37M in 2022.

- The second \$72.25M Scotiabank GIC was redeemed on December 23, 2022 in order to reinvest at a higher interest rate. Interest earned on this investment in 2022 was \$1.08M.
- Three Royal Bank GIC's were purchased on December 23, 2022 mainly from the proceeds of the Scotiabank GIC redemption on the same day (as noted above):
  - Royal Bank GIC \$25.25M @ 5.80%;
  - Royal Bank GIC \$25M @ 6.10%;
  - Royal Bank GIC \$25M @ 6.40%;
  - The three GIC's earned a total of \$0.11M at the end of 2022 (e.g., from December 23 to December 31, 2022).

### **Long-Term Investments (Managed by ONE JIB)**

In accordance with the Town's IPS, long-term investments are financial securities that extend beyond 24 months. Long-Term investment objectives include generating returns above inflation for contribution to contingencies, capital projects, unexpected events, and asset management reserves. This growth is maintained through diversified asset mixes while preserving capital and maintaining adequate liquidity.

ONE Joint Investment Board has prepared an Investment Plan using the Long-Term investment objectives listed above and established in the Council-approved Investment Policy. Assets mix includes fixed income, equity, and other investments to help balance volatility and returns. Should asset mixes deviate outside the ranges set out in the Investment Plan, the asset mix will be rebalanced as soon as practicable.

The Town's Long-Term investments as at December 31, 2022 reflect a current market value of \$165,002,721 (2021 - \$156,917,105), which represented a net year over year market value increase of \$8,085,616 (see details in Appendix A). The increase is mainly due to the transfer of MNRI to ONE JIB in 2022 totalling \$25.0M from the RBC Trust and Reserves account and income distribution of \$3.22M. However, offsetting the 2022 market value increase in Long-Term investments are: a \$14.38M decline in market values (2022 vs. 2021) in the One Investment portfolio, a decline in Scotiabank 5 Year PPN market value of \$0.25M, and redemption of \$5.5M Scotiabank 7 Year PPN (called early, in 2022).

The Long-Term (PI) portfolio generated an investment income of \$3.7M (2021 - \$6.4M), resulting in an average rate of return of 2.27% (2021 – 4.11%).

- ONE Investment HISA (Prudent Investor) totalling \$19.98M earned interest of \$0.34M in fiscal 2022.
- ONE Investment Equity accounts with a market value of \$75.8M (2021 - \$69.9M), earned a return of 1.17%. The Canadian Equity Fund and the Global Equity Fund had strong returns in the fourth quarter which helped to

offset losses earlier in the year, that generated an average rate of return of 0.63% and 1.39% totalling \$0.14M and \$0.73M, respectively.

- ONE Investment Bond accounts with a market value of \$67.9M (2021 - \$70.3M) earned a return of 2.60%. The Canadian Corporate Bond Fund and Canadian Government Bond Fund remained relatively flat, earning an average rate of return of 0.08% totalling \$0.02M. In contrast, the Global Bond Fund earned an average rate of return of 3.61% totalling \$2.0M.
- Scotiabank PPN held with BMO Nesbitt Burns Inc. has a face value of \$1.0M and a market value of \$1.29M (2021 - \$1.5M). This translates into approximately \$0.29M of unrealized gains at year-end. Scotiabank 7 Year \$5M PPN was called early in 2022, resulting in a realized gain of \$0.52M

The Town allocated the total 2022 investment income of \$10.4M (comprised of \$6.7M short-term and \$3.7M long-term) as follows:

- \$1.1M to the General Fund
- \$9.3M to Trust and Reserves

#### Compliance with Investment Policy & Municipal Act

- Internal controls established by Financial Services Department staff are an integral component in ensuring that all Short-Term investment transactions are made under the Town's Investment Policy Statement.
- Controls include those outlined in the Investment Policy, Financial Services Department investment procedures, and the guidelines established in the code of conduct for each of the Town and ONE JIB. In addition, the Town's investments are reviewed annually by the external auditors.
- In the opinion of the Town's Treasurer, the Town of Whitby's investment portfolio and all investment transactions for 2022 continue to conform to the Town's Council approved Investment Policy, reflecting the Short-Term and Long-Term investment objectives and risk tolerances established within. All investments held by the Town during 2022 were either prescribed securities in accordance with Section 418 or invested prudently subject to 418.1 of the *Municipal Act, 2001* and were all eligible investments as outlined in *Ontario Regulation 438/97*.

#### 2023 Outlook

- Staff have reviewed the cash flow requirements of each reserve and reserve fund. The Town's planned infrastructure program will require a significant amount of cash in the next 24 months to fund – e.g., Whitby Sports Complex, Mid-Block Arterial Road. Accordingly, MNRI calculations indicate no further

transfers to the Long-Term Investment portfolio (e.g., greater than a 24 month investment horizon) at this time.

- The industry forecasted that the Bank of Canada will begin to decrease interest rates by Q4 2023. The Town will take advantage of the current market and invest excess cash in short-term GICs to yield a higher return.

## 5. Financial Considerations:

At the end of 2022, there is an unrealized loss in the Long-Term Investments of approximately \$8 million (which is 4.6% of the book value of the One Investment portfolio or approximately 2% of the Town's total portfolio). An unrealized loss is when the market value of investments is lower than the book value. Unrealized losses are commonly referred to as "paper losses" and only become realized if the underlying investments are sold while the market value remains below the book value. If the market value of investments "rebound", unrealized losses could become unrealized gains (e.g., where the market value exceeds the book value of the investments) in future years. As shown in the Closing Balance section of Appendix A, the unrealized losses relate to the Town's Bond holdings (in the Long-Term Investments). Bonds have an inverse relationship to interest rates. Since January 2022, the Bank of Canada has increased rates eight (8) times to combat rising inflation. Accordingly, while the Town was benefitting from higher interest rates in the short-term investment portfolio (e.g., cash in the bank, GIC), bond prices declined in 2022.

As noted in the 2023 Outlook section above, the Town is planning to hold more funds in Short-Term investments for 2023 (with no projected MNRI transfer to ONE JIB in 2023). This will provide the cash required to pay for major capital projects, such as the Whitby Sports Complex and Mid-Block Arterial Road capital projects in the short-term. Subject to portfolio rebalances recommended by ONE JIB, this strategy should also mitigate the Town's need to divest of current long-term investment holdings (and realizing losses) to meet capital project cash flow requirements.

While there is a higher level of risk and volatility in the Long-Term Investment portfolio, the Town continues to benefit from income and capital gains on investments managed by ONE JIB. Actual investment returns since moving to the ONE JIB/prudent investor standard in 2020 are: 3% or \$3.7 million in 2020; 4.11% or \$6.4 million in 2021; and 2.27% or \$3.7 million in 2022. In comparison, short-term investment returned 1.2%, 1.15% and 2.74%, respectively.

Structuring the Town's Long-Term investment portfolio to more closely match the cash flow requirements of planned capital projects enables the Town to maximize return on investment. This strategy encourages investment decisions that seek higher yielding investments with maturity dates that coincide with projected capital funding requirements and increase the overall investment income that the Town could earn.

A coordinated effort between Financial Services and departmental business partners is integral to forecasting anticipated cash flows related to capital expenditures. Departments have a better understanding of the timing of their specific revenues and expenditure expectations.

A well-planned investment program will also help fund the Town's asset management plan by linking infrastructure assets to an active investment strategy. For example, compound interest is a powerful tool over long-term planning horizons, even in a low-interest environment.

**6. Communication and Public Engagement:**

Not Applicable

**7. Input from Departments/Sources:**

Not Applicable

**8. Strategic Priorities:**

Not Applicable

**9. Attachments:**

Appendix A: Investment Transactions & Details

Appendix B: ONE Investment Annual Investment Report

Appendix C: F 100 Investment Policy

Appendix D: F 100 Investment Policy – Tracked Changes

## Appendix A: Investment Transactions & Details

2022 MATURITIES & REDEMPTIONS					
			MATURITY/		MATURITY VALUE/
INVESTMENT	INT. RATE	PURCHASE DATE	REDEMPTION DATE	BOOK VALUE	PROCEEDS
Scotiabank 7 Year PPN	N/A	1/16/2020	1/17/2022	\$ 5,000,000	\$ 5,517,872
ONE Global Equity	N/A	various	4/20/2022	\$ 73,299	\$ 80,000
Royal Bank GIC	1.10%	1/31/2022	4/22/2022	\$ 15,000,000	\$ 15,036,616
Scotiabank HISA	1.55%	3/17/2021	5/02/2022	\$ 25,000,000	\$ 25,000,000
Scotiabank Notice Plan Account	2.10%	3/17/2021	6/02/2022	\$ 93,903,130	\$ 93,903,130
Scotiabank HISA	2.05%	6/02/2022	6/24/2022	\$ 104,000,000	\$ 104,000,000
ONE Investment HISA	1.95%	6/22/2022	7/04/2022	\$ 15,000,000	\$ 15,000,000
Royal Bank GIC	1.76%	4/22/2022	7/21/2022	\$ 10,000,000	\$ 10,043,397
Royal Bank GIC	1.90%	4/22/2022	8/11/2022	\$ 5,000,000	\$ 5,028,890
ONE Investment HISA	3.00%	5/04/2022	8/11/2022	\$ 25,179,193	\$ 25,179,193
Scotiabank GIC	2.70%	6/24/2022	8/11/2022	\$ 104,000,000	\$ 104,369,271
Scotiabank HISA	3.05%	8/11/2022	8/11/2022	\$ 72,250,000	\$ 72,250,000
Scotiabank HISA	3.05%	8/12/2022	8/12/2022	\$ 72,250,000	\$ 72,250,000
Scotiabank GIC	4.10%	8/12/2022	12/23/2022	\$ 72,250,000	\$ 73,329,395
Scotiabank HISA	4.95%	12/23/2022	12/23/2022	\$ 25,000,000	\$ 25,000,000
Scotiabank HISA	4.95%	12/23/2022	12/29/2022	\$ 47,250,000	\$ 47,250,000

2022 REINVESTMENT & PURCHASES					
			MATURITY/		
INVESTMENT	INT. RATE	PURCHASE DATE	REDEMPTION DATE	BOOK VALUE	MATURITY VALUE
Royal Bank GIC	1.10%	1/31/2022	N/A	\$ 15,000,000	N/A
ONE Global Bond	N/A	2/14/2022	N/A	\$ 29,995	N/A
ONE Global Bond	N/A	4/20/2022	N/A	\$ 80,000	N/A
Royal Bank GIC	1.90%	4/22/2022	N/A	\$ 5,000,000	N/A
Royal Bank GIC	1.76%	4/22/2022	N/A	\$ 10,000,000	N/A
ONE Investment HISA	3.00%	5/04/2022	8/11/2022	\$ 25,000,000	N/A
ONE Global Equity	N/A	5/13/2022	N/A	\$ 28,669	N/A
Scotiabank HISA	2.05%	6/02/2022	6/24/2022	\$ 94,022,760	\$ 94,022,760
ONE Investment HISA	0.72%	6/22/2022	7/04/2022	\$ 25,000,000	N/A
Scotiabank GIC	2.70%	6/24/2022	N/A	\$ 104,000,000	N/A
ONE Canadian Government Bond	N/A	7/04/2022	N/A	\$ 305,000	N/A
ONE Canadian Corporate Bond	N/A	7/04/2022	N/A	\$ 317,000	N/A
ONE Global Bond	N/A	7/04/2022	N/A	\$ 1,411,000	N/A
ONE Canadian Equity	N/A	7/04/2022	N/A	\$ 867,000	N/A
ONE Global Equity	N/A	7/04/2022	N/A	\$ 2,100,000	N/A
ONE Canadian Government Bond	N/A	7/04/2022	N/A	\$ 144,000	N/A
ONE Canadian Corporate Bond	N/A	7/04/2022	N/A	\$ 151,000	N/A
ONE Global Bond	N/A	7/04/2022	N/A	\$ 700,000	N/A
ONE Canadian Equity	N/A	7/04/2022	N/A	\$ 2,661,000	N/A
ONE Global Equity	N/A	7/04/2022	N/A	\$ 6,344,000	N/A
ONE Global Equity	N/A	8/04/2022	N/A	\$ 26,101	N/A
Scotiabank HISA	3.05%	8/11/2022	08/11/2022	\$ 90,000,000	\$ 90,000,000
Scotiabank HISA	3.05%	8/11/2022	08/12/2022	\$ 14,369,271	\$ 14,369,271
Scotiabank GIC	4.85%	8/11/2022	8/11/2023	\$ 72,250,000	\$ 75,754,125
Scotiabank HISA	3.05%	8/12/2022	08/12/2022	\$ 40,000,000	\$ 40,000,000
Scotiabank GIC	4.10%	8/12/2022	N/A	\$ 72,250,000	N/A
ONE Global Equity	N/A	11/08/2022	N/A	\$ 33,509	N/A
Scotiabank HISA	4.95%	12/23/2022	12/23/2022	\$ 73,329,395	\$ 73,329,395
Royal Bank GIC	5.80%	12/23/2022	3/23/2023	\$ 22,250,000	\$ 22,568,205
Royal Bank GIC	6.40%	12/23/2022	12/27/2023	\$ 25,000,000	\$ 26,618,656
Scotiabank GIC	6.10%	12/23/2022	12/27/2023	\$ 25,000,000	\$ 26,542,732



## Appendix A: Investment Transactions & Details (Cont'd)

DECEMBER 31, 2022 CLOSING BALANCE					
SHORT-TERM INVESTMENT	INT. RATE	PURCHASE DATE	BOOK VALUE	MARKET VALUE	% OF PORTFOLIO
Cash held at Royal Bank	4.75%	N/A	93,166,171	93,166,171	22.71%
Royal Bank GIC	5.80%	12/23/2022	22,250,000	22,281,821	5.43%
Royal Bank GIC	6.40%	12/23/2022	25,000,000	25,039,452	6.10%
Meridian GIC	1.05%	9/01/2021	4,750,000	4,816,675	1.17%
Scotiabank GIC	4.85%	8/11/2022	72,250,000	73,622,849	17.95%
Scotiabank GIC	6.10%	12/23/2022	25,000,000	25,037,603	6.10%
Scotiabank HISA	4.95%	N/A	1,160,832	1,160,832	0.28%
ONE Investment HISA (Legal List)	Various	Various	42,528	42,528	0.01%
<b>TOTAL</b>			<b>243,619,531</b>	<b>245,167,931</b>	<b>59.77%</b>
LONG-TERM INVESTMENT	INT. RATE	PURCHASE DATE	BOOK VALUE	MARKET VALUE	% OF PORTFOLIO
<b>ONE Investment</b>					
ONE Investment HISA (Prudent)	Various	Various	19,976,272	19,976,272	4.87%
ONE Global Equity	N/A	Various	52,452,784	52,765,466	12.86%
ONE Canadian Equity	N/A	Various	21,617,416	23,026,049	5.61%
ONE Canadian Corporate Bond	N/A	Various	11,234,921	10,021,519	2.44%
ONE Canadian Government Bond	N/A	Various	10,978,628	10,421,098	2.54%
ONE Global Bond	N/A	Various	55,489,189	47,500,917	11.58%
<b>Total ONE Investment</b>			<b>171,749,210</b>	<b>163,711,321</b>	
Scotiabank 5 Year PPN	N/A	12/27/2018	1,000,000	1,291,400	0.31%
<b>TOTAL</b>			<b>172,749,210</b>	<b>165,002,721</b>	<b>40.23%</b>
<b>PORTFOLIO TOTAL</b>			<b>416,368,741</b>	<b>410,170,652</b>	<b>100.00%</b>

# ANNUAL INVESTMENT REPORT

For The Period Ended December 31, 2022

## **Whitby Prudent Investor Portfolio**

575 Rossland Rd. E.  
Whitby, ON  
L1N 2M8

Wong, Fuwing  
Commissioner of Financial Services/Treasurer  
wongf@whitby.ca  
(905) 668-5803

## **ONE Investment**

200 University Ave, Suite 801  
Toronto, Ontario  
M5H 3C6

## **Relationship Manager**

Wardah Mir, Client Service Representative  
416-971-9856 x 351  
wmir@oneinvestment.ca

**Whitby Prudent Investor Portfolio**  
**For the Period December 31, 2022**  
**(Consolidated Holdings)**

**Book Value Summary by Security**

Security	Opening Balance	Contribution	Withdrawals	Reinvested Income	Reinvested Capital Gains	Realized Gains/(Loss)	Cost Basis Adjustment	Closing Balance
PI-HISA	9,633,473.60	10,000,000.01	0.01	342,798.59				19,976,272.19
CAN Equity Fund	17,952,971.00	3,528,000.00		136,445.06				21,617,416.06
GLB Equity Fund	43,359,950.28	8,532,278.66	80,000.00	458,984.11	174,870.21	6,701.18		52,452,784.44
Corp Bond Fund	10,748,333.98	468,000.00		18,587.12				11,234,921.10
CAN Bond Fund	10,529,627.60	449,000.00						10,978,627.60
GLB Bond Fund	51,294,220.84	2,220,995.37		1,973,972.43				55,489,188.64
<b>Total</b>	<b>143,518,577.30</b>	<b>25,198,274.04</b>	<b>80,000.01</b>	<b>2,930,787.31</b>	<b>174,870.21</b>	<b>6,701.18</b>	<b>0.00</b>	<b>171,749,210.03</b>

**Market Value Summary by Security**

Security	Opening Balance	Contribution	Withdrawals	Reinvested Income	Reinvested Capital Gains	Change in Market Value	Closing Balance
PI-HISA	9,633,473.60	10,000,000.01	0.01	342,798.59			19,976,272.19
CAN Equity Fund	20,891,495.47	3,528,000.00		136,445.06		(1,529,891.23)	23,026,049.30
GLB Equity Fund	49,015,365.73	8,532,278.66	80,000.00	458,984.11	174,870.21	(5,336,032.41)	52,765,466.30
Corp Bond Fund	10,423,980.96	468,000.00		18,587.12		(889,049.09)	10,021,518.99
CAN Bond Fund	10,375,230.84	449,000.00				(403,132.91)	10,421,097.93
GLB Bond Fund	49,536,058.78	2,220,995.37		1,973,972.43		(6,230,110.00)	47,500,916.58
<b>Total</b>	<b>149,875,605.38</b>	<b>25,198,274.04</b>	<b>80,000.01</b>	<b>2,930,787.31</b>	<b>174,870.21</b>	<b>(14,388,215.64)</b>	<b>163,711,321.29</b>

**Whitby Prudent Investor Portfolio**  
**For the Period December 31, 2022**  
**Summary By Account**

**Book Value Summary by Account**

Account	Opening Balance	Contribution	Withdrawals	Reinvested Income	Reinvested Capital Gains	Realized Gains/(Loss)	Cost Basis Adjustment	Closing Balance
JIB1WHICONT	4,743,292.42	5,080,000.00	80,000.00	162,646.07	14,232.37	6,701.18		9,926,872.04
JIB2WHITD35	50,607,202.00			1,186,898.11	11,587.22			51,805,687.33
JIB3WHITD510	47,162,929.28			851,045.47	55,781.17			48,069,755.92
JIB4WHIAMR	9,384,586.54	10,000,000.00		190,181.00	40,238.63			19,615,006.17
JIB5WHITD10P	31,620,567.06	118,274.03		398,548.61	53,030.82			32,190,420.52
JIBWHICASH		10,000,000.01	0.01	141,468.05				10,141,468.05
<b>Total</b>	<b>143,518,577.30</b>	<b>25,198,274.04</b>	<b>80,000.01</b>	<b>2,930,787.31</b>	<b>174,870.21</b>	<b>6,701.18</b>	<b>0.00</b>	<b>171,749,210.03</b>

**Market Value Summary by Account**

Account	Opening Balance	Contribution	Withdrawals	Reinvested Income	Reinvested Capital Gains	Change in Market Value	Closing Balance
JIB1WHICONT	5,281,200.96	5,080,000.00	80,000.00	162,646.07	14,232.37	(439,140.70)	10,018,938.70
JIB2WHITD35	50,495,672.68			1,186,898.11	11,587.22	(4,332,219.49)	47,361,938.52
JIB3WHITD510	51,181,007.73			851,045.47	55,781.17	(5,494,007.91)	46,593,826.46
JIB4WHIAMR	9,442,759.36	10,000,000.00		190,181.00	40,238.63	(517,705.21)	19,155,473.78
JIB5WHITD10P	33,474,964.65	118,274.03		398,548.61	53,030.82	(3,605,142.33)	30,439,675.78
JIBWHICASH		10,000,000.01	0.01	141,468.05			10,141,468.05
<b>Total</b>	<b>149,875,605.38</b>	<b>25,198,274.04</b>	<b>80,000.01</b>	<b>2,930,787.31</b>	<b>174,870.21</b>	<b>(14,388,215.64)</b>	<b>163,711,321.29</b>

**Whitby Prudent Investor Portfolio**  
**For the Period December 31, 2022**  
**Summary By Account for CAN Bond Fund**

**Book Value Summary by Account for CAN Bond Fund**

Account	Opening Balance	Contribution	Withdrawals	Reinvested Income	Reinvested Capital Gains	Realized Gains/(Loss)	Cost Basis Adjustment	Closing Balance
JIB1WHICONT	289,827.96	305,000.00						594,827.96
JIB2WHITD35	5,354,090.45							5,354,090.45
JIB3WHITD510	3,541,732.61							3,541,732.61
JIB4WHIAMR	135,202.12	144,000.00						279,202.12
JIB5WHITD10P	1,208,774.46							1,208,774.46
<b>Total</b>	<b>10,529,627.60</b>	<b>449,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>10,978,627.60</b>

**Market Value Summary by Account for CAN Bond Fund**

Account	Opening Balance	Contribution	Withdrawals	Reinvested Income	Reinvested Capital Gains	Change in Market Value	Closing Balance
JIB1WHICONT	285,472.30	305,000.00				(10,619.23)	579,853.07
JIB2WHITD35	5,272,404.73					(205,229.44)	5,067,175.29
JIB3WHITD510	3,488,097.24					(135,774.91)	3,352,322.33
JIB4WHIAMR	134,020.56	144,000.00				(4,984.52)	273,036.04
JIB5WHITD10P	1,195,236.01					(46,524.81)	1,148,711.20
<b>Total</b>	<b>10,375,230.84</b>	<b>449,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>(403,132.91)</b>	<b>10,421,097.93</b>

**Whitby Prudent Investor Portfolio**  
**For the Period December 31, 2022**  
**Summary By Account for CAN Equity Fund**

**Book Value Summary by Account for CAN Equity Fund**

Account	Opening Balance	Contribution	Withdrawals	Reinvested Income	Reinvested Capital Gains	Realized Gains/(Loss)	Cost Basis Adjustment	Closing Balance
JIB1WHICONT	779,597.08	867,000.00		10,867.16				1,657,464.24
JIB2WHITD35	1,349,503.47			9,368.07				1,358,871.54
JIB3WHITD510	6,343,463.08			44,035.44				6,387,498.52
JIB4WHIAMR	2,572,626.73	2,661,000.00		30,710.12				5,264,336.85
JIB5WHITD10P	6,907,780.64			41,464.27				6,949,244.91
<b>Total</b>	<b>17,952,971.00</b>	<b>3,528,000.00</b>	<b>0.00</b>	<b>136,445.06</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>21,617,416.06</b>

**Market Value Summary by Account for CAN Equity Fund**

Account	Opening Balance	Contribution	Withdrawals	Reinvested Income	Reinvested Capital Gains	Change in Market Value	Closing Balance
JIB1WHICONT	989,631.25	867,000.00		10,867.16		(33,590.15)	1,833,908.26
JIB2WHITD35	1,713,079.28			9,368.07		(141,520.53)	1,580,926.82
JIB3WHITD510	8,052,482.02			44,035.44		(665,231.35)	7,431,286.11
JIB4WHIAMR	2,553,994.13	2,661,000.00		30,710.12		(63,158.75)	5,182,545.50
JIB5WHITD10P	7,582,308.79			41,464.27		(626,390.45)	6,997,382.61
<b>Total</b>	<b>20,891,495.47</b>	<b>3,528,000.00</b>	<b>0.00</b>	<b>136,445.06</b>	<b>0.00</b>	<b>(1,529,891.23)</b>	<b>23,026,049.30</b>



**Whitby Prudent Investor Portfolio**  
**For the Period December 31, 2022**  
**Summary By Account for Corp Bond Fund**

**Book Value Summary by Account for Corp Bond Fund**

Account	Opening Balance	Contribution	Withdrawals	Reinvested Income	Reinvested Capital Gains	Realized Gains/(Loss)	Cost Basis Adjustment	Closing Balance
JIB1WHICONT	298,278.84	317,000.00		1,081.84				616,360.68
JIB2WHITD35	5,456,974.78			8,976.21				5,465,950.99
JIB3WHITD510	3,633,981.44			5,983.93				3,639,965.37
JIB4WHIAMR	135,983.23	151,000.00		509.20				287,492.43
JIB5WHITD10P	1,223,115.69			2,035.94				1,225,151.63
<b>Total</b>	<b>10,748,333.98</b>	<b>468,000.00</b>	<b>0.00</b>	<b>18,587.12</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>11,234,921.10</b>

**Market Value Summary by Account for Corp Bond Fund**

Account	Opening Balance	Contribution	Withdrawals	Reinvested Income	Reinvested Capital Gains	Change in Market Value	Closing Balance
JIB1WHICONT	289,161.25	317,000.00		1,081.84		(23,951.33)	583,291.76
JIB2WHITD35	5,281,703.89			8,976.21		(451,025.27)	4,839,654.83
JIB3WHITD510	3,521,013.96			5,983.93		(300,672.60)	3,226,325.29
JIB4WHIAMR	134,133.29	151,000.00		509.20		(11,100.84)	274,541.65
JIB5WHITD10P	1,197,968.57			2,035.94		(102,299.05)	1,097,705.46
<b>Total</b>	<b>10,423,980.96</b>	<b>468,000.00</b>	<b>0.00</b>	<b>18,587.12</b>	<b>0.00</b>	<b>(889,049.09)</b>	<b>10,021,518.99</b>

**Whitby Prudent Investor Portfolio**  
**For the Period December 31, 2022**  
**Summary By Account for GLB Bond Fund**

**Book Value Summary by Account for GLB Bond Fund**

<b>Account</b>	<b>Opening Balance</b>	<b>Contribution</b>	<b>Withdrawals</b>	<b>Reinvested Income</b>	<b>Reinvested Capital Gains</b>	<b>Realized Gains/(Loss)</b>	<b>Cost Basis Adjustment</b>	<b>Closing Balance</b>
JIB1WHICONT	1,384,106.47	1,491,000.00		113,341.18				2,988,447.65
JIB2WHITD35	25,531,115.17			936,810.16				26,467,925.33
JIB3WHITD510	17,843,908.51			654,616.54				18,498,525.05
JIB4WHIAMR	656,721.31	700,000.00		53,346.83				1,410,068.14
JIB5WHITD10P	5,878,369.38	29,995.37		215,857.72				6,124,222.47
<b>Total</b>	<b>51,294,220.84</b>	<b>2,220,995.37</b>	<b>0.00</b>	<b>1,973,972.43</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>55,489,188.64</b>

**Market Value Summary by Account for GLB Bond Fund**

<b>Account</b>	<b>Opening Balance</b>	<b>Contribution</b>	<b>Withdrawals</b>	<b>Reinvested Income</b>	<b>Reinvested Capital Gains</b>	<b>Change in Market Value</b>	<b>Closing Balance</b>
JIB1WHICONT	1,337,434.63	1,491,000.00		113,341.18		(214,377.03)	2,727,398.78
JIB2WHITD35	24,673,495.49			936,810.16		(3,067,264.88)	22,543,040.77
JIB3WHITD510	17,241,143.35			654,616.54		(2,143,318.10)	15,752,441.79
JIB4WHIAMR	629,782.84	700,000.00		53,346.83		(99,412.34)	1,283,717.33
JIB5WHITD10P	5,654,202.47	29,995.37		215,857.72		(705,737.65)	5,194,317.91
<b>Total</b>	<b>49,536,058.78</b>	<b>2,220,995.37</b>	<b>0.00</b>	<b>1,973,972.43</b>	<b>0.00</b>	<b>(6,230,110.00)</b>	<b>47,500,916.58</b>

**Whitby Prudent Investor Portfolio**  
**For the Period December 31, 2022**  
**Summary By Account for GLB Equity Fund**

**Book Value Summary by Account for GLB Equity Fund**

Account	Opening Balance	Contribution	Withdrawals	Reinvested Income	Reinvested Capital Gains	Realized Gains/(Loss)	Cost Basis Adjustment	Closing Balance
JIB1WHICONT	1,991,482.07	2,100,000.00	80,000.00	37,355.89	14,232.37	6,701.18		4,069,771.51
JIB2WHITD35	3,282,044.53			30,413.13	11,587.22			3,324,044.88
JIB3WHITD510	15,799,843.64			146,409.56	55,781.17			16,002,034.37
JIB4WHIAMR	5,884,053.15	6,344,000.00		105,614.85	40,238.63			12,373,906.63
JIB5WHITD10P	16,402,526.89	88,278.66		139,190.68	53,030.82			16,683,027.05
<b>Total</b>	<b>43,359,950.28</b>	<b>8,532,278.66</b>	<b>80,000.00</b>	<b>458,984.11</b>	<b>174,870.21</b>	<b>6,701.18</b>	<b>0.00</b>	<b>52,452,784.44</b>

**Market Value Summary by Account for GLB Equity Fund**

Account	Opening Balance	Contribution	Withdrawals	Reinvested Income	Reinvested Capital Gains	Change in Market Value	Closing Balance
JIB1WHICONT	2,379,501.53	2,100,000.00	80,000.00	37,355.89	14,232.37	(156,602.96)	4,294,486.83
JIB2WHITD35	3,921,515.69			30,413.13	11,587.22	(467,179.37)	3,496,336.67
JIB3WHITD510	18,878,271.16			146,409.56	55,781.17	(2,249,010.95)	16,831,450.94
JIB4WHIAMR	5,990,828.54	6,344,000.00		105,614.85	40,238.63	(339,048.76)	12,141,633.26
JIB5WHITD10P	17,845,248.81	88,278.66		139,190.68	53,030.82	(2,124,190.37)	16,001,558.60
<b>Total</b>	<b>49,015,365.73</b>	<b>8,532,278.66</b>	<b>80,000.00</b>	<b>458,984.11</b>	<b>174,870.21</b>	<b>(5,336,032.41)</b>	<b>52,765,466.30</b>

**Whitby Prudent Investor Portfolio**  
**For the Period December 31, 2022**  
**Summary By Account for PI-HISA**

**Book Value Summary by Account for PI-HISA**

Account	Opening Balance	Contribution	Withdrawals	Reinvested Income	Reinvested Capital Gains	Realized Gains/(Loss)	Cost Basis Adjustment	Closing Balance
JIB2WHITD35	9,633,473.60			201,330.54				9,834,804.14
JIBWHICASH		10,000,000.01	0.01	141,468.05				10,141,468.05
<b>Total</b>	<b>9,633,473.60</b>	<b>10,000,000.01</b>	<b>0.01</b>	<b>342,798.59</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>19,976,272.19</b>

**Market Value Summary by Account for PI-HISA**

Account	Opening Balance	Contribution	Withdrawals	Reinvested Income	Reinvested Capital Gains	Change in Market Value	Closing Balance
JIB2WHITD35	9,633,473.60			201,330.54			9,834,804.14
JIBWHICASH		10,000,000.01	0.01	141,468.05			10,141,468.05
<b>Total</b>	<b>9,633,473.60</b>	<b>10,000,000.01</b>	<b>0.01</b>	<b>342,798.59</b>	<b>0.00</b>	<b>0.00</b>	<b>19,976,272.19</b>

## *APPENDIX*

**The Town of Whitby  
Pledged to ONE JIB  
As at December 31, 2022**

**Cash Account**

● **Cash and Short-term Investments**

CASH	2,235.51	2,235.51
<b>Subtotal</b>	<b>2,235.51</b>	<b>2,235.51</b>

● **Fixed Income**

**Fixed Income**

BNS TSX LOW VLT INDX DEP NTS S32 PP DSC (341) MAT DT: 01/03/2024 - SSP341 Deferred Sales Charge	10,000.000 100.000	1,000,000.00	129.140	1,291,400.00
<b>Fixed Income Subtotal</b>		<b>1,000,000.00</b>		<b>1,291,400.00</b>
<b>Subtotal</b>		<b>1,000,000.00</b>		<b>1,291,400.00</b>
<b>Total for Cash Account</b>		<b>1,002,235.51</b>		<b>1,293,635.51</b>
<b>Total Canadian Dollar Investments</b>		<b>1,002,235.51</b>		<b>1,293,635.51</b>



## ONE JIB - Outcome Framework - Target Allocations

Outcome							<u>Allocation</u>			
	HISA	Canadian Equity Fund	Global Equity Fund	Canadian Government Bond Fund	Canadian Corporate Bond Fund	Global Bond Fund	Equity	Fixed Income	Cash	Total
Cash	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%			100.0%	100%
Stable Return	10.0%	9.0%	21.0%	9.0%	9.0%	42.0%	30.0%	60.0%	10.0%	100%
Contingency	0.0%	18.0%	42.0%	6.0%	6.0%	28.0%	60.0%	40.0%		100%
Asset Management	0.0%	27.0%	63.0%	1.5%	1.5%	7.0%	90.0%	10.0%		100%
Target Date 3-5	20.0%	3.0%	7.0%	10.5%	10.5%	49.0%	10.0%	70.0%	20.0%	100%
Target Date 5-10	0.0%	15.0%	35.0%	7.5%	7.5%	35.0%	50.0%	50.0%		100%
Target Date 10+	0.0%	22.5%	52.5%	3.75%	3.75%	17.5%	75.0%	25.0%		100%

## ONE JIB - Outcome Framework - Defined

Outcome Category	Outcome Strategy	Objective	Risk Tolerance, Liquidity	Investment Horizon	Allocation		
					Equity	Fixed Income	Cash
Cash	Cash	Preservation of Capital	Low risk; high liquidity	< 3 years			100%
Stable Return	Stable Return	Income generation: To generate returns to fund recurring needs	Moderate risk with emphasis on growth and stable returns, regular liquidity	> 5 years (Perpetual)	30%	60%	10%
Contingency	Contingency	Contributions for unexpected and infrequent events	Higher risk, emphasis on longer-term capital growth with some liquidity	> 5 years (Perpetual)	60%	40%	
	Asset mgt reserves	Contributions to generate returns to fund asset management reserves	Higher risk, emphasis on longer-term capital growth; low liquidity	> 10 years (Perpetual)	90%	10%	
Target Date	Target Date 3-5 yrs.	Preservation of capital	Low risk; high liquidity	3 - 5 years	10%	70%	20%
	Target Date 5-10 yrs.	Contributions toward capital projects, mitigate inflation impacts and meet target funding requirements	Moderate risk, liquid	5 - 10 years	50%	50%	
	Target Date 10+ yrs.	Contributions toward capital projects, mitigate inflation impacts and meet target funding requirements	Higher risk, emphasis on long term inflation-adjusted growth	> 10 years	75%	25%	

## **Glossary and Definitions for Quarterly Reports**

### **Account**

ONE Investment clients have one or more custodial accounts. All Prudent Investor Funds will be administered with ONE Investment's custodian, CIBC Mellon. Unlike Legal List accounts, MNRI invested in the ONE Investment Prudent Investor Funds will be under the control of the ONE Joint Investment Board. In most cases, the Prudent Investor clients will have multiple accounts with the custodian, with the account structure based on the investment outcomes assigned to each client. This will allow reporting to the municipal client based on the investment outcome framework.

**Annual and Annualized Returns:** please see Returns below.

### **Asset Allocation**

Asset allocation is the single biggest driver of fund returns and should be set taking into account municipal risk tolerance. Also known as asset mix, it is the combination of asset classes in a fund and is normally shown as the percentage weights in each. Example asset classes are money market, Canadian bonds, global bonds, Canadian stocks and global stocks. Each of the ONE JIB Outcomes has an associated asset allocation that is designed to be appropriate for the intended investment Outcome.

**Asset Mix:** See Asset allocation.

### **Benchmark**

The Benchmark is the standard against which investors compare their portfolio returns to understand its performance. Benchmark can be set either at the asset class level or for the overall portfolio. At the asset class level, benchmarks are usually chosen to represent the entire market; active managers seek to outperform their benchmarks by at least the amount of fees they charge.

For example, a typical benchmark for Canadian stocks is the S&P/TSX Composite Index which is calculated by Standard and Poor's (S&P) and for Canadian money market, the typical benchmark is the FTSE 182-Day Treasury Bill Index from the Financial Times Stock Exchange Group (FTSE). For a portfolio that aims to have risk halfway between these two asset classes, the total portfolio benchmark might be 50% S&P/TSX Composite Index and 50% FTSE 182-Day Treasury Bill Index.

Benchmark returns are always time weighted. (See Returns below for more detail on time weighted returns)

### **Blended Benchmark**

A blended benchmark is a benchmark that is constructed from two or more underlying benchmarks. The weights of each underlying benchmark used in a blended benchmark remain constant over time.

### **Canadian Corporate Bond Fund**

The ONE Investment Canadian Corporate Bond Fund holds short and mid-term Canadian bonds managed by MFS. Based on the benchmark duration at June 30, 2020, the permitted duration range for the Fund is 4.5 to 7.51 years. MFS aims to outperform the benchmark, which is:

- 48% FTSE Canada Universe All Government Bond Index +
- 40% FTSE Canada Short-Term Corporate A Index +
- 10% FTSE Canada Universe Corporate AAA/AA Index +
- 2% FTSE Canada 91-Day Treasury Bill Index.

### **Canadian Equity Fund**

The ONE Canadian Equity Fund holds Canadian stocks managed by Guardian Capital. Guardian aims for below-market risk, achieved with a ONE-imposed constraint on the weight of Material and Energy sectors because of the expected above-market volatility of these sectors.

### **Canadian Government Bond Fund**

This ONE Government Canadian Bond Fund holds short-term Canadian bonds managed by MFS. Based on the benchmark duration at June 30, 2020, the permitted duration range for the Bond Fund is 1.73 to 3.73 years. MFS aims to outperform the benchmark, which is:

- 95% FTSE Canada Short-Term Government Bond Index +
- 5% FTSE Canada 91-Day Treasury Bill Index.

### **Book Value**

Book value is the Unit Cost of each holding multiplied by the number of units. It represents the amount originally paid to invest in the holding and takes into account all contributions and withdrawals.

## **CAD**

This is a short form for “Canadian dollars”. Although the outcomes have exposure to foreign securities, all returns in the report reflect Canadian dollar-based returns. Foreign holdings will be impacted by movements in foreign currencies which may impact investment returns. This impact can be reduced by currency hedging strategies. The global equity exposure does not hedge currency exposure, but the global bond exposure may use hedging. The degree to which global bond exposure is hedged back to the Canadian dollar may vary and will reflect the currency hedging strategy of the external manager.

## **Consolidated Holdings**

Consolidated holdings are the aggregate value of all investments with ONE Investment. Consolidated holdings detailed in this report only reflect MNRI balances invested in ONE Investment’s Prudent Investor Funds and HISA balances under the control of the ONE JIB. In certain cases, clients may hold ONE Investment Legal List portfolios or HISA which will not be reflected in consolidated holdings in this report. Additionally, ‘in-kind’ securities pledged to the ONE JIB will not be reflected in this report.

## **Discounts**

Certain fee discounts apply for investors in the ONE Investment Prudent Investor offering. These discounts include a 4bps discount that applies to AUM of Founding Members, and ‘tier discounts’ that apply for any investors with balances in excess of certain thresholds. These discounts would not apply to HISA balances but would apply to balances in Legal List portfolios (if applicable). Discounts will be rebated to the municipalities on a quarterly basis. These discounts are not taken into consideration in the performance details in this investment report.

**Distribution:** a cash payment of interest or dividends made by ONE Investment from a fund.

## **Duration**

This statistic applies to bonds and is similar in concept to term to maturity. The difference is that duration also takes into account the size and timing of interest payments. A bond with higher coupon payments will have a shorter duration than one with the same term to maturity and lower coupon payments: the reason is that the higher-coupon bond receives more of its return earlier. The higher the duration of a bond, the higher its sensitivity to interest rate movements.

## **Fees**

Fees include all expenses involved in managing the fund: external investment manager fees, custody costs, ONE Investment's costs and administrative costs.

## **Global Bond Fund**

The ONE Global Bond Fund is an unconstrained global bond mandate managed by Manulife Asset Management. The unconstrained nature of the mandate means that the fund will contain a mix of global government, corporate and securitized debt, including emerging markets and high-yield securities. The mandate is not constrained by sector or currency. Manulife aims to outperform the benchmark, which is Bloomberg Barclays Multiverse Index Unhedged.

## **Global Equity Fund**

The ONE Global Equity Fund holds Global stocks managed by Mawer Investment Management. Mawer aims to outperform the benchmark, which is MSCI All Country World Index (ACWI). This mandate invests in both emerging and developed markets. Manager will allocate capital to the best global opportunities, which may include both large and small capitalization companies. This mandate is intended to be a broadly diversified portfolio of wealth-creating companies bought at discounts to their intrinsic values that typically employ a long-term holding period.

## **High Interest Savings Account (HISA)**

This bank account is provided by CIBC. Its very short-term nature precludes it from being considered an investment. Interest income from HISA will be reflected only in the executive summary page as will a list of HISA transitions. As the HISA product is a demand deposit, its value of his does not fluctuate daily. In this way it differs from the ONE Investment fund whose price change in response to changes in the value of underlying investments. Returns for individual accounts holding HISA will not be presented in the report beyond what is disclosed in the executive summary. HISA balances held in the Prudent Investor Offering reflect MNRI and will be under the control of the ONE JIB.

**Holdings:** the ONE Investment funds or HISA Balances held in client accounts.

## **Inception Date**

The inception is the first date that an investment was made. For each account, this will be the first time funds were transferred in; for funds offered by ONE Investment, it is the date the funds started. For ONE JIB Founders, the Inception date is July 2, 2020.



## **Income**

Income is a cash flow generated by an investment and normally includes interest on bonds and dividends on stocks. It is differentiated from capital gains, which also contribute to returns, but which are not considered income.

## **Investment Manager**

Investment managers are external firms hired by ONE Investment to create funds to our specifications. These are MFS Investment Management Canada for Canadian fixed income, Manulife Asset Management for global fixed income, Guardian Capital Group Ltd for Canadian equity, and Mawer Investment Management Ltd for global equity.

## **Market Value**

The value of an investment at current market prices, calculated by multiplying the Price (defined below) by the number of units held.

## **ONE Joint Investment Board (ONE JIB)**

The joint board established by founding municipalities as a municipal services board under section 202 of the Act as required under Part II of the Regulation, and is the duly appointed Joint Investment Board for the municipality, as constituted from time to time and acting pursuant to the Terms of Reference set out in the ONE JIB Agreement.

## **Outcome**

Outcome means, in the context of the Investment Plan, the same thing as ‘solution’. Investment Outcomes are a set of investment allocations with varying risk/return characteristics. The Outcomes assigned to each municipal investor are intended to reflect the needs and circumstances of the municipality. ONE JIB has five pre-defined basic outcomes:

### **Cash:**

The Cash Outcome is designed for investments with a time horizon of less than 3 years. Preservation of capital and liquidity are the highest priorities. Investments allocated to this outcome are expected to be transferred back to the care and control of the municipal treasurer when the funds are reclassified as MRI.

### **Contingency:**

The Contingency outcome is designed for investing contingency reserves. The funds in this outcome may be drawn upon to meet unexpected needs and infrequent events. The investment horizon for this outcome is typically greater than 5 years, with an emphasis placed on long-term growth and preservation of purchasing power is a key consideration.

### **Asset Management Reserves:**

The Asset Management Reserve Outcome is specifically designed for very long investment horizons with a well-defined purpose. Allocations to this Outcome are intended to generate returns to help fund asset management objectives. The long-term nature of asset management reserves allows this Outcome to emphasize long-term growth.

### **Stable Return:**

The Stable Return Outcome is designed to provide an annual income while preserving the value of the principal investment. The principal amount is often invested in perpetuity with no intent to withdraw for the foreseeable future. This outcome is frequently used by municipalities looking to replace the income stream of a utility that has been sold, with some or all proceeds of the sale acting as the principal.

### **Target Date:**

The Target Date Outcomes are designed for contributions toward planned capital projects. There are three target date designs for different time horizons: 3 to 5 years; 5 to 10 years; and greater than 10 years. For capital projects in the 3-to-5-year range, preservation of capital is prioritized. For projects in the 5-to-10-year range, emphasis is placed on inflation mitigation and meeting target funding requirements. For projects in the greater-than-10-year range, emphasis is placed on longer-term inflation adjusted growth.

### **Price**

The price of ONE funds is the unit price at a point in time, also known as the net asset value, which is calculated daily by CIBC Mellon. This price takes into account the last traded prices of all securities held by the manager, the bid/ask spread where no recent trade is available and a daily accrual for all fees including investment management and administration.

### **Prudent Investor Standard**

The standard requiring ONE JIB, when investing money under section 418.1 of the Act, to exercise the care, skill, diligence and judgement that a prudent investor would exercise in making such an investment but does not restrict the securities in which a municipality can invest. The Prudent Investor standard applies to the entire portfolio of Long-Term Funds under control of ONE JIB rather than to individual securities.

### **Quality**

This statistic refers to the creditworthiness of bonds based on ratings provided by bond rating agencies such as S&P, DBRS, Fitch and Moody's. The highest quality bonds are rated AAA and range down from there to AA, A and BBB, all of which are investment grade ratings. Ratings below BBB are considered high yield. The lower a credit rating, the higher a bond's yield to maturity and commensurate risk of default on interest payments or principal. The credit rating on an entire fund is calculated as a weighted average.

### **Realized and Unrealized Gains**

Capital gains reflect the movement in the Price of investments as they rise over time relative to their average Unit Cost. Negative gains are losses, meaning that the Price of the units in the account is lower than the average Price paid for them (Unit Cost). Because gains / losses are calculated based on net asset values, they are diminished by the amount of fees. (Please see Fees, Price and Unit Cost.)

- **Unrealized gains** exist “on paper” until the investment is sold in return for cash, at which point they become realized.
- **Realized gains** are generated by withdrawals from accounts during the time period in question based on the unit Price compared to the Unit Cost.

## Returns

Returns measure the percentage increment in value generated by investments over a period of time. Unless otherwise noted, time-weighted total returns are reported here, which include all forms of income and capital gains. There are different aspects to return calculations explained below.

- Calendar Year Return: reflects the total return generated by investments in the specified year any between January 1 to December 31.
- Annualized Returns: the total return generated by investments in each year for holding periods greater than one year. Annualized returns are the geometric average over a multi-year period, meaning they represent the compound return. For periods of one year or less, the actual return is shown without the effect of compounding.
- Returns in this report are calculated net of fees based on the Prices of the ONE Investment funds. These are calculated daily by CIBC Mellon and take into account all fees and costs associated with managing the fund.
- Return details in this report do not account for fee discounts that may apply for some Prudent Investor clients.
- Time-weighted returns: returns in this report are time-weighted in order for them to be compared to the benchmarks. Time-weighted returns are calculated in a way that excludes the effect of the timing of contributions and withdrawals (cash flows) from the fund. (To capture the effect of cash flows and measure their impact on returns, investors would instead need use dollar-weighted return calculations.)

## Unit Cost

Unit Cost is the weighted average Price paid for all the Fund units held in the account and reflects the impact of units bought and sold over time.

**Unrealized Gains:** Please see Realized and Unrealized Gains

**Value Added:** The return generated by an investment manager above (or below, if negative) the benchmark.

**Year to Date:** The time period beginning January 1 and ending at the most recent quarter end.



# Town of Whitby Policy

<b>Policy Title:</b>	Investment Policy
<b>Policy Number:</b>	F 100
<b>Reference:</b>	<i>Municipal Act, 2001</i> Eligible Investments, Regulation 438/97 and Council Resolution #193-18 and #55-20
<b>Date Approved:</b>	June 4, 2018
<b>Date Revised:</b>	April 3, 2023
<b>Approval:</b>	Council
<b>Point of Contact:</b>	Financial Services – Treasury Services

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## Policy Statement

It is the policy of The Corporation of the Town of Whitby (the "Town") to invest municipal funds in a manner which will provide the highest return within risk tolerances that are appropriate for the Town. Investments must comply with the *Municipal Act, 2001*, Sections 418-420 and *Eligible Investments, Regulation 438/97* (Appendix B).

## Purpose

To provide investment guidelines which govern the investment of the Town's Long-Term Money or "Money that is Not Required Immediately" ("MNRI") and also Short-Term Money or "Money that is Required Immediately" ("MRI"). It is intended, among other things, to direct the Treasurer in the investment of MRI and to direct ONE Joint Investment Board ("ONE JIB") in the investment of MNRI.

The Investment Policy Statement ("IPS") governs the investment of the Town's MNRI and MRI. It is intended, among other things, to direct the Treasurer in the investment of MRI and to direct ONE JIB in the investment of MNRI pursuant to which the Town authorized the establishment of guidelines for the prudent management of the Town's MNRI pursuant to section 418.1 of the Act.

In addition to the Town's MRI and MNRI, the Town is from time to time entrusted with the management of money and investments for a third-party beneficiary ("Third-Party Trust Funds").

There are also source(s) of money in which the Town may have an indirect interest but which the Town currently has no authority to invest. Such source(s) of money, referred to in this IPS as "Designated Funds", are listed in Schedule A attached hereto. The Designated Funds are identified in this IPS for the sole purpose of enabling the Town to better see, on an aggregated basis, the various financial assets in which the Town has

an interest. The Town is not responsible for the investment activities or performance of Designated Funds.

## Scope

The IPS, as outlined, applies to all investment of Working Capital, Reserves, Reserve Funds, sinking funds, trust funds and any new funds created by the Town unless specifically exempted.

The goals of this IPS is to:

- Define and assign responsibilities for investment of MRI and MNRI;
- Direct ONE JIB as to the Town's investment goals and risk tolerance;
- Describe the Town's responsibilities with respect to third party trust funds;
- Ensure compliance with the applicable legislation;
- Direct ONE JIB as to the Town's investment goals and risk tolerance;
- Provide guidance and limitations regarding the investments and their underlying risks;
- Describe the Town's responsibilities with respect to Third-Party Trust Funds and Designated Funds;
- Establish a basis of evaluating investment performance and the underlying risks; and,
- Establish a reporting standard to Council.

This IPS applies to employees of the Town, to ONE JIB and to the employees of ONE Investment. ONE JIB, the Treasurer, and any agent or advisor providing services to ONE JIB in connection with the investment of the portfolio shall accept and strictly adhere to this IPS.

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## 1. Definitions

The following capitalized terms are defined terms which have the meanings set out below:

**Act:** means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended from time to time.

**Agent:** means any administrator, custodian, payment servicer, portfolio manager, investment counsel, consultant, banker, broker, dealer or other service provider engaged or appointed by ONE JIB and authorized by ONE JIB to exercise any of the functions of ONE JIB pursuant to a written agreement, in the manner and to the extent provided in the Regulation and without limiting the generality of the foregoing, Agent includes ONE Investment.

**Asset Class:** means a specific category of assets or investments, such as cash, fixed income, equities, alternative investments, real estate etc.

**Asset Mix (or Asset Allocation):** means the proportion of each asset class in a portfolio. Asset classes include bank deposits, money market securities, bonds and equities, among other things.

**Authorizing By-law:** means a by-law of a founding municipality which authorizes: (i) entering into an Initial Formation Agreement; (ii) the establishment of ONE JIB; (iii) the approval of the Client Questionnaire and the adoption of the IPS; and (iv) entering into the ONE JIB Agreement.

**Benchmark:** means an index that is representative of a specific securities market (e.g. the S&P/TSX Composite Index, the FTSE/TMX 91 Day T-bill Index, etc.) against which investment performance can be compared. Performance benchmarks refer to total return indices in Canadian dollar terms.

**CFA Institute:** refers to the global, not-for-profit professional association that administers the Chartered Financial Analyst (CFA) and the Certificate in Investment Performance Measurement (CIPM) curricula and examination programs worldwide, publishes research, conducts professional development programs, and sets voluntary, ethics-based professional and performance reporting standards for the investment industry.

**Credit Risk:** means the possibility of a loss resulting from a borrower's failure to repay a loan or meet contractual obligations. That is, the risk that a lender may not receive the owed principal and interest.

**Custodian:** means a specialized financial institution that is responsible for safeguarding a municipality's investments and is not engaged in "traditional" commercial or consumer/retail banking. Global custodians hold investments for their clients in multiple jurisdictions around the world, using their own local branches or other local custodian banks ("sub-custodians" or "agent banks").

**Derivative:** means a contract between two or more parties whose value is based on an agreed-upon underlying financial asset (like a security) or set of assets (like an index). Common underlying instruments include bonds, commodities, currencies, interest rates, market indexes, and stocks.

**Environmental, Social and Governance (ESG) Investing:** means considering and integrating ESG factors into the investment process, rather than eliminating investments based on ESG factors alone. Integrating ESG information can lead to more comprehensive analysis of a company.

**External Portfolio Managers:** means external third-party investment management firms whose investment offerings are accessed by ONE JIB directly or through services provided to a Pooled Fund. External Portfolio Managers are agents authorized by ONE JIB in accordance with Part II of the Regulation.

**Interest Rate Risk:** refers to the possibility that the value of a bond or other fixed-income investment will suffer as the result of a change in interest rates. Interest rate risk can be managed to help improve investment outcomes.

**Internal Controls:** means a system of controls that may include authorities, policies, procedures, separation and segregation of duties, compliance checks, performance measurement and attribution, reporting protocols, measures for safekeeping of property and data, and the audit process.

**Investment Plan:** means the investment plan applicable to the Long-Term Funds investments and adopted by ONE JIB under the Regulation, as it may be amended from time to time.

**Investment Policy Statement (IPS):** means the investment policy applicable to the Town's investments adopted and maintained by the Council of the Town for Long-Term Money under the Regulation, and for Short-Term Money, as the same may be amended from time to time. The IPS may also apply to the money and investments held by the Town for the benefit of persons other than the Town itself and may make reference to source(s) of money in which the Town may have an indirect interest but which the Town has no authority to invest.

**JIB:** is short for Joint Investment Board and means a joint municipal service board that is established under section 202 of the Act by two or more municipalities for the purposes of Part II of the Regulation.

**Legal List Securities:** means the securities and other investments and financial instruments that are included from time to time in Part I of the Regulation.

**Leverage:** means an investment strategy of using borrowed money—specifically, the use of various financial instruments or borrowed capital to increase the potential return of an investment. Typically leverage also tends to increase investment risks.

**Local Distribution Corporation or LDC:** means a corporation incorporated under section 142 of the Electricity Act, 1998, S.O. 1998, c. 15, Sched. A., as amended.

**Long-Term Money:** means money that the Town has defined as long-term and characterized as money that is not required immediately by the Town as described in section 5.2. Monies that are Long Term Money will be invested in accordance with the Prudent Investor Standard.

**Modern Portfolio Theory:** means a theory of portfolio management that looks towards the portfolio as a whole, rather than towards the prudence of each investment in the portfolio. This is found in the CFA Institute Standards of Practice Handbook.

**ONE JIB:** means ONE Joint Investment Board, established by certain founding municipalities under section 202 of the Act as a JIB for purposes of Part II of the Regulation, which is the duly appointed JIB for the Town, as constituted from time to time and which acts in accordance with the Act, the Regulation, the ONE JIB Agreement, including the Terms of Reference, this IPS and the Investment Plan.

**ONE JIB Agreement:** means the agreement effective as of July 2, 2020, entered into in accordance with the requirements of the Regulation, pursuant to which ONE JIB has control and management of the Town's Long-Term Money.

**Outcome:** in the context of the Town's IPS the word 'Outcome' is used interchangeably with 'Solutions'. Investment Outcomes are a set of investment allocations with varying risk/return characteristics. The Outcomes assigned to each investor are intended to reflect the needs and circumstances of the Town. MNRI may be invested into several Outcomes based on the characteristics of the Town's accounts/reserves and its saving and spending needs.

**ONE JIB's Outcome Framework:** a set of Investment Outcomes designed by the ONE JIB to categorize the potential goals of investing MNRI. Each Outcome has a unique Asset Allocation with risk/return characteristics that are aligned with the intended use of the money assigned to the outcome.

**Pooled Fund:** means a unit trust established under a trust instrument, generally not available to the public, in which institutional, sophisticated or high net worth investors contribute monies that are invested and managed by an External Portfolio Manager. Monies are pooled or combined with monies of other investors.

**Portfolio:** means any collection of funds that are grouped together and required for specific purposes.

**Proxy Voting:** means a legal transfer to another party of a shareholder's right to vote thereby allowing shareholders who cannot attend meetings to participate. External Portfolio Managers usually vote proxies on behalf of their clients.

**Prudent Effective Date:** means July 2, 2020, the date on which the prudent investor regime applies to the Town.

**Prudent Investor Standard:** means the standard that applies when the Town invests money that it does not require immediately under section 418.1 of the Act. It requires the Town to exercise the care, skill, diligence and judgment that a prudent investor would exercise in making such an investment and the standard does not restrict the securities in which the Town can invest. The Prudent Investor Standard makes use of Modern Portfolio Theory and applies the standard of prudence to the entire portfolio in respect of the Town's Long-Term Money rather than to individual securities. It identifies the fiduciary's central consideration as the trade-off between risk and return as found in the CFA Institute Standards of Practice Handbook.

**Regulation:** means Ontario Regulation 438/97.

**Risk:** means the uncertainty of future investment returns or chance of loss of capital.

**Risk Tolerance:** means the financial ability and willingness to absorb a loss in return for greater potential for gains.

**Securities Lending:** means loaning a security to another market participant. The borrower is required to deliver to the lender, as security for the loan, acceptable collateral with value greater than the value of the securities loaned. The Securities Lending program is managed by the Custodian or another appointed agent on behalf of investors. A Securities Lending program is widely used by institutional investors to generate additional marginal returns on the total portfolio.

**Short-Term Money:** means money that is required immediately by the Town as described in section 5.1 and which remains under the control and management of the Town. The money can be invested in appropriate Legal List Securities.

**Sinking Fund:** means a fund established to fulfil the requirements to make annual contributions in respect of various debenture issues wherein money is to be regularly set aside for the payment of the principal of the debentures at maturity.

**Sinking Fund Required Contributions (Annual Sinking Fund Requirement):** means the amount of money to be set aside each year for deposit into a sinking fund or a retirement fund, as applicable, for each sinking fund and term debenture issue in accordance with the Town's debenture by-laws.

**Sinking Fund Required Earnings:** means the investment earnings needed for the Sinking Fund Contributions to continue to grow to a value sufficient to repay the principal at maturity for each issue of sinking fund and term debentures.

**Sinking Fund Excess Earnings:** means the investment earnings in excess of the required earnings.

## **2. PURPOSE AND LEGISLATIVE FRAMEWORK**

### **2.1. Governing Legislation**

Investments of MRI will, in accordance with this IPS, only be made in Legal List Securities. The primary objectives of the Short-Term investment program, in priority order, shall be: Preservation of Capital, Maintenance of Liquidity, earning a Competitive Rate of Return and Legality of Investments. This will be achieved by investing in eligible legal list securities, high credit quality rated bonds to mitigate credit risk, highly liquid assets to respond to cash flow requirements and seeking the best ongoing return possible subject to the constraints of this Policy, respectively.

Investments of Long-Term Money or, MNRI are governed by the Prudent Investor Standard in accordance with Section 418.1 of the Act. This standard is similar to that which governs trustees and pension fund administrators and creates a fiduciary responsibility. Prudent investment in compliance with the Act and the Regulation enhances the potential for the Town to earn improved risk-adjusted rates of return.

Money and investments that the Town holds as Third-Party Trust Funds or has an interest in as Designated Funds will be subject to applicable legislation and any related agreements or instruments.

The Act provides that the Town, and therefore ONE JIB, must consider the following criteria in planning investments of MNRI, in addition to other criteria relevant to the circumstances:

- General economic conditions;
- The possible effect of inflation or deflation;
- The role that each investment plays within the Town's total portfolio of investments;
- The expected total return from income and the appreciation of capital; and
- Needs for liquidity, regularity of income and preservation or appreciation of capital.

### **2.2. Prudent Investor Standard**

For MNRI, the standard to be used by the Town and ONE JIB shall be the Prudent Investor Standard as required by section 418.1 of the Act and Part II of the Regulation in the context of managing the Town's MNRI and investments thereof. Investments shall be made with the care, skill, diligence, and judgment, taking into account the prevailing circumstances, that persons of prudence, discretion and integrity would exercise in the management of investments, considering the necessity of preserving capital as well as the need for income and appreciation of capital. The Act



includes a duty to obtain the advice that a prudent investor would obtain under comparable circumstances.

Officers, employees, and investment agents acting in accordance with written procedures and the IPS and exercising due diligence shall take all necessary actions to optimize performance of investments on a portfolio basis, taking into account the prescribed risk and other parameters set out in this IPS and market factors. The Town's staff acting in accordance with written procedures and this IPS, shall be relieved of personal responsibility for an investment's performance, provided underperformance relative to expectations is reported to Council and the liquidation or sale of investments is carried out in accordance with this IPS.

### **3. MONEY REQUIRED IMMEDIATELY AND MONEY NOT REQUIRED IMMEDIATELY**

#### **3.1. Determination of MNRI and MRI**

Determination of the Town's MNRI is the responsibility of Council. In making the determination, Council may consider:

- the time horizon within which the monies are needed to meet financial obligations;
- the purpose for which the monies have been collected or set aside and are to be used;
- the source of the money; or
- any combination of the foregoing

MNRI will be comprised of money that is to be used to meet financial obligations that become due more than 24 months from the date of receipt of such money by the Town.

For certainty, all money and investments of the Town that have not been identified as MNRI (other than Third-Party Trust Funds and any Designated Funds referenced in Section 2.1) shall be deemed for purposes of this IPS to be MRI.

Determination of the Town's MNRI and MRI may be modified at any time and from time to time by action of Council and with respect to specific monies by the Treasurer in accordance with the provisions of Section 6.2.

Any changes in this IPS regarding the Town's MNRI and MRI must be communicated immediately in writing to ONE JIB.

#### **3.2. Overview of Portfolios**

The Town's portfolios represent funds required for specific purposes. A high-level description of each of these portfolios and their objectives is

provided in Section 5 below. This IPS applies to the following money of the Town, its agencies, boards and commissions including:

- MRI which is invested in Legal List Securities; and/or,
- MNRI which is invested under the Prudent Investor Standard.

## **4. ROLES AND RESPONSIBILITIES**

### **4.1. Role of ONE JIB**

ONE JIB has been appointed by the Town in accordance with the requirements of the Act and the Regulation and on the terms and conditions set out in the ONE JIB Agreement.

ONE JIB exercises control and management of the Town's MNRI and the investments made by it in accordance with the objectives and risk tolerance established in this IPS.

Among the responsibilities of ONE JIB are the following:

- Reviewing this IPS;
- Adopting and maintaining an Investment Plan that complies with this IPS;
- Engaging External Portfolio Managers, Custodians, Administrators and other investment professionals (Agents);
- Allocating the money and investments under its control and management among External Portfolio Managers and their funds in compliance with this IPS;
- Monitoring the performance of the Agents; and,
- Reporting to the Town.

The foregoing is subject to the more detailed terms and conditions contained in the ONE JIB Agreement.

### **4.2. Role of Municipal Staff**

This IPS is approved and adopted by Council with input from the Treasurer, and from ONE JIB with respect to MNRI. MRI of the Town, and any Third-Party Trust Funds referenced in Section 2.1, remain under the control and management of the Treasurer.

Consistent with this IPS, the Treasurer is responsible for the implementation of the investment program and the establishment of investment procedures which shall include:

- Investment management of MRI and any Third-Party Trust Funds referenced in Section 2.1 by, or under the direction of, the Treasurer;
- The deposit or withdrawal of MNRI, under the explicit delegation of authority regarding MNRI, and the investment thereof, to ONE JIB,

which is responsible for the control and management of such funds and investments; and,

- A system of controls exercised by the Treasurer to regulate the activities of Town staff when investing MRI.

No person including, without limitation, ONE JIB, may engage in an investment transaction except as provided under the terms of this IPS.

In the management of MRI of the Town, and any Third-Party Trust Funds referenced in Section 2.1, the Treasurer may engage one or more agents and service providers. ONE Investment can assist with the investment of the Town's MRI, in Legal List Securities, and with the investment of Third-Party Trust Funds, in accordance with the terms of the applicable trust, if permitted, at the request of the Town.

#### **4.3. Ethics and Conflicts of Interest**

Individuals who are responsible for the Town's Short-Term Portfolio shall comply with the Town's Conflict of Interest guidelines and any relevant sections of professional codes of conduct (e.g., the CPA Code of Professional Conduct).

ONE JIB, in its capacity as a joint municipal service board, is subject to a Code of Conduct as required by the Municipal Act, 2001 (the "Act"). This Code of Conduct applies to the Chair and the other Members of ONE JIB acting in their capacity as Members of ONE JIB.

## **5. INVESTMENTS**

### **5.1. MRI: Short-Term Money**

The Town's MRI is described in this IPS as Short-Term Money. Short-Term Money consists of money that is needed to meet the short-term financial obligations coming due within 24 months from the date of receipt of such money and are controlled and managed by the Treasurer.

For clarification, any debenture or promissory note issued by a LDC to the Town, together with any payments or interest earned thereon, shall be considered Short-Term Money.

#### **5.1.1. Short-Term Money: Investment Objectives**

The main focus of the investment of Short-Term Monies is cash management, and interest income generated by investments is a contributor to municipal revenues. To the extent possible, the Town shall attempt to match its investments with anticipated obligations. Capital preservation is the paramount objective for short-term investments, and

these investments need to be highly liquid. Consequently, only high quality, short-term investments that are also Legal List Securities will be held in this portfolio. The Town may invest in fully liquid money market securities and deposit accounts. The Town aims to maximize returns subject to the constraints set out in Part I of the Regulation, as amended from time to time, with a view to preserving capital and to further manage risk through diversification by issuer and credit quality.

The investment objectives for Short-Term Money, ranked in priority, are as follows:

a) Security of Principal

The primary objective for MRI is to ensure the security of principal. To minimize the risk of loss, investments shall be subject to minimum credit ratings and shall be diversified by maturity, type of investment and issuer. Investing activities will be reviewed on a regular basis as actual, revised and forecasted operating and capital plans are completed. Maturity dates should be structured so that investment cash inflows occur when needed.

b) Liquidity Requirements

Liquidity is measured by the ease with which securities can be converted to cash to meet forecast spending. The investments that are eligible under Ontario's Eligible Investments and Related Financial Agreements Regulation possess different features and thus market prices will vary depending on market conditions, as well as the particular features of the type of investment.

To ensure adequate liquidity, the Town's investments shall be diversified by holding securities of various terms to maturity and by various types of investments and issuers and to the extent possible, the term of such investments shall match the forecasted requirements for such monies to meet expenditures.

c) Rate of Return

The Town's money shall be invested to maximize the rate of return within acceptable risk levels while respecting the security of principal, legal constraints and the liquidity needs of each investment portfolio.

The composition of each portfolio, including its term to maturity and type of investments, shall be adjusted within the guidelines of this Policy to take advantage of market opportunities. Such changes shall be made with the periodic interest rate outlook and target portfolio structure approved by the Treasurer.

## 5.2. MNRI: Long-Term Money

The Town's MNRI is described in Section 3.1 as Long-Term Money. In accordance with the ONE JIB Agreement and this IPS, ONE JIB has exclusive control and management of the Long-Term Money and the investments made therewith.

From time to time, the Town may require money immediately to meet financial obligations and may require ONE JIB to liquidate one or more investments in order to generate money to meet those obligations. ONE JIB will select the investment(s) to be liquidated. The timing of such liquidation will be determined by ONE JIB in consultation with the Treasurer.

### 5.2.1. Long-Term Funds: Investment Objectives

In setting the objectives noted below, the Town has taken into account the following considerations:

- Preservation of capital;
- Adequate liquidity that takes into account the needs of financial obligations and reasonably anticipated budgetary requirements;
- Diversification by asset class, market, sector, issuer, credit quality and term to maturity;
- Income and capital appreciation; and,
- Macro risks, such as inflation, economic growth and interest rates.

The Town's Investment objectives for its Long-Term Money (MNRI) can be achieved via allocations to the Outcomes defined within the ONE JIB's Outcome Framework. Table 1 provides a summary of this framework.

Table 1: ONE JIB's Outcome Framework

Outcome Category	Outcome Strategy	Objective	Risk Tolerance, Liquidity	Investment Horizon
Cash	Cash	Preservation of Capital	Low risk; high liquidity	< 3 years
Stable Return	Stable Return	Income generation: To generate returns to fund recurring needs	Moderate risk with emphasis on growth and stable returns, regular liquidity	> 5 years (Perpetual)

Contingency	Contingency	Contributions for unexpected and infrequent events	Higher risk; emphasis on longer-term capital growth with some liquidity	> 5 years (Perpetual)
	Asset Mgt Reserves	Contributions to generate returns to fund asset management reserves	Higher risk; emphasis on longer-term capital growth; low liquidity	> 10 years (Perpetual)
Target Date	Target Date 3-5 yrs	Preservation of capital	Low risk; high liquidity	3 – 5 years
	Target Date 5-10 yrs	Contributions toward capital projects, mitigate inflation impacts and meet target funding requirements	Moderate risk, liquid	5 – 10 years
	Target Date 10+ yrs	Contributions toward capital projects, mitigate inflation impacts and meet target funding requirements	Higher risk, emphasis on long-term inflation-adjusted growth	> 10 years

Investment of Long-Term Money is to be managed by ONE JIB in a way that balances the investment objectives with a level of risk that is appropriate for the Town. The MNRI invested will be broadly diversified to help reduce the volatility of investment returns. Returns have an impact on revenues, as well as a longer-term impact on future years' budgets and should, at a minimum, keep pace with inflation. To the extent possible, the Long-Term Money's investment horizons are aligned with the Town's obligations and cash flow requirements and may consist of liquid and non-liquid securities based on future cash flow requirements.

### 5.2.2. Long-Term Money: Eligible Investments



Eligible investments for Long-Term Money include any pooled fund or other collective investment vehicle or institutional investment management product sponsored or managed by ONE Investment for the Prudent Investment Program (Prudent Investment Offering), provided always that the products and the selection of products comply in all material respects with the IPS.

Additionally, nothing in this IPS prevents Long-Term Money from being held in cash, short term money market instruments, or overnight deposits.

### **5.2.3. Long-Term Funds: Local Distribution Corporation (LDC)**

The direct investment in LDC shares and/or promissory notes, as may be applicable, prior to July 2, 2020, shall be permitted and included as part of the Long-Term Funds/MNRI held by ONE JIB. Specific details of this investment shall be approved by Council in its sole and absolute discretion, and ONE JIB shall adhere to all terms and conditions as directed. More specifically, ONE JIB shall be prohibited from selling, transferring, assigning, or pledging the LDC shares.

LDC shares are considered restricted, special assets and remain in the custody of the Town. LDC shares are to be viewed as separate standalone investments with the subject matter expertise and administrative functions remaining under the purview of the Town. These assets are not marketable securities and were acquired by the Town pursuant to separate legislative provisions and shareholder agreement(s). Council retains direct, de facto control of the LDC shares and ONE JIB shall adhere to all terms and conditions as directed. More specifically, Council controls all acquisition and disposition decisions related to current and future LDC assets. Any voting related to LDC shares will be undertaken solely by the Town.

The investment in LDC shares will not be included in calculations regarding asset mix/allocations or other constraints that apply to the Long-Term Funds.

### **5.2.4. Long-Term Funds: Other Portfolios**

The Town does not currently have any other investment portfolios which require management by ONE JIB under the Prudent Investor Standard.

## **5.3. Third-Party Trust Funds and Designated Funds**

In addition to the Town's own money, the Town is from time to time entrusted with Third-Party Trust Funds, and the responsibilities and obligations with respect thereto may be subject to other legislation and governed by other agreements and instruments. To the extent that there is any conflict or inconsistency between the provisions of this IPS and the terms and conditions contained in such other legislation, agreements or instruments applicable to Third-Party Trust Funds, the latter shall prevail.

The Municipality's Third-Party Trust Funds and the Designated Funds are listed in Appendix A.

For certainty, the third-party trust funds and the Designated Funds are not MNRI of the Town, and such monies are not under the control or management of ONE JIB.

## **5.4. Investment Management**

### **5.4.1. Investment Management of Short-Term Money**

The investment of Short-Term Money shall be controlled and managed by the Treasurer.

### **5.4.2. Investment Management of Long-Term Money**

The investment of Long-Term Money shall be controlled and managed by ONE JIB in accordance with this IPS.

Competent External Portfolio Managers shall be appointed by ONE JIB, and they shall enter into an agreement with ONE Investment that complies with this IPS and Part II of the Regulation and provide compliance and performance reports. In accordance with the applicable regulatory requirements, ONE JIB shall make any External Portfolio Manager changes deemed in the best interest of the Town. For each External Portfolio Manager, ONE Investment shall agree on a set of operational guidelines including constraints, discretion limits, diversification and quality standards, and performance expectations, which are documented in each External Portfolio Manager's guidelines.

### **5.4.3. Transition to Prudent Investor Regime**

Upon and after the Prudent Effective Date, the control and management of money and investments that are determined to be not required immediately shall be given to ONE JIB. Nothing in this IPS requires that such investments need be liquidated or disposed of. It is not contrary to this IPS for investments that the Town does not require immediately to be held, and to continue to be held by, ONE JIB in instruments such as term deposits, guaranteed investment certificates or principal protected notes issued by a financial institution. They can be held to maturity and invested upon receipt of cash proceeds. The Town holds Principal Protected Notes that have been identified as MNR that will be held to maturity.

Management of Third-Party Trust Funds and any Designated Funds is not directly affected by the Prudent Effective Date.

## **5.5. Investment Constraints**

### **5.5.1. Environmental, Social and Governance (ESG) Investing**

The Town supports ESG investing for Short-Term and Long-Term Money. The Town believes that well-managed companies are those that demonstrate high ethical and environmental standards and respect for their employees, human rights, and the communities in which they do business, and that these actions contribute to long term financial performance.

The Town has chosen to monitor the developments of ESG factors and will reconsider its approach to ESG investing for the Short-Term Portfolio as and when appropriate to do so.

For the investment of Long-Term Money, ONE JIB is required to explore how External Portfolio Managers are implementing responsible investing principles at the time of hiring and during periodic reviews. It may report on results periodically, if requested.

#### **5.5.2. Securities Lending**

For the investment of Short-Term Money, the Town may invest in pooled funds, and other investment funds that are controlled by an External Portfolio Manager who may engage in Securities Lending if the policies of the External Portfolio Manager that apply to such pools permit such an action.

For the investment of Long-Term Money, the Town may invest in pooled funds, and other investment funds that are managed by an External Portfolio Manager who may engage in Securities Lending if the policies of the External Portfolio Manager permit such an action.

#### **5.5.3. Derivatives**

Derivatives may not be used for speculative purposes. They may be used for the investment of Long-Term Money where they are fully covered by a backing asset, e.g., as for currency or other hedging, to change portfolio duration or in covered call strategies.

#### **5.5.4. Pooled Funds**

All investment strategies may be pursued directly through holdings of corporate and government issuers and indirectly via pooled funds and investment funds or any combination thereof. The investment strategies may also include allocations to cash or short-term investment vehicles.

#### **5.5.5. Currency Hedging**

The Short-Term Portfolio will not utilize currency hedging.

The Town's funding requirements are in Canadian dollars. However, some exposure to foreign currencies in the Long-Term Portfolio may be advantageous to provide diversification and potentially enhance returns. Therefore, it shall not be a violation of this IPS for investments in global mandates to be unhedged, in whole or in part, where the diversification benefits embedded in the currency exposure are considered to be beneficial or desirable by ONE JIB.

#### **5.5.6. Prohibited Investments**

In no event may investments be made through foreign direct investment in countries subject to Canadian or UN economic sanctions.

##### **5.5.6.1. Letters of Credit**

With respect to MRI investments, the Town will accept irrevocable Letters of Credit in the prescribed format issued by a Schedule I bank with a minimum Dominion Bond Rating Service (DBRS) rating of R-1 low or A (low) or Schedule II (as approved) bank with a minimum DBRS rating of R-1 middle or AA (low).

Letters of credit issued may be accepted from any of the five largest banks set out in Schedule I of the Bank Act listed below:

1. Bank of Montreal
2. The Bank of Nova Scotia
3. Canadian Imperial Bank of Commerce
4. Royal Bank of Canada
5. Toronto Dominion Bank

Letters of credit may be accepted from Schedule I or II banks meeting the minimum DBRS rating criteria on the approval of the Treasurer or designate.

If a Letter of Credit was previously accepted in accordance with this policy and the bank has since been downgraded and no longer meets the minimum requirements, the Town may request a new acceptable Letter of Credit.

#### **5.6. Performance Monitoring, Rebalancing and Management**

##### **5.6.1. Short-Term Money**

The Treasurer shall monitor the performance, rebalance asset mix, and manage short-term funds in a manner that achieves the investment objectives set out in this IPS. The Investment & Financial Analyst will provide regular performance reporting to the Treasurer on the portfolio, as required.

### **5.6.2. Long-Term Money**

For the investment of Long-Term Money, ONE JIB shall establish parameters for monitoring investments and rebalancing through policy or directly within the investment plan.

Investments are expected to achieve returns at least equal to their benchmarks measured over a rolling five-year period. At minimum, ONE JIB shall provide reporting described in Section 6.7 that shows the Town's holdings, declares compliance with this IPS and shows External Portfolio Manager performance.

## **6. ADMINISTRATIVE POLICIES**

### **6.1. Flow of Money and Annual Town Budget**

#### **6.1.1. Transfer to ONE JIB as Part of Annual Review Process**

On an annual basis, as part of the Town's annual review process, the Town shall identify the amount, if any, of Long-Term Money that it holds. Any Long-Term Money not already under the control and management of ONE JIB shall be transferred to ONE JIB as soon as practicable.

#### **6.1.2. Transfer to Town as Part of Annual Review Process**

On an annual basis, as part of the Town's annual review process, ONE JIB shall be notified by the Treasurer as to the amount, if any, required by the Town from the Long-Term Money then under the control and management of ONE JIB for the Town's operational purposes. Such amount shall be deemed to be Short-Term Money and shall be returned to the Town in a lump sum or by way of periodic payments, as directed by the Treasurer.

### **6.2. Flow of Money Otherwise than through the Annual Review Process**

#### **6.2.1. Surplus Funds**

The Short-Term Funds capture revenues received by the Town during each year after the approval of the Town's budget for the year. Any amounts deemed to be MNRI by the Treasurer at any such time during the year shall be transferred to ONE JIB to be under its management and control as Long-Term Funds. Amounts so transferred will be recorded annually in the Investment Plan and allocated by ONE JIB in accordance with the Investment Plan.

#### **6.2.2. Contingencies**

The Treasurer is authorized to direct ONE JIB to return any amounts determined by the Treasurer to be required to meet expenditures for unexpected contingencies not anticipated by the Town's budget in force for

that year, provided however that the aggregate of the amounts to be returned to the Town under this Section 6.2.2 during the year shall not exceed 25% of the Long-Term Money under the control and management of ONE JIB as at the date that the Town approved its budget for the year (the Budgeted Long-Term Money). In determining the Budgeted Long-Term Money for purposes of calculating the 25% limit, any Long-Term Money to be transferred to the control and management of ONE JIB in accordance with that year's Annual Review pursuant to Section 6.1.1 shall be included and any amount to be returned by ONE JIB to the Town pursuant to Section 6.1.2 shall be excluded.

### **6.3. Valuation of Investments**

Investments shall be valued according to the values provided by the Custodian(s). For the investment of Long-Term Money, values of unitized vehicles shall be valued according to the unit values published by the Custodian. Other investments shall be valued at their market value when that is available from regular public trading. If a market valuation of an investment is not available, then a fair value shall be supplied by the External Portfolio Manager to the Custodian no less frequently than quarterly.

### **6.4. Voting Rights**

Where External Portfolio Managers have been appointed, such External Portfolio Managers shall assume the responsibility of exercising voting rights and will report their voting policies to ONE JIB annually. The Town may access these policies at any time.

### **6.5. Internal Controls**

The Treasurer shall establish an annual process of review of all investments made under this IPS. This review will provide internal control by assuring compliance with governing legislation and with policies and procedures established by the Treasurer. To the extent ONE JIB's input is needed, these requirements will be communicated in advance to ONE JIB.

### **6.6. Custodians**

All investments and assets of the investment portfolios shall be held by a Custodian and any of the Custodian's sub-custodians or nominees. For Long-Term Money, the Custodian shall be acceptable to ONE Investment. For Short-Term Money the Custodian shall be acceptable to ONE Investment if ONE Investment is administering the investment of the Town's Short-Term Money, otherwise the Custodian shall be acceptable to the Town.

### **6.7. Reporting**



### **6.7.1. Short-Term Money**

For the investment of Short-Term Money, the Treasurer shall report at least annually to Council in a form and contain such content as Council may request. The report to Council shall include investment performance during the period covered and any other information as required under the Regulation and that the Treasurer may consider to be pertinent.

### **6.7.2. Long-Term Money**

The Regulation provides that ONE JIB shall submit an investment report to Council in respect of the investment of Long-Term Money at least annually. This report shall include the following.

- Investment performance during the period covered by the report;
- Asset mix of the total portfolio;
- A listing of individual investments held at the fund level at the end of the reporting period showing, where appropriate, book value, market value, realized/unrealized gains/losses and actual income received;
- A list of all transactions including the security name, trade date, and the purchase and/or sale price;
- A statement by the Treasurer as to whether all investments were made in accordance with the IPS and as to whether all investments were made in accordance with the Investment Plan; and
- Any other pertinent information in the opinion of the Treasurer.

All securities invested on behalf of the Town by ONE JIB or with the assistance of ONE Investment shall be held for safekeeping in the name of the Town by a custodian.

## **7. APPROVAL, SUBSEQUENT MODIFICATIONS AND EFFECTIVE DATE**

### **7.1. Revocation / Amendment of Previous Investment Policy**

Upon coming into effect, this IPS supersedes previously approved investment policies of the Town.

### **7.2. Modifications to the IPS**

At least annually, Council shall review the IPS and update it, if required. In the course of reviewing the IPS, Council may request comments from the Treasurer with respect to the investment of Short-Term Money and from ONE JIB with respect to the investment of Long-Term Money.

Following the Council's review of the IPS, ONE JIB shall review the Investment Plan and update it, if required.

At a minimum, the annual IPS review will consider:

- the adequacy of funding for capital works;
- the Town's ability to reduce other spending;
- flexibility of the timeframe to payout; and
- sensitivity to loss.

### **7.3. Effective Date**

This IPS is adopted by Council of the Town effective July 2, 2020. The Treasurer is directed to sign a copy of this IPS to evidence approval and to deliver a copy of this IPS to ONE JIB.

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Signed by:

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Treasurer

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Date

## **APPENDICES**

- Appendix A**     Third-Party Trust Funds and Designated Funds
- Appendix B**     Ontario Regulation 438/97 (Eligible Investments & Prudent Investment)
- Appendix C**     Authorized Investments & Sector Limitations (Short Term Portfolio)
- Appendix D**     Dominion Bond Ratings Service Credit Quality

This Policy is hereby approved by Council Resolution #\_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

## **Appendix A: Third-Party Trust Funds**

1. Groveside Cemetery care and maintenance trust funds under the *Funeral, Burial and Cremation Services Act*, 2002 which are to be invested pursuant to the *Trustee Act*.

## APPENDIX B: ONTARIO REGULATION 438/97

### ELIGIBLE INVESTMENTS, RELATED FINANCIAL AGREEMENTS AND PRUDENT INVESTMENT

**Consolidation Period:** From March 1, 2018 to the [e-Laws currency date](#).

Last amendment: 43/18.

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##### **PART I**

#### **ELIGIBLE INVESTMENTS AND FORWARD RATE AGREEMENTS**

##### **Investment under s. 418 of the Act**

**1.** (1) This Part applies in respect of investments by a municipality under section 418 of the Act. O. Reg. 43/18, s. 2.

(2) A municipality does not have the power to invest under section 418 of the Act in a security other than a security prescribed under this Part. O. Reg. 43/18, s. 2.

##### **Eligible investments**

**2.** The following are prescribed, for the purposes of subsection 418 (1) of the Act, as securities that a municipality may invest in:

- 1. Bonds, debentures, promissory notes or other evidence of indebtedness issued or guaranteed by,
  - i. Canada or a province or territory of Canada,
  - ii. an agency of Canada or a province or territory of Canada,

- iii. a country other than Canada,
  - iv. a municipality in Canada including the municipality making the investment,
  - iv.1 the Ontario Infrastructure and Lands Corporation,
  - v. a school board or similar entity in Canada,
  - v.1 a university in Ontario that is authorized to engage in an activity described in section 3 of the *Post-secondary Education Choice and Excellence Act, 2000*,
  - v.2 a college established under the *Ontario Colleges of Applied Arts and Technology Act, 2002*,
  - vi. a local board as defined in the *Municipal Affairs Act* (but not including a school board or a municipality) or a conservation authority established under the *Conservation Authorities Act*,
  - vi.1 a board of a public hospital within the meaning of the *Public Hospitals Act*,
  - vi.2 a non-profit housing corporation incorporated under section 13 of the *Housing Development Act*,
  - vi.3 a local housing corporation as defined in section 24 of the *Housing Services Act, 2011*, or
  - vii. the Municipal Finance Authority of British Columbia.
2. Bonds, debentures, promissory notes or other evidence of indebtedness of a corporation if,
    - i. the bond, debenture or other evidence of indebtedness is secured by the assignment, to a trustee, as defined in the *Trustee Act*, of payments that Canada or a province or territory of Canada has agreed to make or is required to make under a federal, provincial or territorial statute, and
    - ii. the payments referred to in subparagraph i are sufficient to meet the amounts payable under the bond, debenture or other evidence of indebtedness, including the amounts payable at maturity.
  3. Deposit receipts, deposit notes, certificates of deposit or investment, acceptances or similar instruments the terms of which provide that the principal and interest shall be fully repaid no later than two years after the day the investment was made, if the receipt, note, certificate or instrument was issued, guaranteed or endorsed by,
    - i. a bank listed in Schedule I, II or III to the *Bank Act* (Canada),
    - ii. a loan corporation or trust corporation registered under the *Loan and Trust Corporations Act*, or
    - iii. a credit union or league to which the *Credit Unions and Caisses Populaires Act, 1994* applies.
  - 3.1 Deposit receipts, deposit notes, certificates of deposit or investment, acceptances or similar instruments the terms of which provide that the principal and interest shall be fully repaid more than two years after the day the investment was made, if the receipt, note, certificate or instrument was issued, guaranteed or endorsed by,
    - i. a bank listed in Schedule I, II or III to the *Bank Act* (Canada), or
    - ii. a loan corporation or trust corporation registered under the *Loan and Trust Corporations Act*.
    - iii. REVOKED: O. Reg. 43/18, s. 3 (1).
  4. Bonds, debentures, promissory notes or other evidence of indebtedness, the terms of which provide that the principal and interest shall be fully repaid no later than two years after the day the investment was made if issued or guaranteed by an institution listed in paragraph 3.1.
  - 4.1 Bonds, debentures, promissory notes or other evidence of indebtedness, the terms of which provide that the principal and interest shall be fully repaid more than two years after the day the investment was made if issued or guaranteed by an institution listed in paragraph 3.1.
  - 4.2 Deposit receipts, deposit notes, certificates of deposit or investment, acceptances or similar instruments, the terms of which provide that the principal and interest shall be fully repaid more than two years after the day the investment was made if the receipt, note, certificate or instrument was issued, guaranteed or endorsed by a credit union or league to which the *Credit Unions and Caisses Populaires Act, 1994* applies.
  - 4.3 Bonds, debentures, promissory notes or other evidence of indebtedness issued or guaranteed by a credit union or league to which the *Credit Unions and Caisses Populaires Act, 1994* applies.
  5. Short term securities, the terms of which provide that the principal and interest shall be fully repaid no later than three days after the day the investment was made, that are issued by,
    - i. a university in Ontario that is authorized to engage in an activity described in section 3 of the *Post-secondary Education Choice and Excellence Act, 2000*,

- ii. a college established under the *Ontario Colleges of Applied Arts and Technology Act, 2002*, or
- iii. a board of a public hospital within the meaning of the *Public Hospitals Act*.
- 6. Bonds, debentures, promissory notes, other evidence of indebtedness or other securities issued or guaranteed by the International Bank for Reconstruction and Development.
- 6.1. Bonds, debentures, promissory notes or other evidence of indebtedness issued or guaranteed by a supranational financial institution or a supranational governmental organization, other than the International Bank for Reconstruction and Development.
- 7. Securities that are arrangements for the sale of assets that entitle the purchaser to an undivided beneficial interest in a pool of assets.
- 7.1 Bonds, debentures, promissory notes or other evidence of indebtedness issued by a corporation that is incorporated under the laws of Canada or a province of Canada, the terms of which provide that the principal and interest shall be fully repaid more than five years after the date on which the municipality makes the investment.
- 7.2 Bonds, debentures, promissory notes or other evidence of indebtedness issued by a corporation that is incorporated under the laws of Canada or a province of Canada, the terms of which provide that the principal and interest shall be fully repaid more than one year and no later than five years after the date on which the municipality makes the investment.
- 8. Negotiable promissory notes or commercial paper, other than securities referred to in paragraph 7, maturing one year or less from the date of issue, if that note or commercial paper has been issued by a corporation that is incorporated under the laws of Canada or a province of Canada.
- 8.1 Shares issued by a corporation that is incorporated under the laws of Canada or a province of Canada.
- 9. Bonds, debentures, promissory notes and other evidences of indebtedness of a corporation incorporated under section 142 of the *Electricity Act, 1998*.
- 10. Any security if the municipality acquires the security as a gift in a will or as a donation not made for a charitable purpose.
- 11. REVOKED: O. Reg. 43/18, s. 3 (5).
- 12. Shares of a corporation if,
  - i. the corporation has a debt payable to the municipality,
  - ii. under a court order, the corporation has received protection from its creditors,
  - iii. the acquisition of the shares in lieu of the debt is authorized by the court order, and
  - iv. the treasurer of the municipality is of the opinion that the debt will be uncollectable by the municipality unless the debt is converted to shares under the court order. O. Reg. 438/97, s. 2; O. Reg. 265/02, s. 1; O. Reg. 399/02, s. 2; O. Reg. 655/05, s. 2; O. Reg. 607/06, s. 1; O. Reg. 39/07, s. 1; O. Reg. 373/11, s. 1; O. Reg. 74/16, s. 1, 2; O. Reg. 43/18, s. 3.

#### Eligible investments, continued

**2.1** A security is prescribed for the purposes of subsection 418 (1) of the Act as a security that a municipality may invest in if,

- (a) the municipality invested in the security before January 12, 2009; and
- (b) the terms of the municipality's continued investment in the security have been changed pursuant to the Plan Implementation Order of the Ontario Superior Court of Justice dated January 12, 2009 (Court file number 08-CL-7440) and titled "In the matter of the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36 as amended and in the matter of a plan of compromise and arrangement involving Metcalfe & Mansfield Alternative Investments II Corp. et al". O. Reg. 292/09, s. 1.

#### Ratings, financial indicators

**3.** (1) A municipality shall not invest in a security under subparagraph 1 iii, v.1, v.2, vi.1, vi.2 or vi.3 or paragraph 4 of section 2 unless the bond, debenture, promissory note or evidence of indebtedness is rated,

- (a) REVOKED: O. Reg. 265/02, s. 2 (1).
- (b) by Dominion Bond Rating Service Limited as "AA(low)" or higher;
- (b.1) by Fitch Ratings as "AA-" or higher;



- (c) by Moody's Investors Services Inc. as "Aa3" or higher; or
  - (d) by Standard and Poor's as "AA-" or higher. O. Reg. 438/97, s. 3 (1); O. Reg. 265/02, s. 2 (1); O. Reg. 399/02, s. 3 (1); O. Reg. 655/05, s. 3 (1, 2); O. Reg. 607/06, s. 2; O. Reg. 39/07, s. 2; O. Reg. 43/18, s. 4 (1).
- (2) A municipality shall not invest in a security under paragraph 3.1 or 4.1 of section 2 unless the bond, debenture, promissory note or evidence of indebtedness is rated,
- (a) by Dominion Bond Rating Service Limited as "A(low)" or higher;
  - (b) by Fitch Ratings as "A-" or higher;
  - (c) by Moody's Investors Services Inc. as "A3" or higher; or
  - (d) by Standard and Poor's as "A-" or higher. O. Reg. 43/18, s. 4 (2).
- (2.0.1) If a municipality's total investments in securities under subparagraph 3 iii and paragraph 4.2 of section 2 have, in the opinion of the treasurer, a value in excess of \$250,000, the municipality shall not invest in any additional security under paragraph 4.2 of section 2 unless the credit union or league that issues, guarantees or endorses the security provides, within 30 days before the day the investment is made,
- (a) audited financial statements indicating that the financial indicators mentioned in subsection (2.0.2) are met by the credit union or league; or
  - (b) certification in writing that all of the financial indicators mentioned in subsection (2.0.2) are met by the credit union or league. O. Reg. 43/18, s. 4 (2).
- (2.0.2) For the purposes of subsection (2.0.1), the financial indicators to be met by the credit union or league are the following:
1. Positive retained earnings in its audited financial statements for its most recently completed fiscal year.
  2. Regulatory capital of at least the percentage of its total assets set out in subsection (2.0.3) as of the date of the latest audited financial statements, calculated in accordance with Ontario Regulation 237/09 (General) made under the *Credit Unions and Caisses Populaires Act, 1994*.
  3. Regulatory capital of at least the percentage of its total risk weighted assets set out in subsection (2.0.4) as of the date of the latest audited financial statements, calculated in accordance with Ontario Regulation 237/09 (General).
  4. Positive net income in its audited financial statements for three of its five most recently completed fiscal years. O. Reg. 43/18, s. 4 (2).
- (2.0.3) The percentage mentioned in paragraph 2 of subsection (2.0.2) is the percentage obtained by adding one percent to the minimum percentage set out in paragraph 1 of subsection 15 (3) of Ontario Regulation 237/09 (General). O. Reg. 43/18, s. 4 (2).
- (2.0.4) The percentage mentioned in paragraph 3 of subsection (2.0.2) is the percentage obtained by adding one percent to the minimum percentage set out in paragraph 2 of subsection 15 (3) of Ontario Regulation 237/09 (General). O. Reg. 43/18, s. 4 (2).
- (2.0.5) A municipality shall not invest in securities under paragraph 4.3 of section 2 unless the credit union or league that issues or guarantees the security satisfies the conditions set out in subsection (2.0.1). O. Reg. 43/18, s. 4 (2).
- (2.1) A municipality shall not invest in a security under paragraph 6.1 of section 2 unless the security is rated,
- (a) by Dominion Bond Rating Service Limited as "AAA";
  - (b) by Fitch Ratings as "AAA";
  - (c) by Moody's Investors Services Inc. as "Aaa"; or
  - (d) by Standard and Poor's as "AAA". O. Reg. 655/05, s. 3 (4).
- (3) A municipality shall not invest in a security under paragraph 7 of section 2 that matures more than one year from the date of issue unless the security is rated,
- (a) by Dominion Bond Rating Service Limited as "AAA";
  - (a.1) by Fitch Ratings as "AAA";
  - (b) by Moody's Investors Services Inc. as "Aaa"; or

- (c) by Standard and Poor's as "AAA". O. Reg. 265/02, s. 2 (2); O. Reg. 399/02, s. 3 (2); O. Reg. 655/05, s. 3 (5); O. Reg. 43/18, s. 4 (3).
- (4) A municipality shall not invest in a security under paragraph 7 of section 2 that matures one year or less from the date of issue unless the security is rated,
- (a) by Dominion Bond Rating Service Limited as "R-1(high)";
  - (a.1) by Fitch Ratings as "F1+";
  - (b) by Moody's Investors Services Inc. as "Prime-1"; or
  - (c) by Standard and Poor's as "A-1+". O. Reg. 265/02, s. 2 (2); O. Reg. 399/02, s. 3 (3); O. Reg. 655/05, s. 3 (6); O. Reg. 43/18, s. 4 (4).
- (4.1) A municipality shall not invest in a security under paragraph 7.1 or 7.2 of section 2 unless the security is rated,
- (a) by Dominion Bond Rating Service Limited as "A(low)" or higher;
  - (b) by Fitch Ratings as "A-" or higher;
  - (c) by Moody's Investors Services Inc. as "A3" or higher; or
  - (d) by Standard and Poor's as "A-" or higher. O. Reg. 43/18, s. 4 (5).
- (4.2) REVOKED: O. Reg. 43/18, s. 4 (5).
- (5) A municipality shall not invest in a security under paragraph 8 of section 2 unless the promissory note or commercial paper is rated,
- (a) by Dominion Bond Rating Service Limited as "R-1(mid)" or higher;
  - (a.1) by Fitch Ratings as "F1+";
  - (b) by Moody's Investors Services Inc. as "Prime-1"; or
  - (c) by Standard and Poor's as "A-1+". O. Reg. 265/02, s. 2 (2); O. Reg. 399/02, s. 3 (4); O. Reg. 655/05, s. 3 (8).
- (6) If an investment made under subparagraph 1 iii, v.1, v.2, vi.1, vi.2 or vi.3 of section 2 or paragraph 3.1, 4, 4.1, 6.1, 7, 7.1, 7.2 or 8 of section 2 falls below the standard required by this section, the municipality shall create a plan, including expected timelines, for selling the investment and shall sell the investment in accordance with the plan. O. Reg. 43/18, s. 4 (6).
- (6.1) Subsection (6) does not apply with respect to an investment made by a municipality under paragraph 7 of section 2 on a day before the day this subsection comes into force. O. Reg. 292/09, s. 2 (3).
- (6.1.1) If a municipality's total investments in securities under subparagraph 3 iii and paragraph 4.2 of section 2 have, in the opinion of the treasurer, a value in excess of the limit mentioned in subsection (2.0.1) of this section and one of the following circumstances applies, the municipality shall create a plan, including expected timelines, for selling investments made under paragraph 4.2 of section 2 in excess of that limit and shall sell the investments in accordance with the plan:
1. The financial indicators mentioned in subsection (2.0.2) are not met.
  2. The credit union or league fails to provide audited financial statements or a certification as mentioned in subsection (2.0.1). O. Reg. 43/18, s. 4 (7).
- (6.1.2) For the purposes of determining the value of investments under subsection (6.1.1), the value of all investments under subparagraph 3 iii of section 2 shall be counted as part of the total first, followed by the value of all investments made under paragraph 4.2 of section 2. O. Reg. 43/18, s. 4 (7).
- (6.1.3) If one of the circumstances in paragraph 1 or 2 of subsection (6.1.1) applies, the municipality shall create a plan, including expected timelines, for selling investments made under paragraph 4.3 of section 2 and shall sell the investments in accordance with the plan. O. Reg. 43/18, s. 4 (7).
- (7) A municipality shall not invest in a security under paragraph 9 of section 2 unless, at the time the investment is made and as long as it continues, the investment ranks, at a minimum, concurrently and equally in respect of payment of principal and interest with all unsecured debt of the corporation. O. Reg. 265/02, s. 2 (2).
- (8) A municipality shall not invest in a security under paragraph 9 of section 2 unless, at the time the investment is made, the total amount of the municipality's investment in debt of any corporation incorporated under section 142 of the *Electricity Act, 1998* that would result after the proposed investment is made does not exceed the total amount of

investment in debt, including any interest accrued on such debt, of the municipality in such a corporation that existed on the day before the day the proposed investment is to be made. O. Reg. 265/02, s. 2 (2).

(9) Any investment made under paragraph 9 of section 2, including any refinancing, renewal or replacement thereof, may not be held for longer than a total of 10 years from the date such investment is made. O. Reg. 265/02, s. 2 (2).

(10) Subsections (7), (8) and (9) do not prevent a municipality from holding or disposing of a security described in paragraph 9 of section 2 issued by a corporation incorporated under section 142 of the *Electricity Act, 1998*, if the municipality acquired the security through a transfer by-law or otherwise under that Act. O. Reg. 655/05, s. 3 (9).

(11) If a municipality acquires a security under paragraph 10 of section 2 that is not otherwise prescribed under this Part, the municipality shall create a plan, including expected timelines, for selling the investment and shall sell the investment in accordance with the plan. O. Reg. 43/18, s. 4 (8).

(12) REVOKED: O. Reg. 292/09, s. 2 (4).

#### **Investment limit**

4. (1) A municipality shall not invest more than 25 per cent of the total amount in all sinking and retirement funds in respect of debentures of the municipality, as estimated by its treasurer on the date of the investment, in short-term debt issued or guaranteed by the municipality. O. Reg. 438/97, s. 4 (1).

(2) In this section,

“short-term debt” means any debt, the terms of which provide that the principal and interest of the debt shall be fully repaid no later than 364 days after the debt is incurred. O. Reg. 438/97, s. 4 (2).

#### **Conditions**

4.1 (1) A municipality shall not invest in a security under paragraph 7 of section 2 or in a promissory note or commercial paper under paragraph 8 of section 2 unless, on the date that the investment is made,

(a) the municipality itself is rated, or all of the municipality’s long-term debt obligations are rated,

(i) by Dominion Bond Rating Service Limited as “AA(low)” or higher,

(i.1) by Fitch Ratings as “AA-” or higher,

(ii) by Moody’s Investors Services Inc. as “Aa3” or higher, or

(iii) by Standard and Poor’s as “AA-” or higher; or

(b) the municipality has entered into an agreement with the Local Authority Services and the CHUMS Financing Corporation to act together as the municipality’s agent for the investment in that security, promissory note or commercial paper. O. Reg. 265/02, s. 3; O. Reg. 399/02, s. 4; O. Reg. 655/05, s. 4 (1, 2); O. Reg. 43/18, s. 5 (1).

(1.1) A municipality shall not invest in a security under paragraph 7.1 or 8.1 of section 2 unless, on the date the investment is made, the municipality has entered into an agreement with the Local Authority Services and the CHUMS Financing Corporation to act together as the municipality’s agent for the investment in the security. O. Reg. 655/05, s. 4 (3); O. Reg. 43/18, s. 5 (2).

(1.2) Subsection (1.1) does not apply to investments in securities by the City of Ottawa if all of the following requirements are satisfied:

1. Only the proceeds of the sale by the City of its securities in a corporation incorporated under section 142 of the *Electricity Act, 1998* are used to make the investments.
2. The investments are made in a professionally-managed fund.
3. The terms of the investments provide that,
  - i. where the investment is in debt instruments, the principal must be repaid no earlier than seven years after the date on which the City makes the investment, and
  - ii. where the investment is in shares, an amount equal to the principal amount of the investment cannot be withdrawn from the fund for at least seven years after the date on which the City makes the investment.
4. The City establishes and uses a separate reserve fund for the investments.
5. Subject to paragraph 6, the money in the reserve fund, including any returns on the investments or proceeds from their disposition, are used to pay capital costs of the City and for no other purpose.

6. The City may borrow money from the reserve fund but must repay it plus interest. O. Reg. 655/05, s. 4 (3).
- (2) The investment made under clause (1) (b) or described in subsection (1.1), as the case may be, must be made in the One Investment Program of the Local Authority Services and the CHUMS Financing Corporation with,
- (a) another municipality;
  - (b) a public hospital;
  - (c) a university in Ontario that is authorized to engage in an activity described in section 3 of the *Post-secondary Education Choice and Excellence Act, 2000*;
  - (d) a college established under the *Ontario Colleges of Applied Arts and Technology Act, 2002*;
  - (d.1) a foundation established by a college mentioned in clause (d) whose purposes include receiving and maintaining a fund or funds for the benefit of the college;
  - (e) a school board;
  - (f) any agent of an institution listed in clauses (a) to (e);
  - (g) Local Authority Services;
  - (h) CHUMS Financing Corporation;
  - (i) Association of Municipalities of Ontario; or
  - (j) Municipal Finance Officers' Association of Ontario. O. Reg. 265/02, s. 3; O. Reg. 655/05, s. 4 (4); O. Reg. 607/06, s. 3; O. Reg. 292/09, s. 3; O. Reg. 52/11, s. 1; O. Reg. 74/16, s. 1, 3; O. Reg. 43/18, s. 5 (3-5).

**School purposes**

5. A municipality shall not invest in a security issued or guaranteed by a school board or similar entity unless,
- (a) the money raised by issuing the security is to be used for school purposes; and
  - (b) REVOKED: O. Reg. 248/01, s. 1.

O. Reg. 438/97, s. 5; O. Reg. 248/01, s. 1.

**Canadian dollars**

6. (1) Subject to subsection (3), a municipality shall not invest in a security that is expressed or payable in any currency other than Canadian dollars. O. Reg. 43/18, s. 6 (1).
- (2) Subsection (1) does not prevent a municipality from continuing an investment, made before this Regulation comes into force, that is expressed and payable in the currency of the United States of America or the United Kingdom. O. Reg. 438/97, s. 6 (2).
- (3) Subsection (1) does not apply in respect of securities listed in paragraphs 3, 3.1 and 4.2 of section 2, which may also be expressed or payable in the currency of the United States of America. O. Reg. 43/18, s. 6 (2).

**Statement of policies and goals**

7. (1) Before a municipality invests in a security prescribed under this Part, the council of the municipality shall, if it has not already done so, adopt a statement of the municipality's investment policies and goals. O. Reg. 438/97, s. 7; O. Reg. 43/18, s. 7.
- (2) In preparing the statement of the municipality's investment policies and goals under subsection (1), the council of the municipality shall consider,
- (a) the municipality's risk tolerance and the preservation of its capital;
  - (b) the municipality's need for a diversified portfolio of investments; and
  - (c) obtaining legal advice and financial advice with respect to the proposed investments. O. Reg. 265/02, s. 4.
- (3) REVOKED: O. Reg. 655/05, s. 5.
- (4) In preparing the statement of the municipality's investment policies and goals under subsection (1) for investments made under paragraph 9 of section 2, the council of the municipality shall consider its plans for the investment and how the proposed investment would affect the interest of municipal taxpayers. O. Reg. 265/02, s. 4.

**Investment report**

**8.** (1) If a municipality has an investment in a security prescribed under this Part, the council of the municipality shall require the treasurer of the municipality to prepare and provide to the council, each year or more frequently as specified by the council, an investment report. O. Reg. 438/97, s. 8 (1); O. Reg. 43/18, s. 7.

(2) The investment report referred to in subsection (1) shall contain,

- (a) a statement about the performance of the portfolio of investments of the municipality during the period covered by the report;
- (b) a description of the estimated proportion of the total investments of a municipality that are invested in its own long-term and short-term securities to the total investment of the municipality and a description of the change, if any, in that estimated proportion since the previous year's report;
- (c) a statement by the treasurer as to whether or not, in his or her opinion, all investments are consistent with the investment policies and goals adopted by the municipality;
- (d) a record of the date of each transaction in or disposal of its own securities, including a statement of the purchase and sale price of each security; and
- (e) such other information that the council may require or that, in the opinion of the treasurer, should be included. O. Reg. 438/97, s. 8 (2); O. Reg. 655/05, s. 6.

(2.1) The investment report referred to in subsection (1) shall contain a statement by the treasurer as to whether any of the following investments fall below the standard required for that investment during the period covered by the report:

- 1. An investment described in subparagraph 1 iii, v.1, v.2, vi.1, vi.2 or vi.3 of section 2.
- 2. An investment described in paragraph 3.1, 4, 4.1, 6.1, 7, 7.1, 7.2 or 8 of section 2.
- 3. An investment described in subsection 9 (1). O. Reg. 292/09, s. 4; O. Reg. 43/18, s. 8 (1).

(2.2) The investment report referred to in subsection (1) shall contain a statement by the treasurer as to whether any investments under paragraphs 4.2 and 4.3 of section 2 are affected by the circumstances set out in paragraphs 1 and 2 of subsection 3 (6.1.1) during the period covered by the report. O. Reg. 43/18, s. 8 (2).

(3) Upon disposition of any investment made under paragraph 9 of section 2, the council of the municipality shall require the treasurer of the municipality to prepare and provide to the council a report detailing the proposed use of funds realized in the disposition. O. Reg. 265/02, s. 5.

#### **Inconsistencies, treasurer's duty**

**8.1** If an investment made by the municipality is, in the treasurer's opinion, not consistent with the investment policies and goals adopted by the municipality, the treasurer shall report the inconsistency to the council of the municipality within 30 days after becoming aware of it. O. Reg. 655/05, s. 7.

#### **Investments pre March 6, 1997**

**9.** (1) Despite this Part, an investment by a municipality in bonds, debentures or other indebtedness of a corporation made before March 6, 1997 may be continued if the bond, debenture or other indebtedness is rated,

- (a) REVOKED: O. Reg. 265/02, s. 6.
  - (b) by Dominion Bond Rating Service Limited as "AA(low)" or higher;
  - (b.1) by Fitch Ratings as "AA-" or higher;
  - (c) by Moody's Investors Services Inc. as "Aa3" or higher; or
  - (d) by Standard and Poor's as "AA-" or higher. O. Reg. 438/97, s. 9 (1); O. Reg. 265/02, s. 6; O. Reg. 399/02, s. 5; O. Reg. 655/05, s. 8; O. Reg. 43/18, s. 7.
- (1.1) REVOKED: O. Reg. 43/18, s. 9 (1).

(2) If the rating of an investment continued under subsection (1) falls below the standard required by that subsection, the municipality shall create a plan, including expected timelines, for selling the investment and shall sell the investment in accordance with the plan. O. Reg. 43/18, s. 9 (2).

#### **FORWARD RATE AGREEMENTS**

##### **Forward rate agreements**

**10.** (1) A municipality that enters into an agreement to make an investment on a future date in a security prescribed by section 2 may enter one or more forward rate agreements with a bank listed in Schedule I, II or III to

the *Bank Act* (Canada) in order to minimize the cost or risk associated with the investment because of fluctuations in interest rates. O. Reg. 655/05, s. 9.

(2) A forward rate agreement shall provide for the following matters:

1. Specifying a forward amount, which is the principal amount of the investment or that portion of the principal amount to which the agreement relates.
2. Specifying a settlement day, which is a specified future date.
3. Specifying a forward rate of interest, which is a notional rate of interest applicable on the settlement day.
4. Specifying a reference rate of interest, which is the market rate of interest payable on a specified future date on an acceptance issued by a bank listed in Schedule I, II or III to the *Bank Act* (Canada).
5. Requiring a settlement payment to be payable on the settlement day if the forward rate and the reference rate of interest are different. O. Reg. 655/05, s. 9.

(3) A municipality shall not enter a forward rate agreement if the forward amount described in paragraph 1 of subsection (2) for the investment whose cost or risk the agreement is intended to minimize, when added to all forward amounts under other forward rate agreements, if any, relating to the same investment, would exceed the total amount of the principal of the investment. O. Reg. 655/05, s. 9.

(4) A municipality shall not enter a forward rate agreement unless the settlement day under the agreement is within 12 months of the day on which the agreement is executed. O. Reg. 655/05, s. 9.

(5) A municipality shall not enter a forward rate agreement if the settlement payment described in paragraph 5 of subsection (2) exceeds the difference between the amount of interest that would be payable on the forward amount calculated at the forward rate of interest for the period for which the investment was made and the amount that would be payable calculated at the reference rate of interest. O. Reg. 655/05, s. 9.

(6) A municipality shall not enter a forward rate agreement except with a bank listed in Schedule I, II or III to the *Bank Act* (Canada) and only if the bank's long-term debt obligations on the day the agreement is entered are rated,

- (a) by Dominion Bond Rating Service Limited as "A(high)" or higher;
- (b) by Fitch Ratings as "A+" or higher;
- (c) by Moody's Investors Service Inc. as "A1" or higher; or
- (d) by Standard and Poor's as "A+" or higher. O. Reg. 655/05, s. 9.

#### **Statement of policies and goals**

**11.** (1) Before a municipality passes a by-law authorizing a forward rate agreement, the council of the municipality shall adopt a statement of policies and goals relating to the use of forward rate agreements. O. Reg. 655/05, s. 9.

(2) The council of the municipality shall consider the following matters when preparing the statement of policies and goals:

1. The types of investments for which forward rate agreements are appropriate.
2. The fixed costs and estimated costs to the municipality resulting from the use of such agreements.
3. A detailed estimate of the expected results of using such agreements.
4. The financial and other risks to the municipality that would exist with, and without, the use of such agreements.
5. Risk control measures relating to such agreements, such as,
  - i. credit exposure limits based on credit ratings and on the degree of regulatory oversight and the regulatory capital of the other party to the agreement,
  - ii. standard agreements, and
  - iii. ongoing monitoring with respect to the agreements. O. Reg. 655/05, s. 9.

#### **Report to council**

**12.** (1) If a municipality has any subsisting forward rate agreements in a fiscal year, the treasurer of the municipality shall prepare and present to the municipal council once in that fiscal year, or more frequently if the council so desires, a detailed report on all of those agreements. O. Reg. 655/05, s. 9.

(2) The report must contain the following information and documents:

1. A statement about the status of the forward rate agreements during the period of the report, including a comparison of the expected and actual results of using the agreements.
2. A statement by the treasurer indicating whether, in his or her opinion, all of the forward rate agreements entered during the period of the report are consistent with the municipality's statement of policies and goals relating to the use of forward rate agreements.
3. Such other information as the council may require.
4. Such other information as the treasurer considers appropriate to include in the report. O. Reg. 655/05, s. 9.

## **PART II PRUDENT INVESTMENT**

### **Definitions**

**13.** In this Part,

"Investment Board" means a municipal service board that is established under section 196 of the Act by a municipality for the purposes of this Part and includes, for the purposes of paragraph 3 of section 15, subsection 17 (3) and sections 21 and 23, the Toronto Investment Board; ("commission des placements")

"Joint Investment Board" means a municipal service board that is established under section 202 of the Act by two or more municipalities for the purposes of this Part; ("commission mixte des placements")

"Toronto Investment Board" means the board of the City of Toronto described in subsection 46 (2) of Ontario Regulation 610/06 (Financial Activities) made under the *City of Toronto Act, 2006*. ("Commission des placements de Toronto") O. Reg. 43/18, s. 10.

### **Application**

**14.** This Part applies in respect of investments by a municipality under section 418.1 of the Act. O. Reg. 43/18, s. 10.

### **Requirements under s. 418.1 (3) of the Act**

**15.** A municipality must satisfy one of the following requirements on the day referred to in subsection 418.1 (3) of the Act in order to pass a by-law for the purposes of that subsection:

1. The municipality must have, in the opinion of its treasurer, at least,
  - i. \$100,000,000 in money and investments that it does not require immediately, or
  - ii. \$50,000,000 in net financial assets, as indicated in Schedule 70 of the most recent Financial Information Return supplied to the Ministry of Municipal Affairs by the municipality under the Act and posted on the Ministry's website on the day the municipality passes the by-law under subsection 418.1 (2) of the Act.
2. The municipality must have entered into an agreement to establish and invest through a Joint Investment Board with one or more other municipalities, and all of the municipalities must have, in the opinion of each of their treasurers, a combined total of at least \$100,000,000 in money and investments that the municipalities do not require immediately.
3. The municipality must have entered into an agreement with the following parties to invest through an Investment Board or a Joint Investment Board that was established by another municipality or municipalities before the day the municipality passes the by-law:
  - i. The Investment Board or Joint Investment Board, as the case may be.
  - ii. Any other municipalities investing through the Investment Board or Joint Investment Board on the day the municipality passes the by-law. O. Reg. 43/18, s. 10.

### **Limitation, school board securities**

**16.** A municipality shall not invest money in a security issued or guaranteed by a school board or similar entity in Canada unless the money raised by issuing the security is to be used for school purposes. O. Reg. 43/18, s. 10.

### **Investments only through Investment Board or Joint Investment Board**

**17. (1)** A municipality that satisfies the requirement set out in paragraph 1 of section 15 may invest money only by having an Investment Board that meets the following criteria do so on its behalf:



1. The Investment Board has been established by the municipality.
  2. The Investment Board has been given the control and management of the municipality's investments by the municipality delegating to the Investment Board,
    - i. the municipality's powers to make the investments, and
    - ii. the municipality's duties under section 418.1 of the Act. O. Reg. 43/18, s. 10.
- (2) A municipality that satisfies the requirement set out in paragraph 2 of section 15 may invest money only by having a Joint Investment Board that satisfies the following criteria do so on its behalf.
1. The Joint Investment Board is the subject of an agreement referred to in paragraph 2 of section 15.
  2. The Joint Investment Board has been given the control and management of the municipality's investments, together with that of all the other municipalities that are party to the agreement referred to under paragraph 2 of section 15, by each municipality delegating to the Joint Investment Board,
    - i. the municipality's powers to make the investments, and
    - ii. the municipality's duties under section 418.1 of the Act. O. Reg. 43/18, s. 10.
- (3) A municipality that satisfies the requirement under paragraph 3 of section 15 may invest money only by having an Investment Board or Joint Investment Board, as the case may be, that satisfies the following criteria do so on its behalf:
1. The Investment Board or Joint Investment Board is the subject of an agreement referred to in paragraph 3 of section 15.
  2. The Investment Board or Joint Investment Board has been given the control and management of the municipality's investments by the municipality delegating to the Investment Board or Joint Investment Board,
    - i. the municipality's powers to make the investments, and
    - ii. the municipality's duties under section 418.1 of the Act. O. Reg. 43/18, s. 10.
- (4) The following persons may not be appointed as members of the Investment Board or Joint Investment Board:
1. An officer or employee of any municipality for which it invests.
  2. A member of council of any municipality for which it invests. O. Reg. 43/18, s. 10.
- (5) Subsection (3) does not apply to any treasurer of a municipality for which the board invests provided that treasurers do not make up more than one quarter of the members. O. Reg. 43/18, s. 10.

#### **Investment policy**

**18.** (1) The council of a municipality shall adopt and maintain an investment policy in relation to investing under this Part. O. Reg. 43/18, s. 10.

(2) The investment policy shall include requirements with respect to the following:

1. The municipality's objectives for return on investment and risk tolerance.
2. The municipality's need for liquidity including, for greater certainty, the municipality's anticipated needs for funds for planned projects and the municipality's needs to have funds available for unanticipated contingencies. O. Reg. 43/18, s. 10.

(3) The investment policy may include other requirements with respect to investment matters that council considers to be in the interests of the municipality. O. Reg. 43/18, s. 10.

(4) At least annually, the council shall review the investment policy and update it, as necessary, as a result of the review. O. Reg. 43/18, s. 10.

#### **Investment plan**

**19.** (1) An Investment Board or Joint Investment Board shall adopt and maintain an investment plan in respect of all municipalities that have delegated to it,

- (a) the municipality's powers to make investments; and
- (b) the municipality's duties under section 418.1 of the Act. O. Reg. 43/18, s. 10.

(2) The investment plan shall deal with how the Investment Board or Joint Investment Board will invest each municipality's money and set out the Board's projections of the proportions of each municipality's portfolio of

investments to be invested at the end of the year in each type of security selected by the Investment Board or Joint Investment Board and may include other requirements. O. Reg. 43/18, s. 10.

(3) At least annually, following each council's review of the investment policy under subsection 18 (4), the Investment Board or Joint Investment Board shall review the investment plan and update it, as necessary, as a result of the reviews. O. Reg. 43/18, s. 10.

#### **Investment report**

**20.** (1) An Investment Board or Joint Investment Board shall prepare and provide to the council of each municipality referred to in subsection 19 (1), each year or more frequently as specified by the council, an investment report. O. Reg. 43/18, s. 10.

(2) The investment report shall contain,

- (a) a statement about the performance of the municipality's portfolio of investments during the period covered by the report;
- (b) a statement by the treasurer of the municipality as to whether or not, in the opinion of the treasurer, all investments are consistent with the municipality's investment policy under section 18 and the investment plan for the municipality under section 19; and
- (c) such other information that the council may require or that, in the opinion of the treasurer, should be included. O. Reg. 43/18, s. 10.

#### **Inconsistencies, treasurer's duty**

**21.** If an investment made by an Investment Board or a Joint Investment Board is, in the opinion of the municipality's treasurer, not consistent with the municipality's investment policy under section 18 and the investment plan for the municipality under section 19 of this Regulation or section 48.1 of Ontario Regulation 610/06 (Financial Activities) made under the *City of Toronto Act, 2006*, as the case may be, the treasurer shall report the inconsistency to the council within 30 days after becoming aware of it. O. Reg. 43/18, s. 10.

#### **Agents of the Investment Board**

**22.** (1) Subject to subsections (2) and (3), an Investment Board or Joint Investment Board may authorize an agent to exercise any of the board's functions to the same extent that a prudent investor, acting in accordance with ordinary investment practice, would authorize an agent to exercise any investment function. O. Reg. 43/18, s. 10.

(2) An Investment Board or Joint Investment Board may not authorize an agent under subsection (1) unless a written agreement between the board and the agent is in effect and the agreement includes,

- (a) a requirement that the agent comply with the requirements included in the investment policy or policies under section 18 and with the investment plan under section 19; and
- (b) a requirement that the agent report to the board at regular stated intervals. O. Reg. 43/18, s. 10.

(3) An Investment Board or Joint Investment Board shall exercise prudence in selecting an agent, in establishing the terms of the agent's authority and in monitoring the agent's performance to ensure compliance with those terms. O. Reg. 43/18, s. 10.

(4) For the purpose of subsection (3), prudence in monitoring an agent's performance includes,

- (a) reviewing the agent's reports;
- (b) regularly reviewing the agreement between the Investment Board or Joint Investment Board and the agent and how it is being put into effect, including assessing whether the requirement described in clause (2) (a) is being complied with;
- (c) considering whether directions should be provided to the agent or whether the agent's appointment should be revoked; and
- (d) providing directions to the agent or revoking the appointment if the Investment Board or Joint Investment Board considers it appropriate to do so. O. Reg. 43/18, s. 10.

(5) This section does not prevent the investment, by the Investment Board or Joint Investment Board, in mutual funds, pooled funds or segregated funds under variable insurance contracts, and the manager of such a fund is not an agent for the purpose of this section. O. Reg. 43/18, s. 10.

#### **Withdrawal from investment arrangement**

**23.** A municipality may withdraw from investing through an Investment Board or Joint Investment Board that the municipality has not established if all of the following conditions are met:

1. All the municipalities investing through the board agree to the withdrawal.
2. The municipality has done one of the following:
  - i. Entered into an agreement with another municipality that has established an Investment Board, that Investment Board and any other municipalities investing through that Investment Board, to invest through that Investment Board.
  - ii. Entered into an agreement with the municipalities that have established a Joint Investment Board, that Joint Investment Board and any other municipalities investing through that Joint Investment Board, to invest through that Joint Investment Board.
  - iii. Established an Investment Board on its own or established a Joint Investment Board with one or more other municipalities.
3. The municipality has given the Investment Board or Joint Investment Board through which it will be investing the control and management of the municipality's investments by delegating to the board,
  - i. the municipality's powers to make the investments, and
  - ii. the municipality's duties under section 418.1 of the Act. O. Reg. 43/18, s. 10.

**Application of Part, withdrawal or dissolution**

- 24.** (1) This section applies if a municipality establishes an Investment Board or a Joint Investment Board,
- (a) in order to meet the condition set out in subparagraph 2 iii of section 23 with respect to withdrawing from investing; or
  - (b) in order to meet a condition set out in Ontario Regulation 42/18 (Dissolution of and Prescribed Changes to Investment Board or Joint Investment Board) made under the Act. O. Reg. 43/18, s. 10.
- (2) The municipality must satisfy the requirement set out in paragraph 1 or 2 of section 15 at the time of establishing the board and the reference in subparagraph 1 ii of section 15 to "the day the municipality passes the by-law under subsection 418.1 (2) of the Act" is deemed for the purposes of this section to be a reference to "the day the Investment Board is established". O. Reg. 43/18, s. 10.
- (3) Subsections 17 (1) and (2) apply to the municipality. O. Reg. 43/18, s. 10.
- (4) Sections 16 and 18 to 22 apply with respect to the investment of money by the Investment Board or Joint Investment Board. O. Reg. 43/18, s. 10.

**Transitional matters, what may be done in advance**

- 25.** For greater certainty, before a municipality passes a by-law under subsection 418.1 (2) of the Act and before the effective date of the by-law,
- (a) the municipality may establish an Investment Board or Joint Investment Board and appoint the members;
  - (b) the municipality may enter into an agreement described in paragraph 2 or 3 of section 15;
  - (c) the municipality may adopt an investment policy under section 18;
  - (d) an Investment Board or Joint Investment Board may adopt an investment plan under section 19; and
  - (e) an Investment Board or Joint Investment Board may authorize an agent under section 22. O. Reg. 43/18, s. 10.

**Transitional matters, s. 418.1 of the Act**

- 26.** (1) No municipality shall pass a by-law under subsection 418.1 (2) of the Act until January 1, 2019. O. Reg. 43/18, s. 10.
- (2) Despite the passing of a by-law by a municipality under subsection 418.1 (2) of the Act,
- (a) section 8 of this Regulation continues to apply to the municipality for the purposes of reporting in respect of any period up to and including the effective date of the by-law; and
  - (b) section 20 of this Regulation applies to an Investment Board or Joint Investment Board for the purposes of reporting in respect of any period following the effective date of the by-law. O. Reg. 43/18, s. 10.
- (3) Despite the passing of a by-law by a municipality under subsection 418.1 (2) of the Act,
- (a) section 8.1 of this Regulation continues to apply with respect to investments made on or before the effective date of the by-law; and

- (b) section 21 of this Regulation applies with respect to investments made following the effective date of the by-law. O. Reg. 43/18, s. 10.
- (4) Despite the passing of a by-law by a municipality under subsection 418.1 (2) of the Act, reports shall be made by the treasurer under subsection 12 (1) of this Regulation until reports have been made covering the periods up to and including the period ending on the effective date of the by-law. O. Reg. 43/18, s. 10.

## APPENDIX C: Authorized Investments & Sector Limitations (Short Term Portfolio)

Category	Minimum Credit Rating	Maximum Portfolio Share	Institutional Limit per Issuer
Government of Canada	N/A	100%	100%
Provincial Governments	<b>R-1 low, A (low)</b>	50%	25%
Municipalities and local boards	N/A	50%	10%
Schedule I banks	<b>R-1 low, A (low)</b>	100%	100%
Schedule II banks	<b>R-1 middle, AA (low)</b>	50%	15%
Loan or trust corporations	<b>R-1 low, A (low)</b>	10%	5%
Credit unions <sup>(1)</sup>	<b>R-1 low, A (low)</b>	<b>20%</b>	<b>10%</b>
Incorporated under Electricity Act	N/A	15%	5%
ONE Funds HISA	N/A	<b>50%</b>	<b>100%</b>
ONE Funds 'Other' <sup>(2)</sup>	N/A	<b>35%</b>	<b>100%</b>

**Notes:**

- (1) Increased investment with Credit Unions subject to the requirements set out in subsection (2.0.1). O. Reg. 43/18, s. 4 (2).
- (2) One Funds 'Other' includes the Bond, Universe Corporate Bond, Equity & Money Market Funds.

## APPENDIX D: Dominion Bond Ratings Service Credit Quality

Commercial Paper and Short Term Debt		Bond and Long Term Debt	
Symbol	Credit Quality	Symbol	Credit Quality
R-1 (high)	Highest	AAA	Highest
R-1 (middle)	Superior	AA	Superior
R-1 (low)	Satisfactory	A	Satisfactory
R-2 (high)	Adequate	BBB	Adequate
R-2 (middle)	Adequate	BB	Speculative
R-2 (low)	Adequate	B	Highly Speculative
R-3 (high)	Speculative	CCC	Very Highly Speculative
R-3 (middle)	Speculative	CC	Very Highly Speculative
R-3 (low)	Speculative	C	Very Highly Speculative
D	In Arrears	D	In Arrears
R	Not rated		

Dominion Bond Rating Service (DBRS) provides ratings on institutional quality. A company having an R-1 rating is a high grade prime credit. It has a very high ability to repay its current liabilities as they become due. The strength of various liquidity ratios is unquestioned and alternative sources of funds to commercial paper profitability has been reasonable and relatively stable with only modest fluctuations. No substantial qualifying negative factors exist and the firm is of sufficient size to be a strong influence in its industry. DBRS also indicates where within the rating classification the company falls (high, middle or low).



# Town of Whitby Policy

<b>Policy Title:</b>	Investment Policy
<b>Policy Number:</b>	F 100
<b>Reference:</b>	<i>Municipal Act, 2001</i> Eligible Investments, Regulation 438/97 and Council Resolution #193-18 and #55-20
<b>Date Approved:</b>	June 4, 2018
<b>Date Revised:</b>	<del>March 9, 2020</del> <a href="#">April 3, 2023</a>
<b>Approval:</b>	Council
<b>Point of Contact:</b>	Financial Services – Treasury Services

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## Policy Statement

It is the policy of The Corporation of the Town of Whitby (the “Town”) to invest municipal funds in a manner which will provide the highest return within risk tolerances that are appropriate for the Town. Investments must comply with the Municipal Act, 2001, Sections 418-420 and Eligible Investments, Regulation 438/97 (Appendix B).

## Purpose

To provide investment guidelines which govern the investment of the Town’s Long-Term Moneyfunds or “Money that is Not Required Immediately” (“MNRI”) and also Short-Term MoneyFunds or “Money that is Required Immediately” (“MRI”). It is intended, among other things, to direct the Treasurer in the investment of MRI and to direct ONE Joint Investment Board (“ONE JIB”) in the investment of MNRI.

The Investment Policy Statement (“IPS”) governs the investment of the Town's MNRI and MRI. It is intended, among other things, to direct the Treasurer in the investment of MRI and to direct ONE JIB in the investment of MNRI pursuant to which the Town authorized the establishment of guidelines -for the prudent management of the Town's MNRI pursuant to section 418.1 of the Act.

In addition to the Town's MRI and MNRI, the Town is from time to time entrusted with the management of money and investments for a third-party beneficiary (“Third-Party Trust Funds”).

There are also source(s) of money in which the Town may have an indirect interest but which the Town currently has no authority to invest. Such source(s) of money, referred to in this IPS as “Designated Funds”, are listed in Schedule A attached hereto. The Designated Funds are identified in this IPS for the sole purpose of enabling the Town to better see, on an aggregated basis, the various financial assets in which the Town has



an interest. The Town is not responsible for the investment activities or performance of Designated Funds.

## Scope

The ~~Investment Policy Statement~~ (“IPS”), as outlined, applies to all investment of Working Capital, Reserves, Reserve Funds, sinking funds, trust funds and any new funds created by the Town unless specifically exempted.

The goals of this IPS ~~is~~are to:

- Define and assign responsibilities for investment of MRI and MNRI;
- Direct ONE JIB as to the ~~Town’s~~Municipality’s investment goals and risk tolerance;
- Describe the Town’s responsibilities with respect to third party trust funds;
- Ensure compliance with the applicable legislation;
- Direct ONE JIB as to the Town’s investment goals and risk tolerance;
- Provide guidance and limitations regarding the investments and their underlying risks;
- ~~Describe the Town’s responsibilities with respect to third-party trust funds~~Third-Party Trust Funds and ~~designated funds~~Designated Funds;
- Establish a basis of evaluating investment performance and the underlying risks; and,
- Establish a reporting standard to Council.

This IPS applies to employees of the Town, to ONE JIB and to the employees of ONE Investment. ONE JIB, the Treasurer, and any agent or advisor providing services to ONE JIB in connection with the investment of the portfolio shall accept and strictly adhere to this IPS.

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## 1. Definitions

The following capitalized terms are defined terms which have the meanings set out below:

**Act:** means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended from time to time.

**Agent:** means any administrator, ~~c~~Custodian, payment servicer, portfolio manager, investment counsel, consultant, banker, broker, dealer or other service provider engaged or appointed by ONE JIB and authorized by ONE JIB to exercise any of the functions of ONE JIB pursuant to a written agreement, in the manner and to the extent provided in the Regulation and without limiting the generality of the foregoing, Agent includes ONE Investment.

**Asset Class:** ~~means~~An asset class is means a specific category of assets or investments, such as cash, fixed income, equities, alternative investments, real estate etc.

**Asset Mix (or Asset Allocation):** means the proportion of each asset class in a portfolio. Asset classes include bank deposits, money market securities, bonds and equities, among other things.

**Authorizing By-law:** means a by-law of a ~~founding municipality~~Founding mMunicipality which authorizes: (i) ~~the~~ entering into ~~an~~an of the Initial Formation Agreement; (ii) the establishment of ONE JIB; (iii) the approval of the Client Questionnaire and the adoption of the IPS; and, (iv) ~~the~~ entering into ~~of~~ the ONE JIB Agreement.

**Benchmark:** means an index that is representative of a specific securities market (e.g. the S&P/TSX Composite Index, the FTSE/TMX 91 Day T-bill Index, etc.) against which investment performance can be compared. Performance benchmarks refer to total return indices in Canadian dollar terms.

**CFA Institute:** refers to the global, not-for-profit professional association that administers the Chartered Financial Analyst (CFA) and the Certificate in Investment Performance Measurement (CIPM) curricula and examination programs worldwide, publishes research, conducts professional development programs, and sets voluntary, ethics-based professional and performance reporting standards for the investment industry.

**Credit Risk:** means the possibility of a loss resulting from a borrower's failure to repay a loan or meet contractual obligations. That is, the risk that a lender may not receive the owed principal and interest.

**Custodian:** means a specialized financial institution that is responsible for safeguarding a municipality's investments and is not engaged in "traditional" commercial or consumer/retail banking. Global custodians hold investments for

their clients in multiple jurisdictions around the world, using their own local branches or other local custodian banks ("sub-custodians" or "agent banks").

**Derivative:** ~~A derivative is~~ means a contract between two or more parties whose value is based on an agreed-upon underlying financial asset (like a security) or set of assets (like an index). Common underlying instruments include bonds, commodities, currencies, interest rates, market indexes, and stocks.

**Environmental, Social and Governance (ESG) Investing:** means considering and integrating ESG factors into the investment process, rather than eliminating investments based on ESG factors alone. Integrating ESG information can lead to more comprehensive analysis of a company.

**External \_\_—Portfolio \_\_—Managers:** means external third-party investment management firms whose investment offerings are accessed by ONE JIB directly or through services provided to a Pooled Fund. External Portfolio Managers are agents authorized by ONE JIB in accordance with Part II of the Regulation.

**Interest Rate Risk:** refers to the possibility that the value of a bond or other fixed-income investment will suffer as the result of a change in interest rates. Interest rate risk can be managed to help improve investment outcomes.

**Internal Controls:** means a system of controls that may include authorities, policies, procedures, separation and segregation of duties, compliance checks, performance measurement and attribution, reporting protocols, measures for safekeeping of property and data, and the audit process.

**Investment Plan:** means the investment plan applicable to the Long-Term Funds investments and adopted by ONE JIB under the Regulation, as it may be amended from time to time.

**Investment Policy Statement (IPS):** means the investment policy applicable to the TownMunicipality's investments adopted and maintained by the Council of the Town for Long-Term MoneyFunds under the Regulation, and for Short-Term MoneyFunds, as the same may be amended from time to time. The IPS may also apply to the money and investments held by the Town for the benefit of persons other than the Town itself and may make reference to source(s) of money in which the Town may have an indirect interest but which the Town has no authority to invest.

**JIB:** is short for Joint Investment Board; and means a joint municipal service board that is established under section 202 of the Act by two or more municipalities for the purposes of Part II of the Regulation.

**Legal List Securities:** means the securities and other investments and financial instruments that are included from time to time in Part I of the Regulation.

**Leverage:-** means an investment strategy of using borrowed money—specifically, the use of various financial instruments or borrowed capital—to increase the potential return of an investment. Typically leverage also tends to increase investment risks.

**Local Distribution Corporation or LDC:** ~~means a corporation incorporated under section 142 of the Electricity Act, 1998, S.O. 1998, c. 15, Sched. A., as amended, S.O. 1998, c. 15, Sched. A, as amended, and shall include any controlling non-municipal corporation of the LDC, or any “affiliated” or “subsidiary” corporation of the LDC (as those terms are defined in the Securities Act, R.S.O. 1990, c. S.5, as amended) which may have been created under the Electricity Act, 1998 or under the Business Corporations Act, R.S.O. 1990, c. B.16, as amended.~~

**Long-Term Funds: Money:** means money that the Town has defined as long-term and characterized as money that is not required immediately by the Town as described in section 5.2. Monies that are ~~Long-Term Funds~~ Long Term Money will be invested in accordance with the Prudent Investor Standard.

**Modern Portfolio Theory:-** means a theory of portfolio management that looks towards the portfolio as a whole, rather than towards the prudence of each investment in the portfolio. This is found in the CFA Institute Standards of Practice Handbook.

**Municipality (or Town):** means The Town of Whitby

**ONE JIB:** means ONE Joint Investment Board, established by certain founding municipalities under section 202 of the Act as a JIB for purposes of Part II of the Regulation, which is the duly appointed JIB for the Town, as constituted from time to time and which acts in accordance with the Act, the Regulation, the ONE JIB Agreement, including the Terms of Reference, this IPS and the Investment Plan.

**ONE JIB Agreement:** ~~means the agreement effective as of June 1~~ July 2, 2020, entered into in accordance with the requirements of the Regulation, pursuant to which ONE JIB has control and management of the Town’s Long-Term ~~Funds~~ Money.

**Outcome:** in the context of the Town’s IPS the word ~~‘Outcome’ Outcome~~ ‘outcome’ is used interchangeably with ~~‘Solutions’~~. Investment ~~Outcomes Outcomes~~ outcomes are a set of investment allocations with varying risk/return characteristics. The ~~Outcomes Outcomes~~ assigned to each investor are intended to reflect the needs and circumstances of the Town. MNRI may be invested into several ~~Outcomes Outcomes~~ based on the characteristics of the Town’s accounts/reserves and its saving and spending needs.

**ONE JIB’s Outcome Framework:** a set of Investment Outcomes designed by the ONE JIB to categorize the potential goals of investing MNRI. Each Outcome has

a unique Asset Allocation with risk/return characteristics that are aligned with the intended use of the [funds money](#) assigned to the outcome.

**Participating Municipality:** ~~means from time to time each of the municipalities for whom ONE JIB acts as the JIB under the terms of the ONE JIB Agreement.~~

**Pooled Fund:-** means a unit trust established under a trust instrument, generally not available to the public, in which institutional, sophisticated or high net worth investors contribute [funds monies](#) that are invested and managed by an External Portfolio Manager. [Funds Monies](#) are pooled or combined with [funds monies](#) of other investors.

**Portfolio:-** means any collection of funds that are grouped together and required for specific purposes.

**Proxy Voting:-** means a legal transfer to another party of a shareholder's right to vote thereby allowing shareholders who cannot attend meetings to participate. External Portfolio Managers usually vote proxies on behalf of their clients.

**Prudent Effective Date:** -means ~~June 1~~[July 2](#), 2020, the date on which the prudent investor regime applies to the Town.

**Prudent Investor Standard:** means the standard that applies when the Town invests money that it does not require immediately under section 418.1 of the Act. It requires the Town to exercise the care, skill, diligence and judgment that a prudent investor would exercise in making such an investment and the standard does not restrict the securities in which the Town can invest. The Prudent Investor Standard makes use of Modern Portfolio Theory and applies the standard of prudence to the entire portfolio in respect of the Town's Long-Term [Funds Money](#) rather than to individual securities. It identifies the fiduciary's central consideration as the trade-off between risk and return as found in the CFA Institute Standards of Practice Handbook.

**Regulation:** -means Ontario Regulation 438/97.

**Risk:** -means the uncertainty of future investment returns [or chance of loss of capital](#).

**Risk Tolerance:** means the financial ability and willingness to absorb a loss in return for greater potential for gains.

**Securities Lending:** means loaning a security to another market participant. The borrower is required to deliver to the lender, as security for the loan, acceptable collateral with value greater than the value of the securities loaned. The Securities Lending program is managed by the Custodian [or another appointed agent](#) on behalf of investors. A Securities Lending program is widely used by institutional investors to generate additional marginal returns on the total portfolio.

**Short-Term Funds–Money:** means money that is required immediately by the Town as described in section 5.1 and which remains under the control and management of the Town. The funds money can be invested in appropriate Legal List Securities.

**Sinking Fund:** means a fund established to fulfil the requirements to make annual contributions in respect of various debenture issues wherein money is to be regularly set aside for the payment of the principal of the debentures at maturity.

**Sinking Fund Required Contributions (Annual Sinking Fund Requirement):** means the amount of money to be set aside each year for deposit into a sinking fund or a retirement fund, as applicable, for each sinking fund and term debenture issue in accordance with the Town's debenture by-laws.

**Sinking Fund Required Earnings:** means the investment earnings needed for the Sinking Fund Contributions to continue to grow to a value sufficient to repay the principal at maturity for each issue of sinking fund and term debentures.

**Sinking Fund Excess Earnings:** means the investment earnings in excess of the required earnings.

## 2. PURPOSE AND LEGISLATIVE FRAMEWORK

### Purpose of Policy

This IPS governs the investment of the Municipality's MNRI and MRI. It is intended, among other things, to direct the Treasurer in the investment of MRI and to direct ONE Joint Investment Board (ONE JIB) in the investment of MNRI by implementing the Authorizing By-law (by-law name/number TBD) pursuant to which the Municipality authorized the establishment of guidelines for the prudent management of the Municipality's MNRI pursuant to section 418.1 of the Act.

In addition to the Municipality's MRI and MNRI, the Municipality is from time to time entrusted with the management of money and investments for a third-party beneficiary ("third-party trust funds").

There are also source(s) of money in which the Municipality may have an indirect interest but which the Municipality currently has no authority to invest. Such source(s) of money, referred to in this IPS as "designated funds", are listed in Schedule A attached hereto. The designated funds are identified in this IPS for the sole purpose of enabling the Municipality to better see, on an aggregated basis, the various financial assets in which the Municipality has an interest. The Municipality is not responsible for the investment activities or performance of designated funds.



This IPS applies to employees of the Municipality.

## 2.1. Governing Legislation

Investments of MRI will, in accordance with this IPS, only be made in Legal List Securities. The primary objectives of the Short-Term investment program, in priority order, shall be: Preservation of Capital, Maintenance of Liquidity, earning a Competitive Rate of Return and Legality of Investments. This will be achieved by investing in eligible legal list securities, high credit quality rated bonds to mitigate credit risk, highly liquid assets to respond to cash flow requirements and seeking the best ongoing return possible subject to the constraints of this Policy, respectively.

Investments of Long-Term Money Funds or, MNRI are governed by the Prudent Investor Standard in accordance with Section 418.1 of the Act. This standard is similar to that which governs trustees and pension fund administrators and creates a fiduciary responsibility. Prudent investment in compliance with the Act and the Regulation enhances the potential for the Municipality Town to earn improved risk-adjusted rates of return.

Money and investments that the Town holds as Third-Party Trust Funds or has an interest in as designated funds Designated Funds will be subject to applicable legislation and any related agreements or instruments.

The Act provides that the Town, and therefore ONE JIB, must consider the following criteria in planning investments of MNRI, in addition to other criteria relevant to the circumstances:

- General economic conditions;
- The possible effect of inflation or deflation;
- The role that each investment plays within the Town's total portfolio of investments;
- The expected total return from income and the appreciation of capital; and
- Needs for liquidity, regularity of income and preservation or appreciation of capital.

## 2.2. Prudent Investor Standard

For MNRI, the standard to be used by the Town and ONE JIB shall be the "Prudent Investor" Standard as required by section 418.1 of the Act and Part II of the Regulation in the context of managing the Town's MNRI and investments thereof. Investments shall be made with the care, skill, diligence, and judgment, taking into account the prevailing circumstances, that persons of prudence, discretion and integrity would exercise in the

management of investments, considering the necessity of preserving capital as well as the need for income and appreciation of capital. -The Act includes a duty to obtain the advice that a prudent investor would obtain under comparable circumstances.

~~As well, the Prudent Investor Standard makes use of Modern Portfolio Theory, which looks towards the portfolio as a whole, rather than towards the prudence of each investment in the portfolio.~~

Officers, ~~employees~~employees, and investment agents acting in accordance with written procedures and the IPS and exercising due diligence shall take all necessary actions to optimize performance of investments on a portfolio basis, taking into account the prescribed risk and other parameters set out in this IPS and market factors. The Town's staff acting in accordance with written procedures and this IPS, shall be relieved of personal responsibility for an investment's performance, provided underperformance relative to expectations is reported to Council and the liquidation or sale of investments is carried out in accordance with this IPS.

### **3. MONEY REQUIRED IMMEDIATELY AND MONEY NOT REQUIRED IMMEDIATELY**

#### **3.1. Determination of MNRI and MRI**

Determination of the Town's MNRI is the responsibility of Council. In making the determination, Council may consider:

- the time horizon within which the monies are needed to meet financial obligations;
- the purpose for which the monies have been collected or set aside and are to be used;
- the source of the money; or
- any combination of the foregoing.

MNRI will be comprised of money that is to be used to meet financial obligations that become due more than 24 months from the date of receipt of such money by the Town.

For certainty, all money and investments of the Town that have not been identified as MNRI (other than ~~third-party trust funds~~Third-Party Trust Funds and any ~~designated funds~~Designated Funds referenced in Section 2.1) shall be deemed for purposes of this IPS to be MRI.

Determination of the Town's MNRI and MRI may be modified at any time and from time to time by action of Council and with respect to specific

~~fundsmonies~~ by the Treasurer in accordance with the provisions of Section 6.2.

Any changes in this IPS regarding the Town's MNRI and MRI must be communicated immediately in writing to ONE JIB.

### 3.2. Overview of Portfolios

The Town's portfolios represent funds required for specific purposes. A high-level description of each of these portfolios and their objectives is provided in Section 5 below. This IPS applies to the following money of the ~~Municipality~~ Town, its agencies, boards and commissions including:

- MRI which is invested in Legal List Securities; and/or
- MNRI which is invested under the Prudent Investor Standard.

## 4. ROLES AND RESPONSIBILITIES

### 4.1. Role of ONE JIB

ONE JIB has been appointed by the Town in accordance with the requirements of the Act and the Regulation and on the terms and conditions set out in the ONE JIB Agreement.

ONE JIB exercises control and management of the Town's MNRI and the investments made by it in accordance with the objectives and risk tolerance established in this IPS.

Among the responsibilities of ONE JIB are the following:

- Reviewing this IPS;
- Adopting and maintaining an Investment Plan that complies with this IPS;
- Engaging External Portfolio Managers, Custodians, ~~A~~ administrators and other investment professionals (Agents);
- Allocating the money and investments under its control and management among External Portfolio Managers and their funds in compliance with this IPS;
- Monitoring the performance of the Agents; and,
- Reporting to the Town.

The foregoing is subject to the more detailed terms and conditions contained in the ONE JIB Agreement.

### 4.2. Role of Municipal Staff

This IPS is approved and adopted by Council with input from the Treasurer, and from ONE JIB with respect to MNRI. MRI of the Town, and any ~~third-~~

~~party trust funds~~Third-Party Trust Funds referenced in Section 2.1, remain under the control and management of the Treasurer.

Consistent with this IPS, the Treasurer is responsible for the implementation of the investment program and the establishment of investment procedures which shall include:

- Investment management of MRI and any ~~third-party trust funds~~Third-Party Trust Funds referenced in Section 2.1 by, or under the direction of, the Treasurer;
- The deposit or withdrawal of MNRI, under the explicit delegation of authority regarding MNRI, and the investment thereof, to ONE JIB, which is responsible for the control and management of such funds and investments; and,
- A system of controls exercised by the Treasurer to regulate the ~~investment~~ activities of Town staff when investing MRI.

No person including, without limitation, ONE JIB, may engage in an investment transaction except as provided under the terms of this IPS.

In the management of MRI of the Town, and any ~~third-party trust funds~~Third-Party Trust Funds referenced in Section 2.1, the Treasurer may engage one or more agents and service providers. ONE Investment can assist with the investment of the Town's MRI, in Legal List Securities, and with the investment of ~~third-party trust funds~~Third-Party Trust Funds, in accordance with the terms of the applicable trust, if permitted, at the request of the Town.

#### **4.3. Ethics and Conflicts of Interest**

Individuals who are responsible for the Town's Short-Term Portfolio shall comply with the Town's Conflict of Interest guidelines and any relevant sections of professional codes of conduct (e.g., the CPA Code of Professional Conduct).

ONE JIB, in its capacity as a joint municipal service board, ~~in addition to being a local board of each member Municipality~~ is subject to a Code of Conduct as required by the Municipal Act, 2001 (the "Act"). This Code of Conduct, applies to the Chair and the other Members of ONE JIB acting in their capacity as Members of ONE JIB.

## **5. INVESTMENT~~Ss~~**

### **5.1. MRI: Short-Term ~~Funds~~Money**

The Town's MRI is described in this IPS as Short-Term ~~Funds~~Money. Short-Term ~~Funds consist~~Money consists of money that is needed to meet the short-term financial obligations coming due within 24 months from the

date of receipt of such money and are controlled and managed by the Treasurer.

For clarification, any debenture or promissory note issued by a LDC to the Town, together with any payments or interest earned thereon, shall be considered Short-Term Funds Money.

#### 5.1.1. Short-Term FundsMoney: Investment Objectives

The main focus of the investment of Short-Term FundsMonies is cash management, and interest income generated by investments is a contributor to municipal revenues. To the extent possible, the Town shall attempt to match its investments with anticipated obligations. Capital preservation is the paramount objective for short-term investments, and these investments need to be highly liquid.

Consequently, only high quality, short-term investments that are also Legal List Securities will be held in this portfolio. The Town may invest in fully liquid money market securities and deposit accounts. The Town aims to maximize returns subject to the constraints set out in Part I of the Regulation, as amended from time to time, with a view to preserving capital and to further manage risk through diversification by issuer and credit quality.

#### ~~2.1.2. Short-Term Funds: Eligible Investments~~

~~Short Term Funds may be invested in high quality, short-term investments that are also Legal List Securities available from banks, dealers and other financial institutions. Investments issued or guaranteed by approved institutions will be permitted by this Policy, as deemed eligible by Ontario Regulation 438/97 or as authorized by subsequent provincial regulations. Investments will be limited to securities issues maintaining a minimum credit rating by an appropriate credit rating agency, an example of which is shown in Appendix D.~~

~~Eligible investments include the following offerings by ONE Investment:~~

- ~~• ONE Investment High Interest Savings Account;~~
- ~~• ONE Investment Money Market Portfolio; and,~~
- ~~• ONE Investment Canadian Government Bond Portfolio~~

The investment objectives for Short-Term Funds~~Short-Term Mmoney~~, ranked in priority, are as follows:

a) Security of Principal

The primary objective for MRI is to ensure the security of principal. To minimize the risk of loss, investments shall be subject to minimum credit ratings and shall be diversified by maturity, type of investment and issuer. Investing activities will be reviewed on a regular basis as actual, revised and forecasted operating and capital plans are completed. ~~—Maturity dates should be staggered~~structured so that investment cash inflows occur ~~throughout the year.~~when needed.

b) Liquidity Requirements

Liquidity is measured by the ease with which securities can be converted to cash to meet forecast spending. The investments that are eligible under Ontario's Eligible Investments and Related Financial Agreements Regulation possess different features and thus market prices will vary depending on market conditions, as well as the particular features of the type of investment.

To ensure adequate liquidity, the Town's investments shall be diversified by holding securities of various terms to maturity and by various types of investments and issuers and to the extent possible, the term of such investments shall match the forecasted requirements for such ~~funds~~monies to meet expenditures.

c) Rate of Return

The Town's ~~funds~~money shall be invested to maximize the rate of return within acceptable risk levels while respecting the security of principal, legal constraints and the ~~adequate~~ liquidity needs of each investment portfolio.

The composition of each portfolio, including its term to maturity and type of investments, shall be adjusted within the guidelines of this Policy to take advantage of market opportunities. Such changes shall be made with the periodic interest rate outlook and target portfolio structure approved by the Treasurer.

## 5.2. MNRI: Long-Term ~~Funds~~Money

The Town's MNRI is described in ~~IPS~~ Section 3.2-1 as Long-Term ~~Funds~~Money. In accordance with the ONE JIB Agreement and this IPS, ONE JIB has exclusive control and management of the Long-Term ~~Funds, excluding LDC shares and any other LDC financial instruments as set out in this Investment Policy,~~Money and the investments made therewith.

From time to time, the Town may require money immediately to meet financial obligations and may require ONE JIB to liquidate one or more investments in order to generate money to ~~pay~~meet those obligations. ONE

JIB will select the investment(s) to be liquidated ~~subject to the constraints of this Policy.~~ The timing of such liquidation will be determined by ONE JIB in consultation with the Treasurer.

### 5.2.1. Long-Term Funds: Investment Objectives

In setting the objectives noted below, the Town has taken into account the following considerations:

- Preservation of capital;
- Adequate liquidity that takes into account the needs of financial obligations and reasonably anticipated budgetary requirements;
- Diversification by asset class, market, sector, issuer, credit quality and term to maturity;
- Income and capital appreciation; and,
- Macro risks, such as inflation, economic growth and interest rates.

The ~~municipality's~~ Town's Investment objectives for its Long-Term Moneyfunds (MNRI) can be achieved via allocations to the Outcomes defined within the ONE JIB's Outcome Framework. A Table 1 provides a summary of this framework ~~is described in Table 1 below.~~

Table 1: ONE JIB's Outcome Framework

Outcome Category	Outcome Strategy	Objective	Risk Tolerance, Liquidity	Investment Horizon
Cash	Cash	Preservation of Capital	Low risk; high liquidity	< 3 years
Stable Return	Stable Return	Income generation: To generate returns to fund recurring needs	Moderate risk with emphasis on growth and stable returns, regular liquidity	> 5 years (Perpetual)
Contingency	Contingency	Contributions for unexpected and infrequent events	Higher risk; emphasis on longer-term capital growth with some liquidity	> 5 years (Perpetual)
	Asset Mgt Reserves	Contributions to generate returns to fund asset	Higher risk; emphasis on longer-term	> 10 years (Perpetual)



		management reserves	capital growth; low liquidity	
Target Date	Target Date 3-5 yrs	Preservation of capital	Low risk; high liquidity	3 – 5 years
	Target Date 5-10 yrs	Contributions toward capital projects, mitigate inflation impacts and meet target funding requirements	Moderate risk, liquid	5 – 10 years
	Target Date 10+ yrs	Contributions toward capital projects, mitigate inflation impacts and meet target funding requirements	Higher risk, emphasis on long-term inflation-adjusted growth	> 10 years

Investment of Long-Term FundsMoney is to be managed by ONE JIB, which in a way that balances expectedthe investment risks and returns to generate asset mixes that create outcomes to meet the Town's needs and objectives with a level of risk tolerances. Risk mitigationthat is achieved primarily through appropriate for the diversification of investment types. For example, assets will be municipalityTown. The MNRI invested in a mix of fixed income, equity, and other investments in orderwill be broadly diversified to help balancereduce the volatility andof investment returns. Returns have an impact on revenues, as well as a longer-term impact on future years' budgets and should, at a minimum, keep pace with inflation. To the extent possible, the Long-Term Funds'Money's investment horizons are aligned with the Town's obligations and cash flow requirements and may consist of liquid and non-liquid securities based on future cash flow requirements.

### 5.2.2. Long-Term FundsMoney: Eligible Investments

Eligible investments for Long-Term FundsMoney include any pPooled fFund or other collective investment vehicle or institutional investment management product sponsored or managed by ONE Investment for the Prudent Investment Program (Prudent Investment Offering), provided always that the products and the selection of products comply in all material responses with the IPS and that the ONE JIB has approved them as part of the Town's investment planrespects with the IPS.

Additionally, nothing in this IPS prevents Long-Term ~~Funds~~Money from being held in cash, short term money market instruments, or overnight deposits.

#### **5.2.3. Long-Term Funds: Local Distribution Corporation (LDC)**

The direct investment in LDC shares and/or promissory notes, as may be applicable, prior to July ~~2nd~~1, 2020, shall be permitted and included as part of the Long-Term Funds/MNRI held by ONE JIB. Specific details of this investment shall be approved by Council in its sole and absolute discretion, and ONE JIB shall adhere to all terms and conditions as directed. More specifically, ONE JIB shall be prohibited from selling, transferring, assigning, or pledging the LDC shares.

LDC shares are considered restricted, special assets and remain in the custody of the Town. LDC shares are to be viewed as separate standalone investments with the subject matter expertise and administrative functions remaining under the purview of the Town. These assets are not marketable securities and were acquired by the Town pursuant to separate legislative provisions and shareholder agreement(s). Council retains direct, de facto control of the LDC shares and ONE JIB shall adhere to all terms and conditions as directed. More specifically, Council controls all acquisition and disposition decisions related to current and future LDC assets. Any voting related to LDC shares will be undertaken solely by the Town.

The investment in LDC shares will not be included in calculations regarding asset mix/allocations or other constraints that apply to the Long-Term Funds.

#### **5.2.4. Long-Term Funds: Other Portfolios**

The Town does not currently have any other investment portfolios which require management by ONE JIB under the Prudent Investor Standard.

### **5.3. ~~Third-Party~~ Trust Funds and Designated Funds**

In addition to the Town's own money, the Town is from time to time entrusted with ~~third-party trust funds~~Third-Party Trust Funds, and the responsibilities and obligations with respect thereto may be subject to other legislation and governed by other agreements and instruments. To the extent that there is any conflict or inconsistency between the provisions of this IPS and the terms and conditions contained in such other legislation, agreements or instruments applicable to ~~Third-Party~~ Trust Funds, the latter shall prevail.

The Municipality's ~~third-party trust funds~~Third-Party Trust Funds and the ~~designated funds~~Designated Funds are listed in Appendix A.

For certainty, the third-party trust funds and the ~~designated funds~~Designated Funds are not MNRI of the Town, and such ~~funds monies~~ are not under the control or management of ONE JIB.

## 5.4. Investment Management

### 5.4.1. Investment Management of Short-Term ~~Funds~~Money

The investment of Short-Term ~~Funds~~Money shall be controlled and managed by the Treasurer. ~~as it consists of funds required by the Town to meet its immediate cash-flow requirements.~~

### 5.4.2. Investment Management of Long-Term ~~Funds~~Money

The investment of Long-Term ~~Funds~~Money shall be controlled and managed by ONE JIB in accordance with this IPS. ~~An investment advisor shall be retained by ONE JIB to define and manage the asset allocation using External Portfolio Managers.~~

Competent External Portfolio Managers shall be appointed by ONE JIB, and they shall enter into an agreement with ONE Investment that complies with this IPS and Part II of the Regulation and provide compliance and performance reports. In accordance with the applicable regulatory requirements, ONE JIB shall make any External Portfolio Manager changes deemed in the best interest of the Town. ~~For each External Portfolio Manager, ONE Investment shall agree on a set of operational guidelines including constraints, discretion limits, diversification and quality standards, and performance expectations, which are documented in each External Portfolio Manager's guidelines.~~

### 5.4.3. Transition to Prudent Investor Regime

Upon and after the Prudent Effective Date, the control and management of money and investments that are determined to be not required immediately shall be given to ONE JIB. Nothing in this IPS requires that such investments need be liquidated or disposed of. ~~It is not contrary to this IPS for investments that the~~ Town Municipality ~~does not require immediately to be held, and to continue to be held by, ONE JIB in instruments such as term deposits, guaranteed investment certificates or principal protected notes issued by a financial institution. They can~~ be ~~held to maturity and invested upon receipt of cash proceeds. The Town holds Principal Protected Notes that have been identified as MNR that will be held to maturity.~~

Management of ~~third-party trust funds~~Third-Party Trust Funds and any ~~designated funds~~Designated Funds is not directly affected by the Prudent Effective Date.

## 5.5. Investment Constraints

#### 5.5.1. Environmental, Social and Governance (ESG) Investing

The Town supports ESG investing for Short-Term and Long-Term ~~Funds~~Money. The Town believes that well-managed companies are those that demonstrate high ethical and environmental standards and respect for their employees, human rights, and the communities in which they do business, and that these actions contribute to long term financial performance.

The Town has chosen to monitor the developments of ESG factors and will reconsider its approach to ESG investing for the Short-Term Portfolio as and when appropriate to do so.

For the investment of Long-Term ~~Funds~~Money, ONE JIB is required to explore how External Portfolio Managers are implementing responsible investing principles at the time of hiring and during periodic reviews. It may report on results periodically, if requested. ~~Accommodating specific ESG considerations may not be possible either due to availability or to costs.~~

#### 5.5.2. Securities Lending

~~The Town~~For the investment of Short-Term ~~Money~~Money, the ~~Town~~Municipality may invest in pooled funds, and other investment funds that are controlled by an External Portfolio Manager who may engage in Securities Lending if the policies of the External Portfolio Manager that apply to such pools permit such an action.

~~For the investment of Long-Term Money, the Municipality~~Town may invest in pooled funds, and other investment funds that are managed by an External Portfolio Manager who may engage in Securities Lending if the policies of the External Portfolio Manager permit such an action.

#### 5.5.3. Derivatives

Derivatives may not be used for speculative purposes. They may be used for the investment of Long-Term ~~Funds~~Money where they are fully covered by a backing asset, e.g., as for currency or other hedging, to change portfolio duration or in covered call strategies.

#### 5.5.4. Pooled Funds

All investment strategies may be pursued directly through holdings of corporate and government issuers and indirectly via pooled funds and investment funds or any combination thereof. The investment strategies may also include allocations to cash or short-term investment vehicles.

#### 5.5.5. Currency Hedging

The Short-Term Portfolio will not utilize currency hedging.

The Town's funding requirements are in Canadian dollars. However, some exposure to foreign currencies in the Long-Term Portfolio ~~is expected and necessary~~ may be advantageous to provide diversification and potentially enhance returns. Therefore, it shall not be a violation of this IPS for investments in global mandates to be unhedged, in whole or in part, where the diversification benefits embedded in the currency exposure are considered to be beneficial or desirable by ONE JIB.

#### **5.5.6. Prohibited Investments**

In no event may investments be made through foreign direct investment in countries subject to Canadian or UN economic sanctions.

##### **5.5.5.1-5.5.6.1. Letters of Credit**

With respect to MRI investments, ~~t~~The Town will accept irrevocable Letters of Credit in the prescribed format issued by a Schedule I bank with a minimum Dominion Bond Rating Service (DBRS) rating of R-1 low or A (low) or Schedule II (as approved) bank with a minimum DBRS rating of R-1 middle or AA (low).

Letters of credit issued may be accepted from any of the five largest banks set out in Schedule I of the Bank Act listed below:

1. Bank of Montreal
2. The Bank of Nova Scotia
3. Canadian Imperial Bank of Commerce
4. Royal Bank of Canada
5. Toronto Dominion Bank

Letters of credit may be accepted from Schedule I or II banks meeting the minimum DBRS rating criteria on the approval of the Treasurer or designate.

If a Letter of Credit was previously accepted in accordance with this policy and the bank has since been downgraded and no longer meets the minimum requirements, the Town may request a new acceptable Letter of Credit.

#### **5.6. Performance Monitoring, Rebalancing and Management**

##### **5.6.1. Short-Term Funds Money**

~~The Short-Term investment portfolio shall be designed with the objective of obtaining a rate of return throughout budgetary and economic cycles, commensurate with the investment risk constraints and the cash flow needs.~~

~~The Town will employ a passive buy and hold strategy as opposed to an active trading strategy. The Investment & Financial Analyst, under the direction of the Treasurer, is permitted to rebalance investments to take advantage of changing market conditions. The structure of the portfolio will always take into consideration the cash flow needs of the Town.~~

The Treasurer shall monitor the performance, rebalance asset mix, and manage short-term funds in a manner that achieves the investment objectives set out in this IPS. The Investment & Financial Analyst will provide regular performance reporting to the Treasurer on the portfolio, as required.

#### **5.6.2. Long-Term ~~Funds~~Money**

~~For the investment of Long-Term Funds, each account's asset mix will be monitored on a periodic basis by ONE JIB. Should the asset mixes deviate outside the ranges set out in the Investment Plan, the account will be rebalanced as soon as practicable taking into consideration variations in market liquidity and the investment objectives. Cash inflows /outflows will be used to rebalance as much as possible. If they are insufficient, investments will be sold in a commercially reasonable manner and reallocated as required.~~

For the investment of Long-Term Money, ONE JIB shall establish parameters for monitoring investments and rebalancing through policy or directly within the investment plan.

Investments are expected to achieve returns at least equal to their benchmarks measured over a rolling five-year period. At minimum, ONE JIB shall provide at least annual reporting described in Section 6.7 that demonstrates shows the Town's's holdings, declares compliance with this IPS and shows External Portfolio Manager performance.

## **6. ADMINISTRATIVE POLICIES**

### **6.1. Flow of ~~Funds and Annual~~Money and Annual ~~Town~~Municipal Budget**

#### **6.1.1. Transfer to ONE JIB as Part of ~~Budget~~Annual Review Process**

On an annual basis, as part of the ~~Town's budget~~Town Municipality's annual review process, the Town shall identify the amount, if any, of Long-Term ~~Funds~~Money that it holds. Any Long-Term ~~Funds~~Money not already under the control and management of ONE JIB shall be transferred to ONE JIB as soon as practicable.

#### **6.1.2. Transfer to ~~Town~~Municipality as Part of ~~Budget~~Annual Review Process**

On an annual basis, as part of the ~~Town's budget~~ Town Municipality's annual review process, ONE JIB shall be notified by the Treasurer as to the amount, if any, required by the Town from the Long-Term ~~Funds~~ Money then under the control and management of ONE JIB for the Town's operational purposes. Such amount shall be deemed to be Short-Term ~~Funds~~ Money and shall be returned to the Town in a lump sum or by way of periodic payments, as directed by the Treasurer.

## **6.2. Flow of ~~Funds~~ Money Otherwise than through the ~~Budget~~ Annual Review Process**

### **6.2.1. Surplus Funds**

The Short-Term Funds capture revenues received by the Town during each year after the approval of the Town's budget for the year. ~~On an annual basis, any surplus funds allocated to the reserve and reserve funds and Any amounts~~ deemed to be MNRI by the Treasurer at any such time during the year shall be transferred to ONE JIB to be under its management and control as Long-Term Funds. Amounts so transferred will be recorded annually in the Investment Plan and allocated by ONE JIB in accordance with the Investment Plan.

### **6.2.2. Contingencies**

The Treasurer is authorized, ~~from time to time after the approval of the Town's budget,~~ to direct ONE JIB to return any amounts determined by the Treasurer to be required to meet expenditures for unexpected contingencies not anticipated by the Town's budget in force for that year. ~~Provided,~~ provided however that the aggregate of the amounts to be returned to the Town under this Section 6.2.2 during the year shall not exceed 25% of the Long-Term ~~Funds~~ Money under the control and management of ONE JIB as at the date that the Town approved its budget for the year (the Budgeted Long-Term ~~Funds~~ Money). In determining the Budgeted Long-Term ~~Funds~~ Money for purposes of calculating the 25% limit, any Long-Term ~~Funds~~ Money to be transferred to the control and management of ONE JIB in accordance with that year's ~~budget~~ Annual Review pursuant to ~~Section 6.1.1~~ shall be included and any amount to be returned by ONE JIB to the Town pursuant to Section 6.1.2 shall be excluded.

## **6.3. Valuation of Investments**

Investments shall be valued according to the values provided by the Custodian(s). ~~For the investment of Long-Term~~ Funds ~~Money,~~ values of unitized vehicles shall be valued according to the unit values published daily by the Custodian. Other investments shall be valued at their market value when that is available from regular public trading. If a market valuation of an investment is not available, then a fair value shall be supplied by the



External Portfolio Manager to the Custodian no less frequently than quarterly.

#### 6.4. Voting Rights

~~Subject to the provisions of 5.2.3 with respect to LDC securities, where~~Where External Portfolio Managers have been appointed, such External Portfolio Managers ~~may~~shall assume the responsibility of exercising voting rights and will report their voting policies to ONE JIB annually. The Town may access these policies at any time.

#### 6.5. Internal Controls

The Treasurer shall establish an annual process of review of all investments made under this IPS. This review will provide internal control by assuring compliance with governing legislation and with policies and procedures established by the Treasurer. To the extent ONE JIB's input is needed, these requirements will be communicated in advance to ONE JIB.

#### 6.6. Custodians

All investments and assets of the investment portfolios shall be held by a Custodian and any of the Custodian's sub-custodians or nominees. For Long-Term ~~Funds~~Money, the Custodian shall be acceptable to ONE Investment. For Short-Term ~~Funds~~Money the Custodian shall be acceptable to ONE Investment if ONE Investment is administering the investment of the Town's Short-Term ~~Funds~~Money, otherwise the Custodian shall be acceptable to the Town.

#### 6.7. Reporting

~~Regulation 438/97 of the Municipal Act, 2001 requires the Treasurer or delegate to provide an annual report of investments made by the Town to Council.~~

##### 6.7.1. Short-Term ~~Funds~~Money

For the investment of Short-Term ~~Funds~~Money, the Treasurer shall report at least ~~annually to Council, such report to be~~ in ~~such a~~ form and contain such content as Council may request. The report to Council shall include investment performance during the period covered and ~~such any~~ other information as required under the ~~regulation~~Regulation and ~~as that~~ the Treasurer may consider to be pertinent.

##### 6.7.2. Long-Term ~~Funds~~Money

The Regulation provides that ONE JIB shall submit an investment report to Council in respect of the investment of Long-Term ~~Funds~~Money at least annually. ~~Such~~This report shall include the following.

- Investment performance during the period covered by the report;

- Asset mix of the total portfolio;
- A listing of individual investments held at the fund level at the end of the reporting period showing, where appropriate, ~~their average term to maturity and yield relative to the benchmark,~~ book value, market value, realized/unrealized gains/losses and actual income received;
- ~~Dates~~A list of all transactions including the security name, trade date, and the purchase and/or sale price;
- A statement by the Treasurer as to whether all investments were made in accordance with the IPS and as to whether all investments were made in accordance with the Investment Plan; and
- Any other pertinent information in the opinion of the Treasurer.

All securities invested on behalf of the Town by ONE JIB or with the assistance of ONE Investment shall be held for safekeeping in the name of the ~~Town by a Custodian, which shall provide reporting showing all securities held, their book values, market values and all income received~~TownMunicipality by a cCustodian.

## 7. APPROVAL, SUBSEQUENT MODIFICATIONS AND EFFECTIVE DATE

### 7.1. Revocation / Amendment of Previous Investment Policy

~~This Policy amends the existing~~Upon coming into effect, this IPS supersedes previously approved ~~by Council Resolution #193-18 investment policies of the TownMunicipality. Specifically, the attached 2009 Investment Policy is repealed as of the date this IPS comes into effect~~

### 7.2. Modifications to the IPS

At least annually, Council shall review the IPS and update it, if required. In the course of reviewing the IPS, Council may request comments from the Treasurer with respect to the investment of Short-Term FundsMoney and from ONE JIB with respect to the investment of Long-Term FundsMoney.

Following the Council's review of the IPS, ONE JIB shall review the Investment Plan and update it, if required.

At a minimum, the annual IPS review will ~~take into account~~consider:

- ~~The~~the adequacy of funding for capital works;
- ~~The~~the Municipality's-Town's ability to reduce other spending;
- ~~Flexibility~~flexibility of the timeframe to payout; and,
- ~~Sensitivity~~sensitivity to loss.

### 7.3. Effective Date

This IPS is adopted by Council of the Town effective ~~June 1~~<sup>July 2</sup>, 2020. The Treasurer is directed to sign a copy of this IPS to evidence approval and to deliver a copy of this IPS to ONE JIB.

Signed by:

Treasurer

Date

## APPENDICES

### Appendix

## APPENDICES

**Appendix A** Third-Party Trust Funds [and Designated Funds](#)

**Appendix B** Ontario Regulation 438/97 (Eligible Investments & Prudent Investment)

**Appendix C** Authorized Investments & Sector Limitations (Short Term Portfolio)

**Appendix D** Dominion Bond Ratings Service Credit Quality

This Policy is hereby approved by Council Resolution #\_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

## Appendix A: Third-Party Trust Funds

1. Groveside Cemetery ~~c~~Care and ~~m~~Maintenance ~~trust F~~unds ~~collected~~ under the *Funeral, Burial and Cremation Services Act, 2002* which are to be invested pursuant to the *Trustee Act*.

# Town of Whitby

## Staff Report

[whitby.ca/CouncilCalendar](http://whitby.ca/CouncilCalendar)



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### Report Title: Soccer Dome Replacement

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**Report to:** Committee of the Whole

**Date of meeting:** April 3, 2023

**Report Number:** FS 16-23

**Department(s) Responsible:**

Financial Services Department  
Community Services Department

**Submitted by:**

Fuwing Wong, Commissioner, Financial  
Services/Treasurer;  
John Romano, Commissioner,  
Community Services

**Acknowledged by M. Gaskell, Chief  
Administrative Officer**

**For additional information, contact:**

Fuwing Wong, 905.430.4314  
John Romano, 905.430.4321

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### 1. Recommendation:

1. That a new 2023 Capital Project be approved, for the Soccer Dome Replacement Project, in the amount of \$250,000 funded from the Whitby Soccer Dome Reserve Fund;
2. That the Whitby Iroquois Soccer Club (operating as the Whitby Football Club ("WFC")) be authorized to proceed with the coordination and procurement of the soccer dome replacement project; and,
3. That staff be authorized to reimburse the WFC within 30 days of receipt and acceptance of payment information, as outlined in Report FS 16-23, for WFC costs in excess of \$400,000.

### 2. Highlights:

- A new capital project is recommended to financially support the replacement of a 14-year-old soccer dome located at 683 Rossland Road West;



- The Whitby Football Club estimates the total project cost to be \$650,000, has confirmed that they have financial capacity to fund \$400,000 and requested the Town to contribute \$250,000 towards the dome replacement;
- Subject to Council approval, the Town's \$250,000 contribution will be funded from the Whitby Soccer Dome Reserve Fund, a reserve established for the soccer dome, artificial turf, and major mechanical component asset replacement.

### 3. Background:

On March 29, 2023, Town Staff met with the Mr. Bill Sidsworth, Executive Director of the Whitby Iroquois Soccer Club (operating as the Whitby Football Club ("**WFC**")). According to WFC:

- The first soccer dome at the facility is 14 years old and requires replacement before the next winter;
- Snow is sticking to the dome fabric rather than sliding down/off the fabric. The weight of the snow has and may cause dome collapses;
- The estimated cost to replace the Soccer Dome is \$650,000 of which the WFC has the financial capacity to fund \$400,000;
- The WFC is looking for the Town to contribute \$250,000 towards the Soccer Dome replacement; and
- The WFC paid \$675,000 in March 2023 for the replacement of the artificial turf at this soccer dome without any financial contribution from the Town.

The WFC entered into a licensing agreement (the "**Agreement**") with the Town of Whitby on July 16, 2008 for the use of the Town-owned lands and premises at the Soccer Park located at 695 Rossland Road West (the "**Facility**"). The term of the Agreement is twenty (20) years (ending September 30, 2028) and includes the following payments from the WFC:\*

- A monthly licensing fee, estimated at \$19,000/month\*, representing:
  - Repayment (over 20 years) of Town's costs of up-fronting approximately \$3 million in capital costs for the construction of the soccer dome, artificial turf, clubhouse, and servicing costs; and
  - For use of the Facility
- All taxes, including business taxes and property taxes (if applicable);
- An additional monthly fee, \$2,975/month\* at the time, representing:
  - A contribution to an asset replacement reserve fund for the Facility;
  - The Town established a Reserve Fund to fund the anticipated replacement of the dome fabric, artificial turf, and major mechanical components of the Facility;
  - The additional monthly fee was to be reviewed at the end of the fourth, eighth, twelfth, and sixteenth years to ensure that sufficient funds would be in the reserve for the replacement of the components noted above.

\*Note: figures noted in this report are from the original July 16, 2008 Agreement. Due to time constraints (e.g., the time between meeting with WFC on March 29 and having a draft available to be published on Friday March 31 as part of the addendum agenda

package), research on amendments and updates from 2008 to 2023 has not been completed.

#### **4. Discussion:**

The Town's Capital Budget Management and Control Policy (F 170) provides for delegated authority to staff to approve unbudgeted/unanticipated capital projects during the year that are Emergency or Urgent. Urgent projects are defined as any unplanned situation / project deemed important to the Corporation, where quick action is required and must be commenced in the current fiscal year. Information from the WFC regarding the Soccer Dome would qualify as Urgent under Policy F 170. However, the delegated authority limit for staff to approve in-year unbudgeted/unanticipated capital projects is \$100,000. Accordingly, it is recommended that Council approve a new 2023 capital project, for the Soccer Dome Replacement, in the amount \$250,000 funded from the Whitby Soccer Dome Reserve Fund.

The License Agreement notes that the Town shall be fully responsible for the coordination, procurement, and replacement of the dome fabric, artificial turf, and major mechanical components of the Facility. However, the WFC has the experience, expertise, and resources to complete this project, (e.g., replace the soccer dome, within the 2023 year) and the Town has had a successful partnership with the WFC over the approximately 15+ years. Accordingly, it is recommended that the WFC coordinate and procure the replacement of soccer dome and the Town will reimburse the WFC subject to the Town's receipt of the following information to the satisfaction of the Commissioner of Community Services and the Commissioner of Financial Services/Treasurer:

- 1) Written quote(s) for the work; and
- 2) Confirmation of payments

The Town will reimburse WFC, to an upset limit of \$250,000, within 30 days of receipt and acceptance of the above information once WFC has incurred more than \$400,000 in costs for the project. For clarity, WFC will upfront all payments and Town will reimburse within 30 days after receiving and accepting payment information in excess of \$400,000 (WFC's Financial commitment towards the Dome Replacement project). Throughout the dome replacement project, Town staff will provide support to the WFC and will visit the site to monitor the progress of the work.

#### **5. Financial Considerations:**

The balance of the Whitby Soccer Dome Reserve Fund is currently \$364,349 comprised of WFC contributions (i.e., "additional monthly fees") based on the Agreement and interest.

Due to COVID-19 Pandemic restrictions, recreational facilities were closed or opened with reduced capacities in accordance with physical distancing requirements.

Accordingly, all Agreement payments from the WFC were suspended in 2020. As programming has restarted, the Town will be working with WFC on re-starting monthly

licensing fee payments in 2023 (representing repayment of the Town's \$3 million investment). Further, the Town will work with WFC on calculating revised additional monthly fee payments (e.g., contributions to the Whitby Soccer Dome Reserve Fund) based on a dome replacement in 2023 and a recent artificial turf replacement.

**6. Communication and Public Engagement:**

N/A

**7. Input from Departments/Sources:**

This report was prepared in consultation with the Mr. Bill Sidsworth, Executive Director, Whitby Football Club.

**8. Strategic Priorities:**

N/A

**9. Attachments:**

N/A



## Committee of the Whole Minutes

April 3, 2023, 7:00 p.m.  
Council Chambers  
Whitby Town Hall

Present: Mayor Roy  
Councillor Bozinovski  
Councillor Cardwell  
Councillor Leahy  
Councillor Lee  
Councillor Lundquist (Participating Virtually)  
Councillor Mulcahy  
Councillor Shahid (Participating Virtually)  
Councillor Yamada

Also Present: M. Gaskell, Chief Administrative Officer  
M. Hickey, Fire Chief  
S. Klein, Director of Strategic Initiatives  
J. Romano, Commissioner of Community Services  
F. Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor  
F. Wong, Commissioner of Financial Services/Treasurer  
R. Saunders, Commissioner of Planning and Development  
M. Dodge, Executive Advisor to the Mayor  
C. Harris, Town Clerk  
K. Douglas, Legislative Specialist  
L. MacDougall, Council and Committee Coordinator (Recording Secretary)

- 
1. Call To Order: The Mayor
  2. Call of the Roll: The Clerk
  3. Declarations of Conflict of Interest

There were no declarations of conflict of interest.

4. Consent Agenda
5. Planning and Development

**Councillor Lee assumed the Chair.**

5.1 Presentations

5.1.1 Paul Lowes, Partner, SGL Planning and Design Inc. (In-Person Attendance)

Re: Planning and Development (Planning Services) Department Report, PDP 16-23

Final Recommended Official Plan Amendment – Whitby Mature Neighbourhoods Study, File Number: OPA-2021-W/02

**Refer to Item 5.4.1, PDP 16-23**

Paul Lowes, Partner, SGL Planning and Design Inc., appeared before the Committee and provided a PowerPoint presentation on the Recommended Official Plan Amendment – Whitby Mature Neighbourhoods Study. Highlights of the presentation included:

- the purpose of the study;
- details about Phase 1 - Background Analysis and Existing Conditions, and Phase 2, Planning and Design Options;
- details about Phase 3 - Recommended Official Plan Amendment, as it relates to the criteria established for low density residential development, new development permitted through a minor variance, severance or zoning by-law amendment, plans of subdivision and condominium, and high density residential development;
- an image depicting the mature neighbourhoods for which the Official Plan Amendment would apply;
- changes made to the Official Plan Amendment to clarify lot size requirements and that medium and high density residential development may occur along arterial roads or abutting Intensification Corridors or Areas; and,
- incorporating the zoning by-law recommendations and Urban Design Guidelines within Staff Report, PDP 16-23.

A question and answer period ensued between Members of Committee and Mr. Lowes regarding:

- whether the mature neighbourhood policies would address concerns regarding the height and size of new development in existing mature neighbourhoods with single storey residential dwellings;
- clarification on the maximum height allowed by the policy for an infill site development, and the strength of the Town's defensibility in the event of an appeal to the Ontario Land Tribunal;
- the number of municipalities that have undertaken a mature neighbourhoods study, and whether there has been a material impact on the ability to successfully defend a decision on infill development; and,
- whether Staff Report PDP 16-23 addresses concerns regarding the impact of new development on stormwater management.

## 5.2 Delegations

### 5.2.1 Rick Sidler, Resident (In-Person Attendance)

Re: Planning and Development (Planning Services) Department Report, PDP 20-23

Official Plan and Zoning By-law Amendment Applications, 3 Cassels Road East, Brooklin, File Numbers: DEV-36-22 (OPA-2022-W/05, Z-23-22)

#### **Refer to Item 5.4.8, PDP 20-23**

Rick Sidler, Resident, appeared before the Committee and inquired about the rationale for the Town not undertaking a title search on the property located at 3 Cassels Road East, a neighbouring property to where he resides. He stated that a land severance occurred in 1994 that included two conditions, being that there be no additional parking or further severance of the retained property at 3 Cassels Road East. Mr. Sidler advised that it was his understanding that the third lot would never be available for development. He advised that he has requested the Land Division Committee minutes and decision on the severances for files LD

56/94 and LD 57/94 from the Region of Durham. Mr. Sidler noted the financial and emotional impact of the proposed development on him and his wife, including the potential impact on property value. He stated that the signage on the property incorrectly indicates that the lot was severed.

A question and answer period ensued between Members of Committee and Mr. Sidler regarding:

- confirmation that Mr. Sidler has requested the Land Division Committee minutes pertaining to the land severances that took place in 1994 for files LD 56/94 and LD 57/94;
- the timeline that Mr. Sidler was given to receive the information from the Region; and,
- justification for the land severance involving the property located at 3 Cassels Road East.

5.2.2 Brayden Libawski representing 2738183 Ontario Inc. (In-Person Attendance)

Re: Planning and Development (Planning Services) Department Report, PDP 20-23

Official Plan and Zoning By-law Amendment Applications, 3 Cassels Road East, Brooklin, File Numbers: DEV-36-22 (OPA-2022-W/05, Z-23-22)

**Refer to Item 5.4.8, PDP 20-23**

Brayden Libawski, representing 2738183 Ontario Inc., appeared before the Committee and stated his support of the Staff recommendation. He advised that there were no conditions on title with respect to restricting future lot severances or additional parking on the property. Mr. Libawski advised that he was available to answer questions.

A question and answer period ensued between Members of Committee and Mr. Libawski regarding:

- whether the proponent had conducted a title search and/or followed up with the Region of Durham about potential conditions of the land severance with respect to the property located at 3 Cassels Road East;



- whether the proponent was aware of the current residential zoning of the subject property;
- when the notice about the proposed development was sent to the neighbours; and,
- communication between the proponent and adjacent landowners, including dialogue with Mr. Sidler.

5.2.3 Scott Waterhouse representing Menkes Champlain Inc. (In-Person Attendance)

Re: Planning and Development (Planning Services) Department Report, PDP 13-23

Zoning By-law Amendment Application to Remove the Holding (H) Symbol, Menkes Champlain Inc., Champlain Avenue, File Number: DEV-33-21 (Z-23-21)

**Refer to Item 5.4.2, PDP 13-23**

Scott Waterhouse, representing Menkes Champlain Inc., appeared before the Committee and stated his support of the Staff recommendation. Mr. Waterhouse advised that he was available to answer questions.

5.2.4 James Koutsovitis and Sarah Mitchell representing Brookfield Homes (Ontario) Whitby Limited (Virtual Attendance)

Re: Planning and Development (Planning Services) Department Report, PDP 18-23

Request for an Extension to Draft Approved Plan of Subdivision, Brookfield Homes (Ontario) Whitby Limited, Brock Street South, File Number: DEV-03-17 (SW-2017-05)

**Refer to Item 5.4.6, PDP 18-23**

James Koutsovitis and Sarah Mitchell, representing Brookfield Homes (Ontario) Whitby Limited, stated their support of the Staff recommendation. Mr. Koutsovitis advised that they were available to answer questions.

5.2.5 James Koutsovitis and Sarah Mitchell representing Brookfield Homes (Ontario) Whitby Limited (Virtual Attendance)

Re: Planning and Development (Planning Services) Report, PDP 19-23

Request for an Extension to Draft Approved Plan of Subdivision, Brookfield Homes (Ontario) Whitby Limited, 1900 Brock Street South, File Number: DEV-05-17 (SW-2008-01) (MR-01-17)

**Refer to Item 5.4.7, PDP 19-23**

James Koutsovitis and Sarah Mitchell, representing Brookfield Homes (Ontario) Whitby Limited, stated their support of the Staff recommendation. Mr. Koutsovitis advised that they were available to answer questions.

5.2.6 Paul Demczak representing Batory Management (Virtual Attendance)

Re: Planning and Development (Planning Services) Department Report, PDP 14-23

Zoning By-law Amendment Application, 1621 McEwen Drive, File Number: DEV-01-23 (Z-01-23)

**Refer to Item 5.4.3, PDP 14-23**

Paul Demczak, representing Batory Management, stated his support of the Staff recommendation. He advised that he was available to answer questions.

A brief question and answer period ensued between Members of Committee and Mr. Demczak regarding confirmation that there would not be any emissions or discharge from the hydrolysis facility.

5.2.7 Steve Edwards and Mark McConville representing Frontdoor Developments (Garrard) Inc., Frontdoor Developments (Palmerston) Inc. (In-Person Attendance)

Re: Planning and Development (Planning Services) Department Report, PDP 16-23

Final Recommended Official Plan Amendment - Whitby Mature Neighbourhoods Study, File Number: OPA-2021-W/02

**Refer to Item 5.4.1, PDP 16-23**

Steve Edwards, representing Frontdoor Developments (Garrard) Inc., Frontdoor Developments (Palmerston) Inc., stated that he was

representing the owners of the two former school sites located at Palmerston Avenue, and Garrard Road at Eric Clarke Drive. He advised that the school sites would be subject to applications for a Draft Plan of Subdivision and a Zoning By-law Amendment. Mr. Edwards stated that the proposal was for two infill sites and that Stage 1 Pre-consultation was complete. He noted that the Public Information Centre and submissions have been made and completed for the Stage 2 Pre-consultation. Mr. Edwards advised that the owners were concerned whether OPA 130 would dictate that lot frontages match or be close to the existing abutting lots, citing a relevant portion of the policy with respect to development on larger infill properties. He stated that different terms were used throughout OPA 130 to reference the aforementioned, creating concern about the uncertainty of how it would be interpreted. Mr. Edwards stated that the draft plans for the infill sites were well advanced and that a significant amount of work would be required to revise these plans. Mr. Edwards noted that Policy 4.4.3.9 of the parent Official Plan permits redevelopment and intensification of medium density infill development and expressed a desire for this to continue to be permitted in OPA 130. He requested that transition policies be included in OPA 130 for sites where Stage 2 Pre-consultation submissions have been made. Mr. Edwards stated that the concerns could also be addressed by removing the Frontdoor Developments (Palmerston) Inc., and Frontdoor Developments (Garrard) Inc., properties from Schedule 'B' of OPA 130.

A brief question and answer period ensued between Members of Committee and Mr. Edwards regarding whether there were plans for either the Palmerston Avenue or Garrard Road infill sites to be higher than two storeys.

5.2.8 Sarah Mitchell representing Brookfield Residential (ONT) (Virtual Attendance)

Re: Planning and Development (Planning Services) Department Report, PDP 15-23

Draft Plan of Condominium Application, Brookfield Residential (ONT), Station No. 3 Ltd., 201 Brock Street South, File Number: DEV-37-22 (CW-2022-04)

### **Refer to Item 5.4.4, PDP 15-23**

Sarah Mitchell, representing Brookfield Residential, stated her support of the Staff recommendation. She advised that she was available to answer questions.

#### **5.3 Correspondence**

There was no correspondence.

#### **5.4 Staff Reports**

##### **5.4.1 PDP 16-23, Planning and Development (Planning Services) Department Report**

Re: Final Recommended Official Plan Amendment – Whitby Mature Neighbourhoods Study, File Number: OPA-2021-W/02

A detailed question and answer period ensued between Members of Committee and Staff regarding:

- whether existing development applications would have to comply with the Mature Neighbourhoods Study policies once adopted;
- whether there were any current development applications/proposals that would fall under the Clergy Principle, and whether any development applications would have to be resubmitted to comply with the Mature Neighbourhoods Study;
- limitations imposed by the policy on medium to high density residential redevelopment in an infill site within a mature neighbourhood;
- clarification regarding how policies applicable to height and/or density differ for redevelopment in mature neighbourhoods in areas such as the former school sites on Garrard Road and Palmerston Avenue;
- the management of an infill development altering the grading and flow of stormwater drainage, and whether the grading and drainage plans for the building permit would be submitted at the same time as the site plan application;

- the rationale for the request by Frontdoor Developments (Palmerston) Inc., and Frontdoor Developments (Garrard) Inc. for an exemption from Schedule 'B' of OPA 130, and whether there was any discussion between Staff and the applicant about the need for an exemption;
- clarification on the maximum height permitted on an arterial road such as Garrard Road;
- whether the Mature Neighbourhoods Study was applicable to development within the entire Town boundaries;
- whether the Mature Neighbourhoods Study policies would have assisted in lowering the height of the development of the infill site in the area of Rossland Road East and Thickson Road;
- whether staff were satisfied that the policies and guidelines provide the ability to manage appropriate infill projects to protect the character of existing mature neighbourhoods;
- whether previous development proposals where a formal application has not been submitted would be subject the Mature Neighbourhoods Study; and,
- whether development applications would be reviewed on a case by case basis.

Recommendation:

Moved by Mayor Roy

1. That Council adopt Amendment 130 to the Whitby Official Plan, regarding the Whitby Mature Neighbourhoods Study, as outlined in Report PDP 16-23;
2. That the Clerk forward a copy of Planning Report PDP 16-23, two (2) copies of the adopted Amendment, and a copy of the by-law to adopt Amendment Number 130 to the Whitby Official Plan, to the Region of Durham's Commissioner of Planning and Economic Development; and,
3. That the Clerk send a Notice of Council's adoption of Amendment 130 to those persons and agencies who have requested further notification regarding the Mature Neighbourhoods Study.

**Carried**

5.4.2 PDP 13-23, Planning and Development (Planning Services)  
Department Report

Re: Zoning By-law Amendment Application to Remove the Holding (H) Symbol, Menkes Champlain Inc., Champlain Avenue, File Number: DEV-33-21 (Z-23-21)

Recommendation:

Moved by Councillor Lee

1. That Council approve an Amendment to Zoning By-law # 1784 (File Number: Z-23-21) for the removal of the Holding (H) Symbol, as outlined in Planning Report PDP 13-23; and,
2. That a by-law to amend Zoning By-law # 1784 be brought forward for consideration by Council.

**Carried**

5.4.3 PDP 14-23, Planning and Development (Planning Services)  
Department Report

Re: Zoning By-law Amendment Application, 1621 McEwen Drive, File Number: DEV-01-23 (Z-01-23)

Recommendation:

Moved by Councillor Lee

1. That Council approve an amendment to Zoning By-law # 1784 (Z-01-23) as outlined in Planning Report PDP 14-23; and,
2. That a Zoning By-law Amendment be brought forward for consideration by Council.

**Carried**

5.4.4 PDP 15-23, Planning and Development (Planning Services)  
Department Report

Re: Draft Plan of Condominium Application, Brookfield Residential (ONT) Station No. 3 Ltd., 201 Brock Street South, File Number: DEV-37-22 (CW-2022-04) - **REVISED**

**See also Memorandum from J. Austin, Sr. Manager, Development Control, Design and Technical Services, dated April 3, 2023 regarding Revision to Committee of the Whole Staff Report PDP 15-23 Draft Plan of Condominium, Brookfield Residential (ONT) Station No. 3 Ltd.**

Recommendation:

Moved by Councillor Lee

1. That Council approve the Draft Plan of Condominium (File Number: CW-2022- 04) subject to the comments included in Planning Report PDP 15-23 and the Conditions of Approval, included in Attachment #4;
2. That the Mayor and Clerk be authorized to execute the Condominium Agreement and any other necessary documents; and,
3. That the Clerk advise the Commissioner of Planning and Economic Development at the Region of Durham, of Council's decision.

**Carried**

5.4.5 PDP 17-23, Planning and Development (Planning Services) Department Report

Re: Removal of 301 Colborne Street East from the Municipal Heritage Register

Recommendation:

Moved by Councillor Lee

1. That the property municipally known as 301 Colborne Street East be removed from the Town's Municipal Heritage Register; and,
2. That a full Heritage Documentation Report be prepared prior to demolition and submitted to the Planning and



Development Department, to be deposited at the Whitby Archives.

**Carried**

5.4.6 PDP 18-23, Planning and Development (Planning Services)  
Department Report

Re: Request for an Extension to Draft Approved Plan of Subdivision, Brookfield Homes (Ontario) Whitby Limited, Brock Street South, File Number: DEV-03-17 (SW-2017-05)

Recommendation:

Moved by Councillor Lee

That Council approve the extension of the Draft Approved Plan of Subdivision SW-2017-05 by an additional 3 years, to June, 17, 2026.

**Carried**

5.4.7 PDP 19-23, Planning and Development (Planning Services)  
Department Report

Re: Request for an Extension to Draft Approved Plan of Subdivision, Brookfield Homes (Ontario) Whitby Limited, 1900 Brock Street South, File Number: DEV-05-17 (SW-2008-01) (MR-01-17)

Recommendation:

Moved by Councillor Lee

That Council approve the extension of the Draft Approved Plan of Subdivision SW-2008-01 (MR-01-17) by an additional 3 years, to June 17, 2026.

**Carried**

5.4.8 PDP 20-23, Planning and Development (Planning Services)  
Department Report

Re: Official Plan and Zoning By-law Amendment Applications, 3 Cassels Road East, Brooklin, File Numbers: DEV-36-22 (OPA-2022-W/05, Z-23-22)

A question and answer period ensued between Members of Committee and Staff regarding:

- whether Staff conducted a title search to determine whether the conditions previously noted by Mr. Sidler were registered on title;
- whether the rezoning of 3 Cassels Road East would have an impact on the conditions of the initial severance;
- whether the two severed lots were rezoned when the property located at 3 Cassels Road East was rezoned from Residential to Mixed-Use Residential;
- clarification on the restrictions for backyard parking on the property located at 3 Cassels Road East;
- delaying consideration of the Staff report until the information from the Land Division Committee was received and reviewed to assess whether it was relevant to the current planning regime;
- the impact on the Staff recommendation should the Land Division Committee minutes confirm details about the conditions of the severance;
- clarification on the Town's role related to severances and whether comments from the Town would impact the Land Division Committee's decision;
- the risk to the proponent to obtain approval for the zoning by-law and official plan amendments prior to applying for a land severance;
- obtaining legal advice from the Town Solicitor in a closed session; and,
- providing the information received from the Region to Council through a memorandum prior to the next Council meeting.

**Note:** Although Committee contemplated moving into closed session to receive legal advice regarding Item 5.4.8, PDP 20-23, it was ultimately decided to remain in open session and dispense with consideration of the matter through the referral motion below.

Recommendation:

Moved by Councillor Yamada

1. That Council approve Official Plan Amendment Number 131 to the Whitby Official Plan (File Number: OPA-2022-W/05), as shown on Attachment #7, and that a by-law to adopt Official Plan Amendment Number 131 be brought forward for consideration by Council;
2. That the Clerk forward a copy of the Report PDP 20-23, two (2) copies of the adopted Amendment, and a copy of the by-law to adopt Amendment Number 131 to the Whitby Official Plan, to the Region of Durham's Commissioner of Planning and Economic Development;
3. That Council approve an amendment to Zoning By-law # 1784, (File Number: Z-23-22), as outlined in Report PDP 20-23;
4. That a by-law to amend Zoning By-law # 1784 be brought forward for consideration by Council; and,
5. That the Clerk forward a Notice of Council's decision to those parties and agencies who requested further notification, including the Region of Durham's Commissioner of Planning and Economic Development.

**Note: The disposition of this matter, Item 5.4.8, was determined through the referral motion below.**

Recommendation:

Moved by Councillor Yamada

That consideration of Staff Report, PDP 20-23, Official Plan and Zoning By-law Amendment Applications, 3 Cassels Road East, Brooklin, be referred to the Council meeting on April 24, 2023.

**Carried**

5.4.9 PDP 21-23, Planning and Development (Planning Services)  
Department Report

Re: Heritage Permit Application, Request for Demolition and New Dwelling at 404 Ontario Street West, Designated Under Part V of the Ontario Heritage Act, File Number: HP-01-23

Discussion ensued between Members of Committee regarding:

- the preference of the Werden's Neighbourhood Plan HCD to retain complementary properties;
- ensuring that the replacement of a heritage building would retain the character of the community and achieve a level of compatibility within the district;
- working with developers to include architectural features associated with historic buildings within the district beyond building height, building materials, and roof type;
- advancing heritage conservation policies in specific heritage areas and ensuring that new development would not be constructed in a superficial manner;
- concerns about delaying projects based on heritage properties that may not have any significant architectural heritage features;
- details about the Heritage Whitby Advisory Committee's discussions and recommendations from its meetings held on February 14 and March 14, 2023; and,
- the impact of Bill 23, More Homes Built Faster Act, 2022 on the Town's Municipal Heritage Register.

A brief question and answer period ensued between Members of Committee and Staff regarding consultation with the Heritage Whitby Advisory Committee and whether comments from the Heritage Whitby Advisory Committee were included in the Staff report.

Recommendation:

Moved by Councillor Yamada

1. That Council approve the Heritage Permit application requesting demolition of the existing dwelling at 404 Ontario

Street West (HP-01-23), in accordance with Section 42 of the Ontario Heritage Act; and,

2. That staff continue to work with the applicant to approve the Heritage Permit application (HP-01-23) for the replacement dwelling at 404 Ontario Street West, subject to the comments contained in report PDP 21-23, and the timelines required under the Ontario Heritage Act.

**Carried**

5.5 New and Unfinished Business - Planning and Development

5.5.1 New and Unfinished Business - Planning and Development

There was no new and unfinished business.

Recommendation:

Moved by Councillor Yamada

That Committee take a 5 minute recess.

**Carried**

The Committee recessed at 8:42 p.m. and reconvened at 8:48 p.m.

6. General Government

**Councillor Yamada assumed the Chair.**

6.1 Presentations

There were no presentations.

6.2 Delegations

There were no delegations.

6.3 Correspondence

- 6.3.1 Memorandum from K. Narraway, Sr. Manager, Legislative Services/Deputy Clerk, dated March 28, 2023 re: Appointment to the Downtown Whitby Business Improvement Area Board of Management

Recommendation:

Moved by Councillor Yamada

That Council appoint Stephanie Daga to the Downtown Whitby Business Improvement Area Board of Management for the term ending November 14, 2026.

**Carried**

#### 6.4 Staff Reports

##### 6.4.1 CAO 10-23 - Office of the Chief Administrative Officer Report

Re: CUPE 53 Whitby Naming Rights Sponsorship of Arena 5 at Iroquois Park Sports Centre

Recommendation:

Moved by Councillor Yamada

That Council approve entering into a second one (1) year sponsorship agreement effective May 1, 2023 with CUPE 53 Whitby for a Naming Rights Sponsorship at Iroquois Park Sports Centre (IPSC), including keeping Arena 5 as “CUPE 53 Whitby Arena 5”, based on the sponsorship package and other terms and conditions identified in Report CAO 10-23.

**Carried**

##### 6.4.2 LS 03-23, Legal and Enforcement Services Department Report

Re: Review of the Noise Enforcement Pilot Program 2022

A question and answer period ensued between Members of Committee and Staff regarding:

- whether after hours noise complaints were automatically sent to a By-law Enforcement Officer for response;
- whether the volume of complaints was manageable;
- whether there was an increase in noise complaints between the onset of the COVID-19 pandemic and the conclusion of the pilot program;
- whether after hours noise enforcement service has been provided since the pilot program concluded in November 2022;

- the flexibility of after hours noise enforcement in the future;
- the best way to achieve permanent after hours noise enforcement and whether changing the operational staffing structure would eliminate the need to hire an Enforcement Services Officer;
- whether the cost for after hours enforcement services would be included in the 2024 budget should the program continue on a permanent basis;
- whether the revenue of \$26,000 was due to noise and parking infractions, and whether any tickets were issued for noise infractions;
- the timeline for the provision of enforcement services twenty-four hours a day, seven days a week;
- defining unreasonable volume or noise and whether the level of noise would be evaluated on a case by case basis; and,
- details about the program should it move forward and public communication prior to its commencement.

Recommendation:

Moved by Councillor Leahy

1. That Report LS 03-23 be received for information;
2. That Council approve the continuation of the pilot after-hours parking and by-law enforcement program, as outlined in Report LS 03-23, at a cost \$17,558 funded from incremental 2023 parking infraction revenue and the Parking Reserve; and,
3. That Item GG-0014 be removed from the New and Unfinished Business List.

**Carried**

#### 6.4.3 FS 12-23, Financial Services Department Report

Re: 2023 Property Tax Rates and Final Billing Due Dates

Recommendation:



Moved by Councillor Yamada

1. That the property tax rates for the year 2023, General Municipal Town Levies be approved as indicated in Attachment A to Report FS 12-23;
2. That the special tax levy and tax rates for the year 2023 for the properties located within the Downtown Whitby Business Improvement Area (BIA) be approved as indicated in Attachment B to Report FS 12-23;
3. That the final tax bill due dates for the Residential, Farmland, Pipeline and Managed Forest tax classes be June 26, 2023 and September 25, 2023;
4. That the final tax bill due dates for the capped tax classes (Commercial, Industrial and Multi-Residential) also be established for June 26, 2023 and September 25, 2023;
5. That prior to the issuance of the final tax bills, the Treasurer be authorized to adjust the due dates for the capped tax classes only and notify Council at the earliest opportunity; and,
6. That a by-law for the General Municipal Town Levies and a separate bylaw for the Special Tax Levy in support of the Downtown Whitby BIA, to set the due dates and levy rates for 2023 in accordance with the approved budgets and regulations, be brought forward at a future Council meeting.

**Carried**

#### 6.4.4 FS 14-23, Financial Services Department Report

Re: 2022 Annual Investment Report

A question and answer period ensued between Members of Committee and Staff regarding:

- confirmation that the Town was receiving superior returns on the ONE JIB investments in comparison to prior GIC's;
- whether the Town withholds interest income to offset book value versus market value losses on investments; and,

- the value of long-term investments and whether there was a plan to draw on funds for infrastructure projects.

Recommendation:

Moved by Councillor Leahy

1. That Report FS 14-23, 2022, the 2022 Annual Investment Report, be received;
2. That the updated Investment Policy F 100, attached as Appendix C to report FS 14-23, be approved;
3. That the Treasurer be directed to sign a copy of the Investment Policy F100 to indicate Council's approval and to forward a copy of this Policy to the ONE Joint Investment Board; and,
4. That delegated authority be provided to the Commissioner of Financial Services/Treasurer to approve housekeeping amendments to Investment Policy F100 as recommended by the ONE JIB/ONE Investment, and that the Clerk be directed to update the Delegation of Powers and Duties Policy (G 020) and Standards for Town Policies and Procedures (CA 080) to reflect this delegated authority.

**Carried**

#### 6.4.5 FS 16-23, Financial Services Department and Community Services Department Joint Report

Re: Soccer Dome Replacement

A question and answer period ensued between Members of Committee and Staff regarding:

- whether the soccer dome needed to be replaced earlier than the projected timeline;
- the financial implications related to the current and future replacement of the soccer dome;
- the expected lifespan of the second dome; and,
- how the cost of the project would be funded should the actual cost exceed the projected cost.

Recommendation:

Moved by Councillor Yamada

1. That a new 2023 Capital Project be approved, for the Soccer Dome Replacement Project, in the amount of \$250,000 funded from the Whitby Soccer Dome Reserve Fund;
2. That the Whitby Iroquois Soccer Club (operating as the Whitby Football Club (“WFC”)) be authorized to proceed with the coordination and procurement of the soccer dome replacement project; and,
3. That staff be authorized to reimburse the WFC within 30 days of receipt and acceptance of payment information, as outlined in Report FS 16-23, for WFC costs in excess of \$400,000.

**Carried**

6.5 New and Unfinished Business - General Government

6.5.1 New and Unfinished Business - Item GG-0004

Councillor Mulcahy inquired about the status of Item GG-0004 regarding a policy on grant and in-kind requests.

F. Wong, Commissioner of Financial Services/Treasurer, advised that a report would be presented to Council in September 2023

6.5.2 New and Unfinished Business - Item GG-0008

Councillor Mulcahy inquired about the status of Item GG-0008 regarding the proposed new waste collection by-law.

J. Romano, Commissioner of Community Services, advised that a report would be forthcoming in the fall of 2023.

6.5.3 New and Unfinished Business - General Government

The Chair requested that Staff review and update the new and unfinished business list.

6.5.4 Homelessness Crisis

Councillor Mulcahy introduced a motion regarding the homelessness crisis.

Discussion ensued between Members of Committee regarding:

- the increase in the number of homeless people and use of food banks in Whitby;
- the number of homeless people in Whitby including those living in Downtown Whitby and Ward 4; and,
- the likelihood that homelessness would become more prevalent.

Recommendation:

Moved by Councillor Mulcahy

Whereas the homelessness crisis is taking a devastating toll on families and communities, undermining a healthy and prosperous Ontario; and,

Whereas the homelessness crisis is the result of the underinvestment and poor policy choices of successive provincial governments; and,

Whereas homelessness requires a range of housing, social services and health solutions from government; and,

Whereas homelessness is felt most at the level of local government and the residents that they serve; and,

Whereas municipalities and District Social Administration Boards are doing their part, but do not have the resources, capacity, or tools to address this complex challenge; and,

Whereas leadership and urgent action is needed from the provincial government on an emergency basis to develop, resource, and implement a comprehensive plan to prevent, reduce and ultimately end homelessness in Ontario.

Now therefore, be it resolved that the Town of Whitby calls on the Provincial Government to urgently:

1. Acknowledge that homelessness in Ontario is a social, economic, and health crisis;
2. Commit to ending homelessness in Ontario; and,

3. Work with AMO and a broad range of community, health, Indigenous and economic partners to develop, resource, and implement an action plan to achieve this goal.

And further that a copy of this motion be sent to the Premier, Minister of Municipal Affairs and Housing, the Minister of Children, Community and Social Services, the Minister of Health, and to the Association of Municipalities of Ontario.

**Carried**

7. Adjournment

7.1 Motion to Adjourn

Recommendation:

Moved by Councillor Mulcahy

That the meeting adjourn.

**Carried**

The meeting adjourned at 9:20 p.m.



# Town of Whitby

## By-law # 7984-23

### Part Lot Control By-law

Being a By-law to designate certain portions of a registered Plan of Subdivision (SW-2013-03) as not being subject of Part Lot Control.

Whereas subsection 50(7) of the Planning Act, R.S.O. 1990, c. P.13, as amended (the "Act"), provides that the council of a local municipality may by by-law provide that the part-lot control provisions in subsection 50(5) of the Act, do not apply to the land that is within a registered plan of subdivision as is designated in the by-law;

And whereas, the Council of The Corporation of the Town of Whitby considers it appropriate to pass such a by-law relating to the lands hereinafter described.

Now therefore, the Council of The Corporation of the Town of Whitby hereby enacts as follows:

#### 1. General

1.1. That subsection 50(5) of the Act shall not apply to the following lands, all situated in the Town of Whitby, Regional Municipality of Durham:

(a) Block 29, Plan 40M-2709, being all of PIN 26548-5022 (LT);

(b) Block 30, Plan 40M-2709, being all of PIN 26548-5023 (LT); and,

(c) Block 31, Plan 40M-2709, being all of PIN 26548-5024 (LT).

1.2. That a copy of this By-law be registered in the appropriate Land Registry Office on title on the lands set out herein.

#### 2. Effective Date

2.1. The by-law shall be in force and effect upon final passage thereof, and shall remain in force and effect for a period of two (2) years from the date of its passing, ending April 24, 2025.

By-law read and passed this 24th day of April, 2023.

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Elizabeth Roy, Mayor

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Christopher Harris, Town Clerk



# Town of Whitby

## By-law # 7985-23

### Part Lot Control By-law

Being a By-law to designate certain portions of a registered Plan of Subdivision (SW-2013-02) as not being subject of Part Lot Control.

Whereas subsection 50(7) of the Planning Act, R.S.O. 1990, c. P.13, as amended (the "Act"), provides that the council of a local municipality may by by-law provide that the part-lot control provisions in subsection 50(5) of the Act, do not apply to the land that is within a registered plan of subdivision as is designated in the by-law;

And whereas, the Council of The Corporation of the Town of Whitby considers it appropriate to pass such a by-law relating to the lands hereinafter described.

Now therefore, the Council of The Corporation of the Town of Whitby hereby enacts as follows:

#### 1. General

1.1. That subsection 50(5) of the Act shall not apply to the following lands, all situated in the Town of Whitby, Regional Municipality of Durham:

- (a) Lot 37, Plan 40M-2716, being all of PIN 26548-5167 (LT);
- (b) Lot 38, Plan 40M-2716, being all of PIN 26548-5168 (LT);
- (c) Lot 39, Plan 40M-2716, being all of PIN 26548-5169 (LT);
- (d) Lot 40, Plan 40M-2716, being all of PIN 26548-5170 (LT);
- (e) Lot 41, Plan 40M-2716, being all of PIN 26548-5171 (LT);
- (f) Lot 44, Plan 40M-2716, being all of PIN 26548-5174 (LT);
- (g) Lot 45, Plan 40M-2716, being all of PIN 26548-5175 (LT);
- (h) Lot 46, Plan 40M-2716, being all of PIN 26548-5176 (LT);
- (i) Block 88, Plan 40M-2716, being all of PIN 26548-5218 (LT);
- (j) Block 89, Plan 40M-2716, being all of PIN 26548-5219 (LT);
- (k) Block 93, Plan 40M-2716, being all of PIN 26548-5223 (LT); and,
- (l) Block 97, Plan 40M-2716, being all of PIN 26548-5227 (LT).

1.2. That a copy of this By-law be registered in the appropriate Land Registry Office on title on the lands set out herein.



## **2. Effective Date**

- 2.1. The by-law shall be in force and effect upon final passage thereof, and shall remain in force and effect for a period of two (2) years from the date of its passing, ending April 24, 2025.

By-law read and passed this 24th day of April, 2023.

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Elizabeth Roy, Mayor

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Christopher Harris, Town Clerk



# Town of Whitby

## By-law # 7986-23

### Part Lot Control By-law

Being a By-law to designate certain portions of a registered Plan of Subdivision (SW-2016-05) as not being subject of Part Lot Control.

Whereas subsection 50(7) of the Planning Act, R.S.O. 1990, c. P.13, as amended (the "Act"), provides that the council of a local municipality may by by-law provide that the part-lot control provisions in subsection 50(5) of the Act, do not apply to the land that is within a registered plan of subdivision as is designated in the by-law;

And whereas, the Council of The Corporation of the Town of Whitby considers it appropriate to pass such a by-law relating to the lands hereinafter described.

Now therefore, the Council of The Corporation of the Town of Whitby hereby enacts as follows:

#### 1. General

1.1. That subsection 50(5) of the Act shall not apply to the following lands, all situated in the Town of Whitby, Regional Municipality of Durham:

(a) Block 10, Plan 40M-2719, being all of PIN 26506-0194 (LT);

(b) Block 11, Plan 40M-2719, being all of PIN 26506-0195 (LT); and,

(c) Block 12, Plan 40M-2719, being all of PIN 26506-0196 (LT).

1.2. That a copy of this By-law be registered in the appropriate Land Registry Office on title on the lands set out herein.

#### 2. Effective Date

2.1. The by-law shall be in force and effect upon final passage thereof, and shall remain in force and effect for a period of two (2) years from the date of its passing, ending April 24, 2025.

By-law read and passed this 24th day of April, 2023.

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Elizabeth Roy, Mayor

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Christopher Harris, Town Clerk



# Town of Whitby

## By-law # 7987-23

### Set and Levy Business Improvement Area Tax Levy By-law

Being a By-law to set and levy tax rates for the Business Improvement Area (BIA) and to set penalty and interest rates for unpaid taxes.

Whereas By-law # 7268-17 established a Downtown Whitby BIA in accordance with Subsection 204 of the Municipal Act, S.O. 2001, c 25, as amended; and,

Whereas Council was presented with the Downtown Whitby BIA budget as prepared by the Board of Directors at the Committee of the Whole Meeting held on March 6, 2023; and,

Whereas in accordance with Subsection 205(2) of the Municipal Act, S.O. 2001, c 25, as amended the Council has approved this budget; and,

Whereas Subsection 208(1) of the Municipal Act, S.O. 2001, c 25, as amended provides that the municipality shall annually raise the amount required for the purposes of a board of management, including any interest payable by the municipality on money borrowed by it for the purposes of the board of management; and,

Whereas Subsection 208(2) of the Municipal Act, S.O. 2001, c 25, as amended provides that the municipality may establish a special charge for the amount referred to in subsection (1)

- (a) by levy upon rateable property in the improvement area that is in a prescribed business property class; and,

Whereas Subsection 208(7) of the Municipal Act, S.O. 2001 c 25, as amended provides that charges levied under this section shall have a priority lien status and shall be added to the tax roll; and,

Whereas, Subsection 345 of the Municipal Act, S.O. c 25, as amended states that:

A local municipality may, in accordance with this section, pass by-laws to impose late payment charges for the non-payment of taxes or any installment by the due date.

Now therefore, the Council of The Corporation of the Town of Whitby hereby enacts as follows:

#### 1. General

- 1.1. For the year 2023, it shall levy upon the current value assessments, for the properties located within the BIA district, in the property classes set out in Schedule A, attached to and forming part of this by-law, the rates of taxation therein for its purpose.
- 1.2. That all taxes for the BIA purposes shall be payable in two installments on June 26, 2023 and September 25, 2023. These dates are subject to amendment by the Treasurer, if required, to meet statutory notice periods as required under the Act.

- 1.3. The penalty charge for non-payment of said taxes on or before the respective due date shall be at the rate of one and one quarter (1.25) per cent of the amount outstanding on the first day of default.
- 1.4. In addition, statutory interest at the rate of one and one quarter (1.25) per cent per month on any unpaid taxes shall be added on the first day of each calendar month until such taxes are paid in full.

## **2. Schedule(s)**

- 2.1. Schedule "A" – 2023 BIA Tax Levy Rates

## **3. Effective Date**

- 3.1. That the provisions of this by-law shall come into force and take effect on the day of the final passing thereof.

By-law read and passed this 24th day of April, 2023.

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Elizabeth Roy, Mayor

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Christopher Harris, Town Clerk

**Schedule A**

**2023 Downtown Whitby BIA Special Tax Levy Rates**

	<b>Assessment</b>	<b>Tax Rate</b>	<b>Taxes by Class</b>
CT - Commercial Full Rate	\$107,621,600	0.00176073	\$ 189,492.00
CU - Commercial Excess Land	\$0	0.00176073	\$ -
CX - Commercial Vacant Land	\$1,511,000	0.00176073	\$ 2,660.46
DT - Office Full Rate	\$4,201,100	0.00176073	\$ 7,397.00
E - Exempt	\$21,314,200	0	\$ -
CF - Commercial Full Rate (PIL)	\$5,093,500	0	\$ -
GT - Parking Lots	\$2,835,000	0.00176073	\$ 4,991.67
IT - Industrial Full Rate	\$1,301,200	0.00245712	\$ 3,197.20
JT - New Industrial Full Rate	\$0	0.00245712	\$ -
MT - Multi-Res - Full Rate	\$21,513,200	0	\$ -
RT - Residential Full Rate	\$57,637,700	0	\$ -
ST - Shopping Full Rate	\$1,284,500	0.00176073	\$ 2,261.66
XT - New Commercial Full Rate	\$0	0.00176073	\$ -
	<b><u>\$224,313,000</u></b>		<b><u>\$ 210,000.00</u></b>









# Town of Whitby

## By-law # 7988-23

### Set and Levy Tax Rates for Town General Purposes

Being a By-law to set and levy tax rates for the calendar year 2023 for the Town of Whitby and to set penalty and interest rates for unpaid taxes.

Whereas, Subsection 312(2) of the Municipal Act, S.O. 2001, c. 25, as amended, provides that for purposes of raising the general local municipality levy, a local municipality shall, each year, pass a by-law levying a separate tax rate, as specified in the by-law, on the assessment in each property class in the local municipality rateable for local municipality purposes; and,

Whereas, Subsection 342(1) of the Municipal Act, S.O. 2001, c. 25, as amended, states that a local municipality may pass by-laws providing for,

- (a) the payment of taxes in one amount or by installments and the date or dates in the year for which the taxes are imposed on which the taxes or installments are due; and,

Whereas, Subsection 342(2) (b) of the Municipal Act, S.O. 2001, c. 25, as amended, allows for a by-law under clause (1) (a) may establish different installments and due dates for taxes on property in different property classes; and,

Whereas Subsection 345 of the Municipal Act, S.O. 2001, c.25, as amended, states that:

A local municipality may, in accordance with this section, pass by-laws to impose late payment charges for the non-payment of taxes or any installment by the due date.

Now therefore, the Council of The Corporation of the Town of Whitby hereby enacts as follows:

#### 1. General

- 1.1. For the year 2023, it shall levy upon the current value assessments in the property classes set out in Schedule A, attached to and forming part of this by-law, the rates of taxation therein for its purposes.
- 1.2. The levy provided in Schedule A to this by-law shall be reduced by the amount of the interim levy for 2023.
- 1.3. All taxes, local improvements and other special rates applicable to the Residential, Farm, Managed Forest and Pipeline property classes as set out in Schedule A shall be payable in two installments on June 26, 2023 and September 25, 2023. These dates are subject to amendment by the Treasurer, if required, to meet the statutory notice period as required under the Act.

- 1.4. All taxes, local improvements and other special rates applicable to the remaining property classes as set out in Schedule A shall be payable in two installments on June 26, 2023 and September 25, 2023. These dates are subject to amendment by the Treasurer, if required, to meet the statutory notice period as required under the Act.
- 1.5. All taxes, local improvements and other special rates shall be payable by cash, cheque, debit card, bank draft or money order.
- 1.6. The penalty charge for non-payment of said taxes on or before the respective due date shall be at the rate of one and one quarter (1.25) per cent of the amount outstanding on the first day of default.
- 1.7. In addition, statutory interest at the rate of one and one quarter (1.25) per cent per month on any unpaid taxes shall be added on the first day of each calendar month until such taxes are paid in full.
- 1.8. That the Treasurer shall add to the Collector's Roll all or any Municipal charges in arrears for Sewer Billings, Cutting Weeds, Property Standard infractions or any other charges which should be levied pursuant to any Statute or By-law against the respective properties chargeable therewith and that the same shall be collected in the same manner, including interest and penalty charges, and at the same time as all other rates or levies.
- 1.9. That where there is a conflict between a provision(s) of this by-law and any other by-law of the Town of Whitby, the provision(s) of this by-law shall prevail to the extent of the conflict.
- 1.10. That in the event any part or provision, including any part or provisions of Schedule(s) is declared by a court of competent jurisdiction to be void illegal or invalid, the offending part or provision shall be considered as separate, severable and struck out from the remaining parts or provisions of this by-law which parts or provisions shall remain valid, binding and of full force and effect.

## **2. Schedule(s)**

- 2.1. Schedule "A" – 2023 General Town Municipal Tax Rates

## **3. Effective Date**

- 3.1. That the provisions of this by-law shall come into force and take effect on the day of the final passing thereof.

By-law read and passed this 24th day of April, 2023.

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Elizabeth Roy, Mayor

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Christopher Harris, Town Clerk

## 2023 General Municipal Town Tax Rates

Tax Class	Taxable Assessment	General Municipal Tax Rate	Tax Levy
CT - Commercial Full Rate	\$1,400,757,313	0.00604464	\$ 8,467,073.68
CU - Commercial Excess Land	\$18,652,542	0.00604464	\$ 112,747.90
CX - Commercial Vacant Land	\$95,004,500	0.00604464	\$ 574,268.00
DT - Office Full Rate	\$19,088,298	0.00604464	\$ 115,381.89
FT - Farmlands	\$89,841,700	0.00083374	\$ 74,904.62
GT - Parking Lots	\$8,939,100	0.00604464	\$ 54,033.64
IT - Industrial Full Rate	\$139,555,663	0.0084354	\$ 1,177,207.84
IU - Industrial-Excess Land	\$3,624,795	0.0084354	\$ 30,576.60
IX - Industrial Vacant Land	\$84,217,900	0.0084354	\$ 710,411.67
JT - New Industrial Full Rate	\$0	0.0084354	\$ -
KT - New Large Industrial Full Rate	\$0	0.0084354	\$ -
LT - Large Industrial Full Rate	\$123,679,600	0.0084354	\$ 1,043,286.90
LU - Large Industrial Excess Land	\$6,669,100	0.0084354	\$ 56,256.53
MT - Multi-Res - Full Rate	\$563,942,200	0.00778092	\$ 4,387,989.14
NT - New Multi-Res - Full Rate	\$22,567,000	0.00458559	\$ 103,483.01
PT - Pipeline	\$41,783,000	0.00512502	\$ 214,138.71
RT - Residential Full Rate	\$23,180,893,071	0.00416872	\$ 96,634,649.86
R1 - Residential Farmland Awaiting Development 75%	\$0	0.00312654	\$ -
ST - Shopping Full Rate	\$601,911,391	0.00604464	\$ 3,638,337.67
SU - Shopping Excess Land	\$677,300	0.00604464	\$ 4,094.03
TT - Managed Forests	\$3,704,500	0.00104218	\$ 3,860.76
XT - New Commercial Full Rate	\$0	0.00604464	\$ -
XU - New Commercial VU/Excess Land	\$0	0.00604464	\$ -
ZT - New Shopping Centre Full Rate	\$0	0.00604464	\$ -
ZU - New Shopping Cent VU/Excess Land	\$0	0.00604464	\$ -
CF - Commercial Full Rate (PIL)	\$45,017,900	0.00604464	\$ 272,117.00
CG - Commercial General Rate (PIL)	\$143,633,300	0.00604464	\$ 868,211.59
CH - Commercial Tax Shared (PIL)	\$6,176,000	0.00604464	\$ 37,331.70
CP - Commercial Full Prov Tenant (PIL)	\$144,700	0.00604464	\$ 874.66
CQ - Commercial Full Excess Land Prov Tenant (PIL)	\$355,100	0.00604464	\$ 2,146.45
CW - Commercial General Excess Land (PIL)	\$2,161,900	0.00604464	\$ 13,067.91
CZ - Commercial General Vacant Land (PIL)	\$6,859,000	0.00604464	\$ 41,460.19
DG - Office Building General Rate (PIL)	\$376,400	0.00604464	\$ 2,275.20
DW - Office General Excess Land (PIL)	\$187,900	0.00604464	\$ 1,135.79
IR -Industrial Tax Tenant Prov- Full Rate (PIL)	\$0	0.0084354	\$ -
IH - Industrial Taxable Shared PIL	\$4,903,000	0.0084354	\$ 41,358.77
IJ - Industrial Taxable Vacant Land Shared (PIL)	\$90,000	0.0084354	\$ 759.19
IZ - Industrial General Vacant Land (PIL)	\$6,701,500	0.0084354	\$ 56,529.83
FG - Farm General PIL	\$0	0.00083374	\$ -
FP - Farm Full Prov Tenant (PIL)	\$1,216,500	0.00083374	\$ 1,014.24
RG - Residential Full Rate (PIL)	\$21,200,800	0.00416872	\$ 88,380.20
RP - Residential Full Prov Tenant (PIL)	\$1,664,500	0.00416872	\$ 6,938.83
RF - Residential Full Rate (PIL)	\$0	0.00416872	\$ -
E - Exempt	\$1,124,886,454		
<b>Total</b>	<b>\$27,771,083,927</b>		<b>\$118,836,304.00</b>







# Town of Whitby

## By-law # 7989-23

### Zoning By-law Amendment

Being a By-law to amend By-law #1784, as amended, being the Zoning By-law of the Town of Whitby.

Whereas, the Council of The Corporation of the Town of Whitby deems it advisable to amend By-law #1784.

Now therefore, the Council of The Corporation of the Town of Whitby hereby enacts as follows:

#### 1. General

- 1.1. Schedule "B" to By-law #1784 is hereby amended by changing the zoning from M1A to M1A-12 for the land shown as the Subject Land on Schedule "A-1" attached to and forming part of this By-law amendment.
- 1.2. Section 8A, Subsection (iii) Prestige Industrial (M1A) Zone – Exceptions to By-law #1784, as amended, is hereby further amended by adding thereto the following Exception:

#### **Exception 12: M1A-12** **1621 McEwen Drive**

##### 1. Defined Area

The lands located on the south side of McEwen Drive and west of Forbes Street and zoned M1A-12 shall be subject to the provisions as hereinafter contained. Matters not specifically dealt with in this By-law shall be governed by the relevant provisions of By-law #1784.

##### 2. Uses Permitted

Notwithstanding the uses permitted in the M1A Zone, in any M1A-12 Zone, the following additional use shall also be permitted:

- Hydrolysis Facility

##### 3. Zone Provisions

Notwithstanding any zone provisions of this By-law to the contrary, any Hydrolysis Facility within an M1A-12 Zone, shall be established in accordance with the following provisions:

- a) Any Hydrolysis Facility shall only be situated within Unit No. 1 of Building A being the most north easterly unit in Building A as it existed at the date of the passing of this By-law amendment.
- b) The Hydrolysis Facility shall not include a funeral home or funeral home services.



#### 4. Definitions

For the purpose of the interpretation of the various zone provisions set forth above, the following definition shall apply and where there is a conflict between the definitions set forth hereunder and those set forth in Section 2 of By-law #1784 the following definition shall apply:

**“Hydrolysis Facility”** means a building or part of a building used for the cremation of human remains by an aquamation process that uses heated water and alkali for the decomposition process instead of a flame-based process and includes everything incidental or ancillary thereto.

- 1.3. Section 12 Exceptions to By-law #1784, as amended, is hereby further amended by deleting Exception 7-N.

By-law read and passed this 24th day of April, 2023.

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Elizabeth Roy, Mayor

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Christopher Harris, Town Clerk

# Schedule A-1

To By-law # 7989-23

This is Schedule A-1 to By-law # 7989-23 passed by the  
Council of the Town of Whitby this 24th day of April, 2023.

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Mayor

